

Authority: Toronto and East York Community Council Item 17.6,  
as adopted by City of Toronto Council on July 11, 12 and 13, 2012  
Enacted by Council: July 13, 2012

## CITY OF TORONTO

### BY-LAW No. 1027-2012

#### **To amend the General Zoning By-law No. 438-86, as amended, of the former City of Toronto, respecting the lands municipally known as 255 Christie Street, 38, 40, 42A, 42B and 42C Yarmouth Road.**

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*; and

WHEREAS Council of the City of Toronto on July 27, 2006 adopted By-law No. 630-2006 being a By-law "To amend the General Zoning By-law No. 438-86 with respect to lands known as 255 Christie Street"; and

WHEREAS pursuant to a decision of the City of Toronto Committee of Adjustment, whereby severances were granted to create 38, 40, 42A, 42B and 42C Yarmouth Road from the lands which comprised 255 Christie Street as of the date of By-law No. 630-2006; and

WHEREAS pursuant to a decision of the City of Toronto Committee of Adjustment, minor variances were granted under file number A0714/10TEY to permit the construction of a *duplex* and 1 pair of *semi-detached duplex* dwelling houses at 42A, 42B and 42C Yarmouth Road;

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

1. Zoning By-law No. 630-2006 being a by-law "To amend By-law No. 438-86 of the former City of Toronto, as amended, respecting lands known as No. 255 Christie Street" is hereby repealed.
2. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to all lands outlined by the heavy lines on Map 1.

#### **Block A – Map 2**

3. None of the provisions of Section 2(1) – *duplex* definition, Section 4(2)(a), with respect to height, Section 4(4)(b) with respect to parking, Section 4(17)(a) and (e), with respect to minimum width of parking spaces within the garage, Section 6(3), Part I.1 with respect to permitted gross floor area, and Section 6(3), Part II, 2, 3, 3(B), (C), and (E), with respect to setbacks, Section 6(3) Part II, 5., with respect to maximum permitted building depth, Section 6(3) Part III 1(a) and 6(3) Part III, with respect to landscaping of Zoning 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", shall apply to prevent the erection or use of one

detached *duplex* being 42A Yarmouth Road and two pair of *semi-detached duplex* dwellings being 38-40 and 42B-42C Yarmouth Road within the area described on Map 2 as Block A in accordance with the following provisions.

4. With respect to the lands and structures described as Block A, the following specific provisions shall apply:
- (a) Block A shall consist of 5 lots as delineated by the lines on Map 2 attached to and forming part of this By-law;
  - (b) Within the lots consisting of Block A, the following structures shall be permitted:
    - a. 42A Yarmouth Road, one detached *duplex* with a *gross floor area* of 302.3 m<sup>2</sup>;
    - b. 38 and 40 Yarmouth Road, one pair of *semi-detached duplex* dwellings with a *gross floor area* of each *semi-detached duplex* of 297.1 m<sup>2</sup>;
    - c. 42B and 42C Yarmouth Road, one pair of *semi-detached duplex* dwellings with a *gross floor area* of each *semi-detached duplex* of 297.1 m<sup>2</sup>;
    - d. each lot shall also be permitted a one storey detached garage with a minimum interior width of 5.16 m, and which shall not be included in the calculation of *gross floor area* as noted above; and
    - e. each lot shall provide a minimum of 2 *parking spaces*, with dimensions of 2.58 m by 5.9 m.
  - (c) no portion of the buildings and structures within Block A shall extend beyond the building footprints on Map 2 attached;
  - (d) notwithstanding (c), the following projections are permitted;

STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
Eaves or cornices	required setback area from any lot line	0.6 metres	none
fences	required setback area from any lot line		Height of fence not to exceed 2.0 metres
Exterior insulation and facing material, including any supporting foundation	required setback area from any lot line	0.16 metres	none

- (e) the height of the buildings shall not exceed those heights, in metres, following the symbol "H" shown on Map 2 attached hereto exclusive of rooftop facilities elements and structures otherwise permitted in Section 4(2)(a) of By-law No. 438-86, as amended;
5. Despite any existing or future severance, partition or division of Block A, the provisions of this by-law and By-law No. 438-86 as amended, shall continue to apply to the whole of Block A as if no severance, partition or division had occurred.

**Block B – Map 2**

6. None of the provisions of Section 2(1), *parking stacker* definition, Section 4(2)(a), with respect to height, Section 4(4)(b), with respect to parking, Section 6(1)(a), with respect to the chart of uses and qualifications of uses, Section 6(3), Part I.1, with respect to permitted gross floor area, Section 6(3), Part II 2, with respect to front yard setbacks, Section 6(3) Part II 3(G), with respect to side yard setbacks, Section 6(3) Part II 4., with respect to rear yard setbacks, and Section 6(3) Part II 5., with respect to maximum permitted building depth, of Zoning 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", shall apply to prevent the erection or use of a *mixed-use building* within the area described on Map 2 as Block B in accordance with the following provisions.
7. With respect to the lands and building described as Block B, the following provisions shall apply:
- (a) a *mixed-use building* shall be permitted;
- (b) the non-residential uses within the *mixed-use building* will be restricted to only an office, a government office, a *community health centre*, a *private art gallery*, a *public library*, a *post office*, a fitness centre, one *take-out restaurant* with a maximum size of 70 m<sup>2</sup>, and a *retail store* with a maximum size of 200 m<sup>2</sup>, however, *entertainment facilities* and *massage establishments* shall not be permitted;
- (c) the aggregate of the *residential gross floor area* located within Block B shall not exceed 1,340 m<sup>2</sup> square metres;
- (d) the aggregate of the *non-residential gross floor area* located within the *mixed-use building* shall not exceed 270 square metres;
- (e) save and except for any tie back systems which may be required as part of any construction, no portion of the buildings shall extend beyond the lines delineating the building footprints shown on Map 2 attached hereto;

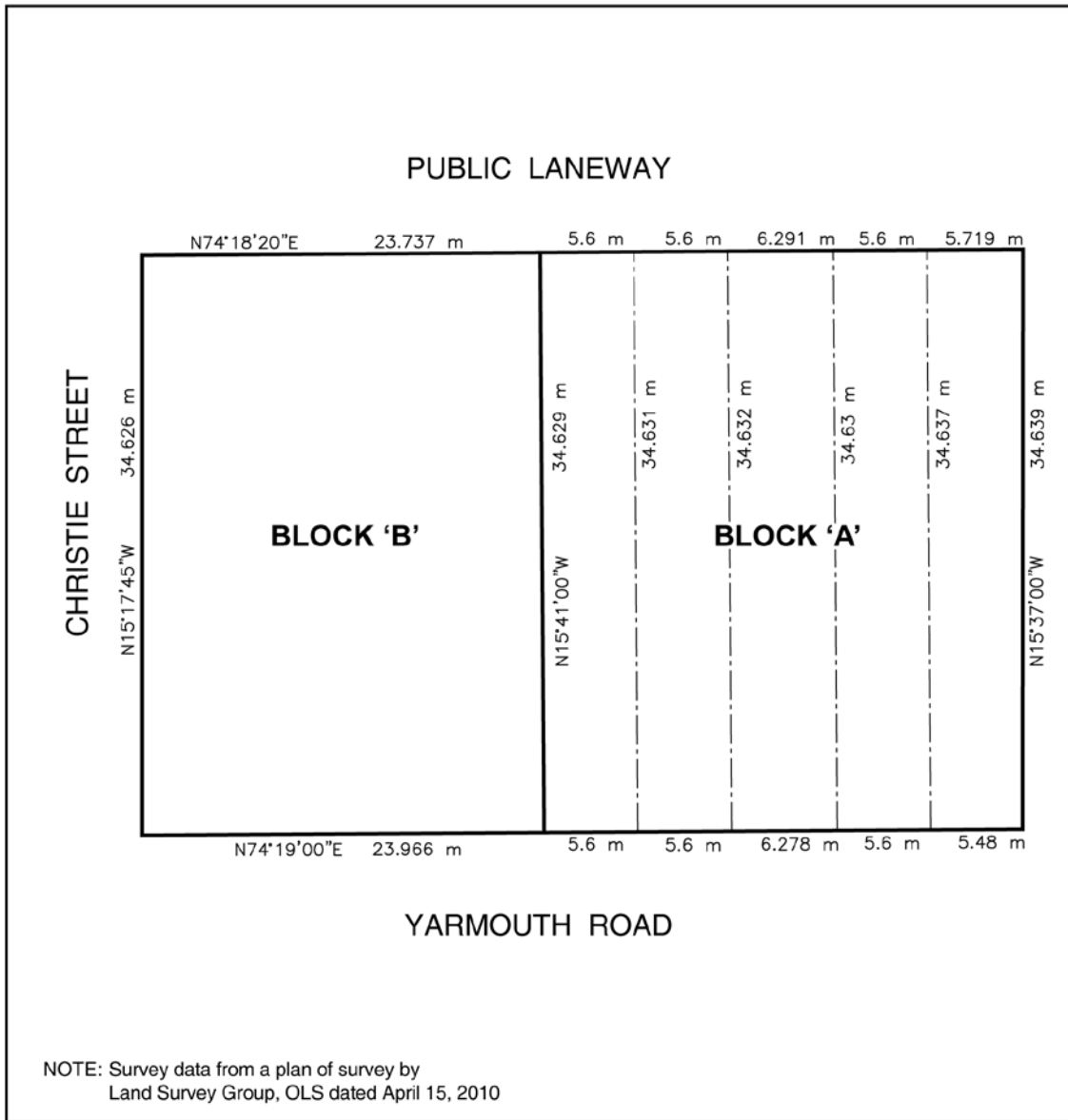
- (f) the height of the building to be erected shall not exceed those heights, in metres, following the symbol "H" shown on Map 2 attached hereto exclusive of rooftop facilities, elements and structures otherwise permitted in Section 4(2)(a) of By-law No. 438-86, as amended;
  - (g) a total of nine (9) *parking spaces* shall be provided for all residential uses in Block B, inclusive of one (1) surface *parking space* dedicated for visitor parking and eight (8) *parking spaces* to be located in four (4) two-car *parking stackers*, with dimensions of 2.5 m by 4.11 m; and
  - (h) no on-site parking shall be required for the non-residential uses permitted within Block B.
- 8.** Despite any existing or future severance, partition or division of Block B, the provisions of this by-law and By-law No. 438-86 as amended, shall continue to apply to the whole of Block B as if no severance, partition or division had occurred.
- 9.** For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law No. 438-86, as amended, with the exception of the following:
- "*duplex*" means the whole of a building constructed so as to provide by horizontal division two *dwelling units* each of which has an independent entrance.
- 10.** Within the lands shown on Map 2 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:
- (a) 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
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

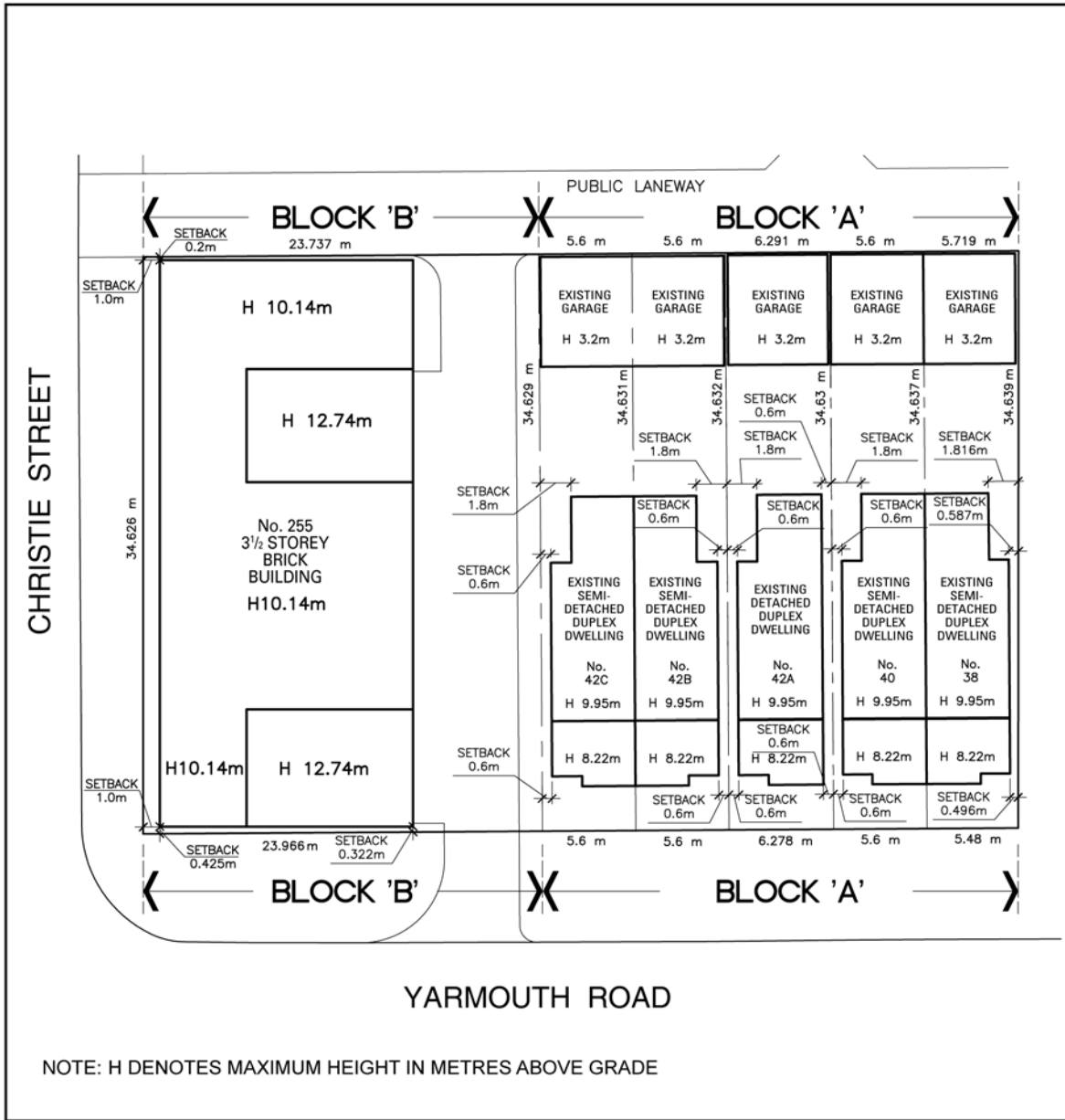
ENACTED AND PASSED this 13th day of July, A.D. 2012.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)





NOTE: H DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

