

CITY OF MARKHAM
ONTARIO



BY-LAW 2023-XX

**A BY-LAW TO AMEND BY-LAW 211-83,
Being a by-law to prescribe a tariff of fees for the processing
Planning Applications in the City of Markham**

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

1. That by-law 211-83, as amended, is hereby further amended as follows:
 - a. Clause 1 of the by-law is hereby deleted and replaced with the following:

“1. That pursuant to Section 69 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended from time to time, the Tariff of Fees for Processing Planning Applications, as shown in Schedule ‘A’ attached hereto, is hereby adopted.”
 - b. Clause 2 of the by-law is hereby deleted and replaced with the following:

“2. The fees set out in Schedule ‘A’ hereto, for the applications and services described in Schedule ‘A’, shall be paid in accordance with the following:

 - (a) Official Plan Amendment, Secondary Plan Amendment, Zoning By-law Amendment, Site Plan Control, Subdivision, Condominium and Committee of Adjustment Applications – Paid at the time of submission of the application.
 - (b) Minister’s Zoning Order Applications – Paid prior to a staff report being submitted to Development Services Committee or any successor committee.
 - (c) Fees for all other applications shall be paid upon submission of the application unless otherwise noted in Schedule ‘A’.
 - c. Schedule ‘A’ to the by-law is hereby deleted and replaced with Schedule ‘A’ attached hereto.
2. This by-law shall come into effect on January 1, 2024 for applications filed on or after that date.

By-law 2023-xx

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READ A THIRD TIME AND PASSED THIS day of December, 2023

KIMBERLEY KITTERINGHAM
CLERK

FRANK SCARPITTI
MAYOR

SCHEDULE ‘A

TARIFF OF FEES FOR PROCESSING OF PLANNING APPLICATIONS
GENERAL TERMS

- 1.0.

Acceptance

1.1.

All applications shall be accompanied by the fee(s) calculated and payable in accordance with this by-law.
- 2.0.

Calculation

2.1.

For each development application type or service request, a fee shall be calculated, and may include Development Application Fees, Supplementary Fees and Miscellaneous Fees as listed in this by-law. In addition, fees for other applications or services may be payable in accordance with City of Markham by-laws.

2.2.

Fees shall be calculated at the rate in effect on the date paid.

2.3.

Refunds for applications made prior to January 1, 2024 shall be available in accordance with the provisions of the by-law in effect on the date the application was made.

2.4.

Applications for which fees have been paid in part, prior to the effective date of this by-law, shall be required to pay any outstanding amounts in accordance with this by-law. For clarity, where a percentage of a fee applicable to an application was paid prior to the effective date of this by-law, the balance of the percentage owing shall be calculated on the fees set out in this by-law.

2.5.

Fees shall be payable by certified cheque payable to The Corporation of the City of Markham or Electronic Funds Transfer
- 3.0

Adjustment

3.1.

Fees payable shall be adjusted at each payment stage or at execution of agreements to reflect increases in the Construction Cost used to calculate the application fee, based on the fee rate in effect on the date the additional payment is required.
- 4.0

Reimbursement

4.1

Fees shall be reimbursed upon where an applicant withdraws an application, with the amount of the refund calculated in accordance with the following:

4.1.1

Refund percentage is based on all fees received.

4.1.2

HST refund is calculated on the percentage of fee to be refunded.

4.1.3

Refund percentage (%) is based on the application stage as follows:

4.1.3.1	Prior to circulation of application or prior to application being deemed complete or incomplete, whichever is earlier	75%
4.1.3.2	Prior to holding of a public meeting or hearing, if required	50%
4.1.3.3	Prior to Committee receiving recommendation report or prior to Site Plan Approval (Not available for Committee of Adjustment Applications)	25%

5.0

Interpretation

5.1

For the purposes of this by-law, the capitalized terms have the meaning set out in the Definitions section of this Schedule ‘A’.

5.2

Footnotes below the Tables provide additional information and direction on the calculation of the fees.

DEVELOPMENT APPLICATION FEES

Table 1: Application for Pre Consultation		Fee	
1.1	Pre-Consultation ⁽¹⁾	\$963	Per Application

1. Fees do not apply to single detached, semi-detached, or townhouse dwellings that are located within a Heritage District, or otherwise require Heritage approval

Table 2: Official Plan/Secondary Plan Amendment		Fee	
2.1	Minor Amendment ^{(1) (2)}	\$31,419	Per Application
2.2	Major Amendment ⁽³⁾	\$86, 513	Per Application

1. Unless authorized by the Director of Planning or their Designate, all Official Plan or Secondary Plan Amendment applications shall be deemed to be Major.
2. Subject to the approval of the Director of Planning and Urban Design, Minor Official Plan Amendment may include an amendment that:
- a. Proposes a small-scale exception to a specific Official Plan standard (e.g. Minor changes to the number of permitted units, building height, gross floor area or to add a site-specific use limited in scale); or
 - b. Proposes a minor change to a specific policy that is limited in scope and typically applies to only one property; and
 - c. Maintains the intent and purpose of the Official Plan; and
 - d. Has limited impact or policy implications beyond the subject lands; and
 - e. Is authorized by the Director of Planning and Urban Design.
3. Major Official Plan Amendment may include an amendment that:
- a. Proposes re-designation or change in land use for a property(ies);
 - b. Requires several 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 Major OPA category;
 - d. Is a site-specific application for a large-scale development/redevelopment or a change in designation; or
 - e. Proposes significant changes to the text or policies of the Official Plan would also fall in this category.

Table 3: Zoning By-Law Amendment		Fee	
3.1	Minor Amendment including applications for temporary uses ^{(1) (2)}	\$30,387	Per Application
3.2	Major Amendment ⁽³⁾	\$56,491	Per Application
3.3	Removal of "H" (Holding) Provision	\$9,969	Per Application

1. Unless authorized by the Director of Planning and Urban Design, a Zoning By-law Amendment application shall be deemed to be Major.
2. An application for Minor Amendment involves a small scale development site and has no significant impact on adjoining lands, as determined by the Director of Planning and Urban Design. Minor applications must be site specific and may include:
- a. A request for additional permitted uses within an existing building, or a request to expand an existing building with no significant impact on existing development standards; or
 - b. Changes in development standards to accommodate a residential severance to create one additional single detached lot within an existing subdivision.
3. 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 redevelopment of a site;
 - c. A change in use within a new development and/or a change in the zone category; or
 - d. Any application involving significant changes to the development standards or general provisions of the by-law.

Table 4: Plan of Subdivision			Fee	
Planning & Urban Design	4.1.1	Base fee	\$44,234	Per Application
	4.1.2	Plus Unit Fee ⁽¹⁾	\$2,632 per unit for a maximum of 200 units or \$500,000 whichever is greater	Per Unit
Engineering	4.2.1	Calculated Fee ⁽²⁾	10%	First \$1M of Construction Cost
	4.2.2		Plus 8%	Next \$2M of Construction Cost
	4.2.3		Plus 6%	Next \$2M of Construction
	4.2.4		Plus 4%	Construction Cost over \$5M
Miscellaneous	4.3.1	Extension of Draft Plan Approval Request by Applicant	\$9,234	Per Application
	4.3.2	Construction Agreement	As set out in Table 4.2.1 to 4.2.4 inclusive	Per Application
	Revision of Draft Approved Plan and/or Draft Plan Conditions Requested by Applicant ⁽³⁾			
	4.4.1	Minor (does not require report to Committee)	\$7,035	Per Application
	4.4.2	Major (requires report to Committee)	\$20,494	Per Application

1. Unit fee is for single detached, semi-detached and freehold townhouses only. Fees for all other unit types are collected at Site Plan.
2. 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.

Table 5: Plan of Condominium		Fee	
5.1	Condominium Fee (all types)	\$55,476	Per Application
5.2	Extension of Condominium Draft Approval	\$8,921	Per Application
5.3	Revision of Condominium Draft Approved Plan or Conditions of Draft Approval and Amalgamations of Multiple Condominiums	\$12,038	Per Application

Table 6: Site Plan Applications (Residential/Mixed Use)			Fee	
Table 6.1: Residential Developments				
Planning & Urban Design	6.1.1	Base Fee	\$20,151	Per Application
	6.1.2	Plus Unit Fee ⁽¹⁾	\$671 per unit to a maximum of 775 units or \$500,000 whichever is greater	Per Unit
Engineering ⁽⁸⁾	6.1.3	Fee	\$10,482	Per Application
Addition and Alterations	Residential Developments ⁽¹⁾			
	6.1.4	Fee	\$2,965	Per Unit

Table 6.2: Institutional, Commercial, and Industrial (ICI)			Fee	
Planning & Urban Design	6.2.1	Base Fee	\$20,151	Per Application
	6.2.2	GFA Fee	\$1.83	Per m ²

Engineering ⁽⁸⁾	6.2.3	Fee	\$10,381	Per Application
NEW Parking Lot or Outdoor Patio				
6.2.4	Fee		\$10,216	Per Application
EXPANSION/ALTERATION of Existing Parking Lot or Outdoor Patio				
6.2.5	Fee		\$4,546	Per Application

Table 6.3: Extensions or Minor Applications Not Requiring Engineering Review		Fee	
6.3.1	Extension of Site Plan Approval/Agreement	\$2,164	Per Application
6.3.2	Planning and Urban Design Fee for Minor Applications Not Requiring Engineering Review, including facade changes other than in 6.4.4	\$2,778	Per Application

Table 6.4: Heritage Site Plan		Fee	
6.4.1	Residential	Per 6.1.1, 6.1.2 and 6.1.3	Per Application and/or Per Unit as applicable
ICI - Institutional, Commercial, or Industrial			
6.4.2.	Less than 50 m ²	\$2,778	Per Application
6.4.3	50 m ² or greater	Per 6.2.1, 6.2.2 and 6.2.3	Per Application and per m ²
6.4.4	Façade changes when funded wholly or in part by the City of Markham	\$2,778	Per Application

1 Unit fee applicable to Single Detached, Semi Detached, Townhouse and Apartment units

Table 7: Committee of Adjustment			Fee	
Minor Variance	7.1.1	Development Standards ⁽¹⁾	\$6,663	Per Application
	7.1.2	Residential Small Scale Development Standards ⁽²⁾	\$2,828	Per Application
	7.1.3	Variance with respect to use and standards	\$15,351	Per Application
	7.1.4	Technical Variance ⁽³⁾	\$2,319	Per Application
	7.2.1	Multiple Lot Variances - Base Fee	\$11,219	Per Application
	7.2.2	Multiple Lot Variances - Plus Unit Fee ⁽⁴⁾	\$2,319	Per Unit
	7.2.3	Multiple Lot Variances - Notwithstanding 7.2.1 and 7.2.2 above, the total fee for a variance shall not exceed	\$58,252	Per Application
	7.2.4	Heritage variance ⁽⁵⁾	\$0	Per Application
Land Division	Consent for creation of one or more lots			
	7.2.1	Base fee	\$14,143	Per Application
	7.2.2	Plus Additional Unit Fee ⁽⁸⁾ ⁽¹⁰⁾	\$2,137	Per Unit
	7.2.3	Land Area Fee for ICI Applications ⁽⁶⁾	\$21,183	Per Hectare
	7.2.4	Notwithstanding 7.2.1 to 7.2.3 above, the total fee for a Land Division shall not exceed	\$41,130	Per Application
	7.2.5	Other Consent ⁽⁷⁾	\$7,412	Per Application
	7.2.6	Change of Condition prior to final consent	\$1,865	Per Application
	7.2.7	Re-Application of Provisionally approved Consent without completion of conditions within statutory timeframe ⁽⁸⁾ ⁽⁹⁾	\$6,062	Per Application

1 Additions, alterations, or new dwellings that are 50 m² or greater, and apartment, condominium, mixed use buildings or ICI

2 Additions, alterations, or new single detached, semi-detached, or freehold or street townhouse dwellings, or

accessory buildings, structures or decks, less than 50 m²

- 3 To rectify an existing site condition
- 4 Number of actual units or lots (any decimal number rounded off to the next greater number)
- 5 Applies to heritage buildings, or Heritage Properties where Heritage Staff or Heritage Markham has requested the implementation of a historic condition or feature, Applies only to consents creating new residential lots, excluding apartments, condominiums, and mixed use buildings
- 6 Payable prior to finalization of consent
- 7 Includes consent for partial discharge of mortgage, consent to mortgage, easement, lease of 21 years or more, validation of title, and the re-establishment of a previously existing lot line
- 8 Application must be received within 6 months of the lapse of the original consent application
- 9 Proposed lot configuration and development must be identical to the lapsed application receiving provisional consent

Table 8: Supplementary Fee		Fee	
8.1	Additional Public Meeting Fee ^{(1) (2)}	\$9,372	Per Meeting
8.2	Additional Report to Committee or Council ^{(1) (2)}	\$9,372	Per Report
Studies			
8.5.1	Planning and Urban Design Study (Large Scale Major Studies) ⁽³⁾	\$75,702	Per Study
8.5.2	Planning and Urban Design Study (Update or Amendment to existing Study) ⁽⁴⁾	\$30,322	Per Study
8.6.1	Engineering Study (New Study) ⁽⁵⁾	\$39,559	Per Study
8.6.2	Engineering Study (Update or Amendment to existing Study)	\$13,253	Per Study
8.7.1	Hire/Retain a Consultant/Vendor ⁽⁶⁾	Actual cost of Consultant/vendor plus an administrative fee in the amount of 31.7% of the actual cost of the consultant/vendor	Per Consultant/Vendor
8.8.1	Third Party Appeal ^{(7) (8)}	Actual cost of legal counsel and consultants, plus an administrative fee in the amount of 33% of the actual cost of the consultant/vendor	Per Appeal
8.9.1	More than two inspections due to unaddressed deficiencies during previous inspections ⁽²⁾	\$1,915	Per Inspection

- 1 Due to revisions by Applicant, or Applicant's failure to revise drawings/plans/reports as requested by the City
- 2 Payable prior to meeting, inspection, or circulations as applicable
- 3 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
- 4 Includes review and approval of small scale studies at the discretion of the Director of Planning and Urban Design
- 5 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
- 6 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
- 7 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
- 8 Fees shall be payable in accordance with a Cost Acknowledgement Agreement between the City and the Applicant

Table 9: Miscellaneous Fees			Fee	
9.1	Minister’s Zoning Orders			
9.1.1	New MZO Application		\$14,439	Per Application
9.1.2	Community Infrastructure Housing Accelerator		\$143,004	Per Application
9.1.3	Comment on extension of a temporary use permitted by MZO		\$4,775	Per Application
9.2	Deeming By-law		\$3,910	Per Application
9.3	Exemption from Part Lot Control		\$11,332	Per m-Plan
9.4	Telecommunication Tower		\$29,460	Per Application
9.5	Model Home/Sales trailer agreement ⁽²⁾		\$2,850	Per Agreement
9.6	Heritage Permit		\$1,286	Per Application
9.7	Townhouse Siting		\$533	Per Unit
Site Alteration Permit	Planning & Urban Design			
	9.8.1	Base Fee	\$7,544	Per Application
	9.8.2	Area Fee	\$1,558	Per Hectare
	Engineering			
	9.8.3	Base Fee	\$7,544	Per Application
	9.8.4	Area Fee	\$1,558	Per Hectare
9.9	Construction Management Plan and/or Traffic Management Plan and/or Public Communication Plan/Report ⁽¹⁾		\$1,804	Per Application
9.10	Shoring and Hoarding Encroachment Plan ⁽²⁾		\$10,681	Per Application
Miscellaneous Submission not in any other category; Fee to be determined by Director of Planning & Urban Design				
9.11.1	Percentage Fee		15.7%	Construction Cost
9.11.2	Hourly Rate for Estimate Hours		\$308	Per Hour
9.11.3	GIS Hourly Rate		\$134	Per Hour

1 Payable at the submission of Plans
2 Payable at execution of Agreement

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, requiring 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

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

CONDOMINIUM, PLAN OF

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), 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 below*) 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 vacant lots upon which buildings will be located after the condominium is registered.

ENGINEERING

Construction Cost: the estimated cost of all internal and external works associated with the Plan of Subdivision, plus a 10% contingency, prepared by the applicant’s Consulting Engineer.

Construction Management Plan: Technical plan that shows how construction works for a proposed development will be managed. The plan shows surface encroachments (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.

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.

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.

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 mandate to review, comment and/or approve 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 and Industrial

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

GFA (Gross Floor Area 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.

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