



BUILDING MARKHAM'S  
FUTURE TOGETHER  
2015-2019 Strategic Plan



# Markham New Comprehensive Zoning By-law Project

## Open House

November 5, 2015

## Tonight's Presentation:

### 1. Background

- What is a zoning by-law?
- What is the purpose of a zoning by-law?
- Approaches to Zoning
- Why does Markham need to undertake a comprehensive review of its zoning framework?

### 2. Introduction

- Project Purpose
- Timing
- Team
- Approach
- Guiding Principles

### 3. Zoning Discussion Papers

- Conformity with City Official Plan, Guidelines, Policies & Plans
- Existing Zoning By-laws (methodology, format, structure & layout)
- Site Specific Zoning By-law Amendments
- Minor Variances
- Zoning By-law Definitions
- Geographic Information Systems – Going Online

### 4. Up-Coming Open Houses

### 5. Next Steps

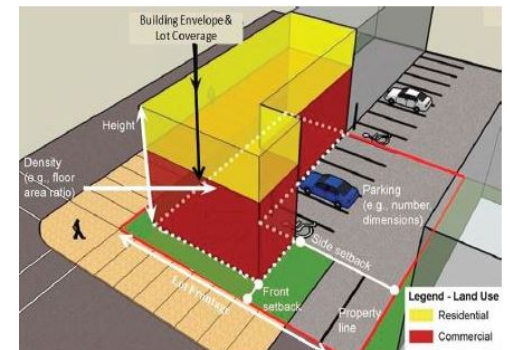
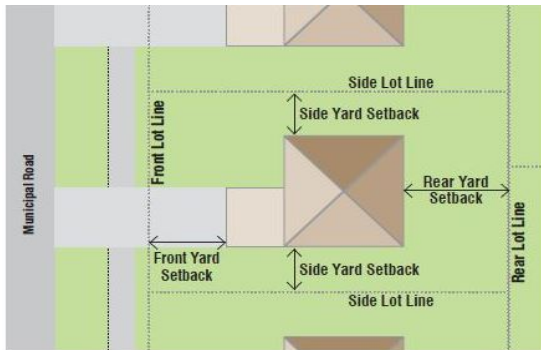
## What is a zoning by-law?

A zoning by-law is:

- a legal document that regulates the use of land and buildings and provides specific standards for how development and construction can occur on a property

The following are examples of what a zoning by-law regulates:

- how buildings and land may be used
- where buildings & other structures can be located and how they should be built (ex. setbacks from property lines, height, gross floor area/density, etc.)



## What is the purpose of a zoning by-law?

The purpose of a zoning by-law is:

- to implement the policies of the Official Plan in a legally enforceable manner (Official Plan is **policy**, zoning is **law**)



# Common Approaches to Zoning

## Conventional (Euclidean) Zoning

- Focus on uses & the segregation of incompatible land uses

### Conventional Zoning

Density use, FAR (floor area ratio), setbacks, parking requirements, maximum building heights specified

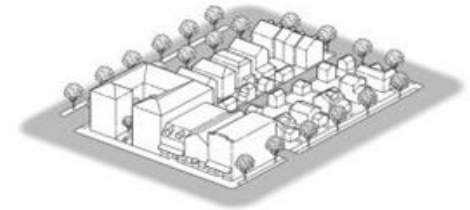


## Form – Based Zoning

- Focus on how buildings fit into their surroundings & not on the uses that are occurring in the building

### Form-Based Codes

Street and building types (or mix of types), build-to lines, number of floors, and percentage of built site frontage specified.



Traditional Zoning	Form Based Codes
Use-based	De-emphasize use
<b>Districts</b>	<b>Neighborhoods/streets</b>
Emphasis on individual uses of property, rigid use of lot size & building placement	Emphasis on building relationships & on fitting building to its use & surroundings
Segregation of land uses	Mixed uses
<b>Uniformity in neighborhoods</b>	<b>Diversity in neighborhoods</b>
Limited ability to effect change	Ability to transform or preserve
Limited design standards	Focus on building/site form
Setbacks	Build to lines
<b>Focus on site; little on right-of-way</b>	<b>Attention to street &amp; streetscape</b>

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

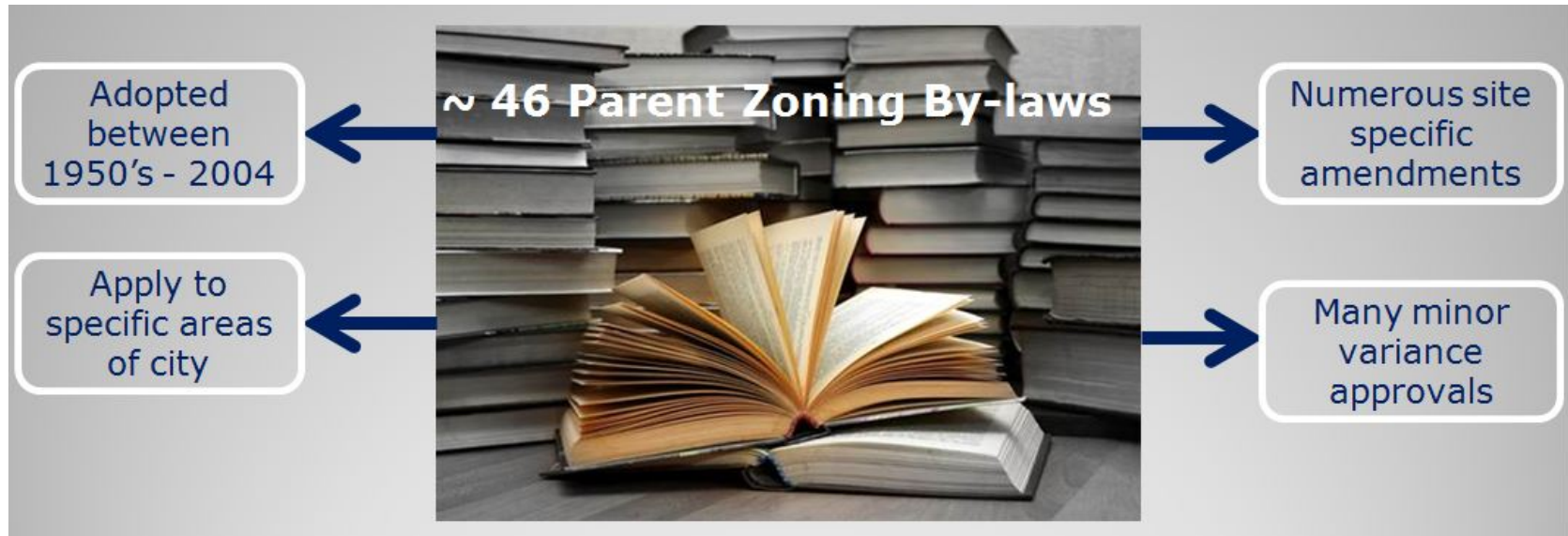


**S. 26 (9)** - municipalities required to review & update zoning by-law(s) to conform with new OP no later than 3 years after new OP comes into effect



New Markham  
**Official Plan** –  
approved by the  
Region June 2014

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



## Purpose of Project

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







## Project Phases

**1**

Background Review  
/ Zoning Issue  
Analysis

May 2014 to Nov 2015

We Are  
Here

**2**

Strategic  
Direction

Dec 2015 to March 2016

**3**

Draft and Process  
New Zoning  
By-law

TBD

**4**

OMB Appeals

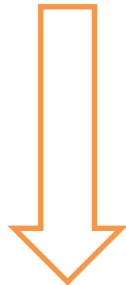
As Required

## Consulting Team for Phases 1 & 2 (Zoning Issues Analysis & Strategic Direction)

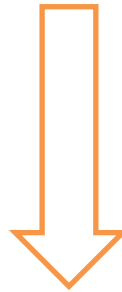
### Gladki Planning Associates



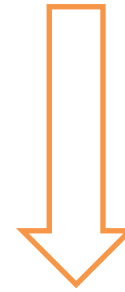
R.E. Millward  
& Associates



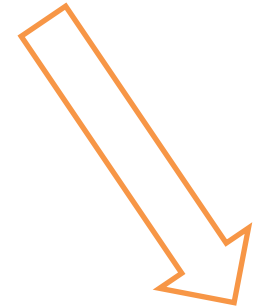
Clarion  
Consulting



Woodfield  
Consulting



Anthony  
Usher  
Planning



Davis LLP



# Discussion Papers available at: [markham.ca](http://markham.ca)

**City of MARKHAM**

**Task 1: Guiding Principles and Parameters & Trends and Issues in Zoning Controls**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 2: City Official Plan and City Guidelines, Policies & Plans**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
July 20, 2015

**City of MARKHAM**

**Task 3: Review & Assessment of Existing City Parent Zoning By-laws**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 4A: Review & Assessment - Site Specific Zoning Amendments**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 4: Review & Assessment of Minor Variances**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 5: Review & Assessment of Zoning By-law Definitions**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 6: Review & Assessment of Geographic Information & Technology Strategy**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 7: Review & Assessment of Automotive Related Uses**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 8: Review & Assessment of Drive-Through Facilities**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 9: Review & Assessment of Parking and Loading Standards**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 10: Review & Assessment of Residential Accessory Structures and Amenity Space**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 11: Review & Assessment of Home Occupations**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 12: Infill Zoning Standards and Interface between Residential and Non-Residential Uses**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 13A: Review & Assessment of Affordable and Shared Housing, and Secondary Suites**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
December 8, 2015

**City of MARKHAM**

**Task 13B: Review & Assessment of Student Housing**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
September 2015

**City of MARKHAM**

**Task 14: Review & Assessment of Places of Worship**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 15: Review & Assessment - Hazardous Lands and Greenway**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 16A: Review & Assessment of Medical/Marijuana Production Facilities**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 16B: Review & Assessment of Addiction/Recovery Centres**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

**City of MARKHAM**

**Task 17: Review & Assessment of Adult Entertainment & Sex Industry**  
Comprehensive Zoning By-law Project

**Markham Zoning By-law Consultant Team**  
Glen Hocking Architects, B. E. Hayward and Associates, Municipal Consulting, Client, Associates and Anthony Colner Planning Consultant  
August 6, 2015

## Approach to Zoning By-law Analysis and Discussion Papers

- Reviewed the direction provided by the Official Plan
- Reviewed Markham's existing zoning by-laws
- Reviewed provincial legislation and other regulations as required
- Reviewed best practices found in other municipal zoning by-laws
- Consultation with stakeholders and Markham staff



## Guiding Principles (Discussion Paper # 1)



## Discussion Paper 2: **Conformity with Official Plan, City Guidelines, Policies and Plans**



### General Official Plan Policies

- **A Framework for Sustainable Growth**
- **Environmental Systems** - protection of the Greenway
- **Healthy Neighbourhoods** - shared housing and parks
- **A Strong and Diverse Economy** - protection of employment lands
- **Urban Design and Sustainable Development** - view corridors, green and white roofs
- **Transportation** - Automobile and bicycle parking

## Discussion Paper 2: **Conformity with Official Plan, City Guidelines, Policies and Plans (cont'd)**



Land Use Designations	Zoning By-law Standards
<ul style="list-style-type: none"> <li>• Residential               <ul style="list-style-type: none"> <li>○ Estate, Low Mid And High Rise</li> </ul> </li> <li>• Mixed Use               <ul style="list-style-type: none"> <li>○ Low, Mid and High Rise, etc.</li> </ul> </li> <li>• Commercial</li> <li>• Employment               <ul style="list-style-type: none"> <li>○ Business Park, Business Park Office Priority, Service, General</li> </ul> </li> <li>• Greenway</li> <li>• Hamlets</li> <li>• Countryside</li> <li>• Private Open Space</li> <li>• Transportation and Utilities</li> <li>• Parkway Belt West</li> <li>• Future Urban Area</li> </ul>	<ul style="list-style-type: none"> <li>• Uses</li> <li>• Building types</li> <li>• Heights and Densities</li> <li>• Development Standards</li> </ul>

## Discussion Paper 2: **Conformity with Official Plan, City Guidelines, Policies and Plans** (cont'd)

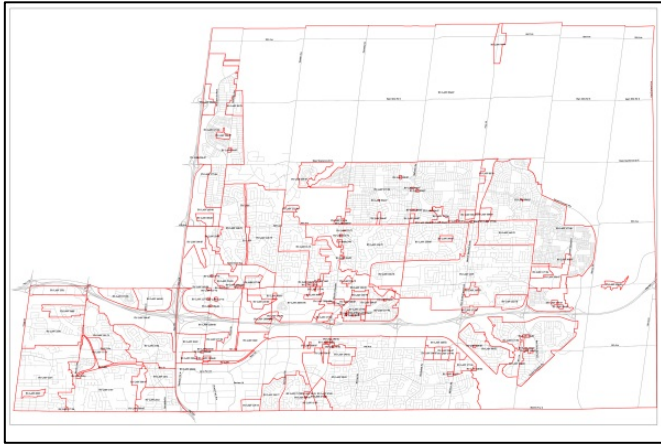


### **Specific uses, site specific policies and implementation**

- Specific Use provisions—convenience retail, day care centres, places of worship, auto related uses, funeral homes, outdoor display and storage, affordable and shared housing
- Area and site specific policies including heritage conservation district plans
- Implementation—Secondary Plans, format of zoning by-law, Section 37



## Discussion Paper 3: Existing Zoning By-laws (methodology, format, structure & layout)



### Issues

- Numerous by-laws and thousands of amendments create confusion for all stakeholders
- By-laws are inconsistent in format, structure and layout
- Most by-laws are Euclidean based which focus on the segregation of incompatible land uses
- By-laws are difficult to access, understand and navigate



## Discussion Paper 3: Existing Zoning By-laws (cont'd)



### ZONING BY-LAW 177-96

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### Options & Considerations

- Build on the best in recent by-laws
- Introduce form-based zoning where appropriate
- Create a single user-friendly, web-based by-law that is also formatted for print compatibility
- Include section in by-law explaining how by-law works, with illustrations, where appropriate
- Provide sidebar comments that guide the reader on the content of the page ,where appropriate)
- Reduce the number of zones, and organize zones and associated standards in chart format
- Reduce the number of definitions, and simplify
- Create consistent approach to mapping
- Regard for Accessibility for Ontarians with Disabilities Act

## Discussion Paper 4a: **Site Specific Zoning By-law Amendments**

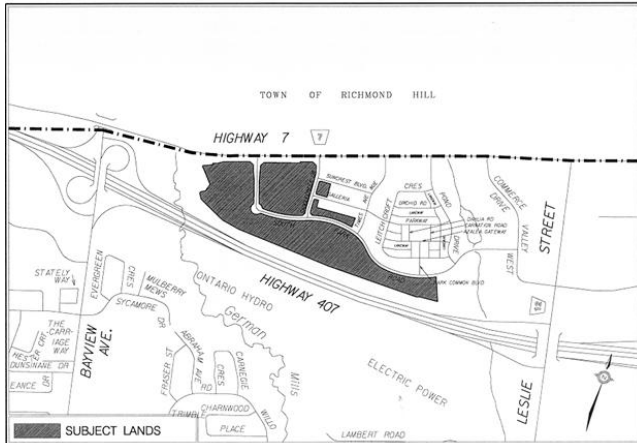
(zoning amendments that apply to a specific property, group of properties or general area)



### *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 format and organization of site specific by-laws is not consistent
- Need to determine which site specific by-laws should be brought forward into the new by-law and how to incorporate them
- Need to determine how to deal with non-conforming/complying site specific by-laws

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



### ***Options and Considerations***

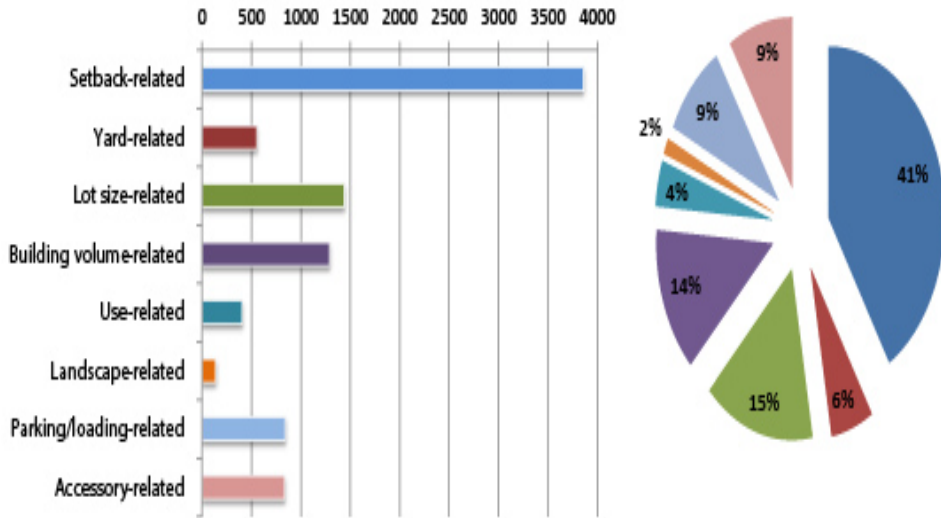
- Incorporate site specifics within the same format and structure of the new by-law and carefully reword in the language of new by-law
- If new definitions or a comprehensive set of new development standards are required, consider introducing them across the entire by-law and not on a site specific basis
- Consider not bringing forward site specifics that are no longer applicable
- Organize site specifics under their base zone and/or in chart format
- Consider “grandfathering” provisions for existing uses, buildings and structures



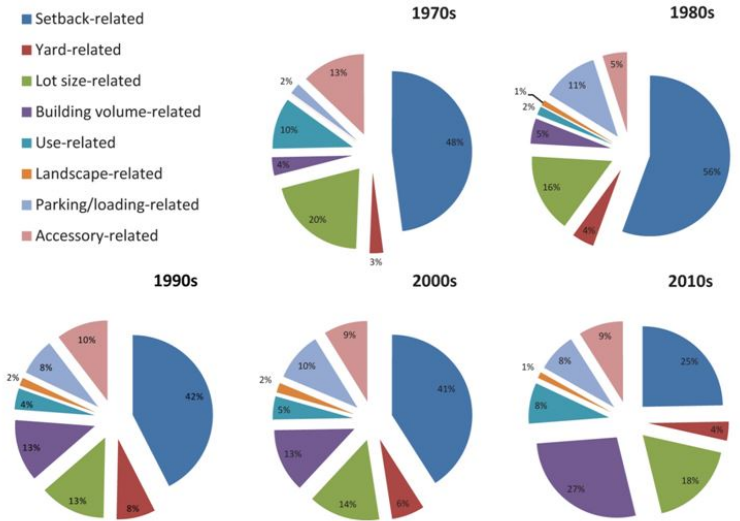
# Discussion Paper 4b: Minor Variances

## Issues & Trends

### Distribution of Minor Variances Applications by Type



### Number of Minor Variance Applications by Decade



## Discussion Paper 4b: **Minor Variances** (cont'd)



### ***Options and Considerations***

- Review most common variances and adjust standards in new by-law, where appropriate
- Determine whether to recognize existing variances in new by-law, or consider these “legal non complying/conforming” (don’t meet provisions of new zoning by-law but considered legal because approval pre-dates new zoning by-law)
- Determine how to deal with minor variance applications submitted prior to the approval of the new zoning by-law but heard by the Committee of Adjustment after the date of passing (Council adoption)

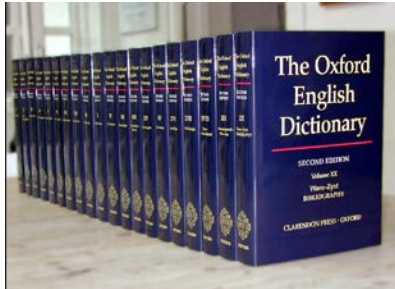
## Discussion Paper 5: Zoning By-law Definitions



### *Issues*

- Some defined terms in Markham's zoning by-laws are repetitive
- Some defined terms include regulations, which more appropriately belong in the development standards
- Some terms are defined differently from one zoning by-law to another
- Some defined terms apply only on a site-specific basis, and not to the entire by-law
- Some defined terms are no longer necessary

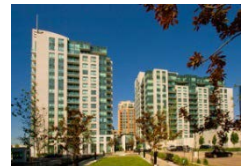
## Discussion Paper 5: Zoning By-law Definitions (cont'd)



### *Options and Considerations*

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

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

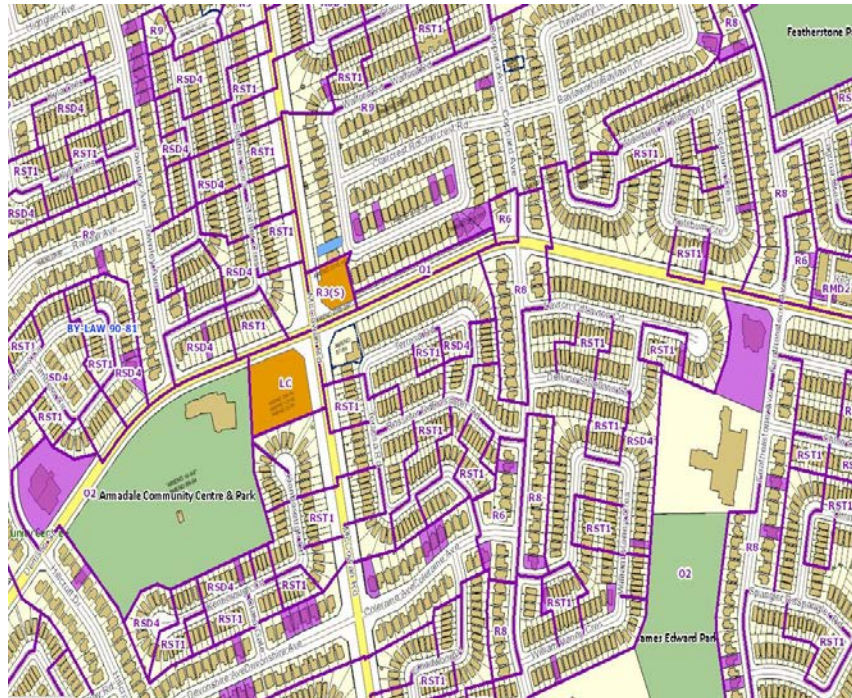




## Discussion Paper 6: Geographic Information Systems

### *Issue*

- Zoning by-laws not web-based or easily accessible



## Discussion Paper 6: Geographic Information Systems (cont'd)



### *Options and Considerations*

- Web-based zoning by-law will contribute to stakeholder efficiencies
- Opportunities for new web-based zoning by-law (GIS applications) to integrate with other City initiatives such as Digital Markham and ePlan
- Maintain paper zoning by-law document as legal document
- Develop intuitive user interface tailored to stakeholder needs and requirements
- Timely maintenance of web-based zoning data required
- Regard for Accessibility for Ontarians with Disabilities Act

## Discussion Paper 6: Geographic Information Systems (cont'd)



### *Options and Considerations*

The Town of Newton in Sussex County in northwestern New Jersey

- Combines mapped overviews of zones across the municipality with zoning based text and simple drawings of permitted construction for zones and addresses
- Enables stakeholders to obtain information on zones and permitted uses which may:
  - satisfy basic enquiries
  - facilitate further discussions with municipal staff based on information presented

## Up-Coming Open Houses

### Thursday, November 12

- Infill Housing
- Interface Issues Between Residential and Non-Residential Uses
- Residential Accessory Structures & Amenity Space
- Home Occupations
- Greenway System //''0& Special Policy Areas
- Parking Standards
- Places of Worship
- Geographic Information Systems

### Tuesday, December 8

- Automotive Uses
- Drive Through Facilities
- Affordable & Shared Housing
- Student Housing
- Adult Entertainment & Sex Industry Uses
- Medical Marijuana Manufacturing Facilities
- Addiction & Recovery Facilities
- Geographic Information Systems

## Next Steps

1. Review & consider input from Open Houses
2. Finalize Zoning Issues Analysis document (summary of all Phase 1 discussion papers) – target early 2016
3. Public consultation for Phase 2 (Strategic Direction) early 2016
4. Phase 2 - Strategic Direction to be finalized early/mid 2016
5. Phase 3 – Drafting and Processing of New Comprehensive Zoning By-law to commence mid 2016

## Markham's New Comprehensive Zoning By-law Project



For more information:

Visit [www.markham.ca](http://www.markham.ca) (Learn about Major City Projects)

Or, contact:

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**905-477-7000 ext. 2758**

**Anna Henriques**, Senior Planner – Zoning & Special Projects

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Send your comments to: [newzoningproject@markham.ca](mailto:newzoningproject@markham.ca)



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