

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2021

Enacted by Council: ~, 2021

**CITY OF TORONTO
BY-LAW No. ~-2021**

To amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands known municipally as 40-44 Broadway Avenue in the year 2021

WHEREAS authority is given to Council by 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 HEREBY ENACTS as follows:

1. None of the provisions of Section 2(1) with respect to the definitions of *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade*, *height*, and *lot*, and Sections 4(2)(a), 4(4)(b), 4(6)(c), 4(12), 4(13), 4(16), 4(17), 6(3) Part 1 (1), 6(3) Part II, and 6(3) Part III, 12(2)118, and 12(2)119 of By-law No. 438-86, as amended, 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", apply to prevent the erection and use of a *mixed-use building* containing *dwelling units*, a *place of worship*, *place of assembly*, *dwelling rooms*, a *commercial parking garage* located below grade, and the premises of a *charitable institution* or *non-profit institution* and *accessory* uses on the *lot*, including a *temporary sales/leasing office* provided that all of the provisions of this by-law are complied with:
2. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, continue to apply to the *lot*.
3. The *lot* consists of the lands delineated by heavy lines on Map 1, attached hereto.
4. The total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 32,200 square metres, of which *institutional uses*, including a *place of worship*, shall have a minimum combined *non-residential gross floor area* of 2,400 square metres which shall be accessible at grade.
5. *Residential amenity space* shall be provided in accordance with the following:
 - (a) a minimum of 2 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided and maintained on the *lot*;

- (b) a minimum of 2 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided and maintained on the *lot*; and
 - (c) no more than 25% of the total outdoor *residential amenity space* can be provided as a green roof.
- 6. No part of any building or structure on the *lot* is located beyond the *building envelope* and above the maximum *height* in metres as indicated by the following letter “H” as shown on Map 2, attached to and forming part of this Bylaw.
- 7. Notwithstanding Section 6 of this By-law, the following building elements, structures and projections are permitted to extend beyond the *building envelope* and above the *heights* referred to therein:
 - (a) Architectural features, air intake and air handling units, awnings, balconies, bicycle racks, bollards, canopies, chimneys, communication equipment, cooling tower, cornices, eaves, elevator enclosures and overruns, fences, flues, green roof, guardrails, insulation and roof surface materials, landscape and public art features, lighting fixtures, minaret, ornamental elements, parapets, pipes, planters, platforms, railings, retaining walls, screens, stacks, stairs, stair enclosures, steeple, terraces, trellises, underground garage ramps and their associated structures, vents, walkways, wheel chair ramps, wind protection, window sills, and window washing equipment;
 - (b) A mechanical penthouse with associated screen devices to a maximum height projection of 6.6 m; and
 - (c) Elements or structures on any portion of a roof used for outside or open air recreation, including required *residential amenity space*.
- 8. *Parking spaces* must be provided and maintained on the *lot* in accordance with the following minimum requirements:
 - (a) A minimum of 0.20 *parking spaces* for each *dwelling unit*;
 - (b) A minimum of 5 *parking spaces* for a *place of worship*; and
 - (c) A minimum of 55 *parking spaces* for residential visitors to be shared with a *place of worship*
 - (d) A minimum of 3 *parking spaces* for residential visitors
- 9. For clarity, any *non-residential parking spaces* located in the *commercial parking garage*, in excess of the *parking spaces* required by this By-law, may be used commercially for profit.
- 10. At least one *loading space-type G* shall be provided and maintained on the *lot* and may be shared between the *residential* and *non-residential uses*.
- 11. A minimum number of *bicycle parking spaces* must be provided and maintained on the *lot* in accordance with the following:

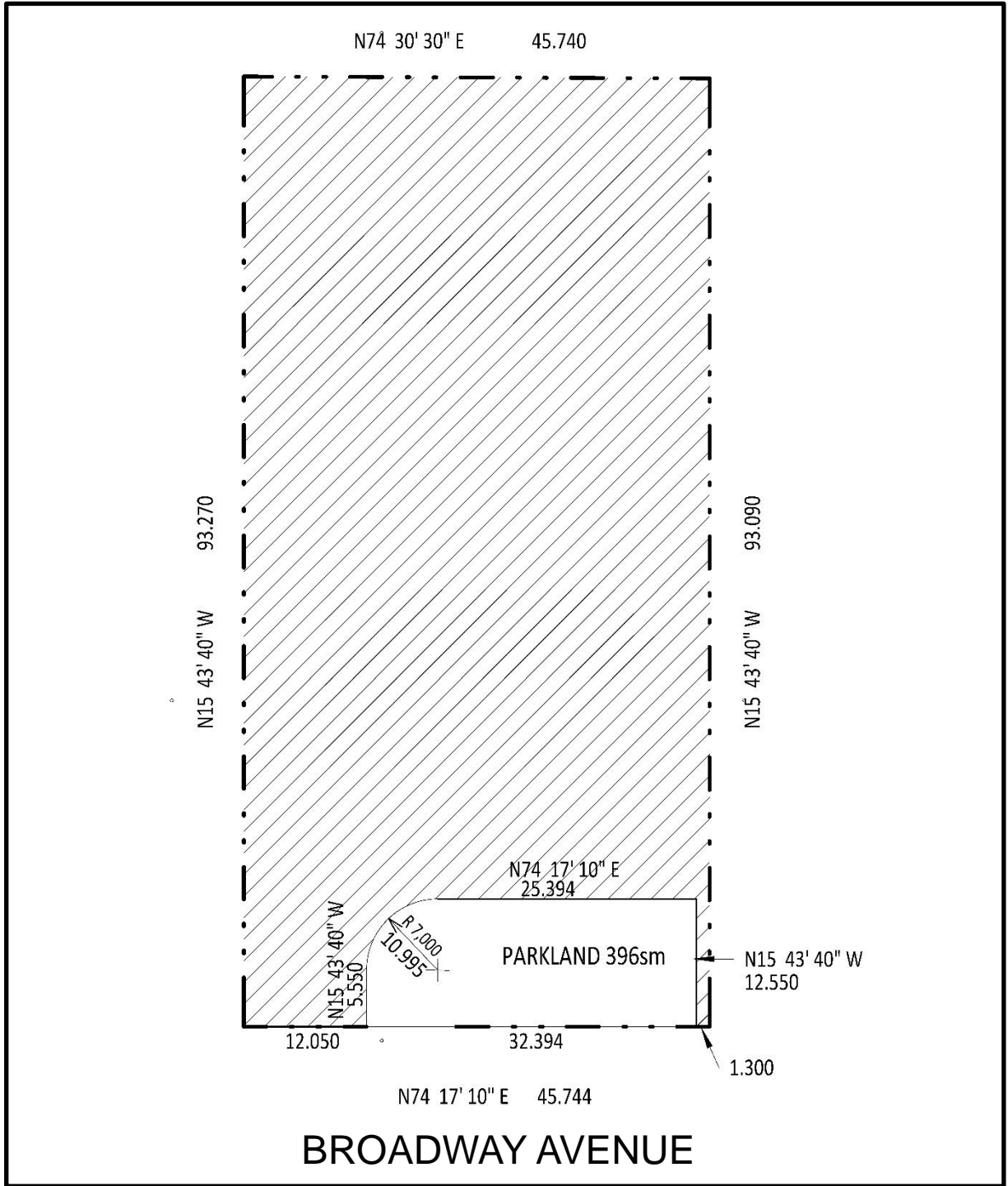
- (a) For residential uses - a minimum of 0.9 *bicycle parking space – occupant per dwelling unit*; and
 - (b) For residential visitors - a minimum of 0.1 *bicycle parking space – visitor per dwelling unit*, which may be provided in a secured room.
 - (c) For non-residential uses – a minimum of 10 *bicycle parking space – visitor*, which may or may not be provided in a secured room.
12. Despite any existing or future 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 occurred.
13. None of the provisions of this By-law apply to prevent a *temporary sales/leasing office* on the *lot*.
14. For the purposes of this By-law, every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended, with the exception of the following:
- (a) "*building envelope*" means a building envelope as delineated by heavy lines on Map 2 attached to this By-law;
 - (b) "*bicycle parking space – occupant*" means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles and:
 - (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.4 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (iii) notwithstanding (i) and (ii) above, where bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below another with the aid of an elevating mechanism, the parking space within the stacker must have a horizontal dimension of at least 0.4 metres by 1.8 metres, and the stacker must be located in an area with a vertical dimension of at least 2.4 metres;
 - (iv) in the case of a bicycle parking rack, is located in a secure room or area; and
 - (v) in the case of a bicycle locker, may contain ancillary storage;
 - (c) "*bicycle parking space – visitor*" means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles and:

- (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.4 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (iii) notwithstanding (i) and (ii) above, where bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below another with the aid of an elevating mechanism, the parking space within the stacker must have a horizontal dimension of at least 0.4 metres by 1.8 metres, and the stacker must be located in an area with a vertical dimension of at least 2.4 metres; and
 - (iv) may be located indoors or outdoors including within a secure room or enclosure;
- (d) "*grade*" means 165.25 metres Canadian Geodetic Datum;
- (e) "*height*" means the vertical distance between *grade* and the highest point of a building or structure, subject to permitted projections;
- (f) "*institutional uses*" also includes *dwelling units* and *dwelling rooms* used as *accessory* uses to a *place of worship*, *place of assembly*, *charitable institution* or *non-profit institution*, offices, meeting rooms, and library;
- (g) "*lot*" means the lands delineated by heavy lines on Map 1 attached to this By-law;
- (h) "*temporary sales/leasing office*" means a building, part of a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot* and/or the leasing of any portion of a *mixed-use building* on the *lot*.

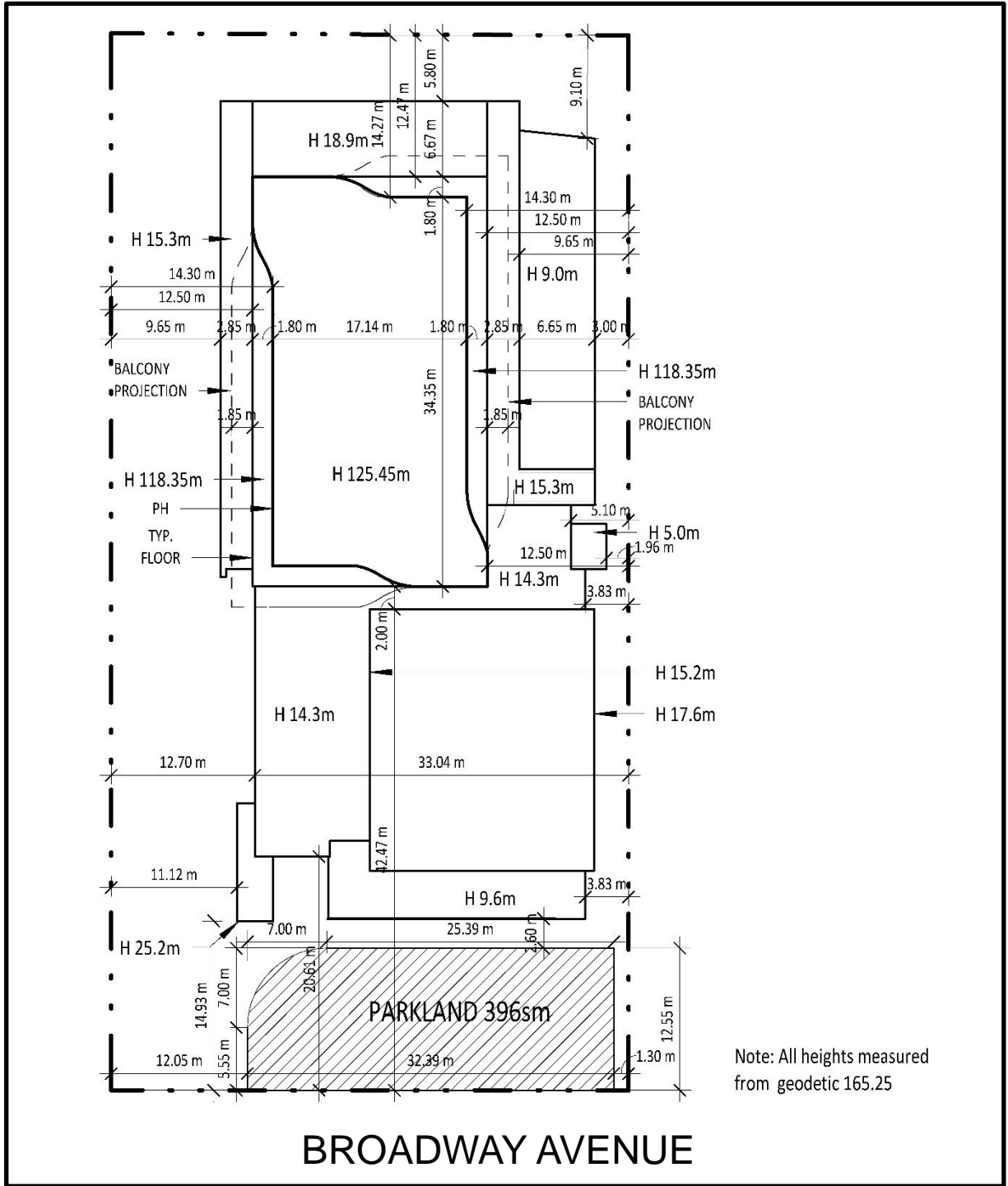
ENACTED AND PASSED this ___day of _____, A.D. 2021.

JOHN TORY
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk



BROADWAY AVENUE



Note: All heights measured from geodetic 165.25

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto
Council on ~, 2021
Enacted by Council: ~, 2021

**CITY OF TORONTO
BY-LAW No. ~-2021**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands
municipally known in the year 2021 as 40-44 Broadway Avenue**

WHEREAS authority is given to Council by 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 HEREBY ENACTS as follows:

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 same meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 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 to R (x____) as shown on Diagram 2 attached to By-law ### __.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Exception Number R (x____) to Article 900.2.10 so that it reads:

Exception R (x____)

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) The **lot** comprises the lands delineated by heavy lines on Diagram 1, attached to By-law ### [NTD: City Clerk to provide By-law #];
- (B) On 40-44 Broadway Avenue, if the requirements of Section (C) to (O) of this exception are complied with, none of the provisions of By-law No. 569-2013 apply to prevent the erection or use of a **building** or **structure** on the **lot**;
- (C) In addition to the uses permitted by regulation 10.10.20, a **place of worship, non-profit organization, place of assembly, religious education use, religious organization, religious residence**, and **temporary sales office** are permitted;

- (D) Despite regulations 10.5.60.50(2) and 10.10.40.40.(1), the amount of residential **gross floor area** erected or used on the **lot** shall be as follows:
- i. The total **gross floor area** shall not exceed 32,000 square metres, of which a minimum of 2,400 square metres of **gross floor area** is for a **place of worship** which will be accessible from grade;
- (E) Despite regulations 10.5.40.10, and 10.10.40.10, the **height** of a **building** erected on the **lot** must not exceed the maximum height in metres permitted as indicated by the numbers following the letter “H” as shown on Diagram 2 of By-law ### [NTD: **City Clerk to provide By-law #**];
- (F) Despite regulations 5.10.40.70, 10.5.40.60, and 10.10.40.70, no part of a **building** or **structure** erected or used above ground is permitted to be located outside the areas delineated by heavy lines as shown on Diagram 2 of By-law ### [NTD: **City Clerk to provide By-law #**];
- (G) Despite (E) and (F) of this Exception, and regulations 10.5.40.10, 10.10.40.10, and 150.50.40.10, the following may exceed the **height** indicated by the numbers following the letter “H” and is permitted to be located outside the areas delineated by heavy lines as shown on Diagram 2 of By-law ### [NTD: **City Clerk to provide By-law #**] to the extent indicated as follows:
- i. Architectural features, arbours, awnings, balconies, balustrades, bay windows, bicycle racks, bollards, canopies, chimneys, cornices, curbs, eaves, elevator enclosures and overruns, fences, finials, green roof, guardrails, landscape and public art features, lighting fixtures, lightning rod, minaret, ornamental or architectural elements, patios, parapets, pipes, planters, platforms, railings, retaining walls, screens, stacks, stairs, stair enclosures, stair landings, steeple, supportive columns, terraces, terrace guards, trellises, underground garage ramps and their associated structures, vents, walkways, wheel chair ramps, wind protection, window sills, and window washing equipment;
 - ii. Enclosures housing mechanical elements and ducts, elevators, vent stacks, elevator enclosures and associated structures; and
 - iii. The erection or use of structures on any roof used for maintenance, safety, outside or open air recreation, including outdoor **amenity space**, wind or green roof purposes;
- (H) Despite regulation 800.50(820), for the purposes of this By-law, a mezzanine level will not be considered a separate **storey**;
- (I) Despite regulation 200.5.10.1(1) **parking spaces** shall be provided and maintained on the **lot** as follows:

- i. A minimum of 0.20 **parking spaces per dwelling units**;
- ii. A minimum of 5 **parking spaces** for a **place of worship**; and
- iii. A minimum of 55 **parking spaces** for residential visitors to be shared with the **place of worship**
- iv. A minimum of 3 parking spaces for residential visitors

(J) Required “long-term” **bicycle parking spaces** may be provided in stacked **bicycle parking spaces** and may be located in a storage room and/or a below-grade parking garage in a **building** on the **lot**;

(K) Despite regulation 220.5.10.1, a minimum of 1 Type “G” **loading space** must be provided and maintained on the **lot** for the residential portion of the **building** and the **place of worship**;

(L) For the purposes of this By-law, the words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions, save and except for:

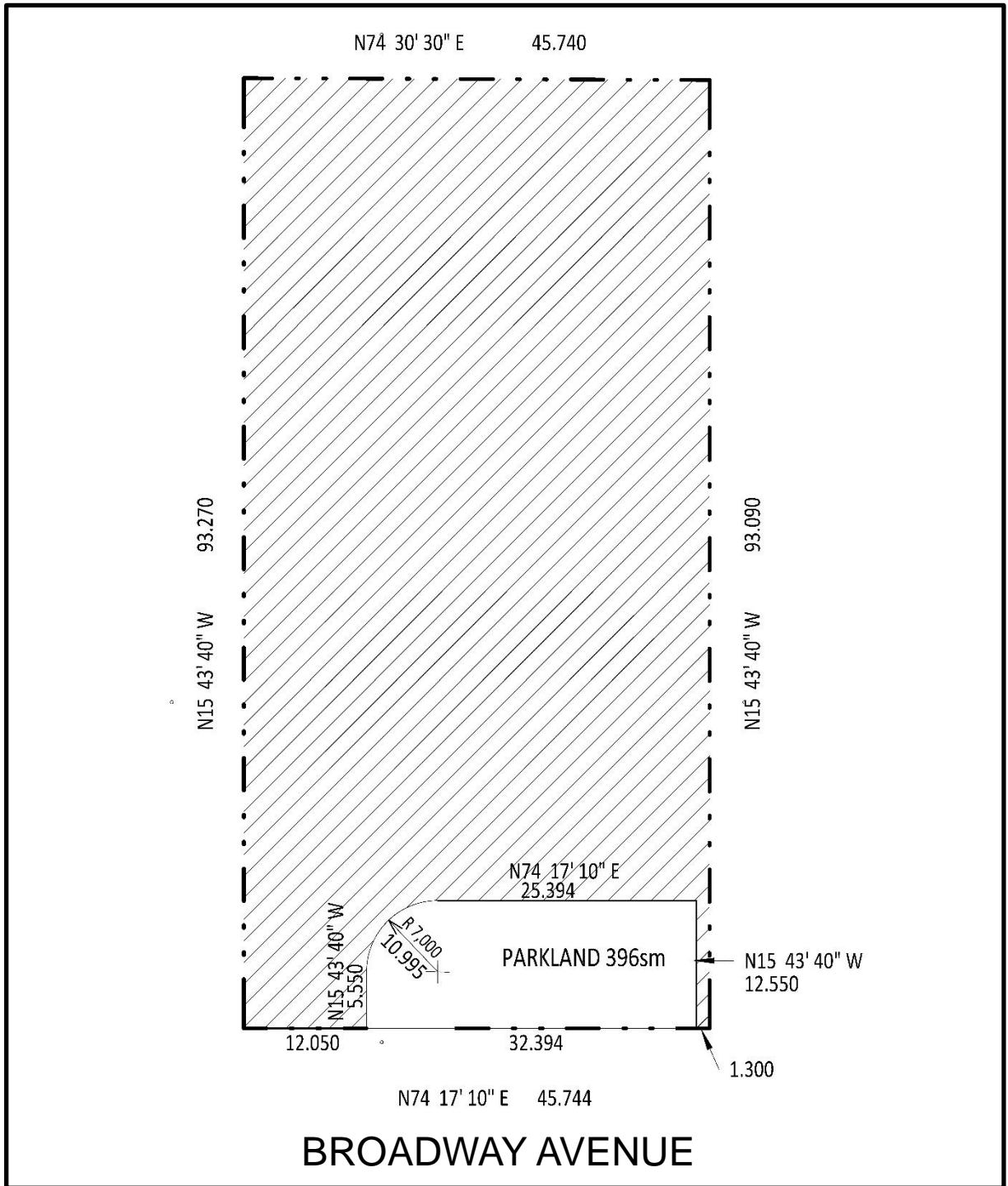
- i. “**established grade**” means an elevation of 165.25 metres Canadian Geodetic Datum;
- ii. “**height**” means the vertical distance between established grade and the highest point of the **building** or **structure**;
- iii. “**temporary sales office**” means a **building, structure**, facility or trailer to be erected on the lands and used for the purpose of the sale of **dwelling units** and/or the administration and management of construction activity related to construction on the lands;

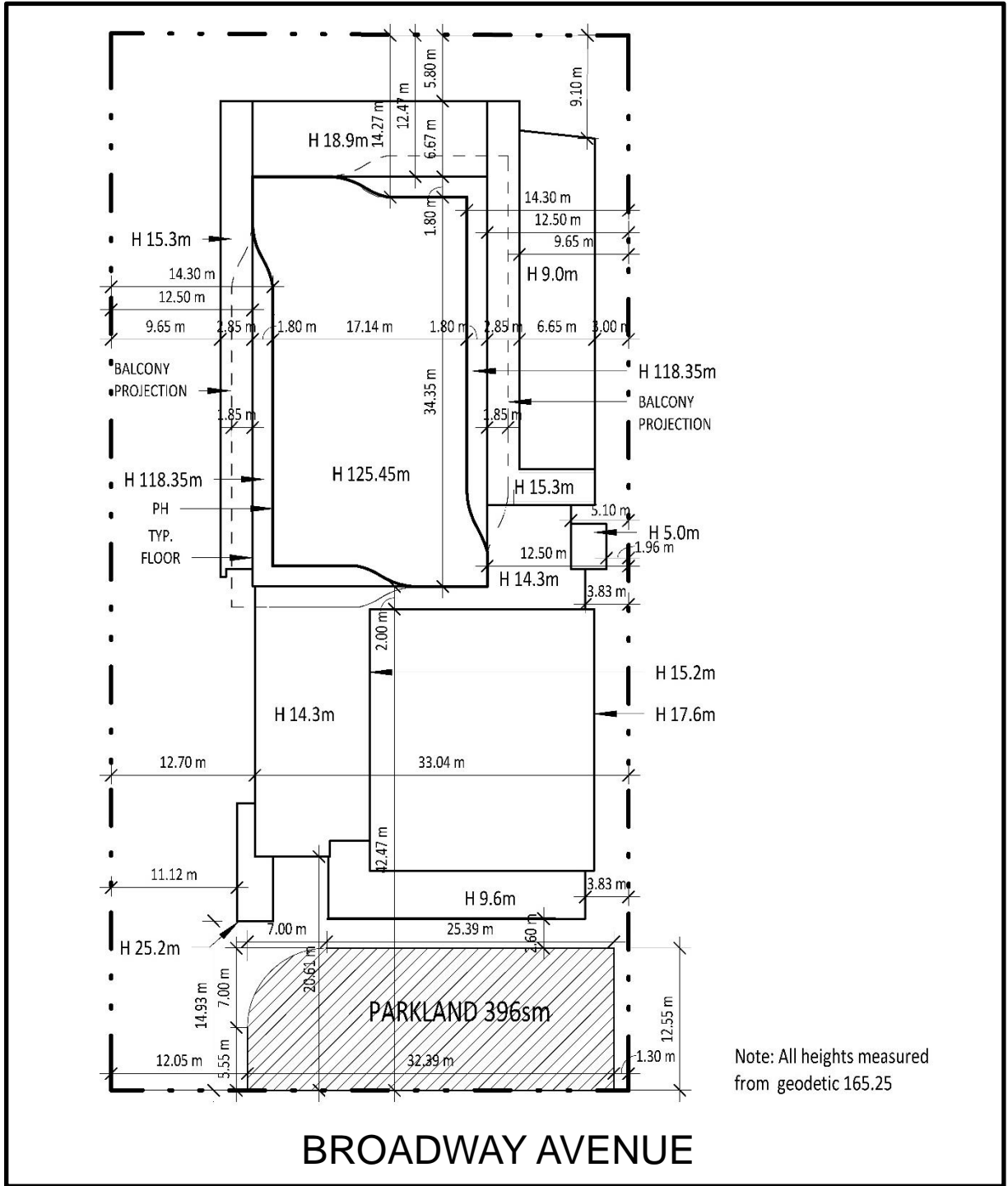
(M) Despite any existing or future consent, severance, partition or division of the **lot**, the provisions of By-law ### [NTD: City Clerk to provide By-law #] shall apply to the lands, as identified on Diagram 1, as if no consent, severance, partition or division occurred.

ENACTED AND PASSED this __day of _____, A.D. 2021.

JOHN TORY
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk





Note: All heights measured from geodetic 165.25