

Authority: Planning and Transportation Committee Report No. 13, Clause No. 1, adopted as amended, by City of Toronto Council on November 26, 27 and 28, 2002
Enacted by Council: November 29, 2002

CITY OF TORONTO

BY-LAW No. 1088-2002

To amend Chapters 320 and 324, of the Etobicoke Zoning Code, with respect to certain lands located in the vicinity of Bloor Street West, Dundas Street West, Kipling Avenue, and Islington Avenue, known as the “Etobicoke Centre Secondary Plan Area”.

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

The Council of the City of Toronto HEREBY ENACTS as follows:

1. THAT the zoning map referred to in Section 320-5, Article II of the Zoning Code and originally attached to the Township of Etobicoke By-law No. 11,737 be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as shown in heavy outline on Schedule “A” attached hereto from Residential Second Density (R2) Zone, Residential Third Density (R3) Zone, Residential Fourth Density (R4) Zone, Residential Sixth Density (R6) Zone, Class 1 Industrial (I.C1) Zone, Open Space (OS) Zone, Utility (U) Zone and Limited Commercial (CL) Zone, to Etobicoke Centre 1 (EC1) Zone, Etobicoke Centre 2 (EC2) Zone, Etobicoke Centre 3 (EC3) Zone, Utility (U) Zone, Class 1 Industrial (I.C1) Zone and Open Space (OS) Zone, as shown on Schedule “B”.
2. For the purposes of this by-law, the following definitions shall be applicable:
 - (i) **“Build-To-Area”** means the area of the lands within which a streetwall of a building or structure shall be located;
 - (ii) **“Streetwall”** means any exterior wall of a building abutting a public street;
 - (iii) **“Minor projections”** means minor building elements which may project from the main wall of the building into required yards and Build-to Areas, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, to a maximum projection of 1.0 metres;
 - (iv) **“Drive-Through Facility”** means a structure or a building or a part thereof which is designated to provide or dispense products or services, either wholly or in part, to persons remaining in automotive vehicles that are queued in a designated service lane;
 - (v) **“Floor Plate Area”** means the gross horizontal floor area of a single floor measured from the exterior walls of a building or structure.

- (vi) **“Grade”** means the average elevation of the finished ground level at the main front wall of the building.
- (vii) **“Height”** means the vertical distance between grade and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, stairs and stair enclosures, located on the roof of such building provided the maximum height of the top of such elements is no higher than 6 metres above the roof line of the said building.
- (viii) **“bicycle parking space – occupant”** means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:
- (a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres; and
 - (b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres.
 - (c) in the case of a bicycle rack, is located in a secure room or area;
- (ix) **“bicycle parking space – visitor”** means an area that is equipped with a bicycle rack for the purposes of parking and securing bicycles, and:
- (a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
 - (c) may be located outdoors or indoors but not within a secured room, enclosure or bicycle locker.
- (x) **“gross floor area”** means the same meaning as the Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Floor Area; Indoor Day Nurseries/Community Facilities; and Indoor Amenity Areas to a maximum of 1.5 square metres per dwelling unit.

3. Permitted Uses

The following uses shall be permitted on the lands designated EC1, EC2, and EC3 on Schedule "B" attached hereto:

A. EC1 Zone

- (i) residential dwelling units and senior citizen apartment units above the ground floor only, in combination with any other permitted uses,
- (ii) neighbourhood stores; bakery shops; banks; municipal uses; temporary sales offices for the purposes of marketing and sales related to use(s) permitted on the property within a building on the same lot; administrative/business/professional offices; photographers; shoe repair shops; tailor; public parking areas; customer-operated automatic laundries; nursery
- (iii) and day nurseries; health centres; commercial schools; athletic/fitness clubs; convenience/take-out/standard restaurants, with or without patios; one (1) food vending cart, except on a corner lot where a second food vending cart will be permitted; medical and dental offices; dry cleaners; service rental shops; duplicating stores; personal service/grooming shops; community centres; places of worship; elementary schools, secondary schools; commercial schools; veterinary hospitals; retail stores; craft and art galleries;
- (iv) drive-through facilities shall not be permitted.

B. EC2 Zone

- (i) all of the uses permitted in Section 3A shall be permitted including apartment houses, a senior citizen apartment building and a seniors community house; a hotel, theatres/cinemas, undertaking establishments, health centres, medical centres and laboratories, convention centres, hospitals, museums, television and radio studios and movie film studios.
- (ii) drive-through facilities shall not be permitted.

C. EC3 Zone

- (i) apartment houses; senior citizen apartment building; seniors community house and residential dwelling units in combination with any other permitted uses; elementary schools and secondary schools.
- (ii) the following uses are permitted provided they are restricted to the ground floor or below grade: neighbourhood stores; confectionery stores; florist and gift shops; municipal uses; customer-operated automatic laundries; nursery schools and day nurseries; dry cleaners; personal service/grooming shops; and, community centres;

- (iii) temporary sales offices for the purposes of marketing and sales related to use(s) permitted on the property within a building on the same lot; and
- (iv) drive-through facilities shall not be permitted.

4. Minimum/Maximum Density

For the purposes of this By-law, the minimum gross Floor Space Index (FSI) permitted on lands designated EC1, EC2 and EC3 on Schedule “B” attached hereto shall be 2.0 while the maximum gross Floor Space Index (FSI) shall be as shown on Schedule “C” – “Maximum Floor Space Index”.

5. Minimum/Maximum Height

For the purposes of this By-law, the maximum building height to be permitted on the lands designated EC1, EC2, EC3 and IC.1 on Schedule “B”, attached hereto, shall be as shown on Schedule “D” – “Maximum Height in Metres”, while minimum building heights shall be two storeys and maximum floor plate area restrictions shall be as required in Section 6 of this By-law.

Notwithstanding the prescribed maximum permitted height identified on Schedule “D” - “Maximum Height in Metres”, no portion of a building or structure shall be higher than the horizontal distance from any Residential or Open Space zone to any portion of the building or structure.

6. Setbacks/Build-to Areas/Floor Plate Restrictions

For the purposes of this By-law, buildings or structures or projections thereof, on lands designated EC1, EC2, EC3 and IC.1 as shown on Schedule “B” – Zoning Map attached hereto, shall provide a minimum front yard setback of 0.0 metres and a maximum front yard setback of 3.0 metres. In the case of flanking lots, the same setback requirements shall be required. All buildings and structures on lands zoned EC1, EC2, EC3 and IC.1 shall be subject to Build-to Area requirements and floor plate restrictions in accordance with the following regulations:

- (i) The Build-to Area for any Lot within the lands identified in Schedule “A”, attached hereto, shall be a minimum of sixty (60) percent of any lot frontage abutting a public street, to a minimum height of six (6) metres, and a maximum height of twelve (12) metres. For any portion of the building above twelve (12) metres, a minimum three (3) metres setback from any face of the building wall at grade shall be required. In the case of buildings above sixty (60) metres, a setback of six (6) metres from any face of the building wall at grade shall be required, commencing at a height of 12 metres.

- (ii) Notwithstanding the provisions of this By-law, a maximum floor plate area restriction of 825 square metres shall be applied to the portion of any building or structure located between thirty-six (36) metres and sixty (60) metres in height. For any portion of a building or structure above sixty (60) metres in height, the maximum floor plate area shall be restricted to 750 square metres.
- (iii) Notwithstanding any of the required building setbacks, Minor Projections shall be permitted to encroach into the required building setbacks.
- (iv) Notwithstanding the provisions and regulations of this By-law, a minimum 7.5 metres rear yard setback shall be provided from any Residential or Open Space zone.
- (v) Notwithstanding the provisions of this By-law, an eleven (11) metre separation distance to a window of another dwelling unit (other than a window of a kitchen or bathroom) on the same lot or abutting lot shall be required.

7. Area Requirements

Notwithstanding the provisions of the Zoning Code, the following area requirements shall apply to the lands designated (EC2) and (EC3) on the lands described in Schedule "A" and as shown on Schedule "B" attached hereto:

- (i) Lot Frontage: minimum twenty-four (24) metres.
- (ii) Landscaped Open Space: a minimum 25% of the lot area shall be reserved for Landscaped Open Space.
- (iii) Indoor Amenity Space: a minimum 1.5 square metres per dwelling unit of Indoor Amenity Space shall be provided.

8. Parking and Loading Requirements

Notwithstanding Section 320-18 B), C), D), and E) of the Zoning Code, the following requirements shall apply to EC1, EC2, and EC3 zones, save and except that Section 320-23 A) and C) of the Zoning Code shall apply to any restaurants over 150 square metres in gross floor area.

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- (i) Parking spaces shall be provided in accordance with the following minimum and maximum requirements:
- (a) Non-residential - minimum two (2) parking spaces per 100 m² of gross floor area in the EC1 Zone. In EC2 and EC3 Zones, the Zoning Code provisions shall apply; and,
- (b) Residential - Dwelling Units (less than 3 bedrooms) minimum 1.0 parking spaces per Dwelling Units dwelling unit of which 0.2 parking spaces per dwelling unit is reserved for visitor parking; and,
maximum 1.25 parking spaces per unit of which 0.2 parking spaces per unit are reserved for visitor parking.
- (c) Residential - Dwelling Units (3 bedrooms or greater) minimum 1.0 parking spaces per dwelling unit of which 0.2 parking spaces per dwelling unit are reserved for visitor parking; and,
maximum 1.4 parking spaces per unit of which 0.2 parking spaces per unit are reserved for visitor parking.
- (ii) For the purposes of this By-law, the reserved on-site residential visitor parking requirement in Section 8 (i) b) and c) can be shared with, and used to meet the parking requirements for non-residential uses within the same building or structure in an EC1 Zone provided that there are no more than 10 residential units on the property.
- (iii) Bicycle parking shall be provided for all properties zoned EC2 and EC3, with the exception of senior citizens apartment buildings and seniors community houses, in accordance with the following minimum requirements:
- (a) Residential - 0.75 bicycle parking spaces for each dwelling unit in a building containing greater than ten (10) dwelling units, to a maximum of 200 bicycle parking spaces;
- (b) Non-Residential - in buildings with greater than 2 000 square metres of non-residential gross floor area, one bicycle parking space for every 1 250 square metres of net non-residential floor area;

- (iv) Notwithstanding Section 8 iii) a) of this by-law, 80 percent of all required residential bicycle parking spaces shall be deemed as bicycle parking – occupant and 20 percent as bicycle parking space – visitor.
- (v) Where a lot is abutting a flanking street or laneway, all vehicular access for parking shall be restricted to the flanking street or laneway.
- (vi) No person shall use any portion of a lot located between the main front wall of a building and the street, at or above the natural ground level of the ground, for the purpose of parking or storing a motor vehicle.
- (vii) Every building containing more than 420 square metres of gross floor area shall provide a loading space with dimensions of 12m in length, 3.0m in width, and with a vertical clearance of 4.5m.

9. Public Pedestrian Entrances and Exits

Where any building face is located within 20 metres of a public road allowance, that building face shall contain a public pedestrian entrance and exit to and from the building.

- 10.** The uses permitted in this By-law are not permitted in respect of lands shown on Schedule “B” to this By-law with a zone symbol that possesses an (H) prefix until such time as the holding symbol is removed by amendment to this By-law.
- 11.** In accordance with the provisions of Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13 as amended, the Holding Symbol (H) will be removed from the lands shown on Schedule “B” to this By-law upon the delivery of plans and, if required, executed development agreements securing the provision of required municipal works including municipal rights-of-ways, municipal walkways and the dedication of land and/or easements for future public roads and walkways.
- 12.** Notwithstanding the (H) prefix established under this By-law, until such time as the (H) prefix is removed, enlargement of existing lawful non-residential uses on such lands and expansions of existing buildings and structures on such lands for non-residential uses permitted in the (H) Zone is permitted, provided all regulations applicable to such lands on the day prior to enactment of this By-law are met.
- 13.** Where the boundary between an EC1 Zone and another zone do not follow a property line, the depth of the EC1 Zone shall be 43.0 metres from the streetline.
- 14.** Notwithstanding the provisions of this by-law, no person shall use the lands or premises to which the following by-laws apply except in accordance with all zoning regulations in effect on the day prior to the passing of this By-law: By-law No. 1984-229; By-law No. 1986-51; 1990-39; By-law No. 1997-86; By-law No. 1997-232; By-law No. 1999-222; By-law No. 1999-646; By-law No. 914-2000; By-law No. 561-2002; By-law 1163; By-law No. 1164; By-law No. 1334; By-law No. 1451; By-law No. 4020; By-law No. 8134; By-law No. 9547; By-law No. 9557; By-law No. 11134; By-law No. 11149; By-law No. 11366; By-law No. 11367; By-law No. 13715; By-law

No. 13852; By-law No. 14506; a By-law approved by Ontario Municipal Board Order No. 0981 dated July 6, 2000 and amended on July 13, 2000; and no person shall use the lands described as Part of Lot 7, Concession 5 Colonel Smith's Tract, designated as Part 4 on Plan 64R-4854, City of Toronto, (Formerly City of Etobicoke), PIN: 07542-0082 (LT), except in accordance with all zoning regulations in effect on the day prior to the passing of this By-law.

- 15.** Notwithstanding the provisions of Section 320-32 of the Zoning Code, the elementary school located at 32 Montgomery Road and the secondary school located at 86 Montgomery Road, each existing on the day prior to the passing of this By-law, shall be permitted in the OS Public Open Space Zone and all development regulations existing on the day prior to the passing of this By-law shall remain in effect and constitute the sole development regulations applicable with respect to those schools.
- 16.** Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE DESCRIPTION OF PROPERTY PURPOSE OF BY-LAW

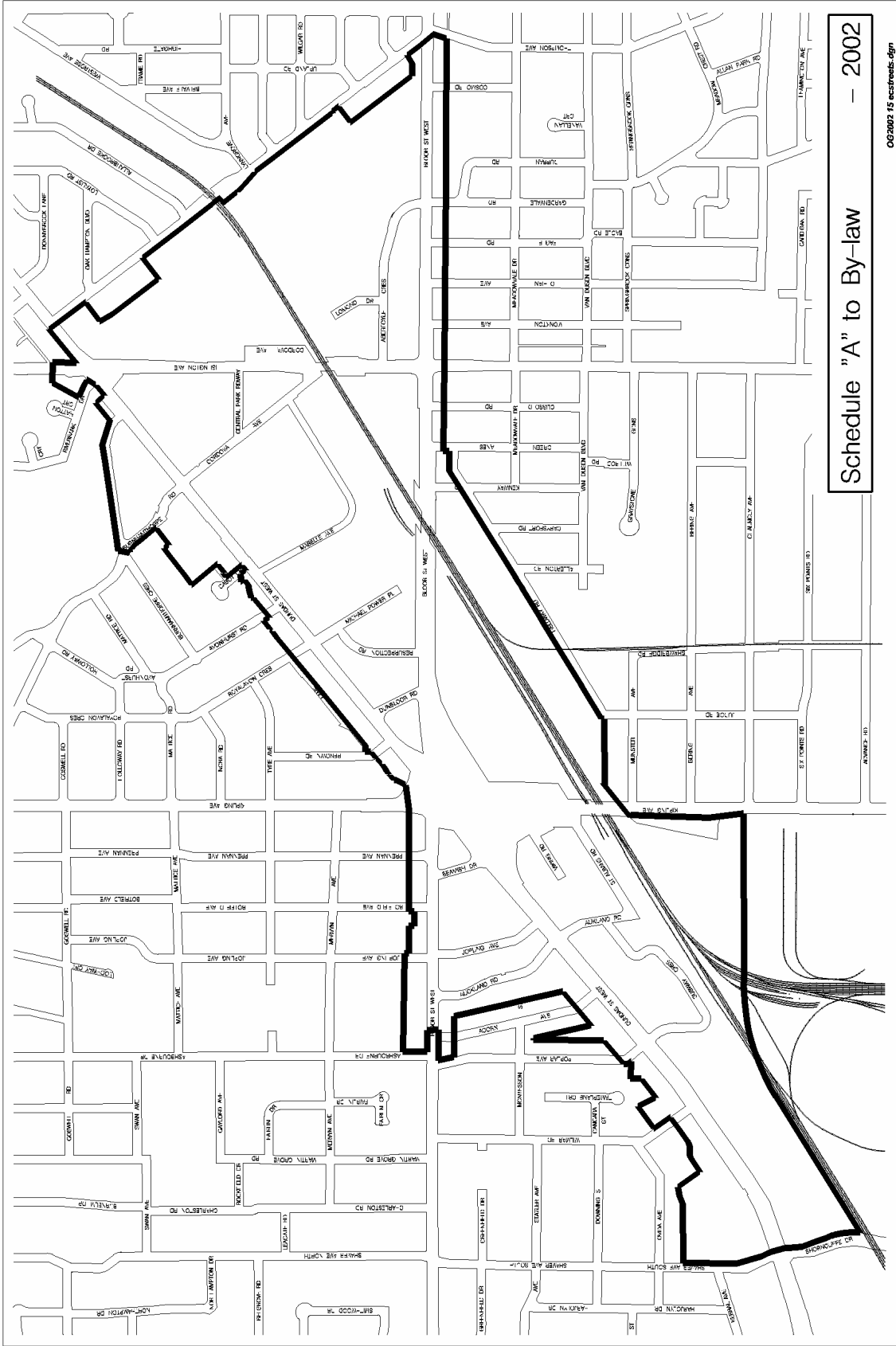
1088-2002 November 29, 2002	Lands located in the vicinity of Bloor Street West, Dundas Street West, Kipling Avenue, and Islington Avenue, known as the "Etobicoke Centre Secondary Plan Area".	To rezone the Etobicoke Centre Secondary Plan Area to permit mixed uses and implement the policies of the Secondary Plan.
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ENACTED AND PASSED this 29th day of November, A.D. 2002.

CASE OOTES,
Deputy Mayor

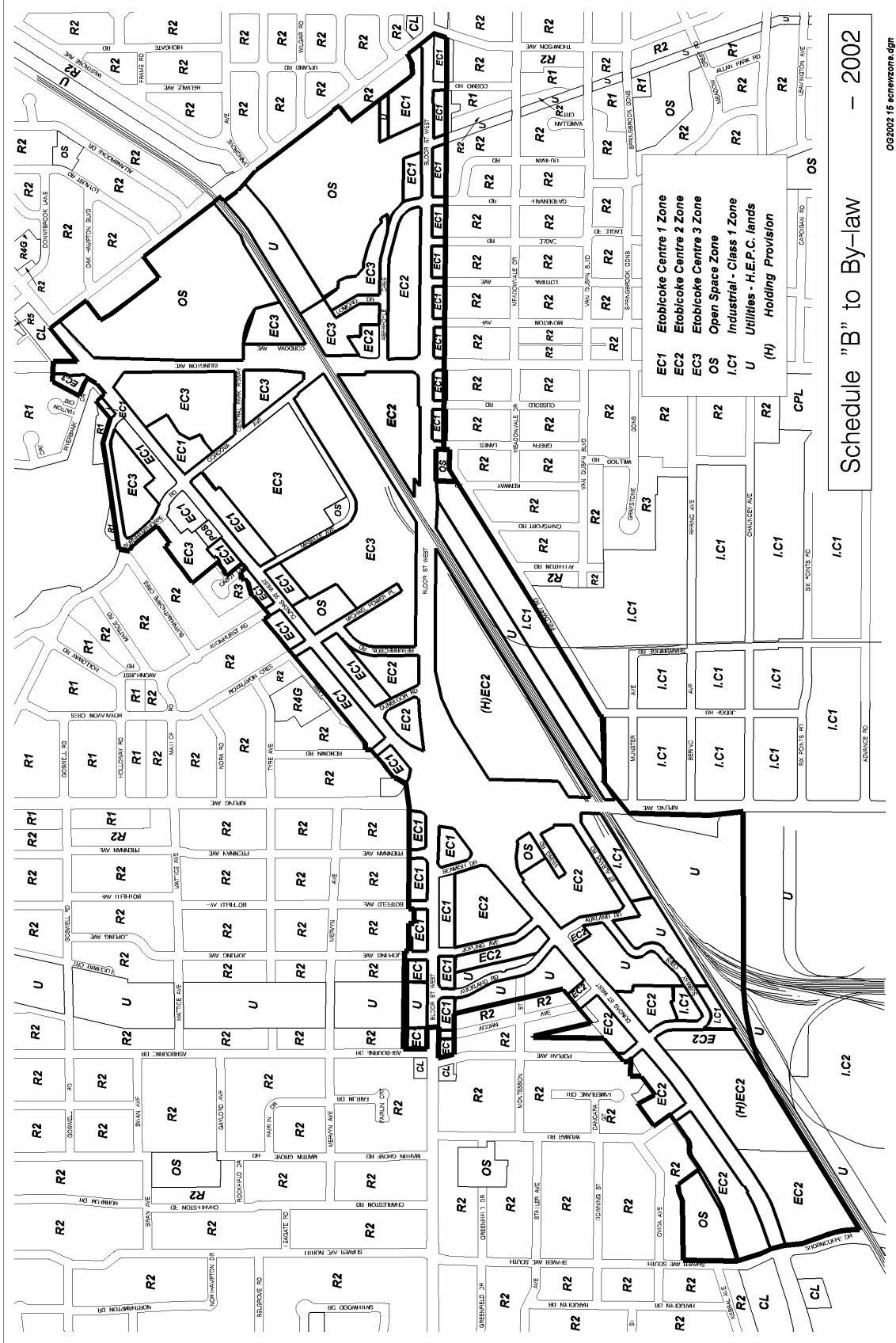
ULLI S. WATKISS
City Clerk

(Corporate Seal)

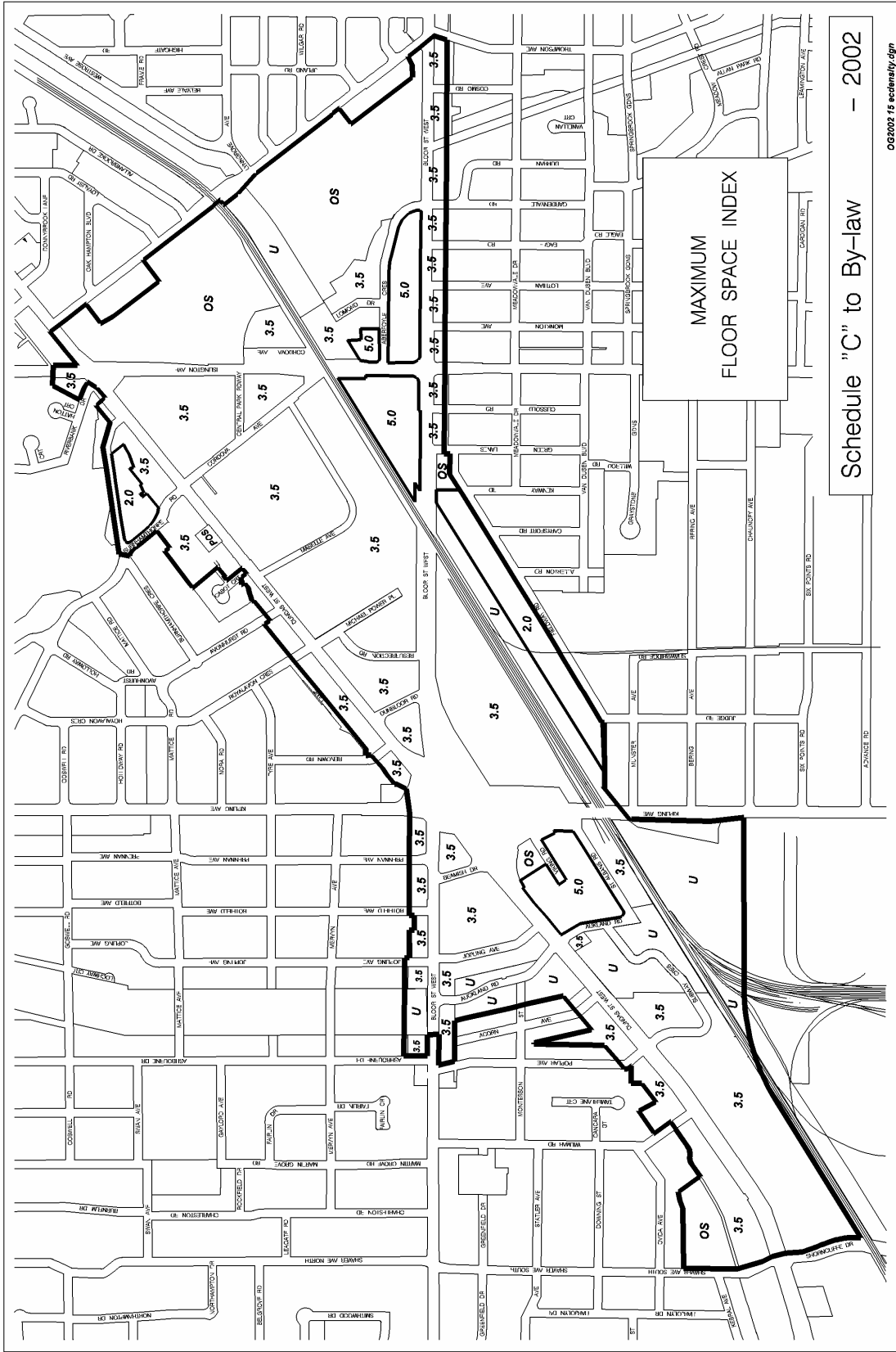


Schedule "A" to By-law — 2002

OC 2002 15 eaststreets.dgn

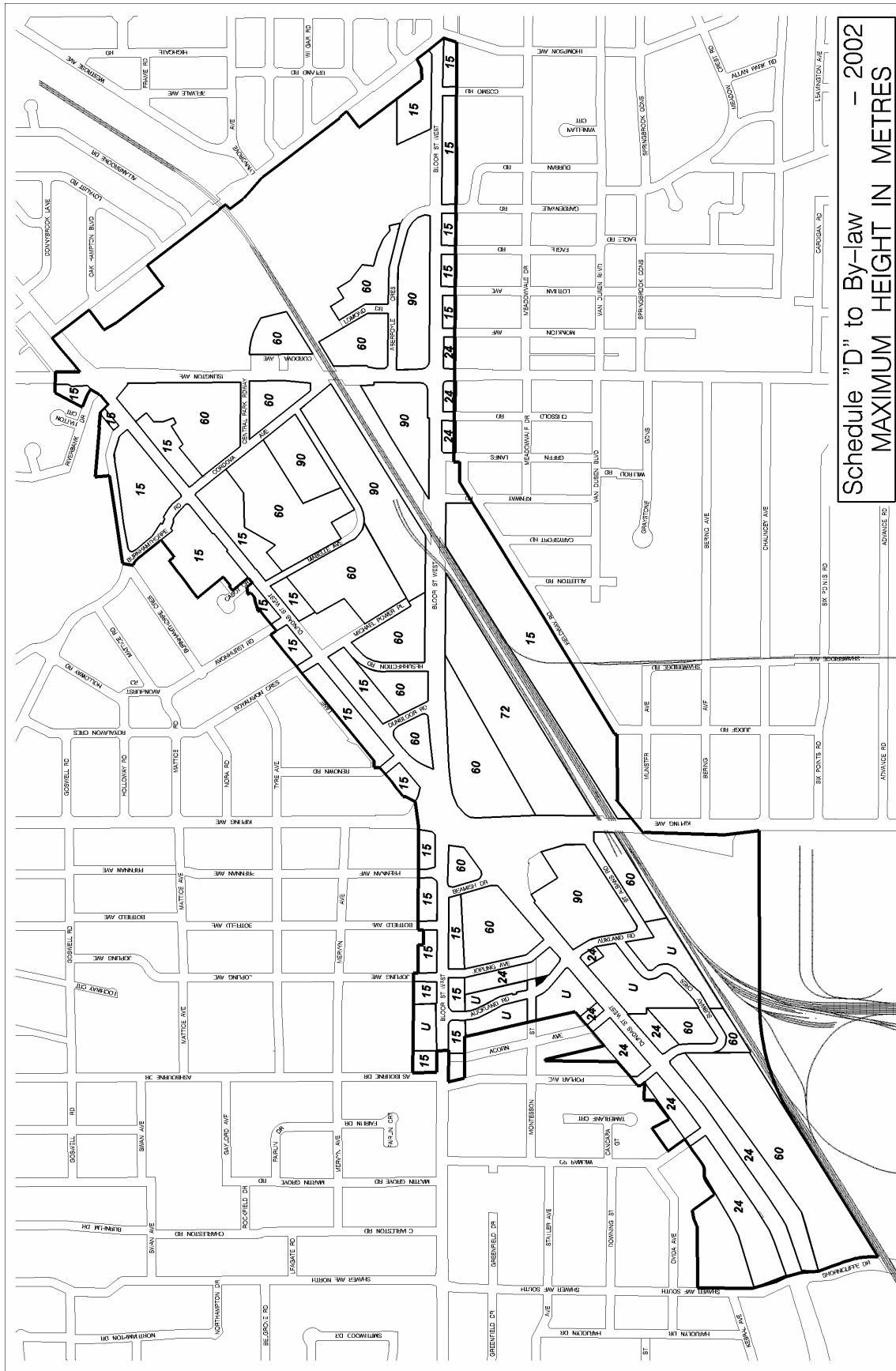


Schedule "B" to By-law - 2002



Schedule "C" to By-law - 2002

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Schedule "D" to By-law
 - 2002
 MAXIMUM HEIGHT IN METRES

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