



Explanatory Note

By-law 2014-65

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.



By-law 2014-65

A By-law to Amend By-law 28-97, 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 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 m² 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.”*

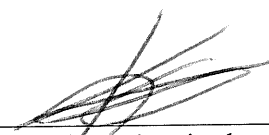
60. By-law 28-97 is amended by adding the following new Section 10.0 as set out below:

“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 on May 15, 2014.



Kimberley Kitteringham
City Clerk



Frank Scarpitti
Mayor