

**CC10.7 - Confidential Appendix 1: Draft Zoning By-law
Made public on November 9, 2015**

Authority: Ontario Municipal Board Decision issued on ~ and Order issued ~ in Board File No.

**CITY OF TORONTO
BY-LAW No. ~-2015**

**To amend Zoning By-law No. ~, as amended, with respect to the lands municipally
known as, 283 Adelaide Street West**

Whereas authority is given to Council pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and,

AND WHEREAS the Ontario Municipal Board, by its Decision issued on ~ and Order issued ~ in Board File No., approved amendments to the former City of Toronto Zoning By-law No. ~, as amended, with respect to the lands;

Whereas the Official Plan of the City of Toronto contains provisions relating to the authorization of increases in *height* and density of development;

Whereas pursuant to section 37 of the *Planning Act*, the council of a municipality may, in a by-law passed under section 34 of the *Planning Act*, authorize increases in the *height* or density of development beyond that otherwise permitted by the by-law in return for the provision of such facilities, services and matters as are set out in the By-law; and

AND WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the *height* or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law;

Whereas Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

NOW THEREFORE pursuant to the Order of the Ontario Municipal Board, By-law No. 438-86, the General Zoning By-law of the City of Toronto, as amended, is further amended as follows:

1. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
2. None of the provisions of Sections 2(1) with respect to grade and height, 4(2)(a), 4(12), 7(3) PART II 1 and 7, 12(2)246(a), 12(2)246(c), 12(2)246(e), 12(2)246(f) and 12(2)246(g) of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection or use of a mixed-use building on the lot provided that:

- a) the lot comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- b) the total of the residential gross floor area and non-residential gross floor area shall not exceed 29,640 square metres, subject to the following:
 - i) the residential gross floor area shall not exceed 29,430 square metres; and
 - ii) the uses permitted in Section 7(1)(f)(b) (iv) and (vi) of By-law 438-86, as amended, and Section 3(c) of this By-law shall not exceed a non-residential gross floor area of 210 square metres
- c) at least 10% of the dwelling units on the site shall be used for dwelling units containing three or more bedrooms;
- d) no portion of the building or structure erected or used above grade is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, subject to the following:
 - i) awnings, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, landscape and public art features may extend to a maximum of 1.5 metres beyond the heavy lines shown on Map 2;
 - ii) notwithstanding Section 7(3) PART II 7 A of Zoning By-law 438-86, as amended, eaves and cornices may extend to a maximum of 1.5 metres beyond the heavy lines shown on Map 2;
 - iii) notwithstanding Section 7(3) PART II 7 E of Zoning By-law 438-86, as amended, balconies may extend to a maximum of 1.6 metres beyond the heavy lines shown on Map 2 as measured perpendicular to the exterior walls of the building; and
 - iv) despite 2(c)(i)-(iii) above, none of these projections shall encroach into the City right-of-way.
- e) the height of any building or structure, or portion thereof, does not exceed those heights as indicated by the numbers following the symbol H on the attached Map 2, with the exception of the following:
 - i) parapets, terrace guards and dividers, planters, railings, decorative screens, chimney stacks or other heating, cooling or ventilating equipment may be the sum of 1.8 metres and the applicable height limit shown on Map 2;
 - ii) nothing shall prevent the erection or use of a structure, on the roofs of the building, used for noise attenuation, window washing equipment, outside or open air recreation, safety or wind protection purposes, provided:

- A. the maximum height of the top of the structure is no higher than the sum of 3.0 metres and the applicable height limit shown on Map 2; and
 - B. the structure does not enclose space so as to constitute a form of penthouse or other room or rooms.
- f) notwithstanding Section 4(12), a minimum of 380 square metres of residential amenity space – outdoor shall be provided on the lot;
 - g) notwithstanding Section 4(12), a minimum of 478 square metres of residential amenity space – indoor shall be provided on the lot in a multi-purpose room or rooms in the building;
 - h) despite the minimum dimensions of bicycle parking spaces in Section 2(1) of By-law No. 438-86 if bicycle parking spaces are provided in a stacked bicycle parking space then the minimum vertical dimension of a stacked bicycle parking space shall be at least 1.2 metres and the minimum horizontal dimensions shall be at least 0.43 metres width and 1.8 metres length;
3. Pursuant to Section 37 of the *Planning Act*, the *height* and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provisions by the owner of the *lot*, of the facilities, services and matters set out in Section 5 of this By-law, the provisions of which shall be secured in an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
 4. Upon execution and registration of an agreement or agreements with the *owner* of the *lot*, pursuant to Section 37 of the *Planning Act*, securing the provision of facilities, services and matters set out in Section 5 of this By-law, the *lot* is subject to the provisions of this By-law, provided that in the event said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the owner has satisfied the said requirement.
 5. The facilities, services and matters set out in Appendix A are the matters required to be provided by the owner of the lot to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City with conditions providing for indexing of the financial contributions, indemnity, insurance, HST, termination and unwinding, and registration and priority of the agreement.
 6. None of the provisions of By-law No. 438-86 shall apply to prevent a temporary sales office on the lot.
 7. Notwithstanding any severance, partition, or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division had occurred.
 8. For the purposes of this By-law, all italicized words and expressions have the same meanings as described in By-law No. 438-86, as amended, with the exception that the following expressions shall have the following meanings:

- i) “car sharing parking space” means a parking space that is reserved and actively used for car sharing meaning the practice where a number of people share the use of one or more cars that are owned by a car-sharing organization and where such organization may require the use of cars to be reserved in advance, charge fees based on time and/or for kilometres drive, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
- ii) “grade” means 87.35 metres Canadian Geodetic Datum;
- iii) “height” means the vertical distance between grade as defined in this By-law and ‘the highest point of the roof except for those elements prescribed in this By-law;
- iv) “lot” means the area delineated by heavy lines on Map 1 of this By-law.
- v) “owner” means the registered owner of the lot;
- vi) “temporary sales office” means a facility or trailer on the lot used for the purpose of the sale of the dwelling units to be erected on the lot.

Enacted and passed on _____, 2015.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Appendix 1

Section 37 Provisions

The facilities, services and matters set out below are required to be provide to the City of Toronto at the owner's expense in return for an increase in height and density of the development on the lands as shown on Map 1 in this By-law and secured in agreement or agreements under Section 37(3) of the Planning Act, whereby the owner agrees as follows:

- i. Prior to issuance of the first above-grade building permit the owner shall provide a cash contribution to the City of Toronto in the amount of \$140,000 with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment, for capital improvements to existing rental housing units provided by Toronto Community Housing Corporation in Ward 20.
- ii. Prior to issuance of the first above-grade building permit the owner shall provide a cash contribution to the City of Toronto in the amount of \$140,000 with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment, for new affordable housing provided by Toronto Community Housing Corporation in Ward 20.
- iii. Prior to issuance of the first above-grade building permit the owner shall provide a cash contribution to the City of Toronto in the amount of \$1,120,000 with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment, for community services, facilities and towards the acquisition or capital improvements to parkland in Ward 20.
- iv. Provision and maintenance of works of public art in publicly accessible portions of the site, of a value not less than \$500,000, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- v. Construction, provision and maintenance of a publicly accessible landscaped open space on the John Street frontage of the site, with a minimum size of 406 square metres, generally as shown in Map 2 of this By-law, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, with construction to be completed prior to the earliest of 6 months from first occupancy or condominium registration, to be secured by means of an easement in favour of the City over the 406 square metres of publicly accessible landscaped open space, with such easement to be granted prior to the earliest of 6 months from first occupancy or condominium registration for any portion of the site, to the satisfaction of the City Solicitor.
- vi. Provision of a minimum of ten percent (10%) of the residential units in the building having at least three bedrooms.



