

Authority: North York Community Council Item 33.46,  
as adopted by City of Toronto Council on July 8, 9, 10 and 11, 2014

## **CITY OF TORONTO**

### **BY-LAW No. 684-2014**

#### **To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 35 Tangiers Road.**

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 has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law; and

Whereas Subsection 37(3) of the *Planning Act* provides that, where an owner of lands elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

Whereas the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

Whereas the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 7625 of the former City of North York, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

Whereas Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto enacts:

1. The lands subject to this by-law are those lands outlined by a heavy dashed line and identified on Schedule 1 attached hereto.
2. With respect to the lands known municipally as 35 Tangiers Road, Part of Lot 20, Concession 3, West of Yonge Street, in the City of Toronto:
  - A. Schedules "B", "C" and "D" of By-law No. 7625 are amended as it relates to subject lands, and replacing it with Schedule 1 attached hereto.

- B. Section 64.33 of By-law No. 7625, as amended, is amended by adding the following subsection:

**"64.33 (109)**

**DEFINITIONS**

Notwithstanding Section 2 of By-law No. 7625, the following definitions shall apply to the Subject Lands:

(a) **Building Height**

For the purposes of this exception, the maximum **Building Height** shall be 36 metres measured from **Established Grade**.

(b) **Established Grade**

For the purpose of this exception, **Established Grade** shall be 198.30 metres Canadian Geodetic Datum.

(c) **Front Lot Line**

For the purpose of this exception, **Front Lot Line** shall be Finch Avenue West.

(d) **Laboratory**

Shall mean a premises used for scientific or technical research, analysis, experimentation or development.

(e) **Subject Lands**

Shall mean the lands shown on Schedule 1.

**GENERAL PROVISIONS**

Notwithstanding Section 6 of By-law No. 7625, the following provisions shall apply to the **Subject Lands**:

(f) **Permitted Projections into Minimum Yard Setbacks.**

Landscaping features such as planters and benches are permitted within the minimum Front Yard Setback.

(g) **A minimum 3 metre continuous pedestrian weather protection shall be provided along the Finch Avenue West frontage; and**

(h) Schedule D Height Limit

The maximum Height shall be as shown on Schedule MC(109) attached hereto.

**PARKING REGULATIONS**

Notwithstanding Section 6A of By-law No. 7625, the following provisions shall apply to the **Subject Lands**:

(i) Parking Requirements

Provide parking in accordance with the following minimum requirements:

Retail Use

1.0 spaces per 100 square metres of Gross Floor Area;

Medical Office Use

1.5 spaces per 100 square metres of Gross Floor Area;

Office Use

1.0 spaces per 100 square metres of Gross Floor Area;

Laboratory Use

1.0 spaces per 100 square metres of Gross Floor Area;

Restaurant Use

5.0 spaces per 100 square metres of Gross Floor Area;

The on-site parking is subject to the following maximum requirements:

Retail Use

4.0 spaces per 100 square metres of Gross Floor Area;

Medical Office Use

6.0 spaces per 100 square metres of Gross Floor Area;

Office Use

2.0 spaces per 100 square metres of Gross Floor Area;

Laboratory Use

2.0 spaces per 100 square metres of Gross Floor Area;

(j) Loading Spaces Required

Two Type B loading spaces shall be provided on the **Subject Lands**.

(k) Dimensions of Loading Space:

- (i) A loading space shall have minimum dimensions of 11.0 metres long, 3.5 metres wide and a vertical clearance of 4.0 metres; and
- (ii) A continuous minimum 4.0 metres vertical clearance shall be provided extending from the driveway access to and including the loading facility.

(l) Access to Loading Space

The provision of Section 6A(16)(d)(iii) (Access to Loading Spaces) of By-law No. 7625, shall not apply.

**EXCEPTION REGULATIONS**

Notwithstanding Section 33 of By-law No. 7625, the following permitted uses and provisions shall apply to the **Subject Lands**:

(m) **Permitted Uses**

In addition to the uses permitted in an Industrial - Commercial (MC) Zone, one Drive-Through Facility, containing one stacking lane, shall be permitted on the **Subject Lands**, provided:

- (i) It is not the sole use or building on the **Subject Lands**; and
- (ii) There is only one (1) drive-through lane.

(n) **Floor Space Index**

The total maximum Floor Space Index shall be 2.6.

(o) **Yard Setbacks**

- (i) Shown on Schedule MC(109); and
- (ii) Pre-finished metal panel decorative features, canopies, planters, benches and columns are permitted to project a maximum of 1.5 metres into the side yard setback.

(p) **Maximum Building Height**

The maximum Building Height shall be as shown on Schedule MC(109) attached hereto.

(q) **Minimum Ground Floor Height**

The minimum ground floor height shall be 5 metres.

(r) **Minimum Landscaping**

(i) A minimum 25% of landscaping shall be located on the **Subject Lands**; and

(ii) A minimum of 8% of soft landscaping shall be located on the **Subject Lands**.

3. All other provisions of By-law No. 7625, as amended not inconsistent with the provisions of this By-law shall continue to apply to the subject lands.
4. Schedules 1 and MC(109) attached hereto forms part of this By-law.
5. The provisions of Sections 33(6)(b)(i) and (ii) (Landscaping) of By-law No. 7625, shall not apply.
6. Within the lands shown on Schedule 1 attached to this By-law, 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:
  - A. 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
  - B. All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
7. Pursuant to Section 37(1) of the *Planning Act* the heights and density of the development permitted in the By-law are permitted subject to compliance with all the conditions set out in this By-law including the provision by the owner of the lot of the facilities, services and matters set out in Appendix 1 hereof, to the City at the owner's expense and in accordance with and subject to the agreement referred to in Section 7 of this by-law.
8. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the *Planning Act* securing the provisions of the facilities, services and matters set out in Appendix 1 hereof, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter of payment of any monetary contribution as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.

9. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division occurred.

Enacted and passed on July 11, 2014.

Frances Nunziata,  
Speaker

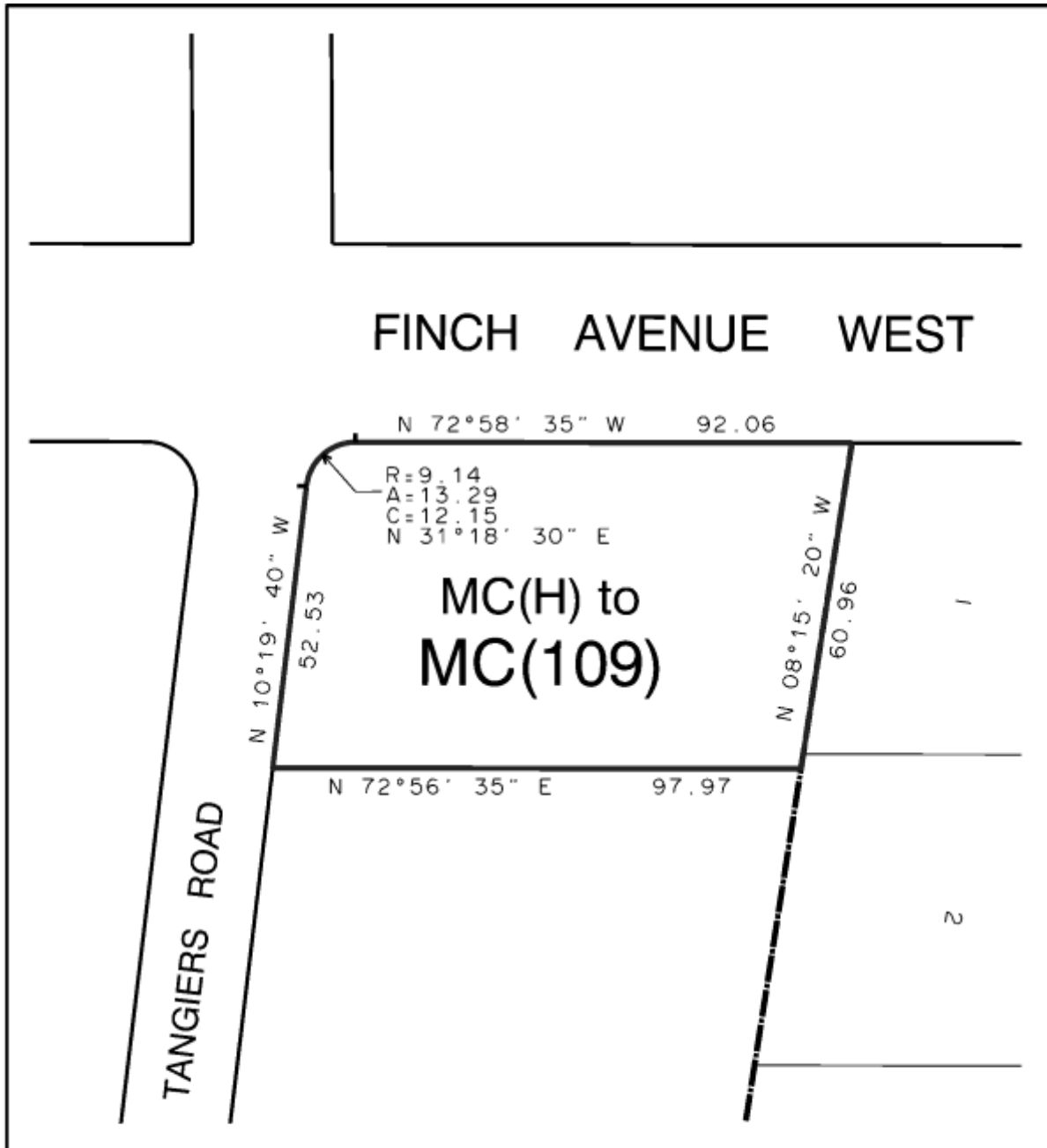
Ulli S. Watkiss,  
City Clerk

(Seal of the City)

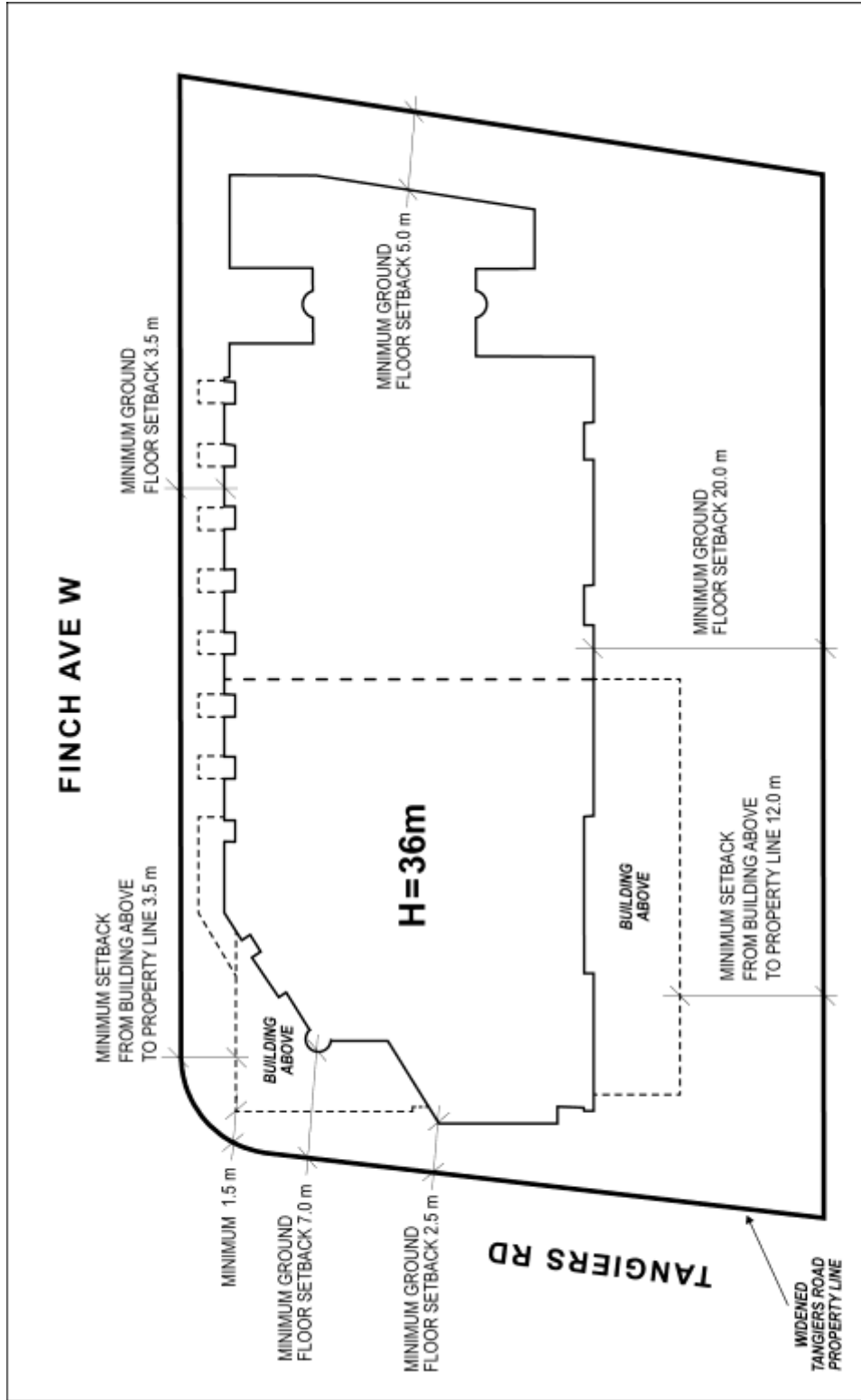
**Appendix "1"**  
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and/or density of the proposed development on the lands as shown in Schedule 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

1. Prior to issuance of an above grade building permit the owner shall make a \$250,000 cash contribution to the City to be used for local park land improvements, including Fountainhead Park and/or streetscape improvements on Finch Avenue West in the vicinity of the Finch West TTC Subway station.
2. \$200,000 of the cash contribution in section 1 of this Appendix shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
3. The owner of the lot shall enter into and register on title to the lot and on title to the lands known municipally as 35 Tangiers Road, one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with Chief Planner and Executive Director, City Planning Division, to secure the facilities matters set forth in this Appendix.
4. The owner shall not use, or permit the use of a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Appendix "1" are satisfied.







City Planning

Schedule MC(109)

From Applicant's Drawings

File # 12 273550 NNY 08 02

Date: 05/16/2014  
Approved by: E.R.

Not to Scale