

Authority: North York Community Council Item 34.84, adopted as amended, by City of Toronto Council on August 25, 26, 27 and 28, 2014

## **CITY OF TORONTO**

### **BY-LAW No. 1071-2014**

#### **To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 228 Wilson Avenue.**

Whereas Council has the authority pursuant to 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 for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a By-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter 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 and matters in return for an increase in the height or density of development, a 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 owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 7625, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Schedules "B" and "C" of Zoning By-law No. 7625 of the former City of North York are amended in accordance with Schedule 1, Schedule RM6(231) and Schedule 3 attached to this By-law.
2. Section 64.20-A EXCEPTIONS TO RM6 ZONE (MULTIPLE-FAMILY DETACHED DWELLINGS SIXTH DENSITY ZONE) of By-law No. 7625 is amended by adding the following subsection:

**64.20-A (231) RM6 (231)**

**DEFINITIONS**

- (a) For the purposes of this exception, the following definitions will apply:
- (i) For the purposes 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.
  - (ii) **Established Grade** shall mean the geodetic elevation of 181.8 metres above sea level.
  - (iii) **Bicycle Parking Space** means an area used for parking or storing a bicycle.
    - (A) A **bicycle parking space** must comply with the following minimum dimensions:
      - (I) A minimum length of 1.8 metres; minimum width of 0.6 metres; and minimum vertical clearance from the ground of 1.9 metres.
    - (B) A **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device must comply with the following minimum dimensions:
      - (I) A minimum length or vertical clearance of 1.9 metres; minimum width of 0.6 metres; and minimum horizontal clearance from the wall of 1.2 metres.
    - (C) If a **stacked bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres.
    - (D) Vertical Clearance of a Bicycle Parking Area - An area used to provide **bicycle parking spaces** must have a minimum vertical clearance of:
      - (I) 2.4 metres if it is a **stacked bicycle parking space**; and 1.9 metres in all other cases.
  - (iv) **Bicycle Room** shall mean an indoor space that is designed and equipped for the purpose of parking and securing bicycles.
  - (v) **Stacked Bicycle Parking Space** means a horizontal **bicycle parking space** that is positioned above or below another **bicycle parking space** and equipped with a mechanical device providing floor level access to both bicycle parking spaces.

## **PERMITTED USES**

- (b) In addition to the uses permitted in the RM6 Zone, an "**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.

## **EXCEPTION REGULATIONS**

### **LOT AREA AND LOT FRONTAGE**

- (c) The minimum lot area shall be 1,915 m<sup>2</sup> and the minimum lot frontage shall be 45 metres.

### **NUMBER OF DWELLING UNITS**

- (d) The maximum number of residential dwelling units shall be 108.

### **GROSS FLOOR AREA**

- (e) The maximum gross floor area shall not exceed 11,000 m<sup>2</sup>.

### **LOT COVERAGE**

- (f) The maximum lot coverage for all buildings and structures shall be 51%.

### **YARD SETBACKS AND PROJECTIONS**

- (g) The minimum yard setbacks shall be as shown on Schedule RM6(231).
- (h) Notwithstanding Section 6(9) of the former City of North York Zoning By-law No. 7625, and except where a heavy line on Schedule RM6(231) is contiguous with a boundary line of the site, nothing shall prevent canopies and balconies from projecting a maximum of 1.5 metres into the required setback.

### **BUILDING HEIGHT**

- (i) The maximum building height, measured from established grade, shall not exceed the maximum height in metres and storeys as shown on Schedule RM6(231).
- (j) No portion of the building shall be permitted to extend beyond the maximum building height of 57 metres above established grade or beyond the geodetic elevation of 238.8 metres above sea level.
- (k) The maximum building height in (h)ii above includes all buildings and structures, such as but not limited to: mechanical rooms, antennae, satellite dishes, ornamental elements, architectural/design elements, parapets, railings, stairs, stair enclosures and window washing equipment.

**RECREATIONAL AMENITY AREA**

- (l) Provide a minimum of 52 square metres of outdoor recreational amenity area.
- (m) Provide a minimum of 479 square metres of indoor recreational amenity area.

**VEHICLE PARKING**

- (n) Provide parking in accordance with the following minimum requirements:
  - (i) Bachelor Units (up to 45m<sup>2</sup>): 0.8 spaces per unit;
  - (ii) Bachelor Units (more than 45m<sup>2</sup>): 1.0 spaces per unit;
  - (iii) 1-Bedroom Units: 0.9 spaces per unit;
  - (iv) 2-Bedroom Units: 1.0 spaces per unit;
  - (v) 3-Bedroom and greater Units: 1.2 spaces per unit; and
  - (vi) Visitor Spaces: 0.2 spaces per unit.
- (o) Residential parking spaces above the minimum requirements shall be provided with roughed-in conduits for electric vehicles.

**LOADING**

- (p) Provide a minimum of one loading spaces that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.

**BICYCLE PARKING**

- (q) A minimum of 0.6 occupant bicycle **parking spaces** per dwelling unit shall be provided and a minimum of 0.15 visitor **bicycle parking spaces** per dwelling unit shall be provided.
- (r) Provide a minimum of 48 bicycle parking spaces at grade.
- (s) Provide a minimum of 17 bicycle parking spaces no more than 30 metres from the main pedestrian entrance to the apartment building along Wilson Avenue.
- (t) A bicycle parking space may not be located on a balcony or in a storage locker.

**WASTE AND RECYCLING**

- (u) Provide a minimum 55 square metre room for garbage, storage and collection of recycling and organic waste.

**PROVISIONS NOT APPLICABLE**

- (v) The provisions of Sections 15.6 and 15.8(a).

**DIVISION OF LAND**

- (w) The provisions of this By-law shall apply collectively to this land as shown on Schedule 1 attached to this By-law, notwithstanding its future division into two or more parcels.

**3. Section 37 Provisions**

- (a) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 3 hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (b) Where Schedule 3 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 3 are satisfied.

**4. 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:**

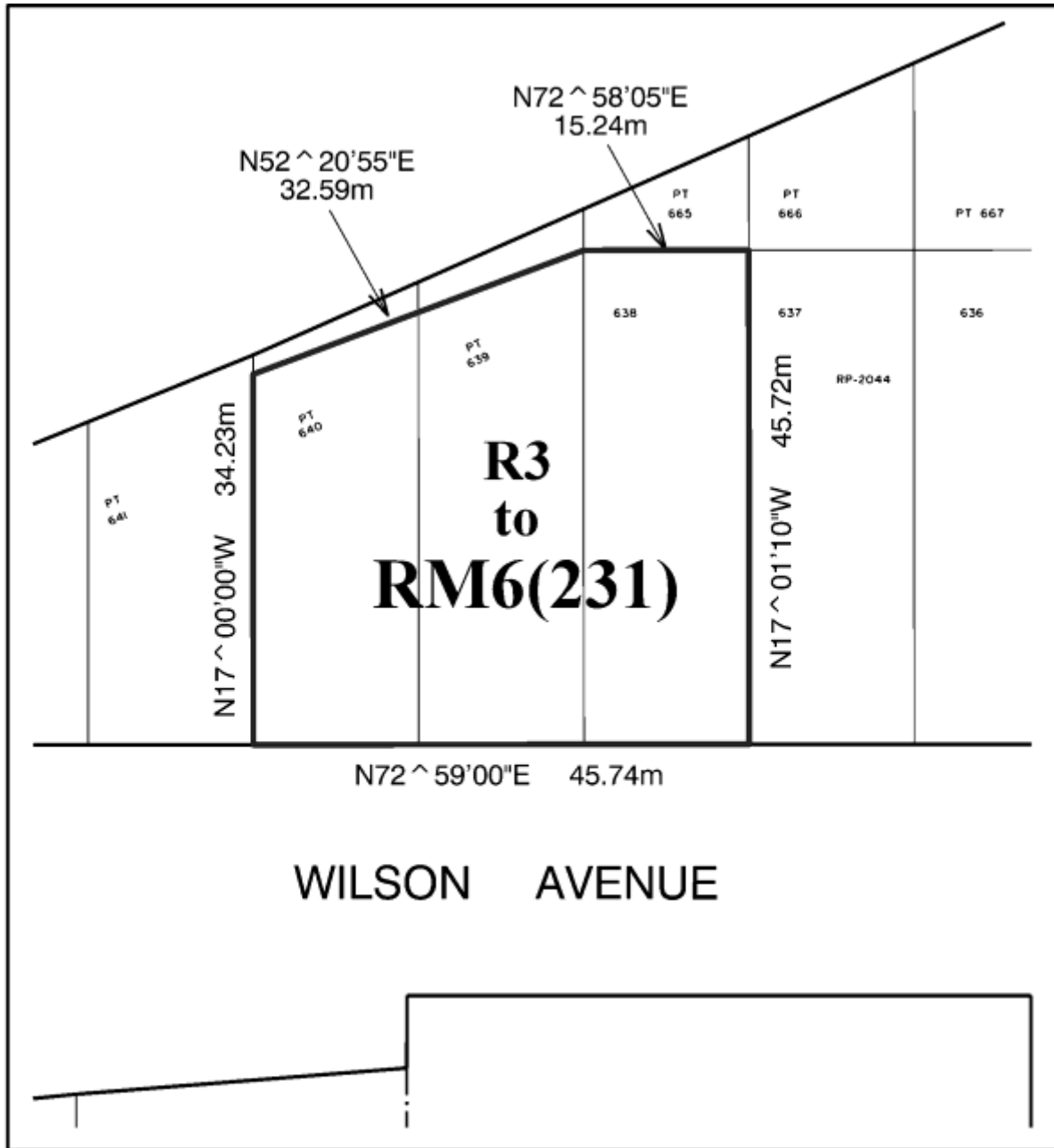
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway.
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

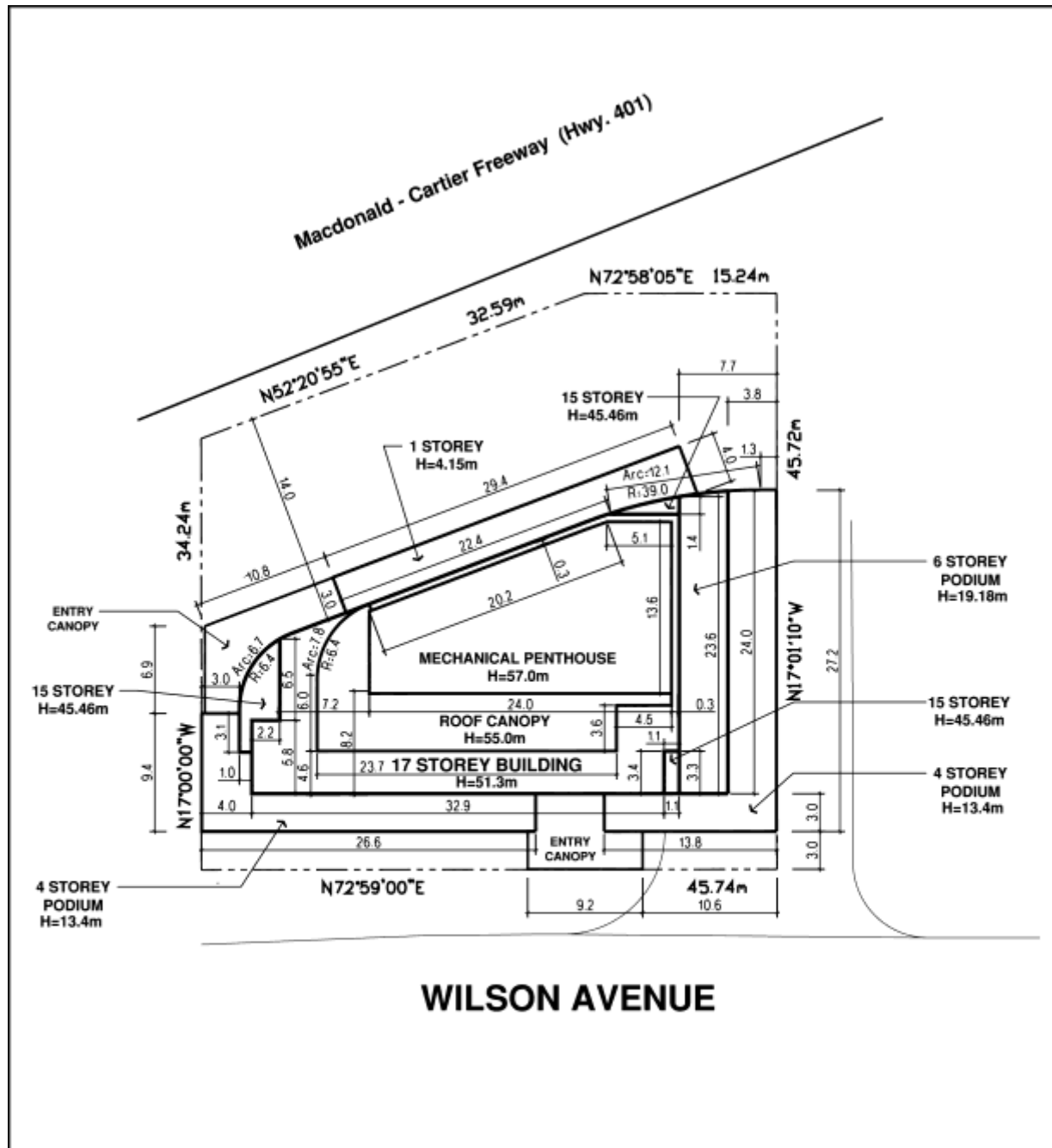
Enacted and passed on August 28, 2014.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)





### **Schedule 3**

#### **Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Schedule 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

1. Prior to issuance of the first building permit including excavation or demolition permits the owner shall submit and implement a Construction Management Plan and Neighbourhood Communication Strategy, to the satisfaction of the Executive Director Technical Services in consultation with the Chief Planner and Executive Director City Planning.
2. Prior to issuance of an above grade building permit the owner shall provide a financial contribution in the amount of \$325,000.00 to be used for the following:
  - i. Capital improvements to local parks in the vicinity of the site;
  - ii. Streetscape improvements in the vicinity of the site;
  - iii. Fully furnished and equipped non-profit child care facilities in the vicinity of the site;
  - iv. Public Art; or
  - v. Other non-profit arts, cultural, community or institutional facilities in the vicinity of the site.
3. The decision on how to allocate the financial contribution to one or all of the benefits provided in Section 2 shall be made by the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor.
4. The financial contribution referred to in Section 2 shall be indexed upwardly in accordance with the Statistics Canada [Non-Residential or Apartment Building-] Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
5. To support the development of the lands the Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Management Committee.