

Authority: North York Community Council Item NY7.7, as adopted by City of Toronto Council on July 7, 8 and 9, 2015

CITY OF TORONTO

BY-LAW No. 1307-2015

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 741 and 747 Sheppard Avenue West.

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 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 owner of the lands hereinafter referred to has 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; and

Whereas authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law and to impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied;

The Council of the City of Toronto enacts:

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 (226) RM6 (226)

DEFINITIONS:

- (a) For the purposes of this exception, "apartment house dwelling" shall include, in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access directly from the outside or from an internal corridor system, or any combination thereof.
- (b) For the purposes of this exception, "floor area, gross" shall mean the total area of all of the floors in a building above or below grade measured from the outside walls but shall exclude mechanical rooms and elevator shafts above grade and exclude the following areas below grade: car parking areas, bicycle parking areas, storage areas for lockers, elevator shafts, elevator lobby, mechanical and electrical rooms and stairwells.
- (c) For the purposes of this exception, "established grade" shall mean the elevation as fixed by the municipality at the centre line of the street at the midpoint of the lot line abutting Sheppard Avenue West, being the geodetic elevation of 187.4 m.

PERMITTED USES:

- (d) The only permitted uses shall be an apartment house dwelling and uses accessory thereto including private recreational amenity areas.
- (e) The following commercial uses on the ground floor only: professional office, personal service shop, professional medical office, retail store, and service shop.

EXCEPTION REGULATIONS

Dwelling Units:

- (f) A maximum of 107 residential dwelling units shall be permitted.

Lot Coverage:

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

Yard Setbacks:

- (h) The minimum yard setbacks for buildings and structures above established grade shall be shown on Schedule RM6(226).

- (i) Notwithstanding (h) above, the minimum yard setbacks for parking structures and structures associated thereto below established grade shall be 0.0 m for all property lines.

Distance between Buildings and/or Portions of Buildings forming Courts:

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

Gross Floor Area:

- (k) A maximum gross floor area of 9,646 m² shall be permitted, of which a minimum of 310 m² shall be for commercial uses listed in (e) above.

Building Height:

- (l) The building height shall not exceed 26.0 m above established grade.
- (m) Notwithstanding (l) above, one-storey mechanical rooms shall be permitted to exceed this height limit.
- (n) Notwithstanding (l) above, the height of any portion of a building or structure above established grade, including balcony railings, mechanical penthouses and mechanical rooms, shall not exceed the horizontal distance between the building and the south lot line of the property.

Landscaping:

- (o) The provisions of Section 15.8 (Landscaping) shall not apply.
- (p) A minimum 1.65 m wide landscape strip shall be provided along the south property line.
- (q) A 1.8-metre tall wood board-on-board fence is required along the southerly lot line.

Recreational Amenity Area:

- (r) A minimum of 1.5 m² per unit of indoor amenity space shall be provided.
- (s) A minimum of 1.5 m² per unit of outdoor amenity space shall be provided.

Parking:

- (t) Parking for residential uses within the site shall be provided in accordance with the following:
 - (A) A minimum of 0.8 parking spaces per 1 bedroom.

- (B) A minimum of 0.9 parking spaces per 2 bedroom.
 - (C) A minimum of 1.1 parking spaces per 3 bedroom.
 - (D) A minimum of 0.15 parking spaces per dwelling unit shall be for the use of residential visitors.
 - (E) A minimum of 1 parking spaces per 100 m² shall be for the use of commercial visitors.
 - (F) A maximum of 8 visitor spaces may be shared between commercial uses and the residential visitor parking.
- (u) The provisions of Section 6A(8)(c) and (d) (Parking Regulations for RM Zones Other Than RM2 Zones) shall not apply.

Bicycle Parking:

- (v) A minimum of 24 short term bicycle parking spaces and 64 long term bicycle parking spaces shall be provided, for a total of 88 bicycle parking spaces.

Loading:

- (w) Notwithstanding Sections 6A(16)(c) and 6A(16)(d), 1 loading space shall be required with minimum dimensions of 11.0 m long, 3.6 m wide and a vertical clearance of 4.2 m, with access provided by means of an unobstructed driveway with a minimum width of 6.0 m, and a maximum slope of a driveway leading to the loading space shall be 10%.

DIVISION OF LANDS

- (x) Notwithstanding any severance, partition or division of the lands shown on Schedule "1", 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.

HOLDING PROVISIONS

- (y) An "H" shall be appended to the zone symbol "RM6(226)" as shown on Schedule 1.
- (z) Prior to the removal of the "H", the lands shown on Schedule 1 shall only be used for uses existing as of the date of passing of this By-law.
- (aa) The "H" shall be lifted from the lands shown on Schedule 1 at such a time as the sanitary servicing solution is acceptable, to the satisfaction of the Executive Director of Engineering and Construction Services, North District.
- (bb) Following the lifting of the "H", the uses permitted in the RM6(226) zone shall be permitted as shown on Schedule 1.

3. SECTION 37

- (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in density of development on the lot contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the following facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lot, to the satisfaction of the City Solicitor:
- (i) prior to issuance of the first above-grade building permit for a building or structure on the lot, the owner shall make a cash contribution to the City in the amount of \$55,000.00, to be used for local parks and/or City facilities in the area, in consultation with the Ward Councillor and appropriate City staff.
 - (ii) The amount in section 3(a)(i) shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

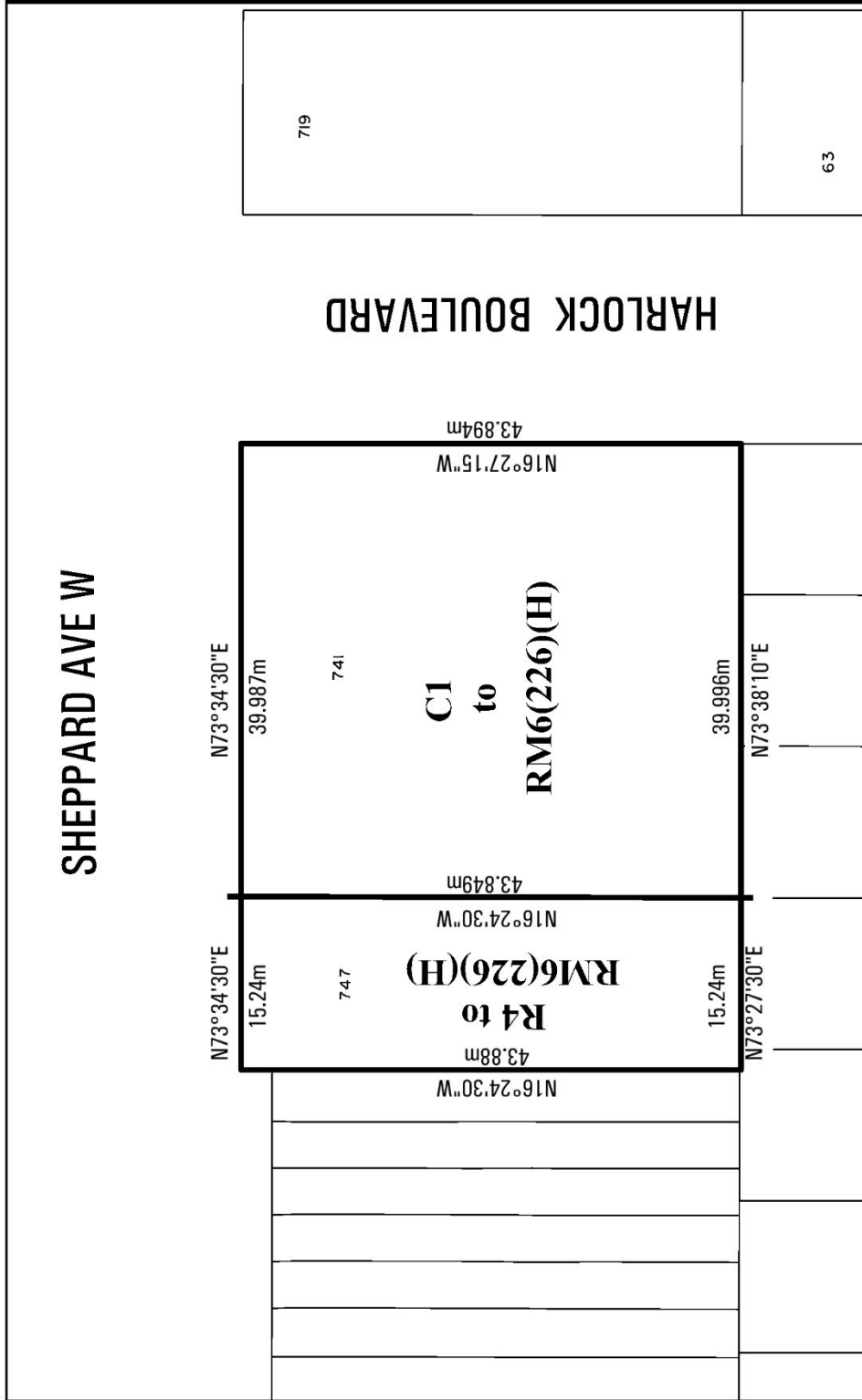
4. Former City of North York By-law No. 30126, including Schedule A, as it pertains the former City of North York Zoning By-law No. 7625, is hereby repealed.
5. Within the lands shown on Schedule 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless 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 on December 10, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



Schedule 1

Part of Lots 8 & 9 Registered Plan 1938 City of Toronto (Formerly City of North York Municipality of Metropolitan Toronto)

File # 12 139344 NNY 10 0Z

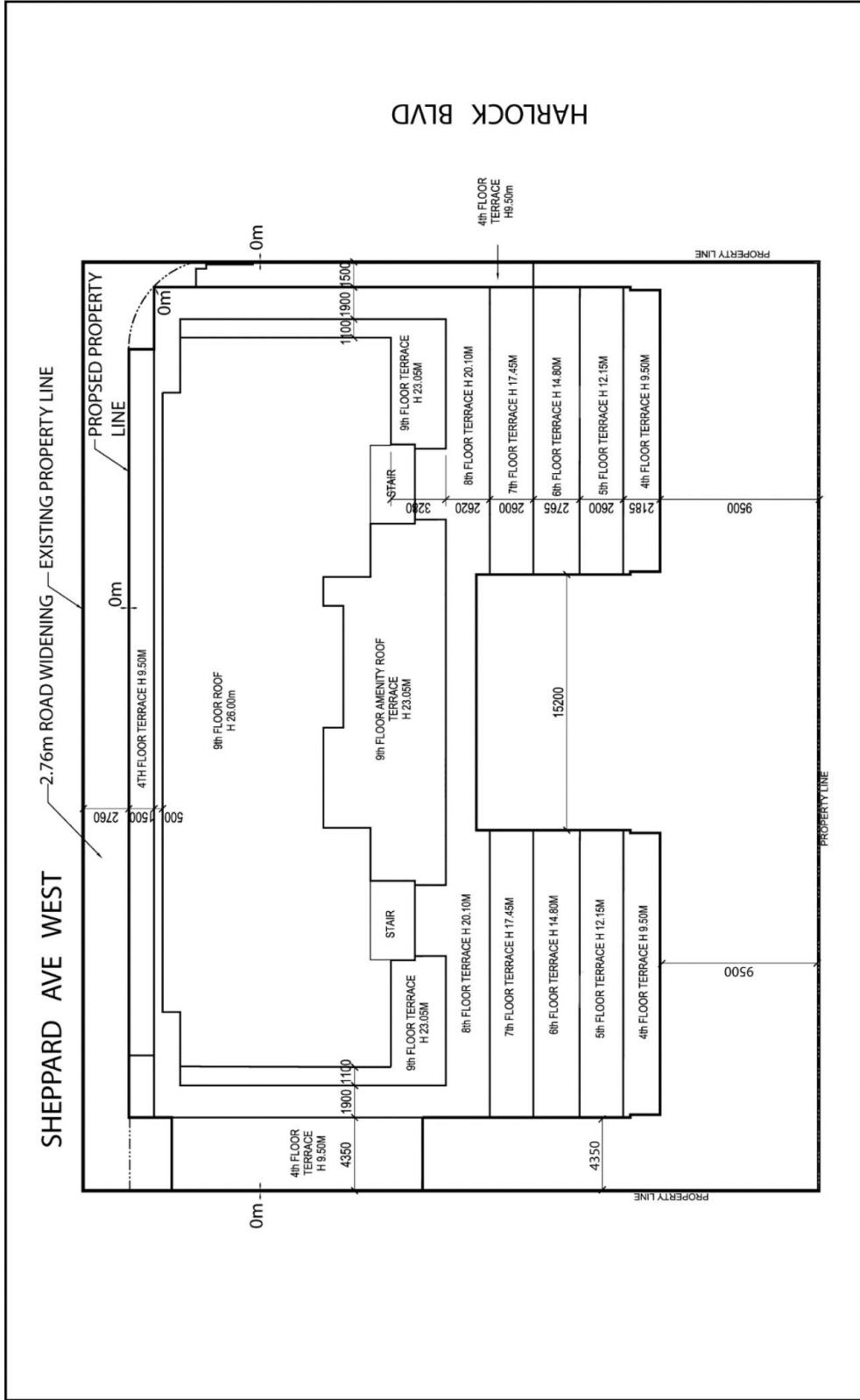
KRCMAR O.L.S.

Date: 04/30/2015

Approved by: D.S.



Not to Scale



Schedule RM6(226)

File # 12 139344 NNY 10 02



Not to Scale



From Applicant's Drawing

Date: 03/12/2015

Approved by: Doug Stiles