

CITY OF TORONTO

BY-LAW No. 1185-2010(OMB)

To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 1100 Sheppard Avenue West.

WHEREAS the Ontario Municipal Board pursuant to its Order No. 2277, dated August 15, 2007, upon hearing the appeal, under Section 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, deems it advisable to amend the former City of North York Zoning By-law No. 7625, as amended;

THEREFORE By-law No. 7625, the former City of North York By-law, as amended, is further amended by the Ontario Municipal Board as follows:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are 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(165) RM6(165)

DEFINITIONS

- (a) For the purpose of this exception the following definitions will apply:
 - (i) "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.
 - (ii) "Established Grade" shall mean the elevation for each building 'A', 'B', 'C', or 'D' as shown on Schedule "RM6(165)".
 - (iii) "Gross Floor Area" shall mean the aggregate area of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
 - a. the floor area of unenclosed residential balconies;
 - b. any area used for automobile parking; and
 - c. any required water or sanitary sewage pumping stations or stormwater storage tanks.
 - (iv) "Live-Work Use" shall mean an artist studio, business and professional office, custom workshop or personal service shop located within a dwelling unit, providing the following conditions shall apply: Live work uses shall only be conducted by a member or members of a household that reside in the dwelling unit; the work component shall not exceed a maximum gross floor area of 30 percent of the total residential gross floor area of the dwelling unit and, for an apartment house dwelling, the live work uses shall be restricted to the street level.

- (vi) "Main Entrance" shall mean the entrance to a building located on a public right-of-way.
- (vii) "Recreational Amenity Area" shall mean an area that is communal and available to all occupants of a building or a group of buildings within a zone for social and recreational purposes including indoor or outdoor space, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor swimming pools, exercise or entertainment rooms, and other similar uses.

PERMITTED USES

- (b) The following uses shall be permitted:

Accessory Use, but shall not include pinball or electronic video games;
Apartment House Dwelling;
Art Gallery;
Artist Studio;
Automatic Laundry Shop;
Business and Professional Office;
Commercial School;
Custom Workshop;
Day Nursery;
Dry Cleaning and Laundry Collecting Establishment;
Financial Institution;
Fitness Centre;
Live-Work Uses;
Outdoor Café in conjunction with a restaurant on the same lot, subject to the provisions of Subsection 6(22);
Personal Service Shop;
Professional Medical Office;
Public Library;
Restaurant;
Retail Store;
Service Shop; and
Take-out Restaurant.

USE QUALIFICATIONS

- (c) Non-residential uses must be located on the ground floor of Building 'C' for a minimum linear distance of 30 metres along the front lot line in either direction from the intersection of Allen Road and Sheppard Avenue West. The non-residential uses must extend to a minimum depth of 10 metres, perpendicular to the front lot line, from the front building face.
- (d) Outdoor amenity areas may be located on roof top terraces.

EXCEPTION REGULATIONS**YARD SETBACKS**

- (e) All buildings and structures above grade to an elevation of 208.9 metres above sea level, shall be located a minimum of 0.0 metres and a maximum of 5.0 metres from any property line;
- (f) The minimum yard setbacks for buildings and structures above established grade shall be as shown on Schedule "RM6(165)";
- (g) The minimum yard setback for parking structures and structures associated thereto below established grade shall be 0.0 metres from any lot line;

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (h) The permitted projections into required yard setbacks shall be as set out in Section 6(9) of By-law No. 7625.

GROSS FLOOR AREA

- (i) The total gross floor area in the "RM6(165)" Zone shall be as follows:

Zone	Bldg	Min. GFA (m ²)	Max. GFA (m ²)	Total GFA not to Exceed
RM6(165)	A	15,000	17,000	84,753 square metres
	B	22,000	24,500	
	C	25,000	27,000	
	D	15,500	18,500	

BUILDING HEIGHT

- (j) Notwithstanding Schedule D of By-law No. 7625, the maximum height shall be the number of metres above sea level for all buildings and structures as shown on Schedule "RM6(165)".
- (k) Notwithstanding (j) above, in no instance shall Building "A" exceed a height of 239.1 metres above sea level.
- (l) Notwithstanding (j) above, in no instance shall Building "B", "C" or "D" exceed a height of 244.1 metres above sea level.

DISTANCE BETWEEN BUILDINGS

- (m) The minimum separation between buildings shall be as shown on Schedule "RM6(165)".

RESIDENTIAL RECREATIONAL AMENITY AREA

- (n) A minimum of 1.2 m² per dwelling unit of indoor recreational amenity area shall be provided.
- (o) A minimum of 1.5 m² per dwelling unit of outdoor recreational amenity area shall be provided at or above-grade.

SIZE OF RESIDENTIAL UNITS

- (p) 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.

PARKING

- (q) All required parking shall be provided within the "RM6(165)" Zone as shown on Schedule "1".
- (r) All required parking shall be provided below-grade with the exception of a maximum of 20 surface parking spaces intended for short term parking and delivery which may be permitted in the "RM6(165)" zone.
- (s) No at-grade parking spaces are permitted within 5 metres of any property line.
- (t) Non-Residential Parking shall be provided as follows:
 - (i) With the exception of Business and Professional Offices, Professional Medical Offices and Commercial Schools, non-residential parking shall be provided at a reduction of 20% of that required by Section 6A(2)a of By-law No. 7625;
 - (ii) The requirement for Professional Medical Offices shall be a minimum of 1 space per 24 m² gross floor area;
 - (iii) The requirement for a Commercial School shall be a minimum of 1 space per 28 m² gross floor area; and
 - (iv) The requirement for Business and Professional Office uses shall be a

minimum of 1.05 spaces to a maximum of 2.1 spaces per 100 m² gross floor area.

- (u) Residential Parking
 - (i) For all residential uses there shall be:
 - (A) a minimum of 1.1 parking spaces per dwelling unit, of which 0.2 parking spaces per unit shall be visitor parking spaces;
 - (B) a maximum of 1.5 parking spaces per dwelling unit, of which 0.25 parking spaces per unit shall be visitor parking spaces; and
 - (C) a maximum of thirty (30) per cent of the required residential visitor parking spaces may be shared with the required non-residential parking.

OTHER PROVISIONS

- (v) The main entrance to each building or unit which faces a public right-of-way shall be at an elevation no greater than 0.9 metres above or below the grade of the public right-of-way at the property line with the exception of Buildings "B" and "C" which will be no greater than 1.25 metres above the grade of the public right-of-way.

LAND DIVISION

- (w) Notwithstanding any severance, partition or division of the net site, as shown on Schedule "RM6(165)" provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred.
3. Section 64.20-A of By-law No. 7625 is amended by adding Schedule "RM6(165)" attached to this By-law.
 4. Section 64.26 of By-law No. 7625 is amended by adding the following subsection:

64.26(7) C4(7)

DEFINITIONS

- (x) For the purpose of this exception the following definitions will apply:
 - (i) "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;

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- (ii) "Established Grade" shall mean the elevation for each building 'A', 'B' or 'C' as shown on Schedule "C4(7)";
 - (iii) "Gross Floor Area" shall mean the aggregate of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, including any areas used as balconies, but excluding:
 - a. the floor area of unenclosed residential balconies;
 - b. any area used for automobile parking, including that contained in an above-grade structure provided that the structure does not exceed 17.4 metres in height above established grade and provided that its roof deck is fully landscaped; and
 - c. any required water or sanitary sewage pumping stations or stormwater storage tanks.
 - (iv) "Home Furnishing Store" shall mean a retail store where only large, home furnishings including carpeting, furniture, and major home appliances are displayed and sold directly to the general public;
 - (v) "Live-Work Use" shall mean an artist studio, business and professional office, custom workshop or personal service shop located within a dwelling unit, providing the following conditions shall apply: Live work uses shall only be conducted by a member or members of a household that reside in the dwelling unit; the work component shall not exceed a maximum gross floor area of 30 percent of the total residential gross floor area of the dwelling unit;
 - (vi) "Main Entrance" shall mean the entrance to a building located on a public right-of-way; and
 - (vii) "Recreational Amenity Area" shall mean an area that is communal and available to all occupants of a building or a group of buildings within a zone for social and recreational purposes including indoor or outdoor space, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor swimming pools, exercise or entertainment rooms, and other similar uses.

PERMITTED USES

- (y) The following uses shall be permitted:

Accessory Use, but shall not include pinball or electronic video games;
 Apartment House Dwelling;
 Art Gallery;
 Artist Studio;
 Automatic Laundry Shop;
 Business and Professional Office;
 Commercial School;
 Custom Workshop;
 Day Nursery;

Dry Cleaning and Laundry Collecting Establishment;
 Financial Institution;
 Fitness Centre;
 Home Furnishing Store;
 Live-Work Uses;
 Outdoor Café in conjunction with a restaurant on the same lot, subject to the provisions of Subsection 6(22);
 Personal Service Shop;
 Professional Medical Office;
 Public Library;
 Restaurant;
 Retail Store;
 Service Shop;
 Take-out Restaurant; and
 Warehouse.

USE QUALIFICATIONS

- (z) Section 26(2)(a) shall not apply.
- (aa) Warehouse uses shall be permitted in the commercial building existing on the date of passing of this By-law, to a maximum gross floor area of 600 m².
- (bb) Outdoor amenity areas may be located on roof top terraces.

EXCEPTION REGULATIONS

YARD SETBACKS

- (cc) All buildings and structures above grade to an elevation of 213.5 metres above sea level, shall be located a minimum of 3.0 metres from any property line.
- (dd) The minimum yard setbacks for buildings and structures above established grade shall be as shown on Schedule "C4(7)".
- (ee) The minimum yard setback for parking structures and structures associated thereto below established grade shall be 0.0 metres from any lot line.

BUILDING HEIGHT

- (ff) Notwithstanding Schedule D of By-law No. 7625, the maximum height above sea level for all buildings and structures shall be as shown on Schedule "C4(7)".
- (gg) Notwithstanding (ff) above, in no instance shall Building 'A' exceed a height of 234.1 metres above sea level.
- (hh) Notwithstanding (ff) above, in no instance shall Building 'B' exceed a height of 213.5 metres above sea level.

- (ii) Notwithstanding (ff) above, in no instance shall Building 'C' exceed a height of 239.1 metres above sea level.

RESIDENTIAL RECREATIONAL AMENITY AREA

- (jj) A minimum of 1.2 m² per dwelling unit of indoor recreational amenity area shall be provided; and
- (kk) A minimum of 1.5 m² per dwelling unit of outdoor recreational amenity area shall be provided.

PERMITTED PROJECTIONS INTO MINIMUM YARD SETBACKS

- (ll) The permitted projections into required yard setbacks shall be as set out in Section 6(9) of By-law No. 7625.

GROSS FLOOR AREA

- (mm) The total gross floor area in the "C4(7)" Zone shall be as follows:

Zone	Building	Min.GFA (m ²)	Max.GFA (m ²)	Total GFA not to Exceed
C4(7)	A	14,000	20,000	46,965 square metres
	B	12,820	18,950	
	C	12,100	18,000	

SIZE OF RESIDENTIAL UNITS

- (nn) 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.

PARKING

- (oo) All required parking spaces shall be provided within the "C4(7)" Zone as shown on Schedule "1".
- (pp) All required residential parking shall be provided below grade.
- (qq) No at-grade parking spaces or parking aisles are permitted within 5 metres of any property line abutting Sheppard Avenue West and Allen Road.
- (rr) No at-grade parking spaces or parking aisles are permitted within 3.0 metres of De Boers Drive.
- (ss) No at-grade parking spaces or parking aisles are permitted within 0.5 metres of the northern "C4(7)" zone boundary.
- (tt) A parking structure is permitted, provided that the structure does not exceed 17.4 m in height from established grade, that its roof deck is fully landscaped, and that it is located a minimum of 13 metres from any public road.
- (uu) Section 26(7) shall not apply
- (vv) Non-Residential Parking
- (i) the requirement for Professional Medical Offices shall be a minimum of 1 space per 24 m² gross floor area;
- (ii) the requirement for Commercial Schools shall be a minimum of 1 space per 28 m² gross floor area;
- (iii) the requirement for Warehouses shall be 0.53 spaces per 100 m² gross floor area; and
- (iv) other non-residential parking shall be provided using the shared parking formula in the following table*:

Use	Weekday Option (Aggregate of)	Weekend Option (Aggregate of)
Home Furnishing Store	0.50 spaces per 100 m ² gross floor area	1.0 spaces per 100 m ² gross floor area
Business and Professional Office	1.05 spaces minimum to 2.1 spaces maximum per 100 m ² gross floor area	0.21 spaces per 100 m ² gross floor area

All Other Non-residential Uses (excluding Medical Offices, Commercial Schools and Warehouses)	Section 6A(2)(a) of By-law No. 7625 requirements x 0.48	Section 6A(2)(a) of By-law No. 7625 requirements x 0.80
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*A calculation shall be done for each of the above-noted options and the greater sum total of either Option 1 or Option 2 shall determine the minimum required parking. The shared parking arrangement is based upon the parking facilities being fully integrated.

(ww) Residential Parking

(i) for all residential uses there shall be:

- (A) a minimum of 1.1 parking spaces per apartment dwelling unit, of which 0.2 parking spaces per unit shall be visitor parking spaces; and,
- (B) a maximum of 1.5 parking spaces per apartment dwelling unit, of which 0.25 parking spaces per unit shall be visitor parking spaces; and,
- (C) one hundred (100) per cent of the residential visitor parking may be shared with the required parking associated with a Home Furnishing Store; and
- (D) notwithstanding (C) above, if there is no Home Furnishing Store within the C4(7) zone, a maximum of thirty (30) per cent of the required residential visitor parking may be shared with the required non-residential parking within the zone.

LANDSCAPING

(xx) Section 26(8) of By-law No. 7625 shall not apply.

OTHER PROVISIONS

(yy) The main entrance to each building within the zone shall be at an elevation no greater than 0.9 metres above or below the established grade of the abutting public right-of-way at the property line.

DIVISION OF LAND

(zz) Notwithstanding any severance, partition or division of the net site, as shown on Schedule "C4(7)", the provisions of this By-law shall apply to the whole of the net site as if no severance, partition or division occurred.

5. Section 64.26 of By-law No. 7625 is amended by adding Schedule "C4(7)" attached to this By-law.
6. Section 64.37 of By-law No. 7625 is amended by adding the following subsection:

46.37(25) O1(25)

PERMITTED USES

(aaa) The following uses shall be permitted:

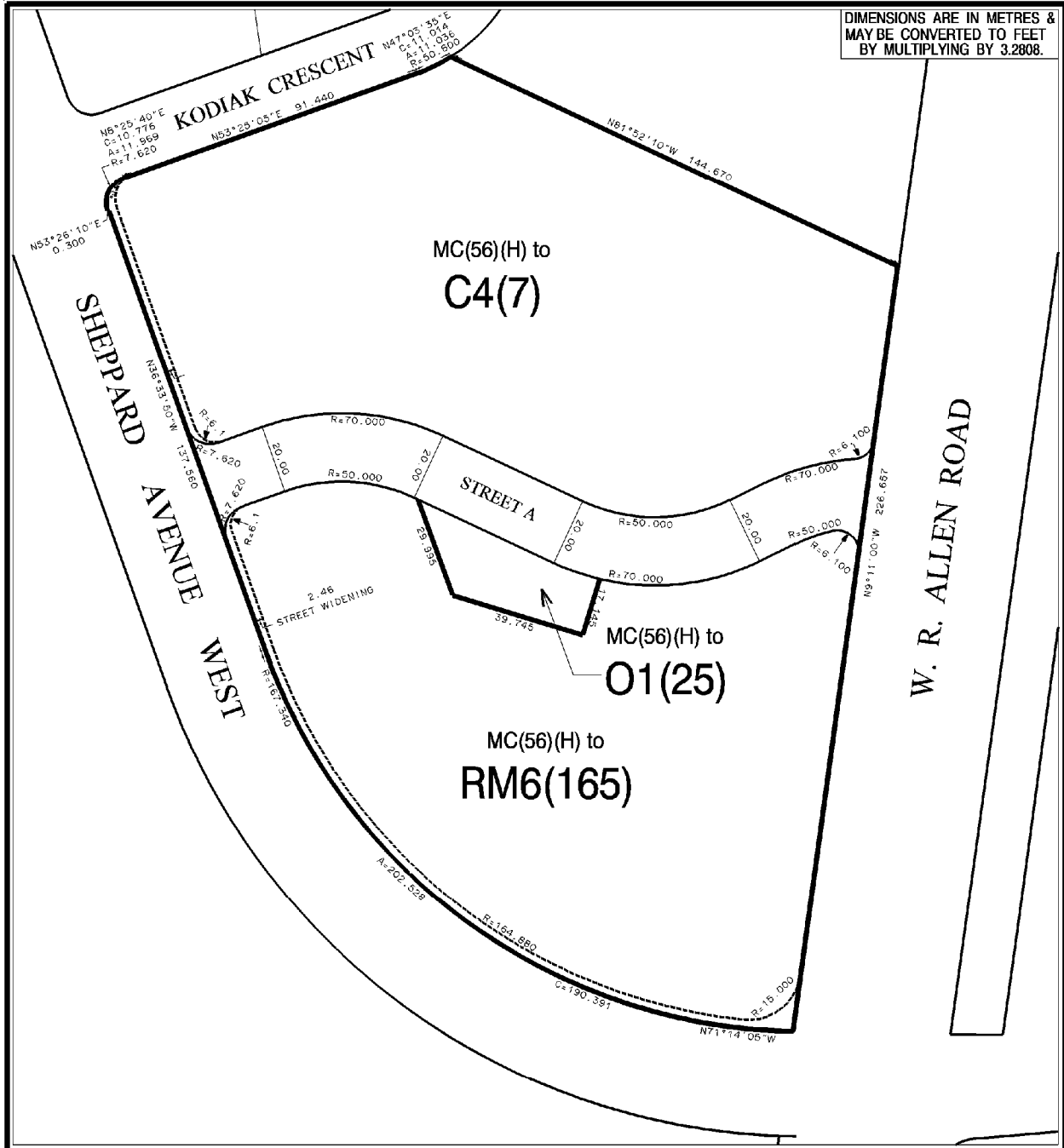
Playground;
Playlot;
Landscape Features;
Accessory Structures which are open on all sides such as pavilions and gazebos; and
Public Art Installations.

EXCEPTION REGULATIONS


(bbb) Section 37.3 Yard Setbacks shall not apply.

7. Section 64.33(56) of By-law No. 7625 is hereby deleted.

PURSUANT TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON AUGUST 15, 2007 IN BOARD CASE NO. PL070060.

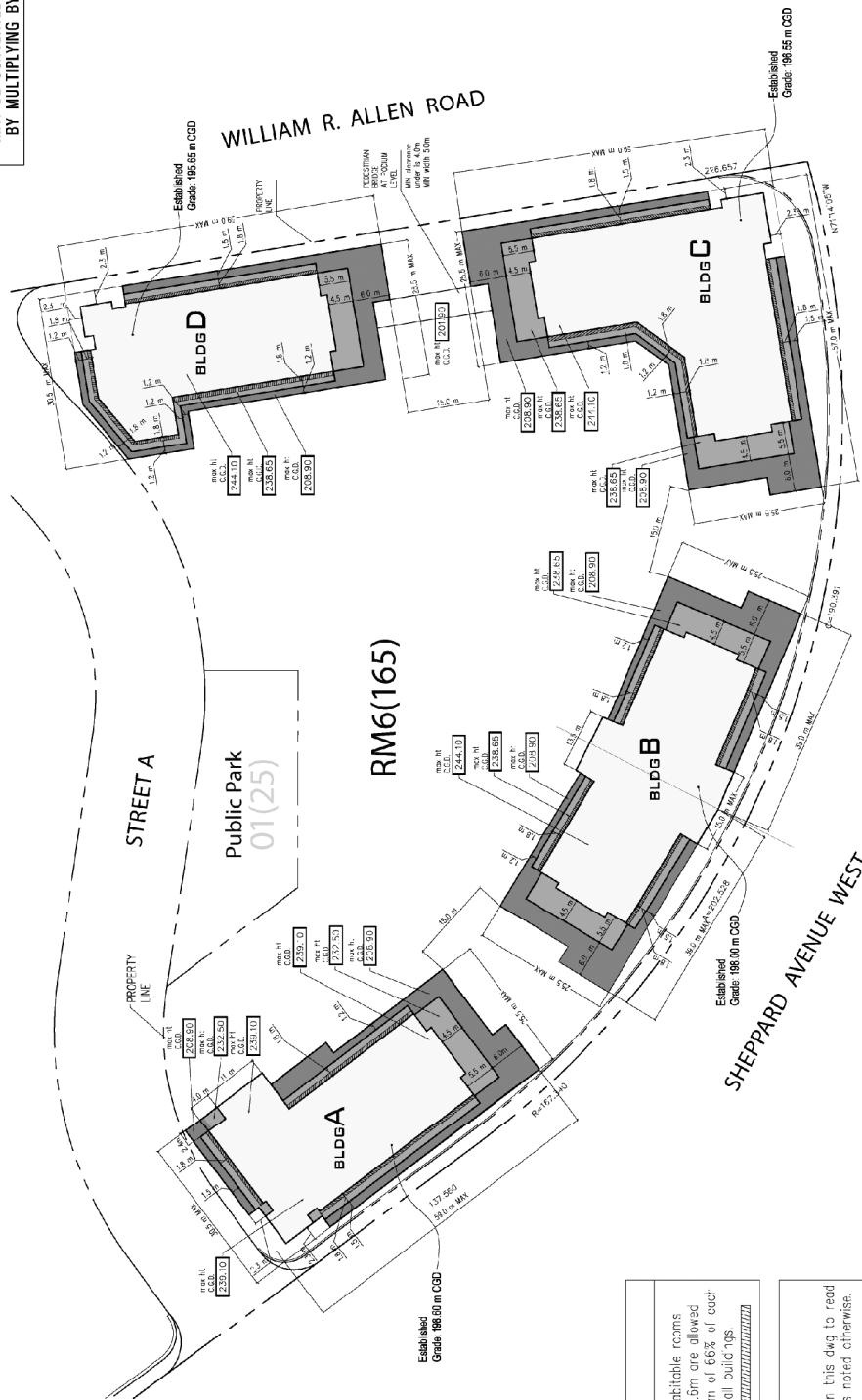


DIMENSIONS ARE IN METRES & MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.2808.

<p>This is Schedule " 1 " to By-Law _____</p> <p>passed the _____ day of _____, 20 ____</p>		 City Planning Division North District
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	
Location: Lot 18, Registered Plan M-1982, City of Toronto		
File: 99_036260	Prepared by: A.K.	Approved by: C.F.
Date: July 11, 2007		Filename: C4(7)_RM6(165)_O1(25)
Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District. Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.		



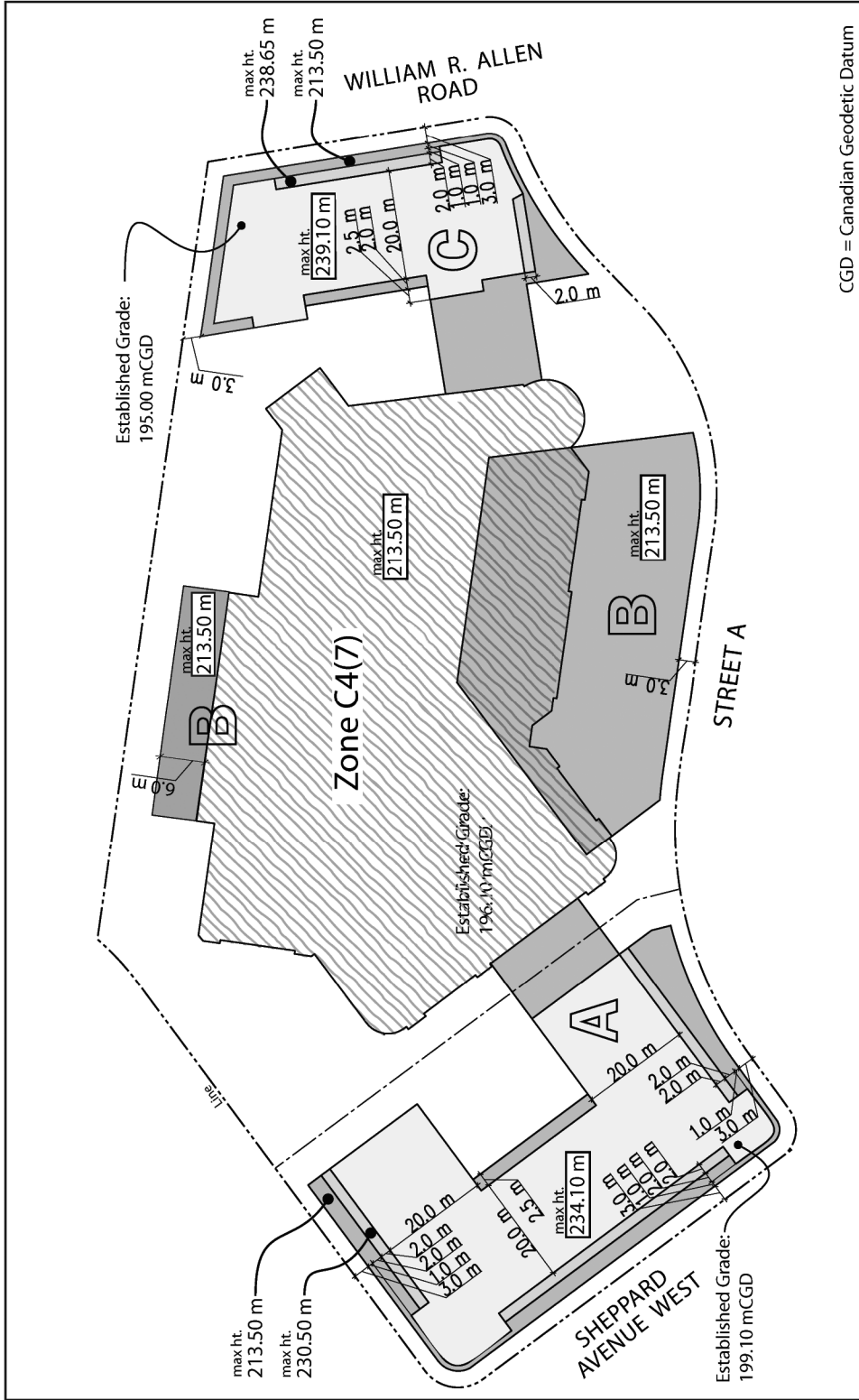
DIMENSIONS ARE IN METRES AND
 MAY BE CONVERTED TO FEET
 BY MULTIPLYING BY 3.2808



NOTE 1:
 Projections of habitable rooms
 to a depth of 0.5m are allowed
 along a maximum of 66% of each
 hotchec line at all buildings

NOTE 2:
 All dimensions on this dwg to read
 MINIMUM, unless noted otherwise.

This is Schedule " RM6(165) " to By-Law _____, passed the _____ day of _____, 20____	
(Sgd.) _____	(Sgd.) _____
CLERK	MAYOR
Location: Lot 18 Registered Plan M-1982 City of Toronto	
Source: Applicant's submitted drawing	
File No. 99_036260	Prepared by: A.K.
Date: July 13, 2007	Approved by: C.F.
Filename: RM6(165).ai	Not to Scale



CGD = Canadian Geodetic Datum



Schedule "C4(7)" to Bylaw

Lot 18 Registered Plan M-1982 City of Toronto
 Drawing provided by Urban Strategies Inc., July 13 2007
 Date: 07/13/07
 Approved by: C.F.

File # 99_036260



Not to Scale