

Authority: Toronto and East York Community Council  
Item TE7.11, as adopted by City of Toronto Council on  
July 16, 17 and 18, 2019

## CITY OF TORONTO

### Bill 729

### BY-LAW -2021

**To amend Zoning By-law 438-86 for the former City of Toronto, as amended, with respect to the lands municipally known as 100 Devonshire Place.**

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;

The Council of the City of Toronto enacts:

1. Map 12 in Section 12(2)310 of By-law 438-86 is deleted and replaced with Maps 2 and 3 attached to and forming part of this By-law.
2. None of the provisions of Section 2(1) with respect to the definitions of *grade*, *height* and *lot* and Sections 4(2)(a), 4(5), 4(8), 8(3) Parts I and III, 12(2)310(a), 12(2)310(b) and 12(2)380 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 or use of a *non-residential* building on the *lot* provided that:
  - (1) the *lot* consists of those lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
  - (2) the maximum *non-residential gross floor area* shall not exceed 17,000 square metres;
  - (3) zero *parking spaces* shall be provided on the *lot*;
  - (4) two *loading spaces – type B* and two *loading spaces – type C*, where a maximum of one *loading space – type C* may be permitted to have a minimum width of 3.25 metres, shall be provided and maintained on the *lot*;
  - (5) no portion of any building or structure located above *grade* shall exceed the *height* limits specified by the numbers following the symbol "H" as shown on Map 2, attached to and forming part of this By-law, with the exception of the following:

- (i) screens, stairs, stair enclosures, elevator overruns, mechanical equipment, mechanical equipment enclosures and covers, window washing equipment, lightning rods, architectural features, access ladders, and parapets shall be permitted to exceed the *height* as shown on Map 2, provided that the maximum vertical dimension of any such element does not exceed the *height* by more than 6.0 metres;
  - (ii) landscaping features, elements of a green roof, structures and elements associated with green energy and renewable energy facilities, planters, terraces, trellises, fences, guardrails, light fixtures, and railings shall be permitted to exceed the *height* as shown on Map 2, provided that the maximum vertical dimension of any such element does not exceed the *height* by more than 3.0 metres; and
  - (iii) the total horizontal area of such elements permitted by (i) above, shall not exceed 40 percent of the area of the roof of the building;
- (6) no portion of any building or structure is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, attached to and forming part of this By-law, with the exception of the following:
- (i) light fixtures, sun shades, trellises, ventilation shafts, mechanical shafts, stairs, stair enclosures, fences, screens, awnings and canopies and architectural features may extend beyond the heavy lines by 4.0 metres;
  - (ii) notwithstanding (i) above, bay windows attached to the main wall may extend beyond the heavy lines by 1.8 metres, with a maximum width of 4 metres measured where the window joins the wall, above a height of 22 metres, in the shaded areas shown on Map 3;
  - (iii) notwithstanding (i) above, projecting inclined screen walls may extend beyond the heavy lines by 6 metres, above a *height* of 59 metres, in the shaded areas shown on Map 3; and
  - (iv) notwithstanding (i) above, awnings and canopies may extend beyond the heavy lines by 6 metres, below a *height* of 24 metres, in the shaded areas shown on Map 3; and
- (7) the provisions of the By-law shall continue to apply to the lands shown on Map 1 attached hereto notwithstanding their division into one or more parcels.
3. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:
- (1) "*grade*" shall mean 113.5 metres Canadian Geodetic Datum;
  - (2) "*height*" shall mean the vertical distance between *grade* and the upper limit specified by the numbers following the symbol "H" as shown on Map 2, attached

to and forming part of this By-law, except for those elements prescribed by this By-law; and

- (3) "*lot*" shall mean those lands delineated by heavy lines on Map 1, attached to and forming part of this By-law.
4. Within the lands shown on Map 1 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:
- (1) 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
  - (2) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on October , 2021.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)





