

Appendix “C” – Summary of Feedback Received & Response

	REC # (REFER TO APPENDIX “B”)	COMMENTS - SUMMARY OF KEY POINTS	GENERAL RESPONSE TO COMMENTS – KEY POINTS	ADDRESSED IN REVISED STRATEGIC DIRECTIONS? YES/NO
1.	2.	Why should we consider a development permit system?	A development permit system may be worth consideration in some parts of the City, such as intensification areas or heritage areas, where a specific built form is desired or specific characteristics are to be preserved. The recommendation is that a development permit system may be considered <u>after</u> the new zoning by-law has been adopted.	No
2.	14.	Will the new by-law recognize all legally conforming or legally non-conforming uses? This is relevant to service stations because they have a limited life span.	The general intent of recommendation #14 is that all existing legally conforming/complying uses and building/structures and lots, at the passing of the new by-law, will continue to be legal in the new zoning by-law. Staff recommend that this recommendation be revised (addition of words “in general”) to state “It is recommended that, in general , 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.”	Partially (Staff recommendation for revision to clarify intent)
3.	16.	The word “complete” (application) may be problematic for larger projects. For example, if one does not have site plan approval (endorsement only), a building permit application will not be deemed “complete” and therefore cannot be assessed under the old by-laws.	Recommendation # 17 states that all complete planning applications, filed under the old by-laws, may be assessed for building permits under the old by-laws within 2 years of the approval of the new by-law. Therefore, if a project has site plan endorsement, it can be assessed for a building permit, under the old by-laws, within 2 years of approval of the new by-law.	No
4.	18.	For minor variances and consents approved within a 3 year period prior to the enactment of the new zoning by-law, does the approved variance only continue or all by-law provisions (applicable to the lot in question) under the old by-law also continue? Also, what is the meaning of “acted upon”? Also,	Recommendation #18 was revised to clarify the intent that for all provisional consent and minor variance approvals, all provisions from the old by-law apply provided a building permit was applied for (minor variance) or a severance certificate issued (consent) within three years of the approval of the new by-law. In	Yes

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		there should be some language added to clarify that if one cannot comply with the transition requirements then their variance and consent approvals will lapse.	addition, language was added to state that if the transition requirements are not met then approval for consent and minor variance lapses and a new application is required under the new by-law.	
5.	19.	It is suggested that the definitions section be quite comprehensive and not overly simplified to prevent interpretation and legal issues.	Definitions are very important to zoning by-laws. Key terms used throughout the new zoning by-law will be defined while common everyday terms that are not specific to the zoning by-law will not be defined.	No
6.	26.	We should be moving away from the concept that the paper version is considered the legal version.	This recommendation was revised to remove reference to “legal” since both the paper and on-line version will be the same. A paper copy of the zoning by-law will be kept in the Clerk’s department.	Yes
7.	30.	The Official Plan states that sites shall generally be 0.6 ha. A minimum of 0.6ha in the new zoning by-law would make some existing sites non-complying	The minimum lot area requirement of generally 0.6ha is based on the new Official Plan. The new zoning by-law will need to be consistent with this.	No
8.	30.	For motor vehicle service stations, a minimum 20m setback to the front and exterior side lot lines for all parts of a structure including a building or canopy, seems excessive. This should be addressed as part of site plan.	This recommendation has been revised to a minimum 10m setback. This is consistent with By-law 177-96, as amended.	Yes
9.	33.	A 30m separation distance between a drive-through facility and residential use or any zone where residential is permitted seems excessive.	Some municipalities do not permit drive-through facilities next to residential areas due to concerns with respect to operating hours, noise, vehicle exhaust, etc. A 30m separation distance is considered appropriate to address these concerns.	No
10.	33.	Minimum lot area should be expressed in hectares and not metres. Also, “restriction” on double drive-throughs may imply that they are permitted subject to certain conditions. A “prohibition” on double	This recommendation was revised to provide minimum lot area in hectares and to clarify the intent to “prohibit” double drive-throughs.	Yes

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		drive-throughs means they are not permitted. This recommendation should be clarified based on intent.		
11.	34.	Varying parking standards based on transit availability (recommendation # 34). This recommendation deserves some further thought as some areas in Markham may have rapid transit service while other areas may only have bus service.	The amount of transit service that is available for people is also important. It may not be considered “rapid” transit but it may provide the service required in terms of frequency and availability. A minor revision was made to specify that varying rates will be based on “...level, frequency & availability of transit service...” This recommendation will be reviewed further as part of a parking study that will inform parking standards for the new comprehensive zoning by-law.	Yes
12.	41.	A dog grooming business is similar to a hairdressing salon. Can a dog grooming business be permitted as a home occupation provided it is restricted?	A dog grooming business has the potential to be a nuisance due to noise and odour. The strategy recommends that dog grooming not be permitted as a home occupation, however, this can be reviewed further as part of Phase 3.	No
13.	41.	The current standard in the home occupation by-law is a maximum 25% of total gross floor area of a dwelling unit. Why is it recommended that it be increased to 40%?	This recommendation was revised to state that a maximum 25% of total gross floor area of a dwelling unit may be used as a home occupation.	Yes
14.	42.	The infill by-law areas are all very different and this needs to be captured in the new zoning by-law.	The recommendation is for the ‘types’ of standards to be used in the new zoning by-law to regulate development (ie. maximum height, maximum building depth, etc). The actual standards will vary depending on the area and its unique characteristics.	No
15.	42.	Will there be a heritage low-rise residential zone (s) to capture the unique character of heritage areas/districts?	Recommendation #42 states that relevant standards from existing infill by-laws should be reflected in the new zoning by-law to protect the unique characteristics of these areas. This will likely result in unique zones for these areas, including heritage district areas. This recommendation was revised to include the Unionville	Yes

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			residential area which is part of a heritage district.	
16.	46.	Why are the recommended setbacks to the TransCanada and Enbridge pipelines different?	The recommended setbacks are based on a review of setbacks from other municipalities. This recommendation was revised to remove reference to the specific setback amount. The specific setbacks will be determined during Phase 3.	Yes
17.	47.	A 30m setback should not be implemented in the new zoning by-law. Metrolinx has recently provided relief to this setback requirement for some projects so it may not be necessary	The 30m setback is the standard in many other municipal zoning by-laws (including Markham’s By-law 177-96) and it is deemed appropriate for safety. This setback requirement may be amended, if and where deemed appropriate, on a site by site basis.	No
18.	51.	It is recommended that other options for student housing be explored. There is a growing trend towards student residences being built on private lands which may or may not be affiliated with a university. This should be explored further in Markham Centre as York University does not plan on building student residences in Markham. Also, what about other post-secondary institutions such as colleges (ie. Seneca College)	Recommendation #51 was revised to state that the new zoning by-law should define and permit student residences on university owned lands or privately owned lands provided that it is operated on behalf of the university. A note was also added to this recommendation stating that other types of housing such as second suites and rooming houses will be addressed as part of Phase 3a which is currently underway. Staff recommend that recommendation #51 be further revised to state that the new zoning by-law should “Define student residences to include those located on university or college lands, or those located on privately owned lands, provided they are operated on behalf of, or for the purpose of, a university or college. Proposals for student residences will be evaluated on a site by site basis, where located within appropriate land use designations.”	Partially (to be further addressed as per Staff recommendation
19.	53.	Is the intent that all “legally” existing dwellings and structures and “legally” existing lots at the time of passage of the new zoning by-law be recognized as	The word “legally” was added to this recommendation for dwellings, structures and lots. This clarifies the original intent.	Yes

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		conforming to the new by-law? If yes, then this should be clarified.		
20.	54.	Special Policy Area boundaries can change which may be problematic if the boundary is in the zoning by-law	If the boundary changes then an amendment to the zoning by-law work be required to reflect the new boundary.	No
21.	56.	Can municipalities now prohibit marihuana production in residential areas? Markham should prohibit medical marihuana production in residential areas	The legislation that permitted personal medical marihuana production in residential homes/areas in no longer in place, however, many of the licenses issued under the old legislation still exist and are valid. The existing (new) Federal legislation relates to medical marihuana production facilities (for commercial production and distribution) and it allows municipalities to control where these facilities can be located. Federal legislation supersedes municipal zoning by-laws, therefore, including a prohibition on personal medical marihuana production in residential homes/areas in the new zoning by-law would have no effect.	No
22.	57.	Should these uses be permitted in medical clinics? We have many medical clinics throughout the City and some are close to residential areas.	This recommendation was revised to recommend that addiction and recovery facilities be permitted in hospitals only due to compatibility.	Yes
23.	60.	Re: Can the City repeal the existing site specifics for adult entertainment and not permit the use anywhere in the City? Do we have to provide for the use somewhere in the City?	The existing two (2) site specific by-laws that permit adult entertainment do not currently exist and do not comply with the new Official Plan. The City’s Official Plan provides for adult entertainment establishments, as a discretionary use, on lands designated “Service Employment”, provided that it is not located within 1,000	No

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			metres of lands within a “Residential” or “Mixed Use” designation and subject to the review of a site specific application for zoning approval. Based on the above and the consultant’s review (including legal review) of archived City files pertaining to the two existing site specifics, the recommendation to repeal the two existing site specific by-laws remains the same. The new zoning by-law will define adult entertainment as a use and will include a separation distance requirement, consistent with the OP, which will be used to evaluate zoning amendment applications for the use, as required.	
24.	N/A	Re: Setbacks should be the same for above ground and above ground buildings and structures (ie. no zero setbacks for below grade parking structures)	This will be reviewed and addressed when drafting the new comprehensive zoning by-law (Phase 3).	No
25.	N/A	Re: Rooming houses should be defined and should be permitted in intensification areas and not in low rise residential areas. A license should also be required to ensure continuing compliance with Fire and Building Codes.	This will be addressed as part of Phase 3a.	No
26.	N/A	Re: Secondary Suites – <ul style="list-style-type: none"> ○ should be permitted in detached, semi-detached and townhouse dwellings (typically in a basement but other locations such as above a garage are also acceptable) ○ a maximum of two dwelling units should be permitted (primary and secondary) ○ Size of secondary suite should be restricted as per 2008 draft by-law ○ Secondary suites should be registered with the City to ensure safety of occupants ○ City should acknowledge that additional garbage and recycling material will be 	This will be addressed as part of Phase 3a.	No

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		<p>generated and processed as a result of secondary suite. Also, there may be additional need for transit, schools, parks, etc.</p> <ul style="list-style-type: none"> ○ One additional parking space should be required ○ Modifications to front façade of building should be restricted <p>Incorporate provisions from 2008 draft by-law which state that no more than one dwelling unit may be contained within any main wall facing a street and the entrance to the secondary suite may not be within the garage door</p>		
27.	N/A	Re: Student housing & second suites/rooming houses. Markham should introduce “strong and enforceable” zoning by-laws to monitor and control rooming houses and secondary suites in Markham since York University will not be providing student residences as part of the University.	This will be addressed as part of Phase 3a.	No
28.	N/A	Re: Minor Variances. In many parts of the City, existing zoning by-laws provide sufficient opportunity to build large, high quality homes. Therefore, the Committee of Adjustment should take a much stronger position in denying building volume related variances.	Consistent with recommendation #15, previous minor variance approvals will be considered when preparing appropriate standards for particular zones in the new comprehensive zoning by-law. This will be balanced with achieving other City policy objectives such as protecting and maintaining the character of existing stable residential neighbourhoods. The Province has recently introduced proposed changes to the Planning Act which would provide the City will clearer direction respecting what is considered a “minor variance”. It is understood that the forthcoming legislation may also permit municipalities to determine for themselves what is considered “minor”. The final Planning Act amendments have not been released by the Province yet, but it is	No

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			anticipated that it will be available sometime in 2016.	