

Authority: Toronto and East York Community Council  
Item TE6.2, as adopted by City of Toronto Council on July  
19 and 20, 2023  
City Council voted in favour of this by-law on July 20,  
2023  
Written approval of this by-law was given by Mayoral  
Decision 8-2023 dated July 20, 2023

## CITY OF TORONTO

### BY-LAW 773-2023

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 3239, 3241, 3243, 3245, 3247, 3249 and 3251 Dundas Street West.**

Whereas Council of the City of Toronto has the authority 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, as amended, 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of CR 2.5 (c1.0; r2.0) SS2 (x2220) to a zone label of CR 2.5 (c1.0; r2.0) SS2 (x863) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 863 so that it reads:

(863) Exception CR (863)

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) These **premises** must comply with Exception CR 2220;

- (B) Despite (A) above, on 3239, 3241, 3243, 3245, 3247, 3249 and 3251 Dundas Street West, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (C) to (BB) below;
- (C) In addition to the uses permitted in Regulation 40.10.20.10(1), a "geo-energy facility" is permitted;
- (D) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 118.5 metres and the elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulation 40.10.40.1(1), residential use portions of the **building** are permitted to be located on the same level as non-residential use portions of the **building** on the **first floor** only;
- (F) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number following the HT symbol in metres as shown on Diagram 3 of By-law 773-2023;
- (G) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** or **structure** is the number following the ST symbol as shown on Diagram 3 of 773-2023;
- (H) Despite Regulation (G) above, any portion of a **building** that is located between the Canadian Geodetic Datum elevations of 118.5 metres and 123.7 metres will be considered as one **storey**;
- (I) Despite Regulations 40.5.40.10(3) to (8) and (F) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 773-2023:
- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, **renewable energy** equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 2.0 metres;
  - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 2.0 metres;
  - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.0 metres;
  - (iv) **building** maintenance units and window washing equipment, by a maximum of 3.0 metres;

- (v) planters, **landscaping** features, guard rails, balustrades, privacy and decorative screens, terrace dividers, fences, exterior stairs, roof drainage features, terrace walls and lighting features, by a maximum of 2.0 metres;
  - (vi) cabanas, trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres; and
  - (vii) **structures** and elements related to outdoor flooring and roofing assembly features by a maximum of 0.5 metres.
- (J) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 8,420 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 8,170 square metres; and
  - (ii) the required minimum **gross floor area** for non-residential uses is 200 square metres.
- (K) In addition to the elements listed in Regulation 40.5.40.40(3), the **gross floor area** of a **building** or **structure** on the **lot** may also be reduced by the area used for electrical, utility, mechanical and ventilation rooms on the mezzanine level;
- (L) Despite Regulation 40.10.50.10(2), no fence is required along the south or west **lot line** abutting a **lot** in the Residential Zone category;
- (M) Despite Regulation 40.10.50.10(3), no **soft landscaping** is required along the south or west **lot line** abutting a **lot** in the Residential Zone category;
- (N) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 773-2023;
- (O) Despite Regulation 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 3 of By-law 773-2023;
- (P) Despite Clause 40.10.40.60 and (N) and (O) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) platforms, decks, terraces, porches, and balconies, by a maximum of 3.3 metres;
  - (ii) canopies and awnings, by a maximum of 3.0 metres;
  - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 1.5 metres;

- (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 1.0 metre;
  - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, masonry element or precast concrete pier by a maximum of 1.0 metre;
  - (vi) window projections, including bay windows and box windows, by a maximum of 0.5 metres;
  - (vii) eaves, by a maximum of 1.0 metre; and
  - (viii) light fixtures, air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metre.
- (Q) Despite Regulation 970.10.15.5(5) and Table 970.10.15.5, **parking spaces** must be provided in accordance with the following:
- (i) a minimum of 0.5 residential occupant **parking spaces** for each **dwelling unit**; and
  - (ii) a minimum of 0.06 shared residential visitor and non-residential **parking spaces** for each **dwelling unit**.
- (R) Despite Regulation 200.5.1.10(2), a maximum of 5 percent of the total **parking spaces** provided on the lands may have a minimum width of 2.6 metres, despite being obstructed on one side as described in Regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (S) Despite Regulation 200.5.1.10(2)(D), Electric Vehicle Infrastructure, including electrical vehicle supply equipment or an **energized outlet**, does not constitute an obstruction to a **parking space**;
- (T) Despite Regulation 200.5.1.10(14), a minimum of 14 **parking spaces** on the lot must be equipped with an **energized outlet**;
- (U) Despite Regulation 200.15.1(1) and (3) an accessible **parking space** must comply with the following:
- (i) accessible **parking spaces** must have the following minimum dimensions:
    - (a) length of 5.6 metres;
    - (b) width of 3.4 metres; and
    - (c) vertical clearance of 2.1 metres.

- (ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path.
- (V) Despite Regulation 200.15.1(4), accessible **parking spaces** must be located within 17 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the **first floor** of the **building**;
- (W) Despite Regulation 200.15.10(1), a minimum of 2 of the required **parking spaces** required by (P) above must be accessible **parking spaces**;
- (X) Despite Regulation 230.5.1.10(4), a **bicycle parking space**, including a **stacked bicycle parking space**, may have a minimum width of 0.45 metres;
- (Y) Despite Regulation 230.5.1.10(9), "long-term" **bicycle parking spaces** are permitted to be located on all levels of the **building** and **parking garage** both above and below ground;
- (Z) Despite Regulation 230.5.1.10(10), both required "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (AA) Despite Regulation 230.5.10.1(5), "short-term" **bicycle parking spaces** must be provided at a minimum of 0.1 "short-term" **bicycle parking spaces per dwelling unit**; and
- (BB) For the purpose of this exception, a "geo-energy facility" means premises containing devices to generate **geo-energy** for the exclusive use of the **building**.

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

- 5. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- 6. Temporary Uses:
  - (A) None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office for the purposes of marketing, rental, leasing and sale of **dwelling units** and non-residential uses for a period of not more than 3 years from the date this By-law comes into full force and effect.

Enacted and passed on July 20, 2023.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

Diagram 1

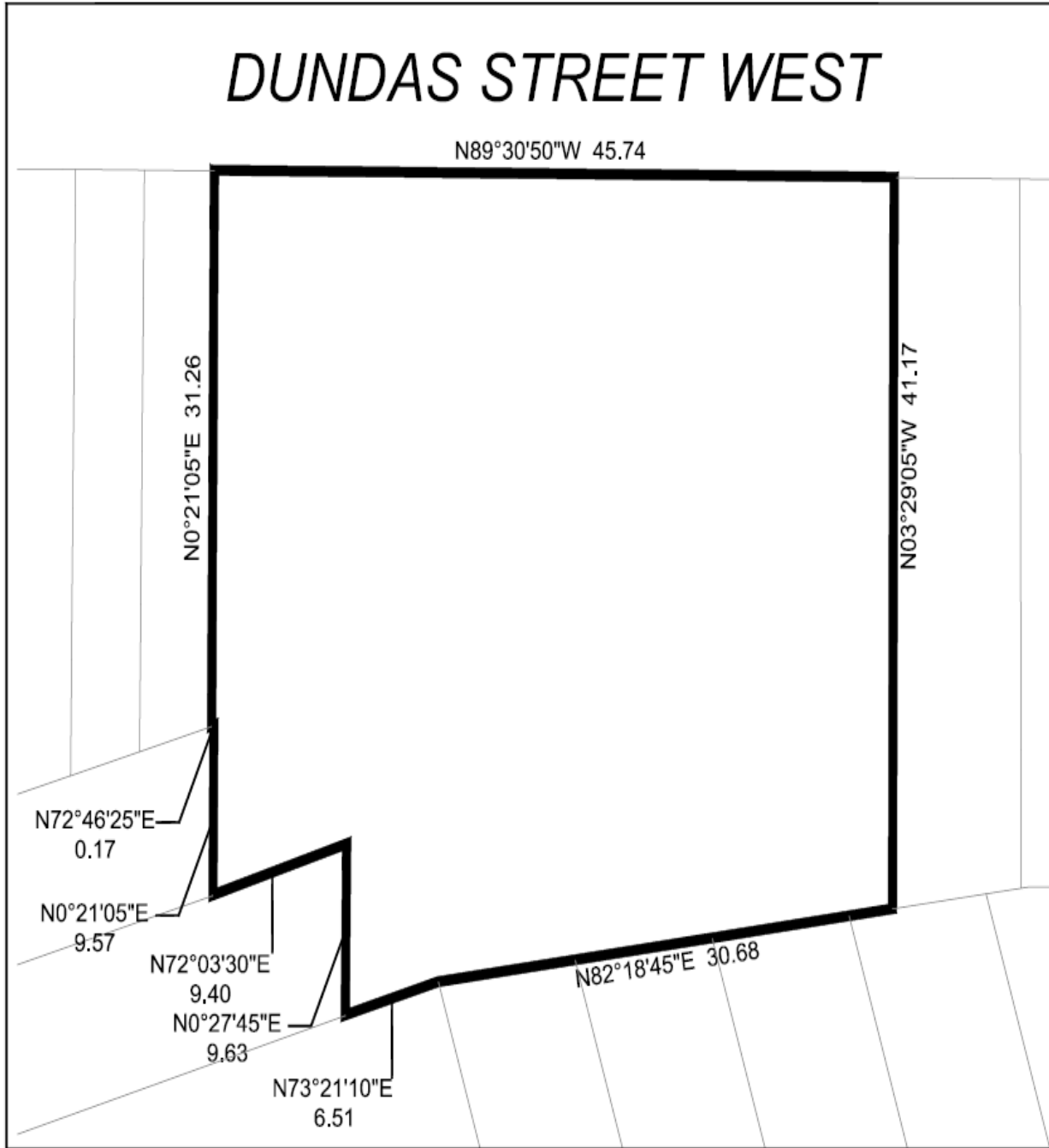


Diagram 2



Diagram 3

