

Authority: North York Community Council Item NY29.2,
adopted as amended, by City of Toronto Council on
February 2 and 3, 2022

CITY OF TORONTO

BY-LAW 188-2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 722 and 724 Marlee Avenue.

Whereas Council of the City of Toronto has the authority to 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 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 height or density of development beyond that otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services, or matters as are set out in the by-law; and

Whereas the City of Toronto and the owner of the aforesaid lands have agreed to secure the owner's statutory obligations to convey parkland under Section 42 of the Planning Act through the use of an agreement under Section 37 of the Planning Act as a matter of legal convenience to secure the timing and terms of the statutory conveyance;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to OR and R (f 31.0, a 1,155, d 2.0 (x114), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending the Lot Coverage Overlay Map in Section 995.30.1 for the lands subject to this By-law, from a lot coverage label of 370 to 1,266 as shown on Diagram 2 attached to this By-law.

5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10[114] Exception Number 114 so that it reads:

Exception R 114

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 722 and 724 Marlee Avenue, as shown on Diagram 1 of By-law 188-2022, a building or structure may be constructed, used or enlarged in compliance with Sections (B) to (N) below;
- (B) Despite Regulation 10.5.40.10 (1) the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum 2013 of 175.95 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Regulation 10.10.40.10 (1), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law 188-2022;
- (D) Despite Regulation 10.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the ST symbol as shown on Diagram 3 of By-law 188-2022;
- (E) Despite Clause 10.10.60.70 the maximum permitted area of the **lot** covered by **ancillary buildings** and **structures** may not exceed 10 percent of the **lot area**;
- (F) Despite Clause 10.5.60.20, and Regulations 10.10.40.30 (1), 200.15.1 (4), and 10.5.80.30 (1) do not apply;
- (G) Despite Regulation 10.5.50.10 (5) a 1.5 metre strip of **soft landscaping** is not required;
- (H) Despite Regulation 10.10.40.40 (1), the permitted maximum **gross floor area** is 2,270 square metres;
- (I) A maximum of 28 **dwelling units** are permitted;
- (J) A minimum of 46 percent (13 **dwelling units**) of the total number of **dwelling units** on the **lot** must contain a minimum of one bedrooms and a minimum of 54 percent (15 **dwelling units**) of the total number of **dwelling units** must contain a minimum of two bedrooms;
- (K) Despite Regulations 10.5.40.10 (2) and (3), the following **building** elements and **structures** are permitted to project vertically beyond the height limits specified on Diagram 3 attached to By-law 188-2022:

- (i) Roof drainage components, or thermal and waterproofing assemblies located at each of the roof levels of the **building** to a maximum of 0.25 metres;
 - (ii) A parapet to a maximum of 1.5 metres;
 - (iii) Safety railings and fences at each of the roof levels of the **building**, to a maximum height of 1.8 metres;
 - (iv) **Structures** on the roof of any part of the **building** used for, **green roofs**, wind mitigation, landscape features, partitions dividing outdoor balcony or terrace areas, privacy screens, telecommunications equipment and antennae, window washing equipment, or lightning rods and exhaust flues to a maximum height of 2.5 metres; and
 - (v) Equipment used for the functional operation of the **building**, such as electrical, utility, mechanical, and ventilation equipment, enclosed stairwells, mechanical penthouses, roof accesses, elevator shafts, vents and water supply facilities, to a maximum height of 4.0 metres;
- (L) Despite Regulations 10.5.40.70 (1) and 10.10.40.70(1), the required minimum **buildings setbacks** from Marlee Avenue are as shown on Diagram 3;
- (M) Despite Regulations 10.5.40.60(1), (2), (3), (7), and (8), the following **building** elements and **structures** are permitted to encroach into the required **building setbacks** shown on Diagram 3;
- (i) a platform or balcony attached to a maximum of 2.0 metres;
 - (ii) a canopy, awning, or similar structure at the first floor, to a maximum of 2.0 metres;
 - (iii) exterior stairs, retaining walls, vehicle access ramps and associated **main wall**, wheelchair access ramps, pedestrian access ramps, and elevating devices to a maximum of 1.0 metre;
 - (iv) roof projections, such as cornices and eaves to a maximum of 1.0 metre; and
 - (v) vents, pipes, utility equipment, siamese connections, satellite dishes and antennas (including mounting poles) to a maximum of 1.4 metres and does not encroach into the required **front yard setback**;
- (N) Despite Regulation 10.10.40.50 (1), the required minimum amount of **amenity space** is 55 square metres of indoor **amenity space** and 100 square metres of outdoor **amenity space**;

- (O) Despite Clause 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided on the **lot** in accordance with the following requirements:
 - (i) A minimum of 16 **parking spaces** for residents; and
 - (ii) A minimum of 3 **parking spaces** for visitors; and
- (P) Despite Regulation 230.5.10.1 (5) (A), a minimum of 33 **bicycle parking spaces** are required.

Prevailing By-laws and Prevailing Sections: (None apply)

- 6. Notwithstanding any severance, partition or division of the lands, the provisions of this By-law shall apply to the whole of the lands, if no severance, partition or division had occurred.
- 7. Section 37 Provisions
 - (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By law, the height and density of the development is permitted in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A 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 lands to the satisfaction of the City Solicitor.
 - (B) Where Schedule A 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.
 - (C) The owner must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to 900.2.10[114] of By-law 569-2013, as amended, unless the provisions of Schedule A of such By-law are satisfied.

Enacted and passed on March 9, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

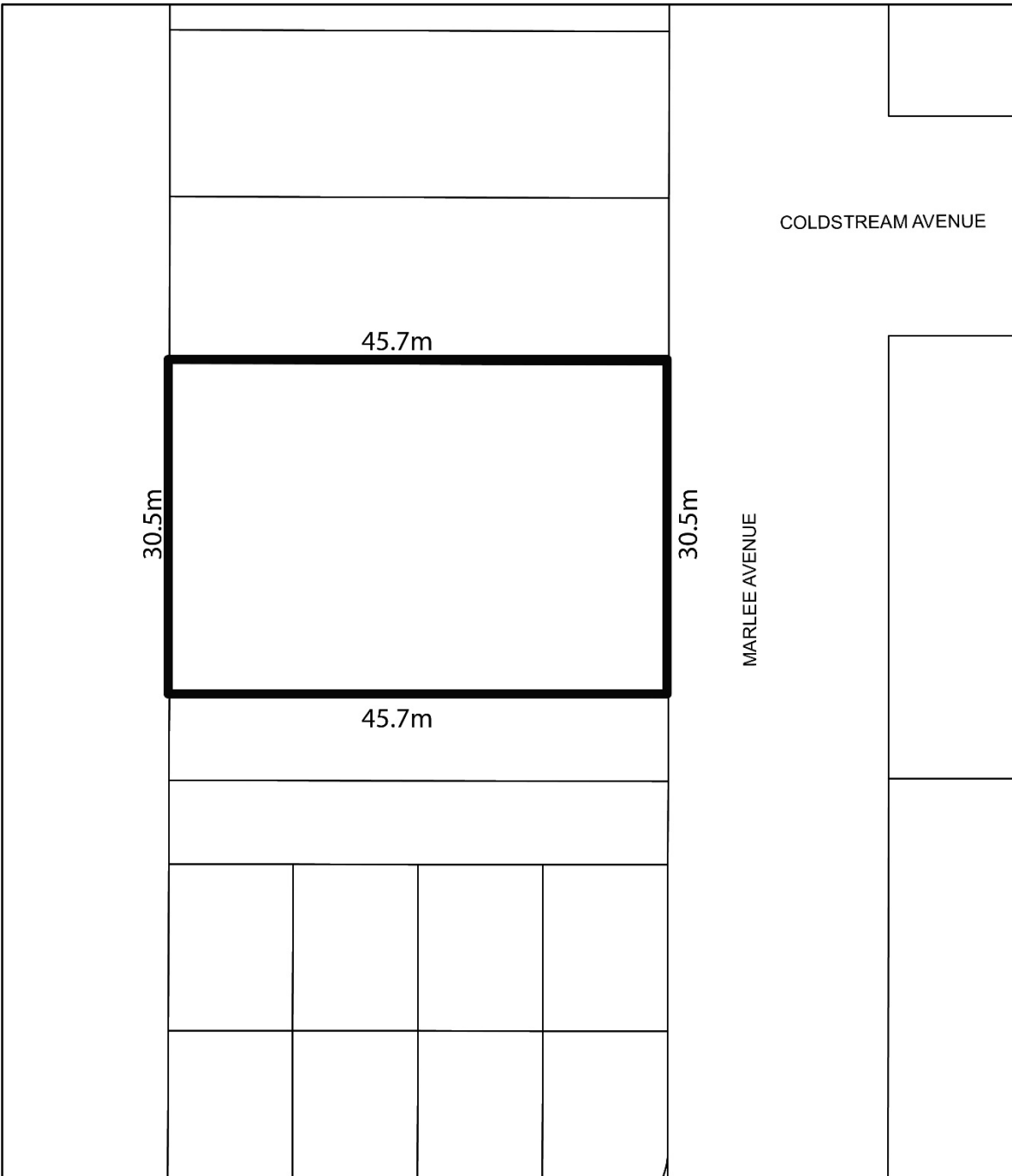
SCHEDULE A

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 lands and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

Parkland Dedication

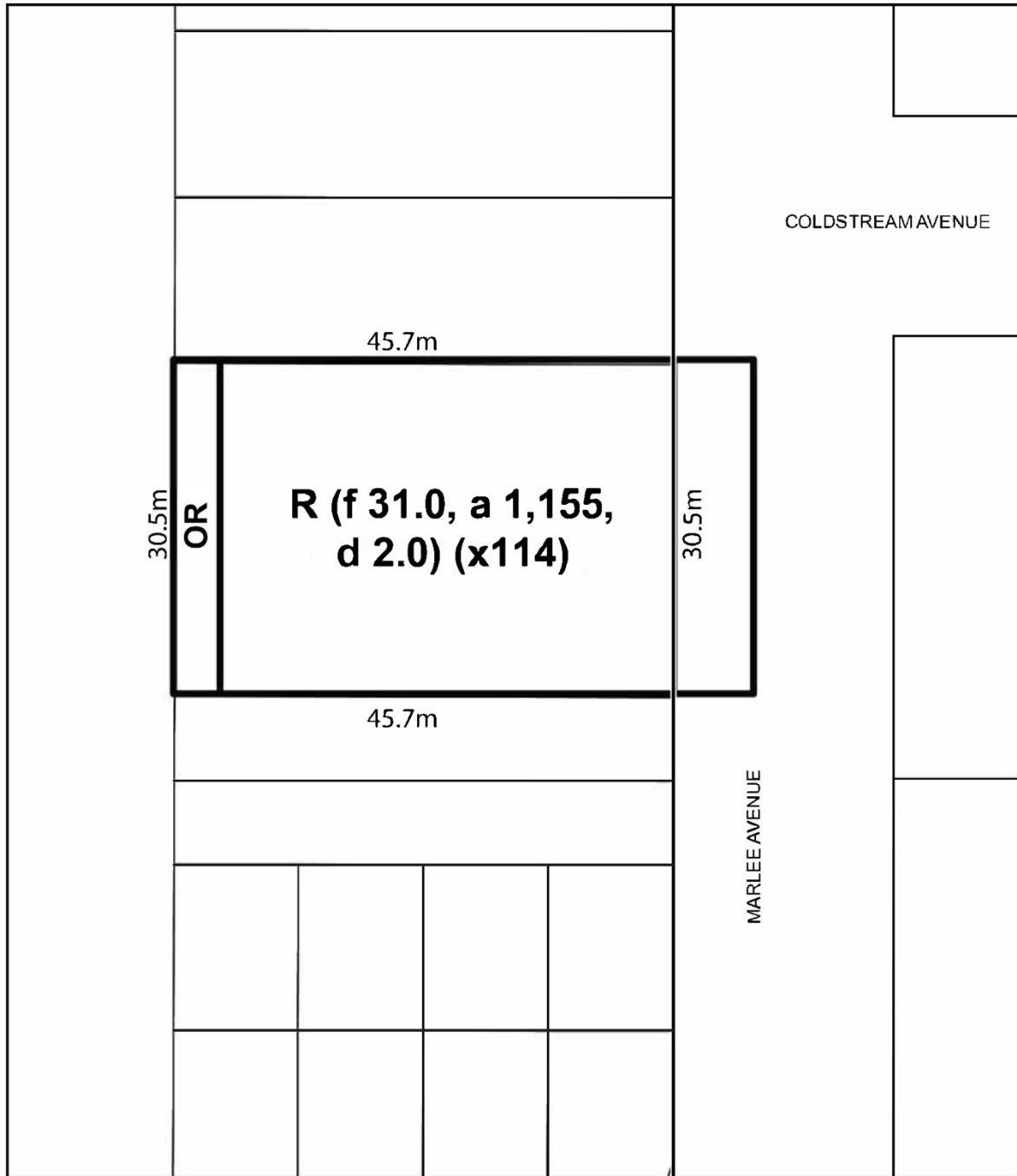
1. Prior to the issuance of the first above grade building permit on the site, the Owner shall convey a 129 square metres portion of the development site for public parkland purposes to the satisfaction of the General Manager, Parks, Forestry and Recreation; and
2. The subject parkland conveyance will be in an environmental condition deemed acceptable to the City, and must be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface unless otherwise approved by the General Manager, Parks, Forestry and Recreation.

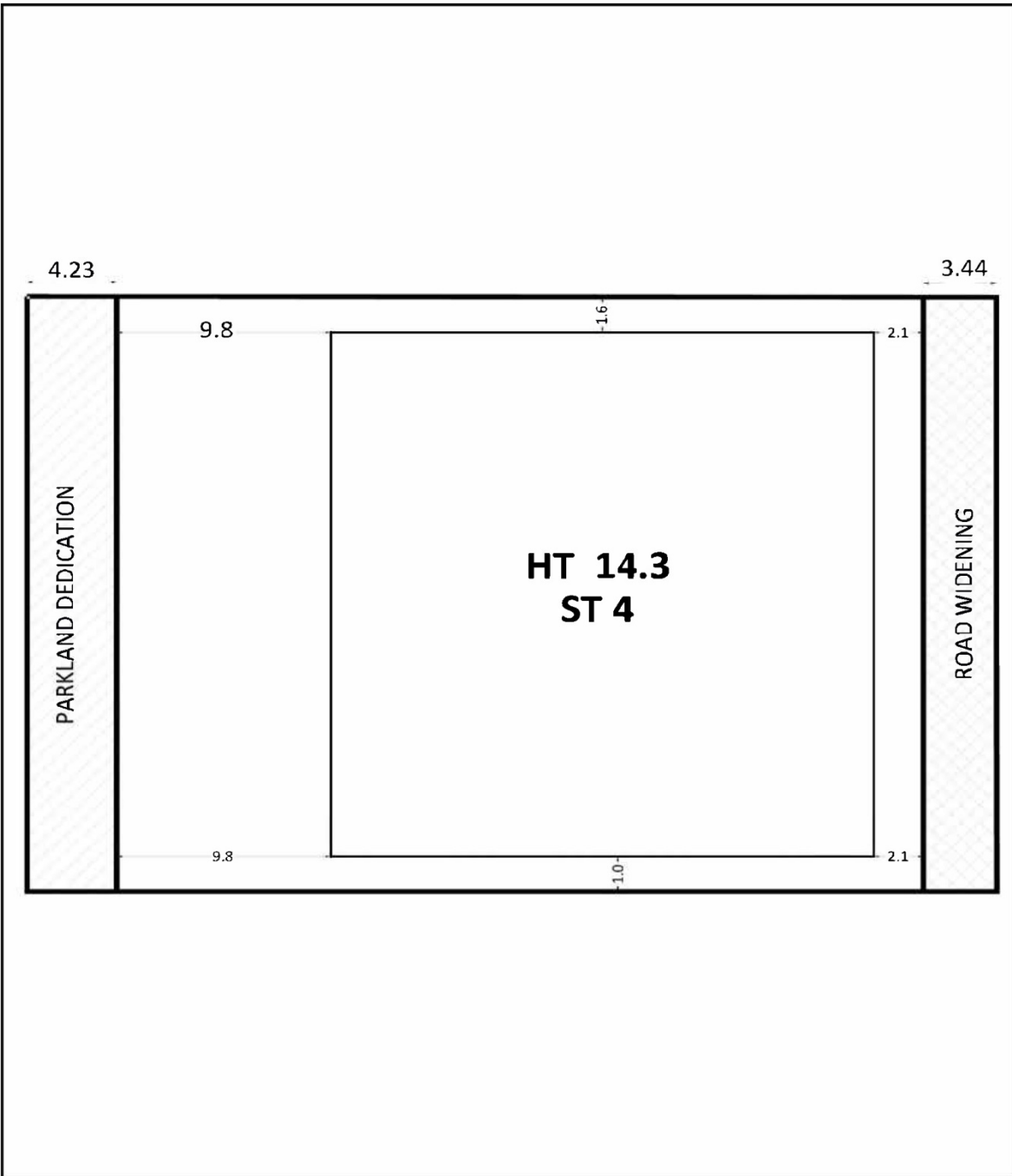


 **TORONTO**
Diagram 1

722-724 Marlee Avenue

File # 20 119614 NNY 08 0Z





 **TORONTO**
Diagram 3

722-724 Marlee Avenue

File # 20 119614 NNY 08 02