

CITY OF TORONTO

BY-LAW No. 478-2012(OMB)

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 525 Wilson Avenue and 9 Tippet Road.

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 7625 of the former City of North York, as amended, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2008 as 525 Wilson Avenue and 9 Tippet Road; and

WHEREAS the Council of the City of Toronto, at its meeting on September 26 and 27, 2007, determined to amend Zoning By-law No. 7625 of the former City of North York, as amended; and

WHEREAS the Ontario Municipal Board, pursuant to its Order issued on December 2, 2008 has determined to amend Zoning By-law No. 7625 of the former City of North York, as amended;

The Ontario Municipal Board 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(173) RM6(173)

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 186.2 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 area 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:
- a. the floor area of unenclosed residential balconies
 - b. any loading spaces located within the building;
 - c. any part of the building used for mechanical floor area; and
 - d. any area used for motor vehicle parking.
- vi. "Live-Work Use" shall mean an Artist Studio, Business or Professional Office, Custom Workshop or Personal Service Shop located within a Dwelling Unit, providing the following conditions shall apply: Live-Work Uses shall only be conducted by a member or members of a household that reside in the Dwelling Unit; the work component of the Dwelling Unit shall not exceed a maximum Gross Floor Area of 30 percent of the total Gross Floor Area of the dwelling unit and, for an Apartment House Dwelling the Live-Work Use shall be restricted to the street level of the Apartment House Dwelling.
- vii. "Mechanical Floor Area" shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, such as heating, ventilation, air conditioning, electrical, plumbing, fire protection and elevator equipment.
- viii. "Site" shall mean the lands zoned "RM6(173)" and "M2(74)" for the purpose of paragraph (aa) of this exception.

PERMITTED USES

- (b) The following uses shall be permitted:

Apartment House Dwelling;
Art Gallery;
Artist Studio;
Automatic Laundry Shop;
Business Office;
Clinic;
Club;
Commercial Gallery;
Commercial Recreation;
Commercial School;
Communication and Broadcasting;
Custom Workshop;

Day Nursery;
Dry Cleaning and Laundry Collecting Establishment;
Financial Institution;
Fitness Centre;
Laundry;
Live-Work Use;
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;
Private-Home Day Care;
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 roof top terraces; and
- (e) Non-residential uses shall be located on the ground floor of the building.

EXCEPTION REGULATIONS

LOT AREA

- (f) The provisions of Section 20-A.2.1 (Lot Area) shall not apply.

LOT COVERAGE

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

DWELLING UNITS

- (h) A maximum of 503 dwelling units shall be permitted.

YARD SETBACKS

- (i) The minimum yard setbacks for buildings and structures above Established Grade shall be as shown on Schedule "RM6(173)".
- (j) All buildings and structures above Established Grade to an elevation of

196.3 metres above sea level shall be located a minimum of 0.0 metres and a maximum of 5.5 metres from any public right-of-way.

- (k) Notwithstanding (i) above, the minimum yard setback for parking structures and structures associated thereto above Established Grade shall be 0.0 metres.
- (l) The minimum yard setback for parking structures and structures associated thereto below established grade shall be 0.0 metres.

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (m) The provisions of Section 6(9) (Permitted Projections Into Minimum Yard Setbacks) shall not apply.

DISTANCE BETWEEN BUILDINGS AND/OR PORTIONS FORMING COURTS

- (n) The provisions of Section 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) shall not apply.
- (o) The minimum separation between buildings shall be as shown on Schedule "RM6(173)".

GROSS FLOOR AREA

- (p) A maximum Gross Floor Area of 42,000 m² shall be permitted, of which a minimum of 730 m² gross floor area shall be for non-residential uses.

BUILDING HEIGHT

- (q) Notwithstanding Schedule 'D' of By-law No. 7625:
 - a. 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(173)".
 - b. the maximum Building Height of any portion of a building or structure shall not exceed the height measured in metres above sea level for that portion of the building on Schedule "RM6(173)" as shown by the number following "MGE" (being maximum geodetic elevation) on Schedule "RM6(173)".
 - c. in no case shall any building or structure, inclusive of any accessory component, exceed 238.8 metres above sea level.

RESIDENTIAL RECREATIONAL AMENITY AREA

- (r) A minimum of 1.5 m² per dwelling unit of indoor residential recreational amenity area shall be provided.

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

PARKING REQUIREMENTS

- (t) Parking for residential uses within the site shall be provided in accordance with the following:
- a. A minimum of 1.2 parking spaces per apartment house dwelling unit, of which, 0.2 parking spaces per dwelling unit shall be for the use of visitors.
 - b. All required residential parking spaces for the "RM6(173)" zone shall be provided within the "RM6(173)" zone with the exception of the required residential visitor parking spaces which may be provided within the abutting "M2(74)" zone.
- (u) Parking for non-residential uses shall be provided in accordance with By-law No. 7625, as amended.
- (v) Parking for non-residential uses shall be provided in the "RM6(173)" zone or within the abutting "M2(74)" zone.
- (w) A maximum of fifty (50) per cent of the required residential visitor parking spaces may be shared with the required non-residential parking component of the abutting "M2(74)" zone.
- (x) Until a building, at least 11,000 square metres in size, has been completed within the lands zoned "M2(74)", parking for uses located in the "RM6(173)" zone shall be provided only in the "RM6(173)" zone.

SIZE OF PARKING SPACES

- (y) A parking space shall have the following minimum dimensions:
- i. 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:
 - a. 5.6 metres in length;
 - b. 2.6 metres in width;
 - c. 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 (iii) below;

- ii. 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:
 - a. 5.6 metres in length;
 - b. 3.0 metres in width;
 - c. 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 (iii) below;
- iii. 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:
 - a. within 0.3 metres of the side of the parking space, measured at right angles; and
 - b. more than 1.0 metre from the front or rear of the parking space;
- iv. Every parking space shall have a minimum unobstructed vertical clearance of 2.0 metres for the entire length and width of the parking space.

OTHER PROVISIONS

- (z) 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 0.8 metres above or below the grade of the public right-of-way at the property line.

SECTION 37

- (aa) 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 (aa), 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 (and if paid after Jan. 1, 2008, together with any increases to reflect increases in the Construction Price Statistics between August 21, 2007 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 2 Faywood Boulevard, 408 to 530 Wilson Avenue on the north side and 451 to 497 Wilson Avenue on the south side; and
 - b. replacement of asphalt with decorative concrete or unit pavers in the boulevard along Wilson Avenue where opportunities exist;
- (ii) A contribution of \$180,000 (and if paid after Jan. 1, 2008, together with any increases to reflect increases in the Construction Price Statistics between August 21, 2007 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(173)" and dedicated (without limiting the discretion of the City), to improving the existing recreational capital facilities in Ward 10, the specific location to be determined through continuing discussions between City Planning staff, the Ward Councillor, Parks, Forestry and Recreation staff and other City Divisions as required;
- (iii) A contribution of \$300,000 (together with any increases to reflect increases in the Construction Price Statistics between August 21, 2007 and the delivery of such payment) for an on-site public art installation under the Percent for Public Art Program; and
- (iv) The provision of a one half year (one 6-month subscription) Adult or Senior/Student Metro pass, as issued by the Toronto Transit Commission, free of charge to the first purchaser of each dwelling unit constructed within the Site.

LAND DIVISION

- (bb) 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(173)" attached to this By-law.
4. Section 64.31 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

64.31(74) M2(74)

DEFINITIONS

- (a) "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.
- (b) For the purposes of this exception, "Established Grade" shall be 186.2 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (pre-1978 Southern Ontario Adjustment).
- (c) "Site" shall mean the land zoned "RM6(173)" and "M2(74)" for the purpose of paragraph (v) of this exception.

PERMITTED USES

- (d) The following uses shall be permitted on any floor:

Adult Education School;
 Artist Studio;
 Business Office;
 Club;
 Commercial Recreation;
 Commercial School;
 Communication and Broadcasting;
 Contractor's Establishment;
 Custom workshop;
 Financial Institution;
 Fitness Centre;
 Health Science Research Laboratory;
 Hotel;
 Industrial Sales and Services;
 Information Processing;
 Manufacturing;
 Professional Office;
 Professional Medical Office; and
 Research Laboratory.

- (e) The following uses shall be permitted but on the ground floor only:

Clinic;
 Day Nursery;
 Dry Cleaning and Laundry Collecting Establishment;
 Financial Institution;
 Outdoor Café, in conjunction with a restaurant on the same lot, subject to the provisions of Section 6(22);
Restaurant;
 Retail Store;
 Personal Service Shop;
 Service Shop;
 Showroom;
 Synthetic Dry-cleaning Establishment; and
Take-out Restaurant.

USE QUALIFICATIONS

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

EXCEPTION REGULATIONS

FLOOR SPACE INDEX

- (g) The provisions of Section 31(5) Floor Space Index shall not apply.

GROSS FLOOR AREA

- (h) The maximum permitted gross floor area shall be 11,500 m².

MAXIMUM BUILDING HEIGHT

- (i) Notwithstanding Schedule 'D' of By-law No. 7625 of the former City of North York, as amended, the maximum height of any portion of a building or structure shall not exceed the lesser of:
- i. Six (6) storeys
 - ii. 21.6 metres above Established Grade
- (j) In no case shall any building or structure, inclusive of any accessory component, exceed 238.8 metres above sea level.

YARD SETBACKS

- (k) All buildings and structures above Established Grade shall be located a maximum of 4.5 metres from any public right-of-way.

- (l) The minimum rear yard setback for buildings and structures above Established Grade shall be 15.0 metres.
- (m) The minimum yard setback for parking structures and structures associated thereto above Established Grade shall be 0.0 metres.
- (n) The minimum yard setback for parking structures and structures associated thereto below Established Grade shall be 0.0 metres.

LANDSCAPING

- (o) The requirements of Section 31(6)(b) Landscaping shall not apply.

PARKING REQUIREMENTS

- (p) Parking shall be provided in accordance with By-law No. 7625.
- (q) Notwithstanding (p) above, the provisions of Section 6A(10) of By-law No. 7625 shall not apply.

LOCATION OF PARKING SPACES

- (r) All required parking for uses permitted in the "M2(74)" zone shall be provided within the "M2(74)" zone.
- (s) No at-grade parking spaces shall be permitted within 3.0 metres of any property line.

SIZE OF PARKING SPACES

- (t) A parking space shall have the following minimum dimensions:
 - i. 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:
 - a. 5.6 metres in length;
 - b. 2.6 metres in width;
 - c. 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 (iii) below;
 - ii. 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:

- a. 5.6 metres in length;
- b. 3.0 metres in width;
- c. 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 (iii) below;

- iii. 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:
 - a. within 0.3 metres of the side of the parking space, measured at right angles; and
 - b. more than 1.0 metre from the front or rear of the parking space;
- iv. Every parking space shall have a minimum unobstructed vertical clearance of 2.0 metres for the entire length and width of the parking space.

LOADING SPACE REQUIREMENTS

- (u) Notwithstanding the requirements of Clause 6A(16)(a)(ii), a minimum of two (2) loading spaces shall be required.

SECTION 37

- (v) 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 (v), 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:

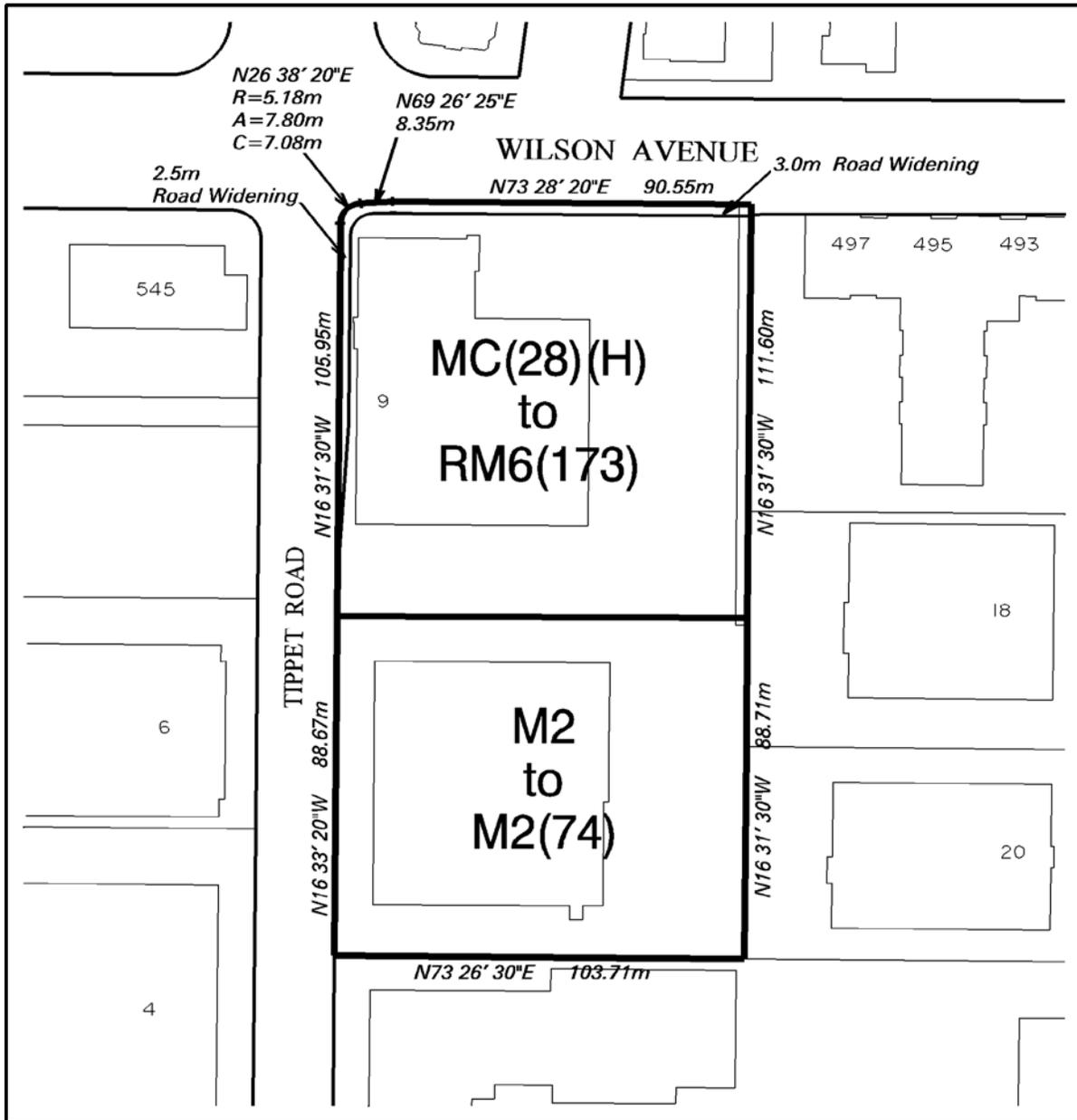
- i. A contribution of \$20,000 (and if paid after Jan. 1, 2008, together with any increases to reflect increases in the Construction Price Statistics between August 21, 2007 and the delivery of such payment) to be paid concurrent with the delivery of the agreement for (without limiting the discretion 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 2 Faywood Boulevard, 408 to 530 Wilson Avenue on the north side and 451 to 497 Wilson Avenue on the south side; and
 - b. replacement of asphalt with decorative concrete or unit pavers in the boulevard along Wilson Avenue where opportunities exist.
- ii. A contribution of \$180,000 (and if paid after Jan. 1, 2008, together with any increases to reflect increases in the Construction Price Statistics between August 21, 2007 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 RM⁽¹⁷³⁾ and dedicated (without limiting the discretion of the City), to improving the existing recreational capital facilities in Ward 10, the specific location to be determined through continuing discussions between City Planning staff, the Ward Councillor, Parks, Forestry and Recreation staff and other City Divisions as required;
- iii. A contribution of \$300,000 (together with any increases to reflect increases in the Construction Price Statistics between August 21, 2007 and the delivery of such payment) for an on-site public art installation under the Percent for Public Art Program; and
- iv. The provision of a one half year (one 6-month subscription) Adult or Senior/Student Metro pass, as issued by the Toronto Transit Commission, free of charge to the first purchaser of each dwelling unit constructed within the Site.

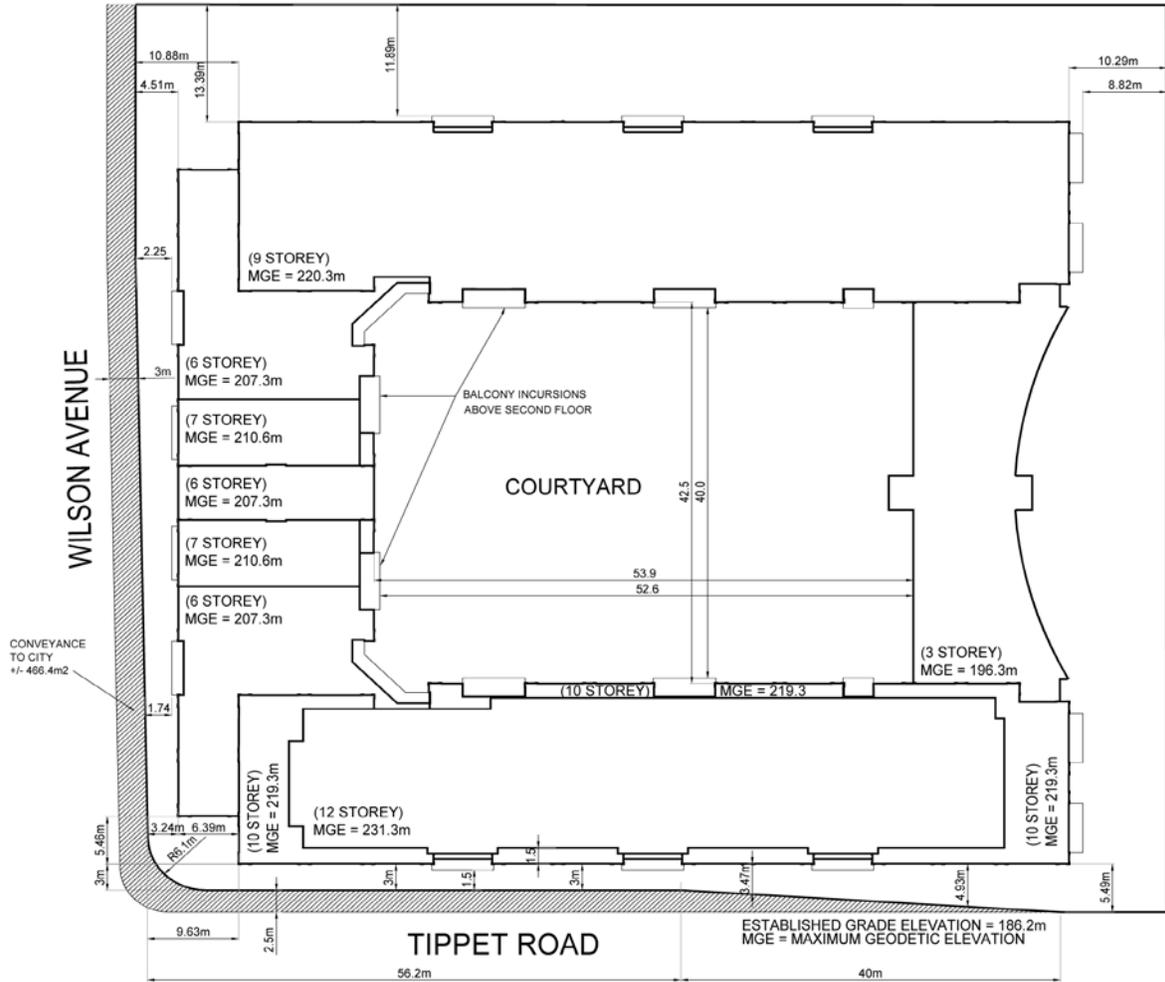
LAND DIVISION

- (w) Notwithstanding any severance, partition or division of the lands zoned "M2(74)", 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.

- 5.** Within the lands shown on Schedule 1 attached to this By-law and zoned "RM6(173)" and "M2(74)", 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.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER 2, 2008 IN BOARD FILE NO. PL080700.





Schedule " RM6(173) " to Bylaw _____

Applicant's Submitted Drawing

File # 06_184089

Date: 11/21/2007
Approved by: C.F.

←
Not to Scale