

Authority: Etobicoke York Community Council Item EY23.3 as adopted by City of Toronto Council on July 4, 5, 6 and 7, 2017

CITY OF TORONTO

BY-LAW 1397-2017

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 248 and 260 High Park Avenue.

Whereas authority is given to the Council of a municipality by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass Zoning By-laws; 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 pursuant to Section 39 of the *Planning Act*, the council of a municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

The Council of the City of Toronto enacts:

1. Former City of Toronto Zoning By-law 438-86, as amended, is further amended by deleting all references to By-law 23-75 for 260 High Park Avenue in Section 13.
2. None of the provisions of Section 2(1) with respect to the definition of '*height*', '*grade*', '*lot*' and Sections 4(2)(a), 4(4)(b), 4(13)(c), 4(12), 4(16), 6(3) Part I, 6(3) Part II, 6(3) Part III and 13, of By-law 438-86, as amended, of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection or use of an *apartment building* and *accessory* uses thereto on the lands municipally known as 260 and 248 High Park Avenue (hereinafter referred to as the *lot*), provided that:
 - (a) the *lot* comprises the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
 - (b) no portion of any building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2;
 - (c) no portion of any building or structure erected or used above *grade* shall exceed the *height* limits above *grade* in metres specified by the numbers following the symbol "H" as shown on Map 2;
 - (d) notwithstanding Sections 1(b) and 1(c) of this By-law, the following elements may project above the *height* limits shown on Map 2:
 - (i) elevator overruns to a maximum of 5.2 metres; and

- (ii) a mechanical penthouse to a maximum of 4.2 metres;
- (e) notwithstanding Sections 1(b) and 1(c) of this By-law, the following elements may project beyond the heavy lines shown on Map 2:
 - (i) eaves, canopies, cornices, lighting fixtures, awnings, architectural features, window sills, wheelchair ramps, retaining walls, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage;
 - (ii) balconies to a maximum of 1.0 metre;
 - (iii) uncovered patios to a maximum of 2.0 metres; and
 - (iv) uncovered patios below *grade* to a maximum of 3.5 metres into the required setback from the west lot line;
- (f) notwithstanding sections 1(b) and 1(c) of this By-law, the minimum building setback for an underground *parking garage* is 0.5 metres;
- (g) *residential amenity space* must be provided in accordance with the following:
 - (i) a minimum of 2.0 square metres of indoor *residential amenity space* for each dwelling unit must be provided in a multi-purpose room or rooms within the building and at least one must contain both a kitchen and a washroom; and
 - (ii) a minimum of 2.0 square metres of outdoor *residential amenity space* for each dwelling unit must be provided of which at least 180 square metres is in a location adjoining or directly accessible from the indoor *residential amenity space* required in (i) above;
- (h) the total *residential gross floor area* of any building or structure erected on the *lot* shall not exceed 8,550 square metres;
- (i) the maximum number of *residential* dwelling units shall be 77;
- (j) parking spaces shall be provided and maintained on the lot in accordance with the following:
 - (i) a minimum of 0.9 parking spaces per one bedroom *dwelling unit*;
 - (ii) a minimum of 1.0 parking spaces per two bedroom *dwelling unit*;
 - (iii) a minimum of 1.2 parking spaces per three bedroom *dwelling unit*; and
 - (iv) a minimum of 0.2 parking spaces per *dwelling unit* for visitors to the building;

- (k) the minimum required *landscaped open space* is 2,300 square metres; a minimum of 1,600 square metres of the required landscaped area must be *soft landscaping*;
 - (l) a *sales office* used to sell dwelling units in in the development is permitted for a period of 3 years from the date of the passing of By-law 1397-2017;
 - (m) if a sales office in (l) above is in a newly erected building:
 - (i) the maximum permitted *non-residential gross floor area* is 280 square metres;
 - (ii) the maximum building height is 4.0 metres; and
 - (iii) the minimum building setback from the west and south lot lines is 7.5 metres.
3. For the purpose of this By-law:
- (a) "*grade*" shall mean 118.38 Canadian Geodetic Datum;
 - (b) "*lot*" means the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (c) "*sales office*" means a building or structure or part thereof on the lot used for the purpose of the sale of dwelling units to be erected on the lot; and
 - (d) each other word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law 438-86, as amended.
4. Notwithstanding any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
5. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.

Enacted and passed on December 8, 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



