

APPENDIX A
CONDITIONS OF DRAFT PLAN APPROVAL

APPENDIX 'A'
RECOMMENDED CONDITIONS OF DRAFT PLAN APPROVAL
PLAN OF SUBDIVISION 19TM-05009
(CATHEDRAL TOWN SOUTH)
(Monarch Corporation)

1 General

- 1.1 Approval shall relate to Draft Plan of Subdivision 19TM-05009 prepared by Design Plan Services, identified as Drawing Number 0238-1\50, dated May 1, 2006.
- 1.2 The Owner acknowledges that revisions to the draft plan of subdivision may be required in order to meet the requirements of Condition 23.7, if necessary, to the satisfaction of the TRCA.
- 1.3
 - a) The Owner acknowledges that revisions to the draft plan of subdivision may be required by the Town of Markham and/or the Region of York, to reflect possible widening or realignment of the Woodbine Avenue By-pass right of way within the boundaries of this draft plan of subdivision, resulting from a detailed design study of the Woodbine Avenue By-pass to be undertaken by the Town of Markham; conveyance of the Woodbine By-pass right of way as shown in a plan of survey; and execution of the Tri-party Agreement.
 - b) The owner acknowledges that Lot 118 and Block 152 shall not be released for registration until:
 - i) the detailed design study for the Woodbine By-pass has been completed by the Town;
 - ii) the Landowners' Group has prepared a survey plan of the proposed By-pass right of way that conforms to the recommendations of the detailed design study, to the satisfaction of the Town and the Region of York;
 - iii) the redline revisions to the draft plan set out in Condition 1.3 a), if required, have been approved by the Town of Markham and the Region of York;
 - iv) the owner has conveyed to the Region of York, in accordance with the Tri-party agreement, any portion of the Woodbine Avenue By-pass within the boundaries of the draft plan of subdivision;
- 1.4
 - a) The owner acknowledges that revisions to the draft plan of subdivision, applying to the location and configuration of the Highway 404 Flyover, Street J, Street 'K' and Blocks 155, 156, 157 and 158, may be required to incorporate the recommendations of the approved Environmental Assessment Study for the Highway 404 Flyover. These revisions shall be in conformity with the recommendations of the approved Environmental Assessment study.

- b) The owner acknowledges that the portion of the draft plan of subdivision comprising the Highway 404 Flyover, Street 'J', Street 'K' and Blocks 155, 156, 157 and 158, shall not be released for registration until:
- i) the Environmental Assessment Study for the Highway 404 Flyover has been approved by Markham and the appeal period has expired without a Part 2 Order (Bump-up);
 - ii) Red line revisions to the draft plan of subdivision, if required, as set out in Condition 1.4 a), have been approved by the Town of Markham and the Region of York;
- 1.5 The Owner acknowledges that revisions to the draft plan of subdivision are required to provide for:
- a 26.5 m right of way on the east and west legs of the Woodbine By-pass/Street 'E' intersection;
 - a 26.5 m right of way on the west leg of the Woodbine By-pass/Street 'J' intersection;
 - a 21 m right of way on the north and south legs of the Markland Street/Street 'J' intersection;
 - a 24 m right of way (for a 45 m length) on the west leg of the Woodbine Avenue/Street 'A' intersection.
- 1.6 The Owner acknowledges that revisions to the draft plan of subdivision are required to delete Lot 99 from the Phase 1 draft plan approval in order to meet the allocation of 195 units granted by Council.
- 1.7 The owner acknowledges that red-line revisions are required to show 0.3 metre reserves, sight triangles and road widenings, in accordance with Condition 22.28;
- 1.8 This draft approval shall apply for a maximum period of three (3) years from the date of issuance by the Town, and shall accordingly lapse on _____, 2009, unless extended by the Town upon application by the Owner.
- 1.9 The Owner shall enter into a subdivision agreement with the Town agreeing to satisfy all conditions of the Town and Agencies, financial and otherwise, prior to release for registration of the draft plan.
- 1.10 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.
- 1.11 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the Town, to implement or integrate any recommendations resulting from studies required as a

condition of draft approval, or to incorporate comments and approval conditions not yet received from commenting agencies or Town departments.

- 1.12 That the Cathedral West Landowners Group enter into an agreement with York Region and the Town for the construction and completion of the Woodbine Avenue By-pass as outlined in Clause No.10 in report No. 6 of the Planning and Economic Development Committee Report titled "Woodbine Avenue By-pass Construction and Prepaid Development Charge Credit Agreement Principles" which was adopted by York Region Council at its meeting on June 23, 2005 and February 16, 2006 (revised), and reflecting Town of Markham requirements as outlined in a report to Markham's General Committee dated January 23, 2006.

2 Roads

- 2.1 The Owners acknowledge and agree that the road allowances included within the draft plan of subdivision shall be named to the satisfaction of the Town and the Regional Planning and Development Services Department.
- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances, to the satisfaction of the Town of Markham.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed, secured and constructed in accordance with established municipal standards to the satisfaction of the Town of Markham.
- 2.4 The Owner shall convey, upon registration of the plan of subdivision, 0.3m reserves as required by the Town of Markham or other agencies free of all costs and encumbrances, to the satisfaction of the Town of Markham.
- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles and any necessary easements where required at their cost. The Owner shall also covenant and agree in the subdivision agreement to remove the temporary turning circles and restore the streets to their normal condition at their cost when required by the Town, to the satisfaction of the Town of Markham. The design of the temporary turning circles, and any implications on the surrounding land uses, shall be addressed in the subdivision agreement to the satisfaction of the Town of Markham.
- 2.6 The Owner shall covenant and agree in the subdivision agreement to provide adjustment to road allowances in lanes to provide for space for utilities etc., as required by the Town of Markham or other agencies free of all costs and encumbrances to the satisfaction of the Town of Markham.

- 2.7 The Owners acknowledge and agree that the road allowances within the draft plan shall have right-of-way widths satisfactory to the Town in accordance with the Internal Traffic Impact Study and the External Traffic Impact Study.
- 2.8 The Owner shall covenant and agree in the subdivision agreement to obtain Region of York approval to provide direct construction access from any Regional roads and to provide the Town with a copy of this approval. More specifically, the Owner shall covenant and agree in the subdivision agreement that no construction traffic shall be allowed through the intersection of Woodbine Avenue and Elgin Mills Road such that no construction traffic shall be allowed within the hamlet of Victoria Square.

3. Noise Impact Study

- 3.1 Prior to release for registration of the draft plan, the Owner shall submit a detailed Noise Impact Study, prepared by a qualified Acoustical Consultant, recommending outdoor and indoor noise control measures for the proposed development, including specific details relating to the width of buffer blocks and height of noise fences, to the satisfaction of the Town, in consultation with the Region of York. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.
- 3.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the Town, in consultation with the Region of York.
- 3.3 The Owner shall covenant and agree in the subdivision agreement to convey the necessary Blocks to the Town as buffer blocks, free of all costs and encumbrances. These Blocks shall be conveyed in a physical condition that is satisfactory to the Town.

4. Tree Preservation and Landscaping

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

structures to be erected and proposed municipal services and utilities in that area, in accordance with the approved Tree Preservation Plan for the approval of the Town (Commissioner of Development Services) prior to the issuance of building permits.

- 4.3 The Owner shall covenant and agree in the subdivision agreement to obtain written approval of the Town prior to the removal of any trees within the area of the draft plan.
- 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.
- 4.5 Prior to final approval of the draft plan, the Owner shall submit landscape plans based on the approved Cathedral Community Design Plan, to the satisfaction of the Town. These plans are to be prepared by a qualified landscape architect in good standing with the O.A.L.A. and shall include the following:
 - a) streetscape plans, including a minimum of one tree per residential lot with a maximum space of 12 metres between trees. The size, spacing and species selected shall be to the satisfaction of the Town (Commissioner of Development Services)
 - b) planting and sidewalks for all walkway blocks, open space blocks and the buffer blocks abutting Woodbine By-Pass.
 - c) street tree planting along the Woodbine Avenue By-pass;
 - d) 1.5 metre high black vinyl chain link fencing where residential lots abut the neighbourhood parks, open spaces, and woodlots
 - e) noise attenuation fencing in accordance with the approved noise study
 - f) 1.5 metre high privacy fencing on exterior rear side yards of residential units abutting roads and laneways
 - g) landscape plans and landscape works for the storm water management ponds, including naturalized planting and pathways
 - h) **review of** concept plans for Park Block 153 being used for promotional purposes
 - i) any other landscaping as determined by the Community Design Plan

- 4.6 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.
- 4.7 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.
- 4.8 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.
- 4.9 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.”

5 Parks and Open Space

- 5.1 The Owner shall convey Block 153 for parks purposes, free of all costs and encumbrances, upon registration of the plan of subdivision, in accordance with the Parks and Open Space Agreement.
- 5.2 The Owner covenants and agrees to work with the Developer’s Group to secure terms and conditions to the satisfaction of the Town which would guarantee, in perpetuity, the complete and unencumbered conveyance of all parkland as required within the Cathedral Secondary Plan Area as shown within the approved Cathedral Community Design Plan.
- 5.3 The Owner covenants and agrees that the subdivision agreement will not be executed until such time as the Landowners Group enters into a Parkland Conveyance Agreement with the Town of Markham to the satisfaction of the Commissioner of Development Services.

- 5.4 The Owner covenants and agrees that the plan of subdivision shall not be released for registration by the Town until the Trustee delivers a release to the Town stating that the Owner is in good standing and has complied with the terms of the Developer's Group for provision of parkland that is satisfactory to the Town.
- 5.5 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.
- 5.6 The Owner acknowledges that should the works set out in Condition 5.5 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.
- 5.7 Prior to final approval of the draft plan, the Owner shall prepare and submit a Conceptual Facility Fit Plan for Block 153 to the satisfaction of the Town and the School Boards based on the approved Community Facilities Fit plan prepared by NAK in the Cathedral Community Design Plan if requested to do so in writing by the Town.
- 5.8 The Owner shall covenant and agree that provision shall be made in the subdivision agreement to post approved copies of the Community Design Plan, Open Space Plans, Park Development Concept Plans and the Conceptual Facility Fit Plan for the parks and school campus in all sales offices for dwelling units within the draft plan of subdivision.

6. Stormwater Management

- 6.1 The Owner shall incorporate the requirements and criteria from the approved Environmental and Stormwater Master Plan, as amended, into the draft approved plan and subdivision agreement.
- 6.2 Prior to release for registration of the draft plan, the Town and the Toronto and Region Conservation Authority shall approve a stormwater management study, prepared by a qualified engineer on behalf of the Owner, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or lands for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.
- 6.3 Upon registration of the plan of subdivision, the Owner shall convey all necessary Blocks to the Town for storm water management purposes, including overland flow routes, free

of all costs and encumbrances, in accordance with the recommendations of the Stormwater Management Study, to the satisfaction of the Town and the TRCA.

- 6.4 Prior to release for registration of the draft plan, the Owner shall submit a detailed design plan for all storm water management Blocks, prepared by a qualified consultant, to the satisfaction of the Town.
- 6.5 Prior to any construction activities, the Owner and the Cathedral Group shall submit a watercourse monitoring program to the Director of Engineering for approval. The purpose of the monitoring program is to ensure water quality, water quantity and sediment entering downstream creeks, (i.e. Carelton Creek, Berczy Creek and Bruce Creek) meet TRCA and the Town's requirements, and the watercourses are not adversely impacted. The program will include the following main items: the design of the monitoring program, acceptance criteria, response time, mitigation plan and methodology for any necessary clean up.
- 6.6 The Owner shall incorporate the requirements and criteria of the approved Water Balance Study into the approved draft plan of subdivision and subdivision agreement.

7. Municipal Services

- 7.1 The Owner shall acknowledge and agree in the subdivision agreement that final approval of the draft plan shall be subject to the Town being satisfied that adequate water supply and sanitary sewer allocation is available to service the development in accordance with the November 29, 2005 Council resolution regarding community water supply allocations and sanitary sewage allocation.
- 7.2 Prior to release for registration of the draft plan, the Owner shall prepare, to the satisfaction of the Town, a Functional Servicing Report, in accordance with the approved Master Servicing Plan, to determine the infrastructure required for all municipal services internal and external to the subdivision, including sewers, water mains, and roads. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 7.3 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.
- 7.4 Prior to release for registration of the draft plan, detailed engineering drawings shall be provided by the Owner in accordance with the Functional Servicing Report by Stantec Engineering, which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage

plans, composite utility plans, storm water management detail plans, etc. to the satisfaction of the Town.

- 7.5 The Owner shall covenant and agree in the subdivision agreement that the public highways, curbs, gutters, sidewalks, underground and aboveground services, street lights, street signs, etc., shall be designed in accordance with the Town's design criteria, standards and general engineering principles and established municipal standards to the satisfaction of the Director of Engineering.
- 7.6 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the Town.
- 7.7 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.
- 7.8 Prior to any construction activities, the Owner and the Cathedral Group shall submit a comprehensive well monitoring/mitigation program for the West Cathedral area to the Director of Engineering for approval. The program will include the following main items: monitoring and regular reporting to the Director of Engineering by one coordinating consultant, 24 hour contact for emergencies, response time to complaints and proactive mitigation plan. The monitoring program will start before any construction activities and remain in place either for a minimum of at least 1 year after all underground works, including construction of basements, have been completed or until the ground water table has rebounded, whichever is later. Further, the Owner with the Group shall covenant and agree to provide sufficient securities and implement safety procedures to ensure continuous supply of well water to the existing Victoria Square residents, to the satisfaction of the Director of Engineering.

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

- 7.9 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the fire Chief that there is adequate water supply for firefighting operations and acceptable access for fire fighting equipment is available.

- 7.10 The Owner shall covenant and agree in the subdivision agreement to pay \$100 per unit as their proportionate share of the cost of the Highway 48 Flow Control System which is required to create the sanitary sewer capacity for the project.
- 7.11 The Owner shall covenant and agree in the subdivision agreement to pay for the relocation of existing service connections on abutting roads owned by the Town and for the relocation of any infrastructure within the abutting roads to the satisfaction of the Director of Engineering.
- 7.12 The Owner acknowledges and agrees that allocation for 195 units is granted in accordance with the servicing allocation reports dated February 2005 and November 2005 by the Town and direction received by the West Cathedral Developers Group.
- 7.13 Prior to registration of the subdivision agreement, the Owner shall prepare a Hydrogeological Study, in accordance with the approved water balance study, to determine the mitigation measures required for all municipal services internal and external to the subdivision including sewers, watermains, and roads. Any requirements resulting from this report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 7.14 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.
- 7.15 The Owner shall covenant and agree in the subdivision agreement that no pre-servicing will occur until the engineering drawings are approved, a pre-servicing agreement is executed, the site alteration drawings have been approved, and the necessary securities are provided.
- 7.16 The Owner, in conjunction with the Owner to the south, shall covenant and agree in the subdivision agreement, to advance construction of the Woodbine Avenue Water Main from Vine Cliff Blvd. to the Woodbine By-pass to a schedule to be approved by the Engineering Department.

8. Community Design Plan

- 8.1 The Owner shall covenant and agree in the subdivision agreement to incorporate the requirements and criteria of the Community Design Plan and Guidelines into all municipal works, site plan and building permit applications within the plan of subdivision.
- 8.2 The Owner shall retain a design consultant to prepare Architectural Design Guidelines for the Cathedral Community, 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.

- 8.3 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.
- 8.4 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.
- 8.5 The Owner shall covenant and agree in the subdivision agreement to contribute a proportional share to the Victoria Square Streetscape Improvement Study.
- 8.6 Prior to release for registration of the Draft Plan of Subdivision, the Owner shall prepare design concept plans to the satisfaction of the Town of Markham, showing proposed lot layouts and elevations, for the proposed townhouse block fronting Woodbine Ave. (Block138).

9. Traffic Study

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

10. Easements

- 10.1 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.

11. Utilities

- 11.1 Prior to release for registration of the draft plan, the Owner shall prepare an overall utility distribution plan (Composite Utility Plan) to the satisfaction of the Town and all affected authorities.
- 11.2 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication

services shall be constructed at no cost to the Town as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the Director of Engineering and authorized agencies.

- 11.3 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Powerstream, Enbridge Consumers Gas, telecommunications companies, etc.
- 11.4 The Owner covenants and agrees that, in lane-based portions of the subdivision, hydro, cable and bell services will be located in the public allowances for rear laneways.
- 11.5 The Owner covenants and agrees to advise all utility and telecommunication carriers that plans for medium or large size vaults are to be submitted to the Town for review and approval. Drawings are to be approved by the Commissioner of Development Services and are to include, but are not limited to, site plans, grading plans, fencing and landscape plans, elevations of structures.

12. Telephone or telecommunication provider:

- 12.1 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications service provider has executed a Municipal Access Agreement with the Town. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connections to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
- 12.2 Prior to release for registration of the draft plan of subdivision, the telephone or telecommunication provider shall confirm that satisfactory arrangements, financial and otherwise, have been made with The telephone or telecommunications provider for any The telephone or telecommunications provider facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; a copy of such confirmation shall be forwarded to the Municipality.
- 12.3 The Owner shall agree in the Subdivision Agreement, in words satisfactory to the telephone or telecommunications provider, to grant to the provider any easements that may be required for telecommunication services.

13. Canada Post:

- 13.1 The Owner shall covenant and agree in the Subdivision Agreement to include on all offers of purchase and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mail Box. The Owner will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any home sale.
- 13.2 Prior to release for registration of the draft plan of subdivision, the Owner will consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes, and will indicate on the appropriate servicing plans:
- the locations of Community Mailboxes;
 - an appropriately sized section (concrete pad) as per municipal standards, to place the Community Mailboxes on;
 - any required walkways across the boulevard, as per municipal standards; and
 - any required curb depressions for wheelchair access to the satisfaction of the Commissioner of Development Services and Canada Post.
- 13.3 The Owner shall covenant and agree in the Subdivision Agreement to provide suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until

the curbs, sidewalk, and final grading have been completed at the permanent Community Mailbox locations.

13.4 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at such locations in a manner which is agreeable to Canada Post and the Town (Commissioner of Development Services) and that where such facilities are to be located within public highway rights-of-way, such facilities shall be approved on the Composite Utility Plan and shall be constructed in accordance with the Community Design Plan.

13.5 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installations, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the Town in consultation with Canada Post.

14. Enbridge Consumers Gas:

14.1 The Owner shall covenant and agree in the Subdivision Agreement to:

- install all of the natural gas distribution system within the proposed road allowances;
- grade all streets to final elevation prior to the installation of the gas lines;
- provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Consumers Gas; and,
- coordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities

15. Ministry of Transportation Ontario:

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

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

15.3 Prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval a copy of a detailed calculation and illumination plan for Blocks 155, 156, 157 and 158.

16. Powerstream:

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

17. Development Charges

- 17.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.
- 17.2 The Owner covenants and agrees to pay all necessary fees and development charges at the time of execution of the subdivision agreement.

18. Environmental Clearance

- 18.1 Prior to release for registration of the draft plan, the Owner shall:
- a) submit environmental site assessment reports prepared by a Qualified Person in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) describing the current conditions of the land to be conveyed to the Town and any proposed remedial action plan, for peer review and concurrence;
 - b) at the completion of any necessary site remediation process, submit certification from the Qualified Person that the necessary clean up has been carried out and that the land to be conveyed to the Town meets the Site Condition Standards of the intended land use;
 - c) file a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the Town, and
 - d) pay all costs associated with the Town retaining a third-party reviewer for the peer review service.
- 18.2 The Owner shall covenant and agree in the subdivision agreement that if during construction of any infrastructure or building within the subdivision contaminated soils are discovered, the Owner shall submit a further remedial action plan to the Town for peer review and concurrence prior to carrying out the clean up, to the satisfaction of the Director of Engineering.

19. Heritage

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

20. Other Town Requirements

- 20.1 Prior to release for registration of the draft plan or any component thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads, and sites for places of worship in the West Cathedral Community, to the satisfaction of the Commissioner of Development Services and Town Solicitor, and a certificate confirming completion of such agreement(s) shall be provided to the Town by the Developers Group Trustee to the satisfaction of the Town Solicitor.
- 20.2 The Owner shall covenant and agree in the Subdivision Agreement to:
- a) purchase from the Town two recycling containers, one green bin and one kitchen collector per residence upon application for occupancy permits so that each purchaser may participate in a waste diversion program;
 - b) ensure that the containers, units and educational materials are deposited in each home on or before the day closing;
 - c) contact the Town at least four weeks in advance to arrange an appointment time in which blue boxes, green bins and kitchen collectors are to be collected by the Owner;
 - d) pay the Town the cost for the containers and units as outlined in condition 20.2 a). The Owner covenants and agrees to collect from the Town all required recycling containers, and that all containers shall be provided to the purchasers at the same cost as paid to the Town;

- e) ensure that unobstructed roadway access to a width no less than 6 metres will be provided upon unit occupancy, for the safe passage of municipal waste and recycling collection vehicles on the designated collection day. Furthermore, if required, the Owner shall provide vehicle turning space that meets the Town's engineering design standards. The Owner agrees that at times when the above defined access cannot be provided, the Owner shall be responsible for moving all residential waste and recyclables from the occupied units to an agreed upon centralized location at the Owner's expense, for collection by the Town
- 20.3 The Town shall covenant and agree in the Subdivision Agreement to provide at no cost to the Owner all educational materials necessary to enable the purchaser to participate in a recycling program.
- 20.4 The Owner shall covenant and agree in the subdivision agreement to pay a proportional share for the design and construction of a combined bicycle and pedestrian path to be located generally within blocks fronting the east and north sides of the Woodbine Bypass.
- 20.5 The Owner acknowledges and agrees that final approval of the draft plan of subdivision may be issued in phases provided that:
- a) phasing is proposed in an orderly progression generally consistent with the phases identified in the approved Development Phasing Plan; and,
 - b) all concerned government agencies agree to registration by phases and provide the clearances as required in Condition 22 for each phase.
- 20.6 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
- the Town's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage
 - the Town's zoning by-law restricts the width of the driveway to a maximum of 3.5 metres, this width does not allow two cars to park side by side
 - overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the Town.
- 20.7 The Owner acknowledges that Part Blocks 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 151 and 152 will each be shown as blocks on the registered plan and will only be divided via part lot control once they are developed in conjunction with lands to the south.

21. Fire Department

- 21.1 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner

shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.

- 21.2 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and that two means of access, independent of one another are to be provided into the development under all conditions.

22. Region of York

- 22.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and the York Region Planning and Development Services Department.
- 22.2 Prior to final approval 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.
- 22.3 The owner acknowledges that revisions to the draft plan of subdivision may be required to incorporate the recommendations of the approved Environmental Assessment Study for the proposed Highway 404 Fly-Over. These revisions shall be in conformity with the recommendations of the approved Environmental Assessment.
- 22.4 The owner acknowledges that the portion of the draft plan of subdivision comprising Street 'J', Street 'K' and Blocks 155, 156, 157 and 158 shall not be released for registration until:
- a. the Environmental Assessment Study for the Highway 404 Fly-Over has been approved; and,
 - b. Red line revisions to the draft plan of subdivision, if required, have been approved by the Town of Markham, in consultation with York Region.
- 22.5 The Holding (h) provisions of Section 36 of the Ontario Planning Act shall be used in conjunction with any zone category to be applied to Blocks 155, 156, 157 and 158 in order to ensure that development of these blocks does not occur until such time as the Holding (h) symbol is removed in accordance with the provisions of the Ontario Planning Act. The Zoning By-law shall specify the terms under which Council may consider the removal of the Holding (h) symbol. Said terms shall include a minimum of the following:

- a. the Environmental Assessment Study for the Highway 404 Fly-Over has been approved; and,
 - b. Red line revisions to the draft plan of subdivision, if required, have been approved by the Town of Markham, in consultation with York Region.
- 22.6 The Holding (h) provisions of Section 36 of the Ontario Planning Act shall be used in conjunction with any zone category to be applied to Lot 118 and Block 152 in order to ensure that development of these blocks does not occur until such time as the Holding (h) symbol is removed in accordance with the provisions of the Ontario Planning Act. The Zoning By-law shall specify the terms under which Council may consider the removal of the Holding (h) symbol. Said terms shall include a minimum of the following:
- the detailed design for the Woodbine Avenue By-pass (including the completion of the Reference Plan) has been completed; and,
 - a revised draft plan, if required, has been approved by the Town of Markham in consultation with York Region, which incorporates the detailed design of the Woodbine Avenue By-pass, as surveyed.
- 22.7 The Owner shall convey all lands required for the Woodbine Avenue By-pass in accordance with the terms of the Tri-Party Agreement with the Town, the Region of York, and the West Cathedral Landowners' Group respecting the Woodbine Avenue By-pass.
- 22.8 In order to determine the property dedications required to achieve the ultimate right-of-way width of the **Woodbine Avenue By-pass** abutting the subject site, the applicant shall submit to the Town and Region for approval, a plan of survey for the property that illustrates the **Woodbine Avenue By-pass** lands which are to be conveyed.
- 22.9 Prior to the Final Approval the engineering drawings for the Woodbine Avenue By-pass shall be approved by the Town of Markham to the satisfaction of the York Region Transportation and Works Department.
- 22.10 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.
- 22.13 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.
- 22.14 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.

- 22.15 Prior to Final Approval, the Owner shall provide a set of engineering drawings, approved by the area municipality, which indicates the storm drainage system, the overall grading plans and all proposed accesses onto York Region roads, for all lands within this plan of subdivision, to the York Region Transportation and Works Department for verification that all York Region's concerns have been satisfied.
- 22.16 Prior to Final Approval and concurrent with the submission of the subdivision servicing application (MOE) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the Regional road, to the Roads Branch, Attention: Manager, Development Approvals, that includes the following drawings:
- a) Plan and Profile for the Regional road and intersections;
 - b) Grading and Servicing;
 - c) Intersection/Road Improvements, including the recommendations of the Traffic Report;
 - d) Construction Access Design;
 - e) Utility and underground services Location Plans;
 - f) Signalization and Illumination Designs;
 - g) Line Painting;
 - h) Traffic Control/Management Plans;
 - i) Erosion and Siltation Control Plans;
 - j) Landscaping Plans, including tree preservation, relocation and removals.
- 22.17 The Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information, shall be submitted to the York Region Transportation and Works Department, Attention: Mrs. Eva Pulnicki, P.Eng.
- 22.18 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.
- 22.19 Any existing driveway(s) along York Region road frontage of this subdivision must be removed as part of the subdivision work, at no cost to York Region.

- 22.20 Elevations along the streetline shall be 0.3 metres above the centerline elevations of the Regional roadway.
- 22.21 The Owner shall agree in the subdivision agreement, in wording satisfactory to the York Region Transportation and Works Department, to provide for the installation of visual screening between Street 'M' and Woodbine Avenue By-Pass and between Laneway '12' and Woodbine Avenue By-Pass, consisting of either a screening fence or a combination of a berm and planting, to a maximum of 1.8 metres in height, to be located within the right-of-way of Street 'M' and Laneway '12'. The Owner shall submit to the York Region Transportation and Works Department for review and approval, landscape plans showing the proposed planting for headlight screening purposes.
- 22.22 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.
- 22.23 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 respecting 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; and,
 - d) A planting plan for all new and relocated vegetation to be planted within the Regional Road right of way, based on the following general guideline:
- Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the Regional Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed, they will require the approval of the local municipality and be supported by a maintenance agreement between the municipality and York Region for area municipal maintenance of these features. In addition, the agreement should indicate that where the area municipality does not maintain the feature to the Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.
- 22.24 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.

22.25 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.

22.26 The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:

"Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".

22.27 Where noise attenuation features will abut a York Region 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 York Region right-of-way;
- b) that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be maximum 2.5 metres in height, subject to the area municipality's concurrence;
- c) that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region; and,
- d) that any landscaping provided on York Region right-of-ways 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.

22.28 The following lands shall be conveyed to York Region for public highway purposes, free of all costs and encumbrances, as per the Tri-party agreement:

- a) a **15.0** metre by **15.0** metre daylight triangle at the **northwest** and **southwest** corners of **Street 'J' and Woodbine Avenue By-pass**;
- b) a **15.0** metre by **15.0** metre daylight triangle at the **southwest, northwest, northeast** and **southeast** corners of **Street 'E' and Woodbine Avenue By-pass**;
- c) an additional **2.0** metre widening, **40** metres in length, together with a **60** metre taper for the purpose of a southbound right turn lane at the intersection of **Woodbine Avenue By-pass and Street 'J'**;

- d) an additional **2.0** metre widening, **40** metres in length, together with a **60** metre taper for the purpose of a southbound right turn lane at the intersection of **Woodbine Avenue By-pass** and **Street 'E'**;
- e) an additional **2.0** metre widening, **40** metres in length, together with a **60** metre taper for the purpose of a northbound right turn lane at the intersection of **Woodbine Avenue By-pass** and **Street 'E'**; and,
- f) a **0.3** metre reserve across the full frontage of the site where it abuts **Woodbine Avenue By-pass** and adjacent to the above noted widenings, except abutting dedicated green spaces, parks, ponds, and future Town owned roadways.

The existing Woodbine Avenue is currently under Regional jurisdiction along the easterly boundary of this plan of subdivision. With the planned implementation of the Woodbine Avenue By-pass, this section of Woodbine Avenue will be transferred to the jurisdiction of the Town of Markham. Since Woodbine Avenue will be the Town of Markham's jurisdiction, any land conveyances along Woodbine Avenue that may be needed in the future should be required by the Town of Markham.

- 22.29 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.
- 22.30 York Region requires the Owner of the site to 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 are free of all noxious, deleterious materials on or under the surface. This certification shall be provided at no cost to York Region.
- 22.31 No direct access shall be permitted to Woodbine Avenue By-pass.
- 22.32 No intersection or non-residential access shall be permitted on Street 'E' and Street 'J' within 60.0 metres of the widened limit of Woodbine Avenue By-Pass.
- 22.33 Street 'J' shall be designed to intersect Woodbine Avenue By-pass at a right angle.
- 22.34 Both sides of Street 'E' shall be designed to intersect Woodbine Avenue By-pass at a right angle and opposite each other.
- 22.35 The intersections of Woodbine Avenue By-Pass at Street 'E' and Street 'J' 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.

22.36 The owner shall agree in the subdivision agreement to construct sidewalks along the subject lands' frontage onto roadways that will have transit services. Sidewalks shall be constructed on both sides of those roadways unless only one side of the street lies within the limits of the subject lands. Future York Region Transit (YRT) services are planned for the following roadways or sections thereof:

- Woodbine Avenue By-pass
- Woodbine Avenue
- Street K
- Street J

22.38 Concrete pedestrian access shall be provided from the internal roadways to York Regions roadways as follows:

- From Street M to Woodbine Avenue By-Pass

The concrete pedestrian access shall be provided at no cost to York Region and concurrent with construction of necessary sidewalks.

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.).

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

| ON Street | AT Street | Location | Standard |
|----------------------|-----------|-----------------|-------------------------|
| Woodbine Ave By-Pass | Street E | NE corner | YRT-1.02 or YRT-1.03 |
| Woodbine Ave By-Pass | Street E | SW corner | YRT-1.02 or YRT-1.03 |
| Woodbine Ave By-Pass | Street J | North side | YRT-1.02 or YRT-1.03 |
| Woodbine Ave By-Pass | Street J | At Block 155 | YRT-1.02 or YRT-1.03 |
| Street K | Street J | SE corner | YRT-1.02 or |

| ON Street | AT Street | Location | Standard |
|--------------|--|-------------------------------|-------------------------|
| | | | YRT-1.03 |
| Street K | Future Street | SE corner | YRT-1.02 or YRT-1.03 |
| Street K | Across from Future Street (at Block 157) | West side (@ Block 157) | YRT-1.02 or YRT-1.03 |
| Street J | Street K | NE corner | YRT-1.02 or YRT-1.03 |
| Street J | Woodbine Ave By- Pass | South side | YRT-1.02 or YRT-1.03 |
| Woodbine Ave | Street A | NW corner | YRT-1.02 or YRT-1.03 |

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

- 22.40 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 and York Region Transit. Landscaping should not interfere with the bus stops, passenger standing areas, shelters or corner sightlines. Bus stops located in front of the employment areas shall be incorporated into the landscape design.
- 22.41 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 facilities supervisor - Ann Marie Carroll at (905)762-1282 ext. 5677 to confirm final details.
- 22.42 The owner shall submit to the York Region Transportation and Works Department, for review and comment, drawings showing the sidewalk locations, concrete pedestrian access, passenger standing areas and shelter pads.
- 22.43 Woodbine Avenue By-pass, Street 'K' and Street 'J' shall be designed to accommodate transit vehicles to the satisfaction of the area municipality and York Region Transit. The minimum pavement width for transit vehicles is 3.5 m. The minimum curb radius for

transit vehicles is 15 m. These standards are according to the Canadian Transit Handbook and the Ontario Urban Transit Association.

22.44 The owner shall agree in the subdivision agreement to advise all potential purchasers of the possible future introduction of transit services in the development. This includes potential transit routes, bus-stops and shelter locations. This shall be achieved through the distribution of information/marketing materials (YRT route maps, Future Plan maps & providing YRT website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT route maps and the Future Plan maps are available from YRT upon request.

22.45 The owner shall agree in the subdivision agreement to not construct vertical traffic calming along streets identified for future YRT Transit services. YRT shall be consulted with respect to any alternate traffic calming features which may be considered.

Transit services will not operate along streets with vertical traffic calming devices. YRT accepts the installation of horizontal obstacles where their design takes into account bus type used on that route, including their length, width and turning radius. Recommendations to implement new transit routes on roads which already have vertical traffic calming devices would be conditional upon the removal of these devices.

22.46 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 will have transit services, sidewalks, pedestrian access and bus stop locations.

22.47 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.

22.48 The Region of York Planning and Development Services Department shall advise that Conditions 22.1 to 22.47 inclusive, have been satisfied.

23. Toronto and Region Conservation Authority

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

- a. A detailed engineering report that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands, and how it will comply with the approved West Cathedral Community – Environmental and Stormwater Management Plan Report (ESMP). This report shall include:

- i) plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may be required to control minor or major flows;
 - ii) appropriate Stormwater Management Practices (SWMPs) to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat;
 - iii) proposed method for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction;
 - iv) location and description of all outlets and other facilities which may require a permit pursuant to Ontario Regulation 158, the Authority's Fill, Construction and Alteration to Waterways Regulation.
 - v) development limit "constraint" mapping for areas adjacent to natural features, showing all of the following (both existing and proposed) that are applicable to the site: top of bank, stable slope line, floodlines, significant vegetation, and required buffers, with the draft plan of subdivision on the same plan.
 - vi) Plans illustrating proposed methods for treating road run-off, and proposed locations for the stock-piling of snow.
- b. Overall grading plans for the subject lands.
- c. A comprehensive water balance strategy be submitted to the satisfaction of the TRCA and Town of Markham staff, which identifies how ground water infiltration will be maintained on the site, and provides detailed design of the system, and implementation and monitoring information. The requirements for this strategy may be lessened if a more comprehensive analysis has been completed and approved, for the larger Cathedral West Community, in which case, the above noted study must provide for implementation of the larger plan.
- 23.2 That all construction activities be undertaken in accordance with the findings and recommendations of the West Cathedral Environmental Impact Assessment (prepared by Gartner Lee Limited), and as stated in the approved MESP.
- 23.3 That the implementing zoning by-law recognize all Open Space, Stormwater Management Pond, and Flood Plain blocks, in addition to all lands in which natural features are located, in 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.
- 23.4 That the applicant attain all necessary permits required under Ontario Regulation 158, in addition to all approvals from Fisheries and Oceans Canada, and the Ministry of Natural Resources, as required.
- 23.5 That Block 153 be dedicated gratuitously to the Town of Markham, as per the Open Space Agreement.
- 23.6 That the owner agree in the subdivision agreement, in wording acceptable to the TRCA:

- a. to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical report referenced in Condition 1;
 - b. To agree to, and implement, the requirements of the TRCA's conditions in wording acceptable to the TRCA;
 - c. to design and implement on-site erosion and sediment control;
 - d. to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA;
 - e. to obtain all necessary permits pursuant to Ontario Regulation 158 from the TRCA, in addition to all necessary approvals for external agencies, including but not necessarily limited to Fisheries and Oceans Canada, and the Ministry of Natural Resources;
 - f. to erect a permanent fence to the satisfaction of the TRCA for lots and blocks abutting Storm Water Management or Open Space Blocks.
 - g. To provide the requisite funding, or contribute to a cost-sharing fund to provide for the long-term monitoring and maintenance of the water balance and infiltration measures on this site, or as part of the larger Cathedral West Community, to the satisfaction of the TRCA.
 - h. To implement all water balance/infiltration measures identified in the water balance study that is to be completed for the subject property.
- 23.7 That the draft plan be red-lined revised in order to meet the requirements of the TRCA's conditions, if necessary.

24. York Region District School Board

- 24.1 That prior to release for registration, the owner shall have entered into an agreement, satisfactory to the York Region District School Board for the transfer of Block 154 as a public elementary school site. This block shall contain not less than 2.42 hectares.
- 24.2 That the owner shall agree in the subdivision agreement, in wording satisfactory to the York Region District School Board:
- a) to grade Block 154 and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
 - b) to remove any buildings on Block 154;
 - c) to remove trees, as required to accommodate school layout;

- d) to provide a letter of credit pertaining to stockpiling and removal of topsoil as established in the latest version of Hanscomb's Yardsticks for Costing Cost Data for the Canadian Construction Industry to the satisfaction of the Board;
 - e) to remove stockpiled topsoil within 30 days of written notice by the Board and in doing so compact fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
 - f) to construct a galvanized chain link fence, Type II ½" mesh along all boundaries of the school blocks including road frontages at the discretion of the Board;
 - g) to construct the fences prior to the issuance of building permits for Phase 1 of the subdivision;
 - h) to erect and maintain a sign on the public school site at such time as the relevant access roads are constructed, indicating that the date has not been set for the construction of the school;
 - i) to provide the foregoing at no cost to the Board;
 - j) to provide a geotechnical investigation and Phase 1 and Phase 2 environmental site assessment conducted by a qualified engineer. For an elementary school site a minimum of six boreholes shall be required and for a secondary school site a minimum of twelve boreholes shall be required;
 - k) to assume any upstream and downstream hydro charges;
- 24.3 That the owner shall submit to the York Region District School Board, at no cost to the Board a report from a qualified consultant concerning:
- a) the suitability of each for school construction purposes, relating to soil bearing factors, surface drainage, topography and environmental contaminants; and,
 - b) the availability of natural gas, electrical, water, storm sewer and sanitary sewer services.
- 24.4 That the owner shall agree in the subdivision agreement, in wording acceptable to the York Region District School Board that the services referred to in Condition 24.3 b) shall be installed to the mid-point of the frontage of the elementary school site and positioned as designated by the Board, at no cost to the Board.
- 24.5 That the Town of Markham shall submit to the York Region District School Board a certificate concerning:
- a) the availability of a satisfactory water supply; and,
 - b) the acceptable method of sewage disposal.
- 24.6 That prior to release for registration, the owner shall submit to the York Region District School Board for review and approval, a copy of the final engineering plans as approved by the Town of Markham which indicate the storm drainage system and the overall grading plans for the complete subdivision area.

24.7 That prior to release for registration, the local hydro authority shall have confirmed in writing to the Board that adequate electrical capacity will be supplied to the school site frontage by the developer at no cost to the Board;

24.8 That prior to release for registration, the local hydro authority shall have confirmed in writing to the Board that they are satisfied that payment for any upstream and downstream charges will be made by the owner.

25. External Clearances

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

- (a) The Regional Municipality of York Planning Department shall advise that their conditions and requirements have been satisfied.
- (b) The Toronto and Region Conservation Authority shall advise that their conditions and requirements have been satisfied.
- (c) The telephone or telecommunications provider shall advise that Conditions 12.1 to 12.4 inclusive have been satisfied.
- (d) Canada Post Corporation shall advise that Conditions 13.1 to 13.4 inclusive have been satisfied.
- (e) Enbridge Consumers Gas shall advise that Condition 14.1 has been satisfied
- (f) The Ministry of Transportation Ontario shall advise that Condition 15.1 has been satisfied.
- (g) Powerstream shall advise that Condition 16.1 has been satisfied
- (h) The Ministry of Culture shall advise that Conditions 19.1 and 19.2 have been satisfied.
- (i) That the York Region District School Board shall advise that conditions 24.1 to 24.8 inclusive have been met to its satisfaction. The clearance letter shall include a brief statement detailing how each condition has been satisfied or carried out.

ISSUED _____, 2006

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

APPENDIX B
DRAFT ZONING BY-LAW AMENDMENTS

EXPLANATORY NOTE

BY-LAW 2006-_____

**The Co-ownership of Cathedral Town Ltd. and 404 Developments Inc. –
Cathedral Town Phase III Subdivision
Monarch Corporation – Cathedral Town South Subdivision
Lakeview Homes – Majorwood Subdivision**

This By-law applies to three draft plans of subdivision totalling 73 hectares (180.4 acres), located on the west side of Woodbine Avenue, south of the Cathedral Town Phase I and Phase II subdivisions.

The purpose and effect of this zoning by-law is to delete these lands from the by-law 304-87 so they can be incorporated into by-law 177-96, to permit a mixed residential and employment plan of subdivision.

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

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

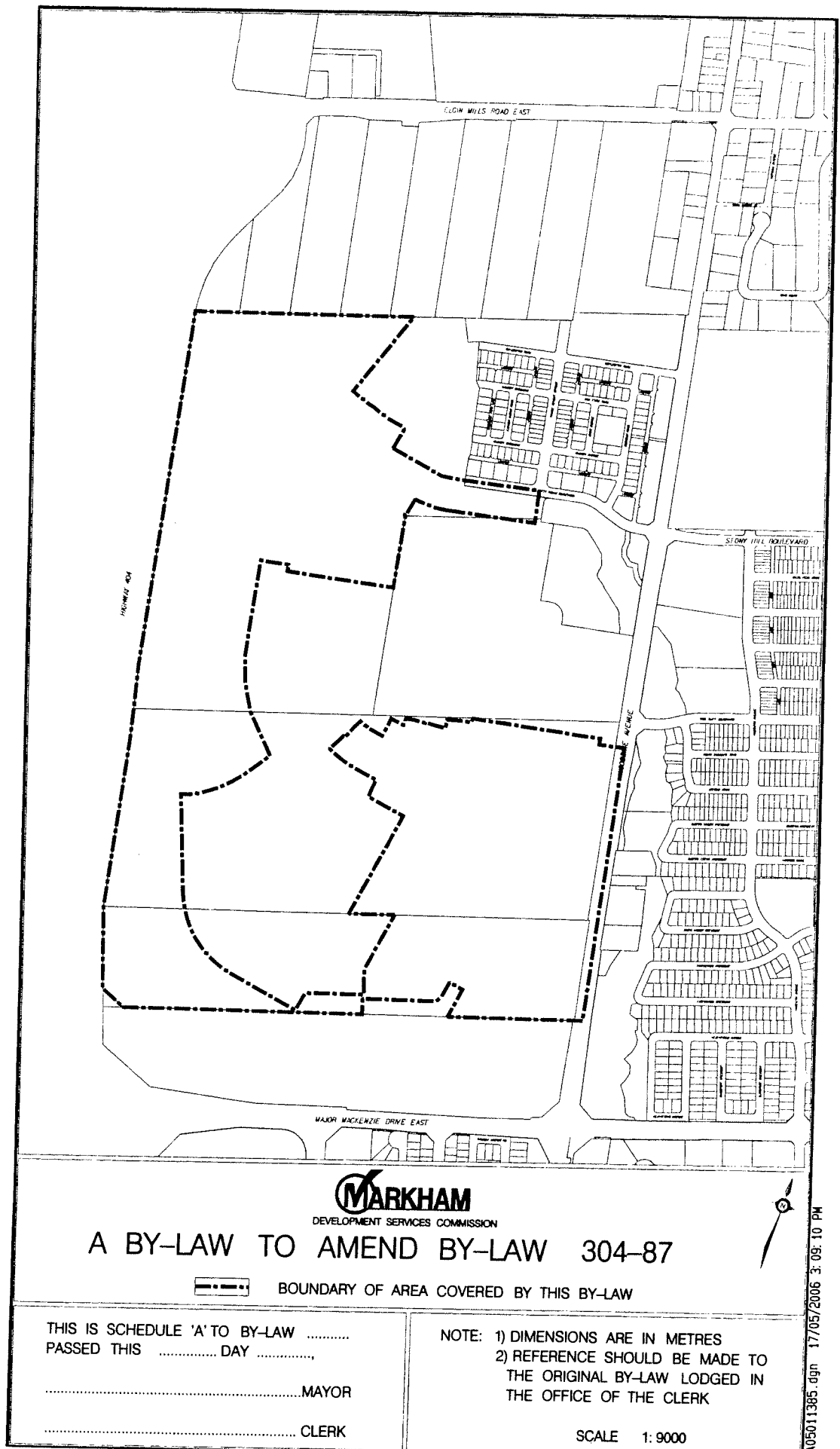
THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. That By-law 304-87 be amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated area of By-law 304-87.
2. This by-law shall not come into effect until By-law 2005-_____, amending By-law 177-96, comes into force and the subject lands of this by-law become incorporated into the designated area of By-law 177-96.
3. All other provisions of By-law 304-87, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS _____
DAY OF _____, 2006.

SHEILA BIRRELL, TOWN CLERK

DON COUSENS, MAYOR



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 1:9000

EXPLANATORY NOTE

BY-LAW 2006-_____

**The Co-ownership of Cathedral Town Ltd. and 404 Developments Inc. –
Cathedral Town Phase III Subdivision
Monarch Corporation – Cathedral Town South Subdivision
Lakeview Homes – Majorwood Subdivision**

This by-law applies to three draft plans of subdivision, totalling 73 hectares (180.4 acres), located on the west side of Woodbine Avenue, south of the Cathedral Town Phase I and Phase II subdivisions.

The purpose of this zoning by-law amendment is to incorporate the subject lands in the Urban Expansion Area By-law (177-96) to permit a residential plan of subdivision. The effect of the zoning by-law amendment is to:

- Permit lane-based and conventional detached, semi detached and townhouse dwellings; neighbourhood parks; open space areas as well as employment lands along the Highway 404 corridor;
- Where appropriate, extend the zoning regulations established for the Cathedral Town Phase I and Phase II subdivisions, applying to lane based dwellings, onto the subject lands;
- Where appropriate, revise zoning standards to incorporate recently-approved variances to the Cathedral Town Phase I by-law.

The subject lands are designated low and medium density residential, open space, business corridor, business park and community amenity area in the Cathedral Community Secondary Plan (OPA 41), as amended. The zoning by-law conforms to the policies of the Secondary Plan.



BY-LAW 2006-_____

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

To incorporate lands on the west side of Woodbine Avenue between Major Mackenzie Drive and Elgin Mills Road into By-law 177-96, and to zone these lands in the Residential Two; Residential Two – Lane Access; Residential Three; Open Space One; Open Space Two; Business Park; Business Corridor; and Community Amenity One Zones

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

1. That By-law 177-96 be amended as follows:

1.1 By expanding the designated area of By-law 177-96, to include the lands shown on Schedules 'A', 'B' and 'C' attached hereto and zoning said lands:

- Residential Two [R2]
- Residential Two – Lane Access *196 [R2 – LA*196];
- Residential Two – Lane Access *196 (Hold One) [R2 – LA*196 (H1)];
- Residential Two – Lane Access *196*313 [R2 – LA*196*313]";
- Residential Two – Lane Access *196*313 (Hold One) [R2 – LA*196*313 (H1)];
- Residential Two – Lane Access *196*314 [R2 – LA*196*314];
- Residential Two – Lane Access *197 [R2 – LA*197]";
- Residential Two – Lane Access *198 [R2 – LA*198]";
- Residential Two – Lane Access *198*199 [R2 – LA*198*199]
- Residential Two – Lane Access *198*292*313 (Hold One) [R2 – LA*198*292*313 (H1)]"
- Residential Three [R3];
- Community Amenity One (Hold One) [CA1(H1)];
- Business Park [BP]
- Business Park (Hold Two) [BP (H2)]
- Business Corridor [BC];
- Business Corridor (Hold Three) [BC (H3)]
- Open Space One [OS1];
- Open Space Two [OS2].

1.2 By deleting 7.196 in its entirety and replacing it with the following:

"7.196 Lane-based Single Detached Dwellings in Cathedral Town

Notwithstanding any other provisions of this By-law, the provisions in this section shall apply to those lands denoted with the symbol *196 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:

7.196.1 Only Uses Permitted:

The following uses are the only uses permitted:

a) *Single Detached Dwellings*

7.196.2 Zone Standards

The following specific zone standards apply:

- a) Minimum *lot frontage* - 13.0 m
- b) Minimum *lot depth* - 25.0 m
- c) Minimum *required front yard* - 3.5 m
- d) Rear yard provisions for *main building or structure* with attached *private garage*:
 - i) Minimum *required rear yard* - 1.0 m
 - ii) Maximum *required rear yard* - 6.5 m
 - iii) Maximum *required rear yard* setback for *corner lots* and *lots* at the intersection of a *lane* and a *public street* - 1.6 m
- e) Rear yard provision for *main building or structure* with detached *private garage*:
 - i) Minimum *required rear yard* - 12.0 m
 - ii) Maximum setback for detached *private garage* from the *rear lot line* - 6.5 m
 - iii) Maximum setback for detached *private garage* from the *rear lot line* for *corner lots* and *lots* at the intersection of a *lane* and a *public street* - 1.6 m
- f) Minimum required *interior side yard* for an attached *private garage* shall be - 0.6 m
- g) Minimum required setback of *porch* or landing from *front lot line* - 1.5 m
- h) Minimum required setback of *porch* or landing *stairs* from front lot line - 0.75 m
- i) Minimum required setback of *porch* or landing from exterior side lot line - 0.75 m
- j) An underground cold cellar may also encroach into the required yard, provided the underground cold cellar is located entirely underneath the landing.
- k) Provisions for *outdoor amenity areas*:
 - i) Minimum area of *outdoor amenity area* - 60 sq. m.
 - ii) Minimum additional area of landscaped open space to be provided in a location adjacent to the *dwelling unit* and contiguous with the *outdoor amenity area* - 15 sq. m.
- l) The minimum side yard setback for a detached *private garage* shall be 0.22 m from an interior side lot line created by a Hydro Transformer Notch.
- m) A second *dwelling unit* is permitted on a *lot* provided that the second *dwelling unit* is not located in the *main building* on the *lot*.
- n) A *private garage* is permitted to be within or attached to the *main building*, if the *lot* is accessed by a *lane*.

7.196.3 Special Site Provisions

The following additional provisions shall apply:

- a) *Outdoor Amenity Space:*
 - i) shall be located within the *side yard* or *rear yard* immediately adjacent to and directly accessible from the dwelling;
 - ii) may include a *deck* but shall not include a *porch*.
- b) An opening for a door is permitted in any portion of a wall facing the *interior side lot line* that is less than 1.2 m from the *interior side lot line*.

1.3 By deleting 7.197 in its entirety and replacing it with the following:

“7.197 Lane-based Semi-detached Dwellings in Cathedral Town

Notwithstanding any other provisions of this By-law, the provisions in this section shall apply to those lands denoted with the symbol *197 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:

7.197.1 Only uses permitted:

The following uses are the only uses permitted:

- a) Semi-detached Dwellings

7.197.2 Zone Standards

The following specific zone standards apply:

- a) Minimum *lot frontage* - 8.5 m
- b) Minimum *lot depth* - 28.0 m
- c) Minimum *required front yard* - 3.5 m
- d) Rear yard provisions for *main building* or *structure* with attached *private garage*:
 - i) Minimum *required rear yard* - 1.0 m
 - ii) Maximum *required rear yard* - 6.5 m
 - iii) Maximum *required rear yard* setback for *corner lots* and *lots* at the intersection of a *lane* and a *public street* - 1.6 m
- e) Rear yard provision for *main building* or *structure* with detached *private garage*
 - i) Minimum *required rear yard* - 12.0 m
 - ii) Maximum required setback of detached *private garage* from the *rear lot line* - 6.5 m
 - iii) Maximum setback for detached *private garage* from the *rear lot line* for *corner lots* and *lots* at the intersection of a *lane* and a *public street* - 1.6 m
- f) The *minimum required interior side yard* for an attached *private garage* shall be - 0.6 m
- g) Minimum required setback of *porch* or landing from *front lot line* - 1.5 m
- h) Minimum required setback of *porch* or landing stairs from *front lot line* - 0.75 m

- i) Minimum required setback of *porch* or landing from *exterior side lot line* - 0.75 m
- j) An underground cold cellar may also encroach into the required yard, provided the underground cold cellar is located entirely underneath the landings.
- k) Provisions for *outdoor amenity areas*:
 - i) Minimum area of *outdoor amenity area* - 30.0 sq. m.
 - ii) Minimum additional area of *landscaped open space* to be provided in a location adjacent to the *dwelling unit* and contiguous with the *outdoor amenity area* – 6.0 sq. m.
- l) An accessory dwelling unit is permitted on *lot* provided that:
 - i) it is accessory to a permitted residential use on the *lot*;
 - ii) an accessory *dwelling unit* is not located in the *main building* on the *lot*.
- m) A *private garage* is permitted to be within or attached to the *main building*, if the *lot* is accessed by a *lane*.

7.197.3 Special Site Provisions

The following additional provisions shall apply:

- a) *Outdoor Amenity Space*:
 - i) shall be located within the *side yard* or *rear yard* immediately adjacent to and directly accessible from the dwelling;
 - ii) may include a *deck* but shall not include a *porch*.
- b) An opening for a door is permitted in any portion of a wall facing the *interior side lot line* that is less than 1.2 m from the *interior side lot line*.

1.4 By deleting 7.198 in its entirety and replacing it with the following:

“7.198 Lane-based Townhouse Dwellings in Cathedral Town

Notwithstanding any other provisions of this By-law, the provisions in this section shall apply to those lands denoted with the symbol *198 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:

7.198.1 Only uses permitted:

The following uses are the only uses permitted:

- a) Townhouse Dwellings

7.198.2 Zone Standards

The following specific zone standards apply:

- a) Minimum *lot frontage* - 5.5 m
- b) Minimum *lot depth* - 30 m

- c) Minimum *required front yard* - 3.5 m
- d) Rear yard provisions for *main building* or *structure* with attached *private garage*:
 - i) Minimum *required rear yard* - 1.0 m
 - ii) Maximum *required rear yard* - 6.5 m
- e) Rear yard provision for *main building* or *structure* with detached *private garage*:
 - i) Minimum *required rear yard* - 11.5 m
 - ii) Maximum *required setback* of detached *private garage* from the *rear lot line* - 6.5 m
- f) Minimum *required setback* of *porch* or landing from *front lot line* - 1.5 m
- g) Minimum *required setback* of *porch* or landing stairs from *front lot line* - 0.75 m
- h) Minimum *required setback* of *porch* or landing from *exterior side lot line* - 0.75 m
- i) An underground cold cellar may also encroach into the *required yard*, provided the underground cold cellar is located entirely underneath the landing.
- j) Maximum *height* of any portion of a *building* or *structure* located within 10.6 m of the *rear lot line* - 4.5 m
- k) *Provisions for outdoor amenity areas*:
 - i) Minimum area of *outdoor amenity area* - 20sq. m.
 - ii) Minimum additional area of *landscaped open space* to be provided in a location adjacent to the *dwelling unit* and contiguous with the *outdoor amenity area* - 7 sq. m.
- l) Maximum width of an attached *private garage* - 3.5 m
- m) Maximum width of a detached *private garage* - 5.8 m
- n) Provisions for *corner lots* and lots at the intersection of a *lane* and a *public street*:
 - i) Maximum width of an attached *private garage* - 5.8 m
 - ii) Maximum *setback* for detached or attached *private garage* from the *rear lot line* - 1.6 m
- o) The minimum side yard setback for a detached garage shall be 0.22 m from an interior side for line created by a Hydro Transformer Notch.
- p) A detached *private garage* may share a common wall with an attached *private garage* on an abutting lot, and no setback from the *interior side lot line* is required on that side of the *lot*.
- q) All detached *private garages* and any storey above the first storey of a detached *private garage* shall be set back a minimum of 5.0 m from the *main building* on the *lot*.
- r) An accessory dwelling unit is permitted on a *lot* provided that:

- i) it is accessory to a permitted residential use on the *lot*;
 - ii) an accessory *dwelling unit* is not located in the *main building* on the *lot*.
 - iii) No more than four *accessory buildings on abutting lots* are permitted to share common walls.
- s) A *private garage* is permitted to be within or attached to the *main building*, if the *lot* is accessed by a *lane*.

7.198.1 Special Site Provisions

- a) The following additional provisions shall apply:
- a) *Outdoor Amenity Space*:
 - i) shall be located within the *side yard* or *rear yard* immediately adjacent to and directly accessible from the dwelling;
 - ii) may include a *deck* but shall not include a *porch*.
 - b) An opening for a door is permitted in any portion of a wall facing the *interior side lot line* that is less than 1.2 m from the *interior side lot line*.

1.5 By deleting 7.292 in its entirety and replacing it with the following:

“7.292 Special Provisions for Townhouses adjacent to the Woodbine bypass/servicing buffer

Notwithstanding any other provisions of this by-law, the following provisions shall apply to those lands denoted with the symbol *292 on the Schedules to this by-law. All other provision of this by-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

- a) Rear yard provision for *main building* or *structure* with attached *private garage*:
 - i) Minimum *required rear yard* - 6.0 m
 - ii) There shall be no maximum *required rear yard*.
- b) Rear yard provisions for *main building* or *structure* with detached *private garage*:
 - i) Minimum *required rear yard* - 6.0 m
 - ii) There shall be no maximum *required rear yard*.
- c) The provisions of 7.198.2 j) shall not apply
- d) Maximum width of an attached *private garage* - 5.8 m
- e) The roof top of an *attached garage* may be used for the required *outdoor amenity area* and landscaped open space.

1.6 By adding the following immediately after Section 7.312:

“7.313 Special Provisions for Lots Fronting Buffers and other Open Space Areas

Notwithstanding any other provisions of this by-law, the following provisions shall apply to those lands denoted with the symbol *313 on the Schedules to this by-law. All other

provision of this by-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

- a) For purpose of this section, a *lot* that abuts a *lane* shall be deemed to abut a street.
- b) For the purpose of this Section, the *lot* line that abuts the buffer or other open space area shall be deemed the *front lot line*.

1.7 By adding the following immediately after Section 7.313:

“7.314 Special Provisions for deep lots in the Cathedral Town Community

Notwithstanding any other provisions of this By-law, the following provision shall apply to those lands denoted with the symbol *314 on the Schedules to this By-law. All other provision of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

- a) Maximum setback for detached *private garage* from *rear lot line*: 10.5 m
- b) Maximum rear yard provisions for *main building* with attached *private garage*: 10.5 m

1.8 HOLDING PROVISIONS:

For the purpose of this By-law, Holding Provisions (H) are hereby established and are identified on Schedules ‘A’, ‘B’ and ‘C’ attached hereto by the symbols (H1), (H2), (H3) and (H4) in parenthesis following the zoning symbol.

No person shall hereafter *erect* or *alter* any *building* or *structure* on lands subject to a ‘(H1), (H2), (H3) and (H4)’ provision for the purpose permitted under this By-law until an amendment to this By-law to remove the letter ‘(H1), (H2), (H3) and (H4)’ has come into effect pursuant to the provisions of Section 36 of the Planning Act.

Prior to removing the ‘(H1), (H2), (H3) and (H4)’ Holding provisions, the following conditions must be met to the satisfaction of the Town of Markham:

a) Holding One Provision (H1):

The Holding One Provision (H1) shall not be lifted until:

- i) The Town has completed a detailed design study confirming the alignment of the proposed Woodbine Avenue Bypass;
- ii) The Landowners’ Group has prepared a survey plan of the proposed by-pass right of way that reflects the recommendations of the detailed design study, to the satisfaction of the Town;
- iii) The draft plan of subdivision has been revised to reflect any changes to the Woodbine Avenue Bypass and adjacent lots resulting from this study, to the Town’s satisfaction; and,
- iv) All required land conveyances to accommodate the by-pass alignment within the boundaries of draft plan of subdivision have been dedicated to the Region of York.

b) Holding Two Provisions (H2):

The Holding Two Provision (H2) shall not be lifted until:

- i) An Environmental Assessment Study of the Highway 404 Flyover has been approved by Markham and the appeal period has expired without a Part 2 Order (Bump-up);
- ii) The draft plan of subdivision has been revised to incorporate any changes relating to the Highway 404 Flyover right-of-way and adjacent blocks resulting from the approved Environmental Assessment Study, to the Town's satisfaction.

c) Holding Three Provisions (H3):

The Holding Three Provision (H3) shall not be lifted until:

- i) An Environmental Assessment Study of this Highway 404 off ramp extension has been approved by Markham and the appeal period has expired without a Part 2 Order (Bump-up);
- ii) The draft plan of subdivision has been revised to incorporate any changes relating to the right-of-way of the Highway 404 off ramp extension and related blocks, or the extension of Nichols Boulevard, to the satisfaction of the Town;
- iii) The Landowners' Group has entered into an agreement with Town and other public agencies as required, to either construct the Highway 404 off ramp extension (excluding overpass structure if required) or to construct an extension of Nichols Boulevard.

d) Holding Four Provisions (H4):

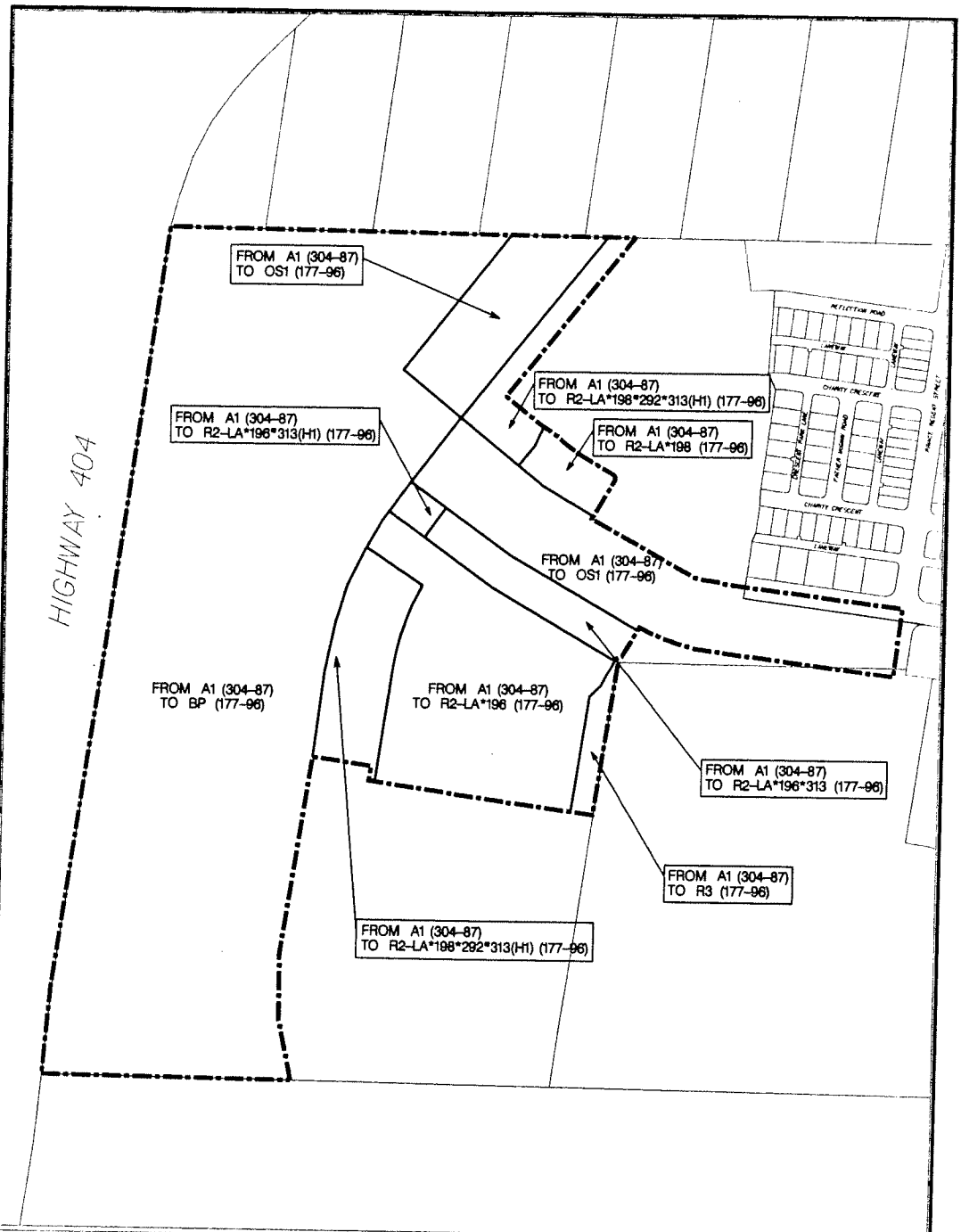
The Holding Four Provision (H4) shall not be lifted until:

- i) The Woodbine Avenue By-pass is constructed to its ultimate alignment.

3. 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.

Q:\Development\Planning\Teams\WEST\By-law 177-96 Amendment.doc



DEVELOPMENT SERVICES COMMISSION

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



BOUNDARY OF AREA COVERED BY THIS BY-LAW

ZONE BOUNDARY

A1

AGRICULTURAL

R2-LA

RESIDENTIAL TWO-LANE ACCESS ZONE

BP

BUSINESS PARK ZONE

OS1

OPEN SPACE ONE ZONE

***(No)**

EXCEPTION NUMBER

(H)

HOLDING PROVISION

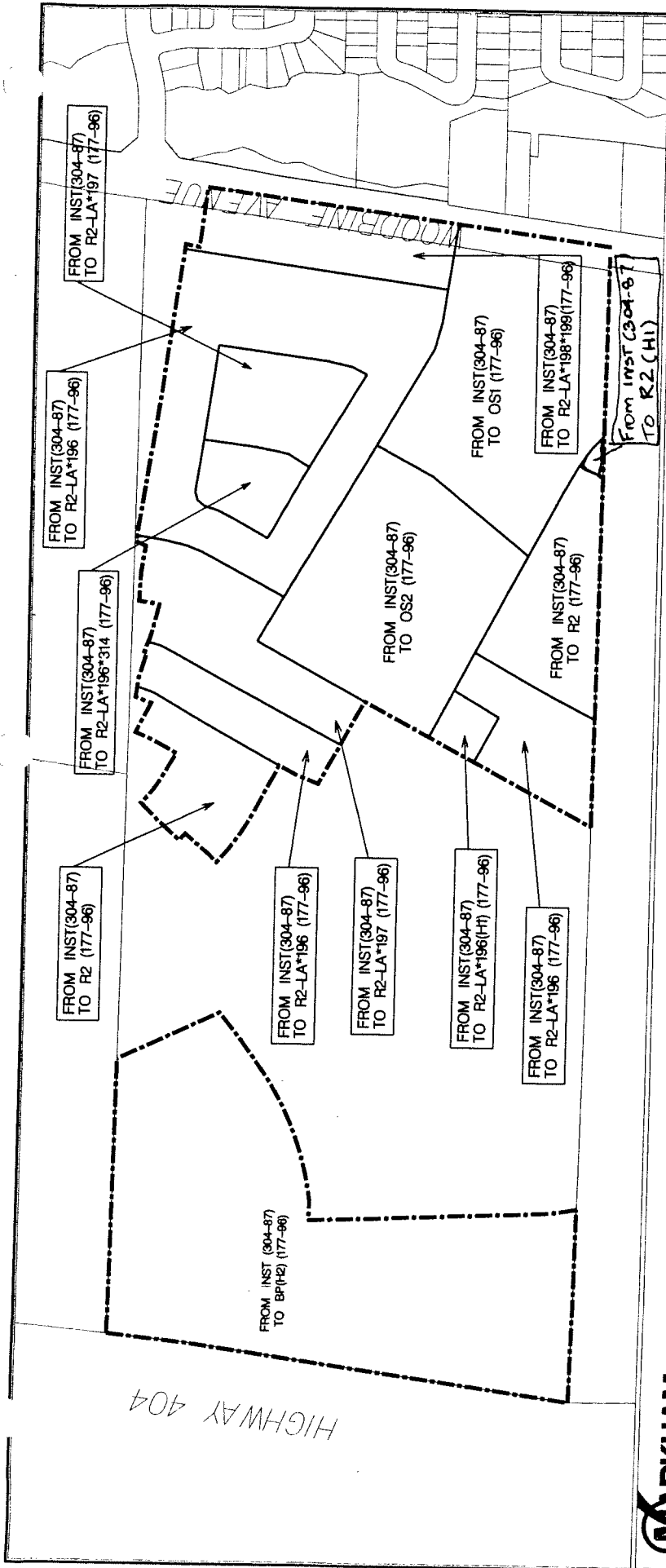
THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY

.....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: 5000



DEVELOPMENT SERVICES COMMISSION

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

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

BOUNDARY OF AREA COVERED BY THIS BY-LAW

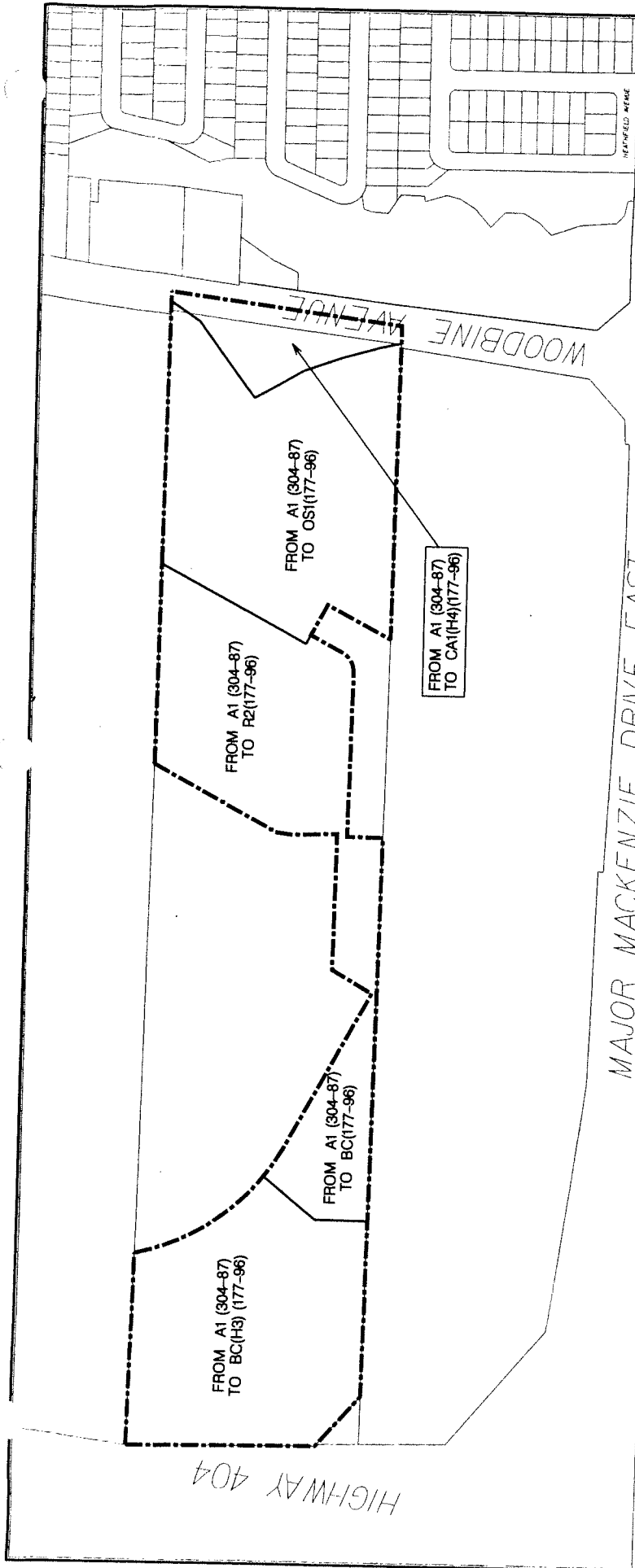
- ☐ INST INSTITUTIONAL
- ☐ R2 RESIDENTIAL TWO ZONE
- ☐ R2-LA RESIDENTIAL TWO-LANE ACCESS ZONE

- ☐ OS2 OPEN SPACE TWO ZONE
- ☐ * (N) EXCEPTION NUMBER
- ☐ (H) HOLDING PROVISION

ZONE BOUNDARY

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: 4000



DEVELOPMENT SERVICES COMMISSION

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

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

BOUNDARY OF AREA COVERED BY THIS BY-LAW

☐ A1 AGRICULTURAL
☐ BC BUSINESS CORRIDOR
☐ R2 RESIDENTIAL TWO ZONE

☐ ZONE BOUNDARY

☐ CA1 COMMUNITY AMENITY AREA ZONE
☐ * (No) EXCEPTION NUMBER
☐ (H) HOLDING PROVISION

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

SCALE 1: 4000