

Authority: North York Community Council Item NY8.11 adopted as amended by City of Toronto Council on November 8 and 9, 2023; and MM17.19, by Councillor Shelley Carroll, seconded by Councillor Chris Moise, as adopted by City of Toronto Council on April 17 and 18, 2024
City Council voted in favour of this by-law on April 18, 2024
Written approval of this by-law was given by Mayoral Decision 10-2024 dated April 18, 2024

CITY OF TORONTO

BY-LAW 405-2024

To amend former City of North York Zoning By-law 7625, as amended with respect to lands municipally known as 2135 Sheppard Avenue East, 325 Yorkland Boulevard, 125 Consumers Road, 15 Smooth Rose Court, and 55 Smooth Rose Court.

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; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) of the Planning Act; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas the Ontario Municipal Board in its orders issued on October 28, 2014, December 8, 2015 and November 8, 2016, amended By-law 7625, as amended, being By-law 1182-2016(OMB) which is a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply; and

Whereas subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the density and/or height of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas pursuant to Section 39 of the Planning Act, as amended, 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 in the by-law; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in the height and density of development permitted beyond that otherwise permitted on the aforesaid lands by By-law 1182-2016(OMB), as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

Pursuant to By-law 7625 of the former City of North York, as amended by By-law 1182-2016(OMB), is further amended as follows:

The Council of the City of Toronto enacts:

1. Schedule 1, Schedule C1(142), and Schedule O1(47) of By-law 7625 of the former City of North York, as amended by By-law 1182-2016 (OMB) are amended in accordance with Schedule 1, Schedule C1(142), and Schedule O1(47) of this By-law 405-2024.
2. Section 64.23(142) of By-law 7625 of the former City of North York is further amended by deleting subsections 64.23(142)(a) to (gg) and replacing with:

"64.23 (142) C1(142)

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) indoor *recreational amenity area*;
 - (ii) parking, loading and bicycle parking below established grade;
 - (iii) parking, loading and bicycle parking at or above established grade;
 - (iv) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (v) shower and change facilities required by this By-law for required *bicycle parking* spaces;
 - (vi) elevator shafts;
 - (vii) garbage shafts;

- (viii) mechanical penthouse; and
- (ix) exit stairwells in the building;
- (b) For the purpose of this exception, none of the following elements are considered a "storey":
 - (i) A mezzanine, which means one floor level situated immediately above the first floor, which is contiguous with the first floor gross floor area.
- (c) For the purpose of this exception, a car-share parking space will mean a parking space used exclusively for the parking of a car-share motor vehicle;
- (d) For the purpose of this exception, a car-share motor vehicle will mean a motor vehicle available for short term rental. Including an option for hourly rental, for the use of at least the occupants of a building erected on the lot;
- (e) For the purpose of this exception, "bicycle parking" shall mean an area below established grade or at grade that is equipped with bicycle racks, stackers or lockers for the purpose of parking and securing bicycles, but is not intended for general storage use;
- (f) For the purpose of this exception:
 - (i) "Type "A" loading space" means a loading space that is a minimum of 3.5 metres wide, a minimum of 17.0 metres long and has a minimum vertical clearance of 4.4 metres;
 - (ii) "Type "B" loading space" means a loading space that is a minimum of 3.5 metres wide, a minimum of 11.0 metres long and has a minimum vertical clearance of 4.0 metres;
 - (iii) "Type "C" loading space" means a loading space that is a minimum of 3.5 metres wide, a minimum of 6.0 metres long and has a minimum vertical clearance of 3.0 metres; and
 - (iv) "Type "G" loading space" means a loading space that is a minimum of 4.0 metres wide, a minimum of 13.0 metres long and has a minimum vertical clearance of 6.1 metres;
- (g) For the purpose of this exception, "recreational amenity area" shall mean an area that is communal and available to all occupants of a building or a group of buildings within a zone for social and recreational purposes including indoor or outdoor space, playgrounds, tennis courts, lawn bowling greens, indoor or outdoor swimming pools, exercise or entertainment rooms and other similar uses and portions of a green roof;

- (h) For the purpose of this exception, "established grade" shall mean 174.0 metres Canadian Geodetic Datum for Building A, B and D and 173.75 metres Canadian Geodetic Datum for Building C on Schedule C1(142);
- (i) For the purpose of this exception, "apartment house dwellings" shall mean a building containing more than four (4) dwelling units, each having access either from an interior corridor system or direct access at grade, or any combination thereof;

PERMITTED USES

- (j) On the lands shown on Schedule C1(142), the only permitted uses shall be:
 - (i) residential: *apartment house dwellings*, multiple attached dwellings, and accessory uses including *recreational amenity areas*; and
 - (ii) non-residential: automatic laundry shops, banks, business and professional offices, clubs, commercial galleries, day nursery, commercial schools, dry cleaning and laundry collecting establishments, financial institutions, fitness centres, personal service shops, professional medical offices, retail stores, sales offices, service shops, showrooms, studios, synthetic dry cleaning establishments, restaurants (including accessory outdoor cafe) and temporary sales office;

EXCEPTION REGULATIONS

GROSS FLOOR AREA

- (k) The maximum *gross floor area* for all uses on the lands zoned as C1(142)A shall be 104,000 square metres, of which a minimum *gross floor area* of 3,055.5 square metres for non-residential uses shall be provided, including a minimum *gross floor area* of 1,858 square metres of non-residential space on the ground floor of Building C;
- (l) The maximum *gross floor area* for all uses on the lands zoned as C1(142)B shall be 0.0 square metres;

DWELLING UNITS

- (m) The number of dwelling units shall not exceed 1,479;

BUILDING HEIGHT

- (n) The maximum number of storeys above *established grade* and the maximum building height in metres for all buildings shall be as shown on Schedule C1(142). The number of storeys and measurement of building height shall exclude mechanical penthouses, parapets, outdoor recreational amenity area, any roof

structures used only as green roof, ornaments, above grade pedestrian bridges and any associated structures, stairwells to access the roof and stair enclosures;

BUILDING ENVELOPES

- (o) The maximum tower floorplate shall be:
 - (i) 710.0 square metres *gross floor area* for portions of Building A as shown on Schedule C1(142) in excess of 18.5 metres in height;
 - (ii) 710.0 square metres *gross floor area* for portions of Building B as shown on Schedule C1(142) in excess of 18.5 metres in height; and
 - (iii) 710.0 square metres *gross floor area* for portions of Building D as shown on Schedule C1(142) in excess of 18.5 metres in height;

YARD SETBACKS

- (p) The minimum yard setbacks for all buildings and structures above *established grade* shall be as shown on Schedule C1(142); where there is no minimum yard setback indicated on Schedule C1(142), the minimum yard setback shall be 0.0 metres;
- (q) Notwithstanding (o) above, the first floor of Building C shall provide a minimum setback of 5.0 metres from the lot line along Consumers Road. The first floor of Building B along the east elevation of the building and Building C along the south elevation of the building shall provide a minimum setback of 5.0 metres from the property lines of the O1(47) lands as outlined with the heavy dashed line on Schedule O1(47). A covered access ramp of Building D as shown on Schedule C1(142) is permitted within 2.0 metres of the north property line;
- (r) The minimum yard setbacks shown on Schedule C1(142) shall not apply to balconies, canopies, window sills, railings, lighting fixtures, architectural elements, ornamental elements, exterior stairways, wheelchair ramps and decks, ramps, pergolas and gazebos;
- (s) The minimum yard setbacks for below grade structures shall be 0.0 metres;

PARKING

- (t) All required parking spaces shall be provided within the lands shown on Schedule C1(142);
- (u) All required parking spaces shall be provided below *established grade* with the exception of surface and above grade parking spaces intended for short term parking and delivery;

- (v) Notwithstanding Section 6A(2) (Parking Requirements) of By-law 7625, the minimum number of parking spaces shall be calculated in accordance with the following:

(i) Residential:

For all lands zoned C1(142)A as per Schedule 1, a minimum of 0.54 parking spaces per dwelling unit for residents subject to the following additional provisions:

(a) Building A, B and D collectively will provide;

- i. A minimum of 644 parking spaces for residents;
- ii. A minimum of 0.1 parking spaces per dwelling unit for visitors; and
- iii. A minimum of 3 car-share spaces;

(b) Building B and D collectively;

- i. A minimum of 411 parking spaces for residents;
- ii. A minimum of 81 parking spaces for visitors; and
- iii. A minimum of 3 car-share spaces;

(c) Building C

- i. A minimum of 150 parking spaces for residents; and
- ii. A minimum of 27 parking spaces for visitors;

(d) Building D

- i. A minimum of 233 parking spaces for residents; and
- ii. A minimum of 33 parking spaces for visitors;

(ii) Commercial/Retail:

For all lands zoned C1 (142)A as per Schedule 1, a minimum of 1 parking space per 100 square metres of required Commercial/Retail *gross floor area* on the ground floor of Building C;

- (w) The maximum number of parking spaces shall be calculated in accordance with the following:
 - (i) Residential:
 - (a) Bachelor (up to 45.0 square metres in size) – 0.9 spaces per dwelling;
 - (b) Bachelor (more than 45.0 square metres in size) – 1.3 space per dwelling unit;
 - (c) 1-Bedroom – 1.0 space per dwelling units;
 - (d) 2-Bedroom – 1.3 spaces per dwelling unit; and
 - (e) 3 or more Bedroom – 1.5 space per dwelling unit;
 - (ii) Commercial/Retail:
 - (a) 4.0 spaces per 100.0 square metres of *gross floor area* for non-residential uses;
- (x) Commercial/Retail parking required pursuant to subsections (u) and (v) above can be shared with Residential Visitor parking required for Building C, but shared parking spaces shall not contribute to the minimum number of Residential Visitor parking spaces required;
- (y) Sections 6A(6)(g) (Non-residential Parking Regulations) and 6A(9) (Parking Regulations for Commercial Zones) of By-law 7625 shall not apply;

BICYCLE PARKING

- (z) The minimum number of *bicycle parking* spaces shall be provided in accordance with the following:
 - (i) For Building A
 - (a) Residential:
 - i. Long-term (Resident) – 0.68 spaces per dwelling unit; and
 - ii. Short-term (Visitors) – 0.07 spaces per dwelling unit;
 - (b) Commercial/Retail:
 - i. Long-term – 0.13 spaces per 100.0 square metres of *gross floor area*; and

- ii. Short-term – 3.0 spaces plus 0.25 space per 100.0 square metres of *gross floor area* for non-residential uses;
- (ii) For Building B, C and D
 - (a) Residential:
 - i. Long-term (Resident) – 0.9 spaces per dwelling unit; and
 - ii. Short-term (Visitors) – 0.1 spaces per dwelling unit;
 - (b) Commercial/Retail:
 - i. Long-term – 0.13 spaces per 100.0 square metres of *gross floor area*; and
 - ii. Short-term – 3.0 spaces plus 0.25 space per 100.0 square metres of *gross floor area* for non-residential uses;
- (aa) All *bicycle parking spaces* may be located below grade and at grade;

LOADING

- (bb) Notwithstanding Section 6A(12) (Loading Requirements) of By-law 7625, loading shall be provided in accordance with the following minimum requirements:

Residential Apartment Use:

Number of Units	Minimum number of loading spaces required
0 to 30	None
31 to 399	1 Type "G"
More than 399	1 Type "G" and 1 Type "C"

Retail Store, Restaurant or Personal Service Shop Uses:

Gross Floor Area (square metres)	Minimum number of loading spaces required
0.0 to 499.9	None
500.0 to 1,999.9	1 Type "B"
2,000.0 to 4,999.9	2 Type "B"
5,000.0 to 9,999.9	3 Type "B"
10,000.0 to 19,999.9	1 Type "A" and 3 Type "B"
20,000.0 to 29,999.9	1 Type "A", 3 Type "B" and 1 Type "C"
More than 29,999.9	1 Type "A", 3 Type "B" and 1 Type "C"

Grocery Store and Supermarket Uses:

Gross Floor Area (square metres)	Minimum number of loading spaces required
0.0 to 499.9	None
500.0 to 999.9	1 Type "B"
1,000.0 to 1,999.9	1 Type "A"
2,000.0 to 4,999.9	1 Type "A" and 1 Type "B"
5,000.0 to 9,999.9	1 Type "A" and 2 Type "B"
10,000.0 to 19,999.9	2 Type "A" and 2 Type "B"
More than 19,999.9	2 Type "A" and 3 Type "B"

- (cc) Notwithstanding (bb) above, if a mixed use building has a minimum of 30 dwelling units, the requirement for a *Type "A" loading space* or a *Type "B" loading space* is satisfied by the provision of a *Type "G" loading space*, referred to in (bb) above;
- (dd) Notwithstanding (bb) above, if a mixed use building has a minimum of 400 dwelling units, a *Type "C" loading space* required for the dwelling units is satisfied if a *Type "A"*, *Type "B"* or *Type "C" loading space*, referred to in (bb) above is provided for the non-residential uses in the same building;
- (ee) Notwithstanding s. 6A(16)(d)(iv) of By-law 7625, the area in front of a loading space may be less than the length and width of the loading space it serves;

RECREATIONAL AMENITY AREA

- (ff) Recreational amenity area shall be provided in accordance with the following:
 - (i) a minimum of 1.5 square metres of indoor *recreational amenity area* per dwelling unit;
 - (ii) a minimum of 1.5 square metres of outdoor *recreational amenity area* per dwelling unit; and
 - (iii) a maximum of up to 25.0 percent of the outdoor *recreational amenity area* provided may be used as a green roof;

TEMPORARY USE UNDER SECTION 39 OF THE PLANNING ACT

- (gg) The following uses are permitted on the lands shown on Schedule C1(142) for a period not longer than the earlier of three years from the date of approval of this by-law:
 - (i) car rental agencies permitted in the Industrial-Office Business Park (MO) zone under the City of North York Zoning By-law 7625; and

- (ii) a motor vehicle dealership and a motor vehicle body repair shop as an accessory use as permitted in site specific exception (10) to the Industrial-Office Business Park (MO) zone under the City of North York Zoning By-law 7625;
- (hh) The uses permitted in subsection (gg) are permitted only in any buildings existing on the lands shown on Schedule C1(142) as at the date of enactment of this bylaw, as may be repaired from time to time, and are subject to the performance standards for those uses in the Industrial-Office Business Park (MO) zone or the site specific exception (10) to the Industrial-Office Business Park (MO) zone of the City of North York Zoning By-law 7625, as applicable;

DIVISION OF LANDS

- (ii) 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;"
3. Section 64.23(142) (hh) of By-law 7625 of the former City of North York, as amended, is renumbered to Section 64.23(142)(jj).

SECTION 37 PROVISIONS

4. Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, the heights and density of development permitted by this exception are permitted upon the entering into an agreement or agreements pursuant to Section 37(3) of the Planning Act in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions, indemnity, insurance, termination and unwinding, and registration and priority of agreement, which on the other terms and conditions set out therein provides for the following in addition to the benefits secured by By-law 1182-2016(OMB) on the lands:
- (a) the owner shall provide a cash contribution prior to the issuance of the first above-grade building permit for Building C in the amount of \$1,350,000.00 for community and recreational facility improvements, including the Toronto Public Library, within the vicinity of the lands.
5. Section 64.23 of By-law 7625 of the former City of North York is amended by deleting Schedule C1(142) and adding Schedule C1(142) attached to this By-law.
6. Section 64.37 of By-law 7625 of the former City of North York is amended by adding the following subsection:

"64.37 (47) O1(47)

PERMITTED USES

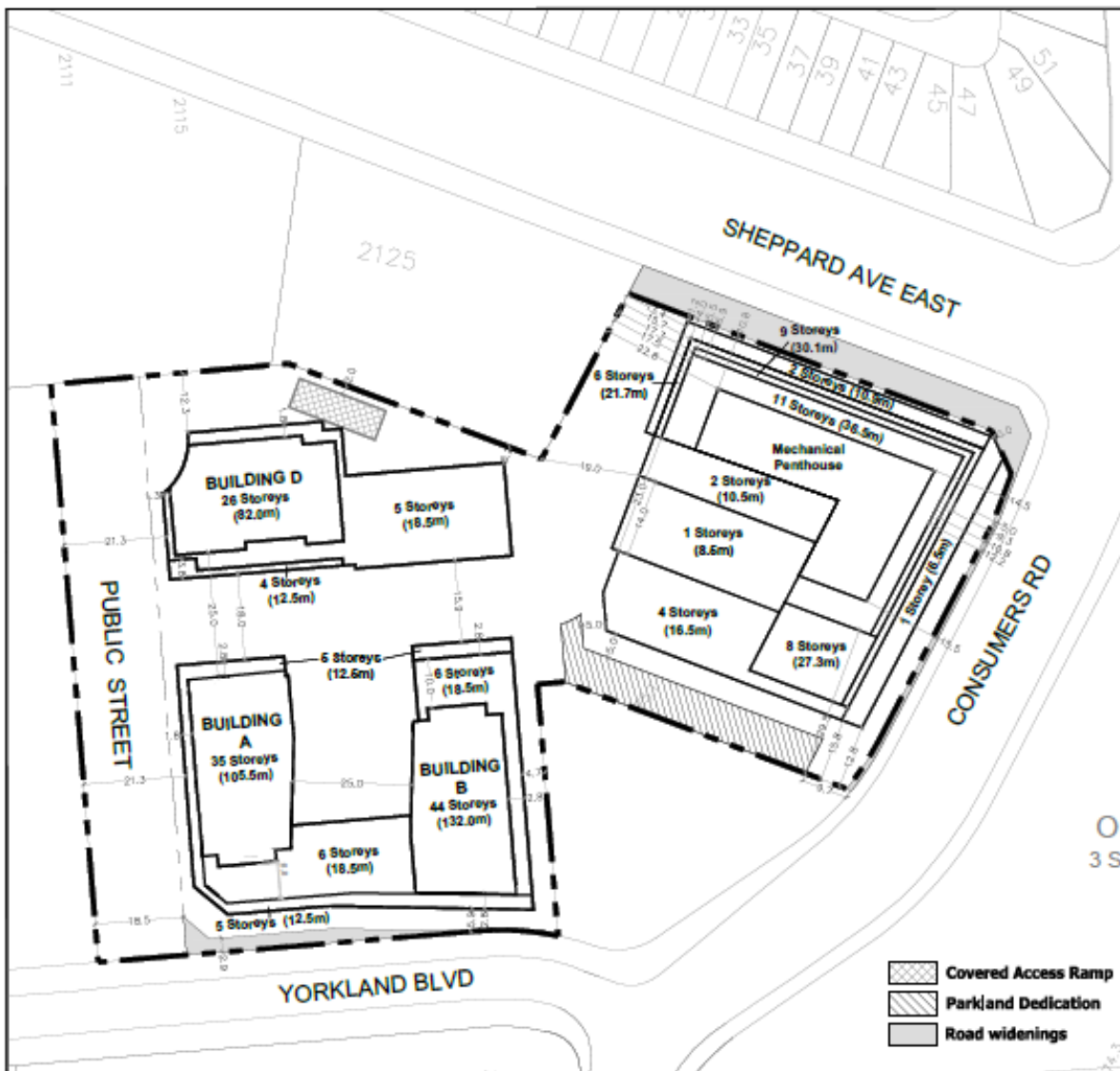
- (a) The following uses shall be permitted:
 - (i) construction staging and stockpiling; and
 - (ii) all uses permitted in the Open Space Zone (O1).
- 7. Section 64.37 of By-law 7625 of the former City of North York is amended by deleting Schedule O1(47) and adding Schedule O1(47) attached to this By-law.

Enacted and passed on April 18, 2024.

Frances Nunziata,
Speaker
(Seal of the City)

John D. Elvidge,
City Clerk

Schedule C1(142)



Schedule O1(47)

