

AREA CONTEXT / ZONING

APPLICANT: GREENSBOROUGH NORTH GROUP

FILE No: SU06109380(GS)

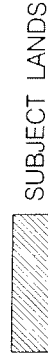


DEVELOPMENT SERVICES COMMISSION

DATE: 100909

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FIGURE No.2





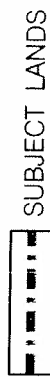
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DEVELOPMENT SERVICES COMMISSION



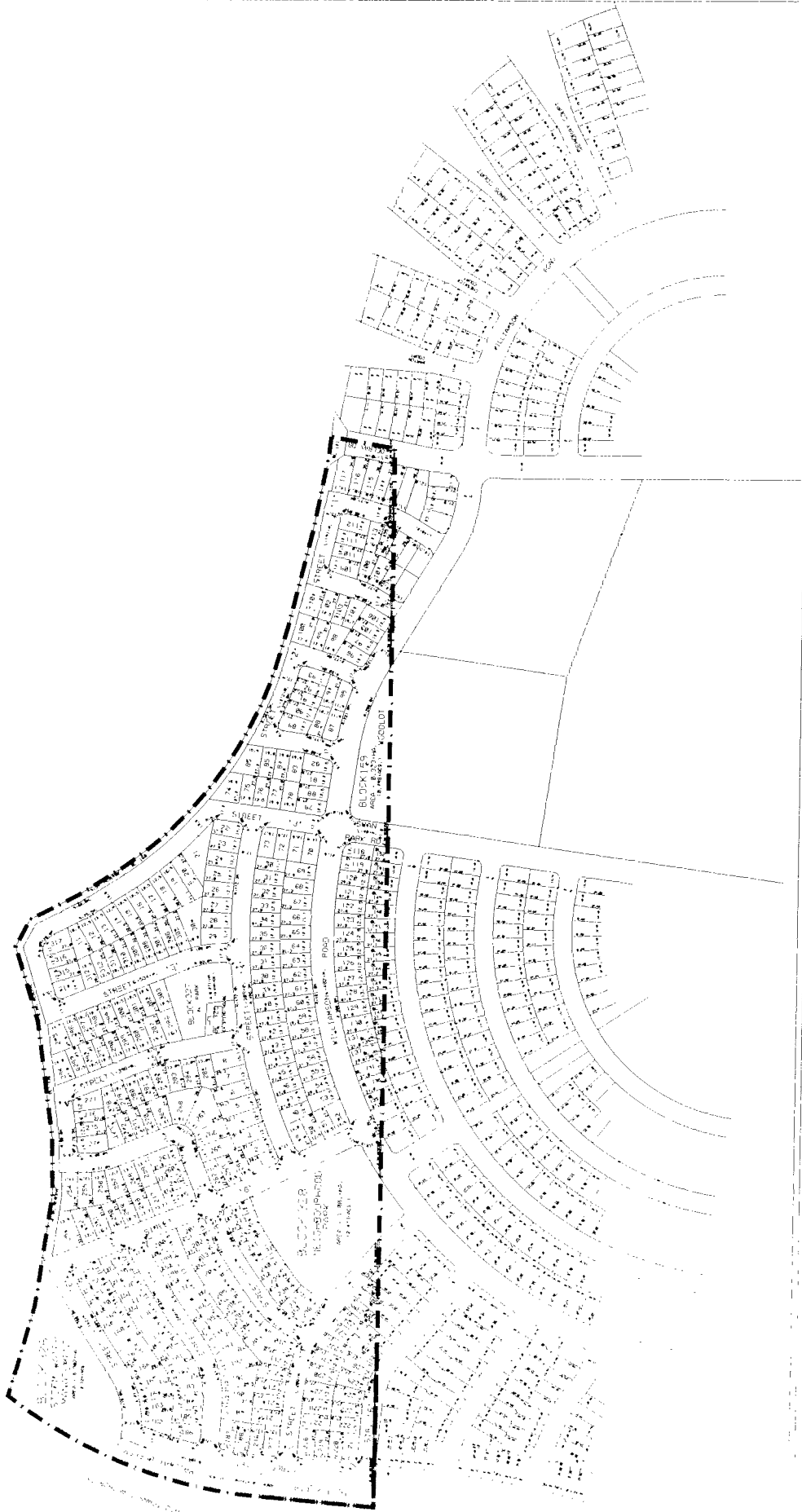
SUBJECT LANDS

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FIGURE No.3



--- SUBJECT LANDS

DATE: 100909

FIGURE No.4

PROPOSED PLAN OF SUBDIVISION

APPLICANT: GREENSBOROUGH NORTH GROUP

FILE No: SU06109380(GS)



DEVELOPMENT SERVICES COMMISSION

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**THE CONDITIONS OF THE TOWN OF MARKHAM TO BE SATISFIED
PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION
19TM-06009 (GREENSBOROUGH NORTH GROUP) ARE AS FOLLOWS:**

I. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by KLM Planning Partners Inc., identified as Project Number P-1715, Drawing No. 09:5, dated July 14, 2009.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the Town, and shall accordingly lapse on ----- unless extended by the Town upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the Town agreeing to satisfy all conditions of the Town and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-laws 304-87 and 177-96 to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.5 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the Town, (Commissioner of Development Services) to implement or integrate any recommendations resulting from studies required as a condition of draft approval, including, but not limited to, the following:

changes to road geometry, lotting pattern, service blocks, easements, etc., that are required to resolve engineering issues which may arise from review and approval of the detailed engineering submission.

2. Roads

- 2.1 The road allowances and within the draft plan shall be named to the satisfaction of the Town and the Region of York.
- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the Town (Commissioner of Development Services).

- 2.4 The Owner shall convey 0.3m reserves at southerly end of Delray Drive, southerly ends of Street “1”, easterly and westerly ends of Alfred Paterson Drive, southerly end of Swan Park Road, southerly end of Street “9” and southerly end of Street “6”, as shown on the draft plan to the Town, free of all costs and encumbrances, upon registration of the Plan of Subdivision.
- 2.5 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the Town, to the satisfaction of the Town (Commissioner of Development Services). The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement to the satisfaction of the Town.
- 2.6 Prior to the registration of the Plan, the Owner acknowledges and agrees to acquire the lands of Delray Drive’s right-of-way that are external to the Draft Plan and convey it to the Town, to the satisfaction of the Town (Commissioner of Development Services).
- The Owner also acknowledges and agrees to fully construct the full Delray Drive’s right-of-way, to the satisfaction of the Town (Commissioner of Development Services).
- 2.7 Prior to the registration of the Plan, all the roads external to the Plan and connected to the roads on the Plan, to be constructed, functional and accessible to the public, to the satisfaction of the Town (Commissioner of Development Services).
- 2.8 The Owner acknowledges and agrees to design the elbow section of the roads within the draft plan of subdivision in accordance with the Traffic Movement Analysis entitled “Greensborough South, Review of 90° Bends”, dated September 4, 2009 by C.C. Tatham & Associated Limited, to the satisfaction of the Town (Commissioner of Development Services).

3. Tree Inventory and Tree Preservation Plans

The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the Town of Markham Streetscape Manual dated June 2009.

The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit to the satisfaction of the Director of Planning and Urban Design.

The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.

4. Community Design

The Owner shall implement and incorporate all requirements of the approved Neighbourhood of Greensborough Community Design Plan dated January 2000 into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.

The Owner shall comply with the Neighbourhoods of Greensborough Architectural Design Guidelines, prepared by Planning Partnership dated September 2002.

The Owner shall retain a design consultant to implement the Architectural Design Guidelines.

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 design guidelines.

The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not also assume the role of control architect for the plan of subdivision.

5. Parks and Open Space

The Owner shall provide full servicing, utilities, and maintenance for park blocks 327 and 328 to the satisfaction of the Director of Planning and Urban Design.

The Owner shall provide the following in each park block to the satisfaction of the Director of Planning and Urban Design:

- Accommodation of specialized topsoil depths in parks
- Access to sufficient topsoil to cover parks at the depths specified in the subdivision agreement
- Water servicing inclusive of drains, meter chamber and appurtenances
- Storm servicing (CB/manhole) in the low end of each watershed within the park
- Sanitary servicing (dependent on park size)
- Electrical servicing
- Minimum compaction levels
- Fencing of park block to OPSD standards
- Hydro-seed sub grade of parks

Undeveloped park maintenance

The Owner shall provide a specialized depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.

The Owner shall convey Blocks 327 and 328 to the Town for park purposes, free of all costs and encumbrances, upon registration of the plan of subdivision. This Block shall be conveyed in a physical condition which is satisfactory to the Town which includes the utility and sewer connections for the Block at the street line. The Town reserves the right to require, as an alternative, payment of cash-in-lieu for any part of the said conveyance of lands for parks purposes and that the draft plan be revised accordingly.

The Owner shall covenant and agree to rough grade, topsoil, seed and maintain (free of stock piles and debris) all school blocks, park blocks and place of worship blocks and vacant lands within the subdivision to the satisfaction of the Director of Planning and Urban Design. The park blocks shall be maintained until such time as the parks have been constructed and assumed by the town for maintenance. The school blocks, places of worship blocks, and other vacant blocks shall be maintained until such time as the ownership of the blocks has been transferred.

The Owner shall convey Blocks 331 to the Town for open space/walkway purposes, free of all costs and encumbrances, upon registration of the plan of subdivision.

The Owner shall convey open space blocks 329, 330 and 160 to be provided for landscaping purposes to the Town, free of all costs and encumbrances and to the satisfaction of the Director of Planning and Urban Design, upon registration of the plan of subdivision.

Prior to execution of the subdivision agreement, the Owner shall prepare and submit for approval a Facility Fit Plan for Blocks 327 and 328 to the satisfaction of the Director of Planning and Urban Design and the School Boards.

The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans for the park and school campus in all sales offices for dwelling units within the draft plan of subdivision.

The Owner shall convey Block 159 (woodlot), to the Town, free of all costs and encumbrances, and in a condition which is satisfactory to the Director of Planning and Urban Design, upon registration of the plan of subdivision.

The Owner shall convey Blocks 329 storm water management pond to the Town, free of all costs and encumbrances, to the satisfaction of the Director of Planning and Urban Design and the TRCA, upon registration of the plan of subdivision.

6. Landscape Works

Prior to execution of the subdivision agreement, the Owner shall submit landscape plans based on the approved Neighbourhood of Greensborough Community Design Plan and Architectural Design Guidelines, to the satisfaction of the Director of Planning and Urban Design. The plans shall include but are not limited to:

- a) street tree planting in accordance with the Town of Markham's Streetscape Manual dated June 2009.
- b) 1.5m high black vinyl chain link fence on the property line where residential lots abut parks and open space
- c) buffer planting for the open space blocks and single loaded road allowances
- d) noise attenuation fencing
- e) fencing and planting of the walkway blocks
- f) fencing of train rail corridors
- g) pathways, buffer planting, and fencing of the stormwater management facility
- h) any other landscaping as determined by the Community Design Plan and the Environmental Master Drainage Plan.

The Owner shall construct all landscaping in accordance with the approved plans at no cost to the Town.

The Owner agrees to provide maintenance, certification of substantial completion and warranties for all trees and landscaping in accordance with the Town's Streetscape Manual.

The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 4.1.

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 Or IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS to meet 4.1a)**

- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE TOWN)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE TOWN)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF SCHOOL, PARK, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- 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.”

7. Financial

Prior to execution of the subdivision agreement the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, fencing, streetscape, buffer and other landscaping requirements.

8. Noise Impact Study

8.1 The Owner shall submit, at the detailed engineering design stage, a Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic and by any other identified noise sources, to the satisfaction of the Town, in consultation with the Region of York. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.

8.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the Town (Commissioner of Development Services), in consultation with the Region of York. The Owner will be responsible for including all noise warning clauses in the Offers of Purchase and Sale, for affected lots including any Offers of Purchase and Sale entered into prior to execution of the subdivision agreement.

9. Stormwater Management

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

9.2 Pond "D"

- (a) The Owner acknowledges and agrees to convey Block 326 to the Town, for storm water management purposes, free of all costs and encumbrances, to the satisfaction of the Town (Commissioner of Development Services) and the TRCA, upon registration of the plan of subdivision.
- (b) The Owner acknowledges and agrees to submit, at the detailed engineering design stage, a detailed design plan for Block 326 prepared by a qualified consultant, to the satisfaction of the Town (Commissioner of Development Services) and the TRCA.

9.3 Pond "C"

- (a) The Owner acknowledges and agrees to construct Pond "C" and associated storm sewers, that are external to the Plan on the lands east of the Plan and east of Donald Cousens Parkway, in accordance with the Functional Servicing Study (Functional Servicing Study) entitled "Functional Servicing Plan, Greensborough Phase 3 Lands", dated June 2009 by SCS Consulting Group Limited, to the satisfaction of the Town (Commissioner of Development Services) and the TRCA.
- (b) The Owner acknowledges and agrees to grant required easements to the Town and appropriate authority to access and maintain Pond "C" and associated storm sewers external to the Plan free of all costs and encumbrances, to the satisfaction of the Town (Commissioner of Development Services).
- (c) The Owner acknowledges and agrees to submit, at the detailed engineering design stage, a detailed design plan for Pond "C" and associated storm sewers external to the Plan by a qualified

consultant, in accordance with the Functional Servicing Study, to the satisfaction of the Town (Commissioner of Development Services) and the TRCA.

- (d) The Owner acknowledges and agrees that Pond "C" will not be assumed by the Town until all the lands that are tributary to Pond "C" are assumed by the Town, to the satisfaction of the Town (Commissioner of Development Services).
- (e) The Owner acknowledges and agrees that the storm sewers external to the Plan that are associated with Pond "C" will not be assumed by the Town until the lands where these storm sewers are located are assumed by the Town, to the satisfaction of the Town (Commissioner of Development Services).

- 9.4 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the Town's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.

10. Municipal Services

- 10.1 The Owner shall submit, at the detailed engineering design stage, a Functional Servicing Report to determine the infrastructure required for all municipal services internal to the subdivision, to the satisfaction of the Town (Commissioner of Development Services). Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 10.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the Town (Commissioner of Development Services).
- 10.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, stormwater management detail plans, etc. to the satisfaction of the Town (Commissioner of Development Services).
- 10.4 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services

has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.

- 10.5 The Owner shall covenant and agree to pay \$200.00 per unit as its proportionate share for the cost of the Highway 48 Flow Control System which is required to create the sanitary sewer capacity for this Plan of Subdivision.
- 10.6 Prior to the registration of the Plan, all the municipal services, including but not limited to watermains, storm sewers and sanitary sewers, on right-of-ways external to the Plan and connected to the right-of-ways on the Plan, to be constructed and functional, to the satisfaction of the Town (Commissioner of Development Services).
- 10.7 The Owner acknowledges that the Town reserves the right to revoke or reallocate servicing allocation should construction not proceed in a timely manner, or in accordance with on-going monitoring to ensure a reasonable distribution of servicing allocation among landowners in the Wismer Commons Community, in consultation with the Developers' Group.

11. Easements

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

12. Utilities

- 12.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the Town as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the Town (Commissioner of Development Services) and authorized agencies.
- 12.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Power Stream, Enbridge, telecommunications companies, etc.
- 12.3 The Owners shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in

manners agreeable to the Town of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.

- 12.4 The Owners shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 12.5 The Owners shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 12.6 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the Town in consultation with Canada Post.
- 12.7 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the Town. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
- 12.8 The Owner covenants and agrees to provide easements for utilities/telecommunications/vaults as required by the Town to the satisfaction of the Town.
- 12.9 The Owner covenants and agrees to advise all utility and telecommunications carriers that plans for medium and large sized vaults are to be submitted to the Town for review and approval. Drawings are to be approved by the Commissioner of Development Services and are to include location, grading, fencing, landscaping, access, elevations, etc.

13. Development Charges

- 13.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.
- 13.2 The Owner shall pay all fees and development charges as set out in the subdivision agreement.

14. Phase I Environmental Site Assessment (ESA)

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

- (a) Submit Environmental Site Assessments 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) Submit a Letter of Reliance for Environmental Site Assessments, as per the Town's standards, signed and stamped by a Qualified Person, to the satisfaction of the Town (Commissioner of Development Services);
- (c) 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;
- (d) File a Record of Site Condition on the Provincial Environmental Site Registry for the land to be conveyed to the Town; and
- (e) Pay all costs associated with the Town retaining a third-party reviewer for the peer review service.

- 14.2 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.

15. Watercourse Monitoring Program:

The Owner acknowledges and agrees to undertake a two (2) year water quality monitoring program to assess the impact of the Plan of Subdivision on the downstream receiving watercourse(s). Water quality parameters at minimum shall include: Total Suspended Solids (TSS), temperature, nitrogen, phosphorus, E. coli, organics (Chlordane, Benzo Pyrene, PCB's) and metals (Mercury, Aluminum, Cadmium, Copper).

Prior to implementation of the monitoring program, the program shall be reviewed and approved by the Town (Commissioner of Development Services). The Owner shall report the result of the monitoring annually to the Town (Commissioner of Development Services). The program shall include monitoring of pre and post development conditions and provide recommendations for required mitigation measures.

Alternatively, the Owner has the option to provide the Town (Commissioner of Development Services) with cash-in-lieu of the monitoring program in the amount of \$200/ha for the total land area included in the Plan of Subdivision. This cash-in lieu will be used to implement a town-wide watercourse monitoring program.

Regardless of the option selected the Owner acknowledges and agrees, as and when required by the Town (Commissioner of Development Services), at the Owner's expense, to implement the recommendations of the monitoring program.

- 15.2 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the Town's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.

16. Heritage

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

- 16.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the Town and the Ministry of Culture.
- 16.3 The Owner covenants and agrees to retain the Heritage Building: Abraham Strickler House, known municipally as 6297 Major Mackenzie Drive East on its original location within the plan of subdivision.
- 16.4 The Owner covenants and agrees to protect and conserve the Heritage Building through the following means:
- a) To keep the Heritage Building occupied for as long as possible prior to commencement of site/construction work to prevent vandalism and deterioration;
 - b) To maintain the Heritage Building in good and sound conditions at all times prior to and during the development of the property;
 - c) Once the Heritage Building is unoccupied, to undertake the following:
 - secure and protect the buildings from damage through procedures carried out according to the Town of Markham Guidelines for Boarding Heritage Structures;
 - erect a "No-trespassing" sign in a visible location on the property indicating that the Heritage Building is to be preserved onsite and should not be vandalized and/or scavenged; and
 - install a 8 ft high fence around the perimeter of the house to protect the dwelling until the completion of construction in the vicinity or the commencement of long-term occupancy of the dwelling as confirmed by Town (Heritage Section) staff.
- 16.5 Prior to final approval of the plan of subdivision or any phase thereof, the Owner is to implement the following measures to protect the Heritage Building:
- a) The Owner is to provide at its expense a legal survey of the Heritage Building to facilitate the registration of the designation and easement agreements on the created/proposed lot;
 - b) The Owner is to enter into a Heritage Easement Agreement for the Heritage Building with the Town;
 - c) The Owner is to permit the designation of the property under Part IV of the Ontario Heritage Act ;
 - d) The Owner is to provide a \$75,000 Letter of Credit for the Heritage Building to ensure the preservation of the existing

building. The letter of credit shall be retained for use by the Town and shall not be released until the following has been addressed:

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

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

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

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

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

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

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

"Purchasers are advised that the existing building on this property is designated pursuant to the Ontario Heritage Act, and is subject to a heritage easement agreement with the Town of Markham. Any proposed additions or alterations to the exterior of the existing dwelling shall be subject to review and approval of plans by the Town."

16.9 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 16.1 to 16.8, inclusive, have been satisfied.

17. Other Town Requirements

17.1 Prior to final approval of the draft plan or any phase thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads in the Greensborough Secondary Plan PD 36 area, to the satisfaction of the Town (Commissioner of Development Services and Town Solicitor), and a certificate confirming completion of such agreement(s) shall be provided to the Town by the Developers Group Trustee to the satisfaction of the Town Solicitor.

17.2 Prior to final approval, the Trustee of the Greensborough Developers' Group agreement shall deliver a release to the Town indicating the Owner has satisfied all conditions of the Group agreement and the Trustee has no objection to the registration of this draft plan of subdivision.

17.3 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.

17.4 The Owner shall covenant and agree in the subdivision agreement that Blocks 133 to 158, inclusive and Blocks 318 to 323, inclusive shall be developed only in conjunction with abutting Blocks in plan of subdivision 19TM-02013 and that no building permits will be issued for said blocks until combined with the abutting blocks to create building lots in conformity with the zoning by-law and all applicable fees have been paid.

17.5 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, 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

18. Region of York

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.
2. Prior to final approval York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the Town of Markham for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
3. The Owner shall agree in the subdivision agreement that the Owner shall save harmless the Town of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
4. Prior to the final approval of any residential units the following shall occur:
 - York Region has advised in writing that it is no earlier than six (6) months prior to the expected completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project; or,
 - the Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
 - the Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

5. For all lands the Holding (h) provisions of Section 36 of the Ontario Planning Act shall be used in conjunction with all residential zone categories in order to ensure that development of these lands does not occur until such time as the Holding (h) symbol is removed in accordance with the provisions of the Ontario Planning Act. The Zoning By-law shall specify the terms under which Council may consider the removal of the Holding (h) symbol. Said terms shall include a minimum of the following:
 - York Region has advised in writing that it is no earlier than six (6) months prior to the expected completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project; or,
 - the Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure; or,
 - the Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.
6. The Owner shall satisfy the Region that any unused wells have been decommissioned according to Ontario Regulation 903 prior to any construction works occurring on the site, and shall enter into an agreement with the Region relating to these matters if such an agreement is required by the Region.
7. Prior to final approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required Regional road improvements for this subdivision. The report/plan, submitted to the Transportation Services Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
8. Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Transportation Services Department that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by the Transportation Services Department.
9. Prior to final approval, the Owner shall submit detailed engineering drawings, to the Transportation Services Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the Transportation Services Department. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, plan and profile drawings for the proposed intersections, construction access and mud mat design, utility and underground servicing location plans, pavement markings, electrical drawings for intersection signalization and illumination design, traffic control/construction staging plans and landscape plans.

10. Prior to Final Approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information, shall be submitted to York Region Transportation Services, Attention: Mrs. Eva Pulnicki, P.Eng.
11. Prior to final approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
 - a) a 15 metre by 15 metre daylight triangle at the southwest corner of Delray Drive and Donald Cousens Parkway, and
 - b) a 0.3 metre reserve across the full frontage of the site where it abuts Donald Cousens Parkway and adjacent to the above noted widenings
 - c) a 0.3 metre reserve across the full frontage of the site where it abuts the Future Major Mackenzie drive East
12. Prior to final approval, in order to determine the property dedications (if any) required to achieve the ultimate right-of-way width of Donald Cousens Parkway abutting the subject site, the applicant shall submit a recent plan of survey for the property that illustrates the existing centre line of construction of Donald Cousens Parkway.
13. The Owner shall agree in the Subdivision Agreement to protect for a future widening across the full frontage of the site where it abuts Donald Cousens Parkway and Future Major Mackenzie Drive East of sufficient width to provide a minimum of 18 metres from the centreline of construction of Donald Cousens Parkway and Future Major Mackenzie Drive East.
14. The Owner shall agree prior to the development approval of any development blocks in this plan of subdivision, that direct vehicle access from any development blocks to Donald Cousens Parkway and the Future Major Mackenzie Drive will not be permitted. Access must be obtained through the internal road network.
15. Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Transportation Services Department and illustrated on the Engineering Drawings.
16. Prior to final approval, the intersection of Donald Cousens Parkway and Delray Drive shall be designed to the satisfaction of the Transportation Services Department with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by the Transportation Services Department.

17. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation Services Department, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
18. Prior to Final Approval, the Owner shall demonstrate, to the satisfaction of York Region Transportation Services Department, that Delray Drive shall be designed to intersect Donald Cousens Parkway at a right angle.
19. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation Services Department, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right of Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
20. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
21. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation Services Department, that the Owner will provide the installation of visual screening between Streets "3 and 5" and Future Major Mackenzie Drive East, consisting of either a screening fence or a combination of a berm and appropriate planting, to a minimum of 1.8 metres in height, to be located within the right-of-way of the local streets. The Owner shall submit to the Transportation Services Department for review and approval, landscape plans showing the proposed planting for headlight screening purposes.
22. Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation Services Department, that the Owner will provide the installation of visual screening between Streets "1, 2 and 3" and Donald Cousens Parkway, consisting of either a screening fence or a combination of a berm and appropriate planting, to a minimum of 1.8 metres in height, to be located within the right-of-way of the local streets. The Owner shall submit to the Transportation Services Department for review and approval, landscape plans showing the proposed planting for headlight screening purposes.
23. Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:

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

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

- 24. Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Transportation Services Department recommending noise attenuation features.
- 25. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Transportation Services Department.
- 26. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.
- 27. 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".

28. Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region's Transportation Services Department, as follows:
- a) that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
 - b) that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
 - c) that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region; and
 - d) that any landscaping provided on York Region right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the Transportation Services Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.
29. Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will provide for sidewalks on both sides of the roadways listed below, unless only one side of the street lies within the limits of the subject lands. The sidewalks shall meet the local municipality's standards, and be provided by the Owner along the subject lands' frontage onto roadways that have/will have transit services.

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

- Donald Cousens Parkway
- Future Major Mackenzie Drive

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

- From Street 3 to Future Major Mackenzie Drive
- From Street 5 to Future Major Mackenzie Drive
- From Street 6 to Future Major Mackenzie Drive
- From Street 1 to Donald Cousens Parkway
- From Street 2 to Donald Cousens Parkway
- From Street 3 to Donald Cousens Parkway

The concrete pedestrian access connection shall meet the local municipality's

standards for sidewalks and shall be owned and maintained by the area municipality.

31. The Owner shall agree in the subdivision agreement to convey lands to the local municipality to provide for such pedestrian access connection referred to in Condition 30 above.
32. 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.).

Subject to approval by YRT, passenger standing area(s) and shelter pad(s) shall be provided at the following location(s):

ON Street	AT Street	Location	Standard	Traffic Signal Request
Future Major Mackenzie Drive	Donald Cousens Parkway	SW Corner	YRT-1.02 or YRT-1.03	N/A
Donald Cousens Parkway	Delray Drive	SW Corner	YRT-1.02 or YRT-1.03	N/A

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

33. The Owner shall agree in the subdivision agreement that the passenger standing area identified above 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.
34. The bus stop location determined during the design phase is subject to change. Prior to construction of the passenger standing area, the consultant needs to confirm with YRT the final bus stop location requirements. The consultant is required to contact YRT's facilities supervisor to confirm final details.
35. Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk location, concrete pedestrian access, passenger standing area and shelter pad to the satisfaction of York Region.
36. The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing transit services in this development as identified in Condition 29. This includes current transit routes, bus stops and shelter locations. This shall be achieved through distribution of information/marketing materials

(YRT route maps, Future Plan maps & providing YRT website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT route maps and the Future Plan maps are available from YRT upon request.

37. Prior to final approval, the Owner shall provide a copy of the subdivision agreement to the Transportation Services Department, outlining all requirements of the Transportation Services Department.
38. Prior to final approval, the Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of lands identified in Condition 11 to York Region.
39. The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law DC-0007-2007-040.

19. TRCA

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 all related MESP requirements. 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; local and down-stream erosion in the receiving watercourse; the thermal characteristics of the receiving watercourse. This information should be provided in the form of a stormwater management pond brief or similar document.
 - 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 works, outlets and other facilities which may require a permit pursuant to Ontario Regulation 166/06.

the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation.

- v. overall grading plans for the subject lands..
 - vi. a water balance assessment that provides for groundwater infiltration measures, and stormwater/ watercourse erosion mitigation measures to maintain or enhance existing conditions to the greatest possible extent. The above noted study must consider the direction provided with respect to water balance issues in the related MESP, and must also identify long-term monitoring measures.
2. That the applicant attain all Ontario Regulation 166/06 permits from the TRCA for works proposed on the subject property, and those associated with the associated stormwater management works.
3. 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 reports identified in TRCA's conditions;
 - b. to implement the requirements of the TRCA's conditions in wording acceptable to the TRCA;
 - c. to design, implement, and maintain 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 provide the requisite funding and permissions for the long-term monitoring and maintenance of all water balance and infiltration measures on this site to the satisfaction of the TRCA.
 - f. to implement, or contribute to all requisite water balance/infiltration measures to the satisfaction of the TRCA.
4. That the draft plan be red-lined revised in order to meet the requirements of the TRCA's conditions, if necessary.
5. That a copy of the Conditions of Draft Approval, the Executed Subdivision Agreement, and the implementing Zoning By-law be provided to the TRCA when available, with a cover letter indicating how TRCA's conditions of approval have been met, in order to expedite the clearance of the conditions of draft approval.

20. GO Transit

The Owner shall agree in the subdivision agreement to satisfy all requirements of GO Transit, as outlined in GO Transit's letter to the Town dated April 19, 2006.

21. External Clearances

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

- a) The Regional Municipality of York Planning Department shall advise that Conditions 2.1, 8.1, 8.2 and 18 have been satisfied.
- b) The Toronto and Region Conservation Authority shall advise that Conditions 9.1 and 19 have been satisfied.
- c) GO Transit shall advise that Condition 20 has been satisfied
- a) The Ministry of Culture shall advise that Conditions 16.1 and 16.2 have been satisfied.

A by-law to amend Rural Area Zoning By-law 304-87, as amended
(To delete lands from the designated area of this By-law)

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

1. THAT By-law 304-87, as amended, is hereby further amended by deleting the lands in Lot 20, Concession 8, as shown on Schedule 'A' attached hereto, from the designated area of By-law 304-87, as amended.
2. This by-law shall not come into effect until By-law ~~XXXXX~~ amending By-law 177-96, as amended comes into effect and the lands, as shown on Schedule 'A' attached hereto, are incorporated into the designated area of By-law 177-96, as amended.
3. All other provisions of By-law 304-87, as amended, not inconsistent with the provisions of this by-law shall continue to apply



DAY

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304-87

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:

[illegible]

BY-LAW

**A by-law to amend Urban Expansion Area Zoning By-law 177-96, as amended
To incorporate Draft Plan of Subdivision 19TM-06009
Greensborough North Landowners Group, into the By-law
Greensborough Secondary Plan**

September 10, 2009

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

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

1.1 By expanding the designated area of By-law 177-96 to include those lands comprising Part of Lot 20, Concession 8, as more particularly outlined on Schedule 'A' hereto, and by zoning the lands:

Residential Two*GAR(Hold)	R2*GAR(H),
Residential Two-Special*GAR(Hold)	R2-S*GAR(H),
Residential Two*133*207*SH1(Hold)	R2*133*207*SH1(H),
Residential Two-Special*134*207*SH1(Hold)	R2-S*134*207*SH1(H),
Residential Two*HER(Hold)	R2*HER(H),
Residential Two-Lane Access*THR(Hold)	R2-LA*THR(H),
Residential Two*NEW*GAR(Hold)	R2*NEW*GAR(H),
and	
Open Space One Zone (Hold)	OS1(H)

1.2 By adding the following new subsections 7.*GAR, *SH1, *HER, *THR, and.*NEW to **Section 7 – EXCEPTIONS:**

**“7.*GAR *GAR - MAXIMUM GARAGE WIDTH AND DRIVEWAY WIDTH
ON A WIDE SHALLOW LOT**

Notwithstanding any other provisions of this by-law, the provisions in this section shall apply to those lands denoted with the symbol *GAR on the Schedules to this by-law.

7.*GAR.1 Zone Standards

The following specific Zone Standards apply:

- (a) Maximum garage width and driveway width on a wide shallow lot not accessed by a lane and with a lot frontage of 12.2 metres to 13.29 metres – 5.5m;
- (b) Minimum front yard setback – 3 metres.

“7.*SH1 *SH1 – SHARED PART LOTS

Blocks 138 to 156, and 318, 319 and 320, Plan 19TM-06009

September 10, 2009 version

Notwithstanding any other provisions of this by-law, the provisions in this section shall apply to those lands denoted with the symbol *SH1 on the Schedules to this by-law.”

7.SH1.1 General Provisions

The following specific general provisions shall apply:

- (a) **Size of Porches**
The provisions of Sections 6.2.2 (a) and (b) shall not apply.
- (b) **Encroachments of Architectural Features and Balconies**
The following provisions shall apply for window bays:
 - (i) Window bays are not required to be cantilevered
 - (ii) There is no maximum width.
- (c) **Encroachment of Porches and Underground Cellars**
Notwithstanding Section 6.6.2.1 (a) porches may have a maximum height of 4.5 metres, with the height being measured from the established grade to the underside of the rafters or ceiling of the porch.

“7.*HER *HER – HERITAGE DWELLING

Block 325, Plan 19TM-06009

Notwithstanding any other provisions of this by-law, the provisions in this section shall apply to those lands denoted with the symbol *HER on the Schedules to this by-law.

7.*HER.1 Specific Site Provisions

- (a) Additional permitted uses;
 - (i) day nurseries;
 - (ii) community centres.
- (b) The southerly lot line shall be deemed to be the front lot line;
- (c) Minimum front yard setback – 3 metres;
- (d) Minimum exterior side yard setback - 1.8 metres;
- (e) Minimum rear yard setback - 1.2 metres; and
- (f) An accessory building can be located in any yard.

“7.*THR – *THR - THROUGH LOTS ON THE WEST SIDE OF DELRAY DRIVE

Lots 114 to 117 and Blocks 157 and 158, Plan 19TM-06009

Notwithstanding any other provisions of this by-law, the provisions in this section shall apply to those lands denoted with the symbol *THR on the Schedules to this by-law.”

7.*THR.1 Zone Standards

- (a) On through lots single detached dwellings with an attached or detached private garage are permitted and are subject to the following specific Zone Standards:
 - (i) Maximum driveway width – 6.1 metres;
 - (ii) Maximum garage width – 6.1 metres;
 - (iii) A side lot line abutting an Open Space Zone is deemed to be an interior side lot line;
 - (iv) Motor vehicle access shall be from a public street adjoining the rear lot line;
 - (v) Delray Drive shall be deemed the front lot line;
 - (vi) Minimum required rear yard for a single detached dwelling with an attached garage – 4.5 metres;
 - (vii) Minimum required rear yard for a detached garage – 4.5 metres;
 - (viii) An outdoor amenity space shall be provided and shall be subject to the following regulations:
 - 1. The outdoor amenity space shall have a minimum area of 35 square metres;
 - 2. Balconies and porches shall not encroach into the required outdoor amenity space; and
 - 3. Decks and associated stairs may encroach into the required outdoor amenity space.

**“7.*NEW*NEW - LOTS WITH A SIDE LOT LINE SEPARATED FROM
THE DONALD COUSENS PARKWAY AND MAJOR
MACKENZIE DRIVE BY AN OPEN SPACE ZONE
Lots 74, 86, 100, 101, 253, 254 294 and 295, Plan 19TM-06009**

Notwithstanding any other provisions of this by-law, the provisions in this section shall apply to those lands denoted with the symbol *NEW on the Schedules to this by-law.

7*NEW.1 Zone Standards

The following additional provisions shall apply:

- (a) Minimum required front yard – 3 metres;
- (b) Minimum required rear yard – 7.0 metres;
- (c) Notwithstanding Section 7*NEW.1(i) to the contrary, an attached one-storey private garage shall be located no closer than 0.6 metres from the rear lot line provided a minimum rear yard of 7.5metres is provided between the main building and the rear lot line across at least 50% of the width of the lot; and

September 10, 2009 version

- (d) A side lot line abutting an Open Space Zone is deemed to be an interior side lot line.

1.3 HOLDING PROVISIONS

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

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

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

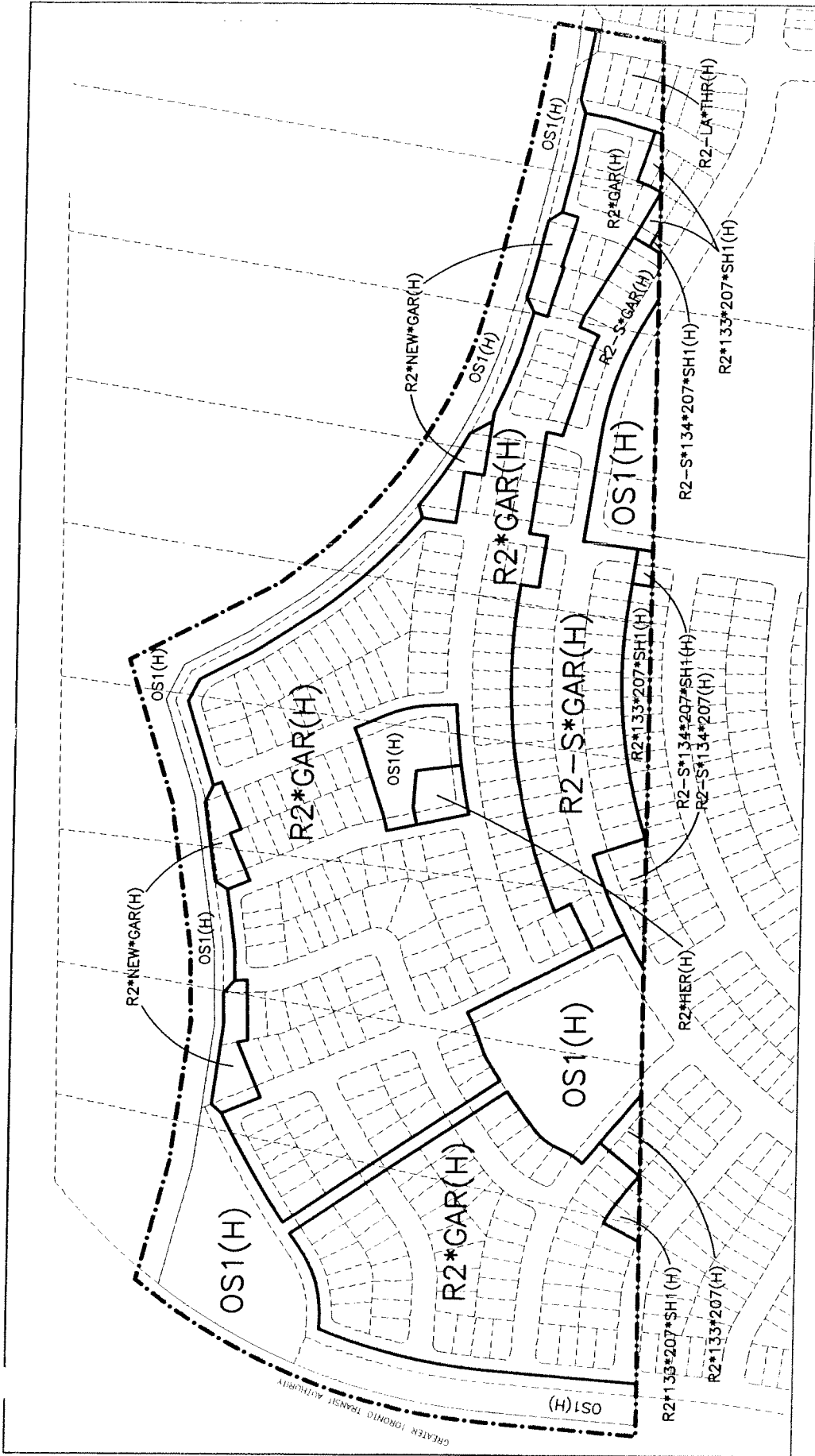
- (a) Written confirmation from York Region that the completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project will be within twelve (12) months from the date of the lifting of the (H) symbol.

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

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS ____th DAY OF _____, 2009.

Kimberley Kitteringham, Town Clerk

Frank Scarpitti, Mayor



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

THIS IS SCHEDULE C TO BY-LAW _____-2009
 PASSED THIS _____ DAY _____, 2009

MAYOR _____
 CLERK _____

	BOUNDARY OF AREA COVERED BY THIS BY-LAW
	RESIDENTIAL TWO
	RESIDENTIAL TWO - SPECIAL
	RESIDENTIAL TWO - LANE ACCESS

	ZONE BOUNDARY
	EXCEPTION SECTION NUMBER
	HOLDING PROVISION
	OPEN SPACE ONE

NOTE:

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