

***TOWN OF MARKHAM
ONTARIO***



**SITE PLAN CONTROL
BY-LAW NO.262-94**

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

(Consolidated for convenience only to May 2024)

(Schedule/Attachment Consolidated)

AS AMENDED BY THE FOLLOWING BY-LAWS:

By-law No. 217-96	September 10, 1996
By-law No. 44-98	14 April 1998
By-law No. 158-98	18 August 1998
By-law No. 92-1999	25 May 1999
By-law No. 2001-112	8 May 2001
By-law No. 2009-123	23 June 2009
By-law No. 2009-153	27 October 2009
By-Law No. 2024-101	29 May 2024

THE CORPORATION OF THE TOWN OF MARKHAM
BY-LAW NUMBER 262-94

A BY-LAW TO DESIGNATE THE TOWN OF MARKHAM
AS AN AREA OF SITE PLAN CONTROL

WHEREAS Section 41(2) of the Planning Act R.S.O. 1990, c.P. 13 authorizes the designation by by-law of a site plan control area provided provisions are included in the Official Plan.

AND WHEREAS the Official Plan (Revised 1987) of the Markham Planning Area identifies all lands situated within the boundaries of the Town of Markham as a proposed site plan area.

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

1. Site Plan Control Area
All lands situated within the boundaries of the Town of Markham are hereby designated as a Site Plan Control area.
2. DEVELOPMENT means:
 - (a) the construction, erection or placing of one or more buildings or structures on land; or,
 - (b) the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof; or,
 - (c) the laying out and establishment of a commercial parking lot, or of sites for the location of three or more trailers as defined in clause (a) of paragraph 101 of Section 210 of the Municipal Act R.S.O. 1990, c.M.45 or of sites for the location of three or more mobile homes as defined in clause 46(1) of the Planning Act; or,
 - (d) the laying out and establishment of commercial outdoor recreational facilities including golf courses, driving ranges, sports fields and the like; or,
 - (e)

(Amended by By-law No. 2024-101)
3. Approval of Plans and Drawings
 - (a) No person shall undertake any DEVELOPMENT on land located in the Site Plan Control Area unless Council, or the Ontario Municipal Board where referral has been made under Section 42(12) of the Planning Act, has approved the plans and drawings as provided for in Section 41(4) of the Planning Act.
 - (b) As provided under Section 41(5) of the Planning Act, Council may require drawings to be submitted for approval showing plan, elevation and cross-section views for a building to be used for residential purposes containing

less than 25 dwelling units, as set out in this by-law

4. Exemptions

The following types of DEVELOPMENT may be undertaken without the approvals referred to in Section 3 of this by-law:

- (a) Buildings or structures used for agricultural or farming operations, except for any commercial mushroom farm, commercial riding establishment, commercial greenhouse, or a kennel which is located on a site less than 5 hectares.
- (b) Accessory buildings or structures not exceeding a total gross floor area of 50 square metres.
- (c) Additions or alterations to buildings and structures which have a total gross floor area less than 50 square metres.
- (d) Additions or alterations to buildings and structures which have a total gross floor area of 50 square metres or greater at the discretion of the Director of Planning and Urban Design or their designate.
- (e) Tents, marquees and similar structures to be erected for a temporary period the greater of:
 - (i) 12 weeks, or
 - (ii) Annually between April 1st, and November 1st.
- (f) Buildings or structures, and additions or alterations to buildings and structures, used for the purpose of enclosing mechanical equipment, staircases, passageways, entrances, porches, verandahs and similar structures.
- (g) Addition or alteration to an existing building or structure provided that:
 - (i) the enlargement, improvement or modification is contained wholly within the existing building or structure; and,
 - (ii) the number of required parking spaces is not increased by more than 10 percent relative to the amount of parking currently provided on the lands; and,
 - (iii) the total area of open space on a lot which is used exclusively for landscaping is not decreased by more than 10 percent.

- (h) Buildings or structures destroyed or damaged by fire, explosion or flood or other similar cause, provided that:
 - (i) the reconstructed building or structure is used for the same purpose as the former building or structure; and,
 - (ii) the gross floor area and height of the reconstructed building or structure generally do not exceed those of the former building or structure; and,
 - (iii) the reconstructed building or structure is generally not located closer to any lot lines than the former building or structure.
- (i) Industrial equipment, machinery or storage tanks:
 - (i) that are not located closer than 6.0 metres to any lot line; and,
 - (ii) that are located a minimum of 15.0 metres from any lot line of any lot zoned or used for residential purposes; and,
 - (iii) where height does not exceed 9.0 meters”

(Amended by By-Law 2024-101)

5. Heritage Properties

Notwithstanding Section 4 of this by-law, DEVELOPMENT located:

- (a) within the boundaries of the Heritage Conservation Districts, Heritage Conservation District Study Areas and the Markham Heritage Estates as shown on Schedules ‘A’, ‘B’, ‘C’ and ‘D’, or;
- (b) on properties designated under Part IV of the Ontario Heritage Act; or,
- (c) on those properties listed in the Markham Inventory of Heritage Buildings for which Council has passed an Intention to Designate notice pursuant to the Ontario Heritage Act,

shall be subject to the approvals in Section 3 of this by-law, except for the following DEVELOPMENT:

Buildings or structures and additions and alterations to buildings and structures which have a total gross floor area less than 20m², provided the addition does not materially alter any building elevation that fronts onto a public or private street.

6. Penalty

- (a) Every person who contravenes a provision of this by-law is guilty of an offence and on conviction is liable:
 - (i) On a first conviction to a fine of not more than \$25,000.00; and
 - (ii) On a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

(b) Where a corporation is convicted under Subsection 6(a) the maximum penalty that may be imposed is:

- (i) On a first conviction to a fine of not more than \$50,000; and
- (ii) On a subsequent conviction to a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

(Amended by By-law No. 2009-123, 2009-153 and 2024-101)

7. Town of Markham By-law No. 5-86, as amended, is hereby repealed.
(Amended by By-law No. 2009-123, 2009-153 and 2024-101)

8. This by-law shall come into force and effect on the date of its enactment.
(Amended by By-law No. 2009-123, 2009-153 and 2024-101)

READ A FIRST AND SECOND AND THIRD TIME THIS
1ST DAY OF NOVEMBER, 1994.

"Bob Panizza"

BOB PANIZZA, TOWN CLERK

"Frank Scarpitti"

FRANK SCARPITTI, MAYOR