

Authority: Local Planning Appeal Tribunal Decisions issued on January 8, 2019 and January 20, 2020 and Order issued September 28, 2020 and Ontario Land Tribunal Order issued April 22, 2022 in Tribunal Files PL180283, PL180284 and MM180028

CITY OF TORONTO

BY-LAW 2-2022(OLT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known in the year 2017 as 847, 849, 851, 853, 855, 857, 859, 861, 863, 865, 867, 869 and 871 Sheppard Avenue West.

Whereas the Ontario Land Tribunal, by its Order issued on April 22, 2022, and the Local Planning Appeal Tribunal, by its Orders issued on September 28, 2020 and Decisions issued January 8, 2019 and January 20, 2020, in Files PL180283, PL180284 and MM180028, approved amendments to By-law 7625 of the former City of North York, as amended, with respect to the lands; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in the height or 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 or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions 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 or matters in return for an increase in the height or density of development, a 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 aforesaid lands has elected to provide the facilities, services and matters hereinafter set out;

Now therefore pursuant to the Order of the Ontario Land Tribunal, By-law 7625 of the former City of North York, as amended, is further amended as follows:

1. Schedules B and C of By-law 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 7625 of the former City of North York is amended by adding the following subsection:

64.20-A (255) RM6(255)

DEFINITIONS

- (a) For the purpose of this exception, "gross floor area" shall mean the aggregate of the areas of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding:
- (i) parking loading and bicycle parking below established grade;
 - (ii) required loading spaces and required bicycle parking spaces at or above established grade;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) indoor amenity space;
 - (v) elevator shafts;
 - (vi) garbage shafts;
 - (vii) mechanical penthouse; and
 - (viii) exit stairwells in the building;
- (b) The stairwell in the mechanical penthouse shall serve the mechanical penthouse as well as provide exit to the roof of the building.
- (c) For the purpose of this exception, "bicycle parking" shall mean an area below established grade or at grade that is equipped with bicycle racks or lockers for the purpose of parking and securing bicycles, but is not intended for general storage use.
- (d) For the purposes of this exception, "Apartment house dwelling" shall mean a building containing more than four (4) dwelling units each having access directly from outside and/or from an internal corridor system.
- (e) For the purposes of this exception, "Home occupation" shall mean a business use within a dwelling unit with direct pedestrian access to a public sidewalk, where the dwelling unit is the principal residence of the business operator, where the business use shall be restricted to the ground floor level, and which shall not include:
- (i) the selling, renting or leasing of physical goods directly from the dwelling unit;
 - (ii) a personal service shop, other than a barber, hairdresser, beautician, dressmaker, seamstress and tailor;
 - (iii) an office or medical office for a professional regulated under the College of Physicians and Surgeons of Ontario;

- (iv) an office or medical office for a professional regulated under the Regulated Health Professions Act, 1991, S.O. 1991, c. 18, as amended;
 - (v) an animal shelter or kennel;
 - (vi) a vehicle repair shop, a vehicle service shop, or a vehicle washing establishment;
 - (vii) a manufacturing use;
 - (viii) outdoor activities, services, display or open storage;
 - (ix) music or dance instruction and training;
 - (x) an employee working in the dwelling unit who is not the business operator;
 - (xi) exterior alteration to accommodate the home occupation; and
 - (xii) a floor area of more than 25 percent of the total interior floor area of the dwelling unit the home occupation is located in, or a maximum of 100 square metres.
- (f) For the purpose of this exception, "Type G Loading Space" shall mean a loading space that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.
- (g) For the purpose of this exception, "established grade" shall mean 192.3 metres Canadian Geodetic Datum.

PERMITTED USES

- (h) On the lands identified on Schedule RM6(255), the only permitted uses shall be:

RESIDENTIAL:

Apartment house dwellings, multiple attached dwellings and accessory uses including an underground parking garage, storage lockers, bicycle parking, recreational amenity areas, temporary sales centres and temporary rental centres.

NON-RESIDENTIAL:

Home occupation

- (i) The provisions of Section 20-A.1(b)(i) (Use Qualifications) shall not apply.

EXCEPTION REGULATIONS**LOT COVERAGE**

- (j) Notwithstanding Section 20-A.2.2 (Lot Coverage), the maximum lot coverage shall be 52 percent.

DWELLING UNITS

- (k) A maximum of 160 dwelling units shall be permitted.

YARD SETBACKS

- (l) Notwithstanding Sections 6(9) and 16.2.4 (Yard Setbacks) the minimum yard setbacks for buildings and structures above established grade shall be as shown on Schedule RM6(255).
- (m) Notwithstanding the building envelopes shown on Schedule RM6(255), cornices, architectural features, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, columns and support structures, thermal insulation, structures for outside or open air recreation, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, bay windows, and underground garage ramps and associated structures are permitted to project into the minimum yard setbacks.

GROSS FLOOR AREA

- (n) The maximum permitted gross floor area shall be 16,800 square metres.

BUILDING HEIGHT

- (o) Notwithstanding Sections 6(26)(b) (Height Requirements) and 16.2.6 (Building Height), the maximum building height in metres for all buildings shall be as shown on Schedule RM6(255). The maximum building height shall exclude mechanical penthouses, parapets, any roof structures used only as ornaments, green roof elements, stairwells to access the roof and stair enclosures.
- (p) Wind screens, parapets, awnings, guard rails, railings and dividers, public art, structures for open air recreation, pergolas, trellises, balustrades, eaves, screens, stairs, roof drainage, window sills, window washing equipment, chimneys, vents, terraces, lightning rods, light fixtures, architectural features and screens, landscaping, planters, cooling and ventilating equipment and structures used for safety may project beyond the height shown on Schedule RM6(255).
- (q) 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.

VEHICULAR PARKING

- (r) A minimum of 0.8 parking spaces per 1-bedroom dwelling unit shall be provided for the use of residents.
- (s) A minimum of 0.9 parking spaces per 2-bedroom dwelling unit shall be provided for the use of residents.
- (t) A minimum of 1.1 parking spaces per 3-bedroom or larger dwelling unit shall be provided for the use of residents.
- (u) A minimum of 0.15 parking spaces per dwelling unit shall be provided for the use of visitors.

BICYCLE PARKING

- (v) A minimum of 0.68 bicycle parking spaces per dwelling unit shall be provided for long term use.
- (w) A minimum of 0.07 bicycle parking spaces per dwelling unit shall be provided for short term use.

LOADING

- (x) The provisions of Section 6A(16) (Loading Space Requirements) shall not apply.
- (y) A minimum of one (1) Type G loading space shall be provided.

PROJECTIONS

- (z) The provisions of Section 6(9)(c) for permitted projections into one minimum side yard setback only shall not apply.
- (aa) Exterior stairways, portions of underground parking structures, wheelchair ramps, canopies, balconies, bay windows, and covered porches and decks shall be permitted to project into the minimum yard setbacks.

LANDSCAPING

- (bb) The provisions of Section 15.8 (Landscaping) shall not apply.
- (cc) A minimum 1.5-metre wide landscape strip shall be provided along the south lot line.
- (dd) A 1.8-metre tall wood board-on-board fence is required along the south lot line.

DIVISION OF LANDS

- (ee) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands as if it remained one lot.

SECTION 37 AGREEMENT

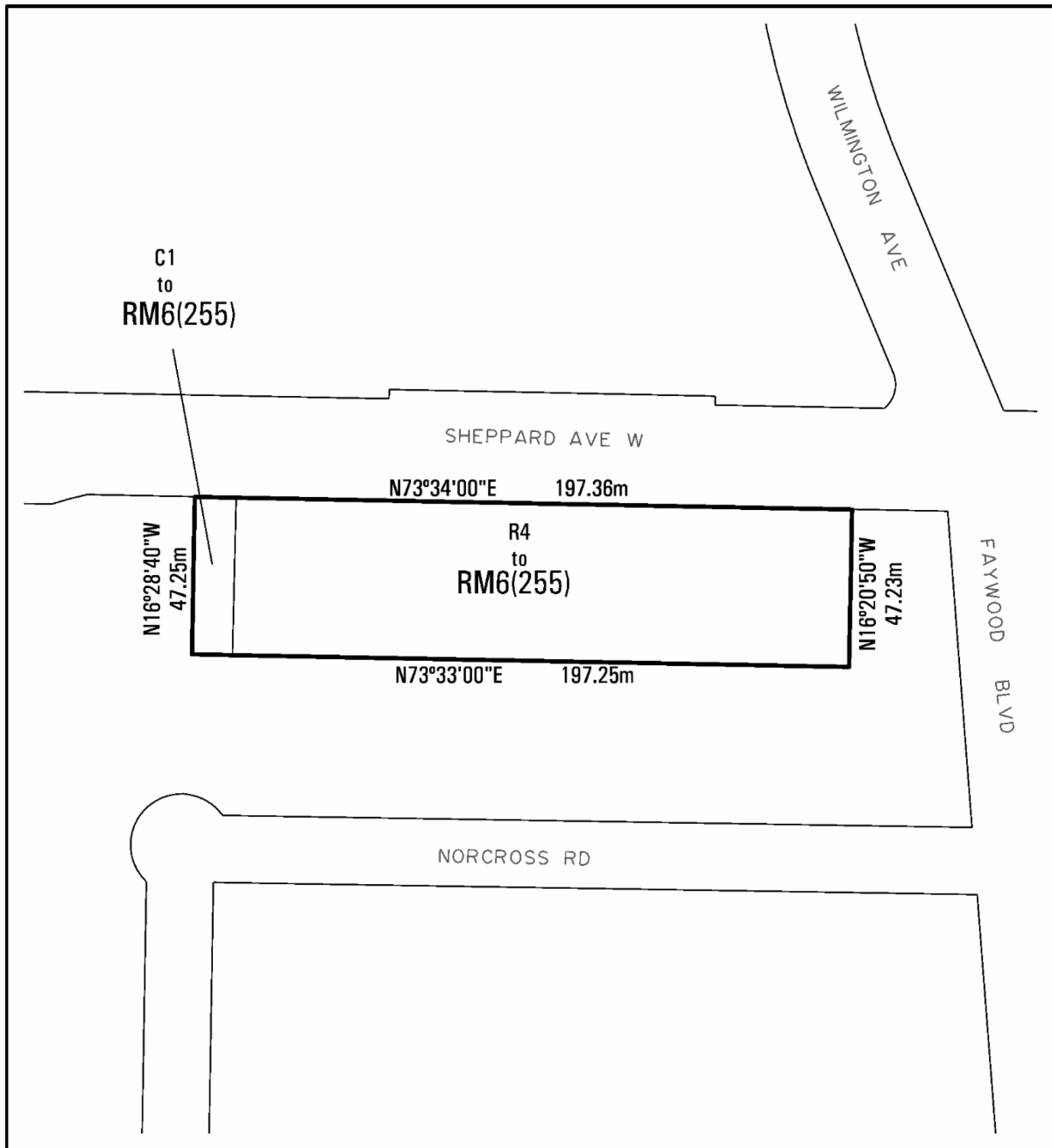
- (ff) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and 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 lands, to the satisfaction of the City Solicitor.
 - (gg) Where Schedule A of this By-law 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.
 - (hh) 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 Schedule A are satisfied.
3. Section 64.20-A of By-law 7625 of the former City of North York is amended by adding Schedule RM6(255) attached to this By-law.

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SCHEDULE A
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in height of the proposed development on the lot and in accordance with an agreement under Section 37(3) of the Planning Act whereby the *owner* agrees as follows:

- i. a cash contribution of \$600,000.00 to be paid by the owner prior to the issuance of the first above-grade building permit for the proposed development and to be allocated for parks improvements and public realm projects in Ward 10 that will benefit the community in the vicinity of the Subject Site at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor; and
- ii. the \$600,000.00 cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Council decision accepting the Settlement Offer to the date of payment;
- iii. the owner shall provide and maintain seven (7) replacement rental dwelling units, comprising three (3) one-bedroom units, and four (4) two-bedroom units, on the subject site for a period of at least twenty (20) years;
- iv. the owner shall provide at least one (1) one-bedroom and four (4) two-bedroom replacement rental dwelling units at affordable rents, and at least two (2) one-bedroom replacement rental dwelling units at mid-range rent for a period of at least ten (10) years, beginning from the date of first occupancy; and
- v. the owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities on the site on the same terms and conditions as any other resident of the building.



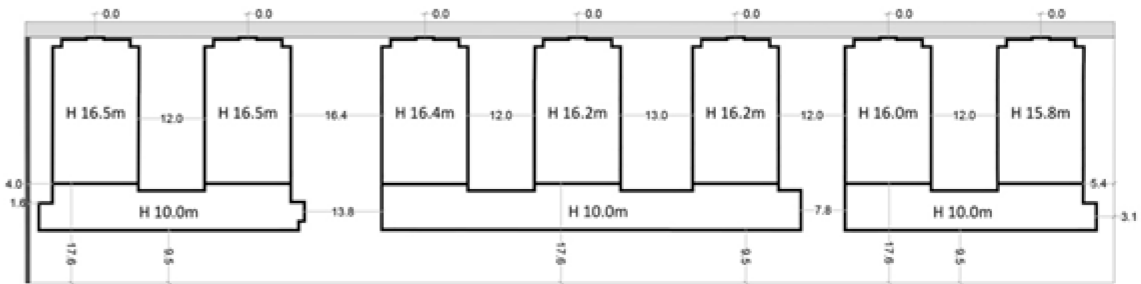
Schedule 1

File # 16 262666 NNY 10 0Z

Date: 10/31/2018
Approved by: D.S.

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Not to Scale

SHEPPARD AVENUE WEST



Schedule RM6(255)

Applicant's Drawing

File # 16 262666 NNY 10 0Z

Date: 10/31/2018
Approved by: D.S.

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Not to Scale