

Authority: North York Community Council Item 8.55,
as adopted by City of Toronto Council on September 26 and 27, 2007
Enacted by Council: November 20, 2007

CITY OF TORONTO

BY-LAW No. 1239-2007

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 872 - 878 Sheppard Avenue West.

WHEREAS authority is given to Council by Section 34 and 37 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 the 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 the 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 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 (172) RM6(172)

DEFINITIONS

- (a) For the purpose of this exception, “established grade” is defined as 192.80 metres above sea level.

PERMITTED USES

- (b) The only permitted uses shall be:
- (i) an Apartment House Dwelling and uses accessory thereto; and
 - (ii) the following non-residential uses on the ground floor only: retail store, service shop, personal service shop, business office, professional office and professional medical office.

USE QUALIFICATIONS

- (c) Outdoor amenity areas may be located on roof top terraces.

EXCEPTION REGULATIONS

DWELLING UNITS

- (d) A maximum of 120 dwellings units shall be permitted.

LOT COVERAGE

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

YARD SETBACKS

- (f) The minimum yard setbacks for buildings and structures above established grade shall be as shown on Schedule “RM6(172)”.
- (g) Notwithstanding (f) above, the minimum yard setback for parking structures and structures associated thereto below established grade shall be 0.0 metres.
- (h) Notwithstanding (f) above, the minimum yard setback for structures associated with parking structures above established grade shall be 0.0 metres.

DISTANCE BETWEEN BUILDINGS AND/OR PORTIONS OF BUILDINGS FORMING COURTS

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

GROSS FLOOR AREA

- (j) A maximum gross floor area of 11,721m² shall be permitted, of which a minimum of 303m² shall be for non-residential uses.

BUILDING HEIGHT

- (k) The maximum building height, excluding landscape open structures and parapets, shall be the lesser of 8 storeys and 24.5m as shown on Schedule “RM6(172)”.
- (l) One storey roof access enclosures shall be permitted to exceed the noted height limit as shown on Schedule “RM6(172)”.
- (m) Notwithstanding (k) and (l), in no case shall the height of the building, including enclosed stairwells and roof access structures, landscape open structures and parapets, and mechanical penthouses, exceed a 45 degree angular plane measured from the rear property line.

LANDSCAPING

- (n) The provisions of Section 15.8 (Landscaping) shall not apply.
- (o) A minimum 1.5 metre wide landscape strip shall be provided along the rear property line.

RECREATIONAL AMENITY AREA

- (p) A minimum of 1.5m² per dwelling unit of indoor amenity space shall be provided.
- (q) A minimum of 1.5m² per dwelling unit of outdoor amenity space shall be provided and may include a minimum of 80m² of roof top amenity space.

PARKING

- (r) No parking space shall be located within 1.5 metres of any ‘R’ zone.
- (s) A parking space shall have a minimum width of 2.7 metres and a minimum length of 5.5 metres.

- (t) Parking for residential uses within the site shall be provided in accordance with the following:
 - a. A minimum of 1.25 parking spaces per apartment house dwelling unit, of which, 0.2 parking spaces per dwelling unit shall be for the use of visitors.

LOADING SPACE REQUIREMENTS

- (u) The provisions of Section 6A(16)(a)(Loading Spaces Required) shall not apply.

EXCLUSIONS

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

DIVISION OF LANDS

- (w) Notwithstanding any severance, partition or division of the lands shown on Schedule “RM6(172)”, 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.

SECTION 37

- (x) The owner of the lands as shown on Schedule “RM6(172)” 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 below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the maximum gross floor area cited in Clause (j) and maximum height specified in Clause (k) and as shown on Schedule “RM6(172)” which forms part of this By-law.
 - (A) A cash contribution of \$120,000 to be dedicated to improving existing recreational capital facilities in Ward 10, the specific location to be determined through continuing discussions between City Planning staff, the Ward Councillor, Parks, Forestry and Recreation staff and other City Divisions as required.
 - (B) A cash contribution of \$30,000 to be dedicated to Public Art in Ward 10, under the percent for Public Art Program.
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6(172)”, attached to this By-law.

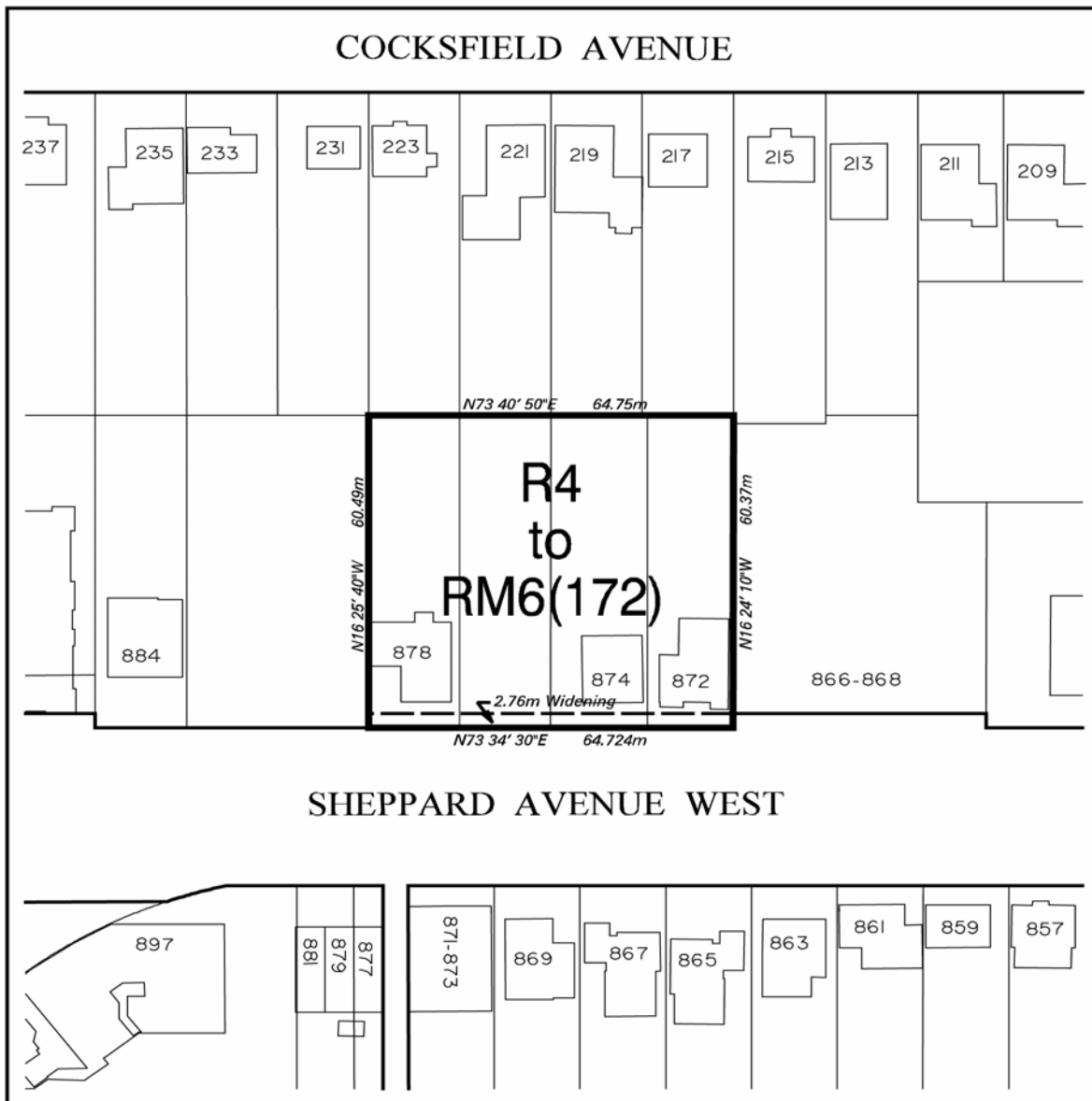
4. Within the lands shown on Schedule “RM6(172)” attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed 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.

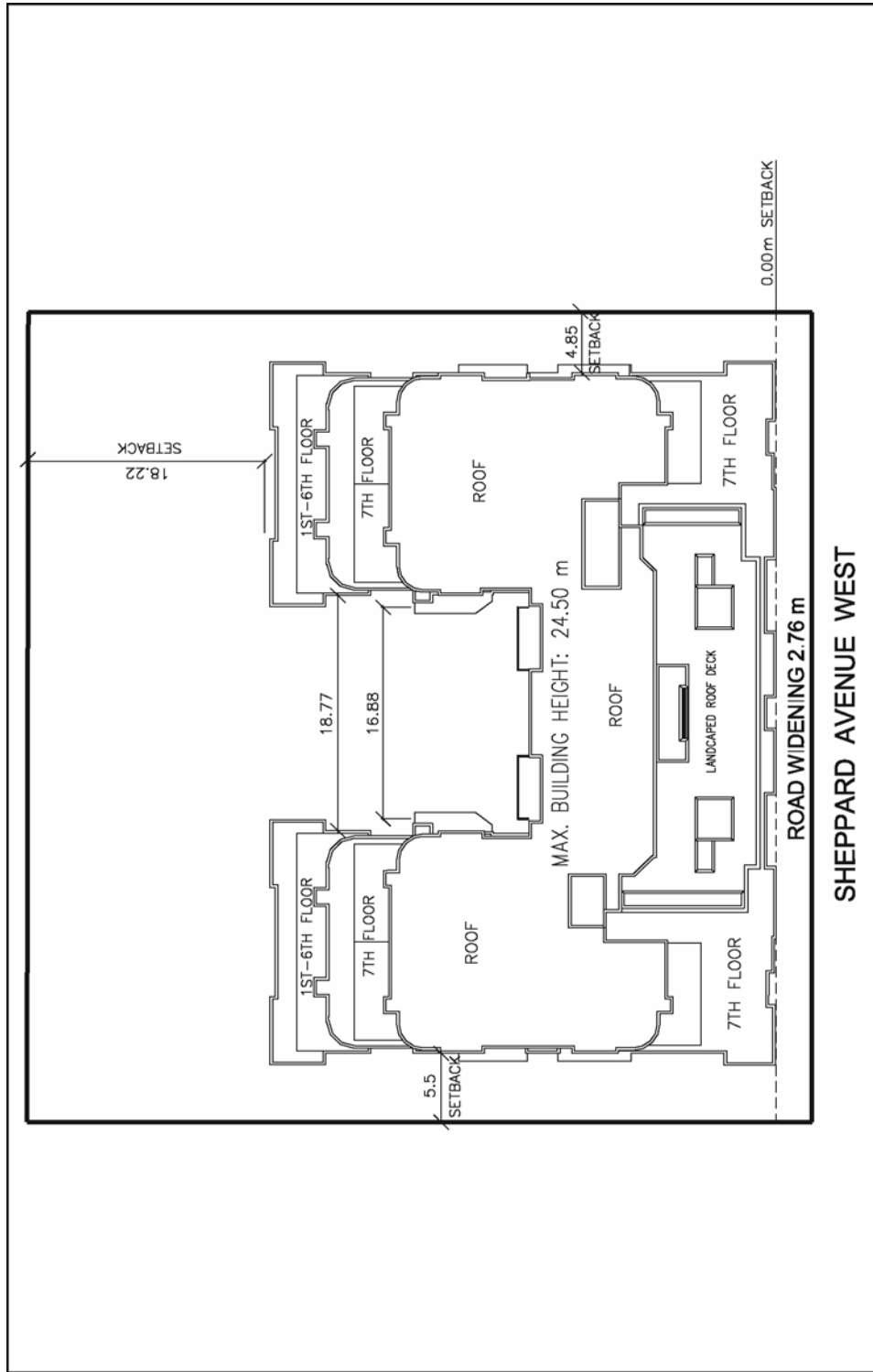
ENACTED AND PASSED this 20th day of November, A.D. 2007.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE "1"

SCHEDULE "RM6(172)"

Schedule "RM6(172)" to Bylaw

From Applicant's Drawings

File # 05_212039

Date: 08/14/2007
Approved by: C.F.



Not to Scale