




Date: May 15, 2014

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**MEMORANDUM**

**TO:** Mayor and Members of Council 

**FROM:** Jim Baird, Commissioner of Development Services

**PREPARED BY:** Stephen Corr, Planner, Special Projects Team

**REVIEWED BY:** Tom Villella, Senior Projects Coordinator

**DATE:** May 15, 2014

**SUBJECT:** Proposed General Housekeeping By-law Amendments respecting Various Provisions in the City of Markham Zoning By-laws  
File Numbers: ZA 12-107844 and ZA 12-109460

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**RECOMMENDATION:**

- 1) That the Memorandum dated May 15, 2014, entitled "Proposed General Housekeeping By-law Amendments respecting Various Provisions in the City of Markham Zoning By-laws, File Numbers: ZA 12-107844 and ZA 12-109460", be received;
- 2) That the Draft Zoning By-law amendments, as they relate to the proposed General Housekeeping By-law Amendments respecting various provisions in the City of Markham Zoning By-laws (File Nos. ZA 12-107844 and ZA 12-109460), be approved, as per the attached Appendix 'A', and be finalized and enacted without further notice;
- 3) And that staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE**

This memorandum accompanies a number of General Housekeeping Zoning By-law Amendments, which are being brought forward for adoption in accordance with the Development Services Committee resolution of June 18, 2013. The draft By-laws are attached as Appendix 'A'.

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## **BACKGROUND**

Staff reported to Development Services Committee on three occasions, as follows:

- On February 21, 2012, on proposed zoning amendments to the City of Markham Parking Standards By-law 28-97, as amended;
- On June 12, 2012, on proposed zoning amendments to improve the City's Zoning By-laws to ensure that they are consistently interpreted throughout the City, and
- On April 23, 2013 to include additional items to be considered as part of the proposed general housekeeping Zoning By-law amendment.

On all three occasions, Committee endorsed the recommendations of Staff to proceed with a Public Meeting respecting these proposed amendments. The Public Meeting regarding the proposed amendments took place on May 21, 2013, where this initiative was referred back to Staff to provide a Recommendation Report and Draft Zoning By-laws.

Staff reported back to Committee on June 18<sup>th</sup>, 2013 with a final Recommendation Report that outlined the proposed amendments to the City's Zoning By-law in detail (See Appendix 'B'). At the June 18, 2013 Development Services Committee meeting, Committee endorsed the recommendations of staff, including approval of the Zoning By-law amendments to implement the proposal. At that time, final versions of the By-laws were still being drafted by Meridian Planning Consultants Inc., the Planning consultant retained to assist with this project.

The draft Zoning By-law amendments (Appendix 'A') have now been finalized and reviewed by Staff. The proposed By-laws will implement the proposed amendments summarized in the June 18<sup>th</sup>, 2013 Recommendation Report, with some minor modifications as noted below.

### Hazard Lands and Residential Lot Coverage

In the June 18<sup>th</sup>, 2013 Recommendation Report staff proposed that Zoning By-law definitions of Lot Coverage and Net Floor Area be amended to exclude 'Hazard Lands' (i.e. environmentally sensitive lands) from being considered as part of the total lot area. This would ensure that only the portion of a lot outside of the Hazard Lands would be used to determine the maximum Lot Coverage and maximum Gross Floor Area Ratio of a dwelling, and therefore limit its allowable size in relation to the developable portion of that property. This would apply to lots zoned with both a Residential Zoning designation and an Open Space Zoning designation that protects the Hazard Lands. The proposed amendment to the definition of Lot Coverage addresses the overdevelopment of a property that has associated hazard lands. Upon further review, we note that the By-law definitions of Net Lot Area already exclude portions of a property from being used to calculate the maximum permitted Gross Floor Area Ratio, as a means of balancing the scale of dwellings within established communities that have a mix of large and small lots. Therefore the draft By-law pertaining to Hazard Lands (included in Appendix 'A'), proposes to amend the definition of Lot Coverage only.

### By-laws to Come into effect December 31, 2014

Staff have included a clause to allow current By-law standards to remain applicable until December 31, 2014. This clause has been added to the proposed Parking Standards By-law and

Medical Office Use By-law only. Staff considers this to be an appropriate method of allowing current development applications that are in an advanced stage to be finalized without requiring onerous modifications in accordance with the new By-law requirements. This will mitigate any adverse impact to applicants, and lessen the potential of an appeal to the Ontario Municipal Board. This clause will allow the current by-law standards to apply to a development proposal, providing a Building Permit application is submitted prior to December 31, 2014. Starting in 2015, it will be expected that all development proposals comply with the new By-law requirements.

## **CONCLUSION**

Staff recommend approval of these six Zoning By-law amendments (Appendix 'A'), which will implement the staff recommendations that have been endorsed by Development Services Committee on June 18<sup>th</sup>, 2013, in addition to the revision to the 'Hazard Land' By-law, as noted above.

## **ATTACHMENTS:**

- 1) Appendix 'A' – Draft Zoning By-laws (6)
- 2) Appendix 'B' – Recommendation Report, dated June 18<sup>th</sup>, 2013



## BY-LAW 2014-\_\_\_\_

A By-law to Amend By-laws 1229, 1442, 1507, 1767, 1914, 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, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 28-97 and 2004-196, as amended

**WHEREAS** the City of Markham is empowered to pass By-laws pursuant to the Planning Act R.S.O. 1990 c.P 13.

**AND WHEREAS** the City of Markham wishes to ensure that all Zoning By-laws in the City permit technical revisions as appropriate provided that the purpose, effect, intent, meaning and substance of this By-law are in no way affected by the revision;

**NOW THEREFORE** The Council for the Corporation of the City of Markham enacts as follows:

1. By-laws 1229, 1442, 1507, 1767, 1914, 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, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 28-97 and 2004-196, as amended are further amended by the addition of the following:

***“TECHNICAL REVISIONS TO THE ZONING BY-LAW***

*Provided that the purpose, effect, intent, meaning and substance of this By-law are in no way affected, the following technical revisions to this By-law are permitted without a zoning by-law amendment:*

- a) *Changes to the numbering, cross-referencing, format and arrangement of the text, tables, schedules and maps;*
- b) *Additions to and revisions of technical information on maps and schedules including, but not limited to: infrastructure and topographic information, notes, legends, shading and title blocks;*
- c) *Alterations of punctuation or language; and*
- d) *Correction of grammatical, dimensional, boundary, mathematical or typographic errors.”*

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_ DAY OF APRIL, 2014.

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KIMBERLEY KITTERINGHAM  
CITY CLERK

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FRANK SCARPITTI  
MAYOR



## **EXPLANATORY NOTE**

### **BY-LAW 2014-\_\_**

**A By-law to Amend By-laws 1229, 1442, 1507, 1767, 1914, 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, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 28-97 and 2004-196, as amended**

#### **Lands Affected**

The proposed by-law amendment applies to all and various lands within the corporation limits of the City of Markham, that are zoned by the by-laws listed above, as amended.

#### **Purpose and Effect**

The purpose and effect of this By-law is to amend the above-noted Zoning By-laws to ensure that all Zoning By-laws in the City permit technical revisions as appropriate provided that the purpose, effect, intent, meaning and substance of this By-law are in no way affected by the revision.



## BY-LAW 2014-\_\_\_\_

**A By-law to Amend By-laws 1229, 1767, 2150, 2237, 2489, 151-75, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 118-79, 134-79, 153-80, 72-81, 193-81, 221-81, 194-82, 90-81, 304-87 and 2004-196 as amended**

**WHEREAS** the City of Markham is empowered to pass By-laws pursuant to the Planning Act R.S.O. 1990 c.P 13.

**AND WHEREAS** the City of Markham wishes to ensure that all Zoning By-laws in the City restrict openings within 1.2 metres of an interior side lot line.

**NOW THEREFORE** The Council for the Corporation of the City of Markham enacts as follows:

1. By-law 1229 as amended is hereby further amended with the addition of a new Section 5.14 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

2. By-law 304-87 as amended is hereby further amended with the addition of a new Section 5.10 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

3. By-law 2150 as amended is hereby further amended with the addition of a new Section 4.13 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

4. By-law 2237 as amended is hereby further amended with the addition of a new Section 4.15 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

5. By-law 2489 as amended is hereby further amended with the addition of a new Section 4.13 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

6. By-law 151-75 as amended is hereby further amended with the addition of a new Section 6.7 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

7. By-law 250-77 as amended is hereby further amended with the addition of a new subsection 6.6 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

8. By-law 162-78 as amended is hereby further amended with the addition of a new Section 6.6 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

9. By-law 163-78 as amended is hereby further amended with the addition of a new Section 6.6 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

10. By-law 184-78 as amended is hereby further amended with the addition of a new Section 6.6 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

11. By-law 72-79 as amended is hereby further amended with the addition of a new Section 6.6 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

12. By-law 118-79 as amended is hereby further amended with the addition of a new Section 6.6 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

13. By-law 134-79 as amended is hereby further amended with the addition of a new Section 6.6 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

14. By-law 72-81 as amended is hereby further amended with the addition of a new Section 5.2.6 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

15. By-law 90-81 as amended is hereby further amended with the addition of a new Section 5.2.6 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

16. By-law 194-82 as amended is hereby further amended with the addition of a new Section 6.8 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

17. By-law 193-81 as amended is hereby further amended with the addition of a new Section 4.10 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

18. By-law 221-81 as amended is hereby further amended with the addition of a new Section 5.4 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

19. By-law 153-80 as amended is hereby further amended with the addition of a new Section 6.7 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

20. By-law 145-78 as amended is hereby further amended with the addition of a new Section 6.6 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*



21. By-law 2004-196 as amended is hereby further amended with the addition of a new Section 4.21 as set out below:

*“Notwithstanding any other provision in this by-law, an opening for a door that provides access to the interior of a single detached or semi detached dwelling 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.”*

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF APRIL, 2014.

\_\_\_\_\_  
KIMBERLEY KITTERINGHAM  
CITY CLERK

\_\_\_\_\_  
FRANK SCARPITTI  
MAYOR



## **EXPLANATORY NOTE**

### **BY-LAW 2014-\_\_**

**A By-law to Amend By-laws 1229, 1767, 2150, 2237, 2489, 151-75, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 118-79, 134-79, 153-80, 72-81, 193-81, 221-81, 194-82, 90-81, 304-87 and 2004-196 as amended**

#### **Lands Affected**

The proposed by-law amendment applies to all and various lands within the corporation limits of the City of Markham, that are zoned by the by-laws listed above, as amended.

#### **Purpose and Effect**

The purpose and effect of this By-law is to amend the above-noted Zoning By-laws in order to ensure that openings that provide access to single detached and semi detached dwellings are not permitted within 1.2 metres of an interior side lot line.



## BY-LAW 2014-\_\_\_\_

A By-law to Amend By-laws 1229, 1507, 1767, 1914, 2053, 2150, 2237, 2402, 2489, 2551, 2571, 2612, 2284-68, 11-72, 122-72, 77-73, 83-73, 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, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 2004-196 and 177-96 as amended

**WHEREAS** the City of Markham is empowered to pass By-laws pursuant to the Planning Act R.S.O. 1990 c.P 13.

**AND WHEREAS** the City of Markham wishes to ensure that all Zoning By-laws in the City contain the same definition of medical office and that wherever a business and professional office is a permitted use, a medical office is also a permitted use.

**NOW THEREFORE** The Council for the Corporation of the City of Markham enacts as follows:

1. The definition of 'Clinic' in By-laws 1229, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 14-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 19-94, as amended, is deleted and replaced with the following definition of 'Medical Office':

**"Medical Office"** means a *premises* used for the medical, dental, surgical, diagnostic and/or therapeutic treatment of human beings including clinics operated by a number and/or variety of medical professionals, but does not include a public or private hospital.

2. A definition of "Business Office" is added to the definitions section of By-laws 1229, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 14-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 19-94, as amended, as set out below:

**"Business Office"** means a *premises* used for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing and/or storage of information rather than the production and distribution of goods, and for the purposes of this By-law includes a Medical Office.

3. The terms 'business and professional office' and 'professional and business office' contained in By-laws 1229, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 14-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 19-94, as amended, are deleted and replaced with 'Business Office'.

4. A definition of "Medical Office" is added to the definitions section By-laws 1507, 1767, 1914, 2053, 2150, 2237, 2402, 2489, 2551, 2571, 2612, 2284-68, 11-72 and 304-87, as amended, as set out below:

**"Medical Office"** means a *premises* used for the medical, dental, surgical, diagnostic and/or therapeutic treatment of human beings including clinics operated by a number and/or variety of medical professionals, but does not include a public or private hospital.

5. A definition of "Business Office" is added to the definitions section of By-laws 1507, 1767, 1914, 2053, 2150, 2237, 2402, 2489, 2551, 2571, 2612, 2284-68, 11-72 and 304-87, as amended, as set out below:

**"Business Office"** means a *premises* used for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of

labour is the processing and/or storage of information rather than the production and distribution of goods, and for the purposes of this By-law includes a Medical Office.

6. The terms 'business and professional office' and 'professional and business office' contained in By-laws 1507, 1767, 1914, 2053, 2150, 2237, 2402, 2489, 2551, 2571, 2612, 2284-68, 11-72 and 304-87, as amended, are deleted and replaced with 'Business Office'.
7. The provisions of this By-law do not apply to any development for which a complete building permit application, as determined by the Chief Building Official in his or her sole discretion, has been submitted on or before December 31, 2014

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_ DAY OF APRIL, 2014.

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KIMBERLEY KITTINGHAM  
CITY CLERK

---

FRANK SCARPITTI  
MAYOR



## **EXPLANATORY NOTE**

### **BY-LAW 2014-\_\_**

**A By-law to Amend By-laws 1229, 1507, 1767, 1914, 2053, 2150, 2237, 2402, 2489, 2551, 2571, 2612, 2284-68, 11-72, 122-72, 77-73, 83-73, 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, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 2004-196 and 177-96 as amended**

#### **Lands Affected**

The proposed by-law amendment applies to all and various lands within the corporation limits of the City of Markham, that are zoned by the by-laws listed above, as amended.

#### **Purpose and Effect**

The purpose and effect of this By-law is to amend the above-noted zoning by-law in order to ensure that the same definition of 'Medical Office' is used in all Zoning By-laws in the City of Markham and that 'Medical Offices' are permitted wherever business and professional offices are permitted.



## BY-LAW 2014-\_\_\_\_\_

Being a By-law to amend By-laws 1229, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612 and 11-72.

**WHEREAS** the City of Markham is empowered to pass By-laws pursuant to the Planning Act R.S.O. 1990 c.P 13.

**AND WHEREAS** the City of Markham wishes to ensure that a consistent definition of “*Lot Coverage*” is used in all zoning by-laws in the City.

**NOW THEREFORE** The Council for the *Corporation* of the City of Markham enacts as follows:

1. The definition for ‘*Lot Coverage*’ in By-laws 1229 and 1767, as amended, is deleted and replaced with a new definition of “*Lot Coverage*” as set out below:

“***Lot Coverage*** means that percentage of the lot covered by all buildings and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below grade. Lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said Zone.”

2. The term ‘*Coverage*’ in By-laws 1914, 2053, 2237, 2284-68, 2402, 2489, 2571, 2612 and 11-72, as amended is deleted and replaced with the term “*Lot Coverage*”.
3. The definition for ‘*Coverage*’ in By-laws 1914, 2053, 2237, 2284-68, 2402, 2489, 2571, 2612 and 11-72, as amended, is deleted and replaced with a new definition of “*Lot Coverage*” as set out below:

“***Lot Coverage*** means that percentage of the lot covered by all buildings and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below grade. Lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said Zone.”

4. By-law 2551, as amended, is further amended by adding the definition of “*Lot Coverage*” as set out below:

“***Lot Coverage*** means that percentage of the lot covered by all buildings and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below grade. Lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said Zone.”

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF APRIL, 2014.

\_\_\_\_\_  
KIMBERLEY KITTINGHAM  
CITY CLERK

\_\_\_\_\_  
FRANK SCARPITTI  
MAYOR

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## **EXPLANATORY NOTE**

### **BY-LAW 2014-\_\_\_\_**

**A By-law to Amend By-laws 1229, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612 and 11-72, as amended**

#### **Lands Affected**

The proposed by-law amendment applies to all land that are subject to By-law's 1229, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612 and 11-72, as amended.

#### **Existing Zoning**

The affected lands are zoned under a variety of designations in accordance with Zoning By-law's 1229, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612 and 11-72, as amended.

#### **Purpose and Effect**

The purpose and effect of this By-law is to amend the above-noted zoning by-laws by updating the way lot coverage is defined and then applied.

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## BY-LAW 2014-\_\_\_\_

**A By-law to Amend By-laws 1229, 1767, 1914, 2053, 2150, 2237, 2402, 2489, 2551, 2571, 2612, 2284-68, 11-72, 122-72, 77-73, 83-73, 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, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96 and 2004-196 as amended**

**WHEREAS** the City of Markham is empowered to pass By-laws pursuant to the Planning Act R.S.O. 1990 c.P 13.

**AND WHEREAS** the City of Markham wishes to ensure that all Zoning By-laws in the City contain the same definition of height;

**NOW THEREFORE** The Council for the Corporation of the City of Markham enacts as follows:

1. The definition of 'Height' in **By-laws 2150, 2489 2237, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 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, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96 and 2004-196**, as amended, is deleted and replaced with the following new definition of 'Height':

*"Height" means with reference to a building or structure, the vertical distance measured from the established grade of such building or structure to:*

- a) *The highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;*
- b) *The deckline of a mansard roof;*
- c) *The mean level between eaves and ridge of a gabled, hip or gambrel roof or other type of pitched roof;*
- d) *In case of a structure with no roof, the highest point of the said structure.*

*Notwithstanding the above, any ornamental features including towers, steeples, cupolas, ornamental domes and other roof structures which are used only as an ornament and all solar panels, heating, ventilation and air conditioning equipment (HVAC) that is not enclosed with walls shall not be included in the calculation of height.*

*The following ornamental and mechanical features are permitted to project a maximum of 5.0 metres above the highest point of the roof surface, regardless of the height of the building, provided they do not occupy more than 30% of the area of the roof:*

- i) *Skylights;*
- ii) *Vents;*
- iii) *Chimneys;*
- iv) *Bulkheads*
- v) *stairs accessing a roof; and,*
- vi) *Structures and penthouses containing mechanical equipment such as the equipment necessary to control an elevator."*

2. The definition of 'Building Height' in **By-laws 1767, 1914, 1229, and 2053**, as amended, is deleted and replaced with the following new definition of 'Height':

*"Height" means with reference to a building or structure, the vertical distance measured from the established grade of such building or structure to:*

- a) *The highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;*
- b) *The deckline of a mansard roof;*
- c) *The mean level between eaves and ridge of a gabled, hip or gambrel roof or other type of pitched roof;*



d) *In case of a structure with no roof, the highest point of the said structure.*

*Notwithstanding the above, any ornamental features including towers, steeples, cupolas, ornamental domes and other roof structures which are used only as an ornament and all solar panels, heating, ventilation and air conditioning equipment (HVAC) that is not enclosed with walls shall not be included in the calculation of height.*

*The following ornamental and mechanical features are permitted to project a maximum of 5.0 metres above the highest point of the roof surface, regardless of the height of the building, provided they do not occupy more than 30% of the area of the roof:*

- i) *Skylights;*
- ii) *Vents;*
- iii) *Chimneys;*
- iv) *Bulkheads*
- v) *stairs accessing a roof; and,*
- vi) *Structures and penthouses containing mechanical equipment such as the equipment necessary to control an elevator. ”*

3. The definition of ‘Building Height’ in **By-laws 2150 and 2489**, as amended, is deleted in its entirety, and the words ‘Building Height’, where they appear in By-laws 2150 and 2489 are replaced with ‘Height’
4. The following definition of ‘Height’ is added to **Section 2.0 of By-laws 2402, 2551**, and 2284-68, as amended:

***"Height"** means with reference to a building or structure, the vertical distance measured from the established grade of such building or structure to:*

- a) *The highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;*
- b) *The deckline of a mansard roof;*
- c) *The mean level between eaves and ridge of a gabled, hip or gambrel roof or other type of pitched roof;*
- d) *In case of a structure with no roof, the highest point of the said structure.*

*Notwithstanding the above, any ornamental features including towers, steeples, cupolas, ornamental domes and other roof structures which are used only as an ornament and all solar panels, heating, ventilation and air conditioning equipment (HVAC) that is not enclosed with walls shall not be included in the calculation of height.*

*The following ornamental and mechanical features are permitted to project a maximum of 5.0 metres above the highest point of the roof surface, regardless of the height of the building, provided they do not occupy more than 30% of the area of the roof:*

- i) *Skylights;*
- ii) *Vents;*
- iii) *Chimneys;*
- iv) *Bulkheads*
- v) *stairs accessing a roof; and,*
- vi) *Structures and penthouses containing mechanical equipment such as the equipment necessary to control an elevator. ”*

5. Notwithstanding the above provisions, ‘Height’, as defined in Infill By-laws 99-90, 100-90, 101-90, 16-93, and 223-94 shall continue to apply.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF APRIL, 2014.

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KIMBERLEY KITTINGHAM  
CITY CLERK

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FRANK SCARPITTI  
MAYOR



## EXPLANATORY NOTE

### BY-LAW 2014-\_\_

**A By-law to Amend By-laws 1229, 1767, 1914, 2053, 2150, 2237, 2402, 2489, 2551, 2571, 2612, 2284-68, 11-72, 122-72, 77-73, 83-73, 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, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94, 177-96 and 2004-196 as amended**

#### **Lands Affected**

The proposed by-law amendment applies to all and various lands within the corporation limits of the City of Markham, that are zoned by the by-laws listed above, as amended.

#### **Purpose and Effect**

The purpose and effect of this By-law is to amend the above-noted zoning by-law in order to ensure that the same definition of 'height' is used in all Zoning By-laws in the City of Markham.



## BY-LAW 2014-\_\_\_\_\_

### A By-law to Amend By-law 28-97, as amended

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**WHEREAS** the City of Markham is empowered to pass By-laws pursuant to the Planning Act R.S.O. 1990 c.P 13.

**AND WHEREAS** By-law 28-97, as amended, has provided an effective mechanism to regulate parking and loading in the City of Markham;

**AND WHEREAS** the City of Markham wishes to ensure that By-law 28-97, as amended, is as up-to-date as possible and continues to effectively regulate parking within the City;

**AND WHEREAS** the City of Markham has reviewed each of the provisions in the By-law to determine whether they need to be updated, clarified or deleted;

**AND WHEREAS** on the basis of this review, the City of Markham has determined that certain provisions need to be revised;

**NOW THEREFORE** The Council for the *Corporation* of the City of Markham enacts as follows:

1. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Assembly Hall*’ by replacing the word “*Premises*” in the first line with the words “*Building or part of a Building*”.
2. Section 2 of By-law 28-97 is amended by deleting the definition for ‘*Auxiliary Group Home*’ in its entirety.
3. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Banquet Hall*’ by replacing with the word “*Premises*” in the first line with the words “*Building or part of a Building*”.
4. Section 2 of By-law 28-97 is amended by deleting the definition for ‘*Building, Apartment*’ in its entirety.
5. Section 2 of By-law 28-97 is amended by deleting the definition for ‘*Building, Multiple Unit*’ in its entirety.
6. Section 2 of By-law 28-97 is amended by deleting the definition for ‘*Building, Townhouse*’ in its entirety.
7. Section 2 of By-law 28-97 is amended by deleting the existing definition for ‘*Business Office*’ in its entirety and replacing it with the following:

***"Business Office"** means a premises used for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing and/or storage of information rather than the production and distribution of goods.*

8. Section 2 of By-law 28-97 is amended by adding the following definition for ‘*Cemetery*’ after the definition for ‘*Carport*’:

***"Cemetery"** means land used for the interment of human remains and includes a mausoleum, columbarium or other Structure intended for the interment of human remains."*

9. Section 2 of By-law 28-97 is amended by modifying the definition for ‘Club, Private’ by replacing with the word “*Premises*” in the first line with the words “*Building* or part of a *Building*”.
10. Section 2 of By-law 28-97 is amended by deleting the words “a solarium,” in the last line of the definition for ‘*Commercial Fitness Centre*’.
11. Section 2 of By-law 28-97 is amended by deleting the definition for ‘Correctional Group Home’ in its entirety.
12. Section 2 of By-law 28-97 is amended by deleting the definition for ‘Crisis Care Facility’ in its entirety.
13. Section 2 of By-law 28-97 is amended by modifying the definition for ‘Day Nursery’ by replacing with the word “*Premises*” in the first line with the words “*Building* or part of a *Building*”.
14. Section 2 of By-law 28-97 is amended by modifying the definition of ‘*Driveway*’ by deleting the words “facilities such as”, and by adding the words “*Parking Garage*,” after the words ‘a *Parking Area*,’ and by replacing the words “*Building* or *Structure*” with the words “or *Carport*” in the last line.
15. Section 2 of By-law 28-97 is amended by adding a new definition for ‘*Dwelling Apartment*’ after the definition for ‘*Driveway*’:

*“Dwelling, Apartment means a Building containing three or more Dwelling Units that share a common external access to the outside through a common vestibule and a common corridor systems. A Dwelling in any other type of Building is not an Apartment Dwelling.”*

16. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Dwelling, Duplex*’ by adding the words “or a combination of both” after the words ‘common vestibule’ in the last line, and by adding the following words to the end of the definition:

*“A Dwelling in any other type of Building is not a Duplex Dwelling.”*

17. Section 2 of By-law 28-97 is amended modifying the definition for ‘*Dwelling, Fourplex*’ by adding the words “or a combination of both” after the words ‘common vestibule’ in the last line, and by adding the following words to the end of the definition:

*“A Dwelling in any other type of Building is not a Fourplex Dwelling.”*

18. is a Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Dwelling, Multiple*’ by deleting the words “*Multiple Unit*” from after the words ‘in a’ and before the word ‘*Building*’, and by adding the following words to the end of the definition:

*“containing three or more Dwelling Units that would not be considered any other type of Dwelling Units as defined by the By-law.”*

19. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Dwelling, Semi-Detached*’ by adding the words “that share a common wall above *Grade*”, after the word ‘units’.
20. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Dwelling, Single-detached*’ by adding the words “*Dwelling Unit in a*” in the first line after the words ‘means a’ and before the words ‘*Building* containing only one *Dwelling Unit*’.
21. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Dwelling, Townhouse*’ by replacing the words “*Townhouse Building*” after the words ‘means a *Dwelling Unit* in a’ with the following:

*“Building that is vertically divided into a minimum of three Dwelling Units, each of which has an independent entrance at Grade to the front and rear of the Building.”*

22. Section 2 of By-law 28-97 is amended by modifying the definition for ‘Dwelling, Triplex’ by adding the words “or a combination of both” after the words ‘common vestibule’ in the last line, and by adding the following words to the end of the definition:

*“A Dwelling in any other type of Building is not a Triplex Dwelling.”*

23. Section 2 of By-law 28-97 is amended by modifying the definition for ‘Dwelling Unit’ by replacing the words “suite which” after the words ‘means a’ with the words “residential use that”, and by deleting the words “eating, living,” from after the words ‘cooking’ and before the words ‘sleeping’.

24. Section 2 of By-law 28-97 is amended by deleting the existing definition for ‘Erect’ in its entirety and replacing it with the following:

*“**Erect** means any act or action involving a Building or Structure that requires the approval of a building permit in accordance with the Ontario Building Code Act.”*

25. Section 2 of By-law 28-97 is amended by deleting the definition for ‘Floor Area’ in its entirety.

26. Section 2 of By-law 28-97 is amended by deleting the existing definition for ‘Floor Area, Gross’ in its entirety and replacing it with the following:

*“**Floor Area, Gross** means the aggregate of the areas of each floor of a Building or Structure above or below established Grade, measured between the exterior faces of the exterior walls of the Building or Structure, or where there are common walls between uses or Buildings or Structures; measured to the centre-line of a common wall, excluding the sum of the areas of each floor used, or designed or intended for the parking of Motor Vehicles, unless the parking of Motor Vehicles is the principle use of the Building or Structure.”*

27. Section 2 of By-law 28-97 is amended by modifying the definition for ‘Floor Area, Gross Leasable’ by replacing the words “Shopping Centre” in the first line with the words “Building containing a number of retail and similar uses”, and by deleting the word “the” before the words ‘tenants’, and by deleting the words “of the Shopping Centre” after the word ‘tenants’, and by adding the following sentence at the end of the definition:

*“For the purpose of this definition, common areas that are not designed nor leased for the exclusive use of a tenant are not included in the calculation of Gross Leasable Floor Area.”*

28. Section 2 of By-law 28-97 is amended by modifying the definition for ‘Floor Area, Net’ by deleting the existing definition in its entirety and replacing it with the following:

*“**Floor Area, Net** means the aggregate of the Floor Areas of a Building above or below established Grade, but excluding:*

- i) Motor Vehicle Parking Areas within the Building;*
- ii) stairways;*
- iii) elevator shafts and other service and mechanical shafts;*
- iv) service/mechanical rooms and penthouses;*
- v) washrooms;*
- vi) waste/recycling rooms;*
- vii) staff locker and lunch rooms;*
- viii) loading areas;*
- ix) any space with a floor to ceiling Height of less than 1.8 metres; and*

- x) *any part of a basement that is unfinished, is used solely for storage purposes and is not accessible to the public.*”
29. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Funeral Home*’ by deleting the existing definition in its entirety and replacing it with the following:
- “**Funeral Home** means a Funeral Home, funeral parlour, undertaking establishment, funeral establishment, or similar use used for furnishing funeral supplies and services to the public and including facilities intended for the care and preparation of the human body for internment or cremation and facilities for the coordination of rites and ceremonies with respect to internment or cremation.”*
30. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Gas Bar*’ by deleting the existing definition in its entirety and replacing it with the following:
- “**Gas Bar** means a Premises used only for the sale of Motor Vehicle fuels and Motor Vehicle accessories, and may also include accessory retail sales of convenience foods and beverages and Car Washes, but shall not include the performance of repairs to a Motor Vehicle.”*
31. Section 2 of By-law 28-97 is amended by deleting the definition for ‘*Group Home*’ in its entirety.
32. Section 2 of By-law 28-97 is amended by adding the following definition for ‘*Hospital, Public*’ after the definition for ‘*Home Furnishing Store*’:
- “**Hospital, Public** means any institution, Building or other Premises or place established for the purpose of the treatment of persons, and that is approved under The Public Hospitals Act, R.S.O. 1990, Chapter P40, as amended, as a public hospital.”*
33. Section 2 of By-law 28-97 is amended by deleting the existing definition for ‘*Institutional Building*’ and replacing the existing definition with the following:
- “**Institutional Use** means a Building or part of a Building containing uses such as Places of Worship, Community Centres, libraries or government offices.”*
34. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Landscaping*’ by deleting the existing definition in its entirety and replacing it with the following:
- “**Landscaping** means trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and shall not include Parking Areas, Driveways or ramps and shall not be used for the parking of Motor Vehicles.”*
35. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Lane*’ by replacing the words “subsidiary thoroughfare which” with the words “*right of way owned by the Corporation that*” in the first line, and replacing the words “a public or private means of vehicular access” with “*Motor Vehicle access*” in the last line.
36. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Library*’ by replacing the words “a Premises” with the words “*an Institutional use in a Building or part of a Building*” in the first line.
37. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Lot*’ by deleting the words “that abuts a *Public Street*” after the words ‘parcel of land’ and before the words ‘that is registered’ in the first line.

38. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Lot Frontage*’ by adding the words “*Lot Lines*” after the words ‘*Interior Side*’ and before the words ‘and/or *Exterior Side Lot Lines*’ in the first line, and by adding the words “*that is*” after the words ‘on that line’ and before the words ‘eight metres’ in the last line.
39. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Lot Line, Front*’ by adding the word “*Lot*” after the words ‘means the’ and before the words ‘line which’ in the first line, and deleting the existing bullet ‘d)’ in its entirety and replacing it with the following:

*“d) a lot that is separated from a Public Street by a Public Park and provided the Lot is accessed by a Lane, the shortest Lot Line that abuts the Public Park shall be deemed to be the front Lot Line; and,”*
40. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Medical Office*’ by adding the word ‘*diagnostic*’ after the word ‘surgical’ and by deleting the following words from the end of the definition:

*“or office located in the medical professional’s residence”*
41. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Motor Vehicle Service Station*’ by adding the words “*one or more of*” after the words ‘may include’ and before the words ‘the following *Accessory Uses*’, and by deleting the words “retail and personal services uses,” after the words ‘parts and accessories’ and before the words ‘*Motor Vehicle rental*’.
42. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Motor Vehicle Repair Garage*’ by deleting the existing definition in its entirety and replacing it with the following:

*“Motor Vehicle Repair Garage means a Premises where the services performed or executed on Motor Vehicles for compensation may include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, Motor Vehicle diagnostic centre, major and minor mechanical repairs or similar use.”*
43. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Nursing Home*’ by replacing the word “*Premises*” in the first line with the words “*Building or part of a Building*”.
44. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Office Building*’ by adding the word “*primarily*” after the word ‘*Building*’ and before the word ‘containing’ in the first line, and by deleting the word “business” after the word ‘containing’ and before the word ‘offices’, and by adding the following words to the end of the definition:

*“such as Business Offices and Medical Offices.”*
45. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Park, Private*’ by adding the following words as the last line at the end of the definition:

*“For the purposes of this definition, a Commercial Fitness Centre is not permitted in conjunction with a Private Park.”*
46. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Parking Area*’ by replacing the word “on” with the word “*within*” after the words ‘not located’ and before the words ‘a *Public Street*’ in the first line, and by adding the word “*rent*” after the word “sale” and before the words ‘or repair’ in the last line.
47. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Parking Lot, Commercial*’ by deleting the following words from the end of the definition:

“with such use forming the principal use of a *Lot*”

48. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Parking Pad*’ by deleting the existing definition in its entirety and replacing it with the following:

*“**Parking Pad** means an open area of land, other than a Driveway, that provides access to Motor Vehicles from a Public Street or lane, and that is paved or treated with a stable surface that is used for the parking of Motor Vehicles.”*

49. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Place of Worship*’ by replacing the word “*Premises*” in the first line with the words “*Building or part of a Building*”.

50. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Premises*’ by deleting the existing definition in its entirety and replacing it with the following:

*“**Premises** means the area of Building(s) or part thereof occupied or used by a individual business or enterprise.”*

51. Section 2 of By-law 28-97 is amended by deleting the definition for ‘*Public Authority*’ in its entirety and replacing it with the following:

*“**Public Authority** means "**Public Authority**" means any commission, board, or authority or any quasi-public body that is controlled by the Federal, Provincial, Regional and City government.*

52. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*School, Private*’ by replacing the words “*Premises*” in the first line with the words “*Building or part of a Building*”, and by adding the words “*that follows the Ministry of Education’s curriculum for elementary and/or secondary schools, and*” after the words ‘academic school’ and before the words ‘which secures’ in the last line, and by adding the word “*private*” after the words ‘funding from’ and before the word ‘sources’, and deleting the words “other than government agencies” at the end of the definition.

53. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*School, Public*’ by deleting the existing definition in its entirety and replacing it with the following:

*“**School, Public** means a Building or part of a Building used as an academic School under the jurisdiction of the York Region Board of Education, a school under the jurisdiction of the York Region Roman Catholic Separate School Board, or other similar Provincially approved educational institution or parochial school operated on a non-profit basis.”*

54. Section 2 of By-law 28-97 is amended by modifying the definition for ‘*Structure*’ by deleting the existing definition in its entirety and replacing it with the following:

*“**Structure** means anything that is erected, built or constructed of parts joined together and attached or fixed permanently to the ground or any other Structure. For the purpose of this By-law, a fence that has a Height of 1.8 metres or less, a retaining wall, a light standard, transformers, an antenna and a sign shall be deemed not to be Structures. For the purpose of setback calculations, natural gas or electricity meters and air conditioning units, dog houses, freestanding mail boxes, Driveway entrance pillars, statues, storage lockers under 1 metre high, pool pumps and filters not inside Accessory Buildings, flag poles, free standing trellises, shopping cart enclosures, waste receptacles, school bus shelters,*



*composters, planters, and barbeques are not considered Structures for the determination of setbacks.”*

55. By-law 28-97 is amended by deleting **Table A – Residential Uses** (in Section 3.0 of By-law 28-97) in its entirety and replacing it with a new **Table A – Residential Uses**, as follows:

TABLE A -- RESIDENTIAL USES (A number following the parking standard or requirement indicates a special provision applies to that parking standard or requirement. Special Provisions are listed at the end of the Table.)		
A	Single and semi-detached dwellings	2 parking spaces per dwelling unit. If a residential development consisting of Single and/or Semi Detached dwellings is accessed by a Private Street, an additional 0.25 spaces per dwelling unit is required to be provided for visitor parking. (1)(2)(3)
B	Duplex, triplex and fourplex dwellings	1.5 parking spaces per dwelling unit. If a residential development consisting of Duplex, Triplex and/or Fourplex dwellings is accessed by a Private Street, an additional 0.25 spaces per dwelling unit is required to be provided for visitor parking. (1)(2)(3)
C	Multiple dwellings	1.25 parking spaces per dwelling unit plus 0.25 parking spaces per dwelling unit for visitors. (2)
D	Apartment dwellings	1.25 parking spaces per dwelling unit plus 0.25 parking spaces per dwelling unit for visitors
E	Townhouse dwellings	2 parking spaces per dwelling unit. If a residential development consisting of Townhouse dwellings is accessed by a Private Street, an additional 0.25 spaces per dwelling unit is required to be provided for visitor parking. (1)(2)(3)
F	Retirement home	0.5 parking spaces per unit plus 1 parking space for every 4 units for visitors.
G	Accessory Dwelling Unit	1 parking space
H	Bed and Breakfast Inns	1 parking space per guest room in addition to the parking required for the main dwelling unit.

Special Provisions for Table A	
1	Visitor Parking shall not be located on any lands intended solely for the exclusive use of an individual residential unit in a development
2	Visitor Parking shall not be located in Tandem
3	Accessible Parking in accordance with Sections 5.1 and 6.1.2 a) of this By-law shall be provided as a percentage of the required visitor parking only

56. By-law 28-97 is amended by deleting the parking standard for ‘medical office’ in **Table B – Non-Residential Uses** (in Section 3.0 of By-law 28-97) and replacing that parking standard to “1 Parking Space for every 20 m<sup>2</sup> of Net Floor Area”.
57. By-law 28-97 is amended by deleting the parking standard for ‘shooting gallery, range’ in **Table B – Non-Residential Uses** (in Section 3.0 of By-law 28-97) and replacing that parking standard with: “1 Parking Space per design capacity to 1.5 parking spaces for each firing point.”
58. By-law 28-97 is amended by deleting all of Section 5.0 and replacing it with the following text:

## **“5.0 ACCESSIBLE PARKING STANDARDS**

### **5.1 Accessible Parking Standards**

*Five per cent of the parking spaces required in **Tables A** and **Table B** shall be dedicated and used as accessible parking spaces. Where the application of this requirement results in a numeric fraction, a fraction of less than 0.5 shall be rounded down to the nearest whole number. Fractions equal to or greater than 0.5, shall be rounded up to the nearest whole number.”*

59. By-law 28-97 is amended by deleting all of Section 6.1.2 and replacing it with the following text:

#### **“6.1.2 Size of required parking spaces**

- (a) Where parking spaces are provided in a parking area, each required parking space shall have a width of not less than 2.75 metres and length of not less than 5.8 metres; with the exception of parking spaces dedicated as accessible parking spaces in accordance with Section 5.1 of this By-law, which shall have a width of not less than 2.6 metres and a length of not less than 5.8 metres. Additionally, an accessible parking space shall have a 1.5 metre wide access aisle adjacent to the parking space, which may be shared between two adjacent accessible parking spaces.*
- (b) Where parking spaces are provided in an enclosed or underground garage, such parking spaces shall have a width of not less than 2.6 metres and length of not less than 5.8 metres.”*

60. By-law 28-97 is amended by adding the following new Section 10.0 as set out below:

#### **“10.0 TECHNICAL REVISIONS TO THE ZONING BY-LAW**

*Provided that the purpose, effect, intent, meaning and substance of this By-law are in no way affected, the following technical revisions to this By-law are permitted without a Zoning By-law amendment:*

- a) Changes to the numbering, cross-referencing, format and arrangement of the text, tables, schedules and maps;*
- b) Additions to and revisions of technical information on maps and schedules including, but not limited to: infrastructure and topographic information, notes, legends, shading and title blocks;*
- c) Alterations of punctuation or language; and*
- d) Correction of grammatical, dimensional, boundary, mathematical or typographic errors.”*

61. The provisions of this By-law do not apply to any development for which a complete building permit application, as determined by the Chief Building Official in his or her sole discretion, has been submitted on or before December 31, 2014.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY  
OF APRIL, 2014.

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KIMBERLEY KITTERINGHAM  
CITY CLERK

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FRANK SCARPITTI  
MAYOR



## **EXPLANATORY NOTE**

### **BY-LAW 2014-\_\_**

#### **A By-law to Amend By-law 28-97, as amended**

##### **Lands Affected**

The proposed by-law amendment applies to all lands within the Corporation limits of the City of Markham that are subject to By-law 28-97, as amended.

##### **Purpose and Effect**

The purpose and effect of this By-law is to amend the above-noted Zoning By-law in order to incorporate a number of housekeeping amendments that are intended to update and clarify certain provisions and standards in the By-law.



Report to: Development Services Committee

Report Date: June 18, 2013

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**SUBJECT:** RECOMMENDATION REPORT  
Proposed General Housekeeping Zoning By-law  
Amendments respecting Various Provisions in the City of  
Markham Zoning By-laws File Numbers: ZA 12-107844 and  
ZA 12-109460

**PREPARED BY:** Stephen Corr – Special Projects Team, ext 2624  
**REVIEWED BY:** Tom Villella – Senior Projects Coordinator, ext 2758

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**RECOMMENDATION:**

- 1) That the report dated June 18, 2013 entitled “RECOMMENDATION REPORT, Proposed General Housekeeping Zoning By-law Amendments respecting Various Provisions in the City of Markham Zoning By-laws, File Numbers: ZA 12-107844 and ZA 12-109460”, be received;
- 2) That the record of the Public Meeting held on May 21, 2013, regarding the proposed general Zoning By-law amendments, be received;
- 3) That the General Housekeeping Zoning By-law amendments, respecting various provisions in the City of Markham Zoning By-laws, be approved and the draft by-laws attached as Appendix ‘A’ be finalized and enacted without further notice;
- 4) 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 recommend approval of proposed general housekeeping amendments respecting various provisions to the City of Markham Zoning By-laws.

**BACKGROUND:**

Over the past year or so, a number of zoning issues have become apparent relating to both Parking Standards By-law 28-97 and to the City’s general zoning by-laws. Staff reported to Development Services Committee on three occasions, mainly:

- On February 21, 2012, on proposed zoning amendments to the parking regulations of By-law 28-97 (File ZA 12-107844)
- On June 12, 2012, on proposed zoning amendments to improve the City’s Zoning By-laws to ensure that they are consistently interpreted throughout the City,
- on April 23, 2013 on additional items to be considered as part of the proposed general housekeeping Zoning By-law amendment (File ZA 12-109460).

On all three occasions, Committee endorsed the recommendations of Staff to proceed with a Public Meeting respecting these proposed technical amendments. The Public Meeting regarding the proposed amendments took place on May 21, 2013, and referred this initiative back to Staff to provide a Recommendation Report and Draft Zoning By-law (Appendix A).

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Meridian Planning Consultants Inc. has been retained as a consultant to assist as needed with this initiative, including preparation of recommendations which were available at the Public Meeting and detailed below in this report.

**OPTIONS/DISCUSSION**

The proposed general housekeeping amendments presented in the previous three preliminary reports are described in detail below, including staff's recommendation on each of the proposed Zoning By-law amendments:

**Accessory Apartment Parking Requirements**

Parking Standards By-law 28-97, as amended includes a provision that requires an 'Accessory Apartment' to provide a minimum of one parking space, which is in addition to the required parking for the principle residential use of a property. The term 'Accessory Apartment' is not defined in the Zoning By-law and it is therefore recommended the term be amended to 'Accessory Dwelling Unit', as Dwelling Unit is a defined term.

**Medical Office Parking Requirements and Use Permissions**

Parking Standards By-law 28-97, as amended requires a medical office to provide a minimum of 'one parking space per 30 square metres of net floor area'. Research conducted by Meridian Planning Consultants Inc. has shown that medical offices and clinics generate more parking demands than what is currently required under By-law 28-97, as amended. It was also determined that a number of adjacent municipalities have established parking requirements for medical offices and similar uses that are more stringent than the current City of Markham requirements. Through this review, it has been suggested that Markham increase parking requirements for medical offices to require one space per 20 square metres of net floor area. Staff are of the opinion that this proposed amendment is appropriate in recognizing that medical offices and clinics do generate a greater demand for parking.

Further, through the review of the medical office parking requirements, it was noted that a number of Commercial and Industrial Zone categories permit Business and Professional Offices as a use within the Zoning By-law, however do not specifically include Medical Offices as a permitted use in the same zone. As a result a number of minor variances have been granted through the Committee of Adjustment to permit medical offices or clinics in zones that permit business and professional offices only. It is staff's opinion that the intent of the Zoning By-law in permitting office uses is to permit any type of office, including those used for medical purposes. Therefore it is recommended that the Zoning By-laws be amended to include a provision that permits medical offices or clinics in any commercial or industrial zone that permits Business and Professional Offices.

**Parking Requirements for Shooting Galleries and Ranges**

Although there are no Shooting Galleries or Ranges within the City of Markham, such uses would be permitted in some commercial zones that permit recreational uses. Parking Standards By-law 28-97, as amended, includes parking requirements associated with this use, and requires a minimum amount of parking at 'one space per design

capacity'. This term has been determined to be unclear and ambiguous and it is therefore recommended that the parking requirements be revised to '1.5 spaces per firing point', which ensures there is sufficient parking for a fully occupied facility, as well as any additional patrons and employees of a facility.

**Accessibility Parking Requirements**

Parking Standards By-law 28-97, as amended, includes provisions regarding accessibility parking requirements, which are outlined in Section 5.0, entitled 'Parking for the Physically Disabled'. It is staff's opinion that this term is not appropriate and should be revised to 'Accessibility Parking Requirements'.

By-law 28-97 also includes provisions with respect to the minimum amount of accessible parking spaces required on site, as well as their associated stall size. In June 2011 Council adopted the City of Markham Accessibility Guidelines, which also includes provisions related to the number of accessible spaces required on a site, and includes criteria regarding accessible stall size and design standards. However the Accessibility Guidelines differ from the current accessible parking space By-law requirements and it is therefore recommended that Parking Standards By-law 28-97 be amended to ensure the accessibility parking standards reflect the City of Markham Accessibility Design Guidelines.

**Residential Rear Yard Parking**

A concern has been raised by Urban Design, that in a relatively few circumstances, property owners within the City have paved their entire rear yards for the purpose of providing additional surface parking. This has potential environmental impacts through increased surface runoff from the property. This could also present negative impacts on the enjoyment of an adjacent property owner's rear yard amenity space from both a visual and property standards perspective where vehicles may be stored within a rear yard. Staff have reviewed this issue and have concluded that Parking Standards By-law 28-97, as amended, includes provisions that regulates the maximum widths of driveways and parking pads, and therefore prohibits the paving of an entire rear yard for the purpose of parking. Parking Standards By-law 28-97, as amended does not have to be further amended regarding this matter.

**Commercial Vehicle Parking in Residential Zones**

Section 7.0 of Parking Standards By-law 28-97 includes a provision that prohibits the parking or storage of commercial and recreational vehicles with a gross weight of 4,536 kilograms (approximately 5 tonnes) on any lot used for residential purposes. Concerns have been identified that this provision is insufficient as there are a number of commercial vehicles parked or stored on residential properties below this weight classification that could have negative impacts on a surrounding residential area, such as visual impacts, noise complaints or concerns over property standards. Staff have identified that this matter is beyond the scope of the general housekeeping amendments being proposed through this project, and any future amendments regarding commercial vehicle parking in residential zones will require a substantial element of public consultation involving ratepayers associations and key stakeholders. Therefore it is

recommended that this matter be separated from the General Housekeeping Zoning By-law Amendment project for further review and subsequent reporting to Development Services Committee. This may also form part of the consolidated Zoning By-law project to be initiated later in 2013.

#### **Hazard Lands being Excluded from Lot Coverage and Net Lot Area Calculations**

A concern has been raised that some properties within the City are not zoned in a way that prohibits or limits the extent of a development that may negatively impact adjacent hazard lands, including environmentally sensitive lands or watercourses. For example, some properties adjacent to natural features are zoned entirely as residential, even though a significant portion of that property may be located within hazard lands which are intended to be protected. As a result, a residential development could encroach into the hazard land area where it is not zoned appropriately or could impact the hazard lands by being of a scale that impacts the entire lot area, rather than the actual developable portion of a lot.

It is recommended that the definition of Lot Coverage in all zoning by-laws and the definition of Net Lot Area in the City's four Infill Area By-laws be amended to include a provision where both Lot Coverage and Net Lot Area will be calculated for the portion of the lot zoned as residential only. This will have an immediate effect on residential properties that are currently zoned with both an Open Space Zone and Residential Zone, in which the scale and massing of a dwelling would be less impactful to the Hazard Lands on a subject property and to adjacent properties within the surrounding community. This will not have an effect on lands that are not zoned Open Space, even though portions of the property are within designated Hazard Lands. In these instances, portions of the property would be required to be rezoned to Open Space, however the individual rezoning of properties is beyond the scope of this General Housekeeping By-law Amendment project. The rezoning of properties to include Open Spaces zones, where applicable, will form part of the consolidated Zoning By-law project to be initiated later in 2013 to implement policies of the City's new Official Plan (currently under review), including proposed revisions to expand Hazard Lands (referred to as 'Greenway' in the draft Official Plan) throughout the City.

#### **Consolidating Height Definitions**

The City of Markham's Zoning By-laws regulate maximum height requirements for buildings and structures, which include specific exemptions for mechanical equipment, ornamental features and architectural features. Review of the various height definitions has revealed an inconsistency in the application of these height definitions, including exemptions to the height requirements for specific features. Therefore it is recommended that the Height definitions in the City's Zoning By-laws be amended so that they are consistently defined and applied throughout the City. It is recommended that the definition of Height, however, not be amended in the City's four Infill Area Zoning By-laws, as these by-laws contain specific requirements deemed appropriate for the redevelopment of properties within established communities in designated Infill Areas.

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**Exterior Door Side Yard Setback Requirements**

The Ontario Building Code regulates limiting distance requirements, which requires a specified distance from openings such as an exterior door to an adjacent lot line. The Building Department interprets the Building Code and to avoid trespass issues between residential dwellings is in the practice of not issuing a building permit for any exterior door accessing a side yard, where the side yard setback is less than a standard door width of 0.81 metres (32 inches). For the same reason, Urban Expansion Zoning By-law 177-96, as amended requires that any door accessing a side yard on a residential dwelling have a minimum side yard setback of 1.20 metres, which allows for sufficient room to open a standard door within the side yard, as well as additional space to maneuver around an open door and not trespass onto an adjacent property.

Many of Markham's Zoning By-laws permit a dwelling to have a side yard setback of less than 1.2 metres, and there are several examples within the City where doors have been added to existing dwellings which have a setback of less than 1.2 metres, resulting in spacing and trespass issues between residential dwellings. It is therefore recommended that all the Zoning By-laws be amended to include a minimum setback requirement of 1.2 metre for any door accessing an interior or side yard

**Visitor Parking Requirements on Private Streets**

Parking Standards By-law 28-97, as amended, establishes parking requirements for residential properties, including visitor parking requirements that are currently required for apartment dwellings or retirement homes only. Currently there are no visitor parking requirements for low-density forms of residential dwellings such as single detached dwellings, semi-detached dwellings and townhouse units. The absence of visitor parking requirements associated with these forms of residential units is not a problem in circumstances where a dwelling can provide additional parking on a widened driveway, in a multi-vehicle garage, or on a public street, which tends to be wide enough to support temporary on-street parking. However, more compact forms of residential developments (typically condominiums) are becoming more prevalent, where the units are of a scale that can only accommodate the minimum amount of required parking spaces, and such developments are accessed by narrower private streets or laneways that do not have room to accommodate additional parking for visitors. Therefore, it is recommended that Parking Standards By-law 28-97 be amended to require visitors parking for residential properties where single-detached, semi-detached and townhouse dwelling units are accessed through a private street or laneway.

**Revisions to Parking By-law 28-97 Definitions**

A concurrent project is underway to review, update and consolidate Urban Expansion By-law 177-96, as amended. As part of this project, several revisions to the By-law's definitions are being proposed to ensure they are interpreted and applied appropriately, in regards to the By-law's intent. It is recommended that the definitions in Parking Standards By-law 28-97, as amended also be revised to ensure these two By-laws have consistent definitions.



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**Technical Revisions**

It is recommended that a provision be included into all the Zoning By-laws to allow for technical revisions to be made to the By-law without requiring the need for a formal zoning amendment. Such technical revisions would be limited to numbering; cross-referencing; formatting of text, charts, tables, schedules and maps; alterations to punctuation; and corrections to grammatical, dimensional, boundary, mathematical or typographic errors. The intent of this amendment is to allow for minor technical revisions only, and not to change the purpose, effect, intent, meaning and substance of the Zoning By-laws.

**Public Meeting – May 21, 2013**

In addition to the proposed Zoning By-law amendments identified in the three previous reports regarding this General Zoning By-law Housekeeping project, and discussed above, the following zoning matters were identified at the Public Meeting of May 21, 2013 to be potentially considered as part of this study.

**171 Main Street Markham North**

The Owner of 171 Main Street Markham North, Ms. Tanya Holme made a deputation requesting greater flexibility in the use permissions within the Main Street Markham Area, particularly to allow professional offices in areas that permit residential uses only. Staff were requested by Development Services Committee to consult with Ms. Holme's to determine if there were any accommodations that could be made with regards to her concerns through this General Zoning By-law Housekeeping Amendment project. After discussing the matter with Ms. Holme in greater detail, staff have determined that her position is that properties along Main Street North that are currently zoned residential should be rezoned to allow for additional commercial uses, including offices.

171 Main Street North is zoned Residential (R3) under By-law 1229, as amended, and is designated Urban Residential in the City of Markham Official Plan. The property is also located within the Markham Village Heritage Conservation District and is a designated Heritage Site. In order to establish commercial uses on this property, a Zoning By-law and Official Plan amendment would be required, which is normally submitted by the owner of a subject property on a site specific basis. The intent of the General Housekeeping Zoning By-law Amendment project is to update the City's zoning By-laws, as it relates to minor interpretive and technical matters only. Proposals to rezone particular properties and expand uses on a site specific basis are beyond the scope of this Zoning By-law Amendment project and it is therefore not recommended that 171 Main Street be rezoned through this project. However, the concerns identified by Ms. Holme have been forwarded to Policy Planning staff to examine whether it is appropriate to revise the Draft Official Plan (currently under review) within this particular area of Main Street Markham North.

**Accessibility Parking Signage**

Staff were requested by Development Services Committee to review regulations relating to any requirements to post signage in front of parking spaces designated as accessibility parking. The By-laws and Licensing Department, has advised that signage to designate

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an accessible parking space is required under *Highway Traffic Act, R.R.O 1990, Regulation 581*. Additionally, City of Markham's Parking Control By-law 2005-188 requires all parking spaces to meet the requirements of the Highway Traffic Act and therefore requires the posting of signage to designate an accessible parking space.

#### Shopping Centre Parking Requirements

Development Services Committee requested staff review shopping centre parking requirements, particularly in relation to increased parking demands generated by restaurants within a shopping centre.

The review of required shopping centre parking was not contemplated as part of the General Housekeeping Zoning By-law project, however, staff note Parking Standards By-law 28-97, as amended, does include shopping centre parking requirements which allows a maximum of 20% of the total leasable area of the shopping centre to be allocated to restaurant uses without any special parking requirements. In situations where the leasable space of restaurants increases above 20% of the total leasable floor area, the parking requirement for any additional restaurant uses increases significantly. Therefore, shopping centres that have surplus parking are able to accommodate additional restaurant uses, whereas those with a limited amount of parking would require approval of either a minor variance or Zoning By-law Amendment prior to restaurant uses being expanded on the site.

#### **CONCLUSION**

The zoning matters discussed above, were all considered as part of this General Housekeeping Zoning By-law amendment project, and Staff propose technical revisions, where appropriate, to improve clarity of the City's Zoning By-laws and ensure they are interpreted and applied correctly. It is staff's opinion that the recommendations made throughout this report would support this objective and recommend the amendments described above be endorsed.

#### **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:**

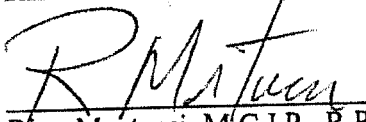
The proposed zoning by-law refinements will align with Council's Growth Management strategic focus area.

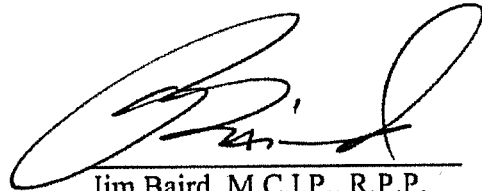
#### **BUSINESS UNITS CONSULTED AND AFFECTED:**

The proposal was circulated for review and comment to the Zoning and By-laws and Licensing Departments. Comments received have assisted in the preparation of the proposed Zoning By-law amendment to improve the existing zoning by-laws.

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**RECOMMENDED BY:**

  
Rino Mostacci, M.C.I.P., R.P.P.  
Senior Development Manager

  
Jim Baird, M.C.I.P., R.P.P.  
Commissioner, Development  
Services

**ATTACHMENTS:**

Appendix A – Draft Zoning By-law

File path: Amanda\File 12 109460\Documents\Recommendation Report