

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

## CITY OF TORONTO

Bill No. ~

**BY-LAW No. XXXX-2016**

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2015 as, 350 Vaughan Rd**

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 density of development;

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 and 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 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 and matters in return for an increase in the height or 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 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. 569-2013 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. 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 No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.6.10 Exception Number 243 so that it reads:

**(243) Exception 243**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (A) On 350 Vaughan Road, if the requirements of by-law (clerks to insert by-law number) are complied with, none of the provisions of; 10.5.40.50(2); 10.5.40.60; 10.5.40.70; 10.5.50.10; 10.5.60.10; 10.5.60.20; 10.5.60.30; 10.5.60.50(2); 10.5.60.50(3); 10.5.60.60; 10.5.60.70; 10.80.40; 200.5.1(3); 200.5.1.10(2); and 200.5.1.10(3) apply to prevent the use or erection of a maximum of 9 **dwelling units** in either **detached houses** or **semi-detached houses** that complies with the following:
- (i) the **lot** comprises the lands delineated by heavy lines on Diagram 1 of Bylaw (clerks to insert by-law number);
  - (ii) The **gross floor area** on the **lot** does not exceed 1,540 square metres;
  - (iii) a maximum of 9 **dwelling units** are permitted;
  - (iv) no portion of any **building** or **structure** erected or used above grade on the **lot** may exceed the height limits above **established grade** in metres specified by the numbers following the symbol “HT” as shown on Diagram 2 of By-law (clerks to insert by-law number);
  - (v) no portion of any **building** or **structure** erected or used above or below **established grade** is located otherwise than wholly within the areas delineated by heavy lines as shown on Diagram 2 of By-law (clerks to insert by-law number);
  - (vi) nothing in (iv) and (v) above can prevent the following elements from projecting beyond the heavy lines and above the heights shown on Diagram 2 of By-law (clerks to insert by-law number):
    - (a) Covered or uncovered decks, porches or other similar platforms projecting a maximum of 1.2 metres from the **front wall** or rear wall of the **buildings** and a minimum of 0.15 metres below the **first floor**;
    - (b) exterior stairs, pedestrian access ramps and elevating device providing access to a **building** or **structure** may project as follows:
      - (1) exterior stairs, if the stairs are:
        - (a) no longer than 1.5 horizontal units for each 1.0 vertical unit above the ground at the point where the

- stairs meet the **building** or **structure**;
  - (b) no wider than 2.0 metres; and
  - (c) no closer to a **lot line** than 0.6 metres;
- (2) an uncovered ramp, if the ramp is:
- (a) no longer than 15 horizontal units for each 1.0 vertical unit above the ground at the point where the stairs meet the **building** or **structure**;
  - (b) no wider than 1.5 metres for each sloped ramp segment; and
  - (c) no closer to a **lot line** than 0.6 metres;
- (3) an elevating device, if the elevating device;
- (a) elevates no higher than the **first floor** of the **building**;
  - (b) has a maximum area of 3.0 square metres; and
  - (c) no closer to a **lot line** than 0.6 metres;
- (c) cladding added to the original exterior surface of the **main wall** of a **building** may project a maximum of 0.15 metres, if the added cladding is no closer to a **lot line** than 0.3 metres;
- (d) architectural features on a **building** must comply with the following:
- (1) a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature may project a maximum of 0.6 metres, if it is no closer to a lot line than 0.3 metres; and
  - (2) a chimney breast may project a maximum of 0.6 metres, if it is no wider than 2.0 metres, and is no closer to a **lot line** than 0.3 metres;
- (e) a bay window, box window, or other window projection from a **main wall** of a **building**, which increases floor area or enclosed space and does not touch the ground, may:
- (1) project beyond the **front wall** or rear wall a maximum of 0.75 metres, if the window projections in total do not occupy more than 65% of the width of the front wall or rear main wall at each **storey**; and
  - (2) project beyond the side **main wall** a maximum of 0.6 metres, if the window projections in total do not occupy

more than 30% of the width of the side **main wall** at each **storey**; and are no closer to the **side lot line** than 0.6 metres;

- (f) the eaves of a roof may project a maximum of 0.9 metres, if they are no closer to a **lot line** than 0.3 metres;
- (g) the following wall mounted equipment on a **building** may project as follows, if the equipment is no closer to a **lot line** than 0.3 metres:
  - (1) vents, pipes, or utility equipment, a maximum of 0.6 metres;
  - (2) a satellite dish, an antenna and/or a pole used to hold an antenna, and an air conditioner, a maximum of 0.9 metres;
- (vii) **9 parking spaces**, as identified on Diagram 2, must be provided and maintained on the **lot** in accordance with the following:
  - i. Parking Space 1 – minimum 5.6 metre length and minimum 2.7 metre width;
  - ii. Parking Space 2 – minimum 5.6 metre length and minimum 2.9 metre width;
  - iii. Parking Space 3 – minimum 5.8 metre length and minimum 2.7 metre width;
  - iv. Parking Space 4 – minimum 5.8 metre length and minimum 2.7 metre width;
  - v. Parking Space 5 – minimum 4.0 metre length and minimum 2.7 metre width;
  - vi. Parking Space 6 – minimum 5.6 metre length and minimum 3.85 metre width;
  - vii. Parking Space 7 – minimum 5.6 metre length and minimum 4.5 metre width;
  - viii. Parking Space 8 – minimum 5.6 metre length and minimum 3.4 metre width; and,
  - ix. Parking Space 9 – minimum 5.6 metre length and minimum 2.9 metre width.
- (viii) any **drive aisle** providing access to the proposed **parking spaces** shall have a minimum width of 3.6 metres;
- (ix) a minimum of 70% of the **street yard** shall be **landscaping**, of which 50% shall be **soft landscaping**;

- (x) the maximum permitted area of any rooftop **amenity space** shall be 19.0 square metres.
- (B) For the purposes of this By-law, each word or expression that is bolded in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 569-2013, as amended, with the exception of the following terms:
  - (i) **Established grade** shall mean 164.5 metres Canadian Geodetic Datum;
  - (ii) **Front wall** shall mean any portion of the **main wall** of a **building** or **structure** that faces a **street yard**;
- (C) Despite any existing or future, severance, partition or division of the **lot**, the provisions of this By-law shall continue to apply to the whole of the **lot** as if no severance, partition or division had occurred.

**4. Section 37 Provisions**

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 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 and 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 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 Schedule A are satisfied.

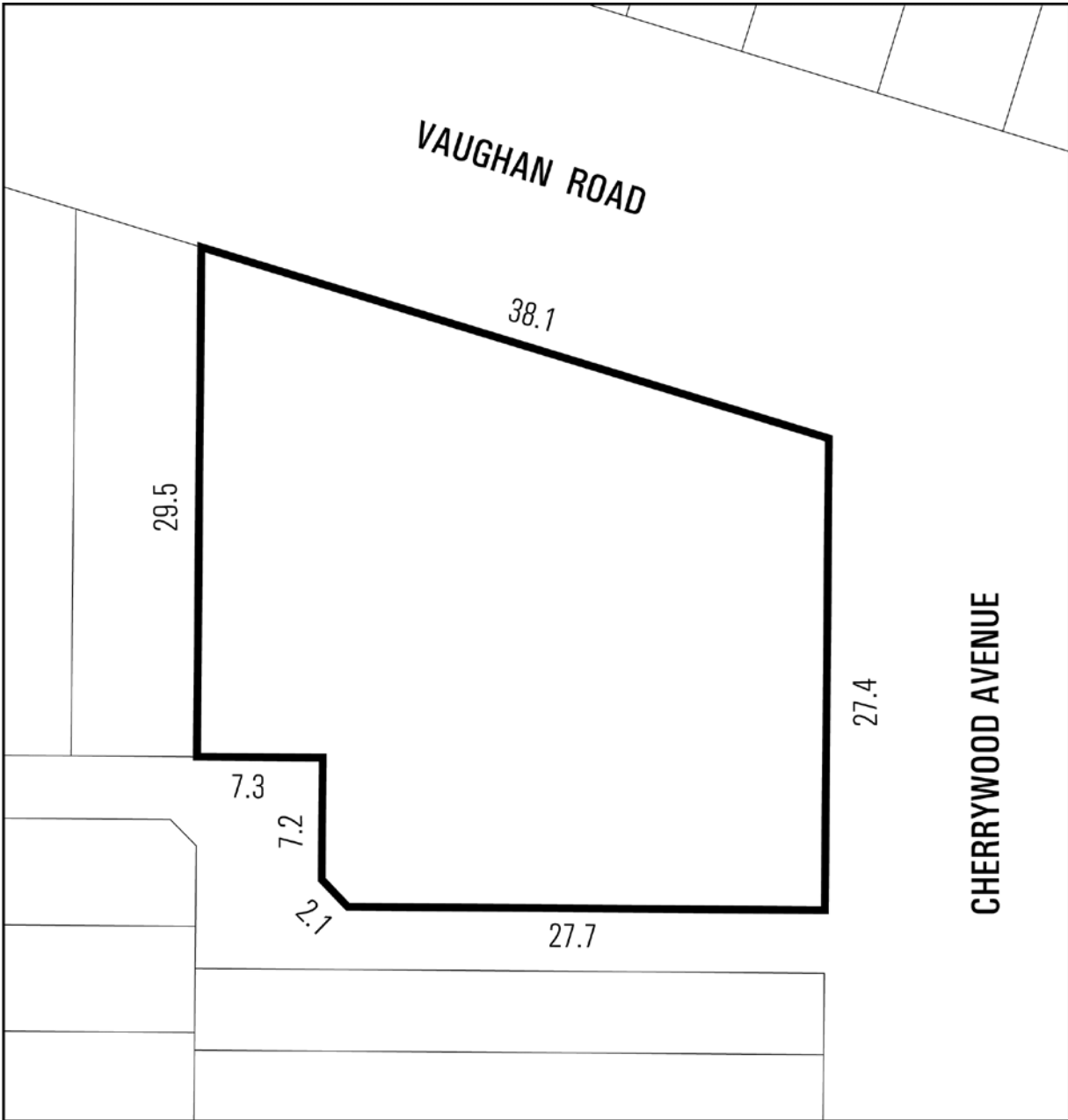
Enacted and passed on month ##, 20##.

Name,

Speaker

Ulli S. Watkiss,  
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 as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:**

- (1) Prior to issuance of the first above grade building permit the owner shall make a cash contribution to the City in the amount of \$30,000 to be allocated at the discretion of the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor, toward any one or more of the following:
  - a) Toronto Bike Share;
  - b) Local parks improvements;
  - c) Improvements to local community facilities.

Such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

- (2) In the event the cash contribution(s) referred to in Section 1 has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (3) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that improvements to such infrastructure is required to support this development.
  - ii. Prior to the issuance of any building permit for the site, the owner shall enter into an agreement to construct a new sanitary sewer on Cherrywood Avenue, to the satisfaction of the Executive Director, Engineering and Construction Services.
  - iii. Prior to the issuance of any building permit for the site, the owner shall prepare at its expense all documents and convey to the City, at a nominal cost, a 0.67 metre wide strip of land to the full extent of the site abutting the north limit of the east-west public lane that runs easterly from Rushton Road, and a 0.67 metre wide strip of land to the full extent of the site



abutting the north limit of the east-west public lane that runs westerly from Cherrywood Avenue, such lands to be free and clear of all encumbrances, save and except for utility poles, and subject to an access easement, all to the satisfaction of the Executive Director, Engineering & Construction Services and the City Solicitor;

- iv. Prior to the issuance of any building permit for the site, the owner shall prepare all documents at its expense and convey to the City, at a nominal cost, a 1.5 metre by 1.5 metre daylight triangle space, at the south-easterly portion of the section that connects the public lanes that extend from Rushton Road and Cherrywood Avenue, such lands to be free and clear of all encumbrances, save and except for utility poles, and subject to an access easement, all to the satisfaction of the Executive Director, Engineering & Construction Services and the City Solicitor;
- v. The Owner shall submit to the Executive Director, Engineering & Construction Services, for review and acceptance, prior to depositing in the appropriate Land Registry Office, a draft Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing the co-ordinate values at the main corners of the development lands, and delineating thereon, by separate PARTS, the lands to be conveyed to the City and any appurtenant rights-of-way.