

## **BY-LAW 2023-\_\_\_**

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, plan of condominium 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 condominium, 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 a development proposal before any such application is submitted, to ensure that all information and material that may be required to review the development application is identified and is provided with the application 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
  - (d) a site plan approval, including an application to amend an existing site plan approval.
- (3) "Development Proponent" means anyone, including a public body, 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 or York Region's terms of reference, where available, submission requirements, scope of work, and any other City 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 a pre-application consultation with the City of Markham as follows:

#### Pre-Application Consultation Meeting:

(1) The Development Proponent shall apply for pre-application consultation to the Development Services Commission. The request for pre-application consultation shall include at a minimum, the following:

- (a) a description of the property;
- (b) the location of the property;
- (c) preliminary plans and studies of the development proposed; and,
- (d) the proposal.

(2) Applications for pre-application consultation will not be accepted prior to:

- (a) the submission of a pre-application consultation request form; and,
- (b) payment of the prescribed fee.

(3) The Development Proponent shall attend a pre-application consultation meeting with 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, or their delegate, determines that such a meeting is not required due to the scope, scale, location or phase of the development proposal;

(4) 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

(5) Staff shall provide the Development Proponent with a complete application submission checklist of Supporting Documents that may be required for a complete application following the Pre-Application Consultation Meeting.

#### Complete Application:

(6) Prior to the submission of a complete Planning Act application:

a) The Development Proponent shall consult with and is encouraged to obtain clearances, approvals or permits from external agencies on matters within their jurisdiction, where applicable.

b) In the case of site plan control applications, the Development Proponent shall make an application for a Municipal Services Agreement ("MSA") with the City and shall apply for any necessary permits relating to municipal connections, where applicable, unless the Director of Planning and Urban Design and the Director of Engineering or their delegates, determine that a MSA is not required due to the scope, scale, location or phase of the development proposal.

d) Where complete application requirements have been determined through a formal pre-consultation application process prior to July 1, 2023, Markham Staff may require one of the following:

- i) An amendment to the previous complete application checklist; or
- ii) A new pre-application consultation application.

(7) Upon completion of all required processes outlined in clauses 1-6 above, a formal development application, with prescribed fee, may be submitted to the City. The City will review the development application to determine whether or not an application is complete within 30 days, in accordance with the Planning Act.

### **3. DATE BY-LAW EFFECTIVE**

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

### **4. SHORT TITLE**

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

### **5. 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 XXth DAY OF JUNE, 2023.

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KIMBERLEY KITTERINGHAM  
CITY CLERK

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FRANK SCARPITTI  
MAYOR