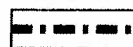


AIR PHOTO 2009

APPLICANT: KING DAVID DEVELOPMENTS AND
MONARCH DEVELOPMENTS

FILE No: SU05011381001;SU050011381;ZA08112151(GD)



DATE: 01/26/10



DEVELOPMENT SERVICES COMMISSION

DWN BY: DD

CHK BY: GD

SCALE 1:

FIGURE No.2

PHASING PLAN

APPLICANT: KING DAVID DEVELOPMENTS AND
MONARCH DEVELOPMENTS

FILE No: SU05011381001;SU050011381;ZA08112151(GD)







DEVELOPMENT SERVICES COMMISSION

DWN BY: DD

CHK BY: GD

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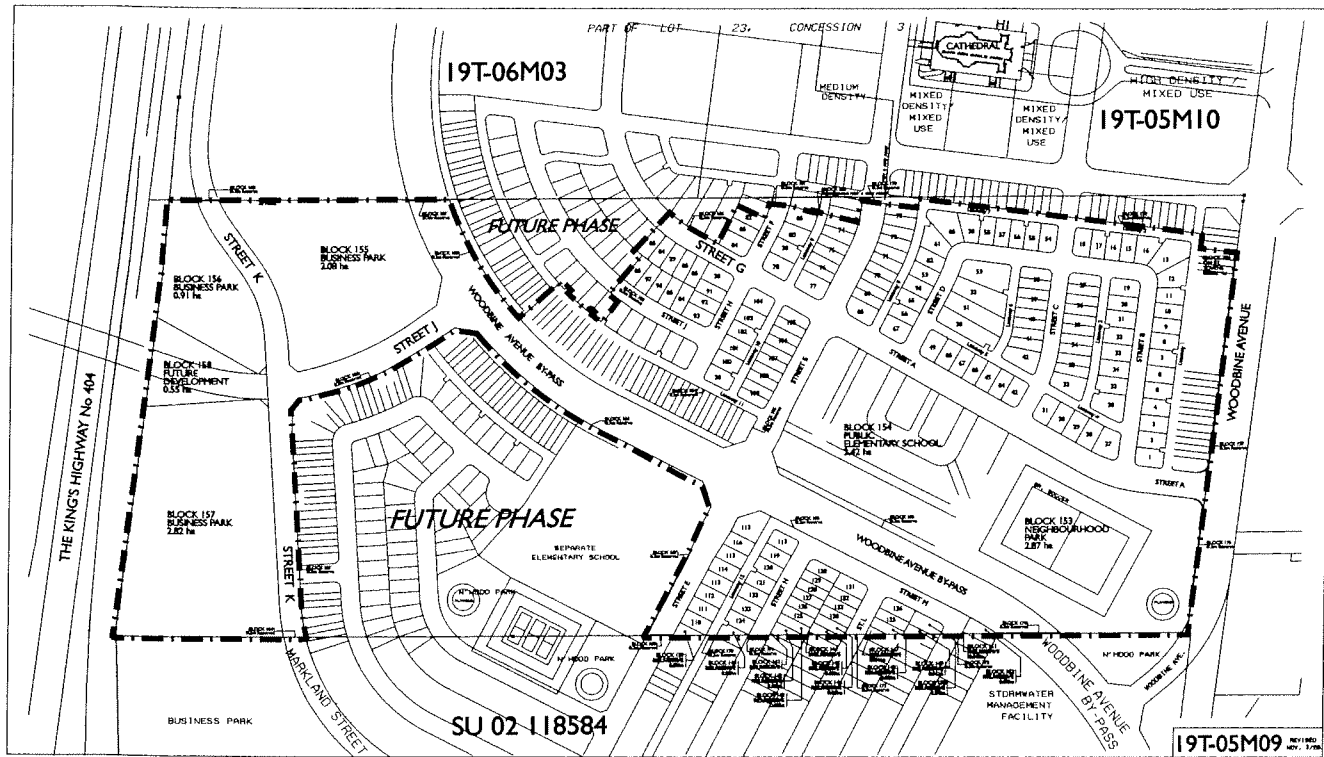
-  PHASE ONE
 PHASE TWO
 PHASE THREE
 SUBJECT LANDS



DATE: 01/26/10

FIGURE No.4

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ORIGINAL DRAFT PLAN PHASE 1

APPLICANT: KING DAVID DEVELOPMENTS AND
MONARCH DEVELOPMENTS

FILE No:

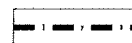


DEVELOPMENT SERVICES COMMISSION

DWN BY: DD

CHK BY: GD

SCALE 1:

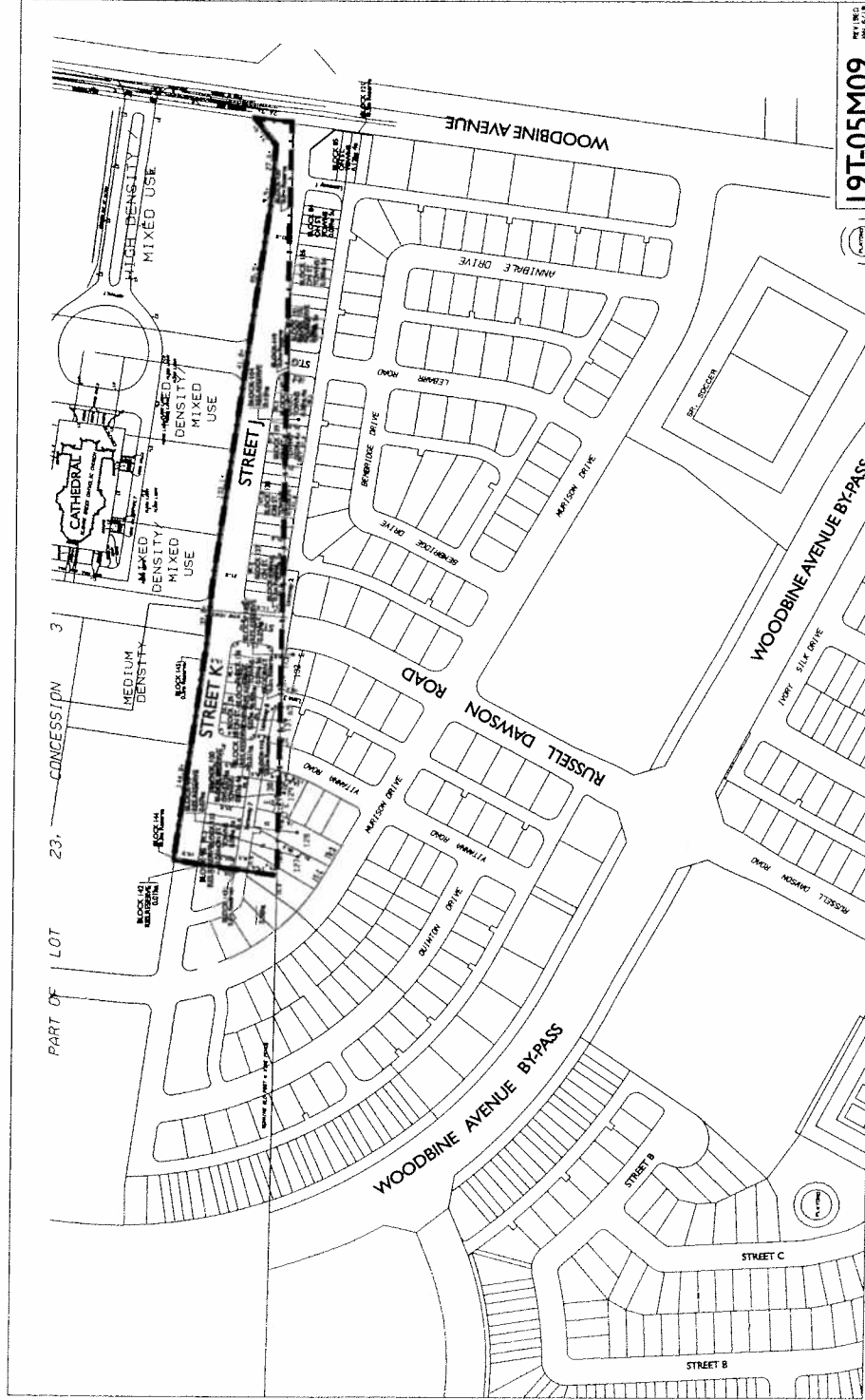


SUBJECT LANDS

DATE: 01/26/10

FIGURE No.5

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DRAFT PLAN PHASE THREE

APPLICANT: KING DAVID DEVELOPMENTS AND MONARCH DEVELOPMENTS

FILE No: SU05011381001;SU050011381;ZA08112151(GD)



DEVELOPMENT SERVICES COMMISSION

SU05011381001.dgn 28/01/2010 3:45:02 PM

SUBJECT LANDS

DATE: 01/26/10

DRAWN BY: DD CHECKED BY: GD SCALE: 1:1

FIGURE No.8

Appendix 'A'

THE CONDITIONS OF THE COUNCIL OF THE TOWN OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-05009 (CATHEDRAL TOWN SOUTH - MONARCH CORPORATION) ARE AS FOLLOWS:

1 General

- 1.1 Approval shall relate to Draft Plan of Subdivision 19TM-05009 prepared by Design Plan Services, identified as Drawing Number 0238-1\121 dated January 28, 2010.
- 1.2 The Owner acknowledges that Block 197 shall be conveyed to the Town free of all costs and encumbrances, to the satisfaction of the Town of Markham.
- 1.3 This draft approval shall apply for a maximum period of three (3) years from the date of issuance by the Town, and shall accordingly lapse on _____, 2013, unless extended by the Town upon application by the Owner.
- 1.4 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 release for registration of the draft plan.
- 1.5 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the Town, to implement or integrate any recommendations resulting from studies required as a condition of draft approval, or to incorporate comments and approval conditions not yet received from commenting agencies or Town departments.

2 Roads

- 2.1 The Owners acknowledge and agree that the road allowances included within the draft plan of subdivision shall be named to the satisfaction of the Town and the Regional Planning and Development Services Department.
- 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, secured and constructed in accordance with established municipal standards to the satisfaction of the Town of Markham.

- 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 covenant and agree in the subdivision agreement to provide temporary turning circles and any necessary easements where required at their cost. The Owner shall also covenant and agree in the subdivision agreement to remove the temporary turning circles and restore the streets to their normal condition at their cost when required by the Town, to the satisfaction of the Town of Markham. The design of the temporary turning circles, and any implications on the surrounding land uses, shall be addressed in the subdivision agreement to the satisfaction of the Town of Markham.
- 2.6 The Owner shall covenant and agree in the subdivision agreement to provide adjustment to road allowances in lanes to provide for space for utilities etc., as required by the Town of Markham or other agencies free of all costs and encumbrances to the satisfaction of the Town of Markham.
- 2.7 The Owners acknowledge and agree that the road allowances within the draft plan shall have right-of-way widths satisfactory to the Town in accordance with the Internal Traffic Impact Study and the External Traffic Impact Study.
- 2.8 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. More specifically, the Owner shall covenant and agree in the subdivision agreement that no construction traffic shall be allowed through the intersection of Woodbine Avenue and Elgin Mills Road such that no construction traffic shall be allowed within the hamlet of Victoria Square.
- 2.9 The Owner shall include in any agreement of purchase and sale for Block 186 the following clause:

“PURCHASERS ARE ADVISED THAT THE TOWN OF MARKHAM MAY REQUIRE THE OWNER TO PROVIDE A VEHICULAR ACCESS EASEMENT THROUGH BLOCK 186 FROM STREET J TO THE LANDS TO THE NORTH. THE LOCATION OF THE VEHICULAR ACCESS EASEMENT SHALL BE DETERMINED THROUGH SITE PLAN APPROVAL. MAINTENANCE OF THIS EASEMENT IS THE SOLE RESPONSIBILITY OF THE OWNER.”

3. Noise Impact Study

- 3.1 Prior to release for registration of the draft plan, the Owner shall submit a detailed Noise Impact Study, prepared by a qualified Acoustical Consultant, recommending outdoor and indoor noise control measures for the proposed development, including

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, in consultation with the Region of York.
- 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 Preservation and Landscaping

- 4.1 The Owner shall submit an overall tree preservation plan along with an analysis report, which has been prepared by a qualified Landscape Architect in good standing with the O.A.L.A., or a certified Arborist, to the satisfaction of the Commissioner of Development Services, prior to site alteration approval. The tree preservation plan shall be based on information taken from a registered survey plan, showing the exact location of the trees to be preserved and trees to be removed within 6.0m of property boundaries, existing elevations at the base of trees, location of protective hoarding, final grading, proposed municipal services and utilities, and conceptual building envelopes and driveway locations.
- 4.2 The Owner shall agree to identify all trees which are greater than 20cm with a tag number on the preservation plan and referenced to the Preservation and Analysis Report. Existing grades are required to be indicated at the base of trees. A corresponding identification chart with the tag number, species, size, condition rating, comments and recommendations should also be included.
- 4.3 The Owner shall covenant and agree in the subdivision agreement to provide a letter of credit to secure preservation of trees.
- 4.4 The Owner shall agree to replace trees to be removed at the site on the basis of the following:
 - 1) Trees between 20cm and 40cm shall be replaced at a ratio of 2:1.
 - 2) Trees over 40cm in Diameter at Breast Height (DBH) shall have an individual valuation submitted to the Town by an International Society of Arborists (ISA) certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000).
 - 3) Where a site does not allow for 2:1 replacement, the Town will require a credit for tree planting on alternate sites. Tree replacement must occur within 5 years of tree removal.

- 4.5 The Owner shall prepare and submit site specific grading/tree preservation plans, with respect to trees to be preserved on any portion of the plan of subdivision, showing the location of buildings and structures to be erected and proposed municipal services and utilities in that area, in accordance with the approved Tree Preservation Plan for the approval of the Town (Commissioner of Development Services) prior to the issuance of building permits.
- 4.6 The Owner shall agree in the subdivision agreement to obtain written approval of the Town prior to the removal of any trees within the area of the draft plan.
- 4.7 Prior to registration of the first phase, the Owner shall provide documentation for the natural features identified by the town of Markham Official Plan amendment No. 52(Natural features). This documentation is to show the mapping of the drip line by survey, an assessment of the possible impacts from development of the lands surrounding the designated areas, preparation of a natural features management plan, safeguards to preserve the woodlot and valley land features and mitigating and restorative measures required as a result of the proposed development.

5. Stormwater Management

- 5.1 The Owner shall incorporate the requirements and criteria from the approved Environmental and Stormwater Master Plan, as amended, into the draft approved plan and subdivision agreement.
- 5.2 Prior to release for registration of the draft plan, the Town and the Toronto and Region Conservation Authority shall approve a stormwater management study, prepared by a qualified engineer on behalf of the Owner, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan. 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.
- 5.3 Upon registration of the plan of subdivision, the Owner shall convey all necessary Blocks to the Town for storm water management purposes, including overland flow routes, free of all costs and encumbrances, in accordance with the recommendations of the Stormwater Management Study, to the satisfaction of the Town and the TRCA.
- 5.4 The Owner shall incorporate the requirements and criteria of the approved Water Balance Study into the approved draft plan of subdivision and subdivision agreement.

6. Municipal Services

- 6.1 Prior to release for registration of the draft plan, the Owner shall prepare, to the satisfaction of the Town, a Functional Servicing Report, in accordance with the approved Master Servicing Plan, to determine the infrastructure required for all municipal services internal and external to the subdivision, including sewers, water mains, and roads. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 6.2 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued until the Director of Building Services has been advised by the Director of Engineering that water, sewage treatment, utilities and roads satisfactory to the Director of Engineering are available to the lands, except that building permits may be issued for model homes upon terms and conditions established by the Town.
- 6.3 Prior to release for registration of the draft plan, detailed engineering drawings shall be provided by the Owner in accordance with the Functional Servicing Report by Stantec Engineering, 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, storm water management detail plans, etc. to the satisfaction of the Town.
- 6.4 The Owner shall covenant and agree in the subdivision agreement that the public highways, curbs, gutters, sidewalks, underground and aboveground services, street lights, street signs, etc., shall be designed in accordance with the Town's design criteria, standards and general engineering principles and established municipal standards to the satisfaction of the Director of Engineering.
- 6.5 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.
- 6.6 The Owner shall prepare and submit an analysis of water supply and pressures for the internal water system to the satisfaction of the Director of Engineering, and comply with any applicable requirements, conditions or assessed costs established by the Town, the Region of York or any other authorized agencies prior to the registration of any portion of the draft approved plan.
- 6.7 Prior to any construction activities, the Owner and the Cathedral Group shall submit a comprehensive well monitoring/mitigation program for the West Cathedral area to the Director of Engineering for approval. The program will include the following main items: monitoring and regular reporting to the Director of Engineering by one coordinating consultant, 24 hour contact for emergencies, response time to complaints

response time to complaints and proactive mitigation plan. The monitoring program will start before any construction activities and remain in place either for a minimum of at least 1 year after all underground works, including construction of basements, have been completed or until the ground water table has rebounded, whichever is later. Further, the Owner with the Group shall covenant and agree to provide sufficient securities and implement safety procedures to ensure continuous supply of well water to the existing Victoria Square residents, to the satisfaction of the Director of Engineering.

The Owner shall submit the draft agreement between the Owner, the Cathedral Group and the coordinating consultant, for the well monitoring/mitigation program to the Director of Engineering for review and approval, and the agreement has to be executed prior to any construction activities.

- 6.8 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 adequate water supply for firefighting operations and acceptable access for fire fighting equipment is available.
- 6.9 The Owner shall covenant and agree in the subdivision agreement to pay \$200 per unit as their proportionate share of the cost of the Highway 48 Flow Control System which is required to create the sanitary sewer capacity for the project.
- 6.10 The Owner shall covenant and agree in the subdivision agreement to pay for the relocation of existing service connections on abutting roads owned by the Town and for the relocation of any infrastructure within the abutting roads to the satisfaction of the Director of Engineering.
- 6.11 Prior to registration of the subdivision agreement, the Owner shall prepare a Hydrogeological Study, in accordance the approved water balance study, to determine the mitigation measures required for all municipal services internal and external to the subdivision including sewers, watermain, and roads. Any requirements resulting from this report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 6.12 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Erosion and Sediment Control Plans in accordance with the Town's standards prior to proceeding with any on-site works and more particularly topsoil stripping.
- 6.13 The Owner shall covenant and agree agreement that no pre-servicing will occur until the engineering drawings are approved, a pre-servicing agreement is executed, the site alteration drawings have been approved, and the necessary securities are provided.

7. Community Design Plan

- 7.1 The Owner shall covenant and agree in the subdivision agreement to incorporate the requirements and criteria of the Community Design Plan and Guidelines into all municipal works, site plan and building permit applications within the plan of subdivision.
- 7.2 The Owner shall covenant and agree in the subdivision agreement to contribute a proportional share to the Victoria Square Streetscape Improvement Study.

8. Traffic Study

- 8.1 Prior to release for registration of the draft plan, the Owner shall prepare an Internal Traffic Impact Study for the West Cathedral Community, in consultation with the Owners of other lands within the West Cathedral Community. The Owner shall incorporate the requirements and criteria of these studies into the Functional Servicing Report required in Condition 7.2, the draft approved plan and the subdivision agreement, to the satisfaction of the Director of Engineering.

9. Easements

- 9.1 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.

10. Utilities

- 10.1 Prior to release for registration of the draft plan, the Owner shall prepare an overall utility distribution plan (Composite Utility Plan) to the satisfaction of the Town and all affected authorities.
- 10.2 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 Director of Engineering and authorized agencies.
- 10.3 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 Consumers Gas, telecommunications companies, etc.
- 10.4 The Owner covenants and agrees to advise all utility and telecommunication carriers

carriers that plans for medium or large size 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, but are not limited to, site plans, grading plans, fencing and landscape plans, elevations of structures.

11. Telephone or telecommunication provider:

- 11.1 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 service 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 connections to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
- 11.2 Prior to release for registration of the draft plan of subdivision, the telephone or telecommunication provider shall confirm that satisfactory arrangements, financial and otherwise, have been made with The telephone or telecommunications provider for any The telephone or telecommunications provider facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; a copy of such confirmation shall be forwarded to the Municipality.
- 11.3 The Owner shall agree in the Subdivision Agreement, in words satisfactory to the telephone or telecommunications provider, to grant to the provider any easements that may be required for telecommunication services.

12. Canada Post:

- 12.1 At the developer/owners expense, for buildings containing 3 or more units the developer/owner must supply, install and maintain a central mail facility to Canada Post specifications; ensure that all mail delivery equipment is installed in a location that is readily accessible to the occupants and Canada Post personnel; and, ensure that all mail is accessible by persons with physical disabilities.
- 12.2 For buildings with less than 3 units, the developer/owner is required to contact Canada Post in order to arrange mail delivery options.

13. Enbridge Consumers Gas:

- 13.1 The Owner shall covenant and agree in the Subdivision Agreement to:
 - install all of the natural gas distribution system within the proposed road allowances;
 - grade all streets to final elevation prior to the installation of the gas lines;

- provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Consumers Gas; and,
- coordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities

14. Ministry of Transportation:

- 14.1 Prior to release for registration of the draft plan, the Owner shall submit to the Ministry of Transportation for review and approval a copy of the stormwater management report, site grading and servicing plan, addressing the intended treatment of the calculated runoff.
- 14.2 Prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval a copy of a detailed Traffic Impact Study.
- 14.3 Prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval a copy of a detailed calculation and illumination plan for Blocks 186 and 188.

15. Powerstream:

- 15.1 Prior to release for registration of the draft plan, and at least nine months prior to construction of the subdivision, the Owner will contact Powerstream to review the proposed development draft plan, and provide Powerstream with all required information including draft plans of subdivision, legal plans, the legal name of the subdivision and developer, and any additional information required by Powerstream to design and estimate the costs of electrical services required for the subdivision.

16. Development Charges

- 16.1 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.
- 16.2 The Owner covenants and agrees to pay all necessary fees and development charges at the time of execution of the subdivision agreement.

17. Environmental Clearance

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

- a) submit environmental site assessment reports prepared by a Qualified Person in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the Town and any proposed remedial action plan, for peer review and concurrence;
- b) at the completion of any necessary site remediation process, submit certification from the Qualified Person that the necessary clean up has been carried out and that the land to be conveyed to the Town meets the Site Condition Standards of the intended land use;
- c) file a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the Town, and
- d) pay all costs associated with the Town retaining a third-party reviewer for the peer review service.

17.2 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.

18. Heritage

18.1 Prior to release for registration 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 Tourism, Culture and Recreation. 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 Tourism, Culture and Recreation to the Town indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.

18.2 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 Tourism, Culture and Recreation.

19. Region of York

Region of York's comments to be included at a later date.

20. Toronto and Region Conservation Authority

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

- 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 the approved West Cathedral Community – Environmental and Stormwater Management Plan Report (ESMP). 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;
 - 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 as it relates to fish and their habitat;
 - iii) proposed method for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction;
 - iv) location and description of all outlets and other facilities which may require a permit pursuant to Ontario Regulation 158, the Authority's Fill, Construction and Alteration to Waterways Regulation.
 - v) development limit "constraint" mapping for areas adjacent to natural features, showing all of the following (both existing and proposed) that are applicable to the site: top of bank, stable slope line, floodlines, significant vegetation, and required buffers, with the draft plan of subdivision on the same plan.
 - vi) Plans illustrating proposed methods for treating road run-off, and proposed locations for the stock-piling of snow.
- b. Overall grading plans for the subject lands.
- c. A comprehensive water balance strategy be submitted to the satisfaction of the TRCA and Town of Markham staff, which identifies how ground water infiltration will be maintained on the site, and provides detailed design of the system, and implementation and monitoring information. The requirements for this strategy may be lessened if a more comprehensive analysis has been completed and approved, for the larger Cathedral West Community, in which case, the above noted study must provide for implementation of the larger plan.

- 20.2 That all construction activities be undertaken in accordance with the findings and recommendations of the West Cathedral Environmental Impact Assessment (prepared by Gartner Lee Limited), and as stated in the approved MESP.
- 20.3 That the applicant attain all necessary permits required under Ontario Regulation 158, in addition to all approvals from Fisheries and Oceans Canada, and the Ministry of Natural Resources, as required.
- 20.4 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 referenced in Condition 1;
 - b. To agree to, and 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;
 - 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 158 from the TRCA, in addition to all necessary approvals for external agencies, including but not necessarily limited to Fisheries and Oceans Canada, and the Ministry of Natural Resources;
 - f. to erect a permanent fence to the satisfaction of the TRCA for lots and blocks abutting Storm Water Management or Open Space Blocks.
 - g. To provide the requisite funding, or contribute to a cost-sharing fund to provide for the long-term monitoring and maintenance of the water balance and infiltration measures on this site, or as part of the larger Cathedral West Community, to the satisfaction of the TRCA.
 - h. To implement all water balance/infiltration measures identified in the water balance study that is to be completed for the subject property.
- 20.5 That the draft plan be red-lined revised in order to meet the requirements of the TRCA's conditions, if necessary.

21. External Clearances

Prior to release for registration 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 their conditions and requirements have been satisfied.
- (b) The Toronto and Region Conservation Authority shall advise that their conditions and requirements have been satisfied.
- (c) The telephone or telecommunications provider shall advise that Conditions 11.1 to 11.4 inclusive have been satisfied.
- (d) Canada Post Corporation shall advise that Conditions 12.1 to 12.2 inclusive have been satisfied.
- (e) Enbridge Consumers Gas shall advise that Condition 13 has been satisfied
- (f) The Ministry of Transportation Ontario shall advise that Condition 14.1 to 14.3 have been satisfied.
- (g) Powerstream shall advise that Condition 15 has been satisfied
- (h) The Ministry of Culture shall advise that Conditions 18.1 and 18.2 have been satisfied.

The clearance letter shall include a brief statement detailing how each condition has been satisfied or carried out.

ISSUED _____, 2010

Biju Karumanchery, M.C.I.P., R.P.P.
Senior Development Manager, Planning and Urban Design

Appendix 'B'

THE CONDITIONS OF THE COUNCIL OF THE TOWN OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-05009 (CATHEDRAL TOWN SOUTH – MONARCH CORPORATION) (PHASE II) ARE AS FOLLOWS:

1 General

- 1.1 Approval shall relate to Phase II of Draft Plan of Subdivision 19TM-05009 prepared by Design Plan Services, identified as Drawing Number 0238-1\122, dated January 28, 2010.
- 1.2 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, TRCA and Region, (Commissioner of Development Services) to implement or integrate any recommendations resulting from studies required as a condition of draft approval.
- 1.3 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 XXXXXXXXXX, 2013, unless extended by the Town upon application by the Owner.
- 1.4 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.
- 1.5 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.

2 Roads

- 2.1 The Owners acknowledge and agree that the road allowances included within the draft plan of subdivision 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, secured and constructed in accordance with established municipal standards to the satisfaction of the Town.
- 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.

- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles and any necessary easements where required at their cost. The Owner shall also covenant and agree in the subdivision agreement to remove the temporary turning circles and restore the streets to their normal condition at their cost when required by the Town, to the satisfaction of the Town of Markham. The design of the temporary turning circles, and any implications on the surrounding land uses, shall be addressed in the subdivision agreement to the satisfaction of the Town.
- 2.6 The Owner shall covenant and agree in the subdivision agreement to provide adjustment to road allowances in lanes to provide for space for utilities etc., as required by the Town of Markham or other agencies free of all costs and encumbrances to the satisfaction of the Town of Markham.
- 2.7 The Owners acknowledge and agree 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.
- 2.8 The Owner covenant and agrees the sidewalk on Street 'C' shall be in the west side of Street 'C'. The Owner also covenant and agrees that another sidewalk shall be constructed within the Park Block, east side of Street 'C', by its sole cost to the satisfaction of the Town of Markham.
- 2.9 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. More specifically, the Owner shall covenant and agree in the subdivision agreement that no construction traffic shall be allowed through the intersection of Woodbine Avenue and Elgin Mills Road such that no construction traffic shall be allowed within the hamlet of Victoria Square.
- 2.10 The Owner shall covenant and agree to provide at least 7.5m radius corner rounding in the following intersections:
- Laneway 4 with Laneway 5 at Lots 53 and 54;
 - Laneway 1 with Laneway 2 at Block 84;
- 2.11 Prior to release for registration of the draft plan, the Owner shall confirm that there will be at least two access to the subdivision.

3. Noise Impact Study

- 3.1 Prior to release for registration of the draft plan, the Owner shall submit a detailed Noise Impact Study, prepared by a qualified Acoustical 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, in consultation with the Region of York.

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 Preservation and Landscaping

4.1 The Owner shall submit an overall tree inventory and preservation plan, which has been prepared by a qualified Landscape Architect in good standing with the O.A.L.A., or a certified Arborist, to the satisfaction of the Commissioner of Development Services, prior to the execution of a subdivision agreement for any portion of the draft plan of subdivision. The tree preservation plan shall be based on information taken from a registered survey plan, showing the exact location of the trees to be preserved, location of protective hoarding, final grading, proposed municipal services and utilities, and conceptual building envelopes and driveway locations.

4.2 The Owner shall covenant and agree in the subdivision agreement that the Owner shall prepare and submit site grading/tree preservation plans, with respect to trees to be preserved on any portion of the plan of subdivision, showing the location of buildings and structures to be erected and proposed municipal services and utilities in that area, in accordance with the approved Tree Preservation Plan for the approval of the Town (Commissioner of Development Services) prior to the issuance of building permits.

4.3 The Owner shall covenant and agree in the subdivision agreement to obtain written approval of the Town prior to the removal of any trees within the area of the draft plan.

5. Streetscape and Landscape Plans

5.1 Prior to final approval of the draft plan, the Owner shall submit landscape plans based on the approved Cathedral Community Design Plan, to the satisfaction of the Town. These plans are to be prepared by a qualified landscape architect in good standing with the O.A.L.A. and shall include the following:

- a) streetscape plans, including a minimum of one tree per residential lot with a maximum space of 10 metres between trees for local, arterial and collector roads. The size, spacing and species selected shall be to the satisfaction of the Town (Commissioner of Development Services)

- b) streetscape plans, to meet the specification of the Region of York and the Town of Markham for the Woodbine Avenue By-Pass.
 - c) noise attenuation fencing in accordance with the approved noise study
 - d) 1.8 metre high privacy fencing on exterior rear yards of residential units abutting roads and laneways
 - e) a 3.0m wide pedestrian walkway between lot 51 and block 75 with a 1.8m high wood privacy fence where the walkway abuts the rear yard of adjacent lots and a 1.2m high wood privacy fence where the walkway abuts the front yard of adjacent lots.
 - f) (i) a minimum 3.0m wide landscaping buffer will be required along rear blocks 74 and 75 adjacent to any required noise attenuation fencing.
 - (ii) a 7.5m wide landscaping buffer will be required adjacent along the Woodbine By-pass along the frontage of blocks 76 to 80.
 - g) a minimum 3.0m wide landscape buffer will be required adjacent to the noise attenuation fencing where it abuts blocks 73 to 75 and blocks 76 to 80.
 - h) blocks 108 and 125 shall be landscaped to the satisfaction of the Town.
 - i) any other landscaping as determined by the Community Design Plan
- 5.2 The Owner covenants and agrees that the detailed design and construction of all landscaping shall be at no cost to the Town and in accordance with the provisions of the approved landscape plans.
- 5.3 The Owner shall covenant and agree that provision shall be made in the subdivision agreement for a letter of credit, in an amount to be determined by the Town, to ensure compliance with applicable tree preservation, fencing, streetscape, storm water management ponds, buffer walkway and other landscaping requirements.
- 5.4 The Owner shall covenant and agree in the subdivision agreement to prohibit all builders from imposing an extra charge to home purchasers for the items listed above.
- 5.5 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:
- ANY STREET TREES (TREES PLANTED IN THE TOWN BOULEVARD)
 - ANY TREE PLANTING IN REAR YARDS ADJOINING THE LANES

- ANY NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
 - ANY 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. Parks and Open Space

- 6.1 The Owner covenants and agrees to work with the Developer’s Group to secure terms and conditions of “The Parks and Open Space Agreement” to the satisfaction of the Town which would guarantee, in perpetuity, the complete and unencumbered conveyance of all parkland as required within the Cathedral Secondary Plan Area as shown within the approved Cathedral Community Design Plan.
- 6.2 The Owner covenants and agrees that the plan of subdivision shall not be released for registration by the Town until the Trustee delivers a release to the Town stating that the Owner is in good standing and has complied with the terms of the Developer’s Group for provision of parkland that is satisfactory to the Town.
- 6.3 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain (free of stock piles and debris) all park blocks and vacant lands within the subdivision to the satisfaction of the Town. The park blocks shall be maintained until such time as the parks have been constructed and assumed by the Town for maintenance. Other vacant blocks shall be maintained until such time as the ownership of the blocks has been transferred. No stockpiling of materials, including topsoil and fill, shall occur on any lands to be conveyed to the Town. Topsoil stockpiling shall be limited to areas in a second or subsequent phase of subdivision build-out.
- 6.4 The Owner acknowledges that should these works not be completed and maintained to the satisfaction of the Commissioner of Development Services, the Town will do the work as required and draw on the letters of credit for all costs so incurred plus 10% for contract administration.
- 6.5 The Owner shall covenant and agree that provision shall be made in the subdivision agreement to post approved copies of the Community Design Plan Open Space Plans, Park Development Concept Plans and the Conceptual Facility Fit Plan for the parks and school campus in all sales offices for dwelling units within the draft plan of subdivision.
- 6.6 The Owner covenants and agrees to convey Block 106 (Neighbourhood Park) as parkland to the Town free of all costs and encumbrances and to the satisfaction of the Commissioner of Development Services.
- 6.7 The Owner covenants and agrees to convey Blocks 108, 109 and 125 as landscape buffers to the Town free of all costs and encumbrances and to the satisfaction of the Commissioner of Development Services.

- 6.8 The Owner covenants and agrees to convey Block 124 (3.0 metre public walkway) and Block 107 (6 metre public walkway) to the Town free of all costs and encumbrances and to the satisfaction of the Commissioner of Development Services.

7. Stormwater Management

- 7.1 The Owner shall incorporate the requirements and criteria from the approved Environmental and Stormwater Master Plan, as amended, into the draft approved plan and subdivision agreement.
- 7.2 Prior to release for registration of the draft plan, the Owner shall submit a stormwater management design brief, prepared by a qualified engineer on behalf of the Owner, addressing of water quality and quantity controls, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the Town. 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.
- 7.3 Upon registration of the plan of subdivision, the Owner shall convey all necessary Blocks or transfer easement to the Town as determined by the Town for storm water management purposes, including overland flow routes, free of all costs and encumbrances, in accordance with the recommendations of the Stormwater Management Study, to the satisfaction of the Town and the TRCA.
- 7.4 Prior to any construction activities, the Owner shall continue the established (in Phase I) watercourse monitoring program and submit reports to the Director of Engineering for approval.
- 7.5 The Owner shall incorporate the requirements and criteria of the approved Water Balance Study into the approved draft plan of subdivision and subdivision agreement.

8. Municipal Services

- 8.1 The Owner shall acknowledge and agree in the subdivision agreement that final approval of the draft plan shall be subject to the Town being satisfied that adequate water supply and sanitary sewer allocation is available to service the development in accordance with the February 12, 2008 and May 26, 2009 Council resolutions regarding community water supply allocations and sanitary sewage allocation.
- 8.2 Prior to release for registration of the draft plan, the Owner shall prepare, to the satisfaction of the Town, a Servicing Brief, in accordance with the approved Master Servicing Plan, to determine the infrastructure required for all municipal services internal and external to the subdivision, including sewers, water mains, and roads. Any

requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.

- 8.3 Prior to release for registration of the draft plan, detailed engineering drawings shall be provided by the Owner in accordance with the Servicing Brief, 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, storm water management detail plans, etc. to the satisfaction of the Town.
- 8.4 The Owner shall covenant and agree in the subdivision agreement that the public highways, curbs, gutters, sidewalks, underground and aboveground services, street lights, street signs, etc., shall be designed in accordance with the Town's design criteria, standards and general engineering principles and established municipal standards to the satisfaction of the Director of Engineering.
- 8.5 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.
- 8.6 The Owner shall prepare and submit an analysis of water supply and pressures for the internal water system to the satisfaction of the Director of Engineering, and comply with any applicable requirements, conditions or assessed costs established by the Town, the Region of York or any other authorized agencies prior to the registration of any portion of the draft approved plan.
- 8.7 Prior to any construction activities, the Owner shall continue the established (in Phase I) well monitoring/mitigation program and implement the recommendations of this program to the satisfaction of the Director of Engineering. Further, the Owner shall covenant and agree to provide sufficient securities to the Town to ensure that the well monitoring/mitigation program is implemented to the satisfaction of the Director of Engineering.
- 8.8 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 adequate water supply for firefighting operations and acceptable access for fire fighting equipment is available.
- 8.9 The Owner shall covenant and agree in the subdivision agreement to pay \$200 per unit as their proportionate share of the cost of the Highway 48 Flow Control System which is required to create the sanitary sewer capacity for the project.
- 8.10 The Owner shall covenant and agree in the subdivision agreement to pay for the relocation of existing service connections on abutting roads owned by the Town and for

the relocation of any infrastructure within the abutting roads to the satisfaction of the Director of Engineering.

8.11 The Owner acknowledge and agrees that allocation is granted in accordance with the servicing allocation reports dated February 12, 2008 and May 26, 2009.

8.12 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.

8.13 The Owner shall covenant and agree in the subdivision agreement that no pre-servicing will occur until the engineering drawings are approved, necessary securities are provided and pre-servicing agreement is executed.

9. Community Design Plan

9.1 The Owner shall covenant and agree in the subdivision agreement to incorporate the requirements and criteria of the Cathedral Community Design Plan into all municipal works, site plan and building permit applications within the plan of subdivision.

10. Architectural Control

10.1 The Owner shall continue the established (in Phase I) Architectural Design Guidelines for the Cathedral Community, in conjunction with the Developer's Group, and shall covenant and agree in the subdivision agreement to implement the architectural control guidelines.

10.2 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. No permits shall be issued for model homes prior to the approval of the Town of the architectural control guidelines.

10.3 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not assume the role of control architect for the plan of subdivision.

11. Traffic Study

11.1 Prior to final approval of the draft plan, the Owner shall prepare an updated Traffic Functional Plan to the satisfaction of the Town and the Region of York.

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 watermain, storm and sanitary sewers to

outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the Town.

13. Utilities

- 13.1 Prior to release for registration of the draft plan, the Owner shall prepare an overall utility distribution plan (Composite Utility Plan) to the satisfaction of the Town and authorized agencies.
- 13.2 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 Director of Engineering and authorized agencies.
- 13.3 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 Consumers Gas, telecommunications companies, etc. in order to service the development.
- 13.4 The Owner covenants and agrees that hydro, cable and bell services will be located in the rear laneway road allowances for lane based product.
- 13.5 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.
- 13.6 The Owner covenants and agrees to advise all utility and telecommunication carriers that plans for medium or large size 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, and elevations of structures, etc.

14. Canada Post

- 14.1 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.

14.2 Prior to release for registration of the draft plan of subdivision, the Owner will consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes, and will indicate on the appropriate servicing plans:

- a) the locations of Community Mailboxes;
- b) an appropriately sized section (concrete pad) as per municipal standards, to place the Community Mailboxes on;
- c) any required walkways across the boulevard, as per municipal standards; and
- d) any required curb depressions for wheelchair access to the satisfaction of the Commissioner of Development Services and Canada Post.

14.3 The Owners shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.

14.4 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.

14.5 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. Heritage

15.1 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 Citizenship, Culture and Recreation. 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 Citizenship, Culture and Recreation to the Town indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.

- 15.2 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 Citizenship, Culture and Recreation.

16 School Board

- 16.1 That the Owner shall enter into an agreement satisfactory to the York Catholic District School Board for the transfer of Block 110 (2.4 Ha).

- 16.2 That the Owner shall agree in the subdivision agreement in wording satisfactory to the York Catholic District School Board that prior to final approval:

- a) To grade the school site to conform to the overall grade plan of the subdivision and in doing so shall replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands. If, in compliance with this clause, the addition of fill, the removal of existing soil, or, in any way, the alteration of existing grading results in increased costs of construction to the Board, then, and in that event, the Owner shall, upon demand, reimburse the Board for such additional costs. The Board is to be notified at least three weeks prior to the commencement of grading.
- b) To remove all trees and structures on Block 110, as determined by the Board.
- c) There shall be no stockpiling of topsoil on Block 110.
- d) To construct and maintain a galvanized chain link fence 1.8 metres in height along all boundaries of the school that adjoin/about adjacent land uses (walkway entrances exempt as determined by the Board. All other boundaries shall have a temporary post and wire fence.
 - i) To construct the temporary post and wire fence in locations as determined by the Board prior to the issuance of building permits for phase 2 of the subdivision.
 - ii) To construct the galvanized chain link fence, 1.8 metres in height in locations as determined by the Board; the fence will be constructed prior to the occupancy of the adjoining units.
- e) To erect on the school site at such time as the school access street is constructed a visible sign with the dimensions and containing the words in the order, form and configuration as duly required.
- f) To post “No Dumping” signs along the perimeter fence as required by the Board.
- g) To provide the foregoing at no cost to the Board.

- 16.3 That the Owner shall submit, at no cost to the Board, a report from a qualified consultant

concerning:

- a) The suitability of Block 110 for construction purposes relating to soil bearing factors, surface drainage and topography and or grading plan. There shall be a minimum of 12 boreholes on the school site, in locations as approved by the Board.
 - b) Both Phase 1 and Phase 2 Environmental Testing reports for the school site to ensure the site is clear and free of all contaminants and unfit soil.
 - c) The availability of natural gas, electrical, water, storm sewer, sanitary sewer, telephone, fibre optic cable and cable television services in a location along the property line, as determined by the Board. All services must meet Board specifications and approval.
- 16.4 That the Owner shall submit, at no cost to the Board, a certificate from the Town of Markham confirming the following as they relate to a new school facility:
- a) The availability of a satisfactory water supply (both domestic and fire).
 - b) An acceptable method of sewage disposal.
 - c) Adequacy of electrical services.
 - d) The availability of a satisfactory natural gas supply.
 - e) That an adequate storm water management facility has been designed to accommodate a school site and ensure that water retention will not be required on this site.
- 16.5 The Owner shall supply the Board a certificate, from the local hydro authority, confirming an adequate capacity for a new school and that the Board will not incur future upstream costs.
- 16.6 That the Owner shall agree in words acceptable to the York Catholic District School Board, that the services referred to in Condition 16.4, complete with inspection manholes shall be installed at the property line of said school site and positioned as designated by the Board, at no cost to the Board, allowing time for Board approval of the design of said services prior to the registration of the plan.
- 16.7 That the Owner confirms, prior to registration, that there are no easements, walkways or storm water management facilities existing, or planned for the school site.
- 16.8 That the Owner covenants and agrees to insert in every Transfer of lands abutting the Lands a Restrictive Covenant running with the lands which prohibits the installation and use of any gate or access point from such abutting lands to the Lands.

16.9 That the Owner covenants and agrees that a clause will be inserted in all Agreements of Purchase and Sale of residential lots and units within the Subdivision, a clause providing as follows: "The construction of a Catholic School on a designated site is not guaranteed. Purchasers are advised that sufficient accommodation may not be available for students residing in this area, and you are notified that students may be accommodated in temporary facilities and/or bussed to existing facilities outside the area. The Board will in its discretion designate pick-up points for students who qualify for transportation".

16.10 That the Owner covenants and agrees that a clause will be inserted in all Agreements of Purchase and Sale for residential lots and units abutting the Lands stating that "temporary facilities/portables may be placed on the Lands in order to accommodate students in excess of the capacity of the school building".

17. Ministry of Transportation:

17.1 Prior to release for registration of the draft plan, the Owner shall submit to the Ministry of Transportation for review and approval a copy of the stormwater management report, site grading and servicing plan, addressing the intended treatment of the calculated runoff.

17.2 Prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval a copy of a detailed Traffic Impact Study.

18. Development Charges

18.1 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.

18.2 The Owner covenants and agrees to pay all fees and development charges which will be finalized at the subdivision agreement stage.

19. Phase I Environmental Site Assessment (ESA)

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

- a) Submit a clearance letter from the consultant which describes that the proposed development area is already considered in the approved 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;
- b) At the completion of any necessary site remediation process, submit certification from the Qualified Person that the necessary clean up has been carried out and that the land

to be conveyed to the Town meets the Site Condition Standards of the intended land use; and,

- c) File a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the Town.

- 19.2 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.

20. Other Town Requirements

- 20.1 Prior to release of registration 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, fire halls, police stations, parks and public roads in the West Cathedral Community, 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.
- 20.2 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.
- 20.3 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 23 for each phase.
- 20.4 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
- the Town's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage
 - the Town's zoning by-law restricts the width of the driveway to a maximum of 3.5 metres, this width does not allow two cars to park side by side
 - overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the Town.

20.5 The Owner shall covenant and agree in the subdivision agreement to contribute a proportional share to the Victoria Square Streetscape Improvement Study.

21 Region of York

21.1 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.

21.2 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.

21.3 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.

21.4 Prior to the final approval of any residential lands 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 (6) months prior to the expected completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project; 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.

21.5 For all lands the Hold (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 Hold (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 Hold (H) symbol. Said terms shall include a minimum of the following:

- York Region advises 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; or,

21.6 The Owner shall satisfy the Region that any unused wells have been decommissioned according to Ontario Regulation 903 prior to any construction works occurring on the

site, and shall enter into an agreement with the Region relating to these matters if such an agreement is required by the Region.

- 21.7 The Owner shall agree in the Subdivision Agreement to advise potential purchasers that a collector road crossing Highway 404 has been planned in this area. The planned collector will connect Woodbine Avenue By-Pass on the east side of Highway 404 with Leslie Street on the west.
- 21.8 Prior to Final Approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required York Region road improvements for this subdivision. The report/plan, to be submitted to the York Region Transportation Services Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- 21.9 Prior to Final Approval, the Owner shall provide a written undertaking, to the satisfaction to the York Region Transportation Services Department, that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by the York Region Transportation Services Department.
- 21.10 Prior to Final Approval, the Owner shall submit detailed engineering drawings, to the York Region Transportation Services Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the York Region 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.
- 21.11 Prior to Final Approval, the Owner shall provide a set of engineering drawings, approved by the area municipality, which indicates the storm drainage system, the overall grading plans and all proposed accesses onto York Region roads, for all lands within this plan of subdivision, to the York Region Transportation Services Department for verification that all York Region's concerns have been satisfied.
- 21.12 Prior to Final Approval and concurrent with the submission of the subdivision servicing application (MOE) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the Regional road, to the Roads Branch, Attention: Manager, Development Approvals, that includes the following drawings:
 - a) Plan and Profile for the Regional road and intersections;
 - b) Grading and Servicing;
 - c) Intersection/Road Improvements, including the recommendations of the Traffic Report;
 - d) Construction Access Design;

- e) Utility and underground services Location Plans;
- f) Signalization and Illumination Designs;
- g) Line Painting;
- h) Traffic Control/Management Plans;
- i) Erosion and Siltation Control Plans;
- j) Landscaping Plans, including tree preservation, relocation and removals; and,
- k) York Region Transit and/or VIVA requirements.

21.13 Prior to Final Approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information shall be submitted to the York Region Transportation Services Department, Attention: Mrs. Eva Pulnicki, P.Eng.

21.14 Prior to Final Approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the York Region Transportation Services Department and illustrated on the Engineering Drawings.

21.15 Prior to Final Approval, the Owner shall demonstrate to the satisfaction of the Transportation Services Department, that all existing driveway(s) along the York Region road frontage of this subdivision must be removed as part of the subdivision work, at no cost to York Region.

21.16 Elevations along the streetline shall be 0.3 metres above the centerline elevations of the Regional roadway.

21.17 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 Regional Road right of way,
- b) Tree protection measures to be implemented on and off the Regional Road right of way to protect right of way vegetation to be preserved,
- c) Any woody vegetation within the Regional Road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within Regional 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 Regional 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 Regional 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, they will require the approval of the local municipality and be supported

by a maintenance agreement between the municipality and York Region for area municipal maintenance of these features. In addition, the agreement should indicate that where the area municipality does not maintain the feature to the Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

21.18 Prior to Final Approval the Owner shall provide a copy of the duly executed/approved local subdivision agreement to the York Region Transportation Services Department, outlining all requirements of the York Region Transportation Services Department.

21.19 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 York Region Transportation Services Department recommending noise attenuation features and the Owner shall agree to implement these noise attenuation features to the satisfaction of the York Region Transportation Services Department.

21.20 The Owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation Services Department, that prior to the release of any security held by York Region in relation to this plan of subdivision, and 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.

21.21 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".

21.22 Where noise attenuation features will abut a Regional right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation Services Department, as follows:

- a) that no part of any noise attenuation feature shall be constructed on or within the Regional 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 maximum 2.5 metres in height, subject to the area municipality's concurrence;
- c) that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region; and,
- d) that any landscaping provided on York Region right-of-ways by the Owner or the area municipality for aesthetic purposes must be approved by the York Region

Transportation Services Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.

- 21.23 Access to Lots/Blocks adjacent to Woodbine Avenue By-Pass shall be provided via the local road network. No direct access shall be permitted to Woodbine Avenue By-Pass.
- 21.24 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 land and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to Regional right-of-way, the Owner shall provide a satisfactory buffer or easement to the area municipality, at no cost to the Region.
- 21.25 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's right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during the construction of the proposed site work. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearance for the aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocation, if necessary, prior to the commencement of any construction.
- 21.26 Prior to Final Approval, the Owner shall satisfy the York Region Transportation Services Department, that the services to be installed within or in conjunction with the Plan will provide for sidewalks along the subject lands' frontage onto roadways that will have transit services.

Future YRT/Viva services are planning for the following roadways or sections of:

- Woodbine Avenue By-Pass,
- Elgin Mills Road,
- Markland Street, and
- Connecting Street between Markland Street and Woodbine Avenue By-pass

- 21.27 The Owner shall satisfy the Regional Transportation Services Department that the services to be installed, within or in conjunction with the Plan, will provide passenger standing areas and shelter pads identified below and shall be installed to the satisfaction of the local municipality and York Region Transit, provided that the Region shall, before such services are included in the subdivision agreement, confirm to the local municipality that all such passenger standing area and shelter pad 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 area and shelter pad shall be provided at the following location:

ON Street	AT Street	Location	Standard
Woodbine Ave By-Pass	Near Block 107 Walkway	North side of Woodbine Ave By-Pass	YRT-1.02 or YRT-1.03
Connecting Street (Between Markland Street and Woodbine Ave By-Pass)	Laneway 6	East Side of Woodbine Avenue By-Pass	YRT-1.02 or YRT-1.03
Markland Street	Connecting Street to Woodbine By-Pass	NW corner	YRT-1.02 or YRT-1.03
Markland Street	Street 'A'	NE corner	YRT-1.02 or YRT-1.03

The passenger standing area and shelter pad shall be provided at no cost to York Region and concurrent with construction of necessary sidewalks.

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

The bus stop location determined during the design phase is subject to change. Prior to construction of the passenger standing area and shelter pad, the consultant shall confirm with YRT the final bus stop location/requirements. The consultant is to contact YRT facilities supervisor 905-762-2111 to confirm final details.

- 21.28 Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk locations, passenger standing areas and shelter pads to the satisfaction of York Region.
- 21.29 The Owner shall agree in the subdivision agreement to advise all potential purchasers of the possible future introduction of transit services in this development as identified in Condition 26 above. This includes potential transit routes, bus-stops and shelter locations. This can 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.
- 21.30 The Owner shall satisfy the 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 will have transit services, sidewalks, and bus stop locations.

21.31 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.

21.32 The Region of York Planning and Development Services Department shall advise that Conditions 21.1 to 21.31 inclusive, have been satisfied.

22. Toronto and Region Conservation Authority

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

- 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 the approved West Cathedral Community - Environmental and Stormwater Management Plan Report (ESMP). 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;
 - 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 as it relates to fish and their habitat;
 - iii. proposed method for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction;
 - iv. location and description of all outlets and other facilities which may require a permit pursuant to Ontario Regulation 158, the Authority's Fill, Construction and Alteration to Waterways Regulation.
 - v. development limit "constraint" mapping for areas adjacent to natural features, showing all of the following (both existing and proposed) that are applicable to the site: top of bank, stable slope line, floodlines, significant vegetation, and required buffers, with the draft plan of subdivision on the same plan.
 - vi. Plans illustrating proposed methods for treating road run-off, and proposed locations for the stock-piling of snow.

- b. Overall grading plans for the subject lands.
 - c. A comprehensive water balance strategy be submitted to the satisfaction of the TRCA and Town of Markham staff, which identifies how ground water infiltration will be maintained on the site, and provides detailed design of the system, and implementation and monitoring information. The requirements for this strategy may be lessened if a more comprehensive analysis has been completed and approved, for the larger Cathedral West Community, in which case, the above noted study must provide for implementation of the larger plan.
- 22.2 That all construction activities be undertaken in accordance with the findings and recommendations of the West Cathedral Environmental Impact Assessment (prepared by Gartner Lee Limited), and as stated in the approved MESP.
- 22.3 That the applicant attain all necessary permits required under Ontario Regulation 158, in addition to all approvals from Fisheries and Oceans Canada, and the Ministry of Natural Resources, as required.
- 22.4 That all blocks including natural features be dedicated gratuitously to the Town of Markham.
- 22.5 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 referenced in Condition 1;
 - b. To agree to, and 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;
 - 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 158 from the TRCA, in addition to all necessary approvals for external agencies, including but not necessarily limited to Fisheries and Oceans Canada, and the Ministry of Natural Resources;;
 - f. to erect a permanent fence to the satisfaction of the TRCA for lots and blocks abutting Storm Water Management or Open Space Blocks.
 - g. To provide the requisite funding, or contribute to a cost-sharing fund to provide for the long-term monitoring and maintenance of the water balance and infiltration measures on this site, or as part of the larger Cathedral West Community, to the satisfaction of the TRCA.

- h. To implement all water balance/infiltration measures identified in the water balance study that is to be completed for the subject property.

22.6 That the draft plan be red-lined revised in order to meet the requirements of the TRCA's conditions, if necessary.

23. External Clearances

23.1 Prior to release for registration 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, 2.9, 3.1, 5.1(b), 8.6, 11.1, and 21, inclusive, have been satisfied.
- (b) The Toronto and Region Conservation Authority shall advise that Conditions 7.3 and 22 have been satisfied.
- (c) The York Catholic District School Board shall advise that Condition 16 has been satisfied.
- (d) The Ministry of Citizenship, Culture and Recreation shall advise that Condition 15 has been satisfied.
- (e) The Ministry of Transportation shall advise that Condition 17 has been satisfied.

ISSUED XXXXXXXXX, 2010

Biju Karumanchery, M.C.I.P., R.P.P.
Senior Development Manager – Planning and Urban Design

Appendix 'C'

EXPLANATORY NOTE

BY-LAW 2010 -

A by-law to amend By-law 304-87, as amended
Monarch Corporation – Cathedral Town South Subdivision
19T-05009
Part of Lot 22, Concession 3

LANDS AFFECTED

The by-law applies to a 10.72 hectares (26.5 acre) property, located north of Major MacKenzie Drive, west of Woodbine Avenue, in the Cathedral Secondary Plan Area.

EXISTING ZONING

The lands subject to this By-law are presently zoned Institutional (INST) by By-law 304-87 as amended, which is the Town's Rural Area By-law.

PURPOSE AND EFFECT

The purpose and effect of this by-law is to remove the lands from By-law 304-87, as amended, so that they may be incorporated into By-law 177-96, as amended, to permit the proposed plan of subdivision.

BY-LAW 2010-XXX

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

To delete lands on the west side of Woodbine Avenue between Major Mackenzie Drive and Elgin Mills Road from By-law 304-87, so they can be incorporated into By-law 177-96

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

1. That By-law 304-87 as amended, be and the same is hereby further amended by deleting the lands shown 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, comes into force and the subject lands of this by-law become 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.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



DEVELOPMENT SERVICES COMMISSION

THIS IS SCHEDULE 'A' TO BY-LAW

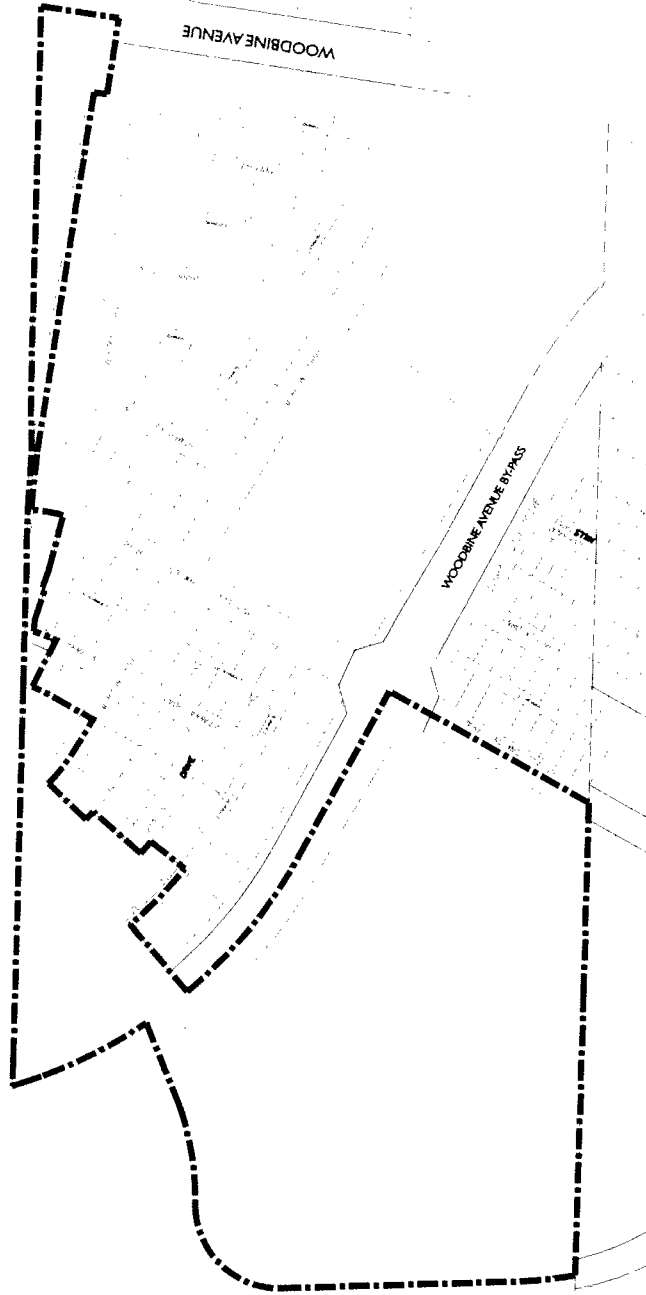
PASSED THIS DAY 2010

MAYOR

CLERK

A BY-LAW TO AMEND BY-LAW

304-87



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 ‘D’

EXPLANATORY NOTE

BY-LAW 2010 -

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

Monarch Corporation – Cathedral Town South Subdivision

19T-05009

Part of Lot 22, Concession 3

EXPLANATORY NOTE

BY-LAW 2010-XXX

The by-law applies to a 10.72 hectares (26.5 acre) property, located north of Major MacKenzie Drive, west of Woodbine Avenue, in the Cathedral Secondary Plan Area.

EXISTING ZONING

The lands subject to this By-law are presently zoned Institutional (INST) by By-law 304-87 as amended, which is the Town’s Rural Area By-law.

PURPOSE AND EFFECT

The purpose and effect of this by-law is to incorporate the lands into appropriate residential and open space zone categories within By-law 177-96, as amended. The proposed zoning will permit the proposed plan of subdivision.

The proposed zoning designations are:

- | | |
|---|-------------------------------|
| • Residential Two (Hold) | [R2 (H)]; |
| • Residential Two – Lane Access*196(Hold) | [R2 – LA*196(H)]; |
| • Residential Two – Lane Access*196*314 (Hold) | [R2 – LA*196*314 (H)]; |
| • Residential Two – Lane Access*196*328(Hold) | [R2 – LA*196 *328 (H)]; |
| • Residential Two – Lane Access*197*328 (Hold) | [R2 – LA*197*328 (H)]; |
| • Residential Two - Lane Access*198*199*328(Hold) | [R2 - LA*198*199*328 (H)]; |
| • Residential Two – Lane Access *198*292*313 (Hold) | [R2 – LA *198* 292*313 (H)”]; |
| • Residential Two *392 (Hold) | [R2*392 (H)]; |
| • Residential Two *414 (Hold) | [R2*414 (H)]; |
| • Residential Two *415* (Hold) | [R2*415 (H)]; |
| • Residential Two – Lane Access*198*416 (Hold) | [R2 – LA*198*416 (H)]; |
| • Open Space One | [OS1]; |
| • Open Space Two | [OS2]. |

Approval of this By-law will permit the proposed 69 single detached dwellings, 82 street townhouse dwelling and 21 residential part blocks (total 172 units).

The following are the conditions for lifting the Holding One (H) Symbol:

- a) Written confirmation from York Region that the completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project will be within six (6) months from the date of the lifting of the (H) symbol.

BY-LAW 2010-XXX

A by-law to amend Urban Area
Zoning By-law 177-96, as amended

To incorporate lands on the west side of Woodbine Avenue between Major Mackenzie Drive and Elgin Mills Road into By-law 177-96

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 shown on Schedules 'A', 'B' and 'C' attached hereto.

1.2 By Zoning the lands:

- Residential Two (Hold) [R2 (H)];
- Residential Two – Lane Access*196(Hold) [R2 – LA*196(H)];
- Residential Two – Lane Access*196*314 (Hold) [R2 – LA*196*314 (H)];
- Residential Two – Lane Access*196*328(Hold) [R2 – LA*196 *328 (H)];
- Residential Two – Lane Access*197*328 (Hold) [R2 – LA*197*328 (H)];
- Residential Two - Lane Access*198*199*328(Hold) [R2 - LA*198*199*328 (H)];
- Residential Two – Lane Access *198*292*313 (Hold) [R2 – LA *198* 292*313 (H)"]];
- Residential Two *392 (Hold) [R2*392 (H)];
- Residential Two *414 (Hold) [R2*414 (H)];
- Residential Two *415* (Hold) [R2*415 (H)];
- Residential Two – Lane Access*198*416 (Hold) [R2 – LA*198*416 (H)];
- Open Space One [OS1];
- Open Space Two [OS2].

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

7.414 Monarch Corporation – Cathedral Town South Subdivision Phase II - Part of Lot 22, Concession 3

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *414 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.

7.414.1 Only Uses Permitted

The following are the only uses permitted:

- a) *Townhouse dwellings*

7.414.2 Zone Standards

The following specific *Zone* Standards apply:

- a) Maximum *height* – 12.0m;
- b) Minimum frontage – 6.0 metres per unit, 7.5 metres for an end unit;
- c) For the purposes of this section, the *lot line* that abuts Street ‘B’ shall be deemed the *front lot line*;

7.415 Monarch Corporation – Cathedral Town South Subdivision Phase II - Part of Lot 22, Concession 3

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *415 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.

7.415.1 Zone Standards

The following specific *Zone* Standards apply:

- a) Maximum *driveway* and *garage* width on a *lot* not accessed by a *lane* – 6.1m;

7.416 Monarch Corporation – Cathedral Town South Subdivision Phase II - Part of Lot 22, Concession 3

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *416 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.

7.416.1 Only Uses Permitted

The following are the only uses permitted:

- a) *Townhouse dwellings*

7.416.2 Zone Standards

The following specific *zone* standards apply:

- a) Minimum *lot depth* - 24.0 m;
- b) Minimum *required front yard* - 3.5 m;
- c) Minimum *required rear yard* - 0.6 m;
- d) Maximum *required rear yard* - 7.5 m;

- e) A *private garage* is permitted to be within or attached to the *main building*, if the lot is accessed by a lane;
- f) Minimum required setback of *porch* or landing from *front lot line* - 1.5 m;
- g) Minimum required setback of *porch* stairs or landing stairs from front lot line - 0.75 m;
- h) Minimum required setback of *porch*, *porch* stairs, landing or landing stairs from exterior side lot line - 0.75 m;
- i) An underground cold cellar may also encroach into the *required yard*, provided an underground cold cellar is located entirely underneath the *porch*, *porch* stairs, landing or landing stairs;
- j) Provisions for *outdoor amenity space*:
 - i) Minimum area of outdoor amenity space - 27 sq. m;
 - ii) The outdoor amenity area above an attached private garage may be used as the required outdoor amenity space.

1.4 HOLDING PROVISIONS

For the purpose of this By-law, a Holding (H) provision 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 '(H)' provisions for the purpose permitted under this By-law until amendments to this By-law to remove the letter '(H)' 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:

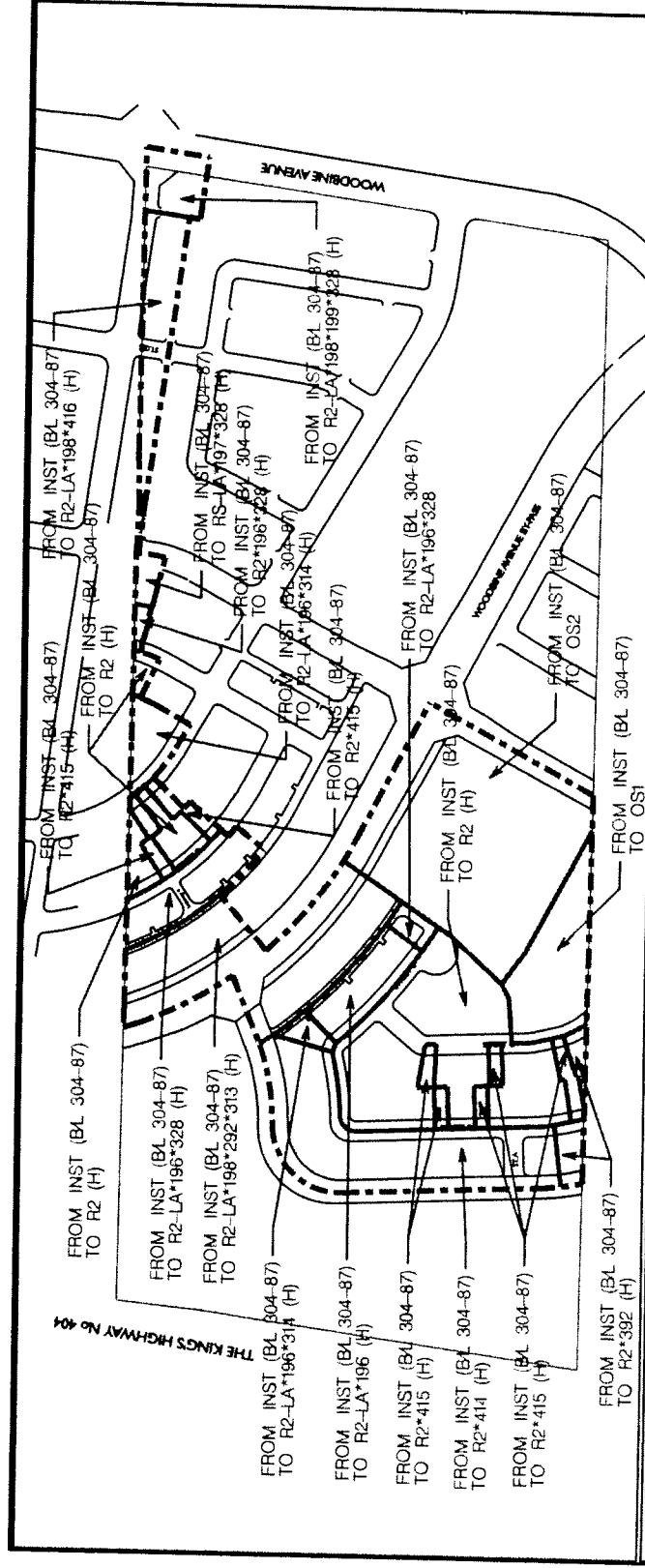
- a) Written confirmation from York Region that the completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project will be within six (6) months from the date of the lifting of the (H) symbol.

- 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 KITTINGHAM
 TOWN CLERK

 FRANK SCARPITTI
 MAYOR



MARKHAM DEVELOPMENT SERVICES COMMISSION

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

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

BOUNDARY OF AREA COVERED BY THIS BY-LAW

☐ R2 RESIDENTIAL TWO
☐ R2-LA RESIDENTIAL TWO-WITH LANE ACCESS
☐ INST INSTITUTION

ZONE BOUNDARY

☐ OS1 OPEN SPACE ONE
☐ OS2 OPEN SPACE TWO
☐ *No EXCEPTION SECTION NUMBER
☐ (H) HOLDING PROVISION

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