

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto
Council on ~, 2019
Enacted by Council: ~, 2010

**CITY OF TORONTO
BY-LAW No. ~-2019**

To amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands known municipally as 40-44 Broadway Avenue in the year 2019

WHEREAS authority is given to Council by 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 HEREBY ENACTS as follows:

1. None of the provisions of Section 2(1) with respect to the definitions of *bicycle parking space – occupant*, *bicycle parking space – visitor*, *grade*, *height*, and *lot*, and Sections 4(2)(a), 4(4)(b), 4(6)(c), 4(12), 4(13), 4(16), 4(17), 6(3) Part 1 (1), 6(3) Part II, and 6(3) Part III, 12(2)118, and 12(2)119 of By-law No. 438-86, as amended, 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", apply to prevent the erection and use of a *mixed-use building* containing *dwelling units*, a *place of worship*, *place of assembly*, *dwelling rooms*, a *commercial parking garage* located below grade, and the premises of a *charitable institution* or *non-profit institution* and *accessory* uses on the *lot*, including a *temporary sales/leasing office* provided that all of the provisions of this by-law are complied with:
2. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, continue to apply to the *lot*.
3. The *lot* consists of the lands delineated by heavy lines on Map 1, attached hereto.
4. The total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 32,200 square metres, of which *institutional uses* shall have a minimum combined *non-residential gross floor area* of 2,400 square metres.
5. *Residential amenity space* shall be provided in accordance with the following:
 - (a) a minimum of 796 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided and maintained on the *lot* in a multi-purpose room or rooms at least one of which contains a kitchen and a washroom; and

- (b) a minimum of 796 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided and maintained on the *lot*.
- 6. No part of any building or structure on the *lot* is located beyond the *building envelope* and above the maximum *height* in metres as indicated by the following letter “H” as shown on Map 2, attached to and forming part of this Bylaw.
- 7. Notwithstanding Section 6 of this By-law, the following building elements, structures and projections are permitted to extend beyond the *building envelope* and above the *heights* referred to therein:
 - (a) Architectural features, air intake and air handling units, awnings, balconies, bicycle racks, bollards, canopies, chimneys, communication equipment, cooling tower, cornices, eaves, elevator enclosures and overruns, fences, flues, green roof, guardrails, insulation and roof surface materials, landscape and public art features, lighting fixtures, minaret, ornamental elements, parapets, pipes, planters, platforms, railings, retaining walls, screens, stacks, stairs, stair enclosures, steeple, terraces, trellises, underground garage ramps and their associated structures, vents, walkways, wheel chair ramps, wind protection, window sills, and window washing equipment;
 - (b) A mechanical penthouse with associated screen devices to a maximum height projection of 6.6 m; and
 - (c) Elements or structures on any portion of a roof used for outside or open air recreation, including required *residential amenity space*.
- 8. *Parking spaces* must be provided and maintained on the *lot* in accordance with the following minimum requirements:
 - (a) A minimum of 0.26 *parking spaces* for each *dwelling unit*;
 - (b) A minimum of 0.03 *parking spaces* must be provided for each *dwelling unit* for residential visitor parking; and
 - (c) A minimum of 60 *parking spaces* for a *place of worship*
- 9. For clarity, any *non-residential parking spaces* located in the *commercial parking garage*, in excess of the *parking spaces* required by this By-law, may be used commercially for profit.
- 10. At least one *loading space-type G* shall be provided and maintained on the *lot* and may be shared between the *residential* and *non-residential uses*.
- 11. A minimum number of *bicycle parking spaces* must be provided and maintained on the *lot* in accordance with the following:
 - (a) For residential uses - a minimum of 0.9 *bicycle parking space* – *occupant* per *dwelling unit*; and
 - (b) For residential visitors - a minimum of 0.1 *bicycle parking space* – *visitor* per *dwelling unit*, which may be provided in a secured room.

- (c) For non-residential uses – a minimum of 10 *bicycle parking space – visitor*, which may or may not be provided in a secured room.
12. A minimum of 1,400 square metres of *landscaped open space* shall be provided and maintained on the *lot*.
13. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
14. None of the provisions of this By-law apply to prevent a *temporary sales/leasing office* on the *lot*.
15. For the purposes of this By-law, every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended, with the exception of the following:
- (a) "*building envelope*" means a building envelope as delineated by heavy lines on Map 2 attached to this By-law;
- (b) "*bicycle parking space – occupant*" means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles and:
- (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.4 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
- (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
- (iii) notwithstanding (i) and (ii) above, where bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below another with the aid of an elevating mechanism, the parking space within the stacker must have a horizontal dimension of at least 0.4 metres by 1.8 metres, and the stacker must be located in an area with a vertical dimension of at least 2.4 metres;
- (iv) in the case of a bicycle parking rack, is located in a secure room or area; and
- (v) in the case of a bicycle locker, may contain ancillary storage;
- (c) "*bicycle parking space – visitor*" means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles and:

- (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.4 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
 - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.4 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
 - (iii) notwithstanding (i) and (ii) above, where bicycles are to be parked in a stacker, being a device that allows parking spaces to be positioned above or below another with the aid of an elevating mechanism, the parking space within the stacker must have a horizontal dimension of at least 0.4 metres by 1.8 metres, and the stacker must be located in an area with a vertical dimension of at least 2.4 metres; and
 - (iv) may be located indoors or outdoors including within a secure room or enclosure;
- (d) "*grade*" means 165.25 metres Canadian Geodetic Datum;
 - (e) "*height*" means the vertical distance between *grade* and the highest point of a building or structure, subject to permitted projections;
 - (f) "*institutional uses*" also includes *dwelling units* and *dwelling rooms* used as *accessory* uses to a *place of worship*, *place of assembly*, *charitable institution* or *non-profit institution*, offices, meeting rooms, and library;
 - (g) "*lot*" means the lands delineated by heavy lines on Map 1 attached to this By-law;
 - (h) "*temporary sales/leasing office*" means a building, part of a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot* and/or the leasing of any portion of a *mixed-use building* on the *lot*.

ENACTED AND PASSED this __day of _____, A.D. 2019.

JOHN TORY
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk



