



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

November 19, 2015

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2015-43

TO: Committee of the Whole

**SUBJECT: Application for Official Plan and Zoning Bylaw Amendment and
Draft Plan of Subdivision
955 and 995 Mulock Drive
North Side of Mulock Drive, West of Leslie Street
Lorne Park Gardens Inc.
D9-NP 13 28, D12-NP 13 28, D14-NP 13 28**

ORIGIN: Planning and Building Services

RECOMMENDATIONS


THAT Development and Infrastructure Services/Planning and Building Services Report 2015-43 dated November 19, 2015 regarding Application for Official Plan Amendment, zoning by-law amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:

- 1. THAT approval be given to Draft Plan of Subdivision 19TN-2014 001, subject to the schedule of conditions set out in Appendix "A" attached to and forming part of this Report;**
- 2. THAT the application for Official Plan Amendment and Zoning By-law Amendment for lands located at 955 and 995 Mulock Drive, be approved and that Staff be directed to prepare the necessary Official Plan and Zoning By-law Amendments including a Holding Provision, as necessary;**
- 3. AND THAT Ryan Guetter, Weston Consulting, 201 Millway Avenue, Suite 19 Vaughan, ON L4K 5K8 be notified of this action.**

COMMENTS

Location

The Subject Lands are located on the north side of Mulock Drive, west of Leslie Street (See Location Map attached). The property has an area of approximately 2 hectares and has a frontage



on Mulock Drive of approximately 124 metres. The properties are municipally known as 955 and 995 Mulock Drive.

Proposal

The applicant is proposing to amend the existing Stable Residential designation to allow for the proposed townhouse dwelling type. The application also proposes to rezone the subject lands from the Residential Detached Dwelling 60m zone (R1-A) to the Residential Townhouse Dwelling 3 (R4-R) zone to permit a common element condominium. The original plan has been revised since the public meeting. The number of units has been reduced from 85 to 73 at grade townhomes within 12 townhouse blocks on the subject lands. The area of woodlot to be preserved has increased from 0.28ha to 0.46ha. A private amenity space (Tot lot) has also now been included in the plan with an area of 330m².

As the proposed development is intended to be developed as a parcel of tied land Condominium Corporation, applications for site plan approval, draft plan of Condominium approval and part lot control exemption will be required.

Statutory Public Meeting

Council held the required statutory Public meeting on January 12, 2015 and public comments focused on the following:

Concern regarding the retention and future ownership of the Woodlot

As noted above, the plan has been revised to increase the amount of wooded area to be preserved from the originally proposed 0.28ha to 0.46 ha. The appropriateness of the tree removals have been reviewed by the Town and Lake Simcoe Region Conservation Authority (LSRCA) and determined to be acceptable from an ecological perspective. A draft plan condition has been included, requiring an Ecological Offsetting Plan to address the woodland feature removal on the property and demonstrating appropriate compensation on and/or off site, to the satisfaction of the LSRCA and the town. An Edge Management Plan is also required to ensure the forest edge is protected by new plantings. The woodlot is proposed to remain in private ownership to be maintained and managed by the future condominium corporation.

Concern with lack of green space and privacy

The owner has revised the plan to include a 330m² private amenity space in the northwest corner of the site plan. The plan has also been revised to include the preservation of a significant portion of the existing woodlot on the property. The proposed landscape plan details wood privacy fencing along the east and west lot lines and landscaping is shown in the rear yards of dwellings within the plan.

Adequacy of existing services

The Town's Engineering Department has reviewed and commented on the proposed servicing arrangement which is discussed further below.

Concern with disruptive construction activity/ Prohibition of heavy vehicles on existing private roads

A construction management report will be required through the detailed design stage that will address such issues as vehicular access, contractor parking, construction schedule and material storage amongst other requirements. Furthermore, development activity will be required to abide by the town's noise by-law.

Buffers to shield headlights

Plantings have been accommodated in the Edge Management Plan around the periphery of the proposed visitor parking areas which will mitigate impacts from headlights of vehicles using these spaces. This can be further reviewed at the detailed design stage where if the plantings are deemed not sufficient for this purpose, a small headlight shielding fence can be installed.

Traffic concerns

Discussed under Roads and Traffic below.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

Staff's preliminary report identified Section 2.1.4 of the PPS under the Natural Heritage Section as being relevant as it indicates that development shall not be permitted in significant woodlands south and east of the Canadian Shield. Significant, in regard to woodlands, means "...an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history".

Staff and the LSRCA have worked with the developer to preserve a significant portion of the existing woodlot on the subject land and have included conditions of approval that will assist in ensuring the future health of the remaining woodlot as well as compensating for any loss.

The sections on *Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns*, *Settlement Areas*, and *Housing* are relevant for the subject application. These sections require efficient development and land use patterns, promoting intensification and redevelopment opportunities while taking into account existing building stock, and providing for an appropriate range of housing types and densities that reduce the cost of housing and facilitate compact form. Accommodating an appropriate range and mix of residential housing is an important component of successful communities to provide appropriate housing for future residents.

This proposal appears to be consistent with the relevant provisions the of Provincial Policy Statement (2005).

Official Plan Considerations

The subject property is designated Stable Residential on Schedule “A” Land Use Plan in the 2006 Official Plan. The Stable Residential permitted uses include single and semi-detached dwellings, but would preclude townhomes. The applicant is applying to amend the existing designation on the subject lands to permit ground related townhomes. Staff, the Region and the LSRCA recommends that the woodlot be designated as an Environmental Protection zone to ensure its future protection.

Section 3.9 of the Official Plan regarding intensification in stable residential areas indicates that the creation of new lots for the purposes of infilling shall be permitted subject to compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill housing, availability of hard services and road access requirements.

The proposed development is generally compatible with the surrounding uses being townhome dwellings to the immediate north and east; Newmarket High School to the west and a development of single and semi-detached dwellings on the south side of Mulock Drive, a regional road.

With regard to the physical suitability of the site to accommodate the proposed development, the lands drop significantly from Mulock Drive to the rear limit of the proposed development requiring a number of retaining walls which, while permitted, the Town attempts to minimize the amount and heights of retaining walls as they are a maintenance burden for Town, and if on private property, the homeowner would be required to maintain at their cost. If this proposal is approved, Engineering Services have indicated any walls should be part of the condominium common elements to be the responsibility of the future condominium corporation.

The availability of hard services to accommodate the development is discussed further in this report under “Servicing Review” below.

Road access is also discussed further below under Roads and Traffic.

The proposed rezoning and draft plan of subdivision application appears to conform with the purpose and intent of the Official Plan. If the Official Plan amendment is adopted, it will be forwarded to the Region of York for final approval.

Zoning Bylaw Consideration

The Subject Property is currently zoned Residential Detached Dwelling 60m zone (R1-A) by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to the Residential Townhouse Dwelling 3 (R4-R) to implement the plan. Staff are recommending that the woodlot be rezoned to the Environmental Protection - Open Space (OS-EP) permitting only passive recreational uses such as trails as well as required infrastructure.

Staff have utilised Section 16.1.1, policy 3 in the Town's Official Plan with regards to the Zoning By-Law Amendment:

3. *In considering an amendment to the Zoning By-Law, Council shall be satisfied that:*

a. *the proposed change is in conformity with this Plan;*

The applicant has applied for an Official Plan amendment that would permit townhouses on these lands. As a result of the review and analysis of the submitted studies and reports, staff are recommending approval of the Official Plan Amendment, including designating the woodlot as Natural Heritage. All relevant policies of the Official Plan have been addressed.

b. *the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;*

As noted above under the Official Plan discussion, the proposed development is generally compatible with the surrounding uses being townhome dwellings to the immediate north and east; Newmarket High School to the west and a development of single and semi detached dwellings on the south side of Mulock Drive, a Regional Road.

c. *potential nuisance effects upon adjacent uses are mitigated;*

Nuisance effects typically refer to impact of noise and airborne particles on occupiers of neighbouring properties, usually from employment uses. It is not anticipated that this development will cause any nuisance effects with the exception of construction activities which will be addressed in a construction management plan at the detailed design stage.

d. *adequate municipal services are available;*

Discussed below under "Servicing Review" below.

e. *the size of the lot is appropriate for the proposed use;*

The proposed townhome development can be appropriately accommodated on these lands by providing typical front and rear yard setback for dwellings, a private amenity space and preservation of a woodlot.

f. *the site has adequate road access and the boundary roads can accommodate the traffic generated;*

This proposal accesses Mulock Drive, a Regional Road. The Region of York staff have provided no objection to the applications and have provided comments to be addressed through the detailed design. Regional conditions of draft approval have also been provided which are appended to this report.

- g. the on-site parking, loading and circulation facilities are adequate; and,*
The private road is adequately sized to meet town standards and is sufficient for emergency services. The visitor parking is being provided in accordance with the Town's zoning bylaw requirements.
- h. public notice has been given in accordance with the Planning Act.*
Public Notice was provided in accordance with the Planning Act by providing direct mail out to the surrounding community and Notice signs being erected on the property. The Statutory public meeting was held on January 12, 2015.

The Holding Provision under the Planning Act is recommended with the requirements for removal to include allocation of servicing by Council and that the necessary agreements have been entered into.

Roads and Traffic

Mulock Drive is a Regional Road under the jurisdiction of the Region of York. York Region Development Approvals have reviewed the traffic reports and have provided no objection to the applications. Comments have been provided that are to be addressed through the detailed design stage and conditions of draft plan approval have been provided. Improvements to Mulock Drive, including a new turning lane, are required.

Servicing Review

Engineering Services have reviewed the Functional Servicing Report and have provided the following comment on the proposal.

Sanitary Servicing: The Functional Servicing Report (FSR) prepared in support of the application proposes to discharge sanitary sewage from this proposed development to an existing 250 mm diameter sanitary stub sewer located in the neighbouring On Bogart Pond development and can confirm that flow from this proposed development was allowed for in the design of the existing development.

The Applicant, through its Planning Consultant, has advised that legal permission to connect to the sanitary stub on neighbouring lands in the form of an easement is in place. It is not clear at this point if legal permission to access the stubs for connection of the new sewer through the existing condominium is in place. Formal permission to access the stub through the neighbouring lands for the purposes of constructing and maintaining the sewer will be required prior to any work proceeding with construction of the sewer connection. The Applicant's Consultant has advised that they have had amicable discussions with the Condominium Board and Property manager regarding this matter and that written permission from the Condominium will be secured.

Storm Drainage: Stormwater from the proposed development will be controlled on-site and will discharge at or below predevelopment rates to the existing 450 mm diameter storm sewer located in the neighbouring On Bogart Pond development. Quantity control will be provided in underground storage pipes. Quality control will be provided with an oil/grit separator. Infiltration trenches and perforated exfiltration pipes below the storm sewer system will also be incorporated into the design. We are satisfied that the measures proposed can provide adequate quantity and quality controls.

As was the case with the proposed connection to the sanitary sewer stub on the neighboring lands, the Applicant's Consultant has confirmed that an easement is in place to permit the connection of the storm sewer from this development to the existing stub on the neighboring lands. They have also confirmed that written permission from the Condominium will be secured to permit access to construct and maintain the storm connection.

In order to minimize disturbance to the woodlot at the north end of the property, construction of the storm and sanitary sewer connections across the woodlot will be carried out using directional drilling technology. Some disturbance of the woodlot in the vicinity of the connection points to the existing sewers in the On Bogart Pond Condominium is necessary. The Town's Arborist has reviewed the area which will be disturbed and has advised that no significant trees would be impacted.

Water Distribution: Water supply for this development will be provided by constructing a watermain from this proposed development along the north side of Mulock Drive and connecting to the existing watermain on Leslie Street. The developer will be required to obtain any approvals required from the Region of York for the watermain being proposed within the Regional road allowance.

We are satisfied that the site can be adequately serviced with water.

Servicing Allocation

Servicing has not been allocated to this development. Allocation will be reviewed through the annual servicing allocation review in the spring of 2016.

Draft Plan Conditions

As a result of the circulation of the particulars of this proposal, the Planning Department has received comments from various agencies. In those instances where appropriate conditions have been recommended, they have been included in Appendix "A", along with the normal and usual Town of Newmarket and agency Conditions of Draft Plan approval.

Engineering Services Conditions unique to this proposed development relating ensuring appropriate servicing are as follows:

- (1) The Owner shall agree to create a Condominium Corporation which will be responsible for the maintenance of all works external to the buildings. The works shall include but not be limited to roads, sewers, Stormwater management facilities, watermain, retaining walls and landscaping including grass cutting.

- (2) The Owner shall submit an updated Functional Servicing Report prepared by a qualified professional to the satisfaction of the Town's Director of Engineering Services in advance of the First Engineering Submission. The Owner shall agree in an Agreement to carry out, or cause to be carried out, the recommendations set out in the approved report, to the satisfaction of the Town, at the sole expense of the Owner.
- (3) Prior to final approval, the Owner shall satisfy the Town's Director of Engineering Services and Director of Legal Services that appropriate arrangements have been made with York Condominium Corporation 969 with regards to access for construction and maintenance of the storm and sanitary sewer outlets in accordance with the Functional Servicing Report prepared by Valdor Engineering, dated September 2015 or any updated version thereof.

Lake Simcoe Region Conservation Authority Conditions unique to this proposed development relating ensuring appropriate servicing are as follows:

- (1) That prior to final approval, the Owner shall provide an Ecological Offsetting Plan to address woodland feature removal on the property, demonstrating appropriate compensation on and/or off-site, to the satisfaction of the LSRCA.
- (2) That prior to final plan approval, the Owner shall prepare an Edge Management Plan and Tree Preservation & Protection Plan to the satisfaction of the Town and LSRCA.
- (3) That prior to final approval the Owner shall successfully amend the Zoning By-law to rezone the northern "Tree Preservation area" as shown on the site Grading Plan to a site specific Environmental Protection (OS-EP) zone limiting the uses to conservation, passive recreational uses, trails and infrastructure.
- (4) The Owner shall agree in an Agreement to demarcate the environmentally significant areas ('Tree Preservation Area' on the 'Site Grading Plan' by means such as fencing i.e. cedar rail and/or living) and signage.

BUDGET IMPACT (CURRENT AND FUTURE)

Application fees have been received, and the Town will receive revenue from assessment fees, development charges and permit fees from any land use decisions made on the subject properties.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This application for Draft Plan of Subdivision supports the Community Strategic Plan by being *Well*-planned & connected through the implementation of the Official Plan; being *Well*-equipped & managed by providing for varied housing types and densities within the area; and, being *Well*

Balanced by encouraging a sense of community through an appropriate mix of land uses and amenities.

CONTACT


For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments

- 1 - Location Map
- 2 - Proposed Draft Plan of Subdivision
- 3- Proposed site plan
- 4- Landscape Concept Plan
- 5- Appendix "A" (Conditions of Draft Approval)



Commissioner Development and Infrastructure
Services

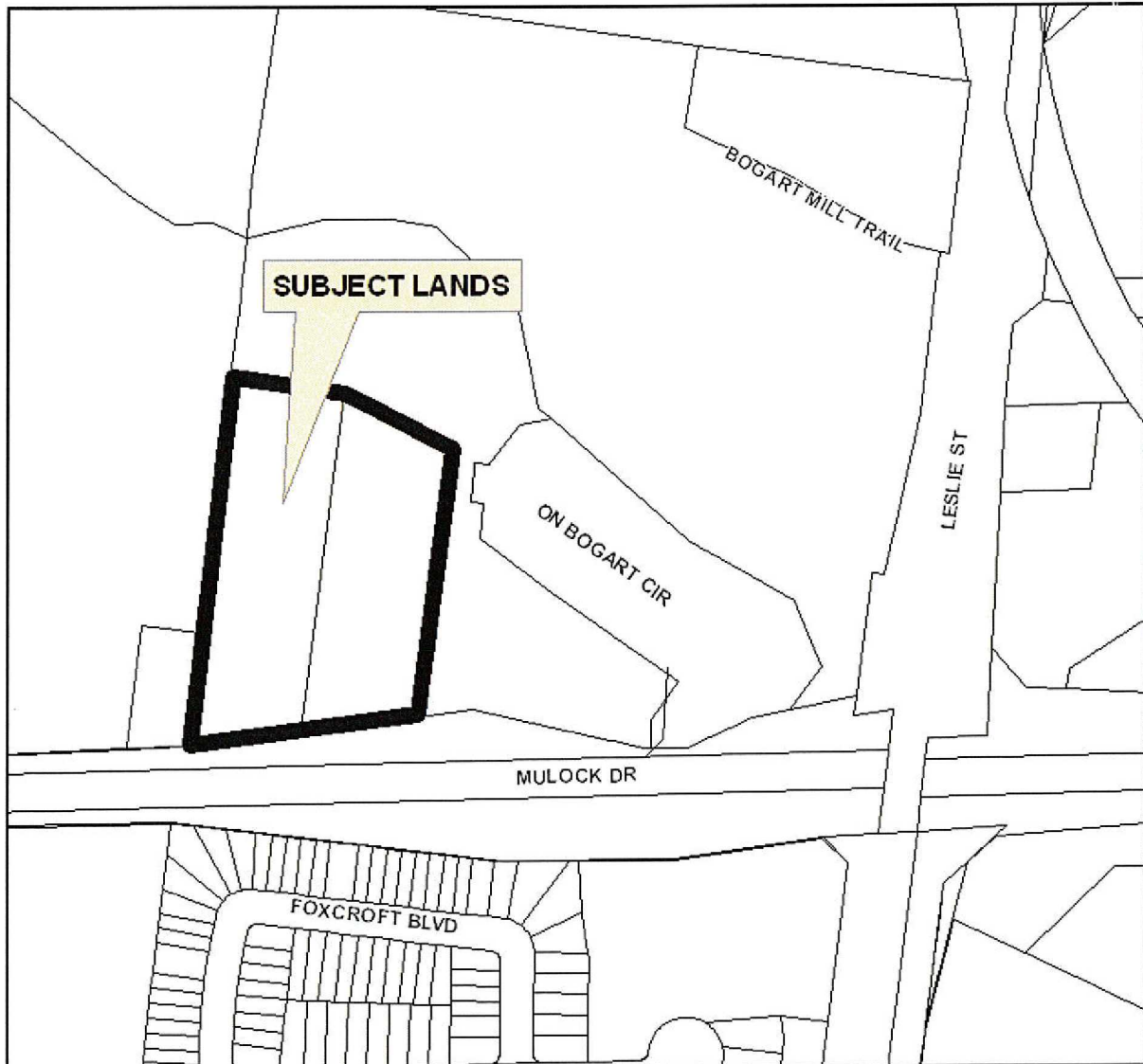


Director of Planning and Building Services



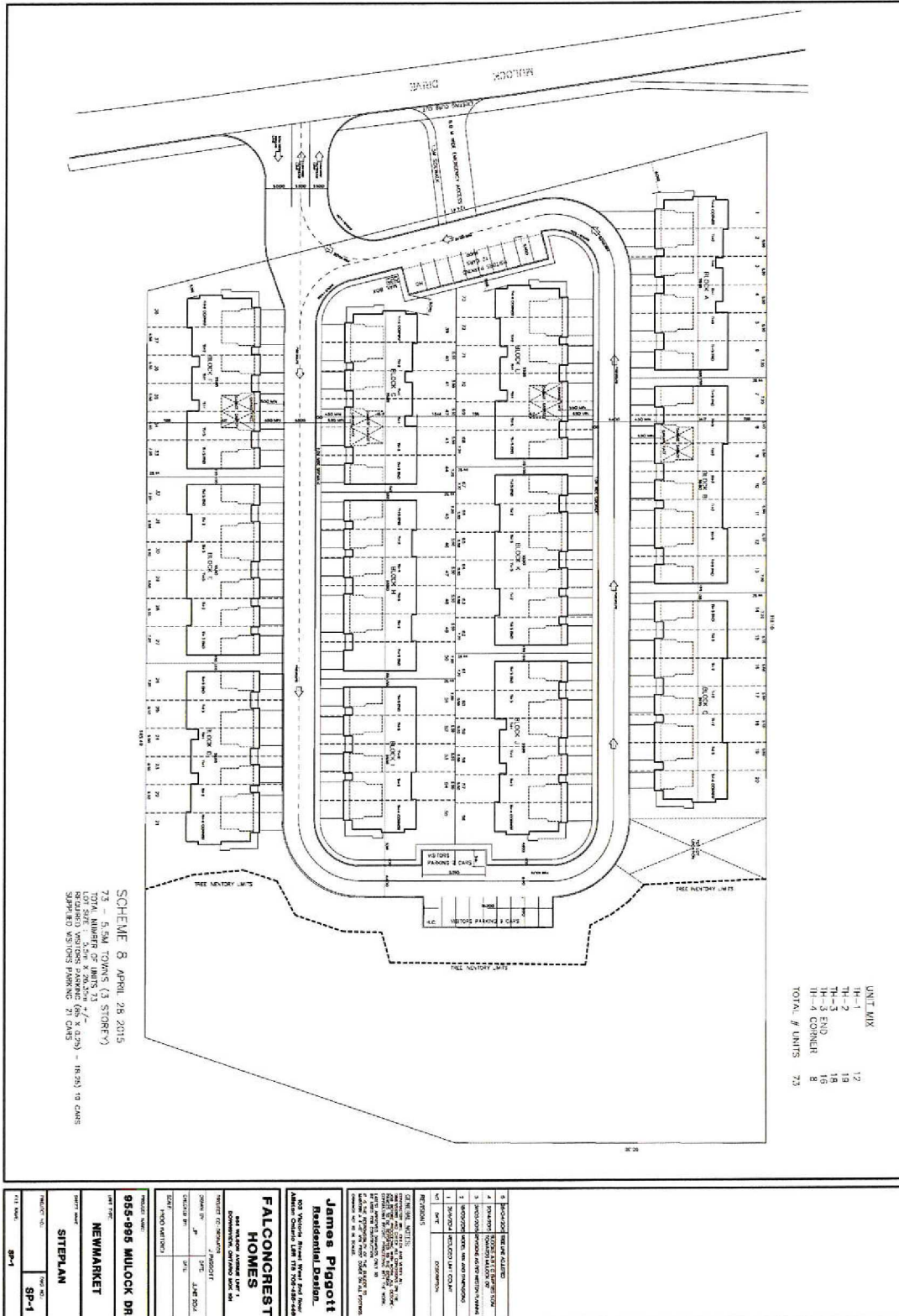
Senior Planner – Community Planning

LOCATION MAP
955 & 995 Mulock Drive
North side of Mulock Drive
West of Leslie Street



TOWN OF NEWMARKET PLANNING DEPARTMENT

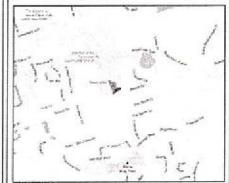
Designed & Produced by: Information Technology - GIS Sources: 2007 Copernicus Images - © J.D. Jones Limited, 2007 Orthophotography; Land Parcel Boundaries - © Terrestrial and its suppliers. All rights reserved. NOT A PLAN OF SUBDIVISION. 2009; Municipal Boundaries - Geomatics Division, Planning and Development Services Department © The Regional Municipality of York, 2009.
DISCLAIMER: This mapping is based on the POLARIS parcel fabric products compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. It is not a substitute for a legal survey.





GENERAL NOTES

- VERIFY ALL DIMENSIONS
- DO NOT SCALE DRAWINGS
- REPORT ANY DISCREPANCIES, DISCOVERED ERRORS, OR OMISSIONS TO THE LANDSCAPE ARCHITECT BEFORE PROCEEDING
- IT IS ADVISED THAT CONTRACTORS CONTACT THE LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION TO ENSURE THE USE OF THE LATEST REVISED DRAWINGS
- DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE LANDSCAPE ARCHITECT



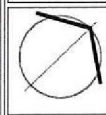
KEY PLAN

LEGEND

- EXISTING TREES TO BE PRESERVED
- MINIMUM TREE PROTECTION ZONE
- EXISTING TREES TO BE REMOVED
- TREE PROTECTION HOARDING

| No. | DATE | REVISION | BY |
|-----|----------------|-------------------------------|------|
| 1 | APRIL 23, 2015 | AS PER NEW SITE PLAN | A.C. |
| 2 | NOV 12 2014 | ISSUED FOR SUBMISSION | A.C. |
| 3 | AUG 24 2014 | LIMIT OF DISTURBANCE HATCHING | A.C. |
| 4 | NOV 11 2013 | ISSUED FOR RE-ZONING | S.S. |
| 5 | NOV 4 2013 | BASED ON LATEST SITE VISIT | A.C. |
| 6 | AUG 2 2013 | REVISED SITE PLAN SHOWING | S.S. |

It is the responsibility of the Contractor and/or Owner to ensure that the drawings with the latest revisions are used for construction.



SBK 3779 ALBERTA STREET, SUITE 303
 WOODBURN, ONTARIO, L7R 3G5
 416.893.6169 F 905.712.3101
 WWW.SBKDESIGN.COM

STRYBOS BARRON KING
 LANDSCAPE ARCHITECTURE

PROJECT:
PROPOSED RESIDENTIAL DEVELOPMENT
 955 & 995 MULOCK DRIVE
 NEWMARKET, ONTARIO

DRAWING TITLE

LANDSCAPE CONCEPT PLAN

SCALE: 1 : 400

DATE: APRIL 24, 2015

DRAWN BY: A.C.

CHECKED BY: MG

PROJECT NO:

13-4405

DRAWING NO:

L100

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2014 001
Lorne Park Gardens Inc.
Page 1

THE CONDITIONS OF THE COUNCIL OF THE TOWN OF NEWMARKET TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TN 2014 001 ARE AS FOLLOWS:

General

- (1) That draft approval shall relate to the draft plan of subdivision prepared by Weston Consulting dated November 13, 2013 showing Block 1 for Condominium townhouse units.
- (2) All road allowances shall be named to the satisfaction of the Town of Newmarket and the Regional Municipality of York.
- (3) The Owner shall enter into a Subdivision and/or Site Plan Agreement with the Town of Newmarket, agreeing to satisfy all conditions, financial and otherwise, of the Town of Newmarket; prior to final approval, the agreement will be registered by the Town of Newmarket against the lands to which it applies as provided for in the *Planning Act*.
- (4) The Owner shall agree in the Subdivision and/or Site Plan Agreement to make payment to the Town for all applicable Development Charges, in accordance with the Town's Development Charges By-law which is in effect at the time.
- (5) Prior to final approval, arrangements shall be made to secure permanent access to a public highway to this draft plan of subdivision by way of a dedicated, constructed and paved public roadway, to the satisfaction of the Director of Engineering Services, the Municipal Solicitor and, if applicable, the Regional Municipality of York.
- (6) Such easements as may be required for public utility, servicing or drainage purposes shall be granted to the appropriate authority, without monetary consideration and free of all encumbrances.

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2014 001
Lorne Park Gardens Inc.
Page 2

- (7) The Owner shall agree in the Subdivision and/or Site Plan Agreement to have a qualified consultant prepare, to the satisfaction of the Town of Newmarket, a Noise Impact and Attenuation Study. Further, the Owner shall agree in the Subdivision and/or Site Plan Agreement that any noise attenuation measures including warning clauses and any noise control features, including landscaping, berming and/or screening for aesthetic purposes, which are recommended by the said approved study and as accepted by the Town, shall be implemented at the Owner's expense.
- (8) The Owner shall agree in the Subdivision and/or Site Plan Agreement that roads, services, and other works installed by the Owner shall be in accordance with the standards and specifications of the Town of Newmarket, and shall include watermains, sanitary sewage works, storm sewage works, adequate pavement width for roadways, curbs, gutters, street lighting, regulatory signs, street signs, transit facilities, community mail boxes, intersection design including daylighting or sight triangles and 0.3 metre reserves, temporary turning circles, and any other services or facilities as required.
- (9) The Owner shall agree in the Subdivision and/or Site Plan Agreement to grant access, on reasonable terms and conditions, to any telecommunications service provider indicating an interest to locate within a municipal right-of-way.
- (10) The Owner shall agree in the Subdivision and/or Site Plan Agreement to make available to all perspective purchasers of residential units within the subdivision, and to display in a prominent location within the sales office, the following:
 - (a) the latest version of the approved draft plan;
 - (b) the proposed location of any and all sidewalks, street furniture, community mail boxes, parks (including all recreational facilities to be provided), schools, open space areas, environmental protection areas, stormwater management facilities, landscaping, entranceway features, special features such as tiered retaining walls or similar structures, special lot grading, noise attenuation measures (both internal and external to the dwelling unit), erosion control facilities, buffer areas, watercourses, accurate representations of proposed and existing surrounding land uses within 150 metres of the

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2014 001
Lorne Park Gardens Inc.
Page 3

boundaries of the draft plan, and any proposed warning clauses or restrictive covenants to be registered on title;

(c) a copy of the approved zoning by-law for the lands, together with the Subdivision and/or Site Plan Agreement (when approved by the Town of Newmarket); and

(d) any other requirements as may be set out in the Subdivision and/or Site Plan Agreement

Further, the Owner shall agree to keep all of the above material up-to-date, and reflect the most current approvals, and/or submissions regarding the plan, and/or engineering design drawings. Prior to final approval, the owner shall provide a copy of all sales material and promotional literature currently used at the sales office, along with a letter from the Owner/Developer confirming that the sales and promotional literature complies with all Agency and Departmental approvals obtained to date to the Director of Planning and Building Services.

- (11) The Owner Shall Agree in the Subdivision and/or Site Plan Agreement to abide by any servicing allocation policy as approved by the Town and amended from time to time.
- (12) The Owner shall agree in the Subdivision and/or Site Plan Agreement to prepare, to the satisfaction of the Town, a Homeowner's Manual which shall be distributed to all purchasers which outlines:
 - (a) the Town's waste diversion and recycling programs and proper usage of the bins;
 - (b) the environmental sensitivity of the open space areas and trail systems and provides educational material regarding disturbances from residential development and the role that individual homeowners can have such as yard waste composting, reduced fertilizer and pesticide use, natural area re-vegetation, impacts of noise and lighting, domestic pet impacts and controls, invasive plant spreading and discharge of swimming pool water.
- (13) The Owner shall agree in the Subdivision and/or Site Plan Agreement to pay the Town the cost for the recycling containers (three recycling containers, one Blue box, one Green Bin and one Kitchen collector) required for the development and provide said containers to each purchaser at the time of occupancy.

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2014 001
Lorne Park Gardens Inc.
Page 4

- (14) Where required by the Town, the Owner shall agree in the Subdivision and/or Site Plan Agreement, where applicable, to cause warning clauses, in wording satisfactory to the Town, to be included in all offers of purchase and sale, and to be registered on title, for all lots or blocks within the Plan affected by the following matters such as but not limited to:
- (a) Mail from a Community Mailbox;
 - (b) Street trees;
 - (c) Traffic Calming Measures;
 - (d) Lots fronting on a collector road;
 - (e) Transit Routes;
 - (f) Temporary Cul-de-sacs and Turning Circles;
 - (g) Proximity to Active Farms and Agricultural Uses;
 - (h) Stormwater Management Facilities;
 - (i) Subdivision Design Features and Landscaping Features and/or Special Features;
 - (j) Noise;
 - (k) Illumination of Athletic Fields;
 - (l) Lands abutting a trail system;
 - (m) Open Space Lands to remain in their natural state;
 - (n) Extended Footings and Engineered Fill;
 - (o) Lot Grading and Preservation of Existing Vegetation;
 - (p) Basement Walk-outs and Access to Rear Yard;
 - (q) Rear Lot Catch basins;
 - (r) Private Gates to Open Space Areas and Stormwater Management ponds; and
 - (s) Carbon Monoxide Detectors.

Regional Municipality of York Conditions

- (15) The road allowances included within the plan shall be named to the satisfaction of the Town of Newmarket and York Region.
- (16) The Owner shall agree in the Subdivision and/or Site Plan Agreement that the Owner shall save harmless the Town of Newmarket and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- (17) The Owner shall agree in the Subdivision and/or Site Plan Agreement that any direct connection to a York Region water or wastewater system requires

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2014 001
Lorne Park Gardens Inc.
Page 5

Regional approval prior to construction, and engineering drawings showing details of the connection shall be submitted to Infrastructure Asset Management Branch of the Environmental Services Department for approval.

- (18) 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 site 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 Town of Newmarket 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 site plan registration; or,
 - The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the Town of Newmarket allocates the capacity to this development.
- (19) Given the proximity of the subject site to York Region municipal production wells, prior to final approval, the Owner shall conduct a subsurface investigation to identify any need for dewatering and/or groundwater depressurization, and where applicable, submit a detailed dewatering plan prepared by a qualified professional to the Region for approval.
- (20) 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 to the satisfaction of the Community Planning and Development Services Division. The report/plan, submitted to the Community Planning and Development Services Division for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- (21) The Owner shall agree in the Subdivision and/or Site Plan Agreement, in wording satisfactory to the Community Planning and Development Services

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2014 001
Lorne Park Gardens Inc.
Page 6

Division, to implement the recommendations of the functional transportation report/plan as approved by the Community Planning and Development Services Division.

- (22) Prior to final approval, the Owner shall submit detailed engineering drawings, to the Community Planning and Development Services Division for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the Community Planning and Development Services Division. 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.
- (23) Prior to final approval and concurrent with the submission of the subdivision servicing application (MOE) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to the Community Planning and Development Services Division, Attention: Manager, Development Engineering, that includes the following drawings:
- a) Plan and Profile for the York Region road and intersections;
 - b) Grading and Servicing;
 - c) Intersection/Road Improvements, including the recommendations of the Traffic Report;
 - d) Construction Access Design;
 - e) Utility and underground services Location Plans;
 - f) Paving Marking and Signage Plans;
 - g) Traffic Control/Management Plans;
 - h) Erosion and Siltation Control Plans;
 - i) Landscaping Plans, including tree preservation, relocation and removals;
 - j) Requirements of York Region Transit/Viva
- (24) Prior to final approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information shall be submitted to the Community Planning and Development Services Division, Attention: Mrs. Eva Pulnicki, P.Eng.

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2014 001
Lorne Park Gardens Inc.
Page 7

- (25) Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Community Planning and Development Services Division and illustrated on the Engineering Drawings.
- (26) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that all existing driveways along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- (27) Prior to final approval, the Owner shall provide a copy of the Subdivision and/or Site Plan Agreement to the Community Planning and Development Services Division, outlining all requirements of the Community Planning and Development Services Division.
- (28) Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
 - a) All existing woody vegetation within the York Region road Right-of-Way,
 - b) Tree protection measures to be implemented on and off the York Region road Right-of-Way to protect right of way vegetation to be preserved,
 - c) Any woody vegetation within the York Region road Right-of-Way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right's of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal.
 - d) A planting plan for all new and relocated vegetation to be planted within the York Region road Right-of-Way, based on the following general guideline:

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

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2014 001
Lorne Park Gardens Inc.
Page 8

- (29) Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Community Planning and Development Services Division recommending noise attenuation features.
- (30) The Owner shall agree in the Subdivision and/or Site Plan Agreement, in wording satisfactory to the Community Planning and Development Services Division, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Community Planning and Development Services Division.
- (31) The Owner shall agree in the Subdivision and/or Site Plan Agreement, in wording satisfactory to the Community Planning and Development Services Division, 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.
- (32) The following warning clause shall be included in a registered portion of the Subdivision and/or Site Plan 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".
- (33) Where noise attenuation features will abut a York Region Right-of-Way, the Owner shall agree in the Subdivision and/or Site Plan Agreement, in wording satisfactory to York Region's Community Planning and Development Services Division, 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

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2014 001
Lorne Park Gardens Inc.
Page 9

- 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 Community Planning and Development Services Division and shall be maintained by the area municipality with the exception of the usual grass maintenance.
- (34) The Owner shall agree in the Subdivision and/or Site Plan Agreement, in wording satisfactory to the Community Planning and Development Services Division, to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the Town.
- (35) The Owner shall agree in the Subdivision and/or Site Plan Agreement, in wording satisfactory to the Community Planning and Development Services Division, that any future entrance access shall be designed to intersect Mulock Drive at a right angle, or on a common tangent.
- (36) Prior to final approval, the Owner shall demonstrate, to the satisfaction of Community Planning and Development Services Division, that the throat width of street access entrance shall be designed to accommodate one 5.0 metre inbound lane and two 3.5 metre outbound lanes for a distance of 30.0 metres from the widened limit of Mulock Drive.
- (37) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right-of-Way, then the Owner shall provide a satisfactory buffer or easement to the Town, at no cost to the Region.
- (38) The Owner shall agree in the Subdivision and/or Site Plan Agreement, in wording satisfactory to the Community Planning and Development Services Division, 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

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2014 001
Lorne Park Gardens Inc.
Page 10

shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.

- (39) Prior to final approval, the Owner shall submit engineering plans, for York Region's approval, that identify on the plans the Transit requirements.
- (40) Prior to final approval, the Owner shall demonstrate, to the satisfaction of Community Planning and Development Services, that the Owner will provide the installation of visual screening along the internal road that is parallel and adjacent to Mulock Drive, consisting of either a screening fence or a combination of a berm and appropriate planting, to a minimum of 1.8 metres in height, to be located outside of the Region's right of way. The Owner shall submit to Community Planning and Development Services Division for review and approval, landscape plans showing the proposed planting for headlight screening purposes.
- (41) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Community Planning and Development Services Division, 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.
- (42) The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law # 2012-36.

Lake Simcoe Region Conservation Authority

- (43) Prior to final Plan approval and any major site alteration, the following shall be prepared to the satisfaction of the Lake Simcoe Region Conservation Authority:
- A detailed Stormwater Management Report in conformity with stormwater management policies of the Lake Simcoe Protection Plan (Policies 4.8-4.11) and the LSRCA Technical Guidelines for Stormwater Management Plans;
 - A detailed Erosion and Sedimentation Control Plan
 - A detailed Grading and Drainage Plan

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2014 001
Lorne Park Gardens Inc.
Page 11

- A Water Balance as per Designated Policy 4.8 of the LSPP;
- A Phosphorous Budget in Accordance with Designated Policy 4.8 of the LSPP;
- A detailed Edge Management Plan; and
- A detailed Low Impact Development Evaluation demonstrating the means to maximize the use of Low Impact Development (LID) measures consistent with Policy 1.6.6.7 of the Provincial Policy Statement (2014)

- (44) That prior to final approval, the Owner shall provide an Ecological Offsetting Plan to address woodland feature removal on the property, demonstrating appropriate compensation on and/or off-site, to the satisfaction of the LSRCA.
- (45) That prior to final plan approval, the Owner shall prepare an Edge Management Plan and Tree Preservation & Protection Plan to the satisfaction of the Town and LSRCA.
- (46) The Owner shall agree in the Subdivision and/or Site Plan Agreement to carry out, or cause to be carried out the recommendations and requirements contained within the plans, reports, and studies as approved by the LSRCA.
- (47) The Owner shall agree in an the Subdivision and/or Site Plan Agreement to retain a qualified professional to certify in writing that the works were constructed in accordance with the plans, reports and studies, as approved by the LSRCA.
- (48) The Owner shall agree in the Subdivision and/or Site Plan Agreement to any major site alteration or grading, proper erosion and sediment control measures must be in place in accordance with the approved Erosion and Sediment Control Plan and Grading Plan.
- (49) The Owner shall agree in the Subdivision and/or Site Plan Agreement that prior to the creation of any impervious surface such as roads and buildings, stormwater management facilities must be put in place in accordance with the approved plans.
- (50) That the Owner shall agree in the Subdivision and/or Site Plan Agreement to monitor, inspect and maintain the Stormwater management works on a periodic basis in accordance with 4.10 & 4.11 – DP of the LSPP.

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2014 001
Lorne Park Gardens Inc.
Page 12

- (51) That the Owner shall agree in the Subdivision and/or Site Plan Agreement to ensure the following measures are implemented in accordance with 4.20 – DP of the Lake Simcoe Protection Plan:
 - a) Keep the removal of vegetation, grading and soil compaction to the minimum necessary to carry out development activity;
 - b) Removal of vegetation shall not occur more than 30 days prior to grading and construction;
 - c) Put in place structures to control and convey run-off;
 - d) Minimize sediment that is eroded offsite during construction;
 - e) Seed exposed soils once construction is complete and seasonal conditions permit; and,
 - f) Ensure erosion and sediment controls are implemented effectively.
- (52) That prior to final approval the Owner shall successfully amend the Zoning By-law to rezone the northern "Tree Preservation area" as shown on the site Grading Plan to a site specific Environmental Protection (OS-EP) zone limiting the uses to conservation, passive recreational uses, trails and infrastructure.
- (53) The Owner shall agree in the Subdivision and/or Site Plan Agreement to demarcate the environmentally significant areas ('Tree Preservation Area' on the 'Site Grading Plan' by means such as fencing i.e. cedar rail and/or living) and signage.
- (54) That the Owner shall agree in the Subdivision and/or Site Plan Agreement to grant any easements required for stormwater management purposes to the Town.
- (55) Prior to final approval, the Owner shall pay all the required development fees to the Conservation Authority in accordance with the LSRCA's Fees Policy under the Conservation Authorities Act.
- (56) That prior to final plan approval, the Owner shall obtain a permit from the LSRCA for any development within an area subject to Ontario Regulation 179/06 under the Conservation Authorities Act.

Newmarket Hydro

- (57) The Owner shall agree in the Subdivision and/or Site Plan Agreement to make such arrangements as are satisfactory to Newmarket Hydro for the provision of hydro-electric servicing, both overhead and underground and to convey such

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2014 001
Lorne Park Gardens Inc.
Page 13

lands and/or easements as may be required, at no cost and free from encumbrances.

Canada Post

- (58) The Owner shall agree in the Subdivision and/or Site Plan Agreement to consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
- (59) The Owner shall agree in the Subdivision and/or Site Plan Agreement to include in all offers of purchase and sale a statement advising prospective purchasers that mail delivery will be from a designated Community Mailbox and to include the exact locations (list of lot numbers) of each of these Community Mailbox locations.
- (60) The Owner shall agree in the Subdivision and/or Site Plan Agreement to provide the following for each Community Mailbox site and to include these requirements on appropriate servicing plans:
 - (a) an appropriately sized sidewalk section (concrete pad), as per Canada Post specifications to place the Community Mailbox;
 - (b) any required walkway across the boulevard, as per Town of Newmarket standards; and
 - (c) any required curb depressions for wheelchair access.
- (61) The Owner agrees in the Subdivision and/or Site Plan Agreement to determine and provide a suitable temporary Community Mailbox location(s) to be "fit up" prior to first occupancy, which may be utilized by Canada Post until the criteria identified in Condition No. 98 is completed at the permanent Community Mailbox site location(s).

Other

- (62) The Town of Newmarket shall advise that Conditions 1 to 15 inclusive and Conditions 62 to 66 inclusive have been satisfied.

APPENDIX "A"

Conditions of Draft Approval
Plan of Subdivision 19TN 2014 001
Lorne Park Gardens Inc.
Page 14

- (63) The Region of York shall advise that Condition 3 and Conditions 15 to 42 inclusive have been satisfied.
- (64) The Lake Simcoe Region Conservation Authority shall advise that Conditions 43 to 56 inclusive have been satisfied.
- (65) Newmarket Hydro shall advise that Condition 57 has been satisfied.
- (66) Canada Post shall advise that Conditions 58 to 61 inclusive have been satisfied.

ISSUED at Newmarket this day of , 2015.

Richard Nethery, B.E.S., M.C.I.P., R.P.P.
Director of Planning and Building Services

NOTE: WHERE FINAL APPROVAL FOR REGISTRATION HAS NOT BEEN GIVEN WITHIN THREE YEARS AFTER THE DATE UPON WHICH APPROVAL TO THE PROPOSED PLAN OF SUBDIVISION WAS GIVEN, THE TOWN OF NEWMARKET MAY, AT ITS DISCRETION, AND PURSUANT TO THE PLANNING ACT, R.S.O. 1990, WITHDRAW ITS APPROVAL TO THIS PROPOSED PLAN OF SUBDIVISION, UNLESS APPROVAL HAS BEEN SOONER WITHDRAWN, BUT THE TOWN OF NEWMARKET MAY FROM TIME TO TIME EXTEND THE DURATION OF THE APPROVAL.

THE LSRCA SHALL REQUIRE THE FOLLOWING PRIOR TO THE ISSUANCE OF A CLEARANCE LETTER:

1. A COPY OF THE EXECUTED SUBDIVISION AGREEMENT;
2. A COPY OF THE DRAFT M-PLAN; AND
3. A LETTER FROM THE DEVELOPER'S PLANNING CONSULTANT OUTLINING HOW EACH OF THE CONDITIONS OF DRAFT PLAN APPROVAL HAS BEEN MET TO THE SATISFACTION OF THE CONSERVATION AUTHORITY.