

CITY OF TORONTO

BY-LAW No. 1267-2009(OMB)

To amend former City of North York Zoning By-law No. 7625 with respect to lands municipally known as 603, 605, 607, 609, 611 and 615 Sheppard Avenue East and 6, 8 and 10 Dervock Crescent and 9, 11, 15 and 17 Rean Drive.

WHEREAS the Ontario Municipal Board pursuant to its Order No. 0457, dated February 20, 2007, and Order No. 2396, dated August 24, 2007, upon hearing the appeal of Daniels HR Corporation, determined to amend the former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 603, 605, 607 609, 611 and 615 Sheppard Avenue East and 6, 8 and 10 Dervock Crescent and 9, 11, 15 and 17 Rean Drive; and

WHEREAS Section 15.1.0 of Part B - Major Policies of the Official Plan of the former City of North York, and Official Plan Amendment No. 392 to that Plan, contains provisions relating to the authorization of increases in 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 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; and

WHEREAS the City of Toronto has required the owners of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increase in density in connection with the aforesaid lands as permitted by this By-law;

THEREFORE the Ontario Municipal Board orders as follows:

1. Schedules "B" and "C" of By-law No. 7625 are hereby amended in accordance with Schedule "1" of this By-law.

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

“64.20-A (164) RM6(164)

DEFINITIONS

- (a) For the purpose of this exception, “apartment house dwelling” shall mean a building containing more than four (4) dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.
- (b) For the purposes of this exception, “established grade” is defined as 173.4 metres ASL for Building “A”, 170.9 metres ASL for Building “B”, 172.50 metres ASL for Building “C” and 168.90 metres ASL for Building “D”.
- (c) For the purpose of this exception, Buildings “A”, “B”, “C” and “D” shall be those buildings shown on Schedule “RM6(164)”.
- (d) For the purposes of this exception, “underground” is defined as below established grade.
- (e) For the purpose of this exception, “retirement home” shall mean a multiple family dwelling containing dwelling rooms with a common lounge, kitchen, and dining facility and other accessory uses. The common areas shall be made available to all residents of the retirement home and connecting condominium on a daily basis and shall not function as facilities available to the general public. The building shall be maintained and operated to provide social, recreational and/or other services for elderly persons. The dwelling rooms shall be used as the principal residence of the occupants and shall not be provided on a transient basis. Retirement home shall exclude a boarding or lodging house and a hotel.
- (f) For the purposes of this exception, “dwelling room” shall mean separate living quarters located in a retirement home with or without a kitchen designed or intended for use or used by an individual or individuals and which shall include at least one room and separate sanitary conveniences with a private entrance from outside and/or from a common hallway or stairway inside.
- (g) For the purpose of this exception, “parking spaces” including an angled parking space shall have a minimum width of 2.7 metres and a minimum length of 5.5 metres.
- (h) For the purpose of this exception, a “two way driveway” shall have a minimum width of 6 metres.

- (i) For the purpose of this exception, “gross floor area” shall mean the total area of all of the floors in a building, measured between the outside walls of the building at the level of each floor but excluding:
 - (i) any area used for vehicle parking area, including that contained in an above-grade parking structure, provided the structure does not exceed three storeys in height above-grade and, provided that its roof deck is fully landscaped and made directly accessible to adjacent residential projects.

PERMITTED USES

- (j) As shown on Schedule RM6(164), the only permitted uses shall be:
 - (i) Apartment house dwellings and uses accessory thereto, including private recreational amenity areas, and all commercial uses permitted in a ‘C1’ - General Commercial zone;
 - (ii) Multiple attached dwellings; and
 - (iii) Retirement home and uses accessory thereto, including recreational amenity area.
- (k) Use Qualifications
 - (i) Outdoor private recreational amenity areas may be located on rooftop terraces.
 - (ii) All permitted commercial uses shall be located on the ground floor.

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (l) The maximum permitted residential gross floor area including a Retirement Home shall be 40,341 m².
- (m) The maximum permitted commercial gross floor area shall be 1,600 m².

DWELLING UNITS

- (n) A minimum of 25% of all dwelling units shall comply with the following maximum floor areas:
 - (i) 55 m² for bachelor units; or,
 - (ii) 70 m² for one-bedroom dwelling units; or,
 - (iii) 80 m² for two-bedroom dwelling units; or,

- (iv) 120 m² for three-bedroom dwelling units; or,
- (v) any combination thereof.
- (o) The maximum number of dwelling units and dwelling rooms shall be 420, of which a maximum of 156 shall be dwelling rooms;

RETIREMENT HOME

- (p) The maximum number of dwelling rooms shall be 156.

LANDSCAPING

- (q) The provisions of Section 15.8 (landscaping) shall not apply.

LOT AREA

- (r) The provisions of Sections 16.2.1 and 20-A.2.1 (lot area) shall not apply.

LOT COVERAGE

- (s) The provisions of Sections 16.2.2 and 20-A.2.2 (lot coverage) shall not apply.

FRONTAGE

- (t) The provisions of Sections 16.2.3 and 20-A.2.3 (street and lot frontage) shall not apply.

FLOOR AREA

- (u) The provision of Section 16.2.5 (floor area) shall not apply.

OUTDOOR RECREATIONAL AMENITY AREA

- (v) A minimum of 1.5 m² of outdoor private recreational amenity area per dwelling unit shall be provided, which may be provided at or above grade.

YARD SETBACKS

- (w) The minimum yard setbacks for all buildings and structures above established grade shall be as set out on Schedule "RM6(164)".
- (x) The minimum yard setbacks for underground parking structures shall be 0 metres.

DISTANCE BETWEEN BUILDINGS

- (y) The provisions of Section 20-A.2.4.1 for distance between buildings and/or portions of buildings forming courts shall not apply.

- (z) The provisions of Section 16.3.2 (Distance Between Buildings) and Section 15.6 (Minimum Distance of Apartment House Dwellings from R and RM2 Zones) shall not apply.

HEIGHT

- (aa) The maximum building heights, excluding landscape open structures, rooftop patios and accessory structures, stairwell enclosures, elevator lobbies, mechanical areas and parapets, shall not exceed the lesser of that shown on Schedule "RM6 (164)".

RESIDENTIAL PARKING

- (bb) Notwithstanding Section 6A(2), the following parking rates shall apply:
- (i) A minimum of 1.1 parking spaces per apartment house dwelling unit, of which, 0.2 parking spaces per dwelling unit shall be for the use of visitors;
 - (ii) A minimum of 1.1 parking spaces per multiple attached dwelling unit, of which, 0.2 parking spaces per dwelling unit shall be for the use of visitors; and
 - (iii) A minimum of 0.75 spaces per retirement home dwelling rooms, of which 0.20 spaces per dwelling room shall be for the use of visitors.

NON-RESIDENTIAL PARKING

- (cc) Parking for commercial uses shall be provided at a rate of one (1) space per 28 square metres of gross floor area of which up to 50% of the required parking spaces may be shared with and satisfied by the required visitor parking spaces for dwelling units and dwelling rooms up to a maximum of 16 spaces.

LOADING SPACES

- (dd) The provisions of Section 6A(16)(a)(iv) and 6A(16)(c)(i) for loading shall not apply. A minimum of 3 loading spaces shall be provided.

LOCKER SPACE

- (ee) A minimum of 1 locker with a minimum area of 1.2 m² shall be provided for each apartment house dwelling unit.

PERMITTED PROJECTIONS

- (ff) The provisions for Section 6(9)(c) for permitted projections into one minimum side yard setback only shall not apply.

- (gg) Exterior stairways, pilasters, cornices, eaves, wheelchair ramps, canopies, balconies, bay windows, and covered porches and decks, shall be permitted to project into the minimum yard setbacks.

DIVISION OF LANDS

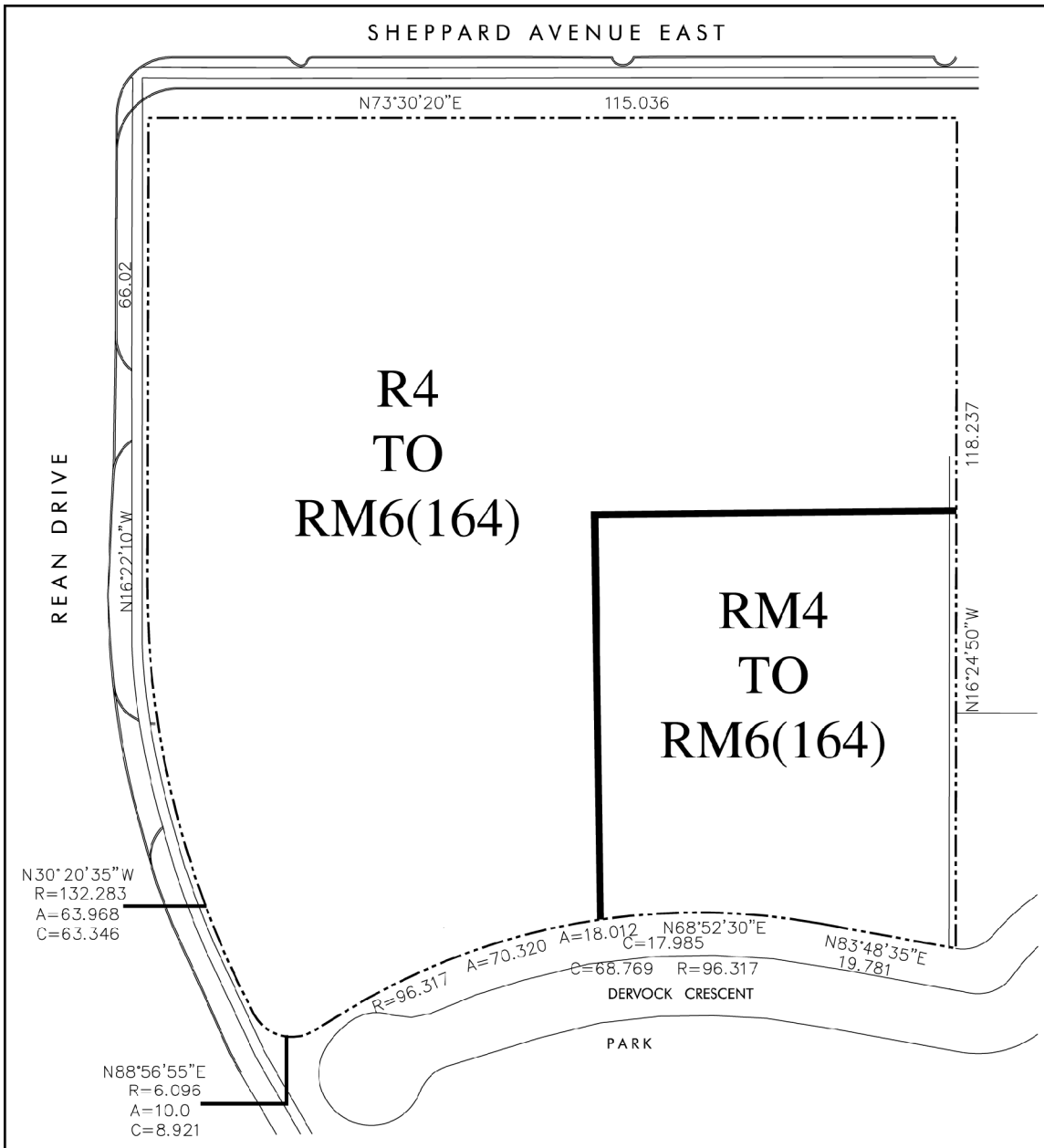
- (hh) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.

SECTION 37 AGREEMENT

- (ii) The owner of the lands as shown in Schedule “RM6(164)” 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. The owner of the subject lands, at the owner’s expense and in accordance with, and subject to 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 an increase in the maximum gross floor area cited in the Gross Floor Area clause (l) of this exception:
- (i) The provision for a minimum of 2.5 m² of indoor private recreational amenity area per dwelling unit not exceeding a maximum gross floor area of 657.5 m² provided that such gross floor area is used solely for the purposes of a private recreational amenity area, and such area shall be exempted from the calculation of gross floor area in clause (l);
 - (ii) The provision for a minimum of 3.0 m² of indoor private recreational amenity area per dwelling room not exceeding a maximum gross floor area of 465 m² provided that such gross floor area is used solely for the purposes of a private recreational amenity area, and such area shall be exempted from the calculation of gross floor area in clause (l);
 - (iii) Prior to the issuance of the first above-grade building permit for this development, the payment of \$10,000.00 to the City of Toronto by a certified cheque, for the purpose of future traffic monitoring to be undertaken, such payment to be to the satisfaction of the Chief Financial Officer and Treasurer; and
 - (iv) The provision to purchasers of dwelling units of six-month transit passes (with the number of passes provided being equivalent to one pass per dwelling unit), or at the election of the City, a cash contribution in lieu thereof.

3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule “RM6(164)” attached to this by-law.

PURSUANT TO THE DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON FEBRUARY 20, 2007 AND THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON AUGUST 24, 2007 IN BOARD FILE NO. PL060415.



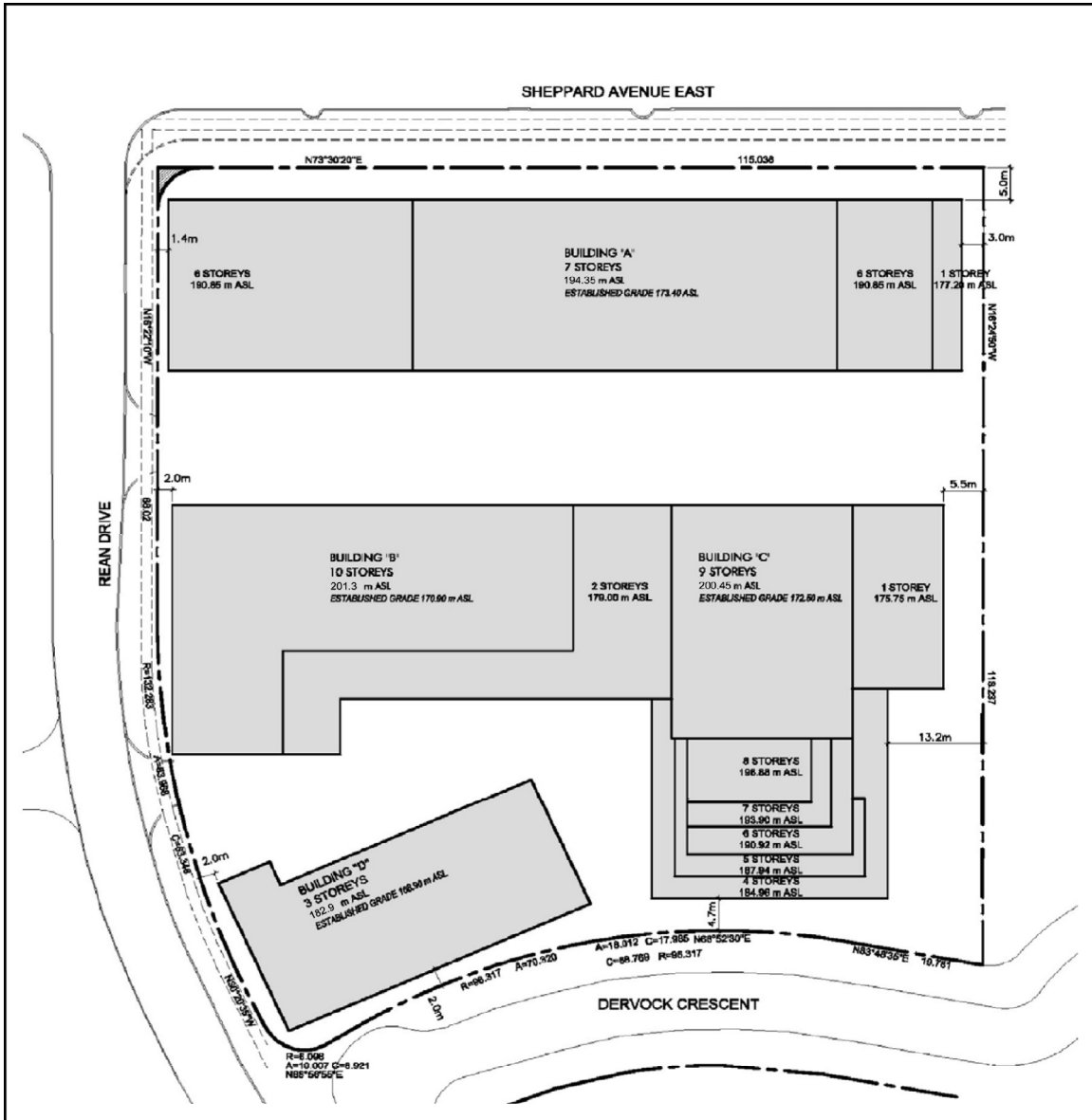
Schedule " 1 " to Bylaw _____

Drawing supplied by applicant as approved by OMB

File # 05_128488

Date: 09/07/07
 Approved by: S.F.

↑
 Not to Scale



Schedule "RM6(164)" to Bylaw _____

Drawing supplied by applicant as approved by OMB

File # 05_128488

Date: 09/07/07
Approved by: S.F.

