



AIR PHOTO 2005

APPLICANT: MILLER PAVING LIMITED

FILE No: SU06105672 & ZA04017225

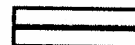


MARKHAM DEVELOPMENT SERVICES COMMISSION

DWN BY:

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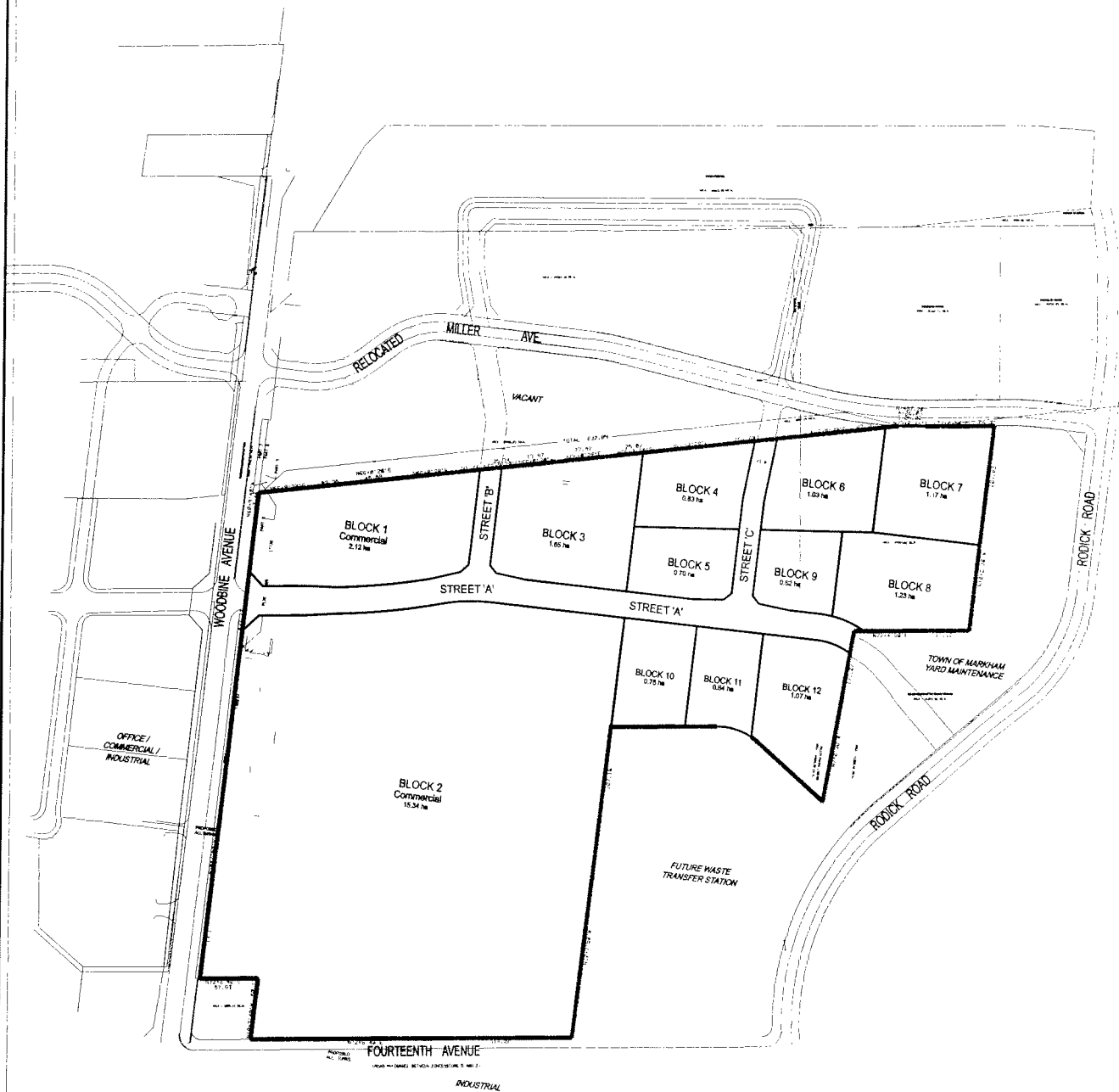
SCALE 1:



SUBJECT LANDS

DATE: 06/03/16

FIGURE No.3



PROPOSED DRAFT PLAN OF SUBDIVISION (19TM06001)

APPLICANT: MILLER PAVING LIMITED
7781 WOODBINE AVENUE

FILE No: SU06105672 (TK)

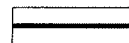


DEVELOPMENT SERVICES COMMISSION

DWN BY: CPW

CHK BY: TK

SCALE 1:



SUBJECT LANDS

DATE: 02/10/06

FIGURE No.4

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LANDS COVERED BY OFFICIAL PLAN AMENDMENT 146 (OPA 146)

APPLICANT: MILLER PAVING LIMITED
7781 WOODBINE AVENUE

FILE No: SU06105672 (TK)

DATE: 02/10/06



DEVELOPMENT SERVICES COMMISSION

DWN BY: CPW

CHK BY: TK

SCALE 1:

FIGURE No.5

APPENDIX 'A'
RECOMMENDED CONDITIONS OF DRAFT APPROVAL
PLAN OF SUBDIVISION 19TM-06001
MILLER PAVING LIMITED

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by Malone Given Parsons Ltd., identified as Project Number 1166, dated December 15, 2005 and with a last revision date of November 2, 2006 incorporating the following redline revisions:
- Any modifications to the plan required as a result of any studies or requirements arising from the conditions of draft plan approval
 - Any modifications to the plan required by external agencies
 - Any modifications to the plan as a result of the Ministry of Transportation review of the Traffic Impact Study
 - Any relocation of Streets 'B' and 'C', as may be required by the Ministry of Transportation (MTO)
 - Deletion from the draft plan of the conceptual "loop road" extension of Streets 'B' and 'C' onto MTO lands north of Miller Avenue, as required by MTO
 - Reconfiguration of Block 8 to create a lot that complies with the zoning by-law
 - Reconfiguration of the road and block pattern on the industrial lands at the east end of the plan, as may be required to implement a land exchange/sale with the Town of Markham arising from the applicant's proposal to locate a storm water management pond on Town lands east of Rodick Road, and the proposed extension of Street 'A' through the Town works yard adjacent to the plan of subdivision
 - Reconfiguration of the plan to locate a stormwater management pond within the draft plan of subdivision, to the satisfaction of the Director of Engineering and Toronto and Region Conservation Authority (TRCA). This will not be required in the event that the Town, at its sole discretion, agrees to a land exchange/sale arrangement with the applicant to locate the pond on Town owned lands
 - Any modification to the plan required by the TRCA as a result of their review of the Master Environmental Servicing Plan
- 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 December 19, 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, a technical amendment to the Official Plan to designate the industrial portion of the plan as INDUSTRIAL – General Industrial, shall have come into effect in accordance with the provisions of the Planning Act.

- 1.5 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-laws 2284-68 and 177-96 to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.6 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the Town (Commissioner of Development Services) to implement or integrate any recommendations resulting from studies or requirements arising from the conditions 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 shall be designed and constructed in accordance with established municipal standards to the satisfaction of the Town (Director of Engineering)
- 2.4 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the Town, to the satisfaction of the Town (Director of Engineering). The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement, to the satisfaction of the Town.
- 2.5 Prior to final approval of the draft plan of subdivision, the Owner shall acquire the required road allowance north of the proposed draft plan from the Ontario Realty Corporation (ORC) for the extension of Street 'B' and Street 'C' to the existing Miller Avenue, to the satisfaction of the Director of Engineering. The Owner covenants and agrees to construct and dedicate the road allowances to the Town as public highway, free of all costs and encumbrances. The construction of Street 'B' and Street 'C' will be carried out in accordance with approved engineering drawings and an approved Phasing Plan, to the satisfaction of the Director of Engineering. It is acknowledged that connection of Street 'B' to Miller Avenue is required in order to provide an alternate access route (connecting to Miller Avenue) for the Commercial lands on Woodbine Avenue.
- 2.6 Prior to final approval of the draft plan, the Owner covenants and agrees to finalize necessary approvals and agreements with the Town to purchase the land for Street 'A' and the "orphaned" land south of Street 'A', or to compensate the Town through a land exchange, at the sole discretion of the Town and to the satisfaction of the Chief Administrative Officer and the Town Solicitor. The easterly portion of the plan of subdivision, containing the proposed industrial lots, shall not be released for registration until arrangements for Street 'A' extension to Rodick Road are in place to the satisfaction of the Town. In the

event that agreement cannot be reached, the final plan (road pattern and lotting) is to be revised to the satisfaction of the Town.

- 2.7 The Owner shall agree in the subdivision agreement that subject to Council approval and upon transfer of the Town owned lands required to construct Street 'A', the Owner shall design and construct Street 'A' fully to Rodick Road, at no cost to the Town. The timing of the construction of Street 'A' is to be specified in the Phasing Plan, to be approved by the Director of Engineering. The Phasing Plan, and Subdivision Agreement, will also include provisions to the effect that the traffic levels stemming from the Commercial development on Woodbine Avenue will be monitored, and the timing of Street 'A' extension to Rodick Road accelerated if required to meet traffic requirements, to the satisfaction of the Director of Engineering.
- 2.8 The Owner shall covenant and agree in the subdivision agreement that construction access will be restricted to Woodbine Avenue and/or Miller Avenue.

3.0 Agreement of Purchase and Sale

- 3.1 Prior to final approval of the draft plan, the Owner shall execute a formal agreement with the Town to address matters including, but not limited to, land exchange/sale of Town owned lands required to implement the proposed plan of subdivision, compensation for costs to the Town arising from the impacts on Town facilities, stormwater management pond phasing options, any servicing easements, lotting and road pattern adjacent to Town lands, fencing and/or buffering requirements, soil remediation of lands to be transferred to the Town etc., to the satisfaction of the Chief Administrative Officer, Town Solicitor and Council. The Subdivision Agreement will reflect matters arising from the Agreement of Purchase and Sale.
- 3.2 The Owner acknowledges and understands that, in the event that the Town opts for land exchange, the Owner shall make lands within the plan of subdivision immediately adjacent to the Town works yard available to the Town on an equal "acre for acre" basis, in a condition and configuration acceptable to the Town, and at no cost to the Town. Any land transaction, material relocation, site preparation, soil remediation or other costs relating to lands to be transferred by the Owner to the Town, are to be borne by the Owner.

Land Exchange

- 3.3 Prior to final approval of the draft plan, if requested by the Town, the Owner shall reconfigure the draft plan (potentially impacting lotting and access in the vicinity of Blocks 6 to 9 inclusive) to facilitate a land exchange with the Town, to the satisfaction of the Town's Chief Administrative Officer.

4. Tree Preservation and Landscaping

- 4.1 The Owner shall submit an overall tree and woodlot inventory and preservation plan, which has been prepared by a qualified Landscape Architect in good standing with the O.A.L.A. in conjunction with a Certified Arborist, to the satisfaction of the Commissioner of Development Services, prior to the execution of a subdivision

agreement. The Tree inventory and preservation plan shall be based on information taken from a registered survey plan, showing the exact location of the trees to be preserved, location of protective fencing, final grading, proposed municipal services and utilities and conceptual building envelopes and driveway locations.

- 4.2 The Owner shall covenant and agree to implement any measures required in accordance with the approved Tree Preservation Plan.
- 4.3 The Owner shall covenant and agree to obtain written approval from the Town prior to the removal of any trees within the draft plan.
- 4.4 The Owner shall covenant and agree in the subdivision agreement to prepare and submit site grading and tree preservation plans, with respect to trees to be preserved on any portion of the plan of subdivision, showing the location of buildings and structures to be erected and proposed municipal services and utilities in the area, in accordance with the approved Tree Preservation Plan, for approval of the Commissioner of Development Services.
- 4.5 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, buffer and other landscaping requirements.
- 4.6 The Owner shall submit overall Streetscape and Landscape Plans prior to the execution of the subdivision agreement. The plans shall be prepared to the satisfaction of the Commissioner of Development Services, by a qualified landscape architect in good standing with the O.A.L.A., and shall include the following:
 - a) street tree planting, with a maximum spacing of 12 meters on centre between trees, on all streets within the subdivision. The size, spacing and species shall be to the satisfaction of the Town (Commissioner of Development Services);
 - b) a co-ordinated lighting scheme with pedestrian scale along all streets within the subdivision;
 - c) entrance features;
 - d) any other landscaping as determined by the Town.
- 4.7 Owner shall covenant and agree to install all required streetscape and landscape works. All streetscape and landscape works will be completed to Town standards and to the approval of the Commissioner of Development Services.
- 4.8 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. Vacant Blocks

- 5.1 The Owner agrees to a Cash-in-lieu Payment for Parkland Dedication at a rate of two (2) percent for commercial and industrial lands, or the provision of proof of previous payment or dedication. An appraisal report of the land value of the property will be required should proof of payment not be provided prior to the execution of the

Subdivision Agreement. The report must be prepared by a member of the Appraisal Institute of Canada, Ontario Association and submitted to the Commissioner of Development Services.

- 5.2 The Owner shall covenant and agree to rough grade, topsoil, seed and maintain (free of stock piles and debris) any vacant lands within the subdivision to the satisfaction of the Town. The vacant blocks shall be maintained until such time as the ownership of the blocks has been transferred, or the blocks are developed.
- 5.3 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.

6. Conceptual Built Form Master Plan

- 6.1 Prior to execution of the subdivision agreement, the Owner shall submit a Conceptual Built Form Master Plan for the Major Commercial and Business Corridor lands, to guide the approval of future site plan applications for the individual development parcels. The Master Plan will be attached to and form part of the subdivision agreement, and will illustrate the design principles underlying the overall development including access, streetscape, landscape and built form elements. The Master Plan will also address the conceptual siting of future buildings, the overall pedestrian network, access and traffic circulation, landscaping and demonstrate how the buildings will relate to each other to form a high quality, integrated overall development., to the satisfaction of the Town (Commissioner of Development Services).

7. Stormwater Management

- 7.1 Prior to final approval of the draft plan, the Owner shall revise and update the Master Environmental Servicing Plan titled: *Stormwater Management Master Plan for the South Beaver Creek Watershed Study*, prepared by Gartner Lee Limited, dated December 2005, and submit it to the Director of Engineering and the Toronto and Region Conservation Authorities for review and approval.
- 7.2 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, major and minor flow systems, erosion and sediment control plans and water balance for the draft plan for approval by the Director of Engineering and the Toronto and Region Conservation Authority. The Owner shall covenant and agree to construct the proposed stormwater management facilities and the major and minor flow systems, provide any required easements or lands for overland flow and maintenance purposes, and to revise the draft plan accordingly, where necessary, and to the satisfaction of the Director of Engineering.
- 7.3 The Owner acknowledges that the preliminary proposed location of the stormwater management pond is situated east of Rodick Road across from the Miller Road intersection, outside of this plan of subdivision on Town owned lands. Prior to final approval of the draft plan, the Owner covenants and agrees

to finalize necessary approvals and agreements with the Town to purchase the land for the stormwater management facility, or compensate the Town through a land exchange, to the satisfaction of the Chief Administrative Officer and the Town Solicitor, and at the sole discretion of the Town. The Owner shall amend the draft plan, Master Environmental Servicing Plan and the stormwater management study to include an alternative on-site stormwater management pond within the draft plan of subdivision, to the satisfaction of the Director of Engineering and the Toronto Region and Conservation Authority, unless satisfactory arrangements can be made with the Town to locate the pond on Town owned property.

- 7.4 The Owner shall covenant and agree in the subdivision agreement to undertake a monitoring program of the South Beaver Creek water quality (total suspended sediment, temperature, dissolved oxygen, total phosphorus and metals, etc.) which may be affected by the development, in consultation with, and to the satisfaction of the Director of Engineering.

8. Municipal Services

- 8.1 Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the Town (Director of Engineering), an update to the Master Servicing Study prepared by Stantec dated February 2006 and/or Servicing Brief to determine the infrastructure required for all municipal services internal to the subdivision, as well as, required information on the services at the intersection of Street 'A' and Rodick Road such as detailed design of the sanitary and storm sewers, watermain and overland flow route, to the satisfaction of the Director of Engineering. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 8.2 The Owner shall covenant and agree in the subdivision agreement that they shall construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks, underground and above ground services, street lights, street signs, utilities, stormwater management facilities, any other infrastructure, to the satisfaction of the Director of Engineering.
- 8.3 The Owner covenants and agrees to enter into a credit agreement with the Town for the front-ending of the construction of external public works required to facilitate development (i.e. stormwater management pond, sanitary, storm, water, intersection improvements etc.). The Town will provide credit for those components of the work that are included in Area Specific Development Charges under the credit agreement at the subdivision agreement stage.
- 8.4 Prior to execution of the subdivision agreement or start of construction, whichever is earlier, the Owner shall submit detailed engineering drawings which shall 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, and other studies or plans as may be required, to the satisfaction of the Director of Engineering.

- 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 in writing by the Fire Chief and the Director of Engineering that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment.
- 8.6 Prior to execution of the subdivision agreement or start of construction, whichever is earlier, the Owner shall investigate the existing water wells within 200 m of the plan of the subdivision boundary (Zone of Influence). If the investigation shows that any of the water wells is active, the Owner shall covenant and agree in the subdivision agreement to prepare and pay for a well monitoring program and implement the recommendations of the program to the satisfaction of the Director of Engineering. Prior to starting any underground construction, the details of the well monitoring program shall be submitted to the Director of Engineering for review and approval. Further, the Owner shall covenant and agree in the subdivision agreement to provide securities sufficient to ensure that the well monitoring program is implemented to the satisfaction of the Director of Engineering. Alternatively, in lieu of a monitoring program, the Owner may elect to connect affected properties to municipal water supply.

9. Phasing Plan

- 9.1 Prior to final approval of the draft plan, the Owner shall prepare a Development Phasing Plan to reflect the requirements of the Secondary Plan (OPA 112 and OPA 146) and the required land exchange/sale agreement with the municipality, as well as, to reflect to the implementation of the approved uses and the decommissioning and removal of existing uses, timing of municipal services and road construction, and other implementation matters, to the satisfaction of the Town (Commissioner of Development Services).
- 9.2 Prior to final approval of the draft plan, the Town shall be satisfied that the plan of subdivision conforms to the approved Development Phasing Plan.
- 9.3 Prior to final approval of the draft plan, the Owner shall enter into a Development Phasing Agreement with the Town and any affected Agencies regarding the implementation of the approved Development Phasing Plan and draft plan conditions, to the satisfaction of the Town.
- 9.4 The Phasing plan will address the need for ongoing monitoring of traffic demand associated with the commercial lands, and requirements for road network within the plan of subdivision to satisfy traffic demand to the satisfaction of the Director of Engineering.

10. Traffic Impact Study

- 10.1 Prior to final approval of the draft plan, the Owner shall prepare a Traffic Impact Study and an Internal Functional Traffic Study, to the satisfaction of the Town (Director of Engineering) and the Region of York, and reflecting the requirements of the Phasing Plan. The Owner shall incorporate the requirements

and criteria of these studies into the draft approved plan and subdivision agreement. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Traffic Impact Study.

11. Ministry of Transportation

11.1 Prior to final approval, the Owner shall submit to the Ministry of Transportation for review and approval, a copy of the Traffic Impact Study. The Study must address the following:

- The best location for extension of Streets 'B' and 'C' to intersect with Miller Avenue relation to future Transitway Station access points, to the satisfaction of the Ministry of Transportation in consultation with the Town
- The impact of traffic generated by the proposed development on Miller Avenue, Woodbine Avenue and Rodick Road and the fully developed Transitway station

11.2 The Owner shall covenant and agree in the subdivision agreement to obtain all applicable permits required by the Ministry of Transportation.

12. Easements

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

13. Utilities

13.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the Town as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the Town (Commissioner of Development Services) and authorized agencies.

13.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including PowerStream, Consumers Gas, telecommunications companies, etc.

13.3 The Owner shall covenant and agree in the subdivision agreement to co-ordinate the preparation of an overall Composite Utility Plan, to the satisfaction of the Town and all effected authorities.

13.4 The Owner shall covenant and agree in the subdivision agreement that the Owner shall grade all streets to final elevation prior to the installation of the gas lines and provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Gas Distribution.

- 13.5 The Owner shall covenant and agree in the subdivision agreement 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 units within the subdivision as and when each unit is constructed.

Canada Post

- 13.6 The Owner shall covenant and agree in the subdivision agreement to comply with all requirements of Canada Post.
- 13.7 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at location(s) and in manners agreeable to the Town in consultation with Canada Post, and that where such facilities are to be located within public right-of-ways they shall be approved on the Composite Utility Plan, in consultation with Canada Post.
- 13.8 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the Town 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.
- 13.9 The Owner shall covenant and agree in the subdivision agreement to determine and 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 residences as soon as the homes are occupied.
- 13.10 The Owner shall covenant and agree in the subdivision agreement to include in all Offers of Purchase and Sale or Lease a statement which advises the prospective business that mail delivery will be from a designated Community Mailbox.

14. Recoveries, Fees and Development Charges

- 14.1 The Owner shall covenant and agree in the subdivision agreement 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.
- 14.2 The Owner shall pay all applicable fees, recoveries and development charges (Town wide hard, Area Specific Development Charges) determined by the Commissioner of Development Services to be owing and payable, prior to registration of the subdivision agreement. The Owner shall pay remaining applicable development charges (e.g. Town wide soft) at the building permit stage.

- 14.3 The Owner shall covenant and agree that registration of the subdivision agreement will not occur before the Area Specific Development Charge By-law is passed, or alternative financial arrangements are made, to the satisfaction of the Town.
- 14.4 The Owner shall acknowledge and agree in the subdivision agreement that this plan of subdivision will benefit from the over-sizing of services within the Rodick Road right-of-way.
- 14.5 The Owner shall covenant and agree in the subdivision agreement to pay for all applicable costs, including but not limited to, all design costs, utility relocation costs, related permits and construction costs (including the proportionate share for contract administration) for all over-sizing of any municipal infrastructure within the Rodick Road right-of-way that service this plan of subdivision.
- 14.6 The Owner shall covenant and agree to enter into a front end/credit agreement for the upfront financing of external infrastructure (stormwater management, sewers, watermain, roads, etc.) required to service the plan of subdivision.

Environmental Site Assessment

- 15.1 Prior to the final approval of the draft plan of subdivision, the Owner shall submit to the Director of Engineering an Environmental Site Assessment (ESA) Phase II report, all in accordance with the Environmental Protection Act (EPA) and its regulations. The Phase II ESA report are based on the findings and recommendations from the existing environmental studies, including but not limited to the *Phase I Environmental Site Assessment, Former Markham Sand and Gravel Pit* study (AMEC, March 25, 2004) and the *Employment Lands 407/Rodick Corridor Study* (Ecoplans Limited, April 19, 2005). The Phase II ESA report shall be submitted for review and concurrence by the Town's peer reviewer and to the satisfaction of the Director of Engineering.
- 15.2 Prior to the final approval of the draft plan of subdivision, the Owner shall submit an Environmental Management Plan based on the findings of all the environmental site assessment reports, which outlines the nature and extent of any contamination and the methods and procedures to remediate the site to the appropriate Ministry of the Environment (MOE) standards for the intended use of the land, for review by the Town's peer reviewer. The Owner shall acknowledge and agree in the subdivision agreement to update the Environmental Management Plan from time to time to reflect unforeseen soil conditions or more accurate delineation of contaminated areas. All updates of the Environmental Management Plan shall be submitted to the Town for review and concurrence by the Town's peer reviewer. The Owner agrees that the Environmental Management Plan and any updates must be to the satisfaction of the Director of Engineering and that it shall provide a copy of the Environmental Management Plan and any updates to the MOE. The Environmental Management Plan shall be consistent, and be reflected in, the required Phasing Plan.

15.3 The Owner shall covenant and agree in the subdivision agreement to conduct the following environmental studies as required by the Director of Engineering, in preparing the Environmental Management Plan for the whole subdivision:

- a) Methane gas monitoring;
- b) Leachate Monitoring;
- c) Hydrogeology, including Soil and Ground Water Sampling and Testing;
- d) Structural / Geotechnical stability;
- e) Construction safety policy and program;
- f) Guidelines for accepting fill materials;
- g) Stormwater monitoring; and
- h) Other studies and matters as required by the Town.

The results of the studies noted herein shall be addressed in the Environmental Management Plan. For lands with potential of waste and/or contamination, the studies indicated above shall determine the location and horizontal and vertical extent of the waste and/or contamination and its actual influence on the subject lands to a 500 m potential radius of influence. If any gas and/or leachate control equipment is required for the methane gas and/or leachate monitoring programs, the Owner shall obtain MOE's approval through CoA's for the control equipment.

15.4 The Owner shall covenant and agree in the subdivision agreement to implement and complete the Environmental Management Plan, to the satisfaction of the Director of Engineering, in accordance with the *Environmental Protection Act*, its regulations and all other applicable law prior to the registration of the plan of subdivision.

15.5 The Owner shall covenant and agree in the subdivision agreement not to proceed with development on lands identified by any of the environmental studies as being contaminated until the Town receives written confirmation from the Owner that mitigation measures have been or can be undertaken, to the satisfaction of the Director of the Engineering and the Ministry of the Environment to manage or mitigate all problems identified in the environmental studies described above.

15.6 The Owner shall covenant and agree in the subdivision agreement to implement a rehabilitation program for the former Miller gravel pit to the satisfaction of the Director of Engineering, Ministry of the Environment, Department of Fisheries and Oceans and Ministry of Natural Resources. The Owner shall take into consideration the Provincial Guidelines D-4, "Land Use On or Near Landfills and Dumps", outlined by the Ministry of the Environment, to ensure future development on or near the lands proceed in an environmentally acceptable manner. The rehabilitation program shall be in accordance with Part VI of the Aggregate Resources Act R.S.O. 1990, CA.8.

Off-Site Contamination

15.7 The Owner shall covenant and agree in the subdivision agreement that if the ESA Phase II report indicates that off-site contamination exists or may exist, the Owner shall notify the MOE and those landowners that may be affected by

same. The potential, type and extent of the off-site contamination shall be addressed in the Environmental Management Plan.

- 15.8 The Owner shall covenant and agree in the subdivision agreement to remediate all lands to be conveyed to or acquired by the Town by completely removing any contaminated soils and/or groundwater. The Town will not accept the use of Risk Assessment approach to manage contaminated lands for lands to be conveyed to or acquired by the Town.
- 15.9 The Owner shall covenant and agree in the subdivision agreement to inform the Director of Engineering if the Risk Assessment approach to manage contaminated soil and/or groundwater is contemplated for lands other than those to be conveyed or acquired by the Town. If this approach is to be used, all environmental reports including the Pre-Submission Form (PSF) must be prepared by the qualified person and submitted to the Town for peer review and concurrence prior to the preparation of the Risk Assessment report. The Risk Assessment report shall be prepared in accordance with the *Environmental Protection Act*, its regulations and to the satisfaction of the Director of Engineering.
- 15.10 The Owner shall covenant and agree in the subdivision agreement to pay all costs related to the Town's retaining an environmental peer reviewer. Prior to execution of the subdivision agreement, the Owner shall pay \$25,000.00 (cash) to the Town to pay for the peer review costs. The Owner agrees to provide additional funds if the peer reviews costs exceed \$25,000.00. If the total peer review costs are less than the amount paid by the Owner, the Town shall return the balance to the Owner.

Environmental Clearance

- 15.9 Prior to registration of the subdivision agreement, the Owner shall provide an environmental clearance to the Town for all lands to be conveyed to the Town. The Town shall be satisfied that the lands are environmentally suitable for its proposed use and be certified as such by a "Qualified Person", all of which shall be in accordance with the *Environmental Protection Act* and its regulations.
- 15.10 The Owner shall covenant and agree in the subdivision agreement that if, during construction of any infrastructure or buildings within the subdivision contaminated soils or materials are discovered, the Owner shall undertake, at its expense, the necessary measures to identify and deal with the contaminants, all in accordance with the *Environmental Protection Act*, its regulations and to the satisfaction of the Director of Engineering. The Environmental Management Plan shall be updated accordingly.
- 15.11 The Owner shall covenant and agree in the subdivision agreement to file a Record of Site Condition, if required by the Director of Engineering with the Provincial Environmental Site Registry for the whole subdivision including lands and easements to be conveyed to the Town, that are external to the plan of subdivision.

- 15.12 The Owner shall covenant and agree in the subdivision agreement to amend the draft plan of subdivision if the Environmental Management Plan, any governmental authorities or any of the environmental studies requires the reconfiguration of the use of the land.

16. Heritage

- 16.1 Prior to final approval of the draft plan of subdivision, the Owner shall carry out a cultural heritage resource assessment for the lands within the draft plan to ensure the assessment and identification of appropriate treatment of built heritage and archaeological resources, and further to mitigate any identified adverse impacts to significant heritage resources to the satisfaction of the Town (Commissioner of Development Services) and the Ministry of Culture. No demolition, grading, filling or any form of soil disturbances shall take place on the lands within the draft plan prior to the issuance of a letter from the Ministry of Culture to the Town indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 16.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the Town and the Ministry of Culture.
- 16.3 The Owner shall immediately notify the Ministry of Culture should archaeological remains be found on the property during construction activities. The Owner shall also immediately notify the Ministry of Culture and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations if human remains are encountered during construction. The Owner shall also agree to the inclusion of the above requirements in the subdivision agreement.

17. Fire Department

- 17.1 The Owner shall covenant and agree in the subdivision agreement that adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designate.
- 17.2 The Owner shall covenant and agree in the subdivision agreement to ensure reliability of access for Fire Department vehicles under all conditions, two means of access, independent of one another, are to be provided into the development. The Fire Department requires that either Street 'A' be completed from Woodbine Avenue to Rodick Road or Street 'B' and Street 'C' be completed to Miller Avenue.
- 17.3 The Owner shall covenant and agree in the subdivision agreement that two water supply connections will be provided to ensure adequacy and reliability of the water supply at all times for firefighting purposes.

18. Region of York

- 18.1 Prior to final approval of the draft plan, the Owner shall submit a functional transportation report/plan prepared by a qualified professional transportation

consultant. The report/plan shall outline the required York Region road improvements for this subdivision, explain all transportation issues and recommend mitigative measures for these issues. The report/plan shall be submitted to the York Region Transportation and Works Department for review and approval.

- 18.2 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.
- 18.3 Prior to final approval of the draft plan, the Owner shall submit detailed engineering drawings to the York Region Transportation and Works Department for review and approval that incorporates 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 marking, electrical drawings for intersection signalization and illumination design, traffic control/construction staging plans and landscape plans.
- 18.4 Prior to final approval of the draft plan, the Owner shall provide a set of engineering drawings, approved by the Town, which indicates the storm drainage system, the overall grading plans and all proposed accesses onto York Region roads, for all lands within this plan of subdivision, to the York Region Transportation and Works Department for verification that all York Region's concerns have been satisfied.
- 18.5 Prior to final approval of the draft plan and concurrent with the submissions of the subdivision servicing application (MOE) to the Town, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the Regional road, to the Roads Branch, Attention: Manager, Development Approvals that includes the following drawings:
 - (a) Plan and Profile for the Regional road and intersections;
 - (b) Grading and Servicing;
 - (c) Intersection/Road Improvements, including the recommendations of the Traffic Report;
 - (d) Construction Access Design;
 - (e) Utility and Underground Service Location Plans;
 - (f) Signalization and Illumination Design;
 - (g) Line Painting;
 - (h) Traffic Control/Management Plans;
 - (i) Erosion and Siltation Control Plans;
 - (j) Landscaping Plans, including tree preservation, relocation and removals.
- 18.6 Prior to final approval of the draft plan, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Town's Engineering Department. Three (3) sets of engineering drawings (stamped and signed by a

professional engineer), and MOE forms together with any supporting information, shall be submitted to the York Region Transportation and Works Department, Attention: Mrs. Eva Pulnicki, P.Eng.

- 18.7 The Owner acknowledges and understands that 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.
- 18.8 The Owner shall covenant and agree in the subdivision agreement that any existing driveways along York Region road frontage of this subdivision must be removed as part of the subdivision work at no cost to York Region.
- 18.9 Elevations along the streetline shall be 0.3 metres above the centerline elevations of the Regional roadway.
- 18.10 Prior to final approval of the draft plan, the Owner shall provide a copy of the duly executed local subdivision agreement to the York Region Transportation and Works Department, outlining all requirements of York Region.
- 18.11 Prior to final approval of the draft plan, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
 - (a) All existing woody vegetation within the Regional Road right of way;
 - (b) Tree protection measures to be implemented on and off the Regional Road right-of-way to protect vegetation identified for preservation;
 - (c) Any woody vegetation within the Regional Road right-of-way that is proposed to be removed or relocated. However, it is to be noted that tree removal within Regional Road right's of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal.
 - (d) A planting plan for all new and relocated vegetation to be planted within the Regional Road right-of-way, based on the following general guidelines:

Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the Regional Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed, they will require the approval of the Town and be supported by a maintenance agreement between the Town and York Region for area municipal maintenance of these features. In addition, the agreement should indicate that where the Town does not maintain the feature to the Region's satisfaction, the Town will be responsible for the cost of maintenance or removal undertaken by the Region.
- 18.12 The Owner shall convey to the Regional Municipality of York for public highway purposes free of all costs and encumbrances:

- (a) a widening across the full frontage of the site where it abuts Woodbine Avenue of sufficient width to provide a minimum of 22.5 metres from the centerline of construction of Woodbine Avenue;
 - (b) a 15 metre by 15 metre daylight triangle at the southeast and northeast corner of Street 'A' and Woodbine Avenue;
 - (c) an additional 2.0 metre widening, 40.0 metres in length, together with a 60.0 metre taper for the purpose of a northbound right turn lane at the intersection of Woodbine Avenue and Street 'A'; and
 - (d) a 0.3 metre reserve across the full frontage of the site where it abuts Woodbine Avenue and adjacent to the above noted widenings.
- 18.13 Prior to final approval of the draft plan, the Owner shall submit a recent plan of survey for the property that illustrates the existing center line of Woodbine Avenue, in order to determine the property dedications (if any) required to achieve the ultimate right-of-way width of Woodbine Avenue abutting the subject site.
- 18.14 Prior to final approval of the draft plan, 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 all required lands to York Region.
- 18.15 Prior to final approval of the draft plan, the Owner shall submit an environmental audit, prepared by a qualified professional, of all lands to be conveyed to York Region. The audit will contain the requirements of the Phase 1 Environmental Site Assessment, as per applicable Ontario standards, guidelines and regulations. Based on the findings of this assessment, York Region may require further study to determine any remedial action required to remove contaminants. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation and Works Department, to certify that all lands to be conveyed to York Region and free of all noxious, delirious materials on or under the surface. This certification shall be done at no cost to York Region.
- 18.16 The Owner acknowledges and understands that direct vehicle access from Blocks 1 and 2 to Woodbine Avenue will not be permitted. Access must be obtained through the internal road network.
- 18.17 Street 'A' shall be designed to intersect Woodbine Avenue at a right angle and shall be located directly opposite Shields Court.
- 18.18 Pedestrian access to Woodbine Avenue shall be provided from Street 'A'.
- 18.19 The intersection of Street 'A' and Woodbine Avenue shall be designed 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.

- 18.20 The Owner shall agree in the subdivision agreement to construct a sidewalk along the full frontage of Woodbine Avenue and 14th Avenue.
- 18.21 The Owner shall agree in the subdivision agreement to construct sidewalks along at least one side of all collector roads.
- 18.22 A concrete pedestrian access shall be provided from Street 'A' to Woodbine Avenue. The concrete pedestrian access shall be provided at no cost to York Region and concurrent with construction of necessary sidewalks.
- 18.23 Required sidewalks and concrete pedestrian access shall be provided in accordance with OPSD 310.010, 310.020, 310.030 and should be provided "at grade" (i.e. without stairs, inclines, etc.).
- 18.24 Subject to approval by YRT, passenger standing area and shelter pads shall be provided at the following location:

ON Street	AT Street	Location	Standard	Traffic Request	Signal
Woodbine Ave.	Street 'A'	SE	SS-1.02 or SS-1.03	Yes	

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

- 18.25 The Owner shall agree in the subdivision agreement that the required passenger standing area/shelter pad shall be installed to the satisfaction of the Town and York Region Transit. Landscaping should not interfere with the bus stop, passenger standing area, shelter and corner sightlines. The bus stop located in front of the employment area shall be incorporated into the landscape design.

The bus stop location determined during the design phase is subject to change. Prior to construction of the passenger standing area/shelter pad, the consultant shall confirm with YRT the final bus stop locations/requirements. The consultant shall contact our facilities supervisor – Ann Marie Carroll at (905) 762-1282 ext. 5677 to confirm final details.

- 18.26 Prior to final plan approval, the Owner shall submit drawings showing the sidewalk locations, concrete pedestrian access, passenger standing area and shelter pad to the York Region Transportation and Works Department for review and comment.
- 18.27 The Owner shall agree in the subdivision agreement to advise all potential purchasers of the current and possible future introduction of transit services in this development. This includes current/potential transit routes, bus-stops and shelter locations. This can be achieved through distribution of information/marketing materials (YRT route maps, Future Plan maps & providing YRT website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT route maps and the Future Plan maps are available from YRT upon request.

18.28 The Owner shall agree in the subdivision agreement to the installation of illumination, in accordance with York Region and Municipal design standards, along all streets which have or will have transit services, sidewalks, and pedestrian access and bus stop locations.

19. Toronto and Region Conservation Authority

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

- (a) A detailed engineering report that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands, and how it will comply with the requirements of this area. This report shall include:
 - (i) plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may be required to control minor or major flows. This may include, but is not limited to, a hydrologic analysis demonstrating that post-development flows from the site are maintained at a level not to exceed pre-development flows for all storm events up to and including the 100 year return period storm;
 - (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;
- (b) Overall grading plans for the subject lands. These plans must indicate how grade differentials will be accommodated without the use of retaining walls on lots and blocks that are adjacent to valley and/or stream features.
- (c) A water balance assessment and strategy which identifies how the post development water balance will maintain pre-development flows for the subject lands. This must include: detailed design of the system; identify how the system can be adjusted post development to increase or decrease flows; and provide implementation and monitoring information where required.

19.2 Prior to final approval of the draft plan, the Owner shall make satisfactory arrangements with the Town of Markham to locate the proposed stormwater management facility on Town of Markham lands, and, that all TRCA requirements for locating the stormwater facility on such lands be met to the satisfaction of TRCA staff. Should these arrangements not be obtained, a red-

line revision to this plan will be required to locate the requisite stormwater management facility within the Owners current land holdings which may result in a net loss of developable area.

- 19.3 Prior to registration of the draft plan, the requisite Master Environmental Servicing Plan (MESP) for this area (including Town of Markham, ORC and Magna lands) be completed to the satisfaction of the TRCA. In this regard, red-line revisions to this plan may be required which may impact the proposed design and/or layout of the development as currently submitted.

Floodplain Management

- 19.4 Prior to final approval of the draft plan, the Owner shall submit a hydraulic analysis which assesses the level of impact of the proposed works on the downstream receiving watercourse, to the satisfaction of the TRCA. In this regard, the Owner must also update the TRCA's floodplain model and mapping for this area if the requisite studies warrant such a task.

Treatment of Watercourse

- 19.5 For the requisite lowering of the D-3 watercourse. Prior to final approval of the draft plan, the Owner shall submit for the review and satisfaction of the TRCA, detailed design information which:
- a. clearly illustrates the works proposed, area of disturbance, construction details and sequencing, proposed restoration, stabilization and sediment and erosion control measures, contingency plans for working during wet weather/storm events, and fisheries timing window restrictions;
 - b. illustrates how the proposed channel design will mimic the existing condition, and will enhance the function of this reach of the watercourse;
 - c. provides for compensation for the proposed disturbance to the D-3 watercourse to the satisfaction of the TRCA and Fisheries and Oceans Canada;
 - d. identifies that the proposed watercourse modifications will not result in adverse effects to upstream and/or downstream erosion and/or flooding;
 - e. fulfills TRCA's requirements for the issuance of the Ontario Regulation 166/06, and Authorization from Fisheries and Oceans Canada (DFO), for these modifications; and
 - f. provides for mitigation and enhancement plantings in disturbed and undisturbed areas of the stream corridor to the satisfaction of the TRCA.

Ecology

- 19.6 Prior to final approval of the draft plan, the Owner shall submit a (scoped) Environmental Impact Study (EIS) investigating the potential impacts to the D-3 and downstream watercourse systems, to the satisfaction of the TRCA. The study shall include, but is not limited to, an inventory of existing site conditions (flora and fauna), an assessment of the extent of ecological features associated with the

site and their functions, an evaluation of potential ecological impacts as a result of the proposed development, and finally a description of the proposed mitigating measures.

- 19.7 Prior to final approval of the draft plan, the Owner shall provide plans detailing significant mitigation and enhancement for the proposed modifications to the D-3 system, for the review and to satisfaction of the TRCA and Fisheries and Oceans Canada. Should provisions not be made for acceptable mitigation, red-line revisions to the plan may be required.

Zoning

- 19.8 That provisions be included in the zoning by-law to appropriately protect any significant natural heritage features that may be existing and/or are constructed as a result of the proposed alterations to the D-3 watercourse be implemented. In this regard, any such significant natural heritage features shall be placed into 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.
- 19.9 That a holding provision be placed on these lands, in their entirety, until such time that adequate arrangements to implement the proposed stormwater management strategy are made. In this regard, the holding provision will not be released until the applicant's lands, as shown on the submitted draft plan of subdivision, can be legally revised to include the lands currently owned by the Town of Markham which are needed to implement the plan.
- 19.10 The Owner shall covenant and 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 19.1;
 - (b) to agree to, and implement, the requirements of the TRCA's conditions in wording acceptable to the TRCA;
 - (c) to design and implement on-site erosion and sediment control;
 - (d) to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA;
 - (e) to obtain all necessary permits pursuant to Ontario Regulation 166/06 from the TRCA;
 - (f) to erect a permanent fence to the satisfaction of the TRCA for lots and blocks abutting the valley corridors as required; and
 - (g) to implement all water balance/infiltration measures identified in the water balance study that is to be completed for the subject property.

- 19.11 Prior to final approval of the draft plan, the Owner shall provide a signed copy of the subdivision agreement to the TRCA.

20. Ministry of Natural Resources

- 20.1 Prior to final approval of the draft plan, the Owner shall provide a clearance letter from the Ministry of Natural Resources confirming that the rehabilitation site plans pursuant to the Aggregate Resources Act, R.S.O. 1990, c.A.8 have been completed, to the satisfaction of the Ministry of Natural Resources.

21. External Clearances

- 21.1 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 Transportation shall advise that Condition 11.1 and 11.2 have been satisfied.
 - (b) The Ministry of Culture shall advise that Conditions 16.1 to 16.3 inclusive, have been satisfied.
 - (c) The Regional Municipality of York Planning Department shall advise that Conditions 2.1, 10.1 and 18.1 to 18.28 inclusive, have been satisfied.
 - (d) The Toronto and Region Conservation Authority shall advise that Conditions 7.1, 7.2 and 19.1 to 19.11 inclusive, have been satisfied.
 - (e) The Ministry of Natural Resources shall advise that Condition 15.6 and 20.1 has been satisfied.

THE CONDITIONS OF THE COUNCIL OF THE TOWN OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-06001 MILLER PAVING LTD. ARE AS FOLLOWS:

ISSUED: _____

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

Amanda/Su 06-105672/Document Tab/FINAL_DraftConditions

DRAFT

APPENDIX B

EXPLANATORY NOTE

BY-LAW NO. 2006-XX

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

Miller Paving Limited
7781 Woodbine Avenue
Part of Lots 6, 7 and 8, Concession 4
East side of Woodbine Avenue, north of 14th Avenue

LANDS AFFECTED

The by-law applies to a 29.4 hectares (72.7 acre) property, located on the east side of Woodbine Avenue, north of 14th Avenue, municipally known as 7781 Woodbine Avenue.

EXISTING ZONING

The lands subject to this By-law are presently zoned Industrial Four (M4) by By-law 2284-68, as amended.

PURPOSE AND EFFECT

The purpose and effect of this by-law amendment is to delete the lands from By-law 2284-68 and rezone the property to Major Commercial Area (MJC), Business Corridor (BC) and General Industrial (GI) under By-law 177-96, as amended, to implement a plan of subdivision to create commercial and industrial development blocks on the east side of Woodbine Avenue, north of 14th Avenue.

The zoning by-law also includes a Hold (H) provision to ensure:

- Subdivision agreement is executed;
- A site plan for the commercial lands has been endorsed;
- Necessary infrastructure is in place to service the lands;
- Adequate arrangements to implement the proposed stormwater management strategy have been completed, to the satisfaction of the Town and the TRCA;
- Lands have been secured for right-of-ways, open space etc.;
- Lands can be served adequately by the existing and committed transportation network
- Real or potential contamination has been remediated;
- Any real or potential off-site contamination has been addressed to the satisfaction of the Ministry of the Environment;
- Development Charge By-law is enacted; and
- Developers Group or alternative agreement is in place to address costs of development not dealt with under the Development Charge By-law



BY-LAW 2006-

A By-law to amend Zoning By-law 2284-68, as amended
(To delete lands from the designated area of this By-law)

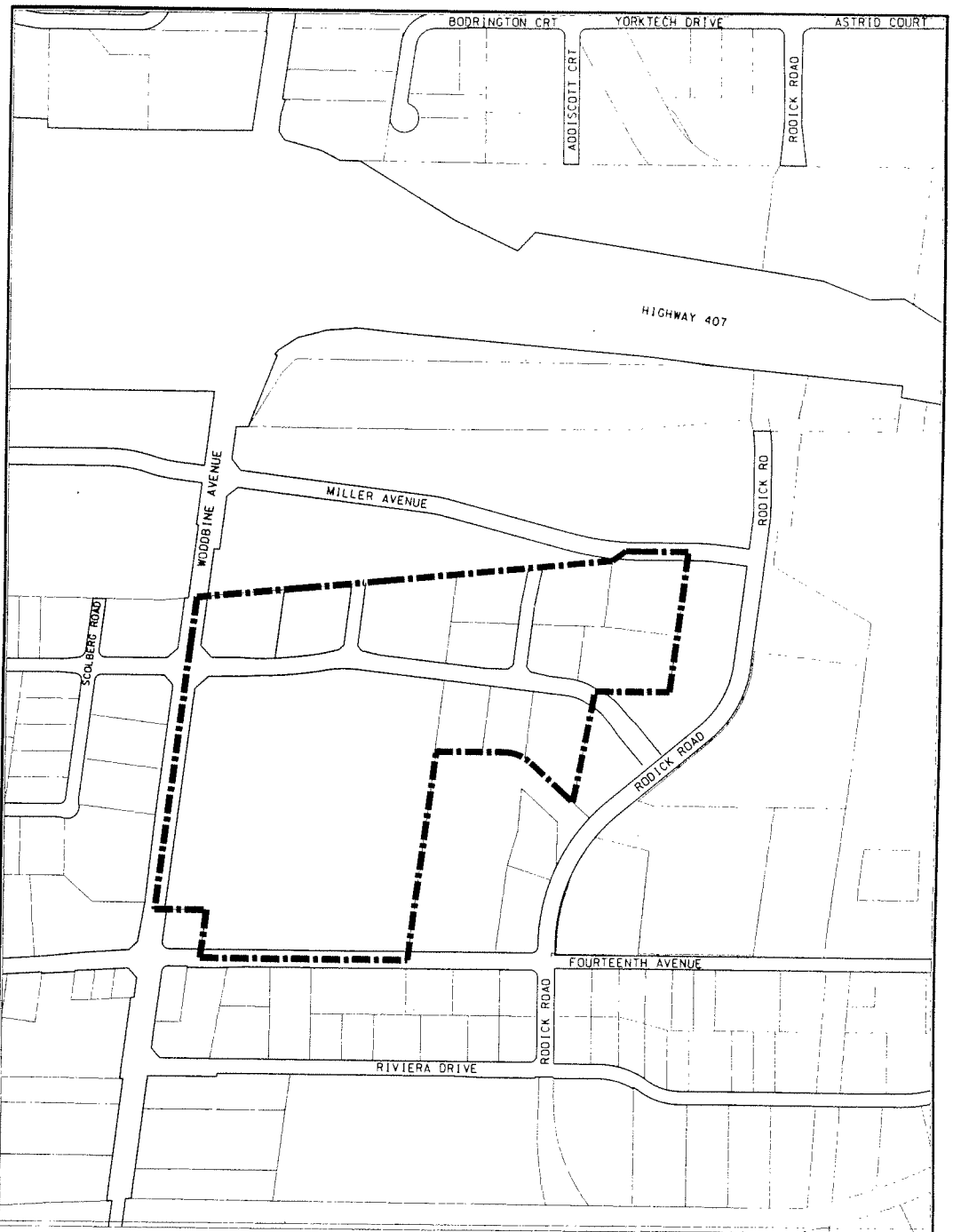
THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS
AS FOLLOWS:

1. THAT By-law 2284-68, be amended, by deleting the lands as shown on Schedule 'A' attached hereto, from the designated area of By-law 2284-68, as amended.
2. This by-law shall not come into effect until By-law _____ 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 2284-68, 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 _____,
2006.

CLERK

MAYOR



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 2284-68



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 1:



BY-LAW 2006-XX

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

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

1. By-law 177-96, as amended, is hereby further amended as follows:
 - 1.1 By expanding the designated area of By-law 177-96 to include those lands comprising Part of Lots 6, 7 and 8, Concession 4, shown on Schedule 'A' attached hereto;
 - 1.2 By zoning the lands:

Business Corridor * 336*337 (Hold) – [BC * 336*337(H)]
Business Corridor *338 (Hold) – [BC *336*338(H)]
General Industrial *341(Hold) – [GI*341 (H)]
Major Commercial Area * 336*340(Hold) – [MJC*336*340(H)]

as shown on Schedule 'A' attached hereto.
 - 1.3 By adding the following new subsections to Section 7 – EXCEPTIONS, to By-law 177-96:

“7.336 Miller Paving Limited, lands east of Woodbine Avenue, north of 14th Avenue

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *336 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.

7.336.1 Zone Standards

The following specific Zone Standards apply:

- a) *Maximum yard* adjoining any *public street* – 6.0 metres
- b) Minimum required width of *landscaping*:
 - (i) Adjacent to a *public street* – 6.0 metres

- (ii) Adjacent to any *lot line*, not adjacent to a *public street* – 3.0 metres
- c) Minimum *height* – 6.0 metres;
- d) Maximum *height* – 16 metres.

7.336.2 Special Site Provisions

The following special site provisions shall apply:

- (a) Within 40 metres of Woodbine Avenue *streetline*, the following additional provisions apply:
 - (i) Minimum *height* – 8.0 metres;
 - (ii) A minimum of 50% of the length of the *streetline* along Woodbine Avenue within a lot/block shall be the location of a *main wall* that is setback no further than 6.0 m from the *streetline*;
 - (iii) A minimum of 50% of the surface area of each *main wall* facing the *public street* shall be comprised of openings. This provision only applies to that portion of the *main wall* that is within 3.0 metres of *established grade*. For the purpose of this provision, “openings” are spaces/perforations in walls that contain windows, doors or entrance features or any combination thereof;
 - (iv) *Parking areas* and *parking spaces* are not permitted within 6 metres of Woodbine Avenue;
 - (v) Doors associated with *loading spaces* are not permitted;
 - (vi) *Drive through service facilities* and *queuing lanes* are not permitted.
- (b) The following encroachments shall be permitted into the required *landscaped open space* adjoining streets:
 - (i) Any part of the *main wall* may encroach into the required *landscaped open space* a distance of no more than 3.0 metres;
 - (ii) Access ramps and *driveways*, provided they are more or less perpendicular to the *streetline*; and
 - (iii) Awnings, roof overhangs, open colonnades, canopies, uncovered platforms or stairs.
- (c) The following site specific provisions shall apply to 14th Avenue:
 - (i) *Maximum yard* adjoining 14th Avenue – 15 metres;

(ii) Minimum required width of *landscaping* – 15 metres.

(d) The following encroachments shall be permitted into the required *landscaped open space* adjoining 14th Avenue:

(i) Any part of the *main wall* may encroach into the required *landscaped open space* ;

(ii) Access ramps and *driveways*, provided they are more or less perpendicular to the *streetline*; and

(iii) Awnings, roof overhangs, open colonnades, canopies, uncovered platforms or stairs.

7.336.3 Notwithstanding any further division or partition of lands, the development standards of By-law 177-96, as amended shall continue to apply to the lands as shown on Schedule 'A', and parking shall be provided in accordance with Town standards for and on each lot.

7.337 Miller Paving Limited, lands east of Woodbine Avenue, north of 14th Avenue (Business Corridor)

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *337 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.

7.337.1 Only Permitted Uses

The following uses are the only permitted uses:

- a) *business offices*;
- b) *restaurants*; and
- c) *restaurants, take-out*.

7.337.2 Special Site Provisions

The following special site provisions shall apply:

- (a) *Restaurants and Take-Out Restaurants* are only permitted in an *office building*.

7.338 Miller Paving Limited, lands east of Woodbine Avenue, north of 14th Avenue (Business Corridor)

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *338 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.

7.338.1 Only Permitted Uses

The following uses are the only permitted uses:

- a) *art galleries;*
- b) *business offices;*
- c) *commercial fitness centers;*
- d) *data processing and related facilities;*
- e) *day nurseries;*
- f) *financial institutions;*
- g) *industrial uses;*
- h) *medical offices;*
- i) *personal service shops;*
- j) *recreational establishments;*
- k) *restaurants;*
- l) *restaurant, take-out;*
- m) *retail stores;*
- n) *schools, commercial; and*
- o) *veterinary clinics.*

7.338.2 Special Site Provisions

The following special site provisions shall apply:

- (b) *Restaurants and Take-Out Restaurants* are only permitted in an *office building*.
- (c) Maximum *gross floor area* devoted to *retail stores* – 30%
- (d) Retail sales *accessory* to an *industrial use* are permitted provided:
 - (i) The retail sales are conducted within the same *premises* as a permitted *industrial use*.
 - (ii) The retail sales area has a *net floor area* that does not exceed the lesser of 300 m² or 10 percent of the *net floor area* of the *premises* containing the *industrial use*.
 - (iii) Retail sales *accessory* to an *industrial premise* use are not included in the calculation of maximum *gross floor area* of *retail stores*.
- (e) *Outdoor storage* and *outdoor display and sales* are not permitted.

7.340 Miller Paving Limited, lands east of Woodbine Avenue, north of 14th Avenue (Major Commercial)

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *340 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.

7.340.1 Only Permitted Uses

The following uses are the only permitted uses:

- a) *art galleries;*
- b) *business offices;*
- c) *commercial fitness centers;*
- d) *day nurseries;*
- e) *financial institutions;*
- f) *medical offices;*
- g) *personal service shops;*
- h) *places of entertainment*
- i) *restaurants;*
- j) *restaurants, take-out;*
- k) *retail stores;*
- l) *schools, commercial;*
- m) *schools, private; and*
- n) *theatres.*

7.340.2 Special Site Provisions

The following special site provisions apply:

- (a) Maximum number of *retail stores* with a *net floor area* greater than 4,000 m² - 2;
- (b) The combined *gross floor area* of *restaurants* and *take-out restaurants* shall not exceed 20% of the total *gross floor area* of all *buildings*;
- (c) *Outdoor display and sales* in the form of a garden center are permitted subject to the following:
 - (i) Only in association with a *retail store premise* with a *net floor area* greater than 4,000 m²;
 - (ii) Maximum area of a garden center – 560 m²;
 - (iii) Garden centers are not permitted within 40 metres of Woodbine Avenue; and
 - (iv) Garden centers shall only be permitted between April 15 and August 31 of each year.

7.341 Miller Paving Limited, lands east of Woodbine Avenue, north of 14th Avenue (General Industrial)

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *341 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.

7.341.1 Additional permitted uses

The following additional uses are permitted:

- a) Any use operated and/or financed (in whole or in part) by a *public authority*

1.4 HOLDING PROVISIONS

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.

Notwithstanding any other provision in this By-law, where a *zone* symbol is followed by the letter (H), no person shall use the land to which the letter (H) applies for any use other than the use which existed on the date this By-law was passed, until the (H) is removed in accordance with the policies of the Official Plan, the provisions of this Zoning By-law and any amendment to this By-law, as amended, and the Planning Act as amended.

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

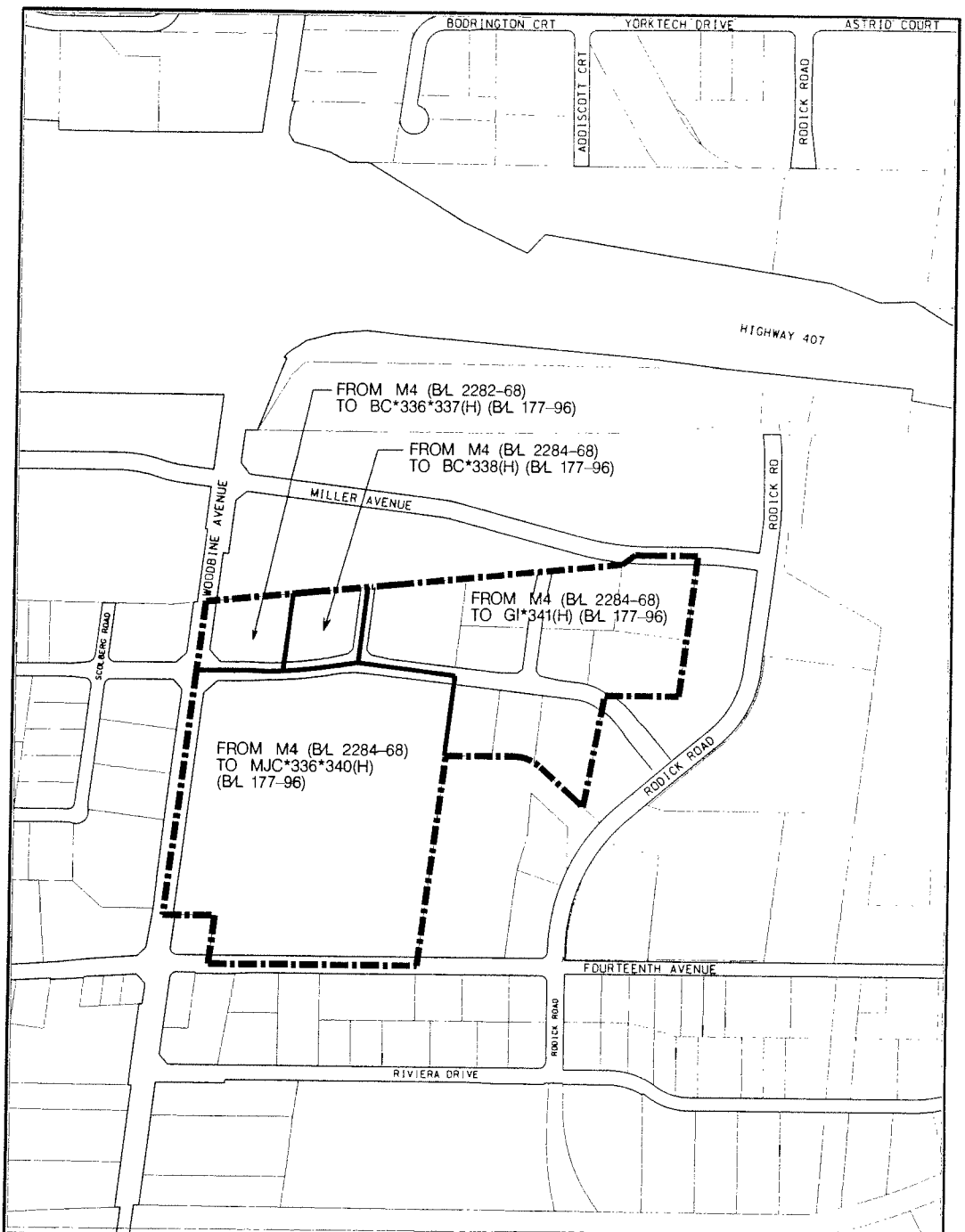
- (a) A plan of subdivision has been draft approved and related subdivision agreement between the landowner and the Town has been executed;
- (b) A site plan for the commercial lands has been endorsed;
- (c) The Town and the Toronto and Region Conservation Authority (TRCA) are satisfied with the arrangements made to implement the proposed stormwater management strategy;
- (d) The Town is satisfied that adequate water, sanitary, storm sewer and stormwater management facilities are in place to service the subject lands;
- (e) The Town is satisfied that land for required road rights-of-way, open space and other community facilities are secured;
- (f) The Town, in consultation with concerned agencies, is satisfied that the lands, proposed to be released for development, can be served adequately by the existing and committed transportation network without adverse impact to the existing road system or to other committed development and that development is not otherwise premature;
- (g) The Town, in consultation with concerned agencies, is satisfied that: any real or potential contamination has either been remediated to an environmental site condition which meets appropriate Provincial standards for the proposed land use and will not result in any adverse effects, or that such remediation has been secured through other means, such as conditions in a subdivision agreement, or by a record of site condition prior to issuance of a building permit;

- (h) Where there is a real or potential off-site contamination, the Town is satisfied that the Ministry of the Environment and the affected owners have been notified of such contamination; and that such contamination is addressed to the satisfaction of the Ministry of the Environment;
 - (i) A Development Charge By-law has been enacted, or 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; and
 - (j) The Town has been satisfied that arrangements have been made through a Developers Group or alternative agreement, to address the sharing of common costs of development within the area not included in a Development Charges By-law (including recoveries owing to area developers).
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 _____, 2006.

FRANK SCARPITTI, MAYOR

SHIELA BIRRELL, CLERK

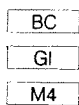


DEVELOPMENT SERVICES COMMISSION

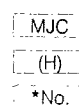
A BY-LAW TO AMEND BY-LAW 177-96



BOUNDARY OF AREA COVERED BY THIS BY-LAW
ZONE BOUNDARY



BC BUSINESS CORRIDOR
GI GENERAL INDUSTRIAL
M4 RURAL INDUSTRIAL



MJC MAJOR COMMERCIAL
(H) HOLDING PROVISION
*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 1: