



**SUBJECT:** INFORMATION REPORT  
Update on Markham's New Comprehensive Zoning By-law Project, PR 13 128340

**PREPARED BY:** Anna Henriques, MCIP, RPP, Senior Planner – Zoning & Special Projects, ext. 7922

**REVIEWED BY:** Tom Villella, MCIP, RPP, Manager – Zoning & Special Projects, ext. 2758

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**RECOMMENDATION:**

That the report entitled, "INFORMATION REPORT: Update on Markham's New Comprehensive Zoning By-law Project" dated May 19, 2015, and attached appendices (Appendix A: Project Schedule, Appendix B: Draft Zoning By-law Amendments Paper, Appendix C: Draft Definitions Paper, Appendix D: Draft Automotive Uses Paper, Appendix E: Draft Drive Through Facilities Paper, Appendix F: Draft Residential Accessory Structures & Amenity Space Paper, Appendix G: Draft Places of Worship Paper, Appendix H: Draft Hazardous Lands & Greenway System Paper and Appendix I: Presentation), be received.

**PURPOSE:**

The purpose of this report is to provide an update on the status of Markham's New Comprehensive Zoning By-law Project and to outline next steps moving forward, consistent with the draft work plan presented to Development Services Committee (DSC) on November 5, 2013. This is the second in a series of three (3) targeted update information reports to DSC for Phase 1 of the Project.

**BACKGROUND:**

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

The purpose of Markham's New Comprehensive Zoning By-law Project is to review, consolidate and update, where appropriate, the City's parent zoning by-laws into one (1) comprehensive zoning by-law that conforms with and implements the City's New Official Plan. A key objective of the Project is to develop an innovative, web-based & user-friendly zoning by-law that responds to current and emerging sustainable planning and development trends, to guide future development in Markham. This is a phased, multi-year Project, as outlined below:

Phase 1: Zoning Issues Analysis

Phase 2: Strategic Direction

Phase 3: Drafting & Processing of New Comprehensive Zoning By-law

Phase 4: Potential OMB Appeals

In April 2014, Gladki Planning Associates (GPA) was retained by the City as the lead consultant, managing a team of sub-consultants, to complete the required work for Phase 1 (Zoning Issues Analysis) and Phase 2 (Strategic Direction). Work on Phase 1 is well underway and once completed, is intended to inform the overall strategy (Phase 2) to guide the actual drafting and processing of the new comprehensive zoning by-law (Phase 3).

**Work Program: Phase 1 (Zoning Issues Analysis) & Phase 2 (Strategic Direction)**

The work program for Phase 1 (Zoning Issues Analysis) consists of 18 required tasks to be completed. The first 17 tasks generally address zoning issues requiring review prior to the drafting of the new comprehensive zoning by-law (Appendix 'A' – Project Schedule). For each of the 17 tasks, a technical/discussion paper will be prepared outlining the analysis and review completed. The final task in Phase 1 (task 18) is the Zoning Issues Analysis which will summarize all of the zoning issues identified in tasks 1-17, including potential options for addressing them in subsequent phases.

Phase 2 consists of one task, which is the preparation of a Strategic Direction document to guide the drafting and processing of the new comprehensive zoning by-law. Both the Zoning Issues Analysis and the Strategic Direction document will be presented to stakeholders and the public prior to staff seeking endorsement from DSC.

**Update on Phase 1 presented to DSC March 3, 2015**

On March 3, 2015, staff and the consulting team provided a report and presentation to DSC, for information purposes, updating the Committee on the progress of the Project. At that time, five (5) draft discussion/technical papers were presented and discussed, as outlined below:

- i) Task 1 – Guiding Principles
- ii) Task 2 – Official Plan Conformity
- iii) Task 3 – Existing Zoning By-laws (format, structure, layout, etc)
- iv) Task 4b – Minor Variances
- v) Task 6 – Geographic Information Systems (GIS)

The above mentioned staff report, presentation and draft discussion papers are available on the City web page for Markham's New Comprehensive Zoning By-law ([www.markham.ca](http://www.markham.ca), click on "Learn About Major City Projects" and "New Zoning By-law Project").

**OPTIONS/DISCUSSION:****Phase 1 (Zoning Issues Analysis) Work Underway**

To date, the consulting team has undertaken the required review and analysis for most of the required tasks in Phase 1. In addition to the draft papers that were presented to DSC in March 2015, the following draft papers have been completed in satisfactory draft format:

1. Task 4a – Zoning By-law Amendments (Site Specifics) (Appendix 'B')

The consulting team reviewed and assessed the City's inventory of approximately 2,800 zoning by-law amendments, approved over the years, to identify issues or trends that may warrant consideration when drafting the new comprehensive zoning by-law. The draft paper for this task categorizes the amendments by general type and highlights that many of the zoning by-law amendments approved over the years are site specific. Site specific amendments are the primary focus of the draft paper which includes a review of how other municipalities have dealt with site specific zoning by-laws when drafting their new comprehensive zoning

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by-laws. Recognizing approved site specific zoning by-law amendments in the new comprehensive zoning by-law is a very important consideration for the City moving forward. The draft paper identifies and reviews potential options for the City to consider moving forward with respect to whether or not to incorporate the site specifics within the new by-law. Both options are discussed in greater detail in the attached draft report, including a discussion on the pros and cons of each.

2. Task 5 – Zoning By-law Definitions (Appendix ‘C’)

A detailed review and assessment of the definitions found in the City’s zoning by-laws was undertaken by the consulting team. The draft paper examines each defined term, or group of like defined terms, and identifies which terms the City should consider defining in the new zoning by-law. There is an emphasis in the paper on the importance of simplifying definitions and having consistent definitions across the City. To assist with simplifying definitions, the paper outlines terms that potentially do not need to be defined moving forward such as common, everyday terms that are readily defined in a dictionary or defined terms that are more of a regulation than a definition. The paper also identifies terms from other municipal zoning by-laws that are not currently defined in any of Markham’s zoning by-laws, for consideration when drafting the new zoning by-law.

3. Task 7 – Automotive Uses (Appendix ‘D’)

The draft paper for this task reviews the City’s existing zoning provisions and Official Plan policies with respect to automotive uses and highlights where issues and gaps exist, as well as, potential options for addressing the issues and gaps. The paper also reviews other municipal zoning regulations for automotive uses, identifying different approaches and recent trends that may warrant consideration when drafting the new zoning by-law.

4. Task 8 – Drive Through Facilities (Appendix ‘E’)

A detailed review of the City’s Official Plan policies, existing zoning regulations and drive through facilities design guidelines (endorsed by Council in 2010) was undertaken as part of this task. The draft paper validates and builds upon previous work undertaken by the City with respect to drive through facilities and reviews how other municipalities have addressed issues associated with drive through facilities in their zoning by-laws, highlighting potential options to consider moving forward.

5. Task 10 – Residential Accessory Structures & Amenity Space (Appendix ‘F’)

The first component of the draft paper reviews existing zoning standards for residential accessory structures as well as, previous work completed by the City on this topic and compares it to zoning standards from other municipalities. The review highlights potential options for the City to consider when drafting the new zoning by-law, to address and mitigate potential negative land use impacts on neighbouring properties from residential accessory structures.

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The second component of the draft paper reviews the City's Official Plan policies and existing zoning by-law provisions with respect to residential amenity space. The draft paper highlights the inconsistent approach to zoning requirements for residential amenity space in Markham, with most residential amenity space requirements applying on a site specific basis only. The draft paper also highlights the importance of applying minimum amenity space requirements as a general provision for multi-unit residential buildings. A review of what other municipalities have done with respect to minimum residential amenity space requirements is also provided for the City to consider as potential options moving forward.

6. Task 14 – Places of Worship (Appendix 'G')

A review of Official Plan policies, existing zoning by-law provisions and recent work completed by the City relating to Places of Worship was undertaken to identify issues requiring consideration prior to the drafting of the new comprehensive zoning by-law, including potential options for addressing identified issues. The paper outlines potential issues such as existing site specific zoning permissions for places of worship which are inconsistent with new Official Plan policies and outlines potential options for addressing the issue and other identified issues. Parking for places of worship is identified as an issue and discussed in this draft paper, as well as the draft paper for Task 9 (Parking & Loading).

7. Task 15 – Hazardous Lands & Greenway System (Appendix 'H')

The draft paper for this task reviews Official Plan policies relating to hazardous lands and the greenway system and existing zoning by-law provisions, identifying issues and gaps that need to be addressed prior to drafting the new comprehensive zoning by-law. The Official Plan Greenway System policies are quite comprehensive and multi-layered, therefore, careful consideration must be given to how best to implement and maintain the intent of the overall greenway system policies in the new comprehensive zoning by-law. The draft paper provides potential options such as creating multiple zones and using zoning overlays to reflect and implement the multi-layered greenway system policies.

### **Next Steps**

#### **Preparation of discussion papers for remaining Phase 1 tasks**

In addition to the completed draft papers outlined above and presented to DSC in March 2015, the consulting team prepared preliminary draft papers for a number of other tasks in Phase 1 (task 9 - Parking & loading, Task 11 - Home Occupations, Task 16 – Medical Marihuana, Task 17 – Adult Entertainment & Sex Industry Uses) which are currently under review by staff. In addition, the following papers are currently being prepared by the consulting team for submission to the City in the near future (Task 11 – Infill Housing, Task 14a – Affordable & Shared Housing and Task 14b – Student Housing). Once Staff have had an opportunity to review revised and preliminary drafts for the remaining tasks in Phase 1, staff will report back to DSC with an update on the status of

the project and summaries of each of the draft discussion papers (draft papers will be attached to Staff report as appendices).

**Consultation and finalization of discussion papers**

Stakeholder meetings and a public open house are targeted for the last quarter of 2015 to obtain feedback and input prior to finalizing the discussion papers for Tasks 1-17. Once the draft discussion papers are finalized, they will be summarized in a Zoning Issues Analysis (Task 18) document which will be presented to DSC for endorsement. Finalization of the discussion papers and Zoning Issues Analysis is also targeted for the last quarter of this year. Staff note that further opportunities for public and stakeholder input will occur during Phase 2 of the Project, and most importantly during Phase 3 of the Project, which is the actual drafting of the new comprehensive zoning by-law (commencing in 2016).

**FINANCIAL CONSIDERATIONS:**

N/A

**HUMAN RESOURCES CONSIDERATIONS:**

N/A

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

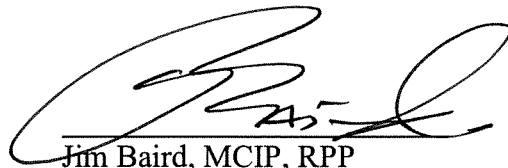
This Project will align with the City's strategic priority of Growth Management by implementing the New Official Plan.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

This City-wide Project affects many City Departments. All relevant City departments will be consulted throughout Phase 1 and 2 of this Project, as appropriate. In addition, it is anticipated that extensive consultation will take place in Phase 3 (Drafting & Processing of New Comprehensive Zoning By-law) to obtain feedback on drafts of the new comprehensive zoning by-law.

**RECOMMENDED****BY:**

Ron Blake, M.C.I.P., R.P.P.  
Senior Development Manager (Acting)  
Planning & Urban Design



Jim Baird, MCIP, RPP  
Commissioner, Development Services

**ATTACHMENTS:**

- Appendix 'A' – Project Schedule (Phase 1 & 2)
- Appendix 'B' - DRAFT Zoning By-law Amendments (Site Specifics) Paper (Task 4a)
- Appendix 'C' – DRAFT Definitions Paper (Task 5)
- Appendix 'D' – DRAFT Automotive Uses Paper (Task 7)
- Appendix 'E' – DRAFT Drive Through Facilities Paper (Task 8)

Appendix 'F' – DRAFT Residential Accessory Structures & Amenity Space Paper (Task 11)

Appendix 'G' – DRAFT Places of Worship Paper (Task 14)

Appendix 'H' – DRAFT Hazardous Lands & Greenway System Paper (Task 15)

Appendix 'I' – Presentation

File path: AMANDA/13 128340/Documents/Information Report May 19 2015