Authority: Etobicoke Community Council Report No. 5, Clause No. 21,

as adopted by City of Toronto Council on June 24, 25 and 26, 2003

Enacted by Council: July 24, 2003

CITY OF TORONTO

BY-LAW No. 751-2003

To amend Chapters 320 and 324, of the Etobicoke Zoning Code, with respect to certain lands located on the north side of Bloor Street West, on the south side of Dundas Street West, and east of Dunbloor Road, known municipally as 5145 Dundas Street 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 the matters herein set out are in conformity with Official Plan Amendment No. 113-2003 as adopted by the Council of the City of Toronto; 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, and 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 Limited Commercial (CL) to Limited Commercial-Mixed Use (CL-MU) Exception Zone, provided the following provisions shall be the only provisions applicable to the development of the (CL-MU) lands identified in Schedules 'A' and 'B' attached hereto.
- **2.** For the purposes of this By-law, the following definitions shall be applicable:

"Seniors Housing" means housing built specifically for persons 65 years of age or over.

'Build-To-Area" means the area of the lands within which a streetwall of a building or structure shall be located.

"Streetwall" means any exterior wall of a building abutting a public street.

"Minor projections" means minor building elements which may project from the main wall of the building into required yards and Build-to Areas, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, to a maximum projection of 1.0 metres.

'Drive-Through Facility" means a structure or a building or a part thereof which is designated to provide or dispense products or services, either wholly or in part, to persons remaining in automotive vehicles that are queued in a designated service lane.

"Floor Plate Area" shall mean the gross horizontal floor area of a single floor measured from the exterior walls of a building or structure.

"Grade" shall mean the average elevation of the finished ground level at the main front wall of the building.

"Height" shall mean the vertical distance between 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 roof line of the said building.

"Bicycle parking space – occupant" means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, and:

- a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres:
- b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
- c) in the case of a bicycle rack, is located in a secure room or area.

"Bicycle parking space – visitor" means an area that is equipped with a bicycle rack for the purposes of parking and securing bicycles, and:

- a) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
- b) where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
- c) may be located outdoors or indoors but not within a secured room, enclosure or bicycle locker.

"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 Day Nurseries/Community Facilities; and Indoor Amenity Areas to a maximum of 1.5 square metres per dwelling unit.

"Site" means the lands designated (CL-MU) on Schedule 'A' to this By-law.

3. Permitted Uses

The following uses shall be permitted on the lands designated (CL-MU) on Schedule 'A' attached hereto:

- (i) residential dwelling units and seniors housing/senior citizen apartment units above the ground floor only, in combination with any other permitted uses, only on the lands identified as having a building height of 15 metres on Schedule 'B', attached hereto:
- (ii) apartment houses, seniors housing/senior citizen apartment building and a seniors community house; a lodging house; a nursing home; a hotel, theatres/cinemas, undertaking establishments, health centres, medical centres and laboratories, convention centres, hospitals, museums, television and radio studios and movie film studios, only on the lands identified as having a building height of 40 metres or greater on Schedule 'B', attached hereto;
- (iii) neighbourhood stores; bakery shops; banks; municipal uses; temporary sales offices for the purposes of marketing and sales related to use(s) permitted on the property within a building on the same lot; administrative/business/professional offices; photographers; shoe repair shops; tailor; public parking areas; customer operated automatic laundries; nursery schools and day nurseries; health centres; commercial athletic/fitness clubs; convenience/take-out/standard schools: restaurants, with or without patios; one (1) food vending cart, except on a corner lot where a second food vending cart will be permitted; medical and dental offices; dry cleaners; service rental shops; duplicating stores; personal service/grooming shops; community centres; places of worship; veterinary hospitals; retail stores; supermarket/convenience food stores; craft and art galleries; temporary construction facilities/operations/fencing and hoarding; on the lands identified as (CL-MU) on Schedule 'A', attached hereto;
- (iv) drive-through facilities shall not be permitted on the lands identified (CL-MU) on Schedule 'A', attached hereto.

4. Maximum Density

For the purposes of this By-law, the maximum gross Floor Space Index (FSI) permitted on the lands designated (CL-MU) on Schedule 'A', attached hereto, shall be 3.5 times the lot area, and in no case shall the gross Floor Space Index (FSI) be less than 2.0 times the lot area.

5. Minimum/Maximum Height

For the purposes of this By-law, the maximum building height to be permitted on the lands designated (CL-MU) on Schedule 'A', attached hereto, shall be as shown on Schedule 'B', while minimum building heights shall be 2 storeys and maximum floor plate area restrictions shall be as required in Section 6 of this By-law.

6. Setbacks/Build-to Areas/Floor Plate Restrictions

For the purposes of this By-law, buildings or structures or projections thereof, on lands designated (CL-MU) as shown on Schedule 'A', attached hereto, shall provide a minimum front yard setback of 0.0 metres and a maximum front yard setback of 30 metres. In the case of flanking lots, the same setback requirements shall be required. All buildings and structures on lands zoned (CL-MU) shall be subject to Build-to Area requirements and floor plate restrictions in accordance with the following regulations:

- i) The Build-to Area for any Lot within the lands identified in Schedule 'A', attached hereto, shall be a minimum of 60 percent of any lot frontage abutting a public street, to a minimum height of 6 metres, and a maximum height of 12 metres. For any building having a total building height of greater than 36 metres, that portion of the building above the 12 metre mark shall be setback a minimum of 3 metres from any face of the building wall at grade. In the case of buildings above 60 metres, a setback of 3 metres from any face of the building wall at grade shall be required, commencing at a height of 12 metres.
- ii) Notwithstanding the provisions of this By-law, a maximum floor plate area restriction of 825 square metres shall be applied to the portion of any building or structure located between 36 metres and 60 metres in height. For any portion of a building or structure above 60 metres in height, the maximum floor plate area shall be restricted to 750 square metres.
- iii) Notwithstanding any of the required building setbacks, Minor Projections shall be permitted to encroach into the required building setbacks.
- iv) Notwithstanding the provisions of this By-law, an 11 metre separation distance to a window of another dwelling unit (other than a window of a kitchen or bathroom) on the same lot or abutting lot shall be required.

7. Area Requirements

The following area requirements shall apply to the lands designated as (CL-MU) on the lands described on Schedule 'A', attached hereto:

- i) Lot Frontage: minimum twenty-four (24) metres.
- ii) Landscaped Open Space: a minimum 25% of the lot area lot area shall be reserved for Landscaped Open Space.
- iii) Indoor Amenity Space: a minimum 1.5 square metres per dwelling unit of Indoor Amenity Space shall be provided.

8. Parking and Loading Requirements

Notwithstanding Section 320-18 B), C), D), and E) of the Zoning Code, the following requirements shall apply to the (CL-MU) zone, save and except that Section 320-23 A) and C) of the Zoning Code shall apply to any restaurants over 150 square metres in gross floor area.

(i) Parking spaces shall be provided in accordance with the following minimum and maximum requirements:

a) Non-residential - a minimum of 2 parking spaces per 100 square metres of gross floor area.

b) Residential Dwelling Units - minimum 1.0 parking space per dwelling unit, of which 0.2 parking spaces shall be reserved for visitor parking.

c) Seniors Housing - a minimum of 0.35 parking spaces per dwelling unit, of which 0.1 parking spaces shall be reserved for visitor parking.

- (ii) For the purposes of this By-law, the reserved on-site residential visitor parking requirement in Section 8 (i)b) can be shared with, and used to meet the parking requirements for non-residential uses within the same building or structure in a (CL-MU) zone provided there are no more than 10 residential units.
- (iii) For the purposes of this By-law, the parking standards shall not be limited to government funded housing.
- (iv) Bicycle parking shall be provided for all properties zoned Mixed-Use special area 'B', with the exception of senior citizens apartment buildings and seniors community houses, in accordance with the following minimum requirements:

a) Residential - 0.75 bicycle parking spaces for each dwelling unit in a building containing greater than ten (10) dwelling units, to a maximum of 200 bicycle parking spaces;

b) Non-Residential - in buildings with greater than 2 000 square metres of non-residential gross floor area, one bicycle parking space for every 1 250 square metres of net non-residential

floor area;

(v) Notwithstanding Section 8 iii) a) of this By-law, 80 percent of all required residential bicycle parking spaces shall be deemed as bicycle parking - occupant and 20 percent as bicycle parking space - visitor.

- (vi) Where a lot is abutting a flanking street or laneway, all vehicular access for parking shall be restricted to the flanking street or laneway.
- (vii) No person shall use any portion of a lot located between the main front wall of a building and the street, at or above the natural ground level of the ground, for the purpose of parking or storing a motor vehicle.
- (viii) Every building containing more than 420 square metres of gross floor area shall provide a loading space with dimensions of 12 metres in length, 30 metres in width, and with a vertical clearance of 4.5 metres.

9. Public Pedestrian Entrances and Exits

Where any building face is located within 20 metres of a public road allowance, that building face shall contain a public pedestrian entrance and exit to and from the building.

10. Section 37 Agreement

(i) The Owner shall provide the City of Toronto with the following facilities, services and matters, which would otherwise have been required in the absence of using Section 37 and are secured in the Section 37 agreement because it serves as a convenient legal mechanism:

Transportation Improvements

The Owner, at their expense and to the satisfaction of the Commissioner of Works and Emergency Services, is required to make a 1.5 metre (5 feet) wide property dedication for the future road allowance improvement purposes along the entire Dunbloor Road frontage of the site, including 8 metre (26.3 feet) by 8 metre (26.3 feet) intersection sight triangles at the southwest and northwest corners of the subject property, as widened.

The Owner is financially responsible for installing traffic control signals and other related intersection improvements at and near the intersection of Dundas Street West/ Dunbloor Road. These improvements consist of the following works, and will be made by the Owner as part of the site plan approval for the first building on the Site:

- (a) new left-turn storage lanes at both the Dunbloor Road/Dundas Street West intersection and at the north approach to Dunbloor Road/Site Driveway;
- (b) installation of traffic control signals at the Dunbloor Road/Dundas Street West intersection, including the cost of traffic signal hardware, installation and maintenance; and
- (c) increasing the length of the existing left and right turn storage lanes at both the Dunbloor Road/Dundas Street West intersection and at the Dunbloor Road/Bloor Street intersection.

The design of the Dundas Street West/ Dunbloor Road intersection shall be provided to the satisfaction of the Commissioner of Works and Emergency Services. The Owner is required to provide Works and Emergency Services (District 2) with a certified cheque or letter of credit concurrent with the first phase of this development for the cost of the traffic control signals, traffic control signal maintenance costs and associated road improvements.

In the event that redevelopment of the property on the west side of Dunbloor Road (2 Dunbloor Road) occurs within five (5) years of execution of the Section 37 agreement, then the total cost of signalising the Dundas Street West/ Dunbloor Road intersection shall be shared between the two property owners in a cost sharing agreement acceptable to the Commissioner of Works and Emergency Services.

Sidewalk and Streetscape Improvements

The Owner agrees to design and construct to the satisfaction if the Commissioner of Urban Development Services and Works and Emergency Services sidewalk and streetscape improvements along its public frontages to current City standards and in conformity with the current Business Improvement Area (BIA) standards.

School Board Notice

The Owner agrees to provide the Toronto District School Board and the Toronto Catholic District School Board with appropriate notice of its intention to apply for building permits.

The Owner also agrees to install on-site signage and insert warning clauses in offers of purchase and sale, advising purchasers that students may be accommodated outside the area.

Environmental Assessment

The Owner is required to satisfy the City with respect to the environmental condition of the Site and for all lands to be dedicated to the City.

(ii) Notwithstanding Section 4 of this By-law, the site may be developed for residential and commercial uses, up to a maximum density (floor space index) of 4.5 times the lot area, provided that the Owner complies with the provisions of Section 10(iii) and provided that the Owner enters into an agreement with the City pursuant to Section 37 of the *Planning Act* to secure all of the facilities, services and matters referred to in this by-law, and such agreement is registered against title to the lands.

(iii) The following density bonuses shall be permitted on the Site:

Seniors Housing/Senior Citizen Apartment

A density (Floor Space Index) bonus of 1.0 times the lot area shall be permitted if the additional density (Floor Space Index) from 3.5 to 4.5 times the lot area is devoted to the construction of seniors housing/senior citizen apartment building, provided that a contribution of \$225,000.00 is made to the City, to be used for seniors service capital facilities (Islington Seniors Centre), as deemed appropriate by the City, which contribution shall be provided prior to the issuance of any building permit which causes the gross Floor Space Index (FSI) for the Site to exceed 3.50 times the lot area.

Supermarket and/or Convenience Food Store

As an alternative to the cash contribution of \$225,000.00, the Owner may construct a supermarket and/or convenience food store of a minimum gross floor area of 700 square metres, to a maximum gross floor area of 4 200 square metres, with all the gross floor area devoted to the supermarket and/or convenience food store excluded from the calculation of density and, in addition, make a cash contribution of \$50,000.00 to be used for seniors service facilities (Islington Seniors Centre), which contribution shall be provided prior to the issuance of any building permit which causes the gross Floor Space Index (FSI) for the Site to exceed 3.50 times the lot area.

- 11. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
- 12. 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.

DESCRIPTION OF

AND ADOPTION DATE	PROPERTY	
751-2003 July 24, 2003	Lands located in the vicinity of Bloor Street West, Dundas Street West and Dunbloor Road, known municipally as 5145 Dundas Street West.	a mixed use development containing 950 dwelling units

ENACTED AND PASSED this 24th day of July, A.D. 2003.

CASE OOTES,
Deputy Mayor

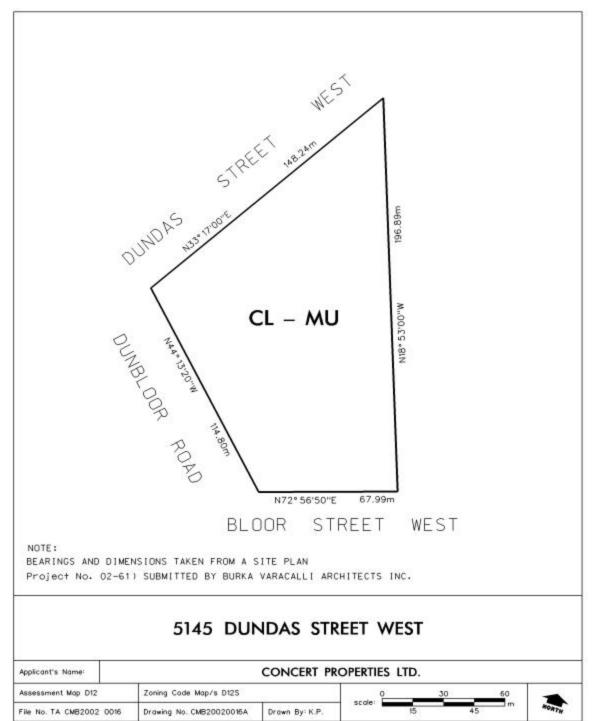
BY-LAW NUMBER

ULLI S. WATKISS City Clerk

PURPOSE OF BY-LAW

(Corporate Seal)

TORONTO Schedule 'A' BY-LAW



TORONTO Schedule 'B' BY-LAW

