CITY OF TORONTO

BY-LAW No. 1204-2007(OMB)

To amend Chapters 304, 320 and 324 of the Etobicoke Zoning Code and former City of Etobicoke By-law No. 1978-83 with respect to Sherway Gardens Shopping Centre located north of Evans Avenue, west of Highway 427, east of The West Mall, south of The Queensway.

WHEREAS the Ontario Municipal Board, by way of Order No. 1438 issued on October 24, 2002, determined to amend the former City of Etobicoke By-law No. 1978-83;

THEREFORE the Ontario Municipal Board orders as follows:

- 1. Section 3 of By-law No. 1978-83 is hereby repealed.
- 2. The zoning of the lands shown as parts 1a, 1b, 2a and 2b on Schedule 'A' annexed hereto is hereby confirmed as Planned Commercial Regional (CPR).

3. Definitions

Notwithstanding the provisions of section 304-3 of the Zoning Code, for the purposes of this By-law the following definitions shall apply:

- (a) Gross Leasable Space or Gross Leasable Area ("GLA") shall mean: the total floor area of a commercial building, including any basement area designed or used for commercial purposes, but excluding:
 - (i) the exterior walls of the building, any furnace room, laundry room or washroom, any stairwell, escalator or elevator shaft, or any area the permanent use of which is designed for non-commercial storage space;
 - (ii) any area which constitutes an enclosed mall, communal or circulation area, or pedestrian concourses accessible to the public;
 - (iii) areas for the storage, parking and circulation of motor vehicles; and
 - (iv) the following not for profit uses: school facilities, public recreation uses, community facilities, transit facilities, institutions and cultural facilities.
- (b) Major Department Store means: a major retail facility having a minimum GLA of 6,968 m² and offering for sale to the public a wide range of merchandise categories, but not including Discount or Junior Department stores as defined herein. In addition, retail facilities such as the Bay, Sears, Eatons, Saks, Nordstrom, Neiman Marcus and Bloomingdales, are classified as Major Department Sores, regardless of GLA. Retail facilities such as Sporting Life that offer for sale a more limited range of merchandise categories, are not considered a Major Department Store;
- (c) Discount or Junior Department Store means: a major retail facility which sells the same wide range of goods that are sold in the more traditional Major Department Stores, however, the lines of merchandise are generally considered to be sold at a

discounted price as described in the discount or junior department store category in the Statistics Canada trade catalogue "Department store sales and stocks" (Catalogue 63-002), and including K-Mart, Zellers and Wal-Mart;

- (d) Entertainment Uses mean: uses that provide a service only, rather than a product (whether DSTM or non-DSTM) of an entertainment or cultural nature and shall include only the following permitted uses; cinemas, live theatre, cultural uses, games, arcade and electronic entertainment, recreational uses, library and educational facilities, places of entertainment, themed restaurants, food kiosks or food services incidental and ancillary to the entertainment uses; and
- (e) Retail Commercial GLA means: GLA used for retail and service commercial purposes including Major Department Stores, Discount Department Stores and Entertainment Uses.

4. Permitted Uses

- (a) The lands shown as parts 1a and 1b on Schedule 'A' annexed hereto may be developed as a regional commercial area. The permitted uses are those business uses permitted under the CN Neighbourhood Commercial Zone, the CL Limited Commercial Zone and the CP Local Planned Commercial Zone. Permitted uses also include supermarkets, restaurants and cafeterias with or without licences for the sale of alcoholic beverages, Major Department Stores, Entertainment Uses, variety stores, drug stores, billiard saloons, theatres, service stations, hotels and motels, passenger transportation terminals and taxi and livery stands, day nurseries and nursery schools; the business of banks, trust companies, savings and loan companies, finance companies, small loan companies, insurance offices, brokerage houses, real estate agents, general offices, caterers, interior decorators, travel agents, photographers, optometrists, osteopaths, chiropractors, indoor automobile salesrooms for the purpose of displaying and selling new motor vehicles, custom workshops making articles or products to be sold at retail on the same premises; retail stores for the business of selling food, clothing, wares, substances, merchandise or articles and all other goods and services commonly sold and provided by such stores; premises for the provision of the following services: beauty shops, barber shops, pet and pet grooming shops, watch and clock repairs, shoe repairs, cleaners and dyers receiving and delivery outlets and quick service units, coin operated laundries and cleaners, indoor golf schools and health clubs, slenderizing salons, indoor and outdoor swimming pools and indoor miniature golf and the sale of articles at such premises commonly sold at such premises; parking lots and parking structures for the purpose of providing automobile parking space; public uses including school facilities, public recreation uses, community facilities, transit facilities, institutions and cultural facilities.
- (b) Discount or Junior Department Stores are not permitted except that Discount or Junior Department Stores may be permitted within the floor plates occupied in November 1996 by the Eatons and Bay department stores.

- (c) Not more than 2 Major Department Stores are permitted on the lands shown as part 1a on Schedule 'A' annexed hereto.
- (d) The lands shown as parts 2a and 2b on Schedule 'A' annexed hereto may only be used for motor vehicle circulation and surface parking areas ancillary to the regional commercial use.

5. Limitations on Gross Leasable Area

Retail Commercial GLA on the lands shown as parts 1a and 1b on Schedule 'A' annexed hereto is permitted up to a total of 157,930 m² provided that:

- (a) 134,705 m² of the total 157,930 m² may be used for any of the permitted uses, including Entertainment Uses and Major Department Stores;
- (b) In addition to the 134,705 m² permitted in paragraph (a), an additional 9,290 m² of the total 157,930 m² may only be used for Major Department Stores. This additional 9,290 m² is to be in addition to and does not include any portion of the floor plates occupied in November 1996 by the Bay and Eatons department stores; and
- (c) In addition to the 134,705 m² permitted in paragraph (a), an additional 13,935m² of the total 157,930 m² may only be used for Entertainment Uses.

6. Parking

The provisions of sections 320-18 of the Zoning Code shall not apply to the lands shown as parts 1a, 1b, 2a and 2b on Schedule 'A' annexed hereto provided that a minimum of 5.4 automobile parking spaces are provided per 100 m² of Retail Commercial GLA, for any of the permitted uses. Parking Structures for the purpose of providing automobile parking space shall not exceed an elevation of 394 feet above sea level save and except rooftop railings, elevator shafts, stairwell headings and other rooftop equipment.

- 7. The provisions of sections 320-101, 320-102 and 320-103 A, B, C, D and G of the Zoning Code shall not apply to the lands shown as parts 1a, 1b, 2a and 2b on Schedule 'A' annexed hereto provided that in the case of more than one ownership of the subject lands, all owners shall jointly comply with the provisions set forth herein.
- 8. Notwithstanding section 5 of this By-law, the maximum coverage permitted on parts 1a and 1b of the lands shown on Schedule 'A' attached, shall be 100%.
- 9. In the event of conflict with any provisions of the Zoning Code, the provisions of this By-law shall prevail.

10. Chapter 324, "Site Specifics" of the Zoning Code is hereby amended to include reference to this by-law by adding the following to section 324-1, Table of Site Specific Zoning By-laws:

BY-LAW NO. AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
1204-2007(OMB) October 24, 2002	Certain lands located on the south side of The Queensway, east of The West Mall and north of The Queen Elizabeth Way and Evans Avenue.	To confirm the zoning of the subject lands as Planned Commercial Regional (CPR) and to permit up to 157,930 m ² of regional commercial development including primarily retail and entertainment uses.

PURSUANT TO THE ORDER/DECISION NO. 1438 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON OCTOBER 24, 2002 IN BOARD FILE NO. PL967700.

TORONTO Schedule 'A' BY-LAW

