

**Attachment No. 8: Draft Zoning By-law Amendment to the City of Toronto Zoning By-law
No. 1156-2010**

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on
~, 2011

Enacted by Council: ~, 2011

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend City of Toronto Zoning By-law No. 1156-2010, as amended,
with respect to the lands municipally known as
758, 760 and 764 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*;

WHEREAS pursuant to Section 37 of the *Planning Act*, the council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law 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 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 or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law 1156-2010 of the City of Toronto, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the provision of the facilities, services and matters set out in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The lands subject to this By-law are outlined by heavy line on Diagram "1" attached.
2. By-law No. 1156-2010, as amended, is amended by deleting the current Residential Detached (RD) zone and zone label from the Zoning By-law Map, and replacing it with the Residential Apartment (RA) zone and zone label, **RA (u118; d3.5)(x758)**, shown on

Diagram '1' attached.

3. By-law 1156-2010, as amended, is further amended by changing the Height Overlay Map for the lands subject to this By-law from "HT 10.0, ST 2" to "HT 30.0, ST 9";
4. By-law 1156-2010, as amended, is further amended by changing the **Lot Coverage** Overlay Map for the lands subject to this By-law from "30" to "37";
5. By-law 1156, as amended, is further amended by adding the lands subject to this By-law to the Policy Area Overlay Map and applying the following to these lands: PA-4(Avenues with Surface Transit);
6. By-law No. 1156-2010, as amended, is further amended by adding **Exception RA 758** to Article 900.7.10, so that it reads:

Exception RA 758

Where one or more agreements pursuant to Section 37 of the *Planning Act* R.S.O. 1990, c.P. 13, as amended, have been entered into by the Owner of the lands and the City of Toronto to address the matters set out in Clause 7 of **By-law xxx-2011**, the lands covered by this Exception are subject to and must comply with the following:

- (A) Regulation 5.10.50.10 (3) Landscaping When Abutting a Lot in a Residential Zone Category does not apply;
- (B) Regulation 15.5.40.60 (2) Canopies and Awnings does not apply;
- (C) Regulation 15.5.40.80 (2)(B) Distance between Main Walls of the Same Residential Building does not apply;
- (D) Regulation 15.5.50.10 (2) Landscaping Requirement for an Apartment Building Abutting a Lot in the Residential Zone Category does not apply;
- (E) Despite Clause 15.10.20.20 Principal Use - Conditional, the following non-residential uses are also permitted:
 - (i) Office;
 - (ii) Personal Service Shop;
 - (iii) Retail Store; and
 - (iv) Service Shop.
- (F) Regulation 15.10.20.100 (6) does not apply;
- (G) The non-residential uses listed in **(E)** above are subject to the following:
 - (i) Non-residential uses must only be located on the ground floor of a building; and

- (ii) Non-residential uses must not exceed a total **interior floor area** of 250m².
 - (H) In addition to the Height Overlay Map the maximum height of any portion of a **building** or **structure** on the lands must not exceed the height in metres or storeys, whichever is the lesser, as shown on Diagram '2' of **By-law xxx-2011**;
 - (I) Despite **(H)** above, the following exemptions shall apply:
 - (i) Roof top trellises and outdoor recreational and landscape features may exceed the maximum height shown on Diagram '2' of **By-law xxx-2011**.
 - (J) Section 15.10.40.70 Setbacks does not apply;
 - (K) The minimum building setbacks must not be less than the dimensions shown on Diagram '2' as attached to **By-law xxx-2011**, for any portion of a **building** or **structure** above the **established grade**;
 - (L) Despite **(K)** above, **building setbacks** do not apply to the portion of the **building** containing below-grade **parking spaces** and associated **structures** such as vents, air shafts, transformer vaults and stairwells which are at or below the **established grade**;
 - (M) Clause 15.10.40.80 Separation does not apply;
 - (N) Clause 15.10.80.30 Separation does not apply;
 - (O) Regulation 15.10.100 1 (2) does not apply;
 - (P) Despite Section 200.5.10.1 Parking Space Rates, a minimum of 140 **parking spaces** must be provided;
 - (Q) Despite Clause 200.5.10.1 Parking Space Rates, a maximum of 5 **parking spaces** may be shared between the non-residential uses and the residential visitor parking;
 - (R) Despite Article 230.5.10 Bicycle Parking Rates All Zones and Clause 230.20.1.10 Rates, a minimum of 94 **bicycle parking spaces** will be provided;
 - (S) The regulations of this Exception apply to all of the subject lands regardless of their future severance, partition or division.
7. Matters to be provided pursuant to Section 37 of the *Planning Act* R.S.O. 1990, c.P. 13, as amended:
- (A) The Owner of the lands shall enter into one or more Agreements satisfactory to the City of Toronto, to secure the following facilities, services and matters:

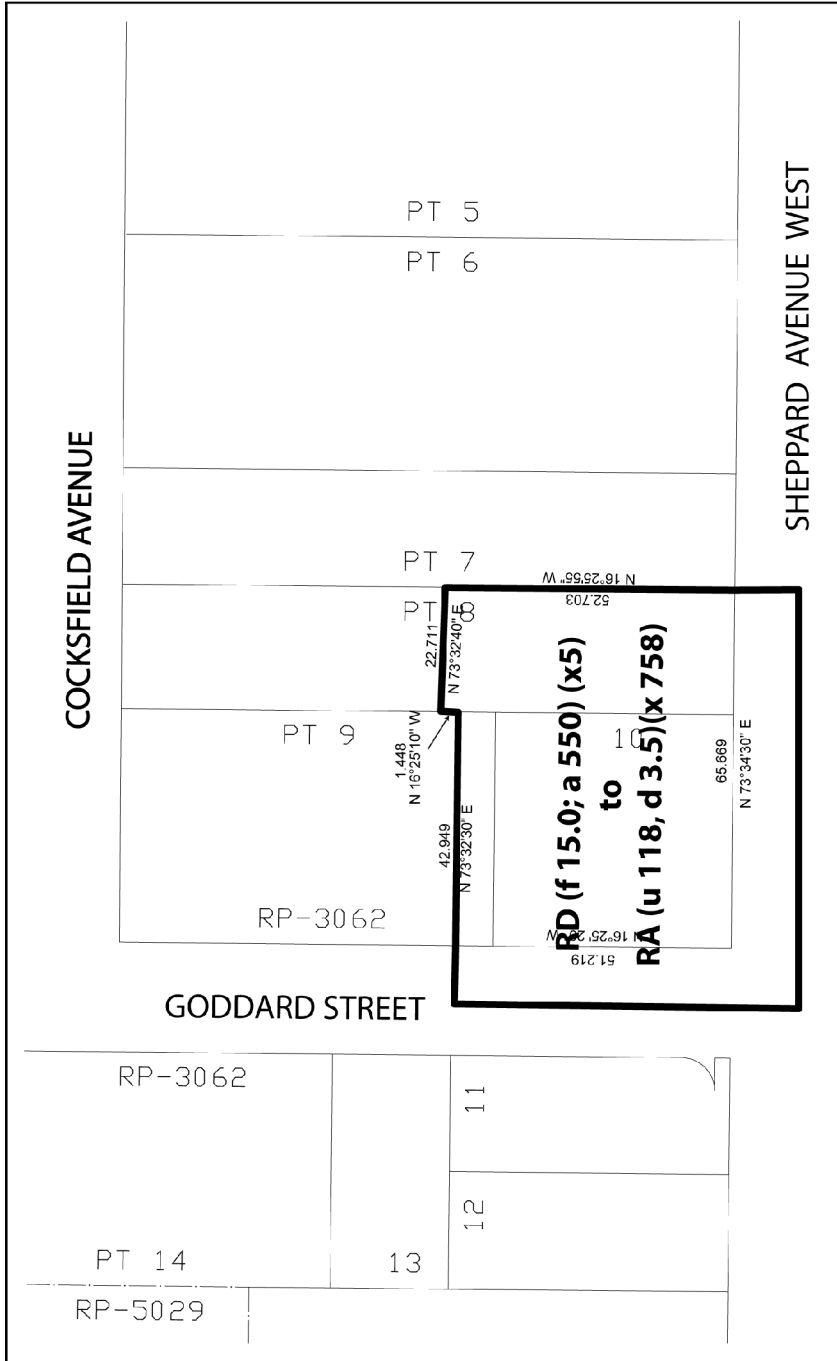
- i. Prior to the release of above grade permits, the owner will provide a cash contribution of \$118,000.00 to be dedicated to landscaping a remnant City-owned parcel created by the realignment of the Sheppard Avenue West and Yeomans Road; and
- ii. Any monies surplus to the landscaping of the remnant parcel described in i) above to be used by the City to enhance the streetscape within the public rights-of-way along Sheppard Avenue West between Wilson Heights Boulevard and Bathurst Street or capital improvements in Earl Bales Park.

ENACTED AND PASSED this ~ day of ~, A.D. 2011.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Toronto City Planning
Diagram 1

758 - 764 Sheppard Ave W
File # 10 109851 NNY 10 0Z

Part of Lots 8, 9 and 10 Registered Plan 3062, City of Toronto.

Kronar Surveyors Ltd. 2009

Approved by: Cathie Ferguson

City of Toronto By-law 1156-2010
Not to Scale
01/21/2011

