

**SUBJECT:** RECOMMENDATION REPORT  
OHM Markham Manor Inc. (formerly Davinder Randhawa)  
Applications for Draft Plan of Subdivision and implementing  
Secondary Plan and Zoning By-law Amendments to permit  
eight single-detached lots on the north side of 14<sup>th</sup> Avenue,  
west of McCowan Road  
5072 14<sup>th</sup> Avenue

File Nos. OP/ZA/SU 14 104926

**PREPARED BY:** Sabrina Bordone, M.C.I.P., R.P.P., ext. 8230  
Planner, Central District

**REVIEWED BY:** Richard Kendall, M.C.I.P., R.P.P., ext. 6588  
Manager, Central District

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**RECOMMENDATION:**

- 1) That the report titled "Recommendation Report, OHM Markham Manor Inc. (formerly Davinder Randhawa), Applications for Draft Plan of Subdivision and implementing Secondary Plan and Zoning By-law Amendments to permit eight single-detached lots on the north side of 14<sup>th</sup> Avenue, west of McCowan Road, 5072 14<sup>th</sup> Avenue, File Nos. OP/ZA/SU 14 104926" be received;
- 2) That the record of the Public Meeting held on April 21, 2015 regarding the proposed Draft Plan of Subdivision and implementing Secondary Plan and Zoning By-law amendments be received;
- 3) That draft plan of subdivision 19TM-14007 (SU 14 104926) be approved subject to the conditions of draft approval set out in Appendix 'A' of this report;
- 4) That the Director of Planning and Urban Design or his designate, be delegated authority to issue draft plan approval, subject to the conditions set out in Appendix 'A', as may be amended by the Director of Planning and Urban Design or his designate;
- 5) That the application submitted by OHM Markham Manor Inc. (formerly Davinder Randhawa) to amend the Armadale Secondary Plan, as amended, be approved and the draft Secondary Plan Amendment attached as Appendix 'B' be finalized and enacted without further notice;
- 6) That the application submitted by OHM Markham Manor Inc. (formerly Davinder Randhawa) to amend Zoning By-law 90-81, as amended, be approved and the draft by-law attached as Appendix 'C' be finalized and enacted without further notice;

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- 7) That York Region be advised of servicing allocation for this development;
  - 8) That the draft plan approval for plan of subdivision 19TM-14007 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period;
  - 9) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to recommend approval of a proposed Secondary Plan Amendment, proposed plan of subdivision and implementing Zoning By-law Amendment to facilitate the development of eight (8) single-detached dwellings at 5072 14<sup>th</sup> Avenue.

**BACKGROUND:****Subject Property and Area Context**

The subject lands are located on the north side of 14<sup>th</sup> Avenue, west of McCowan Road and are municipally known as 5072 14<sup>th</sup> Avenue (Figure 1). The lands are approximately 4,550 m<sup>2</sup> (48,976 ft<sup>2</sup>) in area and have frontages on 14<sup>th</sup> Avenue and Ramsgate Court. The subject lands contain a two-storey dwelling and mature vegetation. Low density residential development, comprised of single-detached dwellings, surrounds the subject lands (Figure 3).

**Proposal for residential development**

The Applicant is proposing a draft plan of subdivision consisting of 8 single-detached lots. Four of the proposed lots front onto Ramsgate Court and the other four lots front onto 14<sup>th</sup> Avenue. The proposed lots have frontages ranging from 12.45 m (41 ft) to 16.41 m (54 ft) and areas ranging from 466 m<sup>2</sup> (5,016 ft<sup>2</sup>) to 590 m<sup>2</sup> (6,351 ft<sup>2</sup>) (Figure 4).

**Official Plan**

The subject lands are designated “Urban Residential” in the City’s in-force Official Plan (1987 Revised) and “Residential Low Rise” in the 2014 Official Plan as partially approved by the OMB on October 30, 2015 and May 26, 2016 (2014 Official Plan). Both designations provide for a variety of grade related, low density housing types, including single-detached dwellings, as proposed.

The lands are designated “Urban Residential (Low Density)” in the Armadale Secondary Plan (PD 24-1), which forms part of the in-force Official Plan. This designation provides for single detached dwellings, semi-detached dwellings and single attached dwellings such as street townhouses.

**Amendment to Armadale Secondary Plan is required**

Section 6.2.3 (e) of the Armadale Secondary Plan states “Subject to all other provisions contained herein, owners of property within the easterly portion of Neighbourhood 2(b),

as shown on Schedule 'A' attached hereto, may calculate their permitted number of dwellings units on the basis of 15.5 units per hectare of GROSS RESIDENTIAL AREA". On this basis, the Applicant is permitted a total of 6 units. The Applicant is proposing a total of 8 units, therefore exceeding the density permission by 2 units (this is equivalent to a density of 19.5 uph). Staff are of the opinion that this increase in density permission (by 2 units) can be supported, as the proposed lots are consistent with the adjacent lot fabric and meet the minimum lot area and frontage requirements of the proposed "Ninth Density Single-Detached Residential" (R9) zone category in By-law 90-81, as amended, which the subject lands will be rezoned to. Accordingly, a site specific exception has been incorporated into the draft secondary plan amendment (Appendix B).

Section 6.2.3 (i) of the Armadale Secondary Plan states "Residential lots adjacent to McCowan Road, 14<sup>th</sup> Avenue, Middlefield Road extension, Brimley Road extension and Denison Street shall be required to develop with reversed lot frontages". As the Applicant is proposing four single-detached dwellings that front onto 14<sup>th</sup> Avenue, a site specific amendment is required to address this requirement. Staff are of the opinion that allowing four of the proposed dwellings to front onto 14<sup>th</sup> Avenue is appropriate and in line with current urban design practices that encourage buildings to be oriented towards the public street frontages.

It should be noted that final approval of the 2014 Official Plan would result in the Armadale Secondary Plan being repealed and therefore, the above noted sections would no longer be applicable. It is also noted that the existing dwelling on the property fronts onto 14th Avenue.

#### **Official Plan Amendment application exempt from Regional Approval**

On April 8, 2015, staff received confirmation from York Region's Planning and Development Services Department that the proposed Official Plan Amendment is a routine matter of local significance and does not adversely impact Regional interest. Accordingly, the Official Plan Amendment is exempted from Regional approval allowing the amendment to come into effect following its adoption by the City and the expiration of the required appeal period.

#### **Draft Zoning By-law**

The subject lands are zoned "Residential Development" (RD) by By-law 90-81, as amended, and the draft zoning by-law rezones the lands to "Ninth Density Single-Detached Residential" (R9), consistent with adjacent properties. A holding provision has been incorporated into the implementing Zoning By-law to ensure a subdivision agreement is executed prior to development commencing. Site specific provisions, pertaining to the driveway designs for the lots fronting onto 14<sup>th</sup> Avenue, have also been included (Appendix C).

#### **Public Meeting held April 21, 2015**

A statutory Public Meeting was held on April 21, 2015. At that meeting, members of Development Services Committee expressed concern with the design of the proposed accesses onto 14<sup>th</sup> Avenue and potential for parking within the hammerheads which are

only intended for use when vehicles are entering/exiting the proposed lots. The use of permeable paving for the proposed driveways and landscape screening was also discussed. Staff have worked with the Applicant to address these issues, as discussed below.

## **OPTIONS/ DISCUSSION:**

### **Driveway accesses along 14<sup>th</sup> Avenue**

As previously mentioned, 14<sup>th</sup> Avenue is a Regional road. The existing dwelling presently has a circular driveway with two access points onto 14<sup>th</sup> Avenue. Regional staff have agreed to allow two shared accesses onto 14<sup>th</sup> Avenue for the proposed development, one for Lots 5 & 6 and another for Lots 7 & 8, as depicted in Figure 5. The Applicant has worked with both City and Regional staff to reconfigure the driveway accesses to address previously expressed concerns. The hammerhead area has been modified to have a dimension of approximately 4.2 metres in width and 3.5 metres in length, which would prohibit the hammerhead from being used as an additional parking space. The shared driveway width at 14<sup>th</sup> Avenue has also been reduced to 9.0 metres in accordance with the Region's standards, and has been accepted by the Region. The Applicant has also agreed to screen the hammerheads from view through landscape treatment and provide permeable paving for the proposed driveways.

### **Tree preservation will be sought as part of redevelopment**

As previously mentioned, the subject lands contain mature vegetation, the quality of which is being assessed through an updated tree inventory and preservation plan. Some of the existing vegetation will be removed as part of the proposed development. Compensation for tree removal will be received, which will include on-lot tree planting, as per the Trees for Tomorrow Streetscape Manual, and is secured in the conditions of draft plan approval.

### **Public Art will be sought in accordance with Section 37 of the *Planning Act***

In accordance with Section 37 of the *Planning Act* the conditions of draft approval (Appendix A) requires that the Owner contribute to public art in exchange for the increase density on the property.

### **Sustainability Measures**

The Applicant has advised that following sustainability measures will be included in the proposed development:

- Permeable paving for driveways;
- Low flow toilets;
- LED-Energy Star qualified lighting;
- Energy efficient furnaces;
- Energy Star rated windows;
- Energy efficient appliances;
- Drain water heat recovery;
- Energy Star rated HVAC systems;

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- Heat recovery ventilators (HRV);
  - Water efficient shower heads;
  - Energy saving gas lines for future gas stove & backyard gas barbecues;
  - High efficiency rated central air conditioners; and,
  - Energy saving programmable thermostats;

Staff will continue to work with the Applicant to maximize the sustainable features undertaken as part of this development. A condition of draft approval has been included in Appendix 'A' to secure the above noted measures.

**CONCLUSION:**

The proposed development is consistent and compatible with lots in the area. Staff recommend approval of the draft plan of subdivision subject to the conditions in Appendix 'A' and approval of the implementing Secondary Plan Amendment and Zoning By-law Amendment attached as Appendices 'B' and 'C' respectively.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not applicable.

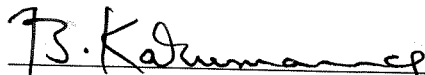
**HUMAN RESOURCES CONSIDERATIONS**


Not applicable.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The applications have been reviewed by various City departments and external agencies. Requirements of the City and external agencies have been reflected in the conditions of draft plan of subdivision approval and site specific Secondary Plan Amendment and Zoning By-law Amendment.

**RECOMMENDED BY:**

  
Biju Karumanchery, M.C.I.P., R.P.P.  
Director of Planning & Urban Design

  
James Baird, M.C.I.P., R.P.P.  
Commissioner, Development Services

**ATTACHMENTS:**

- Figure 1: Location Map
- Figure 2: Area Context/Zoning
- Figure 3: Air Photo
- Figure 4: Proposed Draft Plan of Subdivision
- Figure 5: Driveway Accesses Along 14<sup>th</sup> Avenue

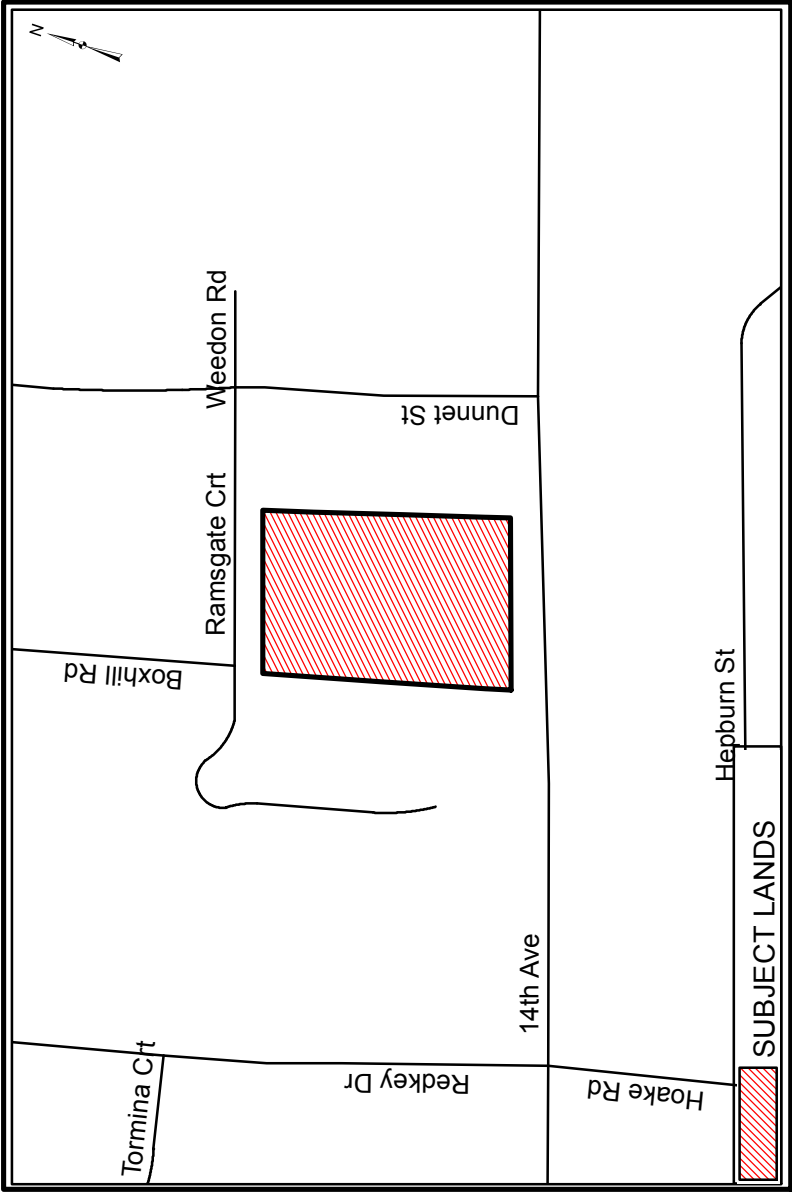
Appendix 'A' – Conditions of Draft Approval  
Appendix 'B' – Draft Official Plan Amendment  
Appendix 'C' – Draft Zoning By-law Amendment

**AGENT:**

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File path: Amanda\File 14 104926\Documents\Recommendation Report





# AREA CONTEXT / ZONING

APPLICANT: OHM Markham Manor Inc.  
5072 14th Avenue

 SUBJECT LANDS

FILE No. OP.14104926 ; ZA. 14104926 & SU. 14104926

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DATE: 24/05/2016



DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SB

FIGURE No. 2





# AIR PHOTO

APPLICANT: OHM Markham Manor Inc.  
5072 14th Avenue

 SUBJECT LANDS

FILE No. OP.14104926 ; ZA. 14104926 & SU. 14104926

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DATE:24/05/2016



DEVELOPMENT SERVICES COMMISSION

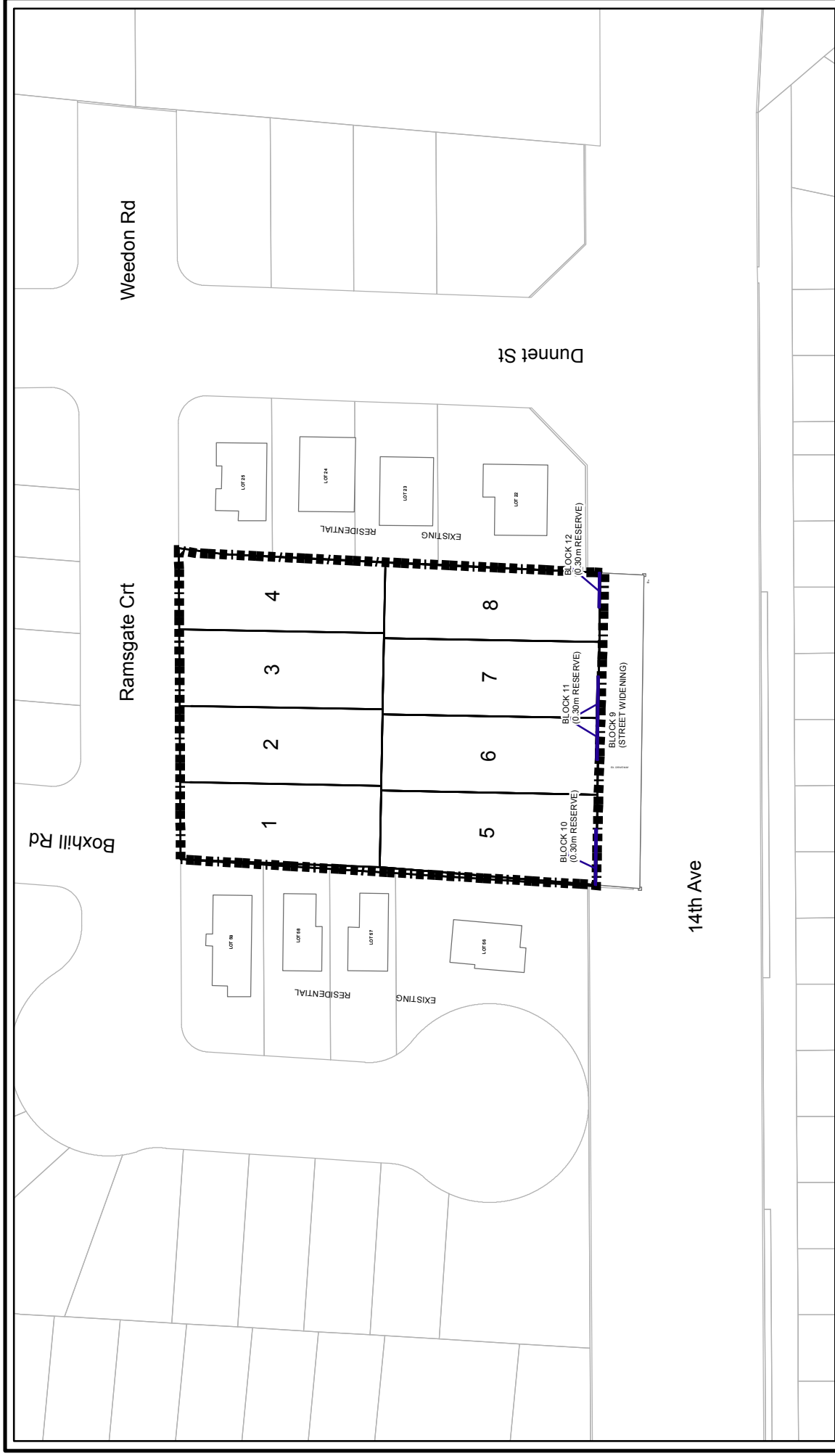
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Checked By: SB

FIGURE No. 3







# PROPOSED DRAFT PLAN OF SUBDIVISION

APPLICANT: OHM Markham Manor Inc.  
5072 14th Avenue

 SUBJECT LANDS

FILE No. OP.14104926 ; ZA. 14104926 & SU. 14104926

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 DEVELOPMENT SERVICES COMMISSION

Drawn By: LW

Checked By: SB

DATE: 09/06/2016

**FIGURE No. 4**



**APPENDIX 'A'**  
**RECOMMENDED CONDITIONS OF DRAFT APPROVAL**  
**PLAN OF SUBDIVISION 19TM-14007**  
**OHM MARKHAM MANOR INC.**

1. General

- 1.1 Approval shall relate to a draft plan of subdivision comprised of eight (8) residential lots prepared by Masongsong Associates Engineering Limited, identified as Project Number 16-794, Drawing Number DFT-2, dated March 2016.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on XXXX unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and external agencies, financial and otherwise, prior to final approval
- 1.4 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to the Armadale West Secondary Plan and Zoning By-law 90-81, as amended, to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 The Owner covenants and agrees to enter into a construction agreement and/or encroachment agreement or any other agreement deemed necessary to permit construction of municipal services, roads, stormwater management, sidewalk, or any other services that are required external to the plan of subdivision and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.
- 1.6 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to, Municipal Class Environment Assessment, Traffic Impact Study, Internal Functional Traffic Design Study, Stormwater Management Study (Environmental Master Drainage Plan), Functional Servicing Report, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.

## 2. Roads

- 2.1 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.
- 2.2 The Owner shall covenant and agree in the subdivision agreement that the public highways/ROWs shall be designed and constructed in accordance with established municipal standards to the satisfaction of the City (Commissioner of Development Services).
- 2.3 The Owner shall convey 0.3 m reserves (Blocks 10, 11, and 12) to the City/York Region, free of all costs and encumbrances, upon registration of the plan of subdivision.
- 2.4 The Owner covenants and agrees to ensure that Lots 5 & 6 and Lots 7 & 8 shall have mutual access agreements, registered on title, for access via 14<sup>th</sup> Avenue to the satisfaction of the Director of Engineering and York Region. The Owner shall further agree in the subdivision agreement to provide a Letter of Credit to the City for the construction and registration of mutual access agreements on title, if required by the Director of Engineering. The Owner agrees to submit a copy of the registered mutual agreements (for Lots 5 & 6 and Lots 7 & 8) for record, if requested by the City.

## 3. Community Design

- 3.1 The Owner shall agree to submit for approval Architectural Control Guidelines and retain a design consultant to implement the Architectural Control Guidelines.
- 3.2 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines.
- 3.3. The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not also assume the role of control architect for the plan of subdivision.

## 4. Parks and Open Space

- 4.1 The Owner and City covenant and agree that parkland dedication within this plan of subdivision is required at a rate as specified in Parkland Dedication By-law 195-90, as amended.

- 4.2 The Owner shall provide a specialized depth of soil in the entire municipal boulevards to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.

5. Landscape Works

- 5.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans to the satisfaction of the Director of Planning and Urban Design, which may include but not be limited to:

- a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009;
- b) Streetscape plan including street trees for Ramsgate Court and 14<sup>th</sup> Avenue;
- c) Permeable paving for front yard parking;
- d) A minimum 2.0 m wide front yard landscape area and provision of landscaping to screen parking areas for the lots fronting onto 14<sup>th</sup> Avenue; and,
- e) Any other landscaping as determined by the Director of Planning and Urban Design.

- 5.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.

- 5.3 The Owner covenants and agrees that the street tree landscape plans for all regional roads will be provided to the Region of York, Regional Transportation and Works Department and that a copy of the submission letter, letter of approval for the landscape works and a copy of the agreement with the Region, if required by the Region for the landscape works will be provided to the City prior to the execution of the subdivision agreement.

- 5.4 The Owner shall not permit their builders to charge home purchasers for the items listed in Conditions 5.1 and 5.3.

- 5.5 The Owner shall include in all agreements of purchase and sale the following clause:

“PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS LOT IS LOCATED, THE CITY OF MARKHAM HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- 
- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD OR IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS TO MEET 5.1 a) and b)
  - PERMEABLE PAVING FOR FRONT YARD PARKING TO MEET 5.1 c)
  - TREE PLANTING/LANDSCAPING IN REAR OR FRONT YARDS (IF SPECIFICALLY REQUIRED BY THE CITY) TO MEET 5.1 d)

THE DEVELOPER HAS BORNE THE COST OF THESE ITEMS AND THE HOME PURCHASER IS NOT REQUIRED TO REIMBURSE THIS EXPENSE.”

6. Tree Inventory and Preservation Plans

- 6.1 The Owner shall submit for approval a tree assessment and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time. The tree preservation plan shall be based on information taken from a registered survey plan, showing the exact location of the trees to be preserved, location of protective hoarding, final grading, proposed municipal services and utilities, conceptual building envelopes and driveway locations.
- 6.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit to the satisfaction of the Director of Planning and Urban Design.
- 6.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.
- 6.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance, with the City of Markham Streetscape Manual, a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
- a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1.
  - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000).
  - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a cash compensation for tree planting on alternate sites

- d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

7. Financial

- 7.1 Prior to execution of the subdivision agreement the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, fencing, streetscape, buffer and other landscaping requirements.

8. Noise Impact Study

- 8.1 Prior to final approval of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic and by any other identified noise sources, to the satisfaction of the City, in consultation with York Region. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.
- 8.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the City (Commissioner of Development Services), in consultation with York Region.

9. Stormwater Management

- 9.1 Prior to final approval of the draft plan, the Owner shall submit a stormwater management study, prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the City and the Toronto and Region Conservation Authority. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or lands for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.
- 9.2 The Owner shall covenant and agree in the subdivision agreement to undertake the monitoring of watercourse temperatures which may be affected by storm drainage from its development, subject to consultation with, and to the satisfaction of the City.
- 9.3 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's



standards prior to proceeding with any on-site works and more particularly topsoil stripping.

10. Municipal Services

- 10.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City (Commissioner of Development Services), a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision and potential upgrades to municipal infrastructure downstream of the subdivision resulting from this development. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement. The owner shall covenant and agree in the subdivision agreement to pay for all external municipal infrastructure upgrades.
- 10.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy, York Region's requirements and City's Design Criteria and Standards), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the City (Commissioner of Development Services).
- 10.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided in accordance with the City's Design Criteria, by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, streetlighting design drawings, stormwater management detail plans, etc. to the satisfaction of the City (Commissioner of Development Services).
- 10.4 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.
- 10.5 The Owner shall acknowledge and agree in the subdivision agreement that, notwithstanding that the City may approve an interim servicing connection for a portion of the lands/development within the draft plan of subdivision, no building permits will be issued for any development beyond that which can be adequately serviced by the interim connection, and that prior to the issuance of further building permits a sanitary sewer on 14th Avenue / Dunnet Street to service the balance of the lands in the draft plan of subdivision must be constructed to the satisfaction of the City

(Commissioner of Development Services) and a further servicing allocation approved by Council.

11. Easements

- 11.1 The Owner shall grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the plan of subdivision. Any off-site easements and works necessary to connect watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the City/York Region.

12. Utilities

- 12.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City (Commissioner of Development Services) and authorized agencies.
- 12.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including PowerStream, Enbridge, telecommunications companies, etc.
- 12.3 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan.
- 12.4 The Owner shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 12.5 The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.

- 12.6 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.
- 12.7 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

13. Environmental Clearance

- 13.1 The Owner covenants and agrees to retain a “Qualified Person” as defined by the Environmental Protection Act and its regulations, to carry out all necessary environmental testing, evaluation and remediation and pay to the City for third party peer review. The Owner acknowledges that a “Qualified Person” will be retained for the execution of the Owner’s obligation hereunder. The Owner agrees that it shall not substitute the Qualified Person without the prior written consent of the Director of Engineering.
- 13.2 The Owner covenants and agrees that, prior to execution of the Subdivision Agreement, an environmental clearance shall be provided to the City/York Region for all lands or interests in lands to be conveyed to the City/York to the satisfaction of the Director of Engineering. The City shall be satisfied that the lands are environmentally suitable for their proposed use and be certified as such by the “Qualified Person” as defined in Ontario Regulation 153/04, all of which shall be in accordance with the Environmental Protection Act and its regulations. The “Qualified Person” shall file a Record of Site Conditions on the Provincial Environmental Site Registry for all lands to be conveyed to the City/York Region.
- 13.3 The Owner covenants and agrees that if, during construction of the Works, contaminated soils or materials are discovered, the Owner shall inform the Director of Engineering/York Region immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the Environmental Protection Act and its regulations, to the satisfaction of the Director of Engineering and the Ministry of Environment. After remediation, the “Qualified Person” shall file an updated Record of Site

Condition on the Provincial Environmental Site Registry, in accordance with Ontario Regulation 153/04, for all lands to be conveyed to the City/York Region.

- 13.4 The Owner covenants and agrees to assume full responsibility for the environmental condition of the Lands and agrees to indemnify and save harmless the City, its directors, officers, Mayor, councilors, employees and agents from any and all actions, causes of action, suits, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and Assumption by the City of the Works, the construction and use of the Works or anything done or neglected to be done in connection with the use or any environmental condition on or under the Lands, including any work undertaken by or on behalf of the City in respect of the Lands and the execution of this Agreement.

14. Well Monitoring Program and Mitigation Plan

- 14.1 Prior to any site alteration activities, the Owner shall check if there are any active wells within 500 m of the Zone of Influence (ZOI). If any active wells are found within the ZOI, the Owner shall prepare and implement a Well Monitoring Program and Mitigation Plan, in accordance with the City's requirements to the satisfaction of the Director of Engineering.

15. Recoveries/Release Letters

- 15.1 Upon execution of the Agreement, the Owner shall provide the Director of Engineering with a Letter of Release from the following Upfronting Developers in a form satisfactory to the City Solicitor confirming that the Owner has satisfied all its obligations to the Upfronting Developers:

a) H&R Developments

- For Kennedy Road Sanitary Sewer Deepening and Over-sizing (R89)
- For 14th Avenue Reconstruction from Kennedy Road to McCowan Road (R87A)
- For Municipal Servicing north of 14th Avenue, from Kennedy Road to McCowan Road and at Hagerman Corners (Kennedy/14th Avenue intersection (R-71)

b) Moeller (Maple Lane Development)

- For construction of Sanitary Sewer Deepening and Over-sizing on Kennedy Road (R89)

c) Moeller/Polsinelli

- For 14th Avenue Reconstruction from Kennedy Road to McCowan Road (R87A)

d) Saccucci/Polsinelli

- For 14th Avenue Reconstruction from Kennedy Road to McCowan Road (R87A)

16. Development Charges

16.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.

16.2 The Owner shall pay all fees and development charges as set out in the subdivision agreement.

17. Municipal Infrastructure:

17.1 The Owner and the City acknowledge that this subdivision, when fully constructed, will tentatively have the following City's municipal infrastructure:

- Lanes: --
- Local Roads: --
- Minor/Major Collectors: --
- Sidewalks: 70.0 m (approx)
- Streetlights: --
- Watermain: --
- Sanitary Sewers: 120.0 m (approx)
- Storm Sewers: --

18. Heritage

18.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owner shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture (Heritage Branch). No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter

from the Ministry of Culture (Heritage Branch) to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.

18.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the City and the Ministry of Culture (Heritage Branch).

18.3 Prior to any removal or alteration of any existing buildings, trees or other site features, the Owner shall permit City staff an opportunity to carry out photographic documentation of the property and its features for archival purposes.

19. Other City Requirements

19.1 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in Agreements of Purchase and Sale for all units with single car garages advising purchasers of the following:

- the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage;
- the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side; and,
- overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City

19.2 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder or their real estate agents:

Park, by type, including Park and Open Space Concept Plans and Streetscape Plans; stormwater management ponds and related facilities; schools by type; place of worship sites; other institutional site by type; commercial site by type; other surrounding land uses and facilities as specified by the City; existing or future: rail facilities, provincial highways, arterial and collector roads, transit routes and stops; City approved sidewalk, walkway and bike route locations; City approved postal box and utility furniture locations or possible locations if prior to approval; City lot grading standards.

All display plans shall be reviewed and approved at the sales office by City staff, prior to the opening of the sales office.

19.3 The Owner will covenant and agree in the Subdivision Agreement to contribute towards public art in accordance with Section 37 of the *Planning Act*, in exchange for increases in density on the subject lands.

19.4 The Owner shall agree in the Subdivision Agreement to implement sustainability measures within the subdivision to the satisfaction of the City.

20. York Region

20.1 Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the City of Markham for the development proposed within this draft plan of subdivision or any phase thereof.

20.2 The Owner shall agree in the Subdivision Agreement that the Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.

20.3 Prior to final approval, the engineering drawing showing the layout of the watermains and sewers shall be submitted to the Infrastructure Asset Management Branch for review.

20.4 The Owner shall agree in the Subdivision Agreement that any direct connection to a York Region water or wastewater system requires Regional approval prior to construction, and engineering drawings showing details of the connection shall be submitted to Infrastructure Asset Management for approval.

20.5 Prior to the final approval the following shall occur:

- a) the City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
- b) York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 to 36 months dependent on the complexity of development) to permit plan registration; or,
- c) The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.

20.6 Prior to final approval, the Owner shall submit detailed engineering

Drawings to the Corporate Services Department for review and approval that incorporate the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, plan and profile drawings, construction access and mud mat design, utility and underground servicing location plans, pavement markings, traffic control/construction staging plans and landscape plans.

- 20.7 Prior to final approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
- a) A widening across the full frontage of the site where it abuts 14<sup>th</sup> Avenue of sufficient width to provide a minimum of 18.0 metres from the centreline of construction of 14<sup>th</sup> Avenue; and
  - b) A 0.3 metre reserve across the full frontage of the site, except at the approved access locations, adjacent to the above noted widening, where it abuts 14<sup>th</sup> Avenue.
- 20.8 Prior to final approval, in order to determine the property dedications (if any) required to achieve the ultimate Right-of-Way width of 14<sup>th</sup> Avenue abutting the subject site, the applicant shall submit a recent plan of survey for the property that illustrates the existing centre line of construction of 14<sup>th</sup> Avenue.
- 20.9 Prior to final approval, the Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
- 20.10 Prior to final approval, York Region requires the Owner to submit, in general accordance with the requirements of the *Environmental Protection Act and O. Reg. 153/04 Records of Site Condition Part XV.1 of the Act* (as amended) ("O. Reg. 153/04"), a Phase I environmental site assessment ("Phase I ESA") of the Owner's lands that are the subject of the application, including the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase I ESA cannot be more than 2 years old as of the actual date title to the Conveyance Lands is transferred to the Region. If the Phase I ESA is linked to different phases of development and there will be multiple conveyances of lands, the Phase I ESA prepared in respect of a specific conveyance and phase of development cannot be more than two years old as of the actual date of transfer of title to the Region. If a Phase I ESA is or would be more than two years old as of the actual date of transfer of title to the Region, the Phase I ESA will need to be either updated or a new Phase I ESA obtained by the Owner in accordance with the requirements of this section. The Region, at its



discretion, may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required regardless of the findings or conclusions of the Phase I ESA. Any Phase II environmental site assessment required by or submitted to the Region must be prepared in general accordance with the requirements of O. Reg. 153/04 (as noted above). Reliance on the Phase I ESA and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands must be provided to the Region and: (i) will be addressed to “The Regional Municipality of York”; (ii) contain wording to the effect that the Region is entitled to rely on such reports or documentation in their entirety; and (iii) the terms and conditions of the reliance extended (including any wording seeking to limit liability) must be satisfactory to the Region.

- 20.11 Prior to final approval, the Owner shall also provide the Region’s Corporate Services Department with a certified written statement from the Owner or the Owner’s authorized representative that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the *Environmental Protection Act O. Reg. 153/04* (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.

The preparation and delivery of the Phase I ESA, any subsequent environmental reports, other documentation, reliance and the Owner’s certified written statement shall be provided at no cost to the Region.

- 20.12 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Corporate Services Department and illustrated on the Engineering Drawings.
- 20.13 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Corporate Services Department, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- 20.14 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Corporate Services Department, that elevations along the streetline

shall be 0.3 metres above the centreline elevations of the York Region roadway, unless otherwise specified by the Corporate Services Department.

20.15 Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:

- a) All existing woody vegetation within the York Region road Right-of-Way,
- b) Tree protection measures to be implemented on and off the York Region road Right-of-Way to protect Right-of-Way vegetation to be preserved,
- c) Any woody vegetation within the York Region road Right-of-Way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road Right-of-Way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal,
- d) A planting plan for all new and relocated vegetation to be planted within the York Region road Right-of-Way, based on the following general guideline:

Tree planting shall be undertaken in accordance with York Region standards as in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed and included in the Subdivision Agreement, they will require the approval of the City and be supported by a Maintenance Agreement between the City and the Region for City maintenance of these features; any such Maintenance Agreement should indicate that where the area municipality does not maintain the feature to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

20.16 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Corporate Services Department, to be responsible to decommission any existing wells on the Owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.

20.17 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Corporate Services Department, that all local underground services will be installed within the area of the development lands and not within

York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right-of-Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.

- 20.18 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Corporate Services Department that the Owner will be responsible for determining the location of all utility plants within York Region Right-of-Way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
- 20.19 Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Corporate Services Department recommending noise attenuation features.
- 20.20 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Corporate Services Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Corporate Services Department.
- 20.21 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Corporate Services Department, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.
- 20.22 The following warning clause shall be included in a registered portion of the Subdivision Agreement with respect to the lots or blocks affected:
- "Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants."

- 20.23 Where noise attenuation features will abut a York Region Right-of-Way, the Owner shall agree in the Subdivision Agreement, in wording satisfactory to York Region's Corporate Services Department, as follows:
- a) That no part of any noise attenuation feature shall be constructed on or within the York Region Right-of-Way;
  - b) That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
  - c) That maintenance of the noise barriers and fences bordering on York Region Right-of-Ways shall not be the responsibility of York Region; and
  - d) That any landscaping provided on York Region Right-of-Way by the Owner or the area municipality for aesthetic purposes must be approved by the Corporate Services Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.
- 20.24 Prior to final approval, the Owner shall provide a copy of the Subdivision Agreement to the Corporate Services Department, outlining all requirements of the Corporate Services Department.
- 20.25 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law # 2012-36.
21. Ministry of Natural Resources (MNR)
- 21.1 The Owner shall agree in the subdivision agreement to satisfy all requirements of the Ministry of Natural Resources with respect to a Redside Dace (endangered species) potential impact on the draft plan of subdivision.
22. External Clearances
- 22.1 Prior to final approval of the draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:
- a) The Regional Municipality of York Planning Department shall advise that Condition 20 has been satisfied.

- b) The Ministry of Culture (Heritage Branch) shall advise that Conditions 18.1 and 18.2 have been satisfied.

Dated: XXXX, 2016

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Ron Blake, Senior Development Manager

OFFICIAL PLAN  
of the  
MARKHAM PLANNING AREA  
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended,  
and to incorporate Amendment No. 14 to the Armadale West Secondary Plan (PD 24-1)  
for part of the Armadale Planning District (Planning District No. 24).

*(OHM Markham Manor Inc.)*

*(June, 2016)*

**DRAFT**

**DRAFT**

**OFFICIAL PLAN**  
**of the**  
**MARKHAM PLANNING AREA**  
**AMENDMENT NO. XXX**

To amend the Official Plan (Revised 1987), as amended and to incorporate Amendment No. 14 to the Armadale West Secondary Plan (PD 24-1) for part of the Armadale Planning District (Planning District No. 24).

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. \_\_\_\_\_ - \_\_\_\_ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the 28<sup>th</sup> day of June, 2016.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**City Clerk**

**THE CORPORATION OF THE CITY OF MARKHAM**

**BY-LAW NO. \_\_\_\_\_**

**DRAFT**

Being a by-law to adopt Amendment No. XXX to the Markham Official Plan (Revised 1987), as amended.

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 28<sup>th</sup> DAY OF JUNE, 2016.

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**MAYOR**



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**DRAFT**

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**DRAFT**

## **PART I - INTRODUCTION**

(This is not an operative part of Official Plan Amendment No. XXX)

**DRAFT**

## **PART I - INTRODUCTION**

### **1.0 GENERAL**

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, constitutes Official Plan Amendment No. XXX to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 14 to the Armadale West Secondary Plan (PD 24-1) for part of the Armadale Planning District (Planning District No. 24). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT, including Schedule "A", attached thereto, constitutes Amendment No. 14 to the Armadale West Secondary Plan (PD 24-1) for part of the Armadale Planning District (Planning District No. 24). This Secondary Plan Amendment may be identified by the symbol PD 24-1-14. Part III is an operative part of this Official Plan Amendment.

### **2.0 LOCATION**

This Amendment applies to a 4,550 m<sup>2</sup> (48,976 ft<sup>2</sup>) parcel of land located on the north side of 14<sup>th</sup> Avenue, west of McCowan Road, municipally known as 5072 14<sup>th</sup> Avenue, as shown on Schedule "A".

### **3.0 PURPOSE**

A draft plan of subdivision and implementing Zoning By-law Amendment accompany this requested Secondary Plan Amendment to permit the development of eight (8) detached dwellings on the subject lands. The purpose of this Amendment is to permit an increase in the permitted density by an additional two (2) residential units and to allow four (4) of the proposed lots on the subject lands to front onto 14<sup>th</sup> Avenue.

### **4.0 BASIS**

The subject lands are designated 'URBAN RESIDENTIAL' in the in-force Official Plan (Revised 1987), as amended, and "Residential Low Rise" in the new Official Plan 2014 (as partially approved on October 30, 2015). Both designations provide for a variety of grade related, low density housing types, including detached dwellings, as proposed.

The lands are designated “Urban Residential (Low Density)” in the Armadale West Secondary Plan (PD 24-1), which forms part of the in-force Official Plan. This designation provides for single detached dwellings, semi-detached dwellings and single attached dwelling such as street townhouses.

Section 6.2.3 (e) of the Secondary Plan states “Subject to all other provisions contained herein, owners of property within the easterly portion of Neighbourhood 2(b), as shown on Schedule ‘A’ attached hereto, may calculate their permitted number of dwellings units on the basis of 15.5 units per hectare of GROSS RESIDENTIAL AREA”. On this basis, the Applicant is permitted a total of 6 units. The Applicant is proposing a total of 8 units, therefore exceeding the density permission by 2 units (this is equivalent to a density of 19.5 uph). The proposed lots are consistent with surrounding lots in the area in terms of both lot frontage and lot depth and with the proposed zoning.

Section 6.2.3 (i) of the Armadale West Secondary Plan states “Residential lots adjacent to McCowan Road, 14<sup>th</sup> Avenue, Middlefield Road extension, Brimley Road extension and Denison Street shall be required to develop with reversed lot frontages”. As the Applicant is proposing four single-detached dwellings that front onto 14<sup>th</sup> Avenue, a site specific amendment is required to address this requirement. Allowing four of the proposed dwellings to front onto 14<sup>th</sup> Avenue is appropriate and in line with current urban design practices that encourage buildings to be oriented towards the public street frontages.

It should be noted that final approval of the City’s 2014 Official Plan (as partially approved by the OMB on October 30th, 2015) would result in the Armadale Secondary Plan being repealed and therefore, the above noted sections would no longer be applicable. It is also noted that the existing dwelling on the property fronts onto 14<sup>th</sup> Avenue.

**DRAFT**

## **PART II - THE OFFICIAL PLAN AMENDMENT**

(This is an operative part of Official Plan Amendment No. XXX)

## **PART II – THE OFFICIAL PLAN AMENDMENT**

### **1.0 THE OFFICIAL PLAN AMENDMENT**

- 1.1** Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2** Section 1.1.3 (a) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with the Armadale West Secondary Plan (PD 24-1), for part of the Armadale Planning District (Planning District No. 24), to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3** Section 9.2.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4** No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is also being made to incorporate changes to the text of the Armadale West Secondary Plan (PD 24-1) for part of the Armadale Planning District (Planning District No. 24). These changes are outlined in Part III which comprises Amendment No. 14 to the Armadale West Secondary Plan (PD 24-1).

### **2.0 IMPLEMENTATION AND INTERPRETATION**

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law in conformity with the provisions of this Amendment.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the approval by the Region of York. Following adoption, notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

**DRAFT**

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13(c) of Part II of the Official Plan (Revised 1987), as amended, shall not apply.

**DRAFT**

**PART III - THE SECONDARY PLAN AMENDMENT (PD 24-1-14)**

(This is an operative part of Official Plan Amendment No. XXX)



## **PART III - THE SECONDARY PLAN AMENDMENT (PD 24-1- 14)**

**DRAFT**

### **1.0 THE SECONDARY PLAN AMENDMENT**

(Amendment No. 14 to the Armadale West Secondary Plan PD 24-1)

The Armadale West Secondary Plan (PD 24-1) for part of the Armadale Planning District is hereby amended as follows:

#### **1.1** Section 6.2.3 is hereby amended by adding subsection (m) as follows:

“(m) Notwithstanding the provisions of Section 6.2.3:

- i) Two (2) additional residential units in excess of the maximum permitted density shall be permitted on the lands shown on Figure 24-1-14, and,
- ii) Residential lots fronting onto 14<sup>th</sup> Avenue shall not be required to develop with reversed lot frontages, on the lands shown on Figure 24-1-14.”

and by adding Figure 24-1-14 as shown on Schedule “A” attached hereto, to be appropriately identified, on the first page following section 6.2.3 (m).

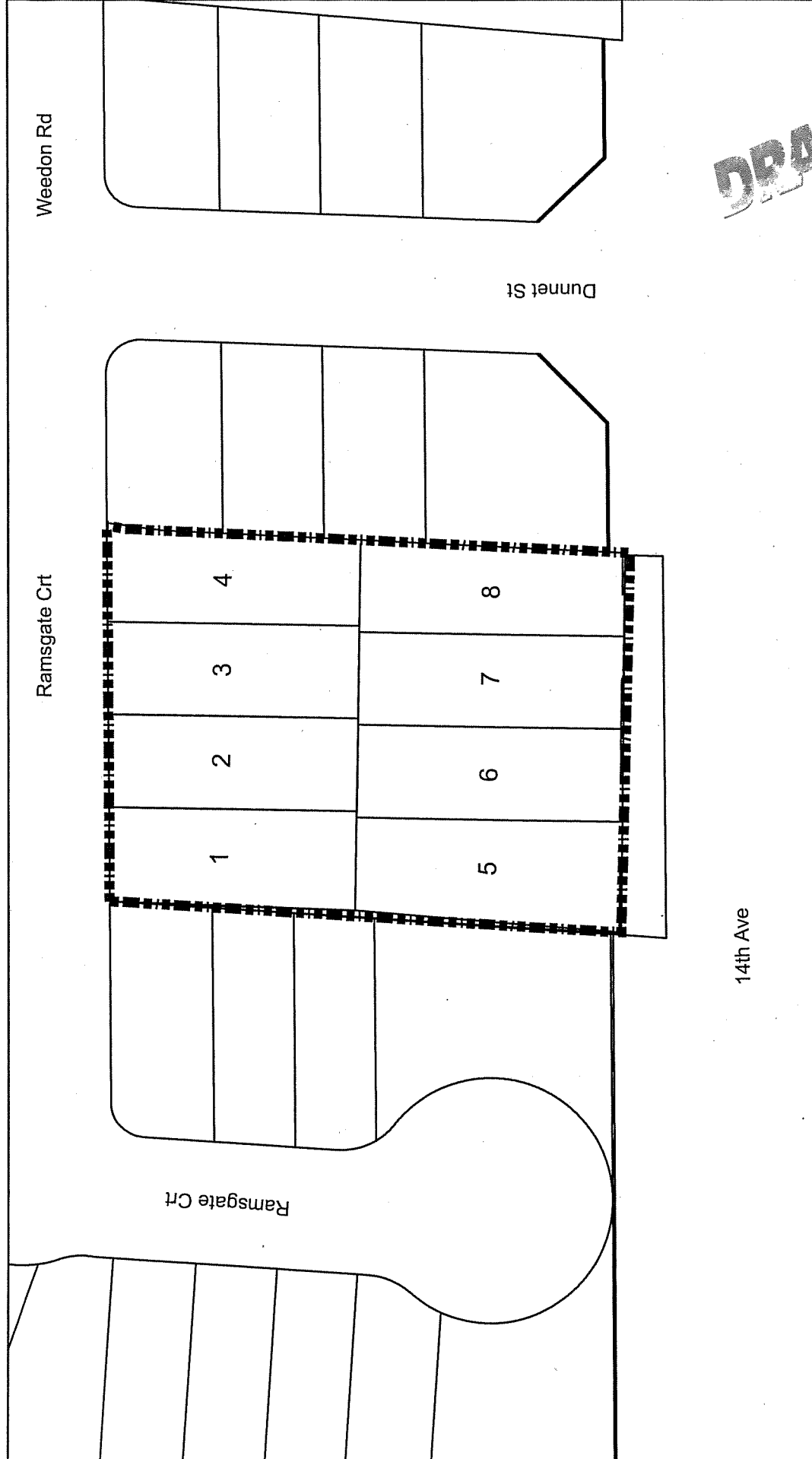
### **2.0 IMPLEMENTATION AND INTERPRETATION**

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law in conformity with the provisions of this Amendment.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the approval by the Region of York. Following adoption, notice of Council’s decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council’s decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13(c) of Part II of the Official Plan (Revised 1987), as amended, shall not apply.



# FIGURE 24-1-14 TO THE ARMADALE WEST SECONDARY PLAN (PD 24-1)

Boundary of area covered by the policies in Section 6.2.3. (m)  
Land Use Designation: Urban Residential (Low Density)

Path: Q:\Geomatics\New Operation\Official Plan\Site Specific OPA\FIGURE 24-1-14\OP\_ZA\_SU\_14104926\_FIGURE 24-1-14.mxd

INCORPORATING AMENDMENT No. 15 TO SECONDARY PLAN (PD 24-1)

MARKHAM DEVELOPMENT SERVICES COMMISSION

SCHEDULE "A" TO OPA No. XXX

Drawn By: LW  
Checked By: SB

SCALE;  
DATE: 08/06/2016



## BY-LAW 2016-\_\_\_\_

**DRAFT**


---

A By-law to amend By-law 90-81, as amended

---

The Council of the Corporation of the City of Markham hereby enacts as follows:

1. By-law 90-81, as amended, is hereby further amended as follows:
- 1.1 By rezoning the lands outlined on Schedule 'A' attached hereto as follows:

from  
**Residential Development (RD) Zone** and  
**Ninth Density – Single Detached Residential (R9) Zone**  
to  
**Ninth Density – Single Detached Residential (Hold) [R9(H)] Zone**

- 1.2 By adding the following subsection to Section 7- EXCEPTIONS

**“7.67 OHM Markham Manors Inc.  
5072 14<sup>th</sup> Avenue**

**Eight (8) single-detached dwellings**

Notwithstanding any other provisions of By-law 90-81, as amended, the provisions in this Section shall apply to those lands delineated on Schedule 'A' of this By-law.

**7.67.1 Special Zone Provisions**

The following special zone provisions shall apply:

- a) Maximum HEIGHT of the finished floor from the ESTABLISHED GRADE along the front door of a DWELLING UNIT – 1.2 metres.
- b) Garage width, as measured from inside wall to inside wall, shall be no more than 50% of the LOT FRONTAGE.
- c) The front wall of an attached garage shall be set back a minimum of 0.3 metres from the front of a porch.
- d) Covered porches and stairs may encroach into the required FRONT YARD – 2 metres.
- e) A *driveway* shall include a hammerhead extension for vehicular access to 14<sup>th</sup> Avenue subject to the following requirements:
  - i) Maximum width of the hammerhead extension of the *driveway* – 4.2 m
  - ii) Maximum length of a hammerhead extension perpendicular from the *driveway* – 3.5 m
  - iii) Maximum *driveway* width including a hammerhead extension – 8.5 m;
  - iv) Minimum setback of a hammerhead extension from the *front lot line* – 1.8 m
  - v) *Interior side yard* setback for a *driveway* – 0 m

**7.67.2 Section 37 Benefits**

A contribution towards public art in accordance with Section 37 of the *Planning Act*, as amended, shall be required.”

**DRAFT**

2. **Holding Provision**

For the purposes of this By-law, a Holding (H) provision is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbol.

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

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

- i) Execution of a subdivision agreement; and
- ii) Execution of an agreement to contribute towards public art in accordance with Section 37 of the *Planning Act*, as amended.

Read a first, second and third time and passed on June 28, 2016.

---

Kimberley Kitteringham  
City Clerk

---

Frank Scarpitti  
Mayor



**DRAFT**

**EXPLANATORY NOTE**

**BY-LAW 2016-\_\_\_\_\_**

**A By-law to amend By-law 90-81, as amended**

**OHM Markham Manor Inc.  
5072 14<sup>th</sup> Avenue  
Eight (8) single-detached dwellings**

**Lands Affected**

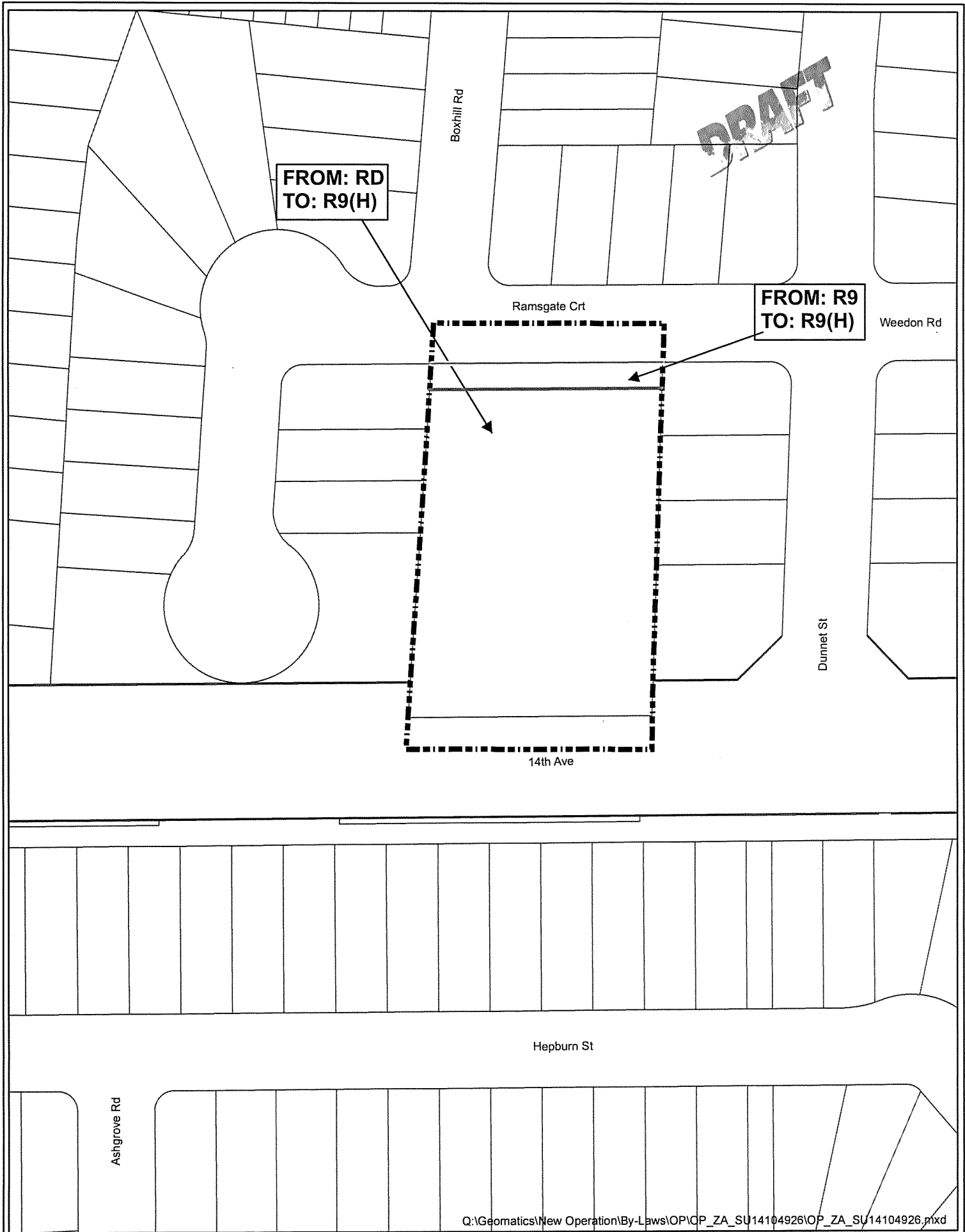
The proposed by-law amendment applies to a 4,550 m<sup>2</sup> (48,976 ft<sup>2</sup>) parcel of land located on the north side of 14<sup>th</sup> Avenue, west of McCowan Road, and municipally known as 5072 14<sup>th</sup> Avenue.

**Existing Zoning**

By-law 90-81, as amended, currently zones the subject lands as Residential Development (RD) and Ninth Density – Single Detached Residential (R9).

**Purpose and Effect**


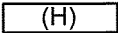

The purpose and effect of this By-law is to amend 90-81, as amended, to rezone the subject property to Ninth Density – Single Detached Residential (Hold) [R9(Hold) Zone] in order to facilitate the development of eight (8) single-detached dwellings, including the introduction of site-specific development standards and holding provision.



# SCHEDULE "A" TO BY-LAW

## AMENDING BY-LAW 90-81 DATED

 BOUNDARY OF AREA COVERED BY THIS SCHEDULE

- |  |   |   |                   |
|--|---|---|-------------------|
|  RD | RESIDENTIAL DEVELOPMENT                   |  (H) | HOLDING PROVISION |
|  R9 | NINTH DENSITY SINGLE DETACHED RESIDENTIAL |   |                   |