

NEW

MARKHAM ZONING BY-LAW PROJECT



Mixed Use / Employment / Commercial Workshop

Workbook

September 2017



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MARKHAM ZONING BY-LAW PROJECT

PHASE 3B

Mixed Use / Employment / Commercial Workshop

SEPTEMBER 11, 2017

MARKHAM MERIDIAN
The Planning Partnership PLANNING

MARKHAM ZONING BY-LAW PROJECT

Evening Overview

1. Introduction – Tom Villella, Manager of Zoning and Special Projects, City of Markham
2. Presentation – Nick McDonald, President, Meridian Planning
3. Workshop – Donna Hinde, Principal, The Planning Partnership

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MARKHAM ZONING BY-LAW PROJECT

Presentation Overview

This presentation will cover the following topics:

- 1. Overview of Process**
 - Review of Official Plan process
 - Review of Phases 1, 2 and 3A components of the ZBL process
 - Review of Project Goals
 - Review of Work Program
 - Review Public Participation Plan
- 2. Mixed Use, Employment and Commercial Areas**
 - Current zoning
 - Where are these areas?
 - What are the applicable Official Plan policies for these areas?
- 3. Moving Forward**
- 4. Workshop Introduction**

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Overview of Process

City of Markham new Official Plan (OP)

- City Council adopted the new Official Plan on December 10, 2013.
- York Region approved the new Official Plan on June 12, 2014.
- A number of appeals were made to the Ontario Municipal Board (OMB) and therefore, the new Official Plan is not fully in force.
- On April 21, 2017, the OMB issued the most recent partial approval that brings a large part of the Official Plan into force.



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Overview of Process

(continued)

The objective of this project is to develop a new zoning by-law that:

- Is user-friendly, interactive & web-based;
- Guides land use and development in Markham;
- Responds to emerging planning and development trends; and,
- Implements the policies of the new OP (to the greatest extent feasible).

Below are the parts of the zoning by-law that will be reviewed:

- Definitions, general provisions, zone categories and associated permissions and standards, etc.;
- Layout, format, structure, zoning method, etc.; and,
- Existing zoning permissions, including site specific zoning by-law amendments and minor variance approvals, to determine the best approach for recognizing existing permissions in the new by-law.

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Overview of Process

(continued)

Below are the phases of the new zoning by-law project.

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graph LR
    1[1 Background Review / Zoning Issue Analysis] --> 2[2 Strategic Direction]
    2 --> 3A[3A Secondary Suites, Rooming Houses, Short Term Accommodations]
    3A --> 3B[3B Draft and Process New Zoning By-law]
  
```

1 Background Review / Zoning Issue Analysis
✓ Completed March 2016

2 Strategic Direction
✓ Completed June 2016

3A Secondary Suites, Rooming Houses, Short Term Accommodations
Ongoing (expected completion by end of 2017)

3B Draft and Process New Zoning By-law
We are here. (expected completion by Spring 2018)

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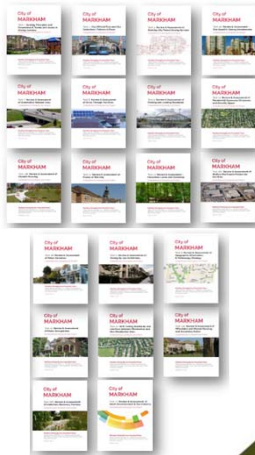
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Overview of Process

(continued)

Phase 1 – Zoning Issues Analysis

- 20 discussion papers were prepared that examined zoning issues and topics, including recommendations to guide the drafting of the new comprehensive zoning by-law.
- 3 Open Houses were held in the Fall of 2015 to present information and obtain input on the Phase 1 draft discussion papers.
- On March 29, 2016 Markham's Development Services Committee (DSC) endorsed, in principle, a Zoning Issues Analysis Report that summarized the 20 draft discussion papers.



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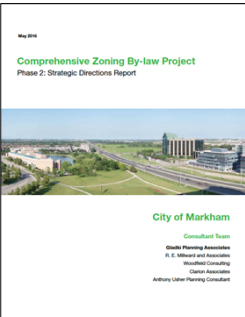
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Overview of Process

(continued)

Phase 2 – Strategic Directions Report

- A Strategic Direction Report was prepared that included a number of recommendations relating to the zoning issues examined as part of Phase 1.
- An Open House was held in May 2016 to provide information and obtain input on the Phase 2 recommendations.
- The Strategic Direction Report was endorsed, in principle, by Markham's Development Services Committee on June 14, 2016.



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Overview of Process

(continued)

Phase 3A – Review of Secondary Suites, Rooming Houses and Short Term Accommodations

- During the Phase 1 Open Houses, Markham staff received feedback about student housing, short term residential rental accommodations (such as Air BnB), rooming houses and secondary suites.
- An Open House was held on October 16, 2016 on the matter, to receive public input and comment. A Statutory Public Meeting was held on December 6, 2016, which provided additional opportunity for public input and comment.
- An additional Public Meeting on the Official Plan Amendments for Rooming Houses and Short Term Accommodations will be held in October 2017.

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Overview of Process

(continued)

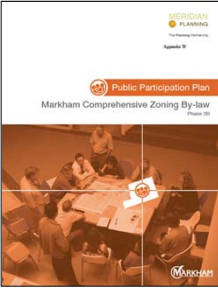
A Public Participation Plan (PPP) has been prepared for Phase 3B that:

- Outlines consultation goals;
- Identifies key stakeholder audiences to be consulted;
- Identifies key messages to be communication; and,
- Provides a general approach and timing for consultation.

Public and stakeholder consultation for Phase 3B is divided into 3 sub-phases. These are summarized below.

- Phase 1: to obtain input to inform and assist with the drafting of the new comprehensive zoning by-law.
- Phase 2: to obtain input on the draft of the new comprehensive zoning by-law.
- Phase 3: to obtain input on the final draft of the new comprehensive zoning by-law.

On April 24, 2017, the PPP was presented to DSC in an Information Report.



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Current Zoning

Below is an overview of how zoning by-laws have been prepared and have evolved in the City of Markham.

- Markham has 46 different zoning by-laws applying to different geographic areas of the City.
- These zoning by-laws were adopted between the 1954 and 2004.
- The zoning by-laws now require updating in order to:
 - Be consistent with the new OP;
 - Ensure appropriateness with current zoning practices (many by-laws are very old); and,
 - Assess whether the large number of amendments and minor variances that have been approved over the years to facilitate development are still required.
- The goal of the new zoning by-law project is to produce one zoning by-law that applies City-wide.

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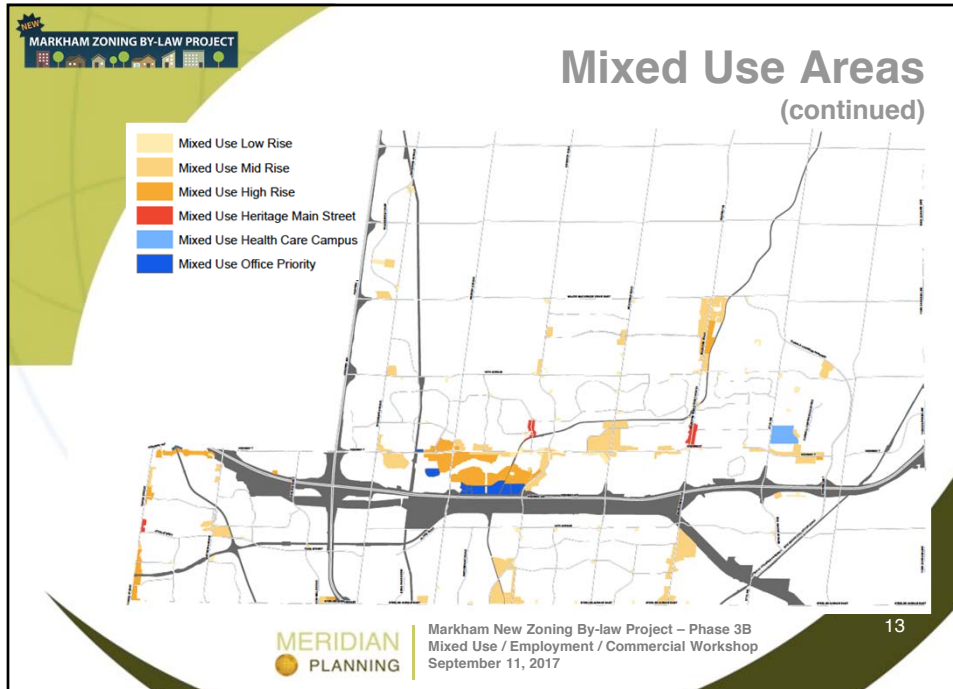
Mixed Use Areas

The City's OP establishes 6 Mixed Use designations as follows:

- The **Mixed Use Low Rise** designation generally applies to small scale retail plazas located within residential neighbourhoods.
- The **Mixed Use Mid Rise** designation generally applies to mid to large scale plazas on larger properties within residential neighbourhoods.
- The **Mixed Use High Rise** designation is generally limited to intensification corridors such as along Highway 7.
- The **Mixed Use Heritage Main Street** designation is applied to Heritage Areas in Unionville, Thornhill and Markham Village.
- The **Mixed Use Health Care Campus** designation comprises the Markham Stouffville Hospital and surrounding lands.
- The **Mixed Use Office Priority** designation applies to larger office buildings located north of the Highway 407 and west of Kennedy Road.

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OP Policies for the Mixed Use Areas

Below are the OP policies that apply to the Mixed Use Areas.

8.3.1.1 a) Provide for a mix of residential, retail, restaurant and service uses that contribute to the creation of complete communities;
 b) Create attractive multi-storey street related building environments;
 c) Ensure that new development is compatible with the character and pattern of adjacent and surrounding development;
 d) Ensure that adequate park space and community services exist or will be provided to serve residents;
 e) Encourage a high quality of urban design;
 f) Promote sustainable development practices;
 g) Improve the pedestrian experience; and
 h) Improve access to transit services.

Section 8.3.1.4 of the OP also requires a comprehensive block plan to be prepared for sites that are generally larger than one hectare.

This requirement will need to be implemented in the City's new zoning by-law.

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Employment Lands

The City's OP establishes 5 Employment designations as follows:

- The **Business Park Employment** designation applies to larger properties generally along the east side of Highway 404 and a few other areas south of the Highway 407;
- The **Business Park Office Priority Employment** designation applies to lands along Highway 7 between Bayview Avenue and Woodbine Avenue;
- The **Service Employment** designation applies to lands generally located along the edges of the General Employment designation; and,
- The **General Employment** designation applies to large properties with industrial type uses that are generally located south of the Highway 407 between the Highway 404 and Warden Avenue.


The Future Employment designation will be reviewed as part of a future secondary planning exercise.


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Employment Lands

 General Employment


 Business Park Employment

 Business Park Employment Office Priority

 Service Employment



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OP Policies for the Employment Lands


Below are the OP policies that apply to the Employment Lands.

8.5.1.1

- a) Enhance the role of Markham as a major employment centre and primary office location within York Region accommodating a significant share of forecast Regional employment growth;
- b) Provide for a range of employment uses at appropriate locations that contribute to the creation of complete communities;
- c) Protect and preserve 'Employment Lands' from land uses that may affect the continued viability of existing employment uses and their expansion in the future;
- d) Ensure that new development is compatible with the character and pattern of adjacent and surrounding development;
- e) Encourage a high quality of urban design;
- f) Promote sustainable development practices;
- g) Improve the pedestrian experience and
- h) Improve access to transit services.

Section 8.5.2.6 (Business Park Employment) and Section 8.5.3.6 (Business Park Office Priority Employment) requires a comprehensive block plan to be prepared for sites that are generally larger than one hectare.

This requirement will need to be implemented in the City's new zoning by-law.


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Commercial Areas

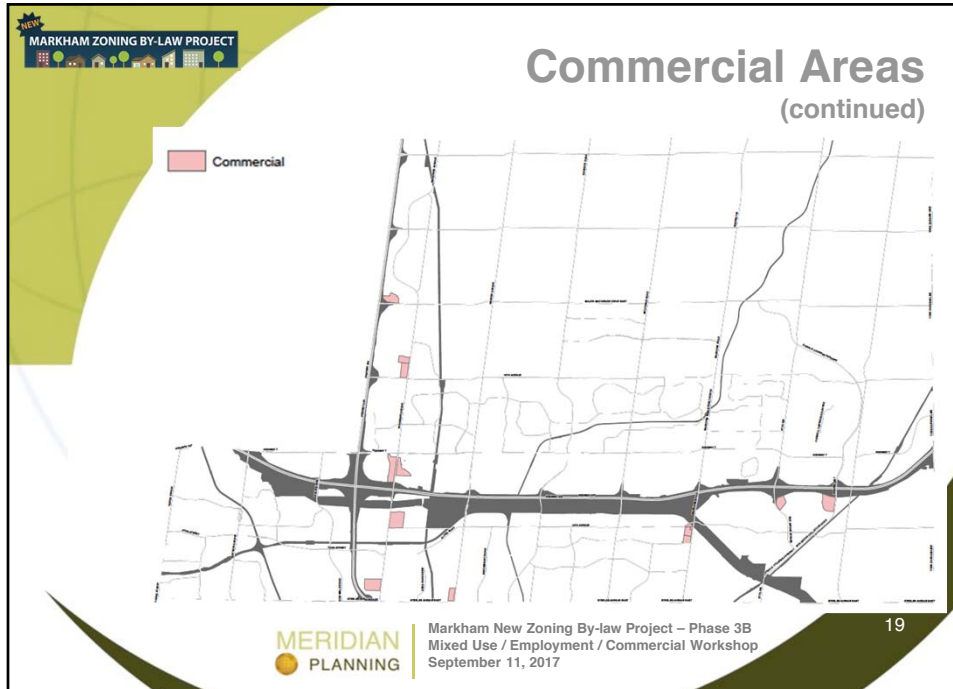
The City's 13 Commercial Areas are:

- Lands that are designated Commercial in the City's OP;
- Lands that are located adjacent to employment lands; and,
- Developed with commercial uses, however some are vacant.

The City's OP indicates that no additional lands will be designated Commercial. Instead, future large-format retail development will be accommodated in Mixed Use designations.


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OP Policies for the Commercial Areas

Below are the OP policies that apply to Commercial Areas.

8.4.1.1 a) *recognize* certain lands have been developed or approved for large-format retail development, adjacent to 'Employment Lands';
 b) *provide for the orderly, phased development or redevelopment* large-format retail development into more intensive multi-use commercial areas that accommodate complementary retail, service and office employment uses; and,
 c) *not permit residential uses.*

Section 8.4.1.7 of the OP also requires a comprehensive block plan to be prepared for sites that are generally larger than one hectare.

This requirement will need to be implemented in the City's new zoning by-law.

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Workshop

For the **Mixed Use Areas**, we are looking for your input on options for:


- Form of implementation; and,
- Basic urban design driven standards.

For the **Employment Areas** and **Commercial Areas** we are looking for your input on the types of zoning tools that we should include in the new zoning by-law.



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Mixed Use Areas – Form of Implementation

Below is a description of the options to consider.

- **Option 1:** This option involves the updating of the zoning applying to mixed use sites to permit the broadest range of uses anticipated on these sites by the Official Plan and the establishment of standards to guide development.
- **Option 2:** Pre-zone mixed use areas by permitting the full range of uses provided for in the Official Plan but either establish no standards or require “height and density to be determined through a rezoning” on a case-by-case basis.
- **Option 3:** Place all mixed use properties in “Future Development” zones but only recognize existing uses. This means that existing uses can continue but any expansion of those uses and/or redevelopment of those uses would require an amendment to the zoning by-law. Existing conforming uses would continue to be permitted.



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Mixed Use Areas – Standards

Below are some basic urban design driven standards to consider.

- Is min and max FSI a great tool?
- Should there be detailed podium and step back rules in the by-law?
- If angular plane is used - how should it be measured?
- Should other rules be considered? E.g. minimum first storey height and/or require a minimum percentage of building wall to be open.
- What about minimum and maximum setbacks?

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Employment & Commercial Areas – Standards

Below are some basic urban design driven standards to consider.

- Is min and max FSI a great tool?
- Should there be detailed podium and step back rules in the by-law?
- If angular plane is used - how should it be measured?
- Should other rules be considered? E.g. minimum first storey height and/or require a minimum percentage of building wall to be open.
- What about minimum and maximum setbacks?

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Workshop

For the **Mixed Use Areas**, we are looking for your input on options for:

- Form of implementation; and,
- Basic urban design driven standards.

For the **Commercial Areas** and **Employment Lands**, we are looking for your input on the types of zoning tools that we should include in the new zoning by-law.

Move around the room to each station and mark down your comments.

**EMAIL YOUR COMMENTS TO
newzoningproject@markham.ca**



MARKHAM ZONING BY-LAW PROJECT

MIXED USE, COMMERCIAL AND EMPLOYMENT ZONING STANDARDS AND TOOLS

Overview

The City of Markham has established new land use designations for mixed-use, commercial and employment areas in the City.

The areas that are designated mixed use are primarily developed with commercial uses and it is expected that these areas will be redeveloped over time with a mix of commercial and residential uses. Lands that are designated for commercial purposes are also primarily developed, however, they are expected to stay as commercial areas only. The lands designated for employment purposes are primarily developed with industrial, office and service employment type uses.

A significant amount of population and job growth is expected in Markham over the next 20 to 30 years. With this in mind, it is expected that a number of already developed sites will be redeveloped and that many of the vacant parcels of land in these areas will be developed.

The City's Official Plan establishes a number of urban design policies that seek to establish vibrant people places that are accessible and connected, with high quality and well-defined buildings. These policies also require the development of human-scaled buildings that enhance the pedestrian realm, including continuity of buildings along streets.

To accomplish these goals, a variety of zoning tools can be considered for inclusion in the new zoning by-law, such as floor space index, building height controls, angular planes, setbacks requirements, street wall and tall building standards. These tools shape the site configuration and building envelope, the way the building envelope is designed and articulated, and the way that uses fit into buildings to achieve the policies of the Official Plan. The tools work individually and in concert with one another to shape appropriate development standards.

What are your thoughts on whether these tools should be considered in Markham? What are your ideas on what these tools should look like in the Markham context?

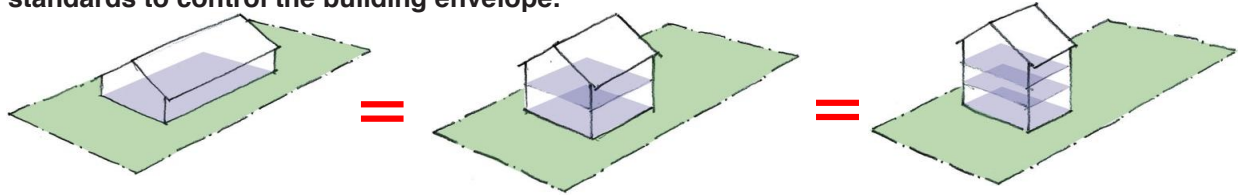




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MIXED USE, COMMERCIAL AND EMPLOYMENT FLOOR SPACE INDEX

Floor space index (FSI) establishes a ratio or percentage for the maximum amount of floor area that can be developed on a lot. For example, on a lot of 2000 square metres in area, an FSI of 0.5 (50%) means that 1000 square metres of floor area can be built; an FSI of 1.5 (150%) means that 3000 square metres of floor area can be built. FSI works with setbacks, height limits, and other standards to control the building envelope.



Advantages

- Establishes a way to relate the amount of floor area permitted to the size of the lot
- Allows for greater development on larger lots, less on smaller lots
- Simple: a single standard controls density for any size/shape of lot

Disadvantages

- Can be complicated, often requires professional interpretation
- Must be considered with other standards to understand how it impacts development potential
- Not as relevant if there are established height, setback and/or coverage standards
- Does not dictate form of buildings, or control architectural style

Please provide your thoughts on whether the Floor Space Index tool should be used in the new by-law and provide your thoughts on the advantages and disadvantages of this tool

Advantages

Disadvantages

Preferences - Please identify whether this tool has merit and should be considered further and provide reasons why.

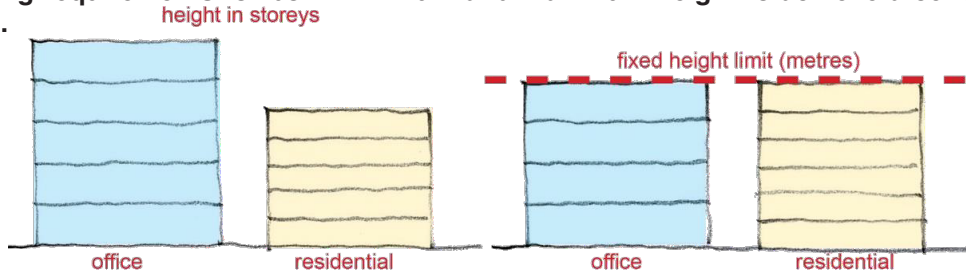




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MIXED USE, COMMERCIAL AND EMPLOYMENT BUILDING HEIGHT

Building height can be measured in absolute terms (metres above grade), or relative terms (number of storeys), or both. Different kinds of buildings, such as office and residential, can have different storey heights. One option for the City to consider in preparing a new by-law is establishing requirements for both minimum and maximum height to achieve a certain desirable built form.



Advantages

- Easy to understand and visualize
- A fixed height limit creates predictability
- Establishing minimum height requirements provides for more urban built form

Disadvantages

- A fixed height limit does not respond to lots where additional height might be appropriate (e.g. large lots) or inappropriate (e.g. small lots)
- A minimum height requirement may also not work in all circumstances
- May create incompatible interfaces between new and established developments

Please provide your thoughts on whether both minimum and maximum height standards should be used in the new by-law and provide your thoughts on the advantages and disadvantages of this tool.

Advantages

Blank space for user input under Advantages.

Disadvantages

Blank space for user input under Disadvantages.

Preferences - Please identify whether this tool has merit and should be considered further and provide reasons why.

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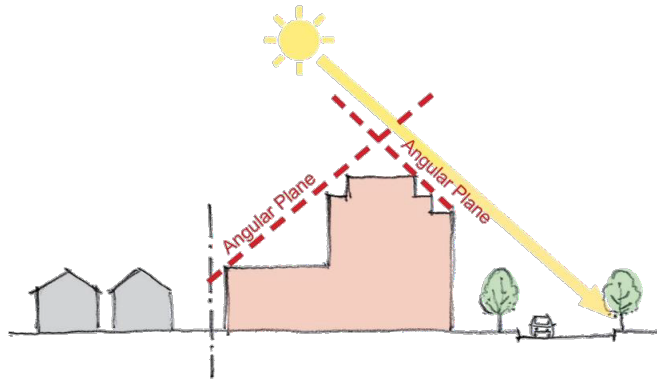




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MIXED USE, COMMERCIAL AND EMPLOYMENT ANGULAR PLANES

An angular plane is an imaginary flat surface extending over a lot, at a specified angle that limits the placement and height of buildings. A new building must be at or below the angular plane. It works much the same way as a height limit, except at an angle. One of its primary purposes is to ensure there is a transition in building height from taller to lower.



Advantages

- Can be used in a variety of circumstances, for example:
 - To control height and transition adjacent to established or low-rise neighbourhoods – front, rear, and side yard conditions
 - To sculpt buildings adjacent to public streets and spaces to provide for human scale and access to sunlight

Disadvantages

- Can be complicated, often requires professional interpretation
- As a blanket standard, does not allow for appropriate exceptions or creative solutions
- Different outcomes are possible depending on how angular planes are measured - from the street edge, property line or building face

Please provide your thoughts on whether angular plane standards should be used in the new by-law and provide your thoughts on the advantages and disadvantages of this tool. Also, please provide any thoughts you may have on how it should be measured.

Advantages

Disadvantages

Preferences - Please identify whether this tool has merit and should be considered further and provide reasons why.

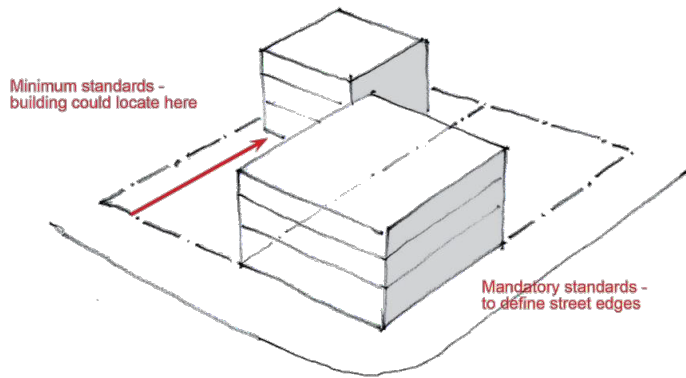




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MIXED USE, COMMERCIAL AND EMPLOYMENT SETBACKS

Front, rear, and side yard setbacks are common tools used to control the location of buildings on a lot, and work with other standards to define a building envelope. Most by-laws typically contain “minimum” standards. However, in many instances it may be desirable to define “mandatory” setbacks. For example, along a mixed use main street, it is desirable for buildings to define the street edge, and the front yard setback may be a “build-to” line at or close to the edge of the right of way. It may also be desirable to have no side yard setback at all, so that over time buildings create a continuous street wall.



Advantages

- Easy to understand and visualize
- Setbacks can be tailored to context, e.g. Markham Centre vs. adjacent to established neighbourhoods

Disadvantages

- As a blanket standard, does not allow for appropriate exceptions or creative solutions
- Can be challenging to comply with on irregular lots

Please provide your thoughts on whether both minimum and maximum setback standards should be used in the new by-law and provide your thoughts on the advantages and disadvantages of this tool. Also, please identify those circumstances where a maximum setback may be desirable.

Advantages

Disadvantages

Preferences - Please identify whether this tool has merit and should be considered further and provide reasons why.





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MIXED USE, COMMERCIAL AND EMPLOYMENT STREET WALL

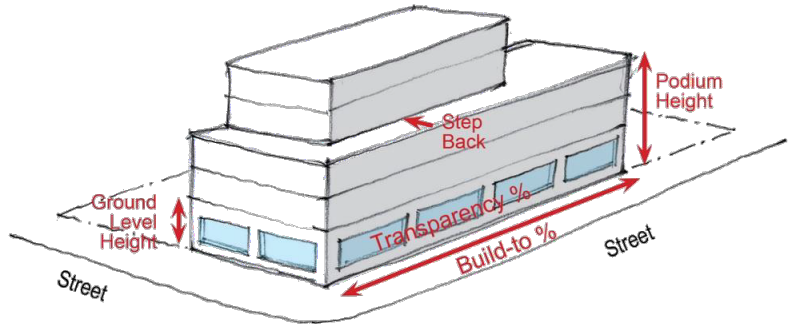
The street wall is the lower portion of a building that defines the street edge. It is important in establishing active uses along the street and human scale in design. There are several tools that can be used to create appropriate street walls:

Maximum Podium Height: the podium is the lower portion of a building at the street edge, and is typically 3 to 6 storeys in height. Taller portions of the building are set back from the podium (see Step Back).

Minimum Step Back: a setback for buildings (or portions thereof) that are taller than the podium. Step backs help ensure tall buildings do not loom over the street.

Minimum First Floor Height: Minimum ground level heights can help ensure that the first storey is flexible to accommodate changing uses over time. Minimum transparency can help ensure that the first storey has plenty of windows and doors, helping to animate the street. Other regulations such as maximum store size at ground level can help ensure that retail uses are small in scale and not 'big box'.

Build-to %: A minimum percentage of the frontage along streets is defined by buildings. This helps to ensure that street edges are not defined by large parking or servicing areas.



Advantages

- Emphasizes the importance of the lowest storeys in meeting the design objectives of the Official Plan
- Creates more nuanced buildings compared to typical zoning tools

Disadvantages

- Can be complicated, often requires professional interpretation
- As blanket standards, does not allow for appropriate exceptions or creative solutions
- Very difficult to anticipate every possible situation, requiring amendments to permit appropriate development
- Unit orientation is often reversed to provide primary access from parking at rear, undermining design intention along the street

Please provide your thoughts on which street wall standards should be included in the new by-law.

Advantages

Disadvantages

Preferences - Please identify whether this tool has merit and should be considered further and provide reasons why.

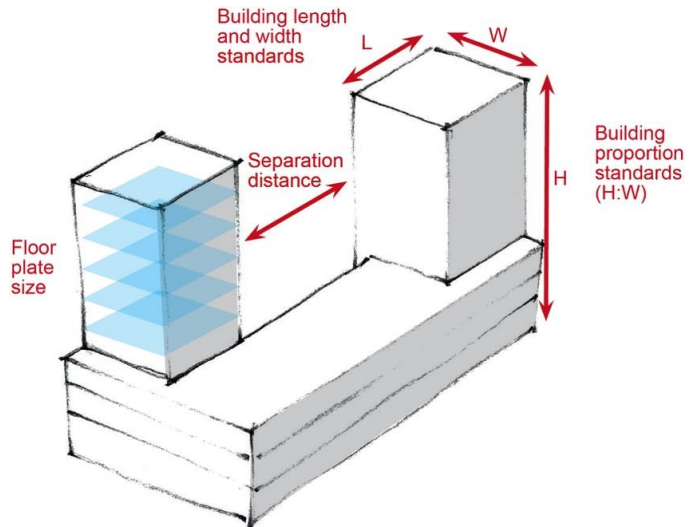




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MIXED USE, COMMERCIAL AND EMPLOYMENT TALL BUILDING STANDARDS

The Official Plan has policies requiring taller buildings to have a narrower design, to minimize bulk and provide access to sky view and sunlight. This can be accomplished through floorplate size limitations (length and/or area) or a proportion of height to width. Other standards such as minimum tower separation distances can also help ensure access to sunlight.



Advantages

- Prevents long slab buildings that cast uninterrupted shadows
- Ensures adequate space, light and views for residents and streetscapes

Disadvantages

- As blanket standards, does not allow for appropriate exceptions or creative solutions
- Creates homogenous building proportions and skyline

Please provide your thoughts on Tall Building Standards

Advantages

Disadvantages

Preferences - Please identify whether this tool has merit and should be considered further and provide reasons why.





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MIXED USE IMPLEMENTATION OPTIONS

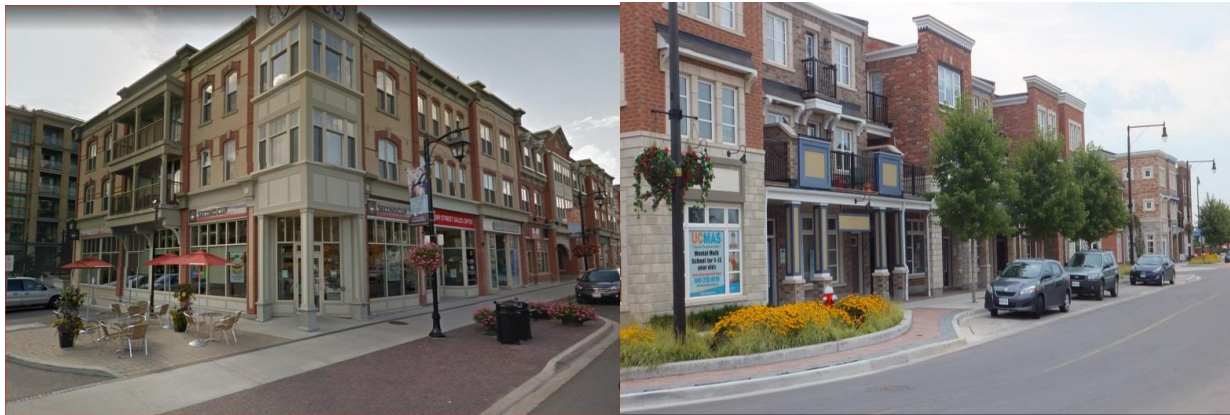
Overview

The City of Markham has established a new land use designation for mixed use areas in the City.

Many of these areas are currently developed with only commercial uses and it is anticipated over time that these areas will be redeveloped with a mix of residential and commercial uses. Other areas designated mixed use are located along Highway 7 and other major corridors and are currently the site of a mix of uses as well.

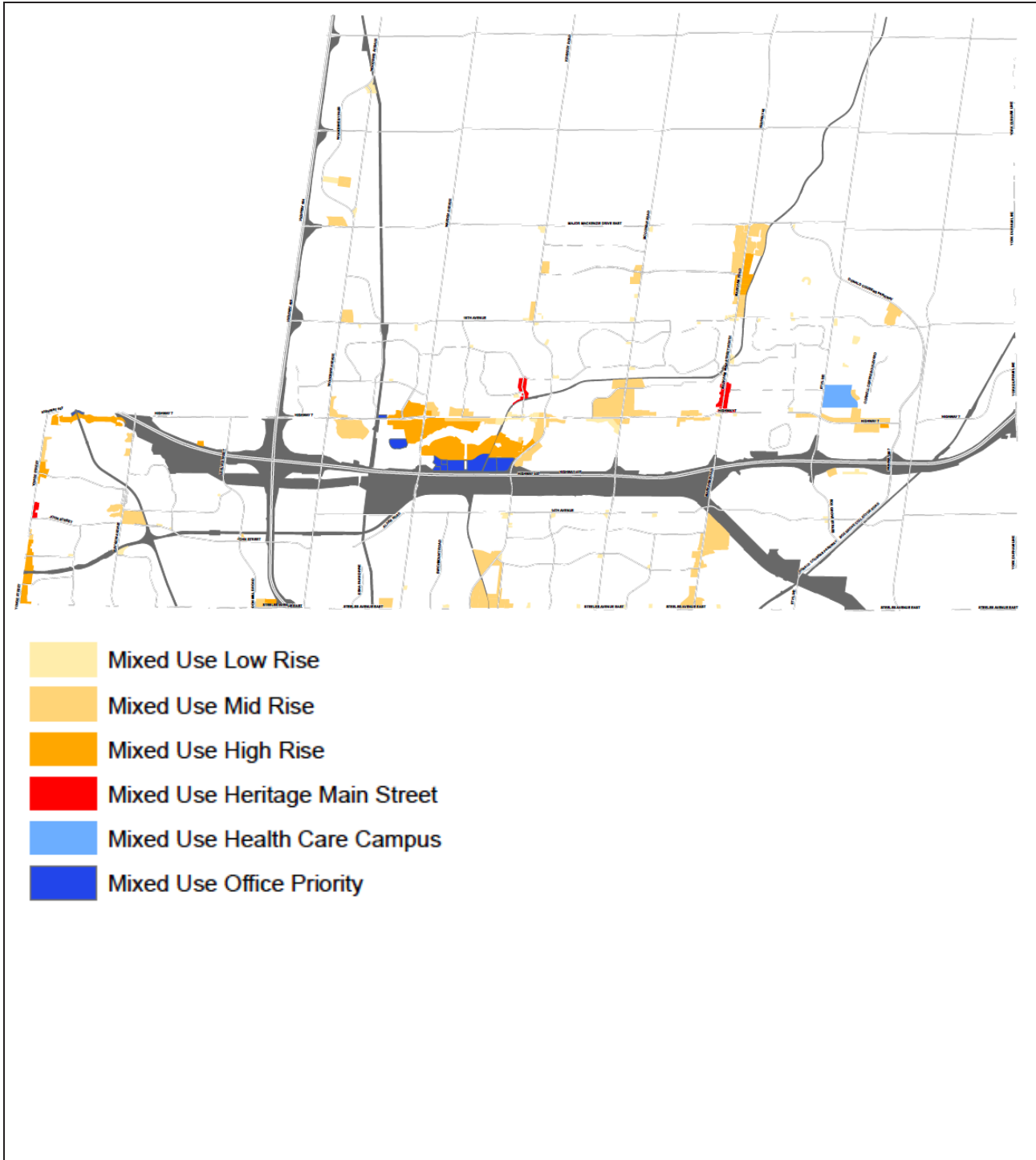
All of the mixed use areas identified in the Official Plan are zoned to permit in most cases only commercial uses. Given the forward-looking vision of the City of Markham, an opportunity exists to consider how this vision will be implemented in the zoning bylaw.

This will be an important decision for the City to make since it is the City that expects that these areas will experience the most significant amount of change over the planning period. However, that change needs to be managed in some way to ensure that development is appropriate for the site, is compatible with adjacent land uses and can be supported by the infrastructure that exists or which is to be provided. In this regard, the purpose of the workshop is to explore implementation options.



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MIXED USE

OPTION 1: PRE-ZONE TO IMPLEMENT THE OFFICIAL PLAN

This option involves the updating of the zoning applying to mixed use sites to permit the broadest range of uses anticipated on these sites by the Official Plan and the establishment of appropriate standards to guide development.

USES ✓

- Residential
- Retail
- Service Commercial
- Office

etc.

STANDARDS ✓

- Setbacks
- Height
- Density

etc.

Advantages

- It minimizes the planning approvals required to permit development
- Establishes certainty with respect to the City's expectations
- Allows for quicker approval processes since a lesser number of steps are needed
- Increases the value of the land to make it more attractive for intensification
- No third party OMB appeals permitted

Disadvantages

- Minimizes public involvement in the planning approval process since the lands would be pre-zoned
- Given the unique nature of many of these mixed use sites, the full range of permitted uses may not be appropriate on each site
- The Citywide standards may also not be appropriate for each site as well

Comments - Please provide your thoughts on Option 1

Advantages

Disadvantages

Preferences - Please identify whether this option has merit and should be considered further and provide reasons why.





MARKHAM ZONING BY-LAW PROJECT



MIXED USE

OPTION 2: PRE-ZONE FOR USE ONLY

Pre-zone mixed use areas by permitting the full range of uses provided for in the Official Plan but either establish no standards or simply require that the lands be re-zoned to establish those standards on a case-by-case basis.

USES

Residential
Retail
Service Commercial
Office
etc.



STANDARDS

Setbacks
Height
Density
etc.



Advantages

- Partially implements the Official Plan
- Establishes the principle of land use change on mixed use properties
- Provide some of the certainty required to spur economic development
- Recognizes that each mixed use site is potentially unique and therefore requires unique and context specific development standards
- Allows for the public to be involved in the decision making process

Disadvantages

- Will extend the planning process and create some uncertainty
- Third party appeals are possible
- Negotiated settlements may not fully implement the City's vision

Comments - Please provide your thoughts on Option 2

Advantages

Disadvantages

Preferences - Please identify whether this option has merit and should be considered further and provide reasons why.





MARKHAM ZONING BY-LAW PROJECT



MIXED USE

OPTION 3: FUTURE DEVELOPMENT ZONES

Place all mixed use properties in “Future Development” zones but only recognize existing uses. This means that existing uses can continue but any expansion of those uses and/or redevelopment of those uses would require an amendment to the zoning by-law.

USES
Existing Uses Only

STANDARDS
Setbacks
Height
Density
X
etc.

- Advantages**
- Partially implements the Official Plan
 - Establishes the principle of land use change on mixed use properties
 - Provide some of the certainty required to spur economic development
 - Recognizes that each mixed use site is potentially unique and therefore requires unique and context specific development standards
 - Allows for the public to be involved in the decision making process

- Disadvantages**
- There would be no certainty on what uses may actually be permitted on a case by case basis
 - Will extend the planning process and create some uncertainty
 - Third party appeals are possible
 - Negotiated settlements may not fully implement the City's vision

Comments - Please provide your thoughts on Option 3

Advantages

Disadvantages

Preferences - Please identify whether this option has merit and should be considered further and provide reasons why.



