

Authority: Toronto and East York Community Council Item TE13.4, as adopted by City of Toronto Council on February 3 and 4, 2016

CITY OF TORONTO

BY-LAW 108-2017

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2015 as 350 Vaughan Road.

Whereas Council of the City of Toronto has the authority pursuant to 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 for the City of Toronto contains provisions relating to the authorization of increases in density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or 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 and matters in return for an increase in the height or 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1, attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.6.10 Exception Number 243 by replacing its contents with the following, so that it reads:

Exception RM 243

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 350 Vaughan Road, if the requirements of Section 4 and Schedule A of By-law 108-2017 are complied with, then **buildings** or **structures** may be constructed in compliance with regulations (B) to (S) below;
- (B) Despite regulation 10.80.40.1(2) a maximum of 9 **dwelling units** are permitted in **detached houses** or **semi-detached houses**;
- (C) Despite regulation 10.80.40.40(1) the permitted maximum **gross floor area** is 1,540 square metres;
- (D) Despite regulation 10.5.40.10(1) the height of a **building** is the distance between the Canadian Geodetic Datum elevation of 164.5 and the elevation of the highest point of the **building**;
- (E) Despite regulation 10.80.40.10(1) the permitted maximum height of a **building** or **structure** is the height in metres specified by the numbers following the symbol HT on Diagram 2 of By-law 108-2017;
- (F) Despite regulation 10.5.60.40(1) the height of an **ancillary building** is the distance between the Canadian Geodetic Datum elevation of 164.5 and the elevation of the highest point of the **building**;
- (G) Despite regulation 10.5.60.40(2) the permitted maximum height of an **ancillary building** or **structure** is the height in metres specified by the numbers following the symbol HT on Diagram 2 of By-law 108-2017;
- (H) Despite regulations 10.5.60.30(1) and 10.5.60.50(3) an **ancillary building** or **structure** with a height greater than 2.5 metres, or **gross floor area** greater than 10 square metres, must be at least 1.0 metres from a **residential building** on the same **lot**.
- (I) Despite regulation 10.80.40.10(4) the permitted maximum height of the **first floor** is 1.2 metres above the Canadian Geodetic Datum elevation of 164.5.
- (J) Despite regulations 10.80.40.50(1)(B) and 10.80.40.50(2)(B) the maximum area of each platform is 19.0 square metres;
- (K) Regulations 10.5.60.50(2), 10.80.40.10(2), 10.80.40.10(3), 10.80.40.20, 10.80.40.30, and 10.80.40.80(2) do not apply; and

- (L) Despite regulations 10.5.40.70(1), 10.5.40.70(2), 10.80.40.70(1), 10.80.40.70(2), and 10.80.40.70(3) the required minimum **building setbacks** are as shown on Diagram 2 of By-law 108-2017;
- (M) Despite regulations 10.5.60.20(2), (3), (4), (5), and (6) the required minimum **ancillary building setbacks** are as shown on Diagram 2 of By-law 108-2017;
- (N) Despite regulations 10.5.40.60(1)(C) and 10.5.40.60(1)(D) in a **rear yard**, a platform may encroach into the required **building setbacks** a maximum of 1.5 metres, if it is no closer to a **side lot line** than 0.3 metres;
- (O) Despite regulation 10.5.60.60(1) the eaves of a roof on an **ancillary building** may encroach into the required **building setback** a maximum of 0.3 metres;
- (P) Despite regulation 10.5.80.10(7) a maximum of 4 **parking spaces** may be located outside in the **rear yard**;
- (Q) Despite regulation 10.5.50.10(1) a minimum of 70 percent of the **street yard** must be **landscaping**, of which a minimum of 50 percent must be **soft landscaping**, and regulations 10.5.50.10(2) and 10.5.50.10(3) do not apply;
- (R) Despite regulation 200.5.1(3) any **drive aisle** providing access to the proposed **parking spaces** must have a minimum width of 3.6 metres;
- (S) Despite regulations 200.5.1.10(2) and (3), 9 **parking spaces**, as identified on Diagram 2 of By-law 108-2017, must be provided and maintained on the lands in accordance with the following:
 - (i) Parking Space 1 – minimum 5.6 metre length and minimum 2.7 metre width;
 - (ii) Parking Space 2 – minimum 5.6 metre length and minimum 2.9 metre width;
 - (iii) Parking Space 3 – minimum 5.8 metre length and minimum 2.7 metre width;
 - (iv) Parking Space 4 – minimum 5.8 metre length and minimum 2.7 metre width;
 - (v) Parking Space 5 – minimum 4.0 metre length and minimum 2.7 metre width;
 - (vi) Parking Space 6 – minimum 5.6 metre length and minimum 3.85 metre width;
 - (vii) Parking Space 7 – minimum 5.6 metre length and minimum 4.5 metre width;
 - (viii) Parking Space 8 – minimum 5.6 metre length and minimum 3.4 metre width; and
 - (ix) Parking Space 9 – minimum 5.6 metre length and minimum 2.9 metre width.

Prevailing By-laws and Prevailing Sections: (None Apply)

4. Section 37 Provisions

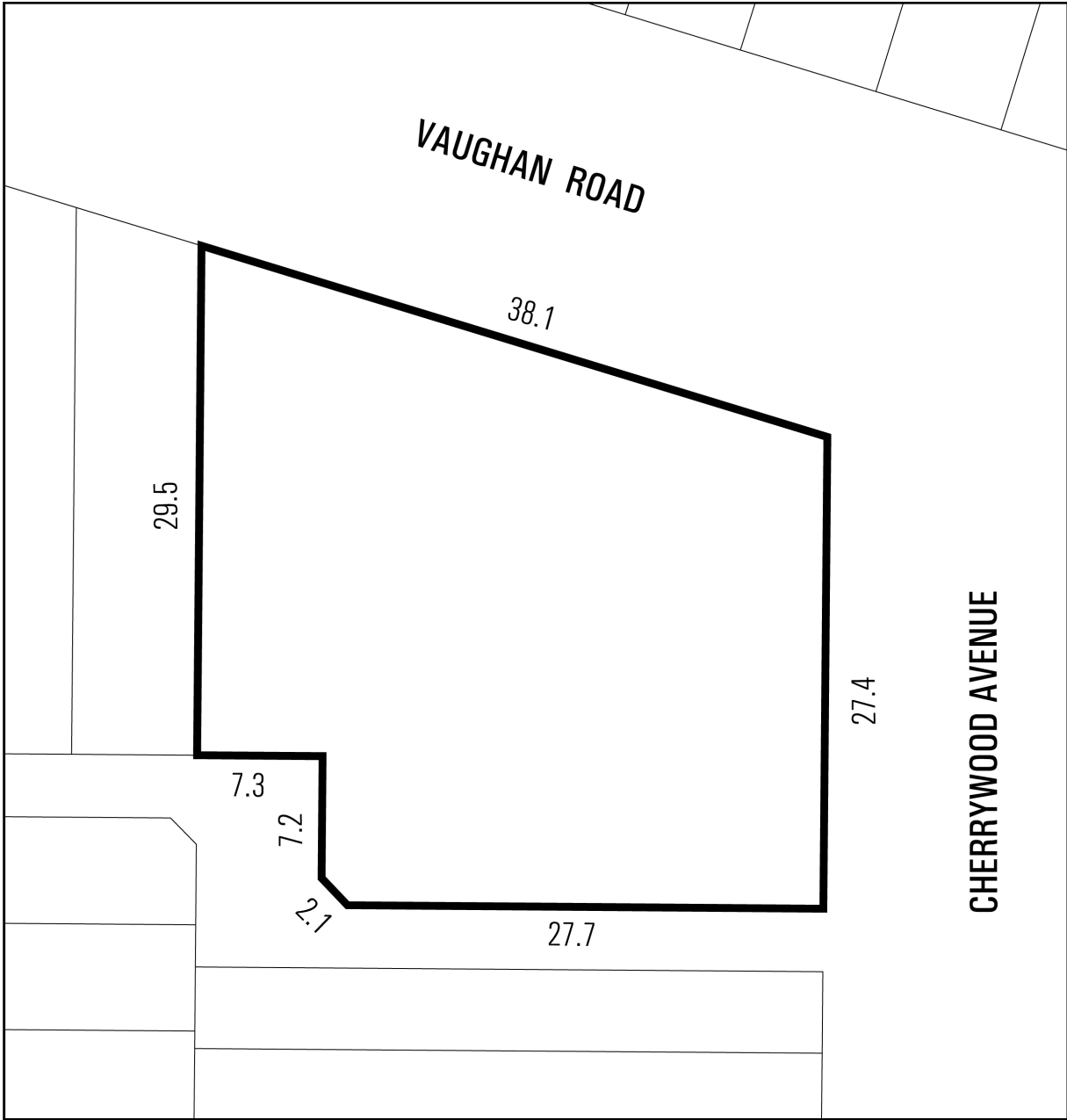
- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in density pursuant to this By-law unless all provisions of Schedule A are satisfied.

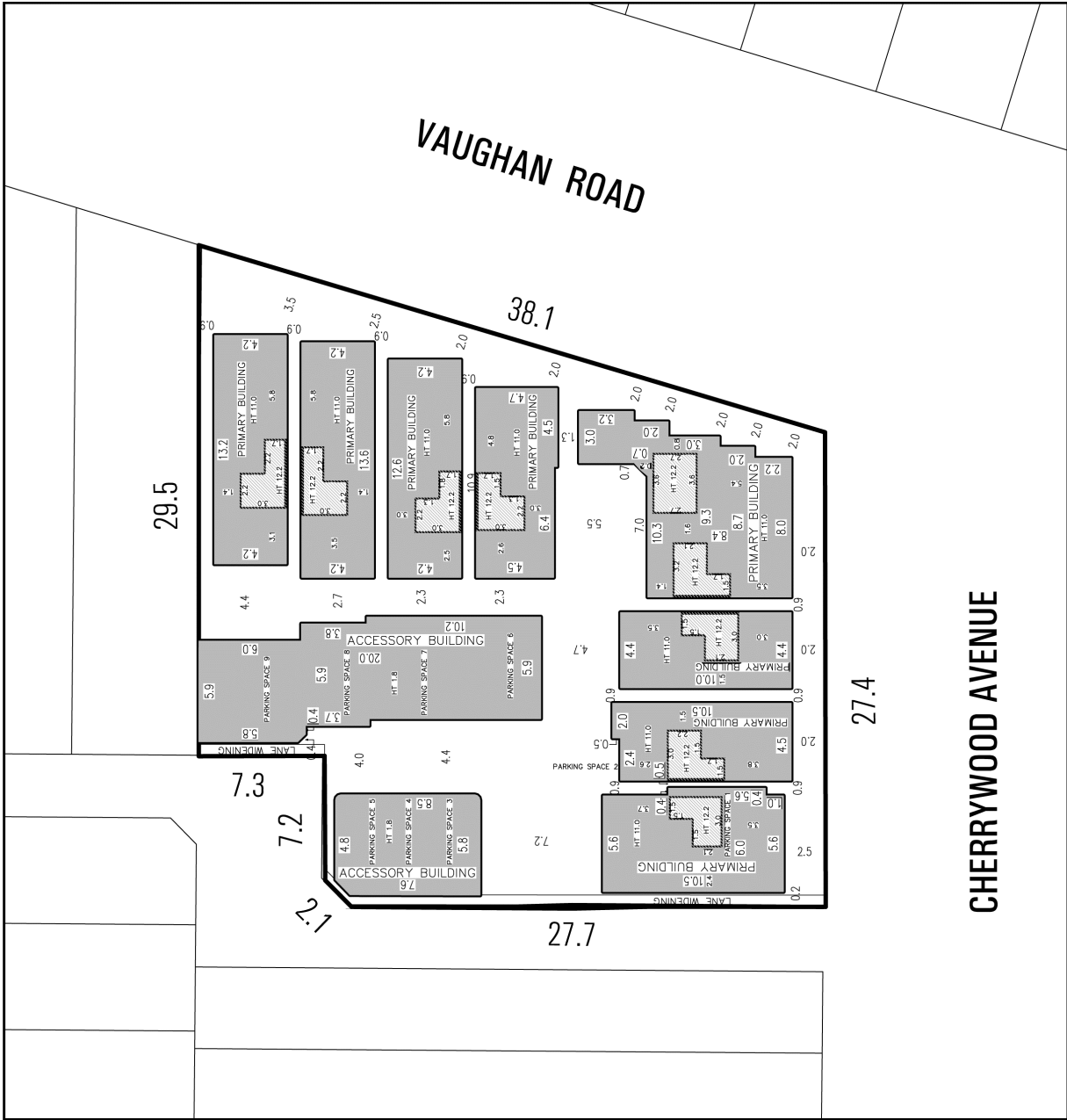
Enacted and passed on January 31, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

- (1) Prior to issuance of the first above grade building permit the owner shall make a cash contribution to the City in the amount of \$30,000 to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, toward any one or more of the following:
 - a) Toronto Bike Share;
 - b) Local parks improvements;
 - c) Improvements to local community facilities.

Such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- (2) In the event the cash contribution(s) referred to in Section 1 has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (3) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - a) The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that improvements to such infrastructure is required to support this development.
 - b) Prior to the issuance of any building permit for the site, the owner shall enter into an agreement to construct a new sanitary sewer on Cherrywood Avenue, to the satisfaction of the Executive Director, Engineering and Construction Services.
 - c) Prior to the issuance of any building permit for the site, the owner shall prepare at its expense all documents and convey to the City, at a nominal cost, a 0.67 metre wide strip of land to the full extent of the site abutting the north limit of the east-west public lane that runs easterly from Rushton Road, and a 0.67 metre wide strip of land to the full extent of the site abutting the north limit of the east-west public lane that runs westerly from Cherrywood Avenue, such lands to be free and clear of all encumbrances, save and except for utility poles,

and subject to an access easement, all to the satisfaction of the Executive Director, Engineering & Construction Services and the City Solicitor;

- d) Prior to the issuance of any building permit for the site, the owner shall prepare all documents at its expense and convey to the City, at a nominal cost, a 1.5 metre by 1.5 metre daylight triangle space, at the south-easterly portion of the section that connects the public lanes that extend from Rushton Road and Cherrywood Avenue, such lands to be free and clear of all encumbrances, save and except for utility poles, and subject to an access easement, all to the satisfaction of the Executive Director, Engineering & Construction Services and the City Solicitor;
- e) The Owner shall submit to the Executive Director, Engineering & Construction Services, for review and acceptance, prior to depositing in the appropriate Land Registry Office, a draft Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing the co-ordinate values at the main corners of the development lands, and delineating thereon, by separate PARTS, the lands to be conveyed to the City and any appurtenant rights-of-way.