

Attachment 2: Draft Amendments to former City of Toronto By-law 438-86

Authority: Planning and Growth Management Committee Item PGXX.X, as adopted by City of Toronto Council on ~, 2018

CITY OF TORONTO

Bill ~

BY-LAW -2018

To amend former City of Toronto By-law 438-86, as amended, respecting lands containing buildings or structures for use as public transit uses

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;

The Council of the City of Toronto enacts:

1. The provisions of Part III, Section 12(2)119 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, are amended so that they read:

119. No person shall, in Yonge-Eglinton, except with respect to buildings or structures existing on June 18, 1981:

- (i) Erect or use a building or structure within the area bounded by Yonge Street, Eglinton Avenue West, Duplex Avenue and Berwick Avenue exceeding a *height* above *grade* of:

A. 69 metres for the portion of those lands within 149 metres of the south limit of Eglinton Avenue West;

B. 56 metres for the portion of those lands within 122 metres of the north limit of Berwick Avenue;

And those *height* limits do not prevent the erection and use of:

C. A stair tower, elevator shaft, chimney stack or other heating, cooking or ventilating equipment or window washing equipment on the roof of the building or a fence, wall or structure enclosing those elements, provided:

- I. the maximum *height* of the top of those elements or the enclosure is no higher than the sum of five metres and the *height* limit applicable to the *lot*.

- II. the aggregate horizontal area of those elements, including the area within an enclosure, measured at any point above the level of the *height* limit, does not exceed 30 per cent of the area of the roof of the building; and
 - III. the width of any such elements, including the width of any enclosure, within six metres of a *lot* line that is a street line, does not exceed 20 per cent of the width of the main wall of the building facing the *lot* line, provided the width is to be measure parallel to the *lot* line;
 - D. A structure, on the roof of the building, used for recreation, safety or wind protection purposes, provided:
 - I. the maximum *height* of the top of the structures is no higher than the sum of three metres and the *height* limit applicable to the *lot*; and
 - II. no part of the structure is less than two metres from an adjacent outside wall or a vertical projection of such wall;
- (ii) erect or use a building or structure on a *lot* in a CR or MCR district, with the exception of a public transit use, unless the building or structure is at least 6.1 metres from a *lot* in an R district;
- (iii) erect or use a *non-residential building* or structure or a *mixed-use building* or structure on a *lot*, with the exception of a public transit use, where a portion of the building wall of the first *storey* above *grade* of a building or structure, is within 0.15 metres of, or more than 1.5 metres from, the *lot* line facing a public sidewalk except:
 - A. in a CR T5.0 C3.0 R3.0 district where the setback is at least 1.5 metres but may not exceed 3.0 metres;
 - B. notwithstanding clause A, where the *lot* abuts Holly Street, in which case the entire building wall facing Holly Street shall be set back a minimum of 6.1 metres from the *lot line* facing Holly Street;
 - C. where the *lot* is in a CR or MCR district and abuts the west side of Bayview Avenue between the south limit of Hillsdale Avenue East and the north limit of Davisville Avenue, or south of Merton Street, in which case the building wall of the building or structure shall be set back three metres from the street line of Bayview Avenue;
 - D. in the case of an *automobile service station* of a *non-residential gross floor area* of less than 20 square metres on a *lot* in a CR or MCR district;
- (iv) erect or use a building or structure on a *lot* in a MCR T3.0 C2.0 R2.5 or CR T2.5 C2.0 R2.5 district, with the exception of a public transit use, where a portion of

the building or structure projects beyond a 60 degree angular plane constructed over the *lot* from the *lot* line facing an R district and from a line 10.0 metres from the *lot* line facing a public highway, except for a *lot* in a CR T2.5 C2.0 R2.5 district on the west side of Mount Pleasant Road between Merton Street and Millwood Road;

- (v) erect or use a building or structure on a *lot* within the area bounded by Yonge Street, Eglinton Avenue West, Duplex Avenue and Berwick Avenue, where a portion of the building or structure:
 - A. projects beyond a 45 degree angular plane constructed over the *lot* from a line 10 metres from the *lot* line facing Berwick Avenue, and on Duplex Avenue commencing at the intersection of Duplex Avenue with the projection of the centre line of Duplex Crescent, and continuing southerly to the intersection of Duplex Avenue with the north street line of Berwick Avenue;
 - B. projects beyond a 60 degree angular plane constructed over the *lot* from a line 10 metres from the *lot* line facing Duplex Avenue and commencing at the intersection of Duplex Avenue with the projection of the centre line of Duplex Crescent with the south street line of Eglinton Avenue West;
- (vi) erect or use a building or structure on a *lot* with a *front lot line* on Helendale Avenue that projects beyond a 30 degree angular plane constructed over the *lot* from a point 10 metres from the south street line;
- (vii) erect or use a building or structure on a *lot* with a *front lot line* on Duplex Avenue north of Eglinton Avenue that projects beyond a 45 degree angular plane constructed over the *lot* from a point 10 metres from the east street line;
- (viii) erect or use a building or structure on a *lot* in a MCR T3.0 C2.0 R2.5 district containing a retail use unless vehicular and pedestrian access to the *lot* is restricted to either Yonge Street or Eglinton Avenue.

Enacted and passed on _____, 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)