

Authority: Planning and Housing Committee Item PH7.1,
as adopted by City of Toronto Council on November 8
and 9, 2023
City Council voted in favour of this by-law on
November 9, 2023
Written approval of this by-law was given by Mayoral
Decision 23-2023 dated November 9, 2023

CITY OF TORONTO

BY-LAW 1106-2023

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 140 Merton Street.

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, as amended;

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, as amended, 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 990.1 respecting the lands outlined by heavy black lines from a zone label of CR4.9 (c2.0; r4.3) SS2 (x224) to a zone label of CR2.0 (c2.0; r2.0) SS2 (x224) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569 -2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20 for the lands subject to this By-law, from a height label of HT 63.0 to a height label of HT 46.5, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by amending and replacing Article 900.11.10 Exception Number 224 so that it reads:

(224) Exception CR 224

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 lands municipally known as 140 Merton Street, if the requirements of By-law 1106-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (T) below;
- (B) For the purposes of this exception, the **lot** is defined as the lands outlined by heavy black lines on Diagram 1 attached to By-law 1106-2023;
- (C) Despite regulation 40.10.40.1(2)(A), the floor level of the first **storey** for non-residential uses on the **lot** must be within 0.75 metres of the ground measured at the **lot line** abutting the **street** directly opposite each pedestrian entrance;
- (D) Despite regulation 40.10.40.1(6)(A), a pedestrian access to a **community centre** on the **lot** may be located within 12.0 metres of a **lot** in the Residential Zone category;
- (E) 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 154.25 metres and the elevation of the highest point of the **building** or **structure**;
- (F) Despite regulations 40.10.40.10(2) and (7), the permitted maximum height and number of **storeys** of a **building** or **structure** is the number in metres following the letters "HT" and the number following the letters "ST" as shown on Diagram 4 of By-law 1106-2023;
- (G) Despite regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 3.1 metres;
- (H) Despite regulations 40.5.40.10(4), (5), (7) and regulation (F) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 4 of By-law 1106-2023:
 - (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 5 metres;
 - (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, including a mechanical penthouse, by a maximum of 5 metres;
 - (iii) the total area of all equipment, **structures**, or parts of a **building** may cover no more than 45 percent of the area of the roof, measured horizontally;

- (iv) if any equipment, **structures**, or parts of a **building** are located within 6.0 metres of a **lot line** abutting a **street**, their total horizontal dimension, measured parallel to the **street**, may not exceed 20 percent of the width of the **building's main walls** facing that **street**; and
 - (v) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2 metres;
- (I) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 22,700 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 20,500 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 2,150 square metres;
- (J) Despite regulation 40.10.40.50(1), **amenity space** must be provided at the following rate:
 - (i) at least 1.6 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 0.38 square metres of outdoor **amenity space** for each **dwelling unit**; and
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**;
- (K) Despite regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 4 of By-law 1106-2023;
- (L) Despite Clause 40.10.40.60(1) and regulation (K) above, a platform or balcony attached to the **main wall** with a floor level higher than the floor level of the first **storey** of the **building**:
 - (i) must be located above the first three **storeys** of the **building** above-ground;
 - (ii) at the fourth and fifth **storeys** of the **building**, must not be located closer to a **lot line** than the **main wall** to which it is attached; and
 - (iii) above the first five **storeys** of the **building**, may project a maximum of 1.85 metres from the **main wall** to which it is attached;
- (M) Despite regulation 40.10.50.10(2), a fence is not required along the portion of a **lot line** abutting the **lot** in the Residential Zone category;

- (N) Despite regulation 40.10.50.10(3), a minimum 1.0 metre wide strip of land used for **soft landscaping** must be provided along the part of the **lot line** abutting the **lot** in a Residential Zone category;
- (O) Despite regulation 200.15.1.(1), accessible **parking spaces** must have the following minimum dimensions;
- (i) a length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (P) The entire length of an accessible **parking space**, must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017;
- (Q) Article 200.25.15 and Clause 200.25.15.2 regarding transition requirements for **parking space** regulations do not apply;
- (R) Despite regulations 230.5.1.10(4)(A)(ii), (B)(ii) and (C), **bicycle parking spaces** must comply with the following:
- (i) the minimum width of a **bicycle parking space** is 0.45 metres;
 - (ii) the minimum width of a **bicycle parking space** if placed in a vertical position on a wall, structure or mechanical device is 0.45 metres;
 - (iii) **stacked bicycle parking spaces**:
 - (a) may overlap an adjacent **stacked bicycle parking space** on one or both sides on the same tier to a maximum of 0.18 metres per side;
 - (b) must have a minimum length of 1.84 metres; and
 - (c) must have a minimum vertical clearance from the ground of 1.4 metres for the lower tier and 1.2 metres for the upper tier in a mechanical device;
- (S) Despite regulations 230.5.1.10(6) and (9), a required "long-term" **bicycle parking space** for **dwelling units** and uses other than **dwelling units** may be located;
- (i) outdoors on the surface of the **lot**;
 - (ii) on the first or second **storey** of the **building**; or
 - (iii) on levels of the **building** below-ground.

- (T) Despite regulation 230.40.1.20(2), a "short-term" **bicycle parking space** may be more than 30 metres from a pedestrian entrance to the **building** on the **lot**.

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

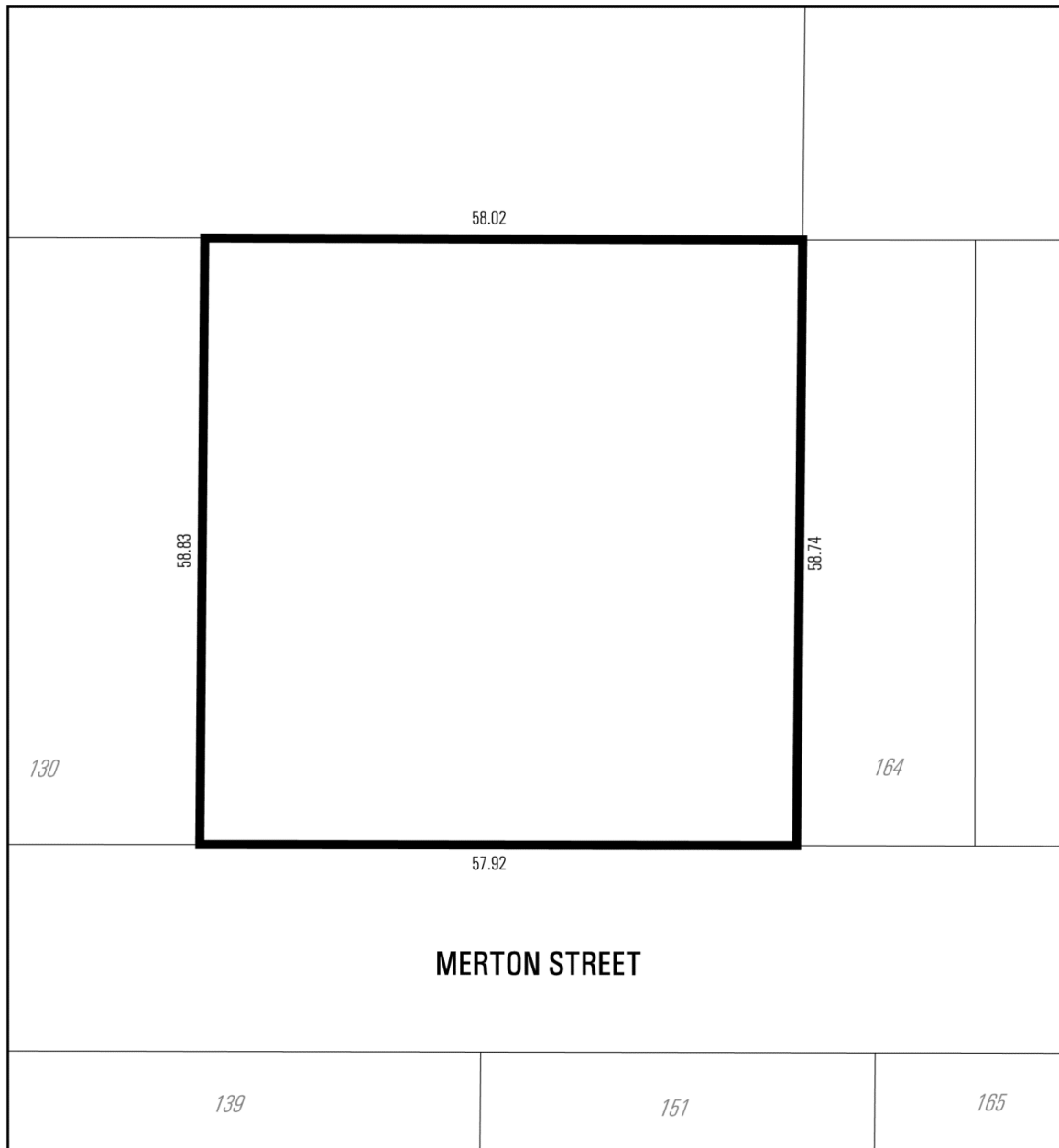
Enacted and passed on November 9, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1



Toronto
Diagram 1

140 Merton Street

File # 19 114200 STE 20 0Z

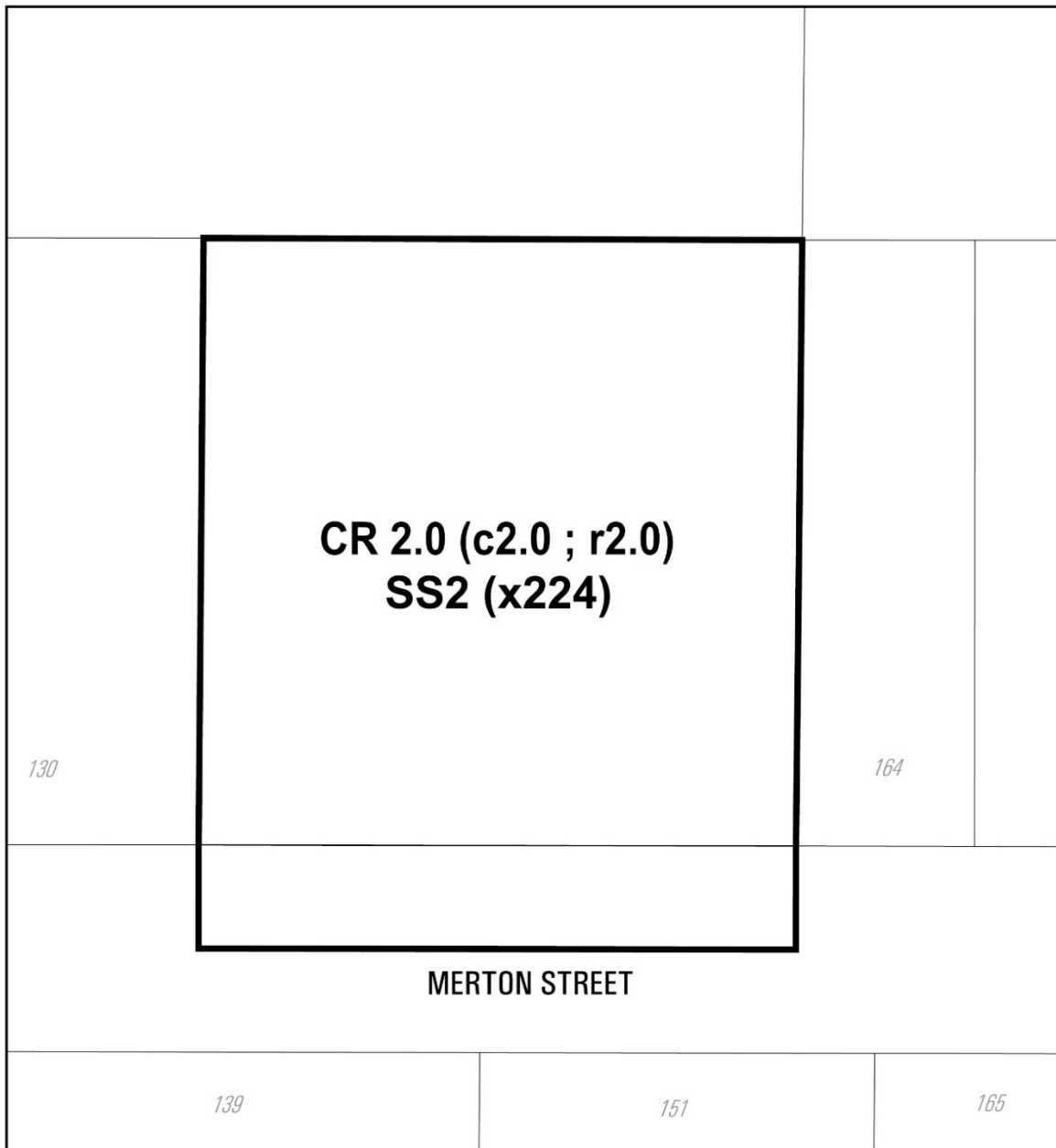
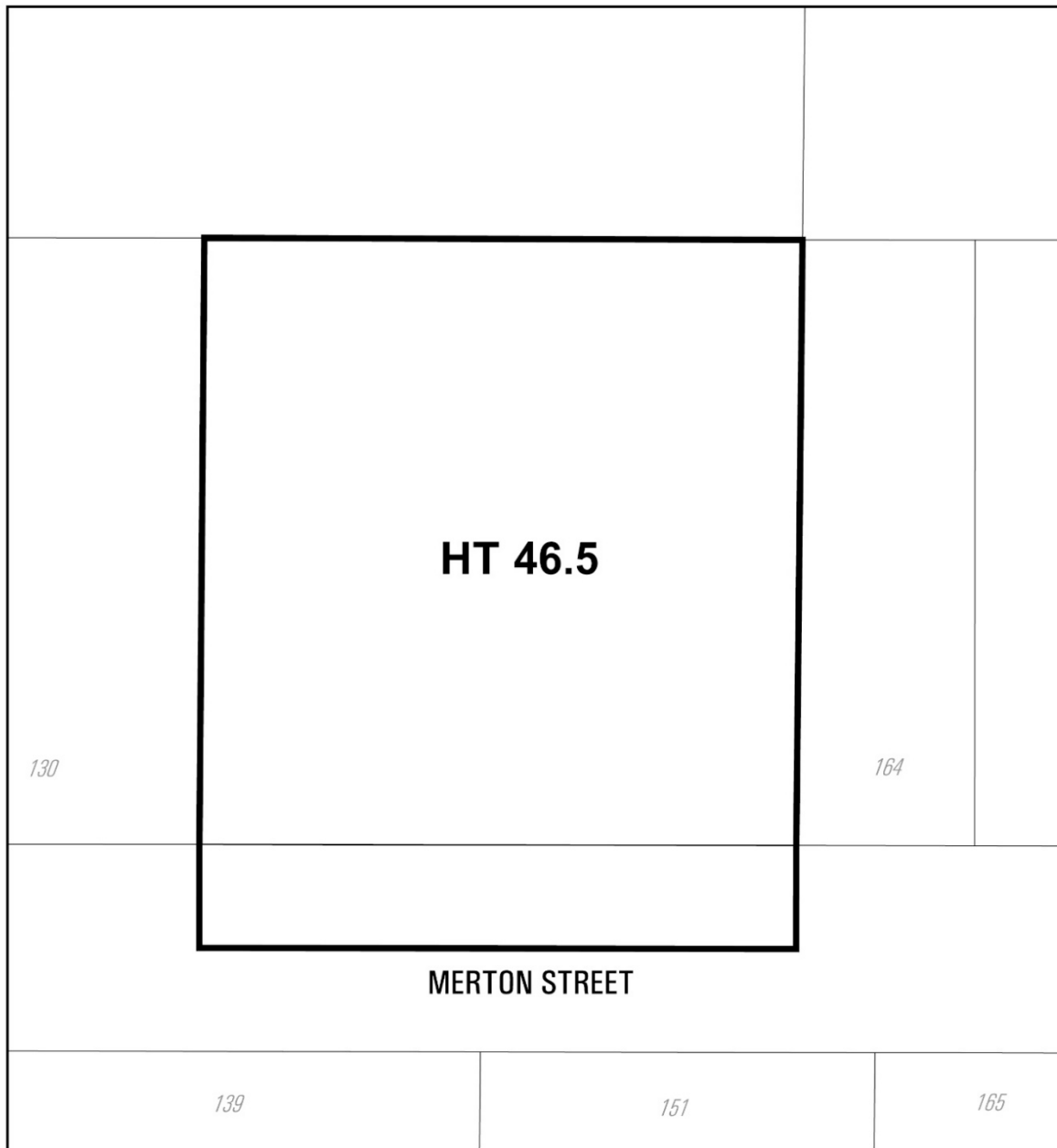
Diagram 2

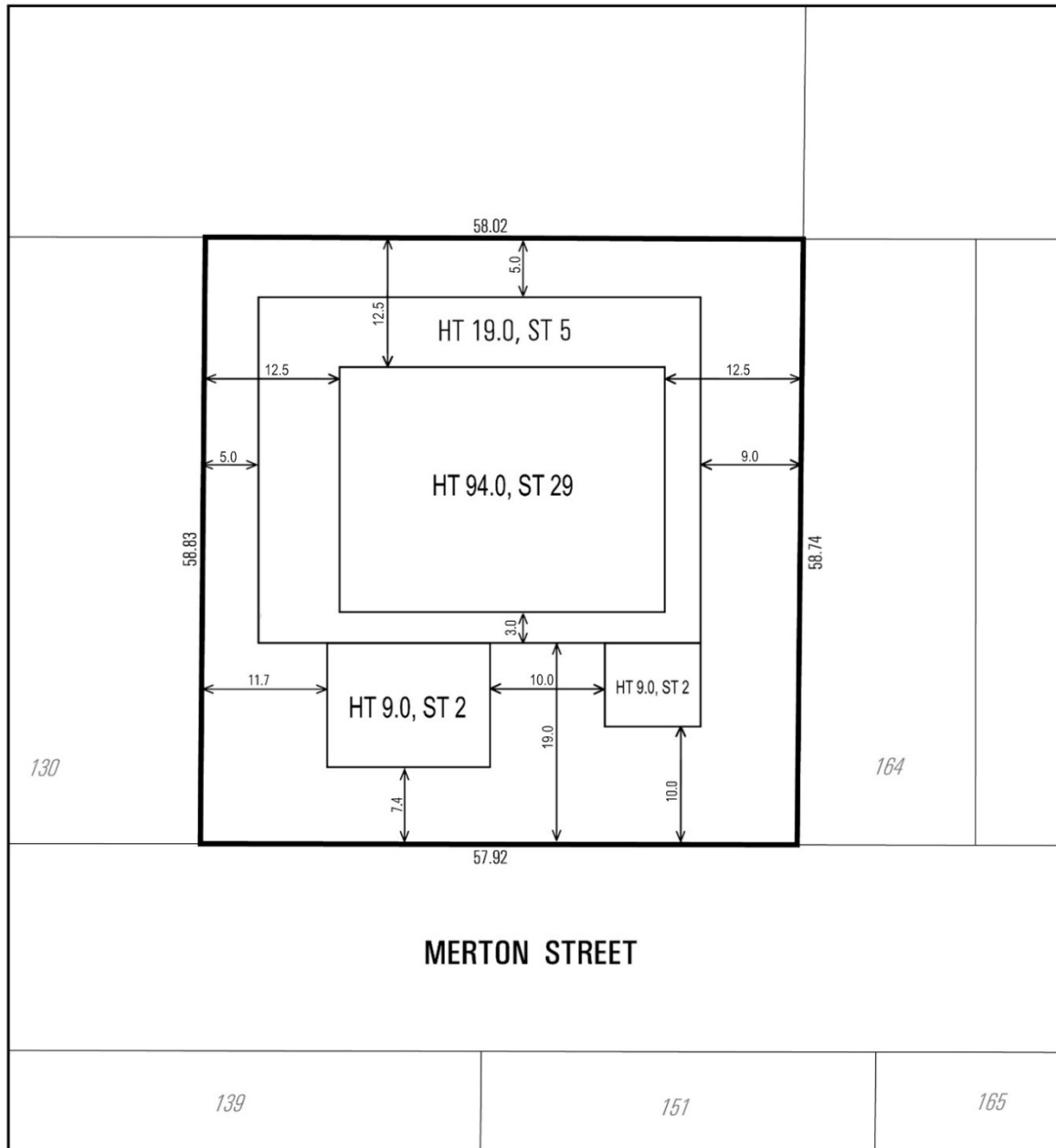
Diagram 3



Toronto
Diagram 3

140 Merton Street

File # 19 114200 STE 12 0Z

Diagram 4

Toronto
Diagram 4

140 Merton Street

File # 19 114200 STE 12 0Z