

Authority: North York Community Council Report No. 7, Clause No. 30,
as adopted by City of Toronto Council on September 22, 23, 24 and 25, 2003
Enacted by Council: September 24, 2003

CITY OF TORONTO

BY-LAW No. 989-2003

To amend former City of North York By-law No. 7625 in respect of lands municipally known as 12-26 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 (142) RM6(142)

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 177.40 metres above sea level.
- (c) For the purposes of this exception, “underground” is defined as below established grade.

PERMITTED

- (d) The only permitted use shall be:
 - (i) Apartment house dwellings and uses accessory thereto, including private recreational amenity area;
 - (ii) Multiple attached dwellings;

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (e) The maximum permitted gross floor area shall be 20,000.70m².

RECREATIONAL AMENITY AREA

- (f) A minimum of 1.5m² of outdoor private recreational amenity area per dwelling unit shall be provided.

DWELLING UNITS

- (g) A minimum of 25% of all dwelling units shall comply with the following maximum floor areas:
 - (i) 55 m² for bachelor units; or
 - (ii) 70 m² for one-bedroom dwelling units; or
 - (iii) 80 m² for two-bedroom dwelling units; or
 - (iv) 120 m² for three-bedroom dwelling units; or
 - (v) and combination thereof.
- (h) The maximum number of dwelling units shall be 236.

DISTANCE BETWEEN BUILDINGS

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

LANDSCAPING

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

LOT COVERAGE

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

YARD SETBACKS

- (m) The minimum yard setbacks for all buildings and structures above established grade shall be as set out on Schedule “RM6(142)”, where there is no minimum yard setback indicated on Schedule “RM6(142)”, the minimum yard setback shall be 0 metres.
- (n) The minimum yard setbacks for underground parking structures shall be 0 metres.

HEIGHT

- (o) The maximum buildings 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(142)".
- (p) No habitable space shall be permitted above the maximum height.

PARKING

- (q) 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

- (r) The provisions of Section 6(9)(c) for permitted projections into one minimum side yard setback only shall not apply.
- (s) 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

- (t) A minimum of 1 locker with a minimum area of 1.6m² shall be provided for each apartment house dwelling unit.

DIVISION OF LANDS

- (u) 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.

LOADING SPACE

- (v) Sections 6A(16)(c)(i) and 6A(16)(d)(i) and (iv) shall not apply.

OTHER

- (w) No cell phone 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(142)” 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) a minimum of 2.3 m² of indoor private recreational amenity area per dwelling unit, to a maximum gross floor area of 542.8 m², provided that such gross floor area is used solely for the purposes of a private recreational amenity area; and,
 - (ii) a letter of credit or certified cheque in the amount of \$10,000.00 to the satisfaction of the Chief Financial Officer and Treasurer for future traffic monitoring to be undertaken;
 - (iii) an option exercisable by the City of Toronto for nominal consideration for lands to accommodate a right-of-way of up to 20 metres, located at the southernmost portion of the lands to which this By-law applies.
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6(142)” attached to this by-law.

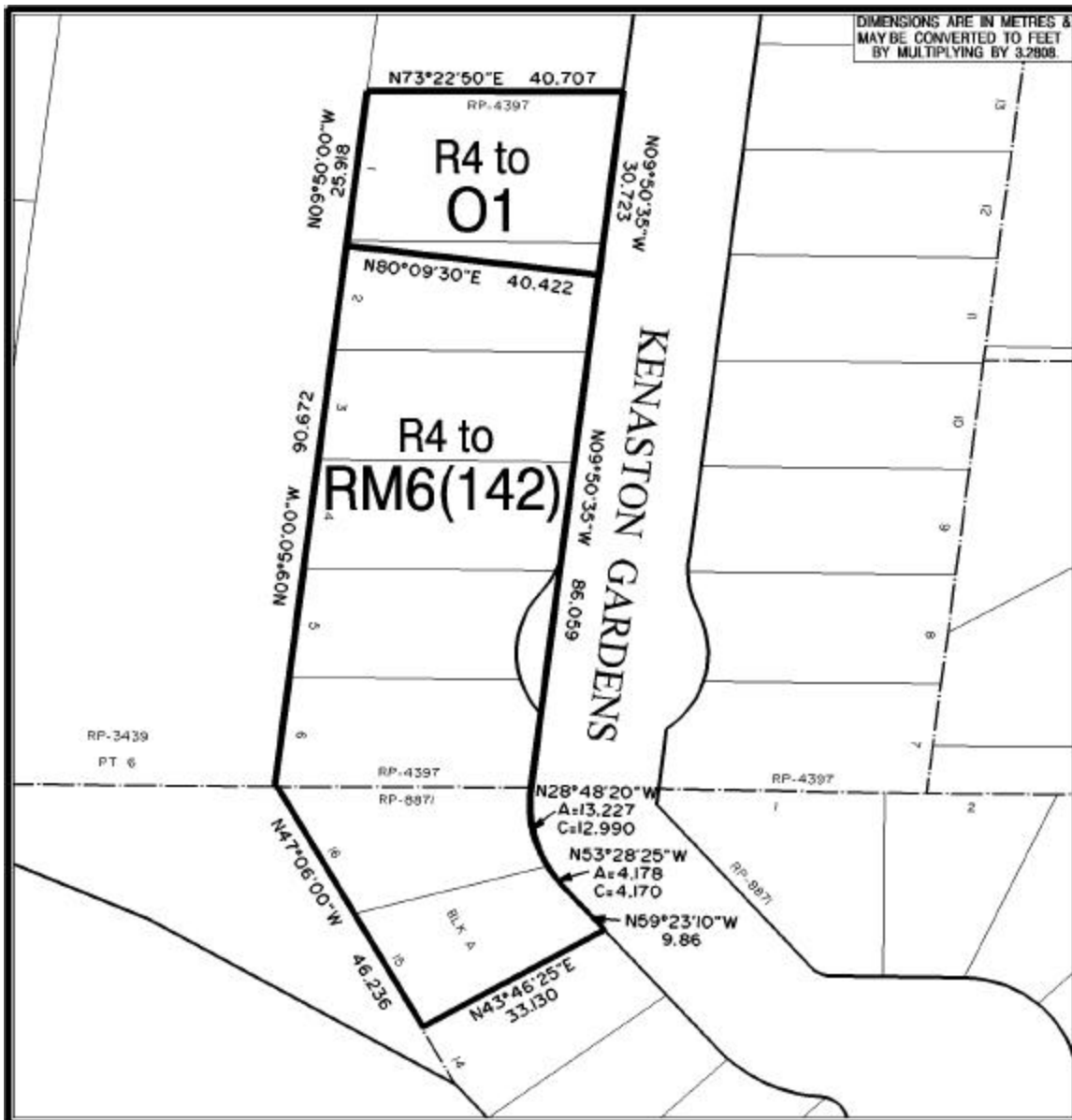
ENACTED AND PASSED this 24th day of September, A.D. 2003.

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.)

CLERK

(Sgd.)

MAYOR

Location: Lots 1,2,3,4,5,6, Block A, Part of Block B Registered Plan 4397, City of Toronto

File: TB ZBL 2002 0020

Prepared by: A.K.

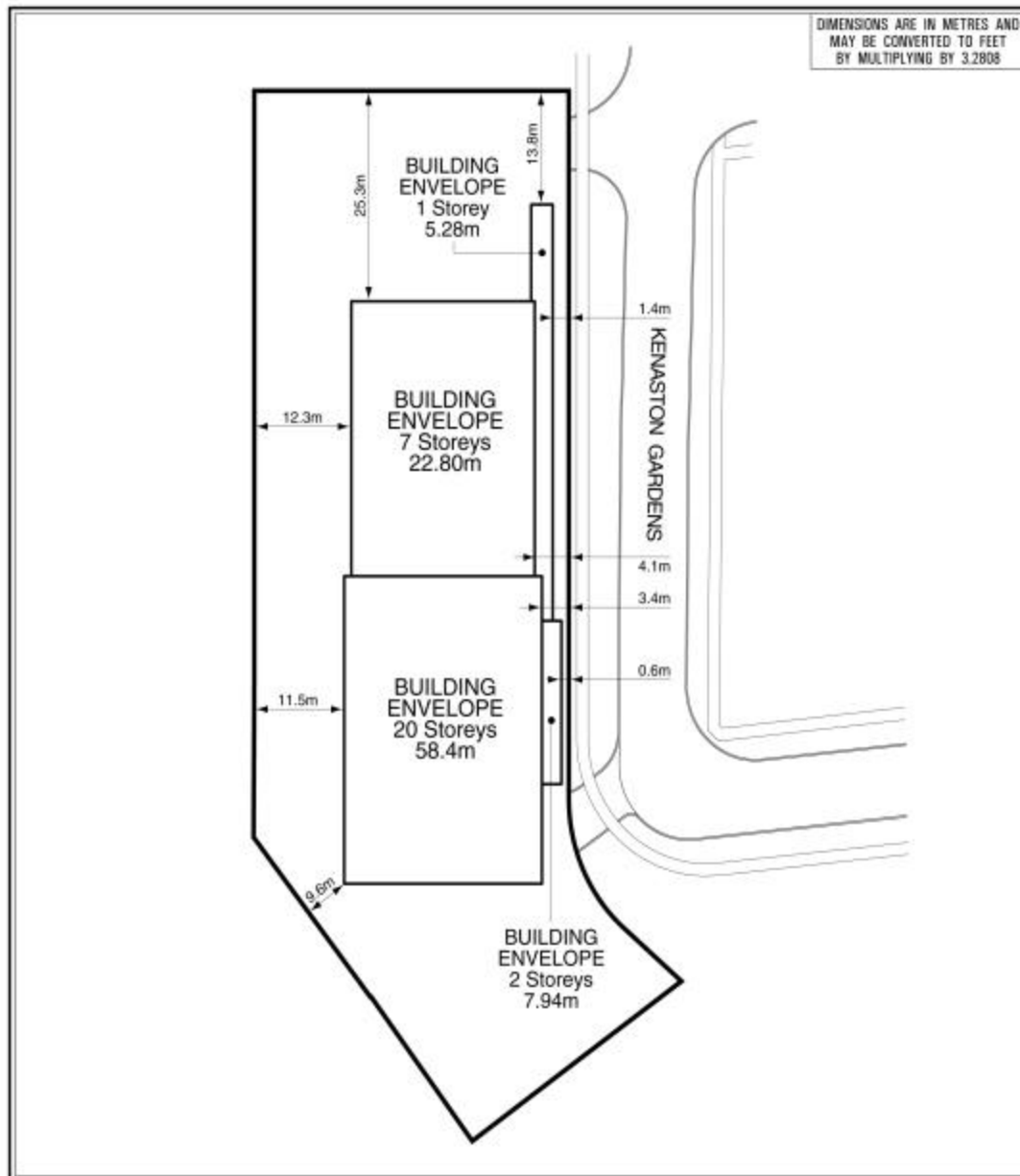
Approved by: S.F.

Date: Aug. 22 2003

Filename: RM6(142)_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(142)"

<p>This is Schedule " RM6(142) " to By-Law _____</p> <p>passed the _____ day of _____, 20__</p>		 Toronto City Planning North
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: 12-26 Kenaston Gardens, City of Toronto		
File No. TB ZBL 2002 0020	Prepared by: A.K.	Approved by: S.F.
Date: Sept. 15, 2003		Filename: RM6(142).ai
<small>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.</small>		