



**SUBJECT:** RECOMMENDATION REPORT  
Strategic Direction (Phase 2): New Comprehensive Zoning By-law Project, PR 13 128340

**PREPARED BY:** Anna Henriques, MCIP, RPP, Senior Planner – Zoning & Special Projects, ext. 7922

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

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**RECOMMENDATION:**

- 1) THAT the report entitled, “RECOMMENDATION REPORT: Strategic Direction (Phase 2): New Comprehensive Zoning By-law Project” dated June 14, 2016, be received;
- 2) THAT the Strategic Direction Report (Appendix “A”) and Staff recommendations for revisions to the Strategic Direction Report (as discussed in this report and outlined in Appendix “C”) be endorsed in principle, as a general guide to the drafting of the new comprehensive zoning by-law (Phase 3);
- 3) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to seek endorsement of the Strategic Direction Report (SDR) which will be used by staff as a general guide to assist with the drafting of the new comprehensive zoning by-law in Phase 3.

**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 (complete)

Phase 2: Strategic Direction (nearing completion, endorsement of SDR subject of this report)

Phase 3: Drafting & Processing of New Comprehensive Zoning By-law (targeted to begin Fall 2016)

Phase 3a: Review of potential zoning and licensing regulations for rooming houses, second suites and short-term rental accommodations (currently underway)

Phase 4: Potential OMB Appeals (tbd)

**Work on Phase 1 complete (Zoning Issues Analysis)**

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). GPA has completed work on Phase 1 which includes twenty (20) discussion papers examining specific zoning issues and topics, including potential options for addressing identified issues in the new

comprehensive zoning by-law. On March 29, 2016, Development Services Committee (DSC) endorsed the Zoning Issues Analysis Report which summarizes the twenty (20) draft discussion papers, highlighting key aspects of each paper including key issues and potential options for addressing issues. The draft discussion papers and Zoning Issues Analysis Report are available on the Project webpage of the City's website, [www.markham.ca](http://www.markham.ca) (Click on "Learn About Major City Projects" and "New Zoning By-law Project").

### **Work on Phase 2 complete; Staff seeking endorsement of Strategy to guide the drafting of new comprehensive zoning by-law**

Following DSC endorsement of the Zoning Issues Analysis (Phase 1), the consulting team began work on Phase 2 (Strategic Direction) which consisted of a review of issues and options examined in Phase 1 and the development of draft recommendations to assist with the drafting of the new comprehensive zoning by-law (Phase 3). The recommendations form part of the Strategic Directions Report (Appendix "A") and were presented to stakeholders, to obtain their feedback, at an Open House meeting on Monday, May 2, 2016, as discussed further in this report.

### **Phase 3a currently underway**

In March 2016, GPA was retained by the City to complete work on Phase 3a (Review of potential zoning and licensing regulations for rooming houses, second suites and short-term rental accommodations). Phase 3a is targeted for completion by the end of 2016. A preliminary report to DSC and public consultation is tentatively targeted for Fall 2016.

## **DISCUSSION**

### **Strategic Direction Report (Phase 2)**

As mentioned earlier in this report, the purpose of this report is to seek DSC endorsement of the Strategic Direction Report (SDR), to be used as a general guide to assist with the drafting of the new comprehensive zoning by-law in Phase 3. Attached to this report is the following:

Appendix "A" – Strategic Direction Report. This report contains the following:

- Recommended structure for the new comprehensive zoning by-law
- Geographic Information Systems guiding principles and recommendations to facilitate delivery of an interactive and user-friendly web-based zoning by-law
- Recommendations to assist with the drafting of the new zoning by-law, organized by Phase 1 discussion papers (Appendix 1)
- Summary of Open House meeting discussions/feedback (Appendix 2)

Appendix "B" – List of Phase 2 recommendations, including revisions made by GPA to address comments received (organized by Phase 1 discussion papers). This list of recommendations forms part of the Strategic Direction Report (Appendix 1) and does not include Staff recommendations for further revisions, as discussed in this report and in Appendix "C"

Appendix "C" – Summary of Feedback Received. This table outlines comments received at the Open House. The table also outlines revisions (made by GPA) to the

recommendations to address comments received and includes Staff recommendations for further revisions, where appropriate.

Appendix “D” – Presentation to DSC outlining Phase 2 recommendations, including revisions made by GPA to address comments received and Staff recommendations for further revisions.

### **Open House held for Phase 2 (Strategic Direction)**

On Monday, May 2, 2016 an Open House meeting was held to present draft recommendations (strategic directions) to stakeholder to obtain their feedback. A total of 60 recommendations, which will form part of the overall strategy to guide the drafting of the new comprehensive zoning by-law, were discussed.

The Open House meeting was advertised in Markham Economist and Sun and the Thornhill Liberal on two occasions prior to the meeting. The Open House meeting was also promoted in Markham Snapd, the City website homepage (banner ad and on event calendar), posters on public boards in City facilities, etc. Also, consistent with the Phase 1 Open Houses, an e-vite was sent to all those on the Project notification list as well as various stakeholders such as ratepayers groups, BIAs, developers, agencies, etc.

### **Stakeholder feedback and comments received on draft strategic directions**

A summary of feedback received on the Phase 2 draft recommendations (strategic directions) is outlined in a table attached to this report (Appendix “C”), as well as a general response to the comments/feedback provided and whether revisions to the draft recommendations were required as a result.

Based on the feedback received, a number of revisions were made to recommendations by GPA (Appendix “C” outlines revisions to recommendations). Staff have reviewed all of the proposed recommendations, including the revised recommendations to address feedback received (Appendix “B”), and support all of them, with some minor revisions as discussed below. The following is a summary of revisions made to the recommendations by GPA and Staff recommendations for further revisions:

- To clarify the intent of Recommendation #14, Staff recommend that the words “in general” be added so that the recommendation reads as follows: “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.”
- 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 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.

- Recommendation #26 was revised to remove reference to the paper copy of the zoning by-law as being the “legal” copy since the intent is that both the paper and on-line versions will be the same. A paper copy will be kept in the Clerk’s Department.
- Recommendation #30 was revised to recommend that for motor vehicle service stations a 10m setback be provided for all parts of a structure including a building or canopy, from the front and exterior side lot lines. This is consistent with By-law 177-96, as amended.
- Recommendation #33 was revised to provide minimum lot area in hectares and to clarify the intent to “prohibit” double drive-throughs.
- Recommendation #34 was revised to specify that varying parking rates will be “....based on level, frequency & availability of transit service....”
- Recommendation # 41 was revised to state that a maximum 25% of the total gross floor area of dwelling unit may be used for a home occupation. This is consistent with the City’s existing home occupation by-laws.
- Recommendation #42 was revised to state that the unique characteristics of the residential heritage area in Unionville be reflected in the new zoning by-law.
- Recommendation #46 was revised to remove reference to the specific setbacks for the TransCanada and Enbridge pipelines. The specific setbacks will be determined during Phase 3.
- 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 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. Staff recommend that this recommendation be revised to read as follows: **“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.”**

This revision recognizes the fact that York University does not intend to provide student residences as part of their proposal and also recognizes the growing trend whereby residences are built by private developers and operated on behalf of or for the purpose of a university or college. This revision also acknowledges

residences associated with both universities and colleges and protects the City's interests in ensuring they are located in appropriate locations by requiring that they be evaluated on site by site basis.

- Recommendation #53 was revised to add the word “legally” to appropriately reflect the intent which is to recognize all legally existing dwellings and structures, at the time of the passage of the new by-law, as conforming to the new zoning by-law.
- Recommendation #57 was revised to state that addiction and recovery centres be defined in the new by-law and permitted on hospital lands. This addresses concerns with respect to compatibility.

### **Next Steps**

Following DSC endorsement of the Strategic Directions Report:

- A parking study will be completed to inform and support parking rates in the new comprehensive zoning by-law. The parking study will, amongst other things, build upon the parking recommendations in the Strategic Directions Report.
- A Terms of Reference (ToR) will be prepared by Staff to be used for the tendering process to retain a consultant for Phase 3 (drafting & processing of new comprehensive zoning by-law). Staff will report out to DSC on the draft ToR in early Fall.

### **FINANCIAL CONSIDERATIONS:**

Funding for the New Comprehensive Zoning By-law Project is available via a dedicated source from building permit fees. A total of approximately \$882,500 was approved in the 2016 capital budget for Phase 3. This amount will be used to fund a consulting team to complete the drafting and processing of the new comprehensive zoning by-law. The parking study will be partially funded from the 2016 capital budget amount, with the remaining amount to be funded by the Engineering Department's Parking Management Program Account.

### **HUMAN RESOURCES CONSIDERATIONS:**

Retaining a consultant to complete work on Phase 3 will have a minimal impact on Staffing in relevant City departments. The Planning Department will continue to have a full-time Staff member dedicated to managing the Project. Input from additional Staff in the Planning Department and other relevant City departments will be on a part-time basis.

### **ALIGNMENT WITH STRATEGIC PRIORITIES:**

This Project will align with the City's strategic priority of Growth Management by implementing the New Official Plan and establishing a zoning framework to guide future development in the City. This Project also aligns with the City's strategic priorities relating to quality customer service by providing improved access to up-to-date zoning information.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

This City-wide Project affects many City Departments. All relevant City departments have and will continue to be consulted throughout each Phase of this Project, as appropriate.

**RECOMMENDED  
BY:**

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Biju Karumanchery, MCIP, RPP  
Director, Planning & Urban Design

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Jim Baird, MCIP, RPP  
Commissioner, Development Services

**ATTACHMENTS:**

Appendix "A" - Strategic Direction Report  
Appendix "B" - Phase 2 Recommendations  
Appendix "C" - Summary of Feedback Received & Response  
Appendix "D" - Presentation