

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

## **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 2024 as 170 and 180 Merton Street.**

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 the holding symbol "(H)" is removed 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

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 CR 2.0 (c2.0; r2.0) SS2 (x2495) to a zone label of (H) CR 2.0 (c2.0; r2.0) SS4 (x1199) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number [-] so that it reads:

(1199) Exception CR 1199

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 170 and 180 Merton Street, 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 (X) below;
- (B) Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 154.25 metres and the elevation of the highest point of the **building** or **structure**;
- (C) 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; and
  - (iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
- (D) Despite regulation 40.10.40.1(1), residential use portions of the **building** are permitted to be located on the same **storey** as non-residential use portions of the **building**;
- (E) Despite regulation 40.10.40.10(8), 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];
- (F) Despite regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 3.1 metres;
- (G) Despite regulations 40.5.40.10(3) to (8) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height of the portion of the **building** that is not shaded grey 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, elevator shafts, chimneys, and vents, by a maximum of 7.0

metres, if the total area of all such equipment, structures, or parts on the roof of the tower portion of the **building** cover no more than 75 percent of the area of the roof of the tower portion of the building, measured horizontally;

- (ii) **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 7.0 metres if the total area of all such enclosing, screening, or covering structures on the roof of the tower portion of the **building** cover no more than 75 percent of the area of the roof of the tower portion of the building, measured horizontally;
  - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 1.5 metres;
  - (iv) **building** maintenance units and window washing equipment, by a maximum of 4.5 metres above (i) and (ii) above;
  - (v) planters, **landscaping** features, guard rails, by a maximum of 1.5 metres;
  - (vi) divider screens on a balcony and/or terrace, by a maximum of 3.0 metres;
  - (vii) antennae, flagpoles and satellite dishes, by a maximum of 1.0 metre;
  - (viii) pipes, railings, roof assembly and build up above concrete, roof drainage components, or thermal and waterproofing assembly, by a maximum of 1.0 metre; and
  - (ix) trellises, pergolas, noise screens, vertical green walls and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres;
- (H) Despite regulations 40.5.40.10(3) to (8) and (E) above, **lawfully existing** equipment and **structures** above the portion of the **building** that is shaded on Diagram 3 of By-law [Clerks to insert By-law number] may vertically project above the **lawfully existing building** to the extent that they **lawfully** exist;
- (I) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 36,700 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is

36,500 square metres; and

- (ii) the permitted minimum **gross floor area** for non-residential uses is 198 square metres;
- (J) Despite regulation 40.10.20.100(1)(A), the permitted maximum **gross floor area** for non-residential uses is 700 square metres;
- (K) Despite regulation 40.10.40.50(1), **amenity space** must be provided at minimum rate of 3.3 square metres for each **dwelling unit**, of which:
  - (i) at least 2.2 square metres for each **dwelling unit** is indoor **amenity space**;
  - (ii) at least 1.1 square metres for each **dwelling unit** is outdoor **amenity space**;
  - (iii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
  - (iv) no more than 30 percent of the outdoor component may be a **green roof**;
- (L) Despite regulation 40.10.40.70(7), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (M) Despite regulation 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (N) Despite Clause 40.10.40.60 and (L) and (M) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances of the portion of the **building** that is not shaded grey on Diagram 3 of By-law [Clerks to insert By-law number] as follows:
  - (i) canopies and awnings, by a maximum of 3.0 metres;
  - (ii) exterior stairs, access ramps and elevating devices and their associated structures, by a maximum of 2.0 metres;
  - (iii) architectural features, such as a pilaster, decorative column, structural/non-structural architectural columns/piers, cornice, sill, belt course, or chimney breast, by a maximum of 1.0 metres;
  - (iv) cladding added to the exterior surface of the **main wall** of a **building** along the south elevation facing Merton Street by a

- maximum of 0.5 metres;
- (v) window projections, including bay windows and box windows, by a maximum of 1.0 metres;
- (vi) air conditioners, satellite dishes, antennae, vents, mechanical exhaust and intake components and pipes, by a maximum of 1.0 metres;
- (vii) lighting fixtures, fences and safety railings, planters, balustrades, bollards, landscape features, retaining walls, and privacy screens, by a maximum of 2.0 metres; and
- (viii) window washing equipment, parapets, parapet flashing, roof and terrace scuppers, roof overhang, gutter, downspout, trellises, wind mitigation and acoustic screens and features, by a maximum of 2.0 metres;
- (O) Despite Clause 40.10.40.60 and (N) above, **lawfully existing** elements may encroach into the required minimum **building setbacks** and **main wall** separation distances to the extent that they **lawfully** exist on the lot at the time of the passing of By-law [Clerks to insert By-law number];
- (P) Regulations 40.10.50.10(1), (2) and (3) with respect to **landscaping**, do not apply;
- (Q) Despite regulation 200.15.1(4), an accessible **parking space** must be located within 46 metres of a barrier free entrance to the **building** or passenger elevator that provides access to the first **storey** of the **building**;
- (R) Despite regulation 230.5.1.10(4), the required minimum dimensions of a vertical **bicycle parking space** are;
  - (i) length of 1.2 metres;
  - (ii) width of 0.6 metres; and
  - (iii) horizontal clearance of 1.2 metres;
- (S) Despite regulation 230.5.1.10(4), the required minimum dimensions of a **stacked bicycle parking space** are;
  - (i) length of 1.4 metres;
  - (ii) width of 0.2 metres; and

- (iii) vertical clearance of 2.4 metres;
- (T) Despite regulation 230.5.1.10(9)(B), "long-term" **bicycle parking spaces** may be located on all levels below-ground;
- (U) Despite regulations 230.5.1.10(10), "long-term" and "short-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (V) Despite regulation 230.5.1.10(13), no **oversized bicycle parking spaces** are required;
- (W) Despite Regulation 230.5.1.10(14), a minimum aisle width within areas used for bicycle parking in a **building** or **structure** must be a minimum of 1.5 metres;
- (X) The number of **bicycle parking spaces** required by regulation 230.5.10.1(5) may be reduced, subject to the following:
  - (i) the number of "long-term" **bicycle parking spaces** reduced is not more than half the amount required by regulations 230.5.10.1(5)(A) or (B), rounded down to the nearest whole number;

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.
6. 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 or applicant, at their sole cost and expense has submitted a revised Functional Servicing Report and Stormwater Management report or addendums ("Engineering Reports") to demonstrate that the existing municipal infrastructure, and any required improvements to it, has adequate capacity to accommodate the development of the lands, to the satisfaction of the Executive Director, Development Review;
    - (ii) if the Engineer reports accepted and satisfactory from (i) above

require any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then the owner or applicant has secured the design, construction, and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the developments, in a financial secured agreement, and has submitted the required engineering and inspection fees all to the satisfaction of the Executive Director, Development Review;

- (iii) all necessary approvals or permits arising from (B)(ii) above are obtained, where required to the satisfaction of the Executive Director, Development Review;
- (iv) the owner or applicant, at their sole cost, enter into a Heritage Easement Agreement with the City for the property at 170 Merton Street, substantially in accordance with the plans and drawings dated October 7, 2025 prepared by Turner Fleischer and on file with the Senior Manager, Heritage Planning and the Heritage Impact Assessment prepared by ERA Architects Inc., dated March 7, 2025, revised September 5, 2025, all on file with the Senior Manager, Heritage Planning, subject to and in accordance with the Conservation Plan required in (B)(v), to the satisfaction of the Senior Manager, Heritage Planning, including execution and registration of such agreement to the satisfaction of the City Solicitor; and
- (v) the owner or applicant, at their sole cost, provide a detailed Conservation Plan, prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for the property at 170 Merton Street to the satisfaction of the Senior Manager, Heritage Planning.

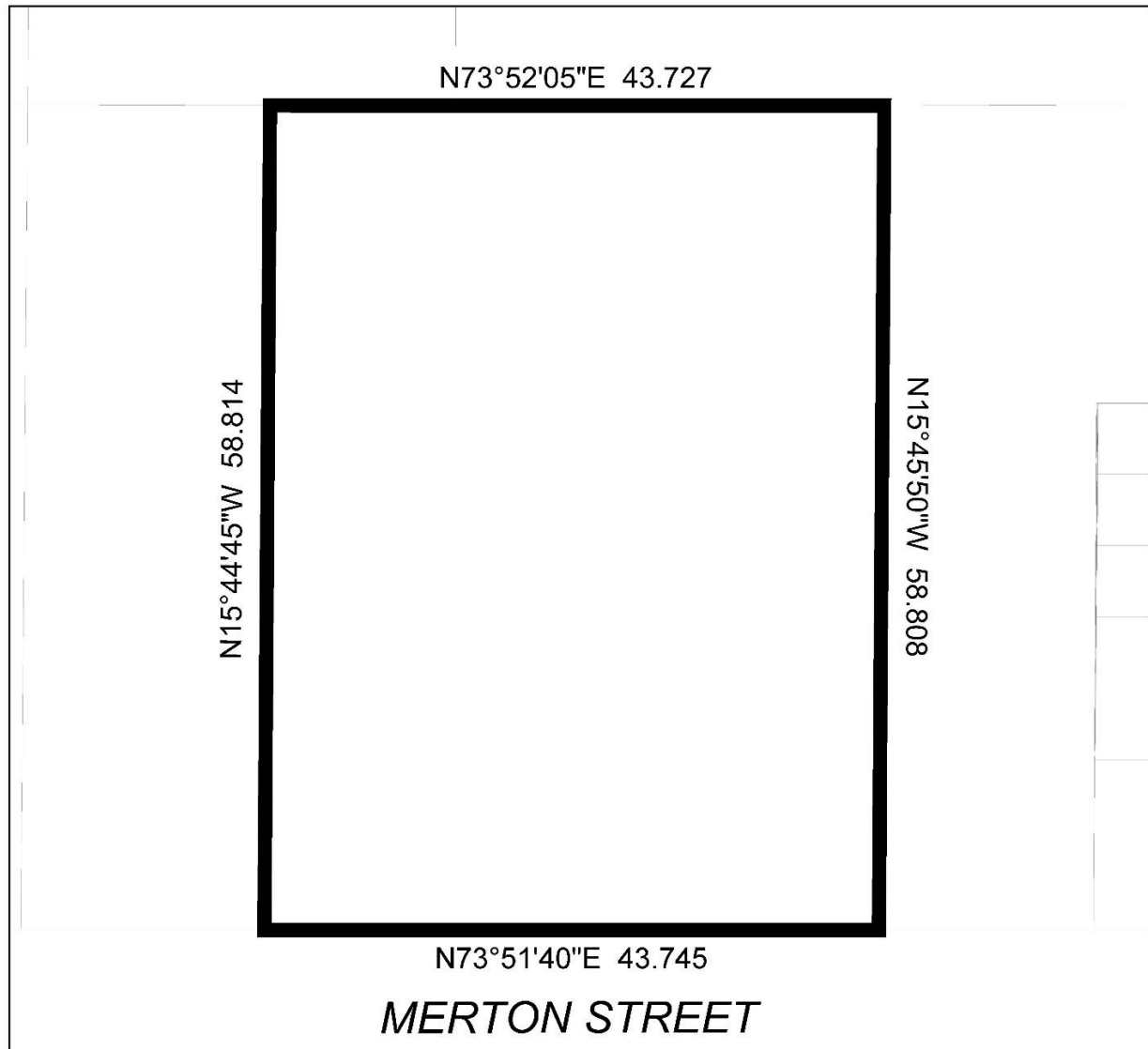
Enacted and passed on [Clerks to insert date].

[full name],  
Speaker

[full name],  
City Clerk

(Seal of the City)

City of Toronto By-law No. \_\_\_\_ - 2025

**Diagram 1****170-180 Merton Street**

File #25 129087 STE 12 OZ

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



City of Toronto By-law No. \_\_\_\_ - 2025

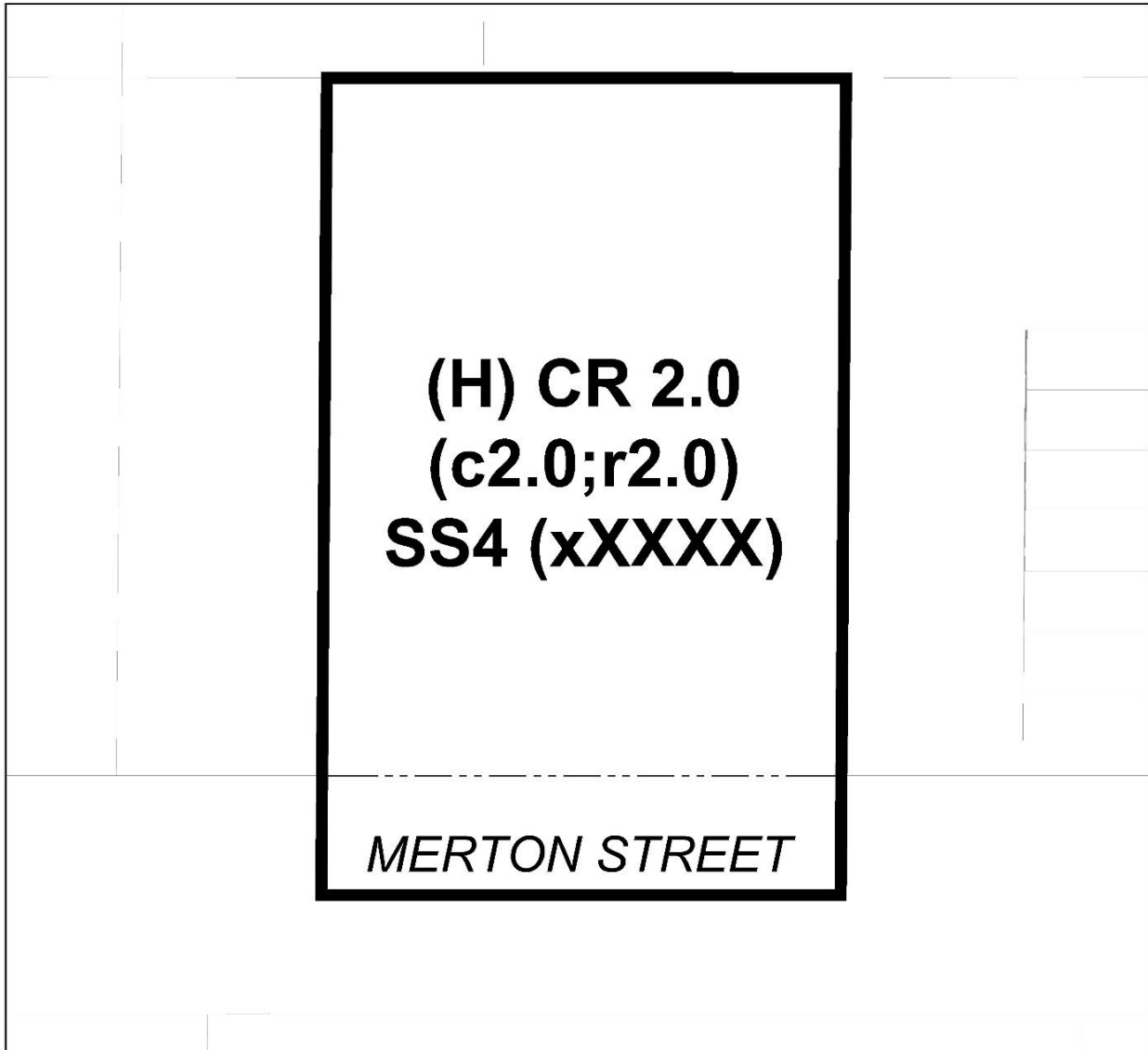


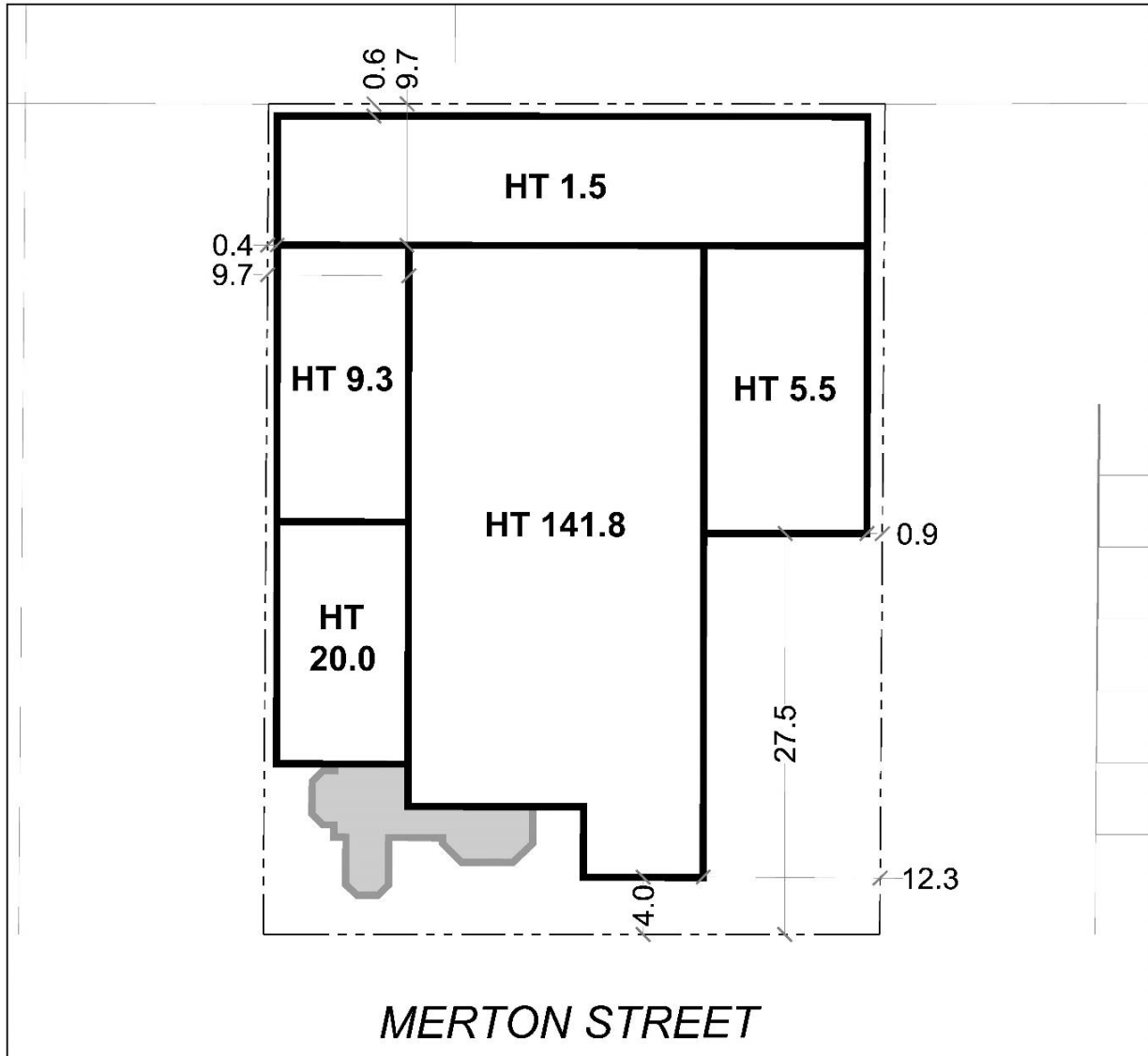
Diagram 2

170-180 Merton Street

File #25 129087 STE 12 OZ

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

City of Toronto By-law No. \_\_\_\_ - 2025



170-180 Merton Street

Diagram 3

File #25 129087 STE 12 OZ

 Existing heritage building



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