

Authority: Local Planning Appeal Tribunal Decision issued on September 12, 2017; and Order issued on October 19, 2018, in File PL160945

CITY OF TORONTO

BY-LAW 1353-2018(LPAT)

To amend Zoning By-law 7625 for the former City of North York, as amended, with respect to lands known municipally as 57, 59, 61 and 63 Finch Avenue West.

Whereas authority is given to the Local Planning Appeal Tribunal by Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas the Local Planning Appeal Tribunal pursuant to its Decision/Order in Case PL160945 dated September 12, 2017 and October 19, 2018 has determined to amend By-law 7625 of the former City of North York;

The Local Planning Appeal Tribunal Orders:

1. Schedules "B" and "C" of By-law 7625 of the former City of North York, as amended, are amended in accordance with Schedule "1" of this By-law.
2. Section 64.19 of By-law 7625, as amended, is amended by adding the following subsection:

"64.19 RM4 (34)

DEFINITIONS

APARTMENT HOUSE DWELLING

- (a) For the purpose of this exception, an "apartment house dwelling" shall mean a building consisting of back-to-back, stacked townhouses that contains more than four (4) dwelling units, with some units above others and each unit having access directly from the outside.

BICYCLE PARKING

- (b) For the purpose of this exception, a "bicycle enclosure" shall mean a non-habitable accessory structure located at grade that is designed and equipped exclusively for the purpose of parking and securing bicycles.
- (c) For the purpose of this exception, a "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 1.8 metres that is designed and equipped exclusively for the purpose of parking and securing a bicycle, and a "stacked bicycle parking space" shall mean a space with a minimum vertical clearance of 2.4 metres and minimum horizontal dimensions of 0.6 metres by 1.8 metres that is designed and

equipped exclusively for the purpose of parking and securing up to two bicycles, one above the other.

BUILDING

- (d) For the purpose of this exception, a "building" shall be that so defined by the Building Code Act as of the date of enactment of this By-law but shall exclude accessory structures lacking plumbing, other than any water supply and floor drains, such structures being defined as "non-habitable accessory structures".

ESTABLISHED GRADE

- (e) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 188.50 metres.

GROSS SITE

- (f) For the purpose of this exception, "gross site" shall mean the lands identified by Parts 1, 2, 3, 4 and 5 on Plan 66R-29538, comprising an area of 2,656.0 square metres.

GROSS FLOOR AREA

- (g) For the purpose of this exception, the "gross floor area" of a building shall consist of the total area of all of the floors in the building above or below grade measured from the outside of the exterior walls of the building but excluding motor vehicle areas within the building.

For greater certainty, but not so as to restrict generality:

the calculation of gross floor area shall apply to all areas in a building but not to any area within a non-habitable accessory structure;

the calculation of gross floor area may exclude – architectural features affixed to or extending beyond the exterior faces of exterior walls; floor slab openings and other voids, including pipe spaces; parking ramps and aisles to or within a parking garage; accessory uses to parking areas within a parking garage, including a car lift and related machinery; exit stairs that lead directly from a parking garage to the exterior of the building without serving any other areas; curbs adjacent to parking areas; supporting columns, walls or other like structures in a parking garage; pedestrian walkways within a parking garage; motor vehicle loading spaces and access thereto; dead areas adjacent to parking spaces between columns, in corners and around curves or provided to facilitate vehicular turnaround; other spaces in a parking garage not accessible and/or usable due to structural design; and

the calculation of gross floor area shall include – bicycle parking spaces; storage spaces of any kind, including lockers; mechanical or electrical rooms; garbage and recycling rooms; stairs, landings and hallways other than those that lead directly from a parking garage to the exterior of the building without serving any other areas; indoor amenity spaces.

NET SITE

- (h) For the purpose of this exception, "net site" shall mean the lands identified by Parts 2 and 5 on Plan 66R-29538, comprising an area of 2,479.7 square metres and consisting of the gross site minus lands 176.3 square metres in area conveyed to the City for road widening and corner rounding 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 motor vehicle parking areas and directly associated elements such as curbs and retaining walls.

TYPE G LOADING SPACE

- (j) For the purpose of this exception, "Type G loading space" shall mean a loading space that has a minimum width of 4.0 metres, minimum length of 13.0 metres and minimum vertical clearance of 6.1 metres.

PERMITTED USES

- (k) The only permitted uses shall be an apartment house dwelling together with non-habitable accessory structures (including a car lift, a bicycle parking enclosure and an enclosed stairwell) as well as related elements (including an electrical transformer) and landscape features (including planters and trellises). No mechanical penthouse, nor any amenity space or other active use, may be provided on the fourth floor roof of the apartment house dwelling, access to which shall be solely from the interior of the building by means of a roof hatch.

EXCEPTION REGULATIONS

MAXIMUM GROSS FLOOR AREA

- (l) The maximum gross floor area permitted on the net site shall not exceed 5,312.0 square metres, attributable to the gross site.

NUMBER OF DWELLING UNITS

- (m) The maximum number of dwelling units permitted on the net site shall be 42, all of which shall be 2 or 3 bedroom units.

ENVELOPES

- (n) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the envelopes identified on Schedule "RM4(34)", other than exterior stairs, railings, lighting fixtures, mailboxes, canopies, planters and trellises, address signage, a gas regulator and meters, an electrical transformer, air shafts less than 0.3 metres above adjacent grade and projecting not more than 2.0 metres, and roof overhangs projecting not more than 1.5 metres.

HEIGHT

- (o) The height, measured from established grade, of buildings and structures shall not exceed the maximums in metres shown on Schedule "RM4(34)" excluding roof hatches not exceeding 0.5 metres in height, parapets not exceeding 1.0 metres in height on the roof of the building fronting onto Finch Avenue West, and parapets not exceeding 0.3 metres in height on the roofs of separate, non-habitable accessory structures located south of that building. In addition, the height of the building fronting onto Finch Avenue West, including any part of it, shall not exceed 70 per cent of the horizontal distance separating that part of the building from the south lot line.

NUMBER OF STOREYS

- (p) The number of storeys above established grade shall not exceed the maximums shown on Schedule "RM4 (34)".

MOTOR VEHICLE PARKING

- (q) Motor vehicle parking spaces shall be provided within the net site in accordance with the following requirements:
 - (i) a minimum of 0.90 resident parking spaces per 2-bedroom unit and 1.10 parking spaces per 3-bedroom unit;
 - (ii) a maximum of 1.30 resident parking spaces per 2-bedroom unit and 1.60 parking spaces per 3-bedroom unit;
 - (iii) 0.15 visitor parking spaces per unit;
 - (iv) all resident parking spaces shall be located in an underground garage; and
 - (v) all visitor parking spaces shall be located outside at grade;

BICYCLE PARKING

- (r) Bicycle parking shall be provided within the net site, at a minimum rate of 0.68 bicycle parking spaces or stacked bicycle parking spaces per dwelling unit for residents, and 0.07 bicycle parking spaces per dwelling unit for visitors.

LOADING

- (s) One (1) Type G loading space shall be provided within the net site.

LOT COVERAGE

- (t) The maximum permitted lot coverage is 58 percent of the net site.

LANDSCAPED OPEN SPACE

- (u) A minimum of 600 square metres of landscaping shall be provided within the net site.
- (v) A minimum 1.5 metres wide landscape buffer, included in the 600 square metres of landscaping, shall be provided along the south property line and along the west property line south of the building fronting onto Finch Avenue West, as shown on Schedule "RM4(34)".

YARD SETBACKS

- (w) The minimum yard setbacks shall be as shown on Schedule "RM4 (34)" but will not apply to any structure or element otherwise permitted to be located outside an envelope.

PROVISIONS NOT APPLICABLE

- (x) The provisions of Sections 6(9), 6(23), 6(24), 6(A)(8)(b), (c) and (d), 6A(16)(d)(iv), 15.8 and 19.3 do not apply.

SEVERANCE

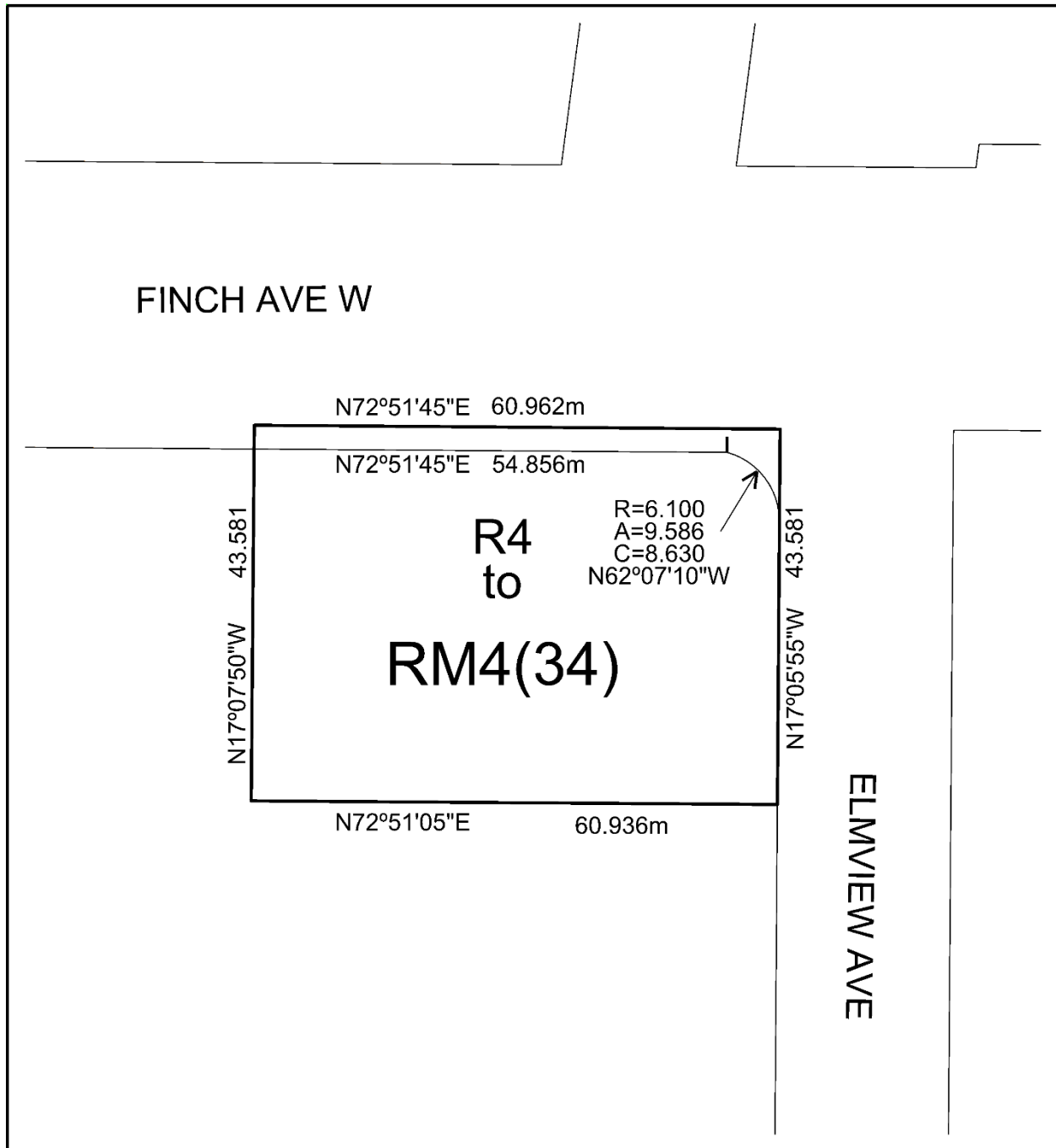
- (y) Despite any existing or future severance, partition or division of the net site shown on Schedule "RM4 (34)", the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred."

3. 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, are either installed and operational or else have been secured through payment arrangements satisfactory to the City of Toronto.
- 4. Section 64.19 of By-law 7625, as amended, is amended by adding Schedule "RM4(34)" attached to this By-law.

Pursuant to Local Planning Appeal Tribunal Decision issued on September 12, 2017; and Order issued on October 19, 2018, in File PL160945.

SCHEDULE "1"**Schedule 1**

57,58,61 & 63 Finch Ave. West
 PART OF LOTS 16,17,18 & 19, R.P. 3705
 CITY OF TORONTO (FORMERLY CITY OF NORTH YORK)

File # 12 146486 NNY 23 0Z

Date: 05/02/2019

Approved by: P.K.



Not to Scale

SCHEDULE "RM4(34)"

