

Authority: Etobicoke York Community Council Item 14.30, adopted as amended, by City of Toronto Council on March 3, 4 and 5, 2008 and Motion MM42.5, moved by Councillor Di Giorgio, seconded by Councillor Rae, as adopted by City of Toronto Council on November 30, December 1, 2, 4 and 7, 2009  
Enacted by Council: December 4, 2009

## **CITY OF TORONTO**

### **BY-LAW No. 1229-2009**

#### **To amend Chapter 320 of the Etobicoke Zoning Code with respect to lands municipally known as 21 Old Mill Road and the associated lands located on the north side of Old Mill Road.**

1. By-law No. 1985-53 of the former City of Etobicoke is hereby repealed.
2. For clarity, the provisions of this By-law shall apply where any conflict exists between the provisions of this By-law and any provisions of By-law No. 14,160 of the former Township of Etobicoke, By-law No. 1981-117 of the former Borough of Etobicoke, and By-law Nos. 1985-54 and 1994-180 of the former City of Etobicoke.
3. The zoning map referred to in Section 320-5, Article II of the Zoning Code, is hereby amended by changing the classification of the portion of the Site from Private Open Space (POS) to Sixth Density Residential (R6) as shown on Schedule 'A' annexed hereto and forming part of this By-law.
4. Notwithstanding Sections 320-18A, 320-18B, 320-18C, 320-39, 320-40, 320-41, 320-42, 320-76 and 320-77 of the Zoning Code of the former City of Etobicoke, the following development standards, as set out in Sections 5 through 14 of this By-law, shall apply to the Site:
5. Permitted Uses

No building or structure shall be erected or used on the Site except for the following uses:

- (a) Area 2 shall be used for, and only for, surface parking for the Old Mill Complex provided that ancillary landscaped features may also be provided in conjunction with the said parking,
- (b) Area 3 shall be used for, and only for, permitted uses located within Area 3 as of March 5, 2008, namely a restaurant, banquet hall, chapel, hotel and spa facilities, together with accessory uses (the "Old Mill Complex"),
- (c) Area 1 may be used for, and only for, an apartment building containing an underground parking garage that provides:
  - (i) the required parking for the residents and visitors of the apartment building,
  - (ii) a minimum of 99 parking spaces designated and used solely for the Old Mill Complex, and

- (iii) each parking space shall have a width of 2.6 metres and a depth of 5.6 metres and be serviced by an access drive aisle having a width of at least 6 metres at all points.
- (d) Notwithstanding subsections (a) and (c) and notwithstanding section 10(c),
  - (i) the following, and only the following additional uses shall be permitted within Area 1: accessory uses to the apartment building and underground parking garage permitted within Area 1 by subsection (c), including: a covered ramp for the underground parking garage; television antennae; podiums; exterior stairs; garbage enclosures; stair enclosures; and ventilation shafts,
  - (ii) a temporary sales office shall be permitted within Area 1 and Area 2 for the purpose of marketing and sales related to the apartment building permitted within Area 1 by subsection (c),
  - (iii) the surface parking, existing as of March 5, 2008 for the Old Mill Complex, shall continue to be permitted on Area 1 until such time as the apartment building and underground parking garage permitted within Area 1 by subsection (c) is constructed.

**6. Maximum Number of Residential Units**

A maximum of 84 dwelling units shall be permitted within the apartment building permitted within Area 1 by subsection 5(c).

**7. Gross Floor Area**

A maximum Gross Floor Area of 16,000 square metres shall be permitted within the apartment building and underground parking garage permitted within Area 1 by subsection 5(c).

**8. Maximum Height**

The maximum Height in metres of the apartment building and underground parking garage permitted within Area 1 by subsection 5(c) shall be as specified by the numbers following the symbol “H” as shown on Schedule “B”, annexed hereto and forming part of this By-law, but this shall not apply to those structural projections permitted to be outside the Building Envelope by Section 9 hereof.

**9. Setbacks / Building Envelope**

No part of the apartment building and underground parking garage permitted within Area 1 by subsection 5(c) shall be located other than within the Building Envelope shown on Schedule “B”, with the exception of:

- (a) the parking garage and related structures provided within Area 1, and

(b) Minor Projections,

provided that no part of the apartment building, parking garage or Minor Projections may encroach into the area shown in cross hatching on Schedule “B”.

**10. Parking and Loading Requirements for the apartment building and the Old Mill Complex:**

- (a) Bicycle Parking – a minimum 53 bicycle parking spaces shall be provided for the apartment building permitted within Area 1 by subsection 5(c),
- (b) Vehicular Parking - Residential – a minimum ratio of 1.05 parking spaces per dwelling unit for one bedroom units, 1.2 parking spaces per dwelling unit for two bedroom units and 1.35 parking spaces per dwelling unit for units with three or more bedrooms; and, an additional 0.2 parking spaces per dwelling unit shall be provided and reserved for the exclusive use of visitors,
- (c) no part of Area 1 shall be used for surface vehicular parking, and
- (d) in addition to parking required by subsection (b), a minimum of 99 parking spaces shall also be provided and maintained for the Old Mill Complex as follows:
  - (i) at least 99 parking spaces shall be provided and maintained in the underground parking garage to be constructed and provided within the apartment building permitted within Area 1 by subsection 5 (c), and
  - (ii) any additional parking beyond the required 99 parking spaces may be provided within the surface parking lot permitted within Area 2 by subsection 5(a).

**11. Landscape Open Space**

A minimum of 30% of Area 1 shall be reserved for Landscape Open Space.

**12. Indoor Amenity Space**

A minimum of 2.5 square metres of Indoor Amenity Space shall be provided for each dwelling unit within the apartment building permitted within Area 1 by subsection 5(c).

**13. Future Severances**

Despite any existing or future severance, partition, or division of the Site, the provisions of this by-law shall apply to the whole Site as if no severance, partition or division occurred.

**14. Definitions**

For the purposes of this by-law, the provisions of Section 304-3 Definitions of the Zoning Code of the former City to Etobicoke shall apply with the following changes:

“Area 1”, “Area 2” and “Area 3” shall each mean respectively those portions of the Site as delineated and identified as “AREA 1”, “AREA 2” and “AREA 3” on Schedule “C” annexed hereto.

“Building Envelope” shall mean the Building Envelope as delineated by heavy lines on Schedule “B” annexed hereto.

“Grade” shall be 88.85 metres Canadian geodetic vertical datum.

“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 and bicycle parking and storage areas where the floor level is at least 0.6 metres below Grade, parking areas for motor vehicles, Mechanical Floor Area, Indoor Amenity Space and unenclosed balconies.

“Height” shall mean the vertical distance between Grade and the highest point of the roof of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, stairs and stair enclosures, roof insulation, pavers and drainage located on the roof of such building provided the maximum height of the top of such elements, excluding decorative features, is no higher than 3.0 metres above the height limit otherwise applicable to the said building.

“Indoor Amenity Space” shall mean a common area or areas which are provided for the exclusive use of residents of a building for recreational or social purposes.

“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), elevator shafts or telecommunications equipment that serves only such building.

“Minor Projection” shall mean minor building elements which may project from the main wall of the building into the required yards and outside the Building Envelope, including roof eaves, window sills, railings, cornices, guard rails, balustrades, doors including revolving doors, lights, canopies and pilasters to a maximum horizontal projection of 1.5 metres, exterior stairs, wheelchair and pedestrian and vehicular ramps, parking elevator, parapets and vents.

“Old Mill Complex” has the meaning set out in Section 5(b) of this By-law.

“Site” shall mean the lands described in Schedule “A” annexed hereto.

**15. Section 37 Contributions**

Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this exception are permitted subject to compliance with the conditions set out in this exception and in return for the provision by the owner of the Site of the facilities, services and matters set out in this Section, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act* and in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement. Upon execution and registration of an agreement or agreements with the owner of the Site, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this exception, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements. The owner of the Site, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in gross floor area and height authorized under this exception regulation:

- (a) Contribution of \$500,000.00 to the City for park improvements (including up to \$50,000.00 for a pedestrian bridge) within the vicinity of the subject site including Kings Mill Park, Etienne Brule Park and Park Lawn Park such as play areas, water play, running track and amenities such as pathways, seating, trash bins, etc., at the discretion of the General Manager, Parks, Forestry and Recreation Division, in consultation with the Ward Councillor, to be paid prior to the issuance of the first above-grade building permit; and
- (b) Contribution of \$100,000.00 to the City of Toronto to be applied, as determined by the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Parks, Forestry and Recreation and the Ward Councillor, for Heritage improvements along the Humber River from Dundas Street to Lake Ontario, at the discretion of the Chief Planner, to be paid prior to the issuance of the first above-grade building permit;
- (c) costs of new municipal infrastructure and improvements and upgrades to existing municipal infrastructure to support the development as required by and satisfactory to the Executive Director, Technical Services;
- (d) any other condition to ensure the orderly development of the lands as required by the Chief Planner and Executive Director, City Planning;
- (e) the securing of building materials for the proposed building, to the satisfaction of the Chief Planner and Executive Director, City Planning;

- (f) the fulfilment of all environmental matters to the satisfaction of the General Manager, Parks, Forestry and Recreation in consultation with the Chief Planner and Executive Director, City Planning; and
- (g) costs of new streetscape improvements to Old Mill Road to the satisfaction of the General Manager of Technical Services and the Chief Planner and Executive Director, City Planning.

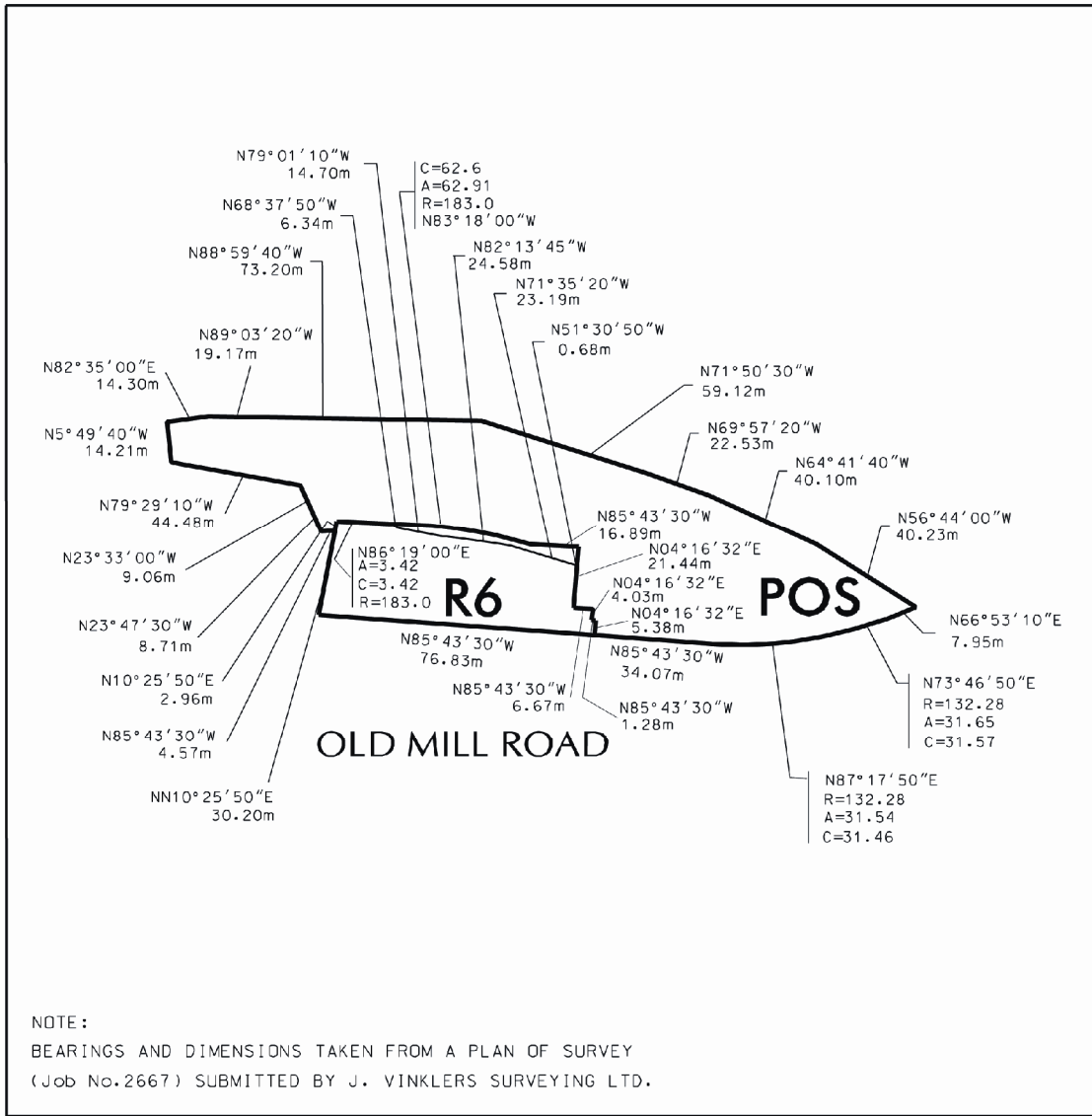
ENACTED AND PASSED this 4th day of December, A.D. 2009.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

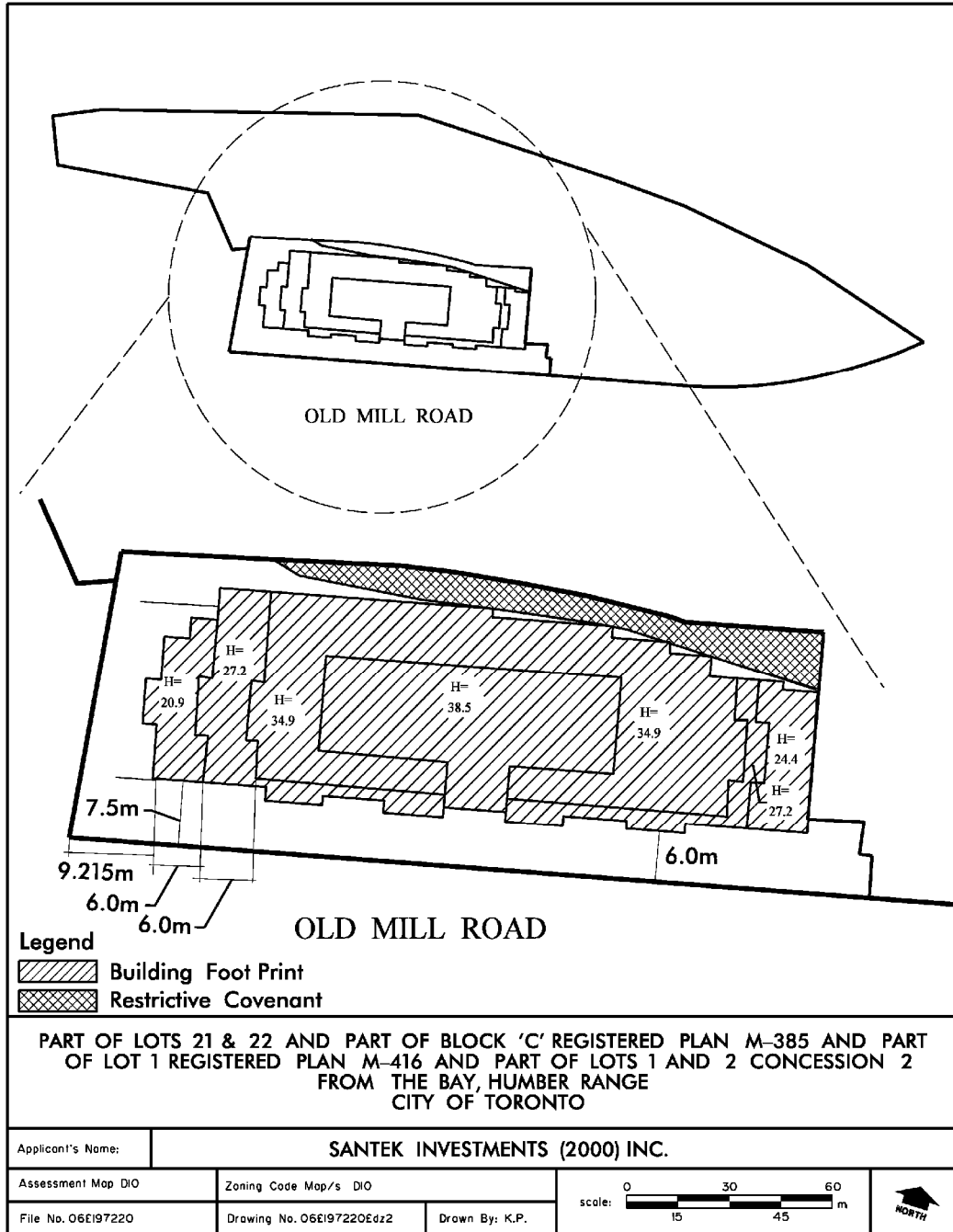
**TORONTO** Schedule 'A' BY-LAW



**PART OF LOTS 21 & 22 AND PART OF BLOCK 'C' REGISTERED PLAN M-385 AND PART OF LOT 1 REGISTERED PLAN M-416 AND PART OF LOTS 1 AND 2 CONCESSION 2 FROM THE BAY, HUMBER RANGE CITY OF TORONTO**

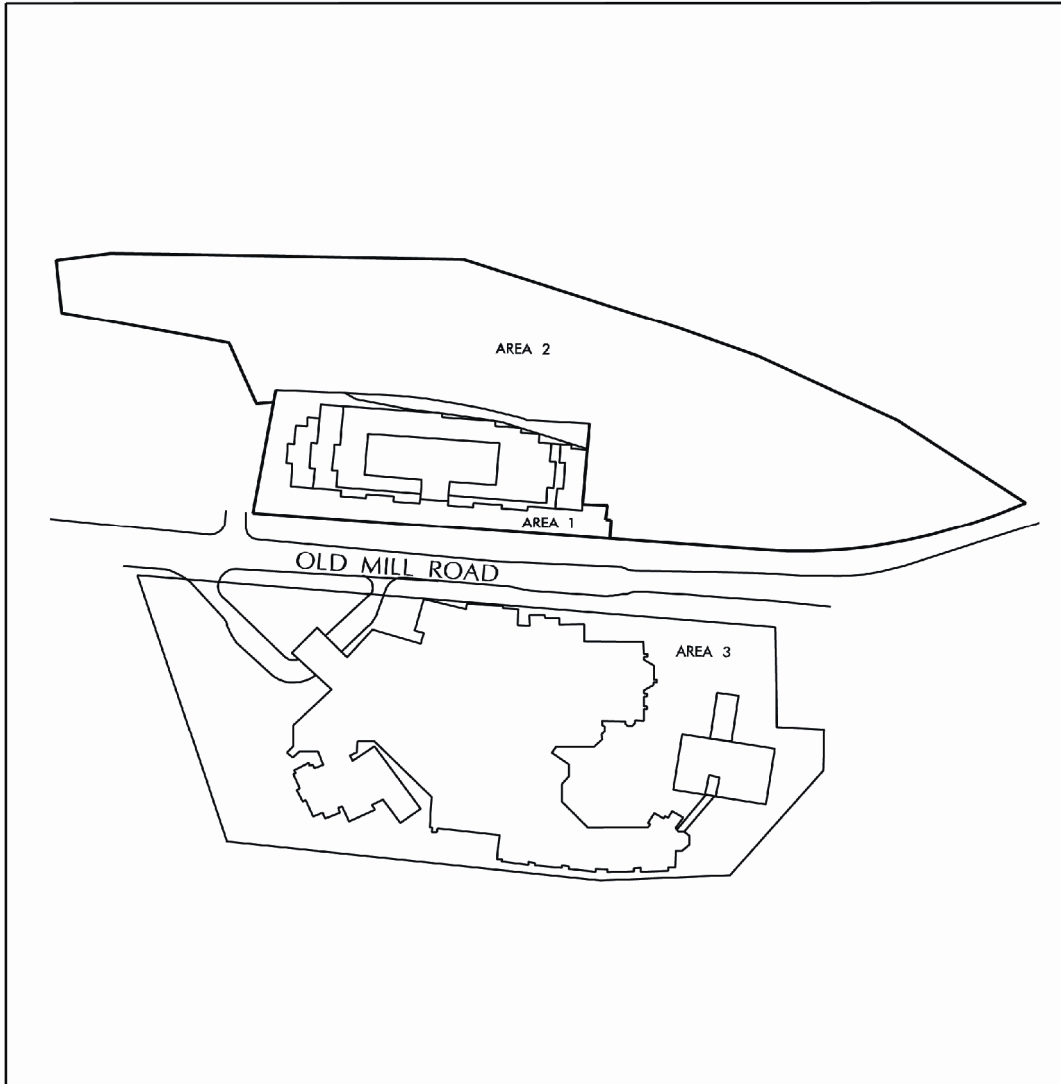
Applicant's Name:		SANTEK INVESTMENTS (2000) INC.	
Assessment Map D10	Zoning Code Map/s	D10	
File No. 06_197220	Drawing No. 06_197220_dz1	Drawn By: K.P.	scale:

**TORONTO** Schedule 'B' BY-LAW





**TORONTO** Schedule 'C' BY-LAW



PART OF LOTS 21 & 22 AND PART OF BLOCK 'C' REGISTERED PLAN M-385 AND PART OF LOT 1 REGISTERED PLAN M-416 AND PART OF LOTS 1 AND 2 CONCESSION 2 FROM THE BAY, HUMBER RANGE CITY OF TORONTO

Applicant's Name:	SANTEK INVESTMENTS (2000) INC.		
Assessment Map D10	Zoning Code Map/s D10	scale: 0 30 60 15 45 m	
File No. 06_197220	Drawing No. 06_197220_dz3	Drawn By: K.P.	