

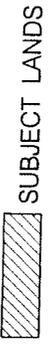
# AREA CONTEXT / ZONING

APPLICANT: DIGRAM DEVELOPMENTS INC.  
6475 MAJOR MACKENZIE DRIVE

FILE No: ZA.09122311 & SU.09122312 (DC)



DEVELOPMENT SERVICES COMMISSION

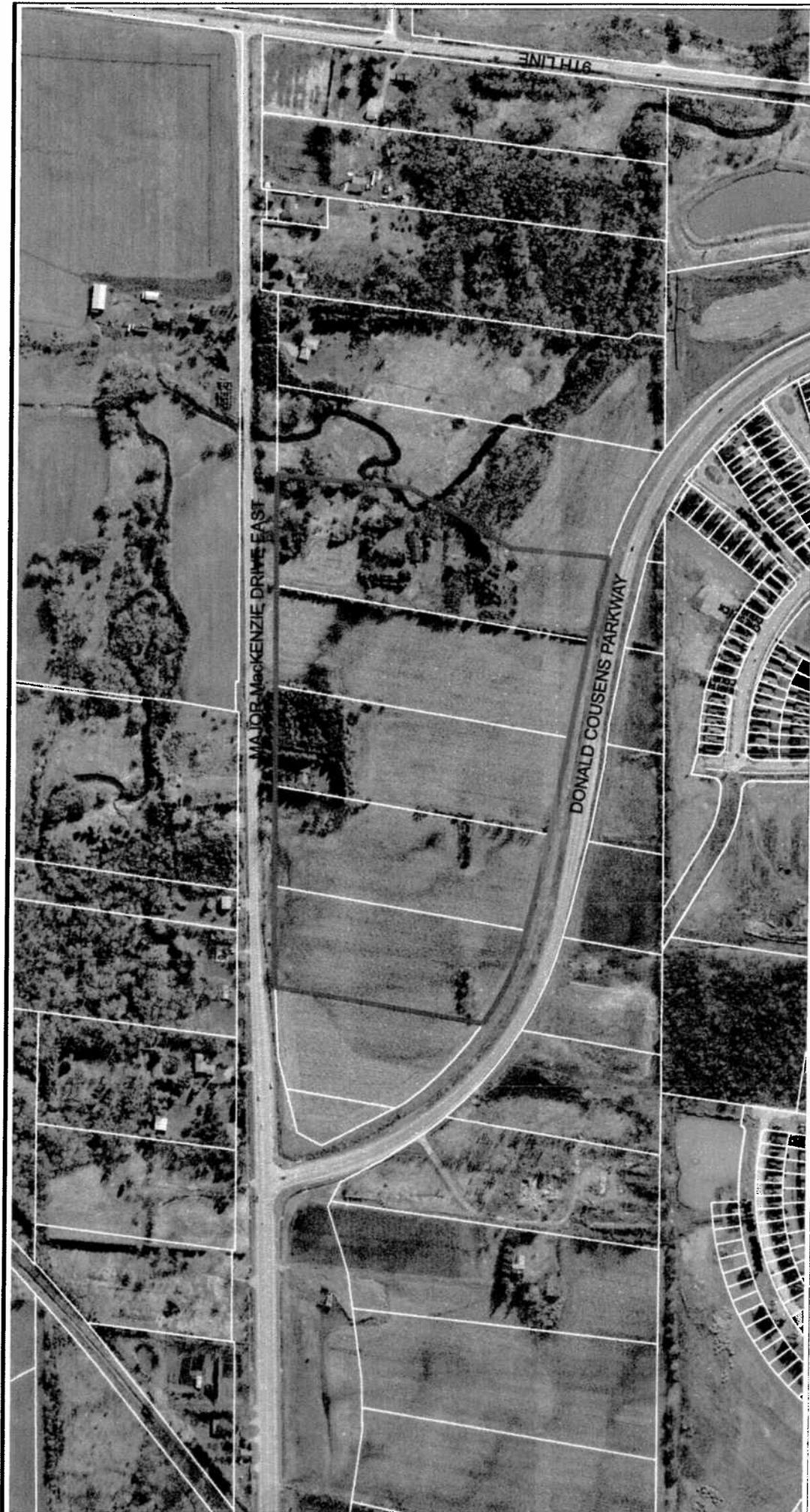


SUBJECT LANDS

DATE: 160909

DRAWN BY: CPW CHECKED BY: SCALE 1:

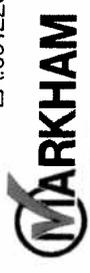
FIGURE No.2



# AIR PHOTO (2009)

APPLICANT: DIGRAM DEVELOPMENTS INC.  
6475 MAJOR MacKENZIE DRIVE

FILE No: ZA.09122311 & SU.09122312 (MC)



DEVELOPMENT SERVICES COMMISSION



SUBJECT LANDS

DATE: 210610

DRAWN BY: CPW CHECKED BY: SCALE 1:

FIGURE No.3

MAJOR MACKENZIE DRIVE EAST



# PROPOSED PLAN OF SUBDIVISION

APPLICANT: DIGRAM DEVELOPMENTS INC.  
6475 MAJOR MACKENZIE DRIVE

FILE No: ZA:09122311 & SU:09122312 (MW)



DEVELOPMENT SERVICES COMMISSION

DATE: 210610

DRAWN BY: CPW CHECKED BY: SCALE 1:

FIGURE No.4

**APPENDIX 'A'**  
**RECOMMENDED CONDITIONS OF DRAFT APPROVAL**  
**PLAN OF SUBDIVISION 19TM-09004**  
**(Digram Developments Inc)**

1. General

1.1 Approval shall relate to plan of subdivision 19TM-09004 prepared by KLM Planning Partners Inc, identified as Project No. P-2020, dated June 17, 2010, incorporating the following red-line revisions:

- Provision of sight triangles and ROW rounding radius for all local road intersections, and radii of centerline curves of roads;
- Provisions for pedestrian connections (walkway blocks) in accordance with Clause 5.7
- Any other changes required to be consistent with the approved Addendum to the Greensborough Community Design Plan
- Any changes required to implement or integrate any recommendations from studies required as a condition of draft approval.

1.2 This draft approval shall apply for a maximum period of three (3) years from date of approval by the Council of the Town of Markham, and shall accordingly lapse on ----- 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 shall acknowledge and agree in the subdivision agreement that final approval of the draft plan shall be subject to adequate sanitary sewer capacity and water supply being allocated to the subdivision by the Town.

1.5 Conditional servicing allocation for 36 townhouse units (101.52 population) is available for this this plan of subdivision and will be assigned from the total allocation available for the Greensborough Secondary Plan area. The Owner acknowledges that the Town may revoke or withdraw a servicing allocation if, in the Town's opinion, no reasonable progress has been made by the Owner to implement the approvals contained herein. The Owner further acknowledges that written confirmation of servicing allocation availability from the Developers Group Trustee will be required prior to release of the plan for registration.

1.6 Prior to or concurrent with draft plan approval for any residential units beyond the initial 36 townhouse units 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.

(\*) 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.

- 1.7 Prior to draft plan approval for any lands beyond the initial 36 units, 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-09M04 by the Town of Markham, 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.
- 1.8 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.
- 1.9 The Owner shall covenant and agree in the subdivision agreement that the Holding Zoning (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 servicing allocation has not been confirmed by the Developers Group Trustee and the Town.
- 1.10 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the Town (Commissioner of Development Services), to implement or integrate any recommendations resulting from studies required as a condition of draft approval, including but not limited to, the following:

- Changes to road geometry, lotting pattern, service blocks, easements, etc., that are required to resolve engineering issues which may arise from review and approval of the detailed engineering submission.

## 2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the Town and the Region of York.
- 2.2 The road allowances and lanes within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.
- 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 (Director of Engineering).
- 2.4 The Owner shall convey, upon registration of the plan of subdivision, 0.3m reserves at Street "2", adjacent to the commercial block (which is outside of the plan) required by the Town of Markham free of all costs and encumbrances, to the satisfaction of the Town of Markham.
- 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 (Director of Engineering). The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement to the satisfaction of the Town.
- 2.6 Prior to the final approval of the draft plan, the Owner acknowledges and agrees that the street/laneway allowances within the draft plan shall have the following right-of-way widths satisfactory to the Town in accordance with approved Traffic Study and Community Design Plan:
  - Street "2" and Street "6" (Double loaded section) - 18.5m ROW with sidewalks on both sides;
  - Street "5" and Street "7" - 17.0m ROW with sidewalk on one side;
  - Street "3", Street "4" and Street "6" (Single loaded sections) - 15.5m ROW with sidewalk on one side.
- 2.7 Prior to the final approval of the draft plan, the Owner acknowledges and agrees that the right-of-way at the intersections of Street "1" and Street "6" may require adjustment for providing the 'Mini Roundabout' at these locations to the satisfaction of the Town (Commissioner of Development Services).
- 2.8 Prior to the final approval of the draft plan, the Owner acknowledges and agrees that there will be rounding radius at the intersections of Laneway with the Streets as per Town Standard.
- 2.9 Prior to the final approval of the draft plan, the Owner shall show the ROW rounding radius of all road intersections and elbow sections to the satisfaction of the Town (Commissioner of Development Services).

2.10 The Owner shall covenant and agree in the subdivision agreement to implement the recommendations from any traffic/transportation studies. 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 release of registration of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic and by any other identified noise sources, to the satisfaction of the 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. The Owner will be responsible for including all noise warning clauses in the Offers of Purchase and Sale, for affected lots including any Offers of Purchase and Sale entered into prior execution of the subdivision agreement.

3.3 The Owner shall covenant and agree in the subdivision agreement to convey the necessary Blocks to the Town as buffer blocks, free of all costs and encumbrances. These Blocks shall be conveyed in a physical condition that is satisfactory to the Town.

### 4. Tree and Woodlot Preservation

4.1 The Owner shall submit for approval a tree inventory and tree preservation plan, in accordance with the Town's "Streetscape Manual" as amended from time to time, to the satisfaction of the Director of Planning and Urban Design and shall comply with the approved Tree Preservation Plan prior to top soil stripping or any other site works.

4.2 The Owner shall submit for approval a tree compensation and restoration plan, in accordance with the Town's "Streetscape Manual" as amended from time to time, to the satisfaction of the Director of Planning and to include:

- A restoration plan for the buffer and valley that includes as many whips, 40mm caliper and appropriate understory that can be accommodated
- Additional tree planting in both the storm ponds over and above the TRCA requirements
- On lot (rear yard) tree planting for the semi-detached and townhouse lots
- Additional tree planting, over and above the standard planting requirements, for each of the condo block within the Upper Greensborough Neighbourhood Urban Design Guidelines.

4.3 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 Site Alteration Permit to the satisfaction of the Director of Planning and Urban Design.

4.4 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.

5. Parks and Open Space

5.1 The Owner shall provide full servicing, utilities, and maintenance for Park Blocks 59 and 60 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:

- 300mm topsoil depth 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 200mm depth of topsoil in the unpaved portion of the municipal boulevard to appropriately plant boulevard trees in accordance with the “Streetscape Manual” dated June 2009 as amended from time to time, to the satisfaction of the Director of Planning and Urban Design.

5.4 The Owner shall convey Blocks 59 and 60 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 agrees that an additional 11.065 hectares (4.428 acres) of parkland located outside this draft plan of subdivision (Parts 2, 3, 4 and 5, 65R-\_\_\_\_\_) will be conveyed, free of all costs and physical and title encumbrances to the satisfaction of the Town, upon registration of the plan of subdivision. These lands 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.

5.6 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 blocks shall be maintained until such time as the parks 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 convey walkway blocks through Block 1 and the lots immediately to the south of Block 1, and through Block 2 and the lots immediately north of Block 2, in the general area of park Block 59, in accordance with the Addendum to the Neighbourhoods of Greensborough Community Design Plan as approved by the Town. The walkways shall be conveyed for open space/walkway purposes, free of all costs and physical and title encumbrances, to the satisfaction of the Town Solicitor upon registration of the plan of subdivision.
- 5.8 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.
- 5.9 The Owner shall convey Blocks 61 and 62 for a stormwater management pond and valleyland, to the Town, free of all costs and encumbrances, to the satisfaction of the Director of Planning and Urban Design and the TRCA, upon registration of the plan of subdivision.
- 5.10 The Owner shall provide a current geotechnical report by a qualified person for Blocks 59 and 60 to the satisfaction of the Director of Planning and Urban Design.
- 5.11 At the Written request of the Director of Planning and Urban Design, the Owner will re-monument the park Blocks 59 and 60.
- 5.12 The Owner shall submit an Environmental Impact Study to the satisfaction of the Town (Commissioner of Development Services) identifying mitigation measures for any environmental buffer areas less than 10 metres.
- 5.13 Prior to registration of the subdivision agreement, the Owner shall provide an updated report indicating the total parkland dedication for the Greensborough Community given as of the date of registration.
- 6.0 Community Landscaping
- 6.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans prepared by a qualified person, in accordance with the Town's "Streetscape Manual" based on the approved Community Design Plan and Architectural Control Guidelines, to the satisfaction of the Director of Planning and Urban Design
  - a) street tree planting in accordance with the 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 public property where residential lots abut parks and open space
  - c) buffer planting for the open space blocks and single loaded road allowances
  - d) noise attenuation fencing in accordance with the approved noise study

- e) fencing and planting of the walkway blocks
  - f) fencing between low density residential and higher density residential, commercial and industrial sites
  - g) streetscape plan including street trees for Block 1, 2 and 3
  - h) pathways, buffer planting, and fencing of the stormwater management facility
  - i) any other landscaping as determined by the Community Design Plan and the Environmental Master Drainage Plan.
- 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 6.1.
- 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 6.1 a)
- 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.”

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

7. Community Design

- 7.1 The Owner shall prepare and submit for approval all plans in accordance with the approved Upper Greensborough Neighbourhood Urban Design Guidelines addendum to the Neighbourhoods of Greensborough Community Design Plan dated June 2010 prepared by a KLM Planning Partners Inc to the satisfaction of the Director of Planning and Urban Design.
- 7.2 The Owner shall retain a design consultant acceptable to the Director of Planning and Urban Design to prepare architectural control guidelines to be submitted to the Director of Planning and Urban Design for approval prior to execution of the subdivision agreement.
- 7.3 The Owner shall retain a design consultant acceptable to the Director of Planning and Urban Design to implement the Architectural Control Guidelines.
- 7.4 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.
- 7.5 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.

8. Stormwater Management

- 8.1 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 (TRCA). 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.
- 8.2 The Owner shall convey Block 61 to the Town, for stormwater management purposes, free of all costs and encumbrances, to the satisfaction of the Town and the TRCA, upon registration of the plan of subdivision.
- 8.3 The Owner acknowledges that the detailed design of the stormwater management pond in Block 49 is not approved, and that the Owner will agree to amend the draft plan to accommodate the stormwater management pond Block 61 if more land is required.
- 8.4 Prior to final approval of the draft plan, the Owner shall submit a detailed design plan for Block 61 prepared by a qualified consultant, if and as required by the Town.
- 8.5 The Owner acknowledges and agrees that the stormwater management pond at Block 61 will not be assumed by the Town until all the lands that are tributary to the Pond are assumed by the Town, to the satisfaction of the Town (Commissioner of Development Services).

- 8.6 The Owner shall covenant and agree in the subdivision agreement to prepare a Watercourse Monitoring Program, as per the requirements of the Town's Watercourse Monitoring Master Plan, for review and acceptance by the Director of Engineering. The Owner shall implement the accepted Watercourse Monitoring Program and any subsequent addenda or reports accepted by the Director of Engineering. Notwithstanding the above provisions, the Owner has the option to pay a cash-in-lieu amount towards a Town wide monitoring program administered by the Town. If the Owner exercises this option, the Owner shall pay to the Town \$200 per gross area of the Plan of Subdivision in hectares, being a one time payment for a Town wide monitoring program. The Owner shall implement, to the satisfaction of the Director of Engineering, the recommendations of the Final Report regardless of whether the Town or the Owner conducted the monitoring program.
- 8.7 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.
- 8.8 The owner shall covenant and agree in the subdivision agreement that prior to Acceptance for Maintenance of the stormwater management ponds, the owner shall provide and complete all required works as specified in the Town's Stormwater Management Assumption Requirement document to the satisfaction of the Town. The Owner acknowledges and agrees to submit, at the time of the first submission of the detailed engineering drawings, 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. Municipal Services

- 9.1 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.
- 9.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, 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).
- 9.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided by the Owner which will include, but not be limited to, grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, stormwater management detail plans, etc. to the satisfaction of the Town (Commissioner of Development Services).

9.4 The Owner shall covenant and agree to pay \$200.00 per unit as its proportionate share for the cost of the Highway 48 Flow Control System which is required to create the sanitary sewer capacity for this plan of subdivision.

10. Developers Group Agreement

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

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

11. Traffic Study

11.1 Prior to final approval of the draft plan, the Owner shall prepare, in consultation with the Owners of other lands within the Greensborough Secondary Plan area, an Internal Functional Traffic Design Study to the satisfaction of the Town and the Region of York. The Owner shall incorporate the requirements and criteria of the Study into Functional Servicing Report required in Condition 11.1, the draft approved plan and subdivision agreement.

12. Easements

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

13. Utilities

13.1 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.

13.2 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.

13.3 Canada Post

- a) The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the 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.
  - b) The Owner shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
  - c) The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
  - d) Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the Town in consultation with Canada Post.
  - e) The Owner will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
    - i) An appropriately sized sidewalk section (concrete pad) as per municipal standards (to place the mailboxes on);
    - ii) Any required walkway across the boulevard as per municipal standards;
    - iii) Any required curb depressions for wheelchair access.
- 13.4 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.
- 13.5 The Owner covenants and agrees to provide easements for utilities/ telecommunications/ vaults as required by the Town to the satisfaction of the Town.
- 13.6 The Owner covenants and agrees to advise all utility and telecommunications carriers that plans for medium and large sized vaults are to be submitted to the Town for review and approval. Drawings are to be approved by the Commissioner of Development Services and are to include location, grading, fencing, landscaping, access, elevations, etc.
- 13.7 The Owner covenants and agrees to provide wider right-of-way of the laneway for utility boxes as required by the Town to the satisfaction of the Town.

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.

15. Phase 1 Environmental Site Assessment (ESA)

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

15.2 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. 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.

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.

17. Other Town Requirements

17.1 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.

17.2 The Owner acknowledges and agrees that the adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.

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

17.5 The Owner acknowledges and agrees that Blocks 1, 2 and 3 will be subject to site plan approval.

17.6 The Owner agrees to redline the draft plan to be consistent with the Addendum to the Greensborough Community Design Plan as endorsed by Council on June 15, 2010 subject to conditions.

17.7 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 20 for each phase.

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

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

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

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

17.9 The Owner shall provide at their own expense, printed copies of the Town of Markham *Home Buyer’s Guide* available from the Town’s website [www.markham.ca](http://www.markham.ca), at all sales centres for distribution to potential home owners.

17.10 The Owner shall covenant and agree in the subdivision agreement that no building permits will be issued for part blocks until said blocks have been combined with abutting lands to create building lots in conformity with the zoning by-law and all applicable fees have been paid. The Owner acknowledges and agrees that contiguous part lots will be registered as one block in the final plan, and that future lots will be created through part lot control.

18. Toronto and Region Conservation Authority (TRCA)

18.1 That an R-Plan be provided which indicates that any portions of the valley lands on the subject property, and the associated 10 metre buffer be identified in a separate block on the Plan to facilitate the long-term protection of this feature. In addition, the R-plan should identify servicing easements which should be located outside of the 10m buffer.

18.2 That prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant shall submit and attain the approval of the TRCA for:

- a) A detailed engineering report that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands, and how it will comply with all related master environmental servicing plans in addition to TRCA requirements. This report shall include:
  - i) plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may be required to control minor or major flows. Confirmation must be provided with respect to how pre-development flows will be maintained during and post-development.
  - ii) 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, including how it relates to terrestrial and aquatic species and their habitat, in addition to natural features and systems. The existing drainage patterns should be maintained, to the greatest extent possible. Consistent with TRCA's Guidelines, the existing ecological function of all headwater drainage features is to be preserved;
  - iii) proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction, in accordance with the current Sediment and Erosion Control Guidelines utilized by the TRCA;
    - i. location and description of all outlets and other facilities, grading, site alterations, development, infrastructure and watercourse alterations (on and off of the subject property), which are required to service or facilitate the development of the subject lands, which may require a permit pursuant to Ontario Regulation 166/06, the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, with all supporting technical information.
    - ii. development limit "constraint" mapping for areas adjacent to the valley corridor located to the east of the proposed plan in addition to any natural features on the site which are to be retained, to the satisfaction of the TRCA.

- iii. mapping of proposed stormwater management measures, with consideration for existing vegetation to be disturbed, grade differentials and grading required, opportunities for minimizing impacts on downstream areas through an erosion assessment,
  - iv. the integration of low impact development measures and the employment of source and conveyance controls to mimic to the extent possible, pre-development hydrology.
  - v. Design of flow dispersal measures associated with the stormwater management outlets to reduce potential erosion and maximize potential infiltration, and, the integration of a naturalized outlet channel, where applicable, to the satisfaction of the TRCA.
  - vi. That pre-development drainage patterns are being preserved, post-development, and that no diversions of flow between watersheds and/or sub-watersheds are being proposed.
- iv) Grading plans for the subject lands. These plans must indicate how grade differentials will be accommodated without the use of retaining walls within the natural areas and valley and stream corridors. No retaining walls within valley or stream, natural areas or associated buffer blocks shall be permitted. Additionally, any retaining walls within lands on which development and/or site alterations are to occur must be sufficiently set-back from any adjacent natural areas or buffer blocks to allow for their on-going repair and maintenance without disturbance to the adjacent natural areas or associated buffer blocks.
- v) Plans illustrating that all works, including all grading, site alterations, or materials associated with these activities, will not encroach or be placed on lands outside of the tableland areas. These plans must also identify that no grading works and fill placement within environmental buffer areas, beyond those approved by the TRCA as part of the Pond 'C' grading works.
- vi) A detailed water balance implementation report that will identify measures that will be implemented to the extent possible to: maintain groundwater infiltration on-site; mimic the pre-development surface and groundwater water balance to the greatest possible extent; mitigate against any potential on-site or downstream erosion associated with the stormwater management system; maintain baseflow contributions at pre-development levels to the extent possible to downstream watercourses to the satisfaction of TRCA staff. This study must provide detailed design of the system(s), and implementation information and measures.
- a. A ground water constraint assessment that will examine existing and proposed ground water levels in relation to the proposed development, underground construction and servicing and stormwater management infrastructure. Interactions between untreated (or insufficiently treated) surface and groundwater, shallow ground water, and dewatering requirements must be identified, with refinements and/or revisions made as necessary to the stormwater management system to mitigate against any potential impacts, to the satisfaction of the TRCA. No permanent dewatering of groundwater or

interflow associated with any component of this development shall be permitted. The need for liners associated with the stormwater management system shall be assessed, and suitable liners shall be provided where necessary. All underground construction and infrastructure must be designed to not require permanent dewatering, and any potential impacts to the groundwater system that may result from the development must be assessed and mitigated.

- b. Information (as submitted to MOE) detailing all anticipated temporary dewatering that may be required during the construction phase, including anticipated volumes, duration, discharge locations, and filtration media - as required, to the satisfaction of the TRCA, for the purposes of determining whether a TRCA permit and/or Fisheries Act review is required.
- c. A report detailing low impact development measures to be applied within the subdivision, which should consider stormwater management best management practices, sustainable community design elements, and low impact development measures.
- d. That an adequate hydrogeology reports be completed for the proposed development to the satisfaction of the TRCA.

18.3 Prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof:

- a) Confirmation be provided with respect to whether permits and/or permissions are required from the Ministry of Natural Resources under the Endangered Species Act. Consideration of any potential impacts upon Redside Dace habitat must be included in this confirmation. And, that the applicant attain all necessary approvals and permissions from the Ministry of Natural Resources, and from Fisheries and Oceans Canada that may be required for this development, its' servicing, or any component thereof.
- b) That the applicant attain all Ontario Regulation 166/06 permits from the TRCA for all works proposed on the subject property for which permits would be required, and those related to any associated infrastructure or stormwater management works required to support this development that may be located off of the subject property.
- c) That buffer plantings be provided to the satisfaction of the TRCA and the Town of Markham for the 10 metre buffer associated with the valley lands located on and adjacent to the subject site.
- d) That compensation and restoration plantings be provided in the 10 metre buffer and associated valley lands, to the satisfaction of TRCA and the Town of Markham.
- e) That all stormwater outfalls and outflow channels be naturalized, be designed to incorporate TRCA's design guidelines, and be designed to provide additional enhancements to water quality, quantity control, thermal impacts mitigation, and habitat. Off-line wetlands, riparian plantings, flow dispersal measures, micro-topography creation and similar measures shall be employed where feasible to achieve these objectives.

- f) That an adequate Environmental Impact Study (EIS) be completed for the subject property, including the tree inventory and preservation plan approved by the Town of Markham, to the satisfaction of TRCA Staff and the Town of Markham.
- g) That the owner agree 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 and plans referenced in TRCA's conditions;
  - b. to implement the requirements of the TRCA's conditions in wording acceptable to the TRCA;
  - c. to design and implement on-site erosion and sediment control in accordance with current TRCA standards;
  - d. to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA;
  - e. to obtain all necessary permits pursuant to Ontario Regulation 166/06 from the TRCA, in addition to all permits and approvals from Fisheries and Oceans Canada, and the Ministry of Natural Resources;
  - f. to erect a permanent fence to the satisfaction of the TRCA on all lots and blocks abutting natural areas.
  - g. to implement all water balance/infiltration measures identified in the water balance study that is to be completed for the subject property.
  - h. to provide for planting, and enhancement of all natural features, buffer areas in accordance with the drawings approved by the TRCA. And, that monitoring and replanting of these areas be completed for a minimum 3 year period, with sufficient funds being secured through a letter of credit in favor of the Town of Markham, or other appropriate measure.
  - i. To enter into an agreement with appropriate landowners to provide for restoration and enhancement plantings of natural features and buffer areas adjacent to the subject site, to the satisfaction of TRCA and the Town of Markham.
  - j. to gratuitously dedicate all woodlot, environmental buffer and valleyland blocks to the TRCA or the Town of Markham.
  - k. to provide for the warning clauses and information identified in TRCA's conditions.
- h) That the implementing zoning by-law recognize all other natural features, environmental buffer blocks, in an environmental protection or other suitable zoning category which has the affect of prohibiting development and structural encroachment, and ensuring the long term preservation of the lands in perpetuity, to the satisfaction of the TRCA

- i) That a warning clause be included in all agreements of purchase and sale for lots or blocks adjacent to a valleyland or associated environmental buffer, which identifies the following:
  - a. that a vegetated buffer block is being provided between the rear lot line and the adjacent environmental protection lands. This buffer block is considered to be part of the publically owned environmental protection area and will be maintained in a naturalized state. Uses such as private picnic, barbeque or garden areas; storage of materials and/or the dumping of refuse or ploughed snow are not permitted on these lands. In addition, access to the environmental protection lands such as private gates are prohibited.
- j) To carry out, or cause to be carried out the cleaning-out and maintenance of all stormwater management infrastructure (including best management practice measures) prior to assumption of the subdivision by the Town of Markham. And, to include appropriate clauses in all agreements of purchase and sale and/or condominium agreements, for lots or blocks on which stormwater management measures are being constructed to identify the presence of such measures and to clearly identify the owners responsibilities for long-term maintenance, and any restrictions to uses on any portion of their property that these may require.
- k) That the size and location of all proposed stormwater management blocks - to which the subject lands drain - be confirmed to the satisfaction of the TRCA. And, if required, red-line revisions be made to the plan to expand these blocks into surrounding lands within this subdivision which are currently proposed for development.
- l) That the draft plan be red-lined revised in order to meet the requirements of the TRCA's conditions, if necessary.

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 any non-high rise residential units 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 The Owner shall agree in the subdivision agreement that site plan approval shall be obtained prior to any development of high density block.
- 19.5 Prior to the final approval of any residential units the following shall occur:

- York Region has advised in writing that it is no earlier than six (6) months prior to the expected completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project and the Southeast Collector Trunk Sewer; or
- the Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; 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.

19.6 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:

- York Region has advised in writing that it is no earlier than six (6) months prior to the expected completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project and the Southeast Collector Trunk Sewer; or
- the Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure; 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.

19.7 Prior to final approval for any high density residential units subject to site plan control, the Holding (H) provisions of Section 36 of the Ontario Planning Act shall be in place through the enactment of a zoning by-law 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) i) York Region has advised in writing that it is no earlier than eighteen (18) months prior to the expected completion of the Southeast Collector Sewer and that the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures are operational; and
- ii) the Council of the Town of Markham has allocated adequate available water and wastewater servicing capacity to the subject development from their conditional post 2012 servicing allocation pool;

- c) i) York Region has advised in writing that it is no earlier than eighteen (18) months prior to the expected completion of the Duffin Creek Water Pollution Control plant expansion and the YDSS Flow Control Structures; and
    - ii) the Council of the Town of Markham has allocated adequate available water and wastewater servicing capacity to the subject development from their conditional post 2012 servicing allocation pool;
  - 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.
- 19.8 Prior to final approval, the Owner shall provide direct pedestrian connections from the development to Major Mackenzie Drive and Donald Cousens Parkway.
- 19.9 Prior to final approval, the Owner shall agree that additional lands required to provide 18.0 metres (or 36 metres right-of-way) from the centreline of construction on Donald Cousens Parkway and any additional lands required for turn lanes at intersections will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the York Region Solicitor.
- 19.10 Prior to final approval, the Owner shall agree to protect a further 4.5 metres, immediately beyond 18.0 metres from the centreline of construction on Donald Cousens Parkway, for public highway purposes including, but not limited to, transit and cycling infrastructure, to the satisfaction of the Regional Infrastructure Planning Branch and Legal Services Branch.
- 19.11 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.
- 19.12 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.
- 19.13 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 for the proposed intersections, construction access and mud mat design, utility and underground servicing location plans, pavement markings, electrical drawings for intersection signalization and illumination design, traffic control/construction staging plans and landscape plans.

- 19.14 Prior to final approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
- a) a widening across the full frontage of the site where it abut Major Mackenzie Drive of sufficient width to provide a minimum of 18.0 metres from the centreline of construction of Major Mackenzie Drive, and
  - b) a widening across the full frontage of the site where it abut Donald Cousens Parkway of sufficient width to provide a minimum of 18.0 metres from the centreline of construction of Donald Cousens Parkway; and
  - c) a 15 metre by 15 metre daylight triangle at the proposed Street "1" and Major Mackenzie Drive intersection; and
  - d) a 15 metre by 15 metre daylight triangle at the proposed Street "1" and Donald Cousens Parkway intersection; and
  - e) a 0.3 metre reserve across the full frontage of the site, except at the approved access locations, where it abuts Major Mackenzie Drive and Donald Cousens Parkway and adjacent to the above noted widening; and
  - f) an additional 2 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a eastbound right turn lane at the intersection of Major Mackenzie Drive and Street "1"; and
  - g) an additional 2 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a westbound right turn lane at the intersection of Donald Cousens Parkway and Street "1".
- 19.15 Prior to final approval, in order to determine the property dedications (if any) required to achieve the ultimate right-of-way widths of Major Mackenzie Drive and Donald Cousens Parkway abutting the subject site, the applicant shall submit a recent plan of urvey for the property that illustrates the existing centre line of construction of Major Mackenzie Drive and Donald Cousens Parkway.
- 19.16 Prior to final approval, the Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
- 19.17 Prior to final approval, York Region requires the Owner to submit to it, in accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 *Records of Site Condition Part XV.1 of the Act* (as amended), a Phase I environmental site assessment prepared and signed by a qualified professional, of the Owner's lands and more specifically of the lands to be conveyed to York Region (the "Assessment"). Based on the findings and results of the Assessment, York Region may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required. The Assessment and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands to be conveyed must to be addressed to York Region, contain wording to the effect that York Region shall be entitled to rely on such reports or documentation in their entirety, and such reports or documentation shall be satisfactory to York Region.

Prior to final approval, the Owner shall certify, in wording satisfactory to the Regional Transportation Services Department, that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous good, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under all lands to be

conveyed to York Region (including soils, substrata, surface water and groundwater, as applicable): (i) at a level or concentration that exceeds the *Environmental Protection Act* O. Reg. 153/04 full depth generic site condition standards applicable to the intended use that such lands will be put by York Region at the time of conveyance or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or emanating from such lands in such a way, that would result in liability under applicable environmental laws. The Assessment, any subsequent environmental reports or other documentation and the Owner's certifications shall be done at no cost to York Region.

- 19.18 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional 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.
- 19.19 Direct vehicle access from any development blocks to Major Mackenzie Drive and Donald Cousens Parkway will not be permitted. Access must be obtained through the internal road network.
- 19.20 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.
- 19.21 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional 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.
- 19.22 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services Department, that Street "1" shall be designed to intersect Major Mackenzie Drive at right angle, or on a common tangent.
- 19.23 Prior to final approval, the intersection of Street "1" and Major Mackenzie Drive shall be designed to the satisfaction of the Regional Transportation Services Department with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by the Regional Transportation Services Department.
- 19.24 Prior to final approval, the intersection of Street "1" and Donald Cousens Parkway shall be designed to the satisfaction of the Regional Transportation Services Department with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by the Regional Transportation Services Department.
- 19.25 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 roadways, unless otherwise specified by the Regional Transportation Services Department.
- 19.26 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 unless otherwise specified by the Regional Transportation Services Department. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right of Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.

- 19.27 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.
- 19.28 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.

- 19.29 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.
- 19.30 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.
- 19.31 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.

- 19.32 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".

- 19.33 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;
- 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.

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

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

- Donald Cousens Parkway

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

- Major Mackenzie Drive East

- 19.35 The Owner shall satisfy the Regional Transportation Services Department that the services to be installed within or in conjunction with the Plan will provide the passenger standing areas/shelter pads identified below and shall be installed to the satisfaction of the local municipality and York Region Transit. The Region confirms that all such passenger standing areas/shelter pads shall be owned and maintained by the Region and that the local municipality shall have no responsibility for those, notwithstanding that they may be included in the subdivision agreement.

Subject to approval by YRT, passenger standing areas and shelter pads shall be provided at the following locations:

- On Major Mackenzie Drive at Street "1" (NE corner) - YRT-1.02 or YRT-1.03
- On Donald Cousens Parkway at Street "1" (SW corner) - YRT-1.02 or YRT-1.03

The passenger standing areas/shelter pads shall be provided at no cost to York Region and shall be provided concurrently with construction of necessary sidewalks. The Owner may apply for a development charge credit, in accordance with the York Region - Road Works development charge credit guideline for passenger standing areas and shelter pads.

Landscaping should not interfere with the bus stops, passenger standing areas, shelters or corner sightlines.

The bus stop locations determined during the design phase are subject to change. Prior to construction of the passenger standing areas/shelter pads, the Owner/consultant shall confirm with YRT the final bus stop locations/requirements. The Owner/consultant is to contact YRT Facilities Supervisor (tel. 905-762-2111) to confirm final details.

- 19.36 Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk locations, concrete pedestrian access, passenger standing areas and shelter pads to the satisfaction of York Region.
- 19.37 The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing/introduction of transit services in this development as identified in condition 19.34. This includes current and potential transit routes, bus stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT route maps, Future Plan maps & providing YRT website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT route maps and the Future Plan maps are available from YRT upon request.
- 19.38 The Owner shall satisfy the Regional Transportation Services Department that the services to be installed within or in conjunction with the Plan will include illumination in accordance with the local municipality's design standards along all streets which have transit services, sidewalks, pedestrian access and bus stop locations.
- 19.39 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.
- 19.40 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.
- 19.41 The Region of York Planning and Development Services Department shall advise that Conditions 19.1 to 19.40 inclusive, have been satisfied.

20. External Clearances

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

- a) Canada Post shall advise that Condition 13.3 has been satisfied.
- b) The Ministry of Culture shall advise that Conditions 16.1 and 16.2 have been satisfied.
- c) The Toronto and Region Conservation Authority shall advise that Conditions 18.1 to 18.3 inclusive, have been satisfied.
- d) The Regional Municipality of York Planning Department shall advise that Conditions 19.1 to 19.41 inclusive, have been satisfied.

*Last revised: June 21, 2010*

**APPENDIX 'B'**

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

---

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

1. By-law 177-96, as amended, is hereby further amended as follows:
- 1.1 By expanding the designated area of By-law 177-96 to include those lands comprising Part of Lot 20, Concession 8, as shown on Schedule 'A' attached hereto:

- 1.2 By zoning the lands:

Residential Two*A (Hold One)	R2*A(H1),
Residential Two-Lane Access*B (Hold)	R2-LA*B(H),
Residential Two-Lane Access*B (Hold One)	R2-LA*B(H1)
Residential Two*Medium Density (Hold One)	R2*MD(H1),
and	
Open Space One Zone	OS1

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

**“7.\*A R2 Lands**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*A 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.A.1 Zone Standards**

The following specific Zone Standards apply:

- (a) Minimum lot frontage per unit for townhouse units– 6.0 metres
- (b) Minimum lot frontage per unit for semi detached units – 8.0 metres
- (c) Minimum required front yard on a lot not accessed by a lane – 3.0 metres
- (d) Maximum building height – 12.0 metres

**“7.\*B R2-LA Lands**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*B 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.B.1 Zone Standards**

The following specific Zone Standards apply:

- (a) Minimum lot frontage – 4.5 metres
- (b) Minimum required rear yard – 6.0 metres
- (c) Maximum building height – 12.0 metres

**7.B.2 Permitted Uses**

The following additional uses are permitted:

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

**“7.\*MD Medium Density Lands**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*MD 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.MD.1 Permitted Uses**

The following additional residential uses are permitted:

- (a) multiple dwellings;
- (b) apartment dwellings.

**7.MD.2 Zone Standards**

The following specific Zone Standards apply:

- (a) Minimum setback from public street -3.0m;
- (b) Minimum setback from the centre line of a private street – 4.5 metres;
- (c) Maximum building height – 14.0m.

- 1.4 For the purpose of this By-law, Holding (H) and Holding (H1) zones are hereby established and are identified on Schedule ‘A’ attached hereto by the letters (H) and (H1) in parenthesis following the zoning symbol.

No person shall hereafter erect or alter any building or structure on lands subject to 'H)' and '(H1)' provisions for the purpose permitted under this By-law until amendments to this By-law to remove the letters 'H)' and '(H1)' have 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) York Region has advised in writing that the expected completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structure project will be within six (6) months; and,
- b) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development; or,
- c) The Council of the Town of Markham approves servicing allocation to the lands that are not dependent upon the construction of Regional infrastructure; 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.

Prior to removing the '(H1)' Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

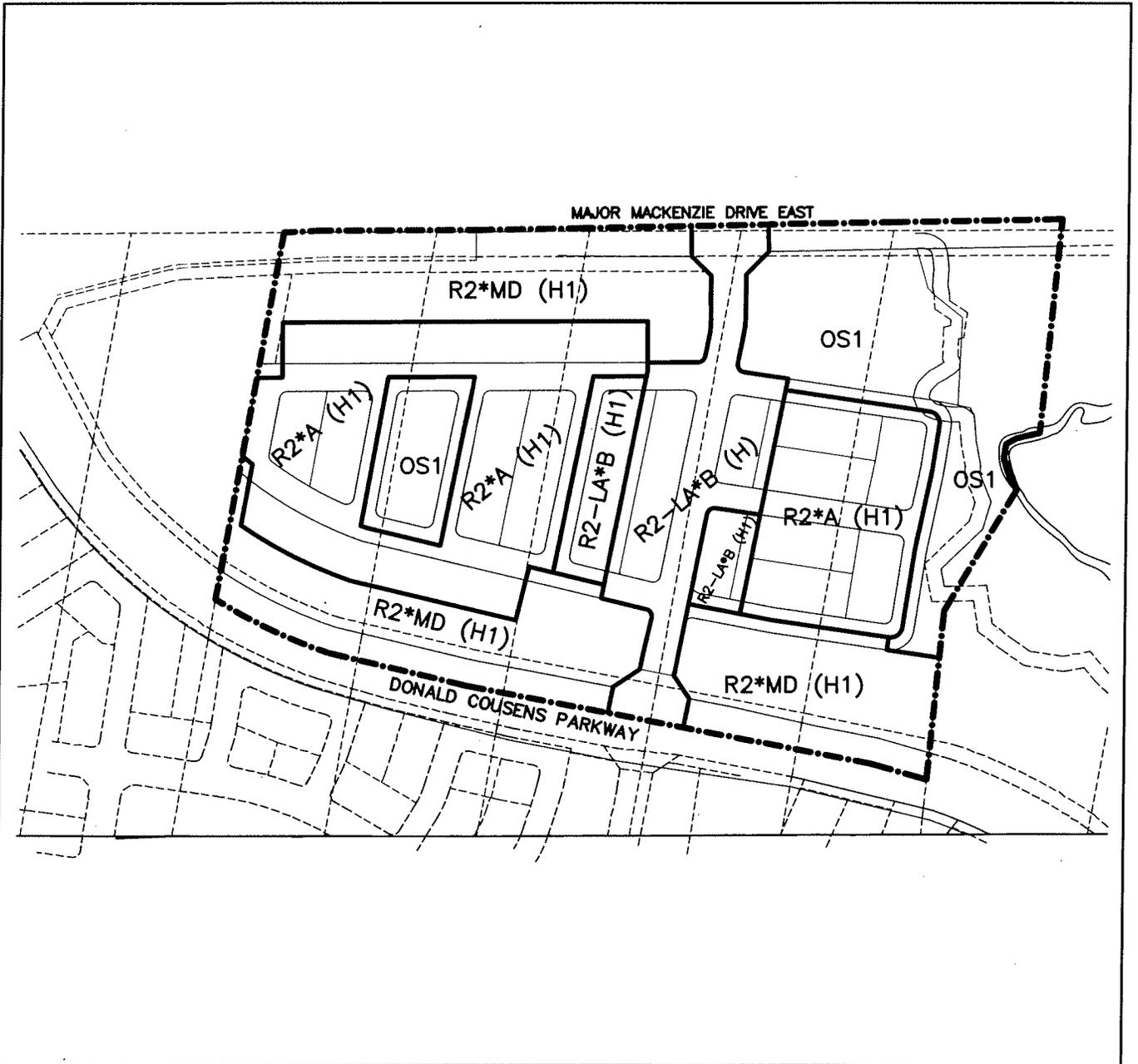
- a) York Region has advised in writing that the expected completion of the Southeast Collector Sewer will be within six (6) months; and
- b) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the lands; and,
- c) The Trustee for the Greensborough Developers Group Cost Sharing Agreement has assigned the remaining 423 units of conditional servicing (water and sewer) allocation to the Owners; or,
- d) The Council of the Town of Markham approves servicing allocation to the lands that are not dependent upon the construction of Regional infrastructure; or
- e) 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.

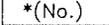
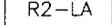
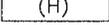
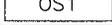
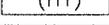
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS \_\_\_\_\_th DAY OF \_\_\_\_\_, 2010.

\_\_\_\_\_  
Kimberley Kitteringham, Town Clerk

\_\_\_\_\_  
Frank Scarpitti, Mayor



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

 BOUNDARY OF AREA COVERED BY THIS BY-LAW	 ZONE BOUNDARY
 RESIDENTIAL TWO	 EXCEPTION SECTION NUMBER
 RESIDENTIAL TWO-LANE	 HOLDING PROVISION
 OPEN SPACE ONE	 HOLDING PROVISION ONE

THIS IS SCHEDULE 'A' TO BY-LAW \_\_\_\_\_-2010  
 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