Authority: Etobicoke York Community Council Item 23.1, as adopted by City of Toronto Council on May 7, 8, 9 and 10, 2013

## **CITY OF TORONTO**

## BY-LAW No. 1478-2013

## To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the north side of Holiday Drive west of Highway 427, municipally known as 2 Holiday Drive.

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 Official 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*; 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 or density of development beyond that otherwise permitted by the By-law amended, in return for the provision of such facilities, services or 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 any increase in the height or 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 owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

Whereas the increases in the density or height, permitted hereunder, are beyond those otherwise permitted on the lands by Chapters 320 and 324 of the Etobicoke Zoning, as amended, and are to be permitted subject to the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of the lands and the City of Toronto; and

Whereas Council has required the owner of the aforesaid lands to enter into one or more agreements to secure certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto enacts:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the owner of the *lot* of the facilities, services and matters set out in Section 9 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.

- 2. Upon execution and registration of an agreement or agreements with the owner of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Section 9 hereof, the *lot* is subject to the provisions of this By-law, 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.
- 3. 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, as amended, 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 Sixth Density Residential (R6) to Group Area Fourth Density Residential (R4G) provided that the provisions in this By-law shall apply to the lands identified in Schedule 'A' attached hereto.
- 4. For the purposes of this By-law:
  - (a) *townhouse dwelling units* shall mean multiple dwellings consisting of a series of attached dwelling units each having a direct access from the outside;
  - (b) *outdoor amenity space* means an outdoor space on a *lot* that is communal and available for use by the occupants of a building on the *lot* for recreational or social activities; and
  - (c) *building envelope* shall mean the building area permitted within the setbacks established on attached Schedule 'B'.
- 5. Notwithstanding Sections 320-18, 320-39, 320-40, 320-41, 320-42, 320-69, 320-70, and 320-71 of the Etobicoke Zoning Code, the following development standards shall now be applicable to Group Area Fourth Density Residential (R4G) lands described in Schedule 'A' attached hereto:
  - (a) The only permitted use shall be *townhouse dwelling units*;
  - (b) A maximum of 196 *townhouse dwelling units* shall be permitted;
  - (c) Permitted accessory uses shall include garbage storage buildings, underground garage ramps and underground garage structures;
  - (d) No portion of any structure above grade erected or used on the lands shall extend beyond the *building envelope* shown on Schedule 'B' attached to and forming part of this by-law, except the following:
    - (i) any above grade structure related to underground parking structure and mechanical system;
    - (ii) balconies, patios, terraces, covered and uncovered porches having a maximum projection of 2 metres from any exterior wall of a building

provided they are located a minimum of 1.5 metres from any internal driveway;

- (iii) underground garage ramps and structures, transformers, garbage storage building; and
- (iv) eaves, bay windows, window boxes or other projections extending a maximum of 0.8 metres from any exterior wall of a building provided they are located a minimum of 1.5 metres from any internal driveway;
- (e) An underground parking structure may have 0 metre setback from the north and west lot lines;
- (f) No building or structure, above-grade or below grade, shall encroach within the 14 metre setback from the south and east property lines as shown on attached Schedule 'B';
- (g) The total maximum permitted *gross floor area* on the lands shall be 25,500 square metres;
- (h) The maximum combined building coverage shall be 45% exclusive of those provisions included within Section 5(d)(i) and (ii) of this by-law;
- (i) A minimum of 40% of the lands shown on Schedule 'A' shall be *landscaped open space*;
- (j) A minimum of 2 square metres of unobstructed *outdoor amenity space* per dwelling unit shall be provided in a location adjoining to or directly accessible from each dwelling unit;
- (k) The maximum *height* of each building shall be 13 metres;
- (1) Notwithstanding Section 320-18 of the Zoning Code, parking spaces shall be provided in accordance with the following minimum ratios:
  - (i) 0.80 space per dwelling unit for bachelor dwelling units;
  - (ii) 0.90 space per dwelling unit for one-bedroom dwelling units;
  - (iii) 1.00 space per dwelling unit for two-bedroom dwelling units;
  - (iv) 1.20 spaces per dwelling unit for three-bedroom dwelling units;
  - (v) 0.20 space per dwelling unit for visitor parking;
- (m) A minimum of 7 visitor parking spaces shall be located at grade;
- (n) Visitor parking spaces shall be exclusively designated;

- (o) A minimum of 29 bicycle parking spaces shall be provided within the underground parking garage;
- (p) 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; and
- (q) Notwithstanding Section 320-43N of the Etobicoke Zoning Code, central air conditioning units shall be permitted, not less than 2.0 metres from all property lines except the east and south property line.
- 6. Notwithstanding the above By-law and Zoning Code standards, a sales trailer and/or construction trailer is permitted during the development of the lands.
- 7. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
- 8. Zoning By-law No. 392-2008 is hereby repealed.
- **9.** The facilities, services and matters set out herein are the matters required to be provided by the owner of the lot at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City and such agreement(s) shall be registered against title to the lot as outlined in heavy lines on Schedule 'A' to secure the following facilities, services or matters:
  - (a) Prior to the issuance of the first above ground building permit, the owner shall:
    - make a cash contribution to the City in the amount of \$300,000 for improvements to Broadacres Park. This amount is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
  - (b) Compliance with the noise attenuation measures contained in the Noise Control Study dated August 2012 prepared by MMM Group.
- **10.** Despite any existing or future 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.
- 11. Within the lands shown on Schedule 'A' attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services 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.
- 12. Chapter 334, Site Specifics, of the Etobicoke 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.

<b>BY-LAW NUMBER AND</b>	<b>DESCRIPTION OF</b>	PURPOSE OF BY-LAW
ADOPTION DATE	PROPERTY	

1478-2013 November 15, 2013 Lands located on the north side of Holiday Drive west of Highway 427, municipally known as 2 Holiday Drive. To rezone the lands from Sixth Density Residential (R6) to Group Area Fourth Density Residential (R4G) to permit townhouse dwelling units, subject to site specific development standards.

Enacted and passed on November 15, 2013.

Frances Nunziata, Speaker Ulli S. Watkiss, City Clerk

(Seal of the City)

6 City of Toronto By-law No. 1478-2013



7 City of Toronto By-law No. 1478-2013

