

Authority: Local Planning Appeal Tribunal Decision
issued on November 9, 2021 and Ontario Land Tribunal
Order issued on October 31, 2023 in Tribunal File OLT-22-
003095 (formerly PL200269)

CITY OF TORONTO
BY-LAW 1084-2023(OLT)

To amend former City of North York Zoning By-law 7625, as amended with respect to lands municipally known in the year 2021 as 40, 42, 44, 46, and 48 Hendon Avenue.

Whereas the Local Planning Appeal Tribunal in its Decision issued on November 9, 2021 and the Ontario Land Tribunal's Order issued on October 31, 2023, in file OLT-22-003095 (formerly PL200269), in hearing an appeal under section 34(11) of the Planning Act, R.S.O. 1990, c. P13, as amended, ordered the amendment of the Former City of North York Zoning By-law 7625, as amended with respect to the lands municipally known in the year 2021 as 40, 42, 44, 46, and 48 Hendon Avenue;

The Ontario Land Tribunal Orders:

1. Schedules B and C of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 attached to this By-law.
2. Schedule C of By-law 7625 of the former City of North York is amended in accordance with Schedule RM(295) attached to this By-law by zoning the lands RM6(295).
3. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding the following subsection:

64.20-A.(295) RM6(295)

DEFINITIONS

- (a) 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 or bicycle parking or access thereto; and
 - (iii) The floor area of unenclosed residential balconies.
- (b) The calculation of gross floor area may exclude:

- (i) Architectural features affixed to or extending beyond the exterior faces of exterior walls;
 - (ii) Floor slab openings and other voids, including pipe space enclosures throughout, including within residential units;
 - (iii) Mechanical areas within residential units, including HVAC spaces;
 - (iv) Stormwater storage tanks;
 - (v) Parking ramps and aisles to or within a parking garage;
 - (vi) Bicycle rooms contained within a parking garage;
 - (vii) Accessory uses to parking areas within a parking garage including airlock rooms adjacent to elevators or exits;
 - (viii) Exit stairs that lead directly from a parking garage to the exterior of the building without serving any other areas;
 - (ix) Curbs adjacent to parking areas;
 - (x) Supporting columns, walls or other like structures in a parking garage;
 - (xi) Pedestrian walkways within a parking garage; motor vehicle loading spaces, access hereto and adjacent bin staging areas;
 - (xii) Empty areas adjacent to parking spaces between columns, in corners and around curves or provided to facilitate vehicular turnaround; and
 - (xiii) Other spaces in a parking garage not accessible and/or usable due to structural design.
- (c) The calculation of "gross floor area" shall include:
- (i) General storage spaces of any kind, including lockers and rooms;
 - (ii) Bicycle rooms not contained within a parking garage;
 - (iii) Vestibules other than airlock rooms;
 - (iv) Garbage and recycling rooms; stairs, landings and hallways other than those that lead directly from a parking garage to the exterior of the building without serving any other areas; amenity spaces; elevator lobbies; and
 - (v) The floor areas of elevator cabs.

- (d) For the purpose of this exception, "Established Grade" shall mean the Canadian Geodetic Datum elevation of 193.45 metres.
- (e) "Lands" shall mean the lands zoned One-Family Detached Dwelling Sixth Density Zone – RM6 – 295 on Schedule 1 attached to this By-law.

PERMITTED USES

- (f) Notwithstanding section 14-A(2), on the lands identified on Schedule 1 attached to this By-law, the following uses shall be permitted:
 - (i) One residential stacked townhouse building separated into two blocks; and
 - (ii) Temporary sales office.

EXCEPTION REGULATIONS

YARD SETBACKS AND BUILDING PROVISIONS

- (g) Notwithstanding section 14-A(5)(a), the minimum front yard setback shall be 4.28 metres.
- (h) Notwithstanding section 14-A(5)(b), the minimum rear yard setback shall be 5.89 metres.
- (i) Notwithstanding section 14-A(5)(c), the minimum side yard setback shall be 0.30 metres.

LOT COVERAGE

- (j) Notwithstanding section 14-A(6), the maximum permitted lot coverage shall be 68 percent.

BUILDING HEIGHT

- (k) Notwithstanding section 14-A(8), the maximum building height for a building is 14.0 metres and 4-storeys.
- (l) A stair enclosure used solely to house mechanical equipment and to access a rooftop amenity space shall not be included in the calculation of building height or number of storeys and may exceed the building height to a maximum of 3 metres.
- (m) Except as provided herein, Section 2.10 (Building Height) shall continue to apply.

DENSITY

- (n) The maximum density permitted on the lands shall be 1.51 times the area of the lot.

LENGTH OF DWELLING

- (o) The provisions of section 14-A(9) on the length of the dwelling, do not apply.

OVERVIEW

- (p) The provisions of section 14-A(10) on overview, do not apply.

ENCROACHMENTS

- (q) Exterior stairways, porches, terraces and canopies shall be permitted to project into the minimum front yard, rear yard and side yard setbacks to a maximum of 1.5 metres.

MAXIMUM GROSS FLOOR AREA

- (r) The maximum gross floor area permitted shall not exceed 3,500 square metres.

NUMBER OF DWELLING UNITS

- (s) A maximum number of 30 dwelling units shall be permitted.

PARKING

- (t) The minimum number of parking spaces provided shall be 34, including 3 visitor parking spaces.

BICYCLE PARKING

- (u) Bicycle parking space for residential uses within the site shall be provided in accordance with the following minimum requirements:

(i) Long-term bicycle parking 0.93 spaces per dwelling unit; and

(ii) Short-term bicycle parking 0.067 spaces per dwelling unit.

- (v) Long-term bicycle parking space shall be provided within a secure room, within the underground garage, not less than 72.5 square metres.

INDOOR AMENITY SPACE

- (w) The minimum indoor amenity space shall be 45 square metres.

- (x) The minimum outdoor amenity space provided shall be 40 square metres.

LAND DIVISION

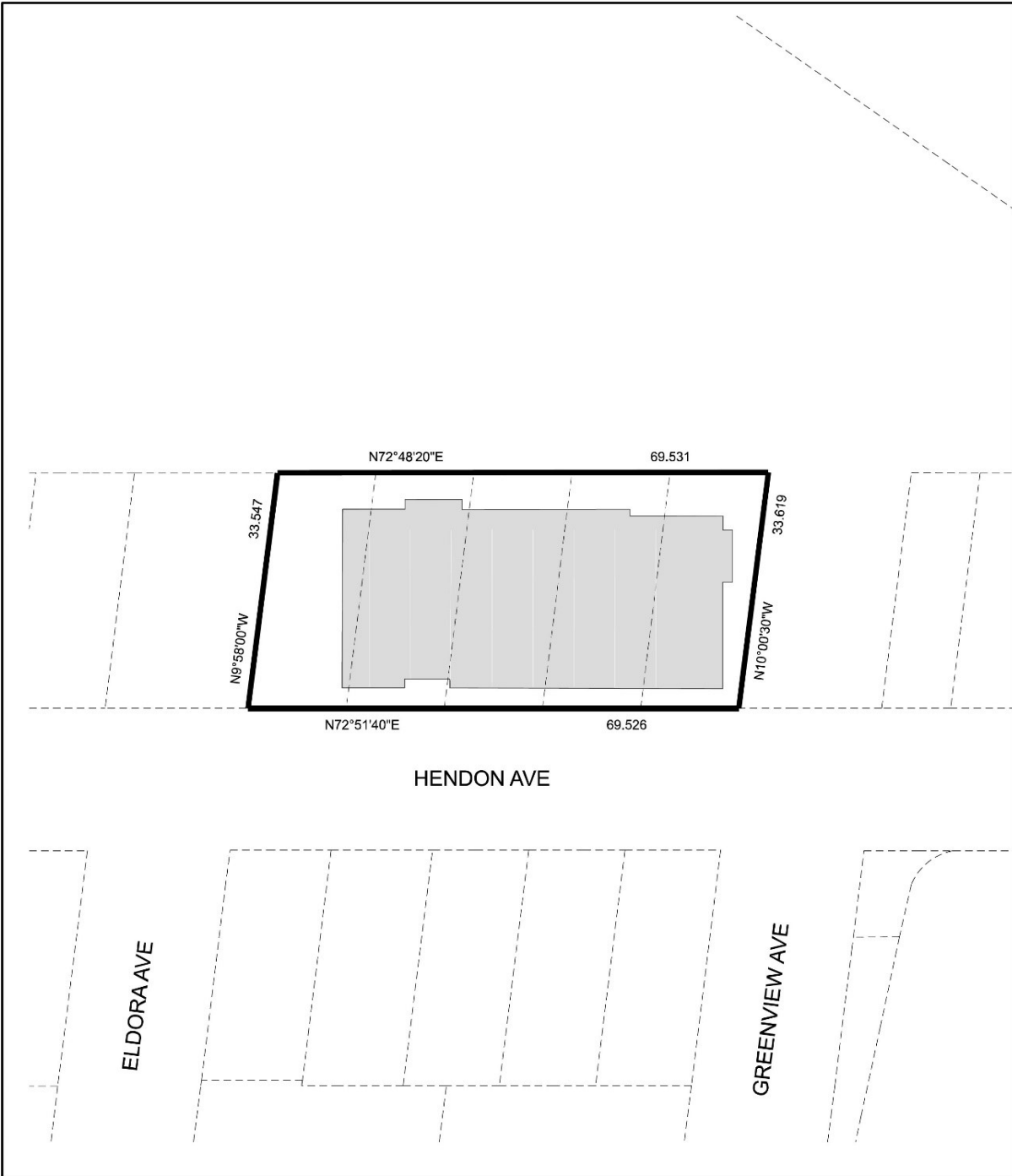
- (y) Notwithstanding any severance, or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands as if no severance, partition or division occurred.
4. Within the lands shown on Schedule RM6(295) attached to this By-law, no person shall use any land or erect or use any building or structure (excluding a temporary rental and/or sales office) 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.

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Schedule 1



Schedule RM6(295)



 **TORONTO**
Schedule RM6(295)

40-48 Hendon Avenue

File # 19 109332 NNY 18 0Z