

CITY OF TORONTO

BY-LAW No. 336-2001(OMB)

To amend By-law No. 7625 of the former City of North York with respect to certain lands abutting the east side of Bayview Avenue between Sheppard Avenue East and Bayview Mews Lane.

WHEREAS Dangreen Properties Inc. made application to the City of Toronto on March 27, 1995 for amendments to the Zoning By-law of the former City of North York with respect to certain lands located within the former City of North York; and

WHEREAS the Council of the City of Toronto has neglected to make a decision within 90 days after the receipt by the clerk of the application to amend the Zoning By-law; and

WHEREAS Dangreen Properties Inc. has appealed to the Ontario Municipal Board under 34(11) of the Planning Act, R.S.O. 1990, c.P. 13, as amended; and

WHEREAS the Ontario Municipal Board has heard the appeal and determined that the By-law shall be amended;

THEREFORE, the Ontario Municipal Board hereby amends By-law No. 7625 of the former City of North York, as amended, as follows:

1. Schedules "B" and "C" of By-law No. 7625 are hereby 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(97) RM6(97)

DEFINITIONS

- (a) For the purpose of this exception, "gross floor area" is defined as 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, but excluding:
 - (i) any space used for vehicle parking; and
 - (ii) any space used for a public transit terminal and uses accessory thereto.
- (b) For the purpose of this exception, a live-work use is defined as the following uses located within a dwelling unit: artist studio, business and professional office, custom workshop or personal service shop.
- (c) For the purpose of this exception, "established grade" is defined as 182.8 m above sea level.

PERMITTED USES

- (d) The only permitted uses shall be:

An apartment house dwelling and uses accessory thereto, including private recreational amenity area.

Live-work uses.

Retail uses.

A public transit terminal and uses accessory thereto.

A parking lot with a maximum of 75 parking spaces.

- (e) Use Qualifications

- (i) A live-work use shall:

- (A) occupy not more than 30% of the total gross floor area of the dwelling unit it is located in;
- (B) be located only on the street level and the next level above;
- (C) be conducted only by a member or members of the household who reside in the dwelling unit, and the dwelling unit is their principal residence.

- (ii) Retail uses shall be located only at the street level.

- (iii) Private outdoor recreational amenity area may be located on rooftop terraces.

- (iv) Within the parking lot, a minimum of 10 of the total number of parking spaces shall be reserved for TTC pick-up and drop-off purposes.

EXCEPTION REGULATIONS

- (f) The maximum permitted gross floor area shall be 35,875 m² for all uses.

- (g) In addition to the maximum gross floor area cited above, gross floor area for indoor private recreational amenity area shall be permitted, not exceeding 1.5 m² per dwelling unit.

- (h) A minimum of 1.5 m² of private outdoor recreational amenity area per dwelling unit shall be provided.

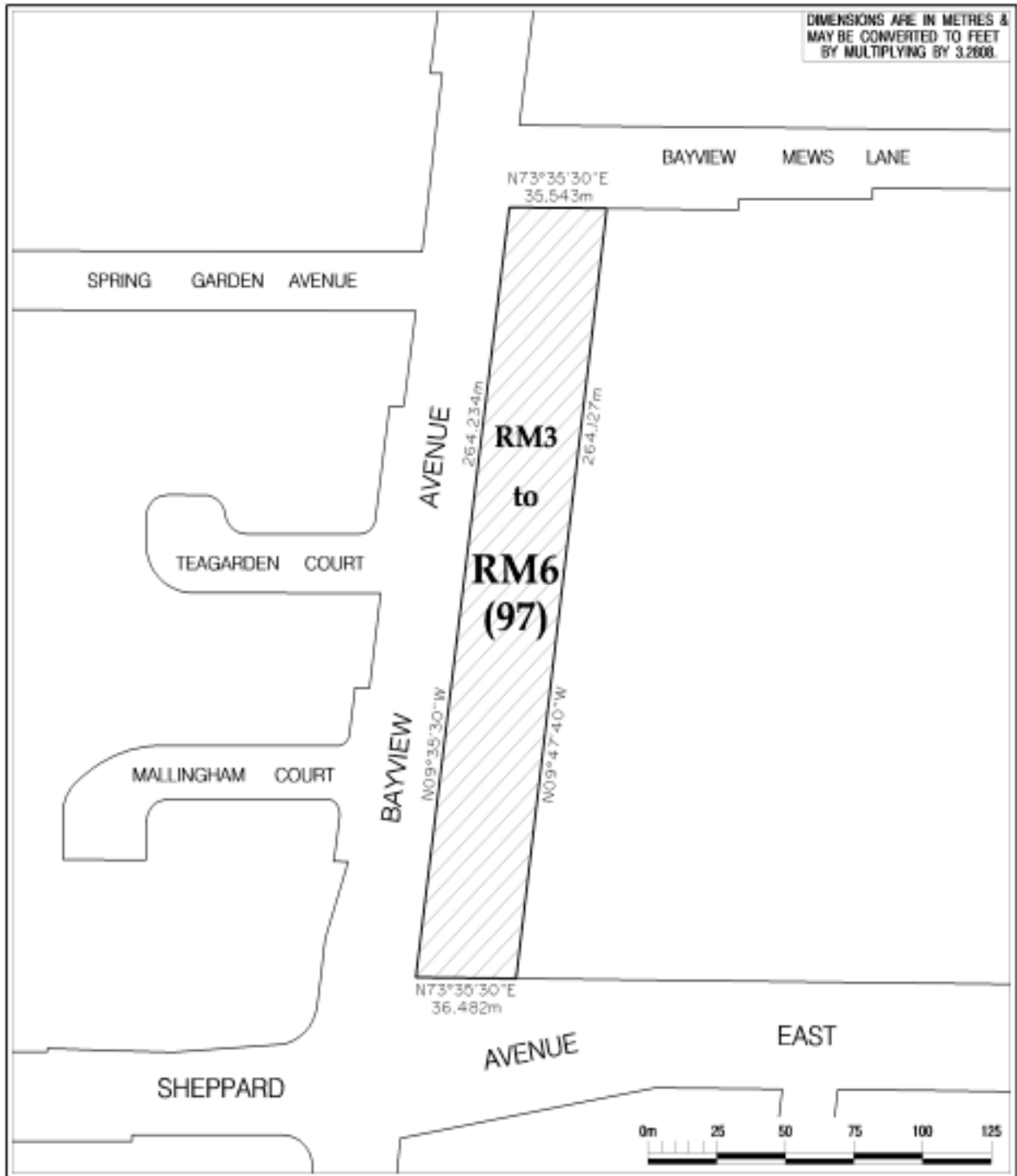
- (i) The maximum number of dwelling units shall be 280.
- (j) A minimum of 25% of all dwelling units shall comply with the following maximum floor areas:
 - (i) 55 m² for bachelor dwelling units,
 - (ii) 70 m² for one-bedroom dwelling units,
 - (iii) 80 m² for two-bedroom dwelling units,
 - (iv) 120 m² for three-bedroom dwelling units, or
 - (v) any combination thereof.
- (k) Yard Setbacks For The Lands As Per Schedule RM6(97)
 - (i) The minimum yard setback from Sheppard Avenue shall be 5.0 metres.
 - (ii) The minimum yard setback from Bayview Avenue shall be 3.0 metres for 80% of the building frontage, and 2.0 metres for 20% of the building frontage.
 - (iii) The minimum east yard setback shall be 0 metres.
 - (iv) The minimum yard setbacks shall not apply to the public transit terminal, or to canopies, or similar structures.
- (l) The maximum building heights above established grade shall be the lesser of the number of storeys or metres as shown on Schedule RM6(97).
- (m) Despite the definition of building height in Section 2.10, for the purposes of this exception only, a penthouse used to house the mechanical equipment of the building may include storage space or indoor private recreational amenity area, provided the combined gross floor area of the storage space or recreational amenity area in the penthouse does not exceed 372 square metres.
- (n) The general provisions of Section 15.8 for landscaping shall not apply.
- (o) The provisions of Section 20-A.2.2 for maximum lot coverage shall not apply.
- (p) No parking shall be required for live-work uses located within the apartment house dwelling.
- (q) 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.

SECTION 37 AGREEMENT

- (r) The owner of the lands set out in Schedule RM6(97) shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act R.S.O. 1990, c.P.13, as amended, to secure the facilities, services and matters referred to below, which agreement or agreements shall be registered against title of the lands to which this by-law applies in the manner and extent specified in such agreements. The owner of the lands, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and matters on terms satisfactory to the City of Toronto in order to permit the increased maximum in gross floor area authorized under clause (g) of this exception:
- (i) The provision of outdoor public art.
 - (ii) The provision of shared access with the owner of the abutting property at 2901 Bayview Avenue which ensures co-ordinated site circulation and ingress/egress to Bayview Avenue and Sheppard Avenue East for both properties, even if developed separately. In the event that the development of the lands set out in Schedule RM6(97) proceeds before the development of an apartment house dwelling on the abutting property at 2901 Bayview Avenue, and ingress/egress to Sheppard Avenue cannot be secured across the abutting property, the development of the lands set out in Schedule RM6(97) shall be permitted to take ingress/egress solely from Bayview Avenue, subject to traffic recertification. Notwithstanding the above, Toronto Transit Commission buses shall have exclusive ingress/egress to Bayview Avenue.
 - (iii) The provision of a minimum of 1.5 m² of gross floor area for indoor private recreational amenity area per dwelling unit.”
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6(97)” attached to this by-law.

PURSUANT TO THE DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED APRIL 4, 2001 IN BOARD FILE NOS. PL010104, PL971411 AND PL971355.

SCHEDULE "1"



SCHEDULE "RM6 (97)"

