

CITY OF TORONTO

BY-LAW 1120-2017(OMB)

To amend Zoning By-law 569-2013, as amended, with respect to lands known municipally as 3105-3133 Sheppard Avenue East.

Whereas the owner of the lands shown on Diagram 1 attached applied for a zoning by-law amendment for the development of the lands shown on Diagram 1 attached and appealed that application to the Ontario Municipal Board; and

Whereas pursuant to Section 37 of the *Planning Act*, R.S.O 1990, c. P.13, as amended, the Ontario Municipal Board on appeal, 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, that will be permitted 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 lands elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with such facilities, services or matters; and

Whereas the owner has elected to provide the facilities, services and matters as are hereinafter set forth; and

Whereas the increase in the height and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by City of Toronto By-law 569-2013 is 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 between the owner and the City of Toronto (hereinafter referred to as the "City");

Pursuant to the Order of the Ontario Municipal Board issued on August 17, 2016, in Board Case PL150586, By-law 569-2013, as amended, is further amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RAC (d4.65; u280)(x48), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20.1 for the lands subject to this By-law from a height label

of HT 10.0 to a height and storey label of HT 59.5, ST 18, as shown on Diagram 3 attached to this By-law.

5. Zoning By-law 569-2013, as amended, is further amended for the lands outlined in heavy black lines on Diagram 4 attached to this By-law by removing the lot coverage label of 40 from the Lot Coverage Overlay Map in Section 995.30.1.
6. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number 48 so that it reads:

Exception RAC 48

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 3105-3133 Sheppard Avenue East, if the requirements of Section 7 and Schedule A of By-law 1120-2017(OMB) are complied with then an **apartment building** may be constructed in compliance with (B) to (Z) below;
- (B) Despite Clause 15.20.20.20, the following uses are not permitted:
 - (i) **club**;
 - (ii) **place of worship**;
 - (iii) **nursing home**;
 - (iv) **respite care facility**;
 - (v) **retirement home**; and
 - (vi) **veterinary hospital**;
- (C) Despite Regulation 15.20.20.100(1), only 15.20.20.100(1)(A) applies;
- (D) Despite Regulation 15.5.40.10(1), the height of the **building** is the distance between a Canadian Geodetic Datum elevation of 182.08 metres and the elevation of the highest point of the **building**;
- (E) Despite Clause 15.20.40.10, any **building** or **structure** erected on the lands must not exceed the height in metres and storeys specified by the numbers following the symbols HT and ST, as shown on Diagram 5 of By-law 1120-2017(OMB);
- (F) Despite Regulation 15.5.40.10(2), railings and parapets for any purpose on the roof of the **building** may exceed the maximum permitted height shown on Diagram 5 attached to By-law 1120-2017(OMB) by 1.5 metres;

- (G) Despite Regulations 15.5.40.10(3) and (4), equipment and **structures** used for the functional operation of the **building** may exceed the maximum permitted height shown on Diagram 5 attached to By-law 1120-2017(OMB) in accordance with the following:
- (i) vents and chimneys located in the area labeled MPH shown on that Diagram 5 may exceed the maximum permitted height by 6.7 metres;
 - (ii) a mechanical penthouse no larger than 360 square metres, and all other equipment and **structures** used for the functional operation of the **building** housed within the mechanical penthouse, may exceed the maximum permitted height by 5.5 metres if located in the area labeled MPH shown on that Diagram 5; and
 - (iii) equipment and **structures** used for the functional operation of the **building** and not located in the area labeled MPH shown on that Diagram 5 may exceed the maximum permitted height by 3.0 metres;
- (H) Despite Regulation 15.5.40.10(5), unenclosed **structures** providing privacy, safety or wind protection for any purpose on the roof of the **building** may exceed the maximum permitted height shown on Diagram 5 attached to By-law 1120-2017(OMB) by 3.0 metres, and may be located anywhere on the roof of the **building** except in the area labeled MPH shown on that Diagram 5;
- (I) The minimum floor to floor height of the first **storey** must be 5.3 metres;
- (J) Despite Clause 15.20.40.70, required minimum **building setbacks** are as shown on Diagram 5 of By-law 1120-2017(OMB);
- (K) In addition to encroachments permitted in Clause 15.5.40.60, the following are permitted to extend beyond the areas delineated by heavy lines on Diagram 5 attached to By-law 1120-2017(OMB):
- (i) awnings, canopies and window washing equipment may encroach a maximum of 2.0 metres beyond the heavy lines shown on that Diagram 5;
 - (ii) architectural features on a **building** may encroach a maximum of 1.5 metres beyond the heavy lines shown on that Diagram 5; and
 - (iii) balconies may encroach beyond the heavy lines shown on that Diagram 5 a maximum of:
 - (a) 0.75 metres along the east and west **building** faces;
 - (b) 0.75 metres along the north **building** face above a height of 24.0 metres and seven **storeys**, whichever is the lesser; and
 - (c) 1.5 metres in all other locations;
- (L) The maximum depth of all balconies is 1.5 metres;

- (M) Despite (L) above, a maximum balcony depth of 1.8 metres is permitted along the north **building** face at or below a height of 24.0 metres or seven storeys, whichever is the greater, if the balcony does not encroach more than 0.75 metres beyond the heavy lines shown on Diagram 5 of By-law 1120-2017(OMB);
- (N) The total length of balconies on each **storey**, along each of the north, west and east **building** faces at or below a height of 24.0 metres or 7 **storeys**, whichever is the greater, must not exceed 50 percent of the respective **building** face on each storey;
- (O) The maximum length of all individual balconies above a height of 24.0 metres or 7 **storeys**, whichever is the lesser, must be no more than 3.4 metres;
- (P) Despite (O) above, a maximum of one balcony along each of the north and south **building** faces on each **storey** may have a maximum length of 6.4 metres;
- (Q) No portion of a **building** or **structure** below a height of 24.0 metres or 7 **storeys**, whichever is the greater, may penetrate a 45 degree angular plane along the south **lot line**;
- (R) A minimum of 12 **dwelling units** must be 3-bedroom **dwelling units** or larger;
- (S) In addition to Clause 15.20.40.40, the total **gross floor area** of all **buildings** and **structures** must not exceed 23,107 square metres, comprised as follows:
- (i) residential uses must not exceed 21,770 square metres; and
 - (ii) non-residential uses must not exceed 1,337 square metres;
- (T) The permitted maximum floor plate size of each **storey** above the height of 24.0 metres or 7 **storeys**, whichever is the lesser, is 750 square metres;
- (U) Despite the parking requirements in Table 200.5.10.1, for non-residential uses permitted by (B) above and Clause 15.20.20.10, a minimum of 1.0 **parking space** per 100 square metres of **gross floor area** must be provided, except that:
- (i) for **education uses** and **financial institutions**, a minimum of 2.0 **parking spaces** per 100 square metres of **gross floor area** must be provided; and
 - (ii) for medical offices, a minimum of 1.5 **parking spaces** per 100 square metres of **gross floor area** must be provided;
- (V) Despite Regulation 200.5.10.1(6), required visitor **parking spaces** and **parking spaces** for non-residential uses may be shared;
- (W) A maximum of 29 at-grade **parking spaces** are permitted and must not be located in the Sheppard Avenue East and Pharmacy Avenue **street yards**;

- (X) In addition to Regulation 230.5.1.10(4)(C), the following minimum dimensions apply to a **stacked bicycle parking space**:
 - (i) minimum length of 1.65 metres;
 - (ii) minimum width of 0.45 metres; and
 - (iii) minimum horizontal clearance from the wall of 1.2 metres;
- (Y) Despite Regulation 230.20.1.20(2), a "short-term" **bicycle parking space** must be located in a bicycle parking area at grade within 35.0 metres from a pedestrian entrance to the **building on the lot**;
- (Z) Despite the loading requirements in Regulations 220.5.10.1(2), 220.5.10.1(3), 220.5.10.1(5), a minimum of one Type "G" **loading space** must be provided.

Prevailing By-laws and Prevailing Sections: (None Apply)

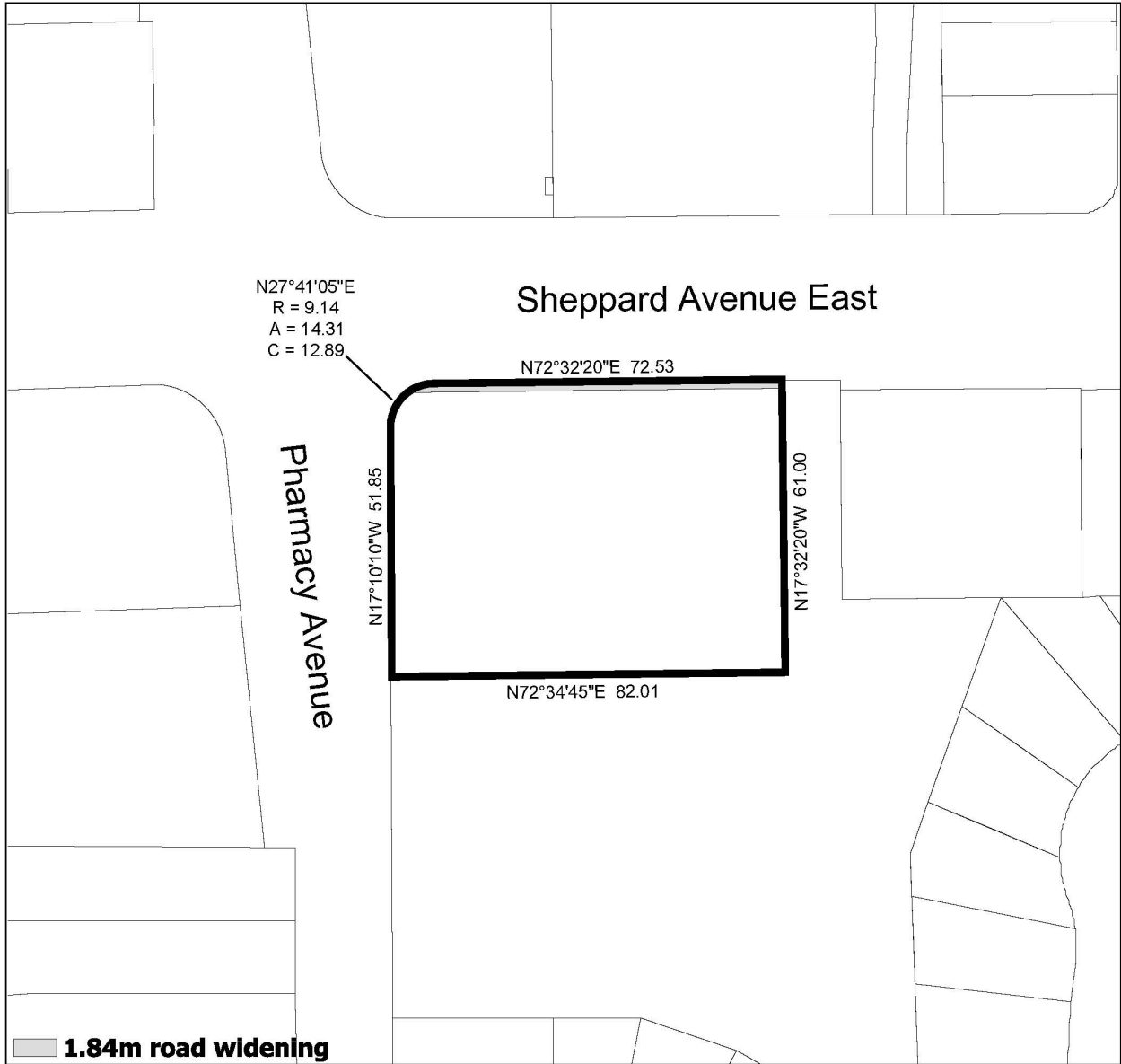
7. Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

SCHEDULE A

Pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lands is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's expense:

- (1) The Owner shall enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title and to the satisfaction of the City Solicitor, to secure the following:
 - (i) \$650,000 payable prior to issuance of the first above grade building permit, to be used at the discretion of the Chief Planner and Executive Director of City Planning Division, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

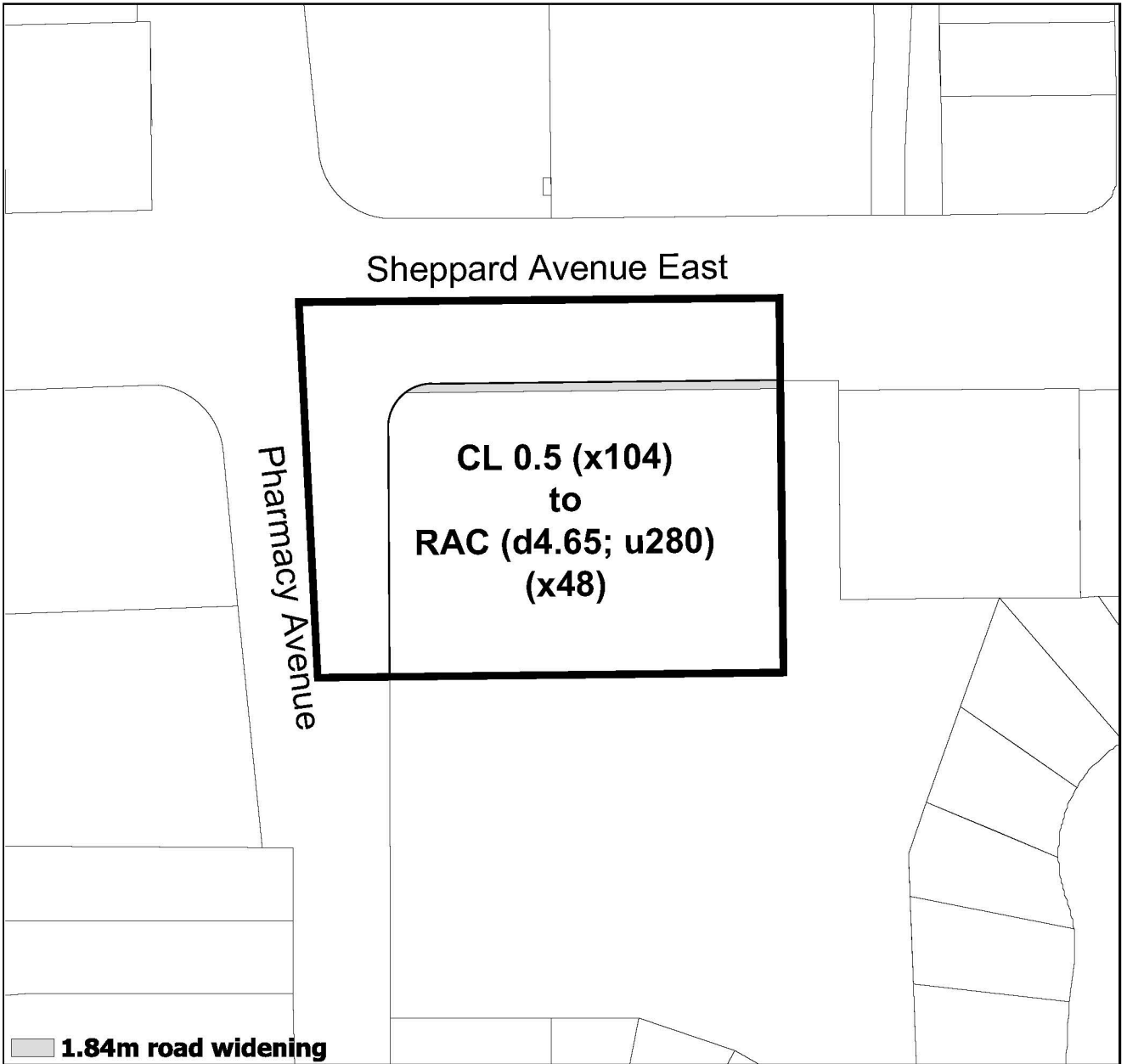


3105-3133 Sheppard Avenue East, Toronto

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Diagram 1



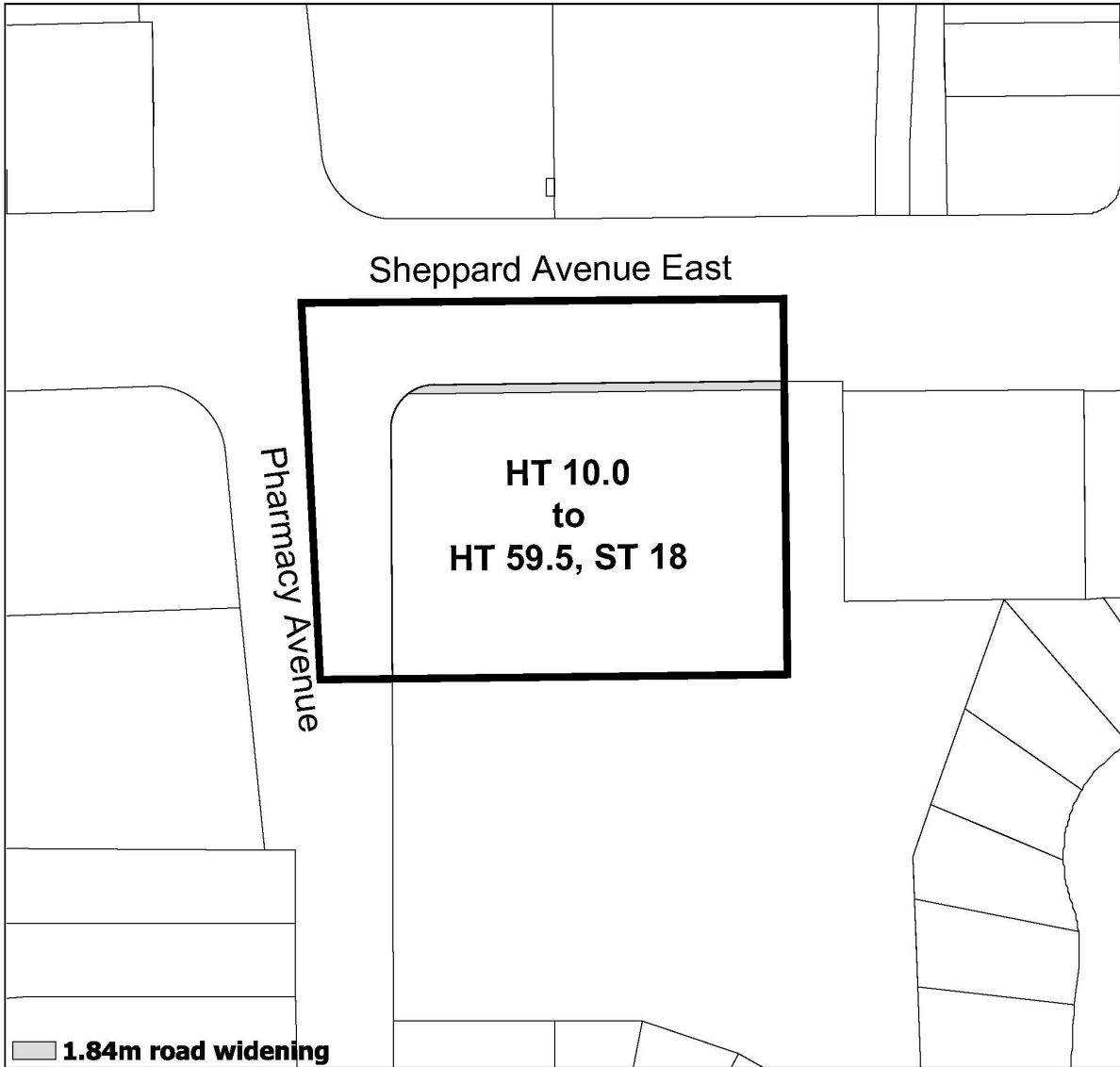


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Diagram 2





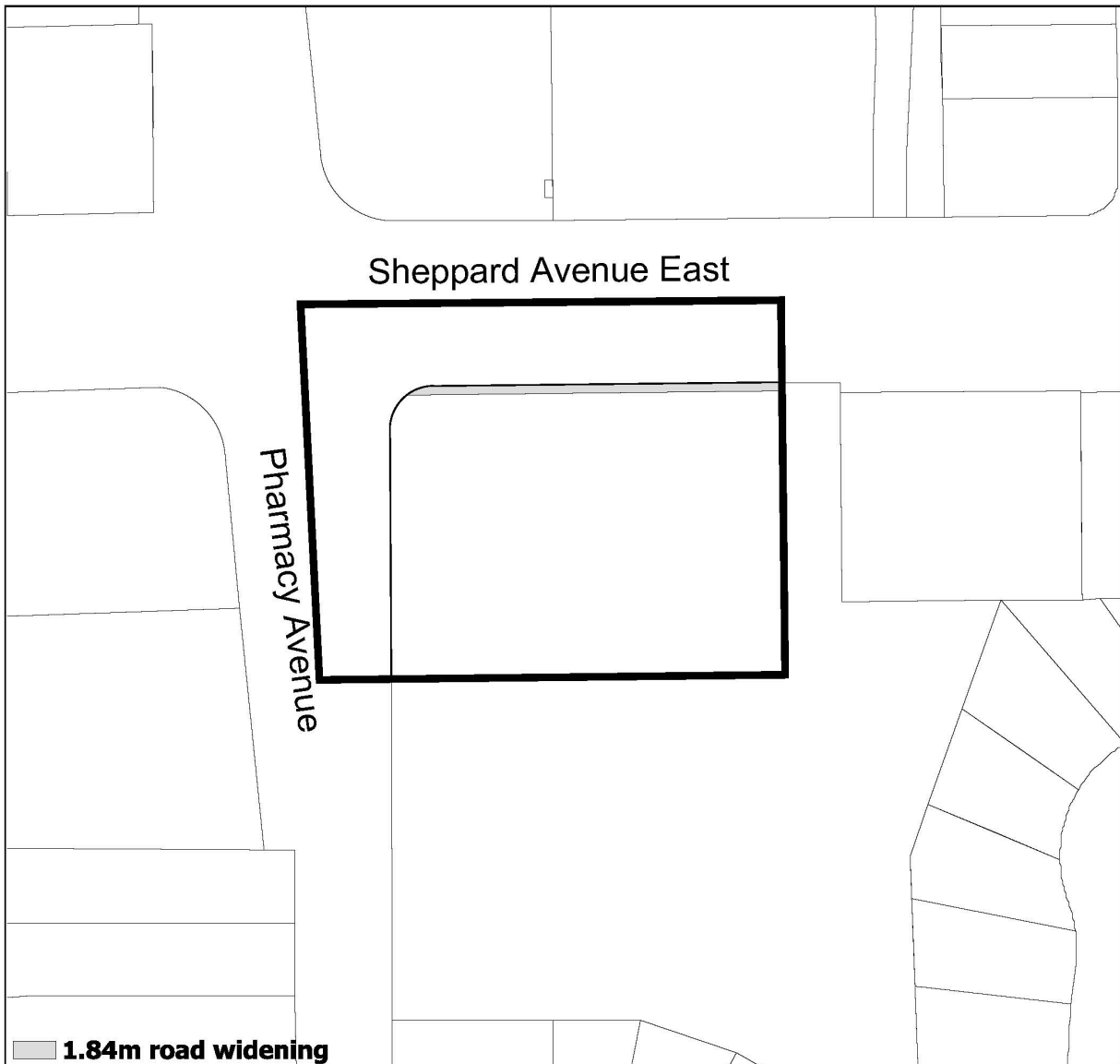
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Diagram 3



City of Toronto By-Law 569-2013
Not to Scale

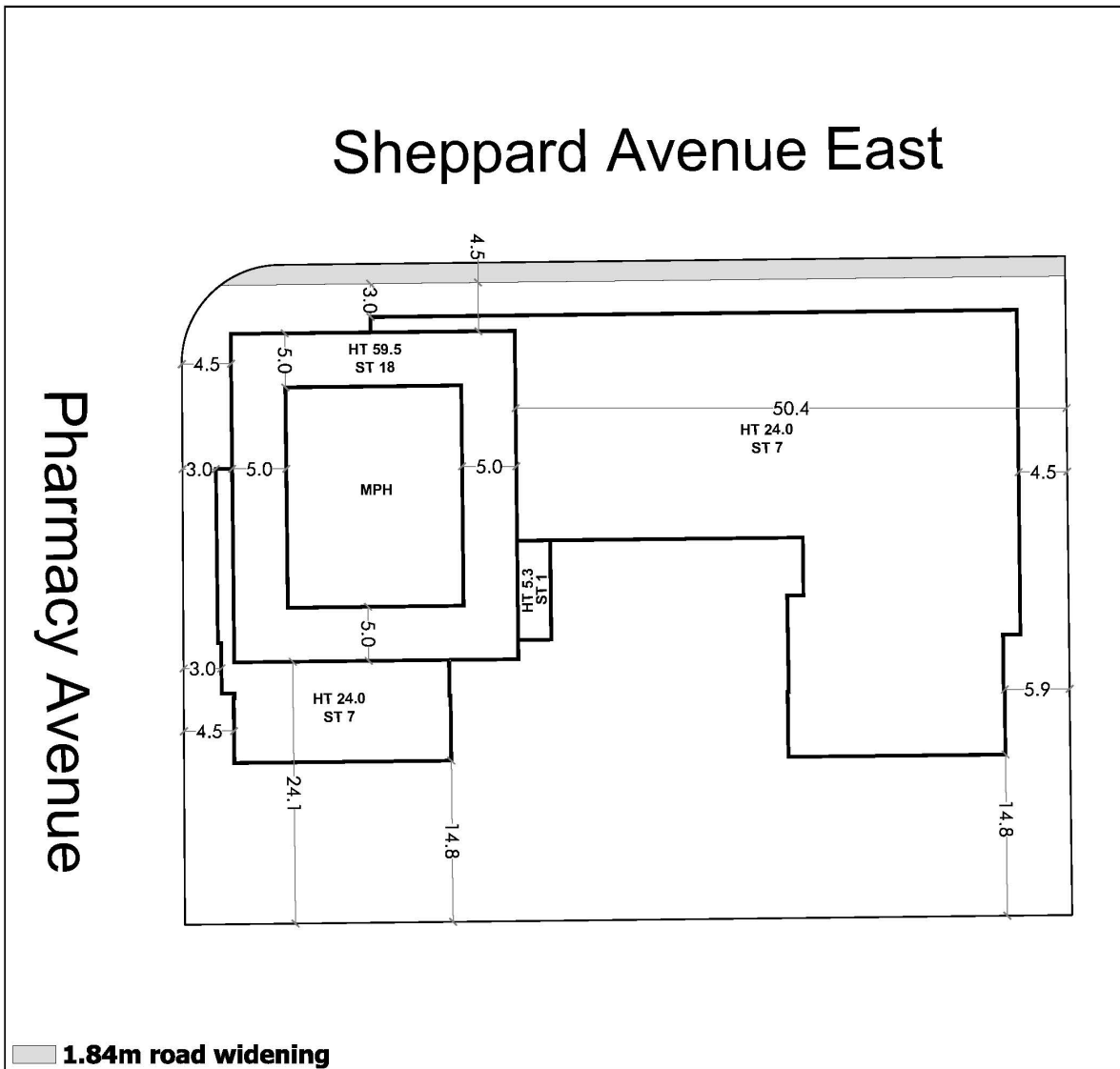


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Diagram 4





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Diagram 5

