

**APPENDIX 'A'**  
**RECOMMENDED CONDITIONS OF DRAFT APPROVAL**  
**PLAN OF SUBDIVISION 19TM-11002**  
**AMBER PLAIN INVESTMENTS LIMITED.**

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project Number P-470, dated June 1, 2011, incorporating the following redline revisions:
- Show ROW rounding radius for all roadways intersections to the satisfaction of the Town (Commissioner of Development Services).
  - Provide adequate turning space for municipal service vehicles at the temporarily dead end of Street 1. The turning space will be designed to the satisfaction of the Director of Engineering.
  - Greenspire Avenue shall have a 22.0m ROW, consisting of a 11m pavement and 5.5m boulevard on both sides. Ensure consistency with the *Mackenzie Builders and Developers Limited, Consolidated Internal Functional Traffic Design Study* dated October 2011.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the Town, and shall accordingly lapse on XXX unless extended by the Town upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the Town agreeing to satisfy all conditions of the Town 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 to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 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 Town 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.

- 1.6 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 Town, 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 (Environmental Master Drainage Plan), Internal Servicing Study, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.

## 2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the Town 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 Town (Commissioner of Development Services).
- 2.4 The Owner shall convey 0.3m reserves along Street 1 to the Town, 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 Town, to the satisfaction of the Town (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 Town.
- 2.6 The Owner acknowledges and agrees that building permits for lots fronting on Street 1 will not be issued until the full ROW of Street 1 is built to the satisfaction of the Director of Engineering, in accordance with the Building By-Law 2005-104.
- 2.7 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 Town that additional traffic calming measures are required

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.
- 3.2 The Owner shall retain a design consultant to prepare architectural control guidelines to be submitted to the Director of Planning and Urban Design for approval. Where architectural control guidelines for the community already exist then an addendum to the guidelines in the form of a priority lot plan shall be submitted for approval prior to execution of the subdivision agreement.
- 3.3 The Owner shall retain a design consultant to implement the Architectural Control Guidelines.
- 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 specialized depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.
- 4.2 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.

5. Community Landscaping

- 5.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans based on the approved Wismer Commons Open Space Master Plan and Community Design Plan into all landscape works, to the satisfaction of the Director of Planning and Urban Design, which shall include, but not be limited to:
  - a) street tree planting in accordance with the Town of Markham Streetscape Manual dated June 2009.

- b) 1.8m high wood screen corner lot fencing
  - c) streetscape plan including street trees for Hammersley Boulevard, Greenspire Avenue and Street "1"
  - d) buffer planting adjacent lot 1.
  - e) 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 Town.
- 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 TOWN OF MARKHAM HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:**

- a) STREET TREES (TREES PLANTED IN THE TOWN BOULEVARD Or IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS to meet 5.1a)
- b) CORNER LOT FENCING
- c) REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE TOWN)
- d) TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE TOWN)
- e) NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- f) FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- g) BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- h) SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE TOWN.

**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 Town 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, as part of the tree inventory and tree preservation plan, in accordance with the Town 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 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. Financial

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

8. Noise Impact Study

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

## 9. Stormwater Management

- 9.1 Prior to final approval of the draft plan, the Owner shall submit a stormwater management study, prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the Town and the Toronto and Region Conservation Authority. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or lands for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.
- 9.2 The Owner shall covenant and agree in the subdivision agreement to undertake the monitoring of watercourse temperatures which may be affected by storm drainage from its development, subject to consultation with, and to the satisfaction of the Town.
- 9.3 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the Town'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 Town (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 Town (Commissioner of Development Services).

- 10.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, stormwater management detail plans, etc. to the satisfaction of the Town (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 two means of access independent of one another are provided into the development and any area within the development.
- 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 Town (Commissioner of Development Services).
- 10.6 The Owner shall acknowledge and agree in the subdivision agreement that the adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.

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 Town.

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 Town 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 Town (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 Town 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 Town 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 Town. 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. Traffic Impact Study

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

14. Development Charges

- 14.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands



within the plan of subdivision at the time the lands are transferred to the first purchasers.

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

15. Phase 1 Environmental Site Assessment (ESA)

- 15.1 Prior to release for registration of the draft plan, the Owner shall:

- a) 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 Town and any proposed remedial action plan, for peer review and concurrence;
- b) 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 Town meets the Site Condition Standards of the intended land use;
- c) File a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the Town; and
- d) Pay all costs associated with the Town 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 Town for peer review and concurrence prior to carrying out the clean up, 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 Town (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 Town 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 Town 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 Town staff an opportunity to carry out photographic documentation of the property and its features for archival purposes.

17. Well Monitoring Program and Mitigation Plan

- 17.1 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 Town's requirements to the satisfaction of the Director of Engineering.

18. Other Town Requirements

- 18.1 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 Town (Commissioner of Development Services and Town Solicitor), and a certificate confirming completion of such agreement(s) shall be provided to the Town by the Developers Group Trustee to the satisfaction of the Town Solicitor.
- 18.2 Prior to final approval, the Trustee of the Wismer Commons Developers' Group agreement shall deliver a release to the Town 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.
- 18.3 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 or his designee. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 18.4 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:
- a) the Town's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage
  - b) the Town's zoning by-law restricts the width of the driveway, this width may not allow two cars to park side by side

- c) overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the Town

- 18.5 The Owner shall covenant and agree in the subdivision agreement that Blocks 43 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.
- 18.6 The Owner shall covenant and agree in the subdivision agreement that the Town shall have first right of refusal to acquire all or part of the school sites within the Draft Plan for municipal purposes should the sites not be required by either School Board.
- 18.7 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 Town; existing or future: rail facilities, provincial highways, arterial and collector roads, transit routes and stops; Town approved sidewalk, walkway and bike route locations; Town approved postal box and utility furniture locations or possible locations if prior to approval; Town lot grading standards.

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

## 19 Region of York

- 19.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and the Regional Planning and Development Services Department.
- 19.2 Prior to final approval York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the Town of Markham for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- 19.3 The Owner shall agree in the subdivision agreement that the Owner shall save harmless the Town of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.

19.3 Prior to the final approval for any residential units the following shall occur:

- a) The Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
- b) York Region has advised in writing that it is no earlier than six (6) months prior to the expected completion of the Southeast Collector Sewer; or,
- c) The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

19.4 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 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:

- a) The Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure; or,
- b) York Region has advised in writing that it is no earlier than six (6) months prior to the expected completion of the Southeast Collector Sewer; or,
- c) The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

19.5 Prior to final approval, the Owner shall agree to provide and implement pedestrian 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 Town of Markham will not assume any financial responsibility for implementing the provision of the pedestrian and cycling connections.

19.6 Prior to final approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required Regional road improvements for this subdivision. The report/plan, submitted to the Regional Transportation Services Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.

- 19.7 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 Regional Transportation Services Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues
- 19.8 Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Regional Transportation Services Department that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by the Regional Transportation Services Department
- 19.9 Prior to final approval, the Owner shall submit detailed engineering drawings, to the Regional Transportation Services Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the Regional Transportation Services Department. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, plan and profile drawings, construction access and mud mat design, utility and underground servicing location and landscape plans.
- 19.10 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Regional Transportation Services Department and illustrated on the Engineering Drawings
- 19.11 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation Services Department, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region
- 19.12 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services Department that elevations along the streetline shall be 0.3 metres above the centreline elevations of the York Region roadway or to the satisfaction of the Regional Transportation Services Department
- 19.13 Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- a) All existing woody vegetation within the York Region road right of way,
  - b) Tree protection measures to be implemented on and off the York Region road right of way to protect right of way vegetation to be preserved,
  - c) Any woody vegetation within the York Region road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right's of way shall be avoided to the

extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal.

- d) A planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:

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

- 19.14 Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Regional Transportation Services Department recommending noise attenuation features.
- 19.15 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Regional Transportation Services Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Regional Transportation Services Department.
- 19.16 The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Regional Transportation Services 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.
- 19.17 The following warning clause shall be included in a registered portion of the Subdivision Agreement with respect to the lots or blocks affected:
- "Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".
- 19.18 Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Regional Transportation Services 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 Regional Transportation Services Department and shall be maintained by the area municipality with the exception of the usual grass maintenance

- 19.19 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.
- 19.20 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services Department, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right of Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- 19.21. The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Regional Transportation Services Department that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
- 19.22 Prior to final approval, the Owner shall provide a copy of the Subdivision Agreement to the Regional Transportation Services Department, outlining all requirements of the Regional Transportation Services Department
- 19.23 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 DC-0007-2007-040, as amended by By-law # 2010-49.

- 19.24 The Regional Planning and Development Services Department shall advise that Conditions 19.1 to 19.23 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 19 have been satisfied.
  - b) The Ministry of Culture (Heritage Branch) shall advise that Condition 16 has been satisfied.



**EXPLANATORY NOTE**

**By-law 2012-XXX**

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

**Amber Plain Investments Ltd.**

**5443, 5521 and 5565 Major Mackenzie Drive East**

**Wismer Commons Community**

**19TM-11002**

**LANDS AFFECTED**

The proposed by-law amendment applies to a 2.4 ha (5.9 ac) parcel of land, located east of Roy Rainey Avenue and south of Major Mackenzie Drive East.

**EXISTING ZONING**

The lands subject to this amendment are currently zoned Rural Residential Four (RR4) by By-law 304-87 as amended by 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.

Conditions required to be met for lifting the Holding (H) provision relate to the availability of servicing allocation.



## 2010-XXX

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

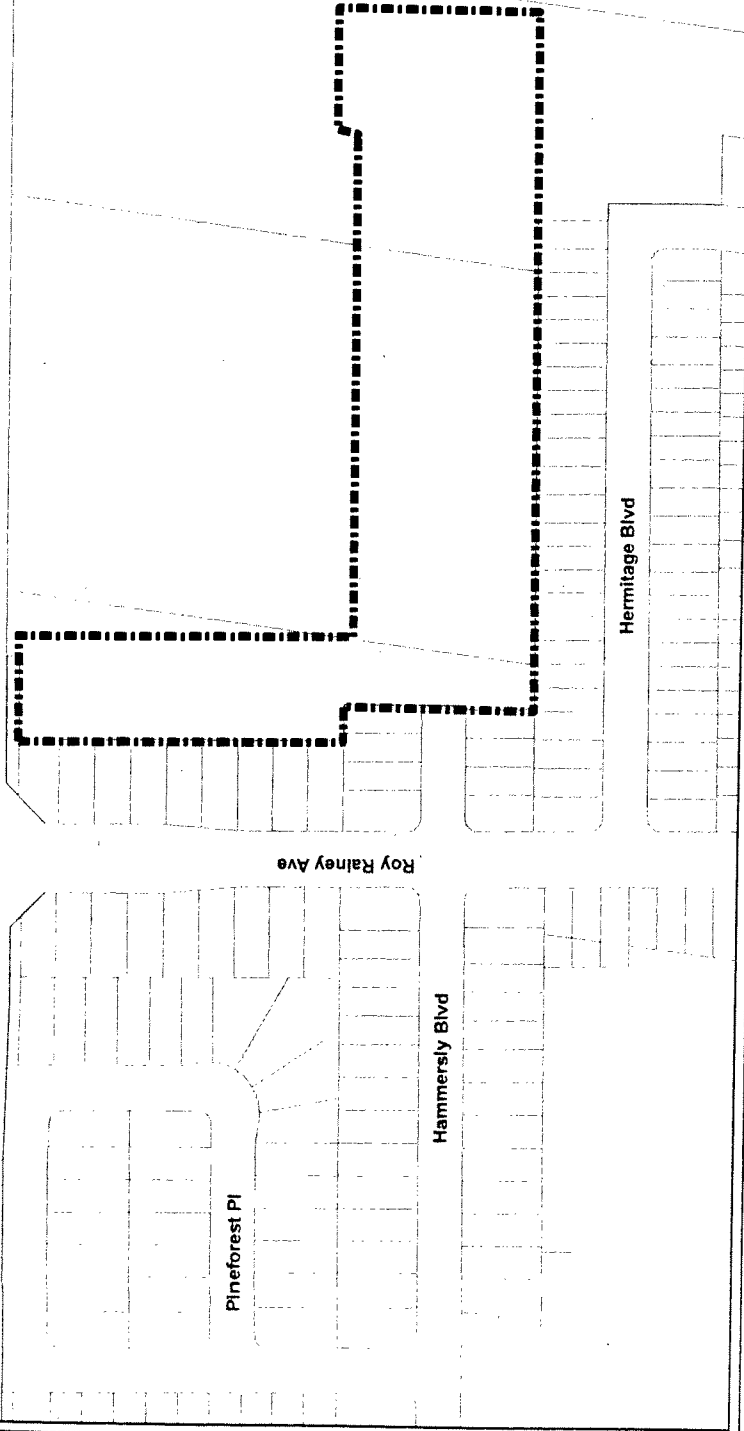
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**THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY  
ENACTS AS FOLLOWS:**


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 2010-XXX 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 \_\_\_\_<sup>TH</sup> DAY OF \_\_\_\_\_, 2010.

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

 BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

BY-LAW AMENDMENT No. PASSED  
**MARKHAM** DEVELOPMENT SERVICES COMMISSION

(MAYOR)

(CLERK)

Drawn By: DD  
Checked By: SK  
DATE: 03/08/12

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 2012-XXX**

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

**Amber Plain Investments Ltd  
5443, 5521 and 5565 Major Mackenzie Drive East  
Wismer Commons Community  
19TM-11002**

### **Lands Affected**

The proposed by-law amendment applies to a 2.4 ha (5.9 ac) parcel of land, located east of Roy Rainey Avenue and south of Major Mackenzie Drive East

### **EXISTING ZONING**

The lands subject to this amendment are currently zoned Rural Residential Four (RR4) by By-law 304-87 as amended.

### **Purpose and Effect**

The purpose and effect of this By-law is to incorporate the lands into appropriate residential zone categories within By-law 177-96. The proposed zone categories are:

Residential Two (Hold)

R2 (Hold)

which will permit the development of 17.5 single-detached and 50 semi-detached units.

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)

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THE COUNCIL OF THE CORPORATION OF THE TOWN 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 Lot 20, Concession 8, as shown on Schedule 'A' attached hereto.

1.2 By zoning the lands:

Rural Residential Four (RR4) to Residential Two (Hold) [R2 (H)]

as shown on Schedule 'A' attached hereto.

1.3 HOLDING PROVISION

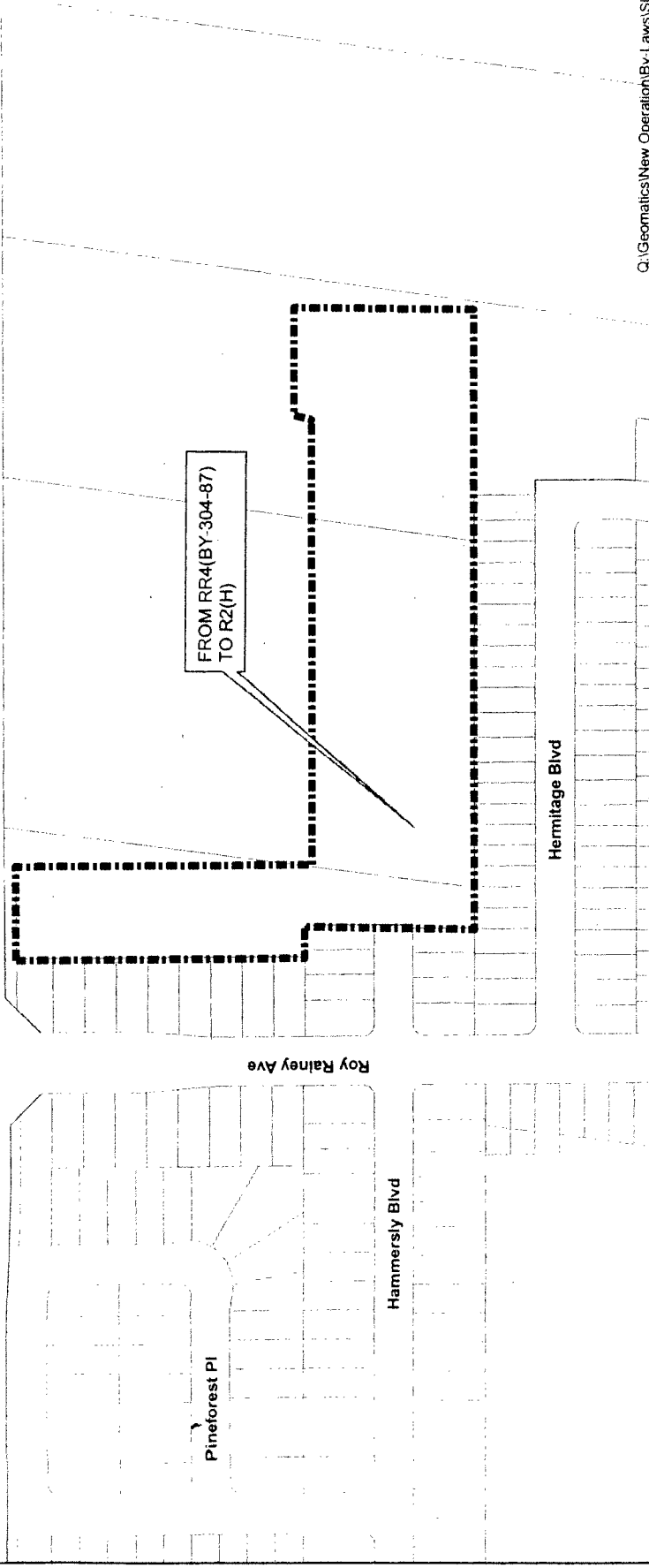
For the purpose of this By-law, a Holding (H) *zone* is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbol.

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 Town of Markham:

- a) the Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
- b) York Region has advised in writing that it is no earlier than six (6) months prior to the expected completion of the Southeast Collector Trunk Sewer; or,
- c) the Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town 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.



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

BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

RR4 RURAL RESIDENTIAL FOUR R2 RESIDENTIAL TWO

BY-LAW AMENDMENT No. **MARKHAM** DEVELOPMENT SERVICES COMMISSION

PASSED

(MAYOR)

(CLERK)

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

Drawn By: DD

Checked By: SK

DATE: 03/08/12