

Authority: North York Community Council Item 14.57,
as adopted by City of Toronto Council on April 28 and 29, 2008
Enacted by Council: May 27, 2008

CITY OF TORONTO

BY-LAW No. 498-2008

To amend By-law No. 1916, as amended, for the former Town of Leaside, with respect to lands municipally known as 147 Laird Drive and 22 Commercial Road.

WHEREAS authority is given to Council by 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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The lands subject to this by-law are those lands outlined by a heavy black line and identified as “Area Subject to Amendment” as shown on Schedule “1” attached hereto.
2. Zoning By-law No. 1916, as amended, is hereby further amended by deleting and repealing Section 8.2.3. g) ii) and inserting the following Section 8.2.3. g) (ii) and (iii) immediately after Section 8.2.3. g) (i) as follows:

(ii) Definitions

(1) **Established Grade**

For the purposes of this exception, **Established Grade** shall be 130.53 metres Canadian Geodetic Datum.

(2) **New Format Retail Centre**

For the purposes of this exception, New Format Retail Centre shall mean a commercial development designed and functioning as an integrated whole in which those facilities selling goods at retail have a minimum Gross Floor Area – Commercial as outlined in Section 8.2.3 (iii) 6) (b).

(iii) General Provisions

Notwithstanding Section 8.2.2 of this By-law, on those lands referred to in Section 8.2.3 g) (i) of this By-law, no person shall

use, occupy, erect, alter, cause to be used, occupied, erected or altered, any Building, Structure or land or part thereof except in accordance with the following provisions:

1) Road and Intersection Improvements

No person shall use any land or erect or use, any Building or Structure on the lands identified as “Phase 1” and “Phase 2” as shown on Schedule “3” in accordance with Subsections 8.2.3.g)(iii) 2) 3) 4) 5) and 6) unless the following road and intersection improvements have been constructed and completed in accordance with the ultimately approved functional plan, to service the land, Buildings and Structures:

- i) widening of Laird Drive from the existing 4-lane cross section to 5-lane cross section, with the extent of work starting from approximately 50 metres north of Parkhurst Boulevard to approximately 50 metres south of Commercial Road;
 - ii) signalization of the Laird Drive/Commercial Road intersection;
 - iii) provision of a westbound left turn lane at Laird Drive at the Laird Drive / Commercial Road intersection;
 - iv) restriction of the site mid-block driveway entrance on Laird Drive to right-in / right-out only; and
- any other associated civil works and utility relocations

2) Phasing

The usage of the building shown as “Phase 2” on Schedule 3 shall be prohibited until the buildings shown as “Phase 1” on Schedule 3 have been substantially completed.

3) Services

Within the lands shown on Schedule “1” attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- a. all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
- b. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

4) Permitted Uses Buildings and Structures

(a) A New Format Retail Centre containing the following uses:

- Retail Store
- Food Store
- Retail Warehouse
- Department Store
- Warehouse Format Retail
- Drug Store
- Garden Supply Centre
- Home Improvement Centre (including auto parts and accessories)
- Video Sales and Rental
- Business and Professional Offices

(b) In addition to the forgoing a New Format Retail Centre may contain the following additional uses: bank or Financial Institution; Eating Establishment; Restaurant Drive-In; Automated Teller Machines; Dry Cleaning Shop; Dry Cleaner's Distribution Centre; Restaurant Take-Out; Service or Repair Shop; Personal Service Shop; Tailor's Shop; leasing and rental of equipment and supplies;

5) Use Restrictions

(a) all uses located within a wholly enclosed Building. Outside Open Storage of goods, materials, and equipment and the outdoor display of merchandise, whether accessory to a permitted use or not, are prohibited, save and except for:

- (i) an outdoor Garden Centre with an accessory outdoor display and sales area, which shall be permitted, provided that the total area of same does not exceed 2,800 m² and that only the following goods, materials and equipment may be stored or sold in the Outdoor Garden Supply Centre: plants; nursery stock; flowers; gardening supplies; soil; seed; fertilizer; garden ornaments; garden furniture and hardware; patio accessories; garden sheds; crafts and pottery related to gardening; and
- (ii) outdoor patio areas that are associated with restaurant uses provided that the area of each patio does not exceed 456 m².

6) General Development Requirements

(subject to Section 8.2.3. g)(iii)1) 2) and 3))

- (a) Maximum Gross Floor Area – Commercial of any New Format Retail Centre shall be 34,500 m², of which a maximum 4,645 m² may be used for Business and Professional Office.
- (b) Minimum Gross Floor Area – Commercial per unit permitted in Section 8.2.3. g) (iii) 4) (a)
 - (i) 920 m² Gross Floor Area-Commercial per unit;
 - (ii) a maximum of 10 units with a minimum Gross Floor Area – Commercial of 460 m² each may be permitted;
 - (iii) a maximum of five (5) units with maximum Gross Floor Area Commercial of 460 m² and a minimum of 278 m² each may be permitted; and
 - (iv) a maximum of five (5) units of less than 278 m² Gross Floor Area – Commercial with a minimum Gross Floor Area –Commercial of 190 m² each may be permitted.
- (c) Maximum Gross Floor Area – Commercial for uses permitted in Section 8.2.3. g) (iii) 4) (b).

1,394 m², not including any bank or Financial Institution; Eating Establishment; Restaurant Drive-In; or Restaurant Take-Out.
- (d) Maximum Lot Coverage 30%
- (e) Building Location and Setbacks
 - i) For the purposes of this exception, Buildings shall be located and set back from property lines as shown on Schedule “2”; and
 - ii) Awnings and canopies may project beyond the Building Envelopes to a maximum of 3.05 metres, provided they are wholly on the property.
- (f) Maximum Building Height
 - i) The maximum building heights shall not exceed the lesser of that shown on Schedule “2” of this By-law; and

- ii) The following exceptions apply to the maximum building height as permitted by Section 8.2.3 g) (iii) 6)(f)(i):

Decorative features and design elements including parapets (including cornice mouldings, flashings etc.), clay-tile roofs, decorative iron railings, stucco mouldings and faux windows (on the facade) shall be permitted to a maximum of 6.0 metres above the maximum building height.

- (g) Landscaping

The only landscaping provision that will apply is as follows:

- i) all yard areas other than driveways, walkways, patios, motor vehicle parking, and garden supply centre as permitted in Section 8.2.3 g)(iii)5)(a)(i) will be landscaped.

- h) Parking

Notwithstanding the requirements of Section 5.17, the following parking requirements shall apply for a New Format Retail Centre:

- i) a minimum of 1 parking space per 27 m² of Gross Floor Area-Commercial, of which a minimum of 1 disabled parking space per 875 m² shall be provided; and
- ii) disabled parking spaces shall be a minimum of 3.65 metres in width and 5.6 metres in length.

- i) Loading Spaces

Notwithstanding the requirements of Section 5.19, the following requirements for off-Street loading shall apply to the building envelopes as shown on Schedule "4":

- i) maintain the existing 4 Loading bays for the existing Home Depot store Building (refer to building envelope A per Schedule "4");
- ii) maintain the existing 2 loading bays for the existing building envelope B1;
- iii) maintain the existing 1 loading bay for the existing building envelope B2;
- iv) maintain the existing 2 loading bays for the existing building envelope B3;

- v) 1 loading bay for the proposed building envelope B4;
 - vi) 1 loading bay for the proposed building envelope B5;
 - vii) maintain 2 loading bays for the existing Building envelope B6;
 - viii) maintain the existing 1 loading bay to be shared by the retail units within existing building envelope C1;
 - ix) 1 loading bay to be shared by the retail units within proposed building envelope C2; and
 - x) maintain the existing 1 loading bay to be shared by the existing retail units within building envelope D 1 together with the proposed retail units within Building envelope D2.
- 3.** Notwithstanding anything else contained in this By-law, the provisions of Section 8.2.3 g) shall continue to apply collectively to all of the lands identified in 8.2.3 g)(i), notwithstanding any future division of the lands into two or more parcels of land.
- 4.** Other Provisions of the By-law.

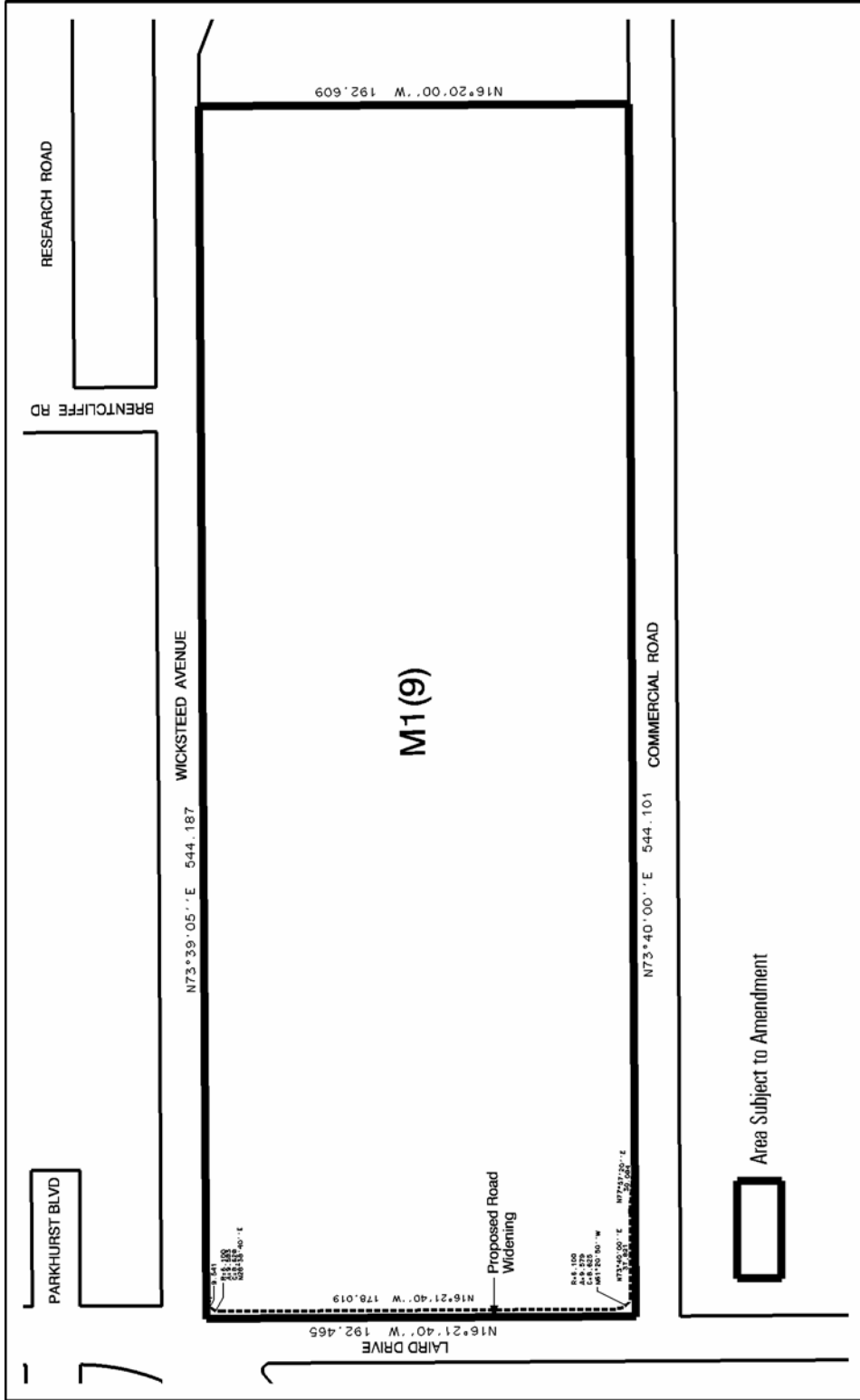
Except as amended in this By-law, all the other provisions of By-law No. 1916 shall apply to the lands.

ENACTED AND PASSED this 27th day of May, A.D. 2008.

GLORIA LINDSAY LUBY,
Deputy Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



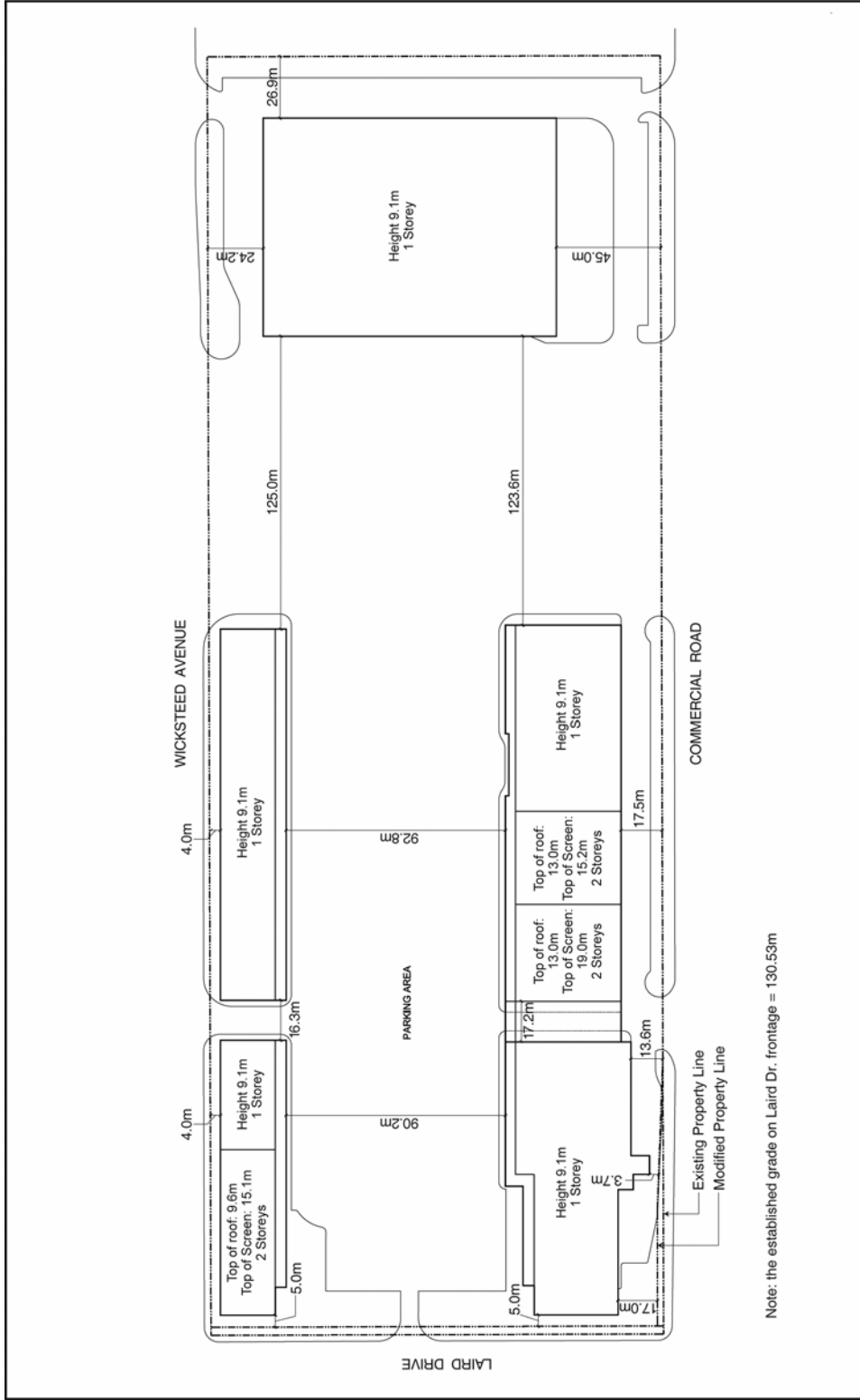
Schedule 1

File # 04_177698

Part of Lot 14 Concession 3 From The Bay, Lots 61-70 Inclusive and Part of Lot 59 Registered Plan 697
 Survey data from Plan of Survey, drawing ref. 01-322RP01, supplied by KFCIMAR Surveyors

Date: 03/03/2008
 Approved by: D.N.





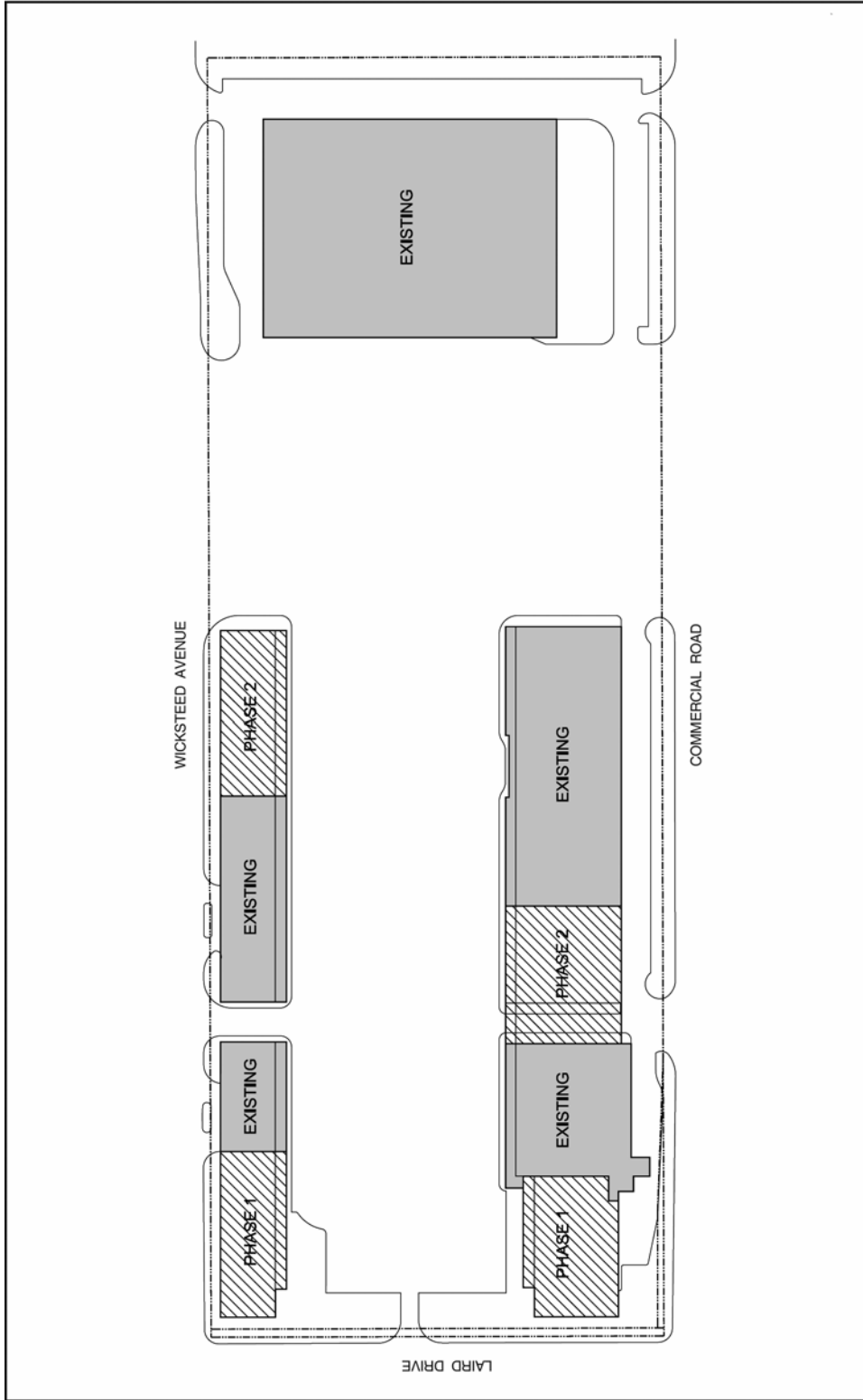
Schedule 2

Part of Lot 14 Concession 3 From The Bay, Lots 61-70 Inclusive and Part of Lot 59 Registered Plan 697

File # 04_177698

Date: 03/11/2008
Approved by: D.N.

Not to Scale



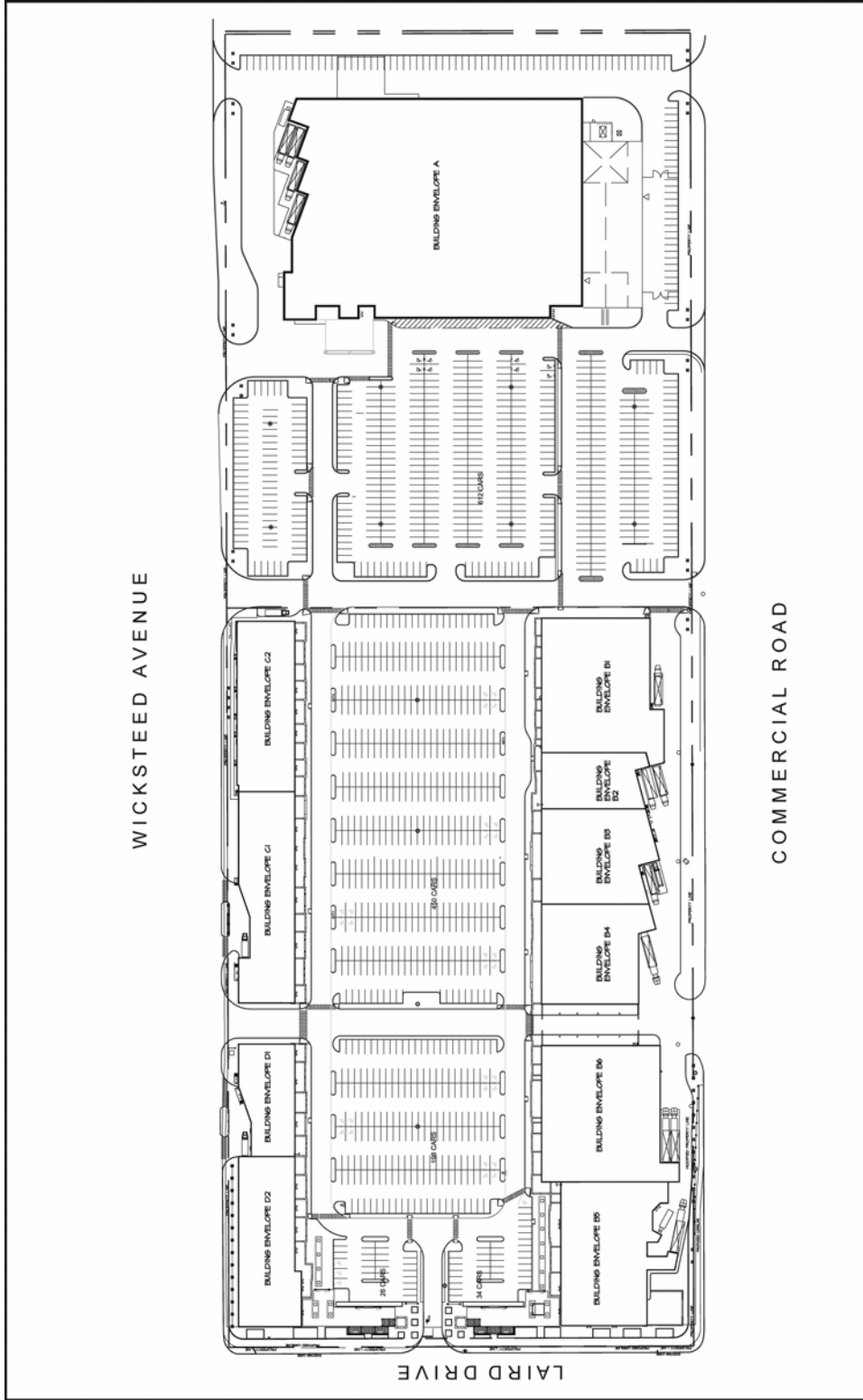
Schedule 3

Part of Lot 14 Concession 3 From The Bay, Lots 61-70 Inclusive and Part of Lot 59 Registered Plan 697

File # 04_177698

Date: 03/11/2008
 Approved by: D.N.

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 Not to Scale



Schedule 4

File # 04_177698



Part of Lot 14 Concession 3 From The Bay, Lots 61-70 Inclusive and Part of Lot 59 Registered Plan 697

Date: 05/20/2008
Approved by: D.N.