

EXPLANATORY NOTE

BY-LAW 2007-177

LANDS AFFECTED

This by-law applies to 1.0 ha (2.47 acre) parcel of land located on the east side of Kennedy Road, north of 14th Avenue, municipally known as 7779, 7781, and 7787 Kennedy Road.

EXISTING ZONING

The property is currently zoned Institutional and Open Space (02) under By-law 193-81, as amended.

PURPOSE AND EFFECT OF BY-LAW

The purpose and effect of this By-law is to permit only the following uses on the subject lands:

- a private school
- business offices and/or one dwelling unit
- a retirement home

This will facilitate the development of the property with a 3-storey retirement home with 62 units, recognize an existing private Montessori school, and allow office uses and/or one dwelling unit in the heritage building (John Morley house), which is being restored on-site.

The zoning by-law also includes a Hold (H) provision to ensure that:

- A Traffic Study is submitted/approved for the subject lands
 - A site plan agreement is executed with the Town of Markham
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BY-LAW 2007-177

A by-law to amend By-law 193-81, as amended
being a by-law to rezone the lands to permit a
retirement home, private school and office uses

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

1. By-law 193-81, as amended, is hereby further amended as follows:

1.1 By zoning the lands from

Institutional and Open Space (O2) to

Institutional and Open Space – Hold [O2 (H)]

as shown on Schedule 'A' attached hereto.

1.2 That Sections 1(c) and (d) of amending By-law 278-84 be deleted in its entirety and replaced with the following:

“(c) Notwithstanding any other provision of this By-law, the provisions of this section shall apply to those lands identified on Schedules 'A' and 'B' to this By-law. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

1. Uses Permitted

The following are the only uses permitted:

- (i) *one private school*
- (ii) *one retirement home*
- (iii) *business and professional offices and/or a dwelling unit*

2. Zone Standards

The following specific zone standards apply:

(i) Minimum *lot frontage* – 55 metres

(ii) Landscaping Requirements:

- (a) A strip of land not less than 16.0 metres in width and immediately adjacent to the north *lot line* shall be landscaped.
- (b) Within 30 metres of Kennedy Road, a strip of land not less than 2.0 metres in width and immediately adjacent to the north lot line shall be landscaped.
- (c) A strip of land not less than 3.8 metres in width and immediately adjacent to the south *lot line* shall be landscaped.
- (d) Within 30 metres of Kennedy Road, a driveway and parking shall be allowed to encroach into the required *landscaping strip* abutting the south *lot line*.

- (e) A strip of land not less than 5.0 metres in width and immediately adjacent to the east *lot line* shall be landscaped.
 - (f) A strip of land not less than 8.0 metres in width and immediately adjacent to the west *lot line* shall be landscaped.
 - (g) One *loading space* shall be allowed to encroach into the required *landscaping strip* abutting the west *lot line*.
 - (h) A *landscaping strip* shall not be required between the *main wall* of Building 'A' (7779 Kennedy Road) and the *front lot line*.
- (iii) Loading Space Requirements:
- (a) One loading space shall be provided.
 - (b) The loading space shall be setback a minimum of 3.0 metres from the west *lot line*.
 - (c) The loading space shall be a minimum of 12.0 metres long, 3.5 metres wide and have a vertical clearance of at least 4.2 metres.
- (iv) Building 'A' (municipally known as 7779 Kennedy Road) as shown on Schedule 'B' attached hereto.

Minimum *front yard* – 0.5 metres
Minimum north *side yard* – 28 metres
Minimum south *side yard* – 16 metres
Minimum east *side yard* – 43 metres
Minimum *rear yard* – 100 metres
Maximum *height* – 6.5 metres
Minimum setback of a building from the centerline of Kennedy Road –
17 metres

- (v) Building 'B' (municipally known as 7781 Kennedy Road) as shown on Schedule 'B' attached hereto.

Minimum *front yard* – 6 metre
Minimum north *side yard* – 11 metres
Minimum south *side yard* – 25 metres
Minimum *rear yard* – 75 metres
Maximum *height* – 7.0 metres

- (vi) Building 'C' (municipally known as 7787 Kennedy Road) as shown on Schedule 'B' attached hereto.

Minimum north *side yard* – 16 metres
Minimum south *side yard* – 43 metres
Minimum *rear yard* setback:

- For a 1 storey portion of a building – 7.5 metres
- For a 2 or 3 storey portion of a building – 20 metres

Maximum *height* – 14 metres
Maximum height of a one storey portion of a building within 20 metres of the rear *lot line* shall be 6.6 metres

3. Special Site Provisions

The following additional provisions apply:

- (i) The *retirement home* shall have a maximum of 62 units.
- (ii) Maximum number of dwelling units permitted within the heritage building (John Morley house) – one (1) dwelling unit
- (iii) All garbage shall be enclosed within a fully enclosed storage area within a main BUILDING(s) on the site. There shall be no outdoor storage of garbage at any time.
- (vi) For the purposes of this by-law, the following definitions shall apply:

RETIREMENT HOME means a *premises* that provides accommodation primarily to retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.

All other definitions of SECTION 2 – DEFINITIONS of By-law 193-81, as amended, not inconsistent with the above, shall continue to apply.

- 4. Notwithstanding any further division or partition of lands, the development standards in By-law 193-81, as amended shall continue to apply to the property and buildings shown on Schedules 'A' and 'B' attached hereto, as they existed on the date of the passing of this By-law.

1. HOLDING PROVISIONS

For the purpose of this By-law, a Holding (H) zone is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis preceding the zoning symbol.

Notwithstanding any other provision in this By-law, where a zone symbol preceded by the letter (H), no person shall use the land to which the letter (H) applies for any use other than the use which existed on the date this By-law was passed, until the (H) is removed in accordance with the policies of the Official Plan, the provisions of this Zoning By-law and any amendment to this By-law, as amended, and the Planning Act as amended.

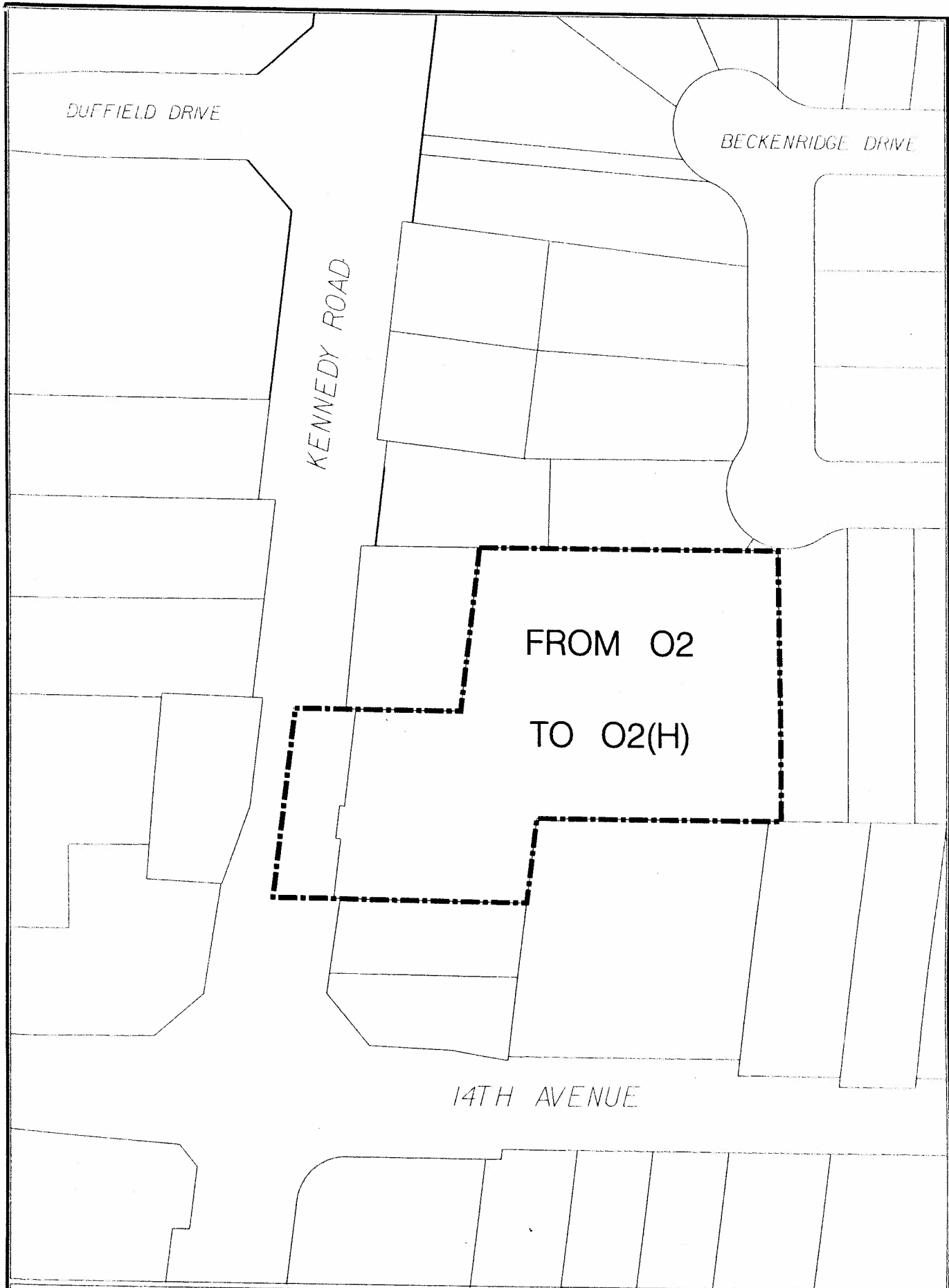
Prior to removing the '(H)' Holding provision, the following conditions must be met, to the satisfaction of the Town of Markham:

- (a) A site plan agreement is executed with the Town of Markham; and
 - (b) A Traffic Study is approved, to the satisfaction of the Commissioner of Development Services.
- 2. All other provisions of By-law 193-81, 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
26TH DAY OF JUNE, 2007.


SHEILA BIRRELL, TOWN CLERK


FRANK SCARPITTI, MAYOR



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 193- 81



BOUNDARY OF AREA COVERED BY THIS BY-LAW

O2

INSIRUTIONAL & OPEN SPACE

(H)

HOLDING PROVISION

THIS IS SCHEDULE 'A' TO BY-LAW 2007-177
PASSED THIS 26TH DAY JUNE 2007

Frank Scarpitti MAYOR

Phelia Barriell CLERK

NOTE: 1) DIMENSIONS ARE IN METRES
2) REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK

SCALE 1: 1500



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW

193-81



THIS IS SCHEDULE 'B' TO BY-LAW 2007-177
PASSED THIS ...26TH DAY, JUNE, 2007
Paul Scarpitta MAYOR
Phelan Beuch CLERK

 BOUNDARY OF AREA COVERED BY THIS BY-LAW

NOTE: 1) DIMENSIONS ARE IN METRES
2) REFERENCE SHOULD BE MADE TO
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THE OFFICE OF THE CLERK

SCALE : 1: