

Authority: Ontario Municipal Board Decision/Order issued April 18, 2016 in Board File No. PL130935

## CITY OF TORONTO

### BY-LAW No. 884-2016(OMB)

#### **To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 410 to 446 Bathurst Street.**

Whereas the Council of the City of Toronto has been requested to amend Zoning By-law No. 438-86 pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2014 as 410 to 446 Bathurst Street; and

Whereas the Council of the City of Toronto at its meeting on March 20, 2014 determined to support the coming into force of this By-law; and

Whereas the Ontario Municipal Board, by way of Order PL130935 issued on April 18, 2016, following an appeal pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determined to amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands known municipally in the year 2014 as 410 to 446 Bathurst Street;

By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended, is further amended by the Ontario Municipal Board as follows:

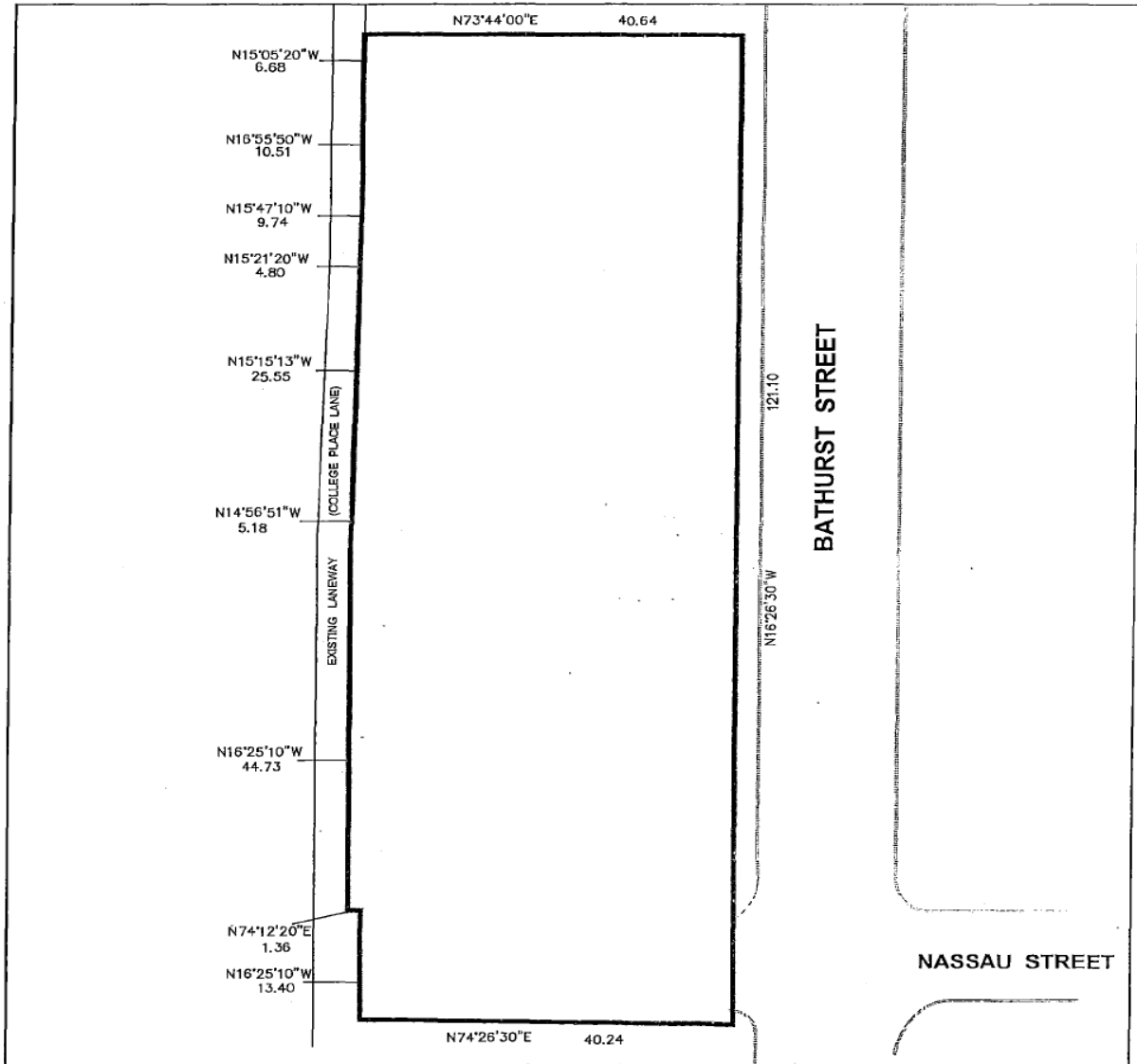
1. This By-law applies to the lands delineated by a heavy line and identified as 410 to 446 Bathurst Street as shown on Map 1 attached to and forming part of this By-law.
2. Notwithstanding Section 12(2)270(a) of By-law 438-86 of the former City of Toronto, as amended, but subject to Section 3 of this By-law, no single retail or service use on the *lot* shall exceed a *non-residential gross floor area* of 3,500 square metres.
3. None of the provisions of Section 2(1) with respect to "*height*" and "*lot*", and Sections 4(2)(a), 8(3) Part I 1, 8(3) Part I 2, 8(3) Part II 4(a), 8(3) Part II 4(c), 12(2)270(a)(i), 12(2)270(a)(ii) and 12(2)270(a)(iii) 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, and Section 2 of this By-law shall apply to prevent the erection and use of a *non-residential building* on the *lot*, provided that:
  - (a) the *lot* on which the *non-residential building* is located comprises at least the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) the total *non-residential gross floor area* on the *lot* does not exceed 13,300 square metres excluding any mezzanine space associated with the second floor retail use;

- (c) no single retail or service use exceeds a *non-residential gross floor area* of 4,200 square metres, excluding any galleria, mezzanine or service areas associated with such use;
- (d) the second floor mezzanine space will not be used for retail sales, and no more than 100 square metres of the ground floor galleria space associated with the second floor retail uses will be used for retail sales;
- (e) no retail or service uses shall be located on the third or fourth floor;
- (f) a minimum of 6 separate commercial units are located on the ground floor;
- (g) no single retail or service use on the ground floor exceeds a *non-residential gross floor area* of 1,200 square metres, the aggregate size of the two largest retail or service uses on the ground floor shall not exceed a *non-residential gross floor area* of 1,600 square metres, and the aggregate *non-residential gross floor area* of retail and service uses on the ground floor, excluding galleria or service areas, shall not exceed 2,400 square metres;
- (h) no portion of the *non-residential building* above finished ground level is located otherwise than wholly within the heavy lines on Map 2 attached hereto and forming part of this By-law, with the exception of the following:
  - (i) canopies, cornices, light fixtures, awnings, eaves, window sills, guardrails, balustrades, railings, stairs, doors, wheelchair ramps and underground garage ramps and associated structures; and
  - (ii) the structures and elements identified in Section 3(i) of this By-law;
- (i) no portion of the *non-residential building* shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, with the exception of the following:
  - (i) mechanical penthouses (covering no more than 30% of the roof area and being no closer than 2.0 metres to the west edge of the upper floor roof), a structure used for outside or open air recreation, safety or wind protection purposes, elements of a green roof, a chimney stack or other heating, cooling or ventilating equipment, a screen around such equipment, window washing equipment, ornamental elements, architectural elements, landscaping elements, privacy walls, trellises, parapets, elevator shafts, stairs, stair enclosures, guardrails and railings, extending no more than 2.0 metres above the applicable *height* limit; and
  - (ii) the structures and elements identified in Section 3(h) of this By-law; and
- (j) in addition to the provisions outlined in 3(i) of this By-law, no portion of the *non-residential building* above finished ground level shall be located otherwise than wholly within the vertical boundaries as shown on Map 3 attached hereto and

forming part of this By-law, with the exception of the structures and elements identified in Sections 3(h) and 3(i) of this By-law.

4. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
5. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:
  - (i) "*height*" shall mean, the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly prescribed in this By-law; and
  - (ii) "*lot*" shall mean the parcel of land outlined by heavy lines on Map 1 and known municipally as 410 to 446 Bathurst Street in the year 2014.
6. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

PURSUANT TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD  
ISSUED APRIL 18, 2016 IN BOARD FILE NO. PL130935.



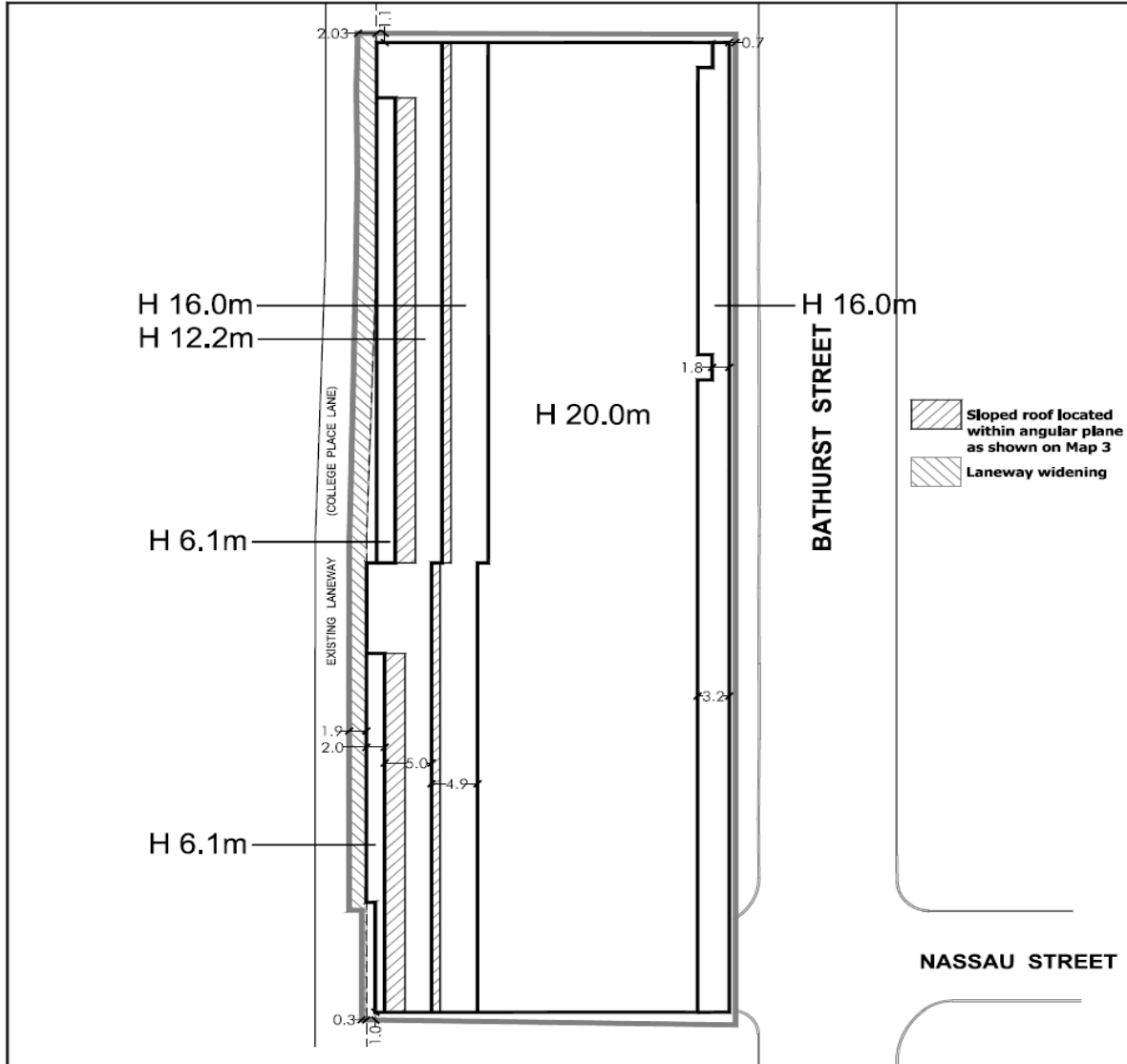
410 - 446 Bathurst Street, Toronto

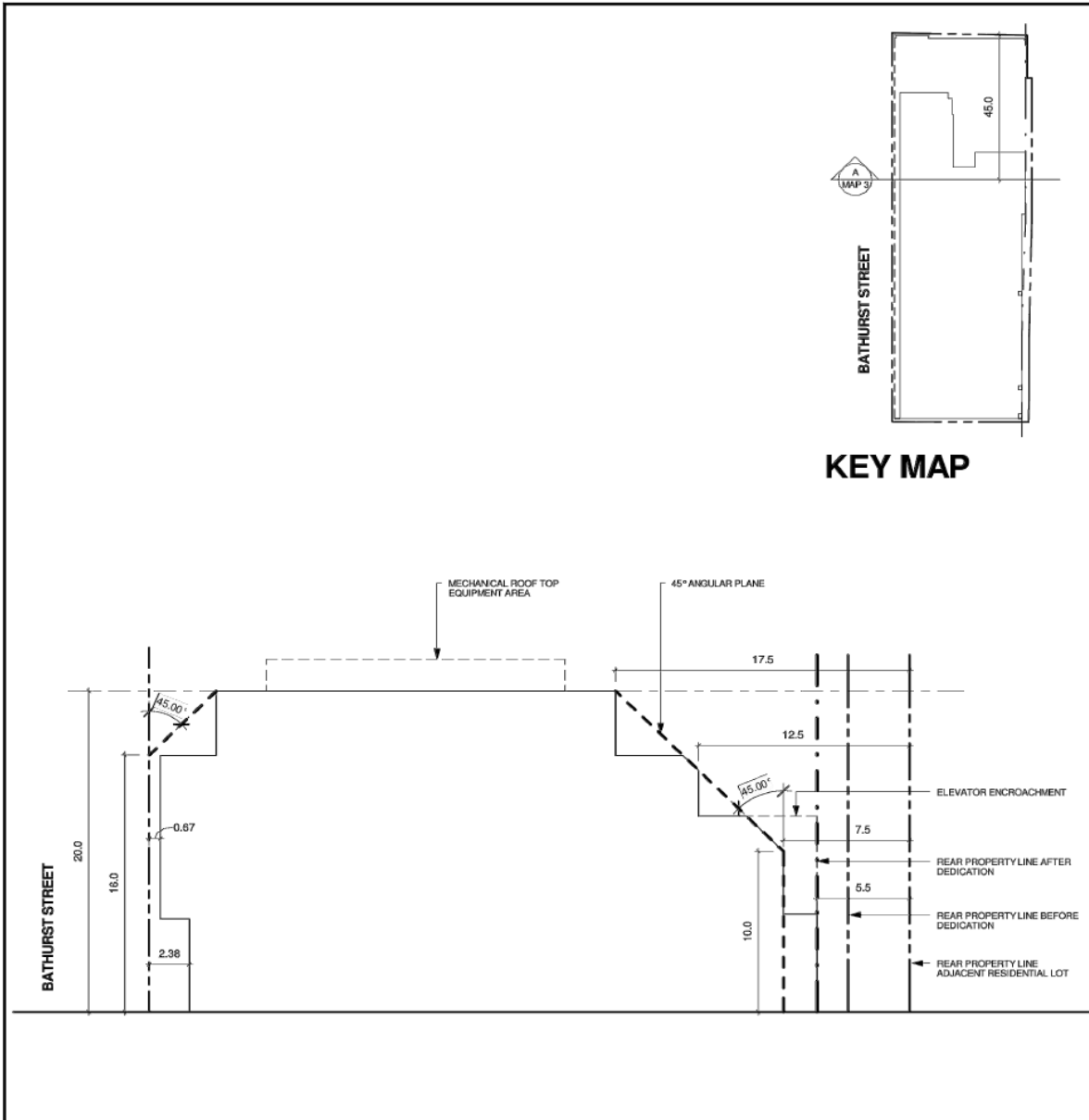
Map 1

File #14 \_\_\_\_\_



Not to Scale





410 - 446 Bathurst Street, Toronto

Map 3

File #14



Not to Scale