



SUBJECT: RECOMMENDATION REPORT
City Initiated New Comprehensive Zoning By-law
File PR 13 128340

WARD: City-Wide

PREPARED BY: Geoff Day, MCIP, RPP, Senior Planner - Development Facilitation Office,
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RECOMMENDATION

1. THAT the report titled, “RECOMMENDATION REPORT, City Initiated New Comprehensive Zoning By-law Project, File PR 13 128340”, dated January 16, 2024, be received;
2. THAT the City Initiated Draft Comprehensive Zoning By-law, attached hereto as Appendix ‘A’, be 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 an update on the Draft Comprehensive Zoning By-law (DCZBL), attached as Appendix ‘A’, and recommends that it be forwarded to Council for enactment without further notice.

BACKGROUND

This report builds on the Recommendation Report from [June 12, 2023](#), and the subsequent Development Services Committee (DSC) Memorandum dated [June 26, 2023](#) that provided the history, legislative requirements and a comprehensive analysis of the various components of the DCZBL up to the end of June 2023. This report responds to the comments and issues raised from the [September 18, 2023 Statutory Public Meeting](#) and addresses technical matters that have arisen since the previous reports.

There has been a significant amount of public engagement on the drafting of the DCZBL. Over 20 meetings were held with stakeholders and members of the public in the development of the DCZBL. A further 6 meetings were held through the DSC and Public Meetings.

Recent Meetings:

May 9, 2023

Public Meeting - Staff presented the key components of the DCZBL to obtain public input.

June 12, 2023

Staff presented the DCZBL to the DSC. At the meeting, it was identified that notice of the Public Meeting held on May 9, 2023, was not provided to all of those that requested it.

June 26, 2023

Between June 12, 2023 and June 26, 2023, Staff met with all of the deputants that attended the June 12, 2023 meeting to discuss their issues, comments and concerns.

The June 26, 2023 Memorandum to the DSC and Staff Presentation outlined the matters raised and included Staff comments. Staff recommended that an additional “Statutory” Public Meeting be held in September 2023 to ensure notice was provided to all interested parties that requested it.

An updated version of the DCZBL was also received at the June 26, 2023 DSC meeting.

September 18, 2023

Statutory Public Meeting - Staff presented an update and overview on the status of the DCZBL to obtain additional public input.

DISCUSSION

Staff are recommending several minor refinements to the DCZBL in response to comments from the Statutory Public Meeting held on September 18, 2023 and from meetings with interested parties over the summer of 2023

The comments received from the Statutory Public Meeting and other interested parties have resulted in further refinements to the DCZBL (see Tables ‘A’ and ‘B’ of this report for the detailed list and Staff’s rationale behind these refinements).

Some of the key refinements include:

1. [Recognize all previously approved minor variances regardless of approval date \(Sections 1.6.1 and 1.6.2\)](#)
2. [Modification of the definition of Main Building to include attached private garages \(Section 3.0 – Definitions\)](#)
3. [Removal of the restriction to prohibit live or amplified music associated with outdoor patios \(Section 4.8.6\)](#)
4. [Reduction in the setback of an outdoor patio from a low-rise residential zone lot from 30 metres to 10 metres \(Section 4.8.6\)](#)
5. [Increasing the threshold for requiring additional parking associated with outdoor patios from 40% of the gross floor area of the premises to 50% of the gross floor area of the premises \(Section 4.8.6\)](#)

6. [Removal of time limitation for tents located over approved outdoor patios in the zoning by-law \(Section 4.9.3\)](#)
7. [Modifications to several provisions in the Established Neighbourhood Low Rise \(RES-ENLR\) zone \(Section 6.3.2\) including:](#)
 - a) Changed the term “maximum lot coverage” to “maximum area of the building envelope”
 - b) Added a maximum lot coverage for all buildings of 35% (two storey buildings)
 - c) Increased the maximum permitted lot coverage for single storey dwellings from 45% to 50%
 - d) Modified the minimum front yard setback provision from “the greater of 7.5 metres or the average front yard setback of the two neighbouring lots” to “the average yard setback of the two neighbouring lots”
 - e) Removed the minimum setback of a private garage and modified provision m) in Section 6.3.2 to include the term “attached private garage”
 - f) Clarified provision (xiv) in Section 6.3.2 to indicate that where the maximum 30% building envelope for the first storey, and 20% building envelope for any storey above the first storey would result in a combined building envelope that exceeds 500 square metres, the maximum combined building envelope is 500 square metres
8. [Included a minimum 6 metre required front, rear, and side yard setback requirement in the Mixed Use Future Development zone \(Section 7.2.1\)](#)
9. [Removal of the term “non profit and non commercial” from the definition of Respite Day Program Establishment](#) and permit legally existing Respite Day Program Establishments in the [Service Employment](#), [Business Park Employment](#) and [Business Park Office Priority Employment](#) zones (Section 3.0 – Definitions, Sections 9.4.2., 9.4.3. and, 9.4.4)
10. Modified the parking requirement for Concrete Batching Plants, Industrial Uses and Film Studio’s from 2 parking spaces per premises, plus 1 parking space for every 125 square metres of gross floor area to 2 parking spaces per premises, plus 1 parking space for every 200 square metres of gross floor area

This By-law will apply to approximately 82 percent of the City as the 2014 Official Plan is not “in force” for all of Markham, in particular for certain areas that are subject to Secondary Plan areas that are being developed

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 new Secondary Plans or Official Plan Amendments are approved.

While the June 26, 2023 Staff Memorandum identified that approximately 88 percent of the geographical area of the City would be covered by this By-law this has reduced to approximately 82% due to received applications that will be addressed through the development review process and their lands have been removed from this By-law (Figure ‘A’).

CONCLUSION

The Comprehensive Zoning By-law project has been a multi-year, multi-Commission collaboration that is a vital component of the City's response to Bill 109 timelines, and the limitations placed on the City under Bill 23.

The innovative standards and provisions including, but not limited to, electric vehicle and bicycle parking requirements, standards relating to minimum waste room areas, minimum amenity area provisions, and podium and point tower standards, are several of the crucial zoning tools included in the By-law that are necessary to facilitate modern developments in Markham's high tech urban landscape. In addition, the new and updated zone designations respect the established residential areas of the City, its rural communities and its environmentally sensitive lands. The associated development standards found in each zone conforms to the 2014 Official Plan, York Region's Official Plan and Provincial plans and policies, as required under the Planning Act.

The City's response to the [More Homes for Everyone Act, 2022](#) (Bill 109) and the [More Homes Built Faster Act, 2022](#) (Bill 23) relies on the use of more refined zoning provisions, which presently do not exist in any of the City's current zoning by-laws. Many of the new standards and provisions incorporated into the Comprehensive Zoning By-law were historically secured through negotiations at the site plan stage. Due to the changes under Bill 109 and Bill 23, many of these can no longer be secured through the site plan process.

As new secondary plans have recently been adopted or are proposed for future adoption, there is an urgency to enact the Comprehensive Zoning By-law to reflect changes in development patterns, use provisions, built form, and environmental pressures.

A review of the City's Official Plan is also scheduled to begin in 2024. A current and modernized zoning by-law will significantly assist in establishing a baseline set of standards and provisions required to implement the current development environment in the City and, provide the foundation to build on the future vision of the City.

It is the opinion of Staff that future applications for zoning approval and their resulting developments will benefit greatly through their inclusion in the DCZBL. Clear, current, and consistent standards available as early in the process as possible will further support the City's goal of streamlining of the development process.

Staff recommend that this recommendation report and DCZBL 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 several of the City's strategic priorities including:

1. Growth Management by implementing the 2014 Official Plan and establishing a zoning framework to guide future development in the City;
2. Safe, Sustainable and Complete Communities by establishing an innovative zoning framework that supports environmental initiatives, green technology, active transportation and walkability; and,
3. Quality customer service by providing improved access to up-to-date and user-friendly zoning information.

BUSINESS UNITS CONSULTED AND AFFECTED

The following City departments have been consulted throughout this project including Building Standards, By-law Enforcement, Development and Transportation Engineering, Environmental Services, Development, Heritage and Policy Planning, Urban Design, and Legal.

RECOMMENDED BY:

Darryl Lyons, MCIP, RPP
Deputy Director, Planning and Urban Design

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

Arvin Prasad, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS

Figure 'A': [Schedule 'A' to By-law](#)

Table 'A': [Staff Comments Related to Submissions Raised at September 18, 2023
Statutory Public Meeting](#)

Table 'B': [Other Key By-law Modifications](#)

Appendix 'A': Draft Comprehensive Zoning By-law

Figure 'A'
Schedule 'A' to By-law

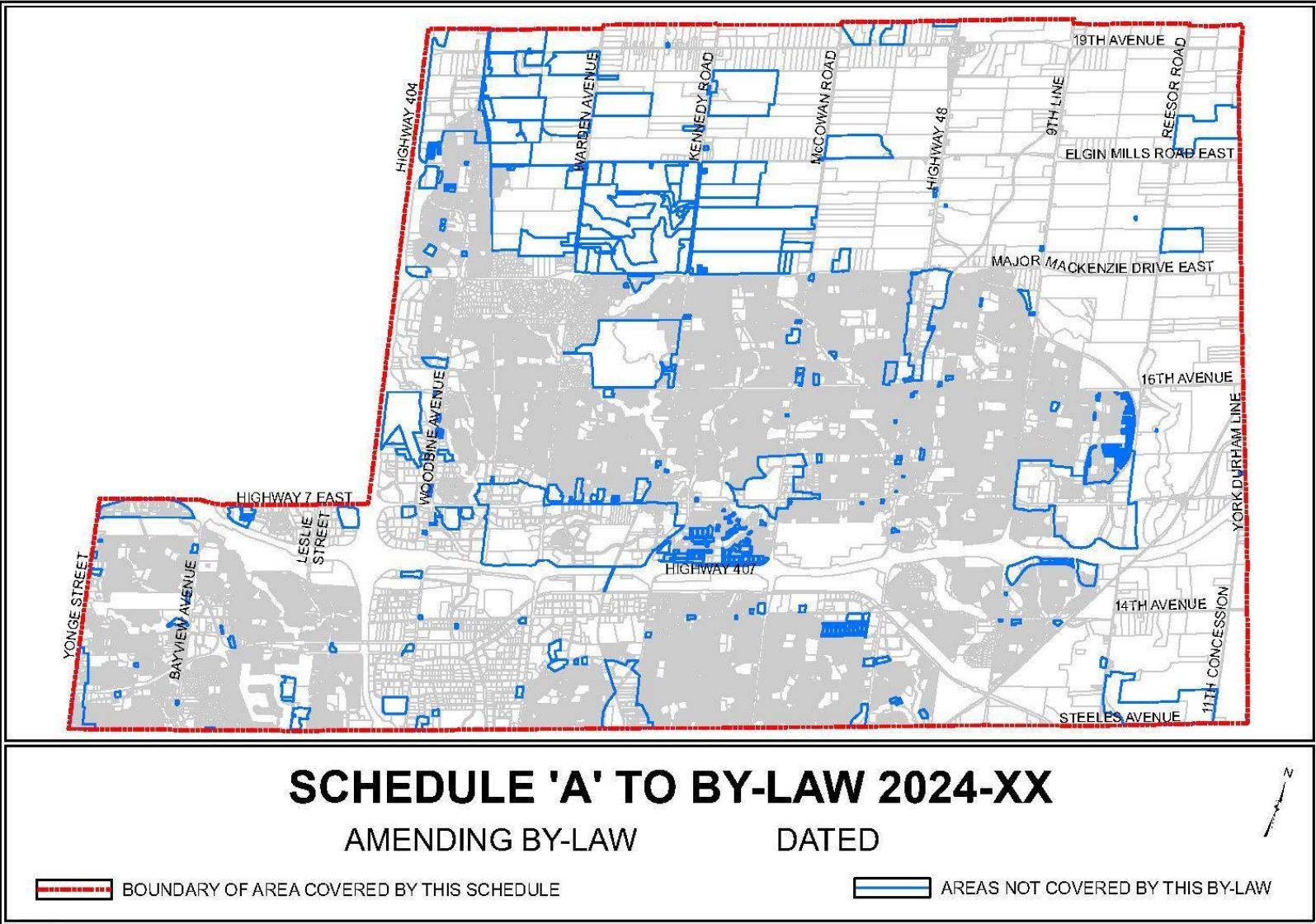


Table 'A'
Staff Comments Related to Submissions Raised at September 18, 2023 Statutory Public Meeting

Matter Raised	Staff Comment
<p>1. That the unique character of infill housing in Unionville, Thornhill, and Markham Village should be maintained through zoning and, concerns were raised that the draft By-Law would permit larger homes and more lot coverage in Markham Village resulting in an increase in flooding and other environmental issues</p>	<p>The zoning standards developed in the Residential Established Low Rise (RES-ENLR) zone are based on a relationship zoning approach, meaning that the existing lot pattern and built form on a lot-by-lot basis, drives many of the development standards.</p> <ol style="list-style-type: none"> 1. Front yard setbacks are established by averaging the existing neighbouring lots' front yards; 2. Minimum lot widths reflect the lot widths of neighbouring properties; and, as lot widths increase, the required side yard setbacks also increase; 3. Maximum lot coverage and maximum building area are permitted as a percentage of the existing lot; and, 4. Maximum building depths can increase where existing buildings on neighbouring lots are greater. <p>These standards are intended to be more reflective of existing development in the immediate vicinity of a site, rather than trying to define where a particular neighbourhood begins and ends, and establishing what and where a unique value should be assigned within each neighbourhood.</p> <p>Given there are currently hundreds of existing zones that apply to lands within Markham, and that there are over 93,000 parcels of land being rezoned through this project, it is known that the proposed By-law will represent a change in the development standards for many sites. Throughout this process, Staff have sought to implement the policies of the Official Plan, and provide a balanced approach that both protects the City's established neighbourhoods while also fostering positive investment in the areas.</p>

	Matter Raised	Staff Comment
2.	Discussion over the removal of the Net Lot Area (NLA) and Net Floor Area Ratio (NFAR) calculations in the Established Low-Rise Residential communities of the City	<p>NOTE: Lot and floor areas identified in this and several other sections use imperial units of measurements to correspond with the requirements of the enacted by-law.</p> <p>NLA is calculated by taking the minimum lot area identified in a given zone designation plus one-half of the difference between the actual area of a lot and the minimum required lot area of the zone designation.</p> <p>Net Lot Area = Minimum Required Lot Area + one half of the (Actual Lot Area – Minimum Required Lot Area)</p> <p>Depending on the particular Infill By-law and zone designation, the maximum NFAR ranges between 45 percent and 50 percent of the NLA.</p> <p>Staff are of the opinion that the NFAR provisions add unnecessary complications in regulating the maximum floor area of a dwelling and can result in a number of unintended consequences including the exclusion of open to above and open to below spaces, carports with enclosed spaces above, and inset porches. These unintended consequences undermine the intent of the provision by permitting building massing that are far greater in appearance.</p> <p>As an example, under Infill By-law 99-90:</p> <p>A property with the zone designation of 'R1' with a lot area of 7,800 square feet would have a NLA of 7,200 square feet.</p> <p>In the R1 zone, the permitted NFAR is 45 percent of the NLA.</p> <p>Therefore, the maximum gross floor area of a dwelling would be 3,240 square feet.</p>

	Matter Raised	Staff Comment
		<p>In addition, Infill By-law 99-90 includes a maximum lot coverage of 35% of the actual Lot Area. Therefore, using the above example, the maximum lot coverage (first floor footprint) is 2,730 square feet.</p> <p>Under the current infill by-law provisions, an open concept two-storey dwelling could have an appearance (mass) of 5,460 square feet as long as a minimum of 2,040 of the dwelling does not contain physical floor space and other setback standards are met. While this is an extreme example, it is not uncommon for dwellings of this mass to have open areas that exceed 1,000 square feet.</p> <p>Under the same scenario as above, the new provisions contained in the RES-ENLR zone will apply a more effective way to control the exterior dimensions (massing) of a dwelling in a straightforward and easily understandable way.</p> <p>A lot with an area of 7,800 square feet would permit a first floor building envelope of 2,340 square feet and a second floor building envelope of 1,560 square feet for a total building envelope of 3900 square feet regardless of physical floor area or not. These areas may be further restricted due to the proposed increased side yard setback requirements and maximum building depth restrictions.</p> <p>Staff are of the opinion that these modernized and straightforward standards will permit reasonable infill developments in accordance with the City's Official Plan policies while continuing to support investment in these established residential areas.</p>
3.	Consideration in using the bracket system for residential infill development to provide Markham Village with similar protection to what is in place today	It was suggested that applying a bracket system to the established low-rise residential zone (RES-ENLR), which would set a range of lot sizes and the maximum floor areas that would be permitted within those ranges.

Matter Raised	Staff Comment
	<p>As suggested in separate email correspondences with Staff, a bracket system was proposed with the following ranges:</p> <ul style="list-style-type: none"> ● For lots of 6600 square feet to 8400 square feet: <ul style="list-style-type: none"> ○ a maximum 30% of the lot area for the first floor + a maximum 20% of the lot area for the second floor or, 3,750 square feet, whichever is less ● For lots of 8401 to 10,400 square feet: <ul style="list-style-type: none"> ○ a maximum 30% of the lot area for the first floor + a maximum 20% of the lot area for the second floor or, 4,250 square feet whichever is less ● For lots of 10,401 to 12,600 square feet: <ul style="list-style-type: none"> ○ a maximum 30% of the lot area for the first floor + a maximum 20% of the lot area for the second floor or, 4,600 square feet whichever is less ● For lots of 12,601 square feet and up: <ul style="list-style-type: none"> ○ a maximum 30% of the lot area for the first floor + a maximum 20% of the lot area for the second floor or, 5381 square feet (500 square metres) whichever is less <p>Staff have considered the proposal and do not support the application of bracketed floor area restrictions. The added complexity of the zoning provision may result in delays or confusion in the development process, and the need for additional development applications.</p> <p>Staff's proposal is based on relationship zoning which is more refined to the individual lot, as each lot would have its own set of restrictions based on the actual area of the given lot.</p> <p>For example, under the proposed new standards, a dwelling on a lot with an area of 6600 square feet (60 feet x 110 feet) would permit a dwelling of 3300 square feet whereas; a dwelling on a lot with an area</p>

	Matter Raised	Staff Comment
		<p>of 6700 square feet (60 feet x 112 feet) would permit a dwelling of 3360 square feet.</p> <p>While in this instance, the resulting increase of 60 square feet (5.6 square metres) over the entire floor area of a dwelling is unlikely to represent a significant massing impact, it supports Official Plan policy 8.2.3.5 b) that states:</p> <p>“... 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;”</p> <p>Applying a bracket system would also not support the concerns raised by numerous interested parties that want to ensure that each community maintains its unique sense of place. As proposed by Staff, using relationship zoning is a far more effective tool to ensure that infill development is constructed in a sympathetic manner from lot to lot and street to street. A blanket bracket system is less responsive to any unique conditions on a given lot that may warrant additional permissions or restrictions.</p>
4.	The new By-law would result in compliance issues on the Holy Cross Cemetery lands (Yonge Street/Bayview Avenue/Langstaff Road) area	The proposed zone designations applied to this property and all other properties affected by this By-law, are in conformity with the assigned designations identified in the Official Plan, which was approved by City Council in December of 2013 and the Region of York in June of 2014. The <u>Planning Act</u> also requires that municipal zoning by-laws be in conformity with its in-force Official Plan.
5.	Clarification over how parking standards, shared parking standards, off street parking, electrical vehicle charging stations, and bicycle parking standards would apply to expansions of existing developments or changes in use	Staff have modified Section 1.9.1 of the Bylaw to identify where existing buildings or structures are enlarged, altered or a change of use occurs, the number of additional required parking spaces, electric vehicle parking spaces, loading spaces and, bicycle parking spaces,

Matter Raised		Staff Comment
		<p>shall only apply to the area of enlargement or alteration or, the area where the change of use occurs.</p> <p>Staff advise that a Citywide parking strategy has been undertaken 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.</p>
6.	Appropriateness of adult daycare uses including overnight stays in employment areas (Memory & Company, 100 Renfrew Drive)	<p>The Official Plan does not contemplate the introduction or expansion of sensitive land uses broadly within employment areas without appropriate “sensitive land use studies” (Section 8.5.1.2). This requirement protects the City’s viable existing and future employment uses that may be negatively impacted by their proximity to sensitive land uses.</p> <p>Staff also advise that the Region of York Official Plan, approved in November 2022, is very restrictive on the uses provided for in employment areas. The introduction of sensitive land uses into an employment area would require a municipal comprehensive review as neither the City’s Official Plan nor the Region’s Official support sensitive land uses, as of right, in these designations.</p> <p>The City is also carrying forward the existing minor variance approvals for this and other sites.</p>
7.	Comprehensive Zoning By-Law should be reviewed in one to two years	<p>Housekeeping amendments are a common practice on an annual or semi-annual basis. Staff are anticipating updates based on recommendations from the Citywide parking strategy, and may need to develop new zones or modify certain zone provisions to implement pending secondary plans.</p> <p>Planning Staff also regularly collaborate with the Building Standards Department, Committee of Adjustment Staff, the By-law Enforcement</p>

Matter Raised		Staff Comment
		Department, and the Legal Department to address challenges that are identified during the routine enforcement of a By-law. Additional future housekeeping amendments may also be required to implement certain changes for the lands that remain in Markham's older By-laws.
8.	That the Zoning By-law should require the licensing of any low-rise residential unit or dwelling unit if the owner is not a resident of the property	Under the Planning Act, a Zoning by-law cannot regulate who is occupying a dwelling unit. Options to restrict owner-occupancy could be achieved through a licensing by-law passed under the Municipal Act however; this is not within the purview of this project.
9.	Confirmation that that music and dancing will be permitted on outdoor patios and that temporary tents on outdoor patios be permitted from April 1 st to October 31 st rather than for 12 weeks	Staff have removed the restrictions to prohibit live or amplified music from the Zoning By-law. Establishments will continue to be required to comply with the City's Noise By-law 2017-74, passed under the Municipal Act, or its successors. Staff have also removed any time limitation within the Zoning By-law on temporary tents located over approved outdoor patios. Any tent must continue to comply with the Site Plan Control By-law, Road Occupancy By-law where applicable, the Ontario Building Code, and any other applicable legislation.
10.	Request to have 10 foot buffers between commercial and residential properties in the main Street Markham Village area	While the City's Official Plan may contemplate non-residential uses on the residentially designated lots abutting Main Street Markham north of the Heritage Main Street area, these non-residential uses are not being permitted as of right. A Planning Act application to permit non-residential uses would be required. Appropriate setbacks and landscaping would be considered during an application process for those sites.
11.	1. Miller Group - 77, 81, and 405 Miller Avenue - request that restaurants and fitness establishments continue to be permitted on these properties	The legislative objective of this project is to bring all lands subject to the City's 2014 Official Plan into conformity, as required by the Planning Act.

Matter Raised	Staff Comment
<p>2. Several written submissions requesting that existing uses that are not provided for in applicable Official Plan designations to continue to be permitted as-of-right</p>	<p>As per Section 10.2.1.2 of the Official Plan:</p> <p>“...the new comprehensive zoning by-law shall establish the following where necessary:</p> <ul style="list-style-type: none"> a) land use zones within designated areas that will permit the types of development specified in this Plan; b) site development standards appropriate to each type of development; c) illustrations, drawings or other visuals to assist in communicating or exemplifying the development standards established; and d) any other special use provisions or development standards needed to implement this Plan.” <p>The proposed format, zone designations and permitted uses applied in this By-law conforms to the designations set out in the Official Plan.</p>
<p>12. Written depositions over the rationale behind the establishment of the Mixed Use Future Development Zone</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 three mixed-use designations: Mixed Use Low Rise, Mixed Use Mid Rise and Mixed Use High Rise. The Official Plan further requires comprehensive block plans for most of these sites, as part of the zoning approval process.</p> <p>For this reason, Staff have proposed that the mixed use land use designations be zoned Mixed Use Future Development in order to recognize their mixed use designation under the Official Plan, thereby indicating that they may be the subject to future mixed use development applications for approval. By applying the Mixed Use Future Development zone, Staff will also be able to review the comprehensive block plan prior to the enactment of any implementing zoning.</p>

	Matter Raised	Staff Comment
		<p>Stemming from the additional public consultation held over the summer of 2023, Staff have modified the minimum required front, rear, and side yard setback requirements to assist in recognizing existing developments prior to any full redevelopment of the site. The proposed minimum required setbacks are:</p> <p>“the lessor of 6 metres or the minimum existing setback on the date Council passed this By-law”</p> <p>This modified provision provides greater certainty and potential flexibility where existing established setbacks are greater than the minimums established by previous zoning by-laws. The 6-metre standard was developed by undertaking a detailed review of numerous existing commercial zone setback provisions across several existing zoning by-laws.</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 and/or building permit approval.</p>
13.	Questions over how the Future Development (FD) and Greenway zones were established and concerns that the proposed boundaries may impact future development in the absence of specific environmental studies	<p>The Future Development (FD) 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 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 are consistent with the boundaries identified in this Zoning By-law.</p>

Matter Raised	Staff Comment
	<p>However, Section 2.4 e) of the Zoning By-law now includes the following modified statement:</p> <p>“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, hold removal, 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 Countryside hold appended to the lands, site-specific studies will further identify and suggest modifications to zone boundaries accordingly.</p> <p>The application of the Greenway zones and buffers on the Greenway system to its furthest extent is intended to address current as-of-right building permissions. Presently under certain scenarios, the City’s existing zoning may currently permit construction in floodplains, over woodlots, or other sensitive natural heritage features that are identified in the City’s Official Plan.</p> <p>As the Official Plan is not applicable law under the Building Code, without implementing zoning that restricts construction until appropriate studies are completed, property owners may have as-of-right permissions to build within sensitive natural features through a building permit application, and the City would not be in a position to refuse the issuance of a permit.</p> <p>As the extent of the proposed zoning restrictions include buffers, when future rezoning applications are received to zone lands into a</p>

Matter Raised		Staff Comment
		developable zone and are supported by appropriate studies, the existing zoning should not be viewed as a rigid line.
14.	Requests to expand the permitted use lists in all employment zones	Due to feedback received over the summer of 2023 and through written submissions at the September 18, 2023 Public Meeting, Staff have identified that legally existing discretionary uses will be permitted as-of-right in each employment zone. New discretionary uses would continue to be subject to development applications for zoning approval. Staff are also proposing to permit other existing legally non-conforming uses, which are not identified in the Official Plan, to continue with opportunities for limited additions or extensions without amendments to existing Site Plan Control applications.

Table 'B'
Other Key By-law Modifications

In addition to the modifications found in Table 'A' above, Staff have included the following key modifications to the By-law. These modifications stem from additional Staff review and consultation with interested parties over the Summer and Fall of 2023.

INTERPRETATION AND ENFORCEMENT - PART 1.0			
Modification Number	By-law Section Number	Proposed By-law Modification	Staff Comment
1.	1.6.1 - Minor Variances to Former By-laws	Removal of the June 12, 2014 date from the By-law.	The effect of these modifications will recognize all approved minor variance decisions in the City.
2.	1.6.2 - Previous Decisions for permission to Expand Legal Non-Conforming Uses		Allowing previously approved minor variances to be recognized as permitted under this By-law will avoid such minor modifications to potentially be deemed as legal non-conforming. Staff are of the opinion that this approach is fair and represents good planning.
DEFINITIONS - PART 3.0			
	Definition	Proposed By-law Modification	Staff Comment
3.	Concrete Batching Plant	Modification of the definition of Concrete Batching Plant to recognize accessory uses.	Previous iterations of this By-law did not clearly identify appropriate accessory uses.
4.	Main Building	Modification of the definition of Main Building to include attached private garages.	This inclusion is for clarity purposes. In conjunction with “maximum building envelope”, the modification of this definition now clearly indicates that the attached private garage is included when calculating the maximum building envelope.

5.	Respite Day Program Establishment	Removal of the term “non profit and non commercial” from the definition of Respite Day Program Establishment.	Stemming from the discussion at the September 18, 2023 Statutory Public Meeting, Staff agree that there is no planning rationale for requiring Respite Day Program Establishments to be operated on a non profit and non commercial basis.
GENERAL PROVISIONS THAT APPLY IN ALL ZONES - PART 4.0			
Modification Number	By-law Section Number	Proposed By-law Modification	Staff Comment
6.	4.8.6 - Outdoor Patios	<ol style="list-style-type: none"> Reduction in the setback from a low-rise residential zone lot from 30 metres to 10 metres; and, Increase the threshold for requiring additional parking from 40% of the gross floor area of the premises to 50% of the gross floor area of the premises. 	Stemming from the discussion at the September 18, 2023 Statutory Public Meeting, Staff have reviewed the existing policies and By-laws currently in effect relating to these provisions. In order to ensure that outdoor patios remain a viable accessory component to establishments that permit them and, to ensure that the By-law will not render a significant majority of outdoor patios legal non-conforming, the modifications to the left have been included in the By-law.
7.	4.9.3 - Temporary Tents	Addition of a provision c) by excluding temporary tents over permitted Outdoor Patios from the 12-week maximum time restriction.	Removing the 12-week period for permitted temporary tents will avoid unnecessary additional applications during the period the temporary structure has been erected.
8.	Table 4.8.8 - Permitted Encroachments into Required Yards	Addition to table recognizing permitted encroachments of stairs and landings provided that no part of the stairs or landing are located closer than 1.2 metres from the interior side yard.	Previous versions of this By-law did not cite this allowance. While this provision will permit this form of encroachment, the 1.2-metre requirement will ensure that appropriate drainage and pedestrian access from the front to the rear yard is maintained.

9.	4.9.4 - Accessory Waste Disposal Areas	Creation of special provision (1) in the table, which indicates where an expansion is made to an existing building, the minimum size of a waste disposal room only applies to the area of expansion.	The intent of this inclusion is to only require modifications to an accessory waste disposal area in the expanded area of an existing development.
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PARKING AND LOADING STANDARDS – PART 5.0

Modification Number	By-law Section Number	Proposed By-law Modification	Staff Comment
10.	Table 5.4.1 - Non-Residential Parking Requirements (Y)	Modification of parking requirement for Concrete Batching Plants, Industrial Uses and Film Studio's from 2 parking spaces per premises, plus 1 parking space for every 125 square metres of gross floor area to 2 parking spaces per premises, plus 1 parking space for every 200 square metres of gross floor area	In consultation with the City's Transportation Engineering Department, Staff have determined that the initial standard was too onerous on landowners and resulted in larger parking areas that were deemed necessary.

RESIDENTIAL ZONES – PART 6.0

Modification Number	By-law Section Number	Proposed By-law Modification	Staff Comment
11.	6.3.2 - Established Neighbourhood Low Rise (RES-ENLR) Zone	<ol style="list-style-type: none"> 1. Changed term "maximum lot coverage" to "maximum area of the building envelope" 2. Added a maximum lot coverage for all buildings of 35% 3. Modified minimum front yard from "the greater of 7.5 metres or the average front 	<p>The rationale for several of these modifications have also been identified in issues 1-3 in Table 'A', above.</p> <p>The new and modified standards will result in a decrease in the area or "footprint" that the main building can occupy on a lot. For clarity, Staff have modified the standard by using the term "maximum building envelope" instead of</p>

		<p>yard setback of the two neighbouring lots” to “the average front yard setback of the two neighbouring lots”</p> <p>4. Increased the maximum permitted lot coverage for single storey dwellings from 45% to 50%.</p> <p>5. Clarified provision (xiv) to indicate that where the maximum 30% building envelope for the first storey, and 20% building envelope for any storey above the first storey would result in a combined building envelope that exceeds 500 square metres, the maximum combined building envelope is 500 square metres.</p>	<p>“maximum lot coverage”. Maximum building envelope encapsulates the entire area of the main building and attached garages but excludes unenclosed decks, porches, cold cellars, and balconies.</p> <p>Staff have also included a total maximum lot coverage for all buildings and structures on a lot at 35%. Therefore, if a proposal contemplates a 30% building envelope for the first floor, which establishes its “footprint”, then the maximum area for all other buildings or structures including covered porches, sheds, and gazebos would be 5% of the area of the lot.</p> <p>As identified in the Official Plan, required side yard setbacks also increase as the lot frontage increases. This assists in ensuring that these established communities maintain the spaciousness between dwellings, which also promotes the penetration of natural light and vegetation. Coupled with the new soft landscaping requirements, this standard provides greater soft landscaped areas for water infiltration than currently exists today.</p>
MIXED USE ZONES – PART 7.0			
Modification Number	By-law Section Number	Proposed By-law Modification	Staff Comment
12.	7.2.1 - Mixed Use Future Development (MU-FD) Zone	Affecting the minimum Front Yard, Rear Yard, Interior Side yard and Exterior Side yard	Where a single building exists on a site, the former MU-FD setbacks potentially do not provide any opportunity for expansion. Staff have reviewed existing zoning by-law provisions on numerous

		Modified provisions to add “the lessor of 6 metres” or the minimum existing setback on the date Council passed this By-law.	properties that have been assigned this designation. Staff have determined that in the majority of cases, the minimum zoning standard is 6 metres. The inclusion of this modification will provide additional flexibility for properties looking to expand an existing development.
13.	7.2.6 - Mixed Use - Heritage Main Street - Thornhill (MU-HMS (T)) Zone	1. Added a minimum interior and rear yard landscaping strip requirement of 3 metres where lands abut a RES-ENLR zone	1. Previous versions of this By-law did not contain this standard. Staff are of the opinion that it is appropriate to ensure there is a physical buffer where established low-rise residential lands abut non-residential zones.
14.	7.2.7 - Mixed Use - Heritage Main Street - Unionville (MU-HMS (U)) Zone	1. Removed Financial Institution from permitted use list 2. Added a minimum interior and rear yard landscaping strip requirement of 3 metres where lands abut a RES-ENLR zone 3. Limit use of Business Office, Commercial School, and Fitness Recreation uses in buildings within 10 metres of the Main Street Unionville streetline	1. Financial Institutions are not permitted in this zone as per Official Plan policy 9.19.6.6 b) iv. 2. See modification 19.1., above 3. The Secondary Plan for the area intends to maintain an animated street front along the Main Street Unionville streetline, and only considers uses such as Office, Commercial Schools and Fitness Recreation uses on the main floor of a building where they are not fronting onto the street. This does not restrict these uses on the ground floor where the building is located

			more than 10 metres from the Main Street Unionville streetline.
15.	7.2.8 - Mixed Use - Heritage Main Street - Markham (MU-HMS (M)) Zone	1. Added a minimum interior and rear yard landscaping strip requirement of 3 metres where lands abut a RES-ENLR zone	1. See modification 19.1., above
COMMERCIAL ZONE – PART 8.0			
Modification Number	By-law Section Number	Proposed By-law Modification	Staff Comment
16.	8.3.1 - Commercial Zone	Added maximum height of 46 metres to development standards	<p>A maximum building height was not included in previous versions of this By-law.</p> <p>Staff have reviewed existing commercial zones across several existing zoning by-laws and 46 metres was the established maximum. While most permitted commercial uses would be located in the first or second storey of a building, Hotel and Office uses, which are permitted in the Commercial Zone, are typically located in taller buildings.</p> <p>Note: Commercial designations and the resulting Commercial Zone is only applied to limited areas of the City where existing commercial uses abut employment areas. Most lands that exist as strip plazas or shopping centres that are not abutting industrial areas have had a Mixed Use designation applied to them.</p>

EMPLOYMENT ZONES – PART 9.0			
Modification Number	By-law Section Number	Proposed By-law Modification	Staff Comment
17.	9.4.2 - Employment - Service Employment (EMP-SE) Zone	<ol style="list-style-type: none"> Added accessory outdoor storage to legally existing Motor Vehicle Repair and Body Shops and Motor Vehicle Sales Establishments Added legally existing Respite Day Program Establishments 	<ol style="list-style-type: none"> This provision was modified to ensure that legally existing establishments where accessory outdoor storage is a vital component of their operations was permitted. A number of uses that would be consistent with the Respite Day Program definition, have been permitted through application in Employment areas. As a Respite Day Program does not include overnight stays, it would not be considered a sensitive land use. Staff are of the opinion that recognizing legally existing Respite Day Program Establishments (that do not contain overnight stays) is appropriate, as these uses would have been subject to the rigors of a development application.
18.	9.4.3 - Employment - Business Park (EMP-BP) Zone	<ol style="list-style-type: none"> Added legally existing Respite Day Program Establishment Modified maximum front yard provision from “19 metres” to “19 metres or the average setback of the two neighbouring lots” 	<ol style="list-style-type: none"> See modification 23.2., above. Staff have undertaken a review of the numerous existing properties that will be assigned this zone designation. While it is the intent to move buildings closer to the front lot line to better animate street frontages and move parking areas for

			these uses to the rear, Staff recognize that some areas have developed with “campus” like settings with greater front yards. The inclusion of this type of maximum setback in these settings would adversely affect the character of these areas. Staff are of the opinion that providing this additional flexibility will recognize existing developed lands, and will allow infill or redeveloped employment lands to maintain compatible front yard setbacks to neighbouring lots.
19.	9.4.4 - Employment - Business Park (Office Priority) (EMP-BP (O)) Zone	<ol style="list-style-type: none"> Added legally existing Respite Day Program Establishment Modified maximum front yard provision from “12 metres” to “The greater of 12.0 metres or the average setback of the two neighbouring lots” 	<ol style="list-style-type: none"> See modification 23.2., above. See modification 24.2., above.
OTHER ZONES – PART 12.0			
Modification Number	By-law Section Number	Proposed By-law Modification	Staff Comment
20.	12.3.2 - Transportation and Utilities (T-UT) Zone	Reduced minimum front, rear, interior side and exterior side yard setbacks from 15 metres to 6 metres.	Many of the properties, especially abutting the Highway 407 corridor, are linear in nature. As such, a 15-metre setback is overly restrictive in this zone. Further, this designation is located in transportation and utility corridors that include highways, rail lines, hydroelectric transmission

			lines, gas and oil pipelines, telephone and any other cable services. Buildings located in this zone are predominantly associated with public authority operations or private enterprises with long-term infrastructure contracts with public authorities.
MISCELLANEOUS			
	Staff Comment		
21.	Since the June 26, 2023 draft, there have been additional properties that are now the subject of active development applications for zoning and/or Official Plan amendment approval. There are also other lands that are the subject of recently approved applications for zoning and/or Official Plan Amendments. These additional lands have since been removed from the area of this By-law.		
22.	Staff continue to review the format of the By-law with the objective making it user friendly and easy to interpret. Staff have made minor grammatical changes throughout the By-law while not changing the intent of any given part or section.		
23.	<p>Staff have replaced the older stock images in each “gateway” or “landing” page with new images.</p> <p>Photos and illustrations are non-operative parts of the zoning by-law intended to support an understanding of the provisions within the By-law. Photos or illustrations may not reflect actual compliance with the applicable zoning standards, and may be updated, added, revised, or modified in the future without amendment to this by-law.</p>		