

Authority: North York Community Council Item NY7.3, adopted as amended, by City of Toronto Council on July 16, 17 and 18, 2019

## **CITY OF TORONTO**

### **BY-LAW 1191-2019**

**To amend former Town of Leaside Zoning By-law 1916, as amended, with respect to the lands municipally known as 11-19, 25 and 29 Industrial Street.**

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; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are 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, a 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 owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 1916, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Schedule "A" of By-law 1916, as amended, of the former Town of Leaside is amended in accordance with Schedule 1 of this By-law by adding a new site specific M2(10) Zone.
2. Former Town of Leaside Zoning By-law 1916, as amended, is further amended by inserting a new Section 8.3.4(j) immediately after Section 8.3.4(i) as follows:

"8.3.4(j) 11 to 19, 25 and 29 Industrial Street\_M2(10) Zone

(i) Area Restricted

Notwithstanding the provisions of Section 8.3, the provisions of this section shall apply to the lands identified on Schedule 1 of By-law 1191-2019, municipally known in the year 2019 as 11 to 19, 25 and 29 Industrial Street;

(ii) General Provisions

Notwithstanding Sections 8.3.1 and 8.3.2 of this By-law, on those lands referred to in Section 8.3.4(j)(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) Permitted Uses Buildings and Structures

(a) In addition to uses permitted in an M2 Zone, the following uses are also permitted:

- (i) Art Gallery;
- (ii) Artist Studio;
- (iii) Automated Teller Machine;
- (iv) Bakery;
- (v) Business and Professional Office;
- (vi) Business Office;
- (vii) Clinic;
- (viii) Custom Workshop;
- (ix) Department Store;
- (x) Dressmaker's Shop;
- (xi) Drug Store;
- (xii) Dry Cleaner's Distribution Station;
- (xiii) Dry Cleaning Establishment;
- (xiv) Dry Cleaning Shop;

- (xv) Financial Institution;
- (xvi) Food Store;
- (xvii) Garden Supply Centre;
- (xviii) Government Office;
- (xix) Home Improvement Centre;
- (xx) Outdoor Patio;
- (xxi) Personal Service Shop;
- (xxii) Pet Services;
- (xxiii) Private and Public Recreation Facilities, but is restricted to a health club / fitness centre and may not include an ancillary Day Nursery;
- (xxiv) Printing Store;
- (xxv) Restaurant;
- (xxvi) Restaurant Take-Out;
- (xxvii) Retail Store;
- (xxviii) Retail Warehouse;
- (xxix) Service or Repair Shop;
- (xxx) Service Shop;
- (xxxi) Tailor's Shop;
- (xxxii) Tavern and Public House;
- (xxxiii) Veterinary Hospital;

(2) General Development Requirements

- (a) Maximum Gross Floor Area of 10,685 square metres;
- (b) Restaurant and Restaurant Take-Out uses permitted shall be limited to a combined maximum Gross Floor Area of 1,200 square metres;

- (c) Maximum Floor Space Index of 1.0;
- (d) Building Location and Setbacks
  - (i) Buildings fronting onto Industrial Street shall have a minimum setback of 1.9 metres;
  - (ii) Minimum west Side Yard Setback of 1.50 metres;
  - (iii) Minimum east Side Yard setback of 8.50 metres;
  - (iv) Minimum Rear Yard Setback of 0.50 metres;
  - (v) Awnings and canopies may project within the above setbacks by a maximum of 5.0 metres, provided they are wholly on the property.
- (e) Parking shall be provided in accordance with the following:
  - (i) Notwithstanding the requirements of Section 5.17, parking shall be provided on the lot at a minimum rate of 1.49 spaces for each 100 square metres of gross floor area;
  - (ii) Accessible parking spaces shall be provided having minimum dimensions of 5.6 metres in length x 3.4 metres in width x 2.1 metres in height at a rate of 1 parking space for each 25 parking spaces or part thereof for the first 100 parking spaces and for each 50 parking spaces of part thereof in excess of 100 parking spaces.
  - (iii) The entire length of each accessible parking space must be adjacent to a 1.5 metre wide accessible barrier free aisle or path which may be shared between two accessible parking spaces.
- (f) Loading shall be provided in accordance with the following:
  - (i) Notwithstanding the requirements of Section 5.19(a), 3 loading spaces shall be provided on the lot having minimum dimensions of 11.0 metres in length x 3.5 metres in width x 4.4 metres vertical clearance.

- (g) Bicycle Parking shall be provided in accordance with the following:
  - (i) A minimum of 24 short-term bicycle parking spaces shall be provided on the lot.

(3) Definitions

- (a) "Height" shall be measured from a Canadian Geodetic Datum elevation of 130.035 metres to the highest point of the building or structure;
- (b) "Bicycle Parking Space" shall mean an area used for parking or storing a bicycle;
- (c) "Short-Term Bicycle Parking Space" shall mean bicycle parking spaces for use by visitors to a building;
- (d) "Art Gallery" shall mean a premises used for the exhibition, collection or preservation of works of art for public viewing;
- (e) "Artist Studio" shall mean a premises used for creating art or craft;
- (f) "Outdoor Patio" shall mean an outdoor patron area that is ancillary to a non-residential use;
- (g) "Pet Services" shall mean premises used to provide for the grooming of domestic animals. A veterinary hospital or a kennel are not pet services;
- (h) "Printing Store" shall mean premises in which photocopying, printing, postal, or courier services are sold or provided; and
- (i) "Veterinary Hospital" shall mean premises used by a licensed veterinarian for the medical treatment of animals.

(4) Section 37 Agreement

- (a) Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in density of development on the Lot is permitted in return for the owner's election to provide, at the owner's expense, the following facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the

Planning Act that are in a form satisfactory to the City Solicitor and registered on title;

- (i) prior to the issuance of the first building permit, the Owner shall make a financial contribution to the City in the amount of \$250,000 to be allocated to park improvements in proximity to the lands set out in 8.3.4(j)(i) at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
    - (ii) the financial contributions referred to in 8.3.4(j)(ii)(4)(a)(i) above shall be indexed in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City;
    - (iii) in the event the financial contributions referred to in 8.3.4(j)(ii)(4)(a)(i) above have not been used for the intended purpose within 3 years of By-law 1191-2019 coming into full force and effect, the financial contribution may be redirected for another purpose at the sole discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in proximity to the lands referred to in Section 8.3.4(j);
  - (b) Where Section 8.3.4(j)(ii)(4) requires the Owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
  - (c) The Owner shall not use, or permit the use of, a Building or Structure erected with an increase in density permitted pursuant to this By-law unless all provisions of Section 8.3.4(j)(ii)(4) above are satisfied.
3. Notwithstanding anything else contained in this By-law, the provisions 8.3.4(j) shall continue to apply collectively to all the lands identified in 8.3.4(j)(i), notwithstanding any future divisions of the land into two more parcels of land.
  4. Except as amended in this By-law, all the other provisions of By-law 1916 shall apply to the lands.

5. 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 on July 18, 2019.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

