

CITY OF TORONTO

Bill 856

BY-LAW -2023

To amend former City of York Zoning By-law 1-83, as amended, with respect to the lands municipally known in the year 2022 as 429 Walmer Road.

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 pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the By-law;

The Council of the City of Toronto enacts:

1. District Map 14 of By-law 1-83, as amended, is amended by deleting the zoning that applies to the lands delineated by heavy lines on Schedule "A" attached and forming part of this By-law and zoning those lands "RM2 S16 (472)".
2. Except as provided herein, the provisions of former City of York By-law 1-83, as amended, shall apply to the entirety of the *lot*.
3. That Section 16(12) General Exceptions of former City of York By-law 1-83, as amended, be further amended by adding a new subsection S16 (472) as follows:

RM2 S16 (472) Lands – 429 Walmer Road

Notwithstanding the provisions of former City of York Zoning By-law 1-83, the lot, as delineated by heavy lines on Schedule "B" attached to and forming part of this By-law, and municipally known as 429 Walmer Road in the year 2022, may be used for the purposes of an apartment house and accessory buildings and structures subject to the following provisions:

Maximum Gross Floor Area

- (A) The maximum permitted gross floor area on the *lot* shall not exceed 18,500 square metres, of which:
 - (i) The required minimum gross floor area for non-residential uses is 200 square metres;

Dwelling Units

- (B) The provision of dwelling units is subject to the following:
- (i) a minimum of 20 percent must be two-bedroom dwelling units;
 - (ii) a minimum of 10 percent must be three-bedroom dwelling units or larger;
 - (iii) any dwelling units with three or more bedrooms provided to satisfy (ii) above cannot be used to satisfy the requirements of (i) above; and
 - (iv) if the calculation of the number of required dwelling units with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;

Building Height

- (C) For the purposes of this exception, the area of a building between the Canadian Geodetic Datum of 159.65 metres and 168.65 metres is considered the first storey;
- (D) The height of the building shall not exceed the maximum height in metres, as measured from established grade shown on Schedule "C" attached to and forming part of this By-law, excluding:
- (i) equipment used for the functional operation of the building including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 5.5 metres;
 - (ii) structures that enclose, screen or cover the equipment, structures and parts of a building listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 5.5 metres;
 - (iii) architectural features, parapets, and elements and structures associated with a green roof, by a maximum of 1.5 metres;
 - (iv) building maintenance units and window washing equipment, by a maximum of 4.0 metres;
 - (v) guardrails, railings, masonry pilasters, wheelchair ramps, roofing assembly and drainage, balustrades and bollards, by a maximum of 1.8 metres;
 - (vi) planters, landscaping features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 1.8 metres; and
 - (vii) trellises, pergolas, and unenclosed structures providing safety or wind protection to rooftop amenity space, by a maximum of 3.0 metres;

Yard Setbacks

- (E) No portion of the building or structure erected or used above grade shall be located otherwise than wholly within the areas delineated by the lines as shown on Schedule C attached hereto, as to provide the minimum and maximum setbacks, except the following:
- (i) decks, porches, and balconies, by a maximum of 3.0 metres;
 - (ii) canopies and awnings, by a maximum of 3.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 3.0 metres;
 - (iv) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 0.5 metres;
 - (v) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum extent of 2.0 metres; and
 - (vi) art and landscape features, pillars, trellises, eaves, windowsills, planters, ventilation shafts, guardrails, balustrades, railings doors, fences, screens, site servicing features and underground garage ramps and associated structures, by a maximum extent of 3.0 metres;

Parking

- (F) A parking space shall be a minimum of 2.6 metres wide and a minimum of 5.6 metres long, and where a parking space is limited by a wall or other permanent obstruction, the parking space minimum width is increased by 0.3 metres for each side of the space that is obstructed;
- (G) The minimum driveway aisle width shall be 6.0 metres;
- (H) Vehicles parking spaces shall be provided on the *lot* in accordance with the following standards:
- (i) For residential occupants parking spaces:
 - (a) A minimum of 0 residential occupant parking spaces for each dwelling unit; and
 - (b) A maximum of 130 residential occupant parking spaces;
 - (ii) No minimum required parking spaces for residential occupants;
 - (iii) A maximum of 0.1 residential visitor parking spaces is required for each dwelling units;

- (iv) No parking spaces are required for non-residential uses;
- (v) A minimum of 4 accessible parking spaces;
- (vi) A minimum of 1 car-share parking space;
- (vii) For the purpose of this exception, "Car-share" means the practice where a number of people share the use of one or more cars that are owned by a for-profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and
- (viii) For the purpose of this exception, "Car-share parking space" means a parking space that is reserved and actively used for "car-share".

Loading Space

- (I) One Type "G" loading space must be provided and maintained on the *lot*;

Bicycle Parking

- (J) Bicycle parking spaces shall be provided on the *lot* as follows:
 - (i) A minimum of 0.9 bicycle parking spaces per dwelling unit for residents;
 - (ii) A minimum of 0.1 bicycle parking spaces per dwelling unit for visitors; and
 - (iii) Both "short-term" and "long-term" bicycle parking spaces may be located in a stacked bicycle parking space and may be located in a storage room and/or a below ground parking garage in a building on the lot;

Amenity

- (K) Amenity space shall be provided as follows:
 - (i) A minimum rate of 4.0 square metres for each dwelling unit, of which:
 - (a) at least 2.0 square metres for each dwelling unit is indoor amenity space located at or above established grade;
 - (b) at least 2.0 square metres for each dwelling unit is outdoor amenity space located at or above established grade;
 - (c) at least 40.0 square metres is outdoor amenity space, in a location adjoining or directly accessible to the indoor amenity space; and

- (d) no more than 25 percent of the outdoor amenity space may be a green roof;

Permitted Uses

- (L) The following non-residential uses are permitted, provided that such uses are located on the first storey of an apartment building:
 - (i) Retail Store, subject to the following:
 - (a) More than one retail store is permitted;
 - (b) Pedestrian access may be provided from both within the apartment building and the front lot line abutting Walmer Road; and
 - (c) the interior floor area does not exceed 250 square metres;
 - (ii) Office;
 - (iii) Personal Service Shop;
 - (iv) Medical Office;
 - (v) Retail Service;
 - (vi) Eating Establishment;
 - (vii) Art Gallery; and
 - (viii) Club;

Landscaping

- (M) A minimum of 464 square metres of landscaping must be provided on the lot, of which a minimum of 124 square metres of the required landscaping must be comprised of soft landscaping;

Leasing Presentation Centre

- (N) None of the provisions of By-law 1-83 shall apply to prevent a temporary sales/leasing office at a maximum height of 3.0 metres or 1-storey, on the *lot* as of the date of the passing of this By-law;

Severance

- (O) The provisions of this exception shall apply collectively to the *lot* notwithstanding the future consent, severance, partition or division of the *lot*;

Definitions

- (P) For the purposes of this By-law the following definitions shall apply:
- i. "amenity space" means indoor or outdoor space on a *lot* that is communal and available for use by the occupants of the building on the *lot* for recreational and social activities;
 - ii. "bicycle parking space" means an area used for parking or storing a bicycle;
 - iii. "bicycle parking space, short-term" means an area for the purposes of parking and securing bicycles for use by visitors;
 - iv. "established grade" means an elevation of 159.65 metres Canadian Geodetic Datum;
 - v. "height" means the vertical distance between established grade and the highest point of the building or structure, excluding mechanical penthouse;
 - vi. "*lot*" shall mean the lands delineated by heavy lines on the attached Schedule A to this By-law;
 - vii. "gross floor area" means the sum of the total area of each floor level of a building, above and below *grade*, measured from the exterior of the main wall of each floor level, excluding the following:
 - (a) Parking, loading and bicycle parking below established grade;
 - (b) Loading spaces and bicycle parking spaces at or above-ground;
 - (c) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (d) Indoor amenity space required by this By-law; and
 - (e) Elevator shafts, garage shafts, mechanical penthouses and exit stairwells in the building;
 - viii. "Type G loading space" means an area used for the loading or unloading of goods or commodities from a vehicle and having a minimum length of 13.0 metres, a minimum width of 4.0 metres and a minimum vertical clearance of 6.1 metres;

4. All other provisions of former City of York By-law 1-83 shall continue to apply except in the case where provisions of this Exception are in conflict, in which case the provisions of this Exception shall prevail.

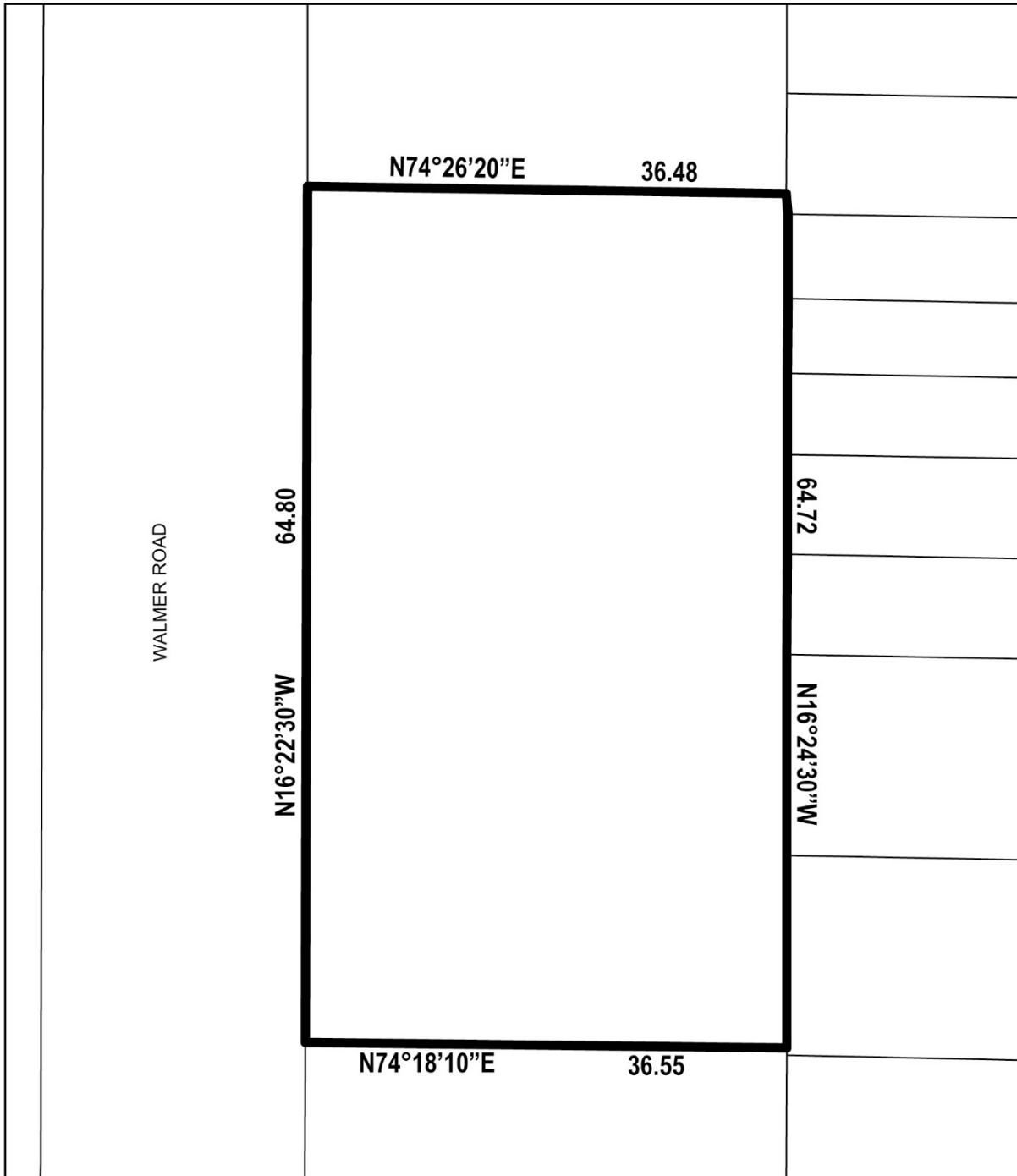
Enacted and passed on October , 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Schedule A



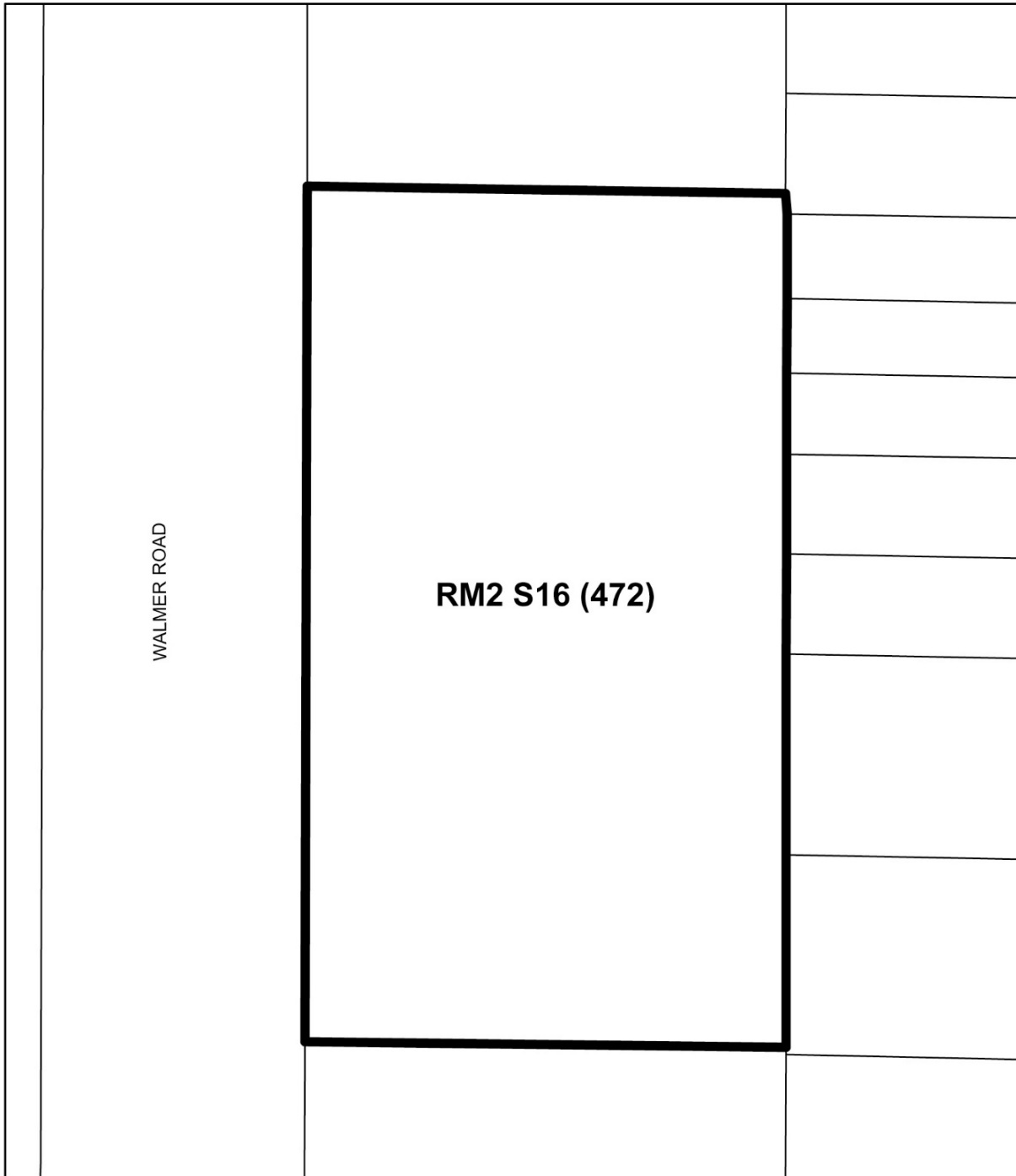
Toronto
Schedule A

429 Walmer Road

File #: 22 192578 STE 12 OZ



Former City of York By-law 1-83
Not to Scale
07/28/2023

Schedule B

 **Toronto**
Schedule B

429 Walmer Road

File #: 22 192578 STE 12 0Z



Former City of York By-law 1-83
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Schedule C

