

Authority: North York Community Council Report No. 6, Clause No. 12, as adopted by City of Toronto Council on July 22, 23 and 24, 2003 and Notice of Motion J(37), moved by Councillor Nunziata, seconded by Councillor Palacio, as adopted by City of Toronto Council on July 20, 21 and 22, 2004

Enacted by Council: July 22, 2004

CITY OF TORONTO

BY-LAW No. 726-2004

To amend former City of North York By-law No. 7625, as amended, with respect to lands known municipally as 2350 Finch Avenue West.

WHEREAS authority is given to Council by Section 34 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 the Official Plan of the former City of North York contains provisions relating to the authorization of increases in height and 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 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 have elected to provide the facilities, services and matters and hereinafter set forth; and

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

WHEREAS the City of Toronto 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 of the former City of North York are amended in

accordance with Schedule “1” of this by-law.

2. Section 64 of By-law No. 7625 of the former City of North York is amended by adding the following:

“64.20-A(134) RM6(134)

DEFINITIONS

- (a) For the purposes of this exception, “indoor private recreational amenity area” shall mean an indoor area set aside for social and/or recreational purposes, which is common to all occupants of the building. Social and/or recreational purposes shall include but not be limited to meeting rooms, library space, exercise rooms, entertainment rooms or other similar uses.
- Density Incentive (b) For the purposes of this exception, “Gross Floor Area” as defined in Indoor Private
Recreational Section 2.39.1 of Zoning By-law No. 7625, shall also exclude the Amenity Area
following:
- (i) indoor private recreational amenity area based on a maximum rate of 1.5 square metres per dwelling unit.

PERMITTED USES

- (c) The only permitted uses shall be:
- (i) apartment house dwellings and uses accessory thereto;
- (ii) multiple attached dwellings
- (iii) retail uses
- (iv) take out restaurant
- (v) outdoor eating areas in conjunction with a take out restaurant
- (vi) professional office
- (vii) restaurant
- (viii) outdoor storage and display of goods and materials in conjunction with a retail store

EXCEPTION REGULATIONS

- (d) Yard Setbacks
- (i) The minimum front yard setback shall be 0 metres.
- (ii) The minimum side yard setback shall be 0 metres.
- (iii) The minimum rear yard setback shall be 5.5 metres.

(e) Gross Floor Area

The total gross floor area permitted shall not exceed a floor space index of 2.5 or 5,315 square metres, whichever is the lesser.

(f) Number of Dwelling Units

A maximum of 48 dwelling units shall be permitted.

(g) Building Separation

The minimum separation between residential buildings shall be 11.0 metres between buildings located on the same lot.

(h) Building Height

The maximum building height shall be as shown on Schedule "RM6(134)".

(i) Section 37 Agreement - Indoor Private Recreational Amenity Area

In order to permit the density incentive permitted under Section 64.20-A(134) DEFINITIONS subsection (c), the owner of the subject lands, at their expense, shall enter into an agreement pursuant to Section 37 of the *Planning Act* and to the satisfaction of the City, to secure the provision of indoor private recreational amenity area based on a minimum rate of 1.5 square metres of indoor private recreational amenity area per dwelling unit.

(j) Ground Floor Commercial Uses

The maximum combined gross floor area for commercial uses shall be 205 square metres. Such use shall only be permitted on the ground floor along the frontage of Finch Avenue West. Outdoor eating areas shall be subject to the requirements of Section 6(22) for outdoor cafes of By-law No. 7625 and there shall be no minimum parking requirements. The maximum total gross floor area for restaurant uses shall be 50 square metres. The outdoor storage and display of goods and materials shall be subject to the provisions of Section 22(9) of By-law No. 7625.

(k) A minimum of 25% of all dwelling units shall comply with the following maximum floor areas:

- (i) 55 square metres for bachelor dwelling units;
- (ii) 70 square metres for one-bedroom dwelling units;
- (iii) 80 square metres for two-bedroom dwelling units;
- (iv) 120 square metres for three-bedroom dwelling units; or any

combination thereof.

(l) Parking

(ii) Parking for residential uses shall be provided at a rate of 1.1 spaces per dwelling unit, of which 0.25 spaces per dwelling unit shall be for the use of visitors.

(ii) Parking requirements for all non-residential uses shall be in accordance with By-law No. 7625.

(m) Landscaping

For the purposes of this exception, Section 15.8 of Zoning By-law No. 7625 (Landscaping) shall also include outdoor rooftop amenity space.

(n) Section 20-A.1(b)(i) (Use Qualifications), Section 20-A.2.1 (Lot Area), Section 20-A.2.2 (Lot Coverage), Section 20-A.2.3 (Lot Frontage), Section 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) and Section 20-A.2.6 (Building Height) of By-law No. 7625 shall not apply.

(o) 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.”

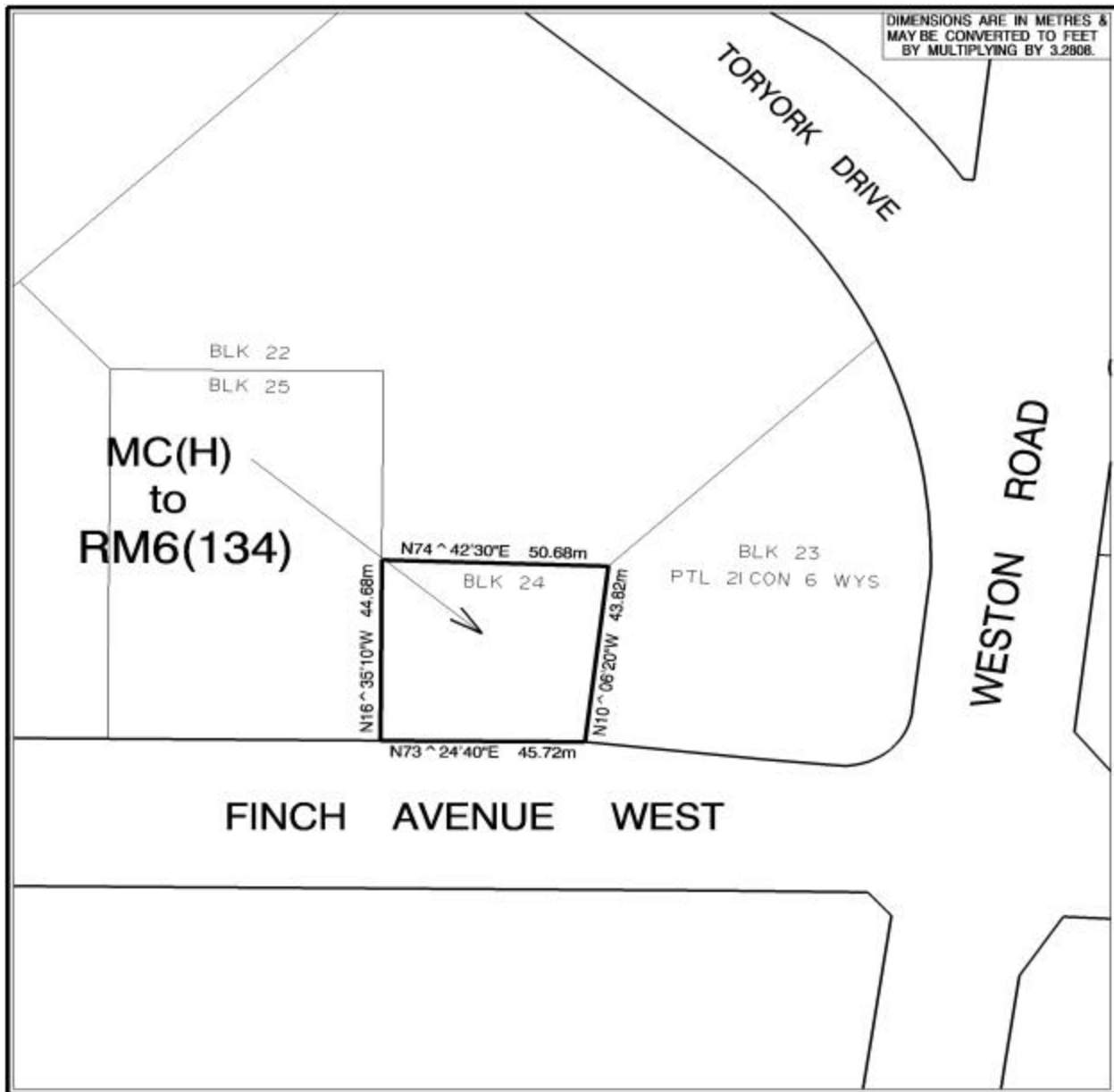
ENACTED AND PASSED this 22nd day of July, A.D. 2004.

DAVID R. MILLER,
Mayor


ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE "1"

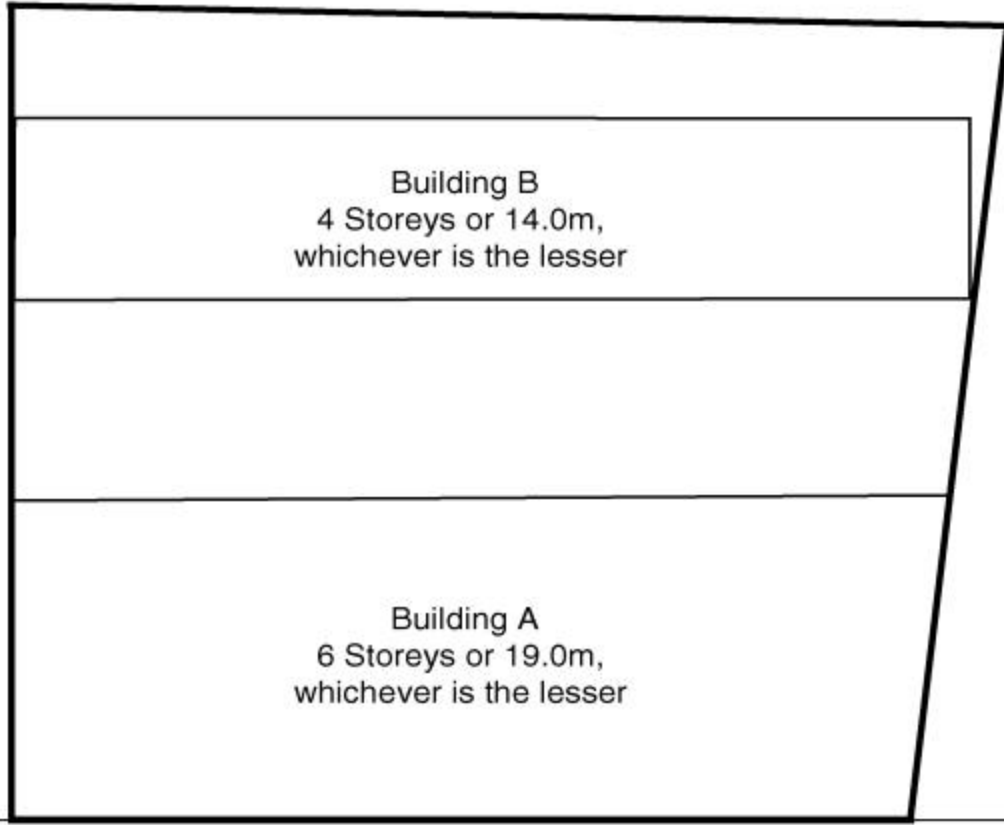


DIMENSIONS ARE IN METRES & MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.2808.

<p>This is Schedule " 1 " to By-Law _____ passed the _____ day of _____, 20 _____</p>		 City Planning Division North District
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: Block 24, R.P. 5936, City of Toronto		
File: TB CMB 2001 0005 & TB SPC 2001 0025	Prepared by: A.A.	Approved by: C.R.
Date: JUNE 10, 2003		Filename: RM6(134)
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(134)"

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



Finch Avenue West

This is Schedule " RM6(134)" to By-Law _____
passed the _____ day of _____, 20__

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



Location: Block 24, R.P. 5936, City of Toronto				
File No. TB CMB 2001 0005 & TB SPC 2001 0025	Prepared by: A.A.	Approved by: C.R.	Date: June 12, 2003	Filename: RM6(134).ai
<small>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.</small>				