

**CITY OF TORONTO**

**BY-LAW No. 623-2000(OMB)**

**To amend City of North York By-law No. 7625 in respect of lands on the south side of Wilson Avenue between Dufferin Street and Allen Road, known as Block H.**

Whereas the Ontario Municipal Board, by way of Order issued on August 30, 2000 determined to amend the General Zoning By-law for the former City of North York;

THEREFORE:

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule “1” of this by-law.

2. Section 64.33 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

**64.33(93) MC(93)**

**DEFINITIONS**

(a) For the purpose of this exemption the following definition will apply:

“Retail Warehouse” means a commercial establishment, which has as a principal use, the sale of merchandise to the public in a warehouse format, where all areas are accessible to the public except for areas with accessory uses and without limiting the generality of this definition may include the sale of food and one or more of the following accessory uses, but is not a retail store for the purpose of this exemption;

a restaurant; accessory retail and personal services uses; a garden centre; the installation of automotive parts sold on the premises; the sale of services and rental or lease of tools, trucks and other vehicles, equipment or supplies relating to the improvement or decoration of the home or to the use of any of the goods sold in the store and the outdoor storage, display and sale of materials offered for sale on the lands.

**PERMITTED USES**

(b) None of the uses permitted in an MC zone applies, and only the following uses are permitted:

Gasoline Station (accessory use to Retail Warehouse)  
Personal Service Shop  
Retail Store  
Retail Warehouse  
Restaurant  
Service Shop  
Take-out Restaurant

**EXCEPTION REGULATIONS**

## (c) Gross Floor Area

- (i) A maximum of 5000 m<sup>2</sup> of gross floor area, for all uses except for retail warehouse.
- (ii) The gross floor area permitted for a retail warehouse shall be 0 m<sup>2</sup>.

## (d) Building Height

The maximum heights of all building and structures shall be as shown on Schedule "MC(93)".

**SECTION 37 AGREEMENT**

## (e) The owner of the site, at its expense, and in accordance with and subject to the Section 37 Agreement shall provide the following services and matters:

## (i) Municipal Services

The provision for all works, infrastructure and modification to existing facilities and infrastructure, associated with the roads and servicing needed for the proposed development as set out below shall be located, designed and constructed to City standards and specifications and subject to the satisfaction of the Commissioner of Works and Emergency Services and at no cost to the City.

## (ii) Transportation

All works, infrastructure and modifications as follows:

- (A) The construction of the Transit Road Extension through the site from Wilson Avenue to Dufferin Street.
- (B) The Owner shall contribute to the construction costs for the re-alignment of Transit Road to eliminate the jog for a distance of 150 metres north of Wilson Avenue if the City acquires all necessary lands before December 31, 2000.
- (C) Modifications to the north leg of the existing Transit Road intersection with Wilson Avenue.
- (D) A northbound right-turn lane at the new Dufferin Street signalized intersection.

- (E) The new signalized intersection at Dufferin Street including Transit Priority technology and the protection for a future southbound Advanced Green phase.
  - (F) The new signalized intersection at Wilson Avenue including Transit Priority technology and a westbound Advanced Green phase.
  - (G) Traffic signal modifications to the intersection of Wilson Avenue and Wilson Heights Boulevard.
  - (H) The westerly Wilson Avenue service access restricted to service vehicles.
  - (I) Street lighting along Wilson Avenue.
  - (J) Concrete sidewalks on one side of the Transit Road Extension.
- (iii) Public Safety Program for Parking Areas
- Implementation of a public safety program which includes the monitoring of operations of the parking facility and publicly accessible areas which may include the use of electronic video surveillance.
- (iv) Community Arts
- Provide a cash contribution of \$25,000.00 for community arts facilities in association with the Downsview Collegiate community arts program.
- (v) Job Promotion
- Advertise jobs for retail warehouses by direct mail drop to residences within 5 km of the site at least 4 months prior to advertising in any external media.
- (vi) TTC Facilities
- (A) All works associated with the changes to the TTC commuter parking lot arising from the relocation of the entrance and construction of the Transit Road extension.
  - (B) The owner shall be responsible for provision of a new bus driveway from Transit Road to access the Wilson Subway Station on the north side of Wilson Avenue.

- (vii) Traffic Infiltration Study and Development Phasing
  - (A) A traffic infiltration study focusing on potential traffic infiltration generated by the development of Block H through the neighbourhoods bounded by:
    - (I) Wilson Avenue, Sheppard Avenue, Wilson Heights Boulevard and Bathurst Street; and
    - (II) Wilson Avenue, Dufferin Street, Northgate Drive and Whitley Avenue.
  - (B) A development phasing plan to the satisfaction of the City.
- (viii) Transportation Demand Management Measures and Monitoring
  - (A) Plans indicating pedestrian linkages and bicycle storage facilities and detailing the implementation of a ride-share program for employees.
  - (B) A monitoring program prepared by the owner's transportation consultant addressing the effectiveness of the transportation demand management measures.
- (ix) Required Studies
  - (A) Noise Impact Statement

Provision of a Noise Impact Statement, at the time of site plan approval, dealing with the assessment of on-site equipment. As part of the Noise Impact Statement, the sound system shall be evaluated and modified as required by the Director, Community Planning, North District, in consultation with the local Councillor(s).
  - (B) Lighting Plan

The provision of a Lighting Plan for both street lighting and on-site lighting requirements, at the time of site plan approval, to the Director, Community Planning, North District for approval by the Commissioner of Works and Emergency Services.

## (C) Construction Plan

The provision of a Construction Plan, to be prepared prior to the issuance of a building permit, and to the satisfaction of the Commissioner of Works and Emergency Services that details the staging of construction and the routing of construction vehicles.

## (D) Archaeological Study

The owner agrees to comply with the recommendations of the Stage 1 and 2, Archaeological Assessment of the site, undertaken by Archaeological Service Inc. to the satisfaction of the City.

## (x) Public Art

Provision for 1% of the gross building construction costs for public art on publicly-accessible or publicly visible portions of the lands which may include abutting City-owned lands.

## (xi) Wilson Avenue Streetscape Improvements

A cash contribution to the City in the amount of \$150,000.00 to the Wilson Avenue Streetscape program for the purposes of streetscape improvements to Wilson Avenue.

## (xii) Deeds and Surveys

The owner shall upon execution of the Section 37 agreement, deposit with the City Solicitor Deeds for all lands and easements to be conveyed to the City, in a satisfactory form, free and clear of any encumbrances and at nominal cost.

## (xiii) Engineering Costs, Storm and Sanitary Sewers, Service Connections and Solid Waste and Recycling Collection

The owner shall be responsible for and, where applicable, pay all costs (including all engineering costs and studies) relating to the provision of storm and sanitary sewers, service connections and solid waste and recycling collection.

### **PERMITTED USES AND EXCEPTIONS PURSUANT TO SECTION 37 AGREEMENT**

- (f) Despite the provisions of subsection (c) above and subject to the owner of the lands entering into one or more agreements with the City pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, as amended, in accordance

with the conditions of subsection (e) above, the following provisions apply.

### **EXCEPTION REGULATIONS**

(g) Gross Floor Area

The maximum total gross floor area shall be 33,048.7 m<sup>2</sup> provided that:

- (i) The number of retail warehouse buildings in the area of this exemption shall be limited to two and each shall be a minimum gross floor area of 9,000 m<sup>2</sup> of gross floor area;
- (ii) The maximum gross floor area of a food retail store shall be 6038.5 m<sup>2</sup>;
- (iii) The minimum gross floor area of a retail store shall be 500 m<sup>2</sup>; and
- (iv) The minimum number of stores on the lot shall be eight.

(h) Parking

- (i) Minimum of 1 parking space per 20 m<sup>2</sup> of gross floor area shall be provided in the area of this exception, of which 15 are disabled parking spaces.

(i) Loading

- (i) A minimum of 11 loading spaces shall be provided in the area of this exception.

(j) Yard Setbacks

- (i) A maximum setback from the property line abutting Wilson Avenue for all uses except a retail warehouse, shall be 1 metre.

(k) Landscaping

- (i) Except for driveways entering and exiting from the lot directly onto Wilson Avenue and where the buildings front onto Wilson Avenue a minimum distance of 5.0 metres from the Wilson Avenue lot line shall be landscaped; and
- (ii) Except for driveways entering and exiting from the lot directly onto the new street and where buildings front onto Wilson Avenue a minimum distance of 1.0 metre from the lot lines that abut a street shall be landscaped.

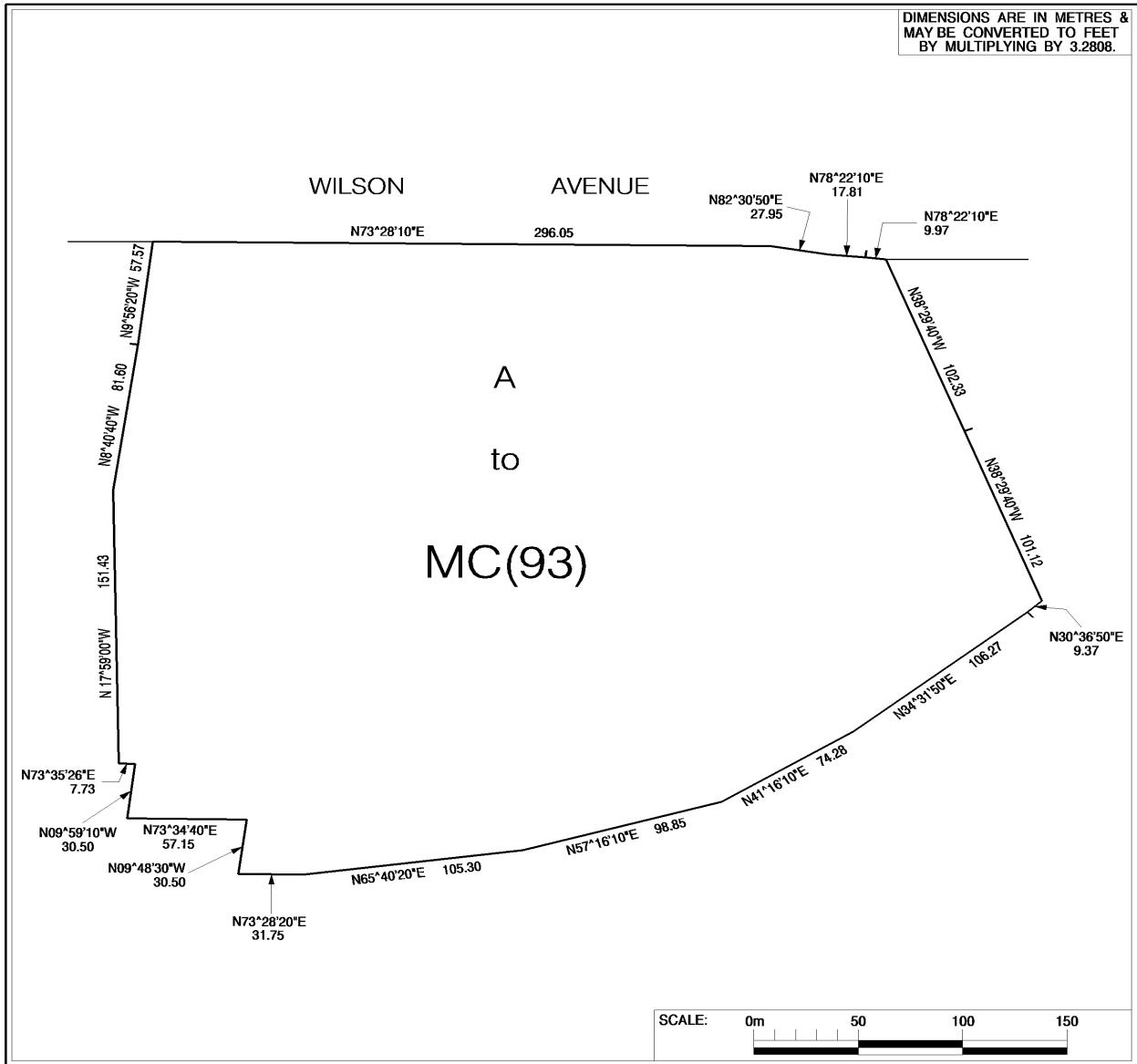
(1) Division of Land



All the provisions of this exception shall apply to the whole of the area of this exception as if no severance, partition or division has occurred.

**3.** Section 64.33 of By-law No. 7625 of the former City of North York is amended by adding Schedule “MC(93)” attached to this by-law.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED AUGUST 30, 2000 IN BOARD FILE NO. PL 980865.

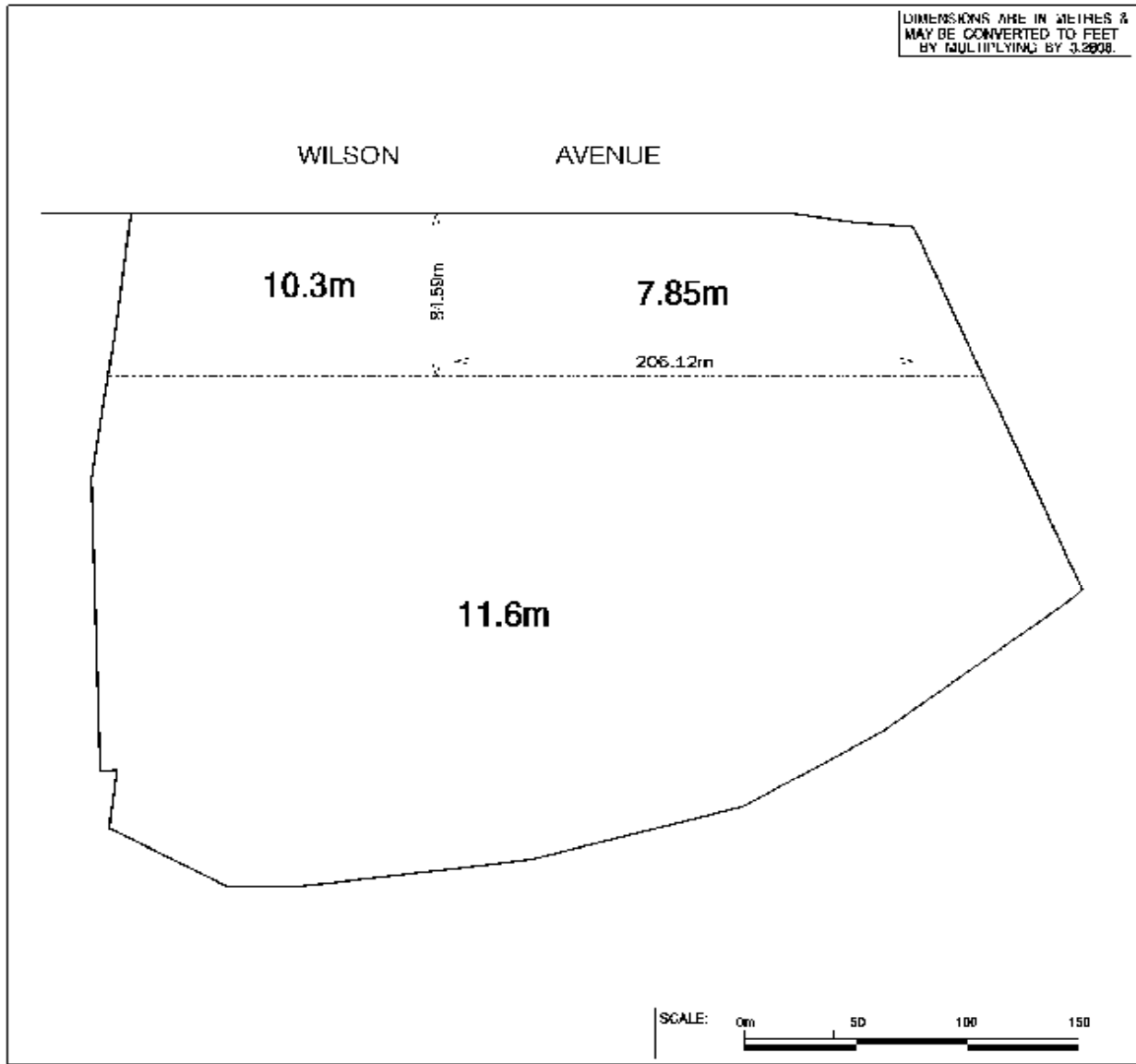
**SCHEDULE "1"**



<p><b>This is Schedule " 1 " to By-Law _____</b></p> <p><b>passed the _____ day of _____, 19 ____</b></p>					 City Planning Division North District
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	<input type="checkbox"/> SUBJECT PROPERTY			
<b>Location: Block H</b>					
File No. UDZ - 97 - 41	Prepared by: T . A .	Approved by: P . B .	Date: AUG . 26 / 99	Filename: SBL2961 \ 4303	
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department. Street lines represent street dedications / road allowances and do not represent actual as-built curb lines of streets.					



**SCHEDULE "MC(93)"**



<p><b>This is Schedule " MC(93) " to By-Law _____</b>  <b>passed the _____ day of _____, 19 ____</b></p>		 <b>Toronto</b> <small>City Planning Division</small> 3-1-1
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
<p><b>Location: Block H</b></p>		
<b>File No. UDZ - 97 - 41</b>	<b>Prepared by: T. A.</b>	<b>Approved by: P. B.</b>
<b>Date: AUG. 26 / 99</b>	<b>Filename: SBL2961 \ 4303</b>	
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - Metro York Planning Department. Street lines represent street bed lines and all other lines and dots represent actual and built-up lines of street.		