

Authority: Planning and Housing Committee
Item PH25.4, as adopted by City of Toronto
Council on July 14 and 15, 2021

CITY OF TORONTO

BY-LAW 449-2022

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2021 as 405 Sherbourne Street.

Whereas Council of the City of Toronto has the authority to pursuant to 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;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are delineated by heavy black lines on Map 1 attached to this By-law.
2. Except as otherwise provided herein, the provisions of By-law 438-86 shall continue to apply.
3. None of the provisions of Sections 4(5), 4(8), 4(10), 4(12), 4(16), 4(17), 6(1)(a), 6(3) PART I, 6(3) PART II, 6(3) PART III, 6(3) PART IV, 12(2)132 and 12(2)260 of Zoning By-law 438-86, as amended, being "A By-law to regulate the use of land and the erection, use, bulk, *height*, spacing 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 area of the City of Toronto", shall apply to prevent the erection and use of an *apartment building* or *mixed use building* on the *lot* provided that:
 - (A) the *lot* comprises the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;
 - (B) The following *accessory* uses to an *apartment building* or *mixed use building* are permitted:
 - (i) *club*;
 - (ii) *commercial parking garage*;
 - (iii) *community centre*;
 - (iv) *day nursery*;
 - (v) *massage establishment*;

- (vi) *open air market*;
 - (vii) *parking garage*;
 - (viii) *performing arts studio*;
 - (ix) *personal grooming establishment*;
 - (x) *pet shop*;
 - (xi) *place of amusement*;
 - (xii) *private academic, philanthropic or religious school*;
 - (xiii) *private art gallery*;
 - (xiv) *public art gallery*;
 - (xv) *retail store*;
 - (xvi) *restaurant*;
 - (xvii) *take-out restaurant*;
 - (xviii) *service, rental or repair shop*; and
 - (xix) office, provided is *accessory* to a permitted non-residential use listed above;
- (C) no portion of any *building* or structure on the *lot* shall have a *height* in metres greater than the *height* limits specified by the numbers following the symbol HT on Map 2 attached to and forming part of the By-law, except for the following which may exceed the *height* limits:
- (i) equipment used for the functional operation of the building including electrical, utility, mechanical and ventilation equipment, a mechanical penthouse, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys and vents may project above the *height* limits to a maximum of 7.0 metres;
 - (ii) an exit vestibule for a green roof located above a mechanical penthouse as noted in (i) above, may project an additional 2.0 metres above the *height* limits noted in (i) above;
 - (iii) architectural features, parapets, and elements and structures associated with a green roof may project above the *height* limits to a maximum of 1.0 metre;

- (iv) building maintenance equipment and window washing equipment may project above the *height* limits to a maximum of 6.5 metres;
 - (v) planters, landscaping features, guard rails, and divider screens on a balcony and/or terrace may project above the *height* limits to a maximum of 2.5 metres; and
 - (vi) trellises, pergolas, and unenclosed structures providing safety or wind protection to rooftop *residential amenity space* may project above the *height* limits to a maximum of 3.0 metres;
- (D) no portion of any building or structure erected and used above grade on the *lot* shall be 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 for:
- (i) canopies and awnings may encroach up to a maximum of 3.0 metres;
 - (ii) cornices, architectural elements, pilasters, eaves, window sills and light fixtures may encroach up to a maximum of 0.5 metres;
 - (iii) bay windows and box windows may encroach up to a maximum of 1.0 metres;
 - (iv) stairs, stair enclosures, doors, wheelchair ramps, screens, site servicing features and underground garage ramps and associated structures;
 - (v) balconies located on the east and west sides of the **building** may encroach up to a maximum of 2.5 metres, balconies on the south side of the **building** may encroach up to a maximum of 2.0 metres and balconies located on the north side of the **building** may encroach up to a maximum of 1.5 metres;
 - (vi) terraces on the roof of a building; and
 - (vii) landscaping features; and
- (E) the mechanical penthouse is limited to the area delineated by dashed lines on Map 2.
4. For the purpose 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) "*front lot line*" means the *lot* line abutting Sherbourne Street;
 - (B) "*grade*" means the Canadian Geodetic Elevation of 102.00 metres;

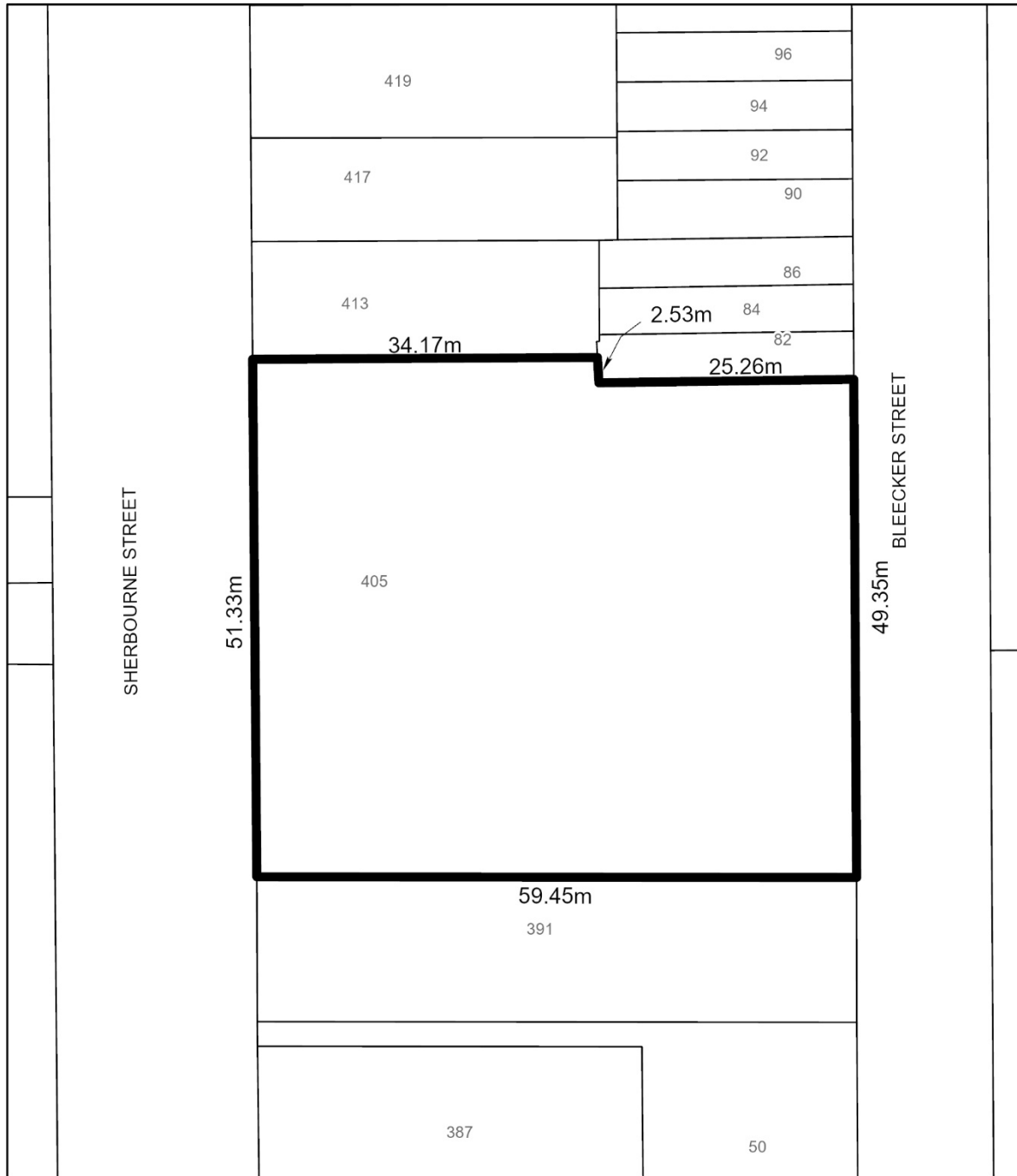
- (C) "*height*" means the vertical distance between *grade* and the highest point of the building or structures, except for those elements otherwise expressly permitted in this By-law; and
- (D) "*lot*" means the parcel of land delineated by heavy lines on Map 1 attached to and forming part of this By-law.
5. Former City of Toronto By-laws 1977-0494, 1977-0572, 1979-0678, 1980-0080, 1982-0034 and 1982-0525 and City of Toronto By-law 740-2004(OMB) do not apply to the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law for the purpose of the erection of the *apartment building* or *mixed use building* described in this By-law.

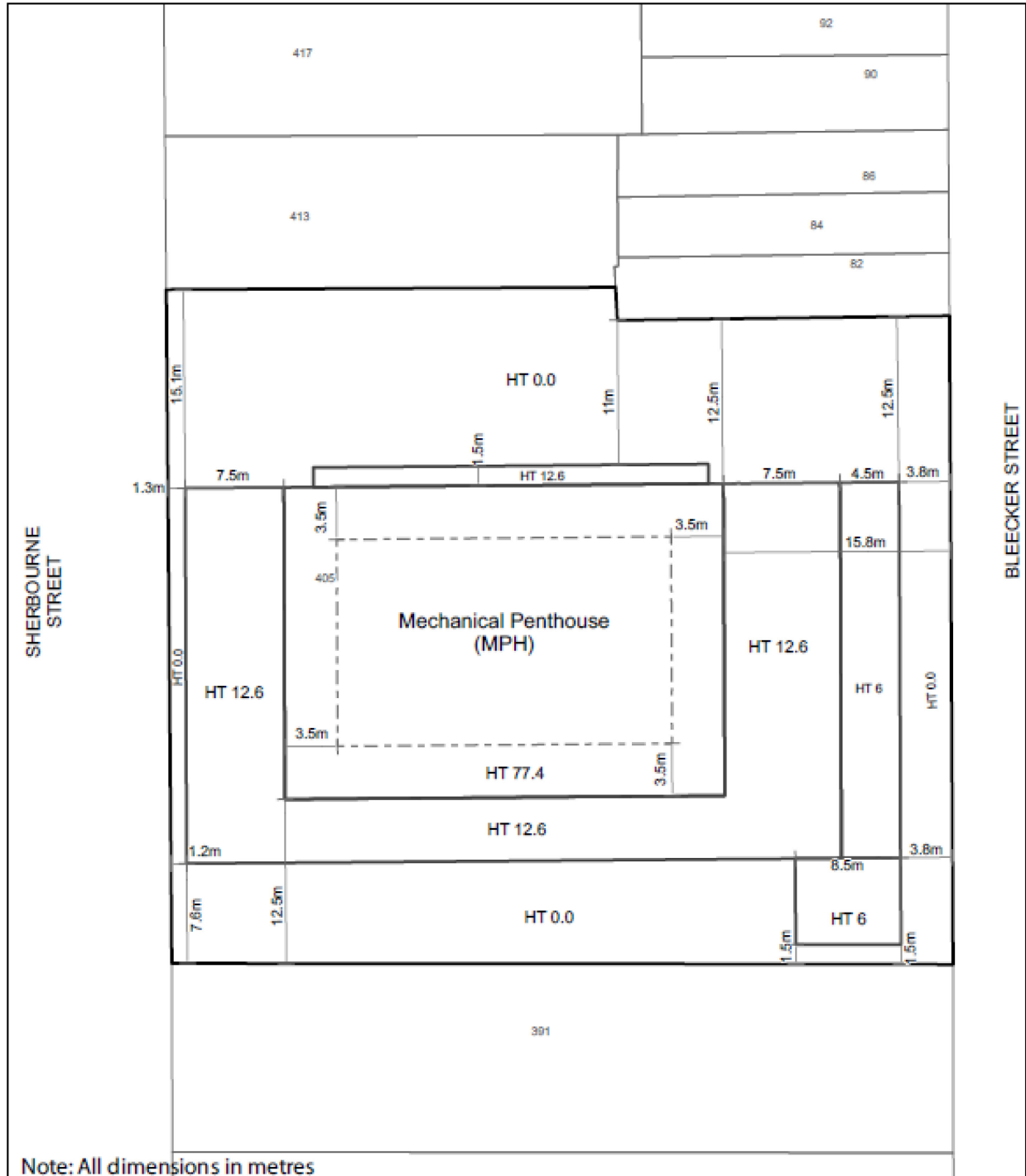
Enacted and passed on May 12, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)





Note: All dimensions in metres



405 Sherbourne Street

File # 21 102281 STE 13 02

Former City of Toronto By-law 438-86
Not to Scale
06/09/2021