

OFFICIAL PLAN
of the
TOWN OF MARKHAM PLANNING AREA
AMENDMENT NO. 187

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

INCREASED HEIGHT AND DENSITY PROVISION

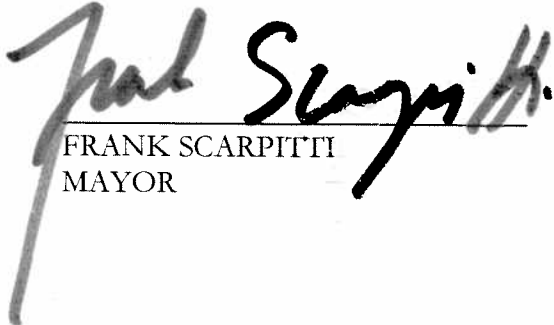
September 2010

OFFICIAL PLAN
of the
MARKHAM PLANNING AREA
AMENDMENT NO. 187

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

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. 2010-186 in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the 21st day of September, 2010.



KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



BY-LAW 2010-186

Being a by-law to adopt Amendment No. 187
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. 187 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
21ST DAY OF SEPTEMBER, 2010.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR

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PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. 187)

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. 187. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

The Amendment applies to all lands within the Town of Markham.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to introduce new Official Plan provisions related to the use of Section 37 of the Planning Act.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The Town's Official Plan includes policies that outline provisions for negotiating community benefits in relation to increased height and density in accordance with Section 37 of the Planning Act. These provisions allow Council to enact a zoning by-law and apply Section 37 provisions to a development proposal requesting height and density increases. In return, the property owner granted the increases, shall be required to provide the facilities, services or matters as set out in the provisions of the by-law.

This amendment introduces new Official Plan provisions respecting the use of Section 37 of the Planning Act. If applied, these new provisions will assist the Town in obtaining certain facilities, services or matters which would not otherwise be secured under other provisions of the Planning Act or the Development Charges Act, and which may be of particular benefit to a specific area (or areas) within the Town or the Town as a whole.

The new provisions outline an expanded list of potential community benefits that could be achieved through negotiations with a property owner, and implemented by way of a site specific zoning by-law amendment and an agreement between the property owner and the Town provided:

- there is a reasonable planning relationship between the proposed benefit and the increase in height and density;
- the development represents good planning, is consistent with the other objectives of the Official Plan and meets all applicable built form and neighbourhood compatibility objectives; and
- there is adequate infrastructure available to support the increase in height and/or density.

The new provisions also clarify that the community benefits which are the subject of Section 37 By-laws will be determined based on local community needs, intensification issues in the area, and the objectives of the Official Plan with priority given to provision of benefits in proximity to the development proposal.

PART II - THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. 187)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 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 187 to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2 Section 7.3 d) of the Official Plan (Revised 1987), as amended, is hereby deleted and replaced with the following:

“7.3 d) Increased Height and Density Provision

- i. In accordance with Section 37 of the *Planning Act*, Council may, in a by-law passed under Section 34, authorize increases in the height and density of development otherwise permitted in the by-law in return for the provision of community benefits in the form of facilities, services or matters provided:
 - a. the community benefits bear a reasonable planning relationship to the increase in height and/or density of the proposed development; and,
 - b. the development must represent good planning, be consistent with the other objectives of this Plan and meet all applicable built form and neighbourhood compatibility objectives; and
 - c. there is adequate infrastructure to support the increase in height and/or density for the proposed development.
- ii. A by-law to implement Section 37 may be enacted by Council to achieve the Town's objective of obtaining certain facilities, services or other matters which would not otherwise be secured under the other provisions of the *Planning Act* or the *Development Charges Act*, and which may be of particular benefit to a specific area or the Town at large. Notwithstanding the generality of the foregoing, the intent of Council in passing such by-laws would be to attain facilities, services and matters such as, but not limited to the following:
 - the conservation and/or improvement of cultural heritage areas or buildings;
 - the preservation of woodlots, environmentally significant areas and enhancement areas, which would not be accepted as parkland dedication;
 - a substantial contribution to the urban forest on public lands;
 - provision of public access to ravines and valleys;
 - the provision of increased amounts of on-site open space or facilities such as day care centres, community centres, recreational facilities;
 - the provision of affordable and special needs housing including housing for senior citizens;
 - conservation and replacement of rental housing;
 - enhanced connections to transit facilities;
 - enhanced improvements to transit facilities;

- to achieve additional road or servicing improvements;
 - provision of public parking facilities;
 - protection of significant views;
 - public art;
 - non profit cultural facilities; and
 - other local improvements identified in Council initiated studies.
- iii. Community benefits which are the subject of Section 37 provisions will be determined based on local community needs, intensification issues in the area, and the objectives of this Plan or any Secondary Plan, with priority given to provision of community benefits in proximity to the proposed development.
- iv. Increased height and density provisions under Section 37 of the Planning Act will be implemented by site specific by-laws passed under Section 34. Such by-laws will contain the standards of the basic zoning category applicable to the parcel of land if the bonus is not awarded as well as the standards that would apply to the parcel of land in the event the bonus is awarded. The by-law will also specify the facilities, services and matters that are required to be provided or provided for before the Section 37 by-law provisions become applicable to a parcel of land.
- v. An agreement between the property owner and the Town shall be entered into in regard to the relevant facilities, services and matters, and when an owner is being awarded the increases in height and density and when the increased standards become applicable.”

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), as amended, is subject to approval by the Region of York. Following approval, notice of the Region’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), as amended, shall not apply.