

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto
Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend the Etobicoke Zoning Code, as amended, with respect to the Lands municipally known as 1030 and 1040 Islington Avenue

WHEREAS authority is given to Council by Sections 34 and 36 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 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 (Etobicoke Zoning Code), be and the same is hereby 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 Scheduled 'A' attached hereto.

Notwithstanding Sections 304-31, 304-33, 320-18B, 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' attached hereto.

Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

2. 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 Envelope” means the building area permitted within the setbacks established in this By-law, as shown on Schedule ‘B’ attached hereto.

“Grade” means with respect to each building erected within a Building Envelope, the average elevation at ground level adjoining the main front wall of the building.

“Gross Floor Area” shall have the same meaning as the Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: mechanical floor area; unenclosed balconies.

“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 highest 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 meters above the highest point of the roof surface of the building

“Lands” shall mean the Lands described in Schedule “A” attached hereto; and for the purposes of this By-law shall be based on the Lands prior to land dedications and conveyances.

“Landscaped Open Space” means a yard or court on the Lands located at grade, including land above an underground parking area, which is landscaped. It shall include any part of the Lands occupied by accessory recreational buildings, surfaced walks, patios or similar areas, sports or recreational areas and ornamental or swimming pools, but shall exclude driveways and ramps.

“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.

“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, 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 meters.

"Site Plan Approval" means approval by the Chief Planner and Executive Director, City Planning Division or City Council, pursuant to Section 114 of the *City of Toronto Act, 2006*.

3. 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.
 - ii) Accessory structures, including access roads, underground parking garages, television antennae, private swimming pools and structures in conjunction with such pools, covered ramps, exterior stairs, garbage enclosures, stair enclosures, elevators and elevator enclosures, noise barriers and ventilation shafts.

- iii) Nothing in this By-law shall prevent the use of the Lands for a temporary sales office for the purpose of marketing and sales related to the group housing permitted on the property, within a building on the same Lands.
 - (b) No building or structures shall be erected or used on the Lands with a Zone Symbol I.C1, except for the following uses:
 - i) All uses permitted under Section 304-33 except the following uses, which are not permitted: educational facilities, schools, colleges and training centres, hotels, places of worship, daycares, hospitals, clinics, playgrounds, community centres, libraries, studios for arts-related purposes and residential units accessory to any permitted use.
4. Gross Floor Area
- The maximum Gross Floor Area, as defined herein, permitted on the Lands with a Zone Symbol R4G shall be 35,000 square meters.
5. 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', attached hereto, shall be as shown on Schedule 'B', attached hereto.
 - (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 'A', attached hereto, shall be 9.0 meters and this minimum height must be provided along the full width of the building.
 - (c) The minimum building height above grade to be permitted on the Lands with a Zone Symbol I.C1 and identified on Schedule 'A', attached hereto, shall be 13 meters and this minimum height must be provided for the full depth of the building. The maximum building height above grade to be permitted on the Lands with a Zone Symbol I.C1 and identified on Schedule 'A', attached hereto, shall be 14 meters.
6. Setbacks / Floor Plate Restrictions / Building Envelope
- (a) On the Lands with a Zone Symbol R4G and identified on Schedule 'A' attached hereto, 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' attached hereto,
 - i) the maximum setback from the south side lot line of the Lands shall be 0.9 meters.

- ii) the maximum distance from the easternmost building or structure to the front lot line of the Lands (Islington Avenue) shall be one hundred (100) meters.
 - iii) the maximum distance from the westernmost building to the rear lot line of the Lands shall be seventy-five (75) meters.
 - iv) no building or structure shall have any windows or doors in the face of the building or structure facing the south side lot line of the Lands.
- (c) On the Lands with a Zone Symbol I.C1 and identified on Schedule 'A', attached hereto,
 - 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 5.0 meters.
 - 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 6.55 meters.
- (d) Notwithstanding Section 6 (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.
 - (ii) Minor Projections shall be permitted to project outside the Building Envelope.
 - (iii) Permitted accessory structures, canopies, wheelchair and covered ramps, exterior stairs, parapets and railings related to underground parking structures, vents, temporary sales offices, safety railings, elevators and elevator enclosures and other landscape features shall be permitted outside of the Building Envelopes.

7. Parking and Loading Requirements

- (a) For the Lands with a Zone Symbol R4G
 - i) Vehicular parking shall be provided at a minimum ratio of 1.5 stalls per dwelling unit. An additional 0.2 stalls per dwelling unit shall be provided

and reserved for the exclusive use of visitors.

- ii) No vehicle parking or storage is permitted at or above the natural ground level of the ground.
 - iii) Indoor bicycle parking spaces shall be provided at a minimum rate of 0.6 bicycle parking spaces for each dwelling unit for the use of residents and an additional 0.15 spaces per dwelling unit for the use of visitors and shall located in the underground parking area except a minimum 5 percent of the resident bicycle parking spaces will be provided at ground level.
 - iv) The required vehicle and bicycle parking shall be provided on a proportional basis equal to the number of dwelling units associated with each garage.
 - v) One loading space shall be provided on the Lands with dimensions of 13 meters in length, 4.0 meters in width, and with a vertical clearance of 6.1 meters.
- (b) For the Lands with a Zone Symbol I.C1
- i) Vehicular parking shall be provided as provided for in Section 320-18 (F) of the Zoning Code.
 - ii) No vehicle parking or storage is permitted between the main front wall of a building and the public street, at or above ground level.
 - iii) Bicycle parking spaces shall be provided at a minimum rate 5 per cent of the minimum vehicle parking requirement.
- (c) Minimum vehicle parking stall dimensions, excluding parking stalls for the handicapped, shall be 2.6 meters wide, 5.6 meters in perpendicular length, with a minimum 6.0 meter wide access aisle. Parking stall dimensions for the handicapped shall be as above except they shall be 3.65 meters wide.
- (d) Parking for the handicapped must be provided at a minimum ratio of one parking stall for every 100 parking stalls required or part thereof.

8. Landscaping

- (a) For the Lands with a Zone Symbol R4G a minimum 45% of the Lands shall be reserved for Landscaped Open Space over the entire site.
- (b) Notwithstanding Section 6 (a) of this By-law, solid acoustic barriers of at least 9 meters in height shall be provided and constructed as shown on Schedule “B” as attached.

9. Section 37

- (a) 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:
 - (i) Prior to the issuance of the first residential above-ground building permit, the Owner shall pay to the City a \$125,000 cash contribution to the Land Acquisition Reserve Fund (XR10-12) towards the purchase of the land for the expansion of Fairfield Park. This amount will be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto from the date of execution of the Section 37 Agreement to the date of payment.
 - (b) The Owner of the Lands must enter into and register on title to the Lands an agreement with the City, pursuant to Section 37 of the *Planning Act*, for the purpose of securing the facilities, services, and matters set forth in Section 9 of this Bylaw, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, including:
 - (i) that the Owner of the Lands will provide signage and warning clauses in accordance with the requirements of the Toronto District School Board and Toronto Catholic District School Board.
 - (ii) that the Owner of the Lands will comply with requirements regarding building modifications, solid acoustic barriers, including a solid acoustic barrier on the property to the south of the Lands, and notification to prospective buyers regarding noise levels and noise mitigation measures, as detailed in the Environmental Noise Feasibility Study for the Lands, dated June 2, 2011 and to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
 - (iii) that the Owner of the Lands will permanently remove the existing drive-through facilities from the building at 1048 Islington Avenue if the current bank use is changed;

10. Application of “H” (Holding Symbol)

The uses permitted in this By-law are not permitted in respect of the above grade portion of the Lands shown on Schedule “A” to this By-law with a Zone Symbol that possesses an “H” (Holding Symbol) prefix until such time as the Holding Symbol is removed by amendment to this By-law. The Holding Symbol shall not prevent the construction of below grade facilities and any protrusions above grade related to facilities originating below grade, but these shall be limited to stair enclosures, elevators and elevator enclosures, ventilation shafts and mechanical structures with a maximum height of four (4) meters.

11. Removal of the “H” (Holding Symbol)

In accordance with the provisions of Section 36 of the *Planning Act*, the Holding Symbol “H” will be removed from the Lands shown on Schedule “A” to this By-law upon fulfillment, all to the satisfaction of the City Solicitor; the Director, Community Planning, Etobicoke York District and the Executive Director, Technical Services Division, of items (a) through (c) below:

- (a) a building has been substantially constructed on the Lands with a Zone Symbol I.C1 that fulfils the requirements in Sections 5(c) and 6(c) of this By-law.
- (b) a building has been substantially constructed on the Lands with a Zone Symbol R4G south of the public road has been constructed that fulfils the requirements in Sections 5(b) and 6(b) of this By-law.
- (c) the solid acoustic barrier provided for in Section 8 (b) has been substantially constructed.

12. Within the Lands with a Zone Symbol of R4G 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.

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 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 |
|---------------------------------------|--|---|
| _____ - 2011 _____ - 2011 | 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 development standards to permit employment and residential development. |

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Schedule 'A' BY-LAW



