

Authority: Toronto Community Council Report No. 9, Clause No. 50,
as adopted by City of Toronto Council on June 7, 8 and 9, 2000
Enacted by Council: October 5, 2000

CITY OF TORONTO

BY-LAW No. 832-2000

To amend By-law No. 438-86, the Zoning By-law for the former City of Toronto, as amended, respecting 38 Abell Street.

WHEREAS this By-law is passed in implementation of the City of Toronto Part II Official Plan Amendment for Garrison Common North; and

WHEREAS pursuant to Section 37 of the Planning Act, the Council of a municipality may in a by-law passed under Section 34 of the Planning Act, authorize increases in height or density of development beyond those otherwise permitted by the by-law 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 or matters in return for an increase in 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 or matters; and

WHEREAS the owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owners of such lands and the City of Toronto, hereinafter referred to as the City; and

WHEREAS Council has required the owners of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height or density in connection with the aforesaid lands as permitted in this By-law;

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

1. None of the provisions of Section 2(1) pertaining to the definitions of *live-work unit* and *lot*, and Sections 4(4), 4(6), 4(7), 4(11), 4(13), 4(16), 9(1), 9(3) Part II 1 and 9(3) Part VIII 1 of By-law No. 438-86, being “A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of *residential buildings* containing *dwelling units* alone or in combination with *live-work units* on the *lot* provided:

- (1) the *lot* comprises at least those lands delineated by heavy lines on Plan 1 attached to and forming part of this By-law;

- (2) no portion of any building above *grade* except for projections permitted by the chart in Section 6(3) Part II 8 of the aforesaid By-law No. 438-86, as amended, is located otherwise than wholly within the areas delineated by heavy lines on Plan 2 attached to and forming part of this By-law;
- (3) no portion of any building erected or used on the *lot* is located above a *height* of 12 metres above *grade*;
- (4) the total *residential gross floor area* on the *lot* does not exceed 9,900 square metres;
- (5) the total number of *dwelling units* or *live-work units* on the *lot*, alone or in combination, shall not exceed 120, of which a minimum of 71 shall contain two or three *bedrooms*;
- (6) at least 121 *parking spaces* are provided and maintained on the *lot*;
- (7) at least one *loading space – Type G* is provided and maintained on the *lot*;
- (8) the *dwelling units* and *live-work units* shall be limited to the following maximum floor areas:
 - bachelor – 54 square metres;
 - two-*bedroom* – 77 square metres;
 - three-*bedroom* – 112 square metres;
- (9) the *owner* of the *lot*, at its expense and in accordance with and subject to the agreement referred to in subsection 1(9)(e) of this By-law:
 - (a) decommissions a 4.5 metre-wide strip of land along the east property line that was formerly the right of way for Abell Street as shown on Plan 1, and thereafter constructs upon it a 1.5 metre-wide walkway and a 3 metre-wide bicycle path to City standards prior to occupancy of any *dwelling unit* or *live-work unit* on the *lot*;
 - (b) prior to any building permit for development on the *lot*, provides the City with a letter of credit in an amount to be determined by the Commissioner of Works and Emergency Services, in order to secure the construction of the walkway and bicycle path;
 - (c) upon completion of construction of the walkway and bicycle path, conveys the walkway and bicycle path to the City for two dollars, free and clear of all encumbrances except for encumbrances acceptable to the City;
 - (d) provides funds to the City in the amount of \$110,000.00 upon the earlier to occur of eighteen months from the date of passage of this

By-law and the issuing of a building permit for any above-*grade* structure on the *lot*, in order to provide for a bicycle/pedestrian path in the vicinity of the development, or such other uses as Council determines; and

- (e) enters into one or more agreements with the City pursuant to Section 37 of the Planning Act to secure all the facilities, services and matters necessary, including those referred to in subsection 1(9) of this By-law, and such agreement or agreements are appropriately registered against the title to the lands.

2. For the purposes of this By-law:

- (1) “*live-work unit*” shall mean a *dwelling unit* that is also used for work purposes by any number of persons;
- (2) “*lot*” shall mean at least those lands shown delineated by heavy lines on Plan 1, which lands shall be deemed to be one *lot*, regardless of whether two or more buildings which are not connected below *grade* are erected thereon, and regardless of any conveyances or easements made or granted to the City after the date of enactment of this By-law;
- (3) “*grade*” and “*height*” shall have the same meaning as each word as defined in respect of a building in an R district in the aforesaid By-law No. 438-86, as amended; and
- (4) every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.

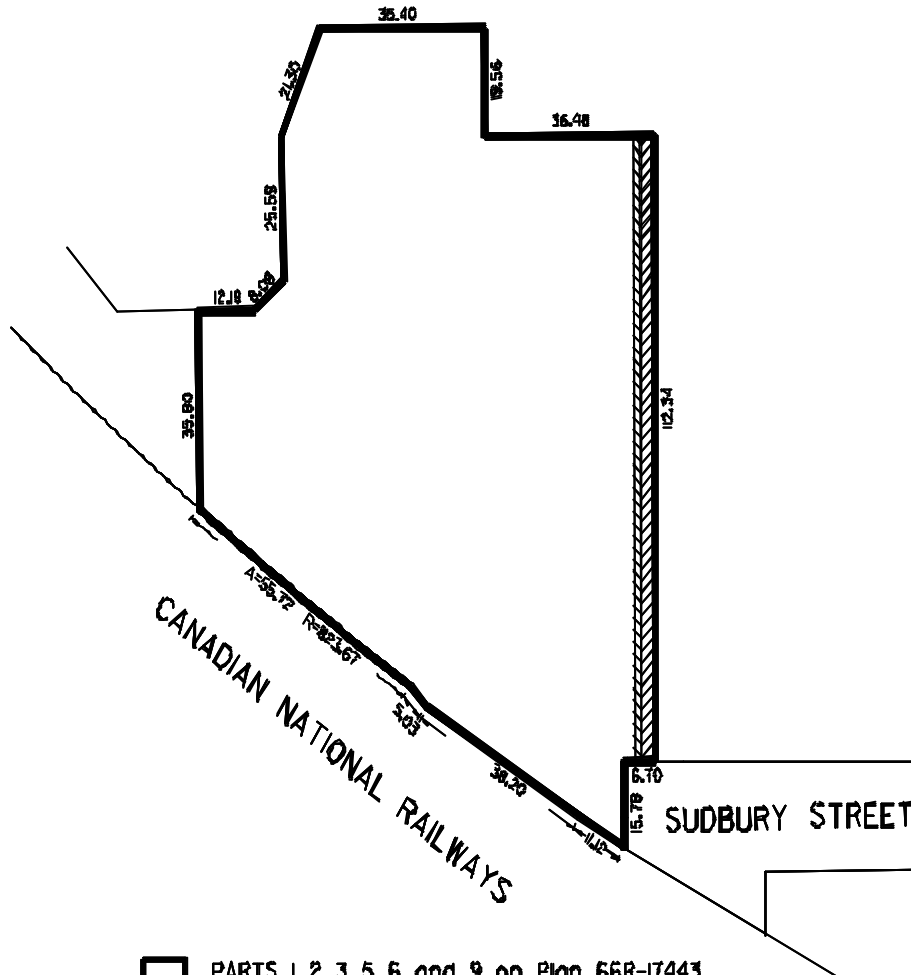
ENACTED AND PASSED this 5th day of October, A.D. 2000.




CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

PLAN I



-  PARTS 1, 2, 3, 5, 6 and 9 on Plan 66R-17443
-  3.0m BICYCLE PATH
(PARTS 5 & 6 on Plan 66R-1880)
-  1.5m WALKWAY
(PARTS 3 & 4 on Plan 66R-1880)



WORKS AND EMERGENCY SERVICES
 SURVEY AND MAPPING SERVICES
 TORONTO SEPTEMBER, 2000
 BLDG/3888EL1.DGN
 FILE: A45-Z1
 MAP No. 400-321 DRAWN: ML

