

Draft Zoning By-law Amendment (February 14, 2020)

Authority: North York Community Council Item XX, as adopted by City of Toronto Council on XX, 20~~

CITY OF TORONTO

BY-LAW No. ~~20~

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 4050 Yonge Street.

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*;

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height and density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS Subsection 37(2) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in 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 or matters; and

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters, as set out in this By-law; and

WHEREAS the increases in the height and density permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 7625 of the former City of York, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the “City”); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedule “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule 1 and Schedule C5(###) attached to this By-law.
2. Section 64.27 –**EXCEPTIONS TO C5 ZONE (GENERAL COMMERCIAL ZONE)** of By-law No. 7625 is amended by adding the following subsection:

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64.27 (###) C5(###)

DEFINITIONS

(a) For the purposes of this exception, the following definitions apply:

- (i) Established Grade means the geodetic elevation of 133.35 metres above sea level.

EXCEPTION REGULATIONS

(b) Yard Setbacks

- (i) Notwithstanding Section 27(4), the minimum yard setbacks are shown on Schedules C5(###); and
- (ii) Canopies may encroach within the minimum yard setbacks.

(c) Building Height/Storeys

- (i) Notwithstanding Section 27(5), the maximum building heights shall not exceed those building heights identified on Schedule C5(###);
- (ii) A mezzanine level located between the first and second floor shall not be considered a storey;
- (iii) Mechanical enclosures shall not be considered a storey; and
- (iv) Screens, parapets, skylights and elevator overruns are permitted to exceed the heights on Schedule C5(###).

(d) Density

- (i) Notwithstanding Section 27(6), the maximum total gross floor area shall not exceed 61,500 square metres;
- (ii) The minimum retail gross floor area is 1,000 square metres;
- (iii) The minimum hotel gross floor area is 22,000 square metres;
- (iv) The minimum office gross floor area is 4,500 square metres;
- (i) The interior floor area of a portion of a building that is used exclusively for heating, cooling, ventilation, electrical, fire emergency stairwells, elevator shafts, atriums, utility areas, storage areas in a basement, parking space,

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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 parking space requirements; and

- (ii) Below grade mechanical and mechanical storage areas are excluded from gross floor area.

(e) Parking

- (i) On-site vehicular parking must be provided as follows:

(A) Business, Professional and Professional Medical Offices:

- i. Minimum – 1.0 spaces per 100 square metres gross floor area; and
- ii. Maximum – 2.0 spaces per 100 square metres gross floor area;

(B) Conference Centre

- i. Minimum – 5.5 spaces per 100 square metres of gross floor area;

(C) Retail Stores and Personal Service Shops

- i. Minimum – 1.0 spaces per 100 square metres gross floor area; and
- ii. Maximum – 4.0 spaces per 100 square metres gross floor area;

(D) Restaurants

- i. Maximum – 5.0 spaces per 100 square metres of gross floor area;

(E) Hotel

- i. Minimum – 0.2 spaces per 100 square metres gross floor area; and
- ii. Maximum – 1.0 spaces per 100 square metres gross floor area;

(F) Residential – Minimum

- i. 0.6 parking spaces for each bachelor unit;
- ii. 0.7 parking spaces for each one-bedroom unit;
- iii. 0.9 parking spaces for each two-bedroom unit; and
- iv. 1.0 parking spaces for each three-bedroom unit;

(G) Residential – Maximum

- i. 0.9 parking spaces for each bachelor unit;
- ii. 1.0 parking spaces for each one-bedroom unit;
- iii. 1.3 parking spaces for each two-bedroom unit; and

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iv. 1.5 parking spaces for each three-bedroom unit;

(ii) In determining the minimum number of vehicular parking spaces required, the following shared parking rates apply

Use	Shared Parking		
	Morning	Mid-Day	Evening
Office	100%	100%	10%
Conference Centre	65%	100%	100%
Retail	35%	100%	95%
Restaurant	30%	75%	100%
Hotel	95%	70%	95%

(f) If providing more than the minimum parking spaces required, any additional parking spaces must provide roughed-in conduits to allow for future electrical outlets for plug-in electric vehicles or spaces must be provided for dedicated priority parking for carpooling.

(g) Loading

(i) Notwithstanding Section 6A(16), the following loading spaces shall be provided:

- a. a minimum of one Type “B” loading spaces, which measure 11.0 metres in length and 3.5 metres in width, with a vertical clearance of 4.0 metres.
- b. a minimum of two Type “C” loading spaces, which measure 6.0 metres in length and 3.5 metres in width, with a vertical clearance of 3.0 metres.
- c. a minimum of one Type “G” loading spaces, which measure 13.0 metres in length and 4.0 metres in width, with a vertical clearance of 6.1 metres.

(h) Buildings or structures and/or portions of buildings or structures, with the exception of a ground floor canopy and above-grade restaurant terrace, are not permitted within and may not protrude within, above or below grade, the 10 metre top-of-slope O1(45) Zone as shown on Schedule 1. Bank stabilization works may be permitted within this area.

(i) The provisions of Section 6A-1, 22.10, 22.12 and 27(9) shall not apply.

3. Section 64.37 – **EXCEPTIONS TO O1 ZONE (OPEN SPACE ZONE)** of By-law 7625 is amended by adding the following subsection:

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64.37 (45) O1 (45)

DEFINITIONS

- (a) For the purposes of this exception, the following definitions apply:
 - (i) Landscaping means trees, plants, decorative stonework, retaining walls, walkways, or other landscape-architectural elements. Driveways and areas for loading, parking or storing vehicles are not Landscaping.
 - (ii) Soft Landscaping means landscaping and excludes hard-surfaced areas such as decorative stonework, retaining walls, walkways or other hard-surface landscape-architectural elements.
- (b) The following are the only permitted uses subject to the Exception Regulations below:
 - (i) Landscaping; and
 - (ii) Soft landscaping.

EXCEPTION REGULATIONS

- (a) Buildings or structures and/or portions of buildings or structures, with the exception of a ground floor canopy and above-grade restaurant terrace, are not permitted within, above or below grade, the 10 metre top-of-slope area as shown on Schedule 1. Bank stabilization works are permitted within this area.

4. SECTION 37 – INCREASED HEIGHT/DENSITY

- (a) 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 lot 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:

(i) To complete upon discussion with City Staff

- 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 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.

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6. The provisions of this By-law shall apply collectively to this land as shown on Schedule 1 attached to this By-law, notwithstanding its future division into two or more parcels.
7. Zoning By-law 1093-2016 is hereby repealed.

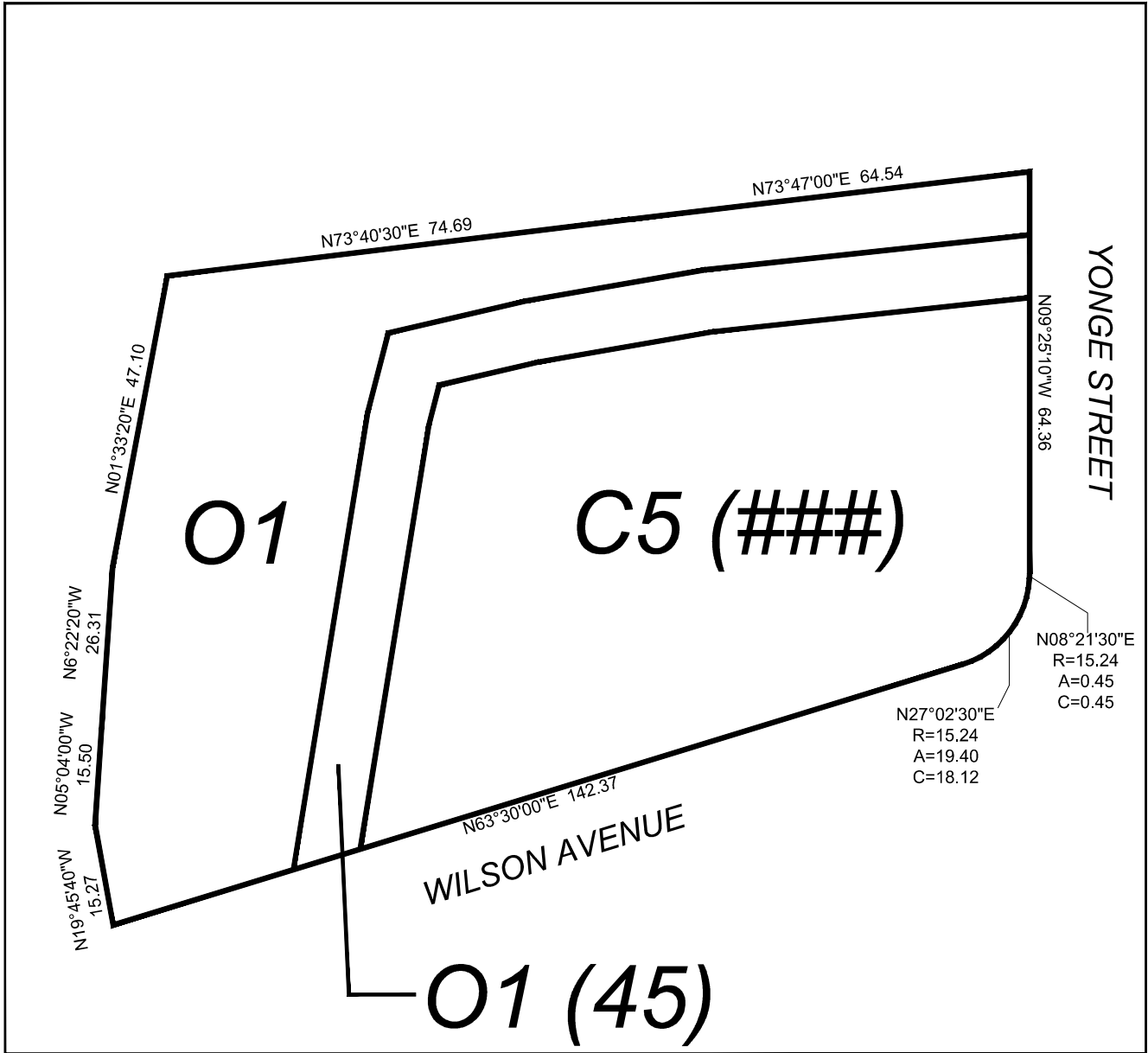
ENACTED AND PASSED this __ day of _____, 2020.

JOHN TORY,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule 1



Schedule C5 (###)

