CITY OF TORONTO

Bill 1739

BY-LAW -2019

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 140 Merton Street.

Whereas Council of the City of Toronto has the authority 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 outlined by heavy black lines on Diagram 1 attached to this By-law;

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions;

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 4.9 (c2.0; r4.3) SS2 (x224), as shown on Diagram 2 attached to this By-law;

4. Zoning By-law 569 -2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20.1 for the lands subject to this By-law to HT 63.0 as shown on Diagram 3 attached to this By-law;

5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 224 so that it reads:

(224) Exception CR 224

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

(A) On 140 Merton Street, a building, structure, addition or enlargement may be erected or used if it complies with (B) to (X) below;

(B) Despite regulations 40.10.20.10(1)(A) and 40.10.20.20(1)(A), the only permitted non-residential uses are:

(i) community centre; and
(ii) a retail store, personal service shop, office, eating establishment and take-out eating establishment provided:

(a) the use is ancillary to the community centre; and

(b) the use is located in the first or second storey;

(C) Despite regulations 40.10.40.10(2) and 40.10.40.10(7), the permitted maximum height of a building or structure is the height in metres specified by the numbers following the symbol HT and the permitted maximum number of storeys is the numerical value following the symbol ST as shown on Diagram 4 attached to By-law [Clerks to insert number];

(D) Despite regulations 40.5.40.10(1) and 40.5.40.10(2), the height of a building or structure is the distance between the Canadian Geodetic Datum of 154.8 metres and the elevation of the highest point of the building or structure;

(E) Despite regulations 40.10.40.70(2), the required minimum building setbacks in metres are as shown on Diagram 4 of By-law [Clerks to insert number];

(F) The permitted maximum floor area, measured from the exterior of the main wall of each floor level and inclusive of the entire floor, above a height of 19.0 metres is 750 square metres;

(G) Despite regulation 40.10.40.10(5), the required minimum height of the first storey, measured between the floor of the first storey and the ceiling of the first storey, is 3.1 metres;

(H) Despite regulation 40.10.40.1.(2), the floor level of the first storey for the non-residential uses on site will be within 0.75 metres of the ground measured at the lot line abutting the street;

(I) Despite regulation 40.10.40.1(6)(A), pedestrian access to a community centre use may be located within 12.0 metres of a lot in the Residential Zone category;

(J) Despite regulation 40.10.50.10 (2), a fence is not required along the portion of a lot line abutting the lot in the Residential Zone category;

(K) Despite regulation 40.10.50.10 (3), a minimum 1.0 metre wide strip of land used only for soft landscaping will be provided along the part of the lot line abutting the lot in the Residential Zone category;

(L) Despite regulation 40.10.40.60(1), a platform or balcony attached to the main wall with a floor level higher than the floor level of the first storey of the building:

(i) must be located above the first three storeys of the building above-ground;
(ii) at the fourth and fifth storeys of the building, must not be located closer to a lot line than the main wall to which it is attached; and

(iii) above the first five storeys of the building, may project a maximum of 1.5 metres from the main wall to which it is attached;

(M) Despite regulation 40.10.40.40(1), the permitted maximum gross floor area on the lot is 16,650 square metres, allocated as follows:

(i) the permitted maximum gross floor area for residential uses is 14,500 square metres;

(ii) the required minimum gross floor area for community centre uses is 2,150 square metres; and

(iii) a maximum of 200 square metres of the gross floor area of a community centre use may be occupied by one of the following uses, subject to (B) (ii) above: eating establishment, office, personal service shop, retail store, or take-out eating establishment;

(N) Despite regulation 40.10.40.50.(1), amenity space must be provided in accordance with the following:

(i) a minimum of 2.4 square metres per dwelling unit must be indoor amenity space;

(ii) a minimum of 0.6 square metres per dwelling unit must be outdoor amenity space;

(O) Despite regulation 200.5.10.1(1), parking spaces must be provided in accordance with the following:

(i) A minimum of 15 parking spaces for the dwelling units;

(ii) A minimum of 15 parking spaces for visitors to the dwelling units; and

(iii) A minimum of 15 parking spaces must be provided and maintained for community centre and ancillary uses.

(P) Despite regulation 200.15.1.5(1), accessible parking spaces may be located in the basement parking levels;

(Q) Despite regulation 230.5.1.10(4), the minimum required width of a bicycle parking space or a stacked bicycle parking space is 0.45 metres;

(R) Despite regulations 40.5.40.10(4), equipment and structures located on the roof of a building may exceed the permitted maximum height for that building by 5.0 metres, subject to regulation (S) below:
(i) equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment;

(ii) structures or parts of the building used for the functional operation of the building, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and

(iii) structures that enclose, screen or cover the equipment, structures and parts of a building listed in (i) and (ii) above;

(S) Despite regulation 40.5.40.10(5), equipment, structures or parts of a building exceeding the permitted maximum height for a building, as permitted by regulation (R) above, must comply with the following:

(i) the total area of all equipment, structures, or parts of a building may cover no more than 30 per cent of the area of the roof, measured horizontally; and

(ii) if any equipment, structures, or parts of a building are located within 6.0 metres of a lot line abutting a street, their total horizontal dimension, measured parallel to the street, may not exceed 20 per cent of the width of the building's main walls facing that street;

(T) Despite regulation 40.5.40.10(7), a parapet wall for a green roof may exceed the permitted maximum height for a building by 2.0 metres;

(U) Despite regulation 40.5.80.10(1), a parking space must be on the same lot as the use for which the parking space is required;

(V) Despite section 200.15, accessible parking spaces must be provided in accordance with the following:

(i) an accessible parking space must have the following minimum dimensions:

(a) length of 5.6 metres;

(b) width of 3.4 metres; and

(c) vertical clearance of 2.1 metres;

(ii) the entire length of an accessible parking space must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017;

(iii) accessible parking spaces must be provided at the following minimum rates:

(a) if the number of required parking spaces is 25 to 100, a minimum
of 1 parking space for every 25 parking spaces or part thereof; and

(b) if the number of required parking spaces is more than 100, a minimum of 4 parking spaces plus 1 parking space for every 50 parking spaces or part thereof in excess of 100 parking spaces; and

(iv) for the purpose of this exception, "accessible" means free of physical, architectural or design barriers that would restrict access of use to a person with a disability as defined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11.

(W) Despite regulation 230.5.1.10(6) and 230.5.1.10(9), a required "long-term" bicycle parking space for dwelling units and uses other than dwelling units may be located:

(i) outdoors on the surface of the lot;

(ii) on the first or second storey of the building; or

(iii) on levels of the building below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50 per cent of the area of that level is occupied by bicycle parking spaces, until all required bicycle parking spaces have been provided; and

(X) Despite regulation 230.40.1.20(2), a "short-term" bicycle parking space may be more than 30 metres from a pedestrian entrance to the building on the lot.

Prevailing By-laws and Prevailing Sections: (None Apply)

Enacted and passed on December , 2019.

Frances Nunziata, Speaker

Ulli S. Watkiss, City Clerk

(Seal of the City)
CR 4.9 (c2.0; r4.3)  
SS2 (x224)