

New Comprehensive Zoning By-law Project

Development Services Committee

October 5, 2015

Why does Markham need to undertake a comprehensive review of the existing zoning framework?



New Markham Official Plan – approved by York Region June 2014



S. 26 (9) - municipalities required to review & update zoning by-law(s) to conform with new OP



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Purpose of Project

- Implement the Official Plan
- Review, consolidate, streamline & update zoning by-laws into one (1) comprehensive zoning by-law
- Develop an innovative, user-friendly & web-based zoning by-law

Consulting Team Ph. 1 & 2 (Zoning Issues Analysis & Strategic Direction)

Gladki Planning Associates



R.E. Millward
& Associates

Clarion
Associates

Woodfield
Consulting

Anthony
Usher
Planning

Davis LLP

Guiding principles:

- Implement the Official Plan
- Develop a single comprehensive zoning by-law for Markham
- Recognize existing development and property rights, where appropriate
- Consolidate, streamline and update provisions and standards
- Develop a web-based and publicly accessible by-law
- Provide for ease of enforcement

Markham Zoning By-law Consultant Team

Gladki Planning Associates, R. E. Millward and Associates, Woodfield Consulting, Clarion Associates and Anthony Usher Planning Consultant

Previous review:

- Task 1:** Guiding Principles and Parameters
- Task 2:** Review and Assessment of City's Official Plan, Guidelines Policies and Plans
- Task 3:** Review and Assessment of Existing City Parent Zoning By-laws
- Task 4b:** Review of Minor Variance Applications
- Task 4:** Site Specific Zoning Amendments
- Task 5:** Zoning By-law Definitions
- Task 6:** Review and Assessment GIS/ITS Capabilities and Requirements
- Task 7:** Automotive Uses

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Previous Review:

- Task 8:** Drive Through Facilities
- Task 9:** Review and Assessment of Parking and Loading Standards
- Task 10:** Residential Accessory Buildings/Structures and Outdoor Amenity Space
- Task 14:** Places of Worship
- Task 15:** Floodplains, Hazard Lands, Special Policy Areas and Greenway System
- Task 16a:** Medical Marihuana Production Facilities
- Task 16b:** Addiction/Recovery Centres
- Task 17:** Adult Entertainment and the Sex Industry

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Today's Review:

Task 11: Residential Home Occupations

Task 12: Infill Housing and Interface Between Residential and Non-Residential Uses

Task 13: Affordable and Shared Housing, and Secondary Suites

Task 13a: Student Housing

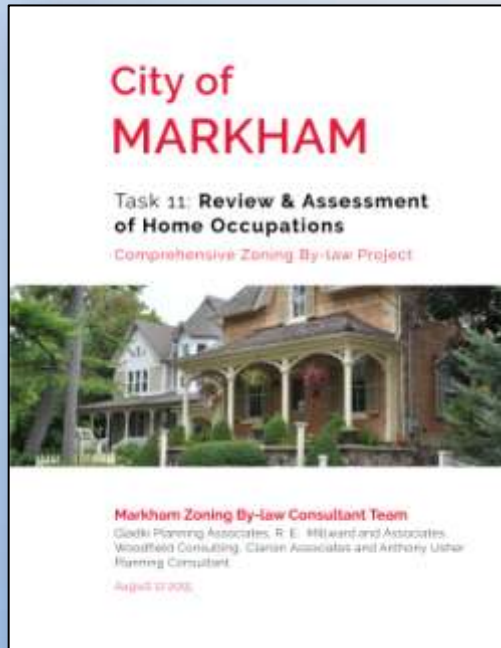
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Anthony Usher Planning Consultant

Discussion Paper 11: Residential Home Occupations

Purpose:

To identify issues that need to be addressed regarding home occupations prior to the drafting of the new comprehensive zoning by-law and to present options for addressing these issues.



Discussion Paper 11: Residential Home Occupations (cont'd)

Review Undertaken:



- Policies in the new Official Plan
- Current City zoning by-laws
- Past studies, documents and actions
- Standards of other municipalities
- Consulted with Markham staff

Discussion Paper 11: Residential Home Occupations (cont'd)



Issues:

- Official Plan recognizes home occupations as part of economic strategy
- Home occupations are defined in the Official Plan
- Existing Markham zoning by-laws recognize and allow for home occupations
- What should not be considered as a home occupation
- Additional parking requirements—yes or no

Discussion Paper 11: Residential Home Occupations (cont'd)



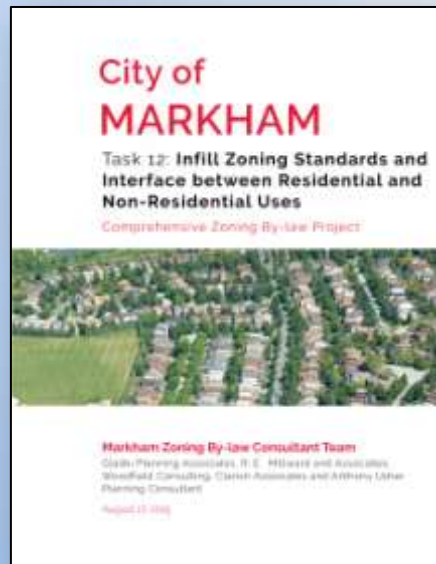
Options and Considerations:

- Secondary use
- Conducted by resident, plus one employee
- Up to 25% of dwelling unit
- No outdoor storage
- No more than 4 students
- Not to include manufacturing, animal care, food production, auto related uses
- No additional parking required

Discussion Paper 12: Infill Housing and Interface Between Residential and Non-Residential Uses

Purpose:

To review and analyze the zoning by-law issues related to infill housing and the interface between residential and non-residential uses.



Discussion Paper 12: Infill Housing and Interface Between Residential and Non-Residential Uses (cont'd)



Review undertaken:

- New Official Plan
- Existing zoning by-laws
- Other municipal by-laws
- Consulted with Markham staff

Discussion Paper 12: Infill Housing and Interface Between Residential and Non-Residential Uses(cont'd)



Infill Housing issues:

- Redevelopment of some houses in traditional, older neighbourhoods has been out of scale
- Creation of smaller lots
- Older zoning by-laws did not have same controls as newer by-laws
- Amending by-laws passed in the 1990's control redevelopment and protect neighbourhood character

Discussion Paper 12: Infill Housing and Interface Between Residential and Non-Residential Uses (cont'd)



Infill Housing Options and Considerations:

- Policy context exists in the Official Plan
- Existing regulations in Berczy Village/Wismer Commons/Greensborough/Swan Lake, Markham Village, Markdale, Thornhill and Unionville to be carried forward
- Standards to be incorporated into the by-law based on neighbourhood characteristics

Discussion Paper 12: Infill Housing and Interface Between Residential and Non-Residential Uses (cont'd)



Infill Housing Options and Considerations— Types of controls:

- Heights or number of storeys or both?
- Setbacks and minimum lot frontages
- Depth of buildings
- Garage projections
- Garage widths
- Lot coverage
- Floor area?

Discussion Paper 12: Infill Housing and Interface Between Residential and Non-Residential Uses (cont'd)



Interface Between Residential and Non-Residential Uses Issues:

- Some non-residential uses are incompatible with adjacent residential uses because of emissions, noise or odour issues
- Provincial Policy Statement states that compatibility between major facilities and sensitive uses needs to be addressed
- Official Plan provides for buffers and setbacks between commercial/employment areas and residential areas

Discussion Paper 12: Infill Housing and Interface Between Residential and Non-Residential Uses (cont'd)



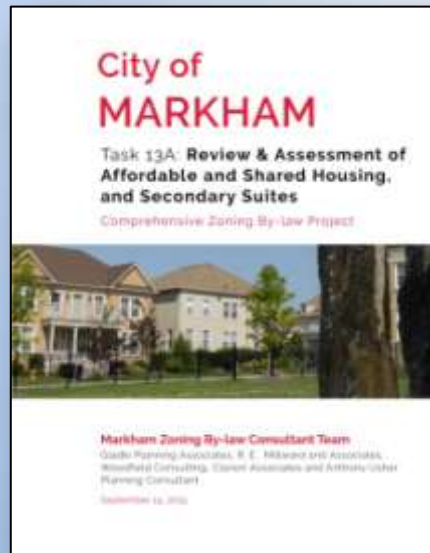
Interface Between Residential and Non-Residential Uses- Options and Considerations:

- Setbacks from highways, rail corridors and pipelines
- Identify uses to be prohibited next to a residential zone (e.g. propane storage, automobile related uses, drive through)
- Determine setbacks for non-residential uses from residential zones
- Include landscaped buffers
- Identify minimum distance separation for livestock facilities

Discussion Paper 13: Affordable and Shared Housing, and Secondary Suites

Purpose:

To explore zoning issues related to affordable housing, secondary suites, supportive and shared housing, including requirements under the Planning Act and the Regional Official Plan



Discussion Paper 13: Affordable and Shared Housing, and Secondary Suites (cont'd)



Review Undertaken:

- Relevant Official Plan policies
- City's existing parent by-laws
- Provincial legislation and Ontario Human Rights Code
- Formats and approaches in a number of other Ontario zoning by-laws

Discussion Paper 13: Affordable and Shared Housing, and Secondary Suites (cont'd)



- Planning Act requires municipalities to include policies and zoning that authorize the use of second residential units in detached, semi-detached and townhouse buildings
- The Planning Act also prohibits zoning by-laws to distinguish between related and unrelated persons in respect of occupancy of buildings

Discussion Paper 13: Affordable and Shared Housing, and Secondary Suites (cont'd)



- The Provincial Policy Statement directs municipalities to provide for an appropriate mix of housing types and to remove land use barriers for housing people with disabilities and seniors
- The Markham and York Region Official Plans contain policies that promote affordable housing, secondary suites, supportive and shared housing

Discussion Paper 13: Affordable and Shared Housing, and Secondary Suites (cont'd)



- Markham zoning by-law 2004-196 permits a broad range of housing types in Markham Centre
- Bylaw 177-96 once included provisions for group homes (inadvertently eliminated) and includes provisions for accessory dwellings in Cornell, Cathedral Town and West Cathedral

Discussion Paper 13: Affordable and Shared Housing, and Secondary Suites (cont'd)



Options and Considerations:

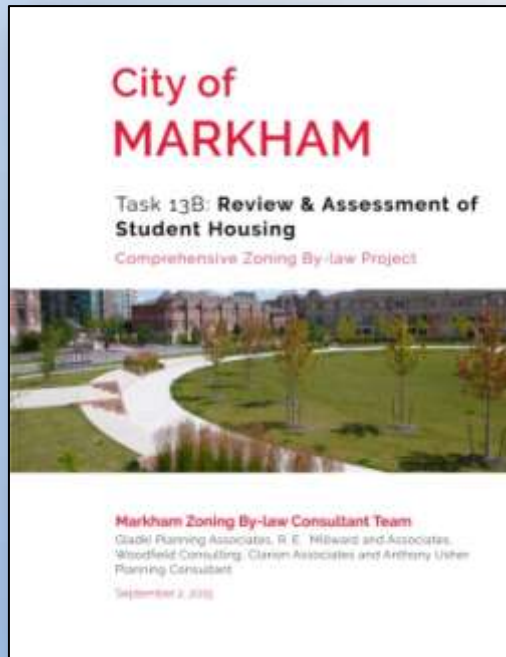
- Clarify definitions of shared housing
- Determine which zones should allow for certain types of shared housing, such as rooming houses
- Determine parking requirements for shared housing
- Explore licensing options

Discussion Paper 13: Affordable and Shared Housing, and Secondary Suites (cont'd)



Options and Considerations:

- Incorporate provisions for secondary suites into the zoning by-law in accordance with Planning Act requirements
- Limit number and dimensions of secondary suites
- No alterations to exterior
- Determine if parking is needed



Discussion Paper No. 13a: Student Housing

Purpose:

To identify issues that need to be addressed in the new comprehensive zoning by-law related to student housing

Discussion Paper No. 13a: Student Housing (cont'd)



Review Undertaken:

- Markham's Official Plan policies
- Existing Markham Zoning By-laws
- Other municipal by-laws and experiences in Ontario municipalities with post secondary institutions

Discussion Paper No. 13B: Student Housing (cont'd)



Issues:

- Need to address and accommodate housing that is suitable for students
- Zoning by-laws cannot distinguish between students and other occupants of housing
- Markham Centre By-law already allows for a wide range of housing types suitable for students
- Main issues in other municipalities are where and how to permit rooming houses as well as non zoning by-law issues

Discussion Paper No. 13B: Student Housing (cont'd)

Options and Considerations:

- Review zoning provisions in Markham Centre to allow a wide range of accommodation including student residences on university owned land
- Determine where rooming houses should be permitted
- Determine licensing requirements for rooming houses
- Develop a student housing strategy including a “Town and Gown” Committee





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Next Steps:

Public Open Houses and Stakeholder Meetings tentatively scheduled:

- October and November

Target date for Zoning Issues Analysis report to DSC:

- December





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