

Authority: Toronto and East York Community Council
Item TE8.2, adopted as amended, 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 1164-2023

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 214-224 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;

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 2.0 (c2.0; r2.0) SS2 (x2495) to a zone label of CR x917 as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.12.10 Exception Number 917 so that it reads:

(917) Exception CR 917

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 214-224 Merton Street, if the requirements of By-law 1164-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (X) below:
- (B) 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 153.88 metres and the

elevation of the highest point of the **building** or **structure**;

- (C) The provision of dwelling units is subject to the following:
- (i) a minimum of 15 percent of the total number of dwelling units must have two or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of dwelling units must have three or more bedrooms; and
 - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
- (D) Despite Regulation 40.10.40.1.(1), all residential use portions of the **building** must be located above non-residential use portions of the **building**, other than residential lobby access and **amenity space**;
- (E) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law 1164-2023;
- (F) The dashed line on Diagram 3 represents the setback of the **main wall** of the **building**, up to a height of 14.0 metres;
- (G) The shaded area on Diagram 3 represents a mid-block pedestrian connection on the **lot**;
- (H) The maximum height of the first **storey**, measured between the floor of the first **storey** and the ceiling of the first **storey**, is 9.2 metres;
- (I) Despite Regulations 40.5.40.10(4), (5), (6), (7), and (E) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 1164-2023:
- (i) **structures** used exclusively for mechanical, electrical, or other equipment used for the functional operation of the building, as well as structures that enclose, screen or cover equipment, structures, or elements listed in this regulation by a maximum of 7.0 metres;
 - (ii) **structures** on any roof used for elevators, elevator overruns, window washing equipment, and related ancillary structural elements by a maximum of 6.0 metres;
 - (iii) parapets and elements or **structures** associated with a **green roof**, by a maximum of 1.8 metres;
 - (iv) Parapets above a mechanical penthouse may exceed the heights in (i) above by 1.0 metre;

- (v) railings, guard rails, parapets, terrace walls, planters, balustrades, bollards, retaining walls, access ramps, exterior stairs and ornamental or architectural features, by a maximum of 1.5 metres;
 - (vi) outdoor **amenity space** or open air recreation, balcony dividers, privacy screens, architectural elements, landscape features, light fixtures, acoustical and privacy screens, sound barriers, and wind mitigation elements by a maximum of 3.0 metres; and
 - (vii) trellises, pergolas, cabanas, and unenclosed **structures**, by a maximum of 3.5 metres;
- (J) Regulation 40.5.40.10 (8) does not apply;
- (K) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 28,600 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 28,200 square metres; and
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 400 square metres;
- (L) Despite Regulation 40.10.40.50(1), **amenity space** must be provided at a minimum rate of 3.12 square metres for each dwelling unit, of which:
 - (i) a minimum of 2.0 square metres per **dwelling unit** is indoor **amenity space**;
 - (ii) a minimum of 1.12 square metres per **dwelling unit** is outdoor **amenity space**;
 - (iii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iv) no more than 25 percent of the outdoor component may be a **green roof**;
- (M) Despite Regulations 40.10.40.70(2), and 40.10.40.80(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 1164-2023;
- (N) Despite Clause 40.10.40.60 and (I) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) Except that within the area identified as "No balcony zone" on Diagram 3 of By-law 1164-2023, balconies and related structures and elements to a maximum of 1.5 metres;

- (ii) eaves, cornices, window sills, ornamental or architectural features; architectural fins, light fixtures, chimneys, stacks, and vents, to a maximum of 0.6 metres;
 - (iii) balustrades, canopies and awnings, including, planters, stairs, light fixtures, bollards, guards, **bicycle parking** facilities, landscape features, and art installations to a maximum of 1.5 metres; and
 - (iv) chimney, stacks, vents, patios, decks, pillars, trellises, wheelchair ramps, doors, parapets, planters, balustrades, elements or **structures** associated with a **green roof**, platforms, **landscaping** features, divider screens, screens and unenclosed **structures** providing noise or wind protection to rooftop **amenity space**, trellises, pergolas, cabanas, and unenclosed **structures** on the **building's** roof may encroach into a **building setback** to the extent of the level below;
- (O) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a resident requirement rate for a **dwelling unit** in an **apartment building** or **mixed use building**:
 - (a) A minimum of 0 **parking spaces** for each **dwelling unit**;
 - (b) A maximum of 0.8 **parking spaces** for each bachelor **dwelling unit** up to 45 square metres and 1.0 for each bachelor **dwelling unit** greater than 45 square metres;
 - (c) A maximum of 0.9 **parking spaces** for each one-bedroom **dwelling unit**;
 - (d) A maximum of 1.0 **parking spaces** for each two-bedroom **dwelling unit**; and
 - (e) A maximum of 1.2 **parking space** for each three-bedroom **dwelling unit**;
 - (ii) visitor requirement rate for a **dwelling unit** in an **apartment building** or **mixed use building**:
 - (a) A minimum of 2.0 **parking spaces** plus 0.01 **parking spaces** per **dwelling unit**;
 - (b) A maximum of 1.0 **parking space** per **dwelling unit** for the first five **dwelling units**; and
 - (c) A maximum of 0.1 **parking spaces** per **dwelling unit** for the sixth and subsequent **dwelling units**;

- (iii) no **parking spaces** are required for non-residential uses; and
 - (iv) a maximum of 6.0 parking spaces per 100 square meters of **gross floor area** for non-residential uses;
- (P) Despite 200.5.1.10 (14), the provision of energized outlets is not required for **stacked parking spaces**;
- (Q) Despite Regulation 200.15.10 and corresponding table, no accessible **parking spaces** are required;
 - (i) The additional requirements outlined in Regulation 200.5.1.10(2)(D), do not apply to the required **parking spaces** provided as stacked parking spaces;
- (R) Despite the minimum dimensions set out in Regulation 200.5.1.10(2), **parking spaces** provided in parking stackers shall have:
 - (i) A minimum length of 5.4 metres;
 - (ii) A minimum width of 2.6 metre;
 - (iii) A minimum vertical clearance of 1.6 metres; and
 - (iv) Parking stacker mechanisms and equipment located within these dimensions;
- (S) Despite Regulation 200.5.1.10(13), ingress and egress access to **parking spaces** may be provided by vehicle elevators and/or valet service;
- (T) Regulation 230.40.1.20(2), in relation to the location of "long-term" and "short-term" **bicycle parking**, does not apply;
- (U) Regulation 230.5.1.10(9)(b) in relation to the location of "long-term" **bicycle parking**, does not apply;
- (V) Despite Regulation 230.5.1.10(10), "long-term" and "short term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (W) Despite Regulations 230.5.10.1(1)(3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
 - (i) 0.9 "long-term" **bicycle parking spaces** for each dwelling unit;
 - (ii) 0.1 "short-term" **bicycle parking spaces** for each dwelling unit; and

- (iii) 0 "long-term" or "short-term" **bicycle parking spaces** for non-residential uses;
 - (X) Regulation 230.5.10.20(1) continues to apply to the **lot**;
 - (Y) Despite Regulations 220.5.10.1(1) to (9), a minimum of one Type 'G' **loading space** must be provided and maintained on the lands.
- 5. Despite any future severance, partition or division of the **lot** as shown on Diagram 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- 6. Site Specific Provisions: None apply.
- 7. Prevailing By-laws and Prevailing Sections: None apply.

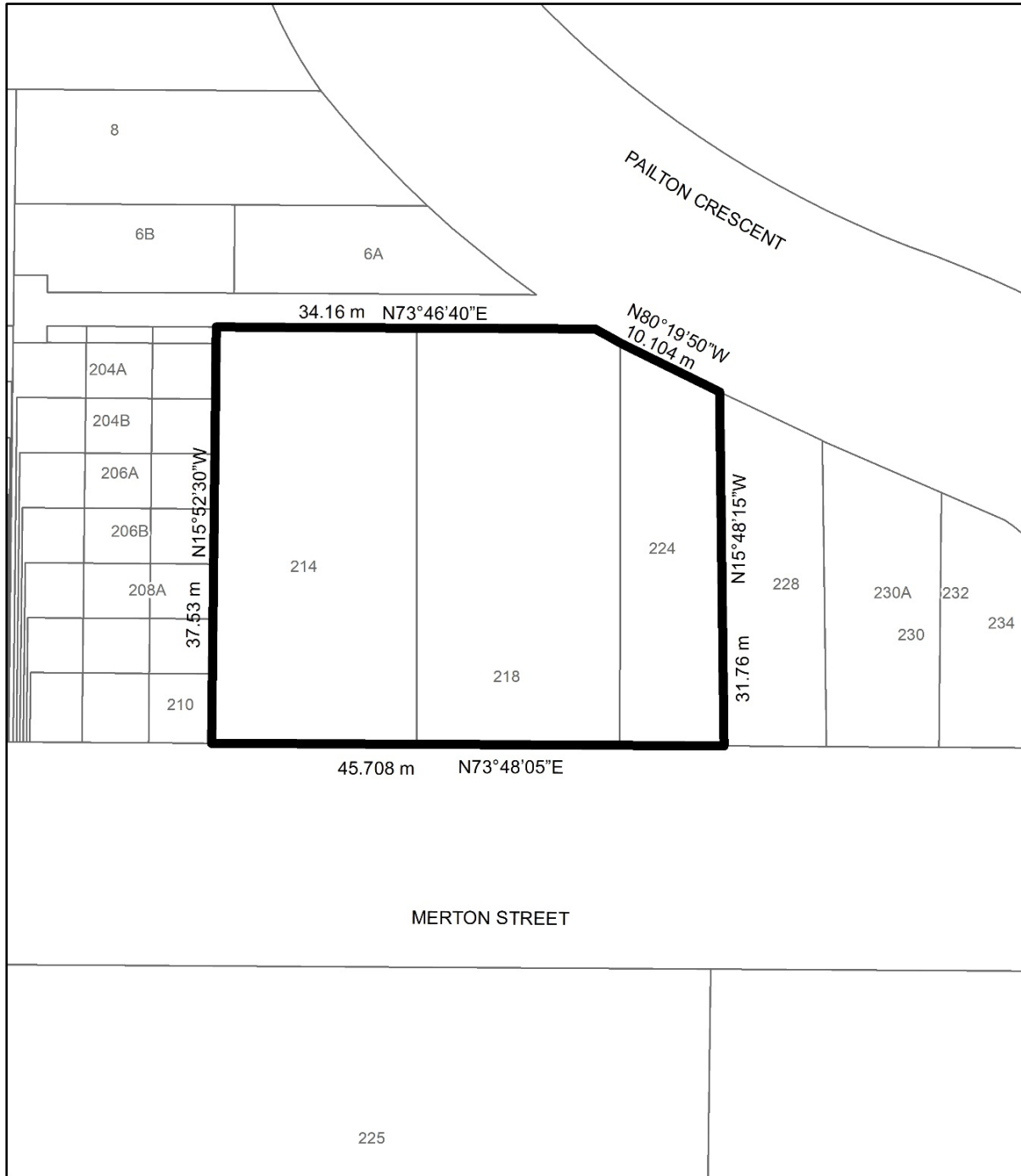
Enacted and passed on November 9, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1



Toronto
Diagram 1

214-224 Merton Street

File # 22 139701 STE 12 OZ

Diagram 2

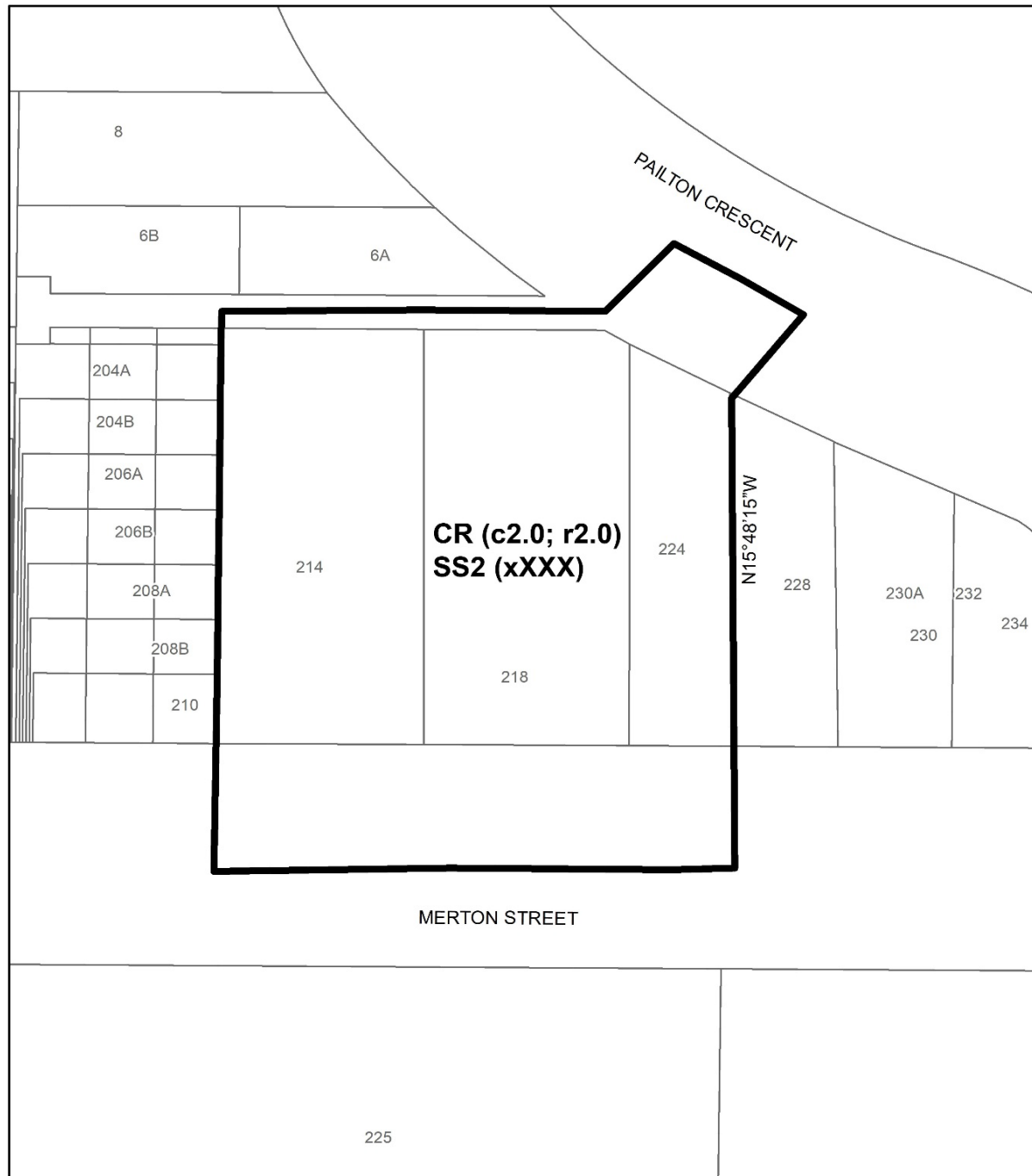


Diagram 3

