

URA/ UVA/ UBIA Planning 101

Presented by your friendly Neighborhood Planners

Overview:

1. Planning Structure in Ontario
2. Overview of the Development Process
3. 20 Fred Varley Application
4. Q/A?

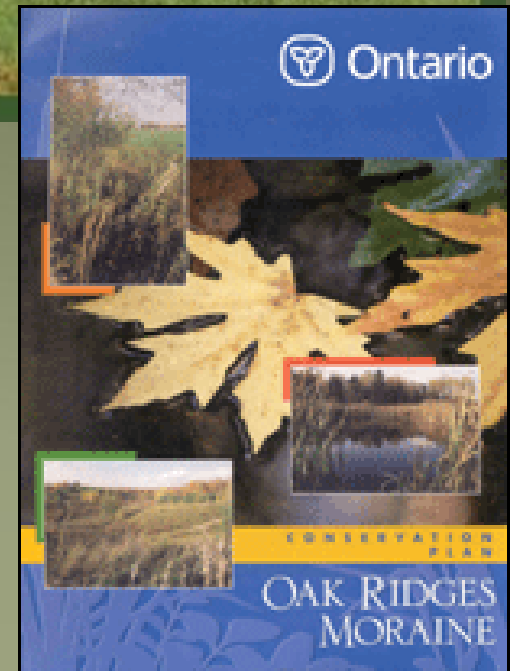
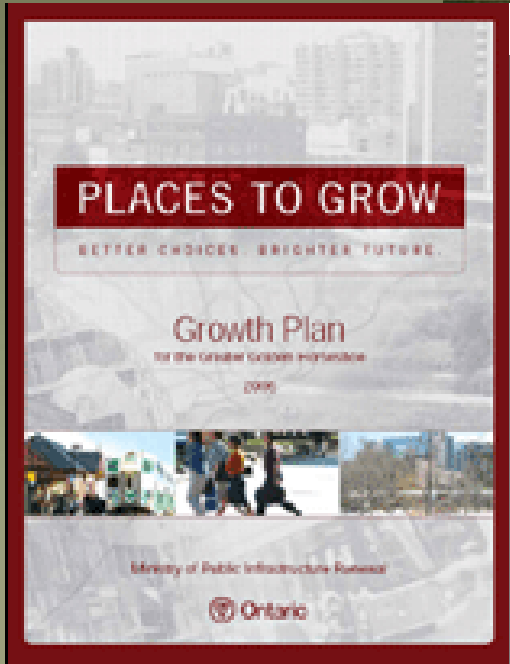
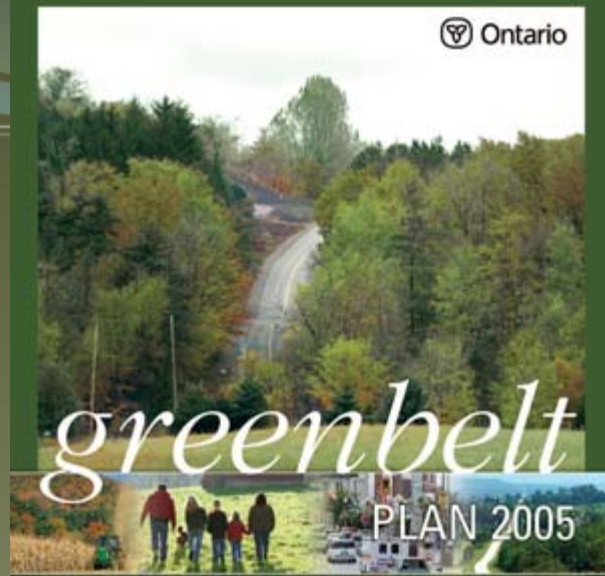
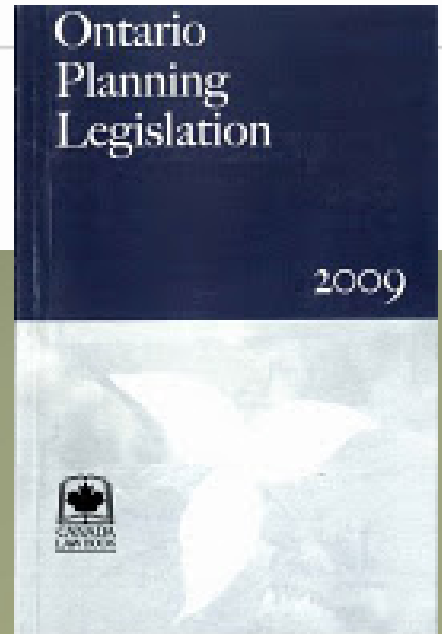
Planning Structure in Ontario

- Provincial Statutes
- Provincial Policy
- Regional Policy / Plans
- Area Municipality Policy / Plans
- Land Use Control Instruments (Zoning, Site Plans, Section 37, etc)
- Conservation Authority Permits (i.e. TRCA)

2005



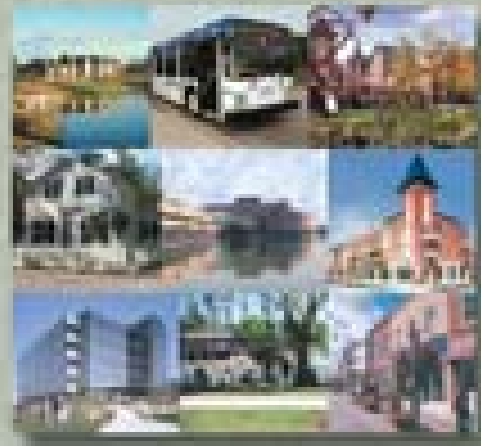
Provincial Policy Statement



York Region
OFFICIAL
Plan

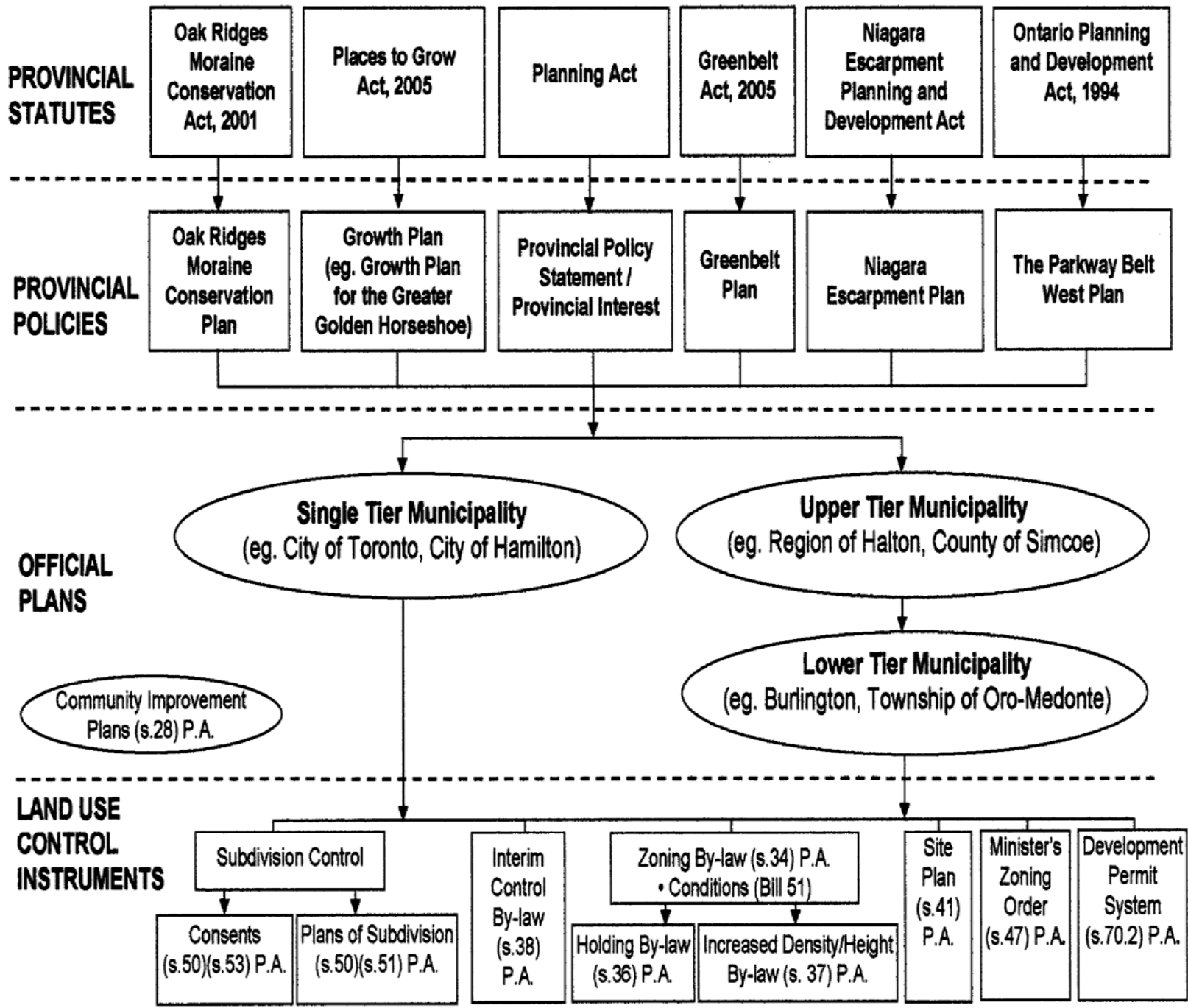


As Adopted by Council
of the Regional Municipality of York
December 16, 2009



Town of Markham
Official Plan
Office Consolidation





Overview of the typical Development Process

Land Development Approval Process and Timeframe (Up to 2+ Years)

1. Identify Site for potential development opportunity
2. Due Diligence (1 to 6+ Months)
 - Review Policy and Regulations Including:
 - Region OP, Municipal OP, Secondary Plans, Zoning Bylaw(s), Heritage, CA regulated areas, Species at Risk, MTO setbacks (if adjacent to 400 series hwy)
 - Prepare a Proforma – Cost vs. Revenue analysis of the site
 - Determine the profitability of the development proposal and the highest & best use for the site

Overview of the typical Development Process

3. File Applications (2 to 12 Months)

- Pre-Consultation Meeting
- Prepare Applications (Subdivision, Condo, Rezoning, Site Plan, Variance, etc.) including supporting studies (Planning, Traffic, Noise, Engineering, Geotechnical, Hydrology, Environmental Impact Statement, Arborist, Landscaping, Urban Design, Architectural Control)

Overview of the typical Development Process

4. Obtain approvals (6 to 18 Months)

- Public Hearing – Statutorily required by the Planning Act
- Agency comments (Town, Region, CA, MTO, School Boards, utilities – Bell, Rogers, Hydro, Enbridge, Canada Post)
- Revise/Negotiate plan changes
- Obtain approvals
- Register Agreements (Subdivision, Site Plan, Section 37, etc.)
- Register Plans (i.e. Subdivision, Condominium)
- File for Building Permits

Overview of the typical Development Process

What happens after the application process

1.If a Decision is made by Council within the required timeline (120 days for ZBA):

1. There is a 30 day notice period for filing an Appeal
 1. Who can file an Appeal (ZBA)
 1. The Applicant
 2. The Approval Authority
 3. The Minister
 4. Any person or public body who made oral or written submission
 2. If Appealed, the application goes to the Ontario Municipal Board (OMB)
2. If No appeal is filed, the application is final

2.If Council does not make a Decision, an appeal can be filed by the Applicant for failure to make a decision within the prescribed timeline.

Overview of the typical Development Process

Appeal Process

1.If the application is Appealed to the OMB:

1. A Pre-hearing conference will be held (sometimes more than one)
2. A hearing date will be set
3. Motions will be exchanged
4. Procedural Order will be issued
5. The Hearing will commence

2.Evidence is presented; Arguments are exchanged

3.Identifying and representing the public interest and what represents good planning are the primary objectives of the OMB

4.The OMB will hear the case, and render a decision

5.Once a decision is issued, the decision may be referred to the Court of Appeal in a question of law.

20 Fred Varley Drive

Overview of the Current Application

- Agreement of Purchase and Sale
- Application for Zoning Bylaw Amendment
- A Public meeting has been held (Oct 25, 2011)
- The Applicant can appeal and refer the application to the OMB at this time, for lack of Council decision within the prescribed timeline
 - Note, the Site Plan can also be referred to the OMB at this time
- Staff have indicated an amendment to the Town OP is not required
- The Zoning Bylaw is the implementing policy to permit a site plan approval which complies with the terms of the Bylaw
- If a decision is rendered by Council, a 30 day appeal period will apply
 - OMB process takes over, if appealed

20 Fred Varley Drive

Next Phases of the process – Site Plan

Depending on the outcome of the ZBA process:

- At this time, a conceptual Site Plan has been filed (driving the ZBA process)
- A formal Site Plan needs to be submitted
 - If it complies with the approved Zoning, Council will render a decision (approve, approve with modifications / conditions)
 - If the site plan does not comply with the zoning, a further ZBA is required.
- The Site Plan can take many forms, so long as it is consistent with the Zoning Bylaw
- In the Site Plan process, only the Applicant can appeal a decision (or lack of decision), or the condition of approval to the OMB
- The Site Plan can be modified, once approved, up until Registration.
- A building permit can not be issued, until Site Plan approval is granted

20 Fred Varley Drive

Potential Building Timeframe (18 to 24 months)

- If the application is approved (in any form), and a building permit is issued, the Applicant will
 - Enter into other agreements to implement the development of the project
 - Comply with the conditions / requirements of the approval
 - Initiate a construction / servicing program
 - Commence a building program for the development
 - Initiate a Pre-sales program
 - Upon completion, permit the occupancy of the building
 - Seek the final assumption of services by the municipality
- Sanitary / Water Allocation (sewer capacity) is required as a condition of development
 - At this time, there is no allocation approved for this application
 - Next available allocation is for occupancy, post 2014.

Question / Answer Period

Thank you!