

Authority: North York Community Council Item 27.53,
as adopted by City of Toronto Council on September 30 and October 1, 2009
Enacted by Council: October 1, 2009

CITY OF TORONTO

BY-LAW No. 961-2009

To amend former City of North York Zoning By-law No. 7625 and Zoning By-law No. 1094-2002, as amended, with respect to the lands municipally known as 1181 Sheppard Avenue East.

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*; and

WHEREAS authority is given to Council by Section 36 of the *Planning Act* by the use of the holding symbol in conjunction with any use designation, to specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the zoning bylaw; and

WHEREAS Section 5.1.2 of the Official Plan provides that Council may append an “H” symbol to regulate development;

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

1. Schedule “1” of By-law No. 1094-2002 is amended in accordance with Schedule C1(111)(H) of this by-law.
2. Section 64.23(111) of By-law No. 7625 of the former City of North York is amended by deleting 64.23(111) and replacing it with the following:

“64.23(111)(H)

DEFINITIONS

- (a) For the purpose of this exception the mechanical penthouse shall not be counted as a storey.
- (b) For the purpose of this exception, “established grade” is defined as 147.9 metres above sea level and is measured from the centre of the cul-de-sac of Singer Court.

PERMITTED USES

- (c) The following shall be the only uses permitted:

Bank
Business and professional office
Commercial school

Day nursery
Dry cleaning and laundry collecting establishment
Financial institution
Fitness centre
Personal service shop
Professional medical office
Restaurant including accessory outdoor cafe
Retail store
Take-out restaurant

SECTION 37 AGREEMENT

- (d) The owner of the lands zoned C1(111)(H) shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, 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 such agreements. The owner of the subject lands, and in accordance with the agreements referred to above, shall provide or fund at the owner's expense the following facilities, services and/or matters on terms satisfactory to the City of Toronto:
- (i) In order to permit an increase above a maximum gross floor area of 37,500 square metres, such increase not to exceed an additional maximum gross floor area of 2,944 square metres (density incentive) plus 736 square metres (density exemption):
- A. the provision of a finished, furnished and equipped day nursery of 736 square metres of gross floor area; and
- B. the provision of 401 square metres of outdoor play space contiguous to a day nursery.
- (ii) In order to permit an increase above a maximum gross floor area of 40,444 square metres:
- A. provide a contribution of \$43.28 for each square metre of gross floor area in excess of 40,444 square metres, payable prior to building permit issuance, so as to secure the provision of a public community centre on the former Canadian Tire lands.
- (iii) construct streetscape improvements for the public and private portions of the Sheppard Avenue frontage that are adjacent to the subject lands in accordance with the Sheppard Avenue Streetscape Master Plan and provide a Letter of Credit for the cost of the streetscape improvements to the satisfaction of the Director, Community Planning, North York District, prior to Site Plan Approval;

- (iv) provide on-site public art to a value of not less than 1% of Gross Construction Cost in accordance with Subdivision Approval 66M – 2432 and Clause H.7.2 of the applicable subdivision agreement, and provide a Public Art Plan and cost estimate for the subject site to the satisfaction of the Chief Planner and Executive Director, to be provided prior to Site Plan Approval; and
- (v) incorporate features and technologies in the proposed building that are required to facilitate Daylight Harvesting to the satisfaction of the Director Community Planning, North York District, in consultation with the Toronto Environment Office; and
- (vi) prior to the issuance of any building permit for a building on the lands to which this by-law applies, the owner shall execute and register on title to such lands an agreement pursuant to section 37 of the *Planning Act* which secures, to the satisfaction of the City, the above facilities, services and matters; and
- (vii) building permit issuance for the proposed building shall be dependent upon satisfaction of the provisions of this by-law and provisions in the section 37 agreement relating to building permit issuance, including the provision of financial securities;

EXCEPTION REGULATIONS

- (e) Lot Area and Lot Coverage

There shall be no lot area and lot coverage requirements.

- (f) Front Lot Line

The front lot line shall be the south lot line.

- (g) Yard Setbacks

Yard setbacks shall be as shown on Schedule C1(111)(H).

- (h) Gross Floor Area

The maximum gross floor area shall be 63,550 square metres and a 736 square metre gross floor area Day Nursery shall be exempted in accordance with paragraph (d)(i) above.

- (i) Building Height

Heights shall be as shown on Schedule C1(111)(H).

(j) Building Entrances

Building entrances shall be provided on both the north and south building facades.

(k) Outdoor Open Space

(i) A minimum outdoor open space of 3,651 square metres shall be provided.

(ii) No vehicular parking shall be permitted within the outdoor open space identified in (i) above.

(l) A minimum of 1.0 and a maximum of 2.0 parking spaces per 100 square metres of commercial gross floor area, (excluding business and professional offices and day nurseries) of which 0.1 spaces per 100 square metres shall be provided as visitor parking;

A minimum number of parking spaces for the Day Nursery shall be provided as required by Section 6A (2) and shall be included in the commercial parking supply;

A minimum of 1.0 parking space per 95 square metres of gross floor area to a maximum of 1.0 parking space per 48 square metres of gross floor area shall be provided for business and professional offices; and

A minimum of 0.13 bicycle parking spaces per 100 square metres of gross floor area shall be provided.

(m) Severance

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.

3. HOLDING SYMBOL

The lands shown on Schedule C1 (111)(H) shall be subject to an (H) Holding provision and the following conditions are to be met prior to the removal of the (H) Holding provision:

(a) provide plans and studies prepared by a qualified consultant to determine the necessity of any required safety features to be located along the CN rail line or on the subject lands, for review and approval by the City;

(b) the plans and studies in (a) above shall be subject to a Peer Review process, involving an independent external consultant, to be approved by the City and to be retained by the applicant;

(c) enter into an agreement with the City respecting public safety and site specific risk assessment to be registered against the title of the lands for development;

- (d) all items identified in (a), (b) and (c) above to be to the satisfaction of the Chief Planner and Executive Director of City Planning and the City Solicitor;
 - (e) all required safety features are to be incorporated into the Site Plan application; and
 - (f) obtain Site Plan Approval and enter into an agreement pursuant to Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act* to the satisfaction of the Director of Community Planning, North York District.”
4. Within the lands shown on Schedule C1(111)(H) 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 1st day of October, A.D. 2009.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE C1(111)(H)

