

CITY OF TORONTO

BY-LAW No. 32-2007(OMB)

To amend former City of North York By-law No. 7625, as amended, with respect to lands municipally known as 25 Buchan Court.

WHEREAS the Ontario Municipal Board, by way of Order No. 2433 issued on the August 29, 2006, determined to amend the former City of North York Zoning By-law with respect to lands municipally known in the year 2006 as 25 Buchan Court; and

WHEREAS Section 15.1.0 of Part B - Major Policies of the Official Plan of the former City of North York, and Official Plan amendment No. 392 to that Plan, 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*, the Council of 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 subsection 37(3) of the *Planning Act*, municipally 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, 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 applicant/owner of the lands hereinafter referred to has elected to provide the facilities, services and matters hereinafter set forth; and

WHEREAS the increase in density and height 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 provisions of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS the City of Toronto has required the applicant/owner 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 and height in connection with the aforesaid lands as permitted by this By-law;

THEREFORE the Ontario Municipal Board orders as follows:

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

2. Section 64.18-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

“64.18-A(12) RM3(12)

DEFINITIONS

- (a) For the purpose of this exception, “established grade” shall be 147.40 metres above sea level.
- (b) For the purposes of this exception, “underground” is defined as below established grade.
- (c) For the purpose of this By-law, a parking space including an angled parking space shall have a minimum width of 2.7 metres and a minimum length of 5.5 metres.

PERMITTED USES

- (d) As shown on Schedule “RM3(12)” the only permitted uses shall be:
 - (i) Multiple Attached Dwellings and uses accessory thereto.
 - (ii) underground parking structure, including exit stair enclosures, which provides parking spaces accessory to the lands zoned “RM6(158)”.

EXCEPTION REGULATIONS

NUMBER OF DWELLING UNITS

- (e) The maximum number of dwelling units shall be 45.

LOT AREA

- (f) The provisions of Section 16.2.1 (Lot Area) shall not apply.

LOT COVERAGE

- (g) The provisions of Section 16.2.2 (Lot Coverage) shall not apply.

STREET FRONTAGE

- (h) The provisions of Section 16.2.3 (Street Frontage) shall not apply.

YARD SETBACKS

- (i) The minimum yard setbacks for buildings and structures above established grade shall be as shown on Schedule “RM3(12)”.

- (j) Notwithstanding (h) above, the minimum yard setback for parking structures and structures associated thereto below established grade shall be 10.0 metres including a minimum setback of 10 metres to the top-of-bank as shown on Schedule “1”.

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (k) Any bay, bow or other window may project up to 0.6m into any minimum yard setback.

FLOOR AREA

- (l) The provisions of Section 16.2.5 (Floor Area) shall not apply.

GROSS FLOOR AREA

- (m) Blocks “A”, “B”, “C”, “D”, “E”, “F”, “G” and “H” shown on Schedule “RM3(12)” shall have a maximum gross floor area of 11,180 m².

BUILDING HEIGHT

- (n) The maximum height of Blocks “A”, “B”, “C”, “D”, “E”, “F”, “G” and “H” shown on Schedule “RM3(12)” shall not exceed the lesser of three storeys above *established grade* or 11.97m.

DISTANCE BETWEEN BUILDINGS

- (o) The provisions of Section 16.3.2 (Distance Between Buildings) shall not apply.

PARKING

- (p) The provision of Section 6A(3) shall not apply.
- (q) The minimum required parking spaces for Blocks “A”, “B”, “C”, “D”, “E”, “F”, “G” and “H” shown on Schedule “RM3(12)” shall be 2 spaces per dwelling unit.

UNEXCAVATED PORCHES AND DECKS

- (r) The provisions of Section 6(24)(c)(ii)(B) shall not apply.
- (s) The provisions of Section 6 (9)(b) shall not apply to exterior stairways leading to an unexcavated porch or deck.

LANDSCAPING

- (t) The provisions of Section 15.8 (Landscaping) shall not apply.

LAND DIVISION

- (u) Notwithstanding any severance, partition or division of the lands shown on Schedule “RM3(12)”, the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred.”
3. Section 64.20-A of By law No. 7625 of the former City of North York is amended by adding the following subsection:

“64.20-A (158) RM6(158)

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 purpose of this exception, “established grade” shall be 47.40 metres above sea level.
- (c) For the purposes of this exception, “underground” is defined as below established grade.

PERMITTED USES

- (d) As shown on Schedule “RM6 (158)” the only permitted use shall be:
 - (i) Apartment House Dwellings and uses accessory thereto, including private recreational amenity areas.
- (e) Use Qualifications
 - (i) Outdoor recreational amenity areas may be located on roof top terraces.

EXCEPTION REGULATIONS

DWELLING UNITS

- (f) A maximum number of 650 dwelling units shall be permitted.

- (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) any combination thereof.

LOT AREA

- (h) The provisions of Section 20-A.2.1 (Lot Area) shall not apply.

LOT FRONTAGE

- (i) The provisions of Section 20-A 2.3 (Street and Lot Frontage) shall not apply.

YARD SETBACKS

- (j) The minimum yard setbacks for buildings and structures above established grade shall be as shown on Schedule “RM6(158)”.
- (k) Notwithstanding (bb) above, the minimum yard setbacks for parking structures and structures associated thereto below established grade shall be 0 metres.

DISTANCE BETWEEN BUILDINGS AND/OR PORTIONS OF BUILDINGS FORMING COURTS

- (l) The provisions of Section 20A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) shall not apply.

LANDSCAPING

- (m) The provisions of Section 15.8 (Landscaping) shall not apply.

RECREATIONAL AMENITY AREA

- (n) A minimum of 1.5 m² of indoor amenity space shall be provided.
- (o) A minimum of 1.0 m² squared of outdoor recreational amenity area per dwelling unit shall be provided, which may be provided at or above grade.

GROSS FLOOR AREA

- (p) The maximum permitted residential gross floor area shall be 69,100 m².

BUILDING HEIGHT

- (q) The maximum heights of Buildings “1” and “2” excluding landscape open structures and parapets, shall not exceed the lesser of that shown on Schedule “RM6(158)”.
- (r) One-storey roof access enclosures shall be permitted to exceed the noted height limit in locations as shown on Schedule “RM6(158)”.

PARKING

Parking shall be permitted as follows:

- (s) A minimum of 1.20 parking spaces per apartment house dwelling unit, of which, 0.2 parking spaces per dwelling unit shall be for the use of visitors; and
- (t) A maximum of 1.40 parking spaces per apartment house dwelling unit, of which, 0.2 parking spaces per dwelling unit shall be for the use of visitors.
- (u) The provisions of Section 6A(3) shall not apply.

DIVISION OF LANDS

- (v) Notwithstanding any severance, partition or division of the lands shown on Schedule “RM6(158)”, the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred.

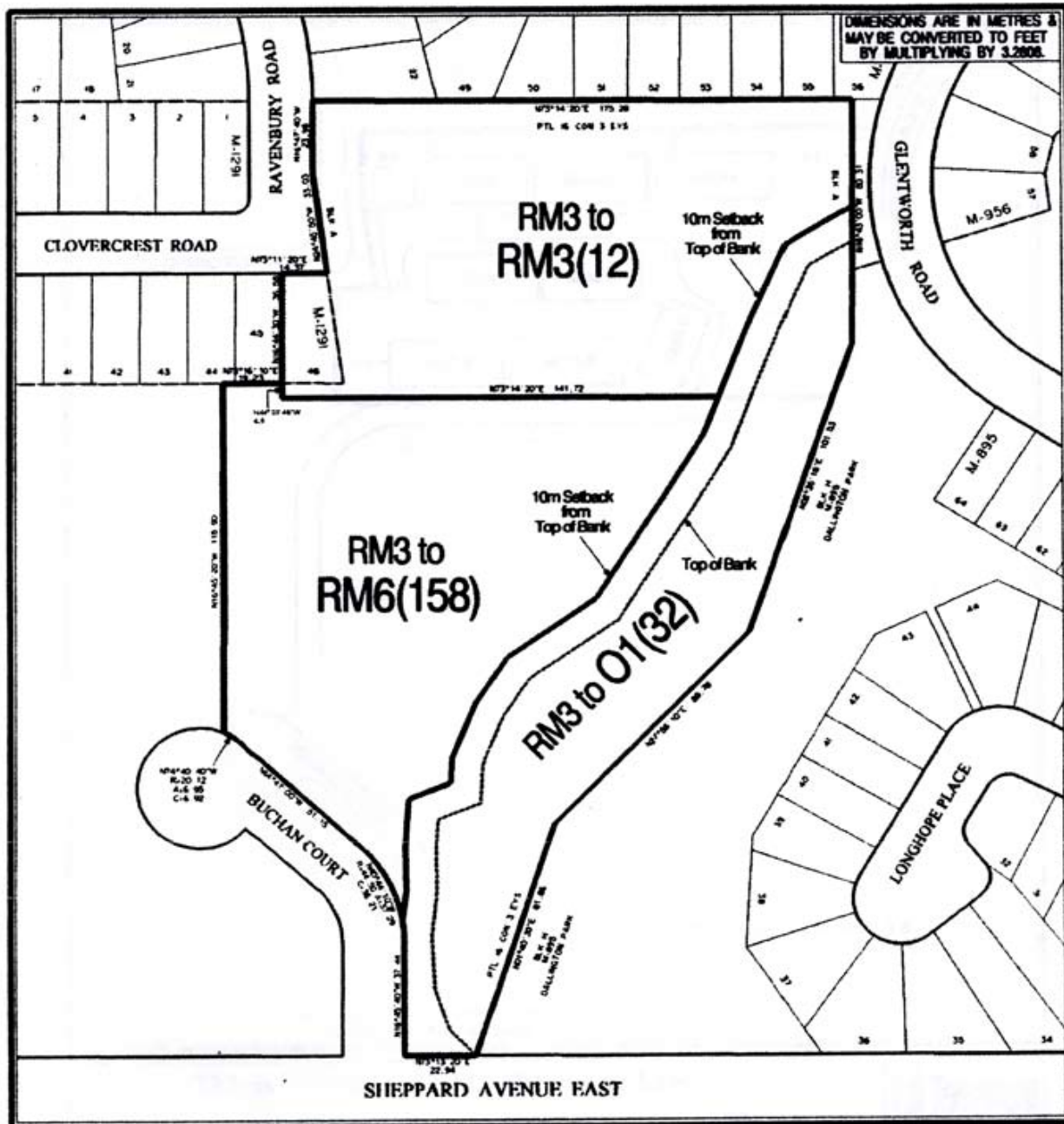
SECTION 37 AGREEMENT

- (w) The owner of the lands as shown on Schedule “RM6(158)” 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 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 the maximum gross floor area cited in the Gross Floor Area clause (kk) of this exception and maximum height specified on Schedule “RM6(158)” which forms part of this by-law:
- (i) A certified cheque in the amount of \$90,000 for the redevelopment of Clovercrest Park including park maintenance and new play equipment;

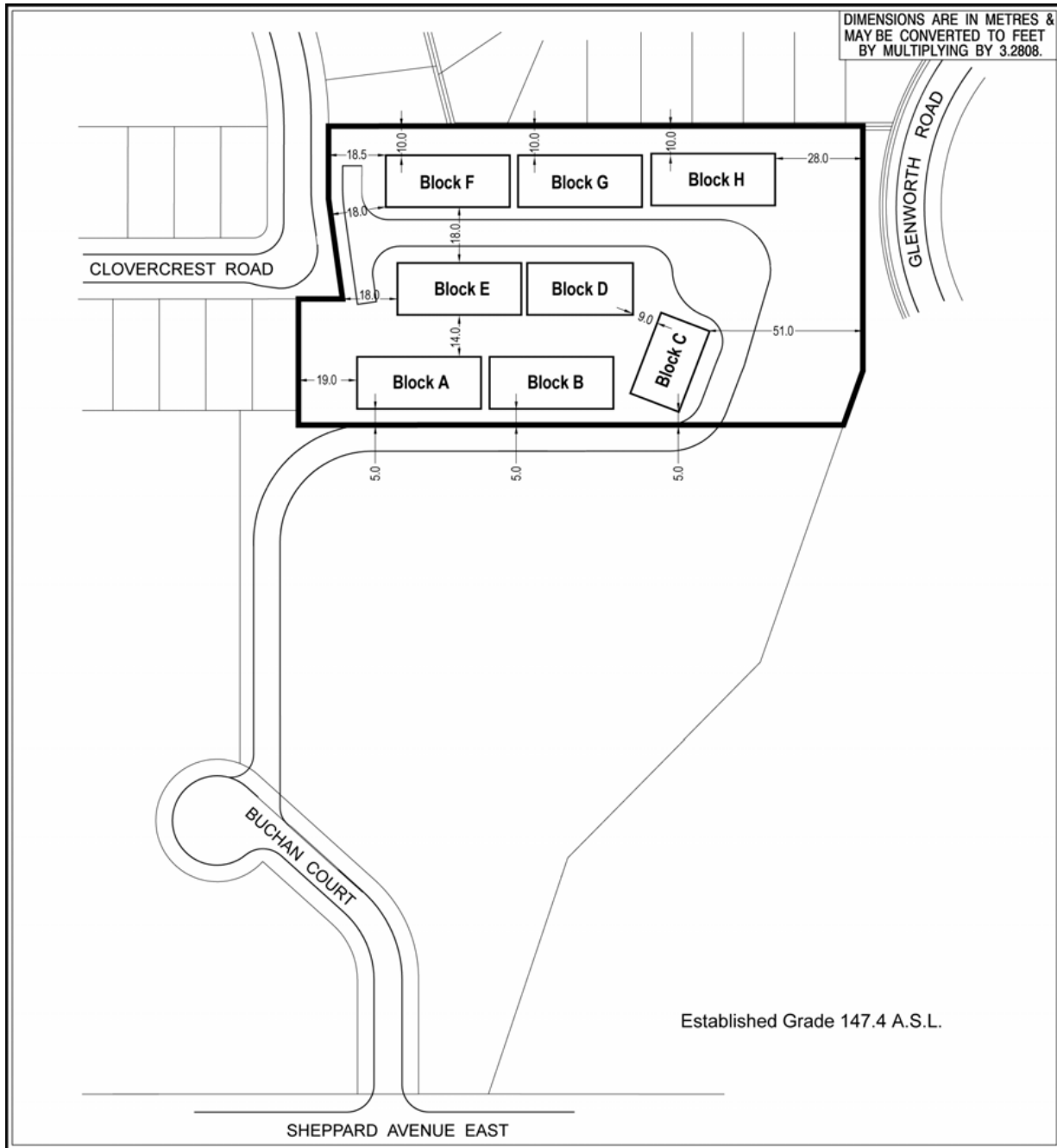
- (ii) A certified cheque in the amount of \$15,000 for new lighting on the walking trail on the east side of Dallington Ravine;
 - (iii) A certified cheque in the amount of \$90,000 landscaping and other improvements on the south side of Buchan Court;
 - (iv) A certified cheque in the amount of \$100,000 for sidewalk and crosswalk improvements at the Leslie Street/Sheppard Avenue intersection;
 - (v) A certified cheque in the amount of \$90,000 for a landscape feature at the northeast corner of Sheppard Avenue and Leslie Street; and
 - (vi) A certified cheque in the amount of \$10,000 for Traffic monitoring Program for Sheppard Avenue East.”
- 4.** Section 64.37 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:
- 64.37(32) 01(32)**
- PERMITTED USES**
- (a) The only permitted use shall be:
- (i) Public park uses including walking trails.
- 5.** Section 64.18-A of By law No. 7625 of the former City of North York is amended by adding Schedule “RM3(12)” attached to this By-law.
- 6.** Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding Schedule “RM6(158)” attached to this By-law.

PURSUANT TO THE ORDER/DECISION NO. 2433 OF THE
ONTARIO MUNICIPAL BOARD ISSUED ON AUGUST 29, 2006 IN BOARD FILE
NO. PL051265.

SCHEDULE "1"



<p align="center">This is Schedule " 1 " to By-Law _____ passed the _____ day of _____, 20 ____</p>				 City Planning Division North District
<p align="center">(Sgd.) _____ CLERK</p>		<p align="center">(Sgd.) _____ MAYOR</p>		
<p>Location: Part of Lot 16 Concession 3 EYS and Lot 46 RP M-1291, City of Toronto</p>				
<p>File: 04_176174</p>	<p>Prepared by: A.K.</p>	<p>Approved by: C.F.</p>	<p>Date: Sept 26, 2005</p>	<p>Filename: RM6(158)_RM3(12)_O1(32)_1</p>
<p><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></p>				

SCHEDULE "RM3(12)"

This is Schedule "RM3(12)" to By-Law _____
 passed the _____ day of _____, 20 ____

(Sgd.)

CLERK

(Sgd.)

MAYOR



Location: Part of Lot 16, Concession 3, East of Yonge Street, City of Toronto

File No. 04_176174

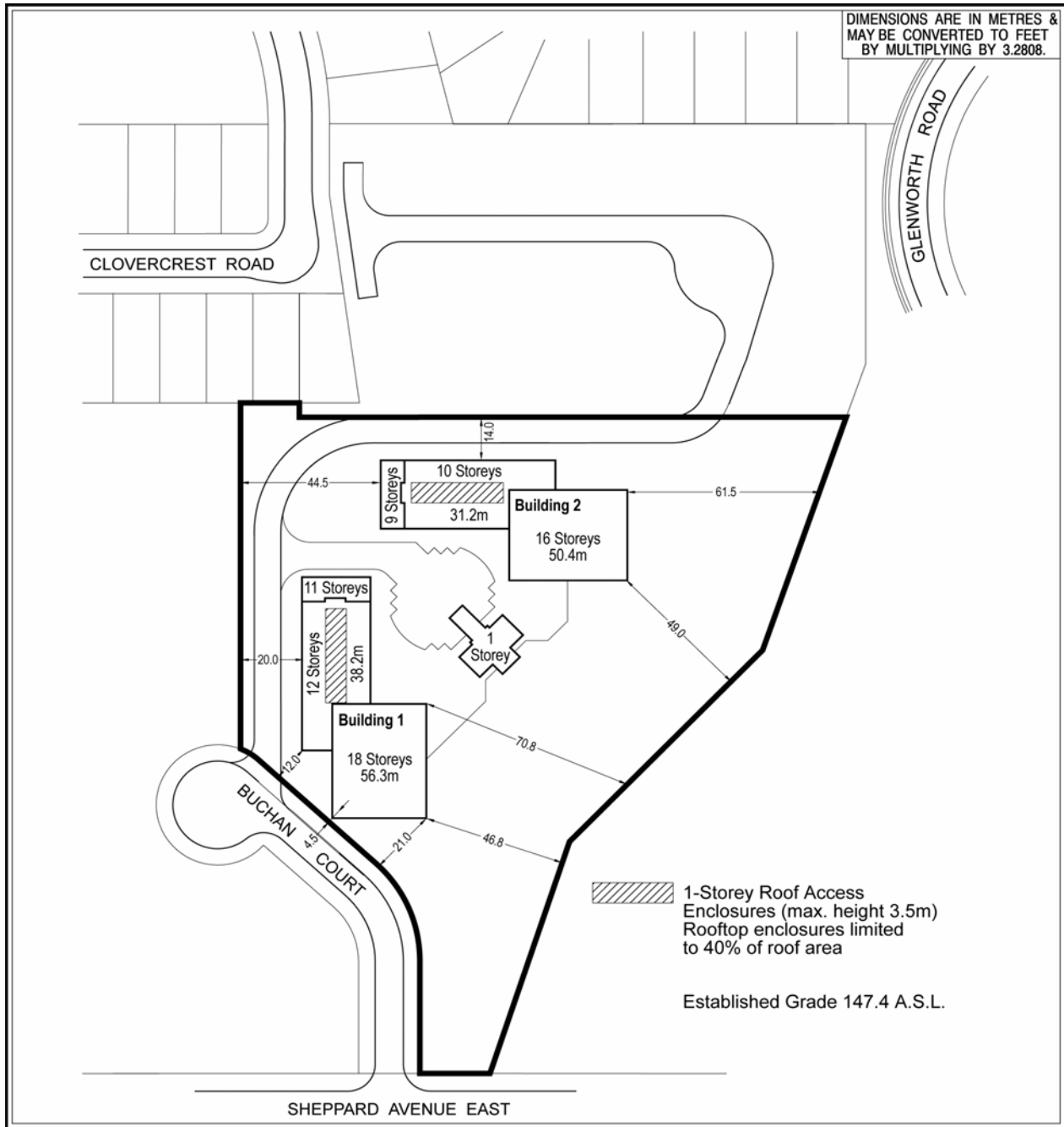
Prepared by: A.K.

Approved by: C.F.

Date: Oct. 5, 2005

Filename: RM3(12).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 "RM6(158)"

This is Schedule "RM6(158)" to By-Law _____
 passed the _____ day of _____, 20 ____

(Sgd.)

CLERK

(Sgd.)

MAYOR



Location: Part of Lot 16, Concession 3, East of Yonge Street, City of Toronto

File No. 04_176174

Prepared by: A.K.

Approved by: C.F.

Date: Oct. 3, 2005

Filename: RM6(158).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.