

Authority: North York Community Council Item 5.35,
as adopted by City of Toronto Council on June 11, 2007
Enacted by Council: June 11, 2007

CITY OF TORONTO

BY-LAW No. 638-2007

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands along Wilson Avenue in the vicinity of Keele Street in the west and Bathurst Street in the east.

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 Schedules “1” to “8” of this By-law.
2. By-law No. 7625 is amended by adding the following section:

SECTION 45 AVENUES MIXED USE ZONE (AV-MU)

45.1 Prohibition

No person shall use any lands, buildings or structures, or cause or permit a building or structure to be erected, in an Avenues Mixed use (AV-MU) zone except in accordance with the following provisions:

45.2 Definitions

For the purpose of the Avenue Mixed Use (AV-MU) zone, the following definitions will apply in addition to the definitions of By-law No. 7625:

- (i) “Apartment House Dwelling” shall mean a building containing more than four (4) dwelling units, each unit having direct access from an internal corridor, the exterior of the building or a combination thereof.
- (ii) “Live-Work Unit” shall mean an artist studio, business and professional office, commercial school, personal service shop, professional medical office, retail store, or service shop use located within a dwelling unit, provided the following conditions 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

- to the street level.
- (ii) “45° Angular Plane” shall mean a point originating at a lot line and projecting at a 45 degree angle toward the development.

45.3 (a) Permitted Uses

Adult Education School
Apartment Hotel
Apartment House Dwelling
Art Gallery
Artist Studio
Automatic Laundry Shop
Business and Professional Office
Cinema
Club
Commercial Recreation
Commercial Gallery
Community Centre
Custom Workshop
Day Nursery
Dry Cleaning and Laundry Collecting Establishment
Financial Institution
Fitness Centre
Hotel
Information Processing
Live-Work Unit
Multiple Attached Dwelling
Museum
Nursing Home
Outdoor Café
Park
Personal Service Shop
Pinball and Video Games Arcade
Professional Medical Office
Public Library
Research Laboratory
Restaurant
Retail Store
Service Shop
School
Theatre
Take-out Restaurant
Veterinary Clinic

(b) Use Qualifications

- (i) 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.
- (iii) Nursing Home uses shall not be subject to the provisions of Section 6(26).

ZONE REGULATIONS

45.4 Yard Setbacks

- (i) All buildings and structures above and below grade, to the lesser of a height of 9.6m or 3 storeys, shall be located a minimum of 0.0 metres and a maximum of 2.5 metres from any street lot line except:
 - A. Development that has residential uses on the first floor shall be located a minimum of 2.5 metres and a maximum of 4.5 metres from any street.
- (ii) The portion of any building or structure above 9.6 metres or 3 storeys in height shall be set back an additional 1.0 metre from the base elevation for buildings from a front lot line.
- (iii) The portion of any building or structure above 18 metres or 6 storeys in height shall be setback an additional 3.0 metres from the 6th storey elevation.
- (iv) All buildings and structures to the lesser height of 9.6 metres or 3 storeys shall be located a minimum of 2.5 metres and a maximum of 4.5 metres from a street lot line that other than the front lot line.
- (v) The portion of any building or structure above 9.6 metres or 6 storeys in height shall be set back an additional 1.0 metre from the base elevation for buildings from a street lot line other than the front lot line.
- (vi) All buildings and structures which exceed 3 storeys or 9.6 metres shall be located a minimum of 4.0 metres from a street lot line other than the front lot line.
- (vii) Notwithstanding (i), (ii), (iii), (iv), (v) and (vi) above balconies, pedestrian weather protection systems, canopies, porches, steps, bay windows, overhangs, railings, cornices, awnings or colonnades may be permitted in the area between the front wall of the building and the front lot line and the wall of the building and the street lot line.

- (viii) Where the side yard or rear yard of a property is adjacent to an “R” or “RM” zone, the minimum side yard setback shall be 1.2 metres for buildings up to a height of 9.6 metres or 3 storeys and 7.5 metres for buildings above a height of 9.6 metres or 3 storeys.
- (ix) The minimum setback for underground parking structures shall be 0.0 metres from any lot line.

45.5 Height

- (i) The maximum height for all buildings and structures shall be:
 - A. The lesser of 3 storeys and 9.6 metres for lots having a frontage of less than 30 metres.
 - B. The lesser of 6 storeys and 18 metres for lots having a frontage of 30 metres or more.
 - C. The lesser of 8 storeys and 24 metres for lots having a frontage of 30 metres or more and such lot being located at the intersection of two public streets.
 - (a) Notwithstanding (C) above, for those properties on the north side of Wilson Avenue, between Maniza Road and Dufferin Street, the maximum height of the building inclusive of any accessory component of the building shall be 8 storeys and 24 metres 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.
- (ii) Notwithstanding (i) the maximum height for buildings and structures on lots having a frontage of 30 metres or more and such lot being located at the intersection of Keele Street and Wilson Avenue as shown on Schedule “7” shall be the lesser of 10 storeys and 30 metres.
- (iii) Notwithstanding (i) the maximum height for buildings and structures on lots having a frontage of 30 metres or more and such lot being located at the intersection of Bathurst Street and Wilson Avenue as shown on Schedule “8” shall be the lesser of 10 storeys and 30 metres.
- (iv) All buildings and structures shall maintain a 45 degree angular plane from any lot line that abuts any “R” or “RM” zone beyond which no building or structure shall be permitted. Where a public laneway abuts the development site, the laneway may be included for the purposes of establishing the 45 degree angular plane.

45.6 Density

- (i) The maximum floor space index shall be:
 - A. 1.0 FSI for a lot having a frontage of less than 30 metres.
 - B. 2.0 FSI for a lot having a frontage of 30 metres or more.
- (ii) Notwithstanding (i) above the maximum floor space index for buildings and structures on lots having a frontage of greater than 30 metres and such lot being located at the intersection of Bathurst Street and Wilson Avenue as shown on Schedule “7” to this by-law shall be 2.5.
- (iii) Notwithstanding (i) above the maximum floor space index for buildings and structures on lots having a frontage of 30 metres or more and such lot being located at the intersection of Keele Street and Wilson Avenue as shown on Schedule “8” to this by-law shall be 2.5.

45.7 Parking

- (i) Parking shall not be located in the front yard.
- (ii) No surface parking spaces are permitted within 2.5 metres of a front lot line or within 2.0 metres of any other lot line.
- (iii) All residential parking for apartment house dwellings which are greater than 3 storeys or 9.6 metres in height shall be provided below grade with the exclusion of visitor parking which may be provided at grade.
- (iv) A minimum of 1.25 parking spaces per apartment house dwelling unit shall be required for residential uses, of which 0.25 parking spaces per dwelling unit shall be for the use of visitors.
- (v) For all other uses, the parking provisions of By-law No. 7625 shall apply.
- (vi) All required parking spaces or portions thereof, shall be provided on the same lot as the use.

45.8 Residential Recreational Amenity Area

- (i) For apartment house dwelling uses only, a minimum of 2.0 m² per dwelling unit of above grade indoor recreational amenity area and a minimum of 2.0 m² of outdoor recreational amenity area per dwelling unit shall be provided and which may include rooftop amenity area.

- (ii) For multiple attached residential uses only, a minimum of 2.0 m² of outdoor recreational amenity area per dwelling unit for exclusive use of that unit shall be provided.

45.9 Landscaping

- (i) A minimum 2.0 metre wide landscape area shall be provided along the full length of a rear property line that abuts an “R” or “RM” zone.

45.10 Other Provisions

- (i) Where a lot abuts a public lane or a flanking street, the access for all vehicles shall be from the public lane or flanking street.
- (ii) Where a lot does not abut either a public lane or a flanking street, only one vehicular access point to parking and loading facilities shall be provided from the fronting street.
- (iii) The main building entrance shall front onto and be directly accessible to the street and at an elevation no greater than 0.8 metres above or below the grade of the public right-of-way at the property line.

45.11 Holding Provisions

On those lands subject to an ‘H’ as illustrated on Schedule “1”, no person shall use any lot or erect or use any building or structure for any purpose except as permitted in this by-law. Upon fulfilment of the following conditions on terms satisfactory to the City of Toronto, the ‘H’ shall be lifted, in whole or in part, and the uses as set out in this by-law shall be the only uses permitted on such lands.

- (i) For those lands shown on Schedule “1” as AV-MU(H):
 - (A) Submission of a Transportation Study to the satisfaction of the Director of Transportation Services addressing the following criteria:
 - (a) The site layout provides adequately for the movement needs of pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties;
 - (b) The development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise, dust and fumes for nearby residential communities;
 - (c) The development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and

- (d) The traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local road to below a generally acceptable level.
 - (B) The applicant for any new development may be required to execute an agreement with the City of Toronto to ensure that necessary transportation measures and parking requirements are fulfilled.
- 3. Section 64.21 of By-law No. 7625 is amended by adding the following subsection:

64.37(35) O1(35)

Permitted Uses

- (i) The only permitted uses shall be park and open space uses. No buildings shall be permitted.

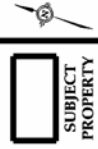
ENACTED AND PASSED this 11th day of June, A.D. 2007.

GLORIA LINDSAY LUBY,
Deputy Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE "1"

<p>File No. 03 194996</p> <p>Prepared by: F. L.</p> <p>Approved by: C. F.</p> <p>Date: May 22, 2007</p> <p>Filename: Z1.dgn</p>		<p>Toronto City Planning Division City of Toronto</p> <p> SUBJECT PROPERTY</p>	
<p>This is Schedule " 1 " to By-Law _____, passed _____, the _____ day of _____, 20____</p> <p>(Sgd.) _____ (Sgd.) _____ MAYOR</p> <p>CLERK</p>			
<p>Location: Wilson Avenue between Pleasant Home Boulevard and Cornelius Parkway</p> <p>Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department.</p> <p>Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.</p>			



DIMENSIONS ARE IN METRES & MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.2808.

Map details: The map shows Wilson Avenue running vertically. To the west of Wilson Avenue is Pleasant Home Boulevard, with Victory Drive to its west. To the east of Wilson Avenue is George Appleton Way. Streets crossing Wilson Avenue from north to south are Keele Street, Dubray Avenue, Ingleside Drive, and Cornelius Parkway. Zoning designations include: C2 to AV-MU(H) (large central area), C2 to AV-MU (bottom left), RM5 to AV-MU (top left), C1 to AV-MU (bottom left), C2 to O1(35) (small triangular area), C1(93) to AV-MU (central area), C1(6) to AV-MU (central area), C1(6) to AV-MU (top right), RM5 to AV-MU (top right), and RM5 to AV-MU (top right).

SCHEDULE “2”

File No. 03 194996

Prepared by: F. L.

Approved by: C. F.

Date: March 3, 2006

Filename: Z2.dgn

This is Schedule " 2 " to By-Law _____, passed

the _____ day of _____, 20____

(Sgd.) _____

(Sgd.) _____

MAYOR _____

CLERK _____

Location: Wilson Avenue between Murray Road and Lady York Avenue

Source: Zoning By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department.

SCHEDULE "3"

<p>File No. 03 194996</p> <p>Prepared by: F. L.</p> <p>Approved by: C. F.</p> <p>Date: March 3, 2006</p> <p>Filename: Z3.dgn</p>		<p>Toronto City Planning Division</p> <p>SUBJECT PROPERTY</p>	
<p>This is Schedule "3" to By-Law _____, passed the _____ day of _____, 20____ (Sgd.) _____ (Sgd.) _____ MAYOR</p> <p>CLERK</p>			
<p>Location: Wilson Avenue between Ancaster Road and Dufferin Street</p> <p>Source: Zoning By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department.</p> <p>Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.</p>			

Map details: The map shows Wilson Avenue running vertically. To the west of Wilson Avenue are Ancaster Road, Maniza Road, Regent Road, and Keswick Road. To the east are Lady York Avenue, Winston Park Boulevard, Ionic Lane, Anthony Road, Westdale Drive, Harttham Place, and Dufferin Street. Zoning designations along Wilson Avenue include: 'C1 to AV-MU' on the west side between Ancaster and Maniza Roads; 'C1 to AV-MU' on the east side between Maniza and Regent Roads; 'RM5 to AV-MU' on the east side between Regent and Dufferin Streets; and 'C1 to AV-MU' on the east side between Dufferin Street and the northern end. A small area near the intersection of Wilson Avenue and Lady York Avenue is designated 'Q1 to AV-MU'. A note in the top left corner states: 'DIMENSIONS ARE IN METRES & MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.2808.'

SCHEULE “4”

WILSON HEIGHT BLVD

WINSFORD AVENUE

FAYWOOD BOULEVARD

VINCI CRESCENT

WIGAN CRESCENT

WILSON AVENUE

CHAMPLAIN BOULEVARD

CADILLAC AVENUE

DELAHAYE STREET

MC(H) to AV-MU

MC(28)(H) to AV-MU

C1(1) to AV-MU

C1 to AV-MU

This is Schedule " 4 " to By-Law _____, passed _____, the _____ day of _____, 20____

(Sgd.) _____ (Sgd.) _____ MAYOR

CLERK

File No. 03 194996

Prepared by: F. L.

Approved by: C. F.

Date: March 3, 2006

Filename: Z4.dgn

Location: Wilson Avenue between Tippet Road and Delahaye Street

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department.

City of Toronto
City Planning Division

SUBJECT PROPERTY

STREET LINES REPRESENT STREET DEDICATIONS/ROAD ALLOWANCES AND DO NOT REPRESENT ACTUAL AS-BUILT CURB LINES OF STREETS.

SCHEDULE "5"

<p>File No. 03 194996</p> <p>Prepared by: F. L.</p> <p>Approved by: C. F.</p> <p>Date: March 3, 2006</p> <p>Filename: Z5.dgn</p>		<p>City of Toronto City Planning Division</p> <p>SUBJECT PROPERTY</p>	
<p>This is Schedule " 5 " to By-Law _____, passed _____, the _____ day of _____, 20____</p> <p>(Sgd.) _____ (Sgd.) _____ MAYOR</p> <p>CLERK</p>			
<p>Location: Wilson Avenue between Allingham Gardens and Collinson Boulevard</p> <p>Source: Zoning By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department.</p> <p>Street lines represent street dedications/ road allowances and do not represent actual as-built curb lines of streets.</p>			

DIMENSIONS ARE IN METRES & MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.2808.

STADACONA DRIVE

CARHARTT STREET

WILSON AVENUE

LAURENTIA AVENUE

CADILLAC AVENUE

DELAHAYE STREET

WIGAN CRES

KING HIGH AVENUE

ALLINGHAM GARDENS

CHARLESWOOD DRIVE

LANE


C1 to AV-MU

C1 to AV-MU

R4 to AV-MU

SCHEDULE "6"



Toronto City Planning Division 3000 Yonge Street, 3rd Floor		 SUBJECT PROPERTY	
This is Schedule "6" to By-Law _____, passed _____, 20____			
the _____ day of _____, 20____			
(Sgd.) _____		(Sgd.) _____	
CLERK		MAYOR	
Location: Wilson Avenue between Carhartt Street and Highway 401			
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department.			

SCHEDULE "7"

<p>File No. 03 194996</p> <p>Prepared by: F. L.</p> <p>Approved by: C. E.</p> <p>Date: March 3, 2006</p> <p>Filename: H7.dgn</p>		<p>Toronto City Planning Division</p> <p>SUBJECT PROPERTY</p>	
<p>This is Schedule " 7 " to By-Law _____, passed the _____ day of _____, 20 _____</p> <p>(Sgd.) _____ (Sgd.) _____ CLERK MAYOR</p>			
<p>Location: Wilson Avenue and Keele Street</p> <p>Source: Zoning By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department.</p>			

<p>DIMENSIONS ARE IN METRES & MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.2808.</p>	
<p>10 Storeys (30m) 2.5 FSI</p>	<p>10 Storeys (30m) 2.5 FSI</p>
<p>10 Storeys (30m) 2.5 FSI</p>	<p>10 Storeys (30m) 2.5 FSI</p>

PLEASANT HOME BOULEVARD

WILSON AVENUE

KEELE STREET

DUBRAY AVENUE

CORNELIUS PARKWAY

INGLESIDE DRIVE

SCHEDULE "8"

<p>File No. 03 194996</p> <p>Prepared by: F. L.</p> <p>Approved by: C. E.</p> <p>Date: March 3, 2006</p> <p>Filename: H8.dgn</p>		<p>Toronto City Planning Division</p> <p>SUBJECT PROPERTY</p>	
<p>This is Schedule " 8 " to By-Law _____, passed _____, the _____ day of _____, 20 _____</p> <p>(Sgd.) _____ (Sgd.) _____ CLERK MAYOR</p>			
<p>Location: Wilson Avenue and Bathurst Street</p> <p>Source: Zoning By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department.</p>			