

Authority: North York Community Council Report No. 5, Clause No. 28,  
as adopted by City of Toronto Council on June 22, 23 and 24, 2004  
Enacted by Council: October 28, 2004

## **CITY OF TORONTO**

### **BY-LAW No. 992-2004**

#### **To amend former City of North York By-law No. 7625 with respect to lands municipally known as 801, 803 and 807 Sheppard Avenue West.**

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by the by-law, in return for the provision of such facilities, services or matters 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 or 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 lands known at the date of enactment of this By-law as 801, 803 and 807 Sheppard Avenue West has elected to provide the facilities, services or matters as are set out in this By-law; and

WHEREAS the increase in density of development permitted hereunder, beyond that otherwise permitted by By-law No. 7625, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements with the owner of the lands, and the City of Toronto; 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*;

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules “B” and “C” of By-law No. 7625, as amended, are hereby amended in accordance with Schedule “1” attached hereto.
2. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

**“64.20-A(146)RM6(146)**

#### **DEFINITIONS**

- (a) For the purposes of this exception, “building height” shall not include enclosed stairwells.

## **PERMITTED USES**

- (b) The only permitted uses shall be:
  - (i) an apartment house dwelling and uses accessory thereto, and;
  - (ii) The following non-residential uses on the ground floor only:  
  
retail store, service shops, personal service shops, business offices and professional offices.

## **SECTION 37**

- (c) The owner of the Site, at the owner's expense and in accordance with and subject to the agreements referred in to this By-law, shall provide or fund the following facilities, services, and/or matters on terms satisfactory to the City of Toronto:
  - (1) make a contribution to the City of Toronto for a minimum of FIFTY THOUSAND DOLLARS (\$50,000) lawful Canadian currency prior to submitting an application for a building permit for the Site other than permit for the foundation, as follows:
    - (i) such payment to be indexed to the Construction Price Index from the date the Zoning By-law comes into full force and effect;
    - (ii) the contribution will be used by the City for improvements to parks and community facilities within the area known as Ward 10.
- (d) The permitted density of 5010 m<sup>2</sup> is allowed provided the owner enters into one or more agreements satisfactory to the City of Toronto, pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters referred to in subsection (i) above, and such agreement or agreements have been registered as a first priority against the title to the site.

## **EXCEPTION REGULATIONS**

- (e) A maximum gross floor area of 5010 m<sup>2</sup> shall be permitted, of which a minimum 185 m<sup>2</sup> shall be used for permitted non-residential uses.
- (f) A maximum of 41 dwelling units shall be permitted.
- (g) The minimum yard setbacks shall be as shown on Schedule "RM6(146)".
- (h) Notwithstanding the minimum side yard setbacks, balconies and balcony roof projections may extend into the yard not more than 1.5 metres.

- (i) The maximum building height shall be the lesser of 18.5 metres or six storeys. Notwithstanding the above, in no case shall the height of the building exceed the 45 degree angular plane measured from the rear property line including enclosed stairwells and mechanical penthouses.
  - (j) A minimum of 85 m<sup>2</sup> shall be used as indoor residential amenity space.
  - (k) A minimum 1.5 metre landscape strip shall be provided along the rear property line.
  - (l) Parking spaces shall be provided within the net site in accordance with the following:
    - (i) Residential:
      - (a) a minimum of 1.25 parking spaces per dwelling unit, including 0.25 parking spaces per dwelling unit for visitor use; and
    - (ii) Non-residential:
      - (a) parking for retail or business office uses shall be provided at 1 space per 28m<sup>2</sup> of retail or commercial gross floor area; and
  - (m) The provisions of Section 6A(8)(c) and (d), 6A(16)(a), Section 15.6 (Distance of Apartment House Dwellings from R and RM2 Zones), Section 15.8 (landscaping), Section 20-A.2.2 (lot coverage), Section 20-A.2.5 (gross floor area), Section 20-A.2.6 (building height), shall not apply.
  - (n) Notwithstanding any severance or division of the lands subject to this application, the regulations of this exception shall continue to apply to the whole of the lands.”
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6 (146)”, attached to this by-law.

ENACTED AND PASSED this 28th day of October, A.D. 2004.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

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

SHEPPARD AVENUE WEST

3.00 ROAD WIDENING 2.76 m

BUILDING ENVELOPE

Mechanical Penthouse

6th Floor

5th Floor

4th Floor

2nd & 3rd Floors

Ground Floor

5.55

5.50

22.78

18.22

14.97

12.02

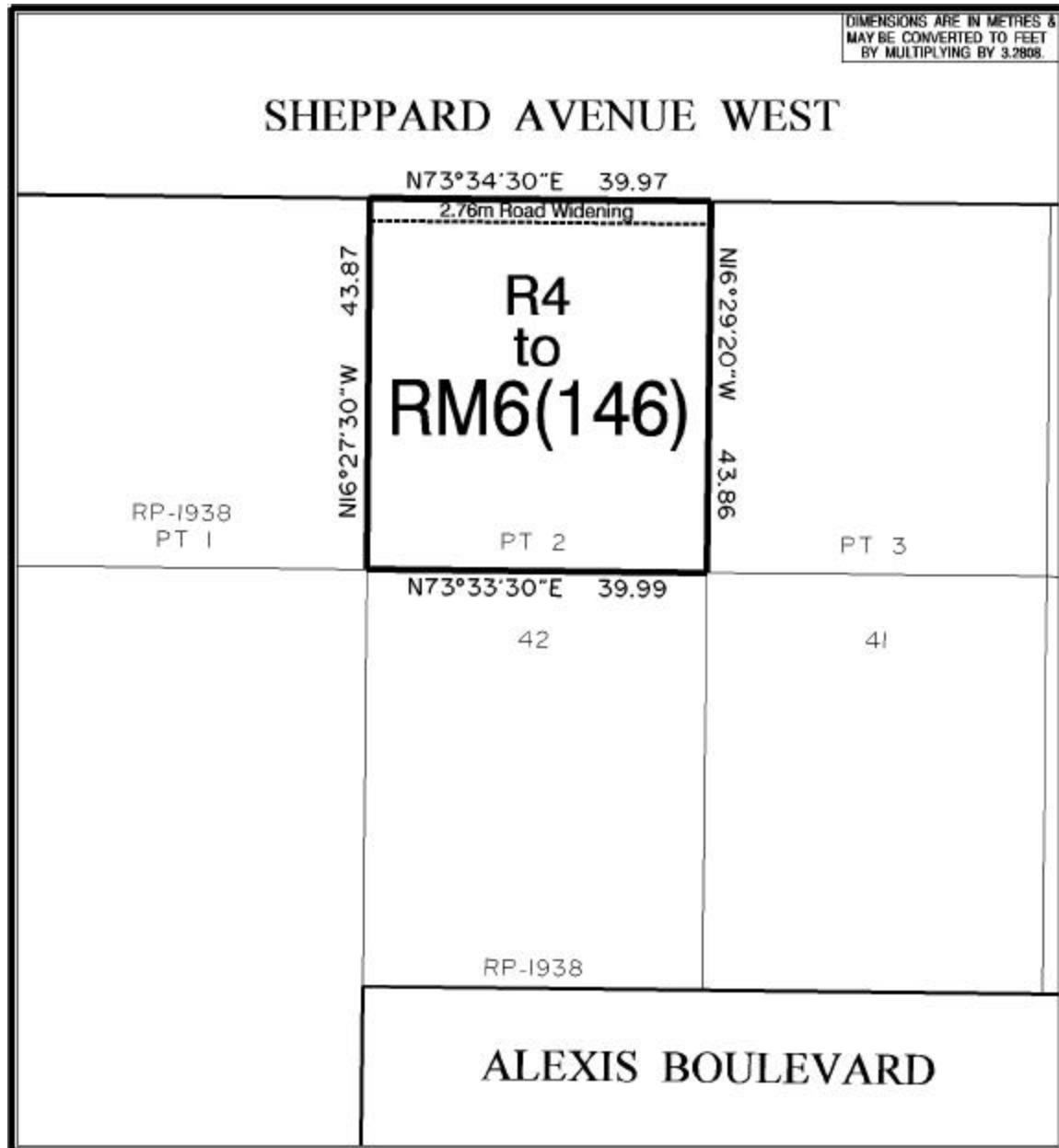
10.76

9.50

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.



## SCHEDULE "1"



<p><b>This is Schedule " 1 " to By-Law _____</b></p> <p><b>passed the _____ day of _____, 20 ____</b></p>				 <b>Toronto</b> <small>City Planning Division</small> <small>North District</small>
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	 SUBJECT PROPERTY		
Location: Part of Lot 2, Registered Plan 1938, City of Toronto				
File: 03_160478	Prepared by: A.K.	Approved by: K.J.	Date: May 14, 2004	Filename: RM6(146)_1
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.				