Authority: Etobicoke York Community Council Item 11.4, as adopted by City of Toronto Council on November 29, 30 and December 1, 2011

CITY OF TORONTO

BY-LAW No. 820-2013

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the north side of Evans Avenue west of Browns Line, municipally known as 636 Evans Avenue.

Whereas Council of the City of Toronto has the authority pursuant to 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 the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter 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 and matters in return for an increase in the height or density of development, a 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 owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

- 1. That the Zoning Map referred to in Section 320-5, Article II, of the Zoning Code, originally attached to Township of Etobicoke By-law No. 11737, 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' attached hereto from Class 1 Industrial (I.C1) to Group Area Fourth Density Residential (R4G) provided that the following provisions shall apply to the development of the Group Area Fourth Density Residential (R4G) lands identified in Schedule 'A' attached hereto.
- 2. For the purposes of this By-law, townhouse dwelling units shall be defined as "multiple dwellings consisting of a series of attached dwelling units each having a direct access from the outside, and shall include group dwellings and row dwellings".

- **3.** Notwithstanding Sections 320-18, 320-24.5, 320-69, 320-70 and 320-71 of the Etobicoke Zoning Code, the following development standards shall now be applicable to the Group Area Fourth Density Residential (R4G) lands described in Schedule 'A' attached hereto:
 - (a) A maximum of 66 townhouse dwelling units shall be permitted.
 - (b) The minimum building setbacks shall not be less than the measurements shown on Schedule 'B' attached hereto, and shall be measured from the main exterior walls of each block of townhouse dwellings.
 - (c) Required building setbacks and separations shall not be obstructed by any construction other than the following:
 - (i) access stairs to grade and parking, fences, planter boxes, retaining walls and corner turrets;
 - (ii) chimney breasts, eaves, bay windows or other projections extending a maximum of 1.0 metre from any exterior wall of a building provided they are located a minimum of 1.0 metre from the property line or internal driveway;
 - (iii) within the rear yards, open, uncovered decks, porchways or verandas and grade-related patios;
 - (iv) underground parking structure may have a 0 metre setback from the west, east and south lot line; and
 - (v) notwithstanding Subsections (i),(ii) and (iii) above, there shall be no encroachment within the 14.0 metre MTO setback at the north property line.
 - (d) The maximum permitted gross floor area shall be 13,000 square metres.
 - (e) The maximum combined building coverage shall not exceed 45% of the total land area, exclusive of those provisions included within Section 3(c) of this by-law.
 - (f) For the purposes of this By-law the minimum combined landscape open space shall not be less than 35% of the total land area shown on Schedule 'A' of which a minimum of 12 square metres per dwelling unit shall be provided as private at grade amenity space. For the purposes of this By-law, landscape open space shall include walkways and those provisions included within Section 3(c) of this by-law.
 - (g) The maximum building height of each unit shall be 12.0 metres, measured to the midpoint of the roof.
 - (h) For each dwelling unit, 1.5 parking spaces shall be provided within an underground parking garage.

- (i) For each dwelling unit, a minimum of 0.2 visitor parking spaces shall be provided.
- (j) Permitted accessory uses shall include central air conditioning units within the required building setback, and satellite dishes not exceeding 1.2 square metres in area.
- (k) A minimum of 1 loading space shall be provided with a minimum dimension of 13.0 metres by 4.0 metres with an unencumbered minimum vertical clearance of 6.1 metres.
- **4.** Notwithstanding the above By-law and Zoning Code standards, a sales trailer and/or construction trailer is permitted without restriction during the development of the lands.
- 5. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
- 6. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height and density of development on the Lands is permitted in return for the Owner's election to provide, at the Owner's expense, the facilities, services and matters set out in Schedule 'C' hereof which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form satisfactory to the City Solicitor and registered on title to the Lands.
- 7. Where Schedule 'C' attached to this By-law requires the Owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same. The Owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 'C' are satisfied.
- 8. Within the lands shown on Schedule 'A' attached to and forming part of this By-law, no person shall use any land or erect or use any building or structure unless the following municipal service are provided to the lot line and the following provisions are complied with:
 - (a) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- **9.** Despite any existing or future consent, partition or division the lot, the provisions of this By-law shall apply to the whole of the lot as if no consent, partition or division had occurred.

City of Toronto By-law No. 820-2013

Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include 10. reference to this By-law by adding the following to Section 324-1. Table of Site Specific **By-laws**:

BY-LAW NUMBER AND DESCRIPTION OF PURPOSE OF BY-LAW ADOPTION DATE PROPERTY

Lands located on the north 820-2013 To rezone the lands from June 13, 2013 side of Evans Avenue, west of Class 1 Industrial (I.C1) to Browns Line, municipally Residential Group Area known as 636 Evans Avenue. Fourth Density (R4G) to permit 66 dwelling units, subject to site specific

Enacted and passed on June 13, 2013.

Frances Nunziata, Speaker Ulli S. Watkiss, City Clerk

development standards.

(Seal of the City)

5 City of Toronto By-law No. 820-2013



6 City of Toronto By-law No. 820-2013



SCHEDULE 'C'

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in height and density of the proposed development on the *Lands* and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the *Owner* agrees as follows:

- (1) Prior to issuance of any building permit the Owner shall pay to the City the sum of Fifty Thousand Dollars (\$50,000), indexed upwardly as of November 29, 2011, in accordance with the Statistics Canada Non-Residential Construction Price Index for local park and community improvements, as determined by the City's Chief Planner in consultation with the Ward Councillor.
- (2) The Owner shall provide and maintain the following;
 - a. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.