

Authority: Etobicoke York Community Council Item EY12.2, as adopted by City of Toronto Council on March 10, 2016 and MM17.33, moved by Councillor Justin J. Di Ciano, seconded by Councillor Frances Nunziata, as adopted by City of Toronto Council on March 31 and April 1, 2016

## CITY OF TORONTO

### BY-LAW No. 293-2016

#### To amend the Etobicoke Zoning Code with respect to the lands municipally known in 2016 as 1030 and 1040 Islington Avenue.

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*;

The Council of the City of Toronto enacts:

1. That the zoning map referred to in Section 320-5, Article II of the Etobicoke Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737 (Etobicoke Zoning Code), be and the same is amended by changing the classification of parts of the Lands located in the former Township of Etobicoke as described in Schedule 'A' annexed hereto from Class I Industrial Zone (I.C1) to Group Area Fourth Density Residential Zone (R4G) and the following provisions shall apply to the development of the I.C1 and R4G lands identified in Schedule 'A' attached.
2. Notwithstanding Sections 304-31, 304-33, 320-18, 320-19, 320-23, 320-69, 320-70 and 320-71 of the Etobicoke Zoning Code, the following development standards shall apply to the I.C1 and R4G Lands described in Schedule 'A'.
3. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
4. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions will apply:

**"Building"** means a wholly or partially enclosed structure with a roof supported by walls, columns, piers or other structural systems;

**"Building Envelope"** means the building area permitted within the setbacks established in this By-law, as shown on Schedule 'B';

**"Grade"** means the average of the natural, unaltered elevation of the ground level at the intersection of the site lot lines and the minimum front yard setback;

**"Group Housing"** also known as "group dwelling", means two or more dwellings on a lot;

**"Gross Floor Area"** means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor;

**"Height"** means, with respect to each building erected within a Building Envelope, the vertical distance between the grade of the Lands as defined in this By-law and the mid-point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, architectural elements, 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 3.0 metres above the highest point of the roof surface of the building;

**"Lands"** shall mean the Lands described in Schedule 'A' and for the purposes of this By-law shall be based on the Lands prior to land dedications and conveyances;

**"Main Wall"** means any exterior wall of a building, including all structural members essential to the support of a roof over a fully or partly enclosed area;

**"Mechanical Floor Area"** means a room or enclosed area, including its enclosing walls within a building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical equipment, elevator shafts, or telecommunications equipment that serve only such building; and

**"Minor Projections"** means minor building elements which may project from the main walls of the buildings into required yards and beyond the Building Envelopes, including roof eaves, landscape retaining walls, steps and landscape features to within 0.1 metres from the lot line, decks on the rear of dwelling units to within 2.5 metres of the lot line, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, doors, canopies, exterior stairs and covered ramps, parapets and vents to a maximum projection of 1.5 metres.

## 5. Permitted Uses

- (a) No building or structures shall be erected or used on the Lands with a Zone Symbol R4G, except for the following uses:
  - (i) Group housing, Townhouse Dwelling;
  - (ii) Accessory structures, including access roads, television antennae, exterior stairs, garbage enclosures, stair enclosures, noise barriers and ventilation shafts; and
  - (iii) Nothing in this By-law shall prevent the use of the Lands for a temporary sales office or temporary sale structure for the purpose of marketing and sales related to the group housing permitted on the property, within a building on the same Lands. There shall be no development standards for the temporary sales office or structure;

- (b) The following uses shall not be permitted on the Lands with a Zone Symbol I.C1:
  - (i) educational facilities, schools, colleges and training centres, hotels, places of worship, daycares, hospitals, medical uses, medical office/clinics, playgrounds, community centres, libraries.

**6. Gross Floor Area**

The maximum total Gross Floor Area permitted in the residential lands with a Zone Symbol R4G shall be 35,000 square metres.

**7. Minimum/Maximum Height**

- (a) The maximum building heights above grade to be permitted on the Lands with a Zone Symbol R4G and identified on Schedule 'A' shall be as shown on Schedule 'B';
- (b) The minimum building height above grade to be permitted on the Lands with a Zone Symbol R4G south of the public road and identified on Schedule 'B', shall be 9.0 metres and this minimum height must be provided along the full width of the building; and
- (c) The maximum building height above grade to be permitted on the Lands with a Zone Symbol I.C1 and identified on Schedule 'B', shall be 15.1 metres.

**8. Setbacks / Floor Plate Restrictions / Building Envelope**

- (a) On the Lands with a Zone Symbol R4G and identified on Schedule 'A', no building or structure shall be located other than within the Building Envelopes shown on Schedule 'B';
- (b) For any building or structure on the Lands with a Zone Symbol R4G south of the public road and identified on Schedule 'A':
  - (i) the maximum setback from the south side lot line of the Lands shall be 0.65 metres and 1.3 metres, as shown on Schedule 'B';
- (c) On the Lands with a Zone Symbol I.C1 and identified on Schedule 'A':
  - (i) no building or structure shall be located other than within the Building Envelope shown on Schedule 'B';
  - (ii) the maximum distance from the northernmost part of building to the north side lot line of the Lands (Norseman Street) shall be 16.3 metres, as shown on Schedule 'B'; and

- (iii) the maximum distance from the southernmost part of building to the south side lot line of the Lands (parallel to Norseman Street) shall be 2.0 metres, as shown on Schedule 'B';
- (d) Notwithstanding Section 8(a) of this By-law, the following provisions shall apply:
  - (i) Any portion of any building or structure, which is located below the finished exterior ground level immediately adjoining such building or structure, may be located outside of the Building Envelope for that building or structure; and
  - (ii) Minor Projections shall be permitted to project outside the Building Envelope Permitted accessory structures, canopies, wheelchair and covered ramps, exterior stairs, retaining walls, temporary sales offices, safety railings, and other landscape features shall be permitted outside of the Building Envelopes.

**9. Parking and Loading Requirements**

- (a) For the Lands with a Zone Symbol I.C1:
  - (i) Vehicular parking shall be provided at a rate of 1 space for each 100 square metres of gross floor area; and
  - (ii) Bicycle parking spaces shall be provided at a minimum rate 5 percent of the minimum vehicle parking requirement;
- (b) Minimum vehicle parking stall dimensions, excluding accessible parking stalls, shall be 2.6 metres wide, 5.6 metres in perpendicular length, with a minimum 6.0 metres wide access aisle. A vertical clearance of 2.1 metres shall apply; and
- (c) A minimum of 1 parking space for every 25 parking spaces or part thereof must comply with the minimum dimensions for an accessible parking space.

**10. Landscaping**

- (a) For the Lands with a Zone Symbol R4G a minimum 35 percent of the Lands shall be reserved for Landscaped Open Space; and
- (b) Notwithstanding Section 6(a) of this By-law, solid acoustic barriers shall be provided and constructed with a minimum height as shown on Schedule 'B', in accordance with the Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd (dated February 27, 2015).

**11. Section 37**

The density of development permitted by this By-law is subject to the Owner of the land, at its expense, providing the following capital facilities and/or cash contributions toward specific capital facilities pursuant to Section 37 of the *Planning Act* as follows:

- (a) An indexed cash contribution of \$325,000.00 to be paid to the City prior to the earlier of site plan approval or issuance of the first above-grade building permits, to be allocated in Ward 5 Etobicoke-Lakeshore, generally as follows:
  - (i) \$315,000.00 towards streetscape improvements along The Queensway between Islington Avenue and Royal York Road; and
  - (ii) \$10,000.00 towards capital improvements to Fairfield Park;
- (b) The cash contribution identified in 11(a) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date of execution of the Section 37 Agreement to the date of payment, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
- (c) In the event the cash contributions referred to 11(a) above have not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contributions 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 that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
- (d) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
  - (i) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee;
- (e) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule B in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in 9(a) above 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;

- (f) Where 11(a) above of this By-law 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; and
- (g) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of 11(a) above are satisfied.
12. Within the Lands with a Zone Symbol of R4G shown on Schedule 'A', 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.
13. Nothing in this By-law shall apply to prevent the phased construction of the development provided that the requirements of the By-law are complied with upon full development, except that any phasing must comply with the provisions of Section 10 of this By-law.
14. Notwithstanding any severance, partition or division of the Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.
15. Chapter 324, Site Specifics, of the Zoning Code is amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws:

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
293-2016 April 1, 2016	Lands located on the west side of Islington Avenue south of Norseman Street known as 1030 and 1040 Islington Avenue	To rezone 1030 and 1040 Islington Avenue from I.C1 to I.C1 and R4G subject to site specific standards to permit residential development

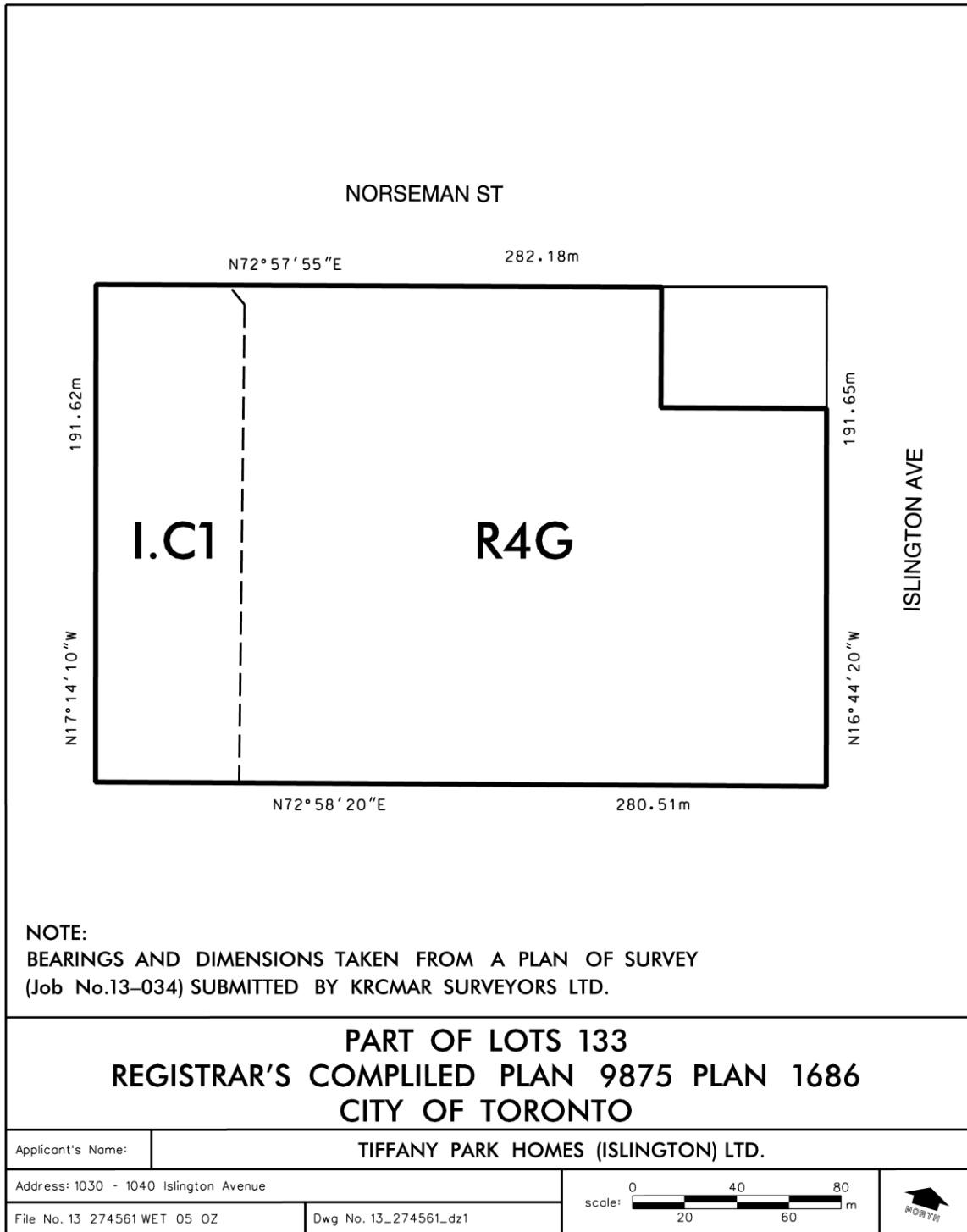
Enacted and passed on April 1, 2016.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**TORONTO** Schedule 'A' BY-LAW

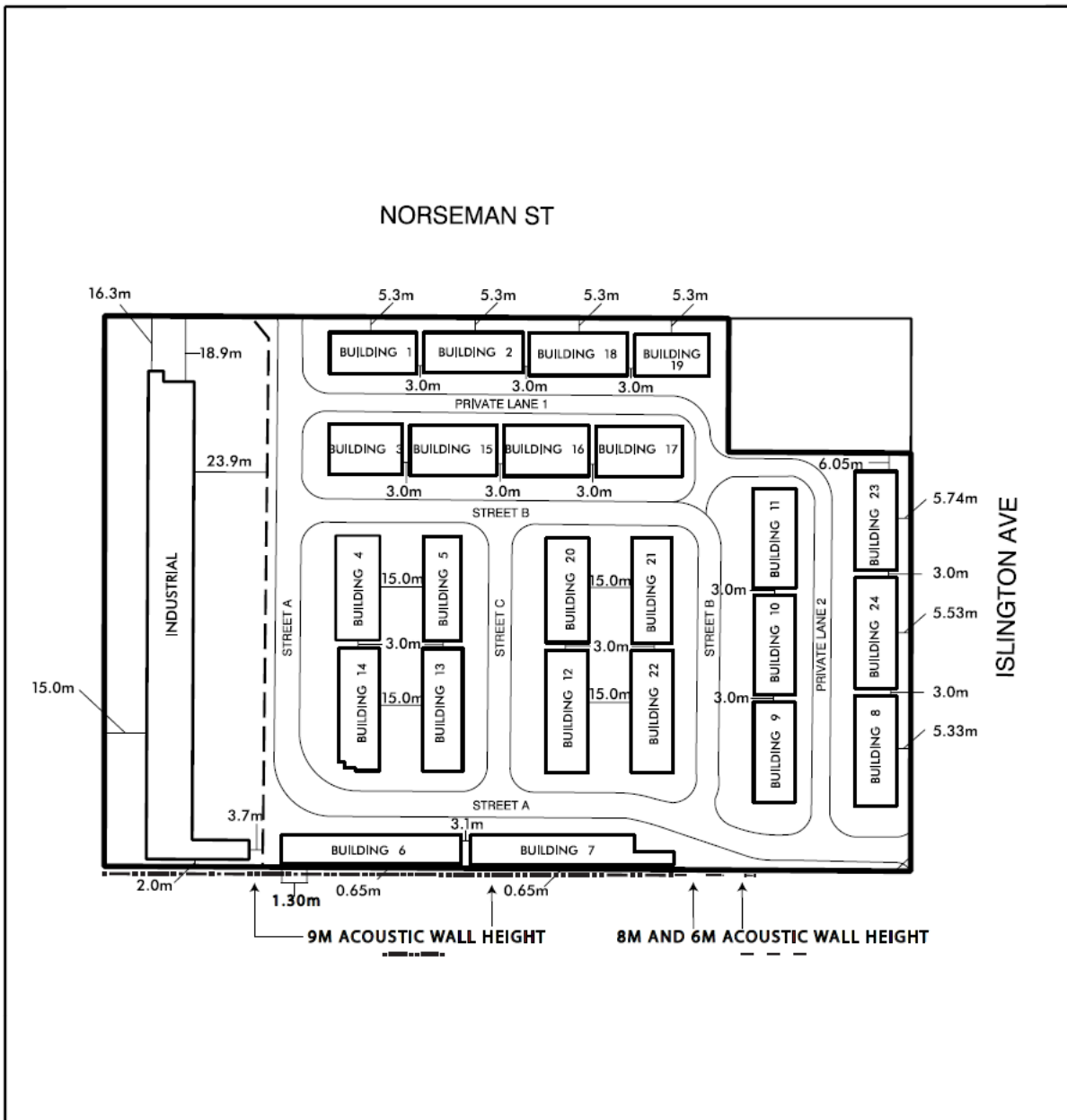


**NOTE:**  
 BEARINGS AND DIMENSIONS TAKEN FROM A PLAN OF SURVEY  
 (Job No.13-034) SUBMITTED BY KRCMAR SURVEYORS LTD.

**PART OF LOTS 133  
 REGISTRAR'S COMPILED PLAN 9875 PLAN 1686  
 CITY OF TORONTO**

Applicant's Name:	TIFFANY PARK HOMES (ISLINGTON) LTD.		
Address: 1030 - 1040 Islington Avenue	scale:		
File No. 13_274561 WET 05 0Z	Dwg No. 13_274561_dz1		

**TORONTO** Schedule 'B' BY-LAW



**PART OF LOTS 133  
REGISTRAR'S COMPILED PLAN 9875 PLAN 1686  
CITY OF TORONTO**

Applicant's Name:		<b>TIFFANY PARK HOMES (ISLINGTON) LTD.</b>	
Address: 1030 - 1040 Islington Avenue		scale:	
File No. 13 274561 WET 05 02	Dwg No. 13_274561_dz2		