

AREA CONTEXT \ ZONING

APPLICANT: CORNELL ROUGE DEV CORP

FILE No: SU08131556(MW)



DEVELOPMENT SERVICES COMMISSION

DWN BY: DD

CHK BY: GS

SCALE 1:



SUBJECT LANDS

DATE: 220310

FIGURE No.2

SU08131556.dgn 24/03/2010 3:03:33 PM



AIR PHOTO 2009

APPLICANT: CORNELL ROUGE DEV CORP

FILE No: SU08131556(MW)

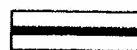


DEVELOPMENT SERVICES COMMISSION

DWN BY: DD

CHK BY: GS

SCALE 1:



SUBJECT LANDS

DATE: 22/03/10



FIGURE No.3



PROPOSED PLAN OF SUBDIVISION (19TM-08002)

APPLICANT: CORNELL ROUGE DEV CORP

FILE No: SU08131556(MW)

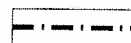


DEVELOPMENT SERVICES COMMISSION

DWN BY: DD

CHK BY: GS

SCALE 1:



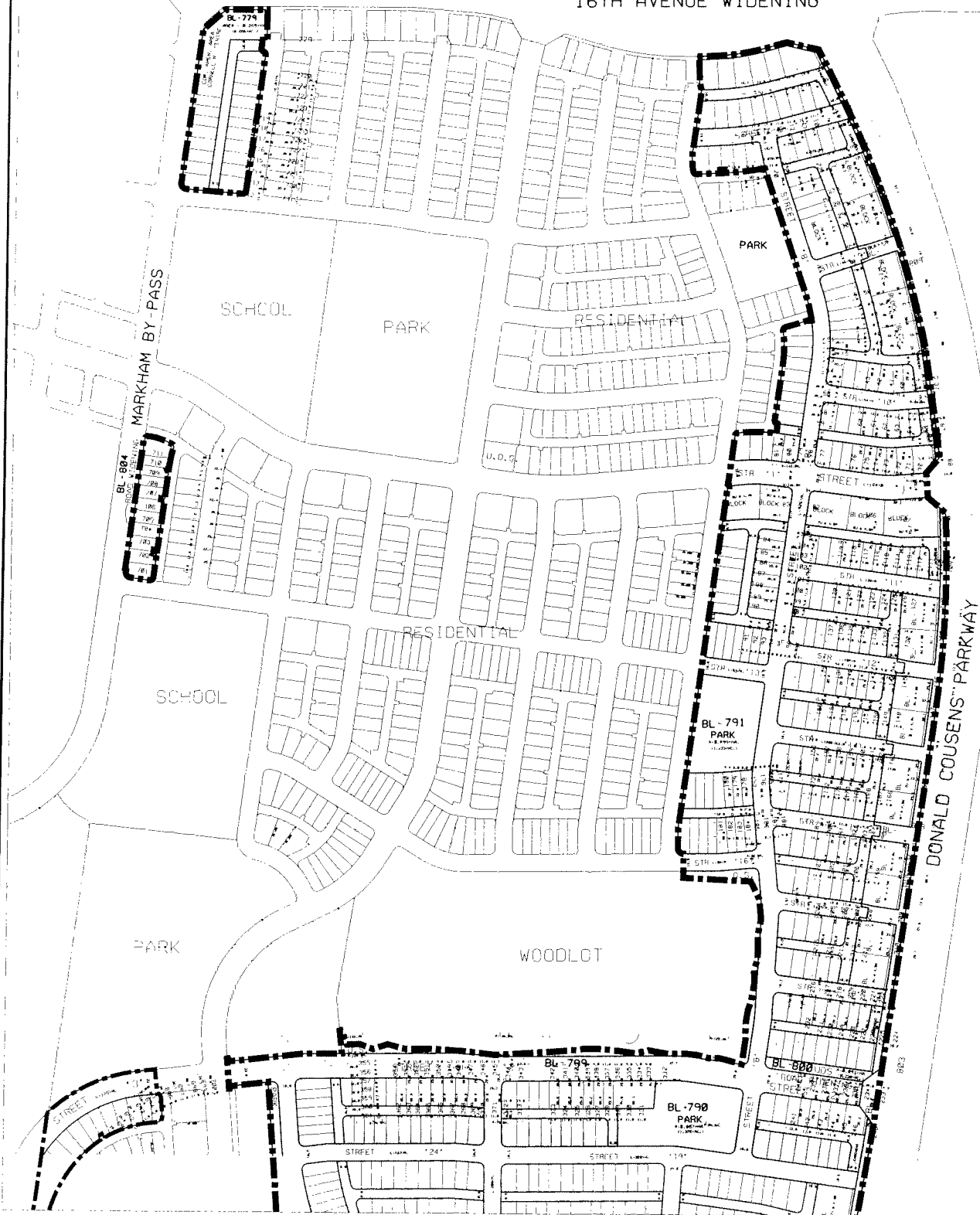
SUBJECT LANDS

DATE: 22/03/10

FIGURE No.4

SU08131556.dgn 24/03/2010 2:06:15 PM

16TH AVENUE WIDENING



PROPOSED PLAN OF SUBDIVISION – (NORTH)

APPLICANT: CORNELL ROUGE DEV CORP

FILE No: SU08131556(MW)



DEVELOPMENT SERVICES COMMISSION

DWN BY: DD

CHK BY: GS

SCALE 1:

DATE: 220310

FIGURE No.5

SU08131556.dgn 24/03/2010 2:20:14 PM





PROPOSED PLAN OF SUBDIVISION – PHASING

APPLICANT: CORNELL ROUGE DEV CORP

FILE No: SU08131556(MW)

- PHASE 4A
- PHASE 4B
- PHASE 4C

DATE: 25/03/10



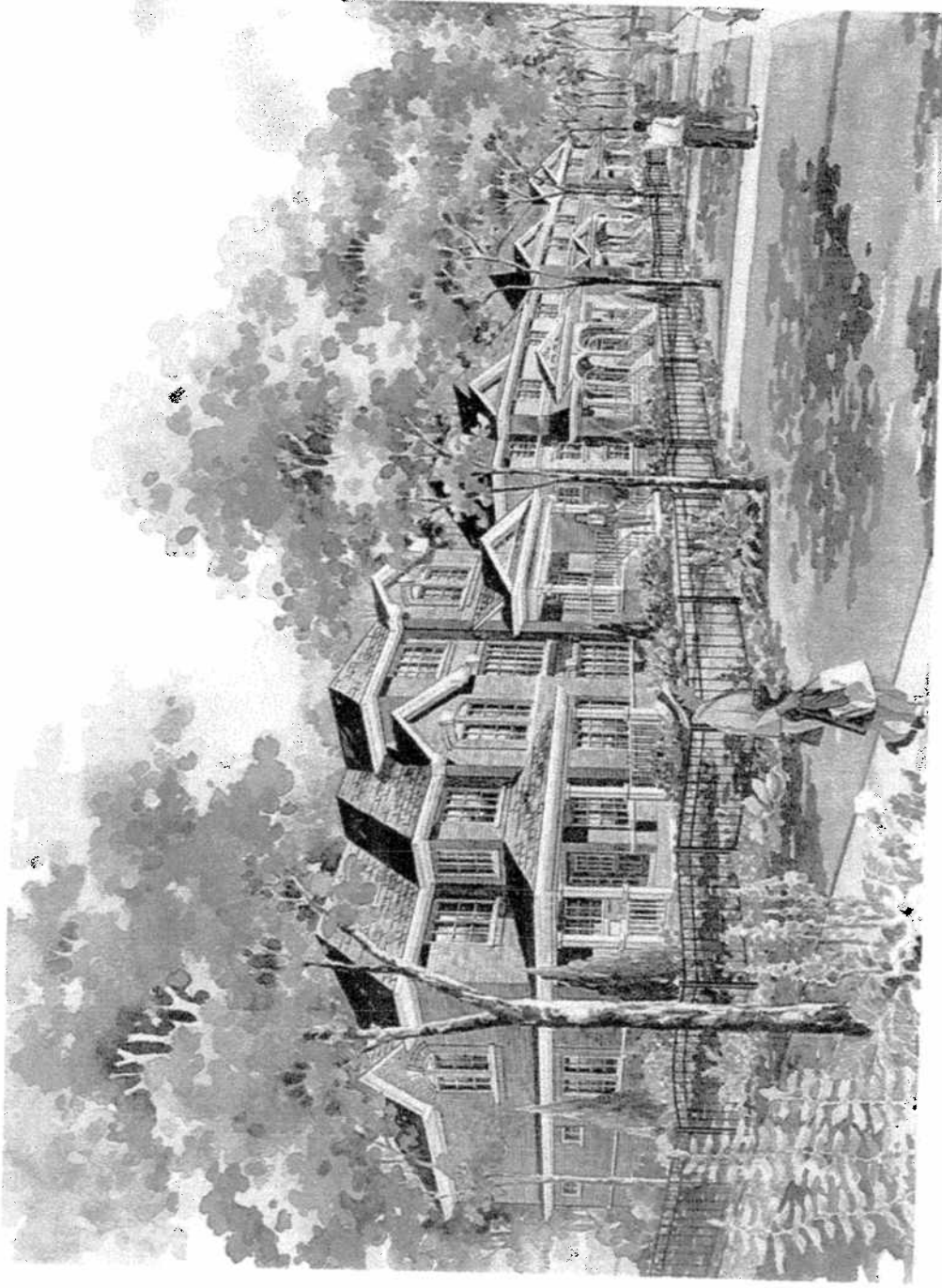
DEVELOPMENT SERVICES COMMISSION

DWN BY: CPW

CHK BY: MW

SCALE 1:

FIGURE No.7



STREETSCAPE RENDERING-DONALD COUSENS PARKWAY



APPLICANT: CORNELL ROUGE DEV.CORP.

FILE No: SU08131556 (MW)



DEVELOPMENT SERVICES COMMISSION

DATE: 2503/10

DRAWN BY: CPW CHECKED BY: MW SCALE 1:

FIGURE No.8

APPENDIX 'A'
RECOMMENDED CONDITIONS OF DRAFT APPROVAL
PLAN OF SUBDIVISION 19TM-08002
(Cornell Rouge Development Corporation)

1. General

1.1 Approval shall relate to plan of subdivision 19TM-08002 prepared by KLM Planning Partners Inc, identified as Job. No. 1923, dated October 20, 2009, incorporating the following red-line revisions:

- Provision of sight triangles and ROW rounding radius for all local road intersections, and radii of centerline curves of roads;
- Identification of the open space areas at the east and north limits of the woodlot external to the plan as being part of Block 799; and
- Any changes required to implement or integrate any recommendations from studies required as a condition of draft approval.

1.2 This draft approval shall apply for a maximum period of three (3) years from date of approval by the Council of the Town of Markham, and shall accordingly lapse on ----- unless extended by the Town upon application by the Owner.

1.3 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 shall acknowledge and agree in the subdivision agreement that final approval of the draft plan shall be subject to adequate sanitary sewer capacity and water supply being allocated to the subdivision by the Town.

1.5 Servicing allocation for 439 units (2,818.3 population) within this plan of subdivision will be assigned from the total allocation available for the Cornell Secondary Plan area. The Owner acknowledges that the Town may revoke or withdraw a servicing allocation if, in the Town's opinion, no reasonable progress has been made by the Owner to implement the approvals contained herein. The Owner further acknowledges that written confirmation of servicing allocation availability from the Developers Group Trustee will be required prior to release of the plan for registration.

1.6 Prior to or concurrent with draft plan approval for any residential units beyond the initial 439 units the Owner shall enter into an agreement with the Town of Markham, which agreement shall be registered on title, committing the Owner to:

- A. Not enter into any agreements of purchase and sale with end users (*) for the subject lands until such time as:
 - a) The Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;

or

- b) i) York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of the Southeast Collector Trunk Sewer and,
ii) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development;

or

- c) The Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

AND

- B. Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the Town of Markham, which agreement shall be registered on title, committing the Owner to the same terms as set out in item A above.

(*) the term 'end users' for the purpose of the above noted pre-conditions is defined as the eventual homeowner who is purchasing an individual lot containing a dwelling for the purpose of occupancy.

- 1.7 Prior to draft plan approval for any lands beyond the initial 439 units, the Owner shall enter into an indemnity agreement with York Region, which agreement shall be registered on title, agreeing to save harmless York Region from any claim or action as a result of York Region releasing conditions and pre-conditions of draft approval as part of the draft approval of Plan of Subdivision 19T-08M02 (Phase 4) by the Town of Markham, including, but not limited to claims or actions resulting from, water or sanitary sewer service not being available when anticipated. The agreement shall include a provision that requires all subsequent purchasers of the subject lands, who are not end users, to enter into a separate agreement with York Region as a condition of the agreement of purchase and sale, agreeing to indemnify York Region on the same terms and conditions as the Owner.
- 1.8 The Owner acknowledges and understands that prior to final approval of this draft plan of subdivision, amendments to Zoning By-laws 304-87 and 177-96 to implement the plan shall have come into effect in accordance with the provisions of the Planning Act.
- 1.9 The Owner shall covenant and agree in the subdivision agreement that the Holding Zoning (H) provision shall not be removed by the Town, and that building permits shall not be sought or issued for any dwelling units within the draft plan for which servicing allocation has not been confirmed by the Developers Group Trustee and the Town.
- 1.10 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the Town (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 within the draft plan shall be named to the satisfaction of the Town and the Region of York.
- 2.2 The road allowances and lanes within the draft plan shall be dedicated as public highway, free of all costs and encumbrances.
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the Town (Director of Engineering).
- 2.4 The Owner shall convey any 0.3m reserves as shown on the draft plan of subdivision 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 a publicly accessible road/driveway along the northern limit of Block 783 at the time of site plan approval of Block 783.
- 2.6 3.0m Concrete Multi-use Pathway on Donald Cousens Parkway:
The Owner shall agree in the subdivision agreement to construct a 3.0m wide concrete multi-use pathway along the west side of the Donald Cousens Parkway from 16th Avenue to the south limit of the plan of subdivision (approximately 300 metres north of Highway 7). The multi-use pathway shall be specified on the engineering drawings and shall be constructed by November 1, 2012 to satisfaction of the Town (Director of Engineering). The Town acknowledges that the construction cost of the concrete multi-use pathway is eligible for Development Charge credit at a maximum rate of \$110.00 per linear metre.
- 2.7 Right-of-Way and Curb Roundings:
The Owner acknowledges and agrees to provide right-of-way and curb roundings, at all roads/lanes intersections and roads/lanes elbow sections, in accordance with the study entitled “Internal Functional Traffic Design Report Update, Cornell Rouge Development Corp., Cornell Community | Area 5, Phase 4”, by MMM Group Limited, dated January 2010, and any subsequent submissions, to the satisfaction of the Town (Commissioner of Development Services).
- 2.8 The Owner shall covenant and agree in the subdivision agreement to provide temporary turning circles where required at their cost and remove them and restore the streets to their normal condition at their cost when required by the Town, to the satisfaction of the Town (Director of Engineering). The design of the temporary turning circles, and any implications on surrounding land use, shall be addressed in the subdivision agreement to the satisfaction of the Town. The

Owner shall also covenant and agree in the subdivision agreement to provide easements, as may be required, at no cost to the Town.

3. Noise Impact Study

- 3.1 The Owner shall submit, at the time of the first submission of the detailed engineering drawings, an updated 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.
- 3.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the Town (Commissioner of Development Services), in consultation with the Region of York.

4. Tree and Woodlot Preservation

- 4.1 The Owner shall submit for approval, based on the previously prepared Woodland Assessment Plan WA1 prepared by Cosburn Giberson, as amended November 24, 2008, a tree inventory and tree preservation plan, in accordance with the Town's "Streetscape Manual", as amended from time to time, and shall comply with the approved Tree Preservation Plan prior to Site Alteration or any other site works.
- 4.2 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 Site Alteration Permit to the satisfaction of the Director of Planning and Urban Design.
- 4.3 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.

5. Parks and Open Space

- 5.1 The Owner shall convey Blocks 784, 785, 786, 790 and 791 to the Town for park purposes, free of all costs and physical and title encumbrances, upon registration of the plan of subdivision. These Blocks shall be conveyed in a physical condition which is satisfactory to the Director of Engineering and Director of Planning and Urban Design which includes the provisions of utility and sewer connections for the blocks 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.
- 5.2 The Owner shall agree in the subdivision agreement that the requirement for any additional parkland at the northeast corner of Highway 7 and Cornell Centre Boulevard, in accordance with the Cornell Master Parks Agreement dated June 5, 2007, will be confirmed during site plan approval of Block 783.

- 5.3 Prior to execution of the subdivision agreement, the Owner shall prepare and submit for approval detailed grading plans by a qualified person for Blocks 787 to 789 to the satisfaction of the Director of Planning and Urban Design. Based on the grading plans, the Owner shall convey to the Town those portions of Blocks 787 to 789 not acceptable for parkland dedication purposes for 'open space' purposes. The Owner shall further convey to the Town those portions of Blocks 787 to 789 considered acceptable by the Commissioner of Development Services for 'parkland' purposes. The blocks shall be conveyed to the Town free of all costs and unapproved encumbrances, upon registration of the plan of subdivision, and in a physical condition which is satisfactory to the Town.
- 5.4 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 service and meter chamber inclusive of chamber drain to storm or sanitary drain and apparatus
 - 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
- 5.5 Prior to execution of the subdivision agreement, the Owner shall prepare and submit for approval a Facility Fit Plan for Blocks 785, and the portion, if any, of Blocks 787, 788 and 789 that are deemed acceptable for parkland purposes, to the satisfaction of the Director of Planning and Urban Design.
- 5.6 The Owner shall convey Blocks 797 and 798 to the Town for 'stormwater channel' purposes.
- 5.7 The Owner shall convey Block 799 to the Town for open space purposes, free of all costs and physical and title encumbrances, to the satisfaction of the Town Solicitor upon registration of the plan of subdivision.
- 5.8 The Owner shall convey Block 800 to the Town as Urban Open Space, free of all costs and physical and title encumbrances, to the satisfaction of the Town Solicitor upon registration of the plan of subdivision.
- 5.9 The Owner shall convey Buffer Blocks 806 to 809 for landscaping purposes to the Town, free of all costs and physical and title encumbrances and to the satisfaction of the Town Solicitor and Director of Planning and Urban Design, upon registration of the plan of subdivision.
- 5.10 The Owner shall receive park credit to be applied to Block 783 (high density residential) for the lands greater than 3 metres wide for Blocks 807 and 808. The Owner agrees to plant a double

row of trees in this location between the property line and the curb of the Donald Cousens Parkway.

- 5.11 The Owner shall convey Block 793 (woodlot), to the Town, free of all costs and physical and title encumbrances, and in a condition which is satisfactory to the Director of Planning and Urban Design, upon registration of the plan of subdivision.
- 5.12 The Owner shall submit an Environmental Impact Study for woodlot Block 793 to the satisfaction of the Town (Commissioner of Development Services) identifying mitigation measures for any woodlot buffer areas less than 10 metres.
- 5.13 Prior to making alterations to the site within the area of the draft plan, the Owner shall submit for review and approval a Woodlot/Natural Features Management and Preservation Plan for Block 793 prepared by a qualified person to the satisfaction of the Director of Planning and Urban Design.
- 5.14 The Owner shall provide a 300mm depth of topsoil in the unpaved portion of the municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.
- 5.15 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 formally assumed by the Town for maintenance purposes. 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.
- 5.16 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.
- 5.17 At the written request of the Director of Planning and Urban Design, the Owner will re-monument the Park Blocks 784, 785, 786, 790 and 791, and those portions of Blocks 787 to 789 deemed acceptable as park blocks.
- 5.18 Upon registration of the subdivision agreement, the Owner shall provide an updated report indicating the total parkland dedication for the Cornell Community given as of the date of registration, in accordance with the Cornell Master Parks Agreement dated June 5, 2007.

6.0 Community Landscaping

- 6.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans prepared by a qualified person based on the approved Public Realm Guidelines and Architectural Control Guidelines to the satisfaction of the Director of Planning and Urban Design:
 - a) street tree planting in accordance with the Town of Markham Streetscape Manual dated June 2009, as amended from time to time

- 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 in accordance with the approved noise study
 - e) fencing and planting of the walkway blocks
 - f) fencing of the school blocks where they abut residential development
 - g) fencing between low density residential and higher density residential, commercial and industrial sites
 - h) streetscape plans for all townhouse blocks
 - i) trail design for Block 799 in accordance with the Master Pathways and Trails Master Plan
 - j) any other landscaping as determined by the Public Realm Guidelines, Architectural Control Guidelines, and the Environmental Master Drainage Plan, as amended..
- 6.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the Town.
- 6.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 6.1.
- 6.4 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 6.1 a)
- 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.”

- 6.5 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, landscaping and other Urban Design requirements.

7. Community Design

- 7.1 The Owner shall implement and incorporate all requirements of the approved Public Realm Design Guidelines prepared by The Law Development Group 1997 into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 7.2 The Owner shall comply with the Cornell Community Architectural Control Guidelines, prepared by Watchorn Architect Inc. dated July 2003, as amended.
- 7.3 The Owner shall retain a control architect to implement the Cornell Community Architectural Control Guideline, dated July 2003, and the Cornell Rouge Neighbourhood Design Guidelines, dated June 2005, and to prepare a priority lot plan including this subdivision phase for approval by the Commissioner of Development Services.
- 7.4 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.
- 7.5 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.

8. Stormwater Management

- 8.1 The Owner acknowledges and agrees to submit, at the time of the first submission of the detailed engineering drawings, 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.
- 8.2 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, Aluminium, 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.

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

9. Municipal Services

- 9.1 The Owner shall submit, at the time of the first submission of the detailed engineering drawings, 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.
- 9.2 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).
- 9.3 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).
- 9.4 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 Standards has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.

- 9.5 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.
- 9.6 Municipal Services External to the Plan:
The Owner acknowledges and agrees, prior to the registration of the Plan, to construct all required municipal services, that are external to the Plan, necessary to connect watermain, storm and sanitary sewers to outfall trunks and stormwater management facilities, in accordance with the Town's standards and design criteria, to the satisfaction of the Town (Commissioner of Development Services).
- 9.7 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued until the Director of Building Standards has been advised by the Director of Engineering that water, sewage treatment, utilities and roads satisfactory to the Director of Engineering are available to the lands, except that building permits may be issued for model homes upon terms and conditions established by the Town (Commissioner of Development Services).
10. Developers Group Agreement, Development Phasing Plan and Development Phasing Agreement
- 10.1 Prior to final approval of the draft plan or any phase thereof, the Owner shall enter into a Developers Group Agreement to ensure the provision of community and all common facilities such as school sites, municipal services, parks and public roads, etc, in the Cornell Secondary Plan area are completed to the satisfaction of the Town (Commissioner of Development Services and Town Solicitor). A certificate confirming the completion of such agreement(s) shall be provided to the Town by the Developers Group Trustee to the satisfaction of the Town Solicitor.
- 10.2 The Owner shall covenant and agree in the subdivision agreement that the plan of subdivision or any phase thereof shall not be released for registration by the Town until the Owner delivers a release to the Town from the Trustee of the Developers Group to the effect that all conditions of the Group Agreement have been met to the satisfaction of the Trustee.
- 10.3 The Owner shall covenant and agree in the subdivision agreement to be bound by the updated Development Phasing Plan for the Cornell Community, dated November 21, 2003 and by the Development Phasing Agreement dated May 19, 2004, and any updates thereto, between the Cornell Landowners Group and the Town.
11. Traffic Study
- 11.1 The Owner acknowledges and agrees to update, if required, the Functional Traffic Design Study for the Plan entitled "Internal Functional Traffic Design Report Update, Cornell Rouge Development Corp., Cornell Community | Area 5, Phase 4", by MMM Group Limited, dated January 2010, in accordance with the Town's comments, prior to the registration of the Plan, to the satisfaction of the Town (Commissioner of Development Services).

The Owner acknowledges and agrees to incorporate the requirements and criteria of the Functional Traffic Design Study into the draft approved plan and subdivision agreement.

12. Easements

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

13. Utilities

- 13.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the Town as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the Town (Commissioner of Development Services) and authorized agencies.
- 13.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including PowerStream, Enbridge, telecommunications companies, etc.
- 13.3 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the Town. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
- 13.4 Canada Post
- a) The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the Town of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
 - b) The Owner shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
 - c) The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.

- d) 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.
- e) The Owner will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
 - i) An appropriately sized sidewalk section (concrete pad) as per municipal standards (to place the mailboxes on);
 - ii) Any required walkway across the boulevard as per municipal standards;
 - iii) Any required curb depressions for wheelchair access.

14. Development Charges

- 14.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.
- 14.2 The Owner shall covenant and agree in the subdivision agreement to pay the applicable Area-Specific Development Charge as per Area 41 (By-law 2004-232). The financial contribution will not be eligible for credits towards development charges.

15. Phase 1 Environmental Site Assessment (ESA)

- 15.1 The Owner acknowledges and agrees, prior to the registration of the Plan, to:
 - 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; and
 - d) Pay all costs associated with the Town retaining a third-party reviewer for the peer review service.
- 15.2 The Owner acknowledges and agrees 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 of the Town (Commissioner of Development Services).

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 [William Forster House], known municipally as 1982 Donald Cousens Parkway, on Lot 332 within the Draft 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 an 2.43 metre (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(s);
 - 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 \$125,000 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 building 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 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 each 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 the 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 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.

- 17.2 The Owner acknowledges and agrees that the adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.

- 17.3 The Owner acknowledges that rear lanes servicing townhouse blocks all are to be designed as Fire Access Routes to the satisfaction of the Fire Chief.

17.4 Place of Worship (Block 794)

The Owner acknowledges and agrees to the following:

- a) That Block 794 will be reserved for acquisition by a worship group for a place of worship for a minimum of 5 years from the date of approval of the Secondary Plan identifying the site, or three years from the date of registration of this plan of subdivision, whichever is longer (the ‘site reservation period’),
- b) That the price guideline for Block 794 will be based on fair market value for serviced low density residential land in the Town of Markham, as established and indexed through the York Region School Board’s Education Development Charge process.
- c) That the Owner agrees to grade, service, seed and fence the Block 794 as appropriate.
- d) That the Owner agrees to identify Block 794 on their display plans posted in all sales offices as a place of worship site and to identify its alternative use, and to post a sign on the site to identify it as a future place of worship site and to identify its alternative use.
- e) That the Holding (H) zoning provision will not be removed until either:
 - i) site plan approval has been obtained and a site plan agreement with the Town has been executed for a place of worship; or
 - ii) the site reservation period has expired and site plan approval has been obtained and a site plan agreement or other agreement with the Town has been executed for the alternative use.
- f) That the Owner agrees to the Town identifying Block 794 as a future place of worship site on the Town’s website, and including the Owner’s name and telephone number on the web site to allow worship groups to contact the Owner directly with enquiries.

- 17.5 The Owner acknowledges and agrees that Block 779 will be subject to site plan approval to ensure appropriate built form and use consistent with the Community Amenity Area – Cornell North Centre designation in the Cornell Secondary Plan.
- 17.6 The Owner agrees to submit building siting and grading plans for Lot 6 prior to registration, to the satisfaction of the Town (Commissioner of Development Services).
- 17.7 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 21 for each phase.
- 17.8 The Owner shall include the following clauses in all offers of purchase and sale for units with a single-car garage:

“PURCHASERS/TENANTS ARE ADVISED THAT THE TOWN’S PARKING BY-LAW REQUIRES A MINIMUM OF TWO PARKING SPACES, ONE IN THE DRIVEWAY AND ONE IN THE GARAGE. OUTSIDE A PRIVATE GARAGE, PARKING IS ONLY PERMITTED ON A DRIVEWAY.

PURCHASERS/TENANTS ARE ADVISED THAT THE TOWN’S ZONING BY-LAW RESTRICTS DRIVEWAY WIDTHS, WHICH MAY NOT ALLOW TWO CARS TO PARK SIDE BY SIDE.

PURCHASERS/TENANTS ARE ADVISED THAT OVERNIGHT STREET PARKING WILL NOT BE PERMITTED UNLESS AN OVERNIGHT STREET PARKING SYSTEM IS IMPLEMENTED BY THE TOWN.”

- 17.9 The Owner shall provide at their own expense, printed copies of the Town of Markham *Home Buyer’s Guide* available from the Town’s website www.markham.ca, at all sales centres for distribution to potential home owners.
- 17.10 The Owner shall covenant and agree in the subdivision agreement that no building permits will be issued for part blocks until said blocks have been combined with abutting lands to create building lots in conformity with the zoning by-law and all applicable fees have been paid. The Owner acknowledges and agrees that contiguous part lots will be registered as one block in the final plan, and that future lots will be created through part lot control.

18. York Region District School Board (Block 796)

- 18.1 Prior to final approval, the Owner shall have made Agreement satisfactory to the York Region District School Board for the transfer of Block 796 for a public elementary school site. Block 796 shall contain not less than 2.431 hectares.
- 18.2 The Owner shall agree in the subdivision agreement in wording satisfactory to the York Region District School Board:

- a) to grade Block 796 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 796;
 - 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 Yardstick 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 1 1/2" mesh, 1.8 m high along all boundaries of the school block, including road frontage(s) at the discretion of the Board;
 - g) to construct the fences prior to issuance of buildings permits for the first phase 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 geo-technical investigation and Phase 1 and Phase 2 environmental site assessment conducted by a qualified engineer. For an elementary school site a minimum of eight boreholes shall be required and for a secondary school site a minimum of fifteen boreholes shall be required; and
 - k) to assume any upstream and downstream charges for hydro, natural gas, sanitary and storm drainage, and water supply.
- 18.3 The Owner shall submit to the York Region District School Board, at no cost to the Board, a report from a qualified consultant concerning:
- a) the suitability of Block 796 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.
- 18.4 The Owner shall agree in the subdivision agreement, in wording acceptable to the York Region District School Board, that the services referred to in condition 18.3 b) shall be installed to the mid-point of the frontage of each elementary school site and positioned as designated by the Board, at no cost to the Board.
- 18.5 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) an acceptable method of sewage disposal.
- 18.6 That prior to final approval, the Owner shall submit to the York Region District School Board for review and approval, a copy of the final engineering plans as approved by the Town of Markham which indicate the storm drainage system and the overall grading plans for the complete subdivision area.
- 18.7 That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that adequate electrical capacity will be supplied to each school site frontage by the developer at no cost to the Board.

- 18.8 That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that they are satisfied that payment for any upstream and downstream charges will be made by the original developer.
- 18.9 That the subdivision agreement include warning clauses advising the Town, property owners and purchasers of lots within the draft plan that unless the provincial funding model provides sufficient funds to construct new schools, there can be no assurance as to the timing of new school construction nor a guarantee as to the timing of new school construction nor a guarantee that public school accommodation will be provided within the subject plan notwithstanding the designation of each school site.
- 18.10 That the York Region District School Board shall advise that conditions 18.1 to 18.9 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.

19. York Catholic District School Board (Block 795)

- 19.1 The Owner shall enter into an agreement satisfactory to the York Catholic District School Board for the transfer of Block 795 (2.482 ha).
- 19.2 The Owner shall agree in the subdivision agreement in wording satisfactory to the York Catholic District School Board that prior to final approval:
- a) to grade Block 795 to conform to the overall grade plan of the subdivision and in doing so replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands. If, in compliance with this clause, the addition of fill, the removal of existing soil, or, in any way, the alteration of existing grading results in increased costs of construction to the Board, then, and in that event, the Owner shall, upon demand, reimburse the Board for such additional costs.
 - b) to remove all trees and structures on Block 795, as determined by the Board;
 - c) that there shall be no stockpiling of topsoil on Block 795.
 - d) The Owner will, at its expense:
 - i) construct and maintain temporary post and wire fencing on all boundaries of the Lands no later than the date of application of the base coat of asphalt on such roads on which the Lands abut to the specifications outlined in 'Schedule B' attached to the November 30, 2009 letter from the York Catholic District School Board providing conditions of draft approval for 19TM-08002;
 - ii) prior to the occupancy of adjacent residential lands, replace the temporary post and wire fencing along the boundary between the Lands and such adjacent residential lands with a 9 gauge galvanized chain link fence 1.8 metres in height, the side of which fence facing such residential lands to be placed two inches (2") inside the Lands from the boundary thereof;
 - iii) prior to completion, replace the temporary post and wire fencing then remaining with a 9 gauge galvanized chain link fence 1.8 metres in height on all other boundaries of the Lands as the Board may, no less than 60 days prior to Completion, direct.
 - e) to erect on the school site at such time as the school access street is constructed a visible sign with the dimensions and containing the words in the order, form and configuration as duly required. (Please refer to 'Schedule C' attached to the November 30, 2009 letter from

the York Catholic District School Board providing conditions of draft approval for 19TM-08002).

- f) to post 'No Dumping' signs along the perimeter fence as required by the Board.
- g) to provide the foregoing at no cost to the Board.

- 19.3 The Owner shall submit, at no cost to the Board, a report from a qualified consultant concerning:
- a) the suitability of Block 795 for construction purposes relating to soil bearing factors, surface drainage and topography and/or grading plan. There shall be a minimum of 12 boreholes on the school site, in locations as approved by the Board.
 - b) Both Phase 1 and Phase 2 Environmental Testing reports for the school site to ensure the site is clear and free from all contaminants and unfit soil.
 - c) the availability of natural gas, electrical, water, storm sewer, sanitary sewer, telephone and cable television services in a location along the property line, as determined by the Board. All services must meet Board specifications and approval.

- 19.4 The Owner shall submit, at no cost to the Board, a certificate from the Town of Markham confirming the following as they relate to a new school facility:
- a) the availability of a satisfactory water supply (both domestic and fire).
 - b) an acceptable method of sewage disposal.
 - c) adequacy of electrical services
 - d) the availability of a satisfactory natural gas supply
 - e) that an adequate storm water management facility has been designed to accommodate a school site and ensure that water retention will not be required on this site.

- 19.5 The Owner shall supply the Board a certificate, from the local hydro authority, confirming an adequate capacity for a new school and that the Board will not incur future upstream costs.

- 19.6 That the Owner shall agree in words acceptable to the York Catholic District School Board, that the services referred to in Condition 19.4, complete with inspection manholes shall be installed at the property line of said school site and positioned as designated by the Board, at no cost to the Board, allowing time for Board approval of the design of the said services prior to the registration of the plan.

- 19.7 That the Owner covenants and agrees to insert in every Transfer of lands abutting the Lands a Restrictive Covenant running with the lands which prohibits the installation and use of any gate or access point from such abutting lands to the Lands.

- 19.8 That the Owner covenants and agrees that a clause will be inserted in all Agreements of Purchase and Sale of residential lots and units with the subdivision a clause providing as follows:

“THE CONSTRUCTION OF A CATHOLIC SCHOOL ON A DESIGNATED SITE IS NOT GUARANTEED. PURCHASERS ARE ADVISED THAT SUFFICIENT ACCOMMODATION MAY NOT BE AVAILABLE FOR STUDENTS RESIDING IN THIS AREA, AND YOU ARE NOTIFIED THAT STUDENTS MAY BE ACCOMMODATED IN TEMPORARY FACILITIES AND/OR BUSSED TO EXISTING FACILITIES OUTSIDE THE AREA. THE BOARD WILL IN ITS DISCRETION DESIGNATE PICK-UP POINTS FOR STUDENTS WHO QUALIFY FOR TRANSPORTATION.”

- 19.9 The Owner covenants and agrees that a clause will be inserted in all Agreements of Purchase and Sale for residential lots and units abutting the Lands stating that “temporary facilities/portables

may be placed on the Lands in order to accommodate students in excess of the capacity of the school building.”

- 19.10 That the York Catholic District School Board shall advise that conditions 19.1 to 19.9 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.

20. Toronto and Region Conservation Authority (TRCA)

- 20.1 That prior to the initiation of grading and prior to the registration of this plan or any phase thereof, the applicant shall submit a detailed engineering report for the review and approval of the TRCA that describes the stormwater drainage system (quantity and quality), in accordance with the Master Environmental Servicing Plan/Master Drainage Plan for this area. This report shall include:

- Plans illustrating how this drainage system will tie into surrounding drainage systems, i.e., is it part of an overall drainage scheme? How will external flows be accommodated? What is the design capacity of the receiving system?;
- Stormwater management techniques which may be required to control minor or major flows;
- 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;
- Proposed method for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction;
- Location and description of all outlets and other facilities which may require a permit pursuant to Ontario Regulation 166/06, the TRCA's (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) Regulation;
- Overall grading plans for the subject lands; and
- Supplementary measures including additional source and conveyance measures to enhance infiltration and reduce runoff volumes.

- 20.2 That this draft plan of subdivision be subject to red-line revision in order to meet the requirements of Condition 20.1 if necessary.
- 20.3 That the open channel corridor (Block 797 and Block 798) be set aside for acquisition or dedication to either the TRCA or the Town of Markham, free of all charges and encumbrances.
- 20.4 That the implementing zoning by-law recognize Open Space Blocks 797 and 798 in an open space, or other suitable zoning category, which has the effect of prohibiting development, to the satisfaction of the TRCA.
- 20.5 That the Owner successfully obtain a permit under Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) for the proposed crossing of Channel Block 797 as part of Phase 4A East.

- 20.6 That the Owner successfully obtain a permit under Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) for site grading for Phase 4A East and Phase 4A West.
- 20.7 That the Owner submit a detailed and comprehensive Erosion and Sediment Control Plan, which complies with the TRCA's Erosion and Sediment Control Guidelines for Urban Construction (www.sustainabletechnologies.ca).
- 20.8 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 20.1;
 - b) To maintain all stormwater management and erosion and sediment control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA; and
 - c) To obtain all necessary permits pursuant to Ontario Regulation 166/06 from the TRCA
 - d) That no retaining wall structures or systems be erected adjacent to the woodlot, located on the lands to the south, in order to construct Streets '2' and '6', and
 - e) That no grading will take place within the 10 metre buffer for the existing woodlot in order to accommodate Streets '2' and '6'.
- 20.9 That a copy of the fully executed subdivision agreement be provided to the TRCA when available, in order to expedite the clearance of conditions of draft approval.
- Applicable to Phase 4C (South of Street '6') Only
- 20.10 That prior to the registration of Phase 4C, the applicant submit an updated Master Environmental Servicing Plan (MESP) for the Cornell Community for the review of the TRCA and the Town of Markham.
- 20.11 That prior to the registration of Phase 4C, the updated Cornell MESP be approved by the TRCA and the Town of Markham.
- 20.12 That this phase of the draft plan of subdivision be subject to red-line revision in order to meet the requirements of Conditions 20.1, 20.10 and 20.11, if deemed necessary by the TRCA and/or the Town of Markham.
- 20.13 That the implementing zoning by-law recognize Woodlot Block 793 in an open space, or other suitable category, which has the effect of prohibiting development, to the satisfaction of the TRCA.
- 20.14 That Woodlot Block 793 be set aside for acquisition or dedication to either the TRCA or the Town of Markham, free of all charges and encumbrances.
- 20.15 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 Conditions 20.1, 20.10 and 20.11;
 - b) to maintain all stormwater management and erosion and sediment control structures operating and in good repair during the construction period, in a manner satisfactory to the TRCA;
 - c) to obtain all necessary permits pursuant to Ontario Regulation 16/06 from the TRCA;

- d) to erect a permanent fence along the property boundary adjacent to Woodlot Block 793, to the satisfaction of the TRCA for Blocks 782 and 783;
 - e) that no retaining wall structures or systems be erected in order to construct Street '5', abutting Woodlot Block 793; and
 - f) that a grading plan be submitted for TRCA review and approval for Street '5' abutting Woodlot Block 793, which demonstrates that grading is to be minimized to the fullest extent possible.
- 20.16 That a copy of the fully executed subdivision agreement be provided to the TRCA when available, in order to expedite the clearance of conditions of draft approval.

21. Region of York

- 21.1 Prior to final approval of any residential lands, 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.
- 21.2 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.
- 21.3 Prior to the final approval of any residential units beyond the initial 86 units but not exceeding the initial 439 units the following shall occur:
- The Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or
 - 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 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.
- 21.4. Prior to the final approval of any residential units beyond the initial 439 residential units the following shall occur:
- The Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or
 - 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 and the Southeast Collector Trunk Sewer; 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.

- 21.5 For all lands beyond the initial 81 residential units but not exceeding the initial 439 residential units 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:
- 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, or
 - 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.
- 21.6 For all lands beyond the initial 439 residential units 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:
- The Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure; or
 - 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 and the Southeast Collector Trunk Sewer; 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.
- 21.7 Prior to final approval, the Owner shall agree that direct pedestrian/cycling connections shall be provided to connect with existing and future sidewalks on 16th Avenue, Donald Cousens Parkway, and Highway 7.
- 21.8 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 Regional Transportation Services Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- 21.9 Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Regional Transportation Services Department that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by the Regional Transportation Services Department.
- 21.10 Prior to final approval, the Owner shall submit detailed engineering drawings, to the Regional Transportation Services Department for review and approval, that incorporate the

recommendations of the functional transportation report/plan as approved by the Regional 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.

21.11 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 widening across the full frontage of the site where it abuts Hwy 7 of sufficient width to provide a minimum of 24.5 metres from the centreline of construction of Hwy 7, and
- b) a widening across the full frontage of the site where it abuts 16th Avenue being of sufficient width to provide a minimum of 18 metres from the centreline of construction of 16th Avenue, and
- c) a 15 metre by 15 metre daylight triangle at the northwest and southwest corners of Streets '1', '2' and '4' and Donald Cousens Parkway, and
- d) a 15 metre by 15 metre daylight triangle at the northeast and northwest corners of Street '5' and Hwy 7, and
- e) a 15 metre by 15 metre daylight triangle at the northeast corner of the existing Markham By-Pass and Hwy 7, and
- f) 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 Streets '1', '2' and '4' and Donald Cousens Parkway, and
- g) an additional 2.0 metre widening, 50 metres in length, together with a 70 metre taper for the purpose of a westbound right turn lane at the intersection of Street '5' and Hwy 7, and
- h) an additional 2.0 metre widening, 50 metres in length, together with a 70 metre taper for the purpose of a westbound right turn lane at the intersection of the existing Markham By-Pass and Hwy 7, and 16th Avenue; and
- i) a 0.3 metre reserve across the full frontage of the site, except at the approved access location, where it abuts Hwy 7 and 16th Avenue and adjacent to the above noted widenings.

21.12 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.

21.13 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 the above noted lands to York Region.

21.14 Prior to final approval, York Region requires the Owner to submit to it, in accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 *Records of Site Condition Part XV.1 of the Act* (as amended), a Phase I environmental site assessment prepared and signed by a qualified professional, of the Owner's lands and more specifically of the lands to be conveyed to York Region (the "Assessment"). Based on the findings and results of the Assessment, York Region may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required. The Assessment and any subsequent

environmental reports or other documentation prepared in respect of the environmental condition of the lands to be conveyed must to be addressed to York Region, contain wording to the effect that York Region shall be entitled to rely on such reports or documentation in their entirety, and such reports or documentation shall be satisfactory to York Region.

- 21.15 Prior to final approval, the Owner shall certify, in wording satisfactory to the Regional Transportation Services Department, that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous good, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under all lands to be conveyed to York Region (including soils, substrata, surface water and groundwater, as applicable): (i) at a level or concentration that exceeds the *Environmental Protection Act* O. Reg. 153/04 full depth generic site condition standards applicable to the intended use that such lands will be put by York Region at the time of conveyance or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or emanating from such lands in such a way, that would result in liability under applicable environmental laws. The Assessment, any subsequent environmental reports or other documentation and the Owner's certification shall be done at no cost to York Region.
- 21.16 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation Services Department, to be responsible to decommission any existing wells on the Owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the Town of Markham.
- 21.17 Direct vehicle access from any development blocks abutting 16th Avenue will not be permitted. Access must be obtained through the internal road network.
- 21.18 Direct vehicle access from any development blocks abutting Donald Cousens Parkway will not be permitted. Access must be obtained through the internal road network.
- 21.19 Direct vehicle access from any development blocks abutting Highway 7 will not be permitted. Access must be obtained through the internal road network.
- 21.20 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional 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.
- 21.21 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Regional Transportation Services Department and illustrated on the Engineering Drawings.
- 21.22 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional Transportation Services Department that elevations along the streetline shall be 0.3 metres above the centreline elevations of the York Region roadway, unless otherwise specified by the Regional Transportation Services Department.
- 21.23 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Regional 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 Town of Markham, at no cost to the Region.

- 21.24 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional 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.
- 21.25 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 Regional Transportation Services Department recommending noise attenuation features.
- 21.26 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation Services Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Regional Transportation Services Department.
- 21.27 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional 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.
- 21.28 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".
- 21.29 Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to Regional 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 Town of Markham'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 Regional Transportation Services Department and shall be maintained by the Town of Markham with the exception of the usual grass maintenance.

21.30 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 rights 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 of Markham 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 Town does not maintain the feature to York Region's satisfaction, the Town will be responsible for the cost of maintenance or removal undertaken by the Region.

21.31 Prior to final approval, the Owner shall satisfy the Regional 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 Town of Markham standards and be provided by the Owner along the subject lands' frontage onto roadways that have and will have transit services.

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

- 16th Ave

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

- Donald Cousens Parkway
- Avenue Seven (Hwy 7)

21.32 Prior to final approval, the Owner shall satisfy the Regional Transportation Services Department and the Town of Markham 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 '7' to Donald Cousens Parkway
- From Street '9' to Donald Cousens Parkway
- From Street '10' to Donald Cousens Parkway
- From Street '11' to Donald Cousens Parkway
- From Street '12' to Donald Cousens Parkway
- From Street '14' to Donald Cousens Parkway
- From Street '15' to Donald Cousens Parkway
- From Street '17' to Donald Cousens Parkway
- From Street '18' to Donald Cousens Parkway
- From Street '19' to Donald Cousens Parkway
- From Street '20' to Donald Cousens Parkway
- From Street '26' to Donald Cousens Parkway
- From Street '28' to Donald Cousens Parkway
- From Street '30' to Donald Cousens Parkway
- From Street '31' to Donald Cousens Parkway
- From Street '32' to Donald Cousens Parkway

The concrete pedestrian access connection shall meet the Town's standards for sidewalks and shall be owned and maintained by the Town.

- 21.33 The Owner shall agree in the subdivision agreement to convey lands to the Town of Markham to provide for such pedestrian access connection referred to in Condition **21.32** or equivalent.
- 21.34 The Owner shall satisfy the Regional Transportation Services Department that the services to be installed within or in conjunction with the Plan will provide the passenger standing areas/shelter pads identified below and shall be installed to the satisfaction of the Town of Markham and York Region Transit. The Region confirms that all such passenger standing areas/shelter pads shall be owned and maintained by the Region and that the Town of Markham shall have no responsibility for those, notwithstanding that they may be included in the subdivision agreement.

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

- On Donald Cousens Parkway at Street '1' (NW corner – YRT-1.02 or YTR-1.03)
- On Donald Cousens Parkway opposite Street '1' (East side DCP – YRT-1.02 or YTR-1.03)
- On Donald Cousens Parkway at Street '2' (NW corner – YRT-1.02 or YTR-1.03)
- On Donald Cousens Parkway opposite Street '2' (East side DCP – YRT-1.02 or YTR-1.03)
- On Donald Cousens Parkway at Street '4' (NW corner – YRT-1.02 or YTR-1.03)
- On Donald Cousens Parkway opposite Street '4' (East side DCP – YRT-1.02 or YTR-1.03)
- On Donald Cousens Parkway at Avenue Seven (NW corner – YRT-1.02 or YTR-1.03)
- On Avenue Seven at Street '5' (NE corner – YRT-1.02 or YTR-1.03)

The passenger standing areas/shelter pads shall be provided at no cost to York Region and shall be provided concurrently with construction of necessary sidewalks. The Owner may apply for a development charge credit, in accordance with the York Region-Road Works development charge credit guideline for passenger standing areas and shelter pads.

Landscaping should not interfere with the bus stops, passenger standing areas, shelters or corner sightlines. Bus stops located in front of the employment areas shall be incorporated into the landscape design.

The bus stop locations determined during the design phase are subject to change. Prior to construction of the passenger standing areas/shelter pads, the Owner/consultant shall confirm with YRT the final bus stop locations/requirements. The Owner/consultant is to contact YRT Facilities Supervisor (tel. 905-762-2111) to confirm final details.

- 21.35 Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk locations, concrete pedestrian access, passenger standing areas and shelter pads to the satisfaction of York Region.
- 21.36 The Owner shall agree in the subdivision agreement to advise all potential purchasers of the existing and future introduction of transit services in this development as identified in Condition 21.31. This includes current and potential transit routes, bus stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT route maps, Future Plan maps & providing YRT website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT route maps and the Future Plan maps are available from YRT upon request.
- 21.37 The Owner shall satisfy the Regional Transportation Services Department that the services to be installed within or in conjunction with the Plan will include illumination in accordance with the Town of Markham's design standards along all streets which have or will have transit services, sidewalks, pedestrian access and bus stop locations.
- 21.38 Prior to final approval, the Owner shall provide a copy of the subdivision agreement to the Regional Transportation Services Department, outlining all requirements of the Regional Transportation Services Department.
- 21.39 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.
- 21.40 The Region of York Planning and Development Services Department shall advise that Conditions 21.1 to 21.39 inclusive, have been satisfied.

22. External Clearances

- 22.1 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) Canada Post shall advise that Condition 13.4 has been satisfied.
 - b) The Ministry of Culture shall advise that Conditions 16.1 and 16.2 have been satisfied.
 - c) The Heritage Section shall advise that Conditions 16.3 to 16.9 inclusive, have been satisfied.
 - d) The York District School Board shall advise that Conditions 18.1 to 18.10 inclusive, have been satisfied.

- e) The York Catholic District School Board shall advise that Conditions 19.1 to 19.10 inclusive, have been satisfied.
- f) The Toronto and Region Conservation Authority shall advise that Conditions 20.1 to 20.16 inclusive, have been satisfied.
- g) The Regional Municipality of York Planning Department shall advise that Condition 2.1, and Conditions 21.1 to 21.40 inclusive, have been satisfied.

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APPENDIX 'B'

EXPLANATORY NOTE

BY-LAW 2010 -

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

Cornell Rouge Development Corporation
19TM-08002
Part of Lots 11-15, Concession 9
Cornell Planning District

LANDS AFFECTED

The by-law applies to 66 ha of lands, located south of 16th Avenue, between Cornell Centre Boulevard and Donald Cousens Parkway.

EXISTING ZONING

The lands subject to this By-law are presently zoned Agriculture One (A1) and Open Space (OS) by By-law 304-87, as amended.

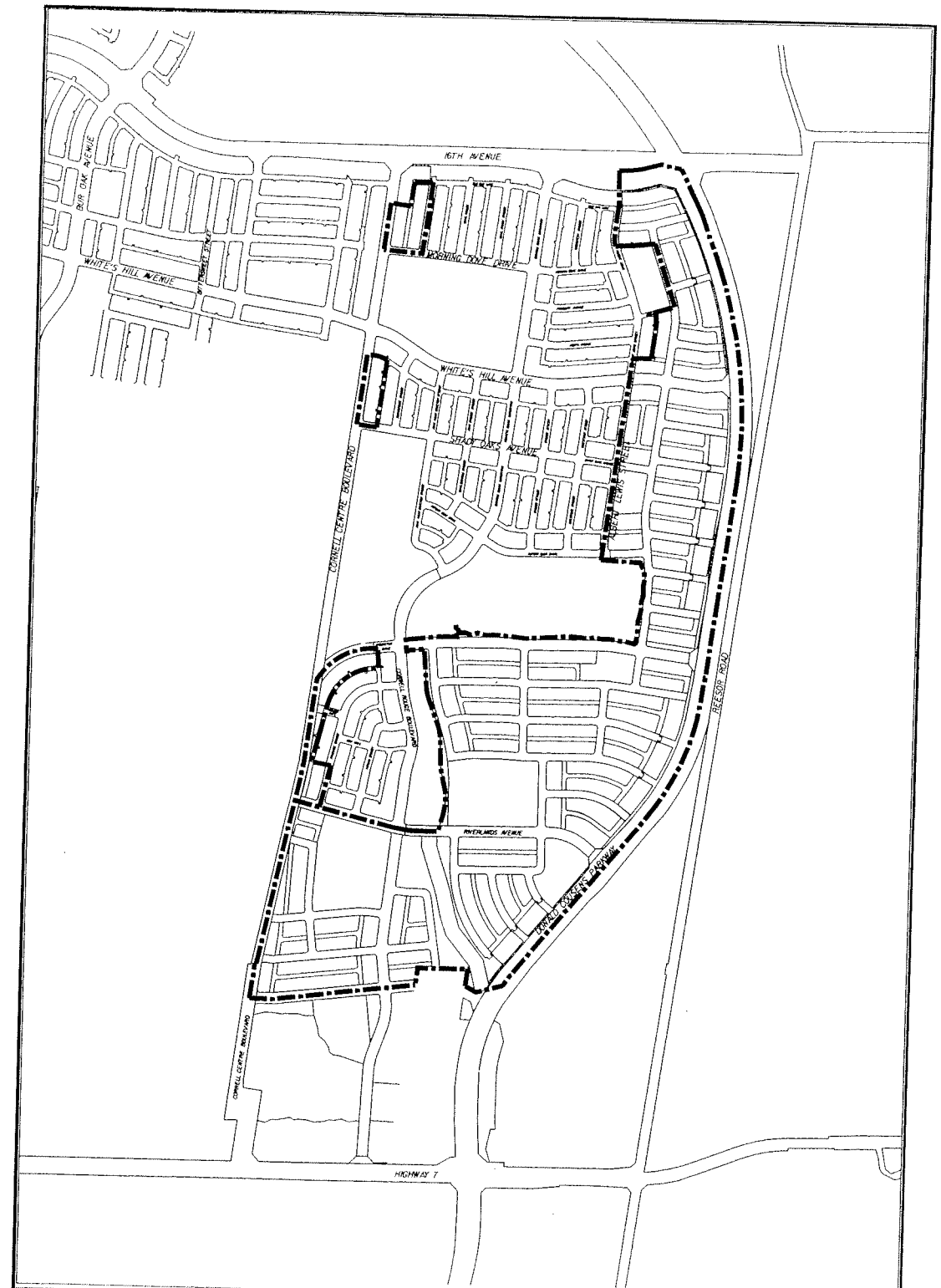
PURPOSE AND EFFECT

The purpose and effect of this by-law is to delete the lands from By-law 304-87, as amended, so that they may be incorporated into By-law 177-96, as amended, to permit a 996-unit residential plan of subdivision.

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

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

1. By-law 304-87, as amended, be and the same is hereby further amended by deleting the lands outlined on Schedule 'A' hereto from the designated area of By-law 304-87, as amended.
2. This by-law shall not come into force until By-law 2010-XXX amending By-law 177-96, as amended, comes into force and the subject lands of this by-law become incorporated into the designated area of By-law 177-96, as amended.
3. All other provisions of By-law 304-87, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



DEVELOPMENT SERVICES COMMISSION

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



BOUNDARY OF AREA COVERED BY THIS BY-LAW

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

..... MAYOR

..... CLERK

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

SCALE 1:10 000



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EXPLANATORY NOTE

BY-LAW 2010 -

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

Cornell Rouge Development Corporation
19TM-08002
Part of Lots 11-15, Concession 9
Cornell Planning District

LANDS AFFECTED

The by-law applies to 66 ha of lands, located south of 16th Avenue, between Cornell Centre Boulevard and Reesor Road.

EXISTING ZONING

The lands subject to this By-law are presently zoned Agriculture One (A1) by By-law 304-87, as amended.

PURPOSE AND EFFECT

The purpose and effect of this by-law is to incorporate the lands into appropriate residential zone categories within By-law 177-96, as amended. The proposed zoning designation is Residential Two (R2) with exceptions, Community Amenity and a Holding provision, and Open Space (OS1). These zones will permit the proposed 996 residential units, and open space.

DRAFT

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

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

1. By-law 177-96, as amended, is hereby further amended as follows:
 - 1.1 By expanding the designated area of By-law 177-96, as amended, to include those lands comprising part of Lots 11 to 15, Concession 9, as outlined on Schedule 'A1' and Schedule 'A2', attached hereto.
 - 1.2 By zoning the lands:

Residential Two 190*192	[R2*190*192]
Residential Two 190*192 (Holding)	[R2*190*192 (H)]
Residential Two 190*192 (Holding One)	[R2*190*192 (H1)]
Residential Two 190*193	[R2*190*193]
Residential Two 190*193 (Holding)	[R2*190*193 (H)]
Residential Two 190*193 (Holding One)	[R2*190*193 (H1)]
Community Amenity One (Holding Two)	[CA1 (H2)]
Open Space One	(OS1)
Open Space Two	(OS2)
 - 1.3 By adding the following new subsections to Section 7 – EXCEPTIONS, to By-law 177-96:

“7.420 Cornell Rouge

Notwithstanding any other provisions of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol *420 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

7.420.1 Permitted Uses:

The following is the only permitted use:

- a) one *place of worship*

7.420.2 Zone Standards

The following specific zone standards apply:

- a) Minimum required *front yard* – 6.0 metres
- b) Minimum required *rear yard* – 6.0 metres
- c) Minimum required *side yard* – 3.0 metres
- d) Maximum *exterior side yard* – 3.0 metres

- e) Maximum *height* – 10 metres
- f) Minimum width of landscaping area adjacent to the *front lot line* – 6.0 metres
- g) Minimum width of *landscaping* area required to all other *lot lines* – 3.0 metres

7.420.3 Special Site Provisions

The following specific site provisions shall apply:

- a) The *front lot line* is the west *lot line*.
- b) No parking shall be permitted between the *building* and the *front lot line*.

1.4 HOLDING PROVISIONS:

For the purpose of this By-law, Holding (H) and Holding (H1) *zones* are hereby established and are identified on Schedule ‘A’ attached hereto by the letters (H) and (H1) in parenthesis following the zoning symbol.

No person shall hereafter *erect* or *alter* any *building* or *structure* on lands subject to ‘(H) or (H1)’ provisions for the purpose permitted under this By-law until amendments to this By-law to remove the letters ‘(H) and ‘(H1)’ have come into effect pursuant to the provisions of Section 36 of the Planning Act.

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

- a) York Region has advised in writing that the expected completion of the Duffin Creek Water Pollution Control Plan expansion project and the YDSS Flow Control Structures project will be within six (6) months; and
- b) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development; or
- c) The Council of the Town of Markham approves servicing allocation to the lands that are not dependent upon the construction of Regional infrastructure; or
- d) The Regional Commissioner of Environmental services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

1.3.2 Prior to removing the '(H1)' Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

- a) York Region has advised in writing that the expected completion of the Southeast Collector Sewer will be within six (6) months;
- b) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the lands; and,
- c) The Trustee for the Cornell Developers Group Cost Sharing Agreement has assigned the required units of servicing (water and sewer) allocation to the Owner; or
- d) The Council of the Town of Markham approves servicing allocation to the lands that are not dependent upon the construction of Regional infrastructure; or
- e) The Regional Commissioner of Environmental services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

1.3.3 Prior to removing the '(H2)' Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

- a) The owner shall obtain site plan approval from the Town.

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

15TH AVENUE

MORNING DOVE DRIVE

WHITE'S HILL AVENUE

SHADY OAKS AVENUE

CORNELL CENTRE BOULEVARD

CORNELL RIDGE BOULEVARD

FROM A1(BY-LAW 304-87) TO R2*190*192(H1)

FROM A1(BY-LAW 304-87) TO R2*190*192(H1)

FROM A1(BY-LAW 304-87) TO R2*190*192(H2)

FROM A1(BY-LAW 304-87) TO R2*190*193(H1)

FROM A1(BY-LAW 304-87) TO R2*190*192(H2)

FROM A1(BY-LAW 304-87) TO OS1

FROM A1(BY-LAW 304-87) TO OS1

FROM A1(BY-LAW 304-87) TO R2*190*192(H2)

MARKHAM

DEVELOPMENT SERVICES COMMISSION

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

<p>BOUNDARY OF AREA COVERED BY THIS BY-LAW</p>		<p>ZONE BOUNDARY</p>	
A1	AGRICULTURE ONE	OS1	OPEN SPACE ONE
R2	RESIDENTIAL TWO	OS2	OPEN SPACE TWO
CA1	COMMUNITY AMENITY ONE	*(No)	EXCEPTION NUMBER
		(H)(H1)	HOLDING PROVISION

THIS IS SCHEDULE 'A1' TO BY-LAW

PASSED THIS DAY

.....MAYOR

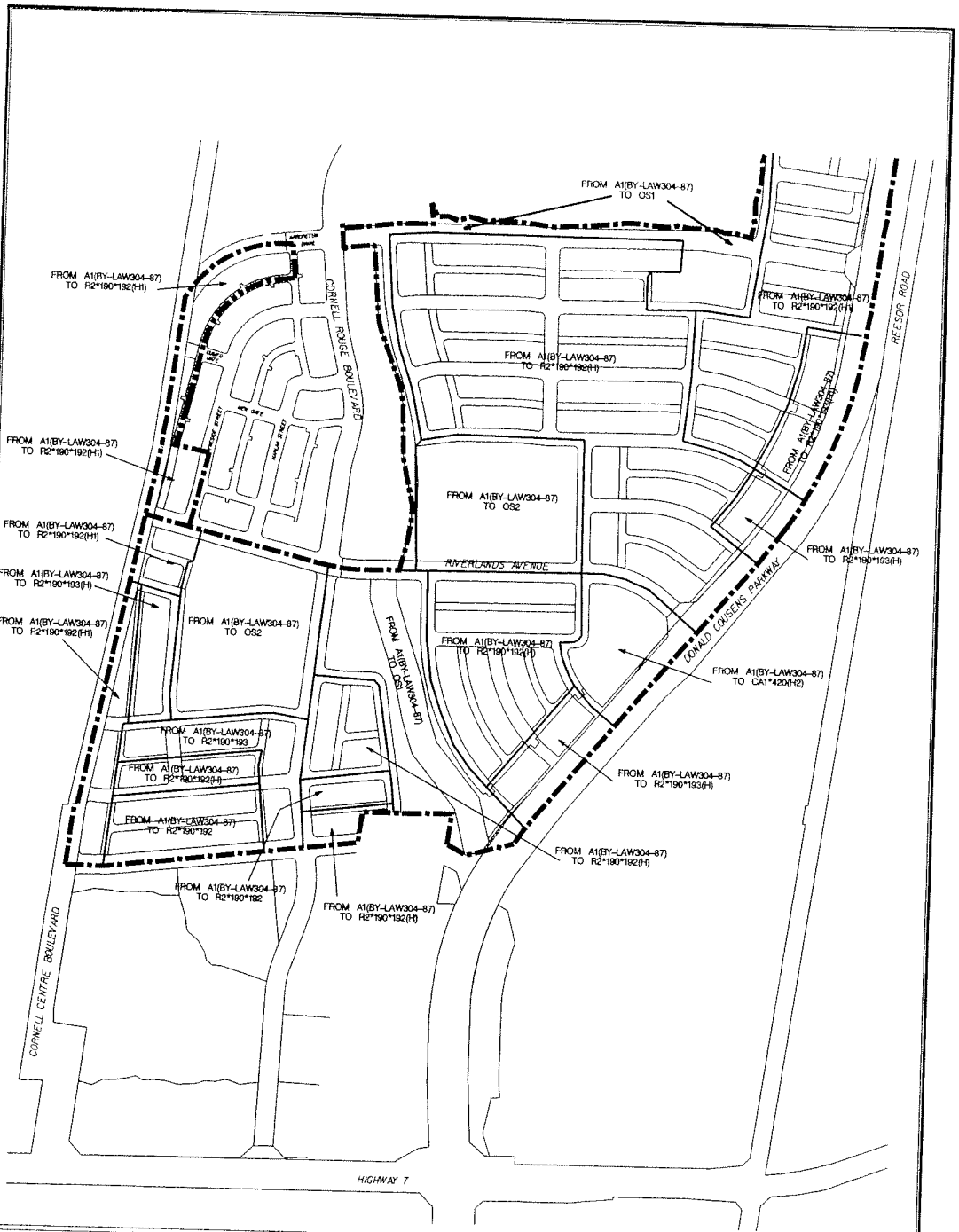
.....CLERK

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: 6000

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DEVELOPMENT SERVICES COMMISSION

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

	BOUNDARY OF AREA COVERED BY THIS BY-LAW
	ZONE BOUNDARY
	AGRICULTURE ONE
	RESIDENTIAL TWO
	COMMUNITY AMENITY ONE

	OPEN SPACE ONE
	OPEN SPACE TWO
	EXCEPTION NUMBER
	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: 6000

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