

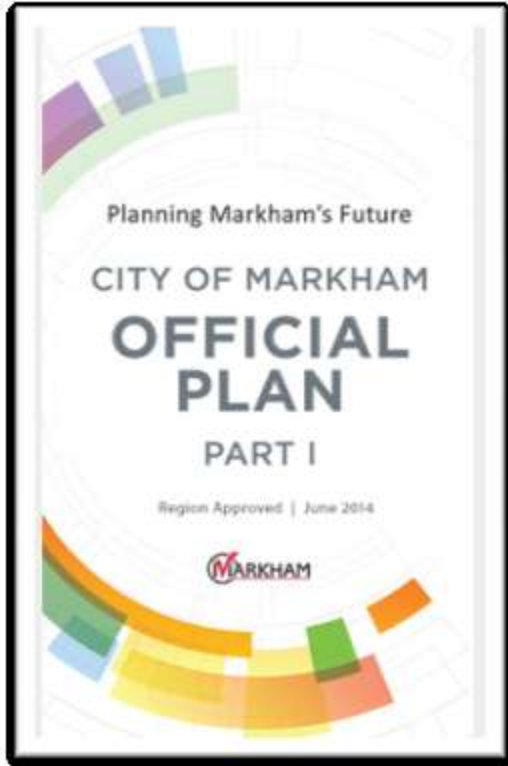
# New Comprehensive Zoning By-law Project

*Phase 2: Strategic Directions  
Recommendations*

## Development Services Committee

June 14, 2016

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



### Recommendations

1. Drafting of the new comprehensive zoning by-law should be based on the guiding principles
2. Development permit system by-laws may be considered after the new by-law has been completed and enacted for particular areas of the City, where intensification is encouraged or neighbourhood character is to be preserved

## Task 2: Conformity with Official Plan, City Guidelines, Policies & Plans

### Recommendations

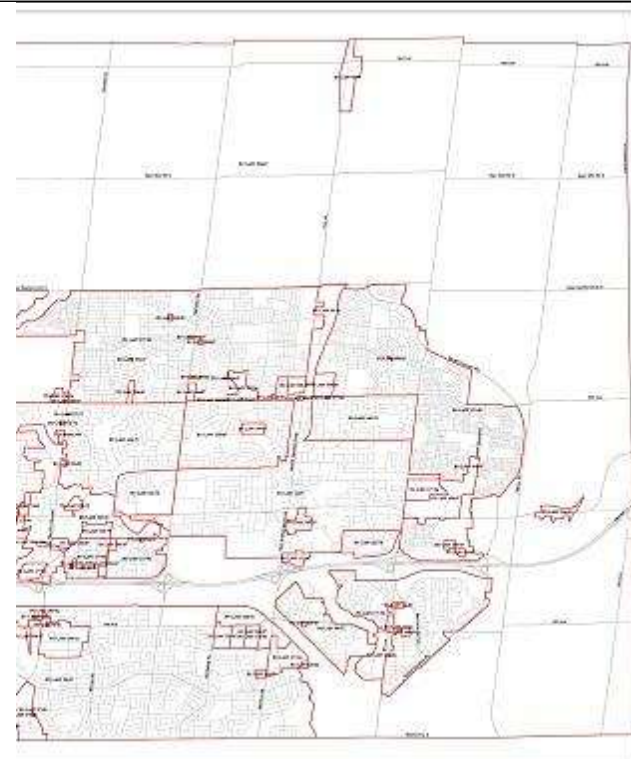
3. The zoning by-law must address Official Plan policies
4. Residential, Mixed Use, Commercial, Employment Lands, Greenway and Countryside zoning categories, should include an explanation of Official Plan policy objectives



## Task 3: City Parent By-laws

### Recommendations

5. The by-law should be organized according to the “recommended structure for the new zoning by-law” as outlined in the report
6. An explanatory section should describe how to use the by-law
7. Drawings and illustrations should assist users to understand standards and regulations
8. Markham’s existing 46 parent zoning by-laws to be repealed
9. Along public streets the boundary line between zones should be the centre line of streets
10. On lots with split zoning, uses and standards should only apply to the zone that relates to each portion of the lot.
11. All uses that are not listed as permitted in any particular zone shall be prohibited in that zone.



## Task 4a: Site Specific Zoning By-law Amendments



### Recommendations

12. Existing site specific by-laws should be reviewed to assess their continuing relevance and be re-written to fit the new by-law.
13. Site specific by-laws must conform with the applicable policies of the Official Plan
14. In general, legally existing uses, lots, buildings and structures at the time the new by-law is passed should be recognized, if affected by the new zones and standards

## Task 4b: Minor Variances

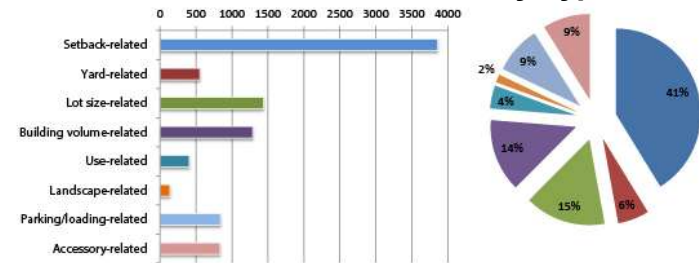
### Recommendations

- Minor variance approvals by the Committee of Adjustment should be considered when preparing zoning standards

#### *During period of transition*

- All complete building permit applications filed under the old by-laws shall be processed in accordance with the old by-laws
- All complete planning applications filed under the old by-laws can be assessed for building permits under the old by-law within 2 years
- All minor variances approved and built prior to the approval of the new by-law be deemed to conform with the new by-law. It is further recommended that all minor variances and provisional consents approved over a three year period before the new by-law comes into effect do not have to comply with the provisions of the new zoning by-law provided that:
  - A building permit for the approved minor variance has been applied for within three years of the approval of new the by-law
  - A certificate of severance has been issued within three years of the approval of the new by-law
 If the requirements of this transition clause are not met then approval of the minor variance and provisional consent shall lapse and a new application is required under the new by-law

Distribution of Variances by Type



## Task 5: Zoning By-law Definitions

### Recommendations

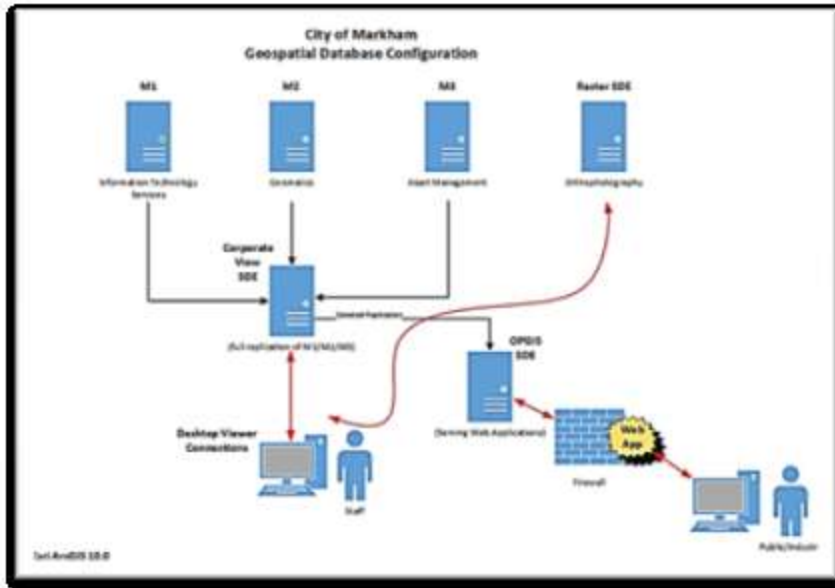
19. Definitions in the new by-law should be clear, concise and avoid conflicting interpretations based on:
- ✓ **Consistency:** Zoning by-law definitions should match those in the Official Plan and related legislation
  - ✓ **Simplicity:** Definitions should be as simple as possible.
  - ✓ **Universality:** Definitions should apply across the municipality and not to a given site; Definitions that are regulations should be avoided; Only define what is necessary
  - ✓ **Referencing:** Terms should be listed alphabetically as they appear in the by-law
  - ✓ **Text:** A hyperlink between defined (italicized) terms and the definition should be provided
20. The definitions in the new by-law should be based on suggestions in Discussion Paper 5



## Task 6: Geographic Information Systems

### Recommendations

21. Maps should show zones, densities and heights with an electronic hyper-link to the text and site specific by-laws
22. GIS and text data should be accessible via the web
23. Links between maps and text should be established from the outset
24. The interactive text portion of the ZBL should include pop-up links to key definitions and illustrations easily accessible to the user
25. Document management protocols should ensure timely updates to text and maps
26. A paper-based version of the by-law should be maintained in the Clerk's office





## Task 7: Automotive Uses

### Recommendations

27. Motor vehicle dealership, motor vehicle repair facility (includes major and auto body repairs), motor vehicle service station and motor vehicle washing establishment should be defined
28. A motor vehicle dealership or rental facility should not include the outdoor storage of vehicles “as of right”
29. A motor vehicle repair facility should be separated a minimum of 20 metres from a Residential or Mixed Use zone



## Task 7: Automotive Uses

### Recommendations (cont'd)

30. A motor vehicle service station should comply with detailed standards regarding minimum lot frontage, area, setbacks, landscaping and landscaping buffers
31. Mechanical washing or drying operations In a motor vehicle washing establishment should take place in a building and include stacking lanes
32. Setback requirements for propane storage will be governed by provincial legislation

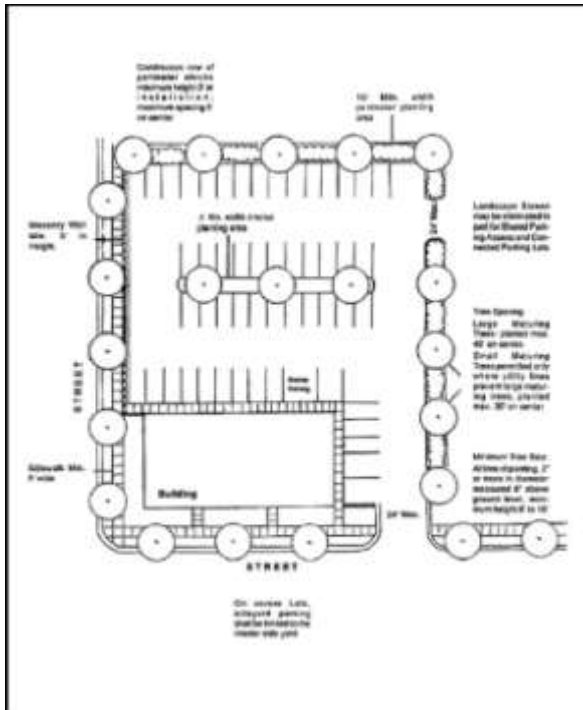
## Task 8: Drive Through Facilities



### Recommendations

33. Drive through facilities should comply with:
- a separation distance from residential uses
  - **minimum lot sizes**
  - **prohibition on double drive through facilities**
  - Requirements for stacking lanes

## Task 9: Parking and Loading Standards



### Recommendations

34. Parking rates should be based on a number of principles, including
- adequate transit access
  - shared parking for complementary uses
  - maximum parking ratios, where appropriate
  - barrier free parking ratios
  - consolidation of retail parking
  - simplifying place of worship parking
  - parking study to be carried out

## Task 9: Parking and Loading Standards

### Recommendations (cont'd)

35. The design of parking spaces should be based on size, aisle widths, no obstructions, restricting parking at the rear of residential buildings, corner lot restrictions, shared driveways
36. The size of commercial and recreational vehicles on lots with detached dwellings, semi-detached dwellings and townhouses should be restricted
37. Bicycle parking space requirements should be incorporated into the new by-law
38. Loading provisions should be based on existing Markham by-law 177-96 and updated

## Task 10: Residential Accessory Structures and Outdoor Amenity Space



### Recommendations

39. Standards for residential accessory structures should be based on
- setbacks from lot lines
  - maximum floor areas
  - height limits
  - limit on number of structures per lot
  - a separation distance from the main building
40. Amenity space in residential buildings with 20 or more units should be for common use of residents and provided at a rate of 4 square metres per unit of, of which 2 square metres must be common outdoor space

## Task 11: Residential Home Occupations

### Recommendations

41. A home occupation should be a secondary use and
- conducted by at least one of the residents
  - conducted entirely within a dwelling unit or a detached garage;
  - occupy less than **25 percent** of the gross floor area
  - not create noise, vibration, fumes, odour, dust, glare or radiation
  - not employ more than one employee,
  - not involve outdoor storage
  - not involve the sale of goods not produced on the premises,
  - no include more than four students at one time
  - delivery of merchandise, goods or equipment is typical of residential deliveries
  - not include manufacturing, animal grooming and care, auto related uses
  - secure a permit from another level of government if required





## Task 12: Infill Housing and Separation Distances



### Recommendations

42. The relevant infill standards approved by Council in the 1990's should be reflected in the by-law as well as, the unique characteristics of the residential heritage area in Unionville
43. Zones in the Residential Low Rise designation should reflect existing conditions and zoning standards, including
  - maximum height limits shown on a height map,
  - minimum setbacks,
  - minimum lot frontages,
  - maximum depth of buildings,
  - maximum lot coverage,
  - controls on garage projections and widths
  - heritage characteristics, where appropriate



## Task 12: Infill Housing and Separation Distances

### Recommendations (cont'd)

44. A setback of 14 metres from provincial highways should be required
45. The Provincial Minimum Distance Separation Formulae regarding livestock should apply
46. A setback from the Trans Canada Pipeline and the Enbridge Gas pipeline should apply
47. A 30 metres setback from a railway line for residential uses, schools and day care centres should apply
48. Minimum setback requirements should apply for animal boarding establishments, composting facilities, propane storage, outdoor loading, outdoor storage, outdoor garbage disposal and manufacturing uses from Residential and Mixed Use zones
49. At 3 metre interior side yard and rear yard setback and landscaped buffer should apply in the General Employment zone from Residential or Mixed Use zones

## Task 13a: Affordable and Shared Housing, and Secondary Suites

### Recommendations

50. Residential Care Home, Residential Care Facility, Long Term Care Facility, Retirement Home & Rooming House should be defined

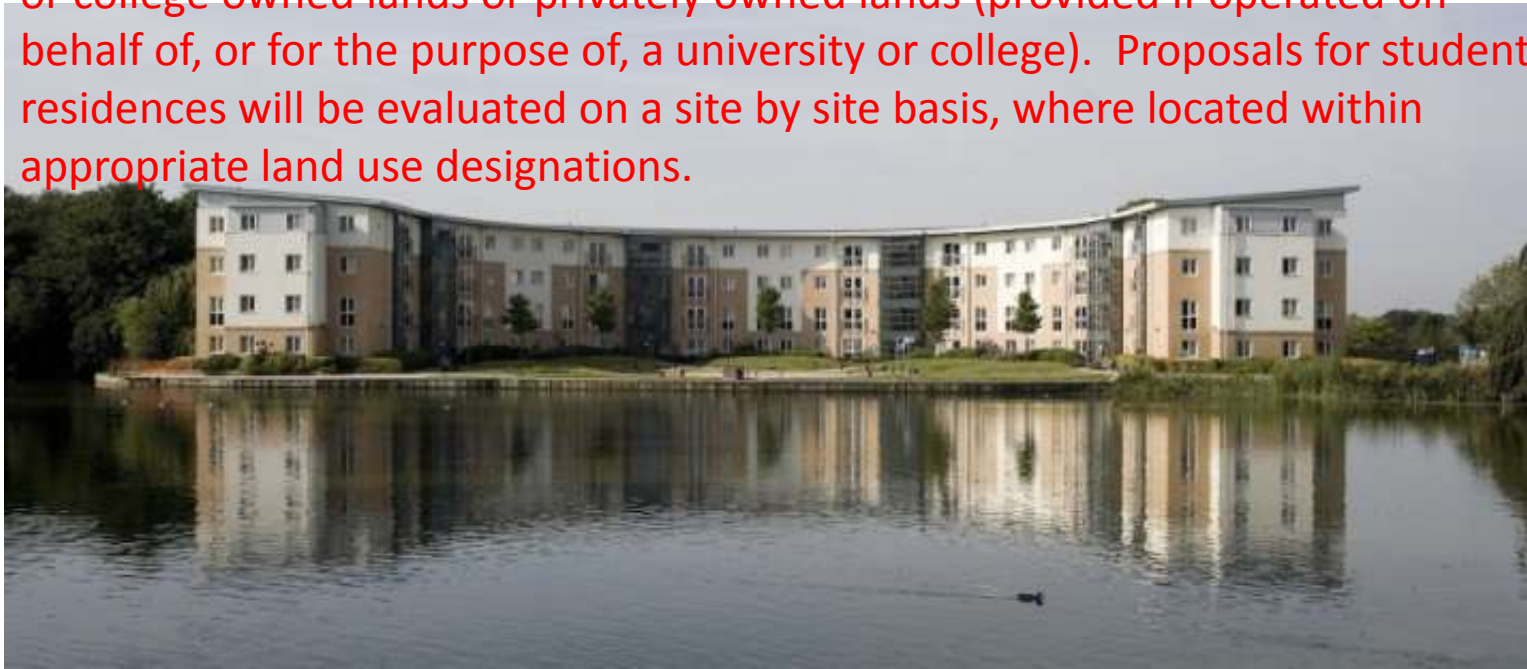
Note—Rooming houses, secondary suites and short term rental accommodations will be addressed in Phase 3a (now underway)



## Task 13b: Student Housing

### Recommendation

51. A student residence should be defined to include those located on university or college owned lands or privately owned lands (provided if 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.



## Task 14: Places of Worship

### Recommendations

52. A places of worship zone should be created and apply to places of worship as they exist at the time of the passage of the new zoning by-law; a day care centre should be included as a permitted use.



## Task 15: Greenway and Special Policy Areas

### Recommendations

53. All Greenway and vegetation protection areas should be included in one zone that restricts development to
- conservation
  - resource management
  - nature-based recreational infrastructure and public infrastructure
  - all **legally** existing dwellings and structures on existing lots at the time of passage of the by-law
- \* lands subject to the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan Area should be shown in the appendix to the by-law
54. A map of the Special Policy Area subject to review by the Toronto and Region Conservation Authority should be shown as an overlay to the zoning map

## Task 16a: Medical Marihuana Production Facilities



### Recommendations

55. The term medical marihuana production facility should be defined
56. A medical marihuana production facility can only be located
  - in a General Employment Zone
  - no closer than 800 metres from a sensitive use, or a Residential or Mixed Use zone
  - located in a single tenant building



## Task 16b: **Addiction Recovery Centres**

### Recommendations

57. It is recommended that addiction recovery facilities be defined and **permitted in hospitals**



## Task 17: Adult Entertainment and the Sex Industry

### Recommendations

58. Adult entertainment establishment and body rub establishment should be defined, but not permitted in any zone; a massage therapy centre and wellness centre should be defined
59. If an adult entertainment facility is ever permitted in Markham it should be located no closer than 1000 metres from any Residential or Mixed Use zone (as per Official Plan)
60. The two site specific by-laws that currently permit adult entertainment facilities should be repealed





## Next Steps

- Parking Study to be completed to inform parking rates and standards in new zoning by-law.
- Terms of Reference to be prepared for Phase 3 (drafting of new comprehensive zoning by-law including extensive public consultation including ratepayers groups, BIAs, public open houses, workshops, etc). Staff report to DSC targeted for early Fall.

# Questions & Comments

