



Electronic Development Services Public Meeting Agenda

Meeting No. 16 | November 30, 2021 | 7:00 PM | Live streamed

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Access is not permitted to the Markham Civic Centre and Council Chamber.

Members of the public can participate by:

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Written submissions must be received by 4:00 p.m. the day before the meeting.

If the deadline for written submission has passed, you may:

Email your written submission directly to [Members of Council](#); or

Make a virtual deputation at the meeting by completing and submitting an online [Request to Speak Form](#)

If the deadline for written submission has passed **and** Council or Committee has finished debate on the item at the meeting, you may email your written submission directly to [Members of Council](#).

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E-mail clerkspublic@markham.ca providing full name, contact information and item they wish to speak, or,

If you do not have access to email, contact the Clerk's office at **905-479-7760** on the day of the meeting.

*If Council or Committee has finished debate at the meeting on the item, you may email your written submission directly to [Members of Council](#).

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Note: As per Section 7.1(h) of the Council Procedural By-Law,

Council or Committee will take a ten minute recess after two hours have passed since the last break.



Electronic Development Services Public Meeting Agenda

Meeting Number 16

November 30, 2021, 7:00 PM - 9:00 PM

Live streamed

All Members of Council
Development Services
Chair: Councillor Keith Irish

Pages

1. CALL TO ORDER
2. DISCLOSURE OF PECUNIARY INTEREST
3. DEPUTATIONS
4. REPORTS
 - 4.1. 2022 DEVELOPMENT FEE, BUILDING, AND CITY-WIDE FEE BY-LAWS (10.0) 2

J. Yeh, ext. 7922
 - 4.2. PRELIMINARY REPORT SCARDRED 7 COMPANY LIMITED APPLICATIONS FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT TO PERMIT A RESIDENTIAL MIXED-USE DEVELOPMENT LOCATED AT 4038 AND 4052 HIGHWAY 7 EAST (WARD 3), FILE NO. PLAN 21 120023 (10.3, 10.5) 40

D. Pagratis, ext. 2960
 - 4.3. PRELIMINARY REPORT REGIONAL MUNICIPALITY OF YORK APPLICATIONS FOR ZONING BY-LAW AMENDMENT AND SITE PLAN CONTROL TO FACILITATE THE DEVELOPMENT OF A ROAD OPERATIONS AND SNOW MANAGEMENT FACILITY AT 10988 AND 10990 WARDEN AVENUE (WARD 2) 52

FILE NO.: PLAN 21 119856 (10.5)

D. Brutto, ext. 2468
5. ADJOURNMENT



Report to: Development Services Committee

Meeting Date: November 22, 2021

SUBJECT: 2022 Development Fee, Building, and City-Wide Fee By-laws

PREPARED BY: John Yeh, Manager, Strategy and Innovation, Ext.7922
 Veronica Siu, Manager, Budgets, Financial Planning, Financial Services, Ext.2232
 Alain Cachola, Senior Manager, Infrastructure and Capital Projects, Ext.2711

RECOMMENDATION:

1. That the Report titled “2022 Development Fee, Building, and City-Wide Fee By-laws” dated November 22, 2021 be received;
2. That the proposed amendments to the Development Fee and Building By-laws be referred to the Development Services Committee Public Meeting to be held on November 30, 2021;
3. That staff be authorized to amend the Capital Administration Fees from the City-wide Fee By-law 2002-276 for Engineering capital projects from the sliding scale ranging from 3.8% to 15% to a flat fee rate of 9% of the project costs, subject to approval of the Development Charges Background Study update in 2022; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to 1) explain the proposed increases to the 2022 development and building fees and seek authorization to refer the proposed amendments to a Development Services Committee Public Meeting to be held on November 30, 2021 and 2) once the Development Charges Background Study update is approved in 2022, recommend amending the capital administration fees for Engineering capital projects.

BACKGROUND:

The Development Fee By-law and the Building By-law are reviewed and adjusted annually to recover the anticipated reasonable costs associated with the administration of *Planning Act* applications, the associated technical review and on-sit inspection, and building permits and building code inspection and enforcement under the Building Code Act. The annual adjustments fall into one or more of the following categories:

- overall adjustments driven by a moving average of indirect and direct costs
- adjustments to provide opportunities to balance reserve accounts;

-
- refinements to existing fees to better reflect actual and anticipated costs of providing the related services; and
 - new fees to capture new or previously underfunded services.

A fee model was established in 2005 in order to calculate the annual adjustments necessary to ensure the City's Building, Engineering and Planning and Urban Design Departments remain adequately funded by building permit fees, development fees, capital administration fees (e.g. Engineering capital projects), and other types of fees. The model is designed to cover direct and indirect costs. In addition, transfers to a reserve for Building and a combined reserve for Planning and Urban Design and Engineering (Development Reserve) are included, as well as annual capital costs. Input to the revenue component of the fee model from the development activity-forecasting model continues as it was introduced for last year's update to the Development and Building permit fees.

Building on the development activity-forecasting model to track development applications and estimate development fees, continuous improvements in the development review process is an ongoing priority to achieve improved timelines, improved customer experiences, and efficiencies. An example is implementing KPMG's 2019 development review process assessment recommendations. A status update on implementing the recommendations was provided at the October 25, 2021 Development Services Committee meeting where most of the recommendations have been considered, mostly implemented, and in progress to be implemented. The status update also noted examples of development review process improvements from staff and external feedback including from the Markham City Builders Forum. Development Services Committee members also offered concrete solutions on the challenges of the planning process and opportunities for improvements. Staff will continue to examine opportunities for process improvements.

OPTIONS/ DISCUSSION:

Proposed Fee Increases

There were consultations with representatives of the development industry in 2020 regarding the continued economic uncertainty for 2022 as a result of COVID-19. It was recommended for 2022 that Planning & Urban Design and Engineering fees be limited to inflation, provided no unexpected circumstances occur (subject to the approval of the Commissioner of Development Services and the City's Treasurer). This was noted in the November 23, 2020 Development Services Committee staff report titled "Development Fee and Building By-law Update" to update the By-laws for 2021. Therefore staff recommends the following 2022 Development Fee and Building By-laws fee increases:

- 3.3% (Consumer Price Index August 2021 Toronto All-items) for Planning & Urban Design and Engineering Fees (Development Fee Bylaw)
- 5% (average for the past 5 years) for Building Permit Fees (Building By-law)

The following two tables have been updated based on the projected unit counts and outline the 2021 year-end projection and 2022 preliminary budget for the following:

- Revenues based on projected residential development applications and agreements executed as well as residential permits
- Expenses
- Projected year-end reserve balance
- The 2022 budget will be subject to approval of the 2022 operating budget in December 2021.

1. Development Fees (Planning & Urban Design and Engineering)

Development Reserve Forecast (\$ millions)

Planning and Urban Design	2021 YE Projection	2022
Revenues	17.42	12.83
Less: Expenditures	<u>-9.23</u>	<u>-10.47</u>
Transfer to Reserve (A)	8.18	2.36

2022 Proposed Planning Fee Increase 3.30%

Engineering	2021 YE Projection	2022
Revenues	19.64	10.16
Less: Expenditures	<u>-8.37</u>	<u>-9.20</u>
Transfer to Reserve (B)	11.26	0.96

2022 Proposed Engineering Fee Increase 3.30%

Development Fee Reserve

Development Reserve Beginning Balance	9.12	28.34
Planning Transfer (A)	8.18	2.36
Engineering Transfer (B)	11.26	0.96
Capital investment and Interest	<u>-0.23</u>	<u>-0.41</u>
Development Reserve Ending Balance	28.34	31.25

Based on the 2020 results which included surpluses of \$7.33M in Planning & Urban Design and \$2.54M in Engineering, the reserve balance at the end of 2020 was a \$9.12M which was the opening balance for 2021.

Based on the 2021 Budget, it was anticipated that there would be a transfer to reserves of \$3.22M in Planning & Urban Design and \$0.00M in Engineering. The current year end forecast is on track to surpass the targeted transfer to reserves for both departments, resulting in the reserves to be in a surplus position at the end of 2021 of \$28.34M.

The 2022 Budget, which includes projected development activity and proposed fee increases of 3.3% in Planning & Urban Design and Engineering, includes a transfer to the reserve of \$2.36M for Planning & Urban Design and \$0.96M for Engineering resulting in

an increase in the reserve surplus from \$28.34M to \$31.25M. The target is for the balance in the reserve to be equivalent to 1.0 and 1.5 times the annual Planning & Urban Design and Engineering department expenditures budget, ranging from \$19.67M to \$29.5M for 2022.

A component of the fee model above involves expenditures related to Parks Development and Engineering staffing resource as additional staffing will be requested through the 2022 Budget process. These expenditures will be included in the fee model subject to approval of the 2022 budget by Council. A review of the capital administration fees and development fees will be undertaken to update the fee model to recover these expenditures. Staff will endeavour to ensure development revenue as well as infrastructure and new parks projects resulting from growth will deliver sufficient revenue to cover these expenditures over the longer term through the review and potential adjustment to the fees and rates based on the 2022 fee review.

Proposed Development Fee By-law Changes:

Highlights of proposed Development Fee By-law amendments:

- Fees listed in Schedule A from Appendix 'A' have been increased by 3.3%
- Underground parking and associated parking structure definition added for clarification
- Site plan gross floor area (GFA) Engineering and Urban Design fee amended to only require the total GFA of the development if there is underground parking or associated parking structure

With regard to the last bullet point above, it is noted that when reviewing the Development Fee By-law with the Markham City Builder's group, it became evident that Engineering and Urban Design site plan gross floor area fees applied to applications with no parking structure need to be corrected. Broader issues of the Development Fee By-law will be reviewed holistically in 2022 for a 2023 update.

2. Building Permit Fees

Building Reserve Forecast (\$ millions)

Building	2021 YE Projection	2022
Revenues	15.30	9.63
Less: Expenditures	<u>-9.32</u>	<u>-9.88</u>
Transfer to Reserve (C)	5.99	-0.25

2022 Proposed Building Fee Increase

5.00%

Building Reserve

Building Reserve Beginning Balance	6.38	12.38
Transfer to/(draw from) Reserve (C)	5.99	-0.25
Capital investment and Interest	<u>0.01</u>	<u>0.03</u>
Building Reserve Ending Balance	12.38	12.16

Based on the 2020 results which included a deficit of (\$3.67M), the reserve balance at end of 2020 was \$6.38M which was the opening balance for 2021.

For the 2021 Budget, it was anticipated that there would be transfer to reserves of \$1.55M. The current year end forecasts a transfer to reserves of \$5.99M. This will result in a projected reserve balance of \$12.38M at the end of 2021.

The 2022 Budget, which includes projected permit activity and a proposed Building Permit fee increase of 5%, includes a draw from reserves of (\$0.25M) resulting in a decrease of the reserves to \$12.16M. The target is for the balance in the reserve to be equivalent to 1.0 and 1.5 times the annual Building department expenditures budget, ranging from \$9.88M to \$14.82M for 2022.

Proposed Building By-law Changes:

Highlights of proposed Building By-law amendments:

- Fees listed in Table 1 of Schedule A from Appendix 'B' have been increased by 5%
- Administrative fees associated with the issuance of Order to Comply and Stop Work Orders increased by 5%
- Fee structure of Administrative fees associated with the issuance of Order to Comply and Stop Work Orders modified
- New after hours inspection fee for Unsafe Orders
- New permit maintenance fee for residential infill construction
- New partial occupancy fee related to unfinished buildings
- Updated Schedule B to reflect changes to the requirements for submission content for permit applications
- Definitions updated and added new
- Clarification on the fees for production housing with purpose built accessory units
- Fees listed in Table 1 of Schedule A, Lines A14, A17, A21 and E1 increased to reflect staff hours required to process these application types. Appendix 'C'

Consultation with the Development Community

The *Building Code Act* requires the City to hold at least one public meeting with respect to changes in Building permit fees. Notice must be given to the general public and interested parties 21 days prior to the meeting. Staff are recommending that the changes to the Development Fee By-law and Building By-law be referred to a Development Services Public Meeting to be held on November 30, 2021. To meet the timeline requirement, the required notice has been placed on the City's website, in the Markham Economist and Sun and the Thornhill Liberal along with email notice to the development community.

As noted in the Proposed Fee Increases section of this report, there was a commitment in 2020 to limit the 2022 Planning & Urban Design and Engineering fee increases to inflation, provided no unexpected circumstances occur (subject to the approval of the Commissioner of Development Services and the City's Treasurer). Staff met with members of the Building Industry and Land Development Association (BILD) and

Markham City Builders Forum in Summer and early Fall 2020 to confirm the inflation increase of 3.3% (Consumer Price Index August 2021) while Building Standards' fee increase of 5% remains the same as increases from the past several years.

There were also discussions in early 2021 regarding the structure and components of the Development Fee By-law. Specifically, issues were raised about the Engineering and Urban Design site plan gross floor area fees where the fee was applied to all applications regardless if there was an underground parking structure or associated parking structure. As noted from the Proposed Development Fee By-law Change section of this report it became evident that particular fee needed to be corrected to only apply if there was an underground parking structure or associated parking structure. Staff are preparing to review the Development Fee By-law holistically in 2022 for a 2023 update.

Adjusting Capital Administration Fees for Engineering Capital Projects

The fee model ensures the City's Building, Engineering and Planning and Urban Design Departments remain adequately funded by various fees including capital administration fees (e.g. Engineering capital projects).

Capital Administration Fees are collected in order to cover the cost related to management, oversight and administration of capital projects and the source of funding is from Development Charges. The Capital Administration Fees within By-law 2002-276 has been in effect since 2006 and has not been updated. The current fee structure for the Capital Administration Fee are as follows:

Amount	% Chargeback
First \$100K	15.0%
Between \$100K and \$500K	12.0%
Between \$500K and \$1M	9.0%
Between \$1M and \$5M	7.5%
Between \$5M and \$10M	6.0%
Between \$10M and \$15M	4.5%
Over \$15M	3.8%

There will be discussions with BILD and Markham Developers regarding the Capital Administration Fees through the current Development Background Charges Study. Staff recommends that the Capital Administration Fees be updated from the sliding scale as shown above to a flat fee rate of 9% of the project costs, subject to Council approval of the Development Charges Background Study update in 2022. The change will be reflected as part of the capital budget beginning in 2023. The justification are as follows:

- The year over year revenue from Capital Administration Fee has been lower than what was forecasted – in order to recover costs associated with the management, oversight and administration of the capital projects, an increase to the Capital Administration Fee is recommended.
- For comparison, Planning studies not related to any Planning Act application, as well as the Parks capital projects are both charging 9.0% in fees in accordance to the current Fee By-law.

FINANCIAL CONSIDERATIONS

Staff has worked to ensure proper direct and indirect cost recovery and to incorporate the results into the proposed 2021 operating budget. The fee adjustments recommended in this report for 2021 are 3.3% for Planning & Urban Design, 3.3% for Engineering, and 5% for Building Standards, which will assist in offsetting the projected direct and indirect costs, including positive contributions to the Building and Development reserves. Finance and Development Services staff will monitor financial performance against budget and report back to Council throughout the year as part of the Year-to-Date Results of Operations reports.

Summary of Reserve Balances

Markham has experienced stronger development and building activity since 2016 when the Development reserve balance started to move out of deficit and increase with a surplus in 2018 and 2020 and a forecasted surplus by the end of 2021. The reserve balance for Building in the past several years has been relatively healthy. The Building Standards Department has utilized the reserve to invest in new processes, technologies, and updates such as ePLAN and a comprehensive zoning by-law project, and to withstand cyclical downturns without abrupt changes to capacity and service levels. The following table provides a recent history of the balances in the Development (Planning & Urban Design and Engineering combined) and Building reserves:

Reserve Balances Surplus/ Deficit (\$ millions)		
Year End	Development	Building
2015	(10.67)	9.63
2016	(10.74)	10.22
2017	(7.77)	9.36
2018	0.277	12.94
2019	(0.52)	10.36
2020	9.12	6.38
2021 Forecast	28.34	12.38
2022 Forecast	31.25	12.16

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Growth Management and Municipal Services delivery

BUSINESS UNITS CONSULTED AND AFFECTED:

Planning & Urban Design, Engineering, Building Standards, Financial Services, Legal Services

RECOMMENDED BY:

Stephanie Di Perna
Director of Building Standards

Biju Karumanchery, MCIP, RPP
Director of Planning & Urban Design

Frank Clarizio
Director of Engineering

Arvin Prasad, MCIP, RPP
Commissioner of Development Services

Joel Lustig
City Treasurer

ATTACHMENTS:

Appendix 'A' - Draft of amendment to delete and replace Schedule 'A' from By-law 2020-139 to amend Development Fee By-law 211-83

Appendix 'B' - Draft of amendment to repeal and replace Building By-law 2020-140



BY-LAW 2021-

A by-law to amend By-law 211-83, as amended
(A by-law to prescribe a Tariff of Fees
for the Processing of Planning Applications)

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. By-law 211-83, as amended, be and the same is hereby further amended as follows:
 - 1.1 By deleting Schedule 'A' to By-law 211-83, as amended, and substituting Schedule 'A' attached hereto.
2. All other provisions of By-law 211-83, as amended, not inconsistent with the provisions of this by-law shall continue to apply.
3. This By-law comes into force and takes effect on January 1, 2022.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
DAY OF DECEMBER, 2021.

CITY CLERK

MAYOR

SCHEDULE ‘A’ TO BY-LAW 2021-XXXX

TARIFF OF FEES FOR PROCESSING OF PLANNING APPLICATIONS
GENERAL TERMS

1.0. Fee Acceptance

- 1.1. Fees shall only be accepted in conjunction with the filing of an application containing all submission requirements as determined by the Director of Planning and Urban Design or designate and/or Director of Engineering or designate.
- 1.2. Applicants shall not be permitted to “pre-pay” application fees upon submission of an incomplete application in order to lock in fees and avoid future fee increases.

2.0. Fee Calculation

- 2.1. For each development application type, fee shall be calculated, and may include Development Application Fees, Supplementary Fees, and Miscellaneous Fees as listed in this by-law. Unless otherwise stated, fee subsections ending in roman numerals (ie. i), ii), iii), etc) form part of the overall subsection fee, and shall be applied cumulatively with the other fees ending in roman numerals within that subsection.
- 2.2. Fees shall be calculated at the rate in effect on the date paid. Applications for which fees have been paid in part, prior to the effective date of this by-law, shall be required to pay any additional fees established by this by-law.

3.0. Fee Payable in stages

- 3.1. Unless otherwise noted, fees are payable at time of application.
- 3.2. Where the fee payable in respect of an application is payable in stages, the fee owing at each stage shall be the fee, for such stage, in effect on the date the payment is made. No additional fee or increase in fee is payable in respect of stages for which a fee has already been paid.
 - 3.2.1. Where payment in full of all fees applicable to an application has been made, no additional fee, where established by this by-law, shall be payable.
 - 3.2.2. Other City of Markham fees may be applicable.

4.0. Fee Adjustments

- 4.1. Adjustments are made to fees to reflect changes in the total number of Units/Lots/ Parcels/ GFA/ Land Area/Estimated Cost of Works, Consultants Review Fees, etc.,
- 4.2. Adjustments to the total fee payable will be required at each payment stage.

5.0. Reimbursement of fees:

- 5.1. Fees shall be reimbursed upon applicant withdrawing the application, as determined by the Director of Planning & Urban Design or designate and/or Director of Engineering or designate:
 - 5.1.1. Refund percentage is based on all fees received.
 - 5.1.2. HST refund is calculated based on percentage of fee to be refunded.
 - 5.1.3. Refund percentage (%) is based on the application stage as follows:

5.1.3.1. Prior to circulation of application	75%
5.1.3.2. From circulation to completion of preliminary report and/or holding of a public meeting, if required	50%
5.1.3.3. Prior to Committee receiving recommendation report and/or prior to Site Plan Endorsement (<i>Not applicable to Committee of Adjustment Applications</i>)	25%
5.1.3.4. After Site Plan Endorsement and/or after Recommendation Report/ Memorandum received by Committee	No refund

Notes:

- a) For all application fees calculated, add HST as applicable.
- b) All cheques shall be payable to ‘City of Markham’.
- c) For assistance contact - City of Markham, Development Services Commission, 101 Town Centre Blvd., Markham, Ontario, L3R 9W3.
- d) Telephone: + (905) 475.4861 Fax: + (905) 479.7768 Email: dsc@markham.ca

DEVELOPMENT APPLICATION FEE

Table 1	Application for Pre Consultation	Fee	Rate
1.1	Pre-Consultation (1)	\$775	Per Application

- 1. Fee does not apply where pre-consultation is not required or is waived.

Table 2	Official Plan/Secondary Plan Amendment	Fee	Rate
1.1	Minor Amendment (1) (2)	\$30,580	Per Application
1.2	Major Amendment (3)	\$81,174	Per Application

- 1. Unless authorized by the Director of Planning or their Designate, an Official Plan or Secondary Plan Amendment application shall be deemed to be Major
- 2. Minor Official Plan Amendment means an amendment that:
 - a. Proposes a small-scale exception to a specific Official Plan Standard (eg. Minor changes to the number of permitted units; building height; gross floor area; or to add a site-specific use limited in scale);
 - b. Proposes a minor change to a specific policy that is limited in scope and typically to one property;
 - c. Maintains the intent and purpose of the Official Plan;
 - d. Shall have limited impact or policy implications beyond the subject lands; and
 - e. Is authorized by the Director of Planning and Urban Design, or their Designates.
- 3. Major Official Plan Amendment means an amendment that:
 - a. Any proposed re-designation or change in land use for a property(ies)
 - b. Requires many changes to the policies and schedules of the Official Plan
 - c. Is more significant in scale and scope than a minor Official Plan amendment, and which may have a greater impact or policy implications beyond the subject lands. Applications related to more than one property would normally be in the category;
 - d. A site-specific application representing a large-scale development/redevelopment or a change in use. An application involving significant changes to the text or policies of the Official Plan would also fall in this category.

Table 3	Zoning By-Law Amendment	Fee	Rate
1.1	Minor Amendment (1) (2)	\$28,349	Per Application
1.2	Major Amendment (3)	\$57,026	Per Application
1.3	Removal of "H" (Holding) Provision	\$9,581	Per Application

- 1. Unless authorized by the Director of Planning or their Designate, an Zoning By-law Amendment application shall be deemed to be Major
- 2. An application for minor and small scale zoning amendment having no significant impact on adjoining lands as determined by the Director of Planning and Urban Design. Minor applications must be site specific and include:
 - a. Request for additional permitted use within an existing building, or a request to expand an existing building with no significant impact on existing development standards;
 - b. Changes in development standards to accommodate a residential severance to create one single detached lot within an existing subdivision;
 - c. An application for a temporary use
- 3. An application that is not deemed to be minor by the Director of Planning or their Designate, a Zoning By-law Amendment application shall be deemed to be Major. Major applications include applications more significant in scale and scope than a minor zoning amendment, and which may have greater impact beyond the subject lands. Major applications include:
 - a. Applications relating to more than one property;
 - b. A site specific application if considered to be redevelop a site;
 - c. A change in use within a new development and / or a change in the zone category;
 - d. Any application involving significant changes to the development standards or general provisions of the by-law.

Table 4	Plan Of Subdivision	Fee	Rate
1	Draft Plan of Subdivision		
1.1	Planning Review		
1.1.1 i)	Base fee	\$43,704	Per Application
1.1.1 ii)	Unit Fee (1)	\$2,271	Per Unit/Lot
1.1.1 iii)	Land Area (2)(3)	\$22,509	Per Hectare
1.2	Urban Design Review		
1.2.1	Community Planning Review		
1.2.1 i)	Unit Fee (1)	\$433	Per Unit/Lot
1.2.1 ii)	Land Area (2)(3)	\$22,509	Per Hectare
1.2.2	Landscape Review		
1.2.2 i)	Base Fee	\$9,910	Per Application
1.2.2 ii)	Calculated Fee (the greater of)	\$749	Per Unit/Lot (4) (5)
		15.7%	Construction Cost (3) (6) (11)
1.3	Engineering Review		
1.3.1	Calculated Fee (the greater of)(7)	\$2,231	Per Unit/Lot/Block
		13.1%	Construction Cost (9) (11)
2	Extension of Draft Plan Approval	\$9,581	Per Application
3	Revision of Draft Approved Plan and/or Draft Plan Conditions (8)		
3.1	Minor (does not require report to Committee)	\$5,931	Per Application
3.2	Major (requires report to Committee)	\$18,768	Per Application
4	Request for Subdivision Agreement		
4.1 i)	First Phase of subdivision	\$62,865	Per Agreement
4.1 ii)	Subsequent Phases	\$44,164	Per Agreement

- 1 Unit fee applicable to Single Detached, Semi Detached and/or Freehold Townhouse units. To be collected as follows:
40% collected at submission of application 60% collected at execution of agreement
- 2 Applicable to blocks created for Residential, Mixed-Use, Institutional (including school blocks), Commercial or Industrial uses. (Excludes park blocks, valley lands, hazard lands, environmental buffer blocks, stormwater management blocks, open space areas and public roads to be conveyed into public ownership, or residential blocks containing less than 10 units).
- 3 To be collected as follows:
40% collected at submission of application 60% collected at execution of agreement
- 4 Payable at the execution of agreement
- 5 Up to 100 units/lots on a plan of subdivision
- 6 Estimated cost of construction of landscape works
- 7 To be collected as follows:
60% collected at submission of engineering drawings
40% collected at execution of a pre-servicing agreement (if applicable) or a subdivision agreement
- 8 At the request of the owner
- 9 Estimated cost of internal and external works associated with the Plan of Subdivision, as prepared by the Consulting Engineer. Includes erosion and sediment controls, underground and above-ground works, streetlights, etc. plus a 10% contingency added to the estimate
- 10 Payable at first submission of Landscape drawings for each phase of the draft plan of subdivision
- 11 Where a construction agreement is required as a result of this application type, fees for the construction agreement will be calculated in accordance with this section

Table 5	Plan of Condominium	Fee	Rate
1.1	Condominium Fee (1)	\$47,838	Per Application
1.2	All other Condominium Types other than those above	\$41,014	Per Application
1.3	Extension of Condominium Draft Approval	\$9,581	Per Application
1.4	Revision of Condominium Draft Approved Plan (2)	\$12,928	Per Application

- 1 Includes standard, common element (POTL), and vacant land condominium application types
- 2 Includes Draft Plan Conditions and amalgamation of multiple condominiums where requested by the owner

Table 6.1	Site Plan Applications (Residential/Mixed Use)	Fee	Rate
1	Residential (16)		
1.1	Small Developments (1)		
1.1 i)	Planning Review fee	\$2,901	Per Unit
1.1 ii)	Urban Design Review	\$984	Per Unit
1.1 iii)	Engineering Review Fee	\$984	Per Unit
1.2	Large Developments (3)		
1.2.1	Planning Review		
1.2.1 i)	Base Fee	\$13,322	Per Application
1.2.1 ii)	Unit Fee (4) (5) (10)	\$2,271	Per Unit
1.2.1 iii)	Calculated GFA Fee (6) (10)	\$6.20	Per M ²
1.2.2	Urban Design Review		
1.2.2 i)	Base Fee	\$5,447	Per Application
1.2.2 ii)	Percentage fee (2) (7)	15.7%	Percent
1.2.2 iii)	GFA Fee (2) (11) (12)	\$6.20	Per M ²
1.2.3	Engineering review (8)		
1.2.3 i)	Base Fee	\$9,712	Per Application
1.2.3 ii)	Percentage fee (2) (9)	14.4%	Percent
1.2.3 iii)	GFA Fee (2) (11) (12)	\$6.20	Per M ²
1.3	Additions or Alterations		
1.3.1	Small Developments (1)		
1.3.1.1	Less than 50 square metres of GFA	\$197	Per Unit
1.3.1.2	50 to 100 square metres of GFA	\$984	Per Unit
1.3.1.3	Greater than 100 square metres of GFA		
1.3.1.3 i)	Planning Review fee	\$984	Per Unit
1.3.1.3 ii)	Urban Design Review	\$880	Per Unit
1.3.1.3 iii)	Engineering Review	\$880	Per Unit
1.4	Residential Driveways or parking area	\$197	Per Application

Table 6.2	Site Plan Applications (ICI) (17)	Fee	Rate
2	ICI without units accommodating overnight stay		
2.1	Planning Review		
2.1 i)	Base Fee	\$13,322	Per Application
2.1 ii)	Calculated GFA Fee - (10) (12)	\$6.20	Per M ²
2.1.2	Urban Design Review		
2.1.1 i)	Base Fee	\$5,447	Per Application
2.1.1 ii)	Percentage Fee (2) (7)	15.7%	Percent
2.1.1 iii)	GFA Fee (2) (11) (15)	\$6.20	Per M2
2.1.3	Engineering Review (8)		
2.1.3 i)	Base Fee	\$9,712	Per Application
2.1.3 ii)	Percentage Fee (9)	14.4%	Percent
2.1.3 iii)	GFA Fee (2) (11) (15)	\$6.20	Per M2
2.2	ICI with units accommodating overnight or longer stay (13)		
2.2.1	Planning Review		
2.2.1 i)	Base Fee	\$13,322	Per Application
2.2.1 ii)	Unit Fee (10)	\$2,271	Per Unit
2.2.1 iii)	Calculated GFA Fee (10) (14)	\$6.20	Per M ²
2.2.2	Urban Design Review		
2.2.1 i)	Base Fee	\$5,447	Per Application
2.2.1 ii)	Percentage Fee (7)	15.7%	Percent (8)
2.2.1 iii)	Calculated GFA Fee (2) (11) (15)	\$6.20	Per M ²
2.2.3	Engineering Review (8)		
2.2.3 i)	Base Fee	\$9,712	Per Application
2.2.3 ii)	Percentage Fee (2) (9)	14.4%	Percent (8)
2.2.3 iii)	Calculated GFA Fee (2) (11) (15)	\$6.20	Per M ²
2.3	Parking Lot or Outdoor Patio		
2.3.1	New Parking Lot or Outdoor Patio		
2.3.1 i)	Planning Review Fee	\$4,843	Per Application
2.3.1 ii)	Urban Design Review	\$984	Per Application
2.3.1 iii)	Engineering Review	\$984	Per Application
2.3.2	Expansion/Alteration of Existing Parking Lot or Outdoor Patio		
2.3.2 i)	Planning Review Fee	\$2,414	Per Application
2.3.2 ii)	Urban Design Review	\$984	Per Application
2.3.2 iii)	Engineering Review	\$984	Per Application
Table 6.3	Extensions or Minor Applications	Fee	Rate
3.5	Extension of Site Plan Approval/Agreement	\$2,299	Per Application
3.6	Minor Applications (21)		
3.6 i)	Planning Review Fee (17)	\$4,193	Per Application
3.6 ii)	Urban Design Review	\$938	Per Application
Table 6.4	Heritage Site Plan	Fee	Rate
4	Heritage Site Plan		
4.1	Residential	Section 1	
4.2	ICI - Institutional, Commercial, or Industrial		
4.2.1	Less than 50m2	\$1,379	Per Application
4.2.2	50m2 or greater	Section 2	
4.3	Façade changes (18) (19) (20)	\$984	Per Application

- 1Single Detached, Semi-Detached, Townhouse, and/or Apartment development with under 10 lots, blocks, or units total
- 2To be collected as follows:
40% collected at submission of application

60% collected at the earlier of the execution of agreement or issuance of a building permit, or conditional building permit
- 3Mixed Development or Single Detached, Semi-Detached, Townhouse, and or Apartment development with more than 10 lots, blocks, or units total
- 4Unit fee applicable to Single Detached, Semi Detached, Townhouse and Apartment units

Appendix 'A'

- 5 Applicable to buildings with common area(s)
- 6 Calculated GFA shall mean the total GFA of building(s) minus GFA of Apartment units and overnight or longer stay unit(s)
- 7 Estimated cost of construction of landscape work
- 8 Where a construction agreement is required as a result of this application type, fees for the construction agreement will be calculated in accordance with this section
- 9 Estimated cost of internal and external works associated with the Site Plan, as prepared by the Consulting Engineer. Includes erosion and sediment controls, underground and above ground works, streetlights, etc. plus a 10% contingency added to the estimate
- 10 To be collected as follows:
40% collected at submission of
application 60% collected at execution
of agreement
- 11 Exempt for site plans that neither have underground parking and/or associated parking structure/s
- 12 Total GFA of the development
- 13 Including but not limited to Hotels, Senior Homes, etc.
- 14 Applies to the GFA of the building, exclusive of the area of units identified in Table 6, section 2.2.1 ii)
- 15 Notwithstanding the definition of GFA, the subject fee shall include the total GFA and the GFA of underground parking and/or associated parking structure
- 16 Includes additions or alterations to developments of 11 units or greater
- 17 Includes Façade changes
- 18 When changes are funded in part or wholly by a Grant from Council
- 19 All other application types, including changes to approved drawings that are not subject to special provision 18, are subject to Table 6, Section 4.1
- 20 All other application types, including changes to approved drawings that are not subject to special provision 18, are subject to Table 5, Section 2.4
- 21 Engineering review of site plan requires Major Application submission

Table 7	Committee of Adjustment	Fee	Rate
1	Minor Variance		
1.1	Development Standards (1)	\$6,523	Per Application
1.2	Residential Small Scale (2)	\$2,769	Per Application
1.3	Variance with respect to use (3)	\$15,028	Per Application
1.4	Technical Variance (4)	\$2,271	Per Application
1.5	Multiple Variances (5)		
1.5 i)	Base Fee	\$10,983	Per Application
1.5 ii)	Unit Fee (6)	\$2,271	Per Unit
1.5.1	Notwithstanding 1.5 above, the total fee for a variance shall not exceed	\$57,026	Per Application
1.6	Heritage variance (7)		Per Application
2	Land Division		
2.1	Consent for creation of one or more lots		
2.1 i)	Base fee	\$15,028	Per Application
2.1 ii)	Unit Fee (8) (10)	\$2,271	Per Unit
2.1 iii)	Land Area Fee (9) (10)	\$22,509	Per Hectare
2.1.1	Notwithstanding 2.1 above, the total fee for a Land Division shall not exceed	\$43,704	Per Application
2.2	Other Consent (11)	\$7,875	Per Application
2.3	Change of Condition prior to final consent	\$1,981	Per Application
2.4	Re-Application of Provisionally approved Consent without completion of conditions within One year timeframe (12) (13)	\$6,299	Per Application
3	Sign Fee (14)	\$39	Per sign
4	Development Agreement		
4.1	Planning	\$1,981	per agreement
4.2	Urban Design	\$1,981	per agreement
4.3	Engineering	\$1,981	per agreement

- 1 Additions, alterations, or new dwellings 50m² or greater, or apartment, condominium, mixed use buildings or ICI
- 2 Additions, Alterations, or new single, semi-detached, or townhouse dwellings, or to accessory buildings, structures or decks less than 50m²
- 3 Includes residential, ICI, and where use and development standard variances are requested
- 4 To rectify and existing site condition, at the discretion of the Director of Planning and Urban Design or their designates
- 5 Multiple lots on a Draft Plan of Subdivision, registered M-Plan, or multiple single, semi-detached, or townhouse dwellings on a site plan
- 6 Number of actual units or lots (any decimal number rounded off to the next greater number)
- 7 Applies to heritage buildings, or Heritage Properties where Heritage Staff or Heritage Markham has requested the implementation of a historic condition or feature, at the discretion of the Director of Planning or their Designate
- 8 Applies only to consents creating new residential lots, excluding apartments, condominiums, and mixed use buildings
- 9 Applies to all consents except those identified in Table 6, Section 2.1 ii)
- 10 Payable prior to finalization of consent
- 11 Includes consent for partial discharge of mortgage, easement, lease of 21 years or more, validation of title, and the re-establishment of a previously existing lot line, as determined by the Director of Planning and Urban Design.
- 12 Application must be received within 6 months of the lapse of the original consent application
- 13 Proposed lot configuration and development must be identical to the lapsed application receiving provisional consent
- 14 One sign required on each public or private street upon which the subject site has frontage, as determined by the Secretary Treasurer of the Committee of Adjustment

Table 8	Supplementary Fee	Fee	Rate
1	Electronic submission fee (1)(19)	\$100	per application
2	Additional Public Meeting Fee (2) (3)	\$9,188	per meeting
3	Additional Report to Committee or Council (2) (3)	\$9,188	per report
4	Re-Circulation of Drawings (3)		
4.1	Minor Circulation (5)	\$591	per circulation
4.2	Major Circulation (2) (6) (7)	\$7,285	per circulation
5	More than two inspections (3) (8)	\$1,877	per inspection
6	Studies (4)		
6.1	Planning And Urban Design Studies		
6.1.1	Large Scale Major Studies (9)	\$74,218	per study
6.1.2	Update or Amendment to existing Study (10)	\$29,727	per study
6.2	Engineering Studies		
6.2.1	New Study (11)	\$38,783	per study
6.2.2	Update or Amendment to existing Study	\$12,993	per study
7	Hire/Retain a Consultant/Vendor (12)	(13)	
8	Third Party Appeal (14) (16)	(15)	

- 1 Required for all applications submitted electronically, excluding Heritage applications exempted under Table 7, Section 1.6, and Applications under Table 1.
- 2 Due to revisions by owner/applicant, or owner/applicant's failure to revise drawings/plans/reports as requested by the City
- 3 Payable prior to meeting, inspection, or circulations
- 4 Payable at submission of study
- 5 Includes Consent to Sever and Minor Variance Applications due to revisions or request for deferral by owner, and/or after 1 year from the original date of application submission due to inactivity
- 6 Payable at submission
- 7 Includes 4 or more submissions and re-circulations
- 8 Due to unaddressed deficiencies identified during earlier inspections
- 9 Includes review and approval of large scale major studies including but not limited to: Community Design Plans or Precinct Plans associated with a new secondary plan, major official plan amendment/Secondary Plan Amendment, Major Zoning or major site plan application on a large scale complex site
- 10 Includes review and approval of small scale studies at the discretion of the Director of Planning and Urban Design or their designates
- 11 Includes review and approval of large scale major studies including but not limited to: Master Transportation Study, Master Environmental Servicing Plan, Noise Study, Geotechnical Study, etc. associated with a new Secondary Planed, major Official Plan Amendment/Secondary Plan Amendment, major Zoning or major Site Plan application on a large scale complex site
- 12 Fees for the City to retain a consultant/Vendor for the review, implementation or monitoring related to an application, as determined by the Director of Planning and Urban Design and/or the director of Engineering, or their designate
- 13 Actual cost of Consultant/vendor plus an administrative fee in the amount of 31.7% of the actual cost of the consultant/vendor
- 14 City's cost to retain outside Legal Counsel, and other outside experts including but not limited to Planning, Urban Design, or Engineering consultants or experts as determined necessary by the City Solicitor and Commissioner of Development Services, where an approved development application is appealed to the Local Planning Appeal Tribunal
- 15 Actual cost of legal counsel and consultants, plus an administrative fee in the amount of 33% of the actual cost of the consultant/vendor
- 16 Fees shall be payable in accordance with a Cost Acknowledgement Agreement between the City and the Applicant
- 17 Major or Minor application as determined by the Director of Planning and Urban Design or the Director of Engineering or their designates, and payable at the execution of the agreement
- 18 Does not apply to site plan applications for single detached dwellings
- 19 Digital uploads that are not submitted as applications within 30 days of initial upload will be cancelled and no refund will be provided.

Table 9	Miscellaneous Fees	Fee	Rate
1	Review and Comment on Minister's Zoning Order		
1.1	New Application	\$8,859	per application
1.2	Comment on extension of a temporary use	\$2,898	per application
2	Deeming By-law	\$9,581	per application
3	Exemption from Part Lot Control (1)	\$9,581	per M-Plan
4	Telecommunication Tower	\$23,099	per application
5	Model Home/Sales trailer agreement (2)	\$5,982	per agreement
6	Heritage Permit (3)	\$630	per application
7	Townhouse Siting	\$695	Per unit
8	Site Alteration Permit		
8.1	Urban Design		
8.1 i)	Base Fee	\$6,418	per application
8.1 ii)	Area Fee	\$1,325	per hectare
8.2	Engineering		
8.2 i)	Base Fee	\$6,418	per application
8.2 ii)	Area Fee	\$1,325	per hectare
9	Construction Management Plan and/or Traffic Management Plan Review and/or public Communication Plan/Report (5)	\$5,565	per application
10	Shoring and Hoarding Encroachment Plan (2)	\$5,814	per application
11	Miscellaneous Submission (6)		
11.1	Percentage Fee (7)	15.7%	Percent
11.2	Hourly Rate for Estimate Hours	\$302	per hour
12	GIS Hourly Rate	\$131	per hour

- 1
- Applicable to units that have not been captured through Draft Plan of Subdivision Application Fee
- 2
- Payable at the execution of an agreement
- 3
- For unauthorized work
- 4
- Percent of the total cost of the engineering work required within the municipal road allowance
- 5
- Payable at the submission of Plans
- 6
- Not identified under a fee category as determined by the director of Planning and Urban Design or Director of Engineering or their designates
- 7
- Estimated based on the cost of works

NOTES/DEFINITIONS

COMMITTEE OF ADJUSTMENT

Development Standards: Any requirement of a zoning by-law other than permitted use (i.e. yard setbacks, building height, lot coverage).

Technical Variance: A minor variance related to an existing building or structure, but requires variance approval due to one or more minor siting errors. Determination of whether or not a variance is a Technical Variance is at the discretion of the Director of Planning and Urban Design, or designate.

Use: Any requirement of a zoning by-law related to the types of uses permitted on a property.

PLAN OF CONDOMINIUM

Amalgamated Condominium: A plan of condominium where two or more condominium corporations merge into one corporation.

Common Element Condominium: A plan of condominium that consist only of common elements (e.g. a laneway or a golf course), with no individually owned units. The owners of the common elements are owners of freehold parcels of tied land (POTLs) which are not part of the condominium property.

Leasehold Condominium: A plan of condominium where individually owned units and common elements are leased by the landowner to purchasers who will never own the land. The purchasers buy a leasehold interest in the units and common elements for a fixed number of years.

Phased Condominium: A form of Standard Condominium (*see above*) that permits individually owned units and common elements to be added to a condominium corporation in phases, over a maximum of ten (10) years.

Standard Condominium: A plan of condominium that consists of both individually owned units and common elements. Note that all condominiums that existed at the time that the Condominium Act, 1998 came into effect are deemed Standard Condominiums.

Vacant Land Condominium: A plan of condominium where individually owned units are effectively vacant lots upon which buildings will be located after the condominium is registered.

ENGINEERING

Construction Management Plan: Technical plan that shows how construction works for a proposed development will be managed. The plan shows surface encroachment (e.g. vehicular lane, sidewalk, signage, utilities, trees and municipal easements), storage/loading areas, dewatering equipment, aerial/crane encroachment, vehicular and material access points, hoarding, traffic management, and possible impacts on properties (noise/vibration mitigation and construction condition surveys).

Engineering Plans: Technical plans that show sanitary, water and stormwater servicing schemes, grading, utilities location, erosion and sediment controls, shoring and construction details of the proposed development.

External works: Means works that include but are not limited to sanitary and storm sewer connections, manholes, water service, driveways, sidewalks, boulevard treatment and other road works (Pavement, curbs, catch basins and their leads, hydrants, streetlighting, hydro poles, traffic controls).

Internal works: Means works that include but are not limited to curbs, pavement, retaining walls, grading, water mains, sanitary sewers, storm sewers, manholes, catch basins and their leads, erosion and sediment controls and on site storm water management facilities (e.g., Oil Grit Separators (OGS), storage facilities, chambers, infiltration trenches/chambers, soakaway pits and

bioretention systems).

Public Communication Plan/ Report: Outlines the planned public communication process and actions to inform the travelling public, project stakeholders, emergency response agencies, and directly impacted businesses and local residents about the planned construction activities and changes to traffic operations due to proposed temporary road closure and alterations and disruptions to traffic necessary to safely complete construction of proposed development, municipal services and roads. The Plan/Report may consist of any of the following elements: notices to the impacted residents, businesses and travelling public placed in print media, project road signs including detour routes, changeable message signage, notices to the public placed on Internet web pages, brochures, direct mail outs to impacted businesses and local residents, and public meetings. The Plan is modified throughout the project life cycle to address issues as they arise.

Residential Service Connection: A watermain, sanitary sewer or storm sewer that connects from a residential house/unit to a municipal watermain, sanitary sewer or storm sewer.

Site Alteration: Includes but not limited to, the removal of topsoil from land, placement or dumping of fill on land, the alteration of the grade of land or excavation by any means including the removal of vegetative cover, the compaction of soil or the creation of impervious surfaces, or any combination of these activities that would change the landform and natural vegetative characteristics of the land.

Shoring Encroachment and Hoarding Plan: Technical plan that shows the design and installation of a shoring system consisting of piles and tie-back system, location of the utilities/services and hoarding, and any significant features pertinent to the municipal right-of-way encroachment, to facilitate the construction of underground and aboveground structures that are close to or within the municipal right-of-way. This plan helps ensure construction works do not impede pedestrian and vehicular traffic in any significant manner and do not impact any underground and aboveground utilities or infrastructures.

Traffic Management Plan: Shows how the alterations and disruptions to traffic caused by the construction activities of the proposed development, servicing infrastructure, or road shall be mitigated and managed.

Underground Parking and/or Associated Parking Structure: A building, or part thereof used for the parking or storage of motor vehicles

Water Supply Analysis Report: Provides detailed design for a water supply distribution system including mitigation measures to ensure adequate water supply flow and pressure for the proposed development.

GENERAL

City: The Corporation of the City of Markham

Committee: Committee is a group of individuals appointed by Council, such as the Development Services Committee (DSC), Markham Heritage Committee, Committee of Adjustment or any other sub-committee; with a specific function to review, comment and/or approve the related development applications.

Heritage: Heritage designated building (Part IV designation) or any building located within the boundary of a Heritage Conservation District (Part V designation).

ICI: Institutional, Commercial, Industrial

Townhouse Siting: Review of the design aspects of townhouse blocks and ensures appropriate building placement and elevation treatments for specific townhouse blocks.

Gross Floor Area (GFA) of Building(s): Defined as the total floor area (inside the building envelope, including the external walls, and excluding the roof) above and below grade less area dedicated to underground parking or associated parking structure.



BY-LAW 2021-XXX

Being a By-law respecting Construction, Demolition,
Change of Use Permits and Inspections

WHEREAS Section 7 of the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended, authorizes municipal council to pass by-laws respecting construction, demolition and change of use permits, inspections and related matters;

AND WHEREAS the Council of The Corporation of the City of Markham desires to repeal By-law 2020-140 and to enact a new building by-law for the issuance of permits and related matters, including the establishment of a fee schedule;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1. This By-law may be cited as the “Building By-law”.

2. DEFINITIONS

2.1. In this By-law:

“*Act*” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

“*applicant*” means the *owner* of a building or property who applies for a *permit* or any person authorized to apply for a *permit* on the *owner’s* behalf, or any person or corporation empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or corporation;

“*Building Code*” means the regulation made under Section 34 of the *Act*;

“*certified model*” means a unique building design for a detached or semi-detached unit that has been reviewed by the *chief building official* for compliance with the *Building Code* and is intended for construction pursuant to a *permit* issued under the *Act*. A *certified model* approval is not itself a *permit*;

“*City*” means The Corporation of the City of Markham.

“*chief building official*” means the *chief building official* appointed by by-law by Council for the purposes of enforcement of the *Act*, the *Building Code* and this By-law;

“*complete application*” means an application that meets the requirements set out in the building code for applications where the *chief building official* is required to make a decision within a prescribed time period, and further that meets the requirements set out in Section 4 and Schedule B of this By-law;

“*conditional permit*” means a *permit* issued under Subsection 8(3) of the *Act*;

“*construct*” means construct as defined in Subsection 1(1) of the *Act*;

“*demolish*” means demolish as defined in Subsection 1(1) of the *Act*;

“*electronic submission*” means the filing of a *pre-application review* or an application for a building *permit*, *certified model* or alternative solution,

including all required forms, documents and drawings, submitted through an online application procedure approved by the *chief building official*.

“*Infill Residential*” is defined as; a building containing not more than 2 dwelling units and where new construction replaces more than 50% of the existing building by demolition or by an addition that increases the gross floor area by more than 25% of new construction to an existing house;

“*owner*” means, in respect of the property on which the construction is to take place, the registered owner of the land and, except for *conditional permits*, may include a lessee, mortgagee in possession and the person acting as the owner’s authorized agent;

“*partial occupancy permit*” means; an occupancy permit for the partial occupancy of a building prior to its completion as set out in the Ontario Building Code Division C, Part 1, Subsection 1.3.3.

“*partial permit*” means a *permit* issued by the *chief building official* to construct part of a building;

“*permit*” means permission or authorization given in writing by the *chief building official* to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the *Act* and *Building Code*;

“*permit holder*” means the *owner* to whom the *permit* has been issued or where a *permit* has been transferred, the new *owner* to whom the permit has been transferred;

“*pre-application review*” means the review of forms, documents and drawings which precedes the acceptance of a permit application to determine if it qualifies for an *electronic submission* for a permit;

“*pre permit consultation*” means the high level review of proposed plans to identify any applicable *Building Code* concerns in advance of a building *permit* application. Pre Permit Consultation does not confirm *Building Code* compliance.

“*Registered Code Agency*” means a registered code agency as defined in Subsection 1(1) of the *Act*;

“*revised submission*” means additional information filed with the *chief building official* which depicts one or more changes to the proposed or as-constructed design of a building or part of a building for which a permit has already been issued and for which approval by the *chief building official* is required;

“*sewage system*” means a sewage system as defined in Subsection 1.4.1. of Division A of the *Building Code*;

“*supplementary submission*” means a resubmission of information in relation to building permit documents previously reviewed or issued, that requires additional review to determine *Building Code* compliance;

“*zoning preliminary review*” means a review of plans and other documents to determine, prior to building permit or *Planning Act* applications, whether proposed designs comply with applicable zoning by-laws;

2.2. Terms not defined in this By-law shall have the meaning ascribed to them in the *Act* or the *Building Code*.

3. CLASSES OF PERMITS

3.1. Classes of *permits* required for the construction, demolition or change of use of a building shall be set out in Schedule A to this By-law.

4. REQUIREMENTS FOR PERMIT APPLICATIONS

General Requirements

- 4.1. Every *permit* application, *certified model* application and application for an alternative solution must meet the requirements of this Section and Section 6 and shall:
 - 4.1.1. be made by an *applicant*;
 - 4.1.2. be submitted to the *chief building official* on forms prescribed by the Province of Ontario or when no form is prescribed, on a form prescribed by the *chief building official*;
 - 4.1.3. be accompanied by the required fees calculated in accordance with Schedule A;
 - 4.1.4. unless otherwise determined by the *chief building official*, be in the form of an *electronic submission*;
 - 4.1.5. unless otherwise determined by the *chief building official*, shall not be accepted until a *pre-application review* has been completed to the satisfaction of the *chief building official*; and
- 4.2. To be considered a *complete application*, every *permit* application shall be accompanied by the approval documents issued by the agencies responsible for the applicable laws listed in the building code, where those agencies issue approval documents and the law applies to the construction or demolition being proposed.
- 4.3. An application for a *permit* may be refused by the *chief building official* where it is not a *complete application*.
- 4.4. The *chief building official* may, as the chief building official deems appropriate, provide prescribed forms in an electronic format and may allow for the electronic submission of completed *permit* application forms.
- 4.5. Notwithstanding Subsection 4.4, completed forms generated electronically shall be accepted subject to the endorsement by the *applicant*.
- 4.6. When filing an application, the *owner* and the *applicant* shall provide an electronic address(s) for the purpose of receiving communications from the *chief building official* regarding the construction, demolition or change of use associated with a permit application or issued *permit*. The owner or authorized agent of the owner shall inform the *chief building official* immediately in writing when the electronic address(s) provided change or become not functional.

Applications for *Permits to Construct*

- 4.7. Every application for a *permit to construct* a building shall:
 - 4.7.1. identify and describe in detail the work to be done and the existing and proposed use and occupancy of the building, or part thereof, for which the building *permit* application is made;
 - 4.7.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this by-law; and
 - 4.7.3. be accompanied by acceptable proof of corporate identity and property ownership, unless such proof is determined by the *chief building official* to be unnecessary.

Applications for *Permits to Demolish*

- 4.8. Every application for a *permit to demolish* a building shall:
 - 4.8.1. identify and describe in detail the work to be done and the existing use and occupancy of the building, or part thereof, for which the application for a *permit to demolish* is made, and the proposed use and occupancy of that part of the building, if any, that will remain upon completion of the demolition;

- 4.8.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this By-law; and
- 4.8.3. be accompanied by proof satisfactory to the *chief building official* that arrangements have been made with the proper authorities for the termination and capping of all the water, sewer, gas, electric, telephone or other utilities and services.

Applications for *Permits* to Construct Part of a Building

- 4.9. In addition to the requirements of Subsection 4.7, every application for a *partial permit* shall:
 - 4.9.1. require a *permit* application for the entire project; and
 - 4.9.2. be accompanied by plans, specifications, documents, forms and other information covering that part of the work for which application for a *partial permit* is made, together with such information pertaining to the remainder of the work as may be required by the *chief building official*.
- 4.10. The *chief building official* may issue a *partial permit* when the *chief building official* determines it is appropriate to expedite substantial construction before a *permit* for the entire building is available and where the relevant provisions of this By-law and the *Act* are met.
 - 4.10.1. When determining whether to issue a *partial permit*, the *chief building official* shall have regard for the likelihood of subsequent approvals being available in a timely fashion such that a project is not interrupted and exposed to potential damage from the elements while awaiting subsequent approvals.
- 4.11. The *chief building official* shall not, by reason of the issuance of a *partial permit* pursuant to this By-law, be under any obligation to grant any additional *permits*.

Applications for *Conditional Permits*

- 4.12. An application for a *conditional permit* cannot be filed until plans review of the scope of work is complete.
- 4.13. In addition to the requirements of Subsection 4.7, where a *conditional permit* is requested, the *applicant* shall:
 - 4.13.1. complete an application on a form prescribed by the *chief building official*; and
 - 4.13.2. submit documents and drawings prescribed in Schedule B of this By-law.
- 4.14. The *chief building official* may, at his or her discretion, issue a *conditional permit* where unreasonable delays are anticipated in obtaining all necessary approvals and where the relevant provisions of this By-law and the *Act* are met.

Applications for *Permits* for Change of Use

- 4.15. Every application for a *permit* for a change of use shall:
 - 4.15.1. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 and Schedule B of this By-law;

Application for a *Certified Model*

- 4.16. An *applicant* may file an application for a *certified model*.
- 4.17. Every application for a *certified model* shall;

- 4.17.1. be made on an application form prescribed by the *chief building official*; and
 - 4.17.2. be accompanied by the plans, specifications, documents, forms and other information prescribed in Section 5 of this By-law.
- 4.18. Plans and specifications forming part of each *certified model* application shall be deemed to form part of the *permit* documents of each *permit* subsequently issued under the *Act*.

Abandoned *Electronic Submissions* and *Permit Applications*

- 4.19. Where an electronic submission has not been completed within 20 business days of creation, the electronic submission may be deemed by the *chief building official* to have been abandoned.
- 4.20. Where an application for a *permit* was accepted and the estimated permit fees are unpaid for three months after the *applicant* was advised in writing of the estimated permit fees, the application may be deemed by the *chief building official* to have been abandoned and written notice of the cancellation thereof shall be given to the *applicant*.
- 4.21. Where an application for a *permit* remains incomplete and inactive for six months after the *applicant* has been advised in writing of all the reasons for refusal, the application may be deemed by the *chief building official* to have been abandoned and written notice of the cancellation thereof shall be given to the *applicant*.

Revisions to *Permits*

- 4.22. After the issuance of a *permit* under the *Act*, the *applicant* shall give notice to the *chief building official* in writing of any material change to a plan, specification, document or other information upon which a *permit* was issued, together with the details of such change, which change shall not be made without the prior written authorization of the *chief building official*.
- 4.23. Application for authorization of any substantial change shall constitute a *revised submission* or a *supplementary submission*.

5. PLANS AND SPECIFICATIONS

- 5.1. As part of the application for a *permit* and in addition to the requirements of Section 4 of this by-law, every *applicant* shall submit to the *chief building official* the following:
- 5.1.1. sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by the *chief building official* to determine whether the proposed construction, demolition, or change of use conforms to the *Act*, the *Building Code*, and any other applicable law;
 - 5.1.2. Where a site plan is required to satisfy Section 5.1.1, the site plan shall reference a current plan of survey certified by a registered Ontario Land Surveyor and shall include:
 - 5.1.2.1. lot size and dimensions of the property;
 - 5.1.2.2. setbacks from existing and proposed buildings to property boundaries and to each other;
 - 5.1.2.3. existing and finished ground levels or grades; and
 - 5.1.2.4. existing rights of way, easements and municipal services; and
 - 5.1.2.5. a copy of a current plan of survey, unless the *chief building official* waives this requirement.

- 5.2. As part of an application for a *certified model*, every applicant shall submit to the *chief building official* sufficient plans, specifications, documents, forms and such other information as may be deemed necessary by the *chief building official* to determine whether the proposed construction conforms to the *Building Code*.
- 5.3. Plans, specifications and other documents submitted by an *applicant* shall:
 - 5.3.1. be fully coordinated among design disciplines and intended for construction, demolition or change of use;
 - 5.3.2. be fully dimensioned and drawn to a suitable scale that clearly depicts the proposed construction, demolition or change of use;
 - 5.3.3. be in the form of an *electronic submission*; and
 - 5.3.4. contain information and text that is clear and legible.
- 5.4. Unless otherwise deemed necessary by the *chief building official*, every application shall be accompanied by plans, specifications, forms, documents and other information required to facilitate the administration and enforcement of the *Building Code*.
- 5.5. On completion of the construction of a building, the *chief building official* may require the *applicant* to submit a set of as constructed plans, including a plan of survey showing the location of the building.
- 5.6. Plans and specifications submitted in accordance with this By-law or otherwise required by the *Act* become the property of the *City* and will be disposed of or retained in accordance with relevant legislation or by-law.

6. AUTHORIZATION OF ALTERNATIVE SOLUTIONS

- 6.1. Where approval for an alternative solution under the *Building Code* is being sought, the *applicant* shall submit:
 - 6.1.1. an application on a form prescribed by the *chief building official*;
 - 6.1.2. supporting documentation demonstrating that the proposed alternative solution will provide the level of performance required by the *Building Code*; and
 - 6.1.3. payment of the required fee prescribed by Schedule A.

7. FEES AND REFUNDS

- 7.1. The *chief building official* shall determine the required application fees in accordance with Schedule A to this By-law.
- 7.2. The *chief building official* shall not issue a *permit* until fees required by this By-law have been paid in full by the *applicant*.
- 7.3. In addition to the fees paid at the time of building *permit* application, when an *applicant* makes *supplementary submissions* and *revised submissions*, the *applicant* shall pay the prescribed fee which shall be calculated in accordance with Schedule A.
- 7.4. In the case of withdrawal or abandonment of an application, or refusal or revocation of a *permit*, and upon written request by the *applicant*, the *chief building official* may refund any unearned fees which shall be calculated in accordance with Section 4 of Schedule A.

8. TRANSFER OF PERMITS

- 8.1. Upon change of ownership, *permit* applications and *permits* must be transferred to the new *owner* with the approval of the *chief building official*.
- 8.2. To transfer a *permit* application or *permit*, the new *owner* shall complete and submit an application form in accordance with the requirements of

Section 4 of this by-law and pay the required fee as prescribed by Schedule A.

- 8.3. Upon the transfer of the *permit* by the *chief building official*, the new owner shall be the *permit holder* for the purpose of this By-law, the *Act* and the *Building Code*.

9. NOTICES FOR INSPECTIONS

- 9.1. Inspection notices required by the building code and this By-law shall be made using the City's online permit inspection request system.
- 9.2. Inspection notices are required a minimum of two business days prior to the stages of construction specified therein and shall be given in accordance with the requirements of Subsection 1.3.5 of Division C of the *Building Code*.
- 9.3. The person to whom the *permit* has been issued shall notify the *chief building official* or a *Registered Code Agency* where one is appointed, of each stage of construction for which a notice is prescribed by the *Building Code*.
- 9.4. Notwithstanding Section 10 of this By-law, the person to whom the *permit* has been issued shall notify the *chief building official* of the date of completion of the building or demolition work no more than two days after that date.
- 9.5. In addition to the notices prescribed in Article 1.3.5.1 of Division C of the *Building Code*, the person to whom a *permit* has been issued shall give the *chief building official* notice of the readiness for inspection for the following stages of construction, where applicable:
- 9.5.1. commencement of construction of the building
 - 9.5.2. commencement of construction of:
 - 9.5.2.1. masonry fireplaces and masonry chimneys,
 - 9.5.2.2. factory-built fireplaces and allied chimneys,
 - 9.5.2.3. stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys
 - 9.5.3. substantial completion of interior finishes

10. REGISTERED CODE AGENCIES

- 10.1. The *chief building official* is authorized to enter into and sign contracts for service agreements with *Registered Code Agencies* and appoint them to perform specified functions from time to time in order to maintain the time periods for *permits* prescribed in Article 1.3.1.3. of Division C of the *Building Code*.
- 10.2. A *Registered Code Agency* may be appointed to perform one or more of the specified functions described in Section 15.15 of the *Act*.

11. FENCING CONSTRUCTION SITES

- 11.1. Where, in the opinion of the *chief building official*, a construction or demolition site presents a hazard to the public, the *chief building official* may require the *permit holder* to erect such fencing to the standards and specifications that the *chief building official* deems to be appropriate in the circumstances.
- 11.2. When determining if a construction or demolition site presents a hazard to the public and requires the erection of fencing and the type of fencing required, the *chief building official* shall have regard to:

- 11.2.1. the proximity of the construction site to occupied dwellings;
 - 11.2.2. the proximity of the construction site to lands accessible to the public, including but not limited to streets, parks, and commercial and institutional activities;
 - 11.2.3. the hazards presented by the construction activities and materials;
 - 11.2.4. the feasibility and effectiveness of site fencing; and
 - 11.2.5. the duration of the hazard.
- 11.3. When the *chief building official* is of the opinion that fencing is required, the *permit holder* shall, prior to the issuance of any construction or demolition permit, erect or cause to be erected fencing to the following minimum standards:
- 11.3.1. Minimum of 1800 mm in height
 - 11.3.2. Maximum of 2300 mm in height
 - 11.3.3. Full height screening with a minimum opaqueness of 90%, and
 - 11.3.4. Fencing must be located entirely within the subject property lines unless otherwise authorized.
- 11.4. For the purposes of this Section, construction or demolition site shall include the area of the proposed construction or demolition and any area where materials or equipment are stored or operated.

12. OFFENCES AND PENALTIES

- 12.1. Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to a fine as provided for in the *Act*.

13. SEVERABILITY

- 13.1. Should any section, subsection, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

14. MISCELLANEOUS

- 14.1. All Schedules shall be and form part of this By-law.
- 14.2. A reference to the singular or to the masculine shall be deemed to refer to the plural or feminine as the context may require.

15. REPEAL AND TRANSITION

- 15.1. By-law Number 2020-140 is hereby repealed upon the date that this by-law comes into force.
- 15.2. Notwithstanding Sections 15.1 and 16.1 of this by-law, for any *complete application* received prior to the effective date of this by-law, the provisions of By-law Number 2020-140 shall remain in force and effect for the purpose of that application.
- 15.3. Applications that are not *complete applications* as defined in this by-law, shall be subject to the within by-law irrespective of the date the initial application was made.

16. EFFECTIVE DATE

16.1. This by-law shall come into force on the 1st day of January 2022.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
XXth DAY OF MONTH, 2021.

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

SCHEDULE A

CLASSES OF *PERMITS*, FEES AND REFUNDS

1. FEES

- 1.1 All fees shall be paid in full at the time of acceptance of the permit application.
- 1.2 The fee for the *pre-application review* of applications shall be \$100. This fee is non-refundable and a credit for this fee will be applied to the total building *permit* fee.

2. CALCULATION OF *PERMIT* FEES

- 2.1 *Permit* fees shall be calculated on the basis of:
 - 2.1.1 the flat rate where indicated in Column 5 of Table 1 of this Schedule;
 - 2.1.2 the product of the applicable fee multiplier in Column 4 of Table 1 of this Schedule and the related floor area or other measure specified in Column 3; or
 - 2.1.3 where a fee is not listed in Table 1, \$40 for each \$1,000 or part thereof of the construction value prescribed by the chief building official.
- 2.2 Except for classes of *permits* subject to flat rates, fees shall be based on the appropriate measure of the floor area of the project.
- 2.3 Except where otherwise exempt, in addition to the fees calculated according to Subsections 2.1 and 2.2 fees shall also be assessed according to the number of plumbing fixtures and the size of supply piping and drainage piping as applicable.
- 2.4 Section B of Table 1 of this Schedule applies where the scope of work does not affect any exterior wall or exterior roof assembly in existing construction.
- 2.5 Fees charged for the review of *certified models* shall be calculated using a fee multiplier equivalent to that applicable to Single or Semi Detached Dwellings determined in accordance with Subsections 2.11 to 2.13 of this Schedule. Where a certified model includes an accessory apartment, the fee listed in Table 1, Section A, line A7 shall apply to the gross floor area of the dwelling unit and the accessory apartment.
- 2.6 Where an application for a new dwelling unit listed under Table 1, Section A, line A6 and A7 contains an accessory apartment, the fee listed in Table 1, Section A, line A7 shall apply to the gross floor area of dwelling unit and the accessory apartment.
- 2.7 In addition to the fees calculated in accordance with Table 1 paid at the time of building *permit* application, fees for *supplementary submissions* and *revised submissions* shall be calculated at \$120/hour spent determining compliance with the Building Code, applicable law and submission standards. *Supplementary submission* fees are nonrefundable.
- 2.8 Where *supplementary submissions* or *revised submissions* include certification of applicable law compliance, and in which compliance or applicability was incorrectly declared at the time of *permit* application, a fee of \$300 for each applicable law certification shall apply.
- 2.9 Where an application form other than an applicable law checklist is required to be revised to reflect incorrectly declared information, a fee of \$250 applies.
- 2.10 In addition to the fees calculated in accordance with Table 1, each application for consideration of an alternative solution shall be accompanied by a non-refundable fee of \$3,000 for multiple-unit residential projects and

non-residential projects (per building) and \$800.00 for low rise residential (including singles, semis (per unit), townhouse (per unit), decks, porches, and sheds). Where a *supplementary submission* is made for an alternative solution, a flat fee of \$250.00 will apply and is due at the time of resubmission. Additional fees for outside consultants are due when applicable.

- 2.11 When calculating fees based on floor areas, floor area is measured to the outer face of exterior walls and to the centreline of party walls or demising walls, except when calculating interior partition work. When measuring floor area for interior partitioning, corridors, lobbies, washrooms, lounges, and other similar facilities are to be included and classified according to the major occupancy classification for the floor area with which they are associated. Where these areas are constructed in a shell-only building, fees shall be calculated at the applicable partitioned rate in Table 1.
- 2.12 When measuring floor area, no deductions shall be allowed for floor openings required for such facilities as stairs, elevators, escalators, shafts and ducts. Interconnected floor spaces and atriums above their lowest level may be deducted from measured floor area.
- 2.13 Where incorporated with an application for a class of dwelling described in Rows A6 or A7 of Table 1, no additional fee is required for decks, fireplaces, unfinished basements, attached garages, heating or plumbing systems.
- 2.14 Where incorporated with an application for a class of permit described under Section A and B of Table 1, no additional fee shall be levied for the scope of work described in Sections D and G of Table 1 that form part of the work proposed under the application.
- 2.15 For any permit application for a class of permit described under Section B of Table 1, floor area used for the calculation of fees shall be the lesser of:
 - 2.15.1 the area contained within a single rectangle encompassing all of the proposed work, or
 - 2.15.2 the actual area of the tenant space;
- 2.16 The occupancy classifications used in this By-law are based on the *Building Code* occupancy classifications. For mixed occupancy classifications, the total payable fee shall be calculated by applying the fee multiplier for each occupancy prescribed in Table 1 to the floor area measured for each individual occupancy and taking the sum of the fees calculated for each occupancy.
- 2.17 For *permits* for change of use, the fee multiplier for the proposed occupancy will be applied to the entire floor area subject to the change of use.
- 2.18 Where a change of use *permit* is denied, the fees paid may be credited to a building *permit* which incorporates the construction required to accommodate the change of use.
- 2.19 Except for temporary buildings on construction sites for offices, fees for temporary buildings, including tents, stages and bleachers, apply to buildings erected for less than 12 weeks.
- 2.20 The permit fee for the remediation, restoration, or demolition of premises used for the production of illicit substances is \$5,000. Administrative fees in accordance with Section 5 of this Schedule are in addition to this fee.

3. MINIMUM FEE

- 3.1 Except where a flat fee applies, the minimum fee for any permit application for work proposed in Group C residential occupancies in Sections A, B, D, and E of Table 1 shall be \$120;

- 3.2 Except where a flat fee applies, the minimum fee for any permit application for work proposed in Group A, B, D, E and F occupancies in Sections A, B, D, and E of Table 1 shall be \$500.
- 3.3 A flat fee of \$2000 will be added to fees listed in Table 1, Section E for private servicing of multiple lots.
- 3.4 A flat fee of \$500 will apply to the reinstallation of a previously approved air supported structure listed in Table 1, Section A, Line A31.

4. CALCULATION OF REFUNDS

- 4.1 Pursuant to Section 7 of this By-law, refunds shall be calculated as follows:

Refund = [*Permit Fee Paid*] – [*Total Permit Fees Payable* x % *Permit Fee Earned*]

- 4.2 The proportion of the total *permit* fee payable is earned according to the following schedule:
 - 4.2.1 10% if administrative functions only have been performed
 - 4.2.2 50% if administrative functions, zoning review and/or all or part of the *Building Code* review have been performed; and
 - 4.2.3 65% if all administrative functions and reviews have been completed and the building permit has been issued or is available to be issued.
- 4.3 No refund is available for:
 - 4.3.1 Flat fees prescribed in Column 5 of Table 1;
 - 4.3.2 minimum fees prescribed in Section 3 of this Schedule;
 - 4.3.3 fees in the amount of \$500 or less;
 - 4.3.4 reduced area of work where the scope of work is reduced more than 2 business days after the application is filed;
 - 4.3.5 incorrect work area declaration at the time of application;
 - 4.3.6 where a permit is revoked, except where a permit is issued in error, or the applicant requests revocation no more than six months after the permit is issued;
 - 4.3.7 applications or permits where construction or demolition has commenced;
 - 4.3.8 applications cancelled more than 2 years after the *permit* application date; or
 - 4.3.9 administrative fees listed in Section 5 of this Schedule.
- 4.4 Pursuant to Section 10 of this by-law, 20% of the applicable permit fee paid shall be refunded where an application was made using a Registered Code Agency appointed under a service agreement with the Chief Building Official, those services are fully paid for by the applicant and have been completed in accordance with the building code, and the Final Certificate as defined by the *Building Code Act* has been submitted to the Chief Building Official.

5. ADMINISTRATIVE FEES

- 5.1 To offset additional investigative and administrative costs, a non-refundable fee of \$420 shall be paid where any Order to Comply is issued pursuant to Section 12 or Section 13 of the *Act* and an additional fee of \$1,050 shall be paid where any Stop Work Order is issued pursuant to Section 14 of the *Act*. Payment of these fees does not relieve any person or corporation from complying with the *Act*, the *Building Code* or any applicable law.
- 5.2 To offset additional costs associated with the investigation, inspection, administration and rectification of unsafe buildings pursuant to Section 15.9 of the *Act*, a non-refundable fee of \$525 shall be paid where any Unsafe

Order is issued, and an additional non-refundable fee of \$1,050 shall be paid where any Order respecting Occupancy is issued. Where an Unsafe Order or an Order respecting Occupancy has been issued, every subsequent visit to the site required to determine compliance with the Order(s) will be charged at \$120 per hour with a minimum of 3 hours charged per visit during non-business hours. Payment of these fees does not relieve any person or corporation from complying with the Act, the Building Code or any applicable law.

- 5.3 Where construction has started prior to the issuance of a building permit and where an Order to Comply (OTC) and/or a Stop Work Order (SWO) has been issued, an additional fee equal to 50% of the total permit fee due up to a maximum of \$5,000 will be paid prior to the issuance of the permit. Payment of these fees does not relieve any person or corporation from complying with the Act, the Building Code or any applicable law.
- 5.4 Where construction has started prior to the issuance of a building permit and where an Order to Comply (OTC) and/or a Stop Work Order (SWO) has been issued, the *Owner* shall, if ordered to do so by the *Chief Building Official*,
 - 5.4.1 provide proof that the construction complies with this By-Law, the *Building Code* and any applicable law;
 - 5.4.2 carry out test and investigations by independent agencies, at the cost of the *Owner*, to determine if the construction complies with the *Building Code*;
 - 5.4.3 carry out test and investigations by independent agencies, at the cost of the *Owner*, to determine appropriate remedial measures to ensure construction complies with the *Building Code*;
 - 5.4.4 provide to the *Chief Building Official*, at the cost of the *Owner*, the result of any test and investigation ordered by the *Chief Building Official*, and
 - 5.4.5 provide documentation to the satisfaction of the *Chief Building Official* to establish that all remedial measures to ensure the construction complies with *Building Code* have been completed.
- 5.5 Where an Order issued under Sections 12(2), 13(1), 13(6), 14(1), 15.9 (4), 15.10.1 (2) or 18(1) of the Building Code Act and has been deemed Inactive, a maintenance fee of \$1,000 shall be charged immediately and \$1,000 per year thereafter until the Order has been deemed complied with by the Building Standards Department
- 5.6 Once a permit application has been accepted, the non-refundable fee to transfer the application to a new permit applicant or *permit holder* or to change the project address is \$300.
- 5.7 To transfer a *permit* from one *permit holder* to another, a non-refundable fee of \$300 shall be payable.
- 5.8 Except as provided in Section 5.10, for written requests for information concerning a property's compliance with the *Building Code* and applicable law, the non-refundable fee shall be \$200.
- 5.9 For written requests for information to support Provincial license applications unrelated to a current *permit* or *permit* application, the non-refundable fee shall be \$500. Where there is a current *permit* or *permit* application, the non-refundable fee shall be \$250.
- 5.10 For the reproduction of documents, the fee shall be \$10 plus 110% of the cost of reproduction, plus a fee for *City* staff preparation time at \$120/hour.

- 5.11 Where a requested inspection reveals an infraction which was identified at a previous inspection and not remedied, an additional fee of \$150 shall be payable prior to subsequent inspections being scheduled.
- 5.12 Where an inspector determines that work for which an inspection has been requested is not sufficiently complete to allow proper inspection, an additional fee of \$150 shall be payable prior to subsequent inspections being scheduled.
- 5.13 For phased projects, in addition to the *permit* fee for the complete building, an additional fee of \$750 shall be payable for each phase not applied for at the time of the initial *permit* application.
- 5.14 For *conditional permits*, the conditional permit fee shall be the total *permit* fee for the proposed construction plus a non-refundable additional 10% of that fee.
 - 5.14.1 A minimum additional fee of \$3,000 and a maximum additional fee of \$6,000 applies to *conditional permits*.
 - 5.14.2 Where the conditions of the *conditional permit* agreement have not been met and the *conditional permit* expiration date is required to be extended, a non-refundable fee equal to the original conditional permit fee shall apply to each extension.
 - 5.14.3 Where there is an outstanding Order to Comply at the time of conditional permit extension, the non-refundable renewal fee will be equal to the original *conditional permit* fee plus 50%.
 - 5.14.4 In addition to the non-refundable fee, a letter of credit is required for every *conditional permit* or phased *conditional permit*.
- 5.15 Notwithstanding Subsection 2.7 of this Schedule, for changes of house models, an additional fee of \$300 plus the fee in Table 1 corresponding to new home construction for any resulting increase in floor area shall be payable. Where the floor area is reduced, no refund applies.
- 5.16 Where a permit is issued and construction has not seriously commenced within 12 months, the non-refundable fee to extend the permit will be \$500 or the permit fee paid, whichever is less.
- 5.17 When a *permit* is suspended or is deemed incomplete and an inspection is subsequently requested, an additional fee shall be required to be paid to re-activate the permit prior to any such inspection. For housing permits the re-activation fee is \$200 and for non-housing permits the fee is \$500.
- 5.18 Pursuant to Section 10 of this by-law, where an application is made using a Registered Code Agency appointed under a service agreement with the Chief Building Official, and those services are fully paid for by the applicant, the applicable fee shall be reduced by 20% at the time a complete application is filed with a Plan Review Certificate as defined by the *Building Code Act*.
- 5.19 For review and approval of spatial separation agreements required by Division B of the *Building Code* a fee of \$500 per lot applies.
- 5.20 Fees for Zoning Preliminary Reviews will be as follows:
 - 5.20.1 \$250 for low rise residential (including singles, semis (per unit), townhouse (per unit), decks, porches, sheds, and driveways);
 - 5.20.2 \$500 for interior alterations (including parking calculation) (per unit);
 - 5.20.3 \$1000 for multiple-unit residential projects and non-residential projects (per building); and
 - 5.20.4 \$800 per proposed lot where the review is in support of a land division application.

- 5.21 The non-refundable fee shall be \$50 for written requests for information concerning a property's zoning designation, permitted uses and development standards.
- 5.22 Fees for *Pre Permit Consultation* shall be \$750 for the first review. Where a *supplementary submission* is made for a Pre Permit Consultation, a fee of \$250 will apply and is due at the time of resubmission.
- 5.23 Where a building permit has been issued for an *infill residential* dwelling and where an occupancy permit has not been issued; a permit maintenance fee of \$2000 will be charged yearly commencing 24 months after the date of permit issuance.
- 5.24 *Partial Occupancy Permits* of unfinished buildings issued under Division C, Part 1, Section, 1.3.3 of the *building code* will be charged at \$150 per dwelling unit listed per certificate and \$1000 each for all other partial occupancy certificates.
- 5.24.1 The *Chief Building Official* may impose conditions on a partial occupancy permits;
- 5.24.2 The *Chief Building Official* may revoke a *partial occupancy permit* if the *Permit Holder* fails to comply with the conditions imposed by the *Chief Building Official*;
- 5.24.3 The *Chief Building Official* may revoke a *partial occupancy permit* if the *Owner* fails to comply with any permit relating to the building.

TABLE 1 - Calculation of Permit Fees				
1	2	3	4	5
Class of Permit, Occupancy Classification and Work Description			\$/m²	Flat Fee
Section A: CONSTRUCTION of new buildings, additions to existing buildings, including Mezzanines or new intermediate floors				
A1	Group A Assembly	Transportation Terminals	\$21.20	
A2		Portable classrooms (each) (new or relocated)		\$649
A3		Outdoor Pool	\$14.80	
A4		All Other Assembly Occupancies	\$25.48	
A5	Group B: Institutional		\$27.58	
A6	Group C: Residential	Single Detached Dwelling (SDD)	\$19.26	
A7		Multiple Unit buildings less than 4 storeys high	\$23.92	
A8		Multiple Unit buildings greater than 3 storeys, less than 7 storeys	\$23.93	
A9		Multiple Unit buildings greater than 6 storeys high	\$17.77	
A10		Repeat of Previously approved <i>Certified Model</i>	\$15.79	
A11		Hotel / Motel	\$25.48	
A12		Unfinished Basement / Foundations	\$6.57	
A13		Detached or semi-detached garage/carport		\$618
A14		Garage incorporating a dwelling unit (GDU)		\$1,800
A15		Repeat of previously approved GDU		\$1,118
A16		Accessory utility building (ie. Garden shed, Gazebo) less than 20 m²		\$134
A17		Accessory utility building (ie. Garden shed, Gazebo) 20 m² or greater		\$850
A18		Deck / Balcony / Covered Porch (each)		\$134
A19	Group D: Business and Personal Services	Shell Only (including unfinished basement)	\$16.43	
A20		Partitioned / Finished / Mezzanine	\$21.20	
A21		Temporary Real Estate Sales Office		\$2,500
A22	Group E: Mercantile	Shell Only (including unfinished basement)	\$13.81	
A23		Partitioned / Finished / Mezzanine	\$18.08	
A24	Group F: Industrial	Shell Only (including unfinished basement)	\$10.68	
A25		Partitioned / Finished / Mezzanine	\$14.78	
A26		Gas Station / Canopy, Car Wash	\$13.65	
A27		Repair garage	\$14.78	
A28		Parking Garage (underground, open air)	\$10.68	
A29		Farm Building	\$5.84	
A30		Rack Storage Systems regulated by the Building Code	\$10.68	
A31	All Occupancies	Permanent Tent / Air supported structure	\$7.64	
A32		Repair / reclad wall or replace roof structure	\$1.97	
A33		Ceiling (new or replacement)	\$0.53	
A34		Mechanical Penthouse	\$10.68	
A35		Temporary Building (Tent, Stages)		\$275
A36		Shoring (/m of length)	\$16.43	
A37		Underpinning (/m of length)	\$16.43	
A38	Designated Structures	Communication Tower		\$393
A39		Crane Runway		\$585
A40		Exterior Storage Tank		\$393
A41		Pedestrian Bridge (/m of length)	\$45.53	
A42		Retaining Wall (/m of length)	\$22.76	
A43		Sign regulated by the Building Code		\$393
Section B: ALTERATION or repair to existing construction and CHANGE OF USE(as defined by the Ontario Building Code)				
B1	Group A: Assembly	Restaurant	\$10.64	
B2		All other assembly occupancies	\$7.35	
B3	Group B: Institutional		\$7.35	
B4	Group C: Residential	Accessory Apartment	\$19.26	
B5		All other Residential occupancies	\$7.35	
B6		Exterior door or door from garage into dwelling		\$435
B7		Below grade stair		\$435
B8		Elevator (Housing Permits only)		\$435
B9	Group D: Business and Personal Service		\$7.35	
B10	Group E: Mercantile	Restaurant	\$10.64	
B11		All other mercantile occupancies	\$7.35	
B12	Group F: Industrial		\$6.70	
B13	All Occupancies	Electromagnetic Locking Device (\$649 + \$132/additional device)	\$132	\$649
B14		Parking Structure Repair	\$1.97	
B15		Balcony Guard Replacement (/m of length)	\$2.38	
B16		Window Replacement or Enlargement (each)	\$8.21	
Section C: DEMOLITION				
C1	Group C: Residential Housing	Single / Semi-detached dwelling		\$662
C2	Group C: Residential Housing	Accessory building		\$221
C3	All Other Occupancies	Complete / Partial / Interior Demolition (\$1,092 minimum fee)	\$0.19	
Section D: MECHANICAL and FIRE PROTECTION WORK (Proposed as stand alone work)				
D1	All Occupancies	Heating, ventilation, air conditioning	\$1.28	
D2		Fire Alarm System (per storey)	\$428	
D3		Replacement Annunciator/Control Panel only (per storey served)	\$428	
D4		Sprinkler System	\$1.28	
D5		In-rack sprinkler System	\$1.28	
D6		Standpipe System (per riser)	\$168	
D7		Emergency Power		\$822
D8		Emergency Lighting (per storey)	\$220	
D9		Fireplace / Woodstove		\$134
D10		Heating plant replacement		\$215
D11		Special Ventilation Systems (each)		\$649
Section E: PLUMBING				
E1	Residential Service Connections	Service Connection (per lot)		\$200
E2	All Occupancies	Each fixture	\$19.50	
E3		Each Appliance	\$19.50	
E4		Each Rain Water Hopper	\$19.50	
E5		Conversion from Septic System to sewer		\$500
E6		Testable backflow preventer (\$300 +\$100/additional device)	\$100	\$300
E7		Water service (/length in m)	\$19.50	
E8		Building sanitary/storm drain and sanitary/storm sewers (/length in m)	\$19.50	
E9		Replacement or re-lining of water distribution piping (/length in m)	\$19.50	
E10		Each Manhole	\$57.50	
E11		Each Catchbasin	\$57.50	
E12		Each Area Drain	\$57.50	
E13		Each Backwater Valve / Sump Pump / Sewage Ejector	\$134	
Section F: ON-SITE SEWAGE SYSTEMS (Proposed separately or in conjunction with other construction)				
F1		New System		\$1,950
F2		Replacement of Leaching Bed		\$1,045
F3		Replacement of Septic Tank or Minor Repair of Part of a System		\$649
F4		Evaluation of System (no alterations required)		\$261
F5		Review of Clearances Only		\$261
Section G: GREEN ENERGY SYSTEMS (Proposed as stand alone work)				
G1		Solar domestic hot water systems (serving individual dwellings)		\$134
G2		Solar domestic hot water systems (serving all other buildings)		\$712
G3		Solar photovoltaic systems (serving individual dwellings)		\$134
G4		Solar photovoltaic systems (serving all other buildings)		\$712
G5		Geothermal Systems		\$431
G6		Wind Turbines (per turbine)		\$286
G7		Drain water heat recovery unit (serving individual dwellings)		\$134

Schedule B

Documents & Drawings Required For A *Complete Application* (Paper or Digital Media). All digital media must comply with the Submission Standards approved by the Chief Building Official.

Row	Class of Permit	Documents and Drawings Required
1	All Permits	Documents <ul style="list-style-type: none">a. Building Permit Application Form * (not required for <i>electronic submissions</i>)b. Applicable Law Checklist *c. Permit Applicant Authorization Form *
2	Permit to Construct Housing Detached Houses, Semi-detached Houses, Duplex/Triplex/Fourplex, Townhouse blocks less than 4 storeys, Accessory buildings <ul style="list-style-type: none">• New Buildings• Additions• Alterations• Accessory Buildings	Documents <ul style="list-style-type: none">a. Schedule 1 *b. Schedule 2 *c. Energy Efficiency Design Summary Form *d. Plumbing Data Housing Form *e. Approval documents required by an applicable lawf. Subsurface Investigation Reportg. Heat loss / heat gain / duct calculations (per dwelling unit)h. Residential Mechanical Ventilation Summaryi. Demolition Checklist for <i>infill residential</i> projects Drawings <ul style="list-style-type: none">j. Site Plank. Municipally Approved Site Grading Planl. Architectural Drawings (including block floor plans for each floor, block roof plans and block elevations for townhouse blocks)m. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings)n. Structural Drawingso. Roof truss / Pre-engineered floor system shop drawingsp. HVAC Drawingsq. On-site <i>Sewage System</i> Drawings (including On-Site <i>Sewage System</i> Statement of Design)r. Demolition Plan for <i>infill residential</i> projectss. Temporary shoring design for <i>infill residential</i> projects where the foundation wall of the new dwelling / addition is 1.8 m or less from a property line, or the extent of excavation is within 1.2 m of the property line or where otherwise determined by the <i>chief building official</i>
3	Permit to Construct Non-Housing – New Construction Non-residential buildings, Residential Apartment Buildings, Mixed-Use Buildings <ul style="list-style-type: none">• New Buildings• Additions• Change of Use	Documents <ul style="list-style-type: none">a. Building and Land Use Declaration Form *b. Schedule 1 *c. Schedule 2 *d. Commitment to General Review *e. Energy Efficiency Form *f. Plumbing Data Form *g. Approval documents required by an applicable lawh. Subsurface Investigation Reporti. Heat loss / heat gain / duct calculationsj. Mechanical equipment and design specificationsk. Construction Site Fire Safety Plan (for mid-rise wood construction projects) Drawings <ul style="list-style-type: none">a. Site Planb. Municipally Approved Site Servicing Plan indicating all services (domestic water, fire protection, sanitary and storm sewers, laterals servicing buildings) and clearly indicating the area(s) that are municipally and privately owned.c. Architectural Drawings, including:<ul style="list-style-type: none">i. Building Code Compliance Matrixii. Fire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings)d. Structural Drawingse. Electrical Drawingsf. Roof truss / Pre-engineered floor system shop drawingsg. Mechanical Drawings (HVAC, plumbing, fire protection systems)h. On-site <i>Sewage System</i> Drawings (including On-Site <i>Sewage System</i> Statement of Design)

Row	Class of <i>Permit</i>	Documents and Drawings Required
4	<i>Permit to Construct</i> Non-Housing – Alterations Non-residential buildings, Residential Apartment Buildings, Mixed-Use Buildings <ul style="list-style-type: none">AlterationsTenant Improvements	Documents <ul style="list-style-type: none">Building and Land Use Declaration Form *Schedule 1 *Commitment to General Review *Energy Efficiency Form *Plumbing Data Form *Approval documents required by an applicable lawHeat loss / heat gain / duct calculationsMechanical equipment and design specifications Drawings <ul style="list-style-type: none">Site PlanKey PlanArchitectural Drawings, including:<ul style="list-style-type: none">Building Code Compliance MatrixFire Separation / Fire-Resistance Rating Drawings (plan and section, for all multi-unit buildings)Structural DrawingsElectrical DrawingsMechanical Drawings (HVAC, plumbing, fire protection)
5	<i>Permit to Construct</i> Temporary Event Structures Tents, stages, bleachers	Documents <ul style="list-style-type: none">Temporary Event Structure Authorization Form *Commitment to General Review *Approval documents required by an applicable lawDocumentation confirming flame spread rating of tent material Drawings <ul style="list-style-type: none">Site PlanShop Drawings
6	<i>Permit to Demolish</i>	Documents <ul style="list-style-type: none">Commitment to General Review *Approval documents required by an applicable lawEnvironmental Building Audit Drawings <ul style="list-style-type: none">Site Plan including existing building to be demolished, construction fencing and gate access locationsDemolition Plan prepared in accordance with O.Reg. 260/08Temporary shoring design for <i>infill residential</i> projects where the foundation wall of the new dwelling is 1.8 m or less from a property line, or the extent of excavation is within 1.2 m of the property line or where otherwise determined by the <i>chief building official</i>
7	<i>Conditional Permit</i>	Documents <ul style="list-style-type: none">Conditional Permit Addendum Form *DeedConstruction Schedule

- Notes:**
- In addition to the forms listed in this table, the application may be required to submit any other form deemed mandatory by the chief building official.
 - Documents marked with an asterisk (*) are available from the chief building official.
 - The chief building official may waive the requirement for any specified documents or drawings where the scope of work, applicable law or building code does not, in the opinion of the chief building official, necessitate its submission.



Report to: Development Services Committee

Meeting Date: September 27, 2021

SUBJECT: PRELIMINARY REPORT
 Scardred 7 Company Limited
 Applications for Official Plan and Zoning By-law
 Amendment to permit a residential mixed-use development
 located at 4038 and 4052 Highway 7 East (Ward 3)
 File No. PLAN 21 120023

PREPARED BY: Dimitri Pagratis, M.C.I.P., R.P.P., ext. 2960
 Senior Planner, Central District

REVIEWED BY: Stephen Lue, M.C.I.P., R.P.P., ext. 2520
 Manager, Central District

RECOMMENDATION:

1. That the report titled “PRELIMINARY REPORT, Scardred 7 Company Limited, Applications for Official Plan and Zoning By-law Amendment to permit a residential mixed-use development located at 4038 and 4052 Highway 7 East (Ward 3), File No. PLAN 21 120023”, be received.

PURPOSE:

The purpose of this report is to provide preliminary information on the Official Plan and Zoning By-law Amendment Applications (the “Applications”) submitted by Scardred 7 Company Limited (the “Owner”) on the southern portion of the lands located at 4038 and 4052 Highway 7 East (the “Subject Lands”), as shown on Figures 1 and 3. This report contains general information regarding applicable Official Plan and/or other policies, as well as related issues and should not be taken as Staff’s opinion or recommendation on the applications.

Process to date

The subject Applications for an Official Plan Amendment and Zoning By-law Amendment were deemed complete on July 23, 2021. The *Planning Act* sets out the 120-day period after which an applicant can appeal an application to the Ontario Land Tribunal (the “OLT”) for a non-decision. This period expires on November 23, 2021 for these Applications.

The Subject Lands are situated within a development block within previously submitted applications for a Draft Plan of Subdivision and Zoning By-Law Amendment (“File SU/ZA 18 180309”), which were approved by Council on June 29, 2021, and which included the following:

Draft Approved Plan of Subdivision (See Figure 6)

- The draft plan application was for a 20 lot, single detached, residential subdivision on the north half of 4038 and 4052 Highway 7 East, and a new development block (“Block 21”) depicted as “Future Development Block (Phase 2)” on the draft plan of subdivision (See Figure 6). The subject lands are located on Block 21.

-
- The approved draft plan also consists of new public local streets, which include Tomor Drive, William Meleta Drive, and Alfredo Street.
 - The portion of the William Meleta Drive right-of-way from south of Alfredo Street to Highway 7 will be constructed as part of a future Site Plan Application on Block 21 and is comprised of three parcels (shown on Figure 6):
 - Block 25 which is part of the approved draft plan of subdivision;
 - A portion of the lands currently owned by the Audi dealership to the east, and depicted in red on Figure 6. Portions of these lands will be conveyed to the City of Markham and York Region as part of the Audi Dealership's Site Plan Application (File SPC 21 110940) that is currently under review; and
 - The portion from Block 25 to Highway 7, which is currently owned by the Region of York.

Approved Zoning By-Law Amendment (By-law 2021-49)

- In order to facilitate the draft plan application for 20 single detached residential lots, the north half of the property was rezoned from "Special Commercial 1 (SC1) Zone" under By-law 118-79, as amended, to "Residential Two Special Provision*682 (R2*682) Zone" under By-law 177-96, as amended with site-specific revisions to the development standards under Zoning By-law 2021-49.
- Zoning By-law 2021-49 also amended the minimum lot area and minimum lot frontage for the south half of the property, which is the location of the Subject Lands (i.e. Block 21), which remains under the "Special Commercial 1 (SC1) Zone", by By-law 118-79, as amended.

An Official Plan Amendment (OPA) and zoning by-law amendment (ZBA) is proposed at this time on the south half of the property to facilitate the proposed development on the Subject Lands, as explained in this report.

Next Steps:

- Holding a statutory Public Meeting at a future date, when appropriate, for the subject OPA and ZBA applications on Block 21
- Consideration of a Recommendation Report by the DSC

In the event of an approval, adoption of the site-specific Official Plan and Zoning By-law Amendments by Council would occur. Future Site Plan and Draft Plan of Condominium approvals will be required following the registration of the Draft Approved Plan of Subdivision (File SU 18 180309) approved by Council in June 2021.

BACKGROUND:

Subject Lands and Area Context

The approximately 0.83 ha (2.06 ac) Subject Lands are located on the north side of Highway 7 East, east of Village Parkway, and municipally known 4038 and 4052 Highway 7 East, as shown on Figures 1 and 3. A sales office, a one storey commercial building (former Canada Computers store), and surface parking area currently occupy the Subject Lands. Figure 3 shows the surrounding land uses.

The Proposed Development

The Owner proposes a mixed-use development consisting of a “U-shaped” building with a tiered building height that ranges from two-storeys (minimum) to 11-storeys (maximum), a landscaped courtyard, and ground related retail along Highway 7 (the “Proposed Development”), as shown on Figures 4 and 5 and detailed in Table 1 below:

TABLE 1: Proposed Development Standards	
Gross Floor Area (“GFA”)	43,495 m ² (468,175 ft ²)
Residential GFA	42,795 m ² (460,640 ft ²)
Retail GFA	700 m ² (7,535 ft ²)
Indoor Amenity Space (including Rooftop)	1,795m ²
Outdoor Amenity Space (courtyard)	1,610 m ²
Total Residential Units	450
Maximum Density	5.24 times the area of the Subject Lands (Floor Space Index – “FSI”)
Maximum Building Height	11 storeys
Total Parking (two underground levels and at grade)	514 Parking Spaces
Residential Parking (including Visitor)	496 Spaces
Retail Parking	18 Spaces
Bicycle Parking	70 Spaces (underground)

Proposed vehicular access will be from the future Alfredo Street, which provides access to underground parking ramps, loading bays, and covered at-grade parking spaces. This proposed parking area would be screened from public view and contained within the mass of the building.

Pedestrian access to the building will be from Highway 7, as well as from the future William Meleta Drive, Alfredo Street, Tomor Drive, and the exterior internal courtyard area. The development concept also proposes apartment units with entrances at grade along William Meleta Drive, Alfredo Street and Tomor Drive. The proposed retail units front directly onto Highway 7, providing public sidewalk access.

Parkland dedication is proposed as a cash in lieu payment.

Provincial and Regional Policy Conformity

In considering the Applications, Staff will assess consistency with the 2020 Provincial Policy Statement (the “PPS”), conformity with the 2019 Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”), and conformity with the York Region 2010 Official Plan (the “Regional OP”).

2014 Markham Official Plan (the “2014 Official Plan”)

The Subject Lands are designated “Mixed-Use Mid Rise” in the 2014 Official Plan. Lands designated Mixed-Use Mid Rise are priority locations for development that support residential intensification with a mix of commercial and other uses. Unless specified in a secondary plan or site-specific policy, the “Mixed-Use Mid Rise” designation permits a maximum building height of eight storeys and maximum density of 2 FSI. However, Area and Site-specific Policy 9.19.9(g) of the 2014 Official Plan applies to the Subject Lands, which specifies a maximum building height of four storeys.

Through the submitted Official Plan Amendment application, the Owner proposes to increase the permitted maximum building height and density to allow for a maximum height of 11-storeys and 450 residential units with a maximum density 5.24 FSI.

Zoning

The Subject Lands are zoned “Special Commercial 1 (SC1) Zone” under By-law 118-79, as amended by By-law 77-88 and By-law 2011-159, as shown on Figure 2. The Zoning By-law Amendment application proposes to further amend By-law 118-79 with site-specific development standards to implement the Proposed Development. This application is also required, as the approved Zoning By-Law Amendment Application (File ZA 18 180309), which enacted Zoning By-law 2021-49 only amended the minimum frontage and minimum lot area on the Subject Lands.

OPTIONS/ DISCUSSION:

The following summarizes the matters raised to date for consideration. The final Recommendation Report to the DSC will address these matters, including other matters identified through the circulation and detailed review of the Proposed Development:

- 1) Staff are reviewing the submitted Planning Justification Report and draft OPA in support of the Applications prepared by M. Behar Planning and Design Limited. Staff will provide further comments on these documents, if necessary, in a future Recommendation Report.
- 2) The appropriateness of the Proposed Development will be reviewed in the context of the following:
 - a) compatibility with the existing and planned surrounding land uses
 - b) the appropriateness of the proposed density and building height
 - c) appropriateness of existing open space and parkland facilities to service future residents, visitors, and users including the need for parkland dedication in addition to the payment of “cash-in-lieu” of parkland
 - d) built form and massing, building orientation, transitions, and angular planes
 - e) shadow impacts and wind effects
 - f) traffic impacts, parking, and transportation demand management. The applicant is requesting a reduction to the residential and visitor parking requirements set out in the City’s parking by-law.

-
- g) pedestrian connections and vehicular accesses
 - h) municipal servicing
 - i) further review of the quantity and potential need to incorporate additional non-residential land uses including, but not limited to, commercial, retail, and other community amenity uses, such as daycares
 - j) affordable housing, purpose-built rental, senior-focused housing, and family friendly units
 - k) sustainability measures, bird-friendly guidelines, and accessibility, in the context of the future Site Plan Approval applications
 - l) Public art and public benefits (Section 37 of the *Planning Act*)
- 3) The Review of all technical studies submitted in support of the Applications including, but not limited to, the following:
- a) Planning and Urban Design Justification Report
 - b) Traffic Impact Assessment (with includes a parking justification review)
 - c) Hydrogeological Analysis
 - d) Functional Servicing Report/Stormwater Management Report
 - e) Noise Feasibility Study
 - f) Pedestrian Level Wind Study
 - g) Shadow Study
4. York Region maintains jurisdiction over the Highway 7 right-of-way. The Owner must satisfactorily address York Region's requirements.
5. The Subject Lands are located within and governed by the Toronto/Buttonville Airport zoning regulation area. NavCanada and Transport Canada must satisfactorily review the impacts of the proposed building heights on Buttonville Airport. The Owner must satisfy the requirements of Toronto/Buttonville Airport, including impacts of proposed building heights on and conformity to the Buttonville Airport height restrictions.
6. Review and confirm any outstanding financial obligation including, but not limited to tree replacement/compensation, and consideration of density bonusing and community benefit contributions under Section 37 of the *Planning Act*. Cash-in-lieu of parkland dedication will be determined at the site plan agreement stage,

FINANCIAL CONSIDERATIONS AND TEMPLATE

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Proposed Development is to be evaluated in the context of growth management, environmental, and strategic priorities of Council.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Applications have been circulated to various City departments and external agencies and are currently under review.

RECOMMENDED**Ron Blake, M.C.I.P, R.P.P**

Acting Director, Planning and Urban Design

Arvin Prasad, M.C.I.P., R.P.P.Commissioner of Development
Services**ATTACHMENTS:**

Figure 1: Location Map

Figure 2: Area Context/Zoning

Figure 3: Aerial Photo

Figure 4: Conceptual Site Plan

Figure 5: Elevations

Figure 6: Draft Plan of Subdivision

AGENT:

Mr. Chris Pereira

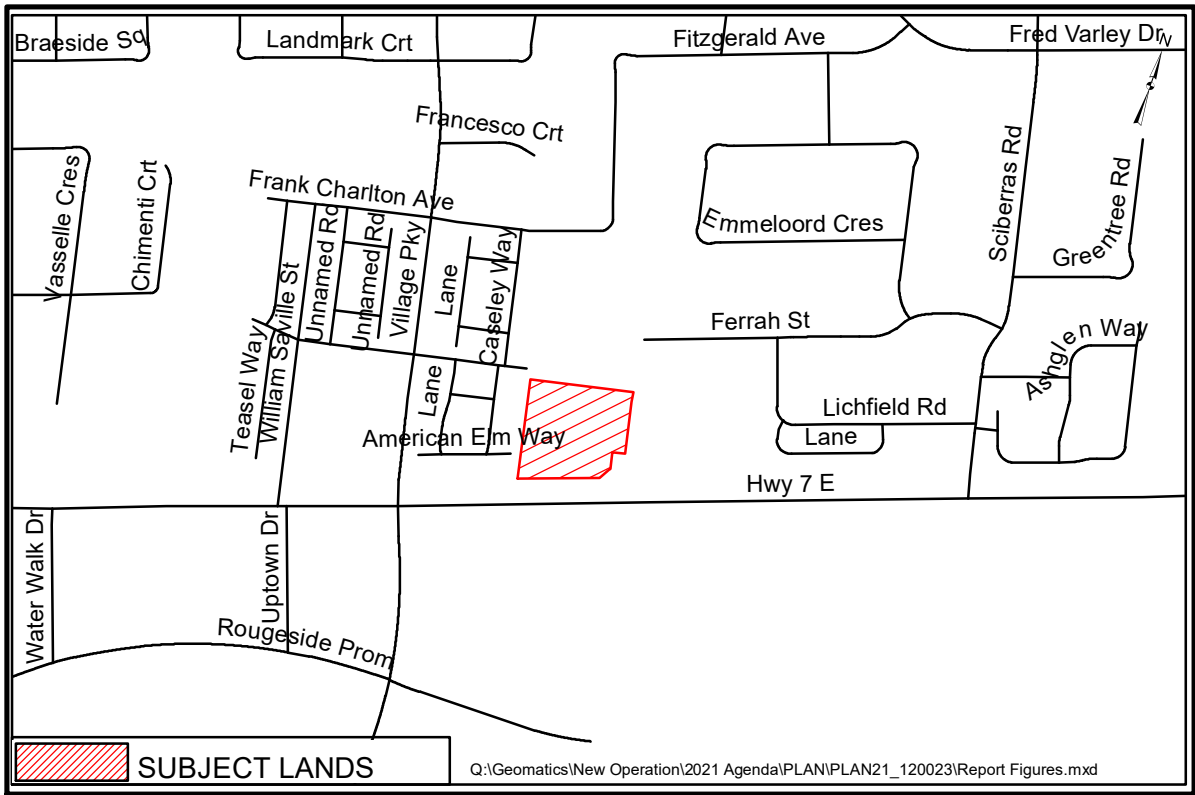
M. Behar Planning & Design Limited

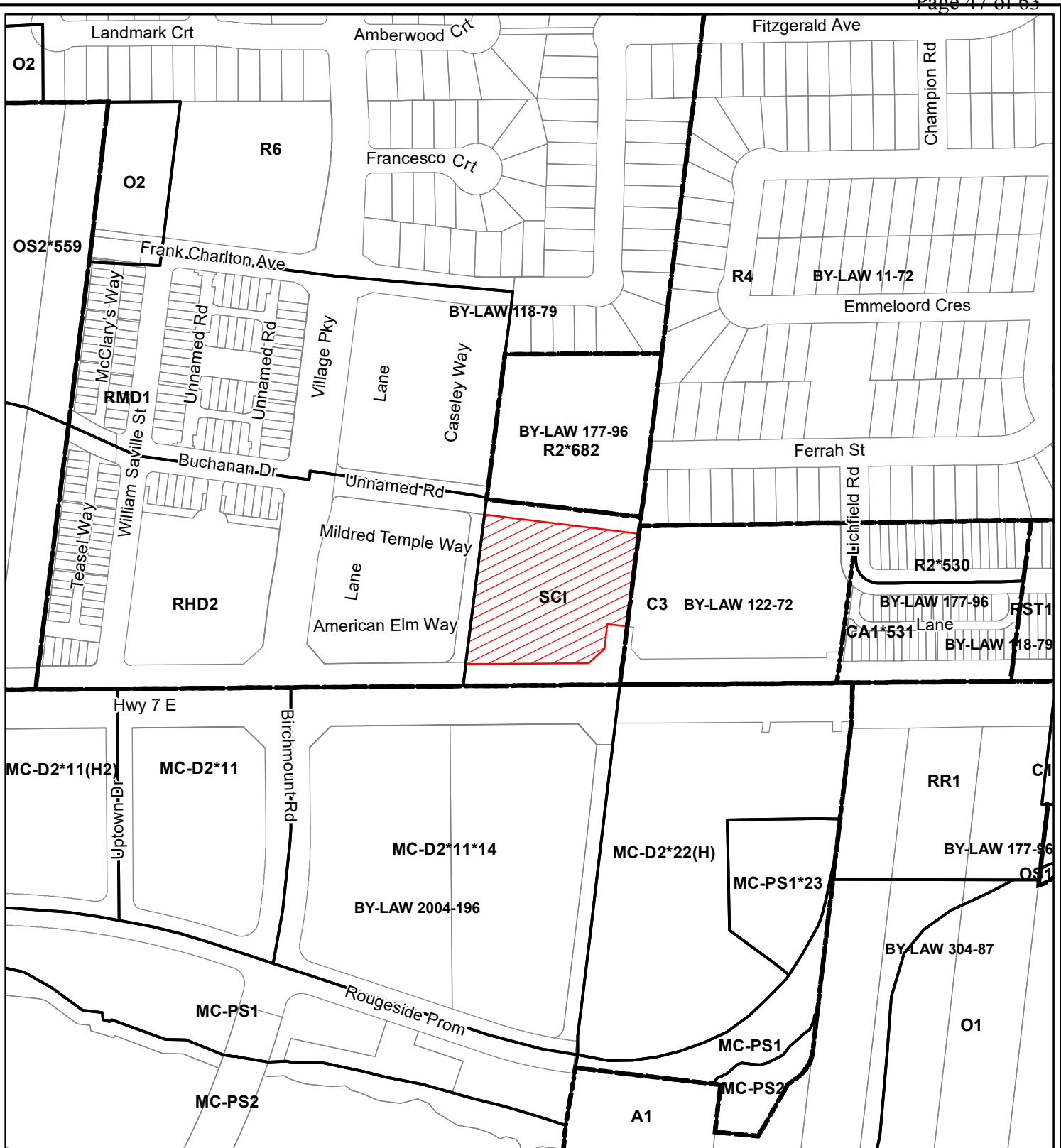
25 Valleywood Drive Unit 23

Markham, Ontario, L3R 5L9

(905) 470-6273 ext.222

chris@mbpd.ca





AREA CONTEXT / ZONING

APPLICANT: Scardred Company No. 7 (Alek Shaw)
4038 & 4052 Highway 7 East

FILE No. PLAN 21 120023

 SUBJECT LANDS





AERIAL PHOTO (2020)

APPLICANT: Scardred Company No. 7 (Alek Shaw)
4038 & 4052 Highway 7 East

FILE No. PLAN 21 120023

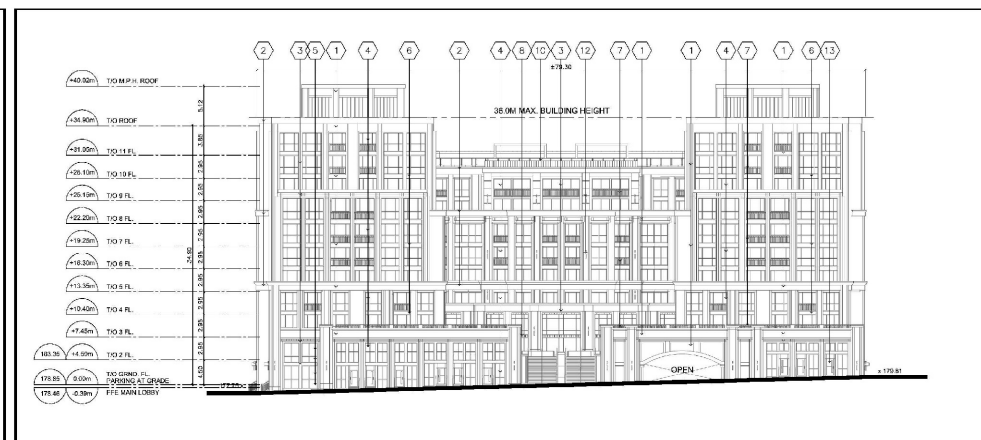
 SUBJECT LANDS

FIGURE No. 4

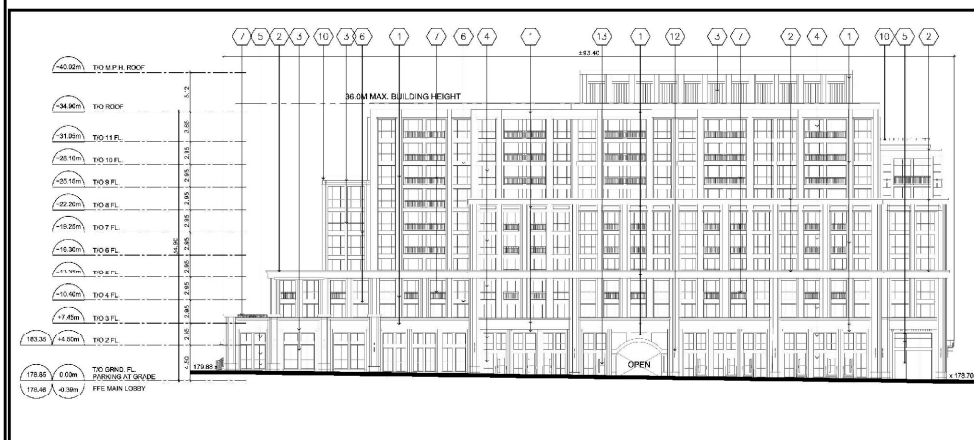




4 EAST ELEVATION
A301 SCALE: 1:250



3 NORTH ELEVATION
A301 SCALE: 1:250



2 WEST ELEVATION
A301 SCALE: 1:250



1 SOUTH ELEVATION
A301 SCALE: 1:250

ELEVATIONS

APPLICANT: Scardred Company No. 7 (Alek Shaw)
4038 & 4052 Highway 7 East

FILE No. PLAN 21 120023

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FILE No. PLAN 21 120023



Report to: Development Services Committee

Meeting Date: November 22, 2021

SUBJECT: **PRELIMINARY REPORT**
 Regional Municipality of York
 Application for a Zoning By-law Amendment to facilitate the
 development of a road operations and snow management
 facility at 10988 – 10990 Warden Avenue (Ward 2)
 File No.: PLAN 21 119856

PREPARED BY: Daniel Brutto, MCIP, RPP ext.2468
 Senior Planner, West District

REVIEWED BY: Mary Caputo, MCIP, RPP ext.3887
 Development Manager, West District

RECOMMENDATION:

- 1) THAT the report titled “PRELIMINARY REPORT, Regional Municipality of York, Application for a Zoning By-law Amendment to facilitate the development of a road operations and snow management facility at 10988 – 10990 Warden Avenue (Ward 2), File No. PLAN 21 119856”, be received.

PURPOSE:

This report provides preliminary information on the Zoning By-law Amendment application (the “Application”) submitted by the Regional Municipality of York (the “Owner”). This report contains general information regarding applicable policies, as well as other issues, and should not be considered as Staff’s opinion or recommendation on the Applications.

Process to date:

The Application was deemed complete on October 19, 2021. The 90 day period set out in the Planning Act before an applicant can appeal the Zoning Bylaw Amendment application to OLT for a lack of decision expires on January 17, 2022.

Next steps

- November 30, 2021 - Statutory Public Meeting scheduled
- Recommendation Report for DSC’s consideration at a future date
- In the event of an approval, adoption of the site-specific Zoning By-law Amendment by Council
- Staff has delegated approval of the site plan control application which was submitted concurrently with the Zoning By-law Amendment

BACKGROUND:**Location and Area Context**

The Application collectively applies to two (2) properties municipally known as 10988 and 10990 Warden Avenue, situated approximately 515 metres north of Elgin Mills Road East (the “Subject Lands”) (See Figure 1: Location Map). Together these properties consist of approximately 22.57 hectares (56 acres), with 230 metres of frontage along Warden Avenue.

The Subject Lands are primarily used for agricultural operations, with the exception of two regional salt domes located in the north east corner (See Figure 2: Aerial Photo and Figure 3: Area Context/Zoning). A Provincially Significant Wetland (PSW) extends from the south into the central area of the Subject Lands. Three (3) headwater drainage feature segments currently exist on the property.

Surrounding land uses include:

- North: Agricultural, rural residential and natural open space uses
- East: Agricultural and natural open space uses
- South: Agricultural, rural residential and natural heritage network lands
- West: Natural heritage network lands associated with the Berczy Creek

Proposal

The Application facilitates the development of the first phase of a road operations and snow management facility known as the Southeast District Maintenance Yard and Snow Management Facility (the “Proposal”) (See Figures 4 and 5: Site Plan and Block Plan). Phase 1 is comprised of:

- 874 m² office building;
- 1,014 m² garage building;.
- 2,388 m² salt storage building;
- 17 m² fire pump building;
- snow disposal and melting area;
- parking for cars/snow plows/pick up trucks; and,
- two stormwater management ponds.

The Proposal is intended to be one of the first Passive House public works buildings in Canada and will also obtain LEED™ Canada-NC v4 Silver certification. Passive House is a voluntary standard for energy efficiency in a building, which reduces the building's ecological footprint and results in ultra-low energy buildings that require little energy for space heating or cooling.

Driveway access is proposed from Warden Avenue, which connects the western portion of the Subject Lands where the snow disposal and melting area is proposed, with the remainder of the development focused closest to Warden Avenue.

Within the central area of the Subject Lands, the Proposal protects the existing PSW, earmarks lands for future development/phases and protects for a new north south collector road identified in the City’s Future Urban Area Conceptual Master Plan (FUA CMP) (See

Figure 6: FUA Community Structure Plan). Details and timing of future phases have yet to be finalized. Approval of the accompanying site plan control application is delegated to the Director of Planning and Urban Design.

Provincial and Regional Policy Framework

This Proposal must be consistent with the Provincial Policy Statement 2020, conform to the Growth Plan for the Greater Golden Horseshoe 2020, the Greenbelt Plan 2017 and York Region Official Plan 2010 (The “Regional Official Plan”). Planning staff will evaluate this Proposal against these documents during the processing of this application.

City of Markham Policy Framework**Markham Official Plan, 2014 (the “City’s Official Plan”)**

The City’s Official Plan (as partially approved on November 24, 2017 and further updated on April 9, 2018) provides land use policy to guide future development and manage growth.

Map 3 - Land Use designates the Subject Lands ‘Future Employment Area’ and ‘Greenway’ (See Figure 6: 2014 Official Plan Map 3 Extract - Land Use) and provides direction for the development of the FUA CMP as the basis for the development of Secondary Plans. The FUA CMP process was completed in 2017; however, a Secondary Plan has not been completed for the Future Employment Area. Notwithstanding, the City’s Official Plan generally provides for in all designations a range of public land uses, which includes “municipal service including underground service, and utility operation and maintenance facility.”

Zoning

The majority of the Subject Lands are zoned ‘Agricultural One (A1)’ under By-law 304-87, as amended which permits agricultural uses and an accessory dwelling (See Figure 3: Area Context/Zoning). A small portion located at the west end of the Subject Lands is zoned Open Space (O1) under By-law 304-87, as amended, which prohibits buildings and structures.

The zoning by-law permits Public Authority uses in any zone however, certain uses by a Public Authority are not permitted, including but not limited to, open storage of goods and material (i.e. snow disposal/melting area and overnight parking) and offices. Therefore, a zoning by-law amendment is required to permit open storage and offices as additional uses. The zoning by-law is also expected to establish special zone standards related to various site plan components such as building setbacks, building heights, landscaping requirements, etc.

OPTIONS/ DISCUSSION:

The following is a brief summary of the issues raised to date. These matters, and others identified at the Public Meeting and through the circulation and detailed review of the Proposal, may be addressed in a future recommendation report:

-
1. Protecting for the Future Employment Area Collector Road Network
The City's FUA CMP anticipates that a future north-south collector road will bisect the Subject Lands and an east-west collector road will be located to the north of the Subject Lands. The future alignments of the collector roads are subject to the completion of the Master Environmental Servicing Plan and Municipal Class Environmental Assessment. City and York Region staff are continuing to identify potential alignment alternatives and site plan options to ensure the proposal adequately protects for the future collector roads.
 2. Urban Design matters under review
Staff are reviewing the siting of the buildings, elevations, location of paved parking areas and landscaping areas to determine if appropriate setbacks, building heights, buffers, etc. have been applied. This includes the interface with Warden Avenue, any future collector roads and future development anticipated adjacent to the Subject Lands. Also, the sustainability measures proposed are under review.
 3. Establishing the Limits of Development
The limits of development near the Berczy Creek and the PSW need to be established. The Environmental Impact Technical Memo and Headwater Drainage Feature Assessment Report submitted are under review.
 4. Stormwater Management under review
Staff are to ensure appropriate measures are taken to control the quality of surface water runoff, particularly from salt storage on the Subject Lands. The Stormwater Management Report and detailed salt management plan are under review.
 5. TRCA/York Region approval required
The Owner is expected to obtain the required approvals from the Toronto and Region Conservation Authority and the Regional Municipality of York.
 6. Other technical studies/plans under review
Assessment of any issues resulting from the review of technical studies/plans including, but not limited to: civil engineering plans (i.e. grading, site servicing, drainage); landscape plans; geotechnical report; hydrogeological report; stage 1-3 archeological assessments; phase 1 and 2 environmental site assessments; functional servicing report; and the sustainability assessment checklist.

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application is being evaluated in the context of the City's strategic priorities, including Growth Management and Municipal Services.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Proposal has been circulated to various City departments and external agencies and is currently under review. Requirements of the City and external agencies will be reflected, if appropriate, in the Zoning By-law Amendment.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P., R.P.P.
Director of Planning and Urban Design

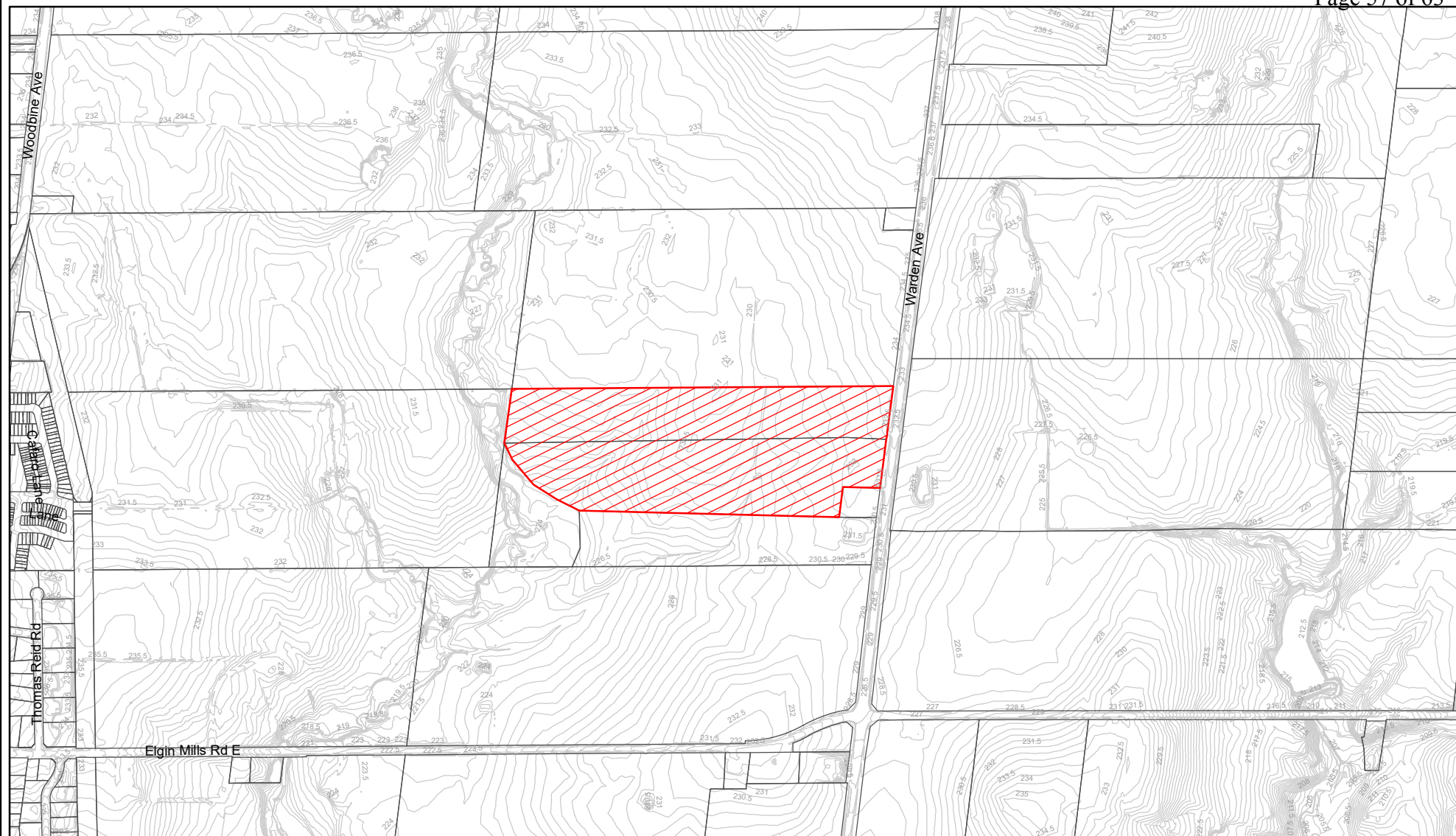
Arvin Prasad, M.C.I.P., R.P.P.
Commissioner, Development Services

APPLICANT/AGENT:

IBI Group Professional Services (Canada) Inc. (Amy Shepherd)
55 St. Clair Avenue West
Toronto, ON M4V 2Y7
ashepherd@ibigroup.com

ATTACHMENTS:

Figure 1: Location Map
Figure 2: Aerial Photo
Figure 3: Area Context/Zoning
Figure 4: Site Plan
Figure 5: Block Plan
Figure 6: FUA Community Structure Plan
Figure 7: 2014 Official Plan Map 3 Extract - Land Use




LOCATION MAP

APPLICANT: The Regional Municipality Of York (Fang Li) c/o IBI Group
10988 & 10990 Warden Avenue

FILE No. PLAN 21 119856

 SUBJECT LANDS

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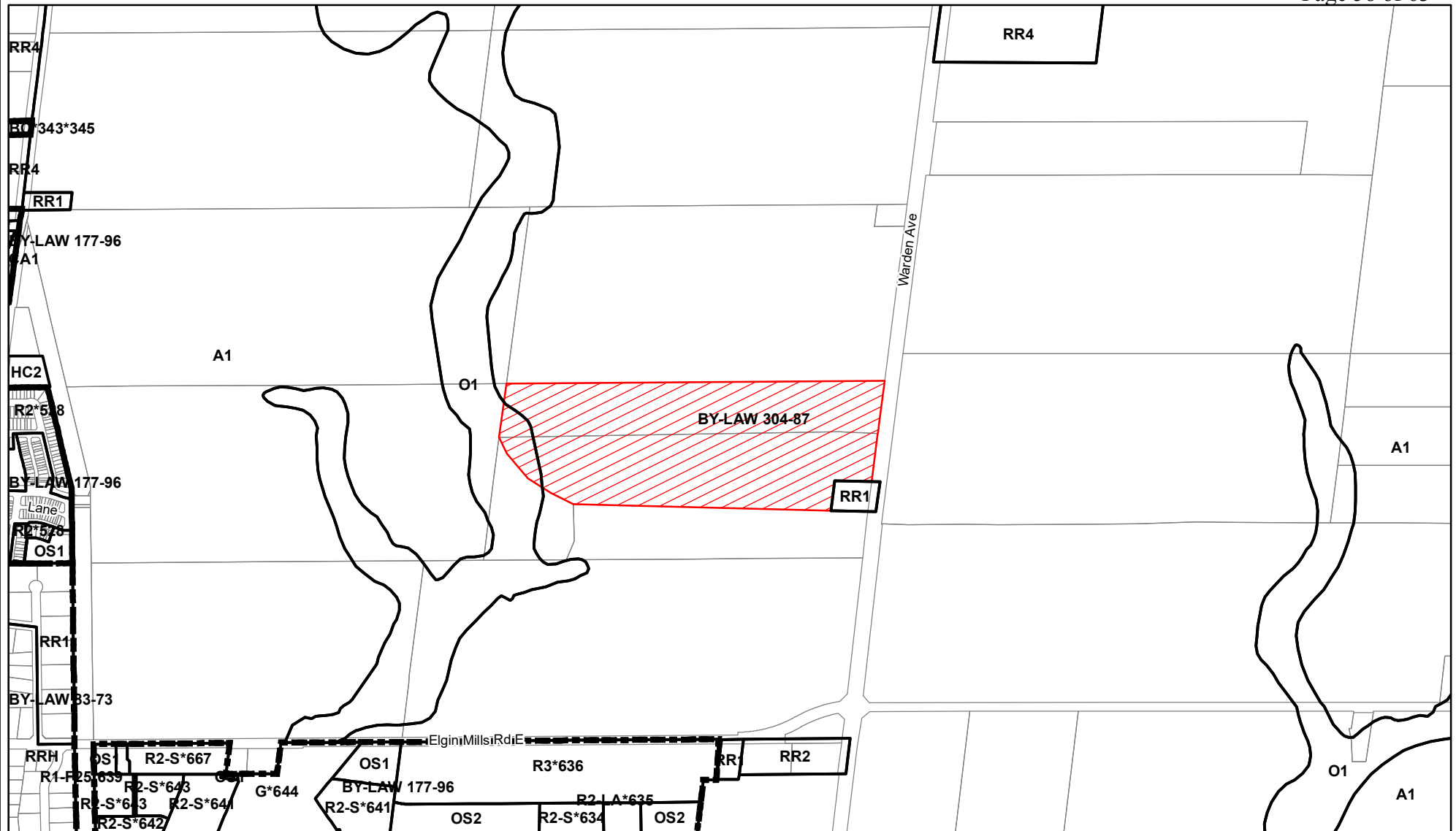
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FIGURE No. 1





AREA CONTEXT / ZONING

APPLICANT: The Regional Municipality Of York (Fang Li) c/o IBI Group
10988 & 10990 Warden Avenue

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FIGURE No. 2




AERIAL PHOTO (2020)

APPLICANT: The Regional Municipality Of York (Fang Li) c/o IBI Group
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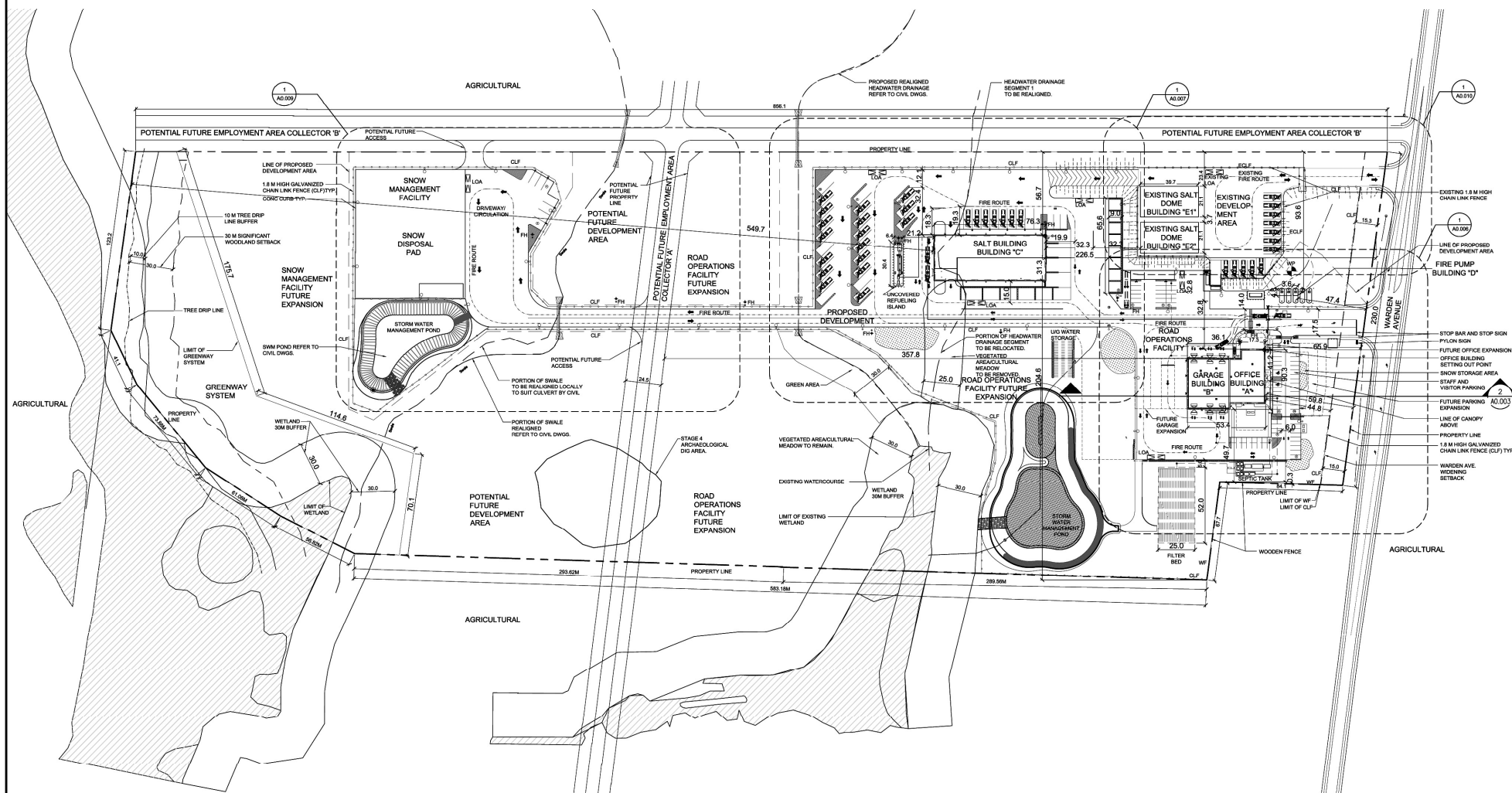
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FIGURE No. 3





SITE PLAN

APPLICANT: The Regional Municipality Of York (Fang Li) c/o IBI Group
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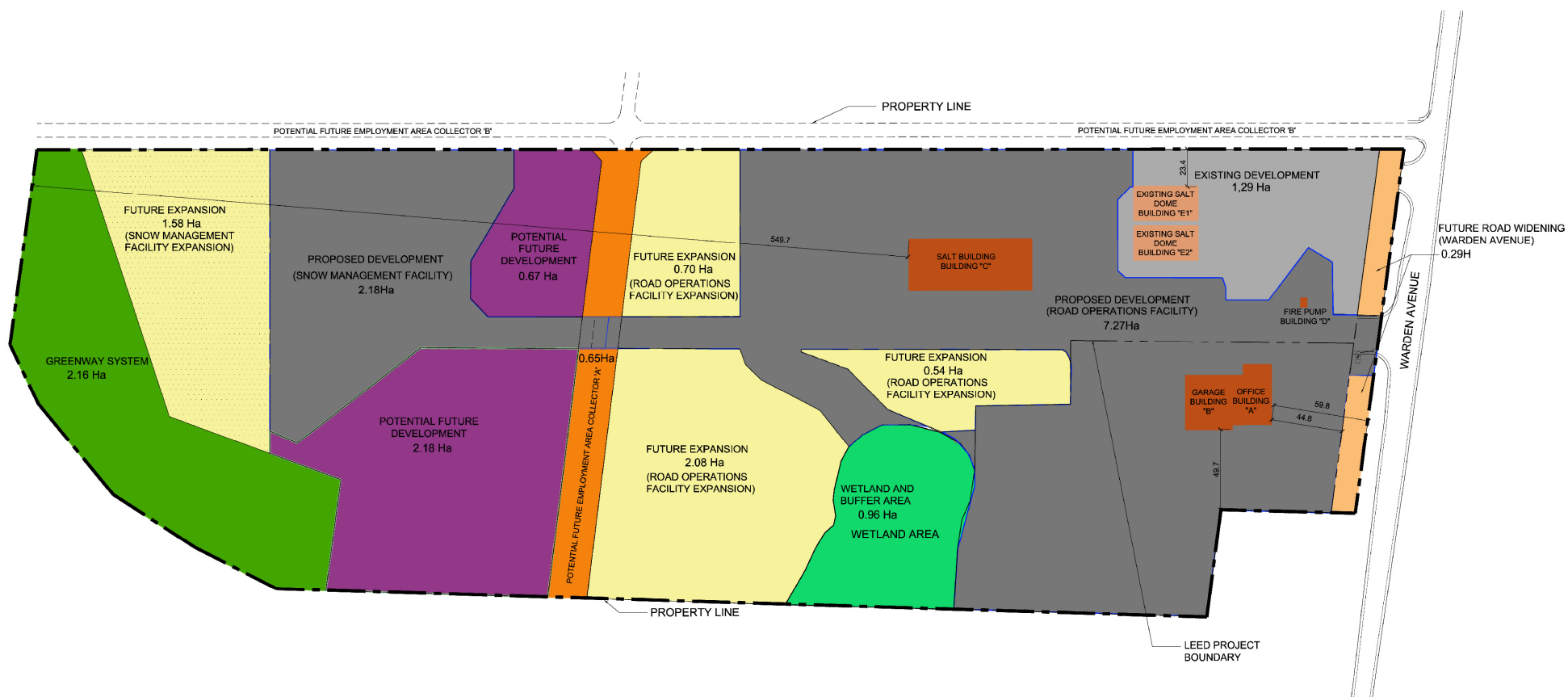
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FIGURE No. 4





BLOCK PLAN

APPLICANT: The Regional Municipality Of York (Fang Li) c/o IBI Group
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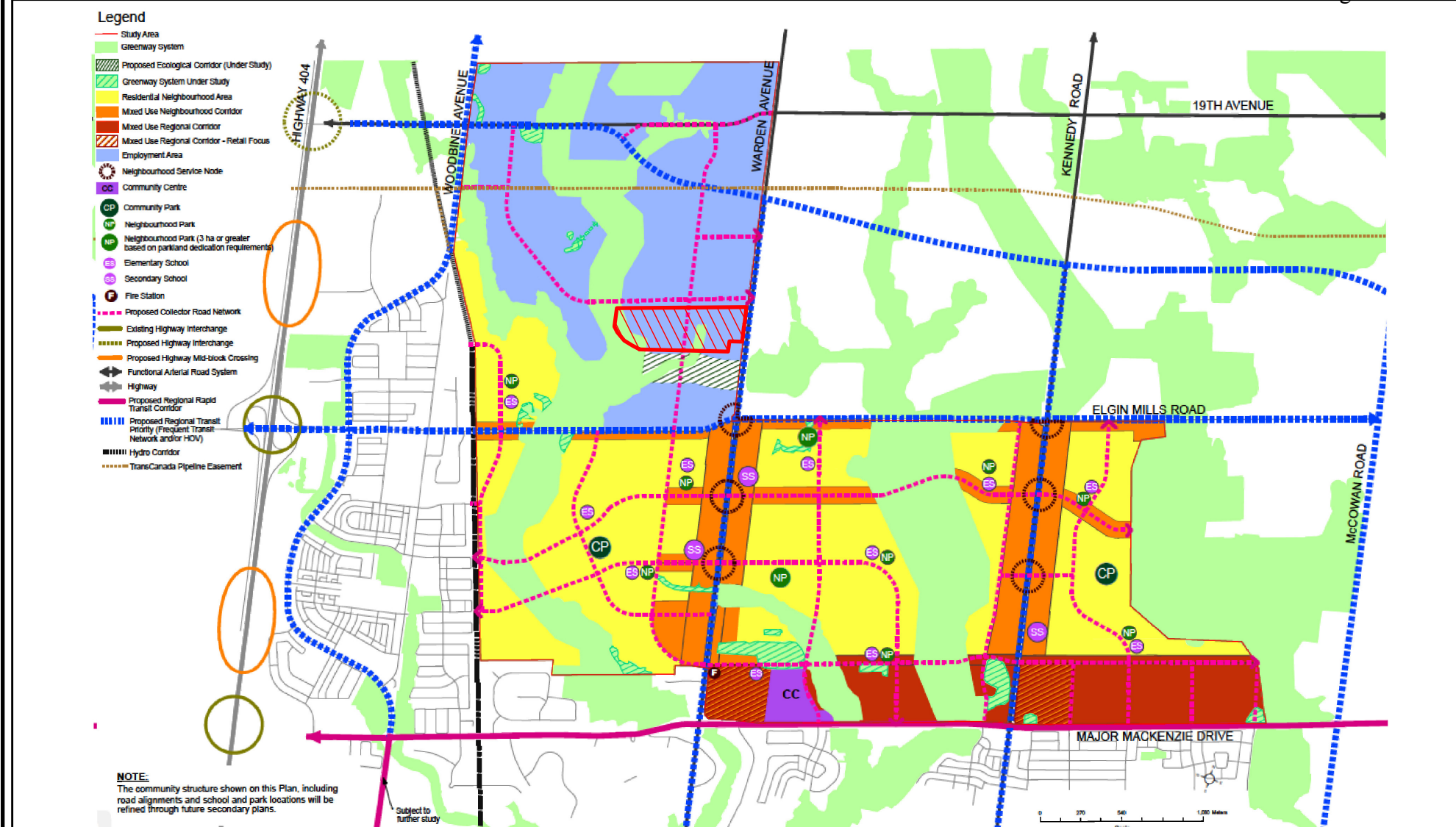
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FIGURE No. 5





FUA COMMUNITY STRUCTURE PLAN

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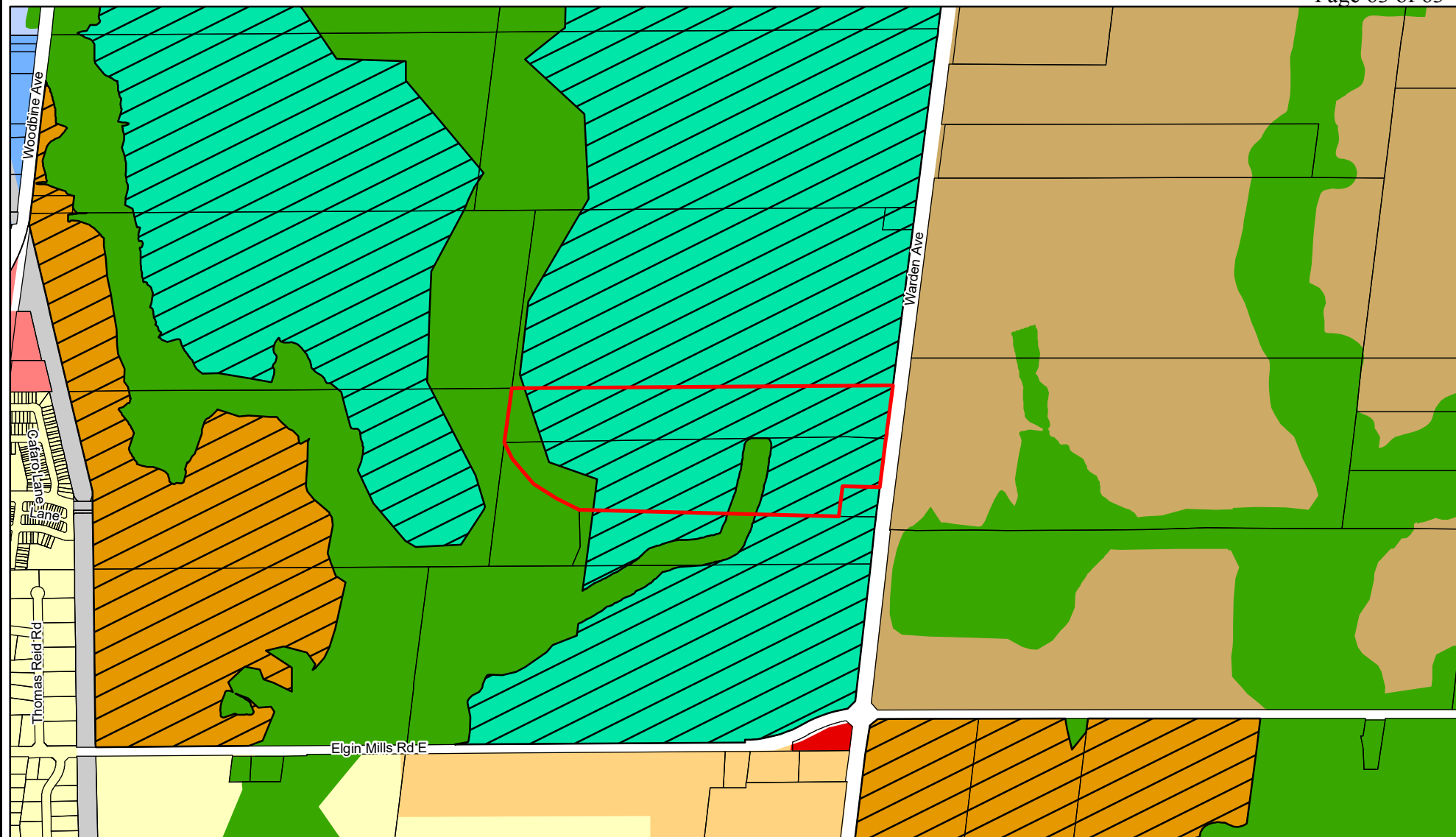
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FIGURE No. 6



2014 OFFICIAL PLAN MAP 3 EXTRACT - LAND USE

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FIGURE No. 7