

CITY OF TORONTO

BY-LAW No. 1082-2014(OMB)

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to lands municipally known as 25 Vickers 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 pursuant to Section 36 of the *Planning Act*, the Council of a municipality may in an by-law passed under Section 34 of the *Planning Act*, by the use of the holding symbol "H" in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law; and

Whereas the City of Toronto Official Plan contains provisions relating to the use of a holding symbol "H"; and

Whereas the Ontario Municipal Board, by way of Order PL060668 issued on May 2, 2014, following an appeal pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determined to amend the Etobicoke Zoning Code, with respect to lands known municipally in the year 2013 as 25 Vickers Road;

Therefore, the Etobicoke Zoning Code is further amended by the Ontario Municipal Board as follows:

1. That the zoning map referred to in § 320-5, Article II of the Zoning Code and originally attached to the Township of Etobicoke By-law No. 11,737 be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as shown in heavy outline on Schedule A attached hereto from IC1 Industrial Class 1 to (H)EO Employment Office Holding Zone as shown on Schedule A attached hereto.

2. For the purposes of this by-law the following definitions shall be applicable:

"Drive-Through Facility" means premises used to provide or dispense products or services, through an attendant, or a window or an automated machine, to persons remaining in vehicles that are in a designated stacking aisle. A vehicle washing establishment or a vehicle fuel station is not a drive through facility;

"Floor Space Index" means the Gross Floor Area of all buildings on the Lands divided by the area of the Lands;

"Front Lot Line" means the Lot line that abuts a street. In the case of a corner Lot or a Lot with more than two street frontages, it shall be deemed the shortest Lot line abutting a street. In the case of Lots abutting Vickers Road, Vickers Road shall be deemed the Front Lot Line for zoning purposes;

"Gross Floor Area" means the total area of each floor level of a building, above and below grade, measured from the exterior of the main wall of each floor level, including voids at the level of each floor, such as an atrium and mezzanine, but excluding areas used for the purpose of parking or loading, below grade storage areas and mechanical floor area;

"Height" means the vertical distance between grade and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, architectural elements, stairs and stair enclosures, located on the roof of such building;

"Lands" means the lands described in Schedule A attached hereto and, for the purposes of this by-law, shall be based on the gross land area prior to all dedications, conveyances and Lot divisions;

"Long-Term Bicycle Parking" means bicycle parking spaces for use by occupants or tenants of a building;

"Lot" means a single parcel or tract of land that may be conveyed in accordance with the provisions of the *Planning Act*;

"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, elevator shafts, escalator, or telecommunications equipment that serves only such building;

"Short-Term Bicycle Parking" means bicycle parking spaces for use by visitors to a building.

3. Permitted Uses

Subject to Section 15 of this by-law, at such time as Schedule A attached hereto has been amended to remove the (H) Holding Symbol designation from all or any part of the Lands zoned (H)EO on Schedule A attached hereto, the following uses shall be permitted on any portion of the Lands as are then zoned EO subject to Sections 4 to 14 and Sections 16 to 19 of this by-law:

EO Zone

- (a) All of the uses permitted under the Etobicoke Zoning Code § 304-33 A. Business, B. Manufacturing, C. Medical, D. Institutional, E. Commercial/recreational, and F. Retail sales, but excluding A. Business - flea markets, E. Commercial/recreational - horse racing tracks and ancillary facilities, G. Outside storage, and H. Residential.
- (b) All of the uses permitted under the Etobicoke Zoning Code § 304-31 A. Food Services, B. Business, C. Manufacturing, E. Educational/research, F. Institutional

and G. Storage (1), but excluding D. Vehicle-related uses, G. Storage (2), (3) and (4), and H. Residential.

(c) Despite (a) and (b) above, Drive-Through Facilities shall not be permitted.

4. Floor Space Index

(a) The minimum Floor Space Index permitted on the lands shall be 1.0.

(b) The maximum Floor Space Index permitted on the lands shall be 2.0.

5. Building Height

(a) The minimum building Height shall be the lesser of 3 storeys or 10.5 metres.

(b) The maximum building Height shall be 30.0 metres.

(c) If mechanical equipment, mechanical penthouses, parapets, architectural elements, stairs and stair enclosures located on the roof exceed the maximum building Height, the total area of all these elements together is not to cover more than 40% of the area of the roof and is no higher than 5.0 metres above the roof line.

6. Yard Setbacks

A building or structure on a Lot must be setback:

(a) A minimum of 5.0 metres and a maximum of 9.0 metres from the Front Lot Line;

(b) A minimum of 6.0 metres from a side Lot line that does not abut a street;

(c) A minimum of 9.0 metres from a side Lot line that abuts a street;

(d) A minimum of 7.5 metres from a rear Lot line;

(e) For any portion of any building or structure on a Lot which is located below grade no setback is required with the exception of those setbacks identified in (f) below; and

(f) Notwithstanding any other setback requirement, buildings must be setback above and below grade a minimum of 14.0 metres from the Vickers Road right-of-way in accordance with Ministry of Transportation Ontario setback requirements;

7. Landscaping

Any Lot abutting a street must have a minimum 3.0 metre wide strip of soft landscaping along the entire length of the Lot line exclusive of driveways and walkways.

8. Minimum lot frontage

The minimum Lot frontage shall be 30.0 metres.

9. Permitted Encroachments

(a) Exterior Main Wall Surface

Cladding added to the original exterior surface of the main wall of a principal building, may encroach into a required yard setback a maximum of 0.15 metres, if the building is at least 5 years old.

(b) Architectural Features

A pilaster, decorative column, cornice, sill, belt course or other similar architectural feature on a principal building may encroach into a required yard setback a maximum of 0.6 metres, if it is no closer to the Lot line than 0.3 metres.

(c) Equipment

On a principal building, wall mounted equipment may encroach into a required yard setback as follows, if they are no closer to the Lot line than 0.3 metres:

1. A satellite dish may encroach into a required yard setback a maximum of 0.9 metres;
2. An antenna or pole used to hold an antenna may encroach into a required rear or side yard setback a maximum of 0.9 metres; and
3. A vent or pipe may encroach into a required rear yard setback or side yard setback a maximum of 0.6 metres.

(d) Utilities

Service connections to public utilities at any Lot line may encroach into a required yard setback.

(e) Notwithstanding any other encroachment provision, encroachments shall not be permitted within the Ministry of Transportation Ontario Vickers Road setback requirements.

10. Parking shall be provided in accordance with the provisions of the Etobicoke Zoning Code with the following exceptions:

- (a)** For office uses, parking shall be provided at a minimum rate of 1.0 space for each 100.0 square metres of Gross Floor Area and a maximum rate of 1.4 spaces for each 100.0 square metres of Gross Floor Area.
- (b)** For hotel uses, parking shall be provided at a minimum rate of 0.2 spaces for each 100.0 square metres of Gross Floor Area and a maximum rate of 1.0 space for each 100.0 square metres of Gross Floor Area.

- (c) For manufacturing uses, parking shall be provided at a minimum rate of 0.5 space for each 100.0 square metres of Gross Floor Area.
- (d) For retail uses parking shall be provided at a minimum rate of 1.0 space for each 100 square metres of Gross Floor Area and a maximum rate of 4.0 spaces for each 100.0 square metres of Gross Floor Area.
- (e) Parking space dimensions shall have a minimum 5.6 metre length, 2.6 metre width and 2.0 metre vertical clearance and have a 6.0 metre aisle.
- (f) Parking spaces shall not be located in the front yard.

11. Accessible Parking shall be provided in accordance with the following:

- (a) Accessible parking spaces shall have a minimum dimension of 5.6 metre length, 3.9 metre width and 2.1 metre vertical clearance.
- (b) A minimum of 1 accessible parking space for each 100 parking spaces or part thereof must be provided.

12. Bicycle parking shall be provided in accordance with the following:

- (a) For Retail uses, Long-Term Bicycle Parking must be provided at a rate of 0.13 spaces per 100.0 square metres of Gross Floor Area and Short-Term Bicycle Parking must be provided at the rate of the greater of 0.25 spaces per 100.0 square metres of Gross Floor Area or 6 spaces.
- (b) For Office/Institutional uses, Long-Term Bicycle Parking must be provided at a rate of 0.13 spaces per 100 square metres of Gross Floor Area and Short-Term Bicycle Parking must be provided at the greater of 0.15 spaces per 100 square metres of Gross Floor Area or 6 spaces.
- (c) For Manufacturing uses, bicycle parking for use by occupants, tenants and visitors must be provided, in aggregate, at a rate of 5% of the total number of required vehicle parking spaces.

13. Loading spaces shall be provided in accordance with the following table:

- (a)

Gross Floor Area in m ²	Type A (17m x 3.5 m)	Type B (11m x 3.5m)	Type C (6m x 3.5m)
Retail/Commercial			
500-1999		1	
2000-5000		2	
5000-9999		3	
10000+	1	3	

Office 500-999 1000-1999 2000-3999 4000-27999 28000+		1 1 1 2 2	 1 2 2 3
Hotel 0-4999 5000-9999 10000-19999 20000-49999 50000+	1	1 1 2 2 1	 1 1 2 2
Manufacturing 100-499 500-999 1000-4999 5000-9999 10000 +	 1 2 3	1	1

- (b) Loading spaces shall have a minimum 4.5 metre vertical height clearance.
- (c) Loading spaces shall not be located in the front yard or any yard adjacent to The East Mall.

14. Waste material and recyclable material must be stored in a wholly enclosed building.

15. Section 36 Requirements - Holding Provisions

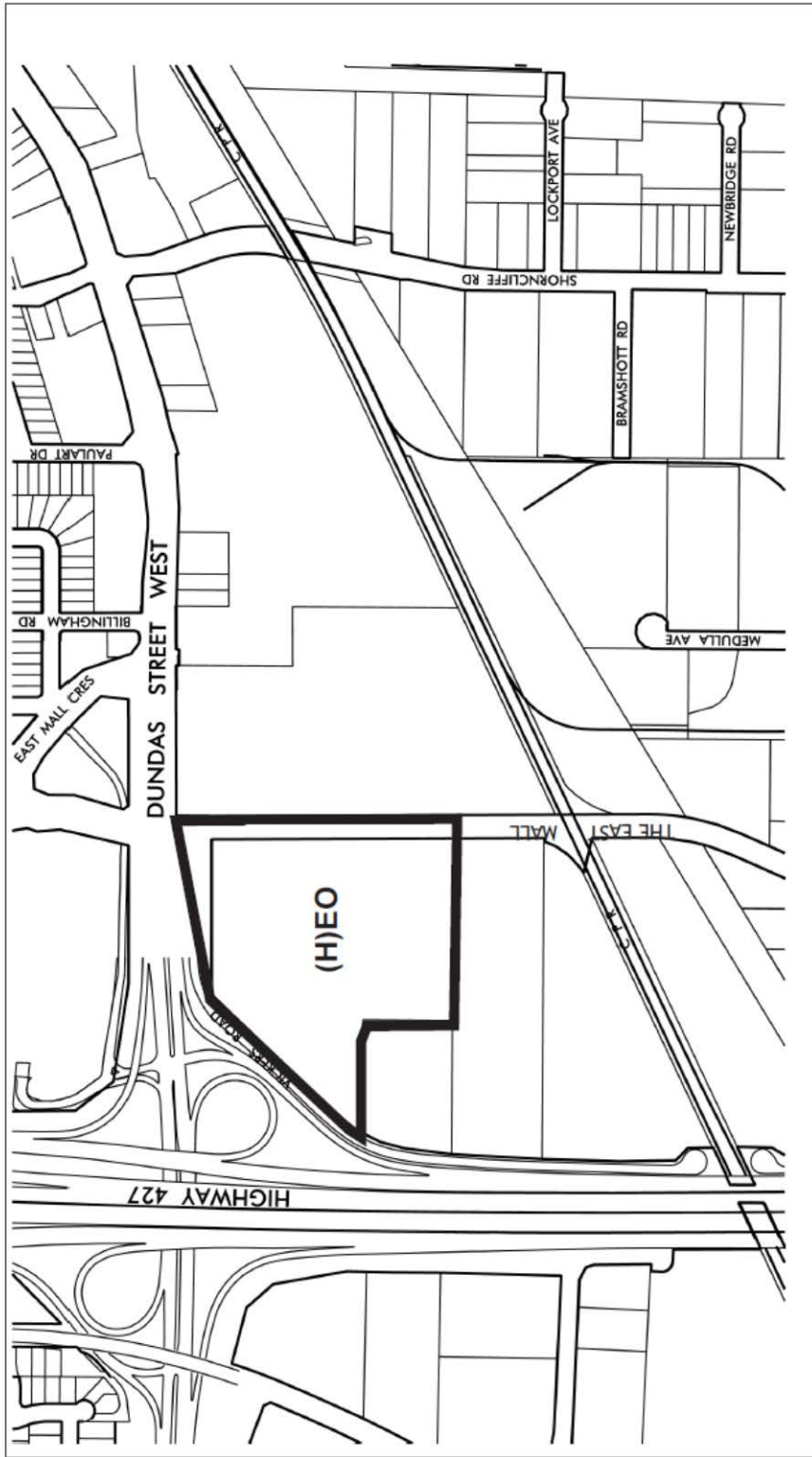
- (a) Despite any other provision of this by-law, the Lands shown on Schedule A attached hereto and identified as Holding Zone are zoned with the Holding Symbol (H) pursuant to Section 36 of the *Planning Act*, and shall not be used other than as provided for in subsection b. below until the (H) has been removed by amendment to this by-law.
- (b) The uses permitted on the Lands shown on Schedule A attached hereto and identified as Holding Zone shall not exceed a maximum Floor Space Index of 0.6 until the (H) has been removed by amendment to this by-law.
- (c) In accordance with the provisions of Section 36 of the *Planning Act*, an amending by-law to remove the Holding Symbol (H) symbol in whole or in part from the Lands identified as Holding Zone on Schedule A attached hereto shall be enacted by City Council when the following have been provided and their implementation secured through the execution and registration on title of an agreement or agreements pursuant to Sections 51 and/or 53 of the *Planning Act*, as appropriate and pursuant to Section 114 of the *City of Toronto Act, 2006*, all to the satisfaction of the City of Toronto:

1. A phasing plan for the Lands identifying: the sequence of new development including the phasing and timing for the provision of municipal infrastructure to support development; the phasing and timing for the construction and conveyance to the City of new public streets, right-of-ways and the disposition of existing buildings;
2. The registration of plans of subdivision, consents to sever, and agreements, as appropriate, providing for amongst other things: new public streets, municipal services and infrastructure, stormwater management facilities and development blocks as may be applicable and required to support development on the Lands;
3. An addendum/update to the Urban Transportation Considerations Report prepared by the BA Group Transportation Consultants dated January 2012, confirming and identifying:
 - a. the impacts and level of service of the development on the existing and proposed street network;
 - b. any required improvements to support the development and to minimize any negative level of service impacts; and
 - c. how appropriate connections between adjacent properties, including the abutting lands will achieve a continuous and connected public street network;
4. An addendum/update to the "Dundas Street West/Highway 427 Future Development Servicing Study" prepared by MMM Group dated January, 2012 and the "Addendum #1 to the Dundas Street West/Highway 427 Future Development Servicing Study" prepared by MMM Group dated February, 2012 in order to confirm and identify that capacity remains in the trunk and local sanitary sewers to accommodate anticipated build out of the development and to identify any required improvements or mitigation measures necessary to minimize any impacts to the existing servicing network; and
5. The owner of the Lands shown on Schedule A to this by-law enters into and registers one or more financially secured development agreements with the City for the construction and where appropriate, conveyance to the City, of any improvements to the municipal infrastructure including off-site improvements, should it be determined that upgrades are required to the infrastructure to support development as identified in the approved traffic impact study, stormwater management master report and functional servicing report and/or associated addendums/updates to those studies/reports.

16. 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 the Lands as described in Schedule A to this By-law as if no severance, partition, divisions, consolidation, lot addition or merging of the Lands occurred.
17. No person shall use the Lands shown on Schedule A to this By-law or erect or use any buildings or structures on the Lands shown on Schedule A to this By-law, with the exception of existing buildings and uses as of the date of the enactment of this by-law, unless the following municipal services are provided to the Lot line:
- (a) All new public roads required to service the new buildings or structures which are applicable to such portion of the Lands have been constructed to a minimum of base curb and base asphalt and are connected to an existing public road; and
 - (b) All water mains and sanitary sewers, and appropriate appurtenances required to service the new buildings or structures which are applicable to such portion of the Lands have been installed and are operational.
18. Zoning By-law No. 2792 is hereby repealed on the coming into force of this by-law.
19. Where the provisions of this by-law conflict with the Etobicoke Zoning Code, the provisions of this by-law shall apply.
20. The Lands which are subject to this by-law, comprising the Lands shown on Schedule A attached hereto shall be subject to site plan control pursuant to Section 114 of the *City of Toronto Act, 2006* and Section 41(16) of the *Planning Act*.
21. Chapter 324-1 of the Etobicoke Zoning Code is amended by adding the following to Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
1082-2014(OMB) May 2, 2014	Those lands on the south side of Dundas Street West between East Mall Crescent and Vickers Road	To implement the recommendations of the Dundas Street West Highway 427 Planning Framework Study

PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON MAY 2, 2014 UNDER BOARD CASE NO. PL060668.



Schedule A to By-Law _____ 2013



Area Affected by this By-Law



Not to Scale
By-Law 11,737 as amended
28/10/2013

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