



Report to: Development Services Committee

Report Date: June 7, 2021

SUBJECT: INFORMATION REPORT – PHASE 3B:
New Comprehensive Zoning By-law Project, PR 13 128340

WARD: City Wide

PREPARED BY: Geoff Day, MCIP, RPP, Senior Planner – Zoning & Special Projects, ext. 3071

REVIEWED BY: Bradley Roberts, Manager – Zoning & Special Projects, ext. 2800

RECOMMENDATION

1. THAT the report titled, “INFORMATION REPORT – PHASE 3B: New Comprehensive Zoning By-law Project, PR 13 128340” dated June 7, 2021, be received;
2. THAT the Development Services Committee authorize the scheduling of three non-statutory Open Houses and a Development Services Workshop, as outlined in this report; and,
3. THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE

This Information Report provides the Development Services Committee (DSC) and the public with a status update, a comprehensive analysis of the parts of the Draft Zoning By-law attached as Appendix ‘A’ and, a draft of the new Comprehensive Zoning By-law attached as Appendix ‘B’, as identified as Phase 3B of Markham’s Comprehensive Zoning By-law project.

The purpose of this report and Draft Zoning By-law is to provide the DSC and the public with an opportunity to review and comment on the Draft Zoning By-law prior to future non-statutory Open Houses and a Development Services Workshop prior to the scheduling of a future Statutory Public Meeting as required by Section 34(12)(b) of the *Planning Act, R.S.O. 1990, c. P.13*.

BACKGROUND

Markham’s Comprehensive Zoning By-law Project

The City of Markham has undertaken a comprehensive review of its Zoning By-laws and existing zoning framework.

Markham has 46 different ‘parent’ Zoning By-laws applying to different geographic areas of the City. These parent Zoning By-laws were enacted between 1954 and 2004. The City’s By-laws require updating to be consistent with the City’s [2014 Official Plan](#), the [Regional Municipality of](#)

[York's Official Plan](#), Provincial plans and policies, and the [Planning Act](#). The zoning of the lands within the City also needed to be reviewed and updated due to their age, and numerous inconsistencies relating to definitions, permitted uses and development standards. In addition, the large number of amendments and minor variances that have been approved over time to facilitate development have created a multitude of site-specific standards that warranted review.

Key Objectives (Project Charter)

The key objectives which formed the project charter of the Zoning By-law Consolidation Project are to:

1. Implement the policies of Markham's Official Plan, the Regional Municipality of York's Official Plan, the *Planning Act* and, amongst other Provincial plans and policies, the [Provincial Policy Statement](#) (PPS);
2. Respond to emerging planning and development trends;
3. Establish development standards that produce predictable outcomes that are appropriate for each area of the City;
4. Reflect the diversity of Markham and allow neighbourhoods to maintain a distinct sense of place;
5. Protect the built form of existing, established residential neighbourhoods, particularly for communities in transition; and,
6. Develop a web-based GIS zoning system and Zoning By-law webpage that is interactive, and user friendly

Markham chose a phased approach to the consolidation project

The Comprehensive Zoning By-law project is a phased multi-year project initiated in late 2013 that is 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 New Comprehensive Zoning By-law (current phase)

Phase 4: Potential LPAT Appeals

Benchmarks

Work on Phase 1 complete

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" (ZIA) and Phase 2 "Strategic Direction".

The consulting team completed work on Phase 1 in March 2016, which included twenty (20) draft discussion papers examining specific zoning issues and topics, including potential options for addressing identified issues in the new Comprehensive Zoning By-law. The associated Staff report summarized the twenty draft discussion papers, highlighted key aspects of each paper including

key issues and potential options for addressing issues. The discussion papers and ZIA report are available here: ([Phase 1](#)).

The DSC endorsed the ZIA report on March 29, 2016.

Work on Phase 2 complete

Following the DSC's endorsement of the ZIA Staff report, the consulting team began work on the Strategic Direction (Phase 2), which consisted of a review of issues and options examined in Phase 1 and the identification of strategic recommendations to assist with the drafting of the new Comprehensive Zoning By-law. The draft recommendations were presented to stakeholders in order to obtain their feedback at an Open House meeting in May 2016.

The Strategic Direction Report was endorsed in principle by the DSC on June 14, 2016. The Strategic Direction Report is available here: ([Phase 2](#)).

Work on Phase 3A complete

Phase 3A was initiated as a separate sub-phase at the direction of Council because of concerns raised by attendees of an Open House held to discuss the twenty (20) draft discussion papers identified above, on December 8, 2015. This phase focused on potential Official Plan, Zoning and licensing regulations and implications for Rooming Houses, Short-term Accommodations and Secondary Suites (Accessory Dwellings units Basement Apartments).

City Staff and GPA engaged in an extensive public consultation program throughout this phase, which culminated in Council's decision and Resolution on May 29, 2018: [[Phase 3A – Staff's Recommendation Report, Council Decision and Resolution](#)]

DISCUSSION

Phase 3B drafting of New Comprehensive Zoning By-law

Public Participation Plan

From the onset of this City project, Staff understood that a thorough and transparent public engagement strategy was needed to ensure that the DSC, Council and the public were fully involved in the project.

As part of Phase 3B, a Public Participation Plan (PPP) was created and received by the DSC in April 2017. The Staff Report is available here: [Public Participation Plan Staff Report](#). The PPP outlined consultation goals, key stakeholder audiences to be consulted, key messages to be communicated, and the timing for consultation.

To fulfil the objectives of the PPP, Staff and the consultant team held multiple meetings in the summer and fall of 2017 in order to engage interested stakeholders. These included the public, the development and business community and members of Council. Notices of the meetings were posted in both of Markham's newspapers and on the City's website. The meetings were well received and attended.

The meetings focused on the following:

1. Established Neighbourhoods (communities developed prior to 1997).
2. Mixed Use and Employment Areas

3. New Development Areas
4. General overview of the Project

Feedback:

1. Participants indicated that the new zoning standards for established neighbourhoods of the City should promote new development that is compatible with existing development.
2. A number of responses indicated that the new zoning standards should consider rules to maintain sun exposure, privacy and vegetation.
3. Discussions about past Committee of Adjustment decisions to permit variances to building heights, massing and setbacks that may not have been compatible with the surrounding area.
4. Discussions about how zoning designations will be applied to the lands designated “Future Employment Area” and “Future Neighbourhood Area” in the 2014 Official Plan. Participants suggested that the zoning rules for these areas should be considered during this project to avoid having a separate By-law applied to the Future Employment Area and Future Neighbourhood Areas.
5. Discussion about how the zoning of Mixed Use and Employment areas will impact surrounding land uses and the types of standards to be considered.

Meetings with members of Council

Staff held information sessions with all available members of Council to walk through key components of the Draft Zoning By-law in July 2019. These meetings gave Council members the opportunity to ask questions; further discuss the project; and discuss matters related to their and their constituent’s interests contained in the proposed Draft Zoning By-law. These meetings also provided Staff with useful input from Council on the contents and format of the By-law.

Meeting with Infill Builders

At the meetings with Council in July 2019, a request was made that Staff further engage members of the low-rise residential building community that had significant experience constructing infill low-rise residential dwellings in Markham.

In August of 2019, Staff met with eight (8) builders, developers and architectural firms with extensive experience building in these sensitive areas of the City. The objective was to assist Staff in assessing the conceptual development standards with emerging development trends in the low-rise residential building sector.

The meeting was productive with all attendees actively participating in the discussions. The meeting provided Staff with additional insight over the challenges that builders, developers and architects face under the current Zoning By-law regime. The input resulted in several refinements to the proposed infill standards (identified as Residential – Established Neighbourhood Low Rise in the Draft Zoning By-law) that Staff believe will result in significant improvements to the zoning standards in these areas of the City by providing clearer zoning standards than currently exist in the City’s numerous established infill areas.

Overall, the feedback received from the public participation meetings has assisted in informing the establishment of zone categories, permitted uses, and development standards in the Draft Zoning By-law.

Areas of the City not covered by the By-law

2014 Official Plan is not the “in force” document for the entire geographical area of Markham
Markham Council and the Regional Municipality of York adopted Markham’s current Official Plan in December 2013 and June 2014, respectively. Section 9 of the 2014 Official Plan identifies several geographical areas where the [1987 Official Plan](#) remains in force until secondary plans or Official Plan Amendments are approved. As of the date of the writing of this report, a total of twelve (12) such areas are identified in the 2014 Official Plan including three (3) areas north of 19th Avenue between McCowan Road and Highway 48 as discussed below (see Figure A).

Staff and the project consultants are of the opinion that it would be premature to enact new zoning standards in these areas in the absence of updated and approved Official Plan or Secondary Plan policies. Concurrently with the approval of these new Secondary Plans, the lands will be incorporated into the new By-law with appropriate zone categories and development standards. Until then, the existing Zoning By-laws and approved site specific amendments will continue to be in full force and effect within these geographical areas.

Regarding the lands north of 19th Avenue between McCowan Road and Highway 48 noted above, three (3) Minister’s Zoning Orders (MZO’s) have recently been enacted by the Province supporting development. As these areas are subject to MZO’s that applies to By-law 177-96 as the in-force Zoning By-law, these areas will not be subject to the new Comprehensive Zoning By-law.

Section 9 of the 2014 Official Plan

As indicated above, [Section 9 of the 2014 Official Plan](#) “AREA AND SITE SPECIFIC POLICIES”, identifies twenty (20) areas of the City that include site specific policies that vary from one or more provisions of the 2014 Official Plan. These policies generally reflect unique historic conditions for approval that have been identified for specific development sites, or provide a further layer of local policy direction for a given area. Where lands are identified in Section 9 as area and site specific policies and are subject to the 2014 Official Plan, all site specific policies identified in that subsection will be carried forward as site specific exceptions to this By-law. Due to the timing of this report, these sections are not yet finalized but will be available and included in Part 14.0 “Exceptions” of the Draft Zoning By-law at a later date (no later than the future Statutory Public Meeting date).

Site Specific Zoning By-law Amendments

The Regional Municipality of York approved the 2014 Official Plan on June 12, 2014. All Zoning By-law Amendments enacted by Markham Council on or after that date must comply with the 2014 Official Plan. Therefore all site specific Zoning By-law Amendments enacted by Council on or after June 12, 2014 will be carried forward into this Draft Zoning By-law. As with the Section 9 areas identified above, due to the timing of this report, these site specific amendments will be available and included into Part 14 “Exceptions” of the Draft Zoning By-law at a later date (no later than the future Statutory Public Meeting date).

On-line Platform

The on-line platform is an ongoing component of the By-law. Due to the amount of work involved in building this platform, it is not available at this time. Staff anticipate that a significant component of the platform will be completed over the next several months.

Parts of the Draft Zoning By-law

The headings to the eighteen (18) parts to the Draft Zoning By-law are set out in Appendix 'A', attached to this report. A summary of the contents of these parts of the Draft Zoning By-law are set out in Appendix 'B'. Although not meant as an exhaustive review of each part and subpart, these summaries identify the overarching objectives outcomes and rationales behind the zoning provisions contained therein. The detailed provisions and standards are set out in the attached Draft Zoning By-law.

Next Steps

As identified in Staff's [November 23, 2020 - Status Report](#), Staff are intending to host three (3) non-statutory Public Open Houses. The intent of these open houses is to provide additional information and field questions by the public. The tentative dates and themes of these open houses are as follows:

Open House #1	Residential Areas – (Tentative date: Thursday July 15, 2021)
Open House #2	Mixed Use, Employment and other non-residential areas – (Tentative date: Tuesday July 20, 2021)
Open House #3	General Interest – (Tentative date: Tuesday July 27, 2021)

In addition, Staff are intending to host a Development Services Workshop to ensure that members of Council have a good understanding of all parts 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 at the open houses. The tentative date of this workshop is as follows:

Development Services Workshop (Tentative date: Thursday August 12, 2021)

Notice will be given of these four (4) events including the confirmed dates, in the local newspapers and on the City's Website.

CONCLUSION

The Comprehensive Zoning By-law project has been a multi-year cross commission endeavour. Three external consulting teams and their sub-consultants specializing in zoning, official plans, mapping and GIS and transportation, have been engaged throughout this project. The attached Draft Zoning By-law represents the next step in moving towards the enactment of a consolidated Zoning By-law for the City, and the completion of Phase 3B.

Staff are requesting that this information report and Draft Zoning By-law be received by DSC. Staff are also requesting the authorization to hold three non-statutory Open Houses and a Development Services Workshop, as outlined in this report.

Staff encourage all interested parties to engage the City's Zoning By-law Project Team to discuss any aspects or ask questions, provide comments or express concerns related the proposed Draft Zoning By-law.

Feedback may also be provided by sending correspondence to the following email address: newzoningproject@markham.ca.

FINANCIAL CONSIDERATIONS:

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 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 this project, as appropriate.

RECOMMENDED BY:

Ron Blake, MCIP, RPP
Senior Development Manager
Planning & Urban Design

Biju Karumanchery, MCIP, RPP
Acting Commissioner, Development Services

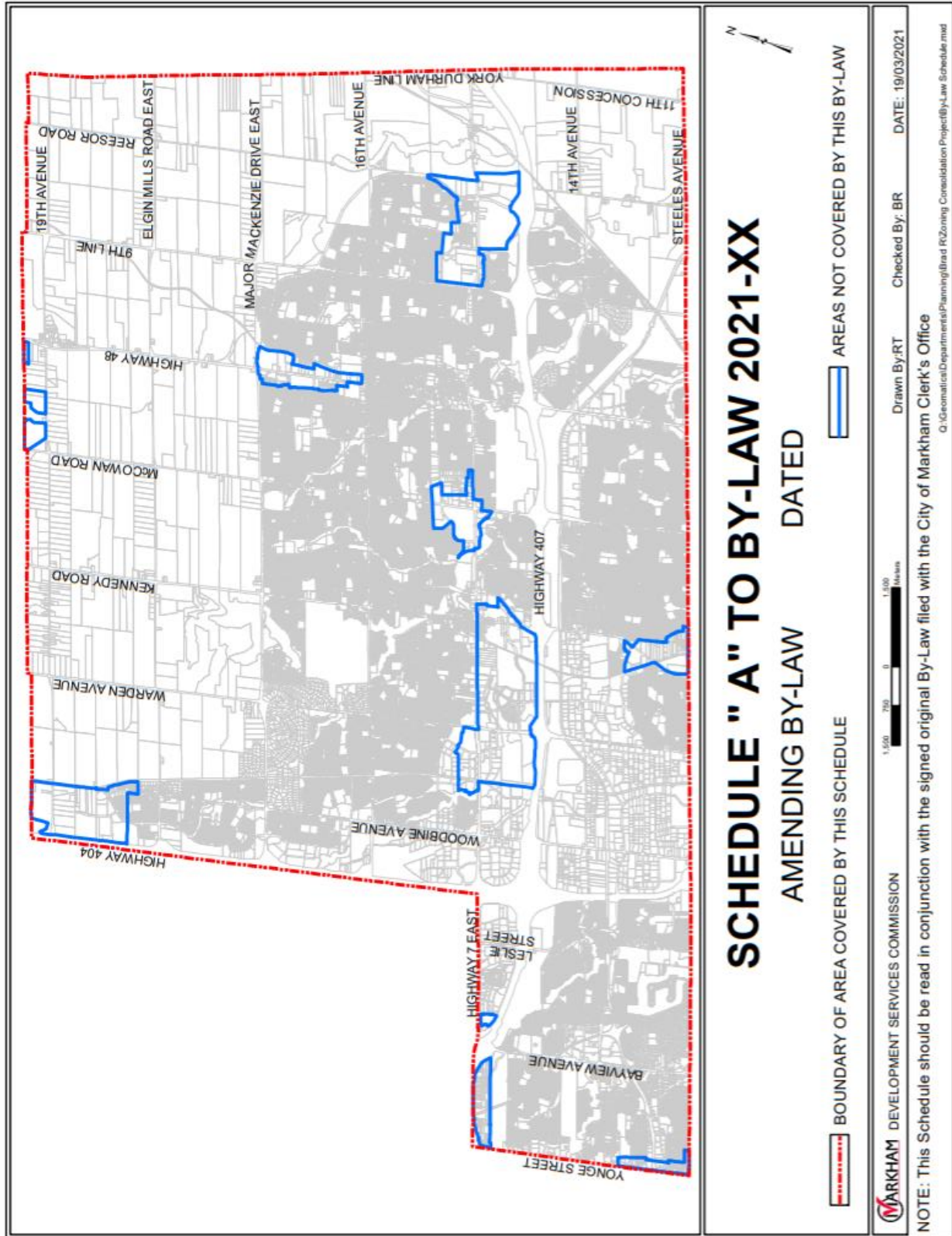
ATTACHMENTS:

Figure 'A' Areas not included in the Draft Zoning By-law

Appendix 'A' Analysis of the Parts of the Draft Zoning By-law

Appendix 'B' Draft Comprehensive Zoning By-law

Figure 'A'



Appendix 'A'

Analysis of the Parts of the Draft Zoning By-law

The eighteen (18) parts of the Draft Zoning By-law were written to ensure consistency with [Markham's 2014 Official Plan](#), the [Regional Municipality of York's Official Plan](#), the [Planning Act](#) and Provincial plans and policies. The 20 [Discussion Papers](#) prepared in Phase 1 of the Zoning By-law Review were used as a guide in the writing of the Draft Zoning By-law. The information contained in this Appendix is not meant to be an exhaustive analysis covering each part and subpart. The main objectives and proposed outcomes for each part has been discussed based on: the areas of interest identified in the in stakeholders meetings; the meetings with members of Council; and, the meeting with the infill builders. These summaries have been prepared to assist the reader in understanding the rationale behind the provisions contained herein.

Part 1.0

INTERPRETATION AND ENFORCEMENT1. Use of Plain Language, Purpose Statements and, Illustrations

Currently, no Zoning By-law within the city contains purpose statements or illustrations. The intent of including purpose statements in the Draft Zoning By-law is to provide an additional layer of usability for the reader. Purpose statements are included to give the reader a general understanding of the City's vision and objectives for the zone. Purpose statements have been written to ensure consistency with those in the 2014 Official Plan. Photographs and illustrations will be provided to add visual aids to the By-law*. Although not operative components of the By-law, these statements will assist in creating a document that is easy to understand and user friendly. [Task 1: Guiding Principles and Parameters & Trends and Issues in Zoning Controls](#) guided this part of the Draft Zoning By-law.

**NOTE: Photographs and Illustrations will be included in the Draft Zoning By-law at a later date*

2. Subpart 1.3.5 – Definitions

Throughout the Draft Zoning By-law, terms that are bolded indicate that the term is defined in the By-law. In the final digital version of the By-law, the user will be able to link to the bolded term*. Where appropriate, the definitions used have been transcribed from or based on definitions within the 2014 Official Plan, the Regional Municipality of York's Official Plan or other relevant Provincial documents and Acts.

**NOTE: This function will be available in the Draft Zoning By-law at a later date*

3. Repeal of Former By-laws

As stated in the attached report, Markham Council and the Regional Municipality of York adopted Markham's current Official Plan in December 2013 and June 2014, respectively. Through this process, it was

determined that not all lands within the City would be subject to the 2014 Official Plan. The rationale behind this determination can be found in Staff's Recommendation Report: [Official Plan Recommendation Report](#). Therefore, the existing Zoning By-laws and any amendments within those geographical areas identified in Section 9 of the 2014 Official Plan as not being subject to the 2014 Official Plan will continue to be in full force and effect. [Task 3: Review & Assessment of Existing Parent Zoning By-laws](#) assisted in formulating this decision.

All existing zoning by-laws that are affected by this new by-law will be repealed when this by-law comes into full effect.

4. [Previous Minor Variances, Zoning By-law Amendments, Legal Non-Conforming Uses and Non-Complying Buildings, Structures and Lots](#)
These subparts were created to provide clarity on how the new By-law will identify and address previously approved decisions by both the Committee of Adjustment (COA) and Council.

Building on the Considerations and Conclusions from [Task 4a: Site Specific Amendments](#) and [Task 4b: Review & Assessment of Minor Variances](#), all Minor Variances and Zoning By-law Amendments passed on or after the 2014 Official Plan was adopted by the Regional Municipality of York (June 12, 2014), shall continue to apply after the consolidated zoning by-law is enacted, subject to site specific exceptions where necessary. All Legal Non-Conforming Uses and Legal Non-Complying Buildings, Structures and Lots, that legally existed prior to the enactment of this By-law, shall continue to enjoy Legal Non-Conforming and Legal Non-Complying status.

Part 2.0

ESTABLISHMENT OF ZONES

5. [Zones](#)
The new zone designations are intended to be consistent with those identified in the 2014 Official Plan. Additional zone designations have been created for the Residential, Mixed Use and Greenway areas of the City as well as Future Development and Community Facility - Place of Worship zones, in order to provide further refinement and direction over specific lands uses and appropriate locations for these uses. These additional zone designations remain consistent with the uses provided for in the 2014 Official Plan.
6. [Zone Schedules](#)
The zones and zone boundaries will be shown on applicable schedules and will also will available for viewing. These schedules will indicate the associated zone designations for each parcel of land within the City that are governed by this By-law*.

**NOTE: Zone Schedules will be available on the [City's Website](#) and at yourvoicemarkham.ca prior to any open house or workshop.*

7. Determining Zone Boundaries

New to a Markham Zoning By-law is the determination of zone boundaries to the edge of a property as opposed to the centreline of a street. This provides for a clearer and more predictable determination over where a zone boundary is determined as the extent of street right-of-ways can change due to infrastructure needs or road widenings.

All streets within the City limits will have a separate zone designation, titled Transportation and Utilities (T-UT).

Part 3.0

DEFINITIONS

8. Definitions

The most time and research has been spent on the definitions part of the Draft Zoning By-law. Building on the [Task 5: Discussion Paper - Definitions](#), numerous definitions have been updated or modernized, new definitions created and the use of common language applied, where possible. Where complex language was needed, or if visual aids would assist in the understanding of a given definition, illustrations will be included in a future draft of this By-law*.

Where practicable, definitions from, or influenced by, the City's 2014 Official Plan were used. Other definitions from, or influenced by, applicable Provincial Acts, or other relevant regulatory legislations were used.

**NOTE: Illustrations will be included in the Draft Zoning By-law at a later date*

Part 4.0

GENERAL PROVISIONS THAT APPLY IN ALL ZONES

This part of the By-law is intended to be applied to all zones, unless specifically identified otherwise.

9. Public Uses, Activities, or Infrastructure Permitted in All Zones

The Public Use subpart of the By-law has been modified to provide additional clarity and transparency over what, in the public interest, a public body is permitted to use land for and what it can, and cannot construct.

10. Accessory Buildings or Structures

The Task 10 discussion paper titled: [Residential Accessory Structures and Amenity Space](#), reviewed and assessed residential accessory buildings and structures in the City. The discussion paper built on previous work completed by City Staff in 2009. Staff propose that this part of the By-law

include accessory buildings or structures located within Residential, Mixed Use, Greenway, Countryside and Hamlet zones. The Commercial, Employment, Open Space, Community Facility and Oak Ridges Moraine Conservation Area contains their own specific standards and provisions relating to accessory buildings and structures. Key components of this subpart of the By-law include:

- a. Clarifying that, by definition, an accessory building or structure does not include a detached garage, coach house, farm vacation home, garden home or garden suite. Separate provisions for these buildings are contained in the Draft Zoning By-law.
 - b. Limiting the number of accessory buildings or structures depending on lot area.
 - c. Limiting the floor area of an accessory building or structure depending on lot area.
 - d. Limiting the height of an accessory building or structure depending on lot area.
11. Hard and Soft Landscaping
Building again on the Task 10 Discussion paper, it is proposed that new hard and soft landscaping provisions be included in the Draft Zoning By-law for all zones that contain low rise residential dwellings. These provisions are in response to a multitude of comments and abeyance matters from members of the DSC, Council and the public during the 2017 and 2019 meetings identified in the attached report. In addition, numerous deputations from residents commenting at COA meetings voiced concerns over the reduction in vegetation and the increase in hard surfaces proposed with residential infill minor variance applications. Adding maximum hard landscaping provisions will provide clarity on the extent of a property that can be covered by impermeable hard surfaces. Adding minimum soft landscaping not only promotes the “greening” of the City, it provides pervious surfaces that assist with onsite stormwater retention, and groundwater recharge areas that mitigate flooding. Definitions of hard and soft landscaping have also been included in Part 3.0 – Definitions of the Draft Zoning By-law.
12. Porches
To promote accessibility within the City’s low rise building types it is proposed that porches have a minimum depth of 1.8 metres. This new standard is more in line with the accessibility standards established by the Ontario Building Code for high-rise and non-residential buildings. Columns, piers, and, or railings are permitted to encroach into this area, and stairs are permitted to encroach no more than 0.2 metres. In addition, to promote accessibility, the maximum height of a porch cannot exceed 1.2 metres above average grade.

13. Accessory Dwelling Units

Commonly referred to as basement apartments or secondary suites, it is proposed that Accessory Dwelling Units be permitted in all detached, semi-detached and row house [townhouse] dwellings in the City as per the [More Homes, More Choice Act, 2019 - \(Bill 108\)](#), the [Provincial Policy Statement - 2020](#), the [Growth Plan](#), the [Regional Municipality of York's Official Plan](#) and, [Markham's Official Plan](#).

[Task 13A: Affordable and Shared Housing, and Secondary Suites](#) guided this part of the Draft Zoning By-law.

14. Garden Homes

A new building type is proposed in the By-law that would establish regulations for Accessory Dwelling Units located in detached accessory buildings. A Garden Home is a dwelling located in an accessory building on lots containing detached, semi-detached or townhouse dwellings that are not accessed by a lane. Unlike a Coach House, a Garden Home is not located above a private garage. Under Bill 108, it is the direction of the Province that the City develop policies within the Official Plan to permit these additional dwelling units as-of-right on a lot containing a detached, semi-detached, or row house [townhouse] dwelling. At present, the City does not have Official Plan policies for these dwelling types, so it is the opinion of Staff and its consultants that including as of right permissions for these additional dwelling types is premature. While this dwelling type is not proposed to be permitted as-of-right, Staff have created development standards based on technical safety requirements should these dwellings be considered through a site specific zoning by-law amendment enacted by Council in the future.

[Task 13A: Affordable and Shared Housing, and Secondary Suites](#) also guided this part of the Draft Zoning By-law.

Part 5.0

PARKING AND LOADING STANDARDS

15. Parking and Loading Standards

The [Task 9 Discussion Paper Review & Assessment of Parking and Loading Standards](#) reviewed and assessed the current standards of vehicular parking, bicycle parking and loading spaces in the City.

Independent of this project, Parking and Loading Standards for Key Development Areas (KDA's) along with other regulatory aspects of parking and loading standards were reviewed in consultation with HDR (an engineering, architecture, environmental and construction services firm). This Study conducted surveys of existing parking utilization within high density residential and high density employment developments within the City, and studied best practices amongst other cities to assist in informing Staff on possible strategies going forward. Staff and its

consultants have incorporated a number of the concepts proposed in the study in the Draft Zoning By-law, as options to consider.

Parking Standards within the Draft Zoning By-law are proposed to replace [Parking By-law 28-97](#), while also proposing aspirational alternative parking rates for intensification areas and new standards for newly defined uses.

It is proposed that the following be included into the Draft Zoning By-law:

- a. The introduction of Drive Aisles and Parking Aisles that are associated exclusively with non-residential properties. The term “Driveway” is now only associated with lands containing residential buildings. The term “Parking Garage” is now only associated with non-low-rise residential and other applicable non-residential buildings.
- b. Restricting residential driveways crossing the front or exterior side lot line not to exceed the width of a private garage door plus 2.0 metres and, in no case wider than 50% of the lot frontage.

The modifications made in this subpart of the Draft Zoning By-law will ensure that there remains a balance between hard surfaced areas (driveways and walkways) in a front yard with soft surfaced areas (gardens and other horticultural elements). These revisions will provide a balance between the need to provide sufficient parking areas on driveways for multiple vehicles while ensuring that front yards do not become dominated by expansive parking and hard landscaped areas, and also ensure options for on-street parking, were permitted for visitors.

- c. New Circular, Horseshoe and Hammerhead driveway provisions.
- d. Increasing the minimum interior width of a private residential garage to 3.0 metres.

The current minimum interior width of a private residential garage is 2.6 metres. This standard has been problematic since the standard was created. In many instances, this interior width does not provide sufficient clearance to exit a vehicle and does not provide useable areas for items commonly stored in a private garage.

Increasing the minimum interior width of a private residential garage to 3.0 metres will assist in ensuring that there is sufficient clearance around a vehicle and sufficient space for commonly found items such as garbage bins, green bins, recycling bins, lawn equipment and bicycles.

- e. Increasing the minimum length of a private residential garage to 6.0 metres.

Currently, the minimum length of a parking space located in a private residential garage is 5.8 metres. While it has been determined that a length of 5.8 metres is sufficient for an unconfined parking space outside of a private garage, this length significantly restricts the front and rear clearance of a vehicle, especially for larger SUV's or small trucks. Coupled with the new width standard identified above, Staff and its consultants are of the opinion that an increase in the minimum length of a private residential garage to 6.0 metres, is appropriate.

- f. Additional residential parking rates to reflect newly defined uses including, but not limited to, Garden Homes, Shared Housing, Long Term Care Homes and, Respite Care Homes.
- g. Additional parking rates for newly defined non-residential uses including, but not limited to, Pet Services Establishments, Veterinary Clinics, Motor Vehicle Washing Establishments, and Breweries. Modifications to existing non-residential uses also include three (3) separate Shopping Centre rates that are dependent on the floor area of a Shopping Centre; and, a clearer more predictable way of calculating the parking requirements for Places of Worship.
- h. An enhanced shared parking table which includes, amongst other rates, visitor parking, to reflect the current and, or, emerging residential, mixed use and, employment areas of the City.
- i. "Alternative parking space standards" for the City's Key Development Areas and Growth Centres.

Note: No lands are proposed to contain these standards, as-of-right, however, as development applications are considered in Markham's Key Development Areas, consideration in applying these standards will be given on a site-specific basis through Zoning By-law Amendments.

- j. Modifications to the City's structured parking standards with a goal of reducing unused space within parking structures.
- k. Applying maximum parking standards to reduce excessive and expansive parking areas which in turn, supports alternative transportation methods, transit use, carpooling, and car sharing programs.

1. New electric vehicle (EV) parking requirements, and other green initiatives.

The 2014 Official Plan was adopted with the [Green Energy Act](#) in place. This Act contained a number of applicable regulations implementing green initiatives. As a result, the 2014 Official Plan provides guidance relating to the seeking of new green infrastructure; improving air and water quality; and, finding opportunities to expand alternative energy systems, but does not provide any specific standards to be considered through zoning.

As the Green Energy Act has since been repealed, Staff and its consultants have proposed a number of provisions that would broadly implement the 2014 Official Plan policies, and work towards the goals of reducing greenhouse gas emissions, including improving the availability of electric vehicle charging stations.

- m. An enhanced set of standards for non-residential and residential loading spaces to reflect the needs of the wide-ranging uses in the City.
- n. Including bicycle parking standards.

Currently, the City relies on best practice policies, (some implemented by other GTA municipalities) when requesting bicycle parking spaces through development applications. The inclusion of bicycle parking standards in the Draft Zoning By-law will ensure that a minimum number of spaces are provided which, in turn, supports alternative transportation forms in the City.

- o. The creation of a set of standards that restricts the physical location on a lot and, minimum lot area requirements for Drive-Through Service Establishments and the stacking spaces associated with these uses.
- p. New “Special Motor Vehicle”, and “Recreational Motor Vehicle” standards that restrict the type, location and size of these vehicles and which zones permit or prohibit them.

Part 6.0

RESIDENTIAL ZONES

The residential part of the By-law incorporates the Residential Low-Rise, Mid-Rise and High Rise designations identified in the 2014 Official Plan. This part has been divided into a Residential Estate Zone, eight (8) distinct residential low-rise zones, a Residential Public Education Zone, three (3) residential mid rise zones and a Residential High Rise zone.

Key subparts of this part include:

16. Coach House Dwellings
Coach House Dwellings will be addressed in the RES-LR4 and LR5 zones.
17. Maximum Outside Wall Height
Maximum Outside Wall Height will be addressed in the RES-ENLR zone.
18. Residential - Estate (RES-ES) Zone - (Table)
Staff have reviewed the existing standards associated with the residential estate community of Cachet and abutting Residential Estate areas as identified in the 2014 Official Plan. Staff are satisfied that the existing standards remain appropriate and have added additional permitted uses to conform to the 2014 Official Plan.
19. Residential - Established Neighbourhood Low Rise (RES-ENLR) Zone - (Table)
Staff spent a significant amount of time assessing the multitude of low rise residential zoning standards found in the majority of the City's existing Zoning By-laws. As stated in the non-operative section of the table and, identified in the 2014 Official Plan (specifically Section 8.2.3.5), it is of paramount importance to support the preservation of these areas of the City by ensuring that new residential infill developments are sympathetic to the established character of these neighbourhoods, while supporting, where appropriate, the reinvestment and evolution of these areas. Building on the [Task 12 Discussion Paper: Infill Zoning Standards and Interface Between Uses](#), the proposed Draft Zoning By-law contains standards that:
 - a. Limit the maximum lot coverage to 35% for the first storey of a building and 25% for any storey above the first storey. This will assist in ensuring that the massing of a building is proportionate to the lot to which the building is located. Including this standard also provides for additional architectural creativity when designing buildings and their relationship to the street.
 - b. Increase required side yards:
 - i. from 1.2 metres for a one storey building and 1.8 metres for a two storey building; to,
 - ii. 1.8 m provided a minimum combined interior side yards on both sides [of a building] are the greater of 4.0 m, or 25% of the lot width.

This change has a number of benefits, including the permission of walkways along the side of dwellings without impacting drainage,

while also providing diversity in spacing between buildings. In addition, Section 8.2.3.5d) of the 2014 Official Plan states that:

“the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases.”

The modifications proposed, meets the intent of this section of the 2014 Official Plan.

- c. Provide a more predictable way of calculating height in these established areas of the City, by:
 - i. Creating a new consistent measurement for established grade from which to calculate height. Established grade is based on elevations located 0.1 metres off a property which ensures that height remains fixed for a development.
 - ii. Establishing a “Maximum Outside Wall Height”, that caps the outside vertical walls of a building to 6.8 metres; and,
 - iii. Restricting the additional overall height allowed for sloped roofs to 3.0 metres, and cap other flat or mansard style roofs to a height of 1.0 metre above the maximum outside wall height.

Maximum Outside Wall Height provisions were based on an “average” lot type and common building practices to provide minimum first storey heights of 2.74m (9 feet), and minimum second storey heights of 2.44m (8 feet), while still maintaining a “peak of roof” consistent with the 9.8m (32 feet) height restrictions in the current infill areas.

NOTE: Maximum Outside Wall Height is only applicable to the Residential - Established Neighbourhood Low Rise (RES-ENLR) zone.

- d. Modifying the maximum building depths for each floor, accompanied with establishing maximum setbacks for each floor from the front property line. These standards work in conjunction with the increased interior side yards, dual lot coverage provisions, and refined heights to direct massing of the building to a more appropriate area of the lot.
- e. Restrict garage doors to a maximum of 50% of a building façade. Coupled with the maximum driveway widths found in subpart 5.3.2 of the Draft Zoning By-law and Part 5.0 [14.b) of this Appendix], this standard will ensure that garage and driveway widths are limited so that a streetscape is not dominated by garages and driveways.

20. Residential - Low Rise One to Residential - Low Rise Five (RES-LR1 to RES-LR5) Zones - (Tables)

These five (5) new residential zones permit building forms that presently exist, or will achieve the City's vision for the majority of new low-rise residential subdivisions throughout the City. These zones incorporate distinct lane based, and front loaded products, and contemplates future infill redevelopment in the City's new urban areas.

- a. Additional permitted uses have been included, where appropriate and provided for in the 2014 Official Plan;
- b. Maximum garage door widths coupled with the maximum driveway widths for buildings that are accessed by a street have been included to ensure streetscapes are not dominated by expansive garage door areas and impervious surfaces in the front yard;
- c. Minimum outdoor amenity areas have also been included in the majority of these zones to ensure that sufficient private outdoor gathering or recreating areas are provided for on each lot. This builds on the conclusions from the [Task 10: Residential Accessory Structures and Amenity Space](#) Discussion Paper as well as from Section 6.1.8.5 a) and b) of the 2014 Official Plan which requires the design and placement of buildings on a site:

"...to achieve adequate private open space and amenity areas and common landscaped amenity areas that are suitable for the intended users...;" and,

- d. Coach House Dwellings are dwelling units above detached private garages in a rear yard of a lot that is accessed by a lane. An updated set of Coach House Dwelling standards are proposed for the following zones that permit them:
 - i. Residential - Low Rise Four (RES-LR4) zone; and,
 - ii. Residential - Low Rise Five (RES-LR5) zone.
- e. Evaluate permitted uses in existing neighbourhoods, and apply appropriate uses to each developed parcel to ensure when redevelopment occurs, uses are predictable, or require public consultation.

21. Residential - Low Rise Six (RES-LR6) Zone - (Table)

The Residential - Low Rise Six (RES-LR6) Zone has been created to apply to lands where a common element condominium containing townhouse dwellings, are permitted or proposed. The City currently

addresses these development types through site specific amendments, with limited standardized provisions.

- a. As with the majority of the other low-rise zones, maximum garage door widths and maximum driveway widths are proposed to ensure streetscapes are not dominated with expansive garage door areas and impervious surfaces in the front yard; and,
- b. Minimum individual outdoor amenity areas of 36m² or, a minimum common outdoor amenity area per lot of 25%, is also proposed to ensure that sufficient outdoor gathering or recreating areas are provided for in this zone.

22. Residential - Low Rise Seven (RES-LR7) Zone - (Table)

The Residential - Low Rise Seven (RES-LR7) Zone has been created to be consistent with the 2014 Official Plan, that provides for a building type identified as a “small multiplex building”. As defined in Part 3.0 of the Draft Zoning By-law, this is a building containing three to six dwelling units.

23. Residential – Public Education (RES-PE) Zone - (Table)

This newly created zone recognizes existing public schools and creates a specific zone designation for proposed public schools in the City.

As the York Region District School Board, the York Catholic District School Board, the Conseil Scolaire de District du Centre Sud-Ouest, the Conseil Scolaire de District Catholique Centre-Sud, or other similar provincially approved educational institutions or parochial schools operated on a non-profit basis, determine the need for a new or the continued siting of a public school in an area, it is proposed that detached dwellings also be permitted and subject to the Residential - Established Neighbourhood Low Rise (RES-ENLR) Zone, should a new or, the continued siting of an existing school not be needed on a given lot.

24. Residential – Mid Rise One to Residential Mid Rise Three (RES-MR1 to RES-MR3) Zones - (Tables)

The three (3) Residential Mid Rise zones reflect building types, heights and densities as set out in the Residential Mid Rise designation of the 2014 Official Plan. These zones are generally located along arterial or major collector roads. A diversity of housing mix and building types are permitted in these zones.

- a. Where a residential mid rise zone abuts residential estate or low-rise zones, an angular plan provision has been included, where appropriate. Including angular plane provisions will support transitional heights and densities in order to reduce any negative

impacts that shadowing or overlook may have when taller buildings are located within close proximity to low rise buildings.

- b. Where appropriate, minimum common outdoor amenity areas have also been included. This provision will ensure that not only amenity areas are provided, but that each development supports a sense of place where residents can communally gather and actively or passively recreate.
- c. Caps on Floor Space Index, as required by the Official Plan, have also been included, where appropriate.
- d. A new Back to Back Townhouse zone has been created for the Residential Mid Rise Three (RES-MR3) zone, to identify those mid rise residential areas where back to back townhouse developments are proposed.

25. Residential – High Rise (RES-HR) Zone - (Table)

A Residential High Rise zone has been created to reflect the building types, heights, densities and uses, as set out in the Residential High Rise designation of the 2014 Official Plan.

As this zone permits the highest density and tallest built forms of the residential designations, particular attention has been given to point towers. As defined, point towers are those portions of a building located above a podium or “slab building”.

- a. It is proposed that the maximum floorplate of each floor of a point tower not exceed 750m².
- b. It is proposed that a minimum 30 metre separation between point towers.
- c. It is proposed that point towers also require a minimum 1.8 metre “stepback” from a podium edge to break up the monotony of a sheer building wall.
- d. As with the mid rise zones, minimum amenity areas are also proposed.

These provisions will mitigate any negative impacts associated with the lack of pedestrian connection, the bulk and massing of tall buildings, shadowing and, potential “wind tunnel effects” caused by increased wind speed when passing by buildings through narrow passageways.

The Mixed Use part of the By-law is proposed to zone not only recently constructed mixed use developments, but also existing retail areas ranging from small strip malls to mid-sized shopping areas with supermarkets and other retail services, to some of the large “destination” shopping centres and big box centres. It is the intent of the 2014 Official Plan that these almost exclusively non-residential areas, be transformed into complete street-related, mixed use communities.

Seven (7) Mixed Use zone designations have been created to implement the mixed use designations of the 2014 Official Plan. These zones have also been designed to inform possible developments or future zoning of the City’s Key Development Areas that are not currently part of this by-law. Exclusively residential or non-residential uses on a lot are not permitted.

26. Mixed Use - Future Development (MU-FD) Zone – (Table)

As indicated above, the majority of the lands presently designated Mixed Use in the Official Plan contain exclusively non-residential uses and development standards that are inconsistent with the vision of these areas of the City.

In order to meet the intent of the Official Plan, it is proposed that all lands designated Mixed Use in the Official Plan that are covered by this By-law, be zoned into the Mixed Use Future Development zone. Zoning these lands into a Mixed Use Future Development zone will clearly identify these areas as having potential for more compatible land uses than presently exist, while still requiring a full public process, and any additional studies required as part of a re-zoning application into a specific Mixed Use designation, as identified in the 2014 Official Plan.

As identified in the Permitted Uses, Special Use Provisions and, Standards sections of the table, this will allow the existing uses and standards that legally existed prior to the passing of this By-law to continue, while permitting an additional “suite” of compatible uses, and limited expansions to the building to accommodate changes in tenancies.

27. Mixed Use – Low Rise, Mixed Use Mid Rise and, Mixed Use High Rise (MU-LR, MU-MR and MU-HR) Zones – (Tables)

The Mixed Use – Low Rise, Mixed Use Mid Rise and, Mixed Use High Rise zones identify those lands designated the same in the Map 3 of the 2014 Official Plan.

These zones represent aspirational zones to be applied through a rezoning application. These zones may act as a base zone to recent site specific amendments facilitating mixed use development under the 2014 Official Plan, but will not be applied broadly as-of-right to any lands. The creation of these zones will assist and guide landowners with a base set of appropriate permitted uses and development standards that are consistent

with Section 8.3 of the 2014 Official Plan. Similar to the residential mid rise and high rise zones, minimum amenity areas are proposed and, where appropriate, angular plan provisions have been included. To ensure that no site is developed exclusively for residential or non-residential uses, minimum and maximum floor areas have been applied to each of these use categories.

28. Mixed Use - Heritage Main Street – Thornhill, Mixed Use - Heritage Main Street – Unionville and, Mixed Use - Heritage Main Street – Markham (MU-HMS (T), MU-HMS (U) and, MU-HMS (M)) Zones – (Tables)

Three (3) separate zone designations are proposed to apply to the Mixed Use Heritage Main Street designation as identified in the 2014 Official Plan. As each of the three Heritage Conservation Districts have unique characteristics that formed the foundation and zoning regime for each area, the permitted uses and zone standards have been crafted to reflect these unique characteristics.

The non-operative section of each table provides additional insight into the characteristics of each of these zones. As with several other of the mixed uses zones, care has been taken to ensure compatibility with respect to uses, setbacks and building heights where lands within the Mixed Use - Heritage Main Street zones abut low rise residential zones.

Enhanced setbacks, amenity areas and angular plane provisions have been applied in these instances. Heritage Planning Staff have provided input into the creation of these zones.

Part 8.0

COMMERCIAL ZONE

29. Commercial (COM) Zone

The Commercial (COM) zone designation applies to lands that presently accommodate large-format retail development serving a wide area or undeveloped lands intended for future commercial or employment type uses. The 2014 Official Plan states that the vision for lands designated Commercial, is to evolve over time “to more intensive building forms for office, retail and service uses” and therefore, “no new lands will be designated Commercial.” Consequently, aside from the lands presently designated Commercial, no new lands will be zoned into the Commercial designation.

- a. Applying accessory building standards and landscaping strip requirements, specific to the Commercial zone is proposed.
- b. The appropriate permitted uses and development standards are proposed to apply to the Commercial zone that are consistent with Section 8.4 of the Official Plan.

Part 9.0

EMPLOYMENT ZONES

The Employment Zone part of the By-law incorporates the four (4) employment designations identified in Section 8.5 of the 2014 Official Plan. This part has been divided into a General Employment (EMP-GE) Zone, a Service Employment (EMP-SE) Zone, a Business Park (EMP-BP) Zone, and a Business Park (Office) (EMP-BP(O) Zone.

30. Restrictions on the Location of Cannabis Related Uses

Although the retail sale of Cannabis is not permitted in the City, a Cannabis Establishment is included in the list of permitted uses in the Service Employment and Business Park zone designations. As defined in Part 3.0 of the Draft Zoning By-law, a Cannabis Establishment is a use where the production, cultivation, processing, research, or analytical testing, of cannabis is carried out in a wholly enclosed building. Subpart 9.2.1 of the Draft Zoning By-law contains specific locational criteria relating to Cannabis related uses.

31. Accessory Outdoor Storage, Accessory Building or Structures, Accessory Industrial Equipment and Landscaping Strip Requirements

Lands zoned for employment uses contain specific provisions relating to the above noted matters.

- a. Of the four (4) employment zones, the 2014 Official Plan only provides for accessory outdoor storage in the General Employment Zone. This restriction is proposed to be carried forward into the Draft Zoning By-law.
- b. Applying specific accessory building standards and landscaping strip requirements, in the Employment Zones is also proposed.

32. Employment - General Employment (EMP-GE), Employment - Service Employment (EMP-SE), Employment - Business Park (EMP-BP) and, Employment - Business Park (Office) (EMP-BP(O) Zones (Tables)

Each of these four (4) zones reflect a set of permitted uses, standards, and special use provisions consistent with each of these designations in the 2014 Official Plan.

Part 10.0

GREENWAY, COUNTRYSIDE AND HAMLET ZONES

33. Greenway

The proposed three (3) Greenway zone designations are intended to protect natural heritage and hydrologic features while supporting an array of agricultural uses, natural area management activities, trails, nature-based recreation, detached dwelling units, and a range of infrastructure. It is proposed that the Draft Zoning By-law contain the following three (3) Greenway Zones:

- a. The Greenway One (GWY1) zone is the most restrictive of the three Greenway zones. The Greenway One zone incorporates lands within the City's Natural Heritage Network, the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan as shown on Map 4 of the Official Plan. Due to the sensitive nature of lands within this zone, only conservation, forest management and federally approved telecommunications infrastructure are permitted. Legally existing uses are also permitted in this zone. A number of Holding provisions have been placed adjacent to GWY1 zones that require specific environmental studies prior to further development or expansion of uses being permitted within the area;
 - b. The Greenway Two (GWY2) zone permits an array of agricultural, conservation and, public uses, as well as detached dwellings, and home occupations. This zone is consistent with the Countryside zone, but is generally located in the Rouge National Urban Park, and is designated Greenway within the City's Official Plan. As per the 2014 Official Plan, stormwater management ponds are prohibited in this zone; and,
 - c. The Greenway Three (GWY3) zone is intended to permit a broader array of agricultural-related uses than the GWY1 and GWY2 zones. It is not proposed to apply this zone designation to any lands in the City, as specific studies will be necessary to determine the appropriateness of an application against the policies of the Official Plan.
34. Countryside (CTS) Zone
The Countryside (CTS) zone applies to lands within the Countryside designation as shown on May 3 of the 2014 Official Plan. Agricultural and limited agriculture-related uses are permitted in this zone along with uses that are typically associated with rural areas including Bed and Breakfast establishments, Veterinary Clinics, Kennels and Home Industries. Detached dwellings are also permitted in this zone.
35. Hamlet Residential (HAM-RES)
The City's four (4) Hamlets (Almira, Dickson Hill, Locust Hill and Cedar Grove) are significant reminders of Markham's early heritage as a community of communities. They are characterised by their mostly 19th and early 20th century building stock.
- a. As identified in the 2014 Official Plan, it is proposed that a Hamlet Residential (HAM-RES) zone be included in the Draft Zoning By-law.

Open Space and Community Facility zones are proposed to capture public and private open space areas, Cemeteries and new Places of Worship in the City.

36. Accessory Buildings or Structures

Applying specific accessory building standards in the Open Space and Community Facility zones are proposed.

37. Open Space – Public (OS-PU) Zone (Table)

The Open Space Public (OS-PU) zone permits public parks and community Centre uses.

38. Open Space – Private (OS-PR) Zone (Table)

The Open Space Private (OS-PR) zone are privately owned lands that permit Golf Courses, Private Parks and accessory uses. Restaurant uses are permitted accessory to a Golf Course.

39. Open Space – Cemetery (OS-CEM) Zone (Table)

The Open Space Cemetery (OS-CEM) zone permits the siting of existing cemeteries in the City as well as establishing a specific set of standards should a Zoning By-law Amendment application be submitted in support of a new cemetery. Funeral Establishments are permitted in OS-CEM zones where the lands are abutting and, have direct access to, an arterial or major collector road as shown on Map 10 of the 2014 Official Plan.

40. Community Facility – Place of Worship (CF-PW) Zone (Table)

The 2014 Official Plan recognizes existing places of worship in the City. No additions to existing places of worship are permitted unless a Zoning By-law Amendment is enacted by Council. Section 8.13.7 of the Official Plan, provides criteria should a Zoning By-law Amendment application be submitted in support of a new Place of Worship.

- a. Staff have applied the criteria in Section 8.13.7 of the Official Plan and it is proposed that the Community Facility – Place of Worship (CF-PW) zone be established.

Part 12.0

OTHER ZONES

Three “Other Zones” are proposed in the Draft Zoning By-law to capture a Future Development (FD) zone, a Transportation and Utilities (T-UT) zone and, a Parkway Belt West (PBW) zone. Subpart 12.2 of the Draft Zoning By-law, provides additional insight into the establishment of these zones.

41. Future Development (FD) Zone

A Future Development (FD) zone is proposed to include those lands predominantly located within the City’s Future Urban Area as shown on Map 3 of the 2014 Official Plan and, undeveloped residential or mixed use lands within the urban boundary.

The intent of this zone designation is to establish an as-of-right set of permitted uses and standards until such time as the affected lands are placed into an appropriate zone designation as identified in a supporting Secondary Plan and, or, a Zoning By-law Amendment application is enacted by Council.

42. Transportation and Utilities (T-UT) Zone

A Transportation and Utilities (T-UT) zone is proposed to include those lands designated Transportation and Utilities as shown on Map 3 of the 2014 Official.

The intent of this designation is to zone all lands used for transportation and utility corridors including highways (streets and lanes), rail lines, hydroelectric transmission lines, gas and oil pipelines, telephone and any other cable services into one Transportation and Utilities (T-UT) zone.

The creation of this zone will further assist in the determination of zone boundaries that are proposed to be to the edge of a property as opposed to the centreline of a street. As stated in point 5 earlier in this Appendix, this provides for a clearer and more predictable determination over where a zone boundary is determined as the extent of street right-of-ways can change due to infrastructure needs or road widenings.

43. Parkway Belt West (PBW) Zone

The Parkway Belt West and Parkway Belt West Plan, is a provincial plan that was introduced by the Province of Ontario in 1978 under the [Parkway Belt and Development Act](#).

This Act establishes planning regulations which identifies uses to be permitted within the Parkway Belt West area such as Highway 407, the proposed Highway 407 Transitway, and a utility corridor. As stated in Section 8.11 and shown on Map 7 of the 2014 Official Plan, over time, certain parcels not required for the transportation and utility uses outlined in the Parkway Belt West Plan, may be identified as surplus by the Province.

- a. It is proposed that a Parkway Belt West zone designation be included in the Draft Zoning By-law. Should lands be removed by the Province from the Parkway Belt West Plan, applications for amendments to the Official Plan and Zoning By-law will be required to apply appropriate land use designations, permitted uses and standards.

Note: While the Province is the approval authority for the appropriate zone standards and permitted uses within this area of the City, the City remains the approval authority for all matters relating to Site Plan Approval.

Part 13.0

OVERLAY ZONES44. Floodplain – Special Policy Area (FP-SP) Overlay

As of the date of this report and Draft Zoning By-law, the City is undertaking a review of the Special Policy Area through a separate project. The recommendations from the SPA project will be incorporated into this document at a later date. This overlay zone is set aside as a place holder and will be included at a later date (no later than the future Statutory Public Meeting date).

45. Oak Ridges Moraine - High Aquifer Vulnerability (ORM-HAV) Overlay

The Oak Ridges Moraine - High Aquifer Vulnerability overlay, applies to lands within the [Oak Ridges Moraine Conservation Plan](#) Area that contains identified vulnerable aquifers, determined to be easily changed or affected by contamination from both human activities and natural processes as a result of the composition of overlaying layers, or by preferential pathways to the aquifer. Map 6 and the provisions of Section 8.6.1.4 of the 2014 Official Plan and, this overlay identifies these areas of vulnerability and prohibits potentially harmful land uses within these areas.

46. Oak Ridges Moraine - Landform Conservation (ORM-LC)

The Oak Ridges Moraine - Landform Conservation overlay, applies to lands within the Oak Ridges Moraine Conservation Plan Area. Lands within this area are subject to the applicable requirements of Section 8.6.1.6 of the 2014 Official Plan and any additional requirements of [Section 30 of the Oak Ridges Moraine Conservation Plan](#).

Part 14.0

EXCEPTIONS47. Exceptions

The Exceptions part of the Draft Zoning By-law has been set aside as a placeholder. This part will contain those site-specific Zoning By-law Amendments that were enacted by Council on or after June 12, 2014, along with any required site specific amendments necessary to implement Section 9 of the City's Official Plan. Zone titles (names), permitted uses, special site provisions and standards may require modifications to match the terminology of the new By-law (without affecting the intent or provisions contained in the given amendment). It will also be the location of any future site specific Zoning By-law Amendments enacted by Council. As stated earlier in the attached report, the "Exceptions" part of the Draft Bylaw will be included at a later date (no later than the future Statutory Public Meeting date).

Part 15.0

TEMPORARY USES48. Temporary Uses (TMP) Zone Symbol

[Section 39 of the Planning Act](#), provides the authority for municipalities to pass Temporary Use Bylaws to permit the temporary use of land, buildings or structures for any purpose that a municipal Zoning By-law prohibits. Where the letters (TMP) follows a zone symbol on attached Schedules to this By-law, the lands affected are subject to a Temporary Use By-law. Temporary Use By-laws carried forward into this By-law and the date that they expire, will be included into the Draft Zoning By-law at a later date (no later than the future Statutory Public Meeting date).

Part 16.0 **HOLDING PROVISIONS**

49. Holding Provisions

Section 36 of the Planning Act gives municipalities the authority to apply holding symbol provisions that allows future uses, but delays development until conditions for removing the holding symbol are met. Section 10.2.3 of the 2014 Official Plan and, Part 2.8 of the Draft Zoning By-law provides additional information on holding provisions.

Part 17.0 **OAK RIDGES MORAINÉ CONSERVATION ZONES**

As identified in Section 3.1.5 of the 2014 Official Plan, “The Provincial [Oak Ridges Moraine Conservation Plan](#) provides policies and guidelines for the protection of the landform features and natural heritage resources within the Oak Ridges Moraine Conservation Plan Area shown on Map 7 – Provincial Policy Areas.” In order to ensure compliance with the Oak Ridges Moraine Conservation Plan, two (2) Oak Ridges Moraine land use zoning designations are proposed as follows:

- a. Oak Ridges Moraine – Linkage (ORM-L) zone and,
- b. Oak Ridges Moraine – Countryside (ORM-CS) zone.

50. Oak Ridges Moraine – Linkage (ORM-L) Zone (Table)

The Oak Ridges Moraine - Linkage (ORM-L) zone applies to lands that are within the Natural Linkage Area designation as identified within the Oak Ridges Moraine Conservation Plan. This area forms part of a central corridor system that supports or, has the potential to support, movement of plants and animals among the Natural Core Areas, Natural Linkage Areas, river valleys and stream corridors. Agricultural, conservation and low intensity recreational uses are permitted in this zone.

51. Oak Ridges Moraine – Countryside (ORM-CS) Zone (Table)

The Oak Ridges Moraine - Countryside (ORM-CS) zone applies to lands that are within the Countryside designation in the Oak Ridges Moraine Conservation Plan. Agricultural, conservation, low intensity recreational,

and several other rural uses to support farming activities, are permitted in this zone.

52. Definitions and Specific Use Provisions

The Oak Ridges Conservation Plan contains [definitions](#) and specific use provisions that specifically apply to lands with the Oak Ridges Moraine. Subpart 17.2 of the Draft Zoning By-law includes the relevant ORM definitions that differ from similar definitions found in Part 3.0. Where a term is defined in Part 17, but not listed in this part, reference shall be made to Part 3.0 of this By-law for the definition. Home Occupations (ORM) and Home Businesses (ORM) include uses that may not be found or permitted in similar definitions found in Part 3.0 of this By-law.

53. Accessory Buildings and Detached Garages

Specific accessory building and detached garages standards have also been included for lands within the Oak Ridges Moraine - Countryside Zone.

Part 18.0 **ENACTMENT**

Appendix 'B' - Draft Comprehensive Zoning By-law

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