

CITY OF TORONTO

BY-LAW No. 739-2004(OMB)

To amend By-law No. 7625, as amended, of the former City of North York with respect to lands known municipally as 20 Graydon Hall Drive.

Whereas the Ontario Municipal Board pursuant to Decision/Order No. 1719 issued on December 18, 2002 and Decision/Order No. 1288 issued on September 29, 2003, under Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, deems it advisable to amend the former City of North York Zoning By-law No. 7625, as amended;

1. Section 64.20-A (40) of By-law No. 7625 is deleted in its entirety and replaced by the following:

“64.20-A(40) RM6(40)”

DEFINITIONS

- (a) For the purpose of this exception, the building in existence prior to December 1, 2002 shall be defined as Building A and the proposed apartment building as Building B, and the two blocks of multiple attached dwellings as Buildings C and D, and the proposed building for accessory uses as Building E, as per Schedule “RM6(40)”.
- (b) For the purpose of this exception, indoor recreational amenity area is defined as those areas used for recreational purposes and does not include washrooms, kitchens, storage areas, and hallways.
- (c) For the purpose of this exception, “Convenience store” shall mean a retail store primarily serving the daily needs of patrons and which is devoted to the sale of a variety of products including such items as grocery items, confectionary, household products, tobacco, sundries, magazines and newspapers, whereby the purchase of such products does not involve extensive comparison shopping and the number of items purchased is usually ten or less.
- (d) For the purpose of this exception, “established grade” is defined as 147 metres above sea level.

PERMITTED USES

- (e) The permitted uses shall only include Apartment House Dwellings, Multiple Attached Dwellings, Group Housing, Recreational Amenity Space, Convenience Store, and administrative office uses associated with the dwelling units, more particularly shown in Schedule “RM6(40)” as:
 - (i) Apartment house dwellings in Buildings A and B;
 - (ii) Multiple attached dwellings in Buildings C and D;
 - (iii) Accessory Uses including recreational amenity area and administrative office uses associated with the units on this site in Building E; and

- (iv) Convenience store on ground floor of Building A.

EXCEPTION REGULATIONS

- (f) Gross Floor Area:

The maximum gross floor area shall be 46,230 m².

- (g) Dwelling Units:

The maximum number of units shall be 450.

- (h) Lot Coverage:

The maximum lot coverage shall be 20 %.

- (i) Building Height:

The maximum height in metres, excluding penthouse or roof structures used only for ornament or to house mechanical equipment, shall be as shown on Schedule "RM6(40)".

- (j) Distance Between Buildings:

The minimum distance between buildings shall be as shown on Schedule "RM6(40)".

- (k) Landscaped Open Space:

A minimum landscaped open space of 10,000 m² shall be provided, which may include an outdoor recreational amenity area and areas on top of building structures, provided such areas are located no greater than 2 metres above established grade.

- (l) Minimum Yard Setback Area and Building Envelopes:

The following Minimum Yard Setback Area and Building Envelope provisions shall apply:

- (i) No building or structure shall be located above or below grade within the minimum yard setback areas as identified and set out on Schedule "RM6(40)" as "Minimum Yard Setback Area". In addition to the provisions of Section 6(9), patio separation structures for Buildings C and D may project into the "Minimum Yard Setback Area" to a maximum 2.0 metres in height and 2.0 metres in length.

- (ii) All buildings and structures located 2 metres or greater above established grade shall be located wholly within the building envelopes as identified and set out on Schedule “RM6(40)” as Building A, Building B, Building C, Building D and Building E.

- (m) Parking

The minimum number of required car parking spaces, including those for visitor, shall be as follows:

 - (i) 1.125 spaces per residential unit for Building A;
 - (ii) 1.25 spaces per residential unit for Building B; and
 - (iii) 1.6 spaces per residential unit for Buildings C and D.

- (n) A minimum of one loading space shall be required for Building B shown on Schedule “RM6(40)”. No loading spaces are required for the existing Building A or for Buildings C, D and E.

- (o) The By-law No. 7625 provisions of Section 6(23) Requirements for Accessory Buildings; Section 6A(2) Parking Requirements; Section 6A(16)(a)(iv) Loading Space Requirements; Section 15(8) Landscaping; Section 20-A.1(a) and (b)(i) RM6 Permitted Uses and Use Qualifications; and Section 20-A.2 RM6 Lot Area, Lot Coverage, Lot Frontage, Yard Setbacks, Distance Between Buildings, Gross Floor Area and Building Height do not apply.

- (p) The maximum floor area of the convenience store shall be 41 m².

- (q) No external signage shall be permitted advertising the convenience store.

SECTION 37

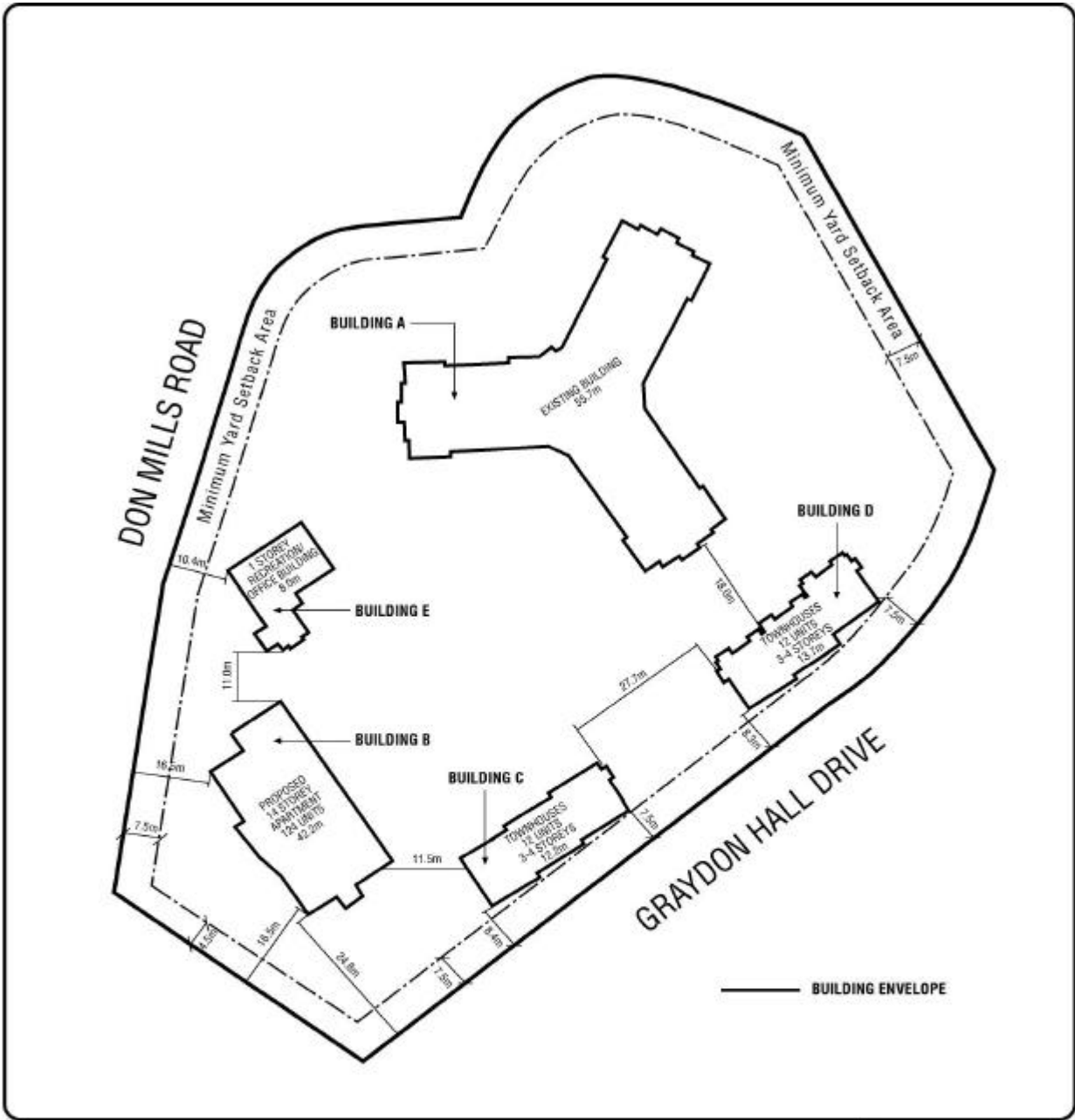
- (r) The density and height of development permitted by this by-law is subject to the owner of the lands, at its expense and in accordance with and subject to the Section 37 Agreement referred to in subsection (s) herein, providing the following facilities, services and matters:
 - (i) the owner will make a cash contribution to the City, over and above any contributions made pursuant to Section 42 of the *Planning Act*, in the amount of \$200,000.00 for parks improvements to Graydon Hall Park to the satisfaction of the Commissioner of Economic Development in consultation with the local Councillor; to be paid to the City prior to issuance of the first building permit for a building on this site;

- (ii) the owner will construct, furnish, equip and maintain an indoor recreational amenity area of not less than 131 m² on the lands for use by the residents of the lands, construction of such space to be commenced no later than the date of the issuance of the first above-grade building permit for the first residential building to be erected on site subsequent to the enactment of this By-law and completed, furnished, equipped and ready for use no later than the date of the first occupancy of the first new residential building erected on site;
- (iii) the owner shall make the indoor amenity area required in clause (ii) herein available on the basis of not less than 12 days a year, for a maximum of 8 hours per day, for use by community groups with the determination of these groups and scheduling of times and days to be mutually agreed to by the area Councillor, Commissioner of Urban Development Services, Commissioner of Economic Development, Culture, and Tourism, and the owner of Building A. This obligation will be for a period of 15 years commencing on the later of the date the amenity area is constructed, furnished and equipped;
- (iv) the owner will construct, equip and maintain for use by the residents of the site an outdoor playground having a total area of not less than 385 m² on the site, such equipment to comprise CSA approved material for children aged 2 to 12 years; this play area to be completed, furnished, and ready for use no later than the first occupancy of the first new residential building on site;
- (v) the owner agrees to not apply for condominium conversion, in respect of the buildings which exist on the site on December 1, 2002 and are permitted to be erected on the site under this exception pursuant to the *Condominium Act* S.O. 1998, c.19 (as amended) for a minimum period of ten (10) years from the date this By-law comes into full force and effect;
- (vi) the owner agrees not to demolish the building which exists on the site on December 1, 2002 and the buildings which are permitted to be erected on the site under this exception, or apply for a demolition permit in respect thereof, for a minimum period of twenty (20) years after the date this By-law comes into full force and effect;
- (vii) that the costs of providing the indoor and outdoor amenity areas shall not be passed on to the tenants of Building A who are in occupancy of a unit at the date of completion of these areas; and,
- (viii) letters of credit will be provided to the City of Toronto to secure the completion and equipping of the outdoor amenity area required in clause (iv) herein prior to the issuance of the first above-grade building permit for the site.

- (s) The owner of the lands enters into an Agreement with the City of Toronto, pursuant to Section 37 of the *Planning Act*, to secure the facilities, services, and matters referred to in subsection (r) herein and such agreement is registered on title to the lands as a first priority, subject only to the fee simple interest in the lands.
 - (t) Notwithstanding any severance, partition, or division of the site, as shown on Schedule "RM6(40)", the provisions of this By-law shall apply to the whole of the site as if no severance, partition or division occurred.
 - (u) The regulations of this exception shall supercede the provisions and Regulations of By-laws Nos. 20293, 19830 and 19038 as were applicable to the lands shown on Schedule "RM6(40)" but shall not apply to nor affect the balance of the By-laws Nos. 20293, 19830 and 19038 lands for purposes of zoning conformity".
2. By-law No. 32062 is hereby repealed.
 3. Section 64.20 of By-law No. 7625 is amended by adding Schedule "RM6(40)" attached to this by-law.

PURSUANT TO THE DECISION/ORDER NO. 1719 ISSUED ON DECEMBER 18, 2002 AND DECISION/ORDER NO. 1288 ISSUED ON SEPTEMBER 29, 2003 OF THE ONTARIO MUNICIPAL BOARD IN BOARD CASE NO. PL 020678.

SCHEDULE “RM6(40)”



This is Schedule “RM6(40)” to By-Law _____
 passed the _____ day of _____, 20_____
 (Sgd.) (Sgd.)

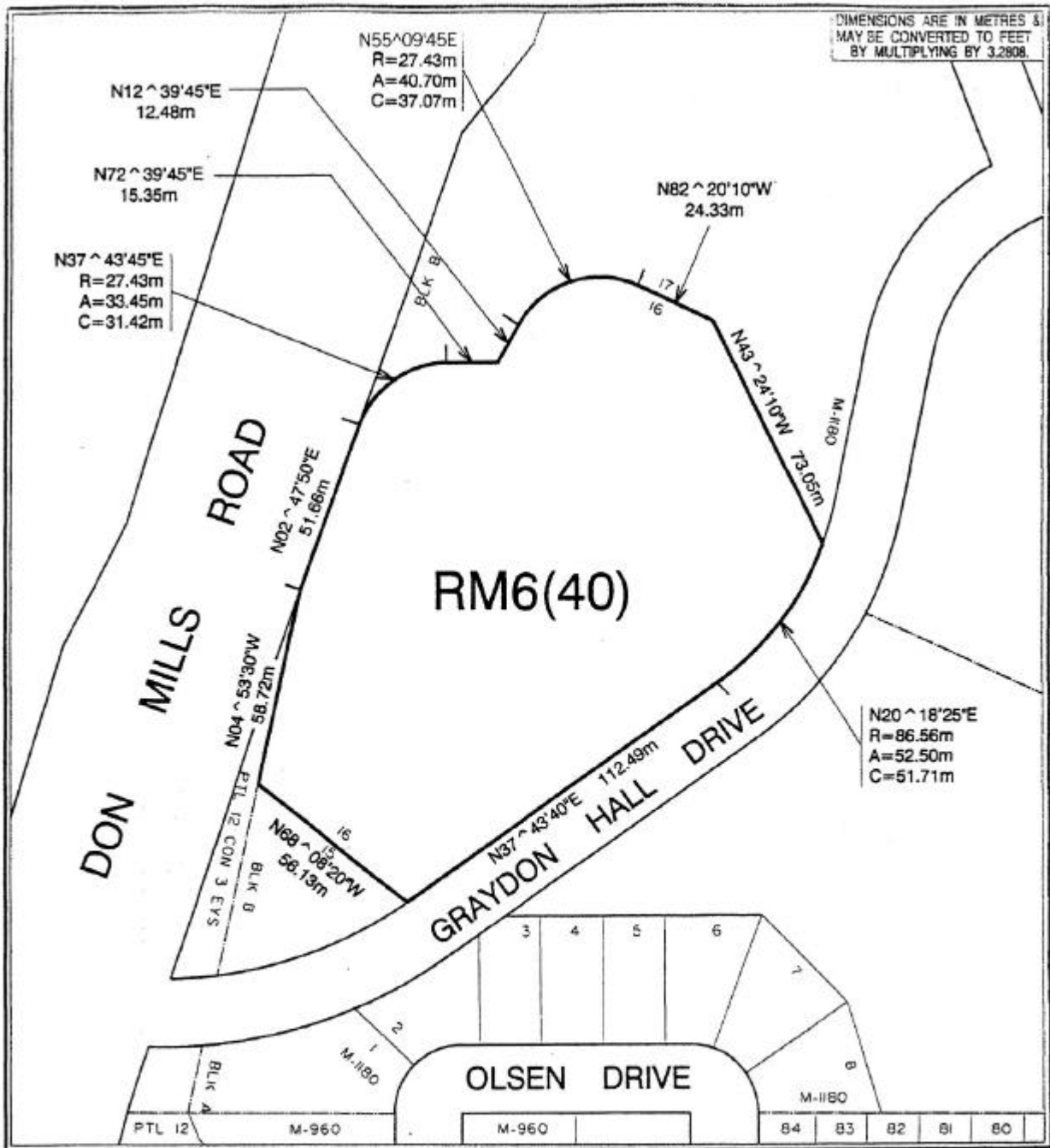
CLERK

MAYOR

Location: Lot 16, Registered Plan M-1180, City of Toronto



SCHEDULE "1"



This is Schedule " 1 " to By-Law _____
 passed the _____ day of _____, 20 ____

(Sgd.) _____ (Sgd.) _____
 CLERK MAYOR

Location: Lot 16, R.P. M-1180, City of Toronto

TORONTO
 City Planning Division
 Urban Services

SUBJECT PROPERTY