

CITY OF TORONTO

BY-LAW No. 69-2014(OMB)

**To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to
lands known municipally as 365 - 375 Church Street.**

Whereas authority is given to Council of the City of Toronto by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this by law; and

The Ontario Municipal Board, by way of Decision/Order issued on October 12, 2012 amends the General Zoning By-law No. 438-86 of the former City of Toronto as follows:

1. None of the provisions of Section 2 with respect to *bicycle parking space - visitor, height, grade, and parking space*, Section 4(2)(a), Section 4(5)(b), Section 4(10) Section 4(12), Section 4(13)(d), Section 4(14), Section 4(16), Section 6(3) Part I 1, Section 6(3) Part II, Section 6(3) PART III, Section 6(3) Part IV, Section 8(3) Part I 1, 2 and 3, Section 8(3) Part II, Section 8(3) Part III, Section 8(3) Part XI, Section 12(1) 232, Section 12(2) 132, Section 12(2) 260 and Section 12(2) 286 of Zoning By law No. 438-86 of the former City of Toronto, as amended, 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", shall apply to prevent on the erection or use of any buildings or structures on the *lot* provided that:
 - (1) the *lot* consists of those lands delineated by heavy lines on the attached Map 1;
 - (2) the *residential gross floor area* erected or used on the *lot* does not exceed 21,550 square metres and shall not comprise more than 360 *dwelling units*;
 - (3) the *non-residential floor area* erected or used on the *lot* does not exceed 200 square metres;
 - (4) the *height* of any building or structure, or portion thereof including mechanical penthouse, erected above *grade* within the *lot* shall, in respect of the building envelope area, have a maximum *height* in metres as shown following the symbol "H" on the attached Map 2, with the exception of the following:
 - (i) railings, parapets, balconies, cornices, window washing equipment, lighting fixtures, ornamental elements, stair towers, trellises, planters, partitions dividing outdoor recreational areas, guard rails, stairs, stair enclosures, wheelchair ramps, vents, fences, screens, architectural features, elements of a green roof, lightning rods, and exhaust flues, located above the *height* of each of the roof levels of the building; and
 - (ii) elevator overruns, to a maximum of 3.0 metres above the roof level shown as 99.8 metres on the attached Map 2;

- (5) no portion of building or structure erected and used above *grade* is located otherwise than wholly within the *lot* and wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following which may extend beyond the areas delineated by such heavy lines:
- (i) cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, planters, guardrails, balustrades, railings, stairs, stair enclosures, vents, fences, screens, wheel chair ramps, underground garage ramps and their associated structures and landscape and public art features; and
 - (ii) *balconies* may extend up to 1.5 metres beyond the heavy lines shown on Map 2, except that:
 - A. east facing *balconies*, including *juliette balconies* shall be not be permitted below a height of 17.2 metres above average grade;
- (6) north facing windows shall not be permitted within 5.0 metres of the north lot line;
- (7) *residential amenity space* for the *dwelling units* shall be provided in accordance with Section 4(12) of By-law No. 438-86 of the former City of Toronto, as amended, with the exception that:
- (i) the indoor *residential amenity space* may be provided in multipurpose rooms which are not contiguous;
- (8) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum requirements:
- (i) 0.22 *parking spaces* for each *bachelor dwelling unit*;
 - (ii) 0.36 *parking spaces* for each one *bedroom dwelling unit*;
 - (iii) 0.58 *parking spaces* for each two *bedroom dwelling unit*;
 - (iv) 0.76 *parking spaces* for each three or more *bedroom dwelling unit*;
 - (v) 0.035 *parking spaces* for each *dwelling unit* for visitor parking;
- (9) the maximum resident parking space reduction permitted by the provision of car-share parking spaces is capped for the subject development by the application of the following formula: $4 \times (\text{Total No. of Units} \div 60)$, rounded down to the nearest whole number;
- (10) despite any existing or future severance, partition, or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division occurred;
- (11) a *Temporary Sales Centre* is a permitted use;

- (12) for the purposes of this By-law all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law No. 438-86, as amended, except as limited or re-defined by this By-law. The following definitions shall apply:

"balcony" - an elevated platform which projects from a wall and includes a Juliette balcony;

"bicycle parking space - occupant" means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles and:

- (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
- (ii) where the bicycles are to be parking in a vertical position, has horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
- (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have a length of at least 1.6 metres and the stacker shall be located in an area with a vertical dimension of at least 2.5 metres; and
- (iv) in the case of a bicycle rack, is located in a secured room or area;

"bicycle parking space - visitor" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles and:

- (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
- (ii) where the bicycles are to be parking in a vertical position, has horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
- (iii) may be located outdoors or indoors and may be within a secured room, enclosure or bicycle locker;

"grade" means 98.5 metres Canadian Geodetic Datum;

"car-share" shall mean the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such *car-share* motor vehicles to be made available for short term rental, including hourly rental. *Car-share* organizations may require that the

car-share motor vehicles be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

"*car-share parking space*" shall mean a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes and such *car-share* is for the use of at least the occupants of the building;

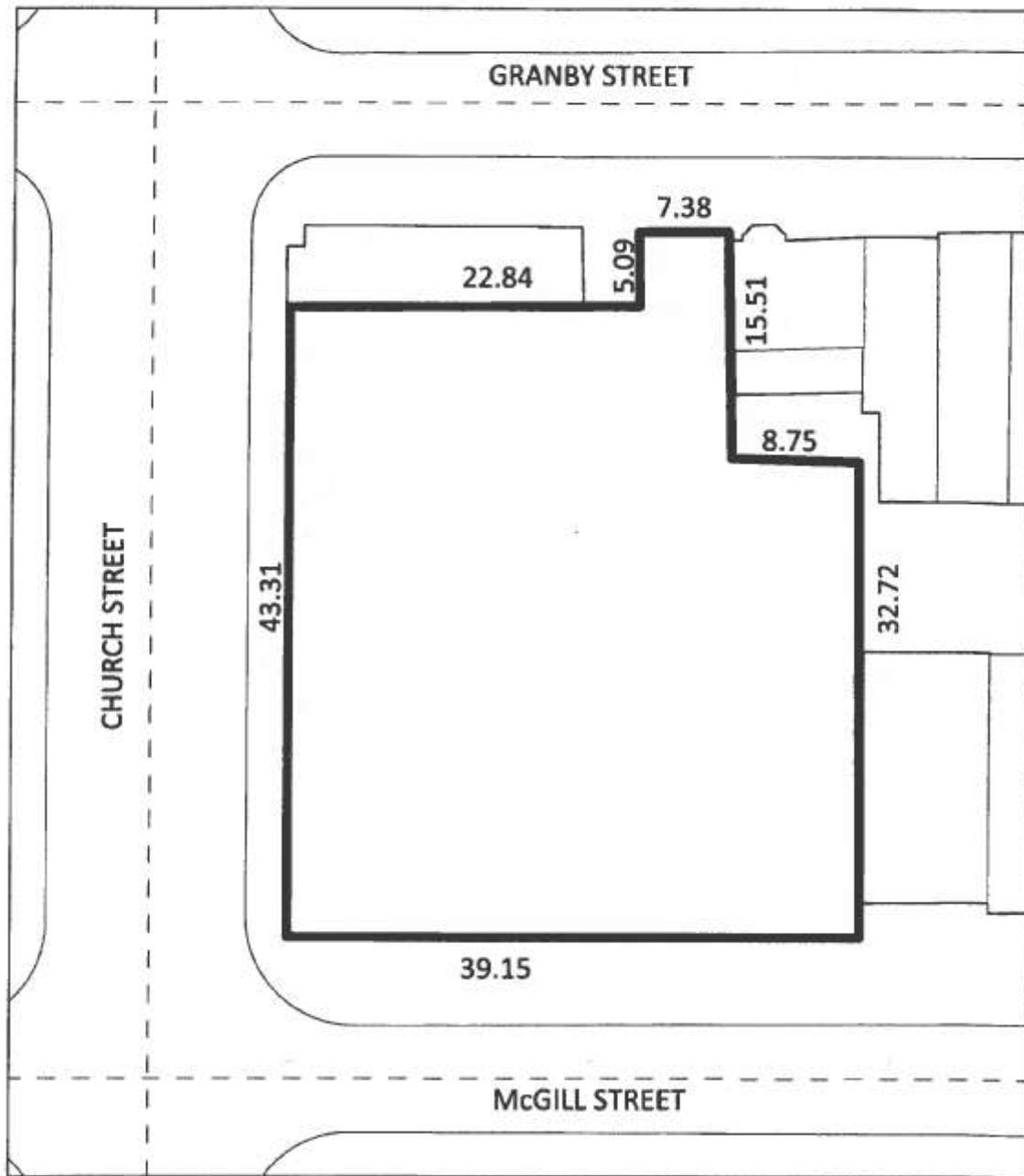
"*height*" means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law;

"*parking space*" means an unimpeded area having minimum dimensions of 5.6 metres in length and 2.6 metres in width which is readily accessible at all times for parking and removal of a motor vehicle without the necessity of moving another vehicle; and

"*Temporary Sales Centre*" shall mean a temporary office provided for the marketing or selling of *dwelling units* located or to be located on the *lot*.

PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON OCTOBER 12, 2012 IN BOARD FILE NO. PL120119.

Map 1



Map 2

