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 1;

(e) “Part 1” 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, ULLI S. WATKISS
Deputy Mayor 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.
PARTS 1 to 33 (Inclusive)
Plan 66R-19943

REDESIGNATED TO R2 Z1.0
Plan 2

Florence Street

Parts 1 to 33 (inclusive)
Plan 66R-19943

Brock Avenue

Canadian National Railways Limited

Redesignated to H11.5