

Authority: Toronto and East York Community Council Item 29.3, adopted as amended,  
by City of Toronto Council on November 30, December 1, 2, 4 and 7, 2009  
Enacted by Council: November 30, 2009

## CITY OF TORONTO

### BY-LAW No. 1172-2009

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

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

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

“346. No person shall, within the area shown within the heavy lines on the map at the end of this exception,

- (1) use land or erect or use a building, addition, or structure for the purpose of a *bake-shop, club, place of amusement, place of assembly, restaurant, take-out restaurant or patio* provided in connection therewith unless:
  - (a) the *front lot line* or *side lot line* of such *lot* is on Ossington Avenue;
  - (b) any such use is wholly contained within the walls of the building or structure housing the principal use, except for a *patio*, subject to Section (1)(d) and (e) of this By-law;
  - (c) the aggregate area of all operable windows and doors located in any ground floor wall facing the *rear lot line* or street other than Ossington Avenue shall not be greater than 4.0 square metres;
  - (d) any such use located at or above *grade* is limited to the ground floor only;
  - (e) the *patio*, if any, is located,
    - (i) between the *front wall* of the building or structure housing the principal use and the *front lot line* of the *lot*, provided the *front lot line* of such *lot* is on Ossington Avenue, or

- (ii) between the wall facing the *side lot line* of the building or structure housing the principal use and the *side lot line* of the *lot*, to a maximum of 50 per cent of the depth of the building or structure housing the principal use, measured from the *front wall*; and
- (2) erect or use any building or structure for the purpose of a *restaurant, take-out restaurant, bake-shop, place of amusement, place of assembly or club*, unless the total *non-residential gross floor area* used for any one or combination of said uses in a building or structure does not exceed 225 square metres.

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

- (a) the term *restaurant* as defined in Section 2(1) of the By-law, shall be deemed not to include subsection (v), with subsection (iv) to be read as:
  - (iv) floor area up to 11 square metres to be used for one or more of the purposes of a:
    - stage
    - teletheatre gambling
    - sound room
    - not more than two pinball or other mechanical electronic game machines, none of which machines to be used for the purpose of gambling
    - an area dedicated to recreational activities, but not a dance floor or disc jockey
    - any other entertainment area, but not a dance floor or disc jockey
    - and no exterior area may be used for those purposes; and
- (b) the *non-residential gross floor area* of a *restaurant, take-out restaurant, bakeshop, place of amusement, place of assembly or club* shall mean the aggregate of the areas of each floor and the spaces occupied by walls and stairs, measured above and below *grade*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of only *kitchen space* and a room or enclosed area that is used exclusively for heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that services the building, storage, or washrooms.”

2. For the purposes of this By-law the term “*kitchen space*” means a separate space used exclusively for the preparation and cooking of meals.

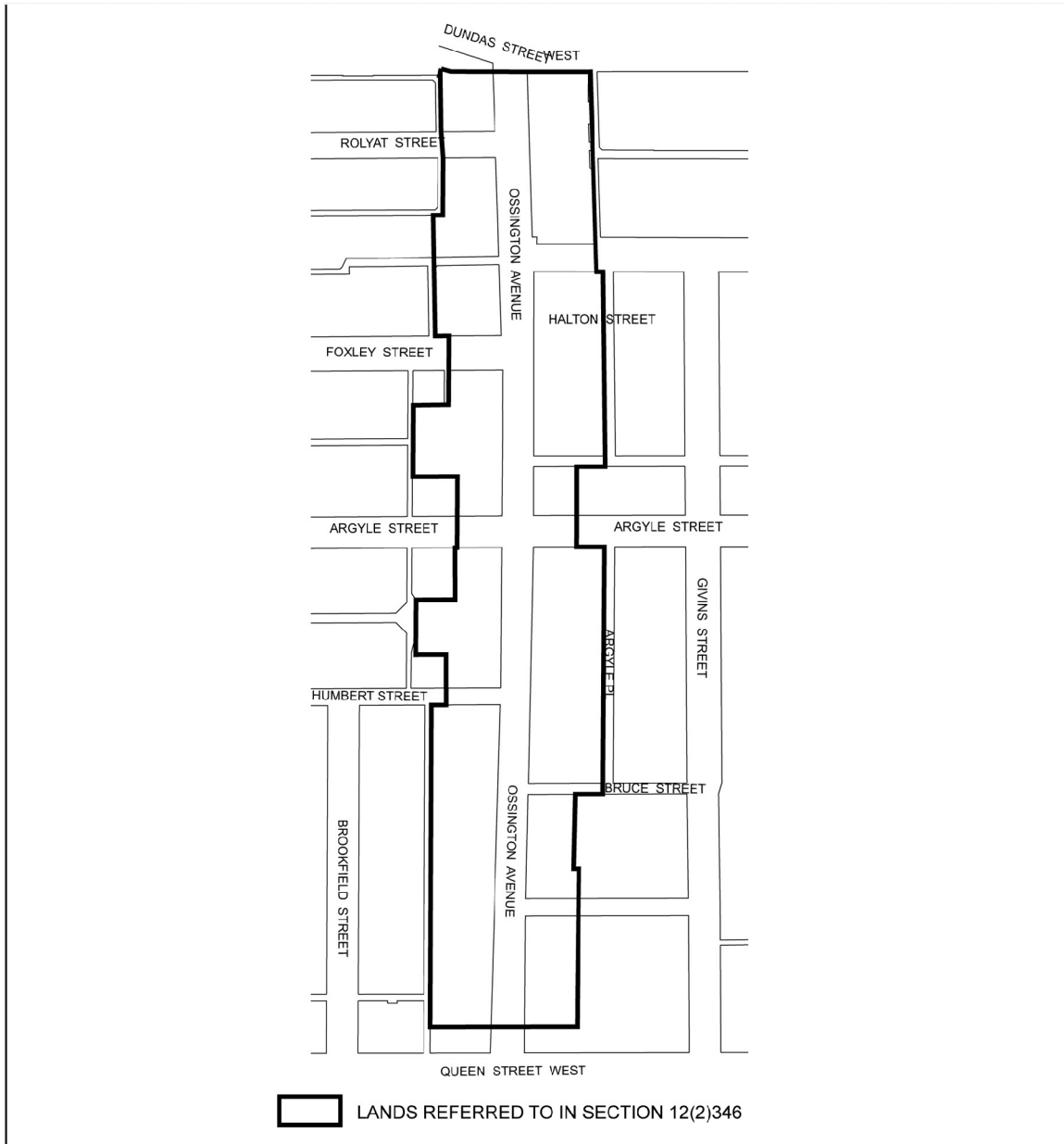
3. By-law No. 547-2009 being “A By-law to effect interim control on those lands on Ossington Avenue between Queen Street West and Dundas Street West” is hereby repealed upon the coming into force of this by-law.

ENACTED AND PASSED this 30th day of November, A.D. 2009.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)



### Ossington Avenue between Queen Street and Dundas Street

File # 09\_138900



Not to Scale  
10/28/2009