



STAFF REPORT ACTION REQUIRED

Covering Report to the Revised Draft of the New Zoning By-law – April 2010

Date:	April 7, 2010
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All Wards
Reference Number:	Pg10019

SUMMARY

This report will explain all the major changes made to the draft new Zoning By-law since its initial release in May 2009. Most of the changes are a direct result of the remarks received during consultation with the public. The consultation effort included open houses, public meetings organized by Ward Councillors, on-line comments, written comments and meetings with representatives of business and resident associations and major landowners such as the school boards. Not all the minor changes will be explained in this report as most involve ensuring clarity and consistency of language throughout the new Zoning By-law. However, copy of the initial draft will continue to be available on the City's website for direct page by page comparison for those who wish to do so.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning Division recommends that:

- 1.) The revised draft New Zoning By-law be distributed for the purposes of receiving public comment in the following manner:
 - a. A printed copy of the main by-law text and maps be made available in the four civic centres, Metro Hall and the two Municipal Reference Libraries.
 - b. A downloadable version of the main by-law text and maps be posted on the City's website at www.toronto.ca/zoning
 - c. The City's interactive zoning web page, which allows searching for zoning information by address, be changed to include the April 2010 new draft Zoning By-law text and maps.
- 2.) A final report be prepared for the May 19, 2010 meeting of the PGM Committee that addresses any further concerns and issues that may be raised as result of the release of this latest draft of the new Zoning By-law.
- 3.) That staff meet, to the extent possible, with business and resident associations, major stakeholders and the public to discuss outstanding issues and concerns with the draft new Zoning By-law.

Financial Impact

There is no financial impact associated with the adoption of this report.

DECISION HISTORY

The Planning and Growth Management Committee, at its meeting held on February 11, 2010, adopted ten recommendations with respect to Item 35.1, "Further Report on the New Draft Zoning By-law":

1. Requested Planning staff to continue to consult with resident and ratepayer associations, interested Councillors, business and industrial associations and other key stakeholder groups, through February and March, with a view to agreeing on how to best incorporate the intent of existing zoning permissions.
2. Requested the Chief Planner and Executive Director, City Planning, to provide a progress report on the resolution of outstanding issues to the March 8, 2010 meeting of the Planning and Growth Management Committee.
3. Requested the Chief Planner and Executive Director, City Planning, to submit a report outlining the proposed changes to the draft zoning by-law released in May 2009 that address the concerns raised in public forums, in written submissions and by members of City Council, and include a printed copy of the main by-law text and

maps for the April 21, 2010 meeting of the Planning and Growth Management Committee.

4. Requested the Chief Planner and Executive Director, City Planning, to submit a final report to the May 19, 2010 meeting of the Planning and Growth Management Committee, outlining any additional changes resulting from concerns raised in further written submissions or meetings with the public, stakeholders and associations.
5. Requested Planning staff to hold a Statutory Open House on May 27, 2010 and that printed copies of the zoning by-law text and maps be made available.
6. Directed that a Statutory Public Meeting be held on June 16, 2010 during the regularly scheduled meeting of the Planning and Growth Management Committee.
7. Requested the Chief Planner and Executive Director, City Planning, to prepare, in consultation with local Councillors, typical development examples under zoning categories, to demonstrate the differences between the existing and proposed by-laws, and that these examples be prepared and brought forward to the April 21, 2010 meeting of the Planning and Growth Management Committee.
8. Requested the Chief Planner and Executive Director, City Planning, to delete from the draft City-wide Zoning By-law any new chemical separation distances requirements, and bring forward draft Zoning regulations on such separation distance no earlier than the second quarter of 2011, and further, to include in the proposed new Zoning By-law provisions to prevent uses containing dangerous substances from locating near residential zones.
9. Amended and referred the following Member Motion from City Council, to the Chief Planner and Executive Director, City Planning, for consideration and report:
 - a. That City Council direct the Chief Planner and Executive Director, City Planning, through the Zoning By-law Project, in consultation with Municipal Licensing and Standards and Toronto Building, to report to the Planning and Growth Management Committee on potential amendments to the City-wide Zoning By law regarding restaurants and related uses based on the analysis done for the “Final Report - Queen Street West – Restaurant Study”, including:
 - consideration of the introduction of a City-wide definition of a Bar as well as consideration of which zones within the City that Bars should be permitted uses;
 - consideration of changes that would limit the concentration of Bars in zones where they are permitted uses, such as a cap, or a separation distance requirement; and

- addressing a prohibition on rooftop patios and amplified outdoor music and speakers.

10. Referred the proposed amendments contained in the communication (December 22, 2009) from A. Milliken Heisey of Papazian, Heisey Myers, on behalf of the Toronto Cyclists Union, to the Chief Planner and Executive Director, City Planning, for consideration and report to the Committee.

COMMENTS

The new Zoning By-law has several key components. The main by-law text is approximately 300 pages in length and contains all the general regulations that may affect any property in the City. The next key part of the new Zoning By-law is the site and area specific exceptions contained in Chapter 900. These exceptions number in the thousands and currently are over 800 pages in length and growing as the latest amendments are added. Another important section is the listing of Prevailing By-laws found in Chapter 950. These are site specific by-laws that were passed as part of the existing zoning by-laws, and while the site is part of the new Zoning By-law, the existing site specific by-law is allowed to ‘prevail’ over the requirements of the new, but only with respect to the matters covered by the site specific by-law. And finally there are the maps. To date, the only maps that have been available have been so through the interactive website. At the request of Committee, a printed copy of the zoning maps will be provided to Committee members at the Committee meeting date of April 21, 2010. A PDF file format version will be made available on the City’s website for viewing and printing purposes. Unfortunately, owing to the need for a particular scale of map in order to be able to read the zoning lines accurately, it takes 921 maps to cover the entire City.

With the release the latest draft of the new Zoning By-law, the maps will have been updated to reflect how sites are affected. Sites that are being left out of the new Zoning By-law will be marked accordingly. By being left out of the new Zoning By-law, the existing zoning by-law will continue to apply. Exceptions applying to specific sites will also be updated. However, it should be noted that some links to these exceptions may still be missing. This is a result of the complexity of some by-laws and the challenge of keeping up with all the latest zoning amendments. To help assure property owners that their exceptions have been properly incorporated, it is proposed to update the list of exceptions along with the list of prevailing by-laws on a weekly basis starting on Thursday, April 29, 2010 through to the next meeting of the Planning and Growth Management Committee on May 19, 2010.

With respect to the Committee’s request to prepare typical examples of development within the various zoning categories to demonstrate the difference between the existing zoning by-laws and the new Zoning By-law, an architect was hired and is currently preparing some preliminary sketches. It is anticipated that these might be available in time for the Supplementary Agenda or for presentation at the Committee meeting.

This report is organized in the same manner as the draft new Zoning By-law. Each section in the report will correspond to each chapter in the new Zoning By-law. A brief description of the chapter purpose will be provided followed by an explanation of the changes made. It should be noted that the term ‘regulation’ and ‘provision’ is used interchangeably throughout the report, having the same meaning of referring to any of the requirements within the new Zoning By-law.

Chapter 1 – Administration

The first chapter describes the structure of the Zoning By-law in terms of the various zone categories. There is also an explanation of how to interpret the special sections or symbols contained within the new Zoning By-law. The changes that have been made in this chapter are more technical than substantive.

Chapter 5 – Regulations Applying to All Zones

As the title implies, this chapter includes provisions that might apply to properties anywhere in the City. In current zoning by-laws, this section is sometimes referenced as “General Provisions.” The current practice with respect to the content of this section varies among the existing zoning by-laws with some by-laws including provisions that apply exclusively to a particular zone category. The new Zoning By-law takes the approach of including only provisions that apply universally across the zone category. As a result, this section is somewhat smaller in size than in the existing by-laws. Any general regulations applying to specific zone categories are found at the beginning of the appropriate zone category.

The changes are mostly modifications of a technical nature. However, there were two substantive changes made to this section. Section 5.10.1.10(4) and (5) have been changed in that schools, except within Employment Zones and places of worship are permitted to expand up to the lot coverage, height and gross floor area for the zone in which it is located.

Natural Hazard Line

The issues related to the Natural Hazard Line Setback were discussed in the March 1, 2010 staff report (see Attachment 13). The proposed solutions offered in that report have been incorporated into the new draft of the Zoning By-law. This includes a change involving determining the top-of-bank on a site by site basis as opposed to relying on the line drawn on the Zoning By-law maps. This will ensure greater consistency as the top-of-bank shown on the plans submitted for a building permit must be confirmed by the TRCA.

The other change is to the Natural Hazard Overlay Map requirement for existing buildings. The March 1, 2010 staff report indicated that a change should be added to address the concern of the re-construction of existing buildings that are within the setback distance being prescribed by the new Zoning By-law. In some instances, the size and shape of the lot would not allow for the building to be located other than within the

setback area. A new provision has been added that would permit existing buildings to be re-constructed provided the new building is no closer to the top-of-bank than the existing one. Existing buildings below the top-of-bank could be re-constructed, provided their footprint is not expanded.

Chapter 10 – Residential Zone Category

Chapter 10 contains regulations applying to all the low rise residential zone categories. The regulations are divided into the following zone categories: RD – residential detached, RS – residential semi-detached, RT – residential townhouse, RM – residential multiple and R – residential, which is a unique zone for the former City of Toronto zones of R2, R3, R4 and R4A where all building types, from single detached to walk-up apartments are permitted. In addition, this chapter begins with a listing of provisions that apply to all these low rise residential zone categories.

There were several substantive changes made to some of these provisions. These changes were in response to public comments received during the consultation period as well as submissions and deputations presented to the Committee. The outstanding issues were summarized in a report to Committee dated January 28, 2010. Pertinent excerpts are reproduced in Attachment 1 of this report.

In attempting to resolve the concerns expressed by the public, staff met with representatives of some residents and ratepayer groups individually and as a group. One group was organized by Councillor Walker, which included 20 people representing resident and ratepayers groups, or in some cases, architects and designers. Over the course of three meetings held in February and March, approximately 15 issues were discussed. A Ward meeting was also attended at which a number of Residential zone concerns were discussed. The remainder of this section of the report will discuss the more substantive changes made to the Residential zone category provisions.

Conversion of Zones from Floor Space Index to Lot Coverage

The March 1, 2010 report to Committee (the corresponding excerpt from this report is included in Attachment 1) described how the floor space index (FSI) method, also referred to as gross floor area (GFA), of regulating low-rise, grade-related residential buildings, is used exclusively in the former City of Toronto, York, Mimico, New Toronto and Long Branch zoning by-laws. It is also used in the Township of Etobicoke, Township of East York and the Leaside zoning by-laws together with lot coverage. Both the FSI and lot coverage methods of regulating the bulk and mass of a building have their advantages and disadvantages. However, the limit on the amount of total gross floor area per lot regulated under the FSI/GFA is a more definitive measure of permitted density compared to the lot coverage method which relies on setbacks and height limits to restrict the floor area of the building.

The recommendation in the March 1, 2010 report to retain the FSI/GFA approach in the new Zoning By-law was confirmed in meetings with residents and ratepayer organization representatives that are familiar with it as it currently exists in zoning by-laws today. The

same density values that exist today are retained in their respective zones. The density factor associated with each zone is added to the zone label to make it apparent at first glance what floor area limits apply to that particular zone. Lot coverage continues to apply in those areas of the City that have it. Similarly, the existing lot coverage values will be retained. The lot coverage values are shown on an overlay map.

A related issue in the use of the FSI/GFA method of density control involves the calculation of below grade floor area. Generally, the floor area in the basement or below grade is not counted against the total amount of gross floor area permitted on a lot. However, resident and ratepayer representatives at recent meetings noted that steeply sloping lots would encourage building owners to construct buildings deep into the lot to take advantage of this 'free' floor area. In order to discourage such a practice, a provision has been added to the draft new Zoning By-law that would require up to 50% of the floor area in a basement to be included in the calculation of total floor area permitted where the elevation of the main rear wall is 2.5 metres or more below the established grade at the front of the house.

Measuring Height for Buildings in Low-rise Residential Zones

The current zoning by-laws are equally divided in their approach to measuring the height of low rise residential buildings. Half the zoning by-laws of the former municipalities measure to the ridge of the roof or highest point of any building and half measure to the mid-point of pitched-roof buildings and the roof level of flat-roof buildings. The draft new Zoning By-law has proposed to measure all buildings to the ridge or highest point of the roof. The discussions with resident association representatives, architects and designers were focused on what the apparent advantages of either approach are.

The main advantage of a mid-point measurement is that it gives the builder greater flexibility in roof design, especially with respect to ultimate building height. In a 10 metre midpoint height limit area, roof heights of 14 metres are easily achieved. In North York, where the height limit is 8.8 metres to the midpoint, a house was constructed with a roof height of 13 metres and could have been taller since its midpoint measurement was only 7.7 metres. In York, the height limit, also measured to the midpoint, is 11 metres. Parts of the former City Toronto have 11 metre and 12 metre height limit areas in the Residential zone categories.

Of course the advantage of the midpoint measurement also could be viewed as a disadvantage if certainty of height is the main objective. As mentioned in the March 1, 2010 report, midpoint measurement can be a difficult task with complicated roof designs and some differences in opinion over the interpretations of the height of a building have resulted in court challenges.

The advantage of measuring to the top of the roof is certainty with respect to the ultimate height of the house. Interestingly, despite the flexibility offered by the current midpoint height measurement method, a review of recent building permit drawings throughout the City, including those from areas using the midpoint height limit measurement, indicates

that most single detached houses are being built to a height of 10 metres when measured to the top of the roof which includes houses that are on very large lots.

The conclusion reached in discussions with residents representing various communities was that measuring height to the top of the roof would be a better choice in ensuring certainty with respect to the height of dwellings. However, it was recognized that other provisions in the Zoning By-law must complement the intent implied through the top of roof measurement. Height limits will be shown on the Height Overlay Map. If an area has no height limit shown on the Height Overlay Map then the height limit is stated in the text as generally 10 metres to the top of the roof. The following sections discuss the complementary provisions related to the matter of height of dwellings.

Restricting the Height of Flat-roof Buildings

The concern with flat-roof buildings arises from the possibility of building a 3-storey building in an area that would typically see a 2-storey dwelling with a pitched roof. A 3-storey building is thought to be inappropriate if the area is mainly characterized by 2-storey buildings with pitched roofs. In addition, a 3-storey flat-roof building would create greater overlook issues, result in more shadowing and would generally feel more imposing than a 2-storey pitched-roof building.

Other provisions in the existing zoning by-laws add to the intent with respect to height limitations. For example, there are provisions in the Etobicoke and North York zoning by-laws limiting flat-roof buildings to 2 storeys and a specified height limit in metres. The height limits for flat-roof buildings vary between the Etobicoke and North York by-laws. In Etobicoke the height limit is 6.5 metres and in North York it is 8.0 metres. In the March 1, 2010 report, it was proposed that the flat-roof height limit be set at 7.2 metres and 2 storeys in all RD zones. RD zones permit only single detached houses.

The provisions related to flat roof houses require a definition of a 'flat roof'. The new Zoning By-law proposes two criteria in defining a flat roof. With respect to the roof slope, it must rise less than a 1:4 ratio, which means the roof cannot rise more than one unit of measure for every four units of its length. In addition, the horizontal or flat part of the roof must be more than 50% of the total roof area. This measure addresses a roof designed with both a pitched portion and a flat portion.

Maximum Height of Main Walls

Setting a height limit on the main or perimeter walls of a dwelling can help in defining the intent of the height limit for house form dwellings. The main walls of a dwelling are typically the front, rear and two side walls that constitute the building perimeter. By limiting the height of these walls to a point less than the overall height restriction for the building implies that a pitched roof building is desired, since it is the only way of building to the height limit. A similar approach is already used in the Etobicoke zoning by-law, although the roof eaves are referenced instead of the main wall of the building. This is only a minor difference.

The height limit of the opposite pairs of main walls will be determined by subtracting 3 metres from the height limit for any given area. This 3 metre difference would result in a roof slope having a 1:1 ratio on a lot with a 15 metre (50 feet) width. This is the most prominent size of lot in the City. A 1:1 ratio means that the roof rises one metre/foot for every metre/foot it extends to the outer wall of the house. On narrower lots, the roof pitch could be steeper and on wider lots the roof pitch would be shallower.

Restricting the height of main walls can also be used to prevent unwanted building design. The former City of Toronto zoning by-law has no storey limit in its R2, R3 and R4 zones (labeled 'R' in the new Zoning By-law). As a result, it would be possible to build either a 2-storey pitched-roof building, a 3-storey flat-roof building or a 3-storey Mansard roof building. Residents were of the view that the midpoint height measurement is there to encourage pitched-roof buildings and that the FSI/GFA limit would preclude a 3-storey flat roof building. An analysis of the typical sized lot in the 0.6 density areas in the former City of Toronto suggest that it would be impractical to build a 3-storey flat-roof building given the limited size of the building footprint that could be achieved when the total floor area permitted is stretched over 3 storeys. This analysis would suggest that the total permitted FSI/GFA value could indirectly influence the height of the building.

Residents attending the meetings, representing communities within the former City of Toronto, noted that the prevalent type of building in their respective neighbourhoods was a 2 or 2½-storey pitched-roof house. The half-storey space is the area of the attic converted into floor space but only in part. The result is the appearance of a 2-storey home with a pitched roof being maintained, but the floor area increased. This form of house is acceptable to residents if the total FSI/GFA density factor is maintained.

By incorporating a limit on the height of main walls, flat-roof buildings would be contained to 2 storeys in height areas of 10 and 11 metres. Additionally, this approach would allow for the use of the attic space if there is sufficient gross floor area permission.

The Planning and Growth Management Committee requested that consideration be given to retention of the maximum height of eaves found in residential zones in the area covered by the Township of Etobicoke zoning by-law. This proposed regulation restricting the height of the main walls achieves the same intent as restricting the height of eaves. The approach to implementing this provision will result in the identical height requirement as what exists.

Maximum Number of Storeys

Several of the existing zoning by-laws contain provisions restricting the number of storeys that houses may incorporate into their design. There are currently 2 and 3 storey limit areas across the City. It is proposed to retain these storey limits as they exist by demarcating where they apply on the Height Overlay Map.

Height of the First Level Floor Above Established Grade

The new Zoning By-law proposes a first floor maximum height of 1.2 metres or approximately 4 feet above grade. This provision is currently part of the draft new

Zoning By-law released in May 2009 but requires further explanation as to its intent. It is aimed at preventing basements from rising too far above grade and thereby increasing the height of the first floor. This provision exists in all the current zoning by-laws in different forms. Some by-laws place restrictions on the maximum height of the basement and in other cases, the height of the basement is regulated by requiring it to be counted as floor area if more than half is above the level of established grade. This provision is being applied to all detached and semi-detached houses in all the zones to ensure that the majority of the basement remains below the level of grade.

Width of Dormers in a Roof Above a Second Storey or Higher

This is a new provision that is proposed for the latest draft of the new Zoning By-law in the R and RD zones. The provision limits the size of dormers in terms of total width to 40% of the width of the side or front walls of the building. This is aimed at preventing house designs that incorporate dormers to a size that gives the house the feel of a 3 storey building where it is not permitted.

Height of Ancillary Structures

In the initial draft of the new Zoning By-law released in May 2009, the maximum height of ancillary structures, such as garages, was 5 metres. In the staff report dated March 1, 2010 to Planning and Growth Management Committee (see Attachment 5), it was proposed to reduce the height limit of ancillary structures to 4.0 metres. Part of the reasoning is that the most prevalent current height limits for ancillary structures is closer to 4 metres and 5 metres represents a high point or measure. Further consultation with the public has indeed verified that the 4 metre height limit is preferred.

Where Height is Measured From

The point from which the height of structures is measured is defined by all the current zoning by-laws, usually in reference to the term 'grade'. The draft new Zoning By-law, released in May 2009, proposed a definition of 'established grade' that involved measuring the height of structures in Residential Zone categories at the front yard setback line and at an elevation that is the average of the grade of the properties on either side. The reasoning for this choice was further discussed in the staff report dated October 21, 2009 (see Attachment 6).

It is being proposed to alter the definition to measure 'established grade' as an average of the elevation immediately abutting properties along either side, measured 0.1 metre inside the neighbouring properties in-line with the required front yard setback line.

Provisions for Day Nurseries

The current zoning by-laws distinguish between a day nursery and private home daycare. A private home daycare consists of up to 5 children being cared for in a house without the need for a license under the Day Nurseries Act. All the current zoning by-laws permit private home daycare as an ancillary use in all Residential Zone categories. The new Zoning By-law will carry forward this approach.

The current zoning by-laws allow licensed day nurseries in most zones though not every

zone treats the day nursery use the same way with respect to the requirements that must be met in order to establish the use. The differences between the current zoning by-laws was explained in the October 21, 2009 report to the Planning and Growth Management Committee (see Attachment 7).

The latest draft of the new Zoning By-law permits a licensed day nursery as a use in all residential zones. However, there are conditions. The day nursery establishment must be located in a school, a place of worship, a community centre, a library or an apartment building, but not above the first storey. As day nursery is listed as a permitted use in residential zones it would be possible to apply to the Committee of Adjustment for permission to allow the establishment of a day nursery in a house form structure.

Side Yard Setback Requirements for Detached Houses

The October 21, 2009 report introduced a wider range of side yard setback requirements for detached houses in residential zones (see Attachment 8). The side yard requirements are grouped into seven categories based on the required lot frontage for the zone. The required side yard distances represent 10% of the frontage requirement.

This approach more accurately reflects the side yard requirement found in the current zoning by-laws with one exception. The R4 and R5 zones in the North York zoning by-law area require a minimum lot frontage of 15 metres (50 feet). The side yard requirement in these zones is 1.8 metres. The new Zoning By-law is proposing a side yard requirement of 1.5 metres. Many residents have expressed interest in retaining the side yard setback that currently exists. Since the 1.8 metre side yard requirement for 15 metre lots is more the exception than the rule on a city-wide basis, it is proposed to provide an exception for the affected areas, thus requiring 1.8 metres in those areas of North York.

The RD section of the new Zoning By-law also includes a new provision allowing for a shifting side yard setback for lots with a specified frontage. The shifting side yard provision allows one side yard to be reduced in size in favour of the other side yard being increased by the same amount. This provision applies to RD zones where the minimum lot frontage requirement is between 12 metres and 18 metres. The side yard may be reduced 0.3 metres as long as the other side yard is increased by the same amount.

Another new provision was added to this draft of the new Zoning By-law relevant to existing buildings. For single detached, semi-detached or duplex dwellings on a lot where the minimum lot frontage is less than 12 metres, a second storey in-line with the existing main walls is permitted, provided the side yard setback is no less than 50% of the minimum side yard requirement for that zone and the addition is able to comply with all other applicable provisions of the new Zoning By-law.

Building Length

The maximum length of buildings in an RD Zone for lots with a required frontage of 18.0 metres or less is 17.0 metres. The draft new Zoning By-law released in May 2009 included a provision for an as-of-right 2.0 metre extension to buildings on such lots provided the addition was less than 50% of the main building width, it was less than 5.0 metres in height, and was at least 3.0 metres from each side lot line. There were concerns expressed over the appropriateness and the usefulness of such a provision on narrower lots. As a result, the latest draft of the new Zoning By-law alters this provision to apply to lots where the required frontage is greater than 12.0 metres and less than or equal to 18.0 metres.

Conditions Related to Community Centres and Libraries in Residential Zones

Concerns were expressed with the nature of the conditions applied to community centres when allowed in Residential zones. The definition of a community centre permits it to be operated by the City or a non-profit organization and may be used for community activities including arts, crafts, recreational, social, charitable, and educational activities. The current conditions in existing by-laws for both community centres and libraries require that the facilities be located on major streets (as defined) and limited to lots with an area of 1,000 square metres or less. Under these conditions it is possible to have a privately operated, albeit non-profit, community centre in all residential zones.

The proposed changes involve a requirement that community centres in RD, RS and R Zones be operated by, or on behalf of the City. In the multiple unit zones, RT, RM and RA, this requirement would not apply as multiple unit complexes may have on-site privately operated facilities and the intensity of use in these zones generate a greater demand for such services provided by non-profit organizations.

Another change to the conditions for community centres and libraries in residential zones is an increase in the minimum lot size requirement. Currently it is listed as 1,000 square metres and it is proposed to increase to 1,500 square metres. The lot area increase is to give greater flexibility to the locating or assembling of a suitable site for such a facility. This lot area limitation will apply to the RD and RS zones.

The requirement that these facilities be located on or near major streets will apply to all residential zones except the R zone. The provision does not apply to R zones as this would be consistent with current provisions in the existing zoning by-laws.

Chapter 15 – Residential Apartment Zone Category

The Residential Apartment (RA) Zone category is applied to areas of the City that are currently zoned to permit high rise apartment buildings. In addition to apartment buildings, the zone permits other defined residential uses, such as a nursing home and a retirement home, along with a limited number of other non-residential uses, such as a community centre, day nursery and small retail store. All these additional uses are subject to special conditions listed in the by-law.

There is only one substantive change to this section of the proposed new Zoning By-law. The previous draft included special requirements for tall apartment buildings if and when they were to be built in the RA zones. This was interpreted by some to suggest that tall buildings were being encouraged, if not permitted, across the City. These provisions have been removed. The new draft of the Zoning By-law takes a different approach, placing these requirements in zones where tall buildings are anticipated because of as-of-right zoning being in place. This is more fully explained in the section of the report discussing Commercial Residential Zone category.

Chapter 30 – Commercial Local Zone Category

The Commercial Local (CL) Zone category is applied to sites with existing commercial uses only and is found in areas designated by the Official Plan as Residential Neighbourhood and Residential Apartment Neighbourhood. These are small scale commercial uses that serve the needs of local residential areas.

The May 2009 draft of the new Zoning By-law included three different sets of development standards that might be applied to buildings in the CL Zone category. Upon further review of the various sites, it was determined that one common set of development standards could be applied to all buildings found in this zone.

The size of commercial uses in terms of total interior floor area permitted has changed. Previously there were different values associated with the various uses permitted in this zone. The new draft Zoning By-law limits commercial-related uses to a maximum of 500 square metres of total interior floor area per lot, on its own or in combination with other permitted uses.

Chapter 40 – Commercial Residential Zone Category

The Commercial Residential (CR) Zone category is applied to all the areas designated Mixed Use in the Official Plan. It also applies to a few areas designated as Regeneration Areas in the OP. This is not an OP conflict. From a use perspective, the CR zone permits a broad range of retail, commercial service and office uses together with residential uses, typically in mixed use buildings. In terms of density, the CR Zone label indicates the density limit, defined by a FSI/GFA factor, for commercial uses, residential uses and an overall density figure when the two uses are combined on the site. For sites proposed to be zoned CR which have either no residential permission under current zoning or with no residential uses on site, the zoning permission for residential uses has been left at 0.0, indicating no as-of-right residential permission.

Tall Building Requirements

The May 2009 draft of the new Zoning By-law included new provisions aimed at regulating tall buildings. These provisions were based on the Council adopted Guidelines for Tall Buildings in use through rezoning applications since 2006. This was explained initially in the staff report to Committee dated March 27, 2009 (see Attachment 9). The tall building provisions were made part of the main by-law text and were meant to apply

wherever a tall building (defined as greater than the width of the right-of-way) was permitted. As noted in the staff report dated October 21, 2009 (see Attachment 9), there was some confusion as to whether the draft Zoning By-law was encouraging tall buildings everywhere. It was clarified that the tall building provisions were intended to apply only where current height limits would allow these.

In the latest draft of the new Zoning By-law, the Centres (Etobicoke, North York, Scarborough and parts of Yonge and Eglinton) have been left out of the new Zoning By-law because they are part a comprehensive scheme for development in their respective areas, each tied to unique Secondary Plan provisions. Outside of the Centres, it is only the Downtown area that permits tall buildings as-of-right on an area basis where the tall building requirements could be appropriately applied. In this regard, it is proposed to have these requirements apply in areas of the downtown with a height limit of 46 metres or more.

The May 2009 draft Zoning By-law proposed 12.5 metre setbacks for the side and rear yard. Until further analysis of the implications of these side and rear yard requirements on sites in the downtown is conducted, it is recommended that they be left out the new Zoning By-law. As is mentioned the report to Committee concerning the Status of the Tall Building Guidelines, these setbacks will continue to be applied on a site by site basis through rezoning applications for greater height or density.

With these changes, the revised tall building requirements proposed for the new Zoning By-law can be summarized as follows:

- applicable in CR Zones in the Downtown area where Development Standard Set 1 applies and where the site is located in a zone with a height limit of 46 metres or more.

Base Building Requirements

- the maximum height of the base building is $0.8 \times$ the width of the ROW (on a corner site, width of the widest street)
- the minimum floor-to-floor height for the first floor is 4.5 metres
- the setback from front lot line shall be between 0 and 3 metres
- a minimum of 75% of the main wall to be located within the 0 to 3m setback area (applies to street on which the building fronts)
- a 5.5 metre setback from a side or rear lot line for walls with windows, otherwise no setback is required (existing requirement)
- 3.0 metre setback from side or rear lot line where abutting residential zone (existing requirement)
- 11 metre separation between walls with windows on the same lot, otherwise 5.5 metre separation for walls with no windows (existing requirement)

Tower Building Requirements

- applies to the portion of the building which is greater in height than $0.8 \times$ the width of the ROW
- a 25 metre separation between towers on the same lot

- a 750 square metre maximum floor plate per floor (hotels and non-residential buildings are exempt)
- 3.0 metre minimum step back for the tower from the base building, for a minimum 2/3 of the street wall (applies to all street walls in the case of a corner site)
- 5.5 metre setback from a side or rear lot line for walls with windows, otherwise no setback is required (existing requirement)
- 3.0 metre setback from side or rear lot line where abutting residential zone (existing requirement)

Mid-rise Building Requirements

The May 2009 draft of the new Zoning By-law introduced the concept of three categories of the development standards for buildings in CR zones. Referred to as ‘Standard Sets’, they incorporated existing standards for buildings in CR zones found in the Downtown area (SS1), along main streets or streets that contain buildings with a mix of commercial and residential (SS2) and, the sites found along major streets that are currently developed with commercial uses only (SS3).

The October 21, 2009 staff report introduced changes to the ‘Standard Set’ requirements to help clarify the differences (see Attachment 10). Part of the problem related to the borrowing of the ‘base building’ requirements from the tall building provisions. This concern has been corrected by having the tall building standards apply only in the areas where they are permitted (see discussion above).

Since the October 2009 staff report, the Mid-rise Typology Study has been completed. The results and recommendations will be the subject of a report targeted for Planning and Growth Management Committee at its May 19 meeting. This study is intended to provide performance standards for typical Avenues across the City and applies to SS2 and SS3 as well.

The completion of the Mid-rise Typology Study at this time provided an opportunity to examine the proposed new Zoning By-law standards against the recommendations of the Study. It should be noted that the proposed changes to the new Zoning By-law resulting from this Study are those matters that fit within the structure of the proposed new Zoning By-law. There may be other recommendations related to the Study results.

Shallow vs. Deep Lot Depths

The Study recommends that lots be divided into two categories for the purposes of established rear yard setbacks and rear angular planes – shallow and deep. Whether a lot is considered shallow or deep is dependent not only on the actual depth of the lot, but also the width of the right-of-way on which it is situated. The provisions will apply to lots in CR zones affected by the SS2 and SS3 requirements. The following chart depicts this relationship:

Planned right-of-way widths	Shallow lot if less than
20 metres	37.5 metres
27 metres	42.5 metres
30 metres	46.5 metres
36 metres	52.5 metres

For the deep lot, the rear yard setback of 7.5 metres is required and the building must not penetrate the 45 degree angular plane measured at the rear yard setback line from a height of 7.5 metres. For a shallow lot, the same rear yard setback of 7.5 metres is required and the building must not penetrate the 45 degree angular plane measured at the rear yard setback line from a height of 10.5 metres above grade.

Lane vs. No Lane

Where the site abuts a public lane, the Mid-rise Typology Study recommends that the lane width be taken into account in establishing the rear yard setback requirement. Assuming a minimum width of a public lane as 6 metres, it is proposed to require a 1.5 metre rear yard setback. The angular plane requirements would be applied from that setback point based on whether the lot is shallow or deep in accordance with the discussion above.

Setback for Residential Uses

The Mid-rise Typology Study is recommending a 3.0 metre setback for residential uses if they are located at grade.

Minimum Height of First Floor

The May 2009 draft of the new Zoning By-law required a height of 4.5 metres for the first floor if it was non-residential. The Mid-rise Typology Study is recommending that it apply to residential uses as well.

Encroachments

There are no permitted encroachments into any of the angular plane setback requirements.

Vehicle Fuel Stations

After reviewing concerns raised by the Canadian Petroleum Products Institute (CPPI) the new draft of the Zoning By-law provides an exemption for vehicle fuel stations from the minimum height requirement of 3 storeys or 10.5 metres in CR zones if the site is not located in one of the four Policy Areas (PA1 through PA4).

Limiting the impact of Restaurants and Bars on Surrounding Neighbourhoods

At its meeting held on February 11, 2010, the Committee referred Member Motion from City Council for consideration and report respecting restaurant and related uses. The request was to consider introducing a definition of a 'Bar', consider changes to the zoning that limit the concentration of 'bars' and, address a prohibition on rooftop patios and amplified outdoor music.

As the staff report to the Toronto and East York Community Council dated December 14, 2009 pointed out, a definition of a 'bar' in the zoning by-law is impractical. The issue appears to be alcohol consumption, which is regulated by the Alcohol and Gaming Commission of Ontario (AGCO). Since the AGCO requires some food to be available for purchase in order to attain a license, distinguishing a 'bar' from a restaurant under the Section 34 zoning powers of the Planning Act is very difficult. City Council should request a change to the AGCO licensing requirements to better align with the zoning and licensing powers of cities in Ontario.

With respect to limiting the concentration of bars in particular zones, this would be difficult to achieve on a city wide basis given the wide variety of existing locations. A better solution is to limit the size of restaurants/bars in any given area of the City. This should be done through local area studies on a case by case basis as was done with the Queen Street West Restaurant Study.

Finally, with respect to rooftop patios, the new Zoning By-law is recommending a 40 metre separation distance for a rooftop patio from a Residential zone. The intent of the separation distance is to minimize the potential impact of noise and lighting of outdoor patios on nearby residences. This provision was introduced in the Etobicoke area in 2005. This is the preferred approach rather than an outright ban, which would be difficult to achieve as a city wide regulation.

Chapter 50 – Commercial Residential Employment Zone Category

The Commercial Residential Employment (CRE) Zone category is a zoning category allowing for a range of retail, service commercial, office residential and a limited list of industrial uses. It is currently proposed for the area of the former City of Toronto with the RA zoning label.

Nightclubs

Similar to the CR Zone mentioned above, changes are included in the latest draft of the new Zoning By-law applies to nightclubs in CRE Zones. A new provision limits nightclubs to the ground floor of buildings. Another provision prohibits buildings on a lot that abuts a residential or apartment residential category from containing a nightclub. Additionally, nightclubs will be limited to one per building.

Instituting a Floor Space Index Requirement

At the November 4, 2009 meeting of the Planning and Growth Management Committee, it was requested to give consideration to introducing an FSI limit for the areas currently

zoned RA in the former City of Toronto zoning by-law. A cursory review of this task indicates that it is too complicated for the Zoning By-law Project to undertake at this time. This request should be referred to staff for a report under separate cover, including consultation with affected property owners.

Other Changes

The May 2009 draft incorrectly carried forward a limit on the building for this zone. The latest draft of the new Zoning By-law requires a maximum building depth of 50 metres from any property lines abutting a street. The current draft applies to the front lot line only.

Chapter 60 – Employment-Industrial Zone Category

The Employment-Industrial Zone category consists of five different zones replicating the existing zones structures of the current zoning by-laws. These are: Employment Light (EL), Employment (E), Employment Heavy (EH), Employment Office (EO) and Employment Commercial (EC). These zones are meant to correspond with existing zone categories and are applied accordingly with the exception of the EC zone. This zone category is applied only to those sites that comply with the Official Plan requirement of permitted large scale, stand-alone retail and “power centre”.

Retail in Employment-Industrial Zones

The issue of retail uses in employment-industrial zones was discussed in the staff reports dated October 21, 2009 and March 1, 2009 (see Attachment 11). It continues to be the case that properties with significant commercial retail permissions will be left out of the new Zoning By-law as any zoning amendment recognizing the commercial retail permissions would not conform with the Official Plan except for permitted large scale, stand-alone retail and “power centres”. They will be designated EC after their locations are confirmed.

Manufacturing Use Classification

As outlined in the March 1, 2010 report (see Attachment 12), the new Zoning By-law permitted manufacturing uses which are linked to the North American Industrial Classification System (NAICS). Preliminary comments from the Toronto Industry Network (TIN) and the South Etobicoke Industrial Employers Association (SEIEA) in September 2009 regarding the original NAICS terms proposed in the May 2009 draft included concerns that not all uses described in NAICS were included in the various zones proposed by the by-law. In some cases, entire categories were left out and in other cases, only some sub-classes of a NAICS category were included. In response to this and other similar concerns, this list of permitted uses has been expanded to 86 manufacturing-related terms from the previous 28 manufacturing terms to be complete and entirely comprehensive in terms of manufacturing uses under the NAICS. The definitions and examples of the 86 NAICS terms (2007 version) derived from Statistics Canada is proposed to be in an appendix and form part of the new Zoning By-law.

In addition to these changes, staff continue to meet with industrial associations such as the Toronto Industry Network and the South Etobicoke Industrial Employers Associations, as well independent representatives to discuss issues arising from the use of NAICS in defining what may be permitted. Any concerns arising from these meetings will be addressed in the next report to Committee for its meeting scheduled on May 19, 2010.

Calculation of Gross Floor Area

In September 2009, both Redpath Sugar Ltd. and Atlantic Packing Products Ltd. raised concerns about how gross floor area was being calculated for manufacturing uses. Staff have reviewed their concerns and suggest that the calculation of gross floor area for manufacturing uses in employment industrial zones will exclude storage rooms or washrooms in the basement, an atrium, utility areas used for the purposes of servicing the building or structures associated with equipment, such as catwalks or service platforms.

Height of Structures

The May 2009 draft did not stipulate how height was to be measured in employment zones. As a result of this oversight, the measurement of height for a principal building in the employment industrial zone will be measured between the elevation of the average grade along the front lot line and the highest point of the building. The measurement of height for a structure, other than the principal building, will be measured between the elevation of the average grade around the perimeter of the structure and the highest point of the structure. As pointed out by a few manufacturers, some by-laws exempt required pollution abatement measures from the height limit. The revised draft of the by-law proposes that free-standing or roof top chimney stacks, scrubbers or other similar equipment for the purposes of pollution abatement be exempt from height limits.

Front Yard Parking

There was some concern that lawfully acquired front yard parking would become subject to the new front yard parking requirements. The latest draft of the new Zoning By-law introduces a new provision that exempts required parking that was lawfully located in the front yard from any front yard parking restrictions in the new by-law, so long as the building that existed at the time of the passing of the new Zoning By-law remains.

Permitted Retail in Employment-Industrial Zones

The latest draft of the new Zoning By-law has revised the restrictions regarding retail store type and size in employment industrial zones. It introduces a new defined land use term “retail service” to distinguish the type of retail uses that would be considered to serve workers and businesses as required by the Official Plan. Ancillary retail store (those involving products manufactured on site) continue to be permitted as in the May 2009 draft new Zoning By-law.

Meats, Poultry and Fish Food Manufacturer Requirements

The next draft of the new Zoning By-law proposes to eliminate the 100 metre residential zone separation condition for food manufacturing involving meats, poultry and fish in

certain employment industrial zones previously required as a replication of an existing zoning requirement. In September 2009, Campbell Company of Canada raised concerns about this provision as it pertained to their soup operations that may involve meats, poultry or fish and are within the 100 metre area of residential zones. Staff determined that a more appropriate use condition specific to “meat product manufacturing” would be the introduction of a restriction on abattoirs, rendering of animals and similar activities from locating in the EL and E zones. This will allow other forms of meat product manufacturing to be permitted in these zones.

Daycare and Ancillary Daycare Uses

Free standing day care uses and ancillary day care are no longer being permitted in industrial zones to stay consistent with the approach of separating sensitive uses from industrial uses.

Vehicle Fuel Stations

After reviewing concerns raised by the Canadian Petroleum Products Institute (CPPI) the new draft of the Zoning By-law introduces new permissions for vehicle fuel stations in certain employment industrial zones (E and EO). These include permitting convenience retail stores and eating establishments, subject to size limitations and the provision that the convenience store may only remain on the lot as long as the vehicle fuel station exists on the lot.

Bakeries

The term “bakeries” was inadvertently referenced instead of “dairy products” in the condition placed on “Other Food Manufacturing and Beverage Manufacturing”- Batch Processing in the EL zone. This, in part, addressed a concern raised by consultants for Peak Freens Bakery in the former Borough of East York. The provision has been corrected to refer to fruits and vegetables, cereal food products and ‘dairy products’ if the production process involves batch processing only. By replacing the term ‘bakeries’ with the term ‘dairy products,’ bakeries are no longer subject to this condition in the EL zone.

Change to “Other Fabricated Metal Product Manufacturing” Permission

Due to the expansion of the NAICS manufacturing terms, “Other Fabricated Metal Product Manufacturing” will not be a permitted use in the EL zone and, as a result the condition associated with fabricated metal manufacturing is no longer required.

EH Zone Use Changes

There are a few manufacturing uses that the current by-laws prohibit in any zone. As a best practice, it is proposed that in the EH zone, “Leather and Hide Tanning and Finishing” manufacturing will not include any use that involves tanning or currying of hides or leather. “Petroleum and Coal Product Manufacturing” will not include petroleum refineries in the EH zone. “Other Chemical Product Manufacturing” will not include explosives manufacturing in the EH zone.

Recognition of Existing Building Conditions

Some companies raised concerns about the possibility of their current buildings falling into non-compliance as a result of the harmonized standards being proposed under the new Zoning By-law for employment zones. In order to address the issues related to standards, the next draft of the By-law proposes to recognize and include exemption provisions, so long as they were legally permitted on the date of the enactment of the new by-law and the exemption from the given standard is applicable for as long as the building remains on the lot, or in the case of lot frontage, the lot exists. The following is where the exemptions would apply for as long as the building remains as it was on the date of enactment of the new Zoning By-law:

- i) lots with frontages that are less than that required by the new by-law;
- ii) building setbacks that are less than that required by the by-law;
- iii) gross floor area that exceeds that of the by-law;
- iv) building height that exceeds that of the by-law;
- v) ancillary buildings that exist in front yards;
- vi) existing parking space deficiencies;
- vii) existing loading spaces in front yards;
- viii) existing access to loading in front yards; and
- ix) existing loading space deficiencies, so long as they were legally permitted on the date of the enactment of the new by-law, and the exemption from the given standard is applicable as long as the building remains as it was on the date of enactment of the new Zoning By-law

Propane and Distance Separation from Sensitive Uses

Arising out of the Sunrise incident, the zoning by-law addresses the issue of propane safety in employment areas. When located close to sensitive uses such as dwellings, school, or nursing homes, propane storage, handling and transfer poses a greater safety risk to the nearby uses. The Zoning By-law allows a facility for the handling and transfer of propane to be located only in the Heavy Industrial Zone (EH), and on the condition that the lot that it is located on is a minimum of 300 metres from a lot in a zone that permits sensitive uses. This approach focuses the regulations of the by-law on the larger and more problematic activities.

Chapter 80 – Institutional Zone Category

There are no significant changes proposed for the Institutional Zones. However, staff did meet on several occasions with representatives of the Toronto District School Board, the Toronto Catholic District School Board and the Ministry of Education. While many of their concerns are addressed in changes to provisions found in Chapter 150, discussed below, both District School Boards and the Ministry were interested in discussing the future potential of existing public school sites. The concept discussed was often referred to as a ‘community hub’ whereby other uses, that provide a service to the community, would locate on the school site.

The concept as described was short on the type of details needed for any zoning change evaluation, such as the specific type of uses, their size, their total number and their location. It is likely that most sites would require a rezoning as they are located in residential zones. Such changes would be beyond the mandate of the Zoning By-law Project.

Chapter 100 – Utility and Transportation Zone Category

The Utility and Transportation (UT) zone is applied to all the major road and rail transportation corridors, including portions of the subway lines that are above ground, as well as the hydro corridor lands. It may also be applied to public utilities such as water or sewage treatment plants. In addition to public utilities and transportation uses, this zone permits a park and a market garden. There are no significant changes to this section.

Chapter 150 – Special Uses Regulations

Home Occupations

A home occupation is defined in the proposed Zoning By-law as “a business use within a dwelling unit, where the dwelling unit is the principal residence of the business operator.”

The regulations associated with Home Occupations in Section 150.5 have been revised to include a statement to emphasize the intent, alluded to in the staff report of March 2009, that a home occupation is not permitted if it is a business relying on clients or customers coming and going from the premises.

Further to comments raised during public consultation, the regulation that says a home occupation is not to include the “sale, rental or lease of goods directly from the dwelling unit” has made even more clear by stating these are physical goods as opposed to sales, for example, through brokerage activities or providing information.

Also stemming from public comments, the permission for personal services in the R zone has been clarified to list only those types of personal services now described in current qualifications for “home/work” found in Bylaw 438-86 of the former City of Toronto.

In recognition that medical practitioners often have many clients attending their offices, and that they are not permitted as home occupations in most parts of the City outside of the area of the former Toronto bylaw, the new Zoning By-law has been revised to permit them, with the associated conditions, only in the R zone.

At its November 4, 2009 meeting, Planning and Growth Management Committee requested that consideration be given to making musical instruction as-of-right in all residential or mixed residential areas regardless of the configuration of the building, with a limit of one class at a time. However, most current zoning bylaws that now permit music instruction as a home occupation have the condition that such a use only be in a detached house. For example, among the qualifications for permitting “home/work,” the former City of Toronto Bylaw 438-86 states “in the case of music or dance instruction,

the home/work use is located only in a detached house with one dwelling unit”. At this time, the new Zoning By-law has not been revised to broaden this requirement since that would be a matter for a policy review not within the objectives of the present project.

Secondary Suites

In the terms of the proposed Zoning By-law, a secondary suite is an ancillary dwelling unit that may be located together with a dwelling unit that is a principal use, subject to regulations that are in Section 150.10.

The draft bylaw that was published in May 2009 had provided for up to two secondary suites in the zone that represented the former “R1S” zone of By-law 438-86. However, this was not an accurate reflection of the current permission in that bylaw, so it has been eliminated from the new Section 150.10. The former R1S zone will now be “R(u2)(x5)” in the new Zoning By-law.

The current provisions for a “converted dwelling” in By-law 438-86 are incorporated into Section 150.10, allowing for three or more secondary suites to be in a detached house in the R zone, other than R(u2)(x5), subject to certain regulations. A house that contains a number of ancillary units in accordance with this is not considered to be an “apartment building” in the context of the various regulations of the new Zoning By-law associated with an apartment building.

Group Homes

The separation distance from one group home or residential care home to another group home or residential care home has been revised to 250 metres in the new Zoning By-law, to be consistent with the separation distance required for all other uses that have similar rules in Chapter 150 (seniors community house, crisis care shelter, municipal shelter).

Schools

In the May 2009 draft of the new Zoning By-law, existing schools were to be recognized as permitted uses in whatever zones they were currently located, except Employment-Industrial zones where the Official Plan no longer allows them. However, it was unclear as to whether existing schools could expand at their current locations. The new provisions added here in Section 150.48 clarify the intent with respect to the treatment of existing school sites in the new Zoning By-law.

To begin with, all existing schools will retain their existing zoning permissions along with permission for a school use. These new regulations ensure that existing sites remain legal and conforming under the new Zoning By-law. Existing lot area, lot frontage, lot coverage, height limit and yard setbacks continue to apply to allow for expansion as may be currently permitted.

Drive-through Facilities

In the October 21, 2009 report, it was proposed to eliminate a drive through facility as a permitted use in the CR zones because of the inherent conflict that such a facility is required to be 30 metres from a residential zone but there are CR zones that have no

residential density permitted. At the urging of representatives of Ontario Restaurant Hotel & Motel Association (OHRMA) and the Canadian Petroleum Products Industry, this situation was reviewed. It was agreed that since it is possible to use a CR zone for commercial uses only, an inherent conflict may not exist. As a result, it is proposed to allow drive through facilities in CR zones, provided there is a 30 metre setback between the facility and any zone permitting residential uses including CR zones. This means that a drive through facility on a CR zoned lot with CR zoning on either side and residential zoning in the rear, will need to provide a 30 metre setback along the side yards as well as the rear yard.

Vehicle Washing Establishment

In response and after review of concerns raised by the Canadian Petroleum Products Institute (CPPI) the requirement for not locating a vehicle washing establishment where it abuts a lot in a Residential or Residential Apartment zone has been removed. This requirement is from one of the former City by-laws but would be difficult to achieve city wide. It is particularly anachronistic when considering that there are no longer any commercial only zones and vehicle washing establishments are permitted in Commercial Residential zones.

The stacking aisle requirements for vehicle washing establishments is proposed to be reduced to a minimum of 10 vehicle waiting spaces from 20 spaces.

Vehicle Fuel Stations Canopies

After reviewing concerns raised by the Canadian Petroleum Products Institute (CPPI), the new draft of the Zoning By-law under Section 150 allows a canopy associated with a vehicle fuel station to encroach on the required yard setback for a yard that abuts a street, provided it is no higher than 6.0 metres.

Nightclubs

Based on a request from the Planning and Growth Management Committee of November 4, 2009, current restrictions applying to nightclubs were examined. As result of the review, new provisions are included in the latest draft of the new Zoning By-law applying to nightclubs in CR Zones. A new provision limits nightclubs to the ground floor of commercial buildings. Another provision prohibits buildings on a lot that abuts a residential or apartment residential category from containing a nightclub. Additionally, nightclubs will be limited to one per building.

Funeral Homes

Initially, it was proposed to not permit funeral homes on lots that abutted a residential zone based on a best practice approach in on of the former by-laws. In September and November 2009, we received comments from Funeral Directors for Open Dialogue and from Toronto and District Funeral Directors Inc. regarding this matter. As a result of further review by staff, this provision has been changed to require that a fence be provided along the abutting lot line and that the parking be set back 3.0 metres from the property line. This applies to funeral homes in CR and CRE zones.

Existing CR Zoning in Residential Neighbourhoods

There are some sites in the City that are zoned CR which allow both residential and commercial uses in accordance with the existing zoning by-laws. Approximately 3% of these sites are located in areas designated as Residential Neighbourhood or Residential Apartment Neighbourhood under the Official Plan. The CR zone category of the new Zoning By-law would be inappropriate for these sites as it permits a wider range of commercial uses than the requirements of the Official Plan. These sites have been left out of the new Zoning By-law until such time as an appropriate zoning category can be drafted.

Chapter 200 – Parking Space Regulations

The report to the November 4, 2009 meeting of the Planning and Growth Management Committee (see Attachment 14) put forward a number of proposed changes to the parking and loading standards presented in the May, 2009 draft version of the new Zoning By-law. Recapping the more notable of these changes:

- further refine the parking standards for assisted housing;
- reduce the parking standard for secondary schools from 2.0 to 1.5 spaces per classroom and office;
- retain the former North York minimum parking standards for financial institutions (banks) and medical offices for the lands included in the “Sheppard Avenue Commercial Area Secondary Plan”;
- re-calibrate the ratio of visitor to occupant bicycle parking required for apartment buildings;
- extend the use list to which bicycle parking standards apply to include hospitals, schools and educational facilities, and various places of assembly, and
- modify the standards for shower and change facilities for cyclists.

Since the November, 2009 Planning and Growth Management Committee meeting, further input from the public, specific interest groups and staff from other City divisions and agencies have led to a number of additional changes that are now being brought forward:

Vehicle Parking

As noted above, work has continued with staff of the City’s Affordable Housing Office (AHO) to further refine the parking standards for assisted rental housing. Based on actual and current car ownership/parking usage data assembled by the AHO from housing providers and zoning by-law background studies, there is citywide, empirical evidence to vary the parking standards for assisted housing by unit size and location (as is the case for other multi-unit residential buildings) as follows:

Number of Parking Spaces Required Per Unit

	Bachelor	1- Bedroom	2-Bedroom	3+ - Bedroom
Downtown & Central Wft.	0.12	0.18	0.30	0.50
Centres & Avenues	0.14	0.24	0.40	0.75
Rest of City	0.16	0.30	0.50	0.90

These proposed standards include a component for visitor parking. Also, a single standard of 0.1 parking spaces per unit across the City is proposed for “alternative housing” to accommodate the parking needs of visiting support staff. A confirmatory letter from the AHO is required to accompany development applications seeking the lower parking standards for assisted and alternative housing, and will be the basis for Toronto Building, City Planning and other staff reviewing the development application to categorize a proposal as assisted housing (or alternative housing). This confirmatory letter will be issued by AHO based on its determination of whether a proposal meets set criteria such as income targeting, rent limits, existence of an affordable housing funding agreement, or other appropriate measures.

The “sharing formulae” for parking in mixed use developments have been clarified and extended over a wider range of uses to increase the opportunities for shared parking in a manner similar to the existing Central Area parking provisions.

The “exclusive use” provision of Section 5.10.80.1(3) has been removed from the general provisions of the Zoning By-law and re-located to the residential parking standards section. It was not intended to apply to commercial uses.

For multi-unit residential buildings, a definition of a bachelor unit (one that does not exceed 45 m² in gross floor area) has been introduced and the need for Section 200.5.1.5(6) eliminated.

The parking standard for a “vehicular repair shop” has been increased in the parking Policy Areas to 3.5 spaces per 100 m², the same as found in the rest of the City. This change reflects the insensitivity of parking demand for this use to different levels of transit access.

The parking standard for “post secondary school” uses in parking Policy Area 1 (the Downtown and Central Waterfront) has been reduced from 1.0 to 0.5 spaces per 100 m².

Chapter 220 – Loading Space Regulations

Provision 4.7(d) of the former City of Toronto’s zoning by-law regarding an exemption under certain conditions from the loading standards for non-residential buildings built before March 1, 1994, will be carried over into the new Zoning By-law.

Wording will be added to the loading standards for commercial and industrial buildings to make it clear that the rates may be applied at either the scale of the building as a whole or to units within a multiple-business development, as the case may warrant.

The types of loading space (A, B or C) required for “other” non-residential uses in Section 220.5.10.1(7) are deliberately not specified to allow for flexibility in determining the required configuration of loading spaces for this diverse land use group.

The maximum driveway slope be established at 15% as is currently the case in the former City of Toronto.

Chapter 230 – Bicycle Parking Regulations

Bicycle Parking

Over recent months there has been considerable discussion with representatives of the Toronto Cyclists Union (TCU) whose concerns are detailed in letters dated December 22, 2009 and March 3, 2010. The TCU appeared before the March 8, 2010 meeting of the Toronto Cycling Advisory Committee at which time the Committee adopted a motion requesting the Director, Zoning By-law and Environmental Planning, to continue discussions with the TCU and report back to the Planning and Growth Management Committee on the outcome. As indicated in the TCU’s March 3, 2010 letter, consensus between City planning staff and the Union has been achieved on many fronts. Further progress has since been achieved and a number of changes to the proposed bicycle parking standards are now being put forward:

- The way the bicycle parking standards for commercial uses are expressed has been modified. A general exemption has been introduced for developments of less than 200 m² of gross floor area along with a threshold requirement of 3 bicycle parking spaces for developments greater than 200 m² that increases at a given rate for each additional 100 m² (the rate varying by land use class). The net effect is to increase the rate of parking supply for developments over 200 m² while providing an exemption to those below this trigger point. The TCU opposes the introduction of the exemption for small sites.
- Bicycle parking standards will be introduced for Municipal Shelters and Crisis Care facilities at the rate of 2 spaces per facility.
- A condition has been added to require that long-term bicycle parking spaces shall be located at grade or no more than one level below grade.
- A condition has been added to require that short-term bicycle parking must be located within 30 m of an at grade pedestrian entrance to the building.
- Bicycle parking standards for post-secondary school facilities have been further investigated and the following rates are now proposed: in PA1 one space per 100 m²

for long-term bicycle parking and (3 plus 0.3 spaces per 100 m²) for short-term parking; elsewhere, the corresponding rates are 0.6 per 100 m² and (3 plus 0.18 spaces per 100 m², respectively.

- Bicycle parking standards for residences associated with post-secondary school facilities are being studied further as are bicycle parking standards for places of assembly.
- A condition has been added that, where the required number of short-term bicycle parking spaces exceeds 10, at least 50% of the spaces must be weather-protected.

City planning staff do not support the TCU's recommendation that the number of required vehicle parking spaces should be reduced in situations where more than the minimum number of bicycle parking spaces is provided. Nor should bicycle parking standards be developed as a proportion of automobile parking standards. Planning staff does not agree with TCU's proposal that the Zoning By-law contain a provision requiring that bicycle parking be located closer to building access points than any required vehicle parking spaces for able-bodied drivers.

Chapter 550 – Holding Zone Regulations

Holding Zone regulations are passed under Section 36 of the Planning Act. A Holding Zone is placed over top of the existing, stipulating that certain conditions must be fulfilled before the underlying zoning is in effect. There are 20 such Holding Zone areas in the City. This chapter will list the by-laws which create Holding zones.

Chapter 600 – Overlay Zone Regulations

Chapter 600 is reserved for regulations applying to the Overlay zones. The Overlay zone provisions are presented in the form of maps that are placed over top of the main zoning maps. These Overlay zones maps depict the area to which other requirements may apply. The Overlay zones are: Height, Natural Hazard, Major Roads and Policy Areas.

Chapter 800 – Definitions

Retail Service Definition

The new Zoning By-law proposes to include a new definition for “Retail Service”, which means a premise in which photocopying, printing, postal, or courier services are sold or provided. This form of retail, together with a size restriction, complies with the Official Plan as it pertains to allowing small scale stores and services that serve area businesses and workers.

Chapter 900 – Exceptions to the By-law

Section 12 Exceptions of City of Toronto By-law 438-86

Most site and area exceptions in the former City of Toronto By-law 438-86 are found in Section 12 of that by-law. These exceptions are divided into permissive (Section 12(1)) and restrictive (Section 12 (2)). Staff have been reviewing each of these exceptions to determine if they are to be brought forward, and if so, reworded in the context of the new by-law or carried forward in Chapter 950 as a prevailing section, leaving the original wording with reference to the former municipal by-law in place. Exceptions that are to be brought forward and reworded will be bundled into new exceptions under the by-law and given a new exception reference number. Exceptions found in Section 12 that are not to be brought forward are based on one of the following reasons: i) the exception has been brought-in as a city wide standard and is therefore no longer needed; ii) the exception involves a site that is ‘not part of this By-law’; iii) the exception involves a matter that would make it conflict with the applicable policies of the Official Plan; or iv) the provision is based on a complicated set of rules that are more appropriately brought in as a “prevailing section” and therefore the original words are maintained in the context of the former municipal zoning by-law (i.e., 438-86).

Chapter 950 – List of Prevailing By-laws

Complex zoning by-law amendments will be listed in the new zoning by-law in the form of a Prevailing By-law. These site specific by-laws will continue in force and prevail to the extent of any conflict between it and the new zoning by-law. Other site specific by-laws will be included in the new Zoning By-law as an exception applying to that property.

Section 12 Prevailing Sections of City of Toronto By-law 438-86

Section 12 exceptions involving complicated provisions, those with Section 37 Planning Act provisions, or other matters that make the exception difficult to convert to the new by-law context, will be in a Prevailing By-law section in the new by-law.

Transition Protocol

The staff report dated March 1, 2010 further fleshed out the transition protocol for implementing the new Zoning By-law (see Attachment 15). The report described how some sites and areas will be left out of the new Zoning By-law if: they do not conform with the Official Plan, they are part of a larger comprehensive area-based zoning amendment such as the Centres or the Railway Lands, they have submitted an application for Site Plan Approval but have not received approval or, if a site specific zoning amendment will be considered in this term of Council for the site.

For sites under development that have received a building permit or are under construction, they will be made part of the new Zoning By-law. If the site is part of a site specific amendment, the by-law will either be made an exception or made a prevailing by-law.

No conclusion has been reached as to what might be done with existing minor variance approvals. It still remains that there is no jurisdiction under Section 34 of the Planning Act for the new Zoning By-law to recognize any minor variances received from the existing zoning by-law requirements. For anyone who wants to build in accordance with a minor variance that has been approved, it would be best to apply for and secure a building permit before the new Zoning By-law is passed in order to preserve their rights to the variances.

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ATTACHMENTS

ATTACHMENT 1: Excerpts from Previous Staff Reports Pertaining to Discussion of Outstanding Issues - Residential Zone Categories
ATTACHMENT 2: Excerpts from Previous Staff Reports Pertaining to Discussion of Conversion of Zones from Floor Space Index to Lot Coverage
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ATTACHMENT 1: Excerpts from Previous Staff Reports Pertaining to Discussion of Outstanding Issues - Residential Zone Categories

January 28, 2010 Report to Planning and Growth Management

“At the November 4, 2009 meeting of the Planning and Growth Committee there were 38 written submissions and 25 speakers on the matter of the new Zoning By-law. Below is summary of the main issues raised.

Conversion of zones using floor space index (FSI) to lot coverage

This matter received the greatest number of comments and is directed at neighbourhoods made up of house form structures. The views expressed are fairly consistent in their views that replacing the FSI control in favour of lot coverage as a method of regulating the size of the house will result in higher densities and greater floor space permissions. One comment, however, expressed the concern that the proposed lot coverage might be too low or restrictive.

Increase in building heights

The most commonly expressed concern relates to the change from measuring the height of house from buildings at the midpoint of the roof, the practice in former City of Toronto, North York and York, versus measuring the height of the building at the ridge or highest point of the roof, currently the practice in the remaining former City zoning by-laws.

Permission for three storey homes

This matter is related to how height is measured and the concerns that measuring height to the ridge will result in 3 storey buildings whereas measuring to the midpoint of the roof will not.

Flat roof houses are being encouraged

Again, related to the proposal to measure height from the ridge of the roof, some comments suggested that this approach would encourage more flat roof houses. Although not expressed in each comment, the underlying assumption is that a three storey flat roof building would be permitted as-of-right thereby creating an opportunity for those who want large houses. The concern is that the character of many neighbourhoods is defined by the predominance of pitched roof, two storey buildings.

Better definition of a pitched roof versus a flat roof building

This concern relates to protecting and encouraging pitched roof houses as an important defining characteristic of many neighbourhoods. The issue involves defining a pitched roof in a manner that does not allow for seemingly flat roofed houses to be considered 'pitched' by definition.

Decreases in side yard setbacks

There a few comments that noted some areas would see a reduction in side yard requirements which was deemed unacceptable.

Length of building

The comments on this matter relate to the concern that houses might be allowed to extend further into their backyards than adjacent dwellings. This can lead to problems of light, view and privacy.

Conformity with Section 4.1.5 of the Official Plan

This section of the Official Plan calls for development to respect and reinforce the existing physical character of neighbourhoods. It also describes the matters that make up the physical character of neighbourhoods. The concern expressed in some of the comments is that the proposed changes in the new zoning by-law, especially those concerned with converting FSI to lot coverage and the measuring of height to the ridge of the house, are out of keeping with the current physical character of neighbourhoods.”

ATTACHMENT 2: Excerpts from Previous Staff Reports Pertaining to Discussion of Conversion of Zones from Floor Space Index to Lot Coverage

March 1, 2010 Report to Planning and Growth Management

“Conversion of Zones from Floor Space Index to Lot Coverage”

The floor space index (FSI) method, also referred to as gross floor area (GFA), of regulating low-rise, grade-related residential buildings is used exclusively in the former City of Toronto, York, Mimico, New Toronto and Long Branch zoning by-laws. It is also used in the Township of Etobicoke, Township of East York and the Leaside zoning by-laws together with lot coverage. Both the FSI and lot coverage methods of regulating the bulk and mass of a building have their advantages and disadvantages. However, the limit on the amount of total gross floor area per lot regulated under the FSI/GFA is a more definitive measure of permitted density compared to the lot coverage method which relies on setbacks and height limits to restrict floor area of the building.

For the communities familiar with the FSI/GFA system, there is some doubt that the lot coverage approach would be able to restrict building size and bulk with the same certainty. In the report tabled before the Committee at its meeting held on February 11, 2010, it was argued that the lot coverage method could be designed to achieve the same ends through additional regulations. However, to achieve the same level of precision, the lot coverage method might be viewed as more cumbersome.

As a result of further review of these two approaches of density control, the FSI/GFA approach will be included in the next draft of the new zoning by-law where it currently exists in zoning by-laws today. The same density values that exist will also be retained in their respective zones. The density factor will be added to the zone label to make it apparent at first glance which type of floor area control applies to that particular zone. Lot coverage will continue to apply in those areas of the City that have it. Similarly, the existing lot coverage values will be retained. These values will be shown on an overlay map.

2010 Report to Planning and Growth Management

The Committee requested a detailed response to the letter dated October 28, 2009 from Matthias Schlaepfer be provided in the form of a report to Planning and Growth Management Committee for public consideration as a deputation item. In his letter, Mr. Schlaepfer contends that the draft Zoning By-law exceeds its mandate, "breaks promises" given by City Council at the adoption of the Official Plan that the zoning by-law would contain precise density limits, is not in conformity with the Official Plan and contravenes Section 24(1) of the Planning Act. Mr. Schlaepfer supports his points of view by examining the proposed zoning for low-rise residential neighbourhoods, in particular, the proposed zoning for neighbourhoods in the former City of Toronto. The concerns expressed in the letter hinge on the claim that the new draft Zoning By-law increases heights and densities in these areas. In making his argument, Mr. Schlaepfer focuses on

the proposed R zone which replaces the current R2, R3, and R4 zones in the former City of Toronto. In his letter, he states that the proposed R zone would regulate the building size by way of a limit of 35% lot coverage whereas the current zoning limits the size by way of a floor space index (FSI) of 0.6, which means that the total floor area is limited to the equivalent of 60% of the lot area (the area of the lot multiplied by 0.6). Extrapolating the proposed zoning lot coverage of 35% to a hypothetical lot, a 2 storey home at maximum lot coverage would have a floor area equivalent to 70% of the lot area and a 3 storey home would have a floor area equivalent to 105% of the lot area.

October 21, 2009 Report to Planning and Growth Management

Lot Coverage Instead of Floor Space Index for Low-rise Residential Buildings

All existing zoning by-laws, with the exception of the former City's of Toronto and York, use lot coverage, together with other provisions, to control the bulk and size of low-rise residential buildings. The former Toronto and York areas use a floor space index (FSI) factor to control bulk. As part of the 'best practices' approach to creating the new zoning by-law, the lot coverage approach is proposed for the entire City.

The FSI regulation was first introduced to the former City of Toronto in 1958. Prior to that time lot coverage was used. The covering report on this issue argued that FSI was being widely used in the United Kingdom as a universal method of predicting the impact of development from the standpoint of expected number of residents, number of employees and amount of traffic generated. FSI is useful for planning purposes but not necessarily to conserve and enhance neighbourhood character.

For low-rise residential buildings, the impact of one upon another is generally associated with its three-dimensional outer bulk, its location on the lot relative to lot lines and neighbouring houses, its height and how much of the lot remains open. The outer dimensions of this building envelope can be regulated without the need for an FSI factor.

The comments received on the conversion from FSI to lot coverage were mixed. Some of the comments expressed support for the lot coverage approach. However, other comments were concerned that the conversion formula would allow for more density than currently is permitted by the FSI factor. Most people who have expressed concern about the size of a neighbour's house have indicated it is how big the house seems from the outside that matters rather than how much floor space is inside the house.

In converting areas currently using FSI, the objective was to ensure the general result that might be expected with FSI can be adequately converted into the new approach without potential for a much bigger house. The draft by-law proposes that areas currently zoned with a z0.35 code (0.35 FSI) would be converted to 25 % lot coverage. Areas zoned with a z0.6 code (0.6 FSI) would be converted to 35 % lot coverage.

FSI figures can be easily converted to a lot coverage dimension by multiplying by 100. For the 0.35 areas, the lot coverage equivalent would be 35%, if the lot were limited to a one storey building. If a two storey building were allowed, then the lot coverage

equivalent would be 17.5%. Since the draft zoning by-law is proposing 25%, comments have suggested that the density is being raised. In the case of 0.6 FSI areas the lot coverage equivalent would be 60% for a one storey building and 30% for a two storey building. The draft zoning by-law is proposing 35%.

There were reasons for choosing 25% lot coverage. Review of existing ground floor area figures for these zones indicate that the mean lot coverage of the main building is 20%. This excludes any accessory structures such as garages. A single car garage will account for an additional 5% to 7% coverage depending on the final dimensions of the structure. Because the remainder of the City includes accessory structures within the total lot coverage figure, the same approach was applied in converting the former City of Toronto zones. This results in a lot coverage amount of 25%. This developed as a result of the 20% existing mean lot coverage plus 5% for accessory structures. See Attachments 5 and 6 for a comparison of lot coverage and FSI.

A similar conversion was done for the z0.6 zones although the existing mean lot coverage was very close to 30%. As a result the proposed lot coverage was calculated as 30% plus 5% for accessory structures for the total lot coverage of 35%.

ATTACHMENT 3: Excerpts from Previous Staff Reports Pertaining to Discussion of Measuring Height for Buildings in Low-rise Residential Zones

March 1, 2010 Report to Planning and Growth Management

Measuring Height for Buildings in Low-rise Residential Zones

The current zoning by-laws are equally divided in their approach to measuring the height of low rise residential buildings. Half the zoning by-laws of the former municipalities measure to the ridge of roof or highest point of any building and half measure to the midpoint of pitched-roof buildings and the roof level of flat-roof buildings. The proposed approach in the current draft zoning by-law is to measure all buildings to the ridge or highest point of the roof. The discussions with resident association representatives, architects and designers are focused on what are the apparent advantages of either approach.

From an enforcement perspective, the measurement to the mid-point results in widely varying heights as designers attempt to increase the size of the dwelling. Complicated roof line designs make it difficult to determine the mid-point, which is generally defined as midway between the lowest point of any eave and the highest point of any part of the roof. Some differences in opinion over the interpretations of the height of a building have resulted in court challenges. Measuring to the ridge or high point would make it easier to unequivocally determine the height. Nevertheless, discussions with community representatives from areas that currently use the mid-point measurement are continuing in order to understand the issues. A final recommendation with respect to this issue will be contained in the next report to Committee at its meeting to be held in April.

October 21, 2009 Report to Planning and Growth Management

Height

Comments received related to height were almost exclusively concerned with how height is proposed to be measured in low-rise residential areas.

The draft by-law proposes to measure height to the peak or highest point of the roof. The maximum height for low rise residential zones is 10 metres. Some existing zoning by-laws measure to the peak while others measure to the mid-point of a pitched roof. The mid-point is defined as half way between the lowest eave and the highest point of the roof. See Attachment 7 for a comparison of the two approaches. According to comments received, there are two issues arising from measuring to the peak.

Measuring to the peak will allow 3 storey flat roof buildings in areas where the predominant form is a 2 storey pitched roof building. With a 10 metre height limit, it is possible to build a 3 storey flat roofed building. Currently, the North York zoning by-law places a 2 storey, 8 metre limit on flat roof buildings. This is a good solution to this concern and is equitable in that both designs result in a 2 storey building. It is proposed

that the 2 storey, 8 metre limit on flat roofed buildings be applied in RD zones across the City.

Another concern expressed during consultation was that the height of buildings would be raised. This was particularly noted in neighbourhoods affected by the North York zoning by-law. In the North York zoning by-law, height is measured to the mid-point at a maximum height of 8.8 metres. The 10 metre height limit to the peak is seen as an increase in height. This is not the case if the height of the roof above the 8.8 metre height limit is considered. As an example, if a pitched roof has a height of 2.4 metres (a modest number, many roofs are higher), half the height of the roof is equivalent to 1.2 metres. If 8.8 metres is the height of the building to the mid-point of the roof, then the 1.2 metres (half the height of the roof) should be added to calculate the height of the building to the peak of the roof. The result is a 10 metre high, pitched roof building; $8.8 + 1.2 = 10$. The conversion to a peak roof limit of 10 metres does not result in appreciably taller buildings. In fact, for some areas in York and former City of Toronto, it results in a slight decrease in height.

ATTACHMENT 4: Excerpts from Previous Staff Reports Pertaining to Discussion of Flat Roof Regulations

March 1, 2010 Report to Planning and Growth Management

Restricting the Height of Flat-roof Buildings

In the staff report, dated October 21, 2009, before the Committee at its meeting held on November 4, 2009, it was proposed to place a 2-storey limit and 8 metre height limit on all flat-roof buildings in the RD zones. The RD zones permit single detached housing types only and are the largest single zone category in the City when looked at in terms of area covered. These limits are derived from the current requirements found in the North York zoning by-law.

The concern with flat-roof buildings arises from the possibility of building a 3-storey building in an area that would typically see a 2-storey dwelling with a pitched-roof. A 3-storey building is thought to be inappropriate if the area is mainly 2-storey buildings with pitched-roofs. In addition, a 3-storey flat-roof building would create greater overlook issues, result in more shadowing and would generally feel more imposing than a 2-storey pitched-roof building.

In determining an appropriate height limit, the general rule of thumb is to allow 3 metres for the height of each storey. An allowance is also given for the portion of the basement permitted above ground not being counted as a storey. This height of the basement above ground is limited to 1.2 metres. Adding these amounts together for a 2-storey house gives a total of 7.2 metres. Given that the height of the building will be measured from the point on the ground where it is built, it is appropriate to establish the height limit for a 2-storey flat-roof building at 7.2 metres in addition to the limit of 2 storeys. It is recommended that the 2-storey, 7.2 metre height limit on flat-roof buildings be applied to all RD zones in the City. The concern over 3-storey flat-roof buildings extends beyond the RD zones. In meeting with representatives of various resident and ratepayer groups, mainly from communities governed by the former City of Toronto zoning by-law, concerns with the height of flatroof buildings in the proposed R zone was expressed. The R zone replaces the R2, R3 and R4 zones. Currently there is no limitation on the height of flat-roof buildings, other than the overall height limit. With a height of 10 and some cases 11 metres, a 3-storey flatroof building could be developed. Discussions continue with this group of representatives and a recommendation on this issue will be part of the April report to Committee.

ATTACHMENT 5: Excerpts from Previous Staff Reports Pertaining to Discussion of Height of Ancillary Structures

March 1, 2010 Report to Planning and Growth Management

Height of Ancillary Structures

In the initial draft of the new zoning by-law released in May 2009, the maximum height of ancillary structures, such as garages, was proposed at 5 metres. Ancillary structures are also restricted to one storey. There was concern expressed that the proposed height would create over-shadowing problems.

Upon further review, it was noted that the 5 metre height limit represented the highest value of the height limits found in the existing zoning by-laws. It was also noted that all the existing zoning by-laws limit ancillary structures to one storey. Because of the one storey limit, it is entirely appropriate to consider a single height limit for ancillary structures across the City. The most common of height limits for ancillary structures is 4 metres. As a result, it is recommended that the height of ancillary structures be limited 4 metres in the new zoning by-law.”

ATTACHMENT 6: Excerpts from Previous Staff Reports Pertaining to Discussion of Established Grade

October 21, 2009 report to Planning and Growth Management

Another issue raised on the matter of height involves the point of measurement. The draft zoning by-law proposes that height be measured at the front yard setback line at an elevation calculated as the average between the elevations of the two side lot lines. This is defined in the draft zoning by-law as established grade. The elevations of the side lot lines are interpreted to mean the elevation shared with the adjacent lots. The purpose of this approach is to ensure that the property does not artificially raise the grade thereby creating a taller building allowance than was intended.

Most of the concerns came from residents in the former North York area where grade is measured from the elevation of the crown of the road. This method assumes that the measurement point cannot be altered unless road work is undertaken. However, it does create an inconsistent and unfair application of the true height limit. Most properties are higher in elevation than the street; a practical consideration ensuring that water run-off is directly away from buildings onto the street. In some parts of the City, lots are substantially higher than the road. This means that the permitted height limit of structures could never be met without an application to the Committee of Adjustment. For this method to work equitably, each lot would have to have a height defined to take into account the difference between the road elevation and the existing lot elevation. Alternatively, lot owners would be removing soil from the site to achieve maximum height.

No changes to the draft zoning by-law with respect the definition of established grade is recommended.

ATTACHMENT 7: Excerpts from Previous Staff Reports Pertaining to Discussion of Day Nurseries

October 21, 2009 report to Planning and Growth Management

Provisions for Day Nurseries

The Day Nurseries Act, and all of the current zoning by-laws, distinguishes day nurseries from Private Home Daycare. The latter is where a person can look after up to five children in their home without having a license. All the by-laws (including the draft by-law) permit private home daycare as an ancillary use in most types of residential units.

The current by-laws allow licensed day nurseries in most parts of the former cities, though not every zone is treated the same way, and the requirements to be met before one can be permitted to differ somewhat among the by-laws. The draft by-law lists day nursery as a permitted use, either as-of-right or conditionally, in every zone except for employment, utility, and some open space zones.

None of the current by-laws have qualifications to be met in order for a day nursery to be permitted in non-residential zones. In the residential zones, there are some notable differences, but there are also common themes that can be found among the current by-laws:

- Except for Scarborough, the by-laws permit day nurseries in most residential zones, subject to the day nursery being in a certain type of building or associated with certain types of uses. The Scarborough by-laws do not allow day nurseries in detached, semi-detached, or townhouse zones.

- Scarborough's apartment and multi-family zones do permit day nurseries, provided they are not in a detached or semi-detached house, or a townhouse, and provided they are not located above the second storey in an apartment building.

- Where day nurseries are allowed in low density residential zones, the majority of the by-laws require that they be in various types of institutions. These include schools, places of worship, community centres, or libraries, depending on the by-law. In the Scarborough by-laws, if a day nursery is in a school, it cannot occupy more than 40% of the total area of the school building.

- In former Toronto's R2 zones and higher, there is a more permissive approach than in its R1 and R1S or any of the other by-laws' residential zones, in that a day nursery is allowed in a detached or semi-detached house, or any non-residential building permitted in the zone, including one purposely built as a day nursery. Where it is in a house, it is supposed to be the only use in the whole building (including both units in a semi-detached), except that the house can also be the principal residence of the day nursery owner or operator.

- The current Toronto by-law prohibits a playground in the front yard of a day nursery in its R1 and R1S zones, which has not been addressed in any of the other current by-laws.

In the draft zoning by-law, day nurseries would be permitted in all residential zones but only in schools, places of worship, community centres and libraries. Scarborough's limit on day nursery floor space in a school would be extended city-wide. Day nurseries would also be permitted in apartment buildings, but not above the first storey. The Toronto R1 and R1S prohibition on a front yard playground is proposed to be applied to all residential zones.

Several of the comments on this matter have come from people in the High Park area, expressing concern about the proposed elimination of the permissiveness of the Toronto R2, R3, R4 and R4A zones. This is correlated with the local study that is now underway with respect to day nurseries locating in large houses along High Park Avenue.

The draft new zoning by-law as currently written permits a day nursery in all residential zones but only in schools, places of worship, community centres and libraries. No change is proposed at this time. The study associated with the Interim Control By-law, involving day nurseries in the High Park, is examining the concerns with permitting such a use in residential buildings. This permission is found only in the R2 zone ('R' in the new zoning by-law) in the former City of Toronto.

ATTACHMENT 8: Excerpts from Previous Staff Reports Pertaining to Discussion of Side Yard Setback Requirements

October 21, 2009 report to Planning and Growth Management

Side Yard Setback Requirements for Detached Residential

In the proposed RD zone, the draft zoning by-law cites the following requirements for side yard setback:

- “(i) 0.9 metres if the minimum required lot frontage is less than 9.0 metres;
- (ii) 1.2 metres if the minimum required lot frontage is 9.0 metres to less than 18.0 metres;
- (iii) 1.8 metres if the minimum required lot frontage is 18.0 metres to less than 30.0 metres; and
- (vi) 3.0 metres if the minimum required lot frontage is 30.0 metres or greater.”

During the public consultation, concerns were expressed by residents from differing perspectives. Some thought the recommended setbacks were too small while others thought they were too large. In the Willowdale area of North York, residents have pointed out that the R4 zone in the North York by-law (which applies to the majority of houses in Ward 23) has a minimum side yard requirement of 1.8 metres for lots with 15 metres frontage or more. A representative of the Leaside Ratepayers Association has pointed out that much of that area, which has minimum lot frontage of 9 metres and 12 metres, has a requirement of 0.9 metre side yards while the new zoning by-law will require 1.2 metres. Other comments suggested that there might be further gradations within the lot frontage categories in particular adding a larger side yard setback for lots between 24 and 30 metres in width.

Analysis of current zoning by-law requirements for detached house in residential zones shows a clear tendency toward the concept that each side yard be about 10% of the lot's expected frontage. On this basis, the incremental increase in side yard setback requirements based on lot frontage is proposed to be to the following:

- (i) 0.6 metres if the minimum required lot frontage is less than 6.0 metres;
- (ii) 0.9 metres if the minimum required lot frontage is 6.0 metres to less than 12.0 metres;
- (iii) 1.2 metres if the minimum required lot frontage is 12.0 metres to less than 15.0 metres;
- (iv) 1.5 metres if the minimum required lot frontage is 15.0 metres to less than 18.0 metres;
- (v) 1.8 metres if the minimum required lot frontage is 18.0 metres to less than 24.0 metres;
- (vi) 2.4 metres if the minimum required lot frontage is 24.0 metres to less than 30.0 metres; and
- (vii) 3.0 metres if the minimum required lot frontage is 30.0 metres or greater.

For those areas where the current zoning by-law has allowed existing houses to be closer

to the side lot line than what has been proposed, the draft by-law does contain the following statement:

“If a building has a front, rear or side yard setback less than that required by this By-law, the respective minimum yard setback for that building is the yard setback that lawfully existed on the date of the enactment of this By-law.”

The revised rule (iv), above, goes half way to meeting the concerns of residents in the Willowdale area. The current side yard setback is 1.8 metres and this proposal is to require 1.5 metres for lots of 15 metres to 18 metres in width. There is currently a provision allowing lots that have less than the required minimum lot frontage to have reduced side yard requirements (at a ratio that coincides with 10% of the actual lot frontage), to as low as 1.5 metres. In addition, a garage attached to a house with no habitable space above it can be 1.2 metres from the side lot line.

ATTACHMENT 9: Excerpts from Previous Staff Reports Pertaining to Tall Building Requirements

March 27, 2009 report to Planning and Growth Management

New Tall Buildings Regulations

A consultant study reviewing current policies and zoning regulations with regard to "tall buildings" in the Downtown, has reached a number of conclusions with respect to appropriate locations for tall buildings and steps that could be taken to improve the built form quality of these buildings and their relationship to their surroundings. Full study results are due to be released shortly.

In reviewing the study's recommendations for tall building regulations, it was concluded that there are some key principles that should be applied to such buildings citywide. The conclusions closely mirror the Council adopted guidelines for Tall Buildings in use since 2006. With the draft new zoning by-law coming forward for consultation, it has been decided to introduce some of these new regulations at this time, as opposed to introducing a city-wide amendment at a later date. The following is an explanation of the proposed changes:

Tall Building – For the purposes of the zoning by-law, a tall building will be regulated as any building that is higher than the width of the road allowance onto which the lot fronts. If the site is at a corner, the wider road allowance will be used to define tall.

Base building – The portion of the building that rises below the height equivalent of the road allowance is known as the base building.

Tower – The portion of the building above the base building will be referred to as the Tower.

Floor Plate Size Limitation – It is proposed to limit the average floor plate of the Tower (above the Base Building) to an average area of 750 square metres. This will apply to any building containing residential units but will not apply to commercial office.

Tower Facing Distance – When located on the same site, Tower portions of buildings containing residential uses must be spaced 25 metres apart, excluding balconies. These Towers must be 12.5 metres from a property line or 12.5 metres from the mid-point of an adjacent lane.

Tower Setback – Tower portions of a building must be setback 3 metres from the street line.

Minimum Height of First Floor – The minimum height of the first or ground floor must 4.5 metres

October 21, 2009 report to Planning and Growth Management

Modifications to Tall Building Provisions

Many comments were received concerning the tall building provisions. The opinions were somewhat mixed. Many preferred that the tall buildings requirements remain as guidelines. Other comments supported the idea of zoning by-law requirements for tall buildings with the understanding that they would be more likely adhered to. Staff met with the Building Industry and Land Development (BILD) representatives to discuss the zoning by-law provisions. They expressed the position that these requirements should remain as guidelines. It was explained that the guidelines have been used by staff in reviewing applications for tall buildings for the last 2 to 3 years. The provisions being included in the proposed zoning by-law are those measures that have worked well in practice and are important in all tall building proposals.

As mentioned above, there is some confusion with how the tall buildings provisions might be interpreted to apply across the City. It was not the intention to suggest tall buildings are permitted in all CR zones. The provisions regarding the tower portion of tall buildings will be moved out of the individual Development Standard Sets sections of the by-law and will instead be set out under the topics of height, floor area, setbacks, separation, and permitted encroachments sections. The 750 square metre maximum floor plate restriction is proposed not to apply to hotel buildings or hotels which have a residential component. Balconies will not be permitted to encroach into the required 3 metre minimum setback for the tower portion of the building.

ATTACHMENT 10: Excerpts from Previous Staff Reports Pertaining to Mid-rise Building Requirements

October 21, 2009 report to Planning and Growth Management

Modifications to Building Requirements

As described in the report to the Committee in April of this year, the development standards for commercial residential zones were consolidated into three categories that typify the development along major streets. Standard Set 1 contains the standards applicable to CR zones along major streets in the Downtown area. Standard Set 2 contains standards applicable to CR zones found along major streets that typically contain buildings built nearer the street and may contain both commercial and residential uses. Standard Set 3 contains standards applicable to CR zones along major streets most likely occupied by commercial plaza-type development, with buildings built further from the street.

The following recommended changes to the CR zone requirements are best understood by viewing the diagrams found in Attachments 1, 2, and 3.

Height

Height limits for CR zones are either depicted on the Height Overlay Map (currently applicable only to the former City of Toronto area) or have a preset maximum applicable to each standard set. For Standard Set 1, it is 16 metres. For Standard Set 2, it is 14 metres. For Standard Set 3, it is 11 metres. The draft new zoning by-law also introduced new provisions for ‘tall buildings’ (discussed further below). The concept embedded in the provisions was to ensure that, as buildings got higher, the bulk and mass would be reduced to allow for greater light, view and privacy. This resulted in different standards for the ‘base building’ versus the ‘tower building’, with the ‘base building’ being no higher than the width of the right-of-way onto which it fronts.

Many respondents during the consultation were confused as to whether this meant that ‘tall buildings’ would be allowed in all CR zones. This was not the intention. The confusion arose because it was implied that the setback requirements and angular planes for the ‘base building’ were seen as universal to all CR zones. The ‘tower building’ requirements only apply to where such height is permitted. This point will be clarified.

In addition, a modification to the height requirements for the ‘base building’ is proposed. Any building in a CR zone that is equal to or less height than a 1:1 ratio to the width of the street allowance is considered a ‘base building’ and must comply with all the provisions applying to such a building. A further requirement on the height of the ‘base building’ is the main front wall can be no higher than 80% of the width of the street allowance before applying a 45 degree angular plane to the remainder of the building height (see Attachments 1 and 2). This will ensure sunlight penetration onto sidewalks on the opposite side of the street during the midday period during spring, summer and fall. It should be noted that the maximum base building height of a 1:1 ratio to the width of the street allowance, and the main front wall height of 80% may not be achievable as-of-right

in all CR zones given the current height limits. Attachment 4 describes how this base building height relates to the tower building in the case of a tall building.

Rear Yard Setback

The standard rear yard setback in CR zones governed by Standard Sets 2 and 3 is 7.5 metres. This was not abundantly clear in the draft zoning by-law. In addition, it is proposed to add a 45 degree angular plane starting at the proposed minimum height requirement of 10.5 metres (see Attachments 1 and 2). This will ensure sunlight penetration to adjacent properties. In the Standard Set 1 areas, a rear yard setback of 3 metres is being added when there are no windows or openings and when CR zone property abuts a Residential zone category. This is the current requirement in for CR zones in the former City of Toronto zoning by-law.

Side Yard Setbacks

Currently the draft zoning by-law requires a side yard setback of 5.5 metres when there are openings or windows. If there are no windows or openings, it is possible to build to the lot line. This is not a problem when building up against another CR zoned property. But in the event of an abutting residential zone, some setback should be provided. It is proposed a minimum 3 metre side yard be introduced for such situations.

Front Yard Setbacks

In Standard Set 3 areas, the draft zoning by-law proposed a minimum front yard setback of 7.5 metres. Several comments were received expressing concern and disappointment that the by-law would require a 'minimum' setback along the Avenue growth areas. It is a common practice to require buildings to be located close to the street in many redevelopment schemes. In addition, 7.5 metres does not allow for any useful or practical design element, being too narrow an area for parking and too big an area for landscaping. It is proposed that this requirement be removed.

In the Standard Set 1 and 2 areas, a different approach to front yard setbacks is taken. These areas have a proposed maximum building setback of 3 metres and a further requirement that a minimum of 80% of the main front wall be built within the front yard setback area. Based on the comments received during consultation and a further review of existing buildings, a more suitable percentage would be 75%.

ATTACHMENT 11: Excerpts from Previous Staff Reports Pertaining to Retail Permissions in Industrial Zones

October 21, 2009 report to Planning and Growth Management

Retail in Employment Industrial Zones

There are several industrial zones in the former City zoning by-laws that permit retail uses in a variety of forms and sizes; however, the Official Plan recognizes only two categories of retail uses for Employment Areas. These pertain to retail uses that are limited in scope and size so as to serve the area businesses and workers and, other retail uses that are large scale, stand-alone and "power centres". Any new zoning will need to conform to the Official Plan policies.

The proposed zoning by-law provisions for Employment Industrial zones will continue to restrict the type and amount of retail uses in areas designated Employment Areas under the Official Plan. In the Employment Industrial (E) and Employment Industrial Office (EO) zones, retail shall be limited in scope and size to those types of uses that are to serve area businesses and workers and Ancillary retail (i.e., products sold that are manufactured on site). In the Employment Light Industrial zone (EL), ancillary retail will be permitted with a strict size limitation. No retail will be permitted in the Employment Heavy Industrial zone (EH).

Developments that are large scale, stand-alone retail stores and power centres built prior to June 6, 2006, fall under Policy 4.6.5 of the Official Plan. These developments are proposed to become Employment Industrial Commercial zones (EC) that will appropriately reflect the specific nature of the development. This would include any developments recognized in applicable Secondary Plan or Site and Area Specific policies in the Official Plan. Determining which lands qualify under the policies is still being examined at the time of the writing this report. Properties that have mixed industrial commercial zoning under the current by-laws which do not have developments that qualify under Policy 4.6.5 of the Official Plan or site specific policies, shall remain outside of the proposed by-law at this time, and their existing zoning will continue to apply for the time being.

Going forward, any large scale, stand alone retail stores and power centres approved under Policies 4.6.3 of the Official Plan with associated rezoning approval will receive an Employment Industrial Commercial (EC) zoning that appropriately reflects the specific nature of the development.

March 1, 2010 Report to Planning and Growth Management

Retail in Employment-Industrial Zones

The issue of retail uses in employment-industrial zones was discussed in the staff report (October 21, 2009) before the Committee at its meeting held on November 4, 2009 but it is worth repeating as letters continue to be received on this topic.

The Official Plan recognizes only two categories of retail uses that are permitted in Employment Areas. The first category relates to small scale retail stores that serve local area businesses and workers. The second category relates to large scale, stand-alone retail stores that are permitted in Employment Areas under certain restrictive conditions (see policy statements 4.6.1 and 4.6.3 of the Official Plan).

Determining which lands qualify under the policies is still being examined. However, there are many existing retail sites in employment-industrial zones that will not qualify. It is proposed that these sites be left out of the new zoning by-law at this time. The alternative would be to zone them industrial, thereby making them legal non-conforming.

ATTACHMENT 12: Excerpts from Previous Staff Reports Pertaining to Industrial Use Permissions

March 1, 2010 Report to Planning and Growth Management

Industrial Use Classification

There are two basic approaches to regulating industrial uses employed in the current zoning by-laws, prescriptive and proscriptive. The prescriptive approach lists only those uses permitted in the industrial zones. This method ensures that unwanted uses are not established as-of-right. However, it also means that new acceptable uses may be turned away. The proscriptive approach lists only those uses that are not permitted. This method eliminates the need to constantly update the permitted use list. On the other hand, it could allow for unwanted uses to establish themselves.

The new zoning by-law proposes to list the various industrial uses permitted in employment-industrial zones (ie. prescriptive approach). This approach is being recommended because all current industrial areas border, at least in part, either residential or commercial-residential zones. To assist in buffering the impact of industrial uses on sensitive uses, the new zoning by-law proposes a graduated industrial use zoning scheme whereby light industrial uses are permitted along the edges of industrial areas, next to residential areas, followed by medium industrial uses and finally heavy industrial uses placed in the middle of industrial areas furthest from sensitive use zones.

When it comes to defining the uses permitted within each zone, the new zoning by-law defines broad categories of uses, such as warehouse, wholesaling, custom workshop, and manufacturing. Manufacturing is defined in general terms as:

The use of premises for fabricating, processing, assembling, packaging, producing or making goods or commodities, and it may include ancillary repair of those goods.

The manufacturing category of use is the largest of all the industrial use categories. Most industrial properties are developed under the label of 'manufacturing use'. Some of the comments received were accepting of this definition provided it alone was used in determining what type of manufacturing use is permitted. The problem is that this approach would allow for any manufacturing use, whether of the light or the heavy variety, to locate in any industrial zone. This could be considered a proscriptive approach.

Because of the great variety of manufacturing uses that may establish in the City, a further sub-classification into light, medium and heavy permitted uses is recommended. Current zoning by-laws attempt to define some of their permitted manufacturing uses. These definitions vary among the existing zoning by-laws. The approach proposed by the new zoning by-law is to rely on the North American Industry Classification System (NAICS), an international standard. The NAICS coding of manufacturing related processes will be used to allocate the various types of manufacturing uses to their respective light, medium and heavy zone. The current NAICS list will be appended to the new zoning by-law.

This proposed approach has not been well received to date by some of the industrial sector in part because there has been insufficient information by which to judge the merit of this approach. A fear is that existing uses would be rendered legal non-conforming. That is not the intent of the recommended approach of using NAICS.

In order to help with understanding this approach, a table has been created listing the 86 manufacturing related use categories from NAICS cross-referenced to the industrial zones that would permit these uses. The table has already been distributed to the Toronto Industry Network, the South Etobicoke Industrial Employers Association and the Economic Development Division. It has also been sent to industries that corresponded on this issue. The table is available on the City website at www.toronto.ca/zoning.

In addition to the table, a comparison of the manufacturing uses listed in existing zoning by-laws to the manufacturing terms set out in the NAICS listings has been prepared. This analysis matches all the existing zoning by-law manufacturing use terms to the corresponding NAICS term. The result reveals that all the existing manufacturing land use terms are accounted for under the NAICS listing. This comparison is also available on the City website at www.toronto.ca/zoning.

It is proposed to meet with the industrial associations, Economic Development and other interested stakeholders and discuss any further concerns or questions that may remain on this matter. A recommendation with respect to this issue will be included in the April report to Committee.

ATTACHMENT 13: Excerpts from Previous Staff Reports Pertaining to Hazard Line Setback

March 1, 2010 Report to Planning and Growth Management

Hazard Line Setback

A hazard line setback distance was introduced as a new provision in the draft zoning by-law. The requirement is for a 10 metre setback of all development from the top-of-bank of ravines and the Lake Ontario shoreline. This requirement reflects Section 3.4.8 of the Official Plan wherein it states that development will be setback from the top-of-bank of valleys, ravines and bluffs and other locations where slope stability, erosion or flooding occurs including along the Lake Ontario shoreline.

Two issues have arisen during the consultation period. One relates to the treatment of existing buildings that are currently constructed within the proposed setback area. The other relates to the accuracy of the line shown on the zoning maps as the top-of-bank.

In the case of existing buildings or structures, it is recommended that a new provision be introduced that would allow any existing building to be re-built in that location provided it is no closer to the top-of-bank. Existing buildings that are below the top-of-bank could also be re-built if their footprint is not expanded. Additions to existing buildings are also possible but would require an application to the Committee of Adjustment.

With respect to the accuracy of the setback line shown on the zoning maps, submissions filed during the consultation period regarding specific sites have been carefully reviewed. The conclusion is that the setback line indicated on the zoning maps is not entirely accurate in all cases. Consequently, a slightly different approach is being recommended.

It is proposed to create a slope and shoreline setback 'area'. This will be accomplished by identifying areas on a map that correspond with the TRCA regulation areas and some additional ravine controls. Applicants for a building permit within that area will be required to identify the top-of-bank line on their plans. Any proposed new building will be required to be set back from that line. There will be an additional requirement stating that the top-of-bank line must be confirmed by the Toronto and Region Conservation Authority. This method will achieve the accurate determination of the top-of-bank line and ensure consistency with the TRCA's approach.

ATTACHMENT 14: Excerpts from Previous Staff Reports Pertaining to Parking and Loading Standards

October 21, 2009 report to Planning and Growth Management

Parking and Loading Standards

The revised parking and loading standards have, up to this point, drawn relatively little public comment. The comments received have varied widely in scope from a general questioning of the need for standards, to detailed concerns over the appropriateness of a given standard in a particular area of the City. Also, some of the comments on the standards ventured into peripheral subject areas such as front yard parking, reverse slope driveways, on-street parking permits and charging for visitor parking which are being dealt with separately.

The proposed parking and loading standards are an amalgam of new, revised standards for certain land use classes and a consolidation of existing or old standards for the remaining classes, applied to a new geography. City Council initially approved the development of new parking standards for offices, retail store, eating establishment and multi-unit residential land uses and, subsequently, expanded the range to include places of worship and places of assembly. A further study was undertaken to assess the impacts of securing reserved parking spaces for car sharing vehicles on the overall demand for parking in apartment buildings.

All the background studies have been available on-line during the public discussion period. The new parking standards were generally developed using a “blended” approach that brought into consideration:

- Existing standards in the City’s former municipalities;
- Best practices elsewhere in Ontario and other large North American cities;
- Surveys of parking demand and utilization;
- First Principles methods of traffic forecasting and parking demand estimation;
- Policy objectives such as that of reducing auto dependency in the targeted mixed use growth areas of the City.

There is general support for varying the parking standards according to the level of transit service in an area. Where transit access is good the standards are lower. Adopting the geography of the Official Plan’s Map 2 – Urban Structure, four parking policy areas were defined as: PA1 – Downtown and Central Waterfront; PA2 – Centres; PA3 – Avenues on a subway line, and PA4 – Avenues on a bus or streetcar line. The parking standards progressively increase through policy areas 1 to 4 and are highest in the remaining part of the City that falls outside these transit-oriented, mixed use growth areas.

The overall aim in developing the new parking requirements, and in consolidating the existing ones, is to establish a set of minimum responsible standards across the City. The new standards also impose maximum levels on the amount of parking to be provided in

the four parking policy areas. Not every land use class has standards that vary across all five sub-areas and a few, such as industrial uses, have only a single city-wide standard. The new standards for offices, retail, restaurants and apartments also include requirements for bicycle parking and shower/change facilities.

In response to concerns raised over particular parking and loading standards, the following observations and proposed changes are being put forward:

- Develop a definition of “assisted housing” and ensure the retention of existing standards that apply to this residential category;
- Reduce the standard for secondary schools from 2.0 to 1.5 parking spaces per classroom and office;
- Retain the former North York minimum parking standards for financial institutions (banks) and medical offices of 3.5 and 4.1 spaces per 100 m² respectively (as opposed to the proposed standards of 2.0 and 1.5 per 100 m²) for the lands included in the “Sheppard Avenue Commercial Area Secondary Plan”;
- Pursue the further consolidation of existing parking standards among land use classes that have similar parking requirements;
- Ensure that certain exemptions are carried forward;
- Clarify that off-site parking is generally not permitted because of lack of an adequate legal means of securing and enforcing off-site parking arrangements, and
- Clarify the wording in 220.5.10.1 (G) regarding loading standards for the “other” class of land use, including specifying the type of loading space to be provided

A variety of concerns were raised over bicycle parking standards for particular uses. The following proposed changes are being put forward to address these concerns:

Bicycle Parking Standards for Residential Uses:

Feedback from the public and the development community has suggested that providing 0.2 visitor parking spaces at-grade per dwelling unit (which is equal to 20% visitor parking at a rate of 1 space / dwelling unit in PA1) is proving to be onerous, particularly on constrained sites in the downtown area. When applied to a development proposal 20% appears to be an oversupply for visitor bicycle parking. The City of Toronto Cycling Study (2009) has shown that 66% of Toronto households own bicycles with an average of 2.2 bicycles per household. In order to better reflect bicycle ownership in City of Toronto households and to avoid an oversupply of visitor bicycle parking, the following changes are recommended to the bicycle parking standards for residential uses.

Type of Bicycle Parking	Planning Area 1	Rest of City
Visitor (short-term) Parking	0.1 per dwelling unit	0.08 per dwelling unit
Occupant (long-term) Parking	0.9 per dwelling unit	0.7 per dwelling unit

Bicycle Parking Standards for Uses not Currently Listed:

There are a number of non-residential uses for which a bicycle parking standard was not recommended in the consultant reports. This absence of standards for particular uses has been raised by the public as well as developers and City planners involved in the development review process and area planning initiatives. In addition, the new Toronto Green Standard proposes to include a bicycle parking requirement in the 2009 TGS that will capture particular uses that are not included in the proposed Zoning By-law. To address these concerns the following standards have been developed using a first principles approach based upon current bicycle mode share data and a future target mode shares.

Use	Bicycle Parking Rate Policy Area 1		Bicycle Parking Rate City-wide	
	Short-term (Visitor) Parking Minimum	Long-term (Occupant) Parking Minimum	Short-term (Visitor) Parking Minimum	Long-term (Occupant) Parking Minimum
Hospitals	0.1 spaces per 100m ² or 6.0 spaces if greater than 1000m ²	0.1 spaces per 100 m ²	0.06 spaces per 100m ² or 6.0 spaces if greater than 1000m ²	0.06 spaces per 100 m ²
Public and Private Schools, and Educational Facilities	0.1 spaces per 100m ² or 6.0 spaces if greater than 1000m ²	0.1 spaces per 100 m ²	0.06 spaces per 100m ² or 6.0 spaces if greater than 1000m ²	0.06 spaces per 100 m ²
Art Gallery, Community Centre, Library, Museum, Place of Worship, and Place of Assembly	3.5% of maximum occupancy as per building code	1.5% of maximum occupancy as per building code	2.0% of maximum occupancy as per building code	1.0% of maximum occupancy as per building code

Shower requirement:

Feedback suggests that the currently proposed standard may be both onerous and an over supply. The intent of the proposed standard was to require showers for all medium to large size offices. We propose that this standard be required at a reduced rate from what has been recommended in the consultant report. The following rates are proposed.

If a building contains uses, other than dwelling units, for which bicycle parking spaces are required, shower and change facilities shall be provided for each gender at the following rate:

- (A) none if less than 5 required long term bicycle parking spaces;
- (B) 1 for 5 to 60 required long-term bicycle parking spaces;
- (C) 2 for 61 to 120 required long-term bicycle parking spaces;
- (D) 3 for 121 to 180 for required long-term bicycle parking spaces;
- (E) 4 for more than 180 required long-term bicycle parking spaces.

Visitor Parking

Staff included in the draft zoning by-law a regulation that specifies that there can be no fee charged for a visitor parking space in multi-unit residential buildings in Residential Zones in accordance with Council direction.

During the consultation process, there were comments submitted stating that charging for a visitor parking space should be allowed.

After consideration of the comments, staff cannot see the merits in the request to permit charging for the use of a visitor parking space and therefore no change to the regulation is proposed.

ATTACHMENT 15: Excerpts from Previous Staff Reports Pertaining to the Transition Protocol

March 1, 2010 Report to Planning and Growth Management

Transition Protocol

In the Staff Report dated October 21, 2009 to the November 4, 2009 Committee meeting, there was a general discussion of concepts to assist in the transition to the new Zoning By-law: such as Holes, Pipeline Projects, Prevailing By-laws, Prevailing Sections. This report will attempt to provide further clarification of the transition protocol. The general intent is to keep the zoning.

Areas and Sites excluded from the new zoning by-law – ‘holes’

As described in the reports of March 27 and October 21, 2009, some properties will be excluded from the new Zoning By-law so that the current general zoning by-laws, area and site specific amendments will continue to apply. The following is a description of the anticipated categories for type of sites that would be not regulated by the new Zoning By-law.

Conformity Concerns with the Official Plan

The Official Plan's land use designations do not always correspond with the current zoning classification, as described above with respect to retail in employment zones. While the mandate of the Zoning By-law Project is to bring forward the intent of current zoning in a similar fashion within the new Zoning by-law, Section 24 of the *Planning Act* prohibits passing a by-law that does not conform to the Official Plan. Therefore, it is proposed to leave those sites where the current zoning is in conflict with the Official Plan out of the new Zoning By-law. This would be depicted as a ‘hole’ in the new Zoning By-law map. This would be an interim solution, but will allow for each site to be carefully considered in the future to determine how to best bring them into the new Zoning By-law. Similarly, it is proposed to leave those sites where the Official Plan land use designation is currently under appeal at the OMB out of the new Zoning By-law to be re-evaluated once the appeals are finally concluded.

Area-based Zoning By-law Amendments

It is proposed that lands governed by area-based zoning by-laws be left out of the new Zoning by-law. The reasoning is that this type zoning was usually enacted as part of a comprehensive development plan, involving a Secondary Plan or an Official Plan amendment, as well as sets of unique regulations developed specifically for the area in question. Taking all this exceptionality into consideration, it is proposed to exclude such areas. The Centres (in Etobicoke, North York and Scarborough), the Railway Lands, Harbourfront, the Fort York Neighbourhood, University of Toronto Downtown Campus, Liberty Village, West Don lands, the East Bayfront are examples of this type of area-based zoning that would not be included in the new Zoning By-law.

Sites Under-Development with Site Plan Approval Application

Sites with a particular development scheme and for which an application for Site Plan Approval has been submitted, whether based on an approved zoning by-law amendment, minor variance or as-of-right zoning under the current general zoning by-laws, but have not yet received a Notice of Approval Conditions building permit should be excluded from this new Zoning By-law. The reasoning is that rezoned sites under-development should be permitted to progress under the current zoning rules in order to ensure that they are developed as intended. Once the site development is completed, the intent is to include the site in the new Zoning By-law.

Applications for Site Specific Zoning By-law Amendments that will be considered by Council During its Current Session

Any property associated with a site specific zoning by-law amendment application that will be considered by Council at its July and August meetings should be left out of the new zoning by-law. This approach is being proposed as a matter of fairness to applicants that will be just on the threshold of enactment before the new Zoning By-law is passed in July.

Site specific by-laws listed as Prevailing By-laws

Site Specific Zoning By-law Amendments – constructed or building permit issued
Ideally, all site specific zoning amendments would be incorporated into the new zoning using the language of the new by-law but retaining the specific requirements of the amendment. That is the intent in the long term. In such a case, the new zoning by-law will apply to the site and the site specific zoning amendment will become a Chapter 900 Exception. However, given the complexity of many of these by-laws, including associated Section 37 Agreements requirements that form part of the amending by-law, it is proposed that a transitional approach be adopted.

Complex zoning by-law amendments will be listed in the new zoning by-law in the form of a Prevailing By-law. These site specific by-laws will continue in force and prevail to the extent of any conflict between it and the new zoning by-law. However, provisions in the new zoning by-law that are not in conflict with the Prevailing By-laws will apply to a site. The intent is to preserve the rights and duties found in each of the Prevailing By-laws.

To that extent, and to ensure the provisions of the former zoning by-laws are used where necessary to interpret and provide context for the Prevailing By-laws only, the new zoning by-law will provide that they shall continue to apply to the extent necessary to support the continued existence and validity of the Prevailing By-laws. Insofar as minor variances have been attained against the provisions of the Prevailing By-law, it is arguable that the variances could continue to apply.

Site Plan Approval Applications

If a site plan application has been approved and received Notice of Approval Conditions

or a building permit issued or is built, the site will be included as part of the new zoning by-law. If the site plan application is part of a site specific zoning amendment, the respective by-law will be listed as a Chapter 900 Exception or a Chapter 950 Prevailing By-law as described earlier in this report. If the site is not part of a site specific rezoning, the site will still be included as part of the new zoning by-law.

Minor Variances

Numerous letters have been received expressing interest in ensuring that Committee of Adjustment approved minor variances are recognized in some manner in the new zoning by-law. The October 21, 2009 staff report expressed misgivings over the City's ability to automatically accept or 'grandfather' such approvals in the new zoning by-law. Nonetheless, solutions to this concern continue to be explored and further recommendations on how to proceed will be included in the April report to the Committee.