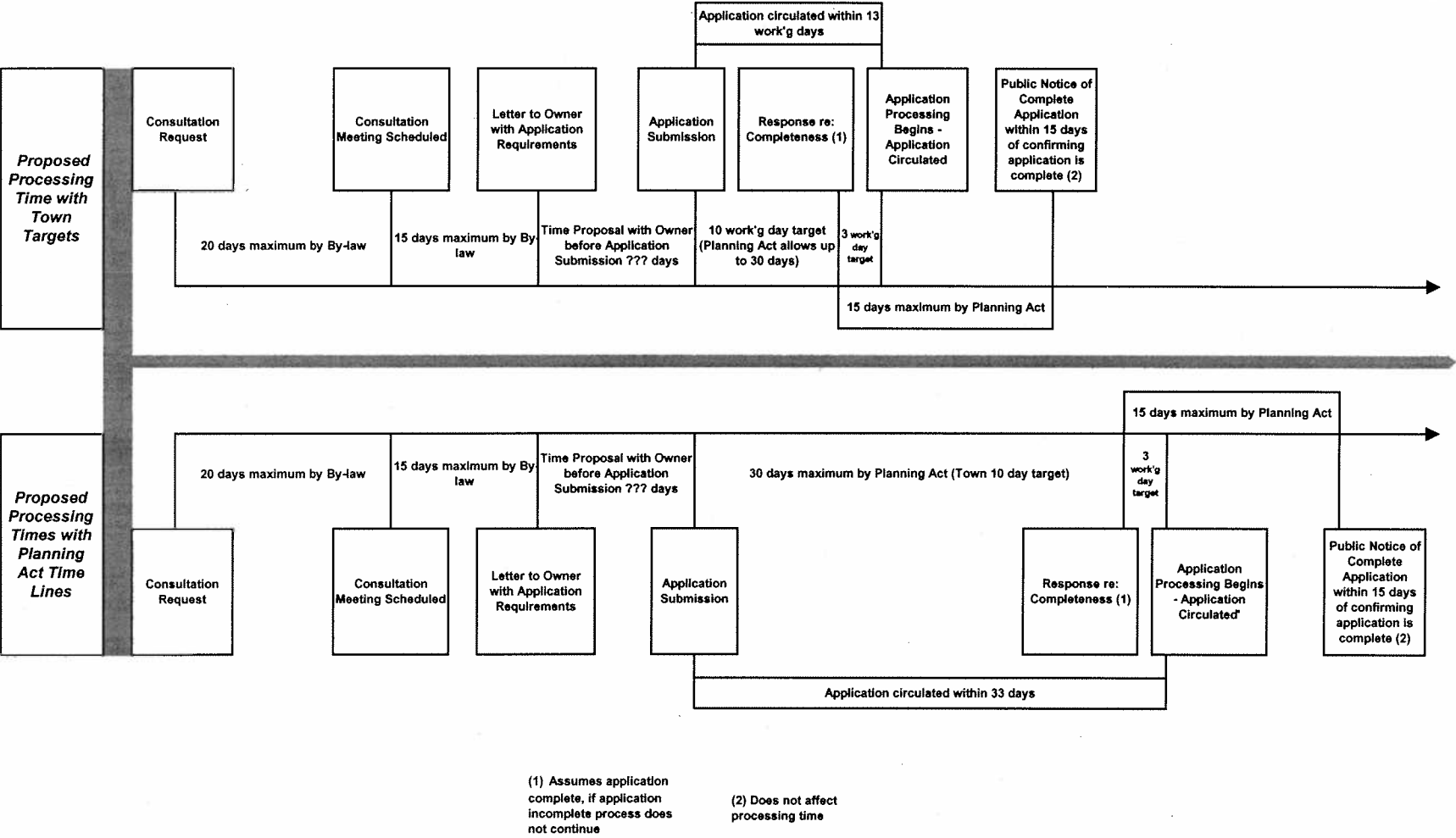


Timelines for Consultation & Complete Application Submission

Figure 1



# **APPENDIX**

**A4**

## **OFFICIAL PLAN**

**of the**

## **TOWN OF MARKHAM PLANNING AREA**

## **AMENDMENT NO. XXX**

To amend the Official Plan (Revised 1987), as amended, to incorporate the requirements for complete applications, pursuant to subsections 22(5), 34(10.2), 51(18) and 53(3) of the Planning Act as amended by the Planning and Conservation Land Statute Law Amendment Act, 2006 (Bill 51) on January 1, 2007.

Complete Applications

**(DATE)**

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OFFICIAL PLAN  
of the  
MARKHAM PLANNING AREA  
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended, to incorporate the requirements for complete applications, pursuant to subsections 22(5), 34(10.2), 51(18) and 53(3) of the Planning Act as amended by the Planning and Conservation Land Statute Law Amendment Act, 2006 (Bill 51) on January 1, 2007.

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. \_\_\_\_\_ - \_\_\_\_ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the \_\_\_\_\_ st (or) nd (or) rd (or) th day of \_\_\_\_\_, 200 \_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

THE CORPORATION OF THE TOWN OF MARKHAM

BY-LAW NO. \_\_\_\_\_

Being a by-law to adopt Amendment No. XXX to the Town of Markham Official Plan (Revised 1987), as amended.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O. 1990, c. P.13, AS AMENDED, HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the Town of Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_\_ st (or)  
nd (or) rd (or) th DAY OF \_\_\_\_\_, (year)

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
MAYOR

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DRAFT

**PART I - INTRODUCTION**

(This is not an operative part of Official Plan Amendment No. XXX)

## **PART I - INTRODUCTION**

### **1.0 GENERAL**

- 1.1 PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2 PART II - THE OFFICIAL PLAN AMENDMENT, constitutes Official Plan Amendment No. XXX, and is an operative part of this Official Plan Amendment.

### **2.0 LOCATION**

This amendment applies to all lands within the Town of Markham.

### **3.0 PURPOSE**

The purpose of this Amendment is to make a number of changes to the Official Plan to incorporate additional requirements for complete applications for planning approvals in accordance with subsections 22(5), 34(10.2), 51(18) and 53(3) of the Planning Act, R.S.O. 1990 c.P.13, as amended.

### **4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT**

On January 1, 2007, the Planning Act was amended by the Planning and Conservation Land Statute Law Amendment Act, 2006, to provide municipalities with a number of new tools that are intended to streamline the approvals process and implement a number of other Provincial objectives on growth management and urban design. The change to the Planning Act that is the subject of this Amendment provides that municipalities can request that any person or public body seeking to obtain the approval of an Amendment to the Official Plan, an Amendment to a Zoning By-Law, the approval of a Plan of Subdivision or the approval of a Consent provide such other information or material that the Council considers it may need, if the Official Plan contains provisions relating to such additional requirements for complete applications under the applicable subsections of the Planning Act. The intent of this Amendment is to set out these additional submission requirements for official plan amendments, zoning by-law amendments, plans of subdivision and consent applications in the Town of Markham.

While this Amendment lists information or materials that may be required to support a particular application, it is sometimes difficult to predict what types of information or materials are required in advance, since every property and proposal is unique and some of the concerns do not arise on the face of the proposal but following consultation with other affected agencies, other levels of government or other stakeholders. On this basis, the Amendment links the need for an adequate pre-application consultation meeting with the requirements for a complete application to ensure that all information or materials required to make an application complete are identified and articulated, to the greatest extent possible, before an application is submitted.

This Amendment also recognizes that there should be some flexibility built into the complete application process to deal with unique circumstances, such as applications that are intended to implement other decisions that were the subject of a more comprehensive review and substantial supporting documentation or to respond to certain public interest objectives as they arise. Examples of public interest objectives may be the pre-zoning of certain lands in the absence of supporting studies to implement a particular initiative along a transit route, or a needed public service facility.

Lastly, this Amendment articulates the general intent of each of the supporting technical studies, plans and/or other items listed to assist in ensuring that applicants understand the nature of the requirements and are better prepared upfront, which should streamline the approval process.



DRAFT

**PART II - THE OFFICIAL PLAN AMENDMENT**

(This is an operative part of Official Plan Amendment No. XXX)

## PART II - THE OFFICIAL PLAN AMENDMENT

### 1.0 THE OFFICIAL PLAN AMENDMENT

The Town of Markham Official Plan (Revised 1987), as amended is amended as follows:

1.1 Section 1.1.2 of Part II of the Official Plan (Revised 1987) as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.

1.2 Section 7.1 (General) of the Town of Markham Official Plan (Revised 1987), as amended is amended by adding a new subsection c) as follows:

“c) An application to amend this Plan, or a Secondary Plan forming part of this Plan, (a) Town of Markham Zoning By-law(s), or applications for a Plan of Subdivision or a Consent shall be complete, in accordance with Section 7.14 of this Plan.”

1.3 Section 7.2 (Secondary Plan) of the Town of Markham Official Plan (Revised 1987), as amended is amended by adding a new subsection d) as follows:

“d) An application to amend a Secondary Plan forming part of this Plan shall be complete, in accordance with Section 7.14 of this Plan.”

1.4 Section 7.3 (Zoning By-laws and Orders) of the Town of Markham Official Plan (Revised 1987), as amended, is amended by adding a new subsection i) as follows:

“i) Complete Applications

An application to amend Town of Markham Zoning By-laws shall be supported by appropriate information or materials and shall be complete before they are processed in accordance with Section 7.14 of this Plan.”

- 1.5 Section 7.4 (Committee of Adjustment) of the Town of Markham Official Plan (Revised 1987), as amended is amended by adding the following sentence at the end of this Section:

“Prior to processing an application for Consent, the application shall be complete in accordance with Section 7.14 of this Plan.”

- 1.6 Section 7.5 (Subdivision Control) of the Town of Markham Official Plan (Revised 1987), as amended is amended by adding a new subsection c) as set out below:

“c) An application for Plan of Subdivision will not be processed by the Town unless it is complete in accordance with Section 7.14 of this Plan.”

- 1.7 Section 7.10 (Amendments to this Plan) of the Town of Markham Official Plan (Revised 1987), as amended is amended by adding the following sentence at the end of the paragraph:

“An application to amend the Official Plan shall not be processed unless it is complete in accordance with Section 7.14 of this Plan.”

- 1.8 Section 7 (Implementation) is amended by adding a new subsection 7.14 as follows:

#### **“7.14 COMPLETE APPLICATIONS**

##### **7.14.1 OVERVIEW**

- a) The Planning Act permits municipalities to include policies for complete applications, setting out what the information or materials submission requirements are to support an application to amend the Official Plan, to amend a Zoning By-law, for Plans of Subdivision, or for Consents.

In order to ensure that Council can make an informed decision on a planning application, and the potential implications of an application can be understood, information or materials in the form of technical studies, plans and/or other items may be required.

Once this required information or materials has been submitted, to the satisfaction of the Town, the application is deemed “complete” in accordance with the Planning Act, with the date the application is deemed “complete” being the date on which the processing time frame in the Planning Act begins.

- b) This Section of the Official Plan is specifically intended to implement subsections 22(5), 34(10.2), 51(18) and 53(3) of the Planning Act, which provides authority for the inclusion of these policies regarding complete applications in the Official Plan.
- c) Notwithstanding Section 7.14.1 a), prior to the approval by Council or the approval authority, of an application, the Town, senior levels of government and/or commenting agencies can request the submission of additional information or materials, despite the fact that an application has been deemed “complete” in accordance with the Planning Act, and the regulations thereto.

#### **7.14.2 MINIMUM SUBMISSION REQUIREMENTS**

- a) The following are the minimum submission requirements for Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision and Consent applications:
  - i) The minimum submission requirements for an Official Plan Amendment in accordance with subsection 22(4) of the Planning Act are articulated in Schedule 1 of Ontario Regulation 543/06.
  - ii) The minimum submission requirements for a Zoning By-law Amendment application as set out in subsection 34(10.1) of the Planning Act is articulated in Schedule 1 of Ontario Regulation 545/06.
  - iii) The minimum submission requirements for a Plan of Subdivision application as set out in subsection 51(17) of the Planning Act are

articulated in Schedule 1 of Ontario Regulation 544/06.

- iv) The minimum submission requirements for a Consent application as set out in subsection 53(2) of the Planning Act are articulated in Schedule 1 to Ontario Regulation 197/96.
- b) These minimum submission requirements are incorporated into standardized application forms, which must be completed by the proponent and submitted to the Town.

#### **7.14.3 SUPPLEMENTAL SUBMISSION REQUIREMENTS**

- a) This following list of the technical studies, plans and/or other items that constitute the additional information or materials that the Town of Markham can require for a complete application for Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision or Consent, in addition to the items identified in Section 7.14.2 of this Plan pursuant to subsections 22(5), 34(10.2), 51(18) and 53(3) of the Planning Act.

Having regard for the scale and scope of the proposal, the determination of which technical studies, plans and/or other items are required, for an application to be complete, will be made as a result of consultation meeting(s) with the proponent, as set out in Section 7.14.4, except as otherwise provided for in Section 7.14.1 b), and in accordance with the provisions of the Planning Act.

The general intent of each of the technical studies, plans and/or other items is set out in Section 7.14.5. Submission requirements for specific uses are identified in Section 7.14.6.

Acting reasonably, regard shall also be had to Section 7.14.7, which provides some flexibility to the Town in the consideration of the types of information or materials required to support an application.

- b) An application for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision or Consent must also include the supplemental submission requirements required by the Town.
- c) An application for an Official Plan Amendment must include a draft of the proposed amendment, including the proposed text, and all proposed schedules and figures, in a form satisfactory to the Town.
- d) Any one or more of the following technical studies, plans and/or other items, determined by the Town in consultation with the proponent, may be required to be submitted with an application for an Official Plan Amendment:
  - i) Land Use Planning Report;
  - ii) Market Impact Study;
  - iii) Urban Design Plan;
  - iv) Community Design Plan;
  - v) Agricultural Impact Assessment;
  - vi) Environmental Impact Study;
  - vii) Environmental Site Assessment;
  - viii) Stormwater Management Report;
  - ix) Environmental Screening Questionnaire;
  - x) Servicing Study;
  - xi) Limits of Top of Bank Plan;
  - xii) Traffic Management Study;
  - xiii) Archaeological Assessment;
  - xiv) Cultural Heritage Impact Statement;
  - xv) Land Use Compatibility Assessment;
  - xvi) Tree Inventory and Preservation Plan;
  - xvii) Subwatershed Study;
  - xviii) Noise and/or Vibration Study;
  - xix) Community Facilities and Services Needs Assessment;
  - xx) Development Charges Background Study;
  - xxi) Financial Impact Study;
  - xxii) Concept Plans and Drawings; and/or,
  - xxiii) Any other technical studies, plans and/or other items required by this plan or specified in an implementing secondary plan, adopted before or after the date of this amendment, relevant to the proposal.

e) Any one or more of the following technical studies, plans and/or other items determined by the Town in consultation with the proponent, may be required to be submitted with an application for a Zoning By-law Amendment:

- i) Land Use Planning Report;
- ii) Market Impact Study;
- iii) Urban Design Plan;
- iv) Agricultural Impact Assessment;
- v) Environmental Impact Study;
- vi) Environmental Site Assessment;
- vii) Stormwater Management Report;
- viii) Environmental Screening Questionnaire;
- ix) Subwatershed Study;
- x) Servicing Study;
- xi) Limits of Top of Bank Plan;
- xii) Traffic Management Study;
- xiii) Parking Utilization Study;
- xiv) Archaeological Assessment;
- xv) Cultural Heritage Impact Statement;
- xvi) Land Use Compatibility Assessment;
- xvii) Tree Inventory and Preservation Plan;
- xviii) Noise and/or Vibration Study;
- xix) Community Facilities and Services Needs Assessment;
- xx) Concept Plans and Drawings; and/or,
- xxi) Any other technical studies, plans and/or other items required by this plan or specified in an implementing secondary plan, adopted before or after the date of this amendment, relevant to the proposal.

f) Any one or more of the following technical studies, plans and/or other items determined by the Town in consultation with the proponent, may be required to be submitted with an application for a Plan of Subdivision:

- i) Land Use Planning Report;
- ii) Community Design Plan;
- iii) Urban Design Plan;
- iv) Agricultural Impact Assessment;
- v) Environmental Impact Study;

- vi) Environmental Site Assessment;
- vii) Stormwater Management Report;
- viii) Environmental Screening Questionnaire;
- ix) Subwatershed Study;
- x) Servicing Study;
- xi) Limits of Top of Bank Plan;
- xii) Traffic Management Study;
- xiii) Archaeological Assessment;
- xiv) Cultural Heritage Impact Statement;
- xv) Land Use Compatibility Assessment;
- xvi) Tree Inventory and Preservation Plan;
- xvii) Noise and/or Vibration Study;
- xviii) Community Facilities and Services Needs Assessment; and/or,
- xix) Any other technical studies, plans and/or other items required by this plan or specified in an implementing secondary plan, adopted before or after the date of this amendment; relevant to the proposal.

g) Any one or more of the following technical studies, plans and/or other items determined by the Town in consultation with the proponent, may be required to be submitted with an application for Consent:

- i) Land Use Planning Report;
- ii) Concept Plans and Drawings;
- iii) Urban Design Plan;
- iv) Agricultural Impact Assessment;
- v) Environmental Impact Study;
- vi) Environmental Site Assessment;
- vii) Stormwater Management Report;
- viii) Environmental Screening Questionnaire;
- ix) Servicing Study;
- x) Limits of Top of Bank Plan;
- xi) Traffic Management Study;
- xii) Archaeological Assessment;
- xiii) Cultural Heritage Impact Statement;
- xiv) Land Use Compatibility Assessment;
- xv) Tree Inventory and Preservation Plan;
- xvi) Noise and/or Vibration Study; and/or,
- xvii) Any other technical studies, plans and/or other items required by this plan or specified in an implementing secondary plan, adopted



before or after the date of this amendment,  
relevant to the proposal.

#### **7.14.4 CONSULTATION**

- a) Prior to the submission of an application for Official Plan Amendment, Zoning By-law Amendment or Plan of Subdivision, proponents are required to meet with appropriate Town Staff to determine what technical studies, plans and/or other items are required to support an application, in accordance with this Section of the Official Plan.
- b) The details of the consultation process are to be spelled out in a pre-application consultation by-law passed pursuant to Sections 22(3.1), 34(10.0.1) and 51(16.1) of the Planning Act. The intent of the pre-application consultation process is to determine the scale and scope of any required technical studies, plans and/or other items with this scale and scope being dependent on the size of the proposal, its relationship to adjacent land uses and the type(s) of planning approval(s) required.

In the absence of a pre-application consultation meeting an application may be deemed incomplete, and may be refused.

#### **7.14.5 GENERAL INTENT OF TECHNICAL STUDIES, PLANS AND/OR OTHER ITEMS**

Below is a summary of the general intent of some of the technical studies, plans and/or other items listed as being required in Section 7.14.3. Town staff, in consultation with the proponent, will determine what technical studies, plans and/or other items are required based on the unique circumstances of the proposal. Prior to undertaking a technical studies, or providing plans and/or other items, appropriate Town staff should be consulted to establish the details, scope and terms of reference.

- a) Land Use Planning Report

The general intent of this report is to describe the proposal in detail, and provide a professional

planning opinion about how the proposal will conform to the relevant objectives and policies of this Plan, the Regional Official Plan, the Provincial Policy Statement, as well as relevant Provincial legislation and Plans. If a Plan of Subdivision or Consent is proposed, the Land Use Planning Report shall deal with the items listed in Section 51(24) of the Planning Act.

b) Market Impact Study

The general intent of such a report is set out in Sections 3.4.4.5 and 3.5.4.6 (Large Scale Retail Development) of this Plan.

c) Urban Design Plan

The general intent of such a plan is to provide details about how the relevant policies contained within an implementing Secondary Plan and Section 2.3 (Visual Appearance) of this Plan are met.

d) Concept Plans and Drawings

The general intent of such plans and drawings is to show the location of all existing and proposed buildings, structures, facilities and works, sufficient to display:

- i) the massing and conceptual design of the proposal;
- ii) the relationship of proposed buildings, structures, facilities and works to adjacent buildings, streets, and exterior areas to which members of the public have access;
- iii) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;
- iv) matters relating to exterior design;
- v) the sustainable design elements on any adjoining highway, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving

materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and,

- vi) facilities designed to have regard for accessibility for persons with disabilities.

e) Community Design Plan

The general intent of such a plan is to address matters such as the park and open space needs, protection of environmental features and the design of linked open space systems.

f) Agricultural Impact Assessment

The general intent of such an assessment is set out in Section 3.7.7 - Justification of Non-Agricultural Uses of this Plan. This assessment also needs to address the requirements of the Regional Plan and the relevant Provincial Policies and Plans.

g) Environmental Impact Study

The purpose, general intent and content of such a study is broadly set out in Section 2.2 - Environment and Natural Resources of this Plan. In addition, the specific requirements for an Environmental Impact Study are set out in Section 2.2.2.10 - Environmental Impact Study of this Plan. Other relevant environmental policies which may need to be addressed in an Environmental Impact Study include, Section 2.2.3 - Rural Areas, the environmental policies of an implementing Secondary Plan and the site specific policies in Section 4.3 of this Plan.

h) Functional Servicing Study

The purpose of such a study is to identify specific municipal or private servicing and utility supply needs (e.g. energy, sanitary and water) for individual development proposals in accordance with Section 6 (Services and Utilities) of this Plan.

i) Stormwater Management Report

The general intent of such a report is to assess the impacts of a development proposal on stormwater quantity and quality in accordance with Section 2.2.2.7 - Stormwater Management of this Plan and to make recommendations about overall drainage and how stormwater will be handled and/or impacts mitigated.

j) Traffic Management Study

This study will determine what impact a development proposal will have on traffic on roads adjacent to a proposed development, and roads in the general area in accordance with Section 5 - Transportation of this Plan and any implementing secondary plans, and will make recommendations regarding a range of mitigation options, if appropriate.

k) Parking Utilization Study

The general intent of such a study is to determine if a change to the maximum or minimum amount of parking required is appropriate.

l) Archaeological Assessment

The general intent of such an assessment is to assess the impacts of a development proposal on archaeological resources as set out and in accordance with Section 2.5.1 i) of this Plan.

m) Cultural Heritage Impact Statement/Assessment

The general intent of such a statement/assessment is to assess the impacts of a development proposal on cultural heritage resources as set out and in accordance with Section 2.5 - Heritage Conservation of this Plan.

n) Environmental Site Assessment (Phase 1 and 2)

The general intent of a Phase 1 study is to determine, based on historical records, if the site is potentially impacted by contaminants. A Phase 2 study is a more detailed assessment that may include matters such as surface and sub-surface soil sampling and ground water sampling to determine the presence and locations of any site contamination.

o) Environmental Screening Questionnaire

The general intent of the Environmental Screening Questionnaire is to identify potential site contamination. The Environmental Screening Questionnaire will contribute to the Town's determination if any further environmental investigation and/or study is required.

p) Land Use Compatibility Assessment

The general intent of such an assessment is to describe and review the potential impacts of noise, dust, odour and similar items:

- i) on proposed sensitive land uses, from existing industrial land uses or transportation or utility facilities; or
- ii) from proposed industrial land uses, or transportation or utility facilities on existing sensitive land uses.

Noise, dust, odour and similar items will be considered in accordance with applicable guidelines and/or regulations. Such an assessment may include a Noise Impact and Vibration Study. Such an assessment shall be prepared in accordance with Sections 2.2 c) and 2.2.1 a), b) and c) of this Plan, in addition to any specific requirements set out in any implementing secondary plan.

q) Noise and Vibration Study

The general intent of such an assessment is to describe and review the potential impacts of noise and/or vibrations and to determine the requirements for noise attenuation and/or mitigation:

- i) on proposed sensitive land uses, from existing industrial land uses or transportation or utility facilities; or
- ii) from proposed industrial land uses, or transportation or utility facilities on existing sensitive land uses.

Noise and vibration will be considered in accordance with applicable guidelines and/or regulations. Such an assessment shall be prepared in accordance with Sections 2.2 c) and 2.2.1 a), b) and c) of this Plan, in addition to any specific requirements set out in any implementing secondary plans.

r) Subwatershed Study

The general intent of a Subwatershed Study is to inventory and evaluate existing natural features and functions and recommend measures to protect, and to address the enhancement and restoration of the natural features and functions in the context of urban development. Such a Subwatershed Study shall be prepared in accordance with Section 2.2.2.2 - Subwatershed Studies of this Plan.

s) Tree Inventory and Preservation Plan

The general intent of a Tree Inventory and Preservation Plan is to inventory and evaluate existing natural features and functions and recommend measures to protect, and to address the enhancement and restoration of the natural features and functions in the context of urban development.

t) Community Facilities and Services Needs Assessment

The general intent of a Community Facilities and Services Needs Assessment is to inventory and evaluate existing community facilities and services, such as community centres, day care centres, emergency services, health care, libraries, parks, places of worship and schools to assess if additional facilities and services will be required.

u) Financial Impact Study

The general intent of a Financial Impact Study is to determine whether, and to what extent the capital cost of the development, both hard and soft, will be borne by the development, and whether the mill rate will be adversely impacted by the proposal.

#### **7.14.6 REQUIREMENTS FOR SPECIFIC USES AND/OR AREAS**

In addition to the requirements set out in Section 7.14.2 and 7.14.3, the following additional requirements for specific uses are set out below:

- a) New development on lands identified as Future Urban Area on Schedule 'A' to this Plan shall be supported by a strategy for the Staging of Development based on comprehensive technical studies, plans and/or other items and a development Phasing Plan in accordance with Section 2.1.1 c) of this Plan;
- b) An application for a commercial pit or quarry shall be supported by the appropriate technical studies, plans and/or other items that deal with the matters set out in Section 2.2.1 e) of this Plan;
- c) An application for development within a former waste disposal site and potential influence areas of the site shall be supported by the appropriate technical studies, plans and/or other items that deal with the matters referred to in Section 2.10 of this Plan;

- d) An application for a rezoning to permit a day care centre shall be supported by the appropriate technical studies, plans and/or other items that deal with the matters referred to in Section 2.11 of this Plan;
- e) An application for an Official Plan Amendment or for rezoning to permit a place of worship shall be supported by the appropriate technical studies, plans and/or other items that deal with the matters referred to in Section 2.17.1 d) of this Plan;
- f) An application for an Official Plan Amendment or for rezoning within a Study Area identified on Schedule 'A' to this Plan shall be supported by the appropriate technical studies, plans and/or other items that deal with the matters referred to in Section 3.2 of this Plan;
- g) An application for an Official Plan Amendment to change or extend an assigned commercial land use category shall be supported by appropriate technical studies, plans and/or other items that deal with the matters referred to in Section 3.4.3 g) of this Plan;
- h) An application for a rezoning to permit a specific land use or activity in a commercial land use category shall be supported by the appropriate technical studies, plans and/or other items that deal with the matters referred to in Section 3.4.3 h) of this Plan;
- i) An application for a rezoning for a funeral home shall be supported by appropriate technical studies, plans and/or other items that deal with the matters referred to in Section 3.4.5.3 of this Plan;
- j) An application for an Official Plan Amendment to delete, change or extend an assigned industrial land use category shall be supported by appropriate technical studies, plans and/or other items that deal with the matters referred to in Section 3.5.3 f) of this Plan;



- k) An application for a rezoning to permit a specific land use or activity within the industrial designation shall be supported by appropriate technical studies, plans and/or other items that deal with the matters referred to in Section 3.5.3 g) of this Plan;
- l) An application for an Official Plan Amendment or rezoning to permit a cemetery shall be supported by the appropriate technical studies, plans and/or other items that deal with the matters referred to in Section 3.6.4 of this Plan;
- m) An application for a rezoning, plan of subdivision or consent on lands designated Special Policy Areas shall be supported by appropriate technical studies, plans and/or other items that deal with the matters referred to in Section 3.10.2 of this Plan; and,
- n) An application in the Yonge Steeles Redevelopment Area shall be supported by the appropriate technical studies, plans and/or other items that deal with the matters referred to in Section 7.12.4 b) of this Plan and the Thornhill Secondary Plan.

#### **7.14.7 FLEXIBILITY**

- a) While it is the general intent of the Town to only require the technical studies, plans and/or other items necessary to be submitted in support of an application for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision or Consent, it is recognized that every proposal and property is unique.
- b) The specific requirements for a particular application may be modified by the Commissioner of Development Services or designate depending on the phase and/or scale of the proposal, its location, its location in relation to other land uses, and whether the proposal implements other planning approvals that may have been obtained, prior to the consideration of the specific application. Where development applications proceed in phases, regard shall be had to the original technical studies, plans and/or other items submitted and approved in prior

phases, of the same development. The technical studies, plans and/or other items submitted in support of a phased development may only have to be updated in subsequent phases.

- c) There may also be relevant technical studies, plans and/or other items required, that are not listed in this Plan, that relate to the specific circumstances of the application. Having regard for the scale and scope of the proposal, and acting reasonably, the Town of Markham may require the submission of these technical studies, plans and/or other items prior to an application being deemed complete. These technical studies, plans and/or other items shall be completed and submitted to the satisfaction of the Commissioner of Development Services or designate.
- d) There may be specific public interest objectives, which necessitate the waiving of the submission of certain technical studies, plans and/or other items. The submission of these technical studies, plans and/or other items will only be waived, provided there are appropriate mechanisms in place to ensure that sufficient information is available to assess the impacts of a specific development proposal. For example, this may occur through the use of a Holding provision, in accordance with Section 8 of this Plan, where the provision of the technical studies, plans and/or other items may be a condition of the removal of the Holding provision from the zoning By-law. The waiving of the requirement for submission of technical studies, plans and/or other items prior to an application being deemed complete, is at the discretion of the Commissioner of Development Services or designate.

#### **7.14.8 SUPPORTING STUDIES, PLANS OR ITEMS**

All technical studies, plans and/or other items required by the Town of Markham shall be carried out at the expense of the proponent.”

## 2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment to the Official Plan (Revised, 1987) is exempt from the approval by the Region of York. Following adoption, notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13(c) of Part II of the Official Plan (Revised, 1987) shall not apply.

**(Date)**

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## APPENDIX

### B.

# BY-LAW 2008-XXX

## **A BY-LAW TO REQUIRE PRIOR CONSULTATION BY APPLICANTS PROPOSING TO SUBMIT APPLICATIONS FOR OFFICIAL PLAN OR ZONING BY-LAW AMENDMENTS, PLANS OF SUBDIVISION OR SITE PLANS FOR THE CORPORATION OF THE TOWN OF MARKHAM**

**WHEREAS** the Council of The Corporation of the Town of Markham is authorized by subsections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass a by-law to require that property owners or their agents proposing official plan amendments, zoning by-law amendments, approval of plans of subdivision or site plans, consult with the municipality before submitting an application for such an amendment or approval;

**AND WHEREAS** the Town of Markham wishes to discuss the merits of planning and development proposals with property owners or their agents before any such application is submitted, to ensure that all information and material that may be required to accompany the application is identified, to confirm Town submission requirements for a complete application, and to identify which other agencies and senior levels of government should be consulted before an application is submitted;

**NOW THEREFORE THE COUNCIL OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:**

### **1. DEFINITIONS**

In this by-law,

- (1) "ACT" means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or any successors thereto;
- (2) "CONSULT" and "CONSULTATION" means meetings with the relevant Development District Manager or designate to discuss and exchange information respecting the proposed application(s) for planning approvals;
- (3) "PLANNING APPROVAL" includes:
  - (a) an official plan amendment;
  - (b) a zoning by-law amendment;
  - (c) a plan of subdivision approval, including a plan of condominium; and/or
  - (d) a site plan approval, including an application to amend an existing site plan approval.
- (4) "PROPONENT" means the person or public body, including the land owner or authorized agent, seeking a planning approval.;
- (5) "WRITING" or "WRITTEN" includes letters, facsimile transmissions and electronic mail messages.

## **2. CONSULTATION**

Prior to a proponent submitting an application for a planning approval to the Town of Markham, the proponent shall engage in consultation with the Town of Markham as follows:

- (1) The proponent shall attend a meeting to consult with the Town of Markham on at least one occasion, with such meeting to include the Development District Manager or designate responsible for the planning area in which the land that is the subject of the proposed application or approval is located;
- (2) A meeting(s) that does not include the attendance of the relevant Development District Manager or designate shall be deemed not to satisfy the consultation requirements under this by-law;
- (3) The Development District Manager or designate, at his or her discretion, may require the proponent to attend additional consultation meetings to satisfy the prior consultation requirements under this by-law;
- (4) Land use proposals and applications will not be accepted for processing by the Town of Markham prior to the required consultation meeting, contemplated in subsections (1) to (3), unless the proposal has been exempted from the consultation requirements in accordance with the provisions of Section 3;
- (5) If the proponent is proposing or is required to submit more than one application for approval related to a single development proposal, subject to subsection (3), one prior meeting with the Development District Manager or designate may satisfy the requirement for consultation;
- (6) The proponent shall submit a written request for consultation to the Development Services Department. The request for consultation shall include: a brief description of the property, the location of the property, and the nature of the proposal;
- (7) Upon receipt of a request to consult the relevant Development District Manager or designate shall schedule a consultation meeting within twenty (20) days;
- (8) The Development District Manager or designate shall provide the proponent with confirmation in writing of the date, time and location of the consultation meeting(s);
- (9) All consultation meetings shall be arranged on a date, time and location satisfactory to the Development District Manager or designate;
- (10) The Development District Manager or designate may invite other Town of Markham staff and/or staff from external agencies and/or senior levels of government to the consultation meeting(s);
- (11) The Development District Manager or designate shall notify the proponent prior to the meeting, which external agencies or senior levels of government have been invited to attend a consultation meeting;
- (12) Within fifteen (15) days following a consultation meeting, the Development District Manager or designate shall notify the proponent in writing of the list of technical studies, plans and/or other items the proponent is required to submit with the

application(s) for planning approval.

**3. CONSULTATION EXEMPTION**

Notwithstanding Section 2 of this by-law, the Development District Manager or designate, in consultation with the Director of Planning and Urban Design, may exempt a proposal from the consultation requirements under this by-law. Notice of the exemption to consult shall be provided to the proponent in writing.

**4. DATE BY-LAW EFFECTIVE**

This by-law shall come into force and effect on the date of its enactment.

**5. SHORT TITLE**

This by-law may be cited as the "Town of Markham Consultation By-law".

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

\_\_\_\_\_  
SHEILA BIRRELL, CLERK

\_\_\_\_\_  
FRANK SCARPITTI, MAYOR

## APPENDIX

C 4

Please refer to: **Nupur Malaviya**  
e-mail: [nupurm@davieshowe.com](mailto:nupurm@davieshowe.com)

Davies  
Howe  
Partners

February 19, 2008

**By E-Mail Only to [judycarroll@markham.ca](mailto:judycarroll@markham.ca)**

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Ms. Judy Carroll, Notification Clerk  
Clerk's Department  
Town of Markham  
Anthony Roman Centre  
101 Town Centre Boulevard  
Markham, Ontario  
L3R 9W3

Dear Ms. Carroll:

**Re: Amendment to the Official Plan Regarding Complete Applications  
Town of Markham Staff Report Reference OP.07-131262  
Development Services Committee Public Meeting  
Feb 19, 2008 (Item 4)  
Submission by Liberty Development Corporation**

We are counsel to Liberty Development Corporation, a real estate development company with development interests in the Town of Markham, and are filing this submission on its behalf.

We are writing in response to the November 20, 2007 Town of Markham ("the Town") Staff Report ("the Staff Report") dealing with a Town-initiated Official Plan Amendment to set out the requirements for complete official plan, zoning by-law, subdivision and consent application submissions ("the proposed OPA").

We object to the proposed OPA because it is vague and ambiguous in a number of respects, creating uncertainty for applicants and stakeholders, and providing too much discretion in its application. This could lead to arbitrary and inconsistent application of the policies. The proposed OPA also lacks statutory authority in a number of instances.

Specifically, our objections to the proposed OPA are listed below by policy number.



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#### 7.14.1 – Overview

This policy provides that Staff can "require" the submission of additional information and/or materials, despite the fact that an application has been deemed "complete" in accordance with the *Planning Act*. It is our position that the Town can request that additional information/material be provided, but it cannot require additional information after an application is deemed complete.

#### 7.14.3 – Supplemental Submission Requirements.

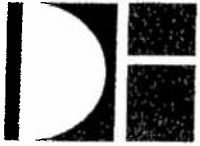
The extensive lists of potential studies that may be required for each type of application are very similar. Official plan amendments, zoning by-law amendments, plans of subdivision and requests for consent are distinct types of applications. Accordingly, there should be a distinct set of criteria to determine whether studies are required under each type of application.

Policy 7.14.3b) requires that all submitted applications include a completed application form, which may be amended from time to time. The effect of this policy is that studies, plans or items could be continually added to application forms, thereby creating uncertainty for applicants in determining complete application requirements. We also note that if the application form is amended subsequent to an application being submitted, the amendments to the form should not apply to the application.

Particularly troubling is Policy 7.14.3e)xx), which provides that zoning by-law amendment applications include a site plan approval application and/or plan of subdivision application if the application meets certain thresholds. The *Planning Act* allows council to require that an applicant provide other "information or material" in order to deem an application complete. However, Council lacks statutory authority to require an additional application. An application is distinct from "information or material." Any reference to site plan approval applications or plan of subdivision applications under policy 7.14.3e) should therefore be deleted.

Similarly, the Town does not have statutory authority to require zoning by-law amendment applications to be submitted together with applications for draft plan of subdivision under policy 7.14.3f) as well as with consent applications under policy 7.14.3g) in order for them to be deemed complete. Furthermore, it is standard and typical practice for applicants to have conditions imposed in consent and draft plan of subdivision approvals that zoning be in place prior to final approval.





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The last bullet in Policies 7.14.3d)e)f) and g) state that "any other studies, plans or items required by this Plan or policies of an implementing Secondary Plan" may be required. This policy is vague and could require applicants to go looking for a "needle in a haystack." The requirements should be clear, transparent and specifically listed in this section of the Official Plan.

#### **7.14.4 – Pre-consultation**

Policy 7.14.4 of the proposed OPA along with the draft Public Consultation By-law inadequately describes exactly what the public consultation process would entail. Terms such as *scale* and *scope* are vague and not sufficiently defined. Without a clearly defined public consultation process and a set of objective evaluative criteria, there is a risk that arbitrary and inconsistent decisions could be made by Town staff on the applicability of any of the listed studies in policy 7.14.3.

This policy also goes on to say that the Commissioner of Development Services may deem an application to be incomplete if there has been inadequate pre-consultation. However, there are no objective criteria identified to indicate the basis upon which the Commissioner can decide that there is an absence of "an adequate pre-consultation meeting." This too is without statutory authority.

#### **7.14.5 – General Intent of Studies, Plans or Items**

This policy should be more detailed so that applicants can determine the circumstances under which certain studies, plans or items may be required.

We also note that the intent and purpose of requiring a Detailed Concept Plan and Environmental Screening Questionnaire has not been provided under this policy.

#### **7.14.7 - Flexibility**

This policy allows the Town to require additional studies, plans and requirements that are not listed in the proposed OPA. This provision would provide staff with an undue amount of discretion and also create serious uncertainty for the applicant and stakeholders in terms of the types of studies that may be required.

7.14.7b) also creates considerable ambiguity, as it is unclear when and under what circumstances the Commissioner of Development Services will be flexible.



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#### **7.14.8 – Quality of Supporting Studies, Plan or Items**

We have a number of concerns with this policy. Firstly, the Town lacks statutory authority to require that all studies be carried out by qualified professionals. Secondly, studies must be to the satisfaction of Council (or the delegated approval authority), not the Commissioner of Development Services. The sufficiency of studies goes to whether an application should be approved, not whether the application is complete. Lastly, there is no authority to require peer reviews of studies, plans or items at the applicant's expense as a condition for deeming an application to be complete.

We trust that these comments will be of assistance to the Development Services Committee and the proposed OPA will be modified in order to address each of these concerns.

Yours sincerely,

**DAVIES HOWE PARTNERS**

Nupur Malaviya