

Authority: North York Community Council Report No. 9, Clause No. 13,
as adopted by City of Toronto Council on December 4, 5 and 6, 2001
Enacted by Council: May 23, 2002

CITY OF TORONTO

BY-LAW No. 461-2002

**To amend City of North York By-law No. 7625 in respect of lands municipally known as
19 and 21 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 the 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 which are the subject of this By-law has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density of development permitted, 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;

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(112)

DEFINITIONS

- (a) For the purpose of this exception, “apartment house dwelling” means a building containing more than four (4) dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.

PERMITTED USES

- (b) The only permitted uses shall be apartment house dwellings and uses accessory thereto, including private recreational amenity area.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (c) The maximum permitted gross floor area shall be 9,904m².

RECREATIONAL AMENITY AREA

- (d) A minimum of 1.5m² of outdoor private recreational amenity area per dwelling unit shall be provided.

DWELLING UNITS

- (e) A minimum of 25% of all dwelling units shall comply with the following maximum floor areas:
 - (i) 55m² for bachelor dwelling units;
 - (ii) 70m² for one-bedroom dwelling units;
 - (iii) 80m² for two-bedroom units.
 - (iv) 120m² for three-bedroom dwelling units; or
 - (v) any combination thereof.
- (f) The maximum number of dwelling units shall be 130.

DISTANCE BETWEEN BUILDINGS

- (g) The provisions of Section 15.6 regarding minimum distance of apartment house dwellings from R and RM2 zones shall not apply.
- (h) The provisions of Section 20-A.2.4.1 regarding distance between buildings or portions of buildings forming courts shall not apply.

LANDSCAPING

- (i) The provisions of Section 15.8 regarding landscaping shall not apply.

LOT COVERAGE

- (j) The provisions of Section 20-A.2.2 regarding lot coverage shall not apply.

YARD SETBACKS

- (k) The minimum yard setbacks shall be as set out on Schedule “RM6(112)”.

HEIGHT

- (l) The maximum building heights shall be the lesser of the number of storeys or metres above established grade as shown on Schedule “RM6(112)”.

PARKING

- (m) A minimum of 1.25 parking spaces per dwelling unit, of which 0.25 parking space per dwelling unit is reserved for visitor parking shall be provided. a maximum of 4 surface parking spaces is permitted.

PROJECTIONS

- (n) The underground parking garage may be permitted to project no more than 1.0 metre above grade.
- (o) A canopy over a balcony shall be permitted to project into a minimum yard setback a distance not more than 1.5 metres.

DIVISION OF LANDS

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

SECTION 37 AGREEMENT

- (q) The owner of the lands set out in Schedule “RM6(112)” 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 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 matters on terms satisfactory to the City of Toronto, in order to permit an increase above the maximum gross floor area cited in clause (c) of this exception:
- (r) The provision of a minimum of 2.5m² of indoor private recreational amenity area per dwelling unit, not exceeding a maximum gross floor area of 325m², provided that such gross floor area is used for private indoor recreational amenity area.
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6(112)” attached to this By-law.

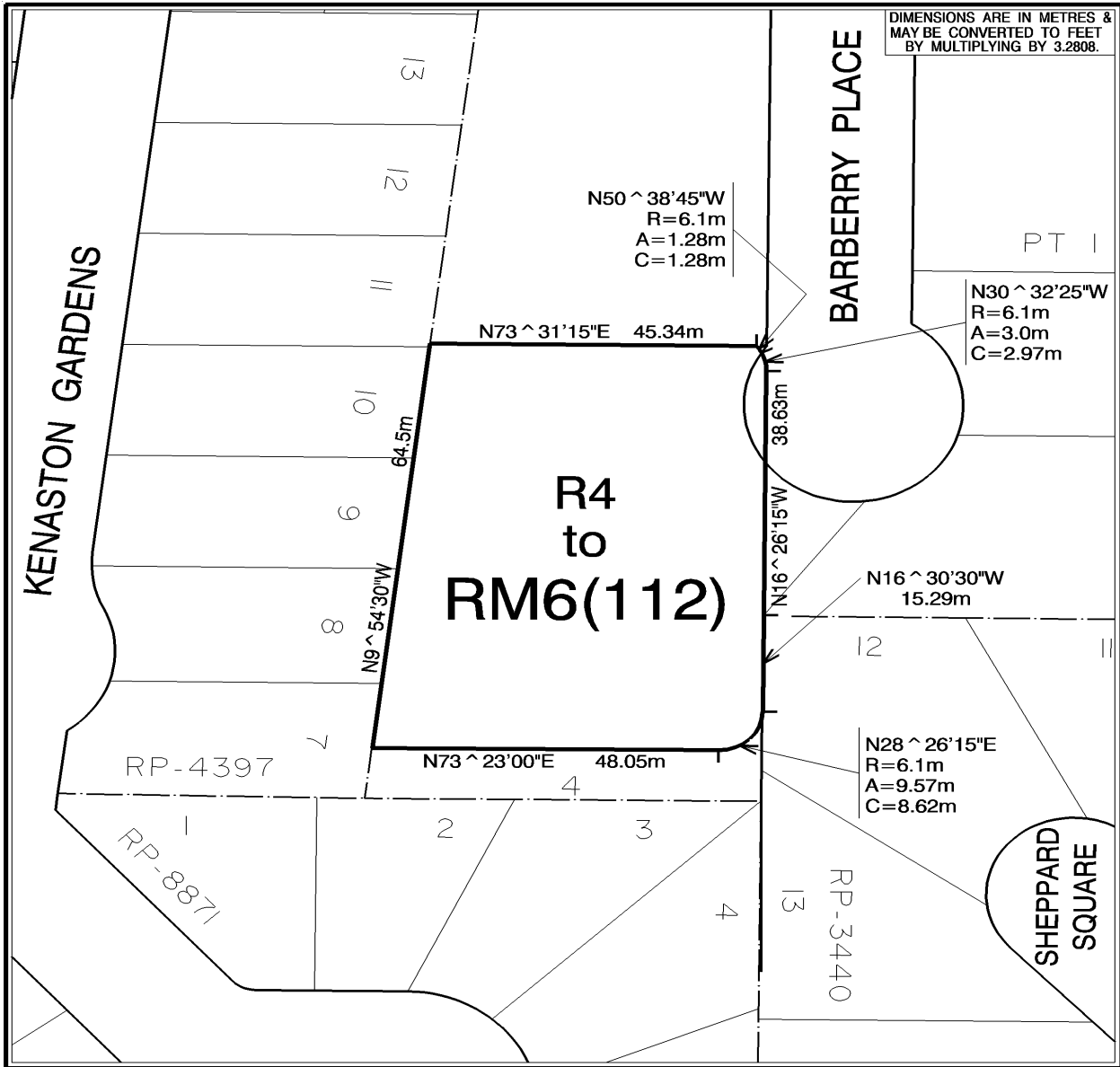
ENACTED AND PASSED this 23rd day of May, A.D. 2002.


CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

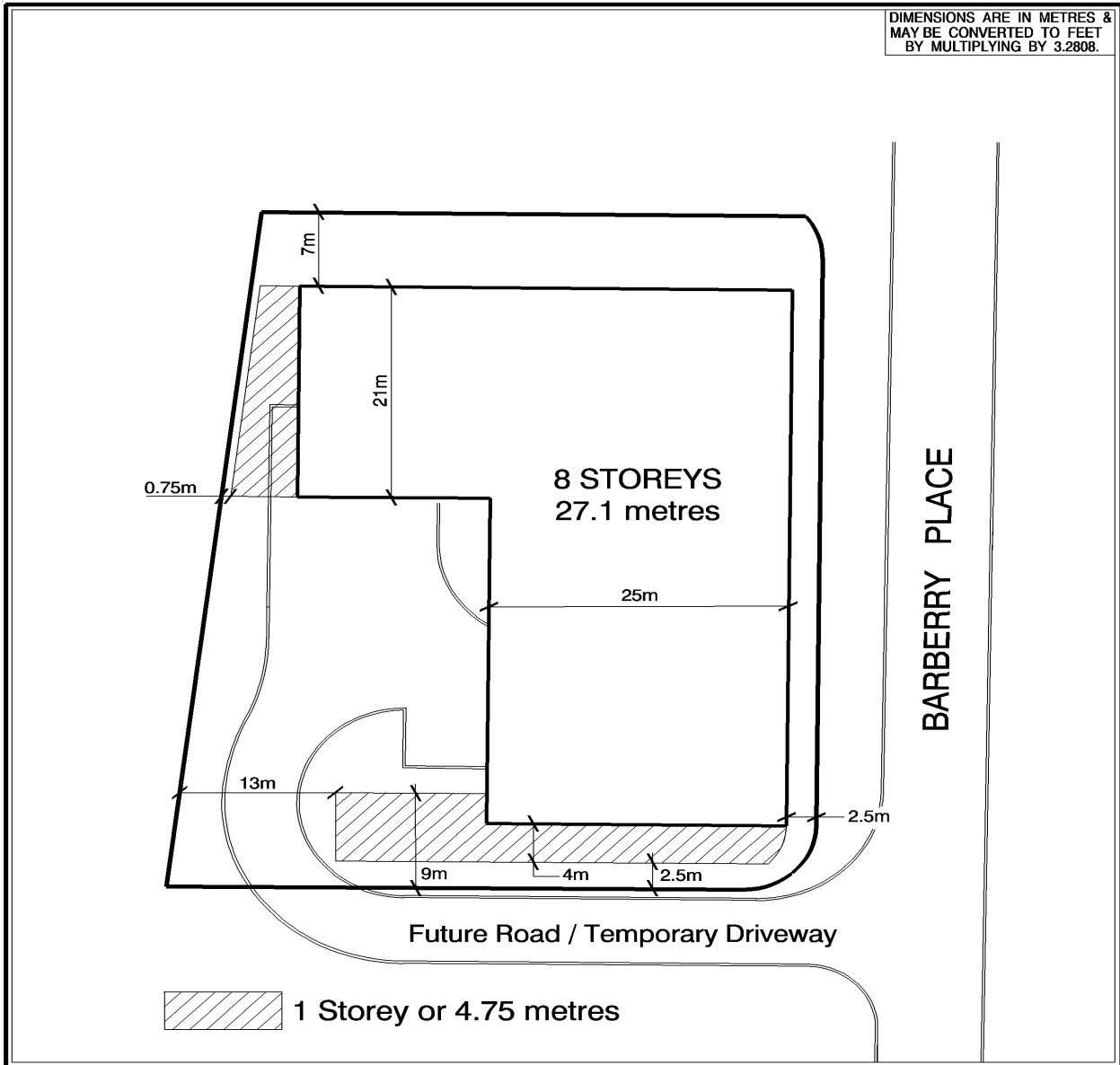
(Corporate Seal)

SCHEDULE "1"



<p>This is Schedule " 1 " to By-Law _____ passed the _____ day of _____, 20 _____</p>		 City Planning Division North District		
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR			
File: TB CMB 2000 0003	Prepared by: A.A.	Approved by: S.F.	Date: OCT. 24, 2001	Filename: RM6(112)
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(112)"



<p>This is Schedule "RM6(112)" to By-Law _____</p> <p>passed the _____ day of _____, 20 ____</p>		 TORONTO <small>City Planning Division North District</small>		
<p>(Sgd.) _____</p> <p>CLERK</p>	<p>(Sgd.) _____</p> <p>MAYOR</p>			
<p>Location: _____</p>				
<p>File No. TB CMB 2000 0003</p>	<p>Prepared by: A.K.</p>	<p>Approved by: S.F.</p>	<p>Date: April 30, 2002</p>	<p>Filename: RM6(112)</p>
<p>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.</p>				