



EXPLANATORY NOTE

BY-LAW 2016-26

A By-law to amend By-law 122-72, as amended

**1932585 Ontario Inc.
4802 Highway 7 East
CON 6 PT LOT 11**

Lands Affected

This By-law applies to approximately 0.61 acres of land municipally known as 4802 Highway 7 East. The lands are located on the north side of Highway 7 East, east of Kennedy Road.

Existing Zoning

The subject lands are zoned Single Family Rural Residential (RRH) and Open Space (O1) by By-law 122-72, as amended. In addition to the uses permitted in the Single Family Rural Residential zone, the retail sale of brass beds and brassware within the main exterior walls of the existing heritage building is permitted.

Purpose and Effect

The purpose and effect of this By-law amendment is to rezone the subject lands from Single Family Rural Residential (RRH) and Open Space (O1) to Hold General Commercial [(H)C1] and Open Space (O1) to introduce additional commercial uses within the existing heritage building and expand the open space zone boundary.

The lands are subject to a (H) Holding zone which may not be removed until the following conditions have been met:

- a) Review, approval and installation of a sanitary system to the satisfaction of the City of Markham's Director of Engineering and Director of Building Standards and the Toronto and Region Conservation Authority; and,
- b) Execution of a site plan agreement between the Owner, the City of Markham and Region of York providing for, among other matters:
 - i. dedication of land for potential road widening along Highway 7 East to the satisfaction of the Region of York;
 - ii. dedication of land for environmental protection purposes to the satisfaction of the City of Markham and the Toronto and Region Conservation Authority;
 - iii. the establishment of a 7 metre wide access easement in the east yard in favor of and to the satisfaction of the City of Markham for access and maintenance of the environmentally protected land; and,
 - iv. a Heritage Easement Agreement and a Markham Remembered interpretive plaque to the satisfaction of the City of Markham.



By-law 2016-26

A By-law to amend By-law 122-72, as amended

The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That By-law 122-72, as amended, is hereby further amended as it applies to the lands outlined on Schedule 'A' as follows:

- 1.1 By rezoning the lands outlined on Schedule 'A' attached hereto from

Single Family Rural Residential (RRH) Zone and Open Space (O1) Zone
to

Hold General Commercial [(H)C1] Zone and Open Space (O1) Zone

- 1.2 By adding the following subsection to Section 19 - Exceptions:

"19.26 4802 Highway 7 East, 1932585 Ontario Inc.

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands outlined on Schedule 'A' attached to this by-law:

19.26.1 Prohibited Uses:

The following uses are prohibited:

- a) Bakery;
- b) RESTAURANTS, soda fountains and lunch counters;
- c) DRIVE-IN RESTAURANT;
- d) RECREATIONAL ESTABLISHMENT;
- e) COMMERCIAL CLUB;
- f) PRIVATE CLUB; and
- g) Upholstering and furniture repair establishments.

19.26.2 Special Zone Requirements

The following special ZONE requirements apply:

- a) The uses permitted shall only be permitted within the BUILDING existing on the subject lands on the date of passing of this by-law;
- b) The BASEMENT or CELLAR of the existing BUILDING shall be used for no other purpose than utility, mechanical or storage purposes;
- c) Additions to the existing BUILDING resulting in an increase in FLOOR AREA shall not be permitted;
- d) Minimum LOT AREA – 1,100 square metres;
- e) Minimum LOT FRONTAGE – 44 metres;
- f) Minimum west SIDE YARD – 15 metres;

- g) Minimum east SIDE YARD – 17 metres;
- h) Minimum REAR YARD – 29 metres;
- i) LANDSCAPED OPEN SPACE:
 - i. Abutting the west, south and east LOT LINE, a strip of land having a minimum depth of 1.0 metres shall be used only for LANDSCAPED OPEN SPACE;
 - ii. A driveway shall be the only encroachment within the required LANDSCAPE OPEN SPACE abutting the south LOT LINE;
- j) An unenclosed porch shall be permitted to encroach up to 3.0 metres into the front yard;
- k) The stairs existing on the subject lands on the date of passing of this by-law shall be permitted to encroach into the rear yard and Open Space Zone (O1); and,
- l) The provisions of Sections 5.13, 5.14 and 5.18 of By-law 122-72 shall not apply.”

2. Holding Provision

2.1 For the purposes of this By-law, a Hold (H) zone is hereby established and is identified on Schedule ‘A’ attached hereto by adding the letter (H) in parenthesis preceding the zoning symbol.


2.2 No person shall hereafter use, erect or alter any building or structure for the purposes permitted under this by-law, until an amendment to this by-law to remove the Hold (H) has come into effect pursuant to the provisions of Section 36 of the Planning Act. Notwithstanding the foregoing, this Section 2.2 shall not apply to prohibit the installation of a sanitary system as referred to in Section 2.3 a) below.

2.3 A Zoning By-law Amendment to remove the Hold (H) symbol from the Zoning on 4802 Highway 7 East shall not be passed until the following conditions have been met:

- a) Review, approval and installation of a sanitary system to the satisfaction of the City of Markham’s Director of Engineering and Director of Building Standards and the Toronto and Region Conservation Authority;
- b) Execution of a Site Plan Agreement between the Owner, the City of Markham and Region of York providing for, among other matters:
 - i. dedication of land for potential road widening along Highway 7 East to the satisfaction of the Region of York;
 - ii. dedication of land for environmental protection purposes to the satisfaction of the City of Markham and the Toronto and Region Conservation Authority;
 - iii. the establishment of a 7 metre wide access easement in the east yard in favor of and to the satisfaction of the City of Markham for access and maintenance of the environmentally protected land; and,
 - iv. a Heritage Easement Agreement and a Markham Remembered interpretive plaque to the satisfaction of the City of Markham.

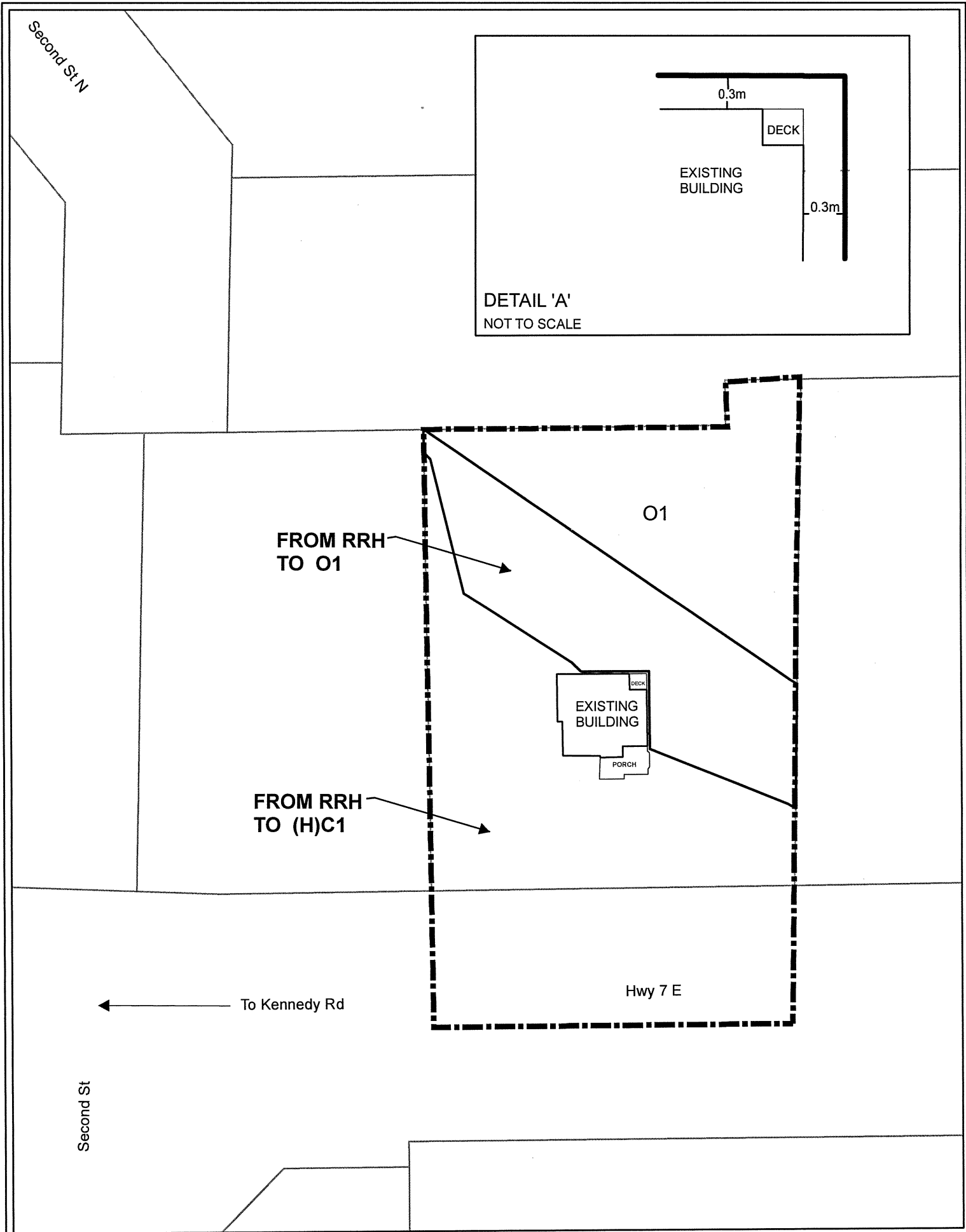
3. All other provisions of By-law 122-72, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

Read a first, second, and third time and passed on March 1, 2016.





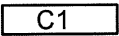
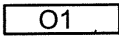
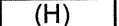
Kimberley Litteringham
City Clerk

Frank Scarpitti
Mayor



SCHEDULE "A" TO BY-LAW 2016-26

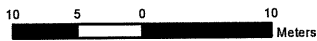
AMENDING BY-LAW 122-72 DATED March 1, 2016

-  BOUNDARY OF AREA COVERED BY THIS SCHEDULE
-  RRH SINGLE FAMILY RURAL RESIDENTIAL
-  C1 GENERAL COMMERCIAL
-  O1 OPEN SPACE
-  (H) HOLDING PROVISION

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DEVELOPMENT SERVICES COMMISSION



Drawn By: CPW Checked By: DB

DATE: 10/02/2016

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office