



Report to: Development Services Committee

Report Date: November 19, 2013

SUBJECT: RECOMMENDATION REPORT
Digram Developments Inc.
Major Mackenzie Drive East
Part of Lot 20, Concession 8
Draft Plan of Subdivision and revised Zoning By-law
Amendment applications to permit a 76 unit Common
Element Condominium Townhouse Development

File Nos.: SU 12 113735 and ZA 12 113735

PREPARED BY: Rick Cefaratti, M.C.I.P., R.P.P., ext. 3675,
Planner II, East District

REVIEWED BY: Dave Miller, M.C.I.P., R.P.P., ext. 4960,
Manager, East District

RECOMMENDATION:

- 1) That the report dated November 19, 2013, entitled "Recommendation Report, Digram Developments Inc., Major MacKenzie Drive East, Part of Lot 20, Concession 8, Draft Plan of Subdivision and revised Zoning By-law Amendment applications to permit a 76 unit Common Element Condominium Townhouse Development, File Nos.: SU 12 113735 and ZA 12 113735", be received;
- 2) That the record of the Public Meeting held on June 11, 2013, regarding the applications for approval of Draft Plan of Subdivision and Zoning By-law Amendment be received;
- 3) That Draft Plan of Subdivision 19TM-02011 submitted by Digram Developments 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;
- 5) That, in accordance with Section 34(17) of the Planning Act R.S.O. 1990, an additional Public Meeting not be held regarding the future minor land exchanges between Digram Developments and the owner of the adjoining lands to the east (Primont Homes)
- 6) That the revised application submitted by Digram Developments Inc. to amend Zoning By-law 177-96, as amended, be approved and the draft by-law attached as Appendix 'B' be finalized and enacted without further notice;

- 7) That 2011/2012 servicing allocation for 76 townhouse units (214.32 population) be granted to Digram Developments Inc. for Plan of Subdivision 19TM-02011 in accordance with the June 26, 2012 Servicing allocation Update Report.
- 8) That the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;
- 9) That the Region of York be advised of the servicing allocation for this development;
- 10) That the draft plan approval for Plan of Subdivision 19TM-02011 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,
- 11) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to recommend approval of subject plan of subdivision and revised zoning by-law amendment applications in the Greensborough Planning District to permit a 76 unit Common Element Condominium Townhouse Development on the subject lands.

BACKGROUND:

The 1.66 ha. (4.10 ac.) site is located south east of the intersection of Major MacKenzie Drive East and the Donald Cousens Parkway in the Greensborough Planning District (See Figure 1).

Surrounding uses are as follows:

- To the west is a vacant parcel of land proposed to be used as an automobile service station.
- To the east are approved freehold condominium townhouse development blocks and street townhouse blocks.
- To the north, across Major Mackenzie Drive, are rural residential and open space lands.
- To the south across the Donald Cousens Parkway are residential detached dwellings.

The preliminary report dated May 7, 2013 and Public Meeting dated June 11, 2013 regarding this draft plan of subdivision and rezoning application originally addressed rezoning of the 1.66 ha. (4.10 ac.) subject property. The Zoning Amendment application has been revised (See Figure 5) to provide the following:

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- Adjustment of the zone boundary between the existing NC1*417(H) zoning on the subject property and the current approved R2*441 zoning for the semi-detached lot located south east of the subject property (Lot 1, Plan 65M-4334) which is being transferred from Digram Developments Inc. to Primont Homes;
 - Adjustment of the zone boundary between the proposed CA3 zoning for the subject property and the current approved CA3*445 zoning for freehold condominium townhouse development block located south east of the subject property (Block 35, Plan 65M-4334) which is being transferred from Digram Developments Inc. to Primont Homes;
 - Adjustment of the zone boundary between the existing R2*441 zoning on a portion of Lot 1, Plan 65M-4334 which is being transferred to the subject property (Primont Homes to Digram Developments)

The adjustment of these zone boundaries are required as a result of future land exchanges that are intended to occur between Digram Developments Inc. and the landowners of Lot 1 (Primont Homes) and Block 35 (Pristine Homes).

Official Plan

The property is designated Commercial – Community Amenity Area in the current approved City of Markham Official Plan. The Community Amenity Area policies of the Official Plan permit a wide range of commercial uses including retail, office, and service uses. These policies also permit Medium and High Density Housing at appropriate locations such as at an intersection of an arterial road and/or provincial highway with an arterial or collector road. The Medium and High Density Housing categories in the Official Plan provide for multiple dwelling types including townhouses, stacked townhouses, duplexes, triplexes and apartments.

The City's Official Plan is currently under review. The draft version of the new Official Plan (September 2012) designates the property as Mixed Use – Low Rise. The Mixed Use – Low Rise policies of the new Official Plan permit apartment buildings, stacked townhouses, townhouses, and mixed-use buildings.

These lands are also subject to the policies of the Secondary Plan for the Greensborough Planning District. The Secondary Plan designates the lands Community Amenity Area – North of By-Pass. In addition to the Medium and High Density categories permitted in the Official Plan, the Secondary Plan allows for Low Density Housing. Consequently, the allowable housing density for this area ranges between 17 units per hectare to 148 units per hectare (6.9 to 60 units per acre). The proposed residential density of this development is approximately 50 units per hectare (20 units per acre).

Zoning

The subject lands are zoned NC1*417(H) Neighbourhood Commercial One Holding Zone. Permitted uses in this zone category include, but are not limited to, business offices, personal service shops, and retail stores. Residential Dwellings are not permitted. The site was rezoned in 2007 from Rural Residential (RR4) Zone under By-law 304-87 to a site specific Neighbourhood Commercial (NC1*417(H)) Zone under By-law 177-96,

to permit local commercial uses in accordance with the Commercial designation under the current Official Plan.

Proposal

The application for Draft Plan of Subdivision proposes to create a residential block (Block 1), two 0.3m reserves (Blocks 3 and 4) abutting Major Mackenzie Drive and the Donald Cousens Parkway as well as a proposed road widening Block 2). The proposed subdivision is described below in table format below:

Use and Area	Blocks	Units
Residential – common element condominium 1.605 ha. (3.966 ac.)	1 (Block 1)	76
Road widening 0.0052 ha. (0.0128 ac.)	1 (Block 2)	0
0.3m (1ft) reserve 0.007 ha. (0.018 ac.)	2 (Blocks 3 & 4)	0
Total Site Area 1.66 ha (4.11 ac.)	Total Blocks: 4	Total Units: 76

The Zoning Amendment application has been submitted to permit the proposed townhouse units and to incorporate development standards in the implementing By-law. The applicant proposes to rezone the subject lands from a Neighbourhood Commercial One Holding Zone [(NC1)(H)] to Community Amenity Area Three (CA3) Zone under By-law 177-96, as amended.

Based on the conceptual site plan submitted with the applications the proposed townhouse units shows future laneways within the subject lands that connect to the proposed laneways in Block 35, Plan 65M-4334 and Block 36, Plan 65M-4334 to the east. A third laneway connection to Fimco Crescent is also proposed (See Figure 5).

OPTIONS/ DISCUSSION:

Issues raised at the Public Meeting and other meetings

A Public Meeting regarding the proposal was held on the June 11, 2013. At the Public Meeting, a number of concerns were raised by members of Development Services Committee. These concerns have been reviewed and have been addressed as follows:

Proximity of the subject lands to parkland

One concern raised involved the availability and proximity of parkland to serve the proposed Subdivision. The Policies of the Greensborough Secondary Plan for lands north of the Donald Cousens Parkway require that all residents be located within 400 m or a five minute walk from a Parkette. Figure No. 7 identifies the subject property in relation to the lands north of the Donald Cousens Parkway in the Greensborough Secondary Plan area. This figure identifies open space features north of Donald Cousens Parkway including a parkette within 400 m of the proposed subdivision, a park abutting the Little

Rouge River and valley land associated with the Little Rouge River. A tot lot is not included within the area of the current proposal.

Proximity of the subject lands to commercial services

Concerns were raised regarding the absence of commercial uses in the immediate area. There is an emerging corridor of commercial uses to the west along Markham Road. This corridor adequately serves the current and future residents of the Greensborough Planning District. Lands to the west of the subject lands are proposed to be developed for a gas station and will include a convenience commercial component.

Interface with the proposed gas station to the west

Concerns were raised at the Public Meeting regarding the transition area between the proposed gas station to the west and the subject lands. The interface between the proposed residential on the subject lands and the abutting gas station site will be addressed by providing appropriate buffering with high and low visual screening, noise fencing and landscaped open space.

Open space/stream on the subject property

The Preliminary Report identified a small stream on the subject lands (Figure 2). The Development Services Committee requested that staff provide clarification regarding the small stream feature. Staff has confirmed that this resulted due to an undersized culvert below Major Mackenzie Drive East. Through the construction of a storm sewer along the south side of Major Mackenzie Drive and reconstruction of Major Mackenzie Drive in this area the undersized culvert has been replaced and flooding is not an issue.

The Ward Councilor also raised additional concerns which the owners have addressed:

Availability of on-street parking in the community north of the Donald Cousens Parkway

Each unit within the townhouse development will provide a parking space within a garage and a parking space in front of the garage, meeting the City's By-law requirements. In addition, 16 visitor parking spaces will be provided.

Snow Storage

Snow storage locations have also been identified for the subject property. The subject freehold condominium townhouse development will have private snow storage removal. The location of potential snow storage areas for the lands located north of the Donald Cousens Parkway have been identified and are shown on Figure 6.

Amendment to the Community Design Plan

An amendment to the Community Design Plan for lands north of the Donald Cousens Parkway was submitted with the application. The Amendment provides for the proposed change in zoning for the subject property from Neighbourhood Commercial to Residential. Staff will continue to work with the proponents to ensure that an appropriate interface between the subject lands and the abutting gas station property to the west and residential development to the east are provided. Staff will also continue to work with the proponents to ensure that building orientation of the townhouse units along Donald

Cousens Parkway and adjacent residential development abutting to the east is consistent with the built form guidelines of the Community Design Plan. However, it should be noted that the concept plan submitted with the applications proposes lane based townhouse units that face Donald Cousens Parkway and Major Mackenzie Drive East where possible, and a lotting pattern consistent with the abutting lands to the east (Primont Homes). The proposed Amendment will require staff acceptance prior to final approval of the plan of subdivision.

Draft zoning by-law

The draft zoning By-law proposes to rezone the subject property from Neighbourhood Commercial Zone (NC1*417(H)) to Community Amenity Area Three (CA3) in By-law 177-96. The CA3 zone will permit the proposed 76 unit common element condominium townhouse development.

The proposed changes to the Zoning amendment application will accommodate the proposed land exchanges resulting in revisions in lot lines at the south east corner of Block 1 on the plan of subdivision. The purpose of the land exchange is to regularize the lot lines in this area. The owner is able to adjust the lot lines now that they have purchased the subject lands. Since these lot line changes were not mentioned at the Public Meeting, Council will need to be satisfied that no further notice is to be given with respect to the proposal.

The proposed zoning amendment to permit Community Amenity Three (CA3) zoning on the subject property will include site specific provisions for minimum lot frontage, depth, area, location of the front lot line, parking, and height.

Future Planning Applications Required

Future applications for site plan approval, part lot control exemption and a draft plan of common element condominium are anticipated for the subject lands. These applications will determine the final layout of the proposed development.

Servicing allocation

The draft plan of subdivision and conceptual site plan has sufficient current servicing allocation as confirmed in the City's June 26, 2012 Development Services Committee report on servicing allocation.

The Greensborough Developer's Group has indicated that the draft plan of subdivision and proposed common element condominium townhouse development has 76 units of current servicing allocation (76 townhouse units x 2.82 ppu = 214.32 population).

CONCLUSION

Based on the review of the draft plan of subdivision and the rezoning applications, staff is of the opinion that the proposed applications are consistent with the policies of the current Official Plan and Greensborough Secondary Plan and, therefore, can be supported.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed applications will align with the City's strategic priority 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 and their requirements are reflected in the draft plan of subdivision, draft conditions and draft zoning by-law amendment.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable.

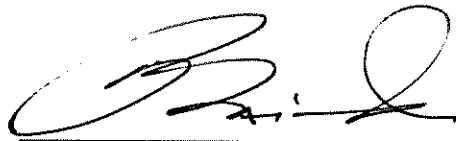
HUMAN RESOURCES CONSIDERATIONS

Not applicable.

RECOMMENDED BY:



Rino Mostacci, M.C.I.P., R.P.P.
Director, Planning & Urban Design



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

ATTACHMENTS:

Figure 1 - Location Map

Figure 2 – Area Context

Figure 3 – Air Photo

Figure 4 – Proposed Draft Plan of Subdivision

Figure 5 – Conceptual Site Plan

Figure 6 – Snow Storage Areas

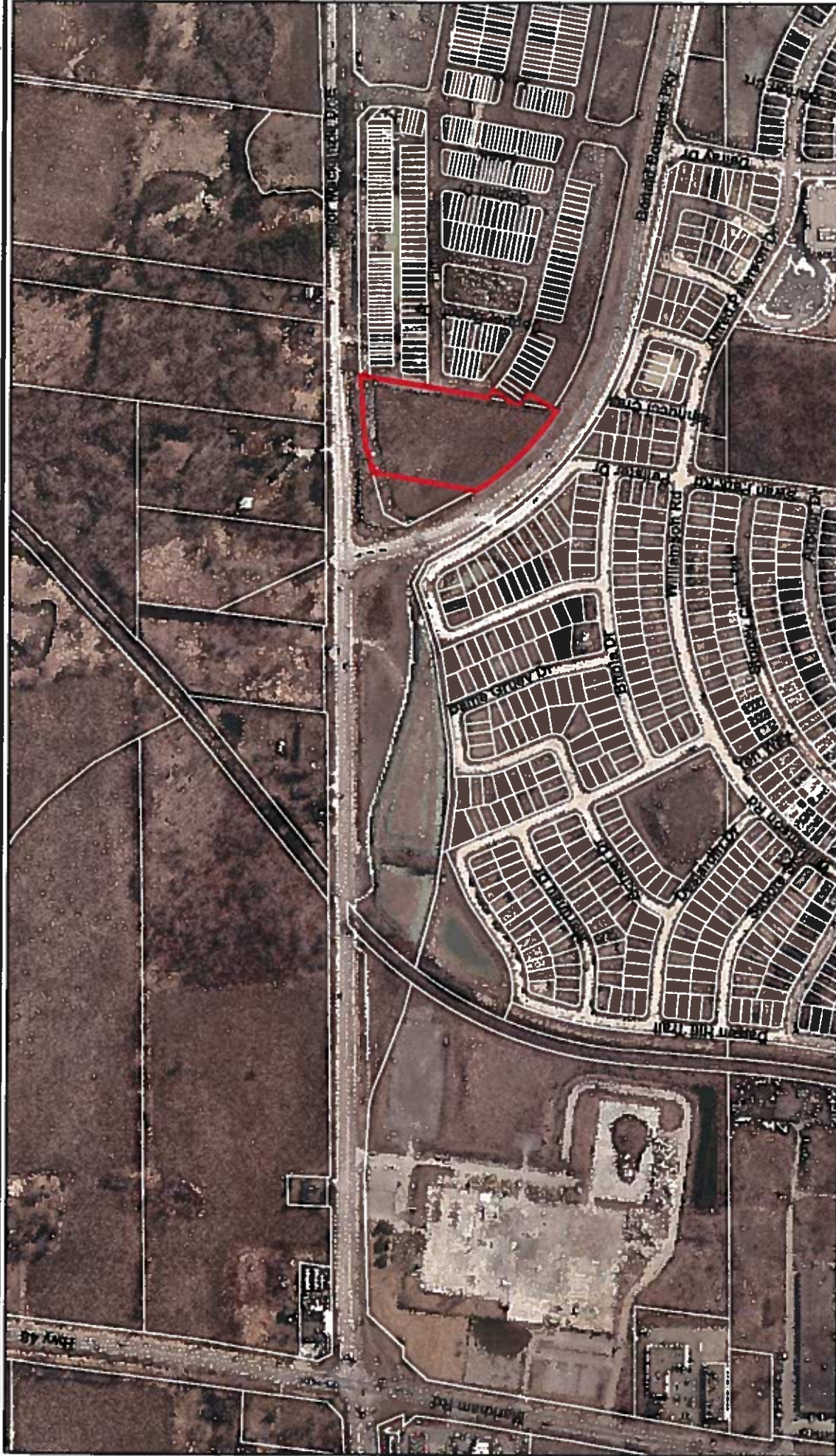
Figure 7 – Local Parkland - Donald Cousens Parkway / Major Mackenzie Drive East

Appendix 'A' – Draft Conditions

Appendix 'B' – Draft By-law

Applicant: KLM Planning Partners Inc.
Attn: Sandra Wiles
64 Jardin Drive, Unit 1B
Concord, ON
L4K 3P3
Ph: 905-669-4055

File path: Amanda\File 12 113735\Documents\Recommendation Report



AIR PHOTO

APPLICANT: DIGRAM DEVELOPMENTS INC.
6475 MAJOR MACKENZIE DR. EAST

FILE No. ZA.12113735 & SU.12113735 (RC)

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 SUBJECT LANDS



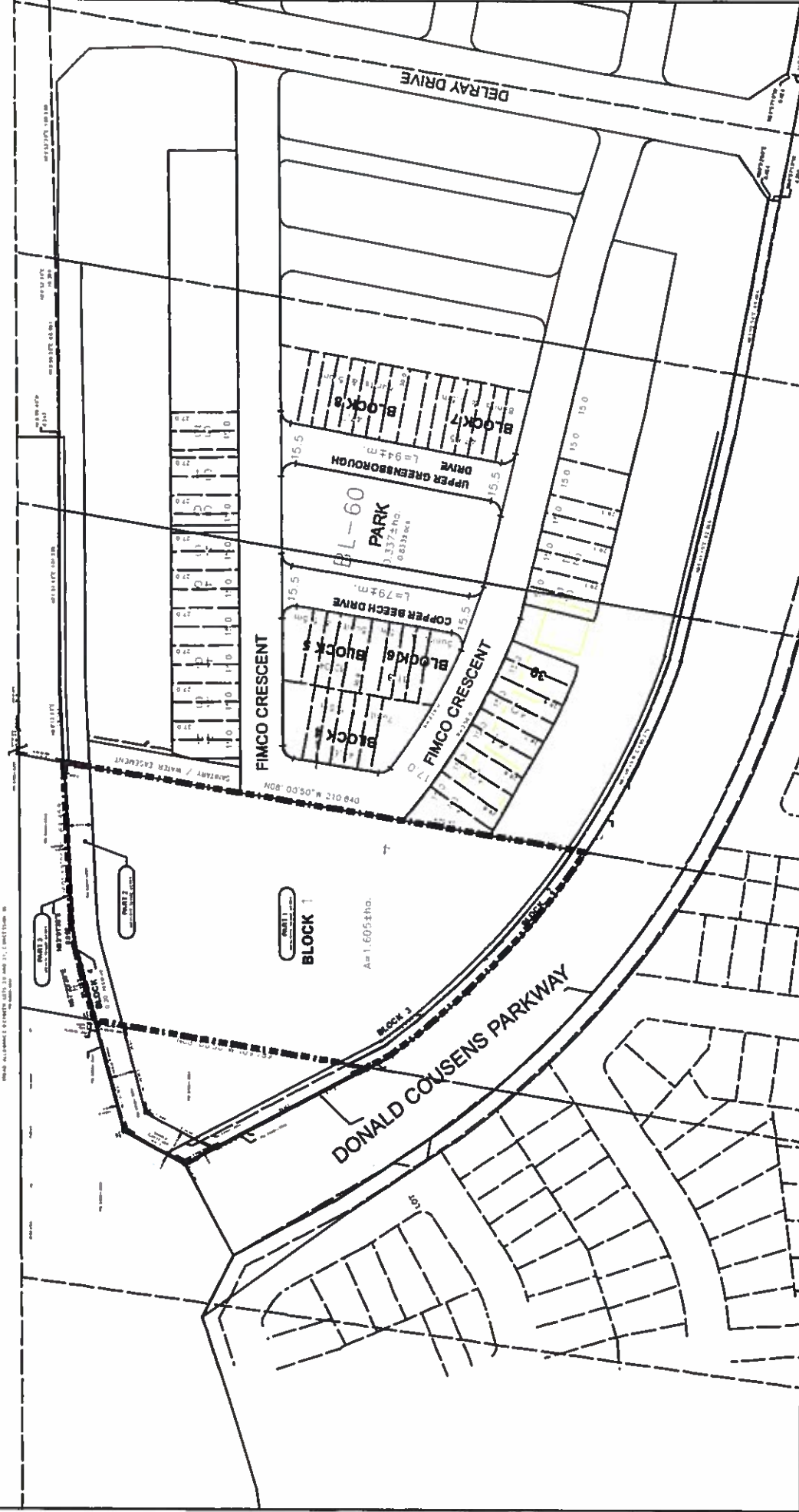
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FIGURE No. 3

MAJOR MACKENZIE DRIVE EAST - REGION ROAD No. 25



DRAFT PLAN OF SUBDIVISION

APPLICANT: DIGRAM DEVELOPMENTS INC.
6475 MAJOR MACKENZIE DR. EAST

FILE No. ZA.12113735 & SU.12113735 (RC)

SUBJECT LANDS

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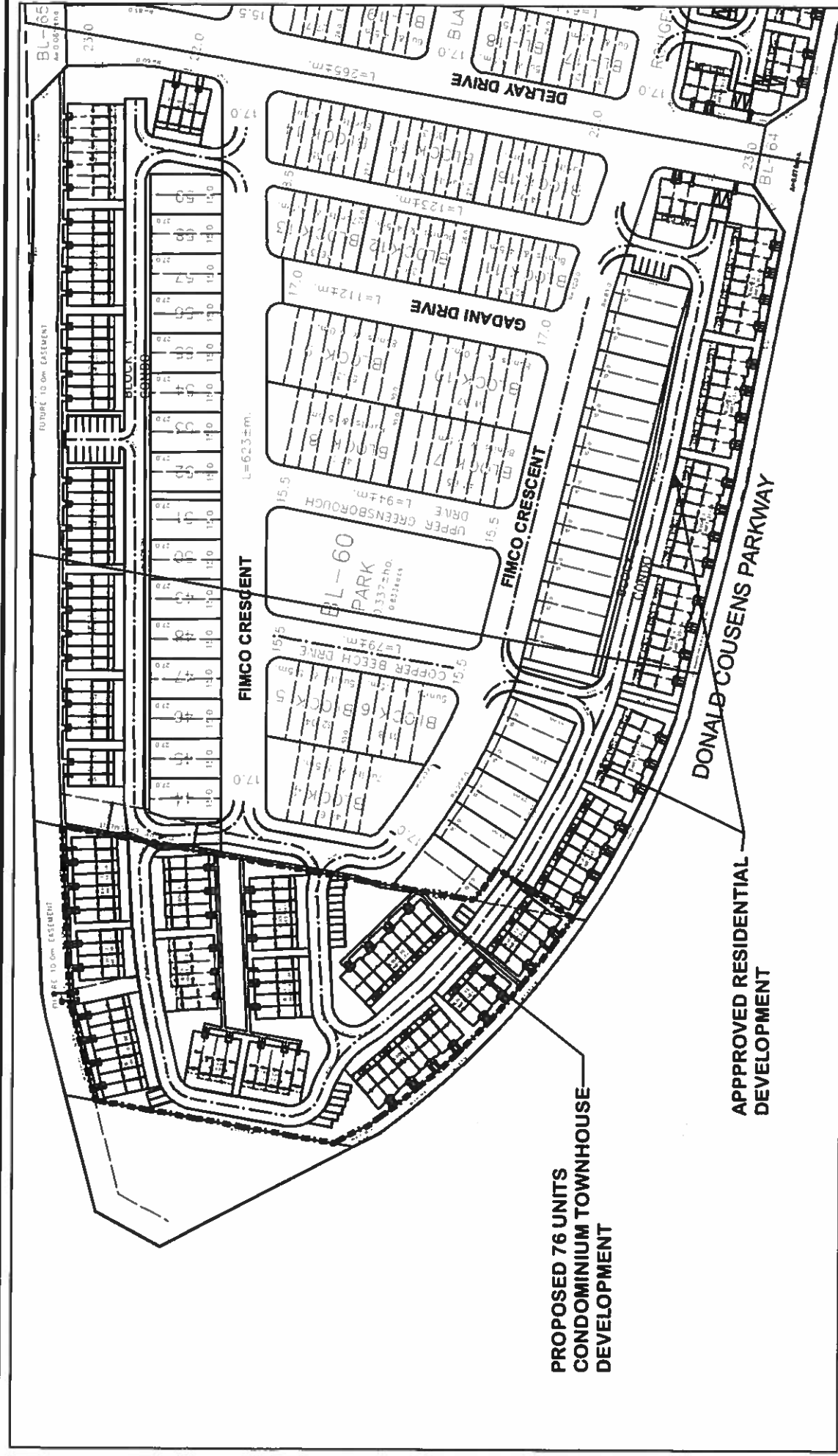
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Drawn By: CPW

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DATE:20/09/2013

FIGURE No. 4

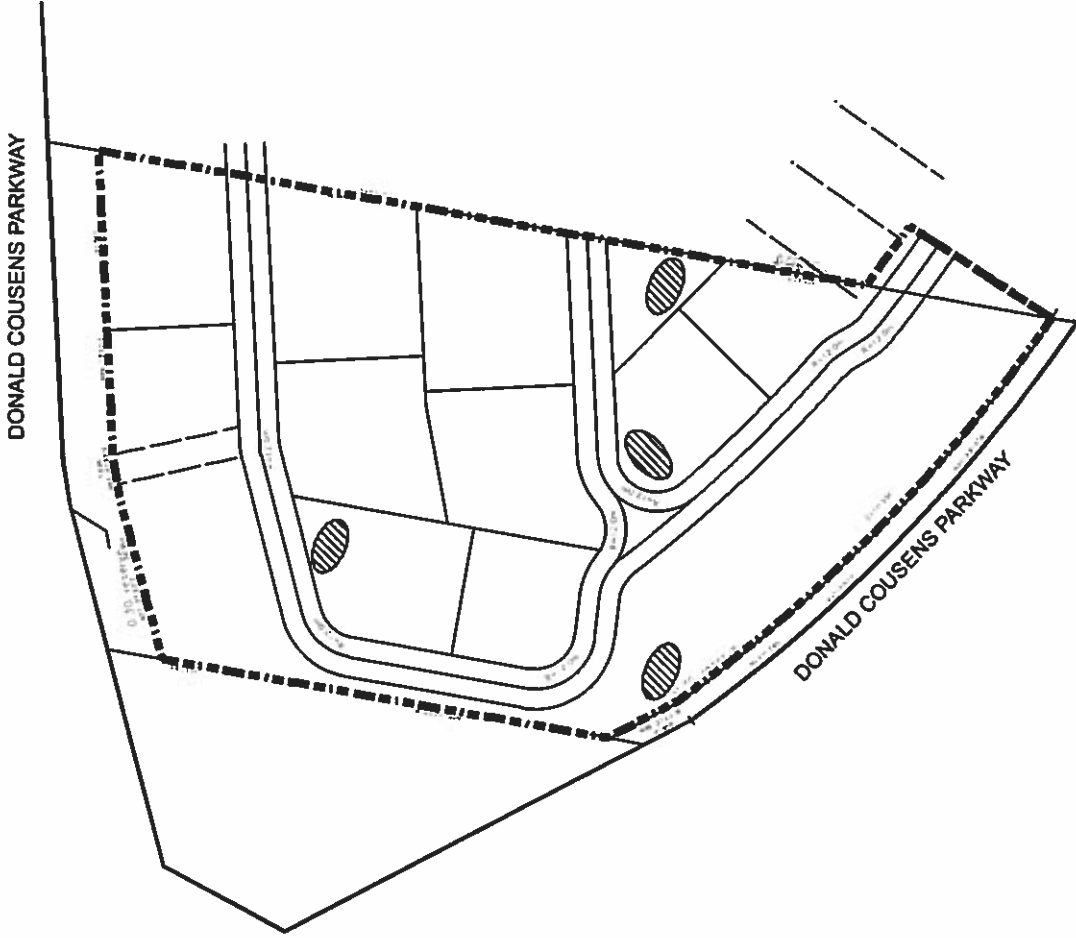


CONCEPTUAL SITE PLAN

APPLICANT: DIGRAM DEVELOPMENTS INC.
6475 MAJOR MACKENZIE DR. EAST

FILE No. ZA.12113735 & SU.12113735 (RC)

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POTENTIAL SNOW STORAGE AREAS

APPLICANT: DIGRAM DEVELOPMENTS INC.
6475 MAJOR MACKENZIE DR. EAST

FILE No. ZA.12113735 & SU.12113735 (RC)

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MARKHAM DEVELOPMENT SERVICES COMMISSION

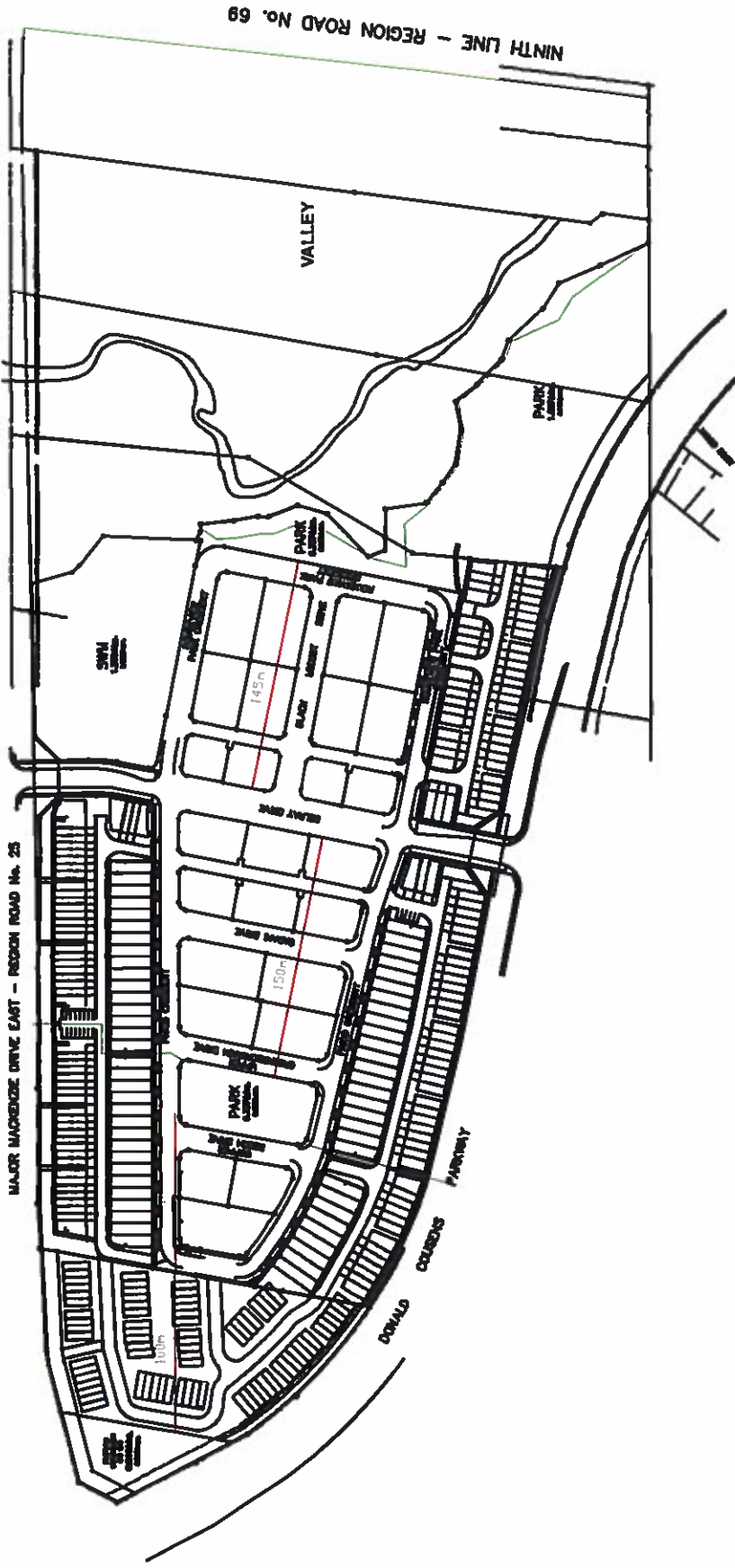
POTENTIAL SNOW
STORAGE AREAS

DATE: 20/09/2013

Checked By: RC

Drawn By: CPW

FIGURE No. 6



GREENSBOROUGH PARK LOCATIONS

APPLICANT: DIGRAM DEVELOPMENTS INC.
6475 MAJOR MACKENZIE DR. EAST

FILE No. ZA.12113735 & SU.12113735 (RC)

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APPENDIX 'A'

SU 12-113735

THE CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-12011 (DIGRAM DEVELOPMENTS INC.) ARE AS FOLLOWS:

1. General

- 1.1 Approval shall relate to plan of subdivision 19TM-12011 prepared by KLM Planning Partners Inc, identified as Project No. P-2273-Des19, DWG No. 12:1 dated April 17, 2012.
- 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, Traffic Impact Study, Stormwater Management Study, Internal Servicing Study, 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 76 townhouse units (214.32 population) is available for this plan of subdivision and will be assigned from the total allocation available for the Greensborough Secondary Plan area. 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.

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- 1.9 The Owner shall covenant and agree in the subdivision agreement that the Holding Zoning (H) provision shall not be removed by the City, and that building permits shall not be sought or issued for any dwelling units within the draft plan for which servicing allocation has not been confirmed by the Developers Group Trustee and the City.
- 1.10 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.
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 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.
 - 2.3 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.
 - 2.4 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, plan and profile drawings, construction access and mud mat design, utility and underground servicing location plans.
 - 2.5 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 the south side of Major Mackenzie Drive of sufficient width to provide a minimum of 18.0 metres from the centreline of construction of Major Mackenzie Drive, and

APPENDIX 'A'

- 1.9 The Owner shall covenant and agree in the subdivision agreement that the Holding Zoning (H) provision shall not be removed by the City, and that building permits shall not be sought or issued for any dwelling units within the draft plan for which servicing allocation has not been confirmed by the Developers Group Trustee and the City.
- 1.10 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.
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 - 2.3 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.
 - 2.4 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, plan and profile drawings, construction access and mud mat design, utility and underground servicing location plans.
 - 2.5 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 the south side of Major Mackenzie Drive of sufficient width to provide a minimum of 18.0 metres from the centreline of construction of Major Mackenzie Drive, and

APPENDIX 'A'

- b) a 0.3 metre reserve across the full frontage of the site where it abuts Major Mackenzie Drive and Donald Cousens Parkway and adjacent to the above noted widening.

- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the City, to the satisfaction of the City (Director of Engineering). The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement to the satisfaction of the City.

3. Noise Impact Study

- 3.1 Prior to release of registration 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.

- 3.2 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. The Owner will be responsible for including all noise warning clauses in the Offers of Purchase and Sale, for affected lots including any Offers of Purchase and Sale entered into prior execution of the subdivision agreement.

4. Parks and Open Space

- 4.1 Prior to registration of the subdivision agreement, the Owner shall provide an updated report indicating the total parkland dedication for the Greensborough Community given as of the date of registration.

5. Community Landscaping

- 5.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans prepared by a qualified person, in accordance with the City's "Streetscape Manual" based on the approved Community Design Plan and Architectural Control Guidelines, to the satisfaction of the Director of Planning and Urban Design

- a) street tree planting in accordance with the City of Markham Streetscape Manual date June 2009, as amended from time to time
- b) 1.5m high black vinyl chain link fence on the public property where residential lots abut parks and open space
- c) buffer planting for the open space blocks and single loaded road allowances
- d) noise attenuation fencing in accordance with the approved noise study
- e) fencing and planting of the walkway blocks

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- f) fencing between low density residential and higher density residential, commercial and industrial sites
 - g) streetscape plan including street trees for Block 1, 2 and 3
 - h) pathways, buffer planting, and fencing of the stormwater management facility
 - i) any other landscaping as determined by the Community Design Plan and the Environmental Master Drainage Plan.
- 5.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 5.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 6.1.
- 5.4 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 6.1 a)
 - CORNER LOT FENCING
 - REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
 - TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
 - NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
 - FENCING OF 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.”
- 5.5 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, landscaping and other Urban Design requirements.

APPENDIX 'A'

6. Community Design

- 6.1 The Owner shall prepare and submit for approval all plans in accordance with the approved Upper Greensborough Neighbourhood Urban Design Guidelines addendum to the Neighbourhoods of Greensborough Community Design Plan dated June 2010 prepared by a KLM Planning Partners Inc to the satisfaction of the Director of Planning and Urban Design.
- 6.2 The Owner shall retain a design consultant acceptable to the Director of Planning and Urban Design to prepare architectural control guidelines to be submitted to the Director of Planning and Urban Design for approval prior to execution of the subdivision agreement.
- 6.3 The Owner shall retain a design consultant acceptable to the Director of Planning and Urban Design to implement the Architectural Control Guidelines.
- 6.4 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.
- 6.5 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.

7. Stormwater Management

- 7.1 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.
- 7.2 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.

8. Municipal Services

- 8.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City (Commissioner of Development Services), a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 8.2 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).
- 8.3 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

APPENDIX 'A'

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).

- 8.4 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.

9. Developers Group Agreement

- 9.1 Prior to final approval of the draft plan or any phase thereof, the Owner shall enter into a Developers Group Agreement to ensure the provision of community and all common facilities such as school sites, municipal services, parks and public roads, etc, in the Greensborough Secondary Plan area are completed to the satisfaction of the City (Commissioner of Development Services and City Solicitor). A certificate confirming the completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor.

- 9.2 The Owner shall covenant and agree in the subdivision agreement that the plan of subdivision or any phase thereof shall not be released for registration by the City until the Owner delivers a release to the City from the Trustee of the Developers Group to the effect that all conditions of the Group Agreement have been met to the satisfaction of the Trustee.

10. Traffic Impact Study

- 10.1 Prior to final approval of the draft plan, the Owner shall prepare, in consultation with the Owners of other lands within the Greensborough Planning area, Traffic Impact Study to the satisfaction of the City and the Region of York. The Owner shall incorporate the requirements and criteria of the Study into the draft approved plan and subdivision agreement.

11. Easements

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

12. Utilities

- 12.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City (Commissioner of Development Services) and authorized agencies.

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- 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 Canada Post
- a) 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.
 - b) 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.
 - c) 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.
 - d) 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.
 - e) The Owner will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
 - i) An appropriately sized sidewalk section (concrete pad) as per municipal standards (to place the mailboxes on);
 - ii) Any required walkway across the boulevard as per municipal standards;
 - iii) Any required curb depressions for wheelchair access.
- 12.4 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.
- 12.5 The Owner covenants and agrees to provide easements for utilities/ telecommunications/ vaults as required by the City to the satisfaction of the City.
- 12.6 The Owner covenants and agrees to advise all utility and telecommunications carriers that plans for medium and large sized vaults are to be submitted to the City for review and approval. Drawings are to be approved by the Commissioner of Development Services and are to include location, grading, fencing, landscaping, access, elevations, etc.

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- 12.7 The Owner covenants and agrees to provide wider right-of-way of the laneway for utility boxes as required by the City to the satisfaction of the City.

13. Development Charges

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

14. Phase 1 Environmental Site Assessment (ESA)

- 14.1 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) Submit a Letter of Reliance for Environmental Site Assessment, as per the City's standards, signed and stamped by a Qualified Person, to the satisfaction of the City (Commissioner of Development Services);
- iv) File a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the City; and
- v) Pay all costs associated with the City retaining a third-party reviewer for the peer review service.

- 14.2 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.

15. Heritage

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

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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. 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 acknowledges and agrees 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.

- 16.3 The Owner acknowledges that rear lanes servicing Townhouse blocks all are to be designed as Fire Access Routes to the satisfaction of the Fire Chief.

- 16.4 Fire Access Route Signs are required and shall be installed by the Owner subject to Fire Department approval. A site plan showing the location of signs shall be submitted to the Fire Department for review and approval. The signs are to be spaced maximum 30m apart on both sides of the fire access route and a maximum of 15m from the street curb. Signs to be set at an angle of not less than 30° and not more than 45° to a line parallel to the flow of traffic and should always be visible to approaching traffic.

- 16.5 The Owner acknowledges and agrees that Block 1 will be subject to site plan approval.

- 16.6 The Owner shall include the following clauses in all offers of purchase and sale for units with a single-car garage:

"PURCHASERS/TENANTS ARE ADVISED THAT THE CITY'S PARKING BY-LAW REQUIRES A MINIMUM OF TWO PARKING SPACES, ONE IN THE DRIVEWAY AND ONE IN THE GARAGE. OUTSIDE A PRIVATE GARAGE, PARKING IS ONLY PERMITTED ON A DRIVEWAY.

PURCHASERS/TENANTS ARE ADVISED THAT THE CITY'S ZONING BY-LAW RESTRICTS DRIVEWAY WIDTHS, WHICH MAY NOT ALLOW TWO CARS TO PARK SIDE BY SIDE.

PURCHASERS/TENANTS ARE ADVISED THAT OVERNIGHT STREET PARKING WILL NOT BE PERMITTED UNLESS AN OVERNIGHT STREET PARKING SYSTEM IS IMPLEMENTED BY THE CITY."

- 16.7 The Owner shall provide at their own expense, printed copies of the City of Markham *Home Buyer's Guide* available from the City's website www.markham.ca, at all sales centres for distribution to potential home owners.

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- 16.8 The Owner shall covenant and agree in the subdivision agreement that no building permits will be issued for part blocks until said blocks have been combined with abutting lands to create building lots in conformity with the zoning by-law and all applicable fees have been paid. The Owner acknowledges and agrees that contiguous part lots will be registered as one block in the final plan, and that future lots will be created through part lot control.
17. Toronto and Region Conservation Authority (TRCA)
- 17.1 TBD
19. Region of York
- 19.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and York Region.
- 19.2 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.
- 19.3 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.
- 19.4 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, plan and profile drawings, construction access and mud mat design, utility and underground servicing location plans.
- 19.5 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 the south side of Major Mackenzie Drive of sufficient width to provide a minimum of 18.0 metres from the centreline of construction of Major Mackenzie Drive, and
 - b) a 0.3 metre reserve across the full frontage of the site where it abuts Major Mackenzie Drive and Donald Cousens Parkway and adjacent to the above noted widening.

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- 19.6 Prior to final approval, in order to determine the property dedications (if any) required to achieve the ultimate right-of-way widths of Major Mackenzie Drive 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 Major Mackenzie Drive.
- 19.7 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.
- 19.8 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.
- 19.9 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 certifications shall be done at no cost to York Region.
- 19.10 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.
- 19.11 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 blocks to Major Mackenzie Drive and Donald Cousens Parkway

APPENDIX 'A'

will not be permitted. Access must be obtained through the internal road network.

- 19.12 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Transportation and Community Planning Department and illustrated on the Engineering Drawings.
- 19.13 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.
- 19.14 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 roadways, unless otherwise specified by the Transportation and Community Planning Department.
- 19.15 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 unless otherwise specified by the Transportation and Community Planning Department. 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.
- 19.16 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.
- 19.17 Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
 - a) All existing woody vegetation within the York Region road right-of-way,
 - b) Tree protection measures to be implemented on and off the York Region road right-of-way to protect right-of-way vegetation to be preserved,
 - c) Any woody vegetation within the York Region road right-of-way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right-of-way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal,

APPENDIX 'A'

- 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.

- 19.18 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.
- 19.19 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.
- 19.20 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.
- 19.21 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".
- 19.22 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;

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- 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;
- 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.

19.23 Prior to final approval, the Owner shall satisfy the Region of York Transportation and Community Planning Department that the services to be installed within or in conjunction with the Plan will provide for sidewalks on both sides of the roadways listed below, unless only one side of the street lies within the limits of the subject lands. The sidewalks shall meet the local municipality's standards, and be provided by the Owner along the subject lands' frontage onto roadways that have and will have transit services.

Existing YRT/Viva transit services operate on the following roadway in the vicinity of the subject lands:

- Donald Cousens Parkway

Future YRT/Viva transit services are planned for the following roadway:

- Major Mackenzie Drive East

19.24 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.

19.25 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law # 2012-36.

19.26 The Regional Transportation and Community Planning Department shall advise that Conditions 1 to 24 inclusive, have been satisfied.

20. External Clearances

20.1 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) Canada Post shall advise that Condition 12.3 has been satisfied.

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- b) The Ministry of Culture shall advise that Conditions 15.1 and 15.2 have been satisfied.
- c) The Toronto and Region Conservation Authority shall advise that Conditions XX to XX inclusive, have been satisfied.
- d) The Regional Municipality of York Planning Department shall advise that Conditions 19.1 to 19.26 inclusive, have been satisfied.

Dated:

Biju Karumanchery, M.C.I.P., R.P.P.
Senior Development Manager
Planning and Urban Design



BY-LAW 2013-XX

A By-law to amend 177-96

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1.0 By-law 177-96, as amended, is hereby further amended as follows:

1.1 By rezoning the lands comprising Part of Lot 20, Concession 7, as denoted by the Symbol *441 and *512 on the Schedules to this By-law as follows:

- | | | |
|-------|---|--------------------|
| (i) | From
Neighbourhood Commercial One*417 (Hold) NC1*417 (H)
To
Community Amenity Area*512 | CA3*512 |
| (ii) | From
Neighbourhood Commercial One*417 (Hold) NC1*417 (H)
To
Residential Two*441 | R2*441 |
| (iii) | From
Residential Two*441
To
Community Amenity Area*512 | R2*441
CA3*512 |
| (iv) | From
Community Amenity Area*445
To
Community Amenity Area*512 | CA3*445
CA3*512 |

1.2 By adding the following new subsections to Section 7 – EXCEPTIONS:

**“7.512 Digram Developments Inc. - Greensborough
Block 1, Plan 19TM-02011**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted with the symbol *512 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.512.1 Additional Permitted Uses

The following additional uses are permitted:

- (a) A private garage is permitted to be within or attached to the main building.

- (e) Minimum *required rear yard* – 0.6 metres;
- (f) Maximum *building height* – 15.0 metres;
- (g) Minimum number of *parking spaces* – 1.0 per *dwelling unit*.

7.512.3

Special Site Provisions

The following site specific provisions apply:

- (a) All lands not owned by a public authority shall be deemed to be one block notwithstanding any further division of land.
- (b) For the purposes of this by-law Donald Cousens Parkway shall be deemed to be the front *lot line* notwithstanding any further division of the land.
- (c) For the purposes of this by-law Major MacKenzie Drive shall be deemed to be the rear lot line notwithstanding any further division of the land.
- (d) For the purposes of this By-law all other *lot lines* shall be deemed to be interior side *lot lines* notwithstanding any further division of the land.
- (e) Section 6.5 Dwelling Units shall not apply.
- (f) No provision of this By-law shall prevent the further division of the lands denoted by the symbol *512 on the Schedules to this By-law, except that required parking must be located on the same *lot* as the building structure or use requiring the parking.
- (g) The provision requiring no less than 25% of the wall of the *first storey* facing the *front lot line* be located any further than 5.1 metres from the *front lot line* shall not apply.

- 2.0 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 ***, 2013.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR



EXPLANATORY NOTE

BY-LAW 2013-XX

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

**Digram Developments Inc.
Major Mackenzie Drive East
CON 8 PT LT 20 AND PL D832 PTS 1 TO 5**

Lands Affected

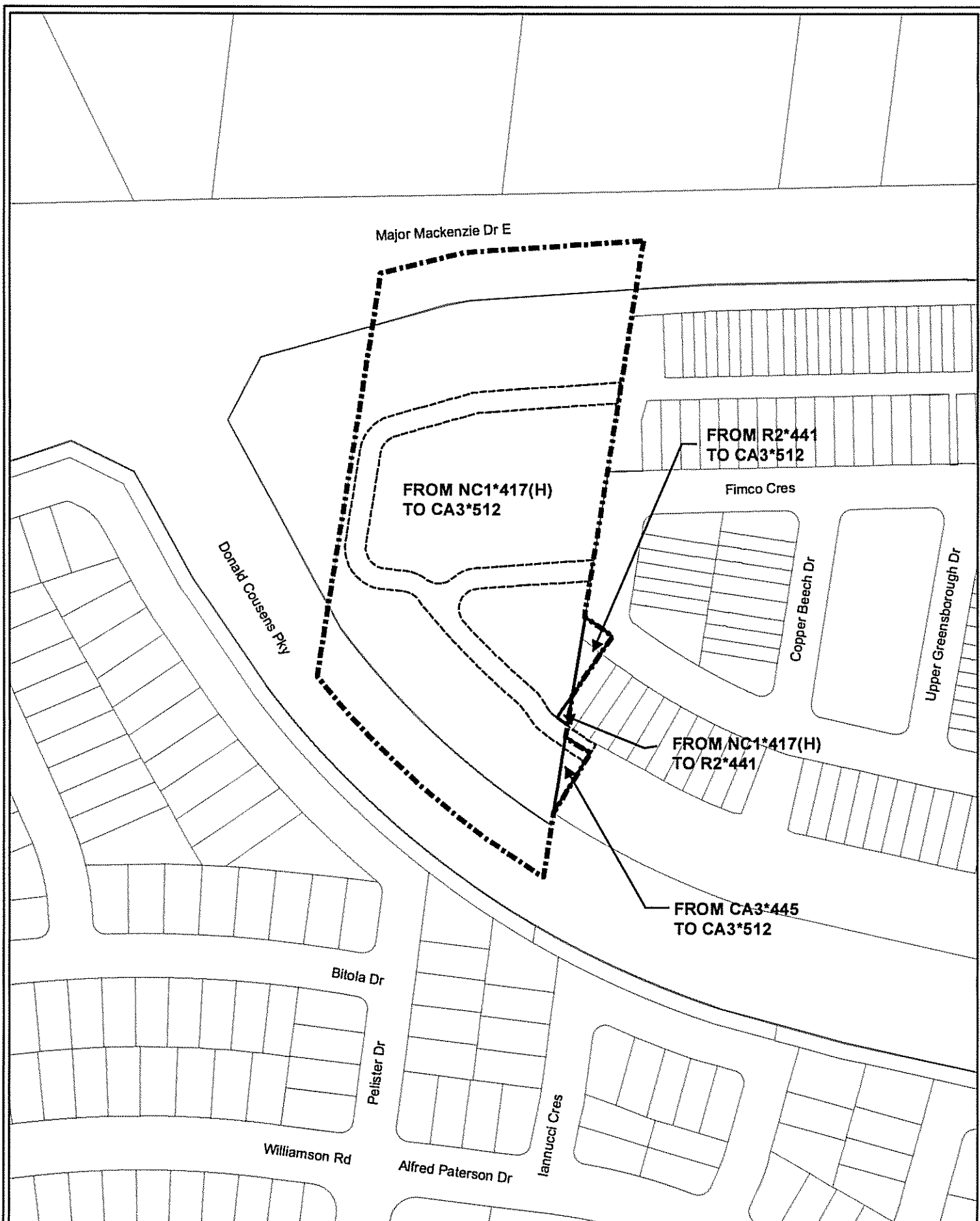
The proposed by-law amendment applies to approximately 1.7 hectares (4.2 acres) of land on the south side of Major Mackenzie Drive East and east side of Donald Cousens Parkway in the Greensborough planning District.

Existing Zoning

The existing zoning provisions in the above noted By-law are Neighbourhood Commercial One*417(H) (NC1*417(H), as amended, and Residential Two *441 (R2*441) under By-law 177-96.

Purpose and Effect

The purpose of this By-law is to amend the above-noted Zoning By-law in order to permit a 76 unit condominium townhouse development on the subject lands and to facilitate minor land exchanges between abutting land owners for the orderly development of the Greensborough Planning District..



BY-LAW SCHEDULE 'A' TO AMEND BY-LAW 177-96



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

BOUNDARY OF ZONE DESIGNATION(S)

