

Authority: North York Community Council Item 11.40,
as adopted by City of Toronto Council on December 11, 12 and 13, 2007
Enacted by Council: March 5, 2008

CITY OF TORONTO

BY-LAW No. 211-2008

**To amend the former City of North York Zoning By-law No. 7625, as amended,
with respect to the lands municipally known as 695 - 717 Sheppard Avenue West.**

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*; and

WHEREAS the Official Plan of the City of Toronto contains provisions relating to the authorization of increase in height and density of development; and

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 height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and 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 height and density of development, the 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 owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the height and/or density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

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 hereby amended in accordance with Schedule 1 of this By-law.

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 (177) RM6 (177)

DEFINITIONS:

- (a) 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.
- (b) For the purposes of this exception, “established grade” shall mean the elevation as fixed by the municipality at the center line of the street at the midpoint of the front lot line, being the geodetic elevation of 187.58 m.
- (c) For the purposes of this exception, “guest suite” shall mean a suite, other than a dwelling unit, that has no kitchen facilities and is available for use on a temporary basis as overnight accommodation for persons visiting residents of an apartment house dwelling.
- (d) For the purposes of this exception, “live/work unit” is defined as a two storey dwelling unit containing commercial uses permitted in this exception located on the ground floor that:
 - a. Occupy a minimum of 50% of the ground floor area of the dwelling unit;
 - b. Are conducted only by a member or members of the household who reside in the dwelling unit as their principal residence; and
 - c. Has direct pedestrian access to a public sidewalk.

PERMITTED USES:

- (e) The only permitted uses shall be:

RESIDENTIAL:

An apartment house dwelling and uses accessory thereto including private recreational amenity areas

Two guest suites

Live/Work Units

NON-RESIDENTIAL:

Artist Studio
Business and professional offices
Banks and financial institutions
Custom workshops making articles or products to be sold at retail on the premises
Retail Store
Service Shop
Personal Service Shop

All non-residential uses shall be restricted to the ground floor and below grade levels.

EXCEPTION REGULATIONS

Dwelling Units:

- (f) A maximum of 202 residential dwelling units shall be permitted.

Lot Coverage:

- (g) The provisions of Section 20-A.2.2 (Lot Coverage) shall not apply.

Yard Setbacks:

- (h) The minimum yard setbacks for buildings and structures above established grade shall be shown on Schedule "RM6(177)".
- (i) Notwithstanding (h) above, open balconies located at a height greater than the first floor ceiling joists shall be permitted to project not more than 1.8 m into the minimum rear yard setback.
- (j) Notwithstanding (h) above, the minimum yard setbacks for parking structures and structures associated thereto below established grade shall be 1.5 m from the south property line and 0.0 m for all other property lines.
- (k) Notwithstanding (h) above, the minimum yard setbacks for structures associated with parking structures above established grade shall be 1.5 m from the south property line and 0.0 m from all other property lines.

Distance between Buildings and/or Portions of Buildings forming Courts:

- (l) The provisions of Section 20A.2.4.1 (Distance between Buildings and/or Portions of Buildings forming Courts) shall not apply.

Gross Floor Area:

- (m) A maximum gross floor area of 21,395 m² shall be permitted provided that of this total gross floor area, a minimum of 450 m² shall be for non-residential uses at grade with direct pedestrian access to Sheppard Avenue West or Yeomans Road.

Building Height:

- (n) The building height shall not exceed the maximum building heights in meters above established grade as shown on Schedule “RM6(177)”.
- (o) One storey roof access enclosures and mechanical rooms shall be permitted to exceed the noted height limit on Schedule “RM6(177)”.
- (p) Notwithstanding (n) and (o) above, the height of any portion of a building or structure above established grade other than a mechanical penthouse shall not exceed the horizontal distance between the building and the south lot line of the property.

Landscaping:

- (q) The provisions of Section 15.8 (Landscaping) shall not apply.
- (r) A minimum 1.5 m wide landscape strip shall be provided along the south property line containing suitable fencing and vegetation.

Recreational Amenity Area:

- (s) A minimum of 1.5 m² per dwelling unit of indoor amenity space shall be provided.
- (t) A minimum of 1.5 m² per dwelling unit of outdoor amenity space shall be provided.

Parking:

- (u) Parking for residential uses within the site shall be provided in accordance with the following:
 - a. A minimum of 1.4 parking spaces per apartment house dwelling unit or live/work unit of which 0.25 spaces per dwelling unit shall be for the use of visitors.
 - b. Up to 30% of the residential visitor parking spaces may be used for non-residential employee and visitor parking; no other parking shall be required for permitted non-residential uses.

- c. All required parking may be permitted below grade. A maximum of 4 parking spaces may be permitted at grade within the rear yard.
- d. The size of parking spaces shall be:
 - i. 5.6 metres by 2.6 metres with a vertical clearance of 2 metres.
 - ii. 5.6 metres by 2.9 metres when there is an obstruction on one side.
 - iii. 5.6 metres by 3.2 metres when there is an obstruction on two sides.

Loading:

- (v) One Loading Space with a minimum length of 11 metres and a minimum width of 3.6 metres with a vertical clearance of 4.2 metres shall be provided.

EXCLUSIONS

- (w) The provisions of Section 6A(8)(c) and (d) (Parking regulations for RM zones Other Than RM2 Zones) shall not apply.

INCREASED HEIGHT AND DENSITY:**SECTION 37 AGREEMENT**

- (x) The density and height of development permitted by this By-law is permitted subject to compliance with the conditions set out herein and provided that the owner, at its expense and in accordance with and subject to the agreement referred to in this By-law provides or funds the following facilities, services and/or matters on terms satisfactory to the City of Toronto:
 - a. A cash contribution of \$150,000 in lieu of replacement of any of the residential rental units to be demolished, subject to the conditions of approval of the demolition permit under Municipal Code Chapter 667.
 - b. A cash contribution of \$180,000 to be dedicated to improving existing recreational capital facilities in the local area, the specific location to be determined through continuing discussions between City Planning staff, the Local Councillor, Parks, Forestry and Recreation staff and other City Divisions as required.
 - c. A cash contribution of \$25,000 to be dedicated to landscaping a remnant parcel created by the realignment of the Sheppard Avenue West and Yeomans Road intersection abutting the development parcel on the east.

- (y) The Owner shall provide the following prior to the issuance of the first above-grade building permit relating to the lands:
- a. A cash contribution of \$180,000 to be dedicated to improving existing recreational capital facilities in the local area; and
 - b. A letter of credit in the amount of \$25,000 in relation to landscaping a remnant parcel created by the realignment of the Sheppard Avenue West and Yeomans Road intersection abutting the development parcel on the east.
- (z) The Owner of the lands shown on Schedule “RM6(177)” 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.

DIVISION OF LANDS

- (aa) Notwithstanding any severance, partition or division of the lands shown on Schedule “RM6(177)”, the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred.
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6(177)” attached to this By-law.
4. Within the lands shown on Schedule “RM6(177)” 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 operational.

ENACTED AND PASSED this 5th day of March, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE "1"



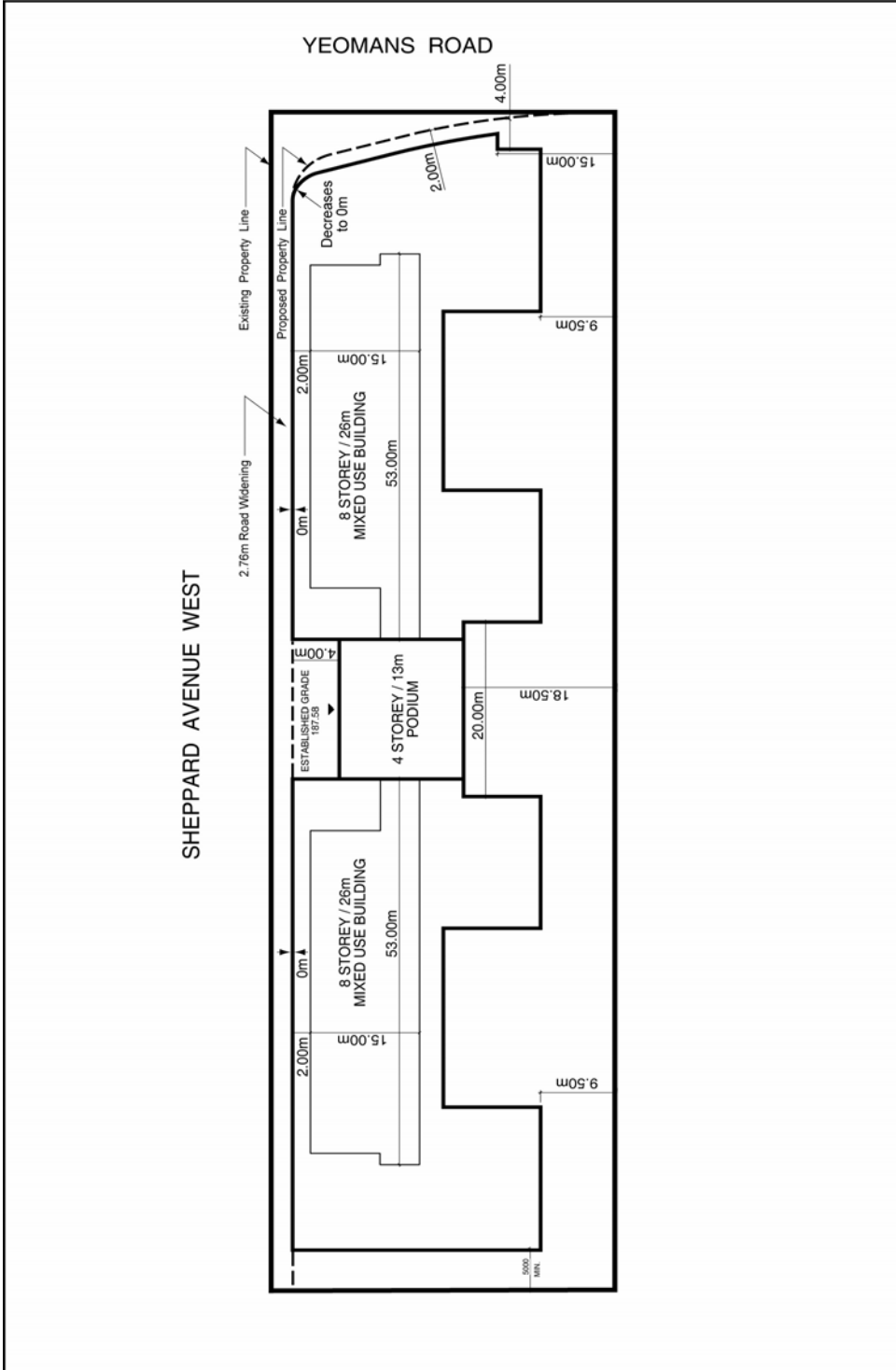
Schedule "1" to Bylaw

Part of Lots 11 to 14 inclusive Registered Plan 1938
 Survey data from KRCMAR Surveyors Ltd. drawing name 07-105RP05.dwg dated November 7, 2007
 Date: 11/09/2007
 Approved by: C.V.

File # 07_129252



SCHEDULE "RM6(177)"



Schedule "RM6(177)" to Bylaw _____

Part of Lots 11 to 14 inclusive Registered Plan 1938

File # 07_129252

Drawing supplied by Northgrave Architect, drawing ref. SK-ZM dated November 12, 2007

Date: 11/12/07
 Approved by: C.V.



Not to Scale