

Authority: Etobicoke York Community Council Report 3, Clause 3b,
adopted as amended, by City of Toronto Council on June 14, 2006
Enacted by Council: June 14, 2006

CITY OF TORONTO

BY-LAW No. 482-2006

To amend former City of North York Zoning By-law No. 7625 with respect to lands municipally known as 2277-2295 Sheppard Avenue West and 100 Mainshep Road.

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 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:

64.14-(9) R5(9)

PERMITTED USES

- (a) One-family detached dwelling and accessory buildings incidental thereto.
- (b) Home occupation as permitted in the R5 zone.

EXCEPTION REGULATIONS

- (c) Lot Area

The provisions of Section 14.2.2 shall not apply.

- (d) Lot Frontage

The minimum lot frontage shall be 7.5 metres.

- (e) Yard Setbacks

- (i) The minimum front yard setback shall be 4.5 metres.

- (A) Notwithstanding clause (i), the minimum front yard setback to any attached garage shall be 5.7 metres.

- (ii) The minimum rear yard setback shall be 7.5 metres.
 - (A) Notwithstanding clause (ii), the minimum rear yard setback shall be 9.5 metres for Lots 12 to 20 inclusive as shown on Schedule “R5(9)” as Area 2.
- (iii) The minimum side yard setbacks shall be 1.2 metres on one side and 0.6 metres on the other side.
- (iv) The minimum flankage yard setback shall be 2.4 metres. For the purpose of this by-law, “flankage yard” shall mean the space between the side wall of the building and a side lot line bounding upon a street and extending from the front lot line to the rear lot line.
 - (A) Notwithstanding clause (iv) the minimum flankage yard setback shall be 4.5 metres for lot as shown on Schedule “R5(9)” as Area 2.

(f) Lot Coverage

The maximum lot coverage shall be 45%.

(g) Building Height

The maximum building height shall be 10.5 metres or 3 storeys, whichever is the lesser.

(h) Below Grade Garages

No below grade garages shall be permitted.

(i) Maximum Garage Width

The maximum garage width shall be 6.0 metres or 50% of the lot width, measured at the widest point of the lot, whichever is the lesser.

(j) Maximum Driveway Width

The maximum driveway width shall not be greater than width of the garage width as set out in clause (i) above.

(k) Attached Garage Setback

An attached garage shall not extend 1.5 metres beyond the front wall of the dwelling unit.

- (l) On those lands subject to an 'H', no person shall use any lot or erect or use any building or structure for any purposes permitted by this By-law until the 'H' symbol has been removed. An amending by-law to remove the 'H' symbol shall be enacted by City Council when the owner of the lands has submitted a revised Noise Impact Study which identifies mitigation measure to the satisfaction of the Director of Community Planning, Etobicoke York District.

64.17-(42) RM2(42)

PERMITTED USES

- (a) Semi-Detached Dwelling and accessory buildings incidental thereto.

EXCEPTION REGULATIONS

- (b) Lot Area

The minimum lot area shall be 165 square metres for each semi-detached dwelling unit and 330 square metres for each semi-detached dwelling.

- (c) Lot Depth

The minimum lot depth for each semi-detached dwelling unit shall be 24 metres.

- (d) Lot Frontage

The minimum lot frontage shall be 6.85 metres for each semi-detached dwelling unit and 13.70 metres for each semi-detached dwelling.

- (e) Yard Setbacks

- (i) The minimum front yard setback shall be 4.5 metres.

- (A) Notwithstanding clause (i), the minimum front yard setback to any attached garage shall be 5.7 metres.

- (ii) The minimum rear yard setback shall be 7.5 metres.

- (iii) The minimum side yard setback shall be 1.2 metres.

- (A) Notwithstanding clause (iii) the minimum side yard setback may be reduced to 0.6 metres provided there are no projections into the side yard setback area, below a height of 3 metres and provide that the building is setback a minimum distance of 1.2 metre from the adjacent building. For the purposes of this subsection, Section 6(9) Permitted Projections Into Minimum Yard Setback shall not apply for the side yard for the portion of the sidewall of the building below a height of 3 metres above grade.

- (B) There is no minimum side yard setback required from the lot line separating the two units of a semi detached dwelling.
- (iv) The minimum flankage yard setback shall be 2.4 metres. For the purpose of this section, “flankage yard” shall mean the space between the side wall of the building and a side lot line bounding upon a street and extending from the front lot line to the rear lot line.
- (f) Lot Coverage
- The provisions of Section 17(3)(d) shall not apply.
- (g) Floor Area
- The provisions of Section 17(4)(h) shall not apply.
- (h) Building Height
- The maximum building height shall be 10.5 metres or 3 storeys, whichever is the lesser.
- (i) Below Grade Garages
- No below grade garages shall be permitted.
- (j) Maximum Garage Width
- The maximum garage width shall be 50% of the lot width, measured at the widest point of the dwelling.
- (k) Maximum Driveway Width
- The maximum driveway width shall not be greater than width of the garage width as setout in clause (j).
- (l) Attached Garage Setback
- An attached garage shall not extend 1.5 metres beyond the front wall of the dwelling unit.
- (m) On those lands subject to an ‘H’, no person shall use any lot or erect or use any building or structure for any purposes permitted by this By-law until the ‘H’ symbol has been removed. An amending by-law to remove the ‘H’ symbol shall be enacted by City Council when the owner of the lands has submitted a revised Noise Impact Study which identifies mitigation measure to the satisfaction of the Director of Community Planning, Etobicoke York District.

64.16-(65) RM1(65)

PERMITTED USES

- (a) The only permitted uses shall be multiple attached dwellings.

EXCEPTION REGULATIONS

- (b) (i) notwithstanding clause (a) semi-detached dwellings shall be permitted in Area 1 shown on Schedule “RM1(65)” subject to the provisions of Section “RM2(42)”; and
- (ii) notwithstanding clause (a) one (1) one-family detached dwelling shall be permitted in Area 1 shown on Schedule “RM1(65)” subject to the provisions of Section R5(9).
- (c) Lot Area
- The minimum lot area shall be 125 square metres per unit.
- (d) Lot Frontage
- The minimum lot frontage shall be 4.60 metres.
- (e) Front Yard Setbacks
- The minimum front yard setback shall be 3.0 metres.
- (f) Rear Yard Setback
- (i) The minimum rear yard setback for a dwelling shall be 11 metres from the rear lot line.
- (ii) The minimum rear yard for an accessory garage shall be 0.5 metres from the rear lot line.
- (iii) The provision of Section 6(17) Lot Abutting a Lane shall not apply.
- (g) Side Yard Setback
- (i) The minimum interior side yard setback shall be 0.6 metres.
- (ii) The minimum setback from the adjacent building is a minimum of 1.2 metres.

(iii) The minimum flankage yard setback shall be 2.4 metres. For the purpose of this by-law, “flankage yard” shall mean the space between the side wall of the building and a side lot line bounding upon a street or a lane and extending from the front lot line to the rear lot line.

(h) Height

The maximum height shall be 10.5 metres and 3 storeys, whichever is the lesser.

(i) Floor Area

The provisions of Section 16.2.5 shall not apply.

(j) Garages and Access to Parking

(i) All parking shall be located in the rear yard, accessed from a public lane. No garages, driveways or parking spaces shall be permitted in the front yard or side yard of any dwelling.

(ii) The garage setback from lane shall be 0.5 metres.

(iii) Maximum accessory garage height shall be 4 metres.

(A) Notwithstanding, clause (j)(ii), the maximum accessory garage height shall be 6.5 metres for Area 2 as shown on Schedule “RM1(65)”.

(k) Height of First Floor

The finished first floor elevation shall be no higher than 1.5 metres above established grade.

(l) Frontage on a Street

Notwithstanding Section 6(7), for Area 1 as shown on Schedule “RM1(65)”, multiple attached dwellings and semi detached dwellings shall be permitted to front onto a public park.

(m) On those lands subject to an ‘H’, no person shall use any lot or erect or use any building or structure for any purposes permitted by this By-law until the ‘H’ symbol has been removed. An amending by-law to remove the ‘H’ symbol shall be enacted by City Council when the owner of the lands has submitted a revised Noise Impact Study which identifies mitigation measure to the satisfaction of the Director of Community Planning, Etobicoke York District.

64.23-(123) C1(123)**PERMITTED USES**

- (a) The following uses shall be permitted including retail stores, personal service shops service shops, banks, business and professional offices, studios, professional medical offices and a food store.
- (b) Use Qualifications
 - (i) Retail stores, service shops and person service shops are permitted provide they have a minimum floor area of 150m² and each retail store, service shop and person service shop is separated from any abutting retail store, service shop and person service shop by solid partition walls extending from the floor to the underside of the nearest floor or roof above.

EXCEPTION REGULATIONS

- (c) Height

Building height shall not exceed 11 metres or 2 storeys, whichever is the lesser.
- (d) Frontage

Sheppard Avenue West shall be deemed to be the frontage for the lands affected by this exception.
- (e) Setbacks

The minimum yard setbacks for above and below grade structures shall be as set out in Schedule “C1(123)”.
- (f) Build-to-Line

The Build-to Line, as defined, shall be a minimum of seventy (70) percent of the lot frontage abutting front lot line. For the purposes of this section “Build-to-Line” shall mean the area of the lands within which a streetwall of a building or structure shall be located and “Streetwall” shall mean any exterior wall of a building abutting a public street.
- (g) Maximum Gross Leasable Floor Area

The maximum gross leasable floor area shall not exceed 3 650 square metres

- (h) Parking and Access to Parking
 - (i) No parking shall be permitted between the buildings and the front lot line.
 - (ii) No loading spaces shall be permitted between the building and the front lot line.
 - (iii) No driveways or access to any loading or parking areas shall be permitted from the Sheppard Avenue West frontage.
- (i) 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.

64.20-A(162) RM6(162)**DEFINITIONS**

- (a) For the purpose of this exception, “multiple attached stacked dwelling” shall mean a building containing more than four dwelling units, each unit having access either from a front indoor vestibule or direct access at grade, or any combination thereof.
- (b) For the purposes of this exception, “face wall” shall mean a main wall containing a minimum of one window.
- (c) For the purposes of this exception, “blank wall” shall mean a main wall containing no windows.
- (d) For the purposes of this exception, “live/work use” is defined as the following uses located within dwelling units: personal service shop, artist studio, custom workshop, business and professional office that is located within a multiple attached dwelling unit or multiple attached stacked unit and located on the first floor only.

PERMITTED USES

- (e) The following uses shall be permitted:
 - (i) retail stores, personal service shops service shops, banks, business and professional offices, studios and professional medical offices.
 - (ii) live work uses; and
 - (iii) apartment dwelling, multiple attached dwellings and multiple attached stacked dwellings.

- (f) Use Qualification
- (i) A live work unit and/or uses shall be located on the first floor of an apartment building, mixed use building, multiple attached dwellings and multiple attached stacked dwellings.
 - (ii) Retail stores, service shops and person service shops are permitted provide they have a minimum floor area of 150m² and each retail store, service shop and person service shop is separated from any abutting retail store, service shop and person service shop by solid partition walls extending from the floor to the underside of the nearest floor or roof above.

EXCEPTION REGULATIONS

- (g) Lot Area, Lot Coverage, Street Frontage
- There shall be no lot area, lot coverage and street frontage requirements.
- (h) Setbacks
- The minimum yard setbacks for above and below grade structures shall be as set out in Schedule “RM6(162)”.
- (i) Front Lot Line
- The front lot line shall be Sheppard Avenue West.
- (j) Building Height
- For a mixed use building or apartment building the maximum building height shall be 15.0 metres or 4 storeys, whichever is the lesser.
- (k) Commercial and Live/Work Use
- (i) In commercial or mixed use buildings the principal entrance to the commercial or live/work unit shall be from Sheppard Avenue West.
 - (ii) Commercial and live/work uses shall only be permitted to locate in the area shown on Schedule “RM6(162)”.
- (l) Gross Floor Area
- The total gross floor area permitted on the lands, shown as Block A and Block B on Schedule “RM6(162)” shall not exceed one hundred-twenty (120) per cent the lot area.

(m) Maximum Gross Leasable Floor Area

The maximum gross leasable floor area on the lands, shown as Block A and Block B on Schedule “RM6(162)” shall not exceed a total amount of 3,700 square metres for the two blocks.

(n) Maximum Number of Residential Units

The maximum number of dwelling units on the lands, shown on Schedule “RM6(162)” shall not exceed a total of 150 units for the two blocks.

(o) Parking and Access to Parking

- (i) No parking shall be permitted between the building and the front lot line.
- (ii) No loading spaces shall be permitted between the building and the front lot line.
- (iii) No driveways or access to any loading space parking garage shall be permitted directly from the Sheppard Avenue West.

(p) Yard Setbacks

- (i) The minimum yard setbacks shall be as shown on Schedule “RM6(162)”.
- (ii) Notwithstanding clause (p)(i), the minimum setback from a lane to any garage shall be 0.5metres.
- (iii) Notwithstanding clause (p)(i), the minimum rear yard setback for a dwelling shall be 11 metres from the rear lot line.
- (iv) The provisions of Section 6(17) shall not apply.

(q) Distance Between Buildings Or Portion of Buildings

- (i) The minimum distance between face walls of abutting dwellings shall be 15.0 metres.
- (ii) The minimum distance between a face wall and blank wall of abutting dwellings shall be 7.5 metres.
- (iii) The minimum distance between a dwelling unit and a free-standing garage shall be 5.0 metres.
- (iv) The minimum setback for a garage from a lane shall be 0.5 metres
- (v) The provisions of Section 20-A.2.4 shall not apply.

(r) Minimum Dwelling Unit Width

The minimum dwelling unit width shall be 6.0 metres for a dwelling unit with a driveway leading directly to an attached front garage.

(s) Below Grade Parking Garages

No below grade garage shall be permitted for an individual dwelling unit with a driveway leading to an attached front garage. This section does not prohibit a below grade parking garage for the purposes other than an individual dwelling unit.

(t) Maximum Garage Width

The maximum width of the garage shall be 3.0 metres for a dwelling unit with a driveway leading directly to an attached front garage.

(u) Maximum Driveway Width

The maximum driveway width shall be 3.0 metres for a dwelling unit with a driveway leading directly to an attached front garage.

(v) Height of First Floor

(i) The finished first floor elevations of multiple attached dwellings and multiple attached stacked dwellings shall be no higher than 0.9 metres above established grade.

(ii) The finished first floor elevations of buildings containing commercial uses or live/work uses shall be no higher than established grade.

(w) 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.

INCREASED DENSITY – SECTION 37 AGREEMENT

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 residential density authorized under sections 1 and 2 of this By-law are:

SECTION 37 AGREEMENT

(a) 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 below, 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 following facilities, services and/or matters on terms satisfactory to the City of Toronto, acting reasonably:

- (i) Prior to the approval of the draft plan of subdivision, the owner provide a letter of credit for the amount of \$500,000 to the City, to be used for improvements to the Humber Sheppard Community Centre as set out below;
- (ii) The contribution is to be allotted for the following improvements:
 - (i) \$200,000.00 toward a community/teaching kitchen;
 - (ii) \$150,000.00 toward an outdoor soccer stadium;
 - (iii) \$70,000.00 toward the construction of a concession stand; and
 - (iv) \$80,000.00 toward the gym floor and other amenities at the Humber Sheppard Community Centre;
- (iii) Despite Clause (ii) if improvements to the Humber Sheppard Community Centre cannot be completed, the contribution will be used for improvements to other parks and/or recreation sites within Ward 7 at the discretion of the General Manager of Parks, Forestry and Recreation and the local Councillor;
- (iv) the owner shall enter into an agreement in accordance with (a) above to provide at least 25% of the new dwelling units in all multiple units residential buildings containing 20 or more units as “Affordable Housing” units. For the purposes of the amendment, “Affordable Housing” unit means accommodation which is affordable to households with incomes in the 1 to 60 percentiles of the income distribution for the GTA Housing Market;
- (v) prior to the issuance of a building permit for a multiple residential building containing 20 or more units, the owner’s solicitor will provide to the City a sworn affidavit satisfactory to the City Solicitor, in consultation with the City’s Chief Planner or his designate, confirming that:
 - (i) arms length agreements of purchase and sale have been entered into for the Affordable Housing units; and
 - (ii) the total sale prices (including GST) of those affordable housing units meet the Affordable Housing unit definition as set out in (iv);
- (vi) the owner shall enter into an agreement in accordance with (a) above to meet with the Ward Councillor and staff of the Affordable Housing Office and City Planning to determine if an agreement between the owner and the City can be reached to offer “affordable” units to prospective purchasers

(as determined by the City) prior to the offering of the units to the general public, the term “affordable” being generally based on the definition and numeric requirements as set out in the North York Official Plan, the Official Plan for Metropolitan Toronto and the 2005 Provincial Policy Statement; and

- (vii) prior to the approval of the draft plan of subdivision, the owner contribute \$25,000 towards the construction of the St. Jude’s Catholic School/Best Start Playground to the satisfaction of the Chief Planner.
3. Section 64.14(9) of By-law No. 7625 is amended by adding the attached Schedule “R5(9)”.
 4. Section 64.16(42) of By-law No. 7625 is amended by adding the attached Schedule “RM2(42)”.
 5. Section 64.23(123) of By-law No. 7625 is amended by adding the attached Schedule “C1(123)”.
 6. Section 64.20-A(162) of By-law No. 7625 is amended by adding the attached Schedule “RM6(162)”.

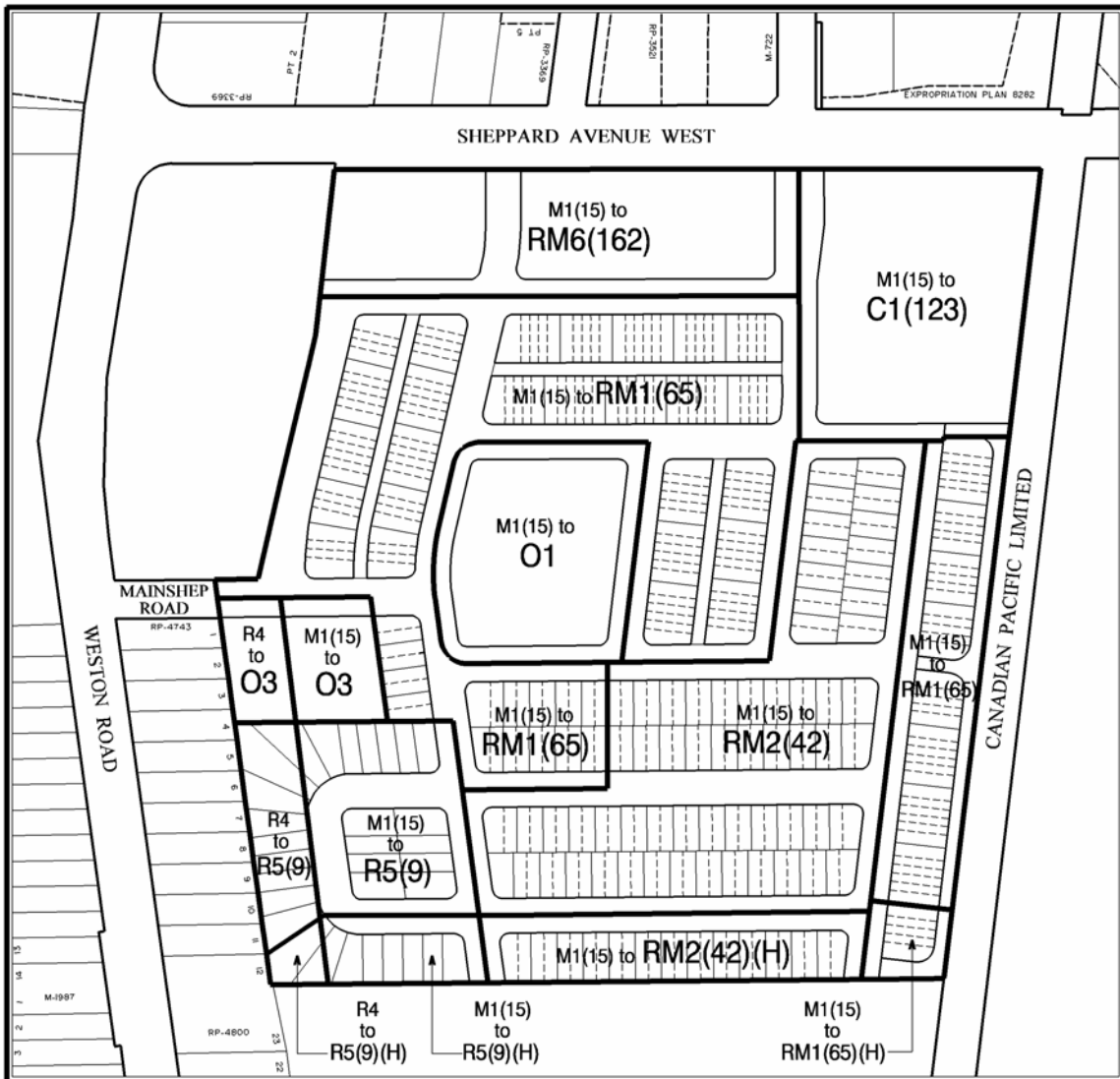
ENACTED AND PASSED this 14th day of June, A.D. 2006.


DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

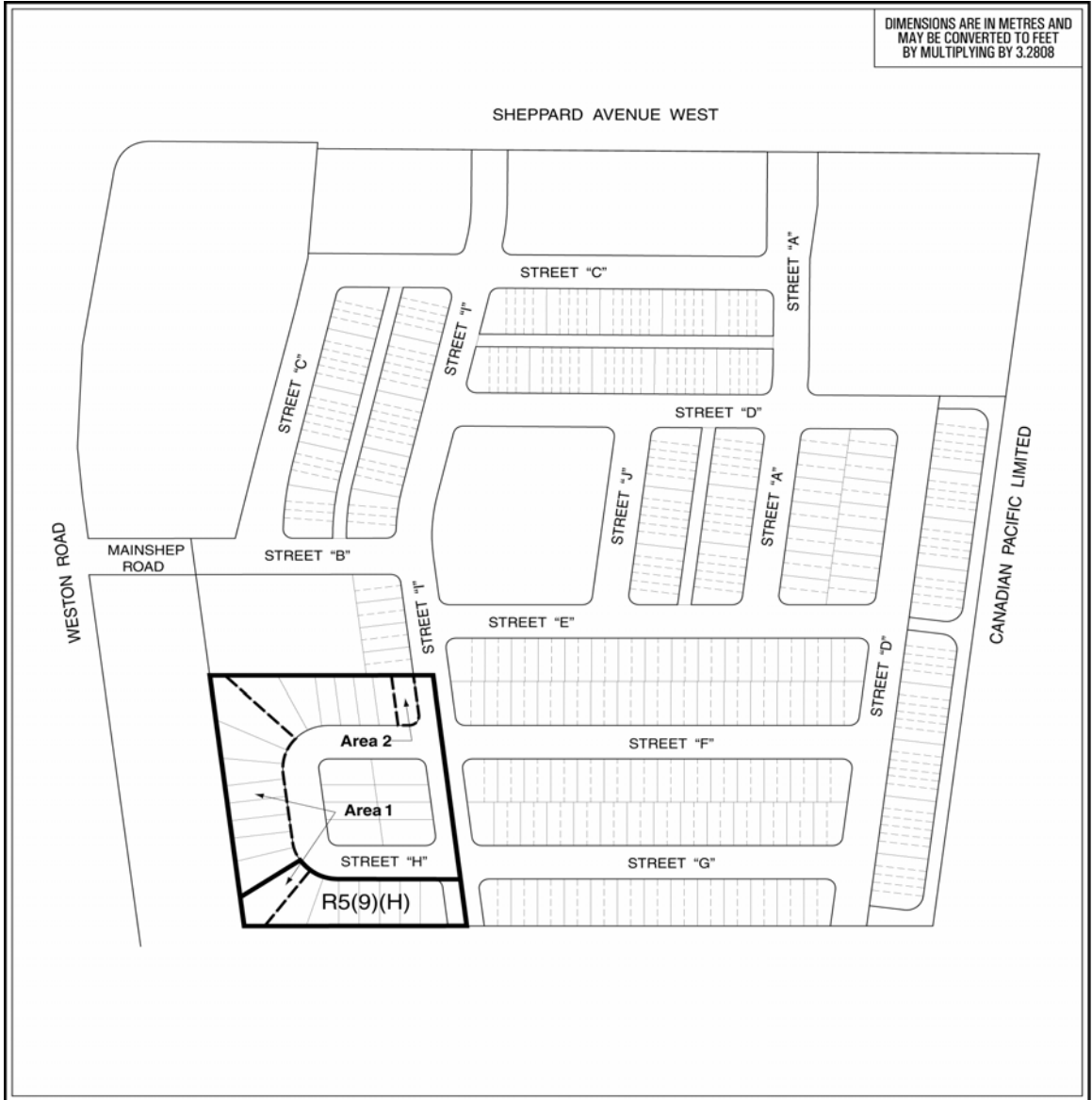
(Corporate Seal)

SCHEDULE "1"



<p>This is Schedule " 1 " to By-Law _____ passed the _____ day of _____, 20 ____</p>		 City Planning Division North District
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: Part of Lot 15 Concession 5 West of Yonge Street, City of Toronto		
File No: 01_036261	Prepared by: A.K.	Approved by: G.B.
Date: April 2006	Filename: RM6(162)_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.		

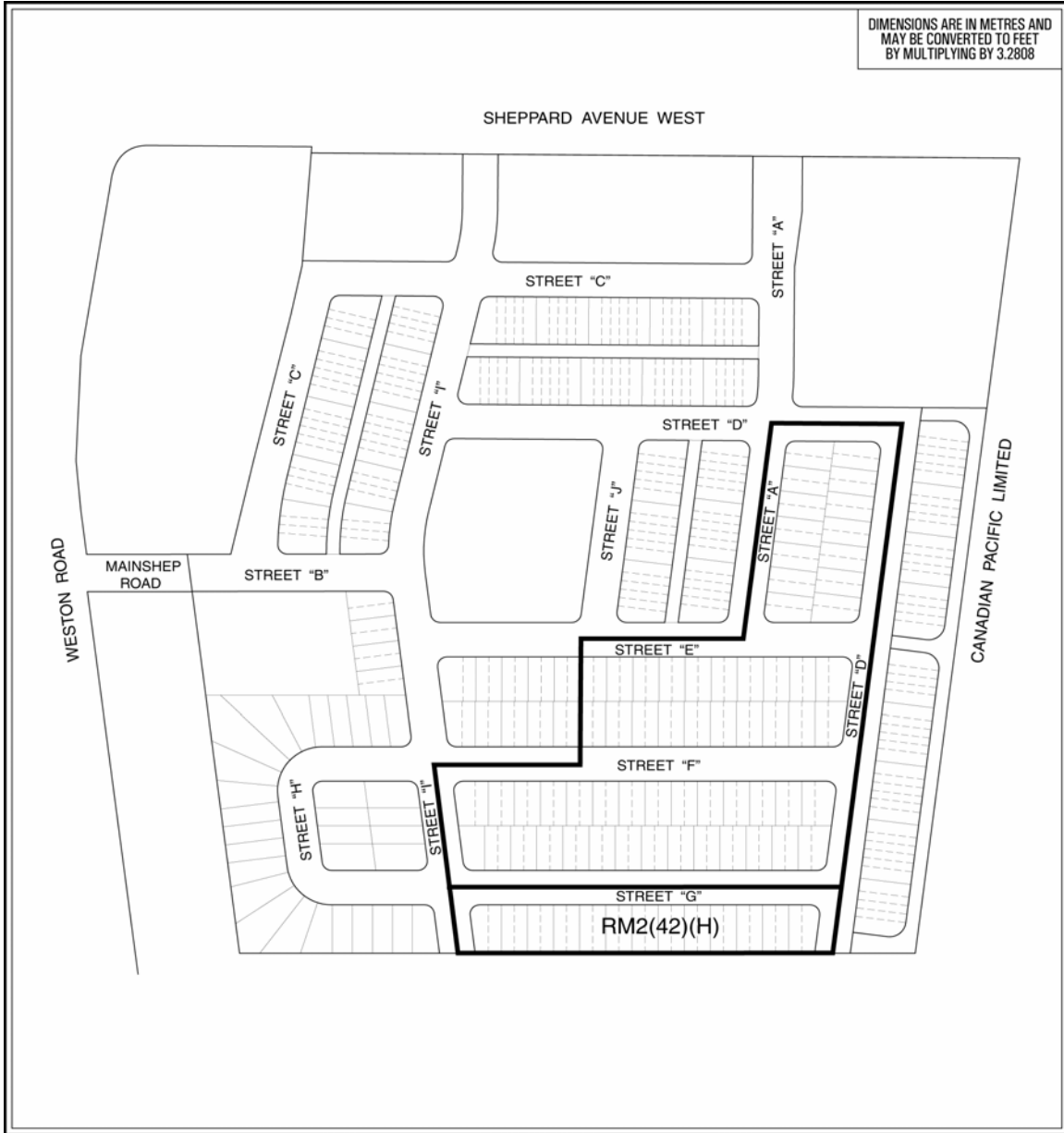
SCHEDULE "R5(9)"



This is Schedule " R5(9) " to Bylaw _____ passed the _____ day of _____, 20____		City Planning Division Community Planning North
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: Part of Lot 15 Concession 5 West of Yonge Street, City of Toronto		
File No: 01_036261	Drawn by: A.K.	Approved by: G.B.
Date: April 2006	Filename: R5(9).ai	

Subject Property
 Not to Scale

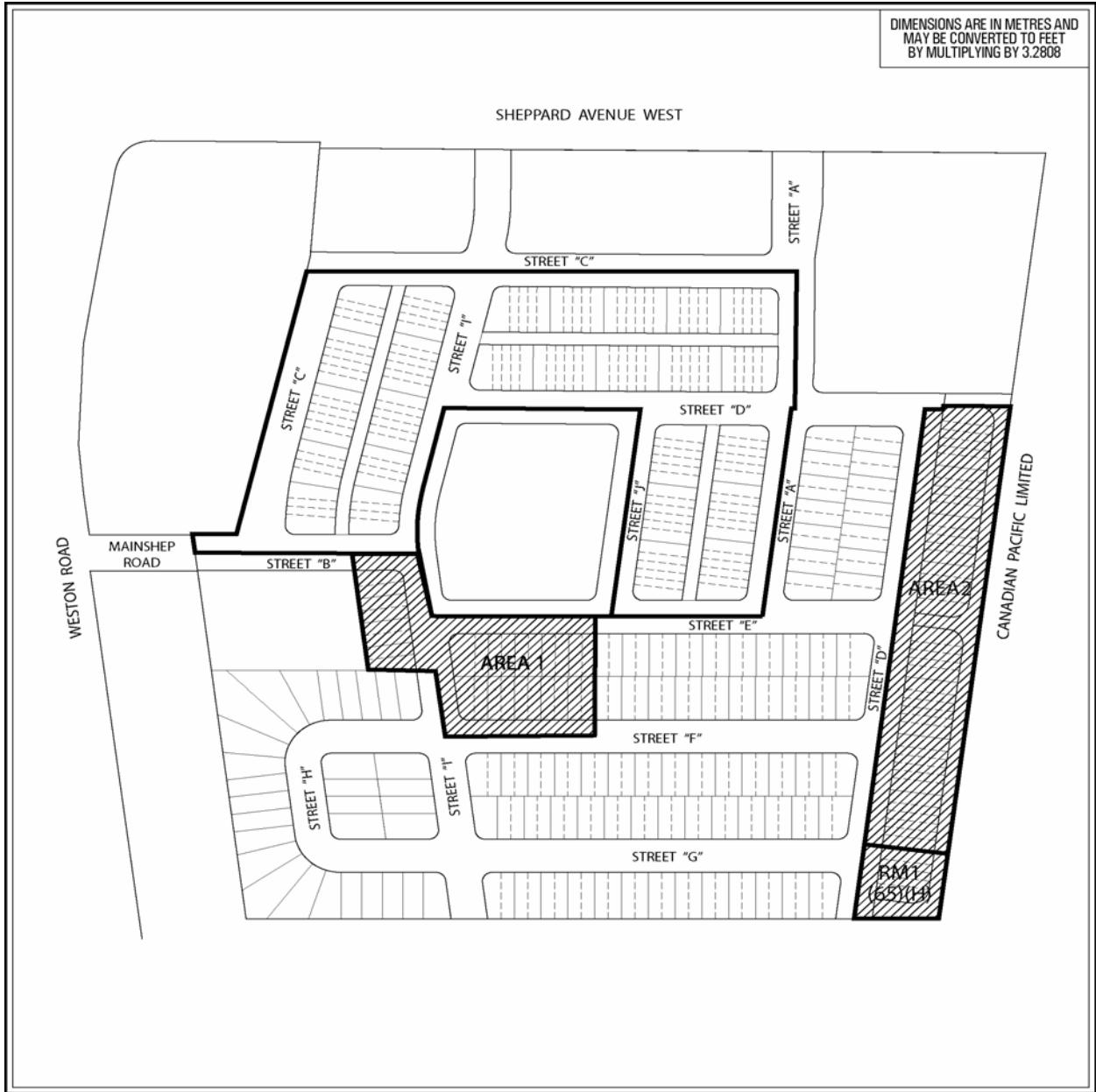
SCHEDULE "RM2(42)"



<p>This is Schedule " RM2(42) " to Bylaw _____ passed the _____ day of _____, 20____</p> <p>(Sgd.) _____ (Sgd.) _____ CLERK MAYOR</p>		<p>TORONTO City Planning Division Community Planning North</p>		
<p>Location: Part of Lot 15 Concession 5 West of Yonge Street, City of Toronto</p>				
File No: 01_036261	Drawn by: A.K.	Approved by: G.B.	Date: April 2006	Filename: RM2(42).ai



SCHEDULE "RM1(65)"



This is Schedule " RM1(65) " to Bylaw _____
 passed the _____ day of _____, 20____

(Sgd.) _____ (Sgd.) _____
 CLERK MAYOR

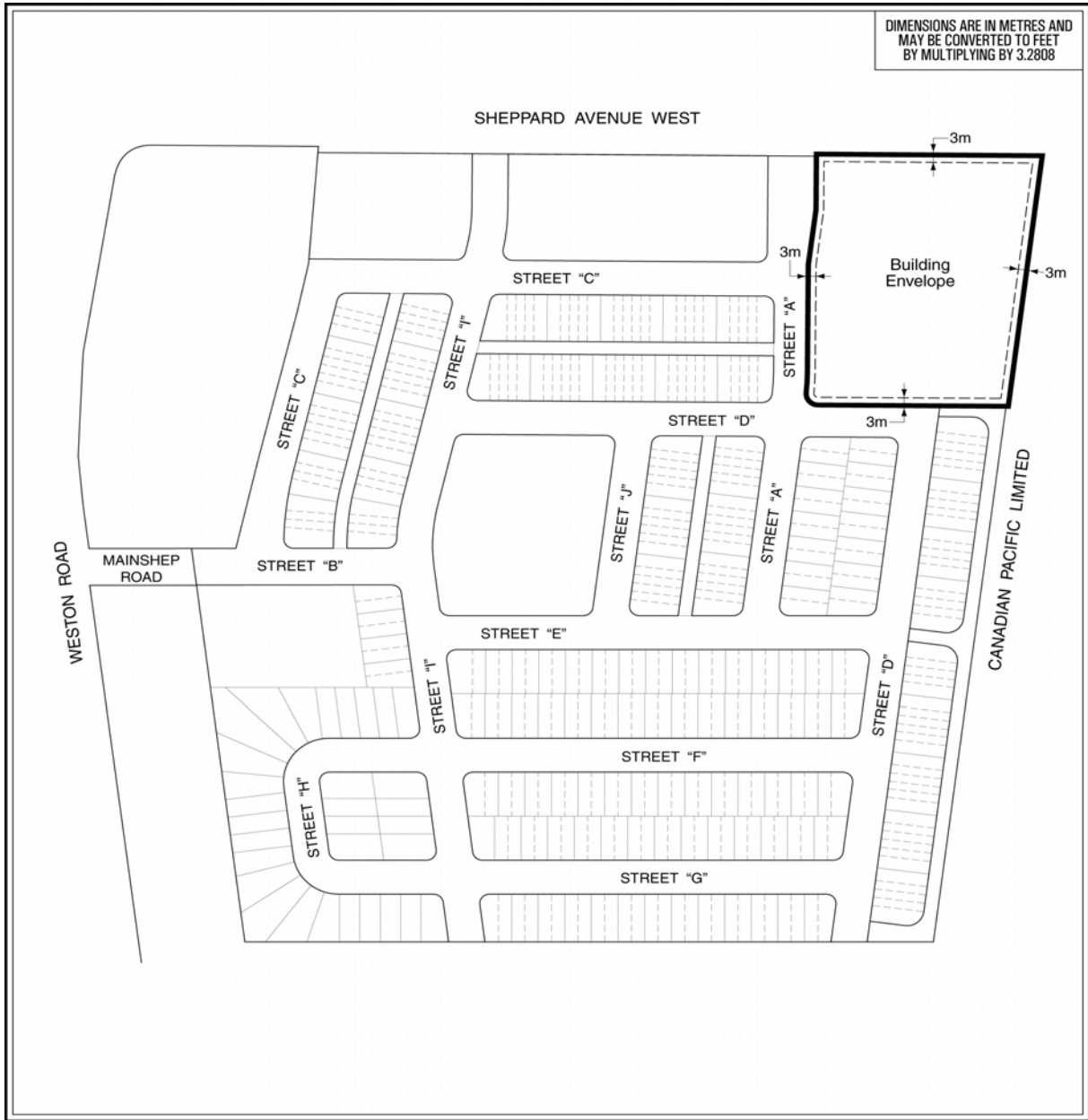
Location: Part of Lot 15 Concession 5 West of Yonge Street, City of Toronto

File No: 01_036261 | Drawn by: A.K. | Approved by: G.B. | Date: March 2006 | Filename: RM1(65).ai

Toronto
 City Planning Division
 Community Planning North

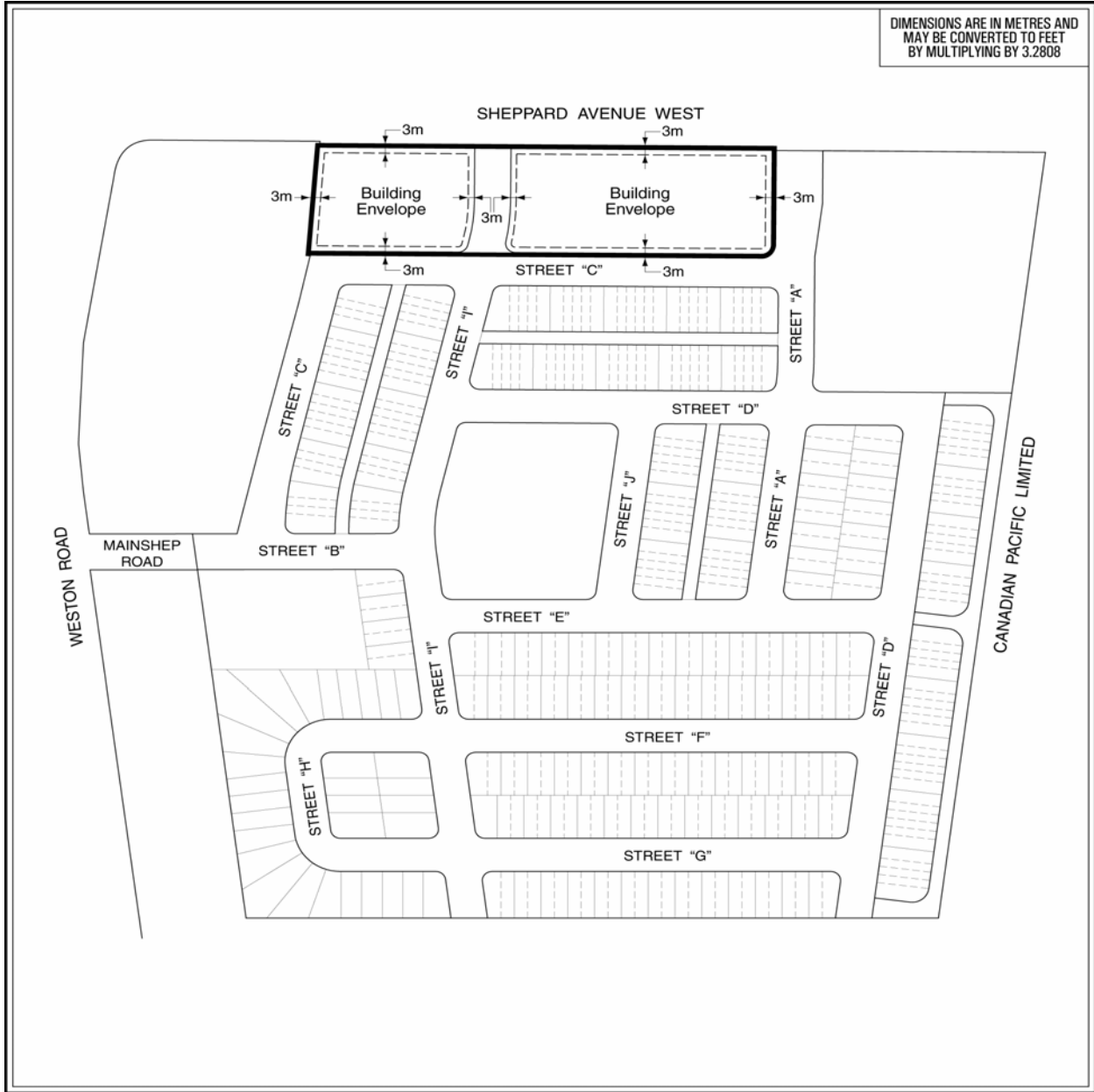
Subject Property | Not to Scale

SCHEDULE "C1(123)"




This is Schedule " C1(123) " to Bylaw _____ passed the _____ day of _____, 20____ (Sgd.) _____ (Sgd.) _____ CLERK MAYOR		 City Planning Division Community Planning North <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 40px; height: 20px; display: flex; align-items: center; justify-content: center;"> Subject Property </div> <div style="font-size: 24px;">↑</div> </div> Not to Scale		
Location: Part of Lot 15 Concession 5 West of Yonge Street, City of Toronto				
File No: 01_036261	Drawn by: A.K.	Approved by: G.B.	Date: March 2006	Filename: C1(123).ai

SCHEDULE "RM6(162)"



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

<p>This is Schedule " RM6(162) " to Bylaw _____ passed the _____ day of _____, 20__</p>		 City Planning Division Community Planning North
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: Part of Lot 15 Concession 5 West of Yonge Street, City of Toronto		
File No: 01_036261	Drawn by: A.K.	Approved by: G.B.
Date: March 2006	Filename: RM6(162).ai	

 Subject Property
  Not to Scale