

Authority: Etobicoke York Community Council Item 23.1,  
as adopted by City of Toronto Council on January 27 and 28, 2009  
Enacted by Council: January 28, 2009

## CITY OF TORONTO

### BY-LAW No. 129-2009

**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 and municipally known as 98 Index Road and 150 North Queen 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*;

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 Industrial 2 (IC.2) and Limited Commercial Holding (CL-H1) (CL-H2) to Limited Commercial Holding (CL-H1) provided that the following provisions shall apply to the development of the (CL) 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: retail stores; other types of retail uses; shoe stores; home decorating stores; home furnishings; home improvement stores; 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 16,122 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, except as part of a detached outdoor accessory retail garden centre, subject to the following provisions:
  - 1. Months of operation: April 1 to October 31;
  - 2. Maximum area: 10% of the gross floor area of the use to which they are accessory or 250 square metres, whichever is less;
  - 3. The storage and warehousing of goods in trucks, trailers and similar vehicles and/or accessory structures shall not be permitted;

which is ancillary to a principal use and located in an area that does not interfere with driveway access or fire routes;

- (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) parking shall be provided at a minimum rate of 4.0 parking spaces per 100 square metres of gross floor area for all uses;
- (xii) office and restaurant uses are limited to a maximum of 10% of the total gross floor area;
- (xiii) shared parking and access arrangements shall be permitted between the lands shown on Schedule 'A' to this By-law; and
- (xiv) bicycle parking spaces shall be provided at a rate of the greater of 0.25 spaces/100 square metres of gross floor area or 6 spaces for sites with non-residential Gross Floor Area greater than 1000 square metres.

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 for moving merchandise or people 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 located on the roof of the building.

#### **HOLDING PROVISIONS**

4. For the purposes of this By-law, the following Holding Provision shall apply to the lands described shown on Schedule ‘B’ attached hereto.

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

For those lands shown on Schedule ‘B’ hereto as CL-H1

- (a) The owner must enter into an agreement with Ontario Realty Corporation for use of their property for access (two driveways to North Queen Street), services and surface storm drainage. The applicant/owner must provide this agreement to the satisfaction of the City Solicitor.
- (b) The owner shall make satisfactory arrangements, including submitting satisfactory plans and providing financial guarantees, with the Executive Director of Technical Services regarding:
  - (i) Prohibiting turning movements for the west driveway except for right turns into the development by means of signage and a raised centre median constructed on North Queen Street;
  - (ii) Providing sufficient funding to install, when required, traffic control signals at the North Queen Street/main site driveway/165 North Queen Street west driveway intersection, including all related intersection improvements as well as any required modifications to the driveway leading to 165 North Queen Street;

- (iii) Extending the existing left turn auxiliary lanes at the west and east approaches to the proposed signalized intersection to provide 95 metres and 65 metres of vehicle storage, respectively, with appropriate transition tapers;
  - (iv) Designing and constructing the north approach of the Index Road/North Queen Street intersection to reflect Etobicoke Engineering Design Standard No. 245. This design shall incorporate a southbound auxiliary left turn storage lane at the north intersection approach providing at least 30 metres of vehicle storage, with an appropriate transition taper;
  - (v) Designing and constructing an eastbound left turn auxiliary lane providing 30 metres of vehicle storage at the west approach of the Index Road/North Queen Street intersection, with an appropriate transition taper;
  - (vi) Resurfacing the full width of Index Road; and
  - (vii) Resurfacing the full width of North Queen Street, between the east and west limits of the works required on this section of road.
- (c) The owner shall make a \$200,000 contribution towards the cost of a Municipal Class Environmental Assessment for the extensions of North Queen Street to The West Mall.
  - (d) The owner shall satisfy the City of Toronto and Toronto Transit Commission's requirements for protecting for a future subway alignment and emergency exit building associated with the westerly extension of the Bloor-Danforth subway.
  - (e) Issuance of Site Plan Application Notice of Approval Conditions to the satisfaction of the Director of Community Planning, Etobicoke York District for the subject development of the lands.
  - (f) The owner shall submit confirmation to the Director, Community Planning Etobicoke York District that the owner has purchased the CP rail lands required to be added to 98 Index Road.
  - (g) The owner shall make a payment of \$50,000 for the installation of signal priority at two intersections near the site as required by the Toronto Transit Commission.

Upon deletion of the "H" symbol from the lands, the (CL) uses shall be permitted to a maximum gross floor area of 16,122 square metres, subject to the development standards applicable thereto.

- 5. That By-law No. 182-2005 be repealed.
- 6. Where the provisions of the by-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this by-law shall apply.

7. For the purposes of Section 2 of this By-law, the lands described in Schedule 'A' shall be considered as one block, notwithstanding the division into two parcels.
8. 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.
9. 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

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
129-2009 January 28, 2009	Lands located on the west side of Index Road , north of North Queen Street, west of Highway 427 and municipally known as 98 Index Road and 150 North Queen Street.	To rezone 98 Index Road and 150 North Queen Street from Limited Commercial Holding (CL-H1 and CL-H2) and Class 2 Industrial (I.C2) to Limited Commercial Holding (CL-H1) subject to site specific development standards to permit a retail development.

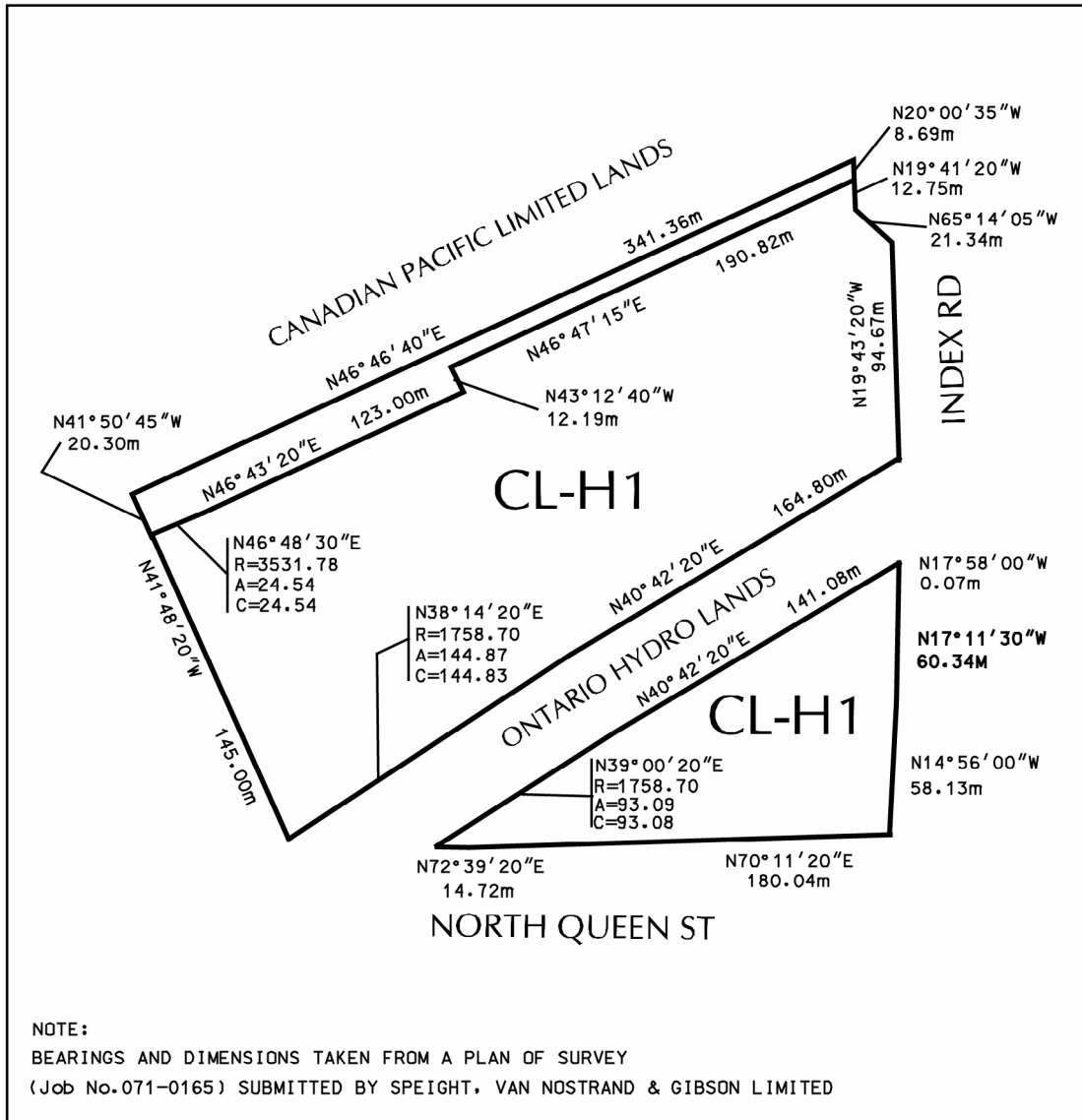
ENACTED AND PASSED this 28th day of January, A.D. 2009.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**TORONTO** Schedule 'A' BY-LAW

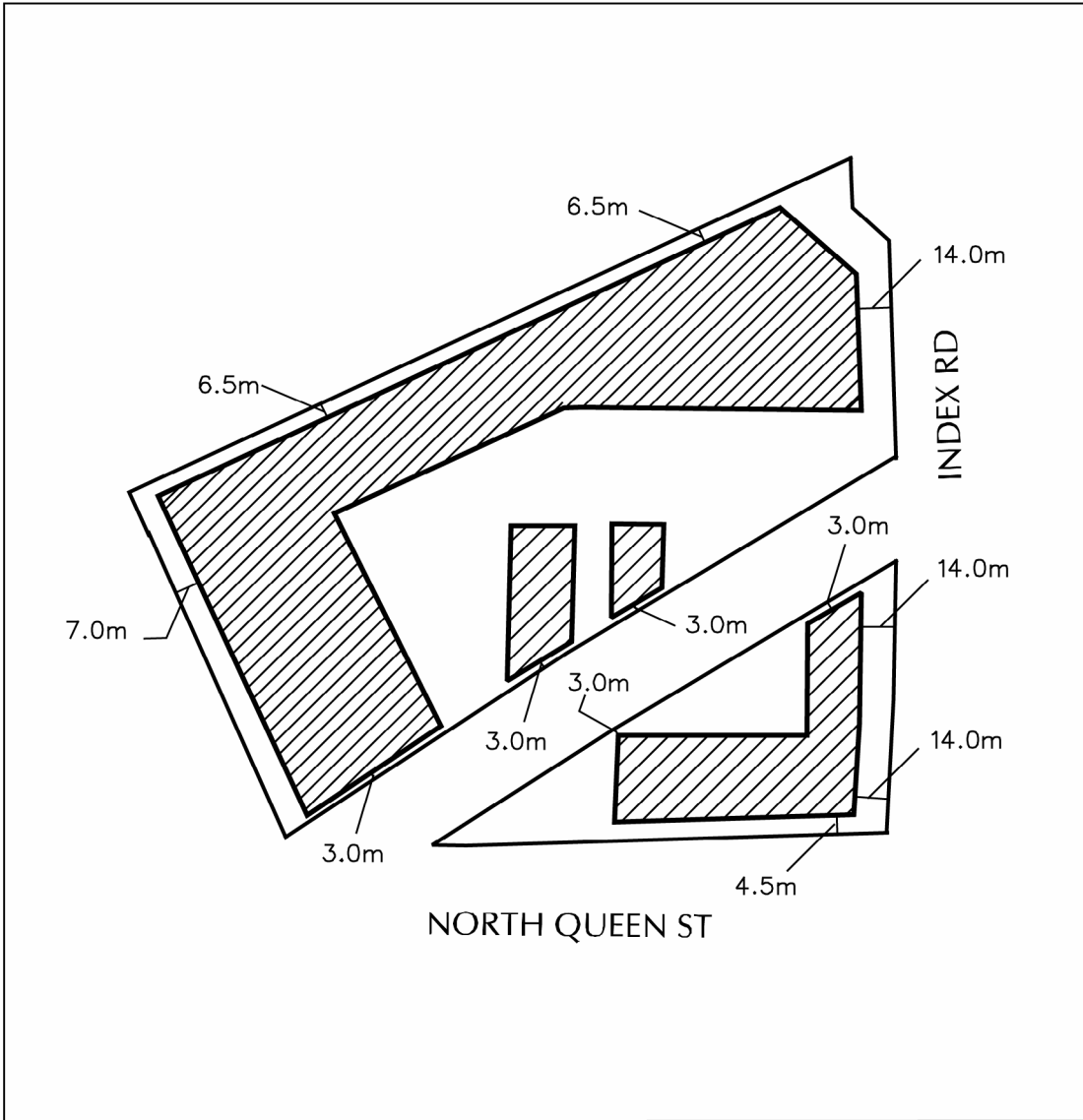


**PART OF LOT 11, CONCESSION 4  
 COLONEL SMITH'S TRACT  
 CITY OF TORONTO**

Applicant's Name:		BOUSFIELD INC.	
Assessment Map C16	Zoning Code Map/s C16S		scale: 0 50 100 25 75 m
File No. 07_263487	Drawing No. 07_263487_DZ1	Drawn By: K.P.	



**Toronto** Schedule 'B' BY-LAW



**PART OF LOT 11, CONCESSION 4  
COLONEL SMITH'S TRACT  
CITY OF TORONTO**

Applicant's Name:		BOUSFIELD INC.	
Assessment Map C16	Zoning Code Map/s C16S	scale: 0 50 100 25 75 m	
File No. 07_263487	Drawing No. 07_263487_DZ2		