

Authority: North York Community Council Item NY6.1,
as adopted by City of Toronto Council on June 18 and 19,
2019

CITY OF TORONTO

BY-LAW 1159-2019

To amend the former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known in the year 2018 as 1202-1204 Avenue 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 height and/or 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 or 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 matter 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, a 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 increases in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the land and the City of Toronto (hereinafter referred to as the "*City*"); and

Whereas the Council of the *City* has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted by this By-law; 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. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the lot of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.
2. Upon execution and registration of an agreement or agreements between the *City* and the *owner* of the *lot* on title to the *lot* pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a *building permit*, such building may not be erected or used until the *owner* of the *lot* has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. This By-law applies to the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
5. Except as otherwise provided herein, the provisions of By-law 438-86 shall continue to apply.
6. None of the provisions of Section 2 with respect to the definitions of the terms *grade*, *height*, *row house* and *lot* and Section 4(2)(a), Section 4(4)(b), 6(3) Part I 1, 6(3) Part II 2, 3, 4, 5 and 8 and 6(3) Part III of Zoning By-law 438-86, as amended, shall apply to prevent the erection on the lot of *row houses*, provided that:
 - a. the *lot* comprises at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - b. notwithstanding the permitted uses included in Section 6(1) of By-law 438-86, a *row house* is a permitted use on the *lot*;
 - c. the *residential gross floor area* on the *lot* shall not exceed a maximum of 1,375 square metres, excluding any *residential gross floor area* located below *grade*;
 - d. the maximum number of *dwelling units* on the lot is 7;
 - e. one *secondary suite* is permitted;

- f. no portion of the *building* shall have a greater *height* than the *height* in metres specified by the numbers following the symbol H on Map 2, attached to and forming part of this By-law;
 - g. no portion of the *building* shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to and forming part of this By-law, with the exception of the following, to a maximum of 0.5 metres:
 - i. Bay windows;
 - ii. Architectural banding;
 - iii. Canopies; and
 - iv. Other ornamental elements;
 - h. exterior stairs providing access to a *building* may encroach beyond the heavy lines identified on Map 2 if the stairs are no longer than 2.0 horizontal units for each 1.0 vertical unit above the ground at the point where the stairs meet the *building* and no closer to a lot line than 0.0 metres;
 - i. a minimum of 7 *parking spaces* shall be provided and maintained on the *lot* for residential use; and
 - j. a minimum of 30 percent of the *lot* shall be used as *landscaped open space*.
7. For the purpose of this By-law each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended, with the exception of the following terms:
- a. "*front lot line*" means the lot line along Avenue Road;
 - b. "*grade*" means 171.98 metres Canadian Geodetic Datum;
 - c. "*height*" means the vertical distance between *grade* and the highest point of the buildings or structures on the *lot*, except for those elements otherwise expressly permitted in this By-law;
 - d. "*lot*" means the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - e. "*row house*" shall mean one of a series of more than two attached buildings, each building comprising one *dwelling unit* and each building divided vertically from another by a party wall; and

- f. "secondary suite" shall mean a self-contained living accommodation for an additional person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite, located in and subordinate to a *dwelling unit*.
8. None of the provisions of By-law 438-86, as amended, apply to prevent the erection and use of a temporary sales office on the *lot* for a period of not more than 3 years from the date this by-law comes into full force and effect, exclusively for the purposes of marketing and sales of the *dwelling units* on these lands.
9. Despite any existing or future severance, partition or division of the lot, the provisions of this by-law shall apply to the whole lot as if no severance, partition or division occurred.
10. Within the *lot*, 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 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 operational.

Enacted and passed on July 18, 2019.

Frances Nunziata,
Speaker

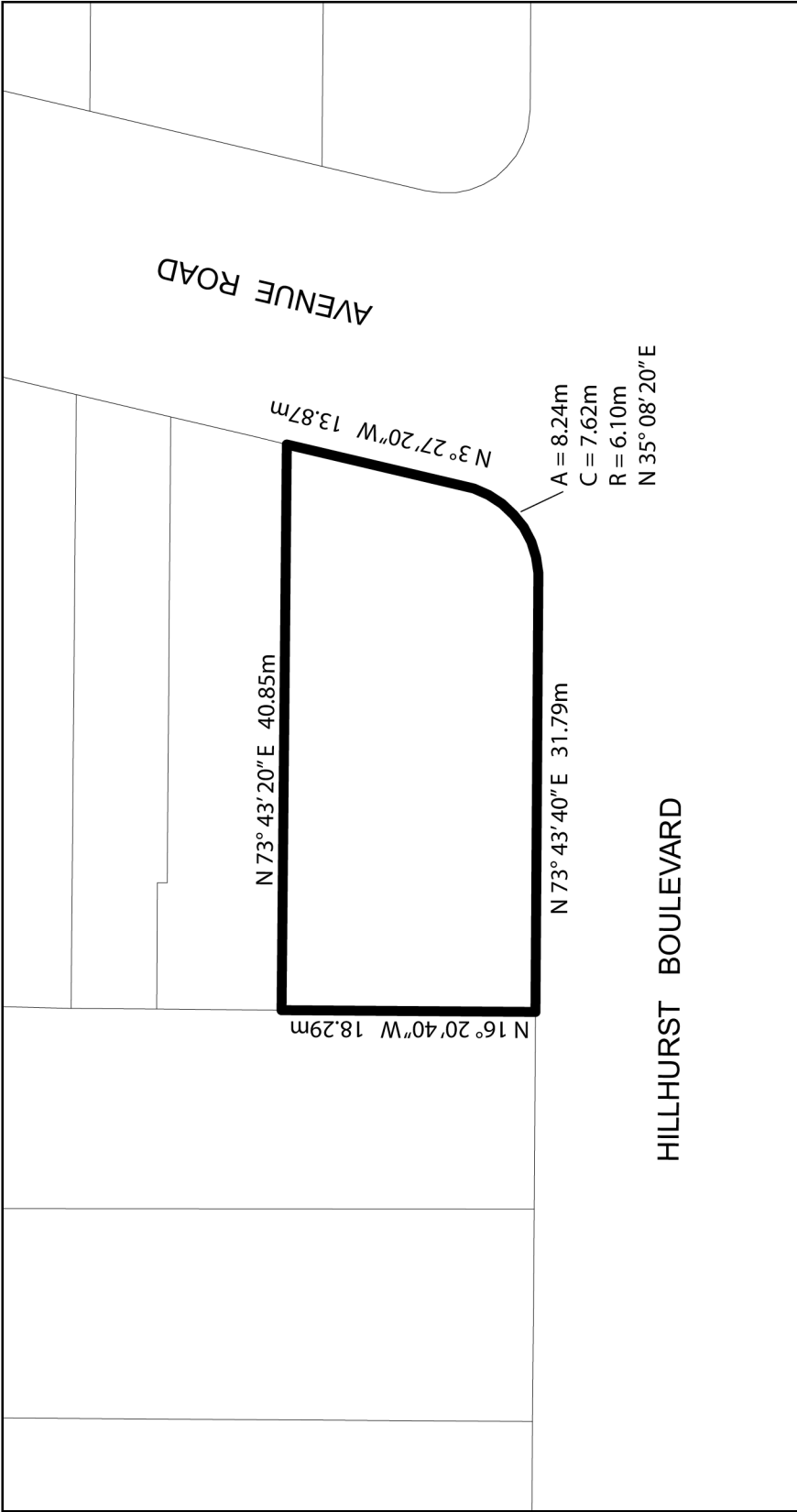
Ulli S. Watkiss,
City Clerk

(Seal of the City)

APPENDIX 1
Section 37 Provisions

The facilities, services and matters set out herein are required to be provided by the *owner* of the *lot* at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the *City* with conditions providing for indexing escalation of the financial contributions and letters of credit, indemnity, insurance, GST, HST, termination and unwinding, and registration and priority of agreement:

1. Prior to introducing the necessary Bills to City Council for enactment, the Owner shall provide a cash contribution of \$35,000 to be directed to the Capital Revolving Fund for Affordable Housing and to be put towards the provision of new affordable housing.

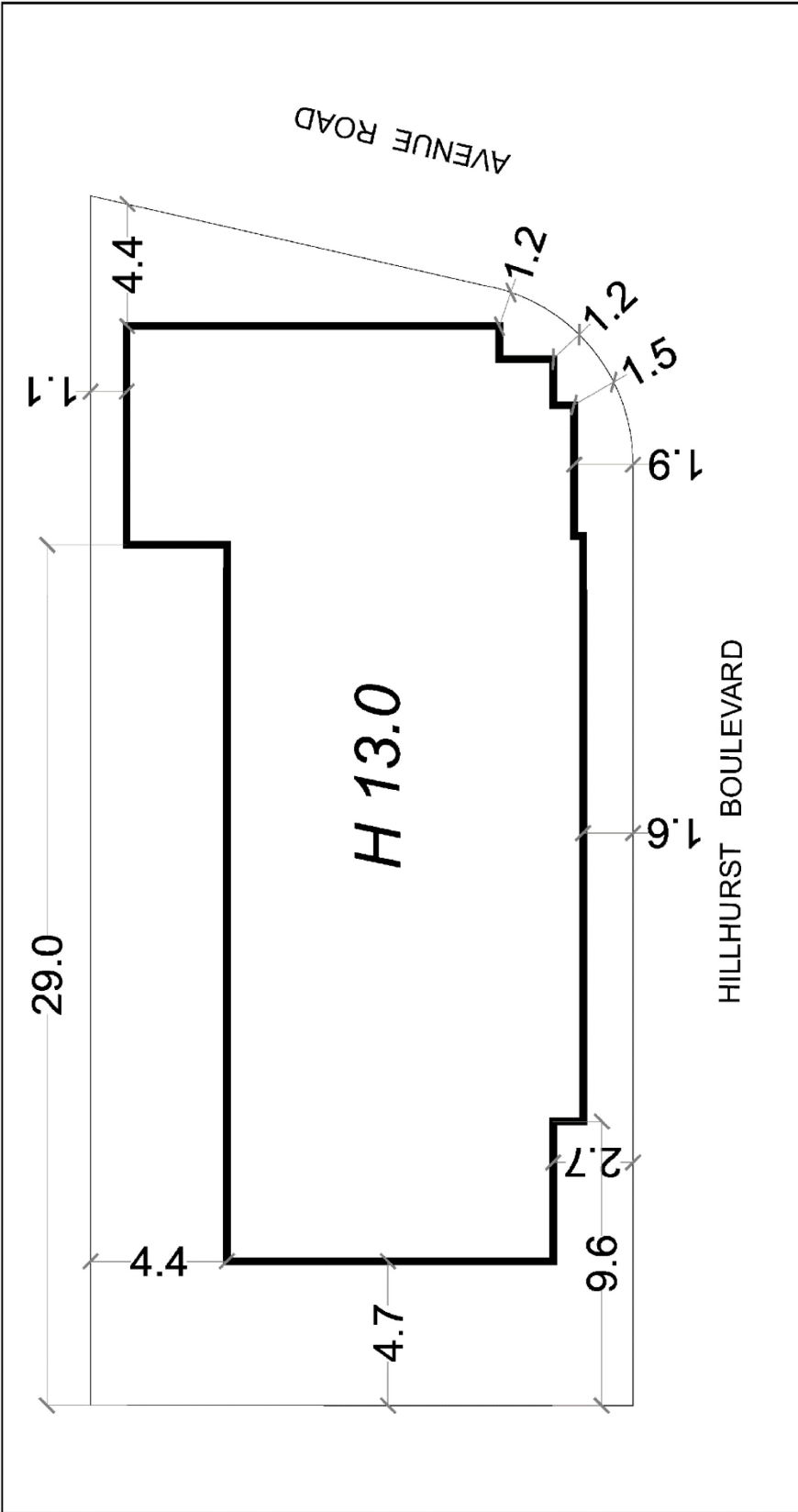


1202 & 1204 Avenue Road

File # 16 254034 NMY 16 0Z



City of Toronto By-law 438-86
Not to Scale
1/4/2019



1202 & 1204 Avenue Road

File # 16 254034 NNY 16 0Z



City of Toronto By-law 438.86
Not to Scale
03/22/2019