

Authority: Scarborough Community Council Item SC6.15,
as adopted by City of Toronto Council on June 10, 11 and
12, 2015

CITY OF TORONTO

BY-LAW 563-2019

To amend former City of Scarborough Zoning By-law 12360 (Tam O'Shanter Community), as amended, with respect to the lands known municipally in the year 2019 as 3445 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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or 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 and matters in return for an increase in the height or density of development, the publicity may require the owner to enter into one or more agreements with the publicity dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 12360 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

- 1. SCHEDULE 'A'** of the Tam O'Shanter Community Zoning By-law 12360, as amended, is further amended by deleting the current zoning, including removing the holding provision, for the lands known as 3445 Sheppard Avenue East and replacing it with the following provisions as shown on Schedule '1' attached and forming part of this By-law:

CR – 210 – 230 - 231 - 232 – 233 – 234 – 235 – 236 – 319 – 320 – 321 – 431 – 432 – 454
– 455 – 475 – 476 – 502 – 503 - 508 – 509 – 510 – 512 – 513 - 514

M - 234 – 235 – 237 – 238 – 239 – 240 – 241 – 242 – 243 – 244 – 245 – 319 – 320 – 321
– 428 – 455 – 475 – 476 - 513

P

2. **SCHEDULE 'B', PERFORMANCE STANDARD CHART**, is amended by adding the following performance standards:

BUILDING SETBACKS

210. A building shall not penetrate a 45-degree **angular plane** at a **height** along a lot line that abuts a **street** and is not a **rear lot line**, equal to 80 percent of the width of the **street** right-of-way on which the lot has frontage.
230. For the building located closest to the west property line, building **setbacks** shall be provided as follows:
- (a) Minimum building **setback** of 4.5 metres from the Sheppard Avenue East **street** line to the first through sixth **storeys** above grade.
 - (b) Minimum building **setback** of 6.5 metres from the Sheppard Avenue East street line to the seventh through tenth **storeys** above grade. Balconies may project a maximum of 2.0 metres into this **setback** and shall not be considered part of the **main wall**. A seventh floor terrace may project a maximum of 2.0 metres and shall not be considered part of the **main wall**.
 - (c) Minimum building setback of 3.6 metres from the abutting "**P**" Zone to the first through third **storeys** above grade.
 - (d) Minimum building setback of 5.1 metres from the abutting "**P**" Zone to the fourth through sixth **storeys** above grade. A fourth floor terrace may project a maximum of 1.5 metres and shall not be considered part of the **main wall**.
 - (e) Minimum building setback of 6.6 metres from the abutting "**P**" Zone to the seventh through tenth **storeys** above grade. A seventh floor terrace may project a maximum of 1.5 metres and shall not be considered part of the **main wall**.
 - (f) Minimum building **setback** of 13.3 metres from the closest south property line to the first through fourth **storeys** above grade.

- (g) Minimum building **setback** of 24.0 metres from the closest south property line to the fifth through seventh **storeys** above grade. A fifth floor terrace may project a maximum of 2.8 metres and shall not be considered part of the **main wall**.
 - (h) Minimum building **setback** of 26.7 metres from the closest south property line to the eighth **storey** above grade. A eighth floor terrace may project a maximum of 2.8 metres and shall not be considered part of the **main wall**.
 - (i) Minimum building **setback** of 28.2 metres from the closest south property line to the ninth **storey** above grade. A ninth floor terrace may project a maximum of 1.5 metres and shall not be considered part of the **main wall**.
 - (j) Minimum building **setback** of 31.4 metres from the closest south property line to the tenth **storey** above grade. A tenth floor terrace may project a maximum of 3.0 metres and shall not be considered part of the **main wall**.
231. The minimum building separation distances between the **main wall** of the building closest to the west property line and the **main wall** of the building closest to the east property line shall be as follows:
- (a) A minimum of 15 metres to the first through sixth **storeys** above grade.
 - (b) A minimum of 17.0 metres to the seventh **storey** above grade and higher. On the building closest to the west property line, a seventh floor terrace may project a maximum of 2.0 metres and shall not be considered part of the **main wall**.
232. For the building located closest to the east property line, building **setbacks** shall be provided as follows:
- (a) Minimum building **setback** of 4.5 metres from the Sheppard Avenue East **street** line to the first through sixth **storeys** above grade.
 - (b) Minimum building **setback** of 6.5 metres from the Sheppard Avenue East **street** line to the seventh through eleventh **storeys** above grade. Balconies may project a maximum of 2.0 metres into this **setback** and shall not be considered part of the **main wall**. A seventh floor terrace may project a maximum of 2.0 metres and shall not be considered part of the **main wall**.
 - (c) Minimum building **setback** of 9.2 metres from the Sheppard Avenue East **street** line to the twelfth **storey** above grade. A twelfth floor terrace may project a maximum of 2.7 metres and shall not be considered part of the **main wall**.

- (d) Minimum building **setback** of 12.2 metres from the Sheppard Avenue East **street** line to the thirteenth **storey** above grade. A thirteenth floor terrace may project a maximum of 3.0 metres and shall not be considered part of the **main wall**.
 - (e) Minimum building **setback** of 15.3 metres from the Sheppard Avenue East **street** line to the fourteenth **storey** above grade. A fourteenth floor terrace may project a maximum of 3.0 metres and shall not be considered part of the **main wall**.
 - (f) Minimum building **setback** of 0.0 metres from the east property line to the first through sixth **storeys** above grade.
 - (g) Minimum building **setback** of 5.9 metres from the east property line to the seventh **storey** above grade and higher. A seventh floor terrace may project a maximum of 3.0 metres and shall not be considered part of the **main wall**. Balconies on the eighth through eleventh storeys above grade may project a maximum of 2.0 metres into this **setback** and shall not be considered part of the **main wall**.
 - (h) Minimum building setback of 13.2 metres from the abutting "**M**" Zone to the first through sixth **storeys** above grade.
 - (i) Minimum building setback of 25.4 metres from the abutting "**M**" Zone to the seventh **storey** above grade and higher. A seventh floor terrace may project a maximum of 2.0 metres and shall not be considered part of the **main wall**. Balconies may project a maximum of 1.5 metres and shall not be considered part of the **main wall**.
233. For that portion of buildings above six storeys, buildings shall be setback at a minimum an additional 1.5 metres from that portion of the building closest to all **street** lines.

For the purposes of this Performance Standard, the wall below six storeys, shall be no less than 75 percent in length of all buildings, of the overall length of the walls facing all **street** lines.

234. The minimum building separation distances between the northerly building closest to east property line in the "**M**" Zone and the building closest to the east property line in the "**CR**" Zone shall be as follows:
- (a) A minimum of 15.1 metres from the north **main wall** of the northerly building closest to east property line in the "**M**" Zone and the first through sixth **storeys** above grade of the south **main wall** of the building closest to the east property line in the "**CR**" Zone such that a line projected at a right angle from of these **main walls** intercepts the other **main wall**.

- (b) A minimum of 27.3 metres from the north **main wall** of the northerly building closest to east property line in the "M" Zone and the seventh **storey** above grade and higher of the south **main wall** of the building closest to the east property line in the "CR" Zone such that a line projected at a right angle from of these **main walls** intercepts the other **main wall**. On the building in the "CR" Zone closest to the east property line, a seventh floor terrace may project a maximum of 2.0 metres and shall not be considered part of the **main wall**. Balconies may project a maximum of 1.5 metres and shall not be considered part of the **main wall**.
235. The minimum building separation distance between the northerly building closest to the west property line in the "M" Zone and the building closest to the east property line in the "CR" Zone shall be as follows:
- (a) A minimum of 36.8 metres from the north **main wall** of the northerly building closest to the west property line in the "M" Zone and the south **main wall** of the building closest to the east property line in the "CR" Zone such that a line projected at a right angle from of these **main walls** intercepts the other **main wall**.
236. For the building located closest to the west property line, a rooftop mechanical penthouse shall be provided as follows:
- (a) A maximum area of 163 square metres.
- (b) A maximum height of 5.5 metres above the roof of the uppermost floor.
- (c) A setback from the main wall of the uppermost floor closest to the Sheppard Avenue East street line shall be a maximum of 3.9 metres.
- (d) A setback from the main wall of the uppermost floor closest to the west lot line shall be a maximum of 7.2 metres.
- (e) A setback from the main wall of the uppermost floor closest to the south lot line shall be a maximum of 1.6 metres.
- (f) A setback from the main wall of the uppermost floor closest to the east lot line shall be a maximum of 14.4 metres.
237. Buildings shall not exceed a 45-degree angular plane from the lot-line of abutting "S" and "M" Zones.
238. For the northerly building located closest to the west property line, building **setbacks** shall be provided as follows:
- (a) Minimum building **setback** of 7.5 metres from the west property line to the **basement**.

- (b) Minimum building **setback** of 9.0 metres from the west property line to the first through the second **storeys** above grade.
 - (c) Minimum building **setback** of 11.2 metres from the west property line to the third **storey** above grade.
 - (d) Minimum building setback of 12.8 metres from the abutting "**CR**" Zone.
239. The minimum building separation distance between the **main wall** of the northerly building closest to the west property line and the **main wall** of the southerly building closest to the west property line shall be 11 metres.
240. The minimum building separation distance between the **main wall** of the northerly building closest to the west property line and the **main wall** of the northern building closest to the east property line shall be 18.7 metres.
241. For the southerly building located closest to the west property line, building **setbacks** shall be provided as follows:
- (a) Minimum building **setback** of 7.5 metres from the south property line to the **basement**.
 - (b) Minimum building **setback** of 8.4 metres from the south property line to the first through the second **storeys** above grade.
 - (c) Minimum building **setback** of 10.6 metres from the south property line to the third **storey** above grade.
242. The minimum building separation distance between the **main wall** of the southerly building closest to the west property line and the **main wall** of the southerly building closest to the east property line shall be 1.8 metres.
243. For the southerly building located closest to the east property line, building **setbacks** shall be provided as follows:
- (a) Minimum building **setback** of 7.5 metres from the south property line to the **basement**.
 - (b) Minimum building **setback** of 8.4 metres from the south property line to the first through the second **storeys** above grade.
 - (c) Minimum building **setback** of 10.6 metres from the south property line to the third **storey** above grade.
244. The minimum building separation distance between the **main wall** of the southerly building closest to the east property line and the **main wall** of the northerly building closest to the east property line shall be 11 metres.

245. For the northerly building located closest to the east property line, building **setbacks** shall be provided as follows:
- (a) Minimum building **setback** of 7.5 metres from the east property line to the **basement**.
 - (b) Minimum building **setback** of 9.1 metres from the east property line to the first through the second **storeys** above grade.
 - (c) Minimum building **setback** of 11.3 metres from the east property line to the third **storey** above grade.
 - (d) Minimum building **setback** of 1.9 metres from the abutting "CR" Zone.

INTENSITY OF USE

319. Minimum **Gross Floor Area** 1.0 times the area of the entire parcel covered by this By-law, including the "CR" and "M" Zones but excluding the "P" Zone, as shown on Schedule '1' attached.
320. Maximum **Gross Floor Area** 2.8 times the area of the entire parcel covered by this By-law, including the "CR" and "M" Zones but excluding the "P" Zone , as shown on Schedule 1' attached.
321. Maximum 352 **dwelling units** for the entire parcel covered by this By-law, including both the "CR" and "M" Zones but excluding the "P" Zone, as shown on Schedule '1' attached.

HEIGHT

428. Minimum **height** of 2 **storeys** and a maximum height of 3 **storeys**, excluding **basements**.
431. For the building closest to the west lot line, minimum **height** of 10.5 metres or 3 storeys, whichever is the greater, and a maximum **height** of 31.5 metres or 10 storeys, whichever is the lesser, excluding **basements** and rooftop mechanical penthouses.
432. For the building closest to the east lot line, minimum **height** of 10.5 metres or 3 storeys, whichever is the greater, and a maximum **height** of 43.2 metres or 14 storeys, whichever is the lesser, excluding **basements** and rooftop mechanical penthouses.

PARKING

454. **Parking spaces** shall not be located in the Sheppard Avenue East and Warden Avenue **street yard** for all new buildings constructed after January 1, 2012.

455. Minimum vehicle **parking spaces** as follows:

- (a) 0.7 **parking spaces** per bachelor **dwelling unit**;
- (b) 0.8 **parking spaces** per one bedroom **dwelling unit**;
- (c) 0.9 **parking spaces** per two bedroom **dwelling unit**;
- (d) 1.1 **parking spaces** per three or more bedroom **dwelling unit**; and
- (e) 0.15 **parking spaces** per **dwelling unit** for visitors.

Maximum vehicle **parking spaces** as follows:

- (a) 1.0 **parking spaces** per bachelor **dwelling unit**;
- (b) 1.2 **parking spaces** per one bedroom **dwelling unit**;
- (c) 1.3 **parking spaces** per two bedroom **dwelling unit**;
- (d) 1.6 **parking spaces** per three or more bedroom **dwelling unit**; and
- (e) 0.15 **parking spaces** per **dwelling unit** for visitors.

BICYCLE PARKING

475. **Bicycle parking spaces** shall be provided at a rate of:

- (a) 0.7 long term **bicycles parking spaces** for each **dwelling unit**;
- (b) 0.08 short term **bicycle parking spaces** for each **dwelling unit** and where:
 - i. Long-term bicycle parking are **bicycle parking spaces** for use by the occupants or tenants of a building and must be located in a secure, weather protected and enclosed bicycle parking area within 30.0 metres from a pedestrian entrance to the principal building on the lot; and
 - ii. Short-term bicycle parking are **bicycle parking spaces** for use by visitors to a building and shall be located in bicycle parking area at grade within 30.0 metres from a pedestrian entrance to the principal building on the lot.

Bicycle parking space for a **dwelling unit** shall not be located:

- (a) in a **dwelling unit**; or
- (b) on a balcony; or

- (c) in a storage locker; or
- (d) an area used for **ancillary** commercial space.

A **bicycle parking space** shall have the following dimensions:

- (a) if located in a horizontal position (on the ground):
 - minimum length of 1.8 metres;
 - minimum width of 0.6 metres;
 - minimum vertical clearance from the ground of 1.9 metres; and
- (b) if located in a vertical position (on the wall):
 - minimum length or vertical clearance of 1.9 metres;
 - minimum width of 0.6 metres;
 - minimum horizontal clearance from the wall of 1.2 metres.

476. Minimum 0.13 occupant **bicycle parking spaces** per 100 square metres of **gross floor area** for all uses excluding **dwelling units** and the greater of 0.15 visitor **bicycle parking spaces** per 100 square metres of **gross floor area** or 6 **bicycle parking spaces** for all uses excluding **dwelling units**.

MISCELANEOUS

- 502. Minimum floor to floor **height** of the **first floor** shall be 4.5 metres for that portion of a building located within 20.0 metres of the Sheppard Avenue East and Warden Avenue **street** line.
- 503. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-Clause 6, **Coverage**, shall not apply.
- 508. The provisions of this By-law shall apply collectively to this land notwithstanding its future division.
- 509. No person shall use any land or erect any building or structure unless the following public 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.

510. Sheppard Avenue East shall be deemed to be the **front lot line**.

512. **Main Wall Length:**

For the portion of the lot in the "CR" Zone having frontage on the Sheppard Avenue East street line: length of the **main wall** of the first 10.5 metres of the **height** of all buildings facing a **street** shall be no less than 80 percent of the adjacent **street** line frontage.

513. **Underground parking structures** shall have a minimum **setback** of 0 metres from all lot lines and a minimum setback of 0 metres from the abutting "P" Zone.

514. **Amenity Space** for each building containing 20 or more **dwelling units** shall be provided at a minimum rate of 4.0 square metres for each **dwelling unit**, on the following basis:

- (a) A minimum of 2 square metres for each **dwelling unit** shall be indoor **amenity space**.
- (b) A minimum of 40.0 square metres shall be outdoor **amenity space** adjoining or directly accessible to the indoor **amenity space**.
- (c) a maximum of 25 percent of the outdoor component may be in the form of a **green roof**.

3. **SCHEDULE 'C', EXCEPTION MAP and EXCEPTION LIST** is amended by adding Exception Number 85 to the lands shown on Schedule '2' as follows:

85. On those lands identified as Exception 85 on Schedule 'C', the following provisions apply:

- 1. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height and 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:

- (a) 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 \$600,000.00, to be directed towards the capital construction costs of the proposed Bridlewood YMCA Hub which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the registration of the Section 37 Agreement to the date of payment;
 - (b) the owner shall construct and maintain the development in accordance with Tier 1 - required measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee;
 - (c) the owner shall construct the park block to Above Base Condition, as approved by the General Manager of Parks, Forestry and Recreation, on those lands identified as the "P" Zone on shown on Schedule '1' attached; and
 - (d) the owner shall be responsible for any and all costs associated with signal timing optimization including but not limited to hardware modifications, if required, for the future background and total traffic conditions during peak hours at the intersection of Warden Avenue and Sheppard Avenue East.
 2. Where Section 1. above requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 3. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Section 1. above are satisfied.
 4. In the event the cash contribution referred to in Section 1. a) above *has* not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.
4. **SCHEDULE 'C', EXCEPTIONS LIST** is amended by deleting Exception Number 15, as it applies to all lands identified as Exception 15 on Schedule '2' and replacing it with the following:

15. On those lands identified as Exception 15 on Schedule 'C', the following provisions apply:
- (a) The only use permitted in the Multiple-Family Residential (M) Zone shall be **Multiple-Family Dwellings**.
5. **Schedule 'C', EXCEPTION MAP** is amended by deleting Exception Number 50 on those lands identified on Schedule '3'.
6. **SCHEDULE 'C', EXCEPTIONS MAP** is amended by deleting Exception Number 44, as it applies to all lands identified on Schedule '4' and replacing it with the lands identified as Exception 44 on Schedule '2'.

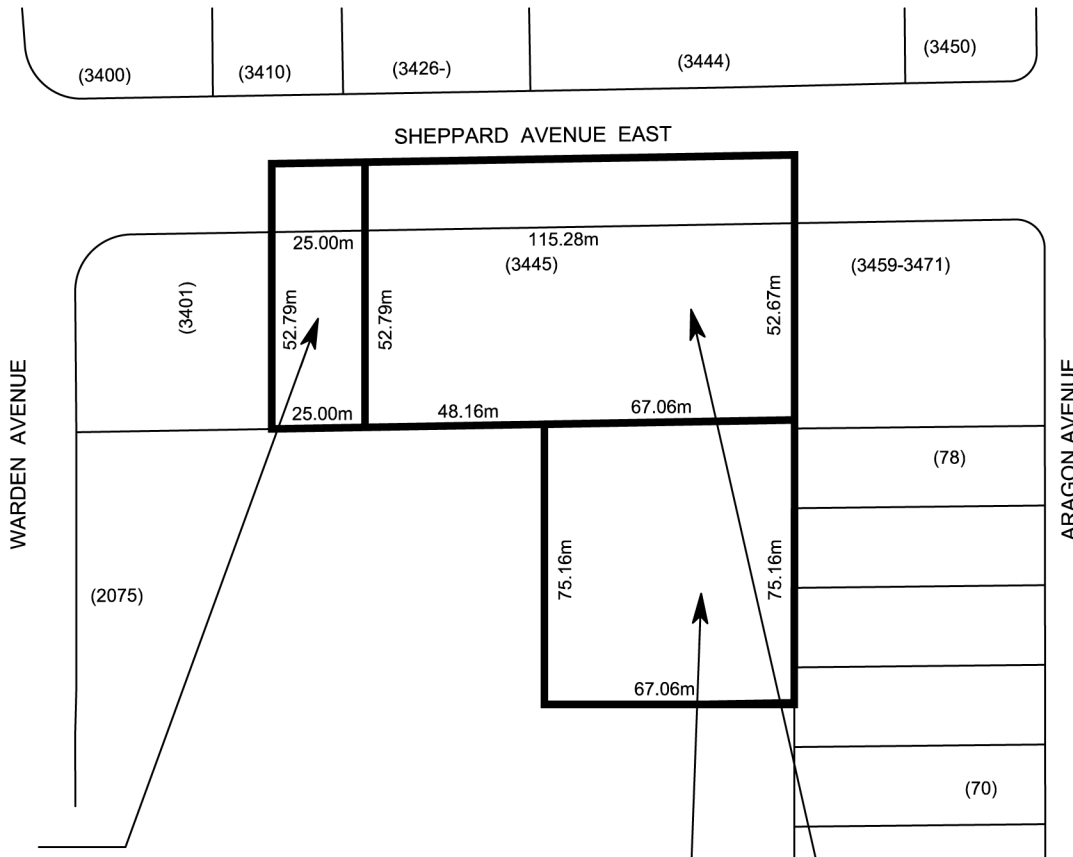
Enacted and passed on April 17, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Schedule '1'



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**M-234-235-237-238-239-240-
241-242-243-244-245-319-320-
321-428-455-475-476-513**

**CR-210-230-231-232-233-234-235-236-
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Zoning By-Law Amendment

3445 Sheppard Avenue East

File # 13 180572 ESC 40 0Z

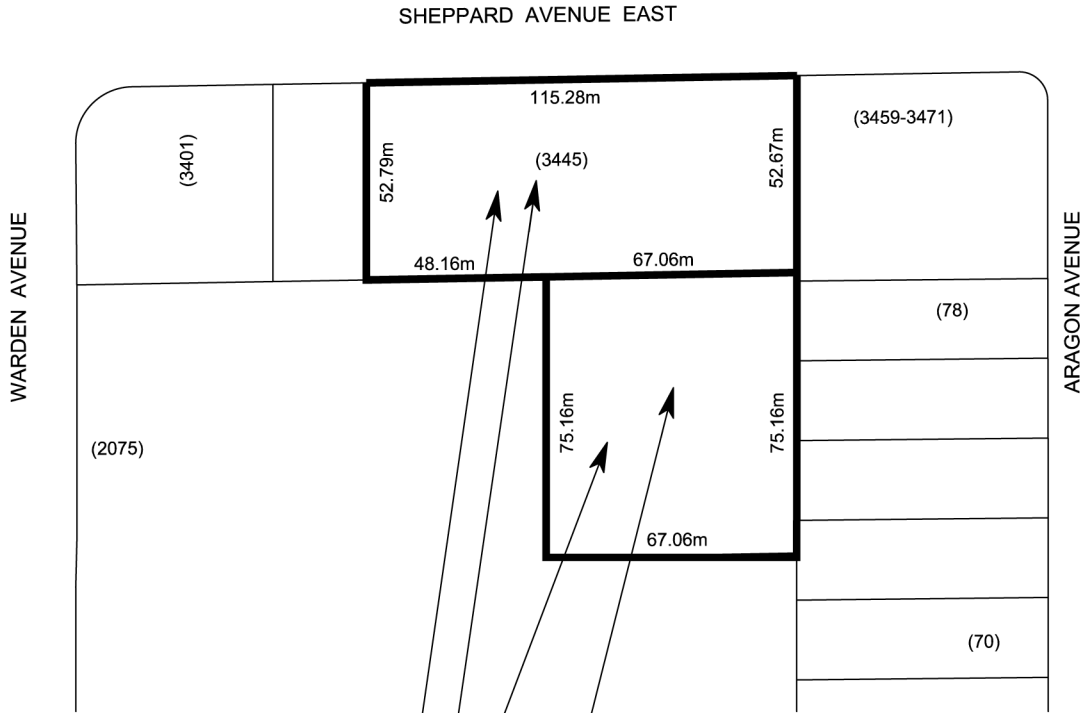
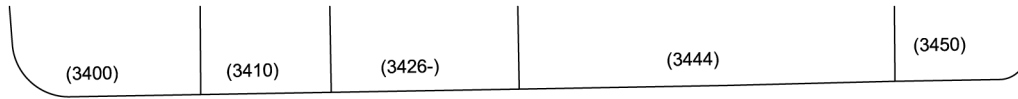


Area Affected By This By-Law

Tam O'Shanter Community By-Law
Not to Scale
4/23/15



Schedule ' 2 '



Exception No. 44

Exception No. 85

Exception No. 15

 **TORONTO** City Planning
Division
Zoning By-Law Amendment

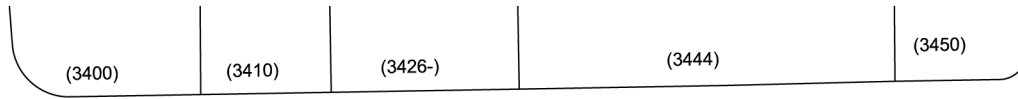
3445 Sheppard Avenue East
File # 13 180572 ESC 40 0Z

 Area Affected By This By-Law

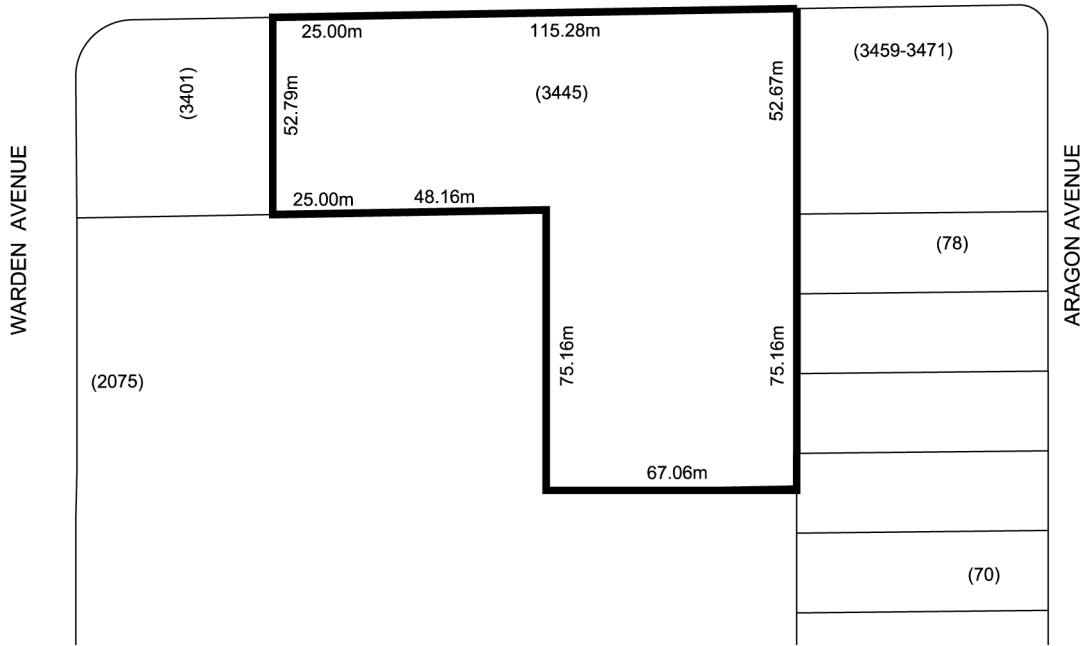
Tam O'Shanter Community By-Law
Not to Scale
4/17/15



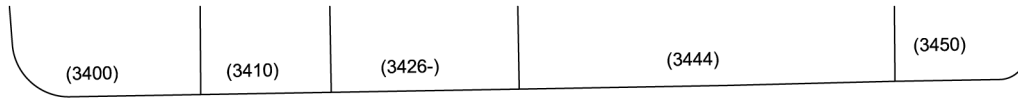
Schedule ' 3 '



SHEPPARD AVENUE EAST



Schedule ' 4 '



SHEPPARD AVENUE EAST

