

EXPLANATORY NOTE

BY-LAW 2005 -

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

Kylemore Homes
19TM-030026
Part of Lot 16, Concession 5

LANDS AFFECTED

The by-law applies to a 4.57 hectare (11.29 ac) property, located on the north side of 16th Avenue, west of Kennedy Road.

EXISTING ZONING

The lands subject to this By-law are presently zoned Rural Residential Four (RR4) and Open Space One (O1), by By-law 304-87, as amended.

PURPOSE AND EFFECT

The purpose and effect of this by-law is to delete the lands from By-law 304-87, as amended, so that they may be incorporated into By-law 177-96, as amended, to permit 19 single detached units, 52 condominium townhouses. By-law 304-87 is the Town's rural area by-law. By-law 177-96 is the Town's expansion area by-law.

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

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

1. By-law 304-87, as amended, be and the same is hereby further amended by deleting the lands outlined on Schedule 'A' hereto from the designated area of By-law 304-87, as amended.
2. This by-law shall not come into force until By-law 2006-XX, amending By-law 177-96, as amended, comes into force and the subject lands of this by-law become incorporated into the designated area of By-law 177-96, as amended.
3. All other provisions of By-law 304-87, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 304-87



BOUNDARY OF AREA COVERED BY THIS BY-LAW

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

.....MAYOR

.....CLERK

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

SCALE NS

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EXPLANATORY NOTE

BY-LAW 2005 -

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

Kylemore Homes
19TM-003024
Part of Lot 16, Concession 5

LANDS AFFECTED

The by-law applies to a 4.57 hectare (11.29 ac) property, located on the north side of 16th Avenue, west of Kennedy Road.

EXISTING ZONING

The lands subject to this By-law are presently zoned Rural Residential Four (RR4) and Open Space One (O1), by By-law 304-87, as amended.

PURPOSE AND EFFECT

The purpose and effect of this by-law is to incorporate the lands into appropriate residential and commercial zone categories within By-law 177-96, as amended. The proposed residential zoning designations are Single Detached Residential F13 (R1-F13) and Residential Two*317 (R2*317). They will permit 19 single detached lots and 52 condominium townhouses. The commercial block is zoned Neighbourhood Commercial Three (Hold) [NC3(H)] and will permit a supermarket.

The following condition must be met prior to lifting the Holding Zone:

- a) A site plan control agreement has been executed.

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

1. By-law # 177-96, as amended, is hereby further amended as follows:
 - 1.1 By expanding the designated area of the By-law to include those lands comprising Part of Lot 16, Concession 5 as more particularly outlined on Schedule 'A' hereto.
 - 1.2 By zoning the lands

Single Detached Residential F-13	R1-F13
Residential Two*317	R2*317
Residential Two*318	R2*318
Neighbourhood Commercial Three*327(H)	NC3*327 (H)
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:
 - 7.317 North side of 16th Avenue, west of Kennedy Road – Kylemore Homes

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *317 on the Schedules to this By-law. All other provisions of this by-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

 - 7.317.1 Zone Standards

The following specific zone standards apply:

 - a) Minimum *Lot Frontage* – 7.0 m
 - b) Maximum *Height* – 12 m
 - 7.317.2 Special Site Provisions

The following provisions apply

 - a) A *lot* is permitted to front onto a *private street*
 - 7.318 North side of 16th Avenue, west of Kennedy Road – Kylemore Homes

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *318 on the Schedules to this By-law. All other provisions of this by-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

 - 7.318.1 Special Site Provisions

The following additional provisions apply:

- a) The maximum *driveway* width and *garage* width shall not apply.

7.327 North side of 16th Avenue, west of Kennedy Road – Kylemore Homes

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *327 on the Schedules to this By-law. All other provisions of this by-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

7.327.1 Only Uses Permitted Uses

The following uses are the only uses permitted:

- a) *Supermarket* with associated seasonal outdoor display subject to special provision 9 of Table A2.

1.4 HOLDING PROVISION

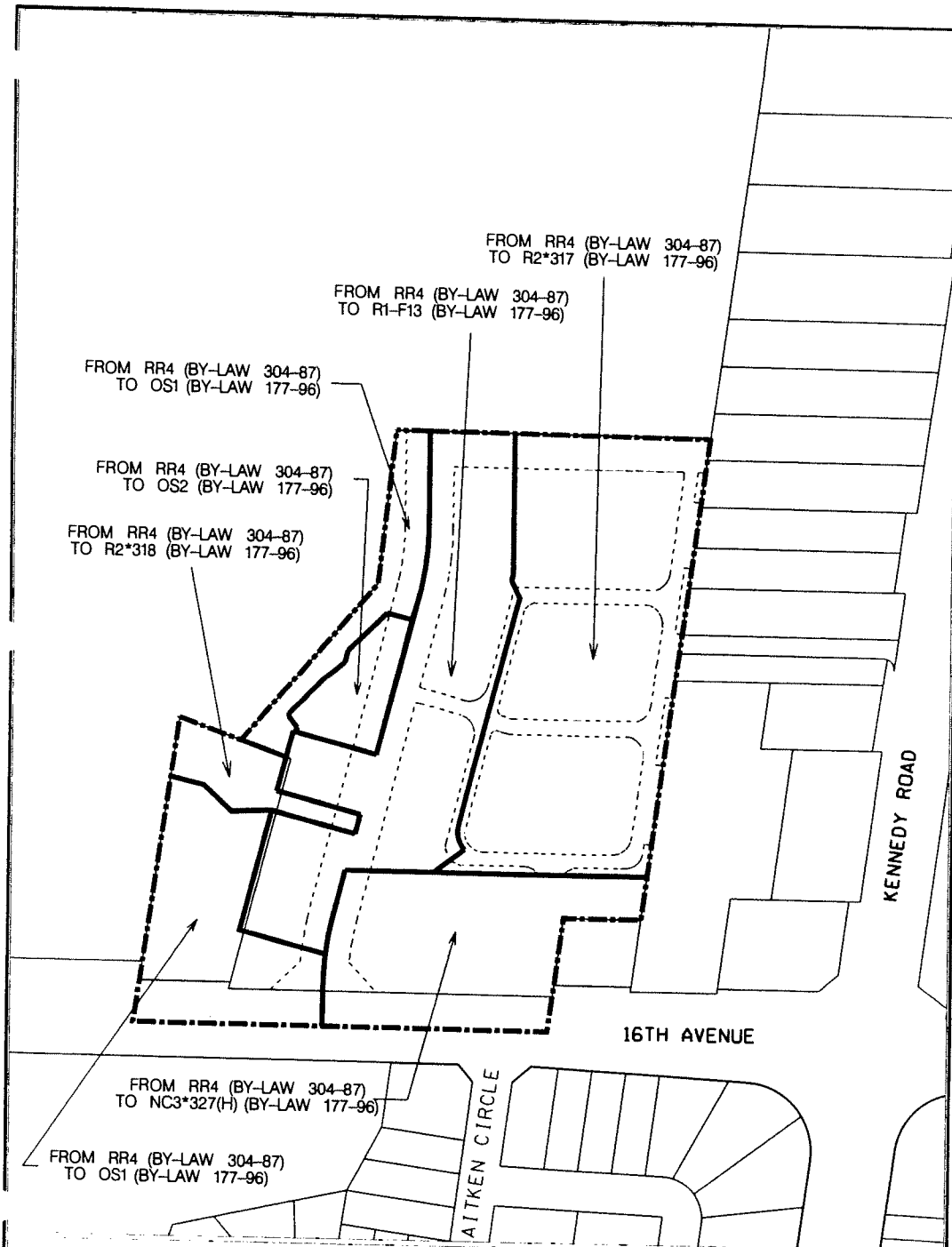
For the purpose of this By-law, a Holding (H) *zone* is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbol.

No person shall hereafter *erect* or *alter* any *building* or *structure* on lands subject to a '(H)' provision for the purpose permitted under this By-law until an amendment to this By-law to remove the letter '(H)' has come into effect pursuant to the provisions of Section 36 of the Planning Act.

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

- a) A site plan control agreement has been executed.

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



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW



BOUNDARY OF AREA COVERED BY THIS BY-LAW
ZONE BOUNDARY

- ☐ R2-F13 SINGLE FAMILY RESIDENTIAL F13
- ☐ R2 RESIDENTIAL TWO
- ☐ NC3 NEIGHBORHOOD COMMERCIAL THREE

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

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

.....MAYOR

.....CLERK

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

SCALE NS

APPENDIX 'B'
RECOMMENDED CONDITIONS OF DRAFT APPROVAL
PLAN OF SUBDIVISION 19TM-030024
(Kylemore Homes)

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by JD Barnes, identified as Project Number 03-21-066-00-layout, dated January 26, 2006, incorporating the following redline revisions:
 - Street A: North leg of the collector ROW shall be increased to 25 m for a length of 60 m from the signalize intersection of 16th Avenue.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the Town, and shall accordingly lapse on June 27, 2009, unless extended by the Town upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the Town agreeing to satisfy all conditions of the Town and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner 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.
- 1.5 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 water supply allocation has not been confirmed by the Developers Group Trustee and the Town.
- 1.6 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the Town, (Commissioner of Development Services) to implement or integrate any recommendations resulting from studies required as a condition of draft approval.

2. Roads

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the Town and the Region of York.
- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways

highways shall be designed, secured 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 'A' and Street 'B' to the Town, 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 their cost and remove them and restore the streets to their normal condition at their cost when required by the Town, to the satisfaction of the Town (Commissioner of Development Services). The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement to the satisfaction of the Town.
- 2.6 The Owner shall submit a draft maintenance agreement to the Director of Engineering for review and acceptance to deal with maintenance issues around Street 'B' road allowance. The maintenance agreement will specify that the future condo corporation will maintain the road allowance until Street 'B' is extended to connect to Kennedy Road or until such time as directed by the Director of Engineer, all at the condo corporation's cost. The agreement will further indemnify and save harmless and defend the Town from all actions, causes of action, suits, claims and demands what so ever which may arise directly or indirectly due to this maintenance agreement
- 2.7 Prior to registration of the plan, the Owner shall enter into the maintenance agreement with the Town to maintain the Street B road allowance and the maintenance agreement will be registered on title.

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 16th Avenue and Kennedy Road and by any other identified noise sources, to the satisfaction of the Town, in consultation with the Region of York. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.
- 3.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the Town (Commissioner of Development Services), in consultation with the Region of York.

4. Woodlot and Tree Preservation Plans

- 4.1 The Owner shall submit an overall tree inventory and preservation plan, which has been prepared by a qualified Landscape Architect in good standing with the O.A.L.A., or a certified Arborist, to the satisfaction of the Commissioner of Development Services, prior to the execution of a subdivision agreement for any portion of the draft plan of subdivision. The tree preservation plan shall be based on information taken from a registered survey plan, showing the exact location of the trees to be preserved, location of protective hoarding, final grading, proposed municipal services and utilities, and conceptual building envelopes and driveway locations.
- 4.2 The Owner shall covenant and agree in the subdivision agreement that the Owner shall prepare and submit site grading/tree preservation plans, with respect to trees to be preserved on any portion of the plan of subdivision, showing the location of buildings and structures to be erected and proposed municipal services and utilities in that area, in accordance with the approved Tree Preservation Plan for the approval of the Town (Commissioner of Development Services) prior to the issuance of building permits.
- 4.3 The Owner shall covenant and agree in the subdivision agreement to obtain written approval of the Town prior to the removal of any trees within the area of the draft plan.
- 4.4 Prior to registration of the first phase, the Owner shall provide documentation for the natural features identified by the town of Markham Official Plan amendment No. 52(Natural features). This documentation is to show the mapping of the drip line by survey, an assessment of the possible impacts from development of the lands surrounding the designated areas, preparation of a natural features management plan, safeguards to preserve the woodlot and valleyland features and mitigating and restorative measures required as a result of the proposed development.

5. Streetscape and Landscape Plans

- 5.1 Prior to final approval of the draft plan, the Owner shall submit landscape plans based on the approved Community Concept Plan, dated April 2005, to the satisfaction of the Town. These plans are to be prepared by a qualified landscape architect in good standing with the O.A.L.A. and shall include the following:
 - a) streetscape plans, including a minimum of one tree per residential lot with a maximum space of 12 metres between trees. The size, spacing and species selected shall be to the satisfaction of the Town (Commissioner of Development Services)
 - b) detailed landscape plans for Open Space Blocks, Valley Blocks, and townhouse buffer blocks.
 - c) 1.5 metre high black vinyl chain link fencing where residential lots abut the neighbourhood parks, open spaces, and where the open space blocks abut the adjacent existing golf course lands.

- d) noise attenuation fencing in accordance with the approved noise study
 - f) 1.5 metre high black vinyl chain link fencing of the east property line adjacent to the private School Block.
 - g) 1.5 metre high privacy fencing on exterior rear side yards of residential units abutting roads and laneways.
 - h) black vinyl chain link fencing of block 30 where abutting proposed residential lands, open space lands and the adjacent golf course lands.
 - i) 1.8m high wood screen fencing where the proposed residential lands abut the existing residential lots along the east property line.
 - j) landscape plans and landscape works for the storm water management ponds, including naturalized planting and pathways
 - k) review of concept plans for Park Block 44 used for promotional purposes
- 5.2 The Owner covenants and agrees that the detailed design and construction of all landscaping shall be at no cost to the Town and in accordance with the provisions of the approved landscape plans.
- 5.3 The Owner shall covenant and agree that provision shall be made in the subdivision agreement for a letter of credit, in an amount to be determined by the Town, to ensure compliance with applicable tree preservation, fencing, streetscape, storm water management ponds, buffer walkway and other landscaping requirements.
- 5.4 The Owner shall covenant and agree in the subdivision agreement to prohibit all builders from imposing an extra charge to home purchasers for the items listed above.
- 5.5 The Owner shall include in all agreements of purchase and sale the following clause:
- “PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS LOT IS LOCATED, THE TOWN OF MARKHAM HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:**
- STREET TREES (TREES PLANTED IN THE TOWN BOULEVARD)
 - TREE PLANTING IN REAR YARDS ADJOINING THE LANES
 - NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
 - FENCING OF SCHOOL BLOCKS

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

6 Parks and Open Space

- 6.1 The Owner shall convey Block 44 (with associated road access and servicing) to the Town for park purposes, free of all costs and encumbrances, upon registration of the plan of subdivision. These Blocks shall be conveyed in a physical condition which is satisfactory to the Town. The Town reserves the right to require, as an alternative, payment of cash-in-lieu for any part of the said conveyance of lands for parks purposes and that the draft plan be revised accordingly.
- 6.2 Prior to the registration of the first phase, the Owner agrees to convey to the Town, free of all costs and encumbrances, the Valley Blocks, Open Space Blocks, Walkway Blocks and all Buffer Blocks within this draft plan. The Owner acknowledges and understands that these conveyances shall not comprise part of the required dedication for park purposes. These Blocks shall be conveyed in a physical condition which is satisfactory to the Town.
- 6.3 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain (free of stock piles and debris) all park blocks and vacant lands within the subdivision to the satisfaction of the Town. The park blocks shall be maintained until such time as the parks have been constructed and assumed by the town for maintenance. Other vacant blocks shall be maintained until such time as the ownership of the blocks has been transferred. No stockpiling of materials, including topsoil and fill, shall occur on any lands to be conveyed to the Town. Topsoil stockpiling shall be limited to areas in a second or subsequent phase of subdivision build-out.
- 6.4 The Owner acknowledges that should these works not be completed and maintained to the satisfaction of the Commissioner of Development Services, the Town will do the work as required and draw on the letters of credit for all costs so incurred plus 10% for contract administration.

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

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. The Owner covenants and agrees to provide the Town with a watercourse temperature monitoring program, satisfactory to the Director of Engineering within six months after the registration of the plan of subdivision. The Town is exploring the implementation of a Town directed watercourse monitoring program. If this program is implemented by the Town, it is acknowledged that the Town reserves the right to relieve the Owner of the requirement of this clause.
- 7.3 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Erosion and Sediment Control Plans in accordance with the Town's standards prior to proceeding with any on-site works and more particularly topsoil stripping.

8. Municipal Services

- 8.1 The Owner shall acknowledge and agree in the subdivision agreement that final approval of the draft plan shall be subject to 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 acknowledge and agree in the subdivision agreement that building permits will not be issued until the Director of Building Services has been advised by the Director of Engineering that water, sewage treatment, utilities and roads satisfactory to the Director of Engineering are available to the lands, except that building permits may be issued for model homes upon terms and conditions established by the Town (Commissioner of Development Services).
- 8.4 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).
- 8.5 Prior to final approval of the draft plan, detailed engineering drawings shall be provided by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, stormwater management detail plans, etc. to the satisfaction of the

satisfaction of the Town (Commissioner of Development Services).

- 8.6 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.
- 8.7 The Owner shall prepare and submit an analysis of water supply and pressures for the internal water system to the satisfaction of the Director of Engineering, and comply with any applicable requirements, conditions or assessed costs established by the Town, the Region of York or any other authorized agencies prior to the registration of any portion of the draft approved plan.
- 8.8 The Owner acknowledges and agrees that allocation for 70 units is granted in accordance with the Town's November 15, 2005 council report, relating to allocation policy.
- 8.9 The Owner shall covenant and agree to pay for the relocation of existing service connections on abutting roads owned by the Town and for the relocation of any infrastructure within the abutting roads to the satisfaction of the Director of Engineering.
- 8.10 The Owner shall covenant and agree in the subdivision agreement to pay \$100.00 per unit as their proportionate share for the cost of the Highway 48 Flow Control System which is required to create the sanitary sewer capacity for this project.
- 8.11 The Owner shall covenant and agree that no pre-servicing will occur until the engineering drawings are approved, a pre-servicing agreement is executed and the necessary securities are provided.
- 8.12 The Owner covenants and agrees to investigate and design sanitary sewer connection options to service the existing Montessori School to the east of the lands to the satisfaction of the Director of Engineering.
- 8.13 The Owner covenants and agrees to decommission the existing temporary 750mm diameter sanitary sewer to the satisfaction of the Director of Engineering.

9. Architectural Control

- 9.1 The Owner shall retain a design consultant to prepare Architectural Design Guidelines for the Kylemore Homes/Deacon Property, in conjunction with the Developer's Group, to be submitted to the Town for approval, prior to final approval of the draft plan and shall covenant and agree in the subdivision agreement to implement the architectural control guidelines.

- 9.2 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines. No permits shall be issued for model homes prior to the approval of the Town of the architectural control guidelines.
- 9.3 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not assume the role of control architect for the plan of subdivision.

10. Traffic Impact Study

- 10.1 Prior to final approval of the draft plan, the Owner shall prepare, in consultation with the Owners of other lands within the Planning District 31, a Traffic Impact Study to the satisfaction of the Town and the Region of York. The Owner shall incorporate the requirements and criteria of the Traffic Impact Study into the draft approved plan and subdivision agreement.

11. Easements

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

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 Markham Hydro, Consumers Gas, telecommunications companies, etc.
- 12.3 The Owners shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the Town of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.

- 12.4 The Owners shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 12.5 The Owners shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 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.
- 12.8 The Owner covenants and agrees to advise all utility and telecommunication carriers that plans for medium or large size vaults are to be submitted to the Town for review and approval. Drawings are to be approved by the Commissioner of Development Services and are to include location, grading, fencing, landscaping, access, elevations etc.

13. 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.
- 13.2 The Owner covenants and agrees to pay all fees and development charges which will be finalized at the subdivision stage.

14. Phase 1 Environmental Assessment

- 14.1 Prior to final approval of the draft plan, the Owner shall submit a Phase 1 EA report prepared by a professional engineering consultant or equivalent, in accordance with MOEE guidelines or other guidelines as appropriate, to the satisfaction of the Town. The required decommissioning of existing wells and septic systems within the subdivision are to be addressed in the EA report.

15. Heritage

- 15.1 Prior to final approval of the draft plan of subdivision or any phase thereof, the Owners shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the Town (Commissioner of Development Services) and the Ministry of Citizenship, Culture and Recreation. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Citizenship, Culture and Recreation to the Town indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 15.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the Town and the Ministry of Citizenship, Culture and Recreation.

16. Other Town Requirements

- 16.1 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 16.2 The Owner acknowledges and agrees that the adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.
- 16.2 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
- the Town's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage
 - the Town's zoning by-law restricts the width of the driveway to a maximum of 3.5 metres, this width does not allow two cars to park side by side
 - overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the Town

- 16.3 The Owner shall covenant and agree in the subdivision agreement that construction access will be restricted to 16th Avenue and Street 'A'.

17. Region of York

- 17.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and the York Region Planning and Development Services Department.
- 17.2 York Region shall confirm that adequate water supply capacity and sewage treatment capacity are available and have been allocated by the Town of Markham for the development proposed within this draft plan of subdivision or any phase thereof.
- 17.3 The owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required York Region road improvements for this subdivision. The report/plan, to be submitted to the York Region Transportation and Works Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- 17.4 The owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation and Works Department, to implement the recommendations of the functional transportation report/plan as approved by the York Region Transportation and Works Department.
- 17.5 The Owner shall submit detailed engineering drawings, to the York Region Transportation and Works Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the 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.
- 17.6 The following lands shall be conveyed to York Region for public highway purposes, free of all costs and encumbrances:
- a) A widening across the full frontage of the site where it abuts 16th Avenue of sufficient width to provide a minimum of 18.0 metres from centreline;
 - b) An additional 2.0 metre widening, 30.0 metres in length, for the purpose of a right turn lane together with a 60.0 metre taper;

- c) A 15.0 metre daylight triangle at the northeast and northwest corner of 16th Avenue and Street 'A'; and,
 - d) A 0.3 metre reserve across the full frontage of the site where it abuts 16th Avenue and adjacent to the above widenings.
- 17.7 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 all lands to be conveyed to York Region.
- 17.8 The intersection of 16th Avenue and Street 'A' shall be designed and constructed to the satisfaction of the 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 the York Region Transportation and Works Department.
- 17.9 The location and design of the construction access for the subdivision work shall be completed to the satisfaction of the York Region Transportation and Works Department and illustrated on the Engineering Drawings.
- 17.10 Any existing driveway(s) along the Regional road frontage of this subdivision must be removed as part of the subdivision work, at no cost to York Region.
- 17.11 Prior to Final Approval the owner shall provide a copy of the duly executed/approved local subdivision agreement to the York Region Transportation and Works Department, outlining all requirements of the York Region Transportation and Works Department.
- 17.12 The Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the York Region Transportation and Works Department recommending noise attenuation features and the owner shall agree to implement these noise attenuation features to the satisfaction of the York Region Transportation and Works Department.
- 17.13 The Owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation and Works Department, that prior to the release of any security held by York Region in relation to this plan of subdivision, and where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines.
- 17.14 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."

- 17.15 Where noise attenuation features will abut a Regional right-of-way, the owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation and Works Department, as follows:
- a) that no part of any noise attenuation feature shall be constructed on or within the Regional right-of-way;
 - b) that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be maximum 2.5 metres in height, subject to the area municipality's concurrence;
 - c) that maintenance of the noise barriers and fences bordering on York Region rights-of-way shall not be the responsibility of York Region; and,
 - d) that any landscaping provided on York Region rights-of-way by the owner or the area municipality for aesthetic purposes must be approved by the York Region Transportation and Works Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.
- 17.16 The owner shall agree in the subdivision agreement to construct a concrete sidewalk along the entire frontage of the subject property where it abuts 16th Avenue, subject to the specifications and approval of the Town of Markham and York Region Transit (YRT).
- 17.17 The owner shall agree in the subdivision agreement, subject to the specifications and approval of YRT, to construct a passenger platform at the northeast corner of 16th Avenue and Street 'A.'
- 17.18 The owner shall agree in the subdivision agreement that a safe and convenient pedestrian connection by way of a concrete sidewalk or equivalent, subject to the specifications and approval of the Town, will be provided between Block 12 (Commercial Block) and 16th Avenue in order to provide direct access to transit services.
- 17.19 The owner shall agree in the subdivision agreement that the required passenger standing areas/shelter pads shall be installed to the satisfaction of the area municipality YRT. Landscaping should not interfere with the bus stops, passenger standing areas, shelters or corner sightlines.

Note:

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

YRT facilities supervisor - Ann Marie Carroll at (905)762-1282 ext. 5677 to confirm final details.

- 17.20 The owner shall submit drawings showing the sidewalk locations, concrete pedestrian access, passenger standing areas and shelter pads to the satisfaction of YRT.
- 17.21 The owner shall agree in the subdivision agreement to advise all potential purchasers of the possible future introduction of transit services to and within the proposed development. This includes potential transit routes, bus-stops and shelter locations. This can be achieved through the distribution of information/marketing materials (e.g. YRT route maps) at sales offices and appropriate notification clauses in purchase agreements. Route maps are available from YRT upon request.
- 17.22 The owner shall agree in the subdivision agreement to the installation of illumination, in accordance with Regional and Town standards, along all streets which will have transit services, sidewalks, pedestrian accesses and bus stop locations.
- 17.23 The owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law DC-0005-2003-050.

18. Toronto and Region Conservation Authority

- 18.1 Prior to final approval of the draft plan, the owner shall complete any required studies, relating to matters under the jurisdiction of the Toronto and Region Conservation Authority (including but not limited to the establishment of limits of development and environmental buffer zones associated with valleylands, the design of crossings of valleylands and storm water management), to the satisfaction of the Authority. The owner acknowledges and agrees that requirements resulting from these studies shall be incorporated into the draft plan of subdivision and the subdivision agreement as required.
- 18.2 Prior to final approval of the draft plan, the owner shall provide a signed copy of the subdivision agreement to the TRCA, which agreement shall include all requirements of the TRCA as outlined in their comments to the Town dated May 10, 2006.
- 18.3 That prior to any grading, development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant submit for the review and approval of the TRCA:
 - a. A detailed engineering report that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands. This report shall include:
 - i. plans illustrating how this drainage system will tie into surrounding

drainage systems and storm water management techniques which may be required to control minor or major flows;

- ii. appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat;
 - iii. proposed method for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction;
 - iv. location and description of all outlets and other facilities which may require a permit pursuant to Ontario Regulation 166/06, (TRCA Regulation of development, interference with wetlands and alterations to shorelines and watercourses);
 - v. development limit "constraint" mapping for areas adjacent to natural features, showing all of the following (both existing and proposed) that are applicable to the site: top of bank, stable slope line, floodlines, significant vegetation, and required buffers, with the draft plan of subdivision on the same plan.
 - vi. Plans illustrating proposed methods for treating road run-off, and proposed locations for the stock-piling of snow.
- b. Overall grading plans for the subject lands.
- c. A comprehensive water balance strategy be submitted to the satisfaction of the TRCA and Town of Markham staff, which identifies how ground water infiltration will be maintained on the site, and provides detailed design of the system, and implementation and monitoring information.
- 18.4. That all construction activities be undertaken in accordance with the findings and recommendations of the Deacon Property Scoped Environmental Impact Study (prepared by Gartner Lee Limited).
- 18.5. That the implementing zoning by-law recognize Blocks 45 to 53 in addition to all other blocks in which natural features are located, an open space or other suitable zoning category which has the affect of prohibiting structural encroachment and ensuring the long term preservation of the lands in perpetuity, to the satisfaction of the TRCA. In addition, the noted zoning by-law(s) must stipulate the following:
- a) a minimum 7.5 metre structural setback (rear and/or side yard) for all lots abutting the valley corridors (including all buffer blocks) on the subject property. Please note that no buildings, accessory structures, paved/hardened surfaces or

any other infrastructure are permitted within this setback area.

- 18.6. That the applicant attain all necessary permits required under Ontario Regulation 166/06, in addition to all approvals from Fisheries and Oceans Canada, and the Ministry of Natural Resources, as required.
- 18.7. That all blocks including natural features (including but not necessarily limited to Blocks 45 to 53) be dedicated gratuitously to the Town of Markham.
- 18.8. That comprehensive restoration and enhancement plans be provided for all Open Space blocks containing watercourse features or buffers, detailing all areas to be restored or enhanced, proposed natural channel and Open Space Block design and identifying proposed vegetation species, densities and monitoring requirements to the satisfaction of the TRCA.
- 18.9. 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 19.3;
 - b. To agree to, and implement, the requirements of the TRCA's conditions in wording acceptable to the TRCA;
 - c. to design and implement on-site erosion and sediment control;
 - d. to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA;
 - e. to obtain all necessary permits pursuant to Ontario Regulation 166/06 from the TRCA, in addition to all necessary approvals for external agencies, including but not necessarily limited to Fisheries and Oceans Canada, and the Ministry of Natural Resources;
 - f. to erect a permanent fence to the satisfaction of the TRCA for lots and blocks abutting Open Space Blocks, including but not necessarily limited to 45 to 53.
 - g. To provide the requisite funding, or contribute to a cost-sharing fund to provide for the long-term monitoring and maintenance of the water balance and infiltration measures on this site, to the satisfaction of the TRCA.
 - h. To implement all water balance/infiltration measures identified in the water balance study that is to be completed for the subject property.
 - i. To provide for planting, restoration and enhancement of all disturbed areas adjacent to or within natural areas to the satisfaction of TRCA staff. And, that

monitoring and replanting of these areas be completed for period of a minimum of 2 years, with sufficient funds be secured through this period through a letter of credit or other appropriate measure.

- j. to commit to provide appropriate information to all perspective buyers of lots adjacent to Open Space (valley) blocks through all agreements for purchase and sale, sales information, and community maps to ensure that the land owners are well informed that private use and/or access to the Open Space block shall not be permitted, and reflect the intent of the following:
 "The Open Space block adjacent to the subject property is considered to be part of the publically owned valley corridor and will be maintained for environmental protection, and public use purposes. Please note that uses such as unauthorized private picnics, barbeque or garden areas; and/or the dumping of refuse (e.g. grass/garden clippings, household compostable goods, garbage etc.) are not permitted on these lands. In addition, access to the valley corridor such as private rear yard gates and/or ladders are prohibited".
- k. to provide for an appropriate amount of cash-in-lieu of oil-grit separators to the Town of Markham if it is determined by the TRCA and Town of Markham that oilgrit separators are not to be provided by the owner.

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

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 Regional Municipality of York Planning Department shall advise that Conditions 2.1, 10.1 and 17, inclusive, have been satisfied.
 - (b) The Toronto and Region Conservation Authority shall advise that Conditions 6.1, 6.2 and 18 have been satisfied.
 - (e) The Ministry of Culture shall advise that Conditions 15.1 and 15.2 have been satisfied.

OFFICIAL PLAN
of the
TOWN OF MARKHAM PLANNING AREA
AMENDMENT NO.XXX

To amend the Official Plan (Revised 1987), as amended, to incorporate an amendment to the policies
for the Angus Glen Planning District (Planning District No.31)

Kylemore Homes

(North side of 16th Avenue, west of Kennedy Road – Part of Lot 16, Concession 5, Town of
Markham, Regional Municipality of York)

(June 2006)

OFFICIAL PLAN
of the
MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987) as amended, to incorporate an amendment to the policies for the Angus Glen Planning District (Planning District No. 31).

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, by By-law No. ____-____ in accordance with the Planning Act, R.S.O. 1990, c.P.13, as amended, on the _____ day of _____, 2006.

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 _____ DAY OF _____, 2006.

CONTENTS

PART I - INTRODUCTION

1	GENERAL.....	i
2.	LOCATION.....	ii
3.	PURPOSE.....	iii
4.	BASIS.....	iv

PART II - THE OFFICIAL PLAN AMENDMENT

1	THE OFFICIAL PLAN AMENDMENT.....	1
2	IMPLEMENTATION AND INTERPRETATION.....	X
3.	SCHEDULE(S)	

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.

PART II – THE OFFICIAL PLAN AMENDMENT, constitutes Amendment No. XXX to the Official Plan (Revised 1987) as amended, including Schedules ‘A’, ‘B’, ‘C’, ‘D’, and Figure 31.2 attached hereto. Part II is the operative part of this Official Plan Amendment.

2.0 LOCATION

The lands subject to this Official Plan Amendment are 4.5 hectares (11.1 acres) in area and are located on the north side of 16th Avenue, west of Kennedy Road, and south of the Angus Glen community. The subject lands adjoin the Bruce Creek and lands owned by the York Downs Golf Course to the west and north. The lands are described as Part of Lot 16, Concession 5, Town of Markham, Regional Municipality of York. The subject lands are identified on Schedule ‘A’ to Part II of this Amendment.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to:

- redesignate the subject lands from AGRICULTURE 1 to URBAN RESIDENTIAL in order to permit the proposed residential and commercial development on the subject lands;
- delete the Future Urban Area overlay;
- incorporate the subject lands into the Angus Glen Planning District (Planning District No. 31) to ensure that the proposed development is consistent with the District’s general policies and character;
- ensure that the development of the proposed 0.57 ha (1.41 ac) commercial block is undertaken to the satisfaction of the Town;
- establish appropriate land use and urban design policies for high quality development on these lands; and,
- ensure that the proposed development addresses environmental requirements of the Town of Markham, in consultation with the Toronto and Region Conservation and Authority.

4.0 BASIS

This Official Plan Amendment is intended to implement land use designations to permit the proposed development of the subject lands and to ensure that the development is dealt with in a comprehensive manner and to the satisfaction of the Town of Markham.

In order to ensure that the development of the subject lands is compatible with the long-term development of the surrounding community, a comprehensive planning study was carried out by the proponent of this Amendment. This study reviewed the development potential, land use distribution and road pattern for the subject lands, and adjacent land to the north and to the east. The resulting land use and road pattern identified in the comprehensive planning study is shown on Map 1. The subject lands have been planned to be a complementary component of the broader comprehensive plan.

The subject lands front onto 16th Avenue, a Region of York Arterial Road. The subject lands are expected to have access to this road, as well as access to Kennedy Road, also a Region of York arterial road, via proposed local road connections.

The proposed development of the subject lands includes the following land uses:

- 52 condominium townhouses;
- 19 single detached dwellings (including an existing dwelling on the land's western boundary);
- a 0.57 ha (1.41 ac) commercial block fronting onto 16th Avenue to be developed with a speciality food/grocery store and office uses;
- a 0.12 ha (.29 ac) park;
- 0.33 ha (0.81 ac) of open space; and,
- 0.26 (0.64 ac) of open space buffer.

The policies established in this Official Plan Amendment build upon established planning principles, and municipal, regional and community goals in order to facilitate:

- efficient connections to existing and planned municipal services and infrastructure;
- urban intensification in a built-up area;
- connectivity with the existing transportation network;
- efficient access to public services and amenities;

- a linked public open space system; and,
- appropriate retail and ancillary commercial uses fronting onto 16th Avenue that serve the surrounding residential neighbourhoods.

As well, the policies established in this Amendment and the proposed development itself conform with, the policies established in the Provincial Policy Statement, namely:

- ensuring that the subject lands are part of a comprehensively planned community;
- making efficient use of existing infrastructure;
- providing a range and mix of housing types; and,
- achieving intensified use of designated urban land.

This Official Plan Amendment provides for the development of the subject lands as well as promoting the intensification of the broader surrounding area.

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 4.3.31.1 of Part II of the Official Plan (Revised 1987), as amended is hereby further amended by:

1.2.1 Replacing the number “4.3.31.2” with “4.3.31.2 a)” at the end of sub-section a).

1.2.2 Adding a sub-section b) as follows:

- “b) A Secondary Plan shall also be adopted as an Amendment to this Plan for lands identified as Future Urban Area on Schedule ‘A’ – LAND USE as well as lands subject to the policies in Section 4.3.31.2b) within this Planning District. Objectives and principles for the development of the area shall be established in the Secondary Plan.

The Secondary Plan may further refine the classification, function and design requirements for the roads and other components of the transportation system within the Planning District. The Secondary Plan will review, in detail, the potential location for a north-south collector road to provide access both within and through the Planning District.

The Secondary Plan process will determine the extent of the Future Urban Area to be included.

The Secondary Plan and the staging of the development in the area shall be based on a comprehensive set of technical studies. The detailed studies which will form the basis for the Secondary Plan shall include, but not be limited to:

- Sewer and Water Servicing plan and detailed staging plan;
- Subwatershed Management Plan in accordance with Section 2.2.2.2 of this Plan;
- Traffic Study; and,

- Natural Heritage Framework.”

1.3 Section 4.3.31.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by:

1.3.1 Adding the sentence “In addition to all other relevant policies in this Plan, the following specific policies shall apply:” to be placed immediately below the title line of Section “4.3.21.2 Specific Site and Area Policies”, and before sub-section “a) Part of Lots 19 to 24, Concession 5”; and,

1.3.2 Adding a new subsection 4.3.31.2 b), including Figure 31.2 attached hereto as follows:

“b) Part of Lot 16, Concession 5
(Official Plan Amendment No. XXX)

The subject lands are designated URBAN RESIDENTIAL in this Plan. Notwithstanding the provision of Section 4.3.31.1 a), the subject lands may be developed prior to the preparation of a Secondary Plan for the area identified in OPA 5, as Future Urban Area within this Planning District. Figure 31.2 identifies the components of the subject lands to be developed for:

- Low Density Housing;
- Neighbourhood Commercial Centre;
- Parkette; and,
- Open Space.

i) Low Density Housing

The land identified on Figure 31.2 as Low Density Housing, shall be subject to all of the applicable policies of Section 3.3 of the Official Plan (Revised 1987) as amended, and the policies of Section 4.3.31.2 b) with the following exception:

- Notwithstanding the provisions of Section 3.3.2.i) of the Official Plan (Revised 1987), as amended lands identified as Low Density – Townhouse Dwellings on Figure 31.2, may be developed for townhouse dwellings with direct frontage on a private road.

ii) Neighbourhood Commercial Centre

The lands identified on Figure 31.2 as Neighbourhood Commercial Centre, shall be subject to all of the applicable policies of Section 3.4 of the Official

Plan (Revised 1987) as amended, and the policies of Section 4.3.31.2 b), with the following exceptions:

- Notwithstanding the provisions of Section 3.4.6.3 c) iv) of the Official Plan (Revised 1987), as amended, accessory display of merchandise accessory to permitted retail uses in accordance with Section 3.4.6.3 c) i) may also be permitted in accordance with Design Guidelines approved by the Town and subsequent site plan approval.
- The Town may zone the Neighbourhood Commercial Centre with a Hold provision. The removal of the Hold provision may, among other things, be contingent on the preparation of Design Guidelines to the satisfaction of the Town and subsequent site plan approval.
- In addition to the policies of Section 3.4.6.3 c) iii), the land identified as Neighbourhood Commercial Centre on Figure 31.2 may include a mixture of retail and office uses, with a maximum total gross floor area of 1,900 square metres within one building. The retail component of the total permitted gross floor area shall be a maximum of 1,400 square metres.

iii) Urban Design

- Community Design Plan

A comprehensive Community Design Plan shall be approved by the Town, prior to any implementing development approvals for the undeveloped lands north of the subject property within Planning District No. 31 (identified as Future Urban Area on Schedule A – LAND USE). The purpose of the Community Design Plan is to further articulate the community structure and refine the community design and built form concepts for the Future Urban Area lands within the Planning District within the context of the land use, environmental protection, heritage and transportation related objectives and policies of the Official Plan.

The comprehensive Community Design Plan will address the Future Urban Area lands outside of the Angus Glen Secondary Plan PD 31-1 within Planning District No.31 including (and integrating) the Urban Residential lands identified on Figure 31.2, and will establish design principles and guidelines for the treatment of these lands.

Further, the Community Design Plan will address, among other things, the following key components as described below:

- Public Realm Design Guidelines;

- Open Space Guidelines; and,

- Built Form and Landscape Guidelines.

- Public Realm

The public realm comprises public streets, lanes, parks and open spaces and the public use activity areas of public lands and buildings.

- Streets and Lanes

It is intended that streets and lanes will:

- provide access for vehicles, pedestrians and bicycles, opportunities for vistas, view corridors and pedestrian amenity areas, and space for the required services;
- be subject to comprehensive streetscaping requirements, including landscaping, that will ensure that the public realm is consistent in quality and design; and,
- generally, be aligned to create a modified rectilinear grid pattern that defines development blocks.

- Views and Focal Points

The preservation, enhancement and creation of significant views and focal points shall be encouraged by:

- preserving and enhancing views to natural features, including woodlots, topographic features, water bodies, and across open spaces;
- providing opportunities for views of important public buildings, heritage buildings, open spaces, natural features, and other landmarks; and,
- providing for sites that terminate streets and view corridors.

- Location of Buildings with Respect to Streets and Open Space

To reinforce the street, lane and block pattern established by the overall Concept Plan, the following measures will be employed:

- buildings will be aligned parallel to a public street;

- buildings will be located in close proximity to the property line adjoining the public street;
 - buildings on corner sites will be sited and massed toward the intersection of the adjoining public streets;
 - siting and massing of buildings will provide a consistent relationship, continuity and enclosure to the public streets;
 - siting and massing of buildings will contribute to and reinforce the comfort, safety and amenity of the public streets;
 - buildings located adjacent to, or at the edge of parks and open spaces, will provide opportunities for overlook onto the open space;
 - the massing, siting and scale of buildings located adjacent to, or along the edge of a park or open space will create a degree of enclosure or definition appropriate to the type of open space they enclose; and,
 - buildings and significant public use or architectural merit may be sited to specifically differ from the surrounding urban fabric in order to emphasize their importance as landmarks.
- Neighbourhood Commercial Centre

The following additional design and built form principles are applicable to the subject lands identified as Neighbourhood Commercial Centre shown on Figure 31.2:

- the building façade along streets and driveways shall be articulated with architectural elements, material variations and window openings to promote an active streetscape;
- rear and side elevations visible from public areas shall have the same quality of design treatment as the front elevation;
- lighting shall be designed to minimize the upward spill of lighting and to be complementary in design to the pedestrian network;
- any proposed seasonal garden centres shall be designed and developed in keeping with the overall design of the entire site, and shall be suitably screened, to the satisfaction of the Town of

Markham in accordance with the required Design Guidelines and subsequent site plan agreement;

- service and loading facilities related to the Neighbourhood Commercial Centre shall not be permitted between the building and any public street, shall be suitably screened from public streets and internal driveways and shall be subject to the review of a specific development proposal;
 - built form shall be designed to visually screen service/loading areas, rooftop equipment and mechanical rooms from public streets and driveways;
 - the parking lot shall be located on the interior, where possible, with a clearly defined entry; and,
 - drive-through facilities shall not be permitted.
- Streetscape

The Public Realm Design Guidelines are intended to ensure that the treatment of the rights-of-way of public streets is consistent in quality and design throughout the Planning District and in general conformity with the Town's Design Implementation Guidelines, July 1998, as revised. The Public Realm Design Guidelines component of the Community Design Plan will reflect the road design requirements for traffic management and transit service identified in the Internal Functional Traffic Design Study and establish principles, guidelines and requirements addressing, but not be limited to, matters such as:

- defining a hierarchy of primary and secondary streets, and based on their functional requirements to identify appropriate and consistent treatments for each street type including standards for sidewalks, pedestrian crossings, lighting, landscaping and street furniture;
 - appropriate locations and designs for required above ground utility and telecommunications infrastructure; and,
 - design requirements for the provision of a continuous pedestrian and bicycle route network including the relationship to proposed transit services;
- Open Space System

A Parks and Open Space Master Plan and Open Space Guidelines shall be prepared to the satisfaction of the Town as a component of the

Community Design Plan referred to in this Section and prior to approval of any plans of subdivision

- **Built Form**

The Built Form Guidelines component of the Community Design Plan will establish principles, guidelines and requirements addressing, but not be limited to the following matters;

- building height, massing and relationship to adjoining primary and secondary streets;
- approaches to the integration of heritage buildings from an urban design perspective having regard for the scale, massing, setbacks, building materials and design features of adjoining development and the relationship of heritage buildings to the proposed street system;
- integration of required noise attenuation features, including berms, acoustical walls and fences with a view to minimize use of acoustical walls and fences through appropriate subdivision design;
- building facades along streets and driveways shall be articulated with architectural elements, material variations and window openings to promote an active streetscape; and

- **Building Compatibility**

New development will be compatible with adjacent and neighbouring development by ensuring that the siting and massing of new buildings does not result in undue negative impacts of adjacent properties particularly in regard to overlook, shadowing, wind and other environmental factors.

iv) **Transportation and Traffic**

- A north-south minor collector road is identified on Figure 31.2 and may be included in a future Secondary Plan for the subject lands and the Future Urban Area lands within this Planning District.
- An Internal Functional Traffic Design Study shall be completed, to the satisfaction of the Town, prior to development approval. The study shall identify detailed infrastructure and right-of-way designs required to accommodate auto, truck, transit, bicycle, and pedestrian route requirements, and traffic calming measures within the area shown on Figure 31.2. This study shall be completed in accordance with the

Town's Internal Functional Traffic Design Study Guidelines and shall be consistent with the findings and recommendations of the Traffic Impact Assessment.

- The proposed transportation network servicing the subject lands may include public and private roads, driveways, pedestrian and bicycle pathways and transit routes, to the satisfaction of the Town of Markham.
- All components of the transportation system shall be planned and provided in accordance with the policies of this Plan, and where applicable, the policies of the Regional Official Plan. The location, function and detailed design of each road and its associated intersections will require the approval of the Town, and where applicable, the Region of York.
- The required rights-of-ways of all roads within the area shall be dedicated in accordance with requirements of the Town and the Region of York.
- In addition to the basic right-of-way width of roads, additional right-of-way width may be required and shall be dedicated to the Town and the Region for sight triangles, cuts, fills and extra lanes at intersections, and for accommodating bicycles, sidewalks and landscaping, where appropriate in accordance with the specifications and requirements of the Town and the Region of York. Determination of final right-of-way requirements shall be made through the completion of the studies identified in Section 4.3.31.2 iv) a) and the implementing development approval process.
- Construction access shall be designed to ensure that any negative impact on existing development and adjacent environmental features is minimized. Construction access arrangements shall be identified in subdivision and site plan control agreements.
- Public and/or private roads within the area shall be designed to encourage efficiency in the use of land and public resources, and to create a development which is pedestrian friendly.
- Detailed right-of-way designs shall be undertaken through the processing of development applications to the satisfaction of the Town.

v) Public Transit

- Transit providers, in consultation with the Town, will determine the type and level of transit service and stop locations to be provided within the area, based on the type and level of development proposed.
- In order to encourage greater use of public transit, the following guidelines shall be considered at the subdivision and/or site plan approval stage:
 - local road patterns should provide direct pedestrian access to transit stops; and,
 - the policies and objectives of the Town's Transit Accessibility Implementation Plan.

vi) Services and Utilities

- New development within the area shall be on full urban municipal services in accordance with the policies of the Town and the Region of York.

vii) Sanitary Sewers, Water Supply and Stormwater Management

- The need for upgrades to the existing sewer, water and stormwater management infrastructure to accommodate new development will be determined through site-specific servicing studies to be submitted to the Town with development proposals.
- Notwithstanding any policy in this Plan, stormwater management facilities may be permitted within any land use designation on the subject lands.
- Construction of required infrastructure will be based on a drainage study to be approved by the Town in consultation with the appropriate agencies.

viii) Utilities and Telecommunications

Prior to approval of development within the subject lands, utilities providers shall:

- Confirm that services can be provided to support the proposed development.
- Determine appropriate locations for utility equipment or utility cluster sites, in accordance with the Urban Design policies of this Plan.

- All new local power and telephone lines and other 'cable' services serving the subject land shall be located underground and shall be grouped into a single utility trench wherever possible.
- Where feasible, all existing above-ground power and telephone lines, will be relocated underground during the course of development or redevelopment.
- Utility services shall be permitted in all land use designations.

ix) Energy Conservation

- The Town shall encourage development within the area that is consistent with programs to reduce energy consumption and promote waste reduction.
- Energy conservation will be encouraged through appropriate site planning, urban design and the use of energy efficient materials and landscaping.

x) Minor Adjustments without Amendment

Figure 31.2, provides schematic information and may be subject to minor adjustments during the plan of subdivision and/or site plan approval processes, taking into account such matters as the preservation of natural vegetation or stormwater management requirements, detailed land use relationships and street patterns. Minor variations of land use boundaries and the local street pattern shall not require an amendment to this Plan, provided that the intent of the Plan is maintained.

xi) Required Studies

Prior to any approval of a plan of subdivision, consent, rezoning or site plan for the subject lands, the following additional studies may be required:

- Archaeological Assessment;
- Functional Servicing Study;
- Master Drainage Study;
- Geotechnical Study; and,
- Any other studies that may be required by the Town.

xii) Development Phasing Plan

Prior to the final release of a plan of subdivision, a Development Phasing Plan shall be required, to the satisfaction of the Town, and shall address the timing of the comprehensive development of the lands, including the following:

- Development of the commercial lands;
- Development of the residential lands; and,
- Provision of infrastructure, including municipal services and road construction.

xiii) Implementation

- Urban Design

To ensure that all development is consistent with the principles and objectives of Official Plan Amendment No. XXX and the Community Design Plan, the Town will:

- identify the applicable development control mechanisms, which may include architectural guidelines, to achieve the objectives of the Community Design Plan; and,
- provide a framework that will ensure a consistent and reasonable approach in the review and approval for all development in the Planning District.

- Plans of Subdivision/Condominium

Development of the lands shall proceed by way of a plan of subdivision/condominium. The commercial block shall only be created by registered plan of subdivision and not by way of consent.

A plan of subdivision or condominium, shall only be recommended for approval which:

- conform with the policies and designations of this Plan;
- is consistent with the final and approved recommendations of all the additional studies required by the Plan; and,
- is not premature and is in the public interest.

- Zoning By-Law

Section 4.3.31.2 b) shall be implemented by an appropriate zoning by-law or by-laws to zone the lands in accordance with the provisions herein.

- Holding Zones (H)

A holding symbol shall be applied to the subject lands identified as Neighbourhood Commercial Centre (on Figure 31.2) in the Zoning By-law. No development shall occur on any lands within the area zoned with an (H) holding symbol until the (H) holding symbol has been removed by an amendment to the by-law. Such an amendment removing the (H) holding symbol shall not be passed until certain requirements and conditions, as appropriate, have been met:

- The Town has granted site plan approval and a Site Plan Control agreement between the owner and the Town has been executed;
- The proponent has prepared Urban Design Guidelines to the satisfaction of the Town.

- Site Plan Control

All lands within the area shall be subject to the Site Plan Control provisions of Section 7.12 of the Official Plan (Revised 1987) as amended, and subject to the applicable provisions of Section 4.3.31.2 b).

- Development Charges and Financial Agreements

The Town shall enact a Development Charges By-law identifying the Town-wide and area-specific development charges as may be applicable to the subject lands. In the event that an Area-Specific Development Charge By-law has not been passed, development may be approved if the Town Solicitor has confirmed a satisfactory arrangement for the payment to the Town by the landowner(s), without recourse, of an amount equal to the applicable development charges has been made.

Prior to the approval of any development, the Town, in consultation with the Region, shall be satisfied as to the availability of transportation facilities, water supply and sewer capacity to accommodate the development. This may require front-end or accelerated payment agreements and limitation to be placed on the development.

- Land Dedication and Acquisition

The policies of Section 7.7 of this Plan, and Section 4.3.31.2 b) shall apply.

Pursuant to Subsection 25(1) of the *Planning Act*, R.S.O 190, c. P.13, the Town or the Region of York may acquire and hold any lands required to implement any feature of Section 4.3.31.2 b).

Where the Town is to be deeded land for public highways, road widening, parkland, stormwater management facilities or any public use, the Town shall require as a condition of the transfer an environmental clearance, accompanied by supporting environmental reports, in forms satisfactory to the Town and containing reliance statements to the benefit of the Town, to ensure that the land has been properly remediated. The Town shall require a Record of Site Condition be filed with, and acknowledged by, the Environmental Site Registry office of the Ministry of the Environment.

- Public Sector Agreement to Comply

The Town shall require that all public agencies involved in any aspect of development on the subject lands comply with the policies of Section 4.3.31.2 b), and the regulations of the zoning by-law.

- Finance

The cost of services, public facilities and infrastructure required to support the development of the lands shall not be a financial burden to the Town and should be provided in accordance with the following:

- The provisions of the Development Charges Act;
- The provisions of the Planning Act, as amended, and this Plan; and,
- Any agreements required by the Town and the Region of York.”

- 1.4 Schedule ‘A’ – LAND USE is hereby amended by redesignating the subject lands from AGRICULTURE 1 to URBAN RESIDENTIAL and removing the Future Urban Area overlay on the subject lands as shown on Schedule ‘A’, attached hereto.
- 1.5 Schedule ‘B’ – PLANNING DISTRICTS is hereby amended by deleting the subject lands, as well as all lands identified within the Future Urban Area, from the Agricultural Planning District No. 22 and incorporating the subject lands into the Angus Glen Planning District (Planning District No.31) as shown in Schedule ‘B’, attached hereto. The Future Urban Area is also hereby deleted from the subject lands as shown on Schedule ‘B’, attached hereto.

- 1.6 Schedule 'C' - TRANSPORTATION is hereby amended by deleting the subject lands from the FUTURE URBAN AREA as shown in Schedule 'C', attached hereto.
- 1.7 Schedule 'D' – URBAN SERVICE AREA is hereby amended by deleting the subject lands from the FUTURE URBAN SERVICE AREA and including the subject lands the URBAN SERVICE AREA as shown in Schedule 'D', attached hereto.

2.0 INTERPRETATION AND IMPLEMENTATION

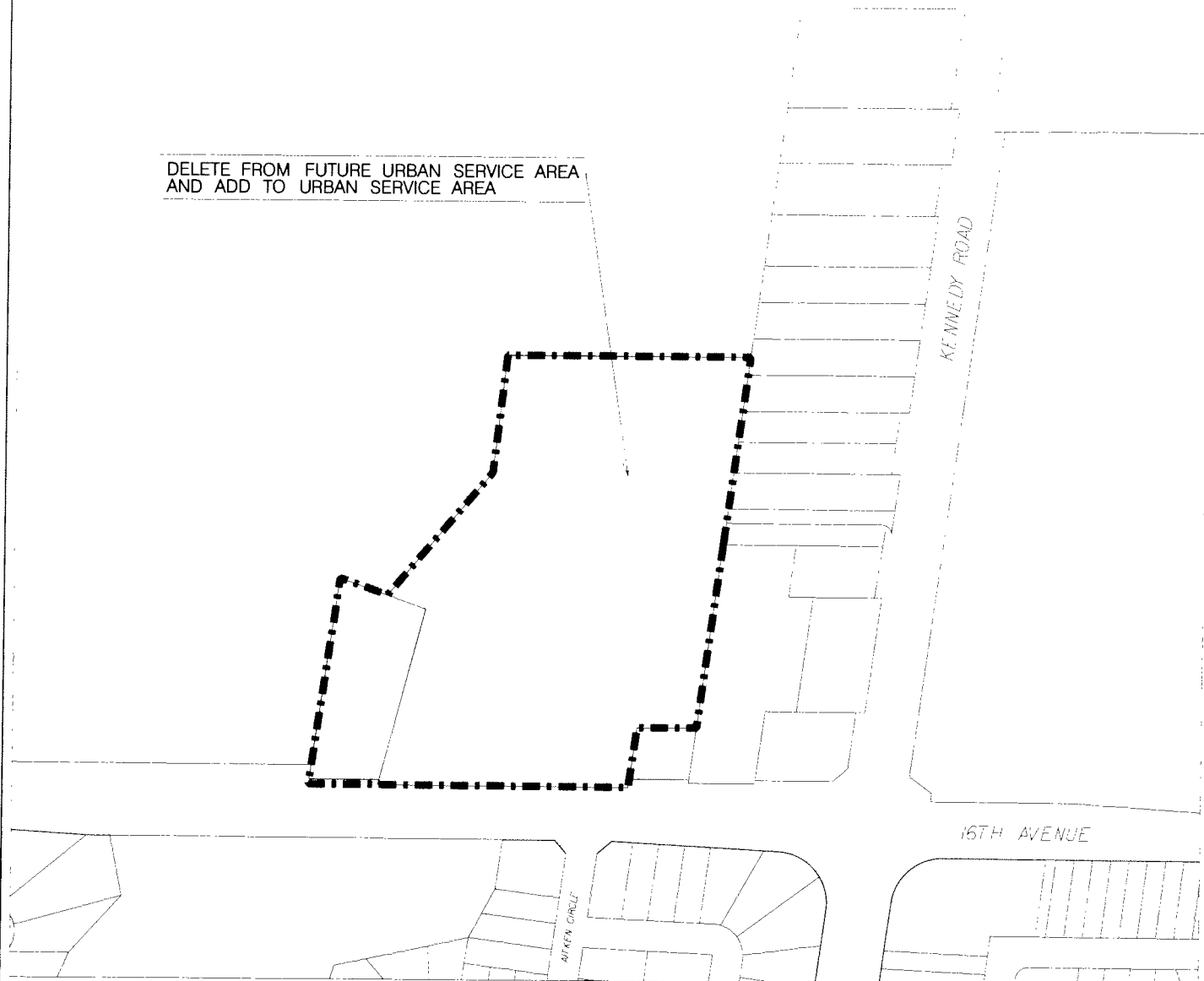
The provisions of the Official Plan (Revised 1987), as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law and site plan approval in conformity with the provisions of this Amendment. Further, the subject lands will be incorporated into a future secondary plan for the Future Urban Area within this Planning District.

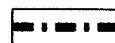
This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the approval by the Region of York. Following adoption, notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council's decisions becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13 (c) of the Official Plan (Revised 1987), as amended, shall not apply.

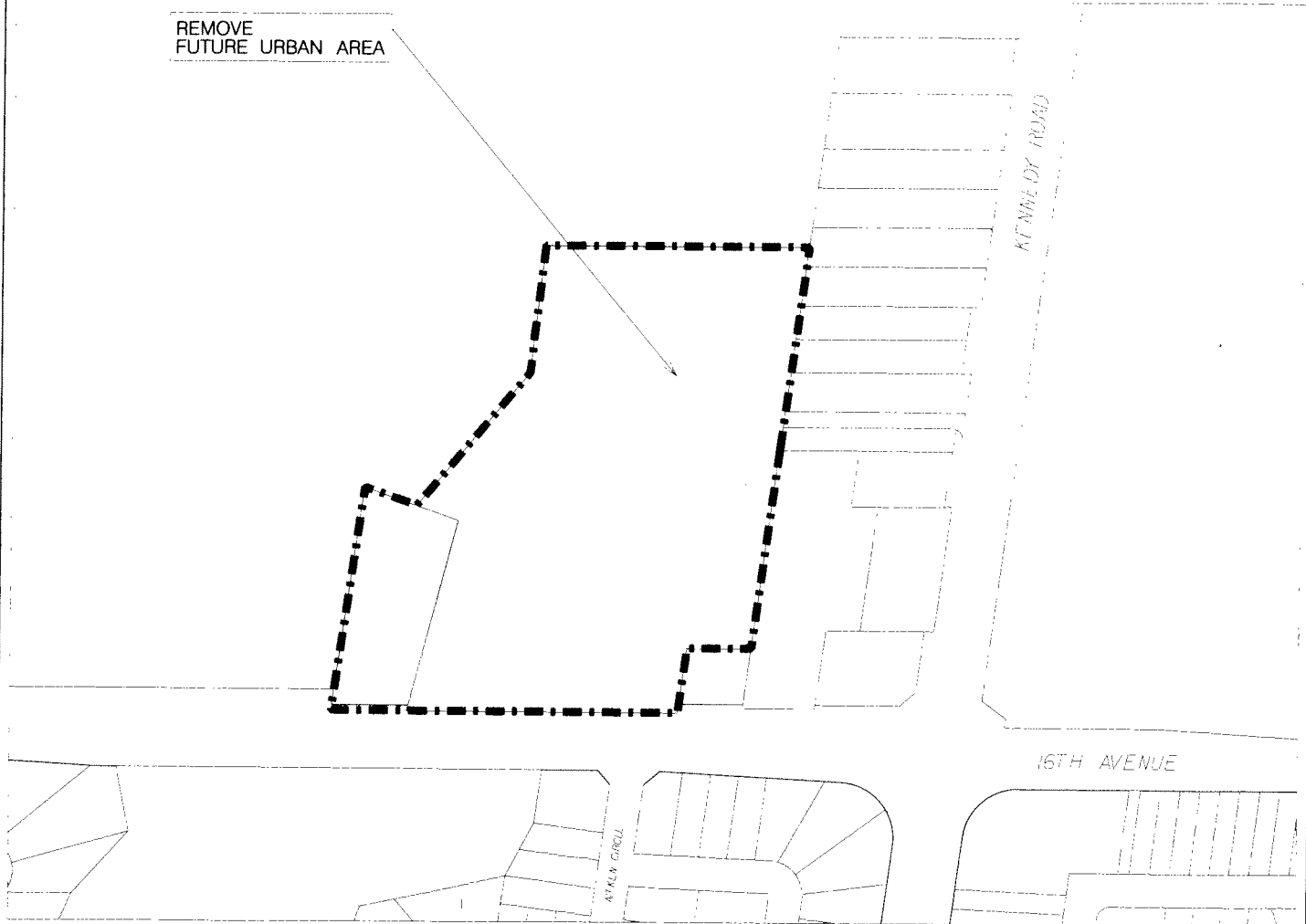
DELETE FROM FUTURE URBAN SERVICE AREA
AND ADD TO URBAN SERVICE AREA



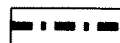
AMENDMENT TO SCHEDULE 'D' – URBAN SERVICE AREA TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED

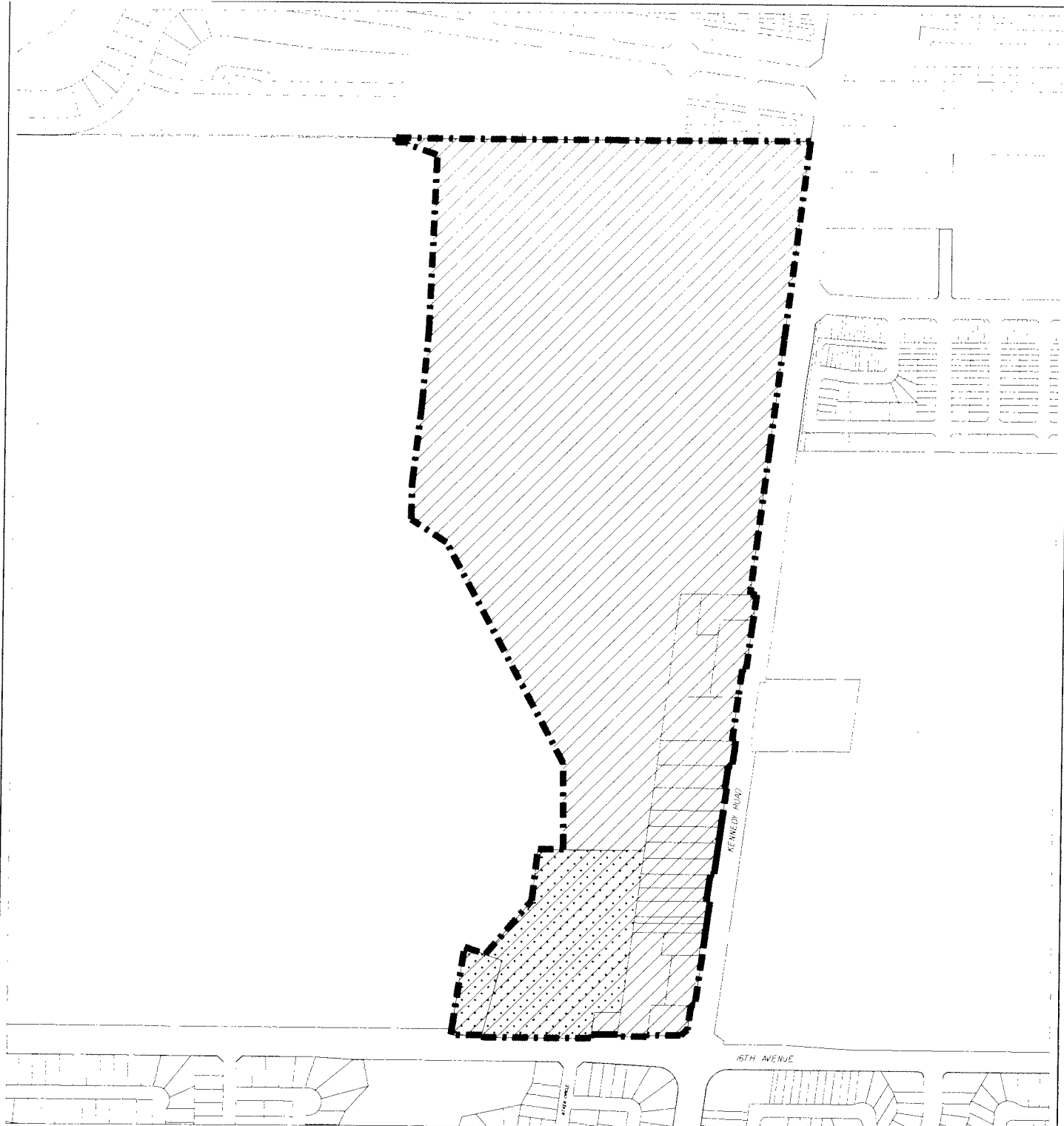
 BOUNDARY OF AREA COVERED BY THIS AMENDMENT

REMOVE
FUTURE URBAN AREA



AMENDMENT TO SCHEDULE 'C' – TRANSPORTATION
TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED

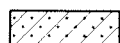
 BOUNDARY OF AREA COVERED BY THIS AMENDMENT



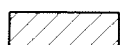
AMENDMENT TO SCHEDULE 'B' – PLANNING DISTRICTS TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED



BOUNDARY OF AREA COVERED BY THIS AMENDMENT



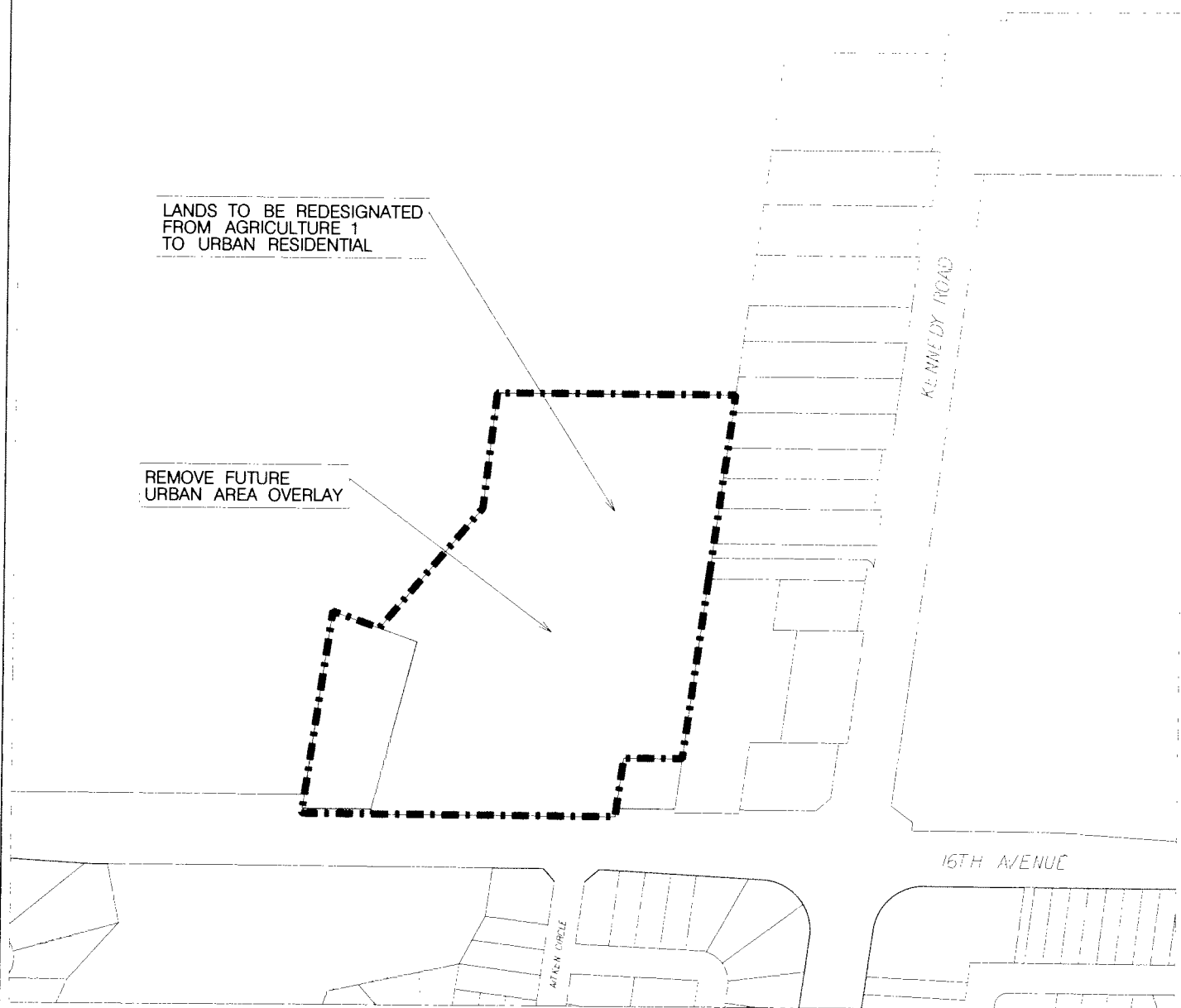
REMOVE FUTURE URBAN AREA OVERLAY



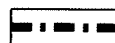
LANDS TO BE DELETED FROM PLANNING DISTRICT No. 22
AND INCORPORATED INTO PLANNING DISTRICT No. 31

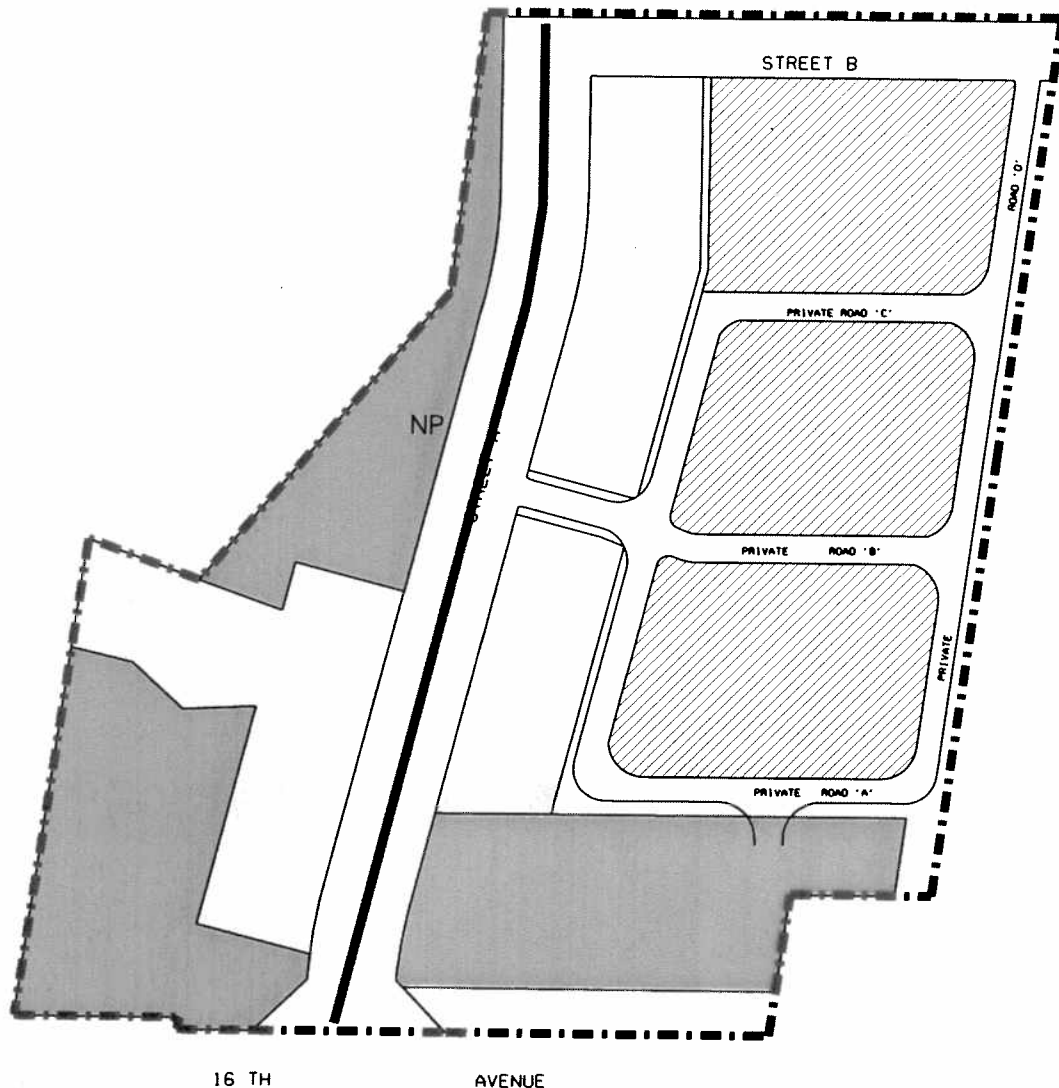
LANDS TO BE REDESIGNATED
FROM AGRICULTURE 1
TO URBAN RESIDENTIAL

REMOVE FUTURE
URBAN AREA OVERLAY



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

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT



q:\geomatics\newoperations\officialplan\amendments\su03119813\figure3.1.2

FIGURE No. 31.2 SPECIFIC SITE AND AREA POLICIES TOWN OF MARKHAM OFFICIAL PLAN (Revised 1987) AS AMENDED

--- Boundary of area subject to the policies in Section 4.3.31.2 b)
 Land use designation: URBAN RESIDENTIAL

LOW DENSITY HOUSING

LOW DENSITY-TOWNHOUSE DWELLINGS

NEIGHBOURHOOD COMMERCIAL CENTRE

OPEN SPACE

NP NEIGHBOURHOOD PARK

MINOR COLLECTOR ROAD DESIGNATION