

Authority: Planning and Housing Committee Items PH11.2 and PH11.3, as adopted by City of Toronto Council on December 17 and 18, 2019

CITY OF TORONTO

Bill 1739

BY-LAW -2019

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 140 Merton Street.

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;

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, Chapter 800 Definitions;
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 4.9 (c2.0; r4.3) SS2 (x224), as shown on Diagram 2 attached to this By-law;
4. Zoning By-law 569 -2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20.1 for the lands subject to this By-law to HT 63.0 as shown on Diagram 3 attached to this By-law;
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 224 so that it reads:

(224) Exception CR 224

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 140 Merton Street, a **building, structure**, addition or enlargement may be erected or used if it complies with (B) to (X) below;
- (B) Despite regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), the only permitted non-residential uses are:
 - (i) **community centre**; and

- (ii) a **retail store, personal service shop, office, eating establishment and take-out eating establishment** provided:
 - (a) the use is **ancillary** to the **community centre**; and
 - (b) the use is located in the first or second **storey**;
- (C) Despite regulations 40.10.40.10(2) and 40.10.40.10(7), the permitted maximum height of a **building or structure** is the height in metres specified by the numbers following the symbol HT and the permitted maximum number of **storeys** is the numerical value following the symbol ST as shown on Diagram 4 attached to By-law [Clerks to insert number];
- (D) Despite regulations 40.5.40.10(1) and 40.5.40.10(2), the height of a **building or structure** is the distance between the Canadian Geodetic Datum of 154.8 metres and the elevation of the highest point of the **building or structure**;
- (E) Despite regulations 40.10.40.70(2), the required minimum **building setbacks** in metres are as shown on Diagram 4 of By-law [Clerks to insert number];
- (F) The permitted maximum floor area, measured from the exterior of the **main wall** of each floor level and inclusive of the entire floor, above a height of 19.0 metres is 750 square metres;
- (G) Despite regulation 40.10.40.10(5), the required minimum height of the first **storey**, measured between the floor of the first **storey** and the ceiling of the first **storey**, is 3.1 metres;
- (H) Despite regulation 40.10.40.1.(2), the floor level of the first **storey** for the non-residential uses on site will be within 0.75 metres of the ground measured at the **lot line** abutting the **street**;
- (I) Despite regulation 40.10.40.1(6)(A), pedestrian access to a **community centre** use may be located within 12.0 metres of a **lot** in the Residential Zone category;
- (J) Despite regulation 40.10.50.10 (2), a fence is not required along the portion of a **lot line** abutting the **lot** in the Residential Zone category;
- (K) Despite regulation 40.10.50.10 (3), a minimum 1.0 metre wide strip of land used only for **soft landscaping** will be provided along the part of the **lot line** abutting the **lot** in the Residential Zone category;
- (L) Despite regulation 40.10.40.60(1), a platform or balcony attached to the **main wall** with a floor level higher than the floor level of the first **storey** of the **building**:
 - (i) must be located above the first three **storeys** of the **building** above-ground;

- (ii) at the fourth and fifth **storeys** of the **building**, must not be located closer to a **lot line** than the **main wall** to which it is attached; and
 - (iii) above the first five **storeys** of the **building**, may project a maximum of 1.5 metres from the **main wall** to which it is attached;
- (M) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** on the **lot** is 16,650 square metres, allocated as follows:
 - (i) the permitted maximum **gross floor area** for residential uses is 14,500 square metres;
 - (ii) the required minimum **gross floor area** for **community centre** uses is 2,150 square metres; and
 - (iii) a maximum of 200 square metres of the **gross floor area** of a **community centre** use may be occupied by one of the following uses, subject to (B) (ii) above: **eating establishment**, office, **personal service shop**, **retail store**, or **take-out eating establishment**;
- (N) Despite regulation 40.10.40.50.(1), **amenity space** must be provided in accordance with the following:
 - (i) a minimum of 2.4 square metres per **dwelling unit** must be indoor **amenity space**;
 - (ii) a minimum of 0.6 square metres per **dwelling unit** must be outdoor **amenity space**;
- (O) Despite regulation 200.5.10.1(1), **parking spaces** must be provided in accordance with the following:
 - (i) A minimum of 15 **parking spaces** for the **dwelling units**;
 - (ii) A minimum of 15 **parking spaces** for visitors to the **dwelling units**; and
 - (iii) A minimum of 15 **parking spaces** must be provided and maintained for **community centre** and **ancillary** uses.
- (P) Despite regulation 200.15.1.5(1), accessible **parking spaces** may be located in the **basement** parking levels;
- (Q) Despite regulation 230.5.1.10(4), the minimum required width of a **bicycle parking space** or a **stacked bicycle parking space** is 0.45 metres;
- (R) Despite regulations 40.5.40.10(4), equipment and **structures** located on the roof of a **building** may exceed the permitted maximum height for that **building** by 5.0 metres, subject to regulation (S) below:

- (i) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;
 - (ii) **structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and
 - (iii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) and (ii) above;
- (S) Despite regulation 40.5.40.10(5), equipment, **structures** or parts of a **building** exceeding the permitted maximum height for a **building**, as permitted by regulation (R) above, must comply with the following:
- (i) the total area of all equipment, **structures**, or parts of a **building** may cover no more than 30 per cent of the area of the roof, measured horizontally; and
 - (ii) if any equipment, **structures**, or parts of a **building** are located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension, measured parallel to the **street**, may not exceed 20 per cent of the width of the **building's main walls** facing that **street**;
- (T) Despite regulation 40.5.40.10(7), a parapet wall for a **green roof** may exceed the permitted maximum height for a **building** by 2.0 metres;
- (U) Despite regulation 40.5.80.10(1), a **parking space** must be on the same **lot** as the use for which the **parking space** is required;
- (V) Despite section 200.15, accessible **parking spaces** must be provided in accordance with the following:
- (i) an accessible **parking space** must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres;
 - (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017;
 - (iii) accessible **parking spaces** must be provided at the following minimum rates:
 - (a) if the number of required **parking spaces** is 25 to 100, a minimum

- of 1 **parking space** for every 25 **parking spaces** or part thereof;
and
- (b) if the number of required **parking spaces** is more than 100, a minimum of 4 **parking spaces** plus 1 **parking space** for every 50 **parking spaces** or part thereof in excess of 100 **parking spaces**;
and
- (iv) for the purpose of this exception, "accessible" means free of physical, architectural or design barriers that would restrict access of use to a person with a disability as defined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11.
- (W) Despite regulation 230.5.1.10(6) and 230.5.1.10(9), a required "long-term" **bicycle parking space** for **dwelling units** and uses other than **dwelling units** may be located:
- (i) outdoors on the surface of the **lot**;
- (ii) on the first or second **storey** of the **building**; or
- (iii) on levels of the **building** below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50 per cent of the area of that level is occupied by **bicycle parking spaces**, until all required **bicycle parking spaces** have been provided; and
- (X) Despite regulation 230.40.1.20(2), a "short-term" **bicycle parking space** may be more than 30 metres from a pedestrian entrance to the **building** on the **lot**.

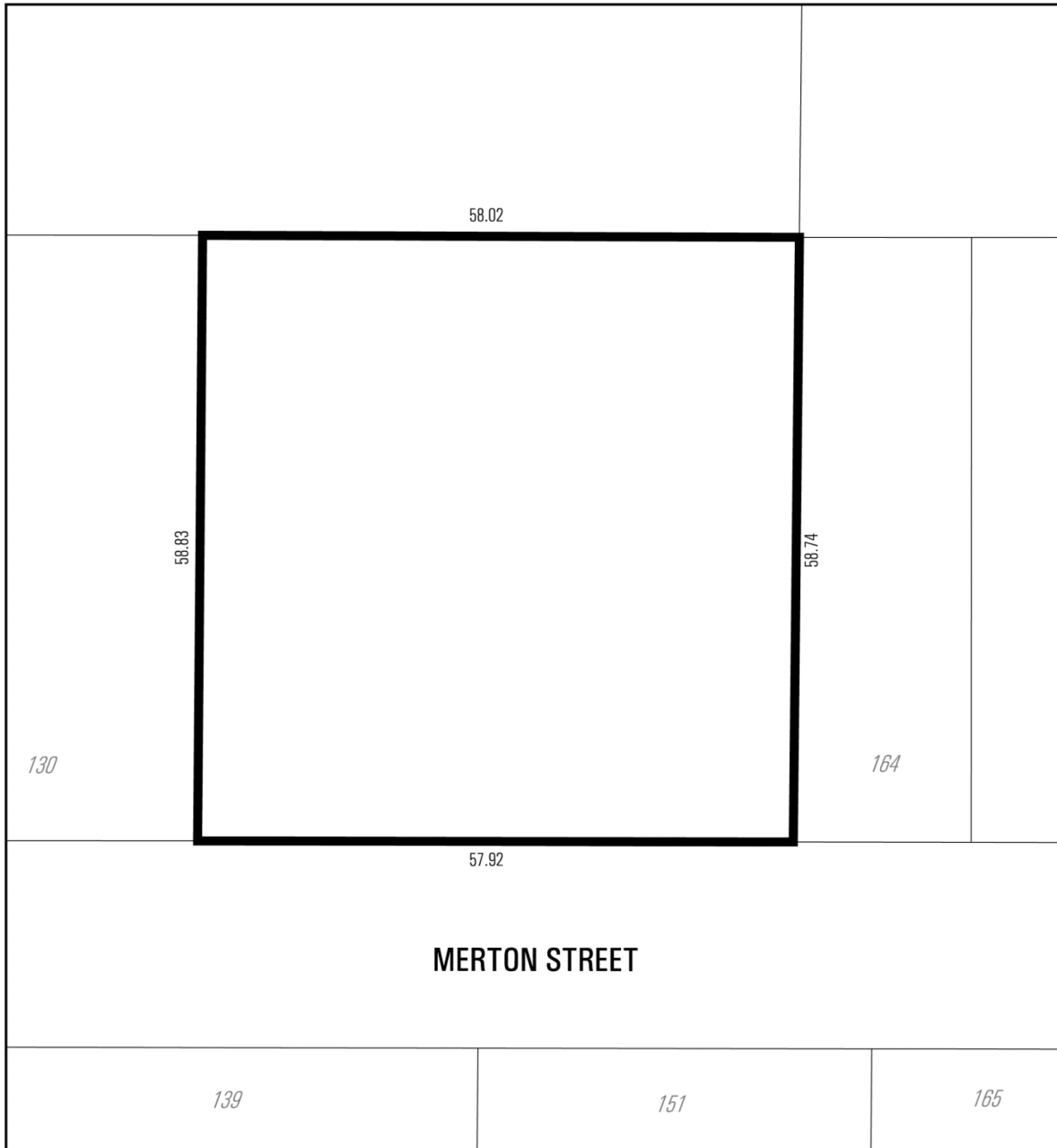
Prevailing By-laws and Prevailing Sections: (None Apply)

Enacted and passed on December , 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

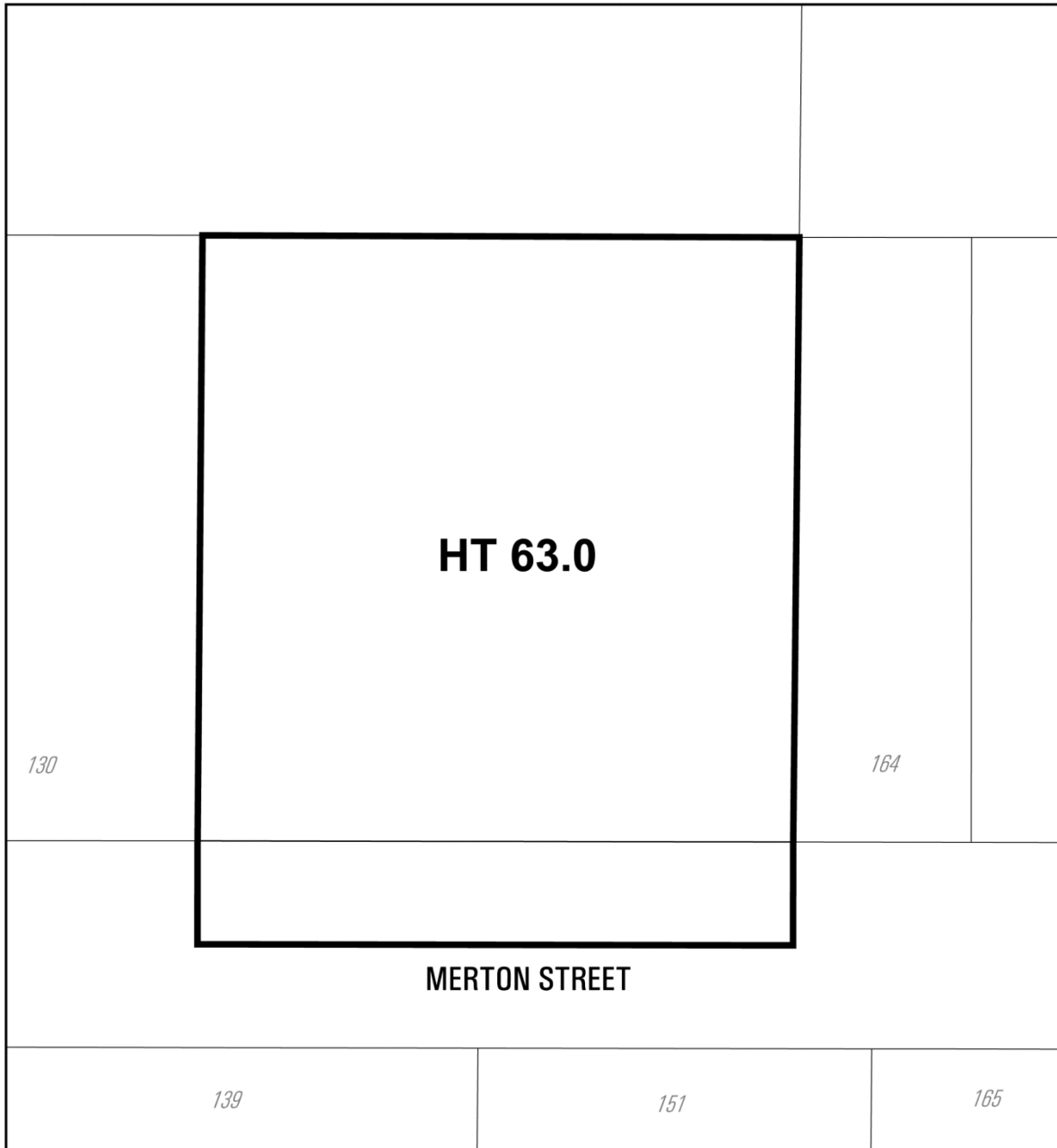
(Seal of the City)



 **TORONTO**
Diagram 1

140 Merton Street

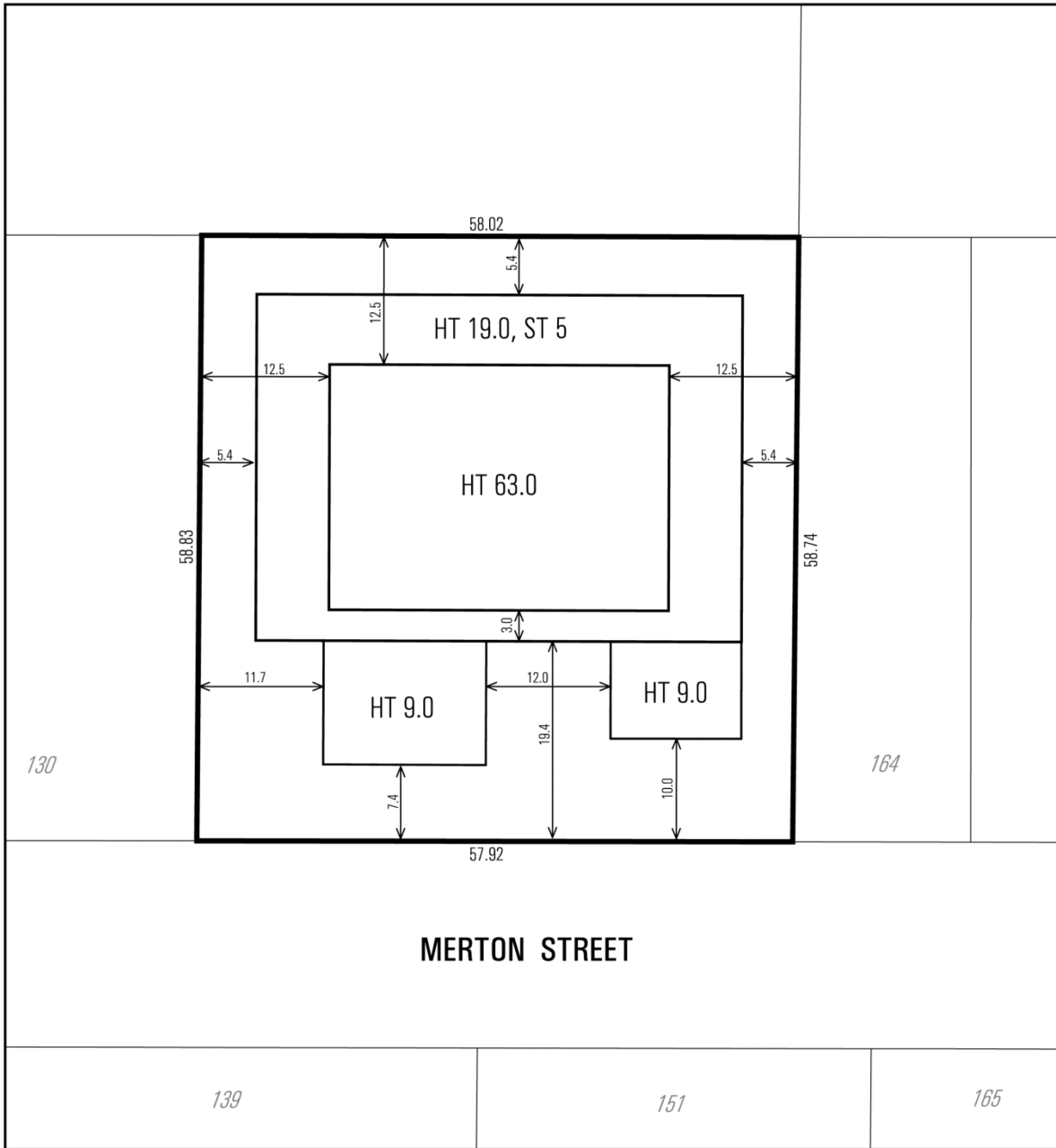
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 **TORONTO**
Diagram 3

140 Merton Street

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TORONTO
Diagram 4

140 Merton Street

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