

**CITY OF TORONTO**

**BY-LAW No. 109-2001(OMB)**

**To amend Sections 320 and 324 of the Zoning Code of the former City of Etobicoke with respect to certain lands located at the southeast corner of Burnhamthorpe Road and Mill Road.**

WHEREAS the matters herein set out are in conformity with the Official Plan; and

WHEREAS the Ontario Municipal Board by Order No. 1364, dated September 20, 2000 has amended the Zoning Code of the former of the City of Etobicoke and enacts as follows:

1. That notwithstanding the provisions in Zoning By-law No. 12,299 and of Sections 320-21I.(1), 320-21I.(2), of the Etobicoke Zoning Code, a convenience store shall be permitted to operate in conjunction with a service station on the lands shown as Limited Commercial (CL) on Schedule “A” annexed hereto subject to the following:
  - (a) For the purpose of this by-law, a convenience store shall be defined as follows:
    - (a) “Convenience Store: a commercial building or structure or part thereof, where food and convenience goods are stored and offered for sale at retail, and may include accessory thereto the sale of food prepared on the premises, without seating for the consumption of food on the premises. A Full Commercial Kitchen shall not be permitted”.
    - (b) For the purpose of this by-law, the front lot line shall be the northern property boundary with the astronomical bearing of N 36° 41’ 40” E.
    - (c) The maximum commercial floor space shall be limited to 217.0 m<sup>2</sup> of which no more than 142.0 m<sup>2</sup> may be used for retail of convenience items.
    - (d) Notwithstanding Section 320-83 and 320-91E of the Zoning Code, a garbage enclosure shall be permitted as an accessory use.
    - (e) Notwithstanding the provisions of the Zoning Code, the following setbacks will be maintained on the lands shown as Limited Commercial (CL) on Schedule “A” annexed hereto:
      - (i) The rear yard setback to the convenience store shall be not less than 3 m from the rear lot line.
      - (ii) The setback of the convenience store to the east property line shall not be less than 17 m.
      - (iii) The setback of the convenience store to the west property line shall not be less than 13 m.

- (iv) The setback of the canopy to the front lot line, shall not be less than 13 m and shall have a side yard setback of not less than 7 m on both sides.
- (v) The side yard setback of the garbage enclosure shall not be less than 8 m.
- (f) A minimum 3 m wide landscape strip shall be provided around the perimeter of the site.
- (g) The maximum height of the convenience store shall not exceed 4.5 m, excluding rooftop mechanical items.
- (h) The maximum height of the canopy shall not exceed 4.5 m to the underside of the canopy and 5.5 m to the top of the canopy, excluding a company burst or logo sign which shall not exceed 1.05 m in height above the top of the canopy.
2. Where the provisions of Section 1 of this by-law conflict with the provisions of the Zoning Code, the provisions of Section 1 shall take precedence, otherwise the Zoning Code shall continue to apply.
3. Chapter 324, Site Specifics, of the Zoning Code, is hereby amended to include reference to this by-law by adding the following to section 324-1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
109-2001(OMB) September 20, 2000	Lands located on the southeast corner of Burnhamthorpe Road and Mill Road.	To permit a convenience store to operate in conjunction with a service station.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON SEPTEMBER 20, 2000 IN BOARD FILE NO. PL981182.

**EXPLANATORY NOTE**

The property which is the subject of this appeal is municipally known as 830 Burnhamthorpe Road, in the City of Toronto (formerly in the City of Etobicoke) (the "Site"). A location map is attached as Schedule "A".

The Site is currently zoned Limited Commercial (CL) and subject to By-law No. 12,299 which limits the use of the property to a service station only. Approximately 20 m<sup>2</sup> of commercial floor space for the sale of convenience items is permitted. The zoning change requested will amend the site specific by-law to allow for a larger sales area in a new building for the sale of convenience store items, including perishable food items in conjunction with a service station. The zoning change will also impose site specific provisions including those pertaining to setbacks, height, and landscaping.

Petro-Canada applied to the City of Toronto (the "City") to seek changes to the zoning by-law for the purpose of demolishing the existing one storey gasoline service station and to redevelop the Site with a new one-storey gas bar/convenience store building with four pump islands. The 217 m<sup>2</sup> building, which will be constructed in the southern portion of the Site, will be occupied, as follows: 75 m<sup>2</sup> of the floor area will be devoted to offices and utility rooms; and 142 m<sup>2</sup> of the floor area will be devoted to the retail sale of convenience store items such as tobacco products, dry goods, cold storage and freezer food items, fast food products, general merchandise, stationary and automotive products.

**SCHEDULE "A"**