

Authority: Toronto and East York Community Council Item 11.9,
as adopted by City of Toronto Council on November 29, 30 and
December 1, 2011
Enacted by Council: December 1, 2011

CITY OF TORONTO

BY-LAW No. 1326-2011

To amend the General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to the lands municipally known as 341 - 355 Yonge Street.

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 HEREBY ENACTS as follows:

1. None of the provisions of Section 2 respecting *grade* and *loading space – type B* and Sections 4(2)(a), 4(8), 4(10)(a) and (d), 8(3) Part I 1 and 2, 8(3) Part XI 2, 12(2)260, of By-law No. 438-86 of the former City of Toronto, 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, shall apply to prevent the erection or use of a mixed institutional and commercial *building* on the *lot* provided that:
 - (a) the *lot* on which the building is to be located comprises at least those lands delineated by a heavy line on Map 1, attached to and forming part of this By-law;
 - (b) the *height* of any building or structure, or portion thereof including mechanical penthouse, does not exceed those *height* limits as indicated by the numbers following the symbol H on the attached Map 2, with the exception of the following:
 - (i) parapet walls located above the *height* of each of the roof levels of the building provided the maximum vertical dimension of any such element does not exceed 1.0 metre;
 - (c) no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law; and
 - (d) the *non-residential gross floor area* of the building erected on the *lot* does not exceed 12,790 square metres, a minimum 1,730 square metres of which shall be used to provide a minimum of two *retail stores*, at and below *grade*, with a total minimum frontage of 34 metres accessed from Yonge Street.

2. For the purpose of this By-law:
- (a) "*grade*" shall mean 92.86 metres Canadian Geodetic Datum;
 - (b) "*loading space – type B*" means a loading space with a length of at least 10.5 metres, a width of at least 3.5 metres and a vertical clearance of at least 4.0 metres;
 - (c) "*retail store*" means a building or portion thereof where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail and includes storage on or about the store premises of limited quantities of the goods, wares, merchandise, substances, articles or things sufficient only to service the store but does not include a retail outlet otherwise classified or defined in this By-law or a mechanical or electronic game machine to be used for the purpose of gambling; and
 - (d) each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
3. Despite 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.
4. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

ENACTED AND PASSED this 1st day of December, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



