





PROPOSED PLAN OF SUBDIVISION

APPLICANT: EMK & TREELAWN CONSTRUCTION
10519 & 10521 WOODBINE AVENUE

FILE No: SU.06108473 (GD)

DATE: 05/25/09



DEVELOPMENT SERVICES COMMISSION

DWN BY: CPW CHK BY: GD SCALE 1:

FIGURE No.2

**THE CONDITIONS OF THE COUNCIL OF THE TOWN OF
MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR
REGISTRATION OF PLAN OF SUBDIVISION 19TM-06007 (EMK
CONSTRUCTION & TREELAWN CONSTRUCTION) ARE AS
FOLLOWS:**

1. General

- 1.1 Approval shall relate to Draft Plan of Subdivision 19TM-06007 prepared by Matson, McConnell Limited, (revision date March 2, 2009).
- 1.2 The Owner acknowledges that revisions to the draft plan of subdivision may be required in order to meet the requirements of Condition 23, to the satisfaction of the TRCA.
- 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 June 23, 2012, 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 understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-laws 304-87 and 177-96 to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.6 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the Town, to implement or integrate any recommendations 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 road allowances within the draft plan shall be named to the satisfaction of the Town and the Region of York.
- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances to the satisfaction of the Town of Markham.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the Town (Commissioner of Development Services).
- 2.4 The Owner shall convey, upon registration of the plan of subdivision, 0.3m reserves as required by the Town of Markham or other agencies free of all costs and encumbrances, to the satisfaction of the Town of Markham.

- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the Town, to the satisfaction of the Town (Commissioner of Development Services). The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement to the satisfaction of the Town.
- 2.6 The Owner acknowledges and agrees that the road allowances within the draft plan shall have right-of-way widths satisfactory to the Town in accordance with the Traffic Impact Study.
- 2.7 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.
- 2.8 The Owner covenants and agrees that Lot 16 will not be developed until such time that Street 'B' is extended easterly across the Ontario Hydro Lands to service future developments.

3. Noise Impact Study

- 3.1 Prior to final approval of the draft plan, the Owner shall submit a detail Noise Impact Study, prepared by a qualified noise consultant, recommending outdoor and indoor noise control measures for the proposed development, including specific details relating to the width of buffer blocks and height of noise fences, to the satisfaction of the Town, in consultation with the Region of York. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.
- 3.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the Town (Commissioner of Development Services), in consultation with the Region of York.
- 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 and woodlot 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. The 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 fencing, final grading, proposed municipal services and utilities and conceptual building envelopes and driveway locations.

- 4.2 The Owner shall covenant and agree to implement any measures required in accordance with the approved Tree and Woodlot Preservation Plan.
- 4.3 The Owner shall covenant and agree to obtain written approval from the Town prior to the removal of any trees within the draft plan.
- 4.4 The Owner shall covenant and agree in the subdivision agreement to prepare and submit site grading and 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 the area, in accordance with the approved Tree and Woodlot Preservation Plan, for approval of the Commissioner of Development Services.

5. Parks, Open Space and Environmental Buffers

- 5.1 The Owner shall convey Block 235 to the Town for park purposes, free of all costs and encumbrances, upon registration of the Plan of Subdivision. This block will require a revised recreational facilities fit plan to ensure the provision of the amenities provided for in the Community Design Plan. The block shall be conveyed in a physical condition, which is satisfactory to the Town.
- 5.2 The Owner shall covenant and agree in the subdivision agreement to fulfil the necessary requirement to facilitate development of the park, in accordance with Town Policy.
- 5.3 The Owner shall convey Block 239 to the Town for storm water management purposes, free of all costs and encumbrances, in a physical condition that is satisfactory to the Town.
- 5.4 The Owner shall covenant and agree to pay cash-in-lieu of parkland at a rate of 0.4 hectares/1000 population towards the acquisition of the woodlot at the northwest corner of the Cathedral Community.

6. Streetscape and Landscape Plans

- 6.1 The Owner shall submit overall Streetscape and Landscape Plans, which has been prepared by a qualified Landscape Architect in good standing with the O.A.L.A. to the satisfaction of the Commissioner of Development Services, prior to the execution of the subdivision agreement. The plans are to include the following:

- Street tree planting, including a minimum of one tree per residential lot with a maximum spacing of 12 metres between trees. The size, spacing and species shall be to the satisfaction of the Commissioner of Development Services.
- Street tree planting is required along the Woodbine Avenue frontage of the site with a maximum spacing of 12 metres between trees.
- 1.5m black vinyl chain link fence where residential lots abut the servicing block 239 and the Ontario Hydro lands.
- 1.8 metre high wood privacy fencing on all corner lots and along the rear property line of lots 5 to 16 and 42 to 47 and the side yard and rear yard of lot 1 to comply with the fence by-law 277-97.
- 1.2 metre high decorative wood fence along the north, west and south boundary of lots 40 and 41.
- Landscape Plans for heritage lots 40 and 41 prior to execution of the subdivision agreement.
- Noise attenuation fencing, where required, wholly on residential lots
- Landscaping and the enhancement of required noise attenuation fencing for lots abutting Woodbine Avenue.
- Prior to the execution of the subdivision agreement the Owner covenants and agrees to submit a revised noise study to reflect any changes in the status of Woodbine Avenue.
- Any entrance features must not be on Town property
- Any other landscaping as determined by the Community Design Plan

6.2 The Owner shall covenant and agree to install all required streetscape and landscaping works and to secure the works with a Letter of Credit in an amount, to be determined by the Town, to ensure compliance.

6.3 All streetscape and landscape works are to be to Town standards and to the approval of the Commissioner of Development Services.

6.4 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 in Condition 6.1.

6.5 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:

- STREET TREES (TREES PLANTED IN THE TOWN BOULEVARD)
- CORNER LOT FENCING
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING PARK BLOCKS

• SUBDIVISION ENTRY DESIGN AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE TOWN.
THE DEVELOPER HAS BORNE THE COST OF THESE ITEMS AND THE HOME PURCHASER IS NOT REQUIRED TO REIMBURSE THIS EXPENSE.”

7. Urban Design/Architectural Control

- 7.1 The Owner shall agree to follow and implement the requirements of The East Cathedral Community Design Plan, Town of Markham, prepared by the MBTW Group, dated September 2001.
- 7.2 The Owner shall agree to prepare Architectural Control Guidelines, based on the Town of Markham standard format, subject to the approval of the Commissioner of Development Services.
- 7.3 The Owner shall agree to retain a design consultant to implement the Architectural Control Guidelines.
- 7.4 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines.
- 7.5 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not also assume the role of control architect for the plan of subdivision.

8. Stormwater Management

- 8.1 The Owner shall incorporate the requirements and criteria of the Environmental and Stormwater Master Plan by Cosburn Patterson Mather Limited dated November 2000, into the draft approved plan and subdivision agreement.
- 8.2 Prior to final approval 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 to construct the proposed stormwater management facilities and overland routes, provide any easements or lands for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.
- 8.3 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.

- 8.4 Prior to any construction activities, the Owner shall undertake a water quality monitoring program to assess the impact of the development on the downstream receiving watercourse(s). Prior to implementation of the monitoring program, the program shall be reviewed and approved by the Engineering Department. The program shall include monitoring of pre- and post-development conditions and provide recommendations for required mitigation measures. Alternatively, the Owner has the option to provide the Town with cash-in-lieu @ \$200 / ha, to be used to implement a town-wide watercourse monitoring program.

9. Municipal Services

- 9.1 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 May 26, 2009 Council resolution regarding community water supply allocations and sanitary sewage allocation.
- 9.2 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.
- 9.3 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 (Commissioner of Development Services).
- 9.4 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, 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, and any other plans to the satisfaction of the Director of Engineering.
- 9.5 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.
- 9.6 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.

- 9.7 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.
- 9.8 Prior to any construction activities, the Owner shall enter into the East Cathedral Landowners Group Agreement to pay for, and complete a well monitoring/mitigation program and implement the recommendations of this program to the satisfaction of the Director of Engineering. Prior to construction, the well monitoring/mitigation agreement and program shall be submitted to the Director of Engineering for review and approval. Principles of the program shall include having one coordinating consultant, 24 hour contact for emergencies, response time to complaints and proactive mitigation plans. Further the Owner shall covenant agree to provide sufficient securities to the Town to ensure that the well monitoring and mitigation program is implemented to the satisfaction of the Director of Engineering.
- 9.9 The Owner shall covenant 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.
- 9.10 The Owner shall covenant and agree in the subdivision agreement to pay for their proportionate share of previously constructed servicing for this area to the satisfaction of the Director of Engineering.
- 9.11 The Owner shall covenant and agree 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.
- 9.12 The Owner acknowledges that due to restrictions on the allocation of certain Regional infrastructure relating to the provision of water services and sewer capacity, the subdivision will be released for registration in two (2) phases.
- 9.13 The Owner shall covenant and agree in the subdivision agreement that no pre-servicing will occur until the engineering drawings are approved, pre-servicing agreement is executed, the site alteration drawings are approved, and the necessary securities are provided.
- 9.14 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.

9.15 The Owner shall covenant and agree in the subdivision agreement that they shall include the following Clauses in all Agreements of Purchase and Sale for Lots # 10 and 11:

- a) PURCHASERS/TENANTS ARE ADVISED THAT THIS PROPERTY ABUTS 6.0 METRE SERVICING BLOCK AND THAT A PUBLIC WALKWAY MAY BE LOCATED ABUTTING THEIR PROPERTY AND WITHIN THE SERVICING BLOCK.
- b) PURCHASERS/TENANTS ARE ADVISED THAT THERE IS A 1.5 METRE SERVICING EASEMENT WITHIN THEIR PROPERTY ALONG THE EAST PROPERTY LINE OF LOT 10 AND WEST PROPERTY LINE OF LOT 11. NO STRUCTURES OR BUILDINGS ARE PERMITTED TO BE CONSTRUCTED ON THE EASEMENT.
- c) PURCHASER/TENANTS ARE FURTHER ADVISED THAT THE TOWN IS NOT RESPONSIBLE FOR REPLACING ANY LANDSCAPING FEATURES OR MATERIALS THAT MAY BE DAMAGED AS A RESULT OF CARRYING OUT ANY REQUIRED WORKS WITHIN THE EASEMENT.

9.16 The Owner shall covenant and agree in the subdivision agreement that they shall include the following Clauses in all Agreements of Purchase and Sale for Lots # 102 and 103:

- a) PURCHASERS/TENANTS ARE ADVISED THAT THERE IS A 4.5 METRE SERVICING EASEMENT WITHIN THEIR PROPERTY ALONG THE NORTH PROPERTY LINE OF LOT 102 AND SOUTH PROPERTY LINE OF LOT 103. NO STRUCTURES OR BUILDINGS ARE PERMITTED TO BE CONSTRUCTED ON THE EASEMENT.
- b) PURCHASER/TENANTS ARE FURTHER ADVISED THAT THE TOWN IS NOT RESPONSIBLE FOR REPLACING ANY LANDSCAPING FEATURES OR MATERIALS THAT MAY BE DAMAGED AS A RESULT OF CARRYING OUT ANY REQUIRED WORKS WITHIN THE EASEMENT.

9.17 The Owner shall covenant and agree in the subdivision agreement to pay \$200.00 per unit as their proportionate share for the cost of the Highway 48 flow Control system which is required to create the sanitary sewer capacity for the project.

10. Traffic Impact Study

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

11. Easements

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

12. Utilities

12.1 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.

12.2 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.

12.3 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.

12.4 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the Town. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

12.5 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, elevations, etc.

13. Telephone or telecommunication provider:

13.1 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.

- 13.2 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.
- 13.3 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.

14. Canada Post:

- 14.1 The Owner shall covenant and agree in the Subdivision Agreement to include on all offers of purchase and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mail Box. The Owner will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any home sale.
- 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:
- the locations of Community Mailboxes;
 - an appropriately sized section (concrete pad) as per municipal standards, to place the Community Mailboxes on;
 - any required walkways across the boulevard, as per municipal standards; and
 - any required curb depressions for wheelchair access to the satisfaction of the Commissioner of Development Services and Canada Post.
- 14.3 The Owner shall covenant and agree in the Subdivision Agreement to provide suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalk, and final grading have been completed at the permanent Community Mailbox locations.
- 14.4 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at such locations in a manner which is agreeable to Canada Post and the Town (Commissioner of Development Services) and that where such facilities are to be located within public highway rights-of-way, such facilities shall be approved on the Composite Utility Plan and shall be constructed in accordance with the Community Design Plan.
- 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 installations, 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. Enbridge Gas Distribution:

15.1 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 Gas Distribution; and,
- coordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities

16. Hydro One

16.1 Prior to final approval, a copy of the lot grading and drainage plan, showing existing and final grades, must be submitted to HONI for review and approval. Drainage must be controlled and directed away from ORC/HONI transmission corridor.

16.2 Temporary fencing must be installed along the edge of the transmission corridor prior to the start of construction at the developer's expense.

16.3 Permanent fencing must be installed after construction is completed along ORC/HONI transmissions corridor at the developer's expense.

16.4 ORC/HONI transmission corridor is not to be used without the express written permission of Hydro One Networks Inc. on behalf of ORC. During construction there will be no storage of materials or mounding of earth or other debris on the transmission corridor. The proponent will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.

16.5 The costs of any relocation or revisions to HONI facilities that are necessary to accommodate this subdivision will be borne by the developer.

16.6 The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 186 – Proximity – of the Regulations of the Construction Projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet) and for 115 kV conductors it is 3 metres (10 feet). It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all

equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

17. Development Charges

17.1 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.

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

18. Phase 1 Environmental Site Assessment (ESA)

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

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

18.2 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 undertake, at their expense, the necessary measures to identify and deal with the contaminate, in accordance with the Record of Site Condition Regulation (O. Reg. 153/04).

19. Heritage

19.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the Town (Commissioner of

Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Culture to the Town indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.

- 19.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the Town and the Ministry of Culture.
- 19.3 The Owner covenants and agrees to retain the Heritage Building (s) known municipally as 10519 and 10521 Woodbine Avenue on their original locations (Lots 40 and 41).
- 19.4 The Owner covenants and agrees to protect and conserve the Heritage Building(s) through the following means:
 - a) To keep the Heritage Building(s) occupied for as long as possible prior to commencement of site/construction work to prevent vandalism and deterioration;
 - b) To maintain the Heritage Building(s) in good and sound conditions at all times prior to and during the development of the property;
 - c) Once the Heritage Building(s) is unoccupied, to undertake the following:
 - secure and protect the buildings from damage through procedures carried out according to the Town of Markham Guidelines for Boarding Heritage Structures;
 - erect a "No-trespassing" sign in a visible location on the property indicating that the Heritage Building(s) is to be preserved onsite and should not be vandalized and/or scavenged; and
 - install a 8 ft high fence around the perimeter of the house to protect the dwelling until the completion of construction in the vicinity or the commencement of long-term occupancy of the dwelling as confirmed by Town (Heritage Section) staff.
- 19.5 Prior to final approval of the plan of subdivision or any phase thereof, the Owner is to implement the following measures to protect the Heritage Building (s):
 - a) The Owner is to provide at its expense a legal survey of the Heritage Building(s) to facilitate the registration of the designation and easement agreements on the created/proposed lot(s);
 - b) The Owner is to enter into a Heritage Easement Agreement for the Heritage Building(s) with the Town;
 - c) The Owner is to permit the designation of the property under Part IV of the Ontario Heritage Act ;
 - d) The Owner is to provide a \$50,000 Letter of Credit for each Heritage Building(s) to ensure the preservation of the existing buildings (total \$100,000). The letter of credit shall be retained for use by the Town and shall not be released until the following has been addressed:

- construction and grading on the subject lands and adjacent lots, and roads have been completed to the satisfaction of the Town (Commissioner of Development Services),
 - the building has been connected to municipal services,
 - the exterior restoration of the Heritage Building is complete,
 - the buildings meet the basic standards of occupancy as confirmed by the Building Standards Department, and
 - all other heritage requirements of the Subdivision Agreement have been completed;
- e) The Owner is to enter into a site plan agreement with the Town for each Heritage Building, containing details on the site plan such as driveway, grading, connections to municipal services, trees to be preserved and detailed elevations outlining the proposed restoration plan, any additions and alterations, and any proposed garage.

19.6 The owner shall covenant and agree in the subdivision agreement to preserve the Heritage Buildings through the following means:

- a) to provide and implement a traditional restoration plan for the Heritage Buildings, prepared by a qualified architect with demonstrated experience in heritage restoration projects, that would be reviewed and approved by the Town (Heritage Section). The restoration plan is to be included in a site plan agreement for each of the property;
- b) to complete the exterior restoration of the Heritage Building(s), connection of all municipal services to the allocated lot (water, gas, hydro, cable, telephone etc.) and ensure basic standards of occupancy as confirmed by Building Standards Department within two years of registration of the plan of subdivision;
- c) to ensure that the architectural design and elevations of dwellings proposed for adjacent lots is compatible with the restored heritage dwelling;
- d) to ensure that the final proposed grading on the lots adjacent to Heritage Building(s) is consistent with the existing historic grading of the Heritage Building(s);
- e) To ensure that the historic front of the Heritage Building(s) retains a front yard appearance, the type of fencing should be limited to a low residential picket style fence rather than privacy fencing;

19.7 The Owner shall covenant and agree in the subdivision agreement to prepare and implement a marketing plan, to the satisfaction of the Commissioner of Development Services, which details the ways and means the Heritage Building(s) will be marketed to prospective purchasers;

19.8 The Owner shall covenant and agree in the subdivision agreement to provide notice and commemoration of the Heritage Building(s) through the following means:

- a) to provide and install at its cost, an interpretative baked enamel plaque for each Heritage Building, in a publicly visible location on the property. The plaque is to be designed according to the specifications of the "Markham Remembered" program, and outline the history of the house. Details of the design and location

of the plaque are to be submitted for review and approval of the Town (Heritage Section);

- b) to include the following notice in each Offer of Purchase and Sale for the Heritage Building(s):

“PURCHASERS ARE ADVISED THAT THE EXISTING BUILDING ON THIS PROPERTY IS DESIGNATED PURSUANT TO THE ONTARIO HERITAGE ACT, AND IS SUBJECT TO A HERITAGE EASEMENT AGREEMENT WITH THE TOWN OF MARKHAM. ANY PROPOSED ADDITIONS OR ALTERATIONS TO THE EXTERIOR OF THE EXISTING DWELLING SHALL BE SUBJECT TO REVIEW AND APPROVAL OF PLANS BY THE TOWN.”

19.9 The Owner shall covenant and agree that the old farm laneway in Park Block 235 will be preserved in an appropriate manner as a cultural heritage feature leading from Woodbine Avenue to the existing Heritage Building(s).

19.10 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 19.1 to 19.9, inclusive, have been satisfied.

20. Other Town Requirements

20.1 Prior to release for registration of the draft plan or any component thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads, and sites for places of worship in the East Cathedral Community, to the satisfaction of the 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 shall covenant and agree in the Subdivision Agreement to:

- a) purchase from the Town two recycling containers, one green bin and one kitchen collector per residence upon application for occupancy permits so that each purchaser may participate in a waste diversion program;
- b) ensure that the containers, units and educational materials are deposited in each home on or before the day closing;
- c) contact the Town at least four weeks in advance to arrange an appointment time in which blue boxes, green bins and kitchen collectors are to be collected by the Owner;
- d) pay the Town the cost for the containers and units as outlined in condition 20.2 a). The Owner covenants and agrees to collect from the Town all required recycling

containers, and that all containers shall be provided to the purchasers at the same cost as paid to the Town;

- e) ensure that unobstructed roadway access to a width no less than 6 metres will be provided upon unit occupancy, for the safe passage of municipal waste and recycling collection vehicles on the designated collection day. Furthermore, if required, the Owner shall provide vehicle turning space that meets the Town's engineering design standards. The Owner agrees that at times when the above defined access cannot be provided, the Owner shall be responsible for moving all residential waste and recyclables from the occupied units to an agreed upon centralized location at the Owner's expense, for collection by the Town
- 20.3 The Town shall covenant and agree in the Subdivision Agreement to provide at no cost to the Owner all educational materials necessary to enable the purchaser to participate in a recycling program.
- 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 acknowledges that Part Blocks 211-234 will each be shown as blocks on the registered plan and will only be divided via part lot control, if required, once they are developed in conjunction with lands to the south.
- 20.6 Owner covenants and agrees that notices and warning clauses will be placed in offers of purchase and sale, and registered on title, to notify future purchasers of the proximity to the Hydro One transmission corridor and the need to exercise prudent avoidance in limiting exposure to sources of electromagnetic fields associated with the transmission of electricity. Such notices and warning clauses shall be applied to lots 16, 101-123 inclusive and block 211.

21. Fire Department

- 21.1 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 21.2 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of

subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and that two means of access, independent of one another are to be provided into the development under all conditions.

22. Region of York

22.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and the Regional Planning and Development Services Department.

22.2 York Region shall confirm that adequate water supply capacity and sewage treatment 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.

22.3 Prior to final approval of any residential lands the following shall occur:

- York Region has advised in writing that it is no earlier than six (6) months prior to the expected completion of the Duffin Creek Water Pollution Control Plant expansion project, the YDSS Flow Control Structures project and the Southeast Collector Sewer; or;
- the Town of Markham approved a transfer of servicing allocation to this development that is not dependant upon the completion of infrastructure; or
- the Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the town of Markham allocation the capacity to this development.

22.4 For all residential lands the Holding (H) provisions of Section 36 of the Ontario Planning Act shall be used in conjunction with all residential zone categories in order to ensure that development of these lands does not occur until such time as the Holding (H) symbol is removed in accordance with the provisions of the Ontario Planning Act. The Zoning By-law shall specify the terms under which Council may consider the removal of the Holding (h) symbol. Said terms shall include a minimum of the following:

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

- 22.5 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.
- 22.6 The Owner shall agree in the subdivision agreement that all unused wells shall be decommissioned according to Ontario Regulation 903 prior to any construction works occurring on the site.
- 22.7 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.
- 22.8 Prior to Final Approval, the Owner shall submit detailed engineering drawings, to the Regional Transportation Services Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the 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.
- 22.9 Prior to Final Approval, the Owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation Services Department, to implement the recommendations of the functional transportation report/plan as approved by the York Region Transportation Services Department.
- 22.10 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.

- 22.11 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.
- 22.12 The location and design of the construction access for the subdivision work shall be completed to the satisfaction of York Region Transportation Services Department and illustrated on the requested engineering drawings.
- 22.13 Any existing driveway(s) along the Regional road frontage of this subdivision work shall be completed to the satisfaction York Region Transportation Services Department and illustrated on the engineering drawings.
- 22.14 Elevation along the streetline shall be 0.3 metres above the centerline elevations of the Regional roadway.
- 22.15 Direct vehicle access from Lots 4, 17, 39, 48, 72, 73 and Blocks 234 and 235 to Woodbine Avenue will not be permitted. Access must be obtained through the internal road network.
- 22.16 Prior to Final Approval, York Region requires the Owner to submit, in accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 *Records of Site Condition Part XV.1 of the Act* (as amended), a Phase I environmental site assessment prepared and signed by a qualified professional, of the Owner's lands and more specifically of the lands to be conveyed to York Region (the "Assessment"). Based on the findings and results of the Assessment, York Region may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required. The Assessment and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands to be conveyed must be addressed to York Region, contain wording to the effect that York Region shall be entitled to rely on such reports or documentation in their entirety, and such reports or documentation shall be satisfactory to York Region.
- 22.17 Prior to Final Approval, the Owner shall certify, in wording satisfactory to the Transportation Services Department, that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous good, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under all lands to be conveyed to York Region (including soils, substrata, surface water and groundwater, as applicable): (i) at a level or concentration that exceeds the *Environmental Protection Act* O. Reg. 153/04 full depth generic site condition standards applicable to the intended use that such lands will be put by York Region at the time of conveyance or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or emanating from such lands in such a way, that would result in liability under applicable

environmental laws. The Assessment, any subsequent environmental reports or other documentation and the Owner's certification shall be done at no cost to York Region.

22.18 Prior to Final Approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:

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

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

22.19 Prior to Final Approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Transportation Services Department recommending noise attenuation features.

22.20 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Transportation Services Department.

22.21 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.

22.22 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".

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

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

22.24 Prior to final approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:

- a) Woodbine Avenue is currently under Regional jurisdiction. Upon implementation of the Woodbine Avenue Bypass, this section of Woodbine Avenue will be transferred to the Town of Markham. Since Woodbine Avenue will be Town of Markham's jurisdiction, any land conveyances along Woodbine Avenue that may be needed in the future should be required by the Town of Markham; and
- b) a 15.0 metre by 15.0 metre daylight triangle at the northeast corner of Woodbine Avenue and Stony Hill Boulevard; and
- c) a 0.3 metre reserve across the full frontage of the site where it abuts Woodbine Avenue.

22.25 In order to determine the property dedications (if any) required to achieve the ultimate right-of-way width of Woodbine Avenue abutting the subject site, the applicant shall submit a recent plan of survey for the property that illustrates the existing centerline of Woodbine Avenue.

22.26 Street 'B' shall be designed to intersect Woodbine Avenue at a right angle and shall be located directly opposite Reflection Road.

22.27 The intersections of Woodbine Avenue and Street 'B', Woodbine Avenue and Street 'E', Woodbine Avenue and Street 'G', and Woodbine Avenue and Street 'H' shall be designed to the satisfaction of the York Region Transportation Services Department with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by York Region Transportation Services Department.

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

Future YRT transit services are planned for Woodbine Avenue.

22.29 Prior to Final Approval, the Owner shall satisfy the Regional Municipality of York Transportation Services Department and the area municipality that the services to be installed by the Owner within or in conjunction with the Plan will provide a concrete pedestrian access connection from the internal roadway to the Regional roadway as follows:

- From Street 'B' to Woodbine Avenue
- From Street 'E' to Woodbine Avenue
- From Street 'G' to Woodbine Avenue
- From Street 'H' to Woodbine Avenue

The concrete pedestrian access connection shall meet the local municipality's standards for sidewalks and shall be owned and maintained by the area municipality.

22.30 The Owner shall agree in the subdivision agreement to convey lands to the local municipality to provide for such pedestrian access connection referred to in Condition 29 above.

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

ON Street	AT Street	Location	Standard
Woodbine Ave	Street B	SE corner	YRT-1.02 or YRT-1.03
Woodbine Ave	Street G	SE corner	YRT-1.02 or YRT-1.03
Woodbine Ave	Street H	SE corner	YRT-1.02 or YRT-1.03

- 22.32 The Owner shall agree in the subdivision agreement that the passenger standing area/shelter pads identified in Condition 31 shall be installed to the satisfaction of the area municipality and York Region Transit.
- 22.33 Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk locations and concrete pedestrian access to the satisfaction of York Region.
- 22.34 The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the future introduction of transit services and facilities in this development. This includes potential transit routes, bus stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT route maps, Future Plan maps & providing YRT website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT route maps and the Future Plan maps are available from YRT upon request.
- 22.35 The Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will include illumination in accordance with the local municipality's design standards along all streets which have transit services, sidewalks and pedestrian access.
- 22.36 Prior to Final Approval, the Owner shall provide a copy of the subdivision agreement to the Transportation Services Department, outlining all requirements of the Transportation Services Department.
- 22.37 Prior to Final Approval, the Owner shall provide a solicitor's certificate of title in a form satisfactory to the York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
- 22.38 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.
- 22.39 The Region of York Planning and Development Services Department shall advise that Conditions 22.1 to 24.39 inclusive, have been satisfied.

23. Toronto and Region Conservation Authority

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:

- 23.1 That prior to the initiation of grading and prior to the registration of this plan or any phase thereof, the applicant shall submit a detailed engineering report for the review and approval of the TRCA that describes the storm drainage system (quantity and quality), in accordance with the Master Drainage Plan/Functional Servicing Study for this area. This report shall include:

- 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. location and description of innovative stormwater management techniques to be implemented to mitigate the overall impacts of the proposed development to the hydrologic water balance, including measures to retain and infiltrate the first 5 mm of clean stormwater runoff, including plans and supporting calculations;
- iii. 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;
- iv. proposed method for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction in accordance with the Erosion and Sediment Control Guidelines for Urban Construction, December 2006 ;
- v. location and description of all outlets and other facilities which may require a permit pursuant to Ontario Regulation 166/06, the TRCA's (*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*) Regulation; and
- vi. overall grading plans for the subject lands.

23.2 That the owner in the subdivision agreement, in wording acceptable to the TRCA:

- a. to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical report referenced in Condition 23.1;
- b. to agree to, and implement, the requirements of the TRCA's conditions in wording acceptable to the TRCA;
- c. to maintain all stormwater management and erosion and sediment control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA; and
- c. to obtain all necessary permits pursuant to Ontario Regulation 166/06 from the TRCA.

24. 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 their conditions and requirements have been satisfied.
- (d) Canada Post Corporation shall advise that their conditions and requirements have been satisfied.
- (e) Enbridge Consumers Gas shall advise that their conditions and requirements have been satisfied.
- (f) The Ministry of Culture shall advise that their conditions and requirements have been satisfied.

ISSUED June 23, 2009

Valerie Shuttleworth, M.C.I.P., R.P.P.
Director of Planning and Urban Design

EXPLANATORY NOTE

BY-LAW 2009 -

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

EMK Construction and Treelawn Construction Limited
19TM-06007
Part of Lot 23, Concession 4

LANDS AFFECTED

The by-law applies to a 14.02 hectare (34.64 ac) site, located within the East Cathedral Community, on the east side of Woodbine Avenue, south of Elgin Mills Road, municipally known as 10519 and 10521 Woodbine Avenue in the Cathedral Secondary Plan Area.

EXISTING ZONING

The lands subject to this By-law are presently zoned Agriculture One (A1) by By-law 304-87, as amended.

PURPOSE AND EFFECT

The purpose and effect of this by-law is to delete the lands from By-law 304-87, as amended, so that they may be incorporated into By-law 177-96, as amended, to permit 210 single detached units. By-law 304-87 is the Town's rural area by-law. By-law 177-96 is the Town's expansion area by-law.

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

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

1. By-law 304-87, as amended, be and the same is hereby further amended by deleting the lands outlined on Schedule 'A' hereto from the designated area of By-law 304-87, as amended.
2. This By-law shall not come into force until By-law 2009-XX, amending By-law 177-96, as amended, 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.

EXPLANATORY NOTE

BY-LAW 2009 -

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

EMK Construction and Treelawn Construction Ltd.
19T-06007
Part of Lot 23, Concession 4

LANDS AFFECTED

The by-law applies to a 14.02 hectare (34.64 acre) property, located on the east side of Woodbine Avenue, south of Elgin Mills Road and the Hamlet of Victoria Square, in the Cathedral Secondary Plan Area.

EXISTING ZONING

The lands subject to this By-law are presently zoned Agriculture One (A1) by By-law 304-87 as amended.

PURPOSE AND EFFECT

The purpose and effect of this by-law is to incorporate the lands into appropriate residential zone categories within By-law 177-96, as amended. The proposed zoning designations are Residential Two Hold One (R2 (H1)), and Residential Two *375 Hold One (R2*375 (H1)) which will permit the proposed 120 single detached units; and, Residential Two Hold Two (R2 (H2)), Single Detached Residential *376 Hold Two (R1-F21*376 (H2)), Single Detached Residential *377 Hold Two (R1-F35*377 (H2)), Single Detached Residential *378 Hold Two (R1-F5*378 (H2)), which will permit the proposed 90 single detached units.

The following are the conditions for lifting the Holding (H1) Zone:

- a) York Region has advised in writing that the expected completion of the Duffin Creek Water Pollution Control Plan expansion project and the YDSS Flow Control Structures project will be within twelve (12) months; and,
- b) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development; or,
- c) The Council of the Town of Markham approves servicing allocation to the lands that are not dependent upon the construction of Regional infrastructure; or
- d) The Regional Commissioner of Environmental services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

The following are the conditions for lifting the Holding One (H2) Zone:

- a) York Region has advised in writing that the expected completion of the Southeast Collector Sewer will be within twelve (12) months;

- b) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the lands; and,
- c) The Trustee for the Cathedral West Landowners Group Cost Sharing Agreement has assigned 29 units of conditional servicing (water and sewer) allocation to the Owner; or,
- d) The Council of the Town of Markham approves servicing allocation the lands to that are not dependent upon the construction of Regional infrastructure; or
- e) The Regional Commissioner of Environmental services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

This By-law also incorporates zoning designations of Open Space One (OS2), which will permit the creation of a public park.



BY-LAW 2009-XXX

A By-law to amend the Urban Expansion Area Zoning By-law 177-96, as amended (To incorporate Draft Plan 19TM-06007 into the West Cathedral Community)

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

1. By-law 177-96, as amended is hereby further amended as follows:

1.1 By expanding the designated area of the By-law to include those lands comprising Part of Lot 23, Concession 4, outlined on Schedule 'A' hereto.

1.2 By zoning the lands:

Residential Two (Hold One)	R2 (H1)
Residential Two (Hold Two)	R2 (H2)
Residential Two *375 (Hold One)	R2*375 (H1)
Single Detached Residential *376 (Hold Two)	R1-F21*376 (H2)
Single Detached Residential *377 (Hold Two)	R1-F35*377 (H2)
Single Detached Residential *378 (Hold Two)	R1-F5*378 (H2)
Open Space Two	(OS2)

By adding the following new subsections to Section 7 – EXCEPTIONS to By-law 177-96:

7.375 EMK Construction and Treelawn Construction Ltd.- 19T-06007 -Part of Lot 23, Concession 4

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *375 on the Schedule 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.

7.375.1 Zone Standards

The following specific zone standards apply:

- a) Maximum *driveway* width on *lots* not accessed by a *lane*: 3.5 metres
- b) Maximum *garage* width on *lots* not accessed by a *lane*: 3.5 metres

By adding the following new subsections to Section 7 – EXCEPTIONS to By-law 177-96:

- 7.376 EMK Construction and Treelawn Construction Ltd.- 19T-06007 -Part of Lot 23, Concession 4

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *376 on the Schedule 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.

7.376.1 Zone Standards

The following specific zone standards apply:

- a) Minimum required *front yard*: 7.5 metres
- b) Minimum required *rear yard*: 10.0 metres

7.376.2 Special Site Provisions

The following additional provisions apply:

- a) Minimum *lot area*: 0.12 hectares

By adding the following new subsections to Section 7 – EXCEPTIONS to By-law 177-96:

- 7.377 EMK Construction and Treelawn Construction Ltd.- 19T-06007 -Part of Lot 23, Concession 4

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *377 on the Schedule 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.

7.377.1 Special Site Provisions

The following additional provisions apply:

- a) Minimum *lot area*: 0.9 hectares
- b) One detached *accessory building* existing at the time of the passing of this By-law is permitted in the *side yard* having a *gross floor area* not exceeding 36 m²

By adding the following new subsections to Section 7 – EXCEPTIONS to By-law 177-96:

7.378 EMK Construction and Treelawn Construction Ltd.- 19T-06007 -Part of Lot 23, Concession 4

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *378 on the Schedule 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.

7.378.1 **Zone Standards**

The following specific zone standards apply:

- a) Minimum required *rear yard*: 3.0 metres
- b) Maximum *driveway* width 3.0 metres
- c) Maximum *garage* width: 3.5 metres

7.378.2 **Special Site Provisions**

The following additional provisions apply:

- a) Minimum *lot area*: 1.0 hectares

1.3 HOLDING PROVISIONS

For the purpose of this By-law, Holding (H1) and Holding (H2) *zones* are hereby established and are identified on Schedule 'A' attached hereto by the letters (H1) and (H2) in parenthesis following the zoning symbol.

No person shall hereafter *erect* or *alter* any *building* or *structure* on lands subject to '(H1) or (H2)' provisions for the purpose permitted under this By-law until amendments to this By-law to remove the letters '(H1) & (H2)' have come into effect pursuant to the provisions of Section 36 of the Planning Act.

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

- a) York Region has advised in writing that the expected completion of the Duffin Creek Water Pollution Control Plan expansion project and the YDSS Flow Control Structures project will be within twelve (12) months; and,
- b) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development; or,
- c) The Council of the Town of Markham approves servicing allocation to the lands that are not dependent upon the construction of Regional infrastructure; or
- d) The Regional Commissioner of Environmental services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

Prior to removing the '(H2)' Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

- a) York Region has advised in writing that the expected completion of the Southeast Collector Sewer will be within twelve (12) months;
- b) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the lands; and,
- c) The Trustee for the Cathedral West Landowners Group Cost Sharing Agreement has assigned 29 units of conditional servicing (water and sewer) allocation to the Owner; or,
- d) The Council of the Town of Markham approves servicing allocation the lands to that are not dependent upon the construction of Regional infrastructure; or
- e) The Regional Commissioner of Environmental services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.