

CITY OF TORONTO

BY-LAW 939-2020

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally in 2019 as 41-45 Wabash Avenue.

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 Zoning By-law 438-86 shall continue to apply to the *lot*.
2. District Map No. 48H-312 contained in Appendix "A" of By-law 438-86, as amended, being "A By-law to regulate the use of land and erection, use, bulk, height, spacing of and other matters relating to buildings and structure to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto" is further amended by redesignating the *lot* from "I1 D2" to "R2" on Appendix "A" as outlined on Map 1 attached hereto and forming part of this By-law.
3. None of the provisions of Sections: 2(1) with respect to the definitions of "*grade*", "*height*", "*lot*" and "*rowhouse*" and Sections 4(2)(a), 4(13), 4(17)(a) and 6(3) Parts II, III and IV of By-law No. 438-86, of the former City of Toronto, as amended, shall apply to prevent the erection or use of *residential gross floor area* on the *lot*, provided that the provisions of this By-law are complied with.
 - (a) The *residential gross floor area* of all buildings and structures on the *lot* shall not exceed a maximum of 3,500 square metres.
 - (b) No portion of any building or structure erected on the *lot* above finished ground level shall be located other than wholly within the areas delineated by heavy lines on Map 2 attached to this By-law, with the exception of the following:
 - (i) cornices, light fixtures, awnings, ornamental or architectural elements, parapets, landscape features, trellises, eaves, window sills, ventilation shafts, fences, guardrails, porches, terraces, decks, balustrades, railings, stairs, stair enclosures, doors, wheel chair ramps, garbage and servicing areas and their associated structures, retaining walls, transformer vaults and elements required for the function operation of the *row house*; and

- (ii) balconies and canopies may project a maximum of 1.5 metres beyond the heavy lines shown on Map 2; and
- (c) No portion of any building or structure erected on the *lot* shall have a *height* in metres greater than the *height* limit specified by the numbers following the letter "H" on Map 2 attached to this By-law, with the exception of the follow:
 - (i) the maximum *height* for mechanical equipment and any associated enclosure structures or enclosed building elements, wind protection screens, pergolas, trellises, stairs, stair enclosures, chimneys, mechanical and ventilation structures, building maintenance units and window washing equipment, having a maximum height of the sum of 3.2 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2;
 - (ii) the maximum *height* for parapets, railings, lightning rods and elements of a green roof having a maximum height of the sum of 1.5 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2;
 - (iii) the maximum *height* for terrace dividers and guard rails having a maximum height of the sum of 2.0 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2; and
 - (iv) the maximum *height* for roof drainage having a maximum height of the sum of 0.5 metres and the applicable *height* limit shown on Map 2 shall be permitted within any area on Map 2;
- (d) *Vehicle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (i) A minimum of 1.0 vehicle parking spaces – *occupant for each dwelling unit*; and
 - (ii) Zero (0) *vehicle parking spaces* shall be required – *visitor for each dwelling unit*;
- (e) *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
 - (i) A minimum of 0.9 *bicycle parking spaces* – *occupant for each dwelling unit*; and
 - (ii) A minimum of 0.1 *bicycle parking spaces* – *visitor for each dwelling unit*.
- (f) A minimum of 15 percent of the lot shall be used for *landscaped open space*.

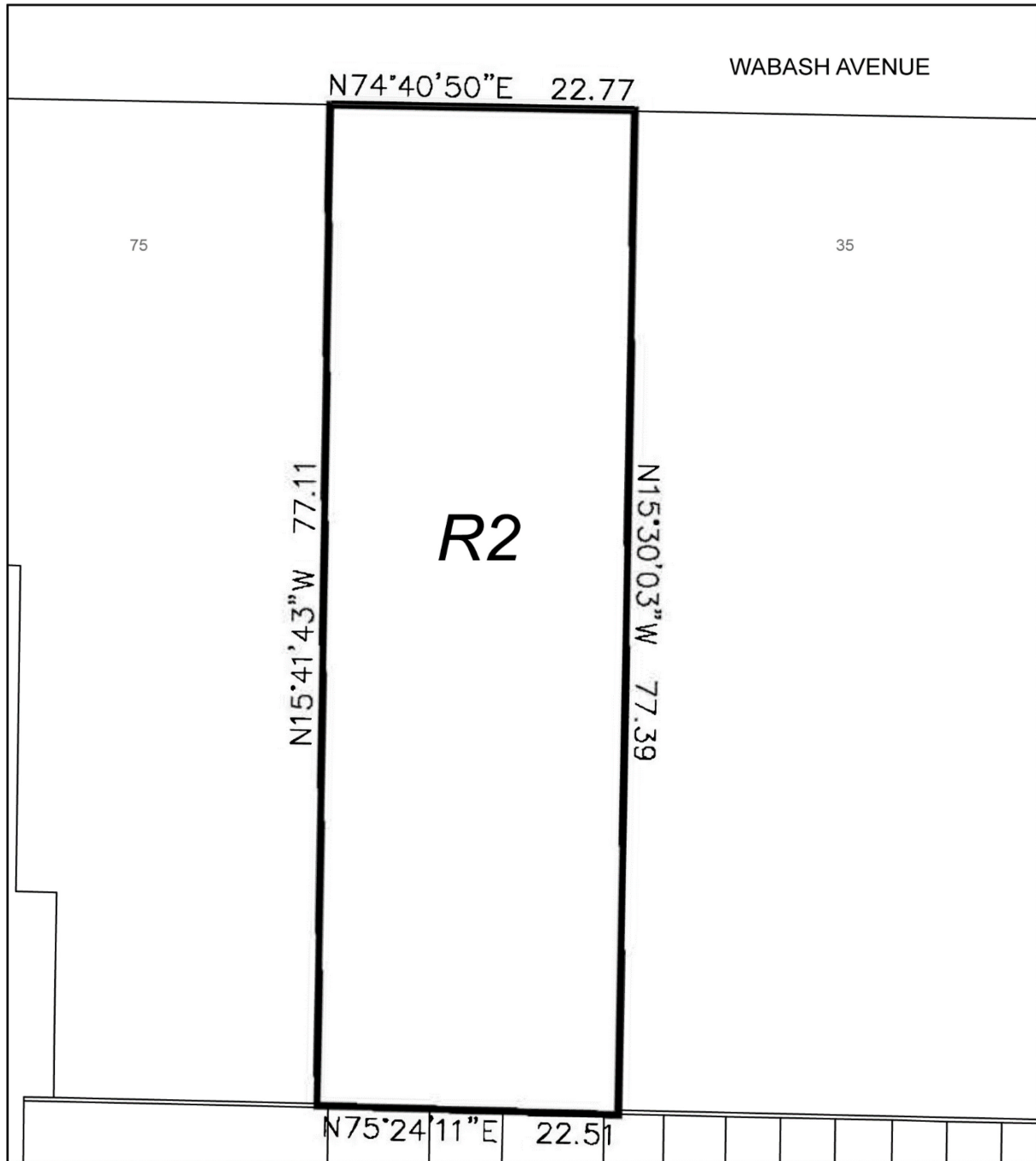
4. None of the provisions of Zoning By-law 438-86 shall apply to prevent a *temporary sales office* on the *lot*.
5. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to 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 operational.
6. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law 438-86, of the former City of Toronto, as amended, with the exception of the following:
 - (a) "*grade*" means 102.82 metres above Canadian Geodetic Datum;
 - (b) "*height*" means the vertical distance between *grade* and the highest point of the roof of the building on the *lot*, except for those elements prescribed by this by-law;
 - (c) "*lot*" means the lands delineated by heavy lines on Map 1 attached to this By-law; and
 - (d) "*rowhouse*" means a building that has three or more *dwelling units*, and no *dwelling unit* is entirely or partially above another.

Enacted and passed on October 30, 2020.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

(Seal of the City)



 **TORONTO**
Map 1

41-45 Wabash Avenue

File # 18 241563 STE 14 0Z

