

CITY OF TORONTO

BY-LAW No. 295-2010(OMB)

To amend the former City of North York Zoning By-law No. 7625 with respect to lands municipally known as 2025, 2035 and 2045 Sheppard Avenue East.

WHEREAS the Ontario Municipal Board, deems it advisable to amend the former City of North York Zoning By-law No. 7625, with respect to certain lands municipally known as 2025, 2035 and 2045 Sheppard Avenue East;

THEREFORE pursuant to the Orders of the Ontario Municipal Board issued on October 12, 2004, November 20, 2007 and January 28, 2009, in Board File No. PL030692, 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. Section 64 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

"64.23 (127) C1(127)

DEFINITIONS

- (a) 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, but excluding:
 - (i) any part of the building used as mechanical floor area;
 - (ii) any area used for motor vehicle access or parking, including that contained within an above-grade parking structure;
 - (iii) any area used for loading or truck circulation, including that contained within an above-grade structure;
 - (iv) enclosed locker storage areas, above or below grade;
 - (v) any part of the building used for bicycle storage space;
 - (vi) the floor area of unenclosed residential balconies; and
 - (vii) private recreational amenity area, to a maximum of 1.5 m² per dwelling unit.
- (b) For the purpose of this exception, "mechanical floor area" shall mean the floor area within a building that is used exclusively for the accommodation of mechanical equipment necessary to physically operate the building such as heating, ventilation, air conditioning, electrical, telephone, plumbing, fire protection and elevator equipment.

- (c) For the purpose of this exception, "established grade" shall mean 178.70 metres Canadian Geodetic Datum.
- (d) For the purposes of this exception, "apartment house dwellings" shall mean a building containing more than four (4) dwelling units, each having access either from an interior corridor system or direct access at grade, or any combination thereof.

PERMITTED USES

- (e) On lands identified as Parcel 1 on Schedule C1(127), the only permitted uses shall be:
 - (i) Residential: apartment house dwellings, multiple attached dwellings, a day nursery within an apartment house dwelling, and accessory uses including recreational amenity areas;
 - (ii) Commercial: automatic laundry shops, banks, business and professional offices, clubs, commercial galleries, commercial schools, dry-cleaning and laundry collecting establishments, financial institutions, fitness centres, personal service shops, professional medical offices, retail stores, sales offices, service shops, showrooms, studios, synthetic dry-cleaning establishments, and restaurants (including accessory outdoor cafe).
- (f) On Parcel 2, the only permitted uses shall be:
 - (i) Commercial: adult education schools, automatic laundry shops, banks, banquet halls, business and professional offices, car rental agencies, clubs, colleges, commercial galleries, commercial schools, communications and broadcasting, community centres, custom workshops, day nurseries, dry-cleaning and laundry collecting establishments, financial institutions, fitness centres, health science research laboratories, information processing, laundries, parking lots, personal service shops, professional medical offices, places of worship, public libraries, research laboratories, retail stores, sales offices, service shops, studios, synthetic dry-cleaning establishments, restaurants (including accessory outdoor cafe), showrooms, and take-out restaurants.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (g) The maximum gross floor area for all uses shall be 93,814 m².
- (h) The maximum gross floor area for all uses on the lands identified as Parcel 1 on Schedule C1(127) shall be 85,074 m².
- (i) The maximum gross floor area for all uses on the lands identified as Parcel 2 on Schedule C1(127) shall be 10,000 m².

DWELLING UNITS

- (j) The maximum number of dwelling units shall be 1,070.
- (k) The provisions of Section 23.2.4.2 for unit size shall not apply.

HEIGHT

- (l) The maximum number of storeys above established grade and the maximum building height for all buildings on the lands identified as Parcel 1 shall be as shown on Schedule C1(127). For the purposes of this paragraph, "building height" shall have the same meaning as defined in Section 2.10.

For the purposes of this section, the definitions of "building height" and "storey" shall have the same meaning as defined in Sections 2.10 and 2.77, respectively, with the exception that mechanical penthouses, roof access enclosures, rooftop recreational structures, and storage rooms for rooftop recreational furniture and equipment, shall be excluded.

- (m) The maximum building height for all buildings on the lands identified as Parcel 2 on Schedule C1(127) shall be 6 storeys and a maximum of 25 metres.
- (n) The provisions of Section 23.2.4.3 for maximum building height for commercial buildings with dwellings above the first floor shall not apply.

YARD SETBACKS

- (o) The minimum yard setbacks for all buildings and structures above-grade on the lands identified as Parcel 1 shall be as shown on Schedule C1(127); where there is no minimum yard setback indicated on Schedule C1(127), the minimum yard setback shall be 0 metres.
- (p) The minimum yard setbacks shown on Schedule C1(127) shall not apply to balconies, canopies, exterior stairways, wheelchair ramps and decks.
- (q) The minimum yard setbacks for all buildings and structures above-grade on the lands identified as Parcel 2 on Schedule C1 (127) shall be:
 - (i) north – 0 metres;
 - (ii) south – 7.5 metres, except for a screen wall, which shall be set back a minimum of 1.0 metre;
 - (iii) west – 3.0 metres; and
 - (iv) east – 7.5 metres.

- (r) The maximum yard setbacks for all buildings and structures above-grade on the lands identified as Parcel 2 on Schedule C1 (127) shall be:
 - (i) north – 3.0 metres; and
 - (ii) west – 9.0 metres.
- (s) The minimum yard setbacks for below-grade structures shall be 0 metres.
- (t) The provisions of Section 23.2.2.1 for setback from the centerline of the road allowance shall not apply.

DISTANCE BETWEEN BUILDINGS

- (u) The minimum separation distances between buildings on the lands identified as Parcel 1 shall be as shown on Schedule C1(127).
- (v) The minimum separation distances between buildings shown on Schedule C1(127) shall not apply to balconies, canopies, exterior stairways, wheelchair ramps and decks.

LANDSCAPING

- (w) The provisions of Section 15.8 for landscaping shall not apply.

LOT COVERAGE

- (x) The provisions of Sections 20.2.2 and 23.2.1 for lot coverage shall not apply.

LOT AREA

- (y) The provisions of Section 23.2.4.1 for lot area shall not apply.

LOT FRONTAGE

- (z) The provisions of Section 20.2.3 for lot frontage shall not apply.

PARKING

- (aa) Parking spaces shall be provided in accordance with the following:
 - (i) a minimum of 1.2 parking spaces per dwelling unit and a maximum of 1.4 parking spaces per dwelling unit, of which a minimum of 0.2 parking spaces per dwelling unit shall be for visitor use;
 - (ii) a minimum of one parking space per 48 m² of office uses;

- (iii) a minimum of one parking space per 56 m² of retail/service commercial uses (based upon the sharing of half of the normal by-law requirements with the required visitors parking);

PRIVATE RECREATIONAL AMENITY AREA

- (bb) Private recreational amenity area shall be provided in accordance with the following:
 - (i) a minimum of 1.5 m² of indoor private recreational amenity area per dwelling unit.

LOCKER SPACE

- (cc) A minimum of one locker with a minimum area of 1.4 m² shall be provided for each dwelling unit.

DIVISION OF LANDS

- (dd) 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 as if it remained one lot.

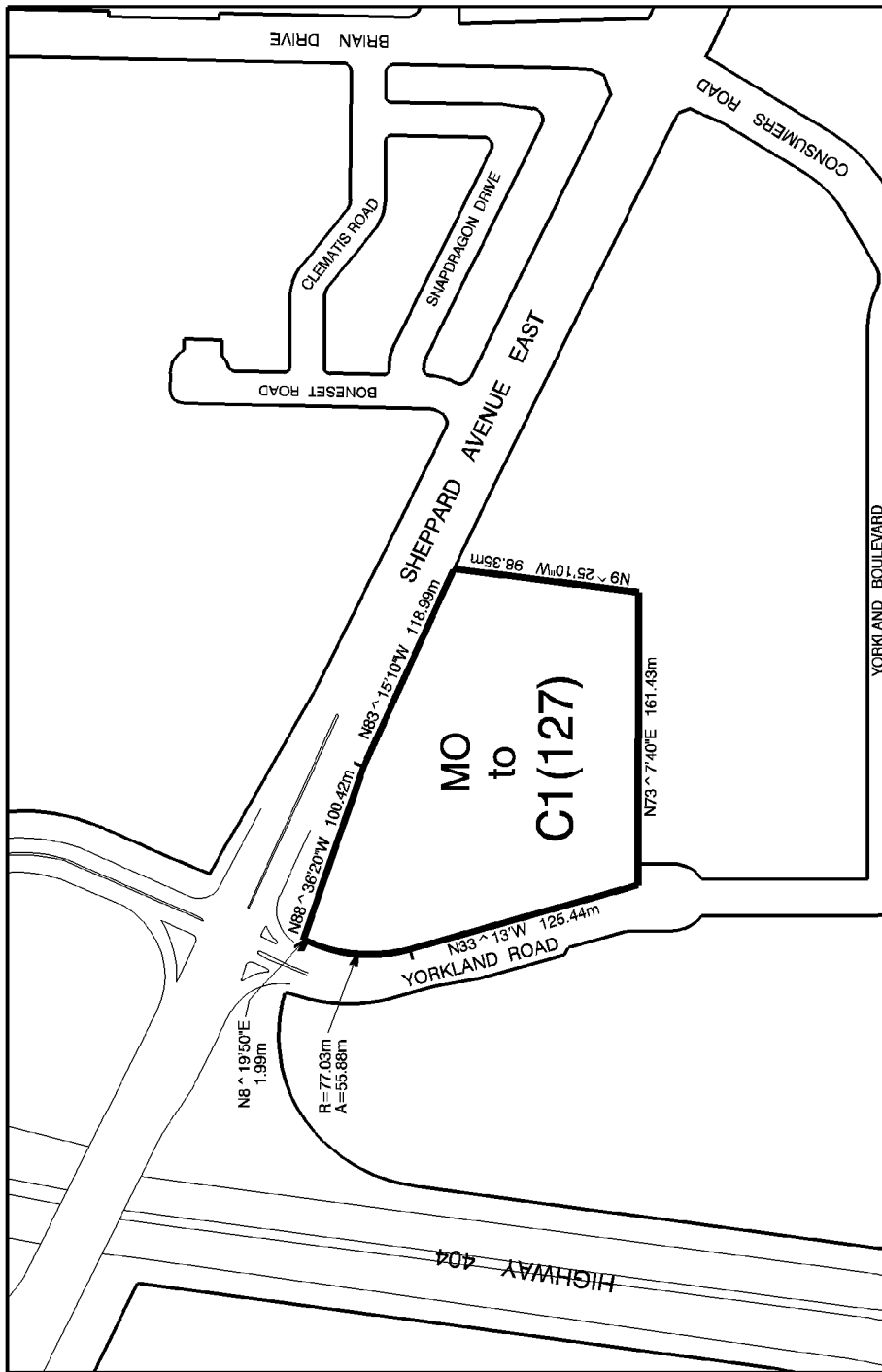
SECTION 37 AGREEMENT

- (ee) The owner of the lands zoned C1(127) shall enter into an agreement with the City of Toronto, pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, to secure the following general facilities, services or matters on the specific terms set out in said agreement:
 - (i) the provision of a contribution in the amount of \$1,000,000 to be used for community facility improvements in the area;
 - (ii) the provision of a contribution in the amount of \$500,000 to be used for public art, to be located at the owner's sole discretion provided it is visible from a publicly accessible space;
 - (iii) the provision of a contribution by letter of credit in the amount of \$200,000 to be used for pedestrian related improvements along Sheppard Avenue East west of Yorkland Road to the Don Mills subway station;
 - (iv) the provision of a contribution of \$10,000 to be used for future traffic monitoring;
 - (v) the provision of 'countdown' pedestrian signals at the intersection of the proposed public road with Sheppard Avenue East, or a contribution of funds therefor to an upset limit of \$20,000;

- (vi) the provision of facilities which provide for the priority of public transit vehicles through the intersection of the proposed public road with Sheppard Avenue East, or a contribution of funds therefor to an upset limit of \$25,000;
- (vii) the provision of a maximum of three above-ground loop-detectors used in conjunction with signal prioritization facilities, or a contribution of funds therefor to an upset limit of \$10,000 each;
- (viii) the provision of a shuttle bus service to the Don Mills subway station to the residents of the residential buildings for the peak three-hour morning and afternoon transit usage times, weekdays excluding holidays, sized for approximately 25 persons at full site occupancy, with a correspondingly smaller size at prior times, commencing prior to full occupancy of the first residential building and terminating on the earlier of 10 years from the date of service commencement or on the opening of a rapid transit station located east of Highway 404 in or nearby the Consumers' Road Business Park;
- (ix) the provision for each residential unit in the first residential building at the time of occupancy of each such unit, free of charge, one single-year, one-person Toronto Transit Commission pass, as negotiated with the Toronto Transit Commission on a discounted bulk purchase basis;
- (x) a building with a minimum gross floor area of 464 square metres on the south side of the new public road shall be substantially completed prior to the occupancy of the first residential building; and
- (xi) one or more buildings which collectively have a minimum gross floor area of 3,995 square metres on the south side of the new public road shall be substantially completed prior to the occupancy of the third residential building."

- 3.** Section 64.23 of By-law No. 7625 of the former City of North York is amended by adding Schedule C1(127) attached to this By-law.

PURSUANT TO DECISIONS/ ORDERS OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON OCTOBER 12, 2004 (ORDER NO. 1629), NOVEMBER 20, 2007 AND
JANUARY 28, 2009 IN BOARD CASE NO. PL030692.



Schedule 1

Part of Lot 15, Concession 4, E.Y.S., City of Toronto
 Plan of Survey created by David Horwood Limited, drawing ref #6197_M-PLAN-REV6
 Date: 08/31/2009
 Approved by: D.N.

File # TB CMB 2002 007



Not to Scale

