

Authority: Notice of Motion J(22), moved by Councillor Shiner, seconded by Councillor Feldman, as adopted by City of Toronto Council on February 13, 14 and 15, 2002

Enacted by Council: February 15, 2002

## **CITY OF TORONTO**

### **BY-LAW No. 153-2002**

#### **To amend City of North York By-law No. 7625 in respect of lands municipally known as 15 and 17 Barberry Place.**

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 Amendment No. 392 of the Official Plan of the former City of North York contains provisions relating to the authorization of increases in density of development; 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 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*, 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 has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the 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 one or more agreements between the owners of such lands and the City of Toronto; and

WHEREAS the former City of North York 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 are hereby amended in accordance with Schedule “1” of this by-law.
2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

**“64.20-A (112) RM6(111)**

#### **DEFINITIONS**

- (a) For the purpose of this exception, “retirement home” shall mean a multiple family dwelling containing dwelling rooms with a common dining facility. The building shall be maintained and operated to provide social, recreational or other services for elderly persons. The dining area shall be made available to all residents of the retirement home on a daily basis and shall not function as a public dining facility. The dwelling rooms shall be used as the principal residence of the occupants and shall not be provided on a transient basis. Retirement home shall exclude a boarding or lodging house and a hotel.
- (b) For the purposes of this exception, “dwelling room” shall mean separate living quarters with or without a kitchen designed or intended for use or used by an individual or individuals and which shall include at least one room and separate sanitary conveniences with a private entrance from outside or from a common hallway or stairway inside.

#### **PERMITTED USES**

- (c) The only permitted uses shall be a retirement home and uses accessory thereto, including recreational amenity area.

#### **EXCEPTION REGULATIONS**

##### **GROSS FLOOR AREA**

- (d) The maximum permitted gross floor area shall be 11,602.5m<sup>2</sup>.

##### **RECREATIONAL AMENITY AREA**

- (e) A minimum of 1.5m<sup>2</sup> of outdoor private recreational amenity area per dwelling room shall be provided.

##### **UNIT COUNT**

- (f) The maximum number of dwelling rooms shall be 140.

**LANDSCAPING**

- (g) The provisions of Section 15.8 relating to landscaping shall not apply.

**LOT COVERAGE**

- (h) The provisions of Section 20-A.2.2 relating to lot coverage shall not apply.

**DISTANCE BETWEEN BUILDINGS**

- (i) The provisions of Section 20-A.2.4.1 relating to distance between buildings and/or portions of buildings forming courts shall not apply.

**YARD SETBACKS**

- (j) The minimum yard setbacks shall be as shown on Schedule “RM6(111)”.

**HEIGHT**

- (k) The maximum building heights shall be the lesser of the number of storeys or metres above established grade as shown on Schedule “RM6(111)”.

**PARKING**

- (l) Parking shall be provided as follows:
- (i) A minimum of 0.42 spaces per dwelling room of which 0.24 parking spaces per dwelling room shall be for the use of visitors.

**PROJECTIONS**

- (m) An entrance canopy, 25m<sup>2</sup> or less in area, shall be permitted to project into the minimum north side yard setback a distance not more than 3.0 metres.
- (n) A canopy shall be permitted to project into the minimum south side yard setback a distance not more than 1.80 metres.
- (o) A canopy over the balcony may be permitted to project into the minimum north side yard setback a distance not more than 1.0 metre.
- (p) The underground parking structure may be permitted to project no more than 1.0 metre above grade.
- (q) Any bay, bow or other window may project up to 1.0 metre into any minimum yard setback.

**DIVISION OF LANDS**

- (r) Notwithstanding any severance or division of the lands subject to this application, the regulations of this exception shall continue to apply to the whole of the lands.

**SECTION 37 AGREEMENT**

- (s) The owner of the lands set out in Schedule “RM6(111)” shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this by-law applies in the manner and to the extent specified in the agreements. The owner of the subject lands, at the owner’s expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit an increase above the maximum gross floor area cited in clause (d) of this exception:
- (t) Provision of a minimum of 3.0m<sup>2</sup> of indoor private recreational amenity area per dwelling room, not exceeding a maximum gross floor area of 420m<sup>2</sup>, and provided that such gross floor area is used for private indoor recreational amenity area.
- (u) Provision for 1% of the gross building construction costs for public art on publicly-accessible or publicly visible portions of the lands which may include abutting City-owned lands”.
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6(111)” attached to this By-law.

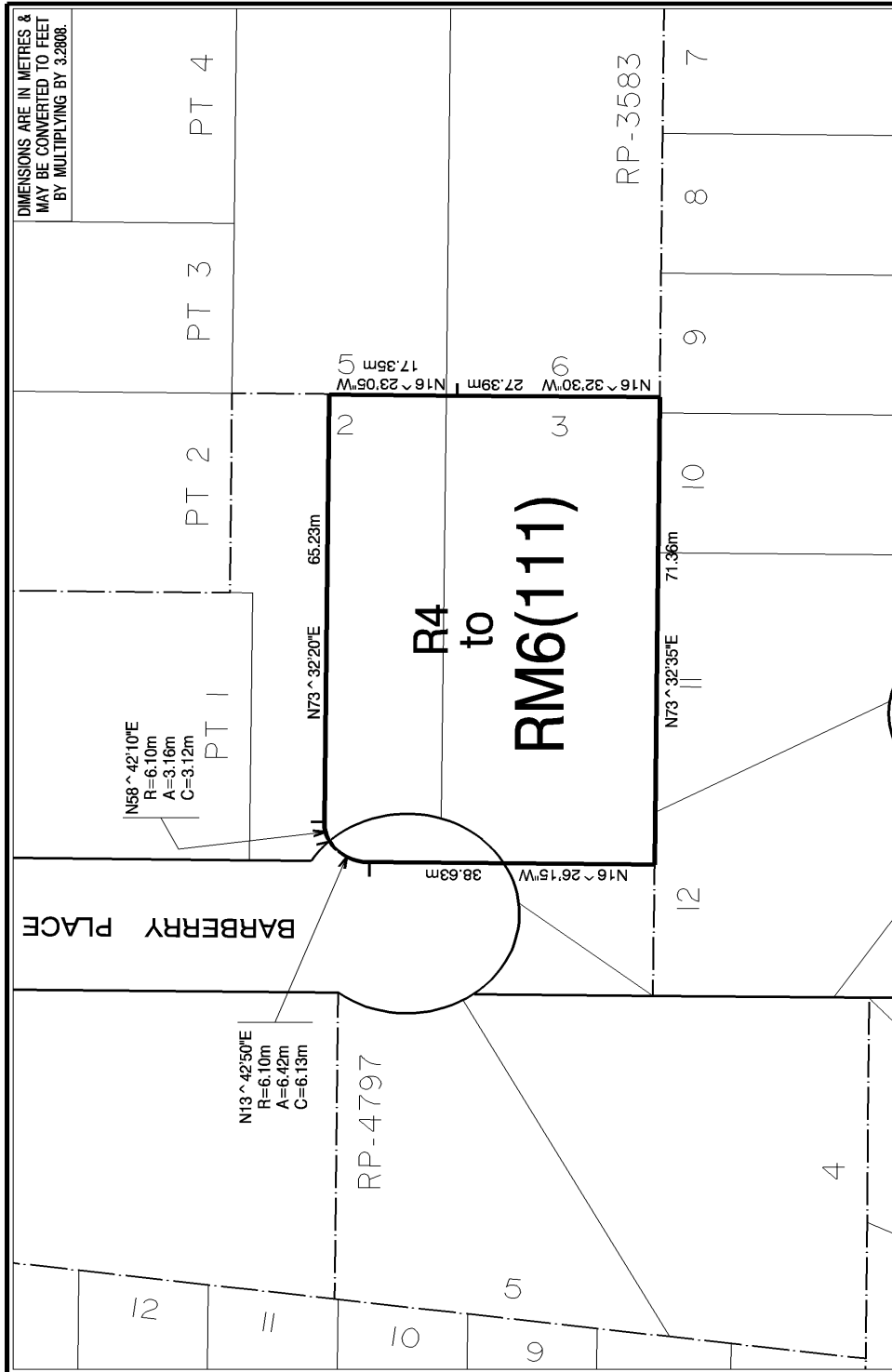
ENACTED AND PASSED this 15th day of February, A.D. 2002.



CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

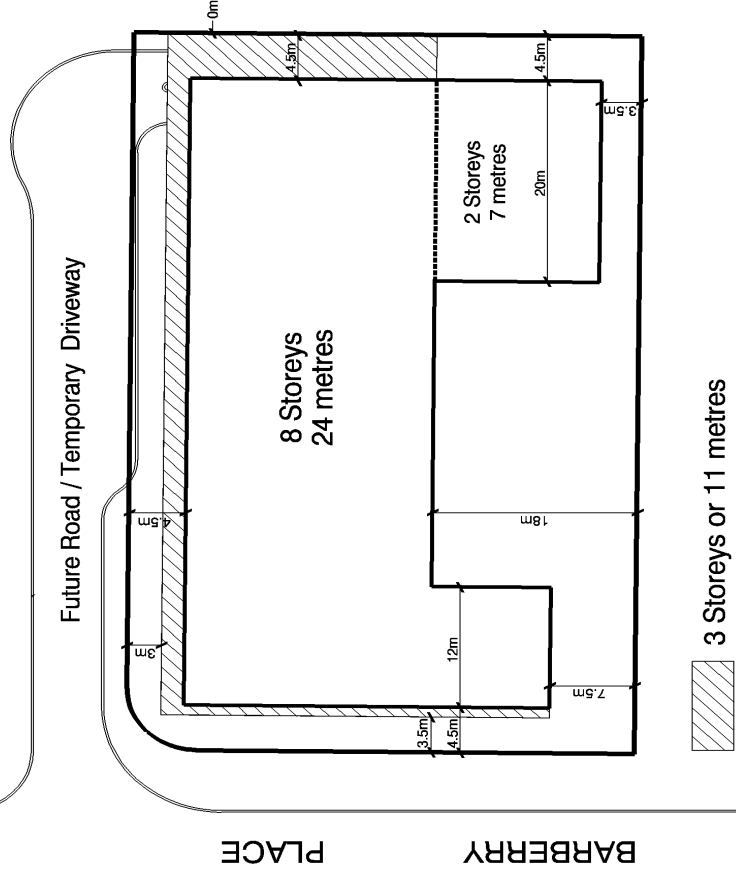
SCHEDULE "1"





			
This is Schedule " 1 " to By-Law _____, passed the _____ day of _____, 20____			
		(Sgd)	(Sgd)
		CLERK	MAYOR
File No.	TB CMB 2001.0009		
Prepared by:	A.A.		
Approved by:	S.F.		
Date:	OCT. 18, 2001		
Filename:	RM6(111)		
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District. Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.			

**SCHEDULE "RM6(111)"**

DIMENSIONS ARE IN METRES & MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.2808.



			
This is Schedule "RM6(111)" to By-Law _____, passed the _____ day of _____, 20____			
		(Sgd.)	(Sgd.)
		CLERK	MAYOR
File No.	TB CMB 2001 0009	Prepared by:	A.K.
Approved by:	S.F.	Date:	February 8, 2002
Filename:	RM6(111)		
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District. Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.			