

CITY OF TORONTO

BY-LAW No. 1125-2007(OMB)

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 1900 Bayview Avenue.

WHEREAS the Ontario Municipal Board, by way of Order No. 3501 issued on the December 15, 2006, determined to amend the former City of North York Zoning By-law with respect to lands municipally known as 1900 Bayview Avenue;

THEREFORE the Ontario Municipal Board orders 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” of this by-law.
2. Section 64 of By-law No. 7625 of the former City of North York is amended by adding the following:

“64.18 (11) RM3(11)

DEFINITIONS

- (a) For the purpose of this exception,

“apartment house dwelling” shall mean a building containing more than four dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof;

“bicycle locker area” shall mean a storage area set aside for bicycle parking and storage and accessory facilities; and

“gross floor area” shall mean the total area of all floors within a building, measured between the outside of the exterior walls of the building at the level of each floor, but excluding any area used for motor vehicle parking and access, the floor area of unenclosed residential balconies and below grade bicycle locker areas.

PERMITTED USES

- (b) The only uses permitted shall be:

Apartment house dwelling and accessory uses including accessory private recreational amenity area.

EXCEPTION REGULATIONS

- (c) The maximum gross floor area shall be 29,255 m².
- (d) The maximum number of dwelling units shall be 195 dwelling units.

- (e) Building Height
- (i) The maximum building height above the established grade shall not exceed the height in storeys nor the height in metres shown on Schedule “RM3(11)”.
 - (ii) Despite subparagraph (i) herein, rooftop mechanical equipment, elevator equipment and stairs, and their respective enclosures, may exceed the maximum building heights shown on Schedule “RM3(11)” provided they do not project more than 3.8 metres above such maximum building heights.
 - (iii) Established grade shall be 146.0 metres above sea level.
 - (iv) Section 18.3.6 does not apply.
 - (v) Except as provided herein, Section 2(10) shall continue to apply.
- (f) Not less than 1.5 m² per dwelling unit of indoor recreational amenity area shall be provided for the use of all residents.
- (g) The minimum yard setbacks shall be as shown on Schedule “RM3(11)”.
- (h) No portion of any building above or below grade shall be located within 10 metres of the staked bank line as shown on Schedule “RM3(11)”.
- (i) The minimum distance between buildings shall be as shown on Schedule “RM3(11)”.
- (j) Section 6(9) shall apply to projections outside the building envelopes shown on Schedules “RM3(11)”. Notwithstanding Section 6(9), planters may be permitted to project outside a building envelope not more than 0.5 metres, the two main entrance canopies may be permitted to project outside a building envelope not more than 5.0 metres and balconies may be permitted to project outside a building envelope not more than 2.0 metres and in any event no canopy or balcony may be closer than 4.5 m from the south edge of the naturalised ravine buffer.
- (k) Rooftop mechanical rooms and rooftop stair enclosures shall be setback a minimum of 8 metres from the main north building face, excluding balcony recesses or projections.
- (l) Any railings used to enclose rooftop resident amenity space shall be no higher than the lowest height permitted by the Building Code, and shall be setback a minimum of 8 metres from the main north building face, excluding balcony recesses or projections.
- (m) Section 18.3.2 regarding lot coverage shall not apply.

- (n) Section 15.8 regarding landscaping shall not apply.
- (o) A minimum of 1.5 parking spaces per dwelling unit shall be provided of which 0.25 parking spaces per dwelling unit shall be for the use of visitors.
- (p) A minimum of 1 loading space shall be provided.
- (q) Severance

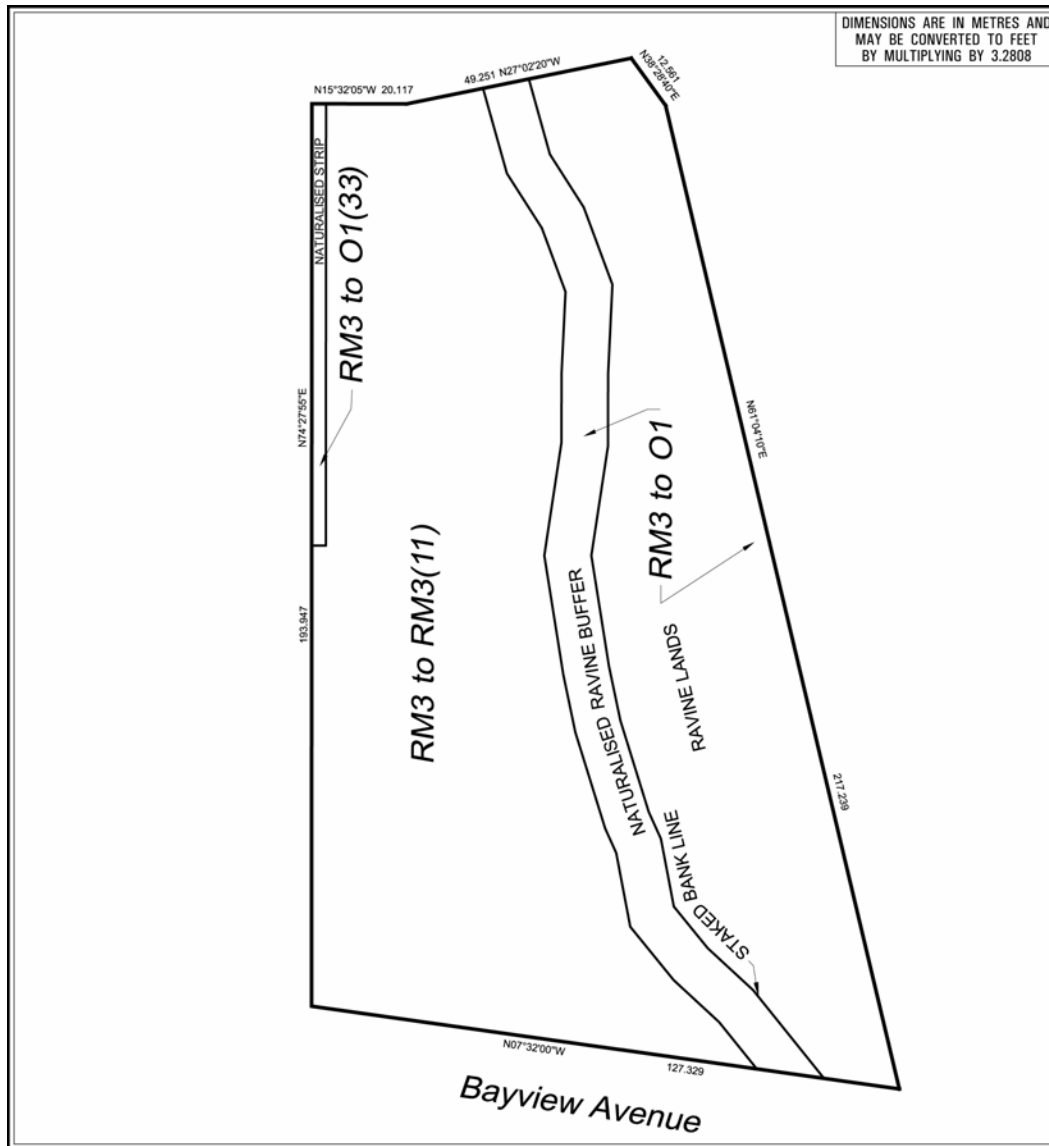
Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.

SECTION 37

- (r) The density and height of development permitted by this by-law is subject to the owner of the lands, at its expense and in accordance with and subject to the Section 37 Agreement referred to in subsection (s) herein, providing the following facilities, services and matters:
 - (i) prepare and implement an environmental management plan for the lands located below the staked bank line and within the 10 metre buffer beyond the staked bank line, to the satisfaction of the City, and provide a Letter of Credit to the City in the amount of \$207,000.00 prior to the issuance of any building permit for the property to secure this obligation and if required by the City enter into a Conservation Easement satisfactory to the City for the 10 metre buffer area;
 - (ii) provide a Letter of Credit to the City in the amount of \$43,000.00 prior to the issuance of any building permit for the property to secure improvements to Sunnyside and Sherwood Parks, to the satisfaction of the City;
 - (iii) convey to the City for nominal consideration, all the lands below the staked bank line, to the satisfaction of the City;
 - (iv) maintain the 10 metre buffer lands in a naturalised state in accordance with the environmental management plan approved by the City;
 - (v) grant the City an easement over the 10 metre buffer lands to allow maintenance access to the ravine slope below the staked bank line, and such temporary easement(s) and rights-of-ways as may be required to access City lands adjacent to the property, prior to the issuance of any building permit for the property, to the satisfaction of the City Solicitor;


- (vi) purchase from the City the closed road allowance and six-inch reserve at the southerly end of the property for a purchase price of \$700,000.00, prior to the issuance of any building permit for the property, to the satisfaction of the City Solicitor, which money shall be used for parkland improvements in the area and primarily for reforestation;
 - (vii) in exchange for a limiting distance agreement and easement agreements respecting City lands located immediately to the west of the property, the owner shall naturalise such City lands to the satisfaction of the City, at a cost of \$30,000.00; and
 - (viii) maintain and improve as a naturalised passive area a 3.048 metre wide portion of the lands conveyed to the owner pursuant to (vi) herein, in accordance with a plan satisfactory to the City, and if required enter into a Conservation Easement satisfactory to the City; and
 - (s) The owner of the lands enters into an Agreement with the City of Toronto, pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters referred to in subsection (r) herein and such agreement is registered on title to the lands and other adjacent lands owned by the owner and designated O1(33) as a first priority, subject only to the fee simple interest in the lands, prior to the issuance of any building permit for the property”.
3. Section 64.18 of By-law No. 7625 is amended by adding the attached Schedule “RM3(11)”.
4. Section 64.37 of By-law No. 7625 is amended by adding the following:
- “64.37(33) O1(33)**
- Despite the O1 designation of the lands, residential use associated with the “RM3(11)” designated adjacent lands is permitted, including below grade structures, provided at and above the ground level the lands are used and maintained only as a naturalised passive area.”
5. By-law Nos. 22006 and 21798 are repealed.

PURSUANT TO THE ORDER/DECISION NO. 3501 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON DECEMBER 15, 2006 IN BOARD FILE NO. PL041180.

SCHEDULE "1"

<p>This is Schedule " 1 " to By-Law _____</p> <p>passed the _____ day of _____, 20 ____</p>				 Toronto City Planning North
(Sgd.) _____ CLERK		(Sgd.) _____ MAYOR		
Location: Part of Lot 2, Concession 1 East of Yonge Street, City of Toronto				
File No. 03_035361	Prepared by: A.K.	Approved by: R.G.	Date: Sept. 22, 2005	Filename: RM3(11)_1.ai
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District. Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.				

[illegible]

<p>This is Schedule " RM3(11)" to By-Law _____</p> <p>passed the _____ day of _____, 20 _____</p>				 Toronto City Planning North
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	<div style="border: 1px solid black; width: 60px; height: 40px; margin: 0 auto;"></div> <p>SUBJECT PROPERTY</p>		