

Authority: Local Planning Appeal Tribunal Decision/Order issued October 23, 2018 and Order issued July 4, 2019 in Case PL151138

CITY OF TORONTO

BY-LAW 369-2020(LPAT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to the lands municipally known as 15 Mallow Road.

Whereas after hearing an appeal under subsection 34(11) of the Planning Act, R.S.O. c. P.13, as amended, the Local Planning Appeal Tribunal by its Decision issued on October 23, 2018 and Order issued on July 4, 2019, in respect of Case PL151138, approved amendments to the former City of North York Zoning By-law 7625, as amended; 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 height and density permitted beyond that otherwise permitted on the aforesaid lands by Zoning By-law 438-86, 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;

Pursuant to the Decision of the Local Planning Tribunal, former City of North York Zoning By-law 7625, as amended, is amended as follows:

1. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of 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 and registered on title to the lot, to the satisfaction of the City Solicitor.
2. Schedules "B" and "C" of By-law 7625 of the former City of North York are hereby amended in accordance with Schedule 1 of this By-law.

3. Section 64.18 of By-law 7625 of the former City of North York is amended by adding the following subsection:

64.18 (16) RM3(16.1)

DEFINITIONS

- a. For the purposes of this exception, "Model Home" shall mean a finished Single Detached Dwelling for temporary display to the public prior to occupancy for residential purposes.
- b. For the purposes of this exception, "Main Wall" shall mean the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partly enclosed space or roof.
- c. For the purposes of this exception, measurement of required front yard setbacks, side yard setbacks and rear yard setbacks shall be from the lot line or contiguous lines dividing a lot from a street and shall not be affected by required corner roundings, as if no corner rounding had taken place.
- d. For the purposes of this exception, "Temporary Sales Office/Trailer" shall mean a building or a portion of a building, or sales trailer, used exclusively for the marketing, initial sale of dwelling units to be erected on any portion of the lands.
- e. For the purposes of this exception, "Established Grade" shall mean the average elevation of the ground measured at the two points where the projection of the required minimum front yard setback line is 0.01 metres past each side lot line.
- f. For the purposes of this exception, "Building Height" shall mean the vertical distance between the established grade, and in the case of a flat roof, the highest point of the roof surface, or in the case of a mansard roof the deck line, or in the case of a gabled, hip, or gambrel roof, the mean height level between eaves and ridge. For single family dwellings, a tower, cupola, steeple or other roof structure except a chimney, shall be included in calculating the height of such building provided that skylights and parapets may exceed the maximum building height by a maximum of 0.5 metres.
- g. For the purposes of this exception, "Gross Floor Area" shall mean the total area of all of the floors in a building above or below grade measured from the outside of the exterior walls but excluding the entirety of the garage.

PERMITTED USES

- h. The only permitted uses shall be:

Single Family Dwelling and accessory buildings incidental thereto;
Model Home; and
Temporary Sales Office/Trailer for the sale of Dwellings.

EXCEPTION REGULATIONS

LOT FRONTAGE

- i. The minimum lot frontage shall be 8.6 metres.

LOT AREA

- j. The minimum lot area shall be 200 square metres.

YARD SETBACKS

- k. The minimum front yard setback shall be:
 - i. 1.5 metres, except that:
 - 1. The Main Wall containing the vehicular access to a garage shall be setback a minimum as follows:
 - A. 3.0 metres where a municipal sidewalk is provided for within the adjoining public boulevard; and
 - B. 4.5 metres where a municipal sidewalk is not provided for within the adjoining public boulevard.
 - l. The minimum side yard setback shall be 0.6 metres on one side and 0.9 metres on the other side, except that:
 - i. The minimum side yard setback shall be 4.3 metres where the side lot line abuts a public street, and 0.9 metres on the other side; and
 - ii. The minimum side yard setback shall be 2.2 metres where the side lot line abuts a R5 Zone, and 0.6 metres on the other side.
- m. The minimum rear yard setback shall be 6.5 metres.

BUILDING HEIGHT

- n. The maximum building height above established grade shall be 3 storeys and 12.5 metres.

PARKING REQUIREMENTS

- o. The minimum number of parking spaces per Single Family Dwelling unit shall be 1.

PERMITTED ENCROACHMENTS

- p. The following projections and their supporting structural members may extend into required yard setbacks, and in no case closer than 0.3 metres to a Lot Line, except as otherwise specified:
- i. 0.5 metres for chimneys, pilasters and projecting columns;
 - ii. 1.0 metres (rear and side yard setbacks) or 0.5 metres (front yard setback) for roof overhang, cantilevered elements, canopies, eaves and porticoes;
 - iii. 1.7 metres for balconies, decks and porches (covered or otherwise);
 - iv. 1.0 metres for cantilevered bay, bow, box, or dormer windows, except 0.65 metres where the required yard setback is 1.5 metres or less;
 - vi. 3.5 metres for decks into a rear yard setback only; and
 - vii. Notwithstanding (p) above, there shall be no limit or minimum setback for exterior steps no limit for exterior steps.

EXCLUSIONS

- q. Section 6(9) (Permitted Projections into Minimum Yard Setbacks), Section 6(24) (Unexcavated Porches and Decks in R and RM Zones), Section 6(30) (Regulations for Single Detached Dwellings in All Zones, Height of the First Floor), Section 6A(2) (Parking Requirements), Section 6A(5) (Access to Parking Spaces), Section 7.4A (Front Yard Landscaping), Section 7.4B (Front Yard Soft Landscaping), Section 15 (General Provisions for Multiple-Family Dwelling Zones (RM)) and Section 18 (Multiple-Family Dwellings Third Density Zone (RM3)) shall not apply.

LAND DIVISION

- r. Despite any existing or future severance, partition, division, dedication or conveyance of the lands, the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition, division, dedication or conveyance had occurred.
4. Section 64.18 of By-law 7625 of the former City of North York is amended by adding the following subsection:
- 64.18 (16) RM3(16.2)**

DEFINITIONS

- a. For the purposes of this exception, "Model Home" shall mean a finished Single Detached Dwelling for temporary display to the public prior to occupancy for residential purposes.
- b. For the purposes of this exception, "Main Wall" shall mean the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partly enclosed space or roof.
- c. For the purposes of this exception, "Temporary Sales Office/Trailer" shall mean a building or a portion of a building, or sales trailer, used exclusively for the marketing, initial sale of dwelling units to be erected on any portion of the lands.
- d. For the purposes of this exception, "Established Grade" shall mean the average elevation of the ground measured at the two points where the projection of the required minimum front yard setback line is 0.01 metres past each side lot line.
- e. For the purposes of this exception, "Building Height" shall mean the vertical distance between the established grade, and in the case of a flat roof, the highest point of the roof surface, or in the case of a mansard roof the deck line, or in the case of a gabled, hip, or gambrel roof, the mean height level between eaves and ridge. For single family dwellings, a tower, cupola, steeple or other roof structure except a chimney, shall be included in calculating the height of such building provided that skylights and parapets may exceed the maximum building height by a maximum of 0.5 metres.
- f. For the purposes of this exception, "Gross Floor Area" shall mean the total area of all of the floors in a building above or below grade measured from the outside of the exterior walls but excluding the entirety of the garage.

PERMITTED USES

- g. The only permitted uses shall be:
 - Single Family Dwelling and accessory buildings incidental thereto;
 - Model Home; and
 - Temporary Sales Office/Trailer for the sale of Dwellings.

EXCEPTION REGULATIONS**LOT FRONTAGE**

- h. The minimum lot frontage shall be 8.3 metres.

LOT AREA

- i. The minimum lot area shall be 200 square metres.

YARD SETBACKS

- j. The minimum front yard setback shall be:
 - i. 1.5 metres, except that:
 - 1. The Main Wall containing the vehicular access to a garage shall be setback a minimum as follows:
 - A. 3.0 metres where a municipal sidewalk is provided for within the adjoining public boulevard; and
 - B. 4.5 metres where a municipal sidewalk is not provided for within the adjoining public boulevard.
- k. The minimum side yard setback shall be 0.6 metres where the side lot line abuts a O1 Zone, and 0.6 metres on the other side.
- l. The minimum rear yard setback shall be 6.5 metres.

BUILDING HEIGHT

- m. The maximum building height above established grade shall be 3 storeys and 12.5 metres.

PARKING REQUIREMENTS

- n. The minimum number of parking spaces per Single Family Dwelling unit shall be 1.

PERMITTED ENCROACHMENTS

- o. The following projections and their supporting structural members may extend into required yard setbacks, and in no case closer than 0.3 metres to a Lot Line, except as otherwise specified:
 - i. 0.5 metres for chimneys, pilasters and projecting columns;
 - ii. 1.0 metres (rear and side yard setbacks) or 0.5 metres (front yard setback) for roof overhang, cantilevered elements, canopies, eaves and porticoes;
 - iii. 1.7 metres for balconies, decks and porches (covered or otherwise);
 - iv. 1.0 metres for cantilevered bay, bow, box, or dormer windows, except 0.65 metres where the required yard setback is 1.5 metres or less;
 - v. 0.5 metres for cantilevered bay, bow, box, or dormer windows above the first storey;

- vi. 3.5 metres for decks into a rear yard setback only; and
- vii. Notwithstanding (o) above, there shall be no limit or minimum setback for exterior steps.no limit for exterior steps.

EXCLUSIONS

- p. Section 6(9) (Permitted Projections into Minimum Yard Setbacks), Section 6(24) (Unexcavated Porches and Decks in R and RM Zones), Section 6(30) (Regulations for Single Detached Dwellings in All Zones, Height of the First Floor), Section 6A(2) (Parking Requirements), Section 6A(5) (Access to Parking Spaces), Section 7.4A (Front Yard Landscaping), Section 7.4B (Front Yard Soft Landscaping), Section 15 (General Provisions for Multiple-Family Dwelling Zones (RM)) and Section 18 (Multiple-Family Dwellings Third Density Zone (RM3)) shall not apply.

LAND DIVISION

- q. Despite any existing or future severance, partition, division, dedication or conveyance of the lands, the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition, division, dedication or conveyance had occurred.
5. Section 64.18 of By-law 7625 of the former City of North York is amended by adding the following subsection:

64.18 (16) RM3(16.3)

DEFINITIONS

- a. For the purposes of this exception, "Model Home" shall mean a finished Single Detached Dwelling for temporary display to the public prior to occupancy for residential purposes.
- b. For the purposes of this exception, "Main Wall" shall mean the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partly enclosed space or roof.
- c. For the purposes of this exception, "Temporary Sales Office/Trailer" shall mean a building or a portion of a building, or sales trailer, used exclusively for the marketing, initial sale and/or initial renting of dwelling units to be erected on any portion of the lands.
- d. For the purposes of this exception, "Established Grade" shall mean the average elevation of the ground measured at the two points where the projection of the required minimum front yard setback line is 0.01 metres past each side lot line.

- e. For the purposes of this exception, "Building Height" shall mean the vertical distance between the established grade, and in the case of a flat roof, the highest point of the roof surface, or in the case of a mansard roof the deck line, or in the case of a gabled, hip, or gambrel roof, the mean height level between eaves and ridge. For single family dwellings, a tower, cupola, steeple or other roof structure except a chimney, shall be included in calculating the height of such building provided that skylights and parapets may exceed the maximum building height by a maximum of 0.5 metres.
- f. For the purposes of this exception, "Gross Floor Area" shall mean the total area of all of the floors in a building above or below grade measured from the outside of the exterior walls but excluding the entirety of the garage.

PERMITTED USES

- g. The only permitted uses shall be:
- Single Family Dwelling and accessory buildings incidental thereto;
Model Home; and
Temporary Sales Office/Trailer for the sale of Dwellings.

EXCEPTION REGULATIONS

LOT FRONTAGE

- h. The minimum lot frontage shall be 8.6 metres.

LOT AREA

- i. The minimum lot area shall be 200 square metres.

YARD SETBACKS

- j. The minimum front yard setback shall be 1.0 metres, except that the Main Wall containing the vehicular access to a garage shall be setback a minimum of 4.5 metres.
- k. The minimum side yard setback shall be 0.6 metres on one side and 0.9 metres on the other side.
- l. The minimum rear yard setback shall 6.5 metres.

BUILDING HEIGHT

- m. The maximum building height from established grade shall be 3 storeys and 12.5 metres.

PARKING REQUIREMENTS

- n. The minimum number of parking spaces per Single Family Dwelling unit shall be 1.

PERMITTED ENCROACHMENTS

- o. The following projections and their supporting structural members may extend into required yard setbacks, and in no case closer than 0.3 metres to a Lot Line, except as otherwise specified:
- i. 0.5 metres for chimneys, pilasters and projecting columns;
 - ii. 1.0 metres (rear and side yard setbacks) or 0.5 metres (front yard setback) for roof overhang, cantilevered elements, canopies, eaves and porticoes;
 - iii. 1.7 metres for balconies, decks and porches (covered or otherwise);
 - iv. 1.0 metres for cantilevered bay, bow, box, or dormer windows, except 0.65 metres where the required yard setback is 1.5 metres or less;
 - v. 0.5 metres for cantilevered bay, bow, box, or dormer windows above the first storey;
 - vi. 3.5 metres for decks into a rear yard setback only; and
 - vii. Notwithstanding (o) above, there shall be no limit or minimum setback for exterior steps.

EXCLUSIONS

- p. Section 6(9) (Permitted Projections into Minimum Yard Setbacks), Section 6(24) (Unexcavated Porches and Decks in R and RM Zones), Section 6(30) (Regulations for Single Detached Dwellings in All Zones, Height of the First Floor), Section 6A(2) (Parking Requirements), Section 6A(5) (Access to Parking Spaces), Section 7.4A (Front Yard Landscaping), Section 7.4B (Front Yard Soft Landscaping), Section 15 (General Provisions for Multiple-Family Dwelling Zones (RM)) and Section 18 (Multiple-Family Dwellings Third Density Zone (RM3)) shall not apply.

LAND DIVISION

- q. Despite any existing or future severance, partition, division, dedication or conveyance of the lands, the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition, division, dedication or conveyance had occurred.

6. Section 64.18 of By-law 7625 of the former City of North York is amended by adding the following subsection:

64.18 (16) RM3(16.4)

DEFINITIONS

- a. For the purposes of this exception, "Model Home" shall mean finished Multiple Attached Dwellings for temporary display to the public prior to occupancy for residential purposes.
- b. For the purposes of this exception, there shall be no "Front Lot Line", "Side Lot Line", and "Rear Lot Line". The minimum building setbacks shall be as shown on Schedule 2.
- c. For the purposes of this exception, measurement of required front yard setbacks, side yard setbacks and rear yard setbacks shall be from the lot line or contiguous lines dividing a lot from a street and shall not be affected by required corner roundings, as if no corner rounding had taken place.
- d. For the purposes of this exception, "Temporary Sales Office/Trailer" shall mean a building or a portion of a building, or sales trailer, used exclusively for the marketing, initial sale of dwelling units to be erected on any portion of the lands.
- e. The height of any building or structure on the Lot shall not exceed the maximum height permitted as indicated in subsection (o), measured from the Established Grade to the highest point of the roof, except for the erection or use of the structures, elements and enclosures permitted by subsection (p) of this By-law.
- f. For the purposes of this exception, "Established Grade" shall mean the Canadian Geodetic Datum elevation of 136.4 metres.
- g. For the purposes of this exception, "Building Height" shall mean the vertical distance between the Established Grade, and in the case of a flat roof, the highest point of the roof surface, or in the case of a mansard roof the deck line, or in the case of a gabled, hip, or gambrel roof, the mean height level between eaves and ridge.
- h. For the purposes of this exception, "Gross Floor Area" shall mean the total area of all of the floors in a building above or below grade measured from the outside of the exterior walls but excluding the entirety of the garage and any Inaccessible Area within the roof.
- i. For the purposes of this exception, "Inaccessible Area" shall mean an area of a dwelling that is not accessible to people.

PERMITTED USES

- j. The only permitted uses shall be:
- Multiple Attached Dwelling;
 - Model Home; and
 - Temporary Sales Office/Trailer for the sale of Dwellings.

EXCEPTION REGULATIONS

DWELLING UNITS

- k. A maximum of 33 multiple attached dwelling units will be permitted on the lands shown on Schedule 1.
- l. All dwelling units shall have vehicular access only from a private driveway or lane. Dwelling units must have a principal entrance facing either a public street or a public park.

GROSS FLOOR AREA

- m. The maximum gross floor area shall be 8,500 square metres for the lands shown as RM3(16.4) on Schedule 1.

YARD SETBACKS

- n. The minimum setbacks shall be as shown on Schedule 2.

BUILDING HEIGHT

- o. The maximum building height from established grade shall be 3 storeys and 13.0 metres.
- p. Despite subsection (o) above, the following elements may extend beyond the permitted building height on the lot:
- i. A penthouse, tower, cupola, steeple, parapet walls, chimneys, landscaping, storage rooms, safety structures such as fences, railings, dividing screens, or other roof structures (which are used only as an ornament upon or to house the mechanical equipment of the building), rooftop terraces, rooftop terrace access, and Inaccessible Areas which may extend no more than 3.0 metres beyond the permitted height.
- q. Rooftop terraces, rooftop terrace access, and Inaccessible Areas within the roof shall not be considered as a storey.

PARKING REQUIREMENTS

- r. The number of parking spaces per Multiple Attached Dwelling unit shall be 1.

PERMITTED ENCROACHMENTS

- s. The following projections and their supporting structural members may extend into required yard setbacks, except as otherwise specified:
- i. Chimneys, pilasters and projecting columns, roof overhang, cantilevered elements, canopies, eaves, porticoes, balconies, decks, porches, cantilevered bay, bow, box, or dormer windows provided they are a minimum 0.5 metres to a Lot Line;
 - ii. 1.7 metres for balconies, decks and porches (covered or otherwise);
 - iii. Notwithstanding (s.) above, there shall be no limit or minimum setback for exterior steps; and
 - iv. Outdoor garbage enclosures or screens are permitted in the required front yard and side yard.

EXCLUSIONS

- t. Section 6(9) (Permitted Projections into Minimum Yard Setbacks), Section 6(24) (Unexcavated Porches and Decks in R and RM Zones), Section 6(30) (Regulations for Single Detached Dwellings in All Zones, Height of the First Floor), Section 6A(2) (Parking Requirements), Section 6A(5) (Access to Parking Spaces), Section 7.4A (Front Yard Landscaping), Section 7.4B (Front Yard Soft Landscaping), Section 15 (General Provisions for Multiple-Family Dwelling Zones (RM)) and Section 18 (Multiple-Family Dwellings Third Density Zone (RM3)) shall not apply.

LAND DIVISION

- u. Despite any existing or future severance, partition, division, dedication or conveyance of the lands, the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition, division, dedication or conveyance had occurred.
7. No person shall use the lands or erect or use any building or structure on the lands as shown on Schedule 1 attached hereto unless the following municipal services are provided to the Donway East lot line and the following provisions are complied with:
- a. Public Street A, as shown on Schedule 1 attached hereto, has been constructed to a minimum base curb and base asphalt and is connected to an existing public highway; and

- b. All watermains, sanitary sewers and storm drains, with appropriate appurtenances, have been installed and are operational.

Local Planning Appeal Tribunal Decision/Order issued October 23, 2018 and Order issued July 4, 2019 in Case PL151138.

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 height and density of the proposed development on the lot and in accordance with an agreement or agreements under Section 37(3) of the Planning Act where the owner agrees as follows:

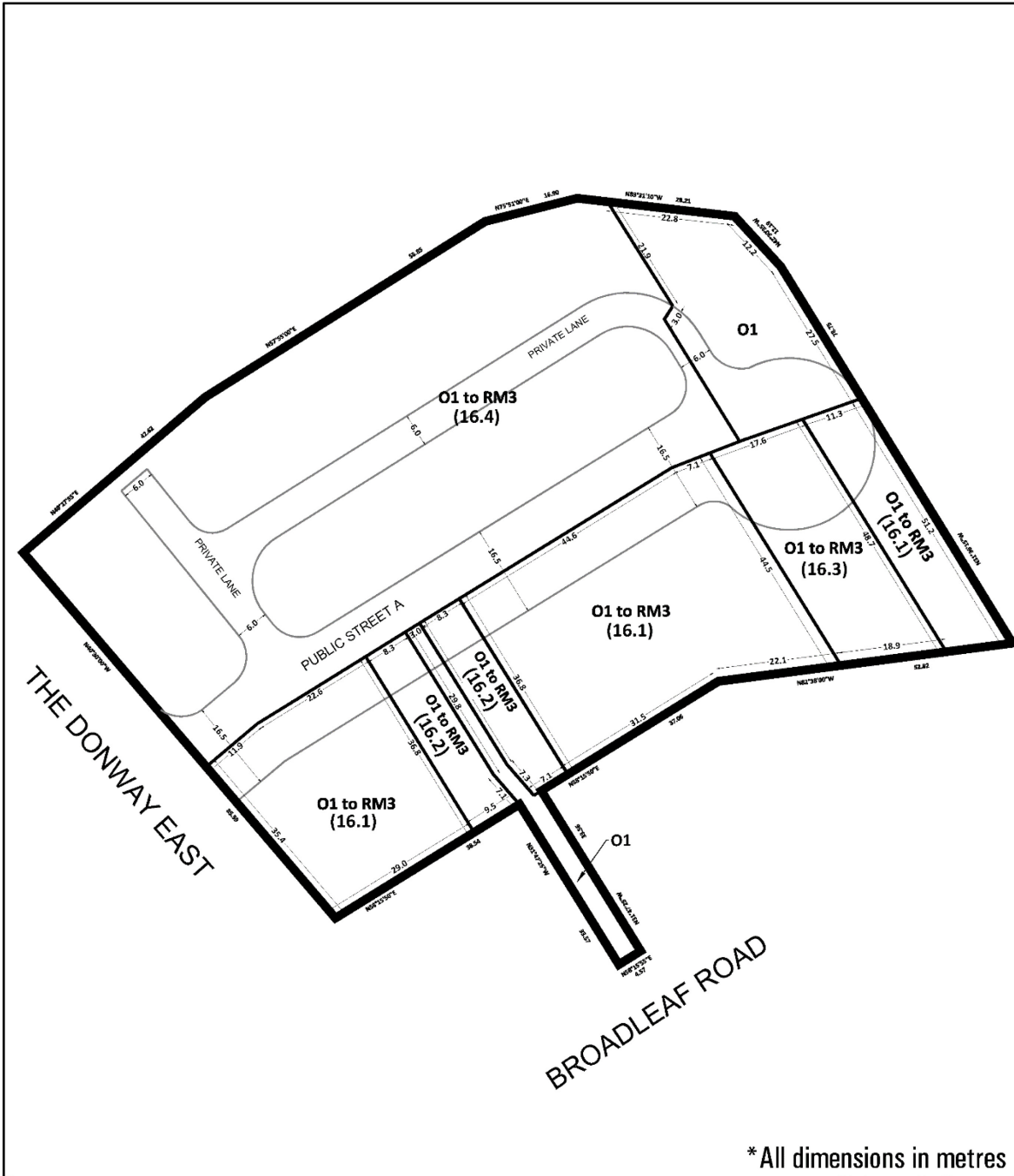
1. Prior to the issuance of the first above-grade building permit:
 - a) The owner shall provide to the City a cash contribution in the amount of \$450,000 to be used towards the full build out of Mallow Park; and
 - b) The owner shall provide to the City a Letter of Credit in the amount of \$350,000 which may be drawn upon by the City for use towards the full build out of Mallow Park; should the full amount not be required for the full build out of Mallow Park to the satisfaction of the General Manager, Parks, Forestry, and Recreation, any remaining fund shall be returned to the Owner, all to the satisfaction of the General Manager, Parks, Forestry and Recreation.
2. The financial contributions and letter of credit required in paragraph 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date the payment is made and/or the letter of credit is provided.
3. In the event that the above financial contribution required in paragraph 1a) has not been used for the intended purpose within three years of this By-law coming into full force and effect, said funds may be redirected for another purpose, in the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.

City of Toronto By-law 369-2020(LPAT)**EXPLANATORY NOTE TO ZONING BY-LAW 7625 AMENDMENT**

The lands subject to this By-law are located on the east side of The Donway East, south of Mallow Road, and north of Broadleaf Road, municipally known as 15 Mallow Road in the City of Toronto.

The purpose of this By-law is to amend the zoning of the subject lands from the Open Space (O1) Zone to Multiple-Family Dwellings Third Density (RM3) Zone with various exceptions to permit the residential uses consisting of fourteen (14) Single Detached Dwellings, thirty-three (33) Multiple Attached Dwellings (townhouses), and a park and walkways on the subject lands. This By-law includes site specific development standards related to lot frontage, frontage, setbacks, coverage, height and parking.





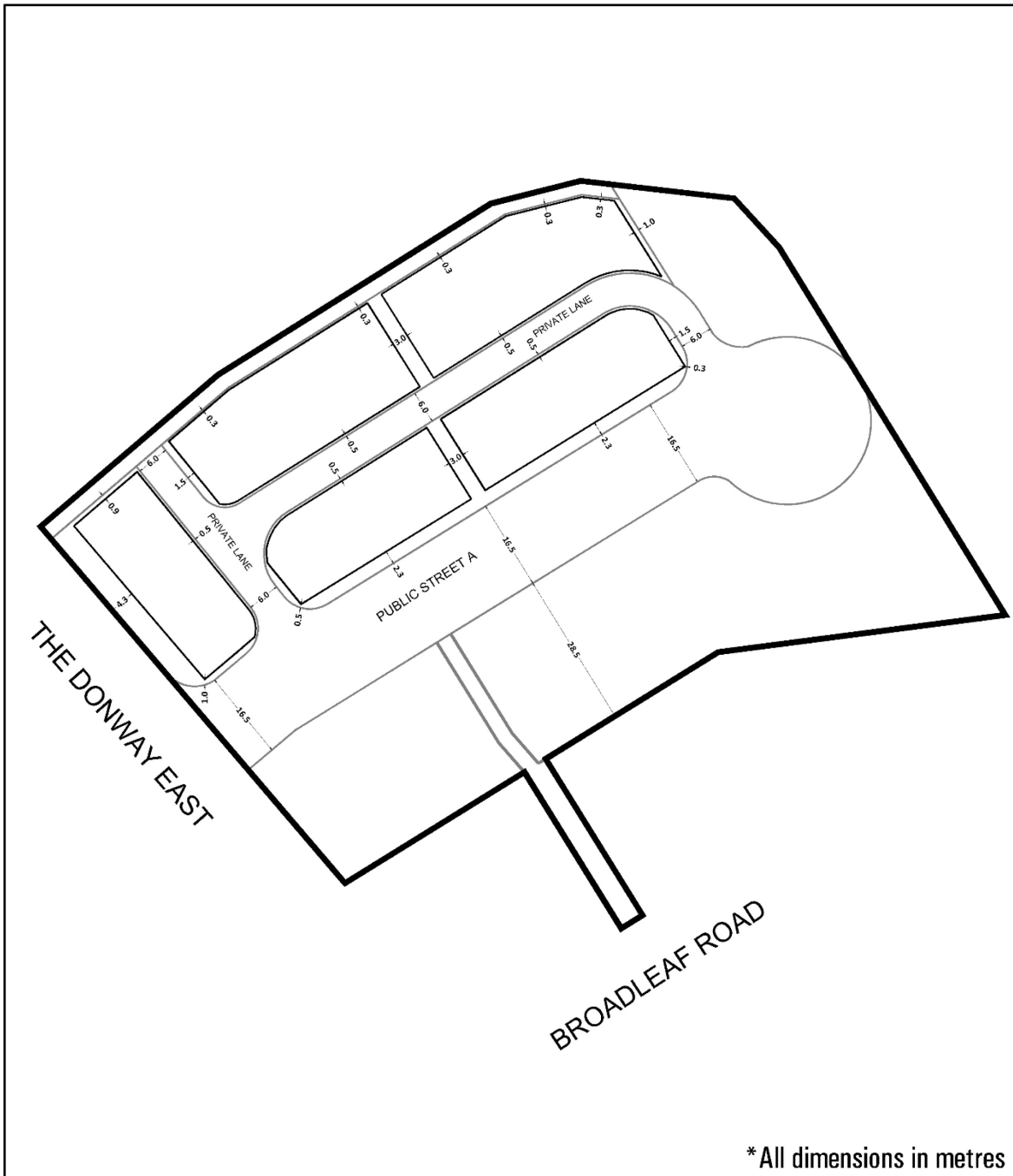
 **TORONTO**
Schedule 1

15 Mallow Road

File # 14 264875 NNY 34 OZ

 Area Affected By This Bylaw


Not to Scale
05/19/2020



* All dimensions in metres

TORONTO
Schedule 2

15 Mallow Road

File # 14 264875 NNY 34 0Z

 Area Affected By This Bylaw


Not to Scale
05/19/2020