

## EXPLANATORY NOTE

### **BY-LAW NO. 2007-138**

A By-law to amend By-law 88-76, as amended.  
Terra Nero Investments  
77 Anderson Avenue

#### LANDS AFFECTED

This By-law applies to the 0.46 ha (1.14 ac) site located at the northeast corner of Bur Oak Avenue and Anderson Avenue, municipally known as 77 Anderson Avenue.

#### EXISTING ZONING

The lands are presently zoned Select Industrial with Limited Commercial (M.IC) in By-law 88-76, as amended.

#### PURPOSE AND EFFECT

The purpose of this By-law amendment is to expand the list of permitted uses on the westerly portion of the lands zoned Select Industrial with Limited Commercial (M.IC) to include an automobile washing establishment, automobile service centre and a restaurant, as well as to rezone the easterly portion of the subject lands from Select Industrial with Limited Commercial (M.IC) to Open Space One (OS1).

The effect of this By-law Amendment is to permit the construction of a self-serve coin car wash and quick lube facility with an associated coffee shop. By-law also establishes a number of site specific development standards.

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## BY-LAW 2007-138

A By-law to amend Zoning By-law 88-76, as amended

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

1. THAT By-law 88-76, as amended, is hereby further amended, as follows:

- 1.1 By adding the following new zone category to Subsection 3.1

<u>ZONE</u>	<u>SYMBOL</u>
"OPEN SPACE ONE	OS1"

- 1.2 By adding a new Section following SECTION 9, and renumbering all other Sections accordingly, as follows:

"SECTION 9 – OPEN SPACE ONE (OS1) ZONE

No person shall hereafter use any BUILDING, STRUCTURE or land and no person shall hereafter ERECT, extend or alter any BUILDING or STRUCTURE in any "Open Space One (OS1) ZONE" except in accordance with the following provisions:

9.1 USES PERMITTED

- (a) golf courses
- (b) PUBLIC or PRIVATE PARKS
- (c) athletic fields
- (d) public conservation projects

9.2 PROHIBITION OF BUILDING CONSTRUCTION

In an Open Space One (OS1) ZONE, no person shall hereafter ERECT any BUILDING or STRUCTURE, except for BUILDINGS and STRUCTURES which may be constructed by the Conservation Authority and relating to a Conservation Project.

9.3 OS1 ZONE BOUNDARIES

Open Space One (OS1) ZONE boundaries shall be deemed to follow the top of banks of river valley systems under the jurisdiction of the Conservation Authority."

- 1.3 By rezoning the easterly portion of the lands shown on Schedule 'A', attached hereto, from SELECT INDUSTRIAL WITH LIMITED COMMERCIAL (M.IC) to OPEN SPACE ONE (OS1) ZONE.

- 1.4 Notwithstanding any other provisions in By-law 88-76, as amended, the provisions in this section shall apply to the westerly portion of the lands, municipally known as 77 Anderson Avenue, zoned Select Industrial with Limited Commercial (M.IC), as shown on Schedule 'A' attached hereto:

#### 1.4.1 Additional Permitted Uses

The following additional uses are permitted:

- a) AUTOMOBILE WASHING ESTABLISHMENT
- b) AUTOMOBILE SERVICE CENTRE
- c) RESTAURANT

#### 1.4.2 Zone Standards

- a) The following specific ZONE standards apply within 40 metres of Anderson Avenue and within 30 metres of Bur Oak Avenue:

- i. minimum FRONT YARD 6.5 metres
- ii. minimum easterly SIDE YARD 60.0 metres
- iii. minimum southerly SIDE YARD 1.4 metres
- iv. minimum REAR YARD 21.0 metres
- v. minimum HEIGHT 8.0 metres
- vi. maximum HEIGHT 10.5 metres
- vii. minimum width of LANDSCAPING adjacent to:
  - a. Bur Oak Avenue STREET LINE 1.4 metres
  - b. Anderson Avenue STREET LINE 1.2 metres

- b) The following specific ZONE standards apply to lands more than 40 metres from Anderson Avenue and 30 metres from Bur Oak Avenue:

- i. minimum FRONT YARD 17.0 metres
- ii. minimum easterly SIDE YARD 22.0 metres
- iii. minimum southerly SIDE YARD 32.0 metres
- iv. minimum REAR YARD 1.2 metres
- v. minimum HEIGHT 9.0 metres
- vi. maximum HEIGHT 11.5 metres
- vii. minimum width of LANDSCAPING adjacent to:
  - a. Bur Oak Avenue STREET LINE 1.4 metres
  - b. Anderson Avenue STREET LINE 1.2 metres

#### 1.4.3 Special Parking Provisions

The following additional parking provisions apply:

- a) Stacking lanes and vacuum bays shall be included in the required parking.
- b) BASEMENT NET FLOOR AREA shall be exempted from any parking requirements.

#### 1.4.4 Special Site Provisions

The following additional provisions shall apply:

- a) Portions of three (3) required PARKING SPACES are permitted to encroach into the required LANDSCAPING adjacent to Anderson Avenue.

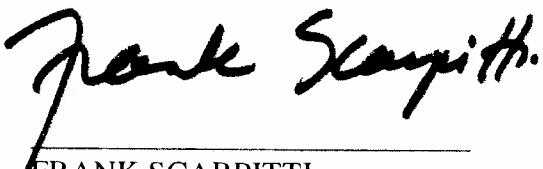
- b) Maximum number of RESTAURANTS – one (1).
  - c) The maximum RESTAURANT GROSS FLOOR AREA is 150 sq. metres.
  - d) RESTAURANT may offer consumption of food inside and outside the premises.
  - e) Drive-through service facilities are not permitted.
  - f) The following provisions shall not apply:
    - a. MAXIMUM FLOOR AREA RATIO
    - b. MINIMUM GROSS FLOOR AREA PER BUILDING
    - c. MINIMUM DISTANCE BETWEEN ANY TWO BUILDINGS ON A LOT
    - d. OFF-STREET LOADING SPACE REQUIREMENTS.
2. All other provisions of By-law 88-76, 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  
12<sup>TH</sup> DAY OF JUNE, 2007.



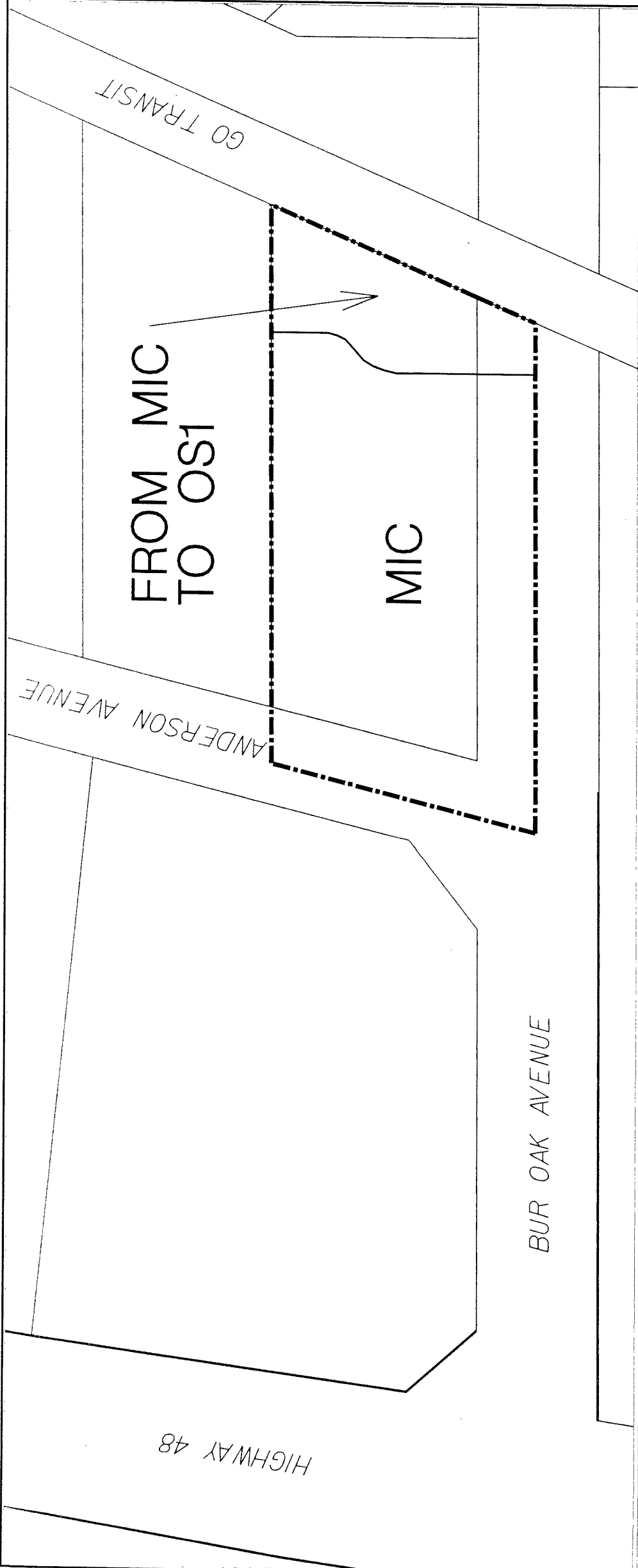
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KIMBERLEY KITTERINGHAM  
DEPUTY TOWN CLERK



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FRANK SCARPITTI  
MAYOR



A BY-LAW TO AMEND BY-LAW 88-76

DEVELOPMENT SERVICES COMMISSION

THIS IS SCHEDULE 'A' TO BY-LAW 2007-138

PASSED THIS 12TH DAY OF JUNE, 2007

*John Scarpitta*  
MAYOR

*[Signature]*  
DEPUTY CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW



ZONE BOUNDARY



MIC SELECT INDUSTRIAL WITH LIMITED COMMERCIAL

OS1 OPEN SPACE ONE

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: 1000