



## MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, MCIP, RPP, Commissioner of Development Services

Prepared by: Geoff Day, MCIP, RPP – Senior Planner – Zoning and Special Projects

Date: January 31, 2024

Subject: Staff responses to matters raised at the January 16, 2024 Development Services Committee Meeting - City Initiated New Comprehensive Zoning By-law Project, File PR 13 128340

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### RECOMMENDATION:

1. That the memorandum titled “Staff responses to matters raised at the January 16, 2024 Development Services Committee Meeting - City Initiated New Comprehensive Zoning By-law Project, File PR 13 128340”, be received;
2. That the revisions to the City Initiated New Comprehensive Zoning By-law, attached hereto as Appendix ‘A’, be received;
3. That the City Initiated New Comprehensive Zoning By-law, attached hereto as Appendix ‘A’, be enacted without further notice;
4. And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

### BACKGROUND:

On January 16, 2024, Staff presented the City Initiated New Comprehensive Zoning By-law (CZBL), to the Development Services Committee (DSC). Several matters were raised through oral and written submissions that warranted further consideration by Staff. Direction was also provided by the DSC on two matters that required minor modifications to the mapping component of the CZBL.

#### Analysis

Table ‘A’ below, provides an analysis on the 14 matters raised at the DSC meeting, and direction provided to Staff on two specific properties. The analysis includes Staff responses to the oral and written submissions and recommended modifications, where appropriate. An additional technical mapping modification is recommended by Staff to address a minor error related to the “Red Banner

Plaza”, located at 5970-5990 16<sup>th</sup> Avenue and, adding Film Studios to the list of permitted uses under the Employment Business Park (EMP-BP) zone.

**CONCLUSION:**

Staff are of the opinion that the proposed modifications sufficiently respond to the matters brought forward at the January 16, 2024 meeting of the DSC. Staff are recommending that Council enact the revised CZBL attached as Appendix ‘A’, without further notice.

**ATTACHMENT:**

- Table ‘A’: Direction from DSC on January 16, 2024 and Subsequent Matters Reviewed by Staff Related to the Comprehensive Zoning By-Law
- Appendix ‘A’: Revised City-Initiated CZBL and Schedules

**Table ‘A’**

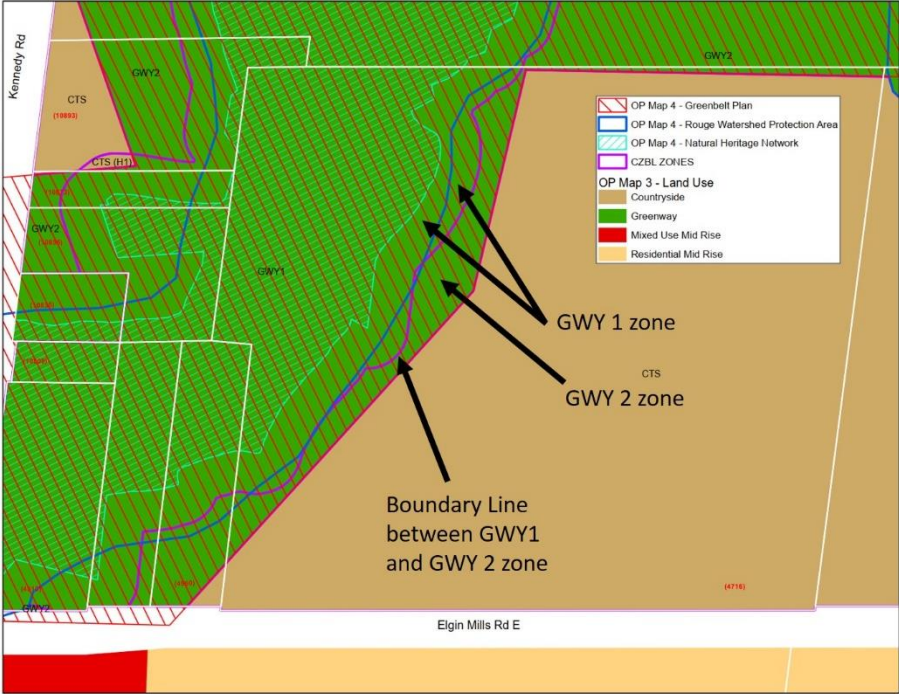
Direction from DSC on January 16, 2024 and Subsequent Matters Reviewed by Staff Related to the Comprehensive Zoning By-Law

Matter Raised and/or DSC Direction		Staff Comment
<b>DSC Direction</b>		
1.	Direction from the DSC to remove Holy Cross Cemetery lands (Yonge Street/Bayview Avenue/Langstaff Road) area from the CZBL	Schedule “A6” was updated to remove the lands from the By-law
2.	Inclusion of all but Phase 1 of the former Buttonville Airport lands into the CZBL	Schedule “C5” was updated to include all the lands of the former Buttonville Airport lands, with the exception of the Phase 1 lands that are currently the subject of a rezoning application.
<b>Deputations</b>		
3.	Deputant requested Staff to look at other options to control building floor area on lands zoned Residential Established Neighbourhood Low Rise (RES-ENLR) Concerns that the CZBL would permit significantly larger dwellings in the Ward 4 area of the City (governed by By-law 1229 – Infill Bylaw 99-90), versus what is permitted now.	<p>Staff recognize that the RES-ENLR zone will change the development standards in all of the established neighbourhoods in Markham. The desired outcome of new development is to have increased and diverse side yards between buildings, and to create second floor massing that limits the sense of overlook that a new and larger building can create on adjacent lots. It is the opinion of Staff that the use of various development controls within the RES-ENLR zone achieves these outcomes.</p> <p>Based on the various standards, and the impact that relationship zoning may have on those standards, the overall gross floor area of a dwelling may be permitted to be larger, or may be restricted to be smaller, as compared to the existing zoning in force and effect. A brief evaluation of existing infill houses suggests that where additional square footage is permitted through the CZBL, it is located primarily at the rear of the dwelling, and contained within a one storey portion that has greater interior side yards than are currently permitted. Directing additional massing on the ground floor supports the City’s Age Friendly Guidelines in creating more opportunities for first floor functional accessible spaces, which can include primary bedrooms.</p>

Matter Raised and/or DSC Direction		Staff Comment
		Staff do not recommend any further changes to the By-law related to this matter.
4.	<p><b>Gatzios Planning</b> representing <b>Markham District Energy - Birchmount Energy Centre 7900 Birchmount Road</b>  Proposed Zoning: Transportation and Utilities (T-UT)  Request modifications to side yard setbacks and height provisions as well as a revision to the non-operative paragraph of the zone table</p>	<p>Staff met with the landowners' agent on January 18, 2024 to discuss options. Staff are of the opinion that the following changes to the By-law are appropriate, and recommend changes to Section 12.3.2 as follows:</p> <ul style="list-style-type: none"> <li>• Decrease side yard setbacks from 6.0 metres to 3.0 metres</li> <li>• Increase permitted building height from 11.0 metres to 15.0 metres</li> <li>• Modify wording in non-operative section of zone table</li> </ul>
5.	<p><b>Gatzios Planning</b> representing <b>Angus Glen South Course Inc. - <u>Angus Glen Golf Club 10060 Kennedy Road</u></b>  Request to allow golf course uses in the Greenway One (GWY1) zone to permit the continued citing of the golf course</p>	<p>Staff identified two additional golf courses with lands located in a GWY1 zone. Staff recommend changes to Section 10.3.1 to permit existing legally constructed golf courses as a permitted use in the GWY1 zone. Staff do not recommend permitting new buildings as of right in this zone.</p>
6.	<p><b>History Hill Group</b> representing:</p> <ol style="list-style-type: none"> <li>1. <b><u>Winterberry Developments Ltd. - 1 Mintleaf Gate</u></b></li> <li>2. <b><u>Solferino Developments Inc. - 2695 14<sup>th</sup> Avenue</u></b></li> </ol> <p>Proposed Zoning:</p> <ol style="list-style-type: none"> <li>1. Mixed Use Future Development (MU-FD)</li> <li>2. General Employment (EMP-GE)</li> </ol> <p>Concerns with limitation of current approved uses, setbacks and parking requirements with those identified in the CZBL. Other non-specific concerns relating to several sections of the CZBL.</p>	<ol style="list-style-type: none"> <li>1. As identified in the January 16, 2024 Staff Report, the Mixed Use Future Development zone was created to recognize those lands that are designated as mixed use under the Official Plan, thereby indicating that they may be the subject to future mixed use development applications for approval. As identified in Table 7.2.1, existing legal uses continue to be permitted in addition to a suite of uses that in many instances are not presently permitted under the current zoning. Staff are of the opinion that this approach is appropriate which allows the continued operation of existing sites, allows additional uses and, indicating (by zoning name change) that there are mixed-use opportunities afforded to the lands through future applications for zoning approval.</li> <li>2. Zoning 2695 14th Avenue into the EMP-GE implements the 2014 Official Plan designation of the same name. The uses permitted in the zone are consistent with those listed under Section 8.5.5 of the Official Plan. In addition to the OP conformity exercise that was undertaken, the EMP-GE zone</li> </ol>

Matter Raised and/or DSC Direction	Staff Comment
	<p>identifies permitted uses, legally existing uses to continue as permitted and, other legally existing uses not listed as permitted, with allowances for expansions of up to 10%.</p> <p>Staff do not recommend any further changes to the By-law related to this matter.</p>
<p><b>7. Macaulay Shiomi Howson Ltd.</b> representing:</p> <p>1. <b>Weins Auto Group:</b></p> <ul style="list-style-type: none"> <li>• 3300 Steeles</li> <li>• 7537 Woodbine</li> <li>• 5362 Hwy 7</li> <li>• 391 John Street</li> </ul> <p>Proposed Zoning: Service Employment</p> <p>Requests for site-specific exceptions to the CZBL to include use permissions under current in-force by-laws and to exclude lands at 5362 Hwy 7</p> <p>And,</p> <p>2. <b>White Owl Properties:</b></p> <ul style="list-style-type: none"> <li>• 8050 Woodbine Ave</li> <li>• 405 Miller Ave or 7781 Woodbine Ave</li> <li>• 300 Rodick Road</li> </ul> <p>Proposed Zoning: Commercial (COM) and Service Employment (EMP-SE) (7781 Woodbine Ave.) and General Employment (EMP-GE), (405 Miller Ave. and 300 Rodick Rd.)</p> <p>Requests for site-specific exceptions to the CZBL to include use permissions under current in-force by-laws and to exclude lands at 8050 Woodbine Ave</p>	<p>The legislative obligation of this project is to bring all lands subject to the City's 2014 Official Plan into conformity, as required by the Planning Act.</p> <p>1. The proposed Service Employment zone designation and permitted uses applied in this zone conforms to the designation set out in the Official Plan.</p> <p>In addition, the zone identifies an additional 21 uses that will continue to be permitted if existing on the date this CZBL is enacted and, any other legally existing use not specifically identified with permissions for expansions of up to 10%.</p> <p>As previously identified at the June 26, 2023 meeting of the DSC, Staff continue to be of the opinion that the permitted uses and zone standards are fair and represent good planning. The zone implements the uses identified in the Official Plan in addition to permitting legally existing uses to continue operations as legally conforming uses.</p> <p>NOTE: 5362 Hwy 7 was already removed from the CZBL, and was not included in the Draft CZBL sent to the DSC on January 16, 2024.</p> <p>2. Consistent with the Staff comments above, the legislative obligation of this project is to bring all lands subject to the City's 2014 Official Plan into conformity, as required by the Planning Act.</p> <p>The CZBL sent to DSC on January 16, 2024 continued to recommend permitting existing Commercial and Employment</p>

Matter Raised and/or DSC Direction		Staff Comment
		<p>uses as per the Official Plan. Several additional uses were included into the zones including:</p> <ul style="list-style-type: none"> <li>• Adding existing Restaurants, Recreational Fitness Centres and Child Care Centres to Service Employment Zone;</li> <li>• Adding existing Concrete Batching, Asphalt Plants and, Open Storage Uses to the General Employment zone; and,</li> <li>• Adding existing Child Care Centres to the Commercial Zone</li> </ul> <p>NOTE: 8050 Woodbine Ave already removed from the CZBL, and was not included in the Draft CZBL sent to the DSC on January 16, 2024.</p> <p>Staff do not recommend any further changes to the By-law related to this matter.</p>
8.	<p><b>Gatzios Planning</b> representing:</p> <ol style="list-style-type: none"> <li>1. <b>Markham MMM North Development Corp.</b> – 10159 McCowan Road</li> <li>2. <b>Markham MMM South Development Corp.</b> – 0 McCowan Road</li> <li>3. <b>Markham 5480 Major Mackenzie Development Corp.</b></li> </ol> <p>Request for exclusion of the identified properties from the CZBL</p>	<p>Staff met with the landowners' agent on January 18, 2024 to advise that portions of the properties in question were excluded from the CZBL as they are the subject of Section 9 policies of the Official Plan. The other affected lands will remain as identified in the CZBL.</p> <p>Staff do not recommend any further changes to the By-law related to this matter.</p>
9.	<p><b>Gatzios Planning</b> representing: <b>4716 Elgin Mills Markham Ltd.</b></p> <p>Proposed Zoning: Countryside (CTS) Greenway One (GWY1) and Greenway Two (GWY2)</p> <p>Concerns over and rationale behind the delineation of GWY1 and GWY2 zones within the portion of the property designated as Greenway in the Official Plan and request that the GWY2 zone boundary be removed and zoned to GWY1.</p>	<p>Staff met with the landowner's agent on January 18, 2024 and advised that the GWY1 was created using the Natural Heritage Network (NHN) boundary + 30m which is consistent with the minimum vegetation protection zone standard identified in Section 3.1.2.22 of the Official Plan.</p>

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	 <p>The NHN line was prepared based on the best information available at the time of the adoption of the 2014 OP, however, is expected to be verified in the field at the time of development. The GWY 2 are lands outside of NHN+30m, but within the Greenbelt Plan's Natural Heritage System.</p> <p>Based on the preliminary discussion with the owner's agent, Staff are recommending the removal of the GWY2 boundary and zoning the affected area as GWY1 on Schedule "F2/1". However, Staff remain supportive to keep the affected lands in the GWY2 zone as per Schedule "F2/1" associated with the By-law as submitted to the DSC on January 16, 2024.</p>
<p>10. <b>Gatzios Planning</b> representing: <b>Bethesda Evangelical Lutheran Church ("BELC")</b></p>	<p>Staff met with the landowner's agent on January 18, 2024. Staff and the agent have agreed that moving the zone boundary to recognize the church parking area is appropriate. It is also the opinion of Staff</p>

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	<p>Proposed Zoning: Community Facility – Place of Worship (CF-PW) Request zone boundary relocation to incorporate an existing parking area associated with the church that is presently located on the adjacent property located at 8 Pavillion Street.</p>	<p>and confirmed by the agent that the proposed zone designation of 8 Pavillion Street (RES-ENLR) will not be affected by the zone boundary modification.</p> <p>Staff recommend the CF-PW zone boundary be revised on the subject property as proposed in Schedule “E5”</p>
11.	<p><b>Gagnon Walker Domes Ltd.</b> representing: <b>Grit Developments</b> - 7960 Reesor Road Proposed Zoning: EMP-BP and GWY1 Current Zoning: Agricultural (A1) Pre-application consultation is presently underway with the City to develop the subject lands for industrial/commercial uses.</p> <p>Concern over proposed GWY1 boundary and request for either the removal of certain restrictions relating to restaurant uses or, site specific permissions to allow restaurant uses without restrictions.</p> <p>NOTE: Formal applications for zoning approval have not been submitted/deemed complete.</p>	<p>As discussed in the Staff report from June 12, 2023, and identified in Section 2.4 e) of the CZBL, the limits of the Greenway One zone reflects the most accurate information available and will be confirmed, refined or modified through the review of, in this instance, a site specific application for zoning approval. Supported environmental studies in accordance with the Official Plan, will further identify and suggest modifications to zone boundary, if applicable.</p> <p>Staff have remained consistent that any active application for development approval deemed complete prior to the enactment of this CZBL would be excluded from the CZBL and be subject to the in-force By-law at the time the application was deemed complete. As the subject lands are not the subject of a complete Planning Act application, it remains the opinion of Staff that they should remain in the CZBL. Future applications for zoning approval will be reviewed and evaluated by the City through a full public process, in accordance with the Planning Act.</p> <p>Staff do not recommend any further changes to the By-law over this matter.</p>
12.	<p><b>Gagnon Walker Domes Ltd.</b> representing: <b>680-708 Denison Street – Art Tile Ltd.</b> Proposed Zoning: General Employment (EMP-GE) Concerns over the removal of numerous land use permissions identified in Section 9.17.3. a) of the 2014 Official Plan.</p>	<p>Staff have been consistent in removing lands from the by-law that require site specific amendments identified in Section 9 of the 2014 Official Plan.</p> <p>Staff have reviewed the submission from the agent and agree that the uses identified in Section 9.17.3. a), warrant site specific consideration, and would require a site specific amendment to implement the 2014 Official Plan.</p>



Matter Raised and/or DSC Direction		Staff Comment
		Staff recommend that the lands municipally known as 680 Denison Street (located at the north-west corner of Denison Street and Esna Park Drive). be excluded from the CZBL as shown on Schedule “D7”.
13.	<p>7951 Yonge Street (Deputant Submission)</p> <p>Proposed Zoning: MU-FD</p> <p>Current Zoning: RM3 (Third Density Multiple Family Residential)</p> <p>Concern over the urgency for a citywide By-law that impacts mixed use and other zones along Yonge Street in addition to concerns with the height restrictions and parking standards proposed.</p>	<p>As stated in the January 16, 2024 Staff Report, as new secondary plans have recently been adopted or are proposed for future adoption, there is an urgency to enact the CZBL to reflect changes in development patterns, use provisions, built form, and environmental pressures.</p> <p>The height restrictions proposed in the zone tables are consistent with the restrictions established in the Official Plan.</p> <p>The zone applied to 7951 Yonge Street is consistent with Staff’s approach to zone all mixed use lands designated in the Official Plan, as MU-FD. This zone will continue to permit the uses that legally exist on the date of the passing of this CZBL, in addition to a suite of additional uses, many of which are not presently permitted in the RM3 zone under the current in-force By-law 2160, as amended. However, in order to realize the development potential on a property zoned MU-FD, an application for zoning approval is required in order to give Council and the public an opportunity to comment on a particular proposal through a full public process.</p> <p>The Deputant further expressed concern over the parking standards proposed in the CZBL, as drafted. The parking standards broadly reflect the parking requirements outlined in the City’s current parking By-laws (28-97, and 2004-196). The City is presently undertaking a Citywide Parking Strategy that may result in future review of parking standards throughout the City, and possible amendments to various parking rates in the CZBL at a future date.</p> <p>Staff do not recommend any further changes to the By-law related to this matter.</p>
14.	Deputant expressed concerns that the residents of Thornhill including ratepayers’ groups and other	Staff developed and have followed a Public Participation Plan (PPP) that was endorsed by the DSC in April 2017. The PPP outlined

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<p>stakeholders were not adequately informed about the proposed comprehensive changes in the zoning by-law. The deputant requested deferral of the item to facilitate further review and input from the stakeholders of Thornhill.</p>	<p>consultation goals, key stakeholder audiences to be consulted, key messages to be communicated, and the timing for consultation.</p> <p>In July of 2021, four non-statutory open houses were held to present the CZBL and field questions by the public, including specific meetings to address infill housing in established neighbourhoods. The meetings were well attended and resulted in numerous modifications to the CZBL.</p> <p>As requested at the open houses, seven focused group meetings were held with stakeholders, including ratepayers/residents associations and a number of the City's infill Builders. These meetings were held in the fall of 2021, with a specific focus on the established residential areas. Based on participation at the open houses, the ratepayers/residents associations involved in these meetings were as follows:</p> <ol style="list-style-type: none"> <li>1. Aileen-Willowbrook Ratepayers Association</li> <li>2. Grandview Area Residents Association</li> <li>3. Markham Village Sherwood Conservation Residents Association</li> <li>4. Boyington Heights Ratepayers Association</li> <li>5. Unionville Residents Association</li> <li>6. Ward 4 South/East Ratepayers Association</li> </ol> <p>The discussions held at these meetings were productive and resulted in a number of refinements of the CZBL to reflect the matters that were discussed.</p> <p>Since that time, there have been an additional six formal meetings held by the DSC, including the Statutory public meeting in September, 2023, that were circulated to the public through various forms of media including social media, newspapers, the City's Website and the Your Voice Markham Website.</p> <p>Staff are of the opinion that the PPP has been exceeded with respect to public participation, and has culminated in a CZBL that contains</p>

Matter Raised and/or DSC Direction		Staff Comment
		<p>significant input from a wide array of individuals, groups, the development community and, members of Council.</p> <p>Staff do not recommend that the CZBL be deferred.</p>
15.	5970-5990 16 <sup>th</sup> Avenue – Red Banner Plaza	<p>The Red Banner Plaza, municipally known as 5970-5990 16<sup>th</sup> Avenue, was to be excluded in its entirety from the CZBL. However, Schedule “G4” of the January 16<sup>th</sup> version only excluded the lands at 5990 16<sup>th</sup> Avenue.</p> <p>Staff are recommending that 5970 16<sup>th</sup> Avenue also be excluded as indicated in the revised “G4” Schedule attached to this memorandum.</p>
16.	Adding Film Studio to the permitted use list under the Employment Business Park (EMP-BP) zone	<p>Staff have identified that Film Studio uses should be permitted under (EMP-BP) zone as these uses are typically found in and associated with industrial uses. Including Film Studio uses into the EMP-BP zone meets the planned function of the designation, which is to provide for locations for prestige, larger scale, industrial, and office development.</p>