

EXPLANATORY NOTE

BY-LAW 2010-69

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

Amber Plain Investments Ltd. (19TM-02003 Phase 4A)
Part of Lots 17 and 18, Concession 7
Wismer Commons Community

LANDS AFFECTED

The proposed by-law amendment applies to 17.6 ha (43.4 acres) of land located north of 16th Avenue, east of McCowan Road, within the Wismer Commons community.

EXISTING ZONING

The lands are presently zoned Agriculture (A1) and Rural Residential (RR1) by By-law 304-87, as amended.

PURPOSE AND EFFECT

The purpose of the by-law amendment is to incorporate the lands into the designated area of By-law 177-96, and zone them:

Residential Two *422 (Holding)	[R2*422(H)]
Residential Two *99 (Holding)	[R2*99(H)]
Residential Two *99 (Holding One)	[R2*99(H1)]
Residential Two – Special *99(Holding)	[R2-S*99(H)]
Residential Two – Special *99(Holding One)	[R2-S*99(H1)]
Open Space One	[OS1]
Open Space Two	[OS2]

Holding provisions (H) and (H1) have been included to prevent development until available servicing allocation is confirmed by the Region of York and the Town of Markham.

The effect of the by-law amendment is to permit the lands to be developed for residential purposes once the Holding provisions are removed.



BY-LAW 2010-69

A by-law to amend Urban Expansion Area Zoning 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. THAT 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 17 and 18, Concession 7, as shown on Schedule 'A' attached hereto;

1.2 By zoning the lands:

Residential Two *422 (Holding)	[R2*422(H)]
Residential Two *99 (Holding)	[R2*99(H)]
Residential Two *99 (Holding One)	[R2*99(H1)]
Residential Two – Special *99(Holding)	[R2-S*99(H)]
Residential Two – Special *99(Holding One)	[R2-S*99(H1)]
Open Space One	[OS1]
Open Space Two	[OS2]

as shown on Schedule 'A' attached hereto.

1.3 By adding the following Subsection 7.422 to Section 7 –
EXCEPTIONS:

**“7.422 NORTHEAST CORNER OF McCOWAN ROAD AND
BUR OAK AVENUE, WISMER COMMONS**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *422 on the Schedule 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.

7.422.1 Zone Standards

The following specific Zone Standards apply:

- a) Minimum required *front yard* – 4.5 metres
- b) Minimum required *rear yard* – 2.0 metres
- c) Minimum required *exterior side yard* – 2.0 metres
- d) Minimum required *interior side yard* – 7.0 metres
- e) Maximum *height* – 14 metres
- f) Minimum required *lot frontage* – not applicable

7.422.2 Special Site Provisions

The following additional provisions apply:

- a) Notwithstanding any further division or partition of lands subject to this Section, all lands zoned R2*422 shall be deemed to be one lot for the purposes of this By-law.
- b) The Bur Oak Avenue *streetline* is deemed to be the *front lot line*.
- c) The *main wall* of a *dwelling unit* shall be set back a minimum of 6.0 metres from the centerline of a private road.
- d) The *main wall* of an attached *private garage* that contains the opening for motor vehicle access shall be set back a minimum of 8.6 metres from the centerline of a private road.
- e) Maximum driveway width for townhouse units - 3.5 metres.
- f) Maximum garage width for townhouse units - 3.5 metres.
- g) Maximum number of dwelling units – 47
- h) Detached accessory buildings are not permitted.
- i) Parking spaces for the physically disabled shall not be required.

1.4 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) and (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;
 - 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 number of units of 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.

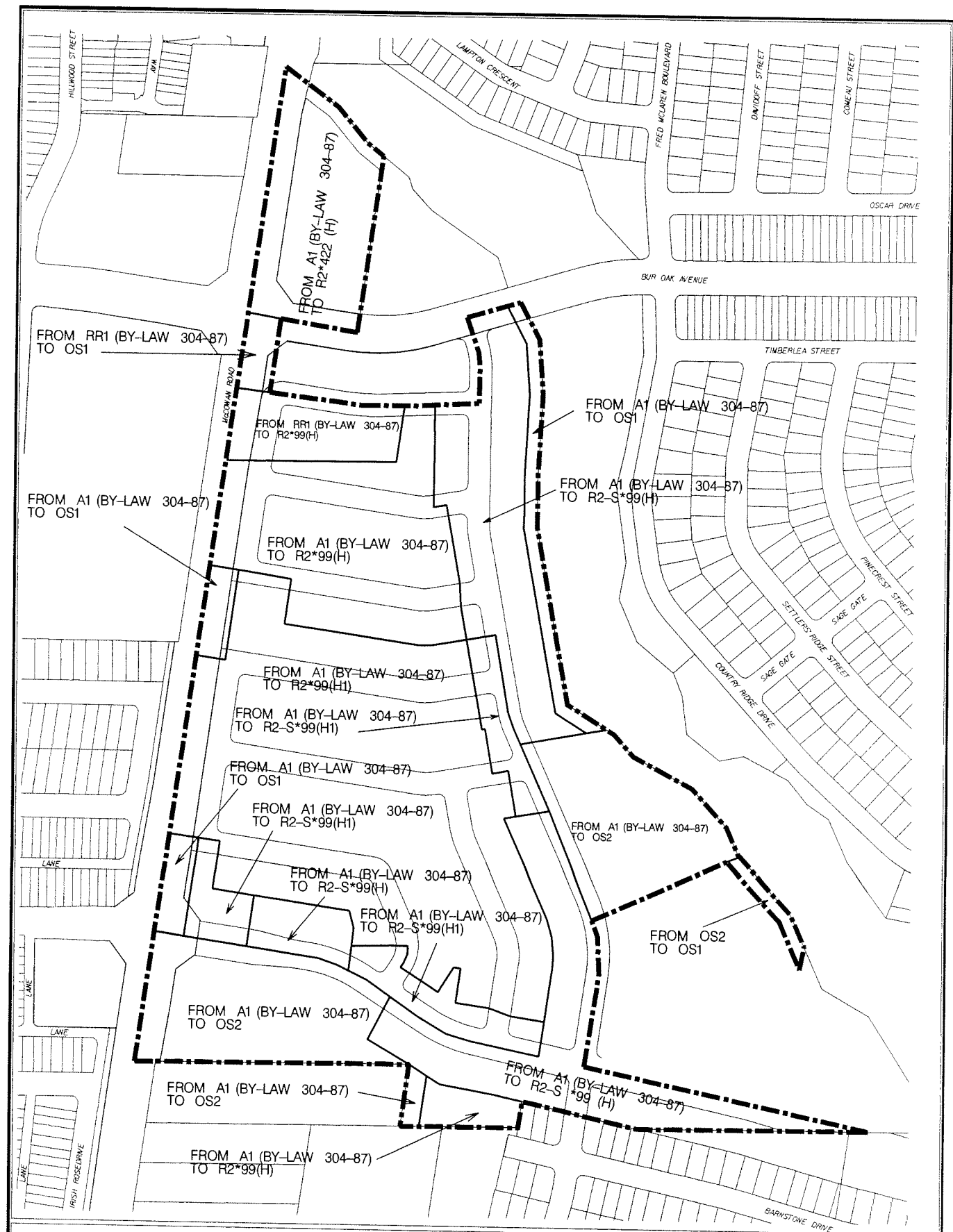
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
27TH DAY OF APRIL, 2010.



KIMBERLEY KITTERINGHAM
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
R2-S	RESIDENTIAL TWO-SPECIAL
R2	RESIDENTIAL TWO
RR1	RURAL RESIDENTIAL ONE

OS1	OPEN SPACE ONE
OS2	OPEN SPACE TWO
(H)(H1)	HOLDING PROVISION
*(No)	EXCEPTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW 2010-69
PASSED THIS 27TH DAY APRIL, 2010

John Scargill
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: