



Report to: Development Services Committee

Report Date: April 23, 2013

SUBJECT: PRELIMINARY REPORT
Proposed General Zoning By-law Amendments respecting
Various Provisions in the City of Markham Zoning By-laws
(ZA 12-109460), Supplementary Information

PREPARED BY: Stephen Corr – Special Projects Team, ext 2624

REVIEWED BY: Tom Villella – Senior Projects Coordinator, ext 2758

RECOMMENDATION:

That the report dated April 23, 2013 entitled “PRELIMINARY REPORT, Proposed General Zoning By-law Amendments respecting Various Provisions in the City of Markham Zoning By-laws (ZA 12-109460), Supplementary Information”, be received;

And that the previously authorized Public Meeting(s) to receive comments from the public, internal departments and external agencies, and other stakeholders with respect to proposed general amendments to zoning by-laws also include the proposed Zoning By-law amendments outlined in this report;

And further that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to provide additional information on a proposed City-initiated general ‘housekeeping’ zoning by-law amendment that Committee was originally apprised of through earlier reports in February and June of 2012. The intent of the ‘housekeeping’ amendment is to improve and clarify a number of provisions of the existing Markham Zoning By-laws. Further to the ‘housekeeping’ amendment outlined in the previous reports, additional zoning issues have been identified by Staff and the project consultant, Meridian Planning Consultants Inc., which require attention. This report provides information relating to these additional zoning matters, which are to be included as part of the general ‘housekeeping’ amendment.

This report contains general information in regards to applicable Official Plan or other policies as well as other issues, and the report should not be taken as Staff’s opinion or recommendation on the proposal.

BACKGROUND:

Over the past year or so, a number of zoning issues have become apparent relating to both Parking Standards By-law 28-97 and to the City’s general zoning by-laws. On February 21, 2012 Staff reported to the Development Services Committee on proposed zoning amendments to the parking regulations of By-law 28-97 (File ZA-12-107844). Additionally, on June 12, 2012 Staff reported to the Development Services Committee on proposed zoning amendments to improve the City’s Zoning By-laws to ensure that they are consistently interpreted throughout the City. On both occasions, Committee endorsed

the recommendations of Staff to proceed with public meeting(s) respecting these proposed technical amendments.

The proposed general zoning amendments detailed in this report relate to additional housekeeping amendments to the City's Parking Standards By-law 28-97 and general Zoning By-laws that were not included as part of the earlier reports. However, it is anticipated that the majority of the amendments discussed in the previous reports and those discussed in this report will be dealt with concurrently through the scheduling of a Public Meeting in the late spring of 2013 and further reporting to Development Services Committee. One exception is the proposed amendment related to commercial vehicle parking in residential zones, as discussed in the February 21, 2012 report, which has been separated from this general Zoning By-law amendment project, as it is anticipated it will require a more thorough review and public consultation process than the other amendments being proposed. It should also be noted that a correction to the Place of Worship parking calculations was previously separated from this project and approved by Council through a zoning amendment on May 29th, 2012 (currently under appeal to the Ontario Municipal Board).

Meridian Planning Consultants Inc. has been retained as a consultant to assist as necessary with this project, including preparation of recommendations which will be available at the Public Meeting and detailed in the subsequent report(s) on these matters.

OPTIONS/DISCUSSION

The additional housekeeping amendments to be included as part of the general zoning by-law amendment project are described in greater detail below.

Proposed Definition Revisions to Parking Standards By-law 28-97

The City of Markham's Urban Expansion Area Zoning By-law 177-96, as amended is being reviewed through a separate 2013 Consolidation and Update Project, also currently underway, and the subject of a separate report on this date. This project is proposing various amendments to the provisions and standards of By-law 177-96, as well as to the By-laws' definitions; so that such definitions are interpreted and applied correctly with regards to their intent and purpose.

In reviewing the proposed update of By-law 177-96, it has become evident that revisions to its definitions would also need to be revised in Parking By-law 28-97, so that both By-laws are consistent with one another.

Required Number and Size of Accessible Parking Spaces

Section 5.0 of Parking Standards By-law 28-97 establishes criteria to require a minimum number of accessible spaces on a property, in relation to the overall total number of required parking. The requirements of Parking By-law 28-97 contrast with the City of Markham Accessibility Guidelines (June 2011) that require accessibility parking to be provided at a higher rate. In addition to the City of Markham's accessibility parking requirements and guidelines, the Province of Ontario has enacted Provincial guidelines regarding the availability of accessible parking under Ontario Regulation 413/12. The

Provincial Guidelines pertaining to the number of accessible parking spaces also contrast with both the City of Markham's Parking Standards By-law 28-97 and the City's Accessibility Guidelines. For comparison purposes, Table 1 provides examples of the number of accessible parking spaces that would be required on a property under the City of Markham Parking Standards By-law 28-97 (approved in 1997), the City of Markham Accessibility Guidelines (June 2011) and Provincial requirements under Ontario Regulation 413/12.

Table 1				
Example	Total Parking Spaces provided	Accessible Parking Spaces Required		
		By-law 28-97	City Accessibility Guidelines	Ontario Regulation 413/12
A	8	0	1	1
B	16	1	1	1
C	108	5	6	5
D	368	8	19	10
E	812	16	41	19
F	1,255	22	63	24

As shown in Table 1, the City of Markham Accessibility Guidelines generally requires more accessible parking spaces than what is required under both Parking Standards By-law 28-97 and Ontario Regulation 413/12. Also, as the total number of parking spaces provided on a site increases, the required number of accessible parking spaces under the Accessibility Guidelines increases substantially when compared to the requirements of By-law 28-97 and Ontario Regulation 413/12. The intent of the proposed zoning amendment would therefore be to revise the current City of Markham Parking Standards By-law 28-97 to be consistent with the City of Markham Accessibility Guidelines adopted by Council. This will ensure that the City of Markham accessibility parking requirements would reflect current trends of an aging population and meet or exceed Provincial standards.

In addition to the required number of accessible parking spaces on a property, the City of Markham Parking Standards By-law 28-97 and Accessibility Guidelines include stall size requirements which conflict with one another. Therefore the zoning amendment would also revise By-law 28-97 to be consistent with the more current Accessibility Guidelines.

Condominium Visitor Parking Requirements.

The City of Markham Parking Standards By-law 28-97 regulates the minimum required number of parking spaces for residential uses based upon the type of unit or units on a particular property. Under the By-law, apartment dwellings and retirement homes are the only residential land uses required to provide additional parking to be dedicated specifically for visitor usage. The minimum parking requirements for all other residential uses ensure sufficient parking is available for these dwelling units only, and is typically provided on a driveway, parking pad or within a private garage on that property. Parking for visitors has not been a significant problem where additional parking can be accommodated on larger properties that have space for surplus parking, or where a

property abuts a public street that is wide enough to support on-street parking on a temporary basis.

As the City of Markham urbanizes with the development of dense, compact communities, it is becoming more common that such developments are designed in a manner that differs from traditional communities, developed through a plan of subdivision to create residential lots accessing a public street. In newer developments, multiple dwelling units are often constructed as a condominium on a larger block where each of the condominium units accesses a private road or laneway rather than a public street.

These condominium developments take on a variety of housing forms that can include townhouse dwellings, semi-detached dwellings, multiple-unit dwellings and single detached dwellings. The compact and dense nature of these developments typically only allows sufficient room for each unit to provide the minimum number of parking spaces required for that unit and the private street or laneway is designed to a standard that differs from a public street, and is too narrow to support any overflow parking for visitor usage. This has resulted in the emergence of a parking issue as there is often insufficient room specifically dedicated for visitor parking within these communities. Therefore the intent of this By-law amendment would be to establish requirements for visitor parking on condominium developments where vehicular access is provided through either a private street or laneway.

Technical Revisions to the Zoning By-law

It is proposed that all of Markham's Zoning By-laws be amended to include provisions that allow for technical revisions to occur without the requirement of formal zoning amendments, such as revisions to numbering; cross-referencing; formatting of text, charts, tables, schedules and maps; alterations to punctuation; and corrections to grammatical, dimensional, boundary, mathematical or typographic errors. It is the intent of this amendment to allow for minor technical revisions only, and not to change the purpose, effect, intent, meaning and substance of the Zoning By-laws.

Additionally, it is proposed that all of Markham's Zoning By-laws be amended to include a clause to ensure a development remains in compliance with its applicable zoning standards, in the event that the subject lot or block is further subdivided or severed.

Concurrent Project – Update and Consolidation of Zoning By-law 177-96

As noted previously, Urban Expansion By-law 177-96 is currently being reviewed through a separate update and consolidation project. It is anticipated that the public meeting for the general housekeeping amendments outlined in this report and previous reports will commence in conjunction with public meeting for the Urban Expansion By-law 177-96 update and consolidation project.

Next Steps

It is anticipated the public meeting will take place in late spring of 2013 and its purpose will be to solicit comments from the public and other stakeholders. Once the public

meeting is held, Staff will report back with a final recommendation report on the matter and a draft By-law will be presented for Committees consideration.

If more detailed review of any of the items being considered is warranted, it may be necessary to separate such items from those being considered through the general zoning by-law amendment. Any items that are separated will be presented independently for Committee's consideration at a later date and will be the subject of a separate zoning by-law amendment, independent from those being considered as part of the general zoning by-law amendment.

FINANCIAL CONSIDERATIONS AND TEMPLATE:

There are no financial matters to be considered in this report.

HUMAN RESOURCES CONSIDERATIONS

There are no Human Resources matters to be considered in this report.

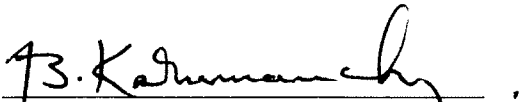
ALIGNMENT WITH STRATEGIC PRIORITIES:

The zoning by-law refinements suggested for review will align with Council's Growth Management strategic focus area.

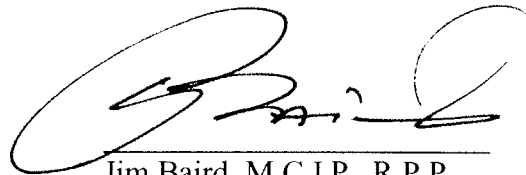
BUSINESS UNITS CONSULTED AND AFFECTED:

The proposal will be circulated for review and comment. Comments received will be helpful in determining the final form of any zoning amendment proposed to improve the existing zoning by-laws.

RECOMMENDED BY:



Biju Karumanchery, M.C.I.P., R.R.P.
Senior Development Manager



Jim Baird, M.C.I.P., R.P.P.
Commissioner, Development
Services

ATTACHMENTS:

None

File path: Amanda\File 12 109460\Documents\Recommendation Report