Authority: Etobicoke Community Council Report 3, Clause 1, as adopted by City of Toronto Council on March 4, 5, 6, 7 and 8, 2002, and Motion M43, moved by Councillor Milczyn, seconded by Councillor Hall, as adopted by City of Toronto Council on April 23 and 24, 2007

Enacted by Council: April 24, 2007

# CITY OF TORONTO

# BY-LAW No. 434-2007

# To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the east side of Aukland Road municipally known as 3 Aukland Road.

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 the City of Toronto Official Plan and the Etobicoke Centre Secondary Plan 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*;

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

**1.** Notwithstanding the provisions of Bylaw No. 1008-2002, and provided there is compliance with the provisions of subsections 1 and 2 herein, the following provisions shall apply to the lands described in Schedule 'A' attached hereto:

## **Definitions**

- 1.1 For the purposes of this By-law the following definitions shall apply:
  - 1.1.1 Accessory Structures shall mean parking garages, covered ramps, exterior stairs, stair enclosures, and ventilation shafts;
  - 1.1.2 Gross Floor Area shall mean the total area of all floors in a building between the outside faces of the exterior walls, except for storage rooms where the floor level is at least 0.6 metres below grade, parking areas for motor vehicles and Mechanical Floor Area, indoor Recreational Amenity Areas to a maximum of 1.5 square metres per dwelling unit; storage lockers located below Grade; and unenclosed balconies;
  - 1.1.3 Height shall mean the vertical distance between grade (defined as the average elevation of the finished ground level at the main front wall of the building) 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;

- 1.1.4 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 (including elevator shafts, but not escalators) or telecommunications equipment that serves only such building; and,
- 1.1.5 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

- 1.2 No building or structure shall be erected or used on the lands, except for the following uses: Apartment buildings, 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, Recreational Amenity Areas, pedestrian walkways, fencing and hoarding.
- 1.3 Accessory structures shall be permitted on the lands.

#### Gross Floor Area

1.4 The maximum Gross Floor Area, as defined herein, permitted on the lands shall be 5 595 square metres.

#### <u>Height</u>

1.5 No building or structure erected or used on the lands shall have a Height greater than 41 metres above Grade

#### Setbacks

1.6 No building or structure within the lands shall be located other than in accordance with the following:

1.6.1	Minimum North Side Yard:	6 metres
1.6.2	Minimum South Side Yard:	nil
1.6.3	Minimum Front Yard:	nil
1.6.4	Minimum Rear Yard:	12.2 metres

- 1.7 Notwithstanding the foregoing, the following provisions shall apply:
  - 1.7.1 The minimum setback from any lot line for any underground structure on the lands shall be nil;
  - 1.7.2 Building elements including, but not limited to roof eaves, window sills, guard rails, solariums, chimney breasts, balustrades and cornices may project into the north side yard setback and rear yard setback by not more

than 0.5 metres, except that bay windows and balconies may project not more than 1.8 metres; and

1.7.3 Accessory structures, canopies, wheelchair ramps, exterior stairs, parapets and railings related to underground parking structures, vents, temporary sales offices, fences, safety railings and other landscape features shall be permitted in the north side yard and rear yard, without condition.

#### Area

1.8 The minimum area of the lot shall be 1,119.7 square metres and the minimum frontage required for the lands shall be 23.82 metres.

## Landscaped Open Space

1.9 A minimum of 16.5 % of the lot area shall be reserved for Landscaped Open Space.

## Parking

- 1.10 The following parking provisions shall apply:
  - 1.10.1 a minimum of 1.125 parking spaces per unit with a minimum length of 6.0 metres and a minimum width of 2.7 metres be provided for units containing 2 bedrooms or less, and a minimum of 1.4 parking spaces per unit, of the same dimensions, be provided for units with three bedrooms or greater, of which no less than 0.10 spaces per unit be reserved for the exclusive use of visitors; and
  - 1.10.2 not more than six parking spaces on the site may have a minimum length of 5.05 metres and minimum width of 2.7 metres and in the case of parking spaces located in the underground parking garage which have supporting columns or supporting/shear walls situated within the parking space the width can be reduced to 2.4 metres; and
  - 1.10.3 a minimum access driveway width of 5.85 metres shall be provided in front of all parking spaces; and
  - 1.10.4 a building on the Lands shall provide a loading space with a minimum width of 2.6 metres and a minimum depth of 2.5 metres.

## Section 37 Matters

2. Pursuant to Section 37 of the *Planning Act*, the increased *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 also subject to the *owner* of the *lot* entering into a Section 37 Agreement satisfactory to the City of Toronto and registered as a first priority against title to the land, providing at its sole expense for the following matters:

a. Public Art Contribution:

Prior to the issuance of the first building permit required to construct any portion of the development on the lands the *owner* will provide to the City a public art contribution of \$25,000 to be used for area public art works.

b. Area Sidewalk and Streetscape Improvements:

Prior to the issuance of the first building permit required to construct any portion of the development on the lands the *owner* will provide a letter of credit having a value of \$25,000 in relation to the design and construction, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and General Manager, Transportation Services, of area sidewalk and streetscape improvements. The City may use these funds in its discretion, which discretion may include improvements to a pedestrian walkway proposed on municipal property to the south of the lands.

c. Park Land Dedication:

Prior to the issuance of the first building permit required to construct any portion of the development on the lands the *owner* will provide cash-in-lieu of parkland equivalent of up to 0.5 hectares per 300 units. The value of the required cash-in-lieu will be calculated by the General Manager of Parks, Forestry and Recreation at the time of application for the first building permit.

d. School Board Notice

Prior to the issuance of the first building permit required to construct any portion of the development on the lands the *owner* will provide the Toronto District School Board and the Toronto Catholic District School Board with notice of its application for building permits.

e. Environmental Assessment

Prior to the issuance of the first building permit required to construct any portion of the development on the lands the owner shall provide documentation to the satisfaction of the Chief Planner and Executive Director, City Planning Division, with respect to the environmental condition of the Lands, including any lands to be conveyed to the City.

- f. The *owner* shall provide 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:
  - (i) Vehicular Access Location

The owner will develop the Lands with its vehicular access from the

extension of Viking Road (which will be privately owned). The *owner* acknowledges that they may be responsible for a share of the reasonable construction costs and the on-going maintenance costs of the private road. The design of the site and vehicular access to Viking Road will be to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and General Manager, Transportation Services.

The *owner* may develop the property with its vehicular access from Aukland Road if the new private road (extension of Viking Road) is not complete at such time that a building permit is applied for.

(ii) School Board Notice

The owner will insert warning clauses in offers of purchase and sale, advising purchasers that students may be accommodated outside the area.

(iii) Mitigation Requirements

The *owner* shall incorporate appropriate mitigation measures to address the comments of Canadian Pacific and the Toronto Transit Commission and shall include warning clauses in all Purchase and Sale and/or Lease Agreements, respecting the concerns expressed by Canadian Pacific and the Toronto Transit Commission, if deemed necessary.

3. Miscellaneous

None of the provisions of the Zoning Code or Bylaw No. 1088-2002 shall apply where they conflict with this By-law.

Notwithstanding any severance, partition, or division of the Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.

**4.** 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<br/>AND ADOPTION DATEDESCRIPTION OF PROPERTY<br/>PURPOSE OF BY-LAW

de	To rezone the lands to permit a residential development containing 56 dwelling units.
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ENACTED AND PASSED this 24th day of April, A.D. 2007.

GLORIA LINDSAY LUBY, Deputy Speaker ULLI S. WATKISS City Clerk

(Corporate Seal)

7 City of Toronto By-law No. 434-2007

