

APPENDIX

A

Planning Reforms

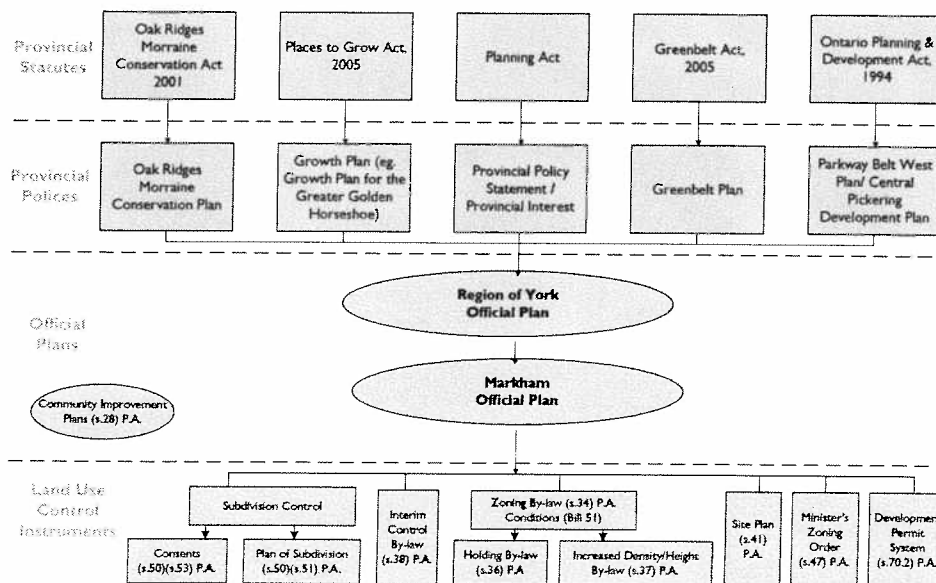
Bill 51

Markham Implementation Strategy

Development Services Committee

Part A

March 20, 2007



New Planning Tools

Rep't. Ref.	Planning Act Amend.	Amend. Highlights	The new provisions is:		To implement this provision, the following should be completed:				
			Req'd.	Vol.	OP	By- law	Procedure	Form or Notice	Markham Timing Priority
1.1	Areas, Densities and Height 34(3)	Minimum and maximum densities and height in zoning By-law.		✓		✓			Current Practice
1.2	Zoning with Conditions 34(16), (16.1) & (16.2)	Zoning By-laws can impose conditions.		✓	✓		✓ (for fulfillment of conditions and/or including conditions in registered agreements)	✓ (e.g. public notice per s. 34)	As Req'd. (subject to release of Regs.)

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			Req'd.	Vol.	OP	By- law	Procedures	Form or Notice	Markham Timing Priority
1.3	Site Plan Control 41(4)	Legally able to regulate exterior: <ul style="list-style-type: none"> ■ character; ■ scale; ■ appearance and design features; and ■ sustainable design. 	✓ (for accessibility if using site plan control)	✓ (ext. design only)	✓	✓	✓ (for conditions of approval, registration of agreements possible exterior / sustainable design guidelines, etc.)		Now

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			Req'd.	Vol.	OP	By- law	Procedure	Form or Notice	Markham Timing Priority
1.4	Cash-in-lieu of Parkland Dedication 42(6.2) and (6.3)	The amount of money paid to the Town for cash-in-lieu of parkland may be reduced		✓ (req'd if proposal meets OP policies)	✓		✓	✓ (sustainabi lity checklist)	Medium to Long
1.5	Second Suites 1(1), 17(24.1) & (36.1), 22(7.1) & (7.2), 34(19.1)	Second suite Official Plan policies can be added without appeal. (Except at the time of a five year update.) Zoning By-law to allow second suites can not be appealed.		✓	✓	✓	✓ (possibly to monitor affordable housing needs)		As Req'd.

New Processes and Procedures

Rep't Ref.	Planning Act Amend.	Amend. Highlights	The new provisions is:		To implement this provision, the following should be completed:				
			Req'd.	Vol.	OP	By- law	Procedure	Form or Notice	Markham Timing Priority
2.1	Complete Application OPAs 22(5) ZBLs 34(10.2) DPSSs 51(18) Consents 53(3)	Other additional information & material to assess and make decisions.		✓	✓		✓	✓	Now
2.1	Notice of Complete Application	Notice must be prepared and delivered to the applicant & public within 15 days of it being complete.	✓				✓ (e.g. a timing checklist)	✓ (complete application decision)	Now
2.6	Pre-consultation Ops 17(15) OPAs 22(3.1) ZBLs 34(10.0.1) Site plans 41(3.1) DPSSs 51(16.1)	a) Applicants MUST BE allowed to consult prior to submitting applications. b) May require applicants to consult prior to making an application.	✓ a)	✓ b)		✓ b)	✓ a) & b)	✓ b)	Now

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			Req'd.	Vol.	OP	By- law	Procedure	Form or Notice	Markham Timing Priority
2.2	Notice of refusal of Official Plan and/or By-law Amendment OPAs 22(6.4) & (6.6) ZBs 34(10.7) & (10.9) DPSs 51(19.4)	When Council refuses an Official Plan and/or Zoning By-law amendment written notice of the refusal must be given within 15 days.	✓				✓ (e.g. a timing checklist)	✓	Now

Rept. Ref.	Planning Act Amend.	Amend. Highlights	The new provisions is:		To implement this provision, the following should be completed:				
			Req'd.	Vol.	OP	By-law	Procedures	Form or Notice	Markham Timing Priority
2.3	Updating Official Plans 26(1)	Five year update to conform with provincial plans and to be consistent with the Provincial Policy Statement.	✓ (June 2009 for GPGGH)			✓ Resolution 26(7)	✓ Consulting, Public Meeting, public record, etc.)	✓ Public Meeting, Open House, decisions, etc.)	Initiate Now
2.3	Updating Zoning By-laws 26(9)	Within three years of completing a five year Official Plan update all zoning By-laws shall be amended to ensure they conform with the Official Plan	✓			✓			Long

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			Req'd.	Vol.	OP	By- law	Procedure	Form or Notice	Markham Timing Priority
2.3	Up-to-date Decisions 3(5) & (6)	Decisions will have to "be consistent with" provincial policy statements and provincial plans in effect at the time of the decision	✓				✓ (to be noted in staff report's)		Now
2.6	Open House Ops 17(16) (18) & 19.4) ZBs 34(12)(b) (14) & (14.4)	Statutory Public Open Houses no later than seven days before certain statutory Public Meetings.	✓				✓ (e.g. a timing checklist)	✓ (open house)	As Req'd.

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2.5	Protecting Employment Lands 1(1), 1(5), 22(7.3), 26(1)(b), 34(11.0.5), 70.5(1)(b)	"Areas of Employment" are defined to include, without limitation: manufacturing, warehousing, office, and retail associated with manufacturing, warehousing and/or office.	✓ (5-year OP review)	✓ (to have conversion policies in OP)	✓ (req'd to limit appeal rights)		✓ (possibly for ongoing monitoring of employment land needs)	✓ (Public Meeting etc.)	??

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			Req'd.	Vol.	OP	By- law	Procedure	Form or Notice	Markham Timing Priority
	Protecting Settlement Area Boundaries 22(7.1), (7.2) & (7.4)	No appeals to alter all or part of a settlement boundary. No appeals to establish a new settlement area. (Except where the proposal conforms to the Regions Official Plan)	✓						Now

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			Req'd.	Vol.	OP	By- law	Procedure	Form or Notice	Markham Timing Priority
2.1 2.4	Public Record OPAs O. Reg. 543/06 ZBLs O. Reg. 545/06 DPSs O. Reg. 544/06 Consents O. Reg. 547/06	Amended regulations to require: ► statement that decision of council is consistent with the PPS and conforms to applicable provincial plans and conforms to the official plan; and ► a staff declaration that requirements for giving notice of a complete application and making complete application information and material available for public review have been complied with.	✓				✓	(e.g. checklists of prescribed information and material constituting a public record)	Now

Rep't. Ref.	Planning Act Amend.	Amendment Highlights	The new provisions is:		To implement this provision, the following should be completed:				
			Req'd.	Vol.	OP	By- law	Procedure	Form or Notice	Markham Timing Priority
4.2	Development Permit System (DPS) 70.2(5) O. Reg. 608/06	<p>Amendments to the Regulations allow all municipalities in the Province to implement a DPS. DPS combines zoning, site plan and minor variances into a single process.</p> <p>The merits of the DPS will be outlined and discussed when an opportunity to implement a DPS arises.</p>		✓	✓	✓	✓	✓	As required

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			Req'd.	Vol.	OP	By- law	Procedure	Form or Notice	Markham Timing Priority
4.3	Community Improvement Plans (CIPs) 28(1), (1.1), (4), (4.1), (4.2), (4.4), (7), (7.1), (7.3) and (11) 28(2), (4.0.1), & (7.2), O. Reg. 550/06	<p>Definition expanded to include construction, improvements of energy efficiency and provision of affordable housing.</p> <p>Eligible costs for grants and loans have been clarified.</p> <p>prescribed upper tier municipalities can designate community improvement areas, upper and lower tier municipalities to participate in each others grant or loan programs. The merits of the expanded community improvement plan provisions will be discussed in a future staff report.</p>		✓	✓	✓	<p>✓ (e.g. registering of clerk's certificate, registering grants and loans)</p>	<p>✓ (e.g. clerk's certificate and public notice)</p>	As required

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	Provincial Interest 2	Authorities shall have regard to sustainable, transit supportive and pedestrian-oriented development.	✓		✓				Now
4.4	Energy Undertakings 62.0.1(1)(a) & (b) 70(h)	Energy related projects will be exempt from the Planning Act, where the project is approved or is the subject of an exempting regulations under the Environmental Assessment Act.							

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	Draft Plan of Subdivision Criteria 51(24)(l) & (m) & 51(25)	<p>To promote sustainability through new criteria:</p> <ul style="list-style-type: none"> to optimize energy efficiency and concurrent review of draft plan of subdivision and site plans; and Promote more transit and pedestrian friendly designs. 	✓ (regard shall be had for criteria)	✓ (may impose conditions)			✓ (for clearing conditions of draft approval)		Now

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	Minor Variance 45(9.1) and (9.2)	Land owners may be required to enter into agreements with the Town resulting from the terms and conditions of a variance approval and these agreements can be registered against the land.		✓			✓		As required

Transitional Matters

The provisions introduced into the Planning Act by Bill 51 only apply to applications received on or after January 1, 2007.

Applications filed before January 1, 2007 are subject to the provisions of the Planning Act as it read on December 31, 2006.

Town initiated matters are subject to the provisions that are in place at the time of the decision.

Ontario Municipal Board Reforms

Regard for Municipal Decisions

The Municipal Board now required to

"have regard to"

municipal decisions

Addition of Parties at a Hearing

Only persons/public bodies that made an oral submission at a Public Meeting or written submission to Council can be added as a party

Addition of Information at a Hearing

New information or material shall not be permitted into evidence, unless the Municipal Board determines that it could have affected Council's decision, in which case Council is to be given an opportunity to reconsider their decision.

The amendments do not change the essential powers of the Municipal Board

Local Appeal Bodies

Municipalities have the option to set up Local Appeal Bodies to hear appeals on consent and/or minor variance applications

The administrative matters and costs associated with establishing and running a local appeal body in Markham will likely outweigh the benefits

Planning Reforms

Next Steps

Staff to initiate processes to amend the Town's Official Plan to add policies relating to:

- complete applications;
- regulating the character, scale, appearance and design features of developments subject to site plan control; and
- zoning with conditions (following release of Provincial regulations).

Staff will prepare a report:

- summarizing reforms outlined in this presentation;
- prioritizing implementation work; and
- outlining immediate, mid and long term next steps.

The report target date is April 3, 2007