



Report to: Development Services Committee

Report Date: June 23, 2015

SUBJECT: RECOMMENDATION REPORT, Kylemore Communities (Yorkton) Limited, Official Plan, Draft Plan of Subdivision and Zoning By-law Amendment Applications to permit 132 townhouse units at 9350 to 9392 Kennedy Road
File Nos. OP, SU, & ZA 14 132762

PREPARED BY: Rick Cefaratti, MCIP, RPP, Planner II, West District

REVIEWED BY: Dave Miller, MCIP, RPP, West District Manager

RECOMMENDATION:

- 1) That the report titled "Recommendation Report, Kylemore Communities (Yorkton) Limited, Official Plan, Draft Plan of Subdivision and Zoning Amendment Applications to permit 132 townhouse units at 9350 to 9392 Kennedy Road" dated June 23, 2015, be received;
- 2) That the applications submitted by Kylemore Communities (Yorkton) Limited, to amend the in force Official Plan (Revised 1987), as amended, the Markham Official Plan 2014 (not yet in force), Zoning By-laws 304-87 and 177-96, as amended, to permit a 132 unit townhouse development at 9350 to 9392 Kennedy Road be approved;
- 3) That the proposed amendment to the in force Markham Official Plan (Revised 1987), as amended, attached as Appendix 'B', and a corresponding amendment to the Markham Official Plan 2014 (not yet in force), attached as Appendix 'C' be forwarded to Council for adoption;
- 4) That the proposed amendments to Zoning By-laws 304-87 and 177-96, as amended, attached as Appendix 'D', be forwarded to Council for approval and enacted without further notice;
- 5) That the Director of Planning and Urban Design, or his designate, be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'A' as may be amended by the Director of Planning and Urban Design
- 6) That Council hereby determines that the giving of further notice is not required for the Official Plan, Draft of Subdivision and Zoning By-Law Amendment applications for 9350 to 9392 Kennedy Road, File Nos. OP, SU & ZA 14 132762

EXECUTIVE SUMMARY:

The 4.48 hectare (11.07 ac) site is located on the north side of 16th Avenue, west of Kennedy Road in the Angus Glen Planning District.

The applicant is requesting an Official Plan Amendment, Zoning By-law Amendment and approval of a Draft Plan of Subdivision to permit 132 condominium townhouses, a 0.40 ha (1.0 ac) centrally located public park, a 380 m² (4,090 ft²) open space block and two public roads. The existing dwelling at 9392 Kennedy Road is of Heritage significance, and the applicant proposes to retain the existing dwelling, to be incorporated as a lot in the draft plan of subdivision.

The applicant has provided a comprehensive development concept plan, as background to the Draft Plan of Subdivision which demonstrates connectivity to adjacent lands and lands within the “Future Urban Area”. Staff has reviewed the concept plans and are satisfied that the Draft Plan Subdivision will not prejudice future development options on adjacent properties.

Staff are generally satisfied with the configuration of the Draft Plan of Subdivision and recommend that the plan be draft approved, subject to the conditions set out in Appendix ‘A’.

PURPOSE:

This report discusses Official Plan, Draft Plan of Subdivision and Zoning By-law Amendment applications to permit a 132 townhouse development and the preservation of a single detached Heritage dwelling on the subject lands.

BACKGROUND:**Property and Area Context**

The subject lands comprise an area of 4.48 hectares (11.02 acres) and are located on the west side of Kennedy Road, approximately 265 metres (870 feet) north of 16th Avenue in the Angus Glen Planning District (Planning District No. 31) (see Figure 1 – Location Map). The proposal includes an assembly of 5 rural residential lots fronting onto Kennedy Road and an adjoining vacant parcel of land formerly part of York Downs Golf and Country Club. Agricultural uses and a place of worship (St. Philips On-The-Hill Anglican Church) are located on the adjoining properties to the north. Single detached and Townhouse dwelling units are located to the south, across Royal Aberdeen Road. Residential lands currently under development are located to the east, across Kennedy Road. York Downs Golf and Country Club is located to the west (see Figure 3 – Aerial Photo).

Official Plan and Zoning By-law**Official Plan**

The in-force Markham Official Plan (revised 1987) designates the western portion of the subject lands adjacent to the York Downs Golf & Country Club as ‘Open Space’, and designates the eastern portion fronting onto Kennedy Road as ‘Agriculture 1’ [see Figure 6 – Official Plan (Revised 1987) Land Use Designations]. Permitted uses within the ‘Open Space’ designation include conservation, outdoor recreation, farming activity, golf courses, managed woodlots and similar compatible uses. Permitted uses within the ‘Agriculture 1’ designation include farming activity and associated uses, and existing rural residential uses. A ‘Future Urban Area’ overlay also applies to all of the subject

lands. The 'Future Urban Area' overlay is used to identify lands that are suitable to accommodate projected future urban growth within the municipality.

The subject lands were included within the Angus Glen Planning District [(PD No. 31) OPA No.19], through the approval process for the Kylemore Homes OPA No.155 for the adjacent lands to the south (Kylemore Yorkton Phase 1). OPA 155 did not change the underlying 'Open Space' and 'Agriculture 1' land use designations. Consequently, the land use designations under the in-force Official Plan continue to apply to these lands.

Amendments to the in-force Markham Official Plan (Revised 1987) and the Angus Glen Planning District Secondary Plan are required as the 'Open Space' and 'Agriculture 1' designations noted above do not provide for townhouses on these lands.

The Markham Official Plan 2014 (not yet in force) designates the western portion of the subject lands as 'Private Open Space', and designates the eastern portion fronting onto Kennedy Road as 'Mixed Use Mid Rise'. Permitted uses within the 'Private Open Space' designation include existing private golf courses, and new cemeteries. Permitted uses within the 'Mixed Use Mid Rise' designation include apartment buildings, townhouses, street related retail and service uses and small scale office uses [Figure 7: OP(2014) Land Use]. The 'Private Open Space' area noted above does not permit residential development. An amendment to the Official Plan 2014 (not yet in force) is also proposed to ensure that the subject townhouses and the proposed zoning will be in conformity with the Official Plan 2014 once it comes into force.

Zoning By-law

The western portion of the subject lands adjacent to York Downs Golf & Country Club is zoned Commercial – Recreation (CR) under By-law 304-87, as amended. Permitted uses under the CR zone category include a golf course and associated facilities. The eastern portion of the subject lands fronting onto Kennedy Road are zoned Rural Residential (RR1) under Zoning By-law 304-87, as amended. Permitted uses under the RR1 zone category include a single detached dwelling and a home occupation (see Figure 3 – Area/Context Map).

A Zoning By-law amendment is required to permit the proposed 132 unit townhouse development on the subject lands. The applicant is proposing to rezone these lands from Commercial – Recreation (CR) and Rural Residential (RR1), under Zoning By-law 304-87, to Residential Zone categories that permit townhouses and the single detached Heritage dwelling under By-law 177-96, as amended.

PROPOSAL:

The owner is proposing a 132 unit townhouse development with two new public roads together with the retention of a single detached Heritage dwelling (Thomas Lownsbrough House). Yorkton Boulevard will extend north at the west end of the property, and a public road will connect Kennedy Road to the Yorkton Boulevard extension (Street 'A'). This proposed public road intersects with Beckett Avenue on the east side of Kennedy Road. Approximately 89 townhouse units will be north of Street

'A', with approximately 43 units south of Street 'A'. The proposal includes a centrally located 0.4 ha. (1.0 ac.) public park, fronting a public road (Street 'A'), a 380 m² (4,090 ft²) public open space area at the south west corner of Street 'A' and Kennedy Road (see Figure 4 – Conceptual Site Plan). The proposal includes the following:

Table 1

Use and Area	Blocks	Units	Area
Residential Townhouse Block	1	89	2.18 ha. (5.40 ac.)
Residential Townhouse Block	4	43	0.73 ha. (1.81ac.)
Residential Heritage Dwelling	3	1	0.05 ha. (0.12 ac.)
Total			2.96 ha. (7.31ac.)
Park Block	2		0.40 ha. (1.0 ac.)
Open Space Block	5		380 m ² (4,090 ft ²)
Road Widening Block	6		0.11 ha. (0.27 ac.)
Total Site Area			4.48 ha. (9.89 ac.)

OPTIONS/ DISCUSSION:

Official Plan Amendment and Implementing Zoning By-law

The requested Official Plan Amendment to the in-force Official Plan (Revised 1987, as amended) is to re-designate the property from Agriculture and Private Open Space to Urban Residential – Low Density [see Appendix “B” – Draft Official Plan Amendment to the in-force Markham Official Plan (Revised 1987)]. In addition, an Official Plan Amendment will also amend / modify the Markham Official Plan 2014 (not yet in force) to re-designate the subject lands from ‘Mixed Use – Mid Rise’ and ‘Private Open Space’ to ‘Residential Low Rise’ [see Appendix “C” – Draft Official Plan Amendment Markham Official Plan 2014 (not yet in force)]. Site-specific policies are required in both Official Plans to allow the proposed freehold townhouses to front on private, common element roads. In addition, a site specific policy is required under the in-force Official Plan (Revised 1987) to permit a maximum net site density of 45 units per hectare, whereas the range permitted for average net site density of Low Density Housing on these lands is 37 units per hectare. This is an increase of approximately 24 units. Given the site’s location adjacent to a major arterial road (Kennedy Road), and given the acceptable street and block pattern and unit widths as discussed later in this report, Staff is of the opinion that the increased net site density is appropriate.

The proposed Zoning By-law amendment will permit a mix of street and lane based townhouse units on private roads, the retention of a Heritage dwelling and a centrally located public park.

Site-Specific Zone provisions proposed for By-law 177-96

The following list summarizes key site-specific zone provisions proposed to implement the development:

- Lane based townhouses – the proposed Zoning By-law Amendment provides for unit widths that range between 4.57 metres and 5.75 metres
- Street townhouses – the proposed Zoning By-law Amendment requires a minimum width of 7.0 metres
- Street townhouses – the proposed Zoning By-law Amendment provides for double car garages. However, the appropriate location and number of such units with double car garages will be further reviewed as part of the Site Plan approval process
- Maximum building height range between 11 metres and 17 metres*
- Permits lots that front on both public and private roads

*The Maximum height is restricted to 12.0 metres adjacent to the Heritage dwelling at 9392 Kennedy Road.

Issues identified in Preliminary Report and Public Meeting

Several matters relating to the proposal were raised during the circulation of the applications to the City Departments, public agencies and at the February 17, 2015 Public Meeting. These issues are identified as follows:

1. Architectural Design Guidelines will be required to ensure, amongst other matters, that building elevations for the proposed townhouses and apartment units are compatible with the existing communities to the south of the property;
2. The total proposed parkland area as shown on the conceptual site plan did not satisfy the entire parkland dedication requirement for the subdivision and the proposed location and configuration of the park block (Block 2) would require further review and consultation with the applicant;
3. Further review and consultation is required to ensure that the draft plan provides a high degree of connectivity and walkability, with an enhanced public realm; a priority for pedestrians and cyclists; and opportunities to link to the City wide trail system and established pedestrian greenway system across Kennedy Road to the east;
4. Further review of the street and block pattern is required to ensure that connectivity to adjacent lands and lands within the “Future Urban Area” as identified in the current Official Plan is appropriate;
5. Confirmation that visitor parking for the proposed townhouse development complies with the City’s Parking Standards By-law;
6. Confirmation that the proposed development can be appropriately serviced by municipal sanitary services, municipal water and the existing stormwater management system;

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7. Assessment of the potential Traffic Impacts the proposed development will have on the existing community to the south and the new community under development to the East across Kennedy Road.

Revised Proposal Received

In response to issues raised a revised proposal was received after the Public Meeting was held. The original proposal included 93 townhouses, four apartment buildings containing 80 units and the retention of the Heritage dwelling at 9392 Kennedy Road for a total of 174 units. The revised proposal eliminates the four apartment buildings and increases the number of townhouses to 132 units. The Heritage dwelling at 9392 Kennedy Road continues to be integrated within the proposal. The original proposal provided three public roads (extension of Yorkton Boulevard to the north, a second north to south road and a road connecting to Kenned Road to the east and terminating at Yorkton Boulevard to the west, whereas the revised application includes two public roads (Yorkton Boulevard extension and the east west road between Yorkton Boulevard and Kennedy Road). The revised Draft Plan of Subdivision (Figure 4) only illustrates the public roads, road widening, open space and townhouse blocks of the proposal. The Conceptual Site Plan (Figure 5) illustrates the proposed layout of the townhouses, however, the detailed overall site layout will be determined through the Site Plan approval process and Draft Plan of Condominium process.

The issues identified above have been addressed

With the submission of the revised proposal and further work on the application the issues identified during the circulation and public consultation process, and noted above, have been or will be addressed as follows:

Architectural Design Guidelines

In this regard the owner will be required to submit Architectural Design Guidelines prior to the Site Plan approval process to ensure, amongst other matters, that building elevations for the proposed townhouses are compatible with the existing communities to the south of the property.

Parkland dedication requirements have been satisfied

The revised concept plan proposes a 0.40 ha. (1.0 ac.), centrally located public park that fronts onto the public road (Street 'A'). The programming of facilities for this park will be determined through a separate public process. It is intended to serve residents within the proposed development as well as residents living in the existing residential development to the south. The proposal also includes a 380 m² (4,090 ft²) open space block at the southwest corner of Kennedy Road and the public road (Street 'A'), which will function as a gateway landscape feature. The proposed centrally located public park in the revised plan of subdivision represents 91 % of the required parkland dedication [0.44 ha. (1.08 ac.)] for this development which is acceptable to staff. However, staff recommends that the remaining parkland dedication requirement (9 %) is provided as cash-in-lieu of parkland. The 380 m² (4,090 ft²) open space block noted above will remain as private amenity space and not be credited as a contribution towards the parkland dedication requirement for this development, due to its restricted size.

Proposed street and block pattern is acceptable

The proposed street and block pattern as shown on the revised Draft Plan of Subdivision provides an opportunity for motor vehicle, pedestrian and cyclist connectivity to neighbouring subdivisions. The proposal links to the City wide trail system and established pedestrian greenway system across Kennedy Road to the east. The proposed street and block pattern also provides for connectivity to adjacent lands and lands within the "Future Urban Area".

Visitor Parking is in compliance

The proposed townhouse development is proposed as a common element condominium and is subject to the visitor parking requirements under City's Parking Standards By-law 28-97, as amended. The revised conceptual site plan demonstrates that the visitor parking will comply with the By-law requirement.

Proposed Development can be municipally serviced

The applicant has demonstrated that the proposed development can be appropriately serviced by municipal sanitary services, municipal water and the existing stormwater management system.

Traffic Impacts Minimal

Based on staff's review of the Traffic Impact Assessment, the proposed public roads (Street 'A and Yorkton Boulevard extension) and private roads within the townhouse blocks provide sufficient capacity to accommodate the traffic demands for the proposed townhouse development and the traffic generated by the proposed development will have minimal impact the on residential developments to the south and east across Kennedy Road.

Future Planning Applications Required

In addition to the Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications that are the subject of this report, Site Plan, Draft Plan of Condominium and Part Lot Control Exemption applications will be required.

Site Plan Approval

The proposed townhouse development and the Heritage dwelling at 9392 Kennedy Road are subject to a future application for Site Plan approval. Prior to the issuance of any building permits, the applicant will be required to enter into a Site Plan agreement with the City and receive final Site Plan approval for the proposed townhouse development. Approval of this Site Plan application is delegated to the Director of Planning & Urban Design.

Draft Plan of Condominium

A Draft Plan of Condominium application will be required to establish the proposed common elements (i.e. private roads and visitor parking areas) of the townhouse development. Approval of this Draft Plan of Condominium application is delegated to the Director of Planning & Urban Design.

Exemption from Part Lot Control

Prior to occupancy, an Exemption from Part Lot Control By-law will be required to create the POTL's (parcels of tied land) for each townhouse unit. Council is the approval authority for a Part Lot Control Exemption By-law.

Heritage Easement Agreement Required

As a condition of Draft Plan of Subdivision approval, the Owner will be required to enter into a Heritage Easement Agreement with the City to ensure that the existing Heritage building at 9392 Kennedy Road is preserved.

Sustainability Initiatives

The applicant is proposing to incorporate a variety of sustainability initiatives for this development. The proponent and Staff will work together to finalize the sustainability initiatives through the Site Plan approval process.

Public Art

The proponent has agreed to provide a voluntary financial contribution on a per unit basis for Public Art in accordance with Markham's Public Art Policies for private sector developments. The proposed contribution reinforces the importance that the City places on Public Art in new land development projects. This contribution is referenced in the conditions of Draft Plan approval, and will be secured by agreement through the Site Plan approval process.

Draft Plan approval and proposed zoning amendment is recommended

The revised Draft Plan of Subdivision is acceptable and Draft Plan approval is recommended, subject to the conditions outlined in Appendix 'A'. The proposed implementing zoning by-law amendment is also recommended for approval.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

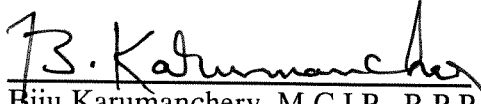
ALIGNMENT WITH STRATEGIC PRIORITIES:

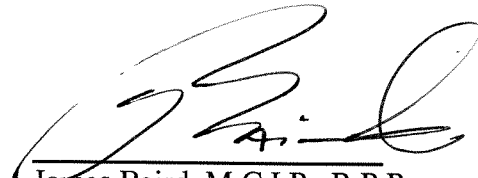
The proposal will align with the City's strategic priorities of Growth Management by implementing the proposed development in coordination with existing infrastructure and available servicing allocation.

BUSINESS UNITS CONSULTED AND AFFECTED:

Requirements of the City and external agencies have been reflected in the draft Zoning By-law amendment and conditions of Draft Plan approval. The requirements of the City and external agencies will continue to be addressed through future Site Plan and Condominium processes.

RECOMMENDED BY:


Biju Karumanchery, M.C.I.P., R.P.P.
Acting-Director, Development Services


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 – Revised Draft Plan of Subdivision
- Figure 5 – Revised Conceptual Site Plan
- Figure 6 – In-force Official Plan (Revised 1987) Land Use Designations
- Figure 7 – Markham Official Plan 2014 (not yet in force) Land Use Designations

APPENDICIES:

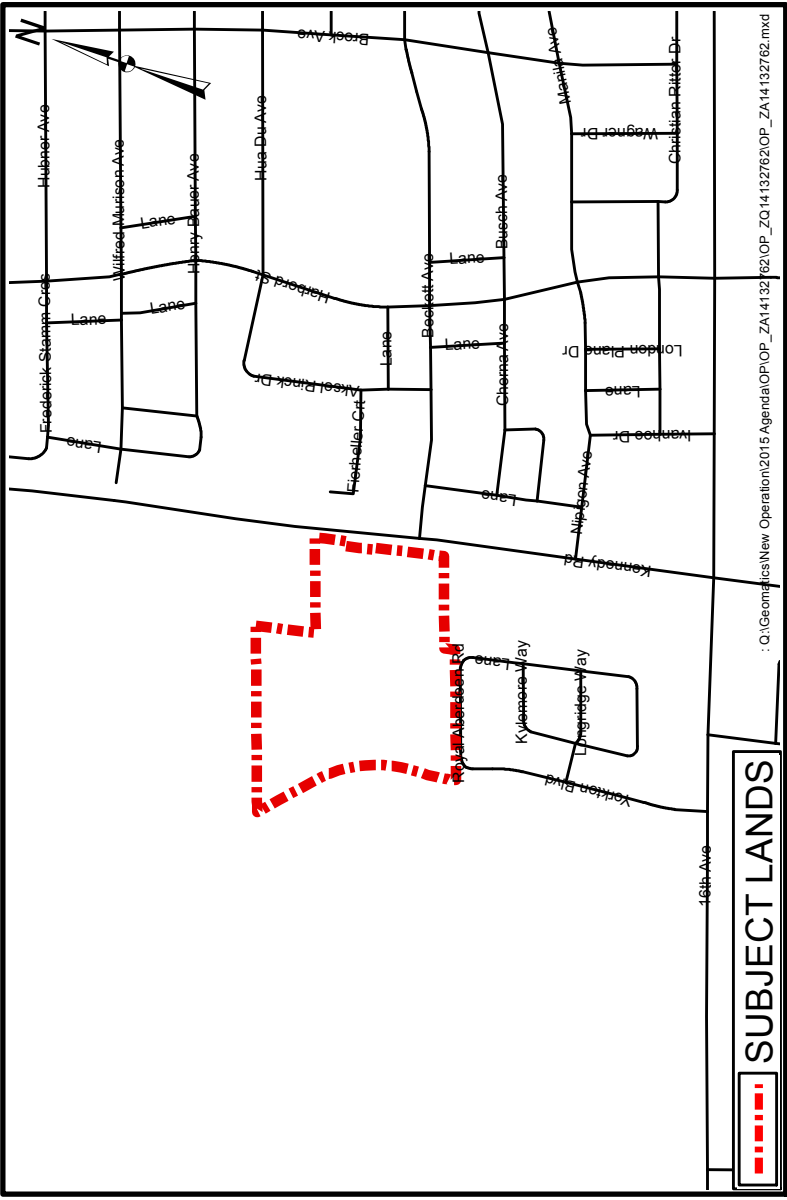
- Appendix “A” – Conditions of Draft Approval
- Appendix “B” – Draft Official Plan Amendment to the in force Markham Official Plan (Revised 1987)
- Appendix “C” – Draft Official Plan Amendment Markham Official Plan 2014 (not yet in force)
- Appendix “D” – Draft Zoning By-law Amendment

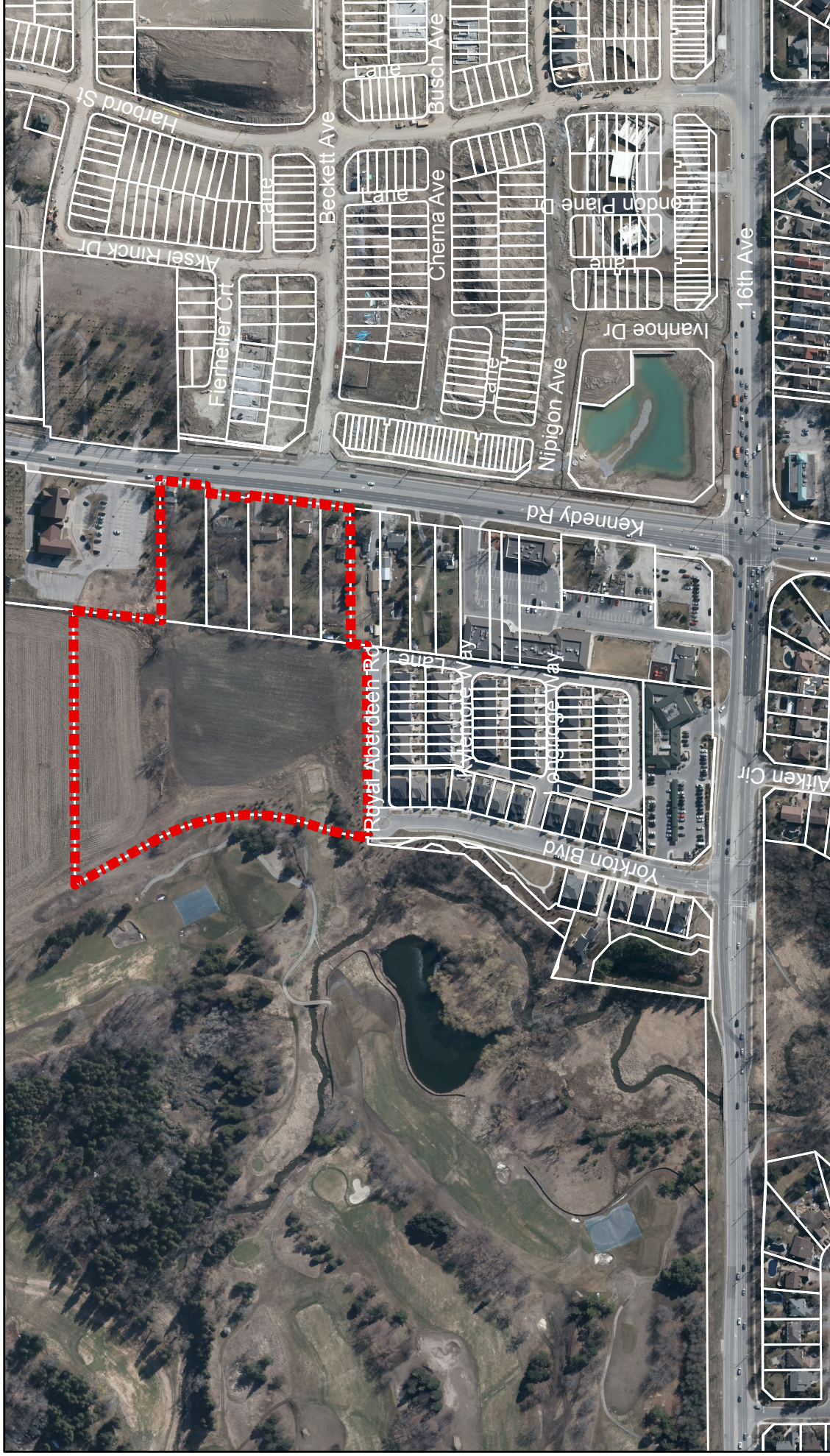
APPLICANT/AGENT:

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


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AIR PHOTO

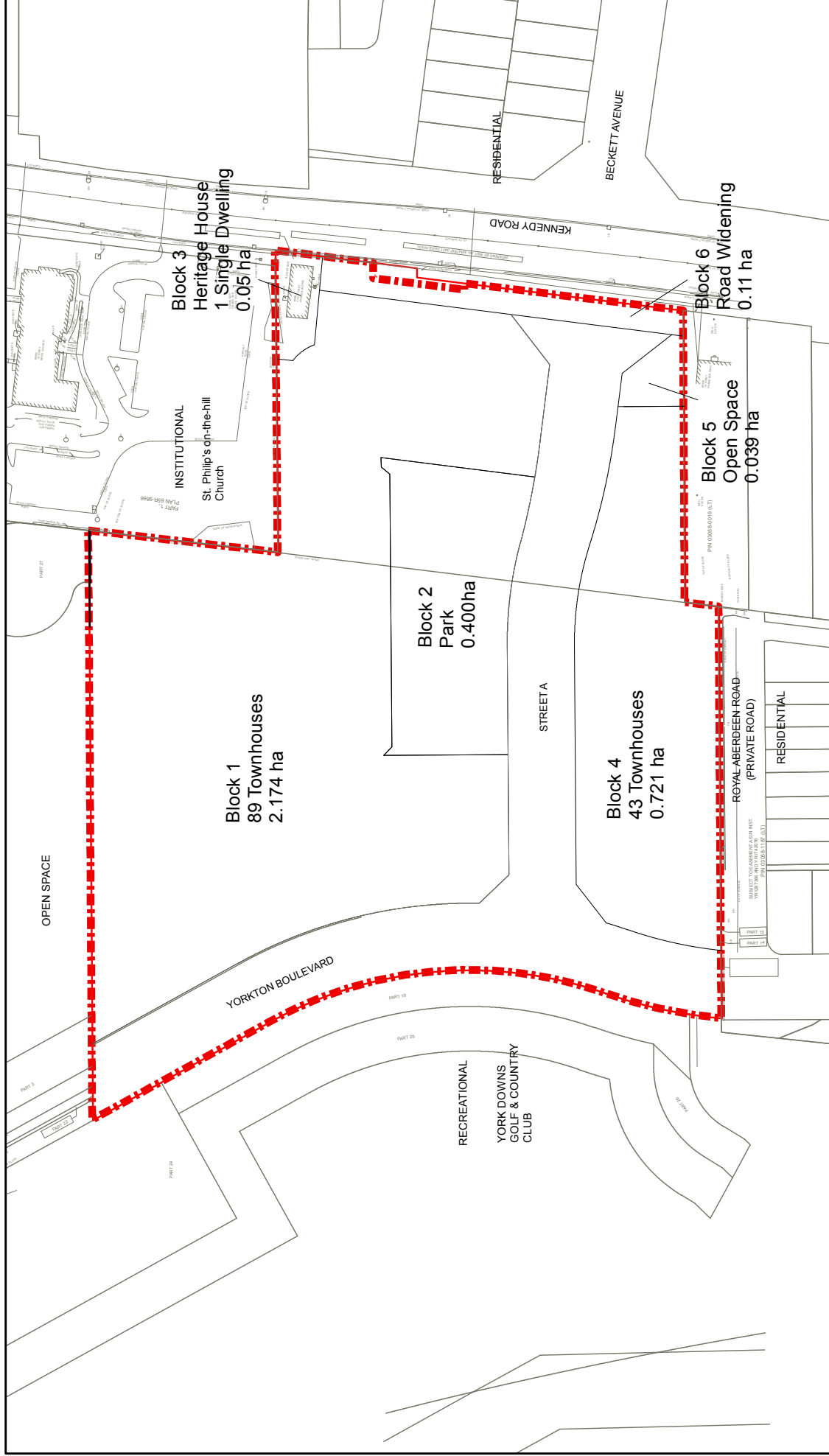
APPLICANT: KYLEMORE COMMUNITIES (YORKTON)LTD.
9350,9356,9366 & 9392 KENNEDY ROAD

FILE No: OP_ZA14132762

 SUBJECT LANDS

DATE:06/11/15


FIGURE No. 3



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REVISED DRAFT PLAN OF SUBDIVISION

APPLICANT: KYLEMORE COMMUNITIES (YORKTON)LTD.
9350,9356,9366 & 9392 KENNEDY ROAD

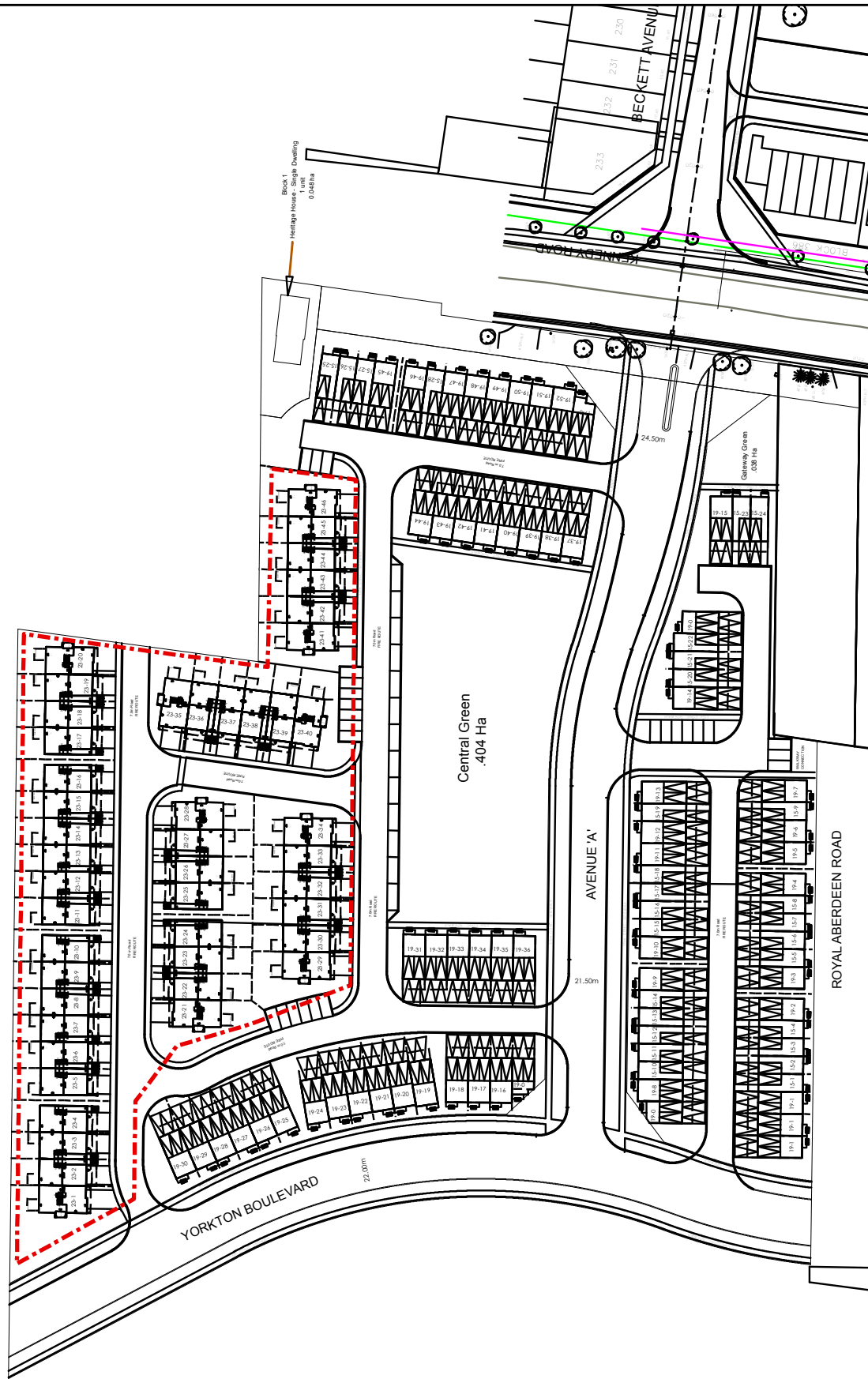
 SUBJECT LANDS

FILE No: OP_ZA14132762

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Drawn By:DD

Checked By:RC



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REVISED CONCEPTUAL SITE PLAN

APPLICANT: KYLEMORE COMMUNITIES (YORKTON)LTD.

9350,9356,9366 & 9392 KENNEDY ROAD

FILE No: OP_ZA14132762

- STREET BASED TOWNHOUSES
- LANE BASED TOWNHOUSES

DATE:06/11/15

Appendix 'A'

SU 14-132762

THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-14009 [KYLEMORE COMMUNITIES (YORKTON) LIMITED ARE AS FOLLOWS

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by Gatzios Planning + Development Consultants Inc., identified as Job 65MA-1403, Drawing Number 150525_Kylemore_Draft_Plan.dwg, dated May 25, 2015, incorporating the following redline revisions:
 - Revise ROW layout of Street "A", as per the red-lined Draft Plan of Subdivision.
- 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 June 23, 2015 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 Agencies, financial and otherwise, prior to final approval.
- 1.4 Prior to issuance of draft plan approval, the Owner shall enter into an agreement with the City of Markham, which agreement shall be registered on title, committing the Owner to:
 - A. Not enter into any agreements of purchase and sale with end users (*) for the subject lands until such time as:
 - i) The City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;
or,
 - ii) The Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.

AND

- B. Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the City of Markham, which agreement shall be registered on title, committing the owner to the same terms as set out in item A above.

- 1.6 Prior to draft plan approval, the Owner shall enter into an indemnity agreement with York Region, which agreement shall be registered on title, agreeing to save harmless York Region from any claim or action as a result of York Region releasing conditions and pre-conditions of draft approval as part of the draft approval of Plan of Subdivision 19TM-14009, or any phase thereof, including, but not limited to claims or actions resulting from, water or sanitary sewer service not being available when anticipated. The agreement shall include a provision that requires all subsequent purchasers of the subject lands, who are not end-users, to enter into a separate agreement with York Region as a condition of the agreement of purchase and sale, agreeing to indemnify York Region on the same terms and conditions as the owner.

(*) the term 'end users' for the purpose of the above noted pre-conditions is defined as the eventual homeowner who is purchasing an individual lot containing a dwelling for the purpose of occupancy.

- 1.7 The Owner shall covenant and agree in the subdivision agreement that building permits shall not be sought or issued for any dwelling units within the draft plan for which a water supply and sanitary sewer allocation has not been confirmed by the City.
- 1.8 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, (Commissioner of Development Services) to implement or integrate any recommendations resulting from studies required as a condition of draft approval.
- 1.9 The Owner shall covenant and agree in the subdivision agreement to provide a financial contribution, on a per unit basis, for Public Art in accordance with the City of Markham's Public Art Policies for private sector developments.

2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the City and the Region of York.
- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.

- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the City (Commissioner of Development Services).
- 2.4 The Owner shall convey 0.3m reserves at the end of Yorkton Boulevard to the City, free of all costs and encumbrances, upon registration of the plan of subdivision.
- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the City, to the satisfaction of the City (Commissioner of Development Services). The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement to the satisfaction of the City.
- 2.6 Prior to the final approval of the Plan, the Owner shall provide temporary turning circles at the end of Yorkton Boulevard and shall grant required easements upon registration of the plan of subdivision. Royal Aberdeen Road shall be extended to meet with the future extension of the curb line along Yorkton Boulevard.
- 2.7 The Owner shall covenant and agree in the subdivision agreement to implement the traffic calming measures identified in the Internal Functional Traffic Study. The Owner shall further covenant and agree to implement additional traffic calming measures, prior to assumption of the plan of subdivision, if it is determined by the City that additional traffic calming measures are required.

3. Noise Impact Study

- 3.1 Prior to final approval of the draft plan, the Owner shall covenant and agree to submit a Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic on Kennedy Road and by any other identified noise sources, to the satisfaction of the City, in consultation with the Region of York. 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.
- 3.2 The Owner shall covenant and agree in a future site plan agreement with the City of Markham and/or Region of York 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 the Region of York. The Owner will be responsible for including all noise warning clauses in the Offers of Purchase and Sale, for affected lots including any Offers of Purchase and Sale entered into prior execution of the subdivision agreement.

4.0 Tree Inventory and Tree Preservation Plans

- 4.1 The Owner shall submit for approval a tree inventory 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.
- 4.2 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.
- 4.3 The Owner shall provide tree protection in accordance with the City of Markham “Streetscape Manual” and the approved Tree Preservation Plan, to the satisfaction of the Director of Planning and Urban Design.
- 4.4 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 and within 6.0m of the property line in accordance with the “Streetscape Manual”.
- 4.5 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 credit 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.

5. Community Design

- 5.1 The Owner shall implement and incorporate all requirements of the approved Yorkton Phase II Community Design Brief (“CDP”) into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.

- 5.2 The Owner shall retain a design consultant to prepare architectural control guidelines to be submitted to the Director of Planning and Urban Design for approval prior to execution of the subdivision agreement.
- 5.3 The Owner shall retain a design consultant to implement the Architectural Control Guidelines.
- 5.4 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.
- 5.5 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.

6. Parks and Open Space

- 6.1 The Owner shall convey Block 2 and 5 to the City for parks purposes free of all costs and encumbrances, upon registration of the plan of subdivision. The size and configuration of these blocks are subject to facility fit analysis to the satisfaction of the Director of Planning and Urban Design prior to the execution of the subdivision agreement. The Block shall be conveyed in a physical condition which is satisfactory to the City. The City reserves the right to require, as an alternative, payment of cash-in-lieu for any part of the said conveyance of lands for parks purposes and that the draft plan be revised accordingly.
- 6.2 The Owner shall prepare and submit a Conceptual Park Development Master Plan for Block 2 and 5 indicating all proposed improvements to the lands, to the satisfaction of the Director of Planning and Urban Design. All plans to be submitted for approval shall be prepared by qualified persons acceptable to the Director of Planning and Urban Design.
- 6.3 Prior to the registration, the Owner shall convey to the City, free of all costs and encumbrances, all the required blocks for stormwater management purposes and for reserve purposes. The Owner acknowledges and understands that these conveyances shall not comprise part of the required dedication for park purposes. These blocks shall be conveyed in a physical condition which is satisfactory to the City.
- 6.4 The Owner shall covenant and agree to rough grade, topsoil, seed, and maintain (free of stock piles and debris) all park blocks and vacant lands within the subdivision to the satisfaction of the City. The park blocks shall be maintained until such time as the parks have been constructed and assumed by the City for maintenance. Other vacant blocks, if any, shall be maintained until such time as

the ownership of the blocks has been transferred. No stockpiling of materials, including topsoil and fill, shall occur on any lands to be conveyed to the City.

- 6.5 The Owner shall provide the following in parks to the satisfaction of the Director of Planning and Urban Design:

Accommodation minimum 300mm topsoil depths in parks

Access to sufficient topsoil to cover parks at the depths specified in the subdivision agreement

Water service and meter chamber inclusive of chamber drain to storm or sanitary drain and apparatus

Storm servicing (CB/manhole) in the low end of each watershed within the park

Sanitary servicing (dependent on park size)

Electrical servicing

Minimum compaction levels

Hydro-seed sub grade of parks

Undeveloped park maintenance

- 6.6 The Owner shall submit grading, servicing and survey plans by a qualified person for Block 2 and 5 to the satisfaction of the Director of Planning and Urban Design.

- 6.7 The Owner shall provide a current geotechnical report by a qualified person for Block 2 and 5 to the satisfaction of the Director of Planning and Urban Design.

- 6.8 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans for the park in all sales offices for dwelling units within the draft plan of subdivision.

- 6.9 The Owner acknowledges that should these works not be completed and maintained to the satisfaction of the Commissioner of Development Services, the City will do the work as required and draw on the letters of credit for all costs so incurred plus 10% for contract administration.

7.0 Landscape Works

- 7.1 The Owner shall submit landscape plans based on the approved ADG and CDP into all landscape works, to the satisfaction of the Director of Planning and Urban Design:

a) Minimum 1 street tree per lot, planted in accordance with the “Streetscape Manual”;

b) Required soil quality and volume in accordance with the “Streetscape Manual”;

- c) 1.8m high wood screen corner lot fencing with masonry pillars;
 - d) 1.5m high black decorative wrought iron fence on the property line where residential lots abut open space;
 - e) Buffer planting for open space blocks and single loaded road;
 - f) Noise attenuation fencing as determined by an approved noise study;
 - g) Fencing between low density residential and higher density residential, commercial and industrial sites;
 - h) Fencing and landscape elements between residential and hydro-corridor;
 - i) Pathways, buffer planting, and decorative wrought iron fencing of the stormwater management facility; and
 - j) Any other landscaping as determined by the CDP and the Environmental Master Drainage Plan.
- 7.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 7.3 The Owner shall provide a minimum 200mm depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.
- 7.4 The Owner shall provide a soil report for approval in accordance with the “Streetscape Manual”, to the satisfaction of the Director of Planning and Urban Design, prior to the installation of any soil within the boulevard and on public lands.
- 7.5 The Owner shall arrange with the Director of Planning and Urban Design inspections of all areas of landscape works prior to the installation of any planting soil and plant materials in accordance with the approved plans.
- 7.6 The Owner shall notify the Director of Planning and Urban Design 72 hours prior to any landscape works commencing.
- 7.7 The Owner shall guaranteed the prescribed works for two (2) years from City receipt of the Landscape Architect’s accepted certificate of substantial completion.
- 7.8 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 4.1.

- 7.9 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)
- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF PARK, WALKWAY, STORMWATER MANAGEMENT POND BLOCKS, AND OTHER AREAS AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND OTHER LANDSCAPE WORKS AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY

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

8 Financial

- 8.1 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.

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 acknowledge and agree in the subdivision agreement that building permits will not be issued until the Stormwater Management Pond on external land Parts 24 and 25 on 65R-34112 west of the future Yorkton Boulevard extension is constructed and in functional condition and the external storm sewer outlets leading to and from the Pond have been constructed. Easements/Lands as required for the Pond and sewers shall be conveyed to the City prior to registration.
- 9.3 The Owner shall convey Parts 24 and 25 on 65R-34112 to the City, for storm water management purposes, free of all costs and encumbrances, to the satisfaction of the City and the TRCA, upon registration of the plan of subdivision.
- 9.4 Prior to final approval of the draft plan, the Owner shall submit a detailed design plan for Parts 24 and 25 on 65R-34112 prepared by a qualified consultant, if and as required by the City.
- 9.5 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.
- 9.6 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.
- 9.7 The Owner covenant and agree to provide a comprehensive Stormwater Management Plan and Master Environmental and Servicing Plan (MESP) for the future development to the north of the Plan, which may affect the location of the proposed interim pond for the subject development.

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. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 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), 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 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, 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 covenant and agree to contribute and pay his cost share for the sanitary sewer upgrade for the lands to the north and future urban area to service the subject development.

11. Transportation Impact Study / Internal Functional Traffic Design Study

- 11.1 Prior to final approval of the draft plan, the Owner shall prepare, in consultation with the Owners of other lands within the Kylemore Yorkton Community, a Transportation Impact Study / Internal Functional Traffic Design Study to the satisfaction of the City and the Region of York. The Owner shall incorporate the requirements and criteria of the Transportation Impact Study into the draft approved plan and subdivision agreement.
- 11.2 The Owner agrees to implement the Transportation Demand Management Plan (TDM) recommendations and provisions to be outlined in a revised Transportation Impact Study and approved by the City of Markham.
- 11.3 The Owner agrees to provide an updated Transportation Demand Management (TDM) Letter of Credit table outlining the total cost of the TDM measures to the satisfaction of the Director of Engineering.
- 11.4 The Owner agrees to provide a site specific TDM Plan for each multi-unit residential block at the site plan stage. The site specific TDM plan shall conform to the overall TDM Strategy and provide detailed site information, including the short and long-term bicycle parking to the satisfaction of the Director of Engineering.

- 11.5 The Owner shall agree that prior to final approval of the draft plan, a functional design for the intersection of Kennedy Road / Street 'A' be submitted in accordance with a phasing plan to the satisfaction of the City's Director of Engineering. The Owner shall agree that the draft plan will be amended and will convey the lands to accommodate the geometric requirements for Street 'A' to the satisfaction of the City's Director of Engineering.

12. Easements

- 12.1 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 watermain, storm and sanitary sewers to outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the City.

13. Dewatering

- 13.1 The Owner shall agree in the subdivision agreement to prepare a ground water constraint assessment that will examine existing and proposed ground water levels in relation to the proposed development, underground construction and servicing and stormwater management infrastructure, to the satisfaction of the Director of Engineering. Interactions between untreated (or insufficiently treated) surface and groundwater, shallow ground water, and dewatering requirements must be identified, with refinements and/or revisions made as necessary to the stormwater management system to mitigate against any potential impacts, to the satisfaction of the City. No permanent dewatering of groundwater or interflow associated with any component of this development shall be permitted, unless it can be demonstrated to the satisfaction of the City, that any potential impacts to groundwater resources can be adequately mitigated.

The need for liners associated with the stormwater management system shall be assessed, and suitable liners shall be provided where necessary.

14. Utilities

- 14.1 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.
- 14.2 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.

- 14.3 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 and be in accordance with the Community Design Plan.
- 14.4 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.
- 14.5 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.
- 14.6 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.
- 14.7 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.

15. Phase 1 Environmental Site Assessment (ESA)

- 15.1 Prior to release for registration of the draft plan, the Owner shall:
- i) Submit environmental site assessment reports prepared by a Qualified Person in accordance with the Record of Site Condition Regulation (O.Reg. 153/04) describing the current conditions of the land to be conveyed to the City and any proposed remedial action plan, for peer review and concurrence;
 - ii) At the completion of any necessary site remediation process, submit certification from the Qualified Person that the necessary clean up has

been carried out and that the land to be conveyed to the City meets the Site Condition Standards of the intended land use;

- iii) File a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the City; and
- iv) Pay all costs associated with the City retaining a third-party reviewer for the peer review service.

15.2 The Owner shall covenant and agree in the subdivision agreement that if during construction of any infrastructure or building within the subdivision contaminated soils are discovered, the Owner shall submit a further remedial action plan to the City for peer review and concurrence prior to carrying out the clean up, to the satisfaction of the Director of Engineering.

16. Well Monitoring Program and Mitigation Plan

Prior to any site alteration activities, the Owner shall check if there are any active wells within 500 metres 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.

17. Heritage

17.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners 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. 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 to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.

17.2 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.

17.3 The Owner covenants and agrees to retain the Heritage Building (Thomas Lownsbrough House), known municipally as 9392 Kennedy Road being Part of Lot 1 on Plan 3555.

17.4 The Owner covenants and agrees to protect and conserve the Heritage Building through the following means:

- a) To keep the Heritage Building occupied for as long as possible prior to commencement of site/construction work to prevent vandalism and deterioration;
- b) To maintain the Heritage Building in good and sound conditions at all times prior to and during the development of the property;
- c) Once the Heritage Building is unoccupied, to undertake the following:
 - secure and protect the buildings from damage through procedures carried out according to the City of Markham Guidelines for Boarding Heritage Structures;
 - erect a "No-trespassing" sign in a visible location on the property indicating that the Heritage Building is to be preserved onsite and should not be vandalized and/or scavenged; and
 - install a 8 ft high fence around the perimeter of the house to protect the dwelling until the completion of construction in the vicinity or the commencement of long-term occupancy of the dwelling as confirmed by City (Heritage Section) staff.

17.5 Prior to final approval of the plan of subdivision or any phase thereof, the Owner is to implement the following measures to protect the Heritage Building:

- a) The Owner is to provide at its expense a legal survey of the Heritage Building to facilitate the registration of the designation and easement agreements on the created/proposed lot(s);
- b) The Owner is to enter into a Heritage Easement Agreement for the Heritage Building with the City;
- c) The Owner is to permit the designation of the property under Part IV of the Ontario Heritage Act ;
- d) The Owner is to provide a Letter of Credit for the Heritage Building to ensure the preservation of the existing building during and after relocation within its lot (total \$125,000). The letter of credit shall be retained for use by the City and shall not be released until the following has been addressed:
 - construction and grading on the subject lands and adjacent lots, and roads have been completed to the satisfaction of the City(Commissioner of Development Services),
 - the building has been connected to municipal services,
 - the exterior restoration of the Heritage Building is complete,
 - the buildings meet the basic standards of occupancy as confirmed by the Building Standards Department, and
 - all other heritage requirements of the Subdivision Agreement have been completed;

- e) The Owner is to enter into a site plan agreement with the City for the Heritage Building, containing details on the site plan such as driveway, grading, connections to municipal services, trees to be preserved and detailed elevations outlining the proposed restoration plan, any additions and alterations, and any proposed garage.
- 17.6 The owner shall covenant and agree in the subdivision agreement to preserve the Heritage Building through the following means:
- a) to provide and implement a traditional restoration plan for the Heritage Building, prepared by a qualified architect with demonstrated experience in heritage restoration projects, that would be reviewed and approved by the City (Heritage Section). The restoration plan is to be included in a site plan agreement for each of the property;
 - b) to complete the exterior restoration of the Heritage Building, connection of all municipal services to the allocated lot (water, gas, hydro, cable, telephone etc.) and ensure basic standards of occupancy as confirmed by Building Standards Department within two years of registration of the plan of subdivision;
 - c) to ensure that the architectural design and elevations of dwellings proposed for adjacent lots is compatible with the restored heritage dwelling;
 - d) to ensure that the final proposed grading on the lots adjacent to Heritage Building is consistent with the existing historic grading of the Heritage Building;
 - e) To ensure that the historic front of the Heritage Building retains a front yard appearance, the type of fencing should be limited to a low residential picket fence rather than privacy fencing;
- 17.7 The Owner shall covenant and agree in the subdivision agreement to prepare and implement a marketing plan, to the satisfaction of the Commissioner of Development Services, which details the ways and means the Heritage Building(s) will be marketed to prospective purchasers;
- 17.8 The Owner shall covenant and agree in the subdivision agreement to provide notice and commemoration of the Heritage Building through the following means:
- a) to provide and install at its cost, an interpretative baked enamel plaque for each Heritage Building(s), in a publicly visible location on the property. The plaque is to be designed according to the specifications of the "Markham Remembered" program, and outline the history of the house. Details of the design and location of the plaque are to be submitted for review and approval of the City (Heritage Section);
 - b) to include the following notice in each Offer of Purchase and Sale for the Heritage Building:

“Purchasers are advised that the existing building on this property is designated pursuant to the Ontario Heritage Act, and is subject to a heritage easement agreement with the City of Markham. Any proposed additions or alterations to the exterior of the existing dwelling shall be subject to review and approval of plans by the City.”

- 17.9 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 17.1 to 17.8, inclusive, have been satisfied.

18. Other City Requirements

- 18.1 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 18.2 Access to rear yards of townhouses shall be provided by means of a three (3) metre break between end units.
- 18.3 Fire hydrant(s) on streets are to be spaced at intervals not exceeding 120 metres or single family dwellings and 90 metres for townhouse developments.
- 18.4 A water supply of at least 5,000 l/m for single family dwellings and 7,000 l/m for townhouse developments shall be available for firefighting purposes.
- 18.5 The size of watermain and the hydrant locations must be approved by this department.
- 18.6 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale advising purchasers of the following:

“OVERNIGHT STREET PARKING WILL NOT BE PERMITTED UNLESS AN OVERNIGHT STREET PARKING PERMIT SYSTEM IS IMPLEMENTED BY THE CITY.”

18. Region of York

- 18.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 18.2 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. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.

- 18.3 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.
- 18.4 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.
- 18.5 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.
- 18.6 Prior to final approval, the Owner shall agree that no direct access will be provided onto Kennedy road and that all site accesses will be provided via Street "A" or Yorkton Boulevard.
- 18.7 Prior to final approval, the Owner shall agree to provide direct shared pedestrian/cycling facilities and connections from the proposed development to Kennedy Road to support active transportation. A drawing shall be provided to clearly show the locations of the connections.
- 18.8 Prior to final approval, the Owner shall agree to meet or exceed the recommendations outlined in the Region's Transit Oriented Development Guidelines.
- 18.9 Prior to final approval, the Owner shall agree to meet or exceed the recommendations outlined in the Region's Transit Oriented Development Guidelines.
- 18.10 Prior to final approval, the Owner shall agree to implement measures to support public transit and active transportation to/from the proposed development as recommended in the *Transportation Impact Assessment Study* Addendum Letter prepared by Poulos & Chung dated May 25, 2015.
- 18.11 Prior to final approval, the Owner shall agree to provide a TDM communication strategy to communicate and notify the Region and the City of Markham to effectively deliver the Information Packages and pre-loaded Presto Cards to the residents. This strategy shall also include a physical location for distribution of the Information Packages and pre-loaded Presto Cards.
- 18.12 Prior to final approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required Regional road improvements for this subdivision. The report/plan,

submitted to the Community Planning and Development Services Division for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.

- 18.13 Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Community Planning and Development Services Division that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by Community Planning and Development Services Division.
- 18.14 Prior to final approval, the Owner shall submit detailed engineering drawings, to the Community Planning and Development Services Division for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by Community Planning and Development Services Division. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, plan and profile drawings for the proposed intersections, construction access and mud mat design, utility and underground servicing location plans, pavement markings, electrical drawings for intersection signalization and illumination design, traffic control/construction staging plans and landscape plans.
- 18.15 Prior to final approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information shall be submitted to the Community Planning and Development Services Division, Attention: Mrs. Eva Pulnicki, P.Eng.
- 18.16 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Community Planning and Development Services Division and illustrated on the Engineering Drawings.
- 18.17 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, 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.
- 18.18 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that elevations along the streetline shall be 0.3 metres above the centreline elevations of the York Region roadway, unless otherwise specified by the Community Planning and Development Services Division.
- 18.19 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-Ways 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 articulated 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.

- 18.20 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 Community Planning and Development Services Division recommending noise attenuation features.
- 18.21 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Community Planning and Development Services Division, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Community Planning and Development Services Division.
- 18.22 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Community Planning and Development Services Division, 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.
- 18.23 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".

18.24 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 Community Planning and Development Services Division, 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 Community Planning and Development Services Division and shall be maintained by the area municipality with the exception of the usual grass maintenance.

18.25 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 Kennedy Road of sufficient width to provide a minimum of 21.5 metres from the centreline of construction of Kennedy Road; and
- b) A 15.0 metre by 15.0 metre daylight triangle at the intersection of Kennedy Road and Street 'A'; and
- c) An additional 2 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a southbound right turn lane at the intersections of Kennedy Road and Street 'A'; and
- d) A 0.3 metre reserve across the full frontage of the site, except at the approved access location, where it abuts Kennedy Road adjacent to the above noted widening.

18.26 Prior to final approval, in order to determine the property dedications (if any) required to achieve the ultimate Right-Of-Way width of Kennedy Road 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 Kennedy Road.

- 18.27 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.
- 18.28 The Region requires the Owner to submit to it, in 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.
- 18.29 The Owner shall also provide the Region's Community Planning and Development Services Division 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.

- 18.30 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Community Planning and Development Services Division, 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.
- 18.31 The Owner shall agree prior to the development approval of any development blocks in this plan of subdivision, that direct vehicle access from any development lots or blocks to Kennedy Road will not be permitted. Access must be obtained through the internal road network.
- 18.32 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division that Street 'A' shall be designed to intersect Kennedy Road at right angle, or on a common tangent.
- 18.33 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that the throat width of Street 'A' shall be designed to accommodate two 3.5 metre outbound lanes, a 2.0 metre centre median and one 5.0 metre inbound lane for a distance of 60.0 metres from the widened limit of Kennedy Road; no intersection or non-residential access shall be permitted on Street 'A' within 60.0 metres of the widened limit of Kennedy Road.
- 18.34 Prior to final approval, the intersection of Street 'A' and Kennedy Road shall be designed to the satisfaction of the Community Planning and Development Services Division with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by the Community Planning and Development Services Division.
- 18.35 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, 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.
- 18.36 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Community Planning and Development Services Division 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.

- 18.37 Prior to final approval, the Owner shall provide a copy of the Subdivision Agreement to the Community Planning and Development Services Division, outlining all requirements of the Community Planning and Development Services Division.
- 18.38 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.
- 18.39 The Regional Community Planning and Development Services Division shall advise that Conditions 18.1 to 18.39 inclusive, have been satisfied.

19 External Clearances

- 19.1 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 Conditions 2.1 to 2.3, and 18.1 to 18.39 inclusive, have been satisfied.
 - (b) The Toronto and Region Conservation Authority shall advise that their requirements, have been satisfied financial or otherwise.

Dated:

Ron Blake, M.C.I.P., R.P.P.
Acting-Senior Development Manager
Planning and Urban Design

Appendix 'B'

OFFICIAL PLAN

of the

CITY OF MARKHAM PLANNING AREA

AMENDMENT NO. XXXX

To amend the Official Plan (Revised 1987), as amended, to incorporate an amendment to the policies for the Angus Glen Planning District (Planning District No. 31)

KYLEMORE YORKTON PHASE 2

(West side of Kennedy Road, north of 16th. Avenue, extension of Yorkton Boulevard, Part of Lots 16 & 17 Concession 5, City of Markham)

XXX date of approval

OFFICIAL PLAN
of the
MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended, to incorporate an amendment to the policies for the Angus Glen Planning District (Planning District No. 31).

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. XXX-XX in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on XXXdate.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



By-law XXXX-XXX

Being a By-law to adopt Amendment No. XXX
To the City of 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 City of 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 on XXX X, XXXX.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

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SCHEDULE ‘B’ (Amendment to Schedule “B”)	
SCHEDULE ‘C’ (Amendment to Schedule “C”)	
SCHEDULE ‘D’ (Amendment to Schedule “D”)	

PART I – INTRODUCTION

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

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, including Figure No. 31.4 attached thereto, constitutes Official Plan Amendment No. XXX. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to Part of East Half of Lot 16 and Part of Lot 17, Concession 5, including lands municipally known as 9350, 9356, 9366, 9380 and 9392 Kennedy Road. The 4.5 ha (11 ac) property is located on the west side of Kennedy Road, north of 16th Avenue. The subject lands are located immediately north of the Kylemore Yorkton Phase 1 development.

3.0 PURPOSE

The purpose of this Amendment is to redesignate the subject lands on Schedule ‘A’ Land Use from “Open Space” and “Agriculture A1” to “Urban Residential”, to add the ‘Urban Service Area’ designation to the subject lands on Schedule ‘D’ Urban Service Area, and to remove the “Future Urban Area” overlay from the subject lands on all of Schedules ‘A’, ‘B’, ‘C’ and ‘D’ in order to facilitate the development of the subject lands for residential uses as a continuation of the existing development to the south.

It is also proposed to apply the appropriate set of policies from those that were applied to the Kylemore Yorkton Phase 1 development in the Angus Glen Planning District Secondary Plan (PD No. 31) to the subject lands, to ensure the appropriate transportation, servicing, urban design and land use policies also apply to the subject Phase 2 lands.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

This Official Plan Amendment (“OPA”) is intended to implement land use designations to permit the proposed development of the subject lands and to ensure that the development is dealt with in a comprehensive manner and to the satisfaction of the City of Markham.

The subject lands were included within the Angus Glen Planning District Secondary Plan (PD No. 31), being OPA No. 19, by the approval of the Kylemore Homes OPA No. 155 in June 2006 for the Kylemore Yorkton Phase 1 lands. Although Kylemore Homes’ OPA

No. 155 did not re-designate the subject Phase 2 lands to 'Urban Residential', it did however include the subject lands within the boundary of the Angus Glen Secondary Plan (PD No. 31). As a result, amendments are now required to the Angus Glen Planning District Secondary Plan (PD No. 31) to re-designate the subject Phase 2 lands to 'Urban Residential' and to apply the relevant policies to the subject Phase 2 lands to provide for the development of these lands in a similar manner and with similar policies to those applied to Phase 1.

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 The Title of Section 4.3.31.2 b) is hereby amended by the addition of: “and Part of East Half of Lot 16 and Part of Lot 17, Concession 5 (Official Plan Amendment No. XXX)”.
- 1.3 Section 4.3.31.2 b) is hereby amended by deleting the last sentence in the first paragraph which states: “Figure 31.2 identifies the components of the subject lands to be developed for:” and replacing it with: “Figures 31.2 and 31.4 identify the components of the subject lands to be developed for”.
- 1.4 Section 4.3.31.2 b) i) is hereby amended by the addition of : “and on Figure 31.4” after the words ‘The land identified on Figure 31.2’ and also after the words ‘Low Density – Townhouse Dwellings on Figure 31.2’ in the first bullet point; and, by the addition of a second bullet point as follows:

“Lands identified as Low Density – Townhouse Dwellings on Figure “31.4” may be developed for townhouse dwellings up to a maximum of 4 storeys in height and a maximum Net Site Density of 45 units per hectare (18.1 units per acre).”
- 1.5 Section 4.3.31.2 b) iii) Urban Design, which will be renumbered to iv), is hereby amended by the addition of: “and on Figure 31.4” after the words: “the Urban Residential lands identified on Figure 31.2” in the second sentence of the first bullet point.
- 1.6 Section 4.3.31.2 b) iv) Transportation and Traffic, which will be renumbered to v), is hereby amended by the addition of: “and on Figure 31.4” after the words: “A north-south minor collector road is identified on Figure 31.2” in the first bullet point, and also after the words “within the area shown on Figure 31.2” in the second bullet point.
- 1.7 Section 4.3.31.2 b) x) Minor Adjustments without Amendment, which will be renumbered to xi), is hereby amended by the addition of: “and on Figure 31.4” after the words: “Figure 31.2” in the first sentence.
- 1.8 Figure “31.4” is hereby added to Section 4.3.31.2 to be placed in proximity to policy 4.3.31.2 b).

- 1.9 Schedule 'A' – LAND USE is hereby amended by redesignating the subject lands from AGRICULTURE 1 and OPEN SPACE to URBAN RESIDENTIAL and removing the Future Urban Area overlay on the subject lands, all as shown on Schedule 'A' attached hereto.
- 1.10 Schedule 'B' – PLANNING DISTRICTS is hereby amended by deleting the Future Urban Area overlay from the subject lands, as shown on Schedule "B" attached hereto.
- 1.11 Schedule 'C' – TRANSPORTATION is hereby amended by deleting the subject lands from the Future Urban Area, as shown on Schedule "C" attached hereto.
- 1.12 Schedule 'D' – URBAN SERVICE AREA is hereby amended by deleting the subject lands from the FUTURE URBAN SERVICE AREA and including the subject lands in the URBAN SERVICE AREA, as shown on Schedule "D" attached hereto.

2.0 IMPLEMENTATION AND INTERPRETATION

- 2.1 The provisions of the Official Plan (Revised 1987), 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.
- 2.2 This Amendment shall be implemented by an amendment to the Zoning By-law and site plan approval/s in conformity with the provisions of this Amendment. Further, the subject lands will be incorporated into a future Secondary Plan for the Future Urban Area within this Planning District.

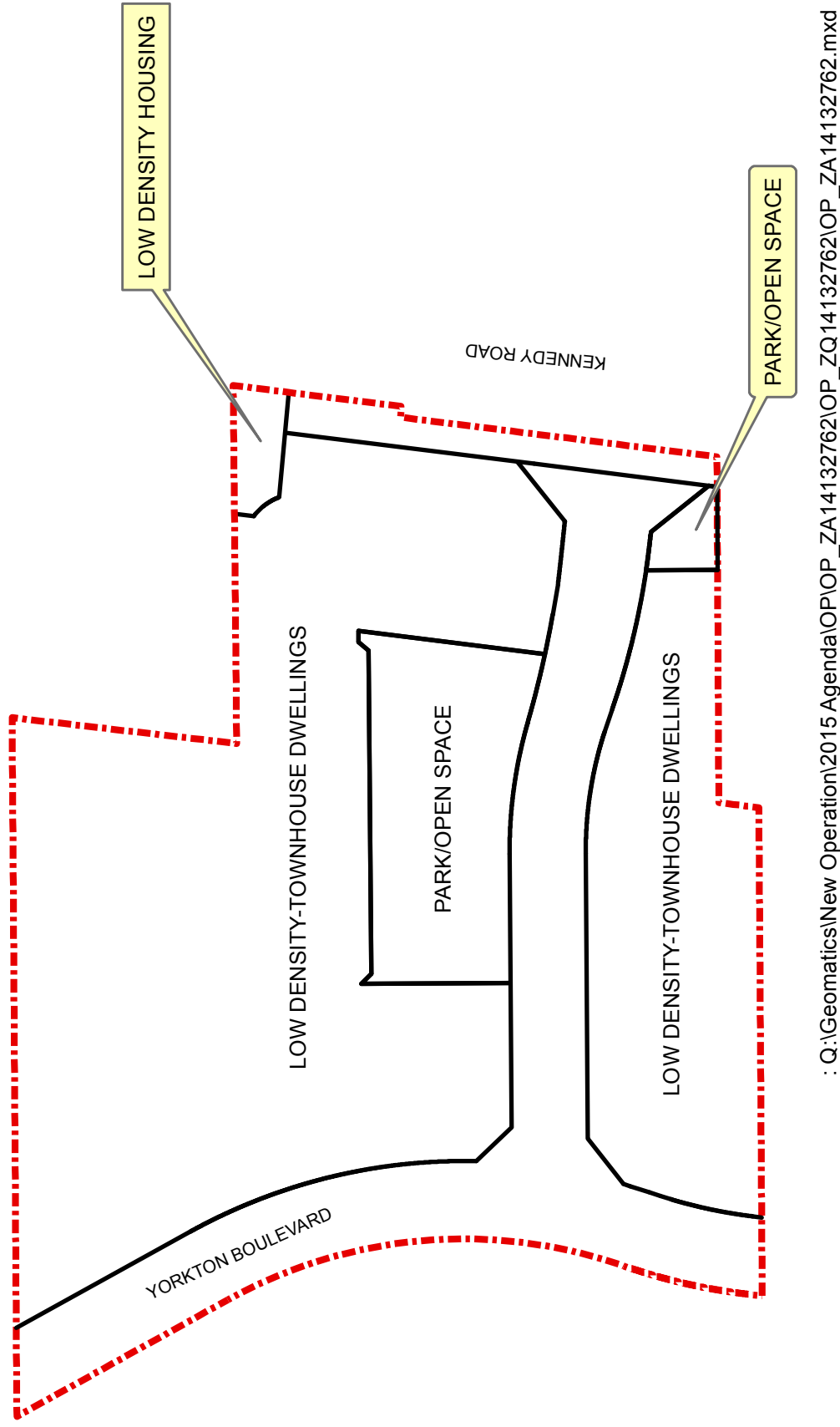
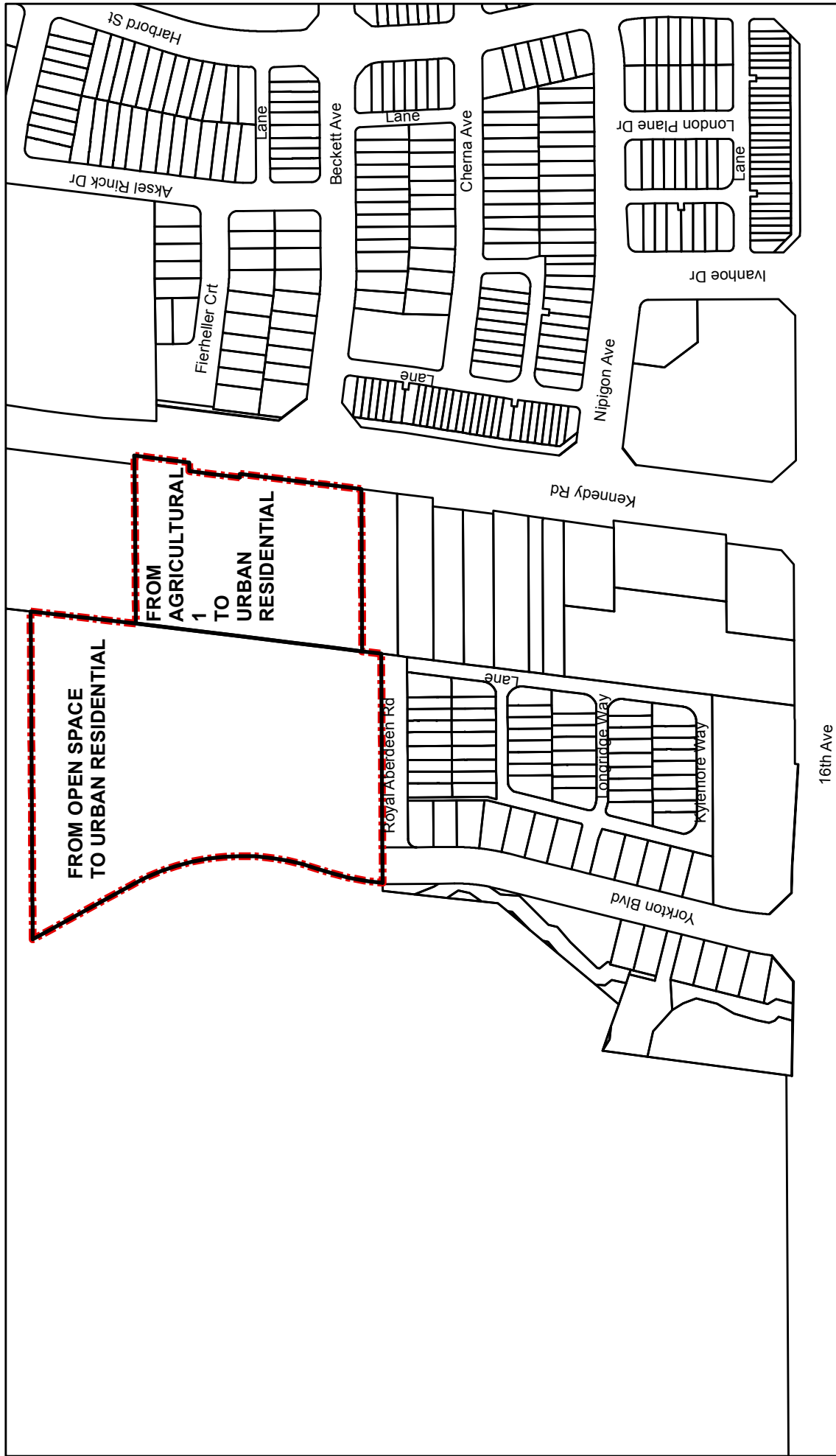


FIGURE No.31.4
AREA AND SITE SPECIFIC POLICIES
CITY OF MARKHAM OFFICIAL PLAN (Revised 1987), AS AMENDED

Boundary of area subject to the policies in section 4.3.31.3 b)
 Land use designation URBAN RESIDENTIAL





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AMENDMENT TO SCHEDULE 'A' - LAND USE CITY OF MARKHAM OFFICIAL PLAN (REVISED 1987), as amended

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT

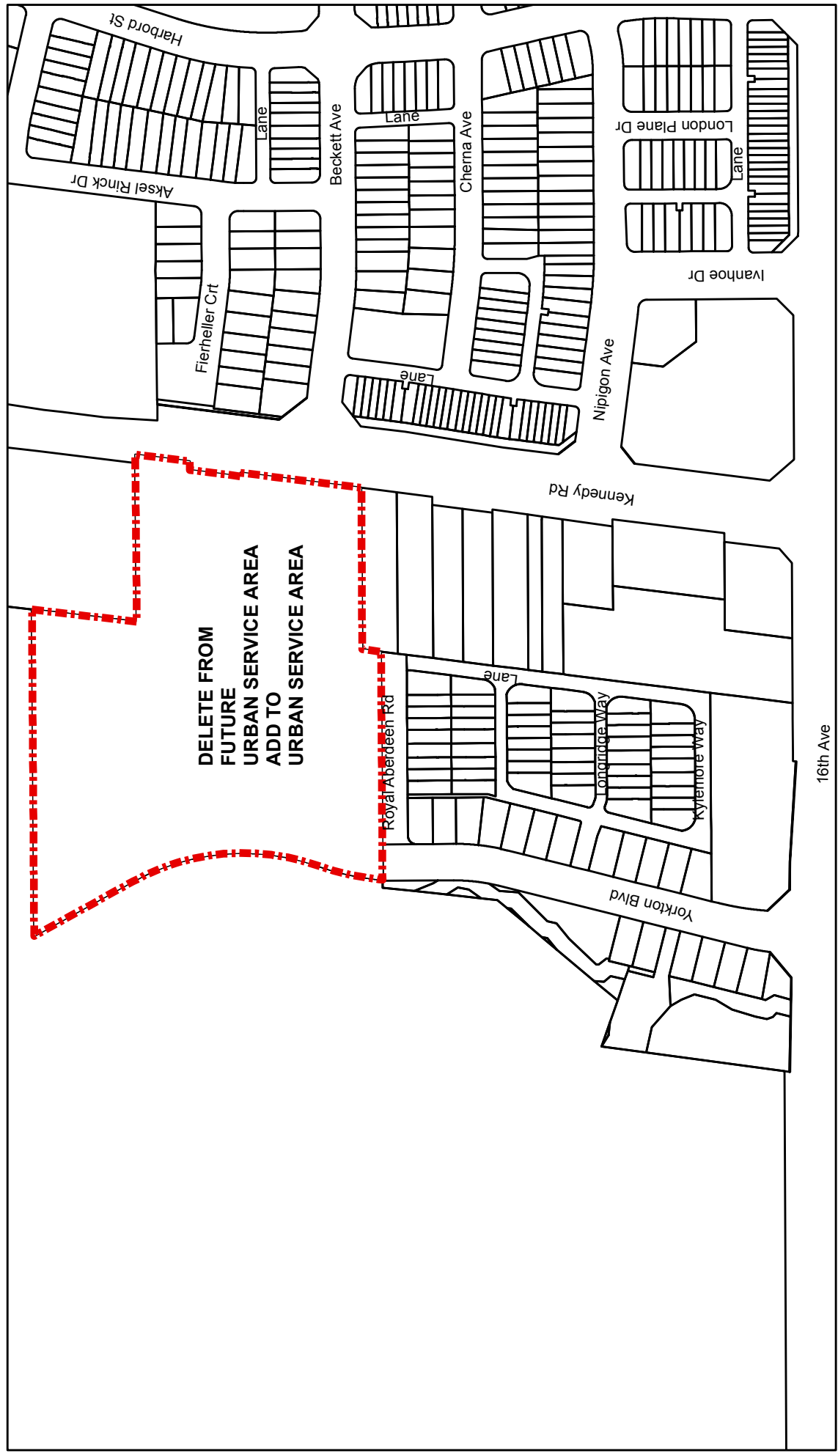


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AMENDMENT TO SCHEDULE 'C' - TRANSPORTATION CITY OF MARKHAM OFFICIAL PLAN (REVISED 1987), as amended

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT



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AMENDMENT TO SCHEDULE 'D' - URBAN SERVICE AREA CITY OF MARKHAM OFFICIAL PLAN (REVISED 1987), as amended

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT

Appendix 'C'

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended

*(Kylemore Communities (Yorkton) Limited
9350 to 9392 Kennedy Road)*

June, 2015

CITY OF MARKHAM
OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended

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 24th day of June , 2015.

Mayor

City Clerk

THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NO. _____

Being a by-law to adopt Amendment No. XXX to the City of Markham Official Plan 2014, 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 City of Markham Official Plan 2014, 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, after the “City of Markham Official Plan, Part 1” is in effect.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 24th DAY OF JUNE, 2015.

CITY CLERK

MAYOR

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PART I - INTRODUCTION

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

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, including Schedule “A”, attached thereto, constitutes Amendment No. XXX to the City of Markham Official Plan 2014, as amended. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

The Amendment applies to Part of Lots 16 and 17, Concession 5, Part of Lot 1, Registered Plan 3555, and Lots 6 and 7, Registered Plan 4113, municipally known as 9350, 9356, 9366, 9380 and 9392 Kennedy Road and North Side of Royal Aberdeen Road. The 4.48 ha. (11.07 ac.) site is located on the west side of Kennedy Road, north of Royal Aberdeen Road.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to amend Section 9.1.4 of the Official Plan. Policies have been included that permit townhouse dwelling units on public and private roads on the subject lands.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The subject lands are proposed to be redeveloped for a townhouse development that includes a public park that fronts onto a public road and the retention of the single detached Heritage dwelling (The Thomas Lownsbrough House) at 9392 Kennedy Road.

The site is designated ‘Private Open Space’ and ‘Mixed Use Mid Rise’ in the City of Markham Official Plan 2014, which provides private golf courses, apartment buildings, townhouses, street related retail and service uses and small scale office uses. In addition, this Official Plan Amendment also sets out a site-specific policies; namely, provisions for townhouses fronting on a private road; the specific requirements of the proposed redevelopment of this site.

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 9.1.1 of the City of Markham Official Plan 2014, as amended, is hereby amended by replacing the existing Figure 9.1.2.4 with a new Figure 9.1.2.4 to incorporate the subject lands into the Angus Glen/York Downs district.
- 1.2 Section 9.1.4 of the City of Markham Official Plan 2014, as amended, is hereby amended by adding a new subsection as follows:

“9.1.4.1 9350, 9356, 9360, 9380 and 9392 Kennedy Road and North side of Royal Aberdeen Road

The following provisions shall apply to the ‘Residential Low Rise’ lands at 9350, 9356, 9360, 9380 and 9392 Kennedy Road as shown in the hatched area on Figure 9.1.4:

- a) ‘Townhouses without direct frontage on a public street may be permitted.
- b) ‘Townhouses up to a maximum height of 4 storeys may be permitted.’”

- 1.3 Section 9.1.4 of the City of Markham Official Plan 2014, as amended, is hereby amended:
- a) To add a new subsection 9.1.4.2 and new symbol to Figure 9.1.4 to reference a park site on the subject lands as follows:

“9.1.4.2 Public School, Place of Worship and Park Sites

Public school, place of worship and park sites for the York Downs Area as generally identified in Figure 9.1.4 and on Map 14 – Public School, Place of Worship and Park Sites shall be secured through the *development approval* process, including the establishment, where appropriate, of area specific parkland agreements.”

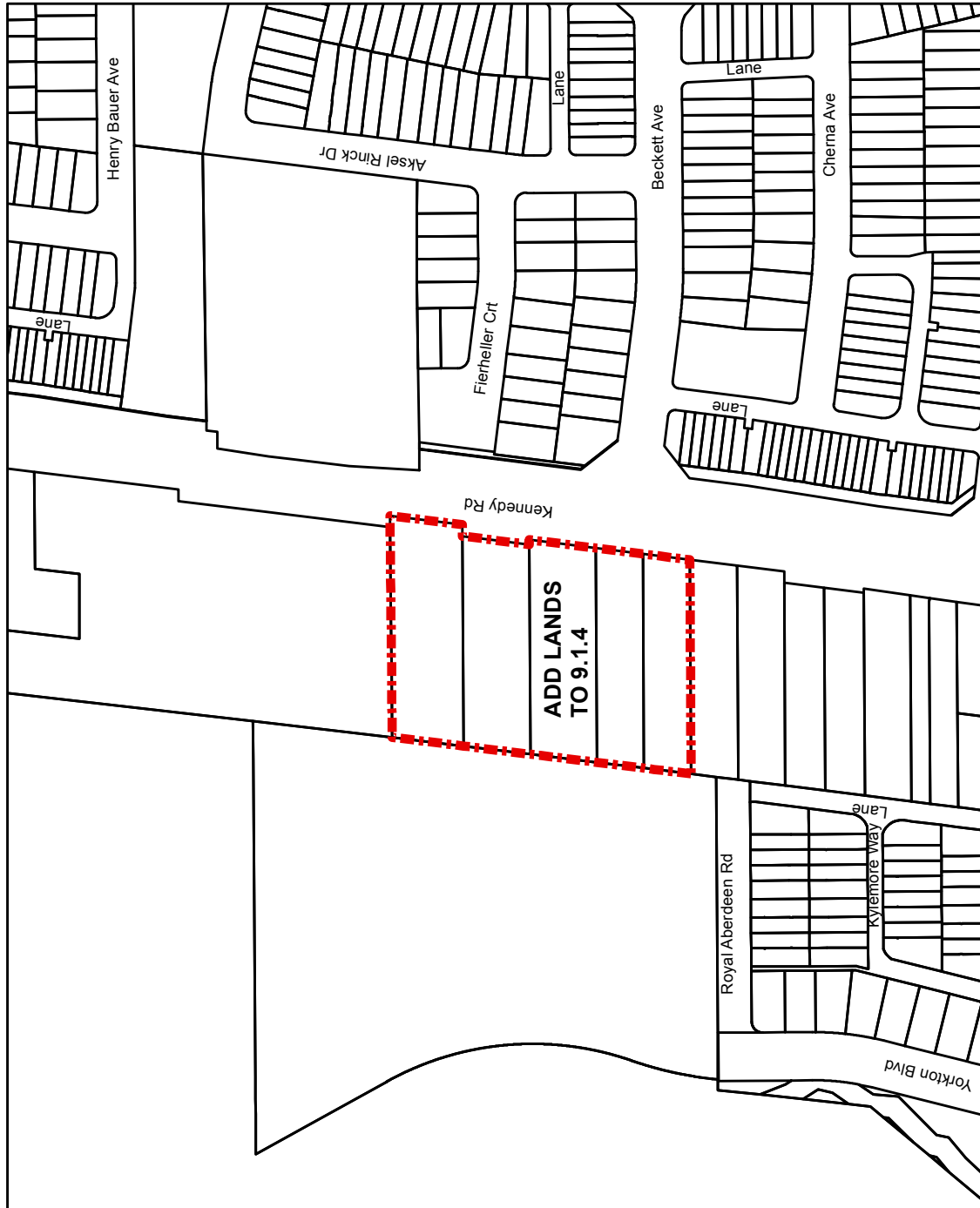
- b) To amend Section 9.1.4 to replace Figure 9.1.4 with a new Figure 9.1.4 which references Section 9.1.4.2 is applicable to the subject lands.

- 1.3 Map 3 – Land Use of the Official Plan 2014, as amended, is hereby amended by re-designating the subject lands at 9350, 9356, 9360, 9380 and 9392 Kennedy Road and North side of Royal Aberdeen Road from ‘Private Open Space’ and ‘Mixed Use Mid Rise’ to ‘Residential Low Rise’, as shown on Schedule “A” attached hereto.
- 1.4 Map 14 – Public School, Place of Worship and Park Sites of the Official Plan 2014, as amended, is hereby amended by adding a park site within the subject lands, as shown on Schedule “B” attached hereto.

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the City of Markham Official Plan 2014, 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 and Site Plan approval and other Planning Act approvals, in conformity with the provisions of this Amendment.



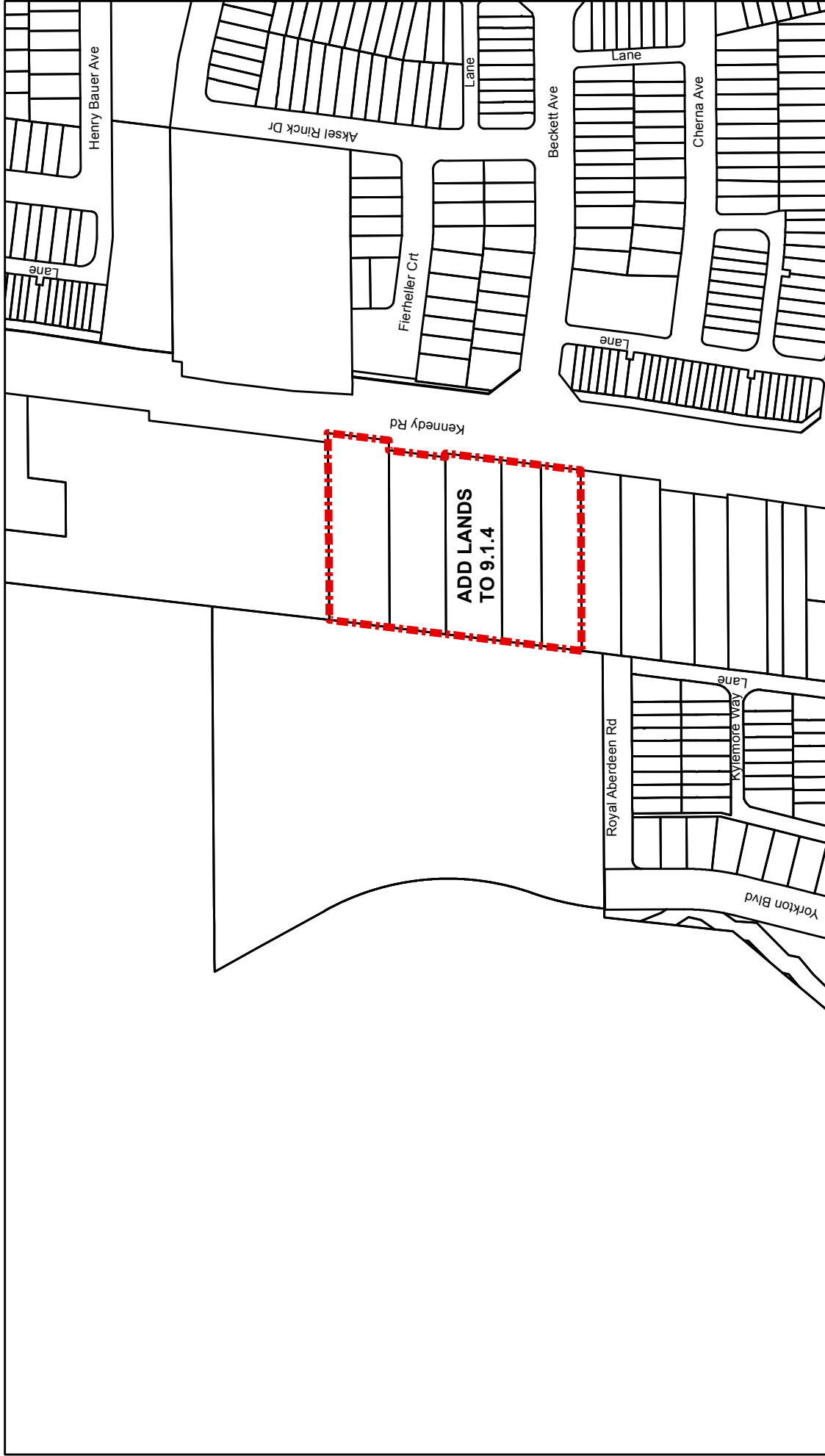
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AMENDMENT TO FIGURE 9.1.2.4

CITY OF MARKHAM OFFICIAL PLAN 2014, as amended



BOUNDARY OF AREA COVERED BY THIS AMENDMENT



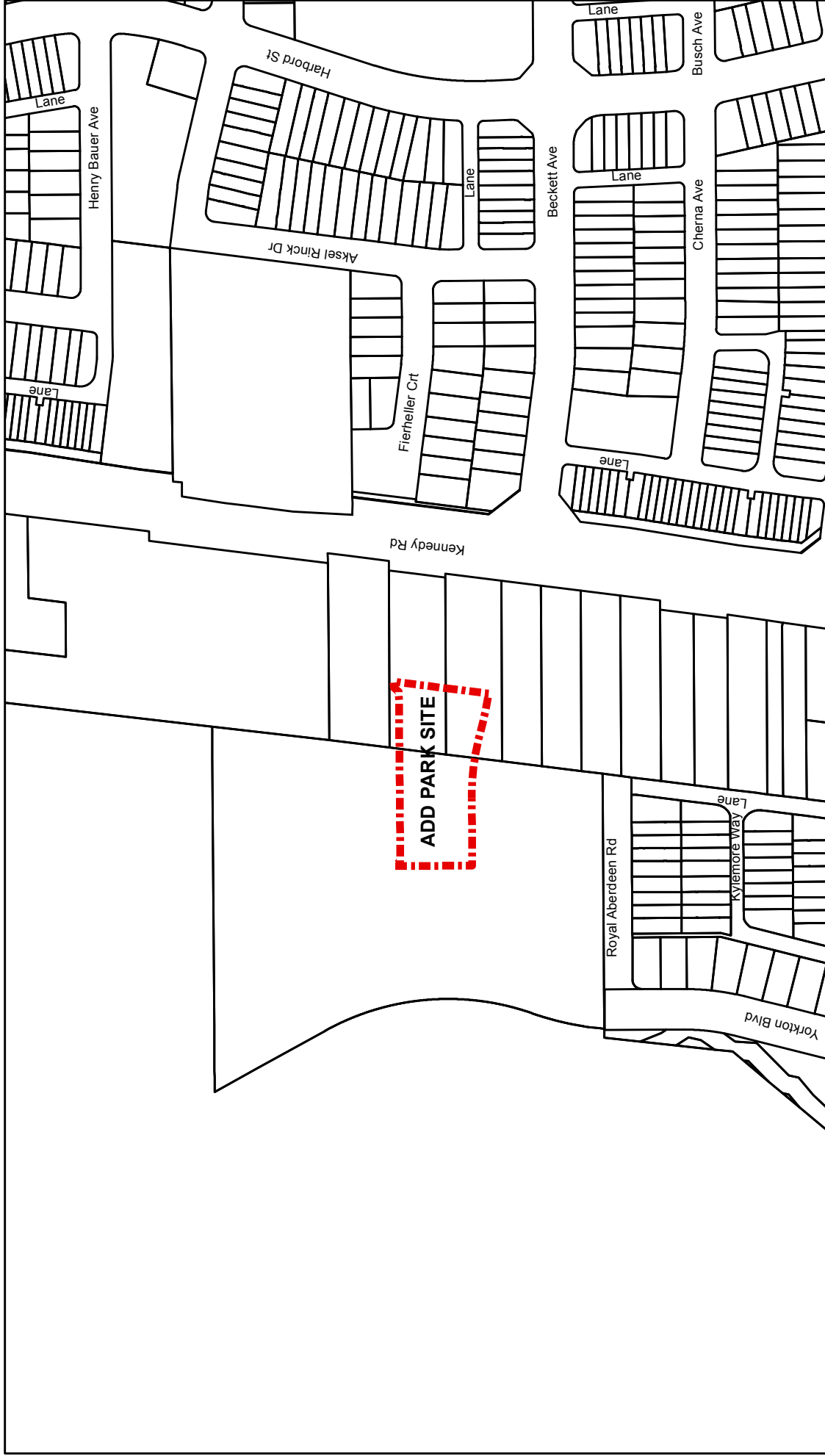
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AMENDMENT TO FIGURE 9.1.4

CITY OF MARKHAM OFFICIAL PLAN 2014, as amended



BOUNDARY OF AREA COVERED BY THIS AMENDMENT



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AMENDMENT TO MAP '14' - PUBLIC SCHOOL, PLACE OF WORSHIP AND PARK SITES CITY OF MARKHAM OFFICIAL PLAN 2014, as amended

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT



BY-LAW 2015-_____

A By-law to amend By-laws 304-87, as amended
(to delete lands from the designated area of By-law 304-87)
and to amend By-law 177-96, as amended
(to incorporate lands into the designated area of By-law 177-96)

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

1. That By-law 304-87, as amended, is hereby further amended by deleting the lands shown on Schedule 'A' attached hereto from the designated area of By-law 304-87, as amended.
2. By-law 177-96, as amended, is hereby further amended as follows:
 - 2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands as shown on Schedule 'A' attached hereto.
 - 2.2 By rezoning the lands:
 - (i) from Rural Residential One Zone (RR1) under By-law 304-87 to Residential One R1-F15*537 under By-law 177-96;
 - (ii) from Commercial Recreational Zone (CR) and Rural Residential One Zone (RR1) under By-law 304-87 to Residential Two R2*538 and R2*539 under By-law 177-96;
 - (iii) from Rural Residential One Zone (RR1) under By-law 304-87 to Open Space One (OS1) under By-law 177-96; and
 - (iv) from Commercial Recreational Zone (CR) and Rural Residential One Zone (RR1) under By-law 304-87 to Open Space One (OS1) under By-law 177-96,

as shown on Schedule 'A' attached hereto.

- 2.3 By adding the following subsection to Section 7 – EXCEPTIONS:

**“7.537 Kylemore Communities (Yorkton) Limited
 Plan 19TM-14009**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *537 as shown on 'Schedule A' to this By-law subject to any holding provisions applying to the subject lands. All other provisions of By-law 177-96, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.537.1 Specific Zone Standards

The following specific Zone Standards apply:

- a) Minimum required *front yard* – 0.7 metres.

**7.538 Kylemore Communities (Yorkton) Limited
 Plan 19TM-14009**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *538 as shown on 'Schedule A' to this By-law subject to any holding provisions applying to the subject lands. All other provisions of By-law 177-96, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.538.1 Special Zone Standards

The following additional provisions apply:

- a) For the purpose of this By-law, all lands zoned R2*538 shall be deemed to be one lot;
- b) The Kennedy Road *streetline* is deemed to be the *front lot line*;
- c) Maximum number of dwelling units – 89;
- d) Minimum width of a *townhouse dwelling unit*:
 - (i) interior unit – 4.57 metres;
 - (ii) end unit – 5.75 metres;
- e) Minimum setback to the *streetline* of a *public street*:
 - (i) Kennedy Road – 6.0 metres;
 - (ii) All other *public streets* – 3.0 metres;
- f) Minimum required setback:
 - (i) Northern side yard setback – 7.5 metres;
 - (ii) Eastern side yard setback – 1.2 metres;
 - (iii) Setback from an OS1 zone – 1.2 metres;
- g) Maximum garage door width – 5.5 metres;
- h) Maximum *driveway* width – 5.5 metres;
- i) The maximum garage width provisions shall not apply;
- j) The main wall of a *dwelling unit* shall be setback a minimum of 4.7 metres from the *centre-line* of a *private street*;
- k) The *main wall* of a an attached *private garage* that contains an opening for motor vehicle access shall be setback a minimum of 9.3 metres from the *centreline* of a *private street*;
- l) The *main wall* of a an attached *private garage* that contains an opening for motor vehicle access shall be setback a minimum of 9.3 metres from the *centreline* of a *private street*;
- m) Maximum *height* of the finished floor from the *established grade* along the front door or *porch* of a *dwelling unit* – 1.2 metres
- n) *Accessory buildings* are not permitted.

7.539 Kylemore Communities (Yorkton) Limited Plan 19TM-14009

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *539 as shown on 'Schedule A' to this By-law subject to any holding provisions applying to the subject lands. All other provisions of By-law 177-96, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.539.1 Special Zone Standards

The following additional provisions apply:

- a) For the purpose of this By-law, all lands zoned R2*538 shall be deemed to be one lot;
- b) The Kennedy Road *streetline* is deemed to be the *front lot line*;
- c) Maximum number of dwelling units – 43;
- d) Maximum *building height* of a *townhouse dwelling unit* within 25 metres of the *streetline* of Kennedy Road – 17 metres; except that within 22 metres of lands zoned R1-F15*537 the maximum *building height* of a *townhouse dwelling unit* shall be 12 metres

- e) Maximum *building height* of a *townhouse dwelling unit* within 22 metres of lands zoned R1-F15*537 – 12 metres
- f) Minimum width of a *townhouse dwelling unit*:
 - (i) interior unit – 4.57 metres;
 - (ii) end unit – 5.75 metres;
- g) Minimum setback to the *streetline* of a *public street*:
 - (i) Kennedy Road – 6.0 metres;
 - (ii) All other *public streets* – 3.0 metres;
- h) Minimum required setback:
 - (i) Southern side yard setback – 1.2 metres;
 - (ii) Eastern side yard setback – 1.2 metres;
 - (iii) Setback from an OS1 zone – 1.2 metres;
 - (iv) To a daylight triangle – 0.60 metres;
- i) Maximum garage door width – 5.5 metres;
- j) Maximum *driveway* width – 5.5 metres;
- k) The maximum garage width provisions shall not apply;
- l) The main wall of a *dwelling unit* shall be setback a minimum of 4.7 metres from the *centre-line* of a *private street*;
- m) The *main wall* of a an attached *private garage* that contains an opening for motor vehicle access shall be setback a minimum of 9.3 metres from the *centreline* of a *private street*;
- n) Maximum *height* of the finished floor from the *established grade* along the front door or *porch* of a *dwelling unit* – 1.2 metres
- o) *Accessory buildings* are not permitted.”

Read a first, second and third time and passed on June __, 2015

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR



EXPLANATORY NOTE

BY-LAW 2015-_____

A By-law to amend By-laws 304-87 and 177-96 as amended

Kylemore Communities (Yorkton) Limited

9350 to 9392 Kennedy Road

Plan 19TM-14009

Lands Affected

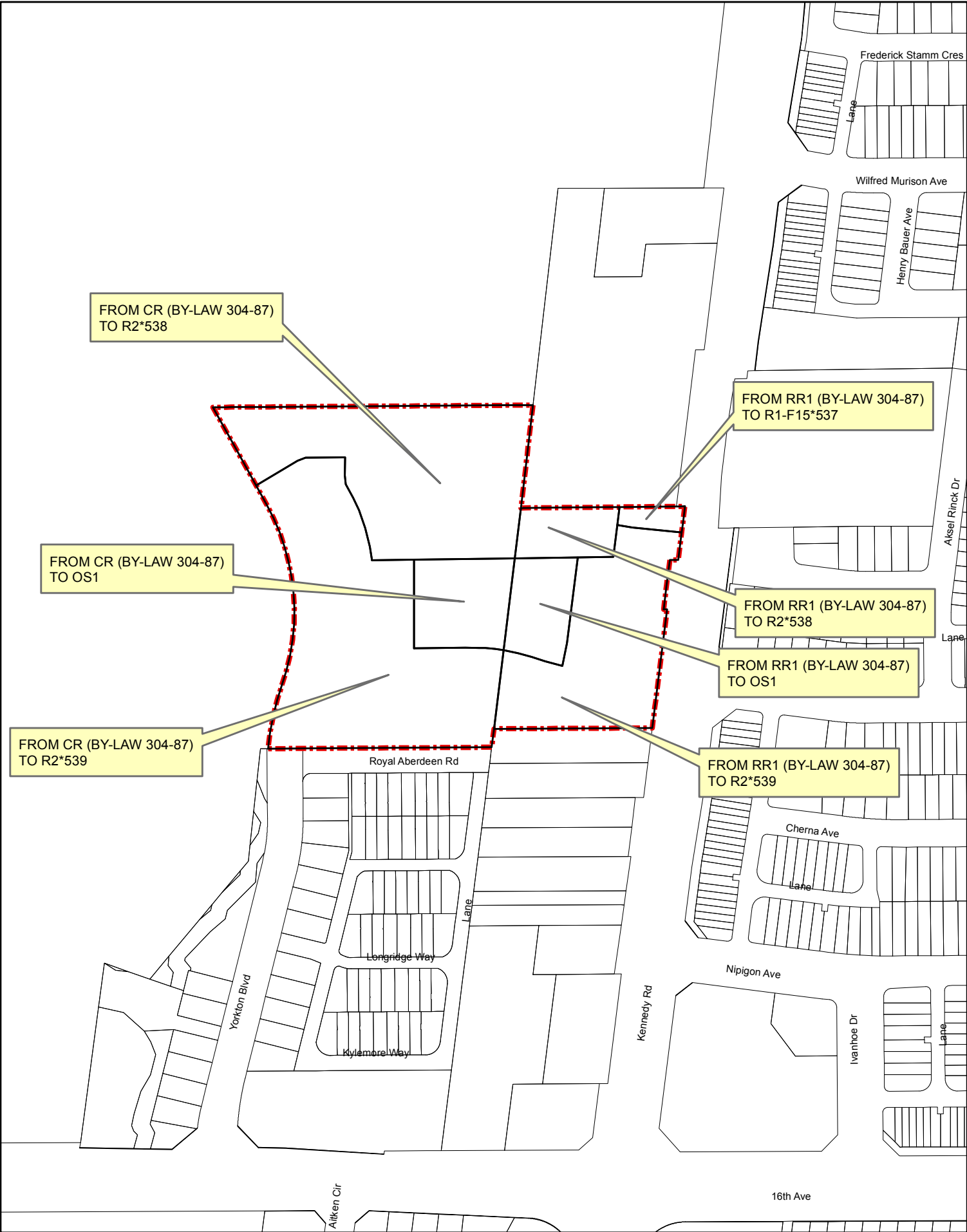
The proposed by-law amendment applies to 4.48 hectares (11.07 acres) of land on the west side of Kennedy Road north of 16th Avenue in the Angus Glen Planning District (PD No. 31).

Existing Zoning

The property is zoned Commercial Recreational Zone (CR) and Residential Zone (RR1) under By-law 304-87, as amended.

Purpose and Effect

The purpose and effect of this By-law is to amend By-law 304-87, as amended, by deleting the subject property from the designated area of By-law 304-87, as amended, to amend By-law 177-96, as amended, to include the subject property in the designated area of By-law 177-96, as amended, and to zone the lands to permit a townhouse development, a Public Park and the retention of a single detached Heritage dwelling.



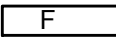

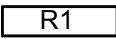
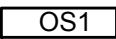


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SCHEDULE "A" TO BY-LAW AMENDING BY-LAWS 304-87 AND 177-96 DATED

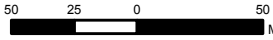


-  BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE TO BE DELETED FROM 304-87 AND ADDED TO 177-96
-  BOUNDARY OF ZONE DESIGNATION(S)

	COMMERCIAL RECREATION		RESIDENTIAL TWO		FRONTAGE
	RURAL RESIDENTIAL ONE		RESIDENTIAL ONE		OPEN SPACE



DEVELOPMENT SERVICES COMMISSION



Drawn By:DD

Checked By:RC

DATE:06/04/15

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office