

Authority: Toronto and East York Community Council Item TE23.9, adopted as amended, by City of Toronto Council on April 26, 27 and 28, 2017

CITY OF TORONTO

BY-LAW 445-2017

To amend former City of Toronto By-law 438-86, as amended, with respect to the lands along Queen Street East between Woodbine Avenue and Nursewood Road.

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 enacts:

1. By-law 438-86 of the former City of Toronto, as amended, is further amended by replacing existing subsection 12(2)174 with the text and map below, so that it reads:
 - "174. No person shall, within the area shown within the heavy lines on Map 1 of this exception;
 - (i) Use land or erect or use a building, addition, or structure for the purpose of a *bake-shop, caterer's shop, club, place of amusement, place of assembly, restaurant, or take-out restaurant* including where this use is *accessory* to other permitted uses unless:
 - (a) the *front lot line, flank* or *side lot line* of such *lot* is on Queen Street East;
 - (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 (i)(d) 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 East shall not be greater than 4.0 square metres; and
 - (d) any such use located at or above *grade* is limited to the ground floor only;
 - (ii) Use land or erect or use a *patio* provided in connection with a *restaurant* unless it is located:
 - (a) 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 East; or
 - (b) between the wall facing the *side lot line* or *flank* of the building or structure housing the principal use and the *side lot line* or *flank* of the *lot*,

to a maximum of 50 percent of the depth of the building or structure housing the principal use, measured from the *front wall*;

- (iii) The total *non-residential gross floor area* used for any one or combination of a *bake-shop, caterer's shop, club, place of amusement, place of assembly, restaurant, or take-out restaurant* or combination of such uses or *accessory* uses in a building or structure does not exceed 200 square metres;
- (iv) Despite the regulation in Section 12(2)174(iii), any *lot* with a frontage of 40 metres or greater, more than one *bake-shop, caterer's shop, club, place of amusement, place of assembly, restaurant or take-out restaurant* or *accessory* use is permitted in a building or structure provided any one use does not exceed 200 square metres and the cumulative frontage of all aforementioned uses does not exceed 50 percent of the *lot* frontage;
- (v) For the purpose of this exception, any italicized term contained within this exception shall have the same meaning as defined in By-law 438-86, except that:
 - (a) the term *restaurant* as defined in Section 2(1) of By-law 438-86, including *restaurant* that is *accessory* to another permitted use, shall be deemed not to include subsections (iv) and (v), and shall be replaced with a new subsection (iv) to be read as:
 - (iv) floor area up to 12 square metres or 6 percent, whichever is lesser, 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 By-law 438-86, including a *place of amusement* that is *accessory* to another permitted use,

shall be deemed not to include subsections (ii) and (iii), and shall be replaced with a new subsection (ii) to be read as:

a stage;

teletheatre gambling;

a sound room;

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 *bake-shop, caterer's shop, club, place of amusement, place of assembly, restaurant, or take-out restaurant* including where this use is *accessory* to other permitted uses 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 of 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; and
- (d) the term *kitchen space* shall mean a separate space used exclusively for the preparation and cooking of meals.
- (vi) None of the provisions of Section 12(2)174 of this By-law shall apply to prevent the erection or use of a building or structure for a *bake-shop, caterer's shop, club, place of amusement, place of assembly, restaurant or take-out restaurant* including where this use is *accessory* to other permitted uses, and including a *patio* provided in connection with a *restaurant*, provided:
 - (a) a minor variance for such purpose or purposes has been finally approved prior to April 26, 2017 in compliance with Section 45 of the *Planning Act* as it read on April 26, 2017;
 - (b) a minor variance for such purpose or purposes is finally approved after April 26, 2017 in compliance with Section 45 of the *Planning Act* as it read on April 26, 2017 based upon a minor variance application filed prior to April 26, 2017 or based upon a minor variance application submitted after April 26, 2017 based upon a building permit application or zoning certificate application, filed with the City of Toronto prior to April 26, 2017; or

- (c) a building permit or zoning certificate application for such purpose has been filed with the City of Toronto prior to April 26, 2017 and the erection or use of such building or structure complies with the provisions of Section 12(2)174 as it read on April 25, 2017.

Enacted and passed on April 28, 2017.

Francis Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

