

Authority       Humber York Community Council Report No. 7, Clause No. 1,  
                    as adopted by City of Toronto Council on May 21, 22 and 23, 2002  
Enacted by Council: February 7, 2003

## **CITY OF TORONTO**

### **BY-LAW No. 5-2003**

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known as 79 and 81 Florence Street.**

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, respecting the lands municipally known in the year 2002 as 79 and 81 Florence Street; and

WHEREAS the Humber York Community Council conducted a public meeting on May 7, 2002 under Section 34 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, regarding the Zoning Amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held May 21, 22 and 23, 2002 determined to amend Zoning By-law No. 438-86, as amended, for the former City of Toronto;

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

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *Site* of the facilities, services and matters set out in Appendix 1 hereof, the provision of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*, and the *Site* shall be subject to the provisions of this By-law upon the execution and registration of such agreement or agreements.
2. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall continue to apply to the *Site*.
3. District Map No. 48H-313 contained in Appendix “A” of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines on Plan 1, attached to and forming part of this By-law, from I1 D2 to R2 Z1.0, as shown on the said Plan 1.
4. Height and Minimum Lot Frontage Map No. 48H-313 contained in Appendix “B” of By-law No. 438-86, as amended, is further amended by redesignating the maximum height designation applicable to the lands outlined by heavy lines on Plan 2, attached to and forming part of this By-law, from H 14.0 to H 11.5, as shown on the said Plan 2.

5. None of the provisions of Sections 6(3) PART I 1, 6(3) PART II 2, 6(3) PART II 3, 6(3) PART II 4, 6(3) PART II 5, 6(3) PART III 1(a), 6(3) PART VII 1, and 6(3) PART IX 1(a) of By-law No. 438-86, as amended, shall apply to prevent the erection and use of *row houses* on *Parcel A* provided that,
- (a) not more than 11 *row house* are erected or used within *Parcel A*;
  - (b) the *residential gross floor area* of each such *row house* does not exceed 155 square metres;
  - (c) no portion of any such *row house* erected and used above *grade* is located otherwise than wholly within the lands delineated by heavy lines and shown as Block “A” on Plan 3, attached to and forming part of this by-law, with the exception of the projections identified in Section 6(3) PART II 8 of By-law No. 438-86, as amended, provided that the restrictions in that Section are complied with;
  - (d) the *depth* of each such *row house* is not more than 16.5 metres;
  - (e) each such *row house* shall have 1 *parking space* provided in an integral garage, located at the rear of that *row house*;
  - (f) a minimum of 16% of the area of each *lot* on which a *row house* is located is provided and maintained as *landscaped open space*; and
  - (g) each *lot* on which a *row house* is located has a *lot frontage* of not less than 4.2 metres.
6. For the purposes of this by-law, the following expressions shall have the following meaning:
- (a) “*City*” means the City of Toronto;
  - (b) “*owner*” means the owner of the fee simple of the *Site*;
  - (c) “*Parcel A*” means the lands shown as Parcel A on Plan 4, attached to and forming part of this by-law;
  - (d) “*Parcel B*” means the lands shown as Parcel B on the said Plan 4, inclusive of *Part I*;
  - (e) “*Part I*” means the lands shown as Part 1 on the said Plan 4;
  - (f) “*Site*” means those lands outlined by heavy lines on the said Plan 4, consisting of *Parcel A* and *Parcel B*; and

- (g) each other word or expression that is italicized in this By-law shall have the same meaning as that word or expression as defined in the said By-law No. 438-86, as amended.

ENACTED AND PASSED this 7th day of February, A.D. 2003.

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

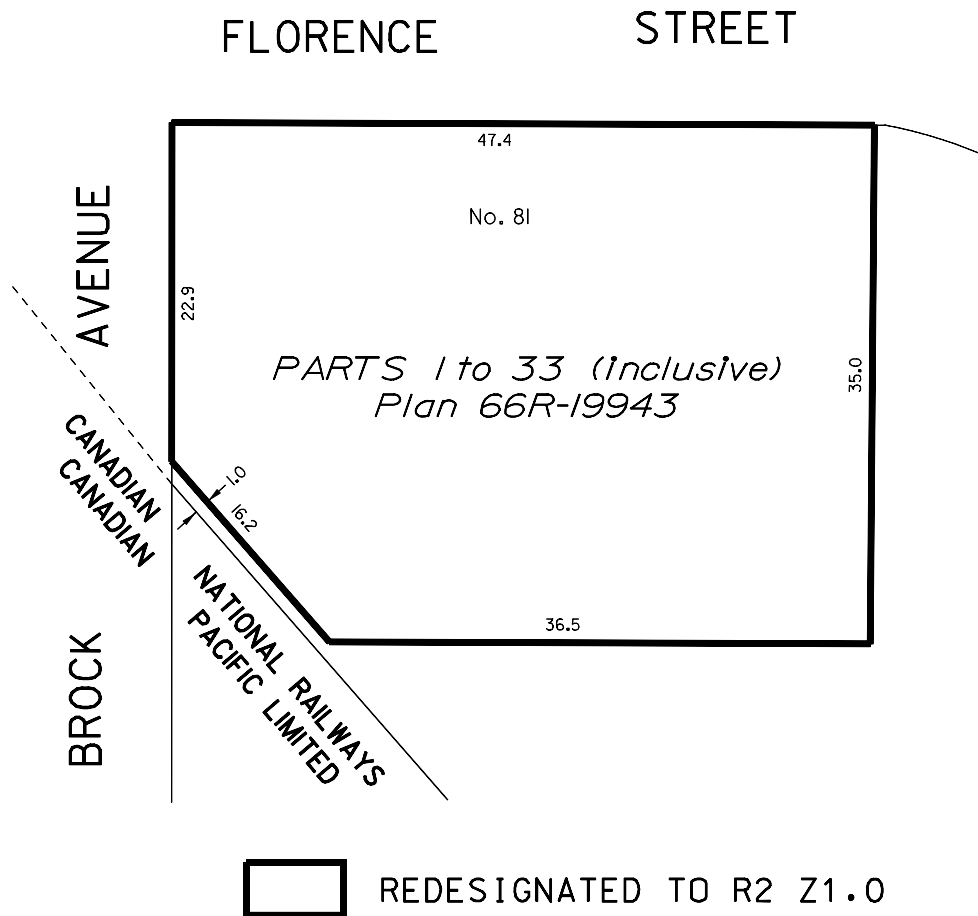
**Appendix 1**  
**Section 37 Provisions**

The facilities, services and matters set out herein are the facilities, services and matters required pursuant to Section 37(1) of the *Planning Act*, the provision of which to the City by the *owner* of the *Site* shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*:

1. The *owner* shall ensure that the development of the *Site* and any related off-site infrastructure work is to the satisfaction of the City, including:
  - (i) an overall Municipal Servicing Plan including a grading and drainage plan;
  - (ii) a Stormwater Management Report;
  - (iii) water and sewage systems and utilities; and
  - (iv) inspection fees and security.
2. The *owner* is to satisfy all environmental matters such as soil and groundwater management, the environmental remediation of the *Site*, provision of a Record of Site Condition, historical review of the *Site* and building audits, demolition and dust control, air quality, noise and vibration, the monitoring of de-watering and a commitment to mitigate as and where required by the City, including:
  - (i) implementation, under the supervision of an on-site qualified environmental consultant, of the Soil and Groundwater Management Plan as stipulated in the report, Environmental Review, Soil and Groundwater Management Plan, Excavation Dust Control Plan, Ambient Air Quality Assessment, 81 Florence Street, City of Toronto, Project No. 00\*2530, prepared by Bruce A. Brown Associates Limited and dated February 18, 2000, approved by the Medical Officer of Health;
  - (ii) prior to the issuance of an above grade building permit, submission and approval of a verification report from the on-site qualified environmental consultant referred to in clause (i) for the review and approval of the Medical Officer of Health certifying that the *Site* has been remediated in accordance with the Soil and Groundwater Management Plan referred to in clause (i);
  - (iii) the *owner* shall enter into an agreement with the City, if it is determined that remediation of the adjacent public rights-of-way is required, in which the *owner* or the party responsible for the off-site contamination commits to carrying out a remedial work plan acceptable to the City;
  - (iv) the *owner* shall ensure that groundwater encountered during the excavation of the *Site* is contained on the *Site* and tested for compliance with City sewer by-laws prior to discharge to any sewer main; and

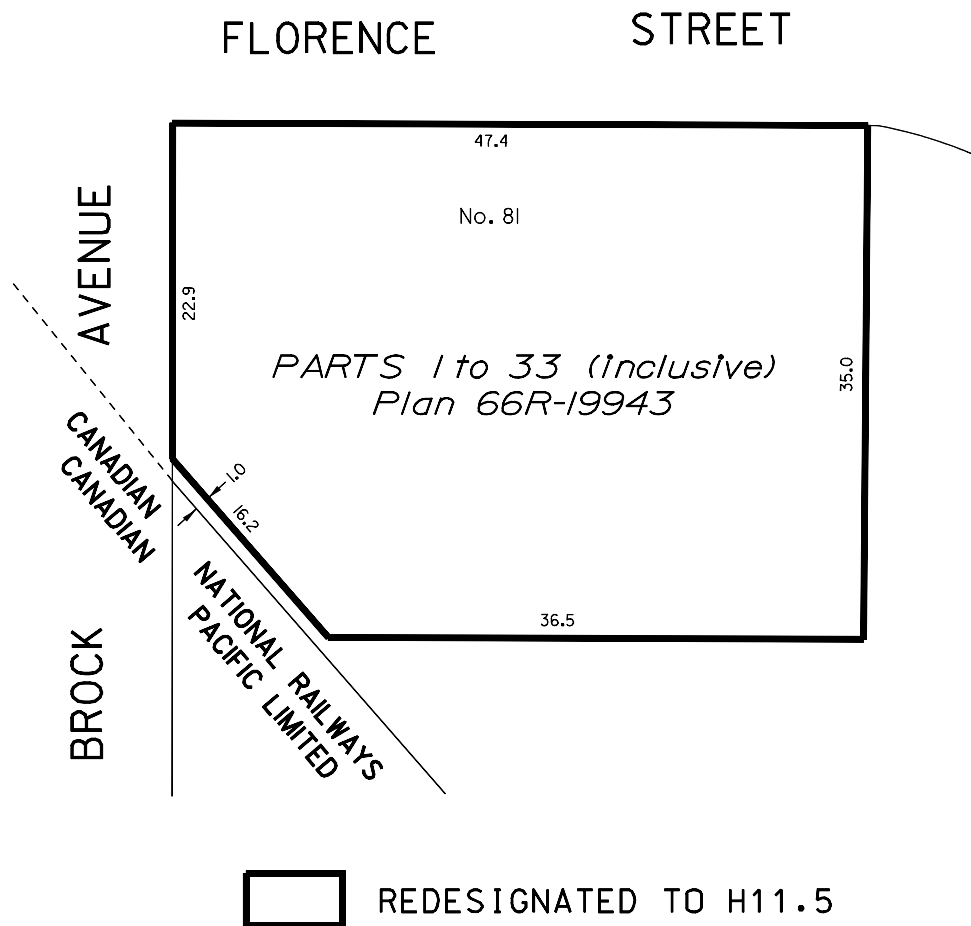
- (v) the *owner* shall implement the measures in the Dust Control Plan as stipulated in the report, Environmental Review, Soil and Groundwater Management Plan, Excavation Dust Control Plan, Ambient Air Quality Assessment, 81 Florence Street, City of Toronto, Project No. 00\*2530, prepared by Bruce A. Brown Associates Limited and dated February 18, 2000, approved by the Medical Officer of Health.
3. The *owner* shall construct prior to substantial completion and occupancy of any building within the *Site* and thereafter maintain a 6.0 metre wide driveway over the lands within *Parcel B* identified as *Part 1* and the lands within *Parcel A* identified as Driveway on Plan four attached to the zoning by-law, with a 1.2 metre wide pedestrian walkway along the westerly limit of the said *Part 1*:
- (i) to provide vehicular access and pedestrian access from Florence Street to the integral parking garage at the rear of each unit;
  - (ii) to permit vehicular access and pedestrian access to the balance of the *Site*;
- and the owner(s) of the *Parcel A* and *Parcel B* will permit the owners and occupants of each other *Parcel* and their respective visitors and invitees, to have common access to any such approved integrated driveway, and will grant each to the other such easements and rights-of-way as are appropriate to secure such common access.
4. The *owner* shall agree to maintain the balance of the *Site* in a manner compatible with the residential component pending the a determination of the ultimate use of the balance of the *Site*.
5. The *owner* shall provide a CNR warning clause, crash protection berm, chain link fence as well as noise and vibration attenuation *measures prior to substantial completion and occupancy of any building within the Site*.
6. The *owner* shall agree to such other matters as are specified by the reports of Urban Development Services recommending the passage of the by-law or as specified by the Council as a condition of the passage of the by-law.
7. The Section 37 Agreement shall secure the provision of the said facilities, services and matters, and be in a form satisfactory to the City with conditions providing for: indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.

## PLAN I



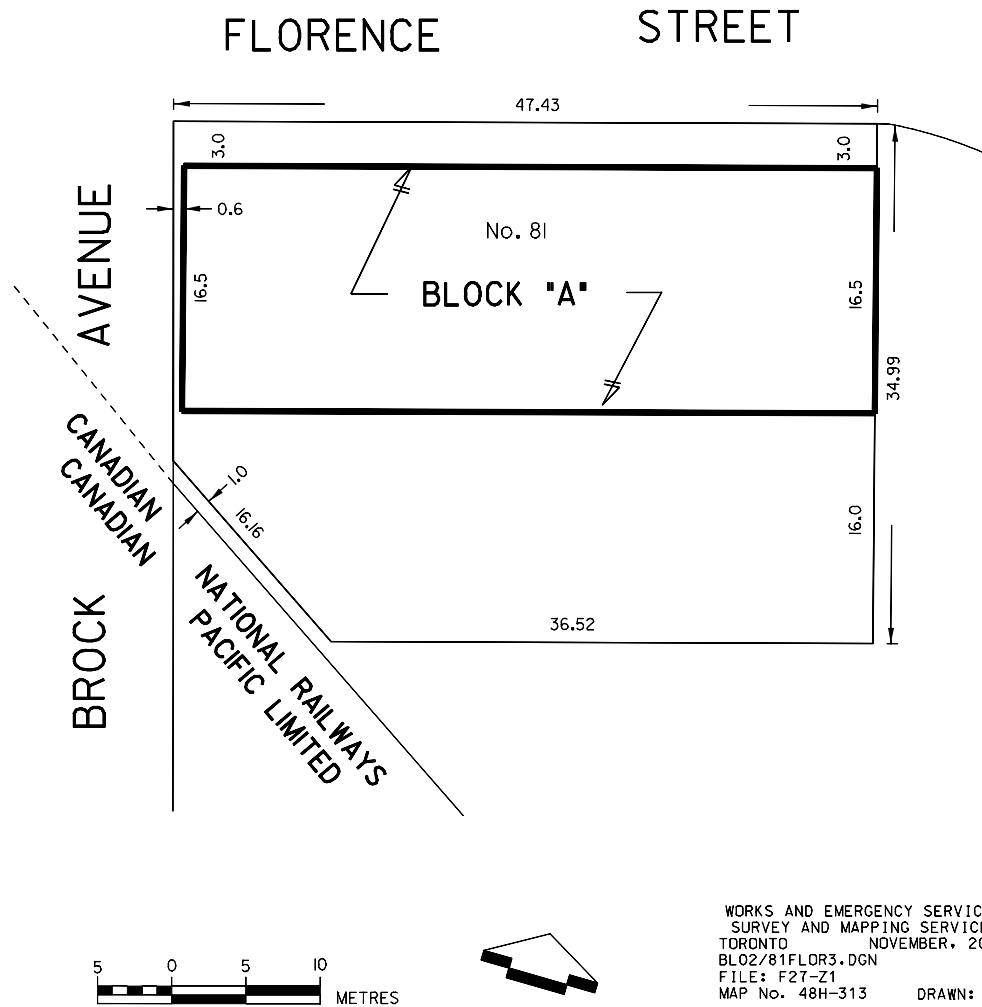
WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO NOVEMBER, 2002  
BL02/81FLOR1.DGN  
FILES: F27-Z1, 2402.53-3  
MAP No. 48H-313 DRAWN: WL

## PLAN 2



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO NOVEMBER, 2002  
BL02/81FLOR2.DGN  
FILES: F27-Z1, 2402.53-3  
MAP No. 48H-313 DRAWN: WL

# PLAN 3





## PLAN 4

