

Authority: Toronto and East York Community Council Item [-], as adopted by City of Toronto Council on [-]

CITY OF TORONTO

Bill No. BY-LAW NO. XXXX-2023

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 64 Prince Arthur 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 Council removes the holding symbol “(H)” 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 and forming part of 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 No. 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 the heavy lines from a zone label of R (d2.0) (x110) to (H) R (d2.0) (x110), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending and replacing Article 900.2.10 Exception Number 110 so that it reads:

(110) **Exception R 110**

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 64 Prince Arthur Avenue, if the requirements of By-law XXXX-2023 [Clerks to supply by-law #] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with regulations (B) to (P) below;
- (B) For the purpose of this exception, the **lot** comprises the lands outlined by heavy lines on Diagram 1 of By-law XXXX-2023 [Clerks to provide by-law #];
- (C) Despite Regulation 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 116.00 metres and the elevation of the highest point of the **building** or **structure**;
- (D) In addition to the uses permitted in Regulation 10.10.20.20(1), the following uses are permitted in an **apartment building** if they comply with the requirements of (E) below:
- (i) **Art Gallery**
 - (ii) **Community Centre**
 - (iii) **Eating Establishment**
 - (iv) **Education Use**
 - (v) **Financial Institution**
 - (vi) **Library**
 - (vii) **Medical Office**
 - (viii) **Office**
 - (ix) **Performing Arts Studio**
 - (x) **Personal Service Shop**
 - (xi) **Pet Services**
 - (xii) **Retail Service**
 - (xiii) **Retail Store**
 - (xiv) **Take-out Eating Establishment**
- (E) A use permitted above in (D) must comply with the following:
- (i) may not be located above the first **storey** of an **apartment building**;
 - (ii) may be accessed from the **street** or from within the **apartment building**; and
 - (iii) must comply with non-residential **gross floor area** requirements outlined in Section (I) of By-law XXX-2023 [Clerks to supply By-law #];
- (F) The provision of **dwelling units** is subject to the following:
- (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) an additional minimum of 15 percent of the total number of **dwelling units** will be any combination of two bedroom and three bedroom **dwelling units**, or **dwelling units** that can be converted into any combination of two and three bedroom **dwelling units**;

- (iv) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the calculation of the required **dwelling units** with two or more bedrooms or convertible **dwelling units** in accordance with (i) or (iii) above;
 - (v) any **dwelling units** with two bedrooms provided to satisfy (i) above are not included in the calculation of the required convertible **dwelling units** in accordance with (iii) above;
 - (vi) convertible **dwelling units**, as described in (iii) above, may be converted using accessible or adaptable design measures such as knock-out panels; and
 - (vii) if the calculation of the number of required **dwelling units** in accordance with (i), (ii), and (iii) above, results in a number with a fraction, the number shall be rounded down to the nearest whole number;
- (G) Despite Regulation 10.10.40.10(1), the permitted maximum **height** of any **building** or **structure** on the **lot** is the numerical value, in metres, following the symbol "HT" as shown on Diagram 3 of By-law XXXX-2023 [Clerks to supply by-law #];
- (H) Despite Regulation 10.5.40.10(3) and (G) above, the following equipment and **structures** may project above the permitted maximum **building** height limits as shown on Diagram 3 of By-law XXXX-2023 [Clerks to supply by-law #] as follows:
- (i) Parapets, awnings, guard rails, railing and dividers, **structures** for outdoor **amenity space** or open air recreation, balustrades, eaves, screens, roof drainage, window sills, chimneys, vents, terraces, lightning rods, light fixtures, architectural features and screens, elements of a **green roof** and insulation and roof surface materials, planters, **structures** used for safety or wind protection purposes, which may project to a maximum height of 3.0 metres;
 - (ii) Heating, cooling and ventilating equipment and **structures**, and indoor washrooms which may project to a maximum height of 5.0 metres;
 - (iii) Elevator overrun, which may project to a maximum height of 6.3 metres; and
 - (iv) Window washing equipment, which may project to a maximum height of 3.0 metres; and
- (I) Despite Regulation 10.5.40.40(4), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 7,000 square metres, of which:
- (i) the permitted maximum **gross floor area** for non-residential uses is 150 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 30 square metres;

- (J) For the purpose of this exception, in addition to the definition provided in Regulation 800.50(15), "**amenity space**" includes pet friendly amenities, and wash and repair stations for bicycles and strollers;
- (K) In addition to the areas in a **building** identified in Regulation 10.5.40.40(4), the **gross floor area** of an **apartment building** is reduced by washrooms not located in a **dwelling unit**;
- (L) Despite Regulations 10.10.40.50(1)(A) and (B), an **apartment building** with 20 or more **dwelling units** must provide **amenity space** at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:
- (i) there is no minimum rate for indoor **amenity space** per **dwelling unit**; and
 - (ii) no outdoor **amenity space** is required to be in a location adjoining or directly accessible to the indoor **amenity space**;
- (M) Despite Clause 10.5.40.70, and Article 600.10.10, and Regulations 10.10.40.70(1) and 10.10.40.70(3), the required minimum **building setbacks** and the required minimum separation distances between **main walls** of **buildings** or **structures** above finished ground are as shown in metres on Diagrams 3 and 4 of By-law [Clerks to supply by-law #];
- (N) Despite Clause 10.5.40.60, and (M) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) balconies and related **structures** and elements such as balcony dividers, guardrails, railings and soffit cladding may encroach to a maximum of 1.8 metres within the areas identified as "Balcony Zones" on Diagram 5 of By-law [Clerks to supply by-law #];
- (O) Despite (M) and (N) above, no part of a **building** may be located between the Canadian Geodetic Elevation of 116.0 and 120.60 metres in the shaded area on Diagram 4 of By-law [Clerks to supply by-law #] except for pillars, decorative elements, architectural features or associated cladding;
- (P) Despite Regulations 200.5.10(1) and 200.15.10.10(1) and (2), and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) the required minimum number of residential visitor **parking spaces** is 2;
 - (ii) the required minimum number of accessible **parking spaces** is 0; and
 - (iii) the maximum permitted number of residential occupant **parking spaces** for a **dwelling unit** in an **Apartment Building** is:
 - A. 0.3 for each bachelor **dwelling unit** up to 45 square metres and 1.0 for each bachelor **dwelling unit** greater than 45 square metres;
 - B. 0.5 for each one bedroom **dwelling unit**;

- C. 0.8 for each two bedroom **dwelling unit**; and
- D. 1.0 for each three bedroom **dwelling unit**;

Prevailing By-laws and Sections: (None Apply)

5. Despite any existing or future severance, partition or division of the lands as shown in Diagram 1 of By-law XXX-2023 [Clerks to supply by-law #], the provisions of this Exception and By-law 569-2013, as amended, shall apply to the whole lands as one **lot**, as if no consent, severance, partition or division occurred.
6. Temporary Uses:
 - (A) None of the provisions of Zoning By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of a temporary sales office on the **lot** at a maximum **height** of 9 metres, or within the existing **building** on the lands to which this By-law applies, which means a **building, structure**, facility, trailer or portion thereof used exclusively for the purpose of the initial sale, lease or rental of **dwelling units** as shown on Diagram 3 of By-law XXX-2023 [Clerks to supply by-law #], 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 under the delegated authority of the Chief Planner and Executive Director, City Planning when the following are fulfilled:
 - (i) The Owner has prepared and submitted a revised Functional Servicing & Stormwater Management Report 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; and
 - (ii) 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.

Enacted and passed on [insert date], 2023.

Name,

John D. Elvidge,

Speaker
(Seal of the City)

City Clerk

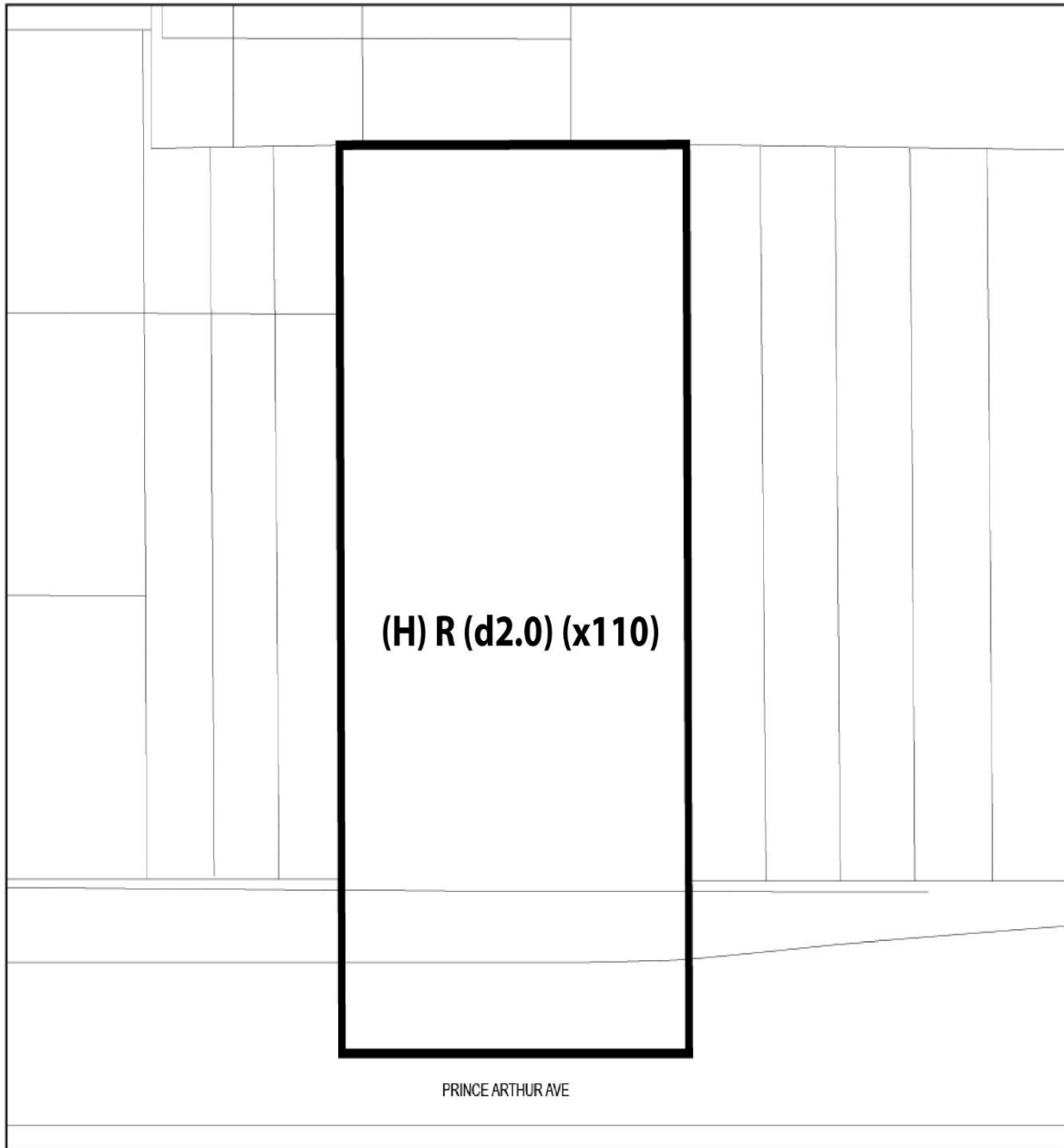


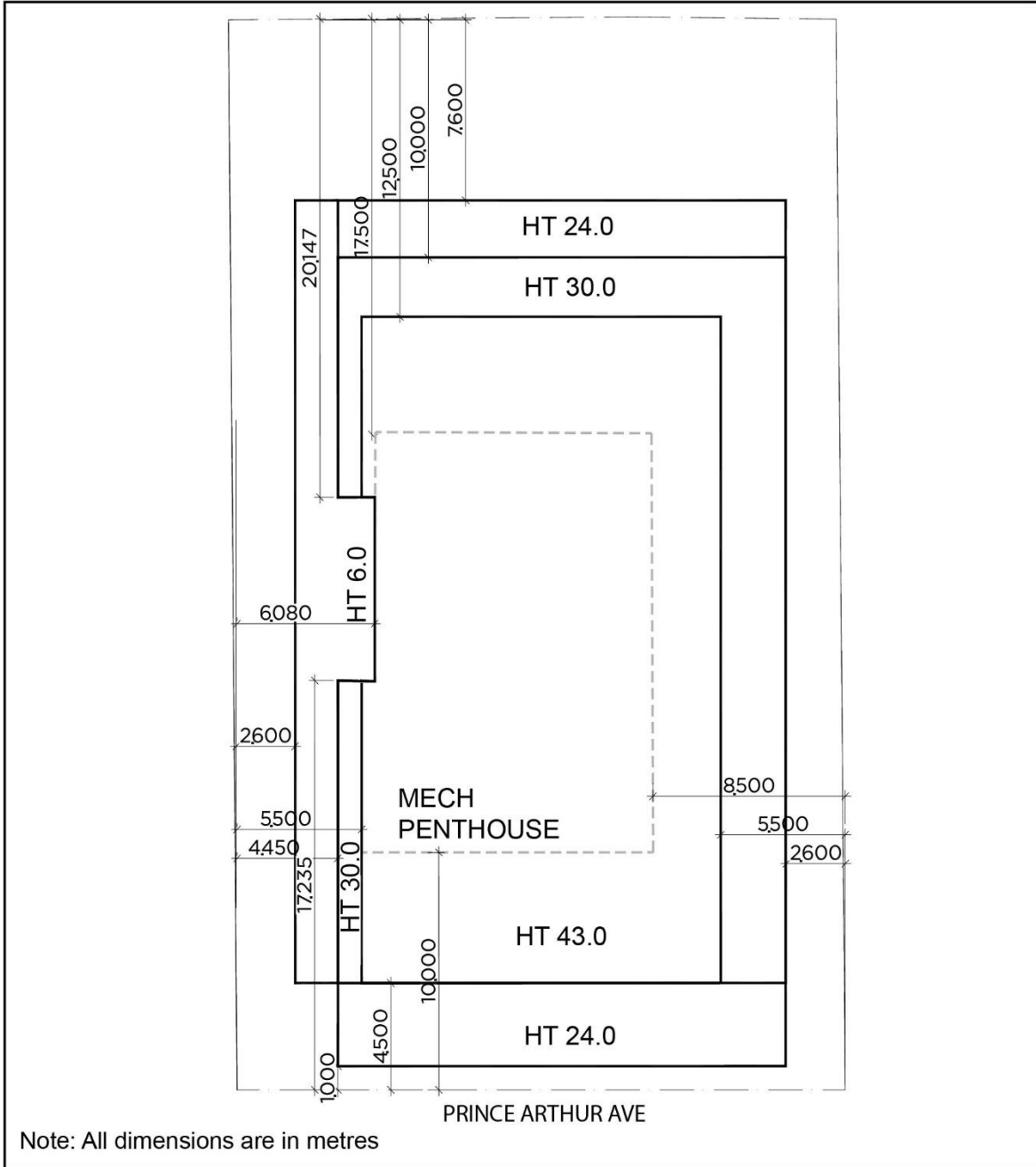
 **TORONTO**
Diagram 1

64 Prince Arthur Avenue

File # 23 175768 STE 11 OZ


City of Toronto By-law 569-2013
Not to Scale
09/26/2023





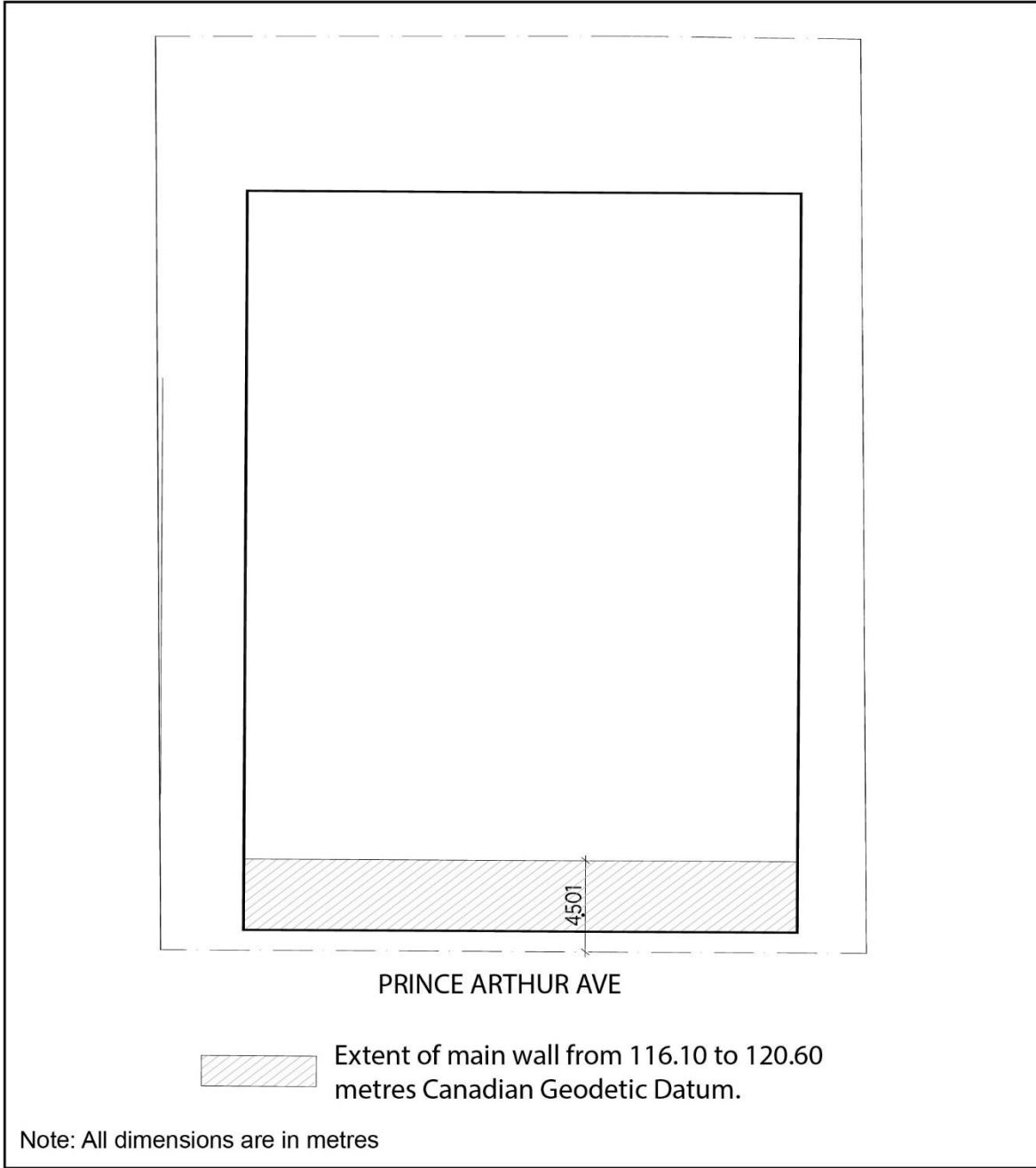



Diagram 4

64 Prince Arthur Avenue

File # 23 175768 STE 11 OZ


City of Toronto By-law 569-2013
Not to Scale
10/16/2023

