

Authority: Toronto and East York Community Council Item TE34.19 as adopted by City of Toronto Council on July 23, 24, 25, 26, 27 and 30, 2018

## CITY OF TORONTO

### BY-LAW 1302-2018

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2018 as 175 Elizabeth 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 enacts:

1. District Map 50H-313 contained in Appendix 'A' of By-law 438-86, as amended, is further amended by re-designating the land outlined by heavy lines on Map 1 attached to this By-law, to "Q" district.
2. Section 12(1) 400 of By-law 438-86 is deleted.
3. None of the provisions of Section 2 with respect to the definitions of the terms, *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade*, *height*, *lot*, *non-residential gross floor area* and Sections 4(2), 4(5), 4(8), 8(2), 8(3) PART I, 8(3) PART II, 8(3) PART III, 12(2) 256, 12(2) 260, 12(2)380 of general Zoning By-law 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 and use of buildings containing non-residential uses on the *lot*, provided that:
  - (a) the *lot* consists of at least those lands delineated by heavy lines on Map 1 attached to this By-law;
  - (b) in addition to the uses permitted in a Q District, a *club* and a *recreation use* are also permitted uses;
  - (c) the maximum *non-residential gross floor area* of the building erected on the *lot* shall not exceed 46,750 square metres, of which:
    - (i) a retail and service shop use, as permitted under Section 8(1)(b)(iv) of Zoning By-law 438-86, as amended, may have a maximum *interior floor area* of 500 square metres; and
    - (ii) a *club* and *recreation use* shall not exceed a combined maximum *interior floor area* of 1,000 square metres;

- (d) no portion of the building erected or used above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to this By-law, with the exception of a permitted building or structure related to a publicly accessible pedestrian connection located not less than 10 metres above *grade* and connecting the building to an institutional building across and on the west side of Elizabeth Street;
  - (e) the minimum building setbacks are:
    - (i) for the first 10 metres of the building above *grade*, as shown on Map 2 and 3 attached to and forming part of this By-law, 4.0 metres from the south *lot* line, 3.0 metres from the north *lot* line and 3.0 metres from the west *lot* line, but specifically excluding supporting columns, piers or other structural systems required for structural support of the building; and
    - (ii) no setback will be required for any portion of the building located 10.0 metres above *grade*;
  - (f) no part of a building or structure, including a mechanical penthouse, erected or used above *grade* shall exceed the *height* limits illustrated by the numbers following the letter "H" shown on Maps 2 and 3 attached to this By-law;
  - (g) a total of 5 required loading spaces may be located on the adjacent lands municipally known in the year 2018 as 674-686 Bay Street, 72-74 Elm Street, and 85-87 Walton Street; and
  - (h) zero (0) *parking spaces* are required to be provided on the *lot*.
4. For the purposes of this By-law, each word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended, except for the following:
- (a) "*bicycle parking space - occupant*" means an area used for storing bicycles, having the following minimum dimensions:
    - (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 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) where the bicycles are to be parked in a *bicycle stacker*, has a minimum vertical clearance of 1.2 metres for each *bicycle parking space*; and
    - (iv) the *bicycle parking spaces* required by the By-law can be located in a secured room, enclosure or bicycle locker;

- (b) "*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 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) where the bicycles are to be parked in a *bicycle stacker*, has a minimum vertical clearance of 1.2 metres for each *bicycle parking space*; and
  - (iv) the *bicycle parking spaces* required by the By-law can be located in a secured room, enclosure or bicycle locker;
- (c) "*bicycle stacker*" means a device where by a *bicycle parking space* is positioned above or below another *bicycle parking space* and is accessed by means of an elevating device;
- (d) "*grade*" means 96.13 metres Canadian Geodetic Datum;
- (e) "*height*" means the highest point of the building or structure above *grade*;
- (f) "*interior floor area*" means the floor area of any part of a building, measured to: (A) the interior side of a main wall; (B) the centreline of an interior wall; or (C) a line delineating the part being measured;
- (g) "*lot*" means the lands outlined by heavy lines on Map 1 attached to this By-law;
- (h) "*non-residential gross floor area*" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level, exclusive of any areas in a building or structure used for:
- (i) parking, loading and bicycle parking below-ground;
  - (ii) required loading spaces at the ground level and required *bicycle parking spaces* at or above-ground;
  - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
  - (iv) shower and change facilities required by City of Toronto By-law 569-2013 for required *bicycle parking spaces*;
  - (v) elevator shafts;

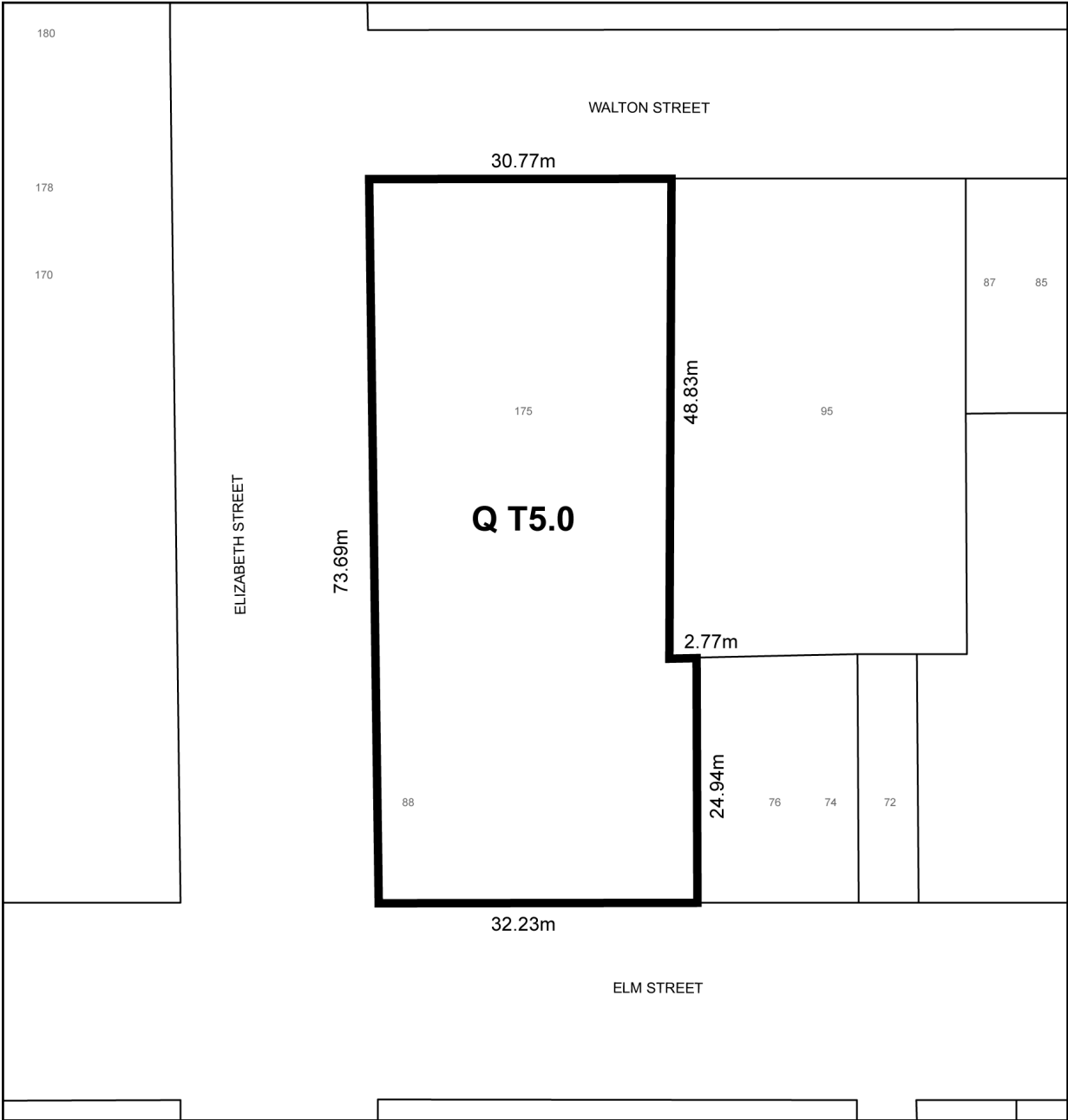
- (vi) mechanical penthouse; and
  - (vii) exit stairwells in the building;
  - (i) "*premises*" means the whole or part of lands, buildings or structures or any combination of these; and
  - (j) "*recreation use*" means premises used for sports, physical play or exercise, such as a fitness club, bowling alley or swimming pool, but does not include an amusement arcade, billiards hall, pool hall or a sports place of assembly.
5. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
6. The provisions of this By-law respecting the *height* of any building or structure, including permitted exceptions, are subject to any further limitations as may be set out in a by-law passed under an agreement pursuant to Section 5.81 of the Aeronautics Act, R.S.C. 1985 c. A-2.
7. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law and By-law 438-86, as amended, shall apply to the whole of the *lot* as if no severance, partition or division had occurred.
8. Within the lands 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.

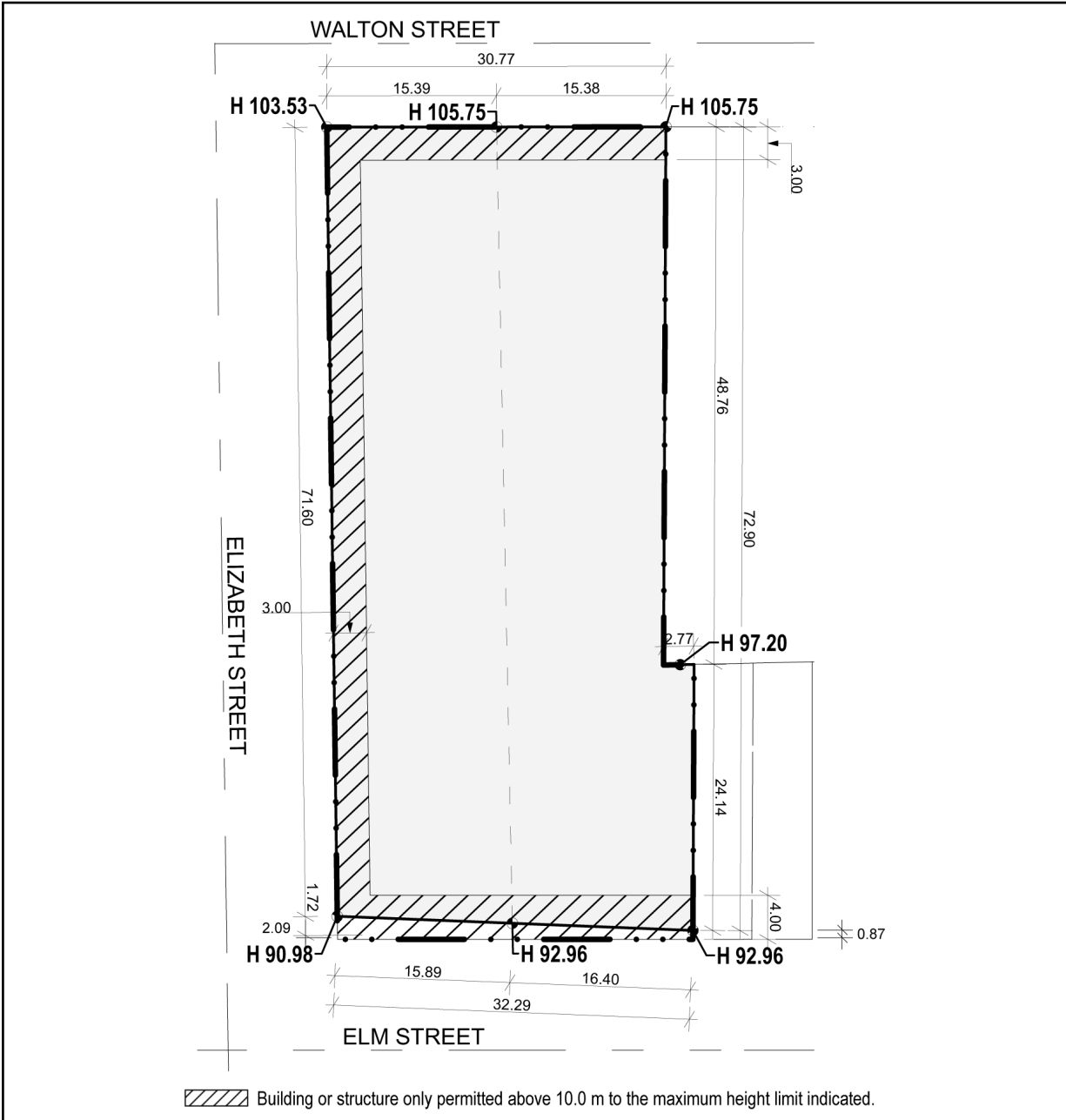
Enacted and passed on July 27, 2018.

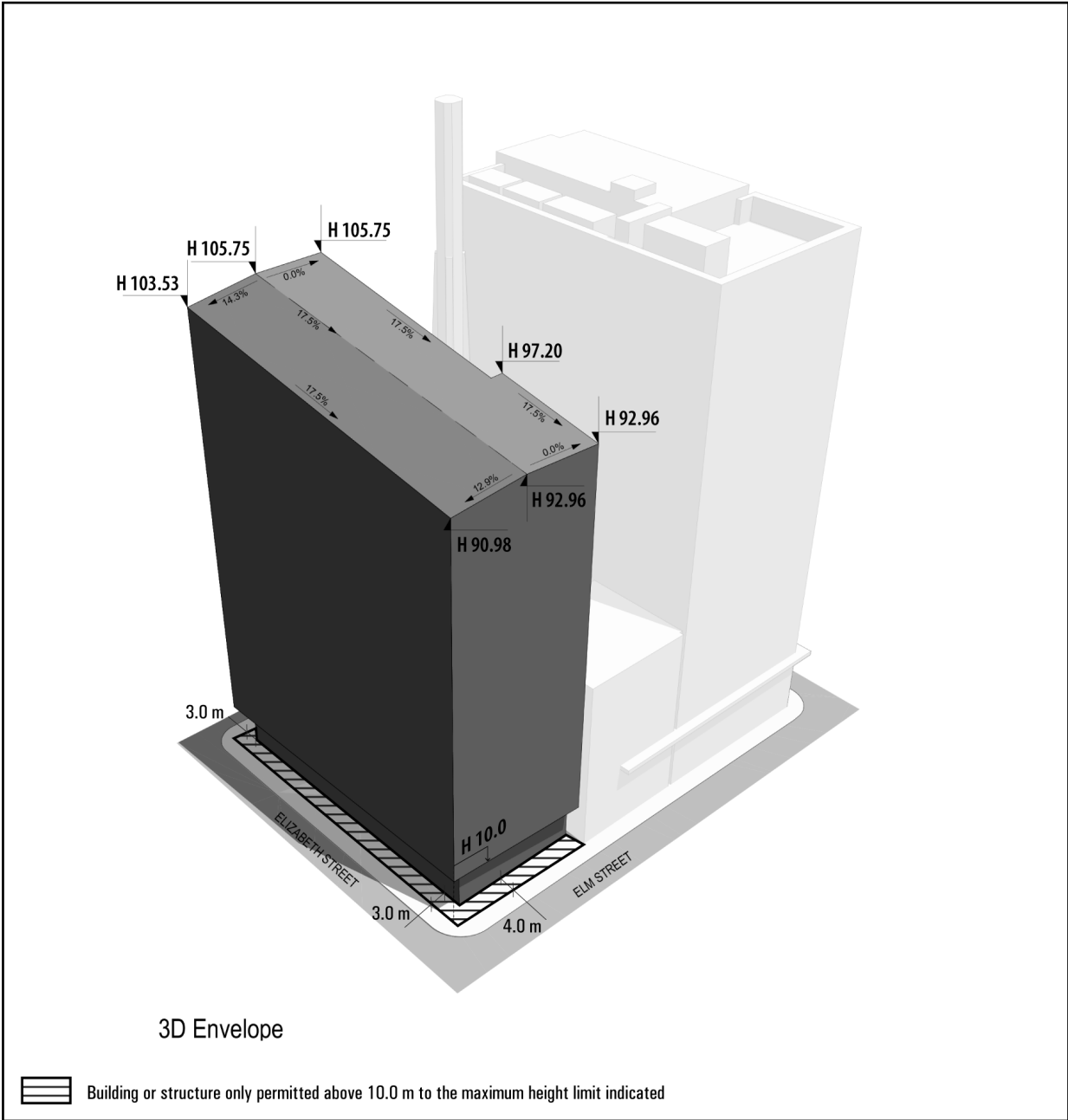
Glenn De Baeremaeker,  
Deputy Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)







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