

IMPLEMENTATION



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10.0 IMPLEMENTATION

This Chapter outlines tools that are intended to implement the policies of this Plan. Many of these tools are in accordance with the Planning Act such as secondary plans, zoning by-laws, site plan control, plans of subdivision, interim control by-laws, temporary use by-laws, consents, etc. The Municipal Act and other statutes provide the basis for additional implementing tools that are described in this Chapter.

10.1 AREA PLANNING

The policies of this Plan serve as a general guide for future land use in Markham and may be further refined and implemented through a more detailed policy framework that may include:

- secondary plans
- precinct plans
- *comprehensive block plans*

Using a multi-disciplinary approach, these policy documents will be developed to ensure that Plan objectives, such as *intensification* of the urban area, are achieved in a manner that is sensitive to the existing community and that new communities are designed comprehensively as *complete communities* that address environmental, economic and social needs.

This may include a review of the local context, the formulation of goals and objectives, and the identification and evaluation of policy options for a particular area through:

- a secondary plan study addressing the applicable requirements of Section 10.1.2.2 leading to an updated or new secondary plan to be adopted by Council as an amendment to this Plan;
- a precinct plan study addressing the applicable requirements of Section 10.1.3 leading to a precinct plan approved by Council under a secondary plan or adopted by Council as an amendment to a secondary plan to this Plan; and
- a local area study addressing the applicable requirements of Section 10.1.4 leading to a *comprehensive block plan* approved by Council under an area or site specific amendment to this Plan.

A secondary plan builds on the policies of this Plan to guide development or *redevelopment* of a specific area in Markham. Secondary plans may be further refined through the use of precinct plans to provide guidance around phasing of development, infrastructure and transportation improvements, among other things, within a secondary plan area. For secondary plans located within the urban area as shown on Map 12 – Urban Area and Built-Up Area, the level of detailed planning will likely

Secondary Plans provide more specific land use policies for areas where greater detailed direction for land use, infrastructure, transportation, community services, environment, etc. are required.

include a streets and block plan that will not require further precinct planning. Secondary plans within the 'Future Urban Area' given its location may be less detailed and require future precinct planning to provide a streets and block plan and other detailed guidance.

Comprehensive block plans are used to provide more detailed resolution of the built form to the recommended pattern of streets, development blocks and adjacent development within a secondary plan and/or precinct plan as well as to guide *redevelopment* of lands within the urban area that are not part of a secondary plan.

General Policies

It is the policy of Council:

- 10.1.1 To undertake** area planning studies, as deemed appropriate, to provide input into a more detailed and refined policy framework in the form of a secondary plan amendment or an area or site specific amendment to this Plan as follows:
- a) a secondary plan study to address the applicable requirements for secondary plans contained in Section 10.1.2.2;
 - b) a precinct plan study to address the applicable requirements for precinct plans contained in Section 10.1.3; and
 - c) a local area study to address the applicable requirements of *comprehensive block plans* contained in Section 10.1.4.

10.1.2 Secondary Plans

Secondary plans are prepared, in cooperation with landowners, and adopted by the City and used to guide development or *redevelopment* of a specific geographic area in Markham. These plans provide more specific land use policies for areas where greater detailed direction for land use, infrastructure, transportation, community services, environment, etc. are required beyond the general policies provided for in the Official Plan. Secondary plans, which form Part II of this Plan, are adopted as amendments to this Plan and are approved by York Region.

For lands designated 'Future Urban Area', a Conceptual Master Plan will be prepared to inform the completion of new secondary plans in accordance with Section 8.12. New secondary plans will also be approved for the specific areas and *heritage conservation districts* shown on F – Secondary Plan Areas. These plans will provide detailed policies to direct and guide development to create *complete communities*. Additional policies relating to designing sustainable new communities through secondary planning are contained in Section 6.3.

It is the policy of Council:

- 10.1.2.1 To prepare and adopt** secondary plans as amendments to this Plan for the lands generally as shown in Appendix F – Secondary Plan Areas and the lands designated as 'Future Urban Area' on Map 3 – Land Use with the exception of the lands located at the northeast corner of 9th Line and



Steeles Avenue East.

- 10.1.2.2 **That** secondary plans shall be prepared, in cooperation with York Region and landowners, by multi-disciplinary teams, and include innovative comprehensive approaches to address, among other things:
- a) the density targets identified in Section 2.5 and 2.6;
 - b) the protection of the Greenway System and the Natural Heritage Network in accordance with Section 3.1;
 - c) relevant recommendations of comprehensive master environmental servicing plans, as required, in accordance with Sections 3.5, 3.3.3 and 7.2 addressing:
 - i. applicable *watershed* and *subwatershed* studies;
 - ii. natural heritage and natural hazard requirements;
 - iii. municipal servicing in the context of urban development;
 - iv. water systems efficiencies and water conservation; and
 - v. best practices in stormwater management;
 - d) provisions for a diversity of housing types, sizes and ranges of affordability in accordance with Section 4.1, where applicable;
 - e) provisions for community infrastructure and services, including the preparation of a community infrastructure plan, in accordance with Section 4.2, where applicable;
 - f) the protection of *cultural heritage resources* in accordance with Section 4.5;
 - g) provisions for a sufficient and diverse supply of employment lands in accordance with Section 5.1.3, where applicable;
 - h) provisions for a range and mix of retail and service development to accommodate the needs of residents, employees and businesses in convenient locations in accordance with Section 5.1.7, and an appropriate mix of uses in 'Mixed Use' areas;
 - i) the *ancillary use* provisions identified in Section 4.3 of the Regional Official Plan, through the preparation of secondary plans for the 'Future Employment Area';
 - j) area specific urban design and sustainable development practices for community, building and site design that further elaborate the policies of Chapter 6, including the provision of:
 - a streets and block plan, in accordance with Section 6.1.3.5;
 - streetscape guidance in accordance with Section 6.1.4.6;
 - a parks and open space plan in accordance with Section 6.1.6.8;
 - built form, height and massing guidance in accordance with Sections 6.1.8.9 and 6.1.8.10;
 - sustainable community design and development practices in accordance with Sections 6.2.2.2 and 6.3.1; and
 - community energy planning in accordance with Section 6.2.2.3 a), where appropriate;
 - k) provisions for a sustainable transportation system including a transit and road network, transportation demand management and active transportation, and transit-supportive development in accordance with Section 7.1 including the development of mobility plans as identified in the Regional Official Plan;
 - l) guidance on the development of precinct and/or *comprehensive block*



plans, as required; and

- m) phasing of development to address the following, as appropriate:
- i. population and employment projections linked to each phase;
 - ii. sequencing of residential development in the 'Future Urban Area' generally based on the completion of 75 percent of the land area in each phase before a subsequent phase is registered;
 - iii. phasing of development based on the completion of an appropriate hierarchy of interconnected roads, cycling and pedestrian routes, and transit improvements, provision of *public school*, *place of worship* and park sites within the phases, and the provision for mixed-use neighbourhood facilities, including any requirements to be addressed through a developers' group agreement;
 - iv. key benchmarks for progressing to phases within the secondary plan area including but not be limited to, the extension of key roads, rapid transit lines; delivery of *public school* sites and other community infrastructure; acquisition of parks and other such infrastructure needs as may be identified through the secondary plan process; and
 - v. coordination with Sections 4.5 and 5.1.6 of the Regional Official Plan and the York Region 10-year capital plan, Water and Wastewater Master Plan and Transportation Master Plan.

- 10.1.2.3 **To require** that an economic/fiscal impact assessment be completed for secondary plans and other significant development proposals as determined by Council or York Region, to be coordinated with the Region, local boards and agencies and include:
- a) the costs associated with the provision of services including community services required by the plan;
 - b) the budgetary impacts on Markham's capital and operating budgets; and
 - c) projected municipal revenues associated with the development and ability of these funds to cover the infrastructure costs associated with the development so that there is no unacceptable financial burden to Markham.

- 10.1.2.4 **That** where secondary plans are required for the 'Future Neighbourhood Area' and 'Future Employment Area' north of Major Mackenzie Drive, as shown on Map 3 – Land Use:
- a) a *subwatershed plan(s)* and Conceptual Master Plan and master environmental servicing plan shall inform the preparation of the secondary plans in accordance with Section 8.12;
 - b) a master phasing plan shall be prepared as a component of the Conceptual Master Plan; and
 - c) the submission of secondary plan applications shall follow the completion and submission to Council of a Conceptual Master Plan.

- 10.1.2.5 **That** all secondary plans shall be based on the policy framework outlined in this Plan, as amended.

- 10.1.2.6 **That** provisions relating to the land use categories of this Plan may be further detailed and refined in a secondary plan, including any variation in use, building type, height and density and development criteria and any additional development criteria and land use provisions.

- 10.1.2.7 **That** secondary plans shall be adopted as an amendment to this Plan and consolidated under Part II of this Plan once they have been adopted.
- 10.1.2.8 **That** secondary plan policies are to be read in conjunction with the policies and designations of this Plan. Should there be a discrepancy between this Plan and the policies and/or designations of the secondary plans, the policies of the secondary plan shall prevail.
- 10.1.2.9 **That** where a secondary plan is required, it be approved prior to any *development approvals* which are inconsistent with this Plan being granted.
- 10.1.2.10 **That** servicing allocation policies may be developed and approved to implement phasing plans contained within secondary plans.

10.1.3 Precinct Plans

A secondary plan may represent a large geographic area. To enable detailed planning and realize specific objectives for the area (e.g., housing, employment, community infrastructure, growth management, etc.) the secondary plan may be divided into precinct plan areas. These plans are prepared, in cooperation with landowners, and approved by the City to help coordinate and integrate land use development, urban design requirements, infrastructure and transportation improvements.

A precinct plan is a non-statutory policy document approved by Council that further articulates the policies of this Plan and a secondary plan. It outlines specific development principles and guidelines at a level of detail not possible within the broader Official Plan and secondary plans creating a link between Plan policies and *comprehensive block plans*, zoning by-law provisions and standards. They may also assist in delineating phasing requirements for the secondary plan area.

It is the policy of Council:

- 10.1.3.1 **To prepare and approve** precinct plans, in cooperation with landowners, prior to *development approval* for sites within a secondary plan area, as deemed appropriate that shall:
- a) implement the requirements of background studies prepared for the area;
 - b) provide detailed guidance on matters such as:
 - i. environmental protection and enhancement;
 - ii. targets for new housing by unit type, tenure and affordability;
 - iii. parks and open space
 - iii. land use, height and density, and development criteria;
 - iv. urban design objectives for streets and blocks, streetscape, parks and open space, built form, height and massing;
 - vi. transportation, water and wastewater, and community infrastructure requirements at full build-out;
 - vii. sustainable development practices;
 - viii. access points and connections;
 - ix. phasing requirements; and
 - x. any other requirement as deemed appropriate; and
 - c) provide a framework for *development approvals* and *comprehensive*

Precinct plans are prepared to help coordinate and integrate land use development, urban design requirements, infrastructure and transportation improvements, and further delineate phasing for a secondary plan area.

block plans, where deemed appropriate.

10.1.4 Comprehensive Block Plans

Comprehensive block plans will be prepared, in cooperation with landowners, and used within the context of a secondary plan area, *intensification area* or *redevelopment area*. They are used to demonstrate how the pattern of development and built form will implement the requirements and provisions of this Plan. *Comprehensive block plans* provide a framework for development potential and establish guidelines to direct such things as building heights, setbacks, public realm, servicing and parking access, landscape, streetscape and open space treatments and pedestrian connections.

It is the policy of Council:

10.1.4.1 **To prepare and approve** *comprehensive block plan* prior to *development approval* for sites within secondary plan areas, *intensification areas*, *redevelopment areas* or for sites:

- a) that are generally larger than one hectare;
- b) that contain multiple buildings, parcels and/or landowners involved in the development proposal;
- c) that contain more than one land use designation, applying to the development parcel(s);
- d) that are bounded by major streets or open space features;
- e) where gradations in building height and density are required within the development parcels; and
- f) where density transfers are proposed within the development parcels.

10.1.4.2 **That** a *comprehensive block plan* shall be prepared, in cooperation with landowners, to provide detailed guidance regarding the pattern, nature and phasing of development and to address, among other things, the following:

- a) the density targets identified in Sections 2.5 and 2.6;
- b) protection and enhancement of natural heritage and hydrologic features;
- c) protection of *cultural heritage resources*;
- d) the proposed layout of streets, lanes and development blocks;
- e) the proposed system of movement on streets including pedestrian, cycling and transit routes and transit;
- f) the location of required parks and open space and *public schools* and other community infrastructure;
- g) the appropriate mix of land uses;
- h) the distribution of height and density having regard for:
 - i. the transition between areas of different intensities and uses; and
 - ii. relationships between building, streets and open spaces;
- i) the location of publicly accessible walkways and vehicular access driveways, including mid-block connectors and potential surface parking areas;
- j) the identification of existing landmarks or locations for new landmarks and any special requirements for building orientation architectural features and public art;

Comprehensive block plans provide a framework for development potential and establish guidelines to direct such things as building heights, setbacks, public realm, open space and pedestrian connections.

- k) other specific urban design issues that will be addressed in implementing plan(s) of subdivision, zoning standards and site plan approvals, based on any urban design objectives and guidelines that have been prepared for the area;
- l) requirements for transportation impact assessments, and community infrastructure and housing impact statements; and
- m) phasing of development over time including all relevant information required to evaluate the phasing plan which may include provision of transportation infrastructure and an economic/fiscal impact assessment as outlined in Section 10.1.2.3.

10.1.4.3 **To require** a development proponent to address the applicable requirements of a *comprehensive block plan* contained in Section 10.1.4.2 to the satisfaction of the Markham, prior to *development approval* of a specific development proposal, including:

- a) the relationship of the development proposal to the following:
 - i. future building footprints, surface parking areas, and public and private open space areas;
 - ii. pedestrian and vehicular access driveways, including mid-block connectors and potential surface parking areas;
 - iii. locations for underground parking and access ramps;
 - iv. public and private open space areas; and
 - v. a phasing plan for future block development;
- b) a housing impact statement addressing the composition and distribution of the housing stock in accordance with Section 4.1.2.8 and the *affordable* and *shared housing* targets in Section 4.1.3.6;
- c) a community infrastructure impact statement in accordance with Section 4.2.2.2;
- d) adherence to sustainable development practices identified in Section 6.2; and
- e) a transportation impact assessment as considered appropriate.

10.1.4.4 **To require** a development proponent to prepare a *comprehensive block plan* to the satisfaction of Markham for certain sites that do not meet the criteria outlined in Section 10.1.4.1, but where the development of the site may impact the future orderly development of adjacent development sites. In these instances the scope of the *comprehensive block plan* as outlined in Section 10.1.4.2 may be focused on addressing compatibility, integration, and the impact on development rights on adjacent lands.

10.1.4.5 **That** where a *comprehensive block plans* has previously been submitted to Markham's satisfaction, development proponents may be required to update the plan prior to any *development approval*.

10.2 ZONING BY-LAWS

Zoning by-laws control the use of land. They regulate where buildings and other structures can be located, the types of buildings that permitted and lot sizes and dimensions, parking requirements, building heights and setbacks. They are intended to implement the policies of this Plan.



The land use designations of this Plan provide a range of uses, heights and densities. These serve as a guide to development and it is not intended that every area and development be zoned to allow for the use and maximum height and density provided for within a land use designation, but rather the zoning standards be tailored to fit the specific context within the framework of the land use designation. Zoning by-laws put the plan into effect. Zoning by-laws must conform to the Official Plan. Determination for allowing a use and establishing an appropriate built form for a property may be made following an evaluation of the criteria established by this Plan on a contextual basis.

Zoning by-laws regulate land use (i.e., residential, commercial, industrial etc.) and establish development standards for building on a property (i.e., lot size, height, frontage, etc.).

10.2.1 General Policies

It is the policy of Council:

10.2.1.1 **To prepare** a new comprehensive zoning by-law in accordance with Section 26 of the Planning Act, no later than three years after the Plan comes into effect to implement the policies of this Plan and/or secondary plans, precinct plans and *comprehensive block plans*.

10.2.1.2 **That** the new comprehensive zoning by-law shall establish the following where necessary:

- a) land use zones within designated areas that will permit the types of development specified in this Plan;
- b) site development standards appropriate to each type of development;
- c) illustrations, drawings or other visuals to assist in communicating or exemplifying the development standards established; and
- d) any other special use provisions or development standards needed to implement this Plan.

10.2.1.3 **That** the new comprehensive zoning by-law:

- a) may contain several zone categories in each land use designation in order to capture all the permitted uses and development criteria identified by the land use designations; and
- b) may be more restrictive than the uses, and maximum height and density, specified in the land use designation for every area and development.

10.2.1.4 **That** zoning by-law amendments shall conform to the objectives and policies of this Plan.

10.2.1.5 **To limit** zoning by-law amendments that will have the effect of reducing the density of a site, in areas that have been approved for medium or high-density development, unless the need is determined through a *municipal comprehensive review*.

10.2.2 Conditional Zoning

Section 34 of the Planning Act gives municipalities the authority to impose prescribed conditions on a specific property when passing a zoning by-law. To date, the Province has not yet passed the necessary regulations that will identify the scope of conditions municipalities may impose on zoning.

It is the policy of Council:

- 10.2.2.1 **That** when regulations have been passed by the Province identifying the scope of conditions that municipalities may apply on development, a zoning by-law may be passed under Section 34 of the Planning Act to permit the use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location of the building including:
- a) requiring an owner of land to which the by-law applies to enter into an agreement relating to the condition;
 - b) requiring the agreement to be registered against the land to which it applies; and
 - c) enforcing the agreement against the owner and subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land.

10.2.3 Holding Provision By-law

A zoning by-law with a holding symbol allows future uses, but delays development until conditions for removing the hold are met. These conditions may include agreements regarding servicing, transportation, environmental remediation and a *comprehensive block plan*.

It is the policy of Council:

- 10.2.3.1 **To place** a holding provision on lands, where appropriate, in accordance with Section 36 of the Planning Act identifying conditions that must be met before the ultimate use of the land is permitted, which may include the following:
- a) adequate infrastructure is available, as required to service the proposed development;
 - b) completion of transportation and infrastructure improvements;
 - c) fulfillment of financial obligations related to open space, recreational and community services and facilities;
 - d) environmental remediation or mitigation measures;
 - e) natural environmental hazard management;
 - f) protection of the natural environment including tree preservation;
 - g) professional or technical studies to assess potential development impacts;
 - h) phasing of development;
 - i) draft plan subdivision and/or site plan control approval;
 - j) approval of precinct plan and/or *comprehensive block plan* encompassing one or more parcels of land;
 - k) provision of *affordable* and *shared housing*, where appropriate;
 - l) measures to protect *cultural heritage* and *archaeological resources*; and
 - m) entering into legal agreements, including a subdivision agreement, and other agreements pursuant to the Planning Act, to secure any of the matters required to satisfy the conditions of removal of the holding provision.

- 10.2.3.2 **That** a by-law may permit an interim use until the holding symbol is removed. The interim use may include an existing use or another use that will not jeopardize the ultimate intended use. Any regulations applying to

A Zoning By-law with a holding symbol allows future uses, but delays development until conditions for removing the hold are met such as agreements regarding servicing, transportation, environmental remediation and a comprehensive block plan.

the lands during the period the holding provision is in place may also be set out in the by-law.

- 10.2.3.3 **To remove** the holding provisions only when the conditions identified in the zoning by-law have been satisfied.

10.2.4 **Community Benefits and Height and/or Density Increases**

Section 37 of the Planning Act provides municipalities with a key planning tool that allows municipalities to grant an increase in height and/or density and receive additional services, facilities and matters (community benefits) from the owner of a contributing development.

It is the policy of Council:

- 10.2.4.1 **To consider** an increase in the height and density of development, in accordance with Section 37 of the Planning Act, beyond what is otherwise permitted in the zoning 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;
 - 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.
- 10.2.4.2 **That** a by-law to implement Section 37 may be enacted to achieve the objectives of this Plan for obtaining certain facilities, services or other matters that would not otherwise be secured under the other provisions of the Planning Act or the Development Charges Act, and that may be of particular benefit to a specific area of Markham at large.
- 10.2.4.3 **To attain** facilities, services and matters such as, but not limited to the following:
- a) the *conservation* and/or improvements of *cultural heritage resources*;
 - b) the protection and enhancement of Natural Heritage Network lands and Natural Heritage Network Enhancement Lands, which would not be accepted as parkland dedication;
 - c) a substantial contribution to the *urban forest* on public lands;
 - d) provision of public access to *valleylands* and stream corridors;
 - e) the provision of increased amounts of open space or community facilities such as *day care centres*, libraries, community centres, or recreational facilities;
 - f) the provision of *affordable* and *shared housing*;
 - g) conservation and replacement of rental housing;
 - h) enhanced connections to transit facilities;
 - i) enhanced improvements to transit facilities;
 - j) enhanced road or servicing improvements;
 - k) provision of public parking facilities;
 - l) provision for pedestrian and cycling facilities;
 - m) public art;

Section 37 of the Planning Act provides municipalities with a key planning tool that allows municipalities to grant an increase in height and/or density and receive additional services; facilities and matters (community benefits) from the owner of a contributing development.

- n) non profit cultural facilities; and
- o) other local improvements identified in Council initiated studies.

10.2.4.4 **To determine** community benefits that are the subject of Section 37 provisions 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.

10.2.4.5 **To implement** increased height and density provisions under Section 37 of the Planning Act through site specific by-laws passed under Section 34. Such by-laws will contain 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 becomes applicable to a parcel of land.

10.2.4.6 **That** an agreement between the property owner and Markham shall be entered into in regard to relevant facilities, services and matters, and when an owner is being awarded the increase in height and density and when the increased standards become applicable.

10.2.5 Interim Control Zoning By-law

Interim control by-laws temporarily freeze land uses to allow time to study or review policies related to Markham or a specific area, or areas thereof. Following completion of the study or policy review, Markham may amend its Official Plan and zoning by-law(s) to reflect the recommendations determined by the study.

It is the policy of Council:

10.2.5.1 **That** in accordance with Section 38 of the Planning Act, an interim control by-law may be passed to restrict the use of land, buildings or structures within a defined area until a review or study of land use policies has been completed.

10.2.6 Temporary Use Zoning By-law

A temporary use zoning by-law allows the use of land, building or structures for a particular use on a temporary basis even though it may not conform to the zoning by-law. The temporary use must be compatible with adjacent land uses and not jeopardize the long-term development intentions for the lands/area.

It is the policy of Council:

10.2.6.1 **That** in accordance with Section 39 of the Planning Act, a temporary use by-law may be passed to authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the zoning by-law provided that:

- a) the development proponent demonstrates that the use is temporary in nature and appropriate for a limited time span;
- b) no new buildings or expansions of buildings, except for temporary or

Interim Control by-laws temporarily freeze land uses to allow time to study or review policies related to a specific area, or areas of Markham.

- moveable structures, shall be permitted on the subject lands; and
- c) an agreement be entered into to terminate the use upon expiry of the by-law.

10.2.6.2 **That** the proposed temporary use permitted in accordance with the temporary use by-law shall:

- a) maintain the long term viability of the lands for the uses permitted in this Plan;
- b) be compatible with the adjacent land uses;
- c) be suitable for the site in terms of site layout, building design, accessibility, provision of landscaping, screening and buffering and available services;
- d) have no adverse impact on traffic, transportation or parking facilities in the area;
- e) provide adequate on-site parking facilities;
- f) provide sufficient services (e.g., roads, water supply, etc.) to accommodate the proposed temporary use;
- g) be temporary in nature, appropriate for a limited time span and can be terminated when the authorizing by-law expires; and
- h) not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use provisions.

10.2.6.3 **To only** extend a temporary use by-law where the original criteria provided for in Sections 10.2.6.1 and 10.2.6.2 are met.

10.2.6.4 **That** the temporary use shall be terminated upon expiration of the authorizing by-law.

10.2.7 **Legal Non-Conforming Use**

A legal non-conforming use refers to the use of land, buildings or structures that does not comply with the zoning by-law but that was in lawful existence prior to the approval of the zoning by-law prohibiting the use and has been continually used for such a purpose since the approval of the zoning by-law.

It is the policy of Council:

10.2.7.1 **That** the use of lands, buildings or structures that do not comply with the zoning by-law but were in lawful existence prior to the approval of the zoning by-law, and continue to be used for such purpose, shall be recognized as legal non-conforming uses.

10.2.7.2 **That** legal non-conforming uses, buildings or structures shall eventually cease and be replaced by uses, buildings or structures that conform to the intent of this Plan and comply with the zoning by-law.

10.2.7.3 **That** an extension or enlargement in the use of any land, building or structure of the established non-conforming use may be permitted provided:

- a) it does not allow permissions beyond the limits of the land owned and used in connection therewith on the day the by-law was passed;
- b) the use is similar to the purpose for which it was used or is more compatible with the uses permitted by the by-law on the day the by-law was passed;
- c) it does not unduly aggravate the situation created by the existence of the use, especially in regard to the requirements of the zoning by-law applying to the area;
- d) it is minor in relation to the existing buildings and development on the site and is in appropriate proportion to the size of the non-conforming use;
- e) the characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odour, lighting and traffic generating capacity;
- f) the neighbouring conforming uses will be protected where necessary by the provision of areas for landscaping, buffering or screening, the appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and, where necessary, by regulation for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc.;
- g) traffic and parking conditions in the vicinity will not be adversely affected and appropriate design of entrance and exit points to and from the site and improvement of sight lines particularly near intersections are provided; and
- h) adequate parking and loading facilities are provided.

10.2.7.4 **That** the applicant may be required to apply for site plan control, as a condition of approving an extension or enlargement of lands, buildings or structures of a non-conforming use.

10.3 DIVISION OF LAND

10.3.1 Subdivision and Condominium

Subdivision approval is a land use planning approval under Section 50 of the Planning Act that has been delegated to Markham. A registered plan of subdivision creates new, separate parcels of land that can legally be offered for sale and sold.

Condominium approval is authorized by Section 9 of the Condominium Act 1998 and Section 51 of the Planning Act. A condominium plan is also a plan of subdivision and the creation of all units and common elements is subject to the provisions of Section 51 of the Planning Act.

It is the policy of Council:

10.3.1.1 **To require** a plan of subdivision where any one or more of the following conditions apply:

- a) the number of new lots created is greater than three for any one ownership;

A registered plan of subdivision creates new, separate parcels of land that can be legally used for the sale of lots. A condominium plan is also a plan of subdivision that results in the creation of registered units and common elements.

- b) the extension or creation of a public road allowance is required;
- c) the extension or creation of municipal services is required; and
- d) agreements or conditions are required by Markham with regard to any part of the remaining lands.

- 10.3.1.2 **That** in addition to the criteria outlined in Section 51 of the Planning Act, the following criteria also apply when reviewing a plan of subdivision or condominium plan:
- a) conformity with the policies of this Plan;
 - b) conformity with adjacent plans of subdivision;
 - c) the sustainable design and development policies for new communities referred to in Section 6.2.2.2;
 - d) natural and *cultural heritage resources* and *archaeological resources* are preserved and protected in accordance with Sections 3.1, 4.5 and 4.6; and
 - e) provision of adequate transit and community facilities as required by this Plan.
- 10.3.1.3 **To require** as a condition of approval pursuant to the Planning Act, the owner of the lands subject to a plan of subdivision to enter into one or more agreements to secure the matters associated with the subdivision of land, which may be registered against the title of the subject lands.
- 10.3.1.4 **To include** a lapsing date in accordance with Section 51(32) of the Planning Act for approval of a draft plan of subdivision.
- 10.3.1.5 **To consider** an extension of the approval of a draft plan of subdivision prior to the lapsing date established in Section 10.3.1.4.
- 10.3.1.6 **That** if approval of a draft plan of subdivision lapses, opportunities for achieving Markham's growth management targets identified in Chapter 2 of this Plan shall be considered as part of the *development approval* process for subsequent development applications on the site.
- 10.3.1.7 **That** approval of any development on lands designated for residential use will be conditional upon the availability of, or the ability to provide, municipal services, *public school* and park sites and such other services as are deemed necessary.
- 10.3.1.8 **That** all new residential development as well as major *redevelopment* involving relotting of existing residential subdivisions shall only be on the basis of plans of subdivision or severance to be approved by Markham and other appropriate authorities.
- 10.3.1.9 **That** in accordance with Section 50 of the Planning Act, Markham may exempt all or parts of a registered plan of subdivision from part lot control to permit the conveyance of portions of lots or blocks for a period of not more than two years.
- 10.3.1.10 **That** in accordance with Section 50 of the Planning Act, Markham may pass a by-law to designate any plan of subdivision, or part thereof that has not been registered for eight years or more, not to be a registered plan of subdivision.



10.3.2 Consents

Markham's Committee of Adjustment has delegated authority to grant consents pursuant to Section 53 of the Planning Act. Consents are used to subdivide land (three or fewer lots) without the requirement of a plan of subdivision. They are also used for boundary adjustments to existing lots, for the creation of easements and right-of-ways, lease and mortgage purposes.

Consents are used to subdivide land (three or fewer lots) without the requirement of a plan of subdivision.

It is the policy of Council:

10.3.2.1 **That** the following Sections be referenced for policies relating to consent(s):

- a) Section 5.2.1.9 for lands within the 'Countryside' designation shown on Map 3 – Land Use; and
- b) Section 3.1.5.13 for lands within the Oak Ridges Moraine Conservation Plan Area' shown on Map 7 – Provincial and Federal Policy Areas; and
- c) Section 3.1.5.15 for lands within the Greenbelt Plan Area shown on Map 7 – Provincial and Federal Policy Areas

10.3.2.2 **That** in accordance with Section 53 of the Planning Act, consents may be permitted in the urban area shown on Map 12 – Urban Area and Built-Up Area for the following purposes:

- a) the creation of new lots;
- b) boundary adjustments to existing lots;
- c) the creation of easements and right-of-ways;
- d) to convey additional lands to an adjacent lot, provided a lot smaller than that otherwise permitted is not created; and
- e) a lease over part of the development proponent's landholding for a period of 21 years or more; and
- f) a mortgage over part of the development proponent's landholding.

10.3.2.3 **That** uses proposed for new lots created through consent are consistent with this Plan.

10.3.2.4 **That** in addition to the criteria contained in Section 51(24) of the Planning Act, a development application for consent to create new lots shall only be granted where:

- a) a plan of subdivision or condominium is not necessary;
- b) the number of resulting lots is three or fewer;
- c) the lot(s) can be adequately serviced;
- d) no extension, improvement or assumption of municipal services, public streets, or new street allowance is required;
- e) the lot(s) will have frontage on a public street;
- f) the lot(s) will not restrict the ultimate development of adjacent lands;
- g) the size and shape of the lot(s) conform with the requirements of the zoning by-law, is appropriate to the use proposed and is compatible with adjacent lots;
- h) the lot(s) comply with the cultural heritage protection policies in Sections 4.5.3.9 and 4.5.3.10; and
- i) the consent conforms to all relevant policies of this Plan.

- 10.3.2.5 **That** creation of lots having frontage on designated provincial highways and major and minor arterial roads shall be discouraged, particularly when creating a new entrance to serve a new lot will have the effect of creating a traffic hazard.
- 10.3.2.6 **That** consents to sever land in the urban area as shown on Map 12 – Urban Area and Built-Up Area will be considered for the purpose of infilling, but shall not extend the urban area.
- 10.3.2.7 **That** consents to sever related to creation of new residential lots within lands designated ‘Residential Low Rise’ may be subject to site plan control approval to ensure compatibility with the existing character of the neighbourhood in accordance with the requirements of Section 8.2.3.5.
- 10.3.2.8 **That** conditions may be attached to the approval of consent, as deemed necessary including but not limited to the following:
- a) fulfillment of all servicing, grading, easement and financial requirements of Markham;
 - b) dedication of land for:
 - i. park purposes or the payment of cash-in-lieu thereof in accordance with the parkland dedication policies of this Plan;
 - ii. road widening and/or intersection improvements; and
 - iii. protection and conservation of natural heritage resources;
 - c) preparation of development agreements respecting development of the lands;
 - d) site plan control approval for any new construction; and
 - e) protection and conservation of natural heritage resources, *cultural heritage resources* and *archaeological resources* and/or the mitigation of adverse effects.

10.3.3 Lots of Record

A “lot of record” refers to a lot that was legally in existence as of the date Council adopted this Plan.

It is the policy of Council:

- 10.3.3.1 **That** building permits will not be issued unless the following criteria are met:
- a) the lot shall front on an existing improved public road;
 - b) when applicable, prior approval shall have been obtained from the Medical Officer of Health for the installation of a private well and individual private on-site wastewater system.
 - c) the lot conforms to the provisions of the zoning by-law; and
 - d) the proposed development conforms with the *minimum distance separation formulae* of the Agricultural Code of Practice.

10.4 SITE PLAN CONTROL

As authorized by the Planning Act, Council has established Markham as an area subject to site plan control. Through the site plan control application process, Markham will review the design and layout of buildings and

development including building location, landscaping, parking, drainage, pedestrian and vehicular access, public realm, etc. to ensure compliance with Markham standards, by-laws and guidelines. Markham's requirements in regard to site plan control approval are secured through agreements.

It is the policy of Council:

- 10.4.1 **To designate** the entire area of Markham as a Site Plan Control Area in accordance with Section 41 of the Planning Act.
- 10.4.2 **To pass** a site plan control by-law under Section 41 of the Planning Act, which shall identify specific areas and/or types of development subject to site plan control or exempt from site plan control.
- 10.4.3 **That** site plan control shall be used to achieve conformity with the policies of this Plan, secondary plans, precinct plans, *comprehensive block plans*, *heritage conservation district* plans, the Oak Ridge Moraine Conservation Plan, the Greenbelt Plan and established guidelines for a specific parcel or parcels of land.
- 10.4.4 **That** prior to development being undertaken in the Site Plan Control Area, Council shall approve one or both of the following:
- a) plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under 41(7)(a) of the Planning Act, including facilities designed to have regard for accessibility for persons with disabilities;
 - b) drawings showing plan, elevations and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than 25 dwelling units, anywhere in the Site Plan Control Area including:
 - i. the massing and conceptual design of the proposed building;
 - ii. the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;
 - iii. the provisions 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, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of 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.
- 10.4.5 **That** notwithstanding 10.4.4 above, Council may require drawings identified under Section 41(4)2 of the Planning Act to be submitted for a building to be used for residential purposes containing less than 25 dwelling

Through site plan control, Markham will review the design and layout of the buildings and development including building location, landscaping, parking, drainage, pedestrian and vehicular access, public realm, etc. to ensure compliance with Markham standards, by-laws and guidelines.

units anywhere in the Site Plan Control Area.

10.4.6

That site plans and drawings shall be prepared to implement planning, urban design and sustainable development, and *cultural heritage resource* objectives outlined in Sections 4.5, 6.1, 6.2 and 7.1.4, as well as the following:

- a) new buildings shall be compatible with existing buildings in respect of massing and conceptual design and the overall streetscape or the intended character of the area;
- b) conflicts with adjoining land uses or the impact of intensive operational areas of a development shall be minimized by, amongst other measures, appropriate orientation and screening;
- c) natural heritage and hydrologic features and areas and their associated *vegetation protection zones* shall be conserved, protected and enhanced;
- d) access routes, internal driveways, pedestrian access and parking layout shall be designed to achieve efficient on-site traffic and pedestrian circulation to the satisfaction of Markham, and where applicable, York Region Transit and Emergency Management Services. Where traffic circulation involves passenger and commercial vehicles, conflicts shall be minimized. The on-site traffic circulation and access to buildings shall satisfy Markham's requirements;
- e) the number and location of access points from a public road system to the site shall be approved by Markham, York Region or the Province depending on the jurisdiction having authority over the road. Markham shall endeavour to minimize the number of access points from a road by encouraging common access points shared by contiguous developments, particularly in industrial and commercial areas;
- f) where policies of this Plan require a *comprehensive block plan*, the development shall be on the basis of an integrated plan and unified design concept. Such integration may involve shared access, mutual rights-of-way over internal driveways and parking areas;
- g) services and utilities, including sanitary and storm sewers, watermains, provision for stormwater management, etc. and easements for their construction, maintenance or improvements shall be provided to the satisfaction of Markham and other appropriate authorities having jurisdiction;
- h) the extension or creation of a public road allowance in accordance with Section 10.8.1.5;
- i) site grading and drainage shall be approved and completed to the satisfaction of Markham and York Region, where applicable;
- j) landscaping shall be provided to enhance the visual character of the development and to screen or buffer unsightly service areas or protect uses adjoining the development;
- k) vaults, central storage and collection areas, etc. for garbage shall be provided on site, suitably screened or within the building. Provision shall be made for snow storage areas, or alternatively arrangements made to remove snow so as not to encroach on landscaped areas. In general, hydro transformers shall be located within buildings so as not to create an unsightly appearance; and



- l) all lighting shall be oriented internally to the site so as not to cause glare on adjoining developments or roads and shall not create a traffic hazard.

10.5 COMMITTEE OF ADJUSTMENT

The Committee of Adjustment is an independent body appointed by Council to consider applications for minor variances to the zoning by-law and consent applications.

It is the policy of Council:

- 10.5.1 **That** the Committee of Adjustment for Markham shall be guided by the general intent and purpose of this Plan in making decisions on minor variances to the zoning by-law and consent applications.

10.6 SUBMISSION OF A DEVELOPMENT APPLICATION

10.6.1 Pre-Consultation

Prior to submission of certain development applications, the development proponent is required to meet with Markham staff and external agencies, including senior levels of government if required, to scope the issues associated with a specific development proposal.

The supporting information and materials needed to evaluate a development application will be determined at the pre-consultation meeting and must be submitted for the application to be considered complete.

It is the policy of Council:

- 10.6.1.1 **To require** the development proponent to meet with appropriate Markham staff and other approval authorities to scope the issues associated with an application for an official plan amendment, zoning by-law amendment, plan of subdivision including a plan of condominium, and/or site plan control, except where a proposed development application is exempted by the City.

10.6.2 Complete Application

The Planning Act permits municipalities to include policies for complete applications, setting out the information or material submission requirements to support an application for:

- an official plan amendment;
- a zoning by-law amendment;
- a plan of subdivision; and
- consent (severance).

The pre-consultation meeting will be used to determine the scale and scope of any technical studies, plans and/or items required beyond the prescribed information required under the Planning Act that will constitute the requirements for a 'complete' application. The scale and scope of these

Prior to submission of certain development applications, the development proponent is required to meet with Markham staff and external agencies, including senior levels of government, if required, to scope the issues associated with a specific development proposal.

technical studies, plans and/or items being dependent on the size of the proposal, its relationship to adjacent uses and the type(s) of planning approval(s) required.

Once required information or materials have been submitted to the satisfaction of Markham, the application will be deemed “complete” in accordance with the Planning Act. The date the application is deemed complete is the date on which the timeline for processing the application begins, as outlined in the Planning Act.

It is the policy of Council:

10.6.2.1 **To require** the development proponent to meet with appropriate Markham staff and other approval authorities to determine what technical studies, plans and/or items are required to support an application for an official plan amendment, zoning by-law amendment, and plan of subdivision.

10.6.2.2 **That** in the absence of a pre-consultation meeting an application for official plan amendment, zoning by-law amendment, and/or plan of subdivision may be deemed incomplete, and may be refused.

10.6.2.3 **To require** to submit the following information or materials to the satisfaction of City in order to constitute a “complete” application for an official plan amendment, zoning by-law amendment, plan of subdivision and consent (severance) applications:

- a) the minimum submission requirements in accordance with the Planning Act requirements incorporated into a standardized application form;
- b) any one or more of the following technical studies, plans and/or other items listed below or identified in Markham’s Submission Requirements for Development Applications:

Cultural Requirements:

- archaeological assessment
- heritage conservation plan
- heritage impact assessment

Environmental Requirements:

- air quality impact study
- demarcation of the limits of natural heritage features
- environmental impact study
- environmental site assessment
- hydrological evaluation
- natural heritage evaluation
- record of site condition
- tree and vegetation study



Planning and Urban Design Requirements:Secondary Plan, Precinct Plan, Comprehensive Block Plan Requirements:

- community and architectural design plan
- community infrastructure impact statement
- economic/fiscal impact assessment
- housing impact statement
- master streetscape plan
- parks and open space plan
- retail and service needs study
- streets and block plan

Site and Building Design Requirements:

- angular plane study
- computer generated building mass model
- retail impact study
- sensitive land use compatibility study
- sun and shadow analysis
- sustainable design practices and technologies checklist
- wind impact study

Services and Utilities Requirements:

- functional servicing report and brief
- geotechnical report
- master environmental servicing report
- noise and vibration study
- scoped environmental master servicing report for intensification
- stormwater management report and/or design brief

Transportation Requirements:

- functional traffic design study
- transportation impact assessment
- transportation demand management strategy

and/or any other technical studies, plans and/or other items required by this Plan or specified in an implementing secondary plan relevant to the proposal.

Prior to undertaking technical studies, or providing plans and/or other items, appropriate staff shall be consulted to establish the details, scope and terms of reference. (Refer to Markham's Submission Requirements for Development Applications.)

- 10.6.2.4 **To require** development proponents to submit any one of more studies identified in the York Region Official Plan.
- 10.6.2.5 **That** 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.
- 10.6.2.6 **To have regard** for original technical studies, plans and/or other items submitted and approved in prior phases, of the same development as subsequent phases are developed. The technical studies, plans and/or other items submitted in support of a phased development may be required to be updated in subsequent phases.
- 10.6.2.7 **That** additional information or materials not listed in this Plan or Markham's Submission Requirements for Development Applications may be requested, despite the fact that an application has been deemed "complete" in accordance with the Planning Act and the regulations thereto, prior to a decision by Council or the approval authority on a development application. These additional requirements will not affect the original date of the complete application.
- 10.6.2.8 **To require** all technical studies, plans and/or other items submitted with a development application to be carried out at the expense of the proponent, to the satisfaction of Markham and York Region.

10.7 PUBLIC CONSULTATION

Public consultation is a key process in community building. It provides a forum for residents, stakeholders and proponents to review proposed development applications and identify issues, opportunities and areas of agreement.

It is the policy of Council:

- 10.7.1 **To actively encourage** public participation in planning decisions and *development approvals*. At least one public meeting and/or open house will be held to allow the exchange of information and full discussion of proposed amendments to this Plan and the zoning by-law.
- 10.7.2 **To provide** ample opportunity for the public to review the information on proposed plans and amendments by giving advance notice of public meetings in accordance with the requirements of the Planning Act.
- 10.7.3 **That** alternative procedures for public consultation and notice of a public meeting in association with planning decisions and *development approvals* may extend beyond the minimum requirements of the Planning Act.
- 10.7.4 **To engage**, consult and partner, as appropriate, with First Nations and Métis communities when considering development applications and studies that may affect their interests.

Public consultation is a key process in community building. It provides a forum for residents, stakeholders and proponents to review proposed development applications and identify issues, opportunities and areas of agreement.

- 10.7.5 **That** technical amendment(s) may be exempted from the public notice requirements of the Planning Act including those that make minor changes not affecting the policies or intent of this Plan or the zoning by-law, such as:
- a) consolidation of this Plan or the zoning by-law to incorporate approved amendments;
 - b) change in the numbering and arrangement of provisions;
 - c) modification of punctuation or language to achieve clarification or a uniform mode of expression;
 - d) correction of clerical, grammatical or typographic errors;
 - e) change in titles of Legislative Acts, Provincial or Federal government departments or agencies;
 - f) deletion of obsolete references and provisions; and
 - g) change to Appendices.

- 10.7.6 **That** vacant land condominium descriptions and/or common element condominium descriptions may be exempt from the public notice requirements of the Planning Act, at the discretion of the Director of Planning and Urban Design.

10.8 ACQUISITION AND SECURITY

10.8.1 Land Dedication and Acquisition

It is the policy of Council:

- 10.8.1.1 **To encourage** Boards of Education, the Toronto and Region Conservation Authority, York Region and other appropriate public agencies to implement this Plan by acquiring lands for public purposes as they deem necessary.
- 10.8.1.2 **To acquire** and hold land within Markham for the purpose of implementing any feature of this Plan, in accordance with Section 25(1) of the Planning Act. Any land so acquired may be sold, leased, or otherwise disposed of when no longer required.
- 10.8.1.3 **That** lands conveyed to Markham shall be in a condition acceptable to Markham and shall include suitable access and an environmental clearance based on the appropriate level of site assessment as established in Ministry of Environment guidelines.
- Road Widening**
- 10.8.1.4 **That** when acquiring lands for widening the right-of-ways for roads it may not be necessary, in all cases, to achieve the maximum basic widths shown on Map 10 – Road Network and Map 11 – Minor Collector Road Network, including the minor collector roads shown in hatching.
- 10.8.1.5 **That** as a condition of *development approval*, the owner may be required to dedicate lands for:
- a) mid-block crossings and interchanges for 400 series highways;
 - b) new roads including pedestrian and cycling facilities;
 - c) widening of existing road allowance to its planned width including pedestrian and cycling facilities; and



- d) public transit right-of-ways and lands for related facilities and enhancements such as transit stations, pick-up/drop-off areas, operations/maintenance, pedestrian/cycling facilities, travel information systems;
- e) grade separation of a street and a rail line as warranted to implement the provisions of Map 10 – Road Network and Section 7.1.3.4 respecting the minor collector roads depicted in Map 11 – Minor Collector Road Network, to the satisfaction and at no cost to Markham or the appropriate authority.

10.8.1.6 **That** only one-half of the maximum width described on Map 10 – Road Network will be taken on either side of the road through *development approval*.

10.8.1.7 **That** additional widths may be required for elements such as sight triangles, cuts, fills, streetscaping, extra turn lanes at intersections, and enhanced pedestrian and/or cycling facilities and/or other improvements at no expense to Markham or the appropriate authority.

10.8.1.8 **That** unequal or reduced widening may be required where topographic features, public lands, historic buildings or other *cultural heritage resources* such as archaeological features, significant environmental concerns or other unique conditions necessitate taking a greater widening or the total widening on one side of the existing street right-of-way.

10.8.1.9 **That** in the case of roads under the jurisdiction of the York Region, the provision of land for the additional right-of-way width shall be based on the principles established in the Regional Official Plan.

10.8.2 Parkland Dedication

It is the policy of Council:

- 10.8.2.1 **That** as a condition of *development approval* of land, Markham may, through the implementing parkland dedication by-law, require that land be conveyed for parks and other recreational purposes in an amount not exceeding:
- a) for lands proposed for industrial or commercial purposes, 2 percent of the gross land area;
 - b) for lands proposed for all other land uses, except for residential purposes, 5 percent of the gross land area; and
 - c) for lands proposed for residential purposes:
 - i. where the residential development is comprised of detached and semi-detached dwellings, 1 hectare per 300 dwelling units, provided that in no case shall the conveyance be less than 5 percent of the gross land area;
 - ii. where the residential development is comprised of townhouse, stacked townhouse or small multiplex buildings containing 3 to 6 units, 1 hectare per 300 dwelling units or 1.2 hectares per 1000 persons, whichever is the lesser, provided that in no case shall the conveyance be less than 5 percent of the gross land area; and
 - iii. where the residential development is comprised of apartment



buildings containing more than 6 units, 1.2 hectares per 1000 persons, subject to any dedication adjustment permitted by an implementing parkland dedication by-law, provided that in no case shall the conveyance be less than 5 percent of the gross land area.

- 10.8.2.2 **That** for lands that include a mixture of land uses, conveyance requirements are the sum of the parkland conveyances for each individual use as identified above. For uses described in a) and b) above, the land area for the purposes of calculating the amount of required parkland conveyance shall be determined by the sum of:
- a) the gross floor area of that part of the ground floor exclusively devoted such uses, and
 - b) any surface parking area exclusively devoted to such uses.
- 10.8.2.3 **That** notwithstanding 10.8.2.1 above, the City may make further adjustments to the parkland conveyance requirements for any *development approval*, in accordance with the Planning Act, the parkland dedication by-law and/or any applicable development agreement.
- 10.8.2.4 **That** in addition, Markham may, at its sole and absolute discretion, accept the payment of money, or a combination of land conveyance and payment of money, up to the value of the land otherwise required to be conveyed in lieu of the sole conveyance of land, in accordance with the parkland dedication by-law.
- 10.8.2.5 **That** the conveyance of land for park purposes shall be applied equally to all types of residential development regardless of sponsorship, tenure or occupancy.
- 10.8.2.6 **That** all lands dedicated to Markham shall be conveyed in a physical condition satisfactory to the City.

10.8.3 Agreements

As part of a *development approval*, Council may require a property owner to enter into one or more agreements with Markham to ensure the property owner fulfills their obligations.

It is the policy of Council:

- 10.8.3.1 **That** development proponents shall enter into agreements as and when considered appropriate by Markham. Such agreements shall deal with all applicable aspects of development and may include, but are not limited to the following:
- a) subdivision agreements to provide for the installation of all necessary services, roads and facilities, payment of fees and other financial obligations, dedication of lands and such other matters as may, from time to time, be required by Council;
 - b) site plan control agreements to regulate development or *redevelopment* of lands or buildings pursuant to Section 41 of the Planning Act;
 - c) Section 37 agreements to secure relevant facilities, services and



matters, when the owner is being awarded an increase in height and density; and

- d) agreements required to provide servicing infrastructure, including financial and development agreements before any development proceeds.

10.8.3.2 **That** prior to *development approval*, development proponents may be required to enter into developers' group agreement(s), or implement other alternative arrangements to ensure the equitable distribution of the cost of community and infrastructure facilities such as *public schools*, parks, roads, etc. within a secondary plan area or *comprehensive block plan* area.

The agreement shall distribute, in a fair and equitable manner, the costs of community infrastructure and facilities to ensure an orderly sequence of development.

10.8.4 **Cash-in-lieu of parking**

The Planning Act allows Markham to enter into an agreement exempting a development proponent from the parking requirements of the zoning by-law. In exchange, the owner will pay cash-in-lieu of parking fees to Markham representing the amount of money that it would cost to provide the exempted parking.

It is the policy of Council:

10.8.4.1 **To prepare** cash-in-lieu of parking by-law(s) that would permit a development proponent to make cash payments to Markham in lieu of providing parking facilities.

10.8.4.2 **To require** that a development proponent demonstrate the following in order to qualify for cash-in-lieu of parking:

- a) the provision of on-site parking is not physically possible;
- b) there is sufficient existing off-site parking capacity to accommodate the parking deficiency;
- c) there would be no negative impacts to the surrounding community; and
- d) shared parking facilities would be a better option for the development or *redevelopment area*.

10.8.4.3 **That** in accordance with Section 40 of the Planning Act, Markham may enter into an agreement with a property owner or occupant of a building to exempt them from the requirement of providing or maintaining parking facilities.

10.8.4.4 **That** the cash-in-lieu payment shall reflect the true cost incurred by Markham in providing public parking.

10.8.4.5 **That** areas within Markham may be identified for parking facility expansions or improvements in order to satisfy the demands of parking within such areas, arising from proposals for development or *redevelopment* to be financed in part through cash-in-lieu payments.

As part of a development approval, Council may require a property owner to enter into one or more agreements with Markham to ensure the property owner fulfills their obligations.

10.9 OTHER IMPLEMENTING TOOLS

10.9.1 Development Permit System

The development permit system combines the zoning, site plan control and minor variance processes into one application and approval process. Markham may consider establishing an area in which a development permit system may be used.

It is the policy of Council:

10.9.1.1 **That** in accordance with Section 70.2 of the Planning Act, a development permit system may be implemented.

10.9.1.2 **To require** an amendment to this Plan prior to passing a by-law to establish a development permit system. The amendment shall:

- a) identify the proposed development permit area(s) including types of conditions and criteria; and
- b) set out the scope of the authority that may be delegated and any limitations on the designation, if Council intends to delegate any authority under the development permit by-law.

10.9.2 Community Improvement

The Planning Act contains provisions that provide municipalities with a range of tools to stimulate investment and revitalization (such as loans, grants, tax assistance for brownfield remediation, loans/grants for façade improvements, funding for studies, etc.) within a particular area. Markham can designate an area as a community improvement project area to encourage a number of improvements including such things as revitalizing established areas, rehabilitating *brownfield sites*, conserving and enhancing the historic character of heritage areas, encouraging development and *redevelopment* and encouraging greater energy efficiency in buildings. Appendix G – Community Improvement Project Areas shows the approved community improvement project areas in Markham. A community improvement plan will be prepared for each project area in order to guide implementation.

It is the policy of Council:

10.9.2.1 **That** in accordance with the provisions of Section 28 of the Planning Act, Markham may designate, by by-law, a community improvement project area for a portion or all of the Plan area and prepare a community improvement plan for each area with input from area residents, property owners and stakeholders.

10.9.2.2 **To identify** community improvement project areas in Appendix G – Community Improvement Project Areas and make minor boundary adjustments to any new or existing community improvement project areas without an amendment to this Plan.

10.9.2.3 **To pass** a by-law to dissolve the community improvement project area once the goals of the community improvement plan have been achieved.

The development permit system combines the zoning, site plan control and minor variance processes into one application and approval process.

- 10.9.2.4 **That** community improvement project areas may be designated at any location within Markham, by by-law, without further amendment to this Plan, for areas exhibiting the following:
- physical, functional or economic decline of the building stock;
 - land use conflicts;
 - deficient or deteriorated public infrastructure, or amenities such as parks, open spaces, community facilities and streetscapes;
 - transportation constraints, such as traffic circulation, parking, site access;
 - vacant and underutilized lands or buildings, such as *brownfield sites*, lands with fragmented ownership, and other similar impediments to development;
 - the need for investment, growth and development incentives to achieve the goals and objectives of this Plan;
 - heritage buildings, structures or elements with architectural significance requiring maintenance and repair;
 - potential for benefiting from a Business Area Improvement Plan;
 - need for greater energy efficiency in buildings;
 - inadequate mix of housing including *affordable* and *shared housing*; and
 - other criteria as deemed appropriate.
- 10.9.2.5 **That** Markham may acquire and hold land, clear, grade or otherwise prepare the land for community improvement within a community improvement project area once a community improvement plan is in effect.
- 10.9.2.6 **That** community improvement plans are intended to be phased and coordinated to occur without unnecessary hardship on the residents and business community.
- 10.9.2.7 **That** community improvement plans will be prepared in consultation with the public to direct public and private investments, as well as public actions and incentives, for one or more of the following:
- restoring the condition of building stock;
 - mitigating land use conflicts;
 - remediation of *brownfield sites*;
 - achieving heritage conservation objectives;
 - repairing and upgrading deficient or deteriorated public infrastructure and amenities;
 - acquiring lands or buildings and any subsequent clearing, rehabilitation, *redevelopment* or resale of these properties;
 - facilitating the establishment of Business Improvement Areas, or similar associations;
 - stimulating and directing growth and development that advances the community interest and supports the objectives of this Plan; and
 - other criteria as deemed appropriate.

10.9.3 Municipal Service Corporation

Section 203 of the Municipal Act permits a municipality to establish a Municipal Service Corporation in order to achieve municipal objectives such as new development, urban renewal, development that meets certain

Markham can designate an area as a community improvement project area to encourage a number of improvements including such things as revitalizing established areas, rehabilitating brownfield areas, conserving and enhancing the historic character of heritage areas, encouraging development and redevelopment and encouraging greater energy efficiency in buildings.

environmental standards, and to encourage investment to achieve the objectives of this Plan. It can be used as a tool to proactively and effectively address existing and prospective development barriers including such things as:

- development of project consortia/partnerships;
- negotiation and authority to transfer assets or conduct land swaps, etc.; and
- enter into partnership with private sector interests.

It is the policy of Council:

10.9.3.1 **That** in accordance with Section 203 of the Municipal Act, Markham may establish a Municipal Service Corporation that can be designated as an Economic Development Corporation with a reporting structure to Council.

10.9.3.2 **That** in establishing a Municipal Service Corporation Markham shall:

- a) consult with the public;
- b) prepare and adopt a business case study; and
- c) prepare and adopt asset transfer policies prior to Markham transferring any assets to the Municipal Service Corporation.

10.9.4 Sign By-law & Property Standards By-law

It is the policy of Council:

10.9.4.1 **To review** and revise the Sign By-law in conformity with the objectives and policies of this Plan.

10.9.4.2 **To enact** a Property Standards By-law in accordance with the Building Code Act.

10.10 ZONING ORDERS AND REGULATIONS

The Planning Act authorizes the Minister to establish a Minister's Zoning Order, to permit or to restrict land use, in a manner similar to the establishment of zoning by-laws by a municipal Council.

There are three significant Minister's Zoning Orders in Markham: Airport, Parkway Belt West and Christ the King as shown on Map 7 – Provincial and Federal Policy Areas. The provisions of these Zoning Orders supersede Markham's zoning, and decisions relating the use of these lands continue to be made by the Province.

It is the policy of Council:

10.10.1 **That** Markham supports the replacement of the Minister's Zoning Order identified in Section 8.11 regarding lands designated as 'Parkway Belt West' with a comprehensive zoning by-law to ensure that all relevant provisions of this Plan are implemented in a consistent manner. Markham will consult with the Ministry of Municipal Affairs and Housing and any other affected Ministry in regard to such replacement.

10.10.2 **That** if changes are made to the Parkway Belt West Plan and permitted pursuant to the Ontario Planning and Development Act, such changes, may

A Municipal Service Corporation may be established in order to achieve municipal objectives such as new development, urban renewal, development that meets certain Environmental standards, and to encourage investment.

under certain conditions be incorporated into the implementing zoning by-law without the need to amend this Plan.

- 10.10.3 **In the event** of a discrepancy between this Plan and the Zoning Orders, as amended, the provisions of the latter shall prevail.

10.11 AMENDMENTS TO THIS PLAN

It is the policy of Council:

- 10.11.1 **To make** amendments to this Plan at any time, or revise it and/or incorporate new objectives, policies and specific designations. This Plan shall be reviewed as a whole, at regular intervals, but not less frequently than every five years, to ensure that it continues to meet the changing needs of the community.

10.12 MONITORING

It is the policy of Council:

- 10.12.1 **To regularly monitor** the adequacy of the policies of this Plan including the phasing policies set out in Section 10.1, as may be revised from time to time, to measure their success in managing growth.
- 10.12.2 **To develop**, in cooperation with York Region and the School Boards and other public agencies, a framework for monitoring growth so as to measure progress towards achieving the policies of this Plan to include, among other things:
- a) population and employment growth;
 - b) population and employment densities;
 - c) residential and employment intensification;
 - d) employment and housing mix and affordability; and
 - e) development activity.
- 10.12.3 **To establish** an annual tracking system and data base to include measures such as:
- a) population and jobs growth rate;
 - b) persons and jobs per hectare and the number of residential dwelling units within the *built-up area* in accordance with targets identified in the *intensification* strategy as set out in Chapter 2;
 - c) residential and employment land absorption and development activity;
 - d) building and land vacancy rates;
 - e) housing mix by unit type, tenure and affordability as set out in Sections 4.1.2.1 and 4.1.3.2;
 - f) distribution and availability of community infrastructure including *public schools* and parks and open space as set out in Section 4.2; and
 - g) targets identified through the Markham Transportation Strategic Plan, Integrated Leisure Master Plan, Master Servicing Study, the Diversity Action Plan, the Greenprint Community Sustainability Plan and other plans that may be adopted by Council from time to time.



10.13 FINANCIAL MANAGEMENT

It is critical to the implementation of this Plan that the provision of infrastructure and community services is delivered in a timely and fiscally responsible fashion. To achieve this, Markham needs to coordinate the provision of services to:

- meet the needs of the residents and other end users; and
- coordinate funding, derived from new growth and development through such tools as development charges, fees and taxes, with the provision of services.

Markham will work towards achieving high levels of communication between departments and with other levels of government responsible for delivering services throughout the approval process:

- by monitoring the progress of growth and development; and
- identifying innovative approaches to service provision.

It is the policy of Council:

- 10.13.1 **To use** financial mechanisms such as development charges and user fees to offset the financial impacts of development and to ensure that development proceeds in a fiscally responsible manner.
- 10.13.2 **To evaluate** the non-growth share of servicing costs and ensure that it can be funded from the municipal tax base and user fees.
- 10.13.3 **To consider** innovative infrastructure financing initiatives including private public partnerships and tax increment financing.
- 10.13.4 **To update** its 10-year capital plan annually to adjust for variations in timing and locations of development.
- 10.13.5 **To update** the development charges by-laws as needed and as conditions change with respect to growth and/or infrastructure needs.
- 10.13.6 **To review** fees and other charges related to the processing of development applications to ensure that costs are being recovered.
- 10.13.7 **To support** York Region in advocating for changes to funding formulas for expanding Regional services such as transit and affordable *shared housing* to accommodate growth.
- 10.13.8 **To require** the completion of an economic/fiscal impact assessment for secondary plans and other significant development proposals in accordance with 10.1.2.3.
- 10.13.9 **To ensure** that operating and capital budgets including tax levy, user fees and development charges address the ability financially and technically to provide for the required servicing infrastructure in a timely manner in accordance with a proposed phasing plan.
- 10.13.10 **To ensure** that the required agreements respecting infrastructure provision including financial provisions, and cost sharing arrangements are in place prior to development proceeding.

- 10.13.11 **To determine** mechanisms to fund and implement needed capital projects such as new stormwater management facilities in existing neighbourhoods to make these facilities compliant with current and innovative sustainable approaches.

10.14 TRANSITION POLICIES

It is the policy of Council:

- 10.14.1 **That** a development proponent with an application filed after the adoption of this Plan by Council and prior to the approval of this Plan by the Region will be encouraged to work with Markham to consider the implications of the policies of this Plan as they relate to the proposed application.
- 10.14.2 **That** all planning decisions shall conform with the transition policies of applicable Provincial Plans and shall be consistent with the Provincial Policy Statement.
- 10.14.3 **That** the Greenbelt Plan requirements do not apply to Official Plan and zoning by-law amendments approved prior to December 16, 2004, and subsequent Planning Act approvals necessary to implement the amendments, notwithstanding the inclusion of these lands within the Greenway System. Council shall request the Province to amend the Greenbelt Plan through the Provincial 10-year review process to reflect the approvals.
- 10.14.4 **That** the Oak Ridges Moraine Conservation Plan requirements do not apply to Official Plan and zoning by-law amendments, approved prior to November 17, 2001 and subsequent Planning Act approvals necessary to implement the amendments, notwithstanding the inclusion of these lands within the Greenway System.

