

Report to: Development Services Committee Report Date: February 4, 2014

SUBJECT: RECOMMENDATION REPORT, Plan B Homes Inc. and

2381423 Ontario Inc., Zoning Amendment and Draft Plan of

Subdivision Applications to permit 15 single detached dwellings at 6827 14th Avenue and 6805 14th Avenue

File Nos. ZA 12 127915 & SU 12 127915

PREPARED BY: Rick Cefaratti, Planner II, East District ext. 3675

REVIWED BY: Dave Miller, Manager, East District ext. 4960

RECOMMENDATION:

That the report titled "RECOMMENDATION REPORT, Plan B Homes Inc., and 2381423 Ontario Inc., Zoning Amendment and Draft Plan of Subdivision Applications to permit 15 single detached dwellings at 6827 14th Avenue and 6805 14th Avenue, File Nos. ZA 12 127915 & SU 12 127915," dated February 4, 2014 be received;

- 2) That the record of the Public Meetings held on April 9, 2013 and September 23, 2013, regarding the applications for approval of a Draft Plan of Subdivision and Zoning By-law Amendment be received;
- 3) That Draft Plan of Subdivision 19TM-12007 submitted by Plan B Homes Inc., and 2381423 Ontario Inc., be draft approved subject to the conditions outlined in Appendix 'A';
- 4) That the Director of Planning and Urban Design, or his designate be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'A' as may be amended by the Director of Planning and Urban Design;
- That the application submitted by Plan B Homes Inc. and 2381423 Ontario Inc., to remove the properties from the Rural Residential Zoning categories of By-laws 304-87 and 194-82, as amended, and incorporate them into a Residential Two (R2) zone category under By-law 177-96, as amended, be approved and the draft by-law attached as Appendix 'B' be finalized and enacted without further notice;
- 6) That Council authorize servicing allocation for 15 single detached units (55.5 population) from the current servicing allocation reserve;
- 7) That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;
- 8) That the Region of York be advised of the servicing allocation for this development;

- 9) That the draft plan approval for Plan of Subdivision 19TM-12007 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period; and,
- 10) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

This report recommends approval of a plan of subdivision and zoning by-law amendment applications in the Box Grove Planning District to permit 15 single detached dwellings on the subject lands.

BACKGROUND:

The subject properties are located on the south side of 14th Avenue between 9th Line and Box Grove By-Pass and have a combined area of 1.00 ha. (2.47 ac.) (see Figure 1 – Location Map). Single detached dwellings with varied lot sizes surround the site to the north across 14th Avenue as well as to the west and to the south across Kentwood Crescent. A single detached dwelling and legal non-conforming automotive body repair building abuts the property to the east.

The applicant's original proposal was to subdivide 6827 14th Avenue into nine (9) lots for single detached residential development. A Public Meeting for this proposal was held on April 9th, 2013. Following the Public Meeting, the applicant entered into an agreement to acquire 6805 14th Avenue, the adjoining lands to the west of the original parcel. The applicant subsequently revised the Draft Plan of Subdivision and Zoning Amendment applications in August of 2013 to add 6805 14th Avenue to the proposal. By adding the above-mentioned adjoining property, the site area has increased from .54 ha. (1.33 ac.) to 1.00 ha. (2.47 ac.), and the number of lots proposed increased from nine (9) to fifteen (15).

Additional Public Meeting Held

The April 9th, 2013 Public Meeting did not contemplate the re-development of 6805 14th Avenue. Consequently, a second Public Meeting was held on September 10, 2013. This Public Meeting included a discussion of the re-development of both properties.

PROPOSAL:

The Draft Plan of Subdivision and Zoning Amendment Applications propose to subdivide the lands to create 15 lots from the 2 existing lots and to rezone the properties to permit 15 single detached dwellings, subject to development standards (see Figure 4 – Draft Plan of Subdivision). The applicant is proposing to maintain the existing dwelling at 6805 14th Avenue on Lot 14 with a lot frontage of approximately 23.00 m (76.00 ft.) and an area of 980 m² (10,548 ft²). The remaining 0.9 ha. (2.23 ac.) will have fourteen (14) single detached dwellings. Seven of the dwellings, including the existing dwelling,

are proposed to front on to 14^{th} Avenue and eight dwellings are proposed to front on to Kentwood Crescent (see Figure 4 – Proposed Draft Plan of Subdivision).

Table 1 below shows the proposed lot frontages and lot areas on 14th Avenue and Kentwood Crescent range between approximately 11.20 m (36.74 ft.) and 23.96 m (78.60 ft.). (See Table 1)

Table 1

Lot	Lot Frontage	Lot Area
1	12.02 m (39.43 ft.)	540 m ² (5,812 ft ²)
2	12.02 m (39.43 ft.)	540 m ² (5,812 ft ²)
3	12.02 m (39.43 ft.)	540 m ² (5,812 ft ²)
4	12.02 m (39.43 ft.)	540 m ² (5,812 ft ²)
5	12.02 m (39.43 ft.)	540 m ² (5,812 ft ²)
6	12.00 m (39.37 ft.)	554 m ² (5,970 ft ²)
7	12.00 m (39.37 ft.)	554 m ² (5,970 ft ²)
8	17.69 m (58.03 ft.)	800 m ² (8,611 ft ²)
9	11.21 m (36.77 ft.)	500 m ² (5,382 ft ²)
10	11.21 m (36.77 ft.)	500 m ² (5,382 ft ²)
11	11.21 m (36.77 ft.)	500 m ² (5,382 ft ²)
12	11.21 m (36.77 ft.)	500 m ² (5,382 ft ²)
13	11.21 m (36.77 ft.)	500 m ² (5,382 ft ²)
14	23.96 m (78.60 ft.)	$1,045 \text{ m}^2 (11,248 \text{ ft}^2)$
15	16.40 m (53.80 ft.)	689 m ² (7,416 ft ²)

Table 2 below describes the proposed land areas by use:

Table 2

Use and Area	Number of Blocks	Number of Lots	Number of Units
Residential	1 (Block 1)	15	15
0.91 ha. (2.25 ac.)			
Adjacent Lands	1		
0.02 ha. (0.05 ac.)	(Block 48, 65M-3975)		
Road Widening	1 (Block 2)		
0.07 ha. (0.17 ac.)	(7.2 m by 96.4 m)	*	
Total Site Area: (including Block 48, 65M-3975) 1.00 ha. (2.47 ac.)	Total Blocks: 3	Total Lots: 15	Total Units: 15

OFFICIAL PLAN AND ZONING:

The subject lands are designated Urban Residential Low Density in the Markham Official Plan (revised 1987) and Urban Residential Low Density – I in the Secondary Plan for the Box Grove Planning District. These designations permit single detached dwellings. The subject lands are designated Residential Low Rise in the new Council adopted (approval by the Region of York is pending) Official Plan which permits single detached dwellings.

The property known as 6827 14th Avenue is zoned RR1 – Rural Residential One Zone under By-law 194-82, as amended. The property known as 6805 14th Avenue is zoned RR4 – Rural Residential Four Zone under By-law 304-87, as amended and RR1 – Rural Residential One under By-law 194-82 as amended. All of the above noted zone

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categories permit one single detached dwelling on each existing lot. A Zoning By-law amendment is required to remove the properties from the Rural Residential Zoning categories of By-laws 304-87 and 194-82, as amended, and incorporate them into a Residential Two (R2) zone category (for conventional lots) under By-law 177-96, as amended. The By-law to implement the Plan of Subdivision will include development standards.

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OPTIONS/ DISCUSSION:

Issues raised at the Public Meetings

Two Public Meetings regarding the proposal were held. The first on April 9, 2013, and the second on September 23, 2013. At the April 9, 2013 Public Meeting, a number of issues were raised by the abutting property owners. These concerns have been reviewed and have been addressed as follows:

Stormwater Management at 6805 14th Avenue

A concern was raised at the April 9, 2013 Public Meeting regarding the existing grade condition at the rear of 6805 14th Avenue. This grade is lower than the proposed grade for the redevelopment of 6827 14th Avenue. The property owner presented photographs of storm water ponding at the rear of the property. Development Services Committee encouraged the landowners to collaborate on a coordinated development proposal to resolve the ponding issue. Following the Meeting, Staff was advised that the owner of 6805 14th Avenue had agreed to sell their lands to the owner of 6827 14th Avenue. All proposed lots within the two existing properties fronting on to Kentwood Crescent will be graded to match the grades of the road and existing lots. The inclusion of 6805 14th Avenue into development proposal also allows the matching of grades and thereby eliminates the need for a retaining wall between any of the proposed lots fronting on to Kentwood Crescent. Block 1 on the Draft Plan will be graded to provide a temporary 2:1 downward slope between this block and the abutting property (6847 14th Avenue) to the east. It is anticipated that the grading for Block 1 will be revised when it is redeveloped in conjunction with that property.

Extension of Barter Street

A representative for the owner of the property at 6847 14th Avenue, the abutting property to the east of the subject lands, attended to object to the concept plan submitted with the applications. The concept plan illustrates the extension of Barter Street to 14th Avenue through this property (see Figure 4 – Draft Plan of Subdivision). The extension of Barter Street from Kentwood Crescent to 14th Avenue in this location was contemplated by the Box Grove Community Design Plan adopted by Council in 2005. This extension is also supported by Fire Services as it will reduce emergency response times.

Box Grove Local Improvements Costs

The absence of municipal sanitary services for residents along 9th Line and 14th Avenue was raised at the September 23, 2013 Public Meeting. Development Services Committee recommended that Staff report on the costs to residents for the construction of local municipal sanitary sewers to service existing residential lots. It is noted that in February of 2008, a report titled "Box Grove Sanitary Sewer System" was prepared by Capital

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Works staff. The report addressed Sanitary Service options including a large scale project to service all property owners in Box Grove not connected to sanitary services. The cost associated with that project in 2008 dollars was approximately \$38,095 per household. The dollar figure was based on preliminary designs and cost estimates prepared by an Engineering Consulting firm on behalf of the City. Alternatively, a second design option incorporating individual grinder pumps for each property to pump sewage would have cost approximately \$32,000 per household. In both scenarios, Council did not agree, at that time, to provide a subsidy for any portion of this local improvement.

On May 7, 2013, Council adopted a City-wide policy on Construction of Municipal Services to permit minor extension of municipal services for private individual landowners. This policy allows property owners to enter into a Construction Agreement with the City to design and construct municipal sanitary sewers, at no cost to the City. The cost will vary for each property depending, in large part, on the distance between the property and the existing infrastructure.

The owner will be required to bare all costs associated with the extension of municipal services to all lots within the subject Plan of Subdivision including its design and construction.

Proposed Plan of Subdivision generally conforms to Secondary Plan and Community Design Plan

The proposed housing type and density is consistent with the Urban Residential – Low Density Housing I land use designation in the Secondary Plan and Community Design Plan. The net residential density of the current proposal is approximately 17 dwelling units per hectare (7 units per acre). Net residential density is defined as the total number of residential units divided by the total private residential lot area, not including roads. The permitted net density in the Secondary Plan and Community Design Plan is 17 to 37 units per hectare (6.8 to 14.9 units per acre).

Proposed Lots Will Generally Comply with By-law 177-96

The proposed lots generally comply with the Residential Two (R2) zone requirements for single detached dwellings on conventional lots under By-law 177-96, as amended, with the following exceptions, as shown on Table 2 below:

Development Standard	Current Standard	Proposed Standard
Minimum Lot Frontage - Lots 9,10,11,12,13&15	11.6 m (32.15 ft)	11.2 m (36.05 ft)
Maximum Driveway Width - Lots 9 to 15	3.5 m (11.48 ft.)	6.1 m (20.01 ft.)
Maximum Garage Width - Lots 9 to 15	3.5 m (11.48 ft.)	6.1 m (20.01 ft.)
Maximum Driveway Width within 1.0 m of the Front Lot Line - Lots 9 to 14	No current standard	3.0 m (9.84 ft.) (site-specific)

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It is noted that the applicant has provided staff with conceptual building elevations that illustrate the proposed dwellings fronting on to Kentwood Crescent and 14th Avenue. Based on the above noted information, the massing for the habitable portion of the proposed dwellings fronting on to 14th Avenue appears to minimize the visual impact of each attached two car garage and therefore a proposed minimum lot frontage of 11.2m (36.05 ft.), maximum driveway width and garage width of 6.1 m (20.01 ft.) can be supported. The site-specific development standard to limit the maximum driveway within 1.0 m (3.28 ft.) of the front lot line for Lots 9 to 14 to 3.0 m (9.84 ft.) is due to the Region of York's requirement that the access to 14th Avenue for these lots is shared between adjacent lots. This development standard will also minimize the pavement area on the boulevard.

Architectural Control

The Owner will be required to retain a design consultant to prepare architectural control guidelines to the satisfaction of the City prior to execution of the subdivision agreement. The architectural control guidelines will ensure that building elevations for the proposed dwellings are designed in a manner that incorporates all requirements and criteria of the approved Box Grove Community Design Plan including the scale, height, massing of the built form and a minimization of the visual impact of attached two car garages.

Municipal Servicing

Staff has confirmed that there is sufficient servicing allocation available from Council's current allocation reserve to accommodate the proposed development. The owner will require servicing allocation for 15 dwelling units.

Field fire flow tests will be required to confirm that existing watermains are sized to service the 15 proposed lots. The owner will be required to pay for any upgrades to existing watermain infrastructure to service the 15 proposed lots, if required. Prior to the issuance of building permits, the Fire Chief shall advise the Director of Building Services that there is adequate water supply for firefighting operations.

Access to Kentwood Crescent

The owner has acquired two blocks (Block 48, 65M-3975 & Block 241, 65M-3976) abutting the rear lot line of the two subject properties. The acquisition will provide frontage for proposed Lots 1 to 8 along Kentwood Crescent.

Block 1 to be developed in conjunction with 6847 14th Avenue

The owner will not develop Block 1 on the Draft Plan. Block 1 is intended to be combined with the adjacent property to the east (6847 14th Avenue) to create building lots of sufficient depth in the future and those lots will be accessed through the future extension of Barter Street.

Developers Group Obligations

The applicant will be required to enter into and be a participant in good standing of the Box Grove Cost Sharing Agreement. This will ensure that the applicant bares an equitable share of any costs or burdens associated with benefiting from existing

infrastructure and/or community use lands in the area provided by the Box Grove Developers Group.

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 'A' attached hereto.

RECOMMENDED BY:

Rino Mostacci, MC.I.P., R.P.P.

Director of Development & Design

James Baird, M.C.I.P., R.P.P.

Commissioner of Development Services

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ATTACHMENTS:

Figure 1 – Location Map (Google Map Link)

Figure 2 – Area Context/Zoning

Figure 3 – Air Photo

Figure 4 – Proposed Draft Plan of Subdivision

Appendix 'A' – Draft Conditions

Appendix 'B' - Draft Zoning By-law

APPLICANT: Owner: Plan B Homes Inc. & 2381423 Ontario Inc

Attn: Carlos Lopez 106 Autumn Grove Court

Vaughan, Ontario

LOJ 1CO

Tel: 647-822-3344

Email: carloslome@gmail.com

AGENT:

EMC GROUP LTD.

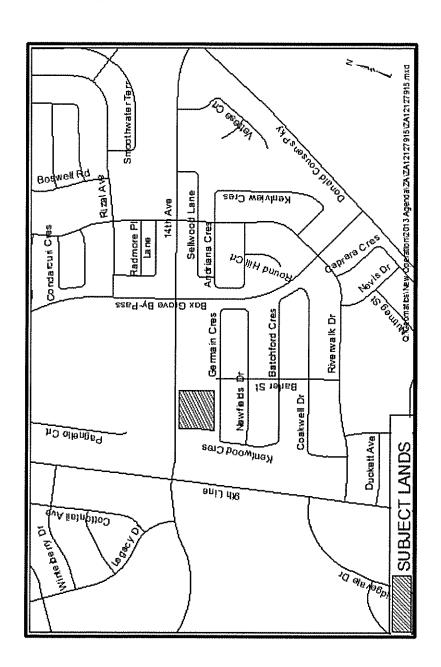
Attn: Nadia Zuccaro 7577 Keele Street, Unit 200

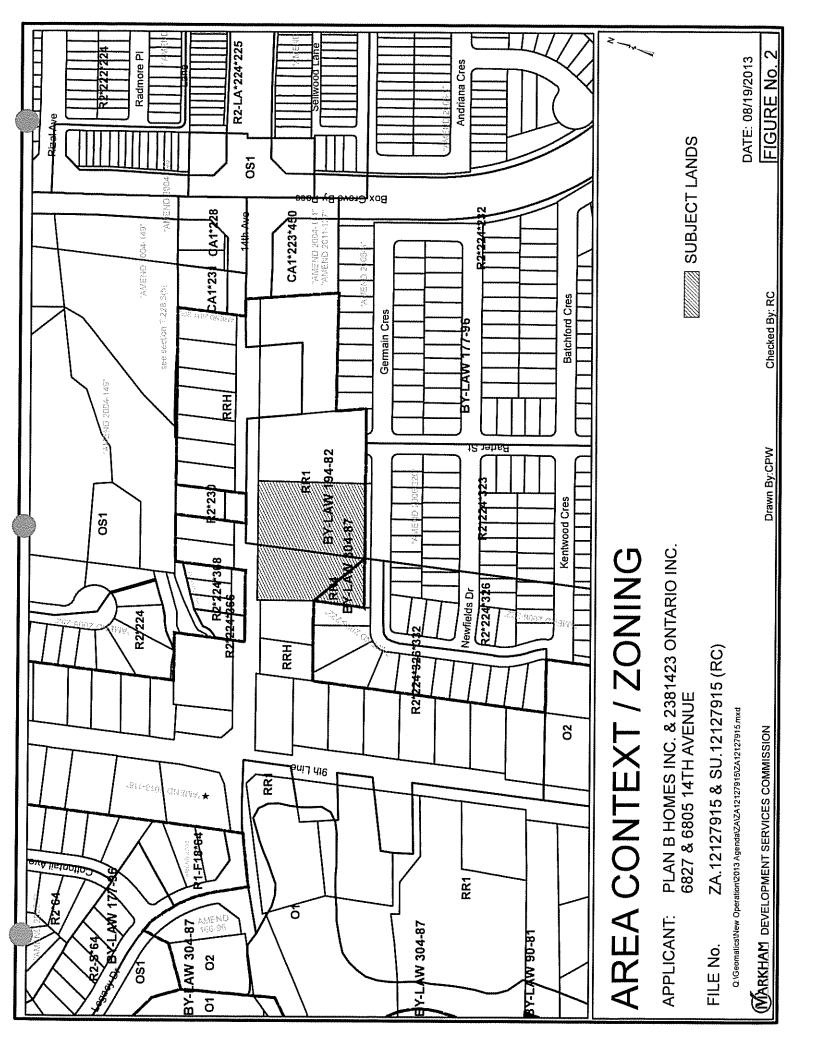
Vaughan, ON L4K 4X3

Tel: 905-738-3939 Fax: 905-738-6993

Email: nzuccaro@emcgroup.ca

File path: Amanda\File 12 127915\Documents\Recommendation Report







AIR PHOTO

PLAN B HOMES INC. & 2381423 ONTARIO INC. 6827 & 6805 14TH AVENUE APPLICANT:

ZA.12127915 & SU.12127915 (RC)

FILE No.

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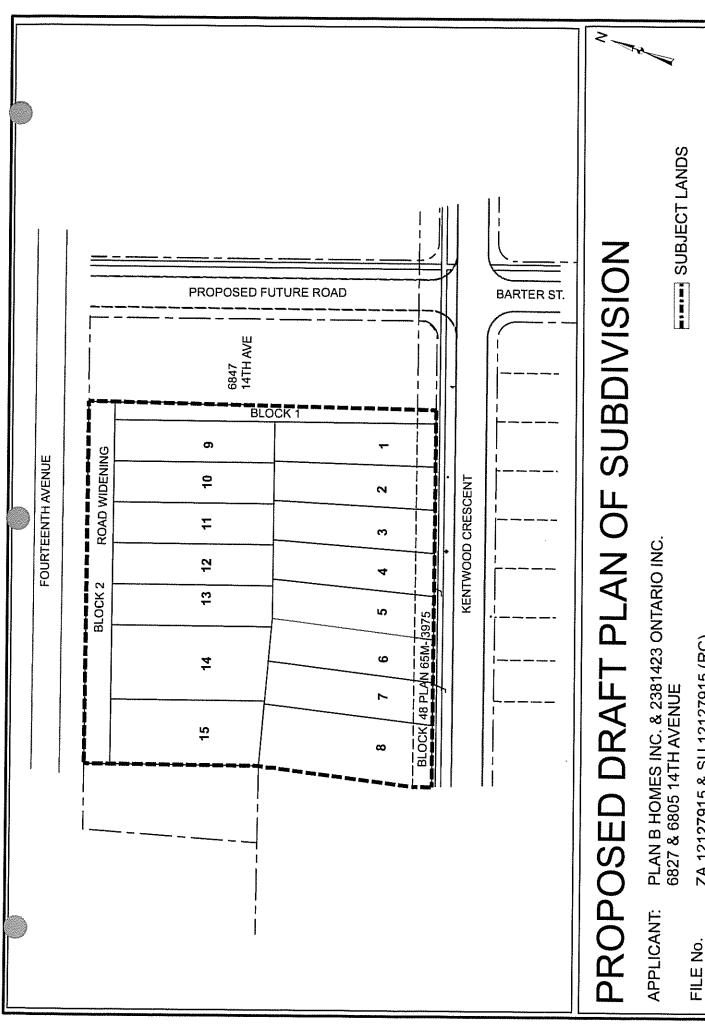
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DATE: 08/19/2013 FIGURE No.

SUBJECT LANDS



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(MARKHAM DEVELOPMENT SERVICES COMMISSION

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DATE: 12/113/13

FIGURE No. 4

SU 12-127915

THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-12007 (PLAN B HOMES INC., AND 2381423 ONTARIO INC.) ARE AS FOLLOWS:

1. General

- 1.1 Approval shall relate to plan of subdivision 19TM-12007 prepared by EMC Group Limited, identified as Project No. 213137-PL1, dated June 18, 2013, with a last revision date of August 20, 2013.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of approval by the Council of the City of Markham, and shall accordingly lapse on XXX X, 20XX, unless extended by the City upon application by the Owner.
- 1.3 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, Functional Servicing and Stormwater Compliance Report, Noise Impact Study, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.
- 1.4 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.
- 1.5 The Owner shall acknowledge and agree in the subdivision agreement that final approval of the draft plan shall be subject to adequate sanitary sewer capacity and water supply being allocated to the subdivision by the City.
- 1.6 Conditional servicing allocation for 15 single detached units (55.5 population) is available for this plan of subdivision and will be assigned from the current servicing allocation reserve. The Owner acknowledges that the City may revoke or withdraw a servicing allocation if, in the City's opinion, no reasonable progress has been made by the Owner to implement the approvals contained herein. The Owner further acknowledges that written confirmation of servicing allocation availability from the Developers Group Trustee will be required prior to release of the plan for registration.
- 1.7 The Owner shall covenant and agree in the subdivision agreement that building permits shall not be sought or issued for any dwelling units within the draft plan for which a water supply or sanitary sewer allocation has not been confirmed by the City.
- 1.8 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-laws 177-96 to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.9 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City

(Commissioner of Development Services), to implement or integrate any recommendations resulting from studies required as a condition of draft approval, including but not limited to, the following:

- Changes to road geometry, lotting pattern, service blocks, easements, etc., that are required to resolve engineering issues which may arise from review and approval of the detailed engineering submission.
- 1.10 The Owner acknowledges and agrees to be a participant in good standing (to be confirmed by the Trustee) under the Box Grove Cost Sharing Agreement prior to registration of the draft plan of subdivision.

2.0 Roads

2.1 Prior to final approval of the draft plan, the Owner shall provide proof of the acquisition from Winter Garden Estates and Homes Sport Property Ltd., Block 241 of 65M-3976 and Block 48 of 65M-3975, respectively. The land is required to complete the Kentwood Crescent road allowance, and shall be conveyed to the City, to the satisfaction of the City (Commissioner of Development Services).

3.0 <u>Tree Inventory and Tree Preservation Plans</u>

- 3.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time. 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. <u>Community Design</u>

- 4.1 The Owner shall implement and incorporate all requirements and criteria of the approved Box Grove Community Design Plan into all site plans, landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 4.2 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.
- 4.3 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.
- 4.4 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines.
- 4.5 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not also assume the role of control architect for the plan of subdivision.

5. Parks and Open Space

- As security for the Owner's pro rata share of overall parkland in Boxgrove Community, the Owner authorizes the City to draw on any letter of credit filed, to the value of any parkland deficiency as determined by the City, which amount may be drawn at any point in time to be determined at the sole discretion of the City and when so drawn shall be deemed to be cash-in-lieu of parkland.
- 5.2 The Owner shall provide a specified depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.
- 5.3 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans for the park and school campus in all sales offices for dwelling units within the draft plan of subdivision.

6.0 Landscape Works

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) Streetscape plan including street trees for Kentwood Crescent and 14th Ave
- d) noise attenuation fencing as noted in the approved noise study
- e) 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 5.1.
- 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 REQURIED THE DEVELOPER TO UDNERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD OF IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS to meet 6.1a)
- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR YARDS ADJOINGING 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."

6.1 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.

8.0 Noise Impact Study

- 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 on 14th Avenue 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 the Region of York.

9. Stormwater Management

- 9.1 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.
- 9.2 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.

10.0 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, etc. to the satisfaction of the City (Commissioner of Development Services).

- 10.4 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.
- 10.5 The Owner shall acknowledge and agree in the subdivision agreement that, notwithstanding that the City may approve an interim servicing connection for a portion of the lands/development within the draft plan of subdivision, no building permits will be issued for any development beyond that which can be adequately serviced by the interim connection.

11. Easements

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.

12. Utilities

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

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

13. Phase 1 Environmental Site Assessment (ESA)

- 13.1 Prior to release for registration of the draft plan, the Owner shall:
 - i) Submit environmental site assessment reports prepared by a Qualified Person in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the City and any proposed remedial action plan, for peer review and concurrence;
 - ii) At the completion of any necessary site remediation process, submit certification from the Qualified Person that the necessary clean up has been carried out and that the land to be conveyed to the City meets the Site Condition Standards of the intended land use;
 - iii) File a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the City; and
 - iv) Pay all costs associated with the City retaining a third-party reviewer for the peer review service.
- 13.2 The Owner shall covenant and agree in the subdivision agreement that if during construction of any infrastructure or building within the subdivision contaminated soils are discovered, the Owner shall submit a further remedial action plan to the City for peer review and concurrence prior to carrying out the clean up, to the satisfaction of the Director of Engineering.

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

15.0 Heritage

- Prior to registration of the plan of subdivision, or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the City (Commissioner of Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Culture to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 15.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the City and the Ministry of Culture

16.0 Other City Requirements

- 16.1 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.
- 16.2 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.
- 16.3 The property is inspected by the Markham Fire Department staff to ensure that the fire access route signs, hydrants, fire access routes, addressing complies with the approved site plan drawings as approved.

17.0 Region of York

- 17.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and York Region.
- 17.2 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.

- 17.3 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.
- 17.4 Prior to final approval, the engineering drawing showing the layout of the watermains and sewers shall be submitted to the Capital Planning and Delivery Branch for review and record.
- 17.5 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.
- 17.6 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 Transportation and Community Planning Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- 17.7 Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the 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.
- 17.8 Prior to final approval, the Owner shall submit detailed engineering drawings, to the Transportation and Community Planning Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the 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, construction access and mud mat design, utility and underground servicing location plans, traffic control/construction staging plans and landscape plans.
- 17.9 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the 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.
- 17.10 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the 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.
- 17.11 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 rightof-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 rights 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:

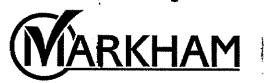
Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g.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

- 17.12 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 14th Avenue of sufficient width to provide a minimum of 18.0 metres from the centreline of construction of 14th Avenue; and
 - b) A 0.3 metre reserve across the full frontage of the site, where it abuts 14th Avenue adjacent to the above noted widening except at the approved access.
- 17.13 Prior to final approval, in order to determine the property dedications (if any) required to achieve the ultimate right-of-way width of 14th Avenue abutting the subject site, the applicant shall submit a recent plan of survey for the property that illustrates the existing centre line of construction of 14th Avenue.
- 17.14 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.
- 17.15 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 to 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.

- 17.16 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.
- 17.17 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the 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.
- 17.18 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 Transportation and Community Planning Department recommending noise attenuation features.
- 17.19 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Transportation and Community Planning Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Transportation and Community Planning Department.
- 17.20 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the 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.
- 17.21 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".
- 17.22 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-ofways 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.
- 17.23 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.
- 17.24 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.
- 17.25 Prior to final approval, the Owner shall provide a copy of the Subdivision Agreement to the Transportation and Community Planning Department, outlining all requirements of the Transportation and Community Planning Department.
- 17.26 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.
- 17.27 The Regional Transportation and Community Planning Department shall advise that Conditions 17.1 to 17.26 inclusive, have been satisfied.

В



BY-LAW 2014-

A By-law to amend By-laws 304-87 and 194-82, as amended, (to delete lands from the designated area of By-laws 304-87 and 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:

- 1.0 THAT By-laws 304-87 and 194-82, as amended, are hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated area of By-laws 304-87 and 194-82, as amended.
- 2.0 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.
 - 2.2 By rezoning the lands:
 - from Single Family Rural Residential Zone (RR1) under By-law 194-82 to Residential Two Zone (R2 *521) under By-law 177-96
 - (ii) from Single Family Rural Residential Zone (RRH) under By-law 194-82 to Residential Two Zone (R2 *521) under By-law 177-96
 - (iii) from Rural Residential Four Zone (RR4) under By-law 304-87 to Residential Two Zone (R2 *521) under By-law 177-96
 - (iv) from Residential Two Zone (R2*224*326*332) to Residential Two*521 Zone (R2*521)
 - (v) from Residential Two Zone (R2*224*323) to Residential Two*521 Zone (R2*521)
 - 2.3 By adding the following new subsections to Section 7 EXCEPTIONS:
 - "7.521 Plan B Homes Inc. & 2381423 Ontario Inc.
 Box Grove
 Blocks 1 & 2, Lots 1 to 15 Plan 19TM-12007

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol R2*521 as shown on 'Schedule A' to this By-law. All other provisions of By-law 177-96, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.521.1 Zone Standards

The following specific zone standards apply:

- (a) Maximum *driveway* width on a *lot* that is not accessed by a lane with a *lot frontage* of 11.6 m or greater 6.1 m
- (b) Maximum garage width on a lot that is not accessed by a lane with a lot frontage of 11.6 m or greater 6.1 m

7.521.2 Special Site Provision

- (a) The maximum *driveway* width, for a *lot* that shares its vehicular access location on to 14th Avenue with an adjacent *lot*, shall be 3.0 m where the driveway meets the front *lot line*.
- 3.0 All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS ** DAY OF ***, 2014.

KIMBERLEY KITTERINGHAM CITY CLERK

FRANK SCARPITTI MAYOR



EXPLANATORY NOTE

BY-LAW 2014-XX

A By-law to amend By-laws 304-87 and 194-82, as amended, (to delete lands from the designated area of By-laws 304-87 and 194-82) and to amend By-law 177-96, as amended (to incorporate lands into the designated area of By-law 177-96)

Plan B Homes Inc. & 2381423 Ontario Inc. 6827 & 6805 14th Ave Blocks 1 and 2 and Lots 1 to 15, Draft Plan of Subdivision 19TM-12007

Lands Affected

The proposed by-law amendment applies to approximately 1.0 ha. (2.47 ac.) of land on the south side of 14th Avenue, east of 9th Line and west of Box Grove By-Pass in the Box Grove Planning District.

Existing Zoning

The lands are zoned Single Rural Residential Zone (RRH) and Single Residential Zone (RR1) under By-law 194-82, Rural Residential Four (RR4) under By-law 304-87, and Residential Two Zone (R2*224*326*332) and Residential Two Zone (R2*224*323) under By-law 177-96.

Purpose and Effect

The purpose of this By-law amendment is to rezone the subject lands from RRH and RR1 under By-law 194-82, RR4 under By-law 304-87, R2*224*323, and R2*224*326*332 under By-law 177-96 to R2*521 under By-aw 177-96.

The effect of the By-law is to permit the construction of 14 detached dwellings and the retention of an existing dwelling on the subject lands. This By-law includes site specific zone standards and provisions.

