



Report to: Development Services Committee

Report Date: November 18, 2014

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**SUBJECT:** RECOMMENDATION REPORT  
Kylemore Communities (Victoria Square) Ltd.  
10975 Woodbine Avenue  
Applications for Zoning By-law Amendment and Draft Plan of  
Subdivision  
File No. ZA 13 113916 & SU 13 113916

**PREPARED BY:** Geoff Day MCIP, RPP, Ext. 2051  
Senior Planner, West District

**REVIEWED BY:** David Miller, MCIP, RPP, Ext. 4960  
Manager, West District

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**RECOMMENDATION:**

1. That the Staff report entitled "RECOMMENDATION REPORT, Kylemore Communities (Victoria Square) Ltd., 10975 Woodbine Avenue, Applications for Zoning By-law Amendment and Draft Plan of Subdivision, File No. 13 113916 & SU 13 113916" be received;
2. THAT the record of the Public Meeting held on April 1, 2014, relating to the applications for Zoning By-law Amendment and Draft Plan of Subdivision Approval by Kylemore Communities (Victoria Square) Ltd., located on the east side of Woodbine Avenue, north of Elgin Mills Road, within the Highway 404 North Secondary Plan area, be received;
3. THAT Draft Plan of Subdivision 19TM-13002 prepared by J.D. Barnes Ltd, identified as Project Number 14.2027 dated October 29, 2014, be endorsed subject to conditions of draft plan approval set out in Appendix 'C' to this report;
4. THAT final approval of Draft Plan of Subdivision 19TM-13002 prepared by J.D. Barnes Ltd, identified as Project Number 14.2027 dated October 29, 2014, be delegated to Staff;
5. THAT servicing allocation for 147 units be granted to plan of subdivision 19TM-13002 from the total allocation for the Highway 404 North Secondary Plan area, assigned in accordance with the June 11, 2014 report on servicing allocation;

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6. THAT the draft plan approval for plan of subdivision 19TM-13002 will lapse after a period of three years commencing on the date of issuance of draft plan approval, in the event that a subdivision agreement is not executed within that period;
  7. THAT the City reserves the right to revoke or reallocate the servicing allocation should the development not proceed in a timely manner;
  8. THAT the Region of York be advised of the servicing allocation for this development;
  9. AND THAT the draft amendments to Zoning By-laws 304-87 and 177-96 for the subject lands, attached to this report as Appendix 'A', be finalized and enacted;
  10. AND FURTHER THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**EXECUTIVE SUMMARY:**

The 5.56 ha (13.74 ac) site is located within the Highway 404 North Planning District PD 42-1 (OPA 149) on the east side of Woodbine Avenue, north of Elgin Mills Road and the Hamlet of Victoria Square, municipally known as 10975 Woodbine Avenue.

The draft plan of subdivision proposes 146 residential units in the form of townhouse units.

A listed heritage dwelling will be relocated and preserved for residential occupancy in a prominent location within the subdivision at the southern most entrance adjacent to a 0.5 hectare (1.24 acre) public park. Servicing allocation has been assigned for the entire plan area.

The proposed 146 townhouse lots comply with the uses and density (17 to 37 units per hectare) provided for in the Urban Residential – Low Density designation in the Secondary Plan. A zoning by-law amendment is required to implement the draft plan, and is attached as Appendix 'A', to this report.

A statutory Public Meeting was held on April 1, 2014, to consider the draft plan of subdivision and companion zoning by-law amendment applications. Matters raised at the meeting were as follows:

- a) Concern over the length of several of the laneways;
- b) The height of the proposed retaining wall along the eastern periphery of the site;
- c) Provision of parkland dedication; and,
- d) The proximity of the park to the hydro corridor.

These and other matters raised during the review process have been addressed to Staff's satisfaction, through revisions to the draft plan.

Staff are of the opinion that the plan provides for an efficient and attractive layout with an appropriate transition to the Victoria Square community to the south. Staff recommend that Council endorse the draft plan of subdivision and zoning, subject to the conditions set out in this report and to the draft plan conditions attached as Appendix 'C'.

**PURPOSE:**

This report presents an overview and evaluation of the proposed subdivision. The report also includes the draft zoning By-law amendment to permit the proposed development. The report recommends approval of the zoning By-law amendment and the draft plan of subdivision, subject to conditions.

**BACKGROUND:**

The 'subject property', municipally known as 10975 Woodbine Avenue, is located on the east side of Woodbine Avenue, west of the Hydro Corridor, north of Elgin Mills and Victoria Square (Figure 1). An unoccupied heritage dwelling, on the property, is listed in the City of Markham's Inventory of Heritage Buildings. The remainder of the property is currently being farmed (Figure 3).

The subject site is approximately 5.56 ha (13.74 ac) in size. To the south are two existing dwellings, addressed as 10945 Woodbine Avenue and 10925 Woodbine Avenue, that are subject to active rezoning and draft plan of subdivision applications (ZA & SU 14 136727). These applications were filed separately from the subject applications and are not as advanced in the review process, but are being designed to integrate with the subject property. To the north is a gas station and restaurant, addressed as 11087 Woodbine Avenue. Located to the west, across Woodbine Avenue, are residential lands within the Cathedral Community that have been developed over the last few years. To the east across the Hydro Corridor are vacant lands that form part of the "Future Neighbourhood Area" in the recently adopted Markham Official Plan 2014 (not yet in force).

**A residential low density subdivision proposed**

The draft plan of subdivision is approximately 5.56 ha (13.74 ac) in size. A minor collector road identified in the recently adopted Markham Official Plan 2014 (not yet in force) bisects the subdivision. The Zoning By-law Amendment application proposes to re-zone the lands to allow for a 146 unit lane and street based townhouse development. The proposal includes a 0.5 ha (1.24 ac) public park, a stormwater management pond, and the restoration and preservation of the heritage dwelling (see Figure 4 and Table 1 for site statistics).

SUBDIVISION STATISTICS  
TABLE 1

LAND USE	NO. OF UNITS	BLOCK NO.	HECTARES	ACRES
Park		30	0.5	1.24
Reserves		33-35	0.06	0.14
Roads			1.66	4.1
Heritage Dwelling -Single Detached	1	31	0.05	0.12
8.7m Townhouse Dwellings	50	1-11	1.44	3.56
5.5m Townhouse Dwellings	10			
6.2m Lane based Townhouse Dwellings	45	12-25	1.11	2.74
4.7m lane based Townhouse Dwellings	35			
<b>Residential Reserve</b> 8.7m Townhouse Dwellings	2	26-27	0.06	0.15
<b>Residential Reserve</b> 5.5m Townhouse Dwellings	1			
<b>Residential Reserve</b> 6.2m Lane based Townhouse Dwellings	2	28-29	0.04	0.1
<b>Residential Reserve</b> 4.7m lane based Townhouse Dwellings	1			
Stormwater Management Pond		32	0.64	1.58
<b>TOTAL</b>	<b>147</b>		<b>5.56</b>	<b>13.74</b>

### Official Plan

The in-force Official Plan (Revised 1987), as amended, designates the subject lands Urban Residential. In the recently adopted Markham Official Plan 2014 (not yet in force), the subject lands are designated Residential Low Rise. The 2014 Official Plan (Section 9.10.4), states that until a revised secondary plan is approved for the Highway 404 North lands, the provisions of the Official Plan (Revised 1987), as amended and Secondary Plan PD 42-1, as amended shall apply.

### Secondary Plan

The subject lands are designated Urban Residential- Low Density in the Secondary Plan for the Highway 404 North Planning District PD 42-1 (OPA 149). The Urban Residential Low Density designation provides for single detached, semi-detached, and townhouse units within the designation. The combined net density of the Urban Residential – Low Density designation is required to be within the range of 17.0 to 37.0 units per hectare (uph) (6.88 to 14.97 units per acre). The other Urban Residential – Low Density subdivision within the Secondary Plan Area is the Vetmar subdivision located to the north and northwest of this proposed development. Table 2 shows the individual and combined net densities for the two developments.

COMBINED NET DENSITY OF THE LOW DENSITY DESIGNATION  
TABLE 2

	<b>Other Approved Urban Residential – Low Density Lands in the Secondary Plan Area</b>	<b>Kylemore (based on the plan dated October 29, 2014)</b>	<b>TOTAL</b>
<b>Gross Site Area ha (ac)</b>	<b>13.80 (34.10)</b>	<b>5.56 (13.74)</b>	<b>19.36 (47.84)</b>
Roads & reserves ha (ac)	4.98 (12.30)	1.71 (4.23)	<b>6.69 (16.53)</b>
Parks ha (ac)	0.77 (1.90)	0.5 (1.24)	<b>1.27 (3.14)</b>
Stormwater Management Pond ha (ac)	N/A	0.635 (1.57)	<b>0.635 (1.57)</b>
<b>Net Residential Site Area ha (ac)</b>	<b>8.05 (19.89)</b>	<b>2.72 (6.72)</b>	<b>10.77 (26.61)</b>
Single Detached units	30	1 (heritage dwelling)	<b>31</b>
Semi Detached units	114	N/A	<b>114</b>
Townhouses units	57	146	<b>203</b>
<b>Total residential units within the Urban Residential - Low Density designation</b>	<b>201</b>	<b>147</b>	<b>348</b>
<b>Net Residential Density uph (upa)</b>	<b>24.97 uph 10.12 upa</b>	<b>54.04 uph 21.88 upa</b>	<b>32.31 uph 13.08 upa</b>

The approved Urban Residential- Low Density lands in the Secondary Plan area have a combined residential density of 32.31 uph which is within the 17.0 to 37.0 units per hectare density range, as required in the Highway 404 North Planning District Secondary Plan.

### **Buffering**

The Secondary Plan requires that the lands immediately adjacent to the Hamlet of Victoria Square contain adequate buffering in order to transition to the rural nature of the hamlet. The naturalized stormwater management pond, proposed in the south east portion of the plan area, provides for this buffer and meets the intent of the Secondary Plan policy.

### **Zoning**

The subject lands are zoned Agricultural One (A1) by By-law 304-87 as amended (Figure 2). The zoning amendment will re-zone the subject lands in accordance with the

secondary plan policies to permit a residential subdivision. A draft of the proposed zoning by-law is attached as Appendix 'A'.

The subdivision is proposed to be zoned as follows:

**1. For street accessed dwellings**

- a) to permit only street townhouses dwellings and associated home occupations subject to the Residential Two (R2) wide shallow provisions of By-law 177-96, as amended;
- b) permission for building heights from 11 metres (by-law standard), to 14 metres;
- c) permission for the reduction in rear yards from 7 metres (by-law standard) to 6 metres;
- d) permission for 8.7m wide units with double car garages and driveways; and,
- e) permission for a maximum of eleven (11) - 5.5m wide units with single car garages and driveways\*.

\* The applicant has proposed 11 – 5.5m wide units with single car garages and driveways within this area of the plan. Staff have agreed to this reduced unit width provided that the number of 5.5m units be capped at 11 and, that no 5.5m unit abut another 5.5m unit. The applicant has agreed to this condition. The draft plan attached as Figure 4 reflects the number of units and their proposed locations.

**2. For lane accessed dwellings**

- a) to permit only lane accessed townhouse dwellings and associated home occupations subject to the Residential Two – Lane Access (R2-LA) provisions of By-law 177-96, amended as follows:

**ZONING PROVISIONS FOR “WIDE SHALLOW” LANE ACCESSED  
TOWNHOUSES**

TABLE 3

		<b>By-law Standard</b>	<b>Proposed Standard</b>
a)	Minimum lot frontage: Interior unit	5.5 metres	4.7 metres
b)	Minimum lot frontage: End unit	6.7 metres	5.9 metres
c)	Minimum lot frontage: Corner lot unit	7.9 metres	7.1 metres
d)	Minimum lot depth	26.0 metres	21.0 metres
e)	Minimum required rear yard *	14.8 metres	0.6 metres
f)	Minimum required rear yard to attached private garage	Not applicable	5.8 metres
g)	Maximum building height	11.0 metres	14.0 metres

- \* The zoning By-law will include a provision to permit private garages to be permitted within or attached to the main building, and to require a minimum outdoor amenity area of 6m<sup>2</sup> (64.6ft<sup>2</sup>).

### **OPTIONS/ DISCUSSION:**

#### **The applications have been deemed complete**

The applications were submitted by Kylemore Communities (Victoria Square) Ltd. and deemed complete on July 22, 2013.

Development Services Committee received Staff's preliminary report on November 5, 2013.

The report identified the following items that needed to be addressed:

- a) Outstanding comments from York Region Transportation and Works Department regarding access from the site onto Woodbine Avenue;
- b) Submission and review of a Hydro Electromagnetic Study;
- c) A request to the applicant to provide a plan showing a potential development concept on the abutting properties (10945 & 10625 Woodbine Avenue), in order to demonstrate that the proposed development will not compromise the future development of these lands;
- d) Confirmation of membership in good standing with the 404 North Developer's Group;
- e) Incorporation of the subject lands into the West Cathedral Community Design Plan.

Development Services Committee also authorized the Statutory Public Meeting at that time.

#### **Public Meeting held**

On April 1, 2014, a Public Meeting, to obtain input from the public, was held. Comments were raised by the Development Services Committee members as follows:

- a) Concern over the length of several of the laneways;
- b) The height of the proposed retaining wall along the eastern periphery of the site;
- c) Provision of parkland dedication; and,
- d) The proximity of the park to the hydro corridor.

There were no comments from the public with respect to this proposal.

#### **Outstanding matters identified in the November 5, 2013 Preliminary Report, at the Public Meeting and through the review process have been addressed as follows**

Since the original submission, this plan has undergone a number of refinements. Staff and the proponent have collaboratively worked to address the above noted matters including, but not limited to:

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- a) Comments from York Region Transportation and Works Department;  
On October 28, 2014, Staff received formal conditions of draft plan approval from York Region. These conditions are found in Section 22 of Appendix 'C'.
- b) The internal street network including laneway lengths;  
The laneway lengths have been reduced where feasible. In the instances where the laneway lengths could not be reduced, the applicant has committed to the installation of sprinkler systems to be installed in the appropriate dwelling units. This is satisfactory to both Fire and Operations Departments. Clause 21.3 of the attached Draft Plan Conditions requires the Owner to install fire protection sprinkler systems on the affected block (24) in conformance with the Ontario Building Code.
- c) The height of the proposed retaining wall along the periphery of the site;  
The elevation of the subject lands is required to be raised by approximately 3 metres in places in order for the sanitary sewers to drain to the trunk main located to the north-west. This initially resulted in retaining walls of up to 3 metres at both the eastern portion of the plan and adjacent to the stormwater management pond. The proposed retaining walls along the periphery of the site have now been drastically reduced from 3.0 metres (9.8 ft) to 0.6 metres (2 ft). The Owner is presently in negotiations with Hydro One to determine whether a portion of the west side of the Hydro Corridor can be re-graded to eliminate the need for retaining walls altogether.
- d) The location of the proposed public park;  
Since the Public Meeting, the public park has increased in size from 0.3 ha (0.74 ac) to 0.5 ha (1.24 ac) and has been moved from a location abutting the Hydro Corridor on the east side of the subdivision to the west side of the subdivision. This relocation gives the park visibility and accessibility from Woodbine Avenue and the neighbouring community to the west.
- e) Provision of the full parkland dedication;  
With this new plan, the proposed park provides 100% of the required parkland dedication.
- f) Submission and review of the Hydro Electromagnetic Study;  
Section 5.4.3 a) i) of the Highway 404 North Secondary Plan requires that:
- “Prior to approval of new residential development on lands within 56 metres of the centerline of the Hydro One transmission corridor, the City will require a study to be completed by a qualified consultant identifying the current and anticipated future electromagnetic fields generated by the transmission of electricity to which residents in dwellings located at various distances from the corridor may be exposed ...”*

On October 30, 2014, Kinectics Inc., submitted a Magnetic Field Study in accordance with the policies contained in section 5.4.3 a) i) of the Highway 404 North Secondary



Plan. The data was collected immediately adjacent to the Hydro Corridor. The conclusions from that study indicated that the:

*“...calculated maximum magnetic flux density at the property line in the worst case scenario is significantly lower than the limits given by the [Institute of Electrical and Electronics Engineers] IEEE and the [International Commission on Non-Ionizing Radiation Protection] ICNIRP, referenced by the [World Health Organization] WHO. In fact, the calculated magnetic field is two magnitudes lower than the limit provided by ICNIRP and at least three magnitudes lower than IEEE limits. At further distance from the ROW the magnetic field density will be lower.”*

The study made no recommendations about changes to the plan.

- g) A request to submit a conceptual plan of the abutting properties (10945 & 10925 Woodbine Avenue):  
On September 19, 2014, complete Zoning By-law Amendment and Plan of Subdivision applications were submitted for 10925 and 10945 Woodbine Avenue. These applications have been circulated to internal departments and external agencies for comment. Staff have worked with the applicant to ensure that the street and lotting patterns are integrated with the subject lands. They will be the subject of a preliminary report to the Development Services Committee in the near future.
- h) Confirmation of membership in good standing with the 404 North Developer’s Group;  
Staff have advised the applicant of this requirement. Confirmation will be required prior to registration of the draft plan.
- i) Incorporation of the subject lands into the West Cathedral Community Design Plan.  
Staff have finalized their review of the architectural design guidelines submitted in support of this application. The November 18, 2014 report titled “Kylemore Victoria Square Community Design Plan and Architectural Design Guidelines” recommends that both the Kylemore Communities (Victoria Square) Ltd. Neighbourhood Design Brief (“CDP”), and the Kylemore Communities (Victoria Square) Ltd. Architectural Design Guidelines (“ADG”), be approved in principle. The CDP will serve as an addendum to the Cathedral Community Design Plan.

### **Architecture and Site Planning**

The proposed architecture for Kylemore Communities (Victoria Square) will be influenced by the traditional styles of the local heritage character of the area, including primarily Victorian (Queen Anne & Richardsonian Romanesque), Edwardian and Georgian-based styles, which will be applied consistently throughout the subdivision.

Buildings will be sited to establish well-defined street edges and foster safe, pedestrian-friendly and harmonious streetscapes. Additionally, dwellings with street-facing garages

will be designed to provide façades that reduce the visual prominence of the garage. The townhouses around the public park will be designed to maintain consistent frontages including dual frontage designs.

**Heritage dwelling**

The listed *classic revival* heritage dwelling named the “George Peach Farmhouse” was built in the late 1840’s/early 1850’s. A snapshot of the lives of the Peach family can be found in Appendix ‘B’.

Heritage Markham, on August 14, 2013, passed a motion to support the integration and protection of the dwelling within the proposed draft plan of subdivision. Since the Public Meeting, the siting of the dwelling has been changed from the southerly portion of the plan, to the north-east corner of Woodbine Avenue and the minor collector road that bisects the plan. The heritage dwelling is now adjacent to the public park. This relocation will display, in a prominent location, this historic dwelling, which will be sold for residential occupancy.

Staff recommend that Council add the names of George Peach and Isabella Peach to the approved street name and park name reserve list to be specifically used in this community. A formal request has been made to the Development Services Committee in the November 18<sup>th</sup> Staff Report titled “2014 Third Quarter Update of the Street and Park Name Reserve List”. The owner been consulted about using these names and is agreeable.

**The City has assigned 2013 allocation for the proposed development**

Through the report dated June 10, 2014, titled “Servicing Allocation Update”, sufficient allocation has been assigned to this plan of subdivision. The proposed plan can therefore proceed without the need for phasing.

**Environmental/Sustainability initiatives**

The owner offers advanced green technology innovations and eco-friendly high performance features to create a more environmentally friendly and affordable home. The subdivision agreement will contain a clause requiring the owner’s commitment in implementing the sustainable measures identified in Appendix ‘D’.

**TRCA comments outstanding**

As of the date of this report, formal conditions of draft approval have not yet been received from the TRCA. Conditions of Draft Approval require the TRCA to issue a letter permitting the subdivision to be released for registration. This will ensure that the TRCA’s requirements are addressed prior to development commencing. If conditions from the TRCA require modifications/alterations to the plan, Staff anticipate that this can be achieved through red line revisions, in the near future. Once comments from the TRCA have been received, Staff will be in a position to issue Draft Plan Approval subject to a complete set of draft plan conditions. Therefore, in order to streamline the final approval process, Staff are recommending that final approval of the draft plan be delegate to Staff.

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**CONCLUSION:**

Staff are of the opinion that the plan provides for an efficient and attractive layout with an appropriate transition between this residential community and the Victoria Square community to the south. The subdivision will function as a walkable and pedestrian friendly environment. The preservation of the heritage dwelling anchors the park area and acts as a prominent entry feature to the community and further accentuates the City's commitment to heritage preservation.

Staff recommend that Council endorse the draft plan of subdivision, subject to the conditions set out in this report. Staff are recommending that final approval of Draft Plan of Subdivision 19TM-13002, be delegated to Staff, subject to receipt of the outstanding conditions of draft approval from the Toronto & Region Conservation Authority.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

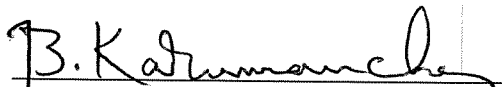
The proposed applications will align with the City's strategic priorities of Growth Management, Transportation, Municipal Services and the Environment by implementing the proposed development and road network improvements in coordination with available servicing allocation.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

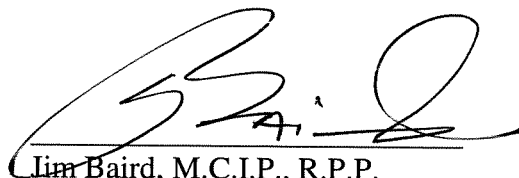
The applications have been reviewed by various City departments and external agencies. Requirements of the City and external agencies will be reflected in the conditions of draft plan of subdivision approval and the implementing zoning by-law amendments.

**HUMAN RESOURCES CONSIDERATIONS:**

Not Applicable

**RECOMMENDED BY:**

Biju Karumanchery, M.C.I.P., R.P.P.  
Acting Director of Planning and Urban Design



Jim Baird, M.C.I.P., R.P.P.  
Commissioner of Development Services

**ATTACHMENTS:**

- Figure 1: Location Map
- Figure 2: Area Context and Zoning
- Figure 3: Aerial Photo
- Figure 4: Draft Plan of Subdivision

- Appendix 'A': Draft By-law Amendment to 177-96 and 304-87
- Appendix 'B': Snapshot of the lives of Isabella and George Peach
- Appendix 'C': Draft Plan Conditions
- Appendix 'D': Sustainable Initiatives

**OWNER/APPLICANT**

Michael Montgomery  
Kylemore (Victoria Square) Ltd.  
1008 Kennedy Road  
Markham, ON L6C 1N9  
Phone: 905 887 0090  
[mmontgomery@angusglen.com](mailto:mmontgomery@angusglen.com)

Figure 1: Location Map

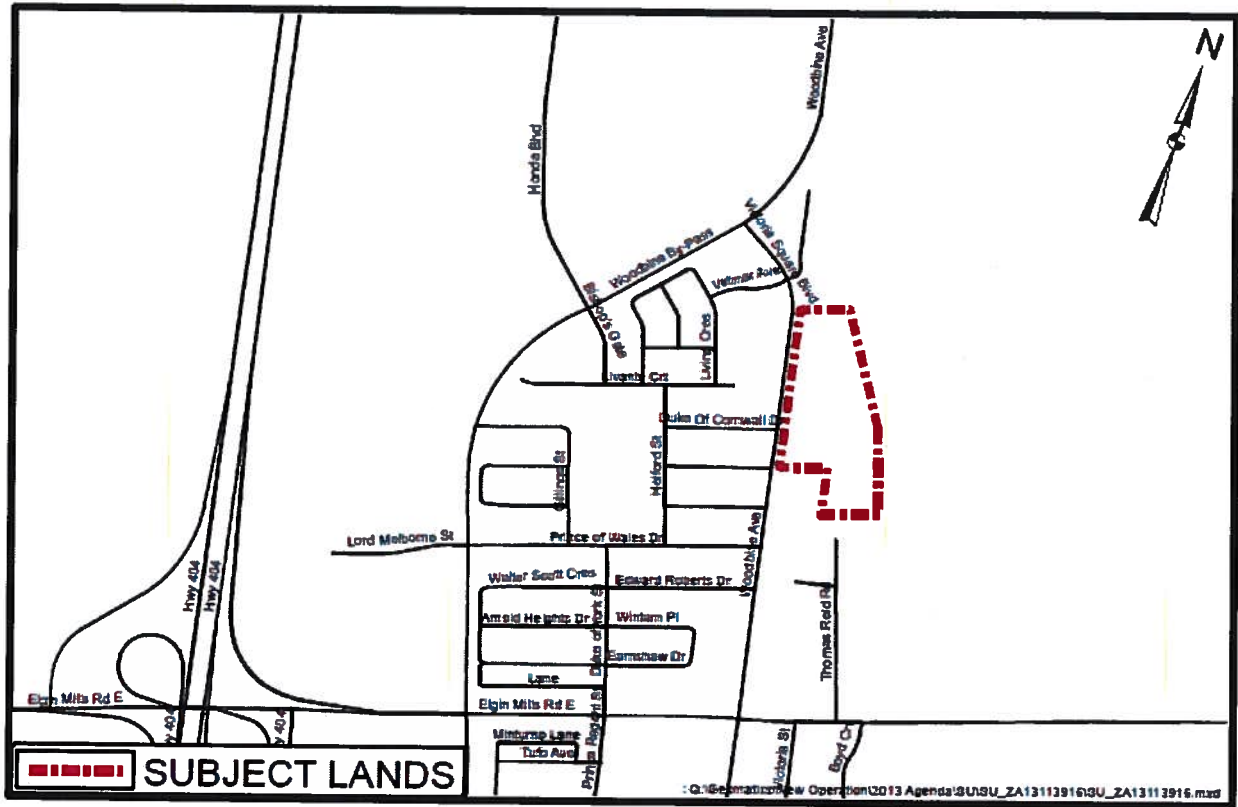


Figure 2: Area Context and Zoning

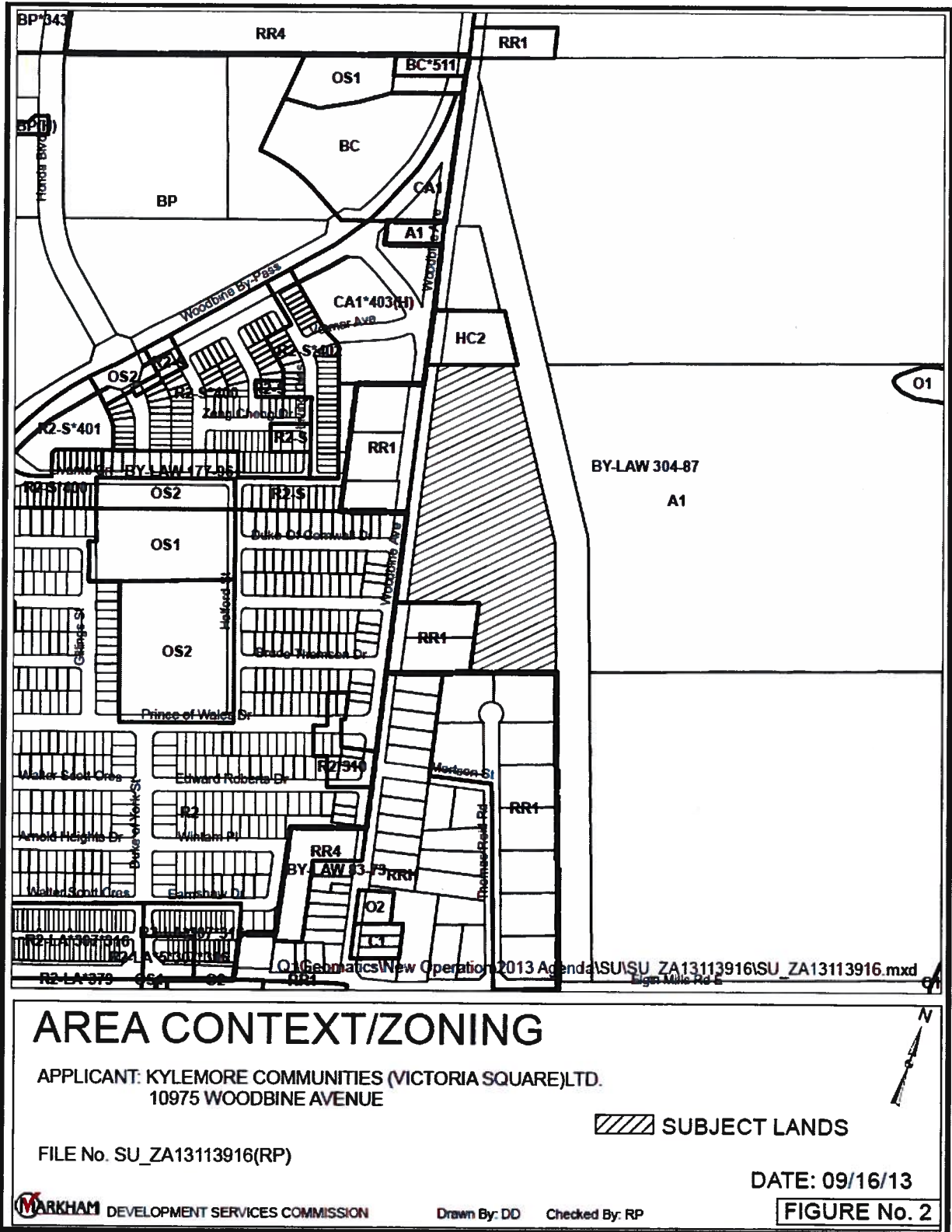


Figure 3: Aerial Photo



# AIR PHOTO 2011

APPLICANT: KYLEMORE COMMUNITIES (VICTORIA SQUARE)LTD.  
10975 WOODBINE AVENUE

FILE No. SU\_ZA13113916(RP)

 SUBJECT LANDS

DATE: 09/16/13

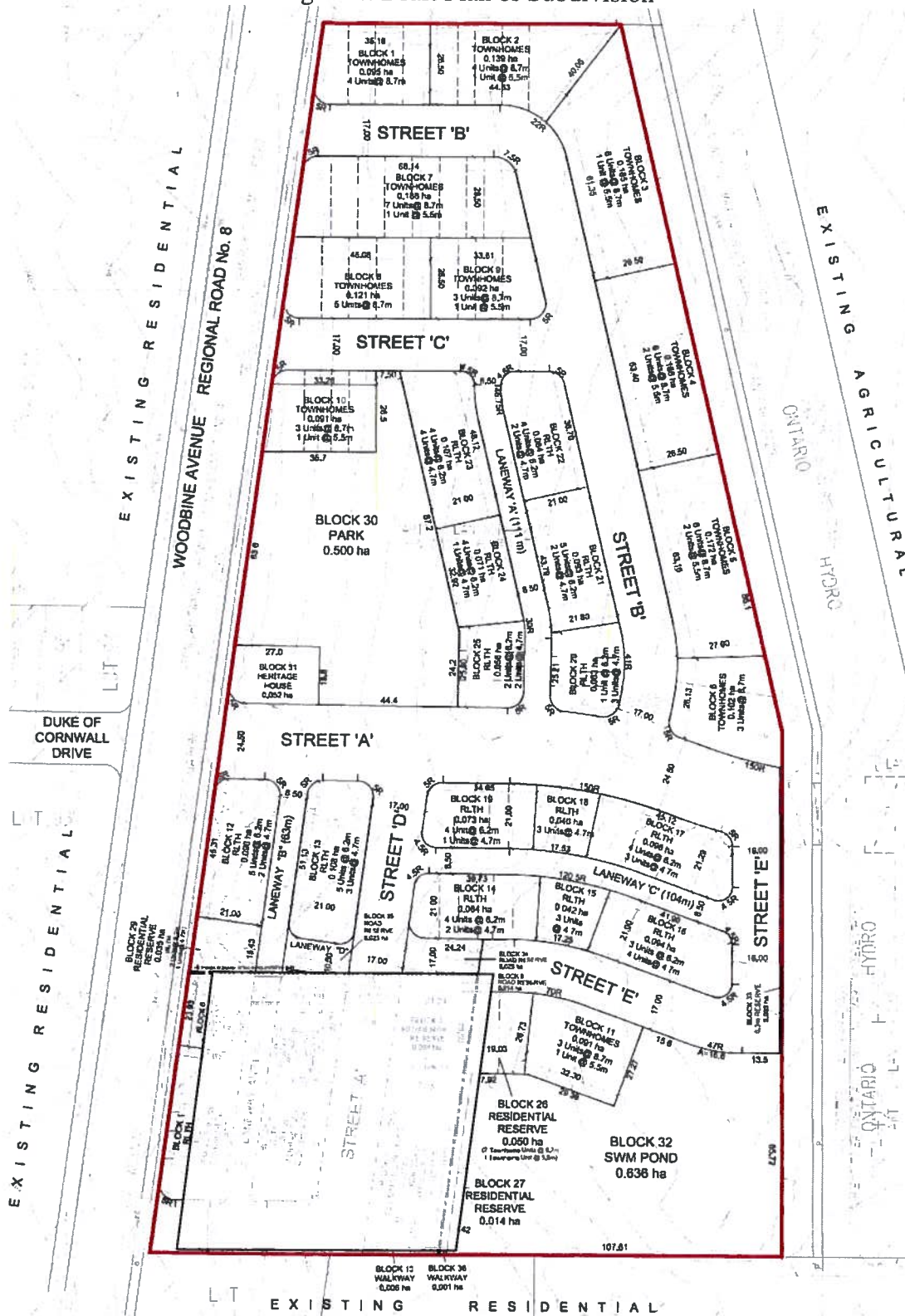
 DEVELOPMENT SERVICES COMMISSION

Drawn By: DD Checked By: RP

**FIGURE No. 3**



Figure 4: Draft Plan of Subdivision





APPENDIX 'A'



**EXPLANATORY NOTE**

**BY-LAW 2014 - \_\_\_\_\_**

**A By-law to amend By-laws 304-87 and 177-96, as amended.**

**Kylemore Communities (Victoria Square)**

**Part of Lot 27, Concession 4**

**Highway 404 North Community**

**Lands Affected**

The proposed by-law amendment applies to 5.56 ha. (13.74 acres) of land located on the east side of Woodbine Avenue, north of Elgin Mills Road and the Hamlet of Victoria Square the Highway 404 North community.

**Existing Zoning**

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

**Purpose and Effect**

The purpose of the by-law amendment is to delete the lands from By-law 304-87, as amended, and incorporate the lands into the following zoning designations within By-law 177-96, as amended:

Residential One – F18 * 527	R1-F18* 527
Residential Two * 528	R2 * 528
Residential Two – Lane Access * 529	R2 – LA*529
Open Space One	OS1

The effect of the by-law amendment is to zone the lands to facilitate the construction of a 146 unit, lane and street based townhouse development and the restoration and preservation of a heritage dwelling. The zoning amendment will also permit a public park and stormwater management pond in the Open Space One (OS1) designation.



## BY-LAW 2014 - \_\_\_\_\_

**A By-law to amend By-law 304-87, as amended,**  
 (To delete lands from the designated area of By-law 304-87)  
**and to amend By-law 177-96, as amended**  
 (To incorporate lands into the designated area of By-law 177-96)

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

1. THAT By-law 304-87, as amended, is hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated area of By-law 304-87, as amended.

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

2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands shown on Schedule 'A' attached hereto.

2.2 By zoning the lands:

Residential One – F18 * 527	R1-F18* 527
Residential Two * 528	R2 * 528
Residential Two – Lane Access * 529	R2 – LA*529
Open Space One	OS1

as shown on Schedule 'A' attached hereto.

2.3 By adding the following subsections to Section 7 – EXCEPTIONS:

**“7.527 Kylemore Communities (Victoria Square) – George & Isabella Peach Farmhouse**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*527 on Schedule 'A' to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**7.527.1 Zone Standards**

Notwithstanding the standards outlined in Table B1 to the contrary, the following specific zone standards apply:

- a) Minimum *lot area* – 0.05 ha
- b) Minimum required *front yard* – 3.0 metres
- c) Minimum rear yard – 1.5 metres

**7.527.2 Special Site Provisions**

- a) *Driveways* are only permitted to cross the *exterior side lot line* to access the *dwelling unit*

**“7.528 Kylemore Communities (Victoria Square) – Street Accessed Townhouse Dwellings**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*528 on Schedule ‘A’ to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**7.528.1 Only Uses Permitted**

The following are the only uses permitted:

- a) *Townhouse dwellings*
- b) *Home occupations*

**7.528.2 Zone Standards**

Notwithstanding the standards outlined in Table B2 to the contrary, the following specific zone standards apply:

- a) Maximum *height* – 14.0 metres
- b) Minimum *lot frontage* - 8.7 metres
- c) Minimum rear yard – 6.0 metres

**7.528.3 Special Site Provisions**

The following additional provisions apply:

- a) A maximum of 11 – 5.5 metre wide *townhouse dwellings* are permitted within the Residential Two \*528 [R2\*528] zone

- b) No 5.5 metre wide *townhouse dwelling* shall abut another 5.5 metre *townhouse dwelling*
- c) Notwithstanding Section 6.2.1 b) iii), *decks* that have a *height* greater than 1.0 metre above the lowest ground surface at any point around the perimeter of the platform are permitted to extend from the wall closest to the *rear lot line* a maximum of 3.0 metres provided that the floor of the *deck* is not higher than the floor level of the second *storey* of the *main building*
- d) Maximum width of an attached *private garage* and associated *driveway* on a lot of less than 8.7 metres – 3.0 metres
- e) Maximum width of an attached *private garage* on a lot 8.7 metres or more – 5.6 metres
- f) Maximum width of a *driveway* on a lot 8.7 metres or more – 4.9 metres

**“7.529 Kylemore Communities (Victoria Square) – Lane Accessed Townhouse Dwellings**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*529 on Schedule ‘A’ to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**7.529.1 Only Uses Permitted**

The following are the only uses permitted:

- a) *Townhouse Dwellings*
- b) *Home Occupations*

**7.529.2 Zone Standards**

The following specific zone standards apply:

- a) Minimum *lot frontage* for an *interior lot* - 4.7 m;
- b) Minimum *lot frontage* for an end unit on an *interior lot* - 5.9 m;
- c) Minimum *lot frontage* for an end unit on a *corner lot* - 7.1 m;
- d) Minimum *required rear yard* – 0.6 m;
- e) Minimum *required rear yard* to the wall of an attached *private garage* that contains the opening for *motor vehicle* access – 5.8 m;
- f) Maximum *height* – 14 m;
- g) Minimum area of *outdoor amenity space* – 6 sq. m;
- h) A *private garage* is permitted to be within or attached to the *main building*, if the lot is accessed by a lane.

**7.529.3 Special Site Provisions**

The following additional provisions shall apply:

- a) An *outdoor amenity space* may include a *deck and/or balcony*.
- 3. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

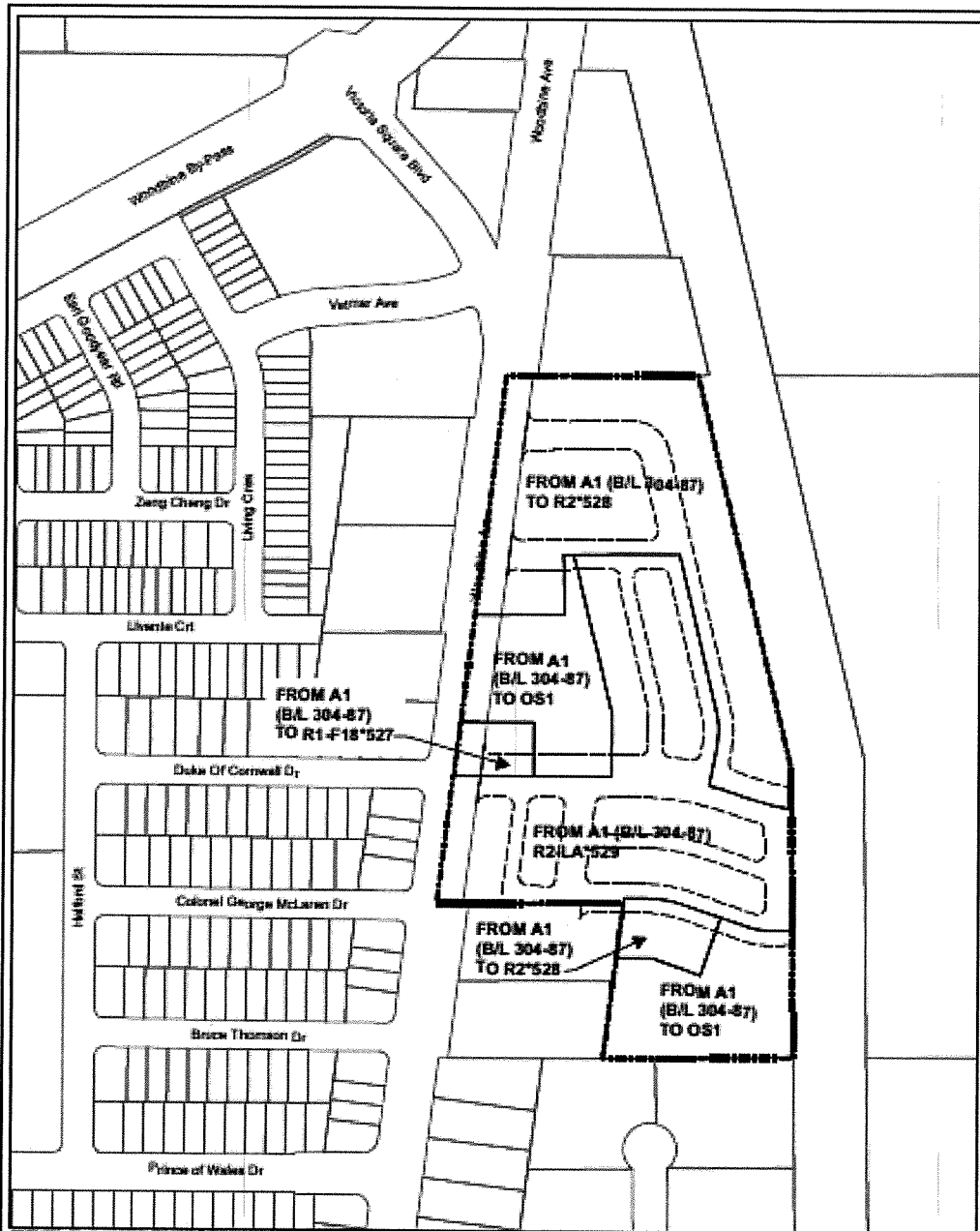
READ A FIRST, SECOND, AND THIRD TIME AND PASSED ON NOVEMBER 25, 2014.

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KIMBERLEY KITTERINGHAM  
CITY CLERK

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FRANK SCARPITTI  
MAYOR



**BY-LAW SCHEDULE "A" TO BY-LAW AMENDING BY-LAWS 304-87 AND 177-96 DATED**

-  BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE TO BE DELETED FROM 304-87 AND ADDED TO 177-96
-  BOUNDARY OF ZONE DESIGNATION(S)
-  RESIDENTIAL ONE
-  RESIDENTIAL TWO
-  RESIDENTIAL TWO WITH LANE ACCESS
-  OPEN SPACE ONE
-  EXCEPTION SECTION NUMBER

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NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office.

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## APPENDIX 'B'

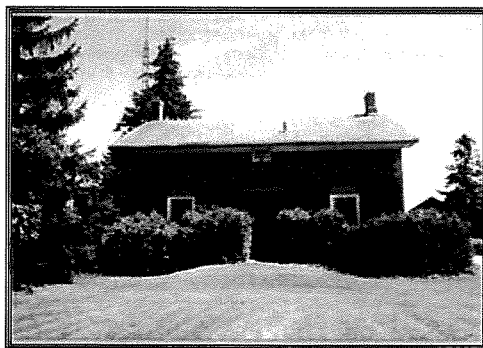
### Snapshot of the lives of Isabella and George Peach

The Peach family name has significant historic value to not just the Victoria Square community but the then Township of Markham. Born in 1820, George Peach emigrated from England in 1830 and married Isabella Loadman in the 1840's. 1851 Census data shows the couple living in the home within this proposed plan of subdivision. George and Isabella raised 9 children and George became an established and well respected farmer. Tragedy struck in 1870 when George was 51. George was caught in a sudden thunderstorm and was exposed to the elements for an extended period of time. As a result he became sick, caught pneumonia and passed away three weeks later leaving his wife Isabella to raise their 9 children, alone.



*Isabella & George Peach*

The home was likely built with bricks made from the clay that they farmed and the trees from the local woodlots, it features several elaborate details such as Flemish Bond brickwork on the front elevation, a striking front entrance complete with sidelights and transom, poly chromatic brickwork classical eave returns, and frieze. The well designed and proportioned house is a testament to the family's wealth and good taste.



Both Isabella and George are resting in the Victoria Square Cemetery.

## APPENDIX 'C'

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-13002 (KYLEMORE) ARE AS FOLLOWS:****1. General**

- 1.1 Approval shall relate to a Draft Plan of Subdivision 19TM-13002 prepared by J.D. Barnes Ltd, identified as Project Number 14.2027 dated October 29, 2014.
- 1.2 The Owner acknowledges that revisions to the draft plan of subdivision may be required in order to meet the requirements of Conditions 22 and 23, if necessary, to the satisfaction of the Region of York and the TRCA.
- 1.3 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on November 18, 2017, unless extended by the City upon application by the Owner.
- 1.4 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.5 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.
- 1.6 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, TRCA and Region to implement or integrate any recommendations resulting from studies required as a condition of draft approval.
- 1.7 Prior to execution of the subdivision agreement the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, fencing, streetscape, buffer and other landscaping requirements.

**2. Roads**

- 2.1 The road allowances within the draft plan shall be named to the satisfaction of the City and the Region of York.



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- 2.2 The road allowances within the draft plan shall be dedicated as public highway, free of all costs and encumbrances to the satisfaction of the City of Markham.
  - 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 City (Commissioner of Development Services).
  - 2.4 The Owner shall convey, upon registration of the plan of subdivision, 0.3m reserves as required by the City of Markham or other agencies free of all costs and encumbrances, to the satisfaction of the City of Markham.
  - 2.5 The Owner shall covenant and agree in the subdivision agreement to obtain Region of York approval to provide direct construction access from any Regional roads and to provide the City with a copy of this approval.
  - 2.6 The Owner shall covenant and agree in the subdivision agreement that the Owner will make best efforts that no construction traffic shall be allowed through the intersection of Woodbine Avenue and Elgin Mills Road.
  - 2.7 The Owner acknowledges and agrees that the road allowances and intersection configuration within the draft plan shall have right-of-way widths satisfactory to the City in accordance with the Internal Functional Traffic Design Study.
3. Noise Impact Study
- 3.1 Prior to release for registration of the draft plan, the Owner shall submit a Noise Impact Study, prepared by a qualified noise consultant, recommending outdoor and indoor noise control measures for the proposed development, including specific details relating to the width of buffer blocks and height of noise fences, to the satisfaction of the City, 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 City (Commissioner of Development Services), in consultation with the Region of York.
  - 3.3 The Owner shall covenant and agree in the subdivision agreement to convey the necessary Blocks to the City as buffer blocks, free of all costs

and encumbrances. These Blocks shall be conveyed in a physical condition that is satisfactory to the City.

4. Tree Inventory and Tree Preservation Plans

- 4.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time ("Streetscape Manual").
- 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 Top Soil Stripping Permit to the satisfaction of the Director of Planning and Urban Design.
- 4.3 The Owner shall provide tree protection in accordance with the City of Markham "Streetscape Manual" and the approved Tree Preservation Plan, to the satisfaction of the Director of Planning and Urban Design.
- 4.4 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 and within 6.0m of the property line in accordance with the "Streetscape Manual".
- 4.5 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham "Streetscape Manual" a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
  - a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
  - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
  - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites
  - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

## 5. Parks and Open Space

- 5.1 The Owner shall convey Block 30 to the City for parks purposes free of all costs and encumbrances, upon registration of the plan of subdivision. The Block shall be conveyed in a physical condition which is satisfactory to the City. The City 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 prepare and submit a Conceptual Park Development Master Plan for Block 30 indicating all proposed improvements to the lands, to the satisfaction of the Director of Planning and Urban Design. All plans to be submitted for approval shall be prepared by qualified persons acceptable to the Director of Planning and Urban Design.
- 5.3 Prior to the registration, the Owner shall convey to the City, free of all costs and encumbrances, Block 32 for stormwater management purposes and Block 33 for reserve purposes. The Owner acknowledges and understands that these conveyances shall not comprise part of the required dedication for park purposes. These blocks shall be conveyed in a physical condition which is satisfactory to the City.
- 5.4 The Owner shall covenant and agree to rough grade, topsoil, seed, and maintain (free of stock piles and debris) all park blocks and vacant lands within the subdivision to the satisfaction of the City. The park blocks shall be maintained until such time as the parks have been constructed and assumed by the City for maintenance. Other vacant blocks, if any, shall be maintained until such time as the ownership of the blocks has been transferred. No stockpiling of materials, including topsoil and fill, shall occur on any lands to be conveyed to the City.
- 5.5 The Owner shall provide the following in parks to the satisfaction of the Director of Planning and Urban Design:
  - a) Accommodation minimum 300mm topsoil depths in parks
  - b) Access to sufficient topsoil to cover parks at the depths specified in the subdivision agreement
  - c) Water service and meter chamber inclusive of chamber drain to storm or sanitary drain and apparatus
  - d) Storm servicing (CB/manhole) in the low end of each watershed within the park
  - e) Sanitary servicing (dependent on park size)
  - f) Electrical servicing
  - g) Minimum compaction levels

- h) Hydro-seed sub grade of parks
  - i) Undeveloped park maintenance
- 5.6 The Owner shall submit grading, servicing and survey plans by a qualified person for Block 30 to the satisfaction of the Director of Planning and Urban Design.
- 5.7 The Owner shall provide a current geotechnical report by a qualified person for Blocks 30 to the satisfaction of the Director of Planning and Urban Design.
- 5.8 The Owner shall post approved copies of any Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans for the park in all sales offices for dwelling units within the draft plan of subdivision.
- 5.9 The Owner acknowledges that should these works not be completed and maintained to the satisfaction of the Commissioner of Development Services, the City will do the work as required and draw on the letters of credit for all costs so incurred plus 10% for contract administration.

## 6. Streetscape and Landscape Plans

- 6.1 The Owner shall submit landscape plans based on the approved ADG and CDP into all landscape works, to the satisfaction of the Director of Planning and Urban Design:
- a) Minimum 1 street tree per lot, planted in accordance with the "Streetscape Manual";
  - b) Required soil quality and volume in accordance with the "Streetscape Manual";
  - c) 1.8m high wood screen corner lot fencing with masonry pillars;
  - d) 1.5m high black vinyl chain link fence on the property line where residential lots abut open space;
  - e) Buffer planting for open space blocks and single loaded road;
  - f) Noise attenuation fencing as determined by an approved noise study;
  - g) Fencing between low density residential and higher density residential, commercial and industrial sites;
  - h) Fencing and landscape elements between residential and hydro-corridor;
  - i) Pathways, buffer planting, and fencing of the stormwater management facility; and

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- j) Any other landscaping as determined by the CDP and the Environmental Master Drainage Plan.
- 6.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 6.3 The Owner shall provide a minimum 200mm depth of topsoil in the entire municipal boulevard to appropriately plant boulevard trees to the satisfaction of the Director of Planning and Urban Design.
- 6.4 The Owner shall provide a soil report for approval in accordance with the "Streetscape Manual", to the satisfaction of the Director of Planning and Urban Design, prior to the installation of any soil within the boulevard and on public lands.
- 6.5 The Owner shall arrange with the Director of Planning and Urban Design inspections of all areas of landscape works prior to the installation of any planting soil and plant materials in accordance with the approved plans.
- 6.6 The Owner shall notify the Director of Planning and Urban Design 72 hours prior to any landscape works commencing.
- 6.7 The Owner shall guaranteed the prescribed works for two (2) years from City receipt of the Landscape Architect's accepted certificate of substantial completion.
- 6.8 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 4.1.
- 6.9 The Owner shall include in all agreements of purchase and sale the following clause:

"PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS LOT IS LOCATED, THE CITY OF MARKHAM HAS REQUIRIED THE DEVELOPER TO UDNERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:

- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD)
- CORNER LOT FENCING
- REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)

- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF PARK, WALKWAY, STORMWATER MANAGEMENT POND BLOCKS, AND OTHER AREAS AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND OTHER LANDSCAPE WORKS AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY

THE DEVELOPER HAS BORNE THE COST OF THESE ITEMS AND THE HOME PURCHASER IS NOT REQUIRED TO REIMBURSE THIS EXPENSE.”

7. Community Design Plan

- 7.1 The Owner shall revise the Kylemore Communities (Victoria Square) Ltd. Neighbourhood Design Brief, Addendum to the Cathedral Community Design Plan (“CDP”) to the satisfaction of the Director of Planning and Urban Design prior to the submission of the revised landscape plans and engineering plans for the subdivision.
- 7.2 The Owner shall implement and incorporate all requirements of the redline approved Kylemore Communities (Victoria Square) Ltd. Architectural Design Guidelines (“ADG”) into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.
- 7.3 The Owner shall retain John G. Williams Limited to implement the Architectural Control Guidelines.
- 7.4 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.
- 7.5 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.

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## 8. Architectural Control

- 8.1 The Owner shall retain a design consultant to prepare Architectural Design Guidelines for the Highway 404 North Community, in conjunction with the Developer's Group, to be submitted to the City for approval, prior to final approval of the draft plan and shall covenant and agree in the subdivision agreement to implement the architectural control guidelines.
- 8.2 Plans submitted for model home permits for any building within the plan of subdivision shall bear an approval stamp identifying the architectural company retained for architectural control and the signature of the control architect. The approval stamp shall certify that the floor plans, building elevations and site plans are designed in accordance with the approved architectural control guidelines. No permits shall be issued for model homes prior to the approval of the City of the architectural control guidelines.
- 8.3 The Owner shall ensure that the design architect for any buildings within the plan of subdivision shall not assume the role of control architect for the plan of subdivision.

## Stormwater Management

- 9.1 The Owner shall incorporate the requirements and criteria of the approved Stormwater Management Master Plan of 404 North Secondary Plan Area (OPA 149) prepared by SCS Consulting Group Ltd.(November 2010), into the draft plan and subdivision agreement.
- 9.2 The Owner acknowledges and agrees that the Master Environmental Servicing Plan (MESP) has been approved by the City and that the recommendations of the approved MESP shall be reflected in the Stormwater Management Study. The Owner further agrees to make any revisions to the draft plan that may be required to achieve recommendations of the MESP and revised Stormwater Management Study.
- 9.3 Prior to release for registration of the draft plan, the City and the Toronto and Region Conservation Authority shall approve a stormwater management design report, prepared by a qualified engineer on behalf of the Owner, addressing the water quality and quantity controls, water balance, hydraulic grade lines, overland flow routes, and erosion and siltation controls for the draft plan. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland flow routes, provide any easements or lands both internal or external to the subdivision for stormwater and

overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.

- 9.4 Upon registration of the plan of subdivision, the Owner shall convey all necessary Blocks or transfer easements to the City as determined by the City for stormwater management purposes, including overland flow routes, free of all costs and encumbrances, in accordance with the recommendations of the Stormwater Management Study, to the satisfaction of the City and the TRCA.
- 9.5 The Owner shall covenant and agree in the subdivision agreement to prepare a Watercourse Monitoring Program, as per the requirements of the City's Watercourse Monitoring Master Plan, for review and acceptance by the Director of Engineering. The Owner shall implement the accepted Watercourse Monitoring Program and any subsequent addenda or reports accepted by the Director of Engineering. Notwithstanding the above provisions, the Owner has the option to pay a cash-in-lieu amount towards a City wide monitoring program administered by the City. If the Owner exercises this option, the Owner shall pay to the City \$200 per gross area of the Plan of Subdivision in hectares, being one time payment for a City wide monitoring program. The Owner shall implement, to the satisfaction of the Director of Engineering, the recommendations of the Final Report regardless of whether the City or the Owner conducted the monitoring program.
- 9.6 The Owner shall covenant and agree in the subdivision agreement to prepare a Stormwater Management (SWM) facilities monitoring and evaluation program to the satisfaction of the Director of Engineering. The Owner agrees to retain the services of a qualified consultant to undertake the monitoring and evaluation program for a minimum period of three (3) years from the date of commencement of operation of the SWM facilities. The owner shall submit semi-annually a monitoring report and a final report at the end of the monitoring period. The final report shall determine the future inspection and maintenance requirements of the facilities. The Director of Engineering may extend the monitoring period up to an additional two (2) years, if in his opinion, further monitoring is necessary. Further, the Owner shall covenant and agree at the time of Subdivision Agreement to provide sufficient securities to the City to ensure that the SWM facilities monitoring and evaluation program is implemented to the satisfaction of the Director of Engineering.
- 9.7 The Owner shall incorporate the requirements and criteria from the approved Water Balance Study into the draft plan and provide for same in the subdivision agreement.



10. Municipal Services

- 10.1 The Owner shall acknowledge and agree in the subdivision agreement that final approval of the draft plan shall be subject to the City being satisfied that adequate water supply and sanitary sewer allocation is available to service the development in accordance with the May 26, 2009 Council resolution regarding community water supply allocations and sanitary sewage allocation.
- 10.2 Prior to release for registration of the draft plan, the Owner shall prepare, to the satisfaction of the City, a Functional Servicing Report, in accordance with the approved Master Servicing Plan for 404 North Secondary Plan Area (OPA 149) prepared by SCS Consulting Group Ltd., to determine the infrastructure required for all municipal services internal and external to the subdivision, including but not limited to, sewers, water mains, and roads. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement.
- 10.3 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued until the Director of Building Services has been advised by the Director of Engineering that water, sewage treatment, utilities and roads satisfactory to the Director of Engineering are available to the lands, except that building permits may be issued for model homes upon terms and conditions established by the City (Commissioner of Development Services).
- 10.4 Prior to release for registration of the draft plan, detailed engineering drawings shall be provided by the Owner in accordance with all technical studies and submissions 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, and any other plans as required to the satisfaction of the Director of Engineering.
- 10.5 The Owner shall covenant and agree in the subdivision agreement that the public highways, curbs, gutters, sidewalks, underground and aboveground services, street lights, street signs, etc., shall be designed in accordance with the City's design criteria, standards and general engineering principles and established municipal standards to the satisfaction of the Director of Engineering.
- 10.6 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy), underground and above ground services, street lights, street signs,

utilities, stormwater management facilities, etc., to the satisfaction of the City.

- 10.7 The Owner shall prepare and submit an analysis of water supply and pressures for the internal water system to the satisfaction of the Director of Engineering, and comply with any applicable requirements, conditions or assessed costs established by the City, the Region of York or any other authorized agencies prior to the registration of any portion of the draft approved plan.
- 10.8 The Owner shall covenant and agree in the subdivision agreement that prior to any construction activities the Owner shall prepare a Well Monitoring Program and Mitigation Plan, as per the City's requirements for review and acceptance by the Director of Engineering. The Owner shall implement the accepted Well Monitoring Program and Mitigation Plan and any subsequent addenda or reports accepted by the Director of Engineering. Prior to Acceptance for Maintenance, the Owner shall provide the findings and recommendations in the Final Report to the Director of Engineering for review and acceptance at the end of the monitoring period. Further, the Owner shall covenant and agree at the time of Subdivision Agreement to provide sufficient securities to the City to ensure that the well monitoring and mitigation program is implemented to the satisfaction of the Director of Engineering.
- 10.9 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that adequate water supply for firefighting operations and acceptable access for firefighting equipment are available.
- 10.10 The Owner shall covenant and agree to pay for the relocation of existing service connections on abutting roads owned by the City and for the relocation of any infrastructure within the abutting roads to the satisfaction of the Director of Engineering.
- 10.11 Prior to release for registration of the draft plan, the Owner shall prepare a Hydrogeological Study in accordance with the approved Water Balance Study, to determine the mitigation measures required for all municipal services internal and external to the subdivision including sewers, watermains, and roads. Any requirements resulting from this report shall be incorporated into the draft plan and provided in the subdivision agreement.

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10.12 The Owner covenants and agrees that no pre-servicing will occur until the engineering drawings are approved, a pre-servicing agreement is executed, site alteration drawings have been approved, and the necessary securities are provided.

11. Internal Functional Traffic Design Study

11.1 Prior to release for registration of the draft plan, the Owner shall prepare, in consultation with the owners of other lands within the 404 North Secondary Plan Area, an Internal Functional Traffic Design Study to the satisfaction of the City and the Region of York. The Owner shall incorporate the requirements and criteria of these studies into the Functional Servicing Report required in Condition 10.2, the draft approved plan and the subdivision agreement, to the satisfaction of the Director of Engineering.

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 watermains, storm and sanitary sewers to outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the City.

12.2 The Owner shall covenant and agree in the subdivision agreement to provide an easement for the municipal access to stormwater management pond Block 32 to the satisfaction of Director of Engineering.

13. Utilities

13.1 Prior to release for registration of the draft plan, the Owner shall prepare an overall utility distribution plan (Composite Utility Plan) to the satisfaction of the City and authorized agencies.

13.2 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication services shall be constructed at no cost to the City 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 City (Commissioner of Development Services) and authorized agencies.

- 13.3 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including PowerStream, Enbridge Gas, Telecommunications Companies, etc. in order to service the development.
- 13.4 The Owner shall covenant and agree in the subdivision agreement that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to commercial/residential units within the subdivision as and when each unit is constructed.
- 13.5 The Owner shall covenant and agree in the subdivision agreement to advise all utility and telecommunication carriers that plans for medium or large size vaults are to be submitted to the City for review and approval. Drawings are to be approved by the Commissioner of Development Services and are to include location, grading, fencing, landscaping, access, and elevations of structures, etc.
14. Telephone or telecommunication provider:
- 14.1 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications service provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connections to individual dwelling units within the subdivision as and when each dwelling unit is constructed.
- 14.2 Prior to release for registration of the draft plan of subdivision, the telephone or telecommunication provider shall confirm that satisfactory arrangements, financial and otherwise, have been made with the telephone or telecommunications provider for any telephone or telecommunications facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; a copy of such confirmation shall be forwarded to the Municipality.
- 14.3 The Owner shall agree in the Subdivision Agreement, in words satisfactory to the telephone or telecommunications provider, to grant to the provider any easements that may be required for telecommunication services.

15. Canada Post:

- 15.1 The Owner shall covenant and agree in the Subdivision Agreement to include on all offers of purchase and sale, a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mail Box. The Owner will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any home sale.
- 15.2 Prior to release for registration of the draft plan of subdivision, the Owner will consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes, and will indicate on the appropriate servicing plans:
- the locations of Community Mailboxes;
  - an appropriately sized section (concrete pad) as per municipal standards, to place the Community Mailboxes on;
  - any required walkways across the boulevard, as per municipal standards; and
  - any required curb depressions for wheelchair access to the satisfaction of the Commissioner of Development Services and Canada Post.
- 15.3 The Owner shall covenant and agree in the Subdivision Agreement to provide suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalk, and final grading have been completed at the permanent Community Mailbox locations.
- 15.4 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at such locations in a manner which is agreeable to Canada Post and the City (Commissioner of Development Services) and that where such facilities are to be located within public highway rights-of-way, such facilities shall be approved on the Composite Utility Plan and shall be constructed in accordance with the Community Design Plan.
- 15.5 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installations, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.

16. Enbridge Gas Distribution:

- 16.1 The Owner shall covenant and agree in the Subdivision Agreement to:
- install all of the natural gas distribution system within the proposed road allowances;
  - grade all streets to final elevation prior to the installation of the gas lines;
  - provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Gas Distribution; and,
  - coordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities

17. Development Charges

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

18. Environmental Clearance

- 18.1 Prior to release for registration of the draft plan, the Owner covenants and agrees to submit Environmental Site Assessment (ESA) report(s) including any remediation reports prepared by a "Qualified Person", in accordance with the *Environmental Protection Act* and its regulations and all applicable standards, for peer review and concurrence. The Owner covenants and agrees to pay all costs associated with the City retaining a third-party consultant to peer review ESA reports. The "Qualified Person" shall be defined as the person who meets the qualifications prescribed by the Environmental Protection Act and O. Reg. 153/04, as amended.
- 18.2 The Owner covenants and agrees that, prior to release for registration of the draft plan, an environmental clearance shall be provided to the City for the Lands, to the satisfaction of the Director of Engineering. The City shall be satisfied that the Lands are environmentally suitable for their proposed use, in accordance with the Environmental Protection Act and its regulations. An Environmental Clearance and Reliance Letter as per the City's standard, signed by the Qualified Person, shall be submitted to the City. The City will not accept any modifications to the standard Environmental Clearance and Reliance Letter. The Qualified Person shall

file a Record of Site Conditions on the Provincial Environmental Site Registry for all lands to be conveyed to the City.

- 18.3 The Owner covenants and agrees that if, during construction of the Works, contaminated soils or materials are discovered, the Owner shall inform the Director of Engineering immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the Environmental Protection Act and its regulations, and City's requirements to the satisfaction of the Director of Engineering and the Ministry of Environment.
- 18.4 The Owner covenants and agrees to assume full responsibility for the environmental condition of the Lands and agrees to indemnify and save harmless the City, its directors, officers, Mayor, councillors, employees and agents from any and all actions, causes of action, suite, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and Assumption by the City of the Works, the construction and use of the Works or anything done or neglected to be done in connection with the use or any environmental condition on or under the Lands, including any work undertaken by or on behalf of the City in respect of the Lands and release for registration of this draft plan.

19. Heritage

- 19.1 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 City (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 City indicating that all matters relating to heritage resources have been addressed in accordance with licensing and resource conservation requirements.
- 19.2 The Owner shall covenant and agree in the subdivision agreement to implement any measures recommended by the heritage resource assessment, to the satisfaction of the City and the Ministry of Culture.
- 19.3 The Owner covenants and agrees to retain the George Peach Farmhouse (the "Heritage Building") known municipally as 10975 Woodbine Avenue and relocate the Heritage Building to Lot X within the plan of subdivision.

- 19.4 The Owner covenants and agrees to protect and conserve the Heritage Building through the following means:
- a) To maintain the Heritage Building in good and sound condition at all times prior to and during the development of the property;
  - b) To undertake the following:
    - secure and protect the building from damage through procedures carried out according to the City of Markham Guidelines for Boarding Heritage Structures;
    - erect a "No-trespassing" sign in a visible location on the property indicating that the Heritage Building is to be preserved onsite and should not be vandalized and/or scavenged; and
    - install a 8 ft high fence around the perimeter of the house to protect the dwelling until the completion of construction in the vicinity or the commencement of long-term occupancy of the dwelling as confirmed by City (Heritage Section) staff.
- 19.5 Prior to final approval of the plan of subdivision or any phase thereof, the Owner is to implement the following measures to protect the Heritage Building:
- a) The Owner is to provide at its expense a legal survey of the Heritage Building to facilitate the registration of the designation and easement agreements on the created/proposed lot;
  - b) The Owner is to enter into a Heritage Easement Agreement for the Heritage Building with the City;
  - 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 successful relocation and preservation of the existing building. The letter of credit shall be retained for use by the City 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 City (Commissioner of Development Services),
    - the building has been connected to municipal services,
    - the exterior restoration of the Heritage Building is complete,
    - the building meets 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 City for the Heritage Building, containing details on the site plan such as driveway, grading, connections to municipal services, trees to be preserved (if applicable) and detailed elevations outlining the proposed restoration plan, any additions and alterations, and any proposed garage.
- 19.6 The owner shall covenant and agree in the subdivision agreement to preserve the Heritage Buildings 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 City (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 dwelling 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(s) is consistent with the existing historic grading of the Heritage Building(s);
  - 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 style fence rather than privacy fencing;
- 19.7 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;
- 19.8 The Owner shall covenant and agree in the subdivision agreement to provide notice and commemoration of the Heritage Building through the following means:
- a) to provide and install at its cost, an interpretative baked enamel plaque for the Heritage Building, in a publicly visible location on the property. The plaque is to be designed according to the specifications of the "Markham Remembered" program, and outline the history of the house. Details of the design and location of the plaque are to be submitted for review and approval of the City (Heritage Section);

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

“PURCHASERS ARE ADVISED THAT THE EXISTING BUILDING ON THIS PROPERTY IS DESIGNATED PURSUANT TO THE ONTARIO HERITAGE ACT, AND IS SUBJECT TO A HERITAGE EASEMENT AGREEMENT WITH THE CITY 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 CITY.”

- 19.9 Prior to final approval of the plan of subdivision or any phase thereof, the Manager of Heritage Planning shall advise that Conditions 19.1 to 19.8, inclusive, have been satisfied.

20. Other City Requirements

- 20.1 Prior to release for registration of the draft plan or any component thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads, and sites for places of worship in the Highway 404 North Community, to the satisfaction of the Commissioner of Development Services and City Solicitor, and a certificate confirming completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor.
- 20.2 The Owner shall covenant and agree in the Subdivision Agreement to:
- a) purchase from the City two recycling containers, one green bin and one kitchen collector per residence upon application for occupancy permits so that each purchaser may participate in a waste diversion program;
  - b) ensure that the containers, units and education materials are deposited in each home on or before the day closing;
  - c) contact the City at least four weeks in advance to arrange an appointment time in which blue boxes, green bins and kitchen collectors are to be collected by the Owner;
  - d) pay the City the cost for the containers and units as outlined in condition 20.2 a). The Owner covenants and agrees to collect from the City all required recycling containers, and that all containers shall be provided to the purchasers at the same cost as paid to the City;
  - e) ensure that unobstructed roadway access to a width no less than 6 metres will be provided upon unit occupancy, for the safe passage

of municipal waste and recycling collection vehicles on the designated collection day. Furthermore, if required, the Owner shall provide vehicle turning space that meets the City's engineering design standards. The Owner agrees that at times when the above defined access cannot be provided, the Owner shall be responsible for moving all residential waste and recyclables from the occupied units to an agreed upon centralized location at the Owner's expense, for collection by the City.

- 20.3 The City shall covenant and agree in the Subdivision Agreement to provide at no cost to the Owner all educational materials necessary to enable the purchaser to participate in a recycling program.
- 20.4 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
- the City's parking by-law requires a minimum of two parking spaces, one in the driveway and one in the garage
  - the City's site specific zoning by-law governing this subdivision restricts the width of a single car driveway to a maximum of 3.0 metres. This width does not allow two cars to park side by side
  - overnight street parking will not be permitted unless an overnight street parking permit system is implemented by the City.
- 20.5 The Owner shall covenant and agree in the subdivision agreement to provide energy star high efficiency furnaces, energy star hot water tanks, and, where purchased through the builder, energy star air conditioning units for all residential units within the subdivision and to ensure that any appliances included in the sale of the houses are energy star certified.

## 21. Fire Department

- 21.1 The Owner acknowledges and agrees that firebreak lots within the draft plan shall be designated in the subdivision agreement, to the satisfaction of the Fire Chief. The Owner shall provide a letter of credit in an amount to be determined by the Fire Chief at the subdivision agreement stage to ensure compliance with this condition.
- 21.2 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and that two means of access, independent of one another are to be provided into the development under all conditions.

21.3 The Owner shall covenant and agree that all dwelling units located on Block 24 will be completed with automatic fire protection sprinkler systems in conformance with the Ontario Building Code.

22. Region of York

22.1 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.

22.2 Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the City 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.

22.3 The Owner shall agree in the subdivision agreement that the Owner shall save harmless the City of Markham and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.

22.4 Prior to final approval, the engineering drawing showing the layout of the watermains and sewers shall be submitted to the Infrastructure Asset Management branch for review and record.

22.5 The Owner shall agree in the subdivision agreement that any direct connection to a York Region water or wastewater system requires Regional approval prior to construction, and engineering drawings showing details of the connection shall be submitted to the Infrastructure Asset Management branch for approval.

22.6 For all lands, the Holding (H) provisions of Section 36 of the *Ontario Planning Act* shall be used in conjunction with all residential zone categories in order to ensure that final plan approval and 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 Bylaw 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 City 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 the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 to 36 months depending on the complexity of the development) to permit the plan registration; or,
  - The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.
- 22.7 Prior to final approval, the Owner shall agree to provide direct shared pedestrian and cycling facilities and connections from the proposed development to Woodbine Avenue to support active transportation. A drawing shall be provided to clearly show the locations of these connections.
- 22.8 Prior to final approval, the Owner shall agree to provide measures to support active transportation to/from the proposed developments.
- 22.9 Prior to final approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required Regional road improvements for this subdivision. The report/plan, submitted to the Transportation and Community Planning Department for review and approval, shall explain all transportation issues and shall recommend measures to mitigate these issues.
- 22.10 Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Transportation and Community Planning Department that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by the Transportation and Community Planning Department.
- 22.11 Prior to final approval, the Owner shall submit detailed engineering drawings to the Transportation and Community Planning Department for review and approval that incorporate the recommendations of the functional transportation report/plan as approved by the Transportation and Community Planning Department. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, plan and profile drawings for the proposed intersections, construction access and mud mat design, utility and underground servicing location plans, pavement markings, electrical drawings for intersection signalization and illumination design, traffic control/construction staging plans and landscape plans.

- 22.12 Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Transportation and Community Planning Department and illustrated on the Engineering Drawings.
- 22.13 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning 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.
- 22.14 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning 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 Transportation and Community Planning Department.
- 22.15 Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- a) All existing woody vegetation within the York Region road right-of-way,
  - b) Tree protection measures to be implemented on and off the York Region road right-of-way to protect right-of-way vegetation to be preserved,
  - c) Any woody vegetation within the York Region road right-of-way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right-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 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 City and be supported by a Maintenance Agreement between the City and the Region for City maintenance of these features; any such Maintenance Agreement should indicate that where the area municipality does not maintain the feature to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

- 22.16 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation and Community Planning 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 area municipality.
- 22.17 The Owner shall agree prior to the development approval of any development blocks in this plan of subdivision, that direct vehicle access from any development lots or blocks to Woodbine Avenue will not be permitted. Access must be obtained through the internal road network.
- 22.18 Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's right-of-way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- 22.19 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation and Community Planning 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.
- 22.20 Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, an updated noise study to the satisfaction of the Transportation and Community Planning Department recommending noise attenuation features.
- 22.21 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation and Community Planning Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Transportation and Community Planning Department.
- 22.22 The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation and Community Planning Department,

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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.

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

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

- 22.24 Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region's Transportation and Community Planning Department, as follows:

- a) that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
- b) that noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
- c) that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region; and
- d) that any landscaping provided on York Region right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the Transportation and Community Planning Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.

- 22.25 Prior to final approval, the Owner shall provide a copy of the subdivision agreement to the Transportation and Community Planning Department, outlining all requirements of the Transportation and Community Planning Department.

- 22.26 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 the final approval in accordance with By-law #2012-36.

- 22.27 The Regional Transportation and Community Planning Department shall advise that Conditions 22.1 to 22.26 inclusive, have been satisfied.



23. Toronto and Region Conservation Authority

*TRCA's conditions to be included when received*

24. External Clearances

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

- (a) The Regional Municipality of York Planning Department shall advise that their conditions and requirements have been satisfied.
- (b) The Toronto and Region Conservation Authority shall advise that their conditions and requirements have been satisfied.
- (c) The telephone or telecommunications provider shall advise that their conditions and requirements have been satisfied.
- (d) Canada Post Corporation shall advise that their conditions and requirements have been satisfied.
- (e) Enbridge Consumers Gas shall advise that their conditions and requirements have been satisfied.
- (f) The Ministry of Culture shall advise that their conditions and requirements have been satisfied.

ISSUED:

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Biju Karumanchery, M.C.I.P., R.P.P.  
Acting Director of Planning and Urban Design

## Appendix 'D' Sustainable Initiatives



**Empire Pace**  
***EATON SQUARE***



### **2 x 6 Exterior Stud Partition + R-22 Batt Insulation + R-5 Exterior Insulsheathing Board**

This wall assembly system uses quality low-heat-loss, high density batt insulation on the inside of your home while wrapping the outside with insulation. It's like covering your home in a winter coat.

### **Low E Windows Throughout (including basement) with Energy Star Zone B Rating**

Rated specifically for our climate zone, these windows are engineered to minimize condensation. Home comfort is increased considerably. (Manufactured to a maximum 1.8 U Value)

### **R-50 Blown-In Fibreglass Attic Insulation**

This insulation is ideal for attics as it is blown into place and conforms to the entire space, filling all the nooks and crannies, and acts like a thick, cozy blanket.

### **R-31 Foam Insulation for Exposed Heated Floors and Critical Areas**

Using a spray-in-place foam insulation provides an effective air-tight insulation system in exposed floors like rooms above the garage and in critical areas. The extra insulation helps to keep the floors above them warm in the winter and cool in the summer.

### **R-20 near Full-Height Basement Insulation**

Insulating the basement improves the basement's and first floor's overall comfort.

### **Air Tight Building Design**

The home receives 3<sup>rd</sup> party performance testing to reduce drafts, improve comfort and reduce energy costs.

### **Energy Star Rated Compact Fluorescent Bulbs (CFL) to 75% of the Home**

These bulbs use about 75% less energy than standard incandescent bulbs and last up to 10 times longer, according to Hydro One. They give off less heat, so they are cool to touch yet emit the same amount of light as standard bulbs.

### **Return Air Joints and Supply Ducting Sealed with Foil Tape in Accordance with Energy Star Version 12.3 Requirements**

A conventional duct system leaks 20%-30% of its air through leaks, holes and gaps. In our Energy Star homes, air leakage is reduced by sealing the ductwork with foil tape. The benefits are increased comfort through improved air delivery and lower operating costs.

### **Low Volatile Organic Compounds (VOC) Paint, Stains, and Primer**

Standard finishes release volatile organic compounds (VOC) that can adversely affect the home's air quality. Low-VOC finishes ensure your indoor air is clean and that your family is safe from chemical emissions.

### **Integrated Heating System with Efficient Domestic Hot Water System**

High efficiency instantaneous condensing unit heating system and hot water supply with high velocity air distribution system. The integrated heating system uses one source to provide space heating for the house and domestic hot water heating. This system provides a greater efficiency than a standard domestic hot water tank.

### **Energy Recovery Ventilation System**

Provides fresh air to the home when required and exhausts stale humid air.

### **Energy Star Programmable Thermostat**

Matching your home's energy use to the lifestyle of the occupants is an ongoing challenge made easier with a programmable thermostat. Used properly, an Energy Star programmable thermostat can help save on your annual heating and air conditioning costs.

### **Drain Water Heat Recovery Pipe**

Heat from waste water is recovered as it goes down the drain. The heat is re-used to preheat incoming cold water. This saves up to 20%-40% of water heating costs.

### **4.8 Litre Per Flush High Efficiency Toilet**

Your family can save over 30,000 litres of water per year with a 4.8L high efficiency toilet, resulting in a significant reduction in household consumption. Approximately 28% of household water is used by the toilet.

### **Low-Flow Aerators for Kitchen and Bathrooms**

Faucets and showers fitted with low-flow aerators help reduce your domestic water use, which improves your home's efficiency and saves you money on the water bills.

### **Solar Ready**

A four-inch capped pipe leads directly from the furnace room to the roof, providing for the future installation of the solar on-site power generation or hot water heating.