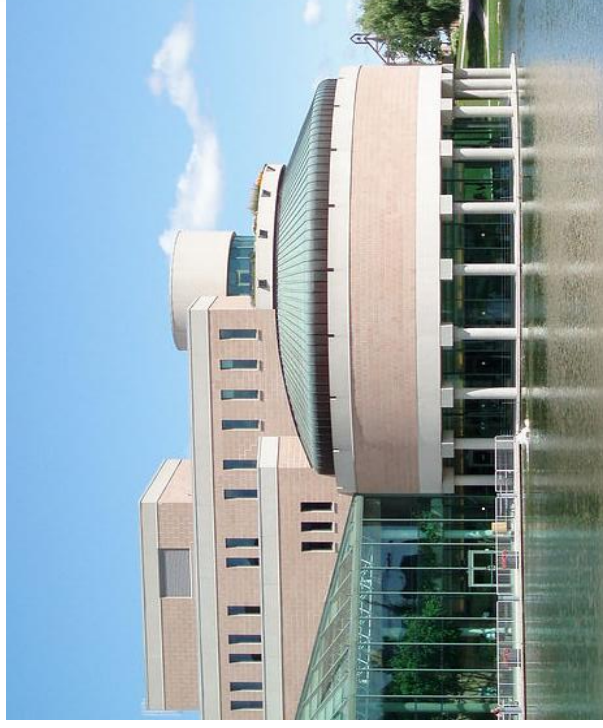




Update and Consolidation Project

Zoning By-law 177-96

April 23, 2013



MERIDIAN
PLANNING



History of By-law 177-96

ZONING BY-LAW 177-96

Markham Concession Index Map



Context

- Zoning By-law 177-96 was adopted in June 1996.
- Intent initially was to provide for development of Cornell.
- Further intent was to apply one by-law to all future development and break with past practice.
- By-law covers the majority of the “Greenfield” development in Markham.
- The majority of new development in the Town has been the subject of Zoning By-law 177-96.

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Amendments to 177-96

Context

- Over 450 exceptions have been added to By-law 177-96 to accommodate individual developments since 1996.
- By-law was consolidated in 2001 and 2005 - updates and improvement were made each time
- Over 190 amendments were passed by Council since 2005.



Amendments to 177-96 cont'd

Analysis revealed the following types of amendments:

1. Amendments that create new exception subsections (88);
2. Amendments that rezone lands to remove holding (H) provisions (66);
3. Amendments that change zoning from one zone to another without exceptions (40);
4. Amendments that amend the Parent by-law (15); and,
5. Amendments that add additional subsections to existing exceptions (12).



There are two components to the By-law 177-96 Process:

Component 1 - Consolidate Zoning By-law 177-96 to:

- Ensure all amendments are properly included within the by-law; and,
- Ensure the text of each amendment is appropriate and does what was intended when the by-law amendment was initially passed by Council.

This task has now been completed

- This means that there will be an updated bylaw with all amendments incorporated for public use.
- This contrasts with other Markham bylaws – which do not get consolidated because of their age, structure and format.



Component 2 - Update of Zoning By-law 177-96:

- The intent of the process is to make a number of technical changes to By-law 177-96.
- These technical changes are intended to improve the effectiveness of the by-law.
- These changes will also continue moving the City forward to having consistent zoning provisions across all by-laws. Some of the changes will also necessitate changes to By-law 28-97.
- Changes that are more policy-oriented are not being made through this update.



Component 2 - Update of Zoning By-law 177-96:

- Policy changes will be considered in the future when a comprehensive multi by-law update process is initiated.
- Many of the the technical changes are intended to clarify the interpretation of a zoning provision, without changing the effect of the provision.
- Other changes are intended to provide some additional flexibility which will reduce the need for variances and zoning exceptions in the future.

Overview of Proposed Changes to By-law

ZONING BY-LAW 177-96

1. The term “premises” is to be deleted from a number of definitions, in recognition that some the uses are not commercial or for profit establishments.
2. All of the dwelling unit definitions have been updated and clarified, primarily to provide for one “*catch-all*” definition for dwelling units that do not fit any other category (multiple dwelling units).
3. The stairs accessing a deck in the rear yard will now be required to be set back in accordance with the deck provisions in the by-law. This means that the stairs accessing a deck will no longer be permitted to encroach into the required interior side yard.
4. A definition for “*public easement*” has been added and provisions have been included which prohibit buildings and structures on public easements.
5. A number of definitions are being modified or deleted to ensure that they are consistent with other City-wide by-laws, most notably By-law 28-97.

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Overview of Proposed Changes to By-law (cont'd)

ZONING BY-LAW 177-96

6. A new definition for “*day-kennel*” has been added and it has been identified as a prohibited home occupation.
7. The definition of “*medical office*” has been modified to ensure it does not conflict with the home occupation definition.
8. The definition of “*structure*” has been significantly expanded, by adding new exceptions to the definition.
9. A new definition for “*waste storage area*” has been added along with new general provisions that control where waste storage areas can be located.
10. The permitted locations for day nurseries, non-profit fitness centres and places of worship in the CA1 and CA2 Zones have been expanded.
11. Medical offices have been deleted as a permitted use in the General Industrial Zone.

Overview of Proposed Changes to By-law (cont'd)

ZONING BY-LAW 177-96

12. Day nurseries have been deleted as permitted uses in the BP and BC Zones.
13. All maximum driveway width provision in the by-law have been deleted.
14. New minimum lot area standards have been added for single-detached dwellings in the R1 Zone.
15. The special provisions requiring that no less than 25% of the wall of the first storey be located a certain distance from the front lot line have been deleted in all residential zones.
16. The maximum setback from the front lot line in the R2 and R2-2 Zone has been increased to 6.5 metres from 6 metres.
17. The minimum lot frontage in the MJC Zone has been reduced from 150 metres to 85 metres.

Overview of Proposed Changes to By-law (cont'd)

ZONING BY-LAW 177-96

18. A new section entitled “*barrier-free access*” has been added to the general provisions to ensure that the by-law conforms to the requirements of Section 3.8 of the Ontario Building Code.
19. Section 6.3.1.2, which establishes maximum setbacks from the rear lot line for detached garages has been deleted.
20. It is proposed to permit the encroachment of main walls with windows into the required front and exterior side yards subject to restrictions.
21. Porches are proposed to be permitted to extend into the setback area between the garage and main building by no more than 1.5 metres in Section 6.6.2. Stairs and landings would also be permitted as well in accordance with Section 6.6.3.
22. The maximum height of a porch (3.0 metres) in Section 6.6.2 is proposed to be deleted.

Overview of Proposed Changes to By-law (cont'd)

ZONING BY-LAW 177-96

23. The porch definition would also be changed to require a porch to have a minimum of two open sides instead of one
24. Stairs and landings are proposed to be permitted to encroach to no closer than 0.6 metres from the front and exterior side lot lines in Section 6.6.3.
25. Stairs and landings are proposed to no longer be permitted to encroach into the required interior side yard in Section 6.6.3.
26. Loading spaces are proposed to be no longer required for day nurseries, places of worship and public and private schools in Section 6.9.1.
27. A new section is being added indicating that school portables are considered to be main buildings.
28. It is proposed to clearly indicate that there is no restriction on the number of accessory buildings permitted on a lot, provided they are no larger than 10 sq. m. in size (this was always the intent of the Bylaw).



Summary

- The intent of the process is to make a number of technical changes to By-law 177-96.
- These technical changes are intended to improve the effectiveness of the by-law.
- Many of the the technical changes are intended to clarify the interpretation of a zoning provision, without changing the effect of the provision.
- Other changes are intended to provide some additional flexibility which will reduce the need for variances and zoning exceptions.
- All of the changes are considered to be improvements and enhancements to the current by-law.
- It is recommended that a formal public meeting on these changes be held.