

Authority: North York Community Council Report No. 5, Clause No. 19,
as adopted by City of Toronto Council on May 21, 22 and 23, 2002
Enacted by Council: October 3, 2002

CITY OF TORONTO

BY-LAW No. 744-2002

To amend former City of North York By-law No. 7625 in respect of lands municipally known as 40, 42, 44, 48, 56, 60 and 62 Byng Avenue, 426, 430 and 434 Kenneth Avenue, and 28 and 35 Holmes 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 Amendment No. 447 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 sub section 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 owners of the lands hereinafter referred to have 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 By-law No. 7625, 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;

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

1. Schedules "B" and "C" of By-law No. 7625 are 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 (114) RM6(114)

DEFINITIONS

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| Mechanical Floor Area | (a) For the purpose 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 and ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment. |
| Net Site | (b) For the purpose of this exception, “net site” shall mean the gross site minus any lands conveyed to the City of Toronto for road widening purposes, as shown on Schedule “RM6(114)”. |
| Gross Floor Area | <p>(c) For the purpose of this exception, “gross floor area” shall mean 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> <p>(i) any part of the building used for mechanical purposes;</p> <p>(ii) any space used for automobile parking, including that contained in an above-grade parking structure provided the structure does not exceed three storeys in height above-grade and provided that its roof deck is fully landscaped and made directly accessible to adjacent residential projects;</p> <p>(iii) the floor area of unenclosed residential balconies.</p> |
| Multiple Attached Dwellings | (d) For the purpose of this exception, “multiple attached dwelling” shall mean a building consisting of a series of one family dwelling units where each unit has access from an internal corridor or access from the outside, or any combination thereof. |
| Bicycle Storage | (e) For the purposes of this exception only, “bicycle storage space” shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles, but is not intended for general storage use. |

PERMITTED USES

- (f) The only permitted uses shall be: apartment house dwellings; multiple attached dwellings; and accessory uses including private recreational amenity area.

EXCEPTION REGULATIONS

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| Total Gross Floor Area | (g) The total gross floor area permitted on the lands shown on Schedule “RM6(114)” hereto shall not exceed a maximum gross floor area of 20,786.19 m ² attributable to the net site of 7,994.69 m ² ; |
| Units | (h) The maximum number of dwelling units shall be 311, of which a minimum of 25% of the total number of dwelling units shall be subject to the following maximum floor area restrictions:

(i) 70 m ² for a bachelor unit or a one bedroom unit;

(ii) 80 m ² for a two-bedroom unit;

(iii) 120 m ² for a three-bedroom unit; and

(iv) any combination of the above. |
| Yard Setbacks | (i) The minimum yard setbacks shall be as set out on Schedule “RM6(114)”. Every part of any required yard shall be open and unobstructed by any structure, from the ground to the sky, except for accessory structures including, but not limited to, a garbage pickup station, a stair enclosure, ventilation shafts. Such accessory structures may have a minimum yard setback of 0.0 m. |
| Building Height | (j) The maximum height of the buildings shall be as shown on Schedule “RM6(114)”. |
| Parking | (k) Parking spaces shall be provided within the net site in accordance with the following:

(i) a minimum of 1.0 parking spaces per dwelling unit, including 0.1 parking spaces per dwelling unit for visitor use; and

(ii) a maximum of 1.2 parking spaces per dwelling unit including 0.1 spaces per dwelling unit for visitor use. |
| Other regulations | (l) The provisions for minimum landscaped area, maximum lot coverage, gross floor area and building height shall not apply.

(m) A minimum of 1.5 m ² per unit of outdoor residential amenity space shall be provided.

(n) A minimum of 1.5 m ² per unit of indoor residential amenity space shall be provided. |

INCREASED DENSITY

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|-----------------------------|---|
| Section 37 Agreement | <p>(o) Matters which are to be provided pursuant to Section 37 of the <i>Planning Act</i> in order to permit the increased maximums in gross floor area authorized under subsection (p) of this exception are:</p> <p>(i) The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the <i>Planning Act</i> 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 such 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:</p> <p style="margin-left: 40px;">(a) the transfer of density from 28 Holmes Avenue;</p> <p style="margin-left: 40px;">(b) the provision of a minimum of 1.5 m² per dwelling unit of indoor recreational amenity area;</p> <p style="margin-left: 40px;">(c) the provision of a maximum of 1.5 m² per dwelling unit of bicycle storage space; and</p> <p style="margin-left: 40px;">(d) the provision of a public art contribution.</p> |
| Additional Gross Floor Area | <p>(p) Additional gross floor area permitted on the lands shown on Schedule "RM6(114)" shall be limited to the following:</p> |
| Transfer – City owned lands | <p>(i) a maximum gross floor area attributable to the parcel municipally known as 28 Holmes Avenue of 1796.4 m²;</p> |
| Transfer - Roads | <p>(ii) a maximum gross floor area attributable to the Byng Avenue widening of 1.53 m²;</p> |
| Transfer – Service Road | <p>(iii) a maximum gross floor area attributable to the Service Road of 278.22 m²;</p> |
| Incentive | <p>(iv) a maximum gross floor area of 1.5 m² per dwelling unit provided such gross floor area is used exclusively for indoor recreational amenity area; and</p> |
| Incentive | <p>(v) a maximum gross floor area of 1.5 m² per dwelling unit provided such gross floor area is used exclusively for bicycle storage space and is additional to general storage space otherwise provided.</p> |

Severance (q) Notwithstanding any severance, partition, or division of the net site, as shown on Schedule "RM6(114)", the provisions of this by-law shall apply to the whole of the net site as if no severance, partition or division occurred".

3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule "RM6(114)" attached to this by-law.

4. Section 64.13 of By-law No. 7625 is amended by adding the following subsection;

64.13(66) R4(66)

EXCEPTION REGULATIONS

(a) The maximum gross floor area shall be 0.0 m².

5. Section 64.13 of By-law No. 7625 is amended by adding the following subsection;

64.13(65) R4(65)

EXCEPTION REGULATIONS

(a) The maximum gross floor area shall be 0.0 m².

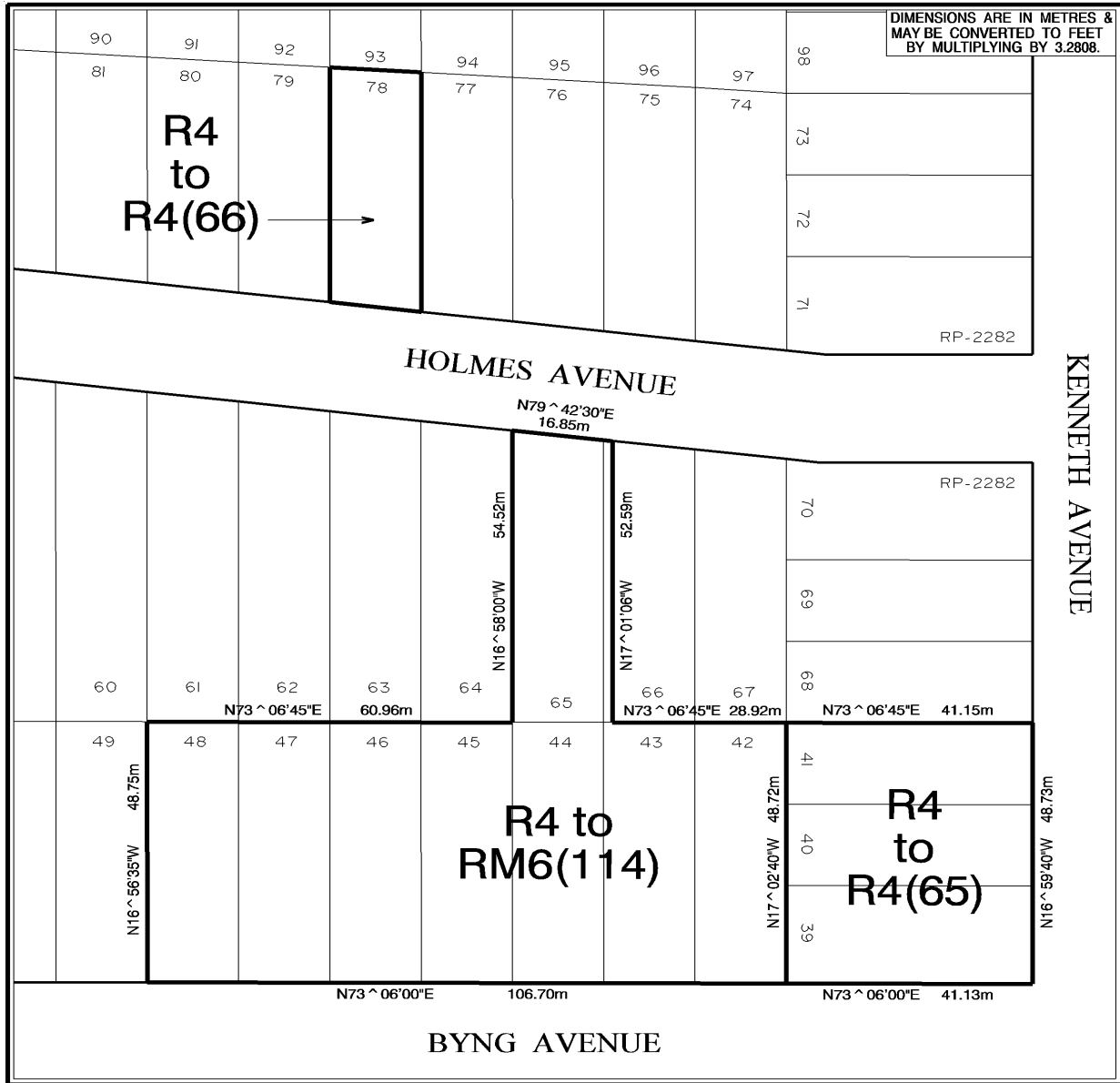
ENACTED AND PASSED this 3rd day of October, A.D. 2002.

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

Location: Lots 39 to 48, Lot 65, Part of Lot 66 and Lot 78 Registered Plan 2282, City of Toronto

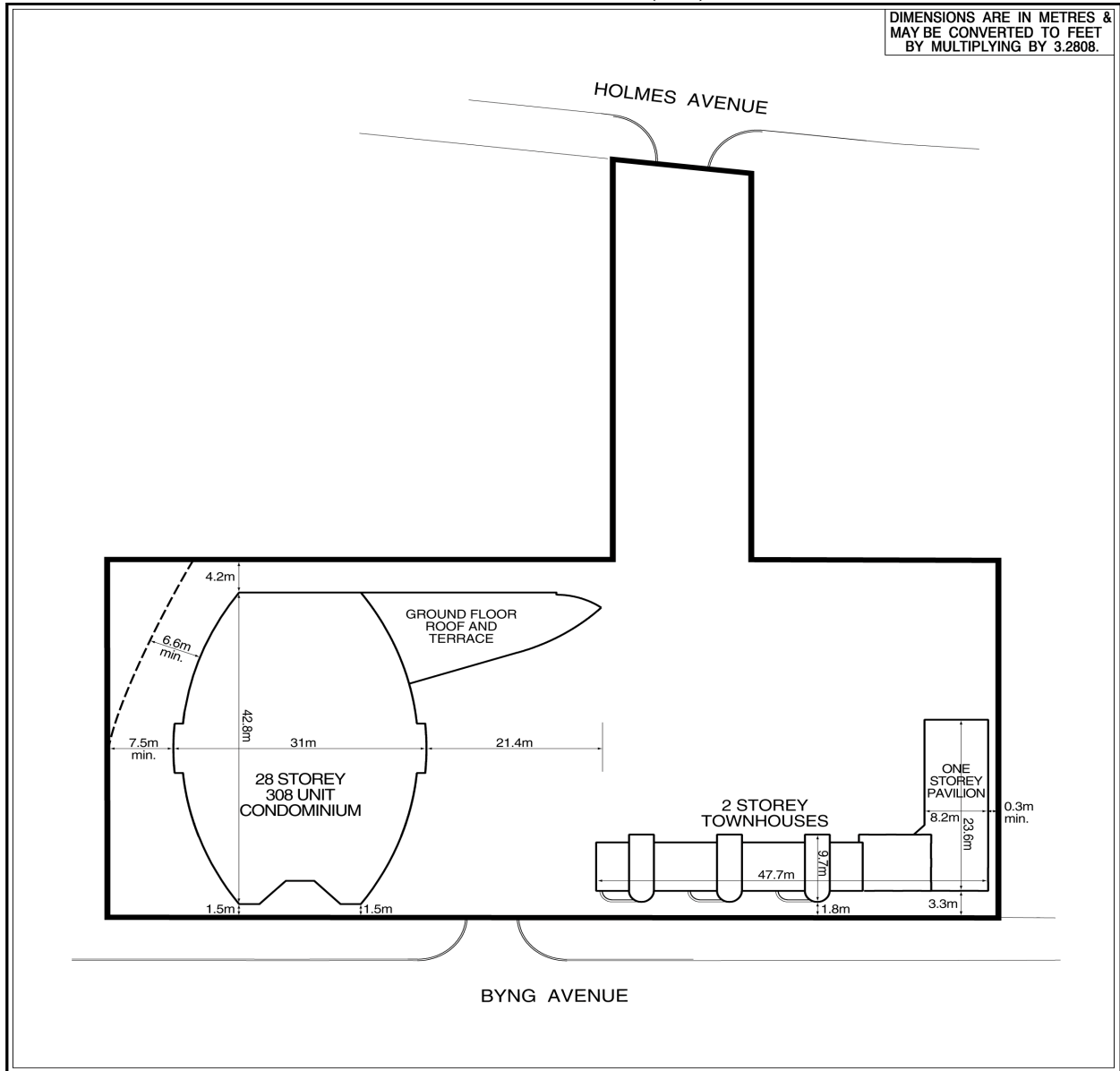
File: TB ZBL 2001 0018 | Prepared by: A.K. | Approved by: P.B. | Date: June 26, 2002 | Filename: RM6(114)

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.


 City Planning Division
 North District

 SUBJECT PROPERTY


SCHEDULE "RM6(114)"



This is Schedule "RM6(114)" to By-Law _____
 passed the _____ day of _____, 20 ____

(Sgd.) _____ (Sgd.) _____
 CLERK MAYOR

Location: Lots 42 to 48, Lot 65 and Part of Lot 66, Registered Plan 2282, City of Toronto

File No. TB ZBL 2001 0018 | Prepared by: A.K. | Approved by: P.B. | Date: April 24, 2002 | Filename: RM6(114).ai

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.

TORONTO
 City Planning Division
 North District

SUBJECT PROPERTY