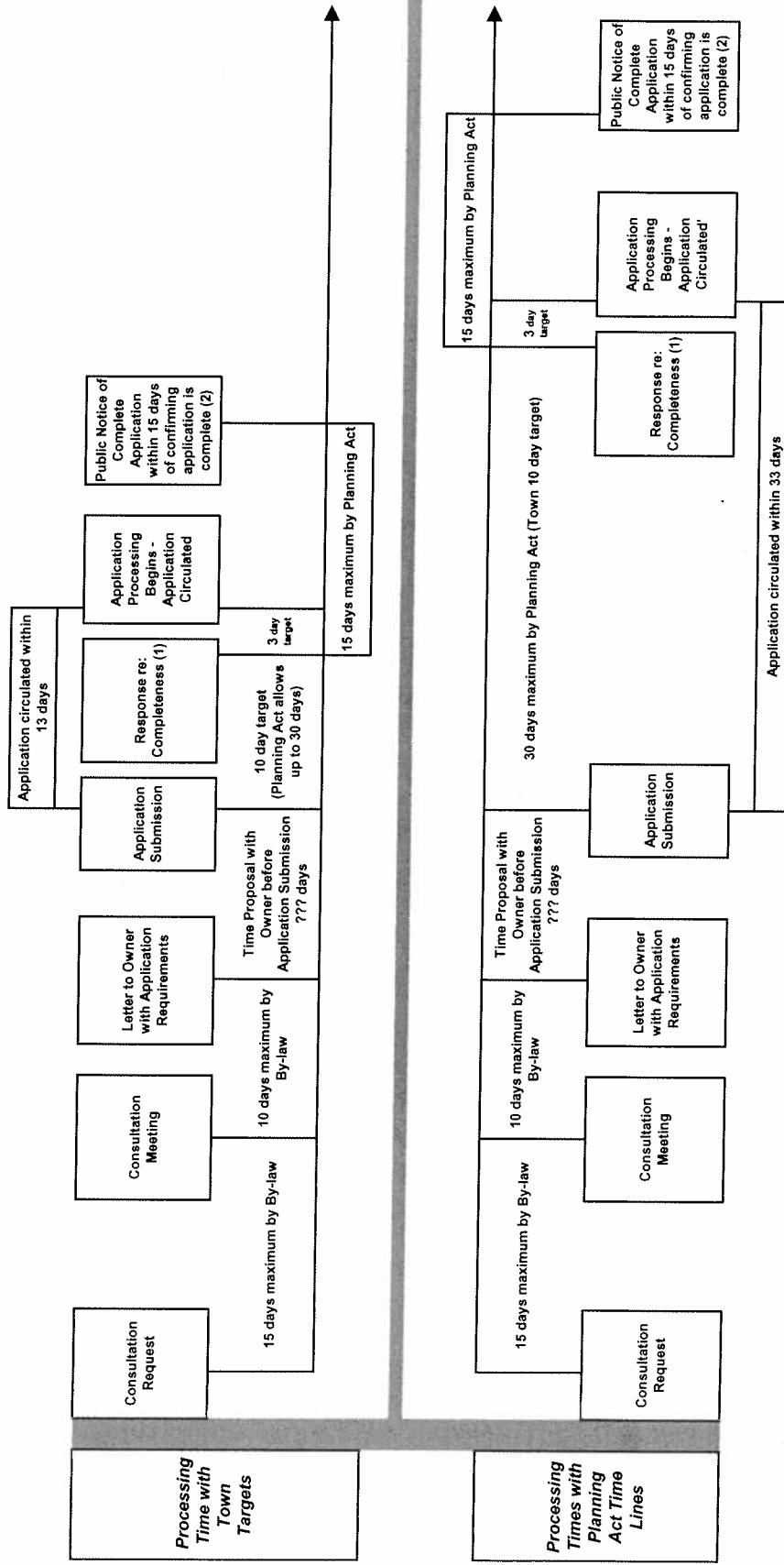


Timelines for Consultation & Complete Application Submission

Figure 1



(1) Assumes application complete, if application incomplete process does not continue

(2) Does not affect processing time

OFFICIAL PLAN
of the
TOWN OF MARKHAM PLANNING AREA
AMENDMENT NO. XX

To amend the Official Plan (Revised 1987) as amended.

(DATE)

OFFICIAL PLAN

of the

MARKHAM PLANNING AREA

AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended, to incorporate the requirements for a complete application, pursuant to Sections 22(5), 34(10.2), 51(18) and 53(3) of the Planning Act as amended by 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 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 set out the requirements for a complete application in accordance with Sections 22(5), 34(10.2), 51(18) and 53(3) of the Planning Act, R.S.O. 1990 c.P.13.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

On January 1, 2007, the Planning Act was amended 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 the 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 requirements under the applicable subsections of the Planning Act. The intent of this Amendment is to set out what those requirements are.

While this Amendment lists many of the studies, plans and/or items that may be required to support a particular application, it is sometimes difficult to predict what types of studies are required in advance, since every application is potentially unique. On this basis, the Amendment links the need for an adequate pre-consultation meeting with the requirements for a complete application to ensure that the items required to make an application complete are identified and articulated, to the greatest extent possible, in the pre-consultation phase.

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 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.

Thresholds have also been included within this Amendment wherever possible to assist in determining when certain studies may be required. For example, any proposal for rezoning that will result in the development of more than 1,000 square metres of gross floor area must include a site plan approval application for the rezoning application to be deemed complete. Notwithstanding the inclusion of this particular threshold, a certain amount of flexibility has been built into this aspect as well.

Lastly, this Amendment articulates what the general intent of each of the supporting studies listed is. This will assist in ensuring that applicants understand the nature of the requirement 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 (Policies) of the Town of Markham Official Plan (Revised 1987), as amended is amended by adding a new subsection c) as set out below:
 - "c) Applications to amend this Plan, or a Secondary Plan forming part of this plan, or a Town Zoning By-law(s), and any applications for a Plan of Subdivision or a Consent shall be complete, as required by Section 7.14 of this Plan."
- 1.3 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 set out below:
 - "i) Complete Applications

Applications to amend a Town Zoning By-law shall be supported by appropriate information and must be complete before they are processed in accordance with Section 7.14 of this Plan."
- 1.4 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."
- 1.5 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) Applications for Plan of Subdivision will not be processed by the Town unless they are complete in accordance with Section 7.14 of this Plan.”

- 1.6 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:

“Applications to amend the Official Plan shall not be processed unless they are complete in accordance with Section 7.14 of this Plan.”

- 1.7 Section 7 (Implementation) is amended by adding a new subsection 7.14 as set out below:

“7.14 COMPLETE APPLICATIONS

7.14.1 OVERVIEW

- a) The Planning Act, as amended by Bill 51 on January 1, 2007, permits municipalities to set out what their submission requirements are for plans and technical studies to support applications to amend the Official Plan, to amend a Zoning By-law, for Plans of Subdivision, or for Consents. Once this required information has been submitted, to the satisfaction of the Town, the application is deemed “complete” in accordance with the Planning Act, with this date being the date on which the processing time frame in the Planning Act begins. In addition, applicants cannot appeal a non-decision on their application once the application is complete until the processing time frames set out in the Planning Act have elapsed.
- b) Notwithstanding Section 7.14.1 a) (above), prior to the approval, by Council or the approval authority, of an application the Town, senior levels of government and/or commenting agencies 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.
- c) In order to ensure that Council can make an informed decision on any of the above applications, and in order to ensure that the public understands the implications of an application, evidence in the form of technical studies, plans and/or items may be required.

- d) This section of the Official Plan is specifically intended to implement Sections 22(5), 34(10.2), 51(18) and 53(3) of the Planning Act. These Planning Act sections provide the basis for the inclusion of policies regarding complete applications in Official Plans.

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 Section 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 Schedule 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 Section 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 Section 53(2) of the Planning Act are articulated in Schedule 1 to Ontario Regulation 547/06.

These minimum submission requirements are incorporated into the standard application form(s), which must be completed by the applicant and submitted to the Town.

7.14.3 SUPPLEMENTAL SUBMISSION REQUIREMENTS

- a) This section lists the studies, plans or items required to support applications 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 Sections 22(5), 34(10.2), 51(18) and 53(3) of the Planning Act.

The determination of which studies, plans or items are required for a complete application shall be made during pre-consultation, as set out in Section 7.14.4 and/or

provided to the proponent in writing in accordance with the provisions of the Planning Act, having regard to the scale and scope of the proposal.

The general intent of each of the studies, plans or 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 studies, plans or items required to support an application.

- b) All submissions for Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision and Consent applications must include a completed application form. The application forms are available from the Town, and may be amended from time to time.
- c) All submissions for an Official Plan Amendment must include a draft of the proposed amendment, including the proposed text and all proposed schedules and figures.
- d) The following studies, plans or items determined by the Town in consultation with the applicant, may be required to support 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) Traffic Management Study;
 - xii) Archaeological Assessment;
 - xiii) Cultural Heritage Impact Statement;
 - xiv) Land Use Compatibility Assessment;
 - xv) Tree Inventory and Preservation Plan;
 - xvi) Subwatershed Study;
 - xvii) Noise and/or Vibration Study;
 - xviii) Community Facilities and Services Needs Assessment;
 - xix) Development Charges Background Study;
 - xx) Financial Impact Study;

- xxi) Detailed Concept Plan; and/or,
 - xxii) Any other studies, plans or items required by this Plan or the policies of an implementing Secondary Plan.
- e) The following studies, plans or items determined by the Town in consultation with the applicant, may be required to support 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) Traffic Management Study;
 - xii) Parking Utilization 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;
 - xix) Detailed Concept Plan;
 - xx) A Site Plan Approval application and/or Plan of Subdivision Application if:
 - a) more than 1,000 square metres of building gross floor area will be permitted/developed as a consequence of approving the application; or
 - b) the application relates to more than one property; or
 - c) the application proposes a change in use and/or zone category; or
 - d) the application involves significant changes to development standards or general provisions of the By-law; and/or,
 - xxi) Any other studies, plans or items required by this plan or the policies of an implementing secondary plan.

f) The following studies, plans or items determined by the Town in consultation with the applicant, may be required to support an application for 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) 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;
- xvii) Community Facilities and Services Needs Assessment;
- xviii) Zoning Bylaw amendment application; and/or,
- xix) Any other studies, plans or items required by this Plan or the policies of an implementing Secondary Plan.

g) The following studies, plans or items determined by the Town in consultation with the applicant, may be required to support an application for Consent:

- i) Land Use Planning Report;
- ii) Detailed Concept 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) Servicing Study;
- x) Traffic Management Study;
- xi) Archaeological Assessment;
- xii) Cultural Heritage Impact Statement;
- xiii) Land Use Compatibility Assessment;
- xiv) Zoning By-law Amendment Application;
- xv) Tree Inventory and Preservation Plan;

- xvi) Noise and/or Vibration Study; and/or,
 - xvii) Any other studies, plans or items required by this Plan or the policies of an implementing Secondary Plan.
- h) Prior to the approval of an application, by Council or an approval authority, the Town, senior levels of government and/or commenting agencies may request the completion and submission of additional information and/or materials, where reasonable and relevant to the specific application, despite the fact that an application has been deemed “complete” in accordance with the Planning Act.

7.14.4 PRE-CONSULTATION

- a) Prior to the submission of an application for Official Plan Amendment, Zoning By-law Amendment or Plan of Subdivision, applicants are required to meet with appropriate Town Staff to determine what studies, plans and other items are required to support an application in accordance with this Section of the Official Plan.
- b) The details of the pre-consultation process are spelled out in a 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-consultation process is to determine the scale and scope of any required study, plan or item 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 an adequate pre-consultation meeting the Commissioner of Development Services may deem an application to be incomplete and may refuse the application.

7.14.5 GENERAL INTENT OF STUDIES, PLANS OR ITEMS

Below is a brief description of the general intent of each of the studies, plans or items listed as being required in Section 7.14.3. Prior to undertaking a study or plan, appropriate Town staff should be consulted to establish the details, scope and terms of reference. Studies, plans and/or items submitted in support of an application, shall be completed to the satisfaction of the Commissioner of Development Services.

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 Section 3.4.4.5 (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) Detailed Concept Plan

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 set out in guidelines released by the Ministry of Culture, as amended, in accordance with Section 2.5 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

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 Sub-Watershed Study (need to find a consistent way to spell this) (need to find a consistent way to spell this) 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 Sub-Watershed Study shall be prepared in accordance with Section 2.2.2.2 - Sub-Watershed 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 ensure that the capital cost of a development, both hard and soft, will be borne by the development, and that the mill rate will not 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 in Future Urban Areas identified on Schedule 'A' to this Plan will be supported by a strategy for the staging of development based on comprehensive technical studies 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 studies that deal with the matters set out in Section 2.2.1 e) of this Plan;
- c) Applications for development within a former waste disposal site and their potential influence areas shall be supported by the appropriate studies in accordance with Section 2.10 of this Plan;
- d) Applications for rezoning to permit a day care centre shall be supported by appropriate studies in accordance with Section 2.11 of this Plan;
- e) Applications for Official Plan Amendment or rezoning for a place of worship shall be supported by the appropriate studies in accordance with Section 2.17 d) of this Plan;
- f) Applications for an Official Plan Amendment or rezoning within a Study Area identified on Schedule 'A' to this Plan shall be supported by the appropriate studies in accordance with Section 3.2 of this Plan;
- g) Applications for Official Plan Amendment to change or extend an assigned commercial land use category shall be supported by appropriate studies in accordance with Section 3.4.3 g) of this Plan;
- h) Applications for rezoning to permit a specific land use or activity in a commercial land use category shall be

supported by the appropriate studies in accordance with Section 3.4.3 h) of this Plan;

- i) Applications to develop a funeral home through a Zoning By-law Amendment shall be supported by appropriate studies in accordance with Section 3.4.5.3 of this Plan;
- j) Applications for Official Plan Amendment to delete, change or extend an assigned industrial land use category shall be supported by appropriate studies in accordance with Section 3.5.3 f) of this Plan;
- k) Applications for rezoning to permit a specific land use or activity within the industrial designation shall be supported by appropriate studies in accordance with Section 3.5.3 g) of this Plan;
- l) Applications for a cemetery shall be supported by the appropriate studies in accordance with Section 3.6.4 of this Plan;
- m) Applications for rezoning, plan of subdivision or consent on lands designated Special Policy Areas shall be supported by appropriate studies in accordance with Section 3.10.2 of this Plan;
- n) Applications in the Yonge Steeles Redevelopment Area shall be supported by the appropriate studies in accordance with Section 7.12.4 b) of this Plan and the Thornhill Secondary Plan; and,
- o) Applications subject to the review and approval of a senior level of government and/or external agency, such as the Province of Ontario, the Region of York and the Toronto and Region Conservation Authority, shall be supported by the inclusion of the minimum submission requirements of the appropriate approval/commenting government and/or agency.

7.14.7 FLEXIBILITY

- a) While it is the general intent of the Town to only require the studies, plans and items necessary to be submitted in support of the four application types listed above, this section should not be interpreted as being rigid, since every application and property is unique.
- b) On this basis, the specific requirements for a particular application may be modified (at the discretion of the

Commissioner of Development Services) 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. (Studies, plans and items submitted in support of a phased development may only have to be updated in subsequent phases.)

- c) In addition, there may be additional studies, plans and items required, that are not listed in this Plan, that relate to the specific circumstances of the application. These studies, plans and items will be completed and submitted in accordance with instructions provided by the Commissioner of Development Services.
- d) In addition, there may be certain public interest objectives, which necessitate the waiving of the submission of certain studies. The submission of these studies will only be waived, provided there are appropriate mechanisms in place to ensure that the information required, to assess the impacts of a specific development proposal, can be assessed. The most appropriate way for this to occur may be through the use of a Holding provision, in accordance with Section 8 of this Plan, where the provision of the study may be a condition of the removal of the Holding provision from the zoning By-law. The waiving of the submission of these studies is at the discretion of the Commissioner of Development Services.

7.14.8 QUALITY OF SUPPORTING STUDIES, PLAN OR ITEMS

All studies required by the Town of Markham shall be carried out by qualified professionals retained by, and at the expense of, the proponent to the satisfaction of the Commissioner of Development Services. The Town may require peer reviews, of technical studies, plans or items, when it does not have qualified in-house expertise, by an appropriate public agency or by a qualified professional consultant retained by the Town at the proponent's expense."

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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BY-LAW 2007-XX

A by-law to require land use planning applicants to consult with the Town before submitting Official Plan amendments, Zoning By-law amendments, Plan of Subdivision or Site Plan applications.

WHEREAS Sections 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. authorizes municipalities to pass a By-law to require land use planning applicants to consult with a municipality before submitting applications for Official Plan amendments, Zoning By-law amendments, Plan of Subdivision and/or Site Plan applications;

WHEREAS, the Town of Markham wishes to discuss the merits of land use development proposals, with property Owners/Agents before planning applications are submitted to the Town, to ensure that the items required to make an application complete are identified and described, to the greatest extent possible;

WHEREAS, the Town of Markham wishes to determine and provide advise about Town submission requirements, and identify to the Owner/Agent which agencies and senior levels of government may need to be consulted before an application is approved;

NOW THEREFORE, the Council of the Corporation of the Town of Markham hereby enacts as follows:

1. CONSULT means:

meeting with the appropriate Development District Manager (or designate) to discuss and exchange information about the proposed application(s) for planning approval.

2. WRITING/WRITTEN includes:

letters, faxes or emails to the appropriate Development District Manager (or designate).

3. Prior to an Owner/Agent submitting an application for planning approval to the Town of Markham for:

i) an Official Plan amendment;

ii) a Zoning By-law amendment;

iii) a Plan of Subdivision, including a Plan of Condominium if it is not proposed to exempt the condominium from the standard Planning Act process; and/or

iv) a Site Plan approval, including applications to amend existing Site Plan agreements.

the Owner/Agent shall consult, at least once, with the appropriate Development District Manager (or designate).

4. Meetings that do not include the Development District Manager (or designate) shall not satisfy the requirements of this By-law for Owners/Agents to consult.
5. The Development District Manager (or designate) may require the Owner/Agent to attend additional consultation meetings, to satisfy the requirements of this By-law, before an application may be submitted.
6. Land use proposals submitted to the Town for approval, prior to a required consultation meeting will not be accepted as Planning Act applications or processed by the Town until after the consultation meeting.
7. If the Owner/Agent is proposing, or is required to submit more than one type of application for planning approval in support of a single development proposal, a single meeting with the appropriate Development District Manager (or designate) can satisfy the requirement to consult.
8. The appropriate Development District Manager (or designate) shall, after receiving a written request from an Owner/Agent, schedule the consultation meeting within 15 working days.
9. The written request from the Owner/Agent to the appropriate Development District Manager (or designate) shall include a brief description of the property, its location and the proposal.
10. All consultation meetings shall take place in a location, and at a time satisfactory to the appropriate Development District Manager (or designate).
11. The appropriate Development District Manager (or designate) shall confirm to the Owner/Agent in writing the time and location of the consultation meeting.
12. The appropriate Development District Manager (or designate) may also invite other Town staff and/or staff from external agencies and/or staff from senior levels of government to the consultation meeting.
13. The appropriate Development District Manager (or designate) shall notify the Owner/Agent, prior to the meeting, which external agencies

or senior levels of government have been invited to attend the consultation meeting.

14. The appropriate Development District Manager (or designate) shall, within ten (10) business days, after the consultation meeting(s), provide the Owner/Agent with a written list of studies, plans and items required to be submitted with the application for planning approval.
15. The appropriate Development District Manager (or designate), in consultation with the Director of Planning and Urban Design, may exempt a proposal from the consultation process. Notification of the exemption shall be provided to the Owner/Agent in writing.
16. This By-law shall come into force and effect on the date of its enactment.