




MEMORANDUM

To: Chair and Members of Development Services Committee

From: Jim Baird, Commissioner of Development Services 

Prepared by: Stephen Corr, Planner II, East District

Date: June 10, 2014

**RE: Proposed General Housekeeping By-law Amendments respecting Various Provisions in the City of Markham Zoning By-laws
File Numbers: ZA 12-107844 and ZA 12-109460**

RECOMMENDATION:

- 1) That the Memorandum dated June 10, 2014, regarding "Proposed General Housekeeping By-law Amendments respecting Various Provisions in the City of Markham Zoning By-laws, File Numbers: ZA 12-107844 and ZA 12-109460", be received;
- 2) That the Draft Zoning By-law amendment, to amend the Height definitions in the City of Markham Zoning By-laws, be deferred;
- 3) That the Draft Zoning By-law amendment, to amend the Lot Coverage definitions in the City of Markham Zoning By-laws, be approved, as per the attached Appendix 'A', and be finalized and enacted without further notice;
- 4) And that staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE

This memo recommends deferral of a proposed Zoning By-law Amendment regarding the definition of Height in the City of Markham's Zoning By-laws. This memorandum also recommends approval of a Zoning By-law amendment regarding the definition of Lot Coverage in the City of Markham's Zoning By-laws.

BACKGROUND

On May 15, 2014 six Zoning By-law Amendments were brought forward to Council, respecting various provisions in the City of Markham Zoning By-laws. These By-laws were part of a General Housekeeping Zoning By-law Amendment project that was initiated in 2012.

The Public Meeting regarding the proposed amendments took place on May 21, 2013, at which time this initiative was referred back to Staff to provide a Recommendation Report and Draft Zoning By-laws. Staff reported back to Development Services Committee on June 18th, 2013 with a final Recommendation Report that outlined the proposed amendments to the City's Zoning By-law in detail. At the June 18, 2013 Development Services Committee meeting, Committee endorsed the recommendations of staff, including approval of the Zoning By-law amendments to implement the proposal.

As noted, the Zoning By-law Amendments were brought forward for Council's consideration on May 15, 2014. Four of the six By-law Amendments were approved. Proposed Zoning By-law Amendments regarding the definition of Lot Coverage and Height were deferred as a result of public input and referred back to staff. It was requested that staff provide additional information to the Grandview Area Residents Association (GARA) and Bayview Glen Residents Association (BGRA), with respect to the purpose and effect of these two By-laws.

On May 29, 2014, Planning and Zoning staff, along with Councillor Valerie Burke met with Ms. Marylyn Ginsberg and Ms. Toinette Bezant, who were representing the Grandview Area and Bayview Glen Residents Associations respectively. At this meeting, staff provided background information on the proposed Zoning By-law Amendments to amend Height and Lot Coverage definitions, and discussed options on moving forward. It was agreed that the proposed Zoning By-law amendment regarding the definition of Lot Coverage (Appendix 'A') could be forwarded to Council for adoption, provided that the By-law's explanatory note, clarified that the proposed Lot Coverage definition will apply to the City's Infill Area By-laws. With respect to the proposed By-law to amend the definition of Height, questions arose regarding the allowance for certain mechanical, architectural, and ornamental features to be exempt from maximum height calculations in the By-law. It was felt that some of these exemptions should only be applicable to specific land uses, and that exemptions allowed for high rise residential or office buildings should differ from than those allowed for low rise residential buildings. It was agreed that the proposed height definition needed further review, to ensure that a Height definition that appropriately addresses distinct height differences between various land uses. It is therefore recommended that the proposed Zoning By-law amendment respecting the definition of Height be deferred, to be further reviewed by staff. This could either be revisited through a subsequent report on this matter later in 2014/2015, or included in the New Comprehensive Zoning By-law Project, currently underway.

CONCLUSION

Staff recommends deferral of a proposed Zoning By-law Amendment regarding the definition of Height in the City of Markham's Zoning By-laws. Staff also recommends approval of a Zoning By-law amendment regarding the definition of Lot Coverage in the City of Markham's Zoning By-laws, as per the attached draft by-law.



EXPLANATORY NOTE

BY-LAW 2014-__

A By-law to Amend By-laws 1229, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612 and 11-72, as amended

Lands Affected

The proposed by-law amendment applies to all land that are subject to By-law's 1229, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612 and 11-72, as amended. This proposed By-law also applies to all land that are subject to Infill Area By-laws within the above noted By-laws, being By-laws 99-90, 100-90, 101-90, 16-93, and 223-94.

Existing Zoning

The affected lands are zoned under a variety of designations in accordance with Zoning By-law's 1229, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612 and 11-72, as amended.

Purpose and Effect

The purpose and effect of this By-law is to amend the above-noted zoning by-laws by updating the way lot coverage is defined and then applied.



BY-LAW 2014-_____

Being a By-law to amend By-laws 1229, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612 and 11-72.

WHEREAS the City of Markham is empowered to pass By-laws pursuant to the Planning Act R.S.O. 1990 c.P 13.

AND WHEREAS the City of Markham wishes to ensure that a consistent definition of "Lot Coverage" is used in all zoning by-laws in the City.

NOW THEREFORE The Council for the Corporation of the City of Markham enacts as follows:

1. The definition for 'Lot Coverage' in By-laws 1229 and 1767, as amended, is deleted and replaced with a new definition of "Lot Coverage" as set out below:

"Lot Coverage means that percentage of the lot covered by all buildings and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below grade. Lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said Zone."

2. The term 'Coverage' in By-laws 1914, 2053, 2237, 2284-68, 2402, 2489, 2571, 2612 and 11-72, as amended is deleted and replaced with the term "Lot Coverage".
3. The definition for 'Coverage' in By-laws 1914, 2053, 2237, 2284-68, 2402, 2489, 2571, 2612 and 11-72, as amended, is deleted and replaced with a new definition of "Lot Coverage" as set out below:

"Lot Coverage means that percentage of the lot covered by all buildings and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below grade. Lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said Zone."

4. By-law 2551, as amended, is further amended by adding the definition of "Lot Coverage" as set out below:

"Lot Coverage means that percentage of the lot covered by all buildings and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below grade. Lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said Zone."

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS _____ DAY OF APRIL, 2014.

KIMBERLEY KITTINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR