

Proposed General Housekeeping Zoning Bylaw Amendments 2016

HOUSEKEEPING
ZONING
BY-LAW



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Markham's Current Zoning System

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- Markham currently has approximately 50 zoning by-laws covering different geographical areas of the City
- The first zoning by-laws were created in the 1950s in the former village areas of Thornhill and Markham, as well as parts of Markham Township.
- The most recent zoning by-laws are 177-96 (Cornell and East Markham plus other site-specific areas) and 2004-196 (Markham Centre)
- Through regular use of the City's Zoning By-laws, City Staff, citizens and developer stakeholders, sometimes identify issues with respect to administration and interpretation of its regulations. Staff then bring forward proposed "housekeeping" amendments for Council's consideration, with a view to improving the by-laws and keeping them current and relevant.



Markham's Current Zoning System

- Housekeeping by-law amendments are brought to Council for approval once every 2-3 years. The last Housekeeping amendment was approved in 2013.
- Housekeeping by-laws only deal with matters of a **technical or administrative nature**. Changes that would represent a policy shift or a major change to current practices are being deferred to the New *Comprehensive Zoning By-law Project*.

Future Direction of Zoning System

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- Over the past 50-60 years, there have been numerous amendments to the City's zoning by-laws to update them and make them more relevant to emerging building and planning standards.
- There have been approx 3,000 site specific by-law amendments and approximately 6,000 minor variance approvals to facilitate development within the City.
- Current system is outdated, not user friendly for Staff, the general public and the development industry because it is difficult to administer and understand and inefficient for managing land use and development.
- Markham is currently undertaking a review of its current zoning system with a view to creating **one new comprehensive zoning by-law** that would cover the entire City

Future Direction of Zoning System

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- Currently in Phase 2 of a 4 phase project that began in late 2013
- Actual drafting of new zoning by-law expected to commence in mid to late 2016
- Staff intends to have a final product for Council approval in late 2017.



General Housekeeping Amendment Program

- This will be the last Housekeeping Amendment presented to Council under the current zoning system, as all future issues will be dealt with through the New Comprehensive Zoning By-law Project
- DSC received staff report on Housekeeping Amendments in September 2015 and authorized a public meeting
- Prior to public meeting, DSC requested this information session be held to familiarize members with the Housekeeping By-law project
- Meridian Planning Consultants have been engaged to assist the City with this project.
- Long history with City of Markham zoning by-laws, and invaluable expertise and background with current zoning system



Proposed General Housekeeping Amendments



Housekeeping By-law Presentation -
March 2016

1. Driveways Crossing Landscape Strips – By-laws 177-96 and 28-97

- Previous definition of landscaping in By-laws 177-96 and 28-97 permitted walkways, driveways and ramps in landscaping areas
- Bylaw 2013-108 changed the definition in 177-96 and left out the permission for walkways, driveways and ramps
- By-law 2014-65 also made the same change to the definition of landscaping in By-law 28-97
- It was never the intent **of the City** to not permit walkways, driveways and ramps in landscaping areas
- **As a result, it is** recommended to modify the definition of landscaping in Bylaws 177-96 and 28-97 to **again** permit walkways, driveways and ramps to cross landscape strips

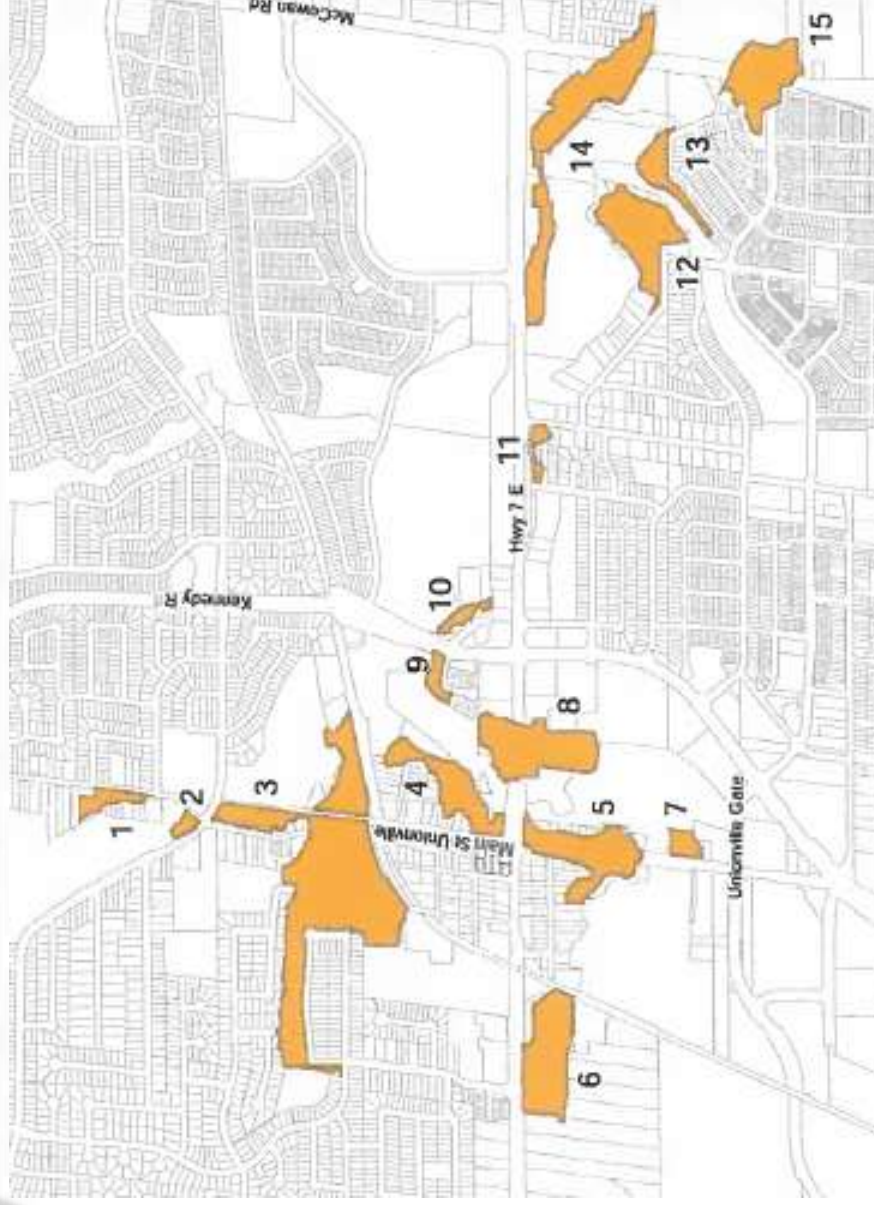


2. Prohibited Uses and Special Policy Areas

- The Province has requested that specific uses be prohibited in Special Policy Areas – which are areas that are potentially susceptible to flooding
- There is one Special Policy Area in Markham (Markham-Unionville Special Policy Area)
- A number of bylaws apply in the Unionville Special Policy Area (122-72, 11-72, 177-96, 304-87, 134-79 and 1229)
- All By-laws with the exception of 177-96 specifically prohibit emergency service uses such as ambulances, hospitals and fire services
- As a result, By-law 177-96 is proposed to be amended to prohibit emergency service uses such as ambulances, hospitals and fire services



2. Prohibited Uses and Special Policy Areas



3. Barrier-Free Access

- The City's By-laws do not deal with barrier-free access in a consistent manner
- Barrier-free is defined by the Ontario Building Code (OBC) as *“when applied to a building and its facilities, that the building and its facilities can be approached, entered and used by persons with physical or sensory disabilities.”*
- At the present time, wheelchair ramps and lifts are considered to be structures and subject to Markham zoning by-laws.
- Intent of the City is to exempt all forms of barrier free access from **zoning** – in this case – By-laws 110-92, 177-96 and 2004-196
- In addition, it is recommended that the exemption also apply to barrier-free entrances in a private garage, provided the required number of parking spaces can still be provided

4. Using Centre of Watercourse to Determine Zone Boundary

- There are a number of inconsistencies in the City's By-laws in terms of how zone boundaries are identified as they relate to watercourses
- The intent of the City is that all By-laws should indicate that the centre-line of a watercourse is also a zone boundary (if a zone boundary exists along a watercourse)
- It is recommended that the provisions of By-law 177-96 dealing with zone boundaries **be** inserted into all other City **By-laws** to ensure consistency
- It is also recommended that reference be made to using the centre-line of a public transit way as the zone boundary be included as well

5. Reference to 'Floor Area' in Definition of 'Net Floor Area'

- By-laws 2014-65 and 2013-108 deleted the definition of 'floor area' in By-laws 28-97 and 177-96
- By-law 28-97 continues to reference 'floor area' as a defined term – 'net floor area' is the floor area that is calculated primarily to determine parking requirements
- In addition, there are a number of sections in By-law 177-96 where 'floor area' is in italics – which implies it is defined.
- In the absence of a 'floor area' definition, staff have determined that the determination of 'net floor area' is based on the **gross floor area** of a building.
- To make this clear, the definition of 'net floor area' in By-laws 177-96 and 28-97 is proposed to be changed to include reference to gross floor area

6. Definition of Public Authority

- All Markham **By-laws** permit public uses in any zone (with some exceptions) provided the use **is** controlled by or on behalf of a public authority
- There are two ‘public authority’ definitions in Markham’s By-laws
- Both definitions are not clear on whether ‘public authority’ is restricted to the City of Markham only.
- The intent of the City of Markham is that in addition to the Federal, Provincial and Regional governments, the only ‘City’ that is a public authority in the case of Markham is Markham.
- Now proposed to modify the definition of ‘public authority’ in all Markham By-laws to make this clear.

7. Required Interior Side Yard in Cases Where Private Garage in Rear Yard

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- Bylaw 28-97 does not require increased interior side yard for driveways accessing a private garage in the rear yard
- By-law 177-96 does deal with this issue and requires a 3.5 metre interior side yard in these cases – **however, this is the only City By-law that requires this increased side yard**
- **In other parts of the City**, the City has been interpreting Section 6.2.4.2 in **By-law 28-97** to require the driveway width to be equal to the garage door width in these circumstances
- It is the intent of the City to require a larger interior side yard in these circumstances **on a go-forward basis** for all new construction and additions anywhere in the City.
- In order to minimize the impact of such a provision in developed areas, it is proposed to require a 2.0 metre interior side yard – which would be the absolute minimum.

7. Required Interior Side Yard in Cases Where Private Garage in Rear Yard

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8. Definition of Business Office

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- By-law 2014-62 amended definition of business office in many City By-laws (except By-laws 177-96 and 2004-196) to ensure that wherever a business office was permitted that a medical office was also permitted
- Based on a review of By-law 177-96, it is not recommended that the definition be changed since business offices and medical offices are not permitted in the same zones.
- Based on a review of By-law 28-97, it is not recommended that the definition be changed since the parking standards for business offices and medical offices are different.
- However, a number of additional technical changes are required to a number of other By-laws to ensure that medical offices are always permitted where business offices are permitted.

9. Openings in the Interior Side Yard and Lot Coverage Definition

- An 'opening' is a window or door in a wall.
- By-law 2014-63 amended a number of City By-laws to restrict openings within 1.2 metres of interior side lot line.
- By-laws 196-82, 1767 and 19-94 were not amended by By-law 2014-63 and should be.
- It is also proposed to amend By-law 90-81 to ensure that the provision applies to street townhouse dwellings as well.
- It is also proposed to amend By-law 177-96 to ensure that the provision applies to semi detached dwellings as well.
- The updated definition included in all Markham By-laws by By-law 2014-63 did not include By-law 2150 – this now needs to be corrected.

Next Steps

HOUSEKEEPING ZONING BY-LAW

- Consistent with DSC direction from September 2015, a Public Meeting will be held in April 2016 respecting General Housekeeping Amendments detailed in this presentation
- Following this, a draft by-law will be presented to DSC for endorsement and to Council for adoption
- As mentioned, all future “housekeeping” matters will be catalogued and included in the program for drafting the New Comprehensive Zoning By-law in late 2016 and 2017.



General Housekeeping Amendment Program

QUESTIONS AND COMMENTS