

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 March 3, 2015, 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 on November 5, 2013.

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.

On November 5, 2013, Staff presented a report and presentation to Development Services Committee on the initiation of this Project, including a draft work program which was endorsed by Council. The endorsed work plan anticipates a multi-year Project consisting of four (4) phases:

Phase 1: Zoning Issues Analysis

Phase 2: Strategic Direction

Phase 3: Drafting & Processing of New Comprehensive Zoning By-law

Phase 4: Potential OMB Appeals

Project Consulting Team Retained

In April 2014, the City retained Gladki Planning Associates (GPA) as the lead consultant, managing a team of sub-consultants, to complete the required background work for Phase 1 (Zoning Issues Analysis) of the Project. GPA will also be retained for Phase 2 (Strategic Direction), subject to confirmation of 2015 capital budget funding approval.

Work Program: Phase 1 (Zoning Issues Analysis) & Phase 2 (Strategic Direction)

Staff developed a work program for Phase 1 and 2 of the Project. The work program outlines a list of required tasks to be completed, as well as, consultation requirements with Staff, Development Services Committee, the general public and various stakeholders (Appendix 'A' – Project Schedule).

Phase 1 (Zoning Issues Analysis) includes a list of 17 required tasks. Generally, each task represents a zoning issue, identified by Staff, that must be addressed prior to drafting the new comprehensive zoning by-law. For each task, a detailed review and analysis will be completed, including a review of best practices in Ontario and abroad (where applicable), and a review of potential options for addressing identified issues. A technical/discussion paper will be prepared for each required task, outlining the analysis and review completed.

Phase 2 (Strategic Direction) consists of one (1) task which will be informed by the work completed in Phase 1 (Zoning Issues Analysis). A detailed review of potential options for addressing all identified zoning issues will be completed with recommendations for addressing each identified issue. Cumulatively, the recommendations will provide the basis for the strategic direction, to guide the drafting and processing of the new comprehensive zoning by-law (Phase 3). A technical/discussion paper will also be prepared, outlining the analysis and review completed, including a detailed rationale for the recommended strategic approach.

In addition, consultation with City Staff, Development Services Committee, the general public and various stakeholders will also take place, throughout Phase 1 & 2, to obtain feedback, as discussed further in this report.

OPTIONS/DISCUSSION:

Phase 1 (Zoning Issues Analysis) Work Underway

In May 2014 the City's consulting team commenced work on Phase 1 of the Project. To date, the consulting team has undertaken the required review and analysis for several of the required tasks in Phase 1 and has prepared draft discussion papers for review by Staff (Appendix 'B', 'C', 'D', 'E' & 'F'). There will be an opportunity for the general public, stakeholders and DSC to comment on the draft discussion papers prior to them being finalized, as discussed further in this report. Staff continue to work with the consulting team on refining the draft papers completed thus far, as outlined below:

1. Task 1 - Guiding Principles (Appendix 'B')

The draft paper prepared for this task discusses different approaches to zoning such as traditional euclidian zoning (use-based zoning), performance zoning and form based zoning and highlights their respective strengths and weaknesses. In addition, the draft paper outlines recent trends in zoning such as the use of illustrations in zoning by-laws to assist with interpretation. Lastly, a review of case studies is provided highlighting key components of zoning by-laws from several Ontario municipalities that have recently updated and consolidated their by-laws. Based on the above review, several key principles are suggested to guide general decision making throughout the Project:

- Implement the Official Plan;
- Develop a single comprehensive zoning by-law;
- Recognize development and property rights, where appropriate;
- Consolidate, streamline and update zoning provisions;

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- Develop a zoning by-law that is web-based and easily accessible; and,
 - Develop a by-law that is easy to navigate and enforce.
2. Task 2 – Conformity with City’s Official Plan (Appendix ‘C’)

The consulting team conducted a detailed review of the City’s Official Plan to identify policies that require consideration or implementation in the new comprehensive zoning by-law. In addition, potential issues associated with implementation of the Official Plan, including potential options for addressing issues, were identified. The draft paper prepared by the consulting team includes a comprehensive list of key Official Plan policies requiring consideration when drafting the new comprehensive zoning by-law (Appendix 1 of draft report).
 3. Task 3 – Review & Assessment of Existing Zoning By-laws (Appendix ‘D’)

A review of the City’s forty-six (46) parent zoning by-laws relating to format, layout, structure, mapping and zoning methodology was undertaken. The draft paper prepared by the consulting team provides background information on the evolution of the City’s zoning by-laws and reviews best practices from other municipalities in Ontario. Most importantly, the paper identifies a number of issues relating to zoning by-law format, structure, layout, mapping and methodology and provides potential options for addressing issues moving forward with the new comprehensive zoning by-law.
 4. Task 4b – Review of Minor Variance Approvals (Appendix ‘E’)

A detailed review of the City’s minor variances approved since 1970 (~6,000 minor variances) was undertaken by the consulting team. The draft discussion paper prepared outlines how the variances are distributed by variance type and examines how they have evolved over the years, identifying potential trends to consider moving forward. For example, the analysis found that the most commonly sought variances were for side yard setback. It is noted that the review and analysis was somewhat limited by the information available in AMANDA. For example, in many cases, the minor variance data available in AMANDA does not reference the parent zoning by-law being varied. However, in instances where sufficient information was available, a more detailed analysis was completed.
 5. Task 6 – Review & Assessment of GIS/IT Capabilities & Requirements (Appendix ‘F’)

A general review of the City’s existing GIS/ITS framework and related capabilities was completed to determine potential options for moving forward with a new comprehensive zoning by-law that is web-based and innovative. A draft discussion paper was prepared which details potential options and issues and examines examples of web-based zoning by-laws from other municipalities in Ontario.

Phase 1 additional task on student housing

Given the presence of Seneca College in Markham and the possibility of York University also locating in Markham, the work program for Phase 1 has been revised to include an additional task on student housing. Post-secondary facilities tend to generate demand for student accommodation in surrounding areas and accordingly, staff have requested that the consulting team review the topic and examine potential options for addressing student accommodation needs in the new comprehensive zoning by-law.

Next Steps**Preparation of discussion papers for remaining Phase 1 tasks**

Staff will continue to work with the consulting team to advance work on Phase 1, as they carry on their review and analysis of zoning issues and prepare draft discussion papers. In addition to the completed draft papers outlined above, the consulting team have prepared preliminary draft papers for a number of other tasks in Phase 1 (task 4a - review of site specific by-law amendments, task 5 - review of zoning by-law definitions, task 7 - review of automotive uses, task 8 - review of drive through facilities and task 9 - review of parking and loading), which are currently under review by staff. Once Staff have had an opportunity to review these preliminary drafts and other drafts for the remaining tasks in Phase 1, as they are completed, staff will report to back DSC with an update on the status of the project and summaries of each of the draft discussion papers (draft papers will be attached to Staff report as appendices). In addition, the draft papers will be posted on the Project's webpage (www.markham.ca, click on "Learn About Major City Projects" and "New Zoning By-law Project"), after they have been received by DSC for information purposes, for public review and comment.

Consultation and finalization of discussion papers

Stakeholder and public consultation are critical components of the overall Project and will greatly assist with the identification of issues and potential options for addressing issues in Phase 1. As mentioned above, Staff have developed a dedicated web page for the Project to facilitate information sharing and provide opportunities for input with the public and external stakeholders. Brochures have also been prepared outlining key information about the Project and have been distributed throughout the Civic Centre as well as community centres and seniors' centres throughout the City. Also, the recent edition of Markham Life (January 2015) contains an article with general information on the Project and refers readers to the Project web page to obtain more information.

Stakeholder meetings and a public open house are targeted for the second quarter of 2015 to obtain feedback and input prior to finalizing the discussion papers for tasks 1-17. Once the draft discussion papers are finalized, they will be summarized in a Zoning Issues Analysis (task 18) document which will be presented to DSC for endorsement. Finalization of the discussion papers and Zoning Issues Analysis is targeted for the third quarter of this year. Staff note that further opportunities for public and stakeholder input will occur during Phase 2 of the Project, and most importantly during Phase 3 of the Project, which is the actual drafting of the new comprehensive zoning by-law (commencing in 2016).

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

N/A

HUMAN RESOURCES CONSIDERATIONS:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

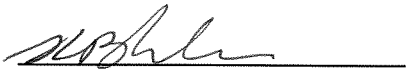
This Project will align with the City's strategic priority of Growth Management by implementing the New Official Plan.

BUSINESS UNITS CONSULTED AND AFFECTED:

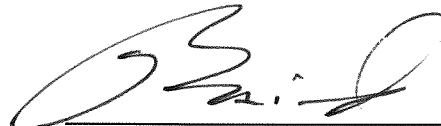
This City-wide Project affects many City Departments. All relevant City departments will be consulted throughout Phase 1 and 2 of this Project, as appropriate. In addition, it is anticipated that extensive consultation will take place in Phase 3 (Drafting & Processing of New Comprehensive Zoning By-law) 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' – Project Schedule (Phase 1 & 2)
- Appendix 'B' - Task 1 – DRAFT Guiding Principles Discussion Paper
- Appendix 'C' – Task 2 – DRAFT Official Plan Conformity Discussion Paper
- Appendix 'D' – Task 3 – DRAFT Existing Zoning By-laws (format, layout, structure, mapping & methodology) Discussion Paper
- Appendix 'E' – Task 4b – DRAFT Minor Variance Discussion Paper
- Appendix 'F' – Task 6 - DRAFT GIS/ITS Discussion Paper
- Appendix 'G' – Presentation by GPA

