

**DRAFT**

**OFFICIAL PLAN**

**of the**

**TOWN OF MARKHAM PLANNING AREA**

**AMENDMENT NO. XXX**

To amend the Official Plan (Revised 1987), as amended,  
and to incorporate Amendment No. 1 to the Cornell Secondary Plan (PD 29-1)  
for Cornell Planning District (Planning District No. 29).

***(LINDVEST PROPERTIES (CORNELL) LIMITED)***

***(June 26, 2007)***

**OFFICIAL PLAN**  
**of the**  
**MARKHAM PLANNING AREA**  
**AMENDMENT NO. XXX**

To amend the Official Plan (Revised 1987) as amended and to incorporate Amendment No. 1 to the Cornell Secondary Plan (PD 29-1) for Cornell Planning District (Planning District No. 29).

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. 2007 - \_\_\_\_ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the \_\_\_\_ th day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Town Clerk**

**THE CORPORATION OF THE TOWN OF MARKHAM**

**BY-LAW NO. \_\_\_\_\_**

Being a by-law to adopt Amendment No. XXX to the Town of Markham Official Plan (Revised 1987) as amended.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the Town of Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_ th DAY OF \_\_\_\_\_, 2007.

\_\_\_\_\_  
**TOWN CLERK**

\_\_\_\_\_  
**MAYOR**

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## **PART I - INTRODUCTION**

(This is not an operative part of Official Plan Amendment No. XXX)

## **PART I - INTRODUCTION**

### **1.0 GENERAL**

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, including Schedules “A” through ‘D’, constitute(s) Official Plan Amendment No. XXX to the Official Plan (Revised 1987), as amended and is required to enact Amendment No. 1 to the Cornell Secondary Plan (PD 29-1) for Cornell Planning District (Planning District No. 29). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT, including Schedules ‘E’ through ‘H’, attached thereto, constitute(s) Amendment No. 1 to the Cornell Secondary Plan (PD 29-1) for Cornell Planning District (Planning District No. 29). This Secondary Plan Amendment may be identified by the symbol PD 29-1-1. Part III is an operative part of this Official Plan Amendment.

### **2.0 LOCATION**

This Amendment to the Official Plan and to the Cornell Secondary Plan (PD 29-1) applies to approximately 25 hectares of lands south of Highway 7 between 9<sup>th</sup> Line and the Donald Cousens Parkway, being Part of Lots 9 and 10, Concession 9, as shown on Schedule ‘E’.

### **3.0 PURPOSE**

The purpose of this Amendment is to provide a detailed land use plan and detailed land use policies for certain lands south of Highway 7 in Cornell to permit a plan of subdivision for residential, commercial, institutional and industrial development.

### **4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT**

This Amendment redesignates lands and provides policy direction for the development of the subject lands south of Highway 7, consistent with the emerging vision for an expanded Cornell Central Core (referred to as Cornell Centre). The proposed land uses, which are build on the Central Core policies in the Secondary Plan, provide a more intensive form of development along the south side of the Highway 7 corridor in support of the planned regional rapid transit facility along Highway 7.

## **PART II - THE OFFICIAL PLAN AMENDMENT**

(This is an operative part of Official Plan Amendment No. XXX)

## **PART II – THE OFFICIAL PLAN AMENDMENT**

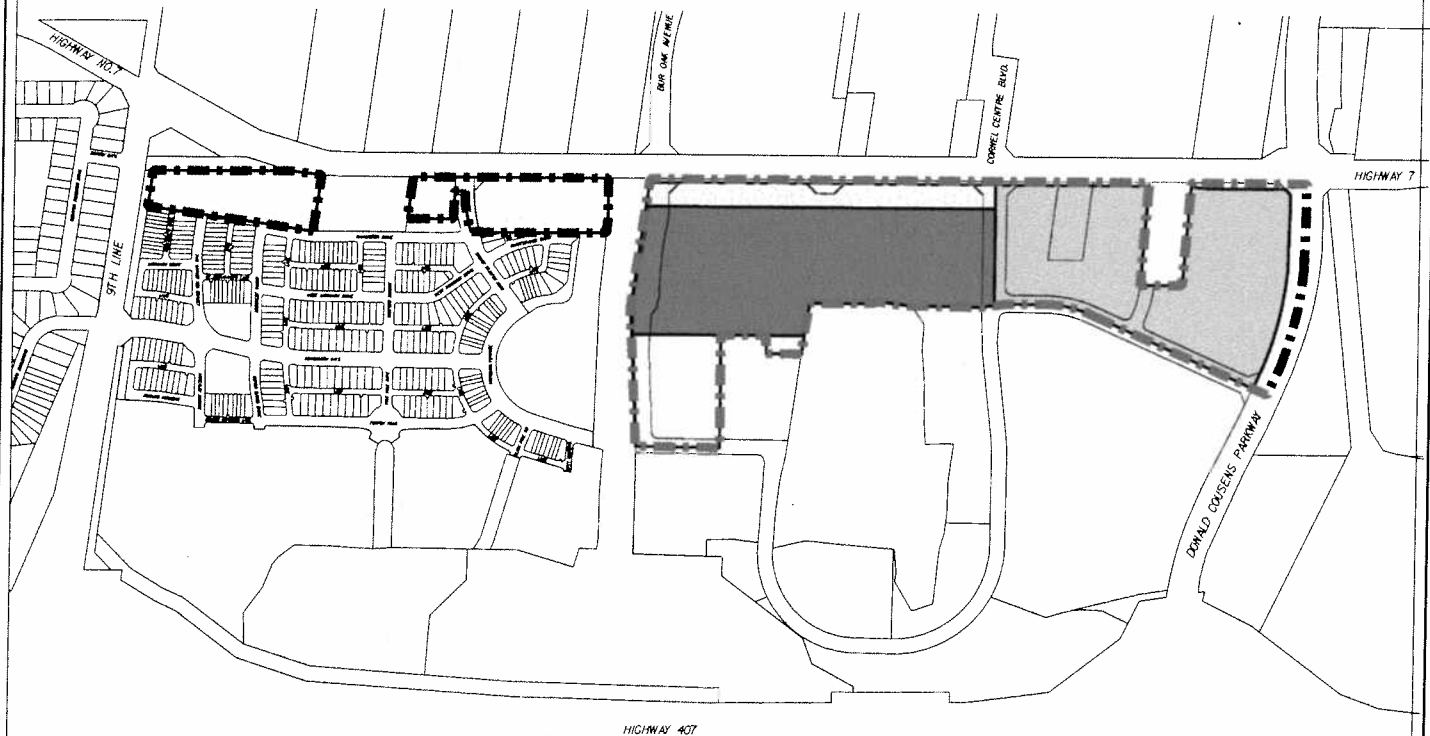
### **1.0 THE OFFICIAL PLAN AMENDMENT**

- 1.1** Section 1.1.2 of Part II of the Official Plan (Revised 1987) as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2** Section 1.1.3 c) of Part II of the Official Plan (Revised 1987) as amended, is hereby amended by the addition of the number XXX to the list of amendments listed in the second sentence of the bullet item dealing with the Cornell Secondary Plan PD 29-1, for the Cornell Planning District, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.3** Section 9.2.13 of Part II of the Official Plan (Revised 1987) as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words “to this Plan”.
- 1.4** Schedule ‘A’ – LAND USE of the Official Plan (Revised 1987) as amended, is hereby amended by redesignating certain lands south of Highway 7 from Commercial to Urban Residential, and from Open Space to Urban Residential, Commercial and Industrial, as shown on Schedule ‘A’ to this Amendment.
- 1.5** No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is also being made to incorporate changes to Schedules ‘AA’, ‘BB’ and ‘CC’ and the text of the Cornell Secondary Plan (PD 29-1) for Cornell Planning District (Planning District No. 29). These changes are outlined in Part III, which comprises Amendment No. 1 to the Cornell Secondary Plan (PD 29-1).

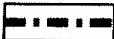
## **2.0 IMPLEMENTATION AND INTERPRETATION**

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law and site plan approval, if applicable in conformity with the provisions of this Amendment.



# OFFICIAL PLAN AMENDMENT TO SCHEDULE 'A' – LAND USE TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT

 URBAN RESIDENTIAL

 INDUSTRIAL

 COMMERCIAL

**PART III - THE SECONDARY PLAN AMENDMENT (PD 29-1-1)**  
(This is an operative part of Official Plan Amendment No. XXX)

## **PART III - THE SECONDARY PLAN AMENDMENT (PD 29-1-1)**

### **1.0 THE SECONDARY PLAN AMENDMENT**

(Amendment No. 1 to the Cornell Secondary Plan PD 29-1)

The Cornell Secondary Plan (PD 29-1) for the Cornell Planning District is hereby amended as follows:

- 1.1 Schedule 'AA' - Land Use Plan is hereby amended by redesignating certain lands on the south side of Highway 7 to 'Residential Neighbourhood - Cornell Centre', 'Avenue Seven Corridor - Mixed Residential', 'Community Amenity Area - Cornell Centre', 'Business Park Area - Avenue Seven Corridor', 'Business Park Area' and 'Open Space', as shown on Schedule 'E' to this Amendment.
- 1.2 Schedule 'BB' – Community Structure is hereby amended by redesignating certain lands on the south side of Highway 7 as shown on Schedule 'F' to this Amendment.
- 1.3 Schedule 'CC' – Transportation is hereby amended by adding a Regional Transit Terminal (RTT) symbol on certain lands south of Highway 7 as shown on Schedule 'G' to this amendment.
- 1.4 Section 6.2 Neighbourhood General is hereby amended by adding the following new residential categories after 6.2 g):

#### **“6.2.1 Residential Neighbourhood – Cornell Centre**

The Residential Neighbourhood-Cornell Centre designation is intended to accommodate medium and high density residential development, supporting the retail and employment uses and the planned regional transit service along Highway 7.

The neighbourhoods will be connected through a regular pattern of streets and pedestrian connections, and provide for a linked network of parks, public and private open spaces and green corridors.

The following policies shall apply to lands within the 'Residential Neighbourhood – Cornell Centre' designation:

- a) Lands within this designation may be zoned to permit the following residential building types: multiple unit and apartment buildings.
- b) Development shall be consistent with the new urbanist principles of a pedestrian-oriented street network with buildings defining the edges of the streets.

- c) The minimum Floor Space Index of all development in each Development Block shall be as shown in Figure 6.2.1 and as identified in Appendix 5 – Development Blocks.
- d) Minimum and maximum building heights shall be as shown in Figure 6.2.1. The maximum height of development within approximately 40 metres of the 9<sup>th</sup> Line right-of-way shall be 3 storeys.
- e) Standards for building placement shall generally be as shown in Figure 6.2.1 for each of the Development Blocks within the designation, as identified as shown on Appendix 5 – Development Blocks. Building placement will be further defined in the Community Design Plan, and confirmed in the implementing zoning by-law.
- f) The primary entrances to buildings adjoining Highway 7 and 9<sup>th</sup> Line shall be oriented to those streets.
- g) Surface parking lots shall not be permitted on lands generally within 40 metres of Highway 7, except behind buildings facing on Highway 7 with access restricted to interior street or lanes.
- h) Vehicle access to a development adjoining Highway 7 or 9<sup>th</sup> Line shall generally not be permitted from these streets, but shall be restricted to interior streets or lanes.
- i) Loading access to a development adjoining Highway 7 or 9<sup>th</sup> Line shall not be permitted from these streets, but shall be restricted to interior streets or lanes.

<b>Figure 6.2.1 Residential Neighbourhood – Cornell Centre</b>				
<b>Land Use</b>	<b>Density</b>	<b>Height</b>		<b>Building Placement</b>
Designation	Minimum FSI*	Minimum	Maximum	From Right-of-Way
Lands adjoining Hwy 7	1.0	4 storeys	6 storeys	2.5 m
		3 storeys adjoining lands designated Residential Neighbourhood		4.5 m Avenue Seven
Lands between Bur Oak Ave and woodlot	2.5	4 storeys	10 storeys	2.5m
*Floor Space Index (FSI) = gross floor area of all buildings on a lot divided by the area of the lot on which the buildings are developed.				

### 6.2.2 Avenue Seven Corridor – Mixed Residential

The 'Avenue Seven Corridor-Mixed Residential' designation is intended to accommodate high density residential and mixed-use development supporting the retail and employment uses and planned regional transit service along Highway 7. Development will provide for a linked network of parks, public and private open spaces.

The following policies shall apply to lands within the 'Avenue Seven – Mixed Residential' designation. Additional site specific policies apply to certain lands within the designation identified with a single large asterisk (\*) on Schedule 'AA' – Land Use Plan.

- a) Lands within this designation may be zoned to permit the following residential building types: multiple unit and apartment buildings.
- b) Buildings shall be primarily residential in use, and where adjoining Highway 7, the ground floor shall be designed to accommodate secondary retail, personal service and office and other uses compatible with the primary residential use.
- c) Any residential uses or accessory residential uses on the ground floor, shall generally not exceed 25% of the total ground floor area.
- d) Lands adjoining Highway 7 within the 'Avenue Seven Corridor – Mixed Residential' designation may be zoned to permit the following uses only on the ground and second floors, subject to the provisions of this Secondary Plan:
  - retail uses
  - personal service uses
  - offices
  - banks and financial institutions
  - health and fitness recreational uses
  - institutional uses including community facilities and government services compatible with and complementary to the planned functions and policies of the designation
  - day care centres, subject to the provisions of Section 2.11 of the Official Plan (Revised 1987) as amended
  - private and commercial schools
  - places of worship, subject to the provisions of Section 2.13 of the Official Plan (Revised 1987) as amended, and
  - restaurants.
- e) Retail uses shall generally be limited to individual premises of not more than 500 square metres of gross floor area. The implementing zoning by-law may further restrict the number of retail premises that may be permitted to have

the maximum permitted gross floor area or the proportion of gross floor area that may be devoted to retail premises of the maximum size.

- f) The minimum Floor Space Index of all development in each Development Block shall be as shown in Figure 6.2.2, and as identified in Appendix 5 – Development Blocks.
- g) Minimum and maximum building heights shall be as shown in Figure 6.2.2.
- h) To accommodate the provision of non-residential uses at grade, residential buildings adjoining Highway 7 or Bur Oak Avenue shall be designed to ensure that the gross floor area of non-residential uses on the ground floor, represents a minimum of 75% of the total ground floor area.
- i) Buildings will be located close to the Highway 7 and collector road frontages to form a continuous, pedestrian-oriented urban edge to the streets.
- j) Where buildings fronting Highway 7 are located at intersections, ground floor uses, particularly retail uses, shall wrap around the edges of intersecting streets.
- k) Standards for Building Placement, and Podium heights, where applicable, shall generally be as shown in Figure 6.2.2 for each of the Development Blocks within the designation, as identified in Appendix 5 - Development Blocks. Building Placement will be further defined in the Community Design Plan and through site plan approval and confirmed in the implementing zoning by-law.
- l) The primary entrances to buildings adjoining Highway 7 or Bur Oak Avenue shall be oriented to those streets.
- m) Surface parking lots shall not be permitted on lands generally within 40 metres of the Highway 7, except behind buildings facing on Highway 7 with access restricted to interior streets or lanes.
- n) Vehicle access to a development adjoining Highway 7 or Bur Oak Avenue shall generally not be permitted from these streets, but shall be restricted to interior streets or lanes.
- o) Loading access to a development adjoining Highway 7 or Bur Oak Avenue shall not be permitted from these streets, but shall be restricted to interior streets or lanes.

<b>Figure 6.2.2 Avenue Seven Corridor – Mixed Residential</b>					
<b>Land Use</b>	<b>Density</b>	<b>Height</b>			<b>Building Placement</b>
Designation	Min FSI*	Minimum	Maximum	Podium	From Right-of-Way
Avenue Seven Corridor – Mixed Residential	2.5	8 storeys Avenue Seven	12 storeys	Min 2 storeys on Avenue Seven Min 1m, Max 3m setback above 2 <sup>nd</sup> Floor	4.5 m Avenue Seven
*Floor Space Index (FSI) = gross floor area of all buildings on a lot divided by the area of the lot on which the buildings are developed.					

- 1.5 Section 6.6 Community Amenity Area – Central Core is hereby amended by adding the following new commercial category after Section 6.6.2:

#### **“6.6.3 Community Amenity Area – Cornell Centre**

The ‘Community Amenity Area - Cornell Centre’ designation is intended to provide a retail centre of high quality urban amenities and community activities serving the entire Cornell community as well as eastern Markham. The retail centre is intended to generally take the form of a multi-storey, mixed-use centre, including a ‘main street’ character along public or private roads extending through the centre. Single-use, single storey development is permitted in limited areas. The centre will be visually and physically linked with the adjacent residential neighbourhoods, development along Highway 7, and the business park uses to the east.

The following policies apply to lands within the ‘Community Amenity Area – Cornell Centre’ designation:

- a) Lands within this designation may be zoned to permit residential and mixed-use building types in the form of townhouse, multiple unit and apartment buildings. Free standing non-residential buildings may also be permitted in limited areas. A minimum of 200 residential units is anticipated in the ‘Community Amenity Area - Cornell Centre’ designation at ultimate build-out.
- b) Mixed-use buildings shall be primarily residential or office in use; the ground floor shall be designed to accommodate secondary retail, personal service and office and other non-residential uses compatible with the primary residential or office use.
- c) Lands within the ‘Community Amenity Area – Cornell Centre’ designation may be zoned to permit:
  - residential uses
  - retail uses

- personal service uses
  - offices
  - banks and financial institutions
  - institutional uses including community facilities and government services compatible with and complementary to the planned functions and policies of this designation
  - restaurants
  - hotels
  - entertainment uses consistent with the planned function and policies of the designation, and
  - other similar uses consistent with the purpose and intent of the designation.
- d) Retail uses shall generally be limited to individual retail premises with a gross floor area not exceeding 2,000 square metres. The implementing zoning by-law may further restrict the number of retail premises that may be permitted to have the maximum permitted gross floor area or the proportion of the gross floor area that may be devoted to retail premises of the maximum size.
- e) Any residential uses or accessory residential uses on the ground floor shall not exceed 25% of the total ground floor area.
- f) The minimum Floor Space Index of development in each Development Block within the designation shall be as shown in Figure 6.6.3 and as identified in Appendix 5 – Development Blocks.
- g) Mixed-use building heights shall be within a range of four to six storeys. Minimum and maximum building heights shall be as shown in Figure 6.6.3.
- h) Standards for Building Placement, and Podium heights, where applicable, shall generally be as shown in Figure 6.6.3 for each of the Development Blocks within the designation, as identified in Appendix 5 – Development Blocks. Building Placement shall be further defined in the Community Design Plan and through site plan approval, and confirmed in the implementing zoning by-law.
- i) Development shall provide direct pedestrian access from, and a visual relationship to, Highway 7.
- j) Development, and in particular the ground floor retail, service and office facilities, shall be integrated with the adjacent mixed residential development along Avenue Seven.
- k) The primary entrances to retail premises shall be oriented to the ‘main street’ and private roads they abut.
- l) On-street parking shall be provided within the private road right-of-ways.

- m) In addition to the provisions of Section 6.6.3 a) to l), the following provisions shall apply to lands within the 'Community Amenity Area - Cornell Centre' designation identified with a double asterisk (\*\*) on Schedule 'AA' – Land Use Plan:
- i) Uses shall be limited to the following:
    - retail uses; and
    - entertainment uses consistent with the planned function and policies of the designation.
  - ii) Retail uses shall generally be limited to individual premises with a gross ground floor area not exceeding 2,000 square metres, except for two retail premises where the gross ground floor area may exceed 2,000 square metres up to a maximum of 6,000 square metres.
  - iii) The implementing zoning by-law may further restrict the number of retail premises that may be permitted to have the maximum permitted gross floor area or the proportion of the gross floor area that may be devoted to retail premises of the maximum size; and
  - iv) The primary entrance to retail premises shall be designed to address the 'main street' and private streets they abut.
- n) Sections 6.6.3 f) and h) shall not apply to the first 14,800 square metres of single-use non-residential gross floor area developed within the designation as defined in an approved site plan application.
- o) Section 6.6.3 g) shall not apply to the mixed use buildings also identified in the approved site plan application referred to in Section 6.6.3 n).

**Figure 6.6.3 Community Amenity Area – Cornell Centre**

Land Use	Density	Height			Building Placement
		Min	Max	Podium	
Designation	Min FSI*				From Right-of-Way
Community Amenity Area – Cornell Centre (**)	0.45	1 storey	2 storeys		4.5m from public or private Road
Community Amenity Area – Cornell Centre	1.0	2 storey equivalent (non-residential) 4 storeys (mixed-use)	6 storeys	Min 1m, max 3m setback above ground floor	4.5m from public or private Road

\*Floor Space Index (FSI) = gross floor area of all buildings on a lot divided by the area of the lot on which the buildings are developed.

- 1.6 Section 6.0 is hereby amended by adding the following new subsection after Section 6.12:

## **“6.13 INDUSTRIAL DESIGNATIONS**

### **6.13.1 General Policies**

- a) Lands within the Cornell Planning District that are designated INDUSTRIAL and Business Park Area on Schedule ‘H’ – Commercial/Industrial Categories to the Official Plan (Revised 1987) as amended, shall be subject to the general provisions of Section 3.5 and the specific provisions of Section 3.5.6.2 of the Official Plan (Revised 1987), as amended and to the further provisions of this Secondary Plan.
- b) Lands within the Cornell Planning District that are designated INDUSTRIAL in the Official Plan (Revised 1987), as amended, are further organized into the following designation categories, as shown on Schedule ‘AA’ – Land Use Plan, as follows:
  - Business Park Area – Avenue Seven Corridor
  - Open Space

Specific policies applicable to these designations are outlined below, with the exception of Open Space policies, which are outlined in Section 6.9.

- c) Development approval on lands adjacent to Highway 7 and Donald Cousens Parkway will be subject to the recommendations and requirements of the Community Design Plan, and any related development guidelines and standards approved by the Town.
- d) Prior to any development proceeding in these designations, Comprehensive Block Plans shall be approved by the Town.

### **6.13.2 Business Park Area – Avenue Seven Corridor**

The Business Park Area - Avenue Seven Corridor designation is intended to accommodate high density office development incorporating compatible retail, service and office uses on the ground floor of multi-storey buildings.

Office development in this designation is intended to be the most intensive in the Cornell Planning District consistent with the location of the designation adjoining a planned regional rapid transit route on Highway 7.

The following policies shall apply to lands within the ‘Business Park Area – Avenue Seven Corridor’ designation:

- a) Lands within this designation may be zoned to permit multi-storey office buildings.
- b) Buildings shall be primarily office in use, and where adjoining Highway 7, the ground floor shall be designed to accommodate secondary retail, personal service and restaurant uses ancillary to the primary use of the building, and integrated within the building.
- c) Lands within the designation may be zoned to permit:
  - offices
  - banks and financial institutions
  - research and training facilities
  - data processing and related facilities
  - commercial schools
  - institutional uses, including government services compatible with and complementary to the planned functions and policies of this designation
  - day care centres, subject to the provisions of Section 2.11 of the Official Plan (Revised 1987) as amended
  - retail uses
  - personal service uses, and
  - restaurants.
- d) The minimum Floor Space Index of development in each Development Block within the designation shall be as shown in Figure 6.13.2 and as identified on Appendix 5 – Development Blocks.
- e) Minimum and maximum building heights shall be as shown in Figure 6.13.2.
- f) To accommodate the provision of retail and other secondary uses at grade, buildings adjoining Highway 7 shall be designed to ensure that the gross floor area of retail and other secondary uses on the ground floor represents a minimum of 75% of the gross ground floor area.
- g) A site for a regional transit terminal facility is identified symbolically as (RTT) at the western edge of the designation on Schedule 'AA'. Lands for the site are to be secured by the Region of York. The intent of the Secondary Plan is that the facility shall be integrated into an appropriate office development where the site adjoins Highway 7.
- h) Standards for Building Placement, and Podium heights, where applicable, shall generally be as shown in Figure 6.13.2 for each of the Development Blocks within the designation, as identified on Appendix 5 – Development Blocks. Building Placement will be further defined in the Community Design Plan and through site plan approval, and confirmed in the implementing zoning by-law.

- i) The primary entrances to buildings adjoining Highway 7 shall be oriented to that street.
- j) Surface parking lots shall not be permitted on lands generally within 40 metres of the Highway 7, except behind buildings facing on Highway 7 with access restricted to interior streets or lanes.
- k) Vehicle access to a development adjoining Highway 7 shall generally not be permitted from that street, but shall be restricted to interior streets or lanes.
- l) Loading access to a development adjoining Highway 7 shall not be permitted from that street, but shall be restricted to interior streets or lanes.

<b>Figure 6.13.2 - Business Park Area – Avenue Seven Corridor</b>					
<b>Land Use</b>	<b>Density</b>	<b>Height</b>			<b>Building Placement</b>
Designation	Min FSI*	Minimum	Maximum	Podium	From Right-of-Way
Business Park Area – Avenue Seven Corridor	1.0	5 storeys	10 storeys	Min 2 storeys on Avenue Seven Min 1m - Max 3m setback above 2 <sup>nd</sup> floor	4.5 m Avenue Seven 2.5 m local roads
*Floor Space Index (FSI) = gross floor area of all buildings on a lot divided by the area of the lot on which the buildings are developed.					

### 6.13.3 Business Park Area

The 'Business Park Area' designation is intended to accommodate individual office buildings, office and prestige industrial campus development in single and multi-unit buildings.

The following policies shall apply to lands within the 'Business Park Area' designation:

- a) Permitted uses within the 'Business Park Area' designation shall include those uses identified in Section 3.5.6.2 c) of the Official Plan (Revised 1987), as amended.
- b) Notwithstanding Section 6.13.3 a), hotels may only be permitted subject to the review of a specific development proposal and rezoning pursuant to the provisions of Section 6.13.1 c) and this Secondary Plan.
- c) A site for a regional transit terminal facility is identified symbolically as (RTT) at the western edge of the designation on Schedule 'AA'. Lands for the site are to be secured by the Region of York. The intent of the Secondary Plan is

that the facility shall be integrated into an appropriate development where the site adjoins Highway 7.

- d) The minimum Floor Space Index of all development in each Development Block within the designation shall be 0.5.
- e) Maximum building height shall be ten storeys.
- f) Surface parking lots shall not be permitted on lands generally within 40 metres of the Highway 7, except behind buildings facing on Highway 7 with access restricted to interior streets or lanes.
- g) Vehicle access to a development adjoining Highway 7 and Donald Cousens Parkway shall generally not be permitted from these streets, but shall be restricted to interior streets or lanes.
- h) Loading access to a development adjoining Highway 7 and Donald Cousens Parkway shall not be permitted from these streets, but shall be restricted to interior streets or lanes.”

1.7 Section 6.9.6 Community Park is hereby amended by replacing “three” with “two” at the beginning of policy 6.9.6 b).

1.8 The Appendices are hereby revised by adding Appendix 5 – Development Blocks as shown in Schedule ‘H’ attached hereto.

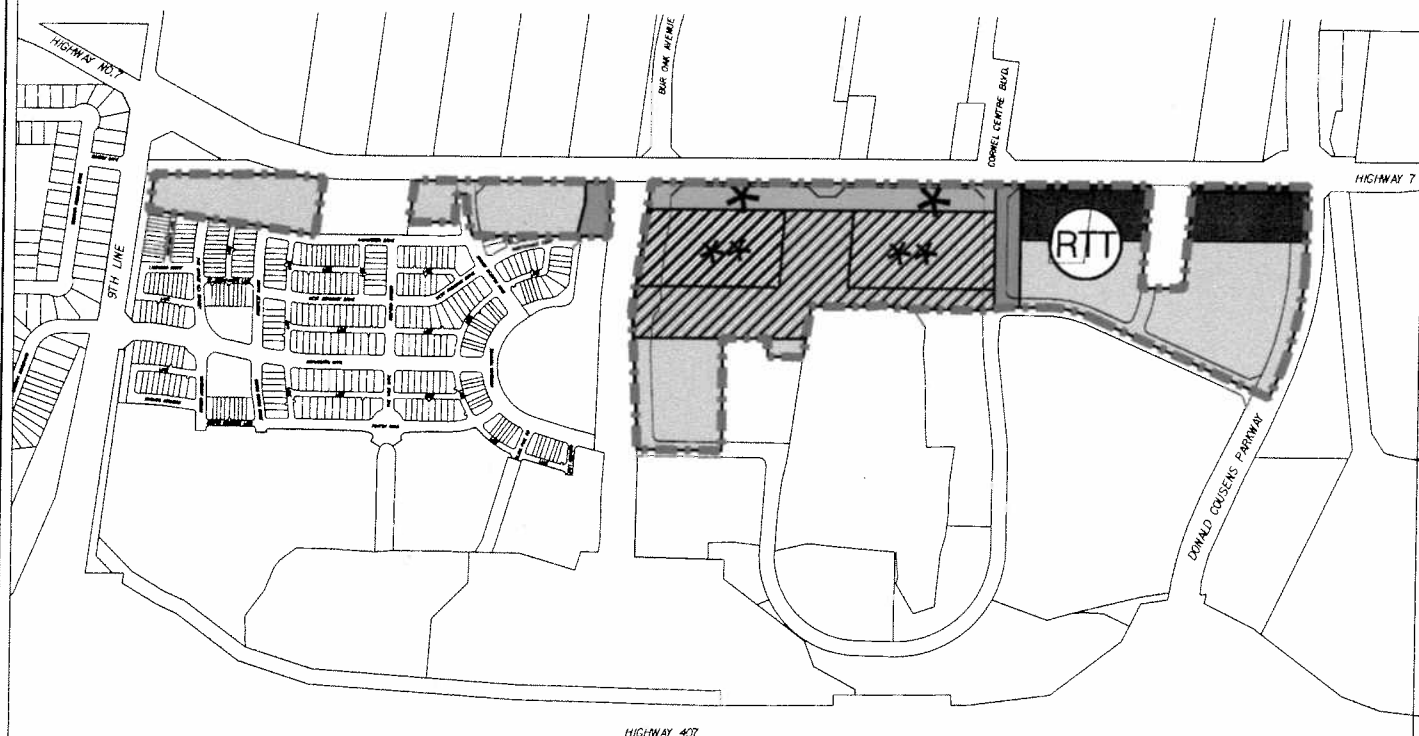
## **2.0 IMPLEMENTATION AND INTERPRETATION**

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law and site plan approval, if applicable in conformity with the provisions of this Amendment.




*June 15, 2007*



*Q:\Development\Planning\APPL\SUBDIV\06 114925 Lindvest Cornell Centre\Final DSC Report & Attachments\Lindvest draft OPA.doc(File Path)*



# **SCHEDULE 'AA' – LAND USE PLAN** **SECONDARY PLAN FOR THE CORNELL PLANNING DISTRICT (P.D. 29-1)**

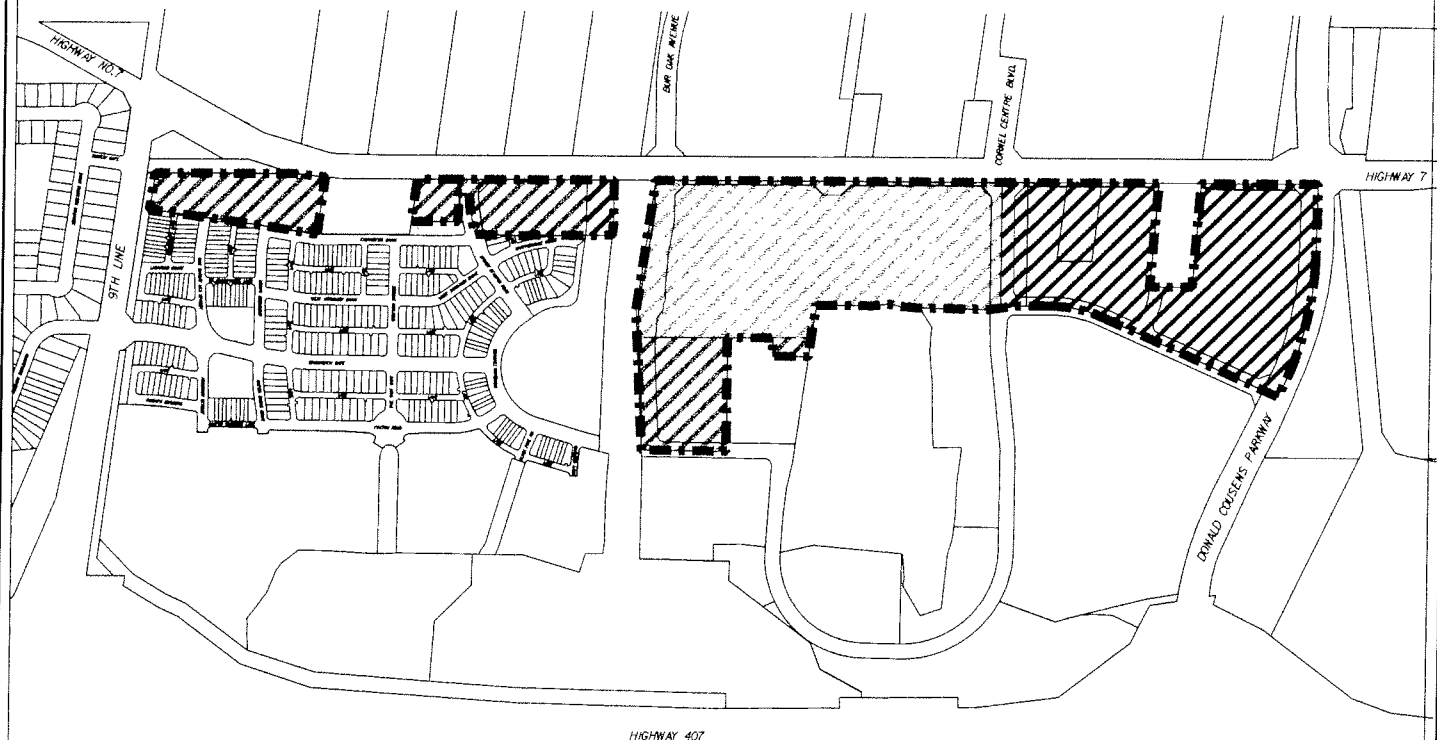

**BOUNDARY OF AREA COVERED BY THIS AMENDMENT**

 RESIDENTIAL NEIGHBOURHOOD  
 – CORNELL CENTRE  
 AVENUE SEVEN CORRIDOR  
 – MIXED RESIDENTIAL  
 SEE SECTION 6.2.2 c

 COMMUNITY AMENITY AREA  
 – CORNELL CENTRE  
 SEE SECTION 6.6.3 m

 BUSINESS PARK AREA  
 – AVENUE SEVEN CORRIDOR  
 BUSINESS PARK AREA  
 OPEN SPACE




 REGIONAL TRANSIT TERMINAL



# SCHEDULE 'BB' – COMMUNITY STRUCTURE SECONDARY PLAN FOR THE CORNELL PLANNING DISTRICT (P.D. 29-1)

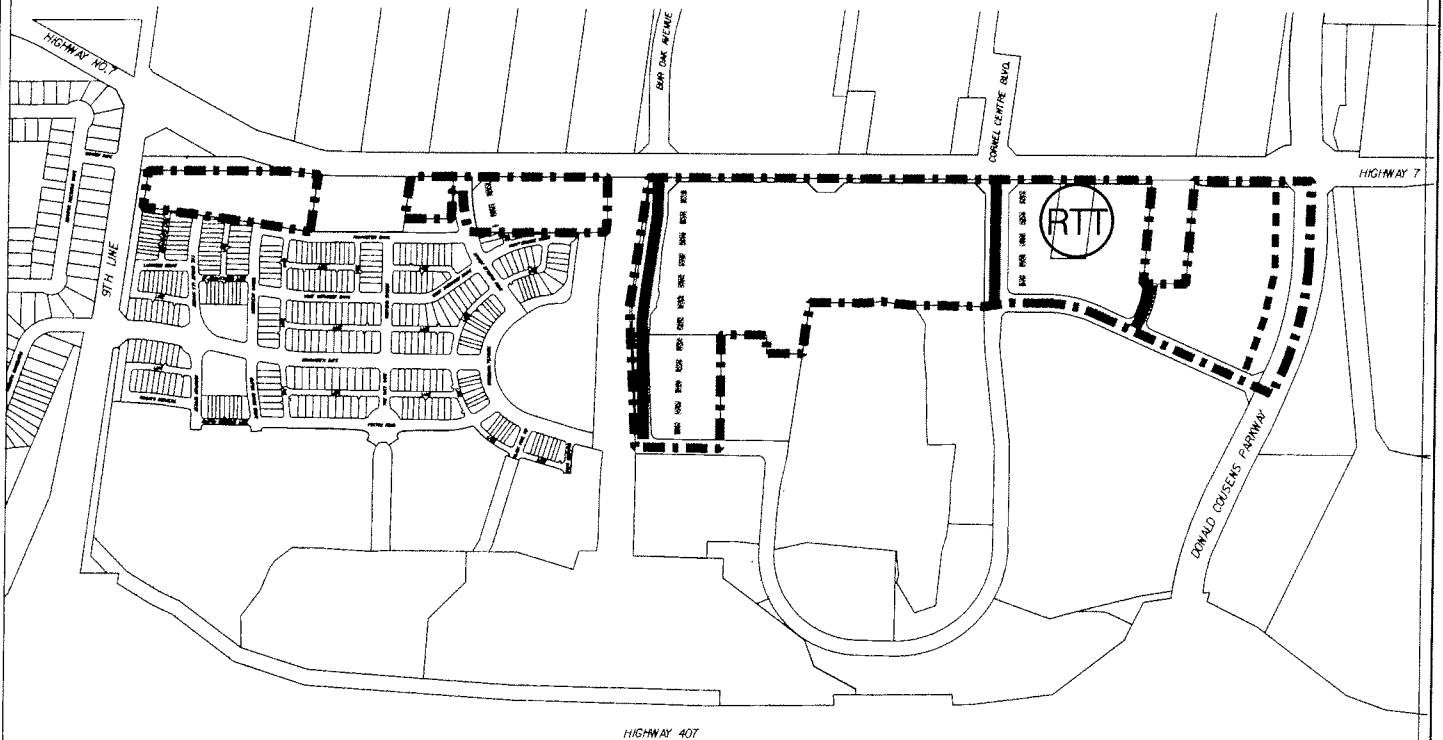
--- BOUNDARY OF AREA COVERED BY THIS AMENDMENT

## MIXED-USE DISTRICT

-  RESIDENTIAL NEIGHBOURHOOD
-  MIXED-USE RETAIL CENTRE
-  BUSINESS PARK

## GREENSPACE CORRIDORS

-  NS AND EW GREEN SPACE CORRIDORS



## SCHEDULE 'DD' – TRANSPORTATION

### SECONDARY PLAN FOR THE CORNELL PLANNING DISTRICT (P.D. 29-1)

--- BOUNDARY OF AREA COVERED BY THIS AMENDMENT

MAJOR COLLECTOR ROAD  
MINOR COLLECTOR ROAD

ON ROAD BICYCLE FACILITY  
OFF ROAD BICYCLE FACILITY

RTT REGIONAL TRANSIT TERMINAL



- SCALE:  
DATE: 06/15/07

**APPENDIX 'B'**  
**CONDITIONS OF DRAFT APPROVAL FOR PHASE 1, PLAN OF SUBDIVISION**  
**19TM-06012,**  
**LINDVEST PROPERTIES (CORNELL) LIMITED)**

1. General

- 1.1 Approval shall relate to Phase 1 of plan of subdivision 19TM-06012 prepared by The Planning Partnership, identified as Job. No. 0404, dated May 9, 2007, incorporating the following red-line revisions:
- Removal of employment Block 13 from Phase 3, and replacement of reference to 'Phase 3' with 'Phase 1', and the reference to 'Phase 4' with 'Phase 2'
  - Deletion of reference to 'residential' uses within Block 11 and 'hotel' uses within Block 12
  - Revising the boundary of Block 4 to coincide with the site plan application boundaries for Block 4
  - Adjusting the alignment of Street 'D' to align with the main street intersection at Street 'C' within Block 4
  - Increasing the size of school Block 5 to the satisfaction of the York Region District School Board and the Town
  - Delineating an open space block along the west limit of Block 11, and along the east limit of Block 3
  - Shifting the alignment of the new north-south road between Blocks 11 and 12 to circumvent the heritage dwelling at 7323 Highway 7, and provide a more equitable sharing of the right-of-way between owners, if possible
  - Indicating Highway 7 widenings as required by the Region of York
  - Any changes required to implement or integrate any recommendations from studies required as a condition of draft approval to implement or integrate any recommendations from studies required as a condition of draft approval
- 1.2 The Owner acknowledges that the unit counts listed for Blocks 1, 2, 3 and 4 are not part of this approval, and shall be determined, in accordance with the Cornell Secondary Plan, at the time of site plan approval of these blocks.
- 1.3 This draft approval shall apply for a maximum period of three (3) years from date of approval by the Council of the Town of Markham, and shall accordingly lapse on ---- unless extended by the Town upon application by the Owner.
- 1.4 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 Prior to issuance of draft plan approval, the owner shall enter into an agreement with the Town of Markham, which agreement shall be registered on title, committing the owner to:

- A. Not enter into any agreements of purchase and sale with end users (defined as the eventual homeowner who is purchasing an individual lot containing a dwelling for the purpose of occupancy), for units beyond the first 200 units, until such time as:
- a. i. York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of the Duffin Creek Water Pollution Control Plant expansion project and the Southeast Collector Trunk Sewer project; and
  - ii. The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development;
- or
- b. the Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;
- or
- c. the Regional Commissioner of Transportation and Works confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

AND

- B. Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the Town of Markham, which agreement shall be registered on title, committing the owner to the same terms as set out in item A above.
- 1.6 Prior to draft plan approval, the Owner shall enter into an indemnity agreement with York Region, which agreement shall be registered on title, agreeing to save harmless York Region from any claim or action as a result of York Region granting draft approval of Plan 19TM-06M12, or any phase thereof (beyond the first 200 units), including, but not limited to claims or actions resulting from, water or sanitary sewer service not being available when anticipated. The agreement shall include a provision that requires all subsequent purchasers, of the subject lands who are not end-users, to enter into a separate agreement with York Region as a condition of the agreement of purchase and sale, to indemnify York Region on the same terms and conditions as the owner.
- 1.7 That the owner covenant and agree to pay their proportionate share of the Hwy 48 flow control measures, to the satisfaction of the Director of Engineering.
- 1.8 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-laws 304-87 and 177-96 to implement

the plan shall have come into effect in accordance with the provisions of the Planning Act.

- 1.9 The Owner shall covenant and agree in the subdivision agreement that the Holding Zoning (H) provision shall not be removed by the Town, and that building permits shall not be sought or issued for any dwelling units within the draft plan for which a servicing allocation has not been confirmed by the Developers Group Trustee and the Town.
- 1.10 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the Town, to implement or integrate any recommendations from studies required as a condition of draft approval.

## 2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the Town and the Region of York.
- 2.2 The road allowances and lanes within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the Town (Commissioner of Development Services).
- 2.4 The Owner shall convey 0.3m reserves at the end of Street 'B', Street 'C' and the road between Block 11 and Block 12 to the Town, and along the easterly boundary of the plan of subdivision along Donald Cousens Parkway, and at the sight triangle of the intersection of Donald Cousens Parkway and Street 'D', free of all costs and encumbrances, upon registration of the plan of subdivision.
- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required (at the end of the new road between Block 11 and 12) 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 section of Street 'A' from Hwy 7 to north of Block 5, and the section of Street 'C' from Hwy 7 to north of Block 13 shall be designed to the satisfaction of the Town (Commissioner of Development Services).

- 2.7 The Owner shall covenant and agree to construct an open channel crossing to connect Street 'A' to Michelina Terrace on Phase 1 of draft plan 19TM-02001, to the satisfaction of the Town (Commissioner of Development Services) and Toronto and Region Conservation Authority (TRCA).

### 3. Noise Impact Study

- 3.1 Prior to final approval of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic on 9<sup>th</sup> Line, Highway 7, Donald Cousens Parkway, Street "A", Street "C" and Street "D", and by any other identified noise sources, to the satisfaction of the Town (Commissioner of Development Services), in consultation with the Region of York. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.
- 3.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the Town (Commissioner of Development Services), in consultation with the Region of York.

### 4. Tree 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 with custody and use of the OALA's seal, 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 obtain written approval of the Town prior to the removal of any trees within the area of the draft plan.
- 4.3 The Owner shall submit overall streetscape and landscape plans, 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. These plans are to be prepared by a qualified landscape architect with custody and use of the O.A.L.A's seal and shall include but not be limited to the following:
- a) street tree planting for all public and private streets within and abutting the Plan of Subdivision, with a maximum space of 10 metres between trees. The size, spacing

and species selected shall be to the satisfaction of the Commissioner of Development Services.

- 4.4 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.
- 4.5 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, buffer and other landscaping requirements.

## 5 Parks and Open Space

- 5.1 The Owner shall to dedicate parkland to the Town in accordance with the Cornell Master Parks Agreement upon its execution or the current arrangements between the Cornell Developers Group and the Town, including the provision of an open space linkage on the west side of Block 11, and along the east limit of Block 3.
- 5.2 The Owner shall seed and maintain (free of stock piles and debris) the park block within the subdivision to the satisfaction of the Town. The park block shall be maintained until such time as the parks have been constructed and assumed by the town for maintenance.
- 5.3 Copies of the Community Design Plan and the Open Space Master Plan, and Park Development Concept Plans shall be posted in all sales offices for dwelling units within the draft plan of subdivision.

## 6. Community Design Plan

- 6.1 The requirements and criteria of the Cornell Community Design Plan, upon approval, shall be incorporated into all municipal works, site plan and building permit applications within the plan of subdivision.

## 7. Stormwater Management

- 7.1 Prior to final approval of the draft plan, the Owner shall submit a stormwater management study, prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the Town and the Toronto and Region Conservation Authority. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or lands for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.

- 7.2 The Owner shall covenant and agree in the subdivision agreement to undertake the monitoring of watercourse temperatures which may be affected by storm drainage from its development, subject to consultation with, and to the satisfaction of the Town (Commissioner of Development Services).
- 7.3 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the Town's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.
- 7.4 The Owner shall covenant and agree that all blocks internal to the subdivision left vacant thirty (30) days following completion of topsoil removal, shall be topsoiled to a minimum depth of 100mm, seeded, maintained and signed to prohibit dumping and trespassing, to the satisfaction of the Town (Commissioner of Development Services).

## 8. Municipal Services

- 8.1 The Owner shall acknowledge and agree in the subdivision agreement that final approval of the Plan shall be subject to adequate sanitary sewer capacity and water supply being allocated to the subdivision by the Town.
- 8.2 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the Town (Commissioner of Development Services), a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 8.3 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the Town (Commissioner of Development Services).
- 8.4 Prior to final approval of the Plan, detailed engineering drawings shall be provided by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, stormwater management detail plans, etc. to the satisfaction of the Town (Commissioner of Development Services).
- 8.5 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 Standards has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.

8.6 The Owner shall covenant and agree to submit, as part of the Engineering submission, an updated Water Analysis Report to determine the layout, size and pressure required for watermain internal to the subdivision, to the satisfaction of the Town (Commissioner of Development Services). Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.

8.7 The Owner shall covenant and agree to loop the proposed 300mm watermain on Street 'A' and Street 'C' through Highway 7, and not through the private property on Block '4', to the satisfaction of the Town (Commissioner of Development Services).

8.8 The Owner shall provide municipal services to the property line at 7323 Highway 7.

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

9.1 Prior to final approval of the draft plan or any phase thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads in the Secondary Plan PD 29-1 area, to the satisfaction of the Town (Commissioner of Development Services and Town Solicitor), and a certificate confirming completion of such agreement(s) shall be provided to the Town by the Developers Group Trustee to the satisfaction of the Town Solicitor.

9.2 The Owner shall covenants and agree in the subdivision agreement to be bound by the updated Development Phasing Plan for the Cornell Community, dated November 21, 2003 and by the Development Phasing Agreement dated May 19, 2004 between the Cornell Landowners Group and the Town.

9.3 The Owner covenants and agrees that the plan of subdivision of any phase thereof shall not be released for registration by the Town until the Owner delivers a release to the Town from the Trustee of the Developers Group Agreement to the effect that all conditions of the said Group Agreement have been met to the satisfaction of the Trustee.

10. Traffic Impact Study for the Cornell Community

10.1 Prior to final approval of the draft plan, the Owner shall submit, as part of the Engineering submission, a Traffic Impact Study to the satisfaction of the Town (Commissioner of Development Services) and the Region of York. The Owner shall incorporate the requirements and criteria of the Traffic Impact Study into the draft plan and subdivision agreement.

## 11. Easements

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

## 12. Utilities

- 12.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the Town as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the Town (Commissioner of Development Services) and authorized agencies.
- 12.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including PowerStream, Enbridge, telecommunications companies, etc.
- 12.3 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the Town of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
- 12.4 The Owner shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 12.5 The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 12.6 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the Town in consultation with Canada Post.

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

### 13. Development Charges

13.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.

### 14. Heritage

14.1 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.

14.2 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.

14.3 The Owner covenants and agrees to retain the Heritage Building Abraham Reesor House, known municipally as 7265 Highway 7, on its original location, or on an alternative location to the satisfaction of Heritage Markham and the Town.

14.4 The Owner covenants and agrees to protect and conserve the Heritage Building(s) through the following means:

- a) To keep the Heritage Building occupied for as long as possible prior to commencement of site/construction work to prevent vandalism and deterioration;

- b) To maintain the Heritage Building in good and sound conditions at all times prior to and during the development of the property;
- c) Once the Heritage Building 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 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.

14.5 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:

- a) The Owner is to provide at its expense a legal survey of the Heritage Building to facilitate the registration of the designation and easement agreements on the created/proposed lot;
- b) The Owner is to enter into a Heritage Easement Agreement for the Heritage Building 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 \$25,000 Letter of Credit for the Heritage Building to ensure the preservation of the existing building. 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.

- 14.6 The Owner shall covenant and agree in the subdivision agreement to preserve the Heritage Building through the following means:
- a) to provide and implement a traditional restoration plan for the Heritage Building that would be reviewed and approved by the Town (Heritage Section). The restoration plan is to be included in a site plan agreement for the property;
  - b) to complete the exterior restoration of the Heritage Building, 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 buildings 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 is consistent with the existing historic grading of the Heritage Building;
  - e) To ensure that the historic front of the Heritage Building retains a front yard appearance, the type of fencing should be limited to a low residential picket fence rather than privacy fencing;
- 14.7 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 will be marketed to prospective purchasers;
- 14.8 The Owner shall covenant and agree in the subdivision agreement to provide notice and commemoration of the Heritage Building through the following means:
- a) to provide and install at its cost, an interpretative baked enamel plaque for the 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:

“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.”
- 14.9 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 15.1 to 15.8, inclusive, have been satisfied.

## 15. Other Town Requirements

- 15.1 The Owner shall covenant and agree in the subdivision agreement that the Town shall have first right of refusal to acquire all or part of the school site within the draft plan of subdivision not required by either School Board and that such other government agencies or community groups that Council may identify shall have the second right of refusal.
- 15.2 The Owner acknowledges and agrees that final approval of the draft plan of subdivision may be issued in phases provided that:
- a) phasing is proposed in an orderly progression generally consistent with the phases identified in the approved Development Phasing Plan; and
  - b) all concerned government agencies agree to registration by phases and provide the clearances as required in Condition 19 for each phase.

## 16. York Region District School Board

- 16.1 Prior to final approval, the Owner shall have made Agreement satisfactory to the York Region District School Board for the transfer of a public elementary school site of not less than 2.4 hectares.
- 16.2 The Owner shall agree in the Subdivision Agreement in wording satisfactory to the York Region District School Board:
- i) to grade Block 5 and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
  - ii) to remove any buildings on Block 5;
  - iii) to remove trees, as required to accommodate school layout;
  - iv) to provide a letter of credit pertaining to stockpiling and removal of topsoil as established in the latest version of Hanscomb's Yardsticks for Costing Cost Data for the Canadian Construction Industry to the satisfaction of the Board;
  - v) to remove stockpiled topsoil within 30 days of written notice by the Board and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
  - vi) to construct a galvanized chain link fence, Type II 1 ½ " mesh, 1.8 m high along all boundaries of the school blocks, including road frontage(s) at the discretion of the Board;
  - vii) to construct the fences prior to the issuance of building permits for Phase 1 of the subdivision;
  - viii) to erect and maintain a sign on the public school site at such time as the relevant access roads are constructed, indicating that the date has not been set for the construction of the school;
  - ix) to provide the foregoing at no cost to the Board;

- x) to provide a geotechnical investigation and Phase 1 and Phase 2 environmental site assessment conducted by a qualified engineer. For an elementary school site a minimum of six boreholes shall be required and for a secondary school site a minimum of twelve boreholes shall be required; and
  - xi) to assume any upstream and downstream charges.
- 16.3 The Owner shall submit to the York Region District School Board, at no cost to the Board, a report from a qualified consultant concerning:
- i) the suitability of Block 5 for school construction purposes, relating to soil bearing factors, surface drainage, topography and environmental contaminants; and
  - ii) the availability of natural gas, electrical, water, storm sewer and sanitary sewer services.
- 16.4 The Owner shall agree in the Subdivision Agreement, in wording acceptable to the York Region District School Board, that the services referred to in Condition 16.3 ii) shall be installed to the mid-point of the frontage of the elementary school site and positioned as designated by the Board, at no cost to the Board.
- 16.5 That the Town of Markham shall submit to the York Region District School Board a certificate concerning:
- i) the availability of a satisfactory water supply; and
  - ii) an acceptable method of sewage disposal.
- 16.6 That prior to final approval, the Owner shall submit to the York Region District School Board for review and approval, a copy of the final engineering plans as approved by the Town which indicate the storm drainage system and the overall grading plans for the complete subdivision area.
- 16.7 That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that adequate electrical capacity will be supplied to the school site frontage by the developer at no cost to the Board.
- 16.8 That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that they are satisfied that payment for any upstream and downstream charges will be made by the original developer.
- 16.9 That the York Region District School Board shall advise that conditions 17.1 to 17.8 inclusive have been met to its satisfaction. The clearance letter shall include a brief statement detailing how each condition has been satisfied or carried out.
- 16.10 That the subdivision agreement include warning clauses advising the Town, property owners and purchasers of lots within the draft plan that unless the provincial funding model provides sufficient funds to construct new schools, there can be no assurance as to the timing of new school construction nor a guarantee as to the timing of new

school construction nor a guarantee that public school accommodation will be provided within the subject plan notwithstanding the designation of the school site.

## 17. Region of York

- 17.1 Prior to Final Approval, the 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.
- 17.2 Prior to registration of the first phase, the Owner shall dedicate to York Region, free of all costs and encumbrances, lands of sufficient size and configuration but not exceeding 1.44 hectares, within Block 11 for the purpose of establishing a transit station and related infrastructure to the satisfaction of The York Region Rapid Transit Corporation and York Region Transit.
- 17.3 Vehicular and pedestrian access between the lands described in Condition 3 and the internal road network shall be determined by and implemented to the satisfaction of The York Region Rapid Transit Corporation and York Region Transit, in consultation with the Town of Markham.
- 17.4 The Owner shall agree in the subdivision agreement that Block 11 and adjacent roads from which access to the Block will be provided, shall form part of the first phase of development, and shall be sufficiently shown on the corresponding Final Plan submission.
- 17.5 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, submitted to York Region Transportation and Works Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- 17.6 Prior to Final Approval, the Owner shall provide a written undertaking, to the satisfaction of York Region Transportation and Works Department, that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by York Region Transportation and Works Department.
- 17.7 Prior to Final Approval, the Owner shall submit detailed engineering drawings, to York Region Transportation and Works Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by York Region Transportation and Works 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.

- 17.8 Prior to Final Approval, the intersections of Highway 7 and Streets “A”, “C” and the street between Street “C” and Markham By-Pass shall be designed to the satisfaction of York Region Transportation and Works Department with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by York Region Transportation and Works Department.
- 17.9 Prior to Final Approval, the intersections of Highway 7 and Markham By-Pass shall be designed to the satisfaction of York Region Transportation and Works Department with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by York Region Transportation and Works Department.
- 17.10 Prior to Final Approval, the intersections of Street “D” and Markham By-Pass shall be designed to the satisfaction of York Region Transportation and Works Department with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by York Region Transportation and Works Department.
- 17.11 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 York Region Transportation and Works Department, Attention: Mrs. Eva Pulnicki, P.Eng.
- 17.12 The Owner shall agree in the subdivision agreement and any future site plan agreements that no other private vehicle access from the development Blocks abutting Highway 7 will be permitted except to the public roadways within the plan of subdivision.
- 17.13 The Owner shall agree in the subdivision agreement and any future site plan agreements that no other private vehicle access from the development Blocks abutting Markham By-Pass will be permitted except to the public roadways within the subdivision.
- 17.14 The Owner shall agree in the subdivision agreement and any future site plan agreements that the Street between Street ‘C’ and Markham By-Pass/Highway 7 intersection will be restricted to right-in/right-out movements only.

- 17.15 Prior to Final Approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of York Region Transportation and Works Department and illustrated on the Engineering Drawings.
- 17.16 Prior to Final Approval, the Owner shall demonstrate, to the satisfaction of York Region Transportation and Works Department, that all existing driveways along York Region road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- 17.17 Prior to Final Approval, the Owner shall demonstrate, to the satisfaction of York Region Transportation and Works Department, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right of Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- 17.18 Prior to Final Approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
- a) a widening across the full frontage of the site where it abuts Highway 7 of sufficient width to provide a minimum of 22.5 metres from the centreline of construction of Highway 7;
  - b) a 15 metre by 15 metre daylight triangle at the southeast and southwest corners of Highway 7 and Streets "A" and "C" intersection;
  - c) a 15 metre by 15 metre daylight triangle at the southwest corner of Markham By-Pass and Highway 7 intersection;
  - d) a 15 metre by 15 metre daylight triangle at the northwest and southwest corners of Street "D" and Markham By-Pass intersection;
  - e) an additional 2 metre widening, 60 metres in length, together with a 90 metre taper for the purpose of a eastbound right turn lane at the intersection of Highway 7 and Streets "A" and Markham By-Pass;
  - f) an additional 2 metre widening, 60 metres in length, together with a 90 metre taper for the purpose of a eastbound right turn lane at the intersection of Highway 7 and Streets C and the Street between Street C and Markham By-Pass;
  - g) an additional 2 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a eastbound right turn lane at the intersection of Highway 7 and the Street between Street C and Markham By-Pass; and
  - h) an additional 2 metre widening, 60 metres in length, together with a 90 metre taper for the purpose of a southbound right turn lane at the intersection of Markham By-Pass and Street "D".
- 17.19 Prior to Final Approval, the Owner shall agree to convey to York Region a 0.3 metre reserve along the entire frontage of the site except at the approved access location,

adjacent to the above noted widening, free of all costs and encumbrances, to the satisfaction of York Region Solicitor.

- 17.20 Prior to Final Approval, in order to determine the property dedications required to achieve the ultimate right-of-way width of Highway 7 and Markham By-Pass abutting the subject site, the applicant shall submit a recent plan of survey for the property that illustrates the existing centre line of Highway 7 and Markham By-Pass.
- 17.21 The proposed plan is cited along a designated Regional Transitway. A minimum 45metres (22.5 metres from centre line) ROW is required along Highway 7 as designated within the Regional OP. As per section 6.1.2, additional property may be required for sight triangles, cuts, fills, extra lanes at intersections and high-occupancy vehicle (HOV) lanes, and for accommodating bicycles, sidewalks and landscaping where appropriate.
- 17.22 Prior to Final Approval, York Region requires the Owner to submit to it, in accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 *Records of Site Condition Part XV.1 of the Act* (as amended), a Phase I environmental site assessment prepared and signed by a qualified professional, of the Owner's lands and more specifically of the lands to be conveyed to York Region (the "Assessment"). Based on the findings and results of the Assessment, York Region may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required. The Assessment and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands to be conveyed must 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.
- 17.23 Prior to Final Approval, the Owner shall certify, in wording satisfactory to the York Region Transportation and Works 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.

- 17.24 The Owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation and Works Department, to be responsible to decommission any existing wells on the Owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- 17.25 Prior to Final Approval, the Owner shall demonstrate, to the satisfaction of York Region Transportation and Works Department, that elevations along the streetline shall be 0.3 metres above the centreline elevations of the York Region roadway.
- 17.26 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 right-of-way to protect vegetation within right-of-way;
  - 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; and
  - 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.
- 17.27 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 York Region Transportation and Works Department recommending noise attenuation features.
- 17.28 The Owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation and Works Department, to implement the noise

attenuation features as recommended by the noise study and to the satisfaction of York Region's Transportation and Works Department.

17.29 The Owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation and Works 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.

17.30 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".

17.31 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 and Works 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 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 York Region Transportation and Works Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.

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

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

- 9<sup>th</sup> Line

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

- Hwy 7
- Street B
- Street C
- Street D
- North-South street between Block 11 and Block 12
- Markham By-Pass

- 17.33 The Owner shall satisfy the Regional Municipality of York Transportation and Works Department that the services to be installed within or in conjunction with the Plan will provide passenger standing areas/shelter pads identified below, and shall be installed to the satisfaction of the local municipality and York Region Transit. The Region confirms that all such passenger standing areas/shelter pad[s] 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[s] and shelter pad[s] shall be provided at the following locations:

- On Street B at Street C – (SW corner)
- On Street C south of Street B – (East side of Street C)
- On Street C south end of loop – (South side of Street S across from Block 9)
- On Street C south end of loop – (North side of Street C next to Block 9)
- On Street C at entrance into Block 13 – (East side of Street C)
- On Street C at entrance into Block 10 – (West side of Street C)
- On Street C at Street D – (SE corner)
- On Hwy 7 at Street next to Block 2 – (SW corner)
- On Hwy 7 at Street A – (SW corner)
- On Hwy 7 at Street C – (SW corner)
- On Hwy 7 at Markham By-Pass – (SW corner)
- On Street D at Markham By-Pass – (SW corner)
- On Markham By-Pass at Street D – (NW corner)

The passenger standing areas/shelter pads 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. Bus stops located in front of the employment areas shall be incorporated into the landscape design.

The bus stop location determined during the design phase are subject to change. Prior to construction of the passenger standing areas/shelter pads, the Owner/consultant shall confirm with YRT the final bus stop locations/requirements. The

Owner/consultant is to contact YRT Facilities Supervisor (tel. 905-762-2111) to confirm final details.

- 17.34 Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk locations, concrete pedestrian access, passenger standing areas and shelter pads to the satisfaction of York Region.
- 17.35 Prior to Final Approval, the Owner shall submit drawings showing the sidewalk locations, passenger standing areas and shelter pads to the satisfaction of York Region.
- 17.36 The streets identified as having existing or future YRT/Viva transit services shall be designed to accommodate transit vehicles to the satisfaction of the area municipality and York Region Transit. The minimum pavement width for transit vehicles is 3.5 m. The minimum curb radius for transit vehicles is 15 m. These standards are according to the Canadian Transit Handbook and the Ontario Urban Transit Association.
- 17.37 The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing and future introduction of transit services in this development as identified in Condition 33. 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.
- 17.38 The Owner shall satisfy the Regional Municipality of York Transportation and Works 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 or will have transit services, sidewalks, pedestrian access and bus stop locations.
- 17.39 Prior to Final Approval the Owner shall provide a signed copy of the subdivision agreement to the Regional Transportation and Works Department, outlining all requirements of the Regional Transportation and Works Department.
- 17.40 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.
- 17.41 The Owner shall enter into an agreement with the Region of York, 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-laws DC-0005-2003-050 and DC-0005(a)-2005-060.

17.42 The Region of York Planning and Development Services Department shall advise that Conditions 17.11 to 17.41 inclusive, have been satisfied.

18. Toronto and Region Conservation Authority (TRCA)

18.1 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 stormwater management strategy for the subject lands proposed for development, in accordance with the Master Drainage Plan/Functional Servicing Study for this area (Ponds B and B1) and consistent with current Town and TRCA standards for flood control, water quality and erosion control, and water balance. This report must be signed and stamped by a qualified professional engineer and shall include, but not be limited to:

- An overview of the proposed drainage system including confirmation of compatibility with the overall drainage scheme for the Cornell area;
- Plans illustrating the major and minor system drainage patterns of the subject lands, as well as all adjacent developed and undeveloped lands;
- Location and description of proposed Stormwater Management Practices (SWMPs) to be used to provide the required levels of water quantity/flood, water quality, and erosion control for the subject lands, including plans illustrating all proposed new or modified facilities and all supporting modelling and calculations;
- Location and description of innovative stormwater management techniques to be used to mitigate the overall impacts of the proposed development to the hydrologic water balance, including measures to maintain pre-development infiltration and to minimize the volume of excess runoff generated from development areas, including plans and supporting calculations;
- Proposed method for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction, including detailed erosion and sediment control plans;
- Location and description of all outlets and other facilities which may require a permit pursuant to Ontario Regulation 166/06, the TRCA's *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*;
- Overall grading plans for the subject lands; and
- Location and description of any proposed road watercourse crossings, including design features to be provided to maintain the hydraulic, ecological and geomorphic function of the associated corridor.

18.2 That prior to the initiation of grading on Blocks 4, 5, 11 and 12, the applicant shall submit a detailed hydrogeologic evaluation. This report shall include:

- The source(s) of water within the adjacent tableland woodlot and wetland and location and description of all surface and groundwater pathways for water supply to those features. This is to include all supporting field information which is

expected to include boreholes and piezometers characterizing sub-surface flow conditions;

- Location and description of proposed measures to maintain surface and/or sub-surface flows to this woodlot/swamp and wetland if it is found that Blocks 4, 5, 11 and/or 12 contributes flow to the adjacent natural features, including supporting calculations to confirm that the volume, timing and pattern of contributions will be maintained;
- A review of water well information and existing borehole (geotechnical) data;
- Exploratory test drilling to a greater depth to determine sub-surface stratigraphy and water levels near the wetland/woodlot;
- Determine the mechanism that provides water to the above features and the direction of groundwater flows to the features;
- Determine the potential water conveyance impacts to these features.

18.3 That this draft plan of subdivision be subject to red-line revision in order to meet the requirements of Conditions 1 and/or 2, if necessary;

18.4 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 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.

18.5 That a copy of the fully executed subdivision agreement be provided to the TRCA when available, in order to expedite the clearance of conditions of draft approval.

## 19. External Clearances

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

- (a) The Ministry of Culture shall advise that Conditions 14.1 and 14.2 have been satisfied.
- (b) The Regional Municipality of York Planning Department shall advise that Conditions 2.1, 10.1 and 17.1–178.42 inclusive, have been satisfied.
- (c) The Toronto and Region Conservation Authority shall advise that Conditions 18.1 to 18.5 inclusive, have been satisfied.
- (d) Canada Post shall advise that Conditions 12.3 to 12.6 inclusive, have been satisfied.

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## **APPENDIX 'C'**

### **EXPLANATORY NOTE**

#### **By-law 2007-XXX**

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

Lindvest Properties (Cornell) Limited  
Part of Lots 9 and 10, Concession 9  
Cornell Planning District

### **LANDS AFFECTED**

The by-law applies to approximately 19 ha (47 ac) located east of 9<sup>th</sup> Line, south of Highway 7 in the Cornell Community.

### **EXISTING ZONING**

The lands subject to this By-law are presently zoned Agricultural One (A1) and Rural Residential (RR1) by By-law 304-87, and Community Amenity One (CA1) by By-law 177-96, as amended.

### **PURPOSE AND EFFECT**

The purpose and effect of this By-law is to delete the lands from the designated area of By-law 304-87, as amended, to allow the lands to be included in By-law 177-96, as amended to permit development in accordance with plan of subdivision 19TM-06012.

**BY-LAW 2007-XXX**

A by-law to amend By-law 304-87, as amended  
To delete lands comprising Part of Lots 9 and 10, Concession 9, Cornell Planning District from  
the designated area of By-law 304-87

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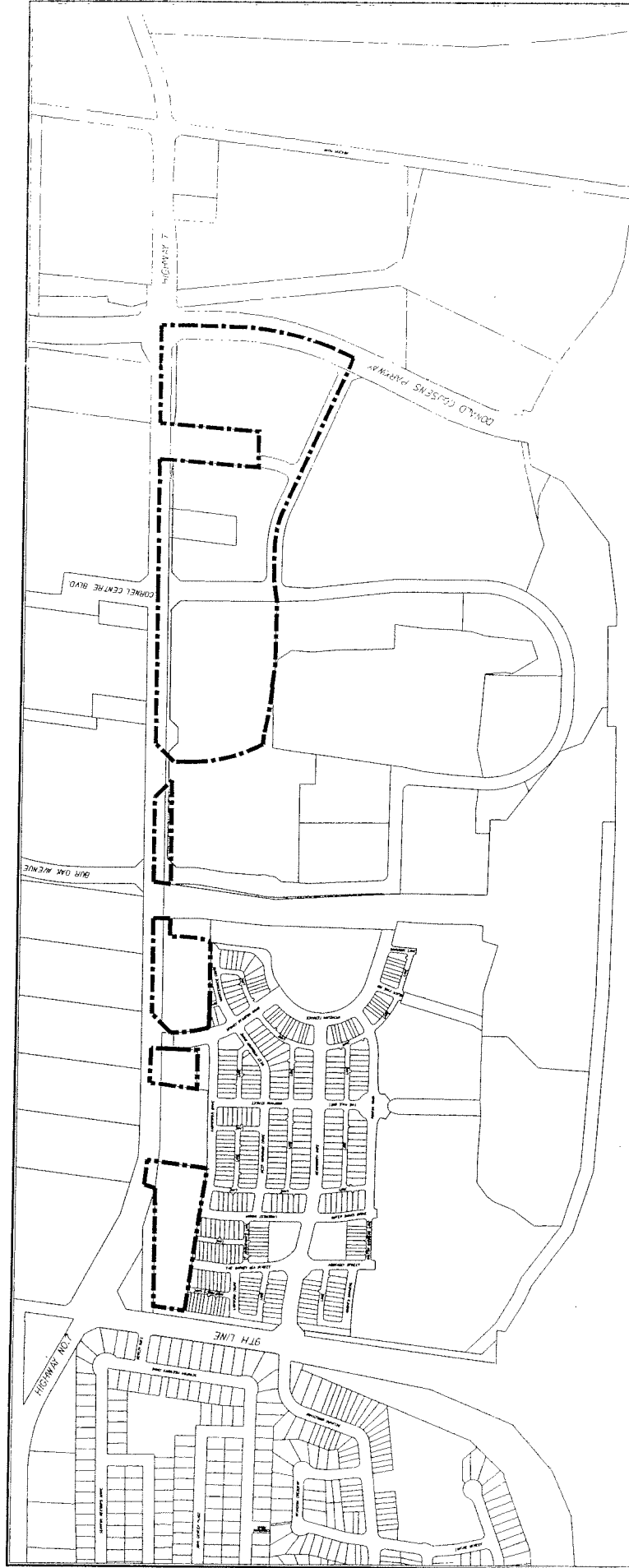
THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY  
ENACTS AS FOLLOWS:

1. By-law 304-87, as amended, is hereby further amended by deleting those lands comprising Part of Lots 9 and 10, Concession 9, as 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 2007-XXX, amending By-law 177-96, as amended, comes into effect and the lands, as shown on Schedule 'A' attached hereto, are incorporated into the designated area of By-law 177-96, as amended.
3. All other provisions of By-law 304-87, as amended, not inconsistent with the provisions of this By-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS\_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2007.

\_\_\_\_\_  
SHEILA BIRRELL, TOWN CLERK

\_\_\_\_\_  
FRANK SCARPITTI, MAYOR



DEVELOPMENT SERVICES COMMISSION

# A BY-LAW TO AMEND BY-LAW

304-87

THIS IS SCHEDULE 'A' TO BY-LAW  
PASSED THIS ..... DAY .....

..... MAYOR  
..... CLERK



BOUNDARY OF AREA COVERED BY THIS BY-LAW

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: 8000

## **EXPLANATORY NOTE**

### **By-law 2007 -**

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

Lindvest Properties (Cornell) Limited  
Part of Lots 9 and 10, Concession 9  
Cornell Planning District

### **LANDS AFFECTED**

The by-law applies to 25.4 ha (62.7 ac) located east of 9<sup>th</sup> Line, south of Highway 7 in the Cornell Community.

### **EXISTING ZONING**

The lands subject to this By-law are presently zoned Agricultural One (A1) and Rural Residential (RR1) by By-law 304-87, and Community Amenity One (CA1) by By-law 177-96, as amended.

### **PURPOSE AND EFFECT**

The purpose and effect of this by-law is to incorporate all of the lands within the designated area of By-law 177-96, as amended, to permit residential, institutional, commercial and employment development contemplated in Phase 1 of draft plan of subdivision 19TM-06012.

## DRAFT

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

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

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

1.1 By expanding the designated area of By-law 177-96, as amended, to include those lands comprising part of Lots 9 and 10, Concession 9, as outlined on Schedule 'A', attached hereto.

1.2 By zoning the lands:

Residential Three *346 (Holding)	[R3*346 (H)]
Community Amenity One *348	(CA1*348)
Community Amenity One *348 (Holding)	[CA1*348 (H)]
Community Amenity One *349	(CA1*349)
Community Amenity One (Holding 1)	[CA1 (H1)]
Business Park * 351	(BP*351)
Business Park * 352	(BP*352)
Open Space One	(OS1)
Open Space Two	(OS2)

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

**“7.346 East of 9<sup>th</sup> Line, south of Highway 7, Cornell**  
*(Blocks 1,2,3 19TM-06012)*

Notwithstanding any other provisions of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol \*346 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

**7.346.1 Only Permitted Uses**

The following are the only permitted uses:

- a) *multiple dwellings*
- b) *apartment dwellings*
- c) *home occupations*
- d) *private home daycare*
- e) *public transit system*
- f) *transit stations*

### **7.346.2 Zone Standards**

The following specific zone standards shall apply:

- a) minimum *height* - 4 storeys
- b) maximum *height* – 6 storeys
- c) minimum *floor space index* – 1.0
- d) maximum setback from the Highway 7 streetline – 4.5m

### **7.346.3 Special Site Provisions**

The following additional provisions shall apply:

- a) Minimum and maximum *height* within 40m of the 9<sup>th</sup> Line streetline or abutting an R2 zone – 3 storeys

### **7.348 East of 9<sup>th</sup> Line, south of Highway 7, Cornell (Hwy 7 frontage of Block 4, 19TM-06012)**

Notwithstanding any other provisions of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol \*348 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

#### **7.348.1 Only Uses Permitted**

The following are the only uses permitted:

- a) *apartment dwellings*
- b) *retail stores*
- c) *personal service shops*
- d) *business offices*
- e) *financial institutions*
- f) *commercial fitness centres*
- g) *non-profit fitness centres*
- h) *community centres*
- i) *day nurseries*
- j) *private and commercial schools*
- k) *restaurants*

#### **7.348.2 Zone Standards**

The following specific zone standards shall apply:

- a) minimum *height* - 8 storeys

- b) maximum *height* - 12 storeys
- c) minimum *floor space index* - 2.5
- d) maximum setback from the Highway 7 streetline – 4.5m

#### **7.348.3 Special Site Provisions**

The following additional provisions shall apply:

- a) Residential uses on the ground floor of an *apartment building* shall not exceed 25% of the total ground floor *gross floor area*.
- b) The uses listed in 7.348.2 b) through k) are permitted only in the *first storey* of an *apartment building*.
- c) Maximum *gross floor area* for a *retail premises* - 500m<sup>2</sup>

#### **7.348.4 Special Parking Provisions**

The following provisions shall apply:

- a) Notwithstanding Table B of Parking Standards By-law 28-97, as amended, parking for *retail uses* on the ground floor of an *apartment building* shall be provided at a rate of 1 space per 30m<sup>2</sup>.

### **7.349 East of 9<sup>th</sup> Line, south of Highway 7, Cornell (Block 4 – 19TM-06012)**

Notwithstanding any other provisions of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol \*349 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

#### **7.349.1 Additional Permitted Uses**

The following additional uses shall be permitted:

- a) *supermarkets*
- b) *places of entertainment*

#### **7.349.2 Uses Not Permitted**

The following uses are not permitted:

- a) *places of worship*

### **7.349.3 Zone Standards**

The following specific zone standards shall apply:

- a) minimum *height* - 4 storeys
- b) maximum *height* – 6 storeys
- c) minimum *floor space index* – 1.0

### **7.349.4 Special Site Provisions**

The following additional provisions shall apply:

- a) Maximum number of *townhouse dwellings* – 50
- b) Residential uses on the ground floor of a *townhouse dwelling* shall not exceed 25% of the total ground floor *gross floor area*.
- c) *Medical offices* and *restaurants* are not permitted on the ground floor of *townhouse dwellings*.
- d) Notwithstanding Section 7.349.3 a), the minimum *height* for a *townhouse dwelling* is 3 storeys.
- e) Notwithstanding Section 7.349.3 a), the minimum *height* for single-use buildings is 7.5m.
- f) Maximum *gross floor area* for a *retail premises* or *supermarket premises* – 2,000m<sup>2</sup>.
- g) Notwithstanding Section 7.349.4 f), one *retail premises* and one *supermarket premises* may exceed a *gross floor area* of 2,000m<sup>2</sup>, up to a maximum of 6,000m<sup>2</sup>.
- h) Notwithstanding Section 7.349.3 c), the minimum *floor space index* for *retail premises* exceeding a *gross floor area* of 2,000m<sup>2</sup> is 0.45.
- i) In the event the lands subject to \*349 are severed or partitioned into two or more separately registered parcels or are held under more than one ownership, the provisions of this by-law shall be applied as if the lands constitute a single lot, with the exception of minimum *lot frontage* which shall apply to individual parcels.

### **7.349.5 Special Parking Provisions**

The following provisions shall apply:

- a) Notwithstanding Table B of Parking Standards By-law 28-97, as amended, parking shall be provided at the following rates:

- i) *business and professional offices* are subject to the following requirements:
  - 1 parking space per 30m<sup>2</sup> of *gross floor area* for that portion that occupies 10% or less of the total *gross floor area* of all building(s) in the Community Amenity One\*349 (CA1\*349) zone shown on Schedule 'A' hereto.
  - 1 parking space per 22m<sup>2</sup> of *gross floor area* for that portion that occupies more than 10% of the total *gross floor area* of all building(s) in the Community Amenity One\*349 (CA1\*349) zone shown on Schedule 'A' hereto.
- ii) all types of *restaurants*, including associated seating areas, are subject to the following requirements:
  - 1 parking space per 22m<sup>2</sup> of *gross floor area* for that portion that occupies 15% or less of the total *gross floor area* of all building(s) in the Community Amenity One\*349 (CA1\*349) zone shown on Schedule 'A' hereto.
  - 1 parking space per 9m<sup>2</sup> of *gross floor area* for that portion that occupies more than 15% of the total *gross floor area* of all building(s) in the Community Amenity One\*349 (CA1\*349) zone shown on Schedule 'A' hereto.
- iii) for all other permitted uses, 1 parking space per 22m<sup>2</sup> of *gross floor area*
- b) Notwithstanding Section 7.349.5 a), two (2) additional parking spaces are required for any non-residential use permitted on the ground floor of a *townhouse dwelling*.
- c) Notwithstanding Section 7.349.5 a), parking shall be provided at a rate of 1 space per 30m<sup>2</sup> for any *retail* use permitted on the ground floor of an *apartment building*.

**7.351 East of 9<sup>th</sup> Line, south of Highway 7, Cornell**  
*(Block 11, 12 north portion 19TM-06012)*

Notwithstanding any other provisions of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol \*351 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

**7.351.1 Uses Not Permitted**

The following uses shall not be permitted:

- a) *hotel*

### **7.351.2 Zone Standards**

The following specific zone standards shall apply:

- a) minimum *height* – 5 storeys
- b) maximum *height* – 10 storeys
- c) minimum *floor space index* – 1.0

### **7.352 East of 9<sup>th</sup> Line, south of Highway 7, Cornell** (Block 11, 12, south portion, 19TM-06012)

Notwithstanding any other provisions of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol \*352 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

#### **7.352.1 Uses Not Permitted**

The following uses are not permitted:

- a) *hotels*

#### **7.352.2 Zone Standards**

The following specific zone standards shall apply:

- a) maximum *height* – 10 storeys
- b) minimum *floor space index* – 0.5
- c) maximum setback from the Highway 7 streetline – 4.5m

## **1.4 HOLDING PROVISIONS**

For the purposes of this By-law, Holding (H) Zones are established and are identified on Schedule 'A' attached hereto by the zone symbol followed by the letter H, or H1 in parentheses.

1.4.1 The Holding (H) provision shall not be removed until the following conditions have been met:

- a) Execution of a site plan agreement; and

b) Sufficient sanitary servicing and water supply has been allocated by the Town and is available from the Trustee of the Cornell Developers Group.

1.4.2 The Holding (H1) provision shall not be removed until the following conditions have been met:

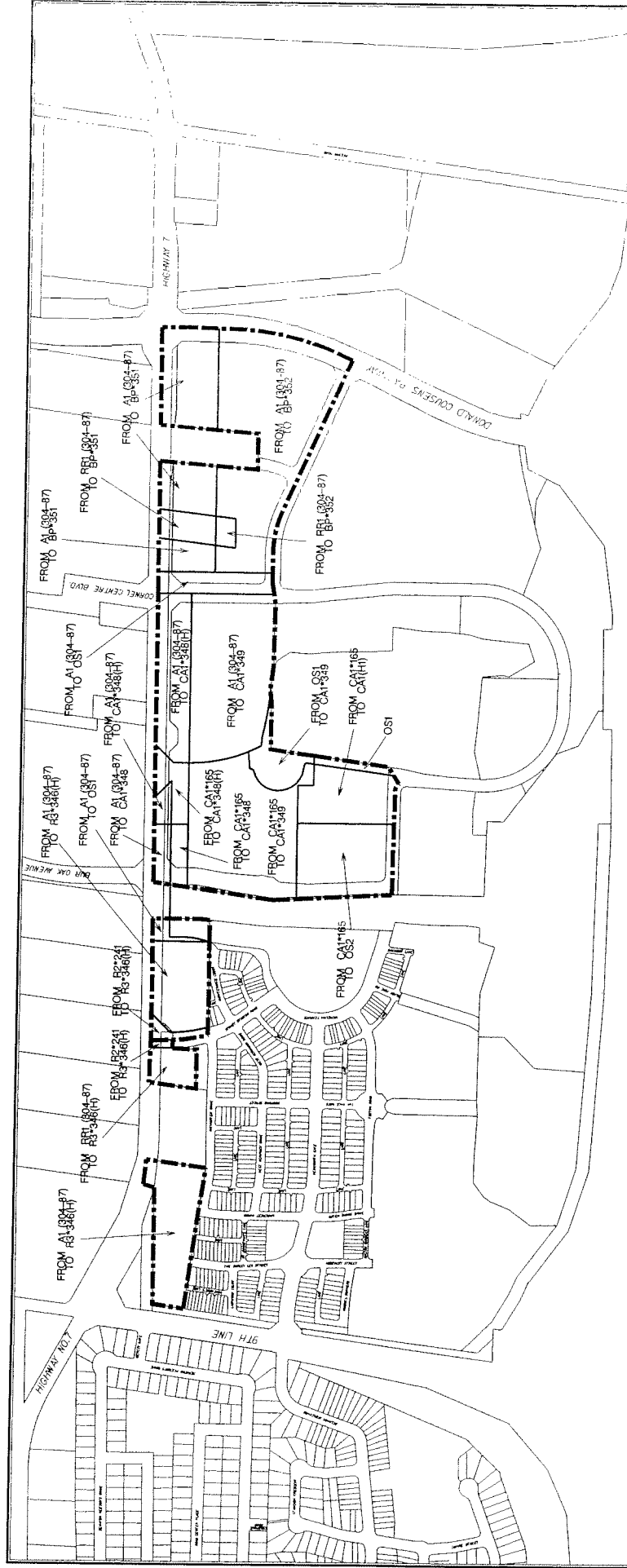
a) Execution of a site plan agreement.

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 \_\_ DAY OF \_\_\_\_\_, 2007.

\_\_\_\_\_  
SHEILA BIRRELL, TOWN CLERK

\_\_\_\_\_  
FRANK SCARPITTI, MAYOR



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

THIS IS SCHEDULE 'A' TO BY-LAW  
PASSED THIS ..... DAY .....

..... MAYOR  
..... CLERK

<input type="checkbox"/> BOUNDARY OF AREA COVERED BY THIS BY-LAW		<input type="checkbox"/> ZONE BOUNDARY	
<input type="checkbox"/> RR1 RURAL RESIDENTIAL ONE	<input type="checkbox"/> OS1 OPEN SPACE ONE	<input type="checkbox"/> OS1 OPEN SPACE ONE	
<input type="checkbox"/> R2 RESIDENTIAL TWO	<input type="checkbox"/> OS2 OPEN SPACE TWO	<input type="checkbox"/> OS2 OPEN SPACE TWO	
<input type="checkbox"/> R3 RESIDENTIAL THREE	<input type="checkbox"/> A1 AGRICULTURE ONE	<input type="checkbox"/> A1 AGRICULTURE ONE	
<input type="checkbox"/> CA1 COMMUNITY AMENITY ONE	<input type="checkbox"/> *No EXCEPTION NUMBER	<input type="checkbox"/> *No EXCEPTION NUMBER	
<input type="checkbox"/> BP BUSINESS PARK	<input type="checkbox"/> (H) HOLDING PROVISION	<input type="checkbox"/> (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: 8000

## **APPENDIX 'D'**

### **SITE PLAN CONDITIONS LINDVEST PROPERTIES (CORNELL) LTD (BLOCK 4, 19TM-06012)**

1. That the Owner enter into a site plan agreement with the Town of Markham containing all standard provisions and requirements of the Town and public agencies including:
  - a. Provision for payment by the Owner of all applicable fees, recoveries, and development charges,
  - b. Provisions for satisfying all requirements of the Town Departments and external agencies;
  - c. Provisions to ensure all lights on the property are appropriately shielded and do not shine on the residential properties; and
  - d. Provisions to ensure that the Owner submits final elevation drawings for review and acceptance by the Director of Planning and Urban Design, prior to the submission of a building permit application for any individual buildings.
2. That prior to the site plan and elevation drawings being endorsed by the Director of Planning and Urban Design, the applicant shall address all comments/concerns of the Town departments and public agencies to the satisfaction of the Director of Planning and Urban Design.
3. That the Owner submit final site plan and conceptual elevation drawings to the satisfaction of the Director of Planning and Urban Design.
4. That prior to the site plan and elevation drawings being endorsed by the Director of Planning and Urban Design, the Owner submit a sign uniformity plan for review and approval to the satisfaction of the Director of Planning and Urban Design.
5. That a landscape plan, prepared by a landscape architect having O.A.L.A. membership, be submitted to the satisfaction of the Director of Planning and Urban Design.
6. That the Owner submit a noise study, prepared by a qualified noise consultant, to the satisfaction of the Director of Engineering with recommended mitigation measures for noise generated by road traffic and by any other identified noise sources.
7. That the Owner submit a detail traffic impact study summarizing the impact of the proposed development on the overall road network and the improvements needed to accommodate the development, and a functional traffic design study to determine the on-site road network demands and required internal circulation capacity.

8. That the Owner submit an Illumination Plan if required by the Town, prepared by a qualified electrical consultant, to the satisfaction of the Director of Planning and Urban Design and such Illumination Plan shall be subject to peer review at no cost to the Town;
9. That prior to final site plan approval the Owner shall meet with the Fire Department to finalize the location of the Fire Department connection, private hydrant, fire access route signage and rapid entry key box, to the satisfaction of the Fire Chief;
10. That the location, size and construction of all internal refuse storage areas be approved to the satisfaction of the Town of Markham Waste Management Department;
11. That the Owner submit to the Engineering Department for approval, site servicing and grading drawings, municipal service connections details, and a storm water management report, prior to the Director of Planning and Urban Design signing the site plan "endorsed in principle". Drawings are to be prepared and stamped by a Professional Engineer with a Certificate of Authorization from Professional Engineers of Ontario.

THAT this endorsement shall lapse and site plan approval will not be issued, after a period of three years commencing June 26, 2007 in the event a site plan agreement is not executed within that period.