



BUILDING MARKHAM'S
FUTURE TOGETHER
2015-2019 Strategic Plan



Markham New Comprehensive Zoning By-law Project

Open House

December 8, 2015

Tonight's Presentation:

1. Background

- Ontario Planning Framework
- What is a zoning by-law & what is its purpose?
- Approaches to Zoning
- Why does Markham need to undertake a comprehensive review of its zoning framework?

2. Introduction

- Project Purpose & Timing
- Team
- Approach
- Guiding Principles

3. Zoning Discussion Papers

- Automotive Uses
- Drive Through Facilities
- Affordable & Shared Housing
- Student Housing
- Adult Entertainment & Sex Industry Uses
- Medical Marihuana Production Facilities
- Addiction & Recovery Centres
- Geographic Information Systems

5. Next Steps



Ontario Planning Framework



Provincial Legislation
(Planning Act)



- Provides ground rules for land use planning in Ontario and describes how land uses may be controlled and who may control them
- Provides municipalities with authority to pass Zoning By-laws to implement policies of OP



Provincial Policy
(Provincial Policy Statement, Growth Plan for GGH, Greenbelt Plan, Oak Ridges Moraine Conservation Plan)



- Policies on planning matters that are of provincial interest
- Policies to be implemented within municipal planning framework



Region of York Official Plan
(Approved Sept 2010)



- Policy document that outlines future vision for Region
- Must be consistent with & implement Provincial Policies



Markham Official Plan
(Approved June 2014. Parts under appeal)



- Policy document that outlines future vision for Markham
- Must be consistent with & implement Region of York OP & Provincial Policies



Markham Zoning By-laws
(46 parent zoning by-laws)



- Implements policies of Official Plan in legally enforceable manner
- Regulate the use of land and provides specific standards for how development can occur



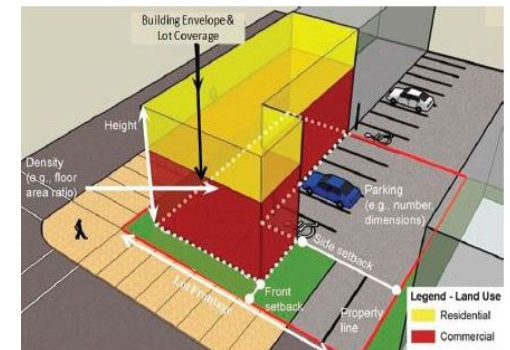
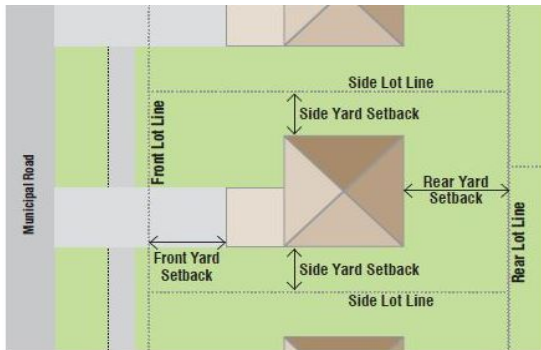
What is a zoning by-law?

A zoning by-law is:

- a legal document that regulates the use of land and buildings and provides specific standards for how development and construction can occur on a property

The following are examples of what a zoning by-law regulates:

- how buildings and land may be used
- where buildings & other structures can be located and how they should be built (ex. setbacks from property lines, height, gross floor area/density, etc.)



What is the purpose of a zoning by-law?

The purpose of a zoning by-law is:

- to implement the policies of the Official Plan in a legally enforceable manner (Official Plan is **policy**, zoning is **law**)



Common Approaches to Zoning

Conventional (Euclidean) Zoning

- Focus on uses & the segregation of incompatible land uses

Form – Based Zoning

- Focus on how buildings fit into their surroundings & not on the uses that are occurring in the building

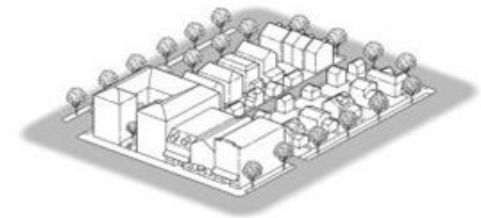
Conventional Zoning

Density use, FAR (floor area ratio), setbacks, parking requirements, maximum building heights specified



Form-Based Codes

Street and building types (or mix of types), build-to lines, number of floors, and percentage of built site frontage specified.



Traditional Zoning	Form Based Codes
Use-based	De-emphasize use
Districts	Neighborhoods/streets
Emphasis on individual uses of property, rigid use of lot size & building placement	Emphasis on building relationships & on fitting building to its use & surroundings
Segregation of land uses	Mixed uses
Uniformity in neighborhoods	Diversity in neighborhoods
Limited ability to effect change	Ability to transform or preserve
Limited design standards	Focus on building/site form
Setbacks	Build to lines
Focus on site; little on right-of-way	Attention to street & streetscape

Why does Markham need to undertake comprehensive review of existing zoning framework?

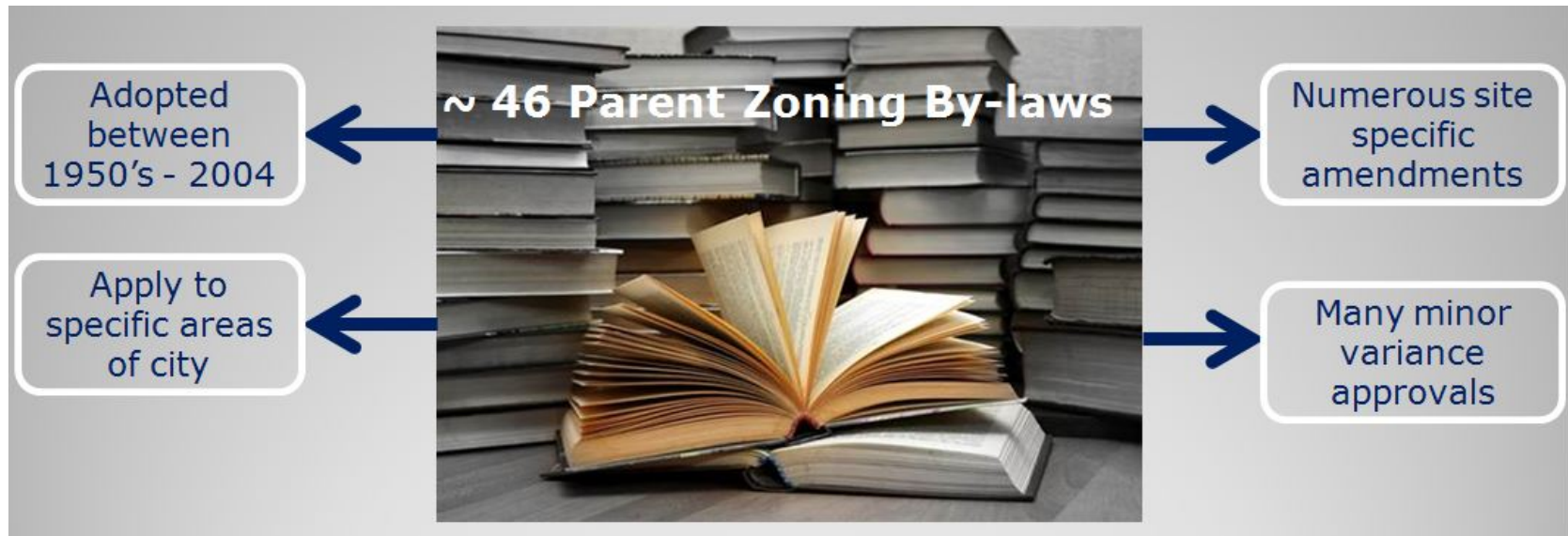


S. 26 (9) - municipalities required to review & update zoning by-law(s) to conform with new OP no later than 3 years after new OP comes into effect



New Markham **Official Plan** – approved by the Region June 2014

Why does Markham need to undertake comprehensive review of existing zoning framework?



Purpose of Project

- Implement the Official Plan
- Review, consolidate, streamline & update zoning by-laws into one (1) comprehensive zoning by-law (establish more consistent zoning regulations across the City)
- Develop an innovative, user-friendly & web-based zoning by-law



Project Phases

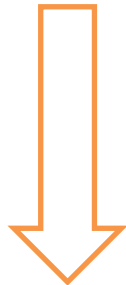


Consulting Team for Phases 1 & 2 (Zoning Issues Analysis & Strategic Direction)

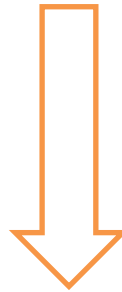
Gladki Planning Associates



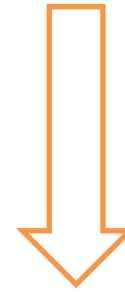
R.E. Millward
& Associates



Clarion
Consulting



Woodfield
Consulting



Anthony
Usher
Planning



Davis LLP



Discussion Papers available at: markham.ca

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Task 1: Guiding Principles and Parameters & Trends and Issues in Zoning Controls
Comprehensive Zoning By-law Project

Markham Zoning By-law Consultant Team
Debbie Hartung-Henkel, B. Sc. & Michael and Associates, Municipal Consulting, Client, Assessor and Advisory Center Planning Consultant
August 6, 2015

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Task 2: City Official Plan and City Guidelines, Policies & Plans
Comprehensive Zoning By-law Project

Markham Zoning By-law Consultant Team
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July 20, 2015

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

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August 6, 2015

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Task 4A: Review & Assessment - Site Specific Zoning Amendments
Comprehensive Zoning By-law Project

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Task 4: Review & Assessment of Minor Variances
Comprehensive Zoning By-law Project

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Task 5: Review & Assessment of Zoning By-law Definitions
Comprehensive Zoning By-law Project

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Task 6: Review & Assessment of Geographic Information & Technology Strategy
Comprehensive Zoning By-law Project

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August 6, 2015

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Task 7: Review & Assessment of Drive-Through Facilities
Comprehensive Zoning By-law Project

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August 6, 2015

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Task 8: Review & Assessment of Drive-Through Facilities
Comprehensive Zoning By-law Project

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Task 9: Review & Assessment of Parking and Loading Standards
Comprehensive Zoning By-law Project

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Task 10: Review & Assessment of Residential Accessory Structures and Amenity Space
Comprehensive Zoning By-law Project

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Task 11: Review & Assessment of Home Occupations
Comprehensive Zoning By-law Project

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August 6, 2015

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Task 12: Infill Zoning Standards and Interface between Residential and Non-Residential Uses
Comprehensive Zoning By-law Project

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Task 13A: Review & Assessment of Affordable and Shared Housing, and Secondary Suites
Comprehensive Zoning By-law Project

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September 16, 2015

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Task 13B: Review & Assessment of Student Housing
Comprehensive Zoning By-law Project

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September 16, 2015

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Task 14: Review & Assessment of Places of Worship
Comprehensive Zoning By-law Project

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Task 15: Review & Assessment - Hazardous Lands and Greenway
Comprehensive Zoning By-law Project

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Task 16A: Review & Assessment of Medical/Marijuana Production Facilities
Comprehensive Zoning By-law Project

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August 6, 2015

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Task 16B: Review & Assessment of Addiction/Recovery Centres
Comprehensive Zoning By-law Project

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August 6, 2015

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Task 17: Review & Assessment of Adult Entertainment & Sex Industry
Comprehensive Zoning By-law Project

Markham Zoning By-law Consultant Team
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August 6, 2015

Approach to Zoning By-law Analysis and Discussion Papers

- Reviewed the direction provided by the Official Plan
- Reviewed Markham's existing zoning by-laws
- Reviewed provincial legislation and other regulations as required
- Reviewed best practices found in other municipal zoning by-laws
- Consultation with stakeholders and Markham staff

Guiding Principles

(Discussion Paper # 1)



Discussion Paper 7: **Automotive Uses** (Fuel Station, Body Shop, Repair Shop, Washing Establishment, Dealership, Rental Agency, Storage Facility)



Issues

- Where should automotive uses be permitted?
- What regulations are appropriate?
 - Minimum lot frontage, lot area, lot coverage, setbacks, landscaping, outside storage, sale of propane, accessory retail

Discussion Paper : **Automotive Uses** (cont'd)

Options and Considerations



- Define all automotive uses with a similar descriptive term and group all automotive related definitions together
- Address propane sales (permitted locations & regulations)
- Consider specific zone for fuel stations & accessory uses
- Limit auto body shops to employment areas (Service Employment)
- Consider how to deal with vehicular storage
- Determine appropriate regulations for automotive uses consistent with new Official Plan policies
- Establish appropriate setbacks and landscape buffers for automotive uses adjacent to residential areas
- Consider maximum lot coverage for fuel stations and related uses
- Require minimum percentage of landscaping per lot for certain automotive uses

Discussion Paper 8: Drive -Through Facilities



Issues

- Land use conflicts--noise, hours of operation, traffic
- Site design—setbacks, stacking lanes, traffic
- Principal use versus accessory use
- Prohibition versus regulation

Discussion Paper 8: Drive -Through Facilities (cont'd)

Options and Considerations

- Build on 2010 Markham Design Guidelines which represent a best practice
- Align new zoning regulations with policies in new Official Plan
- Incorporate locational criteria to restrict drive-throughs in specific areas
- Apply minimum separation distances and setbacks
- Specify stacking lane requirements
- Regulate location of access driveways
- Include a definition for double drive-throughs and provide restriction on them
- Require fencing and landscaping
- Define drive-throughs as accessory to a principal use



Discussion Paper 13a: Affordable & Shared Housing



Background and Issues

- The Provincial Policy Statement directs municipalities to provide for an appropriate mix of housing types and to remove land use barriers for housing people with disabilities and seniors
- The Planning Act requires that municipal zoning by-laws authorize the use of secondary suites in detached, semi-detached and townhouse dwellings
- The Planning Act prohibits zoning by-laws from distinguishing between related and unrelated persons with respect to occupancy of buildings
- The Markham and York Region Official Plans contain policies that promote affordable housing, secondary suites, supportive and shared housing

Discussion Paper 13a: **Affordable & Shared Housing** (cont'd)

Options and Considerations



- Clarify definitions of shared housing, consistent with new Official Plan policies & other relevant legislation (e.g. Fire Code, Building Code), where appropriate
- Markham zoning by-law 2004-196 permits a broad range of housing types in Markham Centre
- Zoning By-law 177-96 includes provisions for accessory dwellings in Cornell, Cathedral Town and West Cathedral
- Determine which zones should allow for certain types of shared housing, such as rooming houses
- Determine parking requirements for shared housing
- Explore licensing options

Discussion Paper 13a: **Affordable & Shared Housing** (cont'd)

Options and Considerations cont'd

- Incorporate provisions for secondary suites into the zoning by-law in accordance with Planning Act requirements
- Limit number of secondary suites per lot and determine appropriate minimum and maximum size
- No exterior alterations permitted for dwellings with secondary suites
- Determine appropriate parking requirements for secondary suites



Discussion Paper 13b: Student Housing



Issues

- Need to address and accommodate housing that is suitable for students
- Zoning by-laws cannot distinguish between students and other types of occupants of housing
- How to deal with rooming houses in zoning by-law

Discussion Paper 13b: Student Housing (cont'd)

Options and Considerations



- Review zoning provisions in Markham Centre which permits a wide range of housing types suitable for students
- Introduce “university” zone(s) for university related uses such as purpose built student housing
- Only public authorities that build and operate purpose built student housing can set restrictions on occupancy (private developers and operators cannot do the same)
- Develop a municipal student housing strategy including a “Town and Gown” Committee

Discussion Papers 13a & b: Rooming Houses

Background and Issues



- Provincial Policy directs municipalities to accommodate a wide range of housing and accommodation types
- The Planning Act prohibits zoning by-laws from distinguishing between related and unrelated persons with respect to occupancy of buildings
- A group of unrelated persons (e.g. friends, students) can live in a detached, semi-detached or townhouse dwelling, as a single housekeeping unit, sharing bathrooms and kitchen
- Placing a limit on the number of occupants of a dwelling would discriminate against related or unrelated large households
- Rooms in a rooming house are typically defined as having either washroom or kitchen facilities within the room, but not both
- All building alterations, anywhere in the City, must meet Building Code and Fire Code requirements (where applicable) and may require obtaining a building permit

Discussion Papers 13a & b: Rooming Houses (cont'd)

Options and Considerations



- Need to identify zones in Markham where rooming houses can be permitted
- Need to clarify maximum number of rooms that can be included in a rooming house
- Need to identify standards that would apply to rooming houses (parking, not altering exterior of building, etc.)
- Need to determine if rooming houses should be licensed
- Need to ensure that the Building Code and Fire Code are complied with if alterations are made to the building

Discussion Paper 16a: Medical Marihuana Production Facilities

Issues



- Medical marihuana is not addressed in the Official Plan or existing zoning bylaws
- Where should medical marihuana production facilities be permitted? Industrial zones? Agricultural zones?
- Potential negative impacts on surrounding properties include odour, security and distribution
- Zoning by-law regulations must be based on sound planning principles

Discussion Paper 16b: **Medical Marihuana Production Facilities** (cont'd)



Options and Considerations

- Define “medical marihuana production facility “ and identify zones in industrial areas where medical marihuana production is permitted
- Consider if growing medical marihuana should be permitted in some agricultural areas
- Consider regulations that require medical marihuana production facilities to be sole tenants in buildings
- Consider restrictions on outdoor storage
- Consider distancing provisions from sensitive land uses (e.g. schools)

Discussion Paper 16b: **Addiction & Recovery Centres**



Issues

- Two harm reduction programs are controversial: needle exchange and methadone maintenance treatment
- Should these uses be defined differently than medical clinics or hospitals?

Discussion Paper 16b: **Addiction & Recovery Centres** (cont'd)

Options and Considerations

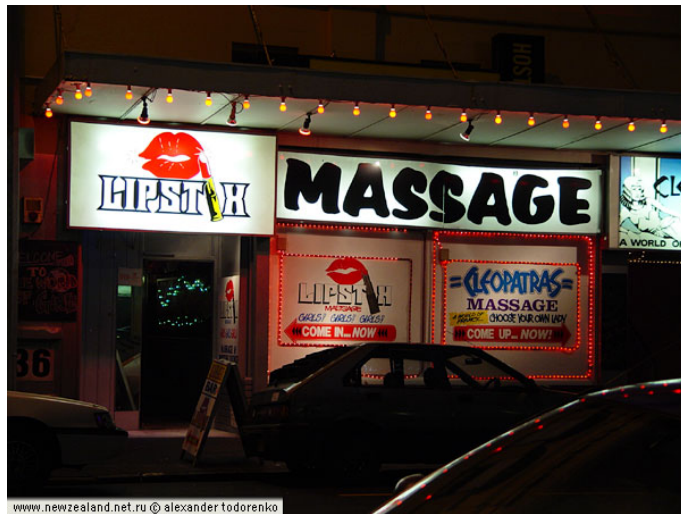


- Consider defining recovery and addiction clinics, in particular methadone clinics, as a distinct use in the new zoning by-law
- Consider establishing separation distances from sensitive land uses (e.g. schools)
- Zoning standards must be based on sound planning principles and cannot be based on “people zoning” (regulating “types” of people rather than land uses)

Discussion Paper 17: Adult Entertainment & Sex Industry Uses

Issues

- Adult entertainment parlours are legal and operate under the laws of Ontario and Canada
- Site specific zoning by-laws permit adult entertainment uses at two Markham locations, however the uses no longer exist
- Zoning By-laws and Official Plan do not contain regulations or policies specific to body rub parlours
- Municipal licensing by-law regulates body rub establishments that are erotic or sexual in nature



Discussion Paper 17: Adult Entertainment & Sex Industry Uses (cont'd)

Options and Considerations

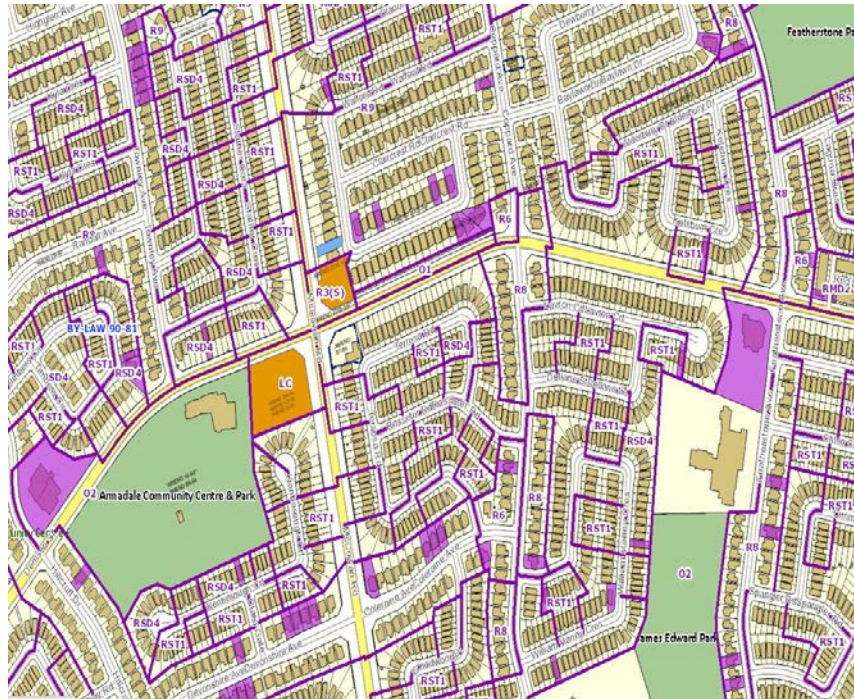


- Define and distinguish adult entertainment “body rub parlour” (sexual) from “massage therapy” or other therapeutic services which are not sexual in nature
- Ensure zoning by-law definitions are consistent Municipal Licensing By-law definitions (Official Plan does not define “adult entertainment” or “body rub parlour”)
- Repeal existing site specific permissions for adult entertainment uses
- Establish regulations (e.g. zone separation distances) for adult entertainment uses
- Due to the fact that the purchase of sexual services is currently illegal under federal legislation, it is inappropriate for zoning policies to address the use of brothels and bawdy houses at this time.

Discussion Paper 6: Geographic Information Systems

Issue

- Zoning by-laws not web-based or easily accessible



Discussion Paper 6: Geographic Information Systems (cont'd)



Options and Considerations

- Web-based zoning by-law will contribute to stakeholder efficiencies
- Opportunities for new web-based zoning by-law (GIS applications) to integrate with other City initiatives such as Digital Markham and ePlan
- Maintain paper zoning by-law document as legal document
- Develop intuitive user interface tailored to stakeholder needs and requirements
- Timely maintenance of web-based zoning data required
- Regard for Accessibility for Ontarians with Disabilities Act

Discussion Paper 6: Geographic Information Systems (cont'd)



Options and Considerations

The Town of Newton in Sussex County in northwestern New Jersey

- Combines mapped overviews of zones across the municipality with zoning based text and simple drawings of permitted construction for zones and addresses
- Enables stakeholders to obtain information on zones and permitted uses which may:
 - satisfy basic enquiries
 - facilitate further discussions with municipal staff based on information presented

Next Steps

1. Review & consider input from Open Houses
2. Finalize Zoning Issues Analysis document (summary of all Phase 1 discussion papers) – target early 2016
3. Public consultation for Phase 2 (Strategic Direction) early 2016
4. Phase 2 - Strategic Direction to be finalized early/mid 2016
5. Phase 3 – Drafting and Processing of New Comprehensive Zoning By-law to commence mid 2016

Markham's New Comprehensive Zoning By-law Project

For more information:

Visit www.markham.ca (Learn about Major City Projects)

Or, contact:

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Send your comments to: newzoningproject@markham.ca

