



Town of Markham Section 37 Official Plan Policies and Guidelines

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Background

- Section 37 of the Planning Act authorizes local municipalities to increase zoned height and/or density of development in return for “facilities, services or matters”
- Markham has a policy in its Official Plan, but has never applied it
- Markham has received applications for increased height and density (Markham Centre, Langstaff, Yonge, Avenue Seven and Steeles corridors)

Other Municipal Experience

- Toronto has most extensive experience
 - Over the past 10 years negotiated more than 280 section 37 agreements and developed a comprehensive process
 - Benefits include public art, daycare, affordable housing, community service facilities, parks and streetscape improvements
 - Toronto Council has adopted guidelines for Section 37 negotiations
- Burlington, Mississauga, London, Cambridge also have limited experience with Section 37
- York Region encourages use of Section 37 by local municipalities in support of compact and transit-oriented development
- Other municipalities have policies, but limited experience

Proposed Policy Framework—Potential Benefits

- Preservation of woodlots/environmentally significant areas
- Contribution to urban forest
- Public access to ravines and valleys
- Community service facilities (daycares, recreation centres)
- Conservation of cultural heritage
- Affordable housing; conservation of rental housing
- Connections to transit facilities/improvements to transit facilities
- Public parking facilities
- Public art/cultural facilities
- LEED certification

Proposed Policy Framework—Good Planning

- All bonusing of development must:
 - represent good planning
 - be consistent with other Official Plan policies
 - have adequate infrastructure
- Benefits must be:
 - based on local community needs and/or intensification issues
 - over and above what can be secured through other Sections of the Planning Act and the Development Charges Act
 - secured through a Section 37 Agreement

Proposed Bonusing Guidelines

- Good planning not subject to bonusing
- Must be a reasonable planning relationship
- Will apply to entire Town—but focused on intensification areas
- Size threshold (generally more than 5,000 sq m in size)
- Local Area Studies to determine benefits
- Valuation of benefits based on increase in land value
- No exemptions for development charges or parks dedications
- Community consultation
- Agreement re benefits prior to enactment of Bylaw

Markham Centre & Langstaff Gateway

- Unique Contexts
- Ultimate development thresholds to be based on capacity of infrastructure
- May be opportunities to add more development in particular areas while still addressing infrastructure needs
- Such development can be subject to bonusing provisions to achieve local benefits
- May be subject to unique provisions in Secondary Plans