



MEMORANDUM

TO: Heritage Markham Committee

FROM: Regan Hutcheson, Manager-Heritage Planning

DATE: July 13, 2022

SUBJECT: Temporary Use Zoning By-law
Outdoor Patios Extension and Outdoor/Sidewalk Sales

Project: Temporary Use By-law – Outdoor Patio Extension and Outdoor Display/Sales

Background:

- City Council approved the following on June 28, 2022:
 1. That the city-wide Temporary Zoning By-law to permit new or expansions to existing outdoor patios, and outdoor sales and display in the Heritage Main Street Markham area, be approved;
 2. That authority to act on behalf of Council to grant municipal authorizations required by the Alcohol and Gaming Commission of Ontario for the temporary extension of a liquor license be delegated to the City Clerk;
 3. That Council grant the City's processing fees for the temporary extension of liquor license requests be waived until December 31, 2023;
 4. That temporary new or temporary expansions to existing patios, which have been approved since June 30, 2020, and located on a private property, be granted temporary approval of their extension until December 31, 2023;
- City Council has approved outdoor sales and display on private property until December 2023 in a specific area of Markham Village (traditional Main St commercial area), consistent with the permissions in Unionville.
- This permission creates the opportunity for individual businesses, or groups of businesses (eg. The BIA) to apply for a Road Occupancy Permit ("ROP") to permit their displays within the City's boulevards, in the form of sidewalk sales. According to the staff report to Council on this matter, "Prior to the City issuing an ROP for sidewalk sales, the proposed dates, times, and the locations of the sales would be brought to the Heritage Markham Committee to confirm consistency with the City's vision for the area".

- These displays of merchandise would normally be for a specific period of time (“Sidewalk Sale”).
- Staff has not received any specific proposal for sidewalk sales within the boulevard to date.

Status/ Staff Comment

- There is desire to “pre-authorize” this type of outdoor display/sale of merchandise on either private lands or the public sidewalk area, both through Heritage and Operations, to provide the most flexibility to the business owners.
- Normally any change to the external component of a property within a heritage conservation district is reviewed by Heritage Markham (unless delegated to Heritage Section staff) as per the Ontario Heritage Act and the City’s Delegation By-law concerning OHA matters. Staff often make decisions on minor matters and report these to Heritage Markham Committee on a monthly basis.
- Given the outdoor display of merchandise will be temporary in nature, it is suggested that the issue of outdoor display and sales of merchandise on private and public lands be supported as long as it is not a permanent feature, and that review and consideration of the matter be delegated to Heritage Section staff.
- It is also recommended that any matter relating to the extension of outdoor patios be delegated to Heritage Section staff.

Suggested Recommendation for Heritage Markham

That Heritage Markham Committee has no objection to the concept of allowing the extension of outdoor patios and temporary outdoor display and sales of merchandise, in principle; and

That Heritage Markham Committee delegates the committee’s review of matters concerning the extension of outdoor patios and the outdoor display and sales of merchandise to Heritage Section staff.