

SUBJECT: RECOMMENDATION REPORT
Upper Unionville Inc.
Future Development Block 992, Plan 19TM – 10003
Northeast corner of 16th Avenue and Kennedy Road
Applications for Official Plan/Secondary Plan and Zoning
By-law amendments and Draft Plan of Subdivision
File No.: OP/ZA/SU 12 110185

PREPARED BY: Gary Sellars, M.C.I.P., R.P.P., ext. 2960
Senior Planner, West District

REVIEWED BY: Ron Blake, M.C.I.P., R.P.P., ext. 2600
Manager, West District

RECOMMENDATION:

- 1) That the report dated October 1, 2013 and entitled “RECOMMENDATION REPORT, Upper Unionville Inc., Future Development Block 992, Plan 19TM – 10003, Northeast corner of 16th Avenue and Kennedy Road, Applications for Official Plan/Secondary Plan and Zoning By-law amendments and Draft Plan of Subdivision, File No.: OP/ZA/SU 12 110185”, be received;
- 2) That the application submitted by Upper Unionville Inc. to amend the Official Plan, and the Berczy Village Secondary Plan be approved and that the draft Official Plan Amendment attached as Appendix “A”, be finalized and adopted without further notice;
- 3) That the notice of adoption of the Official Plan/Secondary Plan Amendment be forwarded to the Region of York;
- 4) That the application submitted by Upper Unionville Inc. to amend Zoning By-laws 304-87, as amended and 177-96, as amended, be approved and the draft Zoning By-law amendment attached as Appendix “B”, be finalized and enacted without further notice;
- 5) That draft plan of subdivision 19TM-12012 submitted by Upper Unionville Inc., be draft approved subject to the conditions outlined in Appendix “C”;
- 6) That the Mayor and Clerk be authorized to enter into a No Presale Agreement with the Owner of Plan 19TM-12012 which agreement shall be registered on title, committing the Owner to:

Not enter into any agreements of purchase and sale with end users for the lands, until such time as:

- a. the City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;
- or,
- b. i. York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of all water and wastewater infrastructure required to support the Region's capacity assignment pertaining to the City of Markham allocation used for the subject development and,
 - ii. The Council of the City of Markham has allocated, within the limit of the Regional capacity assignment, adequate available water and waste water servicing capacities to the subject development;
- or,
- c. the Regional Commissioner of Environmental Services and the City of Markham confirm servicing capacity for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.

AND

Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the City of Markham. This agreement shall be registered on title, committing the new Owner to the same terms as set out in items a, b and c above.

- 7) That the Owner enter into an indemnity agreement with the Region of York. The agreement shall save harmless the Region from any claim or action as a result of the Region releasing conditions and pre-conditions of draft approval and shall be registered on title;
- 8) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to recommend draft approval of a proposed plan of subdivision in the Berczy Village Secondary Plan area and approval of implementing Official Plan/Secondary Plan and zoning by-law amendments for the plan.

BACKGROUND:**Property and Area Context**

The subject lands consist of 6.7 ha. (17 acres) at the northeast corner of 16th Avenue and Kennedy Road, within the Berczy Village Secondary Plan area ([Google Map Link](#)). The lands are identified as Future Development Block 992 on draft plan of subdivision 19TM-10003 which was draft approved by Council on May 11, 2011. The block was created with the intent that the applicant would eventually prepare a mixed commercial and residential development proposal for the block.

A temporary tree nursery is located at the northwest corner of the lands adjacent to the historic Beckett Farm bur oak tree. These trees will eventually be transplanted in the surrounding subdivision currently under development by the applicant. The sales offices for the builders in Upper Unionville are located at the southeast corner of the lands.

The surrounding context is as follows

- To the north and east, are lands that are currently under development by the applicant
- To the west, across Kennedy Road, is a private school and single detached dwellings
- To the south, across 16th Avenue, are single detached dwellings and a medical building and pharmacy at the south east corner of 16th Avenue and Kennedy Road

Official Plan and Zoning

The Official Plan designates the subject lands Urban Residential. The Berczy Village Secondary Plan designates the lands Urban Residential - Low Density. This designation permits detached, semi-detached, linked, duplex and street townhouse units, and medium density housing types subject to certain conditions. The net site density of all units in this designation is required to be within the range of 17 to 37 units per hectare (6.9 to 14.9 units per acre).

The subject lands are currently zoned Agricultural One (A1) by By-law 304-87, as amended (Figure 2).

Amendments to the Official Plan and Berczy Village Secondary Plan are proposed to accommodate a mixed commercial and residential development. Draft plan of subdivision approval and implementing zoning by-law amendments are also proposed to permit development of the subject lands.

Proposal

The proposed plan of subdivision consists of 8 single detached, 16 semi-detached, 130 townhouse units and 18 mixed commercial and residential (live/work) units in the form of townhouses (total units - 172), two parkettes and a stormwater management pond (Figures 4 and 5). An application for amendments to the Official Plan and Berczy Village Secondary Plan has been submitted to permit the proposed mixed commercial and residential (live/work) units. The applicant is proposing the Community Amenity

Area – Arterial land use designation in the Secondary Plan for the mixed use blocks. The applicant has also applied for draft plan of subdivision approval and implementing amendments to Zoning By-laws 304-87 and 177-96, as amended.

The proposed mixed use units would consist of ground floor commercial and retail uses with residential uses on the upper floors. The mixed use units are located opposite the stormwater management pond and a proposed public square/piazza overlooking the pond (Figure 6). It is intended that the streetscape for this area will reflect that of a small village main street.

The historic Beckett Farm bur oak tree will be retained and incorporated into a parkette.

Land Use	Units	Hectares	Acres
Single Detached Residential	8		
Semi-detached Residential	16		
Townhouses	130		
Mixed Use (Live/Work)	18		
Total Residential	172	3.52	8.70
Parkettes (2)		0.31	0.76
Stormwater Management Pond		0.89	2.21
Total Area of Subdivision		6.7	16.7
Net Site Density	48.9units/ha. (19.8units/acre)		

Net Site Density

The Berczy Village Secondary Plan states that each plan of subdivision shall generally comply with the net site density ranges by density category. The net site density of the entire Upper Unionville (Beckett Farm) subdivision, including the subject lands (Future Development Block 992) is approximately 35 units per hectare (13.9 units per acre). Therefore, notwithstanding the net site density of 48.9 units/ha. (19.8 units/acre) on the subject lands, the entire Upper Unionville (Beckett Farm) subdivision complies with the 17 to 37 units per hectare (6.9 to 14.9 units per acre) net site density provisions of the Secondary Plan.

Statutory Public Meeting - January 22, 2013

The agent for the Unionville Montessori School, located at the northwest corner of 16th Avenue and Kennedy Road, submitted a letter and made a deputation at the Public Meeting expressing concerns about the impact that the Upper Unionville Street “1” connection to Kennedy Road (which the Region will restrict to right-in/right-out) might have on the school’s existing full moves access on Kennedy Road (Figure 4). The Region has since advised that the design of the Street “1” intersection with Kennedy Road will include a channelizing median (i.e. pork-chop island) and that there will be no physical restriction to the school’s existing full moves access on Kennedy Road. This however does not preclude the Region from the right to review the School’s access configuration in the future as part of any development proposal for the School property. Based on this,

the agent for the School has advised that they have no further concerns with respect to the proposed Upper Unionville plan of subdivision.

A representative of the Angus Glen Ratepayers Association made a deputation at the meeting in support of the proposed development.

Committee expressed an interest in the pedestrian walkway system that will be associated with the stormwater management pond block. Provision of walkways around the pond with access to 16th Avenue and Kennedy Road were identified as being important. Landscape/walkway plans for the pond will be required as a condition of draft plan approval and the provision of walkways will be required where feasible.

DISCUSSION:

The proposed development is an integral component of the community

The proposed plan of subdivision is integrated with the adjacent draft approved plan of subdivision (Figures 4 and 5) and is an integral component of the community. The proposal is generally in compliance with the Upper Unionville Community Design Plan.

The combination of the stormwater management pond, public square/piazza and mixed commercial and residential units will create a main street focal point for the community and help serve some of its commercial needs. The public square/piazza will include open space, a clock tower, statue of William Berczy and lookout areas to the pond. The pond will be designed with an urban edge adjacent to Streets "1" and "2" that includes retaining walls. On-street angled parking will be provided on both sides of Streets "1" and "2". A pedestrian friendly environment will be provided through the provision of wide sidewalks, landscaping, on-street parking and awnings above the commercial frontages of buildings (Figures 6 and 7). Approval of landscape and streetscape plans for this area will be required as conditions of draft plan approval.

The historic Beckett Farm bur oak tree located on the northwest portion of the lands will be retained and incorporated into a parkette.

The live/work units will enhance the public square/piazza

The majority of the live/work unit's ground floor space will be restricted to commercial and non-residential uses. Commercial and residential uses will be permitted on the upper floors. The three storey lane based buildings will be aligned with and sited close to the streets. The buildings will include awnings for shade and weather protection, large ground floor windows for retail displays and non back-lit signage. The architecture will reflect the heritage character of Markham. These buildings will be subject to site plan approval.

The project is designed to have regard for major arterial roads in the vicinity

Lane based townhouse units are proposed adjacent to the arterial roads to enhance the streetscape. Also, the Region has advised that Streets “1” and “2” will be restricted to right-in/right out movements at Kennedy Road and 16th Avenue respectively (Figure 6).

Road and lane network and on street parking configuration are acceptable

The road and lane network and on street parking configuration have been reviewed with the Operations Department to ensure that they comply with current standards and will operate efficiently.

Sufficient areas for snow storage in lanes are available

Planning and Engineering staff have consulted with the Operations Department with respect to snow storage and removal in lanes. The Operations Department has advised that they are satisfied that adequate areas for snow storage are available in the flankage boulevards of the lanes. Should it be necessary, any overflow snow can be moved to adjacent road boulevards. In addition, the row of parking on the west side of Street 2 adjacent to the stormwater management pond block will be reserved for snow storage as it is not anticipated that it will be required during the winter months for parking when there will be less people visiting the pond.

On street parking will be available for visitors of lane based units

On-street parking will be available on all streets for visitors to the lane based units; 1 side on Streets 3 and 4, and both sides on Streets 1 and 2. Pedestrian walkways will provide access from the internal road and lane system to the front of the lane based units on Kennedy Road and 16th Avenue. Driveway locations on the roads will be reviewed when the applicant submits a Composite Utility Plan for review and approval, to ensure that the maximum number of on-street parking spaces are provided. The possibility of establishing a permitting system to allow for visitor overnight on-street parking could be considered with community consultation, if demand were to arise. An amendment to the Parking By-law would be required, as has been granted for certain areas in the municipality (e.g. Cornell, Angus Glen and Cathedraltown).

Servicing Allocation

Upper Unionville Inc. entered into a Tri-Party Agreement with the City of Markham, and York Region on May 30th, 2011 to undertake an “Inflow and Infiltration Pilot Project”. The purpose of the agreement is to assist York Region in fulfilling conditions set out by the Minister of the Environment as part of its approval of the Southeast Collector Trunk Sewer Individual Environmental Assessment and to help Markham reduce the quantity of “clean” water that enters its wastewater system through inflow or infiltration. In exchange for its efforts in this project, Upper Unionville Inc. then receives servicing allocation at a predetermined rate as set out in the Tri-Party Agreement. This project generated a portion of the servicing allocation for Phases 1 and 2 of the Upper Unionville development, and will eventually generate further allocation for this phase of development. No allocation is currently available for this phase of development.

The following are the requirements for approval of draft plans of subdivisions with no servicing allocation:

- the owner must enter into an agreement with the City of Markham not to pre-sell units within the draft plan until servicing allocation is available and has been granted to the plan of subdivision by the City;
- the owner must enter into an indemnity agreement with the Region. The agreement shall save harmless the Region from any claim or action as a result of the Region releasing conditions and pre-conditions of draft approval;
- both of the above-noted agreements must be executed prior to the issuance of draft plan approval by the Director of Planning and Urban Design; and
- the draft plan must be subject to hold provisions in the zoning by-law which are not to be removed until servicing allocation is confirmed by the City and the Region.

FINANCIAL CONSIDERATIONS:

Not applicable

HUMAN RESOURCES CONSIDERATIONS:

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:


Growth Management

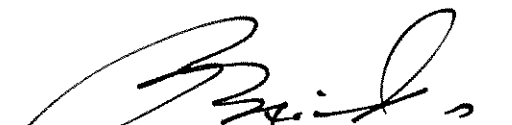
The proposed plan of subdivision will be built out in an orderly fashion based on the availability of servicing allocation and in accordance with the Berczy Village Secondary Plan and Community Design Plan, as amended. The urban fabric of the Berczy Village community will be completed at its southern boundary.

BUSINESS UNITS CONSULTED AND AFFECTED:

The applications were circulated to various City departments and external agencies for review. Requirements of the City and external agencies are reflected in the conditions of draft plan of subdivision approval and the implementing Zoning By-law amendment.

RECOMMENDED BY:


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


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

ATTACHMENTS:

- Figure 1 – Location Map
- Figure 2 – Area Context/Zoning
- Figure 3 – Air Photo
- Figure 4 – Proposed Plan of Subdivision
- Figure 5 – Draft Plan Context

Figures 6 and 7 – Berczy Square – Proposed Streetscape Plan

APPENDICIES:

Appendix “A” – Draft Official Plan/Secondary Plan Amendment

Appendix “B” – Draft Zoning By-law Amendment

Appendix “C” – Conditions of Draft Approval

APPLICANT / AGENT:

TACC Developments

Attention: Dave Stewart

600 Applewood Crescent

Vaughan, ON

L4K 4B4

Phone: (905) 760-7300

Fax: (905) 669-9600

dstewart@tacc.com

KLM Planning Partners Inc.

Attention: Roy Mason

64 Jardin Drive, Unit 1B

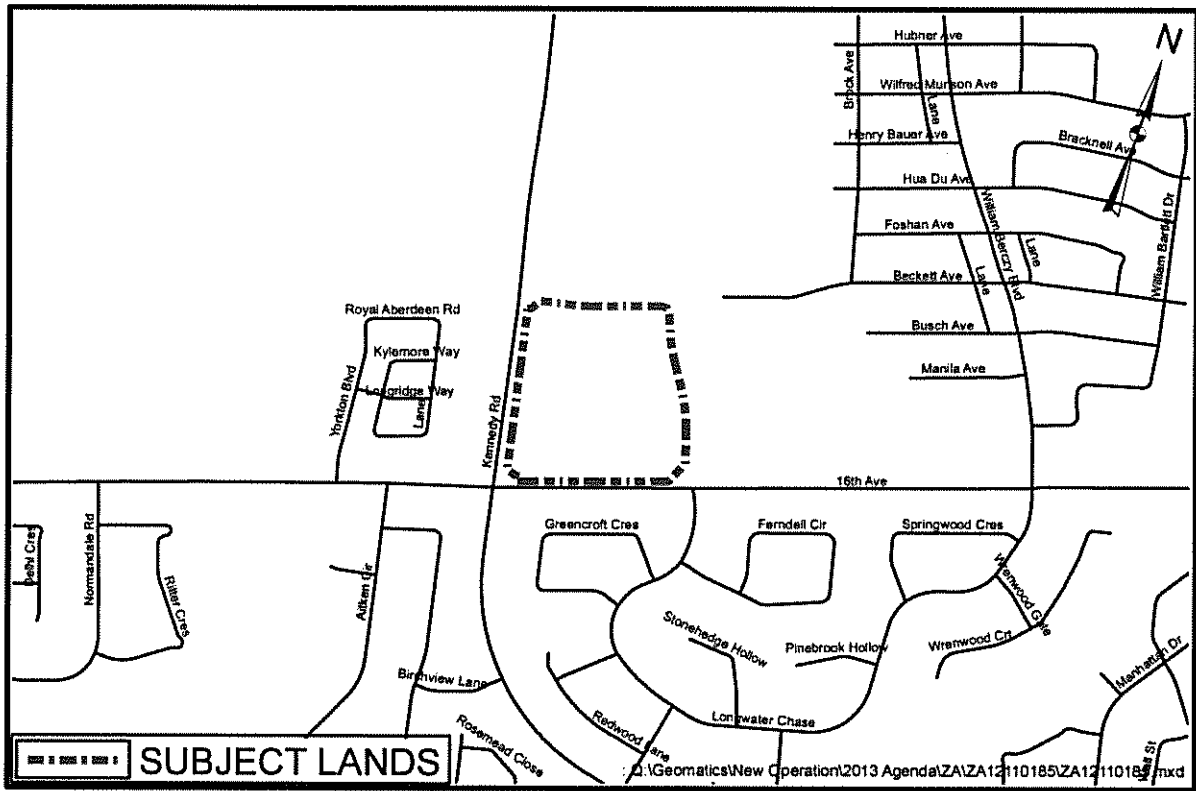
Concord, ON

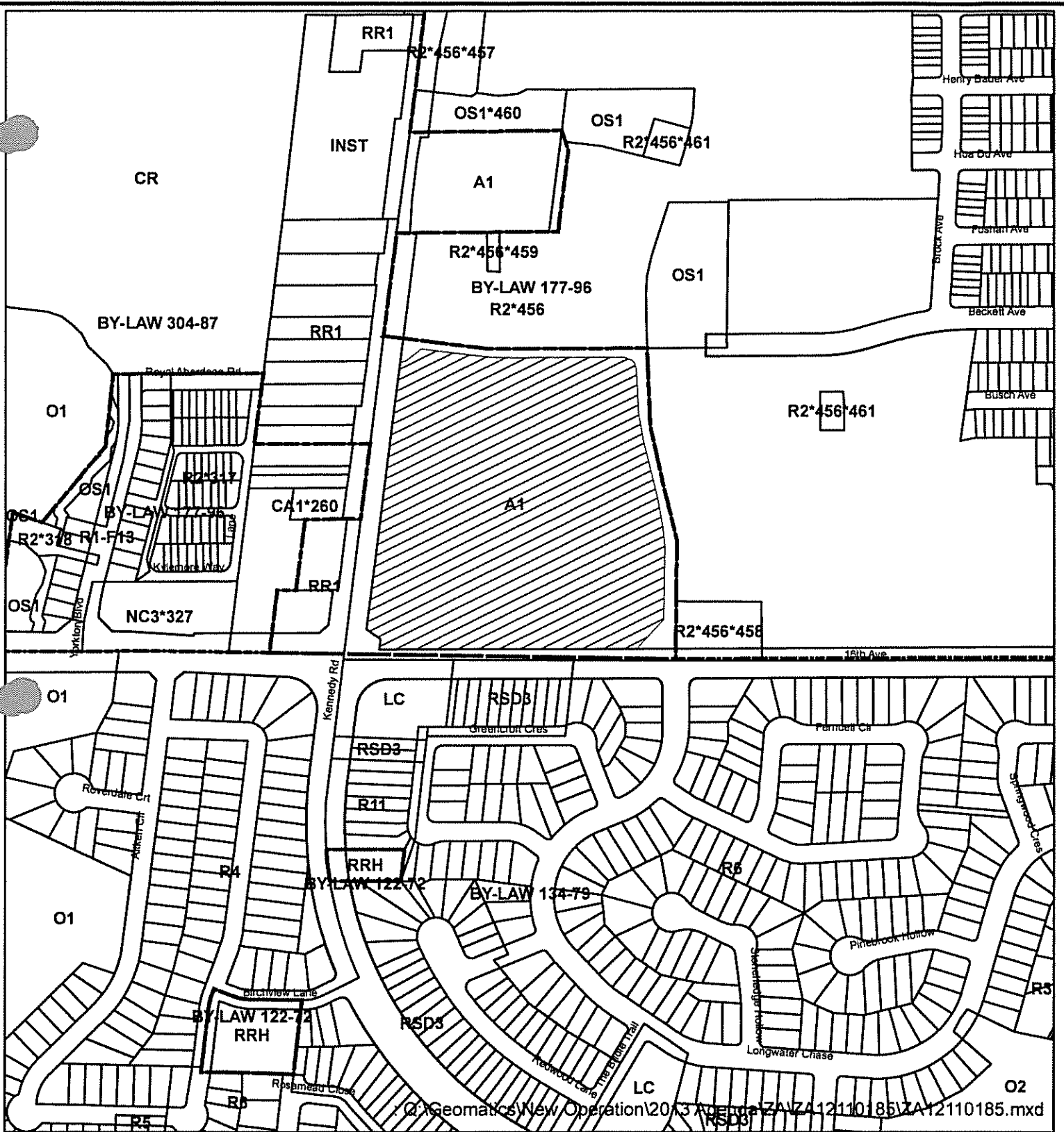
L4K 3P3

Phone: (905) 669-4055

Fax: (905) 669-0097

File path: Amanda\File 12 110185\Documents\Recommendation Report





AREA CONTEXT

APPLICANT: UPPER UNIONVILLE INC.
 N/E CORNER 16th.AVE. AND KENNEDY ROAD

FILE No.ZA12110185(GS)

 SUBJECT LANDS

DATE: 09/20/12



AIR PHOTO 2012

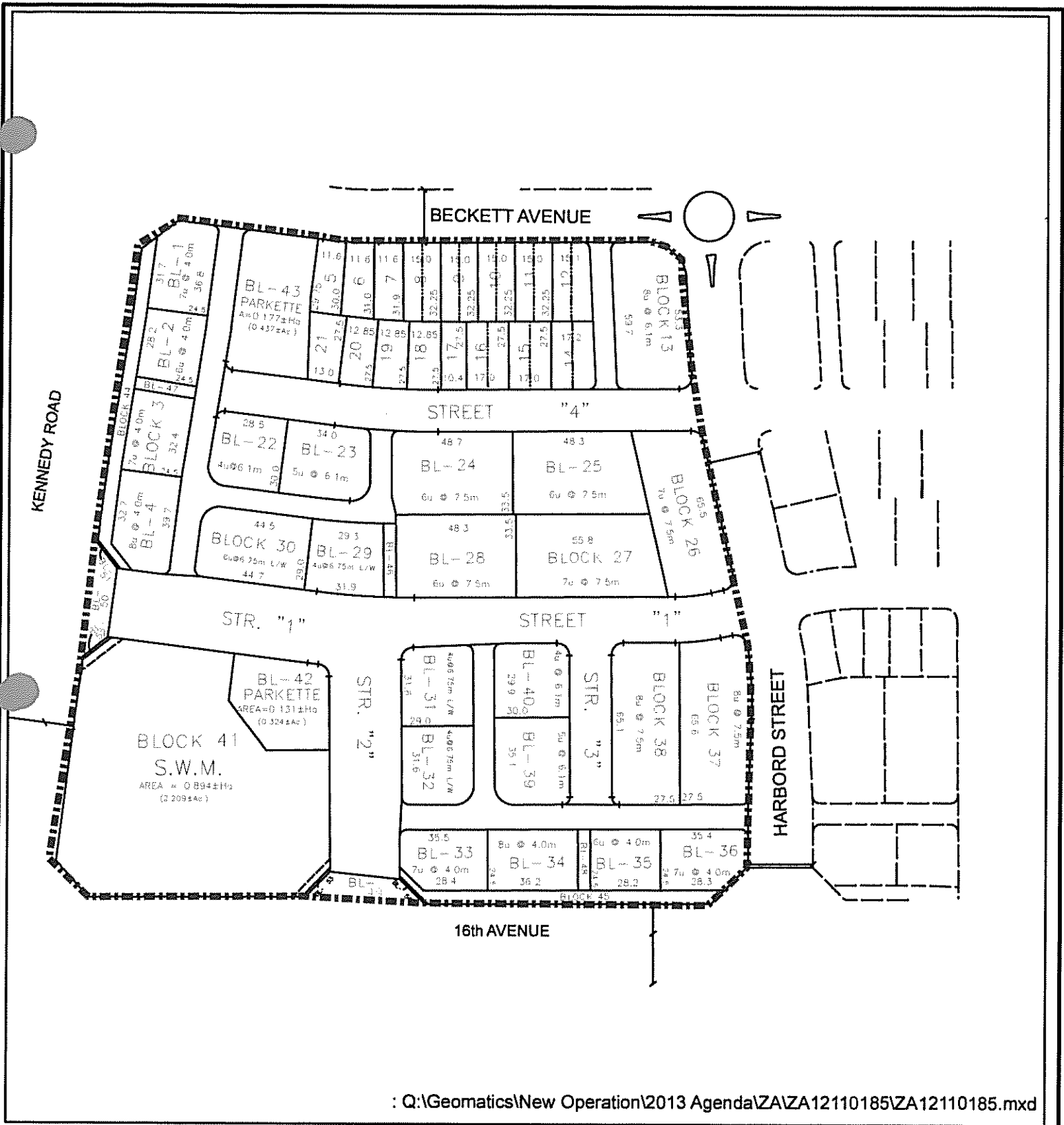
APPLICANT: UPPER UNIONVILLE INC.
 N/E CORNER 16th.AVE. AND KENNEDY ROAD

FILE No.ZA12110185(GS)

 SUBJECT LANDS

DATE: 08/30/13





: Q:\Geomatics\New Operation\2013 Agenda\ZA\ZA12110185\ZA12110185.mxd

PROPOSED PLAN OF SUBDIVISION

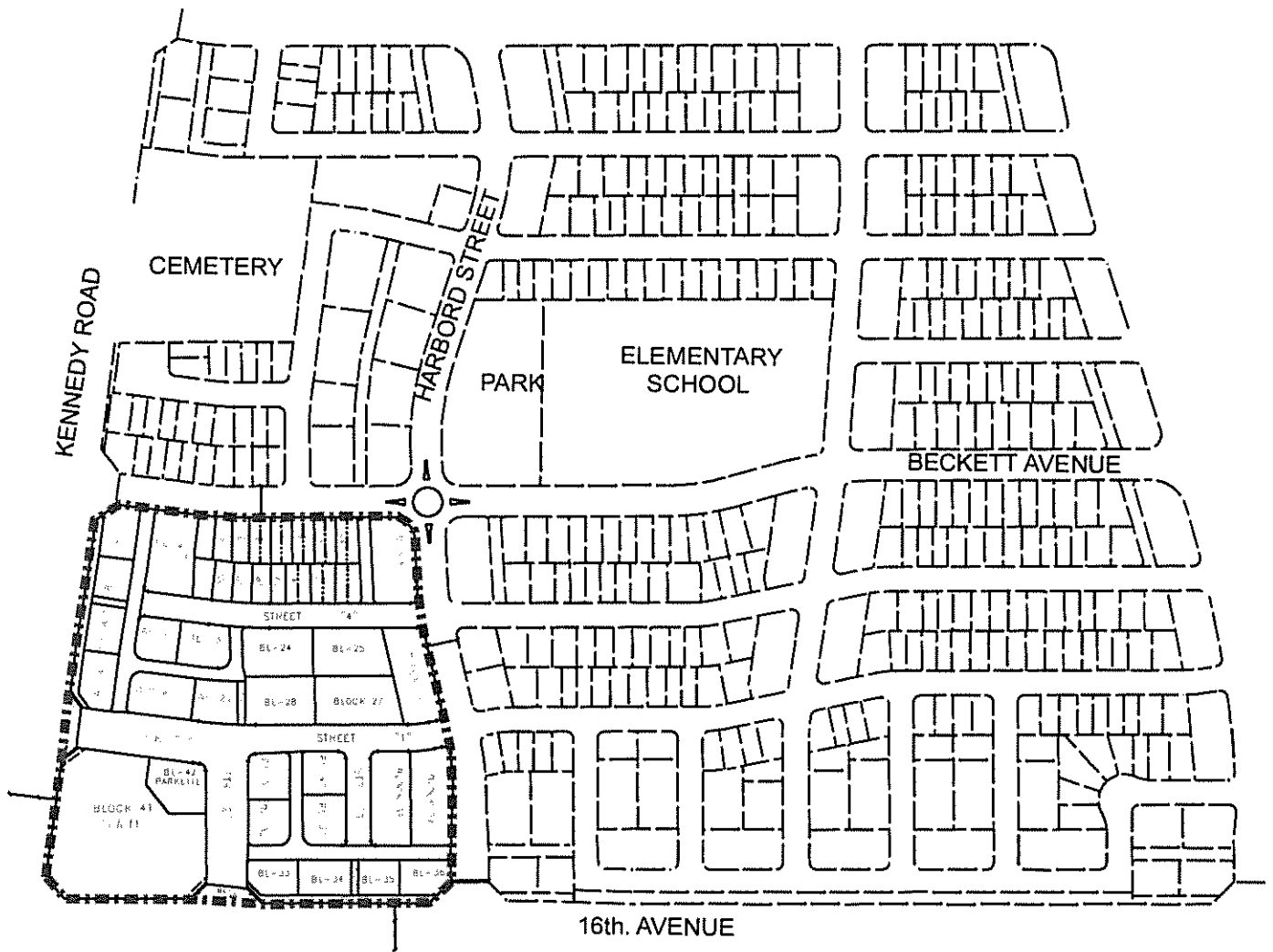
APPLICANT: UPPER UNIONVILLE INC.
N/E CORNER 16th.AVE. AND KENNEDY ROAD



 SUBJECT LANDS

FILE No.ZA12110185(GS)

DATE: 08/30/13



: Q:\Geomatics\New Operation\2013 Agenda\ZA\ZA12110185\ZA12110185.mxd

DRAFT PLAN CONTEXT

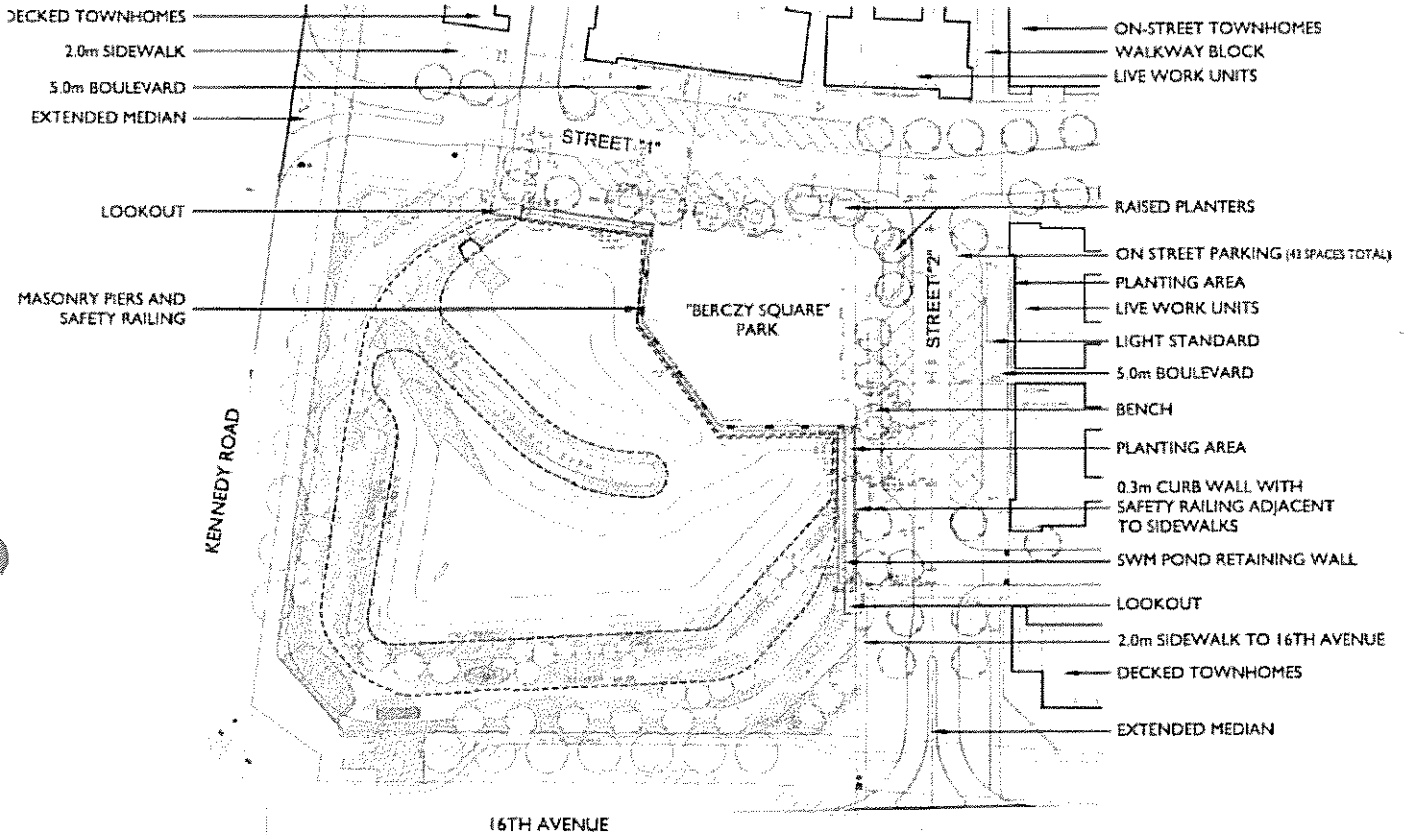
APPLICANT: UPPER UNIONVILLE INC.
 N/E CORNER 16th.AVE. AND KENNEDY ROAD



16th. AVENUE SUBJECT LANDS

FILE No.ZA12110185(GS)

DATE: 08/30/13



: Q:\Geomatics\New Operation\2013 Agenda\ZA\ZA12110185\ZA12110185.mxd

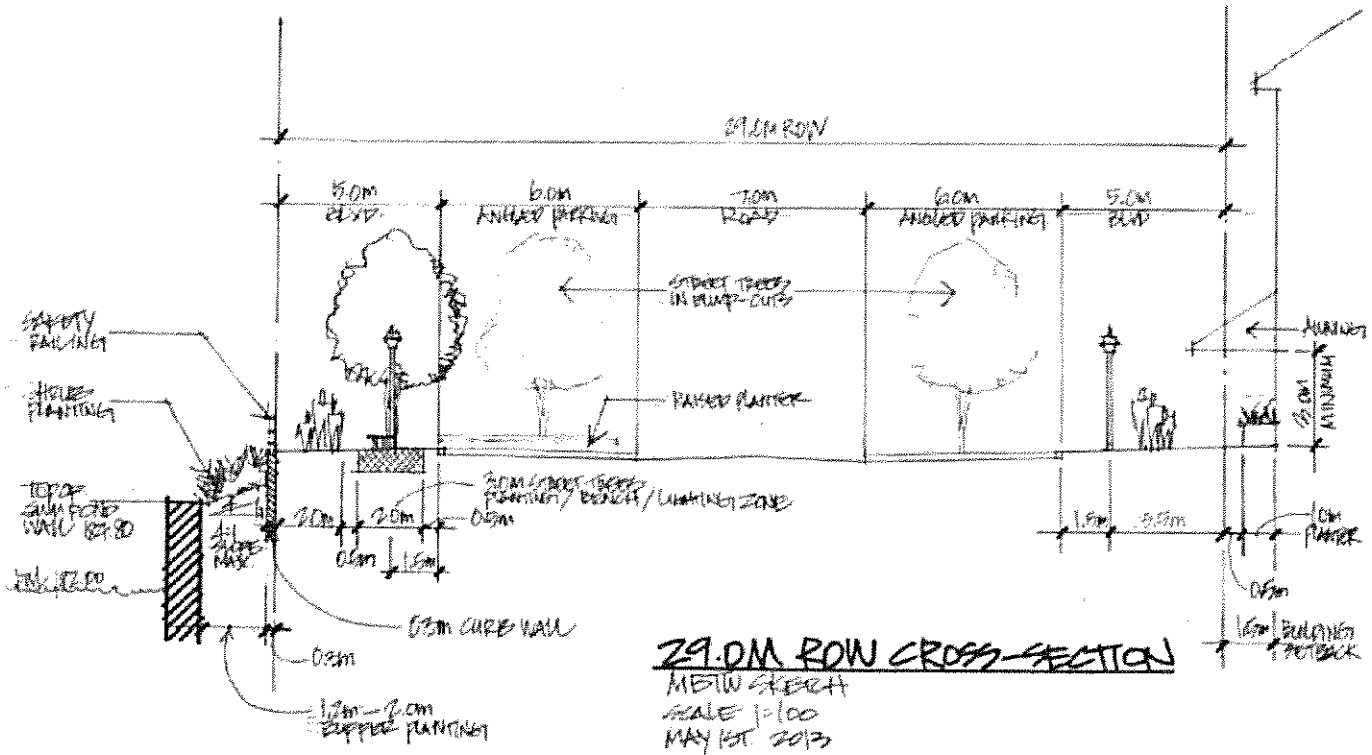
BERCZY SQUARE-PROPOSED STREETScape PLAN

APPLICANT: UPPER UNIONVILLE INC.
N/E CORNER 16th.AVE. AND KENNEDY ROAD



FILE No.ZA12110185(GS)

DATE: 08/30/13



: Q:\Geomatics\New Operation\2013 Agenda\ZA\ZA12110185\ZA12110185.mxd

BERCZY SQUARE-PROPOSED STREETSCAPE PLAN

APPLICANT: UPPER UNIONVILLE INC.
 N/E CORNER 16th.AVE. AND KENNEDY ROAD

FILE No.ZA12110185(GS)

DATE: 08/30/13

DRAFT

OFFICIAL PLAN

of the

CITY OF MARKHAM PLANNING AREA

AMENDMENT NO. _____

To amend the Official Plan (Revised 1987) and Secondary Plan PD 37-1 for the Berczy Village Community (Planning District No. 37), as amended.

Amendment No. ___ to
Secondary Plan 37-1

(Upper Unionville Inc.)

(March, 2013)

OFFICIAL PLAN
of the
MARKHAM PLANNING AREA
AMENDMENT NO. ____

To amend the Official Plan and Secondary Plan 37-1 for the Berczy Village Community (Planning District 37-1).

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. ____ in accordance with the Planning Act, R.S.O., 1990 c. P. 13, as amended, on the ____ day of _____, 2013.

KIMBERLEY KITTERINGHAM,
TOWN CLERK

FRANK SCARPITTI,
MAYOR

MARKHAM

BY-LAW 2013-____

Being A by-law to adopt Amendment No. ____ to the
City of Markham Official Plan (Revised 1987), as amended

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

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

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
____ DAY OF _____, 2013.

KIMBERLEY KITTERINGHAM,
TOWN CLERK

FRANK SCARPITTI,
MAYOR

CONTENTS

PART I – INTRODUCTION

1.	GENERAL.....	i
2.	LOCATION.....	i
3.	PURPOSE.....	i
4.	BASIS.....	i

PART II – THE AMENDMENT

1.	THE AMENDMENT.....	1
2.	IMPLEMENTATION AND INTERPRETATION.....	1
3.	SCHEDULE ‘A’.....	2

PART III – THE SECONDARY PLAN AMENDMENT

1.	THE SECONDARY PLAN AMENDMENT.....	3
2.	IMPLEMENTATION AND INTERPRETATION.....	3
3.	SCHEDULE ‘B’.....	4

PART I – INTRODUCTION

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

PART I - INTRODUCTION

1.0 GENERAL

1.1 PART I – INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.

PART II – THE AMENDMENT, attached hereto, constitutes Official Plan Amendment No. _____. Part II is an operative part of this Official Plan Amendment.

PART III – THE SECONDARY PLAN AMENDMENT, including Figure 1 attached hereto constitutes Secondary Plan Amendment No. ___ to the Secondary Plan PD 37-1 for the Berczy Village Community Planning District (Planning District No. 37). Part III is an operative part of this Official Plan Amendment.

3.0 LOCATION

The Amendment applies to Blocks ___ on draft approved plan of subdivision 19TM-_____, City of Markham, Regional Municipality of York. The parcel of land is located on the northeast corner of Sixteenth Avenue and Kennedy Road.

3.0 PURPOSE

The purpose of this Official Plan amendment is as follows:

- To redesignate the subject lands from Urban Residential to Commercial in the Official Plan, and
- To redesignate the subject lands from Urban Residential – Low Density to Community Amenity Area – Arterial in the Secondary Plan PD37-1 for the Berczy Village Planning District (Planning District No. 37), as amended.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The Official Plan Amendment is the result of a desire to provide opportunities at the north east corner of Sixteenth Avenue and Kennedy Road for development of mixed use buildings and projects to accommodate commercial and residential uses serving the nearby residential, commercial, office and institutional uses.

PART II – THE AMENDMENT

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

PART II – THE AMENDMENT

1.0 THE AMENDMENT

- 1.1 Schedule 'A' – Land Use for Official Plan 37 for the Berczy Village Secondary Plan is hereby amended by redesignating the lands subject to this amendment from 'Urban Residential' to 'Commercial' in accordance with Schedule 'A' attached hereto.
- 1.2 Section 1.1.2 of Part II of the Official Plan (Revised 1987) as amended, is hereby amended by the addition of the number ____ to the list of amendments, to be placed in numerical order including any required grammatical punctuation changes.
- 1.3 Section 1.1.3 c) of Part II of the Official Plan (Revised 1987) as amended, is hereby amended by adding the following second sentence to the bullet item dealing with Secondary Plan PD 37-1.

“This Secondary Plan was further amended by Official Plan Amendment No. ____ to this Plan.”

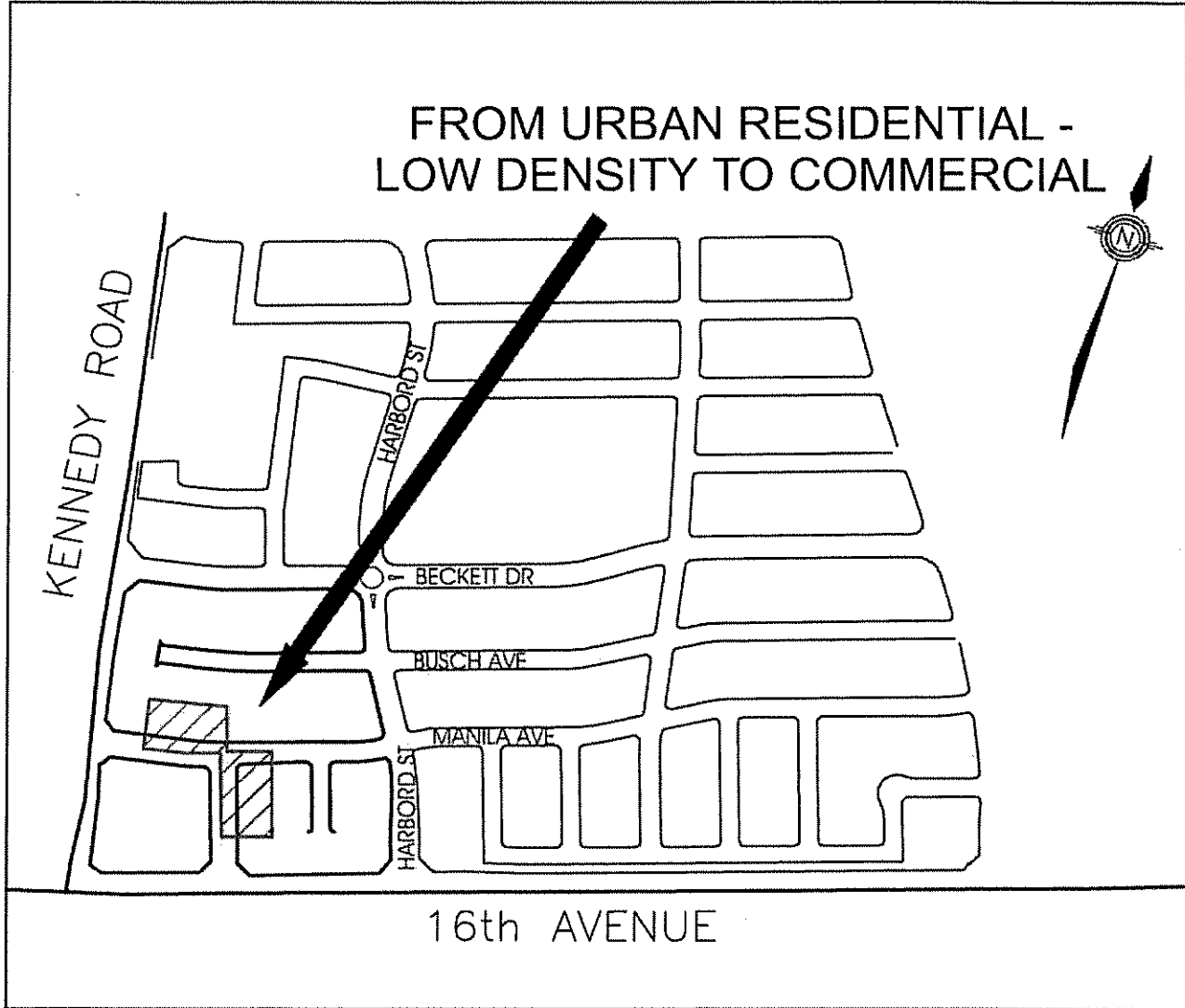
- 1.4 Section 9.2.20 of Part II of the Official Plan (Revised 1987) as amended, is hereby further amended by adding the words “and ____” after the words “(Official Plan Amendment No. ____)” including any required grammatical or punctuation changes.

2.0 IMPLEMENTATION AND INTERPRETATION

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

This Amendment shall be implemented by an amendment to the Zoning By-law and site plan approval, if applicable, in conformity with the provisions of this Amendment.

FROM URBAN RESIDENTIAL -
LOW DENSITY TO COMMERCIAL



**AMENDMENT TO SCHEDULE 'A' - LAND USE
SECONDARY PLAN FOR THE BERCY VILLAGE COMMUNITY
PLANNING DISTRICT (PD37-1) AS AMENDED**

—— BOUNDARY OF AREA COVERED BY THIS AMENDMENT

PART III – THE SECONDARY PLAN AMENDMENT

(This is an operative part of
Official Plan amendment No. ____)

PART III – THE SECONDARY PLAN AMENDMENT

1.0 THE SECONDARY PLAN AMENDMENT

1.1 Secondary Plan PD 37-1 for the Berczy Village Community Planning District (Planning District 37) is hereby amended as follows:

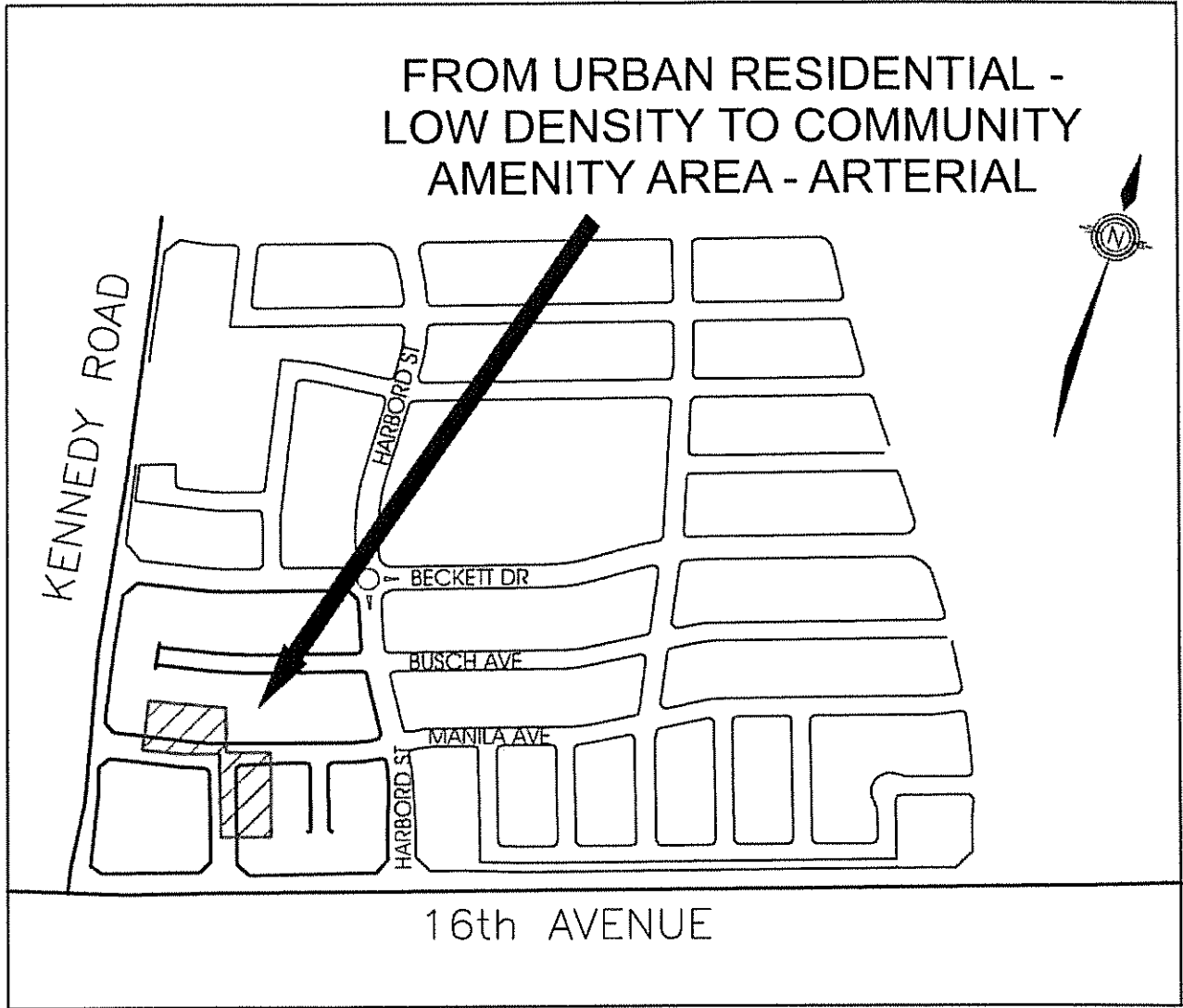
- (a) Schedule 'AA' – Detailed Land Use Plan of the Secondary Plan (PD37-1) for the Berczy Village Planning District is hereby amended by redesignating the lands subject to this amendment from 'Urban Residential – Low Density' to 'Community Amenity Area – Arterial' in accordance with Schedule 'B' attached hereto.
- (b) Notwithstanding the provisions of 3.4.6.2 c) (i) of the Official Plan (Revised 1987) as amended, the following additional special provisions apply to the lands at the north east corner of Sixteenth Avenue and Kennedy Road
 - (i) Land uses shall include a mix of commercial and residential uses to serve nearby residential, commercial, office and institutional uses. The commercial and residential uses will be found in mixed use buildings generally having a maximum height of 3 storeys.

IMPLEMENTATION AND INTERPRETATION

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

This Amendment shall be implemented by an amendment to the Zoning By-law and site plan approval, if applicable, in conformity with the Provisions of this Amendment.

FROM URBAN RESIDENTIAL -
LOW DENSITY TO COMMUNITY
AMENITY AREA - ARTERIAL



**AMENDMENT TO SCHEDULE 'AA' - DETAILED LAND USE
SECONDARY PLAN FOR THE BERCY VILLAGE COMMUNITY
PLANNING DISTRICT (PD37-1) AS AMENDED**

—— BOUNDARY OF AREA COVERED BY THIS AMENDMENT

A by-law to amend the New Urban Area By-law 177-96, as amended
(To incorporate lands into the designated area of this By-law)

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

1. THAT By-law 177-96, as amended, is hereby further amended as follows:

1.1 By expanding the designated area of By-law 177-96, as amended, to include the lands in Lots 16 and 17, Concession 6, as shown on Schedule 'A' attached hereto.

1.2 By zoning the lands:

Residential Two*456(Holding)	R2*456(H)
Residential Two*456*BBB(Holding)	R2*456*BBB(H)
Residential Two*456*457*CCC(Holding)	R2*456*457*CCC(H)
Residential Two*456*458*CCC(Holding)	R2*456*458*CCC(H)
Community Amenity Three*AAA(Holding)	CA3*AAA(H)
Open Space One	OS1

as shown on Schedule 'A' attached hereto.

1.3 By adding the following subsections to Section 7 - EXCEPTIONS:

7.AAA Upper Unionville Live-work Lands

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

7. AAA.1 Additional Permitted Uses

The following additional uses are permitted:

- a) Financial Institutions
- b) Medical Offices
- c) Repair Shops
- d) Restaurants, Take-Out
- e) Restaurants
- f) Retail Stores
- g) Schools, Commercial

DRAFT

7. AAA.2 Zone Standards

The following specific *zone* standards apply:

- a) The minimum front yard - 0.5 metres;
- b) The maximum front yard shall not apply;
- c) The minimum exterior side yard - 0.5 metres;
- d) The maximum exterior side yard shall not apply;
- e) The minimum required Rear Yard - 0.6 metres;
- f) The minimum height shall not apply;
- g) The maximum height - 15.0 metres.

7. AAA.3 Special Site Provisions

The following additional provisions apply:

- a) A lot may be used for :

- i) Permitted non-residential uses; or
 - ii) A combination of permitted residential uses and permitted non-residential uses.
- b) Residential uses (except for mechanical features and utilities, carports, garages, interior vestibules containing closets & storage area, and stairways leading to dwelling units located above the first storey) are prohibited on the first storey.
 - c) The development standards for Townhouse Dwellings as amended by Sections 7.AAA.2 and 7.AAA.3 shall apply for all building forms;
 - d) A minimum of 2 parking spaces are required per lot. All other parking space requirements of this by-law or any other by-law shall not apply;
 - e) The provision that requires no less than 25% of the wall of the first storey facing the front lot line shall be located any further than 5.1 metres from the front lot line shall not apply;
 - f) Maximum permitted lot coverage for a detached private garage – 25%;
 - g) The minimum setback from the main building for detached private garages on lots accessed by lanes shall not apply;
 - h) If a detached private garage is located on the lot:
 - i) Porches with or without foundations, may encroach a maximum of 1.8 metres into the setback area between the private garage and the main building on the lot;
 - ii) Unenclosed stairs associated with a porch may encroach an additional 0.6 metres into the setback area between the private detached garage and the main building on the lot;
 - i) A private garage is permitted to be within or attached to the main building if the lot is accessed by a lane;
 - j) Architectural features, such as sills, belt courses, cornices, eaves, chimney breasts, pilasters, roof overhangs, balconies, and masonry structures with or without foundations housing gas, hydro, and/or water utilities and meters may encroach into the required front yard and/or exterior side yard provided no part of such architectural features are located closer than 0.1 metres to the front lot line and/or exterior side lot line and may encroach into the minimum rear yard to the rear lot line and into the interior side yard to the interior side lot line;
 - k) No loading spaces are required;
 - l) Notwithstanding any other provision to the contrary, in the case of a lot abutting a lane with a curved corner, the interior side lot line and/or exterior side lot line shall be deemed to extend to its hypothetical point of intersection with the extension of the rear lot line for the purposes of calculating minimum required yards provided no portion of a structure is located within the lane;
 - m) Notwithstanding any other provision to the contrary, no minimum distance shall be required between a detached garage and a curved corner of a lane provided no part of the detached garage is located within the lane;
 - n) An outdoor amenity area of at least 14 square metres shall be required if the lot contains residential uses; the outdoor amenity area may consist of either a balcony, roof top terrace, deck, porch, or be at grade. An outdoor amenity area is not required if the lot contains no residential uses;

- o) The minimum vertical distance between the floor and the ceiling of the first storey shall be 3.5 metres non-inclusive of dropped bulkheads;
- p) The minimum vertical distance between the floor and the ceiling of the second storey shall be 2.7 metres non-inclusive of dropped bulkheads;
- q) The minimum vertical distance between the floor and the ceiling of the storeys above the second storey shall be 2.4 metres non-inclusive of dropped bulkheads.

7.BBB Reduced Rear Yard and Standards for Conventional Lot

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

7. BBB.1 Zone Standards

The following specific zone standard applies:

- a) The minimum required rear yard - 6.0 metres;

7. BBB.2 Special Site Provision

The following additional provision applies:

- a) The standards for lots other than Wide-Shallow Lots shall be used regardless of lot depth.

7.CCC Access by a lane

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

7. CCC.1 Zone Standards

The following specific zone standard applies:

- a) The minimum exterior side yard - 1.6 metres;
- b) The minimum front yard - 0.5 metres;

7. CCC.2 Special Site Provision

The following additional provision applies:

- a) The lot is deemed to be accessed by a lane.
- b) Notwithstanding Section 7.456.3.c).xiii) to the contrary, Architectural features, such as sills, belt cornices, eaves, roof overhangs, balconies, and masonry structures with or without foundations housing gas, hydro, and/or water utilities and meters may encroach into the required front yard, and/or exterior side yard provided no part of such architectural features are located closer than 0.1 metres to the front lot line and/or exterior side lot line, and may encroach into the minimum rear yard to the rear lot line and into the interior side yard to the interior side lot line"

1.4 By adding the following as Section 7.456.3.c.xv):

“Notwithstanding any other provision to the contrary, in the case of a lot abutting a lane with a curved corner, the interior side lot line and/or exterior side lot line shall be deemed to extend to its hypothetical point of intersection with the extension of the rear lot line for the purposes of calculating minimum required yards provided no portion of a structure is located within the lane.”

1.5 By adding the following as Section 7.456.3.c.xvi):

“Notwithstanding any other provision to the contrary, no minimum distance shall be required between a detached garage and a curved corner of a lane.”

1.6 By adding the following as Section 7.456.3.d):

“Notwithstanding the definition of ‘Porch’, the requirement for two sides to be open does not apply.”

1.7 HOLDING PROVISION

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

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

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

Servicing Allocation:

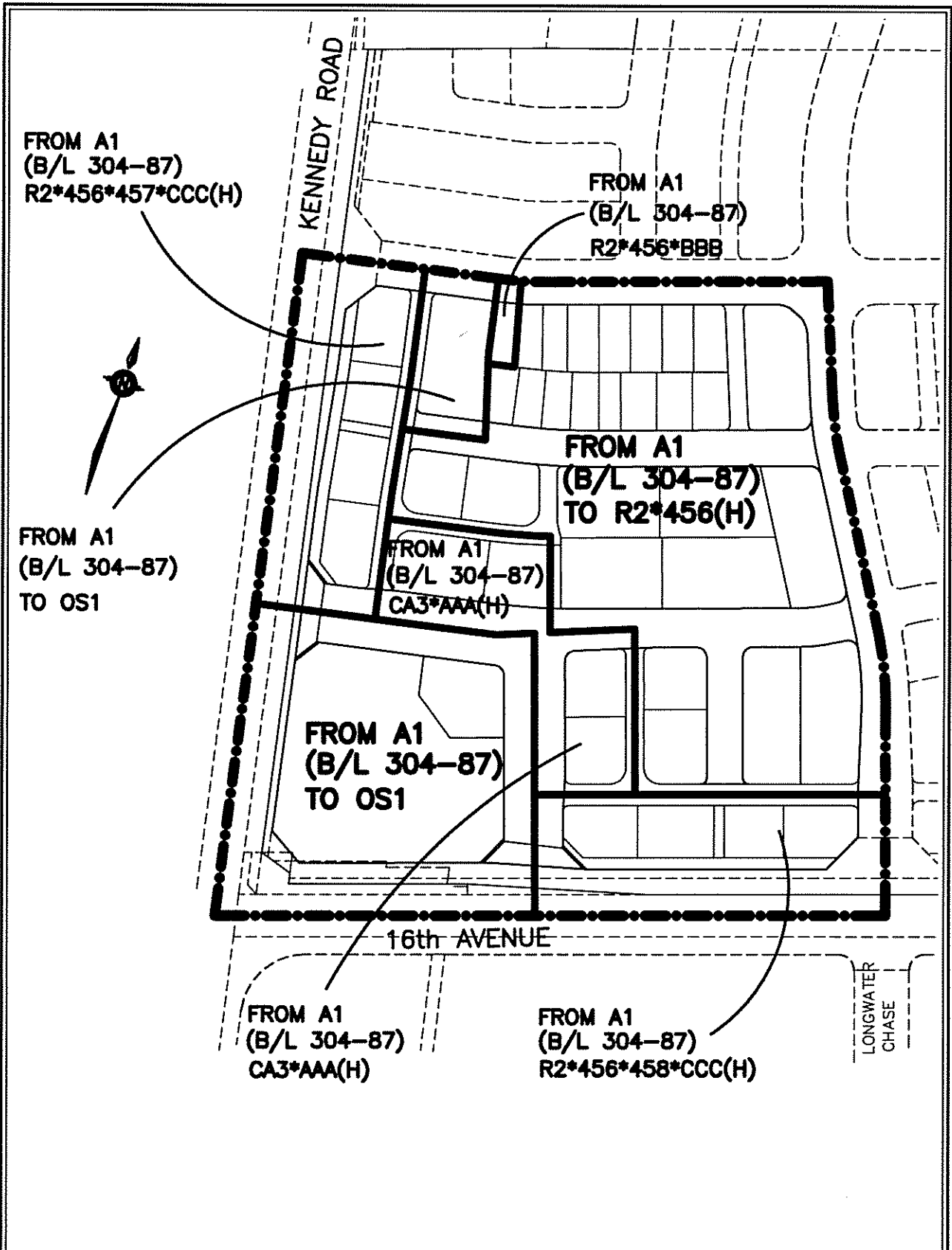
- The City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
- York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed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

2. 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
TOWN CLERK

FRANK SCARPITTI
MAYOR



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

- | | |
|--|---|
| <ul style="list-style-type: none"> BOUNDARY OF AREA COVERED BY THIS BY-LAW ZONE BOUNDARY R2 RESIDENTIAL TWO CA3 COMMUNITY AMENITY AREA THREE OS1 OPEN SPACE ONE | <ul style="list-style-type: none"> *No. EXCEPTION SECTION NUMBER (H) HOLDING SYMBOL |
|--|---|

DRAFT

2278DES11-17796ZONING-4

BY-LAW AMENDMENT No. _____ PASSED _____

_____, (MAYOR) _____, (CLERK)

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

**CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO
RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-12012 (Upper
Unionville Inc.) ARE AS FOLLOWS:**

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project Number P-2278, Drawing No. 13:4, dated May 21, 2013, subject to the following redline revisions:
- show ROW rounding radius for all roadway intersections.
 - show ROW curve radius along all roadways including Laneways.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on -----, 2016 unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner acknowledges and understands that prior to final approval, the Region of York shall confirm that adequate water supply and sewage servicing capacity are available and that the City has allocated such capacity for the development proposed within this plan of subdivision or any phase thereof. A Holding ('H') provision in the Zoning By-law will be utilized to prohibit development of the lands until adequate water supply and sewage servicing capacity are available and have been allocated.
- 1.5 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to, Traffic Impact Study / Internal Functional Traffic Design Study / Transportation Demand Management Plan, Stormwater Management Study (Environmental Master Drainage Plan), Functional Servicing Study, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.

2. Roads

- 2.1 The road allowances and lanes within the draft plan shall be named to the satisfaction of the City and the Region of York.

- 2.2 The road allowances and lanes within the draft plan shall be dedicated as public highway, free of all costs and encumbrances to the satisfaction of the City.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed, secured and constructed in accordance with established municipal standards or to meet municipal operations requirements to the satisfaction of the City (Commissioner of Development Services).
- 2.4 Prior to the final approval of the draft plan, the Owner shall show the ROW rounding radius of all road intersections, as redlined on the draft plan, to the satisfaction of the City (Commissioner of Development Services).
- 2.5 The Owner shall covenant and agree in the subdivision agreement to implement the traffic calming measures identified in the Internal Functional Traffic Design Study. The Owner shall further covenant and agree to implement additional traffic calming measures, prior to assumption of the plan of subdivision, if it is determined by the City that additional traffic calming measures are required

3. Community Design

- 3.1 The Owner shall implement and incorporate all requirements of the approved Upper Unionville Community Design Plan, as amended and Upper Unionville Architectural Design Guidelines into all landscape plans, architectural control guidelines, engineering plans and any other required design documents to the satisfaction of the City.
- 3.2 The Owner shall retain a design consultant to implement the Architectural Control Guidelines.
- 3.3 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines.
- 3.4 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not also assume the role of control architect for the plan of subdivision
- 3.5 The Owner shall covenant and agree in the subdivision agreement, to implement sustainability measures including, but not limited to, water and energy conservation, indoor air quality, renewable energy, resource management and homeowner education, as identified in the Owner's letter to the City dated February 10, 2011. Such measures shall apply to all lots within this development.

4. Parks and Open Space

- 4.1 The Owner shall provide full servicing, utilities, and maintenance for park Blocks 42 and 43, to the satisfaction of the Director of Planning and Urban Design.
- 4.2 The Owner shall provide the following in each park block to the satisfaction of the Director of Planning and Urban Design:
- Accommodation of minimum 300mm topsoil depths in parks
 - Access to sufficient topsoil to cover parks at the depths specified in the subdivision agreement
 - Water service and meter chamber inclusive of chamber drain to storm or sanitary drain and apparatus
 - Storm servicing (CB/manhole) in the low end of each watershed within the park
 - Sanitary servicing (dependent on park size)
 - Electrical servicing
 - Minimum compaction levels
 - Fencing of park block to OPSD standards
 - Hydro-seed sub grade of parks
 - Undeveloped park maintenance
- 4.3 The Owner shall provide a minimum 200mm depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.
- 4.4 The Owner shall convey Blocks 42 and 43 to the City for park purposes, free of all costs and physical and title encumbrances, upon registration of the plan of subdivision. These blocks shall be conveyed in a physical condition which is satisfactory to the Director of Engineering and Director of Planning and Urban Design which includes the provisions of utility, sewer and sanitary connections for the blocks at the street line.
- 4.5 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain (free of stock piles and debris) the park blocks within the subdivision to the satisfaction of the Director of Planning and Urban Design. The park block shall be maintained until such time as the park has been constructed and formally assumed by the City for maintenance purposes.
- 4.6 Prior to execution of the subdivision agreement, the Owner shall prepare and submit for approval a Facility Fit Plan for the park blocks to the satisfaction of the Director of Planning and Urban Design.
- 4.7 The Owner shall post approved copies of any Open Space Plans and Conceptual Park Development Master Plans in all sales offices for dwelling units within the draft plan of subdivision.

- 4.8 The Owner shall submit grading, servicing and survey plans by a qualified person for Blocks 42 and 43 to the satisfaction of the Director of Planning and Urban Design.
- 4.9 The Owner shall provide a current geotechnical report by a qualified person for Blocks 42 and 43 to the satisfaction of the Director of Planning and Urban Design.
- 4.10 At the written request of the Director of Planning and Urban Design, the Owner will re-monument the park Blocks 42 and 43.

5. Landscape Works

- 5.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans based on the approved Upper Unionville Community Design Plan, as amended, that include the following, 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 and the approved Upper Unionville Community Design Plan, as amended
 - b) 1.8m high wood screen corner lot fencing
 - c) 1.5m high black vinyl chain link fence on the property line where residential lots abut parks and open space
 - d) noise attenuation fencing in accordance with the approved noise study
 - e) planting for the open space/servicing Blocks 44 and 45,
 - f) fencing and planting for walkway/servicing Blocks 46, 47 and 48
 - g) landscape/walkway treatment for Stormwater Management Pond Block 41
 - h) public art in Parkette Block 42 (i.e., statue of William Berczy)
 - i) any other landscaping as determined by the approved Upper Unionville Community Design Plan, as amended.
- 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 covenant and agree in the subdivision agreement to prohibit all builders from imposing an extra charge to home purchasers for the items listed in Condition 5.1.

- 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)
- 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 and other landscaping requirements.

6. Tree Inventory and Tree Preservation Plan

- 6.1 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’s Streetscape Manual dated 2009, as amended from time to time.
- 6.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the approval of Site Alteration Plans, to the satisfaction of the Director of Planning and Urban Design.

- 6.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees within the area of the draft plan.
- 6.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City's 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 Town 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 Town 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 Town.

7. Noise Impact Study

- 7.1 Prior to final approval of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic on Kennedy Road, 16th 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.
- 7.2 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.

8. Traffic Impact Study / Internal Functional Traffic Design Study / Transportation Demand Management Plan

- 8.1 Prior to final approval, the Owner shall confirm applicability of the previously submitted Traffic Impact Study, and prepare, in consultation with the Owners of other lands within the Berczy Secondary Plan area, an updated Internal Functional Traffic Design Study and Transportation Demand Management Plan, to the satisfaction of the City and the Region of York. The Owner shall incorporate the requirements and criteria of the Studies / Plans into the draft approved plan and subdivision agreement.

9. Municipal Services

- 9.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City, 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. The owner shall agree in the subdivision agreement to pay for all external municipal infrastructure upgrades.
- 9.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of roads, lanes, 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).
- 9.3 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).
- 9.4 The Owner shall covenant and agree in the subdivision agreement that the public highways, curbs, gutters, sidewalks, underground and aboveground services, street lights, street signs, etc., shall be designed in accordance with the City's design criteria, standards and general engineering principles and established municipal standards to the satisfaction of the Director of Engineering.
- 9.5 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.
- 9.6 The Owner shall convey Blocks 46, 47 and 48 to the City for servicing and walkway purposes, free of all costs and encumbrances, upon registration of the plan of subdivision.
- 9.7 The Owner shall convey Blocks 44 and 45 to the City for servicing and open space purposes, free of all costs and encumbrances, upon registration of the plan of subdivision.

9.8 The Owner shall convey Block 41 to the City, for stormwater management purposes, free of all costs and encumbrances, to the satisfaction of the City and TRCA, upon registration of the plan of subdivision.

10. Easements

10.1 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.

11. Utilities

11.1 Prior to release for registration of the draft plan, the Owner shall prepare an overall utility distribution plan (Composite Utility Plan) to the satisfaction of the City and authorized agencies.

11.2 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.

11.3 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Power Stream, Enbridge Gas, telecommunications companies, etc. in order to service the development.

11.4 The Owners 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.

11.5 The Owners 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.

11.6 The Owners 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.

- 11.7 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.
 - 11.8 The Owner shall covenant and agree in the subdivision agreement 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.
 - 11.9 The Owner covenants and agrees to provide easements for utilities/telecommunications/vaults as required by the City to the satisfaction of the City.
 - 11.10 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, and elevations of structures, etc.
12. Development Charges
- 12.1 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.
 - 12.2 The Owner shall pay all fees and development charges as set out in the subdivision agreement.
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. Well Monitoring Program and Mitigation Plan

14.1 Prior to any site alteration activities, the Owner shall check if there are any active wells within 500 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. Other City Requirements

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

15.2 Prior to final approval, the Trustee of the Berczy Village Developers' Group agreement shall deliver a release to the City indicating the Owner has satisfied all conditions of the Group agreement and the Trustee has no objection to the registration of this draft plan of subdivision.

15.3 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.

- 15.4 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
- the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage
 - the City's zoning by-law restricts the width of the driveway, this width does not allow two cars to park side by side
 - overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City
- 15.5 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder, or their real estate agents:

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

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

16. Region of York

1. The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and York Region.
2. York Region shall confirm that adequate water supply and sewage 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.
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.

4. For all lands, the Holding (H) provisions of Section 36 of the Ontario Planning Act shall be used in conjunction with all residential zone categories in order to ensure that final plan approval and development of these lands does not occur until such time as the Holding (H) symbol is removed in accordance with the provisions of the Ontario Planning Act. The Zoning Bylaw shall specify the terms under which Council may consider the removal of the Holding (H) symbol. Said terms shall include a minimum of the following:
 - The City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
 - York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 months) to permit the plan registration; or,
 - The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.
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. Engineering drawings showing details of the connection shall be submitted for approval.
6. The Owner shall agree in the Subdivision Agreement to provide pedestrian and cycling connections from the subject site to Kennedy Road and 16th Avenue in Blocks 47 and 48, as well as installation of a minimum of two (2) bicycle racks in the vicinity of the live/work Blocks 29, 30, 31 and 32 to promote the usage of non-automobile modes. Both York Region and the City of Markham are not responsible for any associated implementation costs.
7. Prior to final approval, the Owner shall agree to implement and monitor a Transportation Demand management (TDM) program/plan for the proposed development, to the satisfaction of the Region and the City of Markham. It should be noted that the TDM requirements for the development on this portion of the lands are similar to those related to the other phases of the proposed subdivision. Both York Region and the City of Markham will not assume any financial responsibility for the implementation and monitoring of the TDM program.
8. 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.

9. 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.
10. 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 for the proposed intersections, construction access and mud mat design, utility and underground servicing location plans, pavement markings, electrical drawings for intersection signalization and illumination design, traffic control/construction staging plans and landscape plans.
11. Prior to final approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information shall be submitted to the Transportation and Community Planning Department, Attention: Mrs. Eva Pulnicki, P.Eng.
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.
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.
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 roadway, unless otherwise specified by the Transportation and Community Planning Department.
15. Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
 - a) All existing woody vegetation within the York Region road right of way,
 - b) Tree protection measures to be implemented on and off the York Region road

- right of way to protect right of way vegetation to be preserved,
- c) Any woody vegetation within the York Region road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road 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 Town and be supported by a Maintenance Agreement between the Town and the Region for Town maintenance of these features; any such Maintenance Agreement should indicate that where the area municipality does not maintain the feature to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

- 16. Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, an updated noise study to the satisfaction of the Transportation and Community Planning Department recommending noise attenuation features.
- 17. 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.
- 18. 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. The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:

"Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".

20. Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region's Transportation and Community Planning Department, as follows:
 - a) that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
 - b) that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
 - c) that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region; and
 - d) that any landscaping provided on York Region right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the Transportation and Community Planning Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.

21. 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 16th Avenue of sufficient width to provide a minimum of 21.5 metres from the centreline of construction of 16th Avenue, and
 - b) a widening across the full frontage of the site where it abuts Kennedy Road of sufficient width to provide a minimum of 21.5 metres from the centreline of construction of Kennedy Road, and
 - c) a 15.0 metre by 15.0 metre daylight triangle at the intersection of 16th Avenue and Kennedy Road; and
 - d) a 10.0 metre by 10.0 metre daylight triangle at the intersection of 16th Avenue and Street "2"; and
 - e) a 15.0 metre by 15.0 metre daylight triangle at the southeast corner of 16th Avenue and BL-36; and
 - f) a 9.0 metre by 9.0 metre daylight triangle at the intersections of Kennedy Road and Street "1"; and

- g) a 15.0 metre by 15.0 metre daylight triangle at the northwest corner of Kennedy Road and BL-1; and
 - h) a 0.3 metre reserve across the full frontage of the site, except at the approved access location, where it abuts Kennedy Road and 16th Avenue adjacent to the above noted widenings, and
22. Prior to final approval, the Owner shall agree that the following lands listed in Condition 21 above shall be provided to the City of Markham for the purposes of locating municipal services
- a) a 5.0 metre by 5.0 metre buffer adjacent to 10.0 metre by 10.0 metre daylight triangles.
 - b) a 6.0 metre by 6.0 metre buffer adjacent to 9.0 metre by 9.0 metre daylight triangles.
23. Prior to final approval, in order to determine the property dedications (if any) required to achieve the ultimate right-of-way width of Kennedy Road and 16th 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 Kennedy Road and 16th Avenue.
24. Prior to final approval, the Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
25. Prior to final approval, York Region requires the Owner to submit to it, in accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 *Records of Site Condition Part XV.1 of the Act* (as amended), a Phase I environmental site assessment prepared and signed by a qualified professional, of the Owner's lands and more specifically of the lands to be conveyed to York Region (the "Assessment"). Based on the findings and results of the Assessment, York Region may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required. The Assessment and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands to be conveyed must 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.

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.

26. 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.
27. The Owner shall agree prior to the development approval of any development blocks in this plan of subdivision, that direct vehicle access from any development lots or blocks to Kennedy Road or 16th Avenue will not be permitted. Access must be obtained through the internal road network.
28. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that Street "2" shall be designed to intersect 16th Avenue at right angle, or on a common tangent and shall be restricted to right-in/right-out movements only.
29. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department that Street "1" shall be designed to intersect Kennedy Road at right angle, or on a common tangent and shall be restricted to right-in/right-out movements only.
30. The Owner shall agree, prior to the development approval of this plan of subdivision, that access to this development block from Kennedy Road and 16th Avenue shall be restricted to right-in, right-out movements only.
31. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right of Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.

32. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation and Community Planning Department that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
33. The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing and future introduction of transit services in this development. This includes current and potential transit routes, bus stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT route maps, Future Plan maps & providing YRT website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT route maps and the Future Plan maps are available from YRT upon request.
34. 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.
35. 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.
36. The Regional Transportation and Community Planning Department shall advise that Conditions 1 to 35 inclusive have been satisfied.

17. TRCA

- 17.1 The Owner shall satisfy all conditions of the Toronto and Region Conservation Authority as outlined in their letter to the City of Markham, dated April 4, 2013.

18. External Clearances

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

- a) The Regional Municipality of York Transportation and Community Planning Department shall advise that Condition 16 (1 to 36, inclusive) has been satisfied.
- b) The Toronto and Region Conservation Authority (TRCA) shall advise that Conditions 9.8 and 17 have been satisfied.

Dated:

Biju Karumanchery, Senior Development Manager