

CITY OF TORONTO

BY-LAW 1170-2020

To amend former City of Toronto Zoning By-law 438-86 with respect to the lands municipally known in the year 2020 as 276-290 Merton Street.

Whereas authority is given to the Council of a municipality by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass Zoning By-laws; 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:

1. None of the provisions of Section 2(1) with respect to "*grade*", "*height*", "*residential gross floor area*", and "*lot*", and Sections 4(2), 4(4), 4(13), 4 (17) 8(3) Part I, 8(3) Part II, 12(1)3(b), 12(1)166, 12(2)118, 12(2)119, 12(2)193, 12(2)270 of By-law 438-86 of the former City of Toronto, shall apply to prevent the erection and use of a *mixed-use* building that may contain a *commercial parking garage* below grade 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 maximum aggregate *residential gross floor area* and *non-residential gross floor area* shall not exceed 7,850 square metres;
 - (c) The total *residential gross floor area* shall not exceed 7,850 square metres and the total *non-residential gross floor area* shall not exceed 300 square metres, exclusive of a *commercial parking garage*;
 - (d) The provision of *dwelling units* in a building with 60 or more residential *dwelling units* is subject to the following:
 - (i) a minimum of 10 percent of the total number of *dwelling units* shall contain three bedrooms or more; and
 - (ii) a minimum of 15 percent of the total number of *dwelling units* shall contain two bedrooms;
 - (e) The provision of *dwelling units* in a building with less than 60 residential *dwelling units* is subject to the following:
 - (i) a minimum of 8 percent of the total number of *dwelling units* shall contain three bedrooms or more; and

- (ii) a minimum of 20 percent of the total number of *dwelling units* shall contain two bedrooms;
- (f) No portion of any building or structure on the *lot* shall be located above the *heights* shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
- (i) wind screens, elevator overruns, mechanical equipment and any associated enclosure structures, parapets, awnings, fences, guard rails, railings and dividers, pergolas, trellises, balustrades, eaves, screens, stairs, stair enclosures, roof drainage, window washing equipment, chimneys, vents, terraces, lightning rods, light fixtures, architectural features, landscaping, planters and elements of a green roof, which may project a maximum of 5.0 metres above the height limits shown on Map 2 of this By-law;
- (g) No portion of any building or structure on the *lot* shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, with the exception of the following:
- (i) cornices, light fixtures, ornamental elements, parapets, art and landscape features, pillars, trellises, balconies, balcony supporting structures or screens, terraces, eaves, window sills, planters, ventilation shafts, guardrails, railings, stairs, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, and associated structures, which may extend a maximum of 2.5 metres beyond the heavy lines shown on Map 2 of this By-law; and
 - (ii) despite (i) above, there shall be no balcony projections on the south facing walls, with the exception of a maximum 1.5 metre projection between heights 22.0 metres and 32.5 metres;
- (h) *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- (i) a minimum of 0.4 *parking spaces* per *dwelling unit* for the use of the residents of the building; and
 - (ii) a minimum of 0.1 *parking spaces* per *dwelling unit* for the use of residential visitors;
- (i) *Parking spaces* provided on the *lot* shall have the following dimensions:
- (i) a minimum length of 5.6 metres;
 - (ii) a minimum height of 2.0 metres; and
 - (iii) a minimum width of 2.6 metres;

- (j) The minimum requirements for obstructed parking spaces shall not apply;
 - (k) Notwithstanding subsection (h) above, up to 6 *parking spaces* shall have the following dimensions:
 - (i) a minimum width of 2.5 metres;
 - (ii) a minimum length of 5.4 metres; and
 - (iii) a minimum vertical clearance of 2.0 metres;
 - (l) Up to 25 *parking spaces* may be located in tandem;
 - (m) Access to *parking spaces* may be provided by an *automated parking system*;
 - (n) One *loading space - Type "G"* shall be provided and maintained on the *lot*; and
 - (o) Bicycle parking may be located in stacked bicycle parking spaces.
2. None of the provisions of By-law 438-86 shall apply to prevent a *sales office* on the *lot*.
3. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
4. 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) "*grade*" shall mean 147.72 metres Canadian Geodetic Datum;
 - (b) "*height*" shall mean, the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly permitted in this By-law;
 - (c) "*lot*" shall mean the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (d) "*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 *grade*;
 - (ii) *Loading spaces* at the ground level and *bicycle parking spaces* at or above *grade*;
 - (iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;

- (iv) Shower and change facilities required by this By-law for required bicycle parking spaces;
 - (v) *Residential amenity space* required by this By-law;
 - (vi) Elevator shafts;
 - (v) Garbage shafts;
 - (vi) Mechanical penthouse; and
 - (vii) Exit stairwells in the building;
- (e) "*automated parking system*" means a mechanical system for the purpose of parking and retrieving vehicles with or without drivers in the vehicle during parking and with or without the use of ramping or drive aisles. Automated maneuvering of other vehicles may be required for vehicles to be parked or retrieved; and
- (f) "*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 or non-residential gross floor area uses proposed on the lot.
5. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.

Enacted and passed on December 18, 2020.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

(Seal of the City)



