

Authority Etobicoke Community Council Report No. 12, Clause No. 15, as adopted by City of Toronto Council on October 29, 30 and 31, 2002, and Etobicoke Community Council Report No. 1, Clause No. 19, as adopted by City of Toronto Council on February 4, 5 and 6, 2003  
Enacted by Council: February 7, 2003

## **CITY OF TORONTO**

### **BY-LAW No. 95-2003**

**To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the north side of Lake Shore Boulevard West, between Legion Road and Mimico Creek, municipally known as 2242 and 2246 Lake Shore Boulevard West.**

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 held at least one public meeting in accordance with the *Planning Act*;

THEREFORE 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, originally attached to Township of Etobicoke By-law No. 11,737, be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as described in Schedule "A" annexed hereto from Class 1 Industrial (I.C1) Zone to Sixth Density Residential (R6) provided that the following provisions shall apply to the development of the Sixth Density Residential (R6) lands identified in Schedules "A" and "B" attached hereto.
- 2 Notwithstanding Sections 320-18, 320-70 and 320-71 of the Etobicoke Zoning Code, the following development standards shall apply to the (R6) lands described in Schedule "A" attached hereto:

#### Definitions

- 3.1 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 shall apply:
  - 3.1.1 Building Envelope - shall mean the building area permitted within the setbacks established in this By-law, as shown generally on Schedule 'B' attached hereto;
  - 3.1.2 Facing Use - A functional space within a building, with an exterior façade that is directly related to the street at ground level. These uses include amenity space, retail, recreation or live-work uses.

- 3.1.3 Grade - shall mean, with respect to each building including an attached podium, erected within a Building Envelope, the average elevation of the finished exterior ground level adjoining the Main Front Wall of the building;
- 3.1.4 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:
- 3.1.4.1 Mechanical Floor Area
  - 3.1.4.2 Indoor recreational Amenity Areas
  - 3.1.4.3 Unenclosed balconies, and;
  - 3.1.4.4 Any buildings or structures erected and used for Public Open Space uses;
- 3.1.5 Height - shall mean, with respect to each building erected within a Building Envelope, the vertical distance between the Grade of such building, but shall exclude mechanical equipment, mechanical penthouses, parapets, 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 9 metres above the height limit otherwise applicable to the said building;
- 3.1.6 Lands - shall mean the lands described in Schedule “A” annexed hereto;
- 3.1.7 Mechanical Floor Area - shall mean 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 (other than escalators) or telecommunications equipment that serves only such building;
- 3.1.8 Recreational Amenity Area - shall mean a common area or areas which are provided for the exclusive use of residents of a building for recreational or social purposes;
- 3.1.9 Live-work - shall mean a unit that contains a subsidiary business, which business is conducted only by an individual that lives/resides in the dwelling and which does not occupy any more than 35% of the entire dwelling unit. The uses allowed as a subsidiary business include restricted business offices (not including any medical, dental, medical laboratories, massage therapy, holistic office, restaurant, food preparation, food retail, video sales/rentals, automotive repair, rental or parts, printing or photo finishing, dry cleaning establishments) and retail shops (such as, but not limited to, tax preparation, accounting service, tailor, art studio and retail service shops).

#### Permitted Uses

- 3.2 No building or structures shall be erected or used on the Lands, except for the following uses:
- 3.2.1 Apartment buildings, town houses, live-work units, recreational amenity areas, pedestrian walkways, fencing and hoarding; any of the Public Open Space (OS) uses permitted under Section 320-32 of the Zoning Code, and any of the Commercial Limited (CL) uses permitted under Section 320-91.B of the Zoning Code with the exception of undertaking establishments, service stations, public garages, dry cleaning plants and new and used car sales.
- 3.2.2 Accessory structures, including any of the accessory structures permitted under Section 320.76F of the Zoning Code, podiums, covered ramps, exterior stairs, garbage enclosures, stair enclosures, gatehouses and ventilation shafts shall be permitted.
- 3.2.3 A temporary sales office shall be permitted anywhere on the Lands, notwithstanding the provisions of the Zoning Code.

#### General

- 3.3 The provisions of Section 320-77 of the Zoning Code shall not apply.

#### Number of Residential Units

- 3.4 Not more than 362 Dwelling Units shall be permitted on the Lands.

#### Gross Floor Area

- 3.5 The maximum Gross Floor Area, as defined herein, permitted on the Lands shall be 31 200 sq.m.

#### Floor Space Index

- 3.6 The maximum Floor Space Index permitted on the Lands shall be 3.832.

#### Height

- 3.7 No building or structure erected or used within a Building Envelope shall have a height greater than the height in storeys shown on Schedule 'B'.

### Setbacks

- 3.8 No building or structure within the Lands shall be located other than within a Building Envelope. For the purposes of this By-law, compass references within the text of this By-law are premised on the assumption that Lakeshore Boulevard West runs east and west.
- 3.9 Notwithstanding the foregoing clause, the following provisions shall apply:
- 3.9.1 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;
- 3.9.2 Minor building elements including roof eaves, window sills, guard rails, windows, bay windows, balconies, solariums, chimney breasts, balustrades, cornices and canopies may project outside of the Building Envelopes by not more than 0.5 metres, except that cornices shall be permitted to project a maximum of 1 metre on the exterior faces of buildings located within the Building Envelope identified on Schedule “B”. However, such projections shall not encroach on abutting lands;
- 3.9.3 Porches and decks of less than 2.3 square metres in area, permitted accessory structures, canopies, wheelchair ramps, exterior stairs, parapets and railings related to underground parking structures, vents, gatehouses, temporary sales offices, fences, safety railings and other landscape features and buildings or structures associated with Public Open Space uses shall be permitted outside of the Building Envelopes illustrated on Schedule “B” attached hereto and shall be exempt from any provisions with respect to setbacks. However, such projections shall not encroach on abutting lands;

### Building ‘A’

- 3.9.4 Building ‘A’ shall maintain a 0.0m setback from the Legion Road property line, save and except, the shaded, triangular area shown on Schedule ‘B’, within which no building area shall be permitted.
- 3.9.5 Building ‘A’ shall maintain a 6.0m minimum setback from the north boundary of the Closed Road, as shown on Schedule ‘B’.
- 3.9.6 Building ‘A’ shall maintain a minimum setback of 0.4m from the east property line.
- 3.9.7 Building ‘A’ shall maintain a minimum setback of 8.0m from the north property line.

- 3.9.8 Buildings situated on a podium base shall be stepped back a minimum of 1 metre, save and except where shown on Schedule 'B'.

Building 'B'

- 3.9.9 Building 'B' shall be stepped back a minimum of 1.0m from the west side of Building 'A' (podium), save and except where shown on Schedule 'B'.
- 3.9.10 Building 'B' shall maintain a minimum setback of 9.0m from the north boundary of the Closed Road, as shown on Schedule 'B'.

Building 'C'

- 3.9.11 Building 'C' shall maintain a minimum setback of 5.0m from the east property line.
- 3.9.12 Building 'C' shall maintain a minimum setback of 35.0m from the north boundary of the Closed Road, as shown on Schedule 'B'.
- 3.9.13 The minimum distance between Building "B" and Building "C" shall be 12 metres, measured from building face to building face.

Street Frontages

- 3.10 No exposed parking will be permitted to face directly onto either Lake Shore Boulevard or Legion Road.
- 3.11 Facing Use will be required at-grade, along both the Legion Road and Lake Shore Boulevard frontages. Notwithstanding, a minimum Facing Use depth of 6.0m shall be maintained along the Lake Shore Boulevard frontage, and along at least 25% of the Legion Road frontage.

Parking

- 3.12 Notwithstanding the provisions of Section 320-18.B and Section 320-76.G of the Zoning Code, the following minimum parking standards shall apply:
- 3.12.1 1.25 parking spaces shall be provided for each one bedroom and 2 bedroom unit, of which not less than 0.2 spaces per unit shall be reserved for the exclusive use of visitors.
- 3.12.2 1.4 parking spaces shall be provided for units with more than 2 bedrooms, of which not less than 0.2 spaces per unit shall be reserved for the exclusive use of visitors.
- 3.12.3 Section 320-18.B (2)(a)(5) and Section 320-18.B(3) of the Zoning Code shall apply.

- 3.12.4 The provisions of Section 320-18.B (2)(a)(4) of the Zoning Code with respect to a minimum amount of surface visitor parking shall not apply.

#### Retail

- 3.13 A minimum of 980 square metres of retail space must be provided.
- 4 The density and height of development permitted by this By-law is permitted subject to compliance with the conditions set out herein and provided that the owner, at its expense and in accordance with and subject to the agreement referred to in this By-law:
- 4.1 Provides a cash contribution in the sum of \$250,000 to the City for the purpose of public improvements to the Bonar Creek Wetland within the Mimico Creek Corridor;
- 4.2 Incorporates into the development on the Lands features, including built form, massing, architectural design, streetscape design and pedestrian connections, that substantially reflect and maintain the spirit of the conceptual plans presented to the City at the public meeting on October 17, 2002 in conjunction with the application for development of the Lands and utilize building materials of high quality that have regard for the general character of the area and minimize the glare and reflection of light into nearby existing residential properties;
- 4.3 Provides a cash contribution in the sum of \$50,000 to the City for the purpose of streetscape improvements to the Lake Shore Boulevard West streetscape.
5. The density and height of development permitted by this By-law is permitted provided the owner enters into one or more agreements satisfactory to the City of Toronto, pursuant to Section 37 of the Planning Act, to secure the facilities, services and matters required to be provided by Section 2 and such agreement or agreements have been registered as a first priority against the title to the lot.
6. Where there is a conflict between the provisions of this By-law and the provisions of the Zoning Code, the provisions of this By-law shall apply.

7. 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:

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
95-2003 February 7, 2003	Lands located on the north side of Lake Shore Boulevard West, between Legion Road and Mimico Creek.	To rezone the lands from Class 1 Industrial (I.C1) to Residential Sixth Density (R6) to permit a four level podium containing parking, retail and recreation uses, with two residential buildings, containing 362 units, including 7 live-work units, and subject to site specific development standards.

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

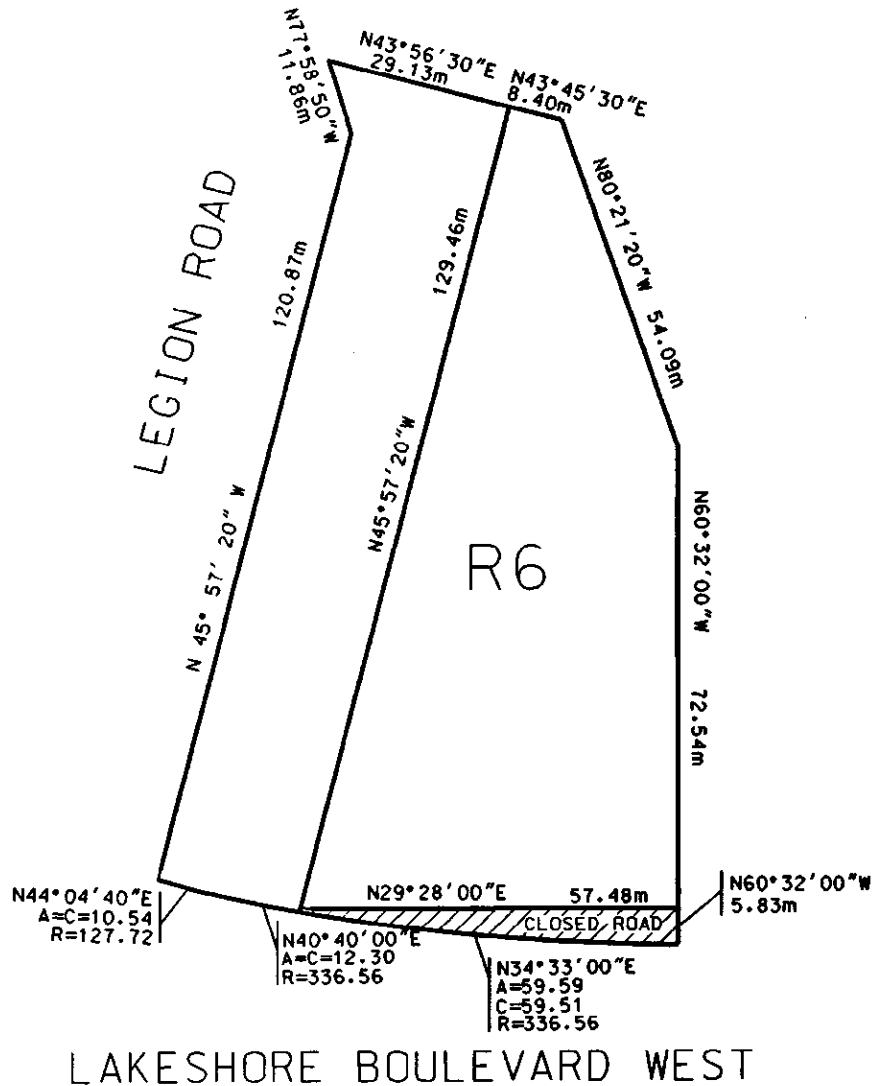
CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

# Toronto

## Schedule 'A' BY-LAW



NOTE:  
BEARINGS AND DIMENSIONS TAKEN FROM A PLAN OF SURVEY  
(Project No. 4736) SUBMITTED BY DAVID HORWOOD LIMITED

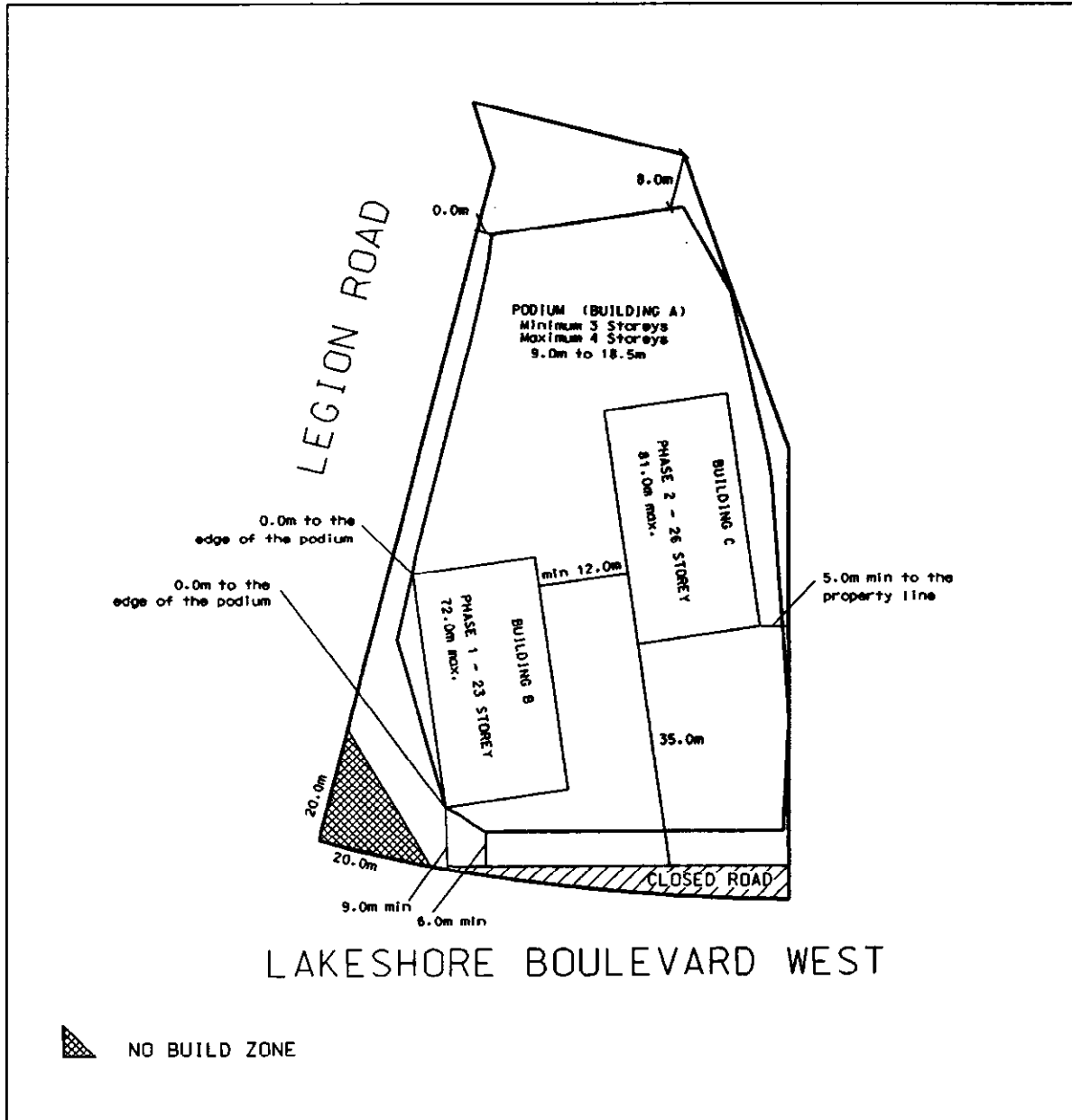
**PART OF LOT 370 AND PART OF LOT 370 (BEING  
PART OF LAKE SHORE BLVD AS CLOSED BY INST. TB 182783)  
REGISTERED PLAN 164**

Applicant's Name:	AMERICORP ENTERPRISES INC.		
Assessment Map B10	Zoning Code Map/s B10		scale: 0 20 40 m 10 30
File No. TA CMB2001 0017	Drawing No. CMB2001 0017A	Drawn By: K.P.	



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## Schedule 'B' BY-LAW



**PART OF LOT 370 AND PART OF LOT 370 (BEING  
PART OF LAKE SHORE BLVD AS CLOSED BY INST. TB 182783)  
REGISTERED PLAN 164**

Applicant's Name:		AMERICORP ENTERPRISES INC.	
Assessment Map B10	Zoning Code Map/s B10		scale: 0 20 40 10 30 m
File No. TA CMB2001 0017	Drawing No. CMB2001 0017B	Drawn By: K.P.	