

CITY OF TORONTO

BY-LAW No. 1428-2007(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 609 Avenue Road.

WHEREAS the Ontario Municipal Board pursuant to Order No. 2316, dated August 16, 2007, deems it advisable to amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands known municipally in the year 2007 as 609 Avenue Road; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height or density of development, the owner may be required to enter into one or more agreements with the municipality in respect of the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth and to enter into one or more agreements to secure these;

NOW THEREFORE pursuant to Order No. 2316 of the Ontario Municipal Board issued on August 16, 2007, in Board Case No. PL060678, File No. Z060094, By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

1. None of the provisions of Sections 2(1) Grade and Parking Space, Section 4(2), 4(4)(b) and (c)(ii), 4(17)(a), Sections 6(3) Part I(1), 6(3) Part II (2)(ii), 6(3)Part II (3), 6(3) Part II (5)(I), 6(3) Part III (1)(b) and Sections 12(2) 7. (ii) and 12(2)262(g) of Zoning By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of an *apartment building* containing residential uses, including an *accessory parking garage* and uses *accessory* thereto on the *lot*, provided that:
 - (i) the *lot* comprises at least the lands outlined by heavy lines on the attached Map 1;
 - (ii) the *residential gross floor area* of the *apartment building* shall not exceed 11,900 square metres;
 - (iii) the *apartment building* shall contain a maximum of 54 *dwelling units*;
 - (iv) no portions of the *apartment building* or structures above *grade* are located otherwise than wholly within the area delineated by heavy lines on the attached Map 2, with the exception of the following:
 1. cornices, sills, pilasters, light fixtures, ornamental elements, eaves, guardrails and balustrades which may project 0.4 metres outside of the heavy lines on the attached Map 2;
 2. a front entrance canopy which may project 2.5 metres outside of the heavy lines on the attached Map 2; and

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3. bicycle racks, retaining walls, fencing, decks, railings, planters, decorative screens, freestanding architectural elements and landscape and public art features which may extend beyond the heavy lines on the attached Map 2 of this By-law.
- (v) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Map 2;
- (vi) notwithstanding Section (v) of this By-law:
- (1) the maximum *height* for parapets, terrace and balcony guards, planters, railings, decorative screens and ornamental architectural features shall be the sum of 1.3 metres and the applicable height limit shown on Map 2, with the exception of the parapets on the west, south and north elevations having a sum of 1.6 m and the applicable height limit shown on Map 2;
 - (2) the maximum height for privacy screens between units, located on the terraces of the 2nd, 13th and 15th floors shall be the sum of 2.0 metres and the applicable height limit shown on Map 2; and
 - (3) the maximum *height* for a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment on the roof of the building or a fence, wall or structure enclosing such elements shall be the sum of 5.0 metres and the applicable *height* limit shown on Map 2, within the area shown on Map 2 as “Mechanical Penthouse”.
- (vii) the *apartment building* will be setback from the *front lot line*, *rear lot line* and the *side lot lines* as shown on Map 2;
- (viii) the *apartment building* shall have a maximum building *depth* of 34 metres;
- (ix) *parking spaces* shall be provided and maintained on the *lot* at the following minimum ratios:
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| <i>bachelor dwelling units</i> | 0.3 parking spaces per unit |
| 1-bedroom dwelling units | 0.7 parking spaces per unit |
| 2-bedroom dwelling units | 1.0 parking spaces per unit |
| 3+ bedroom dwelling units | 1.2 parking spaces per unit |
| Visitors | 0.12 parking spaces per unit |
- (x) a maximum of 12 tandem parking spaces may be provided in addition to the parking spaces required in 3(ix); and
- (xi) driveways shall have a minimum width of 3.5 metres for one-way operation and a minimum width of 5.5 metres for two-way operation.

2. The owner of the *lot* is required to enter into or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner, City Planning Division and the City Solicitor and that such agreement(s) be registered against the title to the *lot* as outlined in heavy lines on Map 1 to secure the following services and matters:
- (i) a payment in the amount of \$305,000 to the City to be applied toward the cost of improvements to City-owned parks, facilities and open spaces as determined by the Chief Planner in consultation with the Ward Councillor, to be paid prior to the issuance of the first building permit, and indexed to the non-residential Construction Price Index for Toronto for the period between the coming into force of this By-law and the date of payment;
 - (ii) improvements to the street right-of-way abutting the site, including streetscaping and tree installation, to the satisfaction of the General Manager, Parks Forestry and Recreation Division, and the Executive Director, Technical Services Division; and
 - (iii) the use of high-quality building materials including limestone, glass and textured, coloured architectural precast panels to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
3. None of the provisions of By-law No. 438-86 shall apply to prevent a *sales office* on the lot as of the date of the passing of this By-law.
4. Definitions:
- (i) For the purposes of this By-law and subject to Section (ii) below, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended; and
 - (ii) the following definitions shall apply:
 - (a) *grade* shall mean an elevation of 155.9 m above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario adjustment);
 - (b) *parking spaces* including a tandem parking space shall have a minimum width of 2.6 metres and a minimum length of 5.6 metres and, excepting tandem parking spaces, is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle; and
 - (c) *sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*.



