

Authority: Toronto and East York Community Council Item TE17.12, as adopted by City of Toronto Council on July 12, 13, 14 and 15, 2016

CITY OF TORONTO

BY-LAW No. 757-2016

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2015 as 11 and 33 Centre Avenue and 80 Chestnut 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. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
2. None of the provisions of Sections 2(1) with respect to the definitions of *grade*, *height*, *bicycle parking space - occupant*, and Sections 4(2), 4(5)(b), 4(8), 4(13), 8(1), 8(3), of former City of Toronto Zoning By-law No. 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, shall apply to prevent a *non-residential building* on the *lot* within the CR Zone, provided that:
 - (a) For the purposes of this By-law, the *lot* shall consist of at least the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) Despite Section 8(1) of By-law No. 438-86, as amended, the only *non-residential* uses permitted on the *lot* shall be:
 - (i) courts of law;
 - (ii) offices;
 - (iii) *restaurant*;
 - (iv) *retail store*;
 - (v) *duplicating shop*;
 - (vi) *dry-cleaning distributing shop*;
 - (vii) *take-out restaurant*; and

- (viii) *automated Banking Machine*;
- (c) The combined total *non-residential gross floor area* of the uses listed in Section 2(b)(iii) to (viii) above shall not exceed 5,000 square metres;
- (d) For the purposes of Section 2(b)(i) above, courts of law may include:
 - (i) courtrooms;
 - (ii) conference settlement rooms;
 - (iii) interview rooms;
 - (iv) judicial chambers;
 - (v) libraries;
 - (vi) crown attorney offices;
 - (vii) courthouse service agencies;
 - (viii) court support services, administration and associated offices;
 - (ix) offices and facilities, including police court bureau, associated with law enforcement, including, but not limited to Toronto Police Services and the OPP;
 - (x) prisoner handling and holding cells;
 - (xi) secure parking; and
 - (xii) other uses as may be necessary and incidental to the operation of courts of law or the usual activities within courts of law;
- (e) No portion of any building or structure erected above *grade* on the *lot* is located outside the building envelope delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, with the exception of the following, located wholly within the *lot*:
 - (i) lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, parapets, railings, planters, balustrades, bollards or other similar security structures, stairs, covered stairs or enclosures, awnings, fences and safety railings, trellises, mechanical and architectural screens, guards, guardrails, chimneys, vents, stacks, retaining walls, underground garage ramps, wheel chair ramps, ornamental or architectural features, landscape features, public art and art installations, telecommunications equipment, bicycle parking, bicycle maintenance equipment, identification signage for courts of law, antennae and flag poles;

- (f) The height of any portion of a building or structure on the *lot*, including the mechanical penthouse, shall not exceed the maximum *height* in metres in the corresponding height area as specified by the numbers following the letter "HT" on the attached Map 2, with the exception of the following:
- (i) lighting fixtures, cornices, sills, eaves, canopies, window washing equipment, parapets, railings, planters, balustrades, bollards or other similar security structures, stairs, covered stairs or enclosures, awnings, fences and safety railings, trellises, mechanical and architectural screens, guards, guardrails, chimneys, vents, stacks, mechanical equipment, retaining walls, wheel chair ramps, underground garage ramps, elevator enclosures, ornamental or architectural features, landscape features, public art and art installations, telecommunications equipment, bicycle parking, bicycle maintenance equipment, flag poles, structures on any roof used for outside or open air recreation, maintenance, safety, or wind protection purposes, and green roofs, are permitted provided that any of these elements do not exceed the corresponding maximum permitted *height* delineated on the attached Map 2 by greater than 4.0 metres;
 - (ii) antennae are permitted provided that they are located within the most northerly 13 metres of the portion of the building or structure within the *height* area delineated by "HT 135M" on the attached Map 2 and do not exceed the the maximum permitted *height* within such area by greater than 4.0 metres; and
 - (iii) despite the provisions of Section 2(f)(i) above, identification signage for courts of law are permitted within the height area delineated by "HT 0M" on the attached Map 2 and lighting fixtures, canopies, ornamental or architectural features, public art and art installations, and flag poles located within the *height* area delineated by "HT 0M" on the attached Map 2 may exceed the maximum permitted height within such area by greater than 4.0 metres;
- (g) A minimum of 100 *parking spaces* shall be provided and maintained on the *lot*, including a minimum of five (5) *accessible parking spaces*;
- (h) No visitor *parking spaces* shall be required to be provided on the *lot*;
- (i) Despite Section 4(17) (e) of By-law No. 438-86, as amended, a maximum of 12 *parking spaces* on the *lot* may be obstructed on one side and have the following minimum dimensions:
- (i) length - 5.0 metres;
 - (ii) width - 2.6 metres; and
 - (iii) vertical clearance - 2.1 metres;

- (j) A minimum of two (2) *loading spaces - type B* and a minimum of two (2) *loading spaces - type C* shall be provided and maintained on the *lot*;
 - (k) *Bicycle parking spaces - occupant* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (i) a minimum of 0.2 *long-term bicycle parking spaces* for every 100 square metres of *non-residential gross floor area* on the *lot*; and
 - (ii) a minimum of 1 *shower-change facility* for each gender; and
 - (l) No *bicycle parking spaces - visitor* are required to be provided on the *lot*.
3. For the purpose of this By-law, each word or expression that is italicized in this By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, except for the following:
- (a) "*accessible parking space*" means an unimpeded area that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle having the following dimensions:
 - (i) length - 5.6 metres;
 - (ii) width - 3.9 metres; and
 - (iii) vertical Clearance - 2.1 metres;
 - (b) "*automated banking machine*" means a device at which customers can complete self-serve financial transactions;
 - (c) "*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 for the occupants or tenants of a building; 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; and/or
 - (ii) where the bicycles are to be parked in a vertical position, has horizontal dimensions 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 horizontal dimensions of at least 1.4 metres by 0.4 metres, and the stacker shall be located in an area with a vertical dimension of at least 2.4 metres; and

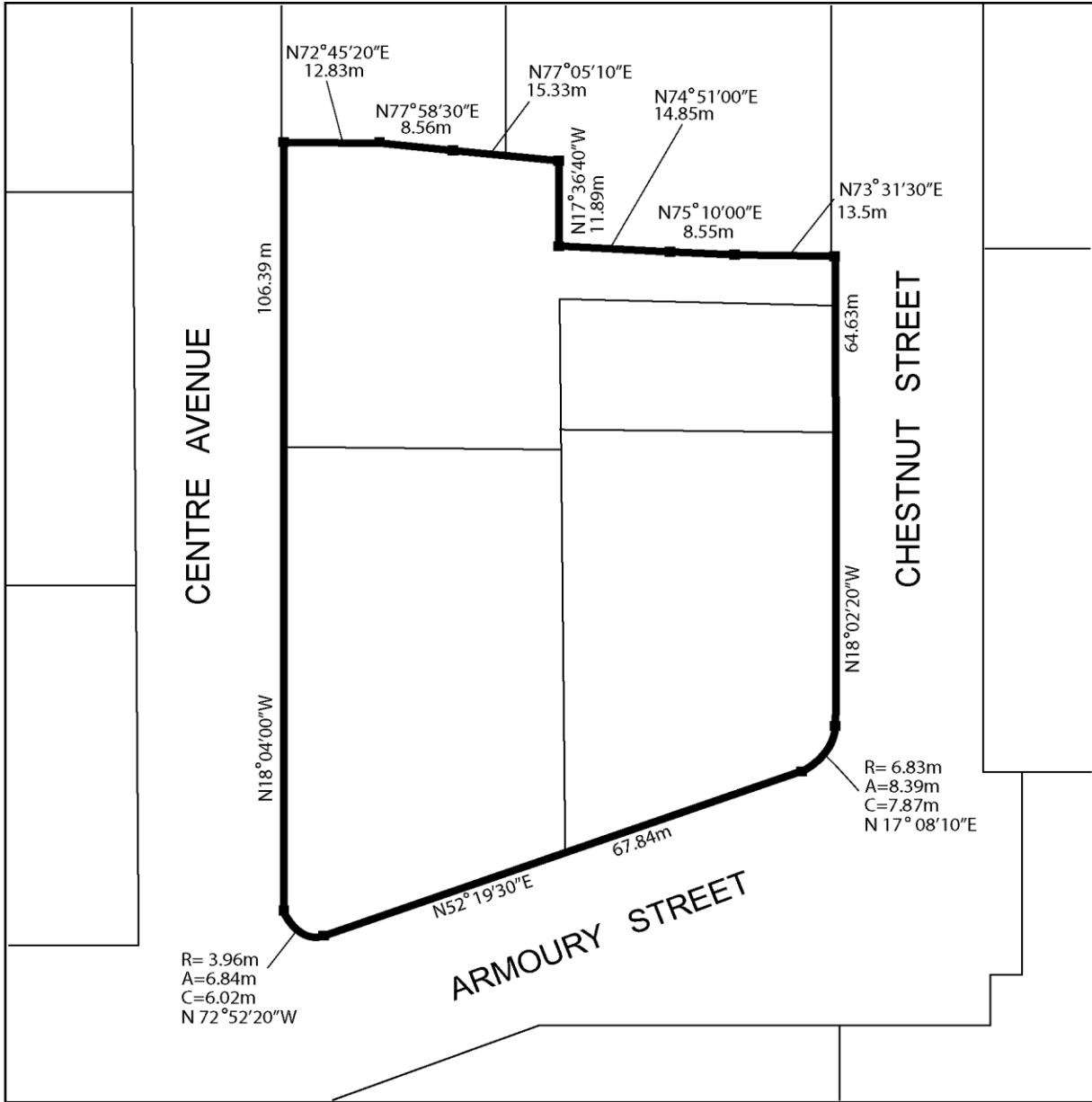
- (iv) in the case of a bicycle rack, is located in a secured room or area;
 - (d) "*grade*" means 92.26 metres Canadian Geodetic Datum; and
 - (e) "*height*" means the vertical distance between *grade* and the highest point of the building or structure, except for those elements otherwise expressly permitted by this By-law.
4. Within the *lot* shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
5. Despite any existing or future severance, partition, or division of the lands as outlined by heavy black lines on Map 1 attached hereto and the provisions of this By-law shall apply to the whole of the lands as if no severance, partition or division occurred.

Enacted and passed on July 15, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



11 & 33 Centre Avenue and 80 Chestnut Street

File # 15 244771 STE 27 OZ



City of Toronto By-Law 438-86
Not to Scale
07/12/2016

