

Authority: North York Community Council Item NY9.3,
as adopted by City of Toronto Council on October 29 and
30, 2019

CITY OF TORONTO

Bill 1489

BY-LAW -2019

To amend former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known as 104-110 Bartley Drive.

Whereas Council of the City of Toronto has the authority to 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 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;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in density permitted beyond that otherwise permitted on the aforesaid lands by By-law 7625 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;

The Council of City of Toronto enacts:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedule "1" and "RM1(115)" attached to this By-law.
2. Section 64.16 EXCEPTIONS TO RM1 ZONE (MULTIPLE FAMILY DWELLINGS FIRST DENSITY ZONE) of By-law 7625 of the former City of North York is amended by adding the following subsection:

64.16 (115) RM1(115)

DEFINITIONS

- a. For the purpose of this exception, Parcels A and B shall each mean those parts of the site shown and respectively identified as such on Schedules "B" and "C" of By-law No. 7625 of the former City of North York.
- b. For the purpose of this exception, "established grade" shall mean, for:
 - i. Blocks A to J inclusive: the elevation of the centre line of the street adjacent to the block at the mid point of the front lot line.
 - ii. Blocks K to N inclusive: the elevation of the centre line of the private street adjacent to the block at the mid point of the front lot line.

EXCEPTION REGULATIONS

PERMITTED USES

- c. In addition to the uses permitted in Section 16.1(a), Multiple Family Dwellings shall be considered a permitted use.

NUMBER OF DWELLING UNITS

- d. A maximum of 84 dwelling units shall be permitted on Parcel A.

LOT AREA

- e. The provisions of Section 16.2.1 (Lot Area) shall not apply.

LOT COVERAGE

- f. The provisions of Section 16.2.2 (Lot Coverage) shall not apply.

STREET FRONTAGE

- g. The provisions of Section 16.2.3 (Street Frontage) shall not apply.

YARD SETBACKS

- h. The provisions of Section 16.2.4 (Yard Setbacks) shall not apply.
- i. The minimum yard setbacks for all buildings and structures above established grade shall be as set out on Schedule RM1(115) attached to this By-law.

FLOOR AREA

- j. The provisions of Section 16.2.5 (Floor Area) shall not apply.

- k. The combined gross floor area for all buildings on Parcel A shall not exceed 13,900 square metres.

BUILDING HEIGHT

- l. The provisions of Section 16.2.6 (Building Height) and 6(13) (Schedule D Height Limit) shall not apply.
- m. The maximum height of any portion of a building or structure shall be as follows:
 - i. the maximum number of storeys for each portion of a building or structure shall not exceed that shown for that portion of the building on Schedule RM1(115) attached to this By-law;
 - ii. the maximum height in metres for each portion of a building or structure shall not exceed the height in metres shown for that portion of the building on Schedule RM1(115) attached to this By-law);
 - iii. mechanical penthouses, parapets, green roof elements, architectural features, roof access structures, or any roof structure which is used only as an ornament or to house the mechanical equipment of the building:
 - A. shall be permitted to project up to 1.5 metres beyond the height in metres set out on Schedules RM1(115) attached to this By-law.

DISTANCE BETWEEN BUILDINGS

- n. The provisions of Section 16.3.2 (Distance Between Buildings) shall not apply.
- o. The required minimum distance between buildings on Parcel A is 3.0 metres, except for permitted projections set out in regulation (x) below.

LANDSCAPING

- p. The provisions of Section 15.8 (Landscaping) shall not apply.
- q. A combined minimum of 300 square metres of landscaping shall be provided on Parcel A. For the purposes of this by-law, landscaping shall include areas used for trees, plants, decorative stonework, retaining walls, walkways or other soft landscaping elements.

PARKING REQUIREMENTS

- r. The provisions of Section 6A(1), 6A(2), 6A(5) and 6A(8) (Parking Requirements) shall not apply.
- s. For Parcel A, a minimum rate of 1 parking space per dwelling unit shall be provided for the use of residents.

- t. For Blocks K, L, M and N of Parcel A, visitor parking shall be provided at a minimum rate of 0.2 spaces per dwelling unit.
- u. Notwithstanding Section 6A(3) (Side of Parking Space), the minimum dimensions of a parking stall shall be 2.6 metres by 5.6 metres, notwithstanding any obstructions.

LOADING

- v. The provisions of Section 6A(16) (Loading Space Requirements) shall not apply.

PROJECTIONS

- w. The provisions of Section 6(9) (Permitted Projections into Minimum Yard Setbacks) shall not apply.
- x. Notwithstanding the building envelopes set out on Schedule RM1(115) attached to this By-law, the following may project into the minimum setbacks as follows:
 - i. Awnings, balconies, front porches and steps, canopies, privacy screens, guard railings by not more than 1.5 metres;
 - ii. cornices, eaves, gutters and fire shutters by not more than 0.75 metres; and
 - iii. wall mounted equipment including utility equipment, air conditioners and lighting fixtures, landscape features, stair enclosures, bay windows, sills, keystones, architectural elements including windows, and window surrounds by not more than 0.6 metres;

DIVISION OF LANDS

- y. Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole site as if no severance or division had occurred.
3. Section 64.16 of By-law 7625 of the former City of North York is amended by adding Schedule "RM1(115)" attached to this By-law.

Enacted and passed on October , 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule A
Section 37 Provisions

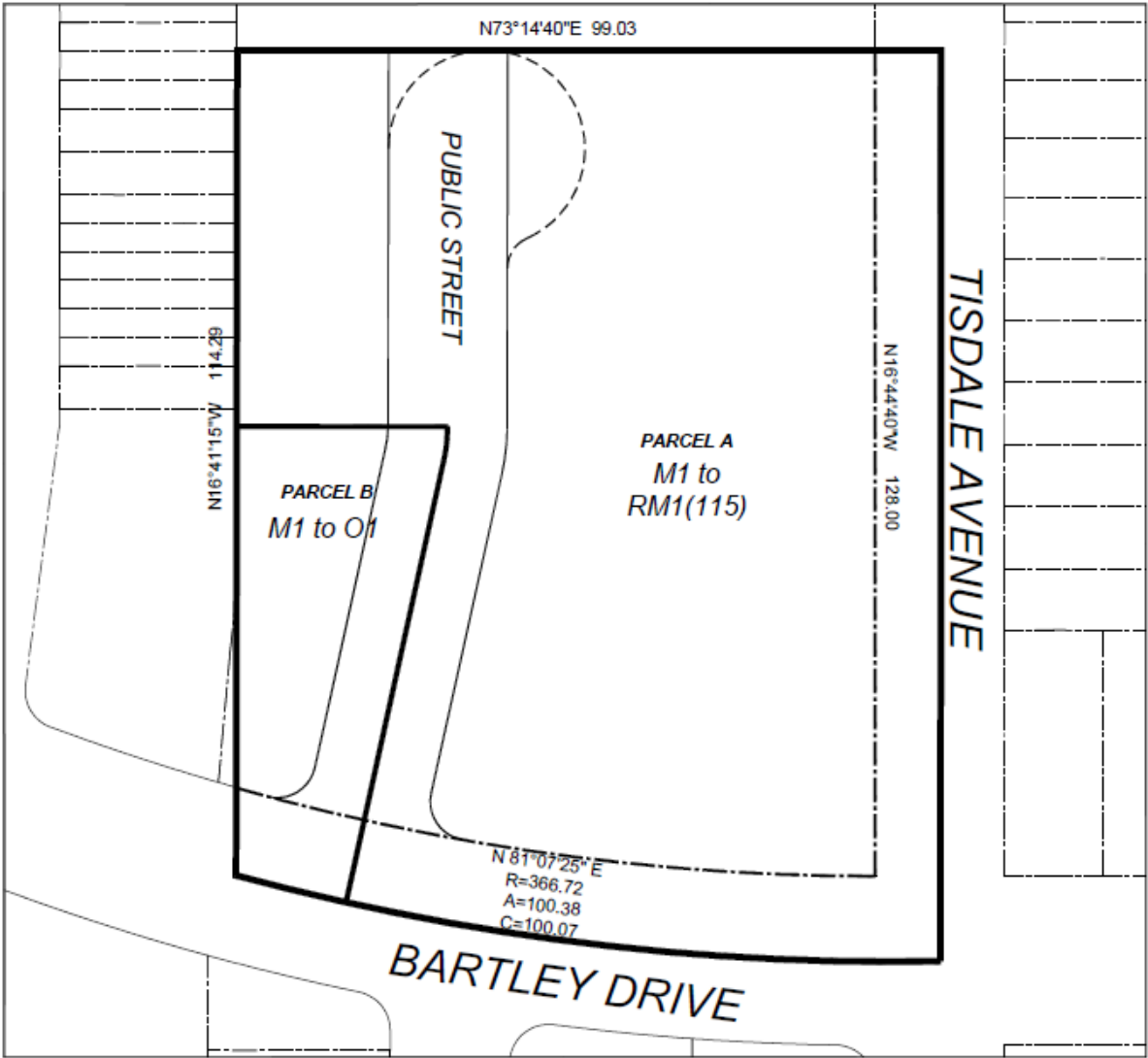
The Facilities, services and matters set out below are required to be provided to the City at the Owner's expense in return for the increase in density of the proposed development on the lands as shown on "Schedule 1" in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follow:

1. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - a. Prior to the issuance of the first above-grade building permit, the Owner shall provide a contribution in the amount of \$925,000 to be used towards improvements at Bartley Park, Parma Park, and O'Connor Drive streetscape improvements to be identified through the O'Connor Streetscape Master Plan study.
 - b. The financial contribution referred to in 1.a) shall be indexed upwardly in accordance with Statistics Canada Non-Residential or Apartment-Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
 - c. In the event the cash contribution referred to in Recommendation 1.a) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

The following additional services, facilities or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner are also to be secured in the Section 37 Agreement and/or Zoning By-laws as a legal convenience or otherwise to support development, to be secured on a phased basis, as appropriate:

2. 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 as its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and s may be further amended by City Council from time to time.

Schedule 1



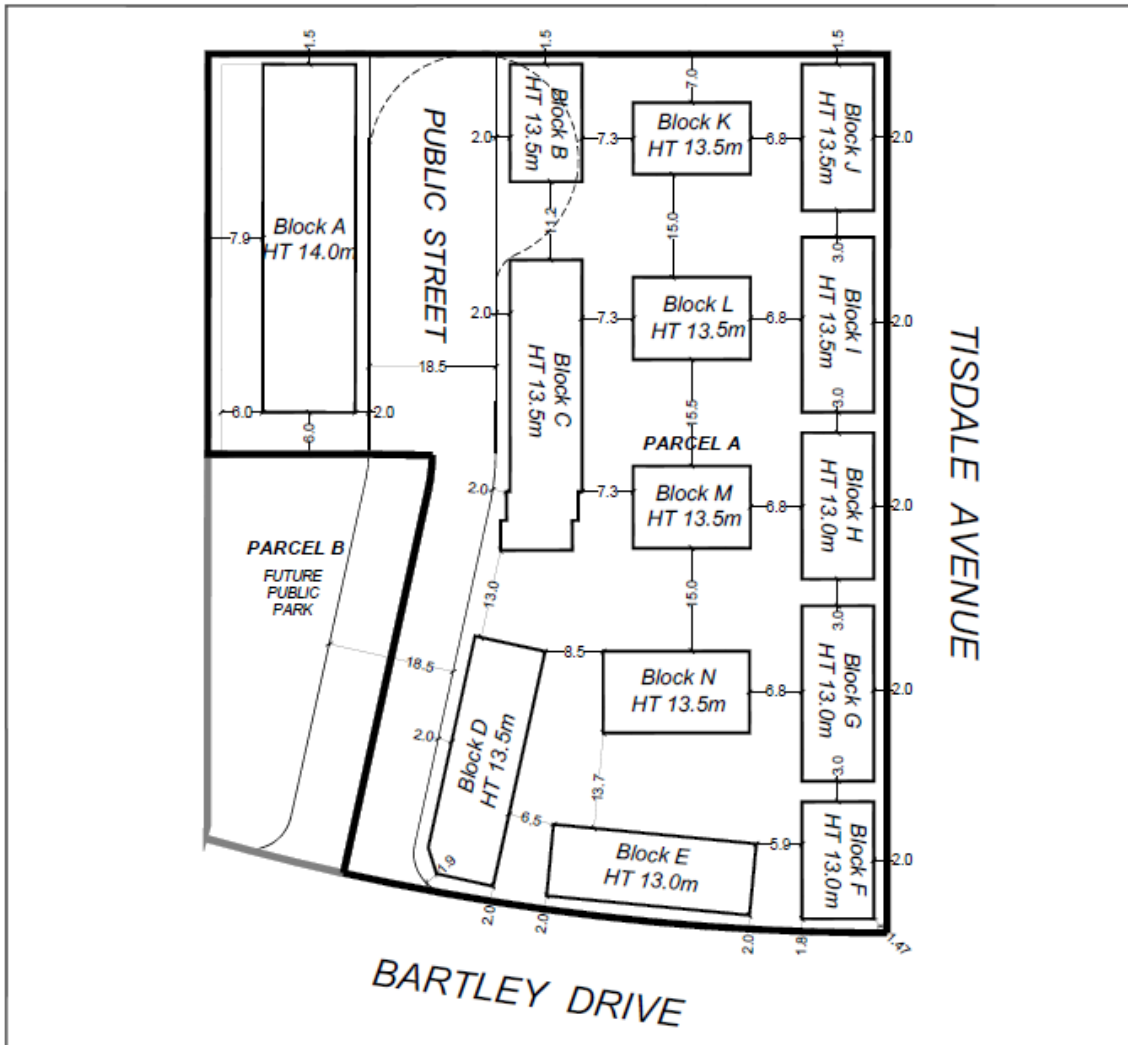
104-110 Bartley Drive, Toronto

File #17 209538 NNY 34 0Z



Not to Scale

Schedule RM1(115)



104-110 Bartley Drive, Toronto

File #17 209538 NNY 34 OZ



Not to Scale