

Appendix “B” - Recommendations Organized by Discussion Paper

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

- 1 It is recommended that the drafting of the new comprehensive zoning by-law be based on the following guiding principles:
 - Implement the Official Plan;
 - Develop a single comprehensive zoning by-law;
 - Recognize the development and property rights provided for in existing site specific by-laws, where appropriate;
 - Consolidate and update standards, as appropriate;
 - Provide for ease of enforcement; and
 - Develop a web-based and easily accessible zoning by-law.
- 2 It is recommended that Markham consider preparing development permit system by-laws for particular parts of the City, where intensification is to be encouraged or a special neighbourhood character is to be preserved, after the new by-law has been completed and enacted.

Task 2: City Official Plan and City Guidelines, Policies & Plans

- 3 It is recommended that the relevant policies contained in the Official Plan as identified in Discussion Paper 2: City Official Plan and City Guidelines, Policies and Plans and summarized in chapter 3 of the Zoning Issues Analysis Paper be addressed in the new comprehensive zoning by-law.
- 4 It is recommended that, as an introduction to each section of the by-law relating to Residential, Mixed Use, Commercial, Employment Lands, Greenway and Countryside zoning categories, there be an explanation of the policy objectives for the corresponding zones as outlined in the Official Plan. This introduction will constitute an explanatory note and not be an operative part of the by-law.

Task 3: Review & Assessment of Existing City Parent Zoning By-laws

- 5 It is recommended that the format for the new by-law be based on the “recommended structure for the new zoning by-law” as outlined in Section 3 of the Phase 2 Strategic Directions Report.
- 6 It is recommended that the new by-law include an explanatory section that is not an operative part of the by-law that describes how to use the by-law.
- 7 It is recommended that the new zoning by-law include drawings and illustrations for information purposes to assist users to understand standards and regulations. The drawings and illustrations will not be considered an operative part of the by-law.
- 8 It is recommended that Markham’s existing 46 parent zoning by-laws be repealed once the new comprehensive by-law is approved.

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- 9 It is recommended that, in the case of lots fronting on public roads, the centre line of the street be considered the boundary line between zones.
- 10 It is recommended that, on lots which have split zoning, uses and standards only be applied to the zone that relates to each portion of the lot. Split zone properties will satisfy all setback requirements relating to the property measured from the lot line. (see also Discussion Paper 15: review and Assessment –The Greenway and Special Policy Areas.)
- 11 It is recommended that it be clearly stated that all uses that are not listed as permitted in any particular zone are prohibited in that zone.

Task 4A: Review & Assessment -Site Specific Zoning Amendments

- 12 It is recommended that all existing site specific by-laws be reviewed to assess their continuing relevance and that the remaining relevant by-laws be re-written to fit into the context of the new by-law. It is further recommended that the site specific bylaws be organized according to the zones as they appear in the new by-law.
- 13 It is recommended that existing site specific by-laws be reviewed to assess their conformity with the applicable policies of the Official Plan to avoid conflicts. In the event of a conflict a decision will need to be made to either not carry forward the site specific by-law or amend the Official Plan on a site specific basis.
- 14 It is recommended that the new zoning by-law recognize existing legally conforming uses and legally complying lots, buildings and structures resulting from the creation of new zones and/or standards at the time the new by-law is passed.

Task 4B: Review & Assessment of Minor Variances

- 15 It is recommended that previous minor variance approvals by the Committee of Adjustment be considered when preparing standards for particular zones in the new comprehensive zoning by-law.

Building permits

- 16 It is recommended that in principle, all complete building permit applications under the Building Code Act, as determined by the Chief Building Code Official, filed under the old by-laws prior to the date of approval of the new by-law, be processed in accordance with the old by-laws.

Planning applications

- 17 It is recommended that in principle, all complete planning applications as provided for in section 10.6.2 of the Official Plan, filed under the old by-laws can be assessed for building permits under the old by-laws, within 2 years of the approval of the new by-law.

Minor variances & Consents

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- 18 It is recommended that all minor variances and consents approved over a three year period before the new by-law comes into effect and that have applied for a building permit, or have had a certificate of severance issued within three years of the approval of the by-law, do not have to comply with the provisions of the new by-law and that all minor variances approved and built prior to the approval of the by-law be deemed to conform with the by-law. If a provisional minor variance approval or consent lapses, a new application is required and must comply with the new by-law.

Task 5: Review and Assessment of Zoning By-law Definitions

- 19 It is recommended that the definitions in the new by-law should be clear, concise and avoid conflicting interpretations. In developing a definitions section for the new by-law, the following key principles should be kept in mind:

Consistency

Zoning by-law definitions should match those in the Official Plan to avoid confusion. Likewise, attention should be paid to how terms are defined in other relevant legislation (Planning Act, Municipal Act, Ontario Building Code, Region of York Official Plan) if such terms are to be used in the by-law.

Simplicity

Definitions should be as simple as possible. Avoid definitions within definitions or defining something by what it is not (if possible).

Universality

Definitions should apply across the municipality and not to a given site. No site-specific by-law should contain its own definitions.

Avoid definitions that are de facto regulations

Terms in existing Markham zoning by-laws like “Maximum Floor Area” are actually standards. Define “Floor Area” and leave the rule (maximum) to the zone regulations.

Only define what is necessary

Terms found in common dictionaries need not be defined in the zoning by-law. Terms defined differently from common understandings should be defined. Readers should be referred to a particular dictionary such as the Canadian Oxford Dictionary for reference.

Referencing

Terms should be listed alphabetically as they appear in the by-law (e.g. “Front Lot Line” instead of “Lot Line, Front”). Cross referencing could be considered.

Text

Provide additional space where two or more defined terms are together. Provide a hyperlink between italicized terms and the definition in the electronic version.

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- 20 It is recommended that the definitions analysed and suggested in Discussion Paper 5 form the basis for the definitions section in the new by-law.

Task 6: Review & Assessment of Geographic Information & Technology Strategy

- 21 It is recommended that maps be prepared to show zones, densities and heights as well as overlays applying to areas such as lands included in Special Policy Area, and that maps be prepared to provide an electronic hyper-link to the relevant text and to area and site specific by-laws using the most up to date and tested technology and software.
- 22 It is recommended that the zoning by-law related GIS and text data be accessible via the web to achieve the following:
- Enable broad based access to core zoning by-law information at the parcel level in a simple, intuitive manner;
 - Enable a large percentage of current letter, fax, email, phone and in-person counter enquiries to be answered through self-help web pages:
 - Contribute to consistency by utilising the site as the primary source for zoning information, both for internal and external customers;
 - Increase the effectiveness of City staff by enabling remote access to the entire zoning by-law (textual & visual); and
 - Align to City initiatives for efficiency, paperless, self-serve, transparency & compliance.
- 23 It is recommended that Map Series (screen and paper) and Interactive Maps (web GIS) be created in tandem with the design and drafting of the new comprehensive zoning by-law to establish the links between maps and text early-on.
- 24 It is recommended that the interactive text portion of the zoning by-law be served by professional level HTML files with advanced functionality such as pop-up hyperlinks to key definitions and illustrations easily accessible to the user.
- 25 It is recommended that document management protocols be established to ensure timely updates to both the text and the interactive maps to capture approval of amendments.
- 26 It is recommended that a paper based version of the by-law be maintained in the Clerk’s office and that both the on-line and paper version be updated simultaneously.

Task 7: Review & Assessment of Automotive Related Uses

- 27 It is recommended that, in addition to the definitions analysed and suggested in Discussion Paper 5, the following uses, which are specifically addressed and analysed in Discussion Paper7, be defined in the new by-law:
- Motor Vehicle Dealership;
 - Motor Vehicle Repair Facility, which includes major repairs and auto body shops;

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- Motor Vehicle Service Station; and
 - Motor Vehicle Washing Establishment.
- 28 It is recommended that a motor vehicle dealership or rental facility located in any Mixed Use zone not include the outdoor storage of vehicles “as of right”.
- 29 It is recommended that a motor vehicle repair facility be located only in a General Employment zone and separated a minimum of 20 metres from an adjacent Residential or Mixed Use zone.
- 30 It is recommended that the following regulations be applied to a motor vehicle service station, where permitted:
- the minimum lot frontage is 30 metres;
 - the maximum lot area is 0.6 hectares;
 - a minimum setback of 20 metres from the lot line is provided to any Residential zone;
 - 10 percent of the lot is landscaped;
 - a 3 metre landscaped buffer is provided along front and exterior side lot lines and a 6 metre landscaped buffer is provided for interior and rear lot lines; and
 - all parts of a structure including a building or canopy is set back 10 metres from the front lot line and the exterior lot line.
- 31 It is recommended that the following regulations be applied to a motor vehicle washing establishment, where permitted:
- Mechanical washing or drying operations take place wholly within a building; and
 - minimum required stacking lanes are provided with 10 vehicles at the entrance and 2 vehicles at the exit.
- 32 It is recommended that setback requirements for propane storage be governed by the relevant provincial legislation.

Task 8: Review and Assessment of Drive-Through Facilities

- 33 It is recommended to drive through facilities be considered as accessory to other uses and that the following standards apply:
- a 30 metre separation distance be required between the lot line of a drive through facility and a residential use or any zone where residential uses are permitted;
 - a minimum lot size of 0.3 hectares;
 - a prohibition on double drive through facilities;
 - the entrance to the stacking lane to be located a minimum distance of 2 car lengths from the access to the site; and
 - a minimum of at least 10 stacking spaces be provided for drive through restaurants and a minimum of 4 staking spaces be provided for financial institutions and pharmacies.

Task 9: Review & Assessment of Parking and Loading Standards

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- 34 It is recommended that the following principles be applied for regulating parking spaces in the new by-law:
- provide for varying requirements for certain areas such as Markham Centre, Langstaff Gateway, Key Development Areas and Regional Corridors based on level, frequency and availability of transit service or projected improvements to transit service;
 - provide for shared parking for uses in mixed use buildings;
 - include maximum parking ratios for areas such as Markham Centre, Langstaff Gateway, Key Development Areas and Regional Corridors;
 - include requirements for barrier free parking spaces;
 - apply a uniform rate for dwelling units in apartment buildings;
 - consolidate requirements for retail parking into fewer categories such as retail, restaurants, shopping centre small, shopping centre large;
 - evaluate the application of blended parking ratios for non-residential uses in the City's Key Development Areas (KDA's) and selected Local Centres;
 - simplify the parking requirements for a place of worship to include one rate based on the floor area of the place of worship and one rate for the floor area of all accessory uses associated with the place of worship;
 - include a rate for "other" uses; and
 - allow charges for parking spaces, particularly for non-residential uses and visitor parking spaces associated with multi-unit residential buildings.
- 35 It is recommended that the following issues be addressed in the design of parking spaces:
- aisle widths of at least 6 metres, to be adjusted for angled parking;
 - minimum size for parking spaces based on the standards in existing Markham by-law 28-97 (2.6 m by 5.8m) including provisions to mitigate the impacts of obstructions such as walls, stairs, columns, bollards, fences or posts, in which case the minimum width should, in general, be increased by 0.3 metres;
 - restricting the number of vehicles that could be parked in the rear yards of ground related residential dwellings in Low Rise Residential zones to 2;
 - requiring lane access on corner lots in Low Rise Residential zones;
 - permitting shared driveways across two lots;
 - setback provisions for private garages from rear lanes; and
 - limits on the size of private garages in Low Rise Residential zones.
- 36 It is recommended that the size of commercial and recreational vehicles on lots with detached dwellings, semi-detached dwellings and townhouse dwellings in Residential, and Mixed Use zones be restricted to a maximum of 2.3 metres high and 6 metres in length.
- 37 It is recommended that requirements for the provision of bicycle parking spaces including numbers and dimensions be incorporated into the new by-law and these standards be based on the informal bicycle parking rates currently being applied to new developments in Markham.
- 38 It is recommended that the new comprehensive zoning by-law include loading provisions based on existing Markham By-law 177-96, updated to include:

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- a loading requirement for residential buildings with more than 30 units;
- minimum driveway widths for trucks and permitted slopes;
- loading requirements over a wide range of non-residential floor area sizes with more steps in the range; and
- loading exemptions for small lots and buildings.

Task 10: Review & Assessment of Residential Accessory Structures and Amenity Space

39 It is recommended that the standards for residential accessory structures in the new by-law be based on the following:

- 1.2 metre minimum setbacks from rear and interior side lot lines for larger lots and 0.6 metres for smaller lots;
- minimum setback from the exterior side lot line—no closer than the main building from the exterior side lot line;
- maximum floor area per accessory building or structure—15 square metres on lots with areas less than 0.1 hectare; 20 square metres on lots with areas between 0.1 and 0.4 hectares; and 50 square metres on lots with areas greater than 0.4 hectares;
- maximum height—3 metres on lots with areas less than 0.4 hectares; and 4.5 metres on lots with areas greater than 0.4 hectares.
- maximum number of accessory buildings or structures per lot—2 on lots with areas less than 0.1 hectare; and 3 on lots with areas between 0.1 and 0.4 hectares;
- include a separation distance of 1.2 metres for accessory structures from the main building; and
- exempt such structures as retaining walls, statues, light standards, air conditioning units, children’s play structures and solar panels from requirements for residential accessory buildings and structures.

40 It is recommended that “amenity space” be defined as common space and that amenity space be required for block townhouses and apartment buildings with more than 20 units at a rate of 4 square metres per unit of, of which 2 square metres must be common outdoor amenity space.

Task 11: Review & Assessment of Home Occupations

41 It is recommended that where a home occupation is permitted, the home occupation shall:

- clearly be a secondary use of the lot;
- be conducted entirely within a dwelling unit or a detached garage;
- be conducted by at least one of the residents of a dwelling unit;
- not occupy more than 25 percent of the gross floor area of the dwelling unit;
- not create noise, vibration, fumes, odour, dust, glare or radiation which is evident outside the dwelling unit;
- not employ more than one employee, in addition to members of the household;
- not involve the outdoor storage, or outdoor display of materials or finished products;
- not consist of an occupation that involves the sale of a commodity not produced on the premises, except that telephone , mail order or internet sales of goods is permitted;

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- if involving instructional activity, not be occupied by more than four students at any one time for such an activity;
- not require receipt or delivery of merchandise, goods or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using motor vehicles typically employed in residential deliveries;
- not include manufacturing, animal grooming and care, auto related uses, offices of medical practitioners in multi-unit buildings; and
- any activity that requires a permit from another level of government is required to obtain a permit or approval prior to commencing the operation.

Task 12: Infill Zoning Standards and Interface between Residential and Non-Residential Uses

- 42 It is recommended that the relevant infill standards for Markham Village Oakcrest/Sabiston and Thornhill and the unique characteristics of the residential heritage area in Unionville be reflected in the new by-law.
- 43 It is recommended that the creation of zones in the Residential Low Rise designation reflect existing conditions and zoning standards, including the infill zoning standards approved by Council in the 1990s, as appropriate. Low density residential zoning standards should be based on an appropriate combination of maximum height limits expressed in metres and shown on the height map, minimum setbacks, minimum lot frontages, maximum depth of buildings, maximum lot coverage controls on garage projections and maximum garage widths, but not include Floor Area Ratio or Floor Space Index.
- 44 It is recommended that a setback of 14 metres from provincial highways be required for all buildings and structures.
- 45 It is recommended that the new comprehensive zoning by-law include the Minimum Distance Separation II Formulae (Publication 707), issued by the Ministry of Agriculture, Food and Rural Affairs in 2006 regarding livestock operations in agricultural areas, to be applied where appropriate.
- 46 It is recommended that a setback be applied from the Trans Canada Pipeline and from the Enbridge Gas pipeline.
- 47 It is recommended that a 30 metres setback from a railway line be applied for residential uses, schools and day care centres.
- 48 It is recommended that there be minimum setback requirements from any Residential and Mixed Use zones for animal boarding establishments, composting facilities, propane storage, outdoor loading, outdoor storage, outdoor garbage disposal and manufacturing uses located in General Employment zones.

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- 49 It is recommended that 3 metre interior side yard and rear yard setback be required for all buildings and structures in the General Employment zone from an abutting Residential or Mixed Use zone and that a 3 metre wide landscaped buffer be provided where a General Employment Zone is adjacent to a Residential or Mixed Use zone.

Task 13A: Review & Assessment of Affordable and Shared Housing, and Secondary Suites

- 50 It is recommended that, in addition to the definitions analysed and suggested in Discussion Paper 5, the following uses, which are specifically addressed and analysed in Discussion Paper 13A be defined in the new by-law:

- Residential Care Home (with 3 to 10 residents--see City of Toronto Group Home definition on page 21 of Discussion Paper 13A);
- Residential Care Facility (short term transitional accommodation for more than 10 persons);
- Long Term Care Facility (see definition in By-law 177-96);
- Retirement Home (see definition in By-law 177-96); and
- Rooming House (see definition in the Ontario Building Code reproduced on page 23 of Discussion Paper 13A).

(Note—secondary suites, rooming houses and short term accommodation will be addressed in a separate report as part of Phase 3a of the New Comprehensive Zoning By-law Project.)

Task 13B: Review & Assessment of Student Housing

- 51 It is recommended that a student residence be defined and permitted on university owned lands or privately owned lands provided that the residence is operated on behalf of the university.

(Note—secondary suites and rooming houses will be addressed in a separate report as part of Phase 3a of the New Comprehensive Zoning By-law Project.)

Task 14: Review & Assessment of Places of Worship

- 52 It is recommended that the places of worship zone apply to places of worship as they exist at the time of the passage of the new zoning by-law, including existing spires that may extend beyond the height limit, and that a day care centre be included as a permitted use in these zones.

Task 15: Review and Assessment-The Greenway and Special Policy Areas

- 53 It is recommended that all Greenway and Vegetation Protection Zones be included in one zone category that restricts development to: conservation, resource management, nature-based recreational infrastructure and public infrastructure and that all legally existing dwellings and structures on existing lots in this zone at the time of passage of the by-law be recognized as conforming to the by-law and that lands subject to the Oak Ridges Moraine Conservation Plan

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and the Greenbelt Plan Area be shown in the appendix to the by-law that does not constitute an operative part of the by-law .

- 54 It is recommended that a map of the Special Policy Area be shown as an overlay to the zoning maps, which will form an operative part of the by-law, with development on lots in this area subject to review by the Toronto and Region Conservation Authority to ensure that flood mitigation measures are addressed while development on flood hazard lands shown in the appendices will be subject to screening by the Toronto and Region Conservation Authority. The appendices will not constitute an operative part of the By-law.

Task 16A: Review & Assessment of Medical Marihuana Production Facilities

- 55 It is recommended that, in addition to the definitions analysed and suggested in Discussion Paper 5, the term “medical marihuana production facility”, which is specifically addressed and analysed in Discussion Paper 16A be defined in the new by-law.
- 56 It is recommended that a medical marihuana production facility can only be located in a General Employment Zone and required to be no closer than 800 metres from a sensitive use, or any Residential or Mixed Use zone and that the operation is located in a single tenant building.

Task 16B: Review & Assessment of Addiction/Recovery Centres

- 57 It is recommended that an addiction recovery centre be defined and permitted on hospital lands.

Task 17: Review & Assessment of Adult Entertainment & Sex Industry

- 58 It is recommended that, in addition to the definitions analysed and suggested in Discussion Paper 5, the following uses, which are specifically addressed and analysed in Discussion Paper 17 be defined in the new by-law:
- Adult Entertainment Establishment (which will not be permitted in any zone);
 - Body Rub Establishment (which will not be permitted in any zone);
 - Massage Therapy Centre (which will be distinguished from a body rub establishment);
 - and
 - Wellness Centre.
- 59 It is recommended that if an adult entertainment facility is permitted in Markham it be required to be located no closer than 1000 metres from any Residential or Mixed Use zone, in accordance with section 8.5.4.3.(s) of the Official Plan.
- 60 It is recommended that the two site specific by-laws that currently permit adult entertainment facilities be repealed.