

# CITY OF TORONTO

## BY-LAW ●-2021

### To amend former City of Toronto Zoning By-law 438-86, as amended, of the City of Toronto with respect to the lands municipally known as 25 St. Mary 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; and

The Council of the City of Toronto enacts:

1. District Map No. 50H-323 contained in Appendix “A” of Zoning By-law 438-86, as amended, 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" is further amended by re-designating from “R3 Z2.0” to “G” the lands identified as “G” on Map 2 attached to and forming part of this By-law.

2. None of the provisions of Section 2(1) with respect to the definitions of *bicycle parking space-occupant*, *bicycle parking space-visitor*, *grade*, *gross floor area*, *height*, *lot*, and *residential amenity space* and Sections 4(2)(a), 4(5), 4(8), 4(10), 4(12), 4(13), 4(16), 4(17), Sections 6(1)(f)(a) and (b), 6(2), 6(3)(Part I), (Part II), (Part III) and (Part IV) and Sections 12(1)(3)(a), 12(1)(61), 12(1)(232), 12(1)(434), 12(2)(132) and 12(2)380 of Zoning By-law 438-86, as amended, 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", and By-law 21875, shall apply to prevent the erection or use of buildings containing residential uses and non-residential uses on the *lot*, provided that:

(a) The *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of By-law ●;

(b) The combined total *gross floor area* of all buildings and structures erected or used on the *lot* shall not exceed 84,000 square metres provided:

(i) A maximum of 1,500 square metres is permitted for all non-residential uses;

(c) The following uses are permitted on the *lot*:

(i) The residential and non-residential uses permitted in Section 6(1)(f) of By-law 438-86, as amended, which uses shall not be subject to the qualifications where indicated;

(ii) *Dwelling units*;

(ii) *Retail store and retail warehouse*;

(iii) *Restaurant*;

(iv) *Outdoor open air market*, outdoor recreation uses, a *commercial parking garage*; and

(v) An outdoor patio where meals or refreshments or both may be served to patrons;

(d) No portion of any building or structure erected above finished ground level on the *lot* shall be located otherwise than wholly within the heavy black lines identified on Map 3 attached to and forming part of this By-law, with the exception of:

i. Lighting fixtures, cornices, sills, eaves, canopies, railings, window washing equipment, privacy screens, bollards, stairs, escalators and associated enclosures, awnings, fences, underground garage ramps including associated enclosures and structures, walls and safety railings, trellises, guards, guardrails, retaining walls, wheel chair ramps, public art, bike share facilities, outdoor recreation uses, band shells, landscape features, day nursery facilities, parapets, balustrades, planters, art installations, ornamental and architectural features, bay windows, gas equipment and meters, hydro equipment and meters, telecommunications equipment, signage, and window washing equipment attached to a building or structure;

ii. Balcony dividers, privacy screens and/or partitions and balconies attached to a building or structure;

iii. Covered walkways, architectural and ornamental canopies and similar structures, including related support structures; and

iv. Structures, elements or enclosures permitted by Regulation (e) below;

(e) No portion of any building or structure erected or used on the *lot* above *grade* shall exceed the *height* limits in metres specified by the numbers following the symbol 'H' shown on Map 3 attached to and forming part of this By-law, with the exception of:

i. Structures, elements or enclosures listed in Regulation (d) above;

ii. Structures on any roof used for mechanical equipment, chimneys, vents, exhausts, air intakes, stacks, mechanical fans, cooling towers, telecommunications equipment, radio equipment, elevators and related structural elements, roof assemblies, and structures and elements associated with green energy and renewable energy facilities located on any roof;

iii. Window washing equipment;

iv. Structures on any roof used for maintenance, storage, safety, window washing, wind or green roof purposes, parapets, including mechanical and architectural screens, and vestibules providing access to outdoor *residential amenity space*, and lightning rods; and

v. Portions of a building used for indoor or outdoor *residential amenity space* or open air recreation;

(f) A minimum of 3.4 square metres per *dwelling unit* of *residential amenity space* must be provided on the lot as follows:

i. A minimum of 2.0 square metres per *dwelling unit* must be provided as indoor *residential amenity space*; and

ii. A minimum of 1.4 square metres of outdoor *residential amenity space* must be provided in a location that adjoins or is directly accessible from indoor *residential amenity space*;

(g) *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:

i. A minimum of 0.15 parking spaces per *dwelling unit* for residents;

ii. A minimum of 0.03 parking spaces per *dwelling unit* for non-resident uses including residential visitors, *day nursey*, *eating establishment*, *take-out eating establishment* and uses within an *outdoor open air market*;

(h) A maximum of 10 percent of the total number of *parking spaces* provided may have the following minimum dimensions, notwithstanding that such *parking spaces* are obstructed on one or two sides:

i. Length – 5.6 metres;

ii. Width – 2.6 metres;

iii. Height – 2.0 metres;

(i) For each *car-share parking space* provided on the *lot*, the minimum number of resident *parking spaces* required for residents pursuant to Regulation (g) above may be reduced by four *parking spaces*, up to a maximum reduction as calculated by the following formula: 4 x (the total number of *dwelling units* divided by 60), rounded down to the nearest whole number;

(j) The *parking spaces* required for residential visitors and non-residential uses pursuant to Regulation (g) above may be provided on a non-exclusive basis and may be provided in a *parking garage* or *commercial parking garage* on the *lot*;

(j) Loading spaces shall be provided as follows:

i. A minimum of 1 Type "G" loading space;

ii. A minimum of 1 Type "C" loading space;

(k) *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:

i. Long term bicycle parking spaces are for use by the occupants or tenants of a building;

ii. Short term bicycle parking spaces are for use by visitors to a building;

iii. For *dwelling units*: 0.9 bicycle parking spaces for each *dwelling unit*, allocated as long term bicycle parking spaces and 0.1 *bicycle parking spaces* for each *dwelling unit* allocated as short term *bicycle parking spaces* for non-resident uses including residential visitors,

*day nurse, eating establishment, take-out eating establishment* and uses within an *outdoor open air market*;

(l) For each 5 *bicycle parking spaces* provided in excess of the minimum number of *bicycle parking spaces* required by this By-law, the minimum number of resident *parking spaces* required pursuant to Regulations (g) and (i) above may be reduced by 1 *parking space* up to a maximum reduction of 20 percent of the minimum that would be required pursuant to Regulations (g) and (i) above;

3. None of the provisions of Zoning By-law 438-86, as amended, 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" shall apply to prevent a temporary sales office on the lot as of the date of the passing of this By-law;

4. Sections 12(1)(61), 12(2)(132) and 12(2)380 of Zoning By-law 438-86, as amended, 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" and Former City of Toronto By-law 21875 no longer apply.

5. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in Zoning By-law 438-86, as amended, 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, except for the following:

(a) "*bicycle parking space*" means an area that is equipped with a bicycle rack, bicycle ring, bicycle stacker or bicycle locker for the purpose of parking and securing bicycles;

(b) "*car-share*" means the practice whereby a number of people share the use of one or more motor vehicles and such car-share motor vehicles are made available to at least the occupants of the building for short term rental, including hourly rental;

(c) "*car-share parking space*" means a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes;

(d) "*grade*" means 113.0, Canadian Geodetic Datum;

(e) "*gross floor area*" means the sum of the total area of each floor level of a building or structure above and below finished ground level, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:

A. *Parking spaces* and *loading spaces* below *grade*;

B. Required *loading spaces* at the ground level;

C. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below *grade*;

D. Facilities for bicycle parking, including but not limited to the area occupied by *bicycle parking spaces* and required shower and change facilities;

E. *Residential amenity space*;

F. Elevator shafts, garbage shafts;

G. Mechanical penthouses;

H. Exit stairwells in the building or structure

I. The areas of any use operated in connection with an outdoor open air market; and

J. *Interior floor area* occupied by a *day nursery* and uses *accessory* thereto;

(f) "*height*" means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law;

(g) "*interior floor area*" means the floor area of any part of a building measured to the interior side of a main wall, the centreline of an interior wall, or as measured to a line delineating the part being measured;

(h) "*lot*" means in aggregate the lands outlined by heavy lines on Map 1 of this By-law;

(i) "*outdoor open air market*" means portion of a *lot* where, goods, wares, merchandise or a substance, article or thing is offered, kept or stored for retail sales, which may include food sales, retail sales and other uses from containers, kiosks, tents, vehicles, tables or similar facilities, and such facilities are not buildings or structures;

(j) "*residential amenity space*" means a common area or areas within a lot which are provided for the use of residents, visitors and guests of a building for recreational or social purposes and such areas may include guest suites;

6. Despite any existing or future severance, partition or division of the lands shown on Map 1 of By-law ●, the provisions of this By-law and By-law 438-86, shall apply to the whole of the lands as one lot as if no severance, partition or division had occurred.

7. None of the provisions of Section 5(1) and 5(3)Part II of Zoning By-law 438-86, as amended, 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" shall apply to prevent the erection or use of a building, structures or trailers used for the purpose of or related to construction on the lands identified as G on Map 2 to this By-law.





