CITY OF TORONTO

BY-LAW No. 187-2003(OMB)

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the south side of Burnhamthorpe Crescent, known municipally as 7, 9, 11 and south side of Burnhamthorpe Crescent.

WHEREAS the Ontario Municipal Board, pursuant to its Order No. 0373, issued on March 18, 2003, deems it advisable to amend the Zoning Code, as amended, for the former City of Etobicoke;

THEREFORE, the Zoning Code for the former City of Etobicoke, is amended by the Ontario Municipal Board as follows:

- 1. The Zoning Map referred to in Section 320-5, Article II of the Zoning Code, is hereby amended by changing the classification of the lot shown on Schedule 'A' attached hereto from Residential Second Density (R2) to Residential Sixth Density (R6).
- 2. Notwithstanding the provisions of the Zoning Code a temporary sales office may be erected on the lot shown on Schedule 'A', and no setbacks shall be required for such temporary sales office, access to which may be provided from Burnhamthorpe Crescent.
- 3. Notwithstanding the provisions of the Zoning Code, and provided there is compliance with the provisions of Sections 4 and 5 herein, the following provisions shall apply to the lot 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 Established Grade shall mean 124.65 metres above sea level;
 - 3.1.2 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, indoor Recreational Amenity Areas to a maximum of 1.5 square metres per dwelling unit; storage lockers and bicycle storage areas the floor of which is below finished ground level; and, unenclosed balconies;
 - 3.1.3 Height shall mean, the vertical distance between Established Grade and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, 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 6 metres above the height limit otherwise applicable to the said building;

- 3.1.4 Lot shall mean the lands described in Schedule 'A' annexed hereto, including any lands conveyed to the municipality for road widening purposes;
- 3.1.5 Mechanical Floor Area shall mean a room or enclosed area, including its enclosing walls within a building or structure above or below Established Grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (including elevator shafts, but not escalators) or telecommunications equipment that serves only such building; and,
- 3.1.6 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.

Permitted Uses

- 3.2 No building or structure shall be erected or used on the Lot, except for the following uses: any of the Sixth Density Residential Zone (R6) uses permitted under Sections 320-76.A to 320-76.G, inclusive, of the Zoning Code, Apartment Buildings, Senior Citizen Apartment Buildings, nursing homes, Day Nurseries, Recreational Amenity Areas, temporary sales office with associated parking, pedestrian walkways, fencing and hoarding.
- 3.3 Accessory uses and structures, including any of the accessory uses and structures permitted under Section 320-76.F of the Zoning Code, covered ramps, exterior stairs, garbage enclosures, stair enclosures, gatehouses and ventilation shafts shall be permitted on the Lot.

General

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

Gross Floor Area and Density

- 3.5 The maximum Gross Floor Area permitted on the Lot shall be 15,305 square metres.
- 3.6 A maximum of 136 dwelling units shall be permitted on the Lot.

Height

3.7 No portion of the building or structures erected or used on the Lot shall have a Height greater than the Height in metres shown on Schedule 'B' for such building or structures.

Setbacks

- 3.8 No building or structure within the Lot shall be located other than within the heavy lines shown on Schedule 'B' attached hereto.
- 3.9 Notwithstanding the foregoing, the following provisions shall apply;
 - 3.9.1 any portion of any building or structure which is located below the finished ground level and any ramps related to an underground garage, may be located outside of the heavy lines shown on Schedule 'B';
 - 3.9.2 building elements including, but not limited to roof eaves, window sills, guard rails, solariums, chimney breasts, balustrades and cornices may project outside of the heavy lines on Schedule 'B' by not more than 0.5 metres, except that bay windows and balconies may project not more than 1.8 metres outside of such heavy lines; and,
 - 3.9.3 permitted accessory structures, canopies, wheelchair ramps, exterior stairs, parapets, railings related to underground parking structures, ramps related to an underground parking structure, vents, temporary sales office, fences, safety railings, decks, patios, retaining walls to a maximum height of 2.5 m above finished ground level and other landscape features shall be permitted outside of the heavy lines illustrated on Schedule 'B' attached hereto and shall be exempt from any provisions with respect to setbacks.

Parking Structures

3.10 No exterior walls of a portion of a building containing a parking area shall be located above the immediately adjacent finished ground level on the Lot.

Parking

- 3.11 Notwithstanding the provisions of Section 320-18.B and Section 320-76.G of the Zoning Code, parking shall be provided at a rate of 1.4 spaces per dwelling unit, plus 0.2 spaces per dwelling unit designated for visitors.
- 3.12 The provisions with respect to a minimum amount of surface visitor parking contained in Section 320-18.B.(2)(a)[4] shall not apply.

Fencing

3.13 Notwithstanding the provisions of Section 320-46 of the Zoning Code, fences may be permitted to a maximum height of 2.0 metres above finished ground level.

Section 37 Agreement

4. The owner of the Lot shall provide to the City of Toronto the following facilities, services and matters, as provided for under Section 5 of this by-law.

Burnhamthorpe Crescent Improvements:

The owner shall complete streetscape improvements to Burnhamthorpe Crescent including the installation of a storm sewer connecting to Dundas Street West, curbing and a public sidewalk on the south side of the street including landscaping of the municipal boulevard from Dundas Street West to Burnhamthorpe Road. The width of the Burnhamthorpe Crescent/Burhamthorpe Road intersection shall be increased to provide for separate westbound left and right turn lanes. The boulevard and roadway sections affected by this construction shall be restored. The timing and design of these works shall be to the satisfaction of the City.

Park Dedication:

Prior to the issuance of a building permit, the owner shall pay a cash-in-lieu of parkland dedication in the amount of 5% of the value of the land as of the day before the day the building permit is issued, plus \$1,400.00 per dwelling unit to be constructed in accordance with the building permit application.

Public Art/Streetscape Improvements:

The owner shall provide a cash contribution to the City in the amount of \$50,000.00 to be used for public art/streetscape improvements along Dundas Street West within the boundaries of the Islington Village B.I.A. area.

Road Widening:

The owner shall dedicate to the City, free of all costs and encumbrances, a strip of land satisfactory to the Works and Emergency Services Department of the City for road widening purposes across the Burnhamthorpe Crescent frontage of the Lot.

5. The owner of the Lot shall enter into an Agreement with the City of Toronto, pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters referred to in Section 4 herein and such Agreement is in a form satisfactory to the City and is registered on title to the Lot as a first priority, subject only to the fee interest in the Lot.

Miscellaneous

- 6. None of the provisions of the Zoning Code, as amended, shall apply where they conflict with this by-law.
- 7. The provisions of Section 320-58F.(1) of the Zoning Code shall not apply to the Lot described on Schedule 'A' annexed hereto.

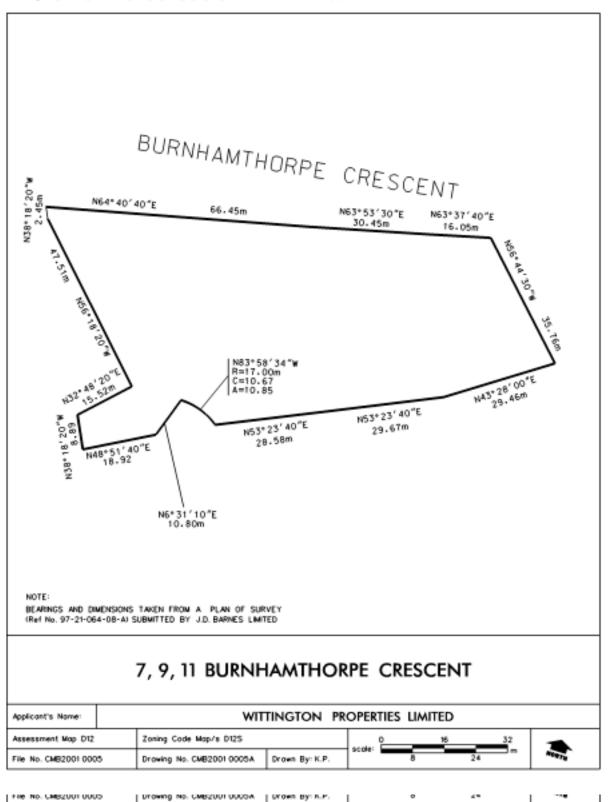
- 8. Notwithstanding any severance, partition, or divisions of the Lot, the provisions of this By-law shall apply to the whole of the Lot as if no severance, partition or division occurred.
- 9. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this by-law by adding 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
187-2003(OMB) March 18, 2003	Lands located on the south side of Burnhamthorpe Crescent.	To provide for site specific development standards with respect to Section 37 of the <i>Planning Act</i> to permit a residential development consisting of a maximum of 15,305 square metres of gross floor area.

10. Reference to the Zoning Code in this by-law, shall mean the Etobicoke Zoning Code as it existed on the day prior to the passage of By-law No. 1088-2002.

PURSUANT TO ORDER NO. 0373 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON MARCH 18, 2003 UNDER BOARD FILE NO. PL011111.

TORONTO Schedule 'A' BY-LAW



TORONTO Schedule 'B' BY-LAW

