

Authority: North York Community Council Item NY7.3,
adopted as amended, by City of Toronto Council on July 16
and 17, 2019

CITY OF TORONTO

Bill 1177

BY-LAW -2019

To amend Zoning By-law 569-2013, as amended, with respect to lands municipally known in the year 2019 as 11-19, 25 and 29 Industrial Street.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize an increase in the density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas, subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions;
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to E 1.0 (x 35), as shown on Diagram 2 attached to this By-law;

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.20.10 Exception Number 35 so that it reads:

Exception E 35

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 11-19, 25 and 29 Industrial Street, if the requirements of by-law [Clerks to supply by-law ##] are complied with, a **building** or **structure** may be constructed in compliance with Regulations B to Q below;
- (B) Despite Regulations 60.5.40.10(1) and (2), the height of a **building** or **structure** is measured from a Canadian Geodetic Datum elevation of 130.00 metres to the highest point of the **building** or **structure**;
- (C) Despite Clause 60.20.20.10 and 60.20.20.20, the following additional uses are permitted:
 - (i) **Art Gallery**;
 - (ii) **Medical Office**;
 - (iii) **Outdoor Patio**;
 - (iv) **Personal Service Shop**;
 - (v) **Veterinary Hospital**;
- (D) Regulations 60.20.20.100(4) and 60.20.20.100(30), regarding conditions for a **Retail Store**, do not apply.
- (E) Regulation 60.20.20.100(3), regarding conditions for a **Retail Service**, does not apply;
- (F) Regulation 60.20.20.100(3) and 60.20.20.100(30), regarding conditions for an **Eating Establishment** and **Take-out Eating Establishment**, do not apply;
- (G) Despite Regulations 60.20.20.100(3) and 60.20.20.100(30), the permitted maximum **gross floor area** for **Eating Establishments** and **Take-out Eating Establishments** is 1,200 square metres;
- (H) Regulation 60.20.20.100(7), regarding conditions for a **Recreation Use**, does not apply;

- (I) Despite Regulation 800.50(665), a **Recreation Use** is restricted to a fitness club used for physical play or exercise and may not include an ancillary **Day Nursery**;
- (J) Despite Clause 60.20.40.70, the required minimum **building setbacks** are shown on Diagram 3 of By-law XXXX-2019;
- (K) Despite Regulation 60.5.40.60(1) and (H) above, the following elements of a **building** may encroach into a required **building setback** a maximum of:
 - (i) 5.0 metres, for eaves, cornices, window sills, lighting fixtures, awnings, canopies, architectural features, ornamental elements, canopies, trellises, guardrails, balustrades, railings, wheel chair ramps, stairs, stair enclosures or covers, stairs landings, vents, mechanical fans, satellite dishes, antennae, mechanical and architectural screens.
- (L) Despite Regulation 60.20.50.10(1), the required minimum **soft landscaping** along the entire length of any **lot line** abutting a **street** is 1.90 metres, excluding land used for **driveways** and walkways;
- (M) Despite Regulation 60.20.90.40 (1), access to a **loading space** may be provided through the adjacent property to the south, municipally known as 85 – 115 Laird Drive.
- (N) Despite Regulations 200.5.1(2) and 200.5.10.1(1), **parking spaces** must be provided and maintained on the lands at a minimum rate of 1.49 **parking spaces** for each 100 square metres of **gross floor area**;
- (O) Despite Regulation 200.15.1(1), required minimum width of an accessible **parking spaces** is 3.4 metres;
- (P) Despite Regulation 220.5.10.1(1), a minimum of three Type "B" **loading spaces** must be provided and maintained on the lands;
- (Q) Despite Regulations 230.5.10.1(1), (3) and (4), a minimum of 24 "short-term" **bicycle parking spaces** must be provided and maintained on the lands;

5. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in density of development permitted in this By-law are permitted beyond that otherwise permitted on the lands shown on Schedule A attached to and forming part of this By-law in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 of this By-law and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities,

services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of same.

- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July , 2019.

Frances Nunziata,
Speaker

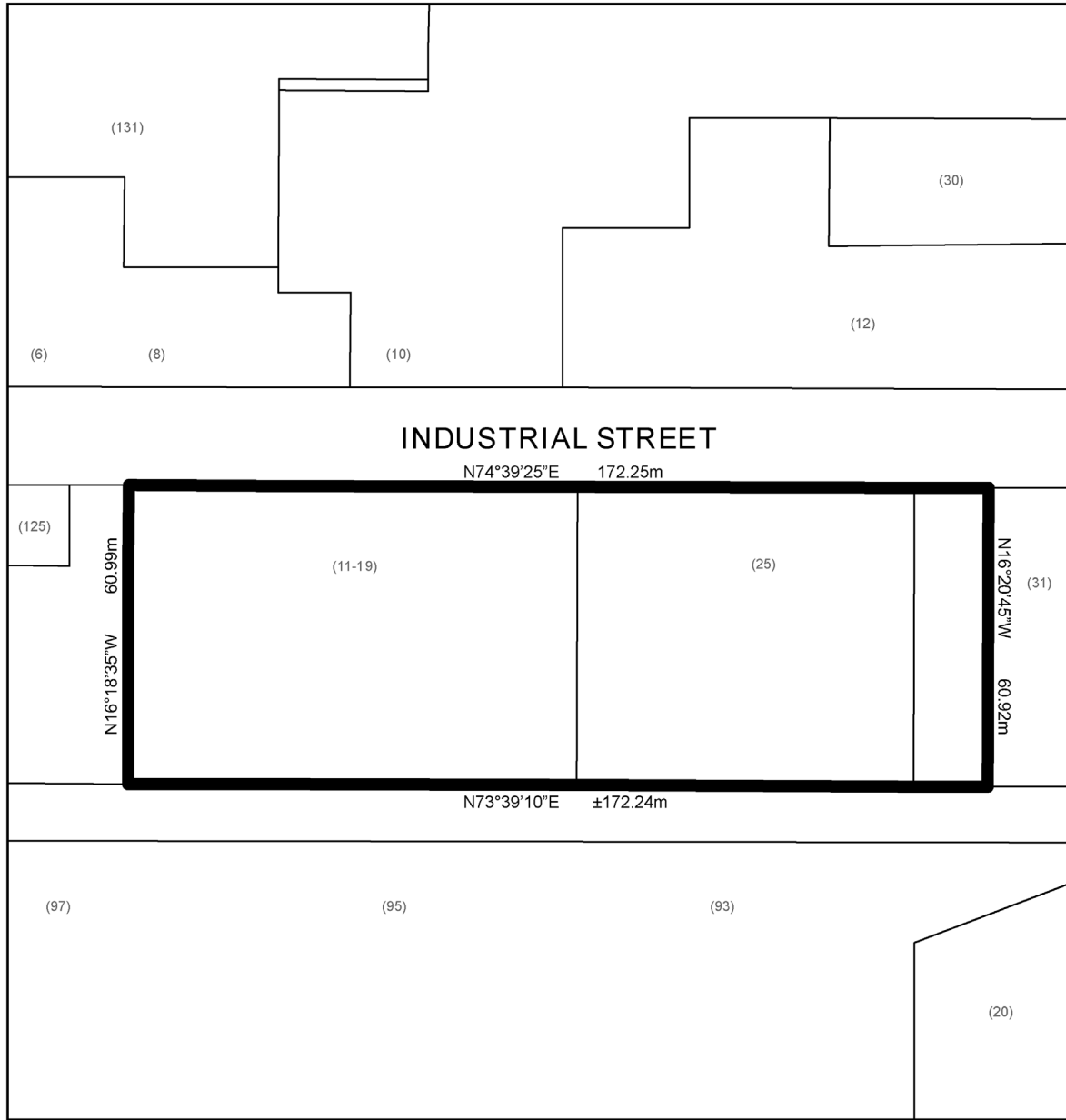
Ulli S. Watkiss,
City Clerk

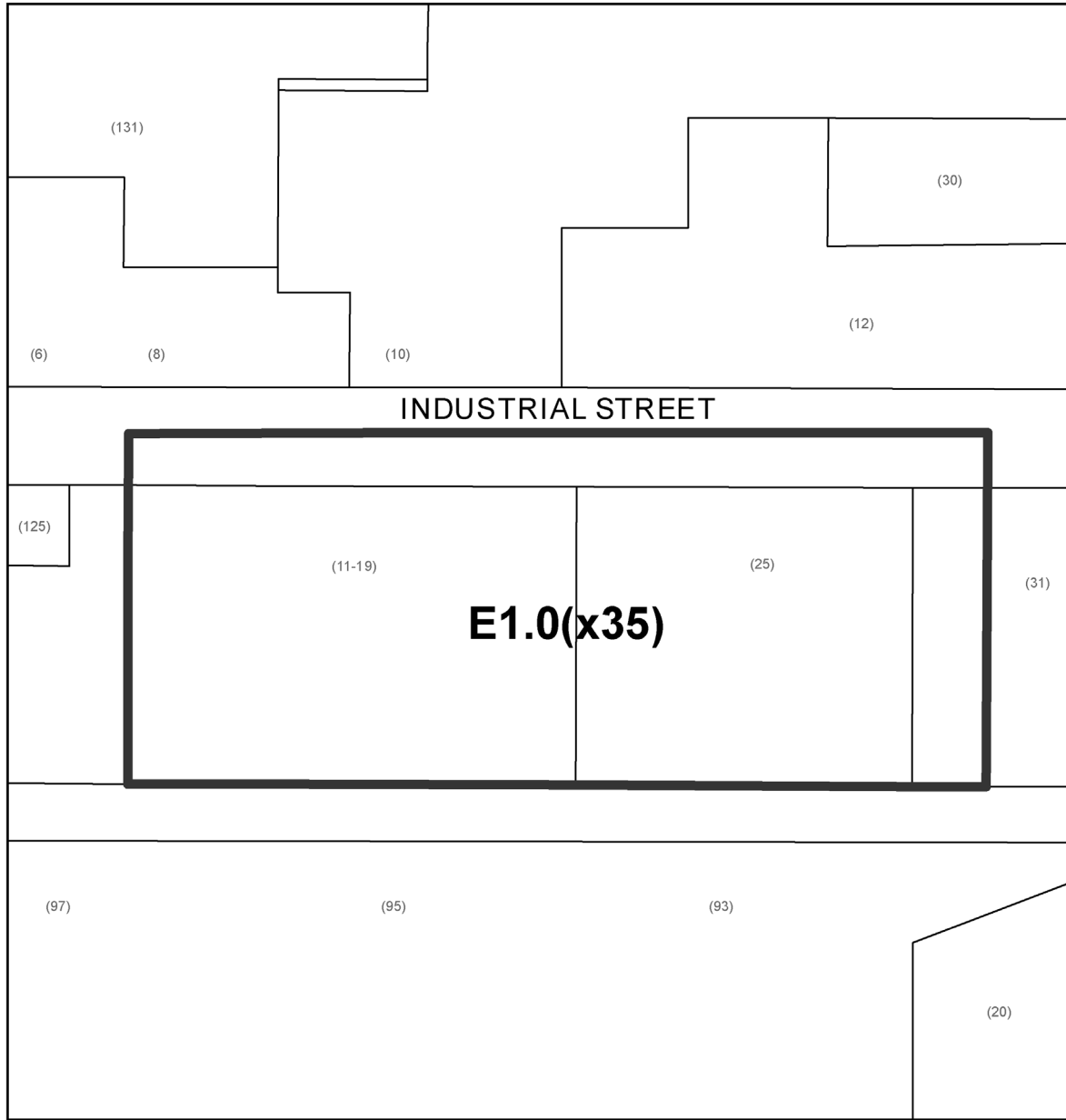
(Seal of the City)

Schedule A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

- (1) Prior to issuance of a building permit, the owner shall make a cash contribution of \$250,000 to be directed to "The Treasurer, City of Toronto" and to be used for park improvements in proximity to the lands at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the local Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the execution of the Section 37 Agreement to the date the payment is made.
- (2) In the event the cash contribution referred to in Section 1 has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

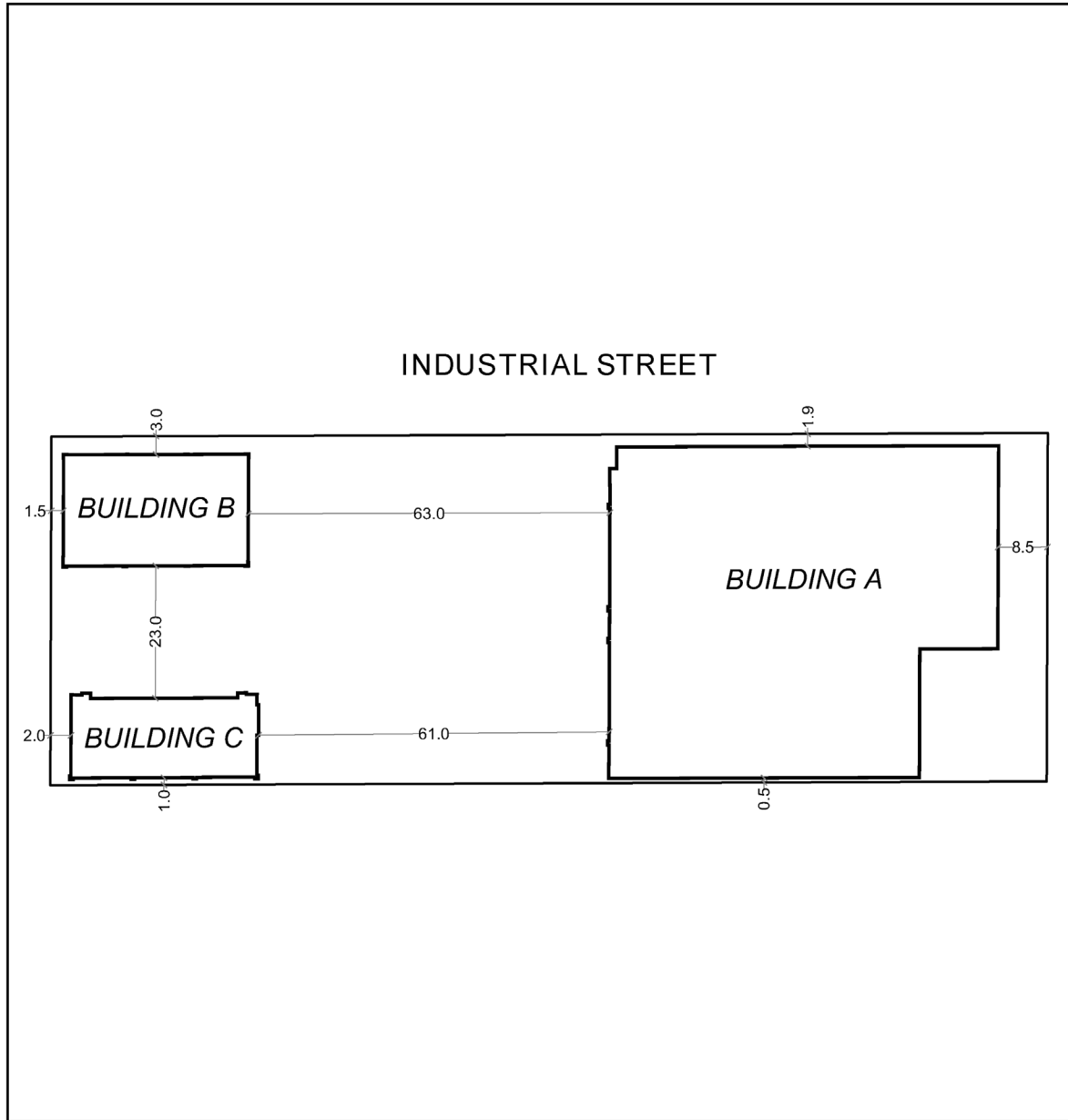




 **TORONTO**
Diagram 2

11-19, 25 & 29 Industrial Street


File # 18 156373 NNY 26 0Z



 **TORONTO**
Diagram 3

11-19, 25 & 29 Industrial Street

File # 18 156373 NNY 26 0Z


City of Toronto By-Law 569-2013
Not to Scale
5/15/2019