

Authority: North York Community Council Item 31.22,
as adopted by City of Toronto Council on February 22 and 23, 2010
Enacted by Council: February 23, 2010

CITY OF TORONTO

BY-LAW No. 223-2010

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 545 and 555 Wilson Avenue.

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. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedule 1 attached to this By-law.
2. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

64.20-A (186) RM6(186)

DEFINITIONS

- (a) For the purpose of this exception the following definitions will apply:
 - i. "Apartment House Dwelling" shall mean a building containing more than four (4) dwelling units, each having access either from an internal corridor system or direct access at grade, or any combination thereof.
 - ii. "Building Height" shall mean the vertical distance between the Established Grade and the highest point of the building or structure, inclusive of all accessory components such as but not limited to, mechanical penthouse, tower structures, cupolas, steeples, antennae, parapets, landscape open structures, ornamental structures and mechanical equipment.
 - iii. "Custom Workshop" shall mean a building or part of a building used by a trade craft or guild for the manufacture in small quantities of made-to-order articles and includes accessory retail.
 - iv. "Established Grade" shall mean 187.25 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).

- v. "Gross Floor Area" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls for the building or structure at the level of each floor, including any areas used as enclosed balconies, but excluding:
- (i) any space used exclusively for motor vehicle parking, including ancillary areas, ramps and driveways; and
 - (ii) any space used exclusively for Bicycle Parking.
- vi. "Site" shall mean the lands zoned RM6(186) for the purpose of paragraph (y) of this exception.

PERMITTED USES

- (b) The following uses shall be permitted:

Apartment House Dwelling

Art Gallery

Artist Studio;

Business Office;

Clinic;

Club;

Commercial Gallery;

Commercial Recreation;

Commercial School;

Custom Workshop;

Day Nursery;

Dry Cleaning and Laundry Collecting Establishment;

Financial Institution;

Fitness Centre;

Museum;

Outdoor Café in conjunction with a Restaurant or Take-out Restaurant on the same lot, subject to the provisions of Subsection 6(22);

Personal Service Shop;

Professional Medical Office;

Professional Office;

Restaurant;

Retail Store;

Service Shop;

Take-out Restaurant; and

Veterinary Clinic.

USE QUALIFICATIONS

- (c) A Restaurant or Take-Out Restaurant shall not have a drive-through facility.

- (d) Outdoor Residential Recreational Amenity Areas may be located on balconies or roof top terraces.
- (e) Non-residential uses shall only be located on the ground floor of the building and for an Apartment House Dwelling the non-residential uses shall be restricted to street level.

EXCEPTION REGULATIONS

LOT COVERAGE

- (f) The provisions of Section 20-A.2.2. (Lot Coverage) shall not apply.

DWELLING UNITS

- (g) A maximum of 350 dwelling units shall be permitted.

YARD SETBACKS

- (h) The minimum yard setbacks for buildings and structures above Established Grade shall be as shown on Schedule RM6(186).
- (i) The minimum yard setbacks for parking structures and structures associated thereto at or below Established Grade shall be as shown on Schedule RM6(186).

LANDSCAPING

- (j) The provisions of Section 15.8 (Landscaping) shall not apply.

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (k) The provisions of Section 6(9) (Permitted Projections Into Minimum Yard Setbacks) shall apply.
- (l) Notwithstanding Subsection (l) of Section 6(9), unenclosed balconies may project into required yards at or above the 9th storey.

DISTANCE BETWEEN BUILDINGS AND/OR PORTIONS FORMING COURTS

- (m) The provisions of Section 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) shall not apply.
- (n) The minimum separation between buildings shall be as shown on Schedule RM6(186).

GROSS FLOOR AREA

- (o) A maximum Gross Floor Area of 35,604m² shall be permitted, of which a minimum of 286m² Gross Floor Area shall be for non-residential uses.

BUILDING HEIGHT

- (p) Notwithstanding Schedule 'D' and Section 20-A.2.6 (Building Height) of By-law No. 7625:
- (i) the maximum number of storeys of any portion of a building or structure shall not exceed the number of storeys shown for that portion of the building on Schedule RM6(186).
 - (ii) the maximum height of any portion of a building or structure, inclusive of any accessory component, shall not exceed the height measured in metres above sea level for that portion of the building as shown by the number on Schedule RM6(186).
 - (iii) Notwithstanding (ii) above, accessory components, including but not limited to railings, skylights, parapets, and trellises, may be permitted to penetrate the maximum permitted height in metres above sea level as shown on Schedule RM6(186) for the 6th and 7th storeys only.

RESIDENTIAL RECREATIONAL AMENITY AREA

- (q) A minimum of 1.5 m² per dwelling unit of indoor residential Recreational Amenity Area shall be provided.
- (r) A minimum of 1.5 m² per dwelling unit of outdoor residential Recreational Amenity Area shall be provided.

PARKING REQUIREMENTS

- (s) Parking for residential uses within the site shall be provided in the RM6(186) zone in accordance with the following:
- (i) A minimum of 1.05 parking spaces per Apartment House Dwelling unit, of which, 0.15 parking spaces per dwelling unit shall be for the use of visitors.
- (t) Parking for non-residential uses shall be provided in the RM6(186) zone in accordance with By-law No. 7625, as amended.
- (u) All of the required non-residential parking spaces to a maximum of twenty (20) spaces may be shared with the required residential visitor parking component.

SIZE OF PARKING SPACES

- (v) A parking space shall have the following minimum dimensions:
- a. The minimum dimensions of a parking space, accessed by a one-way or two-way drive aisle having a width of 6.0 metres or more measured at the entrance to the parking space shall be:
 - (i) 5.6 metres in length;
 - (ii) 2.6 metres in width; and
 - (iii) 2.0 metres in vertical clearance

except that the minimum required width of a parking space shall be increased by 0.3 metres for each side of the parking space that is obstructed in accordance with paragraph c below.
 - b. The minimum dimensions of a parking space, accessed by a one-way or two-way drive aisle having a width of less than 6.0 metres measured at the entrance to the parking space, shall be:
 - (i) 5.6 metres in length;
 - (ii) 3.0 metres in width; and
 - (iii) 2.0 metres vertical clearance

except that the minimum required width of a parking space shall be increased by 0.3 metres when one or both sides of the parking space is obstructed in accordance with paragraph c below.
 - c. For the purposes of this definition, the side of a parking space is obstructed when any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated:
 - (i) within 0.3 metres of the side of the parking space, measured at right angles; and
 - (ii) more than 1.0 metres from the front or rear of the parking space.

BICYCLE PARKING

- (w) Bicycle Parking shall be provided at a minimum rate of 0.1 spaces per dwelling unit.

OTHER PROVISIONS

- (x) The Main Entrance to each building or unit shall, if the entrance faces a public right-of-way, be at an elevation no greater than 0.95 metres above or below the grade of the public right-of-way at the property line along Tippet Road and no greater than 1.5 metres above or below grade of the public-right-of-way at the property line along Wilson Avenue.

SECTION 37

- (y) Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this exception are permitted subject to compliance with the conditions set out in this exception and in return for the provision by the owner of the Site of the facilities, services and matters set out in this subsection (x), the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act* and in a form satisfactory to the City with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement. 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 and matters set out herein, the Site is subject to the provisions of this exception, 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. The owner of the Site, 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/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in Gross Floor Area and height authorized under this exception regulation:
- (i) A contribution of \$20,000 (together with any increases to reflect increases in the Construction Price Statistics between February 22, 2010 and the delivery of such payment) to be paid concurrent with the delivery of the agreement for (without limiting the discretion of the City), for streetscape improvements in the immediate vicinity of the site as follows:
- (a) street tree replacement/installation along both sides of Wilson Avenue where opportunities exist within the City's right-of-way. Specifically, adjacent to the TTC parking lot from Allen Road to Wilson Heights Boulevard on the north side of Wilson Avenue, the west side of Wilson Heights Boulevard north of Wilson Avenue to a point in alignment with the centreline of Ansford Avenue, and across the frontage of the TTC parking lot from the Allen Expressway to the northwest corner of the applicants property on the south side of Wilson Avenue.
- (b) replacement of asphalt with decorative concrete or unit pavers in the boulevard along Wilson Avenue where opportunities exist.
- (ii) A contribution of \$400,000 (together with any increases to reflect increases in the Construction Price Statistics between February 22, 2010 and the delivery of such payment) to be paid prior to the issuance of the first above-grade building permit for any portion of the Development on lands zoned RM6(186) and dedicated (without limiting the discretion of the City), to improving the existing recreational capital facilities in

Ward 10, the specific expenditure to be determined through discussions between the Ward Councillor, Parks, Forestry and Recreation staff, City Planning staff and other City Divisions as required.

- (iii) A contribution of \$150,000 (together with any increases to reflect increases in the Construction Price Statistics between February 22, 2010 and the delivery of such payment) for an on-site public art installation under the Percent for Public Art Program.

LAND DIVISION

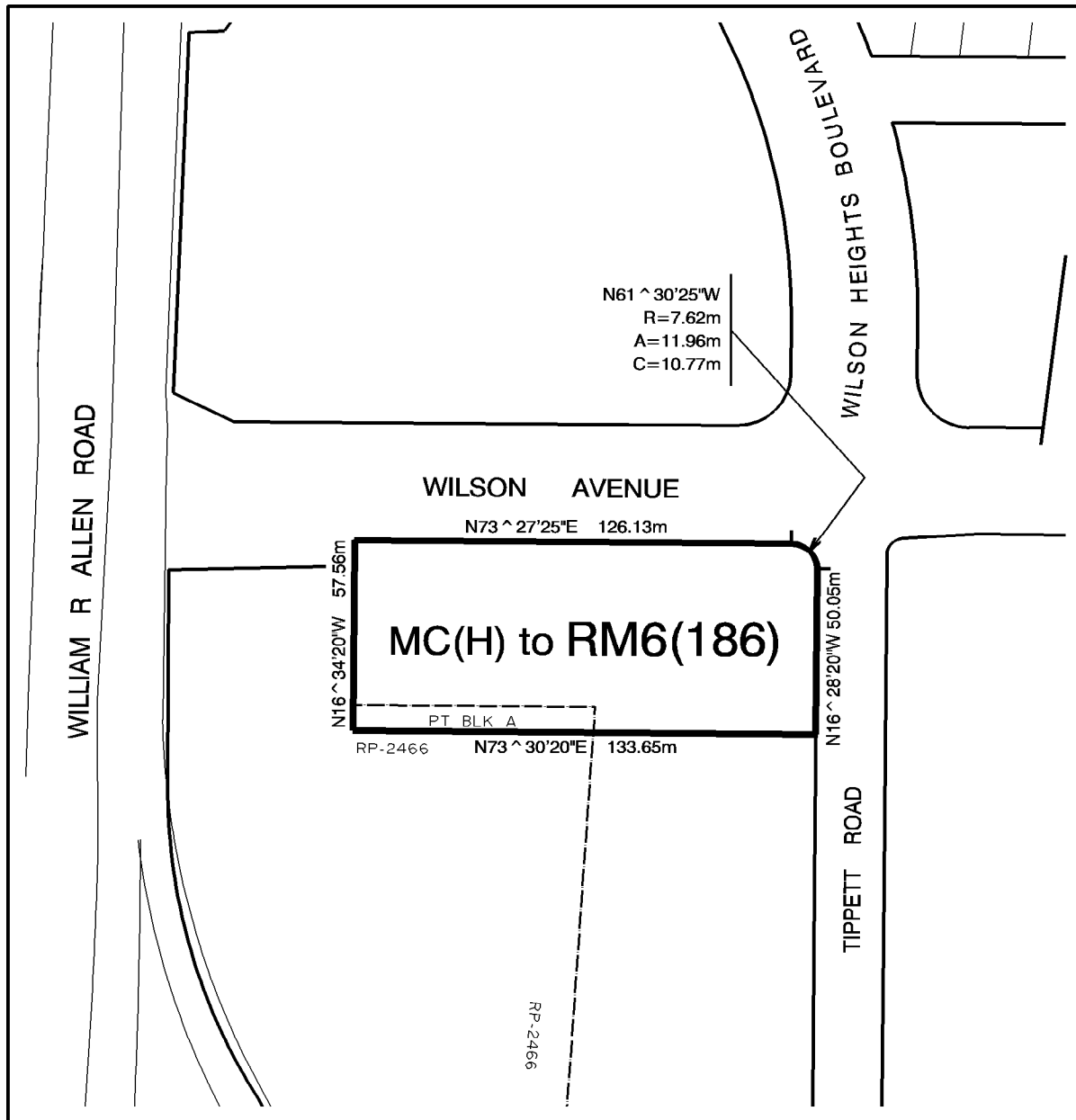
- (z) Notwithstanding any severance, partition or division of the Site, the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred.
- 3. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding Schedule RM6(186) attached to this By-law.
 - 4. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding Schedule 2 attached to this By-law.
 - 5. Within the lands shown on Schedule 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.

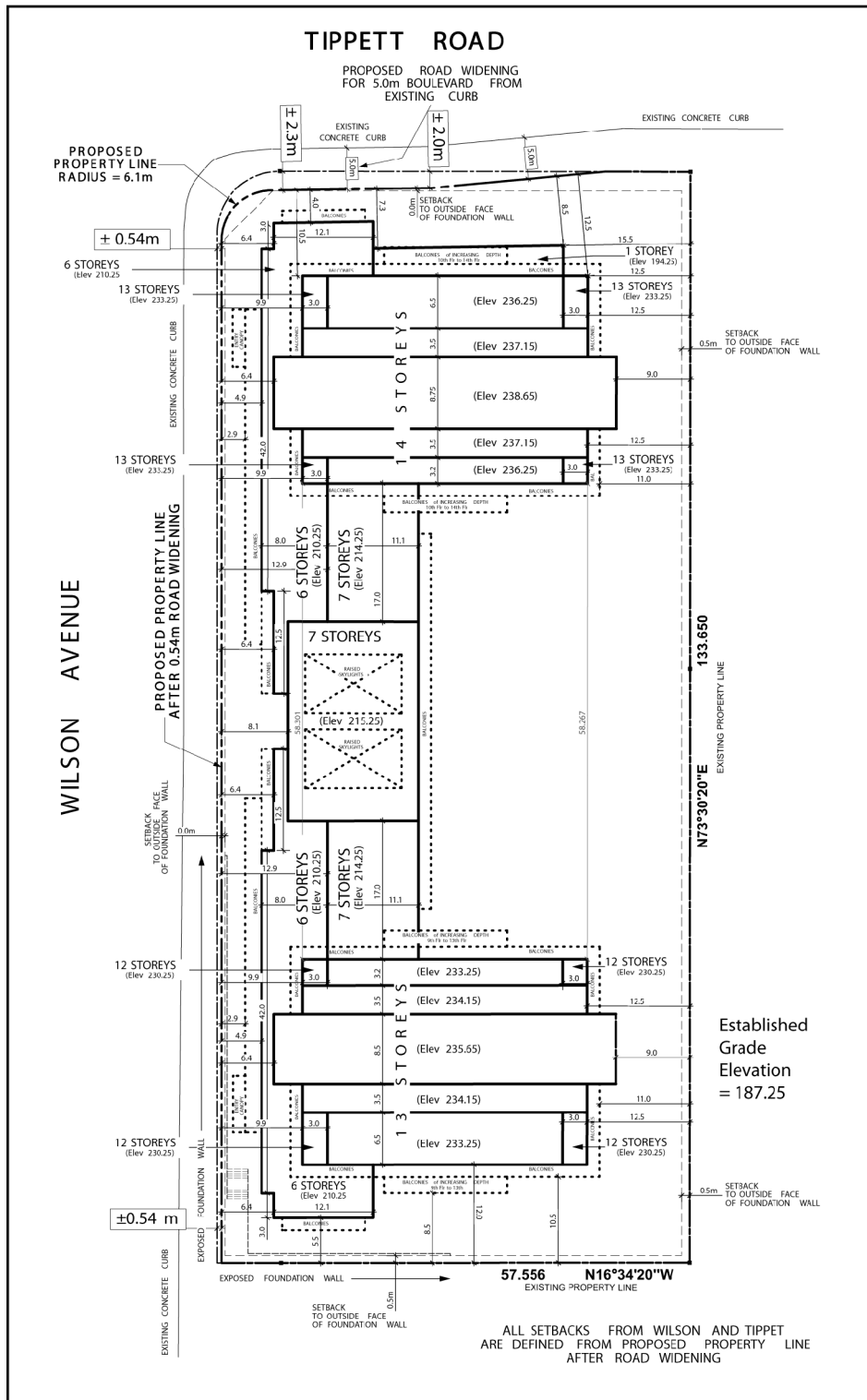
ENACTED AND PASSED this 23rd day of February, A.D. 2010.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)





Schedule RM6(186)

City of Toronto
City Planning

File # 08 165972

Applicant's Submitted Drawing

Date: 01/20/2010

Approved by: C.F.

Not to Scale