

Authority: Toronto and East York Community Council
Item TE12.5, adopted as amended, by City of Toronto
Council on April 17 and 18, 2024
City Council voted in favour of this by-law on April 18,
2024
Written approval of this by-law was given by Mayoral
Decision 10-2024 dated April 18, 2024

CITY OF TORONTO

BY-LAW 410-2024

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 171, 173 and 175 Lowther Avenue.

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; and

Whereas pursuant to Section 36 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, use a holding symbol "(H)" in conjunction with any use designation to specify the use to which lands, buildings or structures may be put once the holding symbol "(H)" is removed by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding symbol "(H)"; 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, 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 990.10 respecting the lands outlined by heavy black lines from a zone label of R (d1.0) (x900) to a zone label of (H) R (d1.0) (x197) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 197 so that it reads:

(197) Exception 197

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 171, 173 and 175 Lowther Avenue if the requirements of By-law 410-2024 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (T) below;
- (B) Despite regulation 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 115.19 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite regulation 10.10.40.10(1), 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 410-2024;
- (D) Despite regulations 10.5.40.10 (2) and (3), and 10.10.40.10 (8), (9) and (10) and (C) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 410-2024:
 - (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, generators elevator shafts, elevator overruns, stairwell overruns, chimneys, and vents, by a maximum of 6.0 metres;
 - (ii) Access ladders and associated railings may project an additional 1.2 metres above the projections listed in (i) above;
 - (iii) **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 6.0 metres;
 - (iv) architectural features, parapets, and elements and **structures** associated with a roof, **green roof**, terrace, balcony, by a maximum of 1.8 metres;
 - (v) **building** maintenance units and window washing equipment, by a maximum of 3.0 metres;
 - (vi) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.0 metres;
 - (vii) antennae, flagpoles and satellite dishes, or similar **structures** by a maximum of 1.5 metres; and
 - (viii) **structures** on the roof of any part of the **building** used for outside or open

air recreation, trellises, pergolas, acoustical barriers, wind mitigation features, landscape elements and features, and fencing by a maximum of 3.0 metres;

- (E) Despite Regulation 10.5.40.10(4)(A), equipment, **structures** or parts of a **building** that exceed the permitted maximum height for a **building** in regulation (D) above, must comply with the following:
 - (i) their total area may cover no more than 50 percent of the area of the roof, measured horizontally;
- (F) Regulation 10.5.40.10(4)(B) regarding horizontal dimensions of **structures** that exceed the maximum permitted **building** height does not apply;
- (G) Regulation 10.10.40.30 regarding **building depth** does not apply;
- (H) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 6,300 square metres;
- (I) The provision of **dwelling units** is subject to the following, not including:
 - (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;
 - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and
 - (iv) If the calculation of the number of required **dwelling units** with two or three bedrooms results in a number with a fraction, the number will be rounded down to the nearest whole number;
- (J) Despite Clauses 10.5.40.70 and 10.10.40.70, and 10.10.40.80 (A) and (B), the required minimum **building setbacks** are as shown on Diagram 3 of By-law 410-2024;
- (K) Despite Clause 10.5.40.60, and (J) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) canopies and awnings, up to a maximum horizontal extent of 15 percent of the length of the **lot line** which they are parallel to, by a maximum of 3.0 metres;

- (ii) exterior stairs, access ramps and elevating devices, by a maximum of 2.5 metres;
- (iii) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.15 metres;
- (iv) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.5 metres;
- (v) window projections, including bay windows and box windows, by a maximum of 1.5 metres;
- (vi) window projections, dormers, eaves or other similar architectural features associated with the **building** municipally known as 171 Lowther Avenue which existed prior to enactment of By-law 410-2024 are permitted;
- (vii) eaves, by a maximum of 0.5 metres;
- (viii) dormers, by a maximum of 1.5 metres;
- (ix) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres; and
- (x) balconies:
 - (a) on the third **storey** of a **building**, only on the east and south **main walls** within the permitted Balcony Zone as shown on Diagram 4 of By-law 410-2024, by a maximum of 1.5 metres;
 - (b) Above the third **storey**, within permitted Balcony Zone B as shown on Diagram 4 of By-law 410-2024, by a maximum of 1.6 metres; and
 - (c) In addition to (K)(x)(b) above, on the west **main wall** within permitted Balcony Zone A as shown on Diagram 4 of By-law 410-2024, by a maximum of 2.5 metres provided the horizontal extent of the balcony does not exceed 6.0 metres;
- (L) In addition to the permitted projections in (D) above "Architectural fins" may project beyond the permitted maximum height shown on Diagram 3 of By-law 410-2024 by a maximum of 3 metres;
- (M) In addition to the permitted encroachments in (K) above, "Architectural fins" are permitted to encroach into the required minimum **building setbacks** and **main wall** separation distances as shown on Diagram 3 of By-law [clerks to insert number] subject to the following:

- (i) "architectural fins" may encroach only in the areas shown on Diagram 5 of By-law 410-2024 as Permitted Architectural/Structural Fin Zone, by a maximum of 2.4 metres;
 - (ii) The number of "Architectural fins" permitted within the Permitted Architectural/Structural Fin Zones shown on Diagram 5 of By-law 410-2024 is as follows:
 - (a) A maximum of three (3) within Zone 1 and Zone 2;
 - (b) A maximum of six (6) within Zone 2; and
 - (c) A Maximum of two (2) within Zone 4;
- (N) Despite Regulation 10.5.50.10(4), a **lot** with an **apartment building** must have:
 - (i) A minimum of 19 percent of the area of the **lot** for **landscaping**; and
 - (ii) A minimum of 43 percent of the **landscaping** area required in (i) above must be **soft landscaping**;
- (O) Despite Regulation 10.5.50.10(5), no **soft landscape** strip is required along any part of a **lot line**;
- (P) 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 minimum of zero (0) residential occupant **parking spaces** for each **dwelling unit** but not exceeding a maximum of 0.6 **parking spaces** for each **dwelling unit** despite the permitted maximum in Table 200.5.10.1 for **dwelling units** in an **apartment building** in Parking Zone A; and
 - (ii) a minimum of 0.04 residential visitor **parking spaces** for each **dwelling unit**;
- (Q) Despite Regulation 200.5.1.10(2)(A), up to 10 percent of the provided **parking spaces** required by By-law 410-2024 may be reduced to a minimum length of 5.4 metres and minimum width of 2.4 metres;
- (R) Regulation 200.5.1.10(2)(D) regarding obstructions to the side of a **parking space** does not apply to **parking spaces** provided in accordance with (Q) above;
- (S) Despite Regulation 200.5.1.10(13), **parking spaces** may be accessed from a parking elevator and the parking elevator must have **driveway** access to a **street**, at the ground floor; and

(T) For the purpose of this exception, each word or expression that is in bold font will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:

- (i) "architectural fins" means architectural and structural features measuring no more than 2.4 metres by 0.25 metres in the horizontal direction located within the Architectural Fin Zone as shown on Diagram 5 of By-law 410-2024.

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 Use(s):

None of the provisions of Zoning By-law 569-2013, as amended, or this By-law, apply to prevent the use of an existing **building** or **structure** on the **lot** for the purposes of a temporary sales office, the erection and use of a temporary sales office within an existing building or structure on the lot, or the erection of a sales office within an accessory structure or trailer, on the lands to which this By-law applies for a period of 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires.

7. Holding Symbol Provisions:

- (A) The lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram 2 attached to this By-law must not be used for any purpose other than those uses and **buildings** existing as of the date of the passing of this By-law, until the holding symbol "(H)" has been removed; and
- (B) An amending by-law to remove the holding symbol "(H)" referred to in (A) above may be enacted when the following are fulfilled:
 - (i) The owner shall prepare and submit a revised Hydrogeological Summary Form and a Hydrogeological Review, including the Foundation Drainage Report or addendums to the Chief Engineer and Executive Director, Engineering & Construction Services, for review and acceptance;
 - (ii) The owner shall prepare and submit revised a Functional Servicing Report, Stormwater Management Report, Servicing Report and Groundwater Summary Form to Chief Engineer and Executive Director, Engineering & Construction Services, for review and acceptance to demonstrate that the storm sewer system and any required improvements to it, has adequate capacity to accommodate the development of the lands;

- (iii) Where improvements to the storm sewer system are recommended in the Functional Servicing & Stormwater Management Report as accepted by the Chief Engineer and Executive Director, Engineering & Construction Services, the owner has entered into a financially secured agreement with the City to secure the construction of the required improvements;
- (iv) The owner has provided a detailed Conservation Plan, prepared by a qualified heritage consultant for 171 Lowther Avenue to the satisfaction of the Senior Manager, Heritage Planning; and
- (v) The owner has entered into and registered on title to the lands a Heritage Easement Agreement for 171 Lowther Avenue pursuant to Section 37 of the Ontario Heritage Act acceptable and satisfactory to the Chief Planner and Executive Director, City Planning, Senior Manager, Heritage Planning and the City Solicitor.

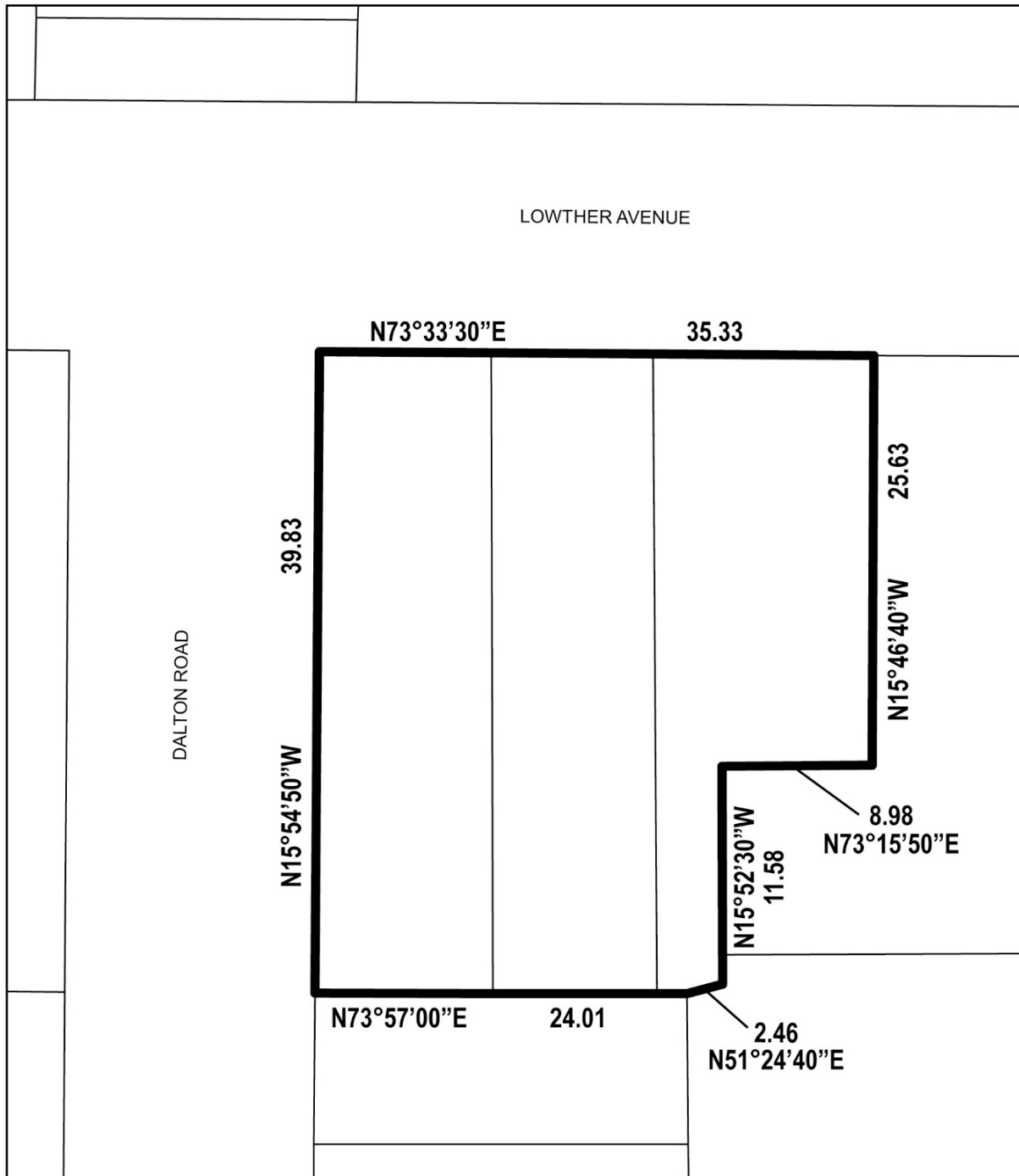
Enacted and passed on April 18, 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1

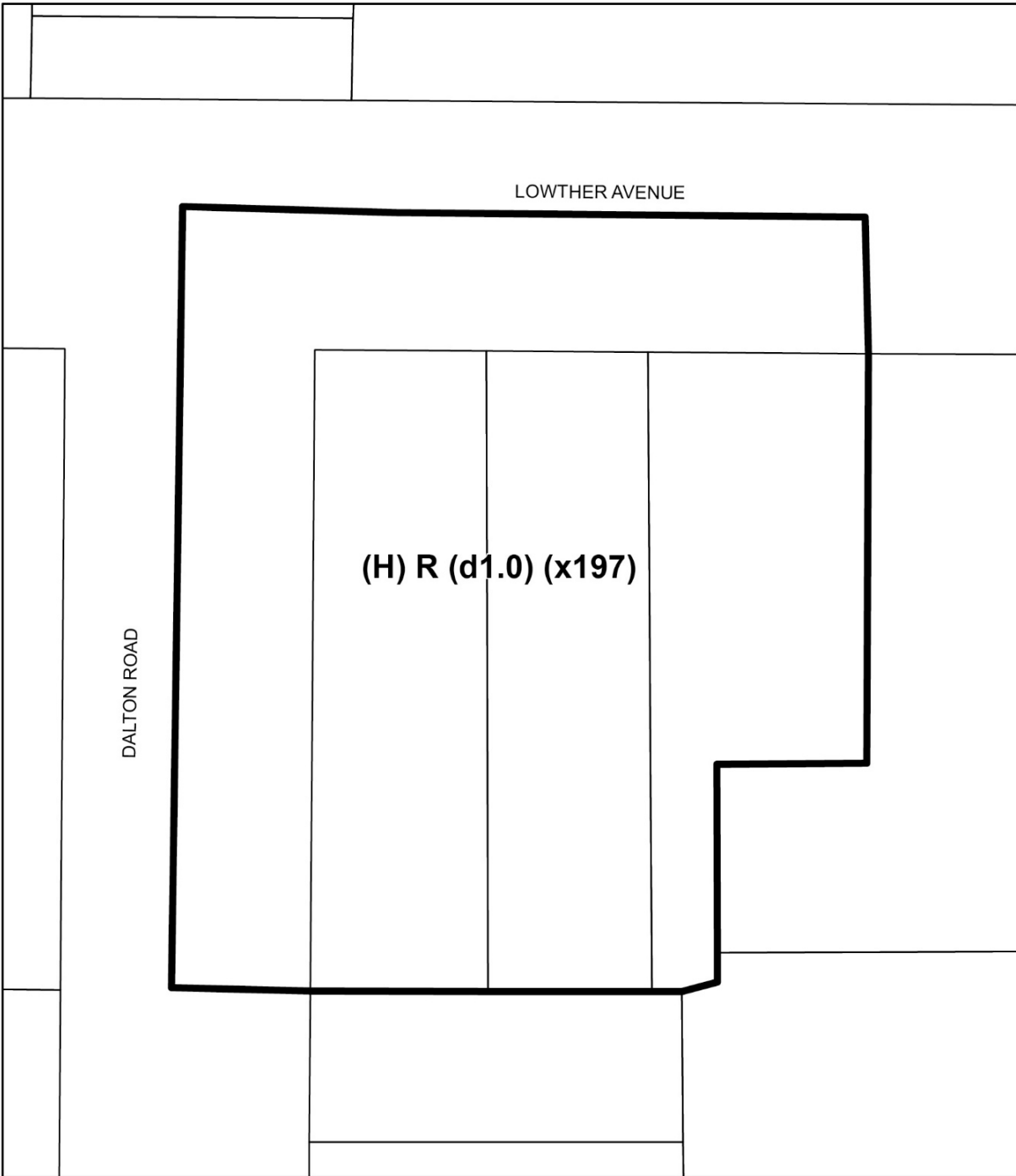


 **Toronto**
Diagram 1

171-175 Lowther Avenue

File # 23 223597 STE 11 OZ

Diagram 2

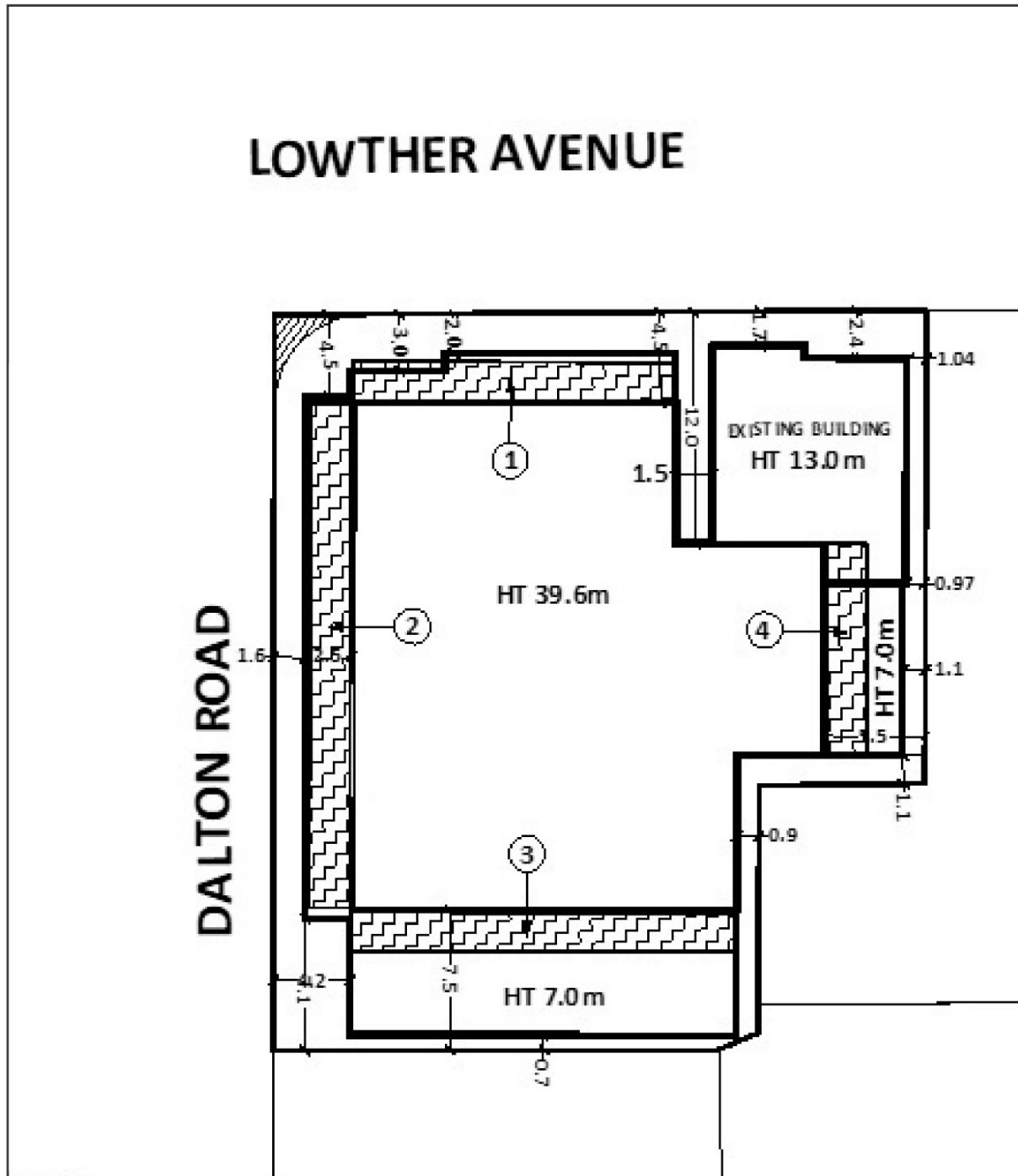


Toronto
Diagram 2

171-175 Lowther Avenue

File # 23 223597 STE 11 0Z

Diagram 5



 **Toronto**
Diagram 5

171-175 Lowther Avenue

File # 23 223597 STE 11 02



Permitted Architectural/Structural Fin Zone



City of Toronto By-law 569-2013
Not to Scale
04/17/2024