



BY-LAW 53-94

A by-law to amend By-laws 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2571, 2612, 2325-68, 11-72, 122-72, 83-73, 84-73, 151-75, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 72-81, 9-81, 193-81, 221-1, 194-82, 196-82, 304-87 and 19-94, as amended

WHEREAS THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HAS CONSIDERED IT APPROPRIATE TO ENACT A ZONING BY-LAW TO PERMIT HOME OCCUPATIONS AND REGULATE THEIR SIZE AND NATURE;

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

1. Town of Markham By-law Nos. 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2571, 2612, 232~8, 11-72, 122-72, 83-73, 84-73, 151-75, 127-76, 25-77, 14-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 72-81, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87 and 19-94, as amended, are hereby further amended as follows:

- 1.1 Notwithstanding any definition within the aforementioned by-laws the following definitions shall apply within the context of this by-law:

"DRIVEWAY means that portion of a LOT used to provide access from the street to a parking space or spaces and which has been graded and gravelled or surfaced with concrete, asphalt, crushed stone or other hard surface and dustless materials and has a maximum width equal to that of the garage on the LOT. Where there is no garage on the LOT a DRIVEWAY shall not exceed a width of 3 metres.

"FLOOR AREA, GROSS means the total of the floor areas of a building(s), above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level."

"HOME OCCUPATION means a SECONDARY USE of a DWELLING UNIT and its ACCESSORY BUILDINGS by at least one of the permanent residents of such DWELLING UNIT to conduct a gainful occupation or business activity."

"KENNEL means an establishment for the keeping, breeding and raising of domesticated animals for profit or gain."

"MOTOR VEHICLE REPAIR GARAGE means a building or structure where the service performed or executed on motor vehicles for compensation shall 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."

"RETAIL STORE means a building or part thereof in which one or more articles of merchandise or commerce are sold at retail."

"SECONDARY USE means any use, except those uses contained in the prohibited uses section of this by-law, which is subordinate and incidental to the residential use and does not compromise the

residential character of the property."

- 1.2 Notwithstanding any other provisions contained within the aforementioned by-laws, HOME OCCUPATIONS shall be permitted in any Residential ZONE subject to the following:
- a) the HOME OCCUPATION use is clearly a SECONDARY USE of the DWELLING UNIT as a private residence and is conducted entirely within an enclosed BUILDING;
 - b) the HOME OCCUPATION use does not occupy more than 25% of the total combined GROSS FLOOR AREA of the DWELLING UNIT and any associated ACCESSORY BUILDINGS on the SAME LOT;
 - c) such HOME OCCUPATION shall not create noise, vibration, fumes, odour, dust, glare or radiation which is evident outside of the DWELLING UNIT and which exceeds limits established by Town by-laws and Provincial legislation;
 - d) other than members of the household residing in the DWELLING UNIT there shall be no more than one employee, provided that one off-street PARKING SPACE Is available solely for use by such an employee;
 - e) there shall be no exterior storage or display of goods, materials or equipment associated with the HOME OCCUPATION;
 - f) retail sales shall be limited to those goods and articles which are produced within the DWELLING UNIT or Its accessory buildings (excepting mall order sales, which shall not be subject to this restriction);
 - g) any HOME OCCUPATION involving instructional activity shall be limited to a maximum of 4 students at a time;
 - h) there shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries;
 - i) where a HOME OCCUPATION use is present, the following special PARKING restrictions shall apply:
 - (i) no required PARKING SPACE shall be located in the FRONT YARD,
 - (ii) parking or storage of vehicles In the FRONT YARD or FLANKAGE YARD shall be prohibited except on a DRIVEWAY;
 - j) an ACCESSORY BUILDING may be used for a HOME OCCUPATION only if it complies with the setback requirements established for the MAIN BUILDING; and
 - k) signs advertising the HOME OCCUPATION shall not be permitted.
- 1.3 HOME OCCUPATIONS shall not Include the following business activities:
- OFFICE OF A PHYSICIAN, DENTIST or DRUGLESS PRACTITIONER except in accordance with the provisions of Section 1.4
 - MOTOR VEHICLE REPAIR GARAGE
 - SCRAP YARDS
 - dating bureau/escort service
 - public bath/whirlpool
 - vehicle towing
 - contractor's yards
 - taxi service
 - KENNELS

- ANIMAL HOSPITAL
 - ADULT ENTERTAINMENT PARLOUR
 - RETAIL STORE
 - RESTAURANT
 - FAST FOOD RESTAURANT
 - TAKEOUT RESTAURANT
 - sales or service of motorized vehicles, machinery or equipment
 - sales or installation of automotive and audio products
 - any use which, from Its nature or operation, creates a nuisance or Is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the matter, waste or other material, and without limiting the generality of the foregoing shall include any uses which under the appropriate regulations may be declared to be a noxious or offensive trade, business or manufacture.
 - any other use or uses prohibited pursuant to the PROHIBITED USES Section of the applicable Zoning By-law(s).
- 1.4 Notwithstanding the provisions of Section 1.3, the offices of physicians, DENTISTS and DRUGLESS PRACTITIONERS shall be permitted only on LOTS In a Residential ZONE having a FRONT YARD or FLANKAGE YARD on a Provincial Highway, Major Arterial Road, Minor Arterial Road or Major Collector Road as designated in the Official Plan of the Markham Planning Area provided that the DWELLING UNIT Is used by the said physician, DENTIST or DRUGLESS PRACTITIONER as his/her private residence.
- 1.5 The provisions of Section 1.2~) shall not apply to HOME OCCUPATIONS which are regulated by By-law 19-94, the Buttonville Core Area By-law.
2. All other provisions of Town of Markham By-laws Nos. 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2612, 11-72, 2325-68, 122-72, 83-73, 84-73, 151-75, 127-76, 250-77, 145-78, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 72-81, 90-81, 193-81, 221-81, 4-82, 194-82, 304-87, and 19-94, as amended, not inconsistent with the provisions of this by-law, shall continue to apply.

FIRST, SECOND, AND THIRD TIME AND PASSED THIS
29TH DAY OF MARCH, 1994.

FRANK SCARPITTI
MAYOR

CHRISTINE PALMER
DEPUTY CLERK