



Report to: Development Services Committee

Report Date: June 12, 2023

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**SUBJECT:** RECOMMENDATION REPORT  
PHASE 3B: New Comprehensive Zoning By-law Project  
File PR 13 128340

**WARD:** City-Wide

**PREPARED BY:** Geoff Day, MCIP, RPP, Senior Planner II - Development Facilitation Office, ext. 3071

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### RECOMMENDATION

1. THAT the report titled, “RECOMMENDATION REPORT, PHASE 3B: New Comprehensive Zoning By-law Project, File PR 13 128340”, dated June 12, 2023, be received;
2. THAT the City-initiated Draft Zoning By-law, attached hereto as Appendix ‘A’, be finalized and brought forward to the next available Council meeting to be enacted without further notice;
3. AND THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

### PURPOSE

This report provides the Development Services Committee (“DSC”) and the public with an updated comprehensive analysis of the Draft Zoning By-law. The Draft Zoning By-law is attached as Appendix ‘A’. It also recommends the approval of the Draft Zoning By-law that will be forwarded to Council for enactment without further notice.

### EXECUTIVE SUMMARY

In 2013, the City initiated a comprehensive review of its 46 parent zoning by-laws due to their age, inconsistencies related to definitions, permitted uses and development standards. The key objectives include the following:

- a) Implement the policies of Markham’s Official Plan, the [Planning Act](#) and, other Provincial plans and policies, including the [Provincial Policy Statement](#), as amended from time to time
- b) Respond to emerging planning and development trends
- c) Establish development standards that produce predictable outcomes that are appropriate for each area of the City
- d) Reflect the diversity of Markham and allow neighbourhoods to maintain a distinct sense of place

- e) Protect the built form of existing, established residential neighbourhoods, particularly for communities in transition (“infill development”)
- f) Develop a web-based GIS zoning system and Zoning By-law webpage that is interactive and user friendly

The Comprehensive Zoning By-law Project includes the following phases:

Phase 1	Zoning Issues Analysis <a href="#">Phase 1 Recommendation Report</a> (completed March 2016)
Phase 2	Strategic Direction <a href="#">Phase 2 - Recommendation Report</a> (completed June 2016)
Phase 3A *	Review of potential Official Plan, zoning and licensing regulations for rooming houses, second suites and short-term rental accommodations <a href="#">Phase 3A - Recommendation Report</a> (completed May 2018)
<b>Phase 3B (current phase)</b>	<b>Drafting of New Comprehensive Zoning By-law</b>
	Potential Ontario Land Tribunal Appeals (To Be Determined)

On June 12, 2014, York Region approved the City’s Official Plan. As such, all Zoning By-law Amendments enacted by Markham Council on or after June 12, 2014, must comply with the in force provisions of the City’s 2014 Official Plan (“2014 Official Plan”). Further, several Section 9 policies of the 2014 Official Plan identify certain geographical areas with site-specific policies or, where the City’s 1987 Official Plan remains in force until secondary plans or Official Plan Amendments are approved. These areas, sites subject to Minister’s Zoning Orders and, all site-specific Zoning By-law Amendments enacted by Council on, or after June 12, 2014, are excluded from this Draft Zoning By-law.

- \* Phase 3A focused on potential Official Plan, Zoning and licensing regulations and implications for Rooming Houses, Short-term Accommodations and Secondary Suites (Accessory Dwelling units Basement Apartments).

City Staff and its consultant 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 \(Item 7\(A\)\(4\)\)\]](#)

In July of 2021, four non-statutory open houses were held to present the Draft Zoning By-law and field questions by the public.

Open Houses 1, 2	Residential Area
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Open House 3	Mixed Use, Employment, and other non-residential uses
Open House 4	Residential Areas and General Interest

As requested at the open houses, six focussed group meetings with interested ratepayers/ residents associations were held in October 2021, with a specific focus on the established residential areas. Additionally, in November 2021, Staff met with eight builders/ architectural firms that have significant development experience in the City's established residential areas to provide the development community with the opportunity to discuss the draft and proposed revisions to the zoning standards.

A [DSC Workshop](#) was held on December 13, 2021, to ensure that members of Council had a working understanding of the Draft Zoning By-law and allow the members the opportunity to discuss various provisions and standards that may impact their constituents. It also provided additional opportunities to cover any topics not previously discussed or addressed at the previous open houses.

Following these series of engagements, a statutory Public Meeting was held on May 9, 2023, in accordance with Section 34 (12) of the *Planning Act*.

Staff recommend that the City-initiated Draft Comprehensive Zoning By-law, attached as Appendix 'A', be finalized and brought forward to the next available Council meeting to be enacted without further notice.

## **BACKGROUND**

***The DSC received Staff's Presentation, Information Report and Draft Zoning By-law on June 7, 2021***

Staff's [Presentation, Information Report and Draft Zoning By-law](#) provided a background of the City-initiated Comprehensive Zoning By-law project (the "Project"), an analysis of the parts of the Draft Zoning By-law at that time, and included the Draft Zoning By-law. Authorization to hold non-statutory Open Houses and a Development Services Workshop was supported by the DSC at the June 7, 2021 meeting.

***In July of 2021, four non-statutory open houses were held virtually to present the Draft Zoning By-law and field questions by the public***

Meetings 1 and 2 (Residential Areas)

- 33 attendees registered (Meeting 1)
- 40 attendees registered (Meeting 2)

While the City's consultant, Nick McDonald of Meridian Planning, presented an overview of all the residential zones in the Draft Zoning By-law, the majority of the discussion was focussed on the City's established residential areas (Residential - Established Neighbourhood Low Rise zone RES-ENLR). The following summarizes key components of the discussions:

- Several attendees voiced concerns that some of the new zone standards associated with the established residential zone (specifically the permission of a 35% lot coverage for the first

floor of a dwelling and 25% lot coverage for any additional storey) would result in dwelling floor areas that exceed what is presently permitted in the City's infill by-laws.

- Questions related to whether the new zone standards support the City's 2014 Official Plan infill policy 8.2.3.5, which requires new development to respect and reflect the existing pattern and character of adjacent development through numerous policy provisions.
- Questions related to whether the new zone standards meet the Zoning By-law Consolidation Project Charter.
- Observations that each established community has their own unique character and applying one by-law with one set of standards will homogenize these communities and jeopardize their established character.

Staff's response to the key questions and comments raised at all of the open houses is discussed in Tables 'A' and 'B' to this report.

### Meeting 3 - Mixed Use, Employment and Other Non-Residential Areas

➤ 25 attendees registered

The City's consultant presented an overview of all the mixed-use, employment and other non-residential areas of the by-law at this open house.

- Clarification on the uses permitted in the Mixed Use Heritage Main Street designations as each district is unique and should not use one set of permitted uses and development standards.
- A question as to whether electric vehicle parking spaces would be required if there is a change of use on a property that requires additional parking spaces.
- A concern that the definition of Industrial Use does not include the term "processing", as included in numerous existing zoning by-laws.

### Meeting 4 - Recap of the Residential component and General Interest

➤ 119 attendees registered

The City's consultant presented an overview of all areas of the By-law with a focus on the established residential areas of the City, as this was the primary area of interest throughout the open houses. Many similar questions, comments, and concerns identified in Meetings 1 and 2 were raised at this open house.

- Questions were raised on how the by-law would improve the issues of flooding in the older residential areas of the City.
- Several comments were made from interested parties wanting assurances that their engagement in these meetings will be considered moving forward.

### ***The City held focussed group meetings with several interested ratepayers and resident associations with a specific focus on the established residential areas***

The six ratepayer/residents associations meetings were held with the following groups:

- a) Aileen-Willowbrook Ratepayers Association
- b) Grandview Area Residents Association
- c) Markham Village Sherwood Conservation Residents Association

- d) Boyington Heights Ratepayers Association
- e) Unionville Residents Association
- f) Ward 4 South/East Ratepayers Association

Several questions and comments from the open houses were revisited from the majority of the groups (including the removal of the net floor area ratio provision, building height calculation; front yard setback provisions and, whether the new standards adhere to the policies in Section 8.2.3.5 of the Official Plan). The meetings were productive and further provided Staff with additional insight, input, and suggested modifications for consideration. Staff provided several modifications for discussion at these meetings, as discussed later in this report.

***The City met with eight builder/architectural firms with a significant amount of development infill experience in the established residential areas of the City***

This meeting helped to provide the development community with the opportunity to discuss the draft and proposed revisions to the zoning standards in a smaller focussed group setting. The meeting was productive and the proposed draft was generally well received by the firms in attendance. Questions related to the rationale behind the increases to minimum side yard setback requirements, clarifications on building height (outside wall height) calculations, and suggested modifications over the maximum allowable building height of 6.8 m were discussed. Staff provided several modifications at this meeting, which will be discussed later in this report.

***A DSC Workshop was held on December 13, 2021 to ensure that members of Council had a working understanding of all parts of the Draft Zoning By-law.***

The DSC workshop provided an opportunity for members to ask questions and discuss various provisions and standards that may impact their constituents, and provided additional opportunities to cover any topics not previously discussed or addressed at the open houses or the June 7, 2021 DSC meeting. Members of the public were also in attendance and provided additional comments on various aspects of the By-law. The City's consultant and Staff presented an overview of the Draft Zoning By-law. Stemming from the feedback received from the open houses and focussed group meetings, the presentation centred on additional dwelling unit provisions, hard and soft landscape requirements, new parking standards, and the established residential areas of the City.

The feedback received at the meeting included the following:

- Questions on the new calculations of lot coverage; building height calculation; the rationale behind the removal of the net floor area ratio provision; and, the new definition and calculation of maximum outside wall height, were raised.
- Questions on how parking on smaller low rise residential lots would be accommodated as many multi-generational families reside under one roof and have more than two vehicles. In many instances there are two dwelling units on these lots and only two parking spaces are provided.
- A suggestion that video models would be an effective tool to show how the new By-law would change the permitted massing and locations of low rise residential dwellings from what is currently permitted.

***A statutory Public Meeting was held on May 9, 2023, pursuant to 34 (12) of the Planning Act***

At the statutory Public Meeting, members of the public provided their comments on the draft Comprehensive Zoning By-law.

The feedback received at the meeting included the following:

- Rationale behind the removal of the net floor area calculation
- Concerns were raised that the proposed Recreational Vehicle Parking standards were too restrictive
- The rationale behind the establishment of the Mixed Use Future Development Zone and the restrictions on legally existing building expansions
- The rationale behind the establishment of the Future Development (FD) and Greenway zones in the Future Urban Area
- Uses permitted in employment zones

Staff responses to key issues are discussed in Table 'B' to this report.

## DISCUSSION

*Ontario's [More Homes for Everyone Act, 2022 \(Bill 109\)](#), received Royal Assent on April 14, 2022, which made changes to the Planning Act regarding Site Plan Control, Zoning By-law Amendments, and Combined Zoning By-Law and Official Plan Amendment applications*

The changes include a new direction relating to pre-consultation with municipalities before Site Plan applications are submitted to the Approval Authority, particularly as it applies to determining completeness of a development application, amongst other changes.

The provisions and standards found in the draft Comprehensive Zoning By-law will further assist both the City and development proponents in understanding what is required under one unified Zoning By-law before determining completeness of a development application.

At present, under the City's existing 46 parent by-laws, there are many ways to calculate building height, lot coverage, determine permitted uses, and floor area ratio, in addition to multiple definitions of specific permitted uses.

These inconsistencies, amongst others, create a great deal of confusion, are laborious to decipher, which in turn can add additional costs to development proponents when submitting applications in different geographic areas of the City and can add to the prescribed timelines to a given application.

*Ontario's [More Homes Built Faster Act, 2022 \(Bill 23\)](#) received Royal Assent on November 28, 2022*

As background, Council provided a [report](#) to the Ministry of Municipal Affairs and Housing and Region of York relating to the City's position on Bill 23, on November 22, 2022.

Amongst other changes, Bill 23 removed site plan control for developments of up to 10 residential units. Historically, the City used site plan control to achieve conformity with the 2014 Official Plan, in secondary plans, in the Oak Ridges Moraine Conservation Plan, the Greenbelt Plan, and in heritage conservation district plans to establish guidelines for a specific parcel(s) of land. This approach allowed tree protection, landscape, servicing, and drainage/grading to be addressed to ensure compliance. The removal of site plan control for developments of up to 10 residential units also removed the review of low-rise residential developments within established residential neighbourhoods, and eliminated developers' obligations to construct certain infrastructure to support those types of developments.

Bill 23 has also implemented as-of-right zoning to permit up to three residential units per lot in detached, semi-detached, or townhouse dwellings, and prohibit regulations that would restrict minimum unit sizes and additional parking spaces. These units could be in the form of three units in one building or two units in a principle building and one in a detached accessory building.

While a zoning by-law is not able to require parkland dedication or enforce certain architectural features, such as building material and colour, the enactment of the new Comprehensive Zoning By-law will assist the City in ensuring that its successful reputation of design excellence for developments of all sizes will be supported through the following new zoning provisions:

- a) **Amenity Area definition and provisions:** Ensures that mid and high rise developments contain on-site minimum indoor and outdoor areas for recreational or social activities. This is of particular importance for those developments not easily accessible to public park facilities and/or potentially smaller park facilities due to the regulations associated with Bill 23.
- b) **Angular Plan definition and provisions:** Ensures that buildings at or greater than eight storeys height are sufficiently setback from neighbouring low-rise residential lands, thereby mitigating impacts such as shadowing and overlook.
- c) **Hard and Soft Landscape, Landscape Strip, and Pervious and Impervious Surface definitions and provisions:** Ensures that minimum landscape areas and how they are defined are provided within the City, which will promote the “greening” of Markham, provide habitats for terrestrial, aquatic and avian wildlife and, assist in the reduction of the “heat island effect” that large expanses of hard impervious surfaces have on the local environment.
- d) In order to comply with Bill 23 and to support affordable housing in the City, the Draft Zoning By-law includes permissions for additional dwelling units and required parking standards associated with lands that contain additional dwelling units.

***Staff provide the following responses to the comments raised at the open houses, DSC Workshop, statutory Public Meeting and, Heritage Markham Committee Meeting***

Staff appreciate the time, effort, thought, and professionalism by the stakeholders throughout the open houses, focused group meetings, the DSC Workshop, the Public Meeting and, the Heritage Markham Committee Meeting. The information gathered has resulted in modifications to the draft Zoning By-law, in addition to other modifications and/or additions due to the changing Provincial legislations. Staff have provided responses to the key issues raised at these meetings in Tables ‘A’ and ‘B’ of this report.

**Other key improvements and modifications**

- Minimum sizes for waste room storage
- Removing any lands that require site specific amendments under Section 9 and lands subject to an approved zoning by-law amendment since June 2014 (discussed below)
- Modifications to accessible parking spaces (Accessibility for Ontarians with Disabilities Act compliant)
- Modified bicycle parking standards
- Modified electric vehicle parking standards

- Re-establish existing RV parking standards until such time as the City can review recommendations from the City Wide Parking Strategy. The City anticipates possible recommendations such as modifications to driveway standards or alternative parking arrangements that may inform changes to the RV parking standards. The City will incorporate any changes to the RV parking standards when the Citywide parking strategy is implemented at a later date.
- Update permissions for legally existing uses which are now identified as discretionary in the Official Plan (i.e. Car dealerships in employment lands)
- Recognizing existing places of worship, schools, child care centres, retail stores and personal service establishments in established residential areas as identified in the Official Plan
- Further clarified that greenway zones in the Future Urban Areas are restrictions on as-of-right development permissions, but do not restrict future development applications where supported by appropriate environmental studies.

***2014 Official Plan is not the “in force” document for the entire geographical area of Markham and Figures ‘A’ and ‘B’ of this report identify areas of the City not covered by the Comprehensive Zoning By-law – approximately 88 percent of the City will be covered by this By-law***

Markham Council and York Region adopted Markham’s current Official Plan in December 2013 and June 2014, respectively. Section 9 of the 2014 Official Plan identifies several geographic areas where the [1987 Official Plan](#) remains in force until secondary plans or Official Plan Amendments are approved.

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, affected lands will be incorporated into the Comprehensive Zoning 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. However, approximately 88 percent of the City will be covered by this By-law.

***As indicated above, Section 9 of the 2014 Official Plan “AREA AND SITE SPECIFIC POLICIES”, identifies areas of the City that include site-specific policies that vary from one or more provisions of the 2014 Official Plan.***

The policies contained in [Section 9 of the 2014 Official Plan](#) 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 that could not be seamlessly included into the Draft Zoning By-law yet are subject to the 2014 Official Plan, they have been excluded from the Draft Zoning By-law. Once site-specific development applications have been submitted in support of a development proposal, affected lands will be included into this by-law. The City has designed the infill zoning provisions with the intent of minimizing the need for Committee of Adjustment applications. While it remains the right of a landowner to make applications to vary one or more provisions of a zoning By-law, Staff are of the opinion that the new provisions align with the policies of the Official Plan which support new residential infill development while respecting the existing character of established communities.



***York Region approved the City's 2014 Official Plan on June 12, 2014, and all zoning by-law Amendments enacted by Markham Council on or after this date must comply with the 2014 Official Plan***

All site-specific Zoning By-law Amendments enacted by Council on or after June 12, 2014, will be excluded from this by-law. Through future development applications, lands will be brought into the Zoning By-law over time.

***The on-line platform is an ongoing component of the By-law***

Staff anticipate modifications and improvements to the platform on an ongoing basis.

**CONCLUSION**

The City-initiated 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. Staff recommend that this recommendation report and Draft Zoning By-law be received by the DSC and sent to the next available Council Meeting for enactment.

**FINANCIAL CONSIDERATIONS**

N/A

**HUMAN RESOURCES CONSIDERATIONS**

N/A

**ALIGNMENT WITH STRATEGIC PRIORITIES**

This Project aligns with the City's strategic priority of Growth Management by implementing the 2014 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 and user friendly zoning information.

**BUSINESS UNITS CONSULTED AND AFFECTED**

This Project affects many City Departments. All relevant City departments have been consulted throughout this project, as appropriate.

**RECOMMENDED BY:**

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Giulio Cescato, MCIP, RPP  
Director, Planning and Urban Design

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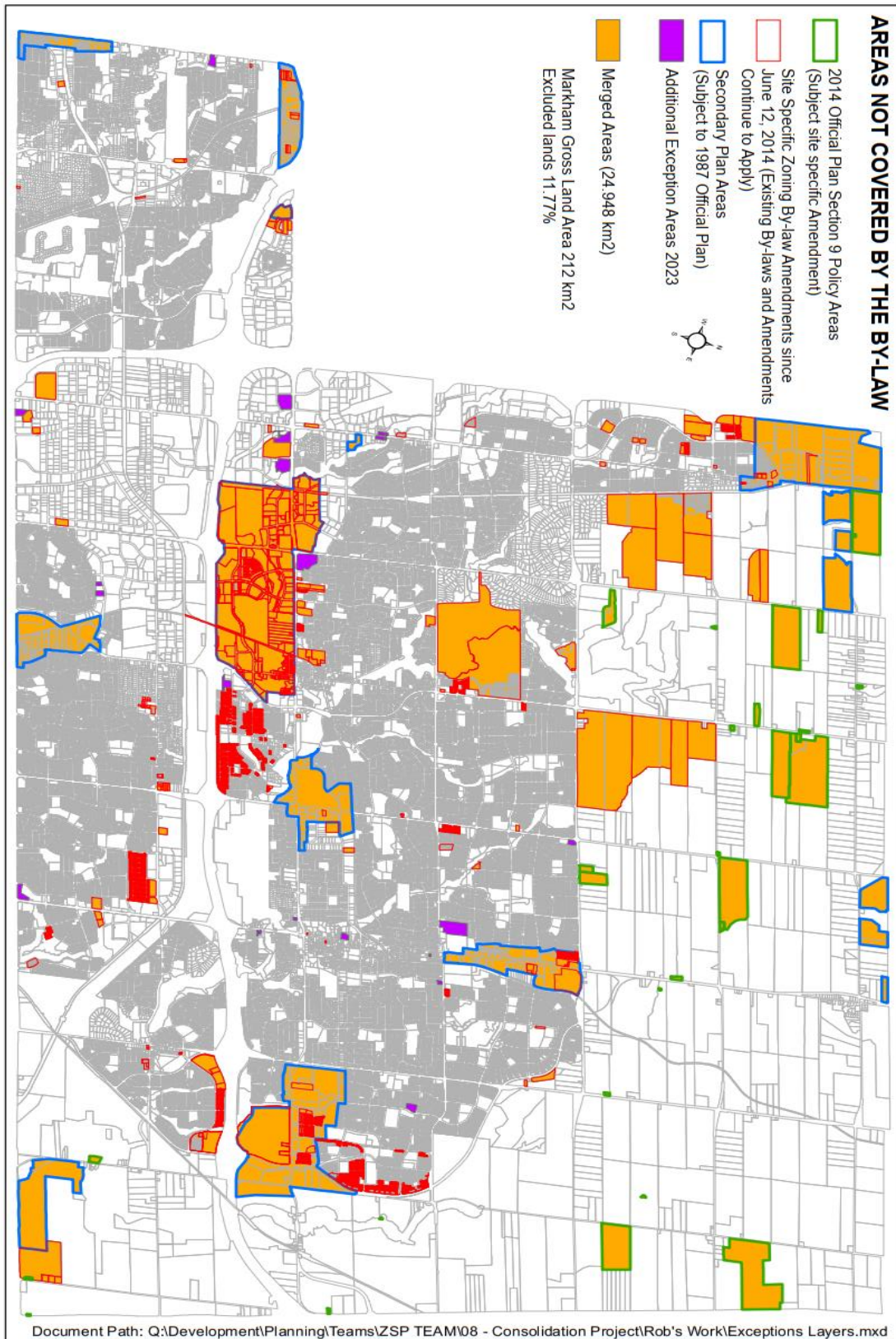
Arvin Prasad, MCIP, RPP  
Commissioner Development Services

**ATTACHMENTS**

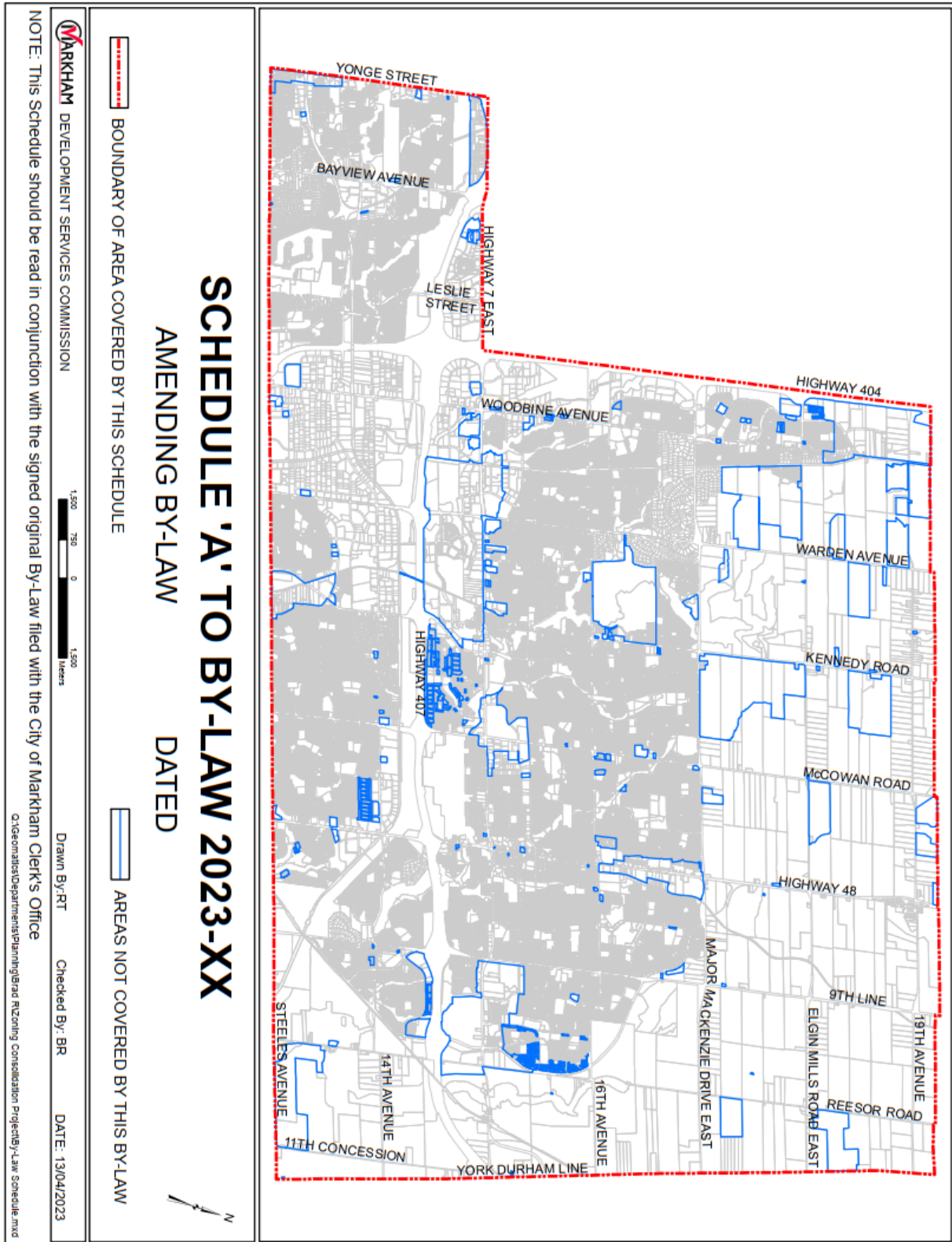
Figure 'A': Zoning By-law Amendments enacted after June 12, 2014, MZO's and certain Section 9 Lands of the 2014 Official Plan

- Figure 'B': Amalgamated areas not included in the Draft Zoning By-law (Schedule 'A' to By-law)
- Table 'A': Staff's explanation on how the Zoning By-law conforms to the residential infill policies of the Official Plan
- Table 'B': Responses to comments raised at the open houses, DSC Workshop, and statutory Public Meeting
- Appendix 'A': Draft Comprehensive Zoning By-law

**Figure 'A': Zoning By-law Amendments enacted after June 12, 2014, MZO's and Section 9 Lands of the 2014 Official Plan**



**Figure 'B': Amalgamated areas not included in the Draft Zoning By-law (Schedule 'A' to By-law)**



**Table ‘A’: Staff’s explanation on how the Zoning By-law conforms to the residential infill policies of the Official Plan**

8.2.3.5 In considering an application for development approval on lands designated ‘Residential Low Rise’, Council shall ensure infill development respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, in addition to the criteria in Section 8.2.1.3 and the area and site specific policies of Sections 9.3.3, 9.13.2, 9.14.2, 9.18.5, 9.19.2, unless otherwise specified in a heritage conservation district plan:

a)	<b>the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;</b>
<b>Staff Response:</b>	The Draft Comprehensive Zoning By-law proposes a minimum lot frontage of 23 m or the average lot frontage of the two neighbouring lots. This standard will ensure that future land division applications will need to provide frontages that reflect the existing lotting pattern in an area.
b)	<b>the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;</b>
<b>Staff Response:</b>	Staff are of the opinion that when measuring height, it is more appropriate to calculate from points closer to where the dwelling is to be located, rather than from the crown of the road that may be 15 m from the proposed dwelling location. Taking the measurement from 0.1 m off the property line also avoids any manipulation of the grading on a property to permit taller dwellings.  While there are numerous examples of existing single storey dwellings in the established residential communities of the City, the existing zoning standards permit two storey dwellings, as-of-right. Two storey dwellings are proposed to remain as a permitted building type, which is consistent with existing zoning in the established communities.
c)	<b>front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;</b>
<b>Staff Response:</b>	The revisions to the zone standards now require that front yard setbacks be the greater of 7.5 m or the average setback of neighbouring properties. This revised standard ensures that front yard setbacks remain consistent with neighbouring lots.

d)	<b>the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;</b>
<b>Staff Response:</b>	The required side yard setbacks increase as the lot frontages increase.
e)	<b>the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;</b>
<b>Staff Response:</b>	<p>Staff recommend that a maximum coverage for the main building be 30% for the first storey and 20% for the second storey. Compared with all existing infill by-law standards, a 30% lot coverage results in a first floor building footprint that is less than currently permitted.</p> <p>As proposed, the maximum length of a first storey cannot exceed 19.5 m and a second storey cannot exceed 14.5 m. These two standards form part of the building envelope. The building envelope is taken from the established building line, which in turn is the average distance between the front lot line and the nearest wall of the two neighbouring lots. These standards coupled with increased side yards and maximum outside wall heights standards will create a complementary relationship with adjacent buildings that exist today.</p>
f)	<b>existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscape;</b>
<b>Staff Response:</b>	Hard and soft landscape provisions are defined and provisions are found in Section 4.8.9 of the Draft Zoning By-law. These provisions cap the percentage of hard landscaping and require areas of soft landscape on a lot. Capping the percentage of hard landscape on a lot promotes the installation of vegetated areas on a lot.
g)	<b>the width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;</b>
<b>Staff Response:</b>	The Draft Zoning By-law caps the width of garage doors at 50% of the width of a building. A driveway is permitted to extend a maximum of 2 m wider than the garage doors. Staff are of the opinion that these standards ensure an appropriate balance between the presence of a garage portion of a dwelling with the remainder of a dwelling. Permitting a driveway to project 2 m wider than the associated garage doors is appropriate.
h)	<b>new driveways and service connections shall be sited to minimize tree loss;</b>

<b>Staff Response:</b>	Any tree located on private property within the City of Markham with a trunk diameter of 20 cm or more, measured at 1.37 m above the ground at the base of the tree must apply for a permit before being injured or destroyed. Development proponents must indicate why a tree meeting this criterion should be removed. Staff will continue to work with development proponents to ensure that trees are preserved where possible.
i)	<b>impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;</b>
<b>Staff Response:</b>	No development in Markham is permitted to adversely affect the grading or drainage of neighbouring properties.  It is also the opinion of Staff that the proposed increase in side yard setbacks will not only assist in mitigating instances of building shadowing onto neighbouring lots, but allows for an increase in light penetration within side yards which in turn, promotes the growth of vegetation due to the increased separation between buildings.
j)	<b>the orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;</b>
<b>Staff Response:</b>	The Draft Zoning By-law requires a minimum lot frontage of the greater of 23 metres or the average lot frontage of the two neighbouring lots. This standard protects communities from instances of subdivision that would create lots that may not be in keeping with the frontages of a community.
k)	<b>proposals to extend the public street network should be designed to improve neighbourhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists; and</b>
<b>Staff Response:</b>	This policy is beyond the scope of a zoning by-law and is addressed through secondary plan policies, precinct plans (where applicable) and draft plan of subdivision conditions.
l)	<b>road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.</b>
<b>Staff Response:</b>	This policy is beyond the scope of a zoning by-law and is addressed through secondary plan policies, precinct plans (where applicable) and draft plan of subdivision conditions.

### Section 9.3.3 - Heritage Estates Community

Since the public release of the Draft Zoning By-law on April 19, 2023, Staff are of the opinion that the existing zoning established in this area of the City should be maintained due to the unique character of this community that exclusively contains relocated heritage dwellings. This area of the City is proposed to be removed from the Draft Zoning By-law.

### 9.13.2 - Mixed Use Heritage Main Street (Markham Village)

Staff have reviewed the existing zoning and secondary plan policies contained in this area of the City and are of the opinion that the MU-HMS(M) (Mixed Use Heritage Main Street – Markham Village) zone reflects the established policies contained therein.

### 9.14.2 - Markville District

Staff are of the opinion that the policies contained in Section 9.14.2 have been satisfied through the Residential ENLR zone. Furthermore, the applicable standards in the Draft Zoning By-law that limit the size and massing of new dwellings or additions to existing dwellings, will ensure infill development respects and reflects the existing pattern and character of adjacent development by regulating lot coverage, building depth, height, setbacks, number of storeys, garage projections and garage widths.

### 9.18.5 - Mixed Use Heritage Main Street (Thornhill)

Staff have reviewed the existing zoning and secondary plan policies contained in this area of the City and are of the opinion that the (Mixed Use Heritage Main Street – Thornhill) MU-HMS(T) zone reflects the established policies contained therein.

### 9.19.2 - Unionville

This policy specifically indicates that consent (severance) applications to accompany zoning by-law amendments to permit new lots with reduced lot areas may be considered by Council. Staff are of the opinion that the policies contained in Section 9.19.2 have been satisfied through the Residential ENLR zone. Furthermore, other applicable standards in the Draft Zoning By-law that limit the size and massing of new dwellings or additions to existing dwellings, will ensure infill development respects and reflects the existing pattern and character of adjacent development by regulating lot coverage, building depth, height, setbacks, number of storeys, garage projections and garage widths.



**Table ‘B’: Responses to key comments raised at the open houses, DSC Workshop, statutory Public Meeting and Heritage Markham Committee Meeting**

<b>Established Residential Areas</b>	
	As requested at Open House Meeting 1, members of the public requested modifications on the proposed reduction in the permission of a 35% lot coverage for the first floor of a dwelling and 25% lot coverage for any additional storey
<b>Staff Response:</b>	Staff support a reduction to 30% lot coverage for the first floor of a dwelling and 20% lot coverage for any additional storey.
	Whether the new zone standards support infill policy 8.2.3.5 as each established community in Markham has their own unique character. Applying one by-law with one set of standards will homogenize these communities and jeopardize their established character
<b>Staff Response:</b>	<p>An analysis of Official Plan policy 8.2.3.5 is provided in Table ‘A’ to this report. As identified in Table ‘A’, applying a “relationship” zoning approach to the standards in the RES-ENLR maintains the character of each individual community by:</p> <ol style="list-style-type: none"> <li>1. Ensuring that front yard setbacks are established by averaging the existing neighbouring lots’ front yards;</li> <li>2. Requiring that minimum lot widths reflect the lot widths of neighbouring properties;</li> <li>3. Ensuring that as lot widths increase, the required side yard setbacks also increase; and,</li> <li>4. Providing opportunities for increased building depth when lots are adjacent to existing infill development.</li> </ol> <p>Staff are of the opinion that the provisions established in the RES-ENLR zone, the provisions identified above and, hard and soft landscaping requirements, and driveway widening restrictions, effectively captures the policies of the Official Plan.</p>
	Questions over how building height is calculated in the established residential areas of the City
<b>Staff Response:</b>	The calculation of building heights in the established residential areas of the City is being determined through a specific definition of “Maximum Outside Wall Height”. The proposed definition is unique to the RES-ENLR zone that provides a uniform way to calculate the maximum height allowed by measuring “Established Grade” from 0.1 metres off a property at the “Established Building Line”. This way of calculating height beyond a property boundary eliminates the artificial modification of grades on affected properties to circumvent the heights allowed by the by-law.

	Rationale behind the removal of the Net Floor Area calculation
<b>Staff Response:</b>	While the intent of the Net Floor Area provisions within existing by-laws was to control the exterior massing of a dwelling, Staff have previously identified a disconnect between NFA and the massing of buildings due to the possible “open to below provisions”. For this reason, Staff have focused on applying more effective zoning provisions that control the exterior dimensions of the dwelling. The outcome will permit reasonable infill development in accordance with the City’s Official Plan policies, while applying more effective controls to the exterior building envelope of the dwelling.
<b>Non-residential areas and general comments</b>	
	Observations that each of the Mixed Use Heritage Main Street designations are unique and should not use one set of permitted uses and development standards
<b>Staff Response:</b>	The Mixed Use Heritage Main Street designations have been given special consideration and do not contain the same development standards. Each mixed use heritage main street zone was reviewed to ensure conformity of each of the secondary plan areas.
	Questions as to whether electric vehicle parking spaces would be required if there is a change of use on a property that requires additional parking spaces
<b>Staff Response:</b>	Electric vehicle parking spaces will only be required if additional parking space results from an addition or change of use and only as a percentage of the additional parking spaces required. Staff have undertaken a City-wide parking strategy to look at the existing parking landscape in the City. The outcome of the parking strategy may result in future changes to this by-law.
	A concern that the definition of Industrial Use does not include the term “processing”, as included in numerous existing zoning by-laws
<b>Staff Response:</b>	The Industrial Use definition has been updated to include the term “processing”.
	Questions over how parking on smaller low-rise residential lots will be accommodated as many multi-generational families reside under one roof and have more than two vehicles. In many instances, there are two dwelling units on these lots and only 2 parking spaces are provided.

<p><b>Staff Response:</b></p>	<p>Prior to Bill 23, the City would require two parking spaces for a principle dwelling unit and one additional space for an additional unit. However, Bill 23 implemented new parking standards associated with additional dwelling units contained in single detached, semi-detached and townhouses (see pg.7 point d) to this report). To be consistent with the Act, the Draft Zoning By-law now requires two parking spaces for the principle unit or a building containing two units and a third space if three units exist on a property.</p> <p>As stated above, recommendations from the City-wide parking strategy may result in future changes to this by-law.</p>
	<p>Concerns were raised that the proposed Recreational Vehicle Parking standards were too restrictive.</p>
<p><b>Staff Response:</b></p>	<p>As noted above, the City is undertaking a City-wide parking strategy. The outcome of the parking strategy may provide additional direction and modifications to the driveway and parking regulations in low rise residential areas.</p> <p>Given the feedback received at the Public Meeting, Staff are proposing to defer any modifications to the existing Recreational Vehicle Parking standards established in the City’s Parking By-law 28-97. The provisions of the Recreational Vehicle Parking standards under By-law 28-97, will be carried forward into the new by-law at this time.</p>
	<p>Questions over the rationale behind the establishment of the Mixed Use Future Development Zone</p>
<p><b>Staff Response:</b></p>	<p>The majority of the lands in this zone are, at present, traditional strip plazas and other small commercial/retail developments. However, the Official Plan has designated these lands into a mixed use low rise, mid rise or high rise category. Staff are proposing the lands be zoned Mixed Use FD in order to recognize their mixed use designation and indicate that they may be the subject to future mixed use development applications. Comments received have requested that existing commercial plazas be permitted to be redeveloped with no restrictions on additions to these existing developments.</p> <p>Sections 8.3.3.1 and 8.3.4.1 of the Official Plan states that to: “ensure a mix of uses on large sites by not allowing a site to be developed or redeveloped exclusively with residential or non-residential development.” The initial proposed Mixed Use Future Development zone was intended to permit existing commercial uses to continue, allow for small additions or extensions of up to 10% and add a suite of additional uses deemed compatible for these traditional developments. Proposed additions or extensions were to be no more than 2 storeys in height.</p> <p>Staff are proposing to remove reference to the percentage increase and only require that the additions or extensions be no more than 3 storeys in height. The purpose of this zone allows existing legal uses to continue however, would</p>

	<p>require a full public process through rezoning to realize the full development opportunities afforded to individual properties.</p> <p>It is the opinion of Staff that while the establishment of this zone identifies a mixed use zone by title, Council and the public should maintain the right to comment on individual development applications, prior to construction/permit.</p>
	<p>Questions over the establishment of the Future Development (FD) and Greenway zones</p>
<p><b>Staff Response:</b></p>	<p>The Future Development zone includes lands located within the City’s Future Urban Area. The zone permits all legal existing uses and standards until an appropriate zone designation as identified in a supporting Secondary Plan and, or, a Zoning By-law Amendment application is enacted by Council.</p> <p>The Greenway One zone contains updated mapping that follows the greatest extent of the City’s Greenway designation, the Natural Heritage Network, the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan. Staff have confirmed that the Greenway boundaries established in the adopted secondary plans in the future urban area are consistent with the boundaries identified in this Zoning By-law. However, Section 2.4 e) of the Zoning By-law now includes the following modified statement:</p> <p style="padding-left: 40px;">e) The limits of the Greenway One, Countryside Hold One (H1) and Greenway Two zones reflect the most accurate information available. The delineation of these zones are to be confirmed, refined or modified through the review of an area or site specific zoning by-law amendment or minor variance approval under the Planning Act supported by appropriate environmental studies and in accordance with the Official Plan.</p> <p>It is anticipated that when Planning Act applications are submitted on lands zoned FD including lands that have a Greenway and Holding appended to the lands, site specific studies will further identify and suggest modifications to zone boundaries accordingly.</p>
	<p>Exclusion of the Heritage Estates and the Buttonville Heritage Centre</p>
<p><b>Staff Response:</b></p>	<p>Due to the unique characteristics of the Heritage Estates community as identified in Section 9.3.3 of the Official Plan and the Buttonville Heritage Centre identified in Section 9.4.6 of the Official Plan, these areas have been excluded from the by-law at this time.</p>
	<p>Uses permitted in employment zones</p>
<p><b>Staff Response:</b></p>	<p>Due to feedback received, Staff are proposing to identify a list of existing uses identified as discretionary uses in the Official Plan, to be permitted as of right in each employment zone. Staff are also proposing to permit other existing legally non-conforming uses, which are not identified in the Official Plan, to</p>

	continue with opportunities for limited additions or extensions without application.
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