

Draft Official Plan Amendment

of the

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. 42

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

[Entire Municipality]

(June 2023)

CITY OF MARKHAM
OFFICIAL PLAN AMENDMENT NO. 42

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 By-law No. 2023-105 in accordance with the *Planning Act*, R.S.O., 1990 c.P.13, as amended, on the 28th day of June 2023.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



By-law 2023-105

Being a by-law to adopt Amendment No. 42
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., c. P.13, 1990, HEREBY ENACTS AS
FOLLOWS:

1. THAT Amendment No. 42 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 28th DAY OF JUNE, 2023.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

CONTENTS

PART I - INTRODUCTION

1.	GENERAL	.....	6
2.	LOCATION	.....	6
3.	PURPOSE	.....	6
4.	BASIS	.....	6

PART II - THE OFFICIAL PLAN AMENDMENT

1.	THE OFFICIAL PLAN AMENDMENT	.....	9
2.	IMPLEMENTATION AND INTERPRETATION	.....	16

PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. 42)

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. 42 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. The *Helping Homebuyers, Protecting Tenants Act, 2023* received Royal Assent on June 8, 2023 and postponed the effective date of the application fee refund provisions to July 1, 2023. This Official Plan Amendment addresses those changes that came into effect on July 1, 2022 and those that will come into effect July 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 directions 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 that also supports the filing of concurrent applications. While certain applications will not be deemed to be complete until prerequisite approvals are achieved, the City intends to process applications concurrently in a streamlined fashion. 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 includes technical Amendments to various Section 9 policies, which presently identify the 1987 Official Plan as the 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. 42)

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.”
- 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) Deleting Section 10.4.4 in its entirety.
- b) Deleting Section 10.4.5 in its entirety.

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. ”

It is the policy of Council:

10.6.1.1 **To require** the development proponent meet with Markham 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 Sections 10.6.2, 10.6.2.1 to 10.6.2.3, 10.6.2.5 to 10.6.2.7 and replacing them 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 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, or does not submit all of the required supporting information and materials, without specific approval from Markham Staff, an application for Official Plan Amendment, Zoning By-law Amendment or Site Plan Control may be deemed incomplete.

10.6.2.2 **To require** all development proponents to submit the following to the satisfaction of Markham Staff 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, shall be prepared in compliance with any applicable Terms of Reference, Standards, and Guidelines prepared and/or approved by the City or York Region, as amended from time to time; and,
3. Some or all of the information, materials, plans and studies identified in the checklist below may be required for a complete application, including any additional technical studies, plans and/or other items required by this Plan or specified in an implementing secondary plan that is relevant to the proposal.

The specific information, materials, plans and studies required for a complete

application will be confirmed through the pre-application consultation stage of a development proposal. All checklist items confirmed as necessary for a complete application shall be prepared by qualified, registered and/or licensed professionals, as applicable.

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					
3D Coloured Elevation Drawings					√
Building Elevations					√
Community Energy Plan	√				
Community Services and Facilities Study	√	√	√		
Comprehensive Block Plan	√	√	√		
Concept Plans and Drawings including but not limited to: conceptual site plan, ground floor plan, roof plan, landscape plan, elevations, typical floor plates and underground plans.	√	√	√	√	
Draft Official Plan Amendment	√				
Draft Plan of Condominium				√	
Draft Plan of Subdivision			√		
Draft Zoning By-law Amendment		√			
Floor Plans					√
Housing Impact Statement	√		√	√	
Payment of any outstanding taxes or levies					√
Planning Justification Brief	√	√	√	√	
Planning Justification Report	√	√	√	√	
Plans or Draft R-plans identifying all conveyances or easements to the City or					√

Required Documentation	Official Plan Amendment	Zoning By-law Amendment	Plan of Subdivision	Plan of Condominium	Site Plan Control
other Public Authority					
Precinct Plan	√				
Site Plan					√
Surveyor's Certificate for SOR /88-148					√
Sustainable Assessment Tool (Sustainability Metrics)			√		√
Zoning Compliance Certificate from Building Standards Department					√

Heritage Planning

Archaeological Impact Assessment	√	√	√		√
Cultural Heritage Impact Assessment	√	√	√		
Heritage Conservation Plan for Heritage Resource			√		
Major Heritage Permit					√
Pre-Construction Condition Survey of Cultural Heritage Resource(s)					√
Structural Condition Review Plan			√		

Environmental Planning

Agricultural Impact Assessment	√	√			
Buffer Restoration Plan			√		√
Contaminant Management Plan					√
Delineation of the Greenway Area/Natural Heritage Constraints Map	√	√	√		√
Environmental Impact Study	√	√	√		√
Floodplain Analysis	√	√	√		√
Headwater Drainage Feature Assessment	√	√	√		√
Meanderbelt Analysis	√	√	√		√
Natural Heritage Compensation Plan	√	√	√		√
Water Balance Assessment			√		√
Woodland and Open			√		√

Required Documentation	Official Plan Amendment	Zoning By-law Amendment	Plan of Subdivision	Plan of Condominium	Site Plan Control
Space Management Plan					

Urban Design and Parks Planning

3D Coloured Renderings					√
Arborist Report and Tree Inventory and Preservation Plan		√	√		
Bird Friendly Specifications Checklist					√
Building Cross Section Drawings					√
Community Design Plan	√				
Computer 3D Massing Models	√	√			
Concept Landscape / Streetscape Plan			√		√
Demonstration of Soil Volume for trees			√		
Digital Material and Colour Palette					√
Land Appraisal Report					√
Landscape Cost Estimate					√
Landscape Plans and Details			√		√
Lot Siting Plan			√		
Lotting Distribution Plan			√		
Parkland Plan	√				
Pedestrian Level Wind Impact Study	√	√			√
Right of Way Cross Sections			√		
Streetscape Plans and Details			√		
Sun and Shadow Analysis	√	√			
Topographic Survey / Grading Plan Overlay					√
Trail Design Plan			√		
Tree Permit and Tree Protection					√
Urban Design Brief	√	√	√		√

Development Engineering

Environmental Site Assessment Phase I (and Phase II, if required)			√		√
Erosion and Sediment Control Report					√
Functional Servicing	√	√	√		√

Required Documentation	Official Plan Amendment	Zoning By-law Amendment	Plan of Subdivision	Plan of Condominium	Site Plan Control
Report					
Geotechnical Report	√	√	√		√
Hydrogeological / Water Balance Analysis Report	√	√	√		√
Infrastructure and Development Phasing Plan	√				
Internal Functional Traffic Design Study			√		
Master Environmental Servicing Plan and Scoped Environmental Master Servicing Plan for Intensification Areas	√		√		
Noise Study	√	√	√		√
Parking Study		√			
Site Grading Plan					√
Site Servicing Plan					√
Stormwater Management Brief		√	√		√
Stormwater Management Pond Operation and Maintenance Report			√		√
Stormwater Management Report		√	√		√
Submitted application for Municipal Services Agreement					√
Subwatershed Study	√				
Transportation Demand Management Plan	√	√	√		
Transportation Impact Assessment Study	√	√	√		

4. Payment of the application fees established by Council, from time to time.
5. 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 application being deemed complete.
6. Where an application for Site Plan Control is requested, confirmation from the City that the proposal complies with the applicable Zoning By-law.

7. Any other technical documentation required by this Plan, the York Region Official Plan or specified in an applicable secondary plan.

10.6.2.3 **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 encourage** the development proponent to hold a minimum of one community information meeting for applications for Official Plan Amendment or Zoning By-law Amendment.

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply 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.