

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

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 171, 173 and 175 Lowther 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 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 990.10 respecting the lands outlined by heavy black lines from a zone label of R (d1.0) (x900) to a zone label of (H) R (d1.0) (XXXX) 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.[-].[-] Exception Number [-] so that it reads:

(assigned exception number) Exception xXXX

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 171, 173 and 175 Lowther Avenue if the requirements of By-law [Clerks to insert By-law number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (R) below;
- (B) Despite regulations 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 115.19 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite regulation 10.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law [Clerks to insert By-law number];
- (D) Despite Regulations 10.5.40.70 and 10.10.40.70, the permitted minimum **building setbacks** are shown on Diagram 3 of By-law [Clerks to insert By-law number];
- (E) Despite regulations 10.5.40.10 (2) and (3), and 10.10.40.10 (8), (9) and (10) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law [Clerks to insert By-law number]:
 - (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, generators elevator shafts, elevator overruns, stairwell overruns, chimneys, and vents, by a maximum of 6.0 metres;
 - (ii) Access ladders and associated railings may project an additional 1.2 metres above the projections listed in (i) above;
 - (iii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, including a mechanical penthouse, by a maximum of 6.0 metres;

- (iv) architectural features, parapets, and elements and **structures** associated with a **roof, green roof**, terrace, balcony, by a maximum of 1.8 metres;
 - (v) **building** maintenance units and window washing equipment, by a maximum of 3.0 metres;
 - (vi) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.0 metres;
 - (vii) antennae, flagpoles and satellite dishes, or similar structures by a maximum of 1.5 metres;
 - (viii) structures on the roof of any part of the building used for outside or open air recreation, trellises, pergolas, acoustical barriers, wind mitigation features, landscape elements and features, and fencing by a maximum of 3.0 metres;
 - (ix) **Architectural fins** permitted by Clause (K)(xii) and Diagram 5 of this By-law by a maximum of 4.1 metres;
- (F) Despite Regulation 10.5.40.10(4)(A), equipment, **structures** or parts of a **building** that exceed the permitted maximum height for a **building**, must comply with the following:
- (i) their total area may cover no more than 50% of the area of the roof, measured horizontally;
- (G) Regulation 10.5.40.10(4)(B) regarding horizontal dimensions of structures that exceed the maximum permitted building height does not apply to any **building** or **structure**;
- (H) Regulation 10.10.40.30 regarding **building depth** does not apply to any **building** or **structure**;
- (I) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 6,300 square metres;
- (J) The provision of dwelling units is subject to the following, not including rental replacement units:
- (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) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
 - (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.
- (K) Despite Clause 10.5.40.60, and (G) and (F) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) terraces on rooftop elements are permitted up to the extent of the **roof** for which they are covering;
 - (ii) canopies and awnings, by a maximum of 3.0 metres up to a maximum of 15% of the length of the **lot line** which they are parallel to;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 2.5 metres;
 - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.15 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.5 metres;
 - (vi) window projections, including bay windows and box windows, by a maximum of 1.5 metres;
 - (vii) window projections, dormers, eaves or other similar architectural features associated with the property municipally known as 171 Lowther Avenue which existed prior to enactment of this by-law are permitted;
 - (viii) eaves, by a maximum of 0.5 metres;
 - (ix) dormers, by a maximum of 1.5 metres; and
 - (x) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres;
 - (xi) balconies are permitted:
 - (a) by a maximum of 1.6 metres on the first, second and third

storeys of a building

- (b) Above the third **storey**, where shown within a permitted Balcony Zone on Diagram 4, up to the extent(s) shown on Diagram 4 which represent maximum dimensions where dimensions are shown within each Balcony Zone;
- (xii) **Architectural fins** are permitted where shown on Diagram 5
 - (a) For the purposes of this By-law, “**architectural fins**” shall mean those architectural and structural features shown on **Diagram 5 – architectural/ structural fin detail** of By-law [Clerks to insert By-law number].
 - (b) For the purposes of this By-law, any amount of “**architectural fins**” are permitted to be lesser than the maximum permitted dimensions shown on **Diagram 5 – architectural/ structural fin detail** of this By-law.
 - (c) For the purposes of this By-law, there is no maximum lateral width of an **architectural fin**;
 - (d) **Architectural fins** are permitted as follows within the Zones shown on Diagram 5 of this By-law:
 - a. A maximum of four (4) within Zone 1;
 - b. A maximum of seven (7) within Zone 2;
 - c. A maximum of four (4) within Zone 3;
 - d. A Maximum of three (3) within Zone 4;
- (L) Despite Regulation 10.5.50.10(4), a lot with an **apartment building** must have:
 - (i) A minimum of 19% of the area of the lot for landscaping; and
 - (ii) A minimum of 43% of the landscaping area required in (i) above must be soft landscaping;
- (M) Despite Regulation 10.5.50.10(5), no **soft landscape** strip is required along any part of a lot line;
- (N) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:

- (i) a minimum of zero (0) residential occupant **parking spaces** for each **dwelling unit**, but not exceeding a maximum of 0.6 **parking spaces** for each **dwelling unit** despite the permitted maximum in Table 200.5.10.1 for **dwelling units** in an **apartment building** in Parking Zone A
- (ii) a minimum of 0.04 residential visitor **parking spaces** for each **dwelling unit**; and
- (O) Despite Regulation 200.5.1.10(2)(A), up to 10% of the **parking spaces** required by By-law [Clerks to insert By-law number] may be reduced to a minimum length of 5.4 metres and minimum width of 2.4 metres for the purpose of compact motor vehicle parking;
- (P) For the purposes of this By-law, a **compact motor vehicle parking space** shall mean any **parking space** having a minimum length and width of Regulation (O) above.
- (Q) Regulation 200.5.1.10(2)(D) regarding obstructions to the side of a **parking space** does not apply to **compact motor vehicle parking spaces** permitted by this By-law;
- (R) Despite Regulation 200.5.1.10(13), **parking spaces** may be accessed from a parking elevator and the parking elevator must have access provided from either a **street, private driveway, drive aisle, or drive** at the ground floor;

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

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

Temporary Use(s):

6. None of the provisions of Zoning By-law 569-2013, as amended, or this By-law, apply to prevent the use of an existing **building or structure** on the **lot** for the purposes of a temporary sales office, the erection and use of a temporary sales office within an existing building or structure on the lot, or the erection of a sales office within an accessory structure or trailer, 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.

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 when the following are fulfilled:

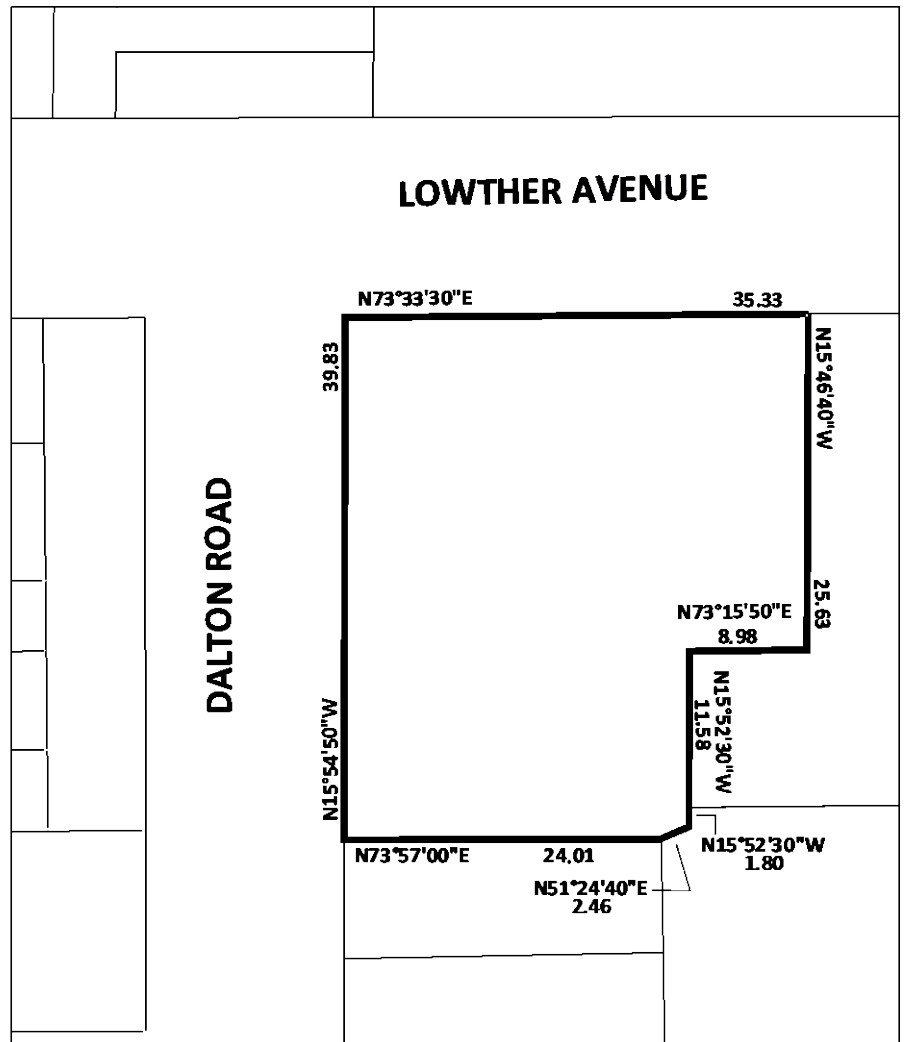
- (i) The owner shall prepare and submit a revised Hydrogeological Summary Form and a Hydrogeological Review, including the Foundation Drainage Report or addendums to the Chief Engineer and Executive Director, Engineering & Construction Services, for review and acceptance;
- (ii) The owner shall prepare and submit revised a Functional Servicing Report, Stormwater Management Report, Servicing Report and Groundwater Summary Form 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;
- (iii) 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;
- (iv) The owner has provided a detailed Conservation Plan, prepared by a qualified heritage consultant for 171 Lowther Avenue to the satisfaction of the Senior Manager, Heritage Planning; and
- (v) The owner has entered into and registered on title to the lands a Heritage Easement Agreement for 171 Lowther Avenue pursuant to Section 37 of the Ontario Heritage Act acceptable and satisfactory to the Chief Planner and Executive Director, City Planning, Senior Manager, Heritage Planning and the City Solicitor.

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

(Seal of the City)

[full name],
City Clerk

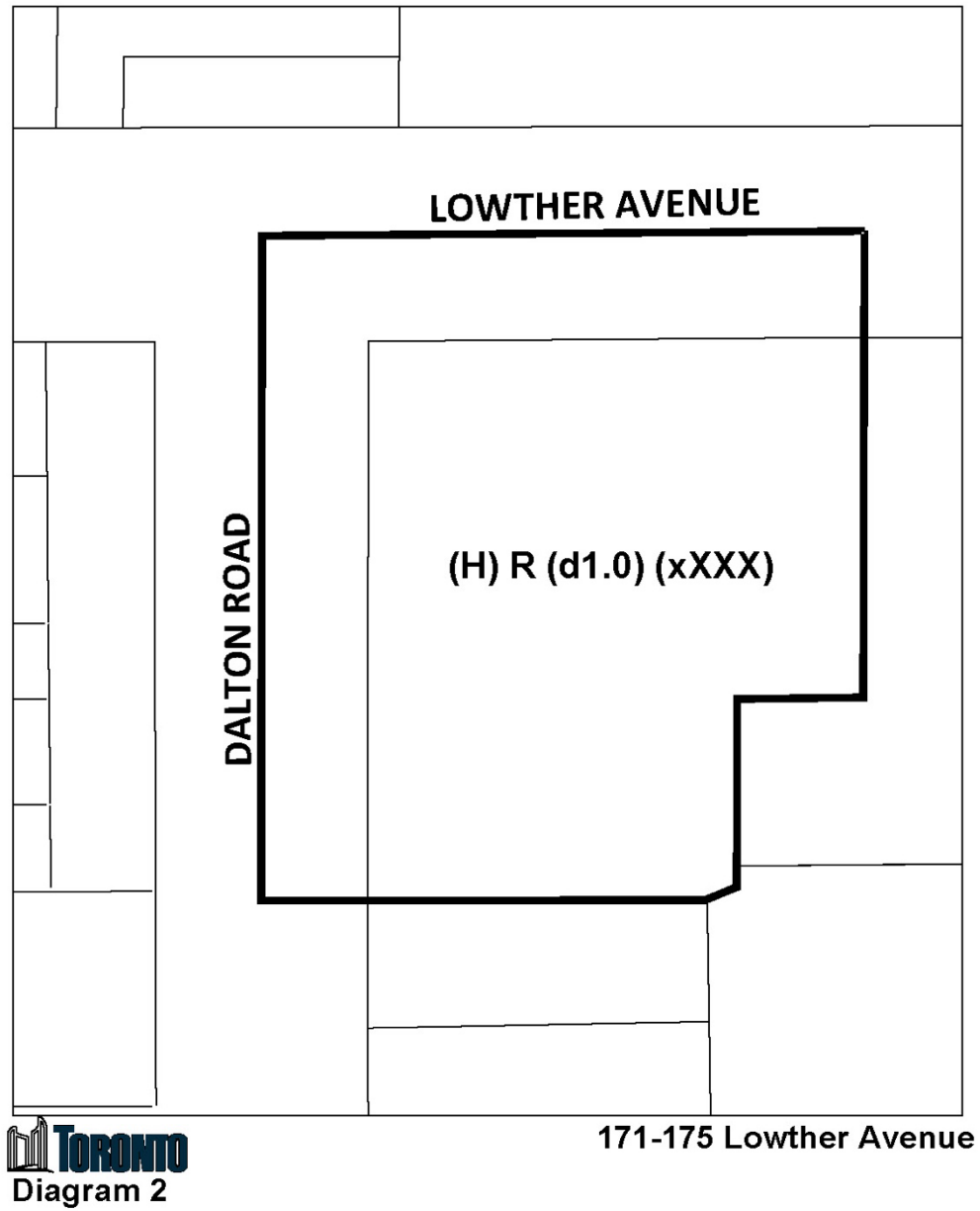



Toronto
Diagram 1

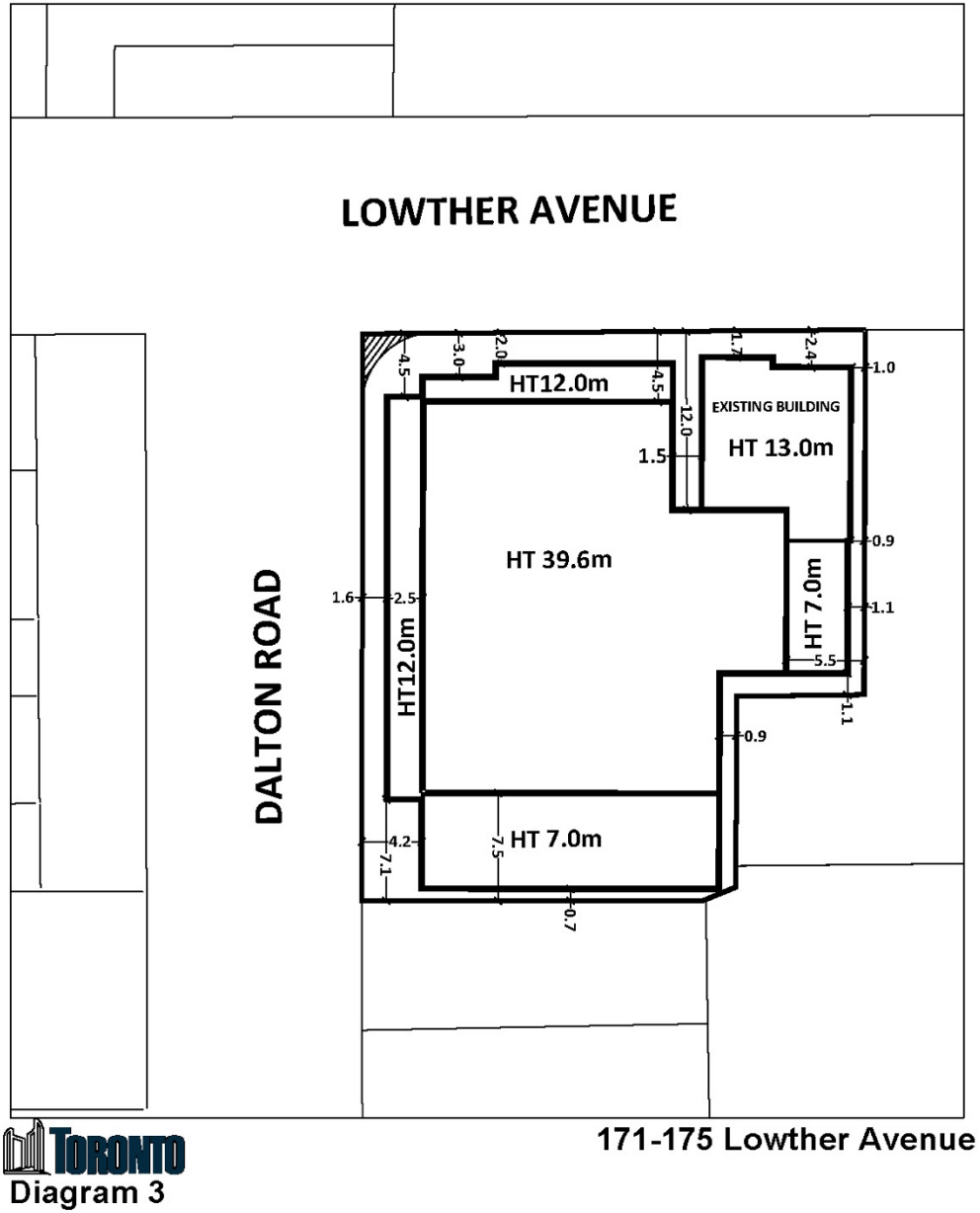
171-175 Lowther Avenue

 Area affected by this by-law

City of Toronto By-law 569 2013
Not to Scale

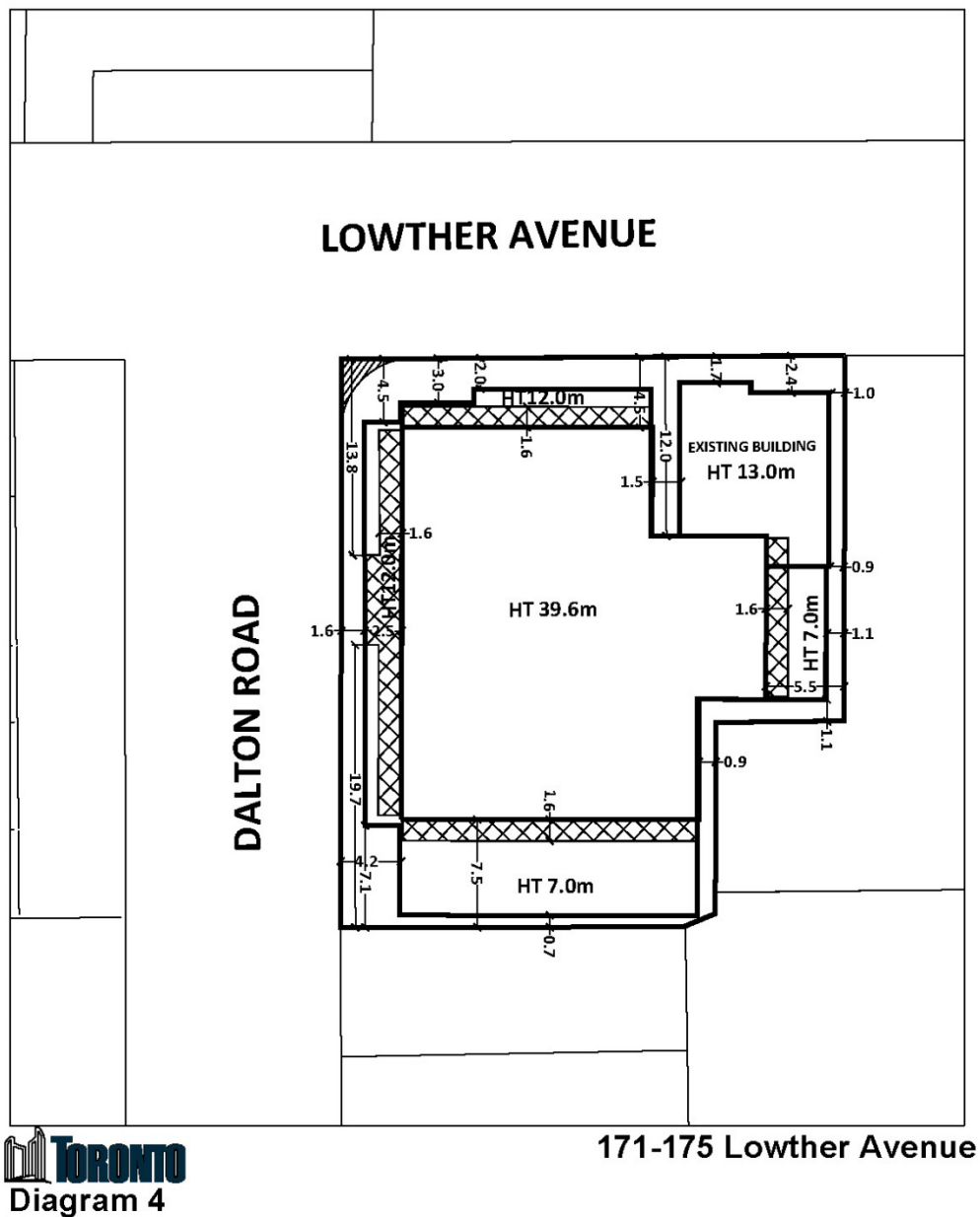





 Area affected by this by-law



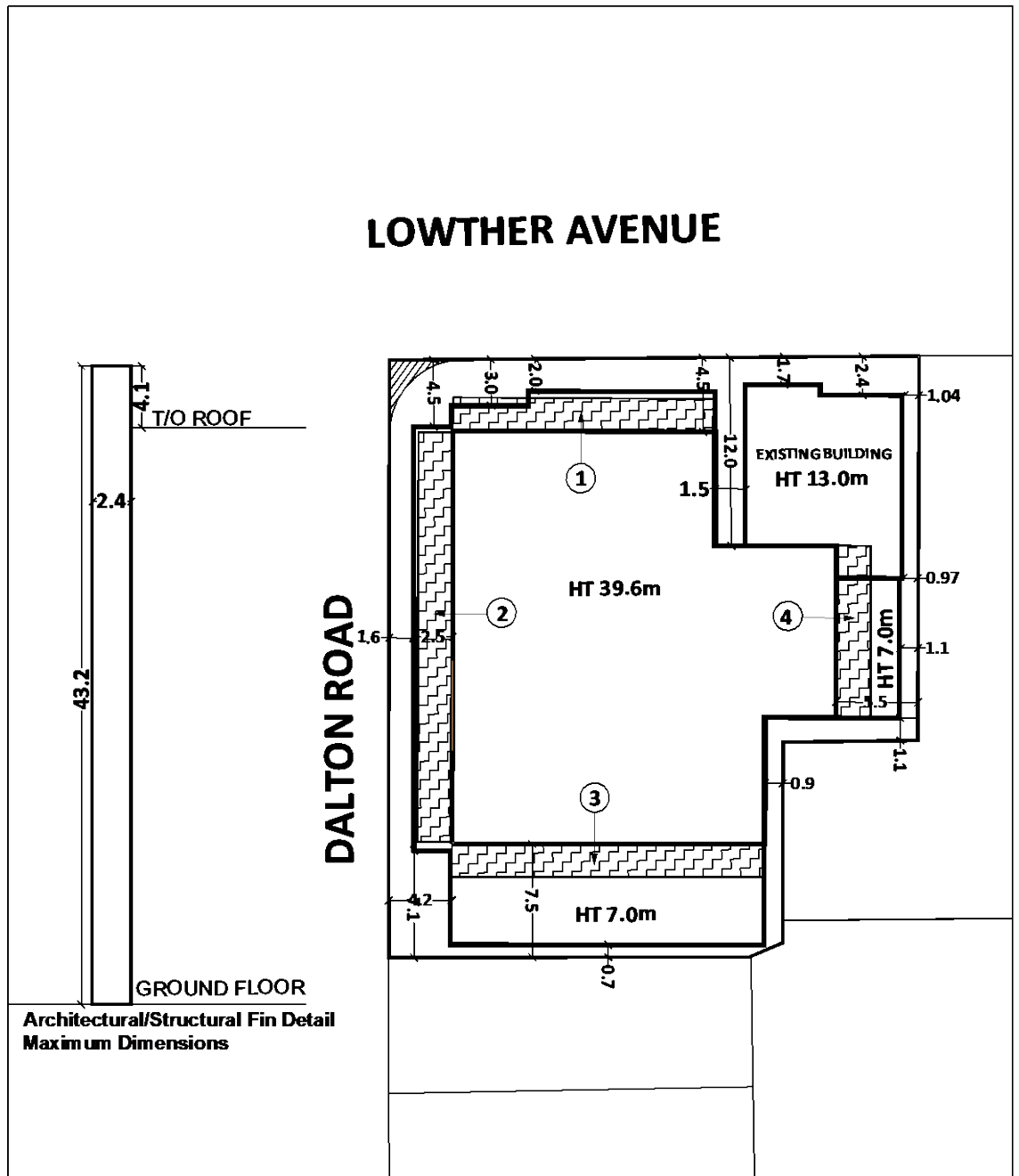
Area affected by this by-law
 Area of Corner Rounding

City of Toronto By-law 569-2013
 Not to Scale



-  Area affected by this by-law
 Area of Corner Rounding
 Permitted Balcony Zone

City of Toronto By-law 569-2013
Not to Scale



Toronto
Diagram 5

- Area affected by this by-law
- Area of Corner Rounding
- Permitted Architectural/Structural Fin Zone