

# ***SECTION 7 - IMPLEMENTATION***

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## ***7.1 General***

- a) It is the intention of Council to implement this Plan in accordance with the *Planning Act*, R.S.O. 1990, c. P.13, as amended, the *Municipal Act*, R.S.O. 1990, c. M.45, as amended, and such other statutes as may be applicable.
- b) In addition to the detailed policies related to implementation contained within specific sections or subsections of this Plan, general measures and procedures identified in Section 7 shall be used to implement this Plan.

## **7.2 *Secondary Plans***

- a) Secondary Plans shall be prepared for certain Planning Districts, as outlined in Section 4, and shall be adopted as amendments to this Plan. Secondary Plans forming part of this Plan are identified in Section 9.2. Certain Secondary Plans which were not adopted as amendments to the Official Plan (1976), shall be replaced with new Secondary Plans and shall be adopted as amendments to this Plan. All Secondary Plans shall conform with this Plan, or with an appropriate amendment thereto.
- b) Adoption of a Secondary Plan shall be conditional upon confirmation that servicing capacity is available in the York Durham Servicing Scheme. Timing and phasing of development shall be contingent upon the timing of the removal of identified constraints on development, acceptable to the appropriate authorities.
- c) Council, in approving development applications within a Secondary Plan area shall phase development to achieve an orderly and progressive pattern of development.

### 7.3 Zoning By-Laws and Orders

- a) Existing Zoning By-laws shall be reviewed and new comprehensive by-laws may be prepared and enacted, where necessary to establish:
- i) Land use zones within designated areas that will permit the types of development specified in this Plan.
  - ii) Site development standards appropriate to each type of development.
  - iii) Any other development regulations needed to meet the intent of this Plan.

It is not intended that this Plan and related Secondary Plans be immediately implemented by enactment of comprehensive by-laws. Where in conformity with the general intent and purpose of the policies of this Plan, Council may implement the policies of this Plan by amendment to existing Zoning By-laws.

- b) Where lands have been designated in a general land use category in this Plan or in a Secondary Plan, and where the ultimate pattern of detailed uses is uncertain, or cannot be ascertained except in the context of a plan of subdivision, the lands may, in a Zoning By-law, be placed in a Development Zone which reflects the ultimate intended land use in general.

The Development Zone shall permit the lands to be used for a purpose consistent with the intended land use and one which will not jeopardize the ultimate intended land use.

The Development Zone shall be replaced with appropriate zoning by amendment to the Zoning By-law after the pattern of detailed uses has been determined.

- c)  Holding Provision

- i) In accordance with Section 36 of the *Planning Act*, RS.O. 1990, c. P.13, as amended, Council may, in a by-law passed under Section 34, use the Holding symbol 'H' in conjunction with any use designation, to specify the use to which lands, buildings or structures may be put at such time as the Holding symbol is removed by an amendment to the by-law.

Until such time as the Holding symbol is removed, the by-law may permit an interim use. The interim use may include an existing use or another use which will not jeopardize the ultimate intended use. Any regulations applying to the lands during the period that the Holding provision is in place may also be set out in the by-law.

- ii) Any land within the Town, whether developed or undeveloped, may be subject to Holding provisions for reasons set out in Section 7.3c)iii).
- iii) A 'Holding' zone category may be applied when the Town has determined the specific land use for an area or a parcel of land but development of the lands for the intended use is premature until certain requirements and conditions, as appropriate, are fulfilled. Such requirements and conditions may include, but shall not be limited to, the following:
- Adequate water, sanitary, storm and/or transportation services and facilities as required are available to service the proposed development.
  - Development or redevelopment is appropriately phased.
  - A Secondary Plan for an area or tertiary plan or a comprehensive development scheme encompassing one or more parcels of land, as appropriate, has been prepared.

- Draft plans of subdivision and/or site plan control approval, where deemed desirable, have been approved.
  - Any adverse environmental effects or constraints have been resolved.
- iv) A by-law to remove the Holding provisions may be passed only when the reason(s) for the use of the Holding symbol no longer apply(ies). Notwithstanding the generality of the foregoing, in an area intended to be developed by means of plans of subdivision, the (H) Holding symbol may be removed only after a plan of subdivision has been draft approved and the owner has entered into a subdivision agreement with the Town. Where it is considered that a draft plan of subdivision is not required for the development of certain lands within an area intended to be generally developed by means of plans of subdivision, the (H) Holding symbol may be removed when other requirements such as servicing, etc. have been satisfied and after the owner of the lands has entered into (an) agreement(s) with the Town, in respect of matters such as financial obligations for common area facilities, roads, services and other relevant matters.
- d) Increased Height and Density (Bonus) Provision
- i) In accordance with Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, 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, the owner granted the bonus, shall be required to provide the facilities, services and matters as set in the bonus provisions by-law.
- ii) A bonus provisions by-law may be enacted by Council to achieve the Town's objective of obtaining certain facilities, servicing or other matters which would not otherwise be secured by the normal development process 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 encourage attainment of one or more of the following objectives:
- to preserve the unique character of a certain area or buildings of architectural or historical significance;
  - the provision of housing for senior citizens;
  - the provision of increased amounts of on-site open space or facilities such as day care centres, community centres, recreational facilities;
  - the preservation of woodlots or environmentally significant areas which would not be accepted as parkland dedication and;
  - to achieve additional road or servicing improvements.
- iii) Increased height and density (bonus) provisions under Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, will be implemented by by-laws passed under Section 34. Such a by-law will contain the standards of the basic zoning category applicable to the site if the bonus is not awarded as well as the standards that would apply when the bonus is awarded. The by-law will also specify the facilities, services and matters that are required to be provided before the bonus standards become applicable.
- An agreement between the owner and the Town shall be entered into in regard to the relevant facilities, services and matters when an owner is being awarded the bonus and the bonus standards become applicable.

- e) Zoning By-laws Permitting Temporary Use
  - i) Council may pass by-laws to authorize the temporary use of land, buildings or structures for an appropriate purpose that is not permitted under the land use designation as shown on Schedule 'A' - LAND USE, for a period of up to three years.
  - ii) Council, when enacting a Zoning By-law permitting a temporary use, shall require that the proposed use is of a temporary nature and shall 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. Requirements may be made in the By-law for provisions to restore buildings, sites, structures or uses to those in effect before enactment of the By-law.
  - iii) Council may extend a Zoning By-law permitting a temporary use for further periods of up to three (3) years each, in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, provided such extension does not jeopardize the long term development intentions for the subject lands/area as specified in this Plan.
- f) In considering an application to amend any Zoning By-law, Council shall ensure conformity with the provisions and intent of this Plan.
- g) Provincial Zoning Order (Airport - Ontario Regulation 104/72)
  - i) Certain lands within the Town, as shown on Schedule 'B' - PLANNING DISTRICTS, are subject to the Minister's Order (Airport) (Ontario Regulation 104/72), as amended. The use of these lands is subject to the provisions in the Order and this Plan. Proposed development not in compliance with the Order shall not proceed without an amendment to the Order.
  - ii) The Town supports the replacement of the Minister's Order (Airport) (Ontario Regulation 104/72), as amended, with comprehensive Town zoning as may be appropriate to ensure that all relevant provisions of this Plan are implemented in a consistent manner. The Town will consult with the Ministry of Municipal Affairs and Housing and Transport Canada in regard to such replacement.
- h) Provincial Zoning Order (Parkway Belt - Ontario Regulation 473/73)
  - i) Certain lands within the Town, as shown on Schedule 'B' - PLANNING DISTRICTS, are subject to the Minister's Zoning Order (Parkway Belt - Ontario Regulation 473/73), as amended. The use of these lands is subject to the provisions in the Order, and this Plan. Proposed development not in compliance with the Order shall not proceed without an amendment to the Order.

## ***7.4 Committee of Adjustment***

The Committee of Adjustment for the Town of Markham shall be guided by the general intent and purpose of this Plan in making decisions on applications pursuant to Section 44 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

## **7.5 Subdivision Control**

- a) Except as provided for in Section 2.7, all subdivision of land shall be by means of registered plans of subdivision pursuant to Section 50 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.
- b) In making recommendations to the Town of Markham Committee of Adjustment on any application for consent pursuant to Sections 50 and 53 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, Council shall apply the policies contained in Section 2.7 of this Plan.

## **7.6 Agreements**

- a) In conjunction with the subdivision control provisions of Section 7.5, under condition(s) of approval attached to plans of subdivision and consents, Council shall require that applicants enter into agreements as and when considered appropriate. Such agreements shall deal with all applicable aspects of development and may be registered against the title of the subject lands. Such agreements may include and address such matters as the following:
  - i) 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.
  - ii) Site Plan Control Agreements to regulate development or redevelopment of lands or buildings pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.



## **7.7 Land Dedication and Acquisition**

- a) As a condition of approval of plans of subdivision and consent applications, dedication of lands shall be required for new roads and the widening of existing roads to implement the provisions of Schedule 'C' TRANSPORTATION and Schedule 'G' SITE PLAN CONTROL of this Plan.
- b) The Boards of Education, Toronto and Region Conservation Authority, the Regional Municipality of York and other appropriate public agencies will implement this Plan by acquiring lands for public purposes as they deem necessary.
- c) Pursuant to Section 25(1) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, the Town of Markham may acquire and hold land within the municipality for the purpose of implementing any feature of this Plan.

## **7.8 *Capital Works Program***

It is intended that Council will prepare a 10 year Capital Works Program in conformity with the proposals and policies of this Plan, in order to assess the Town's immediate and long term requirements and plan the major expenditures within its financial resources. The program should be revised and updated annually.

## **7.9 *Public Works***

It is intended that the construction of public works within the Town will be carried out in accordance with the policies of this Plan. Private works within plans of subdivision shall be required under the subdivision agreements established under Section 7.6 of this Plan.

## ***7.10 Amendments to this Plan***

Council may make amendments to this Plan at any time, to revise it and/or incorporate new objectives, policies and specific designations. The Town shall review this Plan as a whole, at regular intervals, to ensure that it continues to meet the goals and objectives that changing conditions may create. Council shall, from time to time, and not less frequently than every five years, consider the need for a review and revision of this Plan.

## ***7.11 Public Information***

In order to adequately inform the general public as to the policies and proposals contained herein, Council shall, upon receiving approval of this Plan, reproduce this Plan and make it available to the public.

## ***7.12 Site Plan Control***

### ***7.12.1 Goals***

The overall goals of the Town in exercising Site Plan Control are:

- a) To achieve optimum functional efficiency of a development by a proper arrangement of the component parts of the site plan.
- b) To enhance visual attractiveness by an appropriate use of landscaping, lighting, etc.
- c) To ensure that the conceptual design of a proposed development is compatible with the character or the intended character of the area.
- d) To minimize land use incompatibility or conflict between new and existing development.
- e) To ensure safety and efficiency of vehicular and pedestrian access.
- f) To control the placement and provision of required services and facilities such as driveways, parking, loading facilities, garbage collection, and snow storage or removal, etc.
- g) To ensure proper grading and secure easements necessary to provide for public utilities, servicing and site drainage. Where necessary, site drainage may be subject to stormwater management requirements as determined by the Town.
- h) To secure road widenings sufficient to achieve the planned right-of-way widths for the Town and Regional road allowances.
- i) To ensure that the development proposed is built and maintained as approved by Council.
- j) To ensure the protection of existing natural features, and to address the enhancement and restoration of natural features and the provision of open space linkages, in accordance with the goals, objectives and policies of Section 2.2.2.

### ***7.12.2***

- a) Site Plan Control Area

All the lands within the corporate limits of the Town of Markham as shown on Schedule 'G' - SITE PLAN CONTROL are designated as the proposed site plan control area in accordance with Section 41(2) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

- b) Site Plan Control By-law

The Town shall pass a by-law to designate all of the lands within the limits of the Town of Markham as a designated Site Plan Control Area, and to specify classes of development that are subject to, or exempt from, Site Plan Control, and to specify requirements for approval of plans or drawings and any other relevant implementation provisions.

c) Approval of Plans and Drawings

As provided under Section 41(5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, Council may require drawings to be submitted for approval showing plan, elevation and cross section views for a building to be used for residential purposes containing less than 25 dwelling units anywhere in the Site Plan Control Area.

### 7.12.3 *Principles of Development*

- a) The site plans and drawings submitted for approval shall be considered by the Town in the context of planning and design principles including, but not restricted to, the following:
- i) The 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.
  - ii) Conflicts with adjoining land use or the impact of intensive operational areas of a development shall be minimized by appropriate orientation and screening.
  - iii) Access routes, internal driveways, pedestrian access, and parking layout shall be designed to achieve an efficient on-site traffic circulation. Where traffic circulation involves passenger and commercial vehicles, conflicts shall be minimized. The on-site traffic circulation and access to buildings shall satisfy the requirements of the Town.
  - iv) The number and location of access points from a public road system to the site shall be approved by the Town, York Region or the Province depending on the jurisdiction having authority over the road.  
The Town 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.
  - v) In commercial areas, where the policies of this Plan require comprehensive block development, 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.
  - vi) Services and utilities, including sanitary and storm sewers, water mains, provision for stormwater management, etc. and easements for their construction, maintenance or improvements shall be provided to the satisfaction of the Town and other appropriate agencies having jurisdiction.
  - vii) Site grading and drainage shall be approved by the Town and completed to the satisfaction of the Town. In the preparation of the site grading and drainage plan, regard shall be had to the requirements of York Region where lands abut a regional road, and to the requirements of the Toronto and Region Conservation Authority where lands adjoin a valley or areas under the jurisdiction of the Authority.
  - viii) Landscaping shall be provided to enhance the visual character of the development and to screen or buffer unsightly operational areas or protect uses adjoining the development.  
Landscaping material, including types of plants, fencing, etc. shall be as specified by the Town and coordinated with adjoining developments. Fencing shall be designed integrally with the landscaping to achieve the intended purpose of giving privacy or providing a noise barrier. All fencing shall conform with the Town's Fence By-law.

- ix) 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, arrangement made to remove snow so as not to encroach on parking areas. In general, hydro transformers shall be located within buildings so as not to create an unsightly appearance.
  - x) All signs shall be in accordance with the Sign By-law of the Town. Signs shall be designed as an integral part of the building or site layout. Where conceptual building elevations are required to be submitted, such elevations shall indicate location of signs to be affixed.
  - xi) 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.
  - xii) Significant natural features and areas shall be conserved and protected from damage or destruction and negative impacts arising from activities on adjacent lands.
- b) The principles of development as appropriate may be further detailed in a tertiary plan for a specific parcel or parcels of land. Such tertiary plans shall be approved by Council.

#### **7.12.4 Widening of Roads**

- a) i) Within the Site Plan Control area, where a proposed development abuts a road under the jurisdiction of the Town, or York Region, land required for widening of the road allowance to its planned width may be required to be dedicated, at no cost to the appropriate authority, as a condition of site plan control approval.
  - ii) The maximum basic right-of-way width of roads is shown on Schedule 'G' -SITE PLAN CONTROL of this Plan. Widening may be required up to the maximum basic right-of-way dimensions indicated thereon and in accordance with the provisions of Section 7.12.4b).  
 Within the areas of Site Plan Control identified on Schedule 'G' - SITE PLAN CONTROL, all local roads shall have a maximum basic right-of-way of 20 metres. Only one-half of the maximum width described in Schedule 'G' - SITE PLAN CONTROL will be taken on either side of the road through site plan control approval. Additional widening will be acquired by other means.
- b) In addition to the maximum basic right-of-way width, additional right-of-way width may also be required for sight triangles, cuts, fills, extra lanes at intersections and high-occupancy vehicle lanes, and for accommodating bicycles, sidewalks, and landscaping where appropriate, in accordance with the specifications and requirements of the authority having jurisdiction. In the case of roads under the jurisdiction of 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.  
 The Yonge-Steeles Redevelopment Area as identified on Schedule 'G' – SITE PLAN CONTROL is subject to further study to establish the land use, urban design, road and servicing requirements to support redevelopment. Schedule 'G' - SITE PLAN CONTROL may have to be further amended in future to show right-of-way requirements to implement the approved recommendations of such study.



## 7.13 Public Notice

- a) Council will actively encourage public participation in planning matters prior to making decisions. At least one public meeting will be called to allow the exchange of information and full discussion of proposed amendments to this Plan and Zoning By-laws.
- b) In order to provide ample opportunity for the public to review the information on proposed plans and amendments, advance notice of public meetings will be given in accordance with the requirements of the *Planning Act*, R.S.O. 1990, c.P.13, as amended. Notwithstanding the above, the public notice requirement of Sections 17 (15) and (19) and 34 (12) and (13) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, shall not apply to technical amendments to this Plan or Zoning By-laws. Technical amendments are those which make minor changes not affecting the policies or intent of this Plan or Zoning By-laws, such as:
  - i) consolidation of this Plan or Zoning By-laws to incorporate approved amendments;
  - ii) change in the numbering and arrangement of provisions;
  - iii) modification of punctuation or language to achieve clarification or a uniform mode of expression;
  - iv) correction of clerical, grammatical or typographic errors;
  - v) change in titles of Legislative Acts, Provincial or Federal government departments or agencies; and,
  - vi) deletion of obsolete references and provisions.
- c) For such technical amendments, the following alternative notice provisions shall apply:
  - i) Council may forgo public notification and public meetings in connection with a technical amendment;
  - ii) Should Council decide to hold a public meeting in connection with a technical amendment, the following provisions shall apply:
    - Where a proposed technical amendment is site specific, notice of a public meeting shall be given by personal service or prepaid first class mail to the owner(s) of land to which the proposed amendment would apply and to every owner of land within 120 metres of the area to which the proposed amendment would apply; or
    - Where a proposed technical amendment is general, notice of a public meeting shall be given by publication in a newspaper, that in the Clerk's opinion, has sufficiently wide circulation within the area affected by the amendment as to give reasonable notice to the public; and
    - A minimum notice period of 14 days shall apply.