

Authority: York Community Council Report No. 9, Clause No. 2,
as adopted by City of Toronto Council on October 3, 4 and 5, 2000
Enacted by Council: October 5, 2000

CITY OF TORONTO

BY-LAW No. 850-2000

**To amend former City of York By-law No. 1-83 respecting
963 and 1001 Roselawn Avenue.**

WHEREAS authority is given to Council by Sections 34 and 36 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;

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

SECTION 6 - AMENDED

1. That Section 6 of Zoning By-law Number 1-83, as amended, of the former City of York, is hereby further amended by adding the following as a new Subsection (66), provided that this Subsection shall not have full force and effect until either,

- (i) the last day for filling an appeal to the By-law to introduce this Subsection has passed and no appeal has been filed, or
- (ii) the Ontario Municipal Board has issued an Order to effectively give full force and effect to the By-law to introduce this Subsection where an appeal of such By-law has been filed and considered by the Ontario Municipal Board and no other appeals or motions to the courts in respect of such By-law has been made and is pending decision:

“(66) MAP 25

By changing the area shown on District Map 25, municipally known as 963 and 1001 Roselawn Avenue and more particularly referenced in Schedule “A” hereto, from PE – Prestige Employment to RM2 – Residential Multiple Zone and to RM2-16 (397)-H Zone as shown on Schedule “A” hereto and by changing District Map 25 accordingly.”

SECTION 16 - AMENDED

2. That Section 16 of Zoning By-law Number 1-83, as amended, of the former City of York, is amended by adding the following as a new Subsection (397), provided that this Subsection shall not have full force and effect until either,

- (i) the last day for filling an appeal to the By-law to introduce this Subsection has passed and no appeal has been filed, or

- (ii) the Ontario Municipal Board has issued an Order to effectively give full force and effect to the By-law to introduce this Subsection where an appeal of such By-law has been filed and considered by the Ontario Municipal Board and no other appeal or motion to the courts in respect of such By-law has been made and is pending decision:

“(397) LANDS – 963 and 1001 Roselawn Avenue

Notwithstanding any provisions of this by-law the lands municipally known as 963 and 1001 Roselawn Avenue which lands are more particularly referenced on Schedule “A” hereto and shown on Schedule “B” hereto (hereinafter referred to as “the lands”), shall not be used for any purpose other than for erecting and using an apartment house; townhouses; and accessory uses, buildings and structures, subject to the following provisions:

- (a) The number of dwelling units within the apartment house shall not exceed 136.
- (b) The total number townhouses shall not exceed 64.
- (c) Permitted uses shall be located within development blocks shown on Schedule “B” hereto as follows:
- (i) townhouses, and accessory uses, buildings and structures shall be within Blocks 1, 2, 4, 5 and 6, and
- (ii) an apartment house and accessory uses, buildings and structures shall be within Block 3.

Notwithstanding the arrangement and minimum dimensions of the development blocks as shown on Schedule “B”, the development blocks may be reduced in area and width by the future conveyance of lands within the block to the City for municipal purposes.

- (d) Within Blocks 1, 2, 4, 5 and 6:
- (i) townhouses shall be located within the areas marked “building areas within development block” shown on Schedule “B” hereto so as to provide the minimum setbacks to the limit of the development block shown thereon, inclusive of any land which is or has been conveyed to the City for municipal purposes, and
- (ii) detached garages shall be located abutting the proposed roadway and shall be separated from the townhouse to which it is accessory to by a minimum distance of 4.5 m.

- (e) Within Blocks 2, 5 and 6 detached garages and other accessory buildings or structures shall be permitted in the area between the garage and main wall of the townhouse.
- (f) Buildings located within Blocks 1, 3 and 4 shall be deemed to have frontage and front yards abutting Roselawn Avenue.
- (g) Accessory buildings and structures for each townhouse to which they are accessory within Blocks 1, 2, 4, 5 and 6 shall not exceed 35 square metres in total ground floor area.
- (h) Within Block 6 the portion of the townhouse containing the garage may be constructed closer to the front lot line than the portion of the townhouse that does not contain the garage.
- (i) Townhouse development blocks shall contain the following minimum number and width of building separations up to a maximum of eight attached townhouses:
 - (i) For Blocks 1, 2, and 5 – one separation of 2.4 metre minimum width and
 - (ii) For Block 4 – two separations of 2.4 metre minimum width.
- (j) Within Block 3, an apartment house and any accessory parking garage or structure shall be located within the area marked “building area within development block” shown on Schedule “B” hereto so as to maintain the minimum setbacks shown thereon.
- (k) For the purpose of determining setbacks and separation all measurement shall be to the main wall of the building or structure to which the setback or separation relates except that:
 - (i) ordinary projecting parts of a building or structure such as cornices, sills, roof, chimneys, steps to the ground may extend into the required yards a maximum of 0.6 metres;
 - (ii) awnings or roof overhangs in the rear yards of townhouses on Blocks 5 and 6 may extend into the required yard a maximum of 1.2 metres; and
 - (iii) any projecting part of a building or structure shall not encroach on an abutting roadway or municipally owned land.
- (l) No portion of any building erected above ground shall exceed the maximum heights in storeys and metres as follows:

- (i) Maximum height for townhouses on Blocks 1, 2, 4 and 5 shall be 3 storeys and 11.3 metres and for townhouses on Block 6 shall be 4 storeys and 12 m;
- (ii) Maximum height for apartment house on Block 3 shall be 4 storeys and 18.5 m;
- (iii) Maximum height for the parking garage or other accessory building or structure related to the apartment house shall be 1 storey and 3.1 m; and,
- (iv) Maximum height for buildings or structures accessory to townhouses shall be 1 storey and 4.5 metres except that any portion of the accessory garage having a ground floor area not exceeding 5 square metres, a roof, and is used for decorative or recreational purposes shall not exceed a height of 2 storeys and 7 metres.

For the purpose of this subsection “height” shall mean the number of full storeys and the measured vertical height from the finished grade adjoining the front entrance of the residential building or the vehicle access door in the case of a garage, to the highest point of the roof joists in the case of a flat roof, or the average height half way up in the case of a pitched roof, except that mechanical penthouses and equipment, parapet walls and antennae shall be excluded in the determination of height. Where there is a garage under the front of the building the measurements shall be taken from the grade at the steps leading to the front entrance.

- (m) Subsection 3 (c) of Section 10.1 of this By-law shall not apply. Within Blocks 1, 2, 4, and 5 a minimum of fifteen percent (15%) of the area of the lot, excluding the area covered by any porch, verandah, deck or balcony shall be green landscaped open space. No portion of the required green landscaped open space may be used for the parking of motor vehicles.
- (n) The maximum floor space index provisions of Section 10.1 shall not apply. The maximum gross floor area shall be 14 000 square metres in total for the apartment house and 9 450 square metres in total for the townhouses.
- (o) The minimum width of each townhouse lot shall be 4.45 metres.
- (p) Parking shall be provided in accordance with Section 3.2.1 except that:
 - (i) a the minimum width of a parking space within a garage accessory to a townhouse shall be 2.75 metres; and
 - (ii) parking, excluding visitor parking, within the apartment house shall be provided and maintained at a minimum rate of 0.9 parking space for a bachelor or one bedroom dwelling unit.

- (q) The Chief Building Official for the City or his designate, prior to the issuance of any building permit for the development shall be provided with a completed "Record of Site Condition" pursuant to the Ministry of the Environment "Guideline for Use at Contaminated Sites in Ontario, February 1997", as amended or updated, marked as having been received by the Ministry of Environment along with a letter from the Ministry of Environment advising that the Record of Site Condition is not subject to an audit review; or, alternatively, a letter from the Ministry of Environment advising that the Record of Site Condition has passed a Ministry audit for compliance with the Guideline; and the suitable use or uses for the lands set out in Part 3 of the "Record of Site Condition" is consistent with the residential use or uses for the lands permitted by this Subsection.
- (r) Until the removal of the holding symbol 'H' any portion of the lands designated RM2-16 (397)-H shall be used only for the purposes existing on the day of the passing of the by-law.
- (s) The holding symbol 'H' on the lands designated as RM2-16 (397)-H shall only be removed when the following conditions have been met:
 - (i) An air quality study and a noise impact study have been prepared and submitted to the satisfaction of the Director of Community Planning West District, that demonstrates that air quality and noise impact from adjoining uses can be mitigated to acceptable Ministry of the Environment standards following the recommendations of the studies, and
 - (ii) written confirmation is received from the air quality consultant and the noise consultant that the recommendations of the respective studies as they relate to off-site mitigation measures have been fulfilled or other arrangements satisfactory to the Director of Community Planning, West District, have been made to provide for the completion of the off-site mitigation measures.
- (t) All other provisions of this By-law shall continue to apply except in the case where those provisions are in conflict with the provisions of this Subsection, in which case the provisions of this Subsection shall prevail."

3. Subject to the provisions of Section 34 of the Planning Act, R.S.O. 1990 c.P.13 this By-law shall come into force and effect on the date of its passing.

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

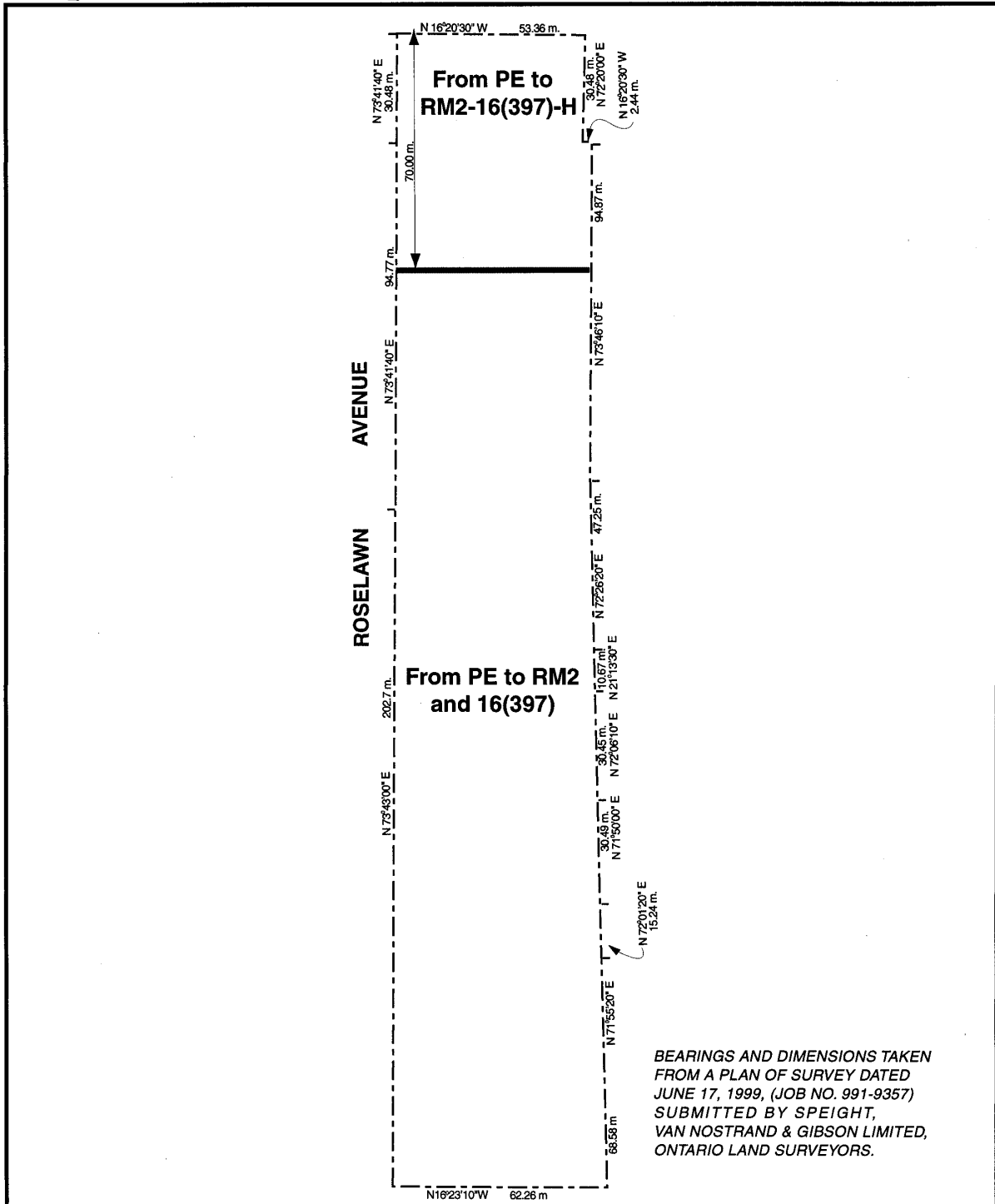
CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)



Schedule 'A' to BY-LAW Number _____
and to Section 6, Subsection(66) of ZONING BY-LAW 1-83



Applicant's Name:	WESTSIDE DEVELOPMENTS LTD. (The Goldman Group)		
Assessment Map:	Zoning Code Map/s	Not Applicable	
File No. SP99-010	Drawing No. 00-08-16aa	Scale: 0 10 20 30 50 metres	





**Schedule 'B' to BY-LAW Number _____
and to Section 16 (397) of ZONING BY-LAW 1-83**

