Authority: Planning and Housing Committee Item PH24.1, as adopted by City of Toronto

Council on July 14, 15 and 16, 2021

CITY OF TORONTO

BY-LAW 779-2021

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 165-345 Geary Avenue, 2-150 Geary Avenue, 180-360 Geary Avenue, 21-39 Primrose Avenue, 1352-1384 Dufferin Street, 1347-1355 Dufferin Street, 325-327 Westmoreland Avenue North, 1100-1102 Dovercourt Road, 508-510 Delaware Avenue North and 1102-1104 Ossington Avenue.

Whereas authority is given to the Council of a municipality by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass Zoning By-laws; 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; and

Whereas Council of the City of Toronto, at its meeting on July 14, 2021, determined to amend the City of Toronto Zoning By-law 569-2013 with respect to lands known municipally in the year 2019 as 165-345 Geary Avenue, 2-150 Geary Avenue, 180-360 Geary Avenue, 21-39 Primrose Avenue, 1352-1384 Dufferin Street, 1347-1355 Dufferin Street, 325-327 Westmoreland Avenue North, 1100-1102 Dovercourt Road, 508-510 Delaware Avenue North and 1102-1104 Ossington Avenue;

The Council of the City of Toronto enacts:

- 1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
- 2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
- Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands at 82-150 Geary Avenue, 180-360 Geary Avenue, 165-345 Geary Avenue, 1352-1384 Dufferin Street, 1347-1355 Dufferin Street, 325-327 Westmoreland Avenue North, 1100-1102 Dovercourt Road, and 21-39 Primrose Avenue, to E 2.0 (x303), as shown on Diagram 2 attached to this By-law.
- 4. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands at 38-60 Geary Avenue and 508-510 Delaware Avenue North, to CR 2.0 (c2.0; r1.0) SS2 (x361), as shown on Diagram 2 attached to this By-law.
- 5. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands at 10-16 Geary Avenue,

- 24 Geary Avenue, 68 Geary Avenue and 80 Geary Avenue, to R 0.6 (x103), as shown on Diagram 2 attached to this By-law.
- 6. Zoning By-law 569-2013, as amended, is further amended by adding 1102-1104 Ossington Avenue, 2-8 Geary Avenue, 22 Geary Avenue, 26-36 Geary Avenue, 62-66 Geary Avenue and 70-78 Geary Avenue, to the Zoning Map in Section 990.10, and applying the following zone label to these lands: EL 2.0 (x13), as shown on Diagram 2 attached to this By-law.
- 7. Zoning By-law 569-2013, as amended, is further amended by adding 1102-1104 Ossington Avenue, 2-8 Geary Avenue, 22 Geary Avenue, 26-36 Geary Avenue, 62-66 Geary Avenue and 70-78 Geary Avenue, subject to this By-law, to the Height Overlay Map in Section 995.10.1 and applying the following Height label to these lands: HT 18 ST 4, as shown on Diagram 3.
- 8. Zoning By-law 569-2013, as amended, is further amended by amending the Height label on the Height label map in Section 995.10.1 respecting the lands at 10-16 Geary Avenue, 24 Geary Avenue, 38-60 Geary Avenue, 68 Geary Avenue, 80-150 Geary Avenue, 180-360 Geary Avenue, 165-345 Geary Avenue, 1352-1384 Dufferin Street, 1347-1355 Dufferin Street, 325-327 Westmoreland Avenue North, 1100-1102 Dovercourt Road, 508-510 Delaware Avenue North and 21-39 Primrose Avenue, subject to this By-law, to: HT 18 ST 4, as shown on Diagram 3.
- 20. Zoning By-law 569-2013, as amended, is further amended by adding 1102-1104 Ossington Avenue, 2-8 Geary Avenue, 22 Geary Avenue, 26-36 Geary Avenue, 62-66 Geary Avenue and 70-78 Geary Avenue, subject to this Bylaw, to the Rooming House Overlay Map in Section 995.40.1 and the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 4.
- **10.** Zoning By-law 569-2013, as amended, is further amended by adding Exception E 303 to Article 900.20.10 so that it reads:

Exception E 303

- (A) a **building** must comply with the following requirements:
 - (i) a **building** must have a minimum height of 2 **storeys** and 8.5 metres;
 - (ii) for the purposes of this Exception, a level of a **building** containing only mechanical, electrical or other equipment or space used for the functional operation of a **building** shall not constitute a **storey**;
 - (iii) despite 60.5.40.10(3), 60.5.40.10(4), 60.5.40.10(6) & 60.20.40.10(1) if a lot subject to this Exception abuts a lot in the Residential Zone category or is separated from a lot in the Residential Zone category by a lane, no part of a building or structure above the fourth storey may penetrate a 45 degree angular plane measured from the rear lot line of the lot in the

- Residential Zone category, starting at the height of the average elevation of the ground along the **rear lot line**;
- (iv) the required minimum height of the **first floor** of a **building**, measured between the top of the floor of the first **storey** and the top of the floor of the second **storey**, is 4.5 metres;
- (v) within the **front yard** at the ground floor level, the minimum required height to the underside of a 2nd **storey** which projects above the required **front yard setback** measured at the ground floor level, is 4.0 metres measured from the height of the average elevation of the ground along the **front lot line**;
- (vi) the minimum required height of any **storey** located above the **first floor** and used for a non-residential use is 4.0 metres, measured from the top of the floor of the **storey** to the top of the floor of the **storey** above;
- (vii) despite **60.20.40.70**(3) and (4), the required minimum **rear yard setback** is 7.5 metres from the **rear lot line** where it abuts a **lot** or **lane** in the Residential Zone category or Employment Industrial Zone category;
- (viii) despite **60.5.40.60**, balconies are not permitted to encroach into the 7.5-metres rear yard setback where the rear **lot line** abuts a **lot** in the Residential Zone category;
- despite **60.20.40.70**(3) and (vi) above, the required minimum **rear yard setback** for any part of a **building** located above the second **storey** is 12.5 metres from the **rear lot line** where it abuts a **lot** or **lane** in the Residential Zone category or the Employment Industrial Zone (E) category;
- (x) despite (vii) and (ix) above, the minimum **rear yard setback** at 21-39 Primrose Avenue is 0 metres;
- (xi) despite **60.20.40.70**(1), if the **building** is located on the north side of Geary Avenue, the minimum **front yard setback** on the **first floor** and above the third **storey** is 3.0 metres and the minimum **front yard setback** on the second **storey** and third **storey** is 0 metres;
- (xii) despite **60.20.4.70**(1), if the **building** is fronting onto Primrose Avenue, the minimum required **front yard setback** is 3.0 metres for any part of a **building** located above the third **storey**;
- (xiii) despite **60.20.40.70**(1) if a **building** is located on the south side of Geary Avenue, the minimum required **front yard setback** is 3.0 metres for any part of a **building** located on the **first floor** and second **storey** and 8.0 metres for any part of a **building** located above the second **storey**;

- (xiv) despite **60.20.40.70**(2) and **60.20.40.70**(4), where a **main wall** of a **building** contains window openings, a **main wall** must be set back 5.5 metres from a **side lot line** that does not face a **street**, otherwise no **side yard setback** is required;
- (xv) despite (xiv) above, provide a minimum 3.0-metre **side yard setback** if the **building** has a width, as measured between the **side yards**, greater than 90 metres;
- (xvi) despite **60.5.50.10**(2), a minimum 2.0-metre wide strip of **landscaping** must be provided along the entire length of the **rear lot line** where the **lot** line abuts a **lot** in the Residential Zone category;
- (xvii) the maximum permitted width of a **building** on a **lot** on the north side of Geary Avenue, as measured between the **side yards**, is 100.0 metres; and
- (xviii) the maximum permitted width of a **building** on a **lot** on the south side of Geary Avenue, as measured between the **side yards**, is 200.0 metres;
- (B) Despite the maximum floor space index indicated in the zone label on Diagram 2 of By-law 779-2021, the maximum floor space index does not apply to a **building** that complies with (A) above;
- (C) Despite **60.20.20.100**(9), an **outdoor patio** is permitted if it complies with the following conditions:
 - (i) it must be in association with an eating establishment or take-out eating establishment on the same lot;
 - (ii) it must be set back at least 30.0 metres from a **lot** in the Residential Zone category;
 - (iii) despite regulation (ii) above, an **outdoor patio** located above the first **storey** of the building, must be at least 40.0 metres, measured horizontally, from a **lot** in Residential Zone (R) category;
 - (iv) in the **rear yard** of a **lot** that abuts a **lot** in the Residential Zone category a fence must be installed along the portion of the **outdoor patio** parallel to the **rear lot line**;
 - (v) if a **lawfully existing outdoor patio** is closer to a **lot** than the setbacks required in (ii) or (iii) above, then that **lawfully existing** setback is the minimum required setback for that **lawfully existing outdoor patio**; and
 - (vi) despite **200.5.10.1**, an **outdoor patio** permitted in accordance with (i) and (ii) above and located in the **front yard** may occupy an area otherwise used for up to 2 required non-residential **parking spaces**.

Provisions, Prevailing By-laws and Prevailing Sections.

- (A) Section 12(2) 299 of former City of Toronto By-law 438-86.
- (B) On 116 Geary Ave., former City of Toronto by-law 293-67.
- (C) On the lands municipally known as 193 Geary Avenue in 2006, Section 12(1) 469 of former City of Toronto By-law 438-86.
- 200 Zoning By-law 569-2013, as amended, is further amended by adding Exception CR 361 to Article 900.11.10 so that it reads:

Exception CR 361

- (A) In addition to the uses permitted under 40.10.20.10 and 40.10.20.20, a building on the lot may be used for any use permitted under 60.10.20.10 and 60.10.20.20;
- (B) Despite 40.10.40.40(1), the total gross floor area of all dwelling units on the lot must not exceed 50 percent of the total gross floor area on the lot;
- (C) Despite **40.10.40.1**(1) and By-law 607-2015, **dwelling units** are not permitted on the **first floor**;
- (D) Despite (B) and (C) above, **dwelling units** lawfully existing prior to existing or authorized on or before October 4, 2021 are permitted;
- (E) A **building** must comply with the following requirements:
 - (i) a **building** must have a minimum height of 2 **storeys** and 8.5 metres;
 - (ii) for the purposes of this Exception, a level of a **building** containing only mechanical, electrical or other equipment or space used for the functional operation of a **building** shall not constitute a **storey**;
 - (iii) despite **40.10.40.70**(2), if a **lot** subject to this Exception abuts a **lot** in the Residential Zone category or is separated from a **lot** in the Residential Zone category by a **lane**, no part of a **building** or **structure** above the fourth **storey** may penetrate a 45-degree **angular plane** measured from the **rear lot line** of the lot in the Residential Zone category, starting at the height of the average elevation of the ground along the **rear lot line**;
 - (iv) the required minimum height of the **first floor** of a **building**, measured between the top of the floor of the first **storey** and the top of the floor of the second **storey**, is 4.5 metres;
 - (v) within the **front yard** at the ground floor level, the minimum required height to the underside of a 2nd **storey** which projects above the required **front yard setback** measured at the ground floor level, is 4.0 metres

- measured from the height of the average elevation of the ground along the **front lot line**;
- (vi) the minimum required height of any **storey** located above the **first floor** and used for a non-residential use is 4.0 metres, measured from the top of the floor of the **storey** to the top of the floor of the **storey** above;
- (vii) despite **40.10.40.70**(2), the required minimum **rear yard setback** is 7.5 metres from the rear **lot line** where it abuts a **lot** or **lane** in the Residential Zone category;
- (viii) despite **40.10.40.60**(1) where a **rear lot line** abuts a **lot** in the Residential Zone, a porch, balcony or similar **structure** may not encroach into the required **rear yard setback**;
- (ix) despite **40.10.40.70**(2) and (viii) above, the required **minimum rear yard** setback for any part of a **building** located above the second **storey** is 12.5 metres from the rear **lot line** where it abuts a **lot** or **lane** in the Residential Zone category;
- (x) despite 40.10.40.70(2), the minimum front yard setback on the first floor and above the third storey is 3 metres and the minimum front yard setback on the second storey and third storey is 0 metres;
- (xi) despite **40.10.40.70**(2), where a **main wall** of a **building** contains window openings, a **main wall** must be set back 5.5 metres from a **side lot line** that does not face a **street**, otherwise no setback is required; and
- (xii) despite **40.10.50.10**(3), a minimum 2.0 metre wide strip of **landscaping** must be provided along the entire length of the **rear lot line** where the **lot** line abuts a **lot** in the Residential Zone category;
- (F) Despite **40.10.40.10**(1), the maximum floor space index indicated on the zone label on Diagram 2 of By-law 779-2021, the maximum floor space index does not apply to a **building** that complies with (E) above; and
- (G) Despite 40.10.20.100(21), an **outdoor patio** is permitted if it complies with the following conditions:
 - (i) it must be in association with an eating establishment or take-out eating establishment on the same lot:
 - (ii) it must be set back at least 30.0 metres from a **lot** in the Residential Zone category;
 - (iii) despite regulation (ii) above, an **outdoor patio** located above the first **storey** of the building, must be at least 40.0 metres, measured horizontally, from a **lot** in the Residential Zone category;

- (iv) in the **rear yard** of a **lot** that abuts a lot in the Residential Zone category a fence must be installed along the portion of the **outdoor patio** parallel to the **rear lot line**;
- (v) if a **lawfully existing outdoor patio** is closer to a **lot** than the setbacks required in (ii) or (iii) above, then that **lawfully existing** setback is the minimum required setback for that **lawfully existing outdoor patio**; and
- (vi) despite **200.5.10.1**, an **outdoor patio** permitted in accordance with (i) and (ii) above and located in the **front yard** may occupy an area otherwise used for up to 2 required non-residential **parking spaces**.

Prevailing By-laws and Prevailing Sections: (None apply)

12. Zoning By-law 569-2013, as amended, is further amended by adding Exception R 103 to Article 900.2.10 so that it reads:

Exception R 103

- (A) A **building** must comply with the following requirements:
 - (i) a **building** must have a minimum height of 2 **storeys** and 8.5 metres;
 - (ii) for the purposes of this Exception, a level of a **building** containing only mechanical, electrical or other equipment or space used for the functional operation of a **building** shall not constitute a **storey**;
 - (iii) despite 10.5.40.10(2), 10.5.40.10(3) 10.10.40.10(1) & 10.10.40.10(3), if a lot subject to this Exception abuts a lot in the Residential Zone category or is separated from a lot in the Residential Zone category by a lane, no part of a building or structure above the fourth storey may penetrate a 45 degree angular plane measured from the rear lot line of the lot in the Residential Zone category, starting at the height of the average elevation of the ground along the rear lot line;
 - (iv) the required minimum height of the **first floor** of a **building**, measured between the top of the floor of the first **storey** and the top of the floor of the second **storey**, is 4.5 metres;
 - (v) within the **front yard** at the ground floor level, the minimum required height to the underside of a 2nd **storey** which projects above the required **front yard setback** measured at the ground floor level, is 4.0 metres measured from the height of the average elevation of the ground along the **front lot line**;
 - (vi) despite **40.10.40.10**(5), the minimum required height of any **storey** located above the **first floor** and used for a non-residential use is 4.0 metres,

- measured from the top of the floor of the **storey** to the top of the floor of the **storey** above;
- (vii) despite **10.5.40.60**(1)(D), a balcony may not encroach into a required **rear** yard setback;
- (viii) despite **10.10.40.70**(2), the required **minimum rear yard** setback for any part of a **building** located above the second **storey** is 12.5 metres from the rear **lot line** where it abuts a **lot** or **lane** in the Residential Zone category;
- (ix) despite 10.5.40.70(1) and 10.10.40.70(1), the minimum front yard setback on the first floor and above the third storey is 3 metres and the minimum front yard setback on the second storey and third storey is 0 metres;
- (x) despite 10.10.40.70(3) the minimum required side yard setback for a main wall containing window openings is 5.5 metres, otherwise no side yard setback is required; and
- (xi) a minimum 2.0 metre wide strip of **landscaping** must be provided along the entire length of the **rear lot line** where the **lot** line abuts a **lot** in the Residential Zone category;
- (B) Despite the maximum floor space index indicated in the zone label on Diagram 2 of By-law 779-2021, the maximum floor space index does not apply to a **building** that complies with all standards specified in (A) above.

Prevailing By-laws and Prevailing Sections:

- (A) Section 12(1) 144 of former City of Toronto By-law 438-86, as amended by By-law 1996-0067 and OMB File. R960113, March 5, 1997;
- (B) On or between the even numbered addresses of 512-616 Delaware Ave. N., the odd numbered addresses of 517-525 Delaware Ave. N., the odd numbered addresses of 527-537 Delaware Ave. N., 539 Delaware Ave. N., the odd numbered addresses of 541-545 Delaware Ave. N., the odd numbered addresses of 547-605 Delaware Ave. N., former City of Toronto By-law 221-79.
- **13.** Zoning By-law 569-2013, as amended, is further amended by adding Exception EL 13 to Article 900.21.10 so that it reads:

Exception EL 13

- (A) Despite **60.10.20.10** a **mixed use building** containing **dwelling units** is a permitted use, provided the **gross floor area** of all the **dwelling units** does not exceed 50 percent of the total **gross floor area** on the **lot**;
- (B) **Dwelling units** must be located above the **first floor** a **building**;

- (C) Despite (A) and (B) above, **dwelling units** lawfully existing prior to existing or authorized on or before October 4, 2021 are permitted;
- (D) A **building** must comply with the following requirements:
 - (i) a **building** must have a minimum height of 2 **storeys** and 8.5 metres;
 - (ii) for the purposes of this Exception, a level of a **building** containing only mechanical, electrical or other equipment or space used for the functional operation of a **building** shall not constitute a **storey**;
 - (iii) Despite **60.5.40.10**(3), **60.5.40.10**(4) and 60.5.40.10(6), if a **lot** subject to this Exception abuts a **lot** in the Residential Zone category or is separated from a **lot** in the Residential Zone category by a **lane**, no part of a **building** or **structure** above the fourth **storey** may penetrate a 45 degree **angular plane** measured from the **rear lot line** of the lot in the Residential Zone category, starting at the height of the average elevation of the ground along the **rear lot line**;
 - (iv) the required minimum height of the **first floor** of a **building**, measured between the top of the floor of the first **storey** and the top of the floor of the second **storey**, is 4.5 metres;
 - (v) within the **front yard** at the ground floor level, the minimum required height to the underside of a 2nd **storey** which projects above the required **front yard setback** measured at the ground floor level, is 4.0 metres measured from the height of the average elevation of the ground along the **front lot line**;
 - (vi) the minimum required height of any **storey** located above the **first floor** and used for a non-residential use is 4.0 metres, measured from the top of the floor of the **storey** to the top of the floor of the **storey** above;
 - (vii) provide a minimum floor-to-floor height of 4 metres for any non-residential use on and above the second **storey**;
 - (viii) despite 60.10.40.70(4), provide a minimum 7.5-metre **rear yard setback** from the rear **lot line** where it abuts a **lot** or **lane** in the Residential Zone category;
 - (ix) despite 60.10.40.70(4) and (viii) above, the **minimum rear yard** setback for any part of a **building** located above the second **storey** is 12.5 metres from the rear **lot line** where it abuts a **lot** or **lane** in the Residential Zone category;
 - (x) despite **60.10.40.70**(1), the minimum **front yard setback** on the **first floor** and above the third **storey** is 3 metres and the minimum **front yard setback** on the second and third **storey** is 0 metres;

- (xi) despite **60.10.40.70**(2) the minimum required **side yard setback** for a **main wall** containing window openings is 5.5 metres, otherwise no **side yard setback** is required; and
- (xii) Despite **60.5.50.20**(2), a minimum 2.0 metre wide strip of **landscaping** must be provided along the entire length of the **rear lot line** where the **lot** line abuts a **lot** in the Residential Zone category;
- (E) Despite the maximum floor space index indicated in the zone label on Diagram 2 of By-law 779-2021, the maximum floor space index does not apply to a **building** that complies with (D) above; and
- (F) Despite 60.10.20.100(11), an **outdoor patio** is permitted if it complies with the following conditions:
 - (i) it must be in association with an eating establishment or take-out eating establishment on the same lot;
 - (ii) it must be set back at least 30.0 metres from a **lot** in the Residential Zone category;
 - (iii) despite regulation (b) above, an **outdoor patio** located above the first **storey** of the building, must be at least 40.0 metres, measured horizontally, from a **lot** in the Residential Zone category;
 - (iv) in the **rear yard** of a **lot** that abuts a lot in the Residential Zone category a fence must be installed along the portion of the **outdoor patio** parallel to the **rear lot line**;
 - (v) if a **lawfully existing outdoor patio** is closer to a **lot** than the setbacks required in (ii) or (iii) above, then that **lawfully existing** setback is the minimum required setback for that **lawfully existing outdoor patio**; and
 - (vi) despite **200.5.10.1**, an **outdoor patio** permitted in accordance with (i) and (ii) above and located in the **front yard** may occupy an area otherwise used for up to 2 required non-residential **parking spaces**.

Prevailing By-laws and Prevailing Sections: (None Apply)

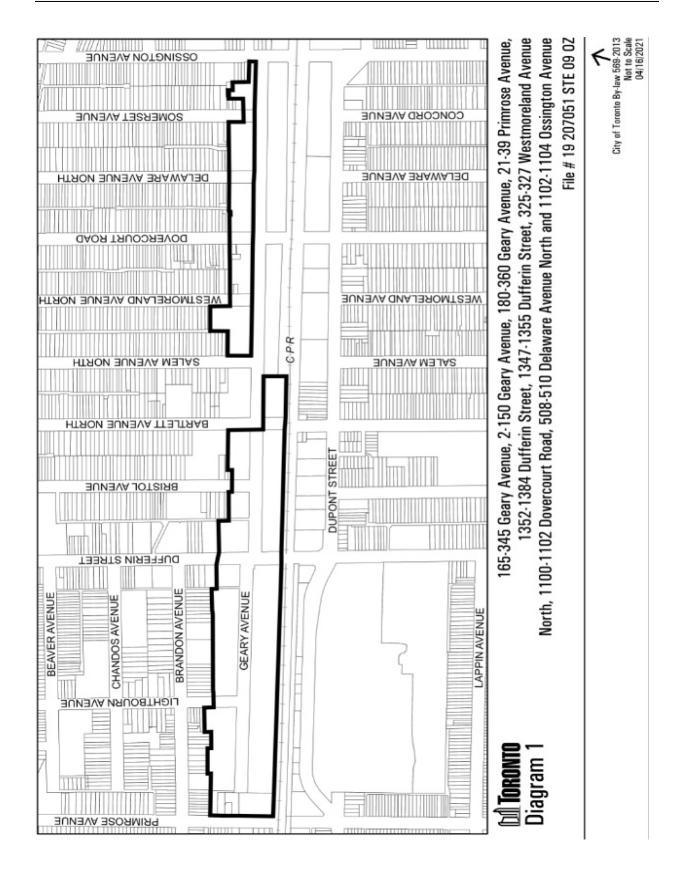
14. In Article 900.20.10 delete Exception Numbers 261 and 312.

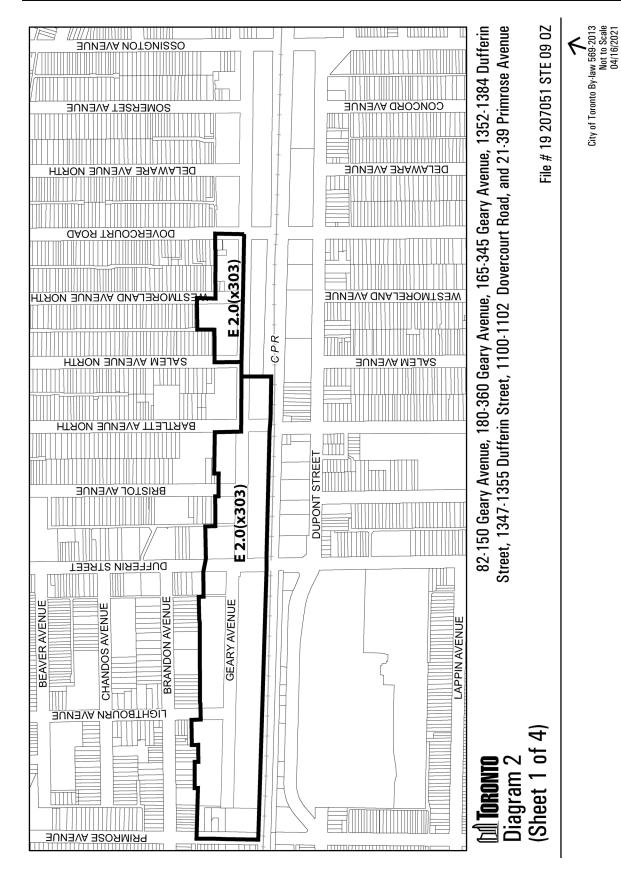
15. The words **lawfully existing** highlighted in bold type in this By-law, in addition to the definitions provided in Zoning By-law 569-2013, Chapter 800 Definitions, includes existing or authorized on or before October 4, 2021.

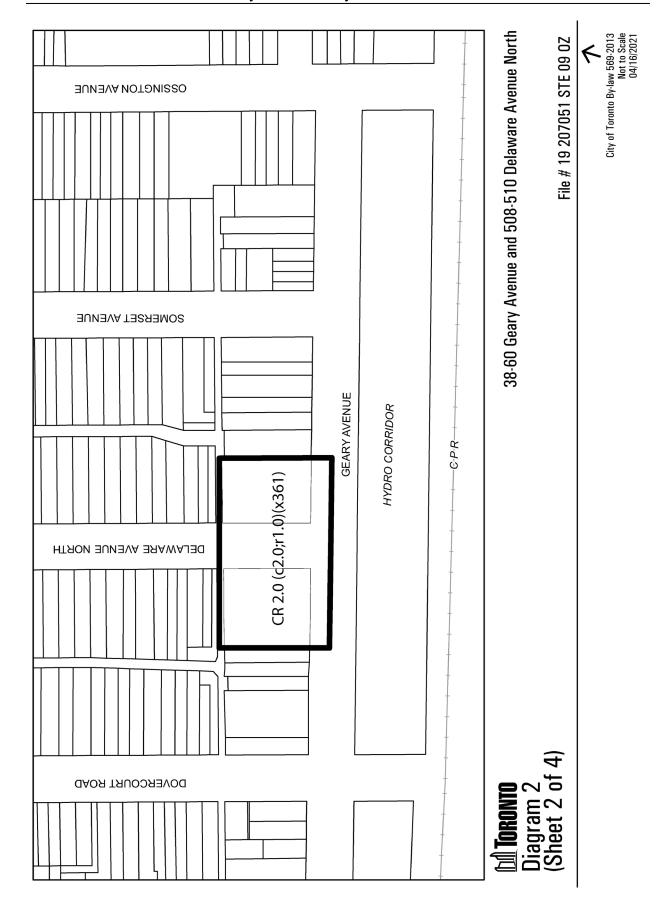
Enacted and passed on October 4, 2021.

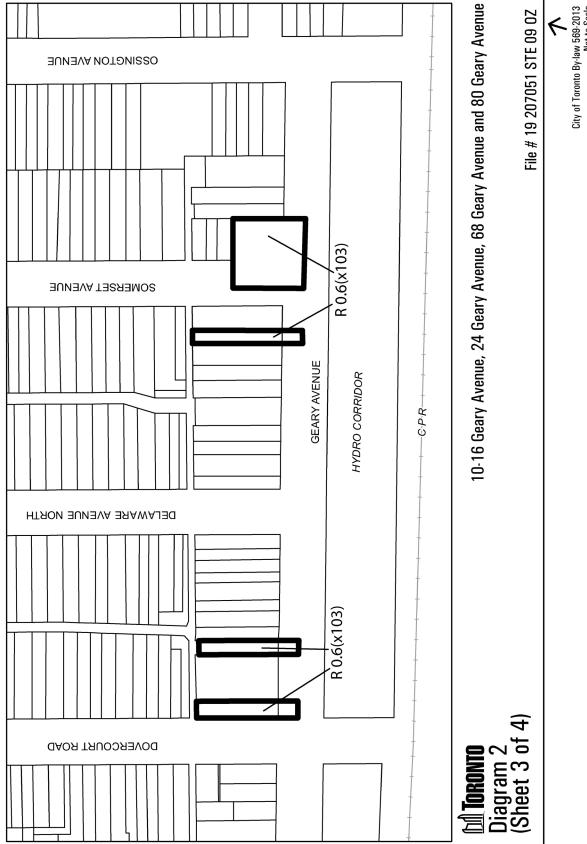
Frances Nunziata, Speaker John D. Elvidge, City Clerk

(Seal of the City)

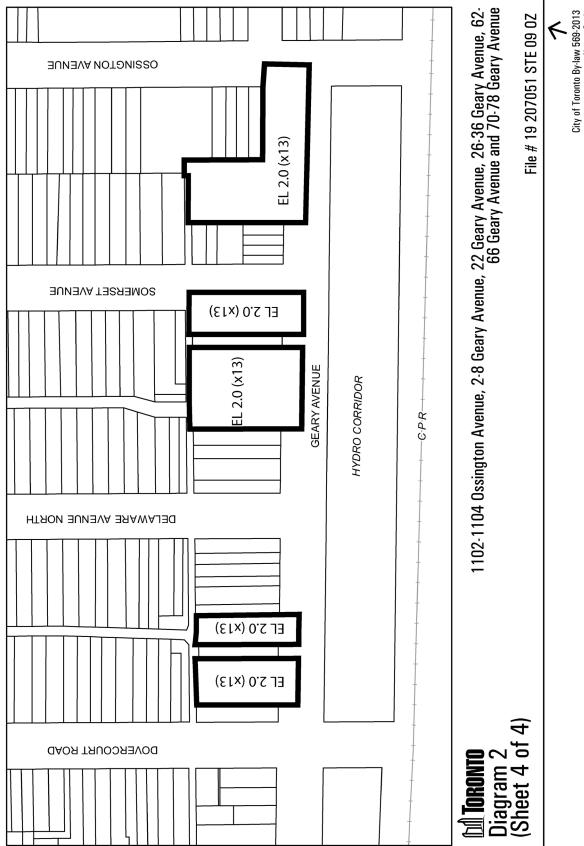








City of Toronto By-law 569-2013 Not to Scale 04/16/2021



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