TORONTO Member Motion

City Council

Notice of Motion

MM55.19	ACTION			Ward:25

2512 Bayview Avenue and 291-311 York Mills Road - Technical Amendment to By-law No. 284-2009 - by Councillor Jaye Robinson, Seconded by Councillor Peter Leon

**** Notice of this Motion has been given.***
**** This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.***

Recommendations

Councillor Jaye Robinson, seconded by Councillor Peter Leon, recommends that:

1. City Council amend By-law No. 284-2009 by replacing Section 1 (a) with the following:

   1 (a) Uses not Permitted

   no apartment hotels, taverns, theatres, assembly halls, banquet halls, clubs, commercial schools, billiard parlours, bowling alleys, motor vehicles sales buildings, or outdoor cafes shall be permitted; and no restaurants shall be permitted except one restaurant only which contains a maximum gross floor area of 624 square metres; which may sell wine and beer as articles incidental to the meal and which provides no entertainment.

2. City Council direct the City Solicitor to bring forward to the meeting of City Council on August 25 and 26, 2014 for enactment by City Council, a by-law to make the change to By-law No. 284-2009 noted in Part 1 above.

3. City Council determine that, pursuant to Section 34(17) of the Planning Act, no further notice is to be given in respect of the changes to By-law No. 284-2009.

Summary

At its meeting held on February 23, 24 and 25, 2009, City Council adopted North York Community Council Item 23.26, which recommended amendments to the former City of North York Zoning By-law 29589 to permit the construction of a second storey addition above the existing Shoppers Drug Mart located within the York Mills Shopping Centre at 2512-2540 Bayview Avenue and 291-311 York Mills Road. By-law 284-2009 was enacted by Council implementing the approved zoning by-law amendment.

It has come to City Planning's attention that the provision in By-law 284-2009 pertaining to permitted uses contains an error. Uses that were intended to be prohibited in the by-law are listed as being the only uses that are permitted. The error was the result of a reformatting of the by-law prior to its submission to the City Clerk's Office at the Council meeting in which it was enacted. The zoning by-law amendment application that was approved by Council did not propose to amend the use provisions within Zoning By-law 29589, and the draft by-law attached to the Planning Report at the statutory public meeting reflected this. It is therefore appropriate that an amendment as set out in the Recommendations be made to By-law No. 284-2009 without the need for any further public notice.

This is an urgent matter since the by-law was enacted almost five years ago and further delay may cause hardship to tenants of the Bayview Shopping Centre.

(Submitted to City Council on August 25 and 26, 2014 as MM55.19)

Background Information (City Council)

Member Motion MM55.19