

New Comprehensive Zoning By-law Project

Development Services Committee
September 22, 2015

Why does Markham need to undertake comprehensive review of 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

Purpose of Project

- Implement the Official Plan
- Review, consolidate, streamline & update zoning by-laws into one (1) comprehensive zoning by-law
- Develop 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 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 6:** Review and Assessment GIS/ITS Capabilities and Requirements

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Previous Review:

Task 4: Site Specific Zoning Amendments

Task 5: Zoning By-law Definitions

Task 7: Automotive Uses

Task 8: Drive Through Facilities

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

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Today's Review:

Task 9: Review and Assessment of Parking and Loading Standards

Task 16a: Medical Marihuana Production Facilities

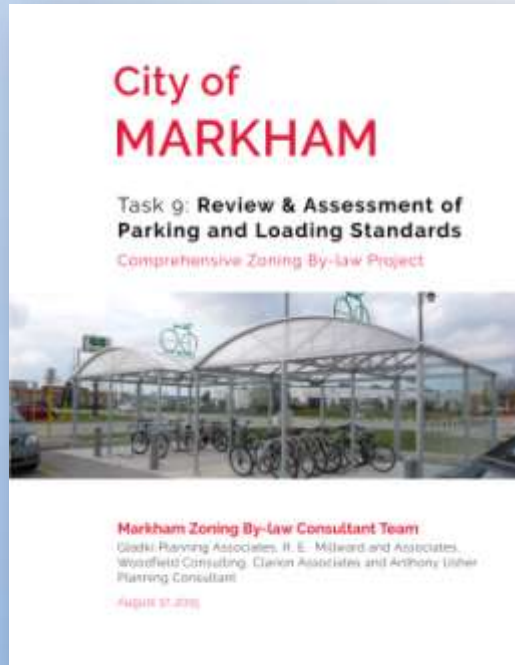
Task 16b: Addiction/Recovery Centres

Task 17: Adult Entertainment and the Sex Industry

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Discussion Paper 9: Parking and Loading Standards



Purpose:

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

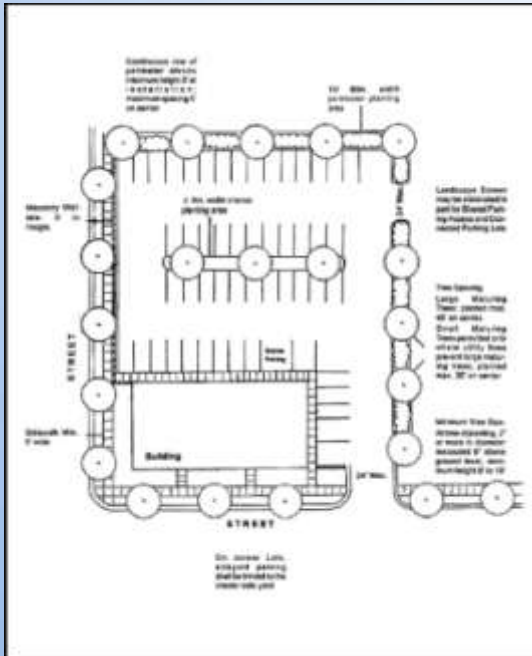
Discussion Paper 9: Parking and Loading standards (cont'd)



Review Undertaken:

- *Reviewed policies in the new Official Plan*
- *Reviewed current City zoning by-laws*
- *Reviewed past studies, documents and actions*
- *Reviewed standards of other municipalities*
- *Consulted with Markham staff and other experts in the field*

Discussion Paper 9: Parking and Loading Standards (cont'd)



Issues:

- *Parking standards prescribe the **AMOUNT** of parking and the **DESIGN** of parking facilities (dimensions, location and access)*
- *By-law 28-97 distinguishes 8 types of residential uses and 46 types of non-residential uses to which over 25 different parking ratios apply*
- *Markham's current parking standards are similar in style and substance to those of other municipalities that have not recently revised their standards*

Discussion Paper 9: Parking and Loading Standards (cont'd)

Issues:

- *Recent trends are for parking standards to be seen as an effective **POLICY INSTRUMENT**; no longer based only on demand*
- *Should bicycle parking requirements apply to new developments on a city-wide basis or only for selected areas?*
- *Should on-site loading facilities apply to multi large unit residential buildings for garbage trucks*





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Discussion Paper 9: Parking and Loading Standards (cont'd)



Options and Considerations:

- *Consider varying parking ratios by area*
- *Consider blended parking ratios in mixed-use settings*
- *Consider maximum parking ratios, as in Markham Centre*
- *Revise parking ratios for apartment dwellings and places of worship*

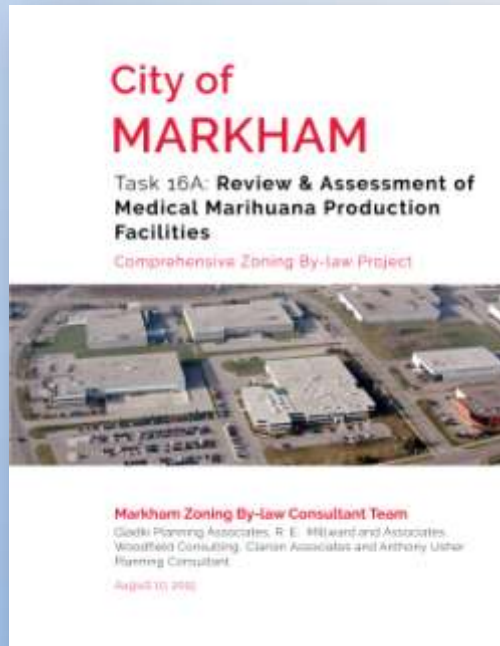
Discussion Paper 9: Parking and Loading Standards (cont'd)



Options and Considerations:

- *Consider design requirements for aisle widths, prohibiting obstructions, prohibiting parking in rear yards and provisions for rear lane parking*
- *Consider bicycle parking requirements for appropriate locations and uses*
- *Consider a loading requirement for residential buildings with 30 or more dwelling units*
- *Consider applying loading requirements over a wider range of non-residential floor area sizes*

Discussion Paper 16a: Medical Marihuana Production Facilities



Purpose:

To review and analyze the zoning by-law issues related to the growing and production of medical marihuana.

Discussion Paper 16a: Medical Marihuana Production Facilities (cont'd)



Review undertaken:

- *Reviewed new Official Plan*
- *Reviewed existing zoning by-laws*
- *Reviewed other municipal by-laws*
- *Reviewed federal legislation*
- *Reviewed Marihuana for Medical Purposes Regulations Guidance Document*



Discussion Paper 16a: Medical Marihuana Production Facilities (cont'd)

Issues:

- *Medical marihuana not addressed in Official Plan or existing zoning bylaws*
- *Is this and industrial, or agricultural use, or both*
- *External effects are odour, safety and distribution—need to be addressed in Zoning By-law*
- *Zoning by-law regulations must be based on sound planning principles*





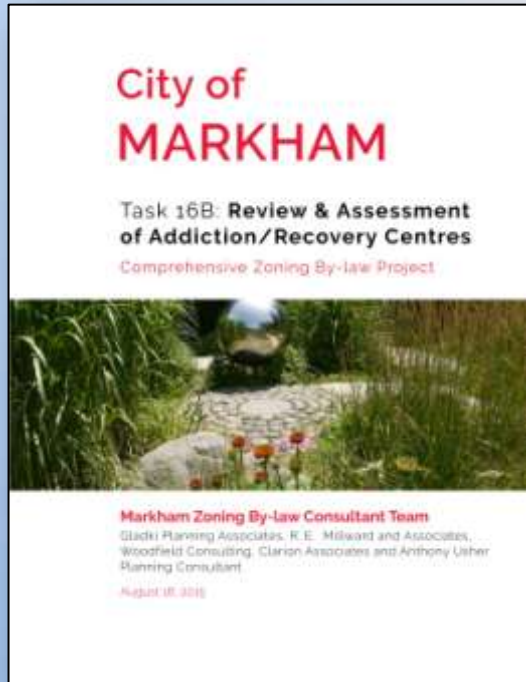
Discussion Paper 16a: Medical Marihuana Production Facilities (cont'd)



Options and Considerations:

- *Identify zones in industrial areas where medical marihuana production should be permitted*
- *Consider if growing medical marihuana should be allowed in some agricultural areas*
- *Consider regulations that require medical marihuana production facilities to be sole tenants in buildings*
- *Consider restrictions on outdoor storage*
- *Consider distancing provisions from sensitive uses*

Discussion Paper 16b: Addiction Recovery Centres



Purpose:

To explore zoning issues related to addiction recovery centres, including locational requirements and regulations

Discussion Paper 16b: Addiction Recovery Centres (cont'd)

Review Undertaken:

- *Reviewed relevant Official Plan policies*
- *Reviewed City's existing parent by-laws*
- *Reviewed formats and approaches in a number of Ontario zoning by-laws*
- *Reviewed federal and provincial legislation and Ontario Human Rights Code*



Discussion Paper 16b: Addiction Recovery Centres (cont'd)



Issues

- *Two harm reduction programs are controversial: needle exchange and methadone maintenance treatment*
- *Should these uses be defined differently than medical clinics or hospitals*
- *Zoning by-law regulations must be based on sound planning principles*

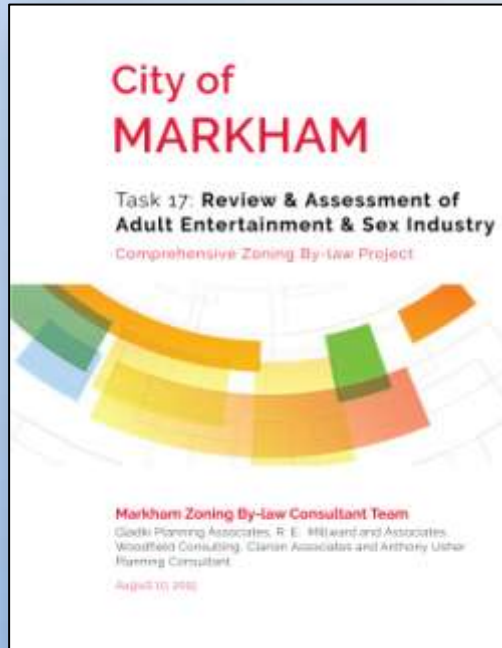
Discussion Paper 16b: Addiction Recovery Centres (cont'd)



Options and Considerations:

- *Consider defining recovery and addiction clinics, in particular methadone clinics, as a distinct use in the new zoning by-law*
- *Consider establishing separation distances from other sensitive land uses*
- *Regulations cannot be based on people planning*

Discussion Paper No. 17: Adult Entertainment and the Sex Industry



Purpose:

To identify issues that need to be addressed in the new comprehensive zoning by-law related to adult entertainment and the sex industry

Discussion Paper No. 17: Adult Entertainment and the Sex Industry (cont'd)



Review Undertaken:

- *Reviewed Markham's Official Plan policies*
- *Reviewed Markham Zoning By-law definitions and site specific references*
- *Reviewed Stationary Business Licensing By-law*
- *Reviewed other municipal by-laws*

Discussion Paper No. 17: Adult Entertainment and the Sex Industry (cont'd)

Issues:



- *Adult entertainment parlours are legal and operate under the laws of Ontario and Canada*
- *Two locations are recognized in site specific by-laws for adult entertainment, but the uses no longer exist*
- *Licensing by-law regulates body rub establishments that are not erotic or sexual*

Discussion Paper No. 17: Adult Entertainment and the Sex Industry(cont'd)

Options and Considerations:

- *Consider defining adult entertainment, body rub (sexual) and massage parlour (non-sexual)*
- *Repeal existing site specific permissions for adult entertainment uses*
- *Set out criteria (zones separation distances) for adult entertainment uses*
- *In light of recent legislation there is no need to address bawdy houses or brothels*





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Next Steps:

Presentation of remaining Papers to DSC:

- October 5

Public Open House and Stakeholder Meetings:

- October and November

Target date for Zoning Issues Analysis report to DSC:

- December





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