

EXPLANATORY NOTE

BY-LAW 2011-159

A By-law to amend By-law 118-79, as amended by by-law 77-88, as amended

Scardred 7 Company Limited
4038 Highway 7 East

LANDS AFFECTED

The proposed by-law applies to a 2.36ha (5.84 acre) site, municipally addressed as 4038 Highway 7 East. The subject property is located on the north side of Highway 7 East, west of Village Parkway. The site contains two single-storey commercial buildings which formerly housed the White Rose Nurseries retail garden centre and head offices.

EXISTING ZONING

The lands at 4038 Highway 7 East are currently zoned Special Commercial 1 (SC1) by By-law 118-79, as amended by site specific amendment by-law 77-88.

PURPOSE AND EFFECT

The purpose and effect of the by-law amendment is to add several commercial uses to the current use permissions and to limit redevelopment of the site to within the existing building setbacks. The amending by-law permits a small addition between the two existing buildings on the property.



BY-LAW 2011-159

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
- 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.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
28TH DAY OF JUNE, 2011.


KIMBERLEY KITTERINGHAM
TOWN CLERK


FRANK SCARPITTI
MAYOR