New Comprehensive Zoning

By-law Project

Development Services Committee

October 5, 2015
Why does Markham need to undertake a comprehensive review of the existing zoning framework?

New Markham Official Plan – approved by York Region June 2014

S. 26 (9) - municipalities required to review & update zoning by-law(s) to conform with new OP
Purpose of Project

• Implement the Official Plan

• Review, consolidate, streamline & update zoning by-laws into one (1) comprehensive zoning by-law

• Develop an innovative, user-friendly & web-based zoning by-law
Consulting Team Ph. 1 & 2 (Zoning Issues Analysis & Strategic Direction)

Gladki Planning Associates

- R.E. Millward & Associates
- Clarion Associates
- Woodfield Consulting
- Anthony Usher Planning
- Davis LLP
Guiding principles:

• Implement the Official Plan
• Develop a single comprehensive zoning by-law for Markham
• Recognize existing development and property rights, where appropriate
• Consolidate, streamline and update provisions and standards
• Develop a web-based and publicly accessible by-law
• Provide for ease of enforcement

Markham Zoning By-law Consultant Team
Previous review:

Task 1: Guiding Principles and Parameters
Task 2: Review and Assessment of City’s Official Plan, Guidelines Policies and Plans
Task 3: Review and Assessment of Existing City Parent Zoning By-laws
Task 4b: Review of Minor Variance Applications
Task 4: Site Specific Zoning Amendments
Task 5: Zoning By-law Definitions
Task 6: Review and Assessment GIS/ITS Capabilities and Requirements
Task 7: Automotive Uses

Markham Zoning By-law Consultant Team
Previous Review:

Task 8: Drive Through Facilities
Task 9: Review and Assessment of Parking and Loading Standards
Task 10: Residential Accessory Buildings/Structures and Outdoor Amenity Space
Task 14: Places of Worship
Task 15: Floodplains, Hazard Lands, Special Policy Areas and Greenway System
Task 16a: Medical Marihuana Production Facilities
Task 16b: Addiction/Recovery Centres
Task 17: Adult Entertainment and the Sex Industry

Markham Zoning By-law Consultant Team
Today’s Review:

Task 11: Residential Home Occupations
Task 12: Infill Housing and Interface Between Residential and Non-Residential Uses
Task 13: Affordable and Shared Housing, and Secondary Suites
Task 13a: Student Housing

Markham Zoning By-law Consultant Team
Discussion Paper 11: Residential Home Occupations

Purpose:
To identify issues that need to be addressed regarding home occupations prior to the drafting of the new comprehensive zoning by-law and to present options for addressing these issues.
Discussion Paper 11: Residential Home Occupations (cont’d)

Review Undertaken:

- Policies in the new Official Plan
- Current City zoning by-laws
- Past studies, documents and actions
- Standards of other municipalities
- Consulted with Markham staff
Discussion Paper 11: Residential Home Occupations (cont’d)

**Issues:**

- Official Plan recognizes home occupations as part of economic strategy
- Home occupations are defined in the Official Plan
- Existing Markham zoning by-laws recognize and allow for home occupations
- What should not be considered as a home occupation
- Additional parking requirements—yes or no
Options and Considerations:

- Secondary use
- Conducted by resident, plus one employee
- Up to 25% of dwelling unit
- No outdoor storage
- No more than 4 students
- Not to include manufacturing, animal care, food production, auto related uses
- No additional parking required
Discussion Paper 12: Infill Housing and Interface Between Residential and Non-Residential Uses

Purpose:
To review and analyze the zoning by-law issues related to infill housing and the interface between residential and non-residential uses.
Discussion Paper 12: Infill Housing and Interface Between Residential and Non-Residential Uses (cont’d)

Review undertaken:
• New Official Plan
• Existing zoning by-laws
• Other municipal by-laws
• Consulted with Markham staff
Infill Housing issues:

- Redevelopment of some houses in traditional, older neighbourhoods has been out of scale
- Creation of smaller lots
- Older zoning by-laws did not have same controls as newer by-laws
- Amending by-laws passed in the 1990’s control redevelopment and protect neighbourhood character
Discussion Paper 12: Infill Housing and Interface Between Residential and Non-Residential Uses (cont’d)

Infill Housing Options and Considerations:

- Policy context exists in the Official Plan
- Existing regulations in Berczy Village/Wismer Commons/Greensborough/Swan Lake, Markham Village, Markdale, Thornhill and Unionville to be carried forward
- Standards to be incorporated into the by-law based on neighbourhood characteristics
Discussion Paper 12: Infill Housing and Interface Between Residential and Non-Residential Uses (cont’d)

Infill Housing Options and Considerations—Types of controls:

- Heights or number or storeys or both?
- Setbacks and minimum lot frontages
- Depth of buildings
- Garage projections
- Garage widths
- Lot coverage
- Floor area?
Discussion Paper 12: Infill Housing and Interface Between Residential and Non-Residential Uses (cont’d)

Interface Between Residential and Non-Residential Uses

Issues:

• Some non-residential uses are incompatible with adjacent residential uses because of emissions, noise or odour issues

• Provincial Policy Statement states that compatibility between major facilities and sensitive uses needs to be addressed

• Official Plan provides for buffers and setbacks between commercial/employment areas and residential areas
Discussion Paper 12: Infill Housing and Interface Between Residential and Non-Residential Uses (cont’d)

Interface Between Residential and Non-Residential Uses - Options and Considerations:

- Setbacks from highways, rail corridors and pipelines
- Identify uses to be prohibited next to a residential zone (e.g. propane storage, automobile related uses, drive through)
- Determine setbacks for non-residential uses from residential zones
- Include landscaped buffers
- Identify minimum distance separation for livestock facilities
Discussion Paper 13: Affordable and Shared Housing, and Secondary Suites

Purpose:
To explore zoning issues related to affordable housing, secondary suites, supportive and shared housing, including requirements under the Planning Act and the Regional Official Plan
Discussion Paper 13: Affordable and Shared Housing, and Secondary Suites (cont’d)

Review Undertaken:

- Relevant Official Plan policies
- City’s existing parent by-laws
- Provincial legislation and Ontario Human Rights Code
- Formats and approaches in a number of other Ontario zoning by-laws
Discussion Paper 13: Affordable and Shared Housing, and Secondary Suites (cont’d)

- Planning Act requires municipalities to include policies and zoning that authorize the use of second residential units in detached, semi-detached and townhouse buildings.
- The Planning Act also prohibits zoning by-laws to distinguish between related and unrelated persons in respect of occupancy of buildings.
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 Markham and York Region Official Plans contain policies that promote affordable housing, secondary suites, supportive and shared housing.
Discussion Paper 13: Affordable and Shared Housing, and Secondary Suites (cont’d)

- Markham zoning by-law 2004-196 permits a broad range of housing types in Markham Centre
- Bylaw 177-96 once included provisions for group homes (inadvertently eliminated) and includes provisions for accessory dwellings in Cornell, Cathedral Town and West Cathedral
Options and Considerations:

- Clarify definitions of shared housing
- Determine which zones should allow for certain types of shared housing, such as rooming houses
- Determine parking requirements for shared housing
- Explore licensing options
Options and Considerations:

- Incorporate provisions for secondary suites into the zoning by-law in accordance with Planning Act requirements
- Limit number and dimensions of secondary suites
- No alterations to exterior
- Determine if parking is needed
Discussion Paper No. 13a: Student Housing

Purpose:
To identify issues that need to be addressed in the new comprehensive zoning by-law related to student housing.
Discussion Paper No. 13a: Student Housing (cont’d)

Review Undertaken:
• Markham’s Official Plan policies
• Existing Markham Zoning By-laws
• Other municipal by-laws and experiences in Ontario municipalities with post secondary institutions
Discussion Paper No. 13B: Student Housing (cont’d)

Issues:

• Need to address and accommodate housing that is suitable for students
• Zoning by-laws cannot distinguish between students and other occupants of housing
• Markham Centre By-law already allows for a wide range of housing types suitable for students
• Main issues in other municipalities are where and how to permit rooming houses as well as non zoning by-law issues
Discussion Paper No. 13B: Student Housing (cont’d)

Options and Considerations:

• Review zoning provisions in Markham Centre to allow a wide range of accommodation including student residences on university owned land
• Determine where rooming houses should be permitted
• Determine licensing requirements for rooming houses
• Develop a student housing strategy including a “Town and Gown” Committee
Next Steps:

Public Open Houses and Stakeholder Meetings tentatively scheduled:
• October and November

Target date for Zoning Issues Analysis report to DSC:
• December