To amend City of Toronto Zoning By-law No. 1156-2010, as amended, with respect to Chapter 700 Non-conformity / Non-compliance.

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 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;

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

1. By-law No. 1156-2010, as amended, is amended as follows:

   (A) Chapter 700 is replaced in its entirety with the following so that it reads:

   "Chapter 700 Non-conformity / Non-compliance

   700.1 General
   700.1.10 Interpretation

   (1) Chapter 700 regulations applies to a specific zoning by-law requirement that has been changed by this By-law and as a result places previously conforming or complying buildings, structures or lands into non-compliance. These Chapter 700 regulations apply only to the extent that a specific standard is in conflict with the same standard under this By-law. If the standard is not identical, for instance, comparing a side yard setback to a side yard setback if abutting a street, Chapter 700 does not apply.

   700.5 Regulations Applying to a Non-complying Parking Space
   700.5.1 General

   (1) Parking Space Deficiency - Addition, Enlargement or Alteration

   If the number of parking spaces lawfully existing on a lot on the date of the enactment of this By-law is less than the minimum number of parking spaces required and an addition, enlargement or alteration to the building is made that increases the gross floor area, then:

   (A) the total number of existing parking spaces on the lot must be retained; and
(B) the additional parking spaces required for the addition, enlargement or alteration must be provided at the rate required by this By-law or is permitted by a Section 45 Planning Act minor variance.

(2) Parking Space Deficiency - Change of Use

If the number of parking spaces lawfully existing on a lot on the date of the enactment of this By-law is less than the minimum number of parking spaces required by this By-law, a use may be changed to another use permitted in the zone, if:

(A) the total number of parking spaces on the lot is not decreased and any additional parking spaces required can be accommodated on the lot; or

(B) the number of parking space to be provided is permitted by a Section 45 Planning Act minor variance.

700.10 Regulations Applying to a Non-complying Lot

700.10.1 General

(1) Addition, Enlargement or Alteration to Buildings or Structures on Non-Complying Lots

If on the date of the enactment of this By-law a lawfully existing building or structure is on a lot with a lot area or lot frontage that complied with the applicable former zoning by-law and which is less than the lot area or frontage required by this By-law, the existing building or structure may be added to, enlarged or altered if the addition, enlargement or alteration complies with all applicable regulations of this By-law or is permitted by a Section 45 Planning Act minor variance.

(2) Vacant Lot Having Lot Frontage Less Than Required

If on the date of the enactment of this By-law a vacant lot complied with the regulations of the applicable former zoning by-law and has a lot frontage less than that required by this By-law, but not less than 6.0 metres, a detached house may be constructed, on the lot, if the lot is located in a Residential Zone category and it complies with all other applicable regulations of this By-law or is permitted by a Section 45 Planning Act minor variance.

(3) Undersized Lot - Vacant Lot With Lot Depth Less Than Required

If on the date of the enactment of this By-law a vacant lot complied with the applicable former zoning by-law and has a lot depth that is less than that required by this By-law, a detached house or semi-detached house
may be constructed on the lot, if the lot is located in a Residential Zone category and it complies with all other applicable regulations of this By-law or is permitted by a Section 45 Planning Act minor variance.

700.20 Regulations Applying to a Non-complying Building

700.20.1 General

(1) Non-complying building setbacks

If on the date of the enactment of this By-law a lawfully erected building or structure complied with the applicable former zoning by-law and is closer to a lot line or the main wall of a building or structure than permitted by this By-law, it may be added to, altered or enlarged if it complies with the building setback and building separation existing on the date of the enactment of this By-law and all other applicable regulations of this By-law, or is permitted by a Section 45 Planning Act minor variance.

(2) Height - Exemption for Certain Buildings or Structures

If on the date of the enactment of this By-law a lawfully erected building has a building height that complied with the applicable former zoning bylaw or by a section 45 Planning Act minor variance and that height is greater than the height permitted by this By-law, the building may be used for a use permitted in the zone, if it complies with all other applicable regulations of this By-law or is permitted by a Section 45 Planning Act minor variance.

(3) Addition, Enlargement or Alteration to Non-Complying Buildings or Structures

If on the date of the enactment of this By-law, a lawfully erected building or structure complied with the applicable building regulations of the former zoning by-law and does not comply with the building regulations of this By-law, it may be added to, enlarged or altered if the addition, enlargement or alteration complies with all applicable regulations of this By-law or is permitted by a Section 45 Planning Act minor variance.

(4) Non-Complying Building or Structure Damaged by Acts Beyond Owner's Control

If a lawfully erected building or structure that does not comply with the building regulations for the zone in which it is located has been damaged or destroyed as a result of matters beyond the control of the owner, it may be reconstructed or repaired if there is no increase in the non-compliance.
(5) Non-Complying Building or Structure - Restoration to a Safe Condition

If a lawfully erected building or structure that does not comply with the building regulations for the zone in which it is located has been determined to be in an unsafe condition by the City of Toronto, the unsafe portion of the building or structure may be repaired or restored to a safe condition if the restoration or repair will not increase the height, size, or volume or change the use of the building or structure; and the restoration or repair will not alter the location of any part of the building or structure unless permitted by a Section 45 Planning Act minor variance.

(6) Reconstruction of Existing Legal Non-complying Building

The regulations for Restoration to a Safe Condition in 700.20.1(5) and Reconstruction due to Acts Beyond Owner's Control in 700.20.1(4) also apply to an existing legal non-complying Building.

700.30 Regulations Applying to a Non-conforming Use

700.30.1 General

(1) Legal Non-conforming use

This By-law does not prevent the use of premises for a purpose not permitted by this By-law within the zone in which it is located, if such use lawfully existed on date of the enactment of this By-law, and if it continues to be used for that purpose.

(2) Reconstruction of Existing Building Containing a Legal Non-conforming Use

A building or structure containing a legal non-conforming use may be reconstructed under the rules for Restoration to a Safe Condition in 700.20.1(5) and Reconstruction due to Acts Beyond Owner's Control in 700.20.1(4).

700.40 Regulations Applying to a Non-conforming Bicycle Parking Space

700.30.1 General

(1) Bicycle Parking Space Deficiency - Addition, Enlargement or Alteration

If the number of bicycle parking spaces lawfully existing on a lot on the date of the enactment of this By-law is less than the minimum number of bicycle parking spaces required and an addition, enlargement or alteration to the building is made that increases the gross floor area, then:

(A) the total number of existing bicycle parking spaces on the lot must be retained; and
(B) the additional bicycle parking spaces required for the addition enlargement or alteration must be provided at the rate required by this By-law or is permitted by a Section 45 Planning Act minor variance.

(2) Bicycle Parking Space Deficiency - Change of Use

If the number of bicycle parking spaces lawfully existing on a lot on the date of the enactment of this By-law is less than the minimum number of bicycle parking spaces required by this By-law, a use may be changed to another use permitted in the zone, if:

(A) the total number of bicycle parking spaces on the lot is not decreased and any additional bicycle parking spaces required can be accommodated on the lot; or

(B) the number of bicycle parking space to be provided is permitted by a Section 45 Planning Act minor variance."

(B) in clause 5.10.1.10 create a new regulation (8) so that it reads:

"(8) Substantial Demolition

A building is substantially demolished if 50% or more of the main walls of the first floor and above have been removed."

ENACTED AND PASSED this 13th day of April, A.D. 2011.

FRANCES NUNZIATA,  ULLI S. WATKISS,
Speaker  City Clerk

(Corporate Seal)