

Authority: Toronto and East York Community Council
Item TE34.8, as adopted by City of Toronto Council on
July 23, 24, 25, 26, 27 and 30, 2018

CITY OF TORONTO

BY-LAW 512-2019

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 2639 Dundas Street West.

Whereas the Council of the City of Toronto has been requested to amend Zoning By-law 438-86 pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2018 as 2639 Dundas Street West; and

Whereas Council of the City of Toronto has provided adequate information to the public and has conducted at least one 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 23, 24, 25, 26, 27 and 30, 2018, determined to amend Zoning By-law 438-86;

The Council of the City of Toronto enacts:

1. Height and Minimum Lot Frontage Map 48J-311 contained in Appendix 'B' of By-law 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", as amended, is further amended in accordance with Map 2 forming part of this By-law.
2. Except as otherwise provided herein, the provisions of By-law 438-86 shall continue to apply to the *lot*.
3. None of the provisions of Section 2(1) Definitions with respect to, *grade*, *lot*, and *residential gross floor area*, and Sections 4(2)(a), 4(3)(a) and (f), 4(14), 4(16), 8(3) Part I 1 and 3, 8(3) Part II 4(a) and (c), of general Zoning By-law 438-86 of the former City of Toronto, being "A By-law to regular 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 and use of the lands known municipally in the year 2018 as 2639 Dundas Street West for an *apartment building* on the *lot*, provided that:
 - a. the *lot* on which the buildings are to be located comprises the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - b. the total *residential gross floor area* on the *lot* does not exceed 8,228 square metres;

- c. the *height* of any building or structure or portion thereof, does not exceed the *height* specified by the numbers in metres following the symbol H on Map 2 attached to and forming part of this By-law;
- d. notwithstanding Section 3(c) of this by-law, the following building elements and structures are permitted to extend beyond the heights shown on Map 2:
 - i. Wind screens, elevator overruns, mechanical equipment, parapets, guard rails, railings and dividers, pergolas, trellises, balustrades, screens, stairs, roof drainage, window washing equipment, chimneys, vents, lightning rods, light fixtures, elements of a green roof, no more than 2.0 metres above the height limits shown on Map 2;
- e. no portion of any building or structure to be erected above finished ground level on the *lot* 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, except that the following elements of a building, above or below-grade, may extend into a required building setback line, shown on Map 2 of this By-law, as follows:
 - i. Ornamental elements, pillars, trellises, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, wheelchair ramps, screens, awnings and canopies by not more than 1.5 metres; and
 - ii. Cornices, light fixtures, eaves, window sills, and awnings by not more than 0.3 metres;
- f. *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - i. A minimum of 39 *parking spaces* for the exclusive use of residents of the *dwelling units*; and
 - ii. A minimum of 8 visitor *parking spaces* must be provided, of which a maximum of 2 may be *car-share parking spaces*;
- g. accessible *parking spaces* shall be provided as follows:
 - i. A minimum of 2 of the *parking spaces* required under (f) shall be accessible *parking spaces* having minimum dimensions in accordance with g. ii of this By-law and shall be located within the underground parking garage on the *lot*;
 - ii. Notwithstanding Section 4(17), an accessible *parking space* must have the following minimum dimensions:
 - A. length of 5.6 metres;
 - B. width of 3.9 metres; and
 - C. vertical clearance of 2.1 metres;

- iii. Accessible *parking spaces* must be the *parking spaces* closest to a barrier free:
 - A. entrance to a building; or
 - B. passenger elevator that provides access to the first storey of the building;
 - iv. The entire length of an accessible *parking space* must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
 - h. notwithstanding Section 4(12), a minimum of 146.0 square metres of outdoor *residential amenity space* shall be provided on the *lot* and shall be provided in a location adjoining or directly accessible to the indoor *residential amenity space*; and
 - i. notwithstanding Section 4(12), a minimum of 262.0 square metres of indoor *residential amenity space* shall be provided on the *lot*.
4. None of the provisions of By-law 438-86 shall apply to prevent a *sales office* on the *lot*.
5. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended, with the exception of the following terms:
- a. "*car-share*" means the practice whereby a number of people share the use of one or more motor vehicles and such *car-share motor vehicles* are made available to the occupants of the building for short term rental, including hourly rental;
 - b. "*car-share motor vehicle*" shall mean a motor vehicle available for short-term rental, including an option for hourly rental, for the use of at least the occupants of the building erected on the lot;
 - c. "*car-share parking space*" means a *parking space used exclusively* for the parking of a *car-share* motor vehicle;
 - d. "*grade*" shall mean 117.60 metres Canadian Geodetic Datum;
 - e. "*lot*" shall mean the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law; and
 - f. "*residential gross floor area*" shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level. The gross floor area of the *residential building* is reduced by the area in the building used for:
 - i. Parking, loading and bicycle parking below ground;
 - ii. Required *loading spaces* at the ground level and required *bicycle parking spaces* at or above-ground;

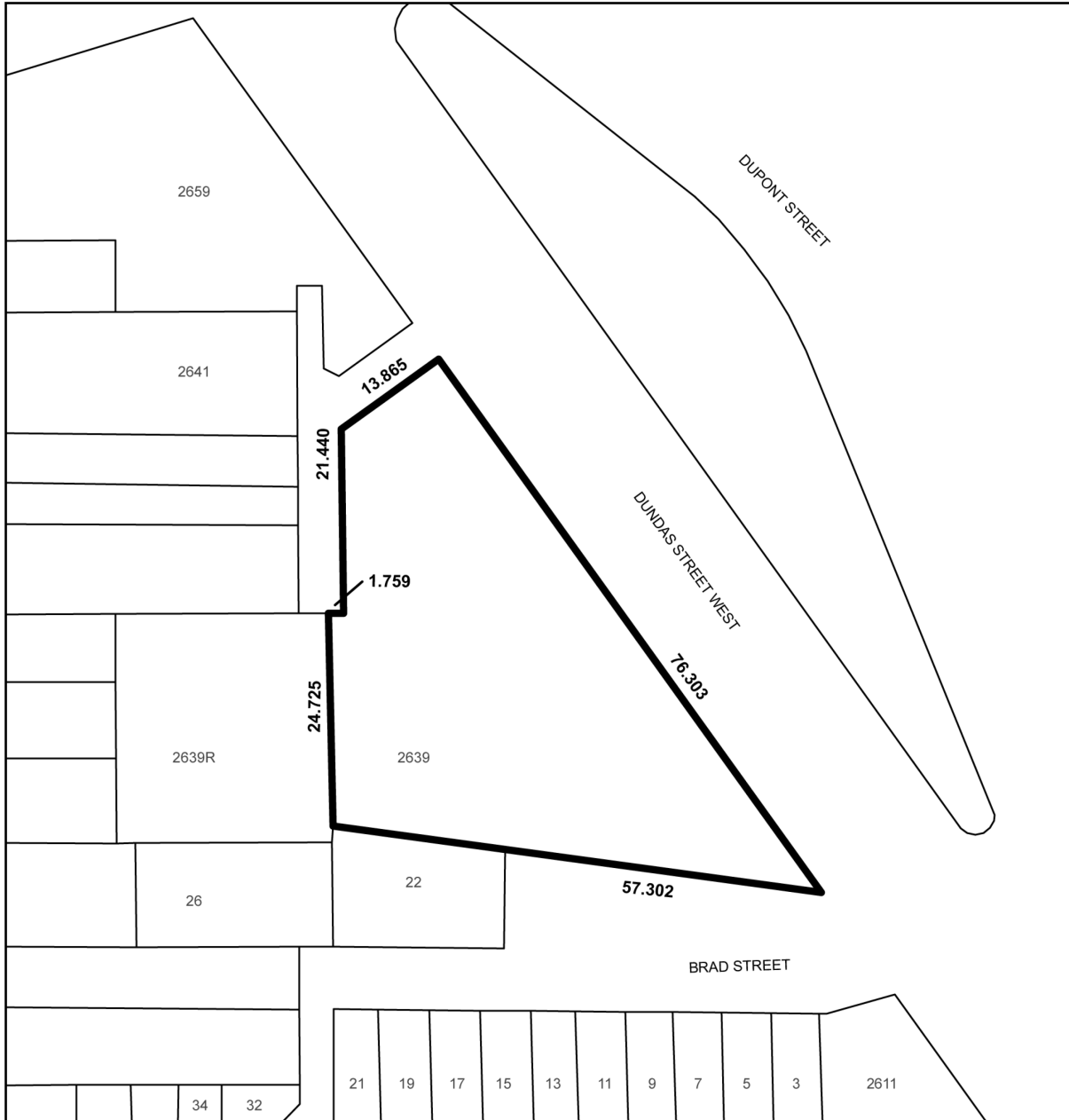
- iii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - iv. *Residential amenity space* required by this By-law;
 - v. Elevator shafts;
 - vi. Garbage shafts;
 - vii. Mechanical penthouse; and
 - viii. Exit stairwells in the building; and
- g. "*sales office*" means a building, structure, facility or trailer on the *lot* used for the purpose of the used exclusively for the initial sale and/or initial leasing of *dwelling units* proposed on the *lot*.
6. Notwithstanding any existing or future severance, partition or division of the lot, the provisions of this by-law shall apply to the whole lot as if no severance, partition or division occurred.

Enacted and passed on March 28, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



 **TORONTO**
Map 1

2639 Dundas Street West

File # 17 267100 STE 14 0Z


Former City of Toronto By-Law 438-86
Not to Scale
6/4/2018

