

**SUBJECT:** Status Report – Comprehensive Zoning By-law Project  
(City-wide)  
File # PR 13 128340

**PREPARED BY:** Geoff Day MCIP, RPP, Senior Planner – Zoning & Special Projects

**REVIEWED BY:** Brad Roberts – Manager, Zoning & Special Projects

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**RECOMMENDATION:**

1. THAT the report titled, “Status Report – Comprehensive Zoning By-law Project – (City-wide) File #: PR 13 128340” dated November 23, 2020, be received.

**PURPOSE:**

This Status Report provides the Development Services Committee (DSC) with an update on the purpose and objectives of the Comprehensive Zoning By-law review, its current status and, an overview of the next stages from a policy, legal and process standpoint.

**BACKGROUND:****Markham’s new Comprehensive Zoning By-law Project**

The City of Markham’s current Zoning By-laws are outdated, fragmented and difficult to interpret. Markham has 46 ‘parent’ Zoning By-laws that apply to different geographic areas of the City.

Section 26 of the Planning Act states that Zoning By-laws in a municipality shall conform with the Official Plan; with provincial plans; have regard for matters of provincial interest; and be consistent with policy statements as issued by the Minister of Municipal Affairs and Housing. The City’s By-laws were enacted between 1954 and 2004, they require updating to be consistent with Section 26 of the Planning Act.

**Markham’s phased approach to the new Comprehensive Zoning By-law Project**

The Comprehensive Zoning By-law Project is a phased, multi-year project that was initiated when Council adopted the 2014 Official Plan. Due to the complexity of Markham’s current zoning system, the need to develop innovative zoning approaches, in many cases “from scratch” and the comprehensive, multiphase work program of this project, the Comprehensive Zoning By-law Project has been undertaken over an extended period of time. For example, over 10,000 pages of zoning text, over 130 different zoning designations, over 750 defined terms and, over 3500 amending By-laws have been or are being reviewed, amended, or consolidated.

The need to develop new “made in Markham” zoning solutions has also added to the complexity and timeline of the project. The initial project plan assumed the use of best practices from other similarly sized jurisdictions. However, in review of the City’s existing zoning, the City’s 2014 Official Plan policies, and the direction and recommendations of

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Council through phases 1 and 2 of the project, it was discovered that the best practices from other municipalities would, in many cases, not fully satisfy the direction contemplated by Council. In working with our consultant, Staff have been developing a “made in Markham” approach that more effectively reflects the pressures and opportunities that the City faces. Based on this direction and in light of the changes to the scope of the project plan, refinements of the By-law have progressed.

Also, in 2016 staff were directed by Council to revise the work program to undertake a detailed review of potential Official Plan, zoning and licensing regulations for rooming houses, second suites and short-term rental accommodations. This detailed review involved the expansion of the original scope of the study.

The project has been divided into the following phases:

Phase 1: Zoning Issues Analysis [Phase 1 Recommendation Report](#) (completed March 2016)

Phase 2: Strategic Direction [Phase 2 - Recommendation Report](#) (completed June 2016)

Phase 3:

A: Review of potential Official Plan, zoning and licensing regulations for rooming houses, second suites and short-term rental accommodations [Phase 3A - Recommendation Report](#) (completed May 2018)

B: Drafting of the New Comprehensive Zoning By-law and mapping:

Staff are currently reviewing and editing the Draft By-Law for conformity and consistency. A section review can be found in Appendix ‘A’

Next steps:

1. Status Report and Presentation (November 23, 2020)
2. Information Report and Draft By-law (Target - First Quarter 2021)
3. Non Statutory Open Houses (Target - First/Second Quarter 2021)
4. DSC Workshop (Target - Second Quarter 2021)
5. Statutory Public Meeting (Target – Third Quarter 2021)
6. Recommendation Report to the DSC (Target - Fourth Quarter 2021)
7. Recommendation Report to Council (Target - Fourth Quarter 2021)
8. Creation of an On-line interactive zoning map, and Zoning By-Law (ongoing – to be completed after approval)

Phase 4: Potential LPAT Appeals

**DISCUSSION:**

**Phase 3B**

Since the completion of Phase 3A in the Spring of 2018, Staff has focused its efforts back to the ongoing drafting of the new Zoning By-law (Phase 3B). This included discussions with members of Council, numerous members of the public and the development industry.

The Comprehensive Zoning By-law Project team have continued to engage internal staff from across the Corporation to collaborate on key concepts and components of the draft Zoning By-law.

Objectives, Opportunities and Innovations

The key objectives that form the project charter of the Comprehensive Zoning By-law Project are identified below, and have been achieved, to date, as follows:

Objective 1. Implement the policies of Markham's 2014 Official Plan, the Region of York's Official Plan, the Planning Act and the Provincial Policy Statement (PPS):

Section 26 of the Planning Act requires that Zoning By-laws in a municipality conform with the Official Plan, with provincial plans, have regard for matters of provincial interest and are consistent with policy statements as issued by the Minister of Municipal Affairs and Housing.

In order to provide consistency with Markham's 2014 Official Plan, the Region of York's Official Plan, the Planning Act and, the (PPS), the proposed Zoning By-law contains a new definitions section and new zone categories which direct the form and intensity of development in the City. Staff have further developed mapping that will apply these new zones to their corresponding lands use designations under the 2014 Official Plan.

Objective 2. Respond to emerging planning and development trends:

The Draft Zoning By-law contains many new and innovative standards. Some examples include:

- i. New parking standards guided by the studies from the City's transportation consultant;
- ii. New alternative parking standards to be applied within the City's Key Development Areas and Major Transit Station Areas (MTSAs) to reflect the unique development opportunities in these areas that are well served by public transit;
- iii. New electric vehicle and bicycle parking requirements to promote and support alternatives modes of transportation;
- iv. New angular plane standards to mitigate impacts of mid and high rise residential and mixed use zones that abut low rise residential zones;
- v. New podium and tower standards for mid and high rise buildings to promote a comfortable, vibrant, and attractive public and private realm;

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- vi. The creation of new zone standards for infill development in established neighbourhoods to ensure that new residential infill developments are sympathetic to the established character of these neighbourhoods while facilitating the reinvestment and evolution of these areas of the City; and,
  - vii. New enhanced landscaping requirements for low rise residential zones to assist with lot drainage, protection for tree planting and the reduction in the heat island effect.

Objective 3. Establish development standards that produce predictable outcomes that are appropriate for each particular area of the City:

The Draft By-law creates clear and consistent development standards that simplifies the wording and phrases used by removing unnecessary, out-of-date and, or, overly complicated terms.

Objective 4. Reflect the diversity of Markham and allow neighbourhoods to maintain a distinct sense of place:

As one of the country's most diverse Cities, it is important that each community within the City maintain a sense of place. While the new By-law will govern the majority of the City, it provides appropriate flexibility to businesses and residents alike, through the refinement of use definitions, and the creation of residential and mixed use zones that are responsive to established lot patterns and adjacent development.

Objective 5. Protect the built form of existing, established residential neighbourhoods, particularly for communities in transition

Guided by Markham's 2014 Official Plan, a new zone titled "Residential Established Neighbourhood Low Rise" has been created to permit appropriate redevelopment of established residential neighbourhoods. This zone will apply to the majority of the detached low rise residential communities as identified in the 2014 Official Plan that have been constructed prior to 1996. This zone seeks to establish a predictable set of standards that focuses on the building envelope, while also allowing variation in architectural form. The zone also seeks to ensure that while new residential infill developments are sympathetic to the established character of these neighbourhoods, the reinvestment and evolution of these areas of the City is also facilitated. Amongst other standards, the new zone will provide enhanced building setbacks, refined lot coverage provisions, and more predictable calculations of building height.

Objective 6. Develop a web-based GIS zoning system and Zoning By-law webpage that is interactive, and user friendly

Another key component of this project is the creation of interactive maps and By-law. At the click of a button, the user will be able to access all of the relevant zoning information on a specific property including, but not limited to: the zoning designation; defined terms associated with its designation; special provisions associated with the zone; applicable exceptions for the zone; and, any other associated zoning information relating to a property.

This new tool will assist business owners and residents alike with up-to-date zoning information on a property that can be accessed online. Staff and its external consultant continue to refine the on-line interactive portion of the By-law. The finalization of this objective will follow Council's enactment of the By-law.

### **Project Timelines**

The following section outlines the next steps of this By-law project and anticipated timelines.

1. **Status Report and Presentation** (November 23, 2020)  
This report is intended to provide a general overview of the project, objectives, challenges, and accomplishments to date, in addition to providing a complete list of the anticipated next steps of the Zoning By-law project.
2. **Information Report and Draft By-law** (Target - First Quarter 2021)  
Staff are targeting the release of the first draft of the By-law and a summary report in the first quarter of 2021. This report will include a draft of the core By-law with the majority of the sections included. Sections relating to detailed lot-by-lot digital mapping will be available, however, the site-specific By-law "Exceptions" and the on-line interactive component will not yet be completed at this step.

This report will provide DSC and the public with their first opportunity to review the core of the draft Zoning By-law including key components and development standards that are being proposed.

3. **Non Statutory Open Houses** (Target - First/Second Quarter 2021)  
Following the presentation of the information report and draft Zoning By-law, Staff are proposing to hold three (3) open houses to provide additional information and field questions by the public. These open houses will be held 4 to 6 weeks after the release of the draft By-law to the public. This will provide all interested parties with the opportunity to review the By-law and engage Staff prior to participating in the open houses. It is intended that:
  1. the first open house will present a general overview of the By-law and focused discussion on the residential zones;
  2. the second open house will present a general overview of the By-law and a focused discussion on mixed use, employment and non-residential zones; and,
  3. the third will present a broader overview of the By-law and discuss any other areas by interest by the participants.

These formats will assist in ensuring that those who are primarily interested in one particular theme will have the opportunity to listen in and engage staff in a more focused environment.

4. **DSC Workshop** (Target - Second Quarter 2021)

- As decision makers on this project, it is important that members of Council in their role on the DSC have a fulsome understanding of all sections of the proposed By-law. The DSC workshop will provide an opportunity for members to ask questions and discuss various provisions and standards that may impact their constituents as a whole, and provide additional opportunities to cover any topics not previously discussed or addressed in the open houses.
5. **Statutory Public Meeting** (Target – Third Quarter 2021)  
Under the Planning Act, a statutory Public Meeting is required for all Zoning By-law amendments. City Staff and their consultant will present the complete By-law and any updated mapping. The purpose and intent of the Public Meeting is to present the completed By-law and to provide an opportunity for the public and the DSC to comment.
  6. **Recommendation Report to the DSC** (Target - Fourth Quarter 2021)  
Following the statutory Public Meeting, Staff will compile all of the information received, make any appropriate modifications to the By-law, and present a recommendation report and draft By-law to the DSC for consideration.
  7. **Recommendation Report to Council** (Target - Fourth Quarter 2021)  
Based on the outcome of the recommendation report to the DSC, a final recommendation report and draft By-law will be sent to Council for enactment.
  8. **On-line Platform**  
Prior to and, following Council's enactment of the By-law, Staff will continue to work with their consultants to complete the on-line interactive portion of the By-law.
  9. **Appeals** (Phase 4)  
Although the new Comprehensive Zoning By-law is required to be consistent with Markham's 2014 Official Plan, the Region of York's Official Plan, Provincial Plans and policies and, the Planning Act, Staff are prepared for the possibility of interested parties appealing Council's enacted By-law.

**CONCLUSION:**

The Comprehensive Zoning By-law Project has been a multi-year endeavour. Three external consulting teams and their sub-consultants specializing in zoning, official plans, mapping and GIS and, transportation engineering, have contributed to this project in addition to internal City departments. As with all previous phases, Phase 3B has incorporated, and will continue to incorporate, significant public engagement to understand what businesses and residents of the City alike find important and pertinent in a Zoning By-law. This status report outlines the next steps in moving towards the enactment of a consolidated Zoning By-law, and the completion of Phase 3B.

Staff encourages Council and all interested parties to engage the City's Comprehensive Zoning By-law Project Team to discuss any aspects or concerns with respect to the Zoning

By-law project. Feedback can be provided to Staff by sending correspondence to the following email address: [newzoningproject@markham.ca](mailto:newzoningproject@markham.ca).

**FINANCIAL CONSIDERATIONS:**

Funding for the New Comprehensive Zoning By-law Project has been made 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 (subsequently subdivided into Phases 3A and 3B). This amount is being used to fund a consulting team to complete the drafting and processing of the new comprehensive Zoning By-law. To date, this project has remained on budget.

**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 City's 2014 Official Plan and establishing a zoning framework to guide future development in the City. This Project will also align 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 this Project, as appropriate.

**RECOMMENDED BY:**

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

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Arvin Prasad, MCIP, RPP  
Commissioner, Development Services

**ATTACHMENTS:**

Appendix 'A' – Status of all tasks undertaken

File path: Amanda\File 13 128340\Documents\Status Report

**Appendix 'A'**

Drafted	Section has been drafted and is being reviewed in accordance with provincial, regional, and local policies
Accepted	Section has been completed, including review, and concept has been accepted
Formatted	Section has been reviewed by Staff for correct definition and section references
Hold	Section on Hold pending completion and acceptance of base by-law

<b>Section</b>	<b>Status</b>
<b>Interpretation and Administration</b>	
Applicability	Formatted
Conformity and Compliance	Formatted
Interpretation	Formatted
Enforcement	Formatted
Repeal of Former By-laws	Formatted
Previous Approvals	Formatted
Transition Clauses	Formatted
Non-Conforming Uses	Formatted
Non-Complying Buildings and Structures	Formatted
Technical revisions to the By-law	Formatted
<b>Establishment of Zones</b>	
Zones	Formatted
Abbreviations	Formatted
Zone Schedule	Formatted
Determining Zone Boundaries	Formatted
Multiple Zones on a Lot	Formatted
Exception Zones	Formatted
Temporary Use Zones	Formatted
Holding Provisions	Formatted
<b>Definitions</b>	Drafted
<b>General Provisions that apply to all zones</b>	
Barrier-Free Access ramps and lifts	Formatted
Frontage on a Street or Highway	Formatted
Phased Condominium	Formatted
Sight Triangles	Drafted
Special Setbacks	Formatted
Special Height provisions - Pickering Airport	Formatted
Uses Permitted in all zones	Formatted
Uses Prohibited in all zones	Formatted
<b>Parking and Loading Standards</b>	
applicability of section	Accepted
general parking provisions	Drafted
residential parking requirements	Accepted
non-residential parking requirements	Drafted



accessible parking requirements	Accepted
loading	Accepted
bicycle parking requirements	Accepted
drive through service facilities	Accepted
<b>Residential Zones</b>	
Zones	Accepted
specific use provisions	Accepted
specific general provisions	Accepted
permitted uses and zone standards	Accepted
RES-ES Residential - Estate	Accepted
RES-ENLR Residential - Established Neighbourhood Low Rise	Accepted
RES-LR1 Residential - Low Rise One	Accepted
RES-LR2 Residential - Low Rise Two	Drafted
RES-LR3 Residential - Low Rise Three	Drafted
RES-LR4 Residential - Low Rise Four	Drafted
RES-LR5 Residential - Low Rise Five	Drafted
RES-LR6 Residential - Low Rise Six	Drafted
RES-LR7 Residential - Low Rise Seven	Drafted
RES-MR Residential - Mid Rise	Accepted
RES-HR Residential - High Rise	Accepted
RES-PE Residential - Public Education	Accepted
<b>Mixed Use Zones</b>	
Zones	Accepted
specific use provisions	Accepted
specific general provisions	Accepted
permitted uses and zone standards	Accepted
MU-FD Mixed Use - Future Development	Accepted
MU-LR Mixed Use - Low Rise	Accepted
MU-MR Mixed Use - Mid Rise	Accepted
MU-HR Mixed Use - High Rise	Accepted
MU-HMST Mixed Use - Heritage Main Street Thornhill	Drafted
MU-HMSU Mixed Use - Heritage Main Street Unionville	Drafted
MU-HMSM Mixed Use - Heritage Main Street Markham	Drafted
<b>Commercial and Automotive Zones</b>	
Zones	Accepted
specific use provisions	Accepted
specific general provisions	Accepted
permitted uses and zone standards	Accepted
COM Commercial	Accepted
AC1 Automotive Commercial One	Accepted
AC2 Automotive Commercial Two	Accepted
<b>Employment Zones</b>	
Zones	Drafted

specific use provisions	Drafted
specific general provisions	Drafted
permitted uses and zone standards	Drafted
EMP-GE Employment - General Employment	Drafted
EMP-SE Employment - Service Employment	Drafted
EMP-BP Employment - Business Park	Drafted
EMP-BP (O) Employment - Business Park (Office)	Drafted
<b>Greenway, Countryside and Hamlet zones</b>	
Zones	Accepted
specific use provisions	Accepted
specific general provisions	Accepted
permitted uses and zone standards	Accepted
GWY1 Greenway One	Accepted
GWY2 Greenway Two	Accepted
GWY3 Greenway Three	Accepted
CTS Countryside	Accepted
HAM-RES Hamlet Residential	Accepted
<b>Open Space and Community Facility Zones</b>	
Zones	Drafted
specific general provisions	Drafted
permitted uses and zone standards	Drafted
OS-PU Open Space - Public	Drafted
OS-PR Open Space - Private	Drafted
OS-CEM Open Space - Cemetery	Drafted
CF-PW Community Facility - Place of Worship	Drafted
<b>Other Zones</b>	
Zones	Drafted
specific use provisions	Drafted
specific general provisions	Drafted
permitted uses and zone standards	Drafted
FD Future Development	Drafted
T-UT Transportation and Utilities	Drafted
PBW Parkway Belt West	Drafted
<b>Overlay Zones</b>	Hold
Zones	
Specific Use Provisions	
<b>Exceptions</b>	Hold
<b>FP-SP Floodplain - Special Policy Area</b>	Hold
<b>Temporary Uses</b>	Hold
<b>Holding Provisions</b>	Hold
<b>Enactment</b>	Drafted
<b>Mapping</b>	
Residential Zones	Drafted

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Non-Residential Zones	Drafted
Greenway Zones	Accepted
Mapping interpretations	Accepted