

TOWN OF MARKHAM
ONTARIO



BY-LAW 71-96

**A BY-LAW TO REGULATE OUTDOOR PATIOS
ASSOCIATED WITH RESTAURANTS**

This By-law is printed under and
by authority of the Council of
the Town of Markham

71-96

A by-law to amend By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 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, 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 REGULATE OUTDOOR PATIOS ASSOCIATED WITH RESTAURANTS;

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

1. By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 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, and 19-94 as amended, be and the same are hereby further amended as follows:

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

“OUTDOOR PATIO means an outdoor eating area used only on a seasonal basis in conjunction with any type of restaurant.”

1.2 The following provisions shall apply to OUTDOOR PATIOS:

1.2.1 OUTDOOR PATIOS with a maximum area of 40% of the restaurant’s GROSS FLOOR AREA shall be permitted and shall be exempt from parking requirements.

1.2.2 OUTDOOR PATIOS shall be prohibited in any YARD abutting a residential zone or use.

1.2.3 Rooftop OUTDOOR PATIOS shall be prohibited adjacent to a residential zone or use.

- 1.2.4 The use of musical instruments, or other mechanical or electrical music equipment and theatrical performances shall be prohibited on OUTDOOR PATIOS on properties abutting a residential zone or use.
2. Notwithstanding the provisions of this by-law, all existing site specific provisions of those by-laws referred to in Section 1 which prohibit or regulate outdoor patios or decks associated with restaurants shall continue to apply.
3. All other provisions of those by-laws referred to in Section 1 which are not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
23RD DAY OF APRIL, 1996.

BOB PANIZZA, TOWN CLERK

DON COUSENS, MAYOR

EXPLANATORY NOTE

BY-LAW NO. 71-96

A by-law to amend By-laws 1229, 1442, 1507, 1767, 1914, 2053, 2150, 2237, 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, and 19-94 as amended.

Town of Markham

This proposed by-law amendment applies to the entire area of the Town of Markham.

The purpose of the zoning by-law amendment would be to incorporate into the Town's Zoning By-laws regulations for outdoor patios associated with restaurants. The effect would be to permit such patios subject to certain restrictions.