

# CITY OF TORONTO

## BY-LAW No. 610-2001(OMB)

### To amend City of North York By-law No. 7625 and to repeal City of North York By-law No. 26422 in respect of lands municipally known as 2901 Bayview Avenue.

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 pass this By-law;

City of North York By-law No. 7625 is hereby 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 64.24 of By-law No. 7625 is amended by adding the following subsection:

**“64.24(10) C2(10)**

#### DEFINITIONS

- (a) 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.
- (b) For the purpose of this exception, “established grade” is defined as 182.8 m above sea level.

#### PERMITTED USES

- (c) In addition to the uses permitted in the C2 zone, an apartment house dwelling and uses accessory thereto, including private recreational amenity area, live-work uses and retail uses shall also be permitted.
- (d) 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; and
    - (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 located within the apartment house dwelling shall be located only at the street level.
- (iii) Private outdoor recreational amenity area may be located on rooftop terraces.

### **EXCEPTION REGULATIONS**

- (e) The provisions of Section 24.2.1 for minimum lot area shall not apply.
- (f) The provisions of Section 24.2.2.1 for maximum lot coverage shall not apply.
- (g) 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.
- (h) The following exception regulations shall apply to all uses other than an apartment house dwelling:
  - (i) The maximum building height shall be 3 storeys.
  - (ii) The minimum parking requirement shall be 1 space per 20 m<sup>2</sup> of gross leasable floor area.
- (i) The following exception regulations shall apply to an apartment house dwelling:
  - (i) The maximum permitted gross floor area shall be 34,500 m<sup>2</sup> for all uses.
  - (ii) 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 m<sup>2</sup> per dwelling unit.
  - (iii) A minimum of 1.5 m<sup>2</sup> of private outdoor recreational amenity area per dwelling unit shall be provided.
  - (iv) The maximum number of dwelling units shall be 280.
  - (v) A minimum of 25% of all dwelling units shall comply with the following maximum floor areas:
    - (A) 55 m<sup>2</sup> for bachelor dwelling units,
    - (B) 70 m<sup>2</sup> for one-bedroom dwelling units,
    - (C) 80m<sup>2</sup> for two-bedroom dwelling units,
    - (D) 120 m<sup>2</sup> for three-bedroom dwelling units, or

- (E) any combination thereof.
- (vi) The location of the apartment house dwelling and its minimum yard setbacks shall be as shown on Schedule C2(10).
- (vii) The minimum yard setbacks shall not apply to canopies, or similar structures.
- (viii) The maximum building heights above established grade shall be the lesser of the number of storeys or metres as shown on Schedule C2(10).
- (ix) 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.
- (x) No parking shall be required for live-work uses located within the apartment house dwelling.

#### **SECTION 37 AGREEMENT**

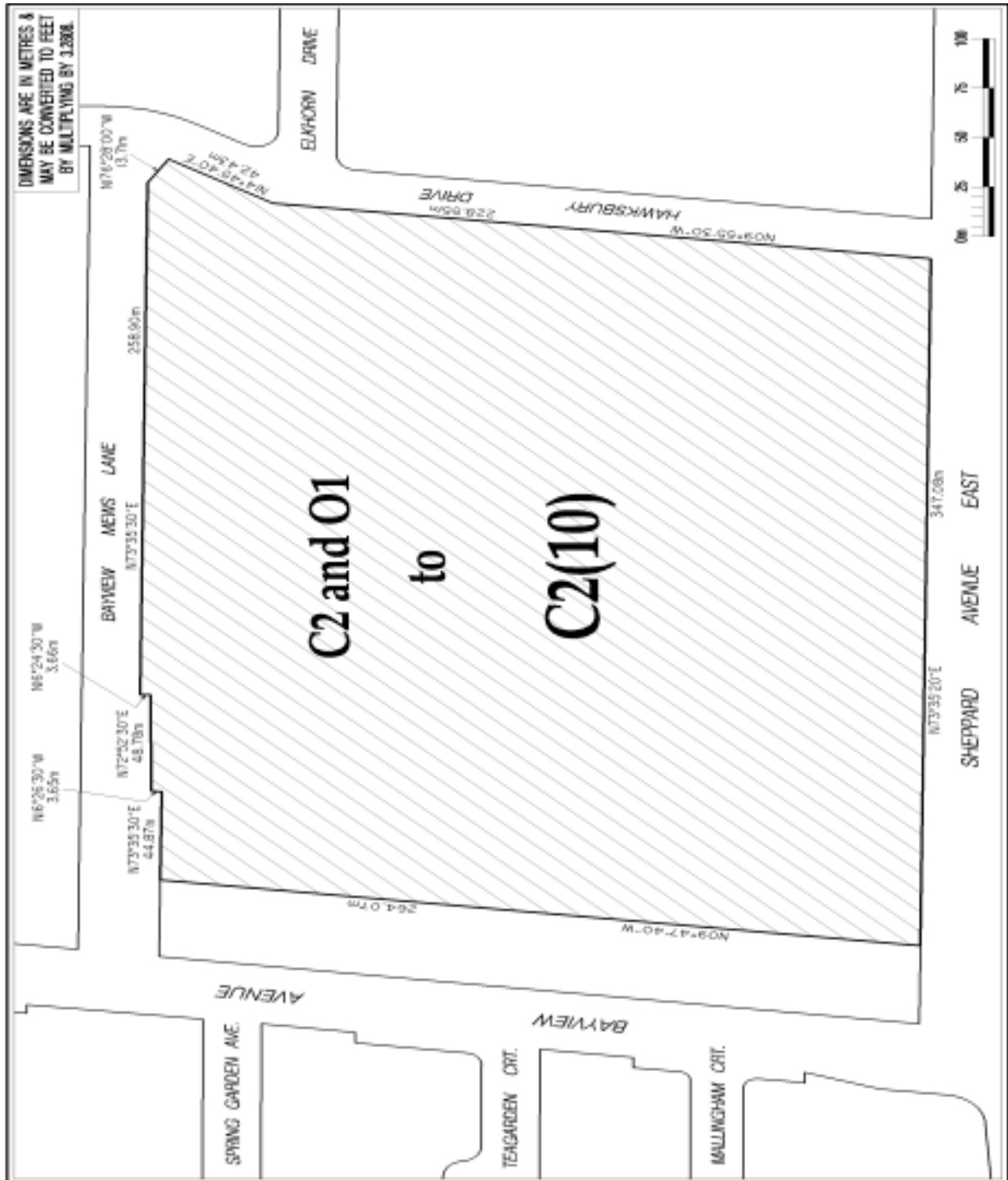
- (xi) The owner of the lands set out in Schedule C2(10) shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters referred to below, which agreement or agreements shall 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 gross floor area for the apartment house dwelling authorized by this exception:
  - (A) The provision of outdoor public art.
  - (B) The provision of a minimum of 1.5 m<sup>2</sup> of gross floor area for indoor private recreational amenity area per dwelling unit.
  - (C) The provision of shared access with the owner of the abutting property on the east side of Bayview Avenue between Sheppard Avenue East and Bayview Mews Lane, which ultimately ensures co-ordinated site circulation and ingress/egress to Bayview Avenue and Sheppard Avenue East for both properties once developed, even if constructed separately. In the event that the development of an apartment house dwelling proceeds on the lands subject to this exception before the development of an apartment house dwelling on the abutting lands on the east side of Bayview Avenue between Sheppard Avenue East and Bayview Mews Lane, and ingress/egress to

Bayview Avenue cannot be secured across the abutting property, the development of the apartment house dwelling subject to this exception shall be permitted to take its ingress/egress solely from Sheppard Avenue, subject to traffic recertification.”

3. Section 64.24 of By-law No. 7625 is amended by adding Schedule “C2(10)” attached to this by-law.
4. By-law No. 26422 is repealed.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JUNE 14, 2001 IN BOARD FILE NO. PL010104.

SCHEDULE "1"



SCHEDULE "C2(10)"

