

Authority: Ontario Municipal Board Order issued on March 8, 2013 in Board File No. PL111266

## CITY OF TORONTO

### BY-LAW No. 959-2013(OMB)

#### **To amend former City of North York By-law No. 7625 in respect of lands municipally known as 1001 Sheppard Avenue East and 72 Esther Shiner Boulevard.**

Whereas the owner of the lands municipally known as 1001 Sheppard Avenue East and 72 Esther Shiner Boulevard has appealed a proposed zoning by-law amendment to the Ontario Municipal Board; and

Whereas the Ontario Municipal Board, by way of Decision/Order issued on March 8, 2013 hereby amends the former City of North York Zoning By-law No. 7625 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. Upon execution and registration of an agreement or agreements with the owner of the site pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities and services and matters set out in Section 3 hereof, the site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirement.
3. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following new subsection:

#### **"64.20-A (208) A-G RM6(208)A-G**

#### **DEFINITIONS**

- (a) For the purpose of this exception, "apartment house dwelling" shall mean a building containing more than four dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.
- (b) For the purpose of this exception "home occupation" means a business use within a dwelling unit where the dwelling unit is the principal residence of the business operator and only includes professional office and personal service shop uses.
- (c) For the purpose of this exception "grocery store" shall mean a retail store in which the primary product for sale to the public is packaged, canned or uncooked groceries and foodstuffs and fresh produce or meats for private consumption.
- (d) For purposes of this exception "Parcels A, B, C, D, E, F and G" shall mean those lands shown as Parcels A, B, C, D, E, F and G on Schedules RM6(208)A, RM6(208)B, RM6(208)C, RM6(208)D, RM6(208)E, RM6(208)F and RM6(208)G.

- (e) For purposes of this exception "Buildings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15" shall mean Buildings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 as shown on Schedules RM6(208)A, RM6(208)B, RM6(208)C, RM6(208)D, RM6(208)E, RM6(208)F and RM6(208)G.
- (f) For the purpose of this exception, "established grade" for Parcels A, B, C, D, E, F and G shall mean the following geodetic elevations on the following Parcels:
  - (i) 160.5 metres for Parcel A
  - (ii) 156.3 metres for Parcel B
  - (iii) 156.3 metres for Parcel C
  - (iv) 151.0 metres for Parcel D
  - (v) 160.1 metres for Parcel E
  - (vi) 156.1 metres for Parcel F
  - (vii) 153.3 metres for Parcel G
- (g) For the purpose of this exception, "landscaped open space" shall mean open space on a Parcel that is suitable for hard or soft landscaping, including outdoor areas within 0.9 metres of the first floor level which are designed as outdoor private recreational amenity areas and notwithstanding the foregoing includes any:
  - (i) surfaced walk, short term bicycle parking space, courtyard, patio or similar area;
  - (ii) tennis or badminton court or other similar sports or recreational area; outdoor unenclosed swimming pool or decorative pool, but does not include a driveway or ramp or motor vehicle parking area or drop off area.

#### **PERMITTED USES**

- (h) The following shall be the only uses permitted on Parcels A and C:
  - (i) Apartment house dwelling including accessory private recreational amenity area
  - (ii) Business and Professional office
  - (iii) Dry Cleaning and Laundry Collecting Establishment
  - (iv) Financial Institution
  - (v) Fitness Centre
  - (vi) Grocery Store
  - (vii) Home Occupation
  - (viii) Personal Service Shop
  - (ix) Restaurant including accessory outdoor café
  - (x) Retail Store
  - (xi) Take-out Restaurant
- (i) Subject to Exception (ee) below, the following shall be the only uses permitted on Parcels B and D:

- (i) Apartment house dwelling including accessory private recreational amenity area
  - (ii) Business and Professional office
  - (iii) Dry Cleaning and Laundry Collecting Establishment
  - (iv) Financial Institution
  - (v) Fitness Centre
  - (vi) Home Occupation
  - (vii) Personal Service Shop
  - (viii) Restaurant including accessory outdoor café
  - (ix) Retail Store
  - (x) Take-out Restaurant
- (j) The following shall be the only uses permitted on Parcels E, F and G:
- (i) Apartment house dwelling including accessory private recreational amenity area
  - (ii) Dry Cleaning and Laundry Collecting Establishment
  - (iii) Home Occupation
  - (iv) Personal Service Shop
- (k) Despite (h) above, a Day Nursery shall be permitted on Parcel A and its floor area shall be excluded from the calculation of gross floor area on Parcel A.
- (l) Use Qualifications

Permitted non-residential uses or home occupation uses shall be located on the first floor and on any mezzanine level located between the first floor and second floor only.

### **EXCEPTION REGULATIONS**

- (m) Dwelling Units
- (i) The total number of dwelling units on all of Parcels A, B, C, D, E, F and G combined shall not exceed 3,458 dwelling units.
  - (ii) Parcel A shall have a maximum of 270 dwelling units.
  - (iii) Parcel B shall have a maximum of 252 dwelling units.
  - (iv) Parcel C shall have a maximum of 865 dwelling units.
  - (v) Parcel D shall have a maximum of 257 dwelling units.
  - (vi) Parcel E shall have a maximum of 419 dwelling units.
  - (vii) Parcel F shall have a maximum of 689 dwelling units.
  - (viii) Parcel G shall have a maximum of 706 dwelling units.
  - (ix) Notwithstanding subsections (ii), (iii), (iv), (v), (vi) (vii) and (viii) above, increases up to 5% of the maximum number of dwelling units permitted within each of the parcels are allowed provided the total number of dwelling units for Parcels B, D, F and G combined does not exceed 1904,

and the total number of dwelling units for Parcels A, C and E combined does not exceed 1554.

(n) Gross Floor Area

The total maximum gross floor area of all buildings on Parcels A, B, C, D, E, F and G combined shall be a maximum of 297,572 m<sup>2</sup> with the following maximum gross floor areas for each Parcel:

- (i) Parcel A 25,562 m<sup>2</sup>
- (ii) Parcel B 22,961 m<sup>2</sup>
- (iii) Parcel C 73,110 m<sup>2</sup>
- (iv) Parcel D 21,248 m<sup>2</sup>
- (v) Parcel E 36,164 m<sup>2</sup>
- (vi) Parcel F 58,003 m<sup>2</sup>
- (vii) Parcel G 60,524 m<sup>2</sup>

(o) Minimum Unit Sizes

A minimum of 10% of the number of dwelling units on each of Parcels A, B, C, E, F and G will have a minimum gross floor area of 100 m<sup>2</sup>.

(p) Building Heights and Building Stepbacks

- (i) Building heights for Parcels A, B, C, D, E, F and G will not exceed the maximums in metres and storeys shown on Schedule RM6(208)A, RM6(208)B, RM6(208)C, RM6 (208)D, RM6(208)E, RM6(208)F and RM6(208)G measured from established grade and subject to clause (x)(iii) building stepbacks for Parcels A, B, C, D, E, F and G will not be less than the minimums in metres shown on said Schedules.
- (ii) Despite (p)(i) above for Building 7 on Parcel C and Building 13 on Parcel F, 30% of the building perimeter may have a 0 building setback from Esther Shiner Boulevard and Billes Heights, and from McMahon Drive respectively, and for Building 4 on Parcel B, the building perimeter may have a 0 building setback in the locations shown on Schedule RM6(208)B.
- (iii) On Parcel C the minimum building height will be 5 storeys and on Parcel B the minimum building heights will be 3 and 5 storeys respectively in the locations shown on Schedule RM6(208)B.
- (iv) Despite (p)(i) above, a penthouse or other roof structure which is used only as an ornament or to house mechanical equipment of the building or stairwells to access the roof does not constitute a storey and will be disregarded in calculating the height of the building in storeys and in metres provided it shall not exceed a height of 8 metres for 40% of the

area of the roof and 10 metres for 25% of the area of the roof for a total of 65%.

- (v) Notwithstanding (p)(iv) above, on Parcel G a penthouse or other roof structure which is used only as an ornament or to house mechanical equipment of the building or stairwells to access the roof does not constitute a storey and will be disregarded in calculating the height of the building in storeys and in metres provided it shall not exceed a height of 5.5 metres for 100% of the area of the roof.
  - (vi) Despite (p)(i) above, on Parcels A, B, C and D only, a mezzanine level located between the first storey and the second storey of a building does not constitute a storey for the purpose of calculating the height of a building, provided that the gross floor area of the mezzanine level shall not exceed 50% of the floor area of the first storey in the building.
- (q) Separation Distance
- (i) For all buildings on Parcels A and C, buildings or portions of buildings located above a height of 23 metres and 6 storeys will be separated by a minimum distance of 25 metres measured to the exterior edge of the building façade.
  - (ii) For all buildings on Parcels E, F and G, buildings or portions of buildings located above a height of 14 metres will be separated by a minimum distance of 25 metres measured to the exterior edge of the building façade.
  - (iii) The minimum horizontal facing distance between windows of dwelling units will be 25 metres except that:
    - a) The minimum horizontal facing distance between walls with windows of dwelling units on Parcels E, F and G which are located at or below a height of 15 metres will be 11 metres; and
    - b) The minimum horizontal facing distance between walls with windows of dwelling units on Parcels A and C which are located at or below a height of 23 metres will be 11 metres.
- (r) Floorplate Size
- (i) On Parcel C, for any portion of a building located above a height of 23 metres and 6 storeys the maximum gross floor area of a floor will not exceed 810 m<sup>2</sup>.
  - (ii) On Parcel B, for any portion of a building located above a height of 20 metres and 5 storeys the maximum gross floor area of a floor will not exceed 750 m<sup>2</sup>.

- (iii) On Parcel D, for any portion of a building located above a height of 26 metres and 7 storeys the maximum gross floor area of a floor will not exceed 887 m<sup>2</sup>.
  - (iv) On Parcels E, F and G, for any portion of a building located above a height of 15 metres and 4 storeys the maximum gross floor area of a floor will not exceed 750 m<sup>2</sup>.
- (s) Build-to Requirements
- (i) On Parcels E and F, within 18 metres of the southerly property line, and on Parcel G within 33 metres of the southerly property line, there will be a building wall or acoustic equivalent having a minimum height of 6 metres constructed between the west property line of Parcel E and the east property line of Parcel G, excluding the area located within the required yard setbacks of Parcels E, F and G.
  - (ii) On Parcels E, F and G there will be, for 75% of the frontage, a building wall having a minimum height of 10 metres constructed along or within 2 metres of the front setback line between the west property line of Parcel E and the east property line of Parcel G.
  - (iii) Notwithstanding (s)(i) above, on Parcels E, F and G the acoustic wall equivalent may be used to satisfy no more than 27.5 metres, 12 metres and 10 metres respectively of the build to requirement, and the balance of the requirement shall be satisfied with buildings.
- (t) Maximum East-West Building Dimensions
- For the portion of Buildings 10 and 11 on Parcel E, Buildings 12 and 13 on Parcel F and Buildings 14 and 15 on Parcel G located above a height of 14 metres or 4 storeys the maximum east-west building dimension including balconies will not exceed the maximum east-west dimension shown on Schedules RM6(208)E, RM6(208)F and RM6(208)G.
- (u) Courtyard Requirements
- Despite (p) above, on Parcels E, F and G, a minimum area of 225 m<sup>2</sup> having minimum dimensions of 15 metres by 15 metres, will have a maximum height of 0 metres.
- (v) Landscaping
- Parcels E, F and G will have a minimum area of 30% of the area of the Parcel as landscaped open space.

(w) Front Lot Line

The front lot line for Buildings shall be as follows:

- (i) Building 1 the north property line of Parcel A
- (ii) Buildings 2 and 3 the south property line of Parcel A
- (iii) Building 4 and 5 the north property line of Parcel B
- (iv) Building 6 and 7 the west property line of Parcel C
- (v) Building 8 the south property line of Parcel C
- (vi) Building 9 the south property line of Parcel D
- (vii) Buildings 10 and 11 the north property line along McMahon Drive of Parcel E
- (viii) Buildings 12 and 13 the north property line of Parcel F
- (ix) Buildings 14 and 15 the north west property line along McMahon Drive of Parcel G

(x) Yard Setbacks

- (i) Subject to the permitted projections listed in (iii) below, the minimum yard setbacks above established grade will be as shown on Schedule RM6(208)A, RM6(208)B, RM6(208)C, RM6(208)D, RM6(208)E, RM6(208)F and RM6(208)G.
- (ii) Despite (x)(i) for buildings abutting the Ministry of Transportation setback of 14 metres adjacent to Highway 401, no projections above or below grade within the setback will be permitted except for fences, public art, landscape structures or landscaping.
- (iii) Projections outside of building envelopes and widths and into yard setbacks, building setbacks and separation distances permitted in this sub-clause are as follows:
  - a) Belt courses, cornices, eaves or gutters, pilasters and sills, which may project 0.5 metres beyond building envelopes and widths into yard setbacks and building setbacks;
  - b) Canopies and awnings may project up to 2.5 metres beyond building envelopes into yard setbacks provided the canopy is no higher than 4 metres above the first floor below the canopy, and in the case of Parcel D no higher than 4.5 metres above the first floor below the canopy;
  - c) Lighting fixtures, trellises, guardrails, fences and screens, transformer vaults, railings, stairs, stair enclosures, wheelchair ramps and landscape and public art features are permitted to project beyond building envelopes into yard setbacks and building setbacks except that transformer vaults are not permitted to project into the front yards;

- d) For portions of buildings up to 23 metres in height, porches and canopies may project 1.5 metres beyond building envelopes into the 11 metre separation distance contained in clause (q)(iii);
  - e) Balconies may not encroach into the required 15 metre by 15 metre courtyard dimensions described in clause (u);
  - f) Balconies of any building above 14 metres in height are permitted to encroach beyond building envelopes into the 25 metre separation distance provided no balcony encroaches into the minimum 3 metre building setback along a public street or along the south face of Parcel B adjacent to the park on Block 18.
  - g) Notwithstanding (x)(iii)(f) and (t) above, for all buildings on Parcels E, F and G above 14 metres in height balconies may project up to 2.5 metres beyond building envelopes and widths into the tower separation distance contained in clause (q)(ii) except for the east and west elevations of buildings where no balcony projections will be permitted into the required tower separation distance;
  - h) Notwithstanding (x)(iii)(f) above, for all buildings on Parcels E, F and G, no balcony projection beyond the permitted 30 metre width will be located closer than 3 metres from an exterior corner of a tower above 15 metres;
- (iv) Minimum yard setbacks for underground parking structures shall be 0 metres.
- (y) Dwelling Units and Non-Residential Space at Grade
- (i) For dwelling units located at first floor level, the first floor shall be a maximum of 0.9 metres above the elevation of the adjacent exterior pedestrian sidewalk and in the case of Parcel B, a maximum of 0.9 metres above the elevation of the abutting portion of the park on Block 18.
  - (ii) For non-residential space at grade the first floor level shall be at the elevation of the adjacent exterior pedestrian sidewalk, and in the case of Parcel B at the elevation of the adjacent portion of the park, measured directly opposite the door to every non-residential unit, and the first floor level of each unit shall have a minimum depth, inclusive of any structural and mechanical obstructions, of 9.5 metres for 85% of the width of the unit.



(z) Provisions Not Applicable

The provisions of Section, 20-A "Multiple-Family Dwellings Sixth Density Zone" will not apply.

(aa) Parking and Loading

(i) The provisions of Section 6A(2)(a) "Parking Requirements" and 6A(16) "Loading Space Requirements" will not apply.

(ii) Parking, bicycle parking and loading requirements for the lands shown on Schedules RM6(208)A, RM6(208)B, RM6(208)C, RM6(208)D, RM6(208)E, RM6(208)F and RM6(208)G are shown on Schedule 2 to this By-law.

(bb) Recreational Amenity Area

(i) A minimum of 1.5 m<sup>2</sup> of outdoor recreational amenity area per dwelling unit will be provided on each Parcel;

(ii) A minimum of 1.5 m<sup>2</sup> of indoor recreational amenity area per dwelling unit will be provided on each Parcel and the floor area of the required indoor recreational amenity area shall be excluded from the calculation of gross floor area;

(iii) Notwithstanding (bb)(i) and (ii), on Parcels F and G the indoor and outdoor recreational amenity area required by (i) and (ii) above may be provided on either Parcel F or Parcel G for the shared use of residents of those Parcels. There shall be a minimum of 1.5 m<sup>2</sup> and a maximum of 2.3 m<sup>2</sup> per unit of indoor amenity space provided on Parcel G which shall be excluded from the calculation of gross floor area. There shall be a minimum of 1.5 m<sup>2</sup> of outdoor recreational amenity area per dwelling unit provided on the first of Parcels F or G to be developed and there shall be a minimum of 1.0 m<sup>2</sup> of indoor and 1.0 m<sup>2</sup> of outdoor recreational amenity area per dwelling unit provided on each of Parcels F and G.

(cc) Locker Space

A minimum of 1 locker per dwelling unit with a minimum area of 1.35 m<sup>2</sup> will be provided on Parcels A, B, C, D, E, F and G.

(dd) Phasing Plan

The streets, parks and development blocks shown on Schedule 3, The Phasing of Parks and Infrastructure Plan, will be developed on a phased basis in accordance with the Phasing Plan described below and shown on Schedule 3:

- (i) Prior to any above grade building permit being issued for any building on Parcel G, a portion of Esther Shiner Boulevard (Segment 1), a portion of McMahan Drive (Segment 2) and a temporary cul-de-sac (Segment 3) will be constructed to base course asphalt. After these roads are constructed, Park Block 14 shall be conveyed to the City in base park condition not later than June 1, 2015, unless otherwise agreed upon by the General Manager, Parks, Forestry and Recreation.
- (ii) Prior to any above grade building permit being issued for any building on Parcel E or Parcel F, the remaining portion of McMahan Drive (Segment 4) will be constructed to base course asphalt.
- (iii) Within 24 months of the issuance of any above grade building permit on the latter of Parcel E and Parcel F, the remaining portion of Esther Shiner Boulevard and all of Billes Heights (Segment 5) will be constructed to base course asphalt. Prior to commencing construction of Segment 5, and no later than 18 months after the issuance of the above grade building permit on the latter of Parcel E and Parcel F, the Owner shall have posted security for said road construction.
- (iv) Prior to any above grade building permit being issued on Parcel C, the remaining portion of Esther Shiner Boulevard and all of Billes Heights (Segment 5) will be constructed to base course asphalt.
- (v) After the remaining portion of Esther Shiner Boulevard and all of Billes Heights (Segment 5) have been constructed to base course asphalt, Park Block 19 and Park Block 18 shall be conveyed to the City in base park condition, however, not later than October 1, 2017 unless otherwise agreed upon by the General Manager, Parks, Forestry and Recreation.
- (vi) Prior to any above grade building permit being issued on Parcel A or Parcel B, the future Street on Segment 6 shall be constructed to base course asphalt.
- (vii) Park Block 10 and Park Block 20 shall be conveyed to the City immediately following 12 months' notice provided by the General Manager of Parks, Recreation and Forestry to the owner and in any event no later than the first condominium registration of a condominium on Parcel A.
- (viii) Subject to the phasing regulations set out herein, prior to any above grade building permit for any building or structure within said phase, the following municipal services shall be provided to the lot line and the following provisions shall be complied with:
  - a) all new public roads necessary to serve the building or structure have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and

- b) all water main and sanitary sewers and appropriate appurtenances have been installed and are operational.

(ee) School Reserve

In the case of Parcel B, instead of the uses permitted by i) above, and notwithstanding i) to x) iii) and (y) and (bb) to (dd), Parcel B may be used in conjunction with Block 18 for a school subject to the following:

- (i) the lot shall be comprised of Parcel B and Block 18 (hereinafter the "Combined Site");
- (ii) the maximum building height shall not exceed 16.8 metres or 4 storeys;
- (iii) the maximum gross floor area on the Combined Site shall not exceed 5,600 m<sup>2</sup> for a school and 6,000 m<sup>2</sup> for a school and day nursery;
- (iv) the minimum yards for the Combined Site shall be:
  - Front (north): 4.5 m
  - Side: 4.5 m
  - Rear (south): 4.5 m
- (v) the minimum landscaped open space shall be 20% of the area of the Block.

## **DIVISION OF LAND**

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

## **SECTION 37 AGREEMENT**

- (gg) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lands is permitted in return for the provision by the owner of the following facilities, services and matters to the City at the owner's sole expense, in accordance with an agreement or agreements, in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the lands outlined in heavy lines on Schedule RM6(208) to secure the following facilities, services or matters:
  - (i) A contribution of 8 million dollars toward the community centre portion of a joint public community facility which is to be located on Block 10 as shown on Schedule RM6(208). The contribution shall be indexed in accordance with the Statistics Canada Quarterly Capital Expenditure Price Statistics from the date this Zoning By-law Exception comes into force to

the date of submission of the funds by the owner to the City. The sum of \$4,468,156.00 (indexed) is to be paid prior to the issuance of the first above grade building permit on any of the lands outlined in heavy lines and shaded on Schedule RM6(208), and the balance of \$3,531,844.00 (indexed) is to be paid upon the earliest of

- a) four years following the date of registration of the Plan of Subdivision containing Block 18 and Parcel B if the School Boards have not exercised the school reserve for Block 18 and Parcel B;
- b) 10 days following the date Block 18 and Parcel B are purchased by a School Board; and
- c) 30 days following the date by which both School Boards have advised the Owner and the City in writing that they release their school reserves over Block 18 and Parcel B.

Following the occurrence of the earlier of (a) – (c) herein, no further building permits shall be issued on any of the lands outlined in heavy lines and shaded on Schedule RM6(208) until the payment of said balance has been made.

- (ii) The agreement should also provide an option for construction of the community facility by the owner in accordance with City policies including the Fair Wage Policy and purchasing and procurement policies;
- (iii) The provision of, or as set out in more detail below, funding for a 52 space, 532 m<sup>2</sup> finished, furnished and equipped day nursery with 290 m<sup>2</sup> of outdoor play space contiguous to the day nursery, to be provided either on Block 7 or within the community facility on Block 10, all at the discretion of the General Manager, Children Services;
  - a) in the event that the day nursery is to be provided on Block 7, the day nursery shall be provided by the Owner prior to the registration of the first condominium on Block 7;
  - b) in the event that the City elects to provide the day nursery within the community facility on Block 10, the City shall provide written notice to the Owner of that election, the Owner will be relieved of its obligation in (a) above, and provision of the funding for the day nursery shall be paid by the Owner to the City the earlier of:
    - (I) the issuance of any above-grade building permit for Block 7; and

- (II) within 30 days of the Owner being notified in writing by the City that Notice of Approval Conditions have been issued in respect of the day nursery in the community facility;
- c) as an alternative to (b) above, the City and the Owner may enter into an agreement for the construction of the day nursery by the Owner within the community facility on block 10, in accordance with City policies, including the Fair Wage Policy and purchasing and procurement policies.

Following the expiration of (b) above, no further building permits shall be issued on any of the lands shaded on Schedule RM6(208) until the payment for the day nursery has been made; and

- (iv) A public art contribution of 1% of the gross construction cost of development, other than for a school or day nursery, on Parcels A, B, C, D, E, F and G in accordance with an updated District Public Art Plan.

4. Section 64.37 of By-law No. 7625, as amended, is amended by adding the following subsection:

**64.37(26) 01(26)**

**PERMITTED USES**

- (a) In addition to the uses permitted in the 01 Zone the following uses will be permitted on Block 10 and Block 20:
  - (i) Public Library
  - (ii) Restaurant and Retail Store
- (b) The only permitted uses on Block 14 and Block 19 will be:
  - (i) Uses permitted in Section 37.1.2 Commercial
  - (ii) Uses permitted in Section 37.1.3 Recreational
  - (iii) Uses permitted in Section 37.1.4 Accessory
- (c) The only permitted uses on Block 18 will be:
  - (i) Uses permitted in Section 37.1.2 Commercial
  - (ii) Uses permitted in Section 37.1.3 Recreational
  - (iii) Uses permitted in Section 37.1.4 Accessory
  - (iv) School and day nursery, if constructed on a parcel that is comprised of Block 18 and Parcel B

**EXCEPTION REGULATIONS**

- (d) Minimum Yards for Block 10:
- (i) Front (east property line): 0 metres
  - (ii) Side: 0 metres
  - (iii) Rear (west property line): 7.0 metres  
0 metres for any floors below the ground floor
- (e) The Minimum Yards for Block 18 shall be as described in ee) iv) above.
- (f) Minimum Yards for Block 20:
- (i) Front (east property line): 4.5 metres for the ground floor  
0 metres for any floors below and above the ground floor
  - (ii) North Side: 37 metres
  - (iii) South Side: 0 metres
  - (iv) Rear (west property line): 0 metres for the ground floor and any floors below the ground floor  
7.0 metres for any floors above the ground floor
- (g) The minimum landscaped open space on Block 20 shall be 20% of the area of the Block.
- (h) The maximum building height on Block 10 shall not exceed 15 metres or 3 storeys.
- (i) The maximum building height on Block 20 shall not exceed 15 metres or 3 storeys except that notwithstanding (f)(iv) above, the maximum height of any structure within 7.0 metres of the west property line shall not exceed 7.0 metres.
- (j) The maximum gross floor area of a community centre, library and day nursery facility on Block 10 and/or Block 20 shall not exceed 8,000 m<sup>2</sup>.
- (k) The maximum gross floor area of a school on Block 20 shall not exceed 5,600 m<sup>2</sup> for a school and 6,000 m<sup>2</sup> for a school and day nursery and the maximum gross floor area of a school on Block 18 shall be as described in ee) iii) above.
- (l) Parking for a public community centre located on Block 10 and/or Block 20 shall be permitted on Block 10, Block 14, Block 18, Block 19 and Block 20.

5. Section 64.23 of By-law No. 7625, as amended, is amended by repealing section 64.23(109) C1(109) and replacing it with the following:

**64.23(109) C1(109)**

**PERMITTED USES**

The following uses will be the only permitted uses on the lands subject to this Exception C1(109) and identified as Block 11A and Block 11B on Schedule RM6(208):

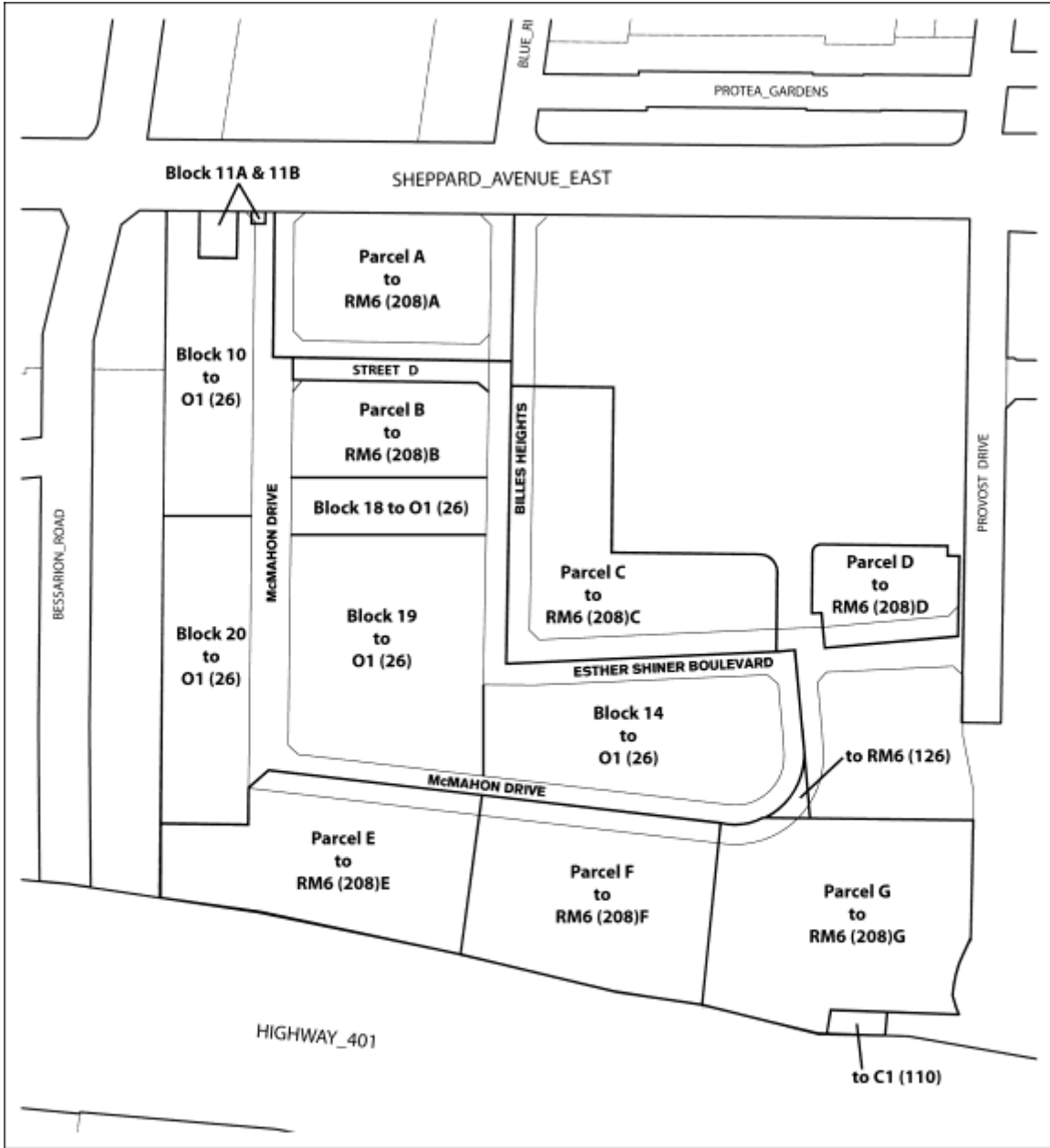
- (i) Transit Station
- (ii) Community Centre
- (iii) Public Library
- (iv) Day Nursery

**PROVISIONS NOT APPLICABLE**

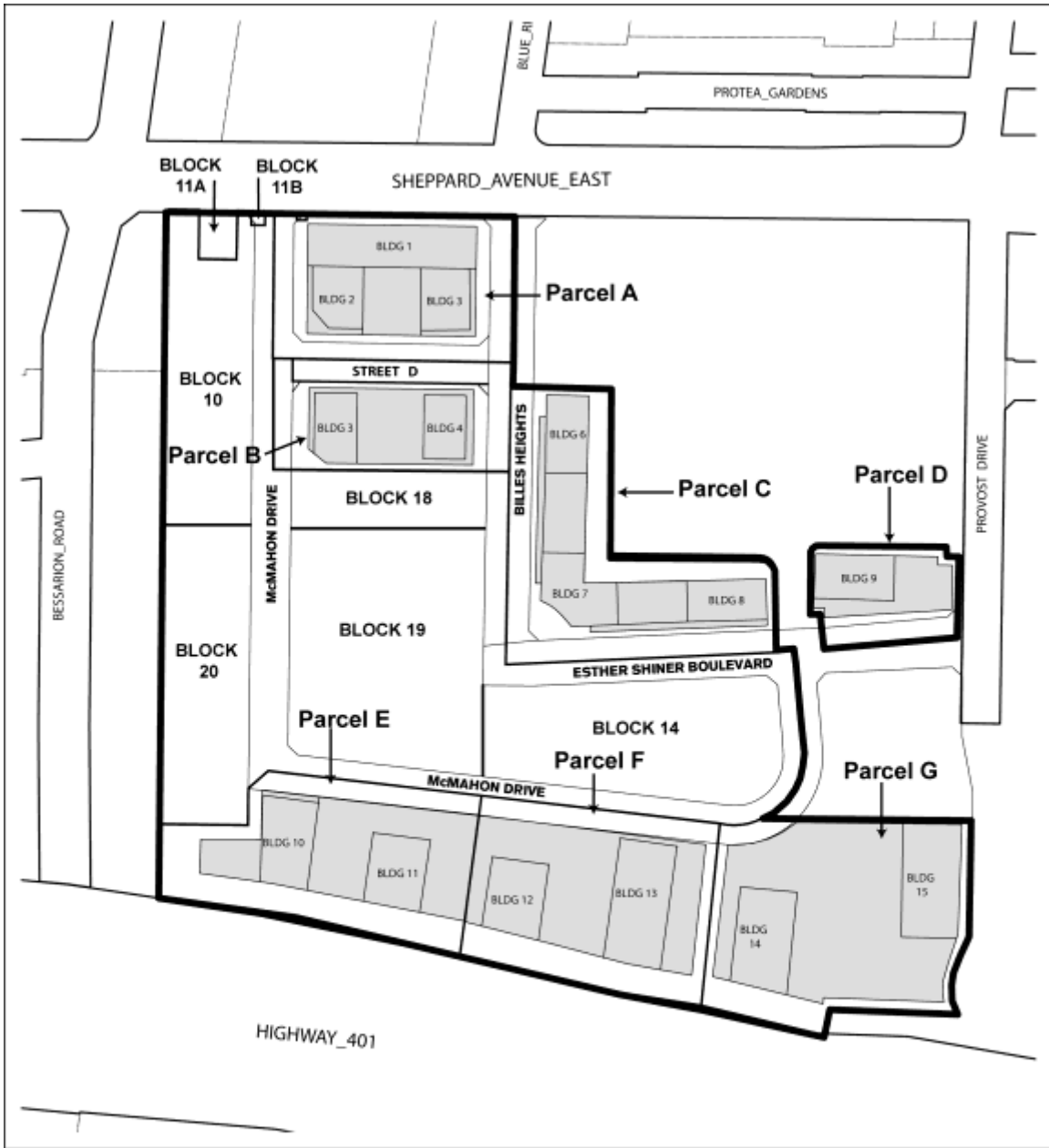
The provisions of Section 22 "General Provisions for Commercial Zones" and Section 23 "General Commercial Zone (C1)" will not apply.

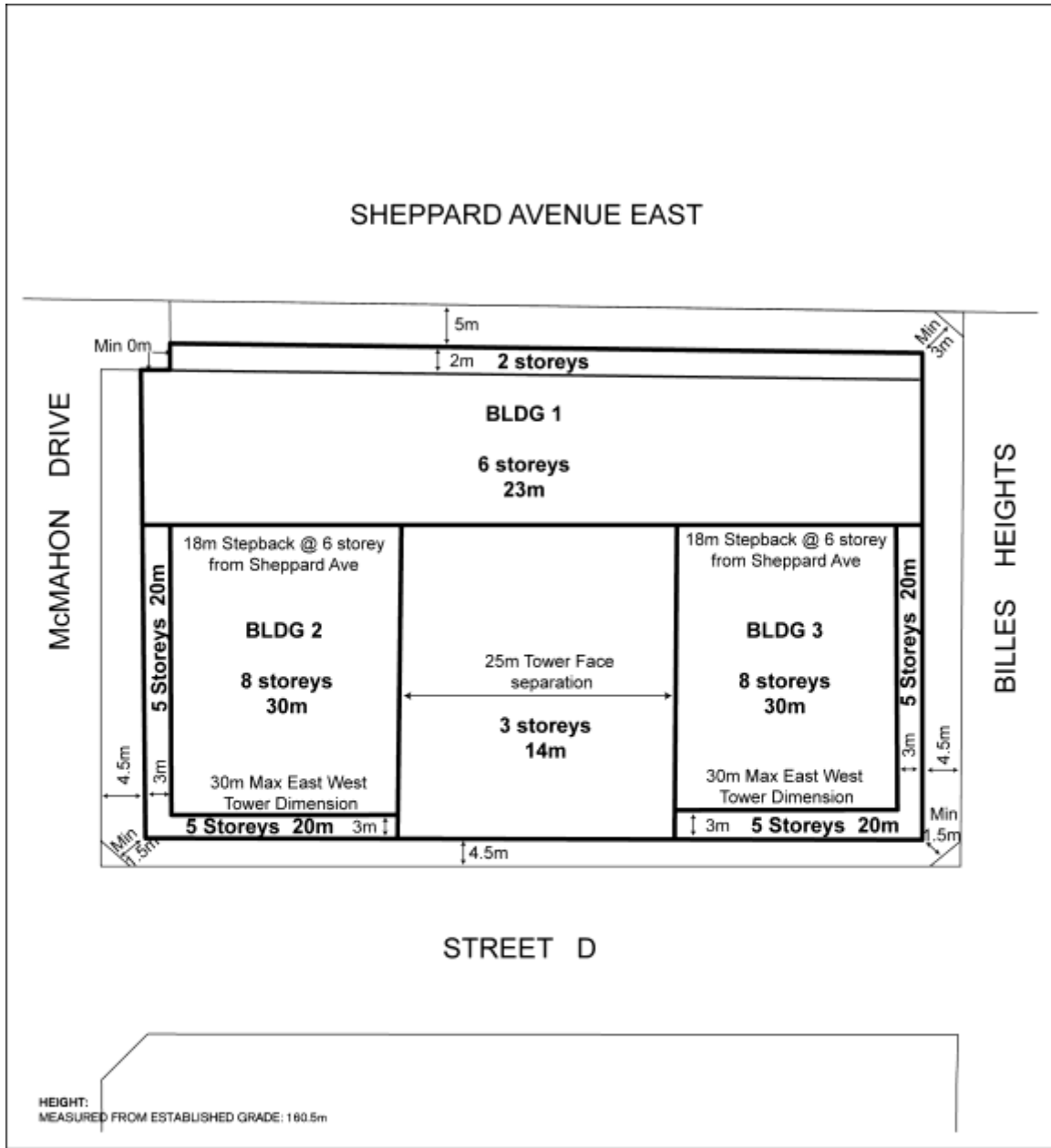
6. Sections 64.20-A(121), 64.20-A(122), 64.20-A(123), 64.20-A(124), 64.20-A(125) and Section 64.23(108) of By-law No. 7625 of the former City of North York are hereby repealed.
7. Section 64.20-A of By-law No. 7625, as amended, is amended by adding Schedule 1, Schedule RM6(208), Schedules RM6(208)A, RM6(208)B, RM6(208)C, RM6(208)D, RM6(208)E, RM6(208)F, RM6(208)G and Schedule 2 attached to this By-law.

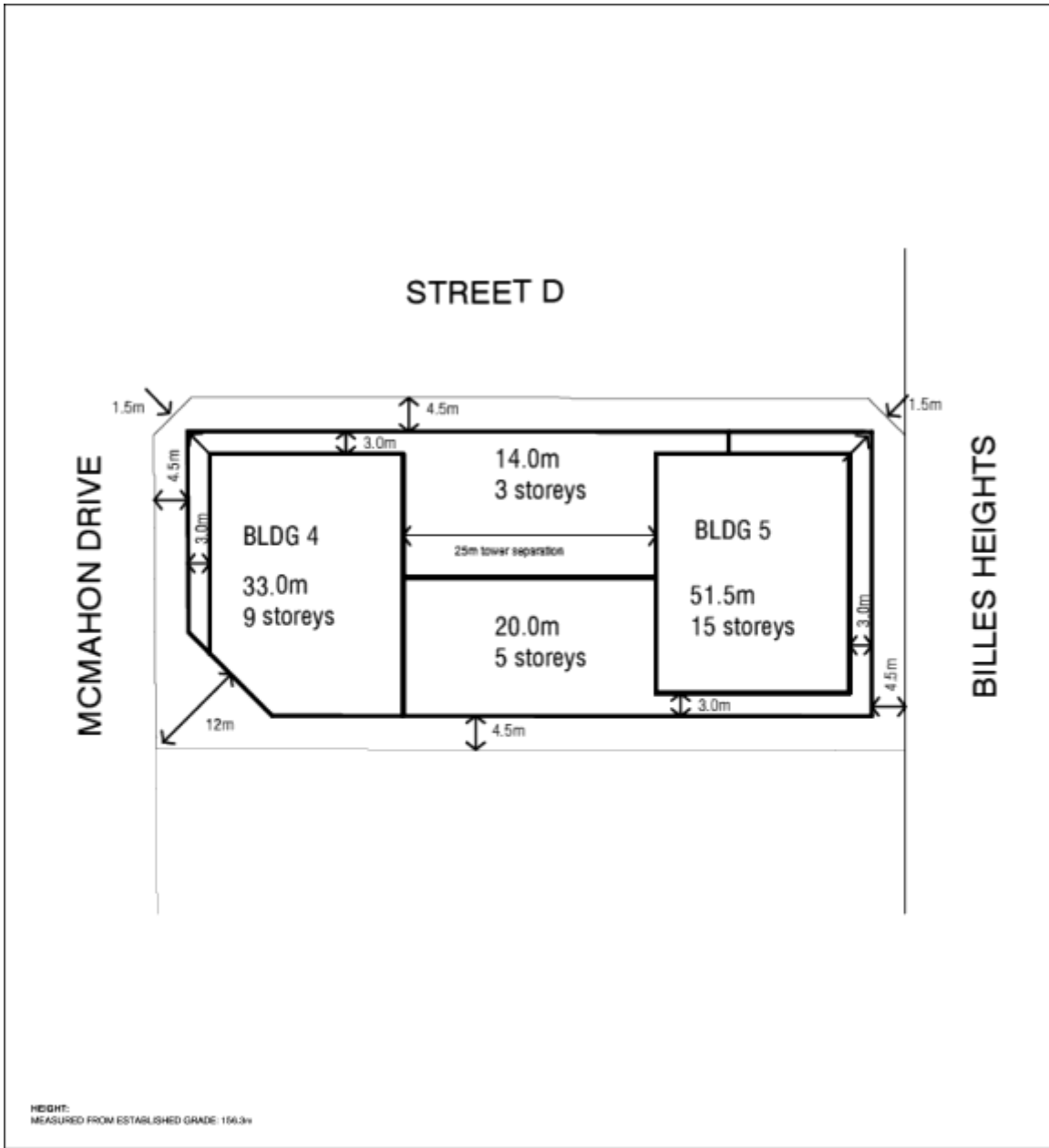
PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON MARCH 8, 2013 UNDER OMB FILE NO. PL111266.

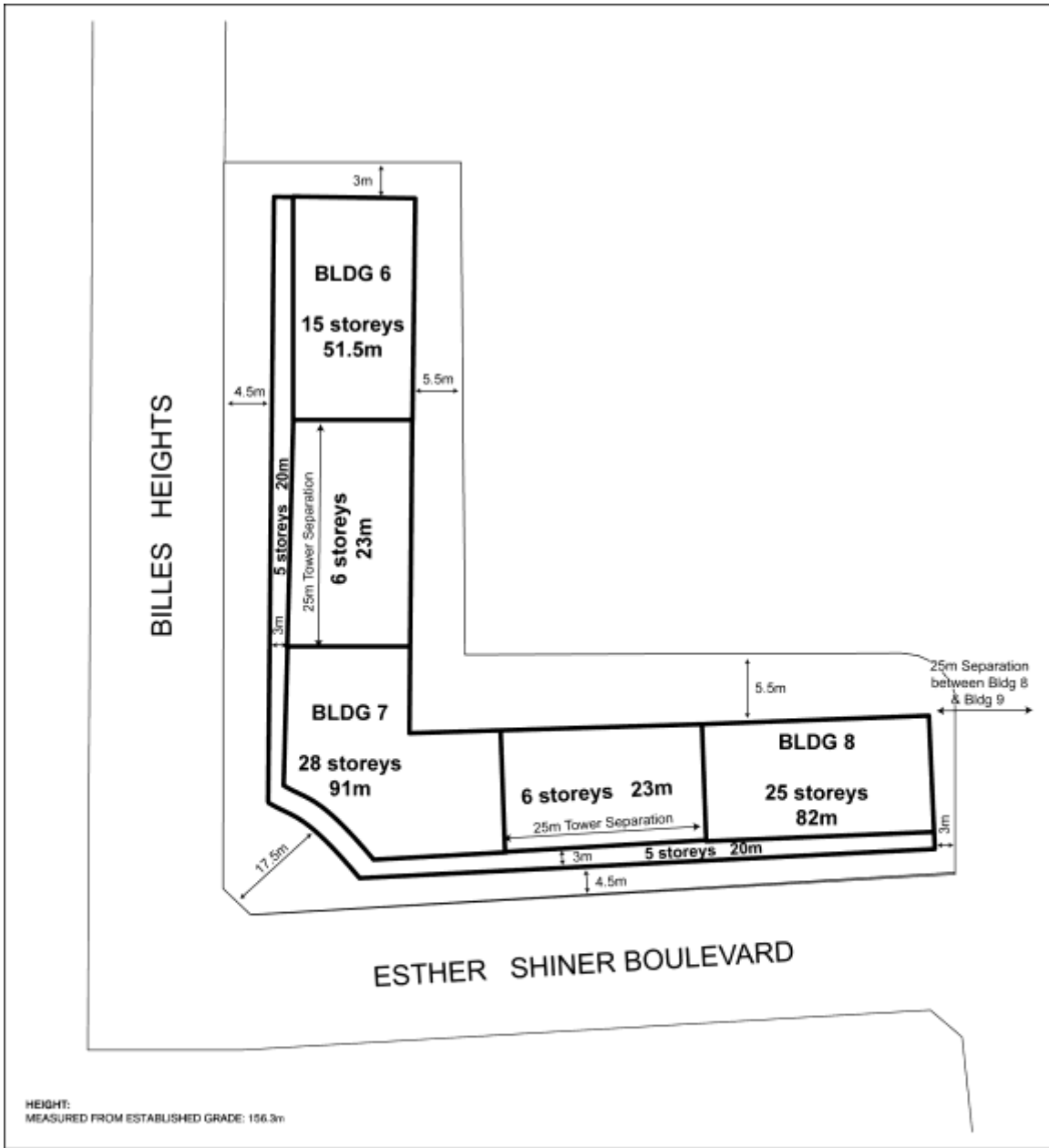


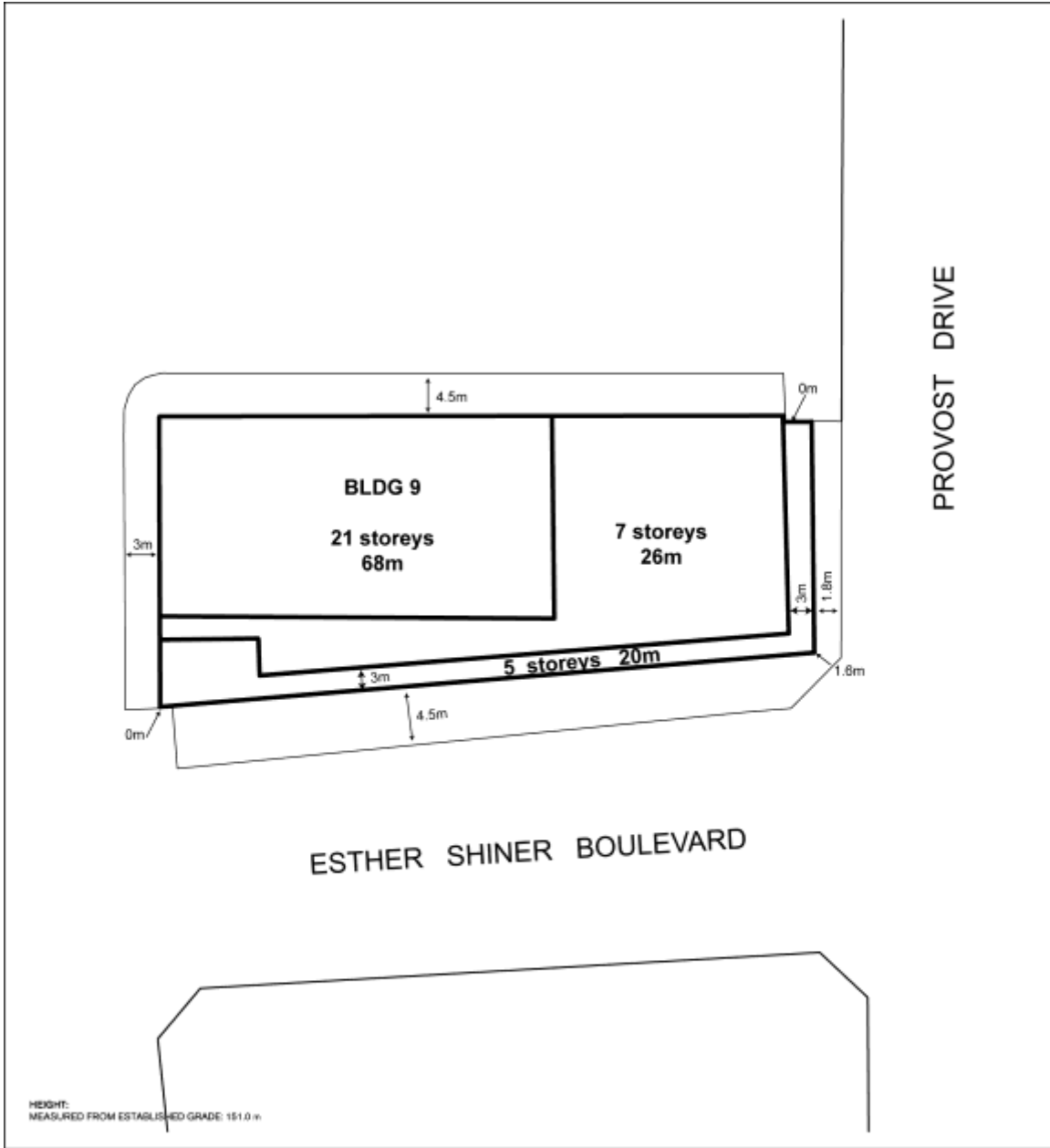


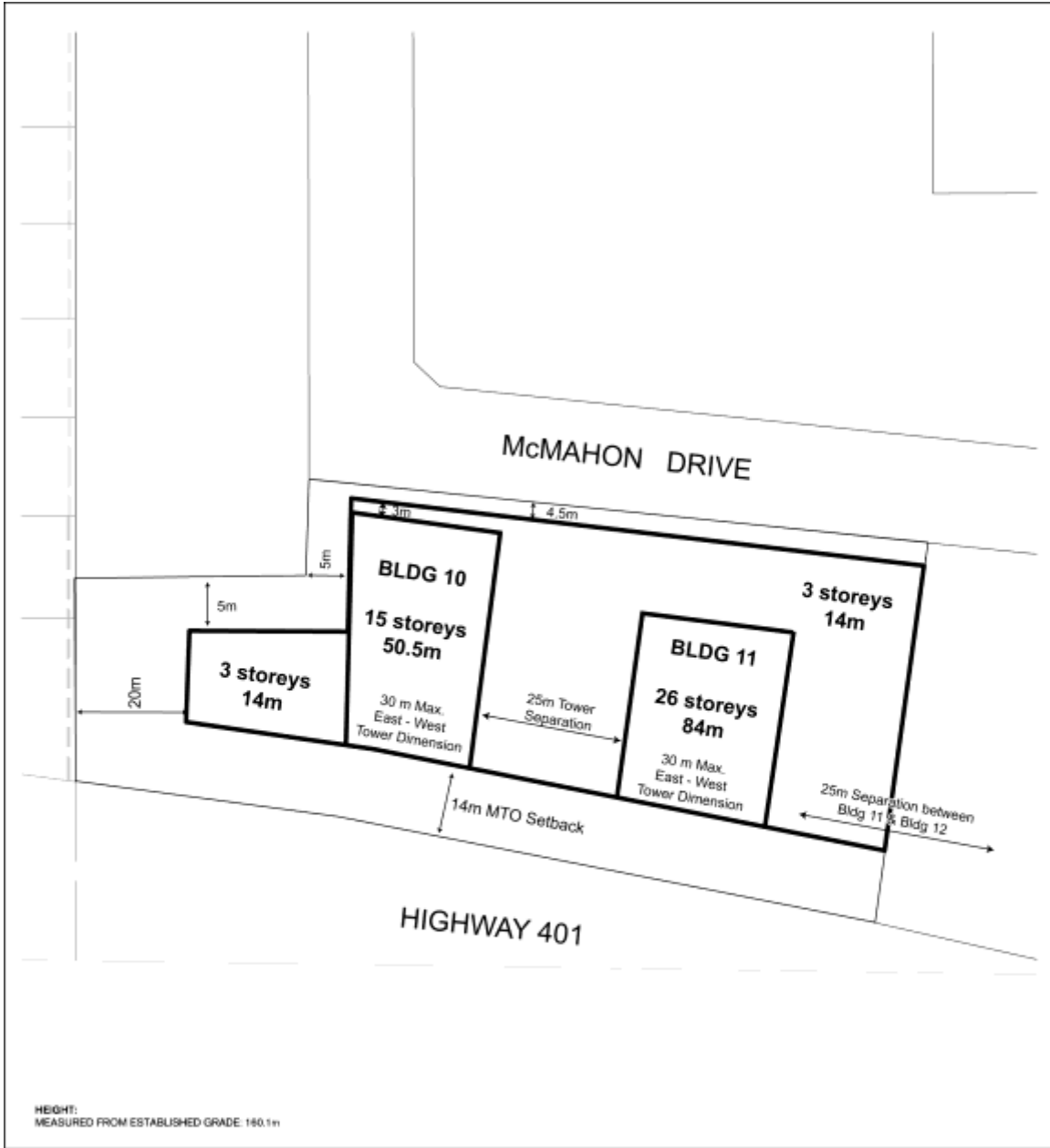


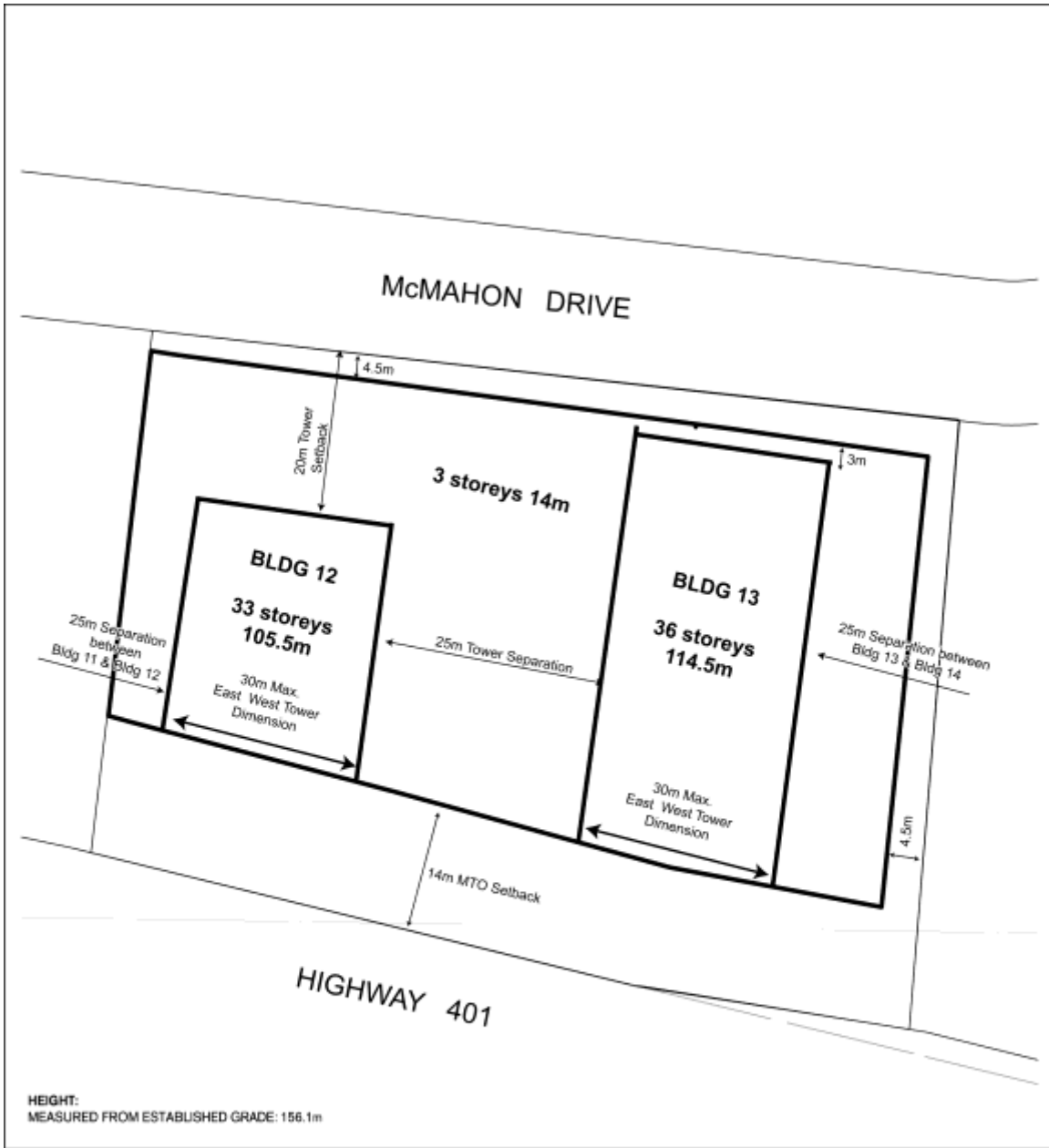












HEIGHT:  
MEASURED FROM ESTABLISHED GRADE: 156.1m



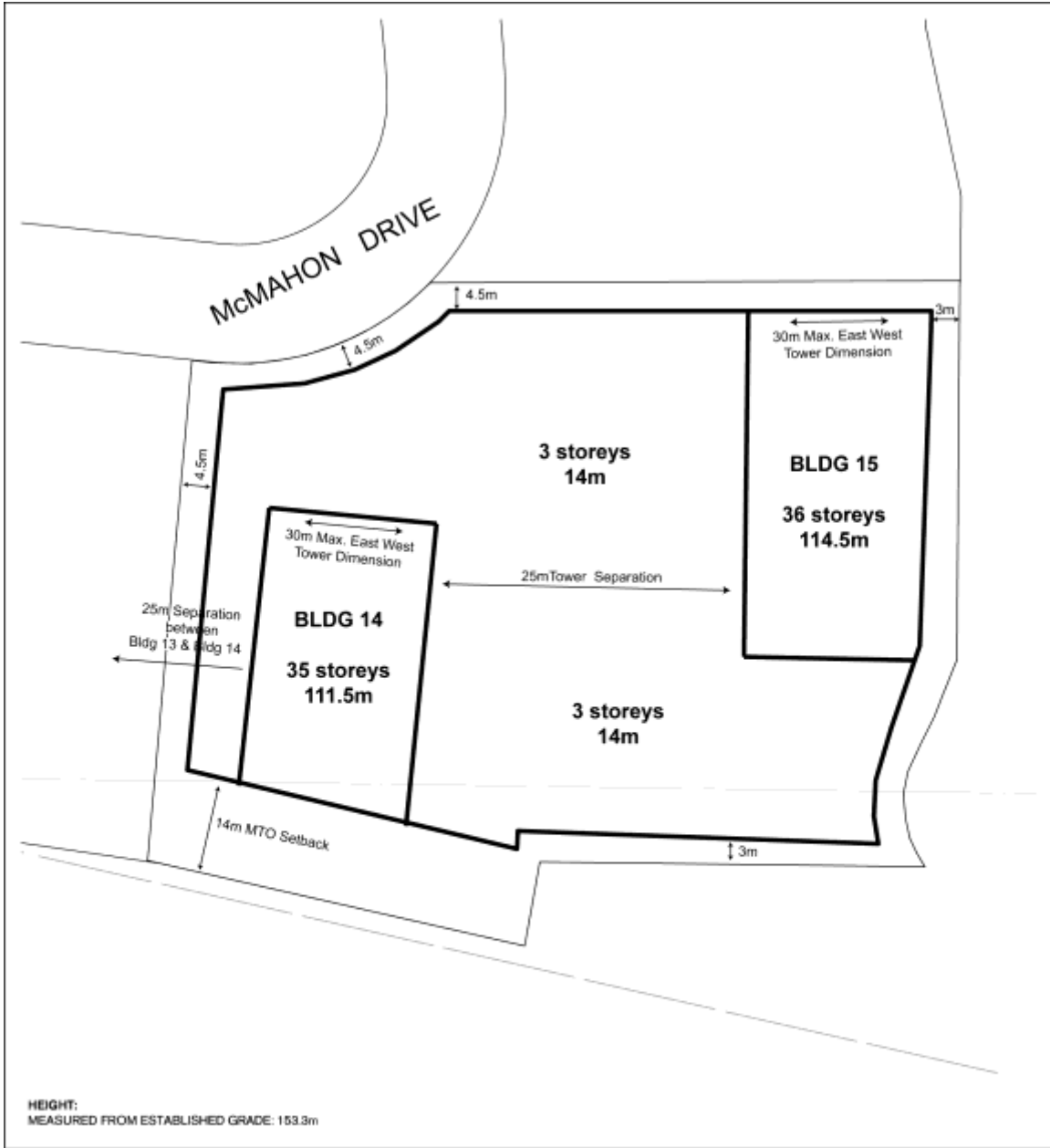
Schedule RM6 (208) F

From Applicant's Drawings.

File # 10 227038 NNY 24 0Z

Date: 06/08/2012  
Approved by: L.P.

↑  
Not to Scale



HEIGHT:  
MEASURED FROM ESTABLISHED GRADE: 153.3m



Schedule RM6 (208) G

From Applicant's Drawings.

File # 10 227038 NNY 24 02

Date: 11/22/2012  
Approved by: L.P.





**Schedule 2**

1. Vehicle parking shall apply to residential and commercial uses in accordance with the following rates:

Use	Parking Space Ratios	
	Minimum	Maximum
<b>Residential Dwellings</b>		
Bachelor	0.6 /unit	0.9/unit
1-bedroom	0.7/unit	1.0/unit
2-bedroom	0.9/unit	1.3/unit
3-bedroom or more	1.0/unit	1.5/unit
Visitor Parking	0.14/unit	No maximum
<b>Commercial</b>		
General Office	1.0/100 m <sup>2</sup>	2.0/100 m <sup>2</sup>
Retail (0 spaces for GFA of 200m <sup>2</sup> or less)	1.0/100 m <sup>2</sup>	4.0/100 m <sup>2</sup>
Grocery Store	1.0/100 m <sup>2</sup>	4.5/100 m <sup>2</sup>
Restaurant, Take-out Restaurant	0 parking spaces	5.0/ 100 m <sup>2</sup>
Day Nursery	0.4/100 m <sup>2</sup>	0.8/100 m <sup>2</sup>
Elementary School	1.5/classroom and office	No maximum
Secondary School	2.0/classroom and office	No maximum
Non Residential not listed above	1.0/100 m <sup>2</sup>	4.0/100 m <sup>2</sup>

1.1 Shared parking

Shared Residential Visitor and Non-Residential parking is permitted in accordance with the following table. The percentages shown in the Table are to be applied to the parking supply standards outlined in 1 above for each specific use, with the total combined supply calculated on the highest aggregate supply for any of the time periods considered in the sharing calculation. Shared parking is to be provided on the same Parcel as the uses for which the parking is provided.

	<b>AM</b>	<b>PM</b>	<b>Evening</b>
Residential Visitor	0% of supply standard	35% of supply standard	100% of supply standard
Office	100% of supply standard	60% of supply standard	0% of supply standard
Other Non-residential uses excluding a restaurant, take-out restaurant	20% of supply standard	100 % of supply standard	100% of supply standard

### 1.2 Car Share

For any apartment or condominium development, the minimum parking requirement shall be reduced by up to 4 parking spaces for each dedicated car share parking space. The limit on this parking reduction is calculated as the greater of:

- (a) 4 x (total number of units/60) rounded down to the nearest whole number; or
- (b) 1 space

### 1.3 Parking spaces required for a building on a lot shall be provided on the lot except that up to 20% of the parking spaces required for buildings on Parcels E and F may be provided on either Parcel E or F, provided that the number of parking spaces required by this Exception for a building shall be provided at all times.

### 1.4 No additional parking spaces shall be required for a home occupation use.

### 1.5 Notwithstanding clause 1 above, for Parcel D the minimum visitor parking requirement for residential dwellings shall be 0.1 spaces per unit.

### 2. Bicycle parking shall apply to residential and commercial uses as follows:

<b>Use</b>	<b>Bicycle Parking Space Ratios</b>	
	<b>Short Term Minimum</b>	<b>Long Term Minimum</b>
Apartment Dwelling	0.15/unit	0.6/ unit
Retail Store	Greater of 0.25/GFA of 100 m <sup>2</sup> or 6 spaces	0.13/GFA of 100 m <sup>2</sup>
Restaurant, Take-out Restaurant	Greater of 0.25/GFA of 100 m <sup>2</sup> or 6 spaces	0.13/GFA of 100 m <sup>2</sup>
Personal Service Shop	Greater of 0.25/GFA of 100 m <sup>2</sup> or 6 spaces	0.13/GFA of 100 m <sup>2</sup>
Office	Greater of 0.15/GFA of 100 m <sup>2</sup> or 6 spaces	0.13/GFA of 100 m <sup>2</sup>

- 2.1 If a short term or long term bicycle parking space is required for a use on a lot, other than a dwelling unit, and the total interior floor area of all such uses on the lot is 200 square metres or less, then a total of two bicycle parking spaces are required.
- 2.2 A bicycle parking space must be located on the same lot as the use for which it is required.
- 2.3 If the calculation of the minimum required bicycle parking spaces results in a fraction of a space being required, the number of spaces must be rounded up to the next whole number.
- 2.4 A bicycle parking space must have the following minimum dimensions:
- (a) If located in a horizontal position (on the ground):
    - (i) Minimum length of 1.8 metres;
    - (ii) Minimum width of 0.6 metres;
    - (iii) Minimum vertical clearance from the ground of 1.9 metres.
  - (b) If located in a vertical position (on the wall):
    - (i) Minimum length or vertical clearance of 1.9 metres;
    - (ii) Minimum width of 0.6 metres;
    - (iii) Minimum horizontal clearance from the wall of 1.2 metres.
- 2.5 An area used to provide vertical bicycle parking spaces must have a minimum vertical clearance of 1.9 metres. If a stacked bicycle parking space is provided, the minimum vertical clearance for each stacked bicycle parking space is 1.2 metres and the area used to provide stacked bicycle parking spaces must have a minimum vertical clearance of 2.4 metres.
- 2.6 Long-Term bicycle parking spaces must be located in a secure, weather protected and enclosed bicycle parking area.
- 2.7 If the requirement for Short-Term bicycle parking spaces is more than 10, at least 50% of the required Short-Term bicycle parking spaces must be located in a bicycle parking area at grade.
- 2.8 If a lot containing an apartment building is located in a Residential Zone category then a long-term bicycle parking space must be located:
- (a) On the first floor of the building; or
  - (b) On the first floor of the building below grade used for vehicular parking spaces.
- 2.9 If a building contains uses, other than dwelling units for which a bicycle parking space is required, shower and change facilities must be provided for each gender for every 30 bicycle parking spaces.

- 2.10 A minimum of 50% of the required Long Term bicycle parking spaces must not be in a vertical position.
3. Loading spaces shall apply to residential and commercial uses in accordance with the following rates:

<b>USE</b>	<b>CRITERIA</b>	<b>NUMBER AND TYPE OF LOADING SPACE</b>
Dwelling units	0 to 30 units	None required
	31 to 399 dwelling units per Parcel	1-Type G
	400 dwelling units or more per Parcel	1-Type G and 1-Type C
Retail Store, Restaurant, Take-out Restaurant, Personal Service Shop	0 to 499 m <sup>2</sup>	None required
	500 to 1999 m <sup>2</sup>	1 Type B
	2000 to 4999 m <sup>2</sup>	2 Type B
Grocery Store	0 to 499 m <sup>2</sup>	None required
	500 to 999 m <sup>2</sup>	1 Type B
	1000 to 1999 m <sup>2</sup>	1 Type A
	2000 to 4999 m <sup>2</sup>	1 Type A 1 Type B
Office	0 to 499 m <sup>2</sup>	None Required
	500 to 999 m <sup>2</sup>	1 Type B
	1000 to 1999 m <sup>2</sup>	1 Type B and 1 Type C
	2000 to 3999 m <sup>2</sup>	1 Type B and 1 Type C
	5000 to 9999 m <sup>2</sup>	3 Type B
Non-Residential Uses not included above	499 m <sup>2</sup> or less	None Required
	500m <sup>2</sup> up to and including 2300 m <sup>2</sup>	1 Type B
	2301 m <sup>2</sup> to 7500 m <sup>2</sup>	2 Type B
	7501 to 14000 m <sup>2</sup>	3 Type B

- 3.1 Provide loading spaces on-site as follows:
- (a) The calculation of loading spaces must include the total gross floor area used by the principal use plus the total gross floor area used by all uses ancillary to the principal use.
  - (b) The interior floor area of a building that is used exclusively for heating, cooling, ventilation, electrical, emergency stairwells, elevator shafts, atriums, storage in a basement, parking space, loading space, or a drive aisle used to access a parking space or loading space, is not included as gross floor area for the purpose of calculating loading space requirements.
  - (c) Loading spaces required for non-residential uses may be combined and shared with loading spaces required for dwelling units.
4. For the purposes of this Schedule 2, the following terms are defined:
- (a) Type A loading space shall mean a loading space with a length of at least 17.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.3 metres;
  - (b) Type B loading space shall mean a loading space with a length of at least 11.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres;
  - (c) Type C loading space shall mean a loading space with a length of at least 6.0 metres, a width of at least 3.5 metres and a vertical clearance of at least 3.0 metres; and
  - (d) Type G loading space shall mean a loading space with a length of at least 13 metres, a width of at least 4.0 metres and a vertical clearance of at least 6.1 metres.

