

The Corporation of the Town of Ajax

COMMUNITY AFFAIRS AND PLANNING COMMITTEE

Tuesday, May 21, 2013 at 7:00 p.m.

Council Chambers, Town Hall

65 Harwood Avenue South



Confirmed by: *[Signature]*

AGENDA

Anything in **blue** denotes an attachment/link. By clicking the links on the agenda page, you can jump directly to that section of the agenda. To manoeuver back to the agenda page use the **Ctrl + Home** keys simultaneously. **OR** use the "Bookmark" icon to the left of your screen to navigate from one report to the next

S. Collier, Chair

1. **Call To Order**
2. **Disclosure of Pecuniary Interest**
3. **Adoption of Minutes**
 - 3.1 **May 6, 2013** 2
4. **Public Meeting**
 - 4.1 **2331057 Ontarion Limited (Oxnard Homes)**
Zoning By-law Amendment Z4/12
Draft Plan of Subdivision S-A-2012-02
Draft Plan of Condominium C-A-2012-06
Site Plan 21/12
Taunton Road East and Hardwood Avenue North, P. Allore, Director of Planning & Development Services / G. Romanowski, Development Approvals Coordinator 6
5. **Presentations**

None
6. **Reports**

None
7. **Adjournment**

**Minutes of the
Community Affairs & Planning Committee Meeting
Held in the Council Chambers, Ajax Town Hall,
At 7:00 p.m. on May 6, 2013**

Present:	Chair - Regional Councillor	-	S. Collier
	Regional Councillor	-	C. Jordan
	Councillors	-	M. Crawford
		-	R. Ashby
		-	J. Dies
		-	P. Brown
	Mayor	-	S. Parish

1. Call to Order

Chair Collier called the meeting to order at 7:00 p.m.

2. Disclosure of Pecuniary Interest

There were no disclosures of pecuniary interest.

3. Adoption of Minutes

Moved by: S. Parish
Seconded by: C. Jordan

That the Minutes of the Community Affairs and Planning Committee Meeting held on April 2, 2013 be adopted.

CARRIED

4. Public Meetings

**4.1 Town-initiated Zoning By-law Amendment Application Z1/12
Private Elementary and Secondary Schools & Places of Worship in the
Prestige Employment Zone**

Kevin Heritage, Policy Planning Coordinator, delivered a presentation with respect to the Town-initiated Zoning By-law Amendment Application Z1/12. Members of the Committee confirmed that the three sites for which site plan applications have been submitted for places of worship will be exempt from the proposed by-law to remove places of worship as a permitted use within the PE zone. Staff also clarified that existing places of worship and private elementary and secondary schools within the PE zone would have legal non-conforming status.

Chair Collier declared the meeting to be a public meeting and invited comments from the public. There being none, Chair Collier closed the public meeting.

Moved by: S. Parish

Seconded by: J. Dies

1. That the Town-initiated Zoning By-law Amendment Application Z1/12 regarding Private Elementary and Secondary Schools & Places of Worship in the Prestige Employment Zone, to implement the Ontario Municipal Board's Decision regarding ROPA 128 to the Durham Regional Official Plan dated January 9, 2013 (Case No: PL101409), be approved in order to:
 - a) remove places of worship from the list of permitted uses in the Prestige Employment Zone, save and except for the lands known as 360 Westney Road South, 877 Westney Road South, and 438 Monarch Avenue;
 - b) add a footnote to the permission of "commercial school" in the Prestige Employment Zone to indicate that it does not include elementary or secondary schools registered with the Ministry of Education;
 - c) amend site-specific exceptions 61, 122, 136 to 140 inclusive, 152 and 156 to delete references to places of worship that include an accessory day care facility and accessory offices from which counseling and/or children/youth/adult/seniors' programs are provided on lands in the vicinity of the Highway 401/Salem Road interchange; and
 - d) amend site-specific exception 132 to delete the reference to place of worship on lands at the southwest corner of Westney Road and Clements Road;
2. That a Zoning By-law to implement the above noted Town-initiated Zoning By-law Amendment Application Z1/12 be forwarded to a future Council meeting for review and approval; and
3. That a Zoning By-law amendment be brought forward within two years of the passing of the proposed by-law or once building permits have been issued for the proposed places of worship on lands known as 360 Westney Road South, 877 Westney Road South, and 438 Monarch Avenue, whichever is sooner, to remove places of worship as a permitted use on the said sites.

CARRIED

4.2 Church Street Improvements, Schedule C Class Environmental Assessment, Draft Environmental Study Report

Carol Coleman, Manager of Engineering/Capital Projects, presented with respect to the proposed Church Street Improvements. The presentation covered potential problems and opportunities, and overviewed the various options for improvement of the subject area. Options for improvements were recommended with respect to road alignment, bridge construction, and intersections. Public consultation efforts and comments from residents were highlighted. Next steps were identified.

Members of the Committee inquired about available means to mitigate nuisances to surrounding properties such as dust and noise. Ms. Coleman noted that staff are working with residents to resolve these issues as best as possible by exploring options like the planting of hedges as barriers. These solutions will be determined during the detailed design period. Further discussion surrounded detour routes during construction, groundwater filtration, the archaeological study required by the Ministry of Culture and the funding source for the various improvement projects. It was clarified that any necessary land acquisition costs are not included in the estimated cost of this project, however staff noted that there is not a great deal of land that will need to be acquired. The project is in the town's long term forecast beginning in 2017, and is estimated to cost approximately \$4.5 million over two years.

Chair Collier declared the meeting to be a public meeting and invited comments from the public.

Ms. Heather Scott, a resident on Rossland Road, spoke about how she and her family are impacted by development and construction in the area. Construction noise and vehicle noise are particularly disruptive. Ms. Scott requested that special consideration be given to how such nuisances can be mitigated for all affected homes in the area. Members of the Committee echoed these comments and emphasized that staff should do whatever possible to address these concerns. There being no further comments, Chair Collier closed the public meeting.

Moved by: C. Jordan

Seconded by: P. Brown

1. That the report entitled, "*Church Street Improvements, Schedule C Class Environmental Assessment, Draft Environmental Study Report*", by R.V. Anderson Associates Limited, dated April 3, 2013, be received for information; and
2. That Council endorse the preferred solution and preferred design as developed by R.V. Anderson Associates Limited in the April 2013 report entitled, "*Church Street Improvements, Schedule C Class Environmental Assessment, Draft Environmental Study Report*".

CARRIED

5. Presentations

None

6. Reports

None

7. Adjournment

Moved by: R. Ashby
Seconded by: P. Brown

That the May 6, 2013 meeting of the Community Affairs and Planning Committee be adjourned. (7:55 p.m.)

CARRIED

N. Wellsbury, Deputy Clerk

**TOWN OF AJAX
REPORT**



REPORT TO: Community Affairs and Planning Committee

SUBMITTED BY: Paul Allore, MCIP, RPP
Director of Planning and Development Services

PREPARED BY: Geoff Romanowski, MCIP, RPP, CPT
Development Approvals Coordinator

SUBJECT: **2331057 Ontario Limited (Oxnard Homes)**
Zoning By-law Amendment Z4/12
Draft Plan of Subdivision S-A-2012-02
Draft Plan of Condominium C-A-2012-06
Site Plan SP21/12
Taunton Road East & Harwood Avenue North

WARD: 2

DATE OF MEETING: May 21, 2013

REFERENCE: N/A

RECOMMENDATIONS:

1. That Zoning By-law Amendment Z4/12, submitted by Oxnard Homes, be approved and that staff be authorized to prepare and forward an implementing Zoning By-law to Council for its consideration at a future meeting as provided within Attachment 1 to this report;
2. That Draft Plan of Subdivision S-A-2012-02, submitted by Oxnard Homes, be endorsed and that staff be authorized to grant draft approval of the draft plan, subject to the proposed draft conditions, as provided within Attachment 2 to this report;
3. That Draft Plan of Condominium C-A-2012-06, submitted by Oxnard Homes, be endorsed and that staff be authorized to grant draft approval of the draft plan, subject to the proposed draft conditions, as provided within Attachment 3 to this report; and
4. That Site Plan SP21/12, submitted by Oxnard Homes, be endorsed, and that staff be authorized to grant final site plan approval subject to all drawings including detailed engineering, landscaping, and related details being finalized, to the satisfaction of the Town of Ajax.

1.0 BACKGROUND:

In September 2012, Oxnard submitted development applications proposing to develop the subject lands at the south east corner of Taunton Road East and Harwood Avenue North.

The purpose of this report is to discuss and recommend approval of a zoning by-law amendment, a draft plan of subdivision, a draft plan of condominium, and a site plan to develop 84, 3-storey multiple attached dwellings within a common element condominium.

1.1 Property Location and Surrounding Land Use Context

The subject lands encompass an area of 2.38 hectares (5.88 acres) and has 110 metres of frontage onto Taunton Road East and 240 metres of frontage onto Harwood Avenue North. The subject lands are currently vacant and are surrounded by the following land uses (See Figure 1):

North: To the north is a 3.0 metre wide multi-use trail along Taunton Road East. Across Taunton Road East are rural lands within the Greenbelt.

East: To the east is the Canadian Pacific Railway (CPR) Belleville Subdivision. East of the CPR rail line is the Veridian Connections Head Office and further east is the Wyndam Manor residential community.

South: To the south is a vacant parcel designated and zoned Prestige Employment which has site plan approvals to allow the development of an industrial-commercial building similar to the existing building further south.

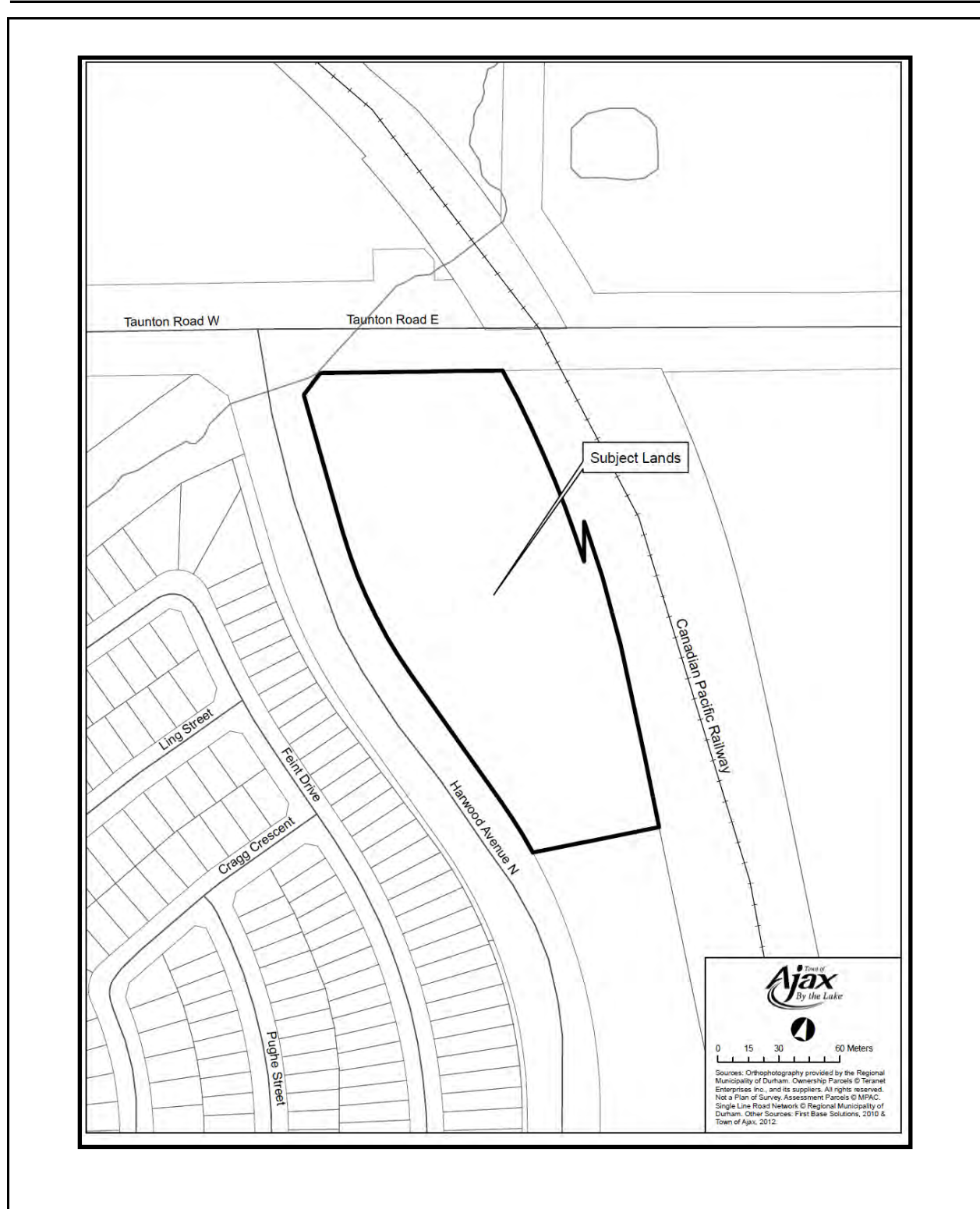
West: To the west is Harwood Avenue North. Across Harwood Avenue North are the Canterbury Trails and Nottingham residential communities.

1.2 Proposal

Oxnard is proposing to rezone the subject lands from Agricultural (A) Zone to Residential Multiple Six (RM6) Zone and Environmental Protection (EP) Zone, to permit the construction of 84, 3-storey multiple attached dwellings. A total of 40 units are proposed along Taunton Road East and Harwood Avenue North with the remaining 44 units internal to the site.

Oxnard is proposing to provide two, full movement vehicle access points from Harwood Avenue North into the site. An internal common amenity space is also proposed for residents of the development.

A small 0.16 ha (1,600 m²) parcel of land has been set aside for a watercourse next to Taunton Road which is intended to be zoned Environmental Protection (EP). The submitted draft plan of condominium will serve to create a common elements condominium and 84 Parcels of Tied Land (POTLs), which will be created through the part lot control exemption process. The submitted zoning by-law amendment, aside from changing the use of the land, is proposing zoning development standards that will make the POTLs legally conveyable lots.



Applications:
Z4/12, S-A-2012-02, C-A-2012-06 & SP12/12

Applicant: Oxnard Homes

Date: May 21, 2013

Figure 1
Subject Lands
SEC corner of Taunton Rd. E. & Harwood Ave. N.

Town of Ajax Planning & Development Services





Applications:

Z4/12, S-A-2012-02, C-A-2012-06 & SP12/12

Applicant: Oxnard Homes

Date: May 21, 2013

Figure 2
Proposed Site Plan

Town of Ajax
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Development
Services



The proposed plan is summarized in Table 1 and shown in Figure 2 – Proposed Site Plan.

Table 1: Proposed Development Information

Proposed Land Use	Land Area/Building Area	General Information
Multiple Attached Dwellings	1.23 ha (3.0 ac)	84 Units
Common Amenity Area	651 m²	Passive amenity space with treed seating areas
Water Meter / Mail Kiosk Building	15.3 m²	Mail pick-up area and entrance feature for southern access

2.0 DISCUSSION:

2.1 Provincial Policy Statement

The Provincial Policy Statement (PPS) provides an overall direction on matters of provincial interest that must be reflected in municipal planning decisions. The PPS was issued under Section 3 of the *Planning Act* and provides provincial direction in terms of land use planning and development in Ontario. The current PPS document came into effect on March 1, 2005. The PPS states that healthy, livable, and safe communities are to be sustained, including among other matters, promoting efficient development and land use patterns, by accommodating an appropriate range and mix of residential, employment, recreational, and open space uses to meet long-term needs. Appropriate densities should be promoted for new housing which efficiently uses land resources, infrastructure, and public services. The PPS promotes all forms of housing required to meet social, health, and well-being requirements of current and future residents.

The proposed development is consistent with the policies of the PPS.

2.2 Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) was approved under the authority of the Places to Grow Act, 2005 by the Lieutenant Governor in Council of the Province of Ontario, and came into full force and effect on June 16, 2006. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including; direction of where and how to grow, the provision of infrastructure to support growth, and protecting natural systems and cultivating a culture of conservation.

The subject lands are within a greenfield area. Policy 2.2.7.2 of the Growth Plan, states that, the designated greenfield area of each upper or lower tier municipality will be planned to achieve a minimum density target that is not less than 50 residents and jobs combined per hectare over the entire designated greenfield area within the Town. The proposal provides for 102.6 persons per hectare and conforms to the provisions of the Growth Plan.

2.3 Durham Regional Official Plan

The subject property is currently designated 'Living Areas' within the Durham Regional Official Plan. Living Areas shall be used predominately for housing purposes and shall incorporate the widest mix of housing types, sizes, and tenures to meet the diverse housing needs of the residents of Durham Region.

The subject property abuts Taunton Road, which is designated as a 'Regional Corridor' and a 'Transit Spine' within the Durham Regional Official Plan. Regional Corridors are to be planned and developed as higher density mixed use areas, supporting higher order transit services and pedestrian oriented development. Transit Spines should provide for:

- higher density and mixed uses where transit spines are within Regional Corridors;
- buildings oriented towards the street, to reduce walking distances to transit facilities; facilities which support non-auto modes including drop off facilities, bus bays, bus loops, bus shelters, walkways, trails, and other pedestrian and cycling facilities; and
- limited surface parking and the potential redevelopment of existing surface parking.

The proposed development is consistent with the applicable policies of the Durham Regional Official Plan.

2.4 Town of Ajax Official Plan

The subject property is designated 'Mixed Commercial Corridor' within the Town of Ajax Official Plan, which permits, retail, service commercial uses including hotels, retail warehouse stores, home improvements stores, automobile dealerships, garden centres, furniture and home furnishing uses, personal services uses, financial institutions, business, professional and medical offices, restaurants, community facilities, medium density residential, and high density residential uses. The proposal is permitted within this designation.

Medium Density Residential development should be moderately scaled and within a density range of 30 to 75 units per net hectare (proposed development achieves a density of 35.8 uph), and between a minimum of 3 and a maximum of 6 storeys in height. The proposal is compatible with the surrounding development as noted further in Section 2.6 of this report.

The built environment policies of the Town of Ajax Official Plan require:

- appropriate land use interface between employment areas and non-employment uses;
- the impact of proposed development on adjacent existing and approved land uses with respect to public safety, privacy, noise, shadow, light, traffic, access and parking;
- compatibility of the proposed development with adjacent existing development in terms of height, density, scale, massing and character; and
- appropriate siting and design of dwellings and how they interact with the private and public spaces.

The proposed development has been designed to ensure that none of the proposed dwellings will directly face the employment lands to the south. As detailed in Section 2.6, appropriate studies and reports have been completed to ensure that any compatibility concerns have been addressed to the satisfaction of the applicable commenting agencies. The proposed development has been designed in conformity with the policies of the Town's Official Plan and provides density, scale, massing and character that will enhance the intersection of Taunton Road and Harwood Avenue. Lastly, the layout of the development has taken into consideration the principles of providing a safe community design, which includes facing residential dwellings

towards public and private spaces. The development also promotes appropriately scaled landscape elements, multiple access points to the site, and pedestrian access to and from the development that is well defined.

2.5 Town of Ajax Zoning By-law

The subject property is currently zoned Agricultural (A) Zone within Town of Ajax Zoning By-law 95-2003, as amended. In order to permit the proposed development, Oxnard has submitted a zoning by-law amendment application to change the zoning to Residential Multiple Six (RM6) Zone.

The proposed implementing zoning by-law will also establish detailed development standards, including provisions for frontage onto a private road and setbacks to dwellings and accessory buildings. The proposed amendment to Town of Ajax Zoning By-law 95-2003, as amended is provided in Attachment 1 to this report.

2.6 Land Use Compatibility

Due to the proximity of the CPR rail line to the east, employment lands to the south, and the existence of Taunton Road and Harwood Avenue, a number of studies were completed to ensure that the proposed development is compatible with its surrounding context.

a. Canadian Pacific Railway Safety Berm

The Canadian Pacific Railway (CPR) generally does not favour residential development adjacent to their rights-of-way, but it recognizes that the submitted development proposal is beyond the 30.0 metre minimum setback from a railway right-of-way. The development would also incorporate certain measures to mitigate the majority of the inherent adverse environmental factors associated with such a land use being located next to the railway. Such mitigation measures include the erection of a 2.5 metre high safety berm parallel to the railway right-of-way that would include a trench between the rail line and the top of the berm to confine a train, if a derailment was to occur. All proposed dwelling units will be beyond the minimum 30.0 metre setback from the edge of the railway right-of-way and between 45.5 metres and 50.5 metres from the tracks.

Other mitigation measures include upgraded dwelling construction methods to lessen the impact of noise and vibration, and the inclusion of warning clauses within all purchase and sale agreements informing purchasers of the potential impacts of the adjacent railway. CPR is satisfied with the proposed measures and has issued conditions of draft plan approval that are included within Attachment 2 to this report.

b. Vibration Feasibility Study

A Vibration Feasibility Study was prepared by HGC Engineering Limited, dated April 2013, in support of the applications. The study measured ground-borne vibration approximately 30 metres from the adjacent CPR rail line. This study determined that the vibration measurements varied depending on the speed of the train and although fast moving trains would exceed the MOE limit of 0.14 mm/s the vibration frequencies were very low at a measurement of 8 to 25 Hz. As a result, the study concludes that although vibrations exceed the CPR and MOE limits in most instances, vibration mitigation measures are not recommended for any of the proposed dwelling units due to the low frequency at which the vibration occurs, which may be amplified by the use of rubber pads. However, the study indicates that warning clauses should be included in all agreements to inform the future owners or tenants of possible vibration. Appropriate conditions of draft approval have also been recommended.

c. Ministry of Environment

The applications were also reviewed against the Ministry of Environment (MOE) D-6 Guideline (Compatibility between Industrial Facilities and Sensitive Land Uses) as the subject property is located immediately north of lands designated 'Employment Areas' within the Durham Regional Official Plan. These guidelines stipulate that employment uses within a Class I Category (which the lands to the south are classified as being) require a 20 metre minimum distance separation to residential uses. In order to achieve this minimum distance separation requirement of the MOE guideline, the applicant has incorporated a berm at the south end of the development (around the area of the water meter/mail kiosk building) which will function as a buffer and provide an approximate setback of 18-20 metres to the closest proposed multiple attached dwelling.

d. Environmental Noise Assessment

An Environmental Noise Assessment was prepared by YCA Engineering Limited, dated August 2012 in support of the applications. The conclusions of this assessment determined that due to the proximity of the proposed development to Taunton Road, Harwood Avenue, and the CPR right-of-way that a number of warning clauses must be incorporated into the subdivision/site plan agreements and purchase and sale agreements for all dwellings to mitigate noise emanating from these sources. Such clauses include the requirement for air conditioning units and forced air heating and upgraded windows and exterior wall construction for all residential units. No other mitigation measures are required as a result of this noise assessment as the dwelling units themselves act as the noise barrier for the outdoor amenity areas associated with the dwelling units. Appropriate conditions of draft approval have been recommended.

2.7 Development Design

The design of the proposed development is described below.

a. Site Plan

The proposed dwellings will be grouped in 4, 5, 6 and 7 units. These townhouse blocks will consist of two of types units. With the exception of the southerly portion of the development, the interior lots will have conventional front and rear yards that will front onto an internal private road. Rear yards will be 6.0 metres deep. Double fronted units are proposed around the perimeter and on interior lots at the south end of the development. These units will have a 5.0 m² / 54 ft² outdoor balcony amenity areas. Air conditioning units are proposed to be mounted on the common party wall below the balconies of all units.

b. Elevations

The proposed dwellings provide a high level of building design and treatment, while creating a strong building presence along the public and private roads. Each residential block will be 3-storays in height and clad in brick. All gas metres and hydro metres will be inset into the wall adjacent to the garage door of each unit and will be screened from public view. Mailboxes and the required water meter room will be in a separate building located at the south end of the site and will be designed to blend with the architecture of the proposed dwelling units (See Figures 3 and 4).

Overall, the proposed development will provide a high level of architectural design and will provide for a positive design presence at a prominent intersection.

c. Vehicular and Pedestrian Access

Two full movement access points are proposed, both of which are from Harwood Avenue North, and will be 120 metres (393 feet) apart. These access points will connect to a 7.0 metre wide internal private road accommodating two-way vehicular traffic and the required fire route. A total of 28 lay-by visitor parking spaces are also proposed, two of which are barrier free.

A system of sidewalks and walkways provide for safe walking routes for residents in and around the development, connecting to the existing sidewalk along Harwood Avenue North and multi-use trail along Taunton Road East.

d. Parking

The proposed development is providing a total of 189 parking spaces which exceeds the Town’s zoning requirements as noted in Table 2 below.

Table 2: Parking Required & Provided

Type of Parking Space	Minimum Requirement in Zoning By- Law 95-2003	Total Parking Spaces Provided
Resident	147 (1.5 spaces per dwelling unit)	168 (2 spaces per dwelling unit)
Visitor	21 (0.25 spaces per dwelling unit)	28 (0.33 spaces per dwelling unit)

e. Landscape Design

The applicant is proposing a combination of deciduous and coniferous plantings throughout the development. A 1.2 metre high decorative black metal fence is proposed along the Taunton Road and Harwood Avenue frontages. This combination of landscaping and fencing will define the property limits. Restorative native landscape works will be installed within the Environmental Protection block (Block 2) located between the dwellings and Taunton Road, which will serve to maintain and enhance the ecological integrity of this segment on the Miller’s Creek while providing a naturalized buffer between the dwelling units and Taunton Road. Along the east property line is a 2.5 metre high railway safety berm. This berm will be landscaped with deciduous and coniferous trees to screen the railway right-of-way.

3.0 OTHER REPORTS AND STUDIES

3.1 Stormwater and Floodplain Management Design Brief

GHD filed a Stormwater and Floodplain Management Design Brief dated August 22, 2012 in support of the applications. This brief indicates that the site will provide a 75 mm diameter orifice plate to handle on-site stormwater quality control and that all required stormwater storage will be provided in the underground stormwater sewer system and proposed infiltration trenches. To enhance the level of stormwater quality leaving the development site a multi-component treatment train is proposed which includes an oil/grit separator, a cooling trench, an infiltration trench, and soakaway pits. The brief also reports that all infiltration measures employed will mitigate post-development infiltration losses. The overall approach has generally been accepted by the TRCA and engineering staff.



Looking south from Taunton Road East



Looking east from Harwood Avenue North

Applications:

Z4/12, S-A-2012-02, C-A-2012-06 &
SP12/12

Applicant: Oxnard Homes

Date: May 21, 2013

Figure 3

Perspectives

Taunton Rd. & Harwood Ave.

**Town of Ajax
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Southeast corner of Taunton & Harwood



Internal Private Park Space

Applications:

Z4/12, S-A-2012-02, C-A-2012-06 & SP12/12

Applicant: Oxnard Homes

Date: May 21, 2013

Figure 4

Perspectives

Corner of Taunton/Harwood & Internal Private Park Space

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3.2 Environmental Site Assessment

A Phase I and Limited Phase II Environmental Site Assessment was prepared by V.A. Wood Associates Limited, dated September 2012, in support of the applications. The assessment reviewed all of the available information with regard to municipal and provincial land use records, physical setting sources, such as aerial photographs, topography, hydrology and geology, well records, and site operating records. The assessment also reviewed surrounding environmental issues that could have impacted the subject property and this was further reviewed through a limited Phase II ESA. Both the Phase I and limited Phase II assessments determined that the environmental conditions of the subject property is in a satisfactory state.

3.3 Archeological Assessment

A Stage 1 & 2 Archeological Assessment was submitted by Archeoworks Inc., dated February 2004 in support of the applications. Based on site investigations (test pits and field survey), historical reference material, and Ministry of Culture Guidelines and Protocol, the subject lands were considered to be free from further archaeological concern. However, should deeply buried archaeological remains be found on the property during construction, the Heritage Operations Unit of the Ministry of Culture should be notified immediately.

4.0 AGENCY COMMENTS

The following is an overview of comments received through the circulation of the subject applications.

4.1 Region of Durham

With regard to municipal water supply, the applicant will be required to extend the 400 mm Zone 2 watermain loop on Harwood Avenue from approximately 275 metres south of Taunton Road to the existing 400 mm CPP watermain at the southwest quadrant of Harwood Avenue North and Taunton Road West. As for municipal sanitary sewer servicing, sewerage can be provided to the site from the existing 200 mm sanitary sewer located on Harwood Avenue, but foundation drains will not be permitted to discharge to the sanitary sewer.

Overall, the Region of Durham has no issues with the proposed applications and have issued conditions of draft approval for both the draft plan of subdivision and condominium.

4.2 Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) has indicated that the subject lands are within its jurisdiction and include a portion of Miller's Creek (Environmental Protection Block – Block 2). The TRCA does not object to the Zoning By-law Amendment. With regard to the Draft Plan of Subdivision and Condominium applications, appropriate conditions of draft plan approval have been provided and are included within Attachment 2 to this report. As for the Site Plan Application, minor technical comments have been issued that can be addressed through the approval of the site plan application.

4.3 Other Agency Comments

Region of Durham – Works Department, Control Architect, Veridian Connections, Canada Post, Ajax Transportation Services, Ajax Fire & Emergency Services, Ajax Engineering Services, and Ajax Design Services had no concerns with the proposed development.

5.0 FINANCIAL IMPLICATIONS

There are no financial implications as a result of approving the recommendations of this report. Cash payment in-lieu of parkland dedication will be provided through the site plan agreement.

6.0 COMMUNICATION ISSUES

The following is an overview of the comments received and discussions through the circulation of the subject applications.

6.1 Public Open House

A public open house was held on December 4, 2012 and was not attended by any members of the public, with the exception of Ward 2 Local Councilor Renrick Ashby. Notice was sent to Town of Ajax residents and business owners within 120 metres (400 feet) of the subject property and was advertised within the Community Page of the Ajax News Advertiser for 2 consecutive weeks, beginning November 21, 2012. The only question raised at the meeting was from Councilor Ashby, asking staff to investigate the placement of a solid wood fence along the top of the required safety berm along the east boundary of the subject property. After investigation, it was determined that a fence along the top of the safety berm would neither screen the adjacent rail line nor would it lessen the noise impact. The safety berm will be heavily planted to provide natural screening along the eastern edge of the property.

7.0 CONCLUSION

Staff have reviewed all submitted applications proposing to develop 84, 3-storey multiple attached dwellings. Staff are of the opinion that this development will provide a compact urban built form at a significant intersection within the Town of Ajax. All land use compatibility concerns have been addressed and this development is consistent with the PPS, Growth Plan, Region of Durham and Town of Ajax Official Plan policies. Therefore, the submitted development applications should be approved and endorsed by Council.

ATT-1 – Draft Zoning By-law Amendment (Z4/12)
ATT-2 – Draft Conditions of Draft Approval (S-A-2012-02)
ATT-3 – Draft Conditions of Draft Approval (C-A-2012-06)

Paul Allore, MCIP, RPP
Director of Planning and Development Services

Gary Muller, MCIP, RPP
Manager of Planning

Geoff Romanowski, MCIP, RPP, CPT
Development Approvals Coordinator

ATT-1 – Draft Zoning By-law Amendment (Z4/12)

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER **XX-2013**

A By-law to amend By-law Number 95-2003, as amended.

WHEREAS, authority is granted under Section 34 of the *Planning Act*, R. S. O., 1990, c. P. 13 for Council to pass this By-law;

AND WHEREAS the Council of The Corporation of the Town of Ajax has conditionally approved an application to amend Zoning By-law Number 95-2003, as amended (Z4/12), with respect to the subject lands, identified on Schedule “A” to this By-law;

AND WHEREAS, the Council of the Town of Ajax deems it appropriate to pass an implementing Zoning By-law pursuant to application Z4/12 to regulate the development of the subject lands;

NOW THEREFORE, the Council of The Corporation of the Town of Ajax enacts as follows:

1. THAT the Zoning Schedule, specifically Map 9, attached to and forming part of By-law No. 95-2003, as amended, is hereby amended by rezoning those lands at the southeast corner of Taunton Road East and Harwood Avenue North from Agricultural (A) Zone to Residential Multiple Six (RM6) Zone and Environmental Protection (EP) Zone, for the lands outlined on Schedule “B” attached hereto.
2. THAT the Exception Schedule, specifically Map 9, attached to and forming part of By-law No. 95-2003, as amended, is hereby amended to delineate the boundaries of Exception 173, for the lands shown outlined on Schedule “C” attached hereto.
3. THAT Section 7.1.1, List of Exceptions, of By-law No. 95-2003, as amended, is amended to include the following Exception:

Exception	Zoning	Map	By-law	File Reference
173	EP, RM6	9	XX-2013	C-A-2012-06 S-A-2012-02 SP21/12 Z4/12
<p>i) Location: Southeast corner of Taunton Road East and Harwood Avenue North</p> <p>ii) Legal Description: PT LT 9 CON 3 PICKERING, PT 1 ON 40R24556 AND PT LT 9 CON 3 PICKERING, PTS 2, 3, AND 4 ON 40R24556 (PERMANENT CLOSING BY BY-LAW AS IN DR507321)</p> <p>iii) Interpretation:</p> <p>a) Section 4.9 of Zoning By-law 95-2003, as amended, shall not apply to the development of the subject lands for 84 multiple attached townhouse dwellings.</p> <p>iv) Development Standards</p> <p>In the event that Block 1 is developed for 84 multiple attached townhouse dwellings pursuant to SP21/12, the following development standards shall apply:</p> <p>a) Maximum Number of Multiple Attached Townhouse Dwellings: 84</p> <p>Exception 173 is continued on the next page.</p>				

Exception	Zoning	Map	By-law	File Reference
173 continued	EP, RM6	9	XX-2013	C-A-2012-06 S-A-2012-02 SP21/12 Z4/12

b) Zone Standards for each parcel of land associated with a multiple attached townhouse dwelling:

i) *Front Yard*

- To a *dwelling unit* fronting onto a private park: 2.5 m
- To a *dwelling unit* fronting onto Harwood Avenue North or onto an Environmental Protection (EP) Zone: 3.0 m
- To a *dwelling unit* adjacent to the southerly private *driveway*: 2.0 m
- To a *dwelling unit* fronting onto an internal road – to be measured from the side of the sidewalk closest to a multiple attached dwelling: 3.0 m
- To any attached garage: 5.7 m

ii) *Interior Side Yard*: 1.5 m between blocks and 0.0 m between attached dwellings

iii) *Exterior Side Yard*: 1.4 m

iv) *Rear Yard*: 6.0 m

v) Road Radius Yard: 1.2 m

vi) Minimum *Lot Frontage*: 5.8 m

vii) Maximum *Building Height*: 12.0 m

c) Other Development Standards Within the RM6 Zone:

- i) A minimum separation of 3.0 metres is required between each multiple attached dwelling block within the RM6 zone.
- ii) A minimum setback of 0.0 metres between multiple attached dwellings within the same block of units.
- iii) Notwithstanding Section 4.1.1 iv) of Zoning By 95-2003, the minimum exterior side yard setback shall be 2.5 metres and no accessory *structure* shall be located closer to a private road than the *dwelling unit*.
- iv) No accessory *structures* or fences (other than decorative metal fences along the Environmental Protection (EP) zone boundary, Harwood Avenue North, and the southerly private *driveway*) are permitted within the *front yard* adjacent to Harwood Avenue North or the Environmental Protection (EP) zone boundary or any *front yard* adjacent to the private internal roadway, with the exception of the water meter/mail kiosk *building*, which shall maintain a minimum setback of 5.0 metres from the southerly private *driveway* or internal private road.
- v) A minimum setback between a multiple attached dwelling and a railway right-of-way shall be 30.0 metres.

Exception 173 is continued on the next page.

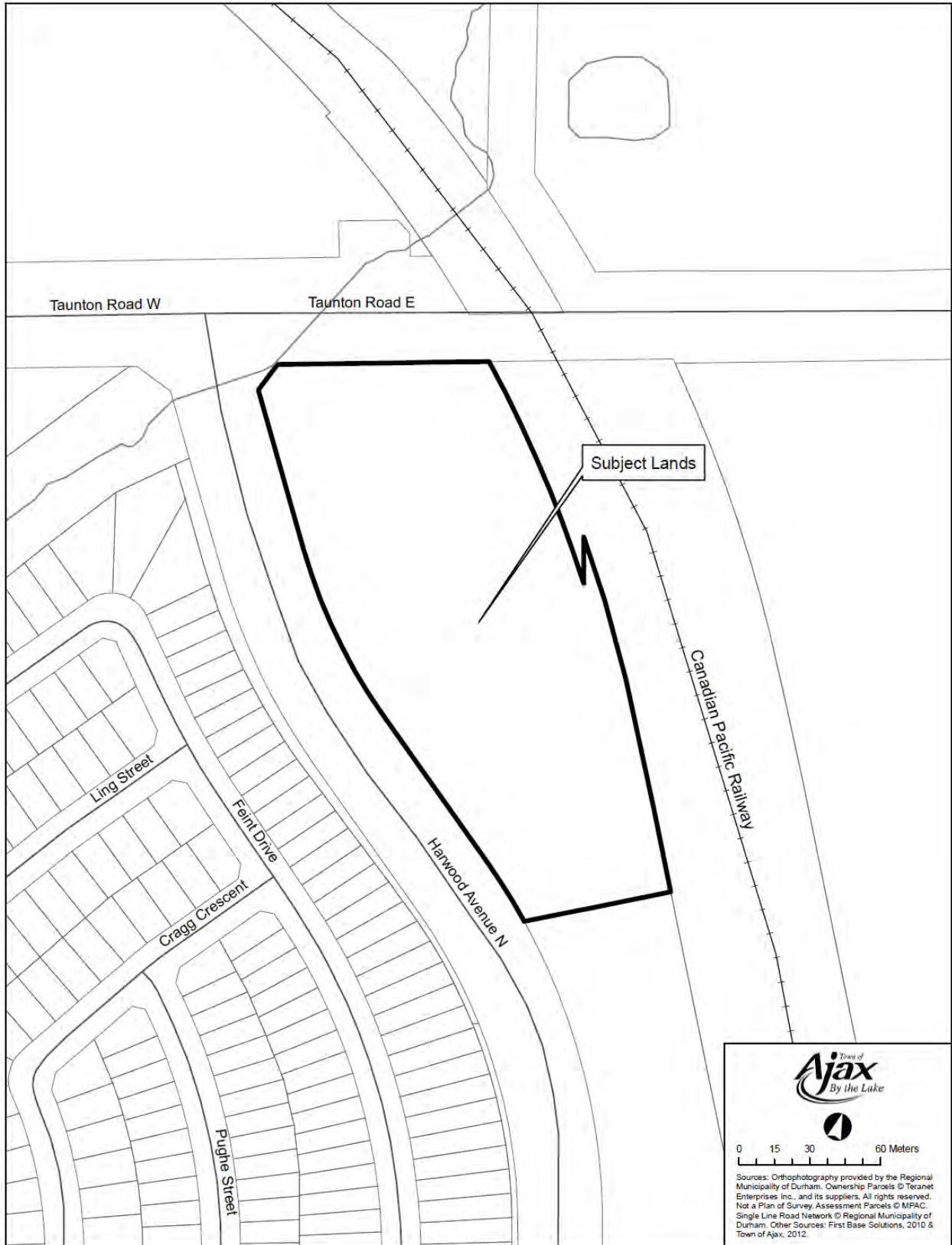
Exception	Zoning	Map	By-law	File Reference
173 continued	EP, RM6	9	XX-2013	C-A-2012-06 S-A-2012-02 SP21/12 Z4/12
<p>vi) Notwithstanding Section 5.3.2 of Zoning By-law 95-2003, as amended, the minimum width of a parking space within a private driveway shall be 2.5 metres if a structural column is located within the driveway. The minimum length shall be 5.7 metres.</p> <p>Except as amended herein, all other provisions of this By-law, as amended, shall apply.</p>				

By-law 95-2003, as amended, is hereby further amended only to the extent necessary to give effect to the provisions of this By-law.

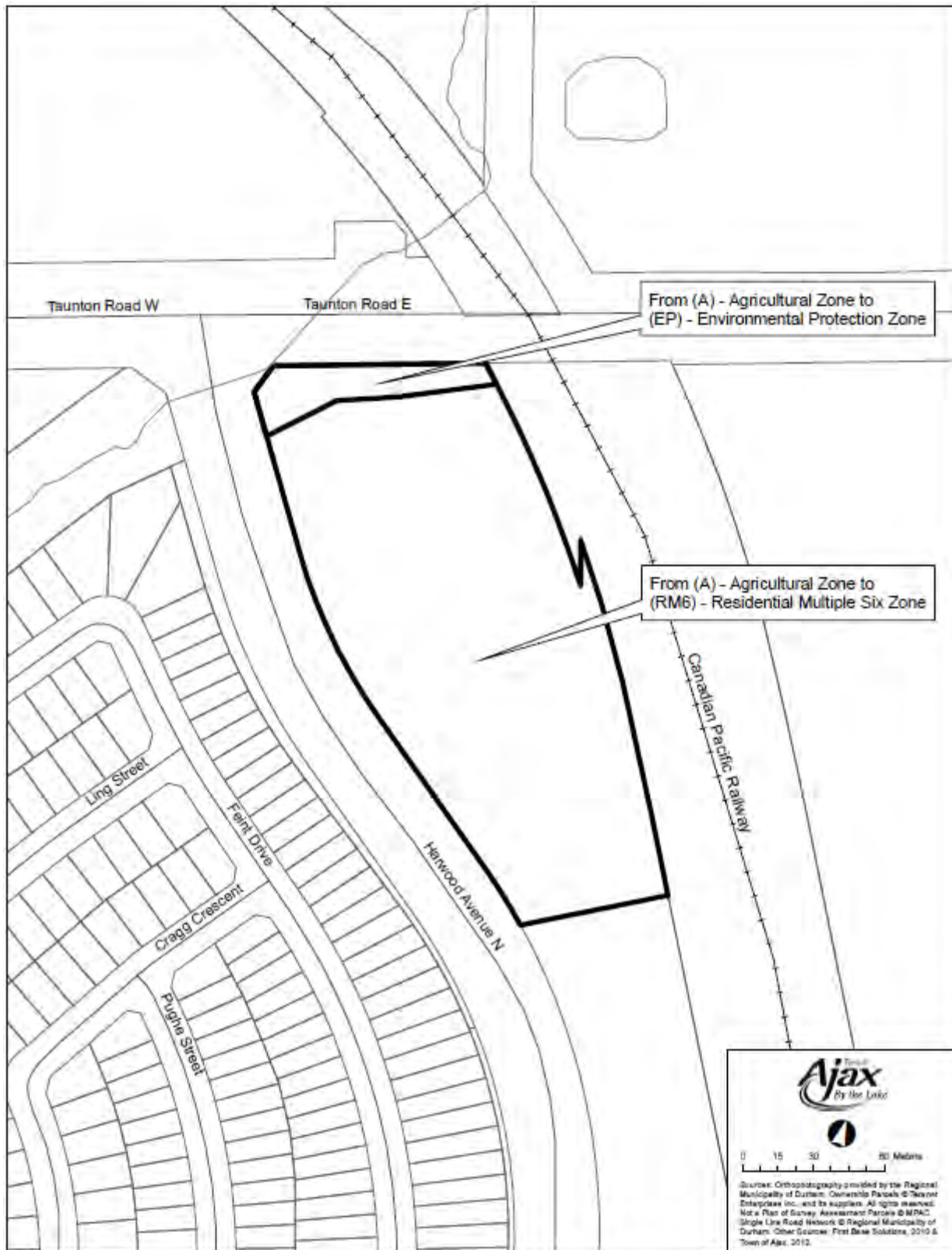
READ a first and second time this _____ day
of _____, 2013.

READ a third time and finally passed this
_____ day of _____, 2013.

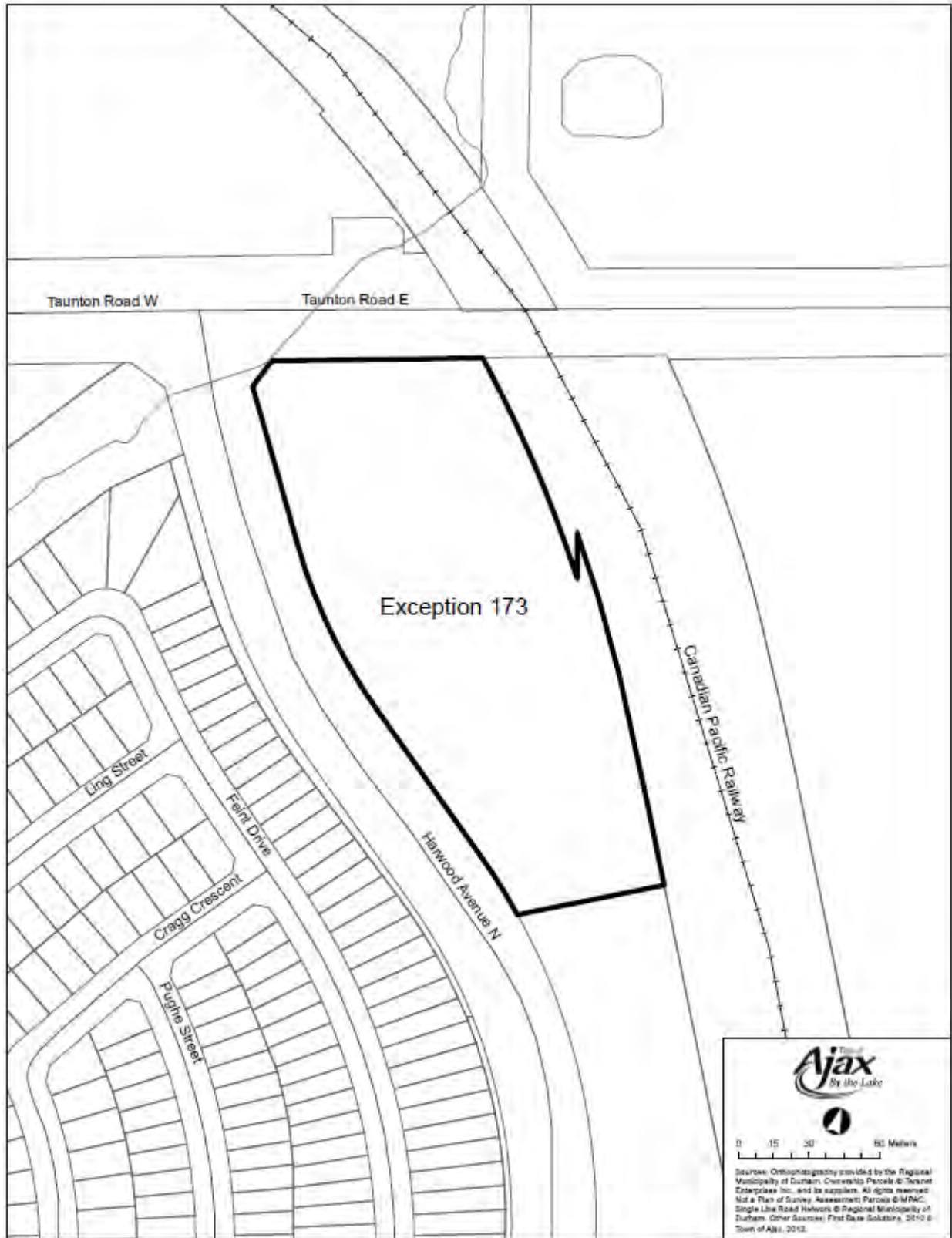
Schedule "A" to By-law Number ____ - 2013



Schedule "B" to By-law Number ____ - 2013



Schedule "C" to By-law Number ____ - 2013



Ajax
By the Lake

0 15 30 60 Meters

Source: Orthophotography provided by the Regional Municipality of Durham; Copyrights Parcel & Terrain Enterprise Inc. and its suppliers. All rights reserved. Not a Plan of Survey. Assessment: Parcels & MPAC, Single Line Road Network © Regional Municipality of Durham. Other Sources: First Base Solutions, 2010 © Town of Ajax, 2012.

Explanatory Note to By-law Number ____ - 2013

This by-law is to amend the zoning on the subject property, to rezone the subject lands at the southeast corner of Taunton Road East and Harwood Avenue North from Agricultural (A) Zone to Residential Multiple Six (RM6) Zone and Environmental Protection (EP) Zone, to apply zone standards for the development and for each individual P.O.T.L. being created and to exempt the development from the requirements of Section 4.9 (Frontage On A Public Road) of Town of Ajax Zoning By-law 95-2003, as amended.

This amendment serves to provide the development of a residential development consisting of 84 multiple attached dwellings under condominium ownership. The by-law regulates the development of the a planned Common Elements Condominium over portions of Block 1 of the proposed draft plan of subdivision and allows for 84 P.O.T.Ls which will be created through the part lot control exemption process.

ATT-2 - Draft Conditions of Draft Approval (S-A-2012-02)

To: 2330157 Ontario Limited
9140 Leslie Street, Suite 210
Richmond Hill ON L4B 0A9

From: Gary Muller, MCIP, RPP
Manager of Planning

Re: Draft Plan of Subdivision S-A-2012-02
Oxnard Homes
SEC of Taunton Road East and Harwood Avenue North
Town of Ajax

DRAFT CONDITIONS OF DRAFT APPROVAL

1. The Owner shall prepare the final plan on the basis of draft plan of subdivision prepared by GHD, identified as Project No. 12139, dated July 30, 2012, which illustrates a medium density residential block and an open space block.
2. The Owner shall name road allowances included in this draft plan to the satisfaction of the Regional Municipality of Durham and the Town of Ajax.
3. The Owner shall submit plans showing any proposed phasing to the Regional Municipality of Durham and the Town of Ajax for review and approval if this subdivision is to be developed in more than one registration.
4. The Owner shall grant such easements as may be required for utilities, drainage and servicing purposes to the Regional Municipality of Durham.
5. Prior to final approval, the Owner is required to submit a signed Record of Site Condition (RSC) to the Regional Municipality of Durham, the Town of Ajax, and the Ministry of Environment (MOE). This RSC must be to the satisfaction of the Regional Municipality of Durham, including an Acknowledgment of receipt of the RSC by the MOE.
6. The Owner shall submit to the Regional Municipality of Durham, for review and approval, a revised acoustic engineer report based on project traffic volumes provided by the Durham Regional Planning Department and recommending noise attenuation measures for the draft plan in accordance with the Ministry of Environment guidelines. The Owner shall agree in the subdivision/condominium agreement to implement the recommended noise control measures of the revised acoustic report and the Vibration Feasibility Study, prepared by HGC Engineering Ltd., dated April 22, 2013. The agreement shall contain a full and complete reference to the noise and vibration reports (i.e. author, title, date and any revision/addenda) and shall include any required warning clauses identified in the study.
7. Prior to final approval, the proponent shall mitigate and/or salvage excavation of any significant heritage resources found in Archeoworks Inc.'s Stage 1 – 2 Archeological Resource Assessment, dated February 2004, to the satisfaction of the Regulatory and

Operations Group of the Ministry of Tourism, Culture, and Sport. No demolition, grading or other soil disturbances shall take place on the subject property prior to the Ministry of Tourism, Culture, and Sport confirming that all archaeological resource concerns have been met including licensing and resource conservation requirements.

8. The Owner shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Owner shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan, which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Regional Municipality of Durham. All arrangements, financial and otherwise for said extensions are to be made to the satisfaction of the Regional Municipality of Durham, and are to be completed prior to final approval of this plan.
9. Prior to entering into a subdivision agreement, the Regional Municipality of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
10. The Owner shall satisfy all requirements, financial and otherwise, of the Regional Municipality of Durham. This shall include, among other matters, the execution of a subdivision agreement between the Owner and the Regional Municipality of Durham concerning the provision and installation of sanitary sewers, water supply, roads and other services.
11. The subdivision agreement between the Owner and the Town of Ajax shall contain, among other matters, the following provision:
 - a) The Owner agrees to implement the noise attenuation measures recommended in the revised acoustic report and Vibration Feasibility Study as required in Condition No. 6.
12. The Owner shall satisfy all requirements, financial or otherwise, of the Town of Ajax. This shall include, among other matters, the execution of a subdivision agreement between the Owner and the Town of Ajax concerning the provisions and installations of roads, services, drainage, other local services and other matters including the following:
 - a) Prior to offering any model for sale to the public for the subject development, the Builder agrees to comply with the Town's Architectural Control requirements by pre-submitting plans to the Town-approved Control Architect for approval;
 - b) The Owner agrees to provide grading plans for the entire plan of subdivision, including detailed grading designs for all lots, blocks, stormwater management facilities and rights-of-ways to the satisfaction of the Town of Ajax;
 - c) The Owner agrees to provide an appropriate construction access from Harwood Avenue North to the satisfaction of the Town of Ajax.
 - d) The Owner agrees to prepare, prior to final approval, a Street Tree Planting plan to the satisfaction of the Town of Ajax, which shall address the boulevard edges/landscape buffers/internal medians which shall be implemented to the

satisfaction of the Town of Ajax. The Owner shall design and plant the above noted landscaping at their cost;

- e) The Owner shall provide a tree inventory and preservation plan for that lands within the limits of the proposed draft plan of subdivision;
- f) The Owner agrees to financially contribute towards the maintenance of the stormwater management facility based on \$2,000.00/hectare of drainage area within the draft plan payable prior to the registration of each phase;
- g) The Owner is required to make application to Ajax Fire Services to designate the proposed fire route in accordance with the Town of Ajax Traffic By-law.
- h) The Owner shall grant any easements as may be required for utilities, drainage and servicing purposes to the appropriate authorities;
- i) The Owner shall provide a municipal street address for each dwelling unit. The street number must be affixed to the wall of the dwelling unit that is associated with the front lot line, as defined by Town of Ajax Zoning By-law 95-2003.
- j) All parking required for construction and trades shall be provided wholly on-site and not on public streets for the duration of the construction;
- k) The Owner shall agree to provide a Traffic Management Plan (TMP) prior to draft approval and a Traffic Management Implementation Plan (TMIP) to the satisfaction of the Town of Ajax with the engineering submissions;
- l) The Owner shall construct all necessary municipal services to the satisfaction of the Town of Ajax prior to the registration of the draft plan of subdivision;
- m) The Owner shall enter into a Model Home Agreement with the Town of Ajax, if applicable. This agreement shall include, but is not limited to, the location of the model homes and the number of models being displayed. The Model Home agreement will limit the number of models homes to a maximum of 2 townhouse blocks. All proposed models will be required to be reviewed and approved by the Town's Control Architect;
- n) The Owner shall provide for the extension of such municipal services which are external to, as well as within the limits of the plan in order to service this plan. In addition, the Owner shall provide for the future extension of storm facilities and services within the limits of the plan which are required to service future developments. All arrangements financial or otherwise, for said services are to be to the satisfaction of the Town of Ajax and are to be completed prior to the registration of the plan;
- o) The Owner shall be responsible for the updating of any or all of the submitted reports and studies to the satisfaction of the Town of Ajax, the Region of Durham and the Toronto and Region Conservation Authority. If a report or study requires any amendments or further revisions the Owner is to provide these amendments or revisions prior to the execution of subdivision agreement with the Town of Ajax. The reports/studies that were submitted are as follows:

- i) **Phase I and Limited Phase II Environmental Assessment**
(V.A. Wood Associates Limited – September 2012)
 - ii) **Stormwater and Floodplain Management Design Brief**
(GHD – March 15, 2013)
 - iii) **Stage 1 & 2 Archeological Assessment**
(Archeoworks Inc. – February 2004)
 - iv) **Environmental Noise Impact Study**
(YCA Engineering Limited – August 12, 2012)
 - v) **Vibration Feasibility Study**
(HGC Engineering Limited – April 22, 2013)
- p) The owner shall locate all required Community Mailboxes under or as part of a structure and be incorporated within the urban design and landscape features of the development to the satisfaction of the Town of Ajax and Canada Post. The location will be in accordance with the approved landscape plan;
- q) That the Owner include in all purchase and sale agreements, sales literature and in sales centre for homes being sold within this development that the lands abut an active rail line and that all of the warning clauses outlined within the Noise Study and Vibration Study be posted;
13. The Owner covenants and agrees in the subdivision agreement to prepare restoration Landscape Plans for the Millers Creek Corridor (Block 2), prepared by a qualified Landscape Architect in good standing with the O.A.L.A., which identifies planting of native self-sustaining vegetation within Open Space Block 2. The Landscape Plans shall be submitted by the Owner and approved by the Town of Ajax and the Toronto and Region Conservation Authority.
14. The Owner shall covenant and agree in the subdivision agreement that Open Space Block 2 shall be dedicated to the Town of Ajax, at no cost and free of encumbrances as part of the issuance of Final Approval and Registration of the first phase of development.
15. Prior to the issuance of Final Approval, the Owner shall submit a detailed stormwater management and flood plain management design brief, prepared by a qualified engineer, detailing the provision of stormwater quality and quantity management facilities, hydraulic gradelines, overland flow routes, Low Impact Development techniques and practices to reduce stormwater runoff volume, erosion and sediment controls in conformity with the Erosion and Sediment Controls for Urban Construction guideline, as amended from time to time, for approval by the Town of Ajax and the Toronto and Region Conservation Authority.
16. The Owner shall covenant and agree in the subdivision agreement to erect fencing between Open Space Block 2 and Medium Density Block 1 to standards established by the Town of Ajax.
17. Prior to the initiation of grading or any site alteration or vegetation removal and prior to the registration of this plan or any phase thereof, the owner shall:

- a) submit a detailed engineering report for the review and approval of the Toronto and Region Conservation Authority (TRCA) that describes the storm drainage system (quality or quantity) for the proposed development of the subject lands. This report shall include:
 - i) plans illustrating how this drainage system will tie into surrounding drainage systems. Matters to be discussed, but are not necessarily limited to, include: overall drainage scheme for the catchment area; the accounting of external flows and how it will be accommodated; and, the design capability of the receiving system;
 - ii) stormwater management techniques which may be required to control minor and major flows;
 - iii) appropriate stormwater management practices to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat, groundwater recharge and infiltration, including appropriate Low Impact Development measures to reduce stormwater runoff volume;
 - iv) proposed method for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction in conformity with Erosion and Sediment Controls for Urban Construction guideline, as amended from time to time;
 - v) location and description of all outlets and other facilities and works which may require a permit pursuant to O.Reg. 166/06 (TRCA Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses);
- b) submit overall grading plans for the subject lands;

18. The Owner covenants and agrees in the subdivision agreement, in wording acceptable to the TRCA:

- a) to carry out, or cause to be carried out, to the satisfaction of TRCA, the recommendations of the technical report referenced in Condition 3 and the Landscape Plans referenced in Condition 1;
- b) to maintain all stormwater management and erosion and sedimentation control structures operating in good repair during the construction period, in a manner satisfactory to the TRCA;
- c) to obtain all necessary permits pursuant to O.Reg. 166/06 or other approvals from the TRCA.

19. The developer is responsible for preparing a composite utility plan that allows for the safe installation of all utilities, including required separation between utilities.

20. Streets are to be constructed in accordance with composite utility plans previously submitted and approved by all utilities.

21. The developer shall grade all streets to final elevation prior to the installation of the gas lines and provide Enbridge Gas Distribution Inc. with the necessary field survey information for the installation of the gas lines.
22. The developer shall provide current Town approved road cross-sections showing all Utilities in the configuration proposed for all of the street widths within the development. The gas location must maintain of 0.6 metres from the street line.
23. Prior to registration of the plan of Subdivision, the Developer/Owner will, at its own cost, grant all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Subdivision. Immediately following registration of the Plan of Subdivision, the Developer/Owner will cause these documents to be registered on title.
24. Prior to registration of the plan of Subdivision, the Developer/Owner will, with consultation with the applicable utilities and Communications Service Providers, prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.
25. The Owner/Developer agrees 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 Mailbox.
26. The Owner/Developer will be responsible for notifying the purchaser of the exact Community Mailbox locations prior to the closing of any home sale.
27. The Owner/Developer will provide the following for each Community Mailbox site and include these requirements on the appropriate servicing plans:
 - a) An appropriately sized sidewalk section (concrete pad) as per municipal standards, to place the Community Mailboxes on;
 - b) Any required walkway across the boulevard, as per municipal standards; and,
 - c) Any required curb depressions for wheelchair access.
28. The Owner/Developer further agrees to determine and provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to the new residences as soon as the homes are occupied.
29. That the Owner agrees to post the standard Durham District School Board approved "Notice to Parents" in all sales representation centres.
30. That the Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

31. Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.
32. A 2.5 metre high safety berm is to be erected on adjoining property, parallel to the railway right-of-way having side slopes not steeper than 2.5 to 1.
33. Dwellings must be constructed such that the interior noise levels meet MOE criteria. The mitigation measures recommended by YCA Engineering in their Environmental Noise Assessment of August 2, 2013 should be implemented by way of the subdivision/condominium agreement. Furthermore a clause should be inserted in all offers of purchase and sale or lease, and be registered on title or included in the lease for each dwelling affected by any noise and vibration attenuation measures, advising that any berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further that the owner shall have the sole responsibility for and shall maintain these features.
34. A clause shall be inserted in all offers to purchase, agreements of purchase and sale or lease and in the title deed or lease of each dwelling warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.
35. A 1.83 metre high chain-link fence shall be constructed and maintained along the common property line of the Railway and the development by the developer at his expense, and the developer is made aware of the necessity of including a covenant running with the lands, in all deeds, obliging the purchasers of the land to maintain the fence in a satisfactory condition at their expense.
36. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway, and be substantiated by a drainage report to be reviewed by the Railway.
37. Any proposed utilities under or over railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement.

NOTES TO DRAFT APPROVAL

1. As the Owner of the proposed subdivision, it is your responsibility to satisfy all conditions of draft approval in an expeditious manner. The conditions of draft approval will be reviewed periodically and may be amended at any time prior to final approval. The *Planning Act* provides that draft approval may be withdrawn at any time prior to final approval.
2. Prior to final approval of this plan for registration, the Director of Planning and Development Services for the Town of Ajax shall be advised in writing by:
 - The Regional Municipality of Durham, how Conditions 1 to 11 (inclusive) have been satisfied;

- The Toronto and Region Conservation Authority, how Conditions 13 to 18 (inclusive) have been satisfied;
 - Enbridge Gas Distribution Inc., how conditions 19 to 22 (inclusive), have been satisfied;
 - Rogers Communications Inc., how Conditions 23 to 24 (inclusive), have been satisfied;
 - Canada Post, how Conditions 25 to 28 (inclusive), have been satisfied;
 - Durham District School Board, how Condition 29, has been satisfied;
 - Bell Canada, how Conditions 30 to 31 (inclusive), have been satisfied;
 - Canadian Pacific Railway, how Conditions 32 to 37 (inclusive), have been satisfied;
3. All plans of subdivision must be registered in the Land Titles System within the Regional Municipality of Durham.
 4. This Draft Approval shall lapse six (6) years from the date the Draft Approval has been granted if the above-noted conditions have not been fulfilled, or if it has not been extended by the Town.

ATT-3 – Draft Conditions of Draft Approval (C-A-2012-06)

To: 2330157 Ontario Limited
9140 Leslie Street, Suite 210
Richmond Hill ON L4B 0A9

From: Gary Muller, MCIP, RPP
Manager of Planning

Re: Draft Plan of Condominium C-A-2012-06
Oxnard Homes
SEC of Taunton Road East and Harwood Avenue North
Town of Ajax

DRAFT CONDITIONS OF DRAFT APPROVAL

1. The Owner shall prepare the final plan on the basis of draft plan of condominium prepared by GHD, identified as Project No. 12139, dated July 30, 2012, as revised and dated February 26, 2013, which illustrates a common elements condominium which comprises of facilities and services for the development of 84 townhouse units.
2. The Owner shall submit to the Regional Municipality of Durham, for review and approval, a revised acoustic engineer report based on project traffic volumes provided by the Durham Regional Planning Department and recommending noise attenuation measures for the draft plan in accordance with the Ministry of Environment guidelines. The Owner shall agree in the subdivision/condominium agreement to implement the recommended noise control measures of the revised acoustic report and the Vibration Feasibility Study, prepared by HGC Engineering Ltd., dated April 22, 2013. The agreement shall contain a full and complete reference to the noise and vibration reports (i.e. author, title, date and any revision/addenda) and shall include any required warning clauses identified in the study.
3. The condominium agreement between the Owner and the Town of Ajax shall contain, among other matters, the following provision:
 - a) The Owner agrees to implement the noise attenuation measures recommended in the revised acoustic report and Vibration Feasibility Study as required in Condition No. 2.
 - b) A Warning Clause in the agreements of purchase and sale and registered on title advising potential purchasers and owner of the townhouse unit on Parcel 40 of some adverse problems of noise, odours, and dust can occur from the adjacent industrial building(s).
4. The Owner shall satisfy all requirements, financial or otherwise, of the Town of Ajax. This shall include, among other matters, the execution of a subdivision agreement and site plan agreement between the Owner and the Town of Ajax concerning the provisions and installations of roads, services, drainage, other local services and other matters relating to the development of the site outlined within the approved site plan drawings.

NOTES TO DRAFT APPROVAL

1. As the Owner of the proposed subdivision, it is your responsibility to satisfy all conditions of draft approval in an expeditious manner. The conditions of draft approval will be reviewed periodically and may be amended at any time prior to final approval. The *Planning Act* provides that draft approval may be withdrawn at any time prior to final approval.
2. Prior to final approval of this plan for registration, the Director of Planning and Development Services for the Town of Ajax shall be advised in writing by:
 - The Regional Municipality of Durham, how Conditions 1 to 3 (inclusive) have been satisfied;
3. All plans of subdivision must be registered in the Land Titles System within the Regional Municipality of Durham.
4. This Draft Approval shall lapse three (3) years from the date the Draft Approval has been granted if the above-noted conditions have not been fulfilled, or if it has not been extended by the Town.