

Authority: North York Community Council Item NY9.23, as adopted by City of Toronto Council on November 3 and 4, 2015

CITY OF TORONTO

BY-LAW No. 1156-2015

To amend 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 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*;

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 do not apply to the lands shown as Parcels 1 and 2 on Schedule MO(48).
3. Section 64.34 of By-law No. 7625 is amended by adding the following subsection 64.34(48) and Schedule MO(48):

"64.34(48) MO(48)"

DEFINITIONS

- (a) For the purpose of this exception "parking stacker" means 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 Parcels 4 and 5 as shown on Schedule MO(48).

EXCEPTION REGULATIONS

- (d) **Gross Floor Area**
 - (i) On Parcels 1, 2, 3, 4, 5, and 6 as shown on Schedule MO(48), notwithstanding Section 34(2)(b)(iii), the aggregate floor area of the personal service shops, retail stores and service shops is not to exceed 3.5% of the total gross floor area of the office buildings.

- (ii) On Parcel 4 the maximum gross floor area of a motor vehicle dealership is 6,440 square metres.
- (iii) 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 4:

- (i) The minimum north yard setback is 13.3 metres.
- (ii) The minimum east side yard setback is 20 metres.
- (iii) The minimum west side yard setback is 13.5 metres.
- (iv) The minimum south side yard setback is 13.5 metres.

For a motor vehicle dealership on Parcel 5:

- (v) The minimum front yard setback is 7 metres.
- (vi) The minimum side yard setback is 5 metres.
- (vii) The minimum rear yard setback is 20 metres.

(f) **Parking and Loading**

- (i) For a motor vehicle dealership on Parcel 5, no parking spaces may be 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(48) 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 and that required parking for a motor vehicle dealership on Parcel 4 must be provided on Parcel 4.
- (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.
- (vi) For a motor vehicle dealership on Parcel 4, a minimum of 3 parking spaces must be provided for each 100 square metres of gross floor area.

- (vii) For a motor vehicle dealership on Parcel 4, a maximum of 19 parking spaces are permitted in the front yard.
- (viii) For a motor vehicle dealership on Parcel 4 a minimum of 7 visitor bicycle parking spaces must be provided.
- (ix) For a motor vehicle dealership on Parcel 4 a minimum of 2 Type B loading spaces must be provided with the following dimensions:
3.5 metres wide, 11.0 metres in length and 4.0 metres vertical clearance.

(g) Landscaping

- (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.

For a motor vehicle dealership on Parcel 4:

- (ii) A minimum landscape strip of 1.5 metres must be provided along the north and east property lines.
- (iii) A minimum continuous landscaped strip of 7.5 metres must be provided along the lot line abutting Highway 401.
- (iv) No display vehicles for sales or marketing purposes may be located within any landscaped area.

For a motor vehicle dealership on Parcel 5:

- (v) Except for driveways entering and exiting from the lot a minimum distance of 7 metres from the front lot line must be landscaped.
- (vi) A minimum landscape strip of 1.5 metres must run the full length of all side lot lines.
- (vii) A minimum landscape strip of 7 metres must 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.
- (viii) A continuous landscaped area between the minimum front yard setback and the front wall of the building must be provided for at least 25% of the building's front wall.
- (ix) A maximum of 1 display vehicle for sales or marketing purposes may be located within this required landscaped area.

- (x) 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.

SECTION 37 AGREEMENT

- (h) The owner of the lands as shown in Schedule 1 must enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this by-law applies in the manner and to the extent specified in the agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto:
 - (i) The provision of a Letter of Credit for \$2 million to secure the construction costs of the new public street prior to the issuance of any building permit.
 - (ii) The provision of a Letter of Credit for \$2.8 million to secure the land for the new public street prior to the issuance of any building permit.
 - (iii) Dedicate all roads and corner rounds shown on the plan.
 - (iv) Convey to the City all 0.3 metre reserves shown on the plan.
 - (v) Prepare all documents to convey lands in fee simple and easement interests to the City for nominal consideration, such lands to be free and clear of all physical and title encumbrances to the satisfaction of the Engineering and Construction Services Division in consultation with the City Solicitor.
 - (vi) Submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
 - 1. Be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3 degree Modified Transverse Mercator Projection);
 - 2. Delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
 - 3. Show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
 - (vii) Pay all costs for preparation and registration of reference plan(s).

- (viii) Retain the services of a Qualified Person to conduct an environmental site assessment for the lands to be conveyed to the City, in accordance with the terms and conditions of the standards subdivision agreement, including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC).
- (ix) Prior to draft plan of subdivision approval, address the comments in Section A and B in the Memorandum from the Manager, Development Engineering, North York District dated September 29, 2015 and entitled Draft Plan of Subdivision Application: 14 229439 NNY 33 SB to the satisfaction of the Executive Director, Engineering and Construction Services.

LAND DIVISION

- (i) Notwithstanding any severance, partition or division of Parcels 1, 2, 3, 4, 5 and 6 as shown on Schedule MO(48), the regulations of this exception continue to apply to the whole of the lands as if no severance, partition or division had occurred.

SERVICES

- (j) Within Parcels 1, 2, 3, 5, and 6 as shown on Schedule MO(48), no person may 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.

OTHER PROVISIONS OF THE BY-LAW

- (k) Except as amended in this By-law, all the other provisions of By-law No. 7625 shall apply to the lands.

4. By-law No. 802-2013 is repealed.

Enacted and passed on November 4, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



Schedule 1

Approved by: **G.M.**



Not to Scale

