

Authority: Toronto and East York Community Council
Item TE29.7, as adopted by City of Toronto Council on
January 31 and February 1, 2018

CITY OF TORONTO

BY-LAW 1173-2019

To amend former City of Toronto Zoning By-law 438-86, as amended, respecting the lands municipally known in 2019 as 35 Sherbourne Street North.

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. Except as otherwise provided herein, the provisions of By-law 438-86 shall continue to apply to the *lot*.
2. None of the provisions of Sections 12(2) 210(ii) of 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 land 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 an *accessory elevator structure* or *below-grade parking garage* on the lands municipally known in 2019 as 35 Sherbourne Street North (hereinafter referred to as the *lot*), provided that:
 - (a) notwithstanding Section 6(1) of By-law 438-86, permitted uses on the *lot* shall also include an *accessory elevator structure* and a *below-grade parking garage*;
 - (b) notwithstanding Sections 6(3) Part I 1. and 6(3) Part II 7(i) of By-law 438-86, an *accessory elevator structure* and attached shed having a total floor area of not more than 18.0 square metres may be located 0.0 metres from the east and south *lot* lines;
 - (c) notwithstanding Section 6(3) Part II 7(ii) A. of By-law 438-86, an *accessory elevator structure* and attached shed may be located at a minimum distance of 2.5 metres from a *residential building*; and
 - (d) notwithstanding Section 4(4)(b) of By-law 438-86, the required motor vehicle *parking space* may be accommodated on the *lot*, or off-site in a *below-grade parking garage* permitted on adjacent lands to the south, municipally known in 2019 as 21-27, 29, 31 and 33 Sherbourne Street North, in accordance with By-law 1173-2019.

3. For the purposes of this By-law:
- (a) *'accessory elevator structure'* shall mean a structure accommodating an elevator connecting to an off-site *below-grade parking garage*, as defined in By-law 1173-2019;
 - (b) *'below-grade parking garage'* shall mean a below-grade, one level portion of a building accessory to the principal use or uses permitted on the whole of the *lot*, and accommodating required parking for the *detached house* on the *lot* and the required parking, or a portion thereof, for the *dwelling units* on the lands municipally known in 2019 as 21-27, 29, 31 and 33 Sherbourne Street North; and
 - (c) each word or expression that is italicized in this By-law shall have the same meaning as each word or expression as defined in By-law 438-86, as amended, except that the terms *'accessory elevator structure'* and *'below-grade parking garage'* shall be as defined in this By-law.
4. Notwithstanding any division of lands subject to this exception, the regulations of this Section shall continue to apply to the whole of the lands.

Enacted and passed on July 18, 2019.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)