

FIGURE No.2



AIR PHOTO MAP (2009)

APPLICANT: WYKLAND ESTATES INC.
 CORNELL COMMUNITY, WEST OF CORNELL CENTRE BLVD.
 SOUTH OF 16TH AVENUE
 FILE No: SU.10114270 (SK)

 SUBJECT LANDS

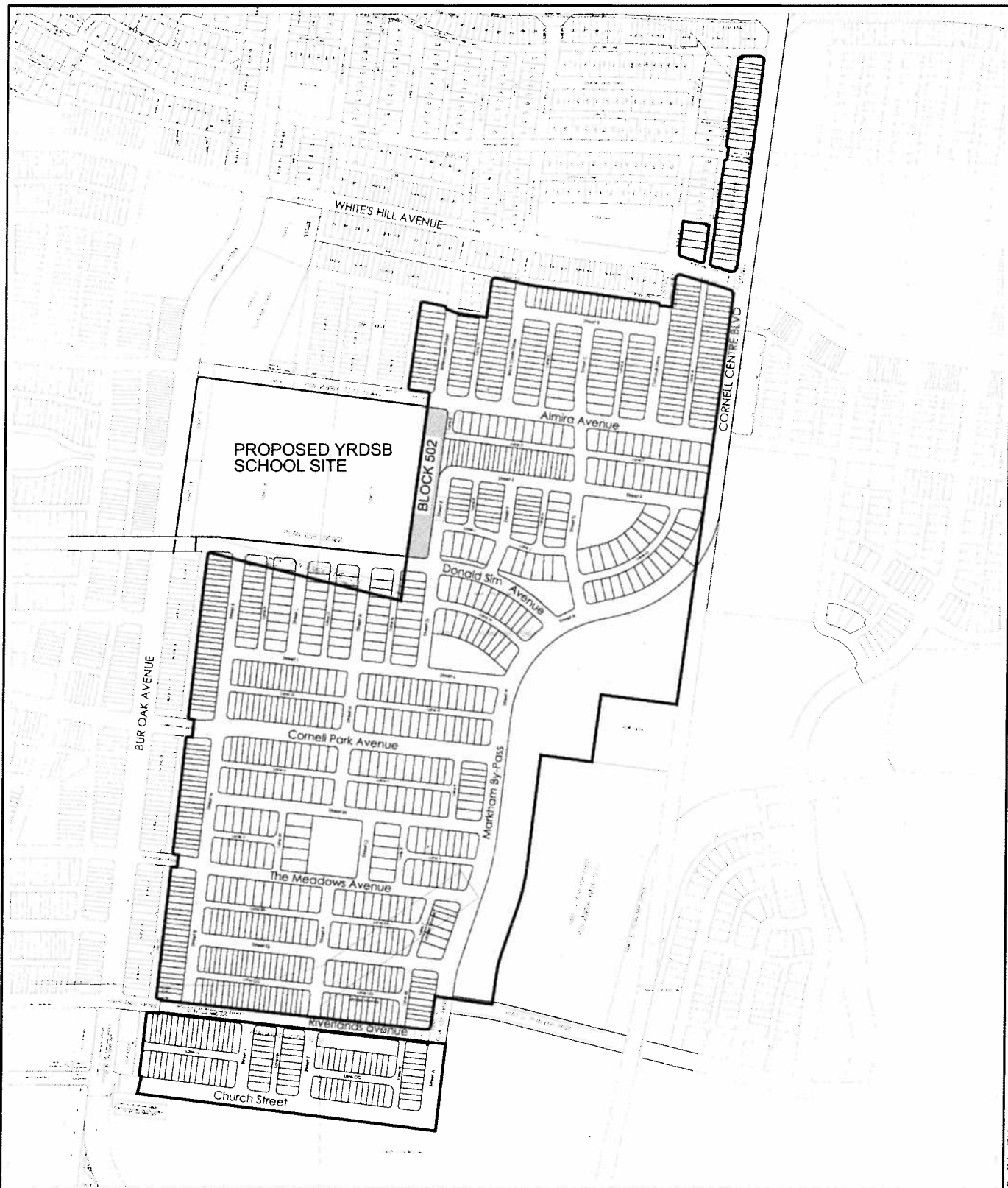
DATE: 10/10/18

MARKHAM DEVELOPMENT SERVICES COMMISSION

DWN BY: CPW CHK BY: SK SCALE 1:

FIGURE No.3





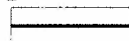
DRAFT PLAN

APPLICANT: WYKLAND ESTATES INC.

CORNELL COMMUNITY, WEST OF CORNELL CENTRE BLVD.

SOUTH OF 16TH AVENUE

FILE No: SU. 10114270 (SK)



SUBJECT LANDS

DATE 10/01/18



DEVELOPMENT SERVICES COMMISSION

DWN BY: CPW

CHK BY: SK

SCALE 1:

FIGURE No. 4

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EXPLANATORY NOTE

By-law 2010-XXX

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

Wykland Estates
West of Cornell Centre Blvd., south of 16th Avenue
Cornell Community
19TM-10002

LANDS AFFECTED

The proposed by-law amendment applies to a 44.72 ha (110.5 ac) parcel of land, located west of Cornell Centre Blvd., south of 16th Avenue.

EXISTING ZONING

The lands subject to this amendment are currently zoned Agriculture One (A1) 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 and incorporate the lands into appropriate residential zone categories within By-law 177-96. The proposed zone categories are:

Residential Two*190	R2*190
Residential Two*190 (Hold)	R2*190 (H)
Residential Two*190*432	R2*190*432
Residential Two*190*432 (Hold)	R2*190*432 (H)
Open Space One	OS1
Open Space Two	OS2

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

**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 ____TH DAY OF _____, 2010.

EXPLANATORY NOTE

BY-LAW

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

Wykland Estates

West of Cornell Centre Blvd., south of 16th Avenue

Cornell Community

19TM-10002

Lands Affected

The proposed by-law amendment applies to a 44.72 ha (110.5 ac) parcel of land, located west of Cornell Centre Blvd., south of 16th Avenue.

EXISTING ZONING

The lands subject to this amendment are currently zoned Agriculture One (A1) 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*190	R2*190
Residential Two*190 (Hold)	R2*190 (H)
Residential Two*190*432	R2*190*432
Residential Two*190*432 (Hold)	R2*190*432 (H)
Open Space One	OS1
Open Space Two	OS2

which will permit the development of 398 residential units.

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

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

THE COUNCIL OF THE CORPORATION OF THE 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:

Residential Two*190	R2*190
Residential Two*190 (Hold)	R2*190 (H)
Residential Two*190*432	R2*190*432
Residential Two*190*432 (Hold)	R2*190*432 (H)
Open Space One	OS1
Open Space Two	OS2

as shown on Schedule 'A' attached hereto.

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

“7.432 Cornell Community

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *432 on Schedule 'A' to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7. 432.1 Zone Standards

The following specific *zone* standards apply:

- a) Minimum rear yard – 0.6 metres.
- b) Minimum setback for a detached private garage from the main building on the lot – 5.0 metres.
- c) On lots having a minimum lot frontage of at least 7.0 metres and a minimum depth of 27.0 metres, townhouse lots with attached private garages are permitted and are subject to the following additional provision:

- i) The outdoor amenity space shall have a minimum area of 25 square metres and a minimum dimension of 3.5 metres on one side.”

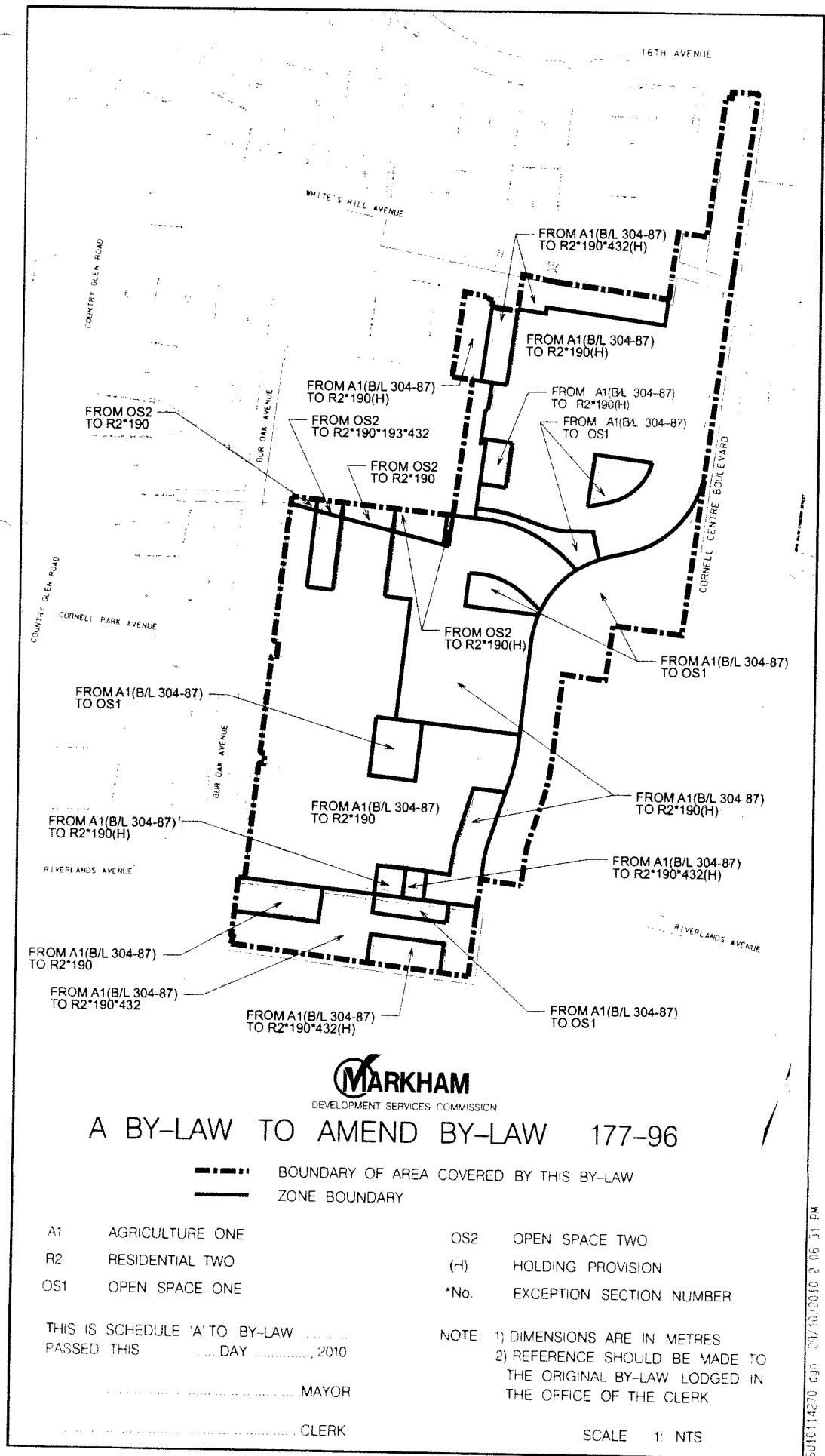
1.4 HOLDING PROVISION

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 twelve (12) months prior to the expected completion of the Southeast Collector Trunk Sewer; or,
 - c) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development; or,
 - d) 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.



DEVELOPMENT SERVICES COMMISSION

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

--- BOUNDARY OF AREA COVERED BY THIS BY-LAW
 — ZONE BOUNDARY

A1 AGRICULTURE ONE
 R2 RESIDENTIAL TWO
 OS1 OPEN SPACE ONE

OS2 OPEN SPACE TWO
 (H) HOLDING PROVISION
 *No. EXCEPTION SECTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW
 PASSED THIS DAY, 2010

MAYOR

CLERK

NOTE: 1) DIMENSIONS ARE IN METRES
 2) REFERENCE SHOULD BE MADE TO
 THE ORIGINAL BY-LAW LODGED IN
 THE OFFICE OF THE CLERK

SCALE 1: NTS

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APPENDIX 'A'
RECOMMENDED CONDITIONS OF DRAFT APPROVAL
PLAN OF SUBDIVISION 19TM-10002
WYKLAND ESTATES – PHASE 4

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by The Planning Partnership, identified as Job Number 1134, dated October 1, 2010, incorporating the following redline revisions:
- Standard corner rounding at the NE corner of Street A and Riverlands Avenue,
 - Lane E to be 10.0m ROW with dimensions meeting fire access route requirements.
- 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 XX 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 Prior to issuance of draft plan approval, the Owner shall enter into an agreement with the Town of Markham, which agreement shall be registered on title, committing the Owner to:
- A. Not enter into any agreements of purchase and sale with end users (*) for the subject lands until such time as:
 - 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. i. York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of the Southeast Collector Trunk Sewer and,

ii. The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development;
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.

AND

- B. Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the Town of Markham, which agreement shall be registered on title, committing the owner to the same terms as set out in item A above.

- 1.5 Prior to draft plan approval, the Owner shall enter into an indemnity agreement with York Region, which agreement shall be registered on title, agreeing to save harmless York Region from any claim or action as a result of York Region releasing conditions and pre-conditions of draft approval as part of the draft approval of Plan of Subdivision 19T-10M02, or any phase thereof, including, but not limited to claims or actions resulting from, water or sanitary sewer service not being available when anticipated. The agreement shall include a provision that requires all subsequent purchasers of the subject lands, who are not end-users, to enter into a separate agreement with York Region as a condition of the agreement of purchase and sale, agreeing to indemnify York Region on the same terms and conditions as the owner.

(*) the term 'end users' for the purpose of the above noted pre-conditions is defined as the eventual homeowner who is purchasing an individual lot containing a dwelling for the purpose of occupancy.

- 1.6 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-law 177-96 and By-law 304,87, as amended to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.7 The Owner shall covenant and agree in the subdivision agreement that the Holding Zone (H) provision shall not be removed by the Town, and that building permits shall not be sought or issued for any dwelling units within the draft plan for which a water supply and sanitary sewer allocation has not been confirmed by the Town.
- 1.8 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, (Commissioner of Development Services) to implement or integrate any recommendations resulting from studies required as a condition of draft approval.

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, to the satisfaction of the Town of Markham.
- 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, upon registration of the plan of subdivision, 0.3m reserves as required by the Town of Markham or other agencies free of all costs and encumbrances, to the satisfaction of the Town of Markham.
- 2.5 The Owner shall convey 0.3 m reserves at the ends of Lanes A, D, M, O, P and JJ; Streets A, H, J and K and Cornwall Drive, Black Creek Drive, Bittersweet Street, Almira Avenue, Donald Sim Avenue, Cornell Park Avenue, The Meadows Avenue and Church Street to the Town, free of all costs and encumbrances, upon registration of the plan of subdivision
- 2.6 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.
- 2.7 Prior to final approval of the draft plan, the Owner shall acquire (from the York Region District School Board, or subsequent owner, the additional 0.4831 ha of land to be included in the final M-plan. The Owner will further agree in the subdivision agreement to construction all municipal services and roadworks for Donald Sim Avenue, Lanes N, O and P, and Streets H, J and K to the satisfaction of the Town (Commissioner of Development Services).
- 2.8 Prior to the final M-plan, the Owner shall provide Block 502 to the York Region District School Board as part of the land exchange of the 0.4831 ha mentioned in Condition 2.7.
- 2.9 The Owner acknowledges and agrees that the road allowances within the draft plan shall have right-of-way widths satisfactory to the Town in accordance with the Traffic Impact Study.

- 2.10 The Owner shall covenant and agree in the subdivision agreement to obtain Region of York approval to provide direct construction access from any Regional roads and to provide the Town with a copy of this approval.
- 2.11 The Owner shall covenant and agree in the subdivision agreement to implement the traffic calming measures identified in the approved 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. Noise Impact Study

- 3.1 Prior to final approval of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, recommending outdoor and indoor noise control measures for the proposed development, including specific details relating to the width of buffer blocks and height of noise fences, 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.
- 3.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the Town (Commissioner of Development Services), in consultation with the Region of York.

4. Tree Inventory and Tree Preservation Plans

- 4.1 The Director Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the of Planning and Urban Design in accordance with the Town of Markham Streetscape Manual dated 2009, as amended from time to time.
- 4.2 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.
- 4.3 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.
- 4.4 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.

5. Parks and Open Space

- 5.1 The Owner shall provide full servicing, utilities, and maintenance for park blocks 504 to 507 inclusive to the satisfaction of the Director of Planning and Urban Design.
- 5.2 The Owner shall provide the following in each park block to the satisfaction of the Director of Planning and Urban Design:
 - Accommodation of minimum 300mm topsoil depths in parks
 - Access to sufficient topsoil to cover parks at the depths specified in the subdivision agreement
 - Water service and meter chamber inclusive of chamber drain to storm or sanitary drain and apparatus
 - Storm servicing (CB/manhole) in the low end of each watershed within the park
 - Sanitary servicing (dependent on park size)
 - Electrical servicing
 - Minimum compaction levels
 - Fencing of park block to OPSD standards
 - Hydro-seed sub grade of parks
 - Undeveloped park maintenance
- 5.3 The Owner shall provide a minimum 200mm topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.
- 5.4 The Owner shall convey Blocks 504 to 507 inclusive to the Town for park purposes, free of all costs and physical and title encumbrances, upon registration of the plan of subdivision. These Blocks shall be conveyed in a physical condition which is satisfactory to the Director of Engineering and Director of Planning and Urban Design which includes the provisions of utility and sewer connections for the Block at the street line. The Town reserves the right to require, as an alternative, payment of cash-in-lieu for any part of the said conveyance of lands for parks purposes and that the draft plan be revised accordingly.

- 5.5 The Owner shall convey Blocks 508 and 509 inclusive to the Town for urban open space, free of all costs and physical and title encumbrances, upon registration of the plan of subdivision. These Blocks shall be conveyed in a physical condition which is satisfactory to the Director of Planning and Urban Design.
- 5.6 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain (free of stock piles and debris) all school blocks, park blocks and place of worship blocks and vacant lands within the subdivision to the satisfaction of the Director of Planning and Urban Design. The park and urban open space blocks shall be maintained until such time as these lands have been constructed and formally assumed by the Town 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.
- 5.7 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.
- 5.8 The Owner shall submit grading, servicing and survey plans by a qualified person for Blocks 504 to 507 inclusive, 508 and 509 to the satisfaction of the Director of Planning and Urban Design.
- 5.9 The Owner shall provide a current geotechnical report by a qualified person for Blocks 504 to 507 inclusive, 508 and 509 to the satisfaction of the Director of Planning and Urban Design.

6 Community Landscaping

- 6.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans prepared by a qualified person based on the approved Public Realm Guidelines and Architectural Control Guidelines to the satisfaction of the Director of Planning and Urban Design
- a) street tree planting in accordance with the Town of Markham Streetscape Manual date June 2009, as amended from time to time
 - b) 1.5m high black vinyl chain link fence on the property line where residential lots abut parks and open space
 - c) buffer planting for the open space blocks and single loaded road allowances
 - d) noise attenuation fencing in accordance with the approved noise study
 - e) fencing and planting of the walkway blocks

- f) fencing of the school blocks where they abut residential development
 - g) fencing between low density residential and higher density residential, commercial and industrial sites
 - h) streetscape plan including street trees for ----
 - i) any other landscaping as determined by the Community Design Plan and the Environmental Master Drainage Plan.
- 6.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the Town .
- 6.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 4.0.
- 6.4 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:

- STREET TREES (TREES PLANTED IN THE TOWN BOULEVARD **Or IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS to meet 4.0a)**
- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE TOWN)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE TOWN)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE TOWN.

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

7. Community Design

- 7.1 The Owner shall implement and incorporate all requirements of the approved Public Realm Design Guideline prepared by The Law Development Group 1997 into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 7.2 The Owner shall prepare and submit for approval an amendment to the Architectural Control Guidelines to include design requirements for 7m lane based townhouses with attached garages.
- 7.3 The Owner shall comply with the Cornell Community Architectural Control Guidelines, prepared by Watchorn Architect Inc. dated July 2003, as amended.
- 7.4 The Owner shall retain a design consultant acceptable to the Director of Planning and Urban Design to implement the Architectural Control Guidelines, as amended.
- 7.5 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.
- 7.6 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not also assume the role of control architect for the plan of subdivision
- 7.7 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.

8. Financial

- 8.1 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.

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 acceptable access for firefighting equipment is available.

11. Developers Group Agreement, Development Phasing Plan and Development Phasing Agreement

- 11.1 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 Secondary Plan PD 29-1 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.
- 11.2 The Owner shall covenant and agree in the subdivision agreement to be bound by the updated Development Phasing Plan for the Cornell Community, dated November 21, 2003 and by the Development Phasing Agreement dated May 19, 2004, and any updates thereto, between the Cornell Landowners Group and the Town.
- 11.3 The Owner covenants and agrees that the plan of subdivision of any phase thereof shall not be released for registration by the Town until the Owner delivers a release to the Town from the Trustee of the Developers Group Agreement to the effect that all conditions of the said Group Agreement have been met to the satisfaction of the Trustee.

12. Traffic Impact Study

- 12.1 Prior to final approval of the draft plan, the Owner shall prepare, in consultation with the Owners of other lands within the Cornell 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.

13. Easements

- 13.1 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.

14. Utilities

- 14.1 Prior to release for registration of the draft plan of subdivision, the Owner shall prepare an overall utility distribution plan (Composite Utility Plan), to the satisfaction of the Town and all affected authorities.

- 14.2 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the 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.
- 14.3 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Powerstream, Enbridge, telecommunications companies, etc.
- 14.4 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the 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.
- 14.5 The Owners shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the 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.
- 14.6 The Owners shall covenant and agree in the subdivision agreement to include in 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.
- 14.7 The Owners shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 14.8 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.

15. Development Charges

15.1 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.

16. Environmental Site Assessment (ESA)

16.1 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 Town 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 Town 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 Town; and
- iv) Pay all costs associated with the Town retaining a third-party reviewer for the peer review service.

16.2 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.

17. Heritage

17.1 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. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Culture to the Town indicating that all matters relating to heritage resources have

been addressed in accordance with licensing and resource conservation requirements.

- 17.2 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.

18. Other Town Requirements

- 18.1 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.

- 18.2 The Owner acknowledges and agrees that final approval of the draft plan of subdivision may be issued in phases provided that:

- a) phasing is proposed in an orderly progression generally consistent with the phases identified in the approved Development Phasing Plan; and,
- b) all concerned government agencies agree to registration by phases and provide the clearances as required in Condition 22.1 for each phase.

- 18.3 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale advising purchasers of the following:

“OVERNIGHT STREET PARKING WILL NOT BE PERMITTED UNLESS AN OVERNIGHT STREET PARKING PERMIT SYSTEM IS IMPLEMENTED BY THE TOWN.”

- 18.7 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 site within the draft plan of subdivision not required by the York Region District School Board and such that other government agencies or community groups that Council may identify shall have the second right of refusal.

18.8 Well Monitoring Program and Mitigation Plan

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.

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 York Region 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.
- 19.4 Prior to the final approval beyond the initial 339.5 residential units the following shall occur:
- the Town 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 months (6) months prior to the expected completion of the Southeast Collector Trunk Sewer; or,
 - 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 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department, to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- 19.6 Prior to final approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required Regional road improvements for this subdivision. The report/plan, submitted to the Transportation 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 provide a written undertaking, to the satisfaction of the Transportation Services Department that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by the Transportation Services Department.

- 19.8 Prior to final approval, the Owner shall provide a set of engineering drawings, approved by the area municipality, which indicates the storm drainage system and the overall grading plans, for all lands within this plan of subdivision, to the Transportation Services Department for verification that all York Region's concerns have been satisfied.
- 19.9 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department, to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- 19.10 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 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 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.
- 19.12 The Owner shall agree in the subdivision agreement, in wording satisfactory to the 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.
- 19.13 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.
- 19.14 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.
- 19.15 The Region of York Planning and Development Services Department shall advise that Conditions 1 to 14 inclusive, have been satisfied.

20. Toronto and Region Conservation Authority

- 20.1 That prior to the initiation of grading and prior to the registration of this plan or any phase thereof, the applicant shall submit a detailed engineering report for the review and approval of the TRCA that describes the storm drainage system (quantity and quality), in accordance with the Master Drainage Plan/Functional Servicing Study for this area. This report shall include:
- plans illustrating how this drainage system will tie into surrounding drainage systems, *i.e.*, is it part of an overall drainage scheme? How will external flows be accommodated? What is the design capacity of the receiving system?;
 - stormwater management techniques which may be required to control minor or major flows;
 - appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat;
 - proposed method for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction;
 - location and description of all outlets and other facilities which may require a permit pursuant to Ontario Regulation 166/06, the TRCA's (*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*) Regulation;
 - overall grading plans for the subject lands.
- 20.2 That this draft plan of subdivision be subject to red-line revision in order to meet the requirements of Condition 20.1, if necessary.
- 20.3 That the owner in the subdivision agreement, in wording acceptable to the TRCA:
- a. to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical report referenced in Condition 20.1;
 - b. to maintain all stormwater management and erosion and sediment control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA; and
 - c. to obtain all necessary permits pursuant to Ontario Regulation 166/06 from the TRCA.
- 20.4 That a copy of the fully executed subdivision agreement be provided to the TRCA when available, in order to expedite the clearance of conditions of draft approval.

21.1 That the Director of Planning for the Town of Markham be advised of the following conditions of draft plan approval to be imposed upon the subject draft Plan of Subdivision 19TM-10002 relative to the York Region District School Board:

- a) That prior to final approval, the owner shall have made Agreement satisfactory to the York Region District School Board for the transfer of a partial public secondary school site as shown in Appendix A. The public secondary school site shall contain not less than 0.0481 hectares.
- b) That the owner shall agree in the Subdivision Agreement in wording satisfactory to the York Region District School Board:
 - i) to grade Block 502 and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
 - ii) to remove any buildings on Block 502;
 - iii) to remove trees, as required to accommodate school layout;
 - iv) to provide a letter of credit pertaining to stockpiling and removal of topsoil, by taking the volume of topsoil to be stored upon the school site and multiplying such volume by 150% of the current market prices for waste material disposal, as set forth in the latest version of Hanscomb's Yardsticks for Costing, Cost Data for the Canadian Construction Industry, to the satisfaction of the York region District School Board;
 - v) to remove stockpiled topsoil within 30 days of written notice by the Board and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
 - vi) to construct, at the York Region District School Board's request, a galvanized chain link fence, Type II 1 ½ " mesh, 1.8 m high along the eastern boundary of the school block. Until such time the galvanized fence is required, a post and wire fence is to be constructed along all boundaries of the entire school site prior to the issuance of building permits for Phase 1 of the subdivision;
 - vii) to erect and maintain a sign on the school site at such time as the relevant access roads are constructed, indicating that the date has not been set for the construction of the school;
 - viii) to provide the foregoing at no cost to the Board;
 - ix) to provide a geotechnical investigation and Phase 1 and Phase 2 environmental site assessment conducted by a qualified engineer. To provide 1 borehole on Block 502; and

- x) to assume any upstream and downstream charges for hydro, natural gas, sanitary and storm drainage, and water supply.
- c) That the owner shall submit to the York Region District School Board, at no cost to the Board, a report from a qualified consultant concerning:
 - i) the suitability of the school site for school construction purposes, relating to soil bearing factors, surface drainage, topography and environmental contaminants; and
 - ii) the availability of natural gas, electrical, water, storm sewer and sanitary sewer services.
- d) That the owner shall agree in the Subdivision Agreement, in wording acceptable to the York Region District School Board, that the services referred to in Condition c) ii) shall be installed to the mid-point of the frontage of the secondary school site and positioned as designated by the Board, at no cost to the Board.
- e) That prior to final approval, the owner shall submit to the School Board an initial set of engineering plans for review and approval, and subsequently, a copy of the final engineering plans as approved by the Town of Markham which indicate the storm drainage system, utilities, and the overall grading plans for the complete subdivision area.
- f) That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that adequate electrical capacity will be supplied to the school site frontage by the developer at no cost to the Board.
- g) That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that they are satisfied that payment for any upstream and downstream charges will be made by the original developer.
- h) That the York Region District School Board shall advise that conditions a) to h) inclusive have been met to its satisfaction. The clearance letter shall include a brief statement detailing how each condition has been satisfied or carried out.
- i) That the subdivision agreement include warning clauses advising the Township, property owners and purchasers of lots within the draft plan that unless the provincial funding model provides sufficient funds to construct new schools, there can be no assurance as to the timing of new school construction nor a guarantee as to the timing of new school construction nor a guarantee that public school accommodation will be provided within the subject plan notwithstanding the designation of the school site.

22. External Clearances

- 22.1 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, 10.1 and 19.1 to 19.15 inclusive, have been satisfied.
- (b) The Toronto and Region Conservation Authority shall advise that Conditions 9.1 to 9.3 inclusive and 20.1 to 20.4 inclusive, have been satisfied.
- (c) The York Region District School Board shall advise that Condition 21.1 has been satisfied.
- (d) The Ministry of Culture shall advise that Conditions 16.1 and 16.2 have been satisfied.