

Authority: North York Community Council Item 19.22, adopted as amended, by City of Toronto Council on October 30, 31 and November 1, 2012
Enacted by Council: November 1, 2012

CITY OF TORONTO

BY-LAW No. 1437-2012

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 90 Sheppard Avenue East.

WHEREAS authority is given to the Council of the City of Toronto by Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

WHEREAS Council 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, as amended, are amended in accordance with Schedule 1 of this By-law.
2. 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 necessary to serve the building or structure 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, necessary to serve the building or structure have been installed and are operational.
3. Notwithstanding any past or future severance, partition or division of the lands shown on Schedule 1, the provisions of this By-law shall apply to the whole of these lands as if no severance, partition or division occurred.
4. Section 64.23 of By-law No. 7625, as amended, is amended by adding the following subsection:

"64.23(136) C1(136)

DEFINITIONS

BICYCLE PARKING

- (a) For the purpose of this exception, "bicycle room" shall mean a common indoor space readily accessible from the outside that is designed and equipped exclusively for the purpose of parking and securing bicycles.

- (b) For the purpose of this exception, "bicycle parking space" shall mean a space with a minimum vertical clearance of 1.9 m and minimum horizontal dimensions of 0.6 m by 1.2 m, and maximum floor area of 2.0 m², including any associated access corridor area, that is designed and equipped exclusively for the purpose of parking and securing one or more bicycles and is not located within a dwelling unit, balcony or commercial suite. The foregoing dimensional requirements shall not apply to vertical bicycle parking spaces or to bicycle parking spaces located outdoors or provided by means of a bicycle stacker of minimum length 1.6 m that allows bicycles to be parked above one another with the aid of an elevating mechanism and is located in an area with minimum vertical clearance of 2.5 m.

COMMERCIAL SITE

- (c) For the purpose of this exception, "commercial site" shall mean the lands identified by Parts 09, 10, 11, 12, 13, 14, 17, 18, 19 and 20 on Plan 66R-26431, comprising an area of 18,421.7 m².

ESTABLISHED GRADE

- (d) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 172.67 m.

GROSS FLOOR AREA

- (e) 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, including any enclosed areas used as balconies, but excluding:
- (i) any part of the building used for mechanical floor area; and
 - (ii) any space in a parking garage at or below grade used exclusively for motor vehicle parking or loading, bicycle parking, or motor vehicle and bicycle access thereto.

MECHANICAL FLOOR AREA

- (f) For the purpose of this exception, "mechanical floor area" shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, including but not limited to heating, ventilation, air conditioning, electrical, plumbing, storm water storage, irrigation, fire protection and elevator equipment.

EXCEPTION REGULATIONS**PERMITTED USES**

- (g) The only permitted uses shall be:
- (i) apartment hotels, banks and other financial institutions, business and professional offices, car rental agencies, colleges, commercial schools, dry cleaning and laundry collecting establishments, fitness centres, hotels, information processing, personal service shops, professional medical offices, restaurants and associated outdoor cafes, research laboratories, retail stores, studios, synthetic dry cleaning establishments, and accessory uses thereto; and
 - (ii) parking spaces for the use of both commercial visitors and visitors to the residential uses located on the abutting lands zoned RM6(211).

TOTAL GROSS FLOOR AREA

- (h) The total gross floor area permitted on the commercial site shall be not less than 28,500 m² and not more than 28,750 m².

BUILDING ENVELOPES

- (i) No portion of any building or structure erected above established grade shall be located otherwise than wholly within the building envelopes identified on Schedule C1(136) except for canopies and covered outdoor bicycle storage areas, which may project beyond, or lie outside of, the building envelopes.

BUILDING HEIGHT

- (j) The building height, measured from established grade, shall not exceed the maximum heights in metres shown on Schedule C1(136) excluding mechanical penthouses up to 8 additional metres in height, parapets and other architectural features, and stairwells to access the roof.

NUMBER OF STOREYS

- (k) The number of storeys shall not exceed the maximums shown on Schedule C1(136) excluding mechanical penthouses and stairwells to access the roof.

MOTOR VEHICLE PARKING

- (l) Motor vehicle parking spaces shall be provided within the commercial site in accordance with the following requirements:
- (i) A minimum of 0.90 parking spaces per 100 m² of commercial gross floor area, including a minimum visitor parking allowance of 0.10 spaces per 100 m² of commercial gross floor area.
 - (ii) A maximum of 1.88 parking spaces per 100 m² of commercial gross floor area, including a minimum visitor parking allowance of 0.10 spaces per 100 m² of commercial gross floor area.
 - (iii) Up to 31 of the parking spaces may be surface parking spaces for visitors.
 - (iv) Three surface visitor parking spaces shall be dedicated to motor vehicle sharing. As used herein "motor vehicle sharing" refers to a practice whereby a number of people share the use of one or more vehicles owned by an entity so authorized by the owner of the commercial site.
 - (v) Notwithstanding the requirement that parking spaces be provided within the commercial site, visitor parking spaces may be located on the abutting lands zoned RM6(211), and commingled with and used by the residential uses on the lands zoned RM6(211) in accordance with the following requirements:
 - (A) a minimum of 68 commingled visitor parking spaces shall be provided;
 - (B) up to 40 commingled visitor parking spaces may be contained in the underground parking garage located on the lands zoned RM6(211); and
 - (C) a minimum of 28 commingled visitor parking spaces shall be provided within the commercial site.
 - (vi) Notwithstanding the above provisions in this Subsection 4(l) and Subsection 4(g), all visitor parking spaces may be made available to the general public and a charge may be imposed for their use.

BICYCLE PARKING

- (m) A minimum of one bicycle parking space per 2,000 m² of gross floor area shall be provided anywhere within the first level of the underground commercial parking garage, in an indoor bicycle room located on the ground floor or in a covered area outdoors in close proximity to the office building. In addition, one associated shower change facility shall be provided for each gender.

LOADING

- (n) A minimum of two (2) loading spaces shall be provided within the commercial site.

LOT COVERAGE

- (o) The maximum permitted building coverage is 35 per cent of the commercial site.

YARD SETBACKS

- (p) The minimum yard setbacks shall be as shown on Schedule C1(136).

ACCESS

- (q) Vehicular and pedestrian access to and from public streets for the abutting lands zoned RM6(211) may be provided through the lands zoned C1(136).

PROVISIONS NOT APPLICABLE

- (r) The provisions of Sections 6A(6) and 23 do not apply. The provisions of Sections 6A(3) and 6A(5)(b) do not apply to parking spaces constructed before May 1, 2007.

SEVERANCE

- (s) Notwithstanding any past or future severance, partition or division of the commercial site shown on Schedule C1(136), the provisions of this By-law shall apply to the whole of that site as if no severance, partition or division occurred."

5. Section 64.23 of By-law No. 7625, as amended, is amended by adding Schedule C1(136) attached to this By-law.

6. Section 64.20-A of By-law No. 7625, as amended, is amended by adding the following subsection:

"64.20-A(211) RM6(211)

DEFINITIONS**BICYCLE PARKING**

- (a) For the purpose of this exception, "bicycle room" shall mean a common indoor space readily accessible from the outside that is designed and equipped exclusively for the purpose of parking and securing bicycles.
- (b) For the purpose of this exception, "bicycle parking space" shall mean a space with a minimum vertical clearance of 1.9 m and minimum horizontal dimensions of

0.6 m by 1.2 m, and maximum floor area of 2.0 m², including any associated access corridor area, that is designed and equipped exclusively for the purpose of parking and securing one or more bicycles and is not located within a dwelling unit, balcony or commercial suite. The foregoing dimensional requirements shall not apply to vertical bicycle parking spaces or to bicycle parking spaces located outdoors or provided by means of a bicycle stacker of minimum length 1.6 m that allows bicycles to be parked above one another with the aid of an elevating mechanism and is located in an area with minimum vertical clearance of 2.5 m.

ESTABLISHED GRADE

- (c) For the purpose of this exception, "established grade" shall mean the geodetic elevation of 172.67 m.

GROSS FLOOR AREA

- (d) 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, including any areas used as balconies, but excluding:
- (i) any part of the building used for mechanical floor area;
 - (ii) any space in a parking garage at or below grade used exclusively for motor vehicle parking or loading, bicycle parking, or motor vehicle and bicycle access thereto; and
 - (iii) the floor area of unenclosed residential balconies.

GUEST SUITE

- (e) For the purpose 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.

LANDSCAPING

- (f) For the purpose of this exception, "landscaping" shall mean trees, shrubs, grass, flowers and other vegetation, decorative stonework, walkways, patios, water features, screening or other horticultural or landscape architectural elements, or any combination of these, but not driveways or parking areas, and directly associated elements such as curbs or retaining walls.

MECHANICAL FLOOR AREA

- (g) For the purpose of this exception, "mechanical floor area" shall mean floor area within a building or structure used exclusively for the accommodation of mechanical equipment necessary to physically operate the building, including but not limited to heating, ventilation, air conditioning, electrical, plumbing, storm water storage, irrigation, fire protection and elevator equipment.

RESIDENTIAL SITE

- (h) For the purpose of this exception, "residential site" shall mean the lands identified by Parts 15 and 16 on Plan 66R-26431, comprising an area of 6,472.5 m².

EXCEPTION REGULATIONS**PERMITTED USES**

- (i) The only permitted uses shall be:
- (i) apartment house dwellings, multiple attached dwellings and accessory uses thereto; and
 - (ii) parking spaces for the use of both residential visitors and visitors to the commercial uses located on the abutting lands zoned C1(136).

TOTAL GROSS FLOOR AREA

- (j) The total gross floor area permitted on the residential site shall not exceed 30,400 m².

NUMBER OF DWELLING UNITS

- (k) The maximum number of dwelling units shall be 375, of which a maximum of 359 units shall be apartment house dwelling units and a maximum of 16 units shall be multiple attached dwelling units.

GUEST SUITES

- (l) One guest suite shall be permitted.

BUILDING ENVELOPES

- (m) No portion of any building or structure erected above established grade shall be located otherwise than wholly within the building envelopes identified on Schedule RM6(211) except for cornices, pilasters, sills and other such architectural features, which may project beyond the building envelope to a maximum of 1.0 m, and canopies, which may project beyond the building envelope to a maximum of 3.0 m.

BUILDING HEIGHT

- (n) The building height, measured from established grade, shall not exceed the maximum heights in metres shown on Schedule RM6(211) excluding mechanical penthouses up to 8 additional metres in height, parapets and other architectural features, and stairwells to access the roof.

NUMBER OF STOREYS

- (o) The number of storeys shall not exceed the maximums shown on Schedule RM6(211) excluding mechanical penthouses and stairwells to access the roof.

MOTOR VEHICLE PARKING

- (p) Motor vehicle parking spaces shall be provided within the residential site in accordance with the following requirements:
- (i) A minimum of 0.92 parking spaces per dwelling unit, of which a minimum of 0.10 parking spaces per dwelling unit shall be reserved for visitor use.
 - (ii) A maximum of 1.20 parking spaces per dwelling unit, of which a minimum of 0.10 parking spaces per dwelling unit shall be reserved for visitor use.
 - (iii) No surface parking is permitted.
 - (iv) Notwithstanding the requirement that parking spaces be provided within the residential site, visitor parking spaces may be provided on the abutting lands zoned C1(136), and commingled with and used by the commercial uses on the lands zoned C1(136) in accordance with the following requirements:
 - (A) a minimum of 68 commingled visitor parking spaces shall be provided;
 - (B) up to 31 of the commingled visitor parking spaces may be contained on a surface parking lot located on the lands zoned C1(136); and
 - (C) a minimum of 37 commingled visitor parking spaces shall be provided within the residential site.
 - (v) Notwithstanding the above provisions in this Subsection 6(p) and Subsection 6(i), all visitor parking spaces may be made available to the general public and a charge may be imposed for their use.

BICYCLE PARKING

- (q) A minimum of one bicycle parking space per 10 dwelling units, including multiple attached dwelling units, shall be provided in one or more bicycle rooms located on the ground floor. In addition, bicycle parking spaces may be provided outdoors and in identified bicycle parking areas throughout the parking garage. The total number of bicycle parking spaces provided shall be not less than 0.8 spaces per dwelling unit for occupants plus 0.2 spaces per dwelling unit for visitors.

LOADING

- (r) One (1) loading space shall be provided within the residential site.

LOT COVERAGE

- (s) The maximum permitted building coverage is 43 per cent of the residential site, excluding decks.

LANDSCAPED OPEN SPACE

- (t) A minimum of 3,600 m² of landscaping shall be provided on the residential site, including the area of any water feature.

INDOOR AMENITY AREA

- (u) A minimum of 1.50 m² per dwelling unit of private indoor recreational amenity area shall be provided within the residential site.

OUTDOOR AMENITY AREA

- (v) A minimum of 1.50 m² per dwelling unit of private outdoor recreational amenity area, which may include landscaping, shall be provided within the residential site.

YARD SETBACKS

- (w) The minimum yard setbacks shall be as shown on Schedule RM6(211).

PROVISIONS NOT APPLICABLE

- (x) The provisions of Sections 6(7)(a), 6A(8), 15.6 and 20-A do not apply.

SEVERANCE

- (y) Notwithstanding any past or future severance, partition or division of the residential site shown on Schedule RM6(211), the provisions of this By-law shall apply to the whole of that site as if no severance, partition or division occurred."

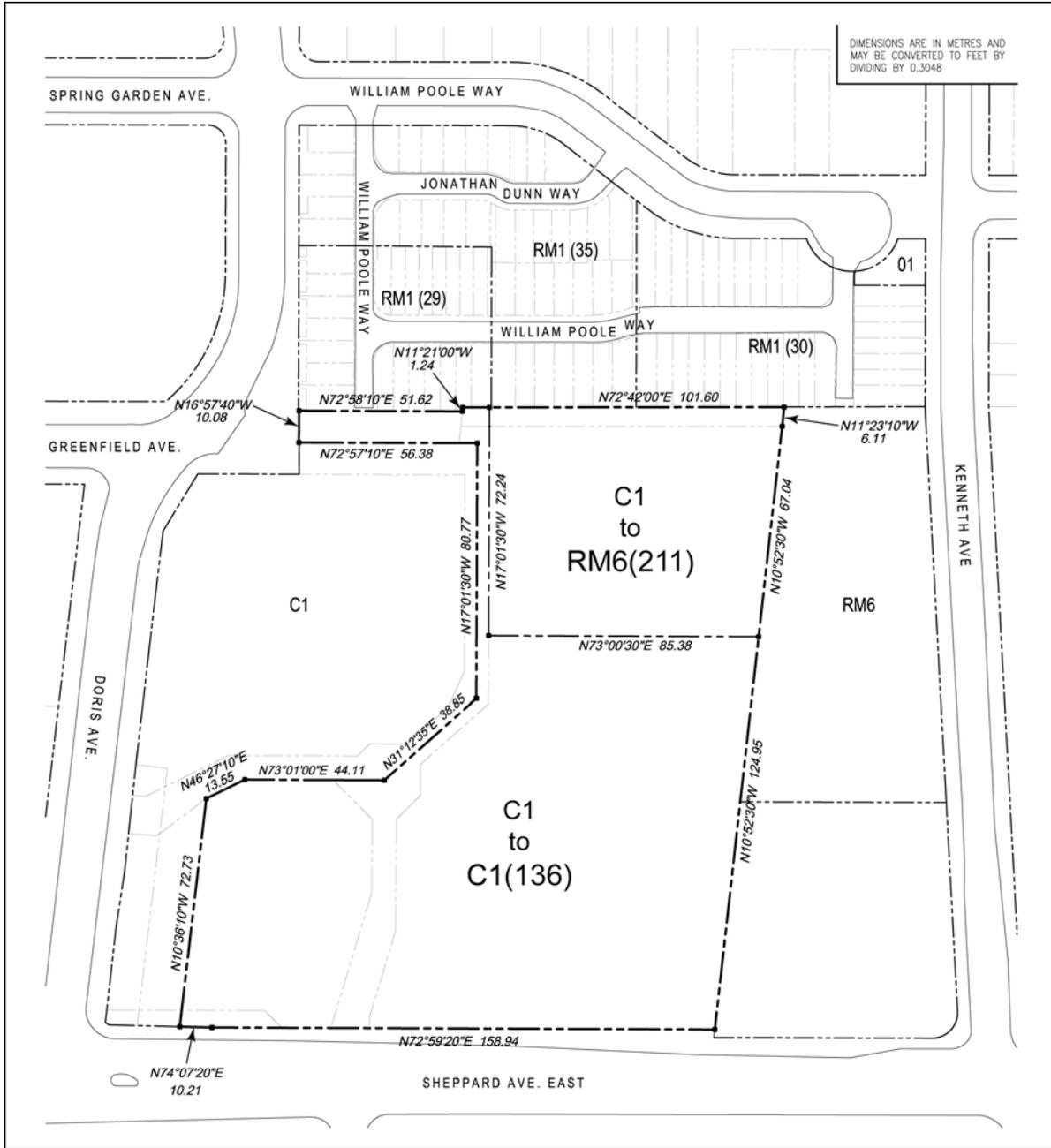
7. Section 64.20-A of By-law No. 7625, as amended, is amended by adding Schedule RM6(211) attached to this By-law.

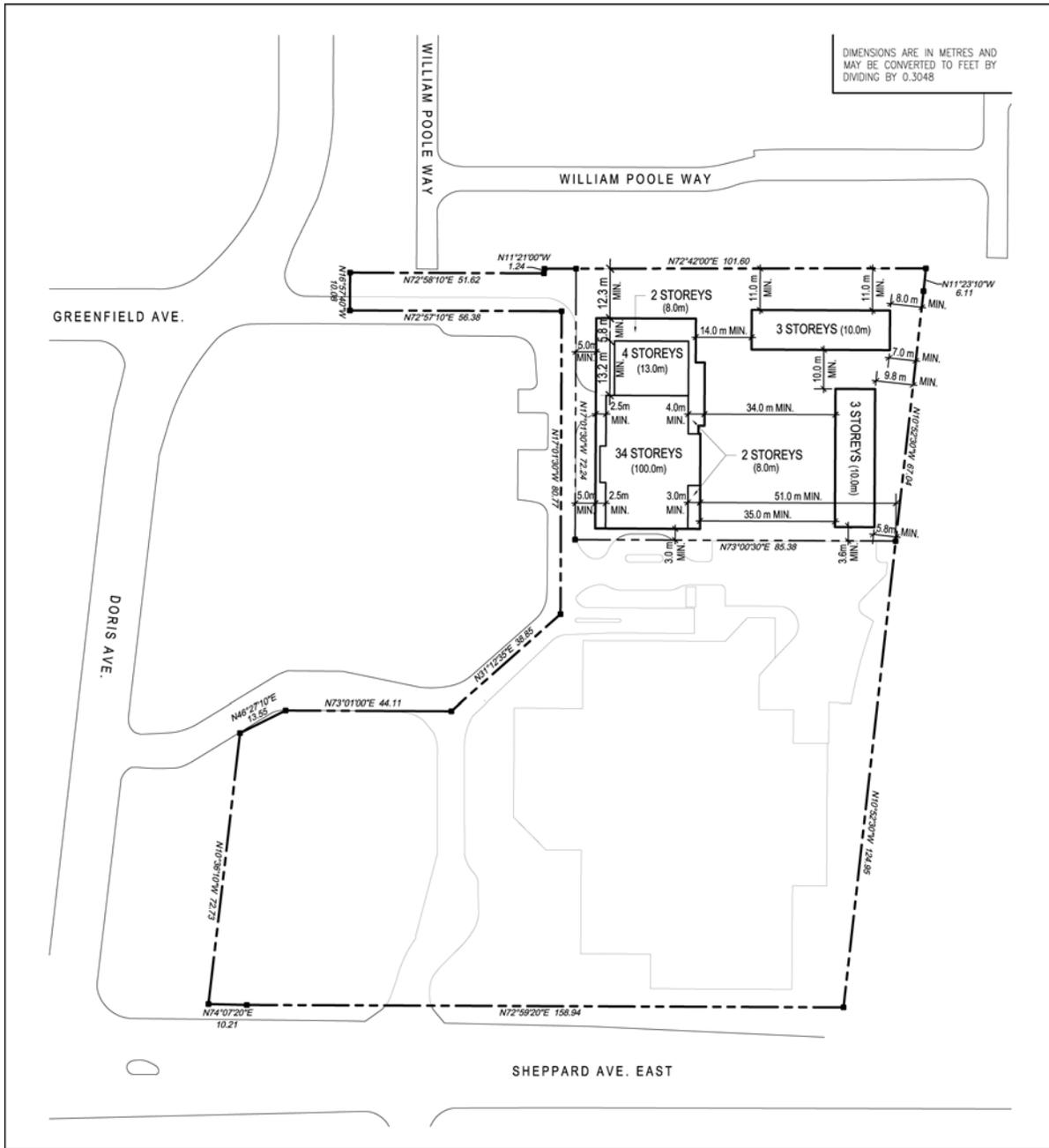
ENACTED AND PASSED this 1st day of November, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)





Schedule RM6(211)

Part of Lots 2 & 3, R.P. 207, Part of Greenfield Road (closed by By-Law 27924) & Part of 1 Foot Reserve, R.P. 2452
 City of Toronto
 Applicant's Submitted Drawing
 Date: 10/19/2012
 Approved by: S. McAlpine

File # 11 263592 NNY 23 0Z



Not to Scale