

ZONING ORDER 05-2026 (Transit-Oriented Community Land)
For lands municipally known as
356 Eastern Avenue, City of Toronto and 364 Eastern Avenue, City of Toronto
Ordered under section 47 of the *Planning Act*

Whereas, pursuant to Order-in-Council 589/2025, the Minister of Infrastructure may exercise the powers and perform the duties, functions and responsibilities of the Minister of Municipal Affairs and Housing under section 47 of the *Planning Act* in respect of transit-oriented community land designated under subsection 2 (1) of the *Transit-Oriented Communities Act 2020*,

And whereas pursuant to Order-in-Council 878/2025 the lands described in Appendix “A” have been designated as transit-oriented community lands under subsection 2(1) of the *Transit-Oriented Communities Act, 2020*;

As permitted by section 47 of the *Planning Act*, for lands in the City of Toronto in the Province of Ontario shown in Appendix "A" (the “subject lands”), I hereby order as follows:

1. Conditions

- (1) If the Port Lands Flood Protection and Enabling Infrastructure Project and the Broadview and Eastern Flood Protection Project, as they relate to the subject lands, are not completed prior to the commencement of any construction on the subject lands, then this Order is subject to the following condition for the purposes of subsection 47(1.0.1) of the *Planning Act*:
 - (a) Each person who owns all or any part of the subject lands, prior to the commencement of any construction on the subject lands, shall enter into one or more agreements with the City of Toronto, the Toronto and Region Conservation Authority, and the Province of Ontario, at the direction of, and as may be required by, the Minister, dealing with matters described in the Protocol Regarding the Lower Don Special Policy Area that was entered into in or around April 27, 2018, as it relates to the subject lands, including:
 - (i) any requirement to indemnify the City of Toronto, the Toronto and Region Conservation Authority and the Province of Ontario from and against any and all claims, losses, costs, damages, expenses and liabilities arising out of or in connection with potential flooding of the subject lands during the course of construction on the subject lands; and
 - (ii) preparation and delivery to the Toronto and Region Conservation Authority of an emergency management and safety plan to address potential flooding during construction on the subject lands.

In making a direction or determination as to whether this condition has been or will be fulfilled pursuant to subsection 47(1.0.3) of the Planning Act, the Minister may rely on information from the Toronto and Region Conservation Authority.

2. Definitions

(1) In this Order,

“established grade” means the Canadian Geodetic Datum elevation of 78.60 metres.

“height” means the vertical distance between established grade and the highest point of a building or structure being measured.

“rail safety features” means security fences that restrict access to rail corridors and crash walls that provide protection to the subject lands in the event of a derailment.

“zoning by-law” means the City of Toronto Zoning By-law No. 569-2013.

3. General zoning provisions

(1) This Order applies to the subject lands.

(2) For the purposes of this Order, the subject lands shall be considered a single lot, and despite any severance, partition or division of the subject lands, this Order shall apply to the subject lands as if no severance, partition or division had occurred.

(3) None of the provisions of By-law No. 438-86 for the City of Toronto apply to the subject lands.

4. Permitted uses

(1) Every use of land and every erection, location or use of any building or structure is prohibited on the subject lands except as permitted under Article 40.10.20 of the zoning by-law, subject to any additional requirements set out in this Order.

5. Zoning requirements

(1) Except as otherwise provided in this Order, the following zoning by-law requirements apply to the subject lands:

(a) The Development Standard Set 2 (SS2) requirements as set out in Chapter 40 of the zoning by-law;

(b) The Commercial Residential (CR) Zone requirements as set out in Chapter 40 of the zoning by-law; and

(c) Parking Zone B requirements as set out in Chapter 200 of the zoning by-law.

- (2) Despite subsection 5(1), the following additional requirements apply to the subject lands and prevail over any provision of the zoning by-law to the extent of a conflict:
- (a) The maximum height of any portion of a building or structure is 43 metres.
 - (b) The following minimum building setbacks above ground apply to the subject lands as shown on Map 1 in Appendix "A", which prevails over this subsection 5(2)(b) to the extent of a conflict:
 - (i) Fronting South onto Eastern Avenue: 2.2 metres
 - (ii) Fronting Southeast onto the Ontario Line Transit Corridor: 12.2 metres
 - (iii) Fronting West onto Lewis Street: 2.4 metres
 - (iv) Fronting East onto Saulter Street: 3.3 metres
 - (v) Fronting North and West onto private property lines, opposite from Eastern Avenue: 8.5 metres
 - (c) The minimum building setbacks above the first storey are as follows:
 - (i) Fronting Eastern Avenue above a height of 8.0 metres: 0 metres and above a height of 15.0 metres: 2.2 metres
 - (ii) Fronting Lewis Street above a height of 8.0 metres: 0.9 metres and above a height of 15.0 metres: 2.4 metres
 - (iii) Fronting Saulter Street above a height of 4.0 metres: 2.0 metres and above a height of 15.0 metres: 3.3 metres
 - (iv) Fronting North and West onto private property lines above a height of 4.0 metres: 6.5 metres and above a height of 8.0 metres: 8.5 metres
 - (d) Despite the zoning requirement set out in Article 40.5.40.10(4) of the zoning by-law, the following shall apply:
 - (i) equipment and structures located on the roof of a building that are not listed in paragraph (m) of subsection 5(2) may exceed the permitted maximum height for that building by 6.0 metres; and
 - (ii) for the purposes of Article 40.5.40.10(4)(B) of the zoning by-law, structures or parts of the building used for the functional operation of the building shall include areas used for access to the roof and/or amenity spaces and corridors.
 - (e) Despite Article 40.5.40.10(5)(A) of the zoning by-law, the total area of all equipment, structures, or parts of a building shall be no more than 40% of the area of the roof, measured horizontally.

- (f) Rail safety features or noise attenuation barriers for the Ontario Line Transit Corridor along with any elements of a building that are connected to such safety features or noise attenuation barriers, are not subject to the setback or height requirements in paragraphs (a), (b) and (c) of subsection 5(2).
- (g) There is no maximum lot coverage.
- (h) The maximum gross floor area is 14,000 square metres.
- (i) One Type G loading space shall be provided.
- (j) An accessible vehicle parking space must have a minimum width of 3.4 metres.
- (k) Each accessible vehicle parking space must be adjacent to a 1.5-metre wide accessible barrier-free aisle or path.
- (l) The following structures may encroach into, and/or project beyond, the required minimum building setbacks and the required minimum building separation distances set out in the zoning by-law and paragraphs (b) and (c) of 5(2) above:
 - (i) canopies, including supporting structures, covered walkways, privacy screens, wind screen and other screens, planters, awnings, fences, lighting and light fixtures, bollards, safety railings, trellises, guards, guardrails, retaining walls, wheelchair ramps, bicycle parking facilities, ornamental or architectural features or structures, cornices, landscape features, art installations, doors and door swings and facilities accessory to a day nursery, decks and pavers, to a maximum extent of 3.0 metres;
 - (ii) terraces, balconies, and patios, including associated railings to a maximum extent of 3.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 2.5 metres;
 - (iv) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.5 metres;
 - (v) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 2.0 metres;
 - (vi) screens for gas and hydro metres, by a maximum extent of 3.0 metres;
 - (vii) underground garage ramps, to a maximum extent of 2.5 metres; and,

- (viii) stairs, covered stairs and stair enclosures associated with an entrance door exit from an underground parking garage, to a maximum extent of 2.5 metres.
- (m) The following structures may encroach into, and/or project beyond, the required maximum building height set out in the zoning by-law and paragraph (a) of subsection 5(2) above:
 - (i) structures used in connection with green roofs, structures and elements associated with green energy and renewable energy facilities, roof assemblies, mechanical penthouses and access hatches, and amenity spaces and corridors to a maximum extent of 6 metres;
 - (ii) parapets, railings, balustrades, dividers, balconies and guardrails, to a maximum extent of 6 metres;
 - (iii) vents, chimneys, stacks, flues or other heating, cooling or ventilation equipment or window washing equipment on the roof of the building, or a fence, wall, screen or structure enclosing such elements, to a maximum extent of 6.6 metres;
 - (iv) exit stairs and stair enclosures, to a maximum extent of 6 metres;
 - (v) elements related to drainage, to a maximum extent of 3 metres;
 - (vi) elevators, elevator vestibules and related enclosures, elevator overruns and related enclosures, including stair towers, to a maximum extent of 6 metres;
 - (vii) structures (including those on any roof) for outdoor amenity space or open-air recreation, maintenance, safety, wind or green roof purposes, to a maximum extent of 6 metres;
 - (viii) supporting columns and structures and structures for safety, to a maximum extent of 3 metres;
 - (ix) window washing equipment, to a maximum extent of 3 metres; and
 - (x) piers, sun-shades, trellises, pergolas, awnings, eaves and sills, to a maximum extent of 6 metres;
- (n) Despite Article 40.10.20.40(1) of the zoning by-law, apartment buildings, mixed use buildings and townhouses are not subject to a maximum residential Floor Space Index but are subject to paragraph (h) of subsection 5(2).
- (o) A minimum of 25 percent of the total number of dwelling units must contain two or more bedrooms, of which a number of dwelling units representing at

least 10 percent of the total number of dwelling units must contain three or more bedrooms.

- (3) The following sections, articles, clauses and/or regulations of the zoning by-law do not apply to the subject lands:
- (a) regulation 40.5.40.10(1) regarding determining the height of buildings in Commercial Residential Zones;
 - (b) regulation 40.10.20.100(17) regarding the permitted maximum interior floor area of retail services;
 - (c) regulation 40.10.40.1(1) regarding the location of residential uses in a mixed use building condition;
 - (d) regulation 40.10.40.10(2) regarding the maximum height in development standard set 2;
 - (e) regulation 40.10.40.10(4) regarding the minimum height in certain Commercial Residential Zones;
 - (f) regulation 40.10.40.10(5) regarding the minimum height of a first storey;
 - (g) regulation 40.10.40.60(9) regarding the permitted encroachments into the required angular planes;
 - (h) regulation 40.10.40.70(2) regarding building setbacks for development standard set 2;
 - (i) regulation 40.10.50.10(3) regarding the landscaping requirement if abutting a lot in the Residential or Residential Apartment Zone category;
 - (j) regulation 200.15.1(1)(B) regarding the width of the accessible parking space dimension; and
 - (k) defined term 800.50(240) regarding the definition of the established grade.

6. Inclusionary zoning

- (1) Any by-law made under section 35.2 of the *Planning Act* by the council of the City of Toronto does not apply to the subject lands.
- (2) Article 600.30 of the zoning by-law does not apply to the subject lands.

7. Terms of use

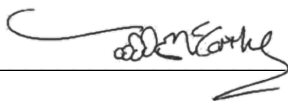
- (1) Every use of land and every erection, location and use of any building or structure shall be in accordance with this Order.

- (2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.
- (3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased and its original use is not altered.
- (4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

8. Implementation provisions

- (1) This Order is deemed for all purposes, except the purposes of section 24 of the *Planning Act*, to be a by-law passed by the council of the City of Toronto.
- (2) Policy statements issued under subsection 3(1) of the *Planning Act*, provincial plans and official plans do not apply in respect of a licence, permit, approval, permission or other matter required before a use permitted by this Order may be established on the subject lands subject to this Order.
- (3) Section 114 of the *City of Toronto Act*, 2006 does not apply to the subject lands.
- (4) Each person who owns all or any part of the subject lands shall enter into one or more agreements with the City of Toronto dealing with the matters listed in subsection 47(4.4) of the *Planning Act*.
- (5) This Order comes into force on the day it is made.

Signed at Toronto this 11 day of June, 2026.



Hon. Todd J. McCarthy

Acting Minister of Infrastructure

