



Planning Act
Loi sur l'aménagement du territoire

ONTARIO REGULATION 169/21

ZONING ORDER — CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

Consolidation Period: From February 24, 2023 to the e-Laws currency date.

Last amendment: 28/23.

Legislative History: [+]

This Regulation is made in English only.

Definitions

1. In this Order,

“accessory” means a use, building or structure that is normally incidental or subordinate to a principal use, building or structure located on the same lot, and includes,

- (a) a commercial school,
- (b) a business office,
- (c) a restaurant, including take-out,
- (d) a financial institution,
- (e) a retail store,
- (f) a medical office,
- (g) a personal service shop,
- (h) a community centre,
- (i) a place of worship,
- (j) a health centre, and
- (k) an above ground parking structure;

“long-term care home” has the same meaning as in the *Long-Term Care Homes Act, 2007*;

“retirement home” has the same meaning as in the *Retirement Homes Act, 2010*;

“seniors residence” means a premises, other than a long-term care home or retirement home, that provides accommodation primarily to seniors and,

- (a) that comprises either or both,
 - (i) private rooms that each have at least one separate private bathroom, and
 - (ii) living units that each have cooking facilities and at least one separate private bathroom,

- (b) where each private room or living unit, as the case may be, has a separate entrance from a common hall, and
- (c) that has common facilities for the preparation and consumption of food, common lounges and recreation rooms. O. Reg. 169/21, s. 1; O. Reg. 550/21, s. 1; O. Reg. 28/23, s. 1.

2. (1) This Order applies to lands in the City of Markham, in the Regional Municipality of York, in the Province of Ontario, being the lands outlined in red in the map numbered 303 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street. O. Reg. 164/22, s. 1.

(2) Despite any existing composition or future severance, partition or division of the lands described in subsection (1), those lands shall be treated as a single lot for the purposes of this Order. O. Reg. 164/22, s. 1.

Non-application of s. 41 of the Act, site plan control area

2.1 Section 41 of the Act does not apply to the lands described in subsection 2 (1) of this Order. O. Reg. 164/22, s. 2.

Matters that may be dealt with in agreement

2.2 Each person who owns all or any part of the lands described in subsection 2 (1) shall enter into one or more agreements with the City of Markham dealing with matters listed in subsection 47 (4.4) of the Act. O. Reg. 164/22, s. 2.

Permitted uses

3. Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in subsection 2 (1), except for,

- (a) a retirement home;
- (b) a long-term care home;
- (c) a seniors residence;
- (d) a public authority use;
- (e) use of a building or part of a building as a place of worship, community centre, library or government office; and
- (f) an accessory use, building or structure. O. Reg. 169/21, s. 3; O. Reg. 550/21, s. 2; O. Reg. 164/22, s. 3.

Zoning requirements

4. The zoning requirements for the lands described in subsection 2 (1) are as follows:

1. The minimum front yard setback is six metres.
2. The minimum setback to any other lot line is 5.5 metres.
3. The minimum distance between buildings is 11 metres.
4. The maximum building height is 53 metres.
5. The maximum floor area ratio is 400 per cent.
6. The minimum setback to a top-of-bank is 10 metres.
7. Parking shall be provided in accordance with the City of Markham Parking Standards By-law 28-97, with the following exceptions:
 - i. For a long-term care home, 0.5 spaces shall be provided per bed.
 - ii. For a retirement home, 0.5 spaces shall be provided per unit.
 - iii. For a seniors residence, 0.5 spaces shall be provided per private room or living unit, as the case may be.
 - iv. For accessory uses, one space shall be provided per 40 square metres of net floor area.

8. The maximum building floor area is 2,100 square metres for each storey for any building with a setback of 106 metres from Apple Creek Boulevard.
9. Despite paragraph 4, the maximum height for an above ground parking structure is 38 metres. O. Reg. 169/21, s. 4; O. Reg. 550/21, s. 3; O. Reg. 164/22, s. 4; O. Reg. 492/22, s. 1; O. Reg. 28/23, s. 2.

Terms of use

5. (1) Every use of land and every erection, location or use of any building or structure shall be in accordance with this Order.

(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased and its original use is not altered.

(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Deemed by-law

6. This Order is deemed for all purposes, except the purposes of section 24 of the Act, to be and to always have been a by-law passed by the council of the City of Markham.

7. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).