

Authority: Toronto and East York Community Council Item 25.3,
adopted as amended, by City of Toronto Council on July 16, 17, 18 and 19, 2013

CITY OF TORONTO

BY-LAW No. 1049-2013

To amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands along Queen Street West between Dufferin Street and Roncesvalles Avenue.

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 enacts:

1. The text of Section 12(2) of By-law No. 438-86, as amended, is further amended by adding the following restriction:
 - "xx. No person shall, within the area shown within the heavy lines on the Map 1 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, restaurant or take-out restaurant* including where this use is *accessory* to other permitted uses unless:
 - (a) the *front lot line* or *side lot line* of such *lot* is on Queen Street West;
 - (b) any such use or *accessory use* is wholly contained within the walls of the building or structure housing the principal use subject to Section (1)(d) 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 Queen Street West shall not be greater than 4.0 square metres;
 - (d) any such use or *accessory use* located at or above *grade* is limited to the ground floor only;
 - (2) use land or erect or use a *patio* provided in connection with a *restaurant* unless it is located:
 - (a) 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 Queen Street West; or
 - (b) 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% of the depth of the building or structure housing the principal use, measured from the *front wall*; and

- (3) the total *non-residential gross floor area* used for any one or combination of a *bake-shop*, *place of amusement*, *restaurant* or *take-out restaurant* or combination of such uses or *accessory uses* in a building or structure does not exceed 200 square metres;
- (4) erect or use any building or structure for the purpose of a *restaurant*, where the combined number of *restaurants* exceeds the following:
 - (a) Within Area A, 22
 - (b) Within Area B, 18
 - (c) Within Area C, 21
 - (d) Within Area D, 14

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, including a *restaurant* that is *accessory* to another permitted use, shall be deemed not to include subsection (v), with subsection (iv) to be read as:
 - (iv) floor area up to 12 square metres or 6%, whichever is lesser, of *non-residential gross floor area* to be used for one or more of the purposes of:
 - a stage;
 - teletheatre gambling;
 - a sound room;
 - 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.
- (b) the term *place of amusement* as defined in Section 2(1) of the By-law, including a *place of amusement* that is *accessory* to another permitted use, shall be deemed not to include subsection (iii), with subsection (ii) to be read as:

(ii) floor area up to 12 square metres of the *non-residential gross floor area* or 6%, whichever is lesser, to be used for one or more of the purposes of:

a stage;

teletheatre gambling;

a sound room;

but not a dance floor or disc jockey; and

no exterior area may be used for those purposes.

(c) the *non-residential gross floor area* of a *bake-shop, place of amusement, restaurant* or *take-out restaurant* 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 storage, washrooms, heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that services the building. Where adjoining restaurants are connected by internal passageways used by patrons or staff, the total *non-residential gross floor area* of all the connected uses must be calculated cumulatively for the purposes of this subsection.

(d) the term *kitchen space* shall mean a separate space used exclusively for the preparation and cooking of meals."

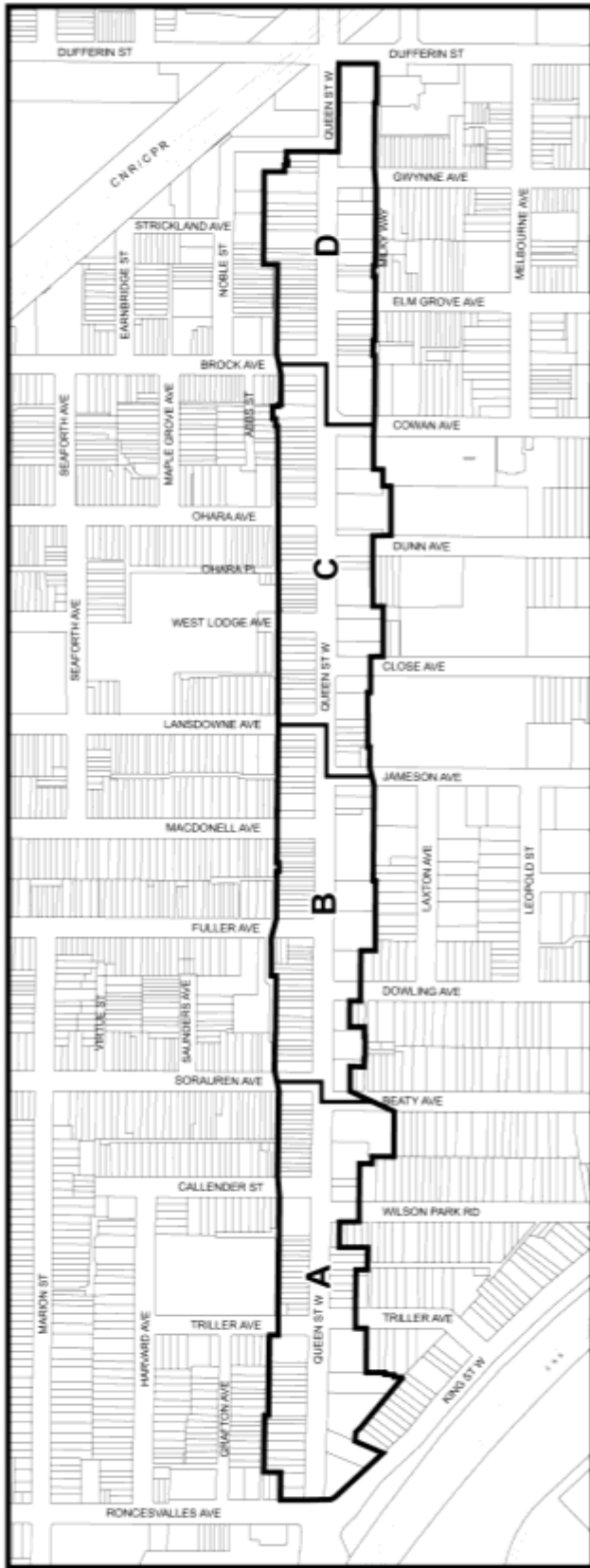
2. By-law No. 1393-2012 being "A By-law to effect interim control on those lands on Queen Street between Roncesvalles Avenue and Dufferin Street" is hereby repealed upon the coming into force of this by-law.

Enacted and passed on July 19, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

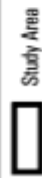
(Seal of the City)



Map 1

Queen Street West Restaurant Study

File # 11 232412 0Z



Study Area



Not to Scale
05/21/2013