

Authority: North York Community Council Item 23.32, adopted as amended, by City of Toronto Council on June 11, 12 and 13, 2013

CITY OF TORONTO

BY-LAW No. 802-2013

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 243-255 Consumers Road.

Whereas the Council of the City of Toronto has been requested to amend Zoning By-law No. 7625 of the former City of North York, as amended, pursuant to Sections 34 and 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2012 as 243-255 Consumers Road; and

Whereas the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

Whereas the 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 enacts:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York, as amended, are amended in accordance with Schedule 1 attached to this By-law.
2. The provisions of subsection 64.34(8) of By-law No. 7625 of the former City of North York, as amended, shall not apply to the lands shown as Parcels 1 and 2 on Schedule MO(8).
3. Section 64.34 of By-law No. 7625 of the former City of North York, as amended, is amended by adding the following subsection 64.34(47)(H) and Schedule MO(47)(H):

"64.34(47)(H) MO(47)(H)

DEFINITIONS

- (a) For the purpose of this exception "parking stacker" shall mean a parking space that is positioned above or below another parking space and is accessed only by means of an elevating device.
- (b) For the purpose of this exception, on Parcel 5 "Front Lot Line" means the east property line which runs between the north-east corner of Part 1 on Plan 66R-24193 and the south-east corner of Part 2 on Plan 66R-24193.

PERMITTED USES

- (c) In addition to the uses permitted in an MO zone, a motor vehicle dealership is permitted on Parcel 5 as shown on Schedule MO(47)(H).

EXCEPTION REGULATIONS

(d) Gross Floor Area

- (i) On Parcels 1, 2, 3, 4, 5, and 6 as shown on Schedule MO(47)(H), notwithstanding Section 34(2)(b)(iii), the aggregate floor area of the personal service shops, retail stores and service shops is not to exceed 0.5% of the total gross floor area of the office buildings.
- (ii) On Parcel 5 the maximum gross floor area of a motor vehicle dealership is 8,000 square metres.

(e) Yard Setbacks

For a motor vehicle dealership on Parcel 5:

- (i) The minimum front yard setback is 7 metres;
- (ii) The minimum side yard setback is 5 metres; and
- (iii) The minimum rear yard setback is 20 metres.

(f) Parking

- (i) For a motor vehicle dealership on Parcel 5, no parking spaces shall be provided within the minimum front yard setback.
- (ii) Notwithstanding Sections 6A(2)(a) and 6A(4)(a), parking spaces required for uses on Parcels 1, 2, 3, 4, 5 and 6 as shown on Schedule MO(47)(H) may be provided on the lot or off-site on any of Parcels 1, 2, 3, 4, 5 and 6, except that required parking for a motor vehicle dealership on Parcel 5 must be provided on Parcel 5.
- (iii) Notwithstanding Section 6A(5)(vii) 50% of the required parking spaces for a motor vehicle dealership on Parcel 5 may be provided as tandem parking spaces.
- (iv) Notwithstanding Section 6A(5)(vii) parking spaces for a motor vehicle dealership on Parcel 5 may be provided by a parking stacker.
- (v) Section 6A(10)(a) and Section 6A(10)(f) do not apply to a motor vehicle dealership on Parcel 5.

(g) Landscaping

For a motor vehicle dealership on Parcel 5:

- (i) For the purposes of this by-law landscaping means trees, shrubs, grass, flowers, vegetables, and other vegetation, decorative stonework, walkways, patios, screening, or other horticultural or landscape-architectural element, or any combination of these. Landscaping does not include driveways or parking areas, and directly associated elements such as curbs or retaining walls.
- (ii) Except for driveways entering and exiting from the lot a minimum distance of 7 metres from the front lot line shall be landscaped.
- (iii) A minimum landscape strip of 1.5 metres shall run the full length of all side lot lines.
- (iv) A minimum landscape strip of 7 metres shall run the full length of the rear lot line except that a maximum of 9 tandem parking spaces may be provided within the minimum required landscaped strip.
- (v) A continuous landscaped area between the minimum front yard setback and the front wall of the building shall be provided for at least 25% of the building's front wall.
 - i. A maximum of 1 display vehicle for sales or marketing purposes may be located within this required landscaped area.
- (vi) Notwithstanding subsections (d)(i) and (e)(ii) above, a maximum of 3 display of vehicles for sales or marketing purposes are permitted within the required front yard and front yard landscaped area.

LAND DIVISION

- (h) Notwithstanding any severance, partition or division of Parcels 1, 2, 3, 4, 5 and 6 as shown on Schedule MO(47)(H), the regulations of this exception shall continue to apply to the whole of the lands as if no severance, partition or division had occurred.

SERVICES

- (i) Within Parcels 1, 2, 3, 4, 5 and 6 as shown on Schedule MO(47)(H), 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:
 - (i) 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

- (ii) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

HOLDING PROVISION

- (j) An "H" shall be appended to the zone symbol "MO(47)" as shown on Schedule MO(47)(H).
- (k) Prior to the removal of the "H", Parcels 4 and 6 as shown on Schedule MO(47)(H) shall only be used for uses existing as of the date of passing of this By-law, a temporary building or structure such as a sales office or site construction office, surface parking and a building or structure which is accessory to a surface parking lot.
- (l) Prior to and following the removal of the "H", the uses permitted in the MO zone shall be permitted on Parcels 1, 2, 3 and 5 and a motor vehicle dealership shall be permitted on Parcel 5.
- (m) The "H" shall be lifted from Parcels 1, 2, 3, 4, 5 and 6 upon the conveyance to the City of the lands identified generally as "Future Road" on Schedule MO(47)(H).
- (n) Following the lifting of the "H", the uses permitted in the MO zone shall be permitted on Parcels 4 and 6 as shown on Schedule MO(47)(H).

OTHER PROVISIONS OF THE BY-LAW

- (o) Except as amended in this By-law, all the other provisions of By-law No. 7625 of the former City of North York, as amended, shall apply to the lands.

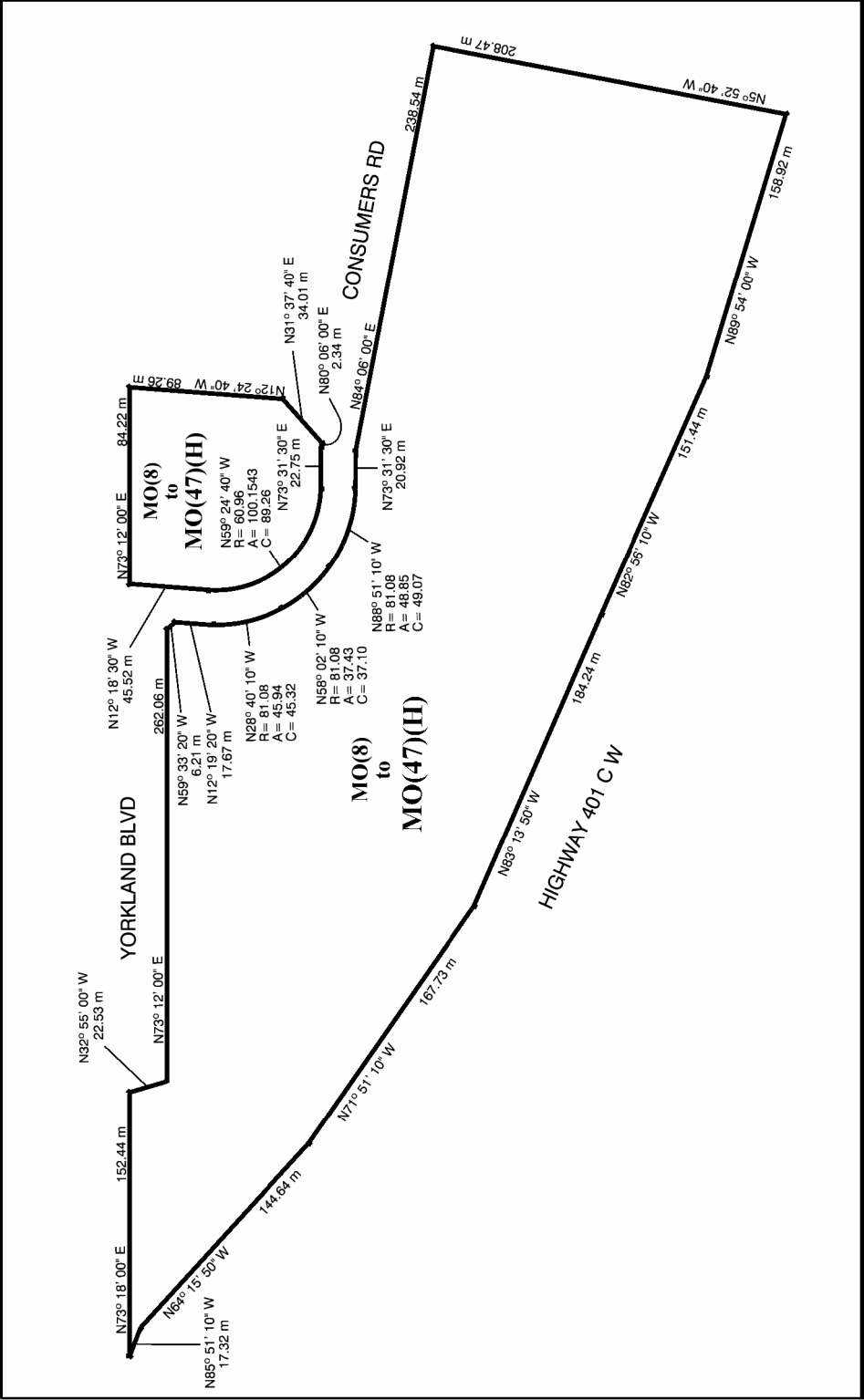
4. By-law No. 26058 of the former Borough of North York is hereby repealed.

Enacted and passed on June 13, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

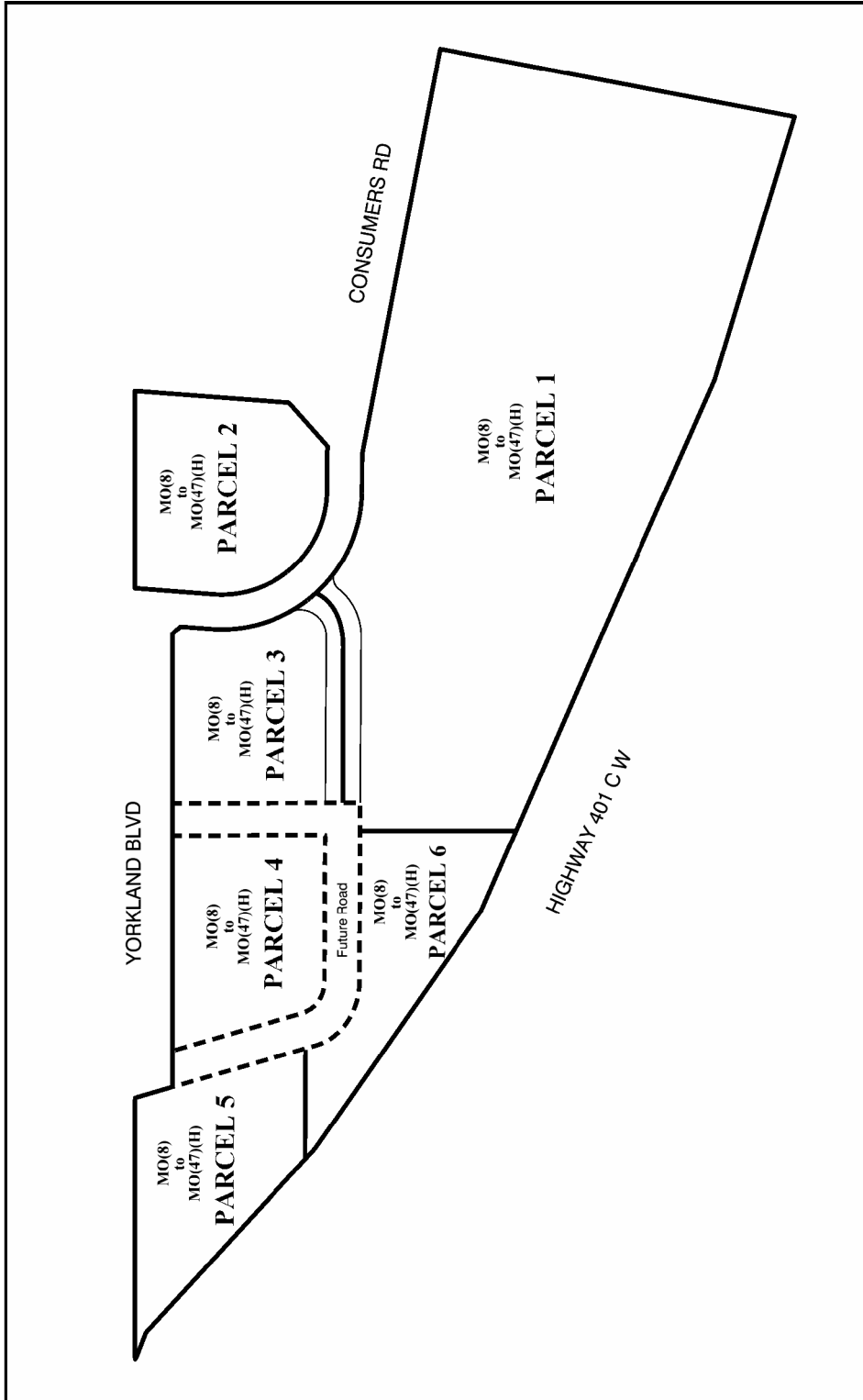


Schedule 1

Blocks C, D, E & Part of Blocks A, B & Yorkland Boulevard (Closed): R.P. M-1248 & Part of Block C: R.P. M-1164
J.D. Barnes Limited
Date: 01/28/2013
Approved by: G.M.

File # 11 323979 NNY 33 0Z

Not to Scale



Schedule MO(47)

Blocks C, D, E & Part of Blocks A, B & Yorkland Boulevard (Closed): R.P. M-1248 & Part of Block C: R.P. M-1164

J.D. Barnes Limited

Date: 03/15/2013

Approved by: G.M.

File # 11 323979 NNY 33 0Z



Not to Scale