

# **EXPLANATORY NOTE**

## **By-law 2009-114**

### **By-law to amend By-law 1229**

Red Banner Developments Limited  
Part Lot 16, Concession 7  
Part 1, Plan 65R-12779 (5970 16<sup>th</sup> Avenue)  
Parts 4, 5 and 8 of Plan 65R-12779 and Part 1, Plan 65R-10123 (5990 16<sup>th</sup> Avenue)

### **LANDS AFFECTED**

This proposed by-law amendment applies to approximately 1.09 hectares (2.7 acres) located at the northwest corner of 16<sup>th</sup> Avenue and Markham Road, and municipally known as 5970 and 5990 16<sup>th</sup> Avenue.

### **EXISTING ZONING**

The lands subject to this By-law are currently zoned Special Commercial One (SC1) under By-law 1229 as amended by By-law 343-87 and By-law 52-92.

### **PURPOSE AND EFFECT OF THE BY-LAW**

The purpose and effect of the zoning by-law amendment is to reconcile the permissions and development standards for the subject lands with previously approved permissions and standards, by repealing By-law 343-87 and By-law 52-92 and zoning the lands Central Commercial (C2) with uses, development standards and some site-specific definitions.



## BY-LAW 2009-114

A By-law to amend By-law No. 1229, as amended

*To reconcile the permissions and development standards for the lands on the northwest corner of Markham Road and 16th Avenue, described as Part 1 Plan 65R-12779 (5970 16<sup>th</sup> Avenue) and Parts, 4, 5, and 8 Plan 65R-12779 and Part 1 Plan 65R-10123 (5990 16<sup>th</sup> Avenue), being part of Lot 16, Concession 7 in the Town of Markham*

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

1. That By-law No. 343-87 and By-law No. 52-92, being By-laws to amend By-law No. 1229, as amended are hereby repealed in their entirety.
2. That By-law No. 1229, as amended, is hereby further amended as follows:
  - 2.1 By zoning the lands outlined on Schedule 'A' attached hereto 'Central Commercial' (C2) Zone.
  - 2.2 By adding to Section 12, entitled – EXCEPTIONS TO STANDARDS AND PERMITTED USES, the following new subsection:

”12.24 Notwithstanding any other provisions of By-law 1229, as amended the following provisions shall apply to those lands subject to By-law 2009-114 as shown on the Zone Map, attached hereto as Schedule 'A'. All other provisions of By-law 1229, as amended, unless specifically amended by this Section, continue to apply to the lands subject to this Section.

12.24.1 For the purposes of exception 12.24, the following additional definitions apply:

**PRINTING AND/OR PHOTOCOPYING**

**ESTABLISHMENT** – shall mean a building or part of a building in which the business of producing documents or drawings, by mechanical means and other reproduction techniques such as photocopying, is carried on in return for compensation.

**VETERINARY CLINIC** – shall mean a building or part of a building where a veterinarian treats animals and birds for the prevention, cure and alleviation of disease and injury and in conjunction with which there may be facilities provided for the sheltering of animals and birds during the treatment period, but does not include a kennel.

12.24.2 Only Uses Permitted

No person shall, within the Central Commercial (C2) Zone as it applies to those lands shown on Schedule 'A' use any land or erect, alter or use any building or structure except for the following uses which shall only be permitted in wholly enclosed buildings, namely:

- a) ART GALLERY, PUBLIC or PRIVATE
- b) BAKE SHOP
- c) BUSINESS OFFICE
- d) CLINIC
- e) COMMERCIAL FITNESS CENTRE
- f) CONVENIENCE RETAIL STORE
- g) Courier service establishments inclusive of mail box facilities, photocopying and printing facilities and other related business services
- h) CUSTOM WORKSHOP
- i) DAY NURSERY
- j) DRY CLEANING ESTABLISHMENT
- k) FINANCIAL INSTITUTION
- l) HOME FURNISHINGS STORE
- m) LIBRARY
- n) MEDICAL OFFICE
- o) PERSONAL SERVICE SHOP
- p) PLACE OF AMUSEMENT
- q) PLACE OF ENTERTAINMENT
- r) A post office where such use is ancillary and incidental to a non-residential use otherwise permitted herein
- s) PRINTING AND/OR PHOTOCOPY ESTABLISHMENT
- t) PROFESSIONAL OFFICE
- u) PRIVATE CLUB
- v) RECREATIONAL ESTABLISHMENT
- w) REPAIR SHOP
- x) RESTAURANT
- y) RESTAURANT, TAKE-OUT
- z) RETAIL STORE which, without limiting the generality of the definition thereof, shall include a confectionery store, an ice cream parlour, a delicatessen, a fish and/or meat market, a specialty food store, a wine and/or beer making establishment, or other similar retail establishment
- aa) SCHOOL, COMMERCIAL which, without limiting the generality of the definition thereof, shall include a driving school
- bb) SERVICE SHOP
- cc) VETERINARY CLINIC, and,
- dd) Uses and/or structures accessory to any of the foregoing permitted uses.

#### 12.24.3 Uses Prohibited

The following uses are prohibited:

- a) Sale of automotive parts and accessories

#### 12.24.4 Special Site Provisions

- a) The combined maximum GROSS FLOOR AREA of all types of RESTAURANTS on the lands shall not exceed 15% of the total GROSS FLOOR AREA of all buildings and/or structures on the lands affected by this By-law.
- b) A maximum of one (1) RESTAURANT of any type may be permitted on the lands municipally addressed as 5970 16th Avenue and shown as Part A on Schedule 'A' attached hereto.

- c) The following provisions shall apply to a BAKE SHOP, or RETAIL STORE offering the sale of grocery or food type merchandise, inclusive of a confectionery store, a delicatessen, a fish and/or meat market, an ice cream parlour or a specialty food store, as its primary use:
  - i) The maximum GROSS FLOOR AREA of any one premise shall not exceed 300 square metres.
  - ii) A seating area for up to twelve (12) persons shall be permitted as an associated use.
  - iii) Where a seating area is provided, the seating area shall not be included in the calculation of the combined maximum GROSS FLOOR AREA of all RESTAURANT types.
- d) A maximum of one DAY NURSERY is permitted in any one building.

#### 12.24.5 Zone Standards

The following zone standards apply:

- a) 5970 16<sup>th</sup> Avenue, shown as Part A on Schedule 'A' attached hereto:
  - i) minimum LOT AREA – 3,800 m<sup>2</sup>
  - ii) minimum LOT FRONTAGE (adjacent 16<sup>th</sup> Avenue) – 70 metres
  - iii) minimum FRONT YARD (adjacent 16<sup>th</sup> Avenue) – 9 metres
  - iv) minimum SIDE YARDS (adjacent the easterly and westerly property lines) – 3 metres
  - v) minimum REAR YARD (opposite 16<sup>th</sup> Avenue) – 3 metres
  - vi) maximum BUILDING HEIGHT – 12 metres
  - vii) minimum landscaped open space – a strip having a minimum width of 6 metres shall be provided adjacent 16<sup>th</sup> Avenue.
- b) 5990 16<sup>th</sup> Avenue, shown as Part B on Schedule 'A' attached hereto:
  - i) minimum LOT AREA – 7,000m<sup>2</sup>
  - ii) minimum LOT FRONTAGE (adjacent Markham Road) – 50 metres
  - iii) minimum FRONT YARD (adjacent Markham Road) – 27 metres
  - iv) minimum SIDE YARD adjacent 16<sup>th</sup> Avenue – 12 metres
  - v) minimum SIDE YARD adjacent the northerly property line – 1.5 metres, except for the more easterly 51.8 metres where the minimum side yard requirement shall be 18 metres
  - vi) minimum REAR YARD (adjacent the westerly property line) – 6 metres
  - vii) maximum BUILDING HEIGHT – 12 metres
  - viii) minimum landscaped open space – a strip having a minimum width of 6 metres shall be provided adjacent 16<sup>th</sup> Avenue and Markham Road.

12.24.6 Special Parking Provisions

- a) The following parking provisions apply to the development existing on the date of the passing of this By-law:
  - i) Minimum parking spaces required:
    - a) 5970 16th Avenue, shown as Part A on Schedule 'A' attached hereto:
      - 43, inclusive of one parking space for the physically disabled as existing on the date of passing of this By-law.
    - b) 5990 16th Avenue, shown as Part B on Schedule 'A' attached hereto:
      - 94, inclusive of three parking spaces for the physically disabled as existing on the date of passing of this By-law.
  - ii) The minimum width of parking spaces shall be 2.75 metres and the minimum length of parking spaces shall be 5.3 metres.
- b) Any additional development or redevelopment of the lands subject to this by-law shall be subject to the parking standards in effect at the time of the approval of the additional development or redevelopment.

12.24.7 Loading Space Provisions

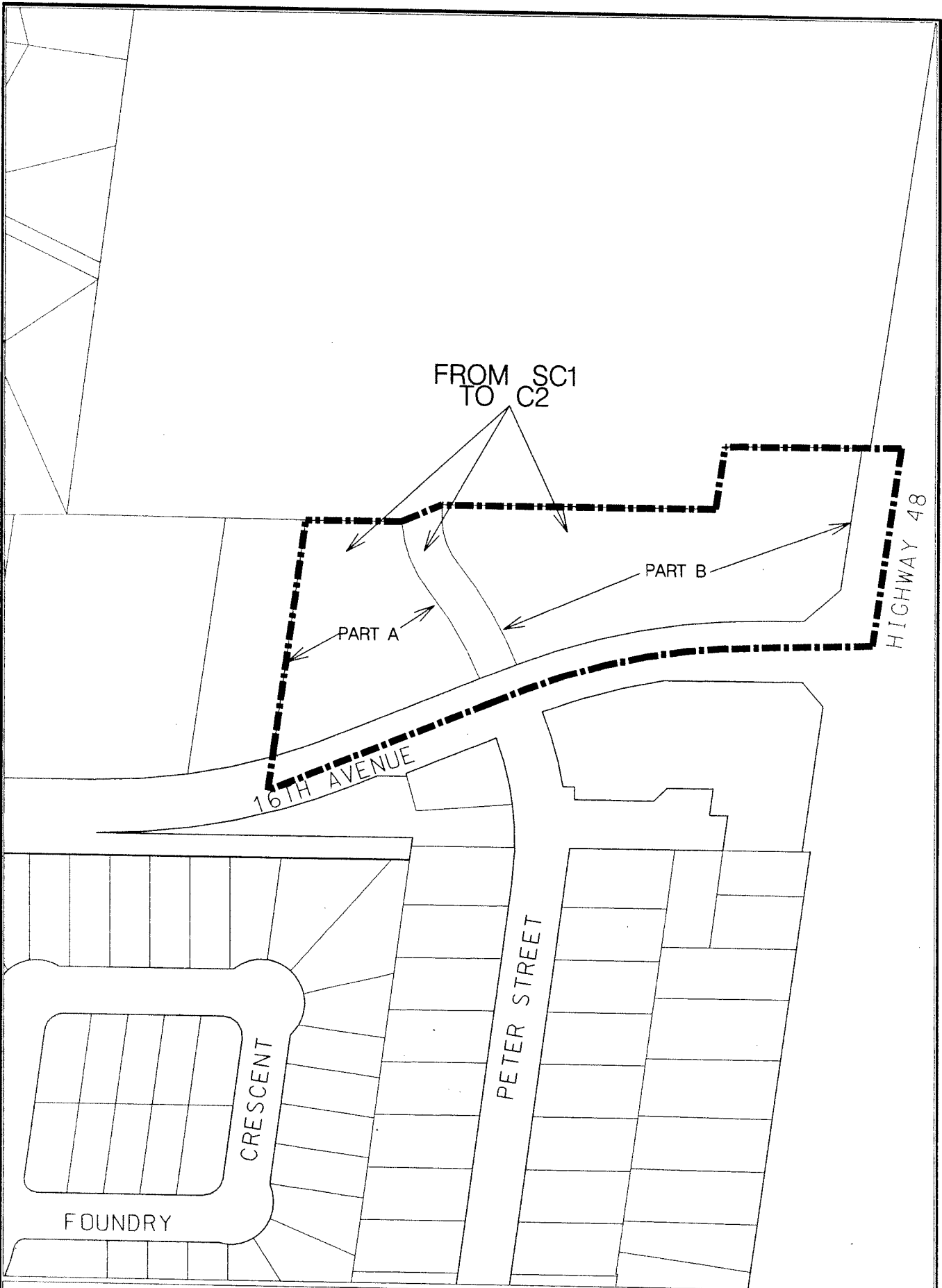
The following loading provisions shall apply:

- a) Minimum number of loading spaces required:
    - i) 5970 16th Avenue, shown as Part A on Schedule 'A' attached hereto - one
    - ii) 5990 16<sup>th</sup> Avenue, shown as Part B on Schedule 'A' attached hereto: – one
  - b) No loading space shall be located in any required yard adjacent Markham Road or 16<sup>th</sup> Avenue."
3. All other provisions of By-law 1229, 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  
23<sup>RD</sup> DAY OF JUNE, 2009.

  
KIMBERLEY KITTERINGHAM  
TOWN CLERK

  
FRANK SCARPITTI  
MAYOR



DEVELOPMENT SERVICES COMMISSION

# A BY-LAW TO AMEND BY-LAW 1229

 BOUNDARY OF AREA COVERED BY THIS BY-LAW

☐ SC1 SPECIAL COMMERCIAL ONE

☐ C2 CENTRAL COMMERCIAL

THIS IS SCHEDULE 'A' TO BY-LAW 2009-114  
PASSED THIS 23<sup>RD</sup> DAY JUNE, 2009

*Frank Sangiitti* 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 1: NA

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