

ONTARIO REGULATION

made under the

PLANNING ACT

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ZONING ORDER - CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

Definitions

1. In this Order,

"accessory", when used to describe a use, building or structure, means a use, building or structure that is normally incidental or subordinate to a principal use, building or structure located on the same lot, including but not limited to,

- (a) a camp,
- (b) an administrative office,
- (c) a restaurant,
- (d) a restaurant, take-out,
- (e) a financial institution,
- (f) a retail store,
- (g) a medical office,
- (h) a personal service shop,
- (i) a worship area, and
- (j) a health centre

"institutional use" means a Building or part of a Building containing uses such as Places of Worship, Community Centres, libraries, or government offices.

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

“retirement home” means a Premises that provides accommodation primarily to retired persons or couples where each private room or living unit has separate private bathrooms and separate entrance from a common hall, and may contain cooking facilities, but where common facilities for the preparation and consumption of food are provided, and where common loungers, recreation rooms and medical care facilities may also be provided.

"zoning by-law" means Zoning By-law 165-80 and 28-97 of the City of Markham.

Application

2. This Order applies to lands in the City of Markham in the Regional Municipality of York, in the Province of Ontario, being PIN 0304-3000(LT) and municipally addressed as 36 Apple Creek boulevard.

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

3. Section 41 of the Act does not apply to the lands described in section 2 of this Order.

Matters that may be dealt with in agreement

4. Each person who owns all or any part of the lands described in section 2 shall enter into one or more agreements with the City of Markham dealing with the matters listed in subsection 47 (4.4) of the Act.

Permitted uses

5. In addition to the uses permitted in the zoning by-law on the lands described in Section 2, retirement home, nursing home, long term care home, institutional use, private school, together with accessory uses, buildings and structures is permitted.

Zoning requirements

6. The zoning requirements in the Select Institutional with Limited Commercial Zone M.C (40%) in the zoning by-law apply to the uses, buildings and structures permitted under section 5, with the following exceptions:

1. The minimum front yard setback is 9.0 metres.
2. The minimum yard setback is 5.5 metres.
3. The minimum yard setback to a stop slope is 10.0 metres.
4. The minimum rear yard setback is 5.5 metres.
5. The minimum distance between buildings is 11 metres.
6. The maximum height is 25 metres.
7. The maximum floor area ratio is 250%.

8. The minimum number of required parking spaces including visitor parking spaces for a retirement home, nursing home or long term care home is 0.5 spaces/unit.

Terms of use

7. (1) Every use of land and every erection, location and use of buildings or structures 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 or its original use altered.

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

Deemed by-law

8. 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.

Commencement

9. **This Regulation comes into force on the day it is filed.**

Made by:

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Signature (in Blue ink)
Minister of Municipal Affairs and Housing

Date made.....