

Authority: Toronto and East York Community Council Report 8, Clause 1,
 adopted as amended, by City of Toronto Council on September 25, 26
 and 27, 2006
 Enacted by Council: September 27, 2006

CITY OF TORONTO

BY-LAW No. 922-2006

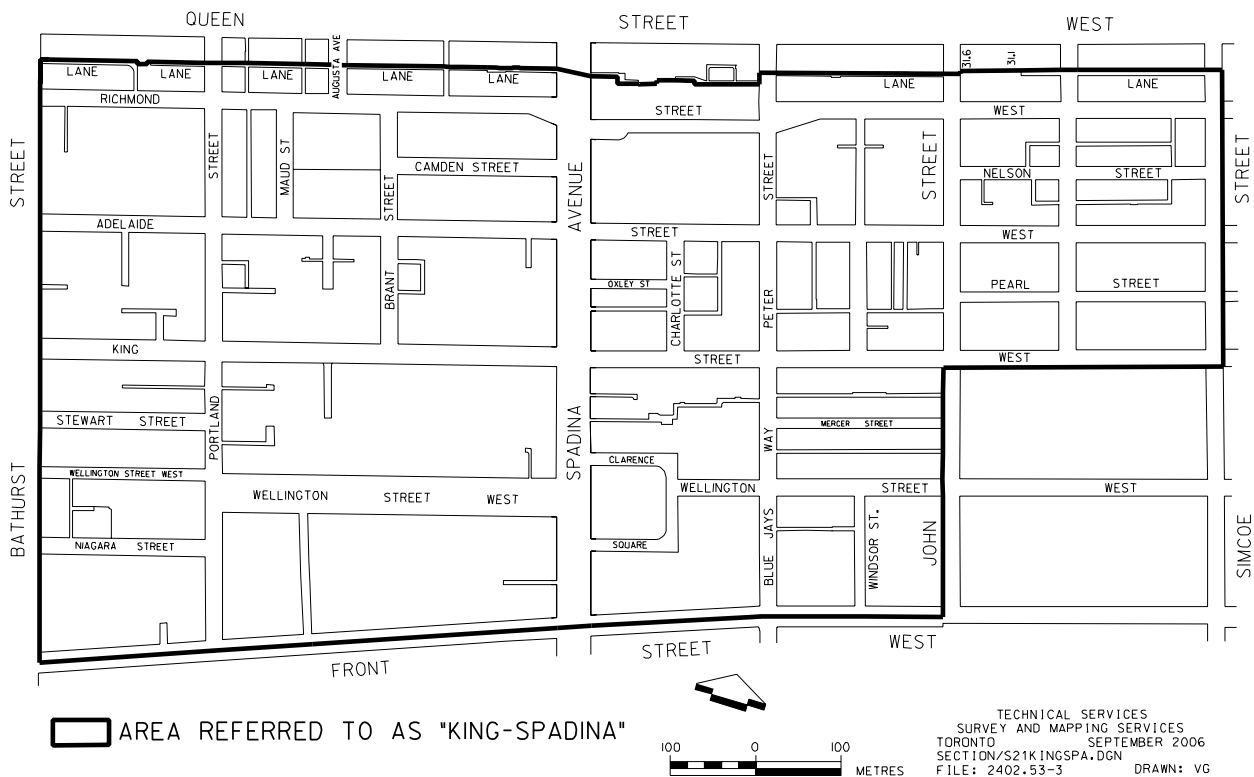
To amend the General Zoning By-law No. 438-86 of the former City of Toronto affecting those lands within the King-Spadina Secondary Plan Area generally bounded by Queen Street West, Front Street West, Bathurst Street, Simcoe Street and John Street.

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 held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. By-law No. 438-86, as amended, of the former City of Toronto is further amended by deleting the map following the definition of the term “King-Spadina” in Section 2(1) - Definitions and substituting the map below in its place;



2. Adding to Section 7(3) PART II – SETBACKS the following text:

“8. Window Separation

No person shall erect or use a building or structure on a *lot* in *King-Spadina* in which a window of a *dwelling unit* (other than a window of a kitchen or bathroom), *live-work unit* or a window of a *dwelling room* in the building is closer than:

- (i) 15 metres to a window of another *dwelling unit* (other than a window of a kitchen or bathroom) or a window of a *dwelling room* on the same lot; or
- (ii) 7.5 metres to a wall, or to a *lot* line that is not a *street* line or that does not abut a *public park*.”

3. Adding to Section 7(3) PART III – HEIGHT the following:

“2. Notwithstanding Section 4.2(a), a building or structure on a *lot* in an RA district in *King-Spadina* is permitted to have a *height* in metres to a maximum of the sum of 5 metres and the *height* limit applicable to the *lot* provided that:

- (i) all stair towers, elevator shafts, and heating, cooling or ventilating equipment are contained within such additional height and are enclosed on all sides by one or any of the uses listed in Section 7(1) of the by-law; and
- (ii) the additional height and the elements in (i) above are contained within a 45 degree angular plane projected over the *lot* from all *lot* lines which abut a *street* other than a lane at the elevation specified on the Height Map.”

4. Adding to Section 7(3) the following:

“PART VI – EXCEPTIONS TO PERMITTED USES: RESTRICTIONS ON USE

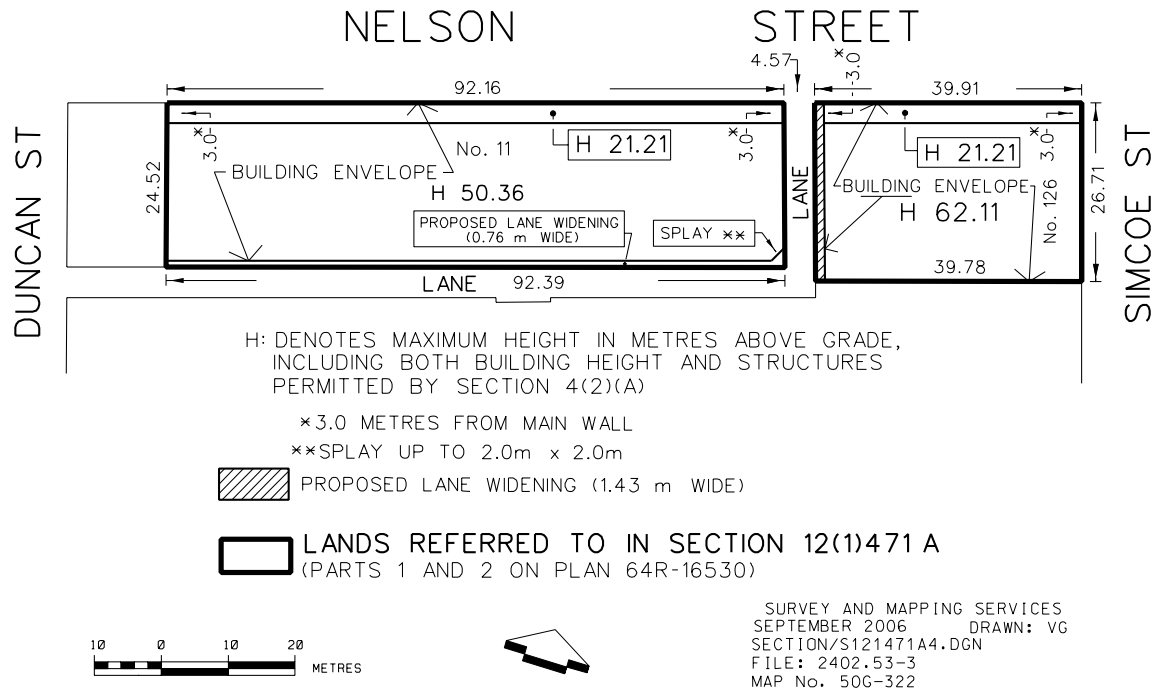
1. No person shall on any *lot* in *King-Spadina* erect or use any building or portion thereof for any use unless the main floor is located at or within 0.6 metres above the sidewalk level directly opposite.”

5. Adding to Section 12(1) the following exceptions,

(a) “471. To prevent the erection or use of a building or structure on the lands known municipally in 2005 listed below which complies with all other provisions of this by-law but which does not comply with the provisions of Section 7(3) PART II 8 and Section 7(3) PART III 2 of this by-law, provided:

- (i) the building or structure is erected and used in accordance with the applicable Ontario Municipal Board or Committee of Adjustment decision listed below;

- (ii) the extent of any non-compliance is limited to any inconsistency between such decisions and Section 7(3) PART II 8 and/or Section 7(3) PART III 2; and
- (iii) the first building permit to erect such building permitted by this paragraph issued no later than December 31, 2008:
- A. 126 Simcoe Street and 11-15 Nelson Street, pursuant to Committee of Adjustment decisions dated April 4, 2003 being File No. A0108/03TEY and dated December 15, 2005 being File No. A0863/05TEY provided no part of such building or structure, including the structures described in Section 4(2) (a) is located outside of the building envelopes or above the height limits above *grade* shown on the map following this exception;



- B. 445 Adelaide Street West, pursuant to Committee of Adjustment decision dated December 14, 2005, being File No. A0853/05TEY;
- C. 51 Bathurst Street, pursuant to Committee of Adjustment decision dated October 21, 2005, being File No. A0515/05TEY;

- D. 24 Charlotte Street, pursuant to Committee of Adjustment decision dated December 12, 2005, being File No. A0728/05 TEY;
 - E. 478 King Street West, pursuant to OMB Decision No. 0248, issued January 24, 2006, respecting Committee of Adjustment File Nos. A0450/05TEY and A0450/05TEY;
 - F. 92 Peter Street, pursuant to Committee of Adjustment decision dated December 14, 2005, being File No. A0854/05TEY; and
 - G. 400 Wellington Street West, pursuant to OMB Decision No. 2477, issued September 21, 2005, respecting Committee of Adjustment File No. A0088/05TEY.”
- (b) “472. To prevent the erection or use of a building or structure which complies with all other provisions of this by-law, as amended by Zoning By-law No. 454-2004, on the land municipally known in the year 2005 as 326 and 358 King Street West, but which does not comply with the provisions of Section 7(3) PART II 8(i), Section 7(3) PART III 2 or Section 7(3) PART VI 1.”
- (c) “473. To prevent the erection or use of a building or structure which complies with all other provisions of this by-law, as amended by Zoning By-law No. 95-2006, on the land municipally known in the year 2005 as 21 Widmer Street, but which does not comply with the provisions of Section 7(3) PART II 8 or Section 7(3) PART III 2.”
6. Amending Section 12(2) 204 (a) by inserting after “*King-Spadina*” the following: “or on the south side of Queen Street West between Bathurst and Simcoe Streets”.

ENACTED AND PASSED this 27th day of September, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)