

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 3-2022(OLT)**

**To amend Zoning By-law 569-2013, 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 Order issued on September 28, 2020 and Decisions issued on January 8, 2019 and January 20, 2020, in Files PL180283, PL180284 and MM180028, approved amendments to the City of Toronto Zoning By-law 569-2013, 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; and

Whereas pursuant to Section 39 of the Planning Act, the Council of a Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

Now therefore pursuant to the Order of the Ontario Land Tribunal, By-law 569-2013, as amended, is further amended as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to "RM (x74)", as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands at 871 Sheppard Avenue West to the Zoning By-law Map in Section 990.10, and applying the zone label "RM (x74)" to these lands, as shown on Diagram 3 attached to this By-law:

#### **Exception RM 74**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections

Site Specific Provisions:

- (A) On 847, 849, 851, 853, 855, 857, 859, 861, 863, 865, 867, 869 and 871 Sheppard Avenue West, as shown on Diagram 1 of this By-law, if the requirements of Section 7 and Schedule A of By-law 3-2022(OLT) are complied with, a **building, structure**, addition or enlargement may be erected or used in compliance with regulations (B) through (O) below;
- (B) A maximum of 160 **dwelling units** is permitted;
- (C) **Established grade** is the Canadian Geodetic elevation of 192.3 AMSL;
- (D) Despite Regulation 10.80.30.40 the maximum **lot coverage** is 52 percent;
- (E) Despite Clauses 10.5.40.10 and 10.80.40.10, no portion of any **building or structure** may have a height greater than the height in metres specified by the number following the "HT" symbol as shown on Diagram 4 of By-law 3-2022(OLT);
- (F) Excluding mechanical rooms, no portion of a **building or structure** may have a height greater than the horizontal distance between that portion of the **building** and the south **lot line**;
- (G) The permitted maximum **gross floor area** is 16,800.0 square metres;
- (H) Despite regulation 10.5.50.10(4)(A) and 10.5.50.10(4)(B), a minimum of 40 percent of the area of the **lot** for must be for used for **landscaping**, of which a minimum of 20 percent must be used for **soft landscaping**;
- (I) Despite Regulation 10.5.40.60, 10.5.40.70 and 10.80.40.70, the required minimum **building setbacks** are as shown on Diagram 4 of By-law 3-2022(OLT);
- (J) Despite (I) above, there are no **building setbacks** required for an underground parking structure;

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- (K) Despite Regulation 10.5.100.1(5), a **driveway** can have a maximum total width that exceeds 6.0 metres where passenger drop-off areas or **loading space** maneuvering areas are located within the **driveway**;
  - (L) A minimum 1.5-metre wide strip of **soft landscaping** must be provided along the south **lot line**;
  - (M) A minimum of 57.0 square metres of indoor **amenity space** and 45.0 square metres of outdoor **amenity space** must be provided.
  - (N) Despite Regulation 150.5.20.1(2), a **home occupation** may have clients or customers attending the **premises** for consultations or receiving services.
  - (O) Despite Regulations 230.5.10.1(2) and 230.5.10.1(5), **bicycle parking spaces** must be provided and maintained on the **lot** as follows:
    - (i) a minimum of 0.07 short-term **bicycle parking spaces** for each **dwelling unit**; and
    - (ii) a minimum of 0.68 long-term **bicycle parking spaces** for each **dwelling unit**; and
  - (P) Pursuant to Section 39 of the *Planning Act*, none of the provisions of this exception or By-law 569-2013 prevent the erection or use of a **building, structure**, addition or enlargement for a sales office, used exclusively for the initial sale and/or initial leasing of **dwelling units** on the lands shown on Diagram 1 of By-law 3-2022(OLT), for a period of no more than 3 years from the date that this by-law comes into effect.

Prevailing By-laws and Prevailing Sections:

- (A) Schedule 'D' Airport Hazard Map from City of North York Zoning By-law 7625.

**5. Section 37 Provisions**

- (A) 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 Diagram 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.
- (B) 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.

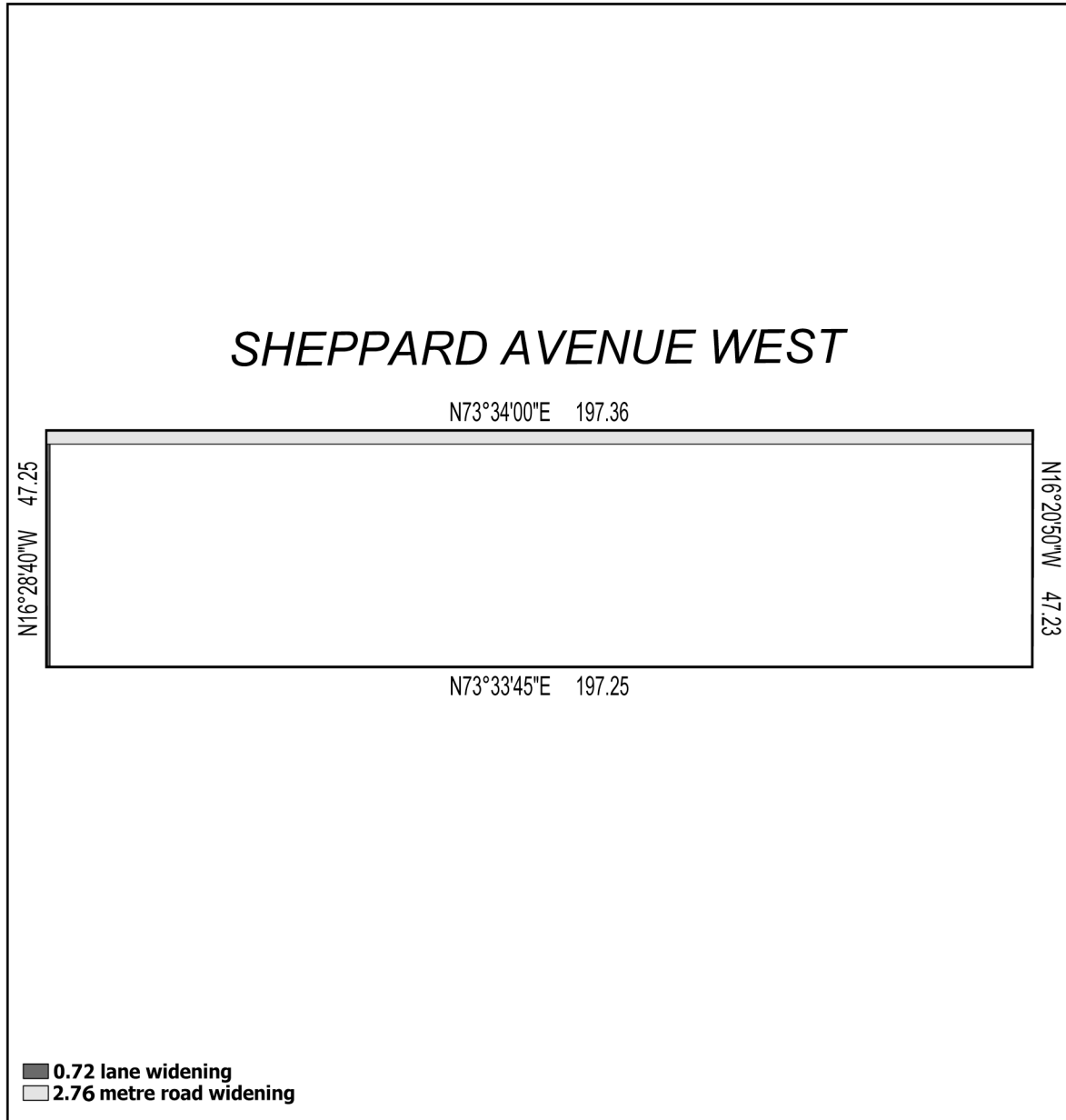
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

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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 and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

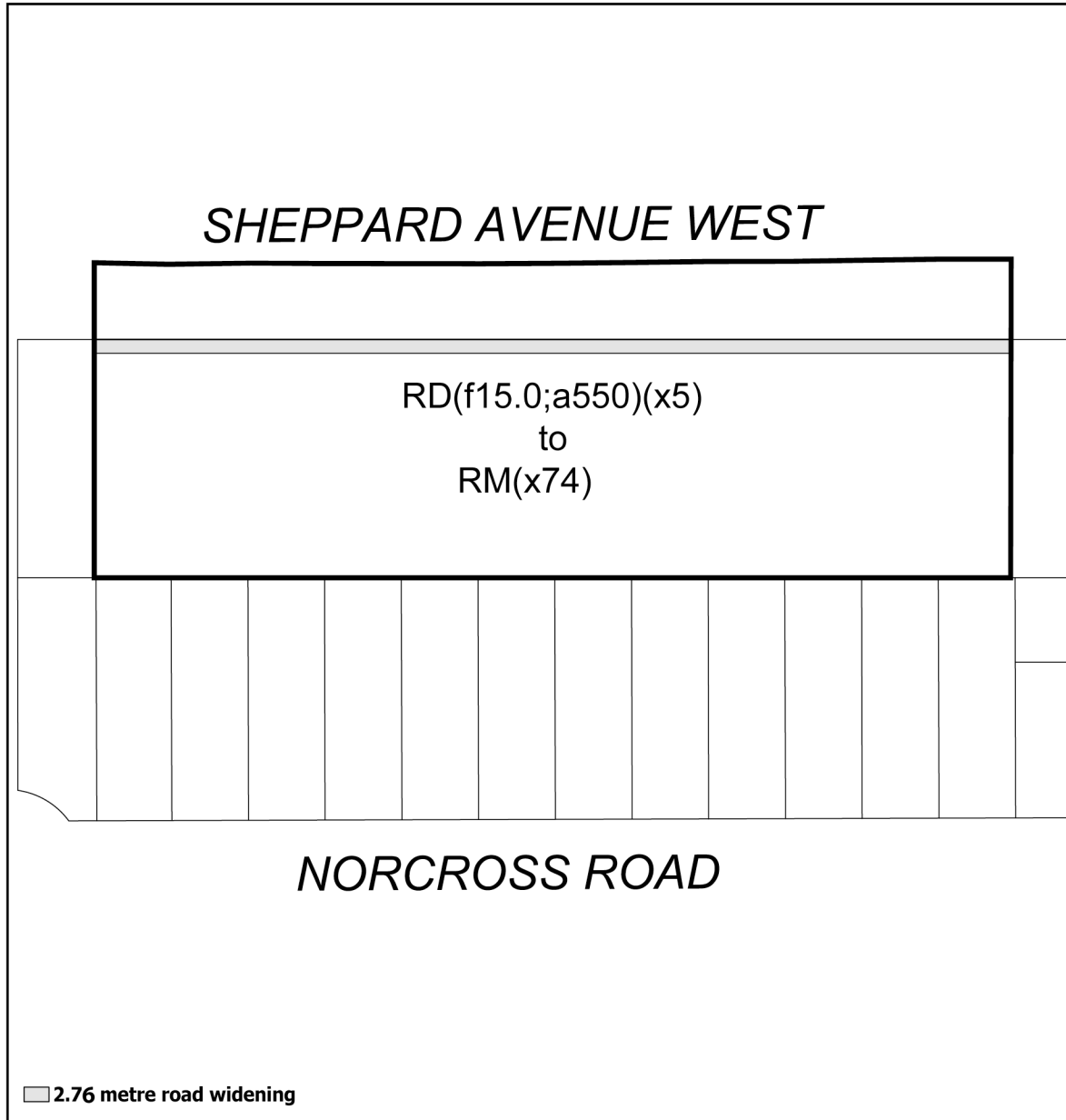
- (1) Prior to issuance of an above grade building permit, other than a building permit for a temporary sales office/pavilion, a cash contribution of \$600,000.00 to be paid by the owner for the proposed development and to be allocated for parks improvements and public realm projects in Ward 10 that 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;
- (2) The cash contribution of \$600,000.00 is to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Council decision accepting the Settlement Offer to the date of payment;
- (3) The owner shall provide and maintain the following:
  - a) 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;
  - b) 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
  - c) 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.
- (4) In the event the cash contribution referred to in Section (1) 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, City Planning, in consultation with the local Councillor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



**TORONTO**  
 Diagram 1

847, 849, 851, 853, 855, 857, 859, 861, 863, 865,  
 867, 869 & 871 Sheppard Ave. West

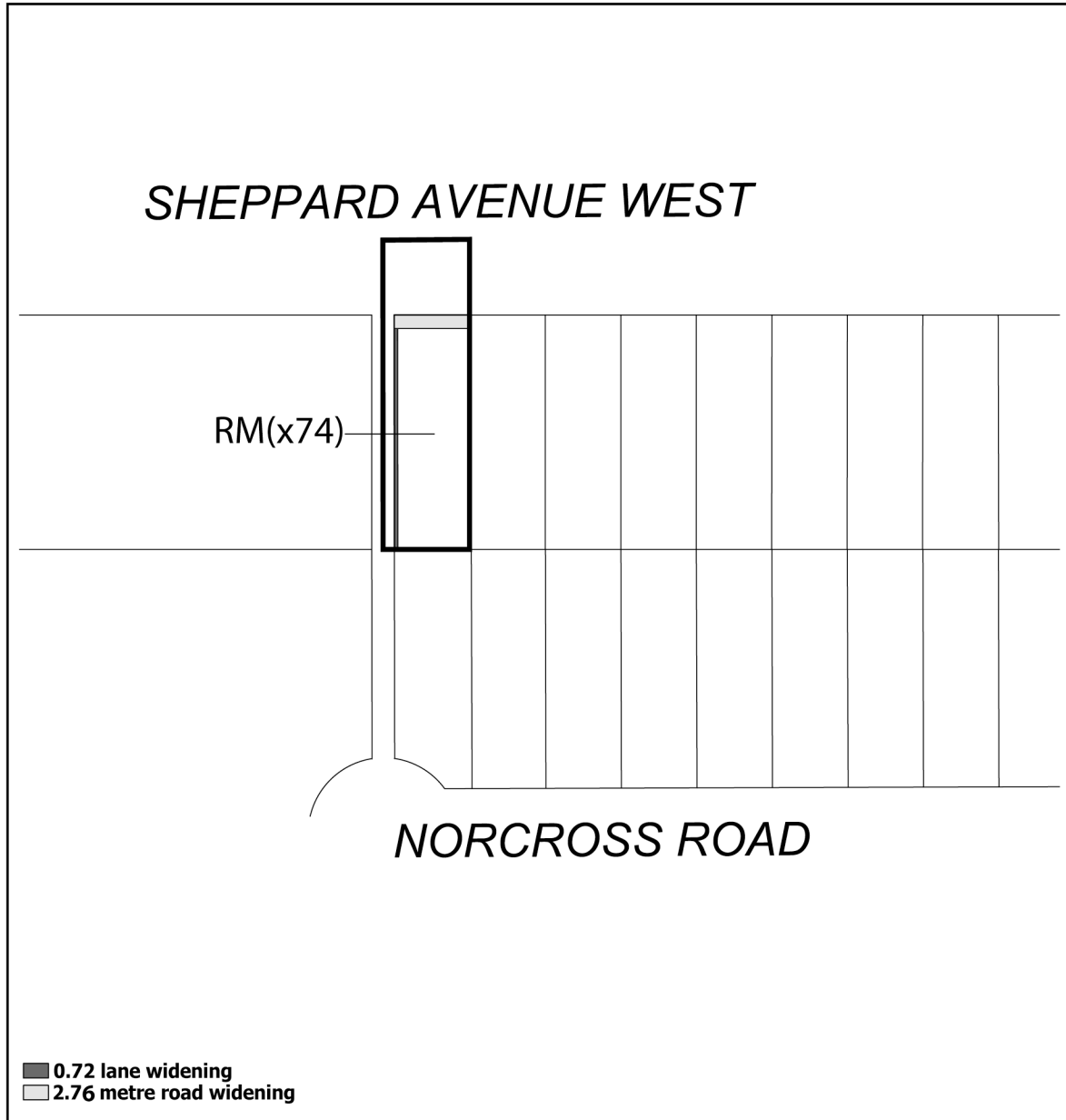
File # 16 262666 NNY 10 OZ



 **TORONTO**  
Diagram 2

847, 849, 851, 853, 855, 857, 859, 861, 863, 865,  
867, 869 & 871 Sheppard Ave. West

File # 16 262666 NNY 10 OZ

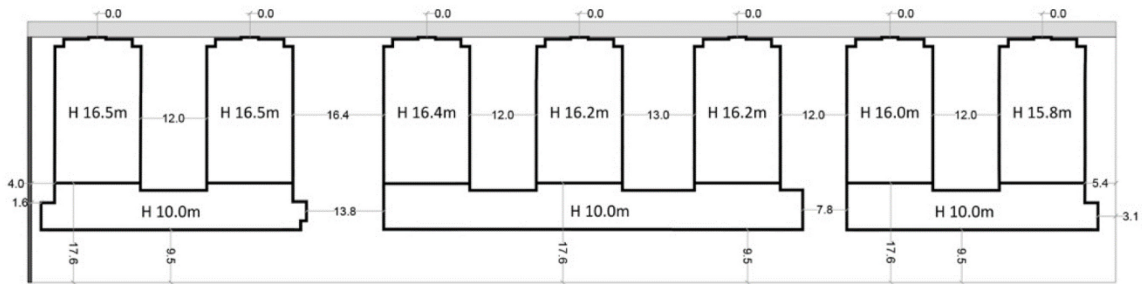


 **TORONTO**  
Diagram 3

847, 849, 851, 853, 855, 857, 859, 861, 863, 865,  
867, 869 & 871 Sheppard Ave. West

File # 16 262666 NNY 10 OZ

# SHEPPARD AVENUE WEST



■ 0.72 lane widening  
■ 2.76 metre road widening

**TORONTO**  
Diagram 4

847, 849, 851, 853, 855, 857, 859, 861, 863, 865,  
867, 869 & 871 Sheppard Ave. West

File # 16 262666 NNY 10 0Z



City of Toronto By-Law 569-2013  
Not to Scale  
30/10/2018