

CITY OF TORONTO

BY-LAW No. 286-2009(OMB)

To amend the former City of North York Zoning By-law No. 7625, with respect to lands municipally known as 9 McKee Avenue and 18 and 22 Norton Avenue.

WHEREAS the Ontario Municipal Board, pursuant to its Decision/Order issued on February 6, 2009, has determined to amend By-law No. 7625 of the former City of North York;

THEREFORE By-law No. 7625 of the former City of North York, is amended 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. Within the lands shown on Schedule 1 attached to this By-law, 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 appropriate.
3. Section 64.20-A of By-law No. 7625 is amended by adding the following subsection:

“64.20-A(183) RM6(183)

DEFINITIONS

APARTMENT HOUSE DWELLING

- (a) For the purpose of this exception, “apartment house dwelling” shall include, in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access directly from the outside or from an internal corridor system or any combination thereof.

BICYCLE PARKING

- (b) For the purpose of this exception, “bicycle parking” shall mean an area equipped with one or more bicycle racks or lockers for the purpose of parking and securing bicycles, including any corridors used exclusively to access said racks or lockers, but not intended for general storage use.

ESTABLISHED GRADE

- (c) For the purpose of this exception, “established grade” shall mean the geodetic elevation of 177.0 metres. For the purposes of this exception, an “at-grade” common bicycle room shall mean at the first or second storey of the building.

GROSS SITE

- (d) For the purpose of this exception, “gross site” shall mean Lots 19 to 25 and Lots 34 to 40 inclusive of Registered Plan 2400 and identified as RM6(183) on Schedule 1, comprising an area of 3,216 m².

GROSS FLOOR AREA

- (e) For the purpose of this exception, “gross floor area” shall mean the aggregate of the areas 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:
- (i) any part of the building used for mechanical floor area;
 - (ii) any space used exclusively for motor vehicle parking;
 - (iii) any space used exclusively for bicycle parking in a motor vehicle parking structure; and
 - (iv) the floor area of unenclosed residential balconies.

MECHANICAL FLOOR AREA

- (f) For the purpose of this exception, “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.

NET SITE

- (g) For the purpose of this exception, “net site” shall mean the gross site minus the area of any lands conveyed to the City for road widening purposes and for public open space uses as shown on Schedule RM6(183). The net site has an area of 2,819.1 square metres.

PERMITTED USES

- (h) The only permitted uses shall be:

RESIDENTIAL

Apartment House Dwellings and other uses accessory thereto, including private recreational amenity areas;

NON-RESIDENTIAL

business and professional offices,
day nurseries;
dry-cleaning and laundry collecting establishments;
financial institutions including banks;
office uses;
outdoor cafes;
personal service shops;
restaurants;
retail stores;
sales offices or rental offices;
service shops; and
accessory uses thereto.

All non-residential uses shall be restricted to the first or second storey of the building.

EXCEPTION REGULATIONS**MAXIMUM GROSS FLOOR AREA**

- (i) Except as provided for in subsection (v) of this exception, the maximum gross floor area permitted on the net site shall not exceed 11,472.5 m².

NUMBER OF DWELLING UNITS

- (j) The maximum number of dwelling units shall be 190.

BUILDING HEIGHT

- (k) The building height shall not exceed the maximum heights in metres and number of storeys shown on Schedule RM6(183) excluding guardrails and stairwells to access the roof.

BUILDING ENVELOPE

- (l) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the minimum building envelope dimensions identified on Schedule RM6(183) excluding any exterior stairways and ramps.

PARKING

- (m) Parking spaces shall be provided within the net site in accordance with the following requirements:
- (i) a minimum of 1.00 parking spaces per dwelling unit, which includes 0.10 parking spaces per dwelling unit for visitor use;

- (ii) a maximum of 1.20 parking spaces per dwelling unit, which includes 0.10 parking spaces per dwelling unit for visitor use;
- (iii) a minimum of 0.90 parking spaces per 100 m² of gross floor area devoted to non-residential uses;
- (iv) a maximum of 1.3 parking spaces per 100 m² of gross floor area devoted to non-residential uses; and
- (v) No surface parking spaces shall be permitted.

LOADING

- (n) One (1) loading space shall be provided within the west side yard of the property.

LANDSCAPING

- (o) A minimum of 280 m² of landscaping that includes the required private outdoor recreational amenity area shall be provided on the net site including areas located on top of parking structures.

OUTDOOR RECREATIONAL AMENITY AREA

- (p) A minimum of 1.5 m² per dwelling unit of private outdoor recreational amenity area shall be provided at grade and adjacent to the residential use.

INDOOR RECREATIONAL AMENITY AREA

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

BICYCLE PARKING

- (r) A minimum of 0.1 bicycle parking spaces per dwelling unit located in an at-grade common bicycle room shall be provided.

YARD SETBACKS

- (s) The minimum yard setbacks shall be as shown on Schedule RM6(183).

PROVISIONS NOT APPLICABLE

- (t) The provisions of Sections 6(17), 6(22)(b), 6(22)(c), 6A(16)(c), 6A16(d), 15.7, 15.8, 20-A do not apply.

INCREASED DENSITY/SECTION 37 AGREEMENT

(u) Matters which are to be provided pursuant to Section 37 of the *Planning Act*, R.S.O 1990, c.P. 13, as amended, in order to permit the increased maximums in gross floor area authorized under subsection (i) (Maximum Gross Floor Area) of this exception are:

(i) either

a monetary contribution towards the cost of constructing and furnishing public recreational centre, fully finished, fixtured and furnished;

or

a monetary contribution towards the cost of acquiring lands necessary for completion of planned service roads, associated road network and buffer areas in the North York Centre;

or any combination thereof.

The amount of the monetary contribution shall be equal to the market value, based on land value of density in the North York Centre, of the gross floor area specified in (v) below.

The owner of the subject lands 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 above, 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 such agreements.

The owner of the subject lands, at the owner's expense and in accordance with, and subject to, the agreements referred to above shall provide or fund the facilities, services and/or matters on terms satisfactory to the City of Toronto in exchange for the increased density.

(ii) a maximum of 1.5 m² per dwelling unit of private indoor recreational amenity area; and

(iii) a maximum of 50 m² for bicycle parking spaces located in an at-grade common bicycle room.

ADDITIONAL GROSS FLOOR AREA

(v) Notwithstanding subsection (i) (Maximum Gross Floor Area) of this exception, additional gross floor area may be permitted on the net site shown on Schedule RM6(183), to a maximum of 3,786 m² attributable to the matters specified in (u) above.

SEVERANCE

- (w) Notwithstanding any existing or future partition, division or severance of the net site shown on Schedule RM6(183), the provisions of this By-law shall apply to the whole of the net site as if no partition, division or severance occurred.”
- 4.** Section 64.20-A of By-law No. 7625 is amended by adding Schedule RM6(183) attached to this By-law.

PURSUANT TO THE ONTARIO MUNICIPAL BOARD DECISION/ORDER ISSUED ON FEBRUARY 6, 2009 IN BOARD FILE NO. MM080015.



