

Authority: Ontario Land Tribunal Decision issued on August 15, 2022 and Ontario Land Tribunal Order issued on May 10, 2023 in Tribunal File OLT-21-001689

CITY OF TORONTO

BY-LAW 537-2023(OLT)

To amend former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known in the year 2022 as 4155 Yonge Street.

Whereas the Ontario Land Tribunal, by its Decision issued on August 15, 2022 and Order issued on May 10, 2023 in respect of Tribunal Case OLT-21-001689, approved amendments to the former City of North York Zoning By-law 7625, as amended, with respect to lands municipally known in the year 2022 as 4155 Yonge Street; and

Whereas the Ontario Land Tribunal has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990. c. P.13, as amended to pass this By-law; and

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

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

1. This By-law applies to the lands delineated by a heavy black line and identified as 4155 Yonge Street as shown on Schedule 1 attached to this By-law.
2. Schedules "B" and "C" of By-law 7625 of the former City of North York are amended in accordance with Schedules 2 and RM6 (294) of this By-law.
3. Section 64.20-A of By-law 7625 is amended by adding the following subsection:

64.20-A (294) RM6 (294)

DEFINITIONS

- (A) For the purposes of this exception, the following definitions shall apply:
- (i) "apartment house dwelling" shall mean a building containing more than four (4) dwelling units each unit having access only from an internal corridor system except that ground related dwelling units may have access from an internal corridor system and directly from outside;
 - (ii) "amenity space" shall mean indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities;

- (iii) "bicycle maintenance facility" means an area for bicycle repairs and maintenance which may include work space, a repair stand and an air pump for inflating bicycle tires;
- (iv) "bicycle parking" shall mean an area below established grade, at grade, or on the second storey of the building, that is equipped with bicycle racks, bicycle stackers or lockers for the purpose of parking and securing bicycles, but is not intended for general storage use;
- (v) "bicycle parking space, short-term" means a bicycle parking space for use by visitors to a building;
- (vi) "bicycle parking space, long-term" means a bicycle parking space for use by the occupants or tenants of a building;
- (vii) "established grade" shall mean 143.96 metres Canadian Geodetic Datum;
- (viii) "gross floor area" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level, but excluding:
 - (a) parking, loading and bicycle parking below established grade;
 - (b) required loading spaces and required bicycle parking spaces at or above established grade;
 - (c) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (d) shower and change facilities and bicycle maintenance facilities required by this By-law for required bicycle parking spaces;
 - (e) indoor amenity space required by this By-law;
 - (f) elevator shafts;
 - (g) garbage shafts;
 - (h) mechanical penthouse; and
 - (i) exit stairwells in the building.
- (ix) "lot" shall mean the lands subject to this exception as contained within the heavy lines shown on Schedule 1 to this By-law;
- (x) "temporary sales office" shall mean a building, facility or structure used for the purpose of the initial sales and/or initial leasing of dwelling units or

non-residential gross floor area to be used or erected on the lands shown on Schedule RM6 (294);

PERMITTED USES

- (B) In addition to the permitted uses in Section 20-A.1(a), a temporary sales office shall be permitted.

EXCEPTION REGULATIONS

MAXIMUM GROSS FLOOR AREA

- (C) Despite the provisions of Section 20-A.2.5, the permitted maximum gross floor area of all buildings and structures on the lot is 7,200 square metres.

LOT AREA

- (D) The provisions of Section 20-A.2.1 for lot area shall not apply.

LOT COVERAGE

- (E) The provisions of Section 20-A.2.2 for lot coverage shall not apply.

LOT FRONTAGE

- (F) The provisions of Section 20-A.2.3 for lot frontage shall not apply.

MAXIMUM DWELLING UNITS

- (G) The maximum number of dwelling units permitted shall not exceed 30 dwelling units.

BUILDING HEIGHT AND NUMBER OF STOREYS

- (H) The maximum building height above *established grade* and the maximum number of storeys shall be as shown on Schedule RM6 (294). The following shall apply in interpreting Schedule RM6 (294):

- (i) The symbols "HT" shall mean the maximum building height permitted, measured in metres from established grade, for that portion of the building; and
- (ii) The symbols "ST" shall mean the maximum number of storeys permitted for that portion of the building, excluding the mechanical penthouse.

- (I) Notwithstanding subsection (H) above, the following elements may project beyond the maximum height limits and maximum number of storeys shown on Schedule RM6 (294) in accordance with the following:

- (i) Awnings and canopies to a maximum of 5.0 metres;
- (ii) Antennae, flagpoles, and satellite dishes to a maximum of 5.0 metres;
- (iii) Equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment, and any structures that enclose, screen, or cover these elements, to a maximum of 5.0 metres;
- (iv) Structures or parts of the building used for the functional operation of the building, such as enclosed stairwells, roof access, maintenance equipment storage, chimneys, vents, and water supply facilities, and any structures that enclose, screen, or cover these elements, to a maximum of 5.0 metres;
- (v) Elevator shafts and any structures that enclose, screen, or cover the elevator shaft, to a maximum of 8.0 metres;
- (vi) Wheel chair ramps to a maximum of 1 metre;
- (vii) Parapets and cornices to a maximum of 1.8 metres;
- (viii) Guardrails, railings, and planters to a maximum of 2 metres;
- (ix) Retaining walls and bollards to a maximum of 1.5 metres;
- (x) Landscape and public art features, rooftop terraces, fences, lighting fixtures, screens, and wind protection screens to a maximum of 3.0 metres;
- (xi) Trellises to a maximum of 4.5 metres;
- (xii) Architectural features and ornamental elements to a maximum of 5.7 metres; and
- (xiii) Window-washing equipment.

YARD SETBACKS

- (J) The minimum yard setbacks for all buildings and structures above established grade shall be as shown on Schedule RM6 (294), in metres.
- (K) Notwithstanding subsection (J) above and subsection (L) below, the following may encroach into the minimum yard setbacks or separation distances between main walls of buildings as shown on Schedule RM6 (294) in accordance with the following:
 - (i) window washing equipment;

- (ii) bollards, chimneys, stacks, exhaust, cornices, fences, guardrails, lighting fixtures, pipes, planters, railings, screens, stacks, vents, wheel chair ramps, wind protection, window sills by a maximum of 0.5 metres;
- (iii) eaves, by a maximum of 1.0 metres;
- (iv) balconies by a maximum of 2 metres;
- (v) awnings, canopies, stairs, stair enclosures and stair landings to a maximum by a maximum of 3 metres;
- (vi) platforms, terraces, terrace guards and parapets to the extent of the floor below; and
- (vii) architectural elements/features, decorative features and ornamental elements to a maximum of 3.1 metres.

LANDSCAPING

- (L) Notwithstanding Section 15.8, a minimum of 405 square metres of landscape area shall be provided.
- (M) A minimum of 90 square metres of soft landscaping must be provided and maintained.

PARKING

- (N) Notwithstanding Section 6A(2), parking spaces shall be provided in accordance with the following requirements:
 - (i) A minimum rate of 0.8 parking spaces for each bachelor residential unit (up to 45 square metres);
 - (ii) A minimum rate of 1.0 parking spaces for each bachelor residential unit (more than 45 square metres);
 - (iii) A minimum rate of 0.9 parking spaces for each 1-bedroom residential unit;
 - (iv) A minimum rate of 1.0 parking spaces for each 2-bedroom residential unit;
 - (v) A minimum rate of 1.2 parking spaces for each 3-bedroom residential unit;
 - (vi) A minimum rate of 0.2 visitor parking spaces for each residential unit; and
 - (vii) A minimum of 2 of the required parking spaces shall be accessible parking spaces.

- (O) An accessible parking space must have a minimum length of 5.6 metres; a minimum width of 3.9 metres; and a vertical clearance of 2.1 metres.
- (P) Despite (O) above, a parallel accessible parking space that is adjacent and parallel to a drive aisle from which vehicle access is provided, shall have a minimum length of 7.1 metres; a minimum width of 2.6 metres; and a minimum vertical clearance of 2.1 metres.

BICYCLE PARKING

- (Q) Bicycle parking spaces shall be provided in accordance with the following requirements:
 - (i) Long-term bicycle parking spaces (Resident) – 0.68 spaces per dwelling unit; and
 - (ii) Short-term bicycle parking spaces (Visitors) – 0.07 spaces per dwelling unit.
- (R) Bicycle parking spaces will comply with the following minimum dimensions:
 - (i) A bicycle parking space must have a minimum length of 1.8 metres, minimum width of 0.6 metres, and minimum vertical clearance from the ground of 1.9 metres;
 - (ii) A bicycle parking space if placed in a vertical position on a wall, structure or mechanical device must have a minimum length or vertical clearance of 1.9 metres, minimum width of 0.6 metres, and minimum horizontal clearance from the wall of 1.2 metres;
 - (iii) If a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres; and
 - (iv) An area used to provide bicycle parking spaces must have a minimum vertical clearance of 2.4 metres if it is a stacked bicycle parking space; and 1.9 metres in all other cases.
- (S) A *bicycle maintenance facility* must be provided in the *building* with the following minimum dimensions:
 - (i) minimum length of 1.8 metres;
 - (ii) minimum width of 2.6 metres; and
 - (iii) minimum vertical clearance from the ground of 1.9 metres.
- (T) All long-term *bicycle parking spaces* shall be located below grade, on the first storey of the building, or on the second storey of the building.

- (U) All short-term *bicycle parking spaces* shall be located at grade.
- (V) Bicycle parking may be provided in bicycle stackers and vertical and horizontal storage racks.

RECREATIONAL AMENITY SPACE

- (W) Recreational Amenity area shall be provided in accordance with the following:
 - (i) A minimum of 2.0 square metres of indoor *recreational amenity area* per dwelling unit; and
 - (ii) A minimum of 2.0 square metres of outdoor *recreational amenity area* per dwelling unit.

TTC INFRASTRUCTURE

- (X) The minimum distance between the building, including all below and above grade structures, to all TTC infrastructure shall be 3 metres.

SETBACK TO GREENBELT ZONE

- (Y) The required minimum distance between the building, including all below and above ground structures, to any lot line in the Greenbelt (G) Zone is 3.0 metres.

PROVISIONS NOT APPLICABLE

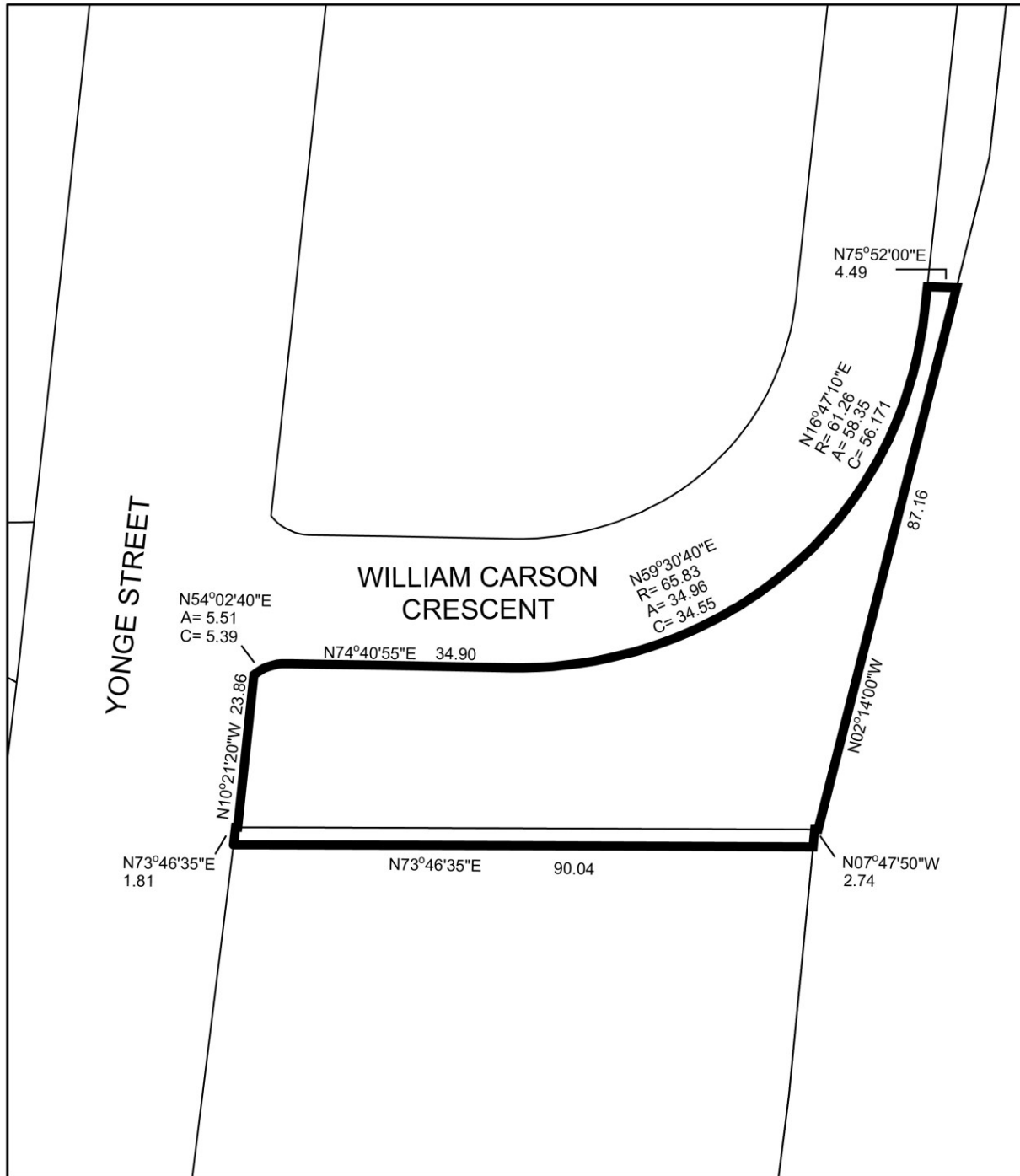
- (Z) The provisions of Sections 6A(2)(a), 15.8, and Section 20-A.2 shall not apply.

DIVISION OF LANDS

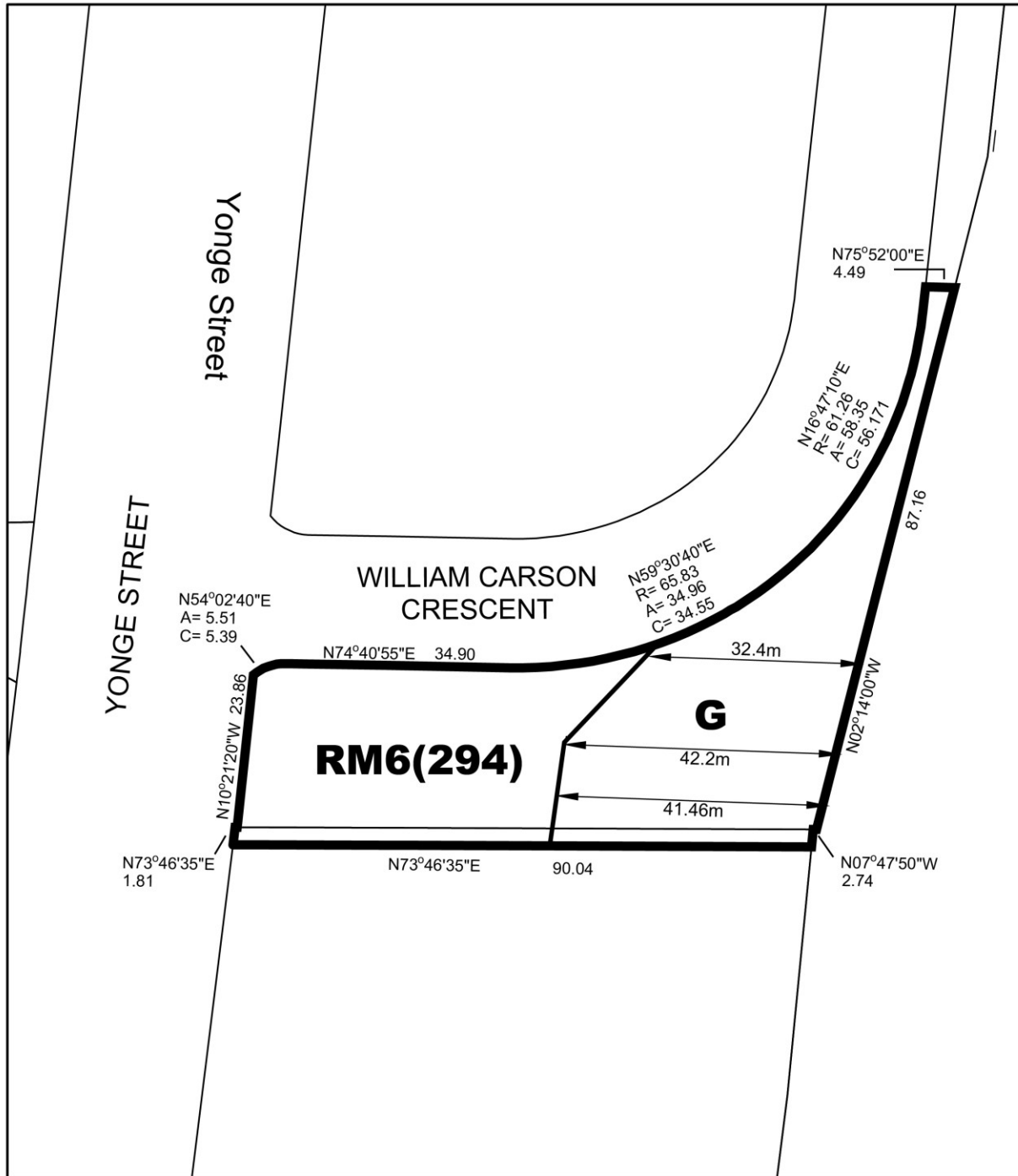
- (AA) Notwithstanding any severance, conveyance, partition, or division of the lot shown on Schedule 1, the regulations of this exception continue to apply to the whole of the lot as if no severance, conveyance, partition or division had occurred.
4. Section 64.20-A of By-law 7625 is amended by adding Schedule RM6 (294) attached to this By-law.
 5. By-laws 31095, 30952, 32671, and 404-1998 no longer apply.

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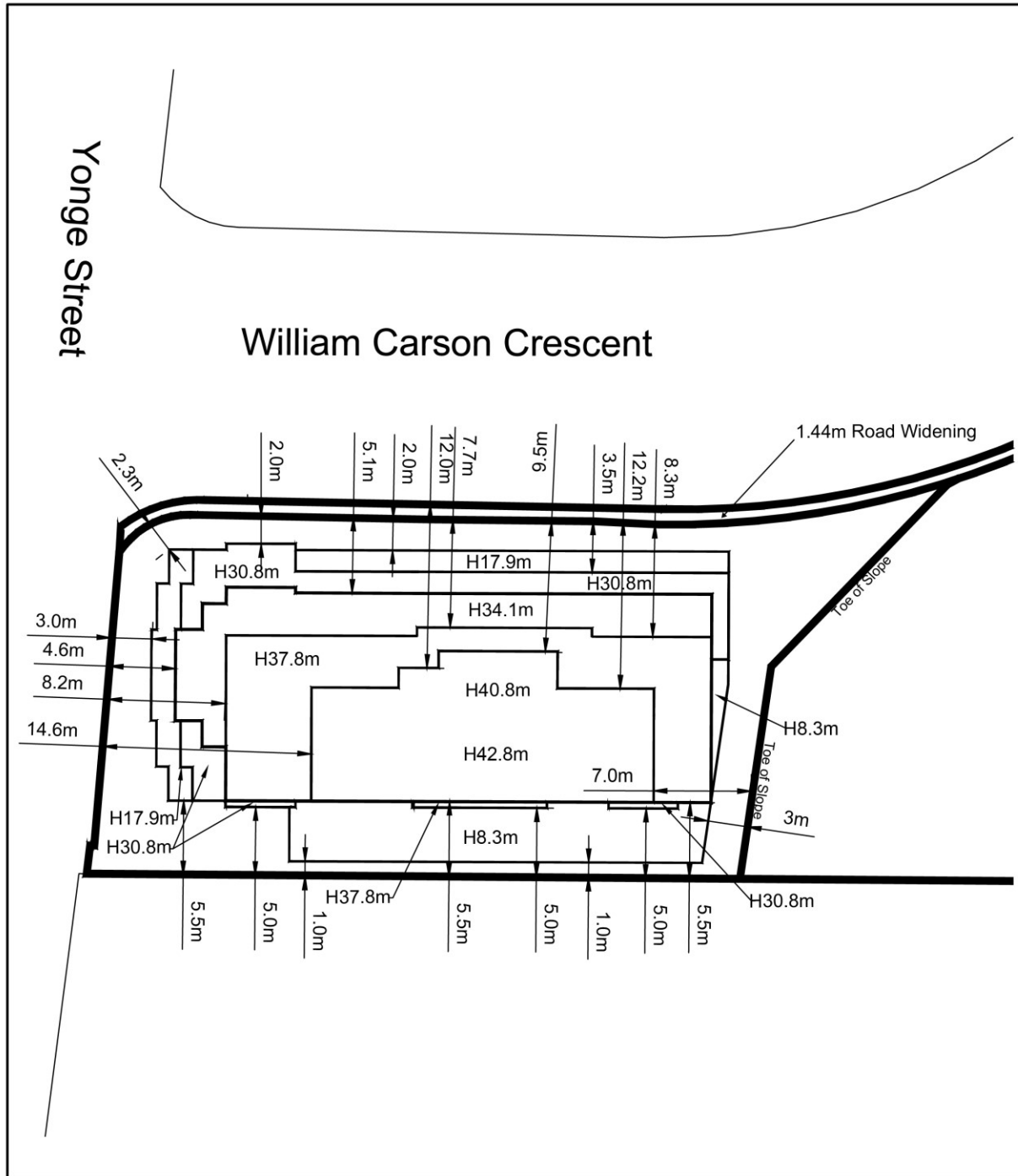
Schedule 1



Schedule 2



Schedule RM6(294)



 **TORONTO**
Schedule RM6(294)

4155 Yonge Street

File # 17 245489 NNY 25 02



Former City of North York By-law 7625
Not to Scale
04/03/2023