



TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner, Development Services 

PREPARED BY: Michael Fry, Planner

DATE: June 21, 2011

**Re: Scardred 7 Company Limited
4038 Highway 7 East
Planning File Nos. OP 09 116642, ZA 09 116689 and SC 10 125396**

Upon reviewing the Recommendation Report for the above-noted property, on today's Development Services Committee agenda, the property owner and staff have identified some minor discrepancies in the use permissions within the draft Official Plan Amendment and Zoning By-law Amendment. A revised and corrected list of permitted uses (Agenda, page 202) is attached. These uses are consistent with previous discussions with Council at the June 22, 2010 Council meeting. Town staff will make the necessary adjustments to the draft Official Plan and Zoning By-law Amendments prior to adoption.

THE CORPORATION OF THE TOWN OF MARKHAM

BY LAW _____

A by law to amend By-law No. 118-79, as amended

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

1. THAT By-law No. 77-88, a by-law to amend By-Law no. 118-79, as amended, is hereby amended as follows:

- 1.1 That Section 1.3.2 of By-law No. 77-88 be deleted and replaced with the following:

“1.3.2 ONLY USES PERMITTED

The following uses are the only uses permitted:

- a) ART GALLERY, PUBLIC and PRIVATE
- b) CLINIC (for the purposes of this by-law, a Clinic shall mean two or more offices of a medical or dental practitioner within one commercial premises)
- c) COMMERCIAL FITNESS CENTRE
- d) COMMERCIAL SCHOOL
- e) DAY NURSERY
- f) LIBRARY
- g) nursery and garden centres
- h) PERSONAL SERVICE SHOP
- i) professional or business office
- j) PRIVATE SCHOOL
- k) RESTAURANT
- l) RESTAURANT, TAKE OUT
- m) RETAIL STORE

- 1.2 That Section 1.3.3 of By-law No. 77-88 be deleted and replaced with the following:

“1.3.3 ZONE STANDARDS

The following specific zone standards apply:

- a) minimum LOT FRONTAGE 100 metres
- b) minimum LOT AREA 2.3 hectares
- c) maximum GROSS FLOOR AREA 5200 m²

- d) maximum building HEIGHT 12 metres
- e) Yards
 - MINIMUM FRONT YARD (abutting Highway 7)
38 m from the front lot line as of the date of the passing of this by-law
 - MINIMUM SIDE YARD 15 metres
 - MINIMUM REAR YARD 43 metres
- f) Landscaped Open Space
A minimum LANDSCAPED OPEN SPACE strip abutting any residential ZONE of 3m.
- g) Loading Space
A minimum of two (2) LOADING SPACES shall be provided on the lands

A LOADING SPACE must be a minimum of 3.6 metres in width and a minimum 12 metres in length with a minimum 4.2 metre height clearance and must be adjacent to an access doorway directly into the building served."

1.3 That Section 1.3 of by-law no. 77-88 be amended by adding the following new sections 1.3.4 and 1.3.5 as follows:

"1.3.4 SPECIAL SITE PROVISIONS

The following additional provisions apply:

- a) DAY NURSERIES, COMMERCIAL FITNESS CENTES, RESTAURANTS, RETAIL STORES, TAKE OUT RESTAURANTS and PERSONAL SERVICE SHOPS shall only be permitted within 52m of the front MAIN WALL of the existing BUILDING closest to the FRONT LOT LINE.
- b) COMMERCIAL AND PRIVATE SCHOOLS shall only be permitted beyond 50m of the front MAIN WALL of the existing BUILDING closest to the FRONT LOT LINE.

1.3.5 PROHIBITED USES

The following uses are prohibited:

- a) Drive through service facilities where goods and or services are offered for sale to the public within a motor vehicle by way of a service window or kiosk.
- b) SUPERMARKETS."

2. THAT all other provisions of By law No. 118-79, as amended, and By-law No. 77-88, as amended, not inconsistent with the provisions of this by law shall continue to apply.