



Report to: Development Services Committee

Report Date: June 12, 2012

SUBJECT: PRELIMINARY REPORT
Proposed General Zoning By-law Amendments respecting
Various Provisions in the Town of Markham (PR-12-109460)

PREPARED BY: Stephen Corr – Special Projects Team, ext 4721
REVIEWED BY: Tom Villella – Senior Projects Coordinator, ext 2758

RECOMMENDATION:

That the report dated June 12, 2012 entitled “PRELIMINARY REPORT (PR-12-109460) – Proposed General Zoning By-law Amendment respecting Various Provisions in the Town of Markham (PR-12-109460)”, be received;

And that Public Meeting(s) be held to receive comments from the public, internal and external agencies, and other stakeholders with respect to proposed amendments to the zoning by-laws;

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 preliminary information on a proposed Town-initiated general zoning by-law amendment. The amendment is intended to improve and clarify a number of provisions of the existing Markham Zoning By-laws. Staff is also seeking Committee’s authorization to hold a statutory Public Meeting(s) on this matter. Committee will receive additional information report(s) prior to the Public Meeting, as may be required for some of the proposed amendments. This subsequent report(s) will provide more detailed background information and discussion in support of the proposed 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:

In late 2011 staff identified a number of proposed general zoning amendments relating to both Parking Standards By-law 28-97 and housekeeping amendments to the Town’s 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). At that time, Committee endorsed the recommendation of Staff to proceed with public meeting(s) respecting these proposed technical amendments. The proposed general zoning amendments detailed in this report relate to the housekeeping amendments to the Town’s zoning by-laws that were not included as part of the earlier February 21, 2012 report. However, it is anticipated that the amendments discussed in the February 21, 2012 report and those discussed in this report will be dealt with

concurrently through further reporting to Development Services Committee and scheduling of Public Meetings in the Fall of 2012.

Through the day-to-day use of the Town's Zoning By-laws, Staff and other stakeholders identify issues with respect to administration and interpretation of its regulations. Staff occasionally brings forward "housekeeping" amendments for Committee's consideration, with a view to improving the by-laws and keeping them current and relevant. With respect to By-law 177-96 (Urban Expansion Area Zoning By-law), proposed housekeeping amendments will be dealt with through the 2012 Consolidation and Update Project, currently underway. With respect to the Town's other zoning by-laws, the process outlined in this report will be utilized.

Proposed Improvements to the Town's Zoning By-laws, as amended

A number of potential improvements to the Town's Zoning By-laws, as amended have been identified, as detailed below. The Town currently has 50 zoning by-laws that preside over areas of the municipality and in many instances the applicable provisions can differ from one area of Town to the next, depending on which by-law is applicable to those areas.

The purpose of this general zoning amendment is to provide consistency amongst the Town's zoning by-laws and the following section outlines the proposed amendments through this exercise, which are intended to improve their usability, currency and relevancy:

a) Hazard Lands to be excluded from Lot Coverage and Floor Area Ratio Calculations

The proposed zoning by-law amendment would exclude Hazard Lands from the calculation of 'lot coverage' and 'floor area ratio' when determining the maximum size of a dwelling on a property. The intent is to have the amendment affect the development of low-density ground oriented dwellings such as single detached, semi-detached and freehold townhouse dwelling units located on properties abutting hazard lands.

The rationale for this proposed amendment is that in circumstances where the described residential uses abut Hazard Lands (i.e. valley lands, environmentally sensitive lands and flood risk areas etc), some current zoning regulations permit the hazard land area to be included as part of the total land area used for calculating the maximum size and massing of a dwelling. This becomes an issue in the event that the 'table land' portion of the lot (land outside the Hazard area) is relatively small compared to the portion of the lot inside the Hazard area. In such a case, a dwelling located within the table lands could be constructed in such a way as to not be in keeping with the character of the surrounding neighbourhood, due to size and massing. It should be noted that this is not an issue on properties where only a small portion of the lot is located within hazard lands, as it will continue to allow for the development of a dwelling that is appropriate in size and massing to the table land portion of the lot.

The majority of the Town's zoning by-laws (those passed after mid-1972) do contain provisions that consider each uniquely zoned portion of a lot as a separate entity for the

purpose of calculating lot coverage calculations. For example, in these post 1972 by-laws, the definition of *lot coverage* ensures that only the portion of the lot actually zoned for residential uses may be used in the calculation of maximum lot coverage of a dwelling. This has the effect of restricting the size of a dwelling in relation to the table land area were the table lands are appropriately zoned (i.e. Residential Zone categories distinct from Open Space, Environmental Buffer, or other non-residential zones) and in this scenario the existing zoning regulations are effective and require no examination or revision.

However, there are instances in Markham (and particularly in older established areas such as Thornhill or Markham Village) where Hazard lands are not zoned with an appropriate 'Open Space' category and are zoned within the same residential category as the abutting table lands. In such a case, the area of the entire property, regardless of how much of the property is actually developable may be used in the calculation of lot coverage. Additionally, within areas of Town that are covered by Infill Zoning By-laws, the dwelling size and massing is regulated by a maximum floor area ratio in addition to the maximum lot coverage. The maximum floor area ratio permits the total floor area of a dwelling, expressed as a percentage of the 'net lot area' (the net difference between the actual lot area and minimum lot area, as defined under the applicable By-law), which is also determined by including the area of the entire property regardless of how much of the property is actually developable. The proposed By-law amendment would therefore limit the size and massing of a dwelling to be more appropriate and compatible with the table land area of the lot in both these circumstances.

b) Standardizing Ornamental Feature Height Requirements throughout the Town

The purpose of this zoning by-law amendment is to consolidate the maximum height requirements throughout the Town as they relate to certain exemptions that are allowed for ornamental roof features such as chimneys, towers, skylights, steeples, etc. Some by-laws contain exemptions to allow ornamental features to be erected on the roof of a building or structure, at heights greater than the permitted height for the building.

Application of the Town's zoning by-laws with respect to any exemptions related to these structures varies between individual by-laws and areas of the Town. Review of the Town's Zoning By-laws has identified the following inconsistencies:

- i) Six by-laws have no provisions with respect to maximum height requirements for buildings or structures;
- ii) Four by-laws have maximum height requirements within a prescribed zone and allow for no additional exemptions for ornamental roof constructions;
- iii) Three Infill by-laws have maximum height requirements, with a maximum 2 metre exemption for ornamental roof construction features above the highest point of the building;
- iv) Thirty-Five by-laws have maximum height requirements for buildings and structures, however allow for ornamental roof feature exemptions which have no maximum height requirement.

The proposed by-law amendment will not revise any maximum height requirements for main buildings or structures within a prescribed zone. Additionally, the proposed by-law amendment will not revise the exemptions granted for ornamental roof features within the three infill area by-laws (By-laws 99-90, 100-90 and 101-90), as these By-laws have already established a criteria for ornamental roof features that are compatible and appropriate with respect to the surrounding community. The proposed by-law amendment will however permit ornamental roof features to be exempt from the maximum height requirements in By-laws where they previously were not exempt and establish a maximum height limit to this exemption. Similarly, a maximum height limit to the ornamental roof feature exemption will be established within by-laws where the height was previously unregulated. This By-law will provide consistency in applying the Town's zoning by-laws relating to exemptions for ornamental roof features above the maximum permitted height of a building or structure to a height that is determined to be appropriate and compatible with the built form of adjacent properties and the surrounding community.

c) Minimum Setbacks for Residential Doors Accessing a Side Yard

The purpose of this zoning by-law amendment is to establish a minimum interior side yard (i.e. the side yard adjacent to another lot) setback requirement of 1.2 metres for a door accessing a residential dwelling. The amendment will affect the location of doors accessing low-density ground oriented dwellings such as single detached, semi-detached and freehold street townhouse dwelling units that have an interior side yard setback of less than 1.2 metres. The Town's zoning by-laws regulate the minimum required side yard setbacks which can range from a minimum requirement of 0.3 metres to 3.0 metres depending on the applicable by-law. On properties with a side yard setback of less than 1.2 metres, doors located in the side yard can present a trespass issue where the limited width between the building and property line may require either an individual accessing the door, or an opened door that swings out to cross over the property line onto the adjacent property.

With the exception of Urban Expansion By-law 177-96, as amended, the Town's zoning by-laws do not regulate the location of doors accessing an interior side yard. By-law 177-96, as amended, requires that *an opening for a door that provides access to the interior of the main building is not permitted in any portion of a wall facing the interior side lot line that is located less than 1.2 metres from the interior side lot line*. The proposed zoning amendment will provide consistent implementation of the Town's Zoning by-laws respecting the location of doors accessing an interior side yard on low-density residential lots with a side yard setback of less than 1.2 metres. Properties with a side yard setback of 1.2 metres or greater will not be affected by the implementation of this proposed by-law.

OPTIONS/ DISCUSSION:

A review of the proposed zoning amendments has been conducted for the purposes of this information report, and key staff involved with the use and interpretation of the zoning by-laws has been consulted. However, further analysis and a more detailed planning report will be required prior to the Public Meeting for some of the proposed amendments

noted above. It may be necessary to separate some of the items to be considered at the Public Meeting(s), and to be addressed in separate zoning by-law amendments. The approved 2012 consultant budget will be utilized where necessary for this project.

Authorization to hold Public Meeting(s) is being requested in order to solicit comments from interested stakeholders with respect to the proposed zoning amendments.

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.

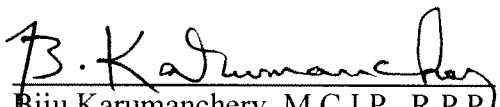
ALIGNMENT WITH STRATEGIC PRIORITIES:

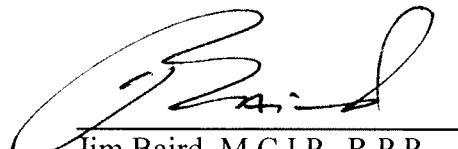
The zoning by-law refinements suggested for review will align with Council's Growth Management strategic focus area.

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.P.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