

Authority: Planning and Growth Management Committee Item 2.5,
adopted as amended, by City of Toronto Council on April 12 and 13, 2011
Enacted by Council: April 13, 2011

CITY OF TORONTO

BY-LAW No. 544-2011

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,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)