

Authority: North York Community Council Item 9.45, adopted as amended,
by City of Toronto Council on September 21 and 22, 2011
Enacted by Council: December 1, 2011

CITY OF TORONTO

BY-LAW No. 1366-2011

**To amend Zoning By-law No. 7625 for the former City of North York, as amended,
with respect to the lands municipally known as 31, 33, 37, 41, 45 Horsham Avenue and
20, 22, 24, 26, 34 and 35 Churchill Avenue.**

WHEREAS authority is given to Council by Section 34 and Section 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*;

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, as amended, are amended in accordance with Schedule 1 of this By-law.
2. Within the lands shown on Schedule 1 attached to this By-law, 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 new public roads necessary to serve the building or structure 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, necessary to serve the building or structure have been installed and are operational.
3. Section 64.20-A of By-law No. 7625, as amended, is amended by adding the following subsection:

"64.20-A (194) RM6 (194)

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, ground level dwelling units having access directly from the outside or from an internal corridor system or any combination thereof.

BICYCLE PARKING

- (b) For the purpose of this exception, "bicycle room" shall mean a common indoor space readily accessible from the outside that is designed and equipped exclusively for the purpose of parking and securing bicycles.
- (c) For the purpose of this exception, "bicycle parking space" shall mean a space with a minimum vertical clearance of 1.9 m and minimum horizontal dimensions of 0.6 m by 1.2 m, and maximum floor area of 2.0 m², including any associated access corridor area, that is designed and equipped exclusively for the purpose of parking and securing one or more bicycles and is not provided within a dwelling unit, balcony or commercial suite.

ESTABLISHED GRADE

- (d) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 179.52 metres.

GROSS SITE

- (e) For the purpose of this exception, "gross site" shall mean the lands identified by Parts 1, 2, 3 and 4 on Plan 66R-25867, comprising an area of 5,182.2 m².

GROSS FLOOR AREA

- (f) 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 in a parking garage at or below grade used exclusively for motor vehicle and bicycle parking and access thereto; and
 - (iii) the floor area of unenclosed residential balconies.

MECHANICAL FLOOR AREA

- (g) 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, including but not limited to heating, ventilation, air conditioning, electrical, plumbing, storm water storage, irrigation, fire protection and elevator equipment.

NET SITE

- (h) For the purpose of this exception, "net site" shall mean the lands identified by Part 1 on Plan 66R-25867, comprising an area of 5,161.4 m² and consisting of the gross site minus lands 20.8 m² in area conveyed to the City for road widening purposes.

LANDSCAPING

- (i) For the purpose of this exception, "landscaping" shall mean trees, shrubs, grass, flowers and other vegetation, decorative stonework, walkways, patios, screening or other horticultural or landscape architectural elements, or any combination of these, but not driveways or parking areas, and directly associated elements such as curbs or retaining walls.

PERMITTED USES

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

EXCEPTION REGULATIONS**MAXIMUM GROSS FLOOR AREA**

- (k) Except as provided for in subsection (aa) of this exception, the maximum gross floor area permitted on the net site shall not exceed 13,413 m² attributable to the gross site.

NUMBER OF DWELLING UNITS

- (l) The maximum number of dwelling units shall be 229, of which a maximum of 209 dwelling units shall be apartment house dwelling units and a maximum of 20 dwelling units shall be multiple attached dwelling units.

BUILDING ENVELOPES

- (m) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelopes identified on Schedule RM6 (194) except for the projections permitted in Section 6(9) and the limitations set out in that section.

BUILDING HEIGHT

- (n) The building height, measured from established grade, shall not exceed the maximum height in metres shown on Schedule RM6 (194) excluding mechanical penthouses, parapets and other architectural features, and stairwells to access the roof, to a maximum of five (5) additional metres.

NUMBER OF STOREYS

- (o) The number of storeys shall not exceed the maximum shown on Schedule RM6 (194) excluding mechanical penthouses and stairwells to access the roof.

MOTOR VEHICLE PARKING

- (p) Motor vehicle 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, of which a minimum of 0.1 parking spaces per dwelling unit shall be reserved for visitor use in addition to any spaces dedicated to motor vehicle sharing; and
 - (ii) a maximum of 1.4 parking spaces per dwelling unit, of which a minimum of 0.1 parking spaces per dwelling unit shall be reserved for visitor use in addition to any spaces dedicated to motor vehicle sharing;

A maximum of 7 surface parking spaces, including one handicapped parking space, shall be permitted for visitor use. Two of these parking spaces may be dedicated to motor vehicle sharing by occupants, visitors and/or members of the public. All other parking spaces shall be located in an underground parking garage contained within the net site. As used herein, "motor vehicle sharing" shall refer to a practice whereby a number of people share the use of one or more vehicles owned by the site's condominium corporation or an entity authorized by that corporation.

BICYCLE PARKING

- (q) Bicycle parking shall be provided, at a minimum rate of 0.1 bicycle parking spaces per dwelling unit, including townhouse units, in one or more bicycle rooms located on the ground floor. In addition, bicycle parking spaces may be provided outdoors and in identified bicycle parking areas throughout the parking garage. The total number of bicycle parking spaces provided shall be not less than 0.8 spaces per dwelling unit for occupants plus 0.2 spaces per dwelling unit for visitors.

LOADING

- (r) One (1) loading space shall be provided on the net site.

LOT COVERAGE

- (s) The maximum permitted building coverage is 52 per cent of the net site.

LANDSCAPED OPEN SPACE

- (t) A minimum of 2,000 m² of landscaping shall be provided on the net site.

OUTDOOR AMENITY AREA

- (u) A minimum of 1.5 m² per apartment house dwelling unit of private outdoor recreational amenity area, which may include landscaping, shall be provided within the net site.

INDOOR AMENITY AREA

- (v) A minimum of 1.5 m² per apartment house dwelling unit of private indoor recreational amenity area, shall be provided within the net site.

YARD SETBACKS

- (w) The minimum yard setbacks shall be as shown on Schedule RM6 (194).

PROVISIONS NOT APPLICABLE

- (x) The provisions of Sections 6A(8), 6A(16)(c)(d)(iv) and 20-A do not apply.

INCREASED DENSITY

- (y) 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 maximums in gross floor area authorized under subsection (aa) of this exception, are:

SECTION 37 AGREEMENT

- (z) 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 manner 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 for or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto in exchange for the increased density hereinafter set out:
 - (i) conveyance, at no cost to the City, of Part of Lot 41 on Registered Plan 3163, identified by PIN 10143-0064(LT), denoted as Part 1 on Plan 66R-25624 and municipally known as

34 Churchill Avenue, comprising an area of 751.7 m², in base park condition, prior to the earlier of the issuance of the first above grade building permit for any part of the apartment house dwelling or six months from the date of enactment of this By-law, together with provision of a letter of credit to secure implementation of the base condition;

- (ii) conveyance, at no cost to the City, of Part of Lot 46 on Registered Plan 3163, identified by PIN 10143-0083(LT), denoted as Part 1 on Plan 66R-25612 and municipally known as 35 Churchill Avenue, comprising an area of 641.1 m², in accordance with the terms of an escrow agreement registered against the title of these lands;
- (iii) two bicycle rooms located on the ground floor with direct access from the outside, collectively containing a minimum of 23 bicycle parking spaces;
- (iv) a minimum of 1.5 m² per dwelling unit of indoor recreational amenity space; and
- (v) a monetary contribution toward the cost of land acquisition for the North York Centre Service Road and associated road network and buffer areas, and/or toward the cost of constructing and furnishing a public recreational centre or social facility serving the North York Centre area, the amount of which shall be equal to the market value, based on the land value of density in the *North York Centre*, of the gross floor area specified in (aa)(v) below, as determined by the City's Director of Real Estate Services, Corporate Services, acting reasonably.

ADDITIONAL GROSS FLOOR AREA

- (aa) Notwithstanding subsection (k) of this exception, additional gross floor area may be permitted on the net site shown on Schedule RM6 (194), limited to the following:
 - (i) a maximum of 1,955 m² attributable to a transfer of all density on the lands specified in (z)(i) above;
 - (ii) a maximum of 1,667 m² attributable to a transfer of all density on the lands specified in (z)(ii) above;
 - (iii) a maximum of 78 m² for two bicycle rooms on the ground floor, provided that these rooms are designed and used exclusively for parking bicycles;
 - (iv) a maximum of 1.5 m² per dwelling unit of indoor recreational amenity space provided that the area is used exclusively for recreational purposes; and

- (v) a maximum of 384 m² attributable to the payment specified in (z)(v) above.

SEVERANCE

- (bb) Notwithstanding any past or future severance, partition or division of the net site shown on Schedule RM6 (194), the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred."
4. Section 64.20-A of By-law No. 7625, as amended, is amended by adding Schedule RM6 (194) attached to this By-law.
5. Section 64.13 of By-law No. 7625, as amended, is amended by adding the following subsection:

"64.13 (102) R4 (102)

EXCEPTION REGULATIONS

- (a) The maximum gross floor area permitted on Part of Lot 41 of Registered Plan 3163, identified by PIN 10143-0064 (LT) and known municipally as 34 Churchill Avenue, is 0.0 m².
- (b) The maximum gross floor area permitted on Part of Lot 46 of Registered Plan 3163, identified by PIN 10143-0083 (LT) and known municipally as 35 Churchill Avenue, is 0.0 m²."
6. Section 64.13 of By-law No. 7625, as amended, is amended by adding Schedule R4 (102) attached to this By-law.

ENACTED AND PASSED this 1st day of December, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





