

Attachment 8: Draft Zoning By-law

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

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend former City of North York Zoning By-law No.1185-2010 (OMB), as amended,
with respect to the lands municipally known as 1100 Sheppard Avenue West**

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 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 provision 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 and 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 the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 7625, 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;

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

1. By-law 1185-2010 (OMB) is amended as follows:

- a) Clause 4(x)(iii) "Gross Floor Area" be amended by adding a new subclause which shall apply only to Building 'A' in addition to the provisions provided for by Clause 4(x)(iii)a, b and c:
 - d. In addition to the exclusions identified above for Buildings 'A', 'B' and 'C', the following shall also be excluded from the calculation of "Gross Floor Area" for

Building 'A':

- i. parking, loading and bicycle parking below established grade;
- ii. required loading spaces and required bicycle parking spaces at or above established grade;
- iii. storage rooms, washrooms, electrical , utility, mechanical and ventilation rooms in the basement;
- iv. shower and change facilities required by the By-law for required bicycle parking spaces;
- v. indoor amenity space;
- vi. elevator shafts;
- vii. garbage shafts;
- viii. mechanical penthouses; and
- ix. exit stairwells in the building.

b) Subsection 4(x) is amended by adding the following definition:

- (viii) "Type 'G' loading space" shall mean a loading space that is a minimum of 4.0 metres wide, 13.0 metres long and has minimum clearance of 6.1 metres.

c) Subsection (gg) is amended to replace '234.1' with '244.8'.

d) Subsection (ll) is replaced with the following; "Notwithstanding the permitted projections set out in Section 6(9) of By-law 7625, a canopy covering a parking garage access ramp is permitted."

e) Subsection (mm) is revised by replacing the maximum GFA (m²) of '20,000' for Building 'A' with '30,250' and the Total GFA not to Exceed '46,965' with '61,446' in the chart.

f) Subsection (ww)(i) is amended by adding the following subclause (E):

- (E) Notwithstanding (A) through (D) above, for residential uses in Building 'A' parking shall be provided at:

(i) a minimum rate of:

- (a.) 0.6 spaces for each bachelor dwelling unit up to 45 square metres and 1.0 spaces for each bachelor dwelling unit greater than 45 square metres;
- (b.) 0.7 spaces for each one bedroom dwelling unit;
- (c.) 0.9 spaces for each two bedroom dwelling unit; and
- (d.) 1.0 spaces for each three or more bedroom dwelling unit greater than 45 square metres; and

(ii) a maximum rate of:

- (a.) 0.9 spaces for each bachelor dwelling unit up to 45 square metres and 1.3 spaces for each bachelor dwelling unit greater than 45 square metres;

- (b.) 1.0 spaces for each one bedroom dwelling unit;
- (c.) 1.3 spaces for each two bedroom dwelling unit; and
- (d.) 1.5 spaces for each three or more bedroom dwelling unit; and

(iii) visitor parking at a minimum rate of 0.1 space for each dwelling unit.

g) Subsections (xx) to (zz) are to be renumbered (yy) to (aaa) accordingly.

h) A new subsection **LOADING** is to be incorporated after (ww) as follows:

(xx) For Building "A", a minimum of one (1) Type "G" loading space shall be provided.

SECTION 37 AGREEMENT

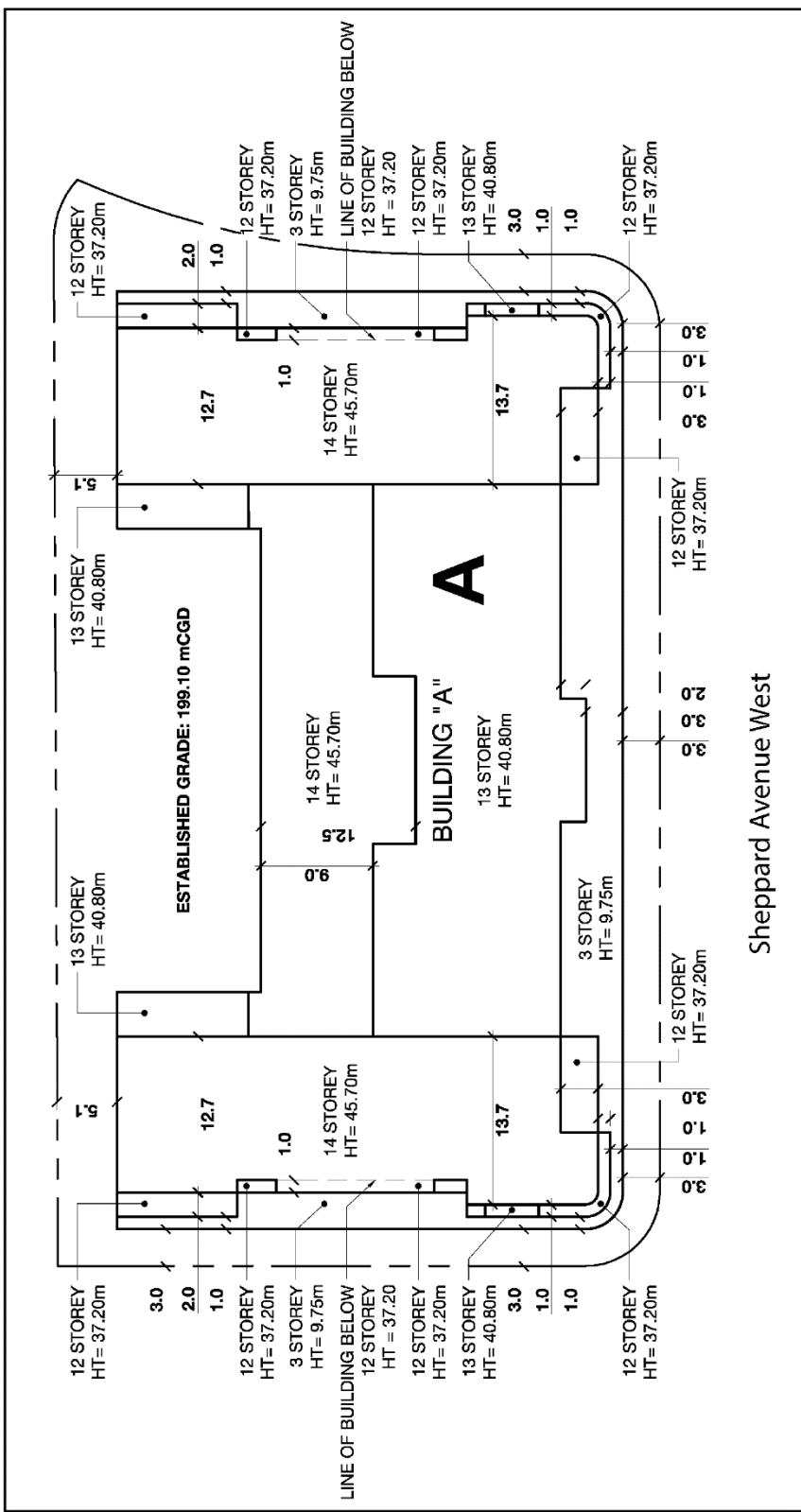
- i) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule C4(7)(Building A) in return for the provision by the owner, at the owner's 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.
 - j) 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.
 - k) 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.
- 2.** Schedule C4(7) is amended by replacing the depiction of Building 'A' with that illustrated on Schedule C4(7) (Building A) attached.
- 3.** Within the lands shown on Schedule "C4(7)" 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 lot 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.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



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 site and secured in an agreement or agreements under subsection 37(3) of the *Planning Act* whereby the owner agrees as follows:

- i. Prior to the issuance of the first above grade building permit, a financial contribution, in the amount of \$400,000 shall be submitted to secure for public art on the lands to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The owner shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Program to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the terms of the Percent for Public Art Program shall be set out in the Section 37 Agreement.
- ii. Prior to the issuance of the first above-grade building permit, the owner shall make a cash contribution to the City in the amount of \$800,000 to be used for improvements to the local park and the pedestrian realm between the subject site and the Sheppard West subway station, to be determined by the Chief Planner and Executive Director, City Planning Division in consultation with the local Councillor. The financial contribution amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment for the local park and streetscape improvements.
- iii. In the event the cash contributions above have not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment 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 purposes are identified in Toronto's Official Plan and will benefit the community.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- i. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.