



## **EXPLANATORY NOTE**

### **BY-LAW 2013-108**

#### **A By-law to Amend By-law 177-96, as amended**

**All and Various Lands within the Corporation Limits of the City of Markham,  
that are Zoned by By-law 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 By-law 177-96, as amended.

#### **Existing Zoning**

The affected lands are zoned under a variety of designations in accordance with Zoning By-law 177-96, as amended.

#### **Purpose and Effect**

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

The effect of this By-law is that certain provisions and development standards of By-law 177-96, as amended, will be further amended, and certain lands will be rezoned only insofar as to effect certain exception numbering changes.



## BY-LAW 2013-108

### A By-law to Amend By-law 177-96, 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 177-96, as amended, has provided an effective mechanism to regulate development in the newer areas of the City of Markham;

**AND WHEREAS** the City of Markham wishes to ensure that By-law 177-96, as amended, is as up-to-date as possible and continues to effectively regulate development 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 1.2 of By-law 177-96 is amended by adding the words "attached to the by-law" after the word 'Schedules' in the first line, and by adding "C2, C3," after 'B6', and by adding "F7," after 'F6', and by adding "H7," after 'H6', and by adding "J7" after 'J6'.
2. Section 1.9 of By-law 177-96 is amended by adding the word "Standards" after the words 'the Parking' and before the word 'By-law' in the last line.
3. Section 2.1 of By-law 177-96 is amended by deleting the words "Single detached Residential (R1) Zone" and replacing them with the words "Residential One (R1) Zone" in the first line under 'RESIDENTIAL ZONES'.
4. Section 2.5.10 of By-law 177-96 is amended by adding the word "be" after the word 'not' and before the word 'lifted'.
5. Section 3 of By-law 177-96 is amended by modifying the definition for 'Adult Video Outlet' by deleting the words "Adult Goods within the premise" and replacing them with the words "adult goods within the premises" in the fifth line.
6. Section 3 of By-law 177-96 is amended by modifying the definition for 'Assembly Hall' by replacing the word "Premises" in the first line with the words "Building or Structure".
7. Section 3 of By-law 177-96 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".
8. Section 3 of By-law 177-96 is amended by deleting the definition for 'Building, Apartment' in its entirety.
9. Section 3 of By-law 177-96 is amended by deleting the definition for 'Building, Multiple Unit' in its entirety.
10. Section 3 of By-law 177-96 is amended by deleting the definition for 'Building, Townhouse' in its entirety.

11. Section 3 of By-law 177-96 is amended by adding the following definition for 'Cemetery' after the definition for 'Car Wash':

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

12. Section 3 of By-law 177-96 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".

13. Section 3 of By-law 177-96 is amended by deleting the words "a solarium," in the last line of the definition for 'Commercial Fitness Centre'.

14. Section 3 of By-law 177-96 is amended by modifying the definition for 'Community Centre' by replacing the word "Premises" with the words "Building or part of a Building which is owned and/or operated by a Public Authority and".

15. Section 3 of By-law 177-96 is amended by modifying the definition for 'Corporation' by replacing the word "Town" with the word "City".

16. Section 3 of By-law 177-96 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".

17. Section 3 of By-law 177-96 is amended by modifying the definition for 'Drive-Through Service Facility' by replacing the word "uses" with the word "facilities" after the word 'service' in the last line.

18. Section 3 of By-law 177-96 is amended by modifying the definition for '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.

19. Section 3 of By-law 177-96 is amended by modifying the definition for 'Dwelling, Apartment' by replacing the words "an Apartment Building" after the words 'means a Dwelling Unit in' with the following:

"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*."

20. Section 3 of By-law 177-96 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*."

21. Section 3 of By-law 177-96 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*."

22. Section 3 of By-law 177-96 is amended by modifying the definition for 'Dwelling, Multiple' by deleting the words "*Multiple Units*" 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."

23. Section 3 of By-law 177-96 is amended by modifying the definition for 'Dwelling, Semi-Detached' by deleting the words "that is divided vertically into two *Dwelling Units* that shares a common wall above *Grade*" in the last line, and adding the following words to the end of the definition:

"A *Dwelling* in any other type of *Building* is not a *Semi-Detached Dwelling*."

24. Section 3 of By-law 177-96 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*'.

25. Section 3 of By-law 177-96 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*."

26. Section 3 of By-law 177-96 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*."

27. Section 3 of By-law 177-96 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'.

28. Section 3 of By-law 177-96 is amended by adding the following definition for '*Easement, Public*' after the definition for '*Dwelling Unit*':

"***Easement, Public*** means an instrument that is registered on title which provides for the use of land subject to the easement for sewer, water, drainage or utility purposes and which may include a right-of-way in favour of a *Public Authority*."

29. Section 3 of By-law 177-96 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 City's Building Permit By-law."

30. Section 3 of By-law 177-96 is amended by deleting the definition for '*Floor Area*' in its entirety.

31. Section 3 of By-law 177-96 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*."

32. Section 3 of By-law 177-96 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*."

33. Section 3 of By-law 177-96 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."

34. Section 3 of By-law 177-96 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."

35. Section 3 of By-law 177-96 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*."

36. Section 3 of By-law 177-96 is amended by deleting the definition for '*Grade*' in its entirety.

37. Section 3 of By-law 177-96 is amended by modifying the definition for '*Heritage Building*' by replacing the word "Town" with the word "City" before the words 'of Markham' and deleting the following words from the end of the definition:

"and located on its original foundation or relocated from another area. Said *Buildings* may be renovated, enlarged or modified subject to compliance with all requirements of this and any other relevant By-law"

38. Section 3 of By-law 177-96 is amended by modifying the definition for '*Home Occupation*' by replacing the words "an occupation" with the words "a business" in the first line.

39. Section 3 of By-law 177-96 is amended by adding the following definition for '*Hospital, Public*' after the definition for '*Home Occupation*':

"***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."

40. Section 3 of By-law 177-96 is amended by adding the following definition for '*Infrastructure*' after the definition for '*Industrial Use*':

"***Infrastructure*** means a physical *Structure* (facilities and corridors) that form the foundation for development. *Infrastructure* includes sewage and water systems, septic treatment systems, waste management systems, electric power transmission facilities, communication/telecommunications facilities, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities."

41. Section 3 of By-law 177-96 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."

42. Section 3 of By-law 177-96 is amended by modifying the definition for '*Kennel*' by adding the words "and other domestic pets" after the word 'dog' and before the words 'are boarded' in the first line, and adding the words "for more than 24 hours and/" after the word 'boarded' and before the words 'or are kept for the purposes of breeding.'

43. Section 3 of By-law 177-96 is amended by adding the following definition for '*Kennel, Day*' after the definition for '*Kennel*':

"***Kennel, Day*** means a *Premises* where dogs are boarded for a continuous period not exceeding twenty-four hours."

44. Section 3 of By-law 177-96 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*."

45. Section 3 of By-law 177-96 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.

46. Section 3 of By-law 177-96 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.
47. Section 3 of By-law 177-96 is amended by adding the following definition for ‘*Long Term Care Facility*’ after the definition for ‘*Loading Space*’:

“***Long Term Care Facility*** means a use in a *Building* or part of a *Building* that is licensed pursuant to Provincial legislation, where a broad range of personal care, support and health services are provided for the elderly, disabled or chronically ill occupants in a supervised setting, and may include one or more *Accessory Uses*, such as common dining, lounging, kitchen, recreational or *Medical Offices*, but shall not include a retirement home.”

48. Section 3 of By-law 177-96 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.
49. Section 3 of By-law 177-96 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 ‘8.0 metres’ in the last line.
50. Section 3 of By-law 177-96 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,”

51. Section 3 of By-law 177-96 is amended by modifying the definition for ‘*Medical Office*’ by deleting the following words from the end of the definition:

“or office located in the medical professional’s residence”

52. Section 3 of By-law 177-96 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’.
53. Section 3 of By-law 177-96 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.”

54. Section 3 of By-law 177-96 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*".

55. Section 3 of By-law 177-96 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*."

56. Section 3 of By-law 177-96 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*."

57. Section 3 of By-law 177-96 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.

58. Section 3 of By-law 177-96 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*"

59. Section 3 of By-law 177-96 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* and that is paved or treated with a stable surface that is used for the parking of *Motor Vehicles*."

60. Section 3 of By-law 177-96 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*".

61. Section 3 of By-law 177-96 is amended by modifying the definition for 'Porch' by replacing the words "one side that is open" with the words "two sides that are open" after the words 'at least' and before the words 'and unenclosed' in the first line, and by deleting the word "that" after the word 'unenclosed' and before the words 'is accessed', and by adding the following at the end of the definition:

"In the case of a *Townhouse Dwelling Unit*, at least one side is required to be open and unenclosed. The requirement for two sides to be open does not apply to lands zoned in accordance with By-law 177-96 prior to the effective date of By-law (By-law No. to be inserted)".

62. Section 3 of By-law 177-96 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."



63. Section 3 of By-law 177-96 is amended by modifying the definition for '*Public Authority*' by deleting the words "Provincial, Regional or Municipal" after the words 'means any' and before the word 'commission' in the first line, and by adding the words "the Federal, Provincial, Regional and City government" after the words 'controlled by' and before the word 'offices' in the last line, and by deleting the following words at the end of the definition:

"a *Public Authority* such as a public transit commission"

64. Section 3 of By-law 177-96 is amended by deleting the existing definition for 'Public Transit System' in its entirety.

65. Section 3 of By-law 177-96 is amended by adding the following definition for '*Public Use*' after the former definition for 'Public Transit System':

**"*Public Use* means any use of land, *Buildings* or *Structures* by or on behalf of a *Public Authority*."**

66. Section 3 of By-law 177-96 is amended by deleting the existing definition for 'Queuing Lane' in its entirety.

67. Section 3 of By-law 177-96 is amended by deleting the existing definition for 'Recreational Trailer or Vehicle' in its entirety.

68. Section 3 of By-law 177-96 is amended by deleting the existing definition for 'Residential Use' in its entirety.

69. Section 3 of By-law 177-96 is amended by adding the following definition for '*School, Portable*' after the definition for '*School, Commercial*':

**"*School, Portable* means a temporary *Building* or *Structure* designed to serve as a classroom on a *Lot* that is also the site of a public *School*."**

70. Section 3 of By-law 177-96 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.

71. Section 3 of By-law 177-96 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."**

72. Section 3 of By-law 177-96 is amended by modifying the definition for '*Sidewalk*' by deleting the existing definition in its entirety and replacing it with the following:

**"*Sidewalk* means a hard-surfaced area within the municipal right-of-way that is designed for use by pedestrians."**

73. Section 3 of By-law 177-96 is amended by deleting the definition for 'Solarium' in its entirety and by deleting the term from the definition of '*Non-Profit Fitness Centre*'.

74. Section 3 of By-law 177-96 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."

75. Section 3 of By-law 177-96 is amended by deleting the definition for 'Suite' in its entirety.
76. Section 3 of By-law 177-96 is amended by modifying the definition for 'Trade and Convention Centre' by replacing the word "*Premises*" in the first line with the words "*Building or part of a Building*".
77. Section 3 of By-law 177-96 is amended by deleting the definition for 'Transit Station' in its entirety.
78. Section 3 of By-law 177-96 is amended by adding the following definition for 'Waste Storage Area' after the definition for 'Veterinary Clinic':

**"Waste Storage Area** means a space allocated either within a *Main Building* or in an *Accessory Building or Structure* where garbage, refuse or recycling materials are temporarily stored while awaiting disposal, but does not include any storage for hazardous waste or materials."

79. Table A1 of By-law 177-96 is amended by deleting Row L 'Public Transit System' and Row M 'Transit Stations' from the table and relettering all remaining rows on the table accordingly.
80. Special Provision #1 on Table A1 of By-law 177-96 is amended by deleting all of the words following 'in the *First Storey* of' and replacing the deleted words with "a *Building* containing *Apartment Dwellings*".
81. Table A2 of By-law 177-96 is amended by deleting reference to Special Provision #1 for Row G '*Day Nurseries*' in the '*CA1 Zone*' and the '*CA2 Zone*' and replacing it with reference to Special Provision #8, and by adding reference to Special Provision #8 for Row G '*Day Nurseries*' in the '*CA4 Zone*' column and the '*MJC Zone*' column.
82. Table A2 of By-law 177-96 is amended by deleting '*Motels*' as a permitted use in the '*MJC Zone*'.
83. Table A2 of By-law 177-96 is amended by adding reference to Special Provision #1 for Row W '*Non-Profit Fitness Centres*' in the '*CA1 Zone*' and the '*CA2 Zone*'.
84. Table A2 of By-law 177-96 is amended by adding reference to Special Provision #1 for Row X '*Parking Garages*' in the '*CA1 Zone*' and the '*CA2 Zone*'.
85. Table A2 of By-law 177-96 is amended by adding reference to Special Provision #8 for Row Bb '*Places of Worship*' in the '*CA1 Zone*', the '*CA2 Zone*', the '*CA4 Zone*' and the '*MJC Zone*'.

86. Table A2 of By-law 177-96 is amended by deleting Row Ee ‘Public Transit System’ and Row Rr ‘Transit Stations’ from the table and relettering all remaining rows on the table accordingly.
87. Special Provision #2 on Table A2 of By-law 177-96 is amended by replacing the words “an *Apartment Building*” with the words “a *Building* containing *Apartment* or *Multiple Dwellings*”.
88. Special Provision #3 on Table A2 of By-law 177-96 is amended by replacing the words “an *Apartment Building*” with the words “a *Building* containing *Apartment Dwellings*”.
89. Special Provision #6 on Table A2 of By-law 177-96 is amended by replacing the words “an *Apartment* or *Multiple Unit Building*, or in the *First Storey* of a *Building* containing” with the words “a *Building* containing *Apartment* or *Multiple Dwellings* or”.
90. Table A2 of By-law 177-96 is amended by adding a new Special Provision #8, which reads as follows:
- “Day Nurseries and Places of Worship are permitted in the same Building.”*
91. Table A4 of By-law 177-96 is amended by deleting the words “and Medical” from the permitted use in Row C so that it reads ‘*Business Offices*’.
92. Table A4 of By-law 177-96 is amended by deleting Row F ‘Data Processing and Related Facilities’ and Row G ‘*Day Nurseries*’ from the table and relettering all remaining rows on the table accordingly.
93. Table A4 of By-law 177-96 is amended by deleting reference to Special Provision #4 for ‘Industrial Uses’ in the ‘*GI Zone*’.
94. Table A4 of By-law 177-96 is amended by adding a new row for “*Medical Offices*” as a permitted use, following ‘*Libraries*’ and before ‘*Motels*’, and by relettering rows on the table accordingly, and by permitting ‘*Medical Offices*’ in the ‘*BP Zone*’ and the ‘*BC Zone*’.
95. Table A4 of By-law 177-96 is amended by deleting Row T ‘Public Transit System’ and Row Aa ‘Transit Stations’ from the table and relettering all remaining rows on the table accordingly.
96. Special Provision #7 on Table A4 of By-law 177-96 is amended by adding the words “Highway 407 and Highway 404” after the words ‘Highway 7’ and before the word ‘Streetline’ and by adding an “s” to the word ‘Streetline’.
97. Section 5.1 of By-law 177-96 is amended by deleting the words “Single detached Residential (R1) *Zone*” and replacing them with the words “Residential One (R1) *Zone*” in the first row of the ‘*Zone*’ column.
98. Table B1 of By-law 177-96 is amended by inserting a new Row B to the table as set out below, and by relettering all remaining rows in the table accordingly:

“B”	“Minimum <i>Lot Area</i> ”	“Is the product of the minimum <i>Lot Frontage</i> multiplied by 30”
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99. Table B1 of By-law 177-96 is amended by deleting Row C and the zone standards in that row, and by relettering all remaining rows on the table accordingly.

100. Special Provision #3 in Table B1 of By-law 177-96 is amended by replacing the words “for the wall of the attached *Private Garage* that contains the opening for *Motor Vehicle* access is 4.5 metres” at the end of the provision with the words “is reduced to 4.5 metres”.
101. Table B1 of By-law 177-96 is amended by deleting Special Provision #2 in its entirety and renumbering the remainder of the table and the remaining Special Provisions accordingly.
102. Table B2 – Part One of By-law 177-96 is amended by deleting the word “*Building*” in the fourth column of the first row and replacing it with the word “*Dwellings*”, and by deleting the word “*Duplexes*” in the fifth column of the first row and replacing it with the words “*Duplex Dwellings*”, and by deleting the word “*Triplexes*” in the sixth column of the first row and replacing it with the words “*Triplex Dwellings*”, and by deleting the word “*Fourplexes*” in the seventh column of the first row and replacing it with the words “*Fourplex Dwellings*”.
103. Table B2 – Part One of By-law 177-96 is amended by deleting Row C of the table in its entirety and relettering all remaining rows accordingly.
104. Table B2 – Part One of By-law 177-96 is amended by deleting Row D (now Row C) of the table in its entirety and replacing it with the following:

“C”	“Maximum <i>Garage Width</i> on a <i>Lot</i> that is not accessed by a <i>Lane</i> ”	“3.5 metres for <i>Lots</i> that have a <i>Lot</i> <i>Frontage</i> of 11.6 or less and 6.1 metres for all other <i>Lots</i> ”	“3.5 metres for <i>Lots</i> that have a <i>Lot</i> <i>Frontage</i> of 9.0 metres or less and 6.1 metres for all other <i>Lots</i> ”	“3.5 metres for <i>Lots</i> that have a <i>Lot</i> <i>Frontage</i> of 9.0 metres or less and 6.1 metres for all other <i>Lots</i> ”	“35% of <i>Lot</i> <i>Frontage</i> ”	“n/a ”	“n/a ”
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105. Special Provision #3 of the Special Provision Table for the R2 *Zone* of By-law 177-96 is amended by replacing the words “for the wall of the attached *Private Garage* that contains the opening for *Motor Vehicle* access is 4.5 metres” with the words “reduced to 4.5 metres”.
106. Special Provision #5 of the Special Provision Table for the R2 *Zone* of By-law 177-96 is amended by deleting the number “6.0” throughout the special provision and replacing it with the number “6.5” in all instances, and by adding the following words to the end of the first paragraph “and no part of the one storey attached *Private Garage* shall be considered in determining the location of the main wall for the purposes of this special provision”.
107. Special Provision #8 of the Special Provision Table for the R2 *Zone* of By-law 177-96 is amended by adding the following new sentence to the end of the special provision: “In addition, a *Private Garage* is not permitted to be within or attached to the *Main Building*, if the *Lot* is accessible by a *Lane*.”
108. The Special Provision Table for the R2 *Zone* of By-law 177-96 is amended by deleting Special Provisions #1, #6, #7, #9, and #11 their entirety and renumbering the remainder of the table and the remaining Special Provisions accordingly.
109. Table B3 – Part One of By-law 177-96 is amended by deleting reference to Special Provision #9 from after each use in the first row of the table.
110. Table B3 – Part One of By-law 177-96 is amended by deleting the word “*Building*” in the fourth column of the first row and replacing it with the word “*Dwellings*”, and by deleting the word “*Duplexes*” in the fifth column of the first row and replacing it with the words “*Duplex Dwellings*”, and by deleting the word “*Triplexes*” in the sixth column of the first row and replacing it with the words

“*Triplex Dwellings*”, and by deleting the word “*Fourplexes*” in the seventh column of the first row and replacing it with the words “*Fourplex Dwellings*”.

111. Table B3 – Part One of By-law 177-96 is amended by deleting Row C of the table in its entirety and relettering all remaining rows accordingly.

112. Table B3 – Part One of By-law 177-96 is amended by deleting Row D (now Row C) of the table in its entirety and replacing it with the following:

“C”	“Maximum <i>Garage Width</i> on a <i>Lot</i> that is not accessed by a <i>Lane</i> ”	“3.5 metres for <i>Lots</i> that have a <i>Lot Frontage</i> of 11.6 or less and 6.1 metres for all other <i>Lots</i> ”	“3.5 metres for <i>Lots</i> that have a <i>Lot Frontage</i> of 9.0 metres or less and 6.1 metres for all other <i>Lots</i> ”	“Not permitted”	“35% of <i>Lot Frontage</i> ”	“n/a”	n/a”
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113. Table B3 – Part Two of By-law 177-96 is amended by replacing the word “*Buildings*” in the fourth column of the first row with the word “*Dwellings*”.

114. Table B3 – Part Two of By-law 177-96 is amended by deleting Row C of the table in its entirety and relettering all remaining rows accordingly.

115. Special Provision #3 of the Special Provision Table for the R2-S *Zone* of By-law 177-96 is amended by replacing the words “for the wall of the attached *Private Garage* that contains the opening for *Motor Vehicle* access is 4.5 metres” with the words “is reduced to 4.5 metres”.

116. Special Provision #5 of the Special Provision Table for the R2-S *Zone* of By-law 177-96 is amended by deleting the number “6.0” throughout the special provision and replacing it with the number “6.5” in all instances; and by adding the following words to the end of the first paragraph “and no part of the one storey attached *Private Garage* shall be considered in determining the location of the main wall for the purposes of this special provision”.

117. Special Provision #8 of the Special Provision Table for the R2-S *Zone* of By-law 177-96 is amended by adding the following new sentence to the end of the special provision “In addition, a *Private Garage* is not permitted to be within or attached to the *Main Building*, if the *Lot* is accessible by a *Lane*.”

118. The Special Provision Table for the R2-S *Zone* of By-law 177-96 is amended by deleting Special Provisions #1, #6, and #9 in their entirety and renumbering the remainder of the table and the remaining Special Provisions accordingly.

119. Table B4 of By-law 177-96 is amended by deleting the word “*Duplexes*” in the fourth column of the first row and replacing it with the words “*Duplex Dwellings*”, and by deleting the word “*Triplexes*” in the fifth column of the first row and replacing it with the words “*Triplex Dwellings*”, and by deleting the word “*Fourplexes*” in the sixth column of the first row and replacing it with the words “*Fourplex Dwellings*”, and by deleting the word “*Building*” in the seventh column of the first row and replacing it with the word “*Dwellings*”.

120. Table B4 of By-law 177-96 is amended by deleting all references to Special Provision #2 and Special Provision #3 in Row B of the table.

121. The Special Provision Table for the R2-LA *Zone* of By-law 177-96 is amended by deleting Special Provisions #2, #3, and #6 in their entirety and renumbering the remainder of the table and the remaining Special Provisions accordingly.

122. Special Provision #4 of the Special Provision Table for the R2-LA Zone of By-law 177-96 is amended by adding the following new sentence to the end of the special provision “In addition, a *Private Garage* is not permitted to be within or attached to the *Main Building*, if the *Lot* is accessible by a *Lane*.”

123. Table B5 of By-law 177-96 is amended by deleting the word “*Duplexes*” in the third column of the first row and replacing it with the words “*Duplex Dwellings*”, and by deleting the word “*Triplexes*” in the fourth column of the first row and replacing it with the words “*Triplex Dwellings*”, and by deleting the word “*Fourplexes*” in the fifth column of the first row and replacing it with the words “*Fourplex Dwellings*”, and by deleting the word “*Buildings*” in the sixth column of the first row and replacing it with the word “*Dwellings*”, and by deleting the words “unit *Buildings*” in the seventh column of the first row and replacing it with the word “*Dwellings*”, and by deleting the word “*Buildings*” in the eighth column of the first row and replacing it with the word “*Dwellings*”.

124. Table B5 of By-law 177-96 is amended by deleting Row C of the table in its entirety and relettering all remaining rows accordingly.

125. Table B5 of By-law 177-96 is amended by deleting Row D (now Row C) of the table in its entirety and replacing it with the following:

“C”	“Maximum <i>Garage Width</i> on a <i>Lot</i> that is not accessed by a <i>Lane</i> ”	“3.5 metres for <i>Lots</i> that have a <i>Lot Frontage</i> of 11.6 or less and 6.1 metres for all other <i>Lots</i> ”	“35% of <i>Lot Frontage</i> ”	“n/a ”	“n/a ”	“Not permitted”	“n/a”	“n/a”
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126. Special Provision #2 of the Special Provision Table for the R3 Zone of By-law 177-96 is amended by adding the following new sentence to the end of the special provision “In addition, no part of the main wall of the *First Storey* or *Porch* facing the front *Lot Line* shall be located farther than 8.3 metres from the front *Lot Line*.”

127. Special Provision #7 of the Special Provision Table for the R3 Zone of By-law 177-96 is amended by adding the following new sentence to the end of the special provision “In addition, a *Private Garage* is not permitted to be within or attached to the *Main Building*, if the *Lot* is accessible by a *Lane*.”

128. The Special Provision Table for the R3 Zone of By-law 177-96 is amended by deleting Special Provisions #1, #4, #8, #9, #10, and #11 in their entirety and renumbering the remainder of the table and the remaining Special Provisions accordingly.

129. Table B6 of By-law 177-96 is amended by deleting reference to Special Provision #1 for the standard identified in Row B, and by deleting Special Provision #1 of the Special Provision Table for the R4 Zone in its entirety.

130. Table B7 of By-law 177-96 is amended by replacing the words “unit *Buildings*” in the fifth column of the third row with the word “*Dwellings*”, and by deleting the word “*Buildings*” in the sixth column of the third row and replacing it with the word “*Dwellings*”, and by inserting the words “*Dwellings* and” after the word ‘*Apartment*’ and before the word ‘*Institutional*’ in the seventh column of the third row, and by inserting the words “*Dwellings* and” after the word ‘*Multiple*’ and before the word ‘*Institutional*’ in the eighth column of the third row, and by replacing the word “*Buildings*” in the ninth column of the third row and with the word “*Dwellings*”, and by replacing the words “unit *Buildings*” in the tenth column of the third row with the word “*Dwellings*”.

131. Table B7 of By-law 177-96 is amended by deleting the number “5.0” before the word ‘ha’ in Row A for the MJC Zone and replacing it with the numbers “0.4”.

132. Table B7 of By-law 177-96 is amended by deleting the number “150” before the word ‘m’ in Row C for the MJC *Zone* and replacing it with the numbers “85.0”.
133. Table B7 of By-law 177-96 is amended by deleting “6.0 m” in Row O for the MJC *Zone*, and replacing it with the words “not applicable”.
134. Special Provision #5 of Table B7 of By-law 177-96 is amended by replacing the words “an *Apartment Building*” following the words ‘*Established Grade* of’ and before the words ‘is used for permitted non-residential uses’ with the words “a *Building* containing *Apartment Dwellings*”.
135. Special Provision #7 of Table B7 of By-law 177-96 is amended by replacing the words “an *Apartment Building*” following the words ‘established *Grade* of’ and before the words ‘is used for permitted non-residential uses’ with the words “a *Building* containing *Apartment Dwellings*”.
136. Special Provision #10 of Table B7 of By-law 177-96 is amended by deleting the word “unit” following the words ‘*Townhouse Dwelling*’ and before the words ‘are not permitted’.
137. Table B8 of By-law 177-96 is amended by adding the words “For Employment *Zones*” following the words ‘Special Provisions’ in the title of the Special Provision Table.
138. Section 6.0 of By-law 177-96 is amended by adding a new Section 6.1.2 as follows:

**“6.1.2 Easements**

No *Accessory Building* or part thereof shall be located within an easement that is in favour of a *Public Authority*.”

139. Section 6.2.1 a) iv) of By-law 177-96 is amended by replacing the words “ground floor” following the words ‘floor level of the’ and before the words ‘of the *Main Building*’ and with the words “*First Storey*”.
140. Section 6.2.1 b) of By-law 177-96 is amended by replacing the word “it” located in parenthesis following the word ‘except’ and before the words ‘the *Lot*’ with the word “if”.
141. Section 6.2.1 b) iii) of By-law 177-96 is amended by replacing the words “ground floor” following the words ‘floor level of the’ and before the words ‘of the *Main Building*’ with the words “*First Storey*”.
142. By-law 177-96 is amended by deleting Section 6.3.1.2 in its entirety and by renumbering all remaining sections accordingly.
143. By-law 177-96 is amended by deleting former Section 6.3.1.5 in its entirety and replacing it with the following:

**“6.3.1.5 Encroachment of chimney breasts, eaves, gutters and roof overhangs in setback areas**

Chimney breasts, eaves and roof overhangs may encroach into any setback area required by Sections 6.3.1.1 and 6.3.1.2 a distance of no more than 0.45 metres. There are no restrictions on the location of gutters.”

144. Former Section 6.3.1.7 (now 6.3.1.6) of By-law 177-96 is amended by replacing the words “9.75 metres or less” in the second sentence, with the words “less than 9.75 metres”.

145. Section 6.3.1.8 c) (now 6.3.1.7) of By-law 177-96 is amended by adding the words “the *First Storey* of” following the words ‘any *Storey* above’ and before the words ‘a *Detached Private Garage*’.

146. Section 6.0 of By-law 177-96 is amended by adding a new Section 6.3.1.11 as follows:

**“6.3.1.11 Easements**

*Detached Private Garages* are not permitted in an easement that is in favour of a *Public Authority*.”

147. Section 6.3.2.1 e) of By-law 177-96 is amended by adding the word “detached” following the word ‘private’ and before the word ‘garage’ in both the second and last line.

148. Section 6.3.2.1 of By-law 177-96 is amended by adding a new subsection ‘g)’ as follows:

“g) Notwithstanding the above, *Detached Private Garages* are not permitted within an easement that is in favour of a *Public Authority*.”

149. By-law 177-96 is amended by deleting Section 6.3.2.2 in its entirety and replacing it with the following:

**“6.3.2.2 Encroachment of chimney breasts, eaves, gutters and roof overhangs in setback areas**

Chimney breasts, eaves and roof overhangs may encroach into any setback area required by Sections 6.3.1.1, and 6.3.1.2 a distance of no more than 0.45 metres. There are no restrictions on the location of gutters.”

150. Former Section 6.3.2.3 of By-law 177-96 is amended by adding the words “the *First Storey* of” following the words ‘any *Storey* above’ and before the words ‘a *Detached Private Garage*’.

151. Section 6.4 of By-law 177-96 is amended by inserting the word “side” following the word “interior” in both the first line and the last line of subsection b), and by adding the words “for each” following the words ‘maximum permitted *Floor Area*’ and before the words ‘is 10 square metres’ in the first sentence of the last paragraph, and by adding the words “the *First Storey* of” following the words ‘any floor above’ and before the words ‘a *Detached Private Garage*’ in the second sentence of the last paragraph.

152. Section 6.6.1 a) of By-law 177-96 is amended by deleting the words “window bays” following the words ‘roof overhangs,’ and before the words ‘and Balconies’.

153. Section 6.6.1 c) of By-law 177-96 is amended by deleting the first paragraph in its entirety and replacing it with the following:

“c) Window bays are permitted to encroach into a required *Interior Side* or *Rear Yard* provided it is cantilevered over *Grade* and extends no more than 1.0 metre into the *Required Yard* and is no more than 3.0 metres wide.”

154. Section 6.6.1 d) of By-law 177-96 is amended by deleting the first paragraph in its entirety and replacing it with the following:



- “d) A portion of the main wall containing windows or window bays is permitted to encroach into the Required Front or *Exterior Side Yard* a distance of 1.0 metre, provided it is no more than 3.0 metres wide. The width of the main wall encroachment can be increased to 4.0 metres if a *Porch* does not abut the main wall of the *Dwelling Unit*.”

155. Section 6.6.2.1 a) of By-law 177-96 is amended by deleting the words “having a maximum *Height* of 3.0 metres, with the *Height* being measured from the floor of the *Porch* to the underside of the rafters or ceiling of the *Porch*”.

156. Section 6.6.2.1 a) ii) of By-law 177-96 is amended by replacing the words “is not located within the” following the words ‘provided it’ and before the words ‘setback area’ with the words “does not extend more than 1.5 metres into the”.

157. Section 6.6.3 of By-law 177-96 is amended by deleting the Section in its entirety and replacing it with the following:

**“6.6.3 Encroachment of stairs and landings used to access a *Main Building***

- a) Stairs and landings that access any part of the *Main Building* on the *Lot*, and which are not associated with a *Deck* or *Porch*, may encroach:
  - i) into the *Required Rear Yard* a distance of no more than 2.0 metres; and,
  - ii) into the Required Front and *Exterior Side Yards* provided that no part of the stairs or landing are located closer than 0.6 metres from the Front and *Exterior Side Lot Lines*.
- b) Notwithstanding any of the above provisions, stairs and/or landings used to access a *Main Building* in the Neighbourhood *Commercial* (NC) *Zone*, and an *Apartment*, office or *Institutional Building* in any Community Amenity (CA) *Zone* are permitted to encroach into the required *Front Yard* to the front *Lot Line* and into the required *Exterior Side Yard* to the *Exterior Side Lot Line*.”

158. Section 6.8.1 e) of By-law 177-96 is amended by replacing the words “if the *Accessory Building* complies with the *Required Yards* for the *Main Building on the Lot*” with the following: “provided the location of the *Accessory Building* complies with all of the applicable setback requirements of this By-law.”

159. Section 6.8.2 c) of By-law 177-96 is amended by adding the words “ including a *Kennel* or a *Day-Kennel*” following the words ‘any use involving the treatment, care and/or grooming of any animal’.

160. Section 6.8.2 g) of By-law 177-96 is amended by adding the word “and” following the words ‘depot/dispatch’.

161. Section 6.9.1 of By-law 177-96 is amended by adding a new subsection d) as follows:

- “d) Notwithstanding Section 6.9.1, *Day Nurseries*, *Places of Worship* and *Public* and *Private Schools* are not required to provide *Loading Spaces*.”

162. Section 6.9.3 of By-law 177-96 is amended by replacing the number “12.0” in the first line with the number “10.0”.

163. Section 6.19 of By-law 177-96 is amended by adding the words “for a *Public Use*” following the words ‘*Building or Structure*’ and before the words ‘by any *Public Authority*’ in the first paragraph, and by replacing the words “stormwater management facilities, flood or erosion works” with the word “*Infrastructure*” in the last paragraph.

164. Section 6.24 b) of By-law 177-96 is amended by replacing the words “residential, industrial or *Commercial* suites provided that the suites” following the words ‘for the sale of’ and before the words ‘to be sold’ with the words “*Dwelling Units* or industrial or *Commercial* units provided that the units”, and by replacing the word “Town” before the words ‘of Markham’ with the word “City”.

165. By-law 177-96 is amended by deleting Section 6.23 in its entirety and replacing it with a new Section 6.23 as set out below:

**“6.23 Waste Storage Area**

All waste generated by the occupants of 3 or more *Dwelling Units* on a *Lot* or from any *Commercial*, industrial or *Institutional* use shall be stored inside a *Building or Structure* on the same *Lot* provided the *Building or Structure* is:

- a) located within the *Interior Side or Rear Yard*;
- b) located no closer to any *Lot Line* than required for an accessory *Building or Structure* by the By-law; and,
- c) not occupying any required parking spaces, *Loading Spaces* and the access to these parking and *Loading Spaces*.”

166. Section 6.0 of By-law 177-96 is amended by adding a new Section 6.25 as follows:

**“6.25 Barrier Free Access**

Nothing in this By-law shall prevent the location of a barrier-free entrance that conforms to the requirements of Section 3.8 (Barrier Free Design) of the Ontario *Building Code* (Ontario Regulation 350/06) or its successor. In addition, nothing shall prevent the location of barrier free entrances in a *Private Garage*, provided the required number of parking spaces can still be provided.”

167. Section 6.0 of By-law 177-96 is amended by adding a new Section 6.26 as follows:

**“6.26 School Portables**

*School Portables* are considered to be *Main Buildings* by this By-law.”

168. By-law 177-96 is amended by deleting Section 6.22 and including only the word ‘Reserved’ in the Section heading.

169. By-law 177-96 is amended by deleting Section 5.9 as it existed in 177-96, prior to the coming into effect of By-law 2005-5.

170. Section 7.5 of By-law 177-96 is amended by adding a new subsection 7.5.1 as follows, and by renumbering all remaining sections accordingly:

**“7.5.1 Additional Permitted Uses**

The following additional permitted Uses are permitted:

- a) An *Accessory Dwelling Unit*.”

171. Section 7.5 of By-law 177-96 is amended by adding a new subsection 7.5.3 as follows:

**“7.5.3 Special Site Provisions**

The following additional provisions apply:

- a) The maximum number of accessory *Dwelling Units* – 1.
- b) An *Accessory Dwelling Unit* shall only be associated with a *Single Detached, Semi-Detached* unit on the same *Lot*; and,
- c) The *Accessory Dwelling Unit* shall not be located in the *Main Building* on the *Lot*.”

172. Section 7.138.3 of By-law 177-96 is amended by replacing the words “on another *Lot* or *Lots*” following the words ‘provided and maintained’ and before the words ‘provided the’, with the words “off the *Lot* on which the use is located.”

173. Section 7.206.2 a) of By-law 177-96 is amended by replacing the words “an attached” before the word ‘*Private Garage*’ in all instances, with the words “a detached” and by deleting the word ‘*attached*’ in the last sentence.

174. Section 7.229 of By-law 177-96 is amended by adding ‘*Supermarkets*’ as an additional permitted use in Section 7.229.1.

175. Section 7.229 of By-law 177-96 is amended by adding a new subsection 7.229.2 as follows:

**“7.229.2 Special Site Provisions**

The following additional provisions apply:

- a) *Supermarket* minimum *Net Floor Area* – 300 square metres; and,
- b) *Supermarket* maximum *Net Floor Area* – 6,000 square metres.”

176. Section 7.246.1 of By-law 177-96 is amended by deleting the zone standards for ‘*Minimum required Front Yard*’ and for ‘*Minimum Required Interior Side Yard*’ in their entirety from the list, and by relettering all remaining sections accordingly.

177. Section 7.248.1 of By-law 177-96 is amended by adding a new additional permitted use as follows, and by relettering all remaining permitted uses accordingly:

- “q) *Supermarket*; subject to sub-section 7.248.3 a); and”

178. Section 7.248.3 a) of By-law 177-96 is amended by adding the words “store or *Supermarket*” following the word ‘retail’ and before the word ‘*Premises*’.

179. Section 7.249.1 of By-law 177-96 is amended by adding a new additional permitted use as follows, and by relettering all remaining permitted uses accordingly:

- “p) *Supermarket*; subject to sub-section 7.249.3 a) and 7.249.3 b) i); and”

180. Section 7.249.3 a) of By-law 177-96 is amended by adding the words “store or *Supermarket*” following the word ‘retail’ and before the word ‘*Premises*’.

181. Section 7.249.3 b) i) of By-law 177-96 is amended by adding the words “or *Supermarket*” following the word ‘*Retail Store*’ and before the word ‘*Premises*’.

182. Section 7.250.1 of By-law 177-96 is amended by adding a new additional permitted use as follows, and by relettering all remaining permitted uses accordingly:

“p) *Supermarket*; subject to sub-section 7.250.3 a) and 7.250.3 c) i); and”

183. Section 7.250.3 a) of By-law 177-96 is amended by adding the words “store or *Supermarket*” following the word ‘retail’ and before the word ‘*Premises*’.

184. Section 7.250.3 c) i) of By-law 177-96 is amended by adding the words “or *Supermarket*” following the word ‘retail store’ and before the word ‘*Premises*’.

185. Section 7.252.1 of By-law 177-96 is amended by adding a new additional permitted use as follows, and by relettering all remaining permitted uses accordingly:

“t) *Supermarket*; subject to sub-section 7.252.3 b) and 7.252.3 c) 7.252.3 h); and”

186. Section 7.252.3 b) of By-law 177-96 is amended by adding the words “or *Supermarket*” following the word ‘*Retail Store*’ and before the word ‘*Premises*’.

187. Section 7.252.3 c) of By-law 177-96 is amended by adding the words “or *Supermarket*” following the word ‘*Retail Store*’ and before the word ‘*Premises*’.

188. Section 7.252.3 h) of By-law 177-96 is amended by adding the words “or *Supermarket*” following the word ‘retail’ and before the word ‘*Building*’.

189. Section 7.260 of By-law 177-96 is amended by inserting a Section title as follows:

**“PART OF LOT 16, CONCESSION 5  
(By-law 2005-35)”**

190. Section 7.262.2 of By-law 177-96 is amended by deleting the zone standard for ‘*Minimum Required Front Yard*’ in its entirety from the list, and by relettering all remaining sections accordingly.

191. Section 7.264 of By-law 177-96 is amended by inserting a Section title as follows:

**“NORTH WEST CORNER OF OLIVIA DRIVE AND  
WILLIAM BERCZY BOULEVARD  
(By-law 2005-53)”**

192. Section 7.265 of By-law 177-96 is amended by inserting a Section title as follows:

**“COMMUNITY AMENITY 1 NORTH WEST CORNER OF  
MCCOWAN ROAD AND BUR OAK AVENUE  
(By-law 2005-152)”**

193. By-law 177-96 is amended by inserting a new Section 7.267 as follows, and by rezoning the lands shown on the mapping attached as “Schedule A” to this By-law from R2-LA\*413 to R2-LA\*267, and from CA1\*413(H1) to CA1\*267(H1), and by renumbering all remaining sections accordingly:

**“7.267 BEST HOMES CANADA INC. - 9582 HIGHWAY 48**

**RESIDENTIAL TWO — LANE ACCESS ZONE [R2-LA\*267] MEDIUM DENSITY TOWNHOUSE DEVELOPMENT**

(By-law 2010-165)

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by symbol R2-LA\*267 on the Schedule 'A' to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

**7.267.1 Only Uses Permitted**

The following are the only uses permitted:

- a) *Townhouse Dwellings*; and
- b) *Home Occupations*.

**7.267.2 Zone Standards**

The following specific zone standards apply:

- a) *Maximum Height* -. 14.0 metres;
- b) *Minimum Required Rear Yard* - 5.8 metres;
- c) *Minimum Lot depth* - 21 metres;
- d) *Minimum Lot Frontage* per unit - 5.0 metres; and
- e) *Minimum Required Front Yard*- 1.2 metres.

**7.267.3 Special Site Provisions**

The following special site provisions apply:

- a) The main wall of an attached *Private Garage*, that contains the opening for *Motor Vehicle* access, shall be set back a minimum of 6.0 metres from the rear *Lot Line*.
- b) A *Private Garage* is permitted to be within or attached to the *Main Building*, only if the *Lot* is accessed by a *Lane*.
- c) *Minimum Garage Width* for *Townhouse Dwellings* - 3.5 m.
- d) Outdoor amenity spaces and *Decks* space may be located on the roof of an attached garage.

**7.267.4 Community Amenity One Zone [CA1\*413] Mixed Use - High Density Development**

Notwithstanding any other provisions of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol CA1\*423 on the Schedule to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

**7.267.5 Only Uses Permitted**

The following are the only uses permitted:

- a) *Apartment Dwellings*;
- b) *Art Galleries*;
- c) *Business Offices*;
- d) *Commercial Fitness Centres*;
- e) *Commercial Schools*;

- f) *Community Centres;*
- g) *Day Nurseries;*
- h) *Financial institutions;*
- i) *Home Occupations;*
- j) *Non-Profit Fitness Centres;*
- k) *Personal service shops;*
- l) *Private home daycare;*
- m) *Restaurants;*
- n) *Restaurants, take out; and*
- o) *Retail stores.*

#### **7.267.6 Zone Standards**

The following specific zone standards apply:

- a) *Minimum Height - 20 metres;*
- b) *Minimum number of Storeys – 10;*
- c) *Maximum Height - 55 metres;*
- d) *Maximum number of Storeys – 18;*
- e) *Maximum Floor Space Index - 1.75;*
- f) *Maximum number of Dwelling Units – 220;*
- g) *Minimum setback of the main wall from the front Lot Line -10 metres;*
- h) *Maximum setback of the main wall from the front Lot Line - 18 metres;*
- i) *Minimum landscape strip from the front and rear Lot Line - 3.0 metres; and*
- j) *Minimum setback from Lot Lines other than the Highway 48 streetline - 3.0 metres.*

#### **7.267.7 Special Site Provisions**

The following additional provisions shall apply:

- a) The following uses are permitted only in the *First Storey* and second *Storey* of an *Apartment Building*:
  - i) *Art galleries;*
  - ii) *Business Offices;*
  - iii) *Commercial Fitness Centres;*
  - iv) *Commercial Schools;*
  - v) *Community Centres;*
  - vi) *Day Nurseries;*
  - vii) *Financial institutions;*
  - viii) *Home Occupations;*
  - ix) *Non-Profit Fitness Centres;*
  - x) *Personal service shops;*
  - xi) *Private home daycare;*
  - xii) *Restaurants;*
  - xiii) *Restaurants, take out; and*
  - xiv) *Retail stores.*
- b) Residential uses on the ground floor of an *Apartment Building* shall not exceed 35% of the total ground floor *Gross Floor Area*.
- c) Maximum gross *Floor Area* for a *Retail Store* - 500 m<sup>2</sup>

- d) Floor space index shall be calculated using the *Lot* and the *Floor Area* of the CA1\*413 and R2-LA\*413 zones, subject to this exception.
- e) The following *Floor Areas* shall be exempted from the FSI calculation:
  - i) *Parking Areas* below established *Grade*;
  - ii) Rooftop mechanical penthouses; and
  - iii) Loading areas, storage lockers, garbage/recycling, utility, mechanical and electrical rooms, and similar ancillary uses located below established *Grade*.
- f) Any ornamental roof construction features including (but not limited to) towers, steeples or cupolas, shall not be included in the calculation of *Height*. Mechanical features, including their screening, and *Structures* containing the equipment necessary to control an elevator, 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*.
- g) Any portions of a main wall that extends beyond 20 metres in *Height* shall be setback 2 metres from the line of the main wall that is less than 20 metres high."

194. Sections 7.267.6 g) and h) of By-law 177-96 are amended by replacing the words "property line" in their entirety with the words "*Lot Line*".

195. By-law 177-96 is amended by inserting a new Section 7.287 as follows, and by rezoning the lands shown on the mapping attached as "Schedule B" to this By-law from R2\*384\*385\*388 to R2\*384\*385\*287, and by renumbering all remaining sections accordingly:

**"7.287 ZONE STANDARDS FOR R2 STANDARDS, ANGUS GLEN WEST VILLAGE (PHASE 2) (By-law 2010-106)**

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*287 on the Schedules to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**7.287.1 Zone Standards**

The following specific zone standards apply:

Notwithstanding any other provision in this By-law, no person shall hereafter erect any *Building*, *Structures*, architectural elements including but not limited to asphalt, brickwork, concrete stonework or any other private Infrastructure, 6 metres from the north property line."

196. By-law 177-96 is amended by inserting a new Section 7.288 as follows, and by rezoning the lands shown on the mapping attached as "Schedule B" to this By-law from R2\*389 to R2\*288, from R2\*389\*399 to R2\*288\*399, and from R2\*389(H1) to R2\*288(H1), and by renumbering all remaining sections accordingly:

**“7.288 ZONE STANDARDS FOR R2 STANDARDS, ANGUS GLEN  
WEST VILLAGE (PHASE 2) (By-law 2010-106)**

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*288 on the Schedules to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**7.288.1 Zone Standards**

The following specific zone standards apply:

- a) Maximum *Rear Yard* of a *Private Garage* or accessory *Building* is 0.5 m.
- b) Maximum depth of a *Private Garage* is 15 m.
- c) Maximum permitted *Floor Area* of an accessory *Building* is 20 square metres.

**7.288.2 Special Site Provisions**

The following additional provisions apply:

- a) The *Private Garage* must be setback 1.0 m behind the main wall closest to the front property line.”

197. Section 7.292 of By-law 177-96 is amended by inserting a Section title as follows:

**“SPECIAL PROVISIONS FOR TOWNHOUSES  
ADJACENT TO THE WOODBINE BY PASS/SERVICING  
BUFFER  
(By-law 2006-179, June 13/06)”**

198. Section 7.296 of By-law 177-96 is amended by inserting a Section title as follows:

**“NORTH SIDE OF BUR OAK AVENUE AND ABUTTING  
GREENSBOROUGH VILLAGE CIRCLE  
(By-law 2005-361)”**

199. Section 7.297 of By-law 177-96 is amended by inserting a Section title as follows:

**“PART OF LOT 9, CONCESSION 6 AND BLOCK 156 AND  
PART OF BLOCK 155, REGISTERED PLAN 65M-33246  
(By-law 2005-354)”**

200. Section 7.325.1 a) of By-law 177-96 is amended by adding the word “yard” following the words ‘*Minimum Required Exterior Side*’.

201. By-law 177-96 is amended by renumbering the Special Site Provisions for Section 7.335 by deleting the existing numbers “7.355.2” and replacing them with the numbers “7.335.2”.

202. Section 7.337 of By-law 177-96 is amended by inserting a Section title as follows:

**“PART OF LOTS 6, 7 AND 8, CONCESSION 4  
(By-law 2007-150)”**

203. By-law 177-96 is amended by inserting a new Section 7.342 as follows, and by rezoning the lands shown on the mapping attached as “Schedule C” to this By-law from CA1\*113 to CA1\*342, and by renumbering all remaining sections accordingly:



**“7.342 PLACE OF WORSHIP SITE SOUTH WEST  
CORNER OF BUR OAK AND WHITE’S HILL  
AVENUE, BLOCK 114, PLAN 65M-3295**

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol \*342 on the Schedules to this By-law. All other provisions of this by-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

**7.342.1 Only Uses Permitted**

The following are the only uses permitted:

- a) *Place of Worship.*”

204. Section 7.357.1 of By-law 177-96 is amended by replacing the words “a) *Business Offices* and *Medical Offices*” with the following and relettering all remaining permitted uses accordingly:

- a) *Business Offices*;
- b) *Medical Offices*;

205. Section 7.367 of By-law 177-96 is amended by inserting a Section title as follows:

**“SOUTH EAST CORNER OF DENISON STREET AND  
KENNEDY ROAD  
(By-law 2008-260)”**

206. Section 7.369 of By-law 177-96 is amended by inserting a Section title as follows:

**“WEST OF OLD KENNEDY ROAD AND ALDERGROVE  
DRIVE  
(By-law 2009-105)”**

207. Section 7.369.1 d) of By-law 177-96 is amended by deleting the words “and professional” following the word ‘Business’ and before the word ‘offices’.

208. By-law 177-96 is amended by deleting Section 7.371.1 in its entirety and by renumbering the remaining Sections accordingly.

209. Section 7.418 of By-law 177-96 is amended by inserting a Section title as follows:

**“PART OF LOT 8, PLAN 2196, AND MUNICIPALLY  
KNOWN AS 251 AND 271 HELEN AVENUE AND THE  
NORTHERN PORTION OF THE ABUTTING VACANT LOT  
TO THE EAST  
(By-law 2010-38)”**

210. Section 7.428 of By-law 177-96 is amended by inserting a Section title as follows:

**“NORTHWEST CORNER OF 16TH AVENUE AND  
ALEXANDER LAWRIE AVENUE  
(By-law 2010-135)”**

211. Section 7.439 of By-law 177-96 is amended by inserting a Section title as follows:

**“NORTH WEST CORNER OF 16<sup>TH</sup> AVENUE AND  
STONBRIDGE DRIVE  
(By-law 2011-56, February 8/11)”**


212. By-law 177-96 is amended by adding the following new Section 1.10 as set out below:

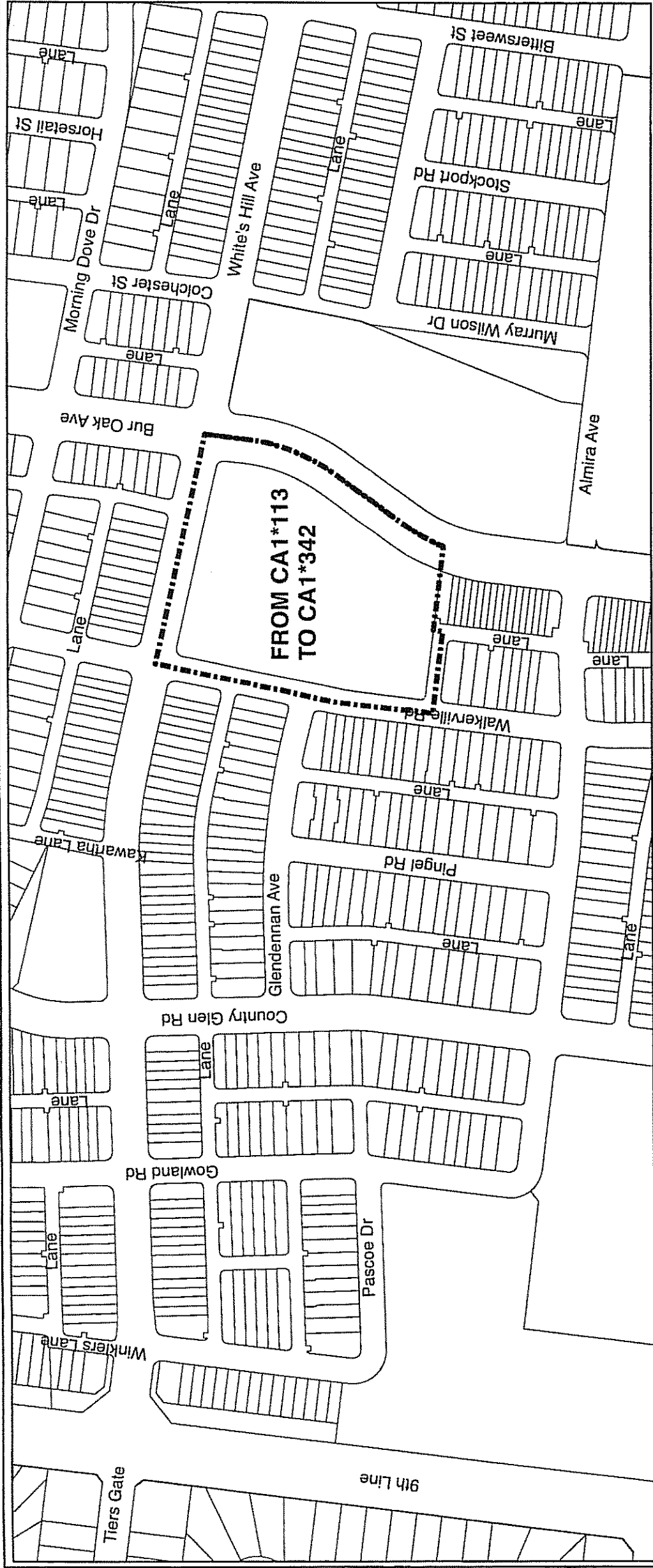
**“1.10 TECHNICAL REVISIONS TO THE ZONING BY-  
LAW**

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  
17<sup>TH</sup> DAY OF JUNE, 2013.

  
\_\_\_\_\_  
KIMBERLEY KITTERINGHAM  
CITY CLERK  
\_\_\_\_\_  
FRANK SCARPITTI  
MAYOR



## BY-LAW SCHEDULE 'C' TO AMEND BY-LAW 177-96

 BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

☐ CA1 COMMUNITY AMENITY ONE

☐ \*No. EXCEPTION SECTION NUMBER

BY-LAW AMENDMENT No. 2013-108 PASSED June 17, 2013

 DEVELOPMENT SERVICES COMMISSION

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office

*John Scarpitta* (MAYOR)

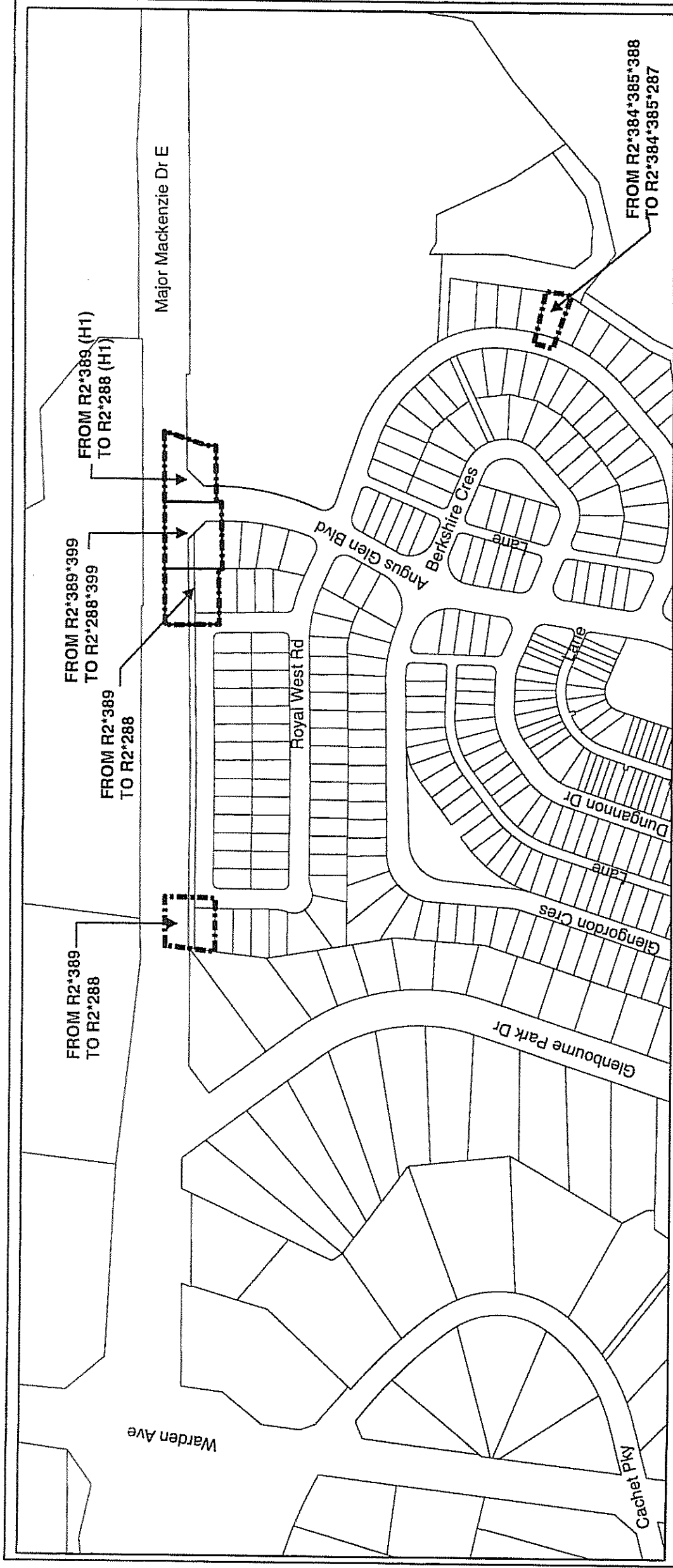
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Checked By: TV

DATE: 03/25/2013

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BY-LAW SCHEDULE 'B' TO AMEND BY-LAW 177-96

- ☒ BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
- ☐ ZONE BOUNDARY
- ☐ EXCEPTION SECTION NUMBER
- ☐ RESIDENTIAL TWO
- ☐ HOLDING PROVISION ONE

BY-LAW AMENDMENT No. 2013-108 PASSED June 17, 2013

*John Scarpitta*  
(MAYOR)

(CLERK)

MARKHAM DEVELOPMENT SERVICES COMMISSION

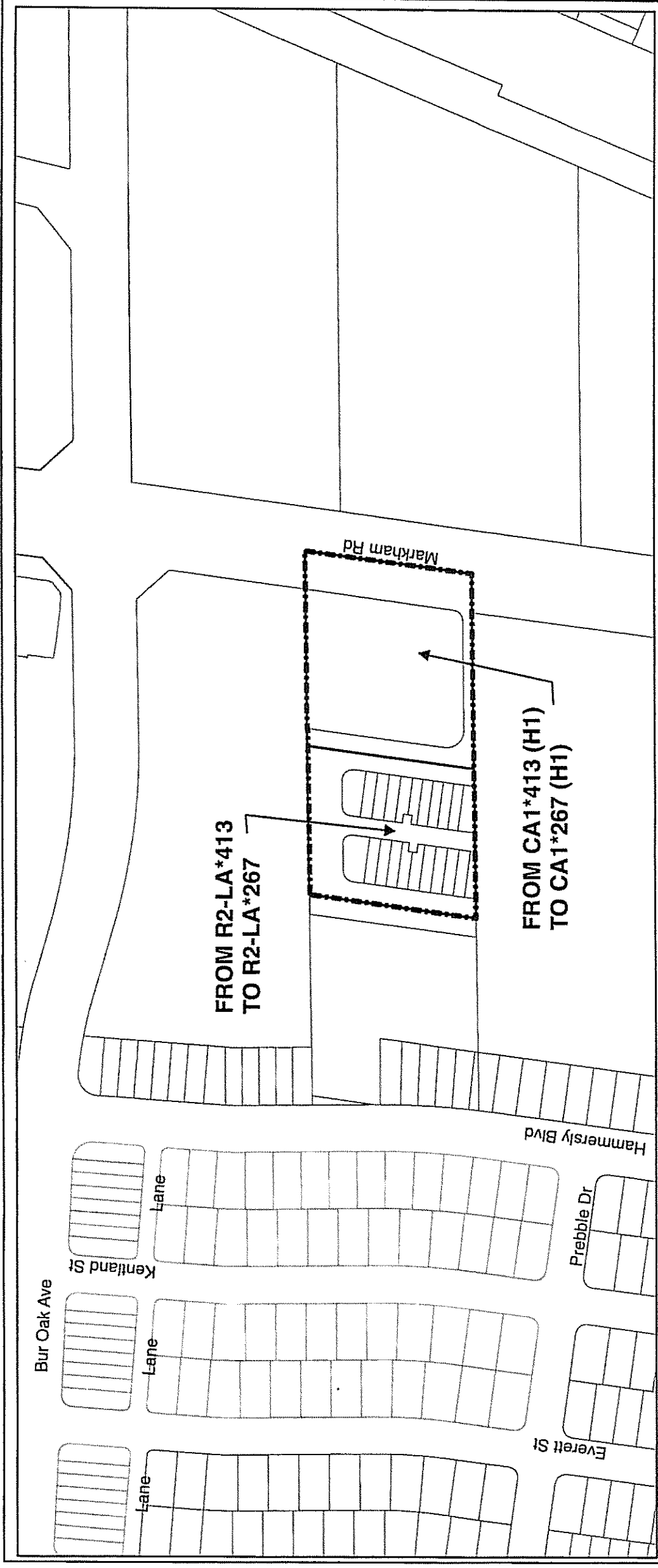
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NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office



BY-LAW SCHEDULE 'A' TO AMEND BY-LAW 177-96

☐ BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE ☐ BOUNDARY OF ZONE DESIGNATION(S)

☐ R2-LA ☐ RESIDENTIAL TWO-LANE ACCESS ☐ (H1) ☐ HOLDING PROVISION ONE

☐ CA1 ☐ COMMUNITY AMENITY ONE ☐ \*No. ☐ EXCEPTION SECTION NUMBER

BY-LAW AMENDMENT No. 2013-108 PASSED June 17, 2013 (CLERK)

Pat Scapellato (MAYOR)

DATE: 03/25/2013

Drawn By: CPW Checked By: TV

**MARKHAM** DEVELOPMENT SERVICES COMMISSION

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office

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