

Authority: North York Community Council Report No. 6, Clause No. 20,  
as adopted by City of Toronto Council on July 19, 20, 21 and 26, 2005  
Enacted by Council: September 30, 2005

## **CITY OF TORONTO**

### **BY-LAW No. 815-2005**

**To amend former City of North York By-law No. 7625 with respect to lands municipally known as 19, 21, 25 and 27 Churchill Avenue, 33 Churchill Avenue and 52 Horsham Avenue, and with respect to lands identified as Part 3 on Registered Plan 66R-21658 and Parts 1, 2, 3 on Registered Plan 66R-21948.**

WHEREAS authority is given to Council of the City of Toronto 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 has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedules “1” and “2” of this By-law.
2. Section 64.20-A of By-law No. 7625, as amended, is amended by adding the following subsection:

**“64.20-A(157)            RM6(157)**

#### **DEFINITIONS**

##### **APARTMENT HOUSE DWELLING**

- (a) For the purpose of this exception, “apartment house dwelling” shall include, in addition to dwelling units having access only from an internal corridor system, a guest suite and ground level dwelling units having access from an internal corridor system or directly from the outside or any combination thereof.

##### **ESTABLISHED GRADE**

- (b) For the purpose of this exception, “established grade” shall mean the elevation as fixed by the City of the centre line of Churchill Avenue at the mid-point of the site, being the geodetic elevation of 177.69 metres.

#### GROSS FLOOR AREA

- (c) For the purpose of this exception, “gross floor area” shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
- (i) any part of the building used for mechanical floor area;
  - (ii) any space used exclusively for motor vehicle parking; and
  - (iii) the floor area of unenclosed residential balconies.

#### GROSS SITE

- (d) For the purpose of this exception, “gross site” shall mean all of the properties municipally known as 19, 21, 25 and 27 Churchill Avenue, being Parts 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Registered Plan 66R-21671, City of Toronto, together with part of the property municipally known as the Canterbury Parkette, being Part 3 of Registered Plan 66R-21658, City of Toronto, and Parts 1, 2, 3 on Registered Plan 66R-21948, said site comprising a total area of 4,239.6 m<sup>2</sup>.

#### GUEST SUITE

- (e) For the purpose of this exception, “guest suite” shall mean a suite, other than a dwelling unit, that has no kitchen facilities and is available for use on a temporary basis as overnight accommodation for persons visiting residents of an apartment house or multiple attached dwelling.

#### MECHANICAL FLOOR AREA

- (f) For the purpose of this exception, “mechanical floor area” shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.

#### NET SITE

- (g) For the purpose of this exception, “net site” shall mean the gross site minus Parts 4, 5, 7, 9 and 11 of Plan 66R-21671, conveyed to the City of Toronto for service road, road widening and corner rounding purposes, depicted on Schedule “RM6(157)” and comprising a total area of 3,751.8 m<sup>2</sup>.

#### PERMITTED USES

- (h) The only permitted uses shall be apartment house and multiple attached dwellings, and accessory uses including private recreational amenity areas.

## **EXCEPTION REGULATIONS**

### **MAXIMUM GROSS FLOOR AREA**

- (i) Except as provided for in subsection (w) of this exception, the maximum gross floor area permitted shall not exceed 10,276.7 m<sup>2</sup>.

### **NUMBER OF DWELLING UNITS**

- (j) The maximum number of apartment house dwelling units shall be 151. The number of multiple attached dwelling units shall be five. A minimum of 25 per cent of the total number of dwelling units shall be subject to the following maximum floor area restrictions:
  - (i) 70 m<sup>2</sup> for a bachelor unit or one-bedroom unit;
  - (ii) 80 m<sup>2</sup> for a two-bedroom unit;
  - (iii) 120 m<sup>2</sup> for a three-bedroom unit; or
  - (iv) any combination of the above.

### **GUEST SUITES**

- (k) The maximum number of guest suites shall be one.

### **BUILDING HEIGHT**

- (l) The building height shall not exceed the maximum heights in metres and number of storeys shown on Schedule "RM6(157)", excluding mechanical penthouses and stairwells to access the roof.

### **BUILDING ENVELOPE**

- (m) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule "RM6(157)", except as follows:
  - (i) unenclosed balconies may project beyond the building envelope to a maximum of 2.8 m along a wall and to a maximum of 3.4 m (measured diagonally) around a corner;
  - (ii) roof overhangs and canopies may project beyond the building envelope to a maximum of 2.6 m;
  - (iii) other architectural features or details may project beyond the building envelope to a maximum of 0.6 m.

#### PARKING

- (n) Parking spaces shall be provided within the net site in accordance with the following requirements:
  - (i) a minimum of 1.0 parking spaces per dwelling unit, including 0.1 parking spaces per dwelling unit reserved for visitor use;
  - (ii) a maximum of 1.4 parking spaces per dwelling unit, including 0.1 parking spaces per dwelling unit reserved for visitor use.

A maximum of six surface parking spaces shall be permitted.

#### LOADING

- (o) One loading space shall be provided.

#### LOT COVERAGE

- (p) The maximum permitted building coverage on the net site shall be 42%.

#### LANDSCAPING

- (q) A minimum of 1,000 m<sup>2</sup> of landscaping shall be provided on the net site.

#### PRIVATE OUTDOOR RECREATIONAL SPACE

- (r) A minimum of 1.5 m<sup>2</sup> per dwelling unit of private outdoor recreational space shall be provided on the net site.

#### YARD SETBACKS

- (s) The minimum yard setbacks shall be as shown on Schedule “RM6(157)”.

#### PROVISIONS NOT APPLICABLE

- (t) The provisions of Sections 6(9), 20-A.2.4.1 shall not apply.

## **INCREASED DENSITY**

- (u) Matters which are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, in order to permit the increased maximum in gross floor area authorized under subsection (w) of this exception are:

### **SECTION 37 AGREEMENT**

- (v) The owner of the subject lands 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 matter and to the extent specified in such 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:
- (i) a minimum of 1.5 m<sup>2</sup> per dwelling unit of indoor recreational amenity space;
  - (ii) conveyance to the City for parks purpose, for a nominal sum and free and clear of all encumbrances, of part of the property municipally known as 33 Churchill Avenue, being Part 2 of Plan 66R-21671, with an area of 581.7 m<sup>2</sup>;
  - (iii) conveyance to the City for service road purpose, for a nominal sum and free and clear of all encumbrances, of part of the property municipally known as 33 Churchill Avenue, being Part 3 of Plan 66R-21671, with an area of 43.4 m<sup>2</sup>;
  - (iv) conveyance to the City for service road purpose, for a nominal sum and free and clear of all encumbrances, of the property municipally known as 52 Horsham Avenue, being Part of Lot 13, Registered Plan 2057, all of P.I.N. 10142-0412(LT), with an area of 490.4 m<sup>2</sup>;
  - (v) an easement in favour of the City over Parts 1, 2, 3 on Reference Plan 66R-21948 for the purpose of property maintenance and potential future access to the service road from adjacent City owned properties;
  - (vi) remittance to the City of a monetary contribution towards the cost of acquiring other lands in the general vicinity of the gross site necessary for completion of the planned service road and associated buffer area. The amount of the monetary contribution shall be \$114,635.00, which is equal to the market value, based on land value, of the gross floor area specified in (w)(v) below, as determined by Council on the advice of the Director of Real Estate Services;
  - (vii) maximum of 160 storage lockers in underground parking levels;

- (viii) lobby space located on the ground floor will be double-floor height;
- (ix) floor to ceiling height of 4.5 metres for third floor unit at north-east corner of building, such ceiling height to apply to the entire area of the unit with the exception of the area 2 metres from the outside walls, which shall be 6 metres in height;
- (x) mechanical space shown on the ground and second floors shall be used exclusively for mechanical purposes; and
- (xi) townhouse 5 shall have a basement area not to exceed approximately 8.2 metres by 4.7 metres.

#### ADDITIONAL GROSS FLOOR AREA

- (w) Notwithstanding subsection (i) of this exception, an increased maximum gross floor area may be permitted on the net site shown on Schedule “RM6(157)”, limited to the following:
  - (i) a maximum of 1.5 m<sup>2</sup> gross floor area per dwelling unit of indoor recreational amenity space, provided that the area is used solely for recreational purposes;
  - (ii) a maximum gross floor area of 1,436.8 m<sup>2</sup> attributable to density transferred from that part of the off-site property municipally known as 33 Churchill Avenue conveyed to the City for park purpose; plus
  - (iii) a maximum gross floor area of 112.8 m<sup>2</sup> attributable to density transferred from that part of the off-site property municipally known as 33 Churchill Avenue conveyed to the City for service road purpose; plus
  - (iv) a maximum gross floor area of 1,275.0 m<sup>2</sup> attributable to density transferred from the off-site property municipally known as 52 Horsham Avenue conveyed to the City for service road purpose; plus
  - (v) a maximum gross floor area of 332.6 m<sup>2</sup> attributable to the payment specified in subsection (v)(vi) above.
- (x) Building permit issuance for the proposed development shall be dependant upon satisfaction of the provisions in this zoning by-law amendment and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

#### SEVERANCE

- (y) Notwithstanding any future severance, partition or division of the net site shown on Schedule “RM6(157)”, the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred.”

3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6(157)” attached to this By-law.

4. Section 64.13 of By-law No. 7625 is amended by adding the following subsection:

**64.13(79) R4(79)**

**EXCEPTION REGULATIONS**

(a) The maximum gross floor area shall be 0.0 m<sup>2</sup>.

5. Section 64.13 of By-law No. 7625 is amended by adding the following subsection:

**64.13(80) R4(80)**

**EXCEPTION REGULATIONS**

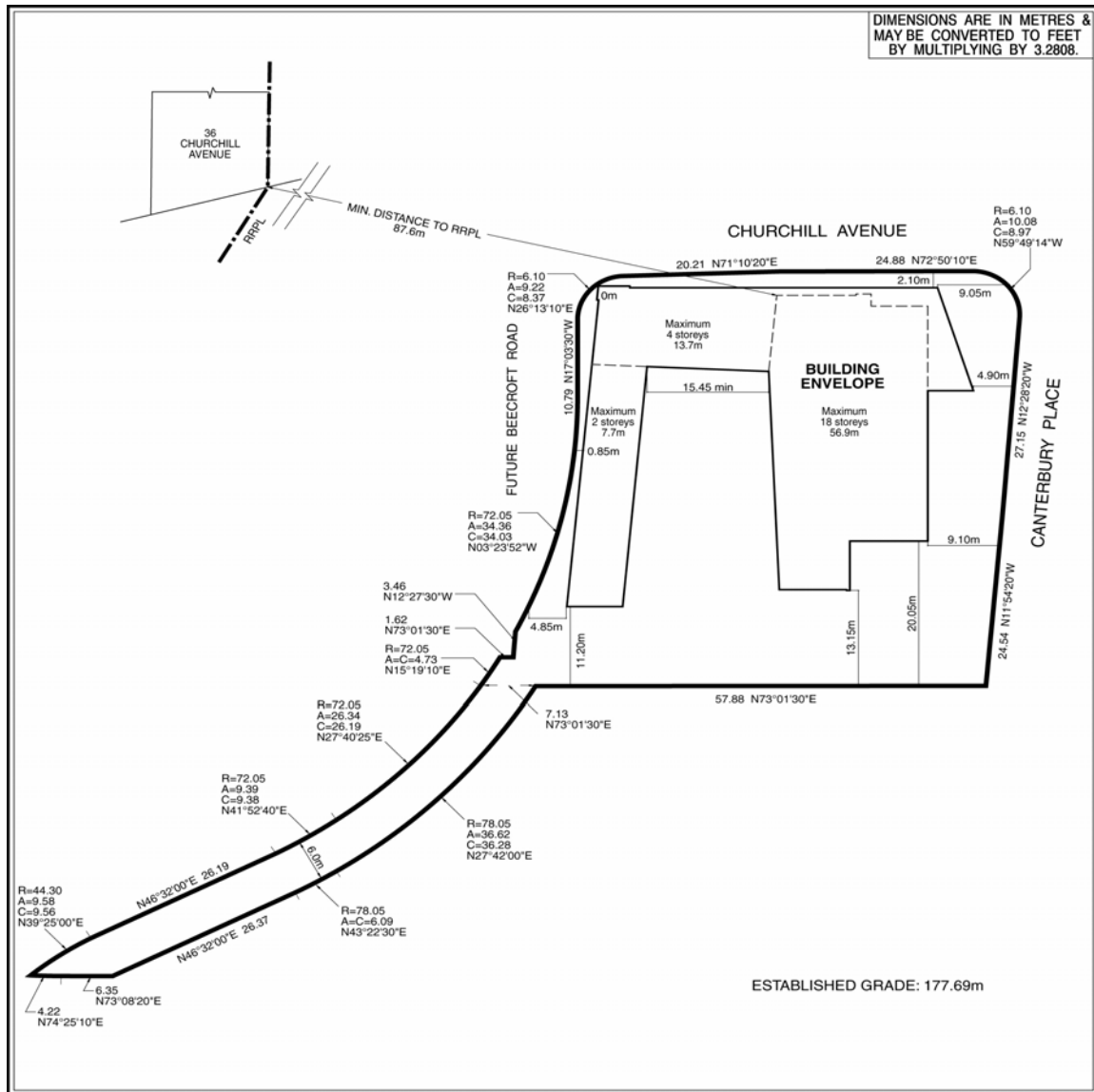
(a) The maximum gross floor area shall be 0.0 m<sup>2</sup>.

ENACTED AND PASSED this 30th day of September, A.D. 2005.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**SCHEDULE "RM6(157)"**

This is Schedule "RM6(157)" to By-Law \_\_\_\_\_  
passed the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

(Sgd.)

CLERK

(Sgd.)

MAYOR

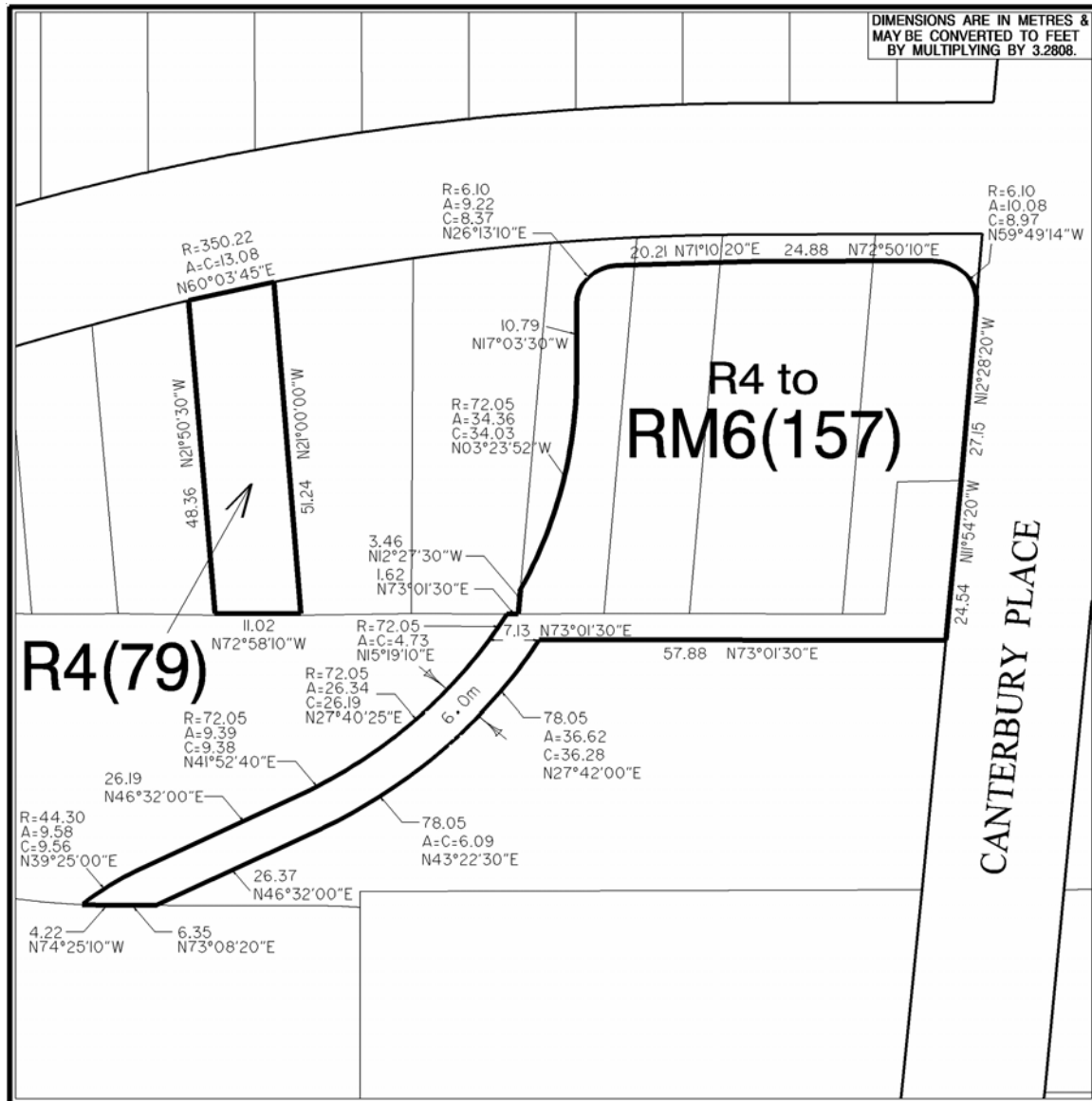
SUBJECT  
PROPERTY

Location: Part of Lot 45 Registered Plan 3163 and Part of Lot 19 Concession 1 West of Yonge Street

File No. 04\_120202 Prepared by: A.K. Approved by: N.F. Date: Aug 16, 2005 Filename: RM6(157).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.



**SCHEDULE "1"**

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

(Sgd.)

CLERK

(Sgd.)

MAYOR

Location: Part of Lots 45 & 46 RP3163, and Part of Lot 19 Concession 1 West of Yonge Street

File: 04\_120202

Prepared by: A.K.

Approved by: N.F.

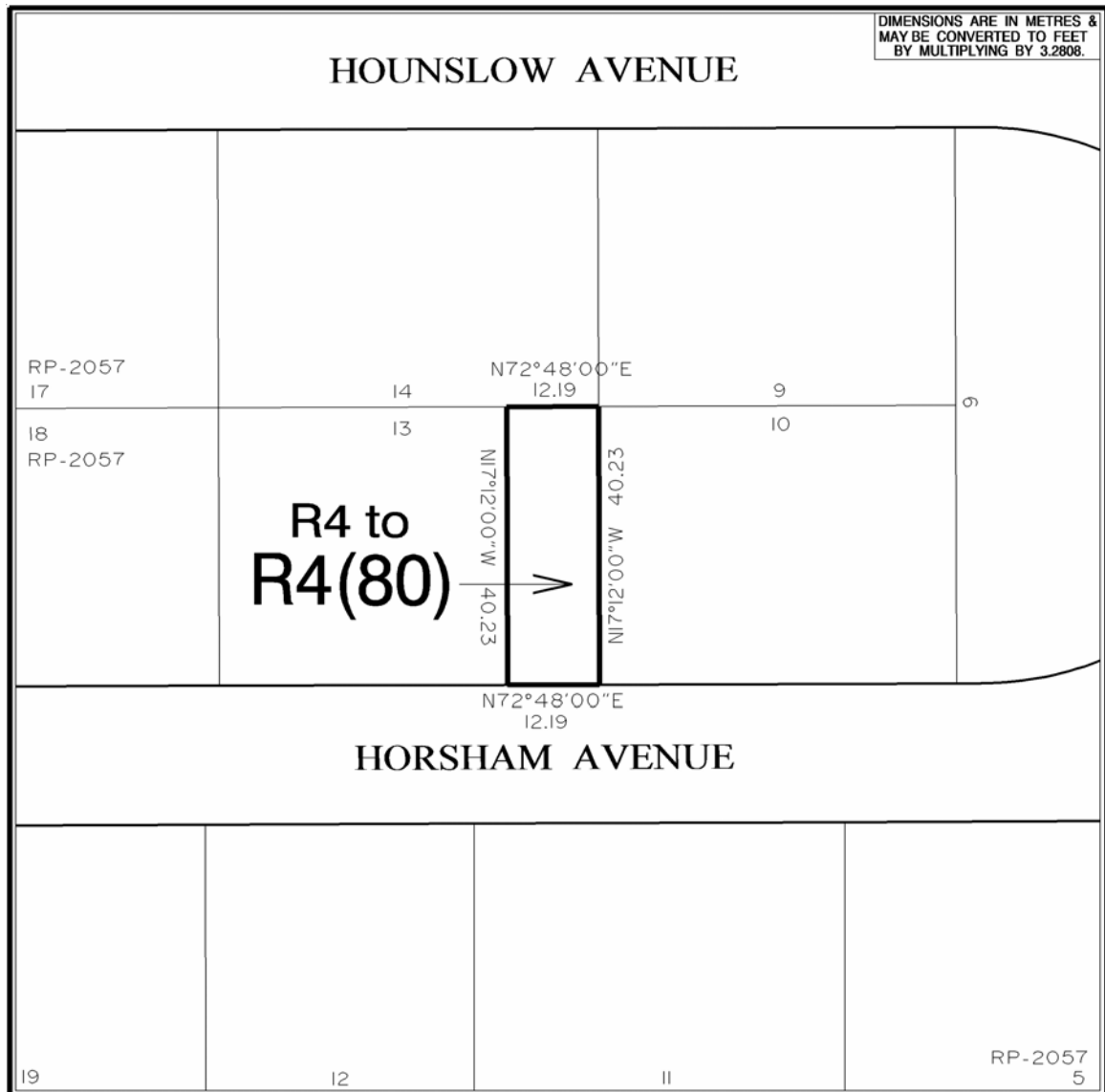
Date: Aug 16, 2005

Filename: RM6(157)\_R4(79)\_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 "2"**



<b>This is Schedule " 2 " to By-Law _____ passed the _____ day of _____, 20 ____</b>				 <b>Toronto</b> <small>City Planning Division North District</small>
(Sgd.) _____ <b>CLERK</b>		(Sgd.) _____ <b>MAYOR</b>		
<b>Location: Part of Lot 13, RP2057</b>				
<b>File: 04_120202</b>	<b>Prepared by: A.K.</b>	<b>Approved by: N.F.</b>	<b>Date: April 13, 2005</b>	<b>Filename: RM6(157)_R4(80)</b>
<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>				