

# CITY OF TORONTO

## BY-LAW No. 191-2001(OMB)

### **To amend General Zoning By-law No. 438-86 for the former City of Toronto respecting lands known as 2230, 2324 and 2336 Gerrard Street East.**

WHEREAS, pursuant to Section 37 of the Planning Act, the Council of the Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize increases in the height or density of development beyond that otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services and 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 or matters in return for any 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 lands hereinafter referred to has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the lands by By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS the Ontario Municipal Board in a Decision issued January 30, 2001, approved an Official Plan Amendment and Zoning By-law Amendment as a result of an official plan referral and zoning by-law appeal with respect to certain lands known as 2230, 2324 and 2336 Gerrard Street East and requested that the form of such amendment and by-law be finalized for inclusion in an Order of the Board; and

WHEREAS this By-law is drawn pursuant to the Decision of the Ontario Municipal Board for inclusion in its Order;

NOW THEREFORE pursuant to the Order of the Ontario Municipal Board issued January 30, 2001, Board File Nos. O980213, Z970177 and S970106, being Decision/Order No. 145:

1. District Map Nos. 54H-323 and 54H-324 contained in Appendix "A" of By-law No. 438-86, as amended, are further amended by redesignating to R2 Z1.0, R2 Z1.5, (h)R2 Z1.0 and G the lands shown outlined by heavy lines on Map 1 attached hereto and forming part of this By-law.
2. Height and Minimum Lot Frontage Map Nos. 54H-323 and 54H-324 contained in Appendix "B" of By-law No. 438-86, as amended, are further amended by redesignating as H12.0 the lands shown outlined by heavy lines on Map 2 attached hereto to and forming part of this By-law.

3. Section 12(2) of By-law No. 438-86, as amended, is further amended by adding thereto exception 325 and Map 3 attached hereto and forming part of this By-law as follows:

“325. No person shall within the lands shown on the Map at the end of and forming part of this exception use a *lot* or erect a building or structure for any purpose except a *detached house, semi-detached house, private garage, row house, interlocked townhouses, stacked townhouses, public park, public playground* or uses *accessory* thereto. The total number of *dwelling units* to be constructed on these lands shall not exceed 495, excluding two *dwelling units* in the (h)R2 Z1.0 zone as shown on District Map 54H-324

For the purposes of this exception:

- (1) “*stacked townhouse*” shall mean a building or structure divided vertically and horizontally into three or more separate *dwelling units*, each *dwelling unit* having its primary access directly from ground level from a public or private thoroughfare, and where *parking spaces* may be provided within an underground garage structure;
  - (2) “*interlocked townhouses*” shall mean a building or structure containing three or more separate *dwelling units*, each *dwelling unit* having its primary access directly from ground level from a public or private thoroughfare, and where *parking spaces* may be provided within an underground garage structure”.
4. No person shall erect or use more than 335 *dwelling units* within the lands zoned R2 Z1.0 and R2 Z1.5 for the purposes set out in Sections 5 and 6 of this By-law unless 30 per cent of the aggregate number of *dwelling units* located on such lands are used for low-end-of-market housing. For the purposes of this section, *interlocked townhouses* or *stacked townhouses* containing not more than 125 square metres of *residential gross floor area* shall qualify as low-end-of-market housing.
5. None of the provisions of the definitions of “*row house*” in Section 2 and of Sections 6(3) Part II 2, 6(3) Part II 3, 6(3) Part II 4, 6(3) Part II 5, 6(3) Part II 7, 6(3) Part II 8D, 8E, 8F, 8I and 8K, 6(3) Part III 1(a) and 6(3) Part VII 1 of By-law No. 438-86, as amended, shall apply to prevent the use of that portion of the lands municipally known as 2230, 2324 and 2336 Gerrard Street East zoned R2 Z1.0 and R2 Z1.5 on Map 1 attached hereto for the purpose of *detached houses, semi-detached houses, row houses* and uses *accessory* thereto provided:

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- (1) minimum building regulations for a *detached house* where a *lot* abuts a lane:
- |     |  |   |
|-----|--|---|
| (a) | <i>lot frontage</i>  | 7.3 metres  |
| (b) | front yard setback   | 4.0 metres  |
| (c) | rear yard setback to main structure  | 7.5 metres  |
| (d) | <i>landscaped open space</i> in a single block in the rear yard                                    | 28.0 square metres                                  |
| (e) | one required minimum length or dimension of required <i>landscaped open space</i> in the rear yard | 4.0 metres  |
| (f) | <i>flankage</i> setback on public street   | 1.0 metre   |
| (g) | <i>flankage</i> setback on a public lane   | 0.45 metre  |
| (h) | side yard setback<br>subject to Section 5(9) of this By-law  | 0.45 on one side<br>and 0.0 metre on the other side |
- (2) minimum building regulations for a *detached house* where a *lot* abuts a lane only on Block “A” shown on Map 4 attached hereto and forming part of this By-law:
- |     |  |   |
|-----|--|---|
| (a) | <i>lot frontage</i>  | 7.3 metres  |
| (b) | front yard setback   | 3.0 metres  |
| (c) | rear yard setback to main structure  | 7.5 metres  |
| (d) | <i>landscaped open space</i> in a single block in the rear yard                                    | 26.0 square metres                                  |
| (e) | one required minimum length or dimension of required <i>landscaped open space</i> in the rear yard | 3.0 metres  |
| (f) | <i>flankage</i> setback on public street   | 1.0 metre   |
| (g) | <i>flankage</i> setback on a public lane   | 0.45 metre  |
| (h) | side yard setback<br>subject to Section 5(9) of this By-law  | 0.45 on one side<br>and 0.0 metre on the other side |
- (3) minimum building regulations for a *semi-detached house* where a *lot* abuts a lane:
- |     |   |                                   |
|-----|---|-----------------------------------|
| (a) | <i>lot frontage</i>   | 5.5 metres                        |
| (b) | front yard setback  | 4.0 metres                        |
| (c) | rear yard setback to main structure                             | 11.0 metres                       |
| (d) | distance between main structure and garage                      | 4.5 metres                        |
| (e) | <i>landscaped open space</i> on the <i>lot</i>                  | 25% of the area of the <i>lot</i> |
| (f) | <i>landscaped open space</i> in a single block in the rear yard | 24.0 square metres                |
| (g) | <i>flankage</i> setback on public street                        | 1.0 metre                         |
| (h) | <i>flankage</i> setback on a public lane                        | 0.45 metre                        |
| (i) | side yard setback   | 0.45 metre                        |

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- (4) minimum building regulations for a *semi-detached house* where a *lot* abuts a lane only on Block “A” shown on Map 4:
- |     |   |                                   |
|-----|---|-----------------------------------|
| (a) | <i>lot frontage</i>   | 5.5 metres                        |
| (b) | front yard setback  | 3.0 metres                        |
| (c) | rear yard setback to main structure                             | 10.5 metres                       |
| (d) | distance between main structure and garage                      | 4.0 metres                        |
| (e) | <i>landscaped open space</i> on the <i>lot</i>                  | 25% of the area of the <i>lot</i> |
| (f) | <i>landscaped open space</i> in a single block in the rear yard | 22.0 square metres                |
| (g) | <i>flankage</i> setback on public street                        | 1.0 metre                         |
| (h) | <i>flankage</i> setback on a public lane                        | 0.45 metre                        |
| (i) | side yard setback   | 0.45 metre                        |
- (5) minimum building regulations for a *row house* where a *lot* abuts a lane:
- |     |   |                    |
|-----|---|--------------------|
| (a) | <i>lot frontage</i>   | 4.5 metres         |
| (b) | front yard setback  | 3.5 metres         |
| (c) | rear yard setback to main structure                             | 11.5 metres        |
| (d) | distance between main structure and garage                      | 5.0 metres         |
| (e) | <i>landscaped open space</i> in a single block in the rear yard | 22.5 square metres |
| (f) | <i>flankage</i> setback on public street                        | 1.0 metre          |
| (g) | <i>flankage</i> setback on a public lane                        | 0.45 metre         |
- (6) minimum building regulations for a *detached house* with parking access from the *front lot line*:
- |     |  |  |
|-----|--|--|
| (a) | <i>lot frontage</i>                                      | 7.62 metres                                      |
| (b) | front yard setback to main structure                     | 4.0 metres                                       |
| (c) | front yard setback to integral garage                    | 5.5 metres                                       |
| (d) | rear yard setback to main structure                      | 7.5 metres                                       |
| (e) | <i>flankage</i> setback on public street                 | 1.0 metre  |
| (f) | side yard setback subject to Section 5(9) of this By-law | 0.45 on one side and 0.0 metre on the other side |
- (7) minimum building regulations for a *semi-detached house* with parking access from the *front lot line*:
- |     |  |             |
|-----|--|-------------|
| (a) | <i>lot frontage</i>                      | 7.62 metres |
| (b) | front yard setback to main structure     | 4.0 metres  |
| (c) | front yard setback to integral garage    | 5.5 metres  |
| (d) | <i>flankage</i> setback on public street | 1.0 metre   |
| (e) | side yard setback                        | 0.45 metre  |

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- (8) minimum building regulations for a *semi-detached house* with parking access from the *front lot line* and detached garage in rear yard:
- |     |  |            |
|-----|--|------------|
| (a) | <i>lot frontage</i>                      | 7.0 metres |
| (b) | front yard setback                       | 4.0 metres |
| (c) | rear yard setback to main structure      | 7.5 metres |
| (d) | <i>flankage</i> setback on public street | 1.0 metre  |
| (e) | side yard setback                        | 0.45 metre |
- (9) no part of any building or structure containing a *dwelling unit* is erected or used closer to another building or structure on an adjacent *lot* containing a *dwelling unit* than 0.9 metre;
- (10) no part of any building or structure containing a *dwelling unit* is erected or used closer to the Canadian National Railways mainline than 19 metres;
- (11) none of the side yard provisions contained in Sections 5(1) to (8) of this By-law shall apply to *accessory* buildings and Sections 6(3) Part II 7(ii) A and 6(3) Part II 7 (iii) of By-law No. 438-86 shall not apply to *accessory* buildings;
- (12) none of the provisions contained in Sections 5(1) to (8) of this By-law shall apply to those projections listed in Section 6(3) Part II 8 of By-law 438-86, as amended, which remain subject to the conditions set out in the aforesaid Section 6(3) Part II 8 except that:
- (a) a bay window having a maximum width of 3.5 metres, including any foundation, may project into the required setback areas measured from the *front lot line*, *rear lot line* or *flankage side lot line* of a *detached house*, *semi-detached house* or *row house* by not more than 0.75 metre measured from the *front wall*, rear wall or *flankage side wall*, provided that not more than two bay windows may project into the *flankage yard*;
- (b) covered or uncovered platforms at the first or second floor levels above ground may project into the required setback areas measured from the *front lot line* or *rear lot line* of a *detached house*, *semi-detached house* or *row house* by not more than 2.0 metres measured from the *front wall* or rear wall.
- (13) Notwithstanding Section 1 of this By-law, the calculation of *residential gross floor area* on any *lot* containing a *detached house*, *semi-detached house* or *row house* in an R2 Z1.0 zone shown on Map 1 attached hereto, shall exclude any floor area of any *storey* above the second *storey* of the *detached house*, *semi-detached house* or *row house*, exclusive of any basement or cellar, provided that:
- (a) the floor area above the second *storey* does not project beyond any exterior wall of the second *storey* and does not exceed 85% of the *residential gross floor area* of the first floor;

- (b) the maximum building *height* of the *detached house*, *semi-detached house*, or *row house* contains not more than 3 storeys, excluding any basement or cellar; and
  - (c) all other provisions of this By-law are complied with.
- 6. None of the provisions of Sections 4(4)(b), 4(12), 4(16), 6(1)(f), 6(3) PART I 1, 6(3) PART II 2, 6(3) PART II 3, 6(3) PART II 4, 6(3) PART II 5, 6(3) PART II 8D and 12(2) 325 of By-law No. 438-86, as amended, shall apply to prevent the erection and use of *stacked townhouses* or *interlocked townhouses* and uses *accessory* thereto on lands zoned R2 Z1.5 on Map 1 attached hereto provided that:
  - (1) the *residential gross floor area* contained within the area zoned R2 Z1.5 does not exceed 19,300 square metres, of which 2,300 square metres is permitted pursuant to section 37 of the Planning Act;
  - (2) parking is provided according to the following standard: 1.0 *parking space* per *dwelling unit* plus one *parking space* for each five *dwelling units*, or fraction thereof, for visitors located within the lands zoned R2 Z1.5;
  - (3) no part of any building or structure is erected or used closer to a *lot* line abutting a public street than 3.0 metres provided that:
    - (a) bay windows having a maximum width of 3.5 metres, including any foundation, may project into the required setback areas by not more than 0.75 metre measured from the *front wall*, rear wall or flankage wall, provided that not more than two bay windows may be provided on any flankage wall;
    - (b) covered or uncovered platforms at the first, second or third floor levels above ground may project into the required setback area by not more than 2.0 metres measured from the *front wall* or flankage wall;
  - (4) notwithstanding Section 6(3) Part II 6 of By-law No. 438-86, no person shall erect or use a building or structure fronting on a private street having a face to face dimension of less than 12.5 metres.
- 7. None of the provisions of Sections 5 (1)(f) of By-law 438-86, as amended, shall apply to prevent the use of a building or structure to be located at the southwest corner of the *public park*, east of the extension of Hannaford Street, fronting on Gerrard Street East, for retail and service shop uses and *community services and facilities*, provided that:
  - (1) a minimum park corridor dimension of 5.0 metres is maintained, measured from the eastern limit of the proposed new road extending north from Gerrard Street East which is generally an extension of Hannaford Street to the westerly edge of the building;

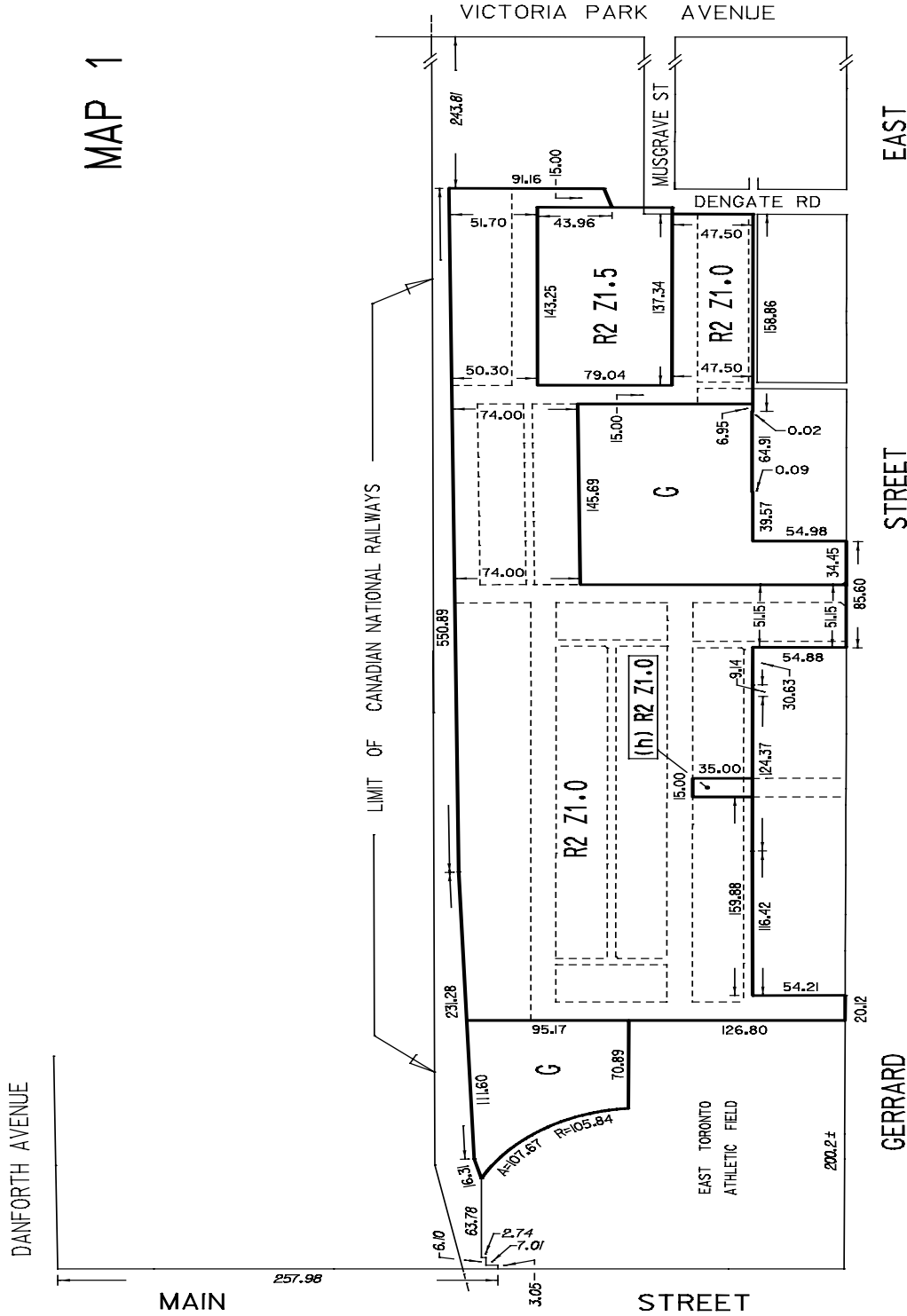
- (2) the building is located on a portion of the site having a maximum frontage of 39.1 metres on Gerrard Street East, measured from the eastern property line, and a maximum depth of 24.1 metres measured from Gerrard Street East;
  - (3) the building has a maximum *non-residential gross floor area* of 350 square metres;
  - (4) a maximum of 7 surface *parking spaces* are provided and maintained adjacent to the eastern property line;
  - (5) the retail and service shop uses are restricted to the following: *bake-shop, branch of a bank or financial institution, caterer's shop, dry-cleaning shop, duplicating shop, laundry shop, personal grooming establishment, pet shop, retail store, service, rental or repair shop, tailoring shop, medical/dental office, clinic, office and temporary sales pavilion*;
  - (6) the retail and service shop uses are limited to the ground floor of the building; and
  - (7) a maximum of 8 surface *parking spaces* may be provided and maintained on lands adjacent to the building and located not more than 54.9 metres north of Gerrard Street East and east of the proposed extension of Hannaford Street, for a period not to exceed 3 years from the date of approval of this By-law.
8. The owner of the lands shall enter into an agreement with the City pursuant to Section 37 of the Planning Act to:
- (a) secure a parkland dedication consisting of a 0.84 hectare addition to the East Toronto Athletic Field and a 1.66 hectare local park;
  - (b) provide for the remediation of and funding for improvement of the park lands;
  - (c) provide for certain off-site roadway improvements;
  - (d) secure the requirements of the Toronto District School Board;
  - (e) secure the requirements of the Toronto Catholic District School Board; and
  - (f) provide funding to improve *community services and facilities* within the East of Main Part II Area.
9. None of the provisions of By-law No. 438-86, as amended, or of this By-law shall apply to prevent the erection and use of not more than ten *residential buildings* for the purpose of model homes provided that the model homes comply with the zoning requirements for the blocks in which they are located.
10. For the purposes of this By-law:
- (1) "*stacked townhouse*" shall mean a building or structure divided vertically and horizontally into three or more separate *dwelling units*, each *dwelling unit* having its primary access directly from ground level from a public or private thoroughfare, and where *parking spaces* may be provided within an underground garage structure;

- (2) “*interlocked townhouses*” shall mean a building or structure containing three or more separate *dwelling units*, each *dwelling unit* having its primary access directly from ground level from a public or private thoroughfare, and where *parking spaces* may be provided within an underground garage structure; and
- (3) all other terms appearing in italics shall have the same meaning as those terms have for the purposes of By-law No. 438-86, 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”.
- 11.** The owner of the subject lands is required, pursuant to Section 37(3) of the Planning Act, to enter into one or more agreements with the City to secure the facilities, services and matters referred to in Section 8 of this By-law and the agreement or agreements are to be registered on title.
- 12.** The owner of the lands is required to enter into a separate agreement with the Toronto District School Board in the Toronto District School Board’s usual form which agreement shall provide for security satisfactory to the Toronto District School Board in full to secure the owner’s obligation and which agreement is to be registered on title immediately after the registration of the agreement or agreements referred to in paragraph 11.

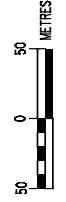
PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JANUARY 30, 2001 IN BOARD FILE NO. PL971251.



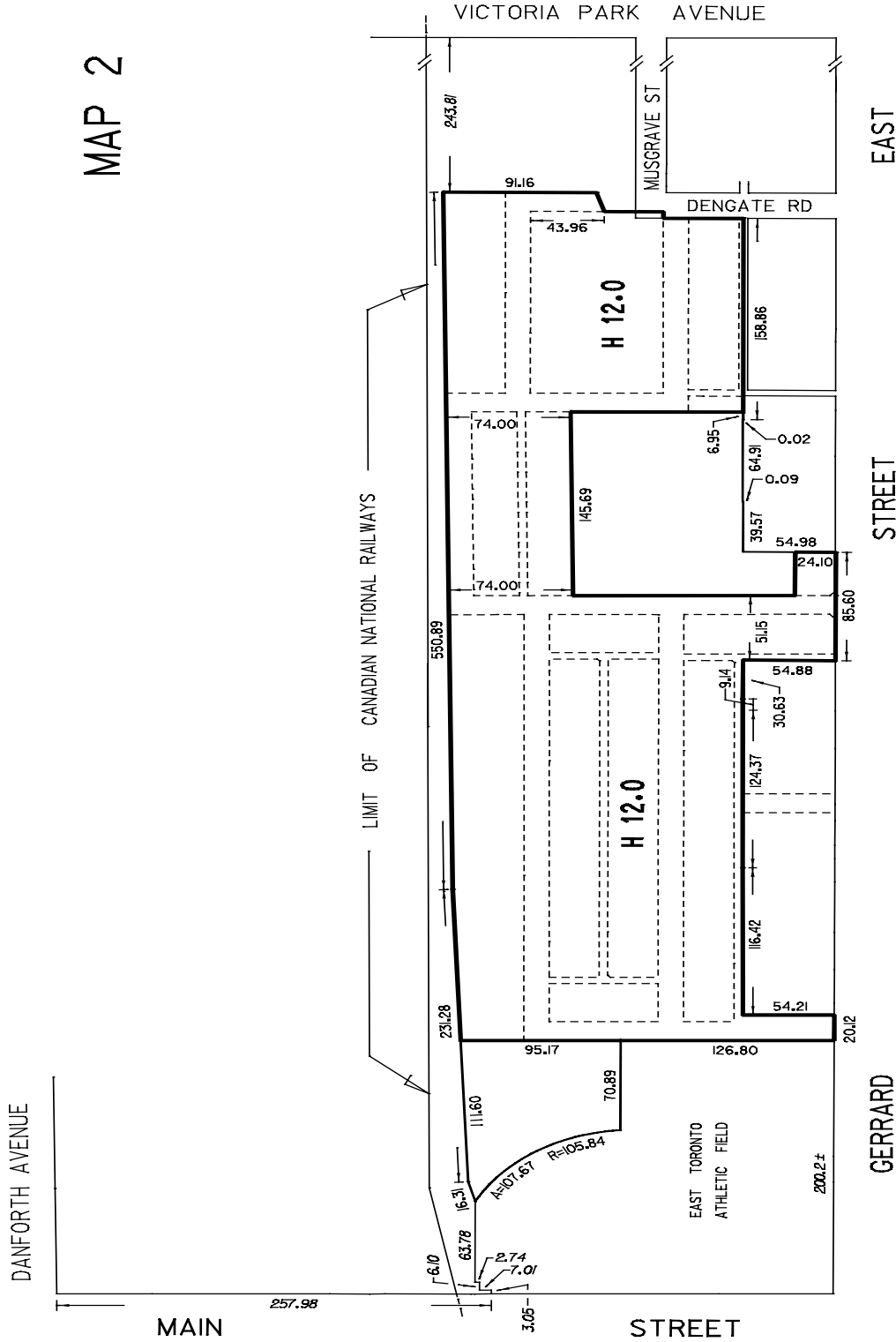
MAP 1



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO  
 BL 2/GERRARD, DON. SEPTEMBER, 1999  
 FILE NO. 04-78 2402.33, 2402.53  
 MAP NO. 54H-325 AND 324  
 DRAWING: ML

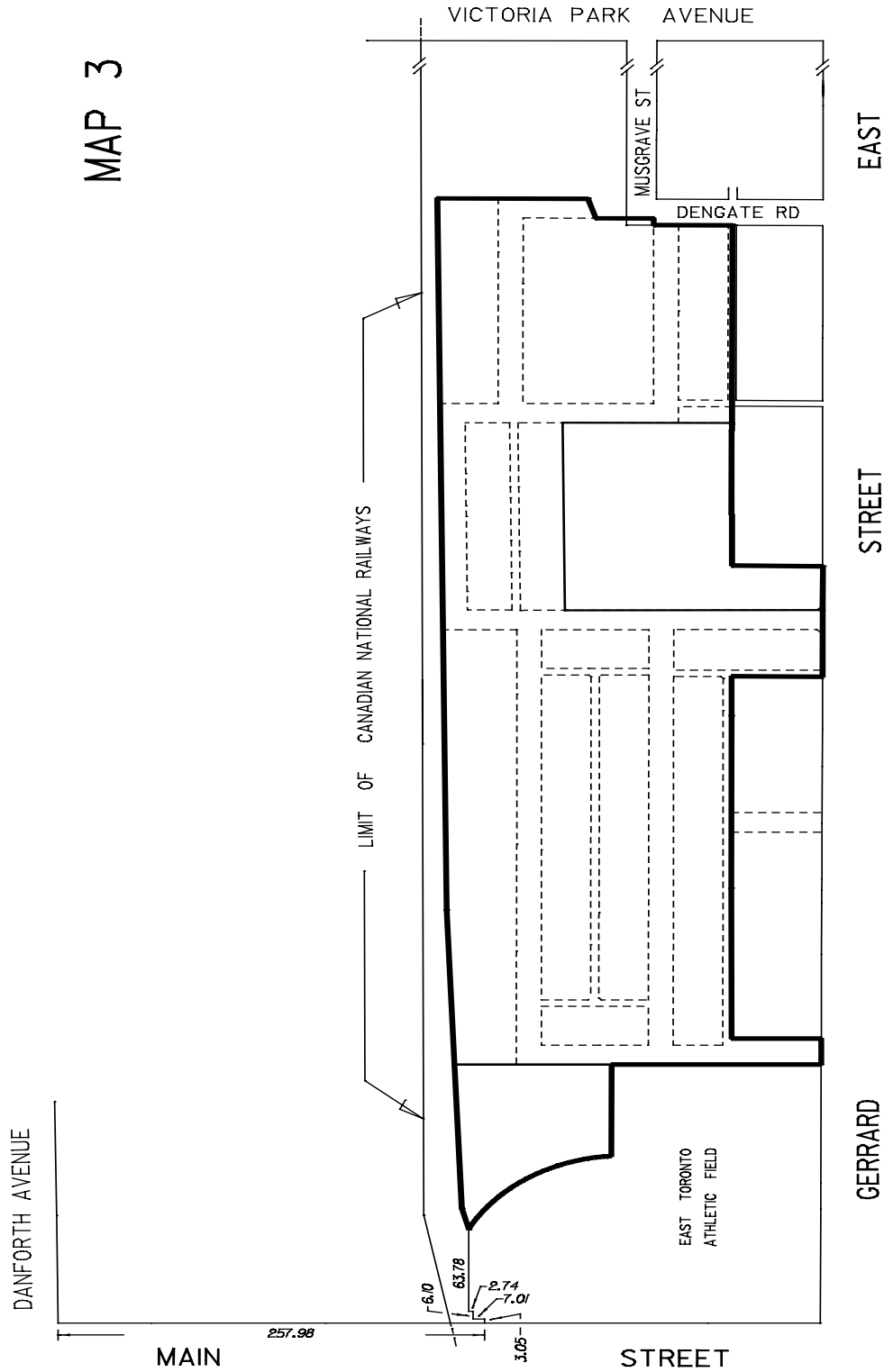


MAP 2



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO  
 BL2/GERRARD2.DGN OCTOBER, 1999  
 FILE#S: 04-76 24/02.33 24/02.53  
 MAP NO. 54H-323 AND 324 DRAWN: WL

MAP 3

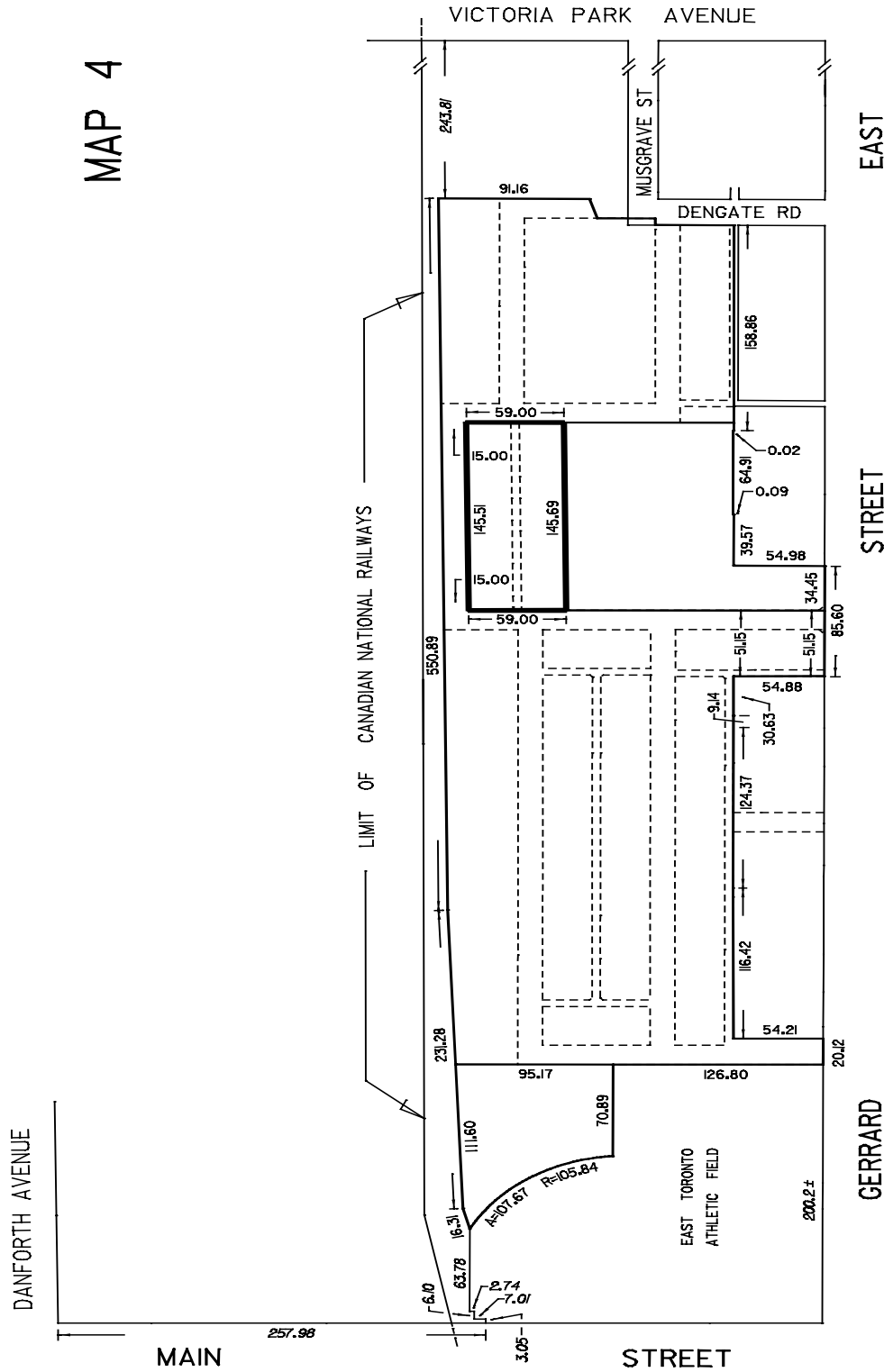


LANDS REFERRED TO IN SECTION 12(2)325



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO  
 BYZERRARDS.DON DECEMBER, 1999  
 FILES: 04-28, 2402.33, 2402.53  
 MAP NO. 94H-323 AND 324 DRAWN: WL

MAP 4



BLOCK "A"

WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 PROVIDED BY: BARBARA DON DECEMBER, 1999  
 FILES: 0428-2409\_33\_2402\_53  
 MAP No. 54H-923 AND 322  
 DRAWING: ML

