

Authority: Toronto and East York Community Council Item 36.20,
adopted as amended, by City of Toronto Council on August 25, 26 and 27, 2010
Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1044-2010

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the West Don Lands, Phase 2 lands.

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 this By-law is passed in implementation of the City of Toronto Secondary Plans for the *Central Waterfront* and *The King/Parliament Part II of the Former City of Toronto*; 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 HEREBY ENACTS as follows:

Section 2(1) of By-law No. 438-86, being "A By-law to regulate the use of land in the erection, use, bulk, height, spacing of and other matters relating to buildings and structures in various areas of the City of Toronto", as amended, is further amended by:

1. Deleting the definition of "*West Don Lands – Phase 1*", and replacing it with the following:
 - (a) "*West Don Lands*" means those parts of the City of Toronto identified as West Don Lands on the Map 1 attached hereto; and
 - (b) "*West Don Lands – Phase 1*" means those parts of the City of Toronto identified as Phase 1 on the Map 1 attached hereto; and
 - (c) "*West Don Lands – Phase 2*" means those parts of the City of Toronto identified as Phase 2 on Map 1 attached hereto.
2. Height and Minimum Lot Frontage Maps 51G-323 and 52G-321 contained in Appendix "B" of By-law No. 438-86, as amended, are hereby further amended by redesignating the lands delineated by heavy lines as shown on Map 2 attached hereto.
3. Section 12(1) of By-law No. 438-86, as amended, is further amended by adding the following exception:

"483. to prevent the erection of buildings or structures or the use of land in the *West Don Lands – Phase 2* in accordance with the following provisions:

Permitted Uses

- (a) The following uses shall be permitted within an RA district, except within the area identified as Block 20 on Map A:
- i. those uses permitted in Section 7(1) subject to the qualifications in Section 7(2);
 - ii. *car-share* as an accessory use;
 - iii. outdoor art structure or uses;
 - iv. *ornamental structure*;
 - v. *sales office*;
 - vi. *district energy, heating and cooling plant* as the primary use on the lands municipally known on August 11, 2010 as 153 Eastern Avenue;
 - vii. *district energy, heating and cooling plant* that is:
 - A. located below finished ground level on a *lot*, or
 - B. wholly contained within a building in which another use is the primary use.
 - viii. uses accessory to a *district energy, heating and cooling plant* that is erected in accordance with any of subsections (vi) or (vii) herein.
 - ix. *accessory commercial garage* located below *grade* in the area identified as Block 14 on Map A.
- (b) The following uses shall be permitted within an RA district, with the area identified as Block 20 on Map A:
- i. those uses permitted in Section 12(1)(477);
 - ii. a *commercial parking garage*; and
 - iii. the uses listed in (a) above may be permitted on Block 20 provided that no part of a building or structure above *grade* may be permitted closer than 30 metres to the south property line.
- (c) Lands zoned with the "h" Holding Symbol shall not be used for any purpose other than as provided for in subsection (d) herein until the "h" Holding Symbol has been removed. An amending by-law to remove the "h" Holding Symbol in whole, or multiple by-laws to remove the "h" Holding Symbol in parts, shall be enacted by City Council when the following plans and studies have been provided for and secured through an agreement or agreements binding on the owner and

successors entered into pursuant to the following sections contained in the *Planning Act*: Section 37, Section 41 and Section 51, or any combination of Sections 37, 41 and Section 51 of the *Planning Act*, as appropriate:

- i. a satisfactory Streets and Blocks Plan is prepared demonstrating how the development provides for new streets and blocks in relation to the existing system of streets, such plan to be secured by an appropriate legal agreement between the City and the owner;
 - ii. an Infrastructure Plan dealing with, among other matters, the provision of roads, sewer and water services, public parks and community services and facilities;
 - iii. an Environmental Management Plan dealing with, among other matters, the remediation of soils and groundwater and the provision of flood protection measures;
 - iv. in the case of the *Don River Open Space District* or the *Cherry Street Reinvestment District* an assessment of the need for and feasibility of realigning Bayview Avenue south of Queen Street East, and if desirable, a plan for the realignment, functioning and implementation of a realigned Bayview Avenue within the *West Don Lands Reinvestment Area*, such a plan to be secured through an appropriate legal agreement; and
 - v. a Phasing Plan dealing with the sequencing of new development and the timing of the provision of matters set out in (i) through (iv) above.
- (d) Until such time as the "h" Holding Symbol has been removed, the following uses shall be permitted within an RA(h) district:
- i. those uses permitted within an "h" district in Section 7(1), subject to the qualifications in Section 7(2), except that where such uses are located within a building or structure lawfully erected on the *lot* on the date of the passing of this Zoning By-law pursuant to Section 7(2)5, an addition thereto is permitted provided that the addition does not exceed 10% of the *non-residential gross floor area* of the existing building as it existed at the time of the passing of this Zoning By-law;
 - ii. those uses permitted in subsections (a)(iii), (iv), (v) and (vi) herein.

Parking

- (e) Parking facilities shall be provided in accordance with Sections 4(5), 4(9), 4(13), 4(17), 7(3) Part IV and 12(2)(246)(e), except that:
- i. for each *car-share parking space* provided, the minimum required resident *parking spaces* shall be reduced by 4 *parking spaces*. The maximum reduction permitted by this means shall be limited to no more than

25 percent of the resident parking supply required pursuant to Section 12(2)(246)(e) and subsection (e)(vi) herein;

- ii. for the purposes of the Occupancy Rate set out in Schedule 1 of Section 12(2)(246)(e), the following rates shall apply to non-residential uses:

Time of Day	Occupancy Rate					
	Office Uses	Place of Worship	Clinic – Medical & Dental Offices	Educational	Industrial Manufacturing	All Other Non-residential Uses
Morning	100%	0%	100%	100%	100%	20%
Afternoon	60%	0%	100%	100%	100%	100%
Evening	0%	100%	50%	0%	100%	100%

- iii. no parking shall be required for the existing building as a *district energy, heating and cooling plant* on the lands municipally known on August 11, 2010, as 153 Eastern Avenue;
- iv. for each 5 *bicycle parking spaces* provided in excess of the minimum number of *bicycle parking spaces* required by Section 4(13), the minimum required residential automobile parking spaces shall be reduced by 1 *parking space*, up to a maximum reduction of 20% of the total minimum *parking spaces* required, pursuant to Section 12(2)(246)(e) and subsection (e)(vi) herein;
- v. Notwithstanding Section 12(2)246(e), parking for *assisted housing* shall be provided in accordance with the following rates per unit:
- | | |
|-------------|------|
| Bachelor: | 0.12 |
| 1-bedroom: | 0.18 |
| 2-bedroom: | 0.30 |
| 3+-bedroom: | 0.5 |

Loading

- (f) Loading facilities shall be provided in accordance with Section 4(8), Section 4(9), Section 7(3) Part IV and Sections 12(2)(246)(e) and (f), except that:
- i. for a building containing 30 or more *dwelling units* within the area shown on Map 2 as having a maximum height zone of 15 metres; and
- ii. *Type 'G'* loading shall be required for buildings containing 30 or more *dwelling units* only where access to *dwelling units* is by means of a common internal corridor and *rowplexes*.

Height

- (g) No person shall erect or use a building or structure on the lands delineated by heavy lines on Map 2 having a greater height in metres than the height limit specified by the numbers following the symbol "H" on Map 2.
- (h) Notwithstanding Section (g) above, in the locations shown on Map B, the maximum *height* shall be in accordance with Section 4(2), except that:
- i. Tower Area A
 - A. only one Tower will be permitted within each of the areas shown as Tower Area A on Map C;
 - B. the maximum building *height* shall be 48 metres; and
 - C. above the *height* of 36 metres each individual floor may not exceed a *residential gross floor area* of more than 800 square metres.
 - ii. Tower Area B
 - A. only one Tower will be permitted within each of the areas shown as Tower Area B on Map C;
 - B. the maximum building *height* shall be 48 metres; and
 - C. above the *height* of 24 metres, each individual floor may not exceed a *residential gross floor area* of more than 800 square metres.
 - iii. Tower Area C:
 - A. only one Tower is permitted within the area shown as Tower Area C on Map C;
 - B. the maximum building *height* shall be 78 metres; and
 - C. above the *height* of 24 metres, each individual floor may not exceed a *residential gross floor area* of more than 800 square metres.

Building Separation

- (i) If a building has walls facing each other or facing the walls of another building for any building located in Towers Areas B and C as shown on Map C, and a line projected at a right angle from one of these walls intercepts the other wall, then a minimum separation distance of 25 metres is required for any portion of a building above a *height* of 24 metres.

Setbacks

- (j) No part of a building or structure above grade on a *lot* may be located closer to a lot line than the number in metres as shown on Map C.

Upper-level Stepbacks

- (k) Within each '*Height District*' listed in Column A in the chart below, no building or structure may exceed the '*Height Above Which Stepback is Required*' as set out in Column B below, unless the portion of the building or structure above such *height* at the corresponding row in Column B is set back a minimum of 3 metres from the main wall facing a street, below the height in Column B:

Column A <i>Height District</i>	Column B <i>Height Above Which Stepback is Required</i>
20 metres	13 metres
26 metres	18 metres
30 metres	21 metres
36 metres	27 metres

Height, Setback and Stepback Exceptions

- (l) Subsection 0 herein does not apply to buildings with *frontage* on the south side of Mill Street, where the main wall facing a street above a *height* of 21 metres, including the main wall of a building erected in accordance with subsection (h)(ii) and (iii) herein, must be set back 6 metres from the main wall facing a street below a *height* of 21 metres.
- (m) Subsections (j), (k) and (l) herein do not apply to the projection within the required setback from any lot line to the types of structure listed in Column A below, provided any restriction set out in the corresponding row in Column B is complied with.

Column A Structure	Column B Maximum Permitted Projection
A. eaves, cornices, or ornaments	Maximum of 1.0 metre projection
B. fences, safety railings, and patio structures	No restriction on the extent of the projection provided the <i>height</i> of the structure does not exceed 2.0 metres
C. canopy	No restrictions
D. bay window	The projection cannot exceed 1.0 metre from the wall to which it is attached
E. balcony	The projection cannot exceed 1.5 metres from the wall to which it is attached
F. stairs	No restriction

- (n) Subsections (g) and (h) herein do not prevent the erection or use of the following:
- i. a stair tower, elevator shaft, or other heating, vents, cooling or ventilating equipment or window washing equipment or electrical energy generating equipment on the roof of the building or a fence, wall or structure enclosing such elements, provided:
 - A. the maximum vertical extent of such elements or enclosure above the permitted *height* is no greater than 6 metres;
 - B. the aggregate horizontal area of such elements, including the area contained within an enclosure, does not exceed 40% of the area of the top *storey* of the building and
 - C. the width of any such elements, including the width of an enclosure, located within six metres of a *lot* line that is a *street* line, does not exceed 30% of the width of the main wall of the building facing the *lot* line provided the width is to be measured parallel to the *lot* line boundary.
 - ii. heating, vents, cooling or ventilating equipment on the roof of the building, provided such heating, vents, cooling or ventilating equipment does not exceed 9 metres in height and is accessory to a *district energy, heating and cooling plant* that is erected in accordance with Section 12(1)(477) subsection (a)(vi), (a)(vii) or (a)(viii) herein;
 - iii. structures identified in Section 4(2)(a)(ii), subject to the limitations contained herein;
 - iv. a chimney stack for a *district energy, heating and cooling plant*, which has been approved by the Ministry of the Environment; and
 - v. parapets to a maximum vertical projection of 1.0 metre.
- (o) Notwithstanding the minimum setback of 30 metres as shown on Map C, the minimum setback of 30 metres shall not apply to the area identified on Map A as Block 20, provided Block 20 is used for a *commercial parking garage* and/or a *district energy heating and cooling plant*.

Amenity Space

- (p) *Residential amenity space* shall only be required if a building has 35 or more dwelling units with such *residential amenity space* to be provided at a combined minimum rate of 3.0 square metres per dwelling unit of which:
- i. a minimum of 2 square metres for each dwelling unit is indoor amenity space and;

- ii. a minimum of 35 square metres is outdoor amenity space and in a location adjoining or directly accessible to the indoor amenity space.

Ground Floor Animation Areas

- (q) No building or structure on a *lot* subject to a *Ground Floor Animation* area requirement as shown on Map D may be erected or used unless:
 - i. at least 70% of the total length of each block *frontage* identified as *Ground Floor Animation* areas on Map D, is used for no purpose other than *ground floor animation* uses; and
 - ii. no *dwelling units* are located on the ground floor of buildings or structures facing an Animation Frontage as shown on Map D.

Residential Building: Frontage on a Public Highway

- (r) A block or *lot* on a plan of subdivision that does not front onto a public street but does front onto a block on a registered plan of subdivision which will be conveyed, in future, to the City for road purposes shall be deemed to front onto a public street for the purposes of subsection 4(11)(a).

Additional Provisions

- (s) The provisions of Sections 2(2), 4(10), 4(11)(b), (c), (d), (e) and 4(16) shall apply to the *West Don Lands – Phase 2*, as shown on Map 1.

Exceptions

- (t) Subsections 0 and 0 do not apply to a building or structure lawfully erected at the time of passing of this Zoning By-law on lands municipally known in 2010 as 409 Front Street East, 425 Cherry Street, 153 Eastern Avenue and 169 Eastern Avenue.
- (u) Restrictive Exception 12(2)(95) shall not apply to the *West Don Lands – Phase 2*.
- (v) Restrictive Exception 12(2)(132) shall not apply to the *West Don Lands – Phase 2*.
- (w) Restrictive Exceptions 12(2)(246)a and 12(2)(246)b shall not apply to the *West Don Lands – Phase 2*.
- (x) Restrictive Exception 12(2)(260) shall not apply to the *West Don Lands – Phase 2*.
- (y) Notwithstanding the provisions of this Section, the provisions of By-law No. 1266-2008 shall apply.

Definitions

- (z) For the purposes of this exception, Section 2(1) shall apply, in addition to the following definitions, which shall prevail in the instance of a conflict with definitions set out in Section 2(1):
- i. "*Accessory commercial garage*" means a building or a portion of a building, other than a *private garage*, that is used for the temporary parking of motor vehicles, as an accessory use to the principal use or uses permitted on the whole of the *lot* or on the portion of the *lot* on which the parking garage is located, or which is not the primary use and on the *lot* and may be occupied by motor vehicles whose users are not occupants or customers of the building where the *accessory commercial garage* is located;
 - ii. "*Assisted housing*" is a *dwelling unit* owned and operated by or on behalf of the Toronto Community Housing Corporation, or by a non-profit agency in cooperation with the City of Toronto;
 - iii. "*Car-share*" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
 - iv. "*Car-share parking space*" means a *parking space* that is reserved and actively used for car-share;
 - v. "*District energy, heating and cooling plant*" means a building or structure, or part thereof, that is used for the production of electrical power, heating and cooling which is generated/converted at one or more linked locations and then is distributed to the users, and includes uses *accessory* thereto and a chimney that has been approved by the Ministry of the Environment;
 - vi. "*Ground floor animation*" includes uses shall have the same meaning as the expression *street-related retail and service uses*, except that, in addition to those uses listed in sections 8(1)(f)(b)(i), (ii) and (iv), an *artist's or photographer's studio* shall also be permitted;

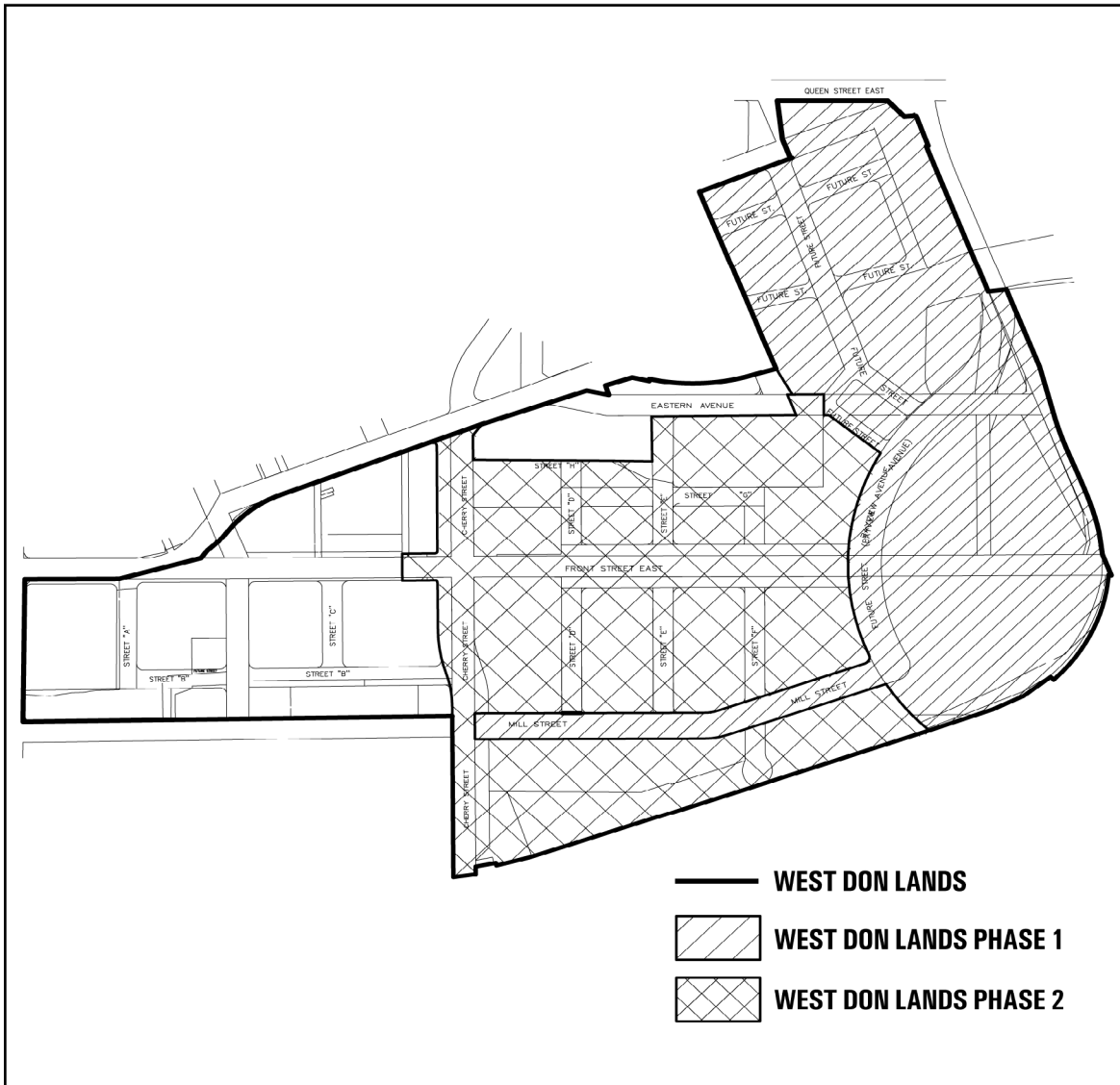
- vii. "*Sales Office*" means a building, structure, facility or trailer, or part thereof, that is used for the purpose of marketing and sales related to uses permitted in the *West Don Lands*.

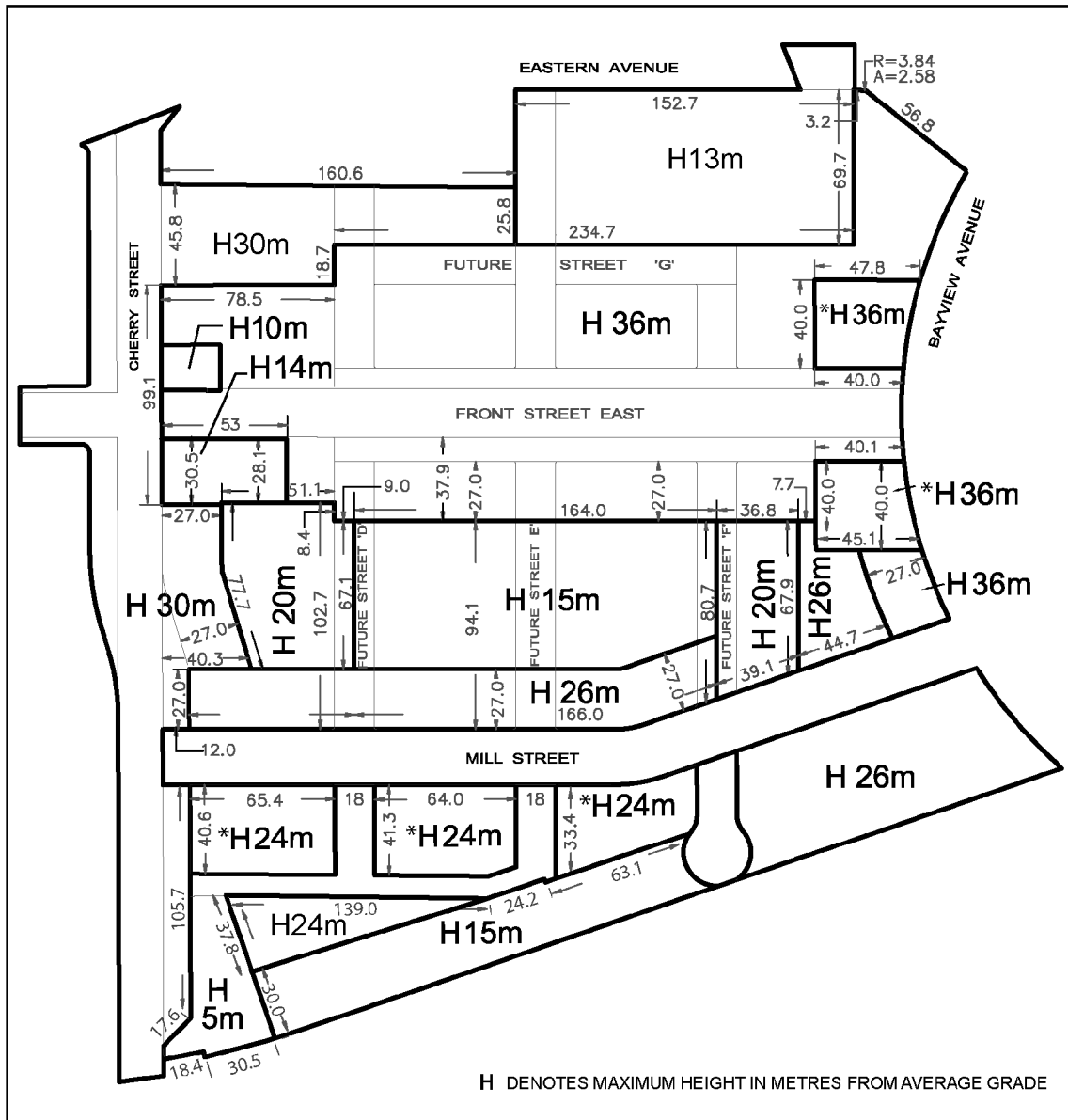
ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)





Map 2 - Heights

NOTE: *H refers to Zoning Bylaw Section on (h) for Tower Heights A, B, & C

West Don Lands Phase 2

File # 08_231384



Not to Scale
08/12/2010

