

EXPLANATORY NOTE

BY-LAW 2009-211

A By-law to amend By-law 177-96, as amended

Wismer Markham Dev. Inc.

Part of Lots 19 and 20, Concession 7

Wismer Commons Community

Lands Affected

The proposed by-law amendment applies to 14 ha. (35 acres) of land located south of Major Mackenzie Drive, west of Highway 48, within the Wismer Commons community.

Existing Zoning

The lands are presently zoned Agriculture (A1) and Rural Residential (RR4) by By-law 304-87, as amended.

Purpose and Effect

The purpose of the by-law amendment is to incorporate the lands into appropriate residential zone categories within By-law 177-96. The proposed zone categories are:

Residential Two *185*186*405(Hold) [R2*185*186*405(H)]

Residential Two *185*186*405(Hold1) [R2*185*186*405(H1)]

Community Amenity Area Three *96*122*406(Hold) [CA3*96*122*406(H)]

which will permit the development of 306 residential units.

Conditions required to be met for lifting the Holding (H) and (H1) provisions relate to the availability of servicing allocation.



BY-LAW 2009-211

A by-law to amend the New Urban Area By-law 177-96, as amended
(To incorporate lands into the designated area of this By-law)

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. By-law 177-96, as amended, is hereby further amended as follows:
 - 1.1 By expanding the designated area of By-law 177-96, as amended, to include those lands comprising Part of Lots 19 and 20, Concession 7, as outlined on Schedule 'A' attached hereto.
 - 1.2 By zoning the lands to:

Residential Two *185*186*405(Hold) [R2*185*186*405(H)]
Residential Two *185*186*405(Hold1) [R2*185*186*405(H1)]
Community Amenity Area Three *96*122*406(Hold)
[CA3*96*122*406(H)]

as outlined on Schedule 'A' attached hereto.
 - 1.3 By deleting the title of Subsection 7.122 and replacing it with the following:

**"7.122 TOWNHOUSE BLOCKS FRONTING ONTO
BUR OAK AVENUE EAST OF MINGAY
AVENUE, WISMER COMMONS"**
 - 1.4 By adding the following new subsections to Section 7 –
EXCEPTIONS to By-law 177-96, as amended:

**"7.405 DRIVEWAY AND GARAGE WIDTH FOR SINGLE
DETACHED DWELLINGS, WISMER COMMONS"**

Notwithstanding any provisions of this by-law, the provisions in this section shall apply to those lands denoted by the symbol *405 on Schedule "A" to this By-law. All other provisions of this by-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

7.405.1 Zone Standards

The following *zone* standards shall apply to *wide shallow lots* not accessed by a *lane* and with a *lot frontage* greater than 12.19 metres and less than 13.29 metres:

 - a) Maximum width of *private garage* – 5.8 metres
 - b) Maximum width of *driveway* – 5.8 metres"
- "7.406 TOWNHOUSE BLOCKS FRONTING ONTO BUR
OAK AVENUE EAST OF MINGAY AVENUE,
WISMER COMMONS"**

Notwithstanding any provisions of this by-law, the provisions in this section shall apply to those lands denoted by the symbol *406 on Schedule 'A' to this By-law. All other provisions of this by-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

7.406.1 Zone Standards

The following zone standards shall apply:

- a) Minimum required *rear yard* for the *main building* – 13.0 metres

7.406.2 Special Site Provisions

The following additional provisions apply:

- a) Minimum required *interior side yard* for a detached *private garage* – 0.3 metres on one side and 0.0 metres on the other side
- b) Notwithstanding provision a) above, a detached *private garage* may share a common wall with one other detached *private garage* on an abutting *lot* and no setback from the *interior side lot line* is required on that side of the *lot*."

1.5 HOLDING PROVISIONS:

For the purpose of this By-law, Holding (H) and Holding (H1) *zones* are hereby established and are identified on Schedule 'A' attached hereto by the letters (H) and (H1) in parenthesis following the zoning symbol.

No person shall hereafter *erect* or *alter* any *building* or *structure* on lands subject to (H) or (H1) provisions for the purpose permitted under this By-law until amendments to this By-law to remove the letters (H) or (H1) have come into effect pursuant to the provisions of Section 36 of the Planning Act.

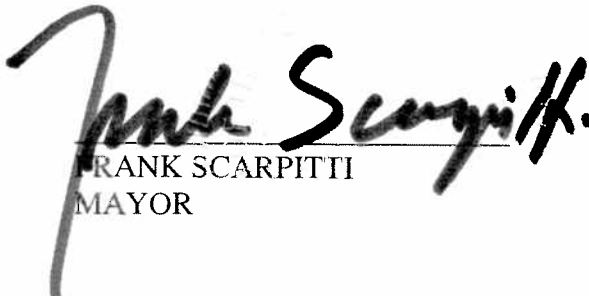
Prior to removing the (H) Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

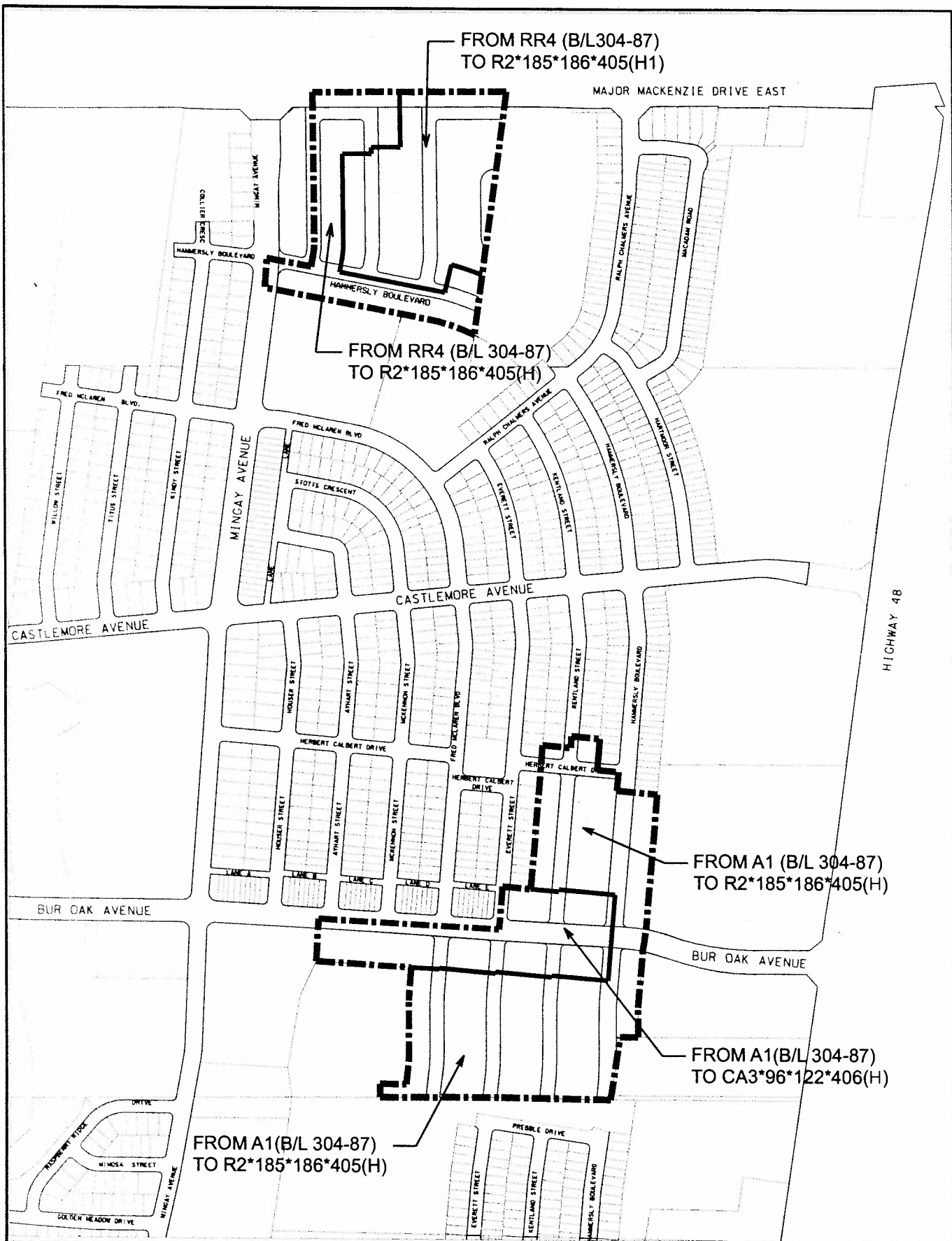
- a) York Region has advised in writing that the expected completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project will be within six (6) months; and,
- b) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development; or,
- c) The Council of the Town of Markham approves servicing allocation to the lands that are not dependent upon the construction of Regional infrastructure; or
- d) The Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

Prior to removing the (H1) Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

- a) York Region has advised in writing that the expected completion of the Southeast Collector Sewer will be within six (6) months; and
 - b) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the lands; and,
 - c) The Trustee for the Wismer Commons Developers' Group Cost Sharing Agreement has assigned the required conditional servicing (water and sewer) allocation to the Owner; or,
 - d) The Council of the Town of Markham approves servicing allocation to the lands that are not dependent upon the construction of Regional infrastructure; or
 - e) The Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
15TH DAY OF DECEMBER, 2009.


KIMBERLEY KITTINGHAM
TOWN CLERK
FRANK SCARPITTI
MAYOR



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 177-96

--- BOUNDARY OF AREA COVERED BY THIS BY-LAW
 --- ZONE BOUNDARY

A1 AGRICULTURE ONE
 RR4 RURAL RESIDENTIAL FOUR
 R2 RESIDENTIAL TWO
 CA3 COMMUNITY AMENITY THREE

(H) HOLDING PROVISION
 (H1) HOLDING PROVISION ONE
 *No. EXCEPTION SECTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW 2009-211
 PASSED THIS 15TH DAY DEC., 2009

Paul Sanyal MAYOR
[Signature] CLERK

NOTE: 1) DIMENSIONS ARE IN METRES
 2) REFERENCE SHOULD BE MADE TO
 THE ORIGINAL BY-LAW LODGED IN
 THE OFFICE OF THE CLERK

SCALE 1: NA