

Authority: Toronto and East York Community Council 35.3,
as adopted by City of Toronto Council on July 6, 7 and 8, 2010
Enacted by Council: July 8, 2010

CITY OF TORONTO

BY-LAW No. 864-2010

To amend the Railway Lands Central Zoning By-law No. 1994-0806 of the former City of Toronto with respect to the lands municipally known as 301 Front Street West and 280 Bremner Boulevard.

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 1994-0806 pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands municipally known in the year 2009 as 301 Front Street West and 280 Bremner Boulevard; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

WHEREAS the Council of the City of Toronto, at its meeting on July 6, 7 and 8, 2010, determined to amend Zoning By-law No. 1994-0806, as amended, of the former City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. By-law No. 1994-0806 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 Railway Lands – Central" is hereby amended as follows:

- (1) Section 10(2)(b) is deleted and the following is substituted therefore as Section 10(2)(b):

- (a) AQUARIUM and CN TOWER ANCILLARY COMMERCIAL DEVELOPMENT

None of the provisions of Sections 4(3), 4(5)(a), 4(6)(a), 5(1) and 10(2)(a) shall apply to prevent the erection and use of either or both of an *Aquarium* and the *CN Tower Ancillary Commercial Development* within the *CN Tower Site – Central* provided:

- (i) the *gross floor area* of the *Aquarium* does not exceed 14,000m²;
- (ii) the *gross floor area* of the *CN Tower Ancillary Commercial Development* does not exceed 4,400m²;
- (iii) no single *retail store* within the *CN Tower Ancillary Commercial Development* shall have a *non-residential gross floor area* exceeding 1,800 m²;
- (iv) not less than 50% of the south and east faces of the *CN Tower Ancillary Commercial Development* as shown on Map 8A shall be *street-related retail and service uses – CN Tower Ancillary Commercial Development*;

- (v) two (2) accessible parking spaces, each having minimum dimensions of 6.7 m by 3.9 m shall be provided on the *Aquarium Site*;
- (vi) space for the parking of a minimum of 37 charter buses is provided and maintained on a *lot* within the *Central Area*;
- (vii) not less than 1.09 hectares of *publicly accessible open space* are provided and maintained on the *CN Tower Site*, in accordance with the legal agreements between the owner and the City securing such space;
- (viii) no part of the *Aquarium* above finished ground extends beyond the Building Envelope lines shown on Map 8A except for the following elements (measured above finished ground): a fence or safety railing not exceeding a height of 2.0 metres; a security wall not exceeding a height of 9m associated with the loading dock: doors including revolving doors; vents and grates not exceeding a height of 1.0 metres; artwork; a canopy not wider than 3 metres; and landscape elements including screens, planters, retaining walls, benches, fountains and lighting elements;
- (ix) no part of the *CN Tower Ancillary Commercial Development* above finished ground extends beyond the Building Envelope Lines shown on Map 8A except for the following elements (measured above finished ground): a fence or safety railing not exceeding a height of 2.0 metres; doors including revolving doors; vents and grates not exceeding a height of 1.0 metres; artwork; a canopy not wider than 3 metres; and landscape elements including planters, retaining walls, benches, fountains and lighting elements;
- (x) no portion of the *Aquarium* exceeds the *elevation* of 105 metres, but nothing in this clause shall prevent any of a mechanical penthouse, stair tower, elevator shaft or heating, cooling or ventilating stack or equipment from extending beyond the prescribed height limit provided that the height of any such element is no greater than 5m beyond the prescribed height limit;
- (xi) no portion of the *CN Tower Ancillary Commercial Development* exceeds the *elevation* of 100 metres;
- (xii) not less than one *loading space - type A*, and one *loading space-type B* are provided and maintained on the *Aquarium Site*;
- (xiii) not less than two (2) *loading spaces – type A* and three (3) *loading spaces – type C* are provided and maintained for the CN Tower as it existed on July 6, 2010 and for the *CN Tower Ancillary Commercial Development*, and such spaces may be provided on the lands designated as Parcel A and Areas 3, 4 and 5 on the map at exception 3.

For the purposes of this Section 10(2)(b):

"*Aquarium*" means a commercial facility in which aquatic or semi-aquatic animals and plants are kept for public display, including accessory uses thereto including, without limiting the generality of the foregoing, the keeping and public display of non-aquatic animals and plants, food and beverage facilities, conference and meeting rooms, administrative offices and service functions, changeable display areas, educational uses, research, retail areas, complementary entertainment attractions, kiosks, interpretive areas and displays;

"*Aquarium Site*" means the lands designated by shading within the heavy lines on Map 8 and identified as 'Aquarium Site';

"*CN Tower Ancillary Commercial Development*" means an additional building or structure on the *CN Tower Ancillary Commercial Development Site* used for the purposes of any of the following uses not accessory to the communications tower on the *CN Tower Site*: recreational uses, entertainment uses, administrative offices, *retail and service uses*, *place of amusement*, *place of assembly*, and *parking garage*;

"*CN Tower Ancillary Commercial Development Site*" means the lands designated by hatched lines within the heavy lines on Map 8 and identified as "CN Tower Ancillary Commercial Development Site";

"*CN Tower Site*" means the lands delineated by heavy lines on Map 8;

"*CN Tower Site – Central*" means that component of the *CN Tower Site* located within the *Railway Lands – Central*;

"*Central Area*" means *Central Area* as defined in 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";

"*publicly accessible open space*" means open space which is accessible to the public at all times, secured through appropriate legal agreements and may include pedestrian walkways, landscaped plazas, forecourts, terraces, limited patio space and cafe seating associated with *street-related retail and service uses*, stairs, driveways and other uses required to service the *CN Tower Site* and adjacent properties;

"*retail and service uses*" means one or more of the uses referred to in section 5(1)(f)(b)(iv);

"street-related retail and service uses – CN Tower Ancillary Commercial Development" means *retail and service uses* where,

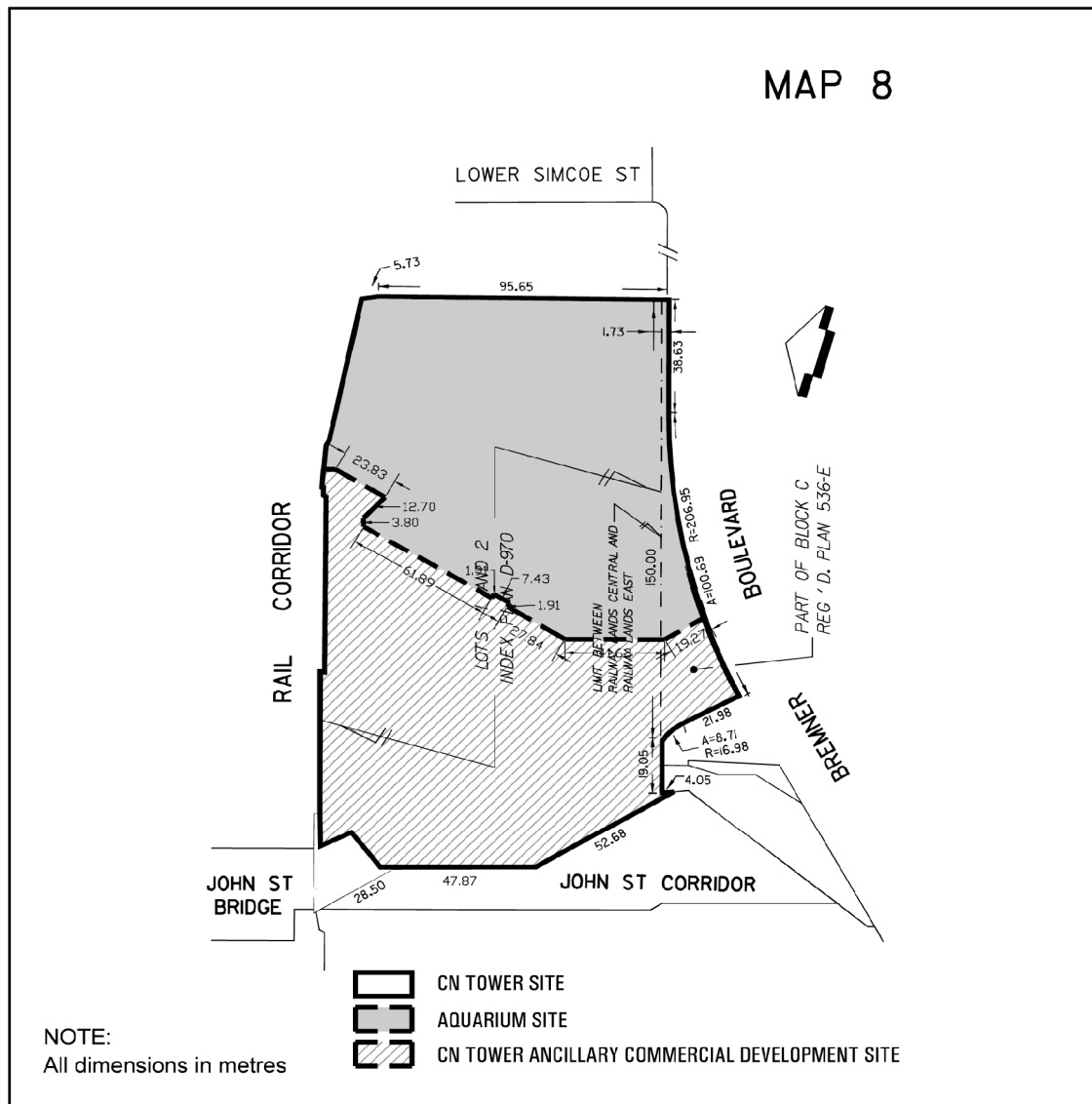
- i. a principal public entrance to such use is located in the exterior wall of the *CN Tower Ancillary Commercial Development* and is directly accessible to pedestrians from the adjacent *publicly accessible open space*; and
 - ii. the level of the floor of each such principal entrance is within 0.2 metres of the level of the public walkway opposite such entrance.
2. Map 8, Map 8A, Map 8B and Map 8C are deleted and Map 8 and Map 8A attached hereto are substituted into By-law No. 1994-0806, as amended.

ENACTED AND PASSED this 8th day of July, A.D. 2010.

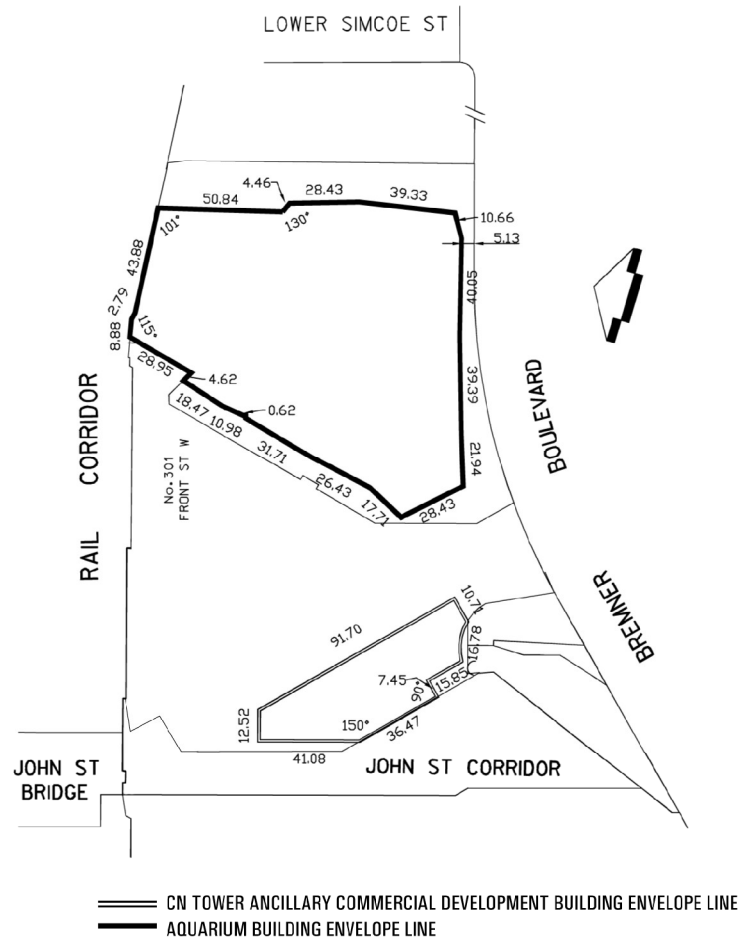
SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



MAP 8A



NOTE:
All dimensions in metres

Toronto City Planning
Revised Map 8A

301 Front Street West
and 280 Bremner Boulevard

File # 09_189702



Not to Scale
07/05/2010