

Authority: Etobicoke York Community Council Item 3.1, adopted as amended, by
City of Toronto Council on February 7 and 8, 2011
Enacted by Council: February 8, 2011

CITY OF TORONTO

BY-LAW No. 244-2011

**To amend Chapters 340 and 342 of the Etobicoke Zoning Code with respect to lands
municipally known as 315 and 327 Royal York 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 Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and density of development, the Municipality may require the owner to enter into one or more agreements with the Municipality dealing with the facilities, services and matters; and

WHEREAS the owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in Chapters 340 and 342 of the Etobicoke Zoning Code (the "Zoning Code"), as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

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

1. That the zoning map referred to in Section 340-5, Article II of the Zoning Code, originally attached to the Town of Mimico By-law No. 1930 the same is hereby amended by changing the classification of the lands located in the former Town of Mimico as described in Schedule 'A' attached hereto from Class 2 Industrial (I.C2) to Fourth Density Residential (R4) Zone provided the following provisions shall apply to the development of the R4 lands identified in Schedule 'A'.
2. By-law No. 1996-211 of the former Corporation of the City of Etobicoke shall no longer apply as it relates to the Lands.

3. Notwithstanding all pertinent clauses in Section 340 of the Etobicoke Zoning Code, the following development standards shall apply to the (R4) lands described in Schedule 'A' attached hereto.

4. Definitions

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:

"Building Envelope" – means the building area permitted within the setbacks established in this By-law, as shown generally on Schedule 'B' attached hereto.

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

"Established Grade" – means the geodetic elevation of 94.54 metres above sea level (ASL) which is the elevation of the finished floor of the ground floor of the building.

"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 Amenity Areas up to 2 square metres per unit and unenclosed balconies; storage areas; underground garage levels, grade-related and above-grade areas devoted to parking, circulation and waiting areas for pedestrian or commuter drop-off and pick-up; underground and grade-related areas devoted to Transportation Uses.

"Height" – means, with respect to each section of the building erected within the Building Envelope, the vertical distance between the established grade of the Lands, as defined in this By-law and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, roof planters and other landscape features, stairs and stair enclosures located on the roof provided the maximum height of the top of such elements is no higher than the number of metres specified on Schedule 'B' above the height limit otherwise applicable.

"Indoor Amenity Area" – means an indoor common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes.

"Lands" – shall mean the lands described in Schedule 'A' attached hereto.

"Landscaped Open Space" means a yard or court on a lot located at grade, above an underground parking area, above an aboveground parking structure, or roof top, which is suitable for landscaping. It shall include any part of the lot occupied by accessory recreational buildings, grassed or planted areas, surfaced walkways, steps, sidewalks, retaining walls, patios, courtyards, sports or recreational areas, ornamental or swimming pools and outdoor Transportation Uses including areas for circulation, waiting and drop-off areas for pedestrians, but shall exclude driveways, ramps drop-off, waiting or parking areas for motor vehicles.

"Mechanical Floor Area" – means 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, telecommunications equipment that serves only such building and any related Transportation Uses.

"Minor Projections" – means minor building elements which may project from the main wall of the building into required yards and beyond the Building Envelope, including steps, staircases, overhangs, building entryways, roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies, platforms, terraces and bay windows, to a maximum projection of 3.5 metres. Ground floor related stairs, canopies and overhangs may project to a maximum of 7.5 metres.

"Outdoor Amenity Area" – means an outdoor common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreational or social purposes and may be located at or above grade including on the roof-top.

"Transportation Use" – means the use of premises of facilities for the operation of a mass transit system or transportation system that is provided by, or on behalf of the City of Toronto, Province of Ontario or Government of Canada or is privately operated and federally regulated.

"Tower Elements" – means the portion(s) of the building which contain more than 3 storeys from grade.

5. Notwithstanding Sections 340-28 and 340-37 of the Zoning Code, no building or structures shall be erected or used on the Lands, except for the following uses:
- (i) Apartment Building and below-grade, at-grade and above-grade accessory uses including but not limited to recreational amenity areas, pedestrian circulation and walkways, landscaped areas, vehicle parking, circulation and drop-off/pick-up areas, garbage pick-up and loading spaces and areas;
 - (ii) Accessory structures including any of the accessory structures permitted under Section 340-17 of the Zoning Code;
 - (iii) Transportation Uses including but not limited to below-grade and at-grade areas for pedestrian entries/exits, waiting areas, circulation, vehicular drop-off, pick-up, cueing and waiting areas, transit information and ticketing booths or kiosks, washrooms, and related parking;
 - (iv) The following grade level Commercial uses shall be permitted: retail stores, service shops, administrative/business/professional/government offices, medical and dental offices, bank, dry cleaning depot, restaurants of or less than 150 m² floor area;

- (v) A temporary sales office for the purpose of marketing, pre-selling or sales of units related to the building shall be permitted and shall be exempt from all development standards listed in this By-law or the Etobicoke Zoning Code until the completion of site development and sales of outstanding units within it.
6. Notwithstanding Sections 340-30 E. L. and N. of the Zoning Code, the following development standards shall apply to the lands described in Schedule 'A' attached hereto:
- a) the maximum number of dwelling units shall not exceed 195.
 - b) the maximum building heights and building envelopes to be permitted on the lands shall be shown on Schedule 'B', attached hereto.
 - c) the maximum Floor Space Index (FSI) permitted on the Lands shall be 2.6.
 - d) a minimum 25% of the lot area shall be reserved for Landscaped Open Space.
 - e) no building or structure within the Lands shall be located other than within the Building Envelope shown on Schedule 'B'.

Required setbacks and Schedule 'B'.

The minimum building setbacks must not be less than the building setback distances shown on Schedule 'B'

Notwithstanding the foregoing clauses, the following provisions shall apply:

- a) all below grade structures and ramps shall be exempt from Schedule 'B' setbacks; and,
 - b) Notwithstanding any of the required building setbacks, Minor Projections shall be permitted to encroach into the required building setbacks.
7. Parking and Loading Requirements

Notwithstanding the provisions of Section 340-31 of the Zoning Code, the following requirements shall apply to the Lands:

- (i) Resident parking shall be provided at the following minimum ratios:
 - a. 0.70 stalls per dwelling unit for bachelor units;
 - b. 0.80 stalls per dwelling unit for apartments providing one bedroom;
 - c. 0.90 stalls per dwelling unit for apartments providing two bedrooms;
 - d. 1.10 stalls per dwelling unit for apartments providing three or more bedrooms.

- (ii) An additional minimum 0.15 stalls per dwelling unit shall be provided for the use of visitors to the residential units or to the commercial units and may be provided at and below grade.
- (iii) An additional minimum of 141 below grade parking spaces shall be provided on the Lands for users of the Transportation Use.
- (iv) All required residential visitor parking stalls may be shared with the commercial component of the building.
- (v) A minimum of one parking stall for every 100 parking stalls is required for exclusive use for the physically disabled.
- (vi) A minimum of one loading space shall be provided on the Lands for both the residential and commercial uses with minimum dimensions of 23.0 metres in length, 4.0 metres in width.
- (vii) No person shall use any portion of the lot located between the main front wall of a building and the public street, at or above the natural ground level of the ground for the purpose of parking or storing a motor vehicle.
- (viii) A minimum of 96 indoor bicycle parking spaces (other than in dwelling units or in privately owned locker spaces) shall be provided on the Lands.
- (ix) A minimum of 64 outdoor bicycle parking spaces shall be provided on the Lands.

8. Area Requirements

Notwithstanding the provisions of the Etobicoke Zoning Code, the following area requirements shall apply to the Lands:

- (i) Landscaped Open Space: a minimum 25% of the lot area shall be reserved for Landscaped Open Space;
- (ii) Indoor Amenity Space: a minimum 1.5 square metres per dwelling unit of Indoor Amenity Space shall be provided;
- (iii) Outdoor Amenity Space: a minimum of 2.0 square metres per dwelling unit of Outdoor Amenity Space shall be provided.

9. Section 37 Agreement

The development as shown on Schedule 'B' and permitted by this By-law is subject the following:

- (i) The Owner shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure at the Owner's expense, the

facilities, services and matters set forth in (a) to (c), below, which agreement or agreements shall be registered against the title of the Lands, in whole or in part, as may be applicable to which this By-law applies in the manner and to the extent specified in the agreements. The Owner, in accordance with, and subject to the agreements referred to herein, shall provide and 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. The Owner agrees to complete the rehabilitation of the historical Mimico Train Station located in Coronation Park at its own expense, in accordance with a City approved Rehabilitation Plan, to be prepared by the Owner to the satisfaction of the Manager of Heritage Preservation Services;
 - i. A Letter of Credit to secure the rehabilitation of the Mimico Train Station shall be submitted prior to site plan approval, to the satisfaction of Parks, Forestry and Recreation and the City's Chief Financial Officer and Treasurer;
- b. The Owner agrees to commission on-site public art or provide a public art contribution indexed to the Statistics Canada Non-residential Construction

Price Index for Toronto from the date this By-law comes into force, in accordance with the City of Toronto's Public Art Program;

- i. The Owner shall not permit occupancy of any portion of the development of the Lands prior to the Owner either completing the installation of the all public art or delivering to the City either cash or a Letter of Credit in an amount equal to the public art contribution as determined by the City's Chief Planner and the City's Chief Financial Officer and Treasurer equal to the greater value of six hundred and fifty thousand or the estimated value of the rehabilitation work to be prepared by the Owner.
 - (ii) The agreement pursuant to Section 37 of the *Planning Act* to secure the facilities, services and/or matters set forth in 9(i) above shall be satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor, prior to this By-law coming into force and effect.
10. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
11. Nothing in this By-law shall apply to prevent the phased construction of this development provided that the requirements of the By-law are complied with upon full development.
12. Notwithstanding any severance, partition, division, consolidation, lot addition or merging of the Lands, the provisions of this By-law shall apply to the whole of Lands as

described in Schedule 'A' attached hereto as if no severance, partition, division, consolidation, lot addition or merging of the Lands occurred.

- 13.** Chapter 342, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
244-2011 February 8, 2011	Lands located on the east side of Royal York Road, south of Newcastle Street, known municipally as 315 and 327 Royal York Road.	To rezone 315 and 327 Royal York Road from Class 2 Industrial (IC.2) to Fourth Density Residential (R4) Zone.

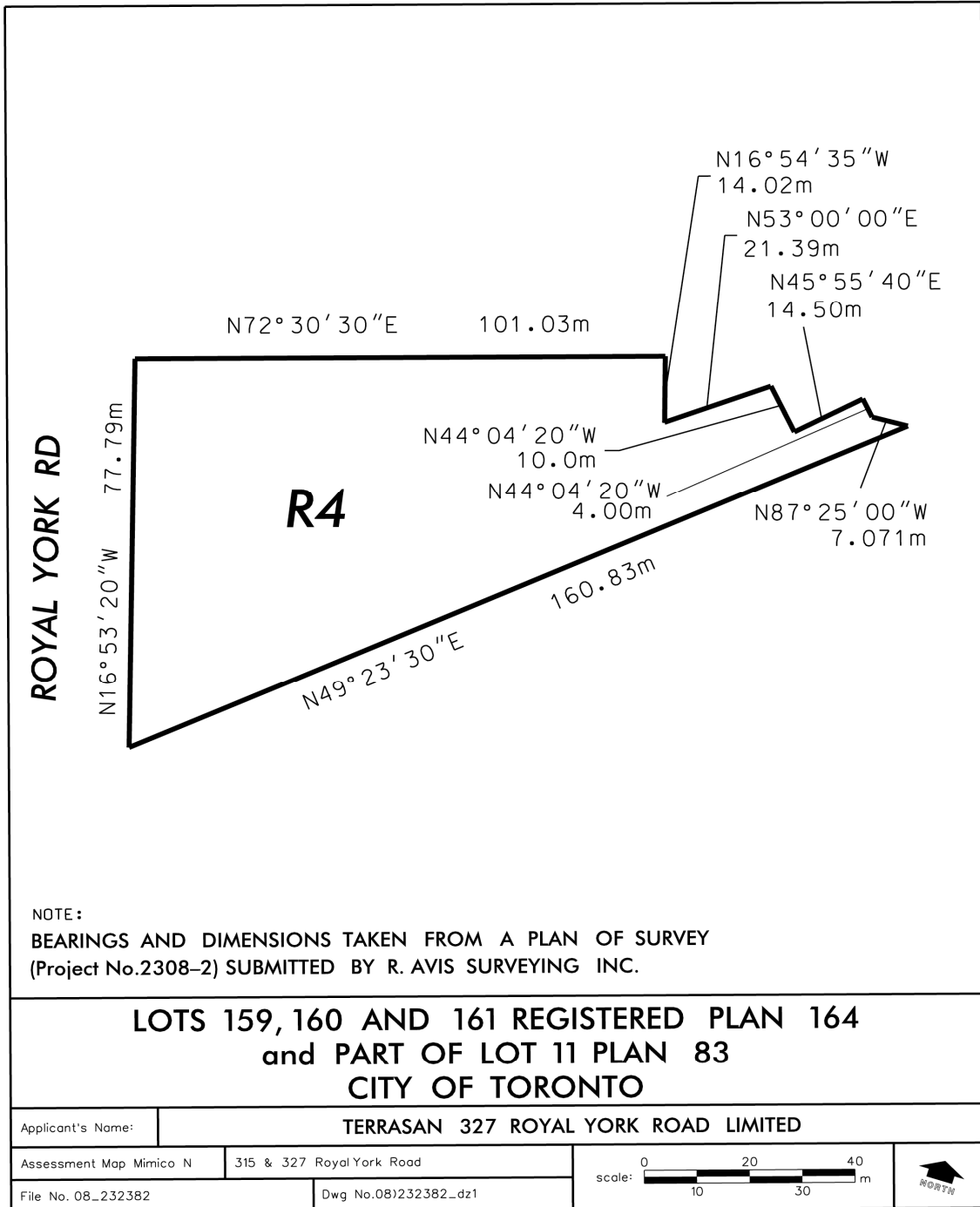
ENACTED AND PASSED this 8th day of February, A.D. 2011.

FRANCES NUNZIATA,
Speaker

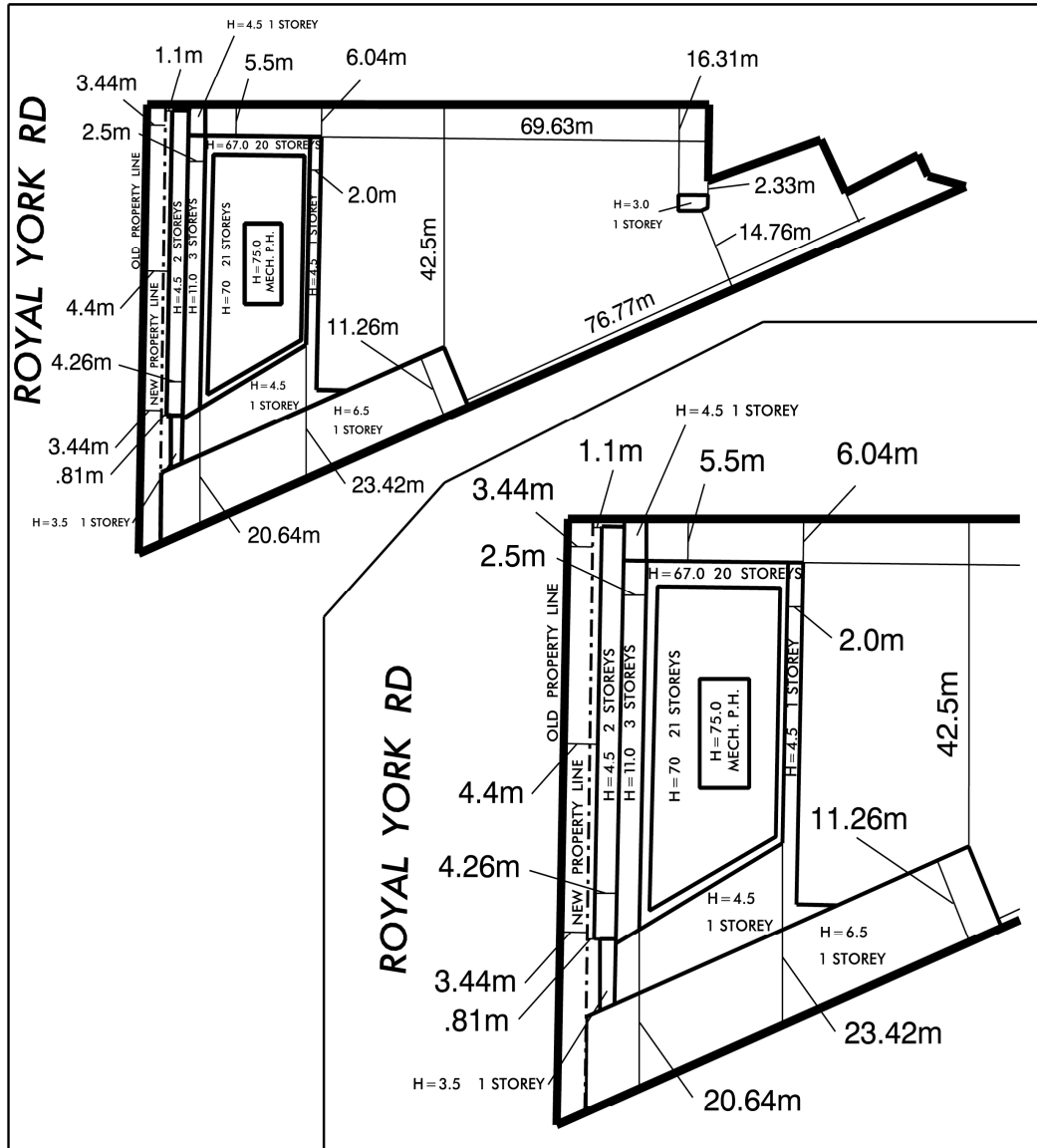
ULLI S. WATKISS
City Clerk

(Corporate Seal)

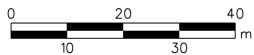

TORONTO Schedule 'A' BY-LAW



TORONTO Schedule 'B' BY-LAW



**LOTS 159, 160 AND 161 REGISTERED PLAN 164
and PART OF LOT 11 PLAN 83
CITY OF TORONTO**

Applicant's Name:		TERRASAN 327 ROYAL YORK ROAD LIMITED	
Assessment Map Mimico N	315 & 327 Royal York Road	scale: 	
File No. 08_232382	Dwg No. 08)232382_dz2		