

# CITY OF TORONTO

## BY-LAW No. 152-2004(OMB)

### **To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the south side of The Queensway, west of the Humber River, known municipally as 125 The Queensway.**

WHEREAS the Ontario Municipal Board, by way of Order No. 1389 issued on October 16, 2003, upon hearing the appeal of the applicant, under Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, determined to amend the General Zoning By-law for the former City of Etobicoke;

THEREFORE Chapters 320 and 324 of the Etobicoke Zoning Code of the former City of Etobicoke is amended as follows:

1. That the Zoning Map referred to in Section 320-5, Article II of the Etobicoke Zoning Code, and originally attached to Township of Etobicoke By-law No. 11,737, be and the same hereby maintains the existing Class 1 Industrial (I.C1) zoning of the site but is amended to include permitted uses under Section 320-91B(1) of the Etobicoke Zoning Code and supermarkets. The site uses shall be restricted to either the I.C1 uses only or the uses listed under Section 320-91B(1), which includes supermarkets as defined in this by-law, except vehicle related uses and undertaking establishments; but not combined on the lands located in the former Township of Etobicoke as described Schedules 'A' and 'B' attached hereto.
2. Uses permitted in Class 1 Industrial (I.C1) shall be subject to all requirements under Section 304-36 of the Etobicoke Zoning Code on the lands located in the former Township of Etobicoke as described Schedule 'A' attached hereto.
3. For the purpose of this by-law the terms 'Supermarket' and 'Commercial Floor Space' shall be defined as follows:

Supermarket: a building where the commercial floor space is primarily devoted to the sale of edible food products having a gross floor area of greater than or equal to 3 000 m<sup>2</sup>.

Commercial

Floor Space: the total floor area of a building measured from and including the outside walls but excluding the following:

- (a) any basement, below grade, or mezzanine which is not accessible to the public and is used as follows:
  - (i) staff facilities, administrative offices, and storage areas for goods and equipment;
  - (ii) accessory functions including but not limited to, garbage compactors, loading docks, conveyors, and telephone switching rooms;

- (b) mechanical rooms, public washrooms and enclosed entrance vestibules provided such areas are not used for the display and sale of products; and
  - (c) the area used for mechanical purposes and access thereto located on the roof of the buildings.
- 4. Section 304-36 of the Etobicoke Zoning Code shall not apply to the permitted uses under Section 320-91B(1) and supermarkets on the lands located in the former Township of Etobicoke as described on Schedule 'A' attached hereto. The following development standards shall only apply if the lands described on Schedule 'A' are developed for the uses permitted under Section 320-91B(1) and supermarkets:
  - (i) The maximum lot coverage (for all uses) shall not exceed thirty percent (30%).
  - (ii) The minimum lot area shall be 3.4 hectares.
  - (iii) For the purposes of addressing setbacks The Queensway is to be deemed frontage and the rear yards are to be identified as N68°27'40"W and N43°26'10"E. The minimum building setbacks shall be as follows:
    - (a) front yard: 1 metre
    - (b) side yard: 0 metres
    - (c) rear yard: 0.6 metres
  - (iv) The minimum building setbacks shall not be less than the measurements referred to in (iii) above, and shall be measured from the main walls of the building; canopy structures along Building E may project a maximum of 0.81m into the setback requirement.
  - (v) Parking areas must be setback a minimum of 2.5 metres along The Queensway frontage.
  - (vi) Landscaped open space shall not be less than fifteen percent (15%) of the lot area.
  - (vii) Remaining open areas along The Queensway frontage (without buildings, ingress/egress or pedestrian walkways) are to provide no less than a 2.5 metre landscape buffer.
  - (viii) The maximum gross floor area for a supermarket shall not exceed 5550 square metres. A second storey mezzanine shall be permitted in a supermarket up to a maximum of 200 m<sup>2</sup> of floor space. Mezzanine areas for the strict use of storage or staff facilities shall be excluded from the gross floor area of the supermarket.

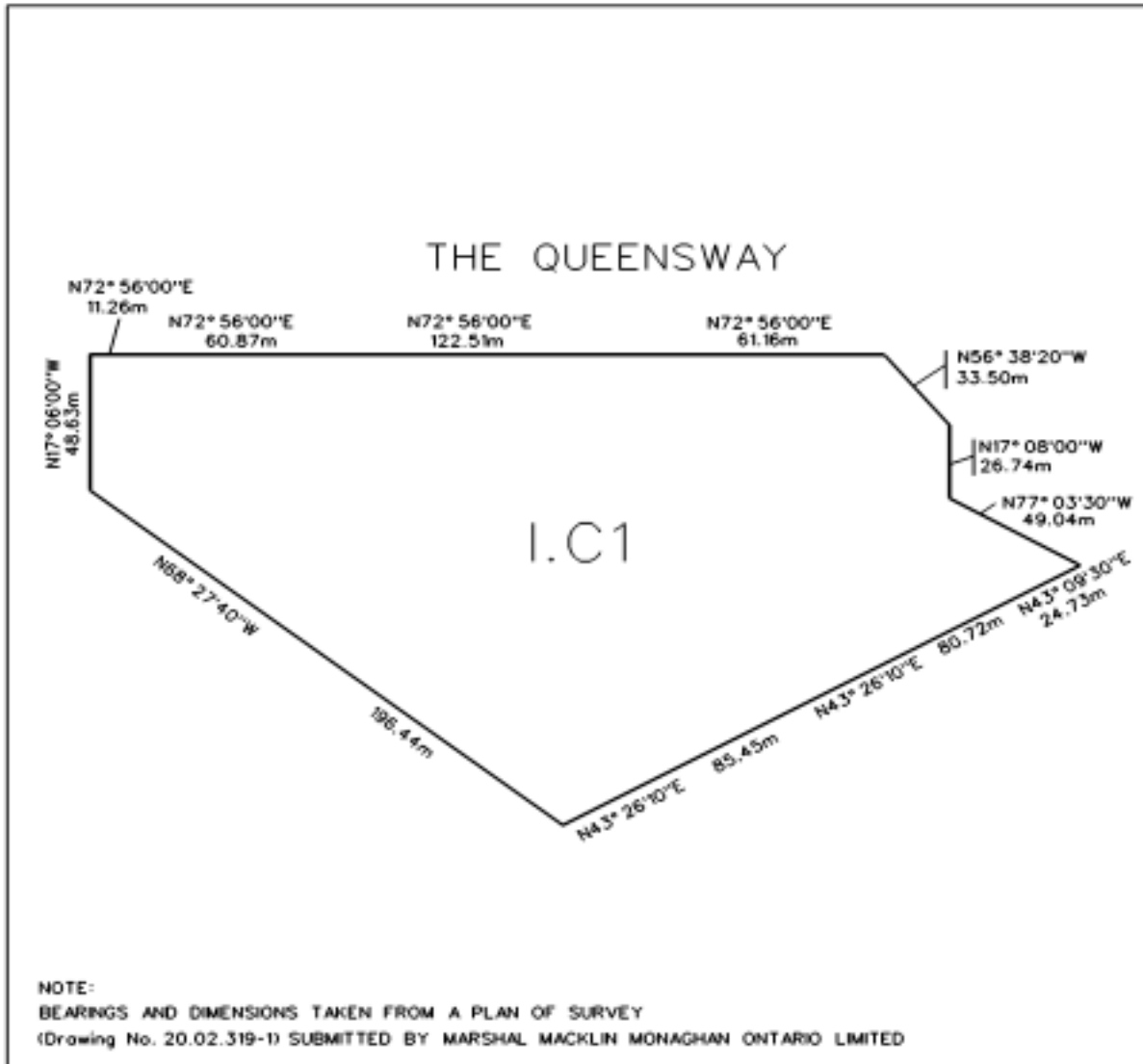
- (ix) The supermarket shall be permitted outdoor sales areas (may be covered) not exceeding 720 m<sup>2</sup> of commercial floor space (apart from plants, shrubs, trees, harvested goods, garden and landscape accessories, outdoor furniture and containers; pre-packaged goods and materials only shall be stored, displayed or sold) and shall not be used and operational for more than seven months in any consecutive twelve month period. The approximate locations of the outdoor sales areas are shown on Schedule 'B'. These garden structures will not require additional parking, however, total on-site parking must comply with the parking standards required by this by-law.
  - (x) Building heights shall be restricted to two-storeys, with a maximum overall height of 14 metres exclusive of any architectural features and rooftop mounted equipment or screening.
  - (xi) Parking shall be provided at a rate of:
    - (a) restaurant and entertainment type uses, such as theatres, that exceed 10% of the total gross floor area of the building it occupies must provide parking according to Section 320-18C and 320-23B of the Etobicoke Zoning Code;
    - (b) medical/dental office uses must provide parking at a minimum of 5.5 stalls per 93 m<sup>2</sup> of gross floor area; and
    - (c) all other uses must provide parking at a ratio of 4.3 stall per 100 m<sup>2</sup> of commercial floor space.
  - (xii) Service/loading spaces are permitted and the minimum size requirement is 3.5 metres by 12.0 metres.
  - (xiii) Drive-through facilities may be permitted provided they comply with the Drive-Through By-law (By-law No. 776-2002) as passed by Council on October 3, 2002 and any supplementary regulations as contained in Section 320-23F.
- 5.** Where the provision of the By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

6. Chapter 324, Site Specifics, of the Etobicoke 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:



<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
152-2004(OMB) October 16, 2003	Lands located on the south side of The Queensway, west of the Humber River, known municipally as 125 The Queensway.	To maintain the existing Class 1 Industrial (I.C1) zoning of the site but amended it to include permitted uses under Section 320-91B(1) of the Etobicoke Zoning Code and a 5500m <sup>2</sup> supermarket subject to site-specific standards.

PURSUANT TO ORDER NO. 1389 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON OCTOBER 16, 2003 IN BOARD FILE NO. PL030246.

**Toronto** Schedule 'A' BY-LAW

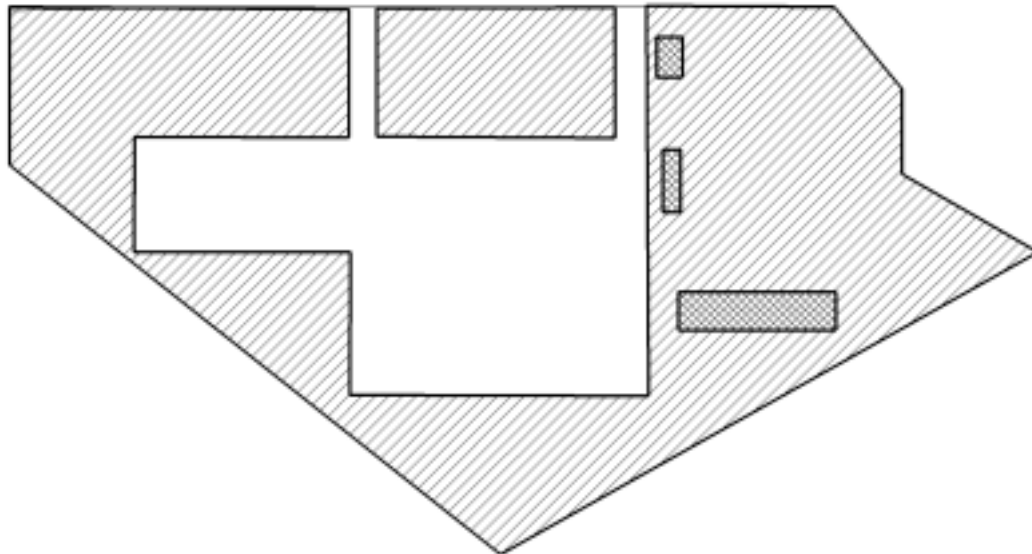




**LOTS 5 AND 6 AND PART OF LOTS 4 AND 7  
 REGISTERED PLAN 1176 CITY OF TORONTO**

Applicant's Name:	125 QW-1 INC., 125 QW-2 INC		
Assessment Map C10	Zoning Code Map/s C105	scale: 	
File No. CMB2002 0008	Drawing No. CMB2002 0008A		

**Toronto** Schedule 'B' BY-LAW

THE QUEENSWAY





-  BUILDABLE AREA<sup>1</sup>
-  DESIGNATED OUTDOOR SALES AREA<sup>2</sup>

NOTE 1: This Schedule outlines approximate buildable areas only and is not meant to deem exact size, location or setbacks. By-law requirements depict setback and density.

NOTE 2: This Schedule outlines approximate outdoor sales areas only and is not meant to deem exact size or location.

**LOTS 5 AND 6 AND PART OF LOTS 4 AND 7  
REGISTERED PLAN 1176 CITY OF TORONTO**

Applicant's Name:		125 QW-1 INC., 125 QW-2 INC	
Assessment Map C10	Zoning Code Map/s C10S	scale: 	
File No. CMB2002 0008	Drawing No. CMB2002 0008B		