

EXPLANATORY NOTE

BY-LAW 2009-58

A By-law to amend By-law 177-96, as amended

Kylemore Post Road Limited (Village Grocer)
4472 & 4476 16th Avenue
Concession 5, Part of Lot 16

LANDS AFFECTED

The By-laws apply to the lands north of 16th Avenue, just west of Kennedy Road, municipally known as 4472 & 4476 16th Avenue.

EXISTING ZONING

The lands subject to this By-law are presently zoned Neighborhood Commercial Three * 327 (Hold) [NC3*327 (H)] under By-law 177-96, as amended, and Rural Residential Four (RR4) By-law 304-87, as amended.

PURPOSE AND EFFECT

The purpose of this amendment is to incorporate the lands into By-law 177-96, as amended, under the Neighbourhood Commercial Three (NC3) zone, similar to the zoning on the remainder of the property. This will allow for the construction of a supermarket with offices on the second floor.

A Holding provision has been placed on the property to ensure that a site plan agreement is executed with the Town.



BY-LAW 2009-58

A By-law to amend Urban Expansion Area Zoning By-law 177-96, as amended

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

1. By-law #177-96, as amended, is hereby further amended as follows:
- 1.1 By expanding the designated area of By-law 177-96, as amended to include those lands comprising Part of Lot 16, Concession 5 as outlined on Schedule ‘A’, attached hereto.

1.2 By zoning the lands:

Neighbourhood Commercial Three * 327 (Hold)NC3 * 327 (H)

as shown on Schedule ‘A’ attached hereto.

1.3 By deleting subsection 7.327 and replacing it with the following:

“7.327 North side of 16th Avenue, west of Kennedy Road – Village Grocer

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *327 on the Schedules 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.

7.327.1 Only Permitted Uses

The following uses are the only permitted uses:

a) Supermarket with associated seasonal outdoor display

b) Business and professional offices

7.327.2 Prohibited Uses

The following additional use is prohibited:

a) Drive-Through Service Facility

7.327.3 Zone Standards

The following specific Zone Standards apply:

a) Minimum front yard9 metres

b) Minimum exterior side yard60 metres

c) Minimum rear yard3 metres

d) Minimum interior side yard3 metres

e) Minimum building height12 metres

f) Maximum building height14 metres

7.327.4 Special Site Provisions

The following additional provisions apply:

- a) 16th Avenue frontage shall be deemed to be the *front lot line*.
- b) The *first storey* shall only be used for a *supermarket*.
- c) Minimum required landscaped open space adjoining:

Rear and interior lot lines – 3.0 metres
Exterior lot line – 1.8 metres
- d) 40% of the *front lot line* shall have a minimum *landscaped open space* of 5 metres adjoining the *front lot line*.
- e) Access ramps and *driveways* that are more or less perpendicular to the *streetline*, are permitted to cross the *landscaped open space*
- f) Stairs not used to access the *building* may encroach into any required yard.
- g) Eaves, awnings and roof overhangs may encroach 1.5 metres into any required yard.
- h) A covered pedestrian walkway may encroach into the *exterior side yard* subject to the following minimum setbacks:

15 m from Yorkton Blvd.
20 m from 16th Avenue
20 m from north lot line
65 m from east lot line
- i) *Loading spaces* shall be fully enclosed within a *building*.
- j) *Outdoor display and sales* is permitted subject to the following provisions:
 - i) only in association with a *supermarket* with a *gross floor area* greater than 3,000 m² and less than 3,200 m²
 - ii) maximum area of outdoor display and sales – 220 m²

7.327.5 Special Parking Provisions

The following parking provisions apply:

- (a) Minimum number of required parking spaces - 74

2. HOLDING PROVISION

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 following the zoning symbol.

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

- (a) A Site Plan Agreement must be executed with the Town of Markham, to the satisfaction of the Town.

3. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this By-law shall continue to apply.

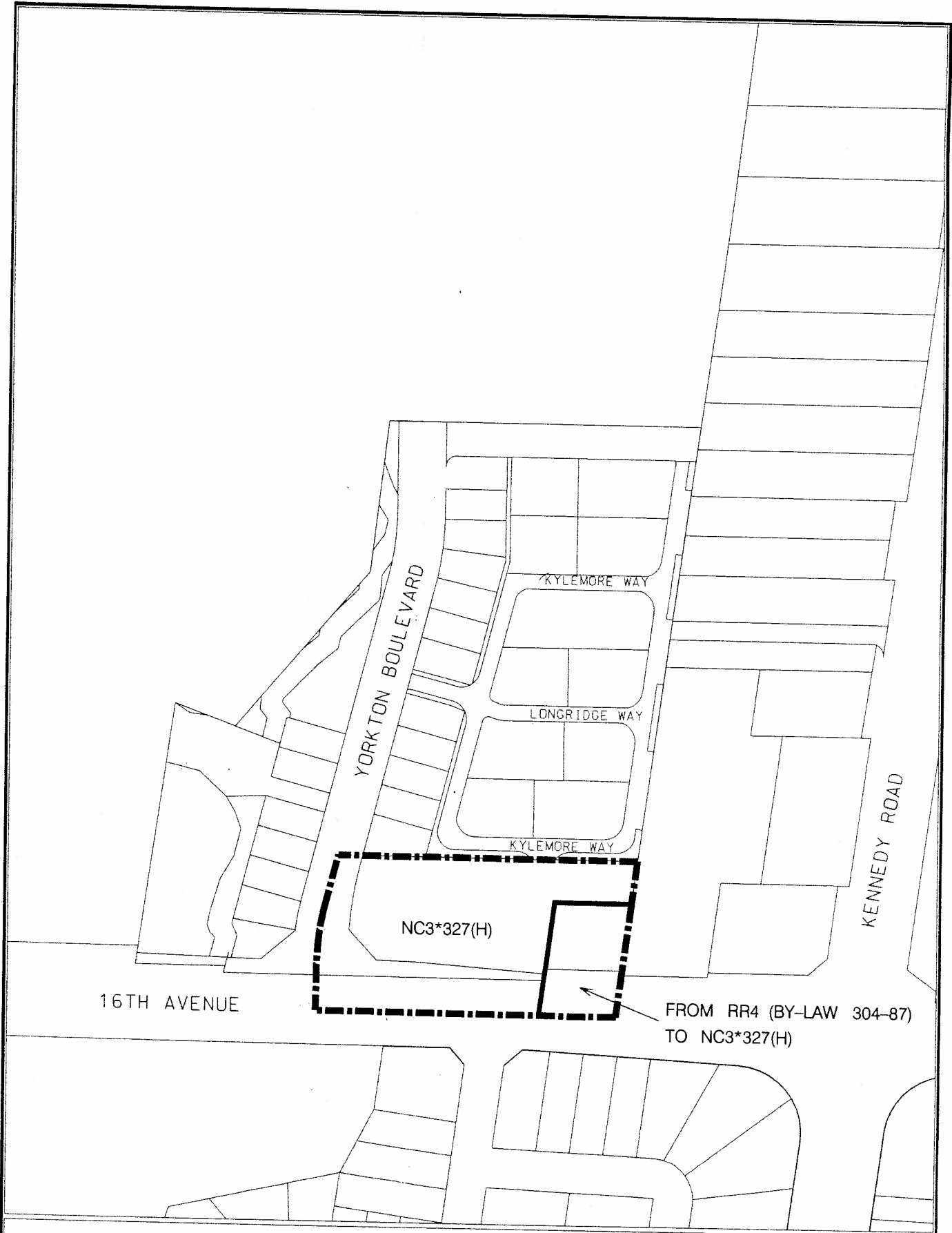
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
26TH DAY OF MAY, 2009.



KIMBERLEY KITTERINGHAM
TOWN CLERK



FRANK SCARPITTI
MAYOR



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 177-96



BOUNDARY OF AREA COVERED BY THIS BY-LAW
ZONE BOUNDARY

RR4 RURAL RESIDENTIAL FOUR
NC3 NEIGHBOURHOOD COMMERCIAL THREE

(H) HOLDING PROVISION
*No. EXCEPTION SECTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW 2009-58
PASSED THIS 26TH DAY MAY, 2009

Paul Scarpitti
MAYOR
[Signature]
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 NS2000

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