

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 109-2017

To amend former City of York Zoning By-law 1-83 as amended, with respect to the lands municipally known 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 1-83 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. By-law 1-83, as amended, of the former City of York is further amended as follows:

A. Section 16(141) of By-law 1-83 is amended to read as follows:

(141) LANDS SOUTH-WEST CORNER OF VAUGHAN ROAD AND
CHERRYWOOD AVENUE (350 Vaughan Road)

1. Notwithstanding Sections 3.1.4; 3.2.1; 3.3.3; 3.4.6; 3.4.7; 3.4.11; 3.7.2; and Section 8 of City of York Zoning By-law 1-83, as amended, the lands municipally known in the year 2015 as 350 Vaughan Road, which lands are more particularly shown on Diagram 1 attached hereto, may be used for the purpose of erecting

thereon a maximum of 9 dwelling units in either detached houses and/or semi-detached houses. The following provisions shall also apply:

- a. the **lot** comprises the lands delineated by heavy lines on Diagram 1 of By-law 109-2017;
- b. the **gross floor area**, including **accessory buildings** on the lot does not exceed 1,710 square metres;
- c. a maximum of 9 **dwelling units** are permitted;
- d. no portion of any **building** erected or used on the lot may exceed the height limits above **grade** in metres specified by the numbers following the symbol HT as shown on Diagram 2 of By-law 109-2017;
- e. no portion of any **building** erected or used above or below **grade** is located otherwise than wholly within the areas delineated by heavy lines as shown on Diagram 2 of By-law 109-2017;
- f. nothing in (d) and (e) above can prevent the following elements from projecting beyond the heavy lines and above the heights shown on Diagram 2 of By-law 109-2017;
 - i. **Porches, Verandahs, Decks Or Balconies** projecting a maximum of 1.2 metres from the front wall of the buildings and a minimum of 0.15 metres below the finished first floor level;
 - ii. **Porches, Verandahs, Decks Or Balconies** projecting a maximum of 1.2 metres from the rear wall of the buildings and a minimum of 0.15 metres below the finish first floor level; and
 - iii. Any other projections otherwise permitted by Section 3.3.1 of By-law 1-83 (as amended);
- g. All proposed **accessory buildings**, subject to any projections otherwise permitted by Section 3.3.1 of By-law 1-83 (as amended), shall be built within the "Accessory Building Envelope" shown on Diagram 2 attached hereto;
- h. 9 **parking spaces** shall be provided, as identified on Diagram 2 attached hereto and the length and width of each shall be as follows:
 - 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;
- i. **Parking spaces** may be setback from the proposed buildings a minimum of 0.0 metres;
 - j. Any drive aisle providing access to the proposed **parking spaces** shall have a minimum width of 3.6 metres;
 - k. There shall be no limit to the number of accesses to the **lot** from any existing lane abutting the **lot**; and
 - l. A minimum of 70 percent of the **yard** between all main building walls facing a street and the lot lines abutting Vaughan Road and Cherrywood Avenue shall be landscaping, of which 50 percent shall be **green landscaped open space**.
2. Notwithstanding Section 2(1); 2(54) and 2(56) of By-law 1-83, as amended, the following definitions shall apply to Section 16(141) of By-law 1-83 (as amended):
- a. **Accessory buildings** shall mean garages and carports and shall be built within the "Accessory Building Envelope";
 - b. **Grade** shall mean 164.5 metres above sea level; and
 - c. **Gross Floor Area** means the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls at each floor or from the centre lines of walls separating two or more self-contained parts of a building (e.g., in the case of a semi-

detached house), excluding spaces used for service such as equipment, storage, laundry room, enclosed parking and all below **grade** areas.

3. Despite any existing or future, severance, partition or division of the **lot**, the provisions of this By-law shall continue to apply to the whole of the **lot** as if no severance, partition or division had occurred.
4. Except as amended in this By-law, all the other provisions of By-law 1-83, as amended, shall apply to the lands subject to this by-law. In the case of any conflict, the provisions of this by-law shall prevail.

2. Section 37 Provisions

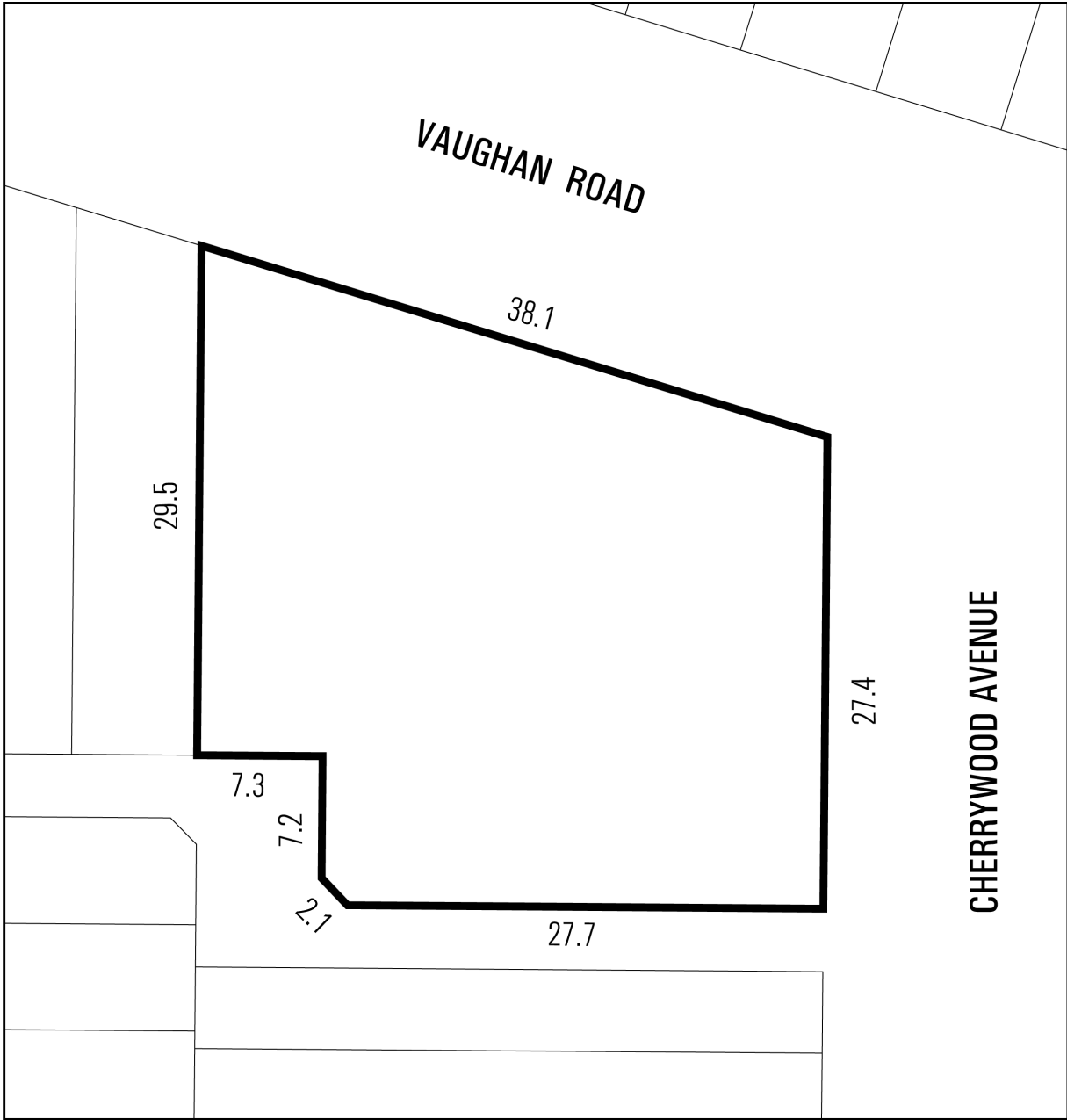
- A. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services 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; and
- 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.

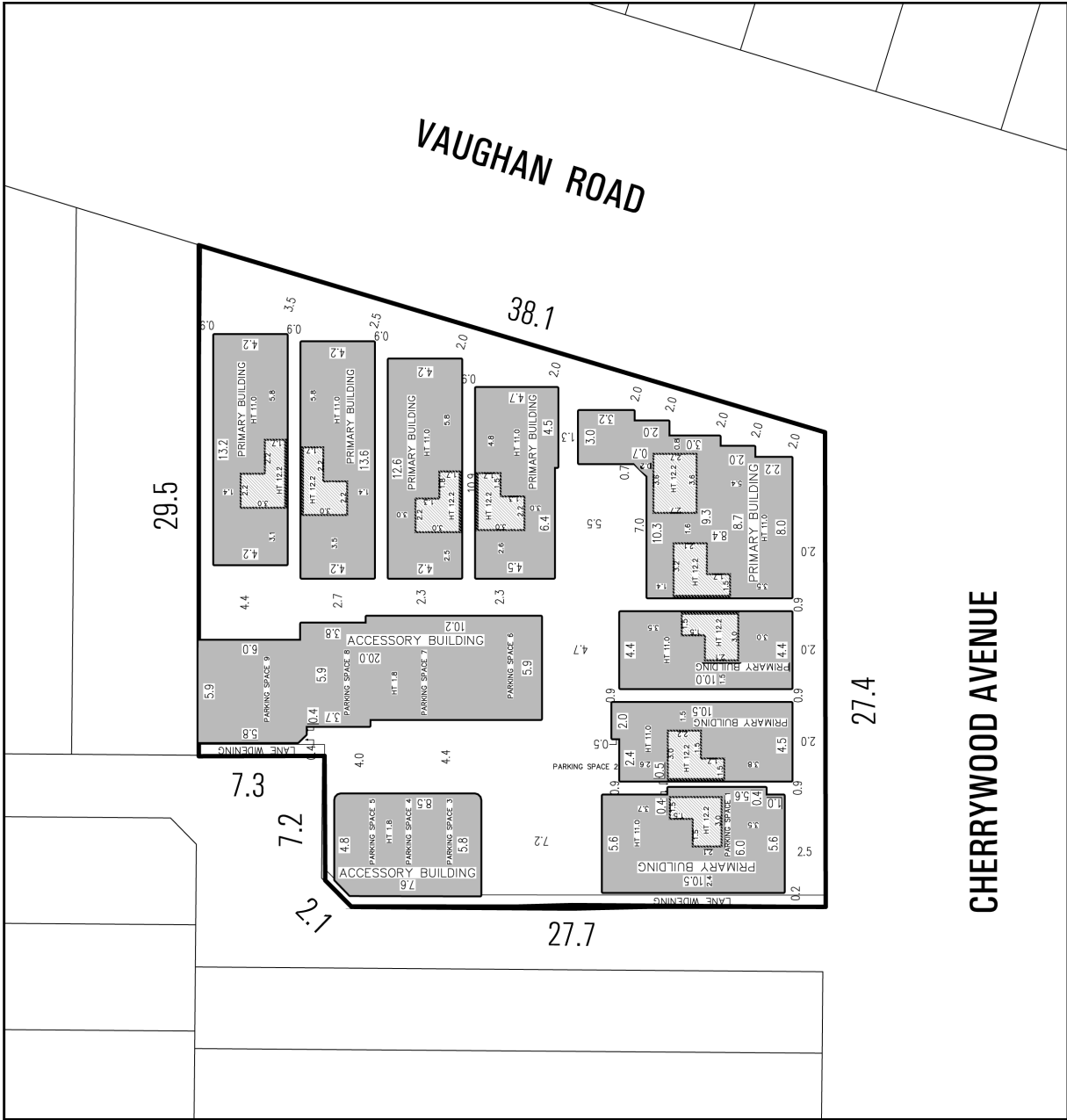
Enacted and passed on January 31, 2017.

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; and
 - 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.