



Report to: Council

Report Date: June 17, 2013

MEMORANDUM

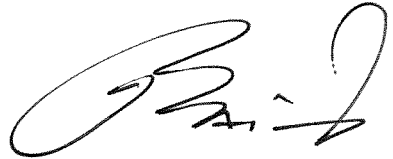
TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services

PREPARED BY: Tom Villella, Senior Projects Coordinator

DATE: June 17, 2013

SUBJECT: UPDATE AND CONSOLIDATION OF ZONING BY-LAW 177-96 – COMMENTS FROM TORONTO AND REGION CONSERVATION AUTHORITY (TRCA)



RECOMMENDATION:

THAT the Memorandum titled "UPDATE AND CONSOLIDATION OF ZONING BY-LAW 177-96 – COMMENTS FROM TORONTO AND REGION CONSERVATION AUTHORITY (TRCA)", be received, and;

THAT the comments from the Toronto and Region Conservation Authority be considered during the upcoming Markham Consolidated Zoning By-law Project.

PURPOSE:

The purpose of this Memorandum is to provide Council with additional information respecting the Update and Consolidation of Zoning By-law 177-96 relative to comments received from the Toronto and Region Conservation Authority (TRCA). At the Public Meeting on May 21, 2013 respecting this by-law amendment, Development Services Committee endorsed the proposed zoning amendment, and recommended that Staff bring forward a draft Zoning By-law Amendment directly to Council, at a future date. On that same date, DSC received correspondence from the TRCA outlining their comments respecting the proposed zoning amendment, and their suggestions for additional changes. This memorandum provides Council with Staff's response to the TRCA comments.

BACKGROUND:

At the Statutory Public Meeting for the proposed Update and Consolidation of By-law 177-96, comments were received from the Toronto and Region Conservation Authority respecting the proposed amendment (attached as **Appendix 1**). Although DSC endorsed the by-law amendment and directed Staff to bring forth a final by-law for Council consideration, Staff wishes to respond to the TRCA comments and provide a recommended course of action respecting same.

Two suggested changes were identified by TRCA, as follows:

1. TRCA requests that By-law 177-96 contain a "notwithstanding" clause restricting the use of schools, long-term care facilities, nursing homes, retirement homes, hospitals and other similar facilities, within hazard lands or flood inundated areas.

With respect to this request, Staff is generally supportive of the suggestion; however it is believed to be outside the scope of the current update, which is a general housekeeping amendment. The addition of this restriction may impact a number of property owners, and no notice of such an amendment was provided in conjunction with the Notice of Public Meeting provided for this amendment project.

Staff suggests that this matter be deferred to the Markham Consolidated Zoning By-law Project, where a more thorough examination of hazard and flood area issues will be undertaken. In the meantime, the Official Plan still provides guidance on this issue, and Staff routinely refers to Official Plan policy when evaluating development proposals.

In addition, the City does have in place specific zoning restrictions similar to those requested by TRCA, in the identified "Special Policy Area" flood prone areas.

2. TRCA indicates that a differentiation between "infrastructure" and "public infrastructure" definitions may be warranted.

With respect to this suggestion, Staff has had discussion with the consultant working on this project, and we are in agreement that the current definition of "infrastructure" is sufficient and there is no need to provide a separate definition for "public infrastructure".

CONCLUSION:

The concerns of TRCA have been considered, and Staff recommends that they be dealt with in the manner indicated in this memorandum. It should be noted that the process for the Markham Consolidated Zoning By-law Project, slated to commence in late 2013, will involve in-depth consultation with the TRCA. At that time, the matters raised in this memorandum, as well as other matters involving hazard and flood areas, may be addressed comprehensively.

ATTACHMENTS:

- 1) Correspondence from TRCA dated May 21, 2013



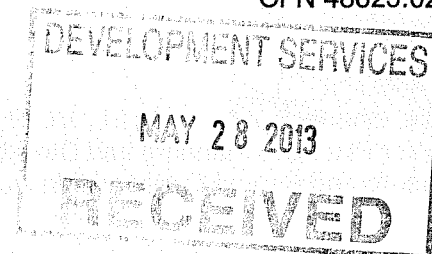
Toronto and Region
Conservation
for The Living City

May 21, 2013

CFN 48625.02

VIA Email and Mail

Mr. Tom Villella
 Senior Project Coordinator, Zoning and Special Projects
 101 Town Centre Boulevard
 Markham, ON L3R 9W3



Dear Mr. Villella:

Re: General Housekeeping Zoning By-law Amendment – Markham File ZA 12-109460
 Update and Consolidation of By-law 177-96, as amended - Markham File ZA 11-129536

On May 13, 2012, Toronto and Region Conservation Authority (TRCA) senior staff received an updated review request from the City of Markham to provide comments on an application for a City Wide general housekeeping Zoning By-law Amendment (Markham File ZA 12-109460) and an update and consolidation of By-law 177-96, as amended (Markham File ZA 11-129536). With this review, TRCA received a list of proposed changes to Bylaw 177-96 via email on May 16, 2013.

TRCA staff would like to thank you for the opportunity to review the amendment to the Urban Expansion Area Zoning By-law with respect to our interests, policy, programs, and Regulated Authority. It is the understanding of TRCA staff that many of the changes are clerical in nature, and the intent of the amendment is to provide clarity and some flexibility in the existing bylaw, in hopes to reduce the number of required amendments and variances in the future. TRCA staff reviewed the proposed changes, and it is evident to staff that the amendments will have little impact upon our Regulated Authority, however we provide the following comments:

1. Please clarify definitions with respect to 'long-term care facilities' as well as 'nursing homes'. In proposed changes 75 and 82, 'retirement homes', 'long term care facilities' and 'day nurseries' expands the use in other zone categories. While the Official Plan provides policies with respect to the restriction of schools, long-term care facilities, nursing homes, retirement homes, hospitals, and other similar facilities within hazard lands or flood inundated areas, a general 'notwithstanding' in the parent by-law restricting these uses in areas that are impacted by floods or other hazards would provide further clarity to landowners.
2. A differentiation in definitions between 'infrastructure' and 'public infrastructure' may be warranted.

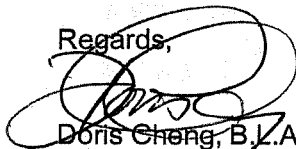
TRCA staff **generally supports** the proposed housekeeping amendments to Bylaw 177-96 (as amended). Staff respectfully requests that the City consider integrating the above comments into the bylaw amendment.

The City and the TRCA have always maintained a good working relationship. We look forward to working collaboratively with you in the months ahead as the City begins to consolidate the City By-

laws in support of the New Official Plan, and undertake the secondary plan conformity review and ensure they reflect current provincial policies.

We trust these comments are of assistance. Should you have any additional questions or comments, please do not hesitate to contact the undersigned at extension 5306 or dcheng@trca.on.ca.

Regards,



Doris Cheng, B.L.A., M.Sc.Pl., MCIP, RPP
Senior Planner • Planning and Development
Toronto and Region Conservation Authority

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Email cc: Quentin Hanchard, TRCA

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