

New Comprehensive Zoning By-law Project

*Phase 2: Strategic Direction
Recommendations*

Open House

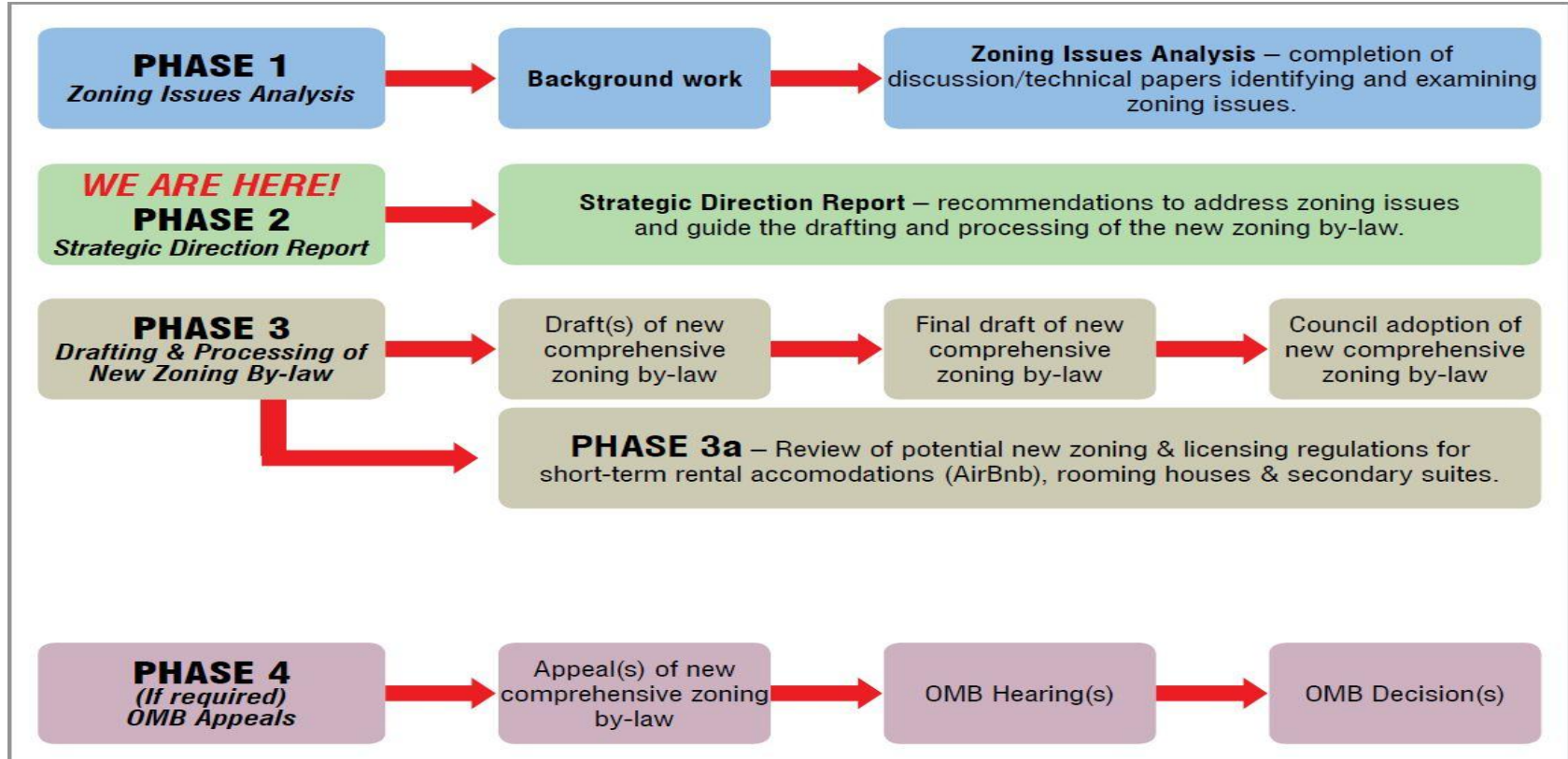
May 2, 2016

Purpose of Project

- Implement the new Official Plan
- Review, consolidate, streamline & update zoning by-laws into one (1) comprehensive zoning by-law
- Develop an innovative, user-friendly & web-based zoning by-law



New Comprehensive Zoning By-law Project - Phasing



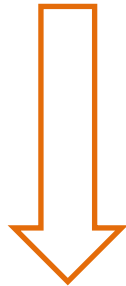
Consulting Team for Phases 1 & 2

(Zoning Issues Analysis & Strategic Direction)

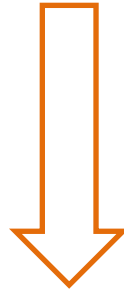
Gladki Planning Associates



**R.E. Millward
& Associates**



**Clarion
Consulting**



**Woodfield
Consulting**



**Anthony
Usher
Planning**



Davis LLP

Guiding Principles

- Implement the Official Plan
- Develop a single comprehensive zoning by-law for Markham
- Recognize existing development and property rights, where appropriate
- Consolidate, streamline and update provisions and standards
- Develop a web-based and publicly accessible by-law
- Provide for ease of enforcement

Task 1: Guiding Principles and Parameters & Trends and Issues in Zoning



Recommendations

1. Drafting of the new comprehensive zoning by-law should be based on the guiding principles
2. Development permit system by-laws may be considered for particular areas of the City, where intensification is encouraged or neighbourhood character is to be preserved, after the new by-law has been completed and enacted

Task 2: Conformity with Official Plan, City Guidelines, Policies & Plans

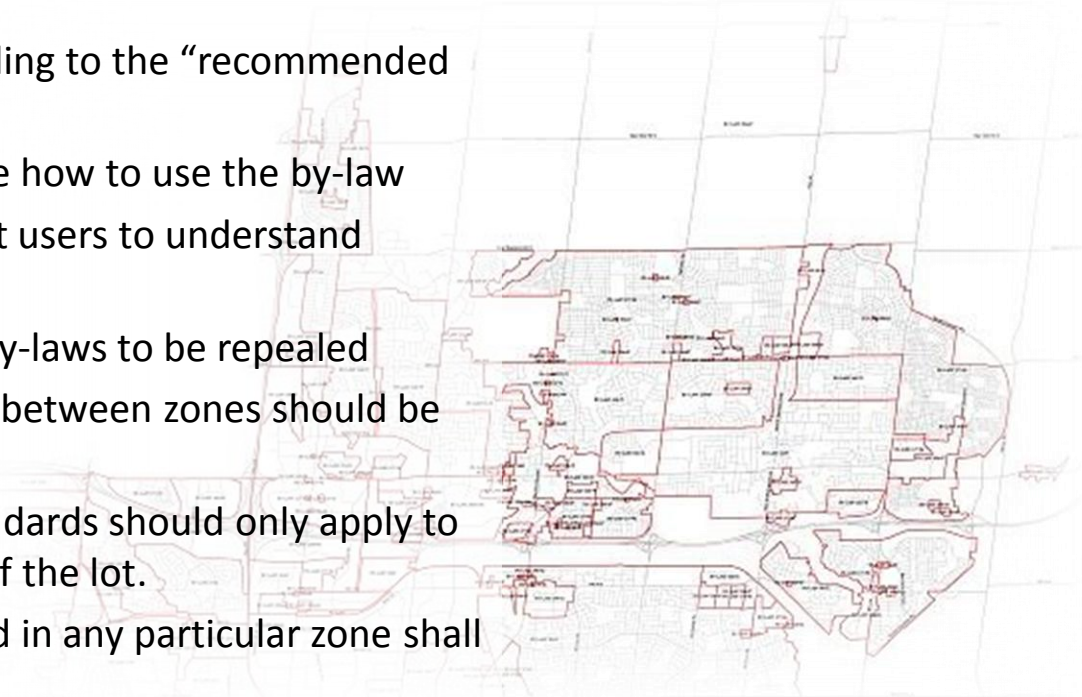
Recommendations

3. The zoning by-law must address Official Plan policies
4. Residential, Mixed Use, Commercial, Employment Lands, Greenway and Countryside zoning categories, should include an explanation of Official Plan policy objectives

Task 3: City Parent By-laws

Recommendations

5. The by-law should be organized according to the “recommended structure for the new zoning by-law”
6. An explanatory section should describe how to use the by-law
7. Drawings and illustrations should assist users to understand standards and regulations
8. Markham’s existing 46 parent zoning by-laws to be repealed
9. Along public streets the boundary line between zones should be the centre line of streets
10. On lots with split zoning, uses and standards should only apply to the zone that relates to each portion of the lot.
11. All uses that are not listed as permitted in any particular zone shall be prohibited in that zone.



Task 4a: Site Specific Zoning By-law Amendments



Recommendations

12. Existing site specific by-laws should be reviewed to assess their continuing relevance and be re-written to fit the new by-law.
13. Site specific by-laws must conform with the applicable policies of the Official Plan
14. Legally existing uses, lots, buildings and structures at the time the new by-law is passed should be recognized

Task 4b: Minor Variances

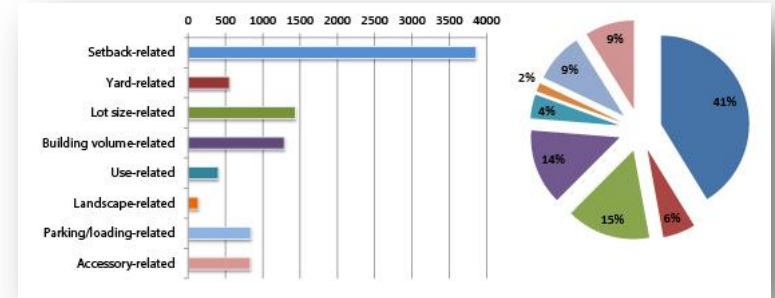
Recommendations

- Minor variance approvals by the Committee of Adjustment should be considered when preparing zoning standards

During period of transition

- All complete building permit applications filed under the old by-laws shall be processed in accordance with the old by-laws
- All complete planning applications filed under the old by-laws can be assessed for building permits under the old by-law within 2 years
- All minor variances and provisional consents approved and acted upon over a 3 year period before the new by-law comes into effect do not have to comply with the new by-law. If provisional consent lapses, a new application is required and must comply with new by-law

Distribution of Variances by Type



Task 5: Zoning By-law Definitions

Recommendations

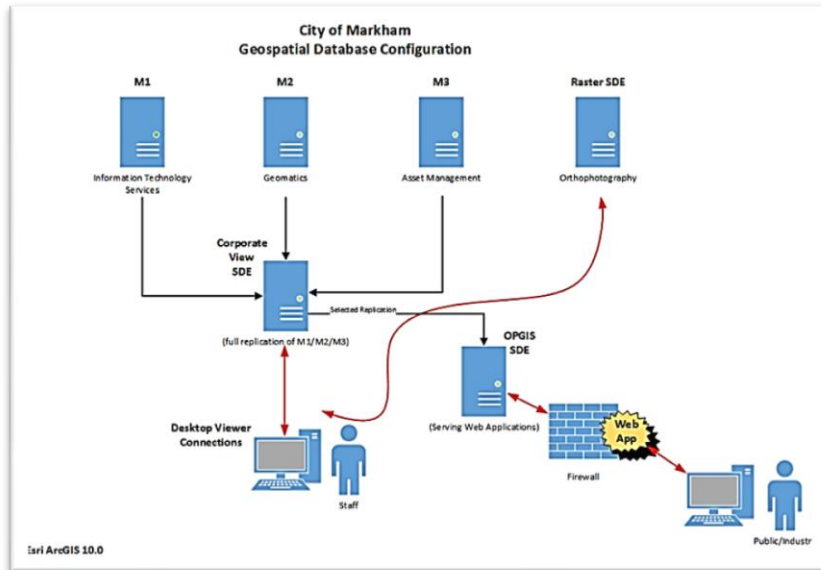
19. Definitions in the new by-law should be clear, concise and avoid conflicting interpretations based on:

- ✓ **Consistency:** Zoning by-law definitions should match those in the Official Plan and related legislation
- ✓ **Simplicity:** Definitions should be as simple as possible.
- ✓ **Universality:** Definitions should apply across the municipality and not to a given site; Definitions that are regulations should be avoided; Only define what is necessary
- ✓ **Referencing:** Terms should be listed alphabetically as they appear in the by-law
- ✓ **Text:** A hyperlink between defined (italicized) terms and the definition should be provided

20. The definitions in the new by-law should be based on suggestions in Discussion Paper 5



Task 6: Geographic Information Systems



Recommendations

21. Maps should show zones, densities and heights with an electronic hyper-link to the text and site specific by-laws
22. GIS and text data should be accessible via the web
23. Links between maps and text should be established from the outset
24. The interactive text portion of the ZBL should include pop-up links to key definitions and illustrations easily accessible to the user
25. Document management protocols should ensure timely updates to both the text and maps
26. A paper-based legal version of the by-law should be maintained in the Clerk's office

Task 7: Automotive Uses

Recommendations

27. Motor vehicle dealership, motor vehicle repair facility (includes major and auto body repairs), motor vehicle service station and motor vehicle washing establishment should be defined
28. A motor vehicle dealership or rental facility should not include the outdoor storage of vehicles “as of right”
29. A motor vehicle repair facility should be separated a minimum of 20 metres from a Residential or Mixed Use zone



Task 7: Automotive Uses

Recommendations (cont'd)

30. A motor vehicle service station should comply with detailed standards regarding minimum lot frontage, area, setbacks, landscaping and landscaping buffers
31. Washing or drying operations In a motor vehicle washing establishment should take place in a building and include stacking lanes
32. Setback requirements for propane storage will be governed by provincial legislation

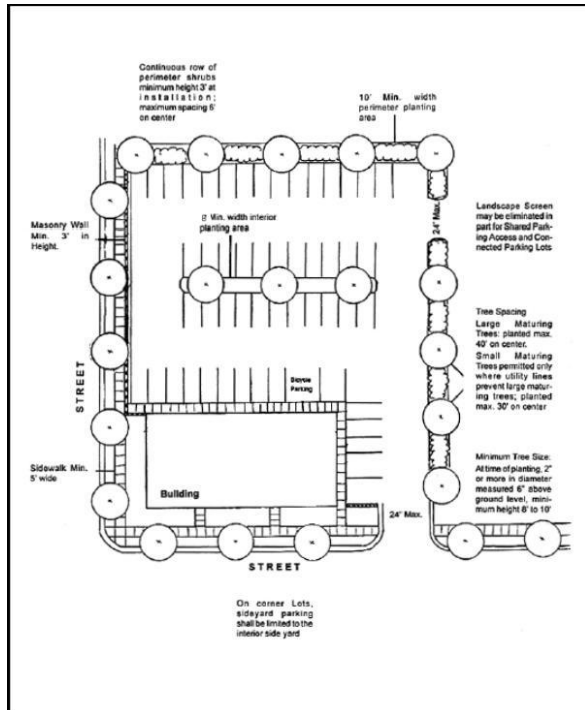
Task 8: Drive Through Facilities



Recommendations

33. Drive through facilities should comply with:
- a separation distance from residential uses
 - minimum lot sizes
 - restrictions on double drive through facilities
 - Requirements for stacking lanes

Task 9: Parking and Loading Standards



Recommendations

34. Parking rates should be based on a number of principles, including
- transit access
 - shared parking for complementary uses
 - maximum parking ratios, where appropriate
 - barrier free parking ratios
 - consolidation of retail parking
 - simplifying place of worship parking
 - parking study to be carried out in Phase 3b

Task 9: Parking and Loading Standards

Recommendations (cont'd)

35. The design of parking spaces should be based on size, aisle widths, no obstructions, restricting parking at the rear of residential buildings, corner lot restrictions, shared driveways
36. The size of commercial and recreational vehicles on lots with detached dwellings, semi-detached dwellings and townhouses should be restricted
37. Bicycle parking spaces requirements should be incorporated into the new by-law
38. Loading provisions should be based on existing Markham by-law 177-96 and updated

Task 10: Residential Accessory Structures and Outdoor Amenity Space



Recommendations

39. Standards for residential accessory structures should be based on

- setbacks from lot lines
- maximum floor areas
- height limits
- limit on number of structures per lot
- a separation distance from the main building

40. Amenity space in residential buildings with 20 or more units should be common and provided at a rate of 4 square metres per unit of, of which 2 square metres must be common outdoor space

Task 11: Residential Home Occupations

Recommendations

41. A home occupation should be a secondary use and
- conducted by at least one of the residents
 - conducted entirely within a dwelling unit or a detached garage;
 - occupy less than 40 percent of the gross floor area
 - not create noise, vibration, fumes, odour, dust, glare or radiation
 - not employ more than one employee,
 - not involve outdoor storage
 - not involve the sale of goods not produced on the premises,
 - no include more than four students at one time
 - delivery of merchandise, goods or equipment is typical of residential deliveries
 - not include manufacturing, animal grooming and care, auto related uses
 - secure a permit from another level of government if required



Task 12: Infill Housing and Separation Distances



Recommendations

42. The relevant infill standards approved by Council in the 1990's should be reflected in the by-law
43. Zones in the Residential Low Rise designation should reflect existing conditions and zoning standards, including
 - maximum height limits shown on a height map,
 - minimum setbacks,
 - minimum lot frontages,
 - maximum depth of buildings,
 - maximum lot coverage,
 - controls on garage projections and widths

Task 12: Infill Housing and Separation Distances

Recommendations (cont'd)

44. A setback of 14 metres from provincial highways should be required
45. Apply Provincial Minimum Distance Separation Formulae regarding livestock
46. A setback of 7 metres from the Trans Canada Pipeline and 3 metres from the Enbridge Gas pipeline should apply
47. A 30 metres setback from a railway line for residential uses, schools and day care centres should apply
48. Minimum setback requirements should apply for animal boarding establishments, composting facilities, propane storage, outdoor loading, outdoor storage, outdoor garbage disposal and manufacturing uses from Residential and Mixed Use zones
49. At 3 metre interior side yard and rear yard setback and landscaped buffer from Residential or Mixed Use zones should apply in the General Employment zone

Task 13a: Affordable and Shared Housing, and Secondary Suites

Recommendations

50. Residential Care Home,
Residential Care Facility,
Long Term Care Facility,
Retirement Home &
Rooming House should be
defined

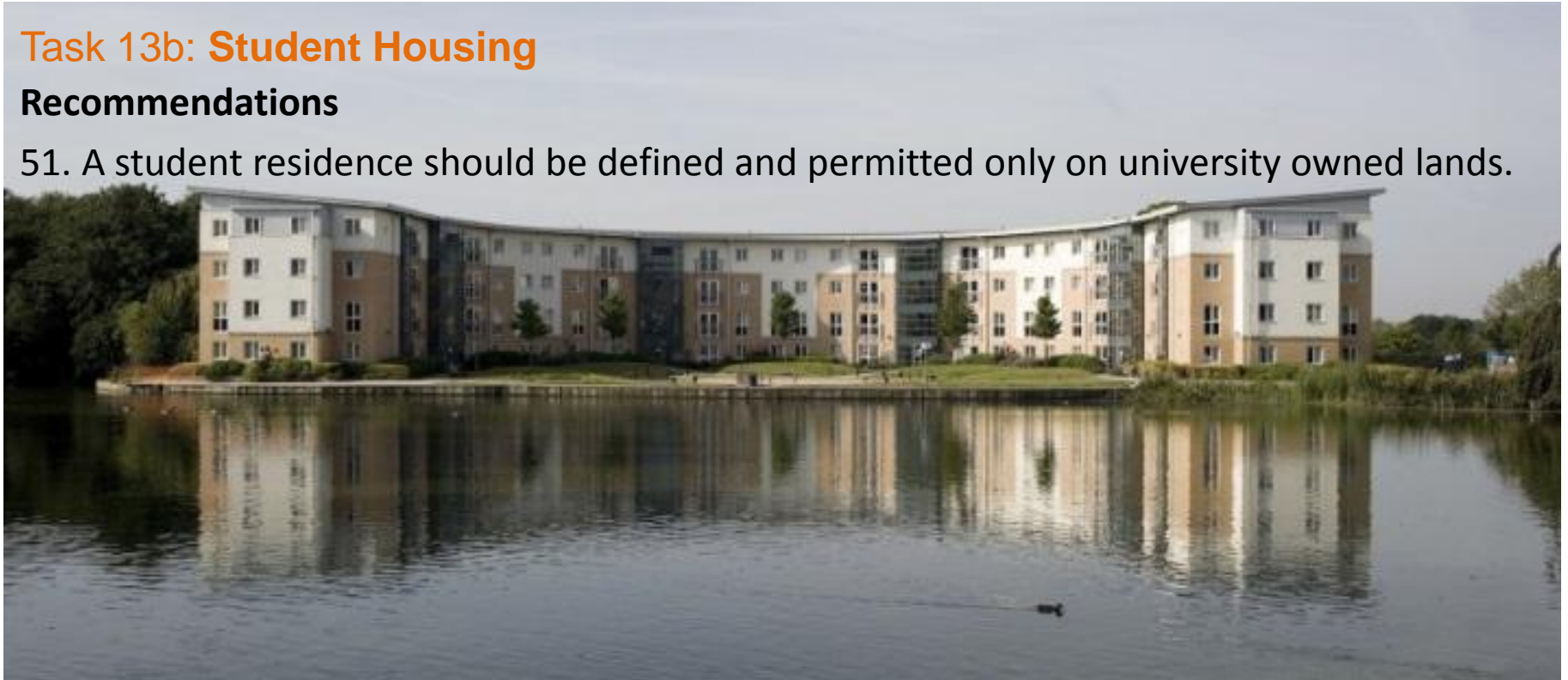
Note—Rooming houses,
secondary suites and short
term rental accommodations
will be addressed in Phase 3a
(now underway)



Task 13b: Student Housing

Recommendations

51. A student residence should be defined and permitted only on university owned lands.



Task 14: Places of Worship

Recommendations

52. A places of worship zone should be created and apply to places of worship as they exist at the time of the passage of the new zoning by-law; a day care centre should be included as a permitted use.



Task 15: Greenway and Special Policy Areas

Recommendations

53. All Greenway and vegetation protection areas should be included in one zone that restricts development to
- conservation
 - resource management
 - nature-based recreational infrastructure and public infrastructure
 - all existing dwellings and structures on existing lots at the time of passage of the by-law
 - * lands subject to the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan Area should be shown in the appendix to the by-law
54. A map of the Special Policy Area subject to review by the Toronto and Region Conservation Authority should be shown as an overlay to the zoning map

Task 16a: Medical Marihuana Production Facilities



Recommendations

55. The term medical marihuana production facility should be defined
56. A medical marihuana production facility can only be located
 - in a General Employment Zone
 - no closer than 800 metres from a sensitive use, or a Residential or Mixed Use zone
 - located in a single tenant building

Task 16b: Addiction Recovery Centres

Recommendations

57. It is recommended that addiction recovery facilities be incorporated as accessory uses within medical clinics and hospitals.



Task 17: Adult Entertainment and the Sex Industry



Recommendations

58. Adult entertainment establishment and body rub establishment should be defined, but not permitted in any zone; a massage therapy centre and wellness centre should be defined
59. If an adult entertainment facility is ever permitted in Markham it should be located no closer than 1000 metres from any Residential or Mixed Use zone (as per Official Plan)
60. The two site specific by-laws that currently permit adult entertainment facilities should be repealed

Questions & Comments

