

City of MARKHAM

Task 5: Review & Assessment of Zoning By-law Definitions

Comprehensive Zoning By-law Project



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August 6, 2015

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1.0 INTRODUCTION

1.1 Purpose

The purpose of this report is to review and assess the definitions that are found in the zoning by-laws in the City of Markham. Chapter 2 of this report examines every defined term in the parent zoning by-laws in terms of:

- indicating which by-law(s) the term is defined in;
- the definition that applies to a defined term in a given by-law;
- a 'grouping' of similar defined terms found in the by-laws;
- an analysis of 'best practice' in terms of five other municipal zoning by-laws;
- an analysis of the definition relative to defined terms in Markham's Official Plan; and
- a recommendation if the term should be defined in the new zoning by-law.

Chapter 3 reviews the list of defined terms found in Markham's Official Plan and provides an assessment as to which terms are found in the existing zoning by-laws and which terms should be defined in the new zoning by-law that are derived from defined terms in the Official Plan. Chapter 4 reviews defined terms found in five other municipal zoning by-laws that are not found in any of the Markham zoning by-laws that might want to be considered as new defined terms in the new zoning by-law. This report will be included as part of the public consultation for the comprehensive zoning by-law currently scheduled for the Fall of 2015.

1.2 The Existing Definitions

As noted in the Task 3 – Review & Assessment of Existing City Parent Zoning By-laws report, the City of Markham has 46 parent zoning by-laws that regulate zoning across the municipality. Each of these by-laws have their own “definitions” section, ranging from as small as 15 definitions (By-law 1442) to as many as 157 definitions (By-law 177-96). The defined terms typically fall into four categories: 1) a land use term; 2) a planning measurement term; 3) a word that is defined for legal purposes mainly; and 4) a term or phrase that is defined instead of being a regulation.

Land Use Term Example: **Medical Office**

Planning Measurement Term Example: **Floor Space Index (FSI)**

Legal Words Example: **Existing**

Regulation Definition Example: **Ultimate Front Lot Line**

Across the Markham zoning by-laws the definitions for particular terms are not always the same. Also there are different terms with similar or same definitions as other terms. The way terms are organized are also varied by by-law. The analysis in Chapter 2 “groups” similar terms and definitions together to assist in evaluating the appropriate term and definition that should be considered in the new zoning by-law.

The analysis of the existing definitions is to indicate which terms should be considered to be “defined” terms in the new by-law and to suggest how the definitions section in the new by-law can be better organized in a consistent and readable fashion. A key point to remember is that not all terms need to be defined. Many terms can and should rely on a common dictionary for their meaning. Terms that may be considered to be defined in the new zoning by-law, include those terms that:

- need to be interpreted in a specific way and not a general way;
- cannot be found in a common dictionary, but are used throughout the by-law; or
- may be unique to Markham’s Official Plan or other legislation used by the City of Markham.

An important concept is that the definitions should be universal to the City of Markham. In other words, the meaning of a defined term should not differ on any property in the City. If it does, it is most likely a term that is used as a “regulation” rather than a “definition”. Other legislation that involve defined terms, such as section 1.4.1 of the *Ontario Building Code* or section 1 of the *Planning Act*, should also be considered as there may be similar terms used and defined in that legislation that may be helpful to provide consistency and understanding when using the same or similar terms in the new zoning by-law.

The review in Chapter 2 of this report is based on defined terms found in the parent zoning by-laws, as amended. There may be other definitions not reviewed in this report that are found and applied to specific sites only, but we have done our best to try and capture these terms as well when reviewing the site specific by-laws under Task 4b.

1.3 Other Municipal Zoning By-laws

As part of the 'best practices' exercise, each of the definitions reviewed in Chapter 2 are compared to five municipal zoning by-laws definitions sections:

1. City of Toronto Zoning By-law 569-2013
2. City of Hamilton Zoning By-law 05-200
3. Town of Oakville Zoning By-law 2014-014
4. City of Ottawa Zoning By-law 2008-250
5. City of Mississauga Zoning By-law 0225-2007

Each of these zoning by-laws are from municipalities in Ontario and have been established as "new" comprehensive zoning by-laws within the past decade. From a City of Markham perspective they represent the best examples of zoning by-laws in terms of definitions because of their jurisdictions, municipal similarities, and most recent thinking of usage of defined terms.

In the analysis of Chapter 2, the existing Markham definitions are compared to terms found in these other municipal zoning by-laws. This assists in evaluating how terms are similar or different across jurisdictions, or if other municipal zoning by-laws don't define such terms. If a term is consistently defined across the five jurisdictions, then it most likely should be a defined term in Markham's new zoning by-law. If a term is consistently not defined in these by-laws, then perhaps the best practice is to not have such a term defined in the new zoning by-law.

Chapter 4 of this report reviews some defined terms found in these five zoning by-laws, which the current Markham zoning by-laws do not define, but to which there may be consideration in incorporating such defined terms in the new by-law.

1.4 Markham's Official Plan Definitions

Chapter 3 of this report reviews each of the defined terms in Markham's Official Plan and identifies which terms are defined in both the Official Plan and the current zoning by-laws and which terms that are defined in the Official Plan should also be defined in the new zoning by-law. A copy of the Official Plan definitions is also provided for reference in this chapter.

2.0 ANALYSIS OF DEFINED TERMS IN MARKHAM'S CURRENT ZONING BY-LAWS

The following chapter reviews each of the defined terms (or groups of similar terms) found in the 46 parent zoning by-laws in Markham. The research notes the by-law to which the defined term is found, or the amending by-law to which parent by-laws were amended to include such defined term. If there are different definitions for the same term, each definition is shown in terms of its content, wording, and format differences. In a few cases it may not be clear as to which definition applies, to which a note has been placed to that effect. Each definition term (or group of terms) concludes with an “analysis”, which compares the defined term with the other municipal zoning by-laws and makes a recommendation as to how the defined term should be used (or not) in the new zoning by-law for Markham.

Accessory (see also *Accessory Use*)

Found in By-law(s): 1767; 1914; 2053; 2150; 2237; 2489

(1) when used to describe a use shall mean a use naturally and normally incidental, subordinate and exclusively devoted to a main use and located on the same lot.

Found in By-law(s): 304-87 - Ontario Reg. 516/01

(2) when used to describe a use, building or structure, means a use, building or structure that is normally incidental or subordinate to the principal use, building or structure located on the same lot. (304-87)

Accessory Use (see also *Accessory*)

Found in By-law(s): 177-96; 2004-196

(1) means a use, customarily and normally subordinate to, incidental to and exclusively devoted to a main use of land or building, and located on the same lot.

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Found in By-law(s): 1229; 2402; 2551; 2571; 2612; 2284-68, 11-72; 122-72; 77-73; 83-73; 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; 242-90; 19-94

(2) shall mean a use normally subordinate and incidental to, but exclusive of the main use of the building or premises.

Found in By-law(s): 19-94

(3) means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.

Analysis

A commonly defined term in zoning by-laws. The term is also defined in the Markham Official Plan and is a defined term in Hamilton, Oakville, Ottawa, and Mississauga by-laws. Toronto uses a similar definition for the term *Ancillary*. Note the terms *Accessory Use* and *Ancillary Uses* are defined terms in the Markham Official Plan, although the term *Ancillary Uses* are specific to retail and commercial uses in Employment Lands in Markham. The defined *Accessory Use* in the Markham's Official Plan refers to "land, buildings or structure", so it is applied more broadly than the zoning by-law definition. The term *Accessory Use* is preferred over *Accessory* as it is more specific and is the 'best practice' found in other zoning by-laws.

Accessory Building (see also Building, Accessory)

Found in By-law(s): 1229; 1442; 1767; 1914; 2053; 2150; 2237; 2402; 2489; 2551; 2571; 2612; 2284-68; 11-72; 122-72; 77-73; 83-73; 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

(1) shall mean a detached building on the same lot as the main building the use of which is incidental or secondary to that of the main building, and is not used for human habitation or the keeping or raising of livestock or birds for profit or gain, and shall include a private garage.

Found in By-law(s): 242-90; 19-94

(2) means a separate and subordinate building or structure on the same lot as the main building and devoted exclusively to an accessory use.

Building, Accessory (see also Accessory Building)

Found in By-law(s): 28-97 and amends By-law(s): 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; 177-96; 2004-196

(1) means a separate building or structure, the use of which is customarily incidental, subordinate and exclusively devoted to a main use or main building located on the same lot.

Analysis

A defined term found in some zoning by-laws (Oakville and Mississauga). It is sometimes termed *Accessory Building or Structure*. If the new by-law is to distinguish accessory use from accessory

buildings, then it makes sense to use it, as regulation of accessory buildings may be different issues than regulation of accessory uses. Note that the defined *Accessory Use* term in the Markham's Official Plan refers to "land, buildings or structure", so it is applied more broadly than the zoning by-law definition. The appropriate protocol is the term *Accessory Building* (or *Accessory Building or Structure*). Note that Markham's Official Plan has a definition for *Ancillary uses*. None of the existing by-laws in Markham define ancillary uses. This matter needs to be addressed, including whether there is a need to define and distinguish between the terms *accessory* and *ancillary*.

Accessory Dwelling Unit (see also *Dwelling, Accessory*)

Found in By-law(s): 1767(2458)

(1) shall mean a separate single-family dwelling unit, the use of which is subordinate and naturally, customarily and normally incidental to the use of the parcel of land upon which it is situate, or to the use of a main single-family dwelling unit situated on the same parcel of land, to be occupied by a household whose head shall be in the exclusive employ of the occupant of the main single-family dwelling unit and who shall be necessary to maintain the use of said land or the use of the said main single-family dwelling unit.

Dwelling, Accessory (see also *Accessory Dwelling Unit*)

Found in By-law(s): 2004-196

(1) Means a separate and complete dwelling unit that may or may not have an independent entrance that is located within a single, semi-detached, multiple or townhouse dwelling.

Analysis

Similar defined terms to this definition are *Dwelling Unit, Second Unit* (Mississauga) or *Secondary Suite* (Toronto). Note that the defined *Secondary Suite* term in the Markham's Official Plan is similar to the definitions. Consideration should be made to adopting the term *Secondary Suite* to be consistent with the Official Plan definition or to amend the Official Plan definition, accordingly.

Accessory Industrial Equipment

Found in By-law(s): 119-73 (78-78); 165-80; 72-81; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85; 304-87

(1) means any equipment accessory and subordinate to a permitted industrial use or manufacturing process which is necessary to the normal, proper and safe function of that use or process such as a storage vessel, tower, stack, vent, duct, waste handling or conveyor system, and any supportive structure thereof and may include a protective and/or decorative enclosure of such equipment.

Analysis

Not defined in other municipal zoning by-laws. In most cases these elements are either part of the main structure or are considered accessory buildings or structures to the main buildings. It is a term that has been relied upon to ensure that only equipment that is a component of the industrial use is located outside. The term has also been used so that it can be exempted from and subject to different requirements, such as screening.

Adult Entertainment Parlour

Found in By-law(s) 304-87; 242-90

(1) means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations; which services include activities, facilities, performances, exhibitions, viewings and encounters, a principal feature or characteristic of which is the nudity or partial nudity of any person, or in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement, and goods, which goods include books, magazines, pictures, slides, film, phonograph records, pre-recorded magnetic tape and any other reading, viewing or listening matters.

Found in By-law(s): 2001-93 which amends 74-86 and By-law(s) 88-76; 118-79; which amends 75-86 and By-law(s): 2551; which amends 73-86 and By-law(s): 1229; 1442; 1507; 1767; 1914; 2053; 2150; 2237; 2402; 2489; 2551; 2571; 2612; 2284-68; 2325-68; 11-72; 122-72; 77-73; 83-73; 84-73; 119-73; 151-75; 127-76; 250-77; 145-78; 162-78; 163-78; 184-78; 72-79; 91-79; 118-79; 134-79; 153-80; 165-80; 72-81; 90-81; 108-81; 190-81; 193-81; 209-81; 221-81; 28-82; 194-82; 196-82; 47-85

(2) means any premises or part thereof in which is provided, in pursuance of a trade, calling, services appealing to or designed to appeal to erotic or sexual appetites or inclinations; which services include activities, facilities, performances, exhibitions, viewings and encounters, a principal feature or characteristic of which is the nudity or partial nudity of any person, or in respect of which the word “nude,” “naked,” “topless,” “bottomless,” “sexy” or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

Found in By-law(s): 177-96

(3) means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations; which services include activities, facilities, performances, exhibitions, viewings and encounters, a principal feature or characteristic of which is the nudity or partial nudity of any person, or in respect of which the word ‘nude’, ‘naked’, ‘topless’, ‘bottomless’, ‘sexy’ or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

Found in By-law(s): 2004-196

(4) Means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations; which services include activities, facilities, performances, exhibitions, viewings and encounters, a principal feature or characteristic of which is the nudity or partial nudity of any person, or in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement, and goods, which goods include books, magazines, pictures, slides, film, phonograph records, pre-recorded magnetic tape and any other reading, viewing or listening matters.

Analysis

Commonly a defined land use term in most zoning by-laws (*Adult Entertainment* (Toronto); *Adult Entertainment Parlour* (Hamilton; Ottawa); *Adult Entertainment Establishment* (Oakville; Mississauga)). Note that the By-law 2004-196 definition incorporates items that are also defined as Adult Goods in By-law 2004-196. Note that this use is defined and distinguished from other “sexual-related uses”, such as *Body Rub Establishment* and *Body Rub Service* in the Mississauga and Toronto by-laws. Even if the use is not desirable and may not exist anywhere in the municipality in the future, it is important to maintain as a defined term in the new zoning by-law to identify it as a use that needs to be regulated. The term “establishment” is probably a better term to use in the new by-law than “parlour”.

Adult Goods

Found in By-law(s): 2053 (2001-94); 165-80 (2001-95); 108-81 (2001-96); 177-96; 2004-196

(1) means slides, films, videotape, pre-recorded magnetic tape and computerised or electronically generated images, the container or contents of which are designed or held out as designed to appeal to erotic or sexual appetites or inclinations through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterised by the portrayal of one or more persons involved or engaging in actual or simulated sexual intercourse, ejaculation, sodomy, including anal intercourse, oral sexual intercourse or direct physical stimulation of unclothed genital organs or through depiction of the anus or the genitals.

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(2) means slides, films, videotape, DVD, pre-recorded magnetic tape and computerized or electronically generated images, the container or contents of which are designed or held out as designed to appeal to erotic or sexual appetites or inclinations through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involved or engaging in actual or simulated sexual intercourse, ejaculation, sodomy, including anal intercourse, oral sexual intercourse or direct physical stimulation of unclothed genital organs or through depiction of the anus or genitals.

Analysis

Not found in the other zoning by-laws, as this definition applies to “goods” as opposed to “land use”. It is difficult to regulate types of goods under zoning by-laws. The Mississauga by-law couples *Adult Video*, *Adult Video Store*, *Specified Body Areas*, *Specified Sexual Activities* and *Video* as “sub-definitions” under *Adult Entertainment Establishment*. The former City of North York had difficulty in establishing a control on adult goods in its by-law in the 1990s.

Adult Video Outlet

Found in By-law(s): 2053 (2001-94); 165-80 (2001-95); 108-81 (2001-96); 177-96; 2004-196

(1) means any premise in which the principal business is the sale or rental of “adult goods” or in respect of which the advertisements refer to ‘adult’, ‘X-rated’, ‘XXX’ or similar description in reference to the goods offered or provided in the premise, but shall not include any screening or viewing facilities, incidental or otherwise, for the adult goods within the premise. Without limiting the generality of the foregoing, the provision of adult goods shall not be accessory to any other business except in circumstances where adult goods are provided in conjunction with the sale or

rental of videotape and the area from which adult goods are provided or the total area occupied by adult goods does not exceed 17.0 square metres.

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(2) means any premise in which the principal business is the sale or rental of “adult goods” or in respect of which the advertisements refer to „adult”, X-rated”, „XXX” or similar description in reference to the goods offered or provided in the premise, but shall not include any screening or viewing facilities, incidental or otherwise, for the adult goods within the premises. Without limiting the generality of the foregoing, the provision of “adult goods” shall not be accessory to any other business except in circumstances where “adult goods” are provided in conjunction with the sale or rental of videotape/DVD and the area from which adult goods are provided or the total area occupied by adult goods does not exceed 17.0 square metres.

Analysis

Unlike Adult Goods, this term is defined in the Mississauga and Oakville zoning by-laws. But like Adult Goods, it is a specific form of retail use. It may be wise to maintain the defined use to distinguish it from other video stores. However, given changing technology and market conditions, video stores are declining as a type of use.

Agricultural Use

Found in By-law(s): 304-87 - Ontario Reg. 516/01

(1) means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry raising, beekeeping and such uses as are customarily and normally related to agriculture.

Found in By-law(s): 304-87

(2) means a use associated with the farm unit, which shall include the farm land, the farm residence, and the accessory farm buildings or structures used for the storage of the farm products, animal feeds and farm machinery, and accommodation of the farm animals. Agricultural uses may include the production of field crops, animal husbandry including the keeping of poultry and of animals raised or kept for purposes other than food, and specialty farming including activities such as fruit farming, market gardening, horticulture, sod farming, plant nurseries, greenhouse production, forestry and beekeeping.

Found in By-law(s): 2402; 2284-68

(3) means the use of land, building or structure for forestry, the growing of crops, market gardening, or any other farming use including the preparation of vegetable produce produced on the premises.

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 127-76

(4) means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture, but not including the keeping, having or maintaining of hogs, or fur bearing animals or other obnoxious uses.

Found in By-law(s): 1442; 1767; 2150

(5) shall mean general farming and the raising and harvesting of field, bush, tree or vine crops, truck gardening nurseries, dairying, animal husbandry, raising of poultry and other similar enterprises.

Analysis

There are currently five different definitions for the same term. Markham's Official Plan has definitions for *Agricultural uses* and *Agriculture-related uses*, which should be considered in determining the appropriate definition for this term. Also the new Provincial Policy Statement has definitions for "agricultural related uses" and "on farm diversified uses" which should be factored in when determining a definition for the new zoning by-law. Other zoning by-laws that include a definition to this term are found in Toronto, Ottawa, and Oakville (*Agriculture*).

Alter (see Alteration)

Found in By-law(s): 122-72; 77-73; 83-73; 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; 28-82; 194-82; 196-82; 47-85; 304-87; 242-90

(1) means any alteration to the structural component of a building which would result in a change of use, or any increase in the volume of a building or structure.

Found in By-law(s): 19-94

(2) means any alteration to the structural component of a building which would result in a change of use, or any increase in the floor area of a building or structure.

Alteration (see Alter)

Found in By-law(s): 177-96; 2004-196

(1) means any modification to the structural component of a building that results in a change of use, or any increase or decrease in the volume or floor area of a building or structure.

Analysis

Not a defined term in any of the other municipal zoning by-laws. The term Alter was used as a defined term in the older Markham by-laws (pre- 1994) and Alteration was used in the newer by-laws. The term is a function of the City's legal non-conforming provisions and has helped to distinguish a modification to a building or structure that is significant as opposed to a cosmetic change, such as painting or adding shutters.

Alterations, Structural (see also Structural Alterations)

Found in By-law(s): 165-80; 72-81; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85; 304-87; 242-90; 19-94

(1) shall mean any change in the supporting members of a building such as bearing walls, columns, beams or girders and partitions.

Structural Alterations (see also Alterations, Structural)

Found in By-law(s): 1767; 1914; 2053; 2237; 2489; 2571; 2612; 11-72; 122-72; 77-73; 83-73; 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

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(1) shall mean any change in the supporting members of a building such as a bearing wall, columns, beams or girders and partitions.

Analysis

Both defined terms are the same. The term is not defined in other municipal zoning by-laws. The Toronto By-law has a “regulation” regarding what is “substantial demolition”. This term may not need to be defined. If it is to be retained, then it should be “*Structural Alterations*”.

Animal Clinic (see also *Animal Hospital; Clinic, Veterinary, or Animal Hospital; or Veterinary Clinic*)

Found in By-law(s): 2002-88 and amends By-law(s): 90-81

(1) means the premises where animals, birds, or other livestock are treated or kept for a period of not more than 24 hours.

Animal Hospital (see also *Animal Clinic; Clinic, Veterinary, or Animal Hospital; or Veterinary Clinic*)

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 151-75; 88-76; 127-76; 250-77; 145-78; 162-78; 163-78; 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; 242-90

(1) means the premises where animal, birds, or other livestock are treated or kept.

Found in By-law(s): 111-94; 87-95; 157-95; 88-1999 and amends By-law(s): 1229

(2) means an establishment in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals and in conjunction with which there may be shelter provided, within the building or structure, during the period of treatment.

Clinic, Veterinary, or Animal Hospital (see also *Animal Clinic, Animal Hospital, & Veterinary Clinic*)

Found in By-law(s): 35-88 also By-law: 1229

(1) means a place where a veterinarian and his/her staff treat animals for illness or injury and provide facilities where the animals may be kept during the course of treatment, within a building.

Veterinary Clinic (see also *Animal Clinic; Animal Hospital; or Clinic, Veterinary, or Animal Hospital*)

Found in By-law(s): 304-87 (see By-law 304-87)

(1) means the premises where animals, birds, or other livestock are treated or kept for a period of not more than 24 hours .

Found in By-law(s): 177-96; 2004-196

(2) means a premises where a veterinary surgeon treats domestic animals, birds or other livestock and in which such animals may be boarded as required as part of their treatment, but does not include a kennel.

Found in By-law(s): 1229 (2009-114)

(3) shall mean a building or part of a building where a veterinarian treats animals and birds for the prevention, cure and alleviation of disease and injury and in conjunction with which there may be facilities provided for the sheltering of animals and birds during the treatment period, but does not include a kennel.

Analysis

Other zoning by-laws identify terms such as *Animal Shelter* (Toronto, Hamilton, Oakville), *Veterinary Hospital* (Toronto), *Veterinary Service* (Hamilton), *Veterinary Clinic* (Oakville), *Animal Care Establishment* (Ottawa, Mississauga), *Animal Hospital* (Ottawa). All terms deal with managing animals on a short term or limited basis and may differ when it involves the treatment of animals. There needs to be a consolidation of these defined terms and it may only be necessary to define one term. Boarding of animals is different (see *Kennel*) and places that take care of pets on a daily basis only (see *Kennel, Day*) may need to be defined and distinguished from other pet-related uses.

Art Gallery (see also *Art Gallery, Private & Art Gallery, Public*)

Found in By-law(s): 1229 (2003-309); 177-96; 2004-196

(1) means a premises used for the preservation, exhibition and/or sale of paintings or other works of art.

Art Gallery, Private (see also *Art Gallery & Art Gallery, Public*)

Found in By-law(s): 28-97 added this definition to the 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, 177-96

(1) means a premises used for the preservation, exhibition and/or sale of paintings or other works of art, the control of which is not vested in a public authority.

Art Gallery, Public (see *Art Gallery & Art Gallery, Private*)

Found in By-law(s): 28-97 added this definition to the 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, 177-96

(1) means a premises used for the preservation, exhibition and/or sale of paintings or other works of art, the control of which is vested in a public authority.

Analysis

There is probably not a need to distinguish between private and public art galleries, especially if they are permitted in the same zones. Some other municipal zoning by-laws define *Art Gallery* (Toronto and Oakville) as a specific use, while other do not. It is recommended using *Art Gallery* as a general defined use term.

Assembly Hall

Found in By-law(s): 28-97 and By-law(s): 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; 2004-196

Found in By-law(s): 162-96 added definition to this By-law 28-82

(1) means a premises used for the gathering together of a number of persons for charitable, civic, cultural, educational, fraternal, political, recreational, social or like purposes, and may include facilities for the consumption of food or drink, but not for any commercial purpose.

Found in By-law(s): 177-96

(2) means a building or structure used for the gathering together of a number of persons for charitable, civic, cultural, educational, fraternal, political, recreational, social or like purposes, and may include facilities for the consumption of food or drink, but not for any commercial purpose.

Analysis

This term is found in other zoning by-laws under *Place of Assembly* (Toronto, Ottawa), *Public Hall* (Oakville), and *Assembly area* (Ottawa). It is common to define for parking rate application as well as use distinction from other “places of...”. It is suggested that a better term may be *Place of Assembly*.

Attached (see also *Building, Attached*)

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 127-76

(1) means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings.

Building, Attached (see also *Attached*)

Found in By-law(s): 151-75; 88-76; 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; 242-90

(1) means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings above or below grade.

Analysis

This term is not defined in the other by-laws. This term is relied upon to make a distinction between the main building and accessory building on a lot. For example, if a separate building on a lot were attached to the main building via a breezeway, all components of the building would be considered the main building for the purpose of calculating yards. Some of the defined terms use “common walls” and others do not. There are also situations where accessory buildings immediately abut a main building, but are not attached. There needs to be an evaluation between defining the term and how provisions in certain zones will treat such situations.

Attic (see also *Attic or Roof Space*)

Found in By-law(s): 1442 (113-74); 122-72; 83-73; 119-73; 127-76

(1) means the portion of a building situated wholly or in part within the roof, but shall not include a storey or a half-storey. (122-72) NOTE: misspelling of “storey” as “story” in 122-72.

Attic or Roof Space (see also *Attic*)

Found in By-law(s): 151-75; 88-76; 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; 242-90; 19-94

(1) means the space between the roof and the ceiling of the top storey or between a dwarf wall and a sloping roof.

Analysis

Defined in other by-laws as *Attic* (Oakville and Mississauga), *Storey- Attic* (Hamilton) and used but not defined in other by-laws (Toronto). There is a need to evaluate if the common definition of attic meets the by-law definition. If not, it may be wise to define the term. It is recommended the term *Attic* be used.

Automobile Sales Establishment (see also *Motor Vehicle Sales Establishment and Motor Vehicle Dealership*)

Found in By-law(s): 2002-63 added definition to this By-law 47-85

(1) means any PREMISES where new and used vehicles are stored or displayed for the purpose of sale or lease and may include the sale of automotive accessories and the servicing and minor repairing essential to the actual operation of motor vehicles, but shall exclude auto body paint and repair, car wash, and AUTOMOTIVE SERVICE STATION or gas bar.

Motor Vehicle Sales Establishment (see also *Automobile Sales Establishment and Motor Vehicle Dealership*)

Found in By-law(s): 28-97 amending By-law(s): 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

(1) means a premises used for the sale or rental of motor vehicles.

Found in By-law(s): 177-96

(2) means a premises used for the sale or rental of motor vehicles.

Motor Vehicle Dealership (see also *Automobile Sales Establishment and Motor Vehicle Sales Establishment*)

Found in By-law(s): 2004-196

(1) Means a premises where a vendor of new or used motor vehicles displays such vehicles for sale or rent.

Analysis

Defined in the Ottawa by-law as *Automobile Dealership* and in the Toronto by-law as *Vehicle Dealership*. There is no distinction between new or used automobiles dealerships and if automobiles on display are

inside or outside. It may be wise to have a definition in the new by-law for this use, but need to decide on the protocol of either *Automobile* or *Motor Vehicle*. It is noted that “motor vehicle” is the term used under the Highway Traffic Act. These definitions do not include, nor do they apply, to retail uses that sell boats and possibly recreational vehicles.

Automobile Service Centre or Service Station (see also *Automobile Service Station and Motor Vehicle Service Station*)

Found in By-law(s): 1767 (138-74)

Found in By-law(s): 122-72; 77-73; 83-73; 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

(1) means a building or part of a building including a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories, and the servicing and repairing essential to the actual operation of motor vehicles, a cafeteria, but excluding an automobile washing establishment, or car sales lot. All sales and storage of accessories or repairing and servicing shall be conducted within a wholly enclosed building.

Automobile Service Station (see also *Automobile Service Centre or Service Station and Motor Vehicle Service Station*)

Found in By-law(s): 1767 (433-86); 165-80; 72-81; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85; 304-87

(1) means a building or part of a building including a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories, and the servicing and minor repairing essential to the actual operation of motor vehicles, a cafeteria, but excluding an automobile washing establishment, or car sales lot. All sales and storage of accessories or repairing and servicing shall be conducted within a wholly enclosed building.

Found in By-law(s): 162-90 and amends By-law(s): 1229; 2237 (370-87)

(2) means a building used as a single business premises, and a clearly defined space on a lot, used principally for the retail sale of gasolines and lubricating oils and may include the sale of automobile accessories, and for the servicing and minor repairing essential to the actual operation of motor vehicles, where all such sales and storage of accessories or repairing and servicing are conducted within a wholly enclosed building.

Found in By-law(s): 2402, 2284-68

(3) means a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles, are stores or kept for sale, or where motor vehicles may be oiled, greased or have their ignition .adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed, but shall not include a car sales lot or car washing establishment or the outside storage of used cars, trucks, chassis or wrecks.

Motor Vehicle Service Station

Found in By-law(s): 28-97 amending By-law(s): 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

(1) means a premises used for the sale of motor vehicle fuels and which may include the following accessory uses: the sale of motor vehicle parts and accessories, retail and personal service uses, motor vehicle rental, the servicing and repairing of motor vehicles and car washes.

Found in By-law(s): 177-96

(2) means a premises used for the sale of motor vehicle fuels and which may include one or more of the following accessory uses: the sale of motor vehicle parts and accessories, motor vehicle rental, the servicing and repairing of motor vehicles and car washes.

Found in By-law(s): 2004-196

(3) Means a premises used for the sale of motor vehicle fuels and which may include the following accessory uses: the sale of motor vehicle parts and accessories, retail and personal service uses, motor vehicle rental, the servicing and repairing of motor vehicles and car washes, but does not include a motor vehicle dealership.

Service Station (see also *Automobile Service Station*)

Found in By-law(s): 2551

(1) means a building or place where motor vehicles are serviced and where items such as gasoline, oil and grease are kept for sale and where minor or running repairs of motor vehicles are executed, but shall not include an auto body shop, car sales lot or car washing establishment.

Analysis

Commonly defined land use in other zoning by-laws- *Automobile service station* (Ottawa), *Vehicle Fuel Station* (Toronto), *Motor Vehicle Service Station* (Oakville, Hamilton, and Mississauga). There needs to be a consolidation to one term with one definition. There needs to be a decision on the use of either *Automobile* or *Motor Vehicle*. This should also be looked at in connection with the defined terms *Gas Bar*, *Automotive Service Centre*, *Automotive Service Establishment*, and *Automotive Service Mall*).

Automotive Service Centre

Found in By-law(s): 165-80; 72-81; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82

(1) means a building or buildings or parts thereof, including lands appurtenant thereto, used for the retail sale of gasoline and lubricating oils and for the servicing and repairing of automobiles including accessory sales of parts, and may include the following: -an automobile service station or gas bar -a car wash -Automotive Service Uses, including accessory sales of parts, such as muffler repair, tire sales, glass replacement, electrical and mechanical repairs - a restaurant.

Analysis

See *Automotive Service Station* Analysis. Not found in other by-laws. May be best to identify the different uses, as opposed to a “combined use” definition.

Automotive Service Establishment

Found in By-law(s): 190-91 added definition to this By-law 108-81

(1) means a public garage used for the retail sale or installation of automotive parts and accessories and general automotive repairs but does not include any premises performing spray painting or repairing of motor vehicle bodies or fenders and does not include gasoline bars, gasoline service stations, mechanical car washes, self-service car washes, car sales, car rental, truck sales, truck rental or recreation vehicle sales establishments.

Analysis

See *Automotive Service Station Analysis*. Toronto by-law defines *Vehicle Service Shop*, Oakville by-law defines *Motor Vehicle Repair Facility*, Ottawa by-law *Automobile service station*, and Mississauga by-law *Motor Vehicle Repair Facility- Restricted*. If the “repair” is minor in nature, it may be wise to incorporate it as part of the automobile service station definition.

Automotive Service Mall

Found in By-law(s): 190-91 added definition to this By-law 108-81

(1) means a building or complex of buildings on a lot intended for occupancy by not less than two AUTOMOTIVE SERVICE ESTABLISHMENTS. One gasoline service station or gasoline bar shall be permitted as an accessory use to an AUTOMOTIVE SERVICE MALL. In the event such gasoline service station or gasoline bar is subsequently separated from the AUTOMOTIVE SERVICE MALL property through a consent, such gasoline service station or gasoline bar shall be deemed to be an accessory use to the AUTOMOTIVE SERVICE MALL.

Analysis

See *Automotive Service Station Analysis*. Not found in other by-laws. May be best to identify the different uses, as opposed to a “combined use” definition.

Automobile Washing Establishment (see also Car Wash & Car Washing Establishment)

Found in By-law(s): 122-72; 77-73; 83-73; 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

Found in By-law(s): 309-88 and amends By-law(s): 1229

(1) means a building or part thereof used for the operation of automobile washing equipment which is automatic, semi-automatic and/or coin operated.

Car Wash (see also Automobile Washing Establishment & Car Washing Establishment)

Found in By-law(s): 177-96; 2004-196

(1) means a premises in which the mechanical or hand washing of motor vehicles is carried out.

Car Washing Establishment (see also Automobile Washing Establishment & Car Wash)

Found in By-law(s): 1229

(1) means a building used in whole or in part for the operation of automobile washing equipment with a capacity greater than five cars per hour.

Analysis

Defined in the other by-laws as *Vehicle Washing Establishment (Toronto)*, *Motor Vehicle Washing Facility (Oakville)*, *Car-wash (Ottawa)*, *Motor Vehicle Wash Facility- Commercial Motor Vehicle & Motor Vehicle Wash Facility- Restricted (Mississauga)*. It may be a good idea to define this land use term in new by-law. There may need to be a distinction between washing establishments that are “automated” and involve queues, versus “hand washing” establishments that deal with stationary vehicles which may be integrated with other areas such as parking garages. Need to consolidate both term and definition from the variety that exists in the by-laws today.

Bake Shop

Found in By-law(s): 28-97 and also in By-law(s): 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

(1) means a premises where the products of a baker, such as cakes, cookies, bread and pies, are baked and offered for retail sale and may include, as an accessory use, a seating area for up to twelve patrons.

Found in By-law(s): 111-94; 87-95; 157-95 and amends By-law(s): 1229

(2) means a shop where products of a bakery are sold or offered for sale at retail, including incidental baking of products for retail sale on the premises only.

Analysis

Not a defined land use term in any of the other municipal zoning by-laws. This is a form of *retail store* which probably does not need to be defined, as it is likely permitted in the same zone as any other retail store. The only issue may be related to potential odours from the use. While it may have been helpful to define in order to consider an ‘accessory restaurant’ in a retail store, it is probably better to not define in the new by-law and to simply consider the use an accessory use to a retail store.

Balconet

Found in By-law(s): 96-1999 and amends By-law(s): 1229

(1) means a small, decorative balcony projecting from the face of a wall, cantilevered or supported by columns or brackets surrounded by a railing.

Analysis

Not found in any of the other zoning by-laws. It is not clear why it could not form part of a definition for balcony. Currently, it is only found in one by-law. It may be a good idea to not carry forward as a defined term in the new by-law.

Balcony

Found in By-law(s): 177-96

(1) means a partially enclosed platform attached to or extended horizontally from one or more main walls of a building and which is not accessed by stairs from the outside.

Found in By-law(s): 2004-196

(2) Means a partially enclosed platform attached to or extended horizontally from one or more main walls of a building.

Analysis

A defined term in the Oakville and Mississauga by-laws only. The term is used in other by-laws, but without the need to define it. The definition was created to allow platform encroachments that may not be regulated under the deck by-law. Common dictionary definitions do not exclude balconies from being accessed by stairs from the outside. There may be a need to have a definition in the new by-law.

Banquet Hall

Found in By-law(s): 2004-196

(1) Means a premises used for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served.

Found in By-law(s): 177-96

(2) means a building or part of a building used for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served.

Found in By-law(s): 162-96 added definition to this By-law 28-82

Found in By-law(s): 2001-63 and amends By-law(s): 88-76

Found in By-law(s): 28-97 and amends By-law(s): 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; 177-96

(3) means a premises used for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served.

Analysis

Defined in the Mississauga by-law along with the land use terms *Conference Centre* and *Convention Centre*. This use is considered a type of *Place of Assembly* under the Toronto by-law. The important matter to consider in specifically defining this form of place of assembly from other places of assembly may be the issue of different parking rates. If there is no distinguishable parking rate difference, then there is no need to define it as a separate land use from other places of assembly.

Basement

Found in By-law(s): 1442 (113-74); 1767 (72-88); 77-73; 119-73; 88-76; 242-90

(1) means that portion of a building between two floor levels which is partly underground but which has more than one-half of its height from finished floor to underside of floor joists of the storey next above, above the average finished grade level adjacent to the exterior walls of the building.

Found in By-law(s): 1229 (99-90); 1767 (100-90); 2237 (101-90)

(2) means that portion of a SINGLE FAMILY DETACHED DWELLING, between two (2) floor levels, which is located partly underground and which has more than one-half (1/2) of its height from floor to underside of floor joists of the STOREY next above, above the ESTABLISHED GRADE.

Found in By-law(s): 166-90; 142-95 and amends By-law(s): 1229; 1442; 1507; 1767; 2150; 2237; 2489; 2551; 2571; 2612; 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; 90-81; 193-81; 221-81; 194-82; 196-82; 304-87; 19-94

(3) means that portion of a building between two (2) floor levels which is partly underground but which has more than one-half (1/2) of its height from finished floor to underside of floor joists of the storey next above, above the grade level adjacent to the exterior walls of the building.

Found in By-law(s): 28-97 and amends By-law(s): 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; 177-96; 2004-196

(4) means that portion of a building below the first storey.

Analysis

This is a defined term in every other municipal zoning by-law. It is very important to define and to distinguish from the term cellar. This definition is key to determining which floors are included (or not) in calculations and in the design of housing relative to grade. It is suggested that a simple definition can be applied across all types of zones and that the Ontario Building Code definition be factored into how the term should be defined in the new zoning by-law.

Bed and Breakfast Inns

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(1) means a single detached dwelling unit, or part thereof, in which the proprietor resides and provides no more than 3 bedrooms for the accommodation of the travelling or vacationing public, in which the owner supplies lodgings with or without meals for the persons so accommodated.

Block

Found in By-law(s): 1767 (182-89)

(1) means the smallest unit of land the boundaries of which consist entirely of public streets, rivers, railroads, public parks or any combination thereof.

Found in By-law(s): 2237, 2489, 2571, 2612, 11-72, 122-72; 77-73; 83-73; 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; 242-90; 19-94

(2) means the lots fronting on one side of a street between two intersecting streets.

Analysis

Only defined in Mississauga's zoning by-law. That by-law also defines "*Block on a Registered Plan*". This term may or may not need to be defined.

Boarding or Rooming House

Found in By-law(s): 122-72; 77-73; 83-73; 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

(1) means a dwelling in which the proprietor supplies either room or room and board for monetary gain, to more than two but not more than six persons exclusive of the lessee or owner thereof or members of his family and which is not open to the general public. In the case of room and board being provided in a dwelling unit in conjunction with any social or welfare agency, then such a dwelling unit shall not be deemed to constitute a boarding house for the purpose of this by-law unless the number of boarders is nine or more persons. (122-72)

Analysis

This definition only found in Ottawa's by-law (*Rooming house, Rooming house, converted, Rooming unit*). Toronto's by-law uses the term as a land use, but undefined. It is suggested discussions take place with by-law enforcement staff to determine if a definition of the land use is necessary in the new by-law.

Building

Found in By-law(s): 28-97 and amends By-law(s): 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; 177-96; 2004-196

(1) means a structure occupying an area greater than 10 square metres consisting of any combination of a wall, roof and floor, or a structural system serving the function thereof, including all associated works, fixtures and service systems.

Found in By-law(s): 1229 (96-1999) (82-2000)

(2) means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment.

Found in By-law(s): 1767 (125-86) (433-86) (182-89) (250-94); 2150 (237-96); 2237 (209-94)

(3) means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment. Any tent, awning, bin, bunk, or platform, vessel or vehicle used for any of the said purposes shall be deemed a building.

Found in By-law(s): 1767 (2003-255); 2237 (2008-272)

(4) means a STRUCTURE occupying an area greater than 10 square metres consisting of any combination of a wall, roof and floor, or a structural system serving the function thereof, including all associated works, fixtures and service systems.

Analysis

This is defined in all the zoning by-laws, which explains that it is a type of *structure*, which is also a defined term in the by-laws. Regulations may pertain to both *buildings* and *structures*, or to *buildings* only or to *structures* only. It is important to define in the new by-law and the Ontario Building Code definition should be factored into creating the new defined term.

Building and Landscaping Centre

Found in By-law(s): 190-91 added definition to this By-law 108-81

(1) means a building or portion thereof or complex of buildings on a lot intended for uses such as building and landscaping and hardware stores including the sale of building supplies not requiring open storage or display; hardware; home improvement products; household supplies and equipment; nursery and garden centres including accessory open display of nursery and garden supplies subject to such display area not exceeding five percent (5%) of the GROSS FLOOR AREA of the PREMISES; swimming pool equipment and supplies and similar such uses.

Analysis

Other by-laws define similar land uses, such as *Building and Lumber Supply Establishment* and *Garden Centre* in Hamilton, and *Garden Centre* in Ottawa and Mississauga. Toronto uses the undefined term of “Building Supply Yard” and relies on the defined term *Retail Store*. The planning issue is about the scale and who the products are designed to cater to (the general public or trades in terms of wholesale) and how outside storage is handled. It may not be a land use that is necessary to define in the new by-law.

Building Height (see also Height)

Found in By-law(s): 96-1999 and amends By-law(s): 1229

(1) means the vertical distance of a building or structure measured between 195.28 metres Canadian Geodetic Datum and the highest point of the roof or parapet, whichever is the greater. Notwithstanding the above, any ornamental roof construction features and any mechanical features including vents or chimneys, shall be disregarded, provided such features do not project more than two (2) metres above the highest point of the building or structure.

Found in By-law(s): 1767 (2001-266)

(2) shall be the vertical distance measured from the finished first floor. For the purposes of this by-law, finished first floor shall mean the interior floor adjoining the main entrance. Notwithstanding the above, any ornamental roof construction features including towers, steeples or cupolas, shall not be included in the calculation of height.

Found in By-law(s): 1229, 1767, 1914, 2053, 2489

(3) shall mean the vertical distance measured from the average grade to: (a) In the case of a flat roof, the highest point of the roof surface, or the parapet, whichever is the higher; (b) In case of a mansard roof, the roof deck-line or (c) In the case of any other roof, the mean height between the eaves and the ridge, exclusive of any penthouse, chimney, tower or steeple.

Height (see also Building Height)

Found in By-law(s): 2150 (2151)

(1) shall mean, when used with reference to a building or structure, the vertical distance in feet between the horizontal plane through grade level and a horizontal plane through: (a) the highest point of the roof assembly in the case of a building with a flat roof or a deck roof. (b) the average level of a one slope roof, provided that such roof having a slope of less than twenty degrees (20°) with the horizontal shall be considered a flat roof, and (c) the average level between eaves and ridges in the case of a roof type not mentioned in subsection (a) and (b) proceeding.

Found in By-law(s): 177-96; 2004-196

Task 5: Definitions

(2) means with reference to a building or structure, the vertical distance measured from the established grade of such building or structure to: a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof; b) the declivity of a mansard roof; c) the mean level between eaves and ridge of a gabled, hip or gambrel roof or other type of pitched roof; d) in case of a structure with no roof, the highest point of the said structure. Notwithstanding the above, any ornamental roof construction features including towers, steeples or cupolas, shall not be included in the calculation of height. Mechanical features, such as 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.

Found in By-law(s): 1442 (113-74)

(3) means the vertical distance on a building or structure between the established grade, and (a) the highest point of the roof surface, or the parapet, whichever is the greater, of a flat roof, or (b) the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof. In calculating the HEIGHT of a building or structure, roof constructions such as bulkheads, penthouses, and similar constructions enclosing equipment or stairs and which are less than eighteen feet (18') in height and do not occupy more than thirty (30) per cent of the area of the roof upon which they are located, and any ornamental roof construction such as towers, steeples or chimneys shall be disregarded.

Found in By-law(s): 2237; 2489; 2571; 2612; 11-72; 122-72; 77-73; 83-73; 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; 242-90; 19-94

(4) means when used with reference to a building or structure, the vertical distance in feet between the horizontal plane through grade level and a horizontal plane through: (a) the highest point of the roof assembly in the case of a building with a flat roof or a deck roof, (b) the average level of a one slope roof, provided that such roof having a slope of less than twenty degrees (20°) with the horizontal shall be considered a flat roof, and (c) the average level between eaves and ridges in the case of a roof type not mentioned in subsections (a) and (b) preceding.

Found in By-law(s): 1229 (99-90) ; 1767 (100-90); 2237 (101-90)

(5) height means the vertical distance of a building or structure measured between the level of the crown (i.e. high point) of the street at the mid-point of the FRONT LOT LINE and: (a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof, or (b) the highest point of the ridge of a gable, hip, gambrel or other type of pitched roof. Notwithstanding (a) and (b) above, any ornamental roof construction features including towers, steeples or cupolas, and any mechanical features including skylights, vents or chimneys, shall be disregarded, provided such features do not project more than two (2) metres above the highest point of the building.

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(6) means the vertical distance on a building or structure between the established grade and a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof, or b) the highest part of the ridge of a gabled, hip, gambrel or mansard roof or other type of pitched roof. Any ornamental roof construction such as towers, steeples or chimneys shall be disregarded.

Analysis

Oakville's by-law defines Height and Height, First Storey. Mississauga's by-law defines Height and Height- Highest Ridge. Toronto, Hamilton, and Ottawa do not define the term, but rather use it in regulations. Building height or height of structures are controlled and measured differently based on

building types, zones, and structures. Because of the differences, some municipalities found it useful to not define height, but rather apply how it's measured based on where it is measured under certain circumstances. It is clear by the different ways in which this term was defined in Markham's by-laws, that perhaps it should not be a defined term. It is suggested that this term not be defined in the new by-law, but rather applying height restrictions by zone-type in the new by-law as a provision that may be measured differently by zone or building type. The following is an example of how height is regulated in a residential zone versus a commercial zone in the City of Toronto By-law 569-2013:

Residential Zone

"Determining the Height of a Building in the Residential Zone category, the height of a building is the distance between the established grade and the elevation of the highest point of the building."

Commercial Zone

"In the Commercial Zone category, the height of a building is the distance between the average elevation of the ground along the front lot line and the elevation of the highest point of the building, or in the case of a corner lot the average elevation of the ground along all lot lines that abut a street and the elevation of the highest of the building."

Note that each of these statements are height regulations and not definitions. The by-law, through other regulations, also stipulate what structures or elements of buildings may be exempt from the height regulations.

Building Inspector

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 151-75; 88-76; 127-76; 250-77; 145-78; 162-78; 163-78; 184-78; 72-79; 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; 242-90; 19-94

(1) means the officer or employee of the Town of Markham from time to time charged by the Corporation with the duty of administering the provisions of the Building Bylaw.

Analysis

Not defined in any other zoning by-law. Reference to the position can still be made in the new zoning by-law without the need of defining who that is in the new zoning by-law. Other municipal legislation already defines this position.

Building Line

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 151-75; 88-76; 127-76; 250-77; 145-78; 162-78; 163-78; 184-78; 72-79; 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; 242-90

(1) means any line regulating the position of a building or structure on a lot.

Analysis

Not a term defined in the other by-laws. Mississauga uses the term "build-to-line" and Ottawa defines "building envelope". The term typically refers to a required "setback", and this defined term should be evaluated in the context of defining the term "setback" or defined types of "setbacks". The definition may be helpful for determining front yard setback between two existing buildings in a situation where there is a legally non-conforming front yard setback.

Building Lot

Found in By-law(s): 1442

(1) shall mean the parcel of land appropriated for the exclusive use of building.

Analysis

Not a term defined in other zoning by-laws. It is uncertain if there is a need to define this term from the regular term “lot”, other than the lot is for the exclusive use of a building. It is only found in one of the Markham by-laws. The definition is probably antiquated and not needed for the new by-law.

Building, Apartment (see also *Apartment House; Dwelling, Apartment House*)

Found in By-law(s): 2004-196

(1) Means a building containing three or more dwelling units that share a common external access to the outside through a common vestibule and a common corridor system. For the purposes of this By-law, a retirement home and a nursing home are permitted wherever an apartment building is permitted.

Found in By-law(s): 28-97 and amends By-law(s): 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

(2) means a building containing three or more dwelling units that share a common external access to the outside through a common vestibule and a common corridor system.

Found in By-law(s): 1767 (2003-255)

(3) means a BUILDING containing three or more DWELLING UNITS that share a common external access to the outside through a common vestibule and a common corridor system.

Found in By-law(s): 1767 (2001-266); 2237 (2008-272)

(4) means a building containing three or more dwelling units that share a common external access to the outside through a common vestibule and a common corridor system.

Dwelling, Apartment House (see also *Apartment House; Building, Apartment*)

Found in By-law(s): 1229

(1) shall mean a building containing five or more dwelling units, each one of which is occupied by only one family, and each dwelling unit having access only from an internal corridor system.

Apartment House (see also *Building, Apartment; Dwelling, Apartment House*)

Found in By-law(s): 1229

(1) see “Dwelling, Apartment House”.

Dwelling, Apartment (see also *Dwelling, Apartment House & Apartment House*)

Found in By-law(s): 2004-196; 2237 (2008-272)

(1) Means a dwelling unit in an apartment building.

Found in By-law(s): 1767 (2003-255)

(2) means a dwelling unit in an apartment building.

Found in By-law(s): 2237; 2489; 2571; 2612; 11-72

(3) means a separate building containing more than one dwelling unit, each having an entrance from a common hall or corridor, other than a maisonette.

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 127-76

(4) means a building containing three or more dwelling units which have a common entrance from the street level and the occupants of which have the right to use in common, halls and/or stair and/or elevators and yards.

Found in By-law(s): 177-96

(5) means a dwelling unit in a building containing three or more dwelling units that share a common exterior access to the outside through a common vestibule and a common corridor system. A dwelling in any other type of building is not an apartment dwelling.

Found in By-law(s): 1767 (2001-266)

(6) means a dwelling unit in an apartment building.

Found in By-law(s): 151-75; 88-76; 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; 242-90

(7) means a building containing three (3) or more dwelling units which have a common entrance from the street level and the occupants of which have the right to use in common, halls and/or stairs and/or elevators and yards.

Dwelling, Bachelor Apartment

Found in By-law(s): 122-72; 77-73; 83-73; 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

(1) means a dwelling unit in an apartment building designed for occupancy by one or two persons and consisting of a bed-living room, a kitchen or kitchenette and a bathroom.

Analysis

Defined in Toronto (Apartment Building), Hamilton (Dwelling, Multiple Dwelling), Oakville (Dwelling or Dwelling Unit, Apartment), Ottawa (Dwelling, Apartment Dwelling, Low Rise; Dwelling, Apartment Dwelling, High Rise); Mississauga (Dwelling Unit, Apartment Dwelling). There are a variety of ways to describe this form of residential use. The definitions vary in terms of the minimum number of units (5 in the case of Toronto; 3 in the case of Hamilton, Oakville), and storeys in the case of Ottawa's two types of apartment buildings. The definitions usually involve how the units relate to other another (i.e., common hallway, etc.) and sometimes reference how they are not another defined multiple-type residential unit. A common term and a common definition is recommended for the new by-law. The other municipal zoning by-laws define the building type as opposed to the unit in that building type. In the context of defining "dwelling" or "dwelling unit" in the new by-law, it is suggested that the building type be defined in the new by-law and that there will be no need to define a dwelling unit within that building type.

Building, Main (*see also Main Building*)

Found in By-law(s): 28-97 and amends By-law(s): 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; 177-96; 2004-196

(1) means a building in which is carried on the principal purpose for which the lot is used.

Main Building (*see also Building, Main*)

(166-90, repealed by 142-95) 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2551, 2571, 2612, 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, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87

Based on the repealed by-law, not sure if this definition still exists in any of these by-laws, except for how it applies to parking under By-law 28-97.

Analysis

This is not a term that is defined in the other by-laws, but is referenced in these other by-laws. Sometimes the reference is to “main” and other times it may refer to “principal” building. The need for a distinction is typically an issue in residential areas where the regulations for accessory buildings may differ from the main building. The term “building” is already defined and “accessory building” is suggested to also be defined. There is probably not a need to define Main Building in the new by-law.

Building, Multiple-Unit (*see Multiple Unit Dwelling*)

Found in By-law(s): 2004-196

(1) Means a building containing three or more dwelling units with some of the dwelling units accessed by a common corridor system and/or entrance and some of the dwelling units accessed directly from the outside, but not including a triplex, a fourplex, a townhouse building or an apartment building.

Found in By-law(s): 28-97 also in By-law(s): 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

(2) means a building containing three or more dwelling units, but not including a triplex, a fourplex, a townhouse building or an apartment building.

Found in By-law(s): 1767 (2003-255)

(3) means a BUILDING containing three or more DWELLING UNITS, but not including a TOWNHOUSE BUILDING or an APARTMENT BUILDING.

Multiple Unit Dwelling (*see also Building, Multiple Unit*)

Found in By-law(s): 141-95 also in By-law(s): 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2551, 2571, 2612, 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, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87, 19-94

(1) means a residential building or portion thereof designed for or occupied as three or more dwelling units, but shall not include a motel or hotel.

Analysis

This type of residential building in some by-laws is defined as part of an apartment building (Toronto). It is sometimes used as a “default” definition for something that is not a townhouse or an apartment building- “Dwelling, Multiple” (Oakville). This may apply to what is sometimes referred to as “stacked townhouses”, because they involve units that have independent entrances, involve more than 3 or 5 units, and can have units on top of one another. The issue is if it needs to be a separate defined term from an apartment building definition.

Building, Townhouse (see also Townhouse)

Found in By-law(s): 2004-196

(1) means a 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, and each of which shares a common wall adjoining dwelling units above grade.

Found in By-law(s): 28-97 amends By-law(s): 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

(2) means a 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.

Found in By-law(s): 1767 (2003-255)

(3) means a BUILDING that is vertically divided into a minimum of three and a maximum of eight DWELLING UNITS, each of which has independent entrances at grade to the front and rear of the BUILDING, and each of which shares a common wall adjoining DWELLING UNITS above GRADE.

Townhouse (see also Building, Townhouse)

Found in By-law(s): 1442 (113-74); 1767 (72-88)

(1) means a building containing a series of three or more attached dwellings under a common roof with each unit being separated from the other by continuous vertical party walls without openings from basement to roof, and each having two independent entrances from the outside of the building.

Analysis

This form of residential building is defined in all of the by-laws Toronto (Townhouse); Hamilton (Dwelling, Street Townhouse Dwelling); Oakville (Dwelling or Dwelling Unit, Townhouse, Back-to-Back Townhouse, Stacked Townhouse); Ottawa (Dwelling, Townhouse Dwelling, Stacked Dwelling); and Mississauga (Dwelling Unit, Street Townhouse Dwelling, Townhouse Dwelling on a CEC- Private Road). There should be a definition of this form of housing in the new by-law. There is a question if there needs to be distinct definitions between townhouses on streets or in cluster blocks, since the Markham Official Plan does make a distinction.

Burial Plot

Found in By-law(s): 304-87 (derived from Ontario Regulation 516/01)

(1) means a grave or burial site.

Analysis

Not defined in other municipal zoning by-laws. This term is usually associated with the term “cemeteries”. It is uncertain if this should be defined in the new zoning by-law.

Business Office (see also *Business Offices, Office, & Professional Office*)

Found in By-law(s): 2004-196

(1) Means a premises used for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing and/or storage of information rather than the production and distribution of goods. For the purposes of this definition, research establishments and data processing facilities are considered to be business offices.

Found in By-law(s): 1767 (2003-255); 2237 (2008-272)

(2) means PREMISES used for conducting the affairs of business, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing and/or storage of information rather than the production and distribution of goods.

Found in By-law(s): 220-2000; 2014-62 amends By-law(s): 1229, 1507, 1767, 1914, 2053, 2150, 2237, 2402, 2489, 2551, 2571, 2612, 2284-68, 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

(3) means a premises used for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing and/or storage of information rather than the production and distribution of goods and for the purposes of this By-law includes a Medical Office.

Found in By-law(s): 28-97 amends By-law(s): 1442

(4) means a premises used for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing and/or storage of information rather than the production and distribution of goods.

Found in By-law(s): 177-96

(5) means a premises used for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing and/or storage of information rather than the production and distribution of goods.

Business Offices (see also *Business Office, Office, & Professional Office*)

Found in By-law(s): 2002-88 amends By-law(s): 90-81

(1) means a premises used for conducting the affairs of businesses, professions, services, industries, government, or like activities, in which the chief product of labour is the processing and/or storage of information rather than the production and distribution of goods.

Office (see also *Business Office, Business Offices, & Professional Office*)

Found in By-law(s): 122-72

(1) means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product.

Professional Office (see also *Business Office, Business Offices, & Office, and Medical Office, Medical Offices*)

Found in By-law(s): 1229

(1) shall mean any office where professionally qualified persons, technical assistants and clerical staffs are employed and where clients or patients go for advice, consultation or treatment.

Analysis

This land use term is defined in most other municipal zoning by-laws, with a distinction between offices and medical offices due to the difference in parking requirements. Toronto's by-law actually does not define the land use term, but uses it undefined. Mississauga distinguishes between office, medical office, and medical office- restricted. Oakville defines *Business Office* and *Medical Office*. Ottawa defines the term *Medical facility*, but not office. The Markham term "Professional Office" is confusing, as it could pertain to a medical office, or not. There has been recent amendments to the definition in 2014 (see (3) above) which includes Medical Office as part of the definition. Most municipalities that define the use, make a distinction between offices and medical offices due in most part to parking implications. Other by-laws use the land term "office" without the need to define the use or to distinguish one form of office land use from another, as they are all typically permitted in the same zones.

Cafeteria

Found in By-law(s): 226-91 amends By-law(s): 1229

(1) means a SELF-SERVICE RESTAURANT located within an office building and having no exterior signage and no patron access directly from the exterior of the building.

Analysis

Not a defined term found in other by-laws. This use is usually controlled as an "ancillary use", since it is naturally and normally incidental to a principal use and is used to serve the principal use. Suggest that it is not necessary to define in the new by-law.

Camp

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90

(1) means one or more buildings used for sleeping accommodation, the preparation and serving of food and/or sport or recreation facilities, operated under single ownership and intended for recreation purposes on a temporary or seasonal basis.

Analysis

Similar terms are defined in Oakville and Ottawa by-laws (Campground). Probably appropriate to define a land use for camping, trailer parks, and the like. Suggest that the term “Campground” may be more suited.

Carport

Found in By-law(s): 28-97 and amends By-law(s): 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; 177-96

(1) means a building or structure which is not wholly enclosed, and is used for the parking or storage of one or more motor vehicles.

Analysis

A term used in many other municipal zoning by-laws, although not always defined. It is a defined term in the Mississauga by-law. It may be helpful to define in the new by-law to ensure that standards for garages are also applied to carports as well.

Cellar

Found in By-law(s): (166-90, repealed by 142-95)¹ amends By-law(s): 1229; 1507; 1767; 2150; 2237; 2489; 2551; 2571; 2612; 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; 90-81; 193-81; 221-81; 194-82; 196-82; 304-87

(1) means that portion of a building between two (2) floor levels which is partly or entirely underground but has more than one-half (1/2) of its height, from finished floor to underside of floor joists of the storey next above, below adjacent finished grade.

Found in By-law(s): 1442 (113-74); 77-73; 119-73; 88-76; 165-80; 108-81; 28-82; 47-85; 242-90; 19-94

(2) means that portion of a building between two floor levels which is partly or entirely underground but has more than one-half of its height, from finished floor to underside of floor joists of the storey next above, below adjacent finished grade.

Found in By-law(s): 1229 (99-90); 1767 (100-90); 2237 (101-90)

(3) means that portion of a SINGLE FAMILY DETACHED DWELLING, between two (2) floor levels, which is located partly or entirely underground and which has more than one-half (1/2) of its height from floor to underside of floor joists of the STOREY next above, below the ESTABLISHED GRADE.

Analysis

All other municipal zoning by-laws reviewed define what a “*basement*” is, and if enough of a basement is considered above the ground level it is either defined as a “cellar” or is considered the “first floor” of the building. Cellar is defined in only the Hamilton and Ottawa zoning by-laws. It is uncertain if the term

¹ Determined that with amendments and repeals to amendments, original by-law definitions apply.

should be defined if *basement* is proposed as a defined term in the new by-law. There is a question if this term is necessary to define when considering secondary suite regulations.

Cemetery

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means a cemetery or columbarium within the meaning of the Cemeteries Act of Ontario.

Found in By-law(s): 177-96

(2) 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.

Analysis

This is a defined term in all the zoning by-laws. It is important to define and distinguish it from other associated land use terms, such as columbarium, crematorium, funeral home, etc. Note the Markham Official Plan has the definition for “Cemeteries”. It is suggested that this term be defined in the new by-law, consistent with the Official Plan definition.

Centre-Line

Found in By-law(s): 177-96

(1) means with reference to a public street, a line drawn parallel to and equidistant from the limits of the public street and with reference to a private street, a line drawn parallel to and equidistant from the edges of the paved surface of the private street.

Analysis

Not a defined term in any of the other zoning by-laws. It currently is only found in one zoning by-law in Markham. It should be noted that some by-laws measure setbacks to the centreline of the road and to the centreline of regional roads. There is concern that if setbacks are measured to points “off property”, such as the centreline of a road, then standards may vary over time should the centreline of a road change. There is a need to examine this matter more closely.

Church (see also Place of Worship)

Found in By-law(s): 122-72; 77-73; 83-73; 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

(1) means a building dedicated to a religious worship and includes a church hall, church auditorium, Sunday school, parish hall and day nursery.

Place of Worship (see also Church)

Found in By-law(s): 177-96

(1) means a building or part of a building used by a charitable religious group(s) for the practice of religious rites.

Task 5: Definitions

Found in By-law(s): 1229 (76-93)

(2) means lands or buildings used for worship by any association of persons: (a) that is charitable under the laws of Ontario; and (b) that is organized for the advancement of religion and for the conduct of religious worship, service or rites; and may include customary accessory uses such as a residence for a caretaker or head of congregation, and an assembly hall.

Found in By-law(s): 1767 (182-89) (250-94); 77-73 (81-95)

(3) means lands or buildings used for worship by any association of persons: (a) that is charitable under the laws of Ontario; and (b) that is organized for the advancement of religion and for the conduct of religious worship, service or rites; and may include customary accessory uses such as a residence for a caretaker or head of congregation, and an assembly hall.

Found in By-law(s): 2150 (2001-115)

(4) means lands or buildings used for worship by any association of persons: (a) that is charitable under the laws of Ontario; and (b) that is organized for the advancement of religion and for the conduct of religious worship, service or rites; and may include customary accessory uses such as a residence for a caretaker or head of congregation, and an assembly hall.

Found in By-law(s): 1767 (205-90)

(5) means lands or buildings used for worship by an association of persons that is charitable under the laws of Ontario and that is organized for the advancement of religion and for the conduct of religious worship, service or rites and may include customary accessory uses such as an assembly hall.

Found in By-law(s): 2004-196

(6) means a premises used by a charitable religious group(s) for the practice of religious rites.

Found in By-law(s): 28-97 amends By-law(s): 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

(7) means a premises used by a charitable religious group(s) for the practice of religious rites.

Found in By-law(s): 162-96 added definition to this By-law 28-82

(8) means a premises used by a charitable religious group(s) for the practice of religious rites.

Found in By-law(s): 1767 (2003-255)

(9) means PREMISES used by a charitable religious group(s) for the practice of religious rites.

Found in By-law(s): 2002-141 added definition to this By-law 108-81

(10) means a premises used by a charitable religious group(s) for the practice of religious rites.

Analysis

Church is a less inclusive term and is a term typically only used in Christianity religions. *Place of Worship* is a more universal term and is a defined term used in all the other municipal zoning by-laws. There is a definition of *Place of Worship* in Markham's Official Plan. It is suggested that there be a *Place of Worship* definition in the new by-law that is consistent with the definition in the Official Plan.

Clinic (see also *Medical Office & Medical Offices*)

Found in By-law(s): 2150 (261-90)

(1) means a building or part of a building used for the medical, dental, surgical, chiropractic or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his residence.

Found in By-law(s): 1229; 122-72; 77-73; 83-73; 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; 90-91; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85; 19-94; 90-81; 193-81; 221-81; 28-82; 194-82; 47-85; 19-94. NOTE: By-law 2014-62 deleted this term from the by-laws (see Medical Office).

(2) shall mean a building or part of a building used for the medical, dental, surgical or therapeutical treatment of persons.

Medical Clinic

Found in By-law(S): 2002-88 amends By-law(s): 90-81

(1) means a PREMISES used for the medical, dental, surgical and/or therapeutic treatment of human beings including clinics operated by a number and/or variety of medical professionals, but does not include a public or private hospital or office in the medical professional's residence.

Medical Office (see also *Clinic and Medical Offices*)

Found in By-law(s): 177-96

(1) means a premises used for the medical, dental, surgical and/or therapeutic treatment of human beings including clinics operated by a number and/or variety of medical professionals, but does not include a public or private hospital.

Found in By-law(s): 2004-196

(2) Means a premises used for the medical, dental, surgical and/or therapeutic treatment of human beings including clinics operated by a number and/or variety of medical professionals, but does not include a public or private hospital or office located in the medical professional's residence.

Found in By-law(s): 28-97; 220-2000; 2014-62 amends By-law(s): 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

(3) means a premises used for the medical, dental, surgical and/or therapeutic treatment of human beings, including clinics operated by a number and/or variety of medical professionals, but does not include a public or private hospital.

Medical Offices (see also *Clinic & Medical Office*)

Found in By-law(s): 1767 (2003-255); 2237 (2008-272)

(1) means PREMISES used for the medical, dental, surgical and/or therapeutic treatment of human beings including clinics operated by a number and or variety of medical professionals, but does not include a public or private hospital or office located in the medical professional's residence.

Analysis

Neither *Clinic* or *Medical Office* are defined in Toronto's by-law, but are land use terms used in that by-law. *Medical Office* is defined in Oakville and Mississauga by-laws. *Medical facility* is defined in Ottawa's by-law. *Medical Office – Restricted* is also defined in Mississauga's by-law. It is suggested that a definition for *Medical Office* be considered in the new by-law. See comments earlier on *Offices* and *Professional Offices* definitions. Note that there has been a recent amendment to the definition for *Medical Office* in 2014.

Club, Commercial

Found in By-law(s): 53-75 also By-law: 119-73

(1) means any club operated for profit or gain, excepting a private club or health centre, as defined herein.

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90

(2) means any club operated for profit or gain other than a private club, as defined herein.

Analysis

This is not a defined land use term found in any of the other municipal zoning by-laws. It seems to be too broad a land use, as it does not include health centre and there is a separate definition for such uses as a "Nightclub". Not sure what exactly this use is. It should probably not be defined in the new by-law.

Club, Private (see also Private Club)

Found in By-law(s): 199-91 also By-law: 1229

(1) means a building or part of a building used as a meeting place for members of an organization and may include a lodge, fraternity house or sorority house, and a labour or union hall but shall not include the preparation and sale of food whether accessory or not.

Found in By-law(s): 2004-196

(2) means a premises used as a meeting place by members and guests of members of non-profit and non-commercial organizations for community, social or cultural purposes. This definition does not include uses that are normally carried out as a commercial enterprise and does not include a place of worship.

Found in By-law(s): 2150 (261-90)

(3) means a building or part of a building used as a meeting place for members of an organization and may include a lodge, fraternity house or sorority house, and a labour or union hall. All uses permitted in a Health Centre, as defined in this by-law, shall be permitted in a Private Club, subject to the limitations as set out in the definition of Health Centre.

Found in By-law(s): 53-75; 285-96; 28-97 amends By-law(s): 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; 177-96.²

(4) means a premises used as a meeting place by members and guests of members of non-profit and non-commercial organizations for community, social or cultural purposes. This definition does not include uses that are normally carried out as a commercial enterprise.

Private Club (*see also Club, Private*)

Found in amending By-law 285-96 and parent By-law 1229³:

(1) means a premises used as a meeting place by members and guests of members of non-profit and non-commercial organizations for community, social or cultural purposes. This definition does not include uses that are normally carried out as a commercial enterprise. (285-96)

(2) shall mean a building or part of a building used as a meeting place for members of an organization and shall include a lodge, a fraternity or sorority house, and a labour union hall. (1229)

Analysis

This term is defined as different land uses in Toronto (Club, Place of Assembly), in Hamilton (Private Club or Lodge), in Ottawa (Place of assembly), and in Mississauga (Private Club). This land use and definition involved a city-wide amendment under By-law 285-96 in 1996. Markham's Official Plan has a definition for *Private Club*. There should be a defined land use term in the new zoning by-law that is consistent with the Official Plan definition.

Cluster Housing

Found in By-law(s): 19-94

(1) means residential development containing two or more dwelling units which are located on the same lot and may include but are not limited to, single detached, townhouse and apartment building forms.

Analysis

This is not a defined land use term in any of the other municipal zoning by-laws. This term is only defined in one of Markham's current zoning by-laws. It is suggested that it not be a defined term in the new zoning by-law, as it relates to other residential building types that are all defined.

² By-law 53-78 only amended By-law 119-73. By-law 285-96 listed many by-laws in the header, but did not specifically amend the existing definitions found in by-laws 1229, 1507, 2053, 2284-68, 2402, 84-73, and 19-94. For these latter by-laws, any parent definition would apply to those not listed in By-law 285-96.

³ Ibid

College or Commercial School (see also *Commercial School and School, Commercial*)

Found in By-law(s): 181-94 amends By-law(s): 1229 (326-82)

(1) means an educational establishment which provides instruction in any subject, and without limiting the generality of the foregoing, includes a computer training school, a vocational school or college, a secretarial college or school, a dance school or studio, a school of music, a modelling school, a ceramics school or studio, a driving school but does not include a public school, separate school, private school or nursery school.

Commercial School (see also *College or Commercial School & School, Commercial*)

Found in By-law(s): 87-95 amends By-law(s): 1229

(1) means a school of seven (7) or more pupils conducted for gain, including secretarial school, driving school, language school, but shall not include a nursery school.

School, Commercial (see also *College or Commercial School & Commercial School*)

Found in By-law(s): 216-1999 amends By-law(s): 1229

(1) means a premises used as a school conducted for gain including a studio of a dancing teacher or a music teacher, an art school, golf school, school for calisthenics, business or trade school and any other such specialized school.

Found in By-law(s): 177-96

(2) means a premises used as a school conducted for gain, including a studio of a dancing teacher or a music teacher, an art school, a golf school, school of callisthenics, business or trade school and any other such specialized school.

Found in By-law(s): 28-97 amends By-law(s): 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; 2004-196

(3) means a premises used as a school conducted for gain, including a studio of a dancing teacher or a music teacher, an art school, a golf school, school of calisthenics, business or trade school and any other such specialized school.

Found in By-law(s): 1767 (2003-255)

(4) means PREMISES used as a school conducted for gain, including a studio of a dancing teacher or a music teacher, an art school, school of callisthenics, business or trade school and any other such specialized school.

Found in By-law(s): 2053 (171-98)

(5) means a school conducted for gain, including a studio of a dancing teacher or a music teacher, a language school, an art school, a business school and any other such specialized school conducted wholly within the building, excepting a day nursery as defined by provincial statute.

Found in By-law(s): 111-94 amends By-law(s): 1229

(6) means a school of seven (7) or more pupils conducted for gain, including secretarial school, language school, driving school, but shall not include a nursery school.

Analysis

This land use term is defined in Toronto (Education Use), Hamilton (Commercial School), Oakville (School, Commercial), and Mississauga (School, Commercial School). The importance of defining this use from other schools and educational-related uses is that they tend to operate at different times of the day and involve traffic-related issues that are very different from regular schools. It is suggested that there be a definition in the new zoning by-law and that it be broader to include all forms of educational uses that are not primary, secondary, or post-secondary schools and that “college” be part of a definition associated with post-secondary and university institutions.

Commercial Fitness Centre (see also *Fitness Centre*)

Found in By-law(s): 1767 (2003-255)

(1) means PREMISES in which facilities are provided for recreational or athletic activities such as body-building and exercise classes and may include associated facilities such as a sauna, a swimming pool, a solarium, a cafeteria and accessory RETAIL USES.

Found in By-law(s): 28-97 amends By-law(s): 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; 177-96; 2004-196

(2) means a premises in which facilities are provided for recreational or athletic activities such as body-building and exercise classes and may include associated facilities such as a sauna, a swimming pool, a solarium, a cafeteria and accessory retail uses.

Fitness Centre (see also *Commercial Fitness Centre*)

Found in By-law(s): 157-95 amends By-law(s): 1229

(1) means an establishment which provides facilities for recreational athletic activities including but not limited to bodybuilding and exercise classes, and may include associated facilities such as a lounge, sauna and pro shop. This definition does not include the office of a personal health and fitness trainer.

Analysis

This is a defined term in Toronto (a form of *Recreation Use*), Hamilton (Commercial Recreation), and Mississauga (Recreational Establishment). The other municipal by-laws use the term “recreational” to broaden the application of the land use to be beyond just “fitness centres”, which is more of a marketing term. Note that “Commercial fitness centre” is a defined term in Markham’s Official Plan. It is suggested that the definition in the new by-law be consistent with the Official Plan definition.

Commercial Floor Area

Found in By-law(s): 2150 (2526); 2237 (2527); 2612; 11-72

(1) means the total floor area of a commercial building, including any basement area designed or used for commercial purposes, but excluding the exterior walls of the building, any furnace or utilities room, laundry room or washroom, any stairwell or elevator shaft, or any area, not exceeding 20 per cent of the total floor area, which is designed for permanent use as stockroom space.

Analysis

This is not a defined term in any of the other municipal by-laws. This is a “measurement” definition and it is dealt with in many different ways. Most by-laws define “gross floor area” and then apply it to the land uses in a given zone. In this example, the application of “gross floor area” to a commercial building or commercial use would have the same effect as this definition. In the case of Toronto, the “gross floor area” and its application of what is included or not is dependent on which zone it is applied to and what kind of building is being regulated. It is suggested that this not be a defined term in the new zoning by-law.

Commercial Machinery or Equipment

Found in By-law(s): 282-77; 109-78; 108-78; 107-78; 104-78; 170-78; 169-78; 78-88; 173-78; 171-78; 1229; 1767 (103-78); 2150 (106-78); 2237 (105-78); 2489; 2571; 2612; 11-72; 122-72; 83-73; 151-75; 250-77; 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

(1) means machinery or equipment used for business, employment or commercial purposes such as bulldozers, backhoes, cranes, plows, graders, forklifts and earthmoving equipment, farm tractors, trailers and other such similar items.

Analysis

None of the other municipal zoning by-laws define this land use, but they do regulate land uses that involve “open storage” of construction equipment. It is uncertain if it is necessary to define, but it is important to identify a use, lands that store such equipment.

Commercial Motor Vehicle (see also *Motor Vehicle, Commercial*)

Found in By-law(s): 282-77; 109-78; 108-78; 107-78; 104-78; 170-78; 169-78; 78-88; 173-78; 171-78; 1229; 1767 (103-78); 2150 (106-78); 2237 (105-78); 2489; 2571; 2612; 11-72; 122-72; 83-73; 151-75; 250-77; 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

(1) means a motor vehicle used for business, employment or commercial purposes, having attached thereto a truck or delivery body and shall include a tractor-trailer or trailer for hauling purposes on the highways.

Motor Vehicle, Commercial (see also *Commercial Motor Vehicle*)

Found in By-law(s): 28-97 amends By-law(s): 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

(1) means a motor vehicle which is designed for the transport of goods and which is used for business, employment or commercial purposes.

Found in By-law(s): 177-96; 2004-196

(2) means a motor vehicle which is designed for the transport of goods and which is used for business, employment or commercial purposes.

Analysis

This is a defined term in Hamilton (Motor Vehicle – Commercial), Oakville (Commercial Vehicle), and Mississauga (Commercial Motor Vehicle). In Toronto the term is not defined, but is outlined as a regulation as to the “type” of vehicles that are considered a commercial motor vehicle which are not permitted to be located in residential zoned areas. It is probably wise to include a definition of what a commercial motor vehicle is in the new by-law.

Commercial purposes

Found in By-law(s): 1442

(1) shall mean the use of any structure designed or used for the transaction or business; for the rendering of professional or trade services; for the display, sale or storage of merchandise; for the supplying of food, drink or other bodily needs or comfort to the public; for the provision of entertainment, exercise or instruction for monetary gain.

Analysis

A similar term is defined in Ottawa (Commercial use), but not in any of the other zoning by-laws. This term is rather general and antiquated in nature and is only found in one zoning by-law in Markham. It is suggested that this term not be defined in the new by-law.

Commercial Self-Storage Facility

Found in By-law(s): 177-96; 2004-196

(1) means a premises used for the temporary storage of household items and secured storage areas or lockers which are generally accessible by means of individual loading doors.

Analysis

Defined in Toronto (Self-Storage Warehouse), and Ottawa (a form of the defined term Warehouse). It is important to define the intent to distinguish a self-storage facility as a consumer commercial use from a warehouse that stores items for industrial/employment-related users. It currently is only defined in two of Markham’s zoning by-laws. It is suggested that this term be defined in the new by-law.

Commercial Television Aerial Tower

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90

(1) means a television aerial tower which serves buildings located on two or more lots.

Analysis

Defined in Toronto (as a form of the defined term Public Utility). While the definition is found in many of Markham’s zoning by-laws, it may make sense to broaden the term to include other forms of communication towers (eg. cell phone, etc.), given that they all involve federal regulators that require proponents to work with local authorities to obtain concurrence for proposed facilities. The technology around television has further changed (cable and satellite), and this specific form of tower may no longer

exist in many areas. It is suggested that it not be a defined term in the new zoning by-law, and that they could be a form of “utility”, either public or private.

Common Outdoor Amenity Area (see also *Outdoor Amenity Space & Private Outdoor Amenity Area*)

Found in By-law(s): 19-94.

(1) means an outdoor space within a development, at grade level or otherwise, which is designated and intended for the common use or enjoyment of the occupants of users of the development, and may include a terrace, tot lot, garden, games area, sitting area, or other similar facility or area.

Outdoor Amenity Space (see also *Common Outdoor Amenity Area & Private Outdoor Amenity Area*)

Found in By-law(s): 177-96

(1) means an outdoor space, unobstructed by buildings or structures and which cannot be travelled upon by motor vehicles.

Private Outdoor Amenity Area (see also *Common Outdoor Amenity Area & Outdoor Amenity Space*)

Found in By-law(s): 19-94.

(1) means an outside space immediately adjacent to and directly accessible from the dwelling which shall be available to occupants of such dwellings for leisure activities and may include a yard, porch, deck and/or balcony.

Analysis

There is also a defined term “*Outdoor Amenity Space*” in By-law 177-96, which is very different from the definition of *Common Outdoor Amenity Area*. Defined in Toronto (as part of *Amenity Space*), Hamilton, Ottawa, and Mississauga (part of *Amenity Area*) zoning by-laws. It is suggested that there be a definition for “amenity area” in the new zoning by-law, and that regulation can determine if such as use is “outdoor”, “indoor”, or “private”.

Community Centre (see *Private Community Centre*)

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means any tract of land, or building or buildings, or any part of any buildings used for community activities whether used for commercial purposes or not and the control of which is vested in the municipality, a local board or agent thereof.

Found in By-law(s): 2004-196

(2) Means a premises used for community activities.

Found in By-law(s): 177-96

(3) means a building or part of a building which is owned and/or operated by a public authority and used for community activities.

Private Community Centre (see *Community Centre*)

Found in By-law(s): 162-96 added this definition to this By-law 28-82

(1) means a premises used for community activities, the control of which is not vested in a public authority.

Analysis

Defined in Toronto, Oakville, Ottawa, and Mississauga by-laws (*Community Centre*). There are currently three different definitions in the Markham zoning by-laws. There should be caution in considering combining these defined terms due to the possible implications to the “public use” and “public authority” regulations, regardless of where they are permitted to locate or what the parking standards are. Public uses are generally allowed in more locations than private uses because of differences regarding issues such as parking and accessory uses. It is suggested that there be two definitions, one for public and the other for private.

Community Centre, Private

Found in By-law(s): 28-97 amends By-law(s): 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

(1) means a premises used for community activities, the control of which is not vested in a public authority.

Analysis

The term “Private Community Centre” is not a defined term in any of the other municipal zoning by-laws. See comments above on *Community Centre*.

Community Centre, Public

Found in By-law(s): 28-97 amends By-law(s): 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

(1) means a premises used for community activities, the control of which is vested in a public authority.

Analysis

The term “Public Community Centre” is not a defined term in any of the other municipal zoning by-laws. See comments above on *Community Centre*.

Conference and Convention Centre (*see also Trade and Convention Centre & Trade Fair and Convention Hall*)

Found in By-law(s): 140-94 amends By-law(s): 1229

(1) means a building or part thereof used for the holding of conferences, conventions, trade shows, exhibitions, seminars, workshops, cultural and community events or similar activities, and may include accessory activities including food services catering to those events and retailing of goods and services associated with those events provided, however, that any retailing activity shall not constitute a retail store, shopping centre or mall or flea market wherein used goods and products are sold predominantly.

Trade and Convention Centre (*see also Conference and Convention Centre & Trade Fair and Convention Hall*)

Found in By-law(s): 177-96

(1) means a building or part of a building where facilities are provided for the displaying of goods and/or services for the general public, such as an auto show or a computer trade show or where groups of people meet for civic, educational, political, religious or social purposes.

Found in By-law(s): 2237 (2009-118); 2004-196

(2) Means a premises where facilities are provided for the displaying of goods and/or services for the general public, such as an auto show or a computer trade show or where groups of people meet for civic, educational, political, religious or social purposes.

Trade Fair and Convention Hall (*see also Conference and Convention Centre & Trade and Convention Centre*)

Found in By-law(s): 190-91 added definition to this By-law 108-81

(1) means a building or portion thereof used to accommodate trade fairs and conventions whether on a permanent or temporary basis.

Analysis

Defined as part of the term “Place of Assembly” in Toronto and Ottawa’s by-laws; defined in Hamilton’s by-law (Conference or Convention Centre); and defined in Mississauga’s by-law (Banquet Hall/ Conference Centre/ Convention Centre). It is suggested that if the use is permitted in the same zone as other “places of assembly” and has the same parking rates apply, then it can form part of a broader land use definition. If not, then it would be wise to define it separately.

Conservation and park use

Found in By-law(s): 304-87.

(1) means a use of land, buildings or structures for the purpose of conserving, preserving and protecting the natural heritage and the environment.

Analysis

This is only defined in the rural area by-law in the list of defined terms ordered by the Ontario Municipal Board. It is important to note that Markham’s Official Plan has a definition of “Conservation/ Conserved” and “Cultural heritage conservation”. Hamilton and Ottawa’s by-laws have a definition (Conservation);

as well as Oakville and Mississauga's by-laws (Conservation Use). It is suggested that a term be defined that is consistent with the Official Plan definitions.

Conservation Authority

Found in By-law(s): 304-87; 242-90; 19-94.

(1) means the Metropolitan Toronto and Region Conservation Authority.

Analysis

Mississauga is the only other municipal zoning by-law that defines this term. It may only be necessary to define as a means of shortening the official authority. Alternatively, the new by-law can simply refer to the Metropolitan Toronto and Region Conservation Authority instead of defining it.

Convenience Retail Store (see also *Convenience Store & Store, Convenience Retail*)

Found in By-law(s): 28-97 amends By-law(s): 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

(1) means a premises where food, tobacco, drugs, periodicals and similar items of household necessity are sold directly to the public but shall not include a retail store.

Convenience Store (see also *Convenience Retail Store & Store, Convenience Retail*)

Found in By-law(s): 157-95 amends By-law(s): 1229

(1) means a retail store in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to complement such items may include the limited sale of magazines, books, housewares, toiletries, stationary and tobacco products.

Store, Convenience Retail (see also *Convenience Retail Store & Convenience Store*)

Found in By-law(s): 163-97 amending By-law(s): 108-81

(1) means a premises where food stuffs, drugs, periodicals and similar items of household convenience are sold directly to the public but shall not include a Retail Store.

Analysis

Defined in Ottawa's by-law (Convenience store) and Mississauga's by-law (Convenience Retail and Service Kiosk). Markham's Official Plan also has a defined term "Convenience retail and personal service". Other zoning by-laws which do not define this land use, typically control it by the scale of retail use permitted in a given zone. The concern is that the definitions typically try to relate to types of goods being sold and the scale to which they are being sold. It is suggested that if there is a need to distinguish this use from the term "retail store", then the Official Plan definition needs to be considered in this context as well.

Converted Dwelling (*see also Dwelling, Converted*)

Found in By-law(s): 1229

(1) shall mean a single-family dwelling which is proposed to be altered or converted so as to provide therein two or more dwelling units without major exterior alteration.

Dwelling, Converted (*see also Converted Dwelling*)

Found in By-law(s): 2237; 2571; 2612; 11-72; 122-72; 77-73; 83-73; 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

(1) means a building originally designed and intended for occupancy by one family, but which has been structurally altered to provide more than one dwelling unit, each of which contains a kitchen, a bathroom, and has an independent entrance, either directly or through a common vestibule.

Analysis

Defined only in the Ottawa zoning by-law (Dwelling, Converted Dwelling). Other municipal zoning by-laws usually deal with this type of use as a use that is defined as it was originally constructed (i.e., detached dwelling) that may allow for the conversion to another form of residential dwelling involving a specific number of units. It is suggested that there not be a definition of this term in the new by-law, and that appropriate regulations are developed in the new by-law to control how and where residential buildings may be converted to different forms of defined residential buildings.

Corner Lot (*see also Lot, Corner*)

Found in By-law(s): 1914; 2053

(1) shall mean a lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.

Lot, Corner (*see also Corner Lot*)

Found in By-law(s): 1229; 2237 (381-82)

(1) means a lot, the street line of which is composed of two (2) or more straight lines, or of one (1) or more curves, or of any combination of a straight line or straight lines and a curve or curves, such that the interior angle contained at the intersection of two (2) straight lines produced from the two (2) extremities of the street line and coincident with or tangent to such street line at such extremities is not greater than one hundred and thirty-five (135) degrees . The corner of a corner lot shall be deemed to be the point on the street line nearest to the above mentioned point of intersection.

Found in By-law(s): 177-96; 2004-196

(2) means a lot at the intersection of two or more public streets or upon two parts of the same public street with such street or streets containing an angle of not more than 135 degrees or a lot upon which the tangents at the street extremities of the interior side lot lines contain an angle of not more than 135 degrees. The corner of a lot on a curved corner shall be that point on the streetline nearest the point of intersection of the said tangents.

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(3) means a lot, the street line of which is composed of two or more straight lines, or of one or more curves, or of any combination of a straight line or straight lines and a curve or curves, such that the interior angle contained at the intersection of two straight lines produced from the two extremities of the street line and coincident with or tangent to such street line at such extremities is not greater than one hundred and thirty-five (135) degrees. The corner of a corner lot shall be deemed to be the point on the street line nearest to the above mentioned point of intersection.

Analysis

Defined in Toronto (Corner Lot), Hamilton, Ottawa and Mississauga (Lot- Corner Lot), and Oakville (Lot – Corner). It is suggested that it be defined in the new by-law, as there are many regulations that apply to corner lots differently from other types of lots. A decision needs to be made as to the protocol on how the term is found in the definitions (i.e., Lot, Corner or Corner Lot) and which of the above four definitions is most suitable.

Corporation

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means the Corporation of the Town of Markham.

Found in By-law(s): 177-96; 2004-196

(2) means the Corporation of the City of Markham.

Analysis

Defined in Hamilton (City) and Oakville (Town or Town of Oakville). It is a rather legalistic and antiquated term. See also analysis comments on the definition of “Council”.

Council

Found in By-law(s): 177-96; 2004-196

(1) means the Council of the Corporation.

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(2) means the Municipal Council of the Corporation of the Town of Markham.

Analysis

Defined in the Ottawa and Mississauga (Council), Hamilton (City), and Oakville (town or Town of Oakville) zoning by-laws. It is uncertain if there is a need to define this term, as it is common knowledge to which specific “Council” the by-law pertains to. If it is to be defined, it is preferable over the term “Corporation”.

Court (*see Courtyard*)

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 127-76

(1) means an open, uncovered and unoccupied space appurtenant to a building and bounded on two or more sides thereby.

Courtyard (*see Court*)

Found in By-law(s): 2004-196

(1) Means an area of land that is unobstructed from the ground to the sky and which is enclosed by buildings on at least two sides and which is designed and maintained as a publicly accessible amenity area.

Analysis

Defined only in Toronto's by-law (Courtyard). If it is to be defined in the new zoning by-law, the term "courtyard" may be better suited than "court", in that it won't be confused with the land use "court" as in "courts of law".

Court, Depth of

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 127-76

(1) means the greatest mean horizontal dimensions of such court.

Analysis

This is only defined in some of Markham's by-laws, and is a derivative of the defined term "Court". It is suggested that it not be a definition, but rather explained in a regulation.

Court, Outer

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 127-76

(1) means a court which extends to or opens upon a yard, street or public lane.

Analysis

This is only defined in some of Markham's by-laws, and is a derivative of the defined term "Court". It is suggested that it not be a definition, but rather explained in a regulation.

Court, Width of

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 127-76

(1) shall mean the least horizontal dimension between the opposite sides measured at right angles to the longest side of such court.

Analysis

This is only defined in some of Markham's by-laws, and is a derivative of the defined term "Court". It is suggested that it not be a definition, but rather explained in a regulation.

Coverage (see also *Lot Coverage and Lot Coverage, Maximum*)

Found in By-law(s): 1229; 1767; 1914; 2053; 2237; 2402; 2489; 2571; 2612; 2284-68; 11-72.

NOTE: By-law 2014-83 deletes this term from these by-laws (see Lot Coverage).

(1) shall mean that percentage or portion of land or lot area covered by buildings at finished grade.

Lot Coverage (see also *Coverage and Lot Coverage, Maximum*)

Found in By-law(s): 177-96

(1) means that percentage of the lot covered by all buildings and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below grade. Lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

Found in By-law(s): 2014-83 amends By-law(s): 1229, 1767, 1914, 2053, 2150, 2237, 2402, 2489, 2551, 2571, 2612, 2284-68, 11-72

(2) means that percentage of the lot covered by all buildings and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below grade. Lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said Zone.

Lot Coverage, Maximum (see also *Coverage and Lot Coverage*)

Found in By-law(s): 1767 (125-86) (433-86); 2237 (209-94); 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means that percentage of the lot area covered by all buildings above ground level and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition the maximum lot coverage in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

Analysis

Defined in Toronto, Oakville, Ottawa, and Mississauga by-laws (Lot Coverage). It is suggested that it be a defined term in the new zoning by-law. This defined term was recently updated by amending by-law 2014-83 and should probably be the definition that is used city-wide in the new zoning by-law.

Crisis Care Facility

Found in By-law(s): 28-97 amends By-law(s): 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

(1) means a dwelling unit used for the accommodation of three to ten persons, exclusive of members of the staff of the operator who require temporary, emergency shelter and aid for a short period of time or who are undergoing treatment for or recovering from substance abuse, and who are living under the supervision of a member or members of the staff of the operator who is or are present at the facility at all times, where such facility is funded wholly or in part by any government, other than funding provided for capital purposes only, or such facility is licensed or

Task 5: Definitions

approved under Provincial Statute. Without limiting the generality of the foregoing, a crisis care facility includes shelters for youth, shelters for elderly persons and Halfway Houses for Alcoholics under the Charitable Institutions Act or amendments thereto.

Analysis

Defined in Toronto (Crisis Care Shelter) and Ottawa (Shelter) zoning by-laws. It is suggested that this term be defined in the new zoning by-law.

Custom Workshop

Found in By-law(s): 1229, 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) shall mean a building or part of a building used by a trade, craft or guild for the manufacture in small quantities of made to measure articles, and shall include upholstering, but shall not include metal spinning, woodworking or furniture manufacture.

Analysis

Defined in Toronto (Custom Workshop) and Hamilton (Craftsperson Shop) zoning by-laws. It is suggested that this be defined in the new zoning by-law and implementing a definition that helps distinguish this use from home occupation, service or repair shop uses.

Day Camp

Found in By-law(s): 304-87.

(1) means a non-residential facility, operating during the daytime, intended to accommodate primarily outdoor recreational and educational activities for children but not providing for overnight accommodation or camping, or accommodating other recreational, entertainment, sporting or educational activities of a commercial nature serving the general public, including private groups, clubs or similar organizations.

Analysis

Not a defined land use in any of the other municipal zoning by-laws. The term is only defined in By-law 304-87. It is uncertain if the land use needs to be a defined term in the new zoning by-law.

Day Nursery (see also School, Nursery)

Found in By-law(s): 1229 (216-1999), 2237, 2571, 2612, 11-72

(1) means a premises where more than 5 children are provided with temporary care and/or guidance for a continuous period not exceeding twenty-four hours and are licensed in accordance with the Day Nurseries Act.

Found in By-law(s): 2004-196

(2) Means a premises where more than 5 children are provided with temporary care and/or guidance for a continuous period not exceeding twenty-four hours and are licensed in accordance with the Day Nurseries Act, as amended.

Found in By-law(s): 28-97 amends By-law(s): 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

(3) means a premises where more than 5 children are provided with temporary care and/or guidance for a continuous period not exceeding twenty-four hours and are licensed in accordance with the Day Nurseries Act.

Found in By-law(s): 1767 (2003-255)

(4) means PREMISES where more than five children are provided with temporary care and/or guidance for a continuous period not exceeding twenty-four hours and are licensed in accordance with the Day Nurseries Act.

Found in By-law(s): 177-96

(5) means a building or part of a building where more than five children are provided with temporary care and/or guidance for a continuous period not exceeding twenty-four hours and are licensed in accordance with the Day Nurseries Act.

School, Nursery (*see also Day Nursery*)

Found in By-law(s): 77-73; 83-73; 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; 242-90; 19-94

(1) means a Day Nursery.

Analysis

Defined in Toronto and Hamilton (Day Nursery), and Oakville, Ottawa, and Mississauga (Day Care) zoning by-laws. Markham's Official has a definition for "Day care centre". It is suggested that a definition in the new zoning by-law for this land use term is consistent with the Official Plan definition.

Daylighting Triangle

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection the distance required by this By-law along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting lines and the straight line joining the points the required distance along the street lines shall be known as the "daylighting triangle".

Analysis

Defined in Hamilton zoning by-law only (Daylight Triangle). This can be an important planning measurement and is appropriate to define in the new zoning by-law.

Deck

Found in By-law(s): 142-95 amends By-law(s): 1229; 1442; 1507; 1767; 2150; 2237; 2489; 2551; 2571; 2612; 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; 90-81; 193-81; 221-81; 194-82; 196-82; 304-87; 19-94

(1) (a) deck means a raised platform on a dwelling that:

- (i) is located at the rear of the dwelling;
- (ii) is more than 0.6 metre above the lowest ground surface along the perimeter of the platform;
- (iii) is at or below the level of the ground floor; and
- (iv) is uncovered.

Found in By-law(s): 177-96

(2) means an uncovered and unenclosed structure that is accessory to a residential use and used as an outdoor living area, with a foundation holding it erect and a floor which is above finished grade and shall not include a landing or a stair.

Found in By-law(s): 2004-196

(3) Means an unenclosed structure that is accessory to a residential use and used as an outdoor living area, with a foundation holding it erect and a floor that is above finished grade and shall not include a landing or a stair.

Analysis

Defined in Hamilton and Mississauga by-laws (Deck), and Oakville by-law (Balcony). Mississauga also defines “porch” in its by-law as well. There are three very different definitions amongst the Markham zoning by-laws. It is suggested that there be one definition in the new by-law. Either By-law 177-96 or By-law 2004-196 would suffice as a city-wide definition in the new zoning by-law.

Dentist

Found in By-law(s): 122-72; 77-73; 83-73; 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; 19-94

(1) means a dentist within the meaning of The Dentistry Act.

Analysis

Defined only in the Mississauga zoning by-law (Dentist). It is uncertain if such a definition is needed, since provincial legislation defines who a dentist is in Ontario. Although the term may be used as a land use term in the new by-law, it is not clear that a definition is required.

Department Store

Found in By-law(s): 2150 (237-96)

(1) means a store organized into a number of individual departments selling a great variety of merchandise.

Analysis

Not a defined land use term in any of the other municipal by-laws. The term can be seen to be antiquated given the constant changes in how retail organizes itself. Suggest that this land use falls under the term “Retail Store” and can be distinguished from other retail stores based on its scale and size and not be a separately defined land use term.

Depth

Found in By-law(s): 1229 (99-90); 1767 (100-90); 2237 (101-90)

(1) means the shortest distance between two lines, both parallel to the FRONT LOT LINE, one passing through the point on the dwelling which is the nearest and the other through the point on the dwelling which is the farthest from the FRONT LOT LINE.

Found in By-law(s): 1914; 2053

(2) of a lot shall mean the horizontal distance between the front and rear lot lines and where these lines are not parallel, the length of the line adjoining the mid-points of the front and rear lot lines.

Analysis

Defined in Toronto zoning by-law only (Building Depth). It is suggested that there be a definition in the new zoning by-law, but under the term “Building Depth” in order to control how deep a building can be.

Lot Depth (see also *Lot, Depth of*)

Found in By-law(s): 177-96

(1) means the horizontal distance between the mid-point of the front lot line and the mid-point of the rear lot line.

Lot, Depth of (see also *Lot Depth*)

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means the horizontal distance between the midpoints of straight lines connecting the foremost points of the said lot lines in front and the rear most points of the side lot lines in the rear.

Analysis

Defined in Toronto, Oakville, Ottawa, and Mississauga zoning by-laws (Lot Depth). It is suggested that there be a definition in the new zoning by-law, but under the term “Lot Depth”.

Design Centre

Found in By-law(s): 190-91 added definition to this By-law 108-81

(1) means a building or portion thereof used to house manufacturers’ and designers’ offices and showrooms where design, purchasing, installation and associated consultation, information and other services are offered to businesses, trades, and the public.

Analysis

Not a defined land use term in any of the other municipal zoning by-laws. The use is a form of “retail store” with other accessory uses. It is suggested that it fall under the definition of “Retail Store”, but with conditions in the regulations that limit the type of retail store it can be if the objective is to distinguish it from other types of retail stores.

Detached Single family dwelling (see also *Dwelling, One Family and Dwelling One Family Detached*)

Found in By-law(s): 1229; 1442; 1507; 1767; 2150; 2237; 2489; 2551; 2571; 2612; 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; 90-81; 193-81; 221-81; 194-82; 196-82; 304-87. NOTE: (166-90, repealed by 142-95) ⁴

Dwelling, One Family (see also *Dwelling, One Family Detached and Detached Single family dwelling*)

Found in By-law(s): 122-72; 77-73; 83-73; 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

(1) means a building or portion thereof designed or used for occupancy by one family exclusively, and containing only one kitchen or other facility for the preparation of meals. Notwithstanding this definition, a one family dwelling may be occupied by one family, and providing that all occupants of the dwelling live as a single household, the following additional persons: (i) not more than two (2) roomers or boarders; (ii) not more than two (2) foster children under the care of a Children’s Aid Society which is approved by the Lieutenant-Governor in Council under the Child Welfare Act; (iii) Non-paying guest and domestic servants.

Dwelling, One Family Detached (see also *Dwelling, One Family and Detached Single family dwelling*)

Found in By-law(s): 1229

(1) shall mean a separate building containing only one dwelling unit and occupied by only one family.

Dwelling, Single Detached (see also *Dwelling, Single Family Detached & Dwelling, Single Family*)

Found in By-law(s): 2004-196

(1) Means a building containing only one dwelling unit.

Found in By-law(s): 96-1999 amends By-law(s): 1229

(2) means a separate building containing only one (1) completely detached dwelling unit.

Found in By-law(s): 177-96

(3) means a dwelling unit in a building containing only one dwelling unit.

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

⁴ Determined that with amendments and repeals to amendments, original by-law definitions apply.

(4) means a building that is comprised of one (1) completely detached dwelling unit.

Dwelling, Single Family Detached (*see also Dwelling, Single Detached & Dwelling, Single Family*)

Found in By-law(s): 426-85 amends By-law(s): 1229; 1507; 1767; 2150; 2237; 2489; 2571; 2612; 2325-68; 11-72; 122-72; 83-73; 84-73; 151-75; 250-77; 162-78; 163-78; 184-78; 72-79; 91-79; 118-79; 134-79; 153-80; 72-81; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85

(1) means a completely detached dwelling unit.

Found in By-law(s): 1442 (113-74); 77-73; 119-73; 88-76; 127-76; 145-78; 72-79; 165-80; 304-87

(2) means a completely detached dwelling unit.

Dwelling, Single-Family (*see also Dwelling, Single Detached & Dwelling, Single Family Detached*)

Found in By-law(s): 2551; 304-87

(1) means a building occupied or intended to be occupied as a dwelling unit by one family only as a single and non-profit housekeeping unit and containing only one kitchen.

Analysis

Defined in Toronto (Detached House), Hamilton (Dwelling, Single Detached Dwelling), Oakville (Dwelling or Dwelling Unit, Detached), Ottawa (Dwelling, Detached Dwelling), and Mississauga (Dwelling Unit, Detached Dwelling). It is suggested that this land use be defined in the new zoning by-law. The term should not include any reference to “family”. Note also in the Toronto by-law, that certain residential land uses are referred to as “residential building types”. The use is the “dwelling unit”, but the distinction of how dwelling units are organized are based on residential building types.

Development Parcel

Found in By-law(s): 326-82; 87-95 amends By-law(s): 1229

(1) means a parcel of land which is the subject of one development project and which complies with the Lot Frontage and Lot Area requirements of this by-law.

Analysis

This is not a defined term in other municipal zoning by-laws. The definition has been used to allow severances without the need for a reduction in lot area and frontage. It is suggested that this land use be defined in the new zoning by-law.

Dispensary

Found in By-law(s): 19-94. See By-law 19-94

(1) means a floor area accessory and incidental to a clinic where medicinal drugs are dispensed to patients associated with the building and subject to the following provisions: (a) no access shall be permitted except from the interior lobby of a building; (b) outdoor exterior signs advertising the dispensary shall not be permitted; and (c) the floor area devoted to these uses per building shall not exceed 5% of the gross floor area or 100 m² whichever is lesser.

Analysis

No other municipal zoning by-law has this term defined. The definition is in many ways a regulation, as it dictates limits to areas and sizes. It is suggested that this not be a defined term in the new zoning by-law, and that where needed, an appropriate regulation be applied to limit such areas.

Drive-In Restaurant (*see also Restaurant, Drive-In*)

Found in By-law(s): 2237; 2571; 2612; 11-72

(1) means a place where food or drinking is served to the public, and which not necessarily provide facilities for consumption thereof on the premises other than parking areas.

Restaurant, Drive-In (*see also Drive-In Restaurant*)

Found in By-law(s): 122-72; 77-73; 83-73; 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; 72-81

(1) means a place where food and drink is served to the public, and which does not necessarily provide facilities for consumption thereof on the premises other than parking areas.

Restaurant, Fast Food (*see also Restaurant, Self-Serve*)

Found in By-law(s): 87-95 amending By-law(s): 1229

(1) means an establishment for the preparation and sale of meals picked up by a patron and taken to a table or counter for consumption, and, as an accessory use thereto, may offer a take-out service.

Found in By-law(s): 70-82 amending By-law(s): 1229 (326-82); 2150 (111-86) (261-90); 165-80; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85; 304-87; 19-94

(2) means an establishment for the preparation and sale of meals for consumption both inside and outside the building(s) on the premises and as accessory thereto may offer drive-in , take-out, or packaged fast food service.

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(3) means an establishment for the preparation and sale of food and beverages in a self serve/ counter format for consumption both inside and outside the building(s) on the premises and serves or delivers its food and beverages in disposable containers, and as accessory thereto may offer drive-in, drive-through, take-out, or packaged fast food service.

Restaurant, Self-Serve (*see also Restaurant, Fast Food*)

Found in By-law(s): 226-91; 76-93 amending By-law(s): 1229; 1767 (260-91)

(1) means an establishment for the preparation and sale of meals picked up by a patron and taken to a table or counter for consumption, and, as an accessory use thereto, may offer a take-out service.

Found in By-law(s): 223-92 amending By-law(s): 108-81. See By-law 108-81.

Analysis

Defined in Toronto (Drive-in Eating Establishment), Ottawa (Restaurant, Fast-food restaurant and Take-out restaurant), and Mississauga (Convenience Restaurant) zoning by-laws. Further examination is

needed to distinguish drive-in restaurants from fast food restaurants and self-serve restaurants. It is suggested that a definition for a restaurant that caters to users in automobiles be in the new by-law.

Drive-Through Service Facility (see *Drive-Through Service Use*)

Found in By-law(s): 2004-196

(1) Means a building or structure or part thereof where goods and/or services are offered to the public within a parked or stationery motor vehicle by way of a service window or kiosk, where goods, money or materials are exchanged. Parking attendant kiosks and security booths are not considered to be drive-through service facilities.

Found in By-law(s): 177-96

(2) means a building or structure or part thereof where goods and/or services are offered to the public within a parked or stationery vehicle by way of a service window or kiosk, where goods, money or materials are exchanged. Kiosks within a parking garage or associated with a surface parking area are not considered to be drive-through service facilities.

Found in By-law(s): 2237 (2009-118)

(3) means a building or structure or part thereof where goods and/or services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk, where goods, money or materials are exchanged. Kiosks within a parking garage or associated with a surface parking area are not considered to be drive-through service uses.

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(4) means a building or structure or part thereof where goods and/or services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk, where goods, money or services are exchanged.

Drive-Through Service Use (see *Drive-Through Service Facility*)

Found in By-law(s): 1767 (2003-255); 2237 (2008-272)

(1) means a BUILDING or STRUCTURE or part thereof where goods and/or services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk where goods, money or materials are exchanged. Kiosks within a parking garage or associated with a surface parking area are not considered to be drive-through service uses.

Analysis

Defined in Toronto (Drive Through Facility), Hamilton (Drive-Through Facility), Oakville, Ottawa (Drive-through Facility), and in Mississauga as part of the definition of *Convenience Restaurant*. An important defined term dealing with a major current issue in planning. The concept of this being a separate use from another use that it is associated with is an important concept, because the use can be associated with more than just restaurants. It has been argued that it is a distinguishable land use from other activities such as service counters, as the drive through involves the use of automobiles and the potential impact they have on adjacent areas. It is important to note that some other defined land uses in Markham's by-laws include "and shall not include a drive through facility...". It is important to have a definition for this land use in the new by-law.

Driveway

Found in By-law(s): 28-97; 2006-96 amends By-law(s): 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; 177-96

(1) 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.

Found in By-law(s): 2004-196

(2) Means a defined area providing access for motor vehicles from a public or private street or a lane to a parking area, surface parking area, loading space, parking garage, private garage, building or structure.

Analysis

Defined in Toronto, Oakville, Ottawa (Driveway), and Mississauga (Driveway, Circular Driveway and Pervious Stable Surface Driveway) zoning by-laws. There are currently two definitions for driveway in Markham. It is suggested that the simpler definition established under By-law 2006-96 be used in the new by-law which is consistent with the way other municipalities have defined the term.

Drugless Practitioner

Found in By-law(s): 122-72; 77-73; 83-73; 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; 19-94

(1) means a drugless practitioner within the meaning of the Drugless Practitioners Act.

Analysis

Defined only in Mississauga's zoning by-law (Drugless Practitioner). The land use is associated with other land use terms defined in the other municipal by-laws (i.e., as part of the *Wellness Centre* definition in Toronto). It is uncertain if it is necessary to define the "practitioner" versus using a land use associated with such a profession. For example, some by-laws define "medical office" but not what a "doctor" is. It is suggested that this not be defined in the new zoning by-law.

Dry Cleaner's Distribution Station or Depot

Found in By-law(s): 122-72; 77-73; 83-73; 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

(1) means a building used for the purpose of receiving Articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process.

Analysis

Not defined in the other municipal zoning by-laws, as this particular land use is addressed as another form of personal service shop use. It was probably defined to help distinguish it from a dry cleaning establishment. However, it is unclear if there is a need to define this use in the new zoning by-law, if it is

only for the purposes of dropping off and picking up dry cleaning articles and can be incorporated as part of the definition of personal service shop.

Dry Cleaning Establishment

Found in By-law(s): 2237 (23-83); 122-72; 77-73; 83-73; 119-73; 151-75; 88-76; 127-76; 250-77; 145-78; 163-78; 72-79; 91-79; 118-79; 153-80; 165-80; 72-81; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85

(1) means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and (1) in which only non-inflammable solvents are or can be used which emit no odours or fumes and (2) in which no noise or vibration causes a nuisance or inconvenience within or without the premises.

Found in By-law(s): 122-87; 23-83 amends By-law(s): 1229 (111-94) (157-95); 2237

(2) means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on, in which only non-flammable solvents are or can be used which emit no odors or fumes and in which no noise or vibration causes a nuisance or inconvenience within or without the premises.

Analysis

Not defined in Toronto's by-law, but identified as a use. Defined in Hamilton (Dry Cleaning Plant) and Oakville (Dry Cleaning/Laundry). This land use deals with the actual cleaning operation of clothing and may be appropriate to define and identify as a land use in the new by-law.

Dwelling (see also Dwelling Unit)

Found in By-law(s) 1229; 1442; 122-72; 77-73; 83-73; 119-73; 151-75; 88-76; 127-76; 250-77; 145-78; 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; 242-90; 19-94

(1) shall mean any building or part thereof used as a home residence, or sleeping place of one or more persons either continuously, permanently, temporarily or transiently.

Dwelling Unit (see also Dwelling)

Found in By-law(s): 1767 (126-77); 2237 (54-75)

(1) means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

Found in By-law(s) 1767 (2003-255); 2237 (2008-272)

(2) means a suite which functions as a housekeeping unit used or intended to be used as a domicile by one or more persons; containing cooking, eating, living, sleeping and sanitary facilities; and having a private entrance from outside the building or from a common hallway or stairway inside or outside the building.

Found in By-law(s): 28-97 amends By-law(s): 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,

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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

(3) means a suite which functions as a housekeeping unit used or intended to be used as a domicile by one or more persons; containing cooking, eating, living, sleeping and sanitary facilities; and having a private entrance from outside the building or from a common hallway or stairway inside or outside the building.

Found in By-law(s): 1767(2548); 2237 (2319)

(4) shall mean a group of rooms occupied or intended to be occupied by one family only as a single-family housekeeping unit, and containing only one kitchen.

Found in By-law(s): 40-96 amends By-law(s): 1229

(5) means one (1) or more habitable rooms designed or intended by use for one (1) or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for exclusive use of such individual or individuals with a private entrance from outside the building or from a common hallway or stairway inside the building.

Found in By-law(s): 2004-196

(6) Means a suite which functions as a housekeeping unit used or intended to be used as a domicile by one or more persons; containing cooking, eating, living, sleeping and sanitary facilities; and having a private entrance from outside the building or from a common hallway or stairway inside or outside the building.

Found in By-law(s): 177-96

(7) means a residential use that functions as a housekeeping unit used or intended to be used as a domicile by one or more persons; containing cooking, sleeping and sanitary facilities; and having a private entrance from outside the building or from a common hallway or stairway inside or outside the building.

Found in By-law(s): 2237 (209-94)

(8) means one (1) or more habitable rooms designed or intended for use by one (1) or more individuals as an independent and separate housekeeping establishment in which separate kitchens and sanitary facilities are provided for the exclusive use of such individual or individuals.

Found in By-law(s): 2237 (57-75) (69-79)

(9) shall mean one or more habitable rooms designed or intended for use by one or more individuals as independent living quarters containing separate sanitary facilities and may contain some facilities designed for light housekeeping.

Found in By-law(s): 96-1999 amends By-law(s): 1229; 1442 (113-74)

(10) means one (1) or more habitable rooms designed or intended for use by one (1) or more individuals as an independent and separate housekeeping establishment in which separate kitchens and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

Analysis

Defined in Toronto, Ottawa, and Mississauga (Dwelling Unit), Hamilton (Dwelling, Dwelling Unit), and Oakville (Dwelling or Dwelling Unit) zoning by-laws. An important term to be defined in the new zoning by-law, as it is the basic residential land use that can be defined further into different types and forms. There needs to be a decision between using the term “dwelling” versus “dwelling unit”. In Markham’s current zoning by-laws, there are ten defined variations to both terms. It is suggested a simple definition be considered that the rest of the by-law can build on to define the different types of dwellings (or dwelling units) and that the definition factor into consideration the definition used for this term under the Ontario Building Code.

Dwelling Unit, Senior Citizen (see *Senior Citizens Housing, Retirement Home, & Retirement Residence*)

Found in By-law(s): 2237 (209-94)

(1) means, for the purpose of Section 1.4.4, a dwelling unit which is subject to an agreement with the Government of Ontario or agency thereof, which agreement includes reference to the minimum age of occupants of such dwelling unit.

Senior Citizens Housing (see *Dwelling Unit, Senior Citizen, Retirement Home, & Retirement Residence*)

Found in By-law(s): 2150 (199-82)

(1) means dwelling units (a) which each have a floor area not exceeding 58 m² for a one bedroom unit and 70 m² for a two bedroom unit; and (b) which are erected on land which is the subject of a mortgage or charge made pursuant to The National Housing Act R.S. 1970, c. N-10, as amended, or a successor thereof; and the maintenance, operation and other costs of the development of which are the subject of an agreement made pursuant to The Housing Development Act, R.S.O. 1980, c. 209, as amended, The Ontario Housing Corporation Act R.S.O. 1980, c. 337, as amended, or successors of such Acts, under which grants in aid are to be paid under which such dwelling units are to be leased to persons whose age is not below the minimum age specified in such agreement.

Retirement Home (see *Dwelling Unit, Senior Citizen, Senior Citizens Housing, and Retirement Residence*)

Found in By-law(s): 177-96

(1) means a building or part of a building that is designed and used to provide accommodation primarily to retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.

Found in By-law(s): 28-97 amending By-law(s): 1229 (2003-24), 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; 2004-196

(2) means a premises that provides accommodation primarily to retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from

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a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.

Retirement Residence (see *Dwelling Unit, Senior Citizen, Senior Citizens Housing, and Retirement Home*)

Found in By-law(s): 2237 (57-75) (69-79)

(1) shall mean a building designed to provide accommodation in independent dwelling units for retired persons, which contains central kitchen and dining facilities, craft and hobby rooms and offices for a doctor and nurse, and which has provision for twenty-four hour surveillance by a registered nurse.

Analysis

Defined in different ways in Toronto's by-law (Seniors Community House, Residential Care Home, and Retirement Home), Oakville, Ottawa (Retirement Home), and Mississauga (Dwelling Unit, Retirement Dwelling Unit & Retirement Dwelling). There needs to be an examination as to the purpose of distinguishing a senior citizens house from that of a retirement home- when in fact they may be the same thing from a planning perspective. Similar uses, such as *Hospice* or *Respite Care Facility* fall more into the category of a use requiring a certain degree of institutional care, similar to a hospital and should be defined differently from seniors-related housing. Also there needs to be an assessment as for the need to define the "unit" versus the building or residences. Please note, shared and supportive housing is explored further in Task 13a.

Dwelling Unit, Street Townhouse

Found in By-law(s): 232-77; 88-78; 210-78 amends By-law(s): 1229; 2237 (217-79) (381-82)

(1) means a dwelling unit in a street townhouse dwelling, each of which has frontage on a street and each of which shall be occupied by not more than one (1) family.

Found in By-law(s): 2150 (148-81)

(2) means a dwelling unit in a street townhouse dwelling, each of which shall be occupied by not more than one (1) family.

Found in By-law(S): 61-80 amends By-law(s): 1767 (282-77) (61-80); 153-80; 165-80; 72-81; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85

(3) means a dwelling unit in a street townhouse dwelling, each of which has frontage on a public street and each of which shall be occupied by not more than one (1) family.

Found in By-law(s): 151-75; 88-76; 145-78; 162-78; 163-78; 184-78; 72-79; 91-79; 118-79; 134-79

(4) means a townhouse dwelling composed of street townhouse dwelling units each of which has frontage on a public street.

Dwelling, Street Townhouse (see also *Street Townhouse Dwelling*)

Found in By-law(s): 76-93 amends 1229; 381-82 amends 2237 also By-law(s): 1229 (232-77); 1507; 1767 (282-77) (61-80); 2150; 2237 (217-79); 2489; 2571; 2612; 2325-68; 11-72; 122-72; 83-73; 84-73; 151-75; 250-77; 162-78; 163-78; 184-78; 72-79; 91-79; 118-79; 134-79; 153-80; 72-81; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85

(1) means a townhouse dwelling composed of street townhouse dwelling units each of which has frontage on a public street.

Found in By-law(s): 2150 (148-81); 88-76; 145-78; 165-80; 72-81; 242-90

(2) means a townhouse dwelling composed of street townhouse dwelling units each of which has frontage on a public street.

Found in By-law(s): 426-85 amends By-law(s): 1229; 1507; 1767; 2150; 2237 (381-82); 2489; 2571; 2612; 2325-68; 11-72; 122-72; 83-73; 84-73; 151-75; 250-77; 162-78; 163-78; 184-78; 72-79; 91-79; 118-79; 134-79; 153-80; 72-81; 90-81; 190-81

(3) means a townhouse dwelling composed of street townhouse dwelling units each of which has frontage on a public street.

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(4) means a dwelling unit in a street townhouse dwelling, each of which has a frontage on a street.

Street Townhouse Dwelling (see also *Dwelling, Street Townhouse*)

Found in By-law(s): 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2551, 2571, 2612, 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, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87. NOTE: (166-90, repealed by 142-95)⁵

Analysis

The other municipal zoning by-laws define the building type as opposed to the unit in that building type. In the context of defining “dwelling” or “dwelling unit” in the new by-law, it is suggested that the building type be defined in the new by-law and that there will be no need to define a dwelling unit within that building type. (See comments on *Building, Townhouse* and *Townhouse*)

Dwelling Unit, Townhouse (see also *Townhouse Dwelling and Townhouse Dwelling Unit*)

Found in By-law(s): 1767 (126-77); 2237 (54-75)

(1) means a dwelling unit in a townhouse dwelling, each of which shall be occupied by NOT more than one FAMILY.

NOTE: The term FAMILY shall be that term as defined in By-law 1767.

Found in By-law(s): 151-75; 88-76; 145-78; 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

(2) means a building that is divided into three (3) or more dwelling units, each of which has independent entrances at grade level to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

Townhouse Dwelling (see also *Dwelling Unit, Townhouse and Townhouse Dwelling Unit*)

Found in By-law(s): 1767 (54-96)

⁵ Determined that with amendments and repeals to amendments, original by-law definitions apply.

Task 5: Definitions

(1) means a dwelling unit contained in a townhouse building that is vertically divided into a minimum of 3 and a maximum of 8 dwelling units, each of which has an independent entrance(s) to the front and rear of the building.

Found in By-law(s): 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2551, 2571, 2612, 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, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87. NOTE: (166-90, repealed by 142-95) ⁶

Townhouse Dwelling Unit (see also *Dwelling Unit, Townhouse & Townhouse Dwelling*)

Found in By-law(s): 1442 (113-74); 1767 (72-88)

(1) means a group of rooms occupied or intended to be occupied by one family only as a single-family house keeping unit, and containing only one kitchen.

Dwelling, Row-House or Town House (see also *Townhouse Dwelling, Townhouse Dwelling Unit*)

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 127-76

(1) means a building that is divided vertically onto three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

Dwelling, Townhouse (see also *Dwelling, Row-House or Town House*)

Found in By-law(s): 426-85; 76-93 amends By-law(s): 1229; 1507; 1767; 2150; 2237; 2489; 2571; 2612; 2325-68; 11-72; 122-72; 83-73; 84-73; 151-75; 250-77; 162-78; 163-78; 184-78; 72-79; 91-79; 118-79; 134-79; 153-80; 72-81; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85

(1) means a building that is divided into three (3) or more dwelling units, each of which has independent entrances at grade level to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

Found in By-law(s): 1767 (126-77)

(2) means a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

Found in By-law(s): 177-96

(3) means a dwelling unit in a 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.

Found in By-law(s): 1767 (2003-255)

(4) means a dwelling unit in a townhouse building.

Found in By-law(s): 2004-196

(5) Means a dwelling unit in a townhouse building.

Found in By-law(s): 88-76; 145-78; 165-80; 72-81; 242-90; 19-94

6 Determined that with amendments and repeals to amendments, original by-law definitions apply.

(6) means a building that is divided into three (3) or more dwelling units, each of which has independent entrances at grade level to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

Found in By-law(s): 2237 (54-75)

(7) means a building that is divided vertically into three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

Found in By-law(s): 40-96 amends By-law(s): 1229

(8) means a building that is divided into three (3) or more dwelling units, each of which has independent entrances to the front and rear yard immediately abutting the front and rear walls of each dwelling unit.

Found in By-law(s): 96-1999 amends By-law(s): 1229

(9) means a building that is divided into three (3) or more dwelling units, each of which has independent entrances at grade level.

Analysis

The other municipal zoning by-laws define the building type as opposed to the unit in that building type. In the context of defining “dwelling” or “dwelling unit” in the new by-law, it is suggested that the building type be defined in the new by-law and that there will be no need to define a dwelling unit within that building type. (See comments on *Building*, *Townhouse* and *Townhouse*)

Dwelling, Duplex

Found in By-law(s): 177-96

(1) 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 or a combination of both. A dwelling in any other type of building is not a duplex dwelling.

Found in By-law(s): 2006-96 amends By-law(s): 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; 177-96; 28-97

(2) 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.

Analysis

Defined in Toronto (Duplex), Oakville (Dwelling or Dwelling Unit, Duplex), Ottawa (Duplex Dwelling), and Mississauga (Dwelling Unit, Duplex Dwelling) zoning by-laws. It is suggested that this land use be defined in the new by-law. Note that Toronto’s by-law treats this as a “residential building type” based on the “dwelling unit” being the actual “use”.

Dwelling, Fourplex

Found in By-law(s): 2006-96 amends By-law(s): 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; 177-96; 28-97

(1) 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.

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(2) means a building containing only two attached duplex and which building is occupied by not more than four dwelling units.

Analysis

Defined in Toronto (Fourplex), Ottawa (Stacked Dwelling), and Mississauga (Horizontal Multiple Dwelling) zoning by-laws. It is suggested that this land use be defined in the new by-law. Note that Toronto's by-law treats this as a "residential building type" based on the "dwelling unit" being the actual "use".

Dwelling, Group

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 127-76

(1) means all attached or related dwelling units of any number greater than one which are contained within two or more buildings under one ownership located on a lot or block on a registered plan.

Analysis

Other municipal zoning by-laws do not define this land use. It relates to a "group" of differently defined residential building types. It is suggested that this not be a definition in the new zoning by-law, as it relates and overlaps with other land uses that should be defined in the new by-law.

Dwelling, Maisonette

Found in By-law(s): 1767(2548); 2237

(1) shall mean a building containing more than one dwelling unit, each having an entrance from a common hall or corridor and a separate entrance from the outside of the building.

Found in By-law(s): 2489; 2571; 2612; 11-72; 122-72; 77-73; 83-73; 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; 242-90

(2) shall mean a building containing more than one dwelling unit, each having an entrance from a common hall or corridor and a separate entrance from the outside of the building.

Analysis

Other municipal zoning by-laws do not define this land use. It relates to an antiquated term of differently defined residential building types. It is suggested this not be a definition in the new zoning by-law, as it relates and overlaps with other land uses that should be defined in the new by-law.

Dwelling, Multiple (see *Dwelling, Multiple (Family)*)

Found in By-law(s): 1767 (2003-255)

(1) means a dwelling unit in a multiple unit building.

Found in By-law(s): 177-96

(2) means a dwelling unit in a building containing three or more dwelling units that would not be considered any other type of dwelling as defined by this By-law.

Found in By-law(s): 2004-196

(3) Means a dwelling unit in a multiple-unit building.

Found in By-law(s): 2237 (209-94)

(4) means a building containing three (3) or more dwelling units.

Dwelling, Multiple (Family) (see *Dwelling, Multiple*)

Found in By-law(s): 2006-96 amends By-law(s): 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; 177-96; 28-97

(1) means a dwelling unit in a multiple-unit building.

Analysis

Defined in Oakville (Dwelling or Dwelling Unit, Multiple) and Hamilton (Dwelling, Multiple Dwelling) zoning by-laws. Given the generality of the definition it is not clear what exactly this residential type is, as there are other residential building types that deal with buildings having “multiple units” or “three units or more” (eg. Duplex, Triplex, Fourplex, Townhouse, etc.). It is suggested that this definition not be in the new zoning by-law. In addition, reference to “family” in the term is not appropriate for the new by-law.

Dwelling, Multiple Attached

Found in By-law(s): 1767(2548); 2237

(1) shall mean a building containing a series of two or more attached dwellings under a common roof with each unit being separated from the others by continuous vertical party walls without openings from basement to roof, and each having an independent entrance from the outside of the building.

Found in By-law(s): 2489, 2571, 2612, 11-72

(2) shall mean a building containing a series of two or more attached dwellings under a common roof with each unit being separated from the others by continuous vertical party walls without openings from basement to roof, and each having an independent entrance from the outside of the building.

Analysis

Defined in Ottawa (Dwelling Unit, Linked-detached Dwelling) and Mississauga (Dwelling Unit, Linked Dwelling) zoning by-laws. It is used to define residential buildings that may appear above grade to be detached, but below grade are in fact attached. It is unclear if including this definition in the new by-law

would lead to confusion that it may be another of the other defined residential building types. It may be worth retaining to distinguish these form of residential building types in areas where these are permitted, but apartment buildings are not.

Dwelling, Semi-Detached (*see also Semi-Detached Dwelling*)

Found in By-law(s): 61-80; 426-85 amends By-law(s): 1229 (180-94); 1507; 1767 (61-80); 2150; 2237; 2489; 2571; 2612; 2325-68; 11-72; 122-72; 83-73; 84-73; 151-75; 250-77; 162-78; 163-78; 184-78; 72-79; 91-79; 118-79; 134-79; 153-80; 72-81; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85

(1) means a building that is divided vertically, above or below grade, into two (2) dwelling units each of which has an independent entrance either directly or through a common vestibule.

Found in By-law(s): 177-96

(2) means a dwelling unit in a building that is divided vertically into two dwelling units that share a common wall above grade. A dwelling in any other type of building is not a semi-detached dwelling.

Found in By-law(s): 77-73; 119-73; 88-76; 127-76; 145-78

(3) means a building that is divided vertically into two dwelling units each of which has an independent entrance either directly or through a common vestibule.

Found in By-law(s): 165-80; 72-81; 242-90; 19-94

(4) means a building that is divided vertically into two (2) dwelling units each of which has an independent entrance either directly or through a common vestibule.

Found in By-law(s): 96-1999 amends By-law(s): 1229

(5) means a building that is divided into two (2) dwelling units, each of which has an independent entrance at grade level.

Semi-detached Dwelling (*see also Dwelling, Semi-detached*)

Found in By-law(s): 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2551, 2571, 2612, 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, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87. (NOTE: 166-90, repealed by 142-95).⁷

Analysis

Defined in Toronto (Semi-Detached House), Hamilton, Ottawa (Dwelling, Semi-Detached Dwelling), Oakville (Dwelling or Dwelling Unit, Semi-Detached), and Mississauga (Dwelling Unit, Semi-Detached Dwelling) zoning by-laws. It is suggested that a definition for this residential building type be included in the new zoning by-law.

⁷ Determined that with amendments and repeals to amendments, original by-law definitions apply.

Dwelling, Triplex

Found in By-law(s): 177-96

(1) means a dwelling unit in a building that is divided horizontally or is divided horizontally and vertically into three dwelling units, each of which has an independent entrance to the outside or through a common vestibule or a combination of both. A dwelling unit in any other type of building is not a triplex dwelling.

Found in By-law(s): 28-97 amends By-law(s): 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

(2) means a dwelling unit in a building that is divided horizontally or a combination of horizontally and vertically into three dwelling units, each of which has an independent entrance to the outside or through a common vestibule.

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(3) means a building containing only three dwelling units.

Analysis

Defined in Toronto (Triplex), Hamilton (Dwelling, a form of Multiple Dwelling), Ottawa (Dwelling, Three-unit Dwelling), Oakville (Dwelling or Dwelling Unit, a form of Multiple), and Mississauga (Dwelling Unit, Triplex Dwelling) zoning by-laws. It is suggested that there be a definition for this residential building type in the new zoning by-law.

Easement, Public

Found in By-law(s): 177-96

(1) 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.

Analysis

None of the other zoning by-laws define this term, although Ottawa does have “Public service area” as a defined term, which is similar to this term. This definition is found only in one of Markham’s zoning by-laws. Not sure of the necessity to define this term in the new by-law.

Election Campaign Office

Found in By-law(s): 2010-102 amends By-law(s): 1229; 1442; 1507; 1767; 2150; 2237; 2325-68; 2402; 2489; 2551; 2571; 2612; 11-72; 122-72; 83-73; 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; 304-87; 242-90; 19-94; 177-96; 28-97; 2004-196

(1) means an existing building or part thereof, the use of which is provided for by the applicable Zoning By-law, where campaign staff of registered candidates for a federal, provincial or municipal election are normally present and the public may enter to obtain information regarding the candidate.

Analysis

Not a defined land use term in any of the other municipal zoning by-laws, since they would treat this use as a form of “office” that is permitted in particular zones. This is a relatively recent definition in Markham and was established to allow campaign offices in areas where offices are normally not permitted or where there is a size limitation on regular offices. For this reason alone it is suggested that it be maintained in the new zoning by-law.

Electronic and Computer Products Centre

Found in By-law(s): 190-91 added definition to this By-law 108-81

(1) means a building or portion thereof or a complex of buildings on a lot used to display and sell goods, either retail or wholesale, such as small electrical appliances; major household-type appliances and machines (electric and non-electric); electric lighting and related products or fixtures; audio and video receiving, playing, recording or duplicating equipment and parts; telecommunication equipment; electronic components and parts; office, store and business machines and equipment, computers and computer related products and other similar products, and may also include the repair and servicing of such goods.

Analysis

This is not a land use term found in any of the other municipal zoning by-laws and only exists in one zoning by-law in Markham. It appears to be a combination of land uses integrated into one building or structure. Fundamentally this use is a retail store with associated office and repair facilities. It is suggested that this not be a defined land use in the new by-law, and instead be regulated by the variety of land uses which make up this land use.

Enclosed, Unenclosed and Roofed Walkway

Found in By-law(s): 177-96; 2004-196

(1) means a structure with no basement that connects a detached accessory building and the main building on the lot and which is designed and used as a walkway between buildings and not used for any other purpose.

Analysis

Only Mississauga’s by-law has a definition which uses the term “breezeway”, which is specific to connecting a dwelling and a garage structure. It is suggested that the term “breezeway” be considered, as it is the structure over the walkway that is the distinguishing feature. Other things to consider is whether or not it forms part of another definition, such as landscaping. It is suggested that it be defined if there are standards associated with the structure that are being brought into the new by-law.

Environmental Buffer Landscaping

Found in By-law(s): 1767 (54-96)

(1) means any combination of trees, shrubs, grass or other native plant species which are intended collectively to protect and reinforce the ecology of the adjoining valleyland or other sensitive natural area. Lands used for environmental buffer landscaping shall be left in their naturally vegetated state, or enhanced or restored with native plant species. The existing soils and grading of lands used for environmental buffer landscaping- shall be preserved in their

natural undisturbed state. Horticultural activities and the removal or placement of fill shall not be permitted. Public paths may be located within such areas.

Found in By-law(s): 1229 (88-1999) (2001-145)

(2) means any combination of trees, shrubs, grass or other plants which are intended collectively to provide protection to valleylands adjoining any development in respect of slope stability, erosion control, and other detrimental impacts of development. Any existing vegetation on lands to be used for environmental buffer landscaping shall be preserved and maintained, except in the case of noxious weeds subject to the Weed Control Act or the removal of diseased, dead or hazardous trees certified as such by the Town. The existing soils and grading of the lands to be used for environmental buffer landscaping shall be preserved.

Found in By-law(s): 1229 (266-1999); 90-81; 19-94

(3) means any combination of trees, shrubs, grass or other plants which are intended collectively to provide protection to valleylands adjoining any development in respect of valley slope stability, erosion control and other detrimental impacts of the development. Any existing vegetation which is significant and healthy, on lands to be used for environmental buffer landscaping, shall be preserved and maintained. The existing soils and grading of lands to be used for environmental buffer landscaping shall be preserved in their natural and undisturbed state. The removal or placement of fill shall not be permitted.

Found in By-law(s): 1767 (2001-266)

(4) means any combination of trees, shrubs, grass or other plants, and pedestrian walkways with an impervious surface, which are intended collectively to provide protection to valleylands adjoining any development in respect of valley slope stability, erosion control and other detrimental impacts of the development. Any existing vegetation which is significant and healthy, on lands to be used for environmental buffer landscaping, shall be preserved and maintained. The existing soils and grading of lands to be used for environmental buffer landscaping shall be preserved in their natural, undisturbed state. Horticultural activities and the removal or placement of fill shall not be permitted.

Analysis

Both Ottawa and Mississauga's by-law defines "landscaped buffer". Markham has four different versions of the definition. It is suggested that one new definition be established in the new by-law. The definition needs to factor in a variety of defined terms found in Markham's Official Plan, including but not limited to "Ecological features", "Erosion hazard", and "Significant woodlands". Alternatively, the term does not have to be defined and the lands to which the term was applied be appropriately zoned with appropriate standards to achieve the same objectives.

Erect

Found in By-law(s): 177-96

(1) 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.

Found in By-law(s): 28-97 amends By-law(s): 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; 2004-196

(2) means to build, construct reconstruct, alter, relocate or, without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

Analysis

Defined in Hamilton and Mississauga's by-laws only. Not sure if it needs to be defined in the new zoning by-law. Other zoning by-laws use the term, but rely on the common dictionary to define it.

Established Building Line

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 127-76

(1) means the average distance from the street line of existing buildings in any block where more than half the frontage has been built upon, at the date of the final passing of this by-law.

Analysis

Not a defined term in the other municipal zoning by-laws. Toronto has a regulation dealing with "front yard setback – averaging" in residential zones. This definition is only used in five of Markham's zoning by-laws. It is suggested that it be used as a regulation rather than a definition in the new zoning by-law; however, it is important to note that this definition has been used to establish front yard setbacks for key lots. There may be implications to not defining this term if there are specific standards for key lots in the new by-law.

Established Grade (see *Grade, Established & Grade*)

Found in By-law(s): 1229; 1442; 1507; 1767; 2150; 2237; 2489; 2551; 2571; 2612; 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; 90-81; 193-81; 221-81; 194-82; 196-82; 304-87. NOTE: (166-90, repealed by 142-95) ⁸

Grade, Established (See *Established Grade & Grade*)

Found in By-law(s): 1229 (99-90); 1767 (100-90); 2237 (101-90)

(1) means the finished surface elevation at the outside front walls of a building or structure, which is arrived at by taking the arithmetic mean of the levels of the finished ground surface at every location of change of grade at those outside front walls of the building or structure.

Found in By-law(s): 1767 (2003-255)

(2) means the average surface elevation at the outside walls of any BUILDING or STRUCTURE, which is determined by taking the arithmetic mean of the levels of the finished ground surface at every location of change of GRADE at the outside walls of the BUILDING or STRUCTURE.

Found in By-law(s): 28-97 amends By-law(s): 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; 2004-196

8 Determined that with amendments and repeals to amendments, original by-law definitions apply.

(3) means the average surface elevation at the outside walls of any building or structure, which is determined by taking the arithmetic mean of the levels of the finished ground surface at every location of change of grade at the outside walls of the building or structure.

Found in By-law(s): 177-96

(4) means the average surface elevation at the outside walls of any building or structure, which is determined by taking the arithmetic mean of the levels of the finished ground surface at every location of change of grade at the outside walls of the building or structure.

Grade (see *Established Grade & Grade, Established*)

Found in By-law(s): 28-97 amends By-law(s): 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; 2004-196

(1) means the level of the ground adjacent to the outside wall of a building or structure.

Found in By-law(s): 1767 (2003-255)

(2) means the level of the ground adjacent to the outside wall of a BUILDING. In the case of a BUILDING constructed above a parking deck, GRADE shall be the level of the top surface of the fill placed against the outside wall of a BUILDING.

Analysis

Defined in Toronto (Established Grade), Hamilton, Ottawa (Grade), Oakville (Grade, Established), and Mississauga (Grade – Established Grade). The term “grade” alone is not found in the other by-laws. It is suggested that the defined term “Grade” in Markham be incorporated as part of “Established Grade” definition, or “Average Grade” definition. This is an important measuring term to define. It is suggested that this term be defined in the new zoning by-law and that the Ontario Building Code definitions for ‘grade-related’ terms be factored into the definition determination.

Established Grade at the Rear Main Wall (see *Grade, Established at the Rear Main Wall*)

Found in By-law(s): 1229; 1442; 1507; 1767; 2150; 2237; 2489; 2551; 2571; 2612; 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; 90-81; 193-81; 221-81; 194-82; 196-82; 304-87. NOTE: (166-90, repealed by 142-95)⁹

Grade, Established at the Rear Main Wall (see *Established Grade at the Rear Main Wall*)

Found in By-law(s): 19-94.

(1) means the average finished ground surface elevation at the outside rear main wall of the main building which is arrived at by taking the arithmetic mean of the levels of the finished ground surface at every location of change of grade along the rear main wall of the main building.

Analysis

Toronto’s by-law defines the terms “average grade”. Oakville defines the term “Grade, Surrounding”. Mississauga defines the term “Grade – Average Grade”. The Markham definition is specific to the rear

⁹ Determined that with amendments and repeals to amendments, original by-law definitions apply.

main wall, while the other by-law terms seem to be less specific. It is suggested that there be a definition for grade other than just established grade, as that measurement may not be appropriate for certain structures or development in certain zones.

Existing

Found in By-law(s): 1767; 1914; 2053; 2237; 2489; 2571; 2612; 11-72; 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) shall mean existing as of the date of the passing of this By-law.

Analysis

Definitions are found in Toronto (Lawfully Existing), Hamilton, Ottawa, and Mississauga (Existing) zoning by-laws. It is important to define as a reference to the date of the passing of the new by-law. It is suggested that such a definition be in the new by-law.

Factory or Warehouse Sales and Service Outlet

Found in By-law(s): 190-91 added definition to this By-law 108-81

(1) means a building or portion thereof used to display and sell goods, either wholesale or retail, which are manufactured, processed, assembled or stored on the PREMISES and may also include the repair or servicing of such goods.

Analysis

This is not a defined land use in the other municipal zoning by-laws, as it is a form of Retail Store. Note that Markham's Official Plan does have a definition for "Major Retail". It is suggested that this not be a defined term in the new zoning by-law, but rather be controlled by establishing a size of retail store that may (or may not) be permitted in a particular zone.

Family

Found in By-law(s): 1442 (113-74); 1767 (72-88)

(1) means a group of two or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption; occupying a dwelling unit, and shall include non-paying guests, domestic servants, and a property owner living alone except for two other persons not related.

Found in By-law(s): 1229; 1767; 2237; 2489; 2571; 2612; 11-72; 122-72; 77-73; 83-73; 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. NOTE: Deleted by OMB - By-law 260-88

(2) means one person or two or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption and occupying as members of a single family household one dwelling unit.

Analysis

Not a defined term in any of the other municipal zoning by-laws. This is a definition that can easily be challenged at the Ontario Municipal Board. There is no need to define what a family is (or is not) in zoning. It is suggested that this term not be defined (or even used) in the new zoning by-law.

Financial Institution (*see also Financial Institutions*)

Found in By-law(s): 220-2000; 28-97 amends By-law(s): 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

(1) means a premises in which financial services are offered to the public and includes a bank, credit union, trust company, savings office or any other retail banking operation.

Found in By-law(s): 2002-88 amends By-law(s): 90-81; 177-96; 2004-196

(2) means a premises in which financial services are offered to the public and includes a bank, credit union, trust company, savings office or any other retail banking operation.

Financial Institutions (*see also Financial Institution*)

Found in By-law(s): 1767 (2003-255); 2237 (2008-272)

(1) means PREMISES in which financial services are offered to the public and includes a bank, credit union, trust company, savings office or any other retail banking operation, but will not include a DRIVE-THROUGH SERVICE USE.

Found in By-law(s): 216-1999 amends By-law(s): 1229

(2) means a premises in which financial services are offered to the public and includes a bank, credit union, trust company, savings office or any other retail banking operation.

Analysis

Defined in Toronto, Oakville, Mississauga (Financial Institution), Hamilton (Financial Establishment), and Ottawa (Bank). It is suggested that it be defined in the singular (i.e., institution or establishment) in the new zoning by-law. This use has distinguishable features that differ from “offices” and other service-related uses, which justifies a need for a definition in the new by-law.

First Storey

Found in By-law(s): 177-96

(1) means the storey with its floor closest to established grade and having its ceiling more than 1.8 metres above grade.

Found in By-law(s): 28-97 amends By-law(s): 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; 2004-196

(2) means the storey with its floor closest to established grade and having its ceiling more than 1.8 metres above grade.

Analysis

Defined in Toronto (First Floor), Oakville (Storey, First), and Mississauga (Storey- First Storey). This is an important definition for residential areas in order to control the relationship between the floor of the first storey (floor) relative to grade. It is suggested that there be a definition in the new by-law and that it factor in the Ontario Building Code definition as well.

Flankage Lot Line (see also *Lot Line, Flankage & Lot Line, Exterior Side*)

Found in By-law(s): 232-77; 88-78; 210-78 amends By-law(s): 1229; 2150 (148-81)

(1) means a side lot line which abuts the street on a corner lot or reversed corner lot.

Lot Line, Flankage (see also *Flankage Lot Line & Lot Line, Exterior Side*)

Found in By-law(s): 2237 (381-82)

(1) means a side lot line which abuts the street on a corner lot or a reversed corner lot.

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(2) means a side lot line which abuts the street on a corner lot.

Lot Line, Exterior Side (see also *Flankage Lot Line & Lot Line, Flankage*)

Found in By-law(s): 2004-196

(1) Means the lot line of a corner lot, other than the front or rear lot lines, which divides the lot from a public street, private street, lane or lands within a public park.

Found in By-law(s): 2237 (2008-272)

(2) means the LOT LINE other than a FRONT LOT LINE or REAR LOT LINE, which divides the lot from a street.

Found in By-law(s): 28-97 amends By-law(s): 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

(3) means the lot line of a corner lot, other than the front lot line, which divides the lot from a public street.

Found in By-law(s): 177-96

(4) means the lot line of a corner lot, other than the front lot line, which divides the lot from a public street.

Analysis

Defined in Hamilton, Oakville (Lot Line – Flankage Lot Line), Ottawa (Lot Line – corner lot line), and Mississauga (Street line). There is a need to determine if the *flankage* lot line and the *flankage* yard both need to be defined. Flankage is a term that is used relative to the front lot line. Street line is used relative to a lot line that is adjacent to a street. When it comes to corner lots, regulations differ on lot lines and yards that abut streets which are not the front lot line or front yard. Further examination is needed on the use of these terms.

Flankage Yard (*see also Yard, Flankage*)

Found in By-law(s): 232-77; 88-78; 210-78 amends By-law(s): 1229; 2150 (148-81)

(1) means the side yard of a corner lot or reversed corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of the main building or structure.

Yard, Flankage (*see also Flankage Yard*)

Found in By-law(s): 1767 (282-77); 2237 (370-87)

(1) means the side yard of a corner lot or reversed corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of the main building or structure.

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(2) means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest wall of the main building or structure.

Found in By-law(s): 2237 (381-82)

(3) means the side yard which extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure on the lot.

Analysis

Defined in Toronto (Street Yard), Oakville (Yard, Flankage), Hamilton (Yard- Flankage Yard), Ottawa (Yard- corner side yard), and Mississauga (Yard- Exterior Side Yard). It is suggested that an analysis of “flankage” or “street” yard be undertaken to determine which is the better term. Note that “Flankage” is relative to the front yard and “Street” is relative to what the yard is adjacent to. It is suggested that there be a definition in the new by-law.

Floodplain (*also shown as Flood Plain*)

Found in By-law(s): 122-72; 77-73; 83-73; 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; 304-87; 242-90; 19-94

(1) means the area adjoining a river or stream which has been or may be hereafter covered by flood water. Where available, the Metropolitan Toronto and Region Conservation Authority maps designating Design Flood Level shall be taken as indicating the extent of the Floodplain . Where such maps are not available the extent of the floodplain shall be as determined by the Town.

Analysis

Defined in Ottawa (Flood plain) by-law. Mississauga has a definition for “flood control”, which is a definition associated with the “works” undertaken by the conservation authority to control flooding. Markham’s Official Plan defines “Floodplain”. It is suggested that the new by-law adopt a definition for the term that is consistent with the Official Plan definition.

Floor Area

Found in By-law(s): 28-97 amends By-law(s): 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; 2004-196

(1) means the total area of all floors in a building, measured between the exterior faces of the exterior walls of the building at each floor level.

Analysis

Defined in Oakville and Mississauga (Floor Area) by-laws. This is a distinguishable definition from Gross Floor Area or Net Floor Area. The Oakville definition is actually something different from the Markham definition. It is suggested that this definition be included in the new by-law if regulations apply to the “floor area” versus the “gross floor area”.

Floor Area Ratio

Found in By-law(s): 1767 (73-88)

(1) means the maximum GROSS FLOOR AREA of all buildings on a lot expressed as a percentage of the lot area.

Found in By-law(s): 1229 (99-90); 1767 (100-90); 2237 (101-90)

(2) means the GROSS FLOOR AREA of a SINGLE FAMILY DETACHED DWELLING expressed as a percentage of the NET LOT AREA.

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 151-75; 88-76; 127-76; 260-77; 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; 242-90; 19-94

(3) means the maximum gross floor area of all buildings on a lot expressed as a percentage of the lot area, and for the purpose of this definition the maximum floor area ratio in each zone shall apply only to that portion of such lot which is located within said zone.

Found in By-law(s): 1767 (125-86) (433-86)

(4) means the gross floor area of all buildings on a lot expressed as a percentage of the lot area, and for the purpose of this definition the maximum floor area ratio in each zone shall apply only to that portion of such lot within said zone.

Floor Space Index (see also Floor Space Index FSI))

Found in By-law(s): 1767 (2001-266)

(1) means the gross floor area of all buildings on a lot divided by the lot area.

Floor Space Index (FSI) (see also Floor Space Index)

Found in By-law(s): 177-96

(1) means the gross floor area of all buildings on a lot divided by the lot area.

Found in By-law(s): 28-97 amends By-law(s): 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

(2) means the gross floor area of all buildings on a lot divided by the lot area.

Analysis

Not defined in Toronto, but reference is made to the term “Floor Space Index (FSI)”. Defined in Hamilton (Floor Area Ratio), Oakville (Floor Space Index (FSI)), Ottawa (Floor space index), and Mississauga (Floor Space Index (FSI) – Floor Space Index (FSI)- Apartment Dwelling Zone & Floor Space Index(FSI)- Non-Residential) zoning by-laws. This is an important planning measurement term and it is suggested that it be a defined term in the new by-law. It is also suggested that the term Floor Space Index (FSI) be used instead of Floor Area Ratio, since *Floor Space Index (FSI)* is a defined term in Markham’s Official Plan. The distinction is if the value is expressed as a “percentage” of the lot area, versus a decimal value of the lot area.

Floor Area, Gross (see also Gross Floor Area)

Found in By-law(s): 54-94; 28-97 and By-law(s): 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

(1) means the aggregate of the floor areas of a building above or below established grade, but excluding car parking areas within the building that are below established grade.

Found in By-law(s): 177-96

(2) 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 or 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.

Found in By-law(s): 1229 (99-90); 1767 (100-90); 2237 (101-90)

(3) means the total of the floor areas within a SINGLE FAMILY DETACHED DWELLING measured between the exterior faces of the exterior walls of the dwelling at each floor level, including BASEMENT and garage areas (detached and attached), but excluding CELLARS, unfinished attic areas and areas having a height, from floor to underside of floor joists of the STOREY next above, of less than 1.5 metres.

Found in By-law(s): 1767 (73-88) (182-89) (250-94); 2150 (111-86) (30-92)

(4) means the aggregate of floor area of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building.

Found in By-law(s): 1767 (2001-266)

(5) means the aggregate of the floor areas of a building above or below the finished first floor, measured between the exterior faces of the exterior walls of the building at each floor level but excluding vehicle parking areas within the building or structure.

Task 5: Definitions

Found in By-law(s): 1767 (433-86); 2237 (209-94)

(6) means the aggregate of the floor areas of a building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building or structure.

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(7) means the aggregate of the floor area of all building above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level, but excluding car parking areas within the building and unenclosed patios and decks.

Gross Floor Area *(see also Floor Area, Gross)*

Found in By-law(s): 1767 (2003-255)

(1) means the aggregate of floor areas of a BUILDING above or below GRADE, measured between the exterior faces of the exterior walls of the BUILDING at each floor level but excluding car parking areas within the BUILDING.

Analysis

Defined in Toronto, Hamilton (Gross Floor Area), Oakville (Floor Area: Net & Residential), Ottawa (Gross floor area), and Mississauga (Gross Floor Area (GFA)- and different definitions for GFA- Apartment, GFA- Residential, GFA- Infill Residential, GFA- Non-Residential, and GFA- Restaurant) zoning by-laws. That is very important definition in zoning. It is suggested that a definition for Gross Floor Area be in the new zoning by-law.

Floor Area, Gross Ground

Found in By-law(s): 118-91 amends By-law(s): 1229

(1) shall mean the total floor area of the ground floor of a building.

Analysis

Not a defined term in the other zoning by-laws. Not sure of the need for such a definition in the new by-law, since it is only found in one of Markham's existing by-laws. Suggest that this can be better controlled as a regulation in the new by-law instead of by definition.

Floor Area, Gross Leasible *(see also Floor Area, Leasible & Gross Leasible Area)*

Found in By-law(s): 177-96

(1) means the aggregate of the floor areas of a building containing a number of retail and similar uses that are leased to tenants for their exclusive use, above or below established grade. For the purposes 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 leasible floor area.

Found in By-law(s): 2150 (237-96)

(2) means the total area of a building for which tenants pay rent and have exclusive occupancy, measured from the centreline of partition walls and from the exterior face of outside walls, and includes all such floor area on the main floor, mezzanine and upper storey, basement and cellar but does not include any floor area used in common by the tenants of the building such as a mall,

aisle or hallway, elevator shaft or lobby, stairwell, any washroom, boiler room, maintenance room, mechanical or electrical or utility room, and any parking facilities provided within the building. Notwithstanding the above, food court seating shall be included in the gross leasable floor area.

Found in By-law(s): 103-96; 106-95; 210-95 amends By-law(s): 77-73; 28-82; 47-85

(3) means the total area of a building for which tenants pay rent and have exclusive occupancy, measured from the centreline of partition walls and the exterior face of outside walls, and includes all such floor area on the main floor, mezzanine and upper storey and in a cellar, but does not include any floor area used in common by the tenants of the building such as a mall, aisle or hallway, elevator shaft or lobby, stairwell, any washroom, boiler room, maintenance room, mechanical or electrical or utility room, and any parking facilities provided within the building.

Floor Area, Leasible (see also *Floor Area, Gross Leasible & Gross Leasible Area*)

Found in By-law(s): 28-97 amends By-law(s): 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

(1) means the aggregate of the floor areas of a shopping centre that are leased to the tenants of the shopping centre for their exclusive use, above or below established grade.

Gross Leasible Area (see also *Floor Area, Gross Leasible & Floor Area, Leasible*)

Found in By-law(s): 1767 (73-88); 184-78

(1) shall mean the total areas on all floors in all buildings and structures designed for tenant occupancy and exclusive use measured from the inside face of perimeter walls; exclusive of receiving and service areas, heating and cooling plant areas, areas of common maintenance and management facilities. Public mall areas and similar common use areas shall also be excluded from Gross Leasible Area except for leasable areas located in the mall or common use areas occupied by kiosks and similar business areas intended for tenant occupancy and areas accessory thereto.

Analysis

Defined only in Ottawa's by-law (Gross leasable floor area). A definition may be needed if particular regulations apply specifically to those areas that are leased to commercial tenants. The application of such a definition may also be needed for parking rate purposes and the area of uses within an area of other uses, such as retail restrictions in warehousing or manufacturing areas.

Floor Area, Net

Found in By-law(s): 2004-196

(1) Means the aggregate of the floor areas of a building above or below established grade, but excluding any floor area within and associated with a parking garage, stairways, elevator shafts, service/ mechanical rooms and penthouses, washrooms, garbage/ recycling rooms, staff locker and lunch rooms, areas dedicated to cooking that are not accessible to the general public in restaurants, loading areas, any space with a floor to ceiling height of less than 1.8 metres and any part of a basement that is unfinished, is used solely for storage purposes and is not accessible to the public.

Found in By-law(s): 177-96

(2) 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.

Found in By-law(s): 28-97 amends By-law(s): 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

(3) means the aggregate of the floor areas of a building above or below established grade, but excluding car parking areas within the building, stairways, elevator shafts, service/ mechanical rooms and penthouses, washrooms, garbage/ recycling rooms, staff locker and lunch rooms, loading areas, any space with a floor to ceiling height of less than 1.8 metres and any part of a basement that is unfinished, is used solely for storage purposes and is not accessible to the public.

Found in By-law(s): 162-96 added definition to this By-law 28-82

(4) means the aggregate of the floor areas of a building above or below established grade, but excluding car parking areas within the building, stairways, elevator shafts, service/ mechanical rooms and penthouses, washrooms, garbage/ recycling rooms, staff locker and lunch rooms, loading areas, any space with a floor to ceiling height of less than 1.8 metres and any part of a basement that is unfinished, is used solely for storage purposes and is not accessible to the public.

Analysis

Defined in Toronto (Interior Floor Area), and Oakville (Floor Area – Net) zoning by-laws. It is helpful to regulate particular mix of uses within one building or structure with such a definition. This is a distinguishable definition from the term “Gross Floor Area”. While GFA controls the amount of floor area of an entire building over the lot, Net Floor Area can be used to control certain floor areas used for particular uses within the building. It is suggested that a definition be in the new zoning by-law.

Floor Area, Patron Use

Found in By-law(s): 165-80; 72-81

(1) shall mean all of the floor area of a restaurant excluding kitchens and areas used for the preparation or storage of food and drinks, hallways, corridors, stairways, cloakrooms, closet space, washrooms and restroom facilities and similar areas not normally used for the consumption of food and drink by patrons.

Analysis

None of the other zoning by-laws define this term. This is typically controlled by regulations instead of definitions. It is suggested that there not be a definition in the new zoning by-law for this term.

Floor, Ground *(see also Ground Floor)*

Found in By-law(s): 1229 (118-91); 2150 (261-90); 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) shall mean the floor of a building first above the established grade.

Ground Floor *(see also Floor, Ground)*

Found in By-law(s): 142-95 amends By-law(s): 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2551, 2571, 2612, 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, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87, 19-94

(1) (b) ground floor means the lowest floor of a building above the established grade, and shall not include a basement or cellar.

Found in By-law(s): 2053

(2) shall mean the floor of a building first above the established grade.

Analysis

Defined in Ottawa's by-law (Ground floor). All the other municipal zoning by-laws use the term "first floor" or "first storey" instead. See analysis on the term First Storey. The term "Ground Floor" could be defined as an alternative term to "First Storey", but there makes no sense to define both as they mean the same thing.

Fraternal Organization

Found in By-law(s): 122-72; 77-73; 83-73; 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; 19-94

(1) shall mean a non-profit, non-commercial organization which carries on social, cultural and welfare programmes for the common betterment of the community, with the extent of office accommodation in the building so used not exceeding one office for the exclusive use of the management of the organization.

Analysis

This is not a defined land use term in any of the other municipal zoning by-laws. This use is typically captured under the term "club" or "Private Club or Lodge". It is a dated term and it is suggested that it not be a defined term in the new by-law and that it be captured under the term "club" or "private club" in the new by-law.

Fresh Food Store

Found in By-law(s): 157-95 amends By-law(s): 1229

(1) means a retail store in which fresh foodstuffs including meats, poultry, fish, fruit, garden produce and dairy products are kept for sale at retail. This definition does not include a retail store selling frozen, canned, dried or similarly preserved foodstuffs.

Analysis

This is not a defined term in any of the other zoning by-laws. This is specific to the “selling” of these food items, not the “manufacturing” or “processing” of these items. It is a retail store that sells fresh food. Suggest that this would be covered under the term “Retail Store” and that any limitation as to what can be sold be in the form of a regulation, rather than a definition.

Front Lot Line (see also *Lot Line, Front & Ultimate Front Lot Line*)

Found in By-law(s): 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2551, 2571, 2612, 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, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87. NOTE: (166-90, repealed by 142-95) ¹⁰

Lot Line, Front (see also *Front Lot Line & Ultimate Front Lot Line*)

Found in By-law(s): 28-97 amends By-law(s): 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

(1) means the line which divides the lot from the public street, but, in the case of: (a) a corner lot, the shortest of the lot lines that divides the lot from the public street shall be deemed to be the front lot line; (b) a corner lot where such lot lines are of equal length and where one lot line abuts a Regional road or Provincial highway, the front lot line shall be deemed to be that line which abuts the Regional road or Provincial highway; (c) a corner lot where such lot lines are of equal length and where both lot lines abut a public street under the same jurisdiction, the Corporation may designate either street line as the front lot line; (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, (e) a through lot, the longest of the lot lines which divide the lot from the public streets shall be deemed to be the front lot line. If both such lot lines are of equal length, the Corporation may designate either street line as the front lot line.

Found in By-law(s): 177-96; 2004-196

(2) means the lot line which divides the lot from the public street, but, in the case of: a) a corner lot, the shortest of the lot lines that divides the lot from the public street shall be deemed to be the front lot line; b) a corner lot where such lot lines are of equal length and where one lot line abuts a Regional road or Provincial highway, the front lot line shall be deemed to be that line which abuts the Regional road or Provincial highway; c) a corner lot where such lot lines are of equal length and where both lot lines abut a public street under the same jurisdiction, the Corporation may designate either streetline as the front lot line; 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, e) a through lot, the longest of the lot lines, which divides the lot from the public streets, shall be deemed to be the front lot line. If both such lot lines are of equal length, the Corporation may designate either streetline as the front lot line.

10 Determined that with amendments and repeals to amendments, original by-law definitions apply.

Ultimate Front Lot Line (see also *Front Lot Line & Lot Line, Front*)

Found in By-law(s): 2551

(1) means the proposed widened boundary of a street or highway, described in the Township's Official Plan, and which may have an ultimate width as described in the Township's Official Plan of from 66 feet to 120 feet.

Analysis

Defined in Toronto (Front Lot Line), Hamilton (Lot Line- Front Lot Line), Oakville (Lot line- Front), Ottawa (Lot line – front lot line), and Mississauga (Lot – Front Lot Line). It is suggested that there be a definition in the new by-law.

Front Main Wall

Found in By-law(s): 96-1999 amends By-law(s): 1229

(1) means the exterior main wall of a dwelling unit which contains the main entrance into the unit and which faces an access ramp, driveway, private road or street.

Analysis

Defined in Toronto, Ottawa (Front Wall), and Mississauga (Wall – Front Wall). It may be useful to define in the new by-law, to help distinguish this wall from other walls that make up the building and possible regulations associated with this wall only. It is suggested that the definition relate the wall to the “front lot line” in some way. As an example, Toronto Zoning By-law 569-2013 defines *front wall*: “means any portion of the main wall of a building or structure that faces a front lot line.”

Frontage (see also *Lot Frontage & Lot, Frontage*)

Found in By-law(s): 1442, 1514, 2402, 2551, 2284-68

(1) shall mean the horizontal distance between the side lot lines measured at right angles but where such lot lines are not parallel to each other, the frontage shall be the distance between points on the side lot lines measured 27 feet from the front lot line.

Lot Frontage (see also *Frontage & Lot, Frontage*)

Found in By-law(s): 28-97 amends By-law(s): 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

(1) means the horizontal distance between the interior side and/or exterior side lot lines, with such distance being measured perpendicularly to the line joining the mid-point of the front lot line with the mid-point of the rear lot line at a point on that line eight metres from the front lot line. In the case of a lot with no rear lot line, the point where two interior side lot lines intersect shall be the point from which a line is drawn to the mid-point of the front lot line. In the case of a corner lot with a daylighting triangle, the exterior side lot line shall be deemed to extend to its hypothetical point of intersection with the extension of the front lot line for the purposes of calculating lot frontage.

Found in By-law(s): 177-96; 2004-196

(2) means the horizontal distance between the interior side lot lines and/or exterior side lot lines, with such distance being measured perpendicularly to the line joining the mid-point of the front lot line with the mid-point of the rear lot line at a point on that line that is 8.0 metres from the front lot line. In the case of a lot with no rear lot line, the point where two side lot lines intersect shall be the point from which a line is drawn to the mid-point of the front lot line. In the case of a corner lot with a daylighting triangle, the exterior side lot line shall be deemed to extend to its hypothetical point of intersection with the extension of the front lot line for the purposes of calculating lot frontage.

Lot, Frontage (see also *Frontage & Lot Frontage*)

Found in By-law(s): 1229, 1767, 1914, 2053

(1) shall mean the horizontal distance between the side lot lines at the street line; where the side lot lines are not parallel, the lot frontage shall be the distance between the side lot lines measured twenty-five feet back from and parallel to the front lot line. If the front lot line is not a straight line then the distance between the side lot lines shall be measured twenty-five feet back from and parallel to a straight line joining the two points where the side lot lines intersect the front lot line.

Analysis

Defined in Toronto (Lot Frontage), Ottawa (Frontage) and Mississauga (Frontage – see Lot Frontage) zoning by-laws. This is a commonly defined term in zoning by-laws. It is suggested that there be a definition in the new by-law under the term “Lot Frontage”.

Funeral Home

Found in By-law(s): 177-96

(1) 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 interment or cremation and facilities for the coordination of rites and ceremonies with respect to interment or cremation.

Found in By-law(s): 28-97 amends By-law(s): 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; 2004-196

(2) means a premises used for furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the human body for interment.

Analysis

Defined in Toronto, Oakville, Ottawa (Funeral Home), and Mississauga (Funeral Establishment). This is a commonly defined land use term in zoning. It is suggested that there be a definition in the new zoning by-law.

Garage Door Width (see *Garage Width and Garage, Width*)

Found in By-law(s): 2006-96 also in By-law(s): 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, 177-96, 28-97

(1) 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).

Garage Width (*see also Garage Door Width and Garage, Width*)

Found in By-law(s): 157-96 amends By-law(s): 1229

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

Found in By-law(s): 1229 (99-90); 1767 (100-90); 2237 (101-90)

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

Found in By-law(s): 177-96

(3) means the width of a private garage measured between the interior faces of the walls of the private garage.

Garage, Width (*see also Garage Door Width and Garage Width*)

Found in By-law(s): 28-97 amends By-law(s): 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

(1) means the width of a private garage measured between the interior faces of the walls of the private garage.

Analysis

This is not a defined term in the other municipal zoning by-laws, although Mississauga does have a defined term “Front Garage Face”. If it is deemed necessary to be defined, it should be simply defined and then regulated in terms of maximum and/or minimum width under by-law regulations.

Garage (*see also Garage, Private & Private Garage*)

Found in By-law(s): 1767, 2237, 2489, 2571, 2612, 11-72

(1) shall mean a building or part thereof not over one storey or fifteen (15) feet in height used solely for the storage of private passenger motor vehicles wherein neither servicing for profit or storage of commercial vehicles is permitted.

Garage, Private (*see also Private Garage and Garage*)

Found in By-law(s): 177-96

Task 5: Definitions

(1) means an enclosed building, or part thereof, designed and used for the storage of one or more motor vehicles.

Found in By-law(s) 28-97 amends By-law(s): 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

(2) means an enclosed building, or part thereof, designed and used for the storage of one or more motor vehicles.

Found in By-law(s): 1767 (433-86)

(3) means an enclosed structure for the storage of one (1) or more vehicles, in which no business, occupation, or service is conducted for profit.

Private Garage (*see also Garage, Private and Garage*)

Found in By-law(s): 2004-196

(1) Means a building or structure or part of a building or structure associated with a residential use that is designed for the parking of motor vehicles.

Analysis

Toronto uses the term 'private garages', without defining the term. There are no similar defined terms in the other municipal zoning by-laws. There may not be a need to have a definition in the new by-law. It is suggested that this term be checked against the defined term "Garage" to see if they are different and if they need to be defined separately.

Garage, Public

Found in By-law(s): 122-72; 77-73; 83-73; 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; 19-94

(1) means a building or place other than a private garage where motor vehicles are kept or stored for remuneration or repair, or a building or place used as a motor vehicle repair shop. This definition shall not include an automatic car washing establishment, a motor vehicle sales lot or an automobile service station.

Analysis

Defined in Toronto (Parking Garage), Oakville (Parking Structure), Ottawa (Parking Garage), and Mississauga (Garage and Parking- Parking Structure). It is recommended that there be a definition for this use in the new by-law. It is suggested that this term be checked against the defined term "Garage" to see if they are different and if they need to be defined separately.

Gas Bar

Found in By-law(s): 177-96

(1) 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.

Found in By-law(s): 28-97 amends By-law(s): 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

(2) means 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, but shall not include the performance of minor repairs essential to the actual operation of motor vehicles.

Found in By-law(s) 2004-196

(3) Means a premises used only for the sale of motor vehicle fuels and motor vehicle accessories ,and not for the performance of repairs to motor vehicles, and may include as an accessory use, a car wash.

Analysis

This is a form of “Automobile Service Station”. In Toronto it would be a form of “Vehicle Fuel Station” with a “Retail Store”. It is defined in Ottawa and Mississauga (Gas Bar) zoning by-laws. It is basically limiting automobile-related services to gas and convenience items (without the repair). Many of today’s gas stations follow this format, so it may be wise to have it as a separate definition from automobile services that involve car servicing and repairing.

Golf Club

Found in By-law(s): 1767 (126-77)

(1) shall mean a tract of land for the purpose of playing golf, with tees, greens, fairways and hazards and shall include the following: - a clubhouse building which may include meeting rooms, dining rooms, lounges, change rooms, saunas, showers, curling rink, and a shop for the sale of golfing accessories and equipment - tennis courts - swimming pool and accessory buildings or structures- any ancillary use thereto.

Analysis

Not defined in any other municipal zoning by-law. This use is always associated with a “golf course” and therefore probably does not require a separate definition from “golf course”. It is suggested that this be considered a type of recreational use or an accessory use to a golf course which can be controlled by regulation instead of definition.

Golf Course

Found in By-law(s): 177-96

(1) means an outdoor public or private area operated for the purpose of playing golf and includes a par three golf course, a miniature golf course and putting greens.

Found in By-law(s): 126-77; 28-97 amends By-law(s): 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

(2) means an outdoor public or private area operated for purpose of playing golf and includes a par three golf course, a miniature golf course and putting greens.

Task 5: Definitions

Found in By-law(s): 1767 (126-77)

(3) means a tract of land for playing golf with tees, greens, fairways and hazards.

Analysis

Defined in Oakville, Ottawa, and Mississauga (Golf Course) zoning by-laws. Other zoning by-laws make reference to the use without defining it. It is unclear it is necessary to define the use other than perhaps to distinguish it from a 'golf driving range'.

Golf Driving Range

Found in By-law(s): 28-97; 2002-255 amends By-law(s): 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

(1) means an indoor or outdoor, public or private facility dedicated to the driving of golf balls from fixed golf tees.

Found in By-law(s): 177-96

(2) means an indoor or outdoor public or private facility dedicated to the driving of golf balls from fixed golf tees.

Analysis

Other zoning by-laws make reference to the use without defining it, or have it part of its definition of "Golf Course". It is unclear it is necessary to define the use other than perhaps to distinguish it from a 'golf course'.

Gross Weight

Found in By-law(s): 282-77; 109-78; 108-78; 107-78; 104-78; 170-78; 169-78; 78-88; 173-78; 171-78, 1229, 1767 (103-78), 2150 (106-78); 2237 (105-78), 2489, 2571, 2612, 11-72, 83-73; 151-75; 250-77; 162-78; 163-78; 184-78; 72-79; 91-79; 118-79; 134-79; 153-80; 165-80; 72-81

(1) means the combined weight of vehicle and load.

Gross Weight, Vehicle

Found in By-law(s): 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85; 304-87; 242-90; 19-94

(2) means the combined weight of vehicle and load.

Analysis

Not a defined term in any of the other municipal zoning by-laws. It is unclear why it is necessary to define such a term in a zoning by-law. It is suggested that it not be a defined term in the new zoning by-law, notwithstanding that it currently applies to many of Markham's zoning by-laws.

Ground Floor Area

Found in By-law(s): 1442, 2402, 2571, 2612, 2284-68, 11-72

(1) shall mean the minimum gross projected horizontal area of the first floor, but excluding garages, whether attached or not, porches, terraces, breezeways or other appurtenant structure or lean to which is not an integral part of the main habitable structure.

Found in By-law(s): 2551

(2) means the maximum horizontal area contained within the outside of the outside walls of a building excluding, in the case of a dwelling, any private garage, porch, verandah, attic, basement or cellar.

Analysis

Defined in Ottawa (Ground floor) zoning by-law only. It is unclear why it would be necessary to define this term if the new by-law defines “first floor” or “first storey” as well as “gross floor area”, then it can regulate the area of the first floor instead of combining these two definitions to create a third definition. It is suggested that this not be a defined term in the new zoning by-law.

Ground Sign *(see also Sign, Ground and Sign, Ground-Pole)*

Found in By-law(s): 1767 (138-74)

(1) shall mean a sign supported by one or more uprights, poles or braces placed in or upon the ground and not attached to any part of a building.

Sign, Ground *(see also Ground Sign and Sign, Ground-Pole)*

Found in By-law(s): 77-73; 83-73; 119-73

(1) means a sign supported by one or more uprights, poles or braces placed in or upon the ground and not attached to any part of a building.

Sign, Ground-Pole *(see also Ground Sign and Sign, Ground)*

Found in By-law(s): 122-72

(1) means a sign supported by one or more uprights, poles or braces placed in or upon the ground.

Analysis

None of the other municipal zoning by-laws define this term. Since regulations over signs are normally dealt with by a Sign By-law, it is suggested that these terms not be defined in the new zoning by-law.

Group Home

Found in By-law(s): 28-97 also in By-law(s): 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

(1) (i) means a dwelling unit used for the accommodation of three to ten persons exclusive of members of the staff of the operator, who by reason of their emotional, mental, social, or physical condition or legal status require a group living arrangement for their well-being, and who are living

under the supervision of a member or members of the staff of the operator who is or are normally present at the dwelling unit at all times, where such facility is funded wholly or in part by any government, other than funding provided for capital purposes only, or such facility is licensed or approved under Provincial Statute; or (ii) means a dwelling unit with five or more foster children under the care of a foster care operator who is licensed or approved under Provincial Statute.

Auxiliary Group Home (see also *Group Home & Correctional Group Home*)

Found in By-law(s): 28-97 and in By-law(s): 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

(1) means a dwelling unit used for the accommodation of three to six persons, exclusive of members of the staff of the operator, who by reason of their emotional, mental, social, or physical condition or legal status require a group living arrangement for their well-being, and who are living under the supervision of a member or members of the staff of the operator who is or are present at the dwelling unit for between one and ten hours each day, where such facility is funded wholly or in part by any government, other than funding provided for capital purposes only, or such facility is licensed or approved under Provincial Statute.

Correctional Group Home

Found in By-law(s): 28-97 amends By-law(s): 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

(1) means a dwelling unit used for the accommodation of three to ten persons, exclusive of members of the staff of the operator, who are serving a sentence imposed by a court or who are on probation or parole, and who are living under the supervision of a member or members of the staff of the operator who is or are present at the dwelling unit at all times, where such facility is funded wholly or in part by any government, other than funding provided for capital purposes only, or such facility is licensed or approved under Provincial Statute. Without limiting the generality of the foregoing, a Correctional Group Home includes Children’s Detention Homes and Phase 1 Open Custody Residences under the Children and Family Services Act or amendments thereto, Phase 2 Open Custody/Open Detention Residences and Community Resource Centres under the Ministry of Correctional Services Act or amendments thereto, and Halfway Houses for Ex-Offenders under the Charitable Institutions Act or amendments thereto, but does not include Community Residential Centres of Community Correctional Centres which are operated by the Federal Government under Corrections Canada.

Analysis

Defined in Toronto, Ottawa, and Mississauga (Group Home) zoning by-laws. The other municipal zoning by-laws that define “group home” do not distinguish, nor define different “types” of group homes, other than Hamilton which has a definition for “corrections residence”. The inclusion of such a land use definition in zoning by-laws is challengeable due to the fact that it involves the ‘relationship’ of people, similar to the concerns over defining ‘family’ in zoning by-laws. However, there is a provincial definition of the term and the new zoning by-law should factor this in when determining if there should be a defined land use term for “group home”.

Group Housing

Found in By-law(s): 2612, 11-72

(1) means all attached or related dwelling units of any number greater than one which are contained within two or more buildings under one ownership located on a lot or block on a registered plan.

Analysis

Not a defined term in any of the other municipal zoning by-laws. It is suggested that this definition is not necessary, as there are many other residential dwelling definitions that should suffice to regulate multiple residential buildings on one lot or under one ownership, without the need for a definition.

Health Centre

Found in By-law(s): 122-72; 77-73; 83-73; 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

(1) means a building or part thereof which is used for the purpose of a gymnasium, massage room, steam room, sun room or swimming pool.

Found in By-law(s): 2053 (21-85); 2150 (261-90) (237-96)

(2) means a building or part thereof which is used for the purpose of a gymnasium, exercise room, steam room, sauna, squash courts, sun room, swimming pool, massage room or any other use related to physical fitness. A massage room must be associated with at least one (1) other use specifically mentioned above and such massage room must be operated by a professional masseur.

Found in By-law(s): 53-75; 366-88 also in By-law(s): 119-73; 1229 (111-94) (87-95)

(3) means a building or part thereof which is used for the purpose of a gymnasium, exercise room, steam room, sauna, squash courts, sun room, swimming pool, massage room or any other use related to physical fitness. A massage room must be associated with at least one other use specifically mentioned above and such massage room must be operated by a professional registered masseur.

Analysis

None of the other municipal zoning by-laws define this land use. Rather, this land use is a combination of defined land uses that can be found in other by-laws. Most of the activities associated with this term are found to be activities associated with a “recreation establishment”. Other activities may be associated with “massage therapy” or “Wellness Centre”. It is suggested that this term not be defined in the new by-law, but instead involve a group of uses that should be defined in the new by-law.

Health/Recreation Facility

Found in By-law(s): 2003-84 also in By-law(s): 1229

(1) means an indoor facility including uses such as game courts, exercise equipment, locker rooms, jacuzzi and/or sauna and pro shop.

Analysis

Similar to the comments made about “Health Centre”, it is suggested that this term fall under the definition of “Recreation Establishment” under the new zoning by-law.

Hereafter

Found in By-law(s): 1767; 1914; 2053; 2489; 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) shall mean after the date of the passing of any applicable provision of this By-law.

Analysis

Not a defined term in the other municipal zoning by-laws. This is an antiquated and legalistic term. Note the analysis on the term “existing”, which would relate to the time before passing of the new by-law.

Herein

Found in By-law(s): 1229; 1767; 1914; 2053; 2489; 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) shall mean in this by-law and shall not be limited to any particular section of this by-law.

Analysis

Not a defined term in the other municipal zoning by-laws. This is an antiquated and legalistic term. This is typically handled in the administrative section of other zoning by-laws and do not rely on such a term being defined.

Heritage Building

Found in By-law(s): 177-96

(1) means a building that has been deemed by the Council of the Corporation of the City of Markham to be of architectural and/or historic interest.

Found in By-law(s): 2004-196

(2) Means an existing building that has been deemed by the Council of the Corporation of the Town of Markham to be of architectural and/or historic interest and located on its original foundation or relocated from another area. Said buildings may be renovated, enlarged or modified and used subject to compliance with all requirements of this and any other relevant By-law.

Analysis

Defined in Toronto (Heritage Site) zoning by-law only. It may be a useful term to define if the new by-law has regulations that are specific to such buildings. It is suggested that there be a definition in the new by-law. Note the Markham Official Plan has a definition for “Heritage Conservation District”. Toronto’s by-law has a definition for “Heritage District” that is separate from “Heritage Site”.

Highway (see also *Street, Street or Road, or Street, Public*)

Found in By-law(s): 1442

(1) shall include land dedicated as a public highway.

Street (see also *Highway and Street or Road*)

Found in By-law(s): 2237 (209-94)

(1) means public highway or a common private road which has direct access to a public highway.

Found in By-law(s): 1229; 1767; 1914; 2053; 2237; 2489; 2571; 2612; 11-72; 151-75; 88-76; 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; 242-90

(2) shall mean a public highway which affords a principal means of access to abutting lots.

Street or Road (see also *Highway, Street, or Street, Public*)

Found in By-law(s): 1442 (113-74); 1767 (72-88); 122-72; 77-73; 83-73; 119-73; 127-76; 19-94

(1) means a public highway as defined by the Municipal Act and the Highway Traffic Act and shall exclude a lane.

Street, Public (see also *Highway, Street, and Street or Road*)

Found in By-law(s): 177-96; 2004-196

(1) means a roadway owned and maintained by a public authority and for the purposes of this By-law does not include a lane or any private street.

Found in By-law(s): 28-97 amending By-law(s): 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

(2) means a roadway owned and maintained by a public authority and for the purposes of this By-law does not include a lane or any private street.

Analysis

Defined in Toronto, Hamilton, and Mississauga (Street), Oakville (Road – Public), and Ottawa (Public Street and Street) zoning by-laws. It is suggested that there be a definition in the new zoning by-law and that the Ontario Highway Traffic Act definition of “street” be taken into consideration. It is also suggested that “street” is the appropriate term.

Home Furnishings Store

Found in By-law(s): 28-97 amends By-law(s): 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

(1) means a building or premises wherein large, non-portable home furnishings including carpeting, furniture, and major appliances are displayed, rented or sold directly to the general public.

Analysis

Defined in Hamilton (Home Furnishing Retail Establishment) and Mississauga (Home Furnishing Store) zoning by-laws. It is a form of a retail store. It is unclear if it is necessary to define the use, unless it has a unique parking rate that is different from other large scale retail stores. It is suggested that it not be a defined use, but rather controlled through regulations based on size and fall under the defined land use “retail store”.

Home Improvement and Office Supply Centre

Found in By-law(s): 190-91 added definition to this By-law 108-81

(1) means a building or portion thereof or complex of buildings on a lot intended for uses such as decorating and furnishings stores, including the sale of fabric and draperies, floor and wall coverings, decorating supplies, furniture and home furnishings, appliances, office equipment and similar such products.

Analysis

Not a defined land use term in the other municipal zoning by-laws. This is a form of “retail store” and can be controlled through regulations rather than definition. It is suggested that this not be a defined term in the new by-law.

Home Occupation

Found in By-law(s): 177-96

(1) means a business conducted for gain in a dwelling unit or a detached accessory building.

Found in By-law(s): 77-73; 119-73; 88-76; 165-80; 28-82; 47-85; 242-90

(2) means the use of part of a dwelling or part of any accessory building for pursuits compatible with a domestic household and which is carried on by members of the one family residing in the dwelling house provided that: (a) the use is clearly secondary to the use of the dwelling unit as a private residence; (b) it does not change the external character of the dwelling unit as a private residence; (c) it does not create or become a public nuisance with respect to noise, traffic or parking; (d) there are no goods, wares or merchandise offered or exposed for sale, or sold or kept for sale in the dwelling house, and no mechanical or other equipment is used or kept except that which is customarily employed in dwellings for domestic or household purposes or for use by a dentist, drugless practitioner or physician; (e) it does not occupy more than twenty-five per cent (25%) of the gross floor area of the dwelling.

Found in By-law(s): 238-86; 53-94 also in By-law(s): 1229; 1507; 1767; 2150; 2237; 2489; 2571; 2612; 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; 90-81; 108-81; 193-81; 221-81; 194-82; 196-82; 304-87; 19-94

(3) means the use of part of a dwelling or part of any accessory building for pursuits compatible with a domestic household and which is carried on by members of the one family residing in the dwelling house provided that: (a) the use is clearly secondary to the use of the dwelling unit as a private residence; (b) it does not change the external character of the dwelling unit as a private residence; (c) it does not create or become a public nuisance with respect to noise, traffic or parking; (d) there are no goods, wares or merchandise offered or exposed for sale, or sold or kept

for sale in the dwelling house, and no mechanical or other equipment is used or kept except that which is customarily employed in dwellings for domestic or household purposes.

Found in By-law(s): 2004-196

(4) Means the accessory use of a dwelling unit for an occupation or business which results in a product or service and which is clearly secondary to the main use of the building as a dwelling unit.

Analysis

Defined in Toronto, Oakville (Home Occupation), Hamilton (Home Business), Ottawa (Home-based business), and Mississauga (Home Occupation/Home Office) zoning by-laws. It is suggested that this land use be defined in the new zoning by-law as it needs to be very clear what kind of businesses are acceptable in residential settings in Markham. Note the Markham Official Plan has definitions for “Home business”, “Home industry”, and “Home occupation”. There may be a need to adopt three different land use definitions based on the three Official Plan definitions.

Hospital

Found in By-law(s): 2551; 122-72

(1) a place, either public or private, for the housing of injured, sick, convalescing, needy, aged or infirm persons, where medical services under a licensed medical practitioner are available twenty-four hours per day.

Analysis

Defined in Toronto, Oakville, and Mississauga (Hospital) zoning by-laws. It is suggested that this land use be defined in the new zoning by-law to help distinguish this use from other medical-related uses that may be permitted in different types of zones.

Hospital, Private

Found in By-law(s): 2237 (209-94)

(1) means a private hospital as defined by The Private Hospitals Act, R.S.O. 1980, Chapter 389, as amended.

Found in By-law(S): 77-73; 83-73; 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

(2) means a private hospital as defined by “The Private Hospitals Act” , R.S.O. 1970, Chapter 361 as amended.

Analysis

Not defined in any of the other municipal zoning by-laws. There is no need to distinguish this use from a “public” hospital, as they are likely permitted in the same zones and have similar parking rates. It is suggested that the new zoning by-law rely on the definition of “Hospital” for this use.

Hospital, Public

Found in By-law(s): 177-96

(1) 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.

Found in By-law(s): 77-73; 83-73; 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

(2) means any institution, building or other premises or place established for the treatment of persons afflicted with or suffering from sickness, disease or injury, or for the treatment of convalescent or chronically ill persons that is approved, under “The Public Hospitals Act” R.S.O. 1970, Chapter 378 as amended, as a public hospital.

Analysis

Not defined in any of the other municipal zoning by-laws. There is no need to distinguish this use from a “private” hospital, as they are likely permitted in the same zones and have similar parking rates. It is suggested that the new zoning by-law rely on the definition of “Hospital” for this use.

Hotel

Found in By-law(s): 28-97 amends By-law(s): 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

(1) means a premises that contains rooms with no private cooking facilities that are rented on a temporary basis to the public, or dwelling units equipped to be occupied as temporary accommodation for the public, and which may also contain a public dining area, meeting rooms and accessory banquet facilities.

Found in By-law(s): 2237 (209-94)

(2) means a building or buildings or part thereof on the same site used to accommodate the public for gain or profit, by supplying them with sleeping accommodation (with or without meals) but without individual private cooking facilities.

Found in By-law(s): 177-96; 2004-196

(3) means a premises that contains rooms with or without private cooking facilities that are rented on a temporary basis to the public or dwelling units, or a combination of both, equipped to be occupied as temporary accommodation for the public, and which contains a public dining area and which also may contain meeting rooms and accessory banquet facilities.

Analysis

Defined in Toronto, Hamilton, and Ottawa (Hotel) zoning by-laws. All these definitions include motels and apartment hotels. It is suggested a definition for this land use be included in the new zoning by-law which incorporates both motels and apartment hotels. The size (number of units) and relationship to dwelling units in the same building can be controlled by regulations instead of definitions.

Hotel, Apartment

Found in By-law(s): 122-72; 77-73; 83-73; 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; 19-94

(1) means a hotel except that not more than 50% of the living accommodation therein, according to floor area, may be dwelling units.

Analysis

Considered part of the definition of “hotel” in Hamilton and Ottawa’s zoning by-law. It is suggested that this becomes part of a new definition for “hotel” in the new zoning by-law. See analysis on “Hotel”. Staff note that there are servicing and development charge implications with dwelling units. Further, the Ontario Building Code does have a definition of hotel which should be considered.

Household

Found in By-law(s): 19-94. See By-law 19-94.

(1) means one or more persons living as a single and independent housekeeping unit in one dwelling unit.

Analysis

Defined in only Hamilton’s (Household) zoning by-law. Currently only defined in one of Markham’s zoning by-laws. The definition deals with the ‘relationship of people’ in a dwelling unit. It is suggested that this not be a defined term in the new zoning by-law.

Industrial purposes

Found in By-law(s): 1442

(1) shall include the use of any structure designed or used for the manufacture, packaging or storage of any material or product but shall exclude an agricultural use or a use for residential or commercial purposes.

Analysis

Defined in Toronto (Manufacturing Use), Hamilton, Oakville (Manufacturing), and Mississauga (Industrial/Manufacturing Facility) zoning by-laws. It is suggested that the term “manufacturing” or “manufacturing use” be a defined term in the new zoning by-law and that “Industrial purposes” be replaced with that defined term. Further, other uses such as warehousing would be defined separately and would not fall under a general term such as “industrial use”. See also analysis on definition of “Industrial Use”.

Industrial Use

Found in By-law(s): 177-96

(1) means a premises used for the warehousing of goods and materials, the assembly of manufactured goods, the manufacturing of goods, the repair and servicing of goods and similar uses, but does not include a motor vehicle repair garage, a motor vehicle body shop or a motor

Task 5: Definitions

vehicle service station. For the purposes of this definition, research laboratories and printing establishments are considered to be industrial uses.

Found in By-law(s): 2004-196

(2) Means a premises used for the warehousing of goods and materials, the assembly of manufactured goods, the manufacturing of goods, the repair and servicing of goods and similar uses. For the purposes of this definition, printing establishments are considered to be industrial uses.

Analysis

Defined in Toronto (Manufacturing Use), Hamilton, Oakville (Manufacturing), and Mississauga (Industrial/Manufacturing Facility) zoning by-laws. It is suggested that the term “manufacturing” or “manufacturing use” be a defined term in the new zoning by-law and that “Industrial Use” be replaced with that defined term. Further, other uses such as warehousing would be defined separately and would not fall under a general term such as “industrial use”. See also analysis on the definition of “Industrial purposes”.

Industrial Use, Light (*see also Light Industrial Uses*)

Found in By-law(s): 163-97 also in By-law(s): 108-81

Light Industrial Uses (*see also Industrial Use, Light*)

Found in By-law(s): 216-1999 amends By-law(s): 1229

(1) means a premises used for the warehousing of goods and materials, the assembly of manufactured goods, the manufacturing of goods, the repair and servicing of goods and similar uses. For the purposes of this definition, research laboratories and printing establishments are considered to be light industrial uses.

Analysis

Defined in Ottawa (Light industrial use) zoning by-law only. Other by-laws list specific manufacturing or industrial uses that are considered “light” in zones that are intended for these types of manufacturing or industrial uses. It would be a good idea to identify specific manufacturing uses (which can be defined or undefined) that would be suitable in certain zones intended for “light industrial uses”. The concern is that using an “open ended term” such as “light industrial” may result in certain manufacturing uses trying to fit the definition, when in fact there are other issues associated with the use that may not fit the intention of what is a light industrial use.

Infrastructure

Found in By-law(s): 177-96

(1) means a physical structure (facilities and corridors) that form the foundation for development. Infrastructure includes sewage and water systems, septage 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.

Analysis

Defined in Oakville's (Infrastructure) zoning by-law only. Note that other municipal zoning by-laws are specific (whether defined or not) with different types of "infrastructure", such as water treatment systems and waste management. It is suggested that "infrastructure" not be a defined term in the new by-law, as it is too broad a land use and will likely require different types of infrastructure to be allowed in various different zones.

Institution (see also *Institutional Building & Institutional Use*)

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means a building or part of a building used for a purpose by an organized body or society for promoting a particular purpose with no intent of profit but shall not include a private club.

Institutional Building (see also *Institution & Institutional Use*)

Found in By-law(s): 28-97 also in By-law(s): 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

(1) means a building containing an institutional use or uses.

Institutional Use (see also *Institution & Institutional Building*)

Found in By-law(s): 177-96

(1) means a building or part of a building containing uses such as places of worship, community centres, libraries or government offices.

Analysis

Not a defined land use term in any of the other municipal zoning by-laws. The term(s) appears to be a broad definition and would apply to a range of land uses that would be both defined and/or listed in the new by-law. It is suggested that this term not be defined in the new zoning by-law.

Institution, Religious

Found in By-law(s): 122-72

(1) means a building or part of a building used for an institutional purpose by an organized religious body or society or church and shall include a Bible Institute, a religious reading room and library, a religious school, but shall not include a place of worship like a church or synagogue.

Religious Institution

Found in By-law(s): 1229

(1) shall mean a building or buildings, or parts thereof, used for dwellings by religious orders and may include a chapel or other incidental uses.

Analysis

Definitions in Toronto's (Religious Organization, Religious Education Use, & Religious Residence) zoning by-law only. Some of the other municipal zoning by-laws include some of these uses as accessory uses to a "place of worship". Further examination of these uses is required to determine if a definition is needed in the new zoning by-law.

Invert

Found in By-law(s): 2150 (2151); 2237; 2489; 2571; 2612; 11-72; 122-72; 77-73; 83-73; 119-73; 151-75; 88-76; 127-86; 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; 242-90; 19-94

(1) means the lowest point in the bed of a watercourse.

Analysis

Not a defined term in any of the other municipal zoning by-laws. The common dictionary may suffice to define what is meant by this term. Further examination is required to determine if a definition is necessary in the new by-law.

Kennel

Found in By-law(s): 177-96

(1) means a premises where dogs and other domestic pets are boarded for more than 24 hours and/or are kept for the purposes of breeding.

Found in By-law(s): 157-95 amends By-law(s): 1229

(2) means an establishment for the keeping, breeding, boarding or training of domesticated animals for profit or gain, but shall not include the keeping of animals in an animal hospital during the period of veterinary treatment.

Found in By-law(s): 2004-196

(3) Means a premises where dogs are boarded or are kept for the purposes of breeding.

Found in By-law(s): 2551; 77-73; 119-73; 88-76; 165-80; 108-81; 28-82; 304-87; 242-90

(4) means a place, whether enclosed or not, where dogs are kept for purposes of breeding, boarding or commercial purposes.

Found in By-law(s) 53-94 amends By-law(s): 1229; 1442; 1507; 1767; 2150; 2237; 2489; 2571; 2612; 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; 90-81; 193-81; 221-81; 194-82; 196-82; 304-87; 19-94; 47-85

(5) means an establishment for the keeping, breeding and raising of domesticated animals for profit or gain.

Analysis

Defined in Toronto, Hamilton, Ottawa, (Kennel), and Mississauga (Animal Boarding Establishment). It is suggested that a definition for this land use term be in the new zoning by-law.

Kennel, Day

Found in By-law(s): 177-96

(1) means a premises where dogs are boarded for a continuous period not exceeding twenty-four hours.

Analysis

Not a defined land use in the other municipal zoning by-laws. This use is distinguish from “kennel” given the limited period of time. Other animal related uses include animal shelters, pet grooming establishments, and veterinary hospitals which this use is not. It is suggested that this term be defined in the new by-law as it is intended to not be one of these other animal-related land uses.

Landscaped Open Space

Found in By-law(s): 1767 (2001-266)

(1) means open space on a lot, unobstructed by buildings, used exclusively for landscaping.

Found in By-law(s): 28-97 amends By-law(s): 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

(2) means that space on a lot which is not covered by buildings or structures and is used exclusively for landscaping.

Found in By-law(s): 1767 (182-89); 2237 (370-87) (209-94)

(3) means open space on a lot, unobstructed by buildings, used exclusively for landscaping.

Found in By-law(s): 177-96

(4) means that space on a lot which is not covered by buildings or structures and is used exclusively for landscaping.

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(5) means open space on a lot, unobstructed by buildings, used exclusively for landscaping.

Analysis

Defined in Hamilton (Landscaped Area), Oakville (Landscaping Coverage), Ottawa (Landscaped area), and Mississauga (Landscaped Open Space Area). Definitions involving the term “landscaped” or “landscaping” can create confusion in zoning by-laws, because it is in these definitions that determine what is (and what is not) part of the described elements. It is suggested that this term may not be necessary to define in the new zoning by-law, but “types” of landscaping (e.g., soft vs. hard surface landscaping) may be defined in the new zoning by-law. Here is a good example from Toronto’s By-law 569-2013 to show how the two definitions work:

“Landscaping

means an area used for trees, plants, decorative stonework, retaining walls, walkways, or other landscape or architectural elements. **Driveways** and areas for loading, parking or storing of vehicles are not **landscaping**.”

Soft Landscaping

means **landscaping** excluding hard-surfaced areas such as decorative stonework, retaining walls, walkways, or other hard-surfaced landscape-architectural elements.”

Landscaping

Found in By-law(s): 2004-196

(1) Means trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening or other architectural elements and may include lands used as walkways, all of which are designed to enhance the visual amenity of a property and shall not include parking areas, driveways or ramps.

Found in By-law(s): 1767 (125-86) (182-89) (2001-266); 2150 (261-90) (30-92); 2237 (209-94)

(2) means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjoining land.

Found in By-law(s): 177-96

(3) 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.

Found in By-law(s): 28-97 amends By-law(s): 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

(4) 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.

Analysis

Defined in Toronto, Hamilton, Oakville (Landscaping), Ottawa (Landsaped area – hard landscaping), and Mississauga (Landsaped Area) zoning by-laws. It is important to distinguish what is part of ‘landscaping’ versus ‘soft landscaping’. See Toronto example under the analysis for *Landsaped Open Space*. It is suggested that a definition for this term be in the new zoning by-law.

Landscaping, Soft

Found in By-law(s): 2006-96 amends By-law(s): 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, 177-96, 28-97

(1) 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.

Analysis

Defined in Toronto (Soft Landscaping), Ottawa (Landscaped area – soft landscaping), and Mississauga (Landscaped Soft Area) zoning by-laws. It important to distinguish what is part of ‘soft landscaping’ versus ‘landscaping’. See Toronto example under the analysis for *Landscaped Open Space*. It is suggested that a definition for this term be in the new zoning by-law.

Lane

Found in By-law(s): 177-96

(1) means a right of way owned by the Corporation that is not intended for general traffic circulation and which provides motor vehicle access to an abutting property.

Found in By-law(s): 2004-196

(2) Means a subsidiary thoroughfare that is not intended for general traffic circulation and which provides a public or private means of vehicular access to an abutting property.

Found in By-law(s): 28-97 amends By-law(s): 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

(3) means a subsidiary thoroughfare which is not intended for general traffic circulation and which provides a public or private means of vehicular access to an abutting property.

Analysis

Define in Toronto, and Oakville (Lane), Hamilton (Laneway), Ottawa (Public lane), and Mississauga (Road – Internal Road and Private Road) zoning by-laws. This is an important term to distinguish a right-of-way that differs from a street. The use of the term ‘public’ in Ottawa actually refers to “equally open and available to all who choose, and does not denote ownership”. It is suggested that a definition for this term be in the new zoning by-law.

Library

Found in By-law(s): 177-96

(1) means an institutional use in a building or part of a building containing printed, electronic and pictorial material for public use for purposes of study, reference and recreation.

Found in By-law(s): 28-97 amends By-law(s): 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

(2) means a premises containing printed, electronic and pictorial material for public use for purposes of study, reference and recreation.

Found in By-law(s): 1229(2003-309); 2004-196

(3) Means a premises containing printed, electronic and pictorial material for public use for purposes of study, reference and recreation.

Analysis

Defined in Oakville, Ottawa, and Mississauga (Library) zoning by-laws. The land use term is also used in other zoning by-laws, but without it being defined. It is suggested that the land use term not be defined in the new zoning by-law, as the common dictionary already defines this term. There is no planning rationale to distinguish a private library from a public library, as they are likely permitted in the same zones.

Loading Space

Found in By-law(s): 122-72; 77-73; 83-73; 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; 304-87; 19-94

(1) means an unencumbered area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area: (a) is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking shall not be for the purpose of sale or display, (b) is suitable for the temporary parking of one commercial motor vehicle (c) is not upon or partly upon any street, lane or alley, and (d) has adequate access to permit egress and ingress of a commercial motor vehicle from a street by means of driveways, aisles, manoeuvring areas or similar areas no part of which shall be used for the temporary parking or storage of one or more motor vehicles.

Found in By-law(s): 177-96

(2) means an unobstructed area of land which is used for the temporary parking of one or more commercial motor vehicles while merchandise or materials are being loaded or unloaded from such vehicle.

Found in By-law(s): 2004-196

(3) Means an unobstructed area of land that is used for the temporary parking of one or more commercial motor vehicles while merchandise or materials are being loaded or unloaded from such vehicle.

Analysis

Defined in Toronto, Oakville, Ottawa, and Mississauga (Loading Space) zoning by-laws. It is suggested that there be a definition for this term in the new zoning by-law.

Long Term Care Facility

Found in By-law(s): 177-96

(1) 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.

Analysis

Defined in Toronto (Residential Care Home), Hamilton (Long-Term Care Facility), Oakville (Long Term Care Facility), and Mississauga (Dwelling Unit – Long-Term Care Dwelling). This is a distinguishable land use from other forms of land uses that involve senior citizens. See analysis on “Nursing Home”, “Retirement Home” and “Retirement Residence”. It is suggested that there be a definition for this land use in the new by-law.

Lot

Found in By-law(s): 11-76; 166-90; 28-97 amends By-law(s): 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

(1) means a parcel of land that abuts a public street that is registered as a legally conveyable parcel of land in the Registry Office.

Found in By-law(s): 177-96

(2) means a parcel of land that is registered as a legally conveyable parcel of land in the Registry Office.

Found in By-law(s): 2004-196

(3) Means a parcel of land that is registered as a legally conveyable parcel of land in the Registry Office or Land Titles Office.

Analysis

Defined in Toronto, Hamilton, Oakville, Ottawa, and Mississauga (Lot) zoning by-laws. This is an important definition as it serves as the “building block” for the application of many regulations. It is suggested that a definition for this term be in the new zoning by-law.

Lot Area

Found in By-law(s): 1229; 1767; 1914; 2053; 2237; 2402; 2489; 2571; 2612; 2284-68; 11-72; 122-72; 77-73; 83-73; 119-73; 151-75; 88-76; 127-76; 250-77; 145-78; 162-78; 163-78; 184-78; 91-79; 118-79; 153-80; 165-80; 72-81; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85; 304-87; 242-90; 19-94

(1) shall mean the total horizontal area within the lot lines of a lot.

Found in By-law(s): 177-96; 2004-196

(2) means the total horizontal area within the lot lines of a lot.

Found in By-laws: 1229 (99-90); 1767 (100-90); 2237 (101-90)

(3) means the area within the lot lines of a LOT.

Analysis

Defined in Toronto, Hamilton, Oakville, and Mississauga (Lot Area) zoning by-laws. It is suggested that a definition for this term be in the new zoning by-law.

Lot Area, Net (see also *Net Lot Area*)

Found in By-law(s): 19-94.

(1) shall mean the total horizontal areas within the lot lines of a lot, excluding those lands to be used for local roads, public parks and hazard lands.

Net Lot Area (see *Lot Area, Net*)

Found in By-law(s): 1229 (99-90); 1767 (100-90); 2237 (101-90)

(1) means the sum of the MINIMUM LOT AREA for a LOT plus one-half (1/2) of the difference between the LOT AREA and the MINIMUM LOT AREA for the LOT, except in cases where the LOT AREA is less than the MINIMUM LOT AREA for a specific LOT, the NET LOT AREA shall be deemed to be equal to the LOT AREA.

Found in By-law(s): 66-95 amending By-law(s): 1229

(2) means the sum of the MINIMUM LOT AREA for a LOT plus one-half (1/2) of the difference between the LOT AREA and the MINIMUM LOT AREA for the LOT, except In cases where the LOT AREA is less than the MINIMUM LOT AREA for a specific LOT, the NET LOT AREA shall be deemed to be equal to the LOT AREA.

Analysis

Not a defined term in any of the other municipal zoning by-laws. The term is used in a few zoning by-laws in Markham. The definitions appear to be very different amongst the zoning by-laws. The term is used in the calculation of the floor area ratio in infill by-law areas. It is suggested that the need for the definition and the way in which it is defined if it is to be in the new zoning by-law. The implication as to how this term is defined in each of these infill areas needs to be carefully examined.

Lot Line

Found in By-law(s): 1767 (433-86)

(1) means any boundary line of a lot.

Found in By-law(s): 177-96; 2004-196

(2) means a line delineating any boundary of a lot.

Found in By-law(s): 276-88; 28-97 amends By-law(s): 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

(3) means a line delineating any boundary of a lot.

Analysis

Defined in Toronto, Hamilton, Oakville, Ottawa, (Lot Line) and Mississauga (Lot – Lot Line) zoning by-laws. It is an important definition in zoning and it is suggested that there be a definition in the new zoning by-law.

Lot Line, Interior Side (see also *Side Lot Line & Lot Line, Side*)

Found in By-law(s): 28-97 which amends by-law(s): 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

(1) means a lot line, other than a rear lot line that does not abut a public street.

Found in By-law(s): 2237 (2008-272)

(2) means a LOT LINE other than a REAR LOT LINE, which does not abut a street.

Found in By-law(s): 2004-196

(3) Means a lot line, other than a front, exterior side or rear lot line.

Found in By-law(s): 177-96

(4) means a lot line, other than a rear lot line that does not abut a public street.

Side Lot Line (see also *Lot Line, Interior Side & Lot Line, Side*)

Found in By-law(s): 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2551, 2571, 2612, 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, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87. NOTE: (166-90, repealed by 142-95) ¹¹

Lot Line, Side (see also *Lot Line, Interior Side & Side Lot Line*)

Found in By-law(s): 1767 (433-86)

(1) means a lot line other than a front or rear lot line.

Found in By-law(s): 1914; 2053; 2237; 2489; 2571; 2612; 11-72; 122-72; 77-73; 83-73; 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; 242-90; 19-94

(2) shall mean any lot lines other than the front lot line or the rear lot line.

Found in By-law(s): 1767

(3) shall mean any lot lines other than the front lot line or the rear lot line.

Analysis

Defined in Toronto (Side Lot Line), Hamilton (Lot Line – Side Lot Line), Oakville (Lot Line – Interior Side & Lot Line – Side), Ottawa (Lot line – side lot line), and Mississauga (Lot – Interior Side Lot Line) zoning

¹¹ Determined that with amendments and repeals to amendments, original by-law definitions apply.

by-laws. Many of the by-laws define this term as either “interior side” or “side” lot line. In the example of Toronto, it regulates “a side lot line that abuts a street”, rather than having distinct definitions for lot lines that abut (or do not abut) streets that are neither the front of rear lot lines. This should be examined in the context of the definition for “Flankage Lot Line” or “Lot Line, Exterior Side”. It is suggested that at a minimum a definition for “side lot line” be in the new zoning by-law.

Lot Line, Rear (*see also Rear Lot Line*)

Found in By-law(s): 177-96; 2004-196

(1) means the lot line opposite to, and most distant from, the front lot line.

Found in By-law(s): 28-97 amends By-law(s): 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

(2) means the lot line opposite to, and most distant from, the front lot line.

Rear Lot Line (*see also Lot Line, Rear*)

Found in By-law(s): 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2551, 2571, 2612, 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, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87. NOTE: (166-90, repealed by 142-95)¹²

Analysis

Define in Toronto (Rear Lot Line), Hamilton (Lot Line – Rear Lot Line), Oakville (Lot line: - Rear), Ottawa (Lot line – rear lot line), and Mississauga (Lot – Rear Lot Line) zoning by-laws. It is suggested that a definition for this term be in the new zoning by-law.

Lot, Interior

Found in By-law(S): 2004-196

(1) Means a lot situated between adjacent lots.

Found in By-law(s): 177-96

(2) means a lot situated between adjacent lots and having access to one public street.

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 151-75; 88-86; 127-76; 250-77; 145-78; 162-78; 184-78; 91-79; 153-80; 165-80; 72-81; 90-81; 108-81; 193-81; 221-81; 194-82; 196-82; 47-85; 304-87; 242-90; 19-94

(3) means a lot situated between adjacent lots and having access to one street.

Analysis

Defined in Hamilton (Lot – Interior Lot), Oakville (Lot: Interior), Ottawa (Lot – interior lot), and Mississauga (Lot- Interior Lot). It is suggested that a definition for the term be in the new zoning by-law.

¹² Determined that with amendments and repeals to amendments, original by-law definitions apply.

Lot, Key

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 151-75; 88-86; 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; 242-90; 19-94

(1) means the first lot to the rear of a reversed corner lot and not separated by a lane.

Analysis

Not defined in the other municipal zoning by-laws. It is unclear sure if it is necessary to define this type of lot given the definitions of the other types of lots in the by-law; however a definition may be required if the new by-law contains special provisions for this type of lot.

Lot, Reversed Corner (see also *Reversed Corner Lot*)

Found in By-law(s): 1767 (282-77); 2237 (381-82)

(1) means a corner lot, the flankage of which is substantially a continuation of the front lot line of the lot to its rear.

Found in By-law(s): 122-72; 77-73; 83-73, 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; 242-90; 19-94

(2) means a corner lot, the flankage of which is substantially a continuation of the front lot line of the lot to its rear.

Reversed Corner Lot (see also *Lot, Reversed Corner*)

Found in By-law(s): 232-77 amending By-law(s): 1229

(1) means a corner lot, the flankage of which is substantially a continuation of the front lot line of the lot to its rear.

Analysis

Not defined in the other municipal zoning by-laws. It is unclear if it is necessary to define this type of lot given the definitions of the other types of lots in the by-law; however a definition may be required if the new by-law contains special provisions for this type of lot.

Lot, Through

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means a lot bounded on two opposite sides by streets each of which is at least thirty-three (33) feet wide, provided however, that if any lot qualifies as being both a corner lot and a through lot as hereinbefore defined such lot shall be deemed to be a corner lot for the purpose of this By-law.

Found in By-law(s): 177-96

(2) means a lot bounded on opposite sides by a public street. However, if the lot qualifies as being both a corner lot and a through lot, such lot is deemed to be a corner lot for the purposes of this By-law.

Analysis

Defined in Hamilton (Lot- Through Lot), Oakville (Lot: -Through and Lot: Through Corner), Ottawa (Lot- through lot), and Mississauga (Lot – Through Lot) zoning by-laws. It is suggested that there be a definition for this term in the new zoning by-law.

Main Wall (*see also Wall, Main*)

Found in By-law(s): 96-1999 amends By-law(s): 1229

(1) means the exterior front, side or rear wall of a building or dwelling unit, and shall include all structural members essential to the support of a fully or partially enclosed space or roof. Where such members are nearer to a lot line than the said exterior wall.

Found in By-law(s): 2004-196

(2) Means a wall of the main building on the lot.

Found in By-law(s): 177-96

(3) 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.

Found in By-law(s): 1767 (2001-266)

(4) 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 or roof.

Found in By-law(s): 2006-96 amends By-law(s): 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, 177-96, 28-97

(5) 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.

Wall, Main (*see also Main Wall*)

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof, where such members are nearer to a lot line than the said exterior wall.

Analysis

Defined in Toronto and Oakville (Main Wall) zoning by-laws. Mississauga has separate definitions for “common wall”, “Exterior Side Wall”, “Front Wall”, “Party Wall”, and “Wing Wall”, but no definition of “main wall”. It is suggested that there be a definition for this term as many provisions deal specifically with “main walls” as opposed to structures that attached to the walls and other structures that are not part of the “main wall”.

Meat Packaging or Processing Facility

Found in By-law(s): 2002-80 amends By-law(s): 108-81

(1) means a canned meat factory, sausage factory, and any other factory where meat, poultry or eggs are cooked, cured, smoked or otherwise processed or packed but does not include a delicatessen shop, stockyard, slaughterhouse, tannery or hide processing plant, a poultry-killing establishment, an animal food factory, an animal by-products factory or other such obnoxious use.

Analysis

Defined in Oakville (Food Production) zoning by-law only. Most of the other municipal zoning by-laws include a similar land use term, but without the need to define it. It is suggested that this term not be defined in the new zoning by-law, since it is mainly worded about what it is not and only applies to one site in one of Markham's zoning by-laws. Site specific regulation can list what specific uses are not permitted on the site, without the need of creating a definition.

Medical Practitioner

Found in By-law(s): 122-72

(1) means a doctor, dentist, chiropractor, osteopath, optometrist, oculist, etc. but does not include a veterinarian.

Analysis

Not defined in the other municipal zoning by-laws. This is a definition of a type of profession. The new zoning by-law can depend on other legislation to define this profession. It is suggested that this term not be defined in the new zoning by-law.

Minimum Floor Area

Found in By-law(S): 2237, 2571, 2612, 11-72

(1) per dwelling unit means the area contained within the outside walls, and in the case of an apartment unit does not include corridors, stair wells, lobbies, elevator shafts, or other common facilities.

Analysis

Not defined in the other municipal zoning by-laws. This term is a "standard" which involves a defined term "Floor Area". It is suggested that this not be defined in the new zoning by-law, but rather be used as a regulation in the new by-law.

Minimum Lot Area

Found in By-law(s): 1229 (99-90); 1767 (100-90); 2237 (101-90)

(1) means the minimum required LOT AREA for a LOT in accordance with the applicable zone requirements of By-law 1767, as amended.

Analysis

Not defined in the other municipal zoning by-laws. This term is a “standard” which involves a defined term “Lot Area”. It is suggested that this not be defined in the new by-law, but rather be used as a regulation in the new by-law.

Mixed Commercial-Residential Building

Found in By-law(s): 19-94.

(1) means a building containing both commercial and residential uses.

Analysis

Defined in Toronto, Oakville, and Ottawa (Mixed Use Building) zoning by-laws. This is an important definition to distinguish this type of building from residential only or a non-residential only buildings. The term “Mixed Use” is a designation in Markham’s Official Plan (although it is not a defined term). It is suggested that this be a defined term in the new zoning by-law. It maybe worth considering using the term “Mixed Use Building” in the new zoning by-law. If residential and non-residential are defined uses, it raises the question what a mixed-use building would be if it was not defined in the context of the other two that are defined.

Mixed Commercial-Residential Development

Found in By-law(s): 19-94.

(1) means a development that contains both commercial and residential uses. Such uses may be accommodated in the same building or in separate buildings on the same lot.

Analysis

Not a defined term in other municipal zoning by-laws. It may not be necessary to define this term separately from the “Mixed Commercial-Residential Building” definition. It is suggested that this issue can be better accommodated by regulations (i.e., allowing multiple buildings on a lot) than by creating a separate definition.

Motel

Found in By-law(s): 1229; 2551; 122-72; 77-73; 83-73; 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; 19-94

(1) shall mean a building, or buildings consisting of a minimum of eight individual rental units, used for catering to the needs of the transient public by furnishing sleeping accommodation with or without a public dining room.

Found in By-law(s): 177-96; 2004-196

(2) means a premises that contains rooms with no private cooking facilities that are rented on a temporary basis to the public with each room being accessed from the outside.

Analysis

This is considered part of the definition of “hotel” in Toronto, Hamilton and Ottawa’s zoning by-law. It is suggested this becomes part of a new definition for “hotel” in the new zoning by-law. See analysis on “Hotel”.

Motor Vehicle

Found in By-law(s): 177-96; 2004-196

(1) means an automobile, motorcycle, motor-assisted bicycle unless otherwise indicated in the Highway Traffic Act, as amended, and any other vehicle propelled or driven otherwise than by muscular power.

Found in By-law(s): 28-97 amending By-law(s): 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

(2) means an automobile, motorcycle, motor-assisted bicycle unless otherwise indicated in the Highway Traffic Act, as amended, and any other vehicle propelled or driven otherwise than by muscular power.

Analysis

Defined in Toronto (Vehicle), Hamilton, Oakville, Ottawa, and Mississauga (Motor Vehicle & Commercial Motor Vehicle) zoning by-laws. It is important to define and include in a zoning by-law, since many regulations pertain to parking and the placement of “motor vehicles”. It is suggested that there be a definition for this term in the new zoning by-law. There is a need to assess the whether to define “commercial motor vehicle” separately.

Motor Vehicle Body Shop

Found in By-law(s): 177-96; 2004-196

(1) means a premises used for the painting and/or repairing of the exterior and/or the undercarriage of motor vehicle bodies.

Found in By-law(s): 28-97 amending By-law(s): 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

(2) means a premises used for the painting and/or repairing of the exterior and/or the undercarriage of motor vehicle bodies.

Analysis

Defined in Toronto (Vehicle Repair Shop), Hamilton (Motor Vehicle Collision Repair Establishment), Oakville (Motor Vehicle: - Body Shop), Ottawa (Automobile body shop), and Mississauga (Motor Vehicle Body Repair Facility & Motor Vehicle Body Repair Facility- Commercial Motor Vehicle). It is an important distinctive land use due to the noise related activities associated with this use. It is suggested that there be a definition for this land use in the new zoning by-law.

Motor Vehicle Repair Garage

Found in By-law(s): 53-94 amending By-law(s): 1229; 1442; 1507; 1767; 2150; 2237; 2489; 2571; 2612; 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; 90-81; 193-81; 221-81; 194-82; 196-82; 304-87; 19-94

(1) 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.

Found in By-law(s): 53-94; 28-97; 247-98 amending By-law(s): 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; 2004-196

(2) means a premises used for the repairing of motor vehicles, but shall not include the sale of motor vehicle fuels.

Found in By-law(s): 177-96

(3) means a premises where the services 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.

Analysis

Defined in Toronto (Vehicle Service Shop), Hamilton (part of Motor Vehicle Service Station), Oakville (Motor Vehicle: Repair Facility), Ottawa (part of Automobile service station), and Mississauga (Motor Vehicle Repair Facility- Commercial Motor Vehicle & Motor Vehicle Repair Facility – Restricted) zoning by-laws. It is an important land use distinction from the “body shop” and from those automobile services that are strictly “selling fuel” and related accessories. It is suggested that there be a definition for this land use in the new zoning by-law.

Multi-Purpose Automotive Parts and Accessories Store

Found in By-law(s): 190-91 added definition to this By-law 108-81

(1) means a building or portion thereof used for the sale of a combination of all of the following types of merchandise within a single PREMISES: automotive parts and accessories, home hardware and houseware items, small appliances and equipment, sporting goods, and seasonal items which may include accessory open display of garden and nursery supplies subject to such open display area not exceeding five percent (5%) of the GROSS FLOOR AREA of the PREMISES, and which may also include an area for the servicing and repair of automobiles within the same single PREMISES; not more than one gasoline service station or gasoline bar shall be permitted as an ACCESSORY USE to the multi-purpose store. In the event such gasoline service station or gasoline bar is separated from the MULTI-PURPOSE AUTOMOTIVE PARTS AND ACCESSORIES STORE property through a consent, such gasoline service station or gasoline bar shall be deemed to be an accessory use to the MULTI-PURPOSE AUTOMOTIVE PARTS AND ACCESSORIES STORE.

Analysis

Not a defined term in the other municipal zoning by-laws. This is a form of “retail store” that specializes in particular items associated with the automobile and includes size restrictions in the definition. This would be better handled in regulations than by a specific definition. It is suggested that this not be a defined land use term in the new zoning by-law.

Municipal Sanitary Sewers (*see also Municipal Sewers*)

Found in By-law(s): 2402, 2284-68

(1) means sanitary sewers provided by the Township of Markham or a public utilities commission or other municipal authority as a public utility.

Municipal Sewers (*see also Municipal Sanitary Sewers*)

Found in By-law(s): 2237; 2489; 2571; 11-72; 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means sewers supplied by the Township of Markham or a public utilities commission or a municipal authority as a public utility under the jurisdiction of the Township of Markham.

Analysis

Defined in Toronto (as part of Public Utility), Oakville (as part of Infrastructure), and Ottawa (as part of Utility) zoning by-laws. This term, if defined, should be part a broader definition that incorporates various forms of “public utilities” that are permitted across all zones. It may also not need to be defined and rather dealt with by general regulations as to where such items are permitted. Certain public utilities, such a sewer treatment plants, should be defined separately from this term, as that land use has other implications. It is suggested that this term be part of a broader definition in the new zoning by-law, such as “public utility” or “infrastructure”.

Municipal Water

Found in By-law(s): 1442; 1767; 2237; 2402; 2489; 2551; 2571; 2612; 2284-68; 11-72; 122-72; 77-73; 83-73; 119-73; 151-75; 88-76; 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; 242-90; 19-94

(1) shall mean water supplied by any municipality or public utilities commission or municipal authority as a public utility.

Analysis

Defined in Toronto (as part of Public Utility), Oakville (as part of Infrastructure), and Ottawa (as part of Utility) zoning by-laws. This term, if defined, should be part a broader definition that incorporates various forms of “public utilities” that are permitted across all zones. It may also not need to be defined and rather dealt with by general regulations as to where such items are permitted. It is suggested that this term be part of a broader definition in the new zoning by-law, such as “public utility” or “infrastructure”.

Museum (see also *Museum, Private & Museum, Public*)

Found in By-law(s): 1229(2003-309); 177-96; 2004-196

(1) means a premises used for the preservation of a collection of paintings and/or other works of art and/or objects of natural history and/or mechanical scientific and/or philosophical inventions, instruments, models and/or designs and which may also include libraries, reading rooms, laboratories and accessory offices.

Museum, Private (see also *Museum & Museum, Public*)

Found in By-law(s): 28-97 amending By-law(s): 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

(1) means a premises owned and operated by a private entity and used for the preservation of a collection of paintings and/or other works of art and/or objects of natural history and/or mechanical scientific and/or philosophical inventions, instruments, models and/or designs and which may also include libraries, reading rooms, laboratories and accessory offices.

Museum, Public (see also *Museum & Museum, Private*)

Found in By-law(s): 28-97 amending By-law(s): 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

(1) means a premises owned by a public authority and used for the preservation of a collection of paintings and/or other works of art and/or objects of natural history and/or mechanical scientific and/or philosophical inventions, instruments, models and/or designs and which is open to the public and which may also include libraries, reading rooms, laboratories and accessory offices.

Analysis

Defined in Toronto, Oakville, and Ottawa (Museum) zoning by-laws. There is probably no need to distinguish a “public” museum from a “private” museum, since both are probably permitted in the same zone and have the same parking rates. It is suggested that there be a definition for the term “Museum” in the new zoning by-law.

Nightclub

Found in By-law(s): 177-96; 2004-196

(1) means a premises whose primary function is the provision of theatrical performances, pre-recorded music, or live musical entertainment, whether such pre-recorded music or live music is provided for listening or dancing by the patrons, or any combination of the above functions, and whose accessory function is the sale and consumption on the premises of food and alcoholic beverages, but does not include a restaurant or an adult entertainment parlour.

Found in By-law(s): 28-97 amending By-law(s): 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

(2) means a premises whose primary function is the provision of theatrical performances, pre-recorded music, or live musical entertainment, whether such pre-recorded music or live music is provided for listening or dancing by the patrons, or any combination of the above functions, and whose accessory function is the sale and consumption on the premises of food and alcoholic beverages, but does not include a restaurant or an adult entertainment parlour.

Analysis

Defined in Toronto, Ottawa (Nightclub & Cabaret), and Mississauga (Night Club) zoning by-laws. This is a defined and a distinguishable land use from a 'restaurant' and a 'place of entertainment'. This is typically found as a land use in larger, more urban, municipalities. It is suggested that there be a definition for this land use as it may be permitted in more limited zones than 'restaurant' or 'place of entertainment' land uses, with the main distinguishable factor being a place used to provide dance facilities for patrons, where food or beverages may be offered for sale.

Non Complying

Found in By-law(s): 177-96; 2004-196

(1) means a building, structure or lot that does not comply with the regulation(s) of this By-Law.

Found in By-law(s): 28-97 amending By-law(s): 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

(2) means a building, structure or lot that does not comply with the regulation(s) of this By-law.

Analysis

Defined in Ottawa (Non-complying) zoning by-law only. It may not be necessary to define the term, as if there are regulations dealing with non-compliance in the zoning by-law, then the definition is self-evident. It is suggested that this term is not necessary to be defined in the new zoning by-law, but will still be helpful to have provisions about them in the new zoning by-law.

Non Conforming Use

Found in By-law(s): 28-97 amending By-law(s): 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

(1) means a use which is not a permitted use in the Zone in which the said use is situated.

Found in By-law(s): 177-96; 2004-196

(2) means a use which is not a permitted use in the zone in which the said use is situated.

Analysis

Defined in Ottawa (Non-conforming) zoning by-law only. It may not be necessary to define the term, as it is defined in the *Planning Act*. Care should be made to ensure that if such a term is defined in the zoning by-law that it is consistent with the definition used in the *Planning Act*. It is suggested that this term is not

necessary to be defined in the new zoning by-law, but will still be helpful to have provisions about them in the new zoning by-law.

Non-profit Fitness Centre

Found in By-law(s): 177-96; 2004-196

(1) means a premises operated by a non-profit organization in which facilities are provided for recreational or athletic activities, such as body- building and exercise classes, and may include, but not be limited to, associated facilities such as a day nursery, a sauna, a swimming pool, a solarium, a cafeteria and accessory retail uses.

Analysis

Not a defined land use term in other municipal zoning by-laws. It is unclear if there is a need to define this land use from “fitness centre” or “commercial fitness centre” in Markham’s zoning by-law. However, it is noted that Markham’s Official Plan does define “Commercial fitness centre” and that there may be a local issue that requires the distinction of land uses based on “profit” versus “non-profit”. It would be helpful to understand if this use is permitted in certain zones that “fitness centre” would not be permitted. See earlier comments on “Fitness Centre”.

Non-profit Organization

Found in By-law(s): 177-96; 2004-196

(1) means an incorporated organization that is established and which is operated in a manner that does not result in the generation of profits.

Analysis

Defined in Toronto (Non-Profit Organization) zoning by-law only. It is unclear if it is necessary to define this term, unless certain regulations are specifically applicable to circumstances involving a land use that is a “non-profit organization”. In this case it may be necessary to define exactly what qualifies as this. If such regulations do not exist, then it is suggested that this term is not necessary to define and the new by-law can rely on the provincial definition of such term. The Toronto definition hands off to the definition found in the *Corporations Act*.

Nursing Home

Found in By-law(s): 2150 (2151)

(1) shall mean a dwelling house or other buildings excluding a hotel, hospital, or home, in which rooms or lodging are provided for hire or pay and where some personal care, nursing service and medical use and treatment are provided or made available.

Found in By-law(s): 177-96

(2) means a building or part of a building used as a nursing home within the meaning of the Nursing Home Act of Ontario, as amended.

Found in By-law(s): 28-97 amending By-law(s): 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; 2004-196

(3) means a premises used as a nursing home within the meaning of the Nursing Home Act of Ontario, as amended.

Analysis

Defined in Toronto (Nursing Home), Hamilton, Oakville (Long-Term Care Facility), and Mississauga (Dwelling Unit- Long-Term Care Dwelling) zoning by-laws. This land use term is sometimes considered in combination with other “seniors-related” accommodation or care. See comments on “Long Term Care Facility”, “Retirement Home”, and “Retirement Residence”. It is suggested that this land use term be part of the definition of “Long Term Care Facility” in the new zoning by-law and that consideration should be given to the Long Term Care Act when determining the appropriate definition.

Obnoxious (see also *Obnoxious Use*)

Found in By-law(s): 1767; 2237; 2551; 2571; 2612; 122-72; 77-73; 83-73; 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

(1) shall mean a use which, from its nature or operation, creates a nuisance or liable to become a nuisance or offensive by the creation or noise or vibration or by reason or the emission or objectionable odours.

Obnoxious Use (see also *Obnoxious*)

Found in By-law(s): 2004-196

(1) Means a 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 generated by the use, and without limiting the generality of the foregoing, shall include any uses which may be declared to be a noxious or offensive trade or business under the Public Health and Promotion Act, as amended.

Found in By-law(s): 177-96

(2) means a 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 generated by the use, and without limiting the generality of the foregoing, shall include any uses which may be declared to be a noxious or offensive trade or business.

Found in By-law(s): 11-72; 165-80; 72-81; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85; 304-87; 242-90; 19-94

(3) means a 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 objectionable odours.

Analysis

Defined in Toronto (Obnoxious Use) zoning by-law only. The term in Toronto is only referred to in the context of certain regulations in residential areas, and is not applied to uses in other zones. If the term is relied upon in the new by-law, then it may be wise to consider a definition for ‘obnoxious’, as it could

apply to an array of activities associated with many land uses. If the term is not relied upon, then it is recommended that it not be a defined term in the new zoning by-law. The term has a 'subjectivity' inference that may be an issue if it is defined in a very specific way.

Office Building

Found in By-law(s) 177-96

(1) means a building primarily containing offices, such as business offices and medical offices. (177-96)

Found in By-law(s): 28-97 amending By-law(s): 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

(2) means a building containing business offices.

Analysis

Not a defined term in other municipal zoning by-laws. There is no need to define this type of "building". The issue is the "use", which should be accommodated by the definition of "Business Office" or "Office". See comments under "Business Office". It is suggested that this term not be a defined term in the new zoning by-law.

Open Space

Found in By-law(s): 1767 (2009-127)

(1) means an area on a lot, unobstructed by buildings, used exclusively for landscaping.

Found in By-law(s): 1229

(2) shall mean an unoccupied space open to the sky on the same lot with the building.

Analysis

Not a defined term in the other municipal zoning by-laws. See comments on "Landscaped Open Space" and "Landscaping". It is suggested that this not be a defined term in the new zoning by-law.

Opening

Found in By-law(s): 2004-196

(1) Means an area of a main wall that is open from the outside to the inside and which is treated in a manner that offers a view to the inside from the outside.

Analysis

Not a defined term in any of the other municipal zoning by-laws, although Hamilton's by-law does define the term "window". It is felt that this term is commonly understood by definition in the dictionary and is not necessary to define. It is suggested that this term not be defined in the new zoning by-law; however, if the municipality is considering by-law provisions that require "openings" such as doors and windows along street frontages, then this term may need to be defined.

Outdoor Display and Sales Area

Found in By-law(s): 294-97 amending By-law(s): 122-72

(1) means an area of land used in conjunction with a business located within a building or structure on the same lot, for the display or sale of produce, merchandise or the supply of services.

Found in By-law(s): 177-96

(2) means outdoor open space area where produce or merchandise is displayed and/or sold and/or where services are provided in conjunction with a business located within a building or structure on the same lot.

Analysis

Defined in Oakville (Outside Display and Sales Area) zoning by-law only. The term or a similar term is used and controlled in the other municipal zoning by-laws, without the need to be defined. It is suggested that this term not be a defined term in the new zoning by-law, as it is self-evident what is meant by this term.

Outdoor Market

Found in By-law(s): 2237 (2009-118)

(1) means a temporary outdoor retail operation which may be comprised of multiple vendors and temporary accessory structures and may occur on a regular weekly and/or seasonal basis.

Analysis

Not a defined land use term in the other municipal zoning by-laws. The term or a similar term may be used in other by-laws without the need of a definition. It is suggested that this term not be a defined term in the new zoning by-law, as it is self-evident what is meant by this term.

Outdoor Patio

Found in By-law(s): 71-96 amending By-law(s): 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, 19-94

(1) means an outdoor eating area used only on a seasonal basis in conjunction with any type of restaurant.

Found in By-law(s): 2004-196

(2) Means an outdoor eating area used only on a seasonal basis in conjunction with a restaurant.

Analysis

Defined in Toronto (Outdoor Patio), Hamilton, Ottawa (Outdoor Commercial Patio), and Oakville (Patio) zoning by-laws. All the definitions refer to regulations controlling “commercially-related” patios. It is suggested that there be a definition for this use in the new zoning by-law.

Outdoor Special Events

Found in By-law(s): 2237 (2009-118)

(1) means an outdoor area used for temporary outdoor recreational events and temporary accessory structures that may occur on a regular weekly and/or seasonal basis.

Analysis

Not a defined land use term in the other municipal zoning by-laws. The term or a similar term may be used in other by-laws without the need of a definition. It is suggested that this term not be a defined term in the new zoning by-law, as it is self-evident what is meant by this term and that regulations may be more specific as what qualifies as a “special event”.

Outdoor Storage (see also *Outdoor Storage Use*)

Found in By-law(s): 294-97 amending By-law(s): 122-72

(1) means an area of land used in conjunction with a business located within a building or structure on the same lot, for the storage of goods and materials.

Found in By-law(s): 177-96; 2004-196

(2) means an area of land used in conjunction with a business located within a building or structure on the same lot, for the storage of goods and materials.

Outdoor Storage Use (see also *Outdoor Storage*)

Found in By-law(s): 28-97 amending By-law(s): 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

(1) means an outdoor storage area forming the main use of a lot, such as a motor vehicle wrecking yard, a motor vehicle storage compound or a construction equipment and/or materials yard.

Found in By-law(s): 177-96; 2004-196

(2) means an outdoor storage area forming the main use of a lot, such as a motor vehicle wrecking yard, a motor vehicle storage compound or a construction equipment and/or materials yard.

Analysis

Defined in Toronto (Open Storage & Salvage Yard), Hamilton (Salvage Yard), Oakville (Outside Storage & Salvage Yard), Ottawa (Storage Yard), and Mississauga (Outdoor Storage & Salvage Yard) zoning by-laws. The other municipal zoning by-laws distinguish between “open storage” associated with certain businesses and “salvage yard” dealing with motor vehicles. Further, Markham zoning by-laws also define “scrap yard” which is similar to the definitions of “salvage yard” in other municipal zoning by-laws. It is suggested that there be separate definitions in the new zoning by-law for “outdoor storage”, “salvage yard”, and possibly “scrap yard”. See analysis of “scrap yard”.

Park (*Park, Private & Park, Public*)

Found in By-law(s): 2004-196

(1) Means an area of land that is designed and/or maintained for recreational purposes and which may be in public or private ownership. Without limiting the generality of the foregoing, a park may include municipal parks and playgrounds, areas for walking, horse-riding and cross-country skiing, play grounds, outdoor skating rinks, swimming pools, tennis courts, bowling greens, arenas, boating facilities, sports fields and ancillary retail uses. Water features, such as a lake and storm water management facilities may also be located within a park.

Park, Private (*see Park & Park, Public*)

Found in By-law(s): 28-97 amending By-law(s): 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

(1) means an open space or recreational area other than a public park, operated on a commercial and/or private member basis, and which includes one or more of the following facilities or activities: (a) Areas for walking, horse-riding and cross-country skiing; (b) Recreational or playground areas such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields and accessory buildings which may include change rooms, meeting rooms and washrooms.

Found in By-law(s): 177-96

(2) means an open space or recreational area other than a public park, operated on a commercial and/or private member basis, and which includes one or more of the following facilities or activities: a) Areas for walking, horse-riding and cross-country skiing; b) Recreational or playground areas such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields and accessory buildings which may include change rooms, meeting rooms and washrooms. For the purposes of this definition, a commercial fitness centre is not permitted in conjunction with a private park.

Park, Public (*see Park & Park, Private*)

Found in By-law(s): 177-96

(1) means any area of land under the jurisdiction of a public authority that is designed and/or maintained for recreational purposes. Without limiting the generality of the foregoing, a park may include municipal parks and playgrounds, golf courses, swimming pools, tennis courts, bowling greens, arenas, boating facilities and sports fields and ancillary retail uses.

Found in By-law(s): 28-97 amending By-law(s): 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

(2) means any area of land under the jurisdiction of a public authority that is designed and/or maintained for recreational purposes. Without limiting the generality of the foregoing, a park may include municipal parks and playgrounds, golf courses, swimming pools, tennis courts, bowling greens, arenas, boating facilities and sports fields and ancillary retail uses.

Analysis

Defined in Toronto, Ottawa (Park), Hamilton (a form of Recreation, Passive), and Oakville (Park, Private & Park, Public) zoning by-laws. If there is no need to distinguish between private and public parks based on which zones they are permitted in or parking rates associated with each use, then it is suggested that there be a definition for “park” in the new zoning by-law and that it be a more simplified definition. Allowing other ancillary uses, activities or structures in conjunction with parks can be done by regulation as opposed to definition.

Parking Area (see also *Surface Parking Area, Parking Lot; Parking Lot, Commercial; Parking Lot, Municipal; and Parking Lot, Public*)

Found in By-law(s): 177-96

(1) means an open area of land not located within a public street, private street or lane which is used for the parking of four or more motor vehicles, but shall not include any area where motor vehicles for sale, rent or repair are kept or stored.

Found in By-law(s): 1767 (2003-255)

(2) means an open area of land not located on a public street, private street or lane which is used for the parking of motor vehicles, but shall not include any area where motor vehicles for sale or repair are kept or stored.

Found in By-law(s): 28-97 amending By-law(s): 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

(3) means an open area of land not located on a public street, private street or lane which is used for the parking of motor vehicles, but shall not include any area where motor vehicles for sale or repair are kept or stored.

Surface Parking Area (see also *Parking Lot, Parking Area; Parking Lot, Commercial; Parking Lot, Municipal; and Parking Lot, Public*)

Found in By-law(s): 2004-196

(1) Means an open area of land not located in a building or structure or on a public street, private street or lane which is used for the parking of motor vehicles, but shall not include any area where motor vehicles for sale or repair are kept or stored. The use of a lot for a surface parking area may be considered to be the main use of a lot.

Parking Lot (see also *Surface Parking Area, Parking Area; Parking Lot, Commercial; Parking Lot, Municipal; and Parking Lot, Public*)

Found in By-law(s): 76-93 amending By-law(s): 1229; 1767 (182-89); 2237 (209-94)

(1) means an open area, other than a street, used for the temporary parking of two (2) or more motor vehicles and available for public use whether free, for compensation or as an accommodation for clients, visitors, customers or residents.

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(2) means an open area, other than a street, used for the temporary parking of two or more motor vehicles and available for public use whether free, for compensation or as an accommodation for clients, customers or residents.

Parking Lot, Commercial (see also *Surface Parking Area, Parking Area; Parking Lot; Parking Lot, Municipal; and Parking Lot, Public*)

Found in By-law(s): 177-96

(1) means an area of land used for the parking of motor vehicles for a fee.

Found in By-law(s): 28-97 amending By-law(s): 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

(2) means an area of land used for the parking of motor vehicles for a fee, with such use forming the principal use of a lot.

Parking Lot, Municipal (see also *Surface Parking Area, Parking Area; Parking Lot; Parking Lot, Commercial; and Parking Lot, Public*)

Found in By-law(s): 177-96; 2004-196

(1) means an area of land used for the parking of motor vehicles that is owned and/or controlled by a public authority.

Municipally-Controlled Parking Lot

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(1) means a public parking lot or a private parking lot subject to an easement controlled by the Town.

Parking Lot, Public (see also *Parking Area; Parking Lot; Parking Lot, Commercial; and Parking Lot, Municipal*)

Found in By-law(s): 1229

(1) shall mean a lot or portion of a lot other than a motor vehicles sales lot used for the temporary storage or parking of six or more motor vehicles for a fee.

Analysis

Defined in Toronto (Public Parking; and a term “municipally owned” public parking is also used, but not defined), Hamilton (Commercial Parking Facility and Parking Lot), Oakville (Parking Area – Commercial, Heavy Vehicle, Surface), Ottawa (Parking lot), and Mississauga (Parking – Parking Area, Parking Lot) zoning by-laws. There should be a defined term in the new by-law for “parking” as a use that does not involve a structure. The importance to distinguish it by ownership (public, municipal, or private) is a separate matter. If parking areas or parking lots that are owned by the municipality are allowed in zones that private parking areas or parking lots are not, then there should probably be a defined distinction. If not, there should be only one definition in the new zoning by-law. Further, this is important to distinguish from “parking” that is required under the by-law for a particular use.

Parking Garage

Found in By-law(s): 1767 (2003-255)

(1) means a BUILDING or part thereof, used for the storage or parking of motor vehicles.

Found in By-law(s): 28-97 amending By-law(s): 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

(2) means a building, or part thereof, used for the storage or parking of motor vehicles.

Found in By-law(s): 177-96

(3) means a building, or part thereof, used for the storage or parking of motor vehicles.

Found in By-law(s): 2004-196

(4) Means a building, or part thereof, used for the parking of motor vehicles and may include as accessory uses, retail stores and personal service shops in the first storey and a car wash below grade, but shall not include any area where motor vehicles for sale or repair are kept or stored.

Analysis

Defined in Toronto, Ottawa (Parking Garage), Oakville (Parking Structure), and Mississauga (Parking – Parking Structure) zoning by-laws. Important to define when “parking as a use” is in a building and needs to be regulated separately from other types of parking arrangements. It is suggested that there be a definition in the new zoning by-law for this use.

Parking Pad

Found in By-law(s): 177-96

(1) 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.

Found in By-law(s): 2004-196

(2) Means an open area of land that is paved and/or treated with a stable surface that is used for the parking and/or storage of three or less motor vehicles and which is exclusively devoted to a residential use on the same lot.

Found in By-law(s): 2006-96 amending By-law(s): 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, 177-96, 28-97

(3) 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.

Analysis

Not a defined term in other municipal zoning by-laws. It may not be necessary to define, as the by-law can control the location of a “parking space”, without the need of defining that space. It is suggested that this term not be defined in the new zoning by-law.

Parking Space

Found in By-law(s): 1229 (326-82) (87-95); 242-90

(1) means an area exclusive of driveways or aisles, for the temporary parking or storage of a motor vehicle, and which has adequate access to permit ingress or egress of a motor vehicle to and from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of motor vehicles.

Found in By-law(s): 76-93 amending By-law(s): 1229

(2) means an area exclusive of driveways or aisles, for the temporary parking or storage of a motor vehicle, and which has adequate access to permit ingress or egress of a motor vehicle to and from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of motor vehicles.

Found in By-law(s): 114-83 amending By-law(s): 2612

(3) means an area, exclusive of a driveway or an aisle, reserved for the parking of motor vehicles, and having a width of not less than 2.75 metres and an area not less than 16.2 m², with unrestricted access via a driveway to a street; for underground or covered and enclosed parking, the width shall be not less than 2.6 m and the area not less than 15 m².

Found in By-law(s): 1767 (138-74) (72-88)

(4) means an area, exclusive of a driveway or aisle, reserved for the parking of motor vehicles, having dimensions of at least 9 feet by 20 feet, with unrestricted access via a driveway to a street.

Found in By-law(s): 177-96

(5) means an unobstructed space for the parking of a motor vehicle.

Found in By-law(s): 2004-196

(6) Means an unobstructed space that is designed to be used for the parking of a motor vehicle.

Found in By-law(s): 2053 (21-85); 2150 (261-90) (30-92) (237-96)

(7) means an area exclusive of driveways or aisles, for the temporary parking or storage of a motor vehicle, and which has adequate access to permit ingress or egress of a motor vehicle to and from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of motor vehicles.

Found in By-law(s): 1767 (433-86) (73-88) (182-89) (250-94); 2237 (209-94)

(8) means an area exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, and which has adequate access to permit ingress or egress of a motor vehicle to and from a street by means of driveways, aisles, maneuvering areas or similar areas, no part of which shall be used for the temporary parking or storage of one (1) or more motor vehicles.

Found in By-law(s): 1442 (113-74)

Task 5: Definitions

(9) means an area, exclusive of a driveway or aisle, reserved for the parking of motor vehicles having dimensions of at least nine (9) feet by eighteen (18) feet, with unrestricted access via a driveway to a street.

Found in By-law(s): 28-97 amending By-law(s): 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

(10) means an unobstructed space for the parking of a motor vehicle.

Analysis

Defined in Toronto, Hamilton, Oakville, Ottawa (Parking Space), and Mississauga (Parking – Parking Space) zoning by-laws. There are many definitions in Markham for this term. It is suggested that the definition be simple and explains the regulations and purpose of the term. It is also suggested that there be a definition for this term in the new zoning by-law.

Parking Space, Tandem

Found in By-law(s): 28-97 amending By-law(s): 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

(1) means a parking space that has access to a driveway or an aisle in a parking area and which is used to access one other parking space.

Analysis

Defined in Toronto (Tandem Parking Space), Oakville (Parking Space – Tandem), and Mississauga (Parking – Tandem Parking Space) zoning by-laws. It is suggested that there be a definition for this term in the new zoning by-law.

Person

Found in By-law(s): 1229; 1767; 1914; 2053; 2237; 2489; 2571; 2612; 11-72; 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) shall mean an individual, an association, a firm, a partnership or an incorporated company.

Analysis

Not a defined term in any other municipal zoning by-law. The common dictionary should suffice to define this term for the purposes of zoning. It is suggested that this term not be defined in the new zoning by-law.

Personal Service Centre (see *Personal Service Shop & Service Shops, Personal*)

Found in By-law(s): 190-91 added definition to this By-law 108-81

(1) means a building or portion thereof or a complex of buildings on a lot in which personal services are provided to the public and includes such establishments as barber shops, laundromats, hair-dressing shops, shoe repair shops and valets and other depots for collecting dry cleaning and laundry and other similar such uses.

Personal Service Shop (see *Personal Service Centre & Service Shops, Personal*)

Found in By-law(s): 28-97 amending By-law(s): 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

(1) means a premises in which services involving the care of persons or their apparel are offered and includes a barber shop, a hair dressing shop, a beauty shop, a shoe repair establishment, a dry cleaning depot, a dry cleaning establishment or similar service establishments.

Found in By-law(s): 1767 (2003-255)

(2) means PREMISES in which services involving the care of persons or their apparel are offered and includes a barber shop, a hair dressing shop, a beauty shop, a shoe repair establishment, a dry cleaning depot, a dry cleaning establishment or similar service establishments.

Found in By-law(s): 2237 (2008-272); 177-96; 2004-196

(3) means a premises in which services involving the care of persons or their apparel are offered and includes a barber shop, a hair dressing shop, a beauty shop, a shoe repair establishment, a dry cleaning depot, a dry cleaning establishment or similar service establishments.

Service Shop(s), Personal (see *Personal Service Centre & Personal Service Shop*)

Found in By-law(s): 1229 (111-94) (87-95); 1767 (433-86); 2150 (237-96); 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, and depots for collecting dry cleaning and laundry but excludes any manufacturing or fabrication of goods for sale.

Analysis

Defined in Toronto (Personal Service Shop), Hamilton (Personal Services), Oakville (Service Commercial Establishment), Ottawa (Personal service business), and Mississauga (Personal Care and Personal Service Establishment) zoning by-laws. This is a distinguishable commercial use that provides “services” as opposed to products (retail store). There is no need to distinguish personal service “centre” from a personal service “shop”. It is suggested that there be a definition for the land use (shop) term in the new zoning by-law.

Pit

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means an opening or excavation in or working of the ground for the purpose of searching for or removal of mineral, rock, soil, sand or gravel and includes as accessory thereto, any roasting yard, smelting furnace, mill work or place used for or in connection with crushing, reducing, smelting, refining or treating any of the substances listed in this definition and all ways, works, plant, buildings, and premises either below or above the ground and belonging to or used in connection with and activities listed in this definition.

Analysis

Defined in Toronto (Quarry), Oakville (Mineral Aggregate Operation), and Ottawa (Mineral extraction operation, pit, Wayside pit, and Wayside quarry) zoning by-laws. It is suggested that there be a definition in the new zoning by-law, and that consideration be given to the Provincial Policy Statement definitions for “mineral aggregate resources”, “concrete batching plant”, “asphalt plant”, “portable asphalt plant”, “portable concrete plant” and “wayside pits and quarries” in developing that definition.

Place of Amusement

Found in By-law(s): 177-96; 2004-196

(1) means a premises that contains facilities that offer games of skill and competition for the amusement of the public, such as motion simulation rides, virtual reality games, video games, computer games, laser games and similar types of uses, but does not include casinos or any other establishment accommodating gambling or gaming activities, wagering or betting, video lottery and gaming machines or any other similar type of gambling use.

Found in By-law(s): 28-97 amending By-law(s): 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

(2) means a premises that contains facilities that offer games of skill and competition for the amusement of the public such as motion simulation rides, virtual reality games, computer games, laser games and similar types of uses, but does not include casinos or any other establishment accommodating gambling or gaming activities, wagering or betting, video lottery and gaming machines or any other similar type of gambling use.

Analysis

Defined in Toronto, Mississauga (Amusement Arcade & Amusement Device), Hamilton (Amusement Arcade), Oakville (Place of Entertainment), and Ottawa (Amusement centre & Amusement park) zoning by-laws. It is suggested that there be a definition for this land use term in the new zoning by-law.

Place of Entertainment

Found in By-law(s): 247-98 amending By-law(s): 1229, 1442, 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, 177-96, 28-97

(1) means a motion picture or live theatre, arena, auditorium, planetarium, concert hall and other similar uses but shall not include an adult entertainment parlour, any use entailing the outdoor operation or racing of animals or motorized vehicles, a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other similar type of gambling use.

Found in By-law(s): 177-96; 2004-196

(2) means a motion picture or live theatre, arena, auditorium, planetarium, concert hall and other similar uses but shall not include an adult entertainment parlour, any use entailing the outdoor operation or racing of animals or motorized vehicles, a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other similar type of gambling use.

Analysis

Defined in Toronto (Entertainment Place of Assembly), Hamilton (Commercial Entertainment), Oakville (Place of Entertainment), and Mississauga (Entertainment Establishment). It is suggested that there be a definition for this land use term in the new zoning by-law.

Planned Shopping Centre (*see also Shopping Centre*)

Found in By-law(s): 1767 (205-90)

(1) means a group of commercial uses which is designed, developed and managed as a unit by a single owner or tenant or a group of owners or tenants and distinguished from a business area comprising unrelated individual commercial uses. Permitted uses shall include retail stores; department stores; banks; business and professional offices; places of entertainment and recreation; one place of worship; restaurants and taverns (but not including drive-in restaurants); commercial clubs; commercial schools; studios and other similar uses that customarily and usually locate in a Planned Shopping Centre.

Found in By-law(s): 184-78

(2) means a group of commercial uses which is designed, develop and managed as a unit by a single owner or tenant or group of owners or tenants and distinguished from a business area comprising unrelated individual commercial uses. Permitted uses shall include retail stores; department stores, banks; business and professional offices, places of entertainment and recreation; restaurants and taverns (but not including drive-in restaurants) commercial clubs; commercial schools; studios, automotive service centre for the repair and maintenance of automobiles provided it is totally contained within the main building of the Planned Shopping Centre and does not include any sale of gasoline and other similar uses that customarily and usually locate in a Planned Shopping Centre.

Shopping Centre (*see also Planned Shopping Centre*)

Found in By-law(s): 76-93; 28-97 amending By-law(s): 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

Task 5: Definitions

(1) means a building or a group of buildings containing a combination of commercial uses which has been designed, developed and managed as one unit by a single owner or tenant, or group of owners and tenants, as distinguished from a business area comprising unrelated individual uses.

Found in By-law(s): 1767 (2003-255)

(2) means a BUILDING containing a group of commercial uses which has been designed, developed and managed as one unit by a single owner or tenant, or group of owners and tenants, as distinguished from a business area comprising unrelated individual uses, but shall not include a DRIVE-THROUGH SERVICE USE.

Analysis

Defined in Hamilton (Planned Business Centre) zoning by-law only. This term is a collection of retail and service uses permitted and treated under one property. This can be controlled by regulation instead of by definition. It is suggested that this term not be a defined term in the new zoning by-law. It is noted that if the term is not defined in the new by-law then changes will be required to existing parking standards which are based on this definition. Need to review this in context of parking standards recommendations.

Porch

Found in By-law(s): 2004-196

(1) Means a structure abutting a main wall of a building having a roof but with walls that are open and unenclosed.

Found in By-law(s): 177-96

(2) means a structure with a roof and at least two sides that are open and unenclosed, is accessed by stairs from grade and which provides access to the first storey of a dwelling unit. In the case of townhouse dwelling unit, at least one side is 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 2013-108.

Analysis

Defined in Hamilton (Deck), Oakville and Mississauga (Porch) zoning by-laws. Certain by-laws, such as Toronto treat a “porch” as a form of “platform” which is undefined, but regulated. Other by-laws, such as Mississauga, define “porch”, “deck”, “balcony” as different things. There will need to be an assessment on whether a porch should be defined separately from other types of platforms, if it should be defined as a form of platform, or if it needs to be defined at all in the new zoning by-law.

Premises

Found in By-law(s): 1767 (2003-255); 2237 (2008-272)

(1) means an area of a BUILDING occupied or used by a business or enterprise. In a multiple tenancy BUILDING occupied by more than one (1) business, each business area shall be considered a separate PREMISES. Each individual unit proposed and/or registered in a draft Plan of Condominium shall also be considered an individual PREMISES.

Found in By-law(s): 176-73; 28-97 amending By-law(s): 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

(2) means the area of building(s) or part thereof occupied or used by a business or enterprise. In a multiple tenancy building, occupied by more than one (1) business, each business area shall be considered a separate premises. Each individual unit proposed and/or registered in a draft plan of condominium shall also be considered a separate premises with the exception of those units designated for storage purposes.

Found in By-law(s): 177-96

(3) means the area of building(s) or part thereof occupied or used by a individual business or enterprise.

Found in By-law(s): 2004-196

(4) Means an area of a building occupied or used by a business or enterprise. In a multiple tenancy building occupied by more than one (1) business, each business area shall be considered a separate premises. Each individual unit proposed and/or registered in a draft Plan of Condominium shall also be considered an individual premises.

Analysis

Defined in Toronto and Oakville (Premises) zoning by-laws. The Toronto definition is broader in that it applies to “parts of lands, buildings or structures”, while Oakville’s definition is similar to Markham’s in that it pertains to parts of buildings “used by businesses”. There will need to be an evaluation as to the importance of defining this term in the new zoning by-law.

Printing and/or Photocopying Establishment

Found in By-law(s): 1229 (2009-114)

(1) shall mean a building or part of a building in which the business of producing documents or drawings, by mechanical means and other reproduction techniques such as photocopying, is carried on in return for compensation.

Analysis

Defined in Toronto (Retail Service) zoning by-law only. In other by-laws this use would likely fall under the “Retail Store” definition. Toronto’s by-law also includes “bindery” and “printing establishment” as land use terms that are undefined. The “Retail Service” definition in Toronto is specific to “photocopying, printing, postal, or courier services”. There will need to be an evaluation as to the importance of defining this term in the new zoning by-law.

Privacy Area

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(1) means a portion of an outdoor living area immediately adjoining a dwelling unit and separated by a privacy screen from adjacent dwelling units.

Private Home Care Agency

Found in By-law(s): 426-85 amending By-law(s): 1229, 1507, 1767, 2150, 2237, 2489, 2571, 2612, 2325-68, 11-72, 122-72, 83-73, 84-73, 151-75, 250-77, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 72-81, 90-81; 304-87; 242-90; 19-94

(1) means a person or agency providing Private Home Day Care at more than one location.

Analysis

Not a defined term in any of the other municipal zoning by-laws. Not clear why this land use cannot fall under “private home daycare” or “day nursery”. It is suggested that this form of land use be incorporated under one of those definitions.

Private Home Daycare (see also Private-Home Daycare)

Found in By-law(s): 177-96

(1) means the use of a dwelling unit for the temporary care and/or guidance of three children or less for a continuous period not exceeding 24 hours.

Found in By-law(s): 2004-196

(2) Means the use of a dwelling unit for the temporary care and/or guidance of 5 children or less for a continuous period not exceeding twenty-four hours.

Private-Home Daycare (see also Private Home Daycare)

Found in By-law(s): 426-85 amending By-law(s): 1229, 1507, 1767, 2150, 2237, 2489, 2571, 2612, 2325-68, 11-72, 122-72, 83-73, 84-73, 151-75, 250-77, 162-78, 163-78, 184-78, 72-79, 91-79, 118-79, 134-79, 153-80, 72-81, 90-81; 221-81; 194-82; 196-82; 47-85; 304-87; 242-90; 19-94

(1) means the temporary care and custody, for reward or compensation, of not more than 3 children, 12 years of age and under, in a private residence for a continuous period not exceeding 24 hours, except where the person providing the day care service has entered into an agreement with the Regional Municipality of York or a private home care agency licensed by the Ministry of Community and Social Services pursuant to the Day Nurseries Act RSO, 1980, Chapter 111, in which case a maximum of 5 children shall be permitted; provided also that the total number of children to be permitted in any one day shall not exceed the figures as noted herein.

Analysis

Defined in Toronto (Private Home Daycare), Oakville (Private Home Day Care), Ottawa (a form of Home-based business), and Mississauga (Day Care) zoning by-laws. It is suggested that this land use term be defined and that it be distinguishable from the land use term “daycare”, as it may differ in the type of zones that it is permitted in. Further, there should be consideration for the term ‘day nursery’ as used under the Day Nurseries Act.

Privately-Owned Outdoor Swimming Pool (see also Swimming Pool)

Found in By-law(s): 304-87.

(1) means any privately-owned body of water located outdoors above or below finished grade on privately owned property, contained by artificial means in which the depth of the water at any point can exceed twenty-four (24) inches and used or capable of being used for the purpose of swimming, diving or bathing.

Swimming Pool (see also *Privately-Owned Outdoor Swimming Pool*)

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means an artificial body of water, excluding ponds, of more than one hundred (100) square feet in area, used for bathing, swimming or diving.

Found in By-law(s): 177-96

(2) means any body of water contained by artificial means located outdoors on privately owned property in which the depth of the water at any point can exceed 0.6 metres and shall include any Accessory deck or support structure.

Analysis

Defined in Mississauga (Swimming Pool) zoning by-law only. It is not clear if it is necessary to define in the zoning by-law. Most zoning by-laws considered this an accessory structure. It is suggested that this term not be defined in the new zoning by-law. There will need to be a determination as to whether or not Markham will consider swimming pools as structures and if they are to be regulated under the new zoning by-law in terms of such issues as lot coverage. Under these latter circumstances a definition may be necessary and helpful.

Public Authority

Found in By-law(s): 177-96

(1) means any commission, board, or authority or any quasi-public body that is controlled by the Federal, Provincial, Regional and City government.

Found in By-law(s): 2009-96 amending By-law(s): 1229, 1507, 1767, 1914, 2053, 2150, 2237, 2284-68, 2325-68, 2402, 2489, 2551, 2571, 2612, 11-72, 122-72, 77-73, 83-73, 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, 209-81, 221-81, 28-82, 194-82, 196-82, 47-85, 304-87, 242-90, 19-94, 177-96, 28-97, 2004-196

(2) shall mean any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a public authority such as a public transit commission.

Analysis

Defined in Oakville and Mississauga (Public Authority) zoning by-laws. Since this definition includes different levels of government and their various agencies, it is suggested that this term be defined in the new zoning by-law. It is noted that this definition was recently amended and applied to many Markham zoning by-laws, except By-law 177-96.

Public Transit System

Found in By-law(s): 2004-196

(1) Means a system operated and/or financed (in whole or in part) by a public authority that is designed to carry passengers from one destination to another using either of or a combination of buses and other passenger motor vehicles and trains.

Analysis

Defined in Toronto (Transportation Use) and Oakville (a form of Infrastructure) zoning by-laws. It may not be necessary to define the land use as zoning normally does not regulate such use and it may fall under the definition of “public authority” or “public use”. It is suggested that this land use not be defined in the new zoning by-law.

Public Use

Found in By-law(s): 177-96

(1) means any use of land, buildings or structures by or on behalf of a public authority.

Analysis

Not a defined land use in any of the other municipal zoning by-laws. This definition is covered under the definition “public authority”. It is suggested that this land use not be defined in the new zoning by-law.

Rear Main Wall

Found in By-law(s): 96-1999 amending By-law(s): 1229

(1) means the exterior main wall of a dwelling unit that is furthest from the front main wall of that unit.

Analysis

Not a defined term in the other municipal zoning by-laws. Not sure of the need to define this term, since references can be made to “main wall” in general and to “rear yard” or “rear lot line”. It is suggested that this term not be defined in the new zoning by-law.

Rear Yard (see also *Yard, Rear*)

Found in By-law(s): 276-88 amending By-law(s): 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2571, 2612, 11-72, 122-72, 83-73, 84-73, 151-75, 127-76, 250-77, 145-78, 162-78, 163-78, 72-79, 91-79, 118-79, 134-79, 153-80, 72-81, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87

(1) means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of the main building or structure on the lot.

Yard, Rear (see also *Rear Yard*)

Found in By-law(s): 1229; 1767; 1914; 2053; 2237; 2489; 2571; 2612; 11-72; 122-72; 77-73; 83-73; 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; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85; 304-87; 242-90; 19-94

(1) shall mean open space extending across the full width of the lot between the rear lot line and the nearest main wall of the main building or structure on the lot.

Found in By-law(s): 2551

(2) means the open space extending across the full width of the lot between the rear lot line and the nearest main wall of any building or structure on the lot.

Found in By-law(s): 177-96; 2004-196

(3) means a yard extending across the full width of the lot between the rear lot line and the nearest main walls of the main building or structure on the lot.

Analysis

Defined in Toronto (Rear Yard), Hamilton, Mississauga (Yard- Rear Yard), Oakville (Yard- Rear), and Ottawa (Yard – rear yard) zoning by-laws. It is suggested that there be a definition in the new zoning by-law.

Recreation and Entertainment Centre

Found in By-law(s): 190-91 added definition to this By-law 108-81

(1) means a building or portion thereof or complex of buildings on a lot intended for uses such as PRIVATE CLUBS, HEALTH CENTRES, cinemas or theatre, banquet hall, billiard hall, bowling alley and other similar indoor recreational and entertainment uses, but shall not include an ADULT ENTERTAINMENT PARLOUR.

Analysis

Not a defined land use term in the other municipal zoning by-laws. This is actually a combination of two defined land uses. It is suggested that there be a definition for “recreation establishment” and a definition for “entertainment establishment”, but not a combined land use definition in the new zoning by-law.

Recreation Association

Found in By-law(s): 122-72

(1) means an organization owning land in common for recreation purposes on a temporary or seasonal basis, and may consist of any combination of individually or commonly owned dwelling units and/or recreational facilities.

Analysis

Not a defined term in other municipal zoning by-laws. It may not be necessary to define this type of organization in zoning. It is suggested that this term not be defined in the new zoning by-law.

Recreational Establishment (*see also Recreational Use & Recreational Uses*)

Found in By-law(s): 177-96; 2004-196

(1) means a use of land, building or structure that has been designed and equipped for the conduct of sports and leisure time activities such as a public hall, billiard or pool room, bowling alley, ice/curling or roller skating rink, miniature golf or driving range, an establishment offering three or more electronic video games for public use and other similar uses, but shall not include a commercial fitness centre, adult entertainment parlour, any use entailing the outdoor operation or racing of animals or motorized vehicles, a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other similar type of gambling use, or any other sports or leisure time use otherwise defined in this By-law.

Found in By-law(s): 247-98 amending By-law(s): 1229, 1442, 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, 177-96, 28-97

(2) means a use of land, building or structure that has been designed and equipped for the conduct of sports and leisure time activities such as a public hall, billiard or pool room, bowling alley, ice/curling or roller skating rink, miniature golf or driving range, an establishment offering three or more electronic video games for public use and other similar uses, but shall not include a commercial fitness centre, adult entertainment parlour, any use entailing the outdoor operation or racing of animals or motorized vehicles, a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other similar type of gambling use, or any other sports or leisure time use otherwise defined in this By-law.

Recreational Uses (see also *Recreational Establishment & Recreational Use*)

Found in By-law(s): 122-72; 119-73

(1) means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses (excluding golf driving ranges or miniature golf courses), picnic areas, swimming pools, day camps, community centres, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including track for the racing of animals, or any form of motorized vehicles.

Recreational Use (see also *Recreational Establishment & Recreational Uses*)

Found in By-law(s): 28-97 amending By-law(s): 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. (NOTE: This term was replaced by the definition term "Recreational Establishment" for By-laws 77-73, 127-76, 28-97, and 177-96)

(1) means a use of land, building or structure that has been designed and equipped for the conduct of sports and leisure time activities such as a bowling alley, a curling rink, a billiard hall, an indoor golf driving range and other such uses, but does not include a commercial fitness centre, any use requiring the outdoor operation of motor vehicles or any other sports or leisure time use otherwise defined by this By-law.

Analysis

Defined in Toronto (Recreation Use & Sports Place of Assembly), Hamilton (Recreation), Oakville (Sports Facility), Ottawa (Recreational and athletic facility), and Mississauga (Recreational Establishment) zoning by-laws. It is suggested that there be a defined land use term in the new zoning by-law.

Recreational Trailer or Vehicle

Found in By-law(s): 28-97 amending By-law(s): 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

(1) means any vehicle that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term recreational basis for living, sleeping or eating accommodation of human beings and includes a travel trailer, pick-up camper or tent trailer.

Recreational Vehicle

Found in By-law(s) 141-95 amending By-law(s): 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2551, 2571, 2612, 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, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87, 19-94

(1) means a vehicle primarily used for sport, recreation or similar activity including, but not limited to boats and other water oriented sport vessels, snowmobiles, off-road and motocross vehicles, campers and self-propelled motor homes providing sleeping and other short-term living facilities.

Analysis

Defined in Hamilton, Oakville, Ottawa, and Mississauga (Mobile Home) zoning by-laws. It is suggested that the term be defined in the new zoning by-law.

Repair Shop (see also Service Shop)

Found in By-law(s): 177-96; 2004-196

(1) means a premises used primarily for the repair of household articles but shall not include shops for the repair of internal combustion engines, motor vehicles or other similar uses.

Found in By-law(s): 28-97 amending by-law(s): 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

(2) means a premises used primarily for the repair of household articles but shall not include shops for the repair of internal combustion engines, motor vehicles or other similar uses.

Service Shop (see also Repair Shop)

Found in By-law(s): 1229, 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) shall mean a building or part of a building whether in conjunction with a retail store or not, for the repair or servicing of goods, commodities, articles or materials, but not for the manufacturing of same.

Found in By-law(s): 111-94; 87-95 amending By-law(s): 1229; 2150 (237-96)

(2) means a building or part thereof used primarily for the repair of household articles and shall include radio, television and appliance repair shops but shall not include industrial or manufacturing or shops for the repair of internal combustion engines, motorized vehicles and other similar obnoxious uses.

Analysis

Defined in Toronto (Service Shop), Hamilton (Repair Service), Oakville (Repair Shop), Ottawa (Service and repair shop), and Mississauga (Repair Establishment & Repair Service) zoning by-laws. It is suggested that there be a definition for this land use in the new zoning by-law.

Reserve

Found in By-law(s): 28-97 amending By-law(s): 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; 2004-196

(1) means a strip of land abutting a public street and owned by the authority having jurisdiction over such a public street. For the purposes of this By-law, a lot separated from a public street by a reserve shall be deemed to abut such a public street.

Found in By-law(s): 177-96

(2) means a strip of land abutting a public street and owned by the authority having jurisdiction over such a public street.

Analysis

Not a defined term in the other municipal zoning by-laws. The term is currently applicable in the general provisions where a lot is separated from the street by reserve and is deemed to have frontage on the street for setback purposes. It may be necessary to define this term in the new zoning by-law.

Residential purposes (see Residential Use)

Found in y-law(s): 1442, 1554

(1) shall mean the use of any building or structure exclusively as human habitation, or for use by a medical or dental practitioner in the ordinary practice of his profession.

Residential Use (see Residential purposes)

Found in By-law(s): 28-97 amending By-law(s): 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; 2004-196

(1) means the use of land and buildings for human habitation.

Analysis

Defined in Toronto (Residential Building) and Ottawa (Residential use building) zoning by-laws. It is suggested that there be a definition for 'residential building' in the new zoning by-law, but not 'residential use' or 'residential purposes'. This will assist in explaining the difference between a 'non-residential building' and a 'mixed use building'.

Restaurant (see also *Restaurant, Full Service*)

Found in By-law(s): 70-82; 28-97 amending By-law(s): 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

(1) means a premises in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the building and which may include the preparation of food in a ready-to-consume state for consumption off the premises.

Found in By-law(s): 1767 (2003-255); 2237 (2008-272)

(2) means PREMISES in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the BUILDING and which may include the preparation of food in a ready-to-consume state for consumption off the PREMISES, but will not include a DRIVE-THROUGH SERVICE USE.

Found in By-law(s): 177-96; 2004-196

(3) means a premises in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the building and which may include the preparation of food in a ready-to-consume state for consumption off the premises.

Found in By-law(s): 1229 (326-82) (188-91); 2150 (111-86) (261-90) (237-96)

(4) means an establishment for the preparation and sale of meals served by a restaurant employee to a table located in an area inside or outside the building where the food is prepared and, as an accessory use thereto, such establishment may offer a take-out service. Such establishment may include a licensed dining lounge.

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(5) means an establishment for the preparation and sale of food and beverages served by a restaurant employee to a table located in an area inside or outside the building where the food is prepared and, as an accessory use thereto, such establishment may offer take-out service. Such establishment may include a licensed dining lounge and a pub-style restaurant.

Restaurant, Full-Service (see also *Restaurant*)

Found in By-law(s): 223-92 amending By-law(s): 108-81.

Found in By-law(s): 226-91; 76-93; 87-95 amending By-law(s): 1229; 1767 (260-91)

(1) means an establishment for the preparation and sale of meals served by a restaurant employee to a patron seated at a table or counter and, as an accessory use thereto, may offer a take-out service.

Analysis

Defined in Toronto (Eating Establishment), Hamilton, Oakville (Restaurant), Ottawa (Restaurant- Full-service restaurant), and Mississauga (Restaurants- Restaurant) zoning by-laws. It is suggested that this land use term be defined in the new zoning by-law.

Restaurant, Take Out

Found in By-law(s): 1767 (2003-255)

(1) means PREMISES designed and used for the sale of food or refreshments to the public for consumption off the PREMISES and may include, as an accessory use, a seating area for up to twelve persons, but will not include a DRIVE-THROUGH SERVICE USE.

Found in By-law(s): 70-82; 76-93; 28-97 amending By-law(s): 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

(2) means a premises designed and used for the sale of food or refreshments to the public for consumption off the premises and may include, as an accessory use, a seating area for up to twelve patrons.

Found in By-law(s): 226-91; 87-95 amending By-law(s): 1229; 1767 (260-91)

(3) means an establishment for the preparation and sale of meals for consumption off the premises and, as an accessory use thereto, may offer an eating area for up to twelve patrons.

Found in By-law(s): 223-92 amending By-law(s): 108-81. See By-law 108-81.

Found in By-law(s): 177-96

(5) means a premises designed and used for the sale of food or refreshments to the public for consumption off the premises and may include, as an accessory use, a seating area for up to twelve patrons.

Found in By-law(s): 2150 (111-86) (261-90)

(6) means an establishment where food and beverage are prepared and sold, primarily for delivery to be pick-up by customers for consumption off the premises.

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(7) means an establishment where food and beverage are prepared and sold, primarily for delivery to or pick-up by customers for consumption off the premises.

Restaurant, Café

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(1) means an establishment serving primarily hot beverages such as coffees and teas, and as accessory thereto may offer associated food products.

Analysis

Defined in Toronto (Take-out Eating Establishment), Ottawa (Restaurant- Take-out restaurant), and Mississauga (Restaurants- Take-out Restaurant) zoning by-laws. There are additional definitions found in the by-laws pertaining to “café restaurant” and “fast food restaurant” that need to be factored into this as well. It is suggested that a definition for this land use term be included in the new zoning by-law.

Retail Store (see also *Store, Retail*)

Found in By-law(s): 177-96; 2004-196

(1) means a premises in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the general public.

Found in By-law(s): 53-94 amending By-law(s): 1229 (87-95); 1442; 1507; 1767; 2150; 2237; 2489; 2571; 2612; 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; 90-81; 193-81; 221-81; 194-82; 196-82; 304-87; 19-94

(2) means a building or part thereof in which one or more articles of merchandise or commerce are sold at retail.

Found in By-law(s): 1767 (2003-255); 2237 (2008-272)

(3) means PREMISES in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the general public, but shall not include a DRIVE-THROUGH SERVICE USE.

Found in By-law(s): 220-2000; 28-97 amending By-law(s): 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

(4) means a premises in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the general public.

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(5) means a premise in which the principal activity is the display and sale of merchandise to the general public for household or personal consumption (excluding wholesale) with the majority of sales being conducted by traditional „over the counter“ means direct to the consumer (excluding rentals or indirect sales such as vending machines, catalogues or internet sales).

Store, Retail (see also *Retail Store*)

Found in By-law(s): 1767 (433-86); 2150 (237-96); 122-72; 77-73; 83-73; 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

(1) means a building or part thereof in which goods, wares, merchandise substances, articles or things are offered or kept for sale directly to the public at retail.

Analysis

Defined in Toronto, Oakville, Mississauga (Retail Store), Hamilton (Retail), and Ottawa (Retail store) zoning by-laws. It is suggested that this land use term be defined in the new zoning by-law.

Rural Industrial Use

Found in By-law(s): 2551; 304-87

(1) means the use of land, building or structure for an industrial use of a scale to permit disposal of domestic sewage on the lot, and may be a storage or warehousing operation, and which does not require municipal water or municipal sanitary sewers as a necessary part of that industrial operation.

Analysis

Not a defined term in other municipal zoning by-laws. This definition is better controlled as a regulation instead of a definition. The types of industrial uses should be specific and with conditions as to how they are serviced. It is suggested that this term not be a defined term in the new zoning by-law.

Sanitary sewage system

Found in By-law(s): 1442

(1) shall mean a system of sanitary sewers connected to a sewage disposal plant which is owned and operated by a municipality.

Analysis

Not a defined term in other municipal zoning by-laws. This matter is a form of public infrastructure that is located in all zones and is not a 'use'. It is suggested that this term not be defined in the new zoning by-law.

Satellite Dish

Found in By-law(s): 276-88 amending By-law(s): 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2571, 2612, 11-72, 122-72, 83-73, 84-73, 151-75, 127-76, 250-77, 145-78, 162-78, 163-78, 72-79, 91-79, 118-79, 134-79, 153-80, 72-81, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87; 242-90; 19-94

(1) shall mean a device designed to receive or send communication signals from or to a satellite.

Analysis

Defined in Ottawa (Satellite dish) and Mississauga (Satellite Dish- see Receiving/ Telecommunication Device) zoning by-laws. It may not be necessary to define the term since as technology changes the term may be irrelevant to define. It is suggested that this term not be defined in the new zoning by-law.

School (see also School, Non-Commercial)

Found in By-law(s): 77-73; 83-73; 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; 242-90; 19-94

(1) shall mean an educational establishment.

School, Non-Commercial (see also School)

Found in By-law(s): 122-72

(1) means a public or private, religious or philanthropic school not conducted for gain.

Analysis

Defined in Ottawa (School) zoning by-law only. All other municipal zoning by-laws breakdown schools by definition by "type" of school. See "School, Private" and "School, Public". It is suggested that this land use term not be defined by this term, but rather by other land use terms in the new zoning by-law.

School, Portable

Found in By-law(s): 177-96

(1) means a temporary building or structure designed to serve as a classroom on a lot that is also the site of a public school.

Analysis

Not a defined term in any of the other municipal zoning by-laws. It was recently defined so that main building development standards could be applied to these structures rather than accessory building standards. For this reason it may be necessary to define in the new zoning by-law.

School, Private

Found in By-law(s): 28-97 amending By-law(s): 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; 2004-196

(1) means a premises used as an academic school which secures the major part of its funding from sources other than government agencies.

Found in By-law(s): 177-96

(2) means a building or part of a building used as an academic school that follows the Ministry of Education's curriculum for elementary and/or secondary schools, and which secures the major part of its funding from private sources.

Found in By-law(s): 216-1999 amending By-law(s): 1229

(3) means a premises used as an academic school which secures the major part of its funding from sources other than government agencies.

Analysis

Defined in Toronto (Private School), Oakville (School- Private), and Mississauga (Schools – Private School) zoning by-laws. Note that Markham's Official Plan has a definition for 'Private school'. It is suggested this land use term be defined in the new zoning by-law.

School, Public

Found in By-law(s): 177-96

(1) 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.

Found in By-law(s): 172-94 amending By-law(s): 1229

(2) shall mean an authorized elementary or secondary school under the jurisdiction of the York Region Board of Education.

Found in By-law(s): 28-97 amending By-law(s): 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,

Task 5: Definitions

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; 2004-196

(3) Means a premises 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.

Analysis

Defined in Toronto (Public School), Oakville (School- Public), and Mississauga (Schools – Public School) zoning by-laws. Note that Markham’s Official Plan has a definition for ‘Public school’. It is suggested this land use term be defined in the new zoning by-law and that the definition incorporate Separate School Boards as part of its definition.

School, Separate

Found in By-law(s): 172-94 amending By-law(s): 1229

(1) shall mean an authorized elementary or secondary school under the jurisdiction of the York Region Roman Catholic Separate School Board.

Found in By-law(s): 77-73; 83-73; 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; 242-90; 19-94

(2) shall mean an authorized school under the jurisdiction of a Separate School Board.

Analysis

Not a defined land use term in the other municipal zoning by-laws. This land use is considered a form of ‘public school’, where that land use term is defined. It is suggested that this land use term not be defined in the new zoning by-law and that it become part of the new definition for public school (see above).

Scrap Yard

Found in By-law(s): 11-76 amending By-law(s): 151-75; 122-72; 77-73; 83-73; 119-73; 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

(1) means a premises for the storage and/or handling or processing of scrap material, which, without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, vehicles, tires, metal and/or other scrap material and salvage.

Analysis

Defined in Toronto, Hamilton, Oakville, Mississauga (Salvage Yard), and Ottawa (form of Storage Yard), zoning by-laws. The other municipal zoning by-laws distinguish between “open storage” associated with certain businesses and “salvage yard” dealing with motor vehicles. Further, Markham zoning by-laws also define “outdoor storage use” which is similar to the definitions of “salvage yard” in other municipal zoning by-laws. It is suggested that there be separate definitions in the new zoning by-law for “scrap yard”, “salvage yard”, and “outdoor storage”. See also analysis of “outdoor storage”.

Secondary Use

Found in By-law(s): 53-94 amending By-law(s): 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2571, 2612, 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, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87, 19-94

(1) 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.

Analysis

Not a defined land use term in any of the other zoning by-laws. This term should not be confused with the term 'secondary suite', which is a defined term in Markham's Official Plan. This land use, by its own definition falls under the definition of 'accessory use'. Staff have indicated that this term was intended for home occupations that were not considered minor or incidental to the permitted principle residential use. The definition would seem to contradict its original intention. It is important to further analyse the need to define this use in the new zoning by-law.

Setback

Found in By-law(s): 2004-196

(1) Means a minimum or maximum distance between a building and a lot line and/or streetline. In calculating the setback, the horizontal distance from the respective lot line and/or streetline shall be used.

Found in By-law(s): 1442 (113-74); 2237 (209-94); 122-72; 77-73; 83-73; 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; 242-90; 19-94

(2) means the distance between a lot line or the centre line of a street and the nearest main wall of any building or structure.

Found in By-law(s): 1229 (96-1999) (82-2000)

(3) means distance between a lot line and the nearest main wall of any building or structure.

Analysis

Defined in Toronto (Front Yard Setback, Side Yard Setback, and Rear Yard Setback) and Hamilton (Setback) zoning by-laws. It is suggested that it be defined like Toronto's by-law, as the way the 'setback' is measured by yard may differ. It is also suggested that there be definitions involving setbacks in the new zoning by-law.

Sidewalk

Found By-law(s): 177-96

(1) means a hard-surfaced area within the municipal right-of-way that is designed for use by pedestrians.

Found in By-law(s): 28-97 amending By-law(s): 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,

Task 5: Definitions

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

(2) means a hard-surfaced area within the municipal right-of-way that is designed for use by pedestrians.

Analysis

Not a defined term in the other municipal zoning by-laws. Zoning by-laws typically do not regulate public sidewalks. It was defined for the purpose of assisting with the enforcement of vehicles parked on a driveway where vehicles extend over a sidewalk. It is suggested that this term not be defined in the new zoning by-law.

Sign

Found in By-law(s): 1229, 122-72; 77-73; 83-73; 119-73

(1) shall mean an advertisement by means of painting on, or attaching bills, letters or numerals to any structure canopy surface or device and shall include the structure, canopy surface or device upon which the advertisement is painted, placed and attached.

Analysis

None of the other municipal zoning by-laws define this term. Since regulations over signs are normally dealt with by a Sign By-law, it is suggested that this term not be defined in the new zoning by-law.

Sign Area

Found in By-law(s): 122-72; 77-73; 83-73; 119-73

(1) means the area of the smallest triangle, rectangle or circle or semi-circle which can wholly enclose the surface area of the sign. All visible faces of a multifaceted sign shall be counted separately and then totaled in calculating sign area. Three dimensional signs shall be treated as dual- faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle or circle or semi-circle which can totally circumscribe the sign in the plane of its largest dimension.

Found in By-law(s): 1767 (138-74)

(2) shall mean the area of the smallest triangle, rectangle, semicircle or circle which can wholly enclose the surface of the sign. All visible faces of a multi-faced sign shall be counted separately and then totalled in calculating sign area.

Analysis

None of the other municipal zoning by-laws define this term. Since regulations over signs are normally dealt with by a Sign By-law, it is suggested that this term not be defined in the new zoning by-law.

Sign, Illuminated

Found in By-law(s): 122-72; 77-73; 83-73; 119-73

(1) means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon or chiefly directed at the surface of the sign.

Analysis

None of the other municipal zoning by-laws define this term. Since regulations over signs are normally dealt with by a Sign By-law, it is suggested that this term not be defined in the new zoning by-law.

Sign, Number

Found in By-law(s): 122-72; 77-73; 83-73; 119-73

(1) means that for the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered a single sign.

Analysis

None of the other municipal zoning by-laws define this term. Since regulations over signs are normally dealt with by a Sign By-law, it is suggested that this term not be defined in the new zoning by-law.

Sign, Projecting

Found in By-law(s): 122-72; 77-73; 83-73; 119-73

(1) means a sign which projects from and is supported by a wall of a building.

Analysis

None of the other municipal zoning by-laws define this term. Since regulations over signs are normally dealt with by a Sign By-law, it is suggested that this term not be defined in the new zoning by-law.

Sign, Wall (*see also Wall Sign*)

Found in By-law(s): 122-72; 77-73; 83-73; 119-73

(1) means a sign which is attached directly to or painted upon a building wall, and which does not extend more than eighteen (18) inches there from, nor extend above the roof line.

Wall Sign (*see also Sign, Wall*)

Found in By-law(s): 1767 (138-74)

(1) shall mean a sign which is attached and parallel to the wall of a building or which is painted on such a wall.

Analysis

None of the other municipal zoning by-laws define this term. Since regulations over signs are normally dealt with by a Sign By-law, it is suggested that this term not be defined in the new zoning by-law.

Special Policy Area

Found in By-law(s): 177-96

(1) means an area within a community that has historically existed in the flood plain and where site specific policies are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to Provincial policies concerning development.

Analysis

Not a defined term in the other municipal zoning by-laws. Note that Markham's Official Plan defines 'Special Policy Area'. If the new zoning by-law is to include a definition for this term, it should be consistent with the Official Plan definition.

Storey

Found in By-law(s): 1767 (2003-255)

(1) means that portion of a BUILDING between the surface of a floor and the floor, ceiling or roof immediately above. Any portion of a BUILDING partly below GRADE level shall be deemed a STOREY where its ceiling is at least 1.8 metres above ESTABLISHED GRADE. Any portion of a STOREY exceeding 5.4 metres in height shall be deemed to be an additional STOREY. Where a BUILDING is constructed above a PARKING GARAGE, the PARKING GARAGE shall not be deemed a STOREY. A mechanical penthouse shall not be deemed a storey.

Found in By-law(s): 1229; 1767; 1914; 2053; 2237; 2489; 2571; 2612; 11-72; 122-72; 77-73; 83-73; 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; 242-90; 19-94

(2) shall mean that portion of a building other than a cellar or attic storey which is included between one floor level and the next higher floor level or the roof and which is not less than eight feet nor more than fourteen feet in height.

Found in By-law(s): 1229 (99-90); 1767 (100-90); 2237 (101-90)

(3) means the portion of a SINGLE FAMILY DETACHED DWELLING, other than a CELLAR or unfinished attic, located between the surface of any floor and the surface of the floor or roof above, and shall include a BASEMENT.

Found in By-law(s): 1442 (113-74)

(4) means that portion of a building other than a cellar or attic or half storey, included between the surface of any floor and the surface of the floor or roof above and shall include a basement.

Found in By-law(s): 177-96; 2004-196

(5) means that portion of a building between the surface of a floor and the floor, ceiling or roof immediately above. Any portion of a building partly below grade level shall be deemed a storey where its ceiling is at least 1.8 metres above established grade. Any portion of a storey exceeding 4.2 metres in height shall be deemed to be an additional storey.

Analysis

Defined in Toronto, Hamilton, Oakville, Ottawa, and Mississauga (Storey) zoning by-laws. It is suggested that there be a definition for this term in the new zoning by-law.

Storey height

Found in By-law(s): 1442

(1) shall mean the perpendicular distance from the top of the beams or joists in one storey to the corresponding point in the next storey.

Analysis

Not a defined term in any of the other municipal zoning by-laws. This should be part of “height” definition or how “height” is regulated in particular zones for particular buildings or structures. It is suggested that this term not be defined in the new zoning by-law.

Storey, Half

Found in By-law(s): 1442 (113-74); 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means that portion of a building situated wholly or partly with in a sloping roof and in which there is sufficient space to provide a floor area equal to at least one third (1/3) but not greater than two thirds (2/3) of the floor area of the Storey next below and having sidewalls not less than four feet six inches (4’6”) in height and a ceiling sloped so as to provide a minimum height of seven feet six inches (7’6”) over at least fifty per cent (50%) of its floor area.

Analysis

Not a defined term in any of the other municipal zoning by-laws. When comparing this definition to “attic”, it is clear that this is something other than an attic, as it involves significant space. There is a need to further analyse if it is necessary to have this term defined in the new zoning by-law, or if it can be part of the definition of “storey”.

Stormwater Management Facility

Found in By-law(s): 2004-196

(1) Means the use of land for the collection and treatment of run-off from development areas.

Analysis

Defined in Oakville (Stormwater Management Facility) and Mississauga (Stormwater Management). It is suggested that there be a definition for this land use in the new zoning by-law.

Street Line (see also *Street Line, Ultimate and Streetline*)

Found in By-law(s): 28-97 amending By-law(s): 1229, 1442, 1507, 1767, 1767 (125-86), 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

(1) means the boundary between a public street and a lot.

Found in By-law(s): 1767 (433-86)

(2) means boundary line of a street.

Streetline (*see also Street Line and Street Line, Ultimate*)

Found in By-law(s): 177-96; 2004-196

(1) means the boundary between a public street and a lot.

Street Line, Ultimate (*see also Street Line and Streetline*)

Found in By-law(s): 1767 (72-88); 122-72; 77-73; 83-73; 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; 221-81; 28-82; 194-82; 196-82; 47-85; 304-87; 242-90; 19-94

(1) means the ultimate widened boundary of the street or highway which is designated, in the Town's Official Plan, to have a greater 'planned width of street allowance' or as may be required by Statutory Authorities having jurisdiction over certain highways in the Town.

Analysis

Defined in Mississauga (Street line) zoning by-law only. It is not necessary to define this term, as the definition of 'street' should incorporate both existing and future street areas in the new zoning by-law.

Street, Private

Found in By-law(s): 177-96; 2004-196

(1) means a private right-of-way that is used by motor vehicles but is not owned by the Corporation or any other public authority.

Found in By-law(s): 28-97 amending By-law(s): 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

(2) means a private right-of-way that is used by motor vehicles but is not owned by the Corporation or any other public authority.

Analysis

Defined in Ottawa (Private way), and Mississauga (Road – Private Road) zoning by-laws. It is suggested that this term be defined in the new zoning by-law as it has different implications in zoning to that of a public street.

Structure

Found in By-law(s): 177-96

(1) 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 light standard, transformers, an antenna and a sign shall be deemed not to be structures. For the of setback calculations, natural gas or electricity metres and air conditioning units, dog houses, freestanding mail boxes, driveway entrance pillars, statues, storage lockers under 1m 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.

Found in By-law(s): 28-97 amending By-law(s): 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; 2004-196

(2) 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 that has a height of 1.0 metre or less, a light standard and a sign shall be deemed not to be structures.

Found in By-law(s): 1767 (125-86) (433-86); 2237 (209-94)

(3) means anything that is erected, built or constructed of parts joined together with a fixed location on the ground or attached to something having a fixed location in or on the ground and shall include building walls, or any sign, but does not include fences which do not exceed 1.8 metres in height.

Found in By-law(s): 1767 (2003-255)

(4) 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 m or less, a retaining wall that has a height of 1.0 metres or less, a light standard and a sign shall be deemed not to be STRUCTURES.

Analysis

Defined in Toronto, Hamilton, Oakville, Ottawa, and Mississauga (Structure) zoning by-laws. It is suggested a definition for this term be included in the new zoning by-law.

Suite

Found in By-law(s): 28-97 amending By-law(s): 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; 2004-196

(1) means a single room or series of rooms of complementary use, operated under a single tenancy and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

Analysis

Not a defined term in any of the other municipal zoning by-laws. Appears to have been created to accommodate parking rate requirements under By-law 28-97. This term pertains to a number of land uses that should be defined and regulated. It is suggested that this term not be defined in the new zoning by-law.

Supermarket

Found in By-law(s): 28-97 amending By-law(s): 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

(1) means a building, or part thereof, containing a departmentalized food store.

Found in By-law(s): 2150 (237-96); 177-96; 2004-196

(2) means a building, or part thereof, containing a departmentalized food store.

Speciality Food Store

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(1) means a retail premise primarily for the sale of packaged food products for consumption off- site with accessory sales of prepared foods and refreshments for on-site and/or off-site consumption.

Analysis

Not a defined term in any of the other municipal zoning by-laws. This is a form of “retail store” of a particular scale and involving predominantly the product of food. Parking requirements may differ for this type of retail store compared to other retail stores, but this does not necessitate a separate land use definition. Many traditional “supermarket” chains are now including merchandise that would put them into the traditional “department store” model. It is suggested that there not be a definition for this land use in the new zoning by-law.

Tavern/Bar

Found in By-law 122-72 (2014-25) as it pertains to the Heritage Main Street Area

(1) means a building or part thereof where, liquor, beer or wine, or any combination thereof, are served for consumption on the premises, primarily without food.

Theatre

Found in By-law(s): 2237 (2009-118)

(1) means a premises that is used for the showing of motion pictures or for dramatic, musical or live performances.

Found in By-law(s): 177-96; 2004-196

(2) means a premises that is used for the showing of motion pictures or for dramatic, musical or live performances. For the purposes of this definition, an adult entertainment parlour is not considered to be a theatre.

Analysis

Defined in Ottawa (Theatre) zoning by-law only. This land use is part of a broader land use term in other municipal zoning by-laws, such as “Place of Entertainment”. It is suggested that this land use term not be defined in the new zoning by-law and that it be included in the definition of “Place of Entertainment”.

Tourist Establishment

Found in By-law(s): 122-72; 77-73; 83-73; 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; 19-94

(1) means a building or buildings which are used to accommodate the travelling public for gain or profit by supplying them with sleeping accommodation (with or without meals), and shall include a guest house, tourist cabins, a motel or a hotel.

Analysis

Defined in Toronto (Tourist Home), Oakville (Bed and Breakfast Establishment), and Ottawa (Bed and breakfast). Markham's Official Plan defines a Bed and Breakfast establishment. It is suggested that a definition (and term) that is consistent with the Official Plan be in the new by-law.

Tourist Trailer (see also *Tourist Trailer Park & Trailer*)

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 151-75; 88-76; 127-76; 250-77; 145-78; 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

(1) means a trailer that is used or intended to be used for short term or seasonal occupancy and is or is intended to be located or parked on a site for a temporary or seasonal period.

Tourist Trailer Park (see also *Tourist Trailer & Trailer*)

Found in By-law(s): 122-72

(1) means an establishment comprising land or premises under single ownership used for the parking of tourist trailers on a temporary or seasonal basis, such as a day, a week or for a seasonal period.

Trailer (see also *Tourist Trailer & Tourist Trailer Park*)

Found in By-law(s): 141-95 amending By-law(s): 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2551, 2571, 2612, 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, 90-81, 193-81, 221-81, 194-82, 196-82, 304-87, 19-94

(1) means any non-motorized or non-propelled vehicle so constructed that it is required to be attached to a motorized vehicle for the purpose of being drawn or propelled, and shall include a tent trailer and a fifth-wheel camper or recreational trailer.

Analysis

Defined in Oakville (Campground & Trailer) and Ottawa (Trailer) zoning by-laws. It is suggested that 'Tourist Trailer Park' and 'Trailer' terms be defined in the new zoning by-law.

Township

Found in By-law(s): 2551

(1) means The Corporation of the Township of Markham.

Analysis

This term is no longer applicable to the City of Markham. It is suggested that this term not be defined in the new zoning by-law.

Transit Station

Found in By-law(s): 2004-196

(1) Means a building or structure or a portion of a building or structure or an area of land that is used for the temporary parking of transit vehicles and the picking up and dropping off of passengers using a public transit system.

Analysis

Defined in Toronto (Passenger Terminal) and Mississauga (Transit Terminal) zoning by-laws. It is suggested that this land use be a defined term in the new zoning by-law. Alternatively, it could be incorporated as part of the definition of “Public Authority” and be permitted anywhere in the city and does not have to be defined separately.

Transitway

Found in By-law(s): 2004-196

(1) Means a dedicated area of land on which components of a public transit system operates and for the purposes of this By-law, is considered to be a ‘public transit right-of-way’ pursuant to the Planning Act, as amended.

Analysis

Not a defined term in the other municipal zoning by-laws, although it is part of other broader land use definitions, such as ‘Transportation Use’ in Toronto’s zoning by-law. It is important to examine the need to have this term defined in the new zoning by-law, since presumably the use is publically owned (public authority) and can be in any zone (much like ‘infrastructure’).

Transport Terminal

Found in By-law(s): 177-96; 2004-196

(1) means the use of land for the purpose of storing, servicing, washing, repairing or loading of trucks and/or transport trailers with materials or goods which are not manufactured, assembled, warehoused, or processed on the same lot.

Analysis

Defined in Toronto (Vehicle Depot), Hamilton (Transportation Depot), Oakville (Transportation Terminal), and Mississauga (Truck Terminal) zoning by-laws. It is suggested this term be defined in the new zoning by-law.

U-Brew Warehouse

Found in By-law(s): 190-91 added definition to this By-law 108-81

(1) means a commercial establishment providing equipment, raw materials and technical advice to permit the public to brew and package beer for personal or family consumption and not sold for commercial uses.

Analysis

Defined in Mississauga (Beverage/ Food Preparation Establishment) zoning by-law only. There is a need to examine if this land use can fall under a more general definition. If not, then it is suggested that there be a definition for this land use term in the new zoning by-law. There is confusion as to whether or not this use is considered 'industrial' or 'retail'.

Use

Found in By-law(s): 1767, 1914, 2053, 2237, 2489, 2571, 2612, 11-72, 122-72

(1) shall mean the purpose for which land or a building is arranged, designed or intended or for which either land or a building or structure is, or may be, occupied or maintained.

Found in By-law(s): 2004-196

(2) Means the purpose for which any portion of a lot, building or structure is designed, arranged, intended, occupied or maintained.

Analysis

Defined in Hamilton, Oakville, Ottawa, and Mississauga (Use) zoning by-laws. It is suggested that this term be defined in the new zoning by-law.

Used

Found in By-law(s): 1767, 1914, 2053, 2237, 2489, 2571, 2612, 11-72, 122-72

(1) shall include "arranged", "designed" or "intended to be used".

Analysis

Not a defined term in any of the other municipal zoning by-laws. It is suggested that this term not be defined in the new zoning by-law.

Variety Store

Found in By-law(s): 157-95 amending By-law(s): 1229

(1) means a retail store in which articles for sale are restricted to goods or materials such as tobacco products and smoker's supplies, confections, soft drinks, stationary supplies, reading materials, patent medicines, housewares and notions, souvenirs and similar goods are offered for sale to the general public, and may include groceries and dairy products as a secondary line.

Analysis

Defined in Ottawa (Convenience store) and Mississauga (Convenience Retail and Service Kiosk) zoning by-laws. While this use is a form of “retail store”, it may be appropriate to have a definition for this type of retail store, since it may be permitted in zones or areas that other ‘retail stores’ are not permitted. It is suggested that further analysis is needed to determine if a definition of this type of retail store is required. Note comments made earlier in this report on *Convenience Retail Store, Convenience Store, and Store, Convenience Retail*.

Video Outlet/ Rental Shop

Found in By-law(s): 157-95 amending By-law(s): 1229

(1) means a building or part thereof used for the purpose or renting video cassette recorders and/or video/or video disc players and for the rental of video tapes and/or discs.

Analysis

Not a defined land use term in the other municipal zoning by-laws. It has also become a dated land use term. This land use is also a form of retail store. It is suggested that there not be a definition for this use in the new zoning by-law.

Warehouse

Found in By-law(s): 122-72; 77-73; 83-73; 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; 242-90; 19-94

(1) means a building where wares or goods are stored, but shall not include a retail store.

Analysis

Defined in Toronto, Hamilton, Ottawa, (Warehouse), Oakville (Warehousing), and Mississauga (Warehouse/ Distribution Facility) zoning by-laws. It is suggested that there be a definition for this land use term in the new zoning by-law. See comments on *Industrial Use*.

Warehouse, Retail

Found in By-law(s): 165-80; 72-81

(1) shall mean a part of a warehouse where home furnishings and home improvement products of which at least eighty percent (80%) are new, such as furniture, appliances, electrical fixtures, carpets and floor coverings, plumbing fixtures and other similar products are stored or kept for sale on the same premises.

Found in By-law(s): 190-91 added definition to this By-law 108-81

(2) means a WAREHOUSE where goods are stored in bulk and offered for sale either wholesale or retail and where such goods may be picked up by or delivered off the premises to the customer and ancillary services provided but shall not include a food supermarket, general merchandise department store or strip retail mall or commercial plaza.

Analysis

Not a defined land use term in any other of the municipal zoning by-laws. Markham's Official Plan has a definition for "major retail", but this is something different. It is suggested that "retail warehouse" be controlled by regulations pertaining to size and scale instead of by definition. It is also suggested that this term not be a defined land use term in the new zoning by-law.

Waste Processing and Disposal Facility

Found in By-law(s): 127-92 added definition to this By-law 108-81

(1) means a facility operated pursuant to and in accordance with a Certificate of Approval issued by the Ministry of the Environment under Section 8 of the Environmental Protection Act for the temporary storage, treatment and disposal of MOE Class 121 liquid hazardous industrial wastes.

Analysis

Defined in Toronto (Waste Incinerator, Waste Transfer Station, and Recovery Facility), Hamilton (Hazardous Waste Management Facility, Waste Disposal Facility, Waste Management Facility, Waste Processing Facility, Waste Transfer Facility, and Waste), Oakville (Waste; Waste, Hazardous; Waste Processing Station; Waste Transfer Station), Ottawa (Waste processing and transfer facility – non-putrescible and Waste processing and transfer facility); and Mississauga (Waste; Waste Processing Station; and Waste Transfer Station) zoning by-laws. There needs to be an examination if more defined land use terms should be considered for the new by-law around the subject of 'waste'. It is suggested that there be multiple use definitions in the new zoning by-law.

Waste Storage Area

Found in By-law(s): 177-96

(1) 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.

Analysis

Not a defined term in any of the other municipal zoning by-laws. Currently these areas are required to be located within buildings and development standards in the new by-law can address issues without the need for a definition. However, there needs to be a differentiation between standard waste materials and hazardous waste materials, and on that point alone there may still be a need for a definition.

Wide Shallow Lot

Found in By-law(s): 177-96

(1) means a residential lot with a lot depth of 26 metres or greater and less than 30 metres. There is no minimum lot depth required for a wide shallow lot on lands that were zoned in accordance with By-law 177-96 prior to the effective date of By-law 2005-05.

Analysis

Not a defined term in other municipal zoning by-laws. It is suggested that this is better applied as a regulation instead of a definition. It is also suggested that this term not be defined in the new zoning by-law.

Wine Products Plant

Found in By-law(s): 190-91 added definition to this By-law 108-81

(1) means a building or portion thereof used for pressing fruit and fermenting fruit juices to manufacture wine and hard cider.

Analysis

Not a defined land use term in the other municipal zoning by-laws. This land use may fall under a more general definition, such as “manufacturing”. It is important to examine if there is a need to explicitly define this land use term in the new zoning by-law.

Worship Area (see also *Worship Area Capacity & Worship Area Floor Area*)

Found in By-law(s): 2004-196

(1) Means the net floor areas, whether above or below established grade, within the walls of sanctuary(s), hall(s) or meeting room(s) that a religious group uses for the practice of its religious rites, including any balcony or other area that, by the removal or opening of any walls or partitions, can expand the area of the sanctuary, hall or meeting room(s), and any choir or musicians area. Net floor areas intended solely for the use of the worship group leader, such as altar or pulpit areas are not included in the worship area.

Worship Area Capacity (see also *Worship Area & Worship Area Floor Area*)

Found in By-law(s): 2004-196

(1) Means the number of persons for whom the worship area(s) is designed, and is determined by adding the total of (i) and (ii) below: a) Where there are fixed seats in the worship area(s): The number of fixed seats in the worship area(s), (where fixed seating is provided in the form of open benches each 0.5 metres bench width shall be considered as one seat); and b) Where there are no fixed seats in the worship area(s): The number of square metres of worship area floor area(s) multiplied by 0.75.

Worship Area Floor Area (see also *Worship Area Capacity & Worship Area*)

Found in By-law(s): 2004-196

(1) Means the net floor area of all floors in a building used as worship area(s).

Analysis

Defined in Mississauga (Worship Area) zoning by-law only. Other municipal zoning by-laws distinguish ‘worship area’ from other floor area associated with a place of worship without the need of a definition. It is important to examine the purpose of having three separate definitions regarding ‘worship area’ in the new zoning by-law. Some of these definitions may be better suited as regulations that work around the definition of ‘worship area’ in the new zoning by-law. There is a need to co-ordinate with the parking standards in the new by-law as this definition was originally established based on parking-related matters.

Yard

Found in By-law(s): 2006-96 amending By-law(s): 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, 177-96, 28-97

(1) 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.

Found in By-law(s): 177-96; 2004-196

(2) 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.

Analysis

Defined in Hamilton, Oakville, Ottawa, and Mississauga (Yard) zoning by-laws. It is suggested that there be a definition for the term in the new zoning by-law.

Yard, Exterior Side

Found in By-law(s): 2237 (2008-272)

(1) means a YARD other than an INTERIOR SIDE YARD which extends from the FRONT LOT LINE to the REAR LOT LINE between the EXTERIOR SIDE LOT LINE and the nearest part of any BUILDING on the LOT.

Found in By-law(s): 2006-96 amending By-law(s): 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, 177-96, 28-97

(2) 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.

Found in By-law(s): 177-96; 2004-196

(3) 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.

Analysis

Defined in Toronto (Side Yard), Hamilton, Oakville (Yard – Flankage Yard & Yard – Side Yard), Ottawa (Yard- interior side yard), and Mississauga (Yard- Exterior Side Yard). It is important to examine the need to distinguish “exterior” side yard from other side yards in the new zoning by-law. At a minimum, the new zoning by-law should have a definition for ‘side yard’, but there may also be a need to distinguish ‘interior’ from ‘exterior’ side yards in the new by-law.

Yard, Front

Found in By-law(s): 2006-96 amending By-law(s): 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, 177-96, 28-97

(1) 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.

Found in By-law(s): 177-96; 2004-196

(2) 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.

Analysis

Defined in Toronto (Front Yard), Hamilton, Ottawa, Mississauga (Yard – Front Yard), and Oakville (Yard – Front) zoning by-laws. It is suggested that there be a definition for this term in the new zoning by-law.

Yard, Interior Side

Found in By-law(s): 2237 (2008-272)

(1) means a YARD other than an EXTERIOR SIDE YARD which extends from the FRONT LOT LINE to the REAR LOT LINE between the INTERIOR SIDE LOT LINE and the nearest part of any BUILDING on the LOT.

Found in By-law(s): 2006-96 amending By-law(s): 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, 177-96, 28-97

(2) 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.

Found in By-law(s): 2004-196

(3) Means a yard other than an exterior side yard that 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.

Found in By-law(s): 177-96

(4) 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.

Analysis

Defined in Toronto (Side Yard), Hamilton (Yard – Side Yard), Oakville (Yard – Interior Side), Ottawa (Yard- interior yard) and corner side yard), and Mississauga (Yard- Interior Side Yard). It is important to examine the need to distinguish “exterior” side yard from other side yards in the new zoning by-law. At a

minimum, the new zoning by-law should have a definition for 'side yard'. See comments on *Yard, Exterior Side*.

Yard, Maximum

Found in By-law(s): 177-96; 2004-196

(1) means the maximum distance of a yard from a lot line. In calculating the maximum yard, the minimum horizontal distance from the respective lot line shall be used.

Analysis

Defined in Oakville (Yard – Maximum) zoning by-law only. It is suggested that this is better suited as a regulation instead of a definition. It is also suggested that this term not be a defined term in the new zoning by-law.

Yard, Minimum Front

Found in By-law(s): 151-75; 88-76; 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; 242-90; 19-94

(1) means the minimum depth of a yard on a lot between the front lot line and the nearest main wall of the main building(s) or structure on the lot.

Analysis

Not a defined term in other zoning by-laws, but it is similar to defined terms in Toronto and Ottawa zoning by-laws pertaining to 'Front Yard Setback'. It is suggested that there may be a better definition for the 'setback' and how it is measured instead of it being 'minimum'. It is also suggested that this specific term not be a defined term in the new zoning by-law.

Yard, Minimum Rear

Found in By-law(s): 11-76 amending By-law(s): 151-75; 88-76; 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; 242-90; 19-94

(1) means the minimum depth of a yard on a lot between the rear lot line and the nearest main wall of the main buildings(s) or structure on the lot.

Analysis

Not a defined term in other zoning by-laws, but it is similar to defined terms in Toronto and Ottawa zoning by-laws pertaining to 'Rear Yard Setback'. It is suggested that there may be a better definition for the 'setback' and how it is measured instead of it being 'minimum'. It is also suggested that this specific term not be a defined term in the new zoning by-law.

Yard, Minimum Required

Found in By-law(s): 177-96; 2004-196

(1) means the minimum distance of a yard required from a lot line. No part of a required minimum yard for a building or structure shall be included as part of a required minimum yard for another building or structure. In calculating minimum required yards, the minimum horizontal distance from the respective lot lines shall be used.

Analysis

Defined in Oakville (Yard – Minimum) zoning by-law only. It is suggested that this is better suited as a regulation instead of a definition. It is also suggested that this term not be a defined term in the new zoning by-law.

Yard, Minimum Side

Found in By-law(s): 88-76; 250-77; 145-78; 162-78; 163-78; 184-78; 72-79; 91-79; 118-79; 134-79; 153-80; 165-80; 72-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85; 304-87; 242-90; 19-94

(1) means the minimum depth of a yard on a lot between the side lot line and the nearest main wall of the main building(s) or structure on the lot.

Analysis

Not a defined term in other zoning by-laws, but it is similar to defined terms in Toronto and Ottawa zoning by-laws pertaining to 'Side Yard Setback'. It is suggested that there may be a better definition for the 'setback' and how it is measured instead of it being 'minimum'. It is also suggested that this specific term not be a defined term in the new zoning by-law.

Yard, Side

Found in By-law(s): 2551

(1) means the open space extending from the front yard to the rear yard between the side lot line and the nearest main wall of any building or structure on the lot.

Found in By-law(s): 1229; 1767; 1914; 2053; 2237; 2489; 2571; 2612; 11-72; 122-72; 77-73; 83-73; 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; 165-80; 72-81; 90-81; 108-81; 193-81; 221-81; 28-82; 194-82; 196-82; 47-85; 304-87; 242-90; 19-94

(2) shall mean open space extending from the front yard to the rear yard between the side lot line and the nearest main wall of any building or structure on the lot.

Analysis

Defined in Toronto (Side Yard), Hamilton, Ottawa, Mississauga (Yard – Interior Side Yard and Exterior Side Yard), and Oakville (Yard – Side) zoning by-laws. It is suggested that there be a definition for this term in the new zoning by-law.

Zone

Found in By-law(s): 1442 (113-74); 1767 (72-88)

(1) means an area within which in accordance with the provisions of this by-law certain uses of land, buildings and structures are permitted and certain others are prohibited; and where yards and other open spaces are required; and where lot areas, building height limits and other requirements are established: all of the foregoing being identical for the zone in which they apply.

Found in By-law(s): 1229 (96-1999) (82-2000)

(2) means a designated area of land use shown on the Schedules of this by-law.

Found in By-law(s): 177-96; 2004-196

(3) means a designated area of land use shown on the Zoning Schedules of this By-law.

Found in By-law(s): 28-97 amending By-law(s): 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

(4) means a designated area of land use shown on the Zoning maps of the By-laws referred to in Section 1.0 of this By-law.

Analysis

Defined in Oakville and Ottawa (Zone) zoning by-laws. It may not be necessary to define what a zone is. It is important to examine if a 'zone' should be specifically defined in the new zoning by-law.

Zone, Holding (H)

Found in By-law(s): 122-72; 77-73; 83-73; 119-73; 127-76

(1) shall mean a zone in which the provisions of this by-law in respect to that zone shall apply, but only after an amendment to this by-law to remove the letter (H) in parentheses preceding the zoning symbol has been passed and approved by the Ontario Municipal Board.

Analysis

Not a defined term in any of the other municipal zoning by-laws. This term is used in the *Planning Act* in a specific way, so it may be wise to define this term in the new zoning by-law that is consistent with the Act.

2.1 Concluding Notes

2.1.1 The Order of Defined terms

There is currently an inconsistency among the Markham zoning by-laws as to how the terms should be ordered. In some cases, the term used in the by-law are listed in alphabetical order in the definition section (eg. **Front Lot Line**). This is the system that is currently used in the City of Toronto zoning by-law. Other definition terms are sometimes grouped by a common term in an alphabetic order (e.g. **Lot Line, Front ; Lot Line, Rear, and Lot Line, Side**) which is typical of how some terms are found in Oakville and Ottawa's zoning by-laws. Mississauga's zoning by-law goes one step further by grouping certain terms and making cross references to those same terms (eg. **Commercial Schools (*see Schools)**). In most cases terms are done alphabetically as they are shown in the by-law, but when it comes to some of the "planning measurement terms" (Lot, Line Line, Grade) and "land use terms" (School, Restaurant, Dwelling) where there are multiple versions of the 'root term', they get ordered under the root term instead of how they actually appear in the zoning by-law. There will need to be a review as to the appropriate protocol to order defined terms in the new zoning by-law. There are advantages and disadvantages to the different systems.

2.1.2 Keep the Definitions as Simple as Possible

As this chapter has shown, there are a variety of ways to define something. As a principal, definitions should be as simple as possible, avoid defining something within a definition, and avoid including in the definition what it is not, unless it is absolutely necessary.

Terms that are defined differently based on ownership may not be necessary. For example, if a '**private art gallery**' and a '**public art gallery**' are permitted in the same zones and have the same parking standards, what is the planning purposes of having two defined land use terms based on ownership?

Another issue is defining certain land uses too much to a fine grain. **Retail stores** are good examples. The Markham zoning by-laws have many types of retail store uses defined. In many cases it is not necessary to do so and in fact can create problems down the road when trying to justify why a certain type of retail store is not permitted in a particular area. In this example it is more an issue of size and scale than it is the type of products that are being sold. This is an example where the definition should be simple (i.e., retail store) and the "regulations" should dictate size, scale, or even type of goods to be sold in a given zone or a given site. It gets one to the same ends, but maintains the concept that definitions are universal across the municipality.

2.1.3 Defined Terms should not be de facto Regulations

There are examples where definitions are actually regulations. An example would be that as much as the term "**Floor Area**" should be a defined term, the term "**Maximum Floor Area**" is in fact a standard, not a definition. In this example '**floor area**' would be defined and in the zone regulations it would indicate what the maximum **floor area** should be. In other zones there may be a need to have a minimum **floor area** standard, so there should not be a definition for "**Minimum Floor Area**" as well.

2.1.4 Location of the Definitions Section in the New Zoning By-law

Finally, since zoning by-laws are legislation, the definitions section is typically found in a section of the by-law that is near the front of the zoning by-law. This is true of all the existing Markham parent zoning by-laws, as well as Hamilton (section 3), Oakville (part 3), Ottawa (part 1), and Mississauga (section 1.2). The only zoning by-law that puts its definitions at the end of the main by-law text is Toronto. This

was done in an effort to make it consistent with other formats more familiar with the general public, where definitions and other forms of references are found at the back of documents. It should be noted that Markham's Official Plan definitions are found near the back of that document. There are no distinct advantages or disadvantages to either system, other than it is important to be consistent with how other legislation in Markham is organized.

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3.0 OFFICIAL PLAN DEFINITIONS ANALYSIS

This chapter of the report lists the defined terms that are currently found in Markham's Official Plan. It is noted that the terms are ordered alphabetically as they appear in the Official Plan document. Table 1 in this chapter lists the defined term and notes in the first column if such a term is defined somewhere in one or more of the current Markham zoning by-laws. If there is a 'YES' in column 1, then there needs to be an analysis done between the definition in the Official Plan and the definition(s) in the zoning by-laws to ensure that there is a consistency with the definitions going forward under the new zoning by-law. If there is a 'YES' in column 2, then it is being recommended that this term be considered to be defined in the new zoning by-law and that it take into account the Official Plan's definition.

Following the table analysis is a list of the definitions associated with each of these terms in Markham's Official Plan for information and reference.

TABLE 1: Official Plan Definitions

	Term Defined in existing ZBL	Term to Consider in new ZBL
Accessory use	YES	YES
Adjacent lands	NO	NO
Adverse effects	NO	NO
Affordable housing	NO	MAYBE
Agricultural uses	YES	YES
Agriculture-related uses	NO	MAYBE
Agritourism	NO	NO
Alternative energy systems	NO	YES
Ancillary uses	NO	YES
Archaeological resources	NO	NO
Areas of archaeological potential	NO	NO
Bed and breakfast establishment	NO	YES
Biodiversity	NO	NO
Brownfield sites	NO	NO
Built heritage resources	NO	NO
Built-up area	NO	NO
Cemeteries	YES	YES
Coach house	NO	YES
Commercial fitness centre	YES	YES
Complete communities	NO	NO
Comprehensive block plan(s)	NO	NO
Conservation/Conserved	NO	NO
Contaminant management plan	NO	NO
Convenience retail and personal service	NO	YES
Cultural heritage conservation	NO	NO
Cultural heritage landscape	NO	NO
Cultural heritage resources	NO	NO
Cultural or regenerating woodland	NO	NO
Day care centre	YES	YES
Development approval	NO	NO
Discretionary uses	NO	NO
Ecological features	NO	NO
Ecological function	NO	NO
Ecological integrity	NO	NO
Endangered species	NO	NO
Erosion hazard	NO	NO
Farm vacation home	NO	MAYBE
Fish habitat	NO	NO

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	Term Defined in existing ZBL	Term to Consider in new ZBL
Flood vulnerable areas	NO	NO
Floodplain	YES	YES
Floor space index (FSI)	YES	YES
Funeral home	YES	YES
Greenfield area	NO	NO
Groundwater recharge	NO	NO
Hazardous lands	NO	NO
Hazardous sites	NO	NO
Heritage attributes	NO	NO
Heritage conservation district	NO	MAYBE
Heritage conservation plan	NO	NO
Heritage impact assessment	NO	NO
Highly vulnerable aquifer	NO	NO
Home business	NO	YES
Home industry	NO	YES
Home occupation	YES	YES
Intensification	NO	NO
Intensification areas	NO	NO
Intermittent stream	NO	NO
Key development areas	NO	NO
Key hydrologic feature	NO	NO
Key natural heritage feature	NO	MAYBE
Landform features	NO	NO
Major recreational uses	NO	NO
Major retail	NO	MAYBE
Minimum distance separation formulae	NO	NO
Mobility hub	NO	NO
Municipal comprehensive review	NO	NO
Natural self-sustaining vegetation	NO	NO
Noise exposure forecast	NO	NO
Normal farm practices	NO	NO
Permanent Stream	NO	NO
Place of entertainment	YES	YES
Place of worship	YES	YES
Prime agricultural area/land	NO	NO
Private Club	YES	YES
Private School	YES	YES
Protected heritage property	NO	NO
Provincially rare species	NO	NO
Provincially significant wetlands	NO	MAYBE

	Term Defined in existing ZBL	Term to Consider in new ZBL
Public school	YES	YES
Redevelopment	NO	NO
Register of Property of Cultural Heritage Value or Interest	NO	NO
Regulatory flood standard	NO	NO
Renewable energy systems	NO	YES
Secondary suite	YES	YES
Seepage areas and springs	NO	NO
Sensitive groundwater features	NO	NO
Sensitive Land Use Compatibility Study	NO	NO
Sensitive land uses	NO	NO
Sensitive surface water features	NO	NO
Shared housing	NO	MAYBE
Significant archaeological resources	NO	NO
Significant cultural heritage resources	NO	NO
Significant groundwater recharge area	NO	NO
Significant habitat for endangered, threatened, special concern or provincially rare species	NO	NO
Significant local groundwater recharge area	NO	NO
Significant valleylands	NO	MAYBE
Significant wildlife habitat	NO	NO
Significant woodlands	NO	MAYBE
Site alteration	NO	MAYBE
Special concern species	NO	NO
Special policy area	YES	YES
Subwatershed	NO	NO
Subwatershed plan	NO	NO
Threatened species	NO	NO
Trade school	NO	YES
Traditional territories	NO	NO
Tree	NO	NO
Tree canopy	NO	NO
Urban agriculture	NO	YES
Urban forest	NO	NO
Urban growth centres	NO	NO
Valleylands	NO	YES
Vegetation protection zone	NO	YES
Watershed	NO	NO
Watershed plan	NO	NO

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	Term Defined in existing ZBL	Term to Consider in new ZBL
Wetlands	NO	NO
Woodland	NO	NO

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4.0 LIST OF DEFINED TERMS FOUND IN OTHER MUNICIPAL ZONING BY-LAWS FOR CONSIDERATION

In reviewing the other five municipal zoning by-laws it became apparent that there are many other terms that these zoning by-laws define, which none of the existing Markham zoning by-laws do define. Some of these terms pertain to land uses that may not have yet been considered in the Markham context, but which may need to be considered in future circumstances. Other terms deal with such matters as different energy systems provided by properties, which were not addressed in the previous by-laws, but which involves matters that are of planning concern and may require terms to be defined.

Below in section 4.1 is a sample of some defined terms that Markham may want to consider as defined terms in the new zoning by-law. This list is by no means complete, nor is there a suggestion that each one of these terms should be in the new by-law. This listing is designed to give an indication as to how other municipalities are defining things in their zoning by-laws that differ from Markham's current zoning by-law definitions. Each term (or group of similar terms) is listed along with the definition with the associated municipal by-law reference in brackets.

4.1 Select Defined Terms in Other Municipal Zoning By-laws

Artist Studio

means premises used for creating art or craft. (Toronto)

means the workplace of an artist or craftsman, including a painter, a sculptor or a photographer, where goods including jewellery or fine art such as portraits or sculptures are produced in small quantity and may be provided for sale. (Ottawa)

Automated Banking Machine

means a device at which customers can complete self-serve financial transactions. (Toronto)

Bank machine

means a **principal use** automated banking terminal activated by a bank customer to obtain cash withdrawals and other banking services, but does not include a bank machine that is **accessory** to another **use**. (Ottawa)

Bicycle Parking Space

means an area used for parking or storing a bicycle. (Toronto)

Body Rub Service

means premises used for services involving the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body for the purposes of appealing to erotic or sexual appetites or inclinations. An adult entertainment, massage therapy, or wellness centre is not a body rub service. (Toronto)

Body Rub

Shall mean the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person's body or part of a person's body appealing to or designed to appeal to erotic or sexual appetites or inclinations including but not limited to a body rub advertised by any means as "sensual", "sexy" or by any other word or any depiction having like meaning or implication, and does not include a body rub performed for the purpose of medical or therapeutic treatment provided by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario. (Hamilton)

Body Rub Establishment

Shall mean any premises or part thereof where a body rub is performed, offered or solicited in pursuance of a business but shall not include an Alternative Message Establishment medical or therapeutic treatment given by a person otherwise duly qualified, licenced or registered. (Hamilton)

Building Code Act

Shall mean the Building Code Act, 1992, S.O. 1992, c.23, or any amendments thereto. (Hamilton)

Car-sharing space

means a parking space used to park a motor vehicle provided by a car-sharing service. (Ottawa)

Cogeneration Energy

means thermal energy and electrical energy simultaneously produced from the same process. (Toronto)

Cogeneration

means the production of heat energy and electrical or mechanical power from one fuel source in the same facility. (Mississauga)

means the generation of electricity or mechanical power and thermal energy (heating or cooling) produced from one fuel source in the same facility. Also known as combined heat and power. (Oakville)

Cogeneration Facility

means a building or structure or part thereof, used for the production of electrical power, where the method of production is by means of cogeneration. (Mississauga)

means a building or structure or parts thereof used for cogeneration. (Oakville)

Columbarium

means a building or structure used for the interment of cremated human remains. (Toronto)

means a structure designed for the purpose of interring cremated human remains in sealed compartments. (Mississauga)

Crematorium¹³

means a building or structure used to cremate human remains. (Toronto)

includes a pet crematorium. (Ottawa)

means a building, structure or part thereof used for the purposes of the cremation of human remains. (Mississauga)

means a premises used for the cremation of human or animal remains. (Oakville)

District Heating and Cooling Plant

means premises used to generate, for mass distribution, thermal energy to heat or cool. (Toronto)

Direct Energy Facility

means a centrally located facility or linked facilities including pipeline distribution system for the production and distribution of thermal energy (heating or cooling) with or without cogeneration to users at a community scale. (Oakville)

Façade

Shall mean a building wall or series of building walls facing a street. (Hamilton)

Former Zoning By-law

means:

(A) By-law No. 438-86 (being the Zoning By-law of the former City of Toronto), as amended, By-law 291-68 (being the Forest Hill Zoning By-law), as amended, and By-law 278-73 (being the Swansea Zoning By-law), as amended, and their predecessor zoning by-laws as applicable;

(B) By-law No. 7625 (being the Zoning By-law of the former City of North York), as amended, and predecessor zoning by-laws as applicable;

¹³ New provincial regulations came into effect in 2012. Prior to that, crematoriums could only be located in cemeteries. Municipalities now have authority to permit them in other areas.

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(C) By-law 1-83 (being the Zoning By-law of the former City of York), as amended, and predecessor zoning by-laws as applicable;

(D) Zoning Code of The City of Etobicoke, Canada, V131 (being the Zoning Code of the former City of Etobicoke), as amended, and predecessor zoning by-laws as applicable;

(E) Borough Of East York Zoning By-Law No.1916 (Town Of Leaside), as amended, and By-Law No. 6752 (Township Of East York), as amended, (being the Zoning By-laws of the former Borough of East York), and their predecessor zoning by-laws as applicable;

(F) The Corporation of the City of Scarborough By-Law Number: 10076 (Agincourt); 12797 (Agincourt North); 8786 (Birchcliff); 9350 (Bendale); 9174 (Birchmount Park); 9396 (Cliffcrest); 12077 (Centennial); 8978 (Clairlea); 9364 (Cliffside); 9508 (Dorset Park); 10048 (Eglinton); 9676 (Guildwood); 10827 (Highland Creek); 9089 (Ionview); 9276 (Kennedy Park); 12466 (L'amoreaux); 14402 (Malvern); 12181 (Malvern West); 842-2004 (Midland-St.Clair); 17677 (Milliken); Morningside Heights; 11883 (Morningside); 9366 (Maryvale); 9812 (Oakridge); 15907 (Rouge); 10010 (Scarborough Village); 16762 (Steeles); 10717 (Sullivan); 12360 (Tam O'Shanter); 25278 (Upper Rouge - Hillside); 950-2005 (Warden Woods); 9511 (Wexford); 10327 (West Hill); 9510 (Woburn); Employment Districts Zoning By- Law Number 24982; Industrial District By-Law Number 12790 Centennial Industrial District); The Corporation Of The Township Of Pickering By-Law Number 1978; By-Law Number 3036 (Highway No. 2 Area in Rouge Community) (being the Zoning By-laws of the former City of Scarborough), all as amended, and their predecessor zoning by-laws as applicable. (Toronto)

Funeral Visitation Centre

means premises established for the purpose of temporarily placing human remains and may include related coordination and provision of rites and ceremonies, so that persons may attend and pay their respects. A funeral visitation centre is not a funeral home and does not include the care and preparation of human remains. (Toronto)

Education Use

means the use of premises for education or training, other than:

(A) a post-secondary school;

(B) a school regulated under the Education Act, R.S.O. 1990, c.E.2, as amended; or

(C) a religious education use. (Toronto)

Educational Establishment

Shall mean a Provincially approved institution for academic instruction and shall include a public, private or separate school, college or university. (Hamilton)

Gaming Establishment

means premises used for the purpose of wagering on games of chance under Province of Ontario legislation, excluding bingo or other lottery events licensed by the City of Toronto for charitable purposes. (Toronto)

Casino

means a premises primarily engaged in gambling activities, for money or other items of value, and offering games of chance, such as card games, dice games, wagering, and game machines or devices, but does not include a place of entertainment. (Oakville)

Geo-Energy

means energy derived from the temperature of the earth that is used to produce thermal energy or converted to produce electrical energy. (Toronto)

Heritage District

means an area identified as being of historical, architectural, archaeological or cultural heritage value or interest, and designated as a Heritage Conservation District pursuant to the Ontario Heritage Act R.S.O. 1990, c.O.18, as amended. (Toronto)

Hydronic Heater

means a manually loaded solid fuel burning device that is located outdoors or in a structure not used for human habitation, and is used for the heating of buildings, water or other such purpose on the same lot. (Ottawa)

Market Garden

means **premises** used for growing and harvesting vegetables, fruits, flowers, shrubs, trees or other horticultural products for the purpose of sale. (Toronto)

Massage Therapy

means premises providing massage therapy by persons who are medical or health professionals licensed or registered under Province of Ontario legislation. A body rub service or wellness centre is not a massage therapy. (Toronto)

Alternative Massage

Shall mean the kneading, manipulating, rubbing, massaging, touching, or stimulating, by any means, of a person's body or part of a person's body, but does not include such services as: i) performed for the purpose of medical or therapeutic treatment provided by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario; or ii) appealing to or designed to appeal to erotic or sexual appetites or inclinations including but not limited to such services advertised by any means as "sensual", "sexy" or by any other word or any depiction having like meaning or implication. (Hamilton)

Alternative Massage Establishment

Shall mean any premises or part thereof where an alternative massage is performed, offered or solicited in pursuance of a business. (Hamilton)

Mausoleum

means a building or structure, other than a columbarium, used for the interment of human remains. (Toronto)

means a building, structure or part thereof, used for the interment of human remains in sealed crypts, tombs or vaults. (Mississauga)

Mechanical Penthouse

means a room or enclosure on the roof of a building exclusively used for mechanical equipment, a stair tower, elevator equipment, or any combination thereof. (Oakville)

Medical Marihuana Production Facility

means premises used for growing, producing, testing, destroying, storing, or distribution of medical marihuana or cannabis authorized by a license issued by the federal Minister of Health,

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pursuant to section 12 of the *Marihuana for Medical Purposes Regulations*, SOR/2013-119, under the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as amended. (Toronto)

Municipal Act

Shall mean the Municipal Act, 2001, S.O. 2001, c. 25 and any amendments thereto. (Hamilton)

Municipal Shelter

means premises in which short-term emergency accommodation and associated support services are provided and supervised, and is operated by or for the City of Toronto, or an agency of the City of Toronto. (Toronto)

Emergency Shelter

means a premises accommodating and providing temporary lodging, board, and personal support services to homeless individuals in a 24-hour supervised setting. (Oakville)

Power Generation Use

means the use of premises for the production of energy for mass distribution. (Toronto)

Public Works Yard

means premises operated by, or on behalf of, the City of Toronto, Province of Ontario or Government of Canada, for the storage, manufacture, maintenance or repair of buildings, infrastructure, materials or equipment. A public works yard may include uses such as a machine shop, paint shop, sign shop, woodworking shop, repair garage or storage facility used in connection with public works such as transportation uses and parks. (Toronto)

Putrescible

means able to decompose quickly enough to cause odours and attract flies, such as putrescible waste. (Ottawa)

Renewable Energy System

means the production of electrical power from an energy source that is renewed by natural processes such as wind, water, a biomass resource or product, or solar and geothermal energy. (Oakville)

Retail Propane and Transfer Facility

means a premises and/or area of land where tanks having an aggregate propane storage capacity of less than 45,000.0 litres that is licensed under the provisions of the Energy Act, and from which the retail sale of propane fuel to the public is provided. (Oakville)

Self-Storage Warehouse

means premises where individual enclosed areas are made available to the public for keeping or storing goods or commodities. (Toronto)

Commercial Self-storage

means a premises consisting of individual, self-contained units that are leased or owned for storage purposes, excluding waste. (Oakville)

Solar Energy

means energy from the sun that is converted to produce electrical or thermal energy. (Toronto)

Sports Arena

includes a rink, arena or sports stadium. (Ottawa)

Sports Place of Assembly

means premises used for spectator sporting events, such as a stadium or arena. (Toronto)

Stacked Parking Space

means a parking space that is positioned above or below another parking space and is accessed only by means of an elevating device. (Toronto)

Stacking Aisle

means an onsite queuing area for motor vehicles that is separated from other vehicle traffic and pedestrian circulation by barriers, markings or signs. (Toronto)

Student Residence

means premises owned and operated by a public school, private school, post-secondary school or educational facility, consisting of dwelling units, bed-sitting rooms or rooms, used for student accommodation. (Toronto)

Thermal Treatment

Shall mean the processing of Waste into a waste-based fuel and/or the disposal of Waste under controlled conditions by heating or combusting the materials and shall include refuse derived fuel manufacturing and energy from waste activities. (Hamilton)

Wellness Centre

means premises providing services for therapeutic and wellness purposes. A massage therapy, medical office or body rub service is not a wellness centre. (Toronto)

Wholesale Use

means the use of **premises** for the sale of goods or commodities only to retailers or other businesses. (Toronto)

Wholesaling

means a premises or part thereof where the purpose of the business is the buying of goods for resale to other businesses including other wholesalers. (Oakville)

Wind Energy

means energy from the wind that is converted to produce electrical energy. (Toronto)

5.0 CONCLUSION

This report has reviewed in detail the vast number of defined terms that exist in Markham's 46 parent zoning by-laws, as well as defined terms that have evolved through area and site specific amendments. It has grouped defined terms that are similar and provided an analysis of each of the defined terms based comparisons to other recent comprehensive zoning by-laws in other Ontario municipalities. The report has also reviewed these defined terms in context of the defined terms established in Markham's Official Plan and has provided a sample listing of defined terms found in other municipal zoning by-laws that may be considered for the new Markham comprehensive zoning by-law.

Based on this review, the following points are important to note:

- Definitions in the new zoning by-law should be universal to the municipality and not to a given area or site;
- Choosing or creating the wording for the definitions in the new zoning by-law must factor in the need to be applied universally and not on a site specific basis;
- Terms that are intended and can be interpreted by a common dictionary should not have to be included as a defined term in the new zoning by-law;
- There should be an effort to establish a consistency between the defined terms and terminology established in Markham's Official Plan and that in the new zoning by-law;
- In developing definitions, it is important to consider factoring in defined terms that exist in other relevant legislation that may be applicable, such as definitions in the *Planning Act*, *Municipal Act*, other provincial legislation, the Region of York Official Plan, and the *Ontario Building Code*;

- It is strongly suggested that terms be organized in a consistent fashion and that the actual terms used in the by-law are the terms that are defined (eg., *Front Lot Line* should be the defined term, not *Lot Line, Front* , as the latter is not the way it would normally be found in the by-law);
- Avoid the tendency of creating a regulation as a defined term for convenience, when it should be properly organized as a regulation or exception provision instead;
- Terms that are unique to zoning (i.e., gross floor area), or unique to Markham, or have interpretations that differ from common dictionary definitions should be established and defined in the new zoning by-law;
- The section or chapter dealing with definitions should be located at either the front of the new by-law to be consistent with most other legislation or at the back of the by-law, which would be consistent with where Markham's Official Plan definitions are located;
- Defined terms in the new zoning by-law need to be recognized as defined terms, and should therefore be italicized, bolded or distinguished somehow from the rest of the text of the new zoning by-law.

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