

Authority: North York Community Council Item 12.50,
as adopted by City of Toronto Council on February 6 and 7, 2012
Enacted by Council: February 7, 2012

CITY OF TORONTO

BY-LAW No. 143-2012

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 0 and 1100 - 1150 Caledonia 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 Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density and height of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in height and density beyond those otherwise permitted in return for the provision of such facilities, services and matters as 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 height or density of development, the 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 owners of the lands referred to herein have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto; 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. Schedules "B" and "C" of Zoning By-law No. 7625 of the former City of North York are hereby amended in accordance with Schedule 1 of this By-law.

2. Section 64.31 of Zoning By-law No. 7625 of the former City of North York is amended by adding the following subsection:

64.31 (75) M2 (75)

Definitions

- (a) For the purposes of this exception, the following definitions will apply:
- i. **Front lot line** means the lot line that abuts Caledonia Road;
 - ii. **Established grade** means a geodetic elevation of 180.73 metres above sea level;
 - iii. **Bicycle parking space** means an area used for the parking or storing of a bicycle;
 - iv. **Small vehicle parking space** means a vehicular parking space with the following dimensions:
 - (a) Length: 4.6 metres;
 - (b) Height: 2.0 metres; and
 - (c) Width: 2.6 metres.

Permitted Uses in Buildings and Structures

- (b) Notwithstanding Section 31(2)(a), day nurseries are only permitted if they are provided on the ground floor of a building and within 100 metres of the front lot line.
- (c) Notwithstanding Section 31(2)(a), drive-through establishments, car washing establishments, motor vehicle body repair shops, motor vehicle dealerships, gasoline stations, service stations and transportation terminals are not permitted.

General Development Requirements

- (d) The maximum Floor Space Index is 0.35.
- (e) The maximum lot coverage is 31 per cent excluding awnings, canopies, pergolas and covered bicycle parking areas.
- (f) Notwithstanding Section 31(5)(c), retail stores and personal service shops are permitted up to 27,710 m² of gross floor area subject to the following:
- i. A minimum of one (1) retail store must have a minimum gross floor area of 2,000 metres²;

- ii. A maximum of 18 retail stores and/or personal service shops with gross floor areas less than 300 metres² are permitted on the lands shown on Schedule 1; and
 - iii. Floor area dedicated to common servicing and loading corridors and pedestrian corridors servicing retail stores and personal service shops is excluded.
- (g) The maximum building height will not exceed 18 metres above established grade, excluding permitted projections.
 - (h) The minimum yard setbacks will be as shown on Schedule M2(75).
 - (i) Awnings and canopies may project within the minimum setbacks by a maximum of 5.3 metres, provided they are located within the lands subject to this by-law.
 - (j) Architectural features, such as cornices, window sills, belt courses or other similar architectural features, may project within the minimum setbacks by a maximum of 1.0 metre.
 - (k) Landscape elements such as pergolas, light standards, benches and planters may be located within required yard setbacks.

Vehicular Parking

- (l) Except as otherwise noted below, the minimum parking requirements of section 6(A)(2) apply to all permitted uses.
- (m) For retail stores, professional offices and personal service shops, the following minimum parking rates will apply:
 - i. Gross floor area in a building up to 10,000 metres²: a minimum of 1.5 spaces for each 100 metres² of gross floor area; and
 - ii. Gross floor area in a building greater than 10,000 metres²: a minimum of 3.0 spaces for each 100 metres² of gross floor area.
- (n) For a grocery store use, a minimum rate of 2.5 spaces for each 100 metres² of gross floor area applies.
- (o) For a financial institution, a minimum rate of 4.0 spaces for each 100 metres² of gross floor area applies.
- (p) For an eating establishment, the following minimum parking rates applies:
 - i. Gross floor area in a building up to 500 metres²: a minimum of 3.0 spaces for each 100 metres² of gross floor area; and

- ii. Gross floor area in a building greater than 500 metres²: a minimum of 5.0 spaces for each 100 metres² of gross floor area.
- (q) Floor area dedicated to common servicing and loading corridors and pedestrian corridors servicing retail stores and personal service shops is excluded for the purposes of calculating minimum parking rates.
- (r) The maximum number of parking spaces permitted on the lands shown on Schedule 1 is 1,077. An additional 35 parking spaces are permitted over the maximum number of parking spaces if the additional spaces are small vehicle parking spaces.

Bicycle Parking

- (s) A minimum of 122 bicycle parking spaces are required of which 24 bicycle parking spaces will be weather-protected.
- (t) A bicycle parking space must have the following dimensions:
 - (A) if located in a horizontal position (on the ground):
 - i. minimum length of 1.8 metres;
 - ii. minimum width of 0.6 metres; and
 - iii. minimum vertical clearance from the ground of 1.9 metres.
 - (B) if located in a vertical position (on the wall):
 - i. minimum length or vertical clearance of 1.9 metres;
 - ii. minimum width of 0.6 metres; and
 - iii. minimum horizontal clearance from the wall of 1.2 metres.
- (u) A maximum of 50 per cent of bicycle parking spaces may be provided as vertical parking.

Loading Spaces

- (v) Notwithstanding Section 6A(16)(a), a minimum of 9 loading spaces are required.

Landscaping

- (w) A minimum of 25,830 metres² of landscaping will be provided on the lot.
- (x) Except for driveways and walkways from Caledonia Road, a minimum distance of 1.5 metres from the front lot line will be landscaped.
- (y) A maximum of 50 per cent of the minimum front yard setback may be covered with driveways, walkways, or other hard surfaces.

Increased Height and Density:

SECTION 37 AGREEMENT

- (z) Pursuant to Section 37 of the *Planning Act* and subject to compliance with provisions of this By-law, the increase in density permitted on the land by this By-law, is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's sole expense:
- (1) Prior to the issuance of any building permits (including interior alteration permits):
 - i. The owner shall be required to provide a cash contribution of \$500,000.00 which is to be used for capital upgrades to Caledonia Park.
 - ii. Require that the cash amount to be secured above be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - (2) The Owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which shall be registered on title to the lands shown on Schedule 1, by the City, at the Owner's expense, to secure:
 - (a) matters provided for in (1) above.
 - (b) Prior to the issuance of building permits (including interior alteration permits), the Owner shall pay for or construct any improvements to the municipal infrastructure (including off-site road improvements), or satisfy a combination of the foregoing, to the satisfaction of the Executive Director of Technical Services.
 - (c) Prior to the issuance of the first building permit (including interior alteration permits), provide \$100,000.00 to equip four intersections in the vicinity of the site with transit signal priority.
 - (d) Prior to the issuance of the first building permit, the Owner shall submit a cost estimate and all the necessary plans for the proposed driveway realignment work east of Caledonia Road (and any possible disruptions to the park and its features) to be approved by the General Manager, Parks, Forestry and Recreation and General Manager, Transportation Services.
 - (e) Prior to the issuance of the first building permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the approved estimate referred to in (d), above, to the satisfaction of the General Manager, Parks, Forestry and

Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with the proposed driveway re-alignment work in the park.

Division of Lands

- (aa) Notwithstanding any severance, partition or division of the lands shown on Schedule "1", the regulations of this exception shall continue to apply to the whole of the lands as if no severance, partition or division had occurred.
3. Section 64.31 of By-law No. 7625 is amended by adding Schedule M2(75) attached to this By-law.
4. 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.

ENACTED AND PASSED this 7th day of February, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



