

Authority: North York Community Council Item  
NY15.15, adopted as amended by City of Toronto Council  
on July 24 and 25, 2024  
City Council voted in favour of this by-law on October 10,  
2024  
Written approval of this by-law was given by Mayoral  
Decision 19-2024 dated October 10, 2024

## **CITY OF TORONTO**

### **BY-LAW 1040-2024**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 6035 Bathurst 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; 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 990.1 respecting the lands outlined by heavy black lines from a zone label of RD to a zone label of RA (f29.0; a2170) (x239) as shown on Diagram '2' attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.7.10 Exception Number 239 so that it reads:

(239) Exception RA (239)

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 6035 Bathurst Street, if the requirements of By-law 1040-2024 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (V) below;
- (B) Despite regulation 15.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 190.70 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite regulations 15.10.20.10 and 15.10.20.20, the following non-residential uses are permitted on the first **storey** of an apartment building:
  - (i) **artist studio, automated banking machine, custom workshop, day nursery, eating establishment, education use, financial institution, medical office, office, performing arts studio, personal service shop, pet services, production studio, recreation use, retail store, retail service, service shop, take-out eating establishment;**
- (D) Despite regulations 15.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number of metres following the letters "HT" as shown on Diagram 3 of By-law 1040-2024;
- (E) Despite regulations 15.10.40.10 (2), the permitted maximum number of storeys is the number following the letters "ST" as shown on Diagram 3 of By-law 1040-2024;
- (F) Despite regulations 15.5.40.10(2) to (6) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height of a **building** as shown on Diagram 3 of By-law 1040-2024 in accordance with the following:
  - (i) elements on the roof of the **building** or **structure** used for **green roof** technology, elevator overrun, window washing equipment, safety anchors, lightning rods, safety railings, guard rails, railings, terraces, patios, landscape features, parapets, terrace guards, landscape planters, ladders, garbage chute vents, balustrades, ornamental or architectural features, by a maximum of 3.0 meters;
  - (ii) **structures** on any roof used for maintenance or wind mitigation purposes, by a maximum of 3.0 metres;
  - (iii) satellite dishes, antennae, acoustical barriers, signage, cabanas and trellises, by a maximum of 3.5 metres; and
  - (iv) mechanical penthouses or rooftop mechanical equipment and screening, by a maximum of 6.0 metres;
- (G) Despite regulation 15.5.40.10(4), and (F) above, the mechanical penthouse may cover 55.0 percent of the area of the roof, measured horizontally;

- (H) For the purposes of this exception, a mechanical penthouse containing indoor and outdoor **amenity space** does not constitute a **storey**;
- (I) Despite regulations 15.5.40.40(1) and 15.10.40.40(1), the maximum permitted **gross floor area** of all **buildings** and **structures** is 15,600 square metres, of which:
  - (i) A maximum **gross floor area** for residential uses of 15,500 square metres is permitted; and
  - (ii) A minimum **gross floor area** for non-residential uses of 65 square metres is required;
- (J) Despite regulations 15.10.20.20 and 15.10.20.100(13)(F), no maximum **interior floor area** shall apply to restrict a **retail store** in the **building**;
- (K) Despite regulation 15.10.30.40(1)(A), the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 52 percent;
- (L) Despite clauses 15.10.40.70 and 15.10.40.80, the required minimum **building setbacks** and the required **main wall** separation distances are as shown in metres on Diagram 3 of By-law 1040-2024;
- (M) Despite clauses 15.10.40.70, 15.10.40.80, and (L) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances:
  - (i) communication equipment, cornices, lighting fixtures, ducts, eaves, energy devices, fences, guardrails, landscape and public art features, lighting fixtures, ornamental or architectural elements, pipes, planters, satellite dishes, terrace guards, vents, wind protection, windowsills, and window washing equipment, by a maximum of 1.5 metres;
  - (ii) wind mitigation features including canopies and awnings, by a maximum of 3.0 metres; and
  - (iii) balconies, by a maximum of 2.0 metres;
    - (a) Notwithstanding (iii) above, balconies must be setback a minimum of 2.2 metres from the **front yard lot line**;
- (N) Despite regulation 15.5.50.10(1)(A), a minimum of 28 percent of the **lot** must be **landscaping**;
- (O) Despite regulation 15.5.50.10(1)(B), a minimum of 7 percent of the **landscaping** area required in (N) above must be **soft landscaping**;

- (P) Despite regulation 15.10.40.50(1), **amenity space** for the **building** must be provided as follows:
- (i) A minimum of 1.7 square metres of indoor **amenity space** is required for each **dwelling unit**; and
  - (ii) A minimum of 2.0 square metres of outdoor **amenity space** is required for each **dwelling unit**;
- (Q) Articles 200.25.15 and 970.10.1 regarding transition regulations for **parking space** requirements for development applications submitted prior to February 2, 2022 and July 22, 2022 do not apply;
- (R) Despite regulation 200.5.10.1(1), a minimum of 21 visitor **parking spaces** are required;
- (S) Despite regulation 200.15.10.10(1), a minimum of 6 of the **parking spaces** must comply with the regulations for an accessible **parking space**;
- (T) Despite regulation 200.5.1.10(2), a maximum of 11 **parking spaces** may be small car **parking spaces** with a minimum width of 2.4 metres, a length of 5.0 metres, and a vertical clearance of 2.0 metres;
- (U) Despite regulation 230.5.1.10(10), a "short-term" **bicycle parking space** may be located in a **stacked bicycle parking space**;
- (V) The provision of **dwelling units** is subject to the following:
- (i) A minimum of 15 percent of the total number of **dwelling units** on the **lot** must have two or more bedrooms;
  - (ii) A minimum of 10 percent of the total number of **dwelling units** on the **lot** must have three or more bedrooms; and
  - (iii) any **dwelling units** with 3 or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above.

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

5. Despite any existing or future consent, severance, partition or division of the **lot**, the provisions of By-law 1040-2024 shall apply to the lands, as identified on Diagram 1, as if no consent, severance, partition or division occurred.

**6.** Temporary Use(s):

- (A) None of the provisions of By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of a sales centre or office for the sale and leasing of dwelling units 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.

Enacted and passed on October 10, 2024.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

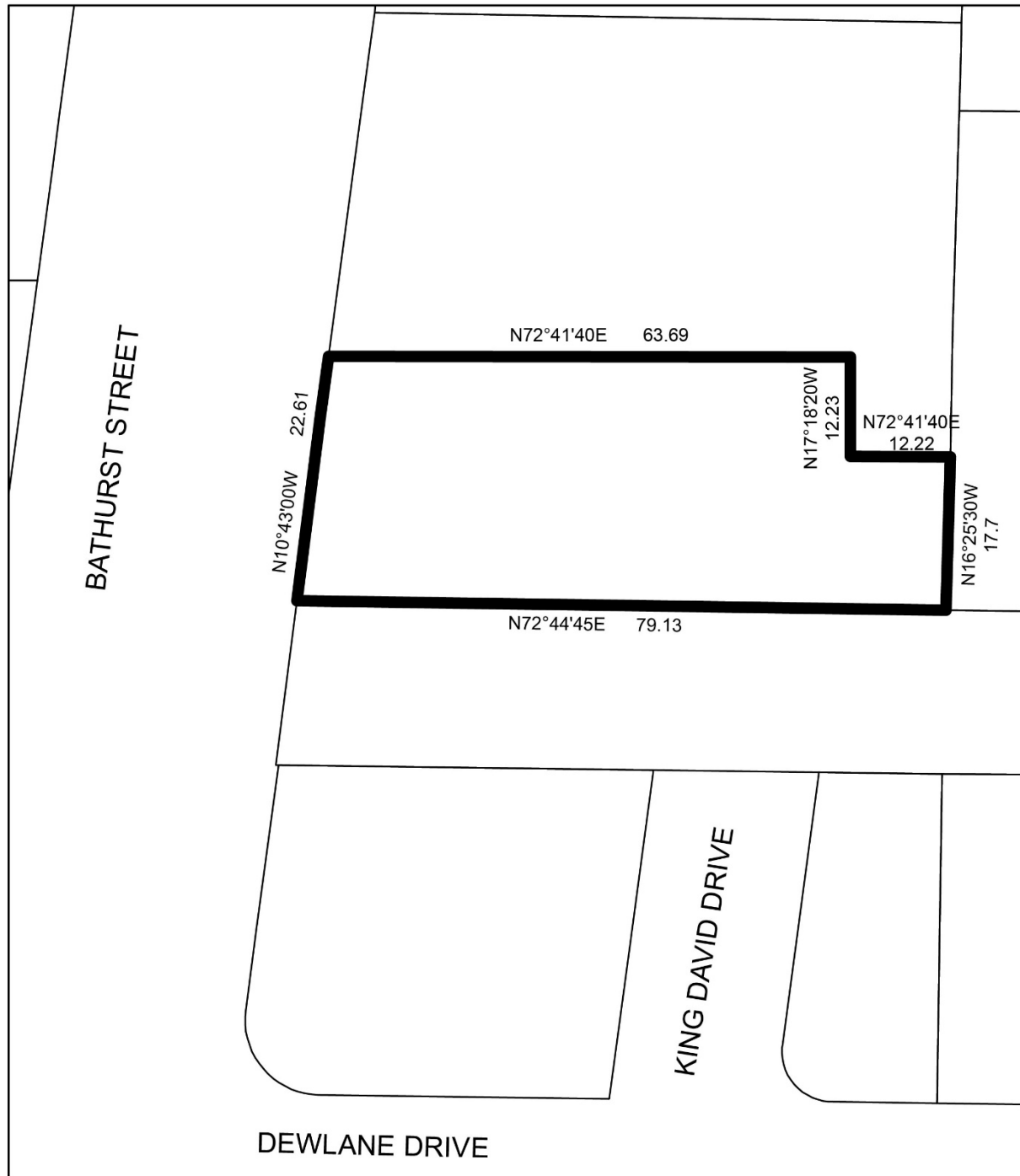
**Diagram 1**

Diagram 2

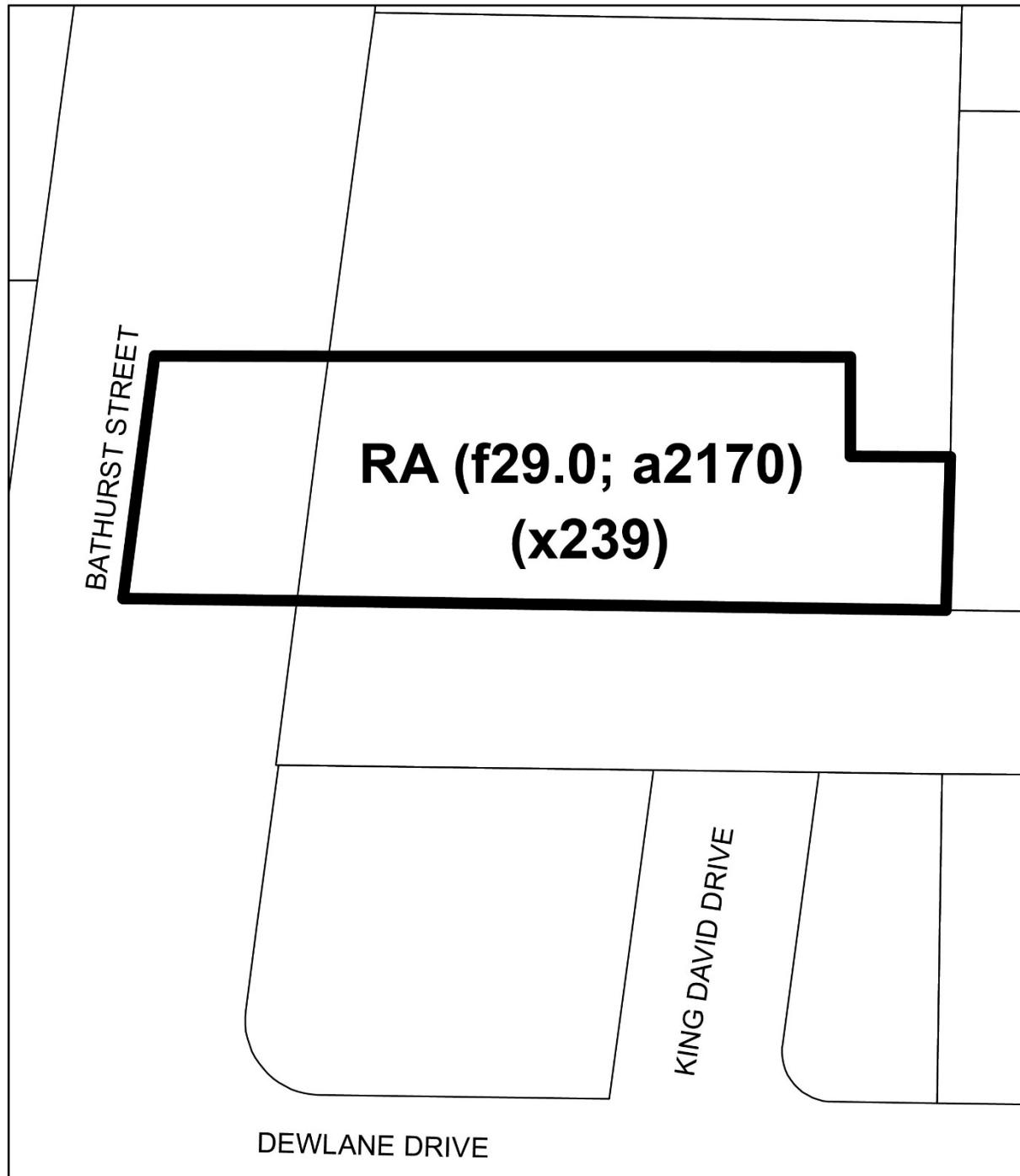
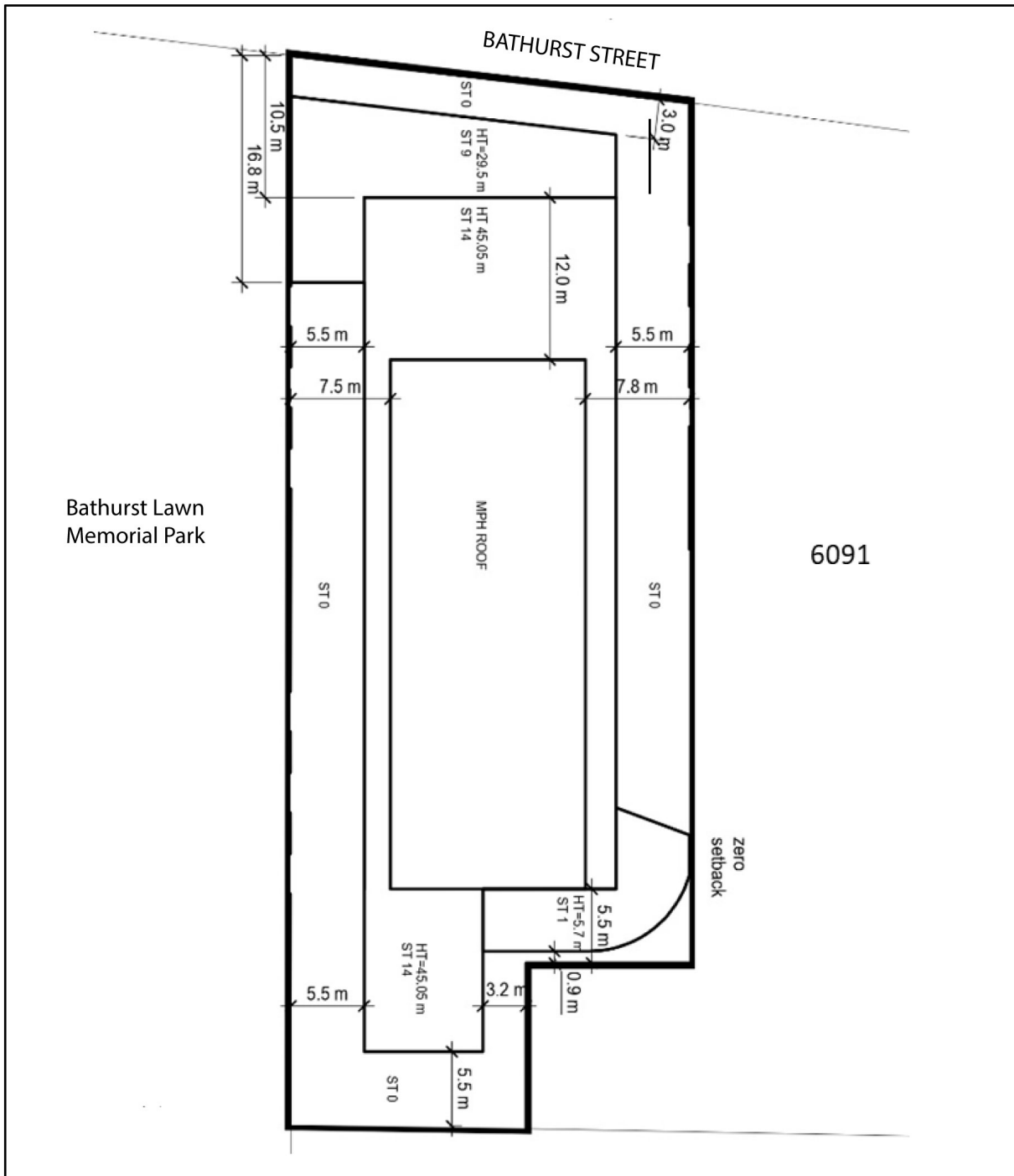


Diagram 3



**Toronto**  
Diagram 3

6035 Bathurst Street

File # 20 233478 NNY 18 OZ