

**SUBJECT:** **RECOMMENDATION REPORT**  
2391004 Ontario Ltd. (Bellport Homes)  
Official Plan Amendment, Zoning By-law Amendment and  
Draft Plan of Subdivision to permit the development of 3  
single detached and 38 townhouse dwellings at 6845 - 6853,  
6869 and 6889 14<sup>th</sup> Avenue  
**Files: ZA 14 137887, SU 14 137887 & OP 14 137887**

**PREPARED BY:** Stephen Corr, Planner II, East District  
Ext. 2624

**REVIEWED BY:** Sally Campbell, RPP, MCIP Acting East District Manager  
Ext. 2645

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**RECOMMENDATION:**

- 1) That the report titled "RECOMMENDATION REPORT, 2391004 Ontario Ltd. (Bellport Homes), Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision to permit the development of 3 single detached and 38 townhouse dwellings at 6845-6853, 6869 and 6889 14<sup>th</sup> Avenue, Files ZA 14 137887, SU 14 137887 & OP 14 137887", be received;
- 2) That the record of the Public Meetings held on March 24, 2015, regarding the applications for approval of a Draft Plan of Subdivision, Zoning By-law Amendment and Official Plan Amendment, be received;
- 3) That the Official Plan Amendment application submitted by 2391004 Ontario Ltd. (Bellport Homes), to amend the Box Grove Secondary Plan to allow a combined net site density of 41 units per ha (16.6 units per ac) be approved, and that the draft Official Plan Amendment attached as Appendix 'A' be finalized and enacted without further notice;
- 4) That the Official Plan Amendment application submitted by 2391004 Ontario Ltd. (Bellport Homes), to amend the 2014 Official Plan (not yet in force) to allow townhouses that do not front a public street be approved, and that the Official Plan Amendment attached as Appendix 'B' be finalized and enacted without further notice;
- 5) That the Zoning By-law Amendment application submitted by 2391004 Ontario Ltd. (Bellport Homes), to remove the properties from the Rural Residential Zoning categories of By-law 194-82, as amended, and incorporate them into a Residential Two (R2) zone category under By-law 177-96, as amended, be approved and that the draft by-law attached as Appendix 'C' be finalized and enacted without further notice

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- 6) That Draft Plan of Subdivision 19TM-14005 submitted by 2391004 Ontario Ltd. (Bellport Homes), be draft approved subject to the conditions outlined in Appendix 'D';
  - 7) 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 'D' as may be amended by the Director of Planning and Urban Design
  - 8) That the draft plan approval for Plan of Subdivision 19TM-14005 will lapse after a period of three (3) years from the date of Council approval in the event that a subdivision agreement is not executed within that period; and,
  - 9) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

This report discusses and recommends approval of Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications to permit a residential development consisting of three single detached dwellings and 38 townhouse dwellings at 6845 – 6853, 6869 and 6889 14<sup>th</sup> Avenue. The three subject properties have a combined area of 1.28 ha (3.16 ac), and are located on the south side of 14<sup>th</sup> Avenue, west of the Box Grove By-Pass and east of 9<sup>th</sup> Line in the Box Grove Community (See Figures 1, 2 and 3).

The three single detached dwellings are proposed to front onto Kentwood Crescent and Germain Crescent on the south side of the subject lands. Eight (8) townhouse dwellings are proposed as 'freehold' units which will front onto a new public road, which is an extension of Barter Street that connects to 14<sup>th</sup> Avenue at the north side of the subject lands. The remaining 30 townhouse units are proposed as part of a common element condominium development. The condominium townhouses will be the subject of a future site plan control application. Figure 4 shows a concept site plan of the proposed development and Figure 5 shows the proposed Draft Plan of Subdivision.

The subject lands are predominantly surrounded by residential uses, including existing single detached dwellings to the south and along the north side of 14<sup>th</sup> Avenue and to the south, as well as mixed forms of residential housing to the east (across the Box Grove By-Pass). Surrounding non-residential uses include a commercial plaza to the east, and a mixed use commercial/residential apartment building and a day care facility to the northeast (across 14<sup>th</sup> Avenue).

The subject lands are designated "Urban Residential Low Density I", "Urban Residential Low Density II", and "Community Amenity Area – Village Centre" in the Box Grove Secondary Plan. The proposed net density within "Urban Residential Low Density I and II" designations exceeds the maximum density allowed by 3.8 units and 0.7 units, respectively. Accordingly, the applicant is proposing to amend the Box Grove Secondary Plan to permit a slight increase in the allowed net site density. The applicant is also

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proposing an Official Plan Amendment to the 2014 City of Markham Official Plan (not yet in force) to permit townhouses that do not have direct street frontage.

The Zoning By-law Amendment proposes to remove the majority of the subject lands from Rural Residential zones (RR1 and RRH) under By-law 194-82, to be rezoned into a Residential Two (R2) zone category under By-law 177-96, as amended. This will permit single detached and townhouse dwellings and apply appropriate Exception Zones and development standards. Additionally, part lots that form part of the subject lands (see Figure 4), which are already zoned in accordance with By-law 177-96, as amended, will be rezoned to ensure the zoning categories are consistently applied across the site.

A Community Meeting was held on March 15, 2015 followed by the Statutory Public Meeting on March 24<sup>th</sup>, 2015. At both the Community Meeting and Statutory Public Meeting residents expressed concerns over the development, with regards to:

- the compatibility of proposed townhouses to existing single detached dwellings in the area;
- proposed townhouse lot widths and building heights;
- traffic congestion on 14<sup>th</sup> Avenue and within the existing community to the south; and
- the proposed extension of Barter Street to 14<sup>th</sup> Avenue.

To address comments from residents and members of Committee, the applicants revised the concept site plan (see Figure 4) to incorporate the following:

- Three townhouse dwellings were removed from the proposal;
- Confirmation that the maximum building height would not exceed 2 ½ storeys, in accordance with the Secondary Plan, whereas the previous submission proposed a Secondary Plan amendment to permit 3-storey townhouse dwellings;
- The unit width of each townhouse dwelling was increased from 5.5 metres (18.0 ft) to 6.0 m (19.7 m) for interior units, and to 7.0 m (23.0 ft) and 7.9 m (25.9 ft) for two corner units;
- The condominium townhouse blocks fronting 14<sup>th</sup> Avenue were reconfigured to consist of three blocks of five units rather than two blocks of eights, as previously proposed;
- The width of the Barter Street extension right-of-way has been reduced to 15.5 (50 ft) from 17 m (55.8 ft); and
- Additional information was provided as part of the Traffic Impact Study, with respect to traffic on 14<sup>th</sup> Avenue and within the existing subdivision to the south.

Staff consider the extension of Barter Street from Kentwood and Germain Crescents to 14<sup>th</sup> Avenue to be desirable, as it completes the street network envisioned in the Box Grove Community Design Plan (2005), and will improve vehicular and emergency access, pedestrian connectivity and general circulation in the area. The Fire Department requires this new public road to provide the Fire Department and other emergency service vehicles with an alternative point of access to the existing neighbourhood to the south, to ensure reliable access at all times. The Traffic Impact Study and an update letter to address

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comments from the Statutory Public Meeting have been deemed acceptable by Transportation Engineering Staff.

Staff are of the opinion that the proposed development is compatible with surrounding land uses and recommend the approval of the Official Plan Amendments (attached as Appendix 'A' and 'B'), Zoning By-law Amendment (attached as Appendix 'C') and Plan of Subdivision subject to the conditions (attached as Appendix 'D'). Prior to final approval of the Plan of Subdivision, and as per the draft subdivision conditions in Appendix 'D', the applicant will be required to obtain final clearance from the Box Grove Developers Group trustee and the Region of York, as well as provide cash-in-lieu of parkland dedication and contribute to tree compensation in accordance with City policy.

**PURPOSE:**

This report recommends approval of a draft plan of subdivision, a zoning by-law amendment and an official plan amendment application submitted by 2391004 Ontario Ltd. (Bellport Homes), to permit 3 single detached dwellings and 38 townhouse dwellings on the subject lands.

**BACKGROUND:**

The 1.28 ha (3.16 ac) site ("subject lands") is located on the south side of 14<sup>th</sup> Avenue, between 9<sup>th</sup> Line and Box Grove By-Pass (see Figures 1, 2 and 3). The subject land is comprised of three properties, municipally known as 6845 - 6853, 6869 and 6889 14<sup>th</sup> Avenue. Existing uses on the lands include a legal non-conforming automotive body shop and two single detached dwellings. One of the properties (6889 14<sup>th</sup> Avenue) is vacant. The subject lands incorporate three part lots from adjoining subdivisions to the south and west. Figure 4 identifies the location of these part lots, which will form part of the proposed development.

Surrounding land uses include:

- single detached dwellings and a mixed use residential and commercial building to the north (across 14<sup>th</sup> Avenue);
- a one storey commercial plaza abuts the site to the east;
- a low density residential subdivision consisting of single detached, semi-detached and townhouse dwellings is located to the east (across Box Grove By-Pass);
- a low density residential subdivision consisting of single detached dwellings abuts the site to the south; and
- a parcel of land, abutting the site to the west, has recently been draft approved and rezoned to allow a subdivision of 14 single detached dwellings (6 fronting 14<sup>th</sup> Avenue, and 8 fronting Kentwood Crescent).

**PROPOSAL:**

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The applications were first submitted to the City on March 20, 2014, initially proposing a Zoning By-law Amendment and Draft Plan of Subdivision to permit the development of 3 single detached and 35 townhouse dwellings.

On December 18, 2014 a revision to the applications was submitted, which added six townhouse dwelling units, to propose 3 single detached and 41 townhouse dwellings. This revision required the submission of an Official Plan Amendment application (in addition to the Zoning By-law Amendment and Draft Plan of Subdivision applications previously filed) to increase the permitted net site density and building height in the Secondary Plan for the Box Grove Planning District. The applicant proposed an increase to the net site density which resulted in approximately four (4) additional units in the Residential Low Density I and II designations on the subject lands. The applicant also proposed to increase the townhouse building height to 3-storeys, whereas the Secondary Plan permits a maximum of 2 ½ storeys.

On April 22, 2015 a subsequent revision was submitted that removed 3 townhouse dwellings from the proposal, for a total of 3 single detached dwellings and 38 townhouse dwellings. This revised proposal still requires an Official Plan Amendment to provide for an increase in the permitted net site density in the Box Grove Secondary Plan. However, an amendment to provide for 3-storey townhouse units is no longer needed as the proposed dwelling units will have a maximum height of 2½ storeys which is permitted by the Secondary Plan.

As part of the development, Barter Street is proposed to extend northwards from Kentwood and Germain Crescents to 14<sup>th</sup> Avenue, as contemplated by the approved Box Grove Community Design Plan (2005). This is shown in Figures 4 and 5.

Two of the single detached dwellings are proposed to front onto Kentwood Crescent. The third single detached dwelling is proposed to front onto Germain Crescent. Eight (8) street townhouse lots are proposed to front the west side of the new public street. The remaining 30 townhouses are proposed to be part of a common element condominium development with access via a private road from the new public street. Fifteen (15) of these townhouses (three blocks of five units) will have double frontages, facing onto 14<sup>th</sup> Avenue as well as the north side of the private street. The remaining fifteen (15) townhouses (one block of 7 units and one block of 8 units) will face onto the south side of the private street with traditional rear yards abutting the existing properties to the south. Eight (8) visitor parking spaces are provided, which meets the minimum number required by Parking Standards By-law 28-97. Each unit will have a minimum of two parking spaces (one on a driveway and one within a private garage). Site Plan Control and Draft Plan of Condominium applications will be required for the condominium townhouses, to be submitted at a later date.

The proposed lot frontages of the three (3) single detached dwellings are consistent with the frontage patterns of existing single detached dwellings along Kentwood and Germain Crescents. The street townhouse and block townhouse units each have a lot frontage of 6.0 m (19.7 ft), except for the corner and end units, which will have lot frontages that

range from 7.2 m (23.6 ft) to 12.7 m (41.6 ft) to accommodate interior and flankage yard setbacks.

## OFFICIAL PLAN

### In Force City of Markham Official Plan (revised 1987)

- Designated “Urban Residential Low Density”
- Designation allows for single detached dwellings, street townhouse dwellings and block townhouse dwellings.

### Box Grove Secondary Plan

- Designated “Urban Residential Low Density I”, “Urban Residential Low Density II”, and “Community Amenity Area – Village Centre”
- Designations allow for single detached dwellings, street townhouse dwellings and block townhouse dwellings.

### 2014 City of Markham Official Plan (not yet in force)

- Designated “Residential Low Rise”
- Single detached dwellings and street townhouse dwellings are allowed within this designation.

While both the in force Official Plan and Box Grove Secondary Plan provide for single detached and townhouse dwellings, an Official Plan Amendment is required to permit a small increase in the permitted net site density to facilitate the proposed development. This specifically relates to the “Urban Residential Low Density I and II designations”, which as noted in Table 1 below exceeds the maximum allowed density by 3.8 units and 0.7 units, respectively. Notwithstanding the need to amend the Official Plan to increase the net site density, it should be noted that number of units proposed in the “Community Amenity Area – Village Centre” designation is 7.7 units less than what is allowed within that designation, resulting in approximately 3 units less than what is permitted, as an overall average across the site.

**Table 1**

<b>Secondary Plan Designation</b>	<b>Density Allowed in Secondary Plan</b>	<b>Net Site Area within Designation</b>	<b>Maximum Number of Units Allowed within designation</b>	<b>Proposed Number of Units within designation</b>
Urban Residential Low Density I	37 units per ha (15 units per ac)	0.30 ha (0.77 ac)	11.1 units	14.9 units
Urban Residential Low Density II	37 units per ha (15 units per ac)	0.57 ha (1.38 ac)	21.1 units	21.8 units
Community Amenity Area – Village Centre	80 units per ha (32 units per ac)	0.15 ha (0.37 ac)	12.0 units	4.3 units
		<b>Total</b>	44.2 units	41.0 units

In addition to the above, Block Townhouses are not provided for as of right in the “Residential Low Rise” designation (although in this instance the use is permitted by the

pre-existing Secondary Plan). Given that the Box Grove Secondary Plan will be repealed upon approval of the 2014 Official Plan, the Official Plan amendment, if approved, will provide for the proposed block townhouses in the "Residential Low Rise" designation of the 2014 Official Plan for the subject lands. The intent of this policy is to limit infill development in the interior of established neighbourhoods. In this case, the proposed development has frontage on a regional arterial road, and staff are of the opinion that the proposed Official Plan Amendment is technical in nature, essentially allowing the use permissions of the existing Secondary Plan to be carried forward as a site specific designation in the 2014 Official Plan upon approval. Staff support the proposed Official Plan Amendment (attached as Appendix 'B') to allow block townhouses on the subject lands, as currently permitted in the Box Grove Secondary Plan.

## ZONING

- 6845 - 6853 and 6889 14<sup>th</sup> Avenue are zoned Rural Residential (RR1) under By-law 194-82, as amended
- 6869 14<sup>th</sup> Avenue is zoned Rural Residential (RRH) under By-law 194-82, as amended
- The part lot to the south, adjacent to Kentwood Crescent (Block 242, Plan 65M-3967) is zoned Residential Two Exception \*224 and \*323 (R2\*224\*323) under By-law 177-96, as amended
- The part lot to the south, adjacent to Germain Crescent Block 408, Plan 65M-3853) is zoned Residential Two Exception \*224 and \*232 (R2\*224\*232) under By-law 177-96, as amended
- The part lot to the west, proposed to form part of the subject lands is zoned Residential Two Exception \*521 (R2\*521) under By-law 177-96, as amended.

Figure 2 shows the current zoning designations for the subject lands. The RR1 zone and the RRH zone in Rural Residential By-law 194-82, as amended, both permit single detached dwellings on large lots. Townhouse dwellings are not permitted. Single detached and townhouse dwellings are permitted on the part lots already zoned in accordance with Urban Residential Zoning by-law 177-96, as amended. The Zoning By-law Amendment proposes the following:

- To rezone the portions of the subject lands zoned RR1 and RRH under By-law 194-82, as amended, to a Residential Two (R2) zone category under By-law 177-96, as amended. This will permit single detached and townhouse dwellings and apply appropriate Exception Zones and development standards.
- To rezone the part lots (already zoned in accordance with By-law 177-96, as amended) to ensure the zoning categories are consistently applied across the subject lands.

## Site specific development standards

The minimum lot frontage of a single detached lot in By-law 177-96, as amended, is 9.0 m (29.5 ft). The three single detached dwellings each propose lot frontages that comply with the minimum lot frontage requirement. These lots will be compatible with the existing single detached lots along Kentwood and Germain Crescents. The proposed street and

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block townhouse lots are considered 'wide shallow lots', as the lot depth is less than 30 m (98 ft). Wide shallow townhouse lots are required to have minimum lot frontages as follows:

- Interior Unit Lots - 7.5 m (24.6 ft);
- End Unit Lot 8.7 m - (28.5 ft); and
- End Unit Corner Lot - 9.9 m (32.5 ft).

Each interior unit of both the street and block townhouses will have a lot frontage of 6.0 m (19.7 ft). The end units of both the street and block townhouses will have lot frontages that range between 7.2 m (23.6 ft) and 11.8 m (38.7 ft). The corner units will have lot frontages that range between 9.1 m (30.0 ft) to 12.7 m (41.6 ft). The zoning for the proposed townhouses will ensure that the development standards are similar to newer developments within the existing Box Grove community in terms of setbacks and building height requirements. Site specific exceptions will permit townhouse lot frontages that are less than what is typically required for wide shallow townhouse lots. However, having reviewed the concept site plan submitted with the applications, staff are of the opinion that the reduced lot frontages will yield appropriately sized townhouse lots that provide adequate space for front porches, single car garages, tree plantings, parking and utilities. The proposed block townhouse units will be subject to a future Site Plan Control application which will allow staff a further opportunity to review the detailed design and address the reduced lot frontages through features such as enhanced landscaping, building materials and architectural treatments. A draft Zoning By-law Amendment is attached as Appendix 'C'.

#### **Issues raised at Community Information Meeting and the Statutory Public Meeting**

A Community Information Meeting was held by the area Ward Councillor on March 12, 2015, which was attended by the proponents, staff and a number of residents from the Box Grove Community. The Statutory Public Meeting was held on March 24<sup>th</sup>, 2015, which was also attended by a number of area residents. At both the Community Meeting and Statutory Public Meeting residents expressed concerns over the development, with regards to:

- the compatibility of proposed townhouses to existing single detached dwellings in the area;
- proposed townhouse lot widths and building heights;
- traffic congestion on 14<sup>th</sup> Avenue and within the existing community to the south.
- Residents and members of Committee also expressed concerns with the proposed extension of Barter Street to 14<sup>th</sup> Avenue, and it was suggested that this public road extension could be reconfigured as an emergency vehicle access lane, incorporating knock down bollards to prevent non-emergency vehicles access to and from 14<sup>th</sup> Avenue.

Committee members requested that the applicant consider the comments and concerns raised by residents. The proponents agreed to revisit the proposed development to address some of the comments made and these revisions are set out in the following subsection. Committee members also suggested a subsequent Community Information Meeting be

held by the area Ward Councillor, which at the time this report was prepared, had not been scheduled.

### **OPTIONS/DISCUSSION:**

#### **Revised Proposal Submitted in Response to Statutory Public Meeting Comments**

Based on comments made at the Statutory Public Meeting, the proponents submitted revised applications on April 22, 2015, which incorporate the following changes:

- Three townhouse dwellings were removed (for a total of three single detached dwellings and thirty-eight townhouse dwellings), thereby reducing the total unit count from 41 to 38, as well as the net site density.
- The maximum building height of all buildings will be 2.5 storeys whereas 3 storeys were originally proposed. The revised height is in conformity with the Box Grove Secondary Plan, thereby omitting the need for an Official Plan Amendment with respect to building height.
- The unit width of each townhouse dwelling has been increased from 5.5 metres (18.0 ft) to 6.0 m (19.7 m) for interior units, and to 7.0 m (23.0 ft) and 7.9 m (25.9 ft) for two corner units.
- The condominium townhouse blocks fronting 14<sup>th</sup> Avenue have been reconfigured to consist of three blocks of five units rather than two blocks of eights, as previously proposed.
- The extension of Barter Street is still proposed as a new public road on the subject lands. The width of this public road right-of-way has been reduced to 15.5 (50 ft) from 17 m (55.8 ft). This narrower section of Barter Street, as it connects to 14<sup>th</sup> Avenue, is of sufficient width to accommodate two-way traffic, underground utilities, as well as a continuous sidewalk along the east side of Barter Street to provide pedestrian connectivity to 14<sup>th</sup> Avenue.
- Additional information was provided as part of the Traffic Impact Study, with respect to traffic on 14<sup>th</sup> Avenue and within the existing subdivision to the south. (Further information is provided in the following subsections).

#### **Barter Street Extension**

As discussed above, a new public street is proposed to extend Barter Street northwards from Kentwood and Germain Crescents to 14th Avenue, as contemplated by the approved Box Grove Community Design Plan (2005). Planning staff consider this new public road to be desirable as it will improve automobile access, pedestrian connectivity and general circulation in the area. In addition, the Fire Department requires this new public road to provide the Fire Department and other emergency service vehicles with an alternative point of access to the existing neighbourhood to the south, to ensure reliable access at all times. This additional road access will also improve emergency response times to the community.

At the Statutory public Meeting the option to reconfigure the new public road as an emergency vehicle access lane only was discussed. However, staff have a number of concerns with this option. An emergency access lane with knock down bollards to restrict vehicle access may not be fully maintained during the winter months, resulting in ice and snow buildup around the base of knock down bollards, which could restrict access for

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emergency vehicles during the winter. In addition, not all emergency vehicles are equipped to navigate through knock down bollards without suffering significant damage. Even in good weather, the knock down bollard option would only provide limited access for emergency response vehicles.

### **Transportation Review**

A Transportation Impact Study, prepared by Cole Engineering, was submitted in support of the applications. Comments were initially provided by staff to clarify minor aspects of the study. Based on comments made at the Statutory Public Meeting, staff also requested that the Traffic Impact Study be updated to address potential traffic infiltration resulting from the proposed Barter Street extension; to consider traffic operations in proximity to an existing public school located south of the subject lands on Riverlands Avenue; to provide a traffic analysis regarding the future signalization of the 9<sup>th</sup> Line and 14<sup>th</sup> Avenue intersection; and to document any revisions to onsite parking requirements resulting from updates to the proposed site concept plan.

In response, the proponents submitted a letter dated April 22, 2015, prepared by Cole Engineering advising that the proposed development is not anticipated to negatively impact traffic operations within the vicinity of the site and is not expected to significantly add to the traffic volume on 14th Avenue during the AM and PM peak periods. Furthermore, traffic congestion along 14th Avenue is expected to improve with the future signalization of the 9th Line and 14th Avenue intersection, located west of the subject lands. According to the York Region Transportation Services, Capital Planning and Delivery Department, the 9th Line and 14th Avenue intersection will be improved in 2015 by converting the existing four-way stop to a two-way stop, which will improve east and west bound traffic along 14th Avenue. The proposed development is also not expected to impact traffic circulation within the exiting community to the south, including traffic operations around the existing public school on Riverlands Avenue. The Traffic Impact Study and update letter have been deemed acceptable by Transportation Engineering staff.

### **Compatibility with Existing surrounding Buildings and Land Uses**

The three proposed single detached lots are compatible with existing single detached lots located on Kentwood and Germain Crescents, with respect to lot frontage and lot size. The built form of the proposed townhouse dwellings will be sensitive to the scale and appearance of newer dwellings within the Box Grove Community, by including consistent building setbacks and building heights. The reconfiguration of the townhouse blocks that front 14<sup>th</sup> Avenue into 3 blocks of 5 units, will help to reduce the mass of the buildings to a scale that is compatible with large single detached homes.

Although the surrounding area is predominantly developed with existing single detached dwellings there are mixed and non-residential land uses within the immediate vicinity of the site. These include a multi-unit shopping plaza abutting the subject property to the east; a mixed use building with retail stores at grade and 2<sup>nd</sup> storey apartment dwellings and a daycare facility, both to the northeast (across 14<sup>th</sup> Avenue). Residential land uses are not limited to single detached dwellings, as there are existing low density subdivisions comprised of singles, semi-detached and townhouse dwellings on both the north and south

sides of 14<sup>th</sup> Avenue, located on the east side of Box Grove By-Pass. The proposed townhouse dwellings are not incompatible with the variety of land uses and built forms within the vicinity of the subject lands. Additionally, they provide a transition between existing non-residential land uses located at the Box Grove By-Pass and 14<sup>th</sup> Avenue intersection to existing single detached dwellings along 14<sup>th</sup> Avenue and to the south of the site.

#### **Architectural Control**

The Owner will be required to retain a design consultant to implement the existing approved Architectural Design Guidelines to the satisfaction of the City as a condition of draft plan approval. The design guidelines will ensure that building elevations for the proposed dwellings are designed in a manner that is consistent with the vision set out in the Box Grove Community Design Plan including the scale, height, massing of the built form and appearance of the streetscape.

#### **Municipal Servicing is Available**

Staff has confirmed that there is sufficient servicing allocation available from Council's current allocation reserve to accommodate the proposed development. It should be noted that the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner. Final approval of the Functional Servicing Report, to the satisfaction of the Director of Engineering, will be a condition of Draft Subdivision approval (Appendix 'D').

City staff and the proponents had discussion with regards to the sanitary sewer extension along 14<sup>th</sup> Avenue to provide services to six properties located on the north side of 14<sup>th</sup> Avenue. The proponent is planning to schedule a meeting with the Ward Councillor and the six property owners to discuss contribution details and cost sharing matters. The potential to extend sanitary services along 14<sup>th</sup> Avenue is a condition of Draft Subdivision approval (Appendix 'D').

#### **Region of York Approval**

The Region of York has requested conveyance of a road widening and a 0.3 m reserve across the entire frontage of the site and daylight triangles at the proposed intersection of 14<sup>th</sup> Avenue and the new public street (i.e. Barter Street). The Proposed Draft Plan of Subdivision (Figure 6) provides for these land conveyances requested by the Region. The Region of York has no objection to approval of the applications, and has advised that approval of the Official Plan Amendment application is delegated to the City of Markham. The Region's Draft Conditions of Subdivision Approval are included in Appendix 'D'.

#### **Developers Group Obligations**

The applicant will be required to participate in the Box Grove Cost Sharing Agreement. This will ensure that the applicant bears an equitable share of any costs associated with existing infrastructure and/or community use lands in the area provided by the Box Grove Developers Group.

**Parkland Dedication and Tree Preservation**

The applicant will be required to contribute a cash in lieu of parkland dedication in accordance with the Box Grove Secondary Plan as a condition of draft subdivision approval (Appendix 'D').

In addition to replacement tree planting at a minimum ratio of 1 street tree per dwelling unit; the applicant will be required to contribute tree replacement compensation in accordance with the Trees for Tomorrow Streetscape manual as a condition of draft subdivision approval (Appendix 'D').

**CONCLUSION**

In summary, the submitted Draft Plan of Subdivision, Zoning By-law Amendment and Official Plan Amendment applications propose to facilitate a development consisting of 3 single detached dwellings, 38 townhouse dwellings and an extension of Barter Street to connect to 14<sup>th</sup> Avenue.

Staff consider the proposed single detached and townhouse dwellings to be compatible with existing residential and non-residential land uses within the vicinity of the subject lands. The proposed new public road (i.e. extension of Barter Street) completes the community road network, as envisioned in the Box Grove Community Design Plan (2005). Staff are of the opinion that this proposed road extension is desirable and will improve vehicular circulation and pedestrian connectivity, provide efficient access to the subject lands and improve emergency vehicle access to the proposed development and the existing community. Staff recommend approval of the Draft Official Plan Amendment (attached as Appendix 'A' and 'B'), the Draft Zoning By-law Amendment (attached as Appendix 'C'), and the Plan of Subdivision, subject to the Draft Conditions of Subdivision Approval (attached as Appendix 'D').

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

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

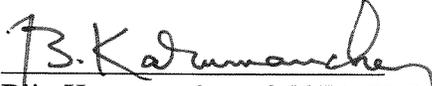
The proposed applications will align with the City's strategic priorities of Growth Management and Municipal Services by implementing the proposed development in coordination with available servicing allocation.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

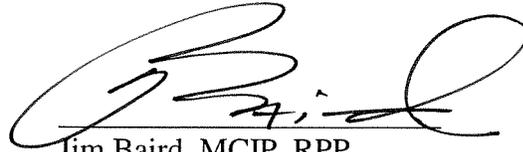
These applications have been circulated to various departments and external agencies. The requirements of the City and external agencies are reflected in this recommendation report and the associated draft conditions of approval in Appendix 'D' attached hereto.

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**RECOMMENDED BY:**



Biju Karumanchery, MCIP, RPP  
(Acting) Director of Planning & Urban Design



Jim Baird, MCIP, RPP  
Commissioner of Development Services

**ATTACHMENTS:**

Figure 1 – Site Location

Figure 2 – Area Context

Figure 3 – 2012 Aerial Photo

Figure 4 – Concept Site Plan

Figure 5 – Proposed Plan of Subdivision

Appendix A – Draft Box Grove Secondary Plan Amendment

Appendix B – Draft 2014 Official Plan (not yet in force) Amendment

Appendix C – Draft Zoning By-law Amendment

Appendix D – Draft Conditions of Subdivision Approval

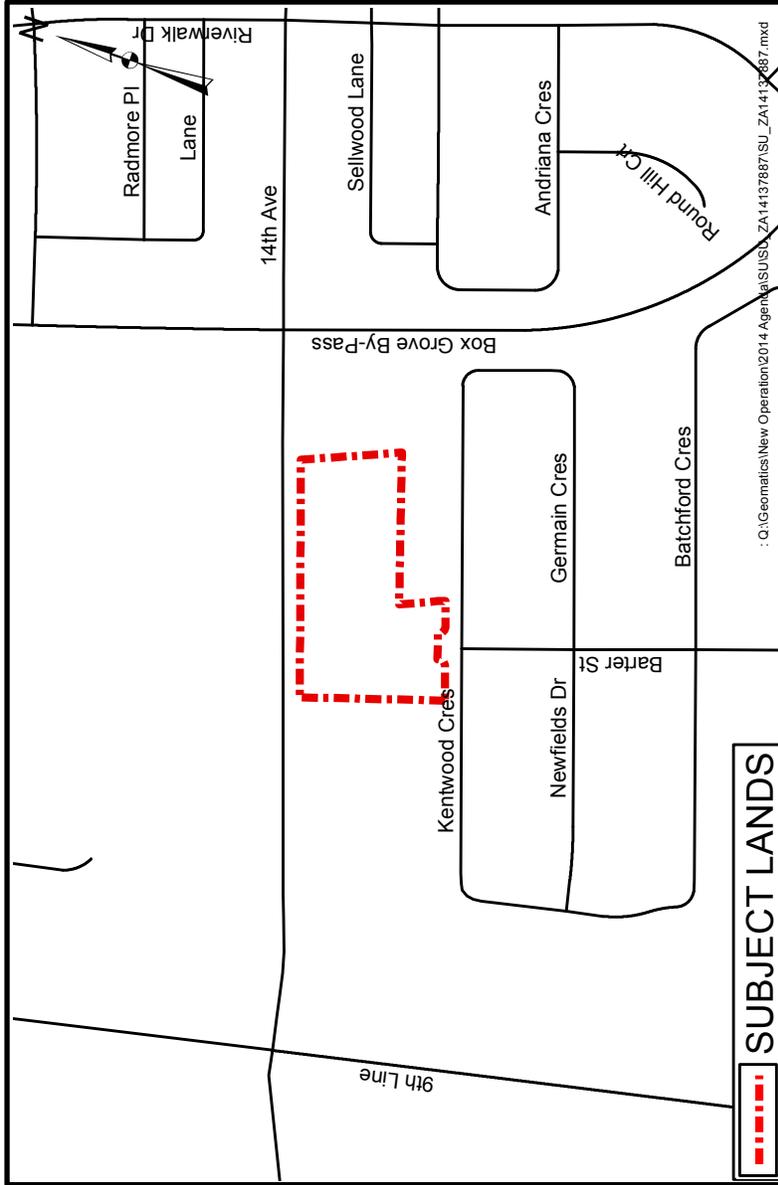
**APPLICANT:            Owner: 2391004 Ontario Ltd. (Bellport Homes).**

Attn: Dominic Poretta  
115 Woodstream Blvd  
Woodbridge, Ontario  
L4L 8K5  
Tel: 905-851-7893 ext. 109  
Email: dominic@bellporthomes.ca

**AGENT:                 Larkin + Associates Planning Consultants Inc.**

Attn: Matt Bagnall  
849 Gorham Street  
Newmarket, ON  
L3Y 1L7  
Tel: 905-895-0554      Fax: 905-895-1817  
Email: [mbagnall@larkinassociates.com](mailto:mbagnall@larkinassociates.com)

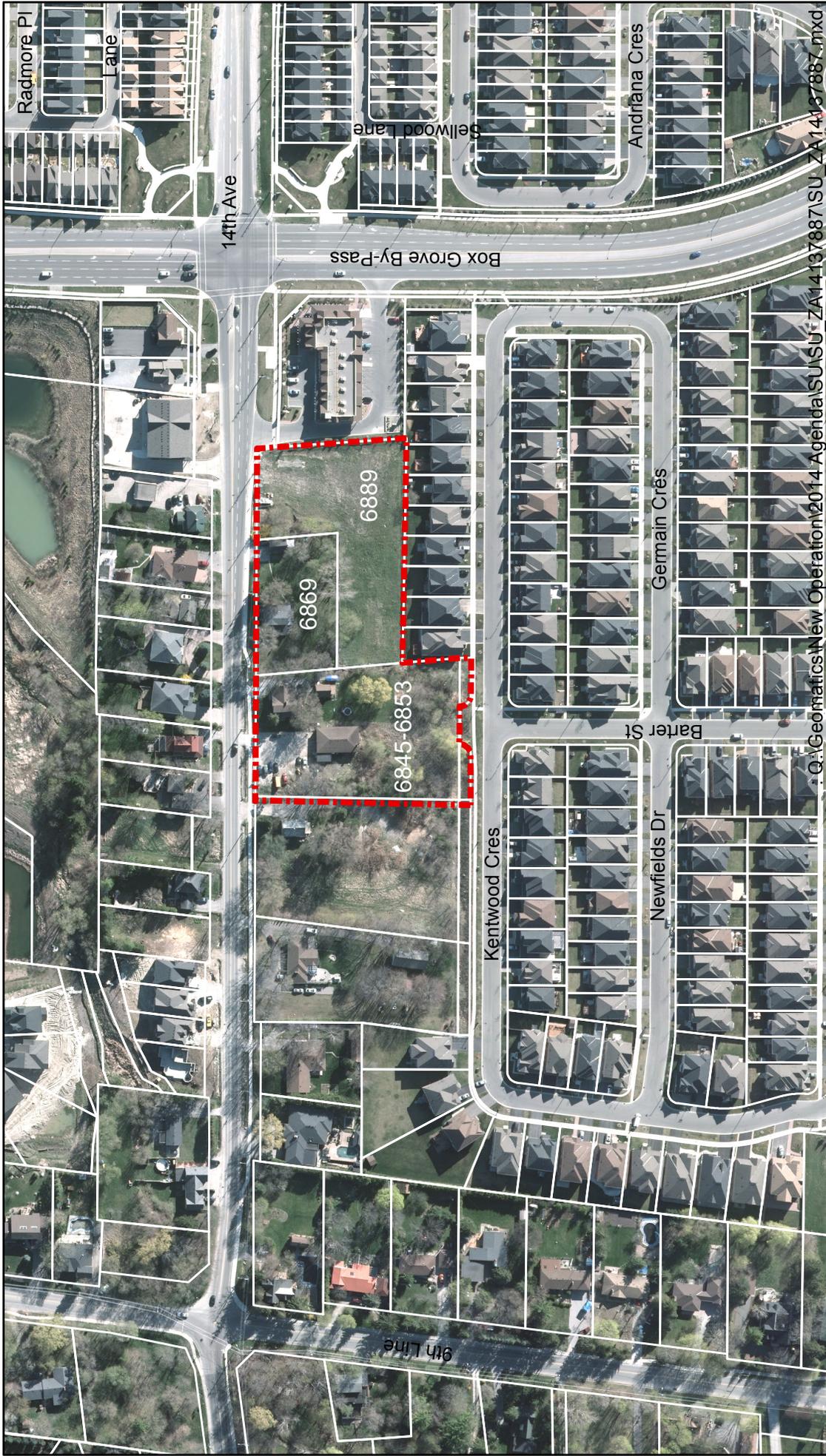
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**SUBJECT LANDS**





# AIR PHOTO 2012

APPLICANT: 2391004 ONTARIO LTD  
 6845 TO 6889 14th AVENUE

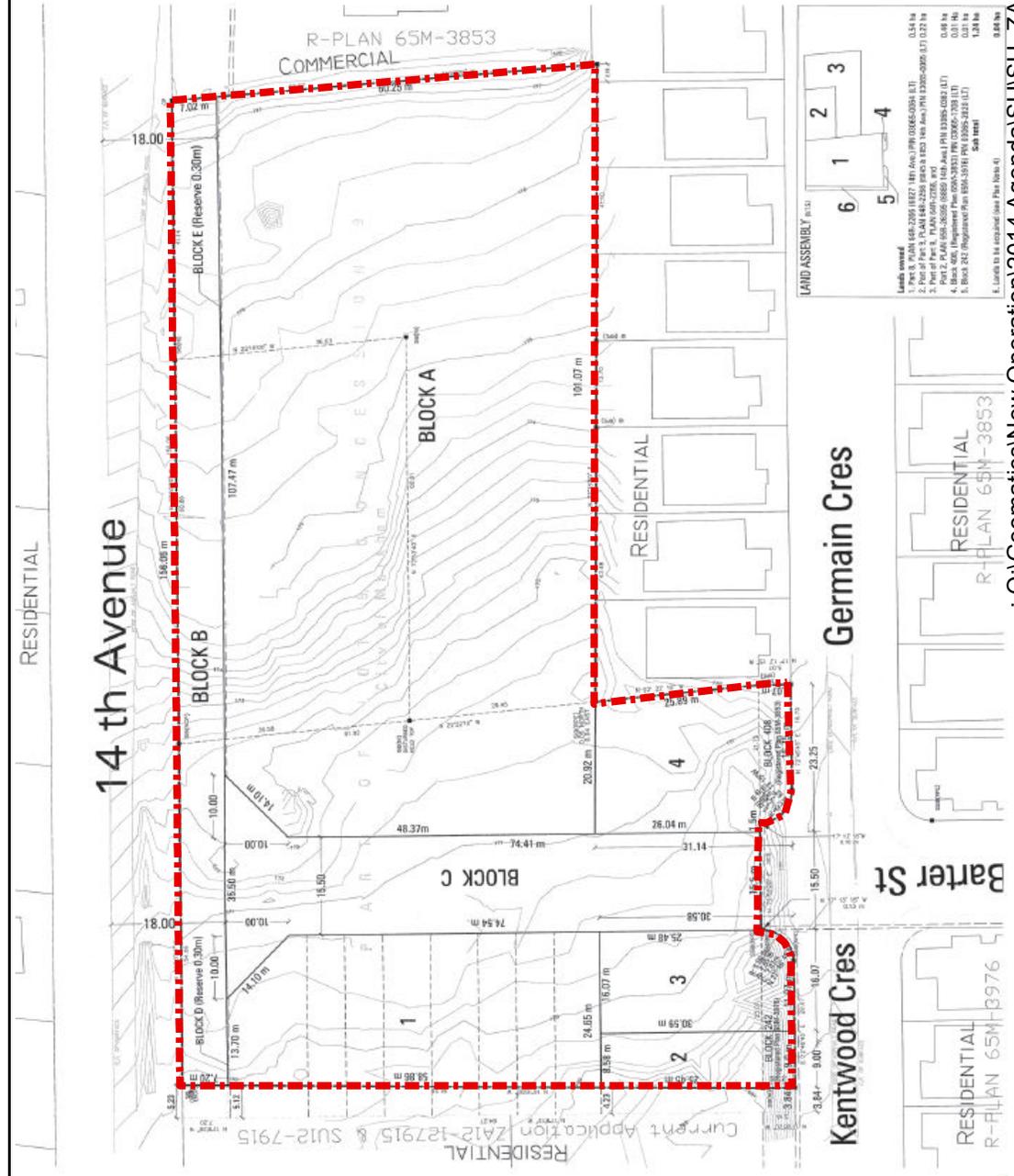
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 SUBJECT LANDS

05/07/14

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LAND ASSEMBLY (in LU)

6	1	2	3
5	4		

Leads covered

- 1. Part B, PLAN 65N-2595 (REZ. 14th Ave.) (PFI 02065-0354 (LT)) 0.54 Ha
- 2. Part of Block 406, Registered Plan 0205-3151 (PFI 02065-0354 (LT)) 0.22 Ha
- 3. Part of Block 406, Registered Plan 0205-3151 (PFI 02065-0354 (LT)) 0.22 Ha
- 4. Block 406, Registered Plan 0205-3151 (PFI 02065-0354 (LT)) 0.48 Ha
- 5. Block 406, Registered Plan 0205-3151 (PFI 02065-0354 (LT)) 0.01 Ha
- 6. Block 406, Registered Plan 0205-3151 (PFI 02065-0354 (LT)) 1.28 Ha

Sub total 2.76 Ha

E. Lands to be encumbered (see Plan Note 4)

: Q:\Geomatics\New Operation\2014 Agenda\SU\SU\_ZA14137887\SU\_ZA14137887.mxd

# SITE PLAN

APPLICANT: 2391004 ONTARIO LTD  
6845 TO 6889 14th AVENUE

FILE No: SU\_ZA14137887 (SC)



Drawn By:DD  
Checked By:SC

DATE:05/05/15

FIGURE No. 5

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

To amend the Official Plan (Revised 1987), as amended,  
and to incorporate Amendment No. 4 to the Box Grove Secondary Plan (PD18-1)  
for the Box Grove Planning District (Planning District No.18).

**(2391004 Ontario Ltd)**

*June, 2015*

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

To amend the Official Plan (Revised 1987), as amended, and to incorporate Amendment No. 4 to the Box Grove Secondary Plan (PD 18-1) for the Box Grove Planning District (Planning District No.18).

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. \_\_\_\_\_ - \_\_\_\_ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the \_\_\_\_\_ *st OR nd OR rd OR th* day of June , 2015.

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

\_\_\_\_\_  
**Town 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 (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 THIS \_\_\_\_ *st OR nd OR rd*  
*OR th* DAY OF June, 2015.

\_\_\_\_\_  
**TOWN CLERK**

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

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DRAFT

**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 constitutes Official Plan Amendment No. XXX to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 4 to the Box Grove Secondary Plan (PD 18-1) for the Box Grove Planning District (Planning District No.18). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT, including Schedule "A", attached thereto, constitutes Amendment No. 4 to the Box Grove Secondary Plan (PD 18-1) for the Box Grove Planning District (Planning District No. 18). This Secondary Plan Amendment may be identified by the symbol PD 18-1-4. Part III is an operative part of this Official Plan Amendment.

### **2.0 LOCATION**

The Amendment to the Official Plan (Revised 1987), as amended, and to the Box Grove Secondary Plan (PD 18-1) applies to a 1.28 hectare (3.16 acre) parcel of land, municipally known as 6845-6853, 6869 and 6889 14th Avenue (the 'subject lands'). The subject lands are located on the south side of 14<sup>th</sup> Avenue, west of the Box Grove By-Pass and east of 9<sup>th</sup> Line, within the Box Grove community.

### **3.0 PURPOSE**

The purpose of this Amendment is to allow a total net site density of 41 units per hectare (16.6 units per acre) across the subject lands, which are designated 'Urban Residential – Low Density Housing I', 'Urban Residential – Low Density Housing II' and 'Community Amenity Area – Village Centre' in the Box Grove Secondary Plan (PD 18-1). This will permit a development consisting of three (3) single detached dwellings and thirty-eight (38) townhouse dwellings on the subject lands.

### **4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT**

The basis of this amendment is to facilitate residential development consisting of three (3) single detached dwellings and thirty-eight (38) townhouse dwellings on the subject lands. This requires an increase to the allowed net site density in the Box Grove Secondary Plan, as the densities proposed in the 'Urban Residential – Low Density Housing I' and 'Urban Residential – Low Density Housing II' designations,

exceed what is permitted by 3.8 and 0.9 units, respectively. The proposed density in the 'Community Amenity Area – Village Centre' designation is 7.7 units less than what is allowed in the Box Grove Secondary Plan. When applied on a total site basis, the 41 proposed units meets the combined density requirements identified for the subject lands across all three Secondary Plan designations. The Secondary Plan Amendment therefore applies the net site density requirements of the Secondary Plan across the entire subject lands, allowing a total net site density of 41 units per hectare (16.6 units per acre), which is considered appropriate and good planning.

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**PART II - THE OFFICIAL PLAN AMENDMENT**

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

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

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

- 1.1** Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2** Section 1.1.3 (c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with the Box Grove Secondary Plan PD18-1, for the Box Grove Planning District, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3** Section 9.2.26 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4** No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is also being made to incorporate changes to the text of the Box Grove Secondary Plan (PD18-1) for the Box Grove Planning District (Planning District No.18). These changes are outlined in Part III which comprises Amendment No. 4 to the Box Grove Secondary Plan (PD18-1).

### **2.0 IMPLEMENTATION AND INTERPRETATION**

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

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

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

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

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**PART III - THE SECONDARY PLAN AMENDMENT (PD 18-1-4)**  
(This is an operative part of Official Plan Amendment No. XXX)

## **PART III - THE SECONDARY PLAN AMENDMENT (PD 18-1-4)**

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

(Amendment No. 4 to the Box Grove Secondary Plan PD 18-1)

The Box Grove Secondary Plan (PD 18-1) for the Box Grove Planning District (Planning District No. 18) is hereby amended as follows:

- 1.1** Section 5.2.2 is hereby amended by the addition of subsection k), and the addition of Figure 18-1-4 (attached hereto as Schedule “A”) to be appropriately placed on the first page following section 5.2.2 k):

“k) Notwithstanding the provisions of Section 5.2.2, lands shown in Figure 18-1-4 may be developed at a maximum net site density of 41 units per hectare yielding a maximum of 41 units across the entire site.”

- 1.2** Section 5.2.3 is hereby amended by the addition of subsection f) as follows:

“f) Notwithstanding the provisions of Section 5.2.3, lands shown in Figure 18-1-4 may be developed at a maximum net site density of 41 units per hectare yielding a maximum of 41 units across the entire site.”

- 1.3** Section 5.2.4 is hereby amended by the addition of subsection g) as follows:

“g) Notwithstanding the provisions of Section 5.2.4, lands shown in Figure 18-1-4 may be developed at a maximum net site density of 41 units per hectare yielding a maximum of 41 units across the entire site.”

### **2.0 IMPLEMENTATION AND INTERPRETATION**

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

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

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

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

*June XX, 2015*

DRAFT



## FIGURE No. 18-1-4 to the Box Grove Secondary Plan (PD -18-1)



- BOUNDARY OF AREA COVERED BY THIS AMENDMENT**
- Boundary of area subject to the policies in Section 5.2.2 k)  
Land use designation : Urban Residential - Low Density Housing I**
- Boundary of area subject to the policies in Section 5.2.3 f)  
Land use designation : Urban Residential - Low Density Housing II**
- Boundary of area subject to the policies in Section 5.2.4 g)  
Land use designation : Community Amenity Area - Village Centre**

**CITY OF MARKHAM**  
**OFFICIAL PLAN AMENDMENT NO. XXX**

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

**(2391004 Ontario Ltd)**

*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. 2015 - \_\_\_\_ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the \_\_\_\_\_ *st* **OR** *nd* **OR** *rd* **OR** *th* 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 TOWN 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.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_\_ *st OR nd*  
*OR rd OR th* DAY OF June, 2015

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

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

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DRAFT

DRAFT

**PART I - INTRODUCTION**

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

## **PART I - I NTRODUCTION**

### **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 Official Plan Amendment No. XXX. Part II is an operative part of this Official Plan Amendment.

### **2.0 LOCATION**

This Amendment applies to a 1.28 hectare (3.16 acre) parcel of land, municipally known as 6845-6853, 6869 and 6889 14<sup>th</sup> Avenue (the ‘subject lands’). The subject lands are located on the south side of 14<sup>th</sup> Avenue, west of the Box Grove By-Pass and east of 9<sup>th</sup> Line, within the Box Grove community.

### **3.0 PURPOSE**

The purpose of this Amendment is to allow block townhouse dwellings on the subject lands which are designated ‘Residential Low Rise’ in the 2014 Official Plan (not yet in force). This will allow a proposed development consisting of thirty (30) townhouse dwellings without direct frontage on a public road.

This amendment will add Section 9.16.16 as a new site-specific policy applicable to the subject lands.

### **4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT**

The basis of this amendment is to facilitate residential development consisting of thirty (30) block townhouse dwellings without direct frontage on a public road, which are not provided for as of right in the ‘Residential Low Rise’ designation of the 2014 Official Plan (not yet in force). The townhouse dwellings propose to have frontage on a private street, which are allowed by the pre-existing Box Grove Secondary Plan (PD-18). Given that the Box Grove Secondary Plan (PD-18) will be repealed upon approval of the 2014 Official Plan, this Official Plan Amendment will allow townhouses without direct street frontage to continue to be permitted on the subject lands. The proposed Official Plan Amendment is technical in nature, essentially allowing the use permissions of the existing Secondary Plan to be carried forward as a site specific designation in the 2014 Official Plan upon approval.

The intent of the 2014 Official Plan policy to control block townhouses in residential low rise areas is to limit infill development of this nature within

established neighbourhoods. However, given that the subject lands are peripheral to the existing established low rise neighbourhood and have frontage on a regional arterial road, the proposed Official Plan Amendment to allow block townhouses on the subject lands is considered appropriate and good planning.

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**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 9.16.9 of the Official Plan 2014, as amended, is hereby amended by the addition of subsection d) and the replacement of Figure 9.16.9/9.16.10 with a new Figure 9.16.9/9.16.10 (attached hereto as Schedule “A”), as follows:

“d) Townhouses without direct frontage on a public street may be permitted on the ‘Residential Low Rise’ lands at 6845-6853, 6869 and 6889 14<sup>th</sup> Avenue, as shown hatched in Figure 9.16.9/9.16.10.”

### **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, in conformity with the provisions of this Amendment.

This Amendment to the City of Markham Official Plan 2014, as amended, is exempt from the approval by the York Region. Following adoption, notice of Council’s decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council’s decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and map(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 10.7.5 of the City of Markham Official Plan 2014, as amended, shall apply.

*June XX, 2015*



# FIGURE No. 9.16.9/9.16.10 City of Markham Official Plan (2014), as amended



: O:\Geomatics\New Operation\Official Plan\Site Specific.OPA\FIGURE 9.16.9\_9.16.10\FIGURE 9.16.9\_9.16.10.mxd



## BY-LAW 2015-\_\_\_\_\_

**A By-law to amend By-laws 194-82, as amended**  
*(to delete lands from the designated area of By-law 194-82)*  
**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 194-82, as amended, is hereby further amended by deleting the lands shown on Schedule 'A; attached hereto, from the designated area of By-law 194-82, as amended.
2. That 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 shown on Schedule 'A' attached hereto, and by zoning the lands:
 

Residential Two*535	R2*535
Residential Two*536	R2*536
  - 2.2 By rezoning the lands as shown on Schedule 'A' attached hereto:
 

from Residential Two*224*232	R2*224*232
to Residential Two*535	R2*535
from Residential Two*224*323	R2*234*323
to Residential Two*535	R2*535
from Residential Two*521	R2*521
to Residential Two*535	R2*535
  - 2.3 By adding the following subsections to Section 7 – EXCEPTIONS:
 

**“7.535 2391004 Ontario Inc.**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*535 on Schedule 'A' to this By-law.

**7.535.1 Zone Standards**

The following specific *zone* standards apply:

    - a) Minimum *Lot Frontage (Single Detached Dwelling)* – 12.0 metres;
    - b) Minimum *Lot Frontage (interior Townhouse Dwelling)* – 6.0 metres;
    - c) Minimum *Lot Frontage (end unit Townhouse Dwelling)* – 7.0 metres;
    - d) Minimum *Lot Frontage (corner unit Townhouse Dwelling)* – 9.0 metres.”
    - 2.4 By adding the following subsection to Section 7 – EXCEPTIONS:
 

**“7.536 2391004 Ontario Inc.**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*536 on Schedule 'A' to this By-law.

### 7.536.1 Zone Standards

The following specific *zone* standards apply:

- a) Minimum required *interior side yard* – 2.0 metres;
- b) Minimum required width of *landscaped open space* to the east lot line – 1.2 metres;
- c) Minimum required *lot frontage* – not applicable.

### 7.536.2 Special Site Provisions

The following additional provisions apply:

- a) For the purpose of this By-law, all lands zoned R2\*536 shall be deemed to be one lot;
- b) The 14<sup>th</sup> Avenue *streetline* is deemed to be the *front lot line*;
- c) Maximum number of dwelling units – 30;
- d) Minimum width of a *townhouse dwelling unit* - 6.0 metres;
- e) Maximum garage width – 3.0 metres;
- f) The main wall of a *dwelling unit* shall be setback a minimum of 6.0 metres from the centreline of a private road;
- g) The main wall of a *dwelling unit* shall be setback a maximum of 8.8 metres from the centreline of a private road;
- h) The *main wall* of an attached *private garage* that contains an opening for motor vehicle access shall be setback a minimum of 8.8 metres from the centreline of a private road;
- i) 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-law 194-82, as amended**

(to delete lands from the designated area of By-law 194-82)

#### **and to amend By-law 177-96, as amended**

(to incorporate lands into the designated area of By-law 177-96)

#### **2391044 Ontario Inc.**

**6845 – 6853, 6869 and 6889 14<sup>th</sup> Avenue**

#### **Lands Affected**

The proposed by-law amendment applies to three properties located on the south side of 14<sup>th</sup> Avenue, west of Box Grove By-Pass and east of 9<sup>th</sup> Line in the Box Grove community. The subject lands are municipally known as 6845-6853, 6869 and 6889 14<sup>th</sup> Avenue, and have a combined area of 1.24 ha (3.16 ac).

#### **Existing Zoning**

The subject properties are zoned Rural Residential (RR1 and RRH) under By-law 194-82, as amended, and Residential Two\*224\*232 (R2\*224\*232), Residential Two\*224\*323 (R2\*224\*323) and Residential Two\*521 (R2\*521) under By-law 177-96, as amended.

#### **Purpose and Effect**

The purpose of this By-law is to delete the subject properties from the area zoned by By-law 194-82, as amended, in order to incorporate them into appropriate Residential Zone categories within By-law 177-96, as amended. It will also rezone the portions of the properties zoned in accordance with By-law 177-96, as amended to provide consistent zoning standards across the subject lands. The proposed Zone categories are:

Residential Two*535	R2*535
Residential Two*536	R2*536

The effect of this By-law will be to permit the development of 3 single detached dwellings and 38 townhouse dwellings on the subject lands. 30 of the townhouse dwellings are proposed as part of a common element condominium development.





**“THE CONDITIONS OF THE COUNCIL OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-14005 (2391004 Ontario Inc.) AS FOLLOWS:”**

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by Larkin+ Land Use Planners, identified as Project Number 10131, Drawing Number D.P 1.3, dated March 12, 2014, Revised April 16, 2015 incorporating the following redline revisions:
  - a) Add a separate Block(s) for the Regional daylight triangles
- 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 2, 2018 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 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-law 194-82, as amended and Zoning By-law 177-96, as amended, shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to, Traffic Impact Study, Internal Functional Traffic Design Study Stormwater Management Study (Environmental Master Drainage Plan), Internal Servicing Study, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.
- 1.6 That the Owner covenants and agrees that no building permits will be issued for Block 1 until this parcel is combined with adjacent lands to the west, designated as Block 1, Draft Plan of Subdivision 19TM-12007, to create building lots in conformity with By-law 177-96, as amended

## 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 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.
- 2.5 Prior to final approval of Draft Plan, the Owner shall satisfy the requirement for driveway location for the northerly lot on Block 1 (adjacent to Block B) to the satisfaction of the Director of Engineering and the Region of York.
- 2.6 Prior to final approval of the draft plan, the Owner shall submit a detailed design plan for Block C (future Barter Street extension) prepared by an Engineer, to the satisfaction of the Director of Engineering. The Owner further covenants and agrees to incorporate any requirements resulting from the City's review in the draft plan to satisfaction of the Director of Engineering.

## 3.0 Tree Inventory Preservation Plans

- 3.1 The Owner shall submit for approval a tree assessment and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time. The tree preservation plan shall be based on information taken from a registered survey plan, showing the exact location of the trees to be preserved, location of protective hoarding, final grading, proposed municipal services and utilities, conceptual building envelopes and driveway locations.
- 3.2 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.
- 3.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.

- 3.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
- a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1.
  - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000).
  - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a 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.

#### 4. Community Design

- 4.1 The Owner shall agree to follow and implement the Box Grove Community Design Plan, City of Markham, prepared by NAK Design Group in collaboration with John G. Williams Limited, Architect, dated February 2005 into all site plans, landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 4.2 The Owner shall agree to the Box Grove Community Architectural Control Guidelines, prepared by John G. Williams Limited Architect dated September 2004 and retain a design consultant to implement the Architectural Control Guidelines.
- 4.3 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.
- 4.4 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.

#### 5. Parks and Open Space

- 5.1 The Owner and City covenants and agrees that parkland dedication within the Box Grove Community is required at a rate as specified in Parkland Dedication By-law 195-90, as amended.

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

6.0 Landscape Works

- 6.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans based on the approved Box Grove Community Design Plan into all landscape works, to the satisfaction of the Director of Planning and Urban Design

- a) Street tree planting in accordance with the City of Markham Streetscape Manual dated June 2009.
- b) 1.8m high wood screen corner lot fencing.
- c) 1.8m wood privacy fencing in the rear yards of lots 2, 3 and 4.
- d) Streetscape plan including street trees for Kentwood Crescent, Germain Crescent, Barter Street and 14<sup>th</sup> Ave.
- e) Noise attenuation fencing as noted in the approved noise study.
- f) Any other landscaping as determined by the Community Design Plan and the Environmental Master Drainage Plan.

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

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

- 6.4 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 4.1.

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

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

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD OR IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS to meet 4.1a)
- CORNER LOT FENCING

- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR OR FRONT YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING 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.”

## 7.0 Financial

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

## 8. Noise Impact Study

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

## 9. Stormwater Management

- 9.1 Prior to final approval of the draft plan, the Owner shall submit a stormwater management study, prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the City and the Toronto and Region Conservation Authority. The Owner

acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or lands for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.

- 9.2 The Owner shall covenant and agree in the subdivision agreement to undertake the monitoring of watercourse temperatures which may be affected by storm drainage from its development, subject to consultation with, and to the satisfaction of the City.
- 9.3 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.

## 10. Municipal Services

- 10.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City (Commissioner of Development Services), a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision and potential upgrades to municipal infrastructure downstream of the subdivision resulted from this development. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement. The owner shall covenant and agree in the subdivision agreement to pay for all external municipal infrastructure upgrades.
- 10.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy), 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, streetlight design drawings and any other design drawings as required 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 equipments are available.

- 10.5 The Owner shall covenant and agree in the subdivision agreement that they shall be required to extend the existing sanitary sewer, if required by the Director of Engineering, from the existing manhole MH404U on 14<sup>th</sup> Avenue to the west limit of the subdivision (approximately 180m length) to service existing residences six (6) residences (6840, 6848, 6856, 6864, 6872 and 6882 14<sup>th</sup> Avenue) on the north side of 14<sup>th</sup> Avenue, to the satisfaction of the Director of Engineering.

The Owner shall further covenant and agree to provide sanitary service connection to the above residences up to their property limits.

The Owner further agrees that the City will use the best effort to collect maximum \$14,000.00 from any existing home owner on 14<sup>th</sup> Avenue who agrees to have sanitary service connection from the extended sanitary sewer on 14<sup>th</sup> Avenue. The City will pay the developer the collected amount from the home owner less City administration fees of 17.3% for the sanitary sewer extension and service connection.

11. Traffic Impact Study / Internal Functional Traffic Design Study

- 11.1 Prior to final approval of the draft plan, the Owner shall prepare, a Traffic 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 Traffic Impact Study into the draft approved plan and subdivision agreement.

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

13. Utilities

- 13.1 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.
- 13.2 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.

- 13.3 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.
- 13.4 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.
- 13.5 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.
- 13.6 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.
- 13.7 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.
14. Environmental Clearance
- 14.1 The Owner covenants and agrees to retain a “Qualified Person” as defined by the *Environmental Protection Act* and its regulations, to carry out all necessary environmental testing, evaluation and remediation in accordance with this Agreement. The Owner acknowledges that it has retained a “Qualified Person” for the execution of the Owner’s obligation hereunder. The Owner agrees that it shall not substitute the Qualified Person without the prior written consent of the Director of Engineering.
- 14.2 The Owner covenants and agrees that, prior to execution of this Agreement, an environmental clearance shall be provided to the City for all lands or interests in

lands to be conveyed to the City to the satisfaction of the Director of Engineering. The City shall be satisfied that the lands are environmentally suitable for their proposed use and be certified as such by the “Qualified Person” as defined in Ontario Regulation 153/04, all of which shall be in accordance with the *Environmental Protection Act* and its regulations. The “Qualified Person” shall file a Record of Site Conditions on the Provincial Environmental Site Registry for all lands to be conveyed to the City.

14.3 The Owner covenants and agrees that if, during construction of the Works, contaminated soils or materials are discovered, the Owner shall inform the Director of Engineering immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the *Environmental Protection Act* and its regulations, to the satisfaction of the Director of Engineering and the Ministry of Environment. After remediation, the “Qualified Person” shall file an updated Record of Site Condition on the Provincial Environmental Site Registry, in accordance with Ontario Regulation 153/04, for all lands to be conveyed to the City.

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

15. Well Monitoring Program and Mitigation Plan

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

16. Development Charges

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

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

17. Heritage

17.1 The Owner covenants and agrees to immediately notify the Ministry of Tourism, Culture and Sport should archaeological remains be found on the property during construction activities. The Owner covenants and agrees to immediately notify the Ministry of Tourism, Culture and Sport and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations of human remains are encountered during construction.

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 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. The Owner shall further covenant and agree that fire protection sprinklers are installed to the satisfaction of the Fire Chief or his designee.

18.3 The Owner shall acknowledge and agree that the adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.

18.4 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:

- f) the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage
- ii) the City's zoning by-law restricts the width of the driveway, this width may not allow two cars to park side by side
- iii) overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City
- iv) parking in the cul-de-sac street is not permitted at any time

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

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

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

- 18.6 The Owner covenants and agrees to purchase from the City two recycling containers, one green bin and one kitchen collector per residence so that each purchaser may participate in the City's waste diversion program. Furthermore, the Owner shall ensure that the recycling containers, green bins, kitchen collectors and educational materials are deposited in each home on or before the date of closing.
- 18.7 The Owner covenants and agrees to contact the City at least four weeks prior to unit occupancy to arrange an appointment time in which the recycling containers, green bins, kitchen collectors and educational materials are to be collected by the owner.
- 18.8 The Owner covenants and agrees to pay to the City the cost for recycling containers, green bins and kitchen collectors and to provide said recycling containers, green bins and kitchen collectors to purchasers at the same cost as paid to the City.
- 18.9 The Owner covenants and agrees that during the construction phase of the development, unobstructed roadway access to a width no less than 6 metres will be provided for the safe passage of municipal waste and recycling collection vehicles on the designated collection day. Furthermore, if required, the Owner shall provide vehicle turning space that meets the City's engineering design standards. The Owner agrees that at times when the above defined access cannot be provided, the Owner shall be responsible for moving all residential waste, recyclables and organics from the occupied units to an agreed upon centralized location at the Owner's expense, for collection by the City.
- 18.10 The Owner acknowledges that all waste and recyclable materials will be collected municipally.

19. Region of York

- 19.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 19.2 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.
- 19.3 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.
- 19.4 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 and record.
- 19.5 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 Capital Planning and Delivery for approval.
- 19.6 For all lands, the Holding (H) provisions of Section 36 of the *Ontario Planning Act* shall be used in conjunction with all residential zone categories in order to ensure that final plan approval and development of these lands does not occur until such time as the Holding (H) symbol is removed in accordance with the provisions of the *Ontario Planning Act*. The Zoning Bylaw shall specify the terms under which Council may consider the removal of the Holding (H) symbol. Said terms shall include a minimum of the following:
  - a) The City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
  - b) York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 to 36 months depending on the complexity of the development) to permit the plan registration; or,
  - c) The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.
- 19.7 Prior to final approval, the Owner shall agree to provide direct shared pedestrian / cycling facilities and connections from the proposed development to 14<sup>th</sup> Avenue to support active transportation.

- 19.8 Prior to final approval, the Owner shall agree to provide measures to support public transit and active transportation to / from the proposed development. These measures may include internal and external shared pedestrian and cycling connections, and bicycle parking.
- 19.9 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 Regional Transportation and Community Planning Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- 19.10 Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Regional Transportation and Community Planning Department that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by the Transportation and Community Planning Department.
- 19.11 Prior to final approval, the Owner shall submit detailed engineering drawings, to the Regional Transportation and Community Planning Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the Regional Transportation and Community Planning Department. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, plan and profile, construction access and mud mat design, pavement marking plan, utility and underground servicing location plans, traffic control/construction staging plans and landscape plans.
- 19.12 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 Transportation and Community Planning Department, Attention: Mrs. Eva Pulnicki, P.Eng.
- 19.13 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Regional Transportation and Community Planning Department and illustrated on the Engineering Drawings.
- 19.14 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation and Community Planning Department, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.

- 19.15 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation and Community Planning Department, that elevations along the streetline shall be 0.3 metres above the centreline elevations of the York Region roadway, unless otherwise specified by the Transportation and Community Planning Department.
- 19.16 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's of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal;
  - d) A planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:

Tree planting shall be undertaken in accordance with York Region standards as 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 Town and be supported by a Maintenance Agreement between the Town and the Region for Town 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.
- 19.17 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 Regional Transportation and Community Planning Department recommending noise attenuation features.
- 19.18 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Regional Transportation and Community Planning Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Regional Transportation and Community Planning Department.

- 19.19 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Regional Transportation and Community Planning Department, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.
- 19.20 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".
- 19.21 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 Transportation and Community Planning Department, as follows:
- a) that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
  - b) that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
  - c) that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region; and
  - d) that any landscaping provided on York Region right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the Transportation and Community Planning Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.
- 19.22 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 Ninth Line of sufficient width to provide a minimum of 18.0 metres from the centreline of construction of 14<sup>th</sup> Avenue; and
  - b) a 10.0 metre x 10.0 metre daylight triangle at the intersection 14<sup>th</sup> Avenue and Block C "Barter St."); and

- c) a 0.3 metre reserve across the full frontage of the site where it abuts 14<sup>th</sup> Avenue and adjacent to the above noted widening.
- 19.23 Prior to final approval, in order to determine the property dedications (if any) required to achieve the ultimate right-of-way width of Ninth Line 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 Ninth Line.
- 19.24 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.
- 19.25 Prior to final approval, York 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), a Phase I environmental site assessment prepared and signed by a qualified professional, of the Owner's lands and more specifically of the lands to be conveyed to York Region (the "Assessment"). Based on the findings and results of the Assessment, York Region may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required. The Assessment and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands to be conveyed must be addressed to York Region, contain wording to the effect that York Region shall be entitled to rely on such reports or documentation in their entirety, and such reports or documentation shall be satisfactory to York Region.
- 19.26 Prior to final approval, the Owner shall certify, in wording satisfactory to the Transportation and Community Planning Department, that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous good, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under all lands to be conveyed to York Region (including soils, substrata, surface water and groundwater, as applicable): (i) at a level or concentration that exceeds the *Environmental Protection Act* O. Reg. 153/04 full depth generic site condition standards applicable to the intended use that such lands will be put by York Region at the time of conveyance 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 emanating from such lands in such a way, that would result in liability under applicable environmental laws. The Assessment, any subsequent environmental reports or other documentation and the Owner's certification shall be done at no cost to York Region.
- 19.27 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Regional Transportation and Community Planning Department, to be responsible to decommission any existing wells on the owner's lands in

accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.

- 19.28 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 14<sup>th</sup> Avenue, will not be permitted. Access must be obtained through the internal road network.
- 19.29 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department that Block C “Barter St.” shall be designed to intersect 14<sup>th</sup> Avenue at a right angle, or on a common tangent.
- 19.30 Prior to final approval, the intersection of Block C “Barter St.” and 14th Avenue shall be designed to the satisfaction of the Transportation and Community Planning Department with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by the Transportation and Community Planning Department.
- 19.31 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that all local underground services will be installed within the area of the development lands and not within York Region’s road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region’s Right of Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- 19.32 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Transportation and Community Planning Department that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority’s minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
- 19.33 Prior to final approval, the Owner shall provide a copy of the executed Subdivision Agreement to the Transportation and Community Planning Department, outlining all requirements of the Transportation and Community Planning Department.
- 19.34 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.

19.35 The Regional Transportation and Community Planning Department shall advise that Conditions 19.1 to 19.34 inclusive, have been satisfied.

20. MNR

20.1 The Owner acknowledges that the Redside Dace has been added to the list of endangered species pursuant to the *Endangered Species Act, 2007*. S.O. 2007, c. 6. (the "Act"), and that the Ministry of Natural Resources (Ontario) has prepared a recovery strategy for the Redside Dace, entitled "Redside Dace (*Clinostomus elongatus*) in Ontario, Ontario Recovery Strategy Series", dated February 2010 (the "Recovery Strategy"). The Owner acknowledges that, notwithstanding this Agreement and any approvals made or given by the City in respect of the Subdivision, the onus is on the Owner to comply with the provisions of the Act and the Owner covenants and agrees to use its best efforts to comply the Recovery Strategy, if applicable to the Subdivision, including but not limited to protection of the meander belt of any stream providing habitat to the Redside Dace and its associated riparian habitat that is within 30 metres from the meander belt. The Owner covenants and agrees to indemnify and save harmless the City, its directors, officers, Mayor, Councillors, employees and agents from any and all actions, causes of actions, suits, claims, demands, losses, penalties, fines, expenses and damages whatsoever that may arise either directly or indirectly from the approval and registration of the Subdivision and the Assumption of the Subdivision, the construction and use of the Works or anything done or neglected to be done in connection with the *Endangered Species Act, 2007* and the Recovery Strategy.

22. External Clearances

22.1 Prior to final approval of the draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:

- a) The Regional Municipality of York Planning Department shall advise that Conditions 2.1, 8.1, 8.2 and 19 have been satisfied.

Dated: June X, 2015

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Ron Blake  
Acting Senior Development Manager  
Planning and Urban Design