

Authority: Toronto and East York Community Council Item 29.2, as adopted by
City of Toronto Council on November 30, December 1, 2, 4 and 7, 2009

Enacted by Council: December 4, 2009

CITY OF TORONTO

BY-LAW No. 1222-2009

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands on the north and south sides of Bloor Street West between Keele Street and the rail corridor, and the lands on the west side and portions of the east side of Dundas Street West between Glenlake Avenue and Boustead Avenue.

WHEREAS the Council of the City of Toronto has proposed an amendment to its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, respecting the Bloor-Dundas Avenue Study area being the lands on the north and south sides of Bloor Street West between Keele Street and the rail corridor, and the lands on the west side and portions of the east side of Dundas Street West between Glenlake Avenue and Boustead Avenue; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

WHEREAS the Council of the City of Toronto, at its meeting on November 30 and December 1, 2009, determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

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

1. District Maps 48H-321, 48H-322, 48J-311 and 48J-312 contained in Appendix "A" of *By-law No. 438-86* are amended by re-designating the lands outlined by heavy lines to "MCR T4.0 C1.5 R3.0" as shown on Schedule 1, attached hereto.
2. District Maps 48J-311 and 48J-312 contained in Appendix "A" of *By-law No. 438-86* are amended by re-designating the lands outlined by heavy lines to "IC D2 N2" as shown on Schedule 1, attached hereto.
3. Height and Minimum Lot Frontage Maps No. 48H-321, 48H-322, 48J-311 and 48J-312 contained in Appendix "B" of *By-law No. 438-86* are amended to establish maximum permitted heights in metres as delineated by heavy lines shown on Schedule 2, attached hereto.

4. Section 12(2) of *By-law No. 438-86* is amended by adding a new exception as follows:

“347. No person shall erect or use a building or structure on the lands shown delineated by heavy lines on the map appearing at the end of this paragraph that does not comply with the following:

(1) **HEIGHTS AND PODIUM STEP-BACKS**

- (a) No person shall erect or use a building or structure unless it has a height of at least 10.5 metres over more than 50% of the depth of the building or structure.
- (b) No person shall erect or use a building or structure any portion of which has a *first storey* floor-to-floor height of less than 4.5 metres.
- (c) No person shall erect or use a building or structure having a height of more than 13.5 metres or four *storeys*, whichever is lower, unless it contains a podium with a maximum height at the lower of the said 13.5 metres or four *storeys*, and with the following minimum step-backs immediately above the podium:
 - (i) abutting Bloor Street West, a minimum step-back of 5.0 metres measured from the exterior wall of the podium, provided this will not preclude balconies projecting not more than 2.0 metres from the façade to which they are attached,
 - (ii) abutting Dundas Street West, a minimum step-back of 2.5 metres measured from the exterior wall of the podium,
 - (iii) abutting a flanking street on a *corner lot*, a minimum step-back of 2.5 metres measured from the exterior wall of the podium,
 - (iv) abutting a *side lot line*, a minimum step-back of 1.2 metres measured from the exterior wall of the podium.
- (d) No person shall erect or use a building or structure on a *lot* having a greater *height* in metres than the *height* limit specified by the numbers following the symbol “H” as shown on the District Maps, but this paragraph does not prevent the erection or use of the following:
 - (i) a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building or a fence, wall or structure enclosing such elements provided:

- a. the maximum *height* of the top of such elements or enclosures:
 - i. are no higher than the sum of five metres and the *height* limit applicable to the *lot*; and
 - ii. are contained within a 45 degree angular plane projected, from the edge of the roof that contains such elements or enclosures, over the roof;
- b. the aggregate horizontal area of such elements, including the area contained within an enclosure, measured at a point above the level of the *height* limit, does not exceed 30 percent of the area of the roof of the building; and
- c. the width of such elements, including the width of an enclosure, located within three metres of a *lot* line that is a *street* line, does not exceed 20 percent of the width of the main wall of the building facing the *lot* line, provided the width is to be measured parallel to the *lot* line.

(2) **BUILDING SETBACKS**

(a) Setbacks from Dundas Street West

- (i) No person shall erect or use a building or structure on a *lot* abutting Dundas Street West having any part of the building or structure,
 - a. closer than 1.5 metres to a *lot line* abutting the west side of Dundas Street West, and
 - b. closer than 2.0 metres to a *lot line* abutting the east side of Dundas Street West.

(b) Rear Yard Setbacks

- (i) No person shall erect or use a building or structure above *grade* unless the building or structure is setback a minimum distance of 7.5 metres from any *lot* or portion of any *lot* located in an R or T District.

(c) Side Lot Setbacks above 20 metres

- (i) No person shall erect or use a building or structure abutting a *side lot line* having any part thereof closer than 5.5 metres to the *side lot line* at a height greater than 20 metres above *grade*.

(3) **ANGULAR PLANE**(a) South side of Bloor Street West, and west side of Dundas Street West

- (i) Within a *lot* which abuts the south side of Bloor Street West or the west side of Dundas Street West, no person shall erect or use a building or structure unless the building or structure is contained within a 45 degree angular plane projected over the *lot* from the 7.5 metre setback required in Section 2(b), at a height of 10.5 metres above the average elevation of the ground level at such setback, as shown on the diagram immediately following this section.

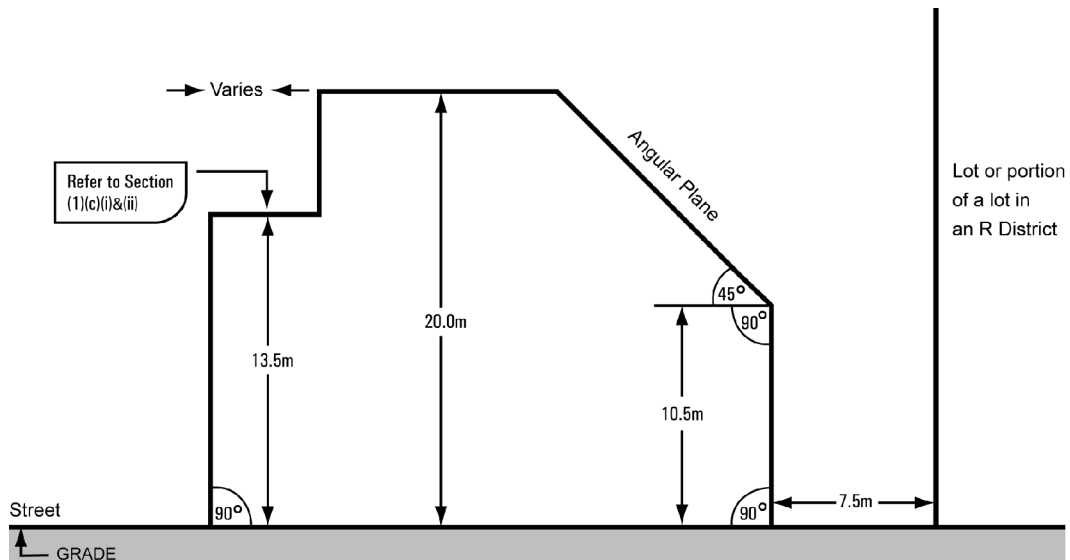


DIAGRAM REFERRED TO IN SECTION 12(2)347 3(a)i

(4) **BUILD-TO-AREA**

- (a) No person shall erect or use a building or structure on a *lot* unless one or more of its main external walls:
- (i) has a minimum height of 10.5 metres at the *build-to-area* that occupies at least 80% of the length of the portion of the *build-to-area*, within the *lot*, measured along the length of the *lot* to the full height of 10.5 metres, and
 - (ii) notwithstanding subsection (i), where the height of a building or structure is greater than 10.5 metres, the main external wall below the podium shall occupy at least 80% of the length of the *build-to-area*, within the *lot*, measured along the length of the *lot* to the full height of the podium.

(5) **LANDSCAPED OPEN SPACE**

- (a) No person shall use that portion of a *lot* located within 1.5 metres of an R District except for *landscaped open space* used for *soft landscaping*.
- (b) The requirement of subsection (a) shall not apply to that portion of a *lot* located abutting a public lane located within an R District.

(6) **WINDOWS**

- (a) No person shall erect or use a building or structure containing windows facing and located within 5.5 metres of a *side lot line*.
- (b) The requirement of subsection (a) shall not apply to *secondary windows* provided they are no closer than 1.2 metres to the *side lot line*.

(7) **ACCESS**

- (a) Where a *lot* abuts a flanking *street* or laneway, all vehicular ingress and egress points shall be located only on the flanking *street* or laneway.

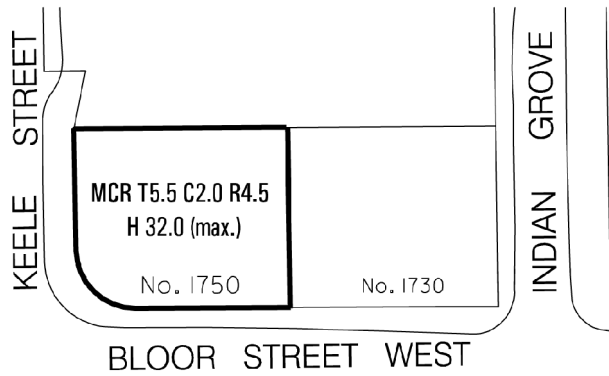
(8) **GROUND FLOOR USES**

- (a) Only *non-residential gross floor area* is permitted within the *first storey* of any building with the exception of entrances and lobby space associated with *residential gross floor area* located above the *first storey*.

(9) **INCREASES IN HEIGHTS AND DENSITIES OTHERWISE PERMITTED IN RETURN FOR THE PROVISION OF FACILITIES, SERVICES OR MATTERS PURSUANT TO SECTION 37 OF THE PLANNING ACT**

- (a) Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this Section 9 are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the *facilities, services and matters* the provision of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act* and execution and registration of an agreement or agreements with the *owner* of the *lot*, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.
- (b) For each of *Site A*, *Site B*, *Site C*, *Site D*, and *Site E* the applicable maximum density and *height* limit shall be the density and *height* limit shown on the following maps instead of the density and *height* limits specified by the numbers following the symbols “MCR” and “H” as shown on the District Maps,

Map 1 of 5

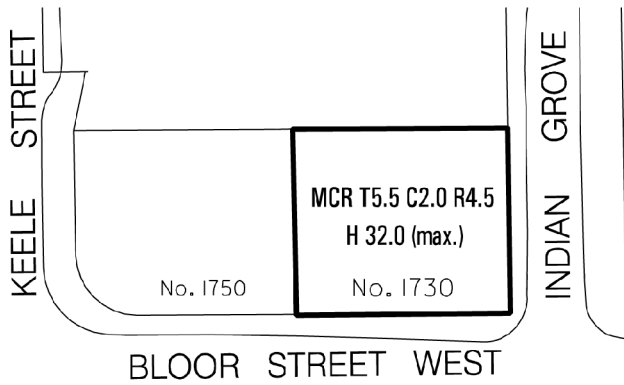


 LANDS REFERRED TO IN SECTION 12(2)347(9)(b) - SITE A
H: DENOTES HEIGHT IN METRES ABOVE GRADE



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11/24/09_NRS

Map 2 of 5

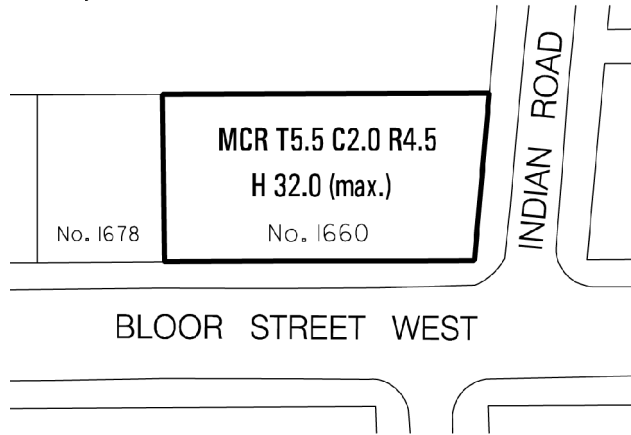


 LANDS REFERRED TO IN SECTION 12(2)347(9)(b) - SITE B
H: DENOTES HEIGHT IN METRES ABOVE GRADE



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11/24/09_NRS

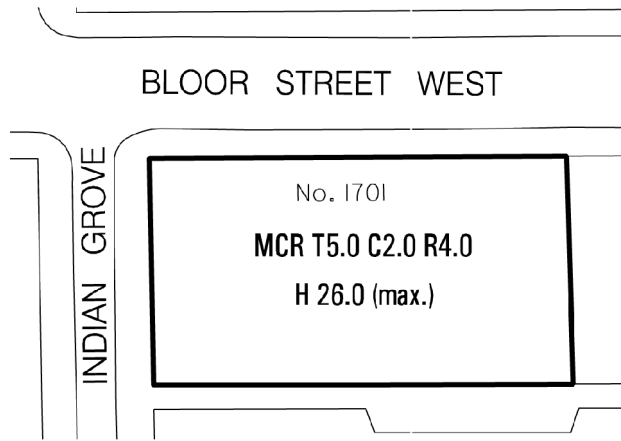
Map 3 of 5



 LANDS REFERRED TO IN SECTION 12(2)347(9)(b) - SITE C
H: DENOTES HEIGHT IN METRES ABOVE GRADE

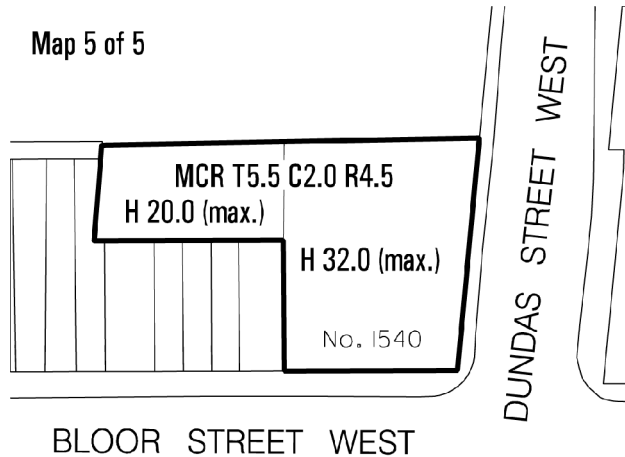
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File # 08_164661_12(2)347(9)(b)C
11/24/09_NRS

Map 4 of 5



 LANDS REFERRED TO IN SECTION 12(2)347(9)(b) - SITE D
H: DENOTES HEIGHT IN METRES ABOVE GRADE

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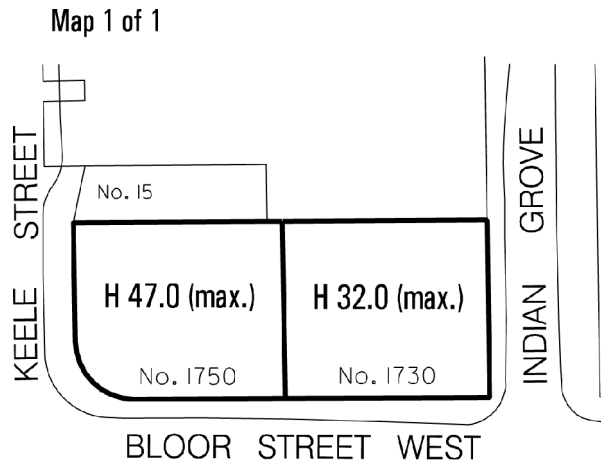


 LANDS REFERRED TO IN SECTION 12(2)347(9)(b) - SITE E
H: DENOTES HEIGHT IN METRES ABOVE GRADE

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11/24/09_NRS



- (c) Notwithstanding subsection (b), provided *Site A* and *Site B* are consolidated into one *lot* and it contains a building podium that occupies at least 80% of the length of the applicable *build-to-area*, the applicable density and *height* limit for the said consolidated *lot* shall be a maximum density of MCR T7.0 C2.0 R6.0 and the *height* limits as shown on the following map:



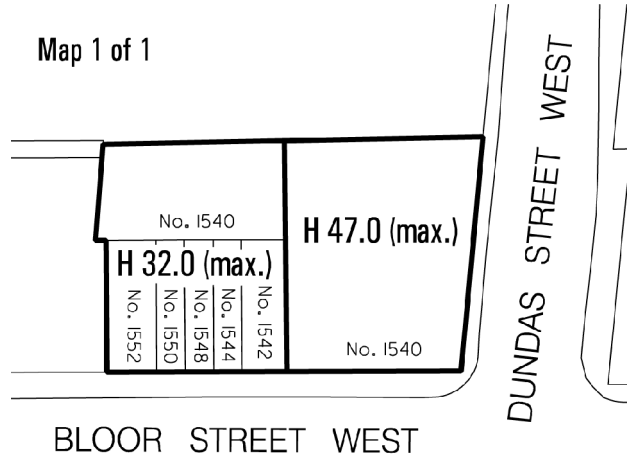
 LANDS REFERRED TO IN SECTION 12(2)347(9)(c)
H: DENOTES HEIGHT IN METRES ABOVE GRADE

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File # 08_164661_12(2)347(9)(c)
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- (d) Notwithstanding subsection (b), provided *Site E* is consolidated with the properties municipally known as Nos. 1542 to 1552 Bloor Street West (inclusive) into one *lot* and it contains a building

podium that occupies at least 80% of the length of the applicable *build-to-area*, the applicable density and *height* limit for the said consolidated *lot* shall be a maximum density of MCR T7.0 C2.0 R6.0 and the *height* limits as shown on the following map.



 LANDS REFERRED TO IN SECTION 12(2)347(9)(d)
H: DENOTES HEIGHT IN METRES ABOVE GRADE



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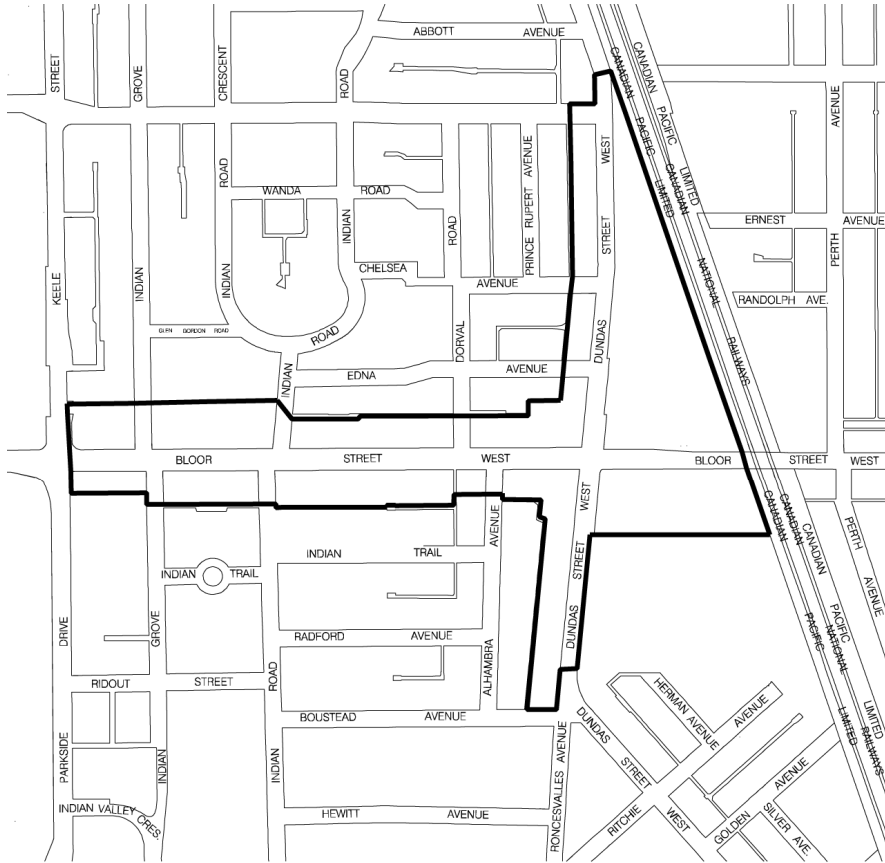
- (e) Any building or structure erected pursuant to the additional height provisions of either subsection (c) or (d) shall, on each building face that abuts a *street* other than a laneway, have a further step-back of at least 2.5 metres at the height of 32 metres measured from the portion of the exterior wall located immediately below the height of 32 metres.

(10) **DEFINITIONS**

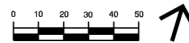
For the purposes of this exception:

- (a) “*build-to-area*” means, (i) in the case of a *lot* that abuts Bloor Street West, the area of the *lot* that is located within 0.5 metres of the *lot line* that abuts Bloor Street West, and (ii) in the case of a *lot* that abuts Dundas Street West, the area of the *lot* that is located within 0.5 metres of the required building setback from Dundas Street West as set out in Section 12(2)347(2)(a)(i).

- (b) “*By-law No. 438-86*” means By-law No. 438-86, as amended, of the former City of Toronto being, “A By-law to regulate the use of land and the erection, use, bulk, height, spacing and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto.
- (c) “*facilities, services and matters*” means: fully furnished and equipped non-profit child care facilities, including start up funding; multi-purpose/recreational facilities; and, other capital facilities and/or cash contributions toward capital facilities as set out in Policy 6 in Section 5.1.1 of the City of Toronto Official Plan.
- (d) “*first storey*” means the finished ground level *storey* of the building closest to the average elevation of the public sidewalk abutting the *street*.
- (e) “*front lot line*” means a *lot line* abutting Bloor Street West or Dundas Street West provided that in the case of a corner *lot* the shorter *lot line* that abuts Bloor Street West or Dundas Street West is deemed to be the *front lot line* and the longer *lot line* that so abuts is termed the “*flank*” of the *lot*.
- (f) “*lot line*” means a *front lot line*, *side lot line* or a *rear lot line*.
- (g) “*secondary window*” shall mean the window of any bathroom or kitchen in a *dwelling unit* or *dwelling room*.
- (h) “*Site A*”, “*Site B*”, “*Site C*”, “*Site D*” and “*Site E*” shall mean respectively those sites shown and identified as “*Site A*”, “*Site B*”, “*Site C*”, “*Site D*” and “*Site E*”, on the maps shown in Section 9 of this by-law, which for clarity have the following municipal address in 2009: *Site A* is 1750 Bloor Street West; *Site B* is 1730 Bloor Street West; *Site C* is 1660 Bloor Street West; *Site D* is 1701 Bloor Street West; and *Site E* is 1540 Bloor Street West.
- (i) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in *By-law No. 438-86*.



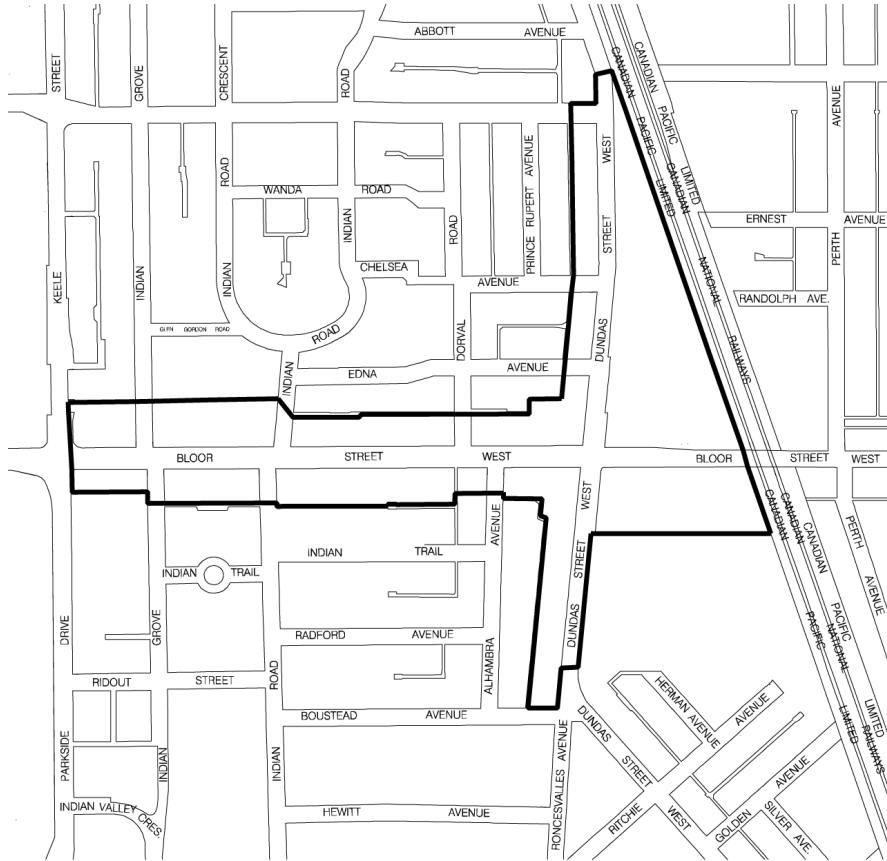
 AREA REFERRED TO IN SECTION 12(2)347



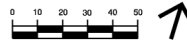
City Planning
City of Toronto
File # 08.164661.12(2)347
11/18/2009-NRS

5. Section 12(2) of *By-law No. 438-86*, is amended by adding a new exception as follows:

“348. No person shall use the lands delineated by heavy lines on the attached map for the following uses, except where existing on October 1, 2009: *automobile service and repair shop, automobile service station, car washing establishment, commercial parking lot, motor vehicle repair shop class ‘A’, motor vehicle repair shop class ‘B’, private commercial garage, public garage and sales and hire garage, detached house, duplex, row house, rowplex, semi-detached duplex, semi-detached house, semi-detached triplex.*”



AREA REFERRED TO IN SECTION 12(2)348



City Planning
City of Toronto
File # 08_184661_12(2)348
11/18/2009-NRS

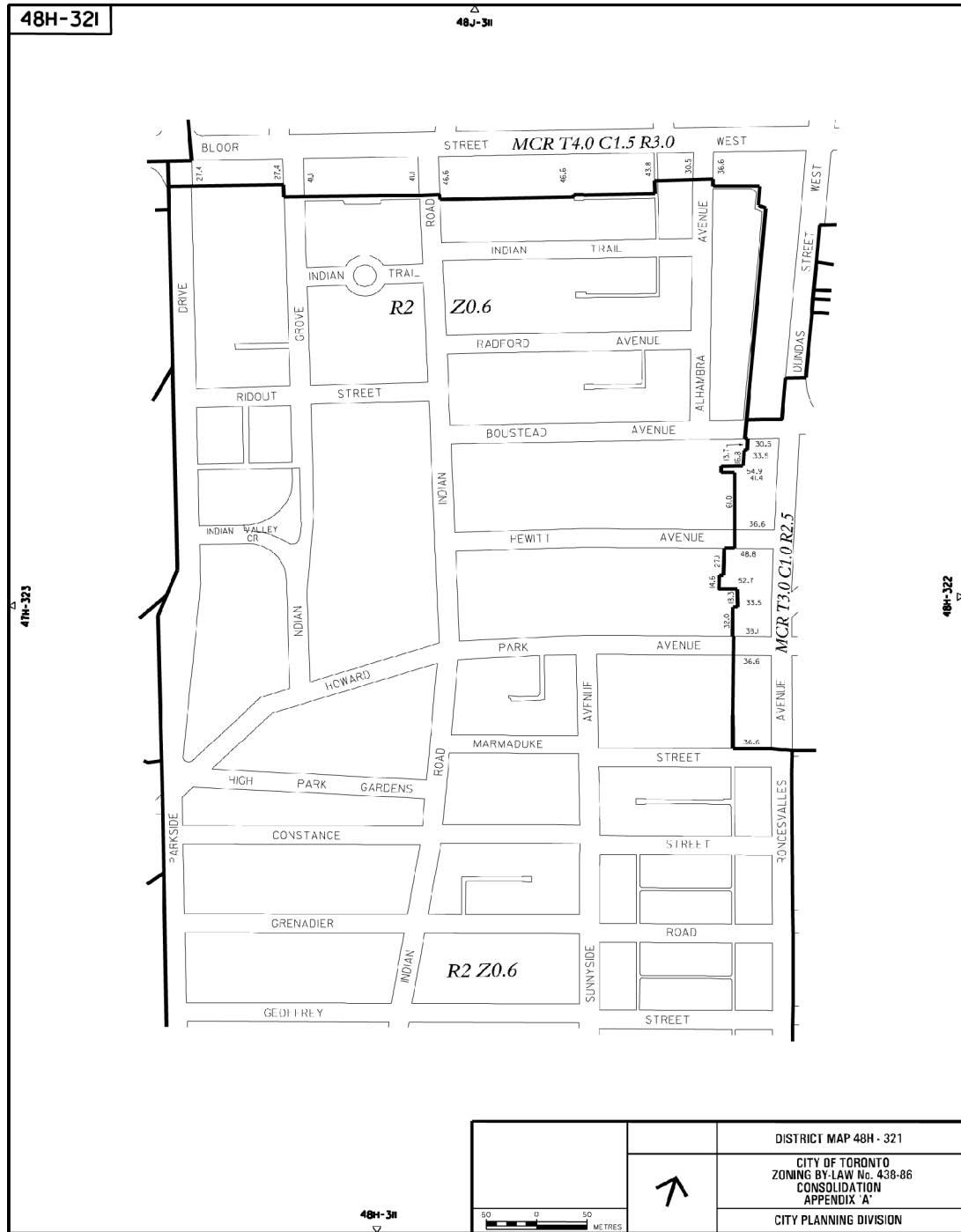
ENACTED AND PASSED this 4th day of December, A.D. 2009.

SANDRA BUSSIN,
Speaker

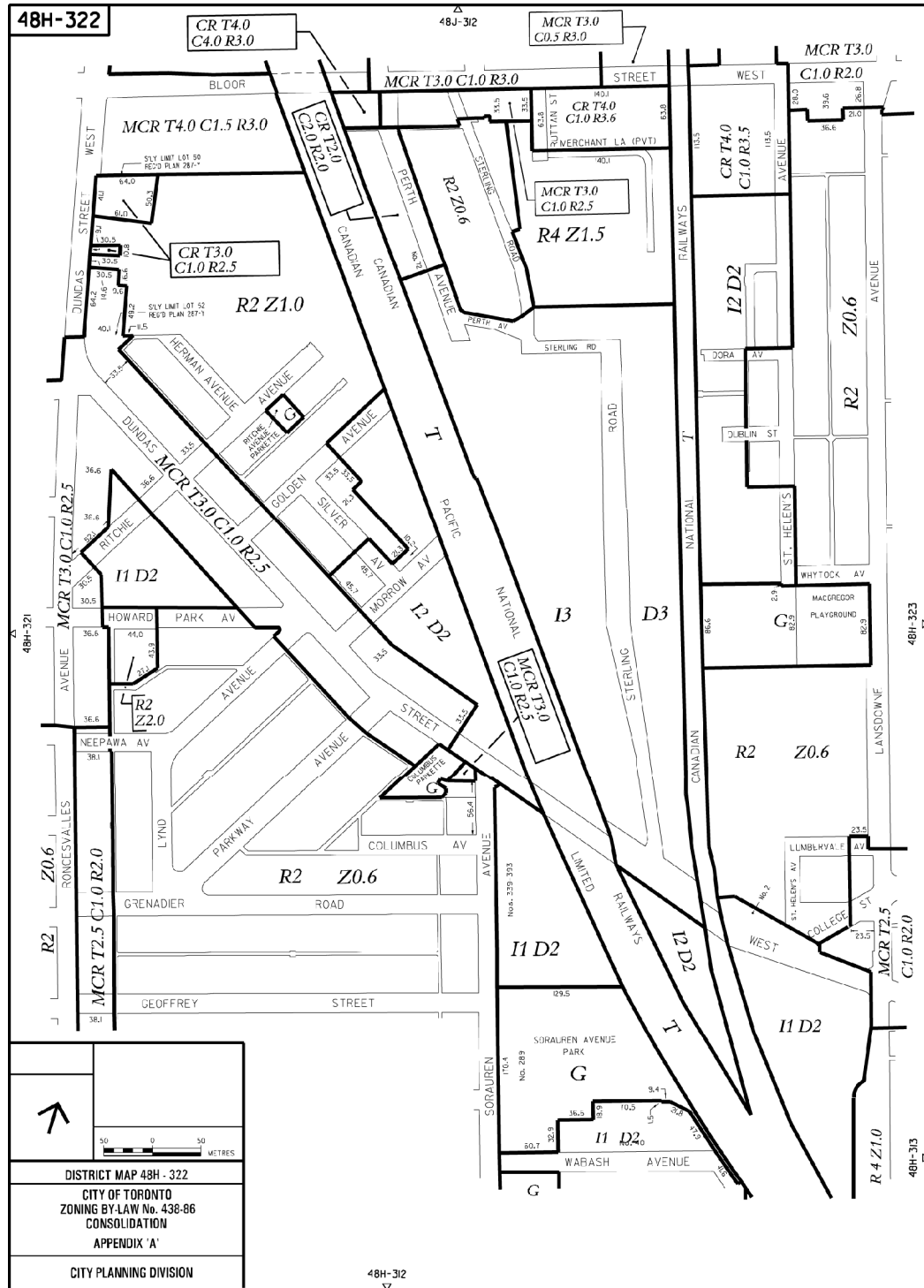
ULLI S. WATKISS
City Clerk

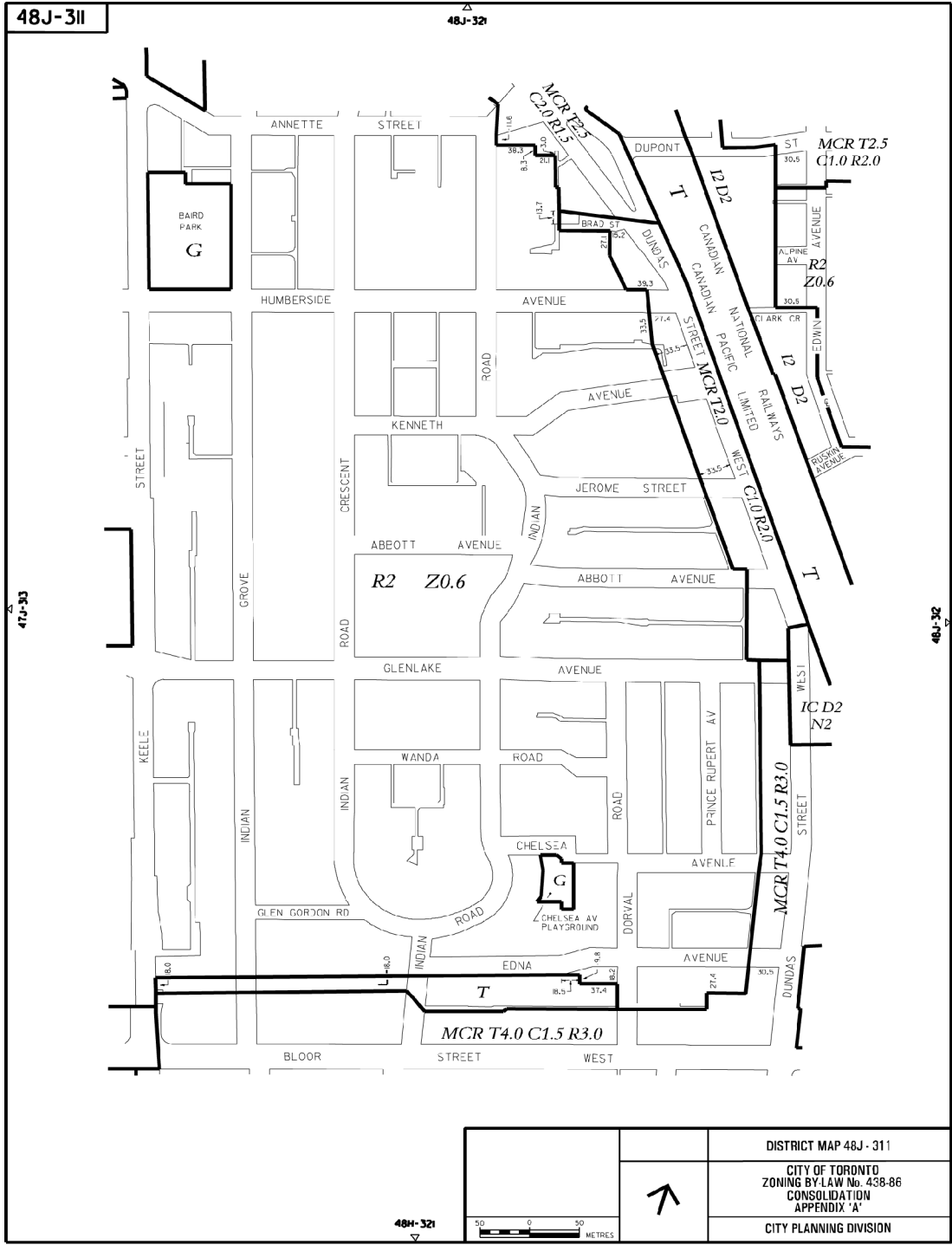
(Corporate Seal)

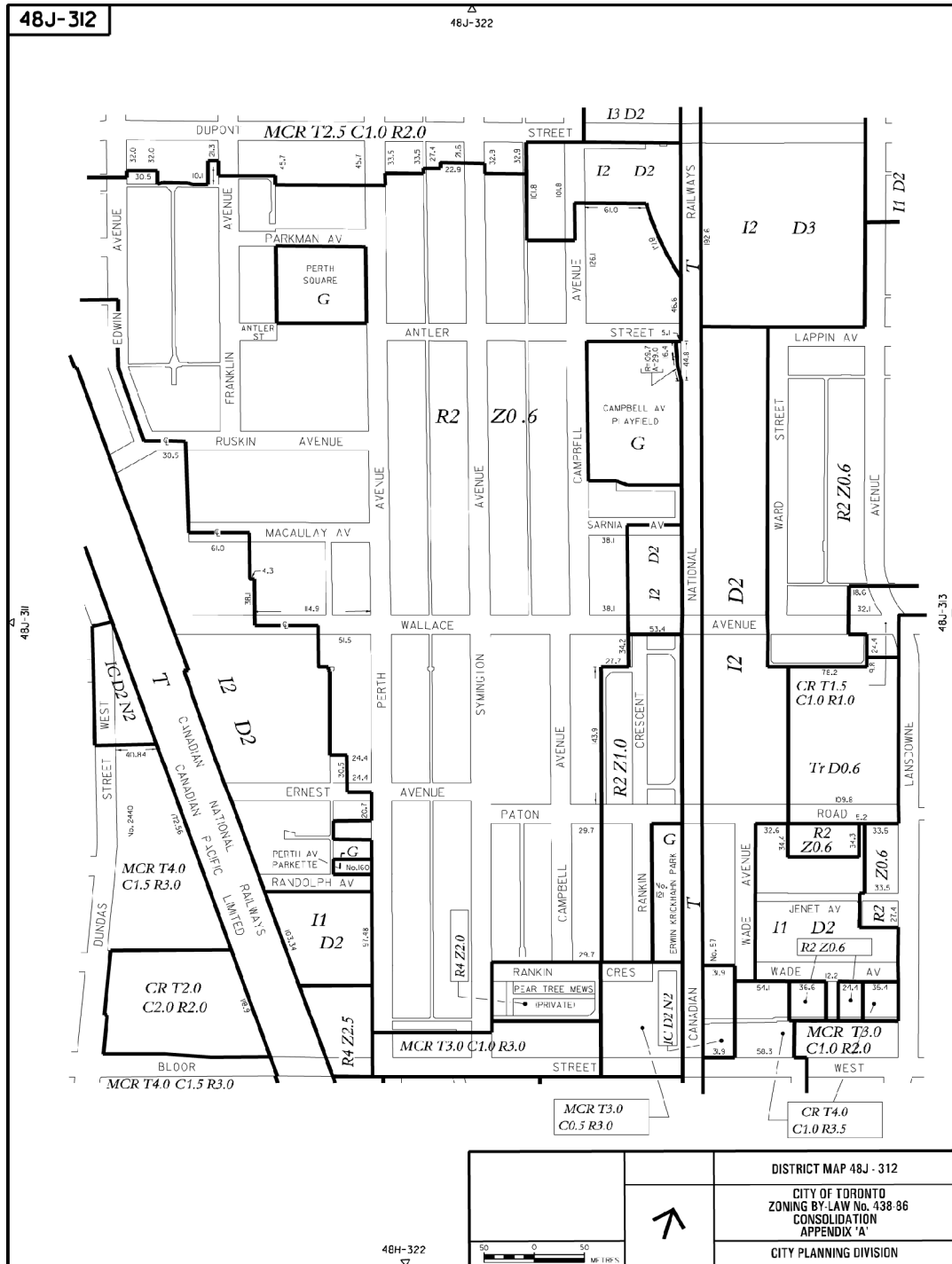
Schedule 1



	DISTRICT MAP 48H - 321 CITY OF TORONTO ZONING BY-LAW No. 438-86 CONSOLIDATION APPENDIX 'A'
	CITY PLANNING DIVISION







Schedule 2

