

Authority: North York Community Council Item [-], as adopted by City of Toronto Council on [-]

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 123 and 123A Parkway Forest Drive.

Whereas Council of the City of Toronto 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 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, as amended; and

Whereas the Official Plan for the former 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 on the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, shall continue to apply to a by-law passed pursuant to the repealed Section 37(1), prior to the date that a municipality passes a community benefits charge by-law and this by-law was passed prior to that date; and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, by its Decision No. 1968 issued July 11, 2006 and by its Order issued on July 15, 2008 approved By-law No. 865-2008(OMB) being an amendment to Zoning By-law No. 7625, as amended, of the former City of North York, with respect to lands municipally known as 125 George Henry Boulevard, 32-50, 60, 62, 65, 66, 70, 72, 76 and 80 Forest Manor Road, 85, 95, 100, 106, 110, 123, 123A, 125 and 130 Parkway Forest Drive and 1751 and 1761 Sheppard Avenue East, which is a by-law described in repealed 37(1) of the Planning Act; and

Whereas this By-law does not amend or remove the requirement to provide facilities, services and matters 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 on 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 and matters in return for an increase in the height or density 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 the owner of the aforesaid lands has elected to provide the facilities, services and matters in return for certain increases in density and height beyond those contained in By-law 7625 through the amendments set out in By-laws 865-2008(OMB), 1645-2012, 267-2014, 268-2014, 342-2015(OMB), 1352-2015, 247-2017, 144-2018 and in this By-law through a site-specific amendment to By-law 569-2013; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 7625 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law, to be secured by one or more agreements between the owner of the land and the City of Toronto; 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.

The Council of the City of Toronto enacts:

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, as amended, 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 label to these lands: CR 3.0 (c1.0; r3.0) SS2 (x1088) as shown on Diagram 2 attached to 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 Areas Overlay Map in Article 995.10.1 and applying no value.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1, and applying the following height label to these lands: HT 10.5 as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article

900.11.10 Exception Number 1088 so that it reads:

(1088) Exception CR 1088

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 lands municipally known as 123 and 123A Parkway Forest Drive, if the requirements of By-law [Clerks to insert By-law number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with provisions (B) to (II) below;

Existing Buildings and Parking Entry Ramp Enclosure

- (B) The following provisions (C) through (H) apply only to the **lawfully** established **buildings** identified as “Building A”, “Building B” and the “Parking Entry Ramp Enclosure” on Diagram 4 of By-law [Clerks to insert By-law number];
- (C) Despite regulation 40.5.40.60(5), Clause 40.10.40.60 and (Y) below, **lawfully** established elements may encroach into setbacks of **lawfully** established **buildings** to the extent that they exist on the **lot** as of the date of the passing of By-law [Clerks to insert By-law number];
- (D) Despite regulation 40.10.40.40(1) the permitted maximum **gross floor area** for uses in “Building A” and “Building B” must not exceed the **gross floor area** existing therein as of the date of the passing of By-law [Clerks to insert By-law number], excluding any alterations and internal modifications that result in an additional 500 square metres of **gross floor area**;
- (E) Despite regulations 40.5.40.10(1) and (2), the permitted maximum height is the **lawfully existing** height of the **buildings** as it existed on the **lot** as of the date of the passing of By-law [Clerks to insert By-law number];
- (F) Despite regulations 40.5.40.10(3) to (8) and (T) below, **lawfully** established elements may project above **lawfully** established **buildings** to the extent that they exist on the **lot** as of the date of the passing of By-law [Clerks to insert By-law number];
- (G) Regulation 40.10.40.50(1), with respect to **amenity space**, does not apply to any existing **amenity space** on the **lot**, as of the passing of By-law [Clerks to insert By-law number] are deemed to comply with the requirements of this By-law;

- (H) For the purposes of this exception, regulation 230.5.10.1(5), with respect to **bicycle parking space** requirements for **dwelling units**, does not apply and any existing **bicycle parking spaces** existing on the **lot**, as of the passing of By-law [Clerks to insert By-law number] are deemed to comply with the requirements of this By-law;

Entire Site

- (I) The following provisions (J) through (N) apply to the lands municipally known as 123 and 123A Parkway Forest Drive as shown on Diagram 1 of By-law [Clerks to insert By-law number];
- (J) Despite regulations 200.5.1(3), 200.5.1.10(2), 200.5.1.10(12), and Clause 220.5.20.1 existing **parking spaces, loading spaces, drive aisles, driveways** and ramps that existed on the **lot** as of the date of the passing of By-law [Clerks to insert By-law number], may be maintained and are deemed to comply with the requirements of this By-law;
- (K) For the purposes of this exception, any **lawfully** established **parking spaces** existing on the **lot** as of the date of the passing of By-law [Clerks to insert By-law number] are not subject to regulation 200.5.1.10(14) and are deemed to comply with the requirements of this By-law;
- (L) For the purposes of this exception, any **lawfully** established accessible **parking spaces** existing on the **lot**, as of the date of the passing of By-law [Clerks to insert By-law number] are not subject to regulations 200.15.1(1) to (4) and are deemed to comply with the requirements of this By-law;
- (M) For the purposes of this exception, any **lawfully** established **loading spaces** existing on the **lot**, as of the date of the passing of By-law [Clerks to insert By-law number] are not subject to the **loading space** requirements outlined in regulations 220.5.1.10(8) and 220.5.10.1(2) and Clause 220.5.20.1 and are deemed to comply with the requirements of this By-law;
- (N) For the purposes of this exception, any **lawfully** established **bicycle parking spaces** existing on the **lot** as of the date of the passing of By-law [Clerks to insert By-law number] are not subject to Clause 230.5.1.10 and are deemed to comply with the requirements of this By-law;

New Building

- (O) The following provisions (P) through (HH) only apply to the **building** identified as “Building C” on Diagram 4 of By-law [Clerks to insert By-law number];

- (P) In addition to uses permitted in Clause 40.10.20.10, a car-share use is permitted as a commercial use in “Building C”;
- (Q) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 177.4 metres and the elevation of the highest point of the **building** or **structure**;
- (R) Despite regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number in metres following the letters “HT” as shown on Diagram 4 of By-law [Clerks to insert By-law number];
- (S) In addition to the uses permitted in regulation 40.5.75.1(5) a “geo-energy facility” is permitted;
- (T) Despite regulations 40.5.40.10(3) to (8) and (R) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 4 of By-law [Clerks to insert By-law number]:
 - (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 9.9 metres;
 - (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, including a mechanical penthouse, by a maximum of 9.9 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres, and no more than 1.5 metres for solid parapets or walls;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 2.5 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.5 metres;
 - (vi) antennae, flagpoles and satellite dishes, by a maximum of 1.5 metres; and
 - (vii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 4.0 metres;
- (U) Despite regulation 40.10.40.40(1), the permitted maximum residential **gross floor area** of “Building C” is 26,300 square metres;

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- (V) Despite regulation 40.10.40.70(2), the minimum required **building setbacks** are as shown in metres on Diagram 4 of By-law [Clerks to insert By-law number];
 - (W) Regulations 40.10.40.70(2)(E), (F), and (G), with respect to a 45-degree angular plane, do not apply;
 - (X) Despite regulation 40.10.40.80(2), the minimum required separation of **main walls** are as shown in metres on Diagram 4 of By-law [Clerks to insert By-law number];
 - (Y) Despite regulation 40.5.40.60(1), Clause 40.10.40.60, and (V) and (X) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) canopies and awnings, by a maximum of 2.1 metres;
 - (ii) exterior stairs, access ramps and elevating devices, by a maximum of 1.5 metres;
 - (iii) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.0 metres;
 - (iv) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres;
 - (Z) Regulation 40.10.100.10 (1)(C) with respect to **vehicle** access does not apply;
 - (AA) Despite regulation 200.5.1.10(2)(A)(iv), 15 percent of all of the required **parking spaces** may be obstructed as described in regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
 - (BB) Despite regulation 970.10.15.5(5) and Table 970.10.15.5, **parking spaces** must be provided in accordance with the following:
 - (i) a minimum of 0.11 residential occupant **parking spaces** for each **dwelling unit**, and not exceeding the permitted maximum in Table 200.5.10.1 for **dwelling units** in an **apartment building** in all other areas of the City; and
 - (ii) a minimum of 0.04 residential visitor **parking spaces** for each **dwelling unit**;
 - (CC) Despite regulation 200.15.1(1), an accessible **parking space** must have

the following minimum dimensions:

- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path on one side of the accessible **parking space**;
- (DD) Despite regulation 200.15.1(4), an accessible **parking space** must be within 35 metres of a barrier free passenger elevator that provides access to the first **storey** of the **building**;
- (EE) Despite regulations 200.15.10.5(1) and (2), Table 200.15.10.5 and regulation 200.15.10.10(1), a minimum of 9 **parking spaces** are required to be accessible **parking spaces** to be shared between residents and visitors;
- (FF) Despite Clause 220.5.10.1, a minimum of 1 Type "G" **loading space** for residential uses in "Building C" must be provided on the **lot**;
- (GG) In addition to the places a "long-term" **bicycle parking space** may be located in listed in regulations 230.5.1.10(9)(B)(i)(ii) and (iii), "long-term" **bicycle parking spaces** may also be located in a mezzanine level;
- (HH) Despite regulations 970.30.1(1) and 970.30.15.5(1) and (2), in "Building C", **bicycle parking spaces** must be provided in accordance with the following minimum rates:
- (i) 0.68 "long-term" **bicycle parking spaces** for each **dwelling unit**;
 - (ii) 0.07 "short-term **bicycle parking spaces** for each **dwelling unit**;
- (II) For the purpose of this exception, each word or expression that is in bold font will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:
- (i) "Building A" means the building that existed on the lot as of the date of the passing of By-law [Clerks to insert By-law number], and is identified as "Building A" on Diagram 4 of By-law [Clerks to insert By-law number];
 - (ii) "Building B" means the building that existed on the lot as of the date

of the passing of By-law [Clerks to insert By-law number], and is identified as “Building B” on Diagram 4 of By-law [Clerks to insert By-law number];

- (iii) “Building C” means the building, and is identified as “Building C” on Diagram 4 of By-law [Clerks to insert By-law number];
- (iv) “Car-share” or “car-sharing” means the practice whereby a number of people share the use of one or more motor **vehicles** and such “car-share” motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
- (v) “Car-share parking space” means a **parking space** exclusively reserved and actively signed for a **vehicle** used for car-sharing;
- (vi) “Geo-energy facility” means premises containing devices to generate geo-energy for the exclusive use of the building;
- (vii) “Parking Entry Ramp Enclosure” means the above ground ramp leading to below ground parking, and is identified on Diagram 4 of By-law [Clerks to insert By-law number];

Prevailing By-laws and Prevailing Sections: (None Apply)

8. 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 Diagram 3 of by-law [Clerks to insert By-law number] 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 and matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (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; and
- (D) The facilities, services and matters identified in Schedule A are in addition

to any benefits secured in By-law 7625 as amended by By-laws 865-2008(OMB), 1645-2012, 267-2014, 268-2014, 342-2015(OMB), 1352-2015, 247-2017, and 144-2018 in relation to the lands.

9. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
10. Temporary Uses:
- (A) None of the provisions of By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of a sales centre or office for the sale and leasing of dwelling units constructed on the lands to which this By-law applies, for a period of no more than 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires.

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)

SCHEDULE A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City by the owner at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown on Diagram 1 of By-law [Clerks to insert By-law number]; in accordance with and as secured in an agreement or agreements under Section 37(3) of the Planning Act, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force in a form satisfactory to the City (the "Section 37 Agreement"), whereby the owner agrees as follows:

1. Prior to the issuance of any above grade building permit for "Building C", as shown on Diagram 4, attached to this By-law, the owner shall enter into an agreement to the satisfaction of the City Solicitor, pursuant to Section 37 of the Planning Act as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, came into force to secure the community benefits below.

Affordable Rental Housing

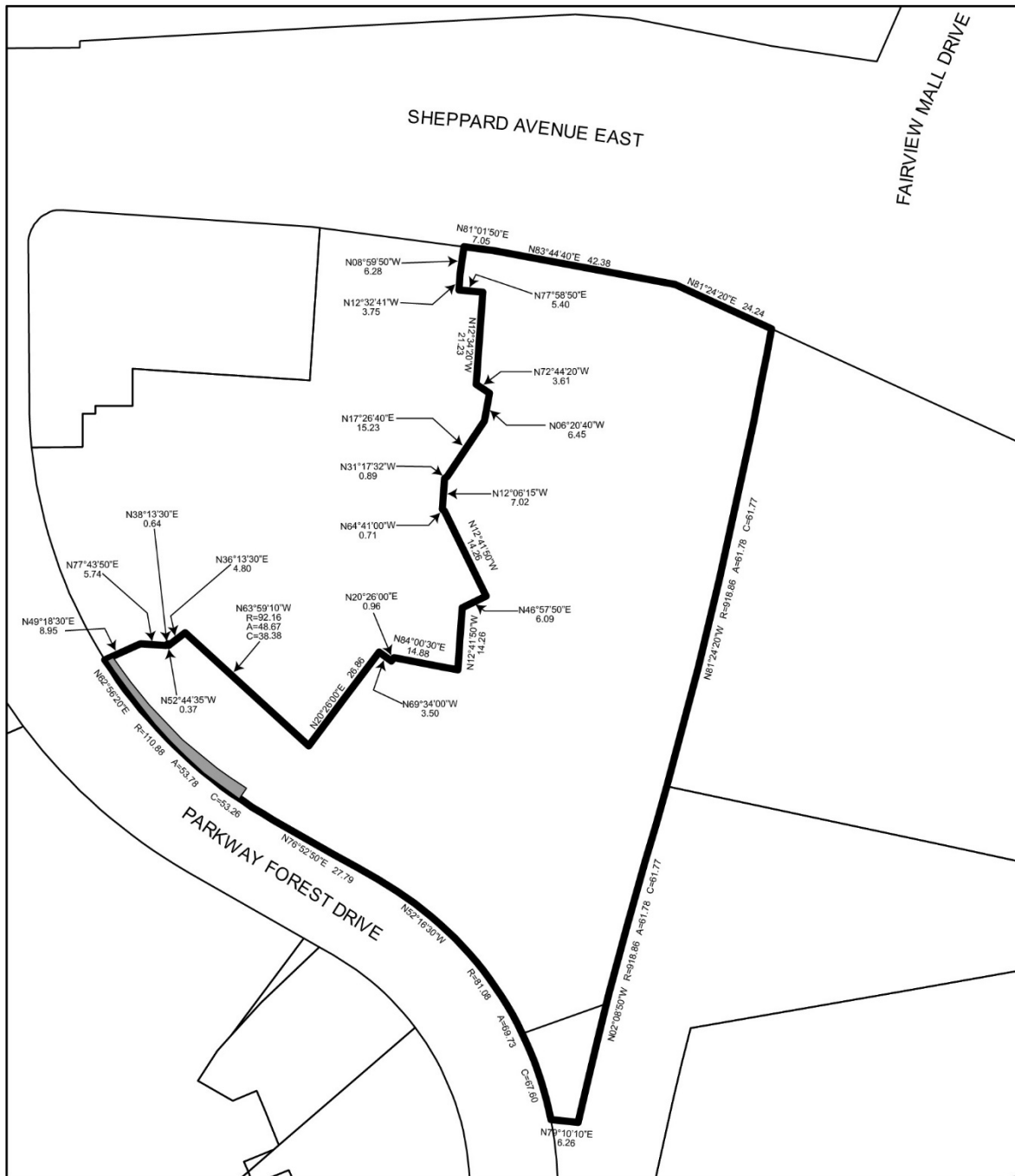
2. The owner shall provide six (6) affordable rental housing units onsite, to be secured as affordable for 25 years and as rental for 25 years all in accordance with the draft Affordable Rental Housing terms attached as Appendix 1 to this Schedule A.

Appendix 1

Affordable Rental Housing

1. The owner shall provide six (6) affordable rental housing units.
2. The final unit mix by number of bedrooms will approximate the overall mix that is proposed for “Building C” as shown on Diagram 4, attached to this By-law. This will include:
 - a. Not more than one (1) studio unit with a minimum gross floor area of 35 square metres.
 - b. At least three (3) one-bedroom units with a minimum average gross floor area of 50 square metres.
 - c. At least one (1) two-bedroom unit with a minimum gross floor area of 64 square metres.
 - d. At least one (1) three-bedroom unit with a minimum gross floor area of 81 square metres.
3. The six (6) affordable rental housing units noted above shall comprise at least a minimum of 330 square metres of gross leasable area.
4. Changes to the unit mix and/or gross leasable area shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
5. The units shall be secured as rental housing for 25 years from the date of first occupancy thereof, and the owner shall not apply to convert them to any other use in this time period.
6. The units shall be provided in groups of at least 6 contiguous units unless the entire building is secured as rental tenure for at least 25 years, in which case the units can be distributed throughout the building with no requirements for contiguous groupings.
7. Maximum rents will be set at affordable rents, as defined in the Official Plan of the City of Toronto.
8. During the 25-year affordability period, annual rent increases for sitting tenants will be limited to the same percentage for annual rent increases as the Guideline increase permitted under the Residential Tenancies Act or equivalent provincial legislation.
 - a. In the event that no Guideline is announced by the Province of Ontario, the applicable percentage shall be the Consumer Price Index for the City of

Toronto as of the month prior to the date that the notice of rent increase is served.



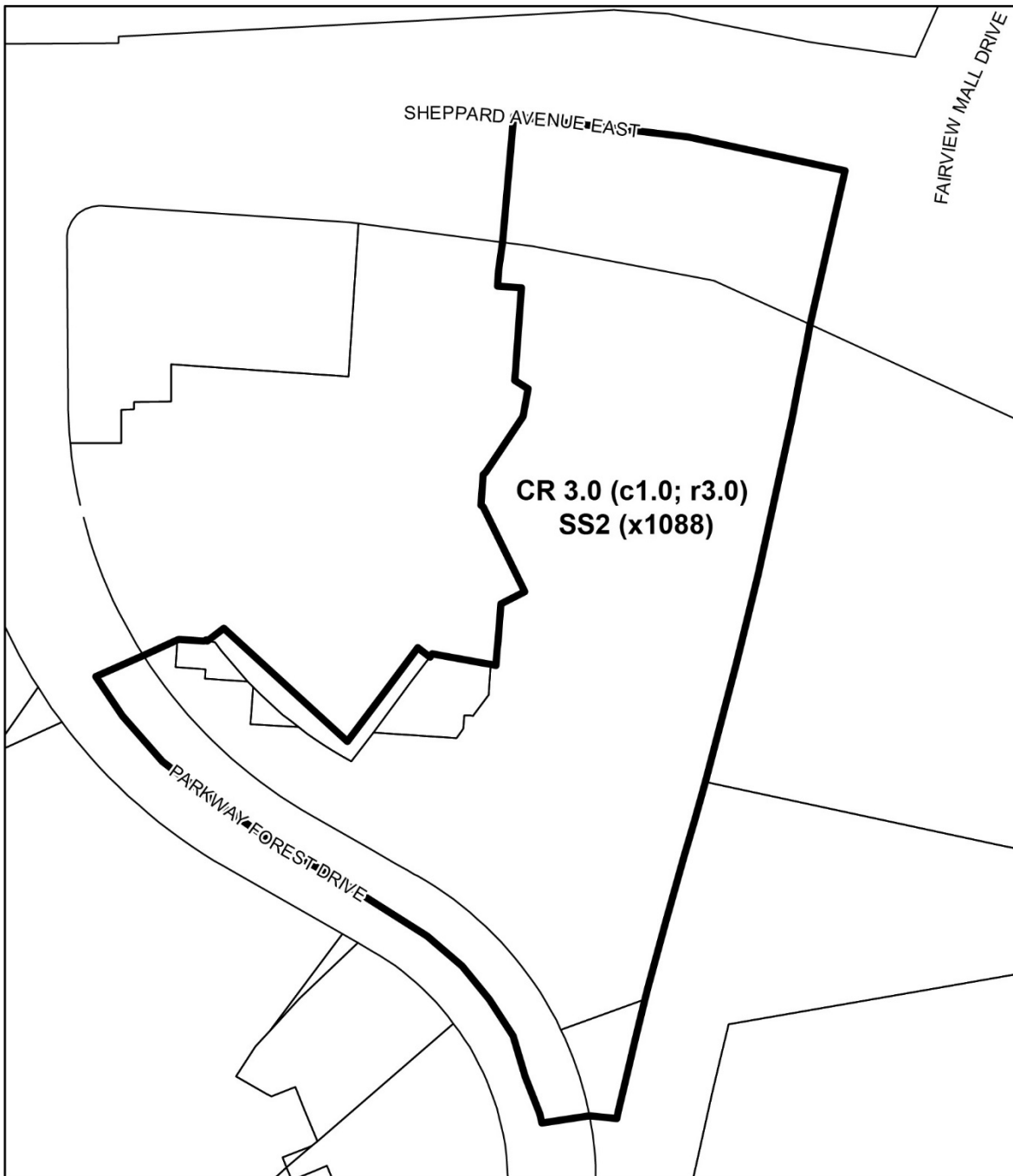
Toronto
Diagram 1

123 & 123A Parkway Forest Drive

File # 21 195222 NNY 17 0Z

 Road Widening

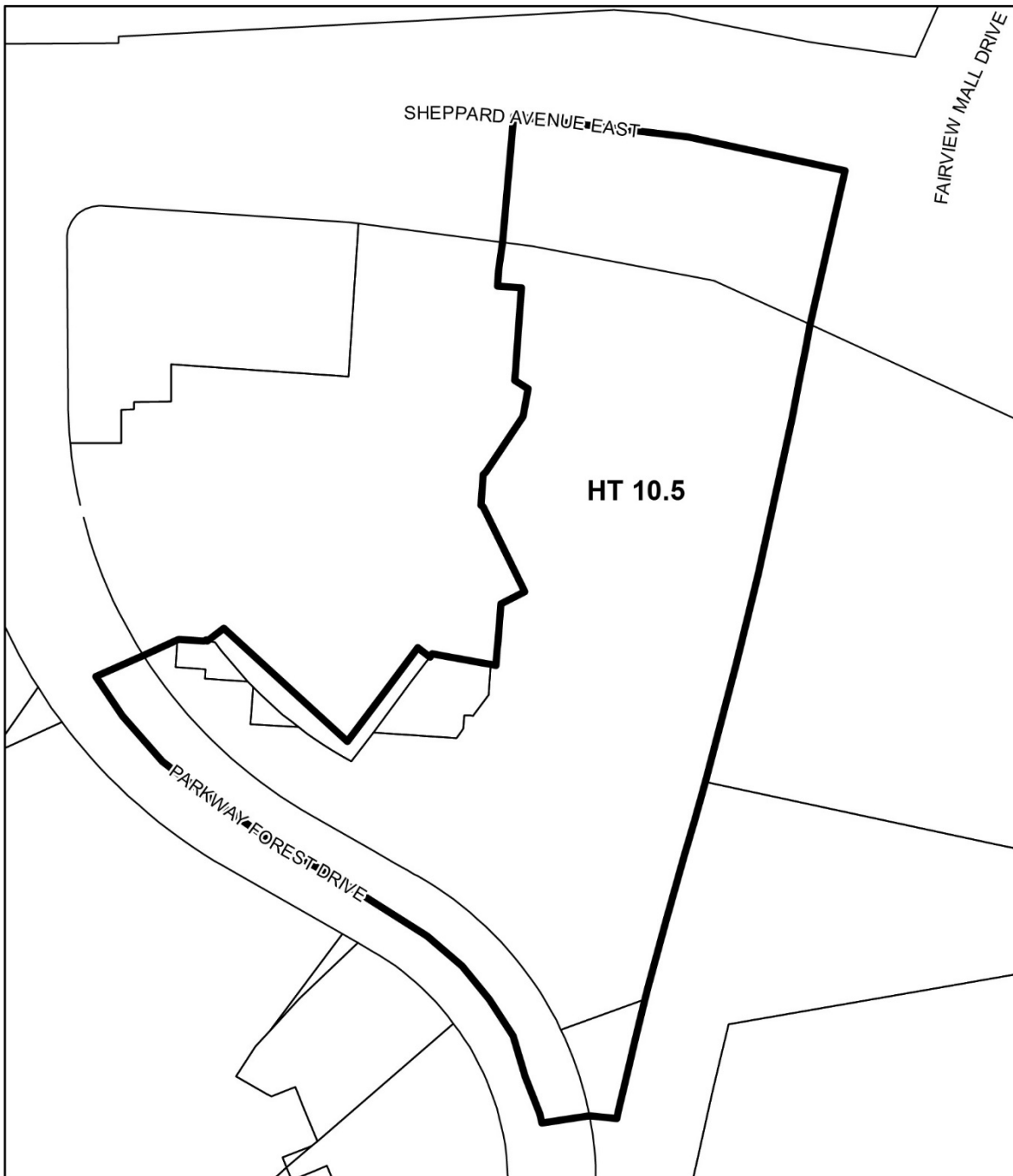
City of Toronto By-law 569-2013
Not to Scale
03/04/2025



 **TORONTO**
Diagram 2

123 & 123A Parkway Forest Drive

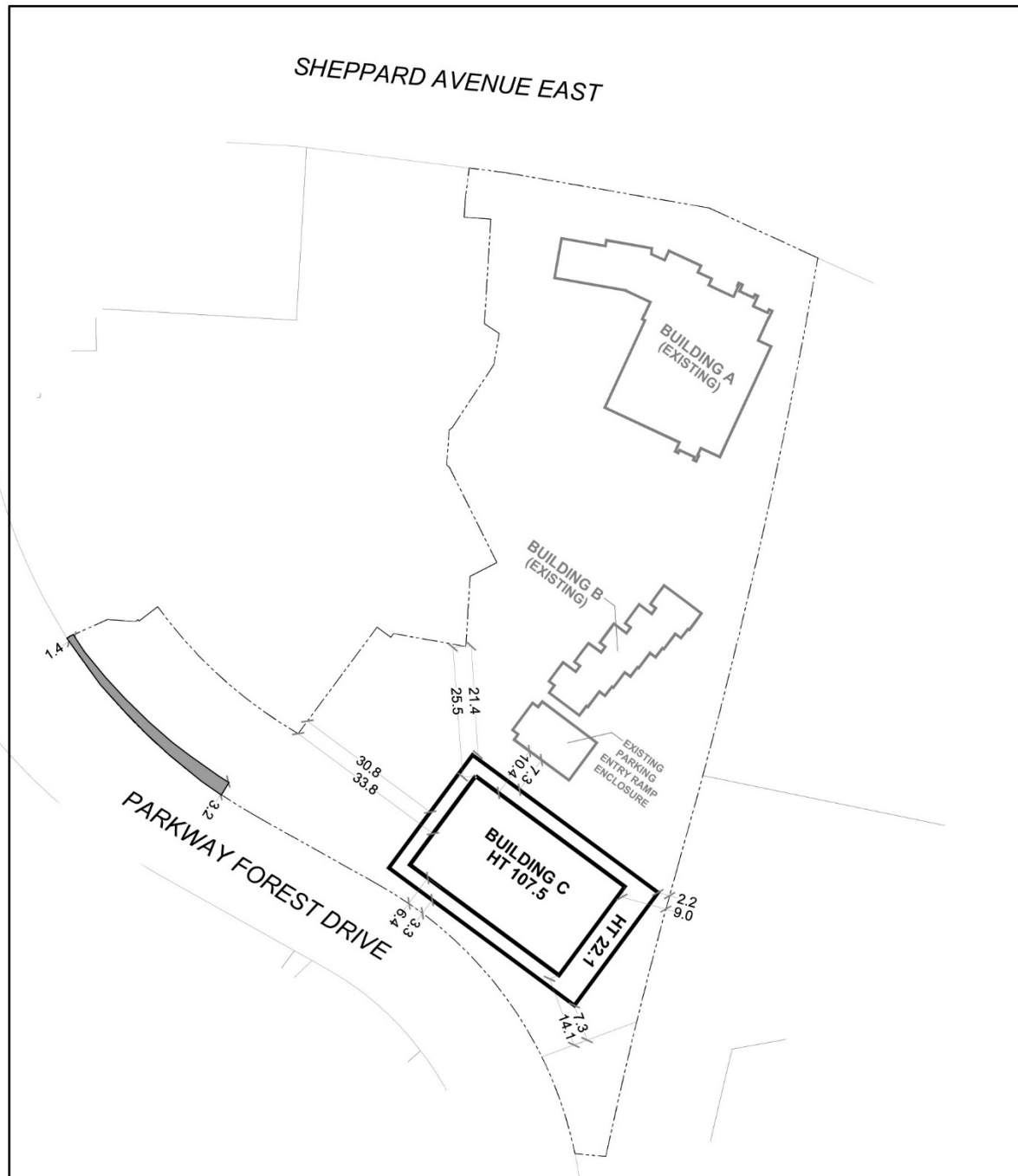
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 **TORONTO**
Diagram 3

123 & 123A Parkway Forest Drive

File # 21 195222 NNY 17 02



Toronto
Diagram 4

123 & 123A Parkway Forest Drive

File # 21 195222 NNY 17 02

 Road Widening


City of Toronto By-law 569-2013
Not to Scale
03/03/2025