

Authority: North York Community Council Report No. 3, Clause No. 20,  
as adopted by City of Toronto Council on April 14, 15 and 16, 2003  
Enacted by Council: April 16, 2003

## **CITY OF TORONTO**

### **BY-LAW No. 343-2003**

#### **To amend former City of North York By-law No. 7625 in respect of lands municipally known as 28-38 and 25-39 Kenaston Gardens.**

WHEREAS authority is given to Council 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 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 Amendment No. 392 of the Official Plan of the former City of North York contains provisions relating to the authorization of increases in density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS sub section 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and 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 owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto; and

WHEREAS the former City of North York has required the owners of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increase in density in connection with the aforesaid lands as permitted by this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules "B" and "C" of By-law No. 7625 are hereby amended in accordance with Schedule "1" of this By-law.

2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

**“64.20-A (130) RM6(130)**

**DEFINITIONS**

- (a) For the purpose of this exception, “apartment house dwelling” shall mean a building containing more than four (4) dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.
- (b) For the purposes of this exception, “established grade” is defined as 174.3 metres above sea level.
- (c) For the purposes of this exception, “underground” is defined as below established grade.

**PERMITTED USES**

- (d) The only permitted uses shall be:
  - (i) Apartment house dwellings and uses accessory thereto, including private recreational amenity area;
  - (ii) Multiple attached dwellings;
- (e) Use Qualifications
  - (i) Outdoor private recreational amenity areas may be located on rooftop terraces.

**EXCEPTION REGULATIONS**

**GROSS FLOOR AREA**

- (f) The maximum permitted gross floor area shall be 35,319.3 m<sup>2</sup>.

**RECREATIONAL AMENITY AREA**

- (g) A minimum of 1.5 m<sup>2</sup> of outdoor private recreational amenity area per dwelling unit shall be provided.

## **DWELLING UNITS**

- (h) A minimum of 25% of all dwelling units shall comply with the following maximum floor areas:
  - (i) 55 m<sup>2</sup> for bachelor dwelling units; or,
  - (ii) 70 m<sup>2</sup> for one-bedroom dwelling units; or,
  - (iii) 80 m<sup>2</sup> for two-bedroom units; or,
  - (iv) 120 m<sup>2</sup> for three-bedroom dwelling units; or,
  - (v) any combination thereof.
- (i) The maximum number of dwelling units shall be 435.

## **DISTANCE BETWEEN BUILDINGS**

- (j) The provisions of Section 15.6 for minimum distance of apartment house dwellings from R and RM2 zones shall not apply.
- (k) The provisions of Section 20-A.2.4.1 for distance between buildings and/or portions of buildings forming courts shall not apply.

## **LANDSCAPING**

- (l) The provisions of Section 15.8 for landscaping shall not apply.

## **LOT COVERAGE**

- (m) The provisions of Section 20-A.2.2 for lot coverage shall not apply.

## **YARD SETBACKS**

- (n) The minimum yard setbacks for all buildings and structures above established grade shall be as set out on Schedule “RM6(130)”; where there is no minimum yard setback indicated on Schedule “RM6(130)”, the minimum yard setback shall be 0 metres.
- (o) The minimum yard setbacks for underground parking structures shall be 0 metres.

## **HEIGHT**

- (p) The maximum building heights shall be the lesser of the number of storeys or metres above established grade as defined in clause (b) as shown on Schedule “RM6(130)”.

- (q) No habitable space shall be permitted above the maximum height.

### **PARKING**

- (r) A minimum of 1.25 parking spaces per dwelling unit, of which 0.25 parking space per dwelling unit is reserved for visitor parking shall be provided on site.

### **PROJECTIONS**

- (s) The provisions of Section 6(9)(c) for permitted projections into one minimum side yard setback only shall not apply.
- (t) Exterior stairways, wheelchair ramps, canopies, balconies, bay windows, and covered porches and decks, shall be permitted to project into the minimum yard setbacks.

### **LOCKER SPACE**

- (u) A minimum of 1 locker with a minimum area of 1.6m<sup>2</sup> shall be provided for each apartment house dwelling unit.

### **DIVISION OF LANDS**

- (v) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.

### **OTHER**

- (w) No cell phones receivers, transmitters, or other broadcasting or receiving devices are permitted except those for the exclusive use of residents.

### **SECTION 37 AGREEMENT**

- (x) The owner of the lands set out in Schedule “RM6(130)” 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 the 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 order to permit an increase above the maximum gross floor area cited in clause (f) of this exception:
  - (i) The owner shall provide a minimum of 2.5m<sup>2</sup> of indoor private recreational amenity area per dwelling unit, to a maximum gross floor area of 1000 m<sup>2</sup>, provided that such gross floor area is used solely for the purposes of a private

indoor recreational amenity area”.

- 3.** Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6(130)” attached to this By-law.

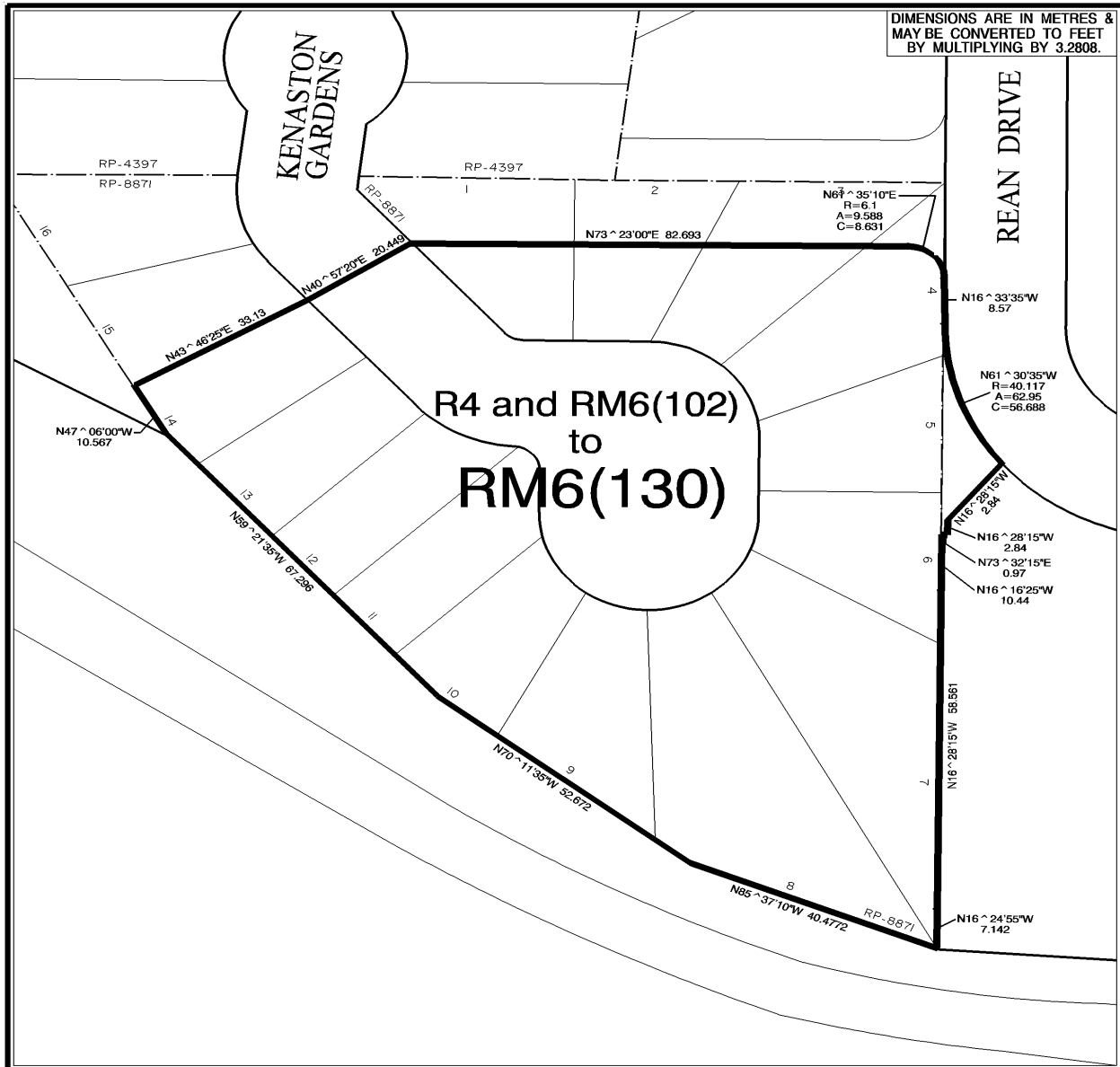
ENACTED AND PASSED this 16th day of April, A.D. 2003.

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

## SCHEDULE "1"



This is Schedule " 1 " to By-Law \_\_\_\_\_  
 passed the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

(Sgd.)

(Sgd.)

CLERK

MAYOR



SUBJECT PROPERTY



Location: Lots 1-15 inclusive and Part of Lot 18 Registered Plan 8871, City of Toronto

File: TB ZBL 2002 0008

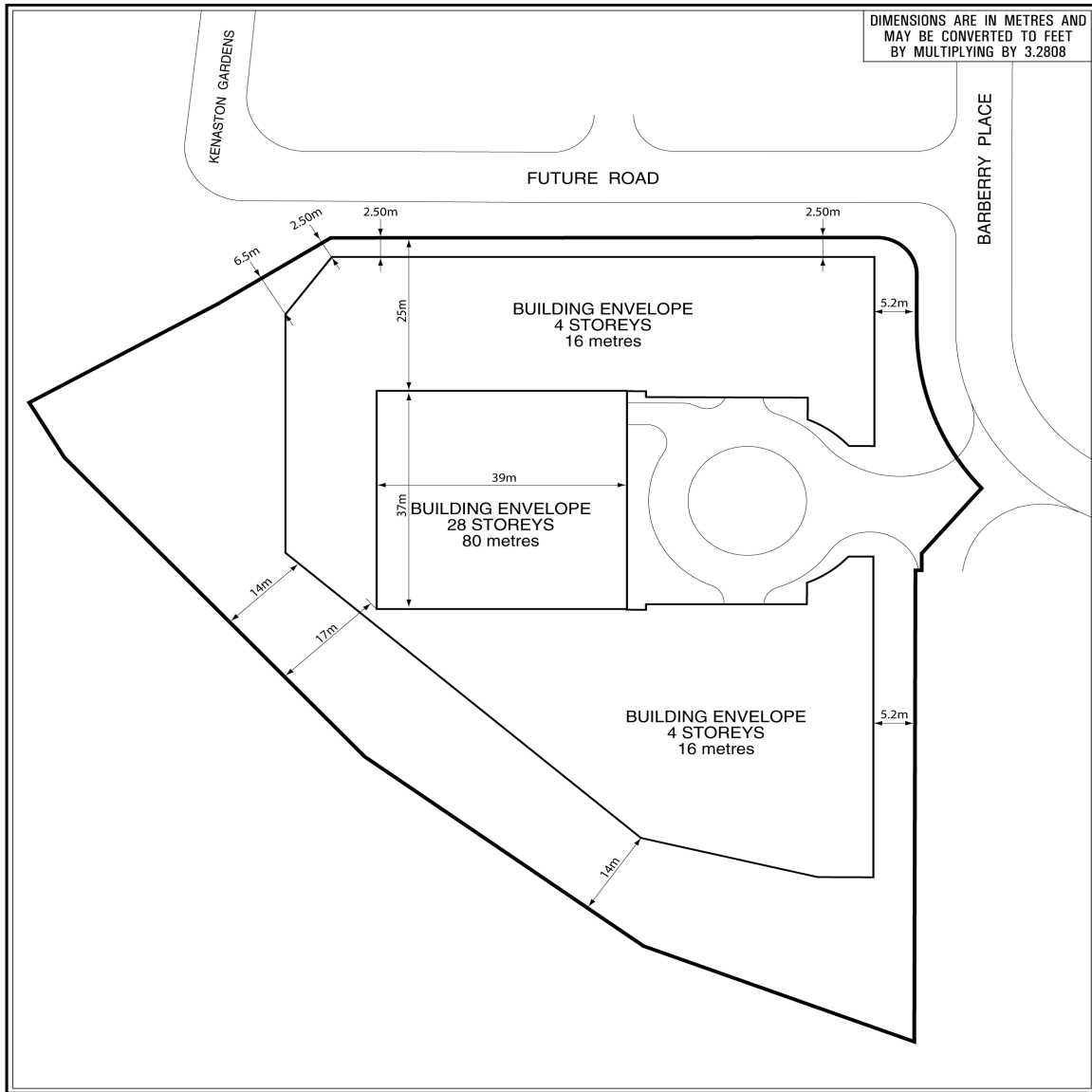
Prepared by: A.K.

Approved by: S.F.

Date: Mar. 13, 2003

Filename: RM6(130)\_1

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.  
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.

**SCHEDULE "RM6(130)"**

**This is Schedule " RM6(130) " to By-Law \_\_\_\_\_**  
**passed the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_**

(Sgd.)

CLERK

(Sgd.)

MAYOR



**SUBJECT  
PROPERTY**



**Location: Lots 1-15 inclusive and part of Lot 18 Registered Plan 8871, City of Toronto**

File No. TB ZBL 2002 0008

Prepared by: A.K.

Approved by: S.F.

Date: April 9, 2003

Filename: RM6(130).ai

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.  
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.