

# CITY OF TORONTO

## BY-LAW No. 881-2010(OMB)

**To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to lands generally bounded by Bales Avenue, Glendora Avenue, Tradewind Avenue and Anndale Drive, municipally known as 1-17 Anndale Drive, 31-35 Bales Avenue and 22-70 Glendora Avenue.**

WHEREAS authority is given to the Ontario Municipal Board by Sections 34 and 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the Ontario Municipal Board, pursuant to its Decision/Order issued April 15, 2009 has determined to amend By-law No. 7625 of the former City of North York;

The Ontario Municipal Board Orders as follows:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedule "1" of this By-law.
2. Section 64.20-A of By-law No. 7625 is amended by deleting Subsection 64.20-A(132) in its entirety and replacing it with the following subsection:

**"64.20-A(132) RM6(132)**

### **DEFINITIONS**

#### **APARTMENT HOUSE DWELLING**

- (a) For the purpose of this exception, "apartment house dwelling" shall include, in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access directly from the outside or from an internal corridor system or any combination thereof.

#### **BICYCLE PARKING AND STORAGE**

- (b) For the purpose of this exception, "bicycle storage space" shall mean an indoor space below adjacent grade equipped with bicycle racks or lockers for the purpose of parking and securing bicycles, including any corridors used exclusively to access said racks or lockers, but not intended for general storage.
- (c) For the purpose of this exception, "bicycle room" shall mean a common indoor space, located on the ground floor and conveniently accessible to the outside, that is designed and equipped exclusively for the purpose of parking and securing bicycles.
- (d) For the purpose of this exception, "bicycle parking space" shall mean an area designed and equipped exclusively for the purpose of parking and securing one or more bicycles that is not provided within a dwelling unit, balcony or commercial suite.

**ESTABLISHED GRADE**

- (e) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 174.73 metres in relation to Building "A", Building "B" and Block "1" and the geodetic elevation of 173.19 metres in relation to Building "C", Block "A", Block "B" and Block "C", as shown on Schedule "RM6(132)".

**GROSS SITE**

- (f) For the purpose of this exception, "gross site" shall mean the lands identified as such on Schedule "RM6(132)", comprising an area of 19,768.8 m<sup>2</sup>.

**GROSS FLOOR AREA**

- (g) For the purpose of this exception, "gross floor area" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
- (i) any part of the building used for mechanical floor area;
  - (ii) any space in a parking garage at or below grade used exclusively for motor vehicle and bicycle parking and access thereto; and
  - (iii) the floor area of unenclosed residential balconies.

**MECHANICAL FLOOR AREA**

- (h) For the purpose of this exception, "mechanical floor area" shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.

**NET SITE**

- (i) For the purpose of this exception, "net site" shall mean the lands identified as such on Schedule "RM6(132)", comprising an area of 14,668.4 m<sup>2</sup> and consisting of the gross site minus the lands conveyed to the City for road widening purposes, of area 4,244.2 m<sup>2</sup>, and minus the parcel of land to the north of the road widening lands for the Anndale Drive Extension, of area 856.2 m<sup>2</sup>.

**LANDSCAPING**

- (j) 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 parking areas, and directly associated elements such as curbs or retaining walls.

## **PERMITTED USES**

- (k) The only permitted uses shall be apartment house dwellings and multiple attached dwellings, and accessory uses thereto including private recreational amenity areas. Notwithstanding the foregoing, and any other provisions of this by-law, a temporary sales centre may be located on the net site provided that its gross floor area is not greater than 300 m<sup>2</sup> and its height does not exceed 6.0 metres.

## **EXCEPTION REGULATIONS**

### **MAXIMUM GROSS FLOOR AREA**

- (l) Except as provided for in subsection (z) of this exception, the maximum gross floor area permitted on the net site shall not exceed 71,089 m<sup>2</sup> attributable to the gross site.

### **NUMBER OF DWELLING UNITS**

- (m) The maximum number of dwelling units shall be 892. A maximum of 866 dwelling units shall be apartment house dwelling units, of which a maximum of 283 such units shall be located in Building "A", a maximum of 278 such units shall be located in Building "B" and a maximum of 305 such units shall be located in Building "C". A maximum of 26 dwelling units shall be multiple attached dwelling units not contained within an apartment house dwelling, of which a maximum of 6 such units shall be located in Block "1", a maximum of 4 such units shall be located in Block "A", a maximum of 8 such units shall be located in Block "B" and a maximum of 8 such units shall be located in Block "C".

### **BUILDING HEIGHT**

- (n) The building height shall not exceed the maximum height in metres shown on Schedule "RM6(132)" excluding mechanical penthouses and stairwells to access the roof.

### **NUMBER OF STOREYS**

- (o) The number of storeys shall not exceed the maximum shown on Schedule "RM6(132)" excluding mechanical penthouses and stairwells to access the roof.

### **BUILDING ENVELOPES**

- (p) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelopes identified on Schedule "RM6(132)" except for the projections permitted in Section 6(9) and the limitations set out in that section.

## PARKING

- (q) Parking spaces shall be provided within the net site in accordance with the following requirements:
- (i) a minimum of 1.00 parking spaces per dwelling unit, of which 0.10 parking spaces per dwelling unit shall be reserved for visitor use; and
  - (ii) a maximum of 1.20 parking spaces per dwelling unit, of which 0.10 parking spaces per dwelling unit shall be reserved for visitor use.

No surface parking spaces shall be permitted.

In the parking garage serving Building "A", Building "B" and Block "1", angled parking spaces shall have a minimum width of 2.70 metres and a minimum length of 5.50 metres, and parallel parking spaces shall have a minimum width of 2.70 metres and a minimum length of 6.70 metres. Handicapped parking spaces shall have a minimum width of 3.65 metres and a minimum length of 5.50 metres.

In the parking garage serving Building "C", Block "A", Block "B" and Block "C", angled parking spaces shall have a minimum width of 2.60 metres and a minimum length of 5.60 metres, and parallel parking spaces shall have a minimum width of 2.60 metres and a minimum length of 6.70 metres, except that the minimum width shall be increased by 0.30 metres for each obstructed side. Handicapped parking spaces shall have a minimum width of 3.65 metres and a minimum length of 5.60 metres.

The side of a parking space shall be considered to be obstructed when any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated within 0.3 metres of the side of the parking space, measured at right angles, and more than 1.0 metres from the front or rear of the parking space.

Parking spaces shall be accessed by a one-way or two-way drive aisle having a minimum unobstructed vertical clearance of 2.0 metres and a width of 6.0 metres or more at the entrance to the parking space.

Parking spaces shall have a minimum unobstructed vertical clearance of 2.0 metres for the entire length and width of the parking space.

## LOADING

- (r) Three (3) loading spaces shall be provided on the net site, one for each of Buildings "A", "B" and "C", as shown on Schedule "RM6(132)".

## LOT COVERAGE

- (s) The maximum permitted building coverage is 43 per cent of the net site.

**LANDSCAPED OPEN SPACE**

- (t) A minimum of 5,900 m<sup>2</sup> of landscaping shall be provided on the net site.

**OUTDOOR AMENITY AREA**

- (u) A minimum of 1.50 m<sup>2</sup> per apartment house dwelling unit of private outdoor recreational amenity area, which may include landscaping, shall be provided within the net site.

**YARD SETBACKS**

- (v) The minimum yard setbacks shall be as shown on Schedule "RM6(132)".

**PROVISIONS NOT APPLICABLE**

- (w) The provisions of Sections 6A(3), 6A(8)(b), (d) and 20-A.2.4.1 do not apply.

**INCREASED DENSITY**

- (x) Matters which are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O 1990, c.P. 13, as amended, in order to permit the increased maximums in gross floor area authorized under subsection (z) of this exception, are:

**SECTION 37 AGREEMENT**

- (y) The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to, the agreements referred to above shall provide for or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto in exchange for the increased density hereinafter set out:
- (i) a minimum of 1.50 m<sup>2</sup> per apartment house dwelling unit of indoor recreational amenity space;
  - (ii) a minimum of 262 m<sup>2</sup> of bicycle storage space in Buildings "A" and "B" and a bicycle room in Building "C" containing bicycle racks or lockers at a minimum rate of 0.10 per dwelling unit; and
  - (iii) a monetary contribution toward the cost of land acquisition for the North York Centre Service Road and associated road network and buffer areas, and/or toward the cost of constructing and furnishing a public recreational centre or social facility serving the North York Centre area, the amount of which shall be equal to the market value, based on the land value

of density in the *North York Centre*, of the gross floor area specified in (z)(iii) below, which value shall be determined by the City's Director of Real Estate Services, Corporate Services, acting reasonably, as of the day before the by-law is passed and shall be paid to the City within 10 days of the by-law being passed and the final Ontario Municipal Board Order being issued.

#### **ADDITIONAL GROSS FLOOR AREA**

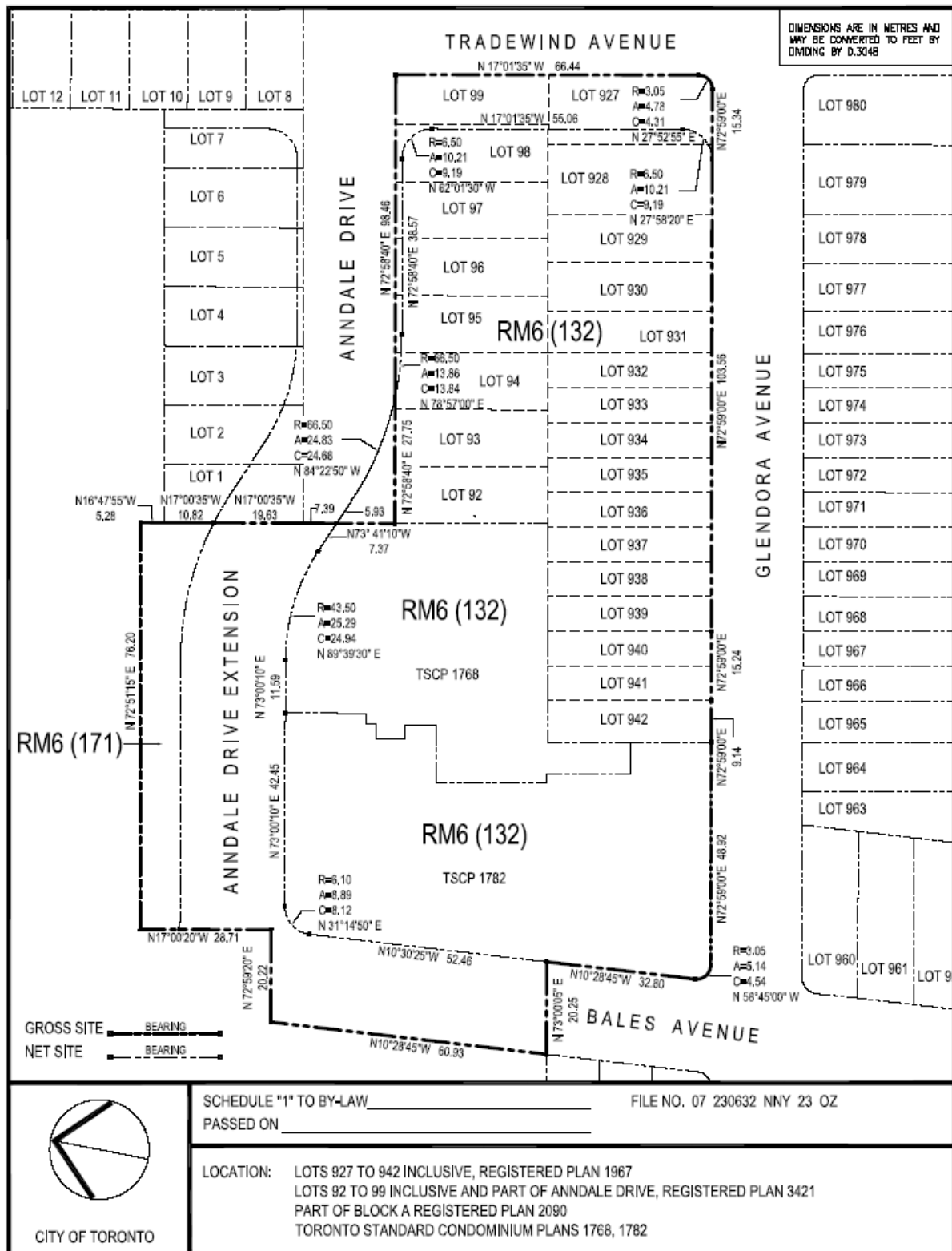
- (z) Notwithstanding subsection (l) of this exception, additional gross floor area may be permitted on the net site shown on Schedule "RM6(132)", limited to the following:
- (i) a maximum of 1.50 m<sup>2</sup> per apartment house dwelling unit of indoor recreational amenity space provided that the area is used exclusively for recreational purposes;
  - (ii) a maximum of 262 m<sup>2</sup> of bicycle storage space in Buildings "A" and "B" and a maximum of 112 m<sup>2</sup> for a bicycle room in Building "C" provided that the room is used exclusively for parking and storing bicycles; and
  - (iii) a maximum of 4,517 m<sup>2</sup> attributable to the payment specified in (y)(iii) above.

#### **SEVERANCE**

- (aa) Notwithstanding any past or future severance, partition or division of the net site shown on Schedule "RM6(132)", the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred."
3. Section 64.20-A of By-law No. 7625 is amended by deleting and replacing the existing Schedule "RM6(132)" with Schedule "RM6(132)" attached to this By-law.
4. By-law No. 529-2003 is repealed.

PURSUANT TO A DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON APRIL 15, 2009 IN BOARD CASE FILE NO. PL080329.

## SCHEDULE "1"



## SCHEDULE "RM6(132)"

