

Authority: Etobicoke York Community Council Item
EY X.X, as adopted by City of Toronto Council on XX, X,
X and X 2023

CITY OF TORONTO

Bill

BY-LAW XXXX-2023

To amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 5 Capri Road.

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 pursuant to Section 39 of the Planning Act, as amended, a by-law passed under Section 34 of the Planning Act, may authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the 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;

The Council of the City of Toronto enacts:

- 1.** The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
- 2.** The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
- 3.** Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of RAC (f24.0; au116.0) (x107) to a zone label of RAC (f24.0; au116.0) (xXXX) as shown on Diagram 2 attached to this By-law.
- 4.** Zoning By-law 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number XXX so that it reads:

(XXX) Exception RAC XXX

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On the lands municipally known as 5 Capri Road, if the requirements of By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (KK) below;
- (B) Despite Regulation 15.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 145.8 metres and the elevation of the highest point of the **building** or **structure**;
- (C) In addition to the uses permitted in Regulation 15.20.20.10(1), **massage therapy**, “geo-energy facility”, “car share”, and **wellness centre** are permitted;
- (D) In addition to the uses permitted in Regulation 15.20.20.10(1) and (C) above, an **outdoor patio** is permitted provided that:
- (i) the maximum area of an **outdoor patio** is 150 square metres;
 - (ii) an **outdoor patio** may not be used to provide entertainment such as performances, music and dancing; and
 - (iii) an **outdoor patio** must be set back at least 7.5 metres from a **lot** in a Residential Zone category or Residential Apartment Zone category;
- (E) The following clauses or regulations do not apply with respect to the lands that are subject of this By-law [Clerks to insert By-law ##]:
- (i) Regulations 15.5.50.10(1) and (2), with respect to **landscaping**;
 - (ii) **Regulations** 15.5.80.10(2), 15.5.80.20(1), and 15.5.80.30(1), with respect to the location of a parking space on the lot, setback from **lot lines** for **parking spaces** and separation from any **main wall** of the **building** for a surface **parking space**;
 - (iii) Clause 15.5.100 with respect to access to the **lot**;
 - (iv) Regulations 15.20.20.100(1)(B) and (E);
 - (v) Regulation 15.20.30(2);
 - (vi) Regulation 15.20.40.80(2);
 - (vii) Regulations 150.45.20.1 and 150.45.40.1(1);
 - (viii) Regulation 15.20.20.100(7) with respect to other uses with an **eating establishment**; and
 - (ix) **Regulations** 15.20.20.100(12)(A) and (B) with respect to the outdoor sale

or display of goods or commodities;

- (F) For the purposes of this exception, a mezzanine does not constitute a **storey**;
- (G) Despite Regulation 15.20.20.40(1), **dwelling units** are permitted in a **building** or **structure** on the lot;
- (H) Despite Regulation 15.20.40.10(1), the permitted maximum height of Buildings B as shown on Diagram 3 of By-law [Clerks to insert By-law ##] is the number in metres following the letters HT as shown on Diagram 3 of By-law [Clerks to insert By-law ##], inclusive of equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment;
- (I) Despite (H) above, and Regulations 15.5.40.10(2) to (6), 15.5.75.1(4)(A)(ii), 15.5.75.1.(5)(C), the following elements of a **building** or **structure** are permitted to project above the permitted maximum **building** heights shown on Diagram 3 of By-law [Clerks to insert By-law ##], provided that the maximum height does not exceed 73.66 metres:
 - (i) Elements on or above any roof used for elevator related structural elements and elevator shafts, chimneys, pipes, flues, stacks, vents, antennae, enclosed stairwells, **solar energy** and **wind energy** devices, window washing equipment, and roof access, to a maximum of 3.5 metres;
 - (ii) Elements on or above any roof used for parapets, exterior cladding and ornamental or architectural features by a maximum of 6.5 metres;
 - (iii) Elements on or above any roof used for lightning rods, to a maximum of 6.5 metres;
 - (iv) **structures** associated with a **green roof**, to a maximum of 1.5 metres;
 - (v) trellises, pergolas, louvres, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, to a maximum of 3.0 metres; and
 - (vi) planters, **landscaping** features, lighting fixtures, guardrails, and divider screens on a balcony and/or terrace, to a maximum of 3.0 metres;
- (J) Despite Regulation 15.20.40.10(1), the permitted maximum height of Building A as shown on Diagram 3 of By-law [Clerks to insert By-law ##] is the height of Building A as it existed on the date of the passage of By-law [Clerks to insert By-law ##];
- (K) Despite (J) above, the permitted maximum height for an addition to Building A is the number in metres following the letters HT as shown on Diagram 3 of By-law [Clerks to insert By-law ##];

- (L) Despite Regulation 15.20.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the lands shall be as follows:
- (i) the permitted maximum **gross floor area** for Building A on Diagram 3 of By-law [Clerks to insert By-law ##] is the amount of **gross floor area** that existed on the date of the passage of By-law [Clerks to insert By-law ##] plus 150 square metres for an addition to Building A; and
 - (ii) the combined permitted maximum **gross floor area** for Building B on Diagram 3 of By-law [Clerks to insert By-law ##] is XX,XXX square metres;
- (M) In addition to the elements listed in Regulation 15.5.40.40(1), the **gross floor area** of a **building** may also be reduced by:
- (i) “geo-energy facilities”, below ground, at, or above-ground; and
 - (ii) storage rooms, washrooms, electrical, utility, service corridors, mechanical and ventilation rooms, moving rooms, mail / parcel room, bicycle parking, firefighter central alarm control facilities (CACF), below-ground at, or above-ground;
- (N) Despite Regulation 15.20.40.50, any of Building B as shown on Diagram 3 of By-law [Clerks to insert By-law ##] must provide **amenity space** on the **lot** at the following rate should that building contain 20 or more **dwelling units**:
- (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**,
 - (ii) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit**; and
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**;
- (O) Despite Regulation 15.20.40.50, Building A as shown on Diagram 3 of By-law [Clerks to insert By-law ##] must provide **amenity space** on the lot in accordance with the following:
- (i) 383 square metres of indoor **amenity space**; and
 - (ii) 424 square metres of outdoor **amenity space**;
- (P) Despite Clause 15.20.40.70 and Regulations 15.20.40.80(1) and (2), the required minimum **building setbacks** and separation distance between **main walls** of Building B are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##];

- (Q) Despite (P) above, Clause 15.5.40.60 and Regulations 15.5.75.1(4)(A)(i) and 15.5.75.1(5)(B), the following elements of a **building** or **structure** are permitted to encroach into the required minimum **building setbacks** and separation distance between **main walls** of **buildings** as shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##]:
- (i) balconies and related **structures** and elements such as balcony dividers, guardrails, railings and soffit cladding, to a maximum of 1.8 metres provided that they are located within the area identified as “Balcony Zone” on Diagram 5 of By-law [Clerks to insert By-law ##];
 - (ii) exterior stairs, ladders, access ramps and elevating devices, to a maximum of 1.0 metre;
 - (iii) ornamental and architectural features such as pilaster, decorative column, cornice, sill, belt course, eaves, dormer, flashing and cladding elements added to the exterior surface of the **main wall** of a **building**, to a maximum of 1.0 metre;
 - (iv) utilities such as gas equipment and meters, hydro equipment and meters, telecommunications equipment and **solar energy** and **wind energy** devices, to a maximum of 1.0 metre;
 - (v) underground garage ramp and associated **structures**, to a maximum of 6.0 metres;
 - (vi) canopies and awnings with or without support, to a maximum of 3.0 metres;
 - (vii) elevator shafts, to a maximum of 3.0 metres; and
 - (viii) air conditioners, satellite dishes, antennae, signage, lighting fixtures, vents, and pipes, to a maximum of 1.0 metre;
- (R) Despite Clause 15.20.40.70 and Regulation 15.20.40.80(1), the required minimum **building setbacks** and separation distance between **main walls** of Building A are as they existed on the passage of this By-law [Clerks to insert By-law ##], except that the minimum **building setbacks** to an addition to Building A is as shown in metres on Diagram 3 of By-law [Clerks to insert By-law ##];
- (S) Despite Regulation 200.5.1.10(2)(A)(iv), required **parking spaces** may be obstructed as described in Regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (T) Despite Regulation 200.5.1.10(2)(B) and (C), **parking spaces** may have the following minimum dimensions:

- (i) width of 2.4 metres;
 - (ii) length of 5.4 metres; and
 - (iii) vertical clearance of 1.8 metres;
- (U) Despite Regulations 200.5.1.10(2)(D), the equipment for the charging of an electric **vehicle** does not constitute an obstruction to a **parking space**;
- (V) Despite Regulation 200.5.1.10(2)(E), the equipment for the charging of electric **vehicles** is permitted in one or more **parking spaces**;
- (W) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following requirements:
- (i) for Building A as shown on Diagram 3 of By-law [Clerks to insert By-law ##]:
 - 1. a minimum of 249 **parking spaces** for residential **dwelling units**;
 - 2. a minimum of 19 visitor **parking spaces**; and
 - 3. a minimum of 0 **parking spaces** for non-residential uses;
 - (ii) for Building B as shown on Diagram 3 of By-law [Clerks to insert By-law ##]:
 - 1. 0.77 resident **parking spaces** per **dwelling unit**;
 - 2. 0.1 visitor **parking spaces** per **dwelling unit**;
 - 3. a minimum of 0 **parking spaces** for non-residential uses;
 - (iii) for the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
 - (iv) for the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes; and
 - (v) despite Regulation 200.5, for each parking space exclusively reserved and signed for a car or cars used only for car-share purposes, the minimum number of resident parking spaces required may be reduced by four parking spaces, up to a maximum reduction as calculated by the following formula:

4 x (the total number of dwelling units on lands identified on Diagram 1 of this By-law divided by 60), rounded down to the nearest whole number;

- (X) Despite Regulation 15.5.80.1, the **parking spaces** required by (W)(i) and (ii) above may be provided on a non-exclusive basis;
- (Y) Despite Regulation 200.15.10.10(1), a minimum of 25 of the required **parking spaces** on the lands must be accessible **parking spaces**;
- (Z) Regulation 200.5.1(3) only applies to **drive aisles** wholly constructed on the lot following the passing of this By-law [Clerks to insert By-law ##];
- (AA) Despite Regulation 200.15.1(1), accessible parking space dimensions must have the following minimum distances:
 - (i) Length of 5.6 metres;
 - (ii) Width of 3.4 metres;
 - (iii) Vertical clearance of 2.1 metres;
 - (iv) The entire length of an accessible parking space must be adjacent to a 1.5 metre wide accessible barrier free aisle or path; and
 - (v) The dimensions for accessible parking spaces shall only apply to accessible parking spaces wholly constructed after the passing of this By-law;
- (BB) Regulation 200.15.1(4) with respect to the location of accessible **parking spaces**, does not apply.
- (CC) Despite Regulations 220.5.10.1 (1), (2), (3), a minimum of 2 shared **loading spaces** shall be provided for for Building B as shown on Diagram 3 of By-law [Clerks to insert By-law ##];
- (DD) Despite Regulation 220.5.10.1, the minimum number of **loading spaces** for Building A as shown on Diagram 3 of By-law [Clerks to insert By-law ##] shall be the number of **loading spaces** provided on the date of the passage of By-law [Clerks to insert By-law ##]
- (EE) Regulation 220.5.20.1 with respect to access to **loading spaces**, only applies to **loading spaces** wholly constructed on the **lot** following the passing of this By-law [Clerks to insert By-law ##];
- (FF) Despite regulation 230.5.1.10(4)(A), the required minimum dimensions of a **bicycle parking space** are:
 - (i) length of 1.8 metres;

- (ii) width of 0.3 metres; and
 - (iii) vertical clearance of 1.9 metres;
- (GG) The minimum dimensions for a **bicycle parking space** if placed in a vertical position on a wall, structure or mechanical device are:
- (i) length or vertical clearance of 1.9 metres;
 - (ii) width of 0.4 metres; and
 - (iii) horizontal clearance from the wall of 1.2 metres;
- (HH) Despite Regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be located in a **stacked bicycle parking space** and may be located below ground, and at and above **established grade**;
- (II) Despite 230.20.1.20(1), a long term **bicycle parking space** may be located in a storage locker;
- (JJ) Despite Regulation 230.5.1.10, the number of **bicycle parking spaces** required for Building A shall be the number of **bicycle parking spaces** provided on the date of the passage of By-law [Clerks to insert By-law ##]; and
- (KK) For the purpose of this exception, a “geo-energy facility” means premises containing devices to generate **geo-energy** for the exclusive use of the **building**.

Prevailing By-laws and Prevailing Sections: (None Apply)

5. Despite any future severance, partition or division of the lands subject to this By-law, the provisions of this By-law will apply as if no severance, partition or division occurred.
6. Pursuant to Section 39(1) of the Planning Act, none of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a **retail store** in a **building, structure** or trailer for the purpose of selling, renting or leasing of **dwelling units** on the lands in the RAC Zone to which this By-law applies, provided that any such **building** or **structure** does not exceed a maximum height of 7.5 metres. Section 6 of this By-law shall expire on [Clerks to insert DATE THREE YEARS FROM ENACTMENT DATE].

Enacted and passed on XXX , 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

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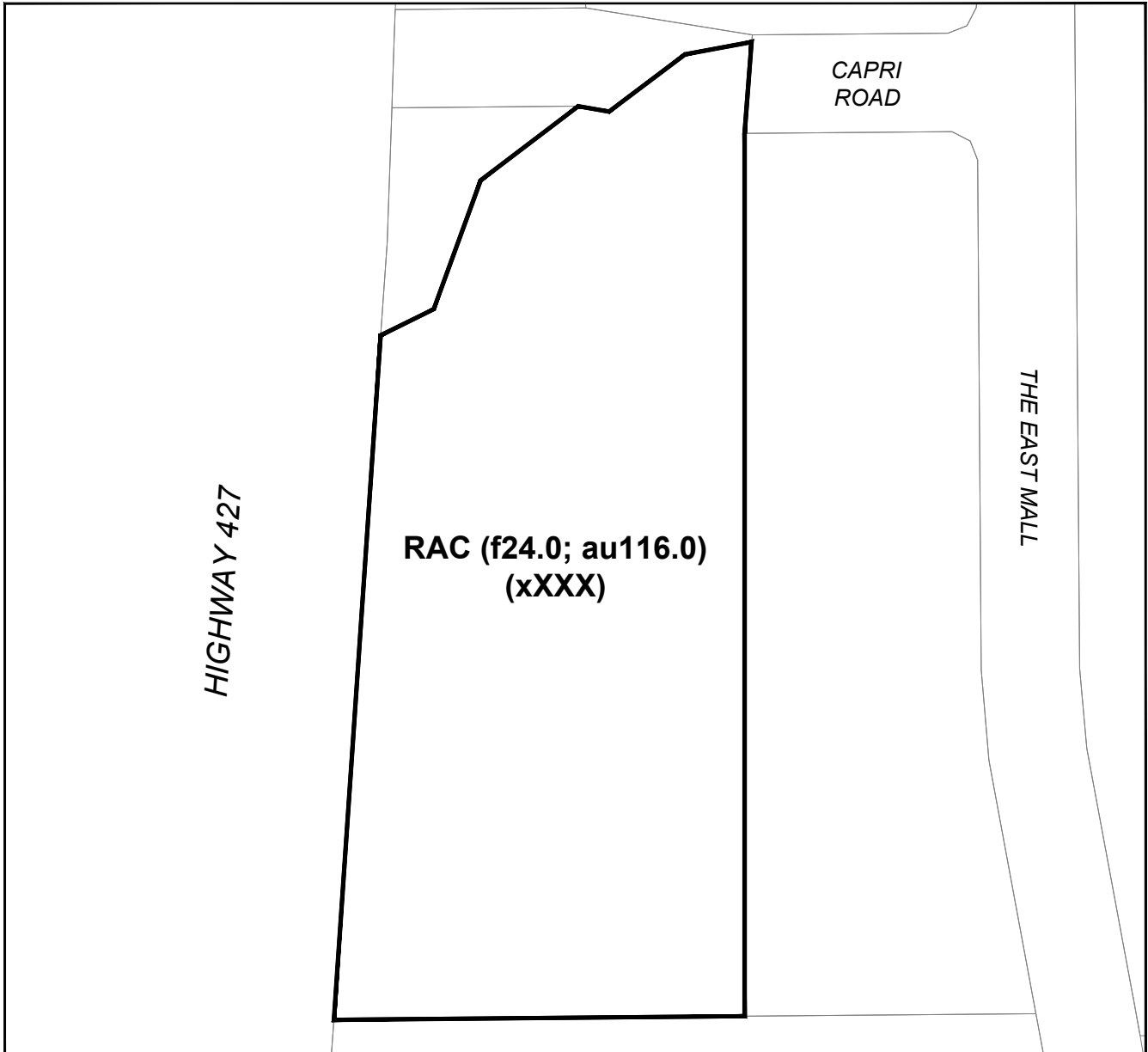
Diagram 1

5 Capri Road

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Not to Scale



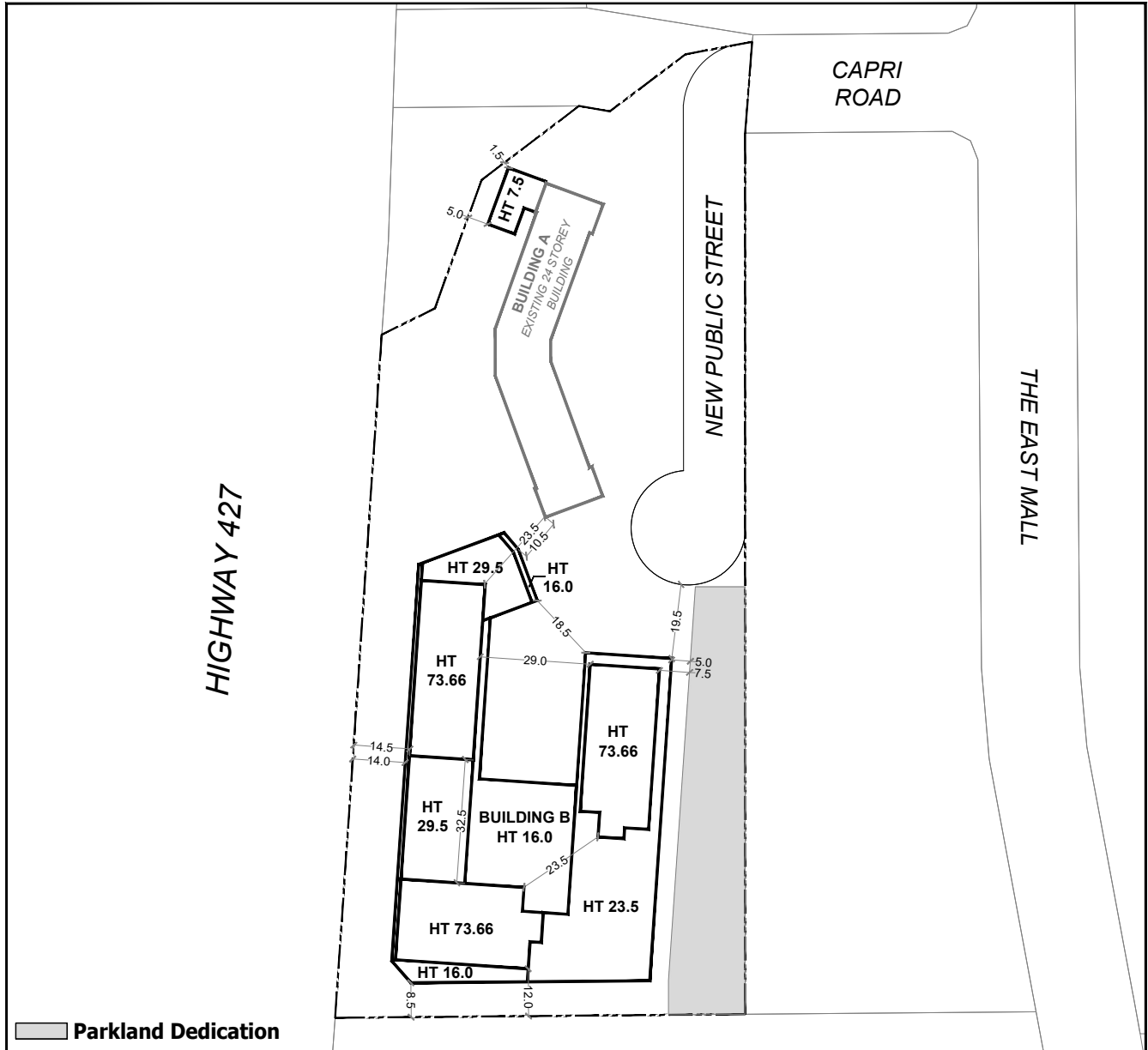


Diagram 3

5 Capri Road

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