

Draft: August 15, 2022

City of Toronto By-Law No. ____ - 202X

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~ 202X

Enacted By Council: ~202X

**CITY OF TORONTO
BY-LAW No. XXXX-202X**

Bill No. ~

To amend the City of Toronto Zoning By-law No 438-86, as amended, with respect to the lands municipally known in the year 2021 as 835, 837 and 839 Yonge Street.

Whereas authority is given to Council of the City of Toronto 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 provisions of By-law 438-86, as amended, shall continue to apply to the lands outlined by heavy lines on Map 1 attached, except otherwise provided herein.
2. The provisions of this By-law shall apply to the lands outlined by heavy lines on Map 1 attached.
3. None of the provisions of Section 2(1) with respect to the definition of '*height*', '*grade*', and '*lot*' and Sections 4(2)(a), 4(5), 4(13), 4(17)(b), 7(3) Part II 1, 7(3) Part II 7, 12(2) 246 and 12(2) 260 of By-law No. 438-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, and By-law 1106-2016 shall apply to prevent the erection or use of a *mixed-use building* on the *lot*, provided that:
 - (a) the *lot* comprises of the lands delineated by heavy lines on Map 1, attached to and forming part of this By-law [Clerk to provide By-law No.];
 - (b) the total maximum *gross floor area* of *buildings* and *structures* on the *lot* shall not exceed 96,000 square metres, of which a maximum of 78,000 square metres shall be residential *gross floor area* and a maximum of 18,000 square metres of which shall be non-residential *gross floor area*, including a *retail store*;
 - (c) no portion of any building or structure erected or used above *grade* shall exceed the height limits above grade in metres specified by the numbers following the symbol "H" on the attached Map 2 except that:

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- i. Structures on any roof used for maintenance or wind mitigation purposes may project a maximum of 3.0 metres;
 - ii. elements on the roof of the building or structure used for green roof technology and related roofing material may project a maximum of 2.0 metres;
 - iii. window washing equipment, safety anchors, lightning rods, safety railings, guard rails, railings, terraces, patios, landscape features, balustrades, bollards, ornamental or architectural features may project a maximum of 2.0 metres;
 - iv. satellite dishes, antennae, acoustical barriers, signage, cabanas and trellises may project a maximum of 5.0 metres;
 - v. parapets, terrace guards/landscape planters and, vents, stacks, ladders, garbage chute vents may project a maximum of 2.0 metres;
 - vi. mechanical penthouses or rooftop mechanical equipment and screening may project a maximum of 6.0 metres;
- (d) no portion of a building or structure erected or used above *grade* is located otherwise than wholly within the area delineated by heavy solid lines on the attached Map 2 except that:
- i. wind mitigation features, cornices, lighting fixtures, awnings, ornamental elements, commercial signage, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, wheel chair ramps, stairs, stair enclosures, vents, underground garage ramps and their associated *structures*, fences, screens, landscaping, planter boxes, intake and exhaust vents may encroach up to a maximum of 1.5 metres;
 - ii. wind mitigation features including canopies and awnings may encroach up to a maximum of 4.0 metres into the minimum *building setbacks*;
- (e) *parking space* must be provided and maintained as follows:
- i. maximum rate of 0.3 for each bachelor unit up to 45 square metres and 1.0 for each bachelor unit greater than 45 square metres;
 - ii. maximum rate of 0.5 for each one-bedroom unit;
 - iii. maximum rate of 0.8 for each two-bedroom unit;
 - iv. maximum rate of 1.0 for each three or more-bedroom unit; and
 - v. minimum rate of 2.0 plus 0.01 spaces per unit for visitors; and
 - vi. maximum rate of 3.5 for each 100 square metres of non-residential *gross floor area*;
- (f) three (3) *type A*, two (2) *type B* and two (2) *type G loading spaces* must be provided and maintained on the *lot*;
- (g) Equipment for the charging of electric vehicles is permitted to be located within a *parking space*;

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- (h) the minimum number of *bicycle parking space* requirements on the *lot* shall be in accordance with the following standards:
- i. 0.9 long-term *bicycle parking spaces* per dwelling unit;
 - ii. 0.1 short-term *bicycle parking spaces* per dwelling unit;
 - iii. 0.2 long-term *bicycle parking spaces* for each 100 square metres of retail uses; and
 - iv. 3 plus 0.3 short-term *bicycle parking spaces* for each 100 square metres of retail uses;
- (i) if the calculation of the minimum *bicycle parking spaces* for the lot results in a fraction of a *bicycle parking space* being required, the number of *bicycle parking space* must be rounded up to the nearest whole number.
4. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as such word or expression as defined in By-law 438-86, as amended, with the exception of the following items:
- (a) “building” means a wholly or partially enclosed structure with a roof supported by walls, columns, piers, or other structural systems;
 - (b) “grade” means 114.70 metres Canadian Geodetic Datum;
 - (c) “height” means the vertical distance between grade and the highest point of the roof except for those elements identified in Section 3(c) of this By-law;
 - (d) “lot” means the lands delineated by heavy lines on Map 1 attached to this By-law;
 - (e) “temporary sales office” means a temporary building, structure, facility or trailer on the lot used for the purpose of the initial sale of dwelling units to be erected on the lot;
 - (f) every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforementioned By-law 438-86, as amended.
5. None of the provisions of By-law 438-86 shall apply to prevent a “temporary *sales office*” on the lot as of the date of the passing of this By-law.
6. Despite any existing or future severance, partition, or division of this *lot* as shown on Map 1 of By-law [Clerk to provide By-law No.], the provisions of this By-law will apply as if no severance, partition, or division occurred.
7. Applications for a minor variance are permitted to proceed for the lands identified on Map 1 of By-law [Clerk to provide By-law No.], including within 2 years of By-law [Clerk to provide By-law No.] coming into force, notwithstanding the prohibition under subsection 45(1.3) if the Planning Act, as amended.

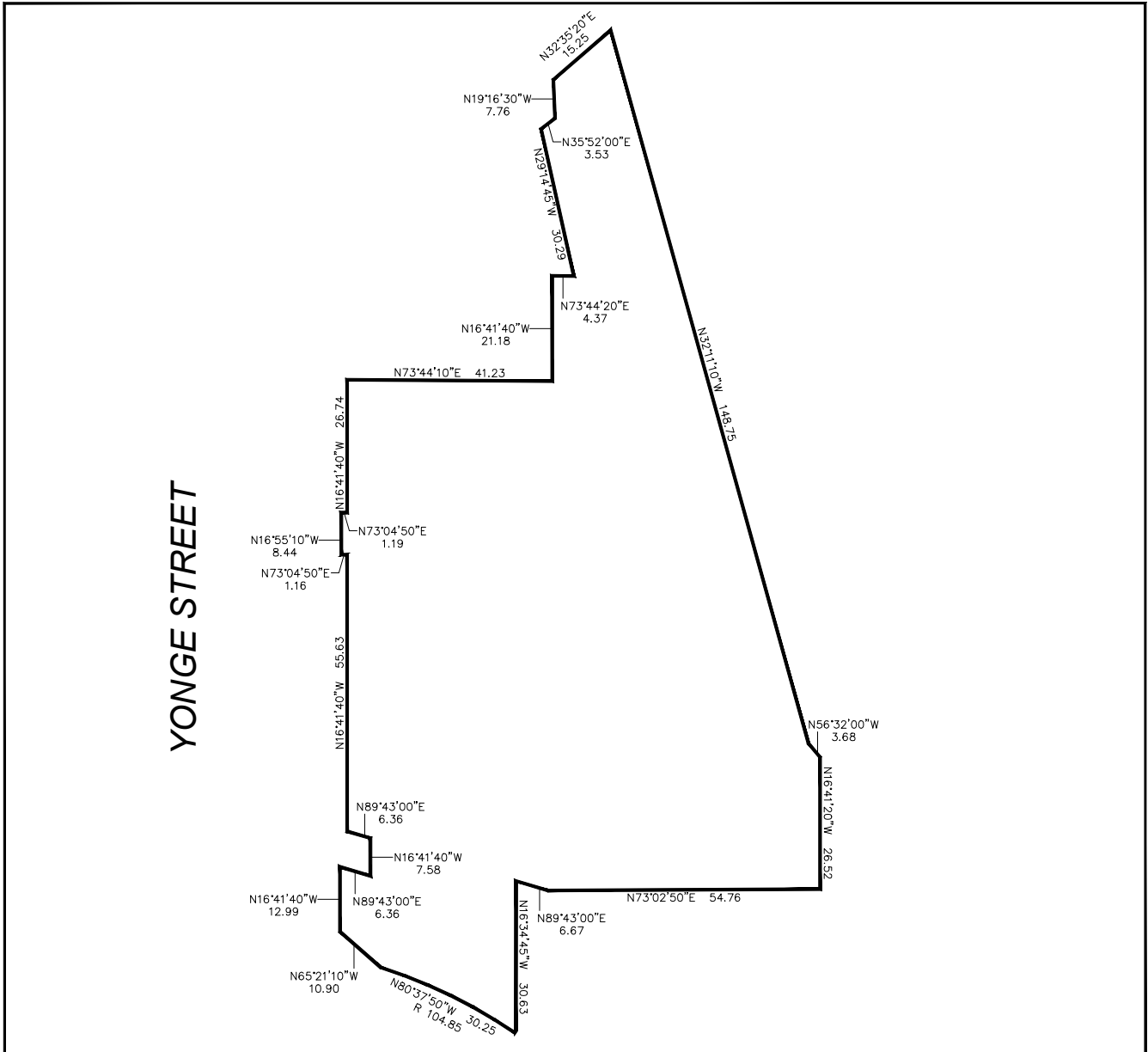
Draft: June 24, 2022

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Frances Nunziata,
Speaker

John D. Elvidge
City Clerk

DRAFT



835-839 Yonge Street

Map 1

File #22 _____



Not to Scale

