

Authority: Toronto and East York Community Council  
Item XXXX, adopted as amended, by City of Toronto  
Council on XX 20XX

## CITY OF TORONTO

### BY-LAW XXXX-20XX

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in the year 2020 as 1134 and 1140 Yonge Street.**

Whereas authority is given to the Council of a municipality by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass Zoning By-laws; 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 Council of the City of Toronto, at its meeting on XX, 2020, determined to amend the former City of Toronto Zoning By-law 438-86 with respect to lands known municipally in the year 2020 as 1134 and 1140 Yonge Street;

The Council of the City of Toronto enacts:

1. None of the provisions of Section 2(1) with respect to *grade, height, residential gross floor area, and lot*, and Sections 4(2), 4(3)(a); 4(10)(d), 4(12), 4(13(a)(c), 8(3) Part I 1, 8(3) Part I 3(A), 8(3) Part II 1(B)(II), 8(3) Part II 4(A), 8(3) Part II 4(C)(I)(III), 8(3) Part IV 2, 8(3) Part XI 2(i), 8(3) Part XI 2(iii) of By-law 438-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto" as amended, shall apply to prevent the erection and use of a *mixed-use* building on the *lot*, provided that:
  - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) notwithstanding 8(3) Part I 1 and 8(3) Part I 3(A), the total aggregate *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 18,000 square metres, provided:
    - (i) The *residential gross floor area* does not exceed 16,000 square metres; and
    - (ii) The *non-residential gross floor area* does not exceed 2,000 square metres;

- (d) no portion of any building or structure on the *lot* shall have a *height* greater than the *height* in metres specified by the number following the "H" symbol as shown on Map 2 attached to and forming part of this By-law, with the exception of the following, by not more than 7.5 metres;
- (i) equipment and structures used for the functional operation of the building and the screening of these equipment and structures;
  - (ii) parapets, balustrades, railings, wind screens, balcony guards, handrails, window sills, skylights, terraces, light fixtures, scuppers, roof drainage, vents, stacks, roof access hatches, fall-arrest systems, insulation and building envelope membranes, bollards, outdoor furniture, planters and built-in planter boxes;
  - (iii) green roof and associated elements, including parapets and sloped toppings;
  - (iv) divider screens, visual screens, fences, sound barriers, acoustical screens, and privacy screens, swimming pools, decks, elevator overruns; and
  - (v) pergolas, trellises, awnings, window washing equipment;
- (e) no portions of a building or structure located above ground shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, with the exception of the following:
- (i) cornices, ornamental elements, pillars, art and landscape features, awnings, balconies, canopies, parapets, railings, wind screens, balcony guards, handrails, window sills, terraces, trellises, light fixtures, scuppers, fall-arrest systems, window washing equipment, site servicing features, insulation and building envelope membranes, bollards, built-in planter boxes by not more than 2.0 metres;
  - (ii) patios, decks, doors, wheelchair ramps, hose bibs, ventilation shafts and mechanical grilles by not more than 1.5 metres;
  - (iii) balconies and associated elements, including screens and planters, by no more than 5.0 metres and in accordance with the following:
    - (a) Any exterior flooring, associated elements to exterior flooring, and structural elements that do not exceed a height of 0.30 metres;
    - (b) Any walls, sound barriers, acoustical screens, dividers, guardrails, screens or planters do not exceed a height of 2.0 metres, measured from the surface of the balcony;

- (c) They are located at least 10.5 metres above average grade along the rear main wall; and
- (d) They are located at least 10.5 metres above average grade along the front main wall and the west side main wall;
- (f) notwithstanding 4(12), *residential amenity space* shall be provided at a minimum rate of 4.0 square metres for each *dwelling unit* of which:
  - (i) A minimum of 4.8 square metres for each *dwelling unit* shall be indoor *residential amenity space*; and
  - (ii) A minimum of 3.0 square metres for each *dwelling unit* shall be outdoor *residential amenity space*;
- (g) notwithstanding 4(3), *parking spaces* for the *mixed-use building* shall be provided and maintained on the *lot* in accordance with the following:
  - (i) A minimum of 106 *parking spaces* for the use of the residents of the building;
  - (ii) A minimum of 6 *parking spaces* for visitor use;
  - (iii) A minimum of 14 *parking spaces* for commercial and retail uses;
- (h) an accessible *parking space* shall 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;
- (i) *bicycle parking spaces* shall be provided on the *lot* as follows:
  - (i) A minimum of 1.0 *bicycle parking spaces – occupant* for each dwelling unit the use of residents of the building shall be provided;
  - (ii) A minimum of 0.1 *bicycle parking spaces – visitor* for each dwelling unit for visitors to the building shall be provided; and

- (iii) A minimum of 13 bicycle parking spaces will be provided for commercial and retail uses.
  - (iv) Notwithstanding the definition of *bicycle parking space – occupant* in Section 2(1) of Zoning By-law 438-86, as amended, a bicycle parking space may be provided in a *stacked bicycle parking space*;
2. None of the provisions of By-law 438-86 shall apply to prevent a *sales office* on the *lot*.
3. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
4. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended, with the exception of the following terms:
- (a) "*bicycle parking space*" means an area used for storing bicycles having the following minimum dimensions:
    - (i) Where the bicycles are to be parked in a vertical position, the bicycle parking space shall have a minimum length or horizontal clearance from the wall of 1.1 metres, a minimum width of 0.46 metres and a vertical dimension of at least 1.83 metres; and
    - (ii) Where the bicycles are to be parked in bicycle stacker, each bicycle parking space shall have a minimum vertical clearance of 1.2 metres;
- "*grade*" shall mean 121.80 metres Canadian Geodetic Datum;
- (b) "*height*" shall mean the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly permitted in this By-law;
  - (c) "*gross floor area*" shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level. The gross floor area of the *mixed use building* is reduced by the area in the building used for:
    - (i) parking, loading and bicycle parking below *grade*;
    - (ii) *loading spaces* at the ground level and *bicycle parking spaces* at or above *grade*;
    - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;

- (iv) shower and change facilities required by this By-law for required bicycle parking spaces;
  - (v) *residential amenity space* required by this By-law;
  - (vi) elevator shafts;
  - (vii) *garbage* shafts;
  - (viii) *mechanical* penthouse; and
  - (ix) exit stairwells in the building;
- (g) "*sales office*" means a building, structure, facility or trailer on the *lot* used for the purpose of the used exclusively for the initial sale and/or initial leasing of *dwelling units* or *non-residential gross floor area* uses proposed on the *lot*;
- (h) "*stacked bicycle parking space*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*, having horizontal dimensions of at least 0.27 metres by 1.8 metres and a vertical dimension of at least 1.2 metres.
5. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.

Enacted and passed on February 26, 2020.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



