

Authority: Etobicoke York Community Council Item 31.16, adopted as amended,
by City of Toronto Council on November 30, December 1, 2, 4 and 7, 2009
Enacted by Council: December 4, 2009

CITY OF TORONTO

BY-LAW No. 1203-2009

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 30 Weston 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. Appendix "A", District Map 47K – 313 of By-law No. 438-86 of the former City of Toronto is amended in accordance with Schedule "A" of this By-law by deleting the existing Industrial (I3) Zone and replacing it with the Industrial Commercial (IC) Zone.
2. None of the provisions of the definition of "*bicycle parking space*", "*bicycle parking space-occupant*", "*bicycle parking space-visitors*", "*grade*" and "*lot*" in Section 2 or of Section 4(2)(a), Section 4(13) and 12(2)270 of By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall apply to prevent the erection and use of commercial development, which may contain a *retail-warehouse* and *accessory* uses, on the lands hereinafter set out, provided:
 - (i) the lands consist of at least those shown within the heavy lines on Schedule 'A' attached;
 - (ii) that the *non-residential gross floor area* of all the buildings on the site does not exceed 52,000 square metres;
 - (iii) that a minimum of one *retail* store having a minimum *non-residential gross floor area* of 6,503 square metres is provided and maintained on the lands;
 - (iv) in addition to clause (iii) above, that a minimum of two additional commercial units each having a minimum *non-residential gross floor area* of 1,858 square metres and three additional commercial units each having a minimum *non-residential gross floor area* of 1,393 square metres are provided and maintained on the lands for the development having a minimum *non-residential gross floor area* of 30,000 square metres;

- (v) that the *non-residential gross floor area* permitted for all individual *retail stores* less than 232 square metres in size shall not exceed 10 per cent of the total *non-residential gross floor area* on the lands;
- (vi) that medical offices or a medical clinic having a minimum of 500 square metres of *non-residential gross floor area* shall be provided and maintained on the lands for the development having a minimum *non-residential gross floor area* of 40,000 square metre;
- (vii) that vehicular access and pedestrian access to and from the development must be provided from Weston Road (for clarity additional vehicular and pedestrian access may also be provided from St. Clair Ave West and Gunns Road);
- (viii) a minimum of 3.2 parking spaces per 100 square metres of *non-residential gross floor area* shall be provided and maintained on the lands;
- (ix) a minimum of 0.13 long-term bicycle parking spaces for each 100 square metres of *non-residential gross floor area* shall be required, up to a maximum requirement of 40 long-term bicycle parking spaces, shall be provided and maintained on the lands (for clarity this clause does not limit the number of long-term bicycle parking spaces that can be provided);
- (x) a minimum of 0.25 short-term bicycle parking spaces for each 100 square metres of *non-residential gross floor area* shall be provided and maintained on the lands;
- (xi) a minimum of 1 *shower-change facility* for each gender shall be provided and maintained on the lands;
- (xii) the bicycle parking space shall have the following dimensions: a minimum length of 1.9 metres and a minimum width of 0.6 metres;
- (xiii) the minimum height of the bicycle parking shall be 1.2 metres where the bicycle is to be parked on a horizontal surface or 1.9 metres where the bicycle is to be parked in a vertical position;
- (xiv) no part of the buildings or structures exceed a height of 20 metres above *grade*;
- (xv) in addition to the uses permitted uses listed under IC in Section 9(a)(f), a *retail-warehouse* and *accessory* uses shall be permitted on the lands; and
- (xvi) phasing of the development is permitted provided that the first phase of the development shall contain a *retail* store having a minimum *non-residential gross floor area* of 6,503 square metres.

3. For the purpose of this By-law:
- (a) *grade* means 125.50 metres Canadian Geodetic Datum;
 - (b) Long-Term Bicycle Parking means bicycle parking spaces for use by the occupants or tenants of the buildings;
 - (c) Short-Term Bicycle Parking means bicycle parking spaces for use by visitors to the buildings; and
 - (d) except for “*grade*” every italicized word and expression in this By-law shall have the same meaning as each word and expression defined in By-law No. 438-86, as amended.
4. Notwithstanding any severance, partition, or division of the lands, as shown on Schedule “A”, the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division occurred.
5. Within the lands shown on Schedule “A” 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.

6. **INCREASED HEIGHT AND DENSITY**

Matters which are to provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, in order to permit the increased height and retail floor area authorized under section (1) of this exception are:

SECTION 37 AGREEMENT

The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements shall be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements and to the satisfaction of the City Solicitor. The owner of the subject lands, at the owner’s expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, acting reasonably:

- (i) Prior to the issuance of the first building permit for the development, the owner will pay by cash or certified cheque the amount of \$350,000 to the City, indexed to the CPI index from the date of registration of the Section 37 Agreement, to be

used for improvements to local parks and recreation facilities at the discretion of the General Manager of Parks, Forestry and Recreation in consultation with the local Councillor. Priority consideration will be given to improvements to Viella Tarragona Park, including a water play area; and

- (ii) In accordance with the Public Art program, the owner agrees to make a contribution (the “Public Art Contribution”) equal to one percent (1%) of the Gross Construction Costs of the shell building development.

ENACTED AND PASSED this 4th day of December, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

TORONTO Schedule 'A' BY-LAW

