

Authority: MM48.35, moved by Councillor Filion, seconded by Councillor Mihevc, as adopted by City of Toronto Council on February 19 and 20, 2014 and North York Community Council Item 24.20, as adopted by City of Toronto Council on June 11, 12 and 13, 2013

CITY OF TORONTO

BY-LAW No. 143-2014

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 49 Hendon Avenue, 26 and 28 Greenview Avenue and 9 to 25 Eldora Avenue.

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*; and

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

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a 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*, 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, the 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 lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

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

The Council of the City of Toronto enacts:

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 64.16 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

64.16 (93) RM1(93)

DEFINITIONS

BICYCLE PARKING

- (a) For the purpose of this exception, "bicycle room" shall mean a common indoor space that is designed and equipped exclusively for the purpose of parking and securing bicycles; and
- (b) For the purpose of this exception, "bicycle parking space" shall mean a space with a minimum vertical clearance of 1.9 metres and minimum horizontal dimensions of 0.6 metres by 1.2 metres and a maximum floor area of 2.0 square metres, 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 or balcony.

ESTABLISHED GRADE

- (c) For the purposes of this exception, "established grade" shall mean a geodetic elevation of 191.9 for Blocks A, B and C as shown on Schedule RM1(93) and a geodetic elevation of 193.25 for Blocks D and E as shown on Schedule RM1(93).

GROSS SITE

- (d) For the purpose of this exception, "gross site" shall mean the lands identified on Schedule 1, comprising of an area of 5,073.5 square metres.

GROSS FLOOR AREA

- (e) 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 any unenclosed residential balconies.

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

NET SITE

- (g) For the purpose of this exception, "net site" shall mean the lands identified on Schedule 1, comprising an area of 4965.8 square metres and consisting of the gross site minus lands 107.7 square metres in area conveyed to the City for corner rounding and road widening purposes.

LANDSCAPING

- (h) 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

- (i) The only permitted uses shall be multiple attached dwellings and accessory uses thereto.

EXCEPTION REGULATIONS

DWELLING UNITS

- (j) A maximum of 113 dwelling units shall be permitted.

YARD SETBACKS

- (k) Notwithstanding Section 16.2.4 Yard Setbacks, the minimum yard setbacks for buildings and structures above established grade shall be as shown on Schedule RM1(93);
- (l) Notwithstanding the building envelopes shown on Schedule RM1(93), the minimum yard setback for the garbage structure shall be 1.0 metre from any lot line;
- (m) Notwithstanding the building envelopes shown on Schedule RM1(93), the following may project a maximum of 0.6 metres: belt courses, chimney breasts, cornices, roof overhang, eaves or gutters, pilasters and sills;
- (n) Notwithstanding the building envelopes shown on Schedule RM1(93), the following may project a maximum of 1.5 metres: decks, enclosed or unenclosed entry, porch, balcony or other similar structure; and
- (o) Notwithstanding the building envelopes shown on Schedule RM1(93), the following may project a maximum of 3.0 metres: exterior steps or ramps.

GROSS FLOOR AREA

- (p) A maximum gross floor area of 7,610.3 square metres shall be permitted on the net site.

BUILDING HEIGHT

- (q) The maximum building height shall be 3 storeys and 10.7 metres above established grade.

HEIGHT OF THE FIRST FLOOR

- (r) The finished first floor elevation shall be no higher than 1.8 metres above established grade.

PARKING

- (s) Parking for residential uses shall be provided within the net site at a minimum rate of 1.1 parking spaces per dwelling unit and a maximum of 1.4 parking spaces per dwelling unit, of which, 0.1 parking spaces per dwelling unit shall be for the use of visitors; and
- (t) All parking spaces shall be contained in an underground garage.

BICYCLE PARKING

- (u) A minimum of 37 bicycle parking spaces shall be provided in one or more bicycle rooms in an underground parking garage.

LOADING

- (v) One Type G loading space shall be provided on the net site.

LANDSCAPING

- (w) A minimum area of 2,300 square metres of landscaping shall be provided on the net site.

EXCLUSIONS

- (x) Section 15 General Provisions For Multiple-Family Dwelling Zones (RM) shall not apply; and
- (y) The provisions of 16.2.1 Lot Area, 16.2.2 Lot Coverage, 16.2.3 Street Frontage, 16.2.5 Floor Area and 16.3.2 Distance between Buildings of By-law No. 7625 shall not apply.

INCREASED DENSITY

- (z) 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 (ii) of this exception, are:

SECTION 37 AGREEMENT

- (i) The owner of the lands as shown on Schedule RM1(93) 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:
- (A) Prior to the issuance of any building permit, the owner shall provide a monetary contribution in the amount of \$1,334,111.69 toward the cost of land acquisition for the North York 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, which shall be indexed upwardly to the Toronto Real Estate Board Market Watch Index from the date of the Section 37 Agreement to the date of payment;
- (B) The owner shall dedicate the eastern portions of 26 and 28 Greenview Avenue to the City of Toronto to the satisfaction of the Director of Transportation Services; and
- (C) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

ADDITIONAL GROSS FLOOR AREA

- (ii) Notwithstanding subsection (r) of this exception, additional gross floor area may be permitted on the net site shown on Schedule RM1(93), limited to the following:
- (A) A maximum of 1,180.4 square metres attributable to the payment specified in (i)(A).

DIVISION OF LANDS

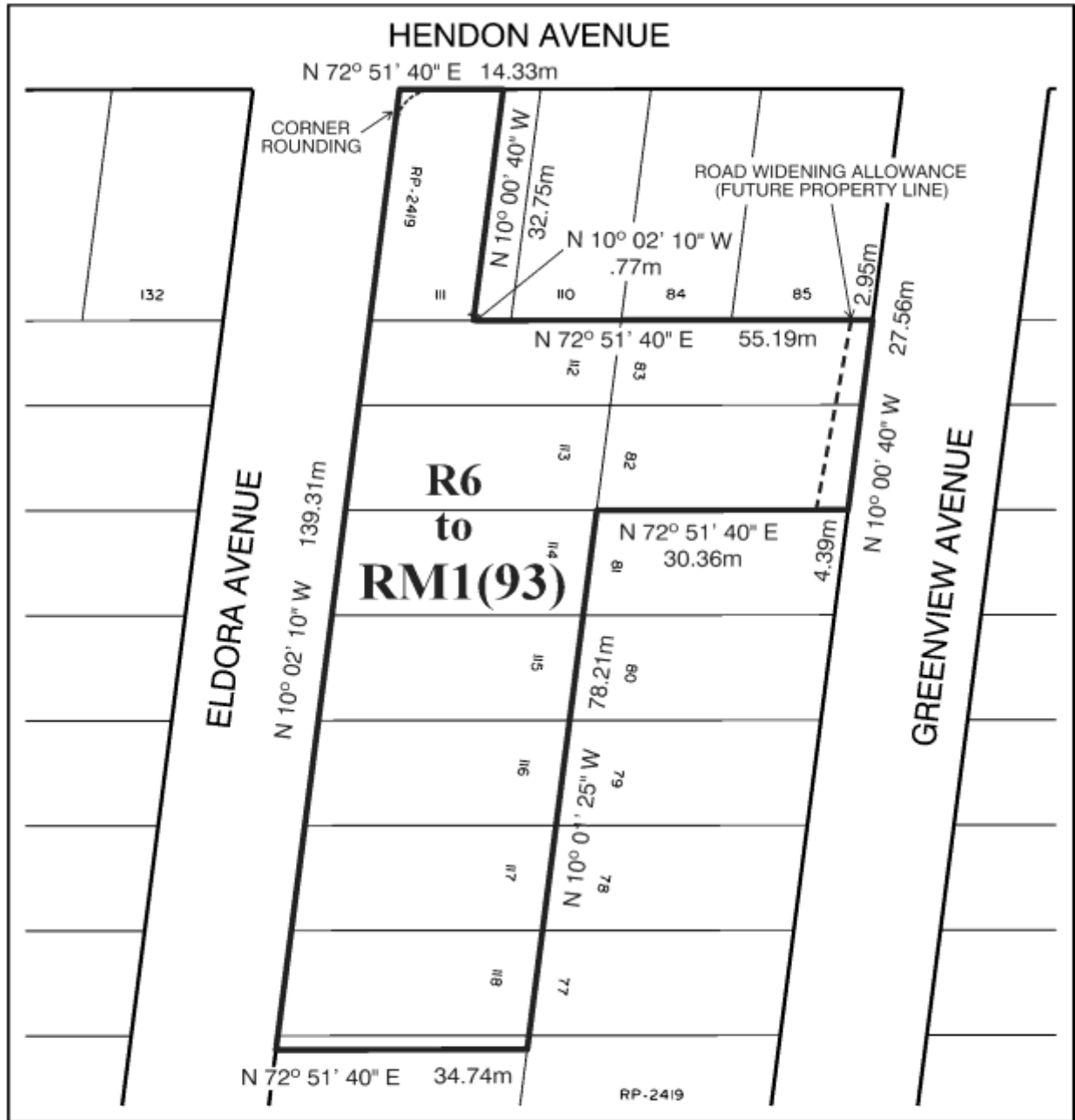
- (iii) Notwithstanding any severance, partition or division of the lands shown on Schedule RM1(93), the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred.
- 3. Section 64.16 of By-law No. 7625 is amended by adding Schedule RM1(93) attached to this By-law.
- 4. 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 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.

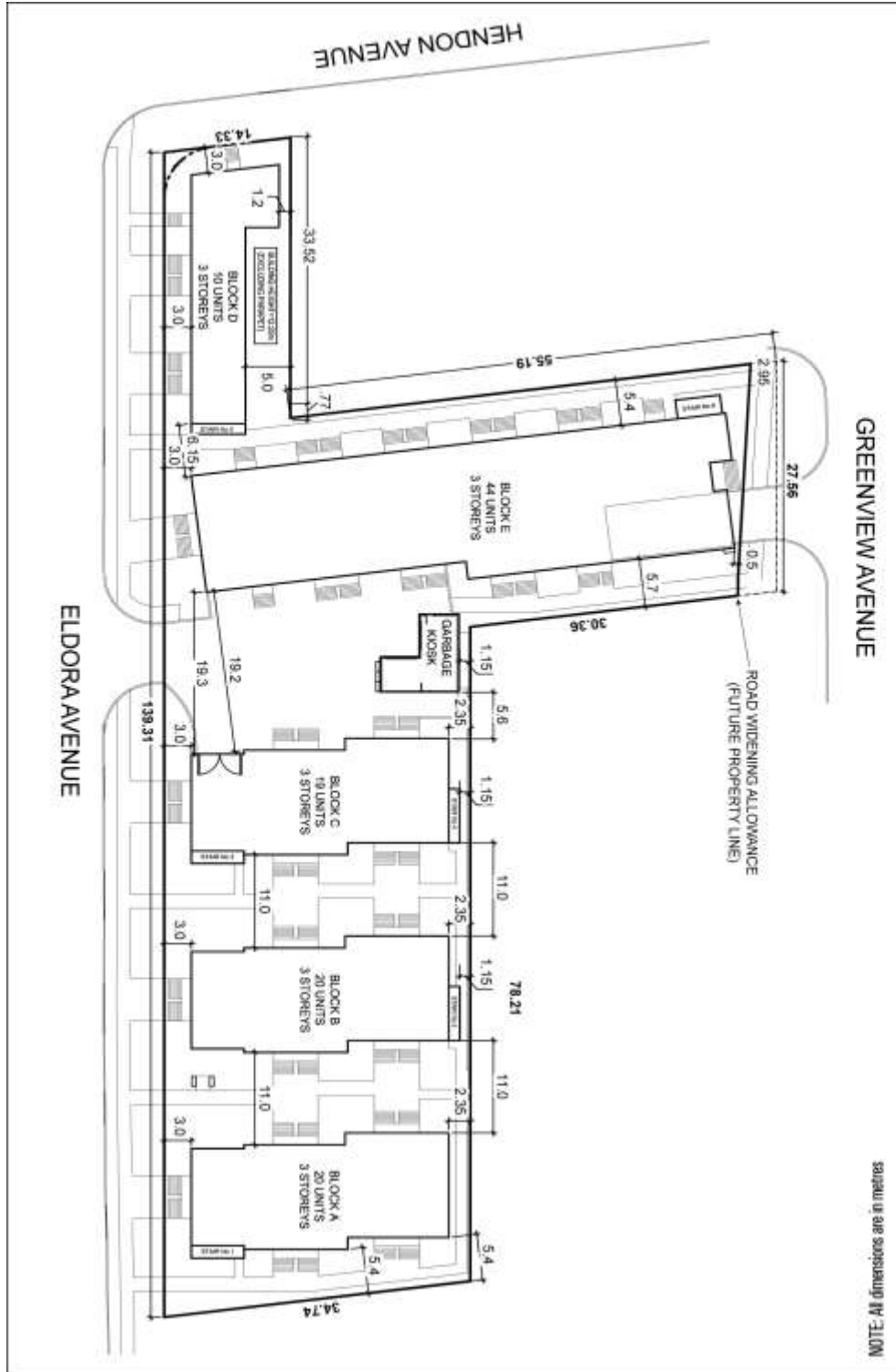
Enacted and passed on February 20, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





Schedule RM1(93)

File # 12 114998 NMY 23 02

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Not to Scale

Date: 07/16/2013
Approved by: D.S.

Toronto City Planning