

Authority: North York Community Council Report No. 1, Clause No. 25,
as adopted by City of Toronto Council on February 1, 2 and 3, 2000
Enacted by Council: May 11, 2000

CITY OF TORONTO

BY-LAW No. 275-2000

**To amend City of North York By-law No. 7625
in respect of lands municipally known as
12 McKee Avenue, 33 Doris Avenue and 21 Church Avenue.**

WHEREAS authority is given to Council by Sections 34 and 37 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 of the former City of North York contains provisions relating to the authorization of increases in height and density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, R.S.O., c.P. 13, as amended, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS subsection 37(3) of the *Planning Act*, R.S.O. 1990, c.P. 13, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and 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 have elected to provide the facilities, services and matters and hereinafter set forth; and

WHEREAS the increase in density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by the one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increase in density in connection with the aforesaid lands as permitted by this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule “1” of this By-law.

2. Section 64 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

“64.20-A(95) RM6(95)

DEFINITIONS

- | | |
|-----------------------|--|
| Gross floor area | <p>(a) For purposes of this exception, “gross floor area” shall be defined as the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:</p> <ul style="list-style-type: none"> (i) any part of the building used for mechanical floor area; (ii) below grade space used exclusively for motor vehicle parking; and (iii) the floor area of unenclosed residential balconies. |
| Mechanical floor area | <p>(b) For purposes of this exception, “mechanical floor area” shall mean the floor area within a building that is used exclusively for the accommodation of mechanical equipment necessary to physically operate the building such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.</p> |
| Net site | <p>(c) For purposes of this exception, “net site” shall mean the site minus any lands conveyed to the City of Toronto for roads or parks purposes, as shown on Schedule RM6(95).</p> |

PERMITTED USES

- (d) The only permitted use shall be an apartment house dwelling and accessory uses including personal service shops, tuck shop and recreational amenity areas for the exclusive use of the residents of the building.
- (e) For purposes of this by-law, “recreational amenity area” shall be as defined in By-law No. 7625, and in addition may include administrative offices, consultation areas and a communal dining facility.

SECTION 37 AGREEMENT

- (f) The respective facilities, services or matters which are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, in order to permit the increased density authorized under subsection 2(h)(iii) of this By-law is the conveyance of a park with a minimum area of 158 m² at the

north-east corner of the site, prior to the issuance of any building permit for the lands; and

- (g) The respective facilities, services or matters which are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, in order to permit the increased density authorized under subsection 2(i) of this By-law is the provision of a minimum of 232.5 m² of gross floor area for use on the lands exclusively as recreational amenity areas.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- | | |
|--------------|---|
| Maximum gfa | (h) The maximum gross floor area permitted on the net site shall be the sum of: |
| Net site | (i) 9,180 m ² attributable to the net site; |
| Service Road | (ii) 5,700 m ² attributable to the lands shown on Schedule RM6(95) intended for the Uptown Service Road; and |
| Transfer | (iii) 592.5 m ² transferred from lands as shown on Schedule RM6(95) dedicated to the City for parks purposes, pursuant to Section 42 of the <i>Planning Act</i> . |
| Incentive | (i) In addition to the maximum gross floor area cited above, a maximum of 232.5 m ² of gross floor area shall be permitted exclusively for recreational amenity areas. |

LOT COVERAGE

- (j) The maximum lot coverage shall be 43 percent.

LOT FRONTAGE

- (k) The minimum lot frontage shall be 65.0 metres.

YARD SETBACKS

- (l) The minimum yard setbacks shall be as shown on Schedule RM6(95) attached.

LANDSCAPING

- (m) Section 15.8 shall not apply.
- (n) A minimum of 650 m² of landscaping shall be provided.

BUILDING HEIGHT

- (o) (i) The maximum building height shall be 48.8 metres.
- (ii) Any penthouse, tower, cupola, steeple or other roof structure which is used only as an ornament upon or to house the mechanical equipment of the building shall have a maximum height of 8.2 metres.

UNIT COUNT

- (p) The maximum number of dwelling units shall be 155.

PARKING

- (q) Parking spaces shall be provided and maintained on the “net site” in accordance with the following requirements:
 - (i) a minimum of 1.0 space provided per dwelling unit, including 0.1 space per unit designated for visitor use;
 - (ii) a maximum of 1.4 spaces provided per dwelling unit, including 0.1 space per unit designated for visitor use; and
 - (iii) no surface parking spaces shall be permitted.

CANOPIES

- (r) Section 6(9)(f) shall not apply.
- (s) A canopy may be permitted to project into the minimum front yard setback not more than 2.9 metres.
- (t) A canopy may be permitted to project into the minimum west side yard setback not more than 7.5 metres.

DIVISION OF LANDS

- (u) The provisions of this exception shall apply collectively to the lands notwithstanding their future severance, partition or division for any purpose.

3. Section 64.20-A is amended by the addition of Schedule RM6(95).
4. By-law No. 111-2000 is hereby repealed.

ENACTED AND PASSED this 11th day of May, A.D. 2000.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

SCHEDULE "1" (on file)

SCHEDULE "RM6(95)" (on file)