

Authority: Etobicoke York Community Council Item 38.2,
as adopted by City of Toronto Council on July 6, 7 and 8, 2010
Enacted by Council: July 8, 2010

CITY OF TORONTO

BY-LAW No. 844-2010

To amend Chapter 304 of the Etobicoke Zoning Code with respect to the lands municipally known as 50 Resources 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 of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and 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 or matters in return for an increase in the 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 and matters; and

WHEREAS the owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

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

1. That the zoning of the lands identified as Parts 1 and 2 in Schedule 'B' attached hereto is affirmed as Class 1 Industrial (I.C1), and that the lands identified as Part 3 in Schedule 'B' be rezoned to Public Open Space (OS), subject to the following provisions:
 - a) Notwithstanding Section 304-31 of the Etobicoke Zoning Code, the following uses shall be prohibited:
 - banquet halls;
 - entertainment facilities;
 - food vending cart(s);

- undertaking establishments;
 - vehicle related uses: service stations; car washes; public garages; vehicle body shops; vehicle sales establishments and vehicle rental establishments; public parking; railway yards, which may include vehicle, equipment and fuel storage, and other ancillary maintenance facilities; and, truck terminals.
- b) Notwithstanding Section 304-31. of the Etobicoke Zoning Code, the following uses shall be permitted:
- Food services: restaurants (standard, takeout, convenience) including outdoor patio components.
 - Business: communications/technological facilities; hotels; banks and financial institutions; servicing/repair operations, but excluding waste recycling facilities.
 - Manufacturing: manufacturing/processing of food products which does not involve slaughtering or rendering; manufacturing where patrons may be involved in a portion of the manufacturing process and the final product is purchased and available for personal use by such patrons. Manufacturing of paint and/or varnish, fuel oil storage yards, asphalt operations which do not meet the definition as set forth in the Zoning Code, and cement works shall be excluded.
 - Educational/research: research laboratories which do not generate obnoxious emissions, but excluding virus research laboratories which deal with high community risk materials as deemed by the *Public Health and Protection Act*; schools (elementary, secondary, private, nursery, commercial); colleges; training centres.
 - Institutional: government/public works buildings; emergency service stations, police stations; monuments; restrooms.
 - Storage: warehouse buildings; outside storage of raw, partially processed or finished material, subject to the provisions of Section 304-31.G. (2), (3), and (4);
 - Residential: one accessory residential unit for a caretaker in conjunction with any industrial establishment on the same lot. Notwithstanding the definition of "accessory building/structure", a residential building may be a separate building; provided that it complies with the general regulations for residential zones. Notwithstanding the foregoing, the size of the residential unit shall not exceed 10% of the gross floor area of the buildings on the site, to a maximum gross floor area of 190 square metres. A minimum of one parking space shall be provided.

- c) Notwithstanding Section 304-33 of the Etobicoke Zoning Code, the following uses shall be prohibited:
- flea markets;
 - commercial/recreational facilities: cinemas; bowling alleys; curling rinks; bingo halls; arenas; horse race-tracks and ancillary facilities; nightclubs; social clubs; commercial sport and recreational facilities; studios for arts-related purposes; amusement arcades;
 - hospitals
- d) Notwithstanding Section 304-33 of the Etobicoke Zoning Code, the following uses shall also be permitted:
- Business: trade and convention centres abutting an arterial road; business, professional or administrative offices (which may include ancillary day-care facilities); veterinary clinics, but excluding waste recycling facilities.
 - Manufacturing: manufacturing operations, excluding those involving the use of paint and/or varnish, fuel oil storage-yards, asphalt operations and cement works.
 - Medical: medical office/clinic.
 - Institutional - community centres; athletic fields; playgrounds; libraries; daycares; places of worship.
 - fitness clubs
 - Retail sales: retail sales of products manufactured or warehoused on-site, provided that the retail floor area does not exceed 25% of the gross floor area of the industrial building, to a maximum retail floor area on-site of 700 square metres.
 - Outside storage: In addition to the provisions of Sub-section 304-31.G, the area used for such purposes shall not exceed 10% of the lot area. The fencing requirement set out in Sub-section 304-31 G (2) (b) shall also apply if such storage area faces a street.
- e) In addition to Sections 1b) and 1d) of this By-law, a Home Improvement Warehouse Retail Facility with ancillary restaurant (including take-out service), outdoor storage and garden centre area having a total gross floor area not exceeding 17,000 square metres shall also be permitted only on lands identified as Part 1 on Schedule 'B'.
- f) In addition to the permitted uses in Section 320-32.F of the Etobicoke Zoning Code, a stormwater management pond area and related open space is permitted on the lands identified as Part 3 on Schedule 'B'.

2. For those lands identified as Part 2 on Schedule 'B', Section 304-36, Clause B.(1) of the Etobicoke Zoning Code relating to front yards shall be deleted and replaced with the following:

Maximum 4.5 metres. The remainder of the front yard shall be landscaped along the entirety of the front lot line, except for the necessary driveway access(es).

3. Home Improvement Warehouse Retail Facilities (including the ancillary restaurant use) shall provide and maintain a minimum of 4.0 parking spaces per 100 square metres of *gross floor area*.
4. Notwithstanding any severance, partition, or division of the lands, as shown on Schedule 'A', the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division occurred.
5. Within the lands shown on Schedule 'A' 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.

6. Section 37

- (a) The density and height of development permitted by this By-law is subject to the Owner of the land, at their expense, providing the following capital facilities, cash contributions not exceeding in the aggregate the sum of \$75,000 toward specific capital facilities and other facilities, services and matters in accordance with and subject to the agreement referred to in Section 6(b) hereof pursuant to Section 37 of the *Planning Act* in order to permit a retail development with a maximum gross floor area of 17,000 square metres within the lands zoned IC.1 and identified as Part 1 on Schedule 'B'. Prior to the issuance of the first above grade building permit, the Director of Planning, Etobicoke York District shall advise the Deputy Chief Building Official/Director Toronto Building, Etobicoke York District that funds have been provided as follows:
 - (i) A \$75,000.00 contribution towards construction of a community change room facility in relation to the sports playing fields at Don Bosco Secondary School at 2 St Andrew's Boulevard, provided that an agreement is in place between the City and the Toronto Catholic District School Board to ensure that the change room facility is publicly accessible during public permitting hours of operations; or

- (ii) Should the above option (i) not be considered viable, the funds shall be directed towards local parks improvements to the satisfaction of the Director of Planning, Etobicoke York District and in consultation with the local Councillor and Toronto Parks, Forestry and Recreation.
 - (b) Prior to the issuance of a building permit for the lands identified as Part 1 on Schedule 'B', other than shoring, excavation, and demolition permits, the owner of the lands shall enter into and register on title to the lands an agreement with the City pursuant to Section 37 of the *Planning Act*, as a charge to secure the facilities, services and matters set forth in Section 6 (a) herein, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, prior to this By-law coming into full force and effect.
- 7. Where the provisions of this by-law conflict with the Zoning Code, the provisions of this by-law shall take precedence.

ENACTED AND PASSED this 8th day of July, A.D. 2010.

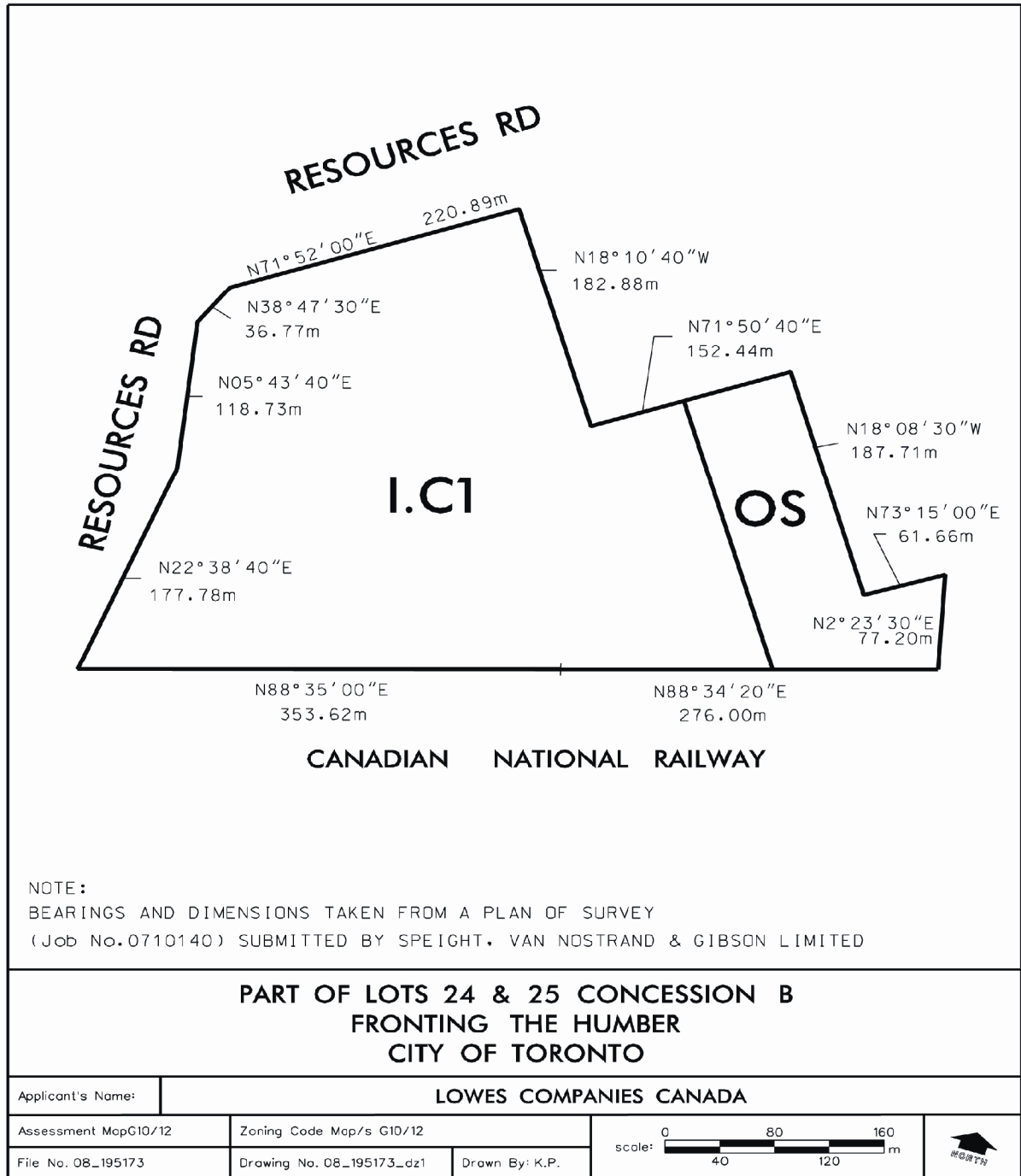
SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



Schedule 'A' BY-LAW





Schedule 'B' BY-LAW

