

Attachment 6: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto Council
on ~, 2007
Enacted by Council: ~, 2007

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2007

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 7 & 9 Tippet Road

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*; and

WHEREAS the Official Plan of the City of Toronto contains provisions relating to the authorization of increases in density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules “B” and “C” of By-law 7625 of the former City of North York 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(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 in the case of a flat roof, the highest point of the roof surface, or in the case of a mansard roof the deck line, or in the case of a gabled, hip, or gambrel roof, the mean height level between eaves and ridge. The maximum height of a building is inclusive of any accessory component of the building including but not limited to, penthouses, towers, cupolas, steeples, antennae or other roof structures which are used only as an ornament upon or to house the mechanical equipment of the building.
 - 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 the elevation of the buildings as shown on Schedule “RM6(173)”.
 - 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; and
 - b any area used for automobile parking.
 - vi. “Live-Work Use” shall mean an artist studio, business and 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 shall not exceed a maximum gross floor area of 30 percent of the total residential gross floor area of the dwelling unit and, for an apartment house dwelling the live work uses shall be restricted the street level.
 - vii. “Main Entrance” shall mean the entrance to a building located on a public right-of-way.

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;
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 on the same lot, subject to the provisions of Subsection 6(22);
Personal Service Shop;
Private Home Daycare;
Professional Medical Office;
Professional Office;
Recreational Use;
Restaurant;
Retail Store;
Service Shop;
Take-out Restaurant; and
Veterinary Clinic.

USE QUALIFICATIONS

- (c) Restaurant and Take-Out Restaurant Uses shall be subject to Section 6(22);
- (d) A Restaurant or Take-Out Restaurant shall not have a drive through facility;
- (e) Outdoor Residential Recreational Amenity Areas may be located on roof top terraces.

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 498 dwelling units shall be permitted;

YARD SETBACKS

- (i) All buildings and structures above grade to an elevation of 202.3 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.
- (j) The minimum yard setbacks for buildings and structures above established grade shall be as shown on Schedule RM6(173).
- (k) Notwithstanding (j) above, the minimum yard setback for parking structures and structures associated thereto below established grade shall be 0.0 metres.
- (l) Notwithstanding (j) above, the minimum yard setback for parking structures and structures associated thereto above established grade shall be 0.0 metres.

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (m) The permitted projections into the required yards shall be as set out in By-law 7625.

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 42,000m² shall be permitted, of which a minimum of 700m² shall be for non-residential uses.

BUILDING HEIGHT

- (q) Notwithstanding Schedule ‘D’ of By-law No. 7625, the maximum height including landscape open structures and parapets, shall be number of metres above sea level for all buildings and structures as shown on Schedule “RM6(173)”;
- (r) In no instance shall any building or structure exceed a height of 238.8 metres above sea level.

RESIDENTIAL RECREATIONAL AMENITY AREA

- (s) A minimum of 1.5m² per dwelling unit of indoor residential recreational amenity area shall

be provided.

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

PARKING

- (u) Parking for residential uses within the site shall be provided in accordance with the following:
 - a A minimum of 1.25 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 “M2(74)” zone.
- (v) Parking for non-residential uses shall be provided in accordance with By-law 7625.
- (w) Parking for non-residential uses shall be provided in the “RM6(173)” zone or within the “M2(74)” zone.
- (x) 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 “M2(74)” zone.

LOADING SPACE REQUIREMENTS

- (y) The provisions of Section 6A(16)(a) (Loading Spaces Required) shall not apply.

OTHER PROVISIONS

- (z) The main entrance to each building or unit which faces a public right-of-way shall 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.

PHASING

- (aa) That construction on a building a minimum size of 11,000m² within the lands zoned “M2(74)” be completed prior to the completion of any building within the lands zoned “RM6(173)”.

SECTION 37

- (bb) The owner of the lands as shown on Schedule “RM6(173)” shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this by-law applies in the manner and to the

extent specified in 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 maximum gross floor area cited in clause (p) and maximum height specified in clause (q) and as shown on Schedule “RM6(173)” which forms part of this By-law.

- i. A cash contribution of \$20,000 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 cash contribution of \$180,000 dedicated 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 cash contribution of \$300,000 for an on-site public art installation under the Percent for Public Art Program; and
- iv. A cash contribution towards a TTC Metropass for any purchaser of a unit that purchases an annual Metropass within three months of occupying his or her unit, with a limit of one contribution per unit, to a maximum of \$250,000.

LAND DIVISION

- (cc) Notwithstanding any severance, partition or division of the lands shown on Schedule “Rm6(173)”, 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 is amended by adding Schedule “RM6(173)” attached to this By-law.
4. Section 64.31 of By-law No. 7625 is amended by adding the following subsection:

64.31(74) M2(74)

DEFINITIONS

- (dd) “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.

(ee) For the purposes of this exception, “Established Grade” shall be 186.2 metres above sea level.

PERMITTED USES

(ff) The following uses shall be permitted:

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;
Research Laboratory;

(gg) 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;
Take-out Restaurant;

USE QUALIFICATIONS

(hh) Restaurant and Take-Out Restaurant Uses shall be subject to Section 6(22);

- (ii) A Restaurant or Take-Out Restaurant shall not have a drive through facility;

EXCEPTION REGULATIONS

FLOOR SPACE INDEX

- (jj) The maximum permitted floor space index is 1.3 times the lot area.

GROSS FLOOR AREA

- (kk) The maximum permitted gross floor area is 11,700m².

YARD SETBACKS

- (ll) All buildings and structures above grade shall be located a minimum of 5.0 metres and a maximum of 10.0 metres from any public right-of-way.

LANDSCAPING

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

PARKING

- (nn) Parking shall be provided in accordance with By-law 7625.

- (oo) All required parking for uses permitted in the “M2(74)” zone shall be provided within the “M2(74)” zone.

- (pp) No at-grade parking spaces shall be permitted within 2 metres of any property line.

MAXIMUM BUILDING HEIGHT

- (qq) Notwithstanding Schedule ‘D’ of By-law No. 7625, the maximum height of any building or structure shall be the lesser of 21.6 metres or 6 storeys above established grade.

OTHER REGULATIONS

LAND DIVISION

- (rr) 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:

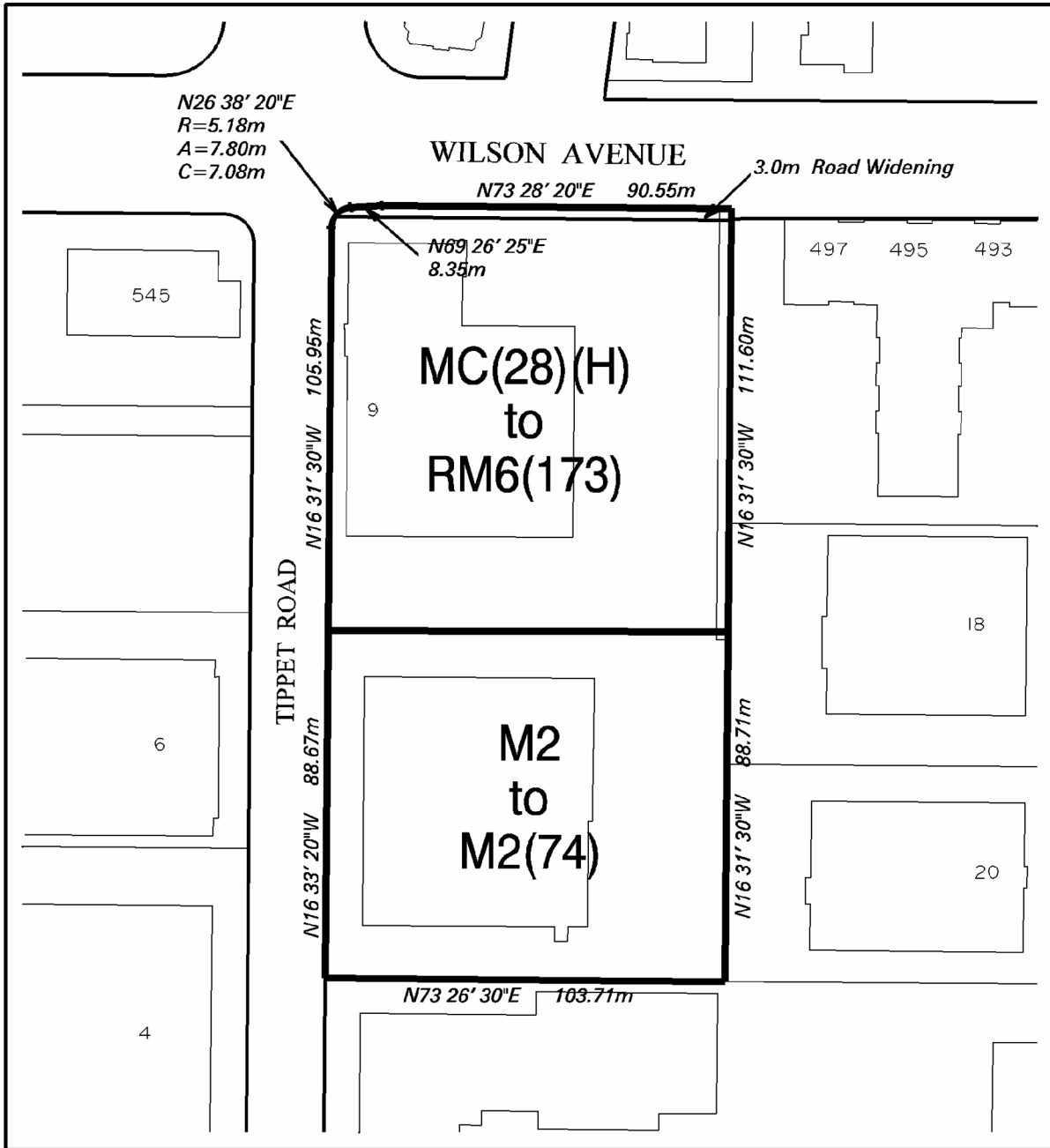
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 2007.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Schedule " 1 " to Bylaw _____

Part of Block A, Plan 2466

File # 06_184089

Date: 08/17/2007
 Approved by: C.F.

↑
 Not to Scale

