

Campaign Headquarters

(Temporary Occupancies)

General Committee Meeting

January 18, 2010

Current Situation

- A Campaign Headquarters is considered an “office use” under Zoning regulations;
- A Campaign Headquarters can be located within a residential zone, provided the use complies with the provisions of the Home Occupation By-law;
- Current Sign By-law provides a exemption from signage restrictions for any Campaign Headquarters in a commercial/ retail building (exemption does not apply to a Home Occupation Use);

Current Situation

- Because Campaign Headquarters are a “temporary occupancy” the most common place to locate a headquarters is in a vacant premises;
- However at any given time there is a limited number of vacant premises, zoned to permit office uses;
- Enforcement of land use requirements has been done on a “compliant basis” only in Markham;
- Other municipalities have a range of practices from the same as Markham to requiring full zoning compliance;

Current Situation

- In the last Ward Election, a compliant regarding a campaign headquarters being located in a zone where the use is not permitted was received and acted upon;
- General Committee subsequently directed staff to prepare a report the amendment of Zoning By-laws to permit campaign headquarters in zones not permitting the use for limited and defined periods of time to provide certainty for candidates in future elections and to provide a wider range of properties in which a headquarters may be located

Options

- Restrict Campaign Headquarters to locations where permitted under zoning regulations only;
- Town-wide Zoning By-law Amendment to permit a temporary occupancy for a Campaign Headquarters in all zone categories, except for Residential Zones (A Campaign Headquarters would be permitted in a Residential Zone, subject to provisions for Home Occupation uses)
- Amendment option requires a Public Meeting and Public Notice under the *Planning Act*

Proposed Amendment- Definition

Campaign Headquarters

“an existing building or part therefore the use of which is provided for by the applicable Zoning By-law, where a registered candidate’s campaign staff are normally present and the public may enter to obtain information regarding the candidate”

Proposed Amendment- Provision

Where the applicable zoning by-law provides that land may be used for a purpose, that purpose may include a campaign headquarters subject to the following:

Not permitted in a residential zone unless the Campaign Headquarters operates in accordance with the Home Occupation provisions;

The use of the building as a campaign headquarters shall be carried for a maximum period of sixty (60) days;

Only one campaign headquarters per candidate;

Not in any building owned or maintained by any Federal, Provincial, or Municipal government department;

No material change to the external appearance of the building, unless such alteration would otherwise be permitted by the applicable zoning by-law; and

All signage must be in accordance with the Sign By-law



BY-LAW 2010-____

A By-law to amend By-laws 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, 194-82, 196-82, 304-87, 242-90, 19-94, 177-96, 28-97 and 2004-196, as amended

WHEREAS the Council of The Corporation of the Town of Markham is authorized to pass By-laws pursuant to the Planning Act, R.S.O. 1990, c.P.13, as amended;

AND WHEREAS the Council of The Corporation of the Town of Markham has considered it appropriate to enact a Zoning By-law Amendment to permit election campaign offices and regulate the duration and nature of the use;

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

1. Town of Markham By-laws 1229, 1442, 1507, 1767, 2150, 2237, 2325-68, 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, 194-82, 196-82, 304-87, 242-90, 19-94, 177-96, 28-97 and 2004-196, as amended, are hereby further amended as follows;

- 1.1 The following definitions shall apply within the context of this by-law:

“ELECTION CAMPAIGN OFFICE” 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.

- 1.2 Notwithstanding any other provisions contained within the aforementioned by-laws, ELECTION CAMPAIGN OFFICES shall be permitted in any non-residential ZONE subject to the following:

- a) the ELECTION CAMPAIGN OFFICE use shall not be permitted in any OPEN SPACE ZONE;
 - b) the ELECTION CAMPAIGN OFFICE use may be carried on for no more than 62 days prior to the date of election;
- 1.3 Notwithstanding the provisions of 1.2 above, ELECTION CAMPAIGN OFFICES shall also be permitted in any ZONE that allows BUSINESS OFFICE, as a permitted use, and such uses shall not be subject to the time restriction in 1.2 b).
- 1.4 Notwithstanding any other provision of this By-law, ELECTION CAMPAIGN OFFICES shall not be permitted in the area identified on Schedule "A" to this By-law unless the ELECTION CAMPAIGN OFFICE is located in a ZONE that allows BUSINESS OFFICE as a permitted use.
2. All other provisions of Town of Markham By-laws Nos. 1229, 1442, 1507, 1767, 2150, 2237, 2325-68, 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, 194-82, 196-82, 304-87, 242-90, 19-94, 177-96, 28-97 and 2004-196, as amended, not inconsistent with the provisions of this by-law, shall continue to apply.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS _____ DAY OF _____, 2010.

Kimberley Kitteringham
Town Clerk

Frank Scarpitti
Mayor

EXPLANATORY NOTE

BY-LAW NO. 2010-__

A By-law to amend By-laws Nos. 1229, 1442, 1507, 1767, 2150, 2237, 2325-68, 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, 194-82, 196-82, 304-87, 242-90, 19-94, 177-96, 28-97 and 2004-196, as amended.

LANDS AFFECTED

This By-law Amendment applies to all lands in the Town of Markham.

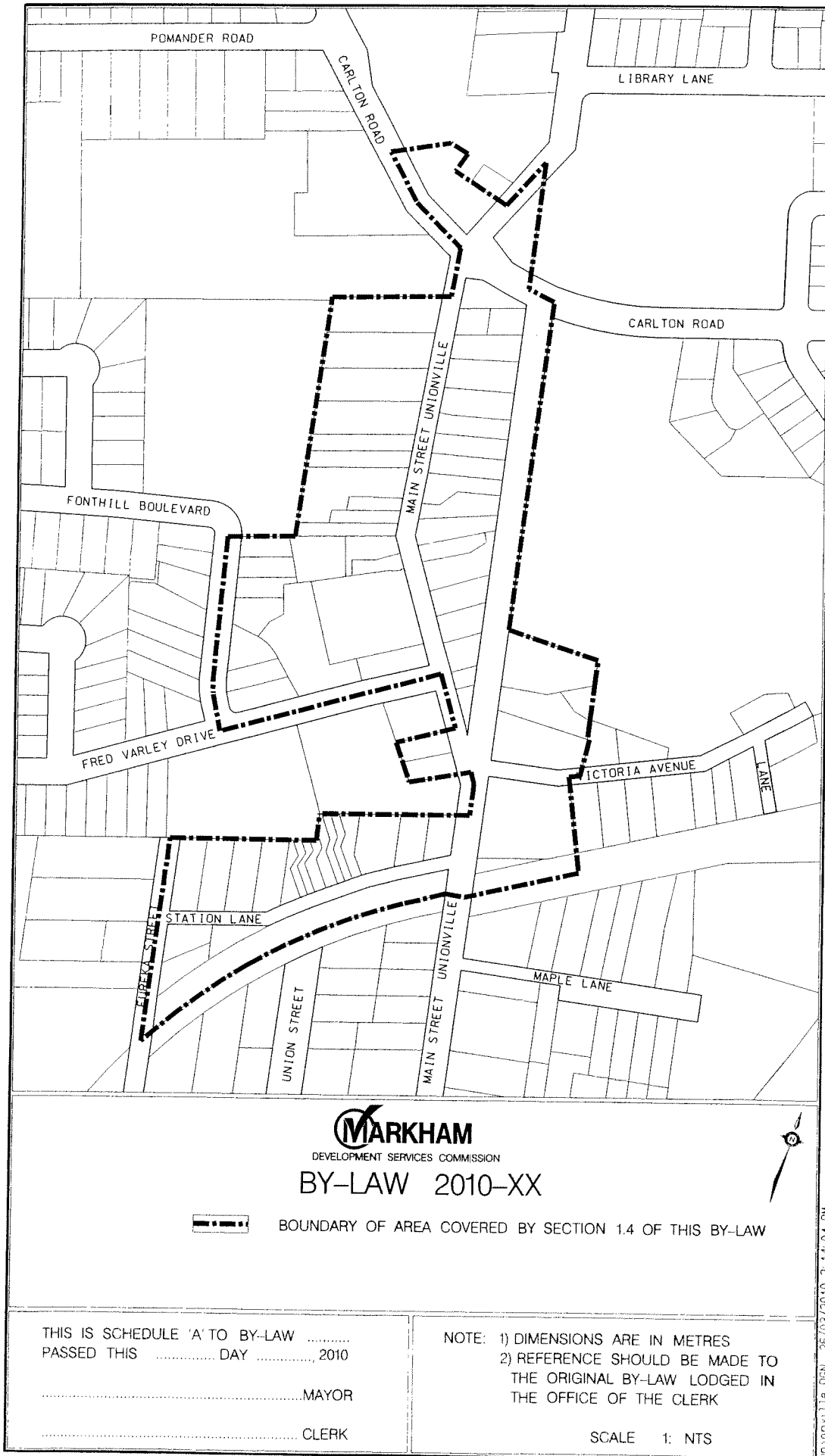
EXISTING ZONING

Under current zoning Election Campaign Offices have been required to locate only in zones that permit office uses or within residential zones as a home occupation use. There is considered to be a general lack of vacant and affordable office space available for candidates to temporarily occupy as Election Campaign Offices. There have been no formal regulations relating to election campaign offices and enforcement of land use requirements has to date only been carried out following a complaint made by a member of the public.

PURPOSE AND EFFECT

The purpose of the proposed Zoning By-law Amendment is to recognize Election Campaign Offices as a temporary use capable of locating in a variety of non-residential zones for a limited period of time without adversely affecting the planned function of the zone or the amenity of adjacent uses.

The effect of the amendment is to permit an Election Campaign Office use in any zone except an open space or residential zone for a maximum time period of sixty two days. This amendment would not apply to lands identified in the Unionville Core Area By-law 2003-167, shown on Schedule 'A' to this by-law, unless an Election Campaign Office located in property specifically zoned to permit office uses in By-law 2003-167. If located in a residential zone then an Election Campaign Office must comply with requirements under the home occupation use provisions, as is currently the case. All other applicable zoning and sign by-law regulations will apply.



Unionville Core Area Not Included

Unionville Main Street and the surrounding area is regulated by Parent By-law 122-72, as amended. This parent by-law was further amended in May 2003 by By-law 2003-167 to introduce specific zoning regulations to recognise the unique character and function of Main Street Unionville. The effect of the amendment included prohibiting office uses from locating on the ground floor of buildings. In order to respect the intent of By-law 2003-167 and maintain the planned function of the Unionville Core Area the proposed By-law amendment relating to Election Campaign Offices will not apply to the Unionville Core Area.