

Authority: Toronto and East York Community Council  
Item TE13.2, as adopted by City of Toronto Council on  
February 26, 2020

## CITY OF TORONTO

### BY-LAW 940-2020

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 41-45 Wabash Avenue.**

Whereas Council of the City of Toronto has the authority to 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; and

Whereas pursuant to Section 39 of the Planning Act, the Council of a Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: R (d0.6) (x84) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 10, as shown on Diagram 3 attached to this Bylaw.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, the Lot Coverage Overlay Map in Section 995.30.1 and the Rooming House Overlay Map in Section 995.40.1 with no value.
6. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 84, so that it reads:

**Exception R 84**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 41-45 Wabash Avenue, a **townhouse** containing **dwelling units** may be constructed, used or enlarged in compliance with (B) to (S) below;
- (B) The permitted maximum number of **dwelling units** is 15;
- (C) Despite regulation 10.10.40.40(1)(A), the permitted maximum **gross floor area** is 3,500 square metres, excluding any **gross floor area** below a Canadian Geodetic Datum elevation of 102.82 metres;
- (D) For the purposes of this exception, **established grade** is the Canadian Geodetic Datum elevation of 102.82 metres;
- (E) Despite regulations 10.10.40.10(1) and (2), the permitted maximum height of any **building** or **structure** on the **lot** is the height in metres specified by the numbers following the symbol HT, as shown on Diagram 4 of By-law 940-2020;
- (F) Despite regulations 10.5.40.10(3), (4) and (5) and (E) above, the following elements may project above the permitted maximum height:
  - (i) 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 up to a maximum of 3.2 metres;
  - (ii) parapets, railings, lightning rods and elements of a **green roof** up to a maximum of 1.5 metres;
  - (iii) terrace dividers and guard rails up to a maximum of 2.0 metres; and
  - (iv) roof drainage elements up to a maximum of 0.5 metres.
- (G) Despite regulation 10.5.40.70(1) and clause 10.10.40.70, the required minimum **building setbacks** in metres are as shown on Diagram 4 of By-law 940-2020;
- (H) Despite regulation (G) above and regulation 10.5.40.60, the following **building** elements and **structures** are permitted to encroach into the required **building setbacks** shown on Diagram 4 of By-law 940-2020 as follows:
  - (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 functional operation of the **building**; and

- (ii) balconies and canopies may project a maximum of 1.5 metres beyond the heavy black line shown on Diagram 4;
- (I) Despite regulation 10.5.50.10(1), (2) and (3), a minimum of 15.0 percent of the area of the **lot** must be for **landscaping**;
- (J) Despite regulation 200.5.1(3)(A), if the centerline of a **parking space** is at an interior angle of 70-90 degrees to the centerline of the **drive aisle** providing **vehicle** access, the minimum width for that **drive aisle** is 5.14 metres;
- (K) Despite regulation 200.5.10.1(1), a minimum of 15 **parking spaces** for residents of **dwelling units** must be provided and maintained on the **lot**;
- (L) Despite regulation 200.5.10.1(1), no visitor **parking spaces** are required for the **lot**;
- (M) Despite regulation 200.5.1.10(2)(A), a **parking space** obstructed on two sides will have a minimum width of 2.6 metres;
- (N) Despite regulation 200.15.10(1), no accessible **parking spaces** are required for the **lot**;
- (O) Regulation 10.10.30.20 (1) (D), with respect to required minimum **lot frontage**, does not apply;
- (P) Regulation 10.10.40.1(4), with respect to required minimum **dwelling unit** width, does not apply;
- (Q) Regulation 10.10.40.80 (1), with respect to minimum separation distance between **main walls**, does not apply;
- (R) Regulation 10.10.40.10 (3), with respect to maximum number of **storeys**, does not apply;
- (S) Regulation 10.10.40.30(1), with respect to maximum **building depth**, does not apply.

Prevailing By-laws and Prevailing Sections: (None Apply)

## 7. Section 39 Provision

None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office on the lands subject to this by-law used exclusively for the initial sale of

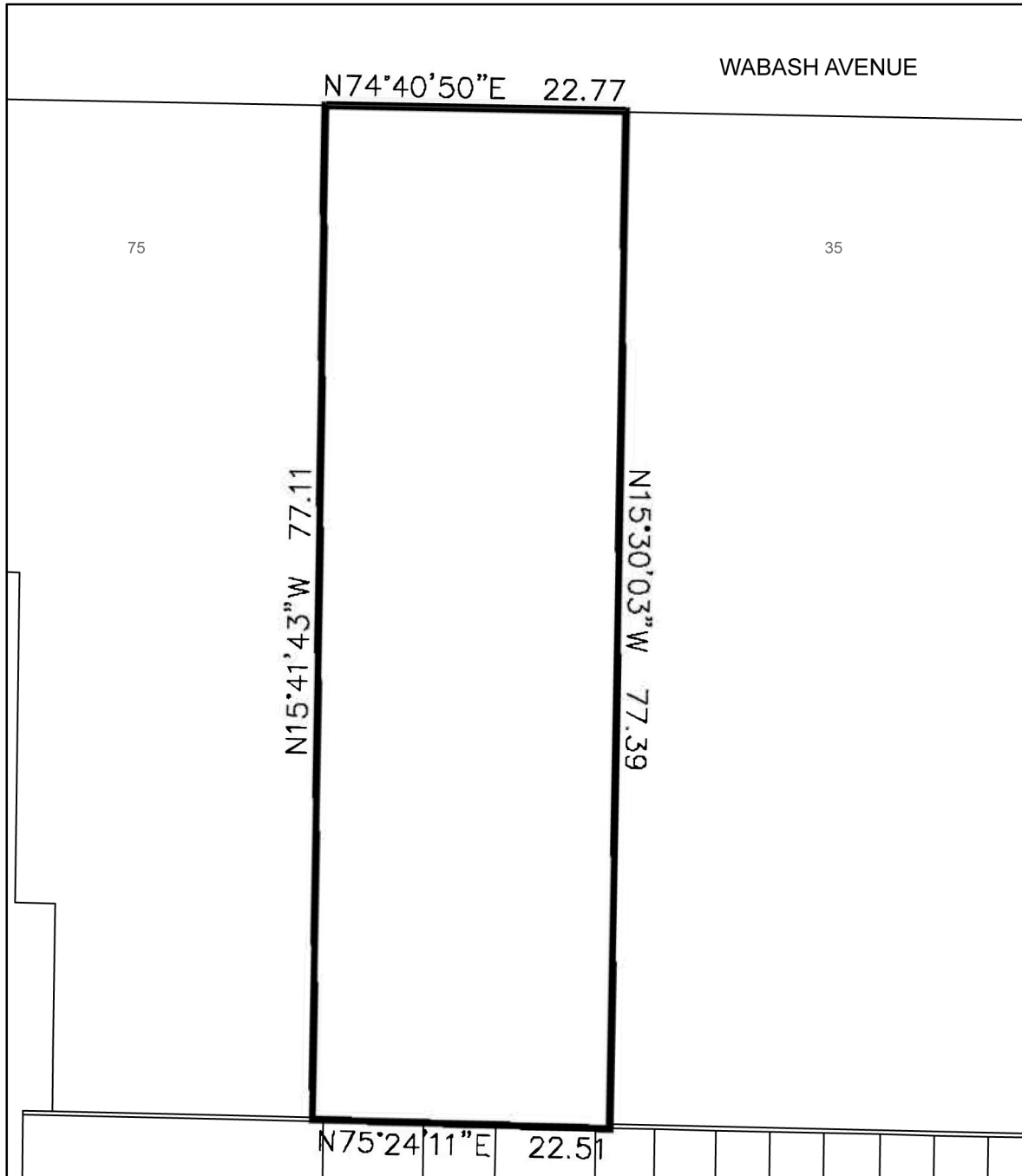
**dwelling units** on the same lands for a period not to exceed 3 years from the date of this by-law coming into full force and effect.

Enacted and passed on October 30, 2020.

Frances Nunziata,  
Speaker

John D. Elvidge,  
Interim City Clerk

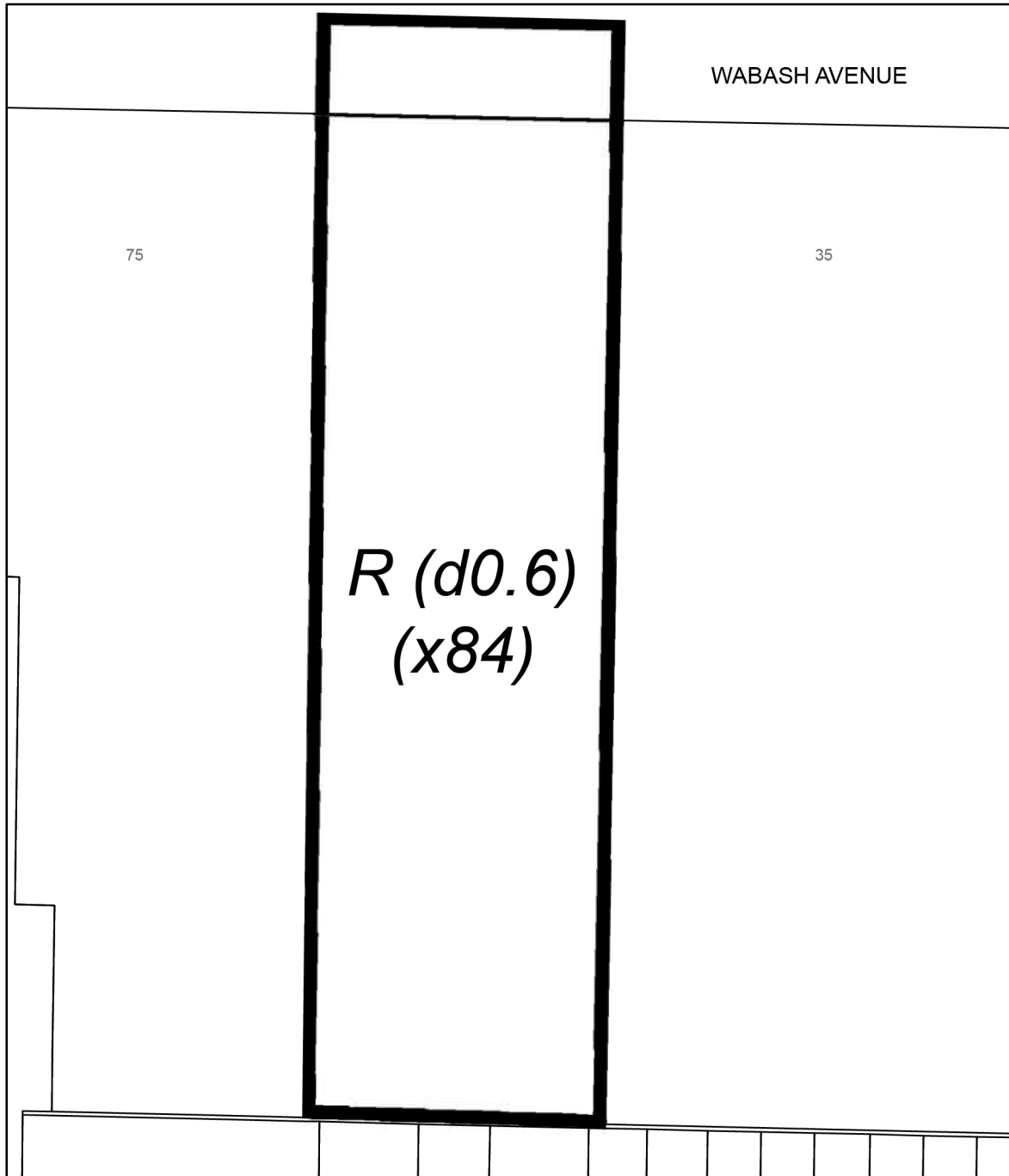
(Seal of the City)



 **TORONTO**  
Diagram 1

41-45 Wabash Avenue

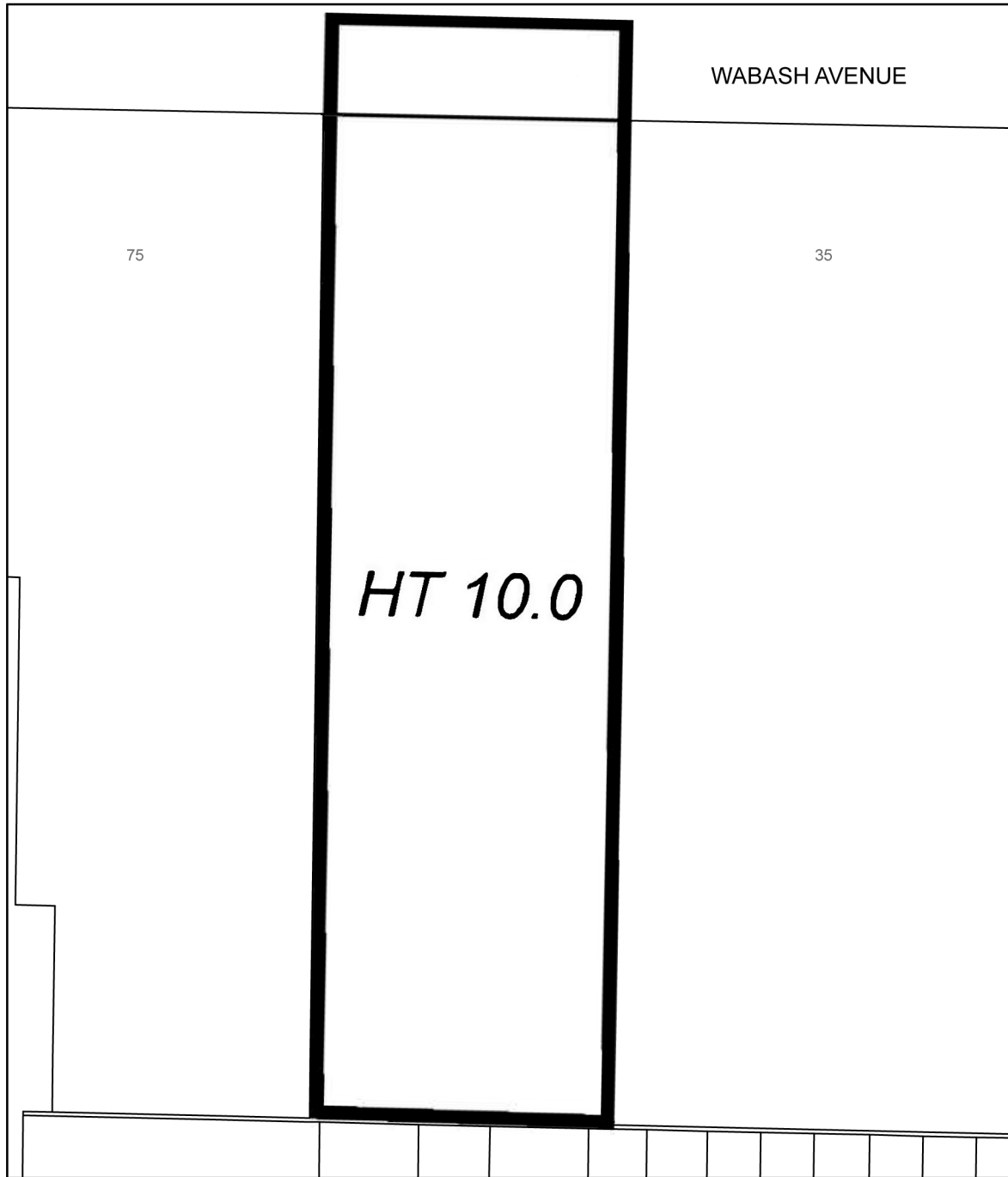
File # 18 241563 STE 14 0Z



 **TORONTO**  
Diagram 2

**41-45 Wabash Avenue**

File # 18 241563 STE 14 OZ



 **TORONTO**  
Diagram 3

41-45 Wabash Avenue

File # 18 241563 STE 14 0Z

