

# 142-95

A by-law to amend By-laws, 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2551, 2571, 2612, 11-72, 122-72, 83-73, 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 and 304-87, 19-94 as amended.

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

1. This by-law shall be known as the deck by-law.
  - 1.1 By-law 166-90, as amended, known as “the deck by-law” is hereby repealed.
  - 1.2 Schedule ‘A’ attached hereto shall form part of this by-law.
2. By-laws 1229, 1442, 1507, 1767, 2150, 2237, 2489, 2551, 2571, 2612, 11-72, 122-72, 83-73, 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 and 19-94, as amended, be and the same are hereby further amended as follows:
  - 2.1 For the purposes of this by-law the following definitions shall apply:
    - (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.
    - (b) GROUND FLOOR means the lowest floor of a building above the established grade, and shall not include a basement or cellar.
  - 2.2 Notwithstanding any other provisions contained in the by-laws noted herein, DECKS shall be permitted on a residential dwellings subject to compliance with the following provisions:
    - (a) A DECK one metre or less in height above the lowest ground surface at all points around the perimeter of the platform:
      - (i) Minimum rear yard setback of 3.0 metres
      - (ii) Minimum side yard setback of 0.6 metre
    - (b) A DECK in excess of one metre in height above the lowest ground surface at all points around the perimeter of the platform:

- (i) Maximum projection from the point on the dwelling closest to the rear lot line of 3.0 metres
  - (ii) Minimum rear yard setback of 3.0 metres
  - (iii) Minimum side yard setback to be same as required of the dwelling.
- 2.3 (a) Notwithstanding any other provision in this by-law, steps shall not be subject to the maximum height provisions, but in no instance shall steps be at an elevation higher than the GROUND FLOOR of the main dwelling.
- (b) Steps leading down from a DECK to the ground shall not be included in calculating the maximum permitted projection.
- (c) Steps shall not be subject to setback requirements.
- 2.4 That by-law 19-94 be amended, be and the same is hereby further amended as follows:
- (a) By amending section 2 definition as follows:
- (i) The definition of DECK is deleted and substituted with section 2.1(a) of this by-law.
- (b) By amending section 6.2.2 (f) decks as follows:
- (i) Delete section 6.2.2 (f) and substitute the sections 2.2 and 2.3 of this by-law.
3. All other provisions of those By-laws referred to in section 2 which are not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
21ST DAY OF AUGUST, 1995.

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BOB PANIZZA, TOWN CLERK

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DON COUSENS, MAYOR

## EXPLANATORY NOTE

BY-LAW NO. 142-95

### DECK BY-LAW FOR THE TOWN OF MARKHAM

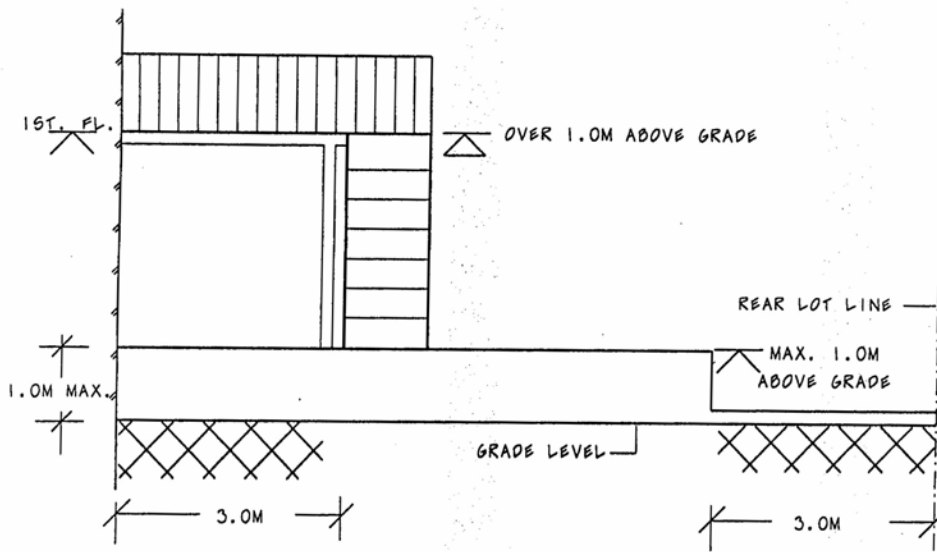
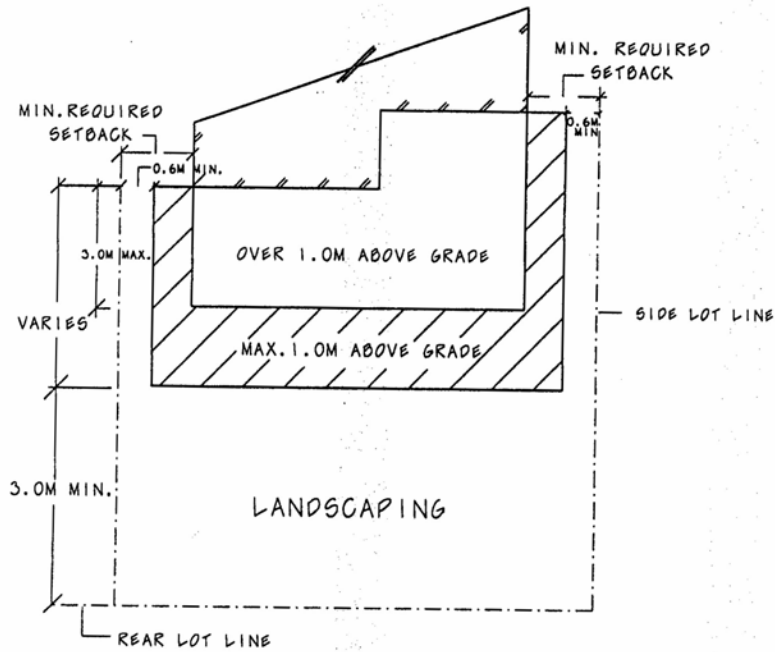
The purpose of this bylaw is to provide design flexibility while limiting the construction of decks that are likely to impose on the privacy of neighbors. The bylaw allows typical deck designs on large and small lots.

The current deck bylaw, 166-90 has proven overly restrictive. Many decks have been erected without permit after owners learn that a permit is not available for what they consider a reasonable home improvement.

The definition decks has been modified and the reference to materials deleted. The amended definition includes a deck when it is at or above 0.6m above grade. Anything below this height will be considered landscaping and not be subject to the bylaw.

Decks between 0.6m and 1.0m are permitted to extend to 0.6m from the side lot lines. The rear yard projection is restricted to 3.0m from the rear lot line.

Decks greater than 1.0m high are limited to 3.0m projection from the rear wall of the dwelling. The side yard setback must match that of the main dwelling in these cases.



# TOWN OF MARKHAM

## SCHEDULE 'A'



THIS IS SCHEDULE 'A' TO BY-LAW 142-95  
 PASSED THIS 21st DAY ... AUG., 1995

..... MAYOR  
 ..... CLERK

NOTE: 1) DIMENSIONS ARE IN METRES  
 2) REFERENCE SHOULD BE MADE TO THE ORIGINAL BY-LAW LODGED IN THE OFFICE OF THE CLERK

SCALE : NOT TO SCALE