



Building Markham's Future Together
Journey to Excellence

New Comprehensive Zoning By-law Project

Development Services Committee

May 19, 2015

Why does Markham need to undertake comprehensive review of existing zoning framework?



New Markham Official Plan – approved by York Region June 2014

S. 26 (9) - municipalities required to review & update zoning by-law(s) to conform with new OP

Purpose of Project

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



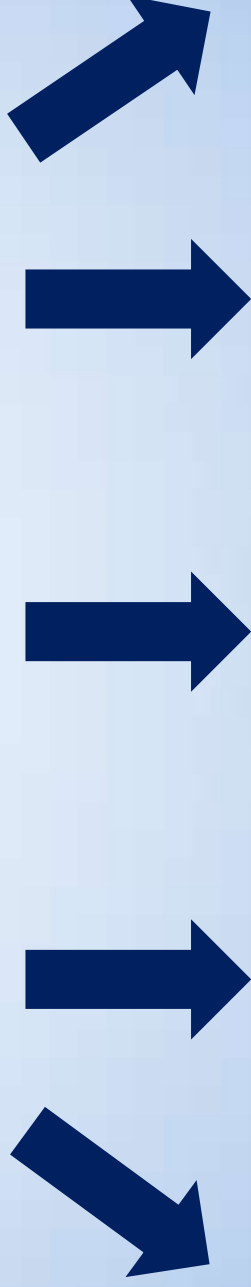
Building Markham's Future Together
Journey to Excellence

New Comprehensive ZBL Project Schedule

	2014			2015			2016					
	Mar	Apr	May	June	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb
Phase One - Background Work & Zoning Issues Analysis (April 2014 - June 2015)												
Zoning Issues Analysis							DRAFT	FINAL				
Non-Statutory Open House							Open House					
Stakeholder Meeting(s)							SH Meetings					
DSC Endorsement								DSC				
Phase 2 - Strategic Direction (June 2015 - October 2015)												
Strategic Direction Report to guide drafting of new ZBL											DRAFT	FINAL
Non-Statutory Open House											Open House	
Stakeholder Meeting(s)											SH Meetings	
DSC Endorsement												DSC

Consulting Team Ph. 1 & 2 (Zoning Issues Analysis & Strategic Direction)

Gladki Planning Associates



R.E. Millward
& Associates

Clarion
Associates

Woodfield
Consulting

Anthony
Usher
Planning

Davis LLP

Guiding principles:

- Implement the Official Plan
- Develop a single comprehensive 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

Markham Zoning By-law Consultant Team

Gladki Planning Associates, R. E. Millward and Associates, Woodfield Consulting, Clarion Associates and Anthony Usher Planning Consultant

Previous review:

- Task 1:** Guiding Principles and Parameters
- Task 2:** Review and Assessment of City's Official Plan, Guidelines Policies and Plans
- Task 3:** Review and Assessment of Existing City Parent Zoning By-laws
- Task 4b:** Review of Minor Variance Applications
- Task 6:** Review and Assessment GIS/ITS Capabilities and Requirements

Markham Zoning By-law Consultant Team

Gladki Planning Associates, R. E. Millward and Associates, Woodfield Consulting, Clarion Associates and Anthony Usher Planning Consultant

Today's Review:

- Task 4: Site Specific Zoning Amendments
- Task 5: Zoning By-law Definitions
- Task 7: Automotive Uses
- Task 8: Drive Through Facilities
- Task 10: Residential Accessory Buildings/Structures and Outdoor Amenity Space
- Task 14: Places of Worship
- Task 15: Floodplains, Hazard Lands, Special Policy Areas and Greenway System

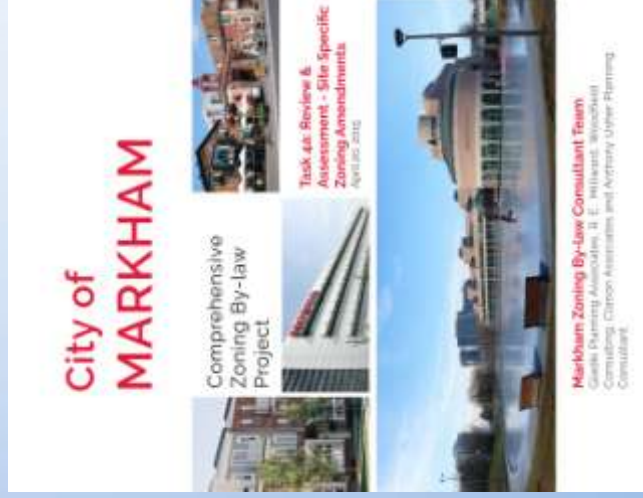
Markham Zoning By-law Consultant Team

Gladki Planning Associates, R. E. Millward, Woodfield Consulting, Clarion Associates and Anthony Usher

Discussion Paper 4: Site Specific Zoning By-law Amendments

Purpose:

To identify and examine options for recognizing existing permissions in the new comprehensive zoning by-law and to identify trends that require consideration.



Discussion Paper 4: Site Specific Zoning By-law Amendments (cont'd)

Review Undertaken:

- *Reviewed 2,798 zoning by-law amendments to the 46 parent zoning by-laws; most are site or area specific amendments and 25 are associated with city-wide zoning issues*
- *Reviewed case studies of five other jurisdictions (Toronto, Ottawa, Mississauga, Oakville, and Hamilton)*



Discussion Paper 4: Site Specific Zoning By-law Amendments (cont'd)



Issues:

- *Site specific by-laws vary-- some only allow an additional use on a site; others “shrink-wrap” zoning regulations to a particular development; others introduce a new zone or definition*
- *The styles/approaches of site specific by-laws have not been consistent*
- *How to recognize relevant site specific by-laws in the new zoning by-law.*
- *How to deal with non conforming/complying uses*

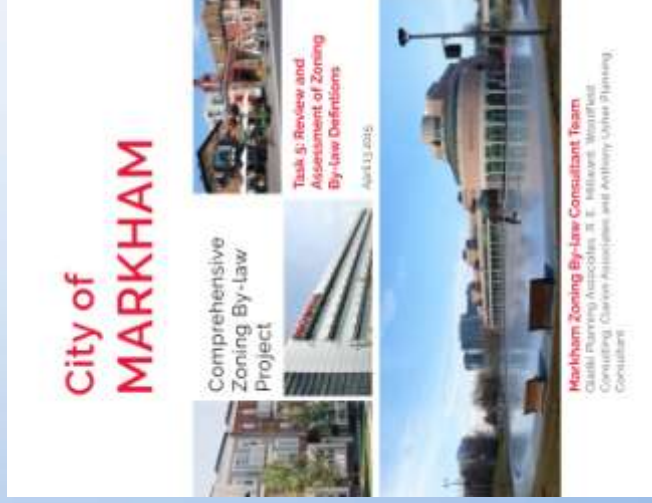
Discussion Paper 4: Site Specific Zoning By-law Amendments (cont'd)



Options and Considerations:

- *Review site specific by-laws to determine which ones should continue to be included in the new zoning by-law*
- *Simplify how site specific zoning by-law are written and formatted--make relationship to parent by-law regulations easily understood and easy to find*
- *Consider grandfathering provision for existing buildings and structures*

Discussion Paper 5: Zoning By-law Definitions



Purpose:

To review and analyze the various definitions used in each of the existing parent by-laws to identify issues to be addressed in the new zoning by-law

Discussion Paper 5: Zoning By-law Definitions (cont'd)

Person:

(1) shall mean an individual, an association, a firm, a partnership or an incorporated company.

Review undertaken:

- *Reviewed definitions in the new Official Plan*
- *Reviewed hundreds of definitions in 46 parent zoning by-laws and numerous site specific by-laws*
- *A comparison was made with similar defined terms in other municipal by-laws*

Discussion Paper 5: Zoning By-law Definitions (cont'd)



Issues:

- *Some defined terms in Markham's parent by-laws are repetitive*
- *Some defined terms include regulations*
- *Some terms are defined differently from one parent by-law to another*
- *Some defined terms apply only on site specific basis*
- *Some terms are no longer necessary*

Discussion Paper 5: Zoning By-law Definitions (cont'd)

Options and Considerations:

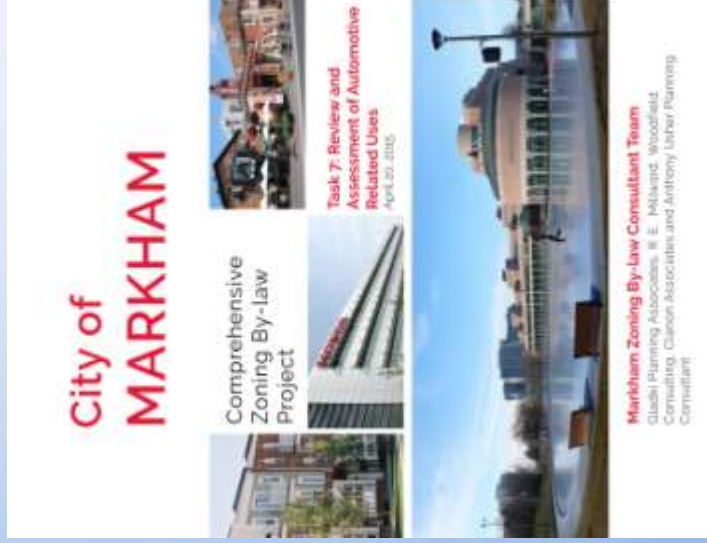
- *Terms that need defining should be brought forward in a consistent fashion*
- *Do not include terms that are commonly understood and defined by a dictionary*
- *Defined terms that are regulations should be restructured as regulations*
- *There should also be consistency with definitions in other legislation--Official Plan, Planning Act, Ontario Building Code, etc.*



Discussion Paper 7: Automotive Uses

Purpose:

To explore zoning issues related to service stations, auto body shops, automotive repair facilities, car washing establishments and other automotive uses



Discussion Paper 7 Automotive Uses (cont'd)



Review Undertaken:

- *Reviewed relevant Official Plan policies*
- *Reviewed City's existing parent by-laws*
- *Reviewed formats and approaches in a number of Ontario zoning by-laws (Milton, Toronto, Oakville, Ottawa)*

Discussion Paper 7: Automotive Uses (cont'd)



Issues

- **Definitions**
 - Fuel Station, Body Shop, Repair Shop, Washing Establishment, Dealership, Rental Agency, Storage Facility
- **Which zones should allow automotive uses**
- **Regulations**
 - Minimum lot frontage, lot area, lot coverage, setbacks, landscaping, outside storage, sale of propane, accessory retail

Discussion Paper 7: Automotive Uses (cont'd)



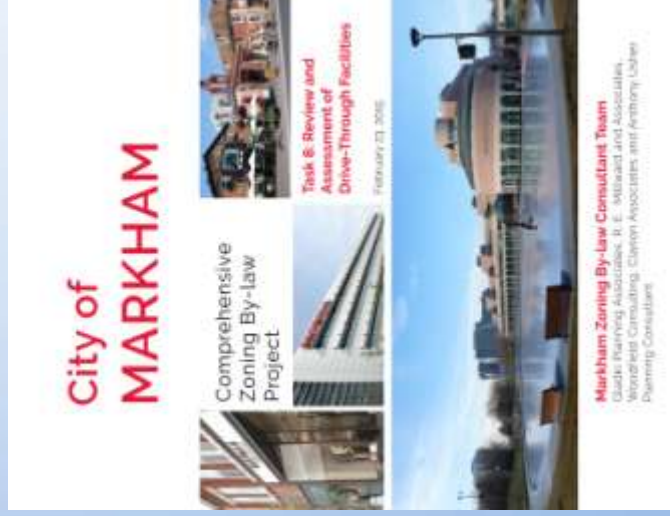
Options and Considerations:

- *Group all automotive related definitions together*
- *Address propane sales*
- *Consider specific zone for fuel stations*
- *Limit auto body shops to employment areas*
- *Consider how to deal with vehicular storage*
- *Determine appropriate regulations consistent with the new Official Plan*
- *Establish appropriate setbacks from residential areas for auto body shops*

Discussion Paper No. 8: Drive Through Facilities

Purpose:

To identify issues that need to be addressed in the new comprehensive zoning by-law related to drive-through facilities and to provide options for addressing the issues



Discussion Paper No. 8: Drive Through Facilities (cont'd)



Review Undertaken:

- *Reviewed Markham's Official Plan policies*
- *Reviewed Drive Through Facilities Design Guidelines and Background Reports*
- *Reviewed Mississauga, Toronto, Oakville, Hamilton and Ottawa by-laws*
- *Reviewed OMB cases and other studies prepared for Ontario municipalities*

Discussion Paper No. 8: Drive Through Facilities (cont'd)

Issues:

- *Land use conflicts--noise, hours of operation*
- *Site design—setbacks, stacking lanes, traffic impact*
- *Principal use vs accessory use*
- *Prohibition vs regulation*



Discussion Paper No. 8: Drive Through Facilities (cont'd)

Options and Considerations:

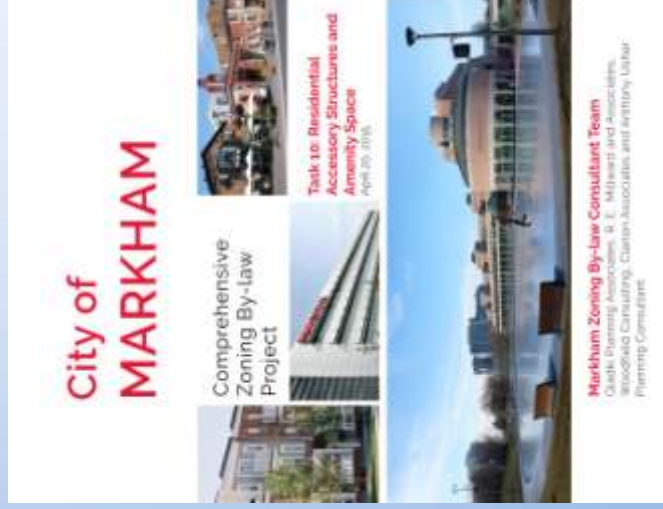
- *Build on 2010 Markham Guidelines which represent a best practice*
- *Restrict locations near residential uses*
- *Apply minimum separation distances and setbacks*
- *Specify stacking lane requirements*
- *Regulate location of access driveways*
- *Require fencing and landscaping*
- *Define as accessory to a principal use*



Discussion Paper 10: Residential Accessory Structures and Residential Amenity Space

Purpose:

To identify issues that need to be addressed in the new comprehensive zoning by-law related to residential accessory structures and residential amenity space



Discussion Paper 10: Residential Accessory Structures and Outdoor Amenity Space (cont'd)



Review Undertaken:

- *Reviewed Official Plan policies for residential amenity space*
- *Reviewed 2008/2009 staff studies on residential accessory buildings and structures*
- *Reviewed existing Markham zoning by-laws*
- *Reviewed zoning provisions in a number of Ontario municipalities (Ottawa, Mississauga, Oakville, Toronto, Hamilton)*

Discussion Paper 10: Residential Accessory Structures and Outdoor Amenity Space (cont'd)

Issues--Accessory Buildings/Structures:

- *Privacy, overlook and impact on landscaped areas*
- *How large*
- *Where located*
- *Uses allowed*

Issues--Amenity Areas

- *No standards in existing parent zoning by-laws*
- *Private amenity areas for townhouses*
- *Indoor and outdoor common amenity areas for multi-unit buildings*



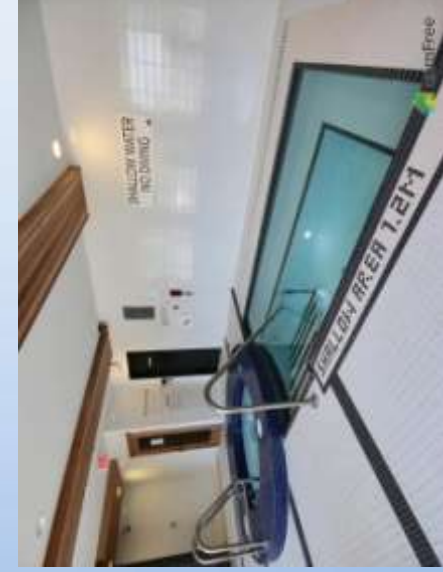
Discussion Paper 10: Residential Accessory Structures and Outdoor Amenity Space (cont'd)



Options and Considerations -Accessory Buildings and Structures:

- **To be located on same lot as principal building**
- **Not for human habitation**
- **To be located in rear yard or interior side yard**
- **Require appropriate setbacks**
- **Separate from main building**
- **Soft landscaping to be maintained**

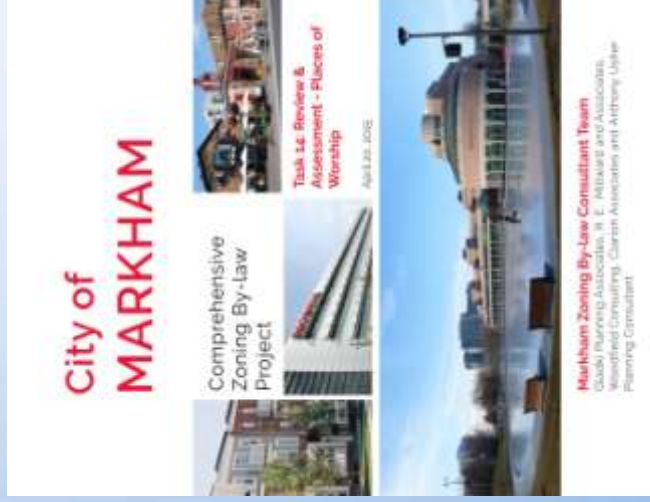
Discussion Paper 10: Residential Accessory Structures and Outdoor Amenity Space (cont'd)



Options and Considerations-Amenity Space:

- *Private amenity space for townhouses?*
- *Common amenity space for residential buildings with more than 20 units*
- *How much per unit?*
- *Indoor and outdoor amenity space?*
- *Include balconies?*

Discussion Paper 14: Places of Worship



Purpose:

To review and analyze planning issues, regulations and current policy regarding places of worship

Discussion Paper 14: Places of Worship (cont'd)



Review Undertaken:

- *Reviewed relevant Official Plan policies*
- *Reviewed regulations in current Markham zoning by-laws*
- *Reviewed approaches in other Ontario municipal zoning by-laws*

Discussion Paper 14: Places of Worship (cont'd)



Issues:

- *Existing parent zoning by-laws define and control places of worship in different ways*
- *How can regulations better address the new policies in the Official Plan*
- *Site specific by-laws allow places of worship in unusual zones*
- *Parking; accessory uses*

Discussion Paper 14: Places of Worship (cont'd)



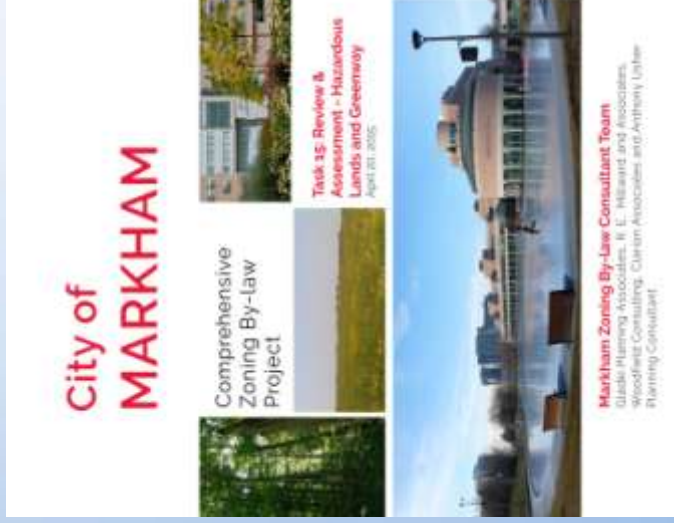
Options and Considerations:

- *Appropriate parking rates for places of worship should be simplified*
- *What is an accessory or additional use that may be associated with a place of worship?*

Discussion Paper 15: Hazard Lands and Greenway

Purpose:

To identify issues to be addressed in new by-law re flood plains, erosion hazard areas, Unionville Special Policy Area, and the Greenway designation



Discussion Paper 15: Hazard Lands and Greenway (cont'd)



Review Undertaken:

- *Conducted detailed review of pertinent City Official Plan policies, as well as Provincial and TRCA policies*
- *Reviewed City's existing Open Space and Greenway zoning*
- *Reviewed hazardous lands and natural heritage zoning in 6 other municipalities*

Discussion Paper 15: Hazard Lands and Greenway (cont'd)



Issues:

- **Restrict development on hazardous lands**
- **Address complex pattern of development permissions in rest of Greenway (which includes ORM and Greenbelt Plan areas)**
- **Development permissions in Unionville SPA largely dictated by Province**
- **Development in hazardous lands also regulated by TRCA**

Discussion Paper 15: Floodplains and Greenway (cont'd)



Options and Considerations:

- *Single zone category for entire Greenway or two or more different zones*
- *What uses to permit in each Greenway zone*
- *How to deal with split lot zoning*
- *How to deal with TRCA regulation of structures in hazardous lands*

Next Steps:

Presentation of remaining Papers to DSC:

- September

Public Open House and Stakeholder Meetings:

- September

Target date for Zoning Issues Analysis report to DSC:

- October





Building Markham's Future Together
Journey to Excellence

