



BY-LAW 2006-96

A By-law to amend By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended by 28-97, as amended

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

AND WHEREAS By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended by 28-97 as amended, provide a mechanism to regulate parking in the Town of Markham;

AND WHEREAS the Town of Markham wishes to ensure that By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended by 28-97, as amended, effectively regulate parking associated with ground oriented residential dwellings within the Town;

AND WHEREAS By-law 2006-96 received two readings from Council of the Town of Markham on April 25, 2006 based on the staff recommendation;

AND WHEREAS Council called for additional public consultation, including the formation of a Working Group, comprised of residents;

AND WHEREAS Council held an additional public meeting on June 19, 2006, for the purposes of receiving the recommendations of the Working Group and soliciting additional comment from the public;

AND WHEREAS on the basis of the input from the public the Council of the Town of Markham has determined that certain provisions need to be revised;

NOW THEREFORE the Council of the Corporation of the Town of Markham resolves that By-law 2006-96 be amended, and enacted as set out below;

AND THAT, as amended, it be given third reading and finally passed.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

- 1.0 By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and

177-96, as amended as amended by By-law 28-97, be and the same is hereby further amended as follows:

- 1.1 By adding to Section 2.0 of By-law 28-97, as amended, the following definitions, in alphabetical order:

“DWELLING, DUPLEX means a *dwelling unit* in a *building* that is divided horizontally into two *dwelling units*, each of which has an independent entrance either directly to the outside or through a common vestibule.

DWELLING, FOURPLEX means a *dwelling unit* in a *building* that is divided horizontally or a combination of vertically and horizontally into four *dwelling units*, each of which has an independent entrance either directly to the outside or through a common vestibule.

DWELLING, MULTIPLE means a *dwelling unit* in a *multiple-unit building*.

GARAGE DOOR WIDTH means the width of the garage door opening(s), which is used for vehicular access. Where there is more than one opening, the garage door width shall be the distance between the two outer extremities of the garage door openings, including any intervening columns, doors, windows or wall sections which may separate two or more garage door opening(s).

LANDSCAPING, SOFT means that portion of a lot comprised of any combination of flowers, grass, shrubs, sod, trees or other horticultural elements that is not covered by architectural elements including but not limited to asphalt, buildings, brickwork, concrete, stonework or structures.

MAIN WALL means the exterior front, side and/or rear wall of a *building* and all structural components essential to the support of a fully enclosed space.

PARKING PAD means an open area of land, other than a *driveway*, that provides access for *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*.

YARD, FRONT means a *yard* extending across the full width of the *lot* between the *front lot line* and the nearest *main walls* of the *main building* or *structure* on the *lot*.

YARD means an open, uncovered space on a *lot* appurtenant to a *building* and unoccupied by *buildings* or *structures* except as specifically permitted in this By-law.

YARD, EXTERIOR SIDE means the *yard* of a *corner lot* extending from the *front yard* to the *rear yard* between the *exterior side lot line* and the nearest *main walls* of the *main building* or *structure* on the *lot*.

YARD, INTERIOR SIDE means a *yard* other than an *exterior side yard* which extends from the *front yard* to the *rear yard* between the *interior side lot line* and the nearest *main walls* of the *main building* or *structure* on the *lot*.”

- 1.2 For the purposes of this By-law the following definition shall apply:

DRIVEWAY means a defined area that is paved or treated with a stable surface that provides access for *motor vehicles* from a *public street* to a *private garage* and that is used for the parking of *motor vehicles*.

- 1.3 By deleting subsection 6.2.4 and substituting the following:

“6.2.4 Driveway and Parking Pad Parking Provisions for Ground Oriented Residential Dwellings with Direct Motor Vehicle Access from a Public Street

Notwithstanding any other provisions of By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 84-73, 119-73, 151-75, 88-76, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 165-80, 72-81, 90-81, 108-81, 193-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 19-94 and 177-96, as amended, the provisions in this By-law shall apply to ground oriented residential dwellings, which for the purposes of this By-law are *single detached, semi-detached, duplex, triplex, fourplex, multiple* or *townhouse dwelling units* with direct *motor vehicle* access from a *public street*. All other provisions of these by-laws, unless specifically modified or amended by this By-law, shall continue to apply.

6.2.4.1 General Parking Provisions for Ground Oriented Residential Dwelling Units

- a) Within a *front* or *exterior side yard*, *motor vehicle* parking is only permitted on a *driveway* or a *parking pad*. Parking of motor vehicles shall only be permitted within the maximum *driveway* or *parking pad* widths.
- b) A *driveway* associated with a ground oriented residential *dwelling* shall provide direct access to a *private garage*.
- c) There shall be no *motor vehicle* parking between an outside wall of an attached *private garage*, that faces a *front lot line*, and an *interior side lot line* or an *exterior side lot line*.
- d) There shall be no *motor vehicle* parking between an outside wall of an attached *private garage*, that faces an *exterior side yard*, and a *front lot line* or a *rear lot line*.
- e) *Motor vehicles* shall not be parked parallel to the *street line* on any *driveway* or *parking pad*.
- f) Subject to the provisions for circular driveways, only one *driveway* or one *parking pad* is permitted per *lot*.

6.2.4.2 Maximum and Minimum *Driveway* Width

- a) The minimum *driveway* width shall be equal to the *garage door width*.
- b) The maximum *driveway* width shall be equal to the greater of:
 - i) the *garage door width* plus 2.0 metres, provided:
 - a) in the case of a *lot* with a *lot frontage* less than 10.1 metres, a minimum 25% *soft landscaping* is provided in the *front* or *exterior side yard* in which the *driveway* is located; and
 - b) in the case of a *lot* with a *lot frontage* 10.1 metres or greater, a minimum 40% *soft landscaping* is provided in the *front* or *exterior side yard* in which the *driveway* is located; or
 - ii) up to 6.1 metres, provided a minimum 40% *soft landscaping* is provided in the *front* or *exterior side yard* in which the *driveway* is located.

6.2.4.3 Provisions for *Parking Pads*

- a) For the purposes of this By-law, where there is no *private garage* all areas on a *lot* accessible to *motor vehicles* shall be considered as *parking pads*.
- b) Where there is no *private garage* associated with a ground oriented residential *dwelling unit*, a *parking pad* is permitted, subject to the following:
 - i) the maximum *parking pad* width shall be the greater of:
 - a) 3.7 metres; or
 - b) 6.1 metres, provided a minimum 40% *soft landscaping* is provided in the *front* or *exterior side yard* in which the *parking pad* is located.

6.2.4.4 Setbacks for *Driveways* or *Parking Pads*

- a) *Driveways* or *parking pads* in a *front yard*, used for the parking of *motor vehicles*, shall be located:

- i) no closer to an *interior side lot line* than the minimum distance requirement for the *main building* from the *interior side lot line*; and
 - ii) no closer to an *exterior side lot line* than the minimum distance requirement for the *main building* from the *exterior side lot line*.
 - iii) Where a *private garage* is detached from the *main building* the *driveway* or *parking pad* shall be located no closer to the *exterior* or *interior side lot line* than the minimum distance requirement for the detached *private garage*.
- b) *Driveways* or *parking pads* in an *exterior side yard*, used for the parking of *motor vehicles*, shall be located:
- i) no closer to a *rear lot line* than the minimum distance requirement for the *main building* from the *rear lot line*; and
 - ii) no closer to a *front lot line* than the minimum distance requirement for the *main building* for the *front lot line*.
 - iii) Where a *private garage* is detached from the *main building* the *driveway* shall be located no closer to the *rear lot line* than the minimum distance requirement for the detached *private garage*.
 - iv) Where there is no *private garage*, a *parking pad* shall be located no closer to the *rear lot line* than the minimum distance requirement for a detached accessory building.

6.2.4.5 Provisions for Circular Driveways

- a) On *lots* with frontages greater than 19.2 metres, a second 3.7 metre wide *driveway* is permitted provided:
 - i) the *main building* is setback at least 8.0 metres from the *street line*;

- ii) the *driveways* are at least 7.0 metres apart, at the *street line*; and
 - iii) the second *driveway* connects the *public street* to the other *driveway* that provides direct access from the *public street*.
- b) On lots with frontages between 16.8 metres and 19.2 metres, a second 3.7 metre wide driveway is permitted provided:
- i) the *main building* is setback at least 8.0 metres from the *street line*;
 - ii) the *driveways* are at least 7.0 metres apart at the *street line*;
 - iii) each *driveway* is 3.7 metres wide or less; and
 - iv) the second *driveway* connects the *public street* to the other *driveway* that provides direct access from the *public street*.

6.2.4.6 Garages Facing an *Interior Side Lot Line*

- a) When a garage door opening, used for *motor vehicle* access, faces an *interior side lot line*, the maximum *driveway* width in the *front yard* is 6.1 metres.”

2.0 Existing Site Specific By-Laws Continue To Apply

Notwithstanding any other provisions of this By-law, any site specific provisions or exceptions of those by-laws referred to in Section 1.0 which are less restrictive than those contained in this By-law, shall continue to apply.

3.0 All other provisions of By-law 28-97, as amended, unless specifically modified/amended by this By-law continue to apply.

READ A FIRST AND SECOND TIME THIS 25TH DAY OF APRIL, 2006.

READ A THIRD TIME AND PASSED THIS 27TH DAY OF JUNE, 2006.

SHEILA BIRRELL, TOWN CLERK

DON COUSENS, MAYOR