

Authority: Toronto and East York Community Council Item 30.1,  
as adopted by City of Toronto Council on January 26 and 27, 2010  
Enacted by Council: January 27, 2010

## CITY OF TORONTO

### BY-LAW No. 137-2010

#### To amend the General Zoning By-law No. 438-86 of the former City of Toronto for those lands along Queen Street West between Dovercourt Road and Gladstone Avenue.

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

"345. No person shall, within the area shown within the heavy lines on Map 1 shown at the end of this Exception,

- (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*, including where these uses are *accessory* to other permitted uses, or *patio* provided in connection therewith unless:
  - (a) the *front lot line* or *side lot line* of such *lot* is on Queen Street West;
  - (b) any such use or *accessory use* is wholly contained within the walls of the building or structure housing the principal use, except for a *patio*, subject to Section (1)(d) and (e) of this By-law;
  - (c) the aggregate area of all operable windows and doors located in any ground floor wall facing the *rear lot line* or street other than Queen Street West shall not be greater than 4.0 square metres;
  - (d) any such use or *accessory use* located at or above *grade* is limited to the ground floor only;
  - (e) 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*, provided the *front lot line* of such *lot* is on Queen Street West, 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*, to a maximum of 50 per cent of the depth of the building or structure housing the principal use, measured from the *front wall*; 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*, including where these uses are *accessory* to other permitted uses, unless the total *non-residential gross floor area* used for any one or combination of said uses and or *accessory uses* in a building or structure does not exceed 175 square metres.
- (3) erect or use any building or structure for the purpose of an *Entertainment Facility*, including where such use is an *accessory use* to another permitted use.
- (4) Notwithstanding subsections (1), (2) and (3) above, with respect to the lands shown on Map 2 at the end of this Exception labelled as 1140, 1142, and 1144 Queen Street West, if any or all of the buildings situated on these lands are internally connected to the building on 1150 Queen Street West, either above or below grade, then this Exception shall not apply to prevent the expansion of the uses at 1150 Queen Street West legally existing as of the date of this by-law onto 1140, 1142 and 1144 Queen Street West for the purposes of:
  - (i) a *restaurant, take-out restaurant* or *bake-shop* use to a maximum of 175 metres<sup>2</sup> of *non-residential gross floor area* either singularly or in combination, provided that:
    - a. the *non-residential gross floor area* of a lobby and a passageway that serves both a *restaurant, take-out restaurant, or bake-shop* and a *hotel* use shall be attributed to the *hotel* use;
    - b. no portion of the additional *non-residential gross floor area* is used for a dancefloor, disc jockey, stage, teletheatre gambling, a sound room, a pinball or other mechanical electronic game machines, an area dedicated to recreational activities, or any other entertainment area, whether indoors or outdoors; and
    - c. only 26 metres<sup>2</sup> of the additional *non-residential gross floor area* may be located below *grade*, and all other below *grade* uses are devoted solely to supporting and servicing a *restaurant, take-out restaurant, and/or a bake-shop* use.

For the purposes of this Exception, any italicized term contained within this Exception shall have the same meaning as defined in By-law No. 438-86, except that:

(a) the term *restaurant* as defined in Section 2(1) of the By-law, including a *restaurant* that is *accessory* to another permitted use, shall be deemed not to include subsection (v), with subsection (iv) to be read as:

(iv) floor area up to 11 square metres of *non-residential gross floor area* to be used for one or more of the purposes of:

a stage;

teletheatre gambling;

a sound room;

not more than two pinball or other mechanical electronic game machines, none of which machines to be used for the purpose of gambling;

an area dedicated to recreational activities, but not a dance floor or disc jockey;

any other entertainment area, but not a dance floor or disc jockey;  
and

no exterior area may be used for those purposes.

(b) the term *place of amusement* as defined in Section 2(1) of the By-law, including a *place of amusement* that is *accessory* to another permitted use, shall be deemed not to include subsection (iii), with subsection (ii) to be read as:

(ii) floor area up to 11 square metres of the *non-residential gross floor area* to be used for one or more of the purposes of:

a stage;

teletheatre gambling;

a sound room;

not more than two pinball or other mechanical electronic game machines, none of which machines to be used for the purpose of gambling;

but not a dance floor or disc jockey; and

no exterior area may be used for those purposes.

- (c) the *non-residential gross floor area* of a *restaurant, take-out restaurant, bakeshop, place of amusement, place of assembly* or *club* shall mean 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 *kitchen space* and a room or enclosed area that is used exclusively for storage, washrooms, heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that services the building. Where adjoining restaurants are connected by internal passageways used by patrons or staff, the total *non-residential gross floor area* of all the connected uses must be calculated cumulatively for the purposes of this subsection.
- (d) The term *kitchen space* shall mean a separate space used exclusively for the preparation and cooking of meals.

ENACTED AND PASSED this 27th day of January, A.D. 2010.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)



