



## BY-LAW 2008-148

### **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.

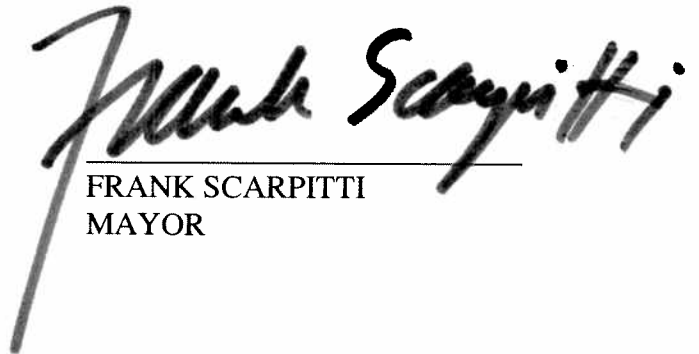
5. **SHORT TITLE**

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

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
24<sup>TH</sup> DAY OF JUNE, 2008.



KIMBERLEY KITTINGHAM  
DEPUTY CLERK



FRANK SCARPITTI  
MAYOR