

**Repeal and Adoption of New By-laws -
Official Plan and Zoning By-law Amendments
Wilson Avenue, between Keele Street and Bathurst
Street**

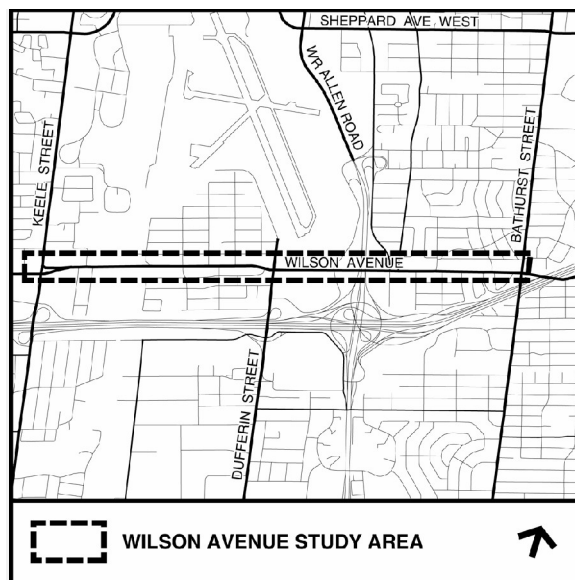
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| Date: | September 17, 2007 |
| To: | North York Community Council |
| From: | Director, Community Planning, North York District |
| Wards: | Wards No. 9 & 10 – York Centre |
| Reference Number: | File No. 03 194996 NNY 10 TM |

SUMMARY

Amendments to the Official Plan and the former City of North York Zoning By-law for the segment of Wilson Avenue running generally between Keele Street and Bathurst Street to fully implement the results of the Wilson Avenue Avenue Study are recommended in this report.

A public meeting under the Planning Act was held on January 16, 2007 for this application and the By-laws were enacted by Council on June 11, 2007. Subsequent to that, it was determined the January Notice of Statutory Meeting had been issued improperly. The By-laws must be repealed, a new Notice of Statutory Public Meeting is required and Council must pass new By-laws.

This report recommends repeal of By-laws 637-2007 and 638-2007 which adopted Official Plan Amendment 1 and amended the Zoning By-law for the Wilson Avenue Avenue Study and recommends the approval of new By-laws to implement the



Wilson Avenue Avenue Study.

The goal of the proposed amendments is to encourage a street-oriented, mixed use pattern of development that promotes transit and pedestrian use and streetscape improvements to Wilson Avenue.

RECOMMENDATIONS

The City Planning Division recommends that City Council:

1. repeal By-laws 637-2007 and 638-2007;
2. amend the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 1;
3. amend the Zoning By-law for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2; and
4. authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The Final Report for the *Wilson Avenue Avenue Study* was before North York Community Council on January 16, 2007. This meeting was intended to be the required statutory public meeting under the *Planning Act* and was advertised by mail. Notice was sent to 156 property owners and 376 tenants.

At that meeting, North York Community Council deferred consideration of the Final Report dated December 22, 2006 from the Director, Community Planning, North York District, and further directed that additional community consultation occur, that the Director, Community Planning, North York District, report back on the deletion of some unacceptable uses (i.e. adult entertainment parlours, video arcades, places of worship and industrial services) and review the feasibility of eliminating the requirement of the 45 degree angular plane. North York Community Council also referred the December 22, 2006 report to the Toronto Transit Commission for comment.

Additional community consultation meetings were held during March of 2007 and the TTC was circulated copies of the Final Report dated December 22, 2006. A

Supplementary Report dated April 17, 2007 was prepared for the North York Community Council meeting of May 1, 2007 to address the earlier North York Community Council directions.

On May 1, 2007 North York Community Council considered the Supplementary Report which presented draft Official Plan and Zoning By-law Amendments implementing the findings and recommendations of the Wilson Avenue *Avenue* Study.

At its meeting of May 23, 2007 City Council deferred consideration of the item to its Special Council Meeting on June 11, 2007.

On June 11, 2007 the draft Official Plan and Zoning By-law Amendments attached to the report dated April 17, 2007 from the Director, Community Planning, North York District were adopted by City Council as By-law No. 637-2007 (Official Plan Amendment No. 1) and By-law 638-2007 (Zoning By-law Amendment).

The Notice of Adoption for the By-laws was mailed to 2,142 property owners and 2,113 tenants. It was at that time the discrepancy between these numbers and the number of property owners and tenants who received the Notice of Public Meeting for the public meeting held on January 16, 2007 was revealed.

Following the passing of the By-laws, a number of appeals were made to the Ontario Municipal Board. The appeals are described below. A hearing date has not been set.

The City Solicitor has determined that it is necessary to repeal the original By-laws and give notice of a new Public Meeting under the *Planning Act*. Notice of this Public Meeting was mailed to all property owners and tenants in the study area and within 120 metres of the study area and appropriate signage has been posted. Following City Council's consideration of the matter, new By-laws for the Official Plan and Zoning By-law Amendments can be enacted at the upcoming City Council meeting of October 22 and 23, 2007.

Study Area

The study area for the Wilson Avenue *Avenue* Study includes the right-of-way (streets, sidewalks, streetlights and street trees), properties fronting both sides of Wilson Avenue from Pleasant Home Boulevard in the west and the Highway 401 overpass east of Bathurst Street in the east and properties around the intersections of Wilson Avenue and Keele and Bathurst Streets.

Appeals

Following City Council's enactment of By-laws 637-2007 and 638-2007 on June 11, 2007, five appeals were received by the City of Toronto Clerk's Department. The appeal period ended on July 10, 2007. The appeals were forwarded to the Ontario Municipal Board and three were deemed to have been filed appropriately as follows:

1. Navtej Kang appealed both the Official Plan and Zoning By-law Amendments on July 10, 2007 (owner of the property at 1031 Wilson Avenue). His letter indicates his business may be negatively impacted by the adoption of the By-laws.
2. Adam Brown, Sherman Brown Dryer Karol, on behalf of Wise Management Inc., appealed the Zoning By-law on June 27, 2007 (for the properties known as 445-455 Wilson Avenue). The basis for this appeal is that the subject property has been included in the approved Zoning By-law.
3. Barnet Kussner, WeirFoulds, on behalf of Westmount-Keele Limited, appealed the Zoning By-law on June 29, 2007 (for the property known as 2737 Keele Street). The appeal has been made on the basis that the subject property has been excluded from the approved Zoning By-law.

Due to the nature of the submitted appeals, they cannot be settled through minor revisions to the By-laws. The remaining appeals were filed inappropriately and were not accepted by the Ontario Municipal Board.

Conclusions

In order to implement the Wilson Avenue *Avenue* Study, City Council approved an Amendment to the City of Toronto Official Plan and an implementing Zoning By-law in June, 2007. However, these must be repealed due to a procedural error in issuing the statutory Notice of Public Meeting for the public meeting held on January 16, 2007. Appropriate notice was issued for the October 2, 2007 Public Meeting and the same Official Plan and Zoning By-law Amendments can be approved by Council.

CONTACT

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SIGNATURE

Thomas C. Keefe, Director
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ATTACHMENTS

Attachment 1: Draft Official Plan Amendment
Attachment 2: Draft Zoning By-law Amendment

Attachment 1: Draft Official Plan Amendment

AMENDMENT NO. 1 TO THE OFFICIAL PLAN FOR THE CITY OF TORONTO

The following text and schedule constitute Amendment No. 1 to the Official Plan of the City of Toronto.

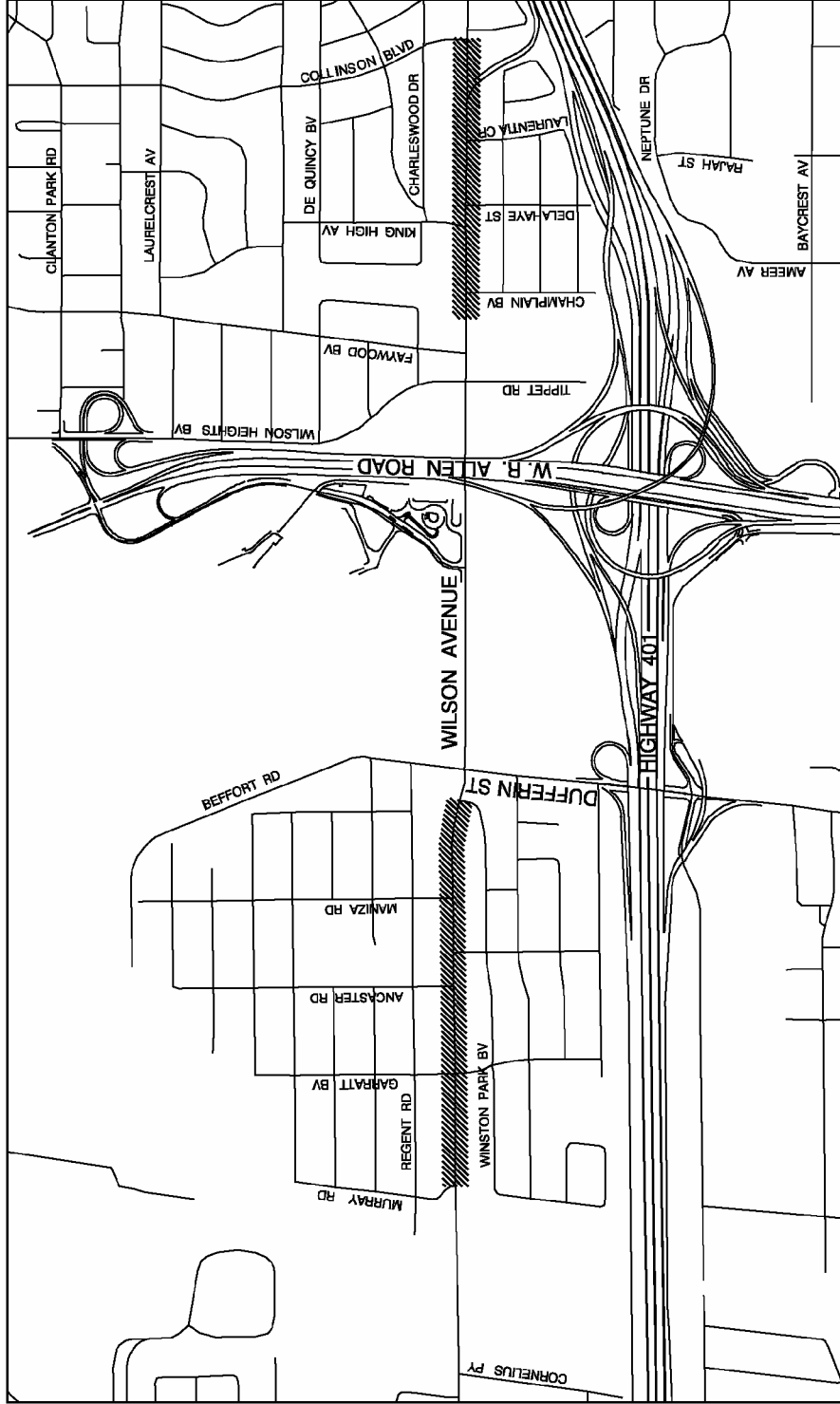
ITEM 1

Map 3 Right-of-Way Widths Associated with Existing Major Streets is hereby amended as shown on Schedule 'A' to this amendment and as described in detail below.

For the segment of Wilson Avenue, from Murray Road to Dufferin Street, the maximum required right-of-way width shall be 33 metres in the following locations: on the north side of the Wilson Avenue right-of-way, from the east limit of Murray Road to the east limit of 640 Wilson Avenue, being the easterly limit of Lot 275 on Registered Plan 1764; and, on the south side of the Wilson Avenue right-of-way, from the east limit of 945 Wilson Avenue to the west limit of Winston Park Boulevard.

For the segment of Wilson Avenue, from Champlain Boulevard to Collinson Boulevard, the maximum required right-of-way width shall be 33 metres in the following locations: on the north side of the Wilson Avenue right-of-way, from the east limit of 470 Wilson Avenue, being the easterly limit of Block A on Registered Plan 4117, to the west limit of Collinson Boulevard; and, on the south side of the Wilson Avenue right-of-way, from the east limit of Champlain Boulevard to the west limit of 379 Wilson Avenue, being the westerly limit of Lot 1190 on Registered Plan 2053.

The above noted municipal addresses shall be those in effect on the date of this amendment being adopted by the Council for the City of Toronto.



Toronto City Planning Division
Official Plan Amendment #1 - Schedule 'A'
Wilson Avenue Between Murray Rd. and Collinson Blvd.
 File # 03_194996



Right-of-Way Width to be Decreased from 36 metres to 33 metres
 Amendment to Map 3 Right-of-Way Widths Associated with Existing Major Streets
 Extracted 03/09/2006