



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: May 10, 2023

SUBJECT: Comprehensive Zoning By-law Project
Heritage Area Zoning By-law Issues

Issue

- Update on the Comprehensive Zoning By-law Project
- Project staff will review key changes in the new by-law as they affect cultural heritage resources and areas such as heritage conservation districts

Background

- The City of Markham has been undertaking the Comprehensive Zoning By-law Project for a number of years. All of the City's parent by-laws have been reviewed with respect to definitions, general provisions, and zone categories and associated permissions and development standards. Currently there are 46 existing by-laws. This material will be consolidated as appropriate into a new comprehensive zoning by-law that is consistent with the City's New Official Plan. The new by-law will be user-friendly, innovative and web-based.
- In 2017, given that Planning Department staff indicated they would be soliciting Heritage Markham's views on matters of concern that need to be addressed in the new City-wide zoning by-law as well as potential solutions, Heritage Markham created a sub-committee to identify concerns with the current zoning by-laws related primarily to new infill development in heritage conservation districts. One of the tasks was to identify issues of concern from a heritage perspective including instances where the zoning by-law may not support heritage policies;
- The Sub-Committee met a number of times and prepared a document that was reviewed by the full committee and then submitted to the Zoning Project staff for consideration.

Heritage Districts and Zoning

- Markham has four heritage conservation districts, each with its own Council-approved, heritage conservation district plan. Guidelines and policies in heritage district plans do

provide some recommended development-like standards (i.e. desired maximum height in storeys) as well as preferred siting, scale of new buildings/additions, location criteria, materials and detailing. The zoning by-law should help implement the objectives and policies of a heritage conservation district, but they are not always supportive, and often applicants must seek additional variances through the Committee of Adjustment to achieve the desired heritage approach.

- According to the Ministry of Culture’s Ontario Heritage Tool Kit, “*most heritage district designations require some adjustments to the existing planning framework...there may be changes to provisions for building heights, setbacks, or uses under applicable zoning by-laws*”. The Ministry also indicates that “*municipalities should proceed with any required amendments to zoning by-laws and official plan provisions to ensure consistency with the district plan*”.

Existing Zoning

- Heritage districts are primarily addressed through an “overlay” which triggers a requirement for Heritage, and Planning approval for development. The base zone categories (eg. “R3”) under the overlays are currently consistent with neighbouring lands outside of the heritage districts, except for some provisions related to the Infill By-law for the Thornhill Heritage Conservation District which has a lower floor area ratio (33%) and a maximum floor area cap for the Historic Core Area. Heritage Estates is the only heritage specific zone category for residential neighbourhoods. The residential zoning discussion items below are related to “infill” requirements in general, and are applicable within and outside of the districts.
- In Markham, a number of issues of concern have been raised concerning zoning provisions over the years. The main objective from a heritage perspective is to protect the special character of heritage conservation districts while allowing appropriate and complementary development to occur. Some of the general issues of concern common to all districts are:
 - the scale and massing of infill housing and major additions. These are often out of scale with existing dwellings and the character of the area. In heritage districts, the existing building stock is often very small in scale and size (i.e. 800 to 1500 sq ft) and is often not seen as viable as a model for new infill construction which is often much larger in size (i.e. 3000 to 4000 sq ft). Although not a heritage consideration, applicants often cite property value and the need to maximize development potential as an economic necessity in their approach to additions or new infill.
 - Heritage Staff and the Heritage Markham Committee are often challenged to find a balance between meeting the needs and desires of the applicant and supporting new infill that fits in with its immediate context. Staff and the Committee often attempt to ensure that the streetscape view is complementary with the neighbourhood with any increase in massing and size directed to the backyard area (which may impact adjacent smaller scale dwellings and their amenity areas).
 - the removal of floors in a building creating “an open to below/above” situation can add to overall building mass.

- the space between buildings is being minimized as development occurs. Older mature areas often have more space on either side of the building (larger side yards) compared to what zoning currently requires.
- the height permitted for infill and additions is often higher than is appropriate in an area which for residential properties is usually 1 ½-2 storeys. Appropriate height can also be an issue in historic commercial areas where 2-3 storeys is common and the zoning by-law permits higher development.
- the depth of new infill and additions is out of character and can impact adjacent properties (shadowing, loss of privacy).
- the issue of building size and coverage as it relates to developable lands versus non-developable lands on a property.
- the issue of garage placement – attached garages should be recessed from the front of the building, however, detached garages are preferred in districts.
- the growing number of applications to sever larger lots in heritage conservation districts to create smaller lot often deficient in size and frontage compared to zoning by-law.
- the hard surfacing of traditional landscape areas (front and rear lawn areas) which is not a traditional feature in heritage conservation districts

Staff Comment

- The Heritage Markham Committee has examined the zoning provisions (uses, development standards) which affect residential and commercial properties in the four heritage conservation districts. The Committee identified the overall heritage objective(s) which is to be achieved and identified concerns related to specific subject areas. In most cases, the Committee provided some potential options or solutions which could be considered by the consulting team and the City planners as to how the issue could be addressed.

Suggested Recommendation for Heritage Markham

THAT the presentation on the Comprehensive Zoning By-law Project and how it responds to issues of concern from a heritage perspective including instances where the zoning by-law may not support heritage policies, be received

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