

Authority: North York Community Council Item NY6.1,  
as adopted by City of Toronto Council on June 18 and 19,  
2019

## CITY OF TORONTO

**Bill 1144**

### **BY-LAW -2019**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 1202-1204 Avenue 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 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 provisions relating to the authorization of increases in height and/or 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 and 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 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 and matters in return for an 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and/or density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, 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; and

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

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 to R (f15.0; d0.6) (x62), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number [62] so that it reads:

**(62) Exception R 62**

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

Site Specific Provisions:

- (A) On 1202-1204 Avenue Road, if the requirements of Section (6) and Schedule A of By-law -2019 [Clerks to insert number] are complied with, a **building** or **structure** may be erected or constructed in compliance with (B) to (R) below;
- (B) For purposes of this exception, the **established grade** is the Canadian Geodetic Datum elevation of 171.98 metres;
- (C) Maximum number of **dwelling units** is 7;
- (D) Despite Regulation 150.10.40.1(1), one **secondary suite** is permitted at the time of construction;
- (E) Despite Regulation 5.10.30.20(1), the **front lot line** is the **lot line** abutting Avenue Road;
- (F) Despite Regulation 10.10.40.1(4), the required minimum width of a **dwelling unit** in a **townhouse** is 4.85 metres;
- (G) Despite Regulation 10.10.40.10(1) and (2), the permitted maximum height of a **building** or **structure** must not exceed the height in metres specified by the numbers followed by the symbol HT shown on Diagram 3, attached to this By-law;
- (H) Despite regulation 10.5.40.50(4), the floor of the platform at a **front wall** may be no higher than 1.55 metres above **established grade**;
- (I) Regulation 10.10.40.10(6) regarding the height of a main pedestrian entrance does not apply;
- (J) Regulation 10.10.40.30(1) regarding **building depth** does not apply;
- (K) Despite Regulation 10.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 1,375 square metres;

- (L) Despite Clause 10.10.40.70, the required minimum building setbacks for all above ground portions of any **building** or **structure** are as shown on Diagram 3 attached to this By-law;
- (M) Despite Clause (L) above and regulations 10.5.40.60(5) and (6), the following **building** elements and **structures** are permitted to encroach into the required **building setbacks** shown on Diagram 3, attached to this By-law, a maximum of 0.5 metres:
  - (i) bay windows;
  - (ii) architectural banding;
  - (iii) canopies; and
  - (iv) other ornamental elements;
- (N) For the purposes of regulation 10.5.40.60(1) a platform providing access to a **building** or **structure** will be located on the storey closest to the floor height of 173.30 metres Canadian Geodetic Datum;
- (O) Despite regulation 10.5.40.60(3)(A) (i) and (iii), exterior stairs providing access to a **building** or **structure** may encroach into a required minimum **building setback** if the stairs are no longer than 2.0 horizontal units for each 1.0 vertical unit above the ground at the point where the stairs meet the **building** or **structure** and no closer to a lot line than 0.0 metres;
- (P) Despite Regulation 10.5.50.10(1), (2) and (3), a minimum of 30 percent of the area of the **lot** shall be for **landscaping**, of which 20 percent shall be for soft landscaping;
- (Q) Despite Regulation 200.5.10.1(1), a minimum of 7 **parking spaces** for residential use and no visitor **parking spaces** shall be required and maintained on the **lot**; and
- (R) Despite regulation 200.15.10(1), no accessible **parking spaces** are required for the **lot**.

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

- 5. None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office on the **lot** for a period of not more than 3 years from the date this by-law comes into full force and effect, exclusively for the purposes of marketing and sales of the **dwelling units** on these lands.

**6. Section 37 Provisions:**

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A of 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; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on July , 2019.

Frances Nunziata,  
Speaker

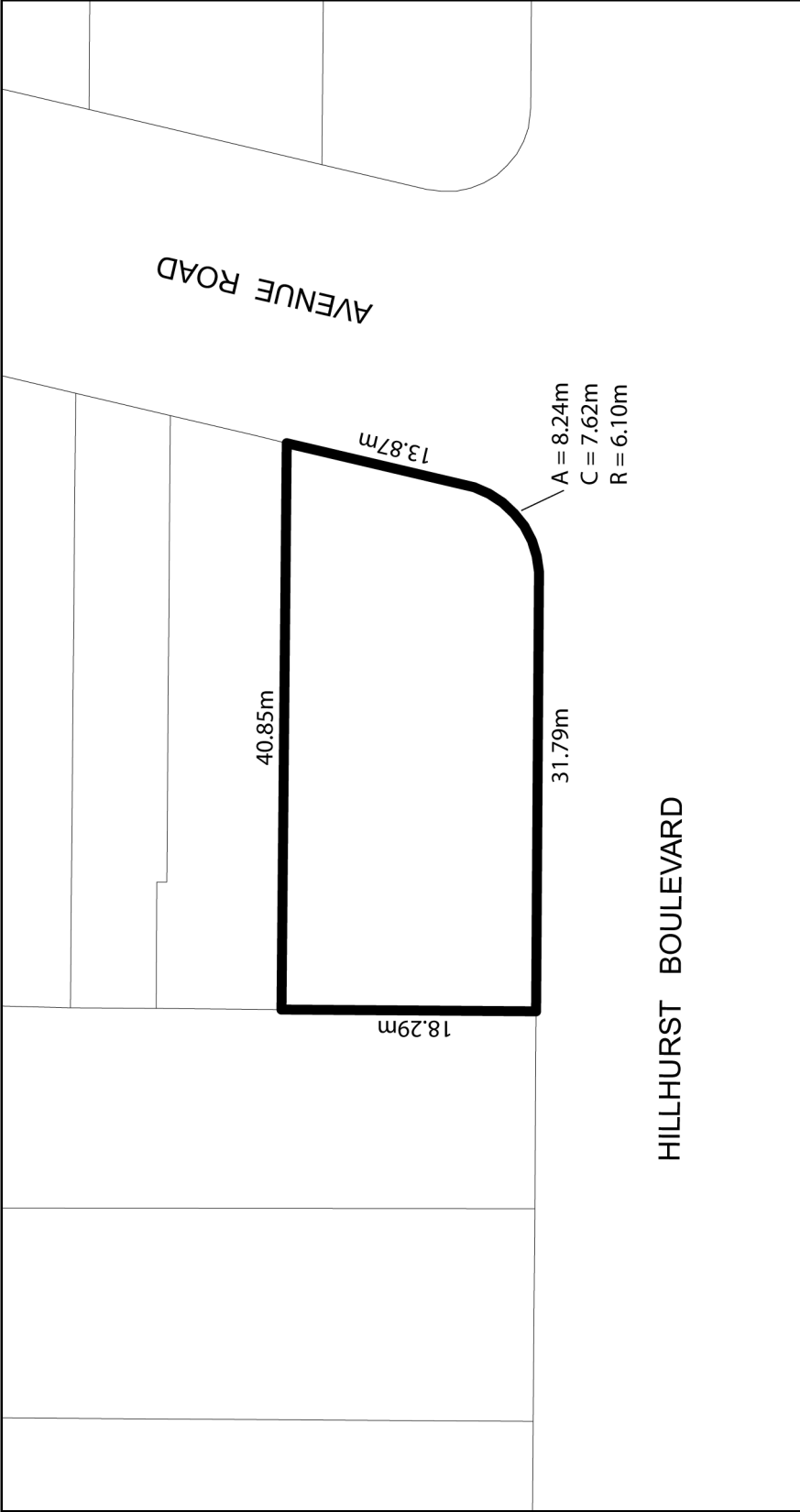
Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**SCHEDULE A**  
**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 as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to introducing the necessary Bills to City Council for enactment, the Owner shall provide a cash contribution of \$35,000 to be directed to the Capital Revolving Fund for Affordable Housing and to be put towards the provision of new affordable housing.

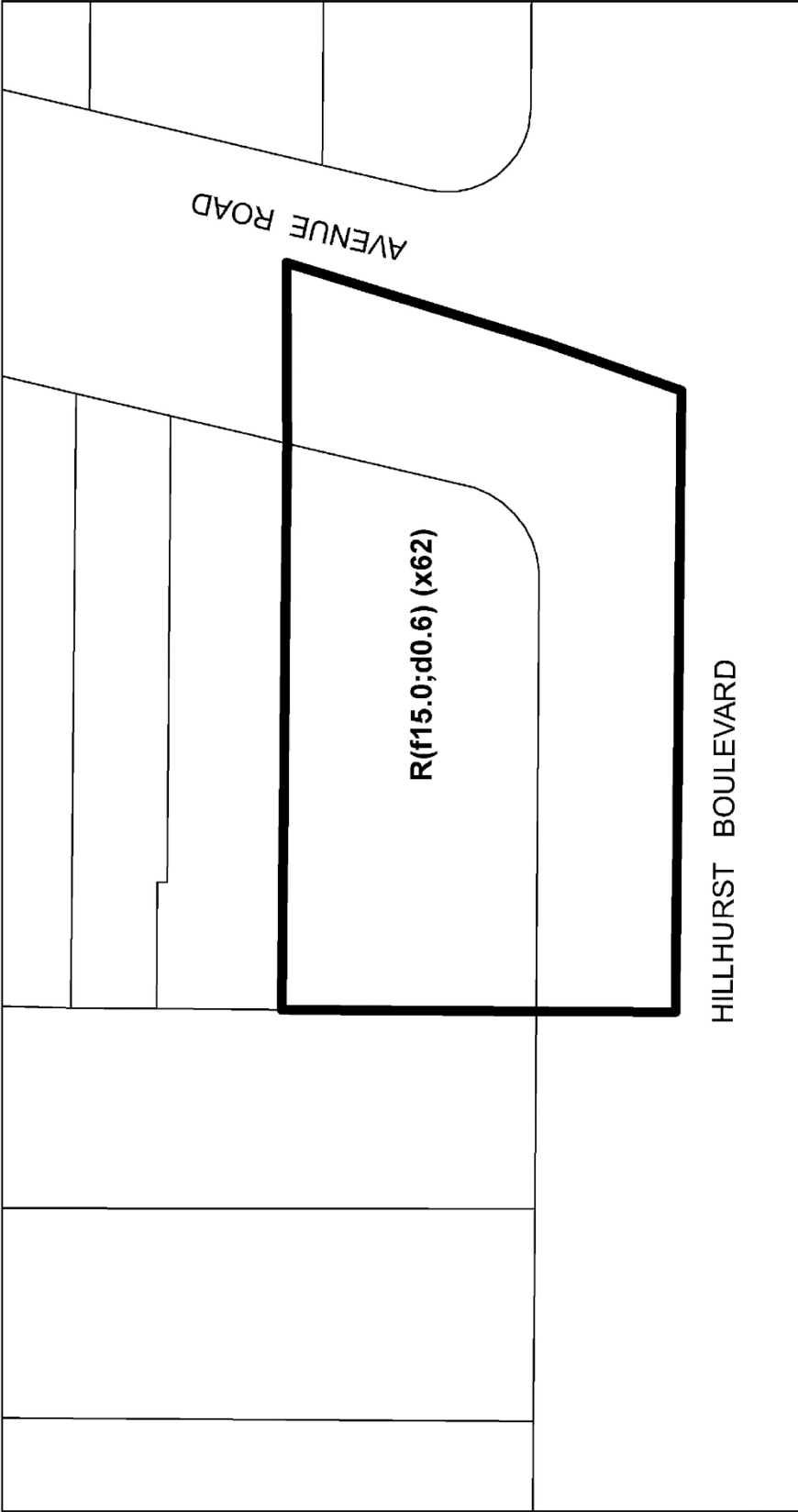


1202 & 1204 Avenue Road

File # 16 254034 NMY 16 0Z



City of Toronto By-law 569-2013  
Not to Scale  
1/4/2019



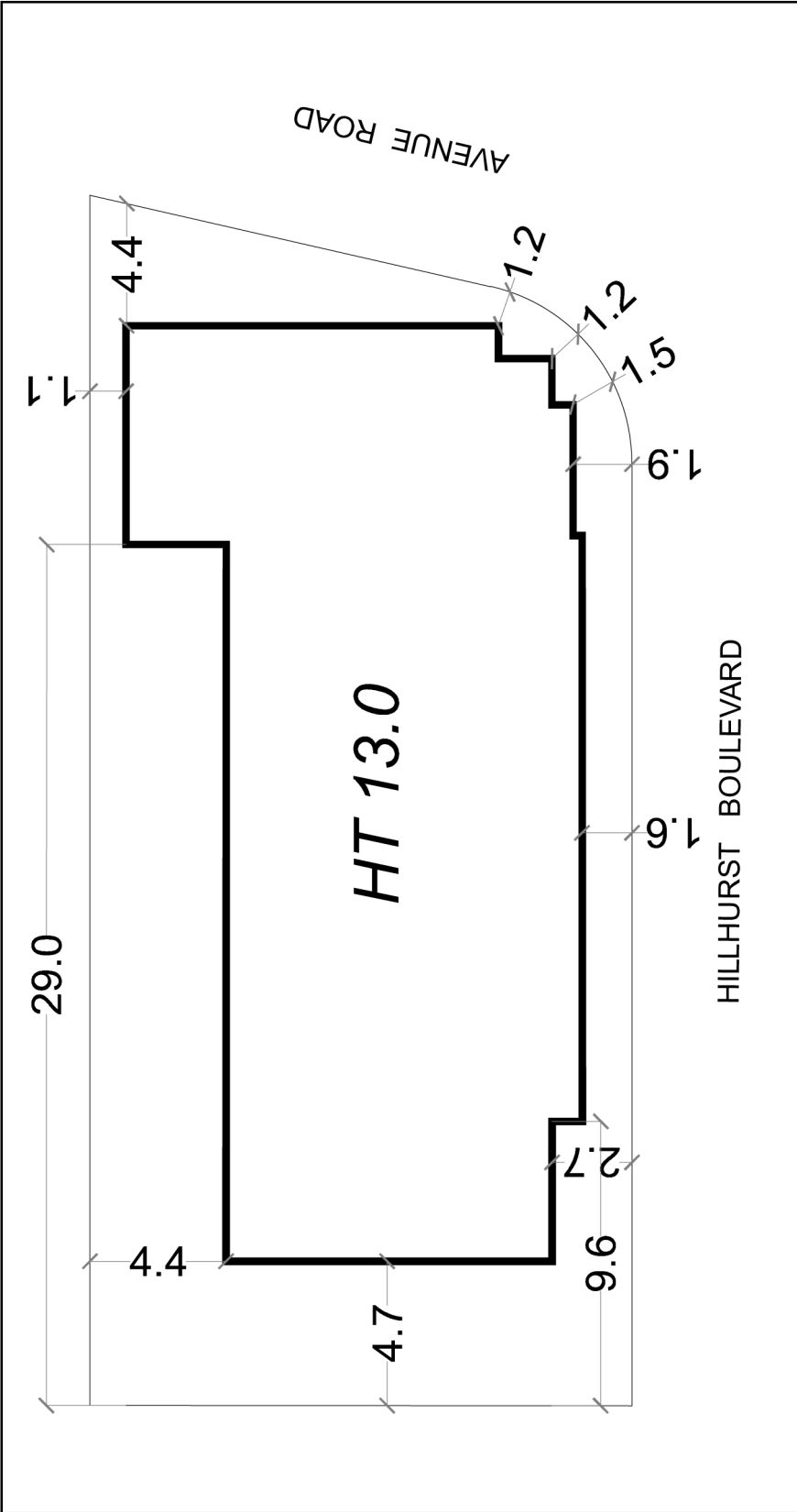
**Toronto**  
 Diagram 2

1202 & 1204 Avenue Road

File # 16 254034 NNY 16 0Z



City of Toronto By-law 569-2013  
 Not to Scale  
 1/4/2019



**Toronto**  
 Diagram 3

1202 & 1204 Avenue Road

File # 16 254034 NMY 16 0Z



City of Toronto By-law 569:2013  
 Not to Scale  
 03/22/2019