

Authority: Toronto and East York Community Council Report 3, Clause 5,
as adopted by City of Toronto Council on April 25, 26 and 27, 2006
Enacted by Council: May 25, 2006

CITY OF TORONTO

BY-LAW No. 461-2006

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands generally bounded by King Street West, Bathurst Street, CN rail line and Stanley Terrace.

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. District Map 49G-323 contained in Appendix 'A' of By-law No. 438-86, as amended, is hereby further amended by re-designating the lands delineated by heavy lines to "MCR T3.0 C1.0 R2.5", "R3 Z1.5" and "G" as shown on Map 1.
2. Height and Minimum Lot Frontage Map 49G-323 contained in Appendix 'B' of By-law No. 438-86, as amended, is hereby further amended by amending height limits of the lands delineated by heavy lines to "H 36.0", "H15.0" and "H 12.0" as shown on Map 2.
3. Section 12(1) of By-law No. 438-86, as amended, is further amended by adding the following exception:

"467. to prevent the use of land or the erection of a building or structure within the area zoned R3 Z1.5 and shown within the heavy lines on the map appearing at the end of this paragraph, subject to the following:

(1) Setbacks

1. Front yard setbacks: setbacks from front lot line

No person shall erect or use a building or structure on a *lot* having any part of the building or structure closer to the *front lot line* than 1.0 metre except:

- (i) a building or structure that was lawfully erected on or before April 27, 2006 with a setback from the *front lot line* that is less than 1.0 metre, may have additions to such building or structure with a minimum setback from the *front lot line* that is equal to or greater than the setback of the building or structure on or before April 27, 2006;

- (ii) on an *inside lot*, between existing buildings or structures that have their *front lot lines* on the same *street*, the minimum setback from the *front lot line* shall be the average of the shortest distances by which the *front walls* of the adjacent existing buildings or structures (other than accessory structures) are set back from their *front lot lines* or 1.0 metre, whichever is greater;
- (iii) on a *lot*, where there is only one adjacent building or structure that has its *front lot line* on the same *street*, the minimum setback from the *front lot line* shall be the shortest distance by which the *front wall* of the adjacent building or structure (other than an accessory structure) is set back from the *lot line* or 1.0 metre, whichever is greater;

2. Side yard setbacks: setbacks from side lot lines

No person shall erect or use a building or structure having any part closer to a *side lot line* than 0.6 metres, and provided:

- (i) any building located on a *corner lot* shall not have any part closer to the *side lot line* of the flanking *street* than 1.0 metre.

3. Rear yard setbacks: setback from rear lot line

No person shall erect or use a building or structure on a *lot*, any part of which is closer to the *rear lot line* than 7.5 metres.

(2) Depth

No person shall erect or use a building or structure having a *depth* greater than 17 metres.

(3) Height of buildings subject to this exception

No person shall erect or use a building or structure subject to this exception unless:

- (i) the building or structure is contained within a 44 degree angular plane projected over the *lot* from the *front lot line*, starting from a *height* of 9 metres above *grade* measured at the *front lot line* as shown on the diagram following this section;
- (ii) the building or structure does not exceed a *height* of 12 metres.

- (iii) Sections 2(a) (i) and 2(a) (ii) regarding rooftop structures do not apply. No additional height is permitted beyond the built form envelopes indicated on the diagram following this section.

(4) Open Space

No person shall on a *lot* subject to this exception erect or use a building or structure so that the *lot* has less *landscaped open space* than as follows:

	Location	Minimum Landscaped Open Space
(i)	The portion of the lot between the front lot line and the line of the main front wall of the building as produced to the side lot line:	80% - <i>soft landscaping</i>
(ii)	Entire lot:	15% - <i>soft landscaping</i>
(iii)	Entire lot:	30% - <i>landscaped open space</i> (combined total of hard or <i>soft landscaping</i>)

(5) Permitted Uses

- (a) In addition to those uses which are permitted in an R3 zone as identified through the chart identified in Section 6(1)(f), the following uses identified in the chart in paragraph (e) below shall be permitted subject to qualifications where indicated.
- (b) A use is permitted by the chart when the letter “P” is set in the line opposite the designation of the use.
- (c) Where the identified use has a letter “q” followed by a number or numbers the use shall be subject to the qualification or qualifications in subsection (6) bearing the number or numbers that follow the letter “q”.
- (d) Uses *accessory* to a use that is permitted by the chart are themselves permitted by the chart as *accessory* uses when an asterisk is set in the line opposite the designation of the use and in the column under the heading “Acc.” but only in the use district or districts designated at the top of the column or columns intersecting the line where the letter “P” or the letter “q” is set.

(e) Additional Permitted Uses Chart:

RESIDENTIAL USES	Acc.	R3 additional
<i>artist live/work studio</i>	*	P
NON-RESIDENTIAL USES		
<i>artist's or photographer's studio</i>	*	P
<i>bake-shop</i>	*	q ¹
bookbinder's shop	*	P
<i>brew-on-premises establishment</i>	*	P
brewery	*	P
<i>carpenter's shop</i>	*	P
<i>caterer's shop</i>	*	P
<i>ceramics factory</i>	*	P
<i>cold storage lockerplant</i>	*	P
<i>communications and broadcasting establishment</i>	*	P
<i>contractor's shop, class A</i>	*	P
<i>crisis care facility</i>	*	P
<i>custom workshop</i>	*	P
<i>data processing establishment</i>	*	P
<i>designer's studio</i>	*	P
<i>dry-cleaning shop</i>	*	P
<i>duplicating shop</i>	*	P
<i>fur goods factory</i>	*	P

<i>garment factory</i>	*	P
<i>industrial computer service</i>	*	P
<i>laboratory, class A</i>	*	P
<i>manufacturing plant</i>	*	P
<i>market gardening</i>	*	P
<i>metal wares factory</i>	*	P
newsstand	*	P
office	*	P
<i>ornamental structure</i>	*	P
<i>packaging plant</i>	*	P
<i>performing arts studio</i>	*	P
<i>personal grooming establishment</i>	*	P
<i>printing plant</i>	*	P
<i>private art gallery</i>	*	P
<i>publisher</i>	*	P
<i>restaurant</i>	*	q ¹
research and development institute	*	P
<i>service, rental or repair shop</i>	*	P
<i>sheet metal shop</i>	*	P
<i>showroom</i>	*	P
<i>software design and development establishment</i>	*	P
<i>storage warehouse, class A</i>	*	P
<i>tailoring shop</i>	*	P

<i>take-out restaurant</i>	*	q ¹
<i>welder's shop</i>	*	P
<i>wholesaling establishment – general</i>	*	P
<i>winery</i>	*	P

For the purposes of this exception artist live/work studio means a suite consisting of a combination of a studio area used for the production of art and a living area containing not more than one *habitable room*.

(6) Qualifications

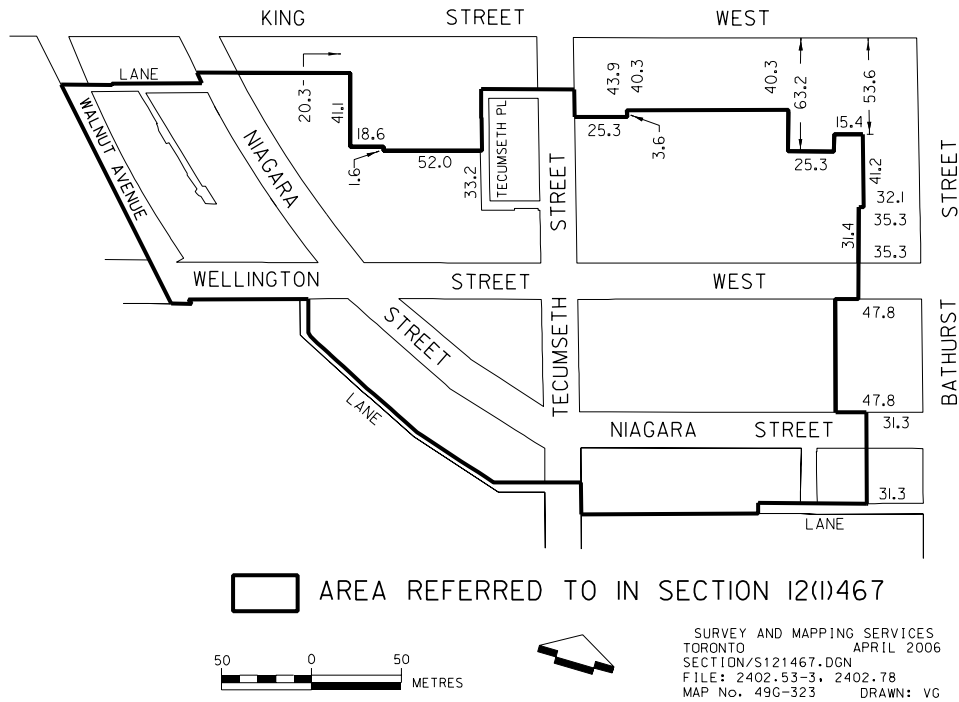
Qualifications to be complied with before certain uses identified through this exception are permitted.

1. A *restaurant, take-out restaurant* and a *bake shop* are permitted uses provided:
 - (a) any such use existed on the *lot* in question as a legal non-conforming use prior to April 27, 2006;
 - (b) any such use located at or above *grade* is limited to the ground floor only;
 - (c) the aggregate area of all operable windows and doors located in any ground floor wall shall not be greater than 3.3 square metres, except to the extent a greater area is required by the Ontario Building Code, as amended; and
 - (d) the *patio*, if any, is located,
 - (i) between the *front wall* of the building or structure housing the principal use and the *front lot line* of the *lot*, or
 - (ii) for a *corner lot*, between the wall facing the *side lot line* on the flanking *street* of the building or structure housing the principal use and the *side lot line* of the *lot*, and not closer than 10 metres from the *rear lot line* of the *lot*; and
 - (e) the total *non-residential gross floor area* used for any one or a combination of two or more of those purposes in a building or structure does not exceed 300 square metres.

For the purposes of this exception, the *non-residential gross floor area* of a *take-out restaurant, restaurant or bake-shop* means the aggregate of the areas of each floor and the spaces occupied by walls and stairs, measured above and below *grade*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of only a room or enclosed area that is used exclusively for heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that services the building, storage or washrooms.”

For those lands designated R3 Z1.5 where any or a combination of permitted non-residential uses are proposed on a *lot*, the total maximum density shall be 2.0 times the area of the *lot*;

For those lands designated R3 Z1.5 where a *mixed-use building* including residential uses and at least one of the permitted non-residential uses is proposed, the total maximum density shall be 2.0 times the area of the *lot*, of which no more than 1.5 times the area of the *lot* shall be for residential uses.



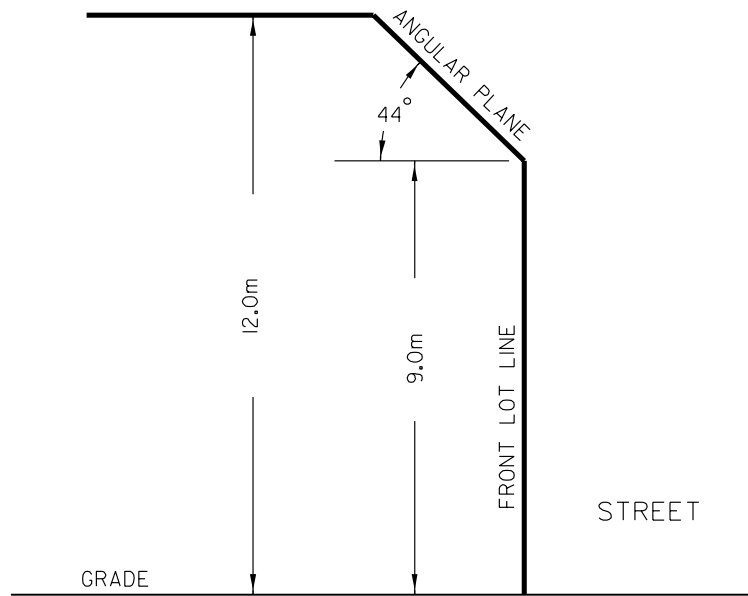


DIAGRAM REFERRED TO
IN SECTION 12(1)467(3)

SURVEY AND MAPPING SERVICES
SECTION/S1214673.DGN
APRIL 2006

4. Section 12(2) of By-law No. 438-86, as amended, is further amended by adding the following exception:

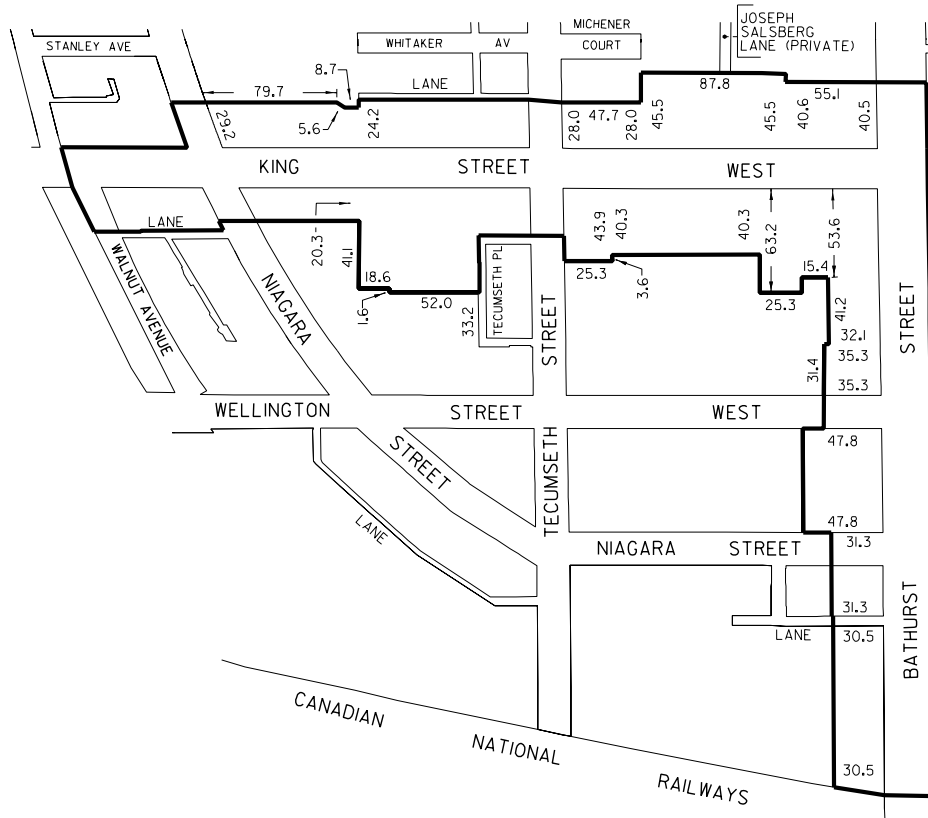
“340. No person shall, within the area zoned MCR T3.0 C1.0 R2.5 and shown within the heavy lines on the map appearing at the end of this paragraph, erect or use a building or structure that does not comply with the following.


- (1) For lots fronting onto Bathurst Street and having a lot depth less than 40 metres (Bathurst Street Shallow Lots):
 - (i) the building or structure shall be contained within a 44 degree angular plane projected over the lot from the front lot line, starting from a height of 30 metres above grade as shown on the diagram following this section;
 - (ii) the building or structure shall be contained within a 60 degree angular plane projected over the lot toward the front lot line from a line located parallel to the rear lot line and located 5.5 m from the rear lot line, starting from a height of 16 metres above grade as shown on the diagram following this section;
 - (iii) the building or structure shall not exceed a height of 36 metres; and

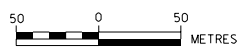
- (iv) Where the *rear lot line* does not abut a public or private laneway no person shall erect or use a building or structure any part of which is closer to the *rear lot line* than 5.5 metres.
 - (v) Sections 2(a) (i) and 2(a) (ii) regarding rooftop structures do not apply. No additional height is permitted beyond the built form envelope indicated on the diagram following this section.
- (2) For *lots* fronting onto Bathurst Street and having a *lot depth* equal to or greater than 40 metres (Bathurst Street Deep Lot):
- (i) the building or structure shall be contained within a 44 degree angular plane projected over the *lot* from the *front lot line*, starting from a *height* of 30 metres above *grade* as shown on the diagram following this section;
 - (ii) the building or structure shall be contained within a 60 degree angular plane over the *lot* toward the *front lot line* from a line on the *lot* measured 37.7 metres from and parallel to the *front lot line* and starting from a *height* of 16 metres above *grade* as shown on the diagram following this section;
 - (iii) the building or structure shall not exceed a *height* of 16 metres for the portion of the building or structure located between the *rear lot line* and a line measured 37.7 metres from and parallel to the *front lot line* as shown on the diagram following this section;
 - (iv) the building or structure shall not exceed a *height* of 36 metres; and
 - (v) where the *rear lot line* does not abut a public or private laneway no person shall erect or use a building or structure any part of which is closer to the *rear lot line* than 5.5 metres;
 - (vi) Sections 2(a) (i) and 2(a) (ii) regarding rooftop structures do not apply. No additional height is permitted beyond the built form envelope indicated on the diagram following this section.
- (3) For *lots* fronting onto King Street West and having a *lot depth* less than 40 metres (King Street West Shallow Lots):
- (i) the building or structure shall be contained within a 44 degree angular plane projected over the *lot* from the *front lot line*, starting from a *height* of 20 metres above *grade* as shown on the diagram following this section;

- (ii) the building or structure shall be contained within a 60 degree angular plane projected over the *lot* from the *rear lot line*, starting from a *height* of 16 metres above *grade* as shown on the diagram following this section; and
 - (iii) the building or structure shall not exceed a *height* of 36 metres.
 - (iv) where the *rear lot line* does not abut a public or private laneway no person shall erect or use a building or structure any part of which is closer to the *rear lot line* than 5.5 metres.
 - (v) Sections 2(a) (i) and 2(a) (ii) regarding rooftop structures do not apply. No additional height is permitted beyond the built form envelope indicated on the diagram following this section.
- (4) For *lots* fronting onto King Street West and having a *lot depth* of equal to or greater than 40 metres (King Street West Deep Lots):
- (i) the building or structure shall be contained within a 44 degree angular plane projected over the *lot* from the *front lot line*, starting from a *height* of 20 metres above *grade* as shown on the diagram following this section;
 - (ii) the building or structure shall be contained within a 60 degree angular plane projected over the *lot* toward the *front lot line* from a line on the *lot* measured 46 metres from and parallel to the *front lot line* and starting from a *height* of 16 metres above *grade* as shown on the diagram following this section;
 - (iii) the building or structure shall not exceed a height of 16 metres for the portion of the building or structure located between the *rear lot line* and a line measured 46 metres from and parallel to the *front lot line*; and
 - (iv) the building or structure shall not exceed a *height* of 36 metres.
 - (v) where the *rear lot line* does not abut a public or private laneway no person shall erect or use a building or structure any part of which is closer to the *rear lot line* than 5.5 metres.

- (vi) Sections 2(a) (i) and 2(a) (ii) regarding rooftop structures do not apply. No additional height is permitted beyond the built form envelope indicated on the diagram following this section.



 AREA REFERRED TO IN SECTION I2(2)340



SURVEY AND MAPPING SERVICES
 TORONTO APRIL 2006
 SECTION/S122340.DGN
 FILE: 2402.53-3, 2402.78
 MAP No. 496-323 DRAWN: VG

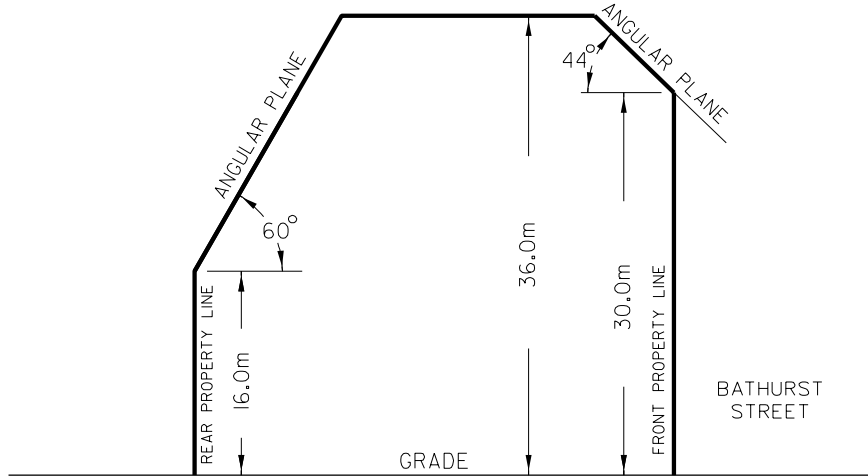


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SURVEY AND MAPPING SERVICES
SECTION/S1223401.DGN
APRIL 2006

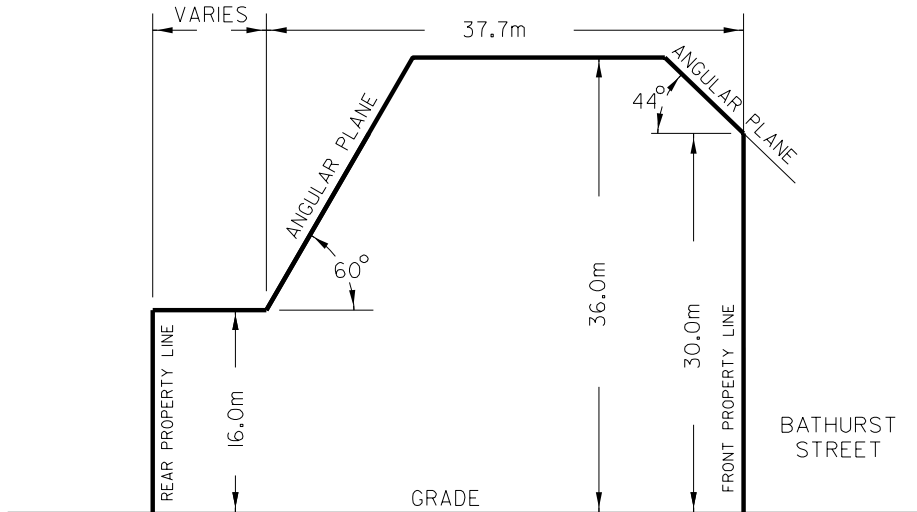


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SURVEY AND MAPPING SERVICES
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APRIL 2006

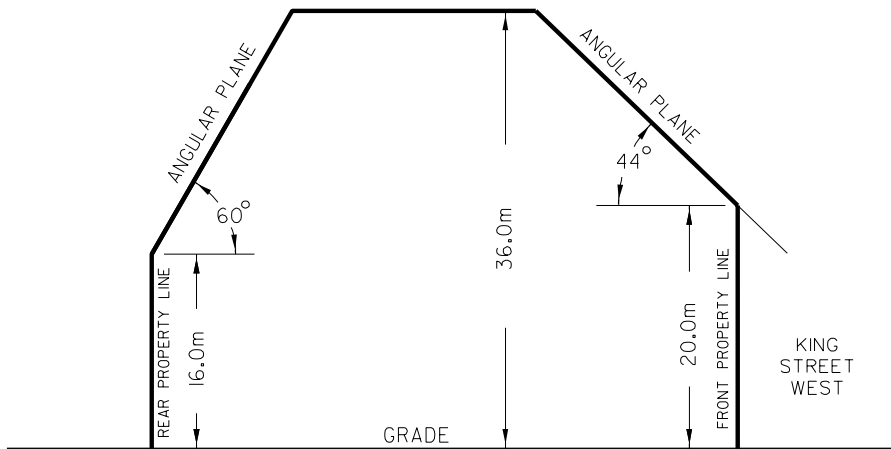


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SURVEY AND MAPPING SERVICES
SECTION/S12340.DGN
APRIL 2006

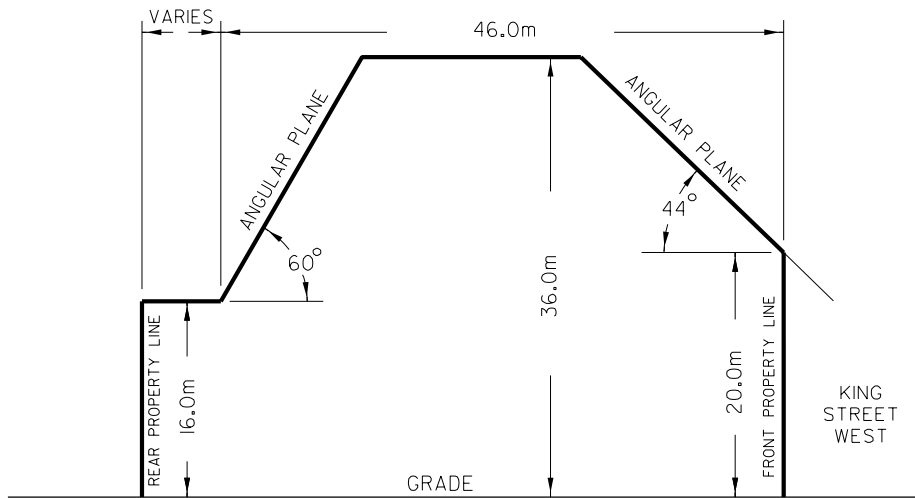


DIAGRAM REFERRED TO
IN SECTION 12(2)340(4)

SURVEY AND MAPPING SERVICES
SECTION/S1223404.DGN
APRIL 2006

5. Section 12(2) of By-law No. 438-86, as amended, is further amended by adding the following exception:

“341. No person shall, within the area zoned MCR T3.0 C1.0 R2.5 and shown within the heavy lines on the map attached to section 12(2)340;

- (1) use land or erect or use a building, addition, or structure for the purpose of a *bake-shop, club, place of amusement, place of assembly, restaurant, take-out restaurant* or *patio* provided in connection therewith unless:
 - (a) the *front lot line* of such *lot* is on King Street West or Bathurst Street;
 - (b) any such use located at or above *grade* is limited to the ground floor only;
 - (c) the aggregate area of all operable windows and doors located in any ground floor wall facing a *street* other than King Street West and Bathurst Street shall not be greater than 3.3 square metres, except to the extent a greater area is required by the Ontario Building Code, as amended; and
 - (d) the *patio*, if any, is located,
 - (i) between the *front wall* of the building or structure housing the principal use and the *front lot line* of the *lot*, or
 - (ii) between the wall facing the *side lot line* of the building or structure housing the principal use and the *side lot line* of the *lot*, and not closer than 10 metres from the *rear lot line* of the *lot*; and
- (2) erect or use any building or structure for the purpose of a *restaurant, take-out restaurant, bake-shop, place of amusement, place of assembly* or *club*, unless the total *non-residential gross floor area* used for any one or a combination of two or more of those purposes in a building or structure does not exceed 300 square metres.

For the purposes of this exception, the *non-residential gross floor area* of a *take-out restaurant, bakeshop, place of amusement, place of assembly* or *club* means the aggregate of the areas of each floor and the spaces occupied by walls and stairs, measured above and below *grade*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of only a room or enclosed area that is used exclusively for heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that services the building, storage or washrooms.”

- 6.** The following site-specific exceptions are added or deleted.
- (i) Notwithstanding the G zoning on the lands municipally known as 701-715 Wellington Street West, the uses and provisions of Section 11(1) shall apply.
 - (ii) Site specific exception 12(1) 290 shall not apply to any address within the area delineated by the heavy lines on the maps attached to Sections 12(1)467 and 12(2)340.
 - (iii) Site specific exception 12(1)232 shall not apply to any address within the area delineated by the heavy lines on the maps attached to Sections 12(1)467 and 12(2)340.
 - (iv) Site specific exception 12(1) 129 is hereby deleted.
 - (v) Site specific exception 12(1)49 is hereby deleted.
 - (vi) Site specific exception 12(1)61 shall apply to all addresses within the area delineated by the heavy lines on the map attached to Section 12(2)340.
 - (vii) Site specific exception 12(1)287 shall not apply to any address within the area delineated by the heavy lines on the maps attached to Sections 12(1)467 and 12(2)340.
- 7.** The following by-laws shall prevail over this by-law:
- (i) Sections 2, 3 and 4 of Bylaw No. 299-2006, being a by-law “To amend the General Zoning By-law No. 438-86 of the former City of Toronto, with respect to lands municipally known as 751, 761 and 771 King Street West”;
 - (ii) Bylaw No. 184-2005, being a by-law “To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2004 as 58-60 Tecumseth Street”; and
 - (iii) Bylaw No. 701-2004, being a by-law “To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally as 60 Bathurst Street”.
- 8.** By-law No. 332-2006, being a by-law “To amend the General Zoning By-law No. 438-86 with respect to the lands generally bounded by King Street West, Bathurst Street, CN rail line and Stanley Terrace” is hereby repealed.

9. Subject to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, this By-law shall come into force and effect on the date of its passing.

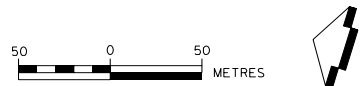
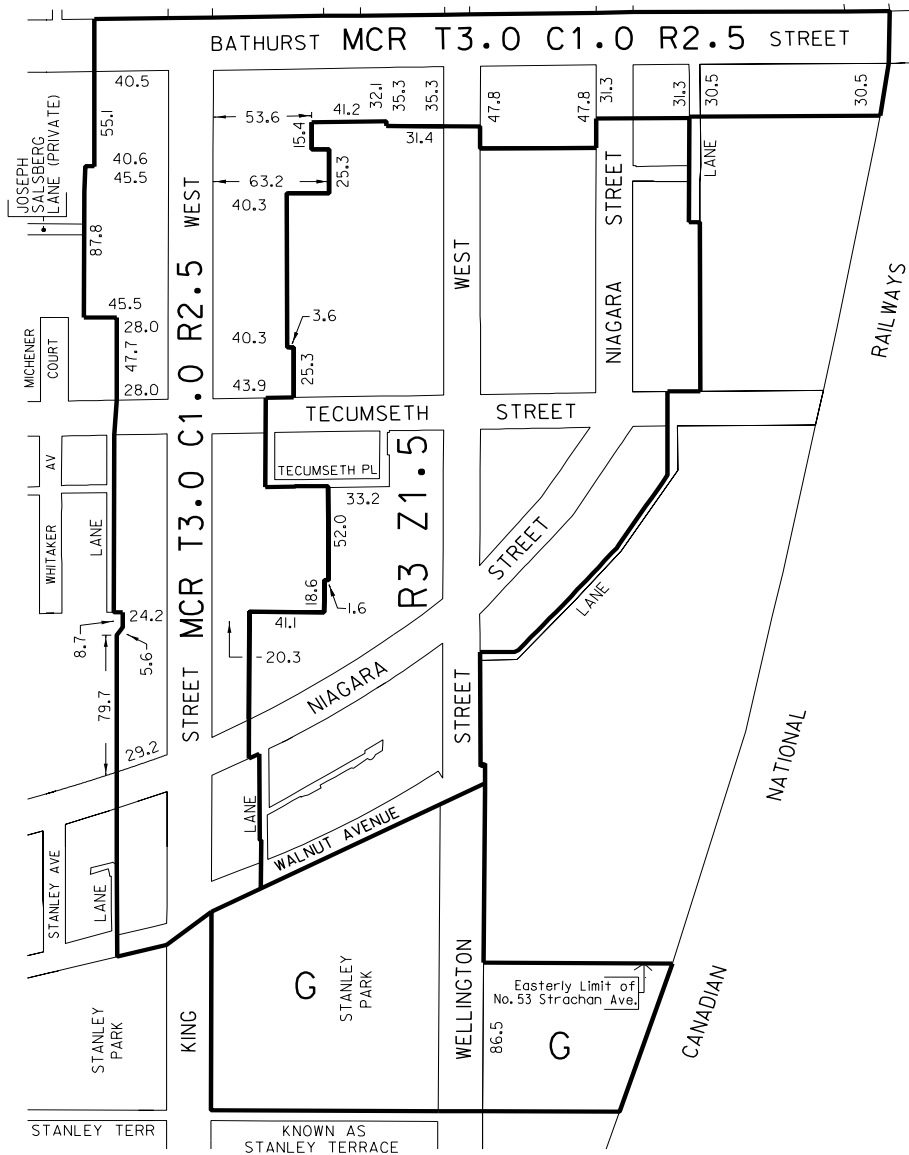
ENACTED AND PASSED this 25th day of May, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

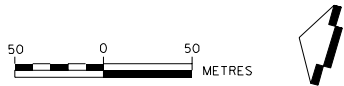
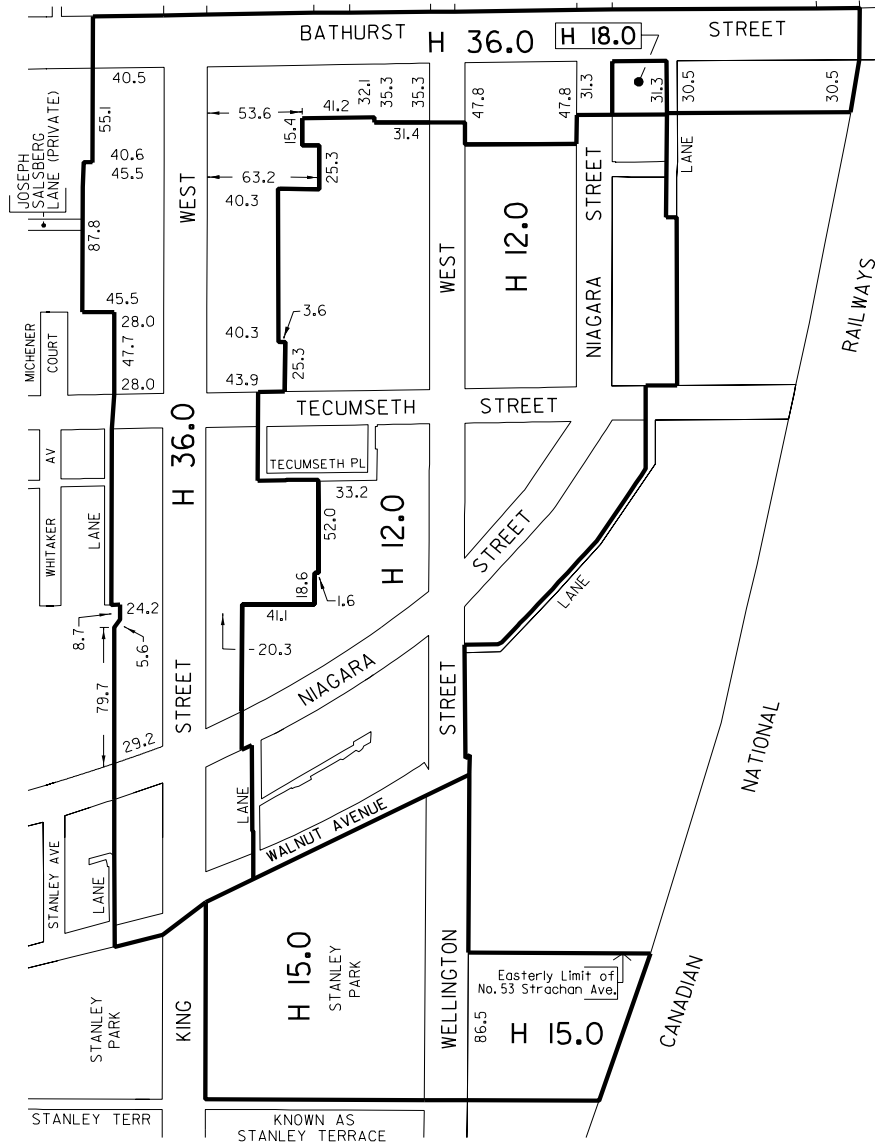
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MAP I



SURVEY AND MAPPING SERVICES
TORONTO MAY 2006
BL06/NIAG-MAP1A.DGN
FILE: 2402.53-3, 2402.78
MAP No. 496-323 DRAWN: VG

MAP 2



SURVEY AND MAPPING SERVICES
 TORONTO MAY 2006
 BL06/NIAG-MAP2A.DGN
 FILE: 2402.53-3, 2402.78
 MAP No. 496-323 DRAWN: VG