

Authority: Toronto and East York Community Council Item 12.6, adopted as amended, by  
City of Toronto Council on February 6 and 7, 2012  
Enacted by Council: February 7, 2012

## CITY OF TORONTO

### BY-LAW No. 159-2012

#### To amend the General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands municipally known as 30 Ordnance Street.

WHEREAS authority is given to Council by 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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and *density* of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *site* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.
2. Upon execution and registration of an agreement or agreements with the *owner* of the *site* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. None of the provisions of Sections 4(2)(a), 4(4)(b), 4(6)(b), 4(7)(b), 4(12), 4(13), 4(16), 9(1)(a) and (f) and 9(3) Part I 2. and 3. of Zoning By-law No. 438-86, of the former City of Toronto, 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 or use of a *mixed-use building* and/or *apartment building* on the lands identified in Map 1, attached to and forming part of this By-law, including *accessory* uses thereto provided that:
  - (1) the *lot* is comprised of at least those lands shown outlined by heavy lines on Map 1 attached to and forming part of this By-law;
  - (2) the combined *residential gross floor area* and *non-residential gross floor area* of all buildings and structures erected on the *lot*, exclusive of areas occupied by a *parking garage* located above *grade*, shall not exceed 51,130 square metres, provided:

- (i) the *gross floor area* of the above *grade parking garage* shall not exceed 1,185 square metres;
  - (ii) the *residential gross floor area* shall not exceed 48,900 square metres; and
  - (iii) not less than 2,230 square metres of *non-residential gross floor area* shall be provided on the *lot*;
- (3) the *residential gross floor area* of each storey, or portion thereof, that is located higher than 15.0 metres above *grade* within the area shown as *Building A* on Map 2, shall not exceed 750 square metres;
- (4) the *residential gross floor area* of each storey, or portion thereof, that is located higher than 15.0 metres above *grade* within the area shown as *Building B* on Map 2, shall not exceed 750 square metres;
- (5) the following non-residential uses are permitted on the *lot*:
- (i) artist's or photographer's studio;
  - (ii) *bake-shop*;
  - (iii) *branch of a bank or financial institution*;
  - (iv) *caterer's shop*;
  - (v) *communications and broadcasting establishment*;
  - (vi) *courier service*;
  - (vii) *custom workshop*;
  - (viii) *data processing establishment*;
  - (ix) *designer's studio*;
  - (x) *dry-cleaning shop* and *dry-cleaning distribution station*;
  - (xi) *duplicating shop*;
  - (xii) newsstand;
  - (xiii) office;
  - (xiv) *personal grooming establishment*;
  - (xv) premises of a *charitable institution or non-profit institution*;

- (xvi) *private art gallery*;
  - (xvii) *publisher*;
  - (xviii) *restaurant and take-out restaurant*;
  - (xix) *service, rental or repair shop*;
  - (xx) *showroom*;
  - (xxi) *software design and development establishment*; and
  - (xxii) *tailoring shop*.
- (6) no portion of the buildings or structures erected on the *lot* shall have a greater *height* in metres than the *height* in metres specified by the numbers following the symbol H on the attached Map 2, except that:
- (i) mechanical penthouses having a maximum height of 6.0 metres shall be permitted within any area on Map 2;
  - (ii) parapets, terrace guards and dividers, planters, railings, decorative screens, architectural features, stairs, stair enclosures, elevator shafts, elevator shaft enclosures, vents, stacks and window washing equipment having a maximum height of the sum of 3.0 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2; and
  - (iii) the structures and elements in Section 3(7) of this By-law may extend above the height limits shown on Map 2;
- (7) no portion of the buildings or structures erected or used above *grade* is located otherwise than within the *lot* and wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following which may extend beyond the areas delineated by such heavy lines:
- (i) canopies, cornices, lighting fixtures, ornamental elements, parapets, piers, columns, trellises, eaves, window sills, planters, balustrades, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, porches, screens, landscape and public art features, railings and awnings;
  - (ii) balconies and canopies may extend up to 2.0 metres beyond the heavy lines shown on Map 2;
  - (iii) notwithstanding (ii) above, a maximum of 25 per cent of the total balcony area may extend up to 3.0 metres beyond the heavy lines shown on Map 2; and

- (iv) the structures and elements in Section 3(6) of this By-law may extend beyond the heavy lines on Map 2;
  - (8) *parking space(s)* are to be provided and maintained on the *lot*, in accordance with the following minimum standards:
    - (i) 0.3 *parking space(s)* for each *bachelor dwelling unit*;
    - (ii) 0.7 *parking space(s)* for each one *bedroom dwelling unit*;
    - (iii) 1.0 *parking space(s)* for each two *bedroom dwelling unit*;
    - (iv) 1.2 *parking space(s)* for each three *bedroom dwelling unit*;
    - (v) 0.12 *parking space(s)* for each *dwelling unit* for the exclusive use of visitors to the building.
  - (9) a minimum of 378 *bicycle parking space(s) – occupant* shall be provided and maintained on the *lot* at finished ground level or on the P1 level for the use of residents of the *lot*;
  - (10) a minimum of 95 *bicycle parking space(s) – visitor* shall be provided and maintained on the *lot* at finished ground level for the use of visitors of the *lot*;
  - (11) a minimum of 8 *bicycle parking space(s)* shall be provided and maintained on the *lot* at finished ground level for the use of occupants and visitors of the non-residential uses on the *lot*;
  - (12) one *loading space – type "G"* shall be provided and maintained on the *lot*; and
  - (13) 2 square metres of indoor *residential amenity space* and 2 square metres of outdoor *residential amenity space* is required per *dwelling unit*; and
    - (i) at least 40 square metres of outdoor *residential amenity space* must be provided in a location adjoining or directly accessible from indoor *residential amenity space* containing both a kitchen and bathroom; and
    - (ii) the indoor *residential amenity space* may be contained in non-contiguous rooms.
4. Pursuant to Section 37 of the *Planning Act* and subject to compliance with provisions of this By-law, the increase in height and density of development on the land is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's sole expense on the terms set out in the agreement pursuant to Section 37 of the *Planning Act* described in clause (6) below:
- (1) prior to the issuance of an above grade building permit the owner shall provide to the City a \$2,000,000.00 cash payment to be used for the construction of the proposed Fort York Pedestrian and Cycle Bridge and/or open space and park

improvements related to said bridge and/or park improvements in the vicinity of the Site;

- (2) prior to the issuance of the Notice of Approval Conditions of Site Plan approval as part of the Development Approval Process or prior to the first above-grade Building Permit respecting the Development, whichever is earlier, the owner shall provide the City with a letter of credit in an amount and form to the satisfaction of the Executive Director, Technical Services representing security based on the estimated cost thereof for the Functional Servicing Report works to be constructed in accordance with generally applicable City technical standards and located within the City's road allowance;
  - (3) the cash amount identified in "(1)" above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City; and
  - (4) the owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which shall be registered on title to the land by the City to secure the following:
    - (i) matters provided in (1), (2), and (3) above;
    - (ii) prior to the registration of a condominium comprising the second tower of the development to be built on the site construction of Building B the owner shall provide the City with an easement with a minimum width of 15 metres, open to the sky, for publicly accessible open space to provide direct pedestrian access from Ordnance Street, over the site, to the property known as 10 Ordnance Street and the future Fort York Pedestrian and Cycle Bridge, in a location to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
    - (iii) the owner shall construct the works identified in the Functional Servicing Report to the satisfaction of the Executive Director, Technical Services and enter into secured infrastructure agreement satisfactory to the City Solicitor to facilitate the construction of the works that are located within the City's road allowance.
5. A temporary *sales presentation centre* shall be permitted on the *lot*, and none of the other provisions of this By-law shall apply to such use.
6. For the purposes of this By-law, the following italicized words and terms shall have the following meaning:
- (a) "*Building A*" and "*Building B*" means those portion of the building labeled "*Building A*" and "*Building B*" on Map 2;
  - (b) "*By-law No. 438-86*" means Zoning By-law No. 438-86, as amended, of the former City of Toronto;

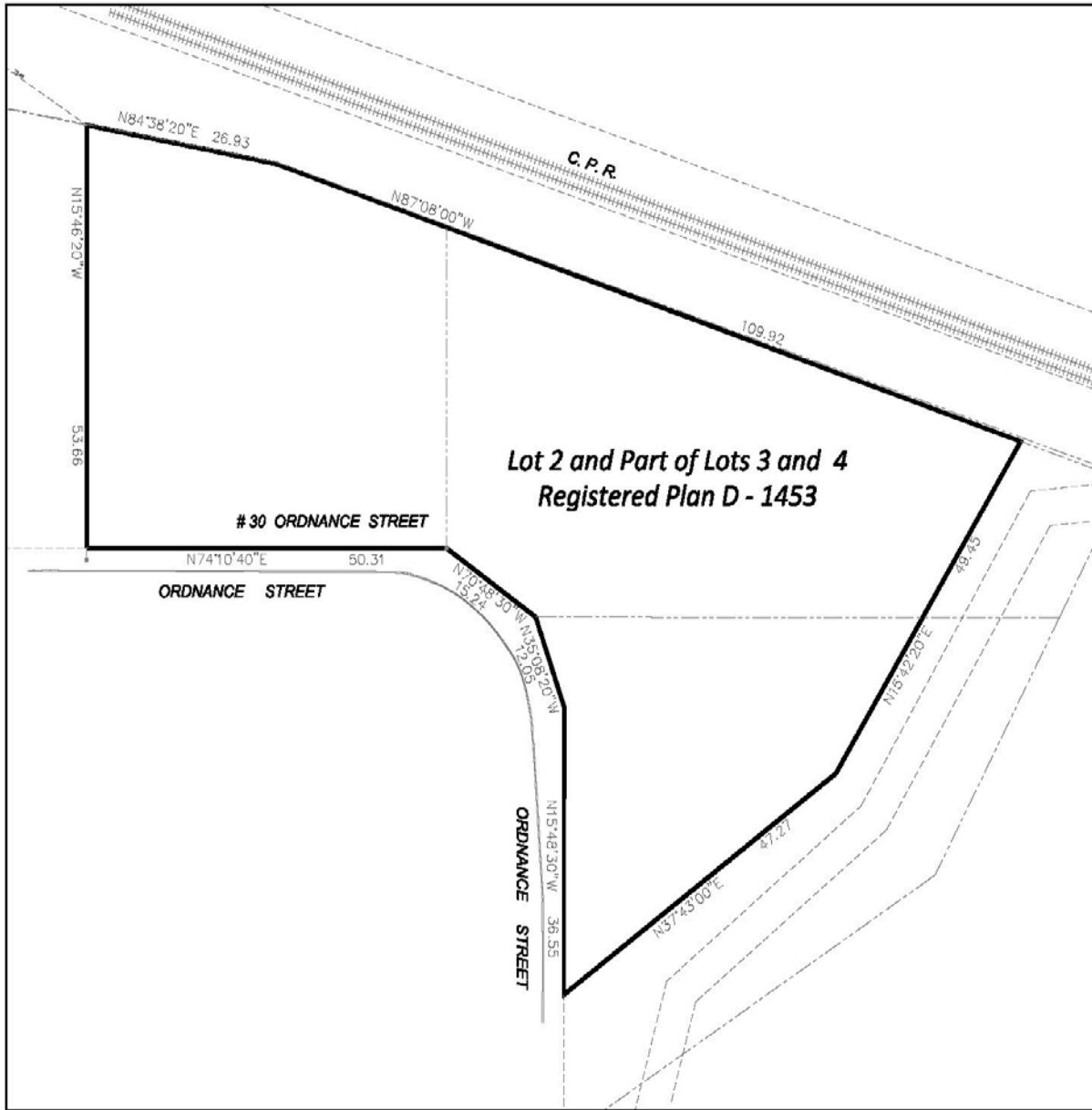
- (c) "*grade*" means 84.5 metres Canadian Geodetic Datum;
  - (d) "*lot*" means at least the lands delineated by heavy lines shown on Map 1;
  - (e) "*height*" means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law; and
  - (f) "*sales presentation centre*" shall mean an office provided for the marketing or selling of *dwelling units* located or to be located on the *lot*.
7. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the site.
8. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division had occurred.
9. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this 7th day of February, A.D. 2012.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



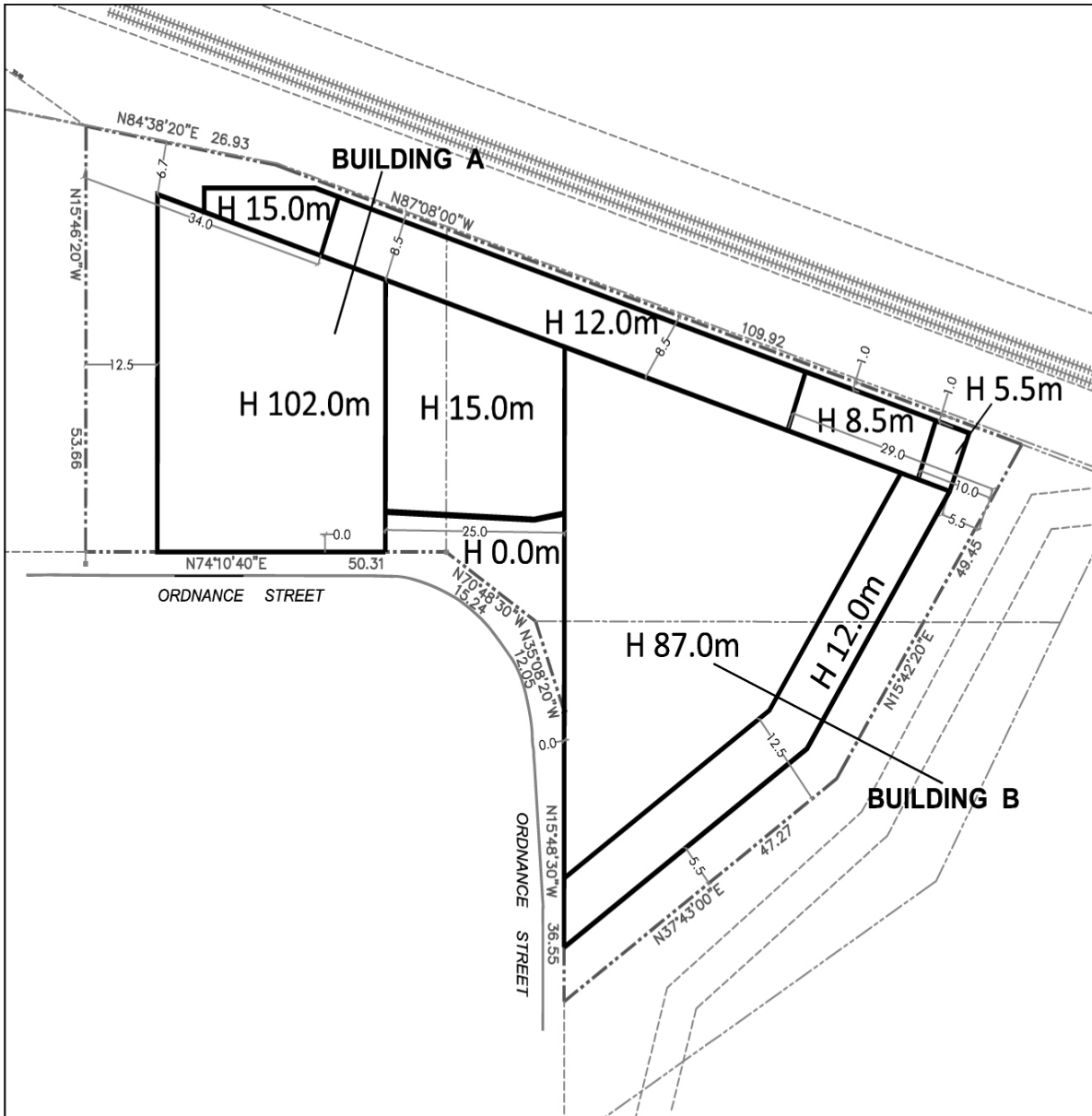
30 Ordnance Street, Toronto

Map 1

File #10 \_\_\_\_\_



Not to Scale



30 Ordinance Street, Toronto

Map 2

File #10 \_\_\_\_\_



Not to Scale