

**ONTARIO REGULATION XXX/24**

made under the

**PLANNING ACT**

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**ZONING ORDER - CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK**

**DEFINITIONS, ETC.**

**Definitions**

1. In this Zoning Order (“Order”) all capitalized terms are defined according to the City of Markham Zoning By-Law No. 177-96 except for the following:

“Amenity Space” means space on a lot that is designed and available for use by the occupants of a Building on the Lot for recreational or social activities.

“Bicycle Parking Space” means an area that is provided and maintained for the purpose of temporary storage of a bicycle or motor assisted bicycle as those terms are defined in the *Highway Traffic Act*.

“Long-Term Bicycle Parking Space” means a Bicycle Parking Space within a Building or Structure equipped with a rack or stand designed to lock the wheel and frame of a bicycle that is for the exclusive use of parking bicycles and is available exclusively for the use of residents or occupants of the Building or Structure.

“Podium” means the base or lower portion of a multi Storey Building, which is located at or above Established Grade.

“Point Tower” means portions of a Building that project above a Podium if the Building is a minimum of 12 Storeys.

“Point Tower Floorplate” means, in relation to a Point Tower, the area of a Storey within the Point Tower measured between the exterior faces of the exterior walls of the Point Tower.

“Point Tower Separation Distance” means, in relation to a Point Tower, the separation distance between two or more Point Towers located on the same Lot above the Podium, as measured from the exterior faces of the exterior walls of the Point Towers, exclusive of balconies and architectural features.

“Point Tower Setback” means, in relation to a Point Tower, the setback from the Point Tower to a Lot Line.

“Short-Term Bicycle Parking Space” means a Bicycle Parking Space within or outside a Building or Structure that is equipped with a rack or stand designed to lock the wheel and frame of a bicycle that is available for use by the general public.

“Zoning By-Law” means the City of Markham Zoning By-law No. 177-96.

**Application**

2. 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 on a map numbered **MAP XXX** and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

3. Despite any future severance, partition or division of the lands described in Section 2, this Order shall continue to apply to the lands as if no severance, partition or division occurred.

**Condition, municipal services and other requirements**

4. No person may use the lands described on the map referred to in section 2. or erect or use buildings or structures on those lands pursuant to this Order unless the following conditions are met:

- (1) New Public Streets or Private Streets as shown on the map referred to in section 2. shall be constructed to a minimum of base curb and base asphalt or concrete and shall be connected to an existing public highway prior to the erection of the Building or Structure.

- (2) Municipal water mains and sewers, and their appurtenances, that are required for the erection or use of a Building or Structure shall be installed and operational before the use of the Building or Structure begins.
- (3) A clearance letter from the Trustee of a Landowners Group for the area outlined in red on the map referred to in section 2. indicating that the landowner is in good standing with the provisions of the Landowners Group cost sharing agreement provisions shall be provided to the City prior to the issuance of development approvals or prior to the commencement of any development.
- (4) The City of Markham shall approve a Master Plan submission for the lands referred to in section 2.) which must include the general locations and sizes of Public Parks, Public Uses and Public Schools, as appropriate. The minimum and maximum amount of residential and non-residential gross floor area to be generally distributed to each Block shall be indicated.
- (5) The City of Markham shall approve a Comprehensive Block Plan submission for the subject Block containing the proposed development (labelled as Blocks 1, 2, 3, 4, 5, 6, 7 and 8 on the map referred to in section 2.) pursuant to Section 10.1.4 of the Official Plan of the City of Markham. A Comprehensive Block Plan must detail the locations and sizes of Public Parks, Public Uses and Public Schools, as appropriate, within that subject Block, as well as the amount of residential and non-residential gross floor area.
- (6) The City of Markham shall approve a Phasing Plan submission for the lands referred to in section 2.).
- (7) The City of Markham shall approve an Underground Pathway Plan submission for the lands referred to in section 2.).
- (8) Confirmation to the City that a form of district energy system will be implemented to service the subject Block.

#### **COMMUNITY AMENITY 4**

##### **Community Amenity 4 — prohibition**

**5.** Every use of land and every erection, location or use of any building or structure is prohibited on the lands in the areas shown as Community Amenity 4 on the map referred to in section 2. except as follows:

- (1) “Residential Uses”:
  - a. Apartment Dwelling.
  - b. Multiple Dwelling.
  - c. Home Occupation.
  - d. Home Child Care.
- (2) “Non-Residential Uses”:
  - a. Art Gallery.
  - b. Business Office.
  - c. Commercial Fitness Centre.
  - d. Commercial School.
  - e. Child Care Centre.
  - f. Financial Institution.
  - g. Hotel.
  - h. Institutional Use.
  - i. Library.
  - j. Medical Office.
  - k. Museum.
  - l. Nightclub.
  - m. Non Profit Fitness Centre.
  - n. Nursing Home.
  - o. Personal Service Shop.
  - p. Places of Amusement.

- q. Place of Entertainment.
- r. Place of Worship.
- s. Private Club.
- t. Private School.
- u. Private Street.
- v. Recreational Establishment.
- w. Repair Shop.
- x. Restaurant including Take Out Restaurant.
- y. Retail Store.
- z. Retirement Home.
- aa. Theatre.
- bb. Trade and Convention Centre.
- cc. Supermarket.
- dd. Veterinary clinic.
- ee. Private Park.
- ff. Public Park, according to the uses in section 7. and also permitting vehicle parking below ground.
- gg. Public School, but only within the podium of a multi-use building.
- hh. Community Centre.
- ii. Commercial Parking Lot.
- jj. Municipal Parking Lot.
- kk. Parking Garage.

**Community Amenity 4 — general requirements**

6. The requirements set out in this section apply to the lands in the areas shown as Community Amenity 4 on the map referred to in section 2.
  - (1) Despite any other provision of this Order, the minimum overall permitted total Gross Floor Area for all Buildings and Structures for Residential Uses listed in section 5.(1) calculated cumulatively for all Blocks shown as Community Amenity 4 shall be 700,000 square metres, and the maximum shall be 1,000,000 square metres.
  - (2) Despite any other provision of this Order, the minimum overall permitted total Gross Floor Area for all Buildings and Structures for Non-Residential Uses listed as items a. to dd. in section 5.(2) calculated cumulatively for all Blocks shown as Community Amenity 4 shall be 15,000 square metres.
  - (3) Despite any other provision of this Order, the minimum overall permitted total Gross Floor Area for all Buildings for Community Centre uses calculated cumulatively for all Blocks shown as Community Amenity 4 shall be 1,500 square metres.
  - (4) Despite any other provision of this Order, the minimum overall permitted total land area for Public School uses calculated cumulatively for all Blocks shown as Community Amenity 4 shall be 5,200 square metres.
  - (5) Despite any other provision of this Order, the minimum overall total land area for Public Park uses calculated cumulatively for all Blocks shown as Community Amenity 4 shall be 1.8 hectares. This minimum area requirement is in addition to the area zoned Open Space 1.
  - (6) If 50 per cent or more of the Gross Floor Area of a Podium comprises Non-Residential Uses, the maximum height of the Podium shall be 40 metres.
  - (7) If less than 50 per cent of the Gross Floor Area of a Podium comprises Non-Residential Uses, the maximum height of the Podium shall be 35 metres.
  - (8) The minimum Point Tower Separation Distance shall be 25 metres.
  - (9) The minimum Point Tower Setback from a lot line that is not adjacent to a Public Street, a Public Park or the areas shown as Open Space 1 on the map referred to in section 2. shall be 12.5 metres.

- (10) A Point Tower is required to be set back a minimum of 1.8 metres above the Podium, however up to 33% of any face of a Point Tower may proceed to grade without a Podium.
- (11) The maximum Point Tower Floorplate for Non-Residential Uses shall be 2,500 square metres.
- (12) The maximum Point Tower Floorplate for Residential Uses shall be 850 square metres.
- (13) For Non-Residential Uses, the minimum setback for the first Storey of a Point Tower and Podium that abuts a Public Street or Public Park shall be 0.3 metres.
- (14) For Residential Uses, the minimum setback for a lobby or entrance to an indoor amenity room of a Podium that abuts a Public Street or Public Park shall be 1.2 metres.
- (15) For Residential Uses, the minimum setback for the first Storey of a Point Tower and Podium that abuts a Public Street or Public Park shall be 2.5 metres.
- (16) A minimum of 1 square metre of indoor amenity space is required per Dwelling Unit.
- (17) A minimum of 1 square metre of Outdoor Amenity Space is required per Dwelling Unit.
- (18) There are no minimum required parking spaces per Dwelling Unit.
- (19) A maximum of 0.5 parking spaces are permitted per Dwelling Unit.
- (20) A minimum of 0.06 visitor parking spaces are required per Dwelling Unit.
- (21) There is no minimum required parking spaces for Non-Residential Uses.
- (22) A maximum of 2.25 parking spaces are permitted per 100 square metres of Non-Residential Uses.
- (23) Parking spaces allocated for Residential Use visitors or Non-Residential Uses may be shared for the purpose of meeting the parking requirements under this section.
- (24) A minimum of 0.80 Long-Term Bicycle Parking Spaces are required for each Dwelling Unit.
- (25) A minimum of 0.10 Short-Term Bicycle Parking Spaces are required for each Dwelling Unit for visitors.
- (26) A minimum of 0.2 Short-Term Bicycle Parking Spaces and a minimum of 0.2 Long-Term Bicycle Parking Spaces are required per 100 square metres of Business Office use gross floor area, for the exclusive use of employees of the Business Office use.
- (27) The minimum width of a parking space for the exclusive use of a compact motor vehicle shall be 2.4 metres.
- (28) The minimum length of a parking space for the exclusive use of a compact motor vehicle shall be 4.8 metres.
- (29) A maximum of 10 per cent of the total parking spaces provided may be permitted for the purpose of compact motor vehicle parking.
- (30) Projections associated with the following structures or elements may exceed the minimum building setbacks and step backs, and maximum building heights set out in this Order:
  - a. Guard rails, railings, bollards, balustrades, eaves, roof drainage, balcony and terrace guards, fences, skylights, railings, planters, cornices, seating areas, retaining walls, balcony and terrace dividers, decorative screens, privacy screens, pedestrian ramps and ramps to underground, safety and wind protection/mitigation features and solar panels, ornamental elements, landscape elements, structures used for outside or open air recreation including pools and associated equipment, light monitors, light fixtures, pergolas, architectural features, trellises and awnings.
  - b. Public art features, mechanical equipment, exoskeleton structures, stairs, stair towers and enclosures, enclosures of mechanical equipment and unenclosed heating equipment, elevator overruns, lightning rods, ventilation or cooling equipment such as chimneys, stacks, flues, vents and air intakes, antennas, satellite dishes, cellular arrays, window washing equipment, parapets and elements of a green roof.

#### **Community Amenity 4 Exception 1**

7. The following applies to areas shown as Community Amenity 4 Exception 1 on the map referred to in section 2. labelled as Block 1:
  - (1) No Residential Use is permitted.
  - (2) The minimum Gross Floor Area for Business Office use to be provided on the areas shown as Community Amenity 4 Exception 1 shall be 36,000 square metres.



## OPEN SPACE 1

### Open Space 1 — prohibition

8. Every use of land and every erection, location or use of any building or structure is prohibited on the lands in the areas shown as Open Space 1 on the map referred to in section 2., except as follows:
  - a. Public Park, including associated buildings and structures.
    - (1) A Public Park may include any of the following situated below ground under the Public Park: servicing infrastructure and/or stormwater management infrastructure.

## GENERAL

### Inclusionary zoning

9. Despite any other provision of any other applicable municipal zoning by-law, there is no minimum requirement for affordable rental or ownership housing units.

### Matters that may be dealt with in agreement

10. 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.

### Terms of use

11. (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. For clarity, this includes uses permitted by any in-effect Temporary Use By-Law.
  - (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.
  - (5) Nothing in this Order prevents the erection of a temporary Building, Structure, facility or trailer used for the purposes of the sales or leasing of residential units to be built on lands.

### Commencement

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

Made by:

MINISTER PAUL CALANDRA  
*Minister of Municipal Affairs and Housing*

Date made: **DATE**

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MAP XXX

