

Authority: North York Community Council Item 8.35,
as adopted by City of Toronto Council on July 12, 13 and 14, 2011
Enacted by Council: October 4, 2012

CITY OF TORONTO

BY-LAW No. 1228-2012

To amend Zoning By-law No. 7625, as amended, of the former City of North York respecting lands municipally known as 3101 and 3157 Bathurst Street.

WHEREAS authority is given to Council by Section 34 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 are hereby amended in accordance with Schedule 1 of this By-law.
2. 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 (205) RM6 (205)

DEFINITIONS

- (a) For the purposes of this exception, "Bay Windows" shall mean a window or series of windows projecting from the exterior wall of a building which may contain Gross Floor Area.
- (b) For purposes of this exception, "Established Grade" shall mean the elevation as fixed by the municipality at the centre line of the street at the midpoint of the front lot line, being the geodetic elevation of 181.28 metres.
- (c) For the purposes of this exception, "Retirement Residence" means living accommodation for residents in a semi-independent living arrangement, other than a senior's community house or apartment house dwelling, provided there is:
 - (i) A maximum of two persons per Retirement Residential Unit;
 - (ii) Office facilities for one or more staff persons;
 - (iii) One or more common lounges; and
 - (iv) One or more common dining facilities shared by all residents.
- (d) For the purposes of this exception, "Retirement Residential Unit" means living accommodation in a Retirement Residence, for a maximum of two persons per

unit, which shall include at least one room and sanitary conveniences, and which may contain only partial culinary facilities but without a 220 volt electrical service for a stove connection.

- (e) For the purposes of this exception, "Site" shall mean the lands zoned "RM6 (205)" for the purpose of paragraph (z) of this exception.

PERMITTED USES

- (f) The following uses shall be permitted:
- (i) Retirement Residence and uses accessory thereto
 - (ii) Business Offices; and
 - (iii) Professional Offices.

USE QUALIFICATIONS

- (g) Business Offices and Professional Offices will be located only on floors above the 6th floor of the building.

EXCEPTION REGULATIONS

Dwelling Units

- (h) A maximum of 180 Retirement Residential Units shall be permitted.

Lot Coverage

- (i) The provisions of Section 20-A.2.2 (Lot Coverage) shall not apply.

Yard Setbacks

- (j) The minimum Yard Setbacks for Buildings and Structures above Established Grade shall be shown on Schedule RM6 (205).
- (k) Notwithstanding (j) above, the following elements shall be permitted to project beyond the building envelope shown on Schedule RM6 (205):
- (i) canopies, eaves, cornices, lighting fixtures, fences, safety railings, trellises, balustrades, chimneys, vents, wheelchair ramps, retaining walls, landscape features, ornamental structures, walkways, stairs, covered stairs and/or stair enclosures associated with an entrance or exit from an underground parking garage, stair landings, bay windows, decks, planters, public art features, underground garage ramps and associated structures, parapets and safety or wind protection.

- (l) Notwithstanding (j) above, the minimum Yard Setbacks for Parking Structures and Structures associated thereto above and below Established Grade shall be 0.0 metres from any property line.

Gross Floor Area

- (m) A maximum Gross Floor Area of 15,075 square metres shall be permitted on the lot, of which, a maximum of 4,250 square metres shall be permitted for non-residential uses.

Building Height

- (n) The Building Height shall not exceed the maximum height in storeys or metres above Established Grade as shown on Schedule RM6 (205).
- (o) Notwithstanding (n) above, the following elements shall be permitted to exceed the noted Building Height limit on Schedule RM6 (205):
- (i) trellises, aircraft warning lights, window washing equipment;
 - (ii) parapets extending to a maximum vertical projection of 1.1 metres;
 - (iii) roof access enclosures and mechanical room and structures shall be permitted to exceed the noted height limit on Schedule RM6 (205) to a maximum vertical projection 5.5 metres.

Landscaping

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

Recreational Amenity Area

- (q) A minimum of 1.5 square metres per Retirement Residence Unit of indoor amenity space shall be provided on the Lot.
- (r) A minimum of 120 square metres of outdoor amenity space shall be provided on the Lot.

Parking

- (s) Parking for residential uses within the Lot shall be provided at a rate of a minimum of 0.4 Parking Spaces per Retirement Residence Unit, of which, 0.2 parking spaces per dwelling unit shall be for the use of visitors.
- (t) Parking for non-residential uses within the Lot shall be provided in accordance with By-law No. 7625.
- (u) All required Parking Spaces will be provided below grade.

- (v) A maximum of two (2) required parking spaces may be sized a minimum of 2.6 metres by 4.95 metres.

Loading

- (w) A minimum of one "Type-G" loading space shall be provided.
- (x) An additional "Type-C" loading space shall be provided if the non-residential Gross Floor Area exceeds 2,350 square metres.

EXCLUSIONS

- (y) The provisions of 6A(8)(c) and (d) (Parking Regulations for RM Zones other than RM2 Zones) and 6A(16)(Loading Space Requirements) shall not apply.

SECTION 37

- (z) The density and height of development permitted by this By-law is permitted subject to compliance with the conditions set out herein and provided that the owner, at its expense and in accordance with and subject to the agreement referred to in this By-law provides the following facilities, services and matters:
 - (i) Prior to the issuance of any above-grade building permit, a monetary contribution of \$215,000 indexed to the non-residential Construction Price Index for Toronto for the period from the coming into force of the By-law to the date of payment, which shall be used for local landscaping and improvements to the pedestrian amenities on the two abutting local streets, said improvements to be determined in the City's sole discretion by a working group, in collaboration with the local councillor; and
 - (ii) The owner shall not permit billboards to be erected on the top of the proposed building.
 - (iii) The density and height of development permitted by this By-law is permitted provided the owner has entered into one or more agreements satisfactory to the City of Toronto, pursuant to section 37 of the Planning Act, to secure the facilities, services and matters required to be provided by section (y) and such agreement or agreements provide to the satisfaction of the City Solicitor for indexed escalation of financial contributions arising under section 37 of the Planning Act and for registration of the section 37 agreement(s) in priority to other encumbrances to the satisfaction of the City Solicitor.

DIVISION OF LANDS

- (aa) Notwithstanding any existing or future severance, partition or division of the lands shown on Schedule RM6 (205), 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.
 - (bb) Notwithstanding any existing or future severance, partition or division of the lands shown on Schedule RM6 (205), 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 is amended by adding Schedule RM6 (205) attached to this By-law.
4. Within the lands shown on Schedule RM6 (205) 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 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, have been installed and are operational.

ENACTED AND PASSED this 4th day of October, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



