



## BY-LAW 2020-XXXX

**A By-law to amend By-laws 1229, 1442, 1507, 1767, 1912, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-80, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96, 28-97, and 2004-196, as amended**

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The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That By-laws **1229, 1442, 1507, 1767, 1912, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-80, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96, 28-97, and 2004-196**, as amended, is hereby further amended as follows:

“1.1 By-laws 1229, 1442, 1507, 1767, 1912, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 45-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-80, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 28-97, 177-96, and 2004-196, as amended, are hereby amended, and the provisions in this By-law shall apply to all lands within the City of Markham. All other provisions of these By-laws, unless specifically modified/amended by this Section, shall continue to apply.

### 1.2 Special Zone Standards

*Outdoor patios accessory* to an existing permitted *restaurant* may be located within a *parking area*, *parking space*, or drive aisle subject to the following:

- a) There shall be no restriction on the maximum area of an *outdoor patio*;
- b) Notwithstanding a) above, an *outdoor patio* located within a *parking area* shall not occupy no more than the greater of:
  - i) 4 Parking spaces, or
  - ii) 33% of the provided parking spaces for the use;
- c) The *outdoor patio* area associated with a *restaurant* shall be exempt from requirements for provision of *parking spaces*;
- d) The *outdoor patio* does not occupy any required fire route;
- e) The *outdoor patios* does not occupy *accessible parking spaces*;
- f) The *outdoor patio* shall not be used to provide entertainment such as performances, music, and dancing;
- g) The *outdoor patio* may be located in a *yard* abutting a residential *zone* when located in an existing *parking area*;

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- h) The *outdoor patios* shall be setback a minimum of 11.8 metres from a residential *zone*; *and*
  - i) Notwithstanding any other provision within the By-law, temporary tents, canopies, or other temporary *structures* are permitted over any temporary patio authorized under this by-law subject to the following setbacks:
    - i) A minimum 1.2 metre setback to any *lot line* abutting a street
    - ii) A minimum 1.2 metres from any other municipal walkway.
2. This By-law shall be in force until December 31<sup>st</sup>, 2021.

Read a first, second, and third time and passed on XXXXXX

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Kimberley Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor



## **EXPLANATORY NOTE**

### **BY-LAW 2020 - XXX \_\_\_\_\_**

**A By-law to amend By-law 2020-XX, as amended**

### **City of Markham**

#### **Lands Affected**

This by-law amendment applies to all the lands governed by By-law 1229, 1442, 1507, 1767, 1912, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163 78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-80, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 28-97, 177-96, and 2004-196, as amended, as amended.

#### **Purpose and Effect**

The purpose and effect of the By-law amendment is to add additional special zone standards for outdoor patios within the geographic boundaries governed by By-laws 1229, 1442, 1507, 1767, 1912, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163 78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-80, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 28-97, 177-96, and 2004-196, as amended. This by-law will act to replace by-law 2020-52 allowing the continued operation of existing temporary patios, and patio expansions, while also permitting new temporary patios, and the use of temporary structures such as tents within temporary patio areas until December 31<sup>st</sup>, 2021.