

Attachment 5: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXXX-2022

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 2128 Yonge Street.

Whereas Council of the City of Toronto has the authority to 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 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 on Diagram 1 to CR 3.0 (c2.0; r2.5) SS2 (x450), as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 450 so that it reads:

(450) Exception CR 450

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 2128 Yonge Street, a **mixed use building** may be constructed, used or enlarged in compliance with Sections (B) to (P) below;

(B) Despite regulations 40.5.1.10(3)(A) and 40.10.40.40(1), the permitted maximum **gross floor area** of the **mixed use building** is 5,800 square metres, of which:

(i) a maximum of 5,550 square metres of **gross floor area** may be used for residential uses; and

(ii) a maximum of 250 square metres of **gross floor area** may be used for non-residential uses;

(C) The provision of **dwelling units** is subject to the following:

(i) a minimum of 20 percent of the total number of **dwelling units** must have two or more bedrooms;

(ii) a minimum of 15 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 shall be rounded down to the nearest whole number;

(D) Despite regulation 40.10.40.1(1), residential **amenity space** may be located on the same **storey** as non-residential use portions of the **building**;

(E) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 155.05 metres and the highest point of the **building** or **structure**;

(F) Despite regulations 40.5.40.10(4) and (5), and 40.10.40.10(2), the permitted maximum height of any **building** or **structure**, including any mechanical penthouse containing equipment and **structures** used for the functional operation of the **building**, is the height in metres specified by the number following the HT symbol as shown on Diagram 3 of By-law [Clerks to supply by-law ##];

(G) Despite regulations 40.5.40.10(3) to (8) and (F) above, the following elements of a **building** may project above the permitted maximum height in Diagram 3 of By-law [Clerks to supply by-law ##]:

(i) lightning rods, window washing equipment, satellite dishes, mechanical screens, landscape and ornamental features, trellises, cabanas, light fixtures, antennae, flagpoles, associated mechanical equipment overrun, elevator/stair overrun and garbage chute overruns may project above the height limits by no more than 4.0 metres;

(ii) wind mitigation, vents, roof access, solar panels, mechanical exhausts, flues, fans, and chimneys on the rooftop may project above the height limits by no more than 2.0 metres;

(iii) terrace and balcony dividers/privacy screens may project above the height limits by no more than 2.5 metres; and

(iv) guardrails, railings, masonry pilasters, wheelchair ramps, roofing assembly and drainage, elements of green roof, parapets, cornices, balustrades and bollards may project above the height limits by no more than 1.5 metres;

(H) Despite regulations 40.5.40.70 and 40.10.40.70(2), the required minimum **building setbacks** for a **building** or **structure** are shown on Diagram 3 of By-law [Clerks to supply by-law ##];

(I) Despite regulations 40.10.40.60(1) to (9) and regulation (H) above, the following may encroach into the required minimum **building setbacks** on Diagram 3 of By-law [Clerks to supply by-law ##]:

(i) pilasters, vertical and horizontal architectural banding, including **building**-related materials interior to the banding, may encroach into a **building setback** to a maximum of 0.2 metres;

(ii) balconies at and above the 3rd **storey** with a maximum width of 2.4 metres may encroach into a **building setback** by a maximum of 1.5 metres;

(iii) canopies, window washing equipment, satellite dishes, cornices, eaves, window sills, light fixtures/features, railings, and antennae may encroach into a **building setback** by a maximum of 0.6 metres;

(iv) trellises, guardrails, balustrades, awnings, and vents may encroach into a **building setback** by a maximum of 1.5 metres; and

(v) screens, and landscape and ornamental elements may encroach into a **building setback** by a maximum of 3 metres;

(J) Despite clause 200.5.10.1 and Table 200.5.10.1, **parking spaces** must be provided and maintained in accordance with the following:

(i) a minimum of 0.24 **parking spaces** per **dwelling unit** must be provided for the use of residents of the **mixed use building**; and

(ii) no **parking spaces** are required for the use of residential visitors and non-residential uses in the **mixed use building**;

(K) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 4 of the total **parking spaces** may be obstructed on one or two sides in accordance with 200.5.1.10(2)(D) without a requirement to increase the minimum width by 0.3 metres;

(L) Despite regulations 200.5.1.10(12) and (13), where **vehicle** access to the parking area is via a parking elevator, the requirements for **driveway** access to a street or **lane** do not apply;

(M) Despite regulations 200.15.1(1) to (4) and By-law 579-2017, accessible **parking spaces** must be provided and maintained in accordance with the following:

(i) an accessible **parking space** must have the following minimum dimensions:

(a) length of 5.6 metres;

(b) width of 3.4 metres; and

(c) vertical clearance of 2.1 metres;

(ii) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path as shown on Diagram 1 and Diagram 2 of By-law 579-2017;

(iii) accessible **parking spaces** must be located within 16 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the first **storey** of the **building**;

(N) Despite regulation 230.5.1.10(9), a required "long-term" **bicycle parking space** for a **dwelling unit** in a **mixed-use building** may be located:

(i) on the first **storey** of the **building**;

(ii) on the second **storey** of the **building**;

(iii) on levels of the **building** below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50% of the area of that level is occupied by **bicycle parking spaces**, until all required **bicycle parking spaces** have been provided;

(O) Despite regulation 230.5.1.10(4), a **bicycle parking space** must comply with the following:

(i) if a **bicycle parking space** is provided on bicycle ring, the minimum required width of each **bicycle parking space** is 0.4 metres; and

(ii) if a **stacked bicycle parking space** is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.4 metres; and

(P) Despite regulation 230.40.1.20(2), a short-term **bicycle parking space** may be located no more than 40 metres from a pedestrian entrance to the **building** on the **lot**;

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

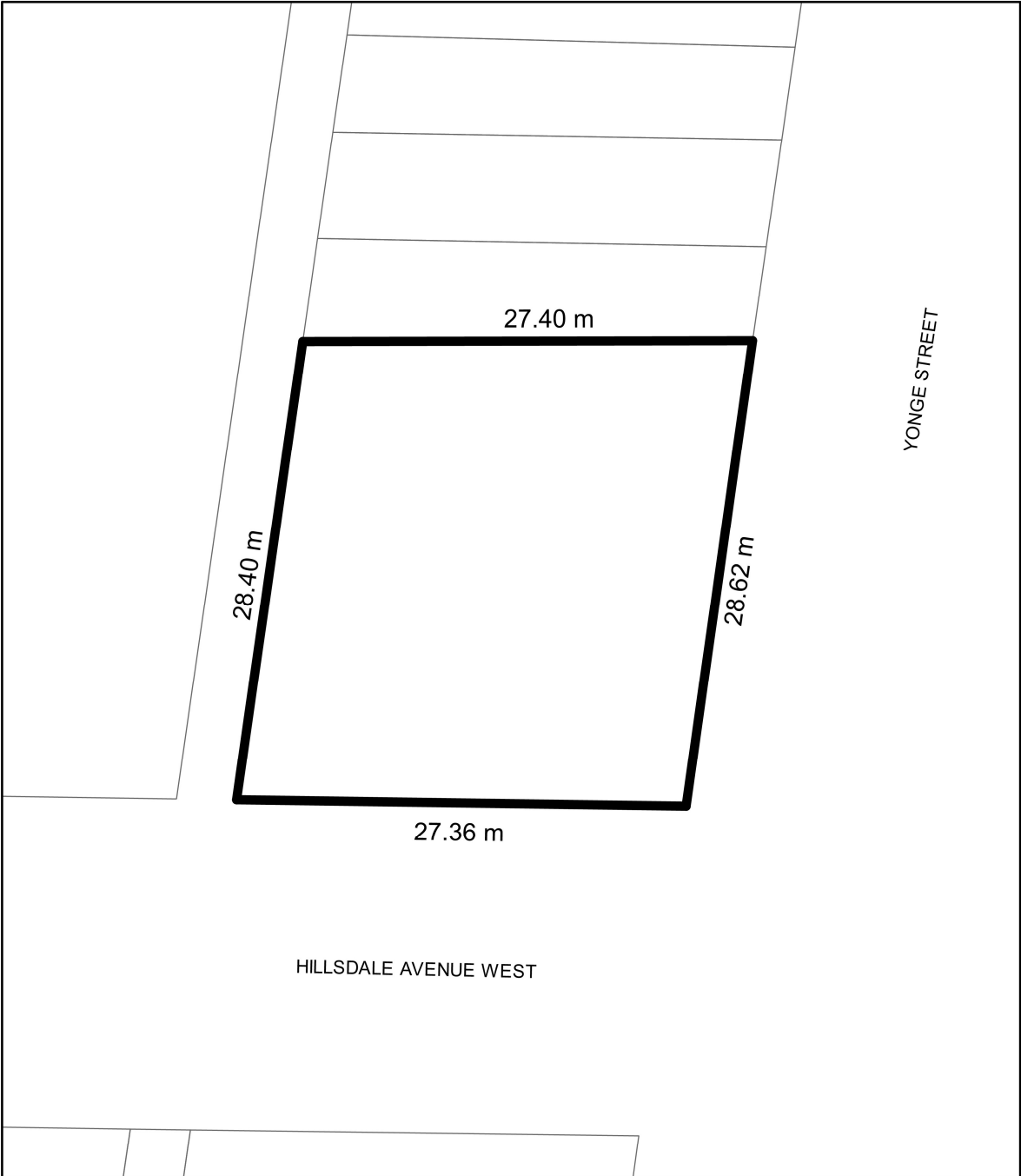
5. Despite regulation 40.10.40.10(4), the minimum height of a temporary sales office for the purposes of marketing, rental, and sale of the **dwelling units** and non-residential uses on the lands is 3 metres and 1 **storey**.

6. Despite any severance, partition or division of lands, the provisions of this By-law apply to the whole of the lands as if no severance, partition or division occurred.

Enacted and passed on ###, 2022.

Frances Nunziata, John D. Elvidge,
Speaker City Clerk

(Seal of the City)



 **TORONTO**
Diagram 1

2128 Yonge Street

File # 17 274171 STE 22 OZ



City of Toronto By-law 569-2013
Not to Scale
01/28/2022



