



Report to: Development Services Committee

Report Date: June 18, 2013

SUBJECT: RECOMMENDATION REPORT
Mackenzie Builders and Developers Ltd.
Applications for Draft Plan of Subdivision and By-law
Amendment, Southwest corner of Major Mackenzie Drive
East and Mingay Avenue

File Numbers: SU 12 - 130894 and ZA 12 - 130894

PREPARED BY: Stephen Corr, B.E.S. Ext. 2624
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 June 18, 2013, entitled "Recommendation Report, Mackenzie Builders and Developers Ltd., Applications for Draft Plan of Subdivision Approval and Zoning By-law Amendment, Southwest corner of Major Mackenzie Drive East and Mingay Avenue, File Numbers SU 12-130894 and ZA12-130894", be received;
- 2) That the record of the Public Meeting held on December 11, 2012, regarding the applications for approval of Draft Plan of Subdivision and implementing Zoning By-law be received;
- 3) That draft plan of subdivision 19TM-12005 submitted by Mackenzie Builders and Developers Ltd., be draft approved subject to the conditions outlined in Appendix 'A'.
- 4) 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 the application submitted by Mackenzie Builders and Developers Ltd. to amend Zoning By-laws 304-87 and 177-96, as amended, be approved and the draft by-laws attached as Appendix 'B' be finalized and enacted without further notice;
- 6) That 2011/2012 servicing allocation for 27.5 single detached units (101.75 population), 12 semi-detached units (36.24 population) and 32 townhouse dwelling units (90.24 population) be granted to Mackenzie Builders and Developers Ltd. (for plan of subdivision 19TM-12005 as well as two additional single detached part lots) and to Wismer Markham Developments Inc. (for five additional single detached part lots), in accordance with the June 26, 2012 Servicing Allocation Update Report.

- 7) That the Town reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;
- 8) That the Region of York be advised of the servicing allocation for this development;
- 9) That the draft plan approval for plan of subdivision 19TM-12005 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;
- 10) And 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 plan of subdivision and zoning by-law amendment applications in the Wismer Commons Community.

BACKGROUND:

The 2.49 hectare (6.15 acre) subject property is located on the south side of Major Mackenzie Drive, west of Mingay Avenue and north of Fred McLaren Boulevard in the Wismer Commons Community. (Figures 1, 2 and 3)

Surrounding uses are as follows:

- To the west are proposed residential draft plans submitted by Arrowdale Developments Ltd, Bonnydon Ltd, and Amber Plain Investments Ltd.
- To the east are vacant future low density residential lands and existing single detached dwellings.
- To the north, across Major Mackenzie Drive, are lands designated Agriculture in the Official Plan.
- To the south are future residential lands and existing single-detached dwellings.

The Preliminary Report dated October 9, 2012 and Public Meeting of December 11, 2012 regarding this draft plan of subdivision originally addressed a 1.22 hectare (3.01 acre) subject property. This draft plan has been revised to include an additional 1.27 hectare (3.14 acre) parcel of land that has been acquired by Mackenzie Builders and Developers Ltd. from the adjacent property owner to the west, being Arrowdale Developments Ltd and Bonnydon Ltd., subsequent to a severance of this parcel approved by the Committee of Adjustment (File B/21/12). These acquired lands were previously included as part of draft plan of subdivision 19TM-03001, which was draft approved by Council on July 12, 2012. These acquired lands were conveyed from Arrowdale Developments Ltd. and Bonnydon Ltd. as part of a cost sharing agreement to settle their under-dedication of

community use lands. Figures 3 and 4 identify the lands conveyed by Arrowdale Developments and Bonnydon Ltd. to Mackenzie Builders and Developers Ltd, to be included as part of this draft plan of subdivision.

The acquired lands from the west were identified on a red-lined draft plan of subdivision submitted on April 22, 2013. The red-lined draft plan also included modifications to the unit count, housing mix and lot configurations, and is attached as Figure 4. For comparison purposes, the original unit count and housing mix is provided in Table 1 as it relates to this redlined draft Plan of Subdivision, 19TM-12005, by Mackenzie Builders and Developers Ltd.

Table 1		
Land Use	Mackenzie Builders and Developers Ltd.	
	Original No. of Units	Revised No. of Units
Single detached 13.3 m	2	2
Single detached 12.2 m	3	0
Single detached 11 m	2	22
Single detached 10.7 m	3	0
Semi-detached 17.4 m	7	2
Semi-detached 15.3 m	2	10
Townhouses 6.0 m	27	32
Total	46	68

Mackenzie Developers Group Ltd. is also in the process of obtaining two part lots from the adjacent property owner to the south, Wismer Markham Developments Inc., which are anticipated to merge with Blocks 34 and 35 on this draft plan of subdivision to create two single detached lots, each with a 13.3 metre frontage.

The proposed zoning amendment will rezone a portion of the subject lands into Urban Expansion By-law 177-96, as amended, and implement development standards to facilitate development of the proposed plan of subdivision.

It is also proposed that additional lands located outside of this draft plan of subdivision and also be rezoned to facilitate development in accordance with By-law 177-96. These additional lands to be rezoned are remnant part lots within the surrounding Wismer Commons community, and are identified in Figure 2 and in Appendix 'B' (draft zoning By-law), and include the following:

- Two part lots owned by Wismer Markham Developments Inc. (Parts 2 and 3, Plan 65R-30147), which are the two part lots noted above that are anticipated to merge with Blocks 34 and 35 of the subject draft plan of subdivision (Labeled 'A' in Figure 2);

- A subsequent part lot also owned by Wismer Markham Developments Inc. (Part 1, Plan 65R-30147), which is anticipated to merge with two part lots to the north to create two single detached residential lots (Labeled 'B' in Figure 2); and
- Two part lots owned by Mackenzie Builders and Developers Ltd. (Part 1, Plan 65R-32681 and Part 43, Plan 65R-32389), which are anticipated to merge with two part lots to the south to create two single detached residential lots (Labeled 'C' in Figure 2);

Official Plan and Zoning Context

The Wismer Commons Community is subject to the policies of the City of Markham Official Plan (Revised 1987) and the Wismer Commons Secondary Plan (OPA 37). The Official Plan designates the lands Urban Residential. The secondary plan designates the portion of the property adjacent to Major Mackenzie Drive, north of Hammersley Blvd., Medium Density Residential and the remaining lands Low Density Residential.

As shown in Figure 2, a portion of the subject lands are zoned "Rural Residential Four (RR4)" under By-law 304-87, as amended. The additional part lots that are not part of the draft plan of subdivision are zoned "Rural Residential Four (RR4)" and "Agricultural One (A1)" under By-law 304-87, as amended. It is proposed that these lands all be rezoned into appropriate zone categories under By-law 177-96, as amended, to facilitate residential development.

The balance of the lands that have been acquired from the adjacent subdivision to the west is zoned "Residential Two – Exception Zone *185 (Hold) - (R2*185(H))" under By-law 177-96, as amended, and are not included as part of the proposed zoning by-law amendment.

Further details regarding the proposed zoning amendment are detailed in the Draft Zoning By-law subsection of this report.

Proposal

The Mackenzie Builders and Developers Ltd. draft plan has 68 units distributed as shown in Table 2 below.

TABLE 2			
Mackenzie Developers Group Ltd.			
Land Uses	Lots	Blocks	Units
Buffer			0.014 ha
Single detached 13.3 m	1	2 (part lots)	2
Single detached 11 m	22		22
Semi-detached 17.4 m	1		2
Semi-detached 15.3	5		10
Townhouses 6.0 m		4	32
Total Units			68
Gross Site Area			2.49 ha/6.2 ac
Net Site Area			1.58 ha/3.9 ac

OPTIONS/ DISCUSSION:**Servicing allocation**

The Wismer Commons Developers Group has indicated that there is servicing allocation available in accordance with the 2012 Servicing Allocation Update Report for this draft plan of subdivision as well as the additional remnant part lots located outside of the draft plan, and within the surrounding Wismer Commons community.

Staff are recommending that Council assign servicing allocation for the 24 single detached units (88.8 population), 12 semi-detached units (36.24 population) and 32 townhouse dwelling units (90.24 population) in the draft plan of subdivision.

Council is also being requested to assign servicing allocation for seven part lots (population 12.95) for the additional remnant parcels outside of the draft plan of subdivision, which would facilitate their residential development, once each part lot merges with adjacent part lots to create complete single detached development lots.

Draft zoning by-law

The draft zoning By-law proposes to remove a portion of the lands in this draft plan of subdivision from By-law 304-87 as amended, so that they may be incorporated into appropriate zone categories in By-law 177-96, as amended. These lands are currently zoned "Rural Residential Four (RR4)" under By-law 304-87, as amended and it is proposed that they be rezoned to "Residential Two – Exception Zone *185 (R2*185)" and "Residential Two - Special – Exception Zone *185 (R2-S*185)". Exception *185 permits a minimum driveway setback of 0.3 metres to an interior side lot line and a minimum wide shallow lot depth of 24.5 metres. The inclusion of Exception *185 is consistent with the current zoning of the surrounding lands within the Wismer Commons community.

The By-law will include provisions to allow wide shallow townhouse lots not accessed by a lane to have a minimum lot frontage of 6.0 metres, and to allow wide shallow semi-detached lots to have a minimum lot frontage of 7.5 metres. Under By-law 177-96, as amended both townhouse and semi-detached lots, not accessed by a lane, require minimum frontages of 7.5 metres and 8.7 metres respectively. Staff have reviewed the proposed exceptions and are satisfied that servicing, utility and street tree replacement requirements of the City can adequately be provided within the development. As part of the discussions regarding the reduced frontages, the Owners have also agreed to provide the following in order to improve the streetscape:

- a front entrance to the units that will include either a single glazed door with a sidelight, or double glazed doors;
- a 2.0 metre x 2.0 metre front porch; and
- a minimal grade change and minimal number of risers providing access to the front porch.

The balance of the lands acquired from the adjacent subdivision to the west are zoned “Residential Two – Exception Zone *185 (Hold) - (R2*185(H))” under By-law 177-96, as amended and, as noted, are not included as part of the proposed zoning by-law amendment. However on these lands, the proponent will be submitting an application to the Committee of Adjustment to seek authorization to permit wide shallow townhouse units, not accessing a lane, to have a frontage of 6.0 metres, whereas the By-law requires wide-shallow townhouse units not accessing a lane to have a minimum lot frontage of 7.5 metres.

Staff will recommend as a condition of minor variance approval, that a letter of undertaking be submitted to the satisfaction of the Director of Planning and Urban Design to ensure conditions similar to those being requested through the rezoning on the subject lands are also implemented, such as enhanced front entrance glazing; increased porch sizes; and minimal grade changes to be incorporated as part of these townhouse dwelling units.

As noted previously, it is also proposed that part lots located outside of this draft plan of subdivision be rezoned into appropriate zone categories in By-law 177-96, as amended so they are consistent with the adjacent part lots they will be merged with. The additional lands proposed to be rezoned are identified in Figure 2 and in Appendix ‘B’ (draft zoning By-law), and are proposed to be rezoned into the following zone categories under By-law 177-96, as amended:

- “Residential Two – Exception Zone *185 (R2*185)”;
- “Residential Two – Exception Zones *421 and *483 (R2*421*483)”;
- “Residential Two – Exception Zone *421 (R2*421)”.

Pattern of development and the mix of unit types are consistent with the Wismer Commons Community Design Plan

The pattern of single-detached, semi-detached and townhouse dwellings proposed in this Draft Plan is consistent with the approved Wismer Commons Community Design Plan.

Road Pattern

As shown in Figure 5, there are three additional draft plans that have been submitted for this general area, all adjacent to each other (Amber Plain Investments Ltd., Arrowdale Developments Ltd./Bonnydon Ltd. and another subdivision by Mackenzie Builders and Developers Ltd.), which share common roads including Hammersley Boulevard that link each of the draft plans to the existing urban fabric within the Wismer Commons Community.

Notwithstanding that Arrowdale Developments Ltd. and Bonnydon Ltd. and Amber Plain Investments Ltd have not been provided service allocation and cannot proceed with construction at this time, the Wismer Commons Developers Group Agreement requires that easements be provided by Group members to permit the construction of any common roads should it be necessary to complete another development.

The subject draft plan has full servicing allocation and will proceed in advance of the draft plans by Amber Plains Investments and Arrowdale Developments Ltd. and Bonnydon Ltd. Consequently, Hammersley Blvd. will likely be constructed on the Arrowdale Developments Ltd. and Bonnydon Ltd. lands prior to the Holding provision being removed and development occurring on those lands.

Complies with the density provisions of the Wismer Commons Secondary Plan

The Wismer Commons Secondary Plan designates the portion of the draft plan north of Hammersley Boulevard as Medium Density Residential. The Secondary Plan requires an average net site density for lands designated Medium Density Housing to be within the range of 37.1 to 79.9 units per hectare (15 to 32.3 units per acre). The lands south of Hammersley Boulevard are designated Low Density Housing. The Secondary Plan requires an average net site density for lands designated Low Density Housing to be within the range of 17.0 to 37 units per hectare (6.9 to 14.9 units per acre). Density calculations within the Wismer Commons Secondary Plan area are based on 'Net Site Area', which is the total developable residential land exclusive of parks, hazard lands, open space, storm water management, schools, places of worship, commercial lands and public highways.

As shown on Tables 2 and 3, Net Site Density of the lands north of Hammersley Boulevard is 46.2 uph (18.7 upa) and meets the density requirement for Medium Density Housing Category. The net site density of the lands south of Hammersley Boulevard is 32.4 uph (13.1 upa) and this meets the density requirement for the Low Density Housing category.

TABLE 2		
Medium Density Calculation (North of Hammersley Boulevard)		
Unit Type	Number of Units	Area
Single detached and part lots	12	0.38 ha/0.93 ac
Semi-detached and part lots	12	0.27 ha/0.67 ac
Townhouse and part lots	32	0.56 ha/1.38 ac
Total	56	1.21 ha/3.00 ac
Density		46.2 uph/18.7 upa

TABLE 3		
Low Density Calculation (South of Hammersley Boulevard)		
Unit Type	Number of Units	Area
Single detached and part lots	12	0.37 ha/0.92 ac
Total	12	0.37 ha/0.92 ac
Density		32.4 uph/13.0 upa

CONCLUSION

Based on the discussion above staff are of the opinion that the proposed draft plan of subdivision is consistent with the patterns of development within the surrounding Wismer

Commons Community and also satisfies the Density requirements of the Wismer Commons Secondary Plan. Additionally, the proposed Zoning By-law amendment will implement the draft plan of subdivision, and allow residential development on the additional remnant parcels in the vicinity.

Although the Trustee for the Landowners Group has confirmed that sufficient service allocation is available for the draft plan of subdivision and the remnant parcels within the surrounding Wismer Commons Community, a final clearance letter from the Trustee of the Landowners Group is required prior to registration of the plan of subdivision advising that the owner has fulfilled all of their obligations under the Landowners Agreement.

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 by implementing the proposed development in phases in coordination with available servicing allocation.

BUSINESS UNITS CONSULTED AND AFFECTED:

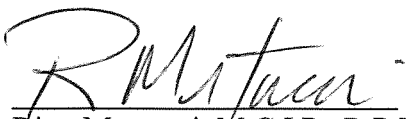
These applications have been circulated to various departments and external agencies and their requirements are reflected in the draft plan of subdivision, draft conditions and draft zoning by-law amendment.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

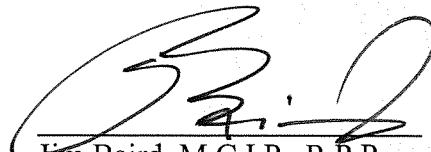
Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

RECOMMENDED BY:

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



Jim 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 – Wismer Commons Subdivision Location Map

Appendix 'A' – Draft Conditions

Appendix 'B' – Draft By-law

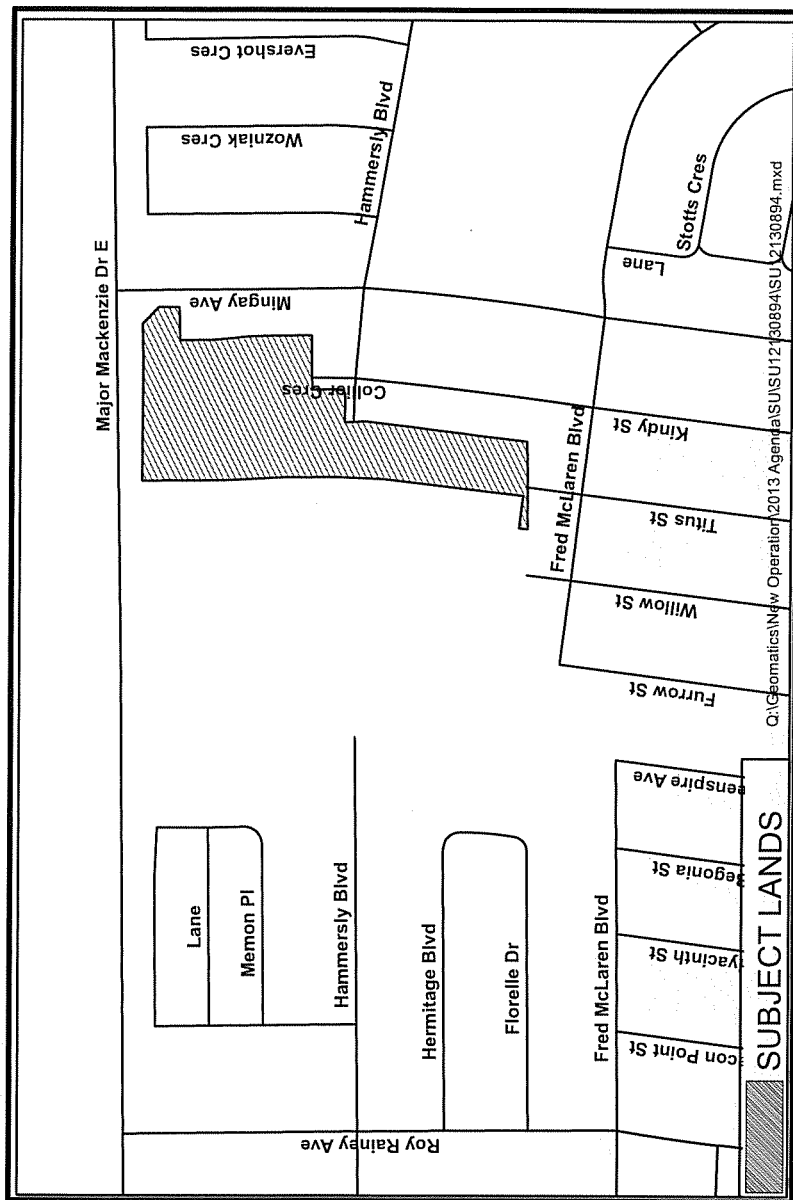
Owner: Mackenzie Builders and Developers Inc.
Attn: Ikhtlaq Memon
327 Refrew Drive
Markham, ON
L3R 9S8

Owner: Flato Developments
Attn: Shakir Rehmatullah
3621 Highway 7 East, Suite 503
Markham, ON
L3R 0M3

Owner: Wismer Markham Developments Inc.
Attn: Fraser Nelson
30 Flora Parkway
Concord, ON
L4K 4R1
(905) 669-5571

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

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WEST OF MINGAY AVE. SOUTH OF MAJOR MACKENZIE DRIVE EAST

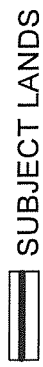
FIGURE No. 2



AIR PHOTO (2011)

APPLICANT: MACKENZIE BUILDERS & DEVELOPERS LTD.

WEST OF MINGAY AVE. SOUTH OF MAJOR MACKENZIE DRIVE EAST



SUBJECT LANDS

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DATE: 05/08/2013



Drawn By: CPW

Checked By: SC

FIGURE No. 3



DRAFT PLAN OF SUBDIVISION 19TM-12005

APPLICANT: MACKENZIE BUILDERS & DEVELOPERS LTD.
 WEST OF MINGAY AVE. SOUTH OF MAJOR MACKENZIE DRIVE EAST

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DATE: 05/06/2013

FIGURE No. 4



AMBER PLAINS

MACKENZIE BUILDERS &
DEVELOPERS LTD.

ARROWDALE / BONNYDON

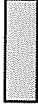
Major Mackenzie Dr E



WISMER COMMONS SUBDIVISION LOCATION MAP

APPLICANT: MACKENZIE BUILDERS & DEVELOPERS LTD.

WEST OF MINGAY AVE. SOUTH OF MAJOR MACKENZIE DRIVE EAST

 SUBJECT LANDS

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DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SC

DATE: 05/08/2013

FIGURE No. 5



“THE CONDITIONS OF THE COUNCIL OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-12005 (MACKENZIE BUILDERS AND DEVELOPERS LTD.) 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-2210, dated March 27, 2013, incorporating the following redline revisions:
 - Show ROW rounding radius for all roadway intersections.
 - Intersection of streets resulting in “elbows” must be designed in accordance with City of Markham Standards. Any deviations shall be the satisfaction of the City (Director of Engineering) and designed to simultaneously accommodate a fire truck movement in the inner / smaller radius and an opposing passenger vehicle in the outer / larger radius.
- 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 XXX unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-laws 304-87 and 177-96 and/or approval of a minor variance to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to, Traffic Impact Study, Stormwater Management Study, Internal Servicing Study, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.

- 1.6 The final 65M Plan may be amended to include the two part lots on either side of Titus Street, identified as "Land to be acquired by Owner and included in registered plan".

2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the City and the Region of York.
- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the City (Commissioner of Development Services).
- 2.4 The Owner shall convey 0.3m reserves along the window side of Collier Crescent, adjacent to Major Mackenzie Drive, free of all costs and encumbrances, upon registration of the plan of subdivision..
- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the City, to the satisfaction of the City (Commissioner of Development Services). The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement to the satisfaction of the City, (Commissioner of Development Services).
- 2.6 The Owner shall covenant and agree in the subdivision agreement to implement the traffic calming measures identified in the Internal Functional Traffic Study. The Owner shall further covenant and agree to implement additional traffic calming measures, prior to assumption of the plan of subdivision, if it is determined by the City that additional traffic calming measures are require

3. Community Design

- 3.1 The Owner shall implement and incorporate all requirements of the approved Wismer Commons Open Space Master Plan and Community Design Plan into all landscape plans, architectural control guidelines, engineering plans and any other required design documents, to the satisfaction of the Director of Planning and Urban Design.
- 3.2 The Owner shall retain a design consultant to update the approved architectural control guidelines Appendix A and C to be submitted to Director of Planning and Urban Design for approval prior to execution of the subdivision agreement.

- 3.3 The Owner shall retain a design consultant to implement the Architectural Control Guidelines and to ensure the design of building façades contribute positively to the streetscape and enhance the pedestrian environment.
- 3.4 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.
- 3.5 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.

4. Parks and Open Space

- 4.1 The Owner shall provide a minimum 200mm depth of topsoil in the entire municipal boulevard, to appropriately accommodate boulevard trees to the satisfaction of the Director of Planning and Urban Design.
- 4.2 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain (free of stock piles and debris) all school blocks, park blocks, place of worship blocks and vacant lands within the subdivision to the satisfaction of the Director of Planning and Urban Design. The park blocks shall be maintained until such time as the parks have been constructed and formally assumed by the City for maintenance purposes. The school blocks, places of worship blocks, and other vacant blocks shall be maintained until such time as the ownership of the blocks has been transferred.
- 4.3 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans for the park and school campus in all sales offices for dwelling units within the draft plan of subdivision.
- 4.4 The Owner shall convey Blocks 36 and 37 (landscaped buffer zones) to the City, free of all costs and encumbrances, to the satisfaction of the Director of Planning and Urban Design, upon registration of the plan of subdivision.

5. Community Landscaping

- 5.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans, prepared by a qualified person, based on the approved Wismer Commons Open Space Master Plan and Community Design Plan, to the satisfaction of the Director of Planning and Urban Design. The plans shall include, but not be limited to:

- a) street tree planting in accordance with the City of Markham Streetscape Manual date June 2009, as amended from time to time
 - b) buffer planting for the open space blocks and single loaded road allowances abutting Major Mackenzie Drive
 - c) noise attenuation fencing abutting Major Mackenzie Drive and as indicated in an approved noise report
 - d) 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 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 to meet 4.1a)
- CORNER LOT FENCING
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.

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

6 Tree Inventory and Tree Preservation Plans

- 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 of Markham 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 issuance of a Top Soil Stripping Permit, 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 or destruction or injury to any part of a tree within the area of the draft plan.
- 6.4 The Owner shall submit for approval by the Director of Planning and Urban Design, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
 - a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
 - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
 - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites
 - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

7. Financial

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

8. Noise Impact Study

- 8.1 Prior to final approval of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic on Major Mackenzie Drive East and by any other identified noise sources, to the satisfaction of the City, in consultation with the Region of York. The Owner further agrees to make any

revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.

- 8.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the City (Commissioner of Development Services), in consultation with the Region of York.

9. Stormwater Management

- 9.1 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping..

10. Municipal Services

- 10.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City (Commissioner of Development Services), a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 10.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the City (Commissioner of Development Services).
- 10.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, etc. to the satisfaction of the City (Commissioner of Development Services).
- 10.4 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.
- 10.5 The Owner shall acknowledge and agree in the subdivision agreement that no building permits will be issued for any development beyond that which can be adequately serviced. Services must be constructed to the satisfaction of the City (Commissioner of Development Services).

- 10.6 The adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.

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 watermain, 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.
- 12.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including PowerStream, Enbridge, telecommunications companies, etc.
- 12.3 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
- 12.4 The Owner shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 12.5 The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 12.6 Standard Community Mailbox installations are to be done by Canada Post at

locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.

- 12.7 The Owner covenants and agrees that it will permit any telephone or telecommunication 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

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

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) 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.

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. Well Monitoring Program and Mitigation Plan

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

16. Heritage

16.1 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 (Heritage Branch). 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 (Heritage Branch) to the City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.

16.2 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 (Heritage Branch).

16.3 Prior to any removal or alteration of any existing buildings, trees or other site features, the Owner shall permit City staff an opportunity to carry out photographic documentation of the property and its features for archival purposes.

17. Other City Requirements

17.1 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 Wismer Commons 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.

- 17.2 Prior to final approval, the Trustee of the Wismer Commons 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.
- 17.3 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.
- 17.4 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
- f) the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage
 - ii) the City's zoning by-law restricts the width of the driveway, this width may not allow two cars to park side by side
 - iii) overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City
- 17.5 The Owner shall covenant and agree in the subdivision agreement that Blocks 34 and 35, may be developed only in conjunction with abutting lands and that no building permits will be issued for said blocks until combined with abutting lands to create building lots in conformity with the zoning by-law and until all applicable fees have been paid.
- 17.6 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder, or their real estate agents:
- Parks by type, including Park and Open Space Concept Plans and Streetscape Plans; stormwater management ponds and related facilities; schools by type; place of worship sites; other institutional sites by type; commercial sites by type; other surrounding land uses and facilities as specified by the City; existing or future: rail facilities, provincial highways, arterial and collector roads, transit routes and stops; City approved sidewalk, walkway and bike route locations; City approved postal box and utility furniture locations or possible locations if prior to approval; City lot grading standards.

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

18 Region of York

- 18.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and the Transportation and Community Planning Department.
- 18.2 Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the City of Markham for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- 18.3 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 By-law 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 it is no earlier than six (6) months prior to the expected completion of the required water and wastewater infrastructure; 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.
- 18.4 The Owner shall agree in the Subdivision Agreement that the owner shall save harmless the area municipality and York Region from any claim or action as a result of water or wastewater servicing not being available when anticipated.
- 18.5 Prior to final approval, a functional servicing report (FSR) and engineering drawings including water and wastewater servicing and drainage plans, shall be submitted to York Region for review. The wastewater servicing plan shall clearly identify any external areas serviced by the subdivision and the water servicing plan shall clearly identify any pressure reducing valves, if required.
- 18.6 The Owner shall agree in the Subdivision Agreement that any direct connection to a Regional water or wastewater system requires Regional approval prior to construction. Engineering drawings showing details of the connection shall be submitted for approval.

- 18.7 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.
- 18.8 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.
- 18.9 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 and sanitary drainage systems, erosion and siltation control plans, site grading and servicing, construction access and mud mat design, utility and underground servicing location plans and landscape plans.
- 18.10 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.
- 18.11 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.
- 18.12 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 Major Mackenzie Drive will not be permitted. Access must be obtained through the internal road network.
- 18.13 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.
- 18.14 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that the Owner will provide the installation of visual screening between Major Mackenzie Drive and Collier Crescent, consisting of either a screening fence or a combination of a berm and

appropriate planting, to a minimum of 1.8 metres in height, to be located within the right-of-way of Titus Street/Collier Crescent. The Owner shall submit to the Transportation and Community Planning Department for review and approval, landscape plans showing the proposed planting for headlight screening purposes.

18.15 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.

18.16 Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:

- a) All existing woody vegetation within the York Region road right of way,
- b) Tree protection measures to be implemented on and off the York Region road right of way to protect right of way vegetation to be preserved,
- c) Any woody vegetation within the York Region road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right's of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal.
- d) A planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:

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

18.17 Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Transportation and Community Planning Department recommending noise attenuation features.

18.18 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.

18.19 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.

18.20 The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:

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

18.21 Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region's Transportation and Community Planning Department, as follows:

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

18.22 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.

- 18.23 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.
- 18.24 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.
- 18.25 Prior to final approval, the Owner shall agree to provide sufficient lands Major Mackenzie Drive as required in the Region's new Official Plan or be consistent with land requirements for the adjacent lands, and any additional lands required for turn lanes at intersections will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor.
- 18.26 Prior to final approval, the Owner shall agree that no direct vehicular access is proposed onto Major Mackenzie Drive.
- 18.27 Prior to final approval, the Owner shall agree to provide and implement walking and cycling connections to the boundary roads (e.g. Major Mackenzie Drive), nearby transit stops and other amenities, as well as the adjacent land uses to promote the usage of alternative modes of transportation. York Region and the City of Markham will not assume any financial responsibility for implementing the walking and cycling connections.
- 18.28 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 2010-49.
- 18.29 The Region of York Transportation and Community Planning Department shall advise that Conditions 1 to 28 inclusive, have been satisfied.

20. MNR

- 20.1 The Owner shall agree in the subdivision agreement to satisfy all requirements of the Ministry of Natural Resources with respect to a Redside Dace (endangered species) potential impact on the draft plan of subdivision.

21. External Clearances

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

- a) The Regional Municipality of York Planning Department shall advise that Conditions 2.1, 8.1, 8.2 and 18 have been satisfied.
- b) The Ministry of Culture (Heritage Branch) shall advise that Condition 16 has been satisfied.

Dated:

Biju Karumanchery
Senior Development Manager
Planning and Urban Design

EXPLANATORY NOTE

BY-LAW 2013-___

A By-law to amend By-law 304-87

**Mackenzie Builders and Developers Ltd.
Major Mackenzie Drive East and Mingay Avenue
Wismer Commons Community
Plan 19TM-12005; Part 1, Plan 65R-32681; and Part 43, Plan 65R-32389**

**Wismer Markham Developments Inc.
Parts 1, 2 and 3, Plan 65R-30147**

LANDS AFFECTED

The proposed by-law amendment applies to the following parcels of land:

- a 1.22 ha (3.015 ac) parcel of land, located at the south west corner of Major Mackenzie Drive East and Mingay Avenue
- a 163.1m² (1,755ft²) parcel of land, located on the south side of Fred McLaren Boulevard on the east side of Begonia Street
- a 135.2m² (1,455ft²) parcel of land, located on the south side of Fred McLaren Boulevard on the west side of Greenspire Avenue
- a 576.9m² (6,209ft²) parcel of land, located on the north side of Fred McLaren Boulevard on the west side of Willow Street
- a 188.6m² (2,030ft²) parcel of land, located north of Fred McLaren Boulevard on the west side of Titus Street
- a 288.4m² (3,104ft²) parcel of land, located north of Fred McLaren Boulevard on the east side of Titus Street

EXISTING ZONING

The lands subject to this amendment are currently zoned Rural Residential Four (RR4) and Agricultural One (A1) under By-law 304-87 as amended.

PURPOSE AND EFFECT OF THE BY-LAW

The purpose and effect of this By-law is to delete the lands from By-law 304-87, as amended so that they may be incorporated into residential zone categories within By-law 177-96.



BY-LAW 2013-

A by-law to amend By-law 304-87, as amended

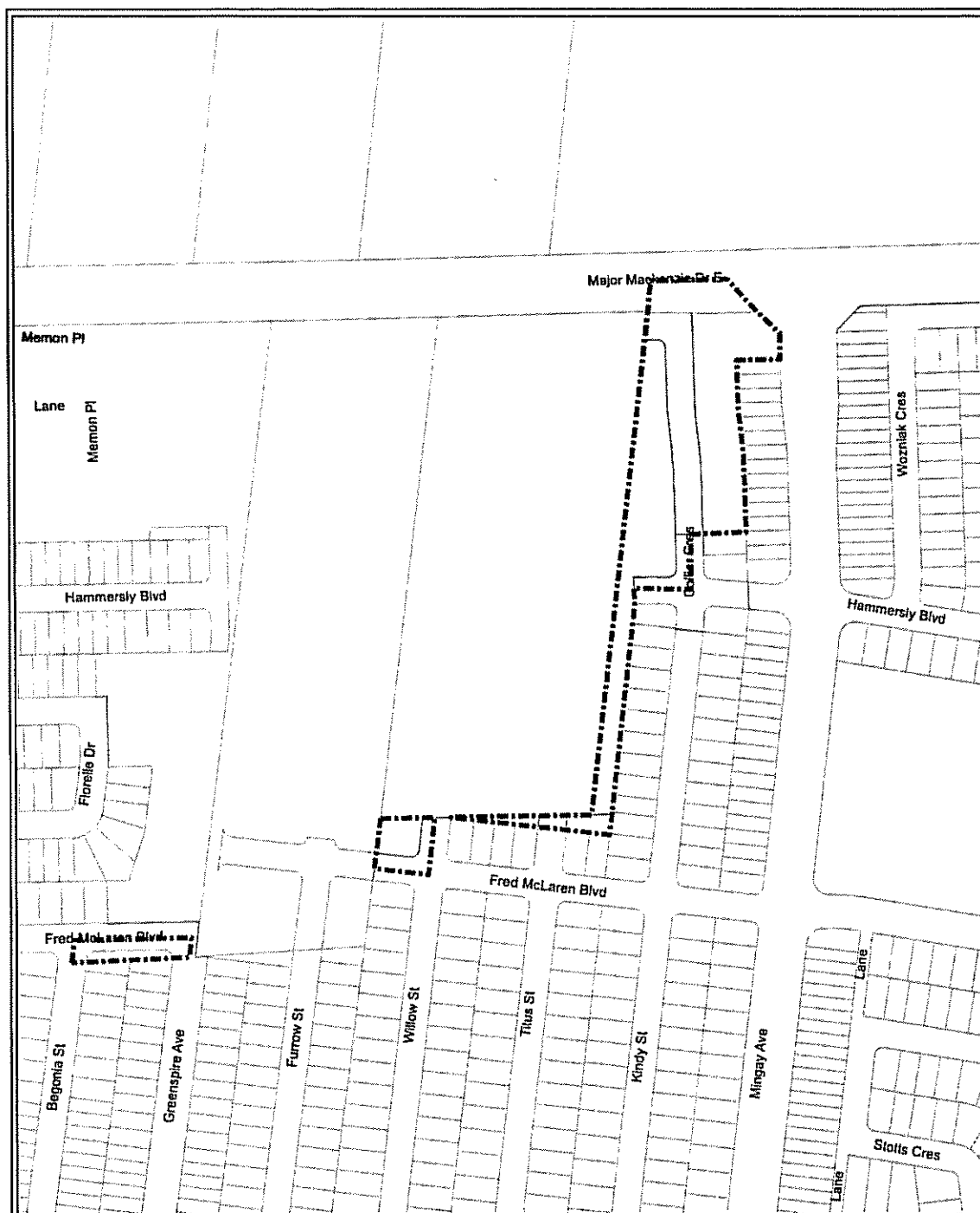
**THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY
ENACTS AS FOLLOWS:**

1. By-law 304-87, as amended, be and the same is hereby further amended by deleting the lands outlined on Schedule 'A' attached hereto from the designated area of By-law 304-87, as amended.
2. This By-law shall not come into effect until By-law 2013-____ amending By-law 177-96, as amended, comes into effect and the lands, as shown on Schedule 'A' attached hereto, are incorporated into the designated area of By-law 177-96, as amended.
3. All other provisions of By-law 304-87, 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

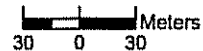


BY-LAW SCHEDULE 'A' TO AMEND BY-LAW 304-87

 BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

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BY-LAW AMENDMENT No. PASSED
 (MAYOR) (CLERK)

 Meters
 30 0 30

 MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SC

DATE: 05/08/2013

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

EXPLANATORY NOTE

BY-LAW 2013-____

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

**Mackenzie Builders and Developers Ltd.
Major Mackenzie Drive East and Mingay Avenue
Wismer Commons Community
Plan 19TM-12005; Part 1, Plan 65R-32681; and Part 43, Plan 65R-32389**

**Wismer Markham Developments Inc.
Parts 1, 2 and 3, Plan 65R-30147**

LANDS AFFECTED

The proposed by-law amendment applies to the following parcels of land:

- a 1.22 ha (3.015 ac) parcel of land, located at the south west corner of Major Mackenzie Drive East and Mingay Avenue
- a 163.1m² (1,755ft²) parcel of land, located on the south side of Fred McLaren Boulevard on the east side of Begonia Street
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- a 188.6m² (2,030 ft²) parcel of land, located north of Fred McLaren Boulevard on the west side of Titus Street
- a 288.4m² (3,104ft²) parcel of land, located north of Fred McLaren Boulevard on the east side of Titus Street

EXISTING ZONING

The lands subject to this amendment are currently zoned Rural Residential Four (RR4) and Agricultural One (A1) under By-law 304-87, as amended.

PURPOSE AND EFFECT

The purpose and effect of this By-law is to incorporate the lands into By-law 177-96, as amended, and to apply to the lands specific residential zone categories and development standards. The proposed zone categories are:

Residential Two *185
Residential Two *185*490
Residential Two *185*496
Residential Two *421
Residential Two*421*483

This will permit the development of 27.5 single-detached, 12 semi-detached and 32 townhouse units on the plan of subdivision and part lots.



BY-LAW 2013-____

A By-law to amend Zoning 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 to include those lands comprising Part of Lot 20, Concession 7, as more particularly outlined on Schedule 'A' hereto, and by zoning the lands:

Residential Two*185	R2*185
Residential Two*185*490	R2*185*490
Residential Two*185*496	R2*185*496
Residential Two-Special*185	R2-S*185
Residential Two*421	R2*421
Residential Two*421*483	R2*421*483

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

“7.490 Block 7, Part of Blocks 8, 9 and 16, Plan 19TM-12005, Wismer Commons Community

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted with the symbol *490 on Schedule 'A' to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.490.1 Zone Standards

The following specific zone standards apply to *townhouse dwellings on wide shallow lots* not accessed by a lane:

- a) Minimum *lot frontage* – 6.0 metres
- b) Minimum *porch* width – 2.0 metres
- c) Minimum *porch* depth – 2.0 metres

“7.496 Lots 1 to 5, Plan 19TM-12005, Wismer Commons Community

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted with the symbol *496 on Schedule 'A' to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.496.1 Zone Standards

The following specific zone standards apply to *semi-detached dwellings on wide shallow lots* not accessed by a lane:

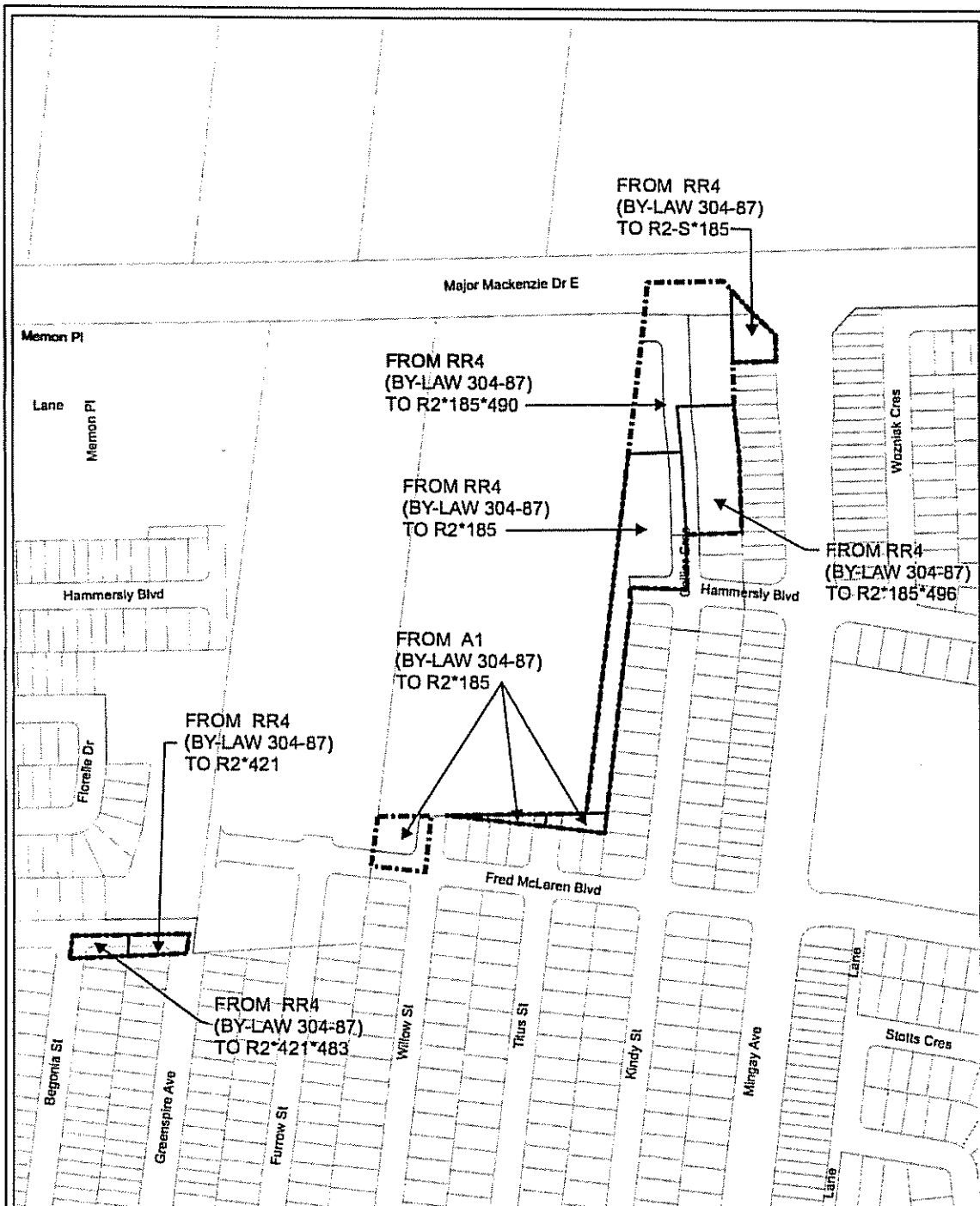
- a) Minimum *lot frontage* – 7.5 metres
- b) Minimum *porch* width – 2.0 metres
- c) Minimum *porch* depth – 2.0 metres

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 KITTINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



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

	BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE		BOUNDARY OF ZONE DESIGNATION(S)
	ARICULTURE ONE		RURAL RESIDENTIAL FOUR
	RESIDENTIAL TWO		EXCEPTION SECTION NUMBER
	RESIDENTIAL TWO - SPECIAL		

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BY-LAW AMENDMENT No. PASSED
(MAYOR).....(CLERK)

30 0 30 Meters



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SC

DATE: 05/08/2013

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