



Report to: Development Services Committee

Report Date: November 29, 2022

SUBJECT: City of Markham's Response to Bill 109 - [*More Homes for Everyone Act, 2022*](#)

File No: PR 22 260697

WARD: ALL

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REVIEWED BY: Stephen Lue, MCIP, RPP, Senior Development Manager

RECOMMENDATION:

- 1) That the November 29, 2022, report titled, "City of Markham's Response to Bill 109 - [*More Homes for Everyone Act, 2022*](#), File: PR 22 260697", be received;
- 2) That Staff advise the Development Services Committee of the scheduling of a statutory Public Meeting as required under the [*Planning Act*](#), to be held on December 6, 2022, to receive public input;
- 3) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

In response to the Province of Ontario's changes to the *Planning Act* under Bill 109, Staff propose amendments to the City's Official Plan and the creation of new Site Plan Delegation and Pre-Consultation By-laws.

The proposed Official Plan Amendment includes a number of changes related to the deeming complete of Official Plan, Zoning By-law, and Site Plan applications.

The proposed Site Plan Delegation By-law authorizes the Director of Planning and Design, or their designate, as its delegated officer, employee or agent of the municipality to approve site plans. The proposed Pre-Application Consultation By-law implements the policy changes in the draft Official Plan Amendment and includes the "Clarification and Understanding", "Pre Application Consultation", and "Complete Application" processes, by By-law.

Correspondence from York Region was received on November 7, 2022 delegating approval authority for the Official Plan Amendment to the City of Markham.

PURPOSE:

This report provides an overview of the City's current development approval process and recommends changes and improvements to reflect the Province of Ontario's *Bill 109, More Homes for Everyone Act, 2022* (Bill 109), *Planning Act* amendments that received Royal Assent on April 14, 2022.

BACKGROUND:

Bill 109 intends to build homes faster by streamlining development approvals, facilitating faster decisions, increasing certainty of parkland requirements for Transit Oriented Communities, and ensuring certainty of development costs. Through amendments to the *Planning Act*, Bill 109 places the onus on municipalities to address the matters noted above. Markham Staff provided an [information report \(item 8.1\)](#) to the Development Services Committee ("DSC") on July 11, 2022, which provided a summary of the key changes to the *Planning Act* and a complete analysis of the planned and existing programs that Markham currently has in place to streamline planning and development processes. Staff recommendations are outlined later in this report.

Bill 109 also requires the delegated approval of site plan applications received after July 1, 2022, to an officer, employee, or agent of the municipality. The City's current Site Plan Delegation By-law only delegates certain site plan application types to Staff at the discretion of Council, which now conflict with the *Planning Act* amendments.

Current Process:

Official Plan and Zoning By-law Amendment applications were subject to pre-consultation with the submission of a preliminary development proposal and, at the request of the Staff, a pre-consultation meeting

Presently, the City and external agencies provide an applicant with a submission checklist for all required documentation for Staff to deem an application complete. Through the same process, only after an application is deemed complete would Staff conduct the technical review of the submitted documentation to determine whether the quality and content met the standards of the City and external agencies. This typically results in several resubmissions and consequently creates delays in the processing of an application.

Site Plan applications were subject to pre-consultation, but not subject to the requirements of a complete application

Similar to the Official Plan and Zoning By-law Amendments process, only after the submission of a Site Plan application would Staff undertake the technical review to determine whether the quality and content of the submitted documentation met the standards of the City and external agencies. Similarly to the above, this can result in a long review and commenting period depending on the quality and content of the documentation provided.

Staff note that unlike Official Plan and Zoning By-law Amendment applications, the *Planning Act* does not require statutory Public Meetings for site plans and appeal rights remain with only the applicant and not the public.

OPTIONS/ DISCUSSION:

As identified in the [June 11, 2022 Staff report](#), Bill 109 requires municipalities to partially or entirely refund fees for applications for stand-alone Zoning By-law Amendment, combined Official Plan Amendment and Zoning By-law Amendment, and Site Plan applications if a decision by the municipality is not made within the prescribed *Planning Act* timelines. The application types, timelines, and associated refunds of fees are shown in Appendix 'D'. These changes take effect on January 1, 2023.

Staff have sought ways to address the changes to the Planning Act to ensure a clearer, more transparent, and efficient development process in Markham

To mitigate any potential for the City to partially, or entirely, refund fees, Staff have explored several avenues to investigate efficiencies in Markham's development processes, including the following:

- Undertaking a “LEAN” review process, to identify ways to address the Bill 109 timeline requirements amongst other efficiencies
- The establishment of a working group with Regional partners to develop a strategy to address Bill 109
- An open dialogue through consultation with the development industry (Markham City Builders Forum)
- The development of Terms of References for key studies required for certain development applications in order to provide clear direction on submission expectations
- The establishment of minimum submission standards to reduce the number of department and external agency circulations
- The establishment of a new Pre Application Consultation process in the Official Plan for all Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision, Plan of Condominium, and Site Plan Control applications
- A Clarification and Understanding process to allow the applicant to engage City and Agency Staff on submission expectations, scope, and requirements
- A Quality Control review process to ensure that the required documentation meets the submission standards established in the Development Application Checklist by application type and Terms of References
- The establishment of a two-stream review process by using a “chess clock” review method for technical reviews
- The establishment of a new Pre-Application Consultation By-law that clearly outlines the City's expectations for the preparation, review and processing of development applications

Staff propose a new Pre-Application Consultation and Complete Application processes in the Official Plan**Pre-Application Consultation Process**

The Pre-Application Consultation process outlined in the draft Official Plan Amendment (Appendix 'A') establishes specific submission requirements for a development application to ensure the timely and efficient technical review by the City and external agencies, where applicable, in order to deem an application "complete". The details involved in this process are outlined in the new Pre-Application Consultation By-law (Appendix 'C') and explained later in this report.

Application Submission and Complete Application

The *Planning Act* authorizes municipalities to include policies in their Official Plan to require additional information or materials to be provided in support of development applications, including:

- an official plan amendment
- a zoning by-law amendment
- a plan of subdivision
- site plan control (Bill 109 enables complete application process)
- consent (severance)

The Pre-Application Consultation process identifies major issues and subsequently would resolve the technical studies, plans and items received, that will constitute the requirements for a complete application. Once required fees are paid and the Pre-Application Consultation process is finalized, the applicant will formally submit their complete application to the City for approval.

a) Official Plan and Zoning Amendment Applications

Upon receipt of a formal application for an Official Plan or Zoning By-law Amendment, Staff would reconcile the submitted plans with the previously accepted Pre-Application Consultation documents to determine if the application is complete and collect any required outstanding fees in accordance with the City's Fee By-law, which will trigger the timelines identified in Appendix 'D'. Staff would schedule the statutory Public Meeting and include a recommendation report onto a future DSC agenda.

If any issues are identified by Staff between deeming the application complete to Council's decision, the applicant would be offered an agreement through a memorandum of understanding ("MOU") where they can withdraw the application, and re-apply with no additional application cost. This would allow the applicant and City more time to resolve the issues, and avoid fee refunds, denial/refusal recommendations, and appeals to the Ontario Land Tribunal ("OLT").

b) Site Plan Applications

In accordance with Bill 109 and following the Pre-Application Consultation stage,

once a Site Plan application has been accepted, the City must provide approval within 60 days. The draft Pre-Application Consultation By-law would ensure a detailed review of all technical requirements and the execution of an agreement, where applicable, prior to an application being deemed complete.

c) *Council and Community Engagement*

Staff propose to expand the use of the City's current development application dashboard to include Pre-Application Consultation files as circulation memos to Members of Council to ensure awareness of development proposals early in the process. Once the City deems an application complete, there is limited time to reach a decision without providing fee refunds. To address the time constraints, Staff would schedule statutory Public Meetings, where applicable, and items to the DSC upon acceptance of a complete application. This process would maximize the amount of notice provided to members of the public and meet, or exceed, the 20-day notice period of the *Planning Act*.

d) *Expiration of Pre-Consultation Applications*

In order to help advance development applications, Staff propose to implement an expiration date to Pre-Application Consultations, in light of policy changes that can impact submission requirements and ultimately the timing of approvals. Any previously conducted pre-consultation processes will be required to submit their site plans prior to December 31, 2022, or the applicant will be required to apply for a Pre-Application Consultation. Future Pre-Application Consultation applications will also be required to expire after a prescribed period. The individual requirements of the application may impact this prescribed period.

Staff propose a new Pre-Application Consultation By-law for all Zoning By-law Amendments, combined Official Plan and Zoning By-law Amendments, and Site Plan applications

Pre-Application Consultation By-law

The Pre-Application Consultation By-law (Appendix 'C') sets out the required processes that an applicant must follow for a complete application. The By-law outlines the following five stages of Pre-Application Consultation:

a) *Clarification and Understanding Stage*

An applicant would begin their engagement with the City through the Clarification and Understanding stage, which sets out clear expectations of the City and external agencies for what constitutes a complete application. This not only includes what documents, plans, and studies are required for submission, but the scope, quality, and details required to complete any necessary review.

To assist in clarifying the City and external agency requirements and in working with our York Region partners, Staff developed a series of Terms of References for common studies. Staff will ensure applicants familiarize themselves with the City's submission requirements for documents in ePLAN, the City's electronic development application system. The requirement for a meeting at this stage will

be at the discretion of the City as complex development applications may require a more detailed review.

Establishing and clarifying the submission requirements and expectations along with their content quality at the Clarification and Understanding stage will support a more efficient review process, shorten the technical review period, and may save applicant costs with amending plans, documents, and studies.

b) *Quality Control Review*

Once an applicant develops the required documentation, they would submit the package to the City. Prior to a full circulation of the required documents, Planning Staff would circulate to any necessary department or agency to conduct a quality control review to ensure the documents meet the submission requirements, and that the submitted studies conform with scope and the Terms of References identified during the Clarification and Understanding stage. If necessary, Staff would meet with the applicant to ensure all expectations are clarified.

Circulation of the initial submission will include Members of Council to afford them the opportunity to request a Community Information Meeting for Official Plan and Zoning By-law Amendment applications. The necessity of holding a Community Information Meeting would be at the discretion of the Local Councillor, and would offer an opportunity for public input into the development process at an early stage.

c) *Technical Review*

Following the Quality Control review and any Community Information Meeting, if applicable, Staff would circulate the application for technical review. To enable predictability in the review timeline, Staff propose a two-stream review where the application is reviewed by the City and reviewing agencies, and the applicant in equally prescribed intervals being:

- i) The initial review of an application completed by Staff, departments, and agencies within a prescribed timeframe, with responses provided to the applicant. The Applicant must then provide responses with a complete comment matrix within a prescribed time frame. The second review will then be completed by Staff, departments, and agencies, and responses provided to the applicant within a prescribed time frame, or the applicant will be authorized to proceed to the agreement stage (for site plans) or formal submission stage (for Official Plan and Zoning).
- ii) Should the applicant not respond within the prescribed timeframes, not provide a comment matrix, or should the application proceed to a third technical review, the application would be subject to an alternate review timeline. This would allow Staff to prioritize applications that are meeting the prescribed and agreed to timeframes.

d) *Drafting of the Agreement (Site Plans Only)*

Following completion of an agency or department's technical review of a Site Plan application, any required conditions will be provided to be incorporated into the draft agreement. Providing conditions at this stage will minimize the number of circulations to departments or agencies.

e) *Execution and Registration of Agreement (Site Plans Only)*

Prior to an application for Site Plan Control being deemed complete, the applicant will be required to execute or amend an existing site plan agreement, registered on title, where applicable. The execution and registration of an agreement at this stage will ensure that the development is built in accordance with accepted Pre-Application Consultation plans. The City shall register the agreement or amendment on title, as applicable.

NEXT STEPS:

The components of Bill 109 that affect the development approval process will be implemented through the enactment, adoption, and modification of the following:

a) *The draft Official Plan Amendment (Appendix 'A')*

- i) Technical Amendments to various Section 9 policies presently identify the [1987 Official Plan](#) as the operative policy document until such time as new general official plan amendments are adopted for a specific area, new secondary plans are adopted for a specific area, or updates to existing secondary plans are adopted for a specific area. The technical amendments to Section 9 would require conformity to the new policies of Section 10 of the [2014 Official Plan](#), notwithstanding that the 1987 Official Plan applies to the specific lands.
- ii) For clarity, the proposed modifications to Section 10.4 of the draft Official Plan Amendment responds to subsection (4.0.1) of Bill 109 by delegating Site Plan Approval to the Director of Planning and Design, or their designate, as its delegated officer, employee or agent of the municipality.
- iii) Amending Section 10.6 of the 2014 Official Plan by removing the existing Pre-Consultation and Complete Application policies and creating a new Pre-Application Consultation process, and Complete Application process.

b) *The draft Site Plan Delegation By-law (Appendix 'B')*

While Staff recommend policy changes to Section 10.4 of the Official Plan identified above, Markham's existing Site Plan Delegation By-law 2002-202, must be amended. Staff recommend that the existing Site Plan Delegation By-law be repealed and replaced to identify the Director of Planning and Design, or their designate, as its delegated officer, employee or agent of the municipality to approve site plans.

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- c) ***The draft Pre-Consultation By-law (Appendix ‘C’)***
The City’s existing Pre-consultation By-law 2008-148 must be repealed and replaced to implement the new policy changes in the draft Official Plan Amendment related to the Pre-Application Consultation and Complete Application processes.
- d) ***Updates to ePLAN***
In addition, Staff will be undertaking an update to ePLAN to include a Site Plan deeming process for a complete application as well as other administrative improvements to implement the proposed changes to the development application submission process.

Statutory Public Meeting

Staff advise that the statutory Public Meeting for the proposed Official Plan Amendment will be held on December 6, 2022, to obtain public input as required under the *Planning Act*.

Exemption from Regional Approval

Correspondence from York Region was received on November 7, 2022 delegating approval authority for the OPA to the City of Markham.

FINANCIAL CONSIDERATIONS:

Staff are currently conducting a detailed review of the implications of Bill 109 from a financial perspective. Upon a high level review, Staff note that based on the current processes and timelines, a significant majority of the development application fees collected, would be subject to fee refunds without significant process improvements that reduce timelines. To implement the proposed changes will require updates to the ePLAN system. Staff are evaluating the financial costs of these changes.

The adoption of the Official Plan Amendment (Appendix ‘A’) would reduce the instances of fee refunds by ensuring that development applications have gone through a rigorous and collaborative review process by Staff, the applicant, and external agencies, where applicable, prior to being deemed “complete”.

HUMAN RESOURCES CONSIDERATIONS:

In order to meet the new accelerated timelines, additional staffing resources may be required for those City departments involved in the development review process.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This report addresses Growth Management and Municipal Services priorities with an emphasis on the goals “Exceptional Services by Exceptional People” and “Safe, Sustainable and Complete Community” of the Building Markham’s Future Together Strategic Plan.

BUSINESS UNITS CONSULTED AND AFFECTED:

These City-wide applications affect numerous City Departments. All impacted City departments and external agencies have been consulted throughout this project, as appropriate.

Darryl Lyons, MCIP, RPP

Acting Director, Planning and Urban Design

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Commissioner Development Services

ATTACHMENTS:

Appendix 'A': Draft Official Plan Amendment

Appendix 'B': Draft Site Plan Delegation By-law

Appendix 'C': Draft Pre-Application Consultation By-law

Appendix 'D': Bill 109 Fee Refunds

Appendix 'A'
Draft Official Plan Amendment

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

Entire Municipality

December 2022

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 20xx-xxx in accordance with the *Planning Act*, R.S.O., 1990 c.P.13, as amended, on the XX day of December 2022.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

By-law 20xx-XXX

Being a by-law to adopt Amendment No. XXX
to the City of Markham Official Plan 2014, as amended

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN
ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O.,
1990, HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the City of Markham Official Plan 2014, as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS XX DAY OF
DECEMBER, 2022.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

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PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. XXX)

PART I - INTRODUCTION**1.0 GENERAL**

1.1 PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.

1.2 PART II - THE OFFICIAL PLAN AMENDMENT constitutes Official Plan Amendment No. XXX to the City of Markham Official Plan 2014, as amended. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to all of the lands within the geographic boundary of the City of Markham.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to amend certain existing policies and add additional policies due to changes that have been made to the *Planning Act* resulting from the *More Homes for Everyone Act, 2022*.

The amendment modifies Section 10 “Implementation” of the 2014 Official Plan in order to implement the City’s new pre-application and complete application requirements.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

Ontario's *More Homes for Everyone Act, 2022* received Royal Assent on April 14, 2022. Some provisions were immediately in force, while others were proclaimed on July 1, 2022, or will come into force as of January 1, 2023. This Official Plan Amendment addresses those changes that came into effect on July 1, 2022 and those that will come into effect January 1, 2023.

Ontario's *More Homes for Everyone Act, 2022* made changes to the *Planning Act* regarding Site Plan Control, Zoning By- Law Amendments, and Combined Zoning By-Law and Official Plan Amendment applications. The changes include new direction relating to pre-consultation with municipalities before Site Plan applications are submitted to the Approval Authority, particularly as it applies to determining completeness of the application and potential application fee refunds if a decision is not made by the Approval Authority within the specified timeframes for Site Plan Control, Zoning By- Law Amendments, and Combined Zoning By-Law and Official Plan Amendment applications .

This Official Plan Amendment responds to these changes by updating the City’s policies regarding pre-application and complete application submission requirements. The objective of these new and amended policies is to create a clearer, more transparent and more efficient development application process. This approach will assist in ensuring applications are processed within the regulated timeframes and reduce delays once an application has been deemed complete.

The Official Plan Amendment also responds to subsection (4.0.1) of the *More Homes for Everyone Act, 2022*, that requires the delegation of Site Plan Approval to an authorized person of the municipality.

The Official Plan Amendment also includes technical Amendments to various Section 9 policies, which presently identify the 1987 Official Plan as in-force policy document until such time as new general official plan amendments are adopted for a specific area, new secondary plans are adopted for a specific area or, updates to existing secondary plans are adopted for a specific area. The technical amendments to Section 9 will require conformity to the new policies of Section 10 of this Plan, notwithstanding that the 1987 Official Plan applies to these specific lands.

PART II - THE OFFICIAL PLAN AMENDMENT
(This is an operative part of Official Plan Amendment No. XXX)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

1.1 Section 9 of the Official Plan 2014, as amended, is hereby further amended by:

- a) Re-numbering Section 9.3.7.3 to 9.3.7.3 a)
- b) Adding a new Section 9.3.7.3 b) as follows:
 - “b) Notwithstanding Section 9.3.7.3 a) above, Sections 10.4 and 10.6 of this Plan shall apply.”
- c) Re-numbering Section 9.6.5 to 9.6.5 a)
- d) Adding a new Section 9.6.5 b) as follows:
 - “b) Notwithstanding Section 9.6.5 a) above, Sections 10.4 and 10.6 of this Plan shall apply.”
- e) Re-numbering Section 9.7.8.3 to 9.7.8.3 a)
- f) Adding a new Section 9.7.8.3 b) as follows:
 - “b) Notwithstanding Section 9.7.8.3 a) above, Sections 10.4 and 10.6 of this Plan shall apply.”
- g) Re-numbering Section 9.10.4 to 9.10.4 a)
- h) Adding a new Section 9.10.4 b) as follows:
 - “b) Notwithstanding Section 9.10.4 a) above, Sections 10.4 and 10.6 of this Plan shall apply.”
- i) Re-numbering Section 9.11.4 to 9.11.4 a)
- j) Adding a new Section 9.11.4 b) as follows:
 - “b) Notwithstanding Section 9.11.4 a) above, Sections 10.4 and 10.6 of this Plan shall apply.”
- k) Re-numbering Section 9.12.4 to 9.12.4 a)
- l) Adding a new Section 9.12.4 b) as follows:
 - “b) Notwithstanding Section 9.12.4 a) above, Sections 10.4 and 10.6 of this Plan shall apply.”
- m) Re-numbering Section 9.14.4.3 to 9.14.4.3 a)
- n) Adding a new Section 9.14.4.3 b) as follows:
 - “b) Notwithstanding Section 9.14.4.3 a) above, Sections 10.4 and 10.6 of this Plan shall apply.”
- o) Re-numbering Section 9.15.3.3 to 9.15.3.3 a)
- p) Adding a new Section 9.15.3.3 b) as follows:
 - “b) Notwithstanding Section 9.15.3.3 a) above, Sections 10.4 and 10.6 of this Plan shall apply.”

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- q) Re-numbering Section 9.18.8.3 to 9.18.8.3 a)
 - r) Adding a new Section 9.18.8.3 b) as follows:
 - “b) Notwithstanding Section 9.18.8.3 a) above, Sections 10.4 and 10.6 of this Plan shall apply.”
- 1.2 Section 10.4 of the Official Plan 2014, as amended, is hereby further amended by:
- a) Amending Section 10.4.4 by deleting the first paragraph and replacing it with the following:

“That prior to development being undertaken in the Site Plan Control Area, the Director of Planning and Urban Design, or delegate, shall approve one or both of the following:”
 - b) Amending Section 10.4.5 by deleting the first paragraph and replacing with the following:

“That notwithstanding 10.4.4 above, the Director of Planning and Urban Design, or their delegate, may require drawings identified under Section 41(4) 2 of the *Planning Act* to be submitted for a building to be used for residential purposes containing less than 25 dwelling units anywhere in the Site Plan Control Area.”
- 1.3 Section 10.6 of the Official Plan 2014, as amended, is hereby amended by:
- a) Deleting Section 10.6.1 in its entirety and replacing it with the following:

“10.6.1 Pre-Application Consultation

“Prior to the submission of certain development applications, the development proponent is required to meet with Markham staff and external agencies, including senior levels of government if required, and participate in a pre-application consultation process that is intended to streamline the development process through early scoping of issues, and submission and evaluation of required supporting information and materials prior to submission of the development application.”

It is the policy of Council:

10.6.1.1 **To require** the development proponent meet with City Staff, and external agencies including senior levels of government, where applicable, to determine the submission requirements associated with an application for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision, Plan of Condominium or Site Plan Control.
 - b) Deleting Section 10.6.2 in its entirety and replacing with the following:

“10.6.2 Complete Application

The *Planning Act* authorizes municipalities to include policies in their Official Plan to require additional information or materials to be provided in support of development applications, including:

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

The Pre-Application Consultation process outlined in Section 10.6.1.1 will be used to identify major issues and determine supporting information and materials submission requirements and subsequently, finalize the content of the technical studies, plans and items received, that will constitute the requirements for a “complete application.”

It is the policy of Council:

10.6.2.1 **That** where a development proponent does not follow the Pre-Application Consultation process, and does not submit all of the required supporting information and materials, without specific approval from the Commissioner of Development Services or their delegate, an application for Official Plan Amendment, Zoning By-law Amendment or Site Plan Control may be deemed incomplete, and may be refused.

10.6.2.2 **To require** all development proponents to submit the following to the satisfaction of the Commissioner of Development Services or their delegate and external agencies, where applicable:

1. The minimum submission requirements in accordance with the *Planning Act* incorporated into a standardized application form, established by the City;
2. All information and materials, studies and plans, required by the City, prepared in compliance with any applicable Terms of Reference, Standards, and Guidelines prepared and/or approved by the City, as amended from time to time, to the satisfaction of the City and external agencies, where applicable; and,
3. The information and materials, plans and studies required by and in accordance with the checklist below, all prepared by qualified, registered and/or, licensed professionals, as applicable, and carried out at the expense of the proponent, to the satisfaction of the City

unless specifically acknowledged to be unnecessary or not required by the Commissioner of Development Services or their delegate.

Development Application Checklist by Application Type

Required Documentation	Official Plan Amendment	Zoning By-law Amendment	Plan of Subdivision	Plan of Condominium	Site Plan Control
Development Planning					
Planning Justification Report or Brief	√	√	√	√	√
Precinct Plan	√				
Concept Plans and Drawings	√	√	√	√	
Comprehensive Block Plan	√		√		
Housing Impact Statement	√		√	√	
Retail and Service Needs Study	√	√			
Draft Official Plan Amendment	√				
Draft Zoning By-law Amendment		√			
Draft Plan of Subdivision			√		
Draft Plan of Condominium				√	
Draft Site Plan					√
3D Coloured Elevation Drawings					√
Heritage Planning					
Archaeological Assessment	√	√	√		√
Heritage Impact Assessment	√	√	√		√
Heritage Conservation Plan			√		√
Streetscape Drawing(s) (New Infill - Heritage Conservation Districts)					√
Pre-Construction Condition Survey of Cultural Heritage Resource(s)					√
Structural Condition Review Plan			√		√
Environmental Planning					
Environmental Impact Study	√	√	√		√

Required Documentation	Official Plan Amendment	Zoning By- law Amendment	Plan of Subdivision	Plan of Condominium	Site Plan Control
Delineation of the Rouge Watershed Protection Area	√	√	√		√
Master Environmental Servicing Plan	√				
Natural Heritage Constraints Map	√	√	√		√
Natural Heritage Compensation Plan	√	√	√		√
Agricultural Impact Assessment	√	√			
Headwater Drainage Feature Assessment	√	√	√		√
Geotechnical Study	√	√	√		√
Meanderbelt Analysis	√	√	√		√
Floodplain Analysis	√	√	√		√
Buffer/Restoration Plan			√		√
Contaminant Management Plan					√
Sustainable Development Assessment Checklist		√	√		√
Water Balance Assessment			√		√
Woodland & Open Space Management Plan			√		√

Urban Design

Urban Design Brief	√	√	√		√
Conceptual Site Plan	√	√			
Conceptual Elevations/Floor Plans	√	√			
Computer 3D Massing Models	√	√			
Angular Plane Study	√	√			√
Wind Study	√	√			√
Sun Shadow Study	√	√			√
Public Realm Plan	√	√	√		
Community Facilities Study	√	√	√		
Tree Inventory and Preservation Plan			√		√
Arborist Report			√		√
Lotting Distribution Plan			√		
Lot Siting Plan			√		
Demonstration of Soil Volume for trees			√		

Required Documentation	Official Plan Amendment	Zoning By- law Amendment	Plan of Subdivision	Plan of Condominium	Site Plan Control
Public Realm Plans			√		
Right Of Way Cross Sections			√		
Stormwater Management Functional Plans			√		
Active Transportation Plan			√		
Woodland Management Plan			√		
Restoration Buffer Plan			√		√
Building Elevations					√
Floor Plans					√
Building Cross Section Drawings					√
Public Realm Plan					√
Landscape/ Streetscape Plans and Details					√
Landscape Cost Estimate					√
3D Coloured Renderings					√
Digital Material/Colour Palette					√
Sign Uniformity Plan					√
Bird Friendly Specifications Checklist					√
Photometric Study					√
Land Appraisal Report					√
Topographic Survey / Grading Plan Overlay					√

Development Engineering

Transportation Impact Assessment Study	√	√	√		√
Functional Traffic Design Study			√		
Parking Justification Study		√			√
Transportation Demand Management Study	√	√	√		√
Functional Servicing Report	√	√	√		√
Site Servicing Plan					√
Site Grading Plan					√
Erosion and Sediment Control Plan					√

Required Documentation	Official Plan Amendment	Zoning By-law Amendment	Plan of Subdivision	Plan of Condominium	Site Plan Control
Detailed Stormwater Management Report			√		√
Street Lighting / Photometric Assessment					√
Noise Impact Study, if required	√		√		√
Environmental Site Assessment Phase I (and Phase II, if required)			√		√
Record of Site Condition, if required			√		√

The Development Application Checklist by Application Type above, may be amended from time to time by the Commissioner of Development Services or their delegate, without amendment to this Plan.

4. Payment of the application fees established by Council, from time to time.
5. Clearances, approvals or permits from external agencies on matters within their jurisdiction, where applicable.
6. Where an application for Zoning By-law Amendment is submitted concurrently with an Official Plan Amendment, the City shall require confirmation from the Regional Municipality of York that final approval of the Official Plan Amendment has been delegated to the City of Markham or, that the Regional Municipality of York has approved the required Official Plan Amendment, prior to the Zoning By-law Amendment being deemed complete.
7. Where an application for Site Plan Control is requested, confirmation from the City that the proposal complies with the applicable Zoning By-law.
8. Any other technical documentation required by this Plan or specified in an applicable secondary plan.

10.6.2.3

To require the execution and registration of an agreement or an amendment to an existing agreement, prior to applications for plan of subdivision, plan of condominium, and, site plan control, where applicable, to the satisfaction of the City Solicitor or their delegate.

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- 10.6.2.4 **To have regard for** previous technical studies, plans and other materials submitted in support of and accepted for, prior phases of the same development, as subsequent phases are developed. The technical studies, plans and other items submitted in support of a phased development may be required to be updated in subsequent phases.
- 10.6.2.5 **To require** the development proponent to submit any required studies identified in the York Region Official Plan, to the satisfaction of the Regional Municipality of York.
- 10.6.2.6 **To require** the following information and materials as part of any application for consent (severance):
1. The minimum submission requirements as set out in the City's Application of Consent to Sever Property form, or its successor;
 2. Confirmation from the City that an application for consent to sever complies with the applicable Zoning By-law; and,
 3. Confirmation from the City that the application for consent is consistent with Section 10.3.2 of this Plan.
- 10.6.2.7 **That** prior to the submission of a complete *Planning Act* application, where complete application requirements have been determined through a formal pre-consultation application process prior to January 1, 2023, the City shall require:
- a) An amendment to the formal pre-consultation requirements; or,
 - b) A new pre-application consultation application.
- 10.6.2.8 **To encourage** the development proponent to hold a minimum of one community information meeting for applications for Official Plan Amendment or Zoning By-law Amendment as identified in Section 10.7 of this Plan.
- 10.6.2.9 **That** additional information or materials not listed in this Plan or Markham's Development Application Checklist by Application Type may be required, despite the fact that an application has been deemed "complete" in accordance with the *Planning Act* and the regulations thereto, prior to a decision by Council or the approval authority on a development application. These additional requirements will not affect the original date of the complete application.
- 10.6.2.10 **That** the date the application is deemed complete is the date on which the timeline for processing the application begins, as identified in the *Planning Act*."

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment to the City of Markham's Official Plan 2014, as amended, is exempt from approval by the Regional Municipality of York. Following adoption of the Amendment, notice of Council's decision will be given in accordance with the *Planning Act*, and the decision of Council is final, if a notice of appeal is not received on or before the last day for filing an appeal.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and associated figure(s) and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. The notice provisions of Section 10.7.5 of the 2014 Markham Official Plan, as amended, shall apply.

Appendix ‘B’
Draft Site Plan Delegation By-law

BY-LAW 2022-_____

**A Delegation By-law Being a By-law to provide for the Delegation of Site Plan
Approval Authority**

WHEREAS subsection 41(13) and 51.2(4) of the *Planning Act*, R.S.O. 1990, c. P.13 and subsection 9(2) of the *Condominium Act*, 1998, S.O. 1998, c. 19, authorize the council of a municipality to delegate to either committee of council or to an appointed officer of the municipality any of the council’s powers or authority, except the authority to define classes of developments;

NOW THEREFORE; the Council of the Corporation of the City of Markham hereby enacts as follows:

1. Director of Planning and Urban Design:
 - a) The Director of Planning and Urban Design, or delegate, is hereby delegated the authority to approve plans and drawings in respect of any development pursuant to section 41 of the *Planning Act* received on or after July 1, 2022.
 - b) Approve plans and drawings in respect of the following, pursuant to subsection 51.2(4) of the *Planning Act*.
 - i) Extensions to draft approved plans;
 - ii) Minor revisions to draft approved plans;
 - iii) Minor revisions to conditions of draft approval; and,
 - iv) Additional phases of draft plans, where council has approved a first phase and where a public meeting, under subsection 51(20) of the *Planning Act*.
 - c) Approved descriptions of the plans of condominium pursuant to subsection 9(2) of the *Condominium Act*.
2. By-law 2002-202 is hereby repealed.

Read a first, second and third time and passed on the XXth day of December, 2022.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Appendix 'C'
Draft Pre-Application Consultation By-law

BY-LAW 2022-_____

**A BY-LAW TO REQUIRE PRE-APPLICATION CONSULTATION BY
DEVELOPMENT PROPONENTS PRIOR TO SUBMISSION OF
APPLICATIONS FOR AN OFFICIAL PLAN AMENDMENT, A ZONING BY-
LAW AMENDMENT, A PLAN OF SUBDIVISION APPLICATION OR A SITE
PLAN CONTROL APPLICATION WITHIN THE CITY OF MARKHAM**

WHEREAS the Council of The Corporation of the City of Markham is authorized by subsections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass a by-law to require that property owners or their agents proposing official plan amendments, zoning by-law amendments, approval of plans of subdivision or site plans, consult with the municipality before submitting an application for such an amendment or approval;

AND WHEREAS the City of Markham requires a development proponent to meet with the City, and external agencies, where applicable, to discuss the merits of a development proposal before any such application is submitted, to ensure that all information and material that may be required to accompany a development application is identified and, to confirm the City's and external agencies', where applicable, technical submission requirements for a complete application;

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

1. DEFINITIONS

In this by-law:

- (1) "Act" means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or any successors thereto;
- (2) "Development Approval" includes:
 - (a) an official plan amendment;
 - (b) a zoning by-law amendment;
 - (c) a plan of subdivision approval, including a plan of condominium; and, or,
 - (d) a site plan approval, including an application to amend an existing site

plan approval.

- (3) **"Development Proponent"** means a person or public body, including a landowner or authorized agent, seeking a Development Approval.
- (4) **"Supporting Documents"** includes plans, studies and other documents drafted to conform with the City's terms of reference, submission requirements, scope of work, and any other standards and guidelines, provided by the Development Proponent to the City of Markham and external agencies.

2. PRE-APPLICATION CONSULTATION

Prior to a Development Proponent submitting an application for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision, Plan of Condominium or Site Plan Control, the Development Proponent shall engage in pre-application consultation with the City of Markham as follows:

Clarification and Understanding stage:

- (1) The Development Proponent shall apply for pre-application consultation to the Development Services Commission. The request for pre-application consultation shall include, but is not limited to:
 - (a) a description of the property;
 - (b) the location of the property;
 - (c) preliminary plans; and,
 - (d) the nature of the proposal.
- (2) Development proposals and applications will not be accepted for processing for pre-application consultation by the City of Markham prior to:
 - (a) the submission of a pre-application consultation request form; and,
 - (b) a pre-application consultation meeting, identified in subsection (3), unless the proposal has been exempted Director of Planning and Urban Development, or delegate from a consultation meeting;
- (3) The Development Proponent shall attend a pre-application consultation meeting with the City of Markham Staff ("Staff") and external agencies, where applicable, including the appropriate Staff member(s) responsible for the development area in which the development proposal is located, unless the Director of Planning and Urban Development determines that such a

meeting is not required due to the scope, scale, location or phase of the development proposal;

- (4) Upon receipt of a request for a pre-application consultation meeting, Staff member(s) shall schedule a pre-application consultation meeting within twenty (20) business days;
- (5) All pre-application consultation meetings shall be arranged on a date and time satisfactory to the appropriate Staff member(s). Staff shall advise the Development Proponent of the meeting details;
- (6) Staff shall notify the Development Proponent prior to a pre-application consultation meeting, which external agencies or senior levels of government have been invited to attend the meeting; and,
- (7) Within fifteen (15) business days following the later of a pre-application consultation request, or a pre-application consultation meeting, Staff shall provide the Development Proponent with the Development Application Checklist by Application Type.

Quality Control stage:

- (1) Following a pre-application consultation meeting, the Development Proponent shall provide all Supporting Documents identified in the Development Application Checklist, prepared by or at the request of the Development Proponent, to the satisfaction of Staff and external agencies, where applicable.
- (2) Prior to full circulation of the development submission, Staff shall conduct a scoped circulation of the Supporting Documents for quality control review. The Quality Control Review will be conducted by Staff and relevant agencies to ensure the scope, terms of reference and standards of the Supporting Documents meet the identified requirements. If required, Staff shall meet with the Development Proponent to ensure all expectations for the submissions are clarified.

Technical Review stage:

- (1) Upon completion of the Quality Control Review and any additional meetings, Staff and external agencies shall undertake a technical review of the documentation provided.
- (2) The Development Proponent shall make any revisions to the Supporting Documents submission as required by Staff and external agencies to conform with any applicable policies, laws or guidelines, as necessary.

Agreement stage:

- (1) Where an application for plan of subdivision, plan of condominium, or site plan control is submitted, the Development Proponent shall submit an application for an agreement or an application to amend an existing agreement to the satisfaction of the City Solicitor or their delegate.
- (2) Following completion of Staff and agencies' technical review of a plan of subdivision, plan of condominium or site plan control application, any required conditions will be incorporated into an agreement to be executed by the Development Proponent and the City.
- (3) Prior to an application for site plan control being deemed complete, the development proponent will be required to execute a site plan agreement or amendment to a site plan agreement. The City shall register the agreement or amendment on title, as applicable.

3. DATE BY-LAW EFFECTIVE

This By-law shall come into force and effect on January 1, 2023.

4. SHORT TITLE

This By-law may be cited as the "City of Markham Pre-Application Consultation By-law".

1. REPEAL OF FORMER BY-LAW

By-law 2008-148 is hereby repealed upon the enactment of this By-law.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS XX DAY OF DECEMBER, 2022.

KIMBERLEY KITTINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

Appendix 'D'
Bill 109 Fee Refunds

Application type	No Refund	50% Refund	75% Refund	100% Refund
Zoning By-Law	Decision within 90 days	Decision between 90 and 150 days	Decision between 150 and 210 days	Decision after 210 days
OPA/Zoning	Decision within 120 days	Decision between 120 and 180 days	Decision between 180 and 240 days	Decision after 250 days
Site Plan	Approval within 60 days	Approval between 60 and 90 days	Approval between 90 and 120 days	Approval after 120 days