

CITY OF TORONTO

BY-LAW No. 107-2001(OMB)

A By-law to amend By-law No. 7625, as amended, of the former City of North York, in respect of lands generally located west of Yonge Street, south of Bogert Avenue, north of Poyntz Avenue and east of Frizzell Road.

WHEREAS authority is given to the Ontario Municipal Board by Section 34 of the Planning Act, R.S.O. 1990, c.P 13, as amended, to direct that this by-law be enacted; and

WHEREAS the Ontario Municipal Board has considered the merits of an appeal of the application to amend the Zoning By-Law;

The Ontario Municipal Board has ordered the enactment of the following:

1. Schedules “B” and “C” of By-law No. 7625 are amended in accordance with Schedule “1” of this by-law.
2. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

64.20-A(103) RM6(103)

DEFINITIONS

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| Apartment
House
Dwelling | (a) For the purpose of this exception, “apartment house dwelling” means a building containing more than four (4) dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof. |
| Established
Grade | (b) For the purpose of this exception, “established grade” as defined in By-law No. 7625, as amended, shall be taken from Bogert Avenue for Building “A” and from Poyntz Avenue for Building “B”. |
| Gross Floor
Area | (c) For the purpose of this exception, “Gross Floor Area” means the total area of all the floors, measured between the outside of the exterior walls of the building at the level of each floor, including all areas used as balconies measured to the outside edges of the balcony floors, but excluding: <ol style="list-style-type: none">(i) any part of the building used for Mechanical Floor Area;(ii) any area used for motor vehicle access or parking, including that contained in an above-grade parking structure provided the structure does not exceed three storeys in height above-grade and provided that its roof deck is fully landscaped and made directly accessible to adjacent residential projects; and |

- (iii) the floor area of unenclosed residential balconies.
- Mechanical Floor Area (d) For the purpose of this exception, “Mechanical Floor Area” means the floor area within a building that is used exclusively for the accommodation of mechanical equipment necessary to physically operate the building such as heating, ventilation, air conditioning, electrical, telephone, plumbing, fire protection and elevator equipment.
- Net Site (e) For the purpose of this exception, “Net Site” means the gross site area minus any lands that have been conveyed to the City of Toronto or its successors for roads or road widenings, walkways, 0.3 metre reserves or public parks;
- Recreational Amenity Area (f) For the purpose of this exception, “recreational amenity area” means an area set aside for social and/or recreational purposes, which is common to all occupants of the building. Social and/or recreational purposes include indoor or outdoor space, such as playgrounds, tennis courts, lawn bowling greens, indoor or outdoor swimming pools, exercise or entertainment rooms, change rooms, library space, and other similar uses.
- Retail and Service Commercial (g) For the purpose of this exception, “Retail and Service Commercial Uses” shall mean retail stores, service shops, personal service shops, restaurants, out-door café in conjunction with a restaurant, artist studios, dry-cleaning and laundry collecting establishments, synthetic dry-cleaning establishments, automatic laundry shops, custom workshops making articles to be sold at retail on the premises, business and professional offices, commercial schools, dry-cleaning and, financial institutions, information processing, studios, take-out restaurants, fitness centres or any combination thereof.

PERMITTED USES

- Permitted Uses (i) The only permitted uses shall be:
- Residential Uses (i) Residential Uses as follows:
Apartment House Dwellings and uses accessory thereto including accessory recreational amenity area;
- Non-Residential Uses (ii) Retail and Service Commercial Uses.

EXCEPTION REGULATIONS

- Total Gross Floor Area (j) The total gross floor area permitted on the lands shown on Schedule “RM6(103)” shall not exceed the sum of:

Net Site	(i)	a maximum gross floor area of 19,126 m ² attributable to the net site; and
Transfer – Church	(ii)	a maximum gross floor area of 9,207 m ² , attributable to the transfer of density from the Lansing United Church lands, municipally identified as 49 Beecroft Avenue, provided that such gross floor area is used for residential purposes; and
Transfer – other lands	(iii)	a maximum gross floor area of 3,067 m ² , attributable to the transfer of density from lands west of Beecroft Road, municipally identified as 36 – 40 Poyntz Avenue, provided that such gross floor area is used for residential purposes; and
Incentive – Specific Exemption: Grade Level Shopping Facilities	(iv)	a maximum gross floor area of 1,140 m ² may be exempted from the calculation of Gross Floor Area, provided that such gross floor area is used as first floor Retail and Service Commercial Uses fronting on a public sidewalk or pedestrian concourse; and
Incentive – Specific Exemption: Recreational Facility	(v)	a minimum gross floor area of 1.5 m ² per dwelling unit, to a maximum of 546 m ² , may be exempted from the calculation of Gross Floor Area provided that such gross floor area is used for wholly enclosed recreational amenity space.
Residential Units & Affordable Housing	(k)	The maximum number of permitted dwelling units shall be 364, of which a minimum of 25% of the total number of dwelling units shall have a maximum floor area of 55 m ² for a bachelor unit, 62 m ² for a one-bedroom unit, 82 m ² for a two-bedroom unit and 115 m ² for a three-bedroom unit, or any combination of the above.
Building Height	(l)	The maximum building height shall be in accordance with the following: <ul style="list-style-type: none"> <li style="margin-left: 20px;">(i) For Building B shown on Schedule “RM6(103)” the maximum height is 22 storeys; and <li style="margin-left: 20px;">(ii) For Building A shown on Schedule “RM6(103)” the maximum height is 25 storeys;
Distance Between Buildings	(m)	The minimum distance between buildings, excluding any above grade parking structures, shall be as shown on Schedule “RM6(103)”;

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| Parking | <p>(n) Parking for residential and/or non-residential uses shall be provided at or below grade on the Schedule “RM6(103)” lands subject to the following requirements:</p> <p>(i) Non-residential:
a minimum of 0.8 parking spaces per 100 m² of gross floor area plus 0.1 parking space per 100 m² of gross floor area for visitor uses; and a maximum of 1.3 parking spaces per 100 m² of gross floor area plus 0.1 parking space per 100 m² of gross floor area for visitor uses;</p> <p>(ii) Residential:
a minimum of 0.9 parking spaces per dwelling unit plus 0.1 parking space per dwelling unit for visitor uses; and a maximum of 1.3 parking spaces per dwelling unit plus 0.1 parking space per dwelling unit for visitor uses;</p> <p>(iii) A maximum of 4 surface parking spaces shall be permitted.</p> |
| Loading | <p>(o) A minimum of one loading space shall be provided. The Section 6A(16)(d)(iv) loading provision shall not apply.</p> |
| Yard Setbacks | <p>(p) The minimum yard setbacks shall be as set out on Schedule “RM6(103)”. Every part of any required yard shall be open and unobstructed by any structure, from the ground to the sky, except for accessory structures including, but not limited to, garbage pickup stations, stair enclosures, ventilation shafts and elevated portions of garages, in addition to the provisions of Section 6(9). Such accessory structures may have a minimum yard setback of 0.0 metres.</p> |
| Landscape Area | <p>(q) No minimum landscaping area shall be required.</p> |
| Provisions Not Applied | <p>(r) The RM6 provisions of Bylaw No. 7625 respecting Landscaping, Lot Area, Lot Coverage, Lot Frontage, Yard Setbacks, Building Height, Distance Between Buildings and Gross Floor Area shall not apply.</p> |

3. Section 64.13 of By-law No. 7625 is amended by adding the following subsection:

64.13(59) R4(59)

EXCEPTION REGULATIONS

49 Bogert Ave.:
Lansing

(a) The maximum gross floor area shall be 1,528 m².

United Church

4. Section 64.13 of By-law No. 7625 is amended by adding the following subsection:

64.13(60) R4(60)

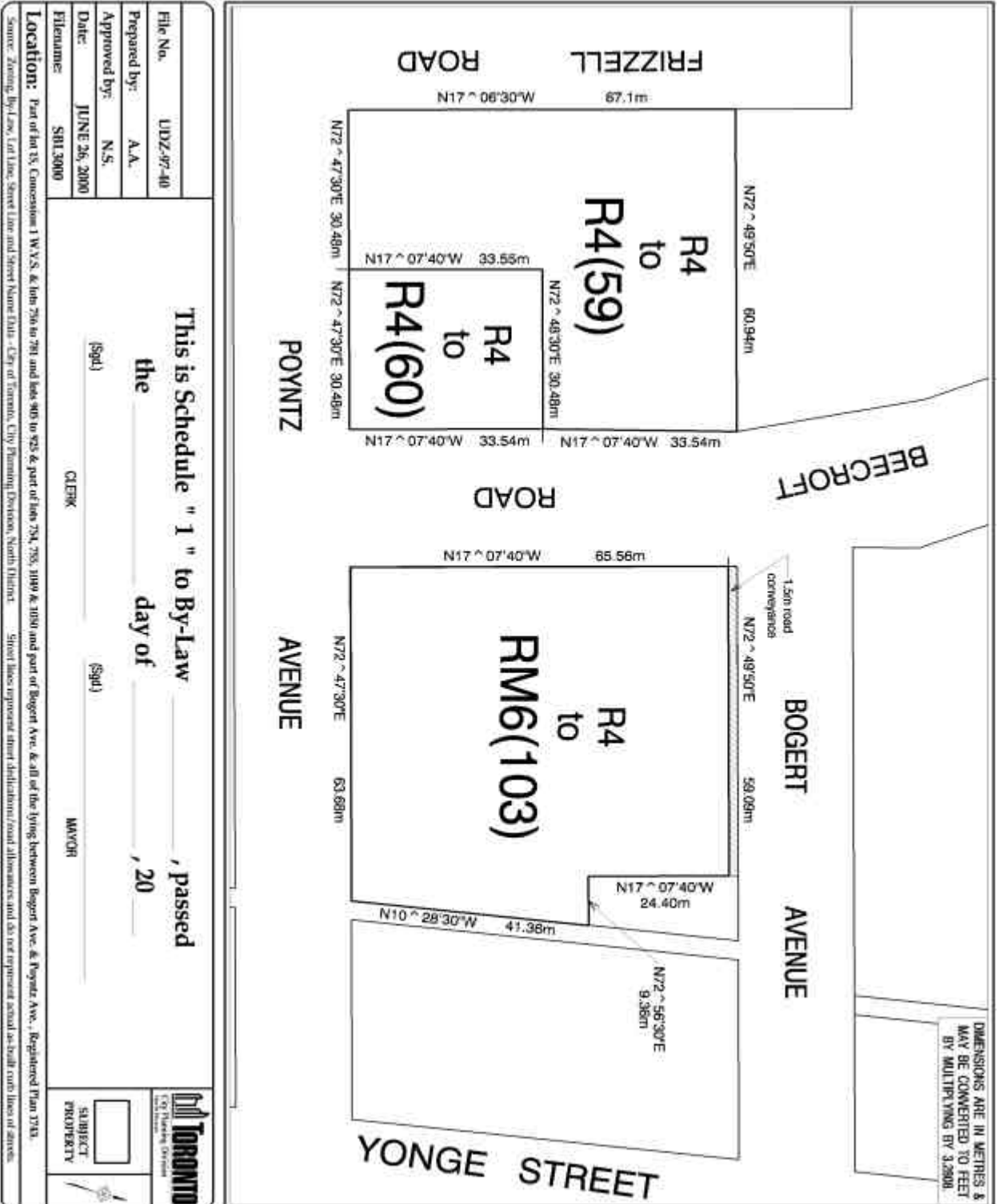
EXCEPTION REGULATIONS

36-40 Poyntz Ave.: (a) The maximum gross floor area shall be 1,534 m².
Other Lands

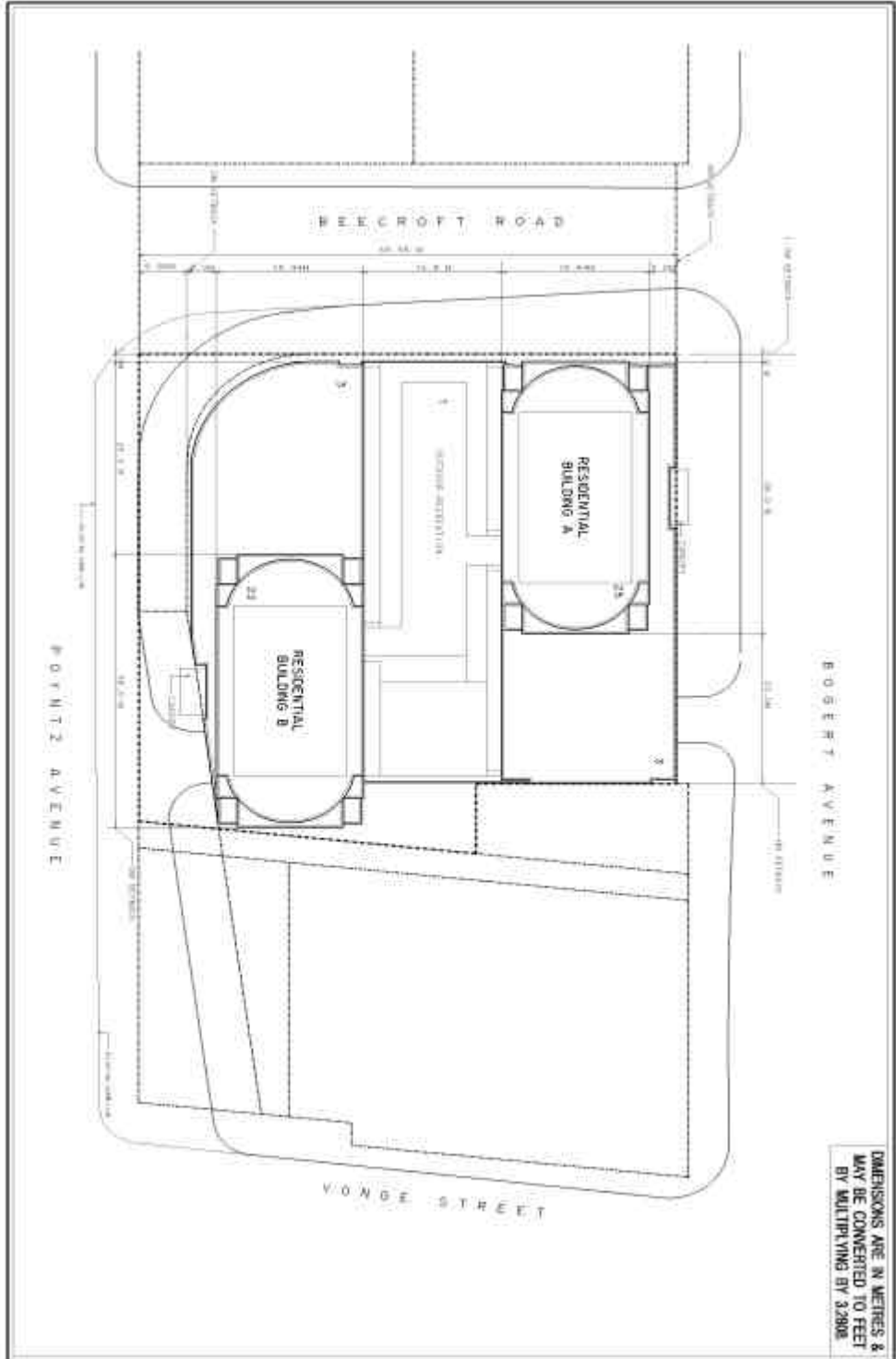
5. Section 64.20-A(103) of By-law No. 7625 is amended by adding Schedule "RM6(103)" attached to this by-law.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON OCTOBER 19, 2000 IN BOARD FILE NOS. PL991196 AND PL990139.

SCHEDULE "1"



SCHEDULE "RM6(103)"



File No.	UDZ-97-40
Prepared by:	T. A.
Approved by:	N. S.
Date:	JULY 14/00
Filename:	SRL3000

This is Schedule "RM6(103)" to By-Law _____, passed
the _____ day of _____, 20____

(Sgt) _____ CLERK
 (Sgt) _____ MAYOR

Location: Part of lot 15, Concession 1 W.Y.S. & lots 796 to 791 and lots 965 to 928 & part of lots 754, 755, 1049 & 1050 and part of Bogert Ave. & all of the lying between Bogert Ave. & Pointz Ave., Registered Plan 1743.

Source: Zoning By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District. These lines represent street layouts and do not represent actual as-built curb lines of streets.

City of Toronto
City Planning Division

SUBJECT PROPERTY