

EXPLANATORY NOTE

BY-LAW 2008-199

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

1475398 Ontario Inc. (Town & Country BMW)
East side of Kennedy Road between South Unionville Avenue and Helen Avenue

LANDS AFFECTED

The attached by-law applies to a 3 hectare parcel of land located on the east side of Kennedy Road between South Unionville Avenue and Helen Avenue. A portion of the lands is currently occupied by the Town and Country BMW dealership. The remainder is vacant.

EXISTING ZONING

The portion of the lands occupied by the existing automobile dealership is zoned Community Amenity (CA) under By-law 122-72. The remainder is zoned Community Amenity One - Hold [CA1(H)] and Residential Two – Hold [R2*140(H)] under By-law 177-96.

PURPOSE AND EFFECT

The purpose of this by-law is to consolidate the zoning of the property under By-law 122-72, and extend the Community Amenity (CA) zoning over all of the subject lands. The effect is to permit the development of a second automobile dealership.



BY-LAW 2008-199

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

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

1. That By-law 2001-107, amending By-law 122-72, as amended, is hereby further amended as follows:

- 1.1 By deleting schedule 'A' and replacing it with Schedule 'A' hereto.

- 1.2 By deleting Section 1.3 and replacing it with the following:

- "1.3 Notwithstanding any other provision of By-law 122-72, as amended, the following provisions shall apply in the COMMUNITY AMENITY (CA) ZONE in the area outlined on Schedule 'A' hereto:

- 1.3.1 For the purposes of this by-law, the following definitions shall apply:

"AUTOMOBILE SALES ESTABLISHMENT means any PREMISES where new and used vehicles are stored or displayed for the purpose of sale or lease and shall include the sale of automotive accessories and the repair and service of vehicles within a fully enclosed building, excluding autobody paint and repair."

"PREMISES means an area of a BUILDING occupied or used by a business or enterprise. In a multiple tenancy BUILDING occupied by more than one (1) business, each business area shall be considered a separate PREMISES. Each individual unit proposed and/or registered in a draft Plan of Condominium shall also be considered an individual PREMISES."

- 1.3.2 For the purposes of this by-law, the Kennedy Road STREET LINE shall be deemed to be the FRONT LOT LINE.

- 1.3.3 Uses Permitted

No person shall hereafter change the use of any BUILDING, STRUCTURE or land nor erect and use any BUILDING or STRUCTURE except for one or more of the following uses:

- not more than two (2) AUTOMOBILE SALES ESTABLISHMENTS
- banks and financial institutions
- business and professional offices
- PERSONAL SERVICE SHOPS
- RETAIL STORES, with a maximum gross floor area of 6000 m² per PREMISES, are

permitted only in the first storey of an office
BUILDING

- SERVICE SHOPS

1.3.4 Prohibited Uses

The following uses shall not be permitted:

- autobody paint and repair

1.3.5 Zone Requirements

No person shall hereafter use any BUILDING or STRUCTURE or land and no person shall hereafter ERECT, extend or ALTER any BUILDING or STRUCTURE in the COMMUNITY AMENITY (CA) ZONE shown on Schedule 'A' hereto, except in accordance with the following provisions:

- (a) MINIMUM LOT FRONTAGE: 100 metres
- (b) MINIMUM LOT AREA: 1.0 hectare
- (c) YARDS:
 - (i) Minimum FRONT YARD - 0 metres
 - (ii) Minimum YARD adjoining any other LOT LINE - 6 metres
- (d) HEIGHT of BUILDINGS or STRUCTURES:
 - (i) Minimum - 5.8 metres
 - (ii) Maximum - 14 metres
 - (iii) Notwithstanding Section (d)(ii) above, a tower or similar architectural feature of a MAIN BUILDING shall be permitted to a maximum height of 23 metres.
- (e) LANDSCAPED OPEN SPACE:
 - (i) Adjoining any LOT LINE, a strip of land having a minimum depth of 3.0 metres immediately abutting the LOT LINE shall be used only for LANDSCAPED OPEN SPACE.
 - (ii) The following encroachments shall be permitted to the STREET LINE within the required LANDSCAPE OPEN SPACE adjoining STREETS and highways:
 - Access ramps and driveways, provided they are more or less perpendicular to the STREET LINE.
 - a MAIN BUILDING.
 - a maximum of 4 vehicles on display associated with each AUTOMOBILE SALES ESTABLISHMENT.

1.3.6 LOADING SPACE Requirements

Notwithstanding the provisions of sub-section 5.13 of this By-law, a LOADING SPACE shall not be required for an AUTOMOBILE SALES ESTABLISHMENT use.

1.3.7 The provisions of sub-section 5.18 shall not apply to the lands outlined on Schedule 'A' hereto."

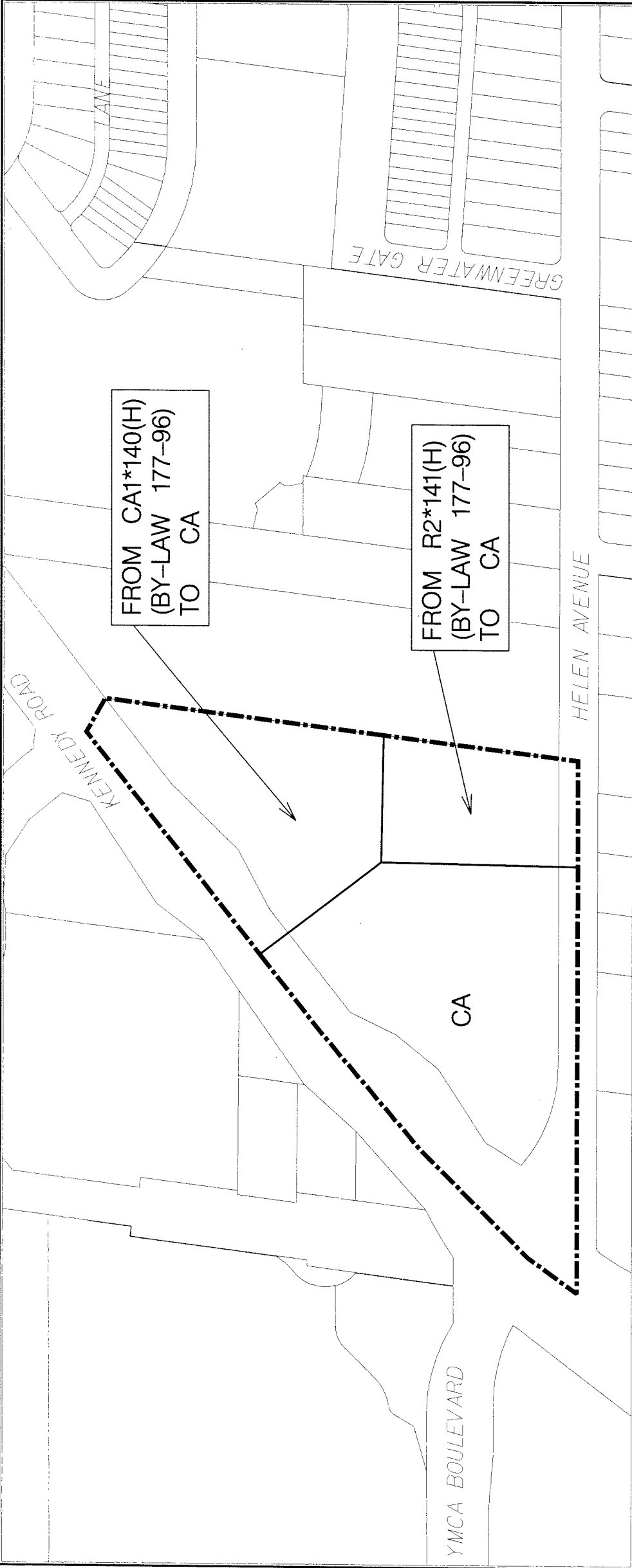
2. All other provisions of By-law 122-72, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
9TH DAY OF SEPTEMBER, 2008.



KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 122-72

THIS IS SCHEDULE 'A' TO BY-LAW 2008-199
PASSED THIS 9TH DAY OF SEPT. 2008

Paul Searcy MAYOR
[Signature] CLERK

<input checked="" type="checkbox"/> BOUNDARY OF AREA COVERED BY THIS BY-LAW	<input checked="" type="checkbox"/> ZONE BOUNDARY
<input type="checkbox"/> CA1 COMMUNITY AMENITY ONE <input type="checkbox"/> CA COMMUNITY AMENITY <input checked="" type="checkbox"/> *(No) EXCEPTION NUMBER	<input type="checkbox"/> R2 RESIDENTIAL TWO <input type="checkbox"/> (H) HOLDING PROVISION

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: 2500