

Authority: North York Community Council Item 25.41,  
as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013

## **CITY OF TORONTO**

### **BY-LAW No. 1073-2013**

**To amend former City of York Zoning By-law No. 1-83, as amended, with respect to the lands municipally known as 458 Oakwood Avenue.**

Whereas Council of the City of Toronto has the authority pursuant to 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*; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or 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 owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 1-83, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

**1.** Section 16(433) of By-law No. 1-83 is amended as follows:

- (a) Clause 1 of Section 16(433) be amended to delete "The total number of units shall not exceed six units." and replace it with "The total number of units shall not exceed eight units."
- (b) Clause 2 of Section 16(433) be amended to delete "The maximum building height shall be three (3) storeys or 13.15 metres, whichever is the lesser." and replace it with "The maximum building height shall be four (4) storeys or 13.15 metres, whichever is the lesser."

- (c) Clause 5 of Section 16(433) be amended to delete "The maximum floor space index shall be 1.7." and replace it with "The maximum floor space index shall be 2.32."
2. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in density of development on the Lands is permitted in return for the owner's election to provide, at the owner's expense, the facilities, services and matters set out in Appendix "1" hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the Lands.
3. Where Appendix "1" of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same. The owner shall not use, or permit the use of, a building or structure erected with an increase in density pursuant to this By-law unless all provisions of Appendix "1" are satisfied.

Enacted and passed on July 19, 2013.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**Appendix "1"**  
**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in density of the proposed development on the lands and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

1. Prior to the issuance of the first above grade building permit the owner shall provide a cash contribution of \$17,000 to the City to be applied toward the following:
  - (a) the installation of public realm improvements and/or murals, within the Oakwood Avenue Arts District, generally defined as the east and west sides of Oakwood Avenue, extending from Strader Avenue in the north to Earlsdale Avenue in the south, to the satisfaction of the General Manager, Transportation Services, and in consultation with the ward councillor.
2. The cash amount of \$17,000 referred to in 1(a) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.