

Authority: North York Community Council Item 10.29, adopted as amended, by City of Toronto Council on November 19 and 20, 2007; and Motion M16.14, moved by Councillor Filion, seconded by Councillor Jenkins, as adopted by City of Toronto Council on January 29 and 30, 2008  
Enacted by Council: January 30, 2008

## **CITY OF TORONTO**

### **BY-LAW No. 127-2008**

#### **To amend the former City of North York By-law No. 7625 with respect to lands municipally known as 5350 Yonge Street and 77 Canterbury Place.**

WHEREAS authority is given to Council of the City of Toronto 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 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:

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. Within the lands shown on Schedule “1” attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are appropriate.
3. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

“64.20-A(175) RM6(175)

#### **DEFINITIONS**

##### **APARTMENT HOUSE DWELLING**

- (a) For the purpose of this exception, “apartment house dwelling” shall include, in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access directly from the outside or from an internal corridor system or any combination thereof.

##### **ESTABLISHED GRADE**

- (b) For the purpose of this exception, “established grade” shall mean the geodetic elevation of 181.81 metres.

### GROSS SITE

- (c) For the purpose of this exception, “gross site” shall mean that Part of Lots 1 and 4 of Registered Plan 2057 (York), and Lot 43 Registered Plan 3163 identified as “RM6(175)” on Schedule “1”, comprising an area of 5,289.3 m<sup>2</sup>.

### GROSS FLOOR AREA

- (d) 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:
- (i) any part of the building used for mechanical floor area;
  - (ii) any space used exclusively for motor vehicle parking; and
  - (iii) the floor area of unenclosed residential balconies.

### MECHANICAL FLOOR AREA

- (e) For the purpose of this exception, “mechanical floor area” shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.

### NET SITE

- (f) For the purpose of this exception, “net site” shall mean the gross site minus the area of any lands conveyed to the City for road widening purposes as shown on Schedule “RM6(175)”. The net site has an area of 5,158.1 m<sup>2</sup>.

### PERMITTED USES

- (g) The only permitted uses shall be:
- Apartment House Dwellings and other uses accessory thereto, including private recreational amenity areas
- Place of Worship and accessory community uses such as a hall, a residence for a caretaker or for heads of a congregation, and day nurseries.

### EXCEPTION REGULATIONS

#### LOT COVERAGE

- (h) The maximum permitted building coverage is 60 per cent of the net site area.

**YARD SETBACKS**

- (i) The minimum yard setbacks shall be as shown on Schedule “RM6(175)”.

**MAXIMUM GROSS FLOOR AREA**

- (j) Except as also provided for in subsection (v) of this exception, the maximum gross floor area permitted on the net site shall not exceed 19,835 m<sup>2</sup>.

**NUMBER OF DWELLING UNITS**

- (k) The maximum number of dwelling units shall be 224.

**BUILDING HEIGHT**

- (l) The building height shall not exceed the maximum height in metres and number of storeys shown on Schedule “RM6(175)” excluding mechanical penthouses, parapets, guardrails, stairwells to access the roof and the place of worship bell tower.

**BUILDING ENVELOPE**

- (m) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule “RM6(175)”, other than an exterior stairway associated with the church, and wheelchair ramps, exhaust and stormwater shafts, canopies, balconies, and any projection of not more than 2.1 metres.

**PARKING**

- (n) Parking spaces shall be provided within the net site in accordance with the following requirements:
- (i) a minimum of 1.00 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit reserved for visitor use;
  - (ii) a maximum of 1.20 parking spaces per dwelling unit, including 0.10 parking spaces per dwelling unit reserved for visitor use;
  - (iii) a minimum of 51 on-site parking spaces devoted to the non-residential Place of Worship use;
  - (iv) all parking spaces must be provided at a minimum width of 2.7 metres and a minimum length of 5.5 metres.
  - (v) no outdoor surface parking spaces shall be permitted.

**LANDSCAPING**

- (o) A minimum of 1100 m<sup>2</sup> of landscaping shall be provided at grade on the net site with a 550 m<sup>2</sup> associated with the residential use and 550 m<sup>2</sup> associated with the place of Worship use.

**PRIVATE INDOOR RECREATIONAL SPACE**

- (p) A minimum of 1.5 m<sup>2</sup> per dwelling unit of Private Indoor Recreational Space shall be provided in the apartment house dwelling.

**PRIVATE OUTDOOR RECREATIONAL SPACE - RESIDENTIAL**

- (q) A minimum of 1.5 m<sup>2</sup> per dwelling unit of private outdoor recreational space shall be provided at grade and adjacent to the apartment house dwelling.

**COMMON OUTDOOR SPACE – PLACE OF WORSHIP**

- (r) A minimum of 227 m<sup>2</sup> of common outdoor space shall be provided at grade and adjoining to the street and/or Place of Worship.

**PROVISIONS NOT APPLICABLE**

- (s) The provisions of Sections 6(9), 6(26), 6A(8), 6(A)14, 15.6, 15.7, 15.8, 20-A.2.4.1 do not apply.

**INCREASED DENSITY**

- (t) Matters which are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O 1990, c.P. 13, as amended, in order to permit the increased maximums in gross floor area authorized under subsection (v) of this exception are:

**SECTION 37 AGREEMENT**

- (u) The owner of the subject lands 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 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 in exchange for the increased density hereinafter set out:
  - (i) a minimum of 1.5 m<sup>2</sup> per dwelling unit of private indoor recreational amenity space in the residential building;

- (ii) a Place of Worship with a minimum gross floor area of 1,700 m<sup>2</sup> and a maximum gross floor area of 2,135 square metres.

#### ADDITIONAL GROSS FLOOR AREA

- (v) Notwithstanding subsection (j) of this exception, additional gross floor area may be permitted on the net site shown on Schedule "RM6(175)", limited to the following:
  - (i) a maximum of 1.5 m<sup>2</sup> per dwelling unit of private indoor recreational amenity space in the residential building;
  - (ii) a maximum of 2,135 m<sup>2</sup> of non-residential space, provided that the area is used exclusively for a Place of Worship and accessory community uses as described in subsection 3(g) of this By-law.

#### SEVERANCE

- (w) Notwithstanding any existing or future partition, division or severance of the net site shown on Schedule "RM6(175)", the provisions of this By-law shall apply to the whole of the net site as if no partition, division or severance occurred."
- 4.** Section 64.20-A of By-law No. 7625 is amended by adding Schedule "RM6(175)" attached to this By-law.

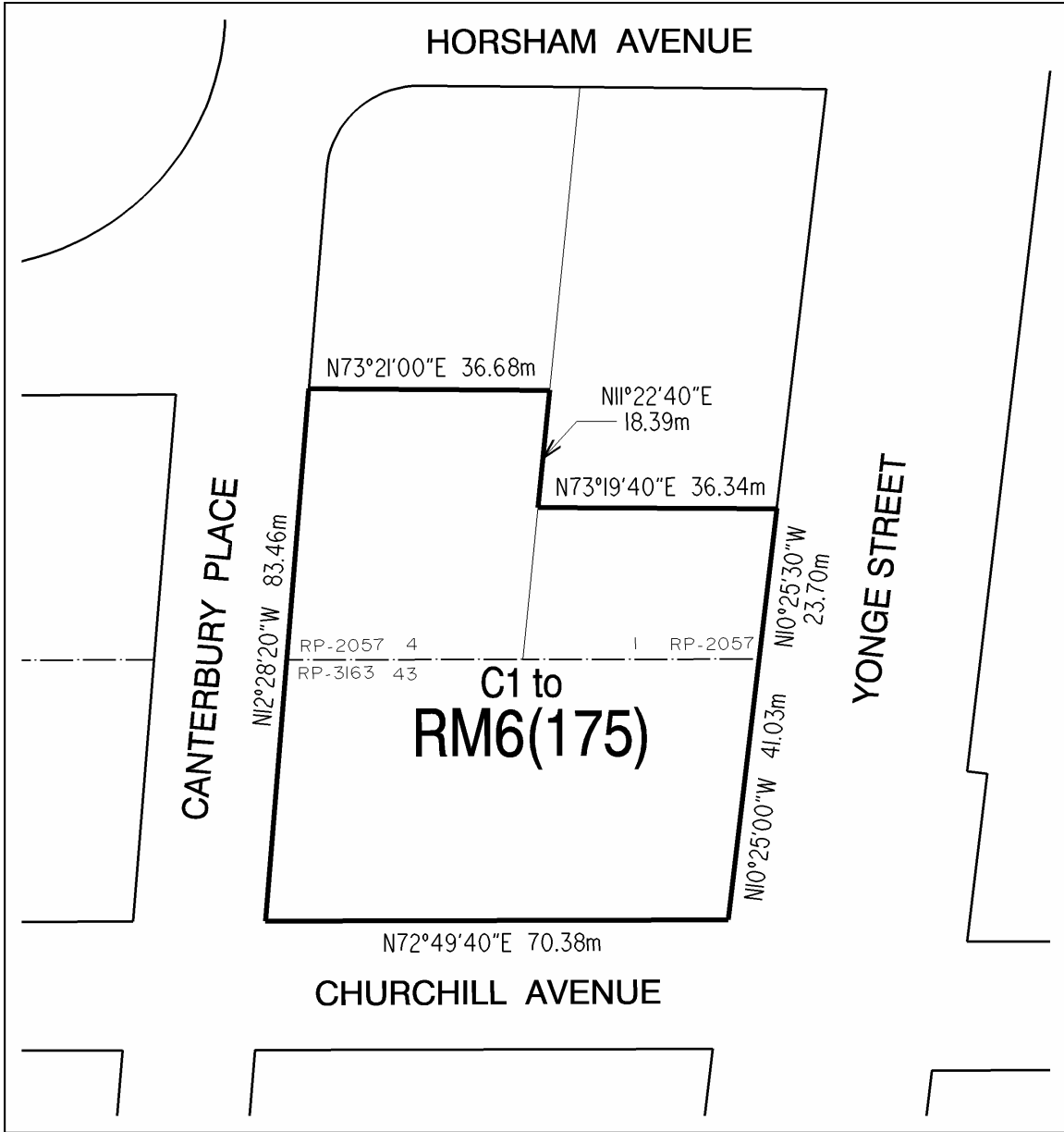
ENACTED AND PASSED this 30th day of January, A.D. 2008.

SANDRA BUSSIN,  
Speaker

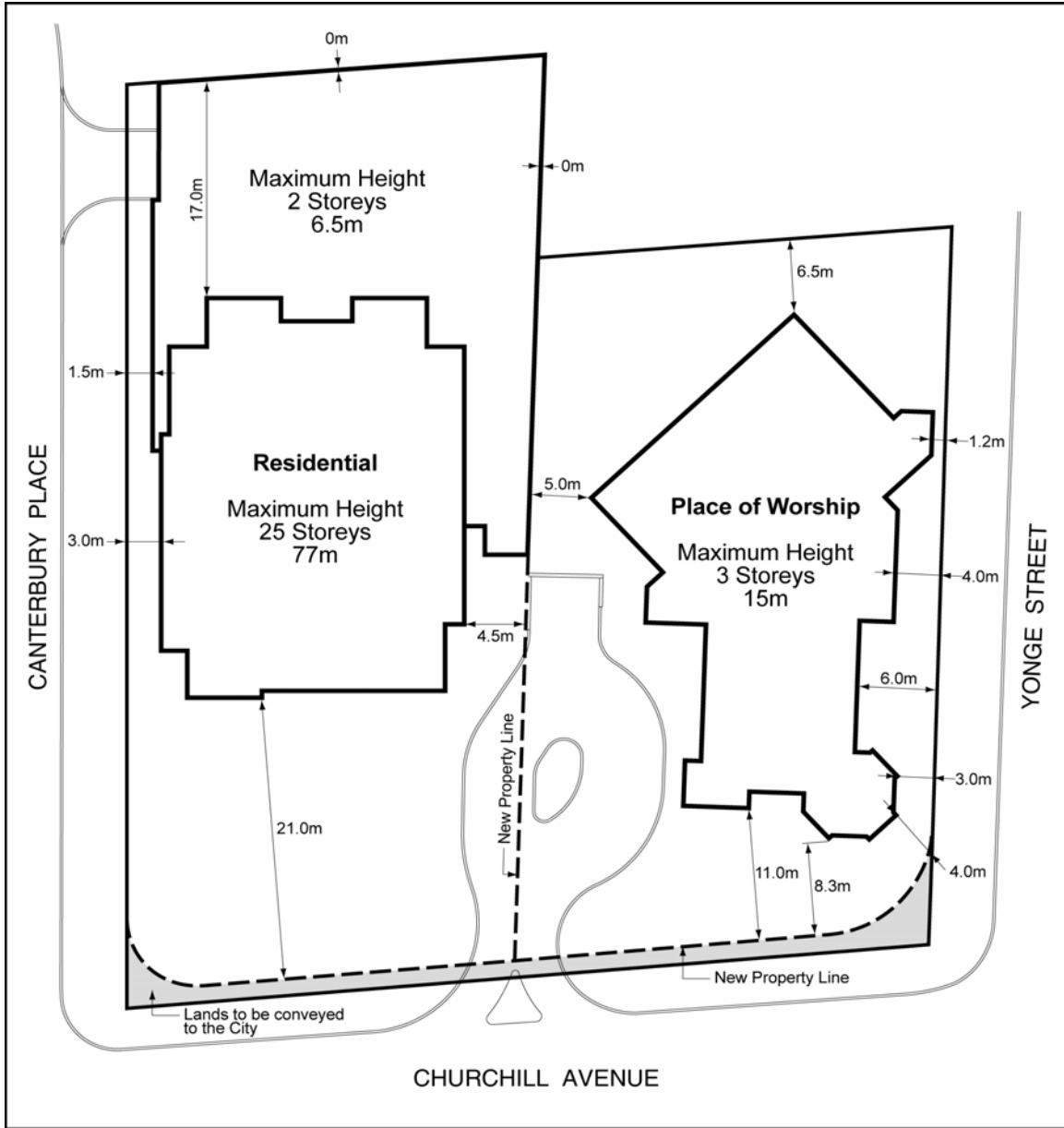
ULLI S. WATKISS  
City Clerk

(Corporate Seal)

SCHEDULE "1"



**SCHEDULE "RM6(175)"**



**Schedule "RM6(175)" to Bylaw**

Part of Lots 1 and 4 Registered Plan 2057, and Lot 43 Registered Plan 3163

File # 05\_197171

Date: 10/10/07  
Approved by: R.G.

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Not to Scale