

Attachment 6: Draft Zoning By-law

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, and Site Specific Zoning By-law 812-2022 with respect to the lands municipally known in the year 2026 as 353-355 Sherbourne Street and 157 Carlton 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 Council of the City of Toronto continues to have the power under subsection 37(1) of the Planning Act, R.S.O. 1990, c. P.13, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020, S.O. 2020, c. 18 (“COVID-19 Economic Recovery Act, 2020”) came into force, whereby City Council may, in a by-law enacted under Section 34 of the Planning Act, authorize increases in the density and height of development not otherwise permitted by the by-law in return for the provision of such facilities, services and matters as are set out in the By-law; and

Whereas Pursuant to subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2); and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas on July 22, 2022, City Council enacted by-law 812-2022, being a by-law to amend 569-2013, as amended, and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply;

Whereas Subsection 37(2) of the Planning Act, as it read the day before Section 1 of

Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, requires that a by-law under Subsection 37(1) of the Planning Act, may not be enacted unless the municipality has an official plan that contains provisions relating to the authorization of increases in height and density of development;

Whereas the City's Official Plan contains provisions relating to the authorization of increases in height and density of development;

Whereas Subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the density and/or height of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters set out in By-law 812-2022, as amended by this By-law; and

Whereas the owner of the aforesaid lands and the City of Toronto wish to amend the provisions of By-law 812-2022 that sets out the facilities, services and matters to be provided pursuant to Section 37 of the Planning Act; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

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 By-law 812-2022.
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 subject to this By-law from a zone label of CR 1.5 (c1.0; r1.0) SS2 (x671) to a zone label of (H) CR 1.5 (c1.0; r1.0) SS2 (x671) as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended by By-law 812-2022, is further amended by amending Article 900.11.10 Exception Number 671 as follows:
- (A) Subsection (C) is deleted and replaced with the following:
- “(C) 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 a **building**;
- (B) Subsection (D) is deleted and replaced with the following:
- “(D) deleted by By-law [Clerks to insert By-law number];”
- (C) Subsection (E) is amended by deleting the words “Diagram 3 of By-law 812-2022” and replacing it with the words “Diagram 3 of By-law [Clerks to insert By-law number]” so that it reads as follows:
- “(E) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number following the 'HT' symbol in metres as shown on Diagram 3 of By-law [Clerks to insert By-law number];
- (D) Subsections (F), (G), and (H) are deleted and replaced with the following:
- “(F) Despite regulations 40.5.40.10(3) to (8) and (E) 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, elevator shafts, chimneys, and vents, by a maximum of 6.0 metres;
 - (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 9.0 metres;
 - (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 3.5 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres;
 - (vi) antennae, flagpoles and satellite dishes, by a maximum of 3.0 metres; and
 - (vii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 4.5 metres;”
- (G) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 31,500 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 30,000 square metres; and
 - (ii) the permitted minimum **gross floor area** for non-residential uses is 1,400 square metres;”
- (H) The provision of **dwelling units** is subject to the following:
- (i) A minimum of 15 percent of the total number of **dwelling units** must contain two bedrooms;
 - (ii) A minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms;
 - (iii) An additional 15 percent of the total number of **dwelling units** must be any combination of two bedroom **dwelling units** and three or more bedroom **dwelling units**, or **dwelling units** that can be converted into any combination of two bedroom **dwelling units** or three or more bedroom **dwelling units**;
 - (iv) Convertible **dwelling units** as described in (H)(iii) above may be converted using accessible or adaptable design measures, such as knock-out panels; and

- (v) If the calculation of the number of required **dwelling units** in accordance with (H)(i) to (ii) above results in a number with a fraction, the number may be rounded down to the nearest whole number;”
- (E) Subsection (I) is deleted and replaced with the following:
“(I) deleted by By-law [Clerks to insert By-law number];”
- (F) Subsection (J) is amended by deleting the words “Diagram 3 of By-law 812-2022” and replacing it with the words “Diagram 3 of By-law [Clerks to insert By-law number]” so that it reads as follows:
“(J) Despite Regulation 40.10.40.70(2) and Clause 600.10.10.1, the required minimum **building setbacks** are as shown, in metres, on Diagram 3 of By-law [Clerks to insert By-law number];”
- (G) Subsection (L) is deleted and replaced with the following:
“(L) Regulations 40.10.50.10(1) to (3), with respect to **landscaping** requirements for a lot abutting a lot in the Residential Zone Category, does not apply;”
- (H) Subsection (M) is deleted and replaced with the following:
“(M) deleted by By-law [Clerks to insert By-law number];”
- (I) Subsection (N) and (P) is deleted and replaced with the following:
“(N) Despite regulations 40.10.90.40(1) and 40.10.100.10(1), **vehicle** access and access to a **loading space** may be provided from Sherbourne Street;”
- (J) Subsection (P) is deleted and replaced with the following:
“(P) Despite Regulation 220.5.10.1(2), a minimum of one Type “G” **loading space** must be provided;”
- (K) New Subsections (Q) to (CC) are added as follows:
“(Q) 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 3.0 metres;
(R) Despite regulations 40.5.40.10(3) to (8) and 900.11.10(671)(E), **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;

- (S) Despite regulation 40.10.40.50(1) and (2), **amenity space** must be provided at a minimum rate of 3.2 square metres for each dwelling unit, of which:
- (i) at least 3.15 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 40 square metres is outdoor amenity space in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**;
- (T) Despite Clause 40.10.40.60 and regulation 900.11.10(671)(J), the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks and porches, by a maximum of 2.5 metres;
 - (ii) balconies, by a maximum of 1.5 metres;
 - (iii) canopies and awnings, by a maximum of 2.5 metres;
 - (iv) exterior stairs, access ramps and elevating devices, by a maximum of 2.0 metres;
 - (v) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.5 metres;
 - (vi) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.0 metres;
 - (vii) window projections, including bay windows and box windows, by a maximum of 1.0 metres;
 - (viii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres;
 - (ix) despite (ii) above, balconies are not permitted to encroach

into the required minimum **building** setbacks and **main wall** separation distances on the east **main wall** of the **building** in the

- (U) Despite Clause 40.10.40.60 and (T) above, **lawfully existing** elements may encroach into the required minimum **building setbacks** 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];
- (V) Despite Regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (W) Despite regulation 200.15.10.10, if **parking spaces** are provided on the **lot**, accessible **parking spaces** must be provided at a minimum rate of the greater of 2 spaces or 4 percent of the parking spaces on the lot;
- (X) Despite Regulation 200.15.1(3), the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (Y) Despite regulation 200.15.1(4), accessible **parking spaces** required by (W) above must be the **parking spaces** closest to a barrier-free:
 - (i) entrance to a **building**;
 - (ii) passenger elevator that provides access to the first **storey** of a **building**; and
 - (iii) the shortest route from the required entrances in (i) and (ii) above;
- (Z) Despite Regulation 230.5.1.10(4)(B), the minimum width of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device is 0.4 metres;
- (AA) Despite Regulation 230.5.1.10(9), a “long-term” **bicycle parking space** for each **dwelling unit** may be located:

- (i) on the first, second, third, and fourth **storeys** of the **building**; and
 - (ii) on any level of the **building** below-ground;
 - (BB) Despite Regulations 230.5.1.10(10), “long-term” and “short-term” **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
 - (CC) Despite Regulation 230.5.1.10(14)(A), within areas used for **bicycle parking**, access to **bicycle parking spaces** must be provided via an unobstructed aisle that complies with the following:
 - a. 1.9 metre width if it is a **stacked bicycle parking space**;
 - b. 2.5 metre width if it is an **oversized bicycle parking space**; and
 - c. 1.8 metre width in all other cases.”
5. By-law 812-2022 is amended by deleting Diagram 2 and replacing it with Diagram 2 attached to this By-law.
6. By-law 812-2022 is amended by deleting Diagram 3 and replacing it with Diagram 3 attached to this By-law.
7. By-law 812-2022 is amended by added the following
- “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 and Stormwater Management Report* to demonstrate that the existing watermain system and combined sewer system and any required improvements to them, have adequate capacity and supply to accommodate the development of the lands to the satisfaction of the Director, Engineering Review, Development Review; and

- (ii) if the *Functional Servicing and Stormwater Management Report* accepted and satisfactory from (i) above require any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
- (a) 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 *Functional Servicing and Stormwater Management Report*, to support the development, in a financial secured agreement, all to the satisfaction of the Director, Engineering Review, Development Review; or,
- (b) the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory *Functional Servicing and Stormwater Management Report* in (i) above are constructed and operational, all to the satisfaction to the Director, Engineering Review, Development Review.
- (iii) The owner has provided a detailed Conservation Plan, prepared by a qualified heritage consultant for 353-355 Sherbourne Street and 157 Carlton Street to the satisfaction of the Senior Manager, Heritage Planning; and
- (iv) The owner has entered into and registered on title to the lands a Heritage Easement Agreement for 353-355 Sherbourne Street and 157 Carlton Street pursuant to Section 37 of the Ontario Heritage Act acceptable and satisfactory to the Chief Planner and Executive Director, City Planning, the Senior Manager, Heritage Planning and the City Solicitor.”

8. Schedule A, Section 3 to By-law 812-2022 is amended to replace the words “Tier 3” with the words “Tier 2”.

Enacted and passed on [Clerks to insert date].

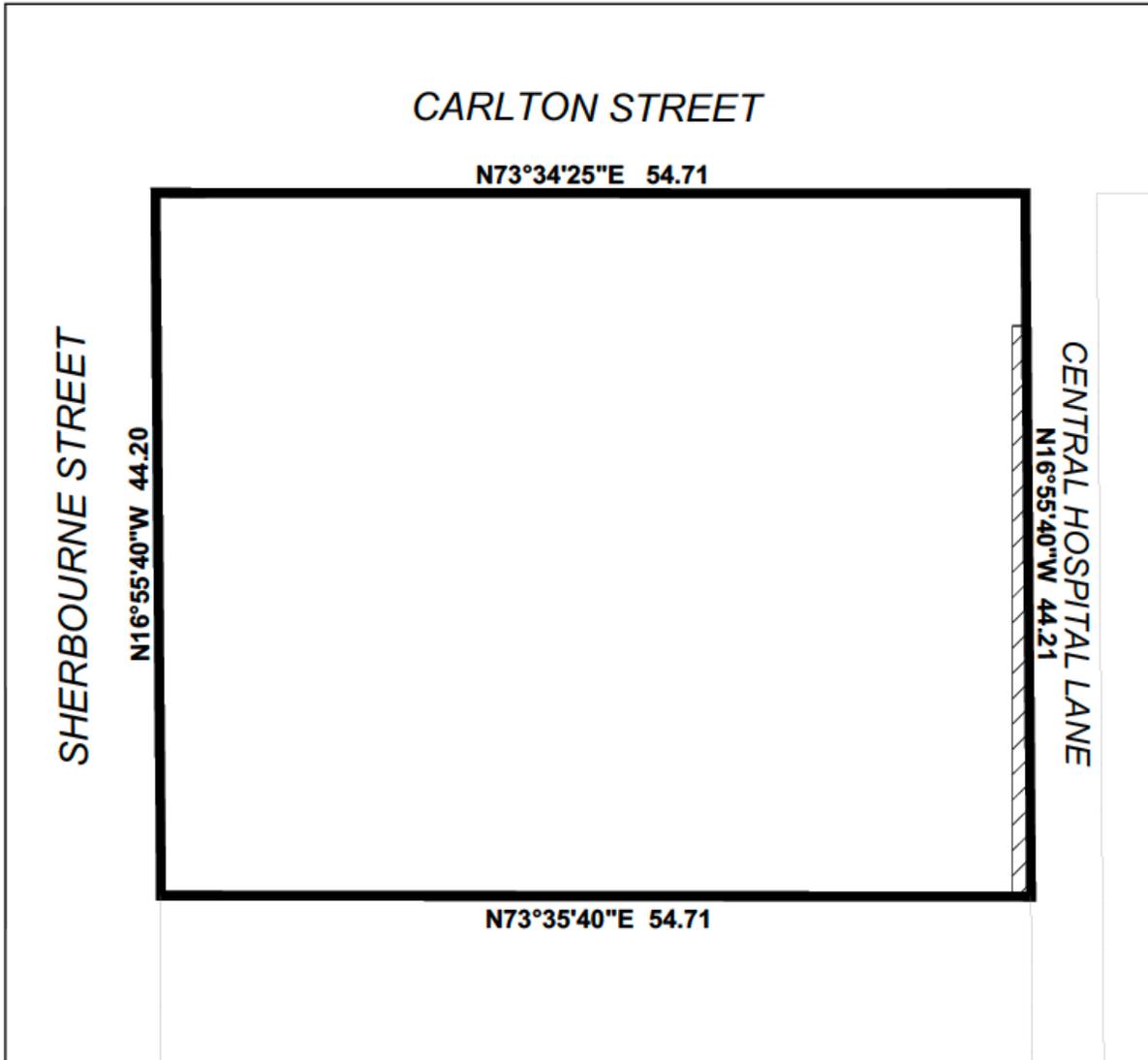
[full name],
Speaker

[full name],
City Clerk

(Seal of the City)

Diagram 1

City of Toronto By-law No. ____ - 2025



353-355 Sherbourne Street and 157 Carlton Street

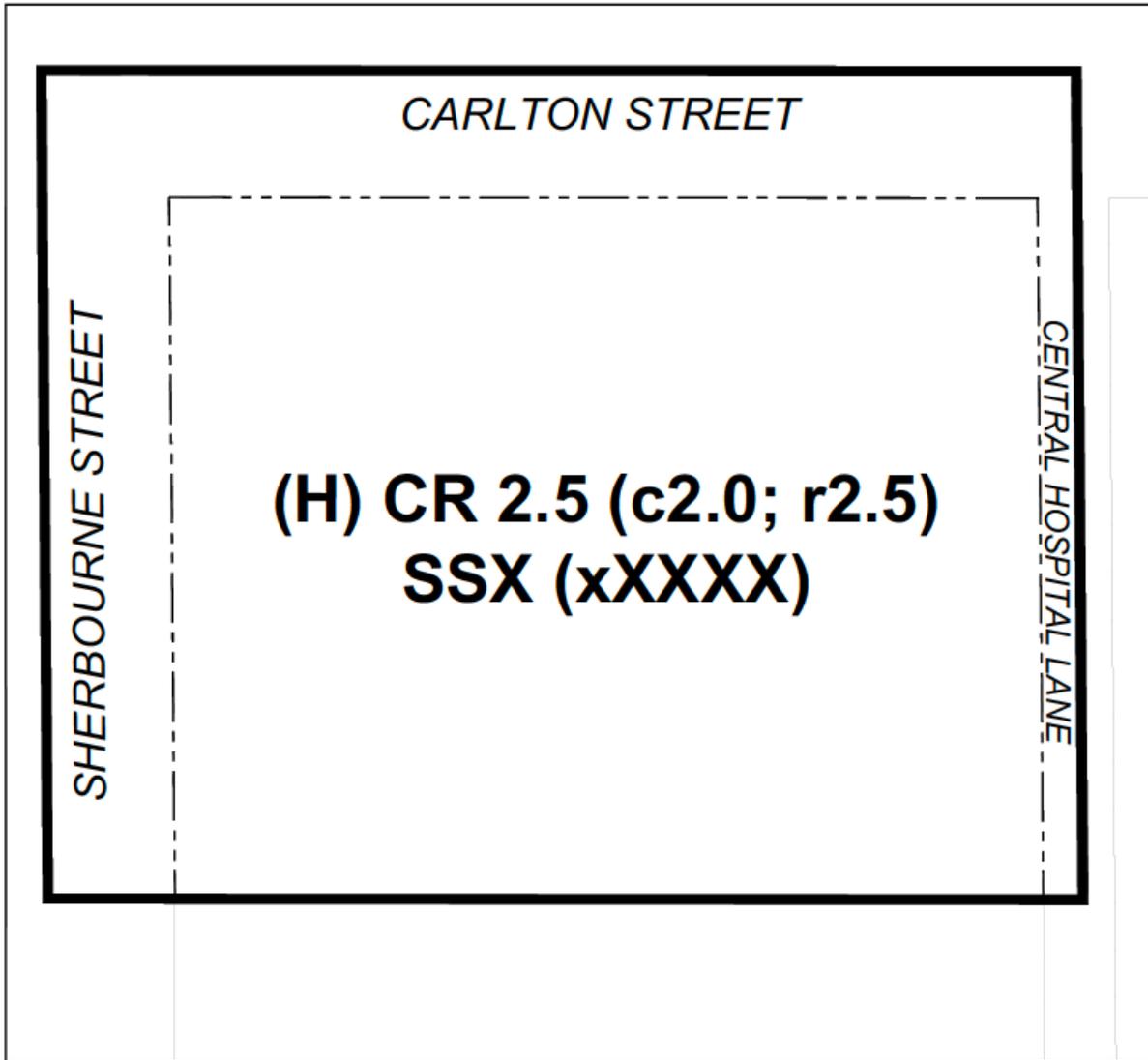
Diagram 1

File #25 218807 STE 13 OZ

 0.87 m road widening

Diagram 2

City of Toronto By-law No. ____ - 2025



353-355 Sherbourne Street and 157 Carlton Street

Diagram 2

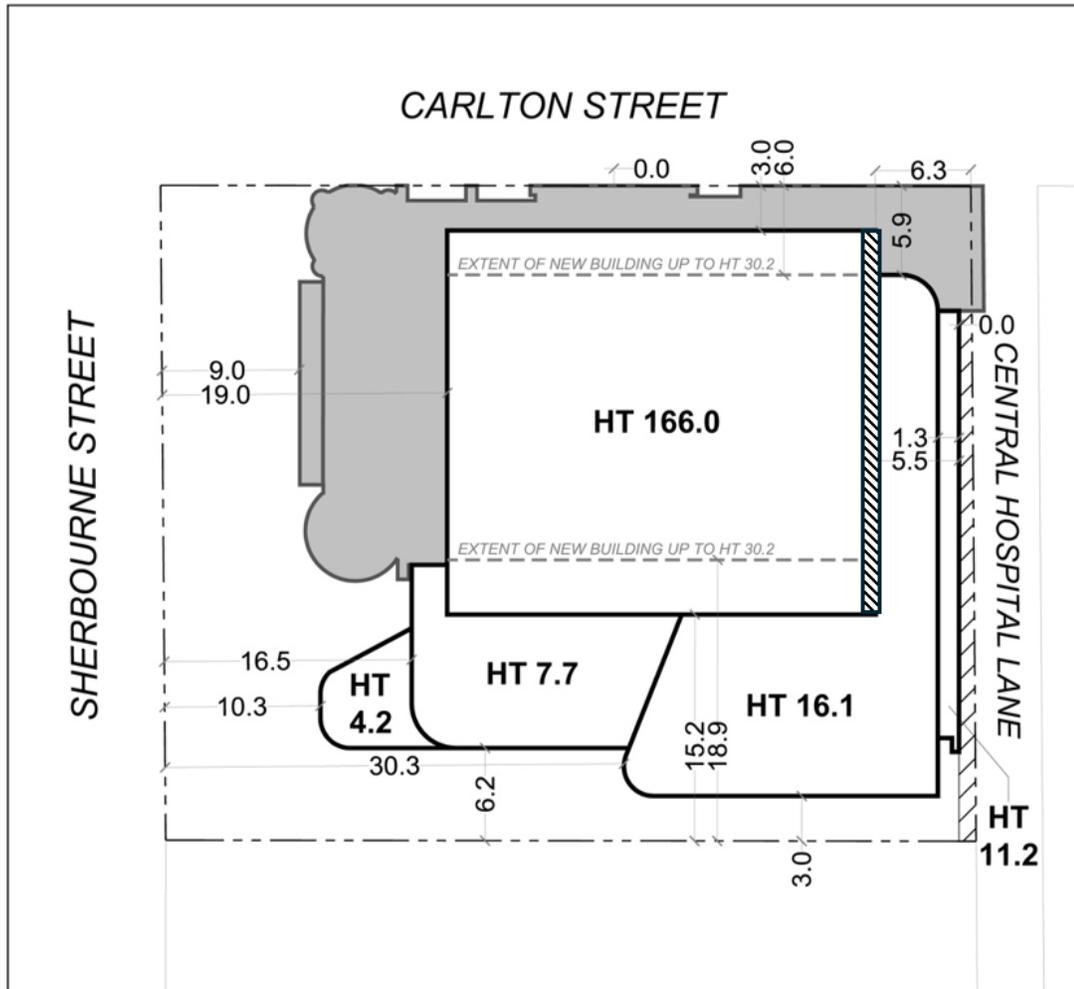
File #25 218807 STE 13 OZ



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

Diagram 3

City of Toronto By-law No. ____ - 2026



353-355 Sherbourne Street and 157 Carlton Street

Diagram 3

File #25 218807 STE 13 OZ

-  0.87 m road widening
-  Existing building to remain
-  Balcony Restriction Zone



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