



Report to: Development Services Committee

Report Date: February 21, 2012

SUBJECT: PRELIMINARY REPORT
Proposed Amendments to Zoning By-law 28-97, as amended,
Respecting Parking Provisions in the Town of Markham
ZA 12 107844

PREPARED BY: Tom Villella – Senior Projects Coordinator, ext. 2758
REVIEWED BY: Biju Karumanchery – Senior Development Manager

RECOMMENDATION:

That the report dated February 21, 2012 entitled “PRELIMINARY REPORT – Proposed Amendments to Zoning By-law 28-97, as amended, Respecting Parking Provisions in the Town of Markham, ZA 12 107844”, 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 regarding parking provisions in the Town of Markham;

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 zoning by-law amendment. The amendment is intended to improve and clarify a number of provisions of the existing Markham Parking By-law (By-law 28-97, as amended). Staff is also seeking Committee’s authorization to hold a statutory Public Meeting on this matter. Committee will receive an additional information report prior to the Public Meeting, as may be required for certain of the proposed amendments. This subsequent report 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:

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 intends to have regular “housekeeping” amendments brought forth 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 By-law 28-97 (Markham Parking By-law)

A number of potential improvements to the parking regulations of By-law 28-97 have been identified, as detailed below. By-law 28-97 (as amended) is the omnibus zoning by-law that, in 1997, amended all Town Zoning By-laws in order to provide consistent parking regulations across the entire municipality. By-law 28-97 has been subject to a number of amendments since its adoption, most notably By-law 2003-301 revising the parking provisions for “Places of Worship” and By-law 2006-96 revising provisions related to driveways and parking pads.

The following section outlines the amendments to By-law 28-97 proposed through this exercise, which are intended to improve its usability, currency and relevancy:

a) **Parking Requirements for Places of Worship**

The proposed amendment will update **Section 1.2(ii)** of By-law 2003-301 (Places of Worship Parking By-law) in order to provide clear direction with respect to the calculation of “worship area capacity”, consistent with study results and existing Building Code requirements. The “Town of Markham Places of Worship Study” of June 2003 suggested a recommended ratio of 0.75 sq. m. of net floor area per person (for non-fixed seating areas), which is consistent with the generic formula in the Ontario Building Code. The proposed amendment will change the existing regulation so that the “worship area capacity” calculation is consistent with the Building Code. The current regulation, although originally intended to reflect the above requirement, does not achieve that objective under the current wording.

b) **Parking Requirements for Accessory Apartments**

Section 3.0 – Table A of By-law 28-97 provides a parking requirement for an “accessory apartment”. However, this term is not defined anywhere in the by-law. The requirement should refer to an accessory “dwelling unit” which is a defined term in the parking by-law. As well, the current requirement of 1 parking space per unit (for an accessory unit) will be examined in order to determine its appropriateness and currency.

c) **Parking Requirements for Arenas with No Fixed Seats**

Section 3.0 – Table B of By-law 28-97 currently provides parking regulations for “Arenas” where there are fixed seats. However, there are situations where an arena may have no fixed seats or open benches, and therefore an alternate parking calculation would have to apply. To date, the parking requirement for “assembly halls” has been used; however this matter should be more closely investigated in order to determine if there is an alternate requirement that may be more appropriate. Also, there is no definition of “arena” in the parking by-law, and arenas fall under the definition of “assembly hall” or “place of recreation” in other Town zoning by-laws. It is advantageous to provide a definition of “arena” in By-law 28-97, to provide for a common definition applying across the municipality.

d) Parking Requirements for Medical Offices

Section 3.0 – Table B of By-law 28-97 currently provides parking regulations for “Medical Offices” at a rate of 1 parking space for every 30 sq m of net floor area. Through use of the by-law, zoning examiners and planners have noted that this ratio may be inappropriate for certain types of medical offices, particularly in medical office buildings and “clinics” involving multiple medical practitioners. The current parking rate for this type of use is identical to the parking requirement for “business offices”, and it has been Staff’s experience that medical offices can attract more vehicles than business offices in certain cases. The matter should be more closely examined in order to determine whether or not the current ratio is appropriate.

e) Parking Requirements for Shooting Galleries and Ranges

Section 3.0 – Table B of By-law 28-97 provides for a parking requirement for “shooting galleries” or “ranges”. However, the requirement of “1 parking space per person design capacity” is ambiguous and should be made clearer. An alternative would be to utilize the requirements for “assembly hall” (based on net floor area) or something similar to a “bowling alley” (where parking is based on the number of alleys in the premises). Staff will investigate further and report back to Committee. For the Committee’s information, “Shooting Galleries and Ranges” are currently permitted anywhere a private club or a place of recreation is permitted. Markham Firearms By-law 323-86 allows the discharge of firearms at a “lawful shooting range or gallery”. Staff will consult with York Regional Police with respect to any criteria they may have regarding where such establishments may be located.

f) Accessibility Parking Requirements

Section 5.0 of By-law 28-97 is currently entitled “PARKING FOR THE PHYSICALLY DISABLED”. Staff suggests an alternate title which is more contemporary and respectful. The Town’s Accessibility Officer has suggested that a more appropriate title for this section is “REQUIREMENTS FOR ACCESSIBLE PARKING SPACES”. Staff will also investigate the appropriateness of the existing parking ratio for accessible spaces.

g) Location of Parking Areas on Residential Lots

Section 6.0 of By-law 28-97 regulates the location of parking areas and driveways that are required to be provided under By-law 28-97, as amended. However, there are currently no restrictions related to the parking of motor vehicles in the rear yard of non-lane-based residential lots. For instance, in the past, Staff have received complaints with respect to residents paving their entire rear yards and utilizing the area for parking. This has the potential to create impacts from an environmental perspective, and from the perspective of enjoyment of property. For these reasons, Staff believes that the issue warrants some study. An examination of how this issue is dealt with in other municipalities will form part of the analysis.

h) Parking Requirements for Commercial Vehicles in Residential Districts

Section 7.1 of By-law 28-97 currently prohibits any commercial motor vehicle having a gross weight of 4,536 kilograms (approx. 10,000 lbs) or more from being parked or stored on a lot used for residential uses. Markham's Parking Enforcement Office has requested that Staff review this section, particularly with respect to the appropriateness of the "minimum gross weight" figure used. Concerns have been received from residents with respect to the storage of commercial vehicles in residential areas, which weigh less than the minimum set out in the parking by-law. Staff will investigate the appropriateness of the current regulation and provide further information for Committee's consideration.

OPTIONS/ DISCUSSION:

A review of the proposed zoning amendments has been conducted for the purposes of this information report, and key staff involved in the use and interpretation of the zoning by-law have been consulted. However, further analysis and a more detailed planning report will be required for certain of the proposed amendments as noted above. It may be necessary to separate certain of the items to be considered at the public meeting(s), and to be addressed in 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. As noted, an additional information report, which will provide more detailed background analysis of the proposed amendments, will be provided to Committee, as required, prior to the Public Meeting.

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.

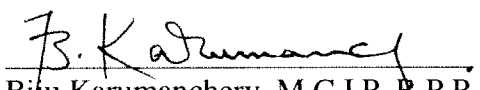
ALIGNMENT WITH STRATEGIC PRIORITIES:

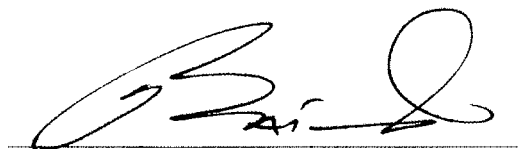
The zoning by-law refinements suggested for review will align with Council's Growth Management strategic focus area.

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 Parking By-law.

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 107844\Documents\Recommendation Report