

CITY OF TORONTO

BY-LAW No. 999-2011(OMB)

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the north side of Lake Shore Boulevard West, west of Park Lawn Road, municipally known as 36 Park Lawn Road.

WHEREAS the Ontario Municipal Board by way of an Order dated June 17, 2011, determined to amend the Etobicoke Zoning Code in respect of the lands municipally known as 36 Park Lawn Road in the year 2011;

The Ontario Municipal Board Orders as follows:

1. That the Zoning Map referred to in Section 320-5, Article II of the Zoning Code, is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as described in Schedule 'A' attached hereto from Industrial Class 1 (IC.1) to Sixth Density Residential (R6) and Public Open Space (OS), provided the following provisions shall apply.

2. 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:

- 2.1 Grade – shall mean the geodetic elevation of 85.85 metres;
- 2.2 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; unenclosed balconies, and any building or structures erected and used for public open space uses;
- 2.3 Height – shall mean, with respect to each building erected, the vertical distance between the Grade of such building, but shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, spires, canopied areas, stairs and stair towers and enclosures, elevator shafts, chimney stacks, window washing equipment, structures used for outside or open air recreation purposes, provided the maximum height of the top of such architectural elements is no higher than 10 metres and mechanical elements are not higher than 5.5 metres, above the height limit otherwise applicable to the said building;
- 2.4 Lands – shall mean the lands described in Schedule 'A' attached hereto;
- 2.5 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 or telecommunications equipment that serves only such building;

- 2.6 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;
- 2.7 TRCA 10 Metre Top of Bank Setback – is as illustrated on Schedule 'A';
- 3.0 Notwithstanding Section 320-31 and Section 320-32 of the Zoning Code for the portion of the Lands to be zoned Public Open Space (OS) as indicated on Schedule 'A' to this By-law, the uses permitted shall be limited to conservation works provided that no buildings or structures shall be permitted.
- 4.0 Section 37 Agreement
- 4.1 Pursuant to Section 37 of the *Planning Act*, the Owner of the lot shall provide the following facilities, services and matters to the City at the Owner's sole expense and in accordance with and subject to the agreement referred to in Section 4.2 herein:
- the owner, shall provide a certified cheque in the amount of \$400,000.00, prior to the issuance of the first above grade building permit to the City for capital facilities on or within vicinity of the site, of which \$100,000 shall be provided to the TRCA for the Lower Mimico Trail System.
- 4.2 The owner of the lot enters into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the matters required in Section 4.1 herein, the said agreement to include provisions relating to indemnity, insurance, HST, termination, unwinding, registration and priority of agreement, and such agreements are to be registered on title to the lot, and such agreements and registration to be to the satisfaction of the City.
- 5.0 Notwithstanding Section 20-75, Section 320-76 and 320-77 of the Zoning Code, the following development standards shall apply to the Sixth Density Residential (R6) lands described in Schedule 'A' attached hereto:
- 5.1 Permitted Uses
- No buildings or structures shall be erected or used on the Lands, except for the following uses:
- i) Apartment building, recreational amenity areas, pedestrian walkways, conservation works.
 - ii) Any of the commercial and retail uses permitted under Section 320-91 B of the Zoning Code with the exception of hotels, theatre, undertaking establishments, bowling alleys, service stations, public garages, dry cleaning plants, customer-operated automatic laundries, gaming establishment, and new and used car sales.

- iii) A Temporary Sales Centre
- iv) Accessory structures, including any of the accessory structures permitted under Section 320.76.F of the Zoning Code, canopies and associated supporting walls, landscape features, exterior stairs, stair enclosures, garbage enclosures, transformers and ventilation shafts shall be permitted.

5.2 Maximum Height

The maximum building height shall be 116 metres for the apartment building.

The maximum building height shall be 10 metres for the commercial building.

5.3 Maximum Number of Residential Units

Not more than 314 dwelling units shall be permitted on the Lands.

5.4 Maximum Gross Floor Area

The maximum Gross Floor Area permitted on the Lands zoned R6 shall be 26,835 square metres for the apartment building and 900 square metres for the commercial building.

5.5 Setbacks

No building or structure within the Lands shall be located within the following building setbacks, with the exception of Accessory Structures listed in Section 5.1 iv):

Residential Building

- i) a minimum 50 metre setback from the Park Lawn Road property line;
- ii) a minimum 0 metre setback from the TRCA 10 metre top of bank setback;
- iii) a minimum 4.0 metre setback from the south property line; and
- iv) a minimum 0 metre setback from the north property line for the ground floor and a 12.5 metre setback for any tower portion of the building above the first storey.

Commercial Building

- i) a minimum 0 metre setback from the Park Lawn Road property line;
- ii) a minimum 0 metre setback from the south property line; and
- iii) a minimum 7 metre setback from the north property line.

- 5.6 Permitted accessory structures, canopies and associated supporting walls, underground parking structures, wheelchair ramps, exterior stairs, parapets and railings related to underground parking structures, vents, safety railings and other landscape features shall be exempt from any provisions with respect to setbacks.

- a) Notwithstanding Section 5.6 of this by-law, permitted accessory structures are not permitted to encroach onto lands zoned Public Open Space (OS), with the exception of landscaping and landscape features.

5.7 Notwithstanding any of the required building setbacks, minor projections, including building eaves, cornices, balustrades, mullions and parapets, mouldings and other architectural elements, uncovered platforms attached to a building, balcony or roof over a first floor platform or terrace attached to a building, canopies and wind screens shall be permitted to encroach into the required building setbacks up to a maximum of 1.5 metres,

- a) Notwithstanding Section 5.7 of this by-law, none of the items identified therein are permitted to encroach onto lands zoned Public Open Space (OS).

5.8 Parking and Loading Requirements

Notwithstanding the provisions of Section 320-18.B, 320-18.C, 320-19 and Section 320-76.G of the Zoning Code, the following requirements shall apply to the Lands:

- (i) A minimum of 345 parking spaces shall be provided for all uses on the lot, of which 6 are compact parking spaces.
- (ii) Parking for the proposed uses shall be provided as follows:
 - a. Residential – 314 spaces
 - b. Commercial / Visitors – 29 spaces
 - c. Auto-Share – 2 spaces
- (iii) Until such time that the temporary driveway has been closed, a minimum of 342 parking spaces shall be provided.
- (iv) Parking spaces shall have the following minimum dimensions:
 - Length – 5.6 metres
 - Width – 2.6 metres
 - Aisle – 6.0 metres
- (v) Compact parking spaces shall have the following minimum dimensions:
 - Length – 5.4 metres
 - Width – 2.3 metres
 - Aisle – 6.0 metres
- (vi) A minimum of 3 accessible parking spaces shall be provided underground.

- (vii) For the purposes of this By-law, the reserved on-site residential visitor parking can be shared with and used to meet the parking requirements for non-residential uses on the lands.
- (viii) The residential building shall provide a loading space with dimensions of 13 metres in length and 4 metres in width.
- (ix) Bicycle parking spaces shall be provided at a minimum rate of 0.75 spaces per unit, of which 80% are for residents and 20% for visitors.
- (x) A minimum of 2 auto share parking spaces will be provided on the subject lands.

5.9 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 15% of the lot area as measured between the established TRCA 10 metre top of bank setback and the Park Lawn Road property line shall be reserved for Landscaped Open Space, which may include soft and hard landscaping.
- (ii) Indoor Residential Amenity Space: a minimum 2.0 square metres per dwelling unit of Indoor Residential Amenity Space shall be provided.

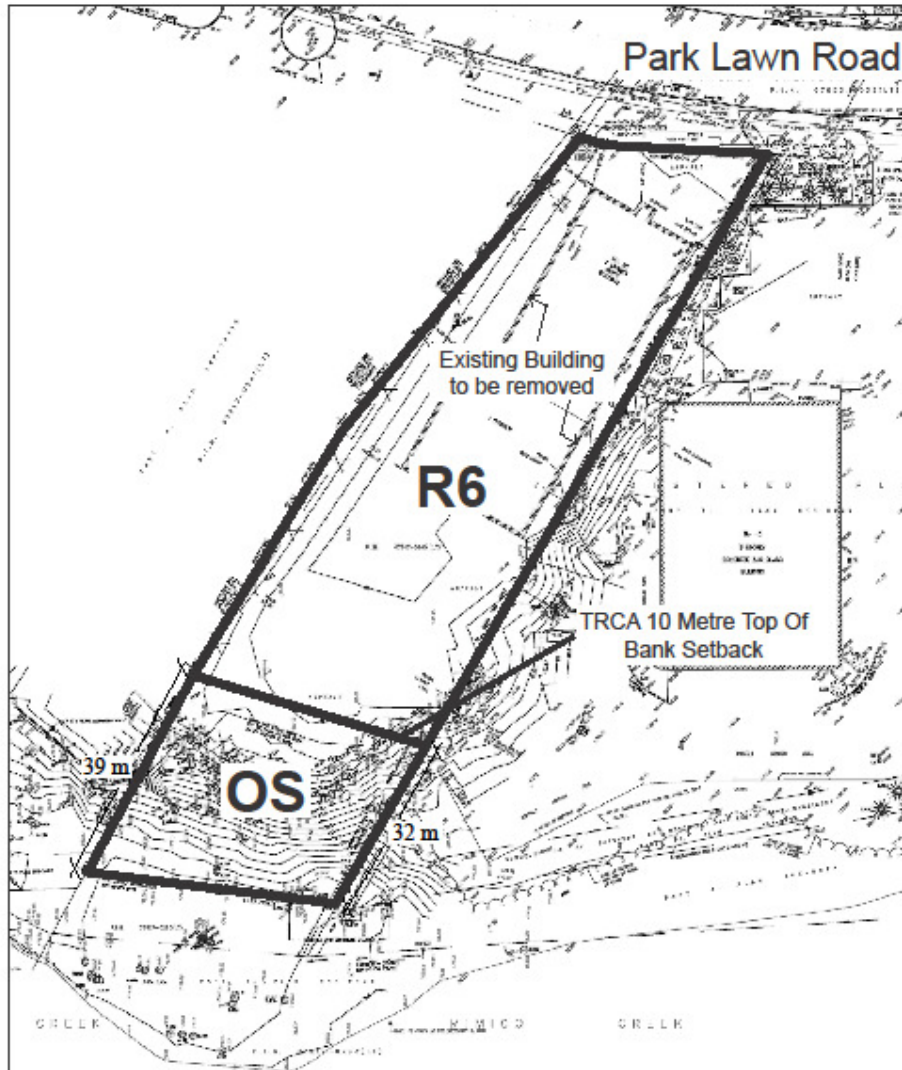
6.0 Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

7.0 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
999-2011(OMB) June 17, 2011	Lands located on the north side of Lake Shore Boulevard West, west of Park Lawn Road, known municipally as 36 Park Lawn Road	To rezone 36 Park Lawn Road from Industrial Class 1 (IC.1) to Sixth Density Residential (R6) and Public Open Space (OS) to permit a residential/commercial development.

PURSUANT TO THE DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JUNE 17, 2011 UNDER BOARD CASE FILE NO. PL100876.

 **Toronto** Schedule 'A' BY-LAW



Part of Lot 7, Registered Plan 83

CITY OF TORONTO (FORMERLY CITY OF ETOBICOKE)