

2012 Update and Consolidation Project

Zoning By-law 177-96

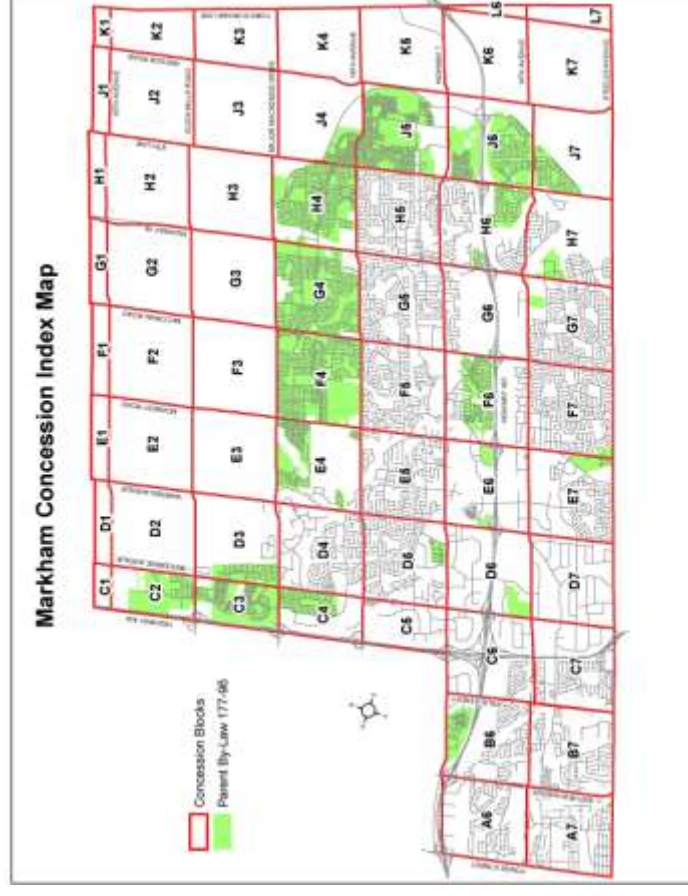


**June 12,
2012**

HISTORY OF BY-LAW 177-96

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.



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 2006 - updates and improvement was made each time
- Over 190 amendments were passed by Council since 2005.

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).

2012 Process

Process began in December 2011.

Two Components:

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

2. Update Zoning By-law 177-96:

- Determine how the by-law can be improved to:
 1. Reduce its complexity, streamline its application and interpretation; and,
 2. reduce the need for complex by-law amendments in the future for specific projects.

Zoning By-law 177-96 June 12,
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Part 2 – Update

At this point in the process, we have identified the following issues that need to be reviewed:

1. Definitions – should be **made more consistent** in as many by-laws as possible
2. All driveway width provisions should be deleted – **now in parking by-law 28-97**
3. Provisions requiring that a percentage of the front wall should be within a certain distance of the front lot line could be deleted – **no longer necessary**
4. Porches could be permitted in rear yards provided they do not extend more than 1.5 metres into the setback area – **has impact on amenity area size**
5. Day Nurseries and Places of Worship should not be required to provide loading spaces – **these uses do not typically have loading spaces.**
6. New provisions on waste storage areas could be included – **reflects the need to properly plan for these facilities**

Other Considerations

1. The current trend is to build bigger houses on smaller lots – this is having an impact on parent by-law provisions – lot frontage, yards, setback between garage and house on lane – **should we be reducing standards in principle?**
2. Should the Town continue to regulate the size of private amenity areas in back yards? **This has been a fundamental component of 177-96 since the beginning**
3. Are the current porch provisions too prescriptive? By-law currently deals with:
 - Encroachment of stairs into:
 - Front yards, exterior side yards, rear yards and interior side yards.
 - Setback areas.
 - Maximum height of porches.
 - Depth of porches.

Should we stay the course?

Other Considerations

4. Format of the by-law – **can the format be improved?**
5. Since the Town continue to provide provisions for wide shallow lots? – a wide shallow lot has to be between 26 metres and 30 metres in depth – **the difference between a wide shallow lot and a conventional lot is blurring**

NEXT STEPS

1. The plan is to continue meeting with staff to discuss these and other issues.
2. A meeting will also be held with the development community (planned for July 8, 2012)
3. Draft by-law to be prepared for public review in the Fall