Authority: Etobicoke York Community Council Report No. 2, Clause No. 4,

adopted as amended, by City of Toronto Council on February 16, 2005

Enacted by Council: February 24, 2005

CITY OF TORONTO

BY-LAW No. 182-2005

To amend Chapters 320 and 324, of the Etobicoke Zoning Code, with respect to certain lands located on the west side of Index Road, north of North Queen Street, west of Highway 427.

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. That the Zoning Map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to Township of Etobicoke By-law No. 11,737, be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A' annexed hereto from Class 2 Industrial (I.C2) to Limited Commercial Holding (CL-H1) (CL-H2) provided that the following provisions shall apply to the development of the (CL-H1) (CL-H2) lands identified in Schedule 'A' attached hereto.
- 2. Notwithstanding the provisions of Sections 320-6B(2), 320-18B,C,D,E and F, 320-23 (A,B,C,D,E,G,H,I,L,M,N), 320-78, 320-79, 320-82, 320-83, 320-91, 320-92 and 320-93 of the Zoning Code, the use of the lands on Schedule 'A' shall be restricted to the following uses: other types of retail uses; shoe stores; home decorating stores; home furnishings; electronics stores; office equipment and supplies stores; home appliances stores; computers and computer equipment and accessories stores; home entertainment and/or video stores; clothing and wearing apparel stores; arts and crafts stores; fabric yarn and textiles and accessories stores; toys and accessories stores; baby goods and accessories stores; fine art and graphic supplies stores; antique stores; bookstores; camera and accessories stores; sporting goods stores; lawn and garden supplies and furniture stores; card stationary and accessories stores; commercial/recreational uses and ancillary retail uses; health and fitness centres; beer and liquor stores; pet, grooming and related products stores; convenience restaurants; take-out restaurants and standard restaurants; personal service shops, banks and financial institutions; dry cleaning establishments; offices, service shops, medical and dental offices, day nurseries, commercial schools, and ancillary uses, with associated parking, provided that:
 - (i) the maximum gross floor area for all uses shall not exceed 13,564 square metres;
 - (ii) the minimum building setback from the west limit of the Index Road right-of-way for above and below grade buildings/structures shall be 14 metres;

- (iii) the minimum setback for parking areas from the west limit of the Index Road right-of-way shall be 3 metres;
- (iv) the minimum building setbacks to be permitted on the lands shall be as shown on Schedule 'B', attached hereto;
- (v) no outside product storage shall be permitted;
- (vi) all buildings and structures shall be a maximum building height of 14.5 metres exclusive of roof top mounted structures and mechanical equipment;
- (vii) canopies may project into the required building setback to a maximum of 1.5 metres;
- (viii) maximum permitted floor space index: 0.30;
- (ix) maximum permitted building coverage: 30 %;
- (x) minimum required landscape space: 5 %;
- (xi) on site landscaping shall include the provision and maintenance of tree plantings at a minimum rate of 1 tree for every 5 parking spaces;
- (xii) parking shall be provided at a minimum rate of 4.3 parking spaces per 100 square metres of gross floor area for all uses provided that any office and restaurant uses are limited to a maximum of 10% of the total gross floor area; and
- (xiii) shared parking and access arrangements shall be permitted between adjoining sites/properties and on the Hydro corridor.
- 3. For the purposes of this By-law, "Gross Floor Area" is defined as the total floor area of a building measured from and including the outside wall to outside wall or where multiple units exist the centre line of common walls between them but excluding the following:
 - (a) any area used as follows:
 - (i) staff facilities, public washrooms, public areas, or storage areas for maintenance purposes;
 - (ii) the area used for mechanical rooms, including but not limited to electrical rooms, garbage rooms, telephone switching rooms, janitorial rooms and conveyors whether below, at or above grade level;
 - (b) any parking area used for inside motor vehicle storage whether below, at or above grade level; and
 - (c) the area used for mechanical purposes and access thereto located on the roof of the building.

HOLDING PROVISIONS

4. For the purposes of this By-law, the following Holding Provisions shall apply to the lands described as Part 1 on Schedule 'A' attached hereto.

Permitted Interim Uses:

Existing Industrial Uses

The "H1" symbol shall be lifted when the following conditions have been satisfied on terms satisfactory to the City of Toronto:

For those lands shown as Part 1 on Schedule 'A' hereto as (CL-H1)

- (i) confirmation that the owner has entered into a long-term easement agreement, to the satisfaction of the City, with the Province for access to North Queen Street across the Hydro corridor at the westerly end of the site's North Queen Street frontage and for any parking proposed within the Hydro corridor for the first phase of development;
- (ii) the owner has entered into a servicing agreement with the City concerning the design and construction of transportation improvements required in conjunction with phase one including: the interim right-in/right-out access onto North Queen Street and associated centre median to prohibit eastbound left-turns at the driveway; southbound and eastbound left-turn storage lanes at the intersection of North Queen Street and Index Road; the resurfacing of North Queen Street, between the proposed westerly driveway entrance and Index Road; and provision of adequate financial guarantees to ensure the satisfactory completion of these improvements;
- (iii) approval of a Site Plan Control application to the satisfaction of the Director of Community Planning, West District for the subject development of the lands shown as Part 1 on Schedule 'A', being the westerly part of 98 Index Road; and
- (iv) payment of the entire cost by the owner for funding an Environmental Assessment Study to define the alignment and design of the proposed extension of North Queen Street to The West Mall.

Upon deletion of the "H1" symbol from all or part of the lands, the (CL) uses shall be permitted to a maximum gross floor area of 5,110 square metres, subject to the development standards applicable thereto.

5. For the purposes of this By-law, the following Holding Provisions shall apply to the lands described as Part 2 on Schedule 'A' attached hereto.

Permitted Interim Uses:

Driveways for access to the Phase 1 development lands shown as Part 1 on Schedule 'A', attached hereto, and parking required for the Phase 1 development lands and existing Industrial Uses.

The "H2" symbol shall be lifted when the following conditions have been satisfied on terms satisfactory to the City of Toronto:

For those lands shown as Part 2 on Schedule 'A' attached hereto as (CL-H2)

- (i) confirmation that the owner has entered into a long-term easement agreement, to the satisfaction of the City, with the Province for access to North Queen Street across the Hydro corridor vis-à-vis 150 North Queen Street and for parking proposed within the Hydro corridor;
- (ii) confirmation that the owner has secured an access easement, to the satisfaction of the City of Toronto, over the lands at 150 North Queen Street for a shared driveway access aligned opposite the existing driveway to 165 North Queen Street (Wal-Mart) approximately 140 metres west of Index Road;
- (iii) approval of a Site Plan Control application to the satisfaction of the Director of Community Planning, West District for the subject development of the lands shown as Part 2 on Schedule 'A', being the easterly part of 98 Index Road;
- (iv) protection of property for a future subway alignment and emergency exit building associated with the westerly extension of the Bloor-Danforth subway has been secured to the satisfaction of the City of Toronto and the Toronto Transit Commission; and
- (v) the owner has entered into an agreement with the City of Toronto for the design and installation of traffic control signals, including transit signal priority technology and any required road improvements, at the intersection of North Queen Street with the proposed shared driveway crossing 150 North Queen Street.

For such time as the "H2" symbol is in place, these lands may be used for landscaping in association with the development of the Part 1 lands. This temporary landscaped open space is to be designed at site plan control for Phase 1 to the City's satisfaction.

Upon deletion of the "H2" symbol from all or part of the lands, the (CL) uses shall be permitted to a maximum gross floor area of 8,454 square metres, subject to the development standards applicable thereto.

6. Where the provisions of this by-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this by-law shall apply.

- 7. Nothing in this By-law shall apply to prevent the phased construction of the development, provided that the minimum requirements of the By-law are complied with upon full development.
- **8.** Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this by-law by adding the following to Section 324-1, Table of Site Specific By-laws.

BY-LAW NUMBER AND ADOPTION DATE

DESCRIPTION OF PROPERTY

PURPOSE OF BY-LAW

182-2005 February 24, 2005 Lands located on the west side of Index Road, north of North Queen Street and west of Highway 427.

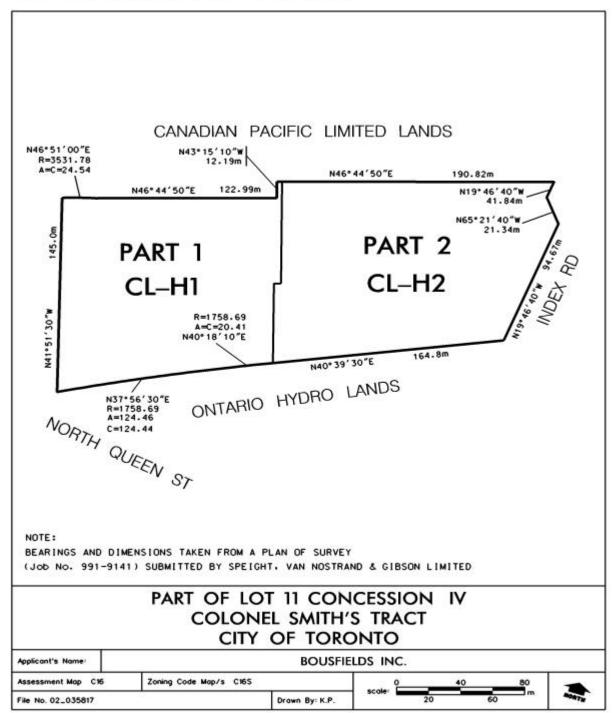
To rezone the lands from Class 2 Industrial (I.C2) to Limited Commercial Holding (CLH1), (CLH2) subject to site-specific development standards and holding provisions to permit a development consisting of retail units and to implement the policies of the Official Plan Amendment.

ENACTED AND PASSED this 24th day of February, A.D. 2005.

DAVID R. MILLER, Mayor ULLI S. WATKISS City Clerk

(Corporate Seal)

TORONTO Schedule 'A' BY-LAW



TORONTO Schedule 'B' BY-LAW

