

Authority: Local Planning Appeal Tribunal Decision
issued on November 6, 2019 and January 19, 2021 in
Tribunal Case PL180760

CITY OF TORONTO

BY-LAW 25-2021(LPAT)

To amend former City of York Zoning By-law 1-83, as amended, with respect to the lands municipally known as 1391 Weston Road.

Whereas the Local Planning Appeal Tribunal, formerly the Ontario Municipal Board, by its Decision and Order issued November 6, 2019 and January 19, 2021 in Tribunal Case PL180760 deems it advisable to amend the former City of York Zoning By-law 1-83, as amended, with respect to lands municipally known as 1391 Weston Road; and

Whereas the Local Planning Appeal Tribunal has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to approve this by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

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

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters set out in Appendix A to this By-law; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by Zoning By-law 1-83, as amended, is permitted in return for the provision of the facilities, services and matters set out in this by-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

By-law 1-83, of the former City of York, is further amended by the Local Planning Appeal Tribunal as follows:

1. This By-law applies to the lands delineated by heavy lines on the map attached to this By-law as Schedule 'A' and forming part of this By-law.
2. That Section 16 (240) of Zoning By-law 1-83, as amended, be further amended by adding a new Subsection (e) to follow Subsection (d) (iii) as follows:

"(e) gasoline bar; accessory retail use;

provided that the following conditions are complied with:

- (i) The front yard setback from Jane Street will be 1.4 metres
- (ii) The rear yard setback from Weston Road will be 3.0 metres
- (iii) The north lot line shall be considered a Side Lot Line
- (iv) The south lot line shall be considered a Side Lot Line abutting an intersection of two streets
- (v) Minimum side yard (north): 4.0 metres
- (vi) Minimum side yard (south): 1.4 metres
- (vii) Maximum building height (storey): 1 storey (excluding the canopy)
- (viii) Maximum driveway width: 8.0 metres
- (ix) Minimum parking spaces provided: 2 parking spaces, of which one shall be an accessible parking space
- (x) Minimum lot area: 900 square metres
- (xi) Minimum landscape area: 260 square metres
- (xii) Minimum landscape strip: 1.4 metres, however the north lot line shall have a minimum landscape strip of 0.5 metres
- (xiii) The dimension of an accessible parking space shall be a minimum of 3.4 metres wide and a minimum of 5.6 metres long. The entire length of an accessible parking space must be adjacent to a 1.5-metre-wide accessible aisle on one side.
- (xiv) A minimum of two (2) on-site waiting spaces shall be provided."

OTHER PROVISIONS

3. Where the provisions of By-law 25-2021(LPAT), conflict with any provisions of the City of York Zoning By-law 1-83, as amended, the provisions of By-law 25-2021(LPAT) shall take precedence.
4. The provisions of By-law 25-2021(LPAT) shall apply collectively to the lands notwithstanding a future severance, partition or division of the lands.

SECTION 37 REQUIREMENTS

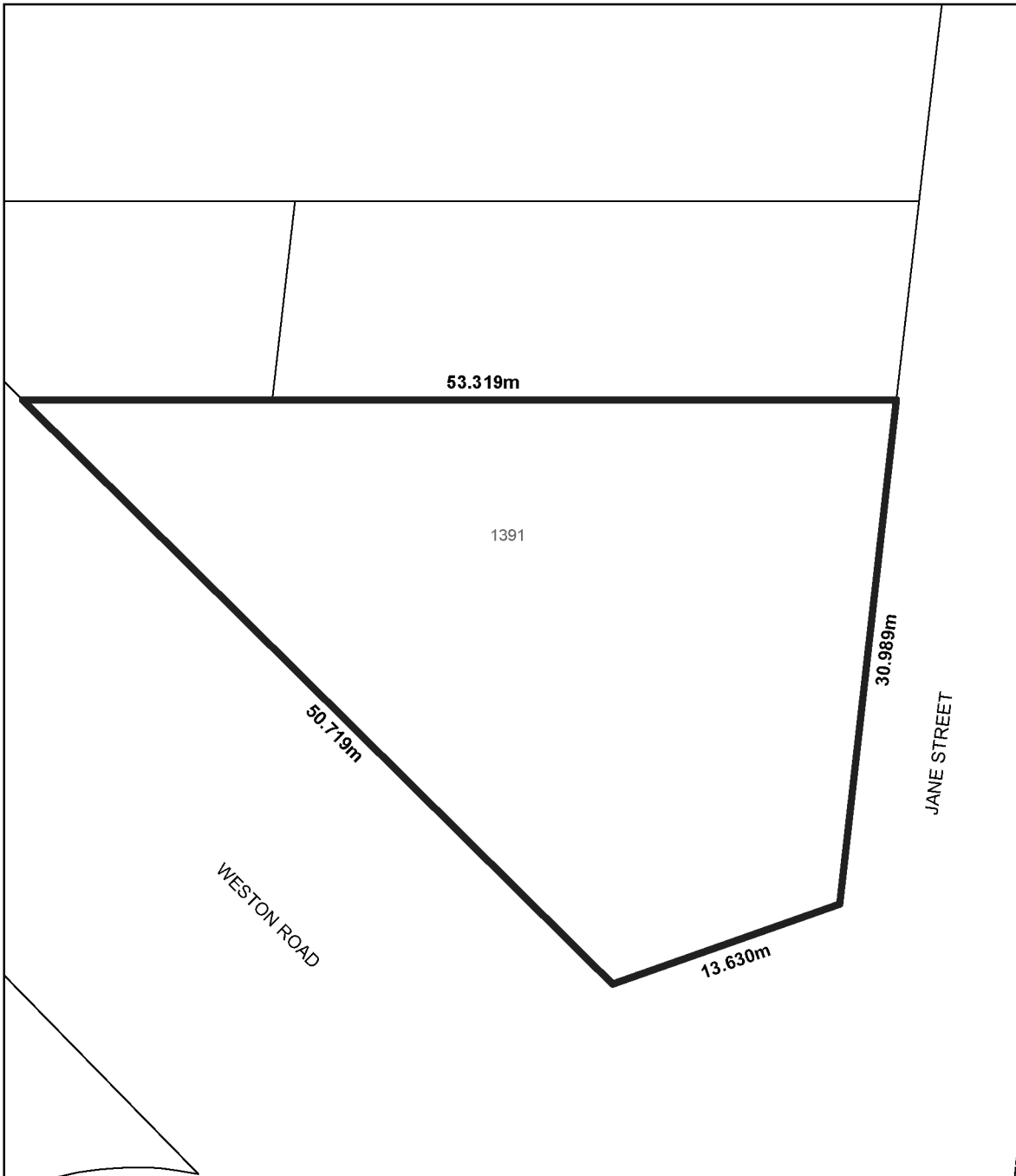
5. Matters which are to be provided pursuant to Section 37 of the Planning Act, as amended, in order to permit the increased density for the proposed development authorized under Section 16 (240) of Zoning By-law 1-83, as amended by By-law 25-2021(LPAT), are
- (a) Pursuant to Section 37 of the Planning Act, and subject to compliance with the City of York Zoning By-law 1-83, as amended, the increase in height and density of the development is permitted beyond that otherwise permitted on the lot in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix A to By-law 25-2021(LPAT) and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
 - (b) Where Appendix A to By-law 25-2021(LPAT) requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 - (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to By-law 25-2021(LPAT) unless all provisions of Appendix A to By-law 25-2021(LPAT) are satisfied.

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Appendix A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided by the owner of the lot, at the owner's sole cost and expense, to the City, in accordance with one or more agreements pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of both the financial contributions and letters of credit, development charges, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. A total financial contribution of \$20,000.00 for local business improvements, payable to the City **prior to issuance of the first above grade building permit** and indexed upwardly in accordance with Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table 18-10-0135-02, or its successor, calculated from the date of the Section 37 Agreement to the date of payment. In the event the cash contribution has not been used for the determined purpose within three (3) years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose will benefit the community in the vicinity of the lands.
2. The following matters are secured in the Section 37 Agreement as matters required to support the development of the Lot:
 - a. **Prior to the issuance of the first above grade building permit** for part or all of the lot, the owner shall provide the City with a certified cheque in an amount sufficient to pay all City's costs incurred as a result of the reconfiguration of the intersection at the northwest corner of Jane Street and Weston Road to facilitate the Redevelopment of the lot, in accordance with the terms and conditions of the Section 37 Agreement.




 **TORONTO**
Schedule A

1391 Weston Road

File # 18 143862 WET 11 OZ

 Lands to which By-law 25-2021(LPAT) applies


Former City of York By-law 1-83
Not to Scale
03/11/2021