



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

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

RECOMMENDATION:

That the report entitled, "INFORMATION REPORT: Update on Markham's New Comprehensive Zoning By-law Project" dated September 22, 2015, and attached appendices (Appendix A: Draft Parking Standards Paper, Appendix B: Draft Medical Marihuana Production Facilities Paper, Appendix C: Draft Addiction/Recovery Centres Paper, Appendix D: Draft Adult Entertainment & Sex Industry Uses Paper and Appendix E: 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 third update information report 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 almost complete and once complete, 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).

Updates on Phase 1 presented to DSC March 3, 2015 and May 19, 2015

On March 3, 2015 and May 19, 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 and the work completed at the time. The following is a list of the completed draft discussion/technical papers that were presented to DSC thus far:

- Guiding Principles (Task 1)
- Official Plan Conformity (Task 2)
- Existing Zoning By-laws: format, structure, layout, etc. (Task 3)
- Zoning By-law Amendments: Site Specifics (Task 4a)
- Minor Variances (Task 4b)
- Zoning By-law Definitions (Task 5)
- Geographic Information Systems (GIS) (Task 6)
- Automotive Uses (Task 7)
- Drive Through Facilities (Task 8)
- Residential Accessory Structures & Amenity Space (Task 10)
- Places of Worship (Task 14)
- Greenway System, Hazard Lands & Special Policy Areas (Task 15)

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

OPTIONS/DISCUSSION:

Phase 1 (Zoning Issues Analysis) Near Completion

The consulting team has completed most of the review and analysis for all of the required tasks in Phase 1. In addition to the draft papers that were presented to DSC in March 2015 and on May 19, 2015, as outlined above, the following additional draft papers have been completed in satisfactory draft format:

1. Task 9 – Parking Standards (Appendix 'A')

A detailed review and assessment of the City's parking requirements was undertaken by the consulting team to identify issues requiring consideration when drafting the new comprehensive zoning by-law. Parking standards from other municipalities within the Greater Toronto Area (GTA) were also reviewed and used to identify potential options for addressing identified issues moving forward. The draft paper highlights the importance of zoning by-law parking standards as a key planning tool to support the City's broader planning objectives, as expressed in the City's new Official Plan, relating to transit oriented and mixed use development in targeted areas. Specific issues reviewed include, but are not limited to, parking ratios in mixed use developments (ex. shared parking), varied parking ratios by geographic area (reduced parking rates when in proximity to higher order transit), maximum parking requirements, parking related design requirements and cash-in-lieu of parking.

2. Task 16a – Medical Marihuana Production Facilities (Appendix ‘B’)

In June 2013, the Federal Government introduced new legislation which prohibits personal production of medical marihuana and authorizes commercial production and distribution of medical marihuana subject to specific conditions. Conditions of approval include, but are not limited to, obtaining a license from the Federal Government and adhering to local regulations, including zoning by-laws. The consulting team researched and reviewed the operational characteristics of these types of facilities to identify potential issues, such as odour and security, that may be addressed in the new comprehensive zoning by-law. In addition, a review of recently implemented zoning by-laws that regulate medical marihuana facilities in various Ontario municipalities was also undertaken to identify potential options for the City to consider when drafting the new comprehensive zoning by-law.

3. Task 16b – Addiction/Recovery Centres (Appendix ‘C’)

The purpose of this paper is to review Federal and Provincial legislation relating to addiction and recovery centres and to review how other municipalities have addressed these types of centres in their zoning by-laws. In addition, a review of Ontario Human Rights Commission case examples relating to municipal zoning and addiction centres is also undertaken to better understand the scope of municipal authority to regulate these centres in zoning by-laws. Potential options for moving forward with the new comprehensive zoning by-law are outlined for the City to consider.

4. Task 17 – Adult Entertainment & Sex Industry Uses (Appendix ‘D’)

The purpose of this report is to identify and review potential issues associated with adult entertainment and sex industry uses that require consideration when drafting the new comprehensive zoning by-law. A review of relevant Federal legislation, the City’s Official Plan, zoning by-laws and licensing by-laws, as well as zoning by-laws from other Ontario municipalities, was also undertaken to understand potential issues and approaches for addressing issues. Key issues to consider for the new comprehensive zoning by-law include, but are not limited to, defining and differentiating body rub establishments from “wellness and therapeutic” establishments such as massage therapy clinics and the appropriateness of existing site specific permissions for adult entertainment establishments in the City. Potential options with respect to how these uses can be regulated in the zoning by-law are also outlined in the paper.

Next Steps

Remaining discussion papers for Phase 1

The remaining four (4) discussion/technical papers prepared for Phase 1 will be summarized to DSC with a staff information report and presentation by the consulting team on Monday October 5, 2015. The topics of the remaining papers are outlined below:

- Home Occupations (Task 11)

- Residential Infill Standards & Interface Issues Between Residential and Non-Residential Uses (Task 12)
- Affordable & Shared Housing (Task 13a)
- Student Housing (Task 13b)

Stakeholder Consultation

Once all discussion papers have been completed in draft form, a stakeholder consultation process will begin. Consultation may take the form of workshops and/or open houses involving various stakeholder groups and the public. This consultation process is intended to introduce the project to the community, outline the preliminary background work completed (draft discussion/technical papers) and obtain input. Key stakeholders, such as BILD, community groups and those on the City Clerk's project notification list will be notified of the consultation process for Phase 1 and meetings with the public and stakeholders may be held to discuss the Project and obtain input.

DSC workshop to be scheduled to discuss public input

Following the public consultation meetings, staff will organize a workshop with members of DSC and the consulting team to outline and review public input obtained. This is consistent with the DSC resolution dated May 19, 2015.

Finalization of discussion papers & Zoning Issues Analysis

Input obtained on the various discussion/technical papers prepared for Phase 1 will be taken into consideration and incorporated, where appropriate, into the Zoning Issues Analysis document, which will summarize the work completed for each discussion/technical paper. It is anticipated that the Zoning Issues Analysis document will be presented to DSC for endorsement likely in late 2015 or early 2016 and this will complete Phase 1 of the Project. Further opportunities for public and stakeholder input will occur during Phase 2, Strategic Direction, and most importantly during Phase 3 of the Project, which is the actual drafting of the new comprehensive zoning by-law (commencing in early 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 have been and will continue to 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, MCIP, RPP
Senior Development Manager,
Planning & Urban Design

Jim Baird, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

- Appendix 'A' - DRAFT Parking Standards Paper (Task 9)
- Appendix 'B' – DRAFT Medical Marijuana Production Facilities Paper (Task 16a)
- Appendix 'C' – DRAFT Addiction/Recovery Centres Paper (Task 16b)
- Appendix 'D' – DRAFT Adult Entertainment & Sex Industry Uses Paper (Task 17)
- Appendix 'E' – Presentation by GPA