

Draft Zoning By-law Amendment – December 4, 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 Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 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. 569-2013 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. 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 adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone labels: CR (x###), ON (x###) and ON as shown on Diagram 2 of this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Area Overlay Map in Section 995.10.1 and applying the following Policy Area label to these lands: PA3, as shown on Diagram 3 of this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1 and applying the following height label to these lands: HT 39.5, as shown on Diagram 4 of this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1 and the Rooming House Overlay map in Section 995.40.1 with no label.
7. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number (x###):

Exception CR (x###)

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 4050 Yonge Street, if the requirements of Section 9 and Schedule A of By-law [Clerks to insert By-law Number] are complied with, nothing shall apply to prevent the erection of **buildings** or **structures** that comply with (B) to (H) below.
- (B) Despite Regulation 40.10.40.40(1), the maximum gross floor area must not exceed 60,000 square metres, of which:
 - a. A minimum of 900 square metres is for retail and restaurant gross floor area;
 - b. A minimum of 18,500 square metres is for hotel gross floor area; and
 - c. A minimum of 3,800 square metres is for office gross floor area.
- (C) Despite Regulation 5.10.40.70(1) and 40.10.40.70(2), the required minimum **building setbacks** are identified on Diagram 5 of By-law [Clerks to insert By-law Number].

(D) Despite Clause 40.10.40.60 and (C) above, the following are permitted to encroach into the required minimum **building setbacks** are identified on Diagram 5 of By-law [Clerks to insert By-law Number]:

a. Canopies

(E) Despite Regulation 40.50.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 133.35 to the highest point of the building.

(F) Despite Regulation 40.10.40.10(2), the permitted maximum height of any **building** or **structure** must not exceed the height in metres specified by the numbers following the symbol HT on Diagram 5 of By-law [Clerks to insert By-law Number].

(G) Despite Clause 40.50.40.10 and (I) above, the following **building** elements and **structures** may project above the permitted maximum height shown on Diagram 5 of By-law [Clerks to insert By-law Number]:

a. Screens, parapets, skylights and elevator overruns

(H) **Buildings** or **structures** and/or portions of **buildings** or **structures**, with the exception of a ground floor canopy, are not permitted within and may not protrude within, above or below grade, the 10 metre top-of-slope ON(x###) Zone as shown on Diagram 2 of By-law [Clerks to insert By-law Number]. Bank stabilization works may be permitted within this area.

8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.41.10 Exception Number (x###):

Exception ON (x###)

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) **Buildings** or **structures** and/or portions of **buildings** or **structures**, with the exception of a ground floor canopy, are not permitted within and may not protrude within, above or below grade, the 10 metre top-of-slope ON(x###) Zone as shown on Diagram 2 of By-law [Clerks to insert By-law Number]. Bank stabilization works may be permitted within this area

9. 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 Area A of 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 density pursuant to this By-law unless all provisions of Schedule A are satisfied.

ENACTED AND PASSED this__ day of_____, 2020.

JOHN TORY,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule A

To insert upon completion









