

ENCLOSURE “3”

ONTARIO REGULATION XXX/24

made under the

PLANNING ACT

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ZONING ORDER – CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

Definitions

1. In this Order,

“Zoning By-law” means Zoning By-law 2024-19 of the City of Markham.

Application

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 on the map numbered xxx and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Condition, municipal services

3. No person may use the lands described in section 2 or erect or use buildings or structures on those lands unless the following conditions respecting municipal services are met, if applicable:
 - (1) New public or private streets required for the erection or use of a building or structure shall be constructed to a minimum of base curb and base asphalt or concrete and shall be connected to an existing public highway.
 - (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 or erection begins.

Permitted Uses

4. (1) Every use of land and every erection, location or use of any building or structure is prohibited on the lands identified as Residential Low Rise Two (RES-LR2) Zone on the map referred to in Section 2(1), except for,
 - (a) The uses identified for the Residential Low Rise Two (RES-LR2) Zone in Table 6.3.4.1 of the Zoning By-law;
 - (b) Townhouse Dwellings;
 - (c) Back to back Townhouse Dwellings;
 - (d) Public Uses;
 - (e) Retail Stores;
 - (f) Personal Service Establishments;
 - (g) Child Care Centres;
 - (h) Public Parks; and,
 - (i) Public Schools.

(2) Every use of land and every erection, location or use of any building or structure is prohibited on the lands identified as Residential Mid Rise One (RES-MR1) Zone on the map referred to in Section 2(1), except for,

- (a) The uses identified for the Residential Mid Rise One (RES-MR1) Zone in Table 6.3.11.1 of the Zoning By-law;
- (b) Multiple Dwelling Units
- (c) Townhouse Dwellings;
- (d) Back to back Townhouse Dwellings;
- (e) Home Child Care;
- (f) Home Occupation;
- (g) Shared Housing – Small Scale;
- (h) Art Galleries;
- (i) Artist Studios;
- (j) Business Offices;
- (k) Child Care Centres;
- (l) Commercial Schools;
- (m) Financial Institutions;
- (n) Medical Offices;
- (o) Personal Service Establishments;
- (p) Non-profit Private Clubs;
- (q) Restaurants;
- (r) Retail Stores;
- (s) Fitness Centres, Studio; and,
- (t) Service and Repair Establishments.

Zoning Requirements

5. (1) The zoning requirements set out for the Residential Low Rise Two (RES-LR2) Zone in Table 6.3.4.2 of the Zoning By-law apply to the uses set out in subsection 4(1) with the following exceptions:
 - (a) Retail Stores, personal service establishments, child care centres, and non-profit private clubs shall only be permitted within a Heritage Building;
 - (b) Townhouse dwellings not accessed by a lane shall comply with the provisions of Table 6.3.5.2;
 - (c) Detached, and semi-detached dwellings accessed by a lane shall comply with the provisions of Table 6.3.6.2;
 - (d) Townhouse dwellings accessed by a lane shall comply with the provisions of Table 6.3.7.2;
 - (e) Back to back townhouse dwellings shall comply with the provisions of Table 6.3.13.2;
 - (f) Public Schools shall comply with the provisions of Table 6.3.10.2;
 - (g) Despite Table 6.3.5.2, the minimum required lot frontage for the uses permitted in subsection 4(1)(b) is 5.5 metres on an interior lot, 7.0 metres for an end unit on an interior lot, and 8.2 metres for an end unit on a corner lot;
 - (h) Despite Table 6.3.7.2, the minimum required lot frontage for the uses permitted in subsection 4(1)(c) is 4.5 metres per unit on an interior lot, 5.8 metres for an end unit on an interior lot, and 7.0 metres for an end unit on a corner lot if private garage is attached or detached;
 - (i) Despite Tables 6.3.4.2 and 6.3.5.2, the minimum required rear yard on a lot not accessed by a lane is 6.0 metres;
 - (j) Despite Tables 6.3.4.2 and 6.3.5.2, the maximum garage door width on a lot that is not accessed by a lane with a lot frontage of 10.7 metres to 12.19 metres is 5.5 metres;
 - (k) Despite Table 6.3.7.2, the minimum rear yard (if private garage is attached) is 0.6 metres for the first storey, and 2.4 metres for every storey above the first storey;
 - (l) Despite Tables 6.3.4.2, 6.3.5.2, 6.3.6.2, 6.3.7.2 and 6.3.13.2, the maximum height shall be 13.5 metres;
 - (m) Despite Tables 6.3.4.2, 6.3.5.2, 6.3.6.2, 6.3.7.2 and 6.3.13.2, the minimum outdoor amenity area shall be 5 square metres per dwelling unit;
 - (n) Despite any provision identified in Section 4.5, the minimum setback for buildings, structures, fences, walls,

driveways, parking pads or other hard surface, and vegetative planting or landscaping from a sight triangle is 0.1 metres;

- (o) Stairs are permitted to encroach into an interior side yard provided that no part of a stair is located closer than 0.70 metres from an interior side lot line;
 - (p) The maximum height of a porch floor above the average grade level of the porch shall be 1.6 metres;
 - (q) Maximum number of dwellings east of the lands subject to the Greenbelt Plan is 1,178;
 - (r) Minimum combined area of all public parks is 16.72 hectares;
 - (s) One public park shall have a minimum contiguous area of 16 hectares;
 - (t) Despite any setback provision identified in Section 4 of this Order, a minimum 7.0 metre setback is required for permanent buildings or structures, parking areas, loading areas, parking spaces, loading spaces, stacking spaces, bicycle parking spaces and any associated drive aisle or driveway from the edge of the TransCanada PipeLines Limited (TCPL) right-of-way; and,
 - (u) All accessory buildings or structures shall be located a minimum of 3.0 metres from the edge of the TransCanada PipeLines Limited (TCPL) right-of-way.
- (2) The zoning requirements set out for the Residential Mid Rise One (RES-MR1) Zone in Table 6.3.11.2 of the Zoning By-law apply to the uses set out in subsection 4(2) with the following exceptions:
- (a) For the purposes of this By-law, Highway 48 shall be deemed to be the front lot line;
 - (b) Special Provision (1) of table 6.3.11.1 shall not apply;
 - (c) The minimum setback between buildings is 3 metres;
 - (d) The maximum lot frontage does not apply;
 - (e) The minimum rear yard shall be 3 metres;
 - (f) The minimum setback from any lot line for a parking garage, where no more than 1 metre of the parking garage is above average grade level shall be 0.1 metres;
 - (g) The minimum outdoor amenity area shall be 5 square metres per dwelling unit;
 - (h) Architectural features such as window wells are permitted to encroach a maximum of 1.8 meters into a required yard provided they are set back a minimum of 0.1 metres from a lot line;
 - (i) The floor of any porch that is located between a wall of the main building and any lot line that serves as the boundary of a street shall have a depth of at least 1.2 metres, and Section 4.8.10.1c) shall not apply
 - (j) The maximum number of dwelling units is 1,140;
 - (k) The minimum parking space required per dwelling unit is 1.0 parking space; and,
 - (l) The minimum visitor parking space required per dwelling unit is 0.15 parking spaces.

Matters that may be dealt with in agreement

- 6. (1) 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.

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 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.
- (5) Nothing in this Order prevents the construction of a model home(s) and temporary sales office(s) in accordance with Section 4.9.5 of the Zoning By-law

Deemed by-law

8. This Order is deemed for all purposes, except the purposes of section 24 of the Planning Act, to be 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: Date made:

