

Authority: Toronto and East York Community Council Item TE18.7, adopted as amended, by City of Toronto Council on October 5, 6 and 7, 2016

CITY OF TORONTO

BY-LAW No. 1106-2016

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to tall buildings setbacks in the downtown area of the City.

Whereas Council of the City of Toronto has the authority pursuant to 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. By-law No. 438-86 of the former City of Toronto, as amended, is further amended to insert Section 12(2)380. so that it reads:
 380. No person shall erect or use a building or structure on the lands shown delineated by heavy lines and identified by the label "Toronto Downtown" on the map appearing at the end of this Section 12(2)380. that does not comply with the following:
 - (1) Every *tower* must be no closer than:
 - (a) 3.0 metres to a *lot* line abutting a *street* that is a public highway and 12.5 metres to the centre line of that *street*;
 - (b) 12.5 metres to the centre line of an abutting *street* that is a public lane; and
 - (c) 12.5 metres to a *lot* line having no abutting *street*.
 - (2) Every *tower* must be no closer than 25 metres to another *tower* on the same *lot*.
 - (3) If a line projected at a right angle from a main wall of a *tower* intercepts another main wall of the same *tower*, those main walls must be separated by a minimum of 25.0 metres.
 - (4) The following building elements attached to a *tower* must neither encroach into the setbacks required in sections 12(2)380.(1)(a), 12(2) 380.(1)(b) or 12(2)380.(1)(c) of this By-law, nor encroach into the separation distances required in sections 12(2)380.(2) or 12(2)380.(3) of this By-law:
 - (a) bay windows;
 - (b) box windows;
 - (c) other window projections;
 - (d) exterior stairs; and/or
 - (e) access ramps.

- (5) The following building elements attached to a *tower* may encroach into the separation distances required in sections 12(2)380.(2) or 12(2)380.3 of this By-law:
- (a) platforms, such as a balcony, projecting up to 1.5 metres from the *tower*;
 - (b) a canopy, awning or similar structure, with or without structural support, or a roof over a platform which complies with section 12(2)382.(5)(a) of this By-law projecting up to 1.5 metres from the *tower*;
 - (c) cladding added to the original exterior surface of the main wall of a *tower*, projecting up to 0.15 metres from the *tower*, if the *tower* is at least 5 years old;
 - (d) architectural features, including a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature on a *tower*, projecting up to 0.3 metres from the *tower*;
 - (e) eaves, projecting up to 0.9 metres from the *tower*; and
 - (f) equipment, including a vent or pipe, projecting up to 0.6 metres from the *tower*.
- (6) Despite the regulations in sections 12(2)380.(4) and 12(2)380.(5) of this By-law permitting certain building elements to encroach into setbacks of a *tower* from *lot* lines and into the separation distance between *towers* on the same *lot*, such building elements must not penetrate into a required angular plane.
- (7) None of the provisions of section 12(2)380. of this By-law shall apply to prevent the erection or use of a building or structure constructed pursuant to a building permit issued prior to October 4, 2016.
- (8) None of the provisions of section 12(2)380. of this By-law shall apply to prevent the erection or use of a building or structure permitted by the following amending by-laws to By-law No. 438-86 of the former City of Toronto and by the following amending by-laws to By-law No. 569-2013 of the City of Toronto, including as each may be amended pursuant to a Section 34 *Planning Act* By-law or varied by a Section 45 *Planning Act* minor variance:
- By-law No. 1980-0097 – Respecting Ryerson University;
 - By-law No. 1988-0998 – Respecting 40 Temperance Street;
 - By-law No. 1989-0527 – Respecting Ryerson University;
 - By-law No. 1994-0605 – Respecting 40 Temperance Street;
 - By-law No. 1996-0483 – Respecting 7, 15, 25R, 29 and 39 Queens Quay East;
 - By-law No. 1999-0068 – Respecting 30 Bond Street (St. Michael's Hospital);

- By-law No. 2002-0927 – Respecting 381-411 Richmond Street East and 424-460 Adelaide street East;
- By-law No. 2003-0101 – Respecting 837 and 837R Yonge Street;
- By-law No. 2005-0141 – Respecting the Regent Park Area;
- By-law No. 2005-0180 – Respecting 30 Mutual Street and 88 Queen Street East;
- By-law No. 2006-0460 – Respecting 40 Temperance Street;
- By-law No. 2006-1049 – Respecting the East Bayfront – West Precinct;
- By-law No. 2008-0060 – Respecting 4, 6 and 8 St. Thomas Street and 100-110 Charles Street West;
- By-law No. 2008-0860 – Respecting 1 Front Street East, and 5 and 7 The Esplanade;
- By-law No. 2009-0943 – Respecting the Regent Park Area;
- By-law No. 2010-0490 – Respecting 46-52 Spadina Avenue and 378 Wellington Street West;
- By-law No. 2010-0787 – Respecting 2 Bloor Street West;
- By-law No. 2010-1041 – Respecting 335 King Street West, 355 King Street West and 119 Blue Jays Way;
- By-law No. 2010-1046 – Respecting 880 Bay Street, a portion of 900 Bay Street and 60 Grosvenor Street;
- By-law No. 2010-1118 – Respecting 203 Jarvis Street;
- By-law No. 2010-1174 – Respecting the Keating Channel Precinct West;
- By-law No. 2012-0523 – Respecting 94 Cumberland Street and 24 and 25 Bellair Street;
- By-law No. 2012-0680 – Respecting 7, 15, 25R, 29 and 39 Queen Quay East;
- By-law No. 2012-1035 – Respecting 571 Dundas Street West, 21, 21a, 23, 23a, 91 Augusta Avenue, 73-75 Augusta Square and 20 Vanauley Street;
- By-law No. 2012-1048 – Respecting 576, 578 and 580 Front Street West, 25 and 27 Bathurst Street, 33 and 35 and 49 Niagara Street;
- By-law No. 2012-1049 – Respecting 1, 3, 5, 7 and 9 Sultan Street, and 11 St. Thomas Street;
- By-law No. 2012-1556 – Respecting 357-363 King Street West and 62 Peter Street;
- By-law No. 2013-0444 – Respecting 261 Queens Quay East;
- By-law No. 2013-0623 – Respecting 281-289 Avenue Road;
- By-law No. 2013-0817 – Respecting 2, 6 and 8 Gloucester Street and 601-613 Yonge Street;
- By-law No. 2013-0826 – Respecting 159 Wellesley Street East;

- By-law No. 2013-1043 – Respecting 951 to 971 Bay Street and 36 Wellesley Street West;
- By-law No. 2013-1050 – Respecting 27-37 Yorkville Avenue and 26-32 and 50 Cumberland Street;
- By-law No. 2013-1084 – Respecting 21 Avenue Road;
- By-law No. 2013-1341 – Respecting 200 Dundas Street East, 241-251 Jarvis Street and 280 George Street;
- By-law No. 2013-1498 – Respecting 1 The Esplanade;
- By-law No. 2013-1502 – Respecting 388 King Street West and 82 Peter Street;
- By-law No. 2013-1503 – Respecting 81 and 87 Peter Street;
- By-law No. 2013-1504 – Respecting 523, 525 and 525A Adelaide Street West;
- By-law No. 2013-1523 – Respecting 197, 197R and 201 Yonge Street and 15 Shuter Street;
- By-law No. 2013-1710 – Respecting 571 Dundas Street West, 21, 21a, 23, 23a, 91 Augusta Avenue, 73-75 Augusta Square and 20 Vanauley Street;
- By-law No. 2013-1724 – Respecting 454-464 Yonge Street;
- By-law No. 2013-1725 – Respecting 595 Bay Street, 14-80 Dundas Street West and 304-316 Yonge Street;
- By-law No. 2014-0086 – Respecting 64-70 Shuter Street;
- By-law No. 2014-0133 – Respecting 545, 555, 565 Sherbourne Street;
- By-law No. 2014-0275 – Respecting the Regent Park Area;
- By-law No. 2014-0303 – Respecting 17 Dundonald Street;
- By-law No. 2014-0693 – Respecting 547, 549 and 555 College Street;
- By-law No. 2014-0699 – Respecting 523, 525 and 525A Adelaide Street West;
- By-law No. 2014-1011 – Respecting lands located on the north side of Dupont Street from Ossington Avenue to Kendal Avenue;
- By-law No. 2014-1028 - Respecting 186-188 Jarvis Street;
- By-law No. 2014-1041 – Respecting 324, 326, 328 and 332 Richmond Street West;
- By-law No. 2014-1051 – Respecting 481 University Avenue, 210 Dundas Street West, 70 Centre Avenue and 137 Edward Street;
- By-law No. 2014-1061 – Respecting 57 Spadina Avenue;
- By-law No. 2014-1063 – Respecting 5 to 25 Wellesley Street West and 14 to 26 Breadalbane Street and 155 St. Luke Lane;
- By-law No. 2014-1078 – Respecting 219 Queen Street West;
- By-law No. 2015-0391 – Respecting 47-55 St George Street;

By-law No. 2015-0806 – Respecting 231-237 College Street and 177-189 Huron Street;

By-law No. 2015-0811 – Respecting 424-460 Adelaide Street East;

By-law No. 2015-0837 – Respecting 355 Church Street;

By-law No. 2015-1027 – Respecting 156-174 Front Street West and 43-51 Simcoe Street;

By-law No. 2015-1042 – Respecting 270-288 Church Street, 101-105 Bond Street and 111 Bond Street;

By-law No. 2015-1049 – Respecting 27-37 Yorkville Avenue and 26-32 and 50 Cumberland Street;

By-law No. 2015-1050 – Respecting 27-37 Yorkville Avenue and 26-50 Cumberland Street;

By-law No. 2015-1275 – Respecting 375, 375R and 379 and 381 Queen Street West;

By-law No. 2015-1366 – Respecting 500 Lake Shore Boulevard West;

By-law No. 2016-0132 – Respecting 20 to 26 Lombard Street and 25 Richmond Street East;

By-law No. 2016-0239 – Respecting 602-622 King Street West, 499-505 Adelaide Street West and 1 and 11 Adelaide Place;

By-law No. 2016-0273 – Respecting 40-58 Widmer Street;

By-law No. 2016-0382 – Respecting 175-191 Dundas Street East and 235 Jarvis Street;

By-law No. 2016-0529 – Respecting 70 and 72 Carlton Street;

By-law No. 2016-0671 – 604-618 Richmond Street West;

By-law No. 2016-0757 – Respecting 11 and 33 Centre Avenue and 80 Chestnut Street;

By-law No. 2016-0778 – Respecting 587-599 Yonge Street, 2 and 4 Dundonald Street, and 7 and 9 Gloucester Street;

By-law No. 2016-0780 – Respecting 245,251 and 255 College Street, 39 and 40 Glasgow Street; and

By-law No. 2016-1047 – Respecting 143-177 Lake Shore Boulevard East, 26 Richardson Street and 130-132 Queens Quay East.

- (9) The following Section 12(2) exceptions prevail over the setbacks required in Sections 12(2)380.(1), 12(2)380.(2) and 12(2)380.(3) of this By-law, the prohibited projections of section 12(2)380.(4) and the permitted projections of section 12(2)380.(5) of this By-law:

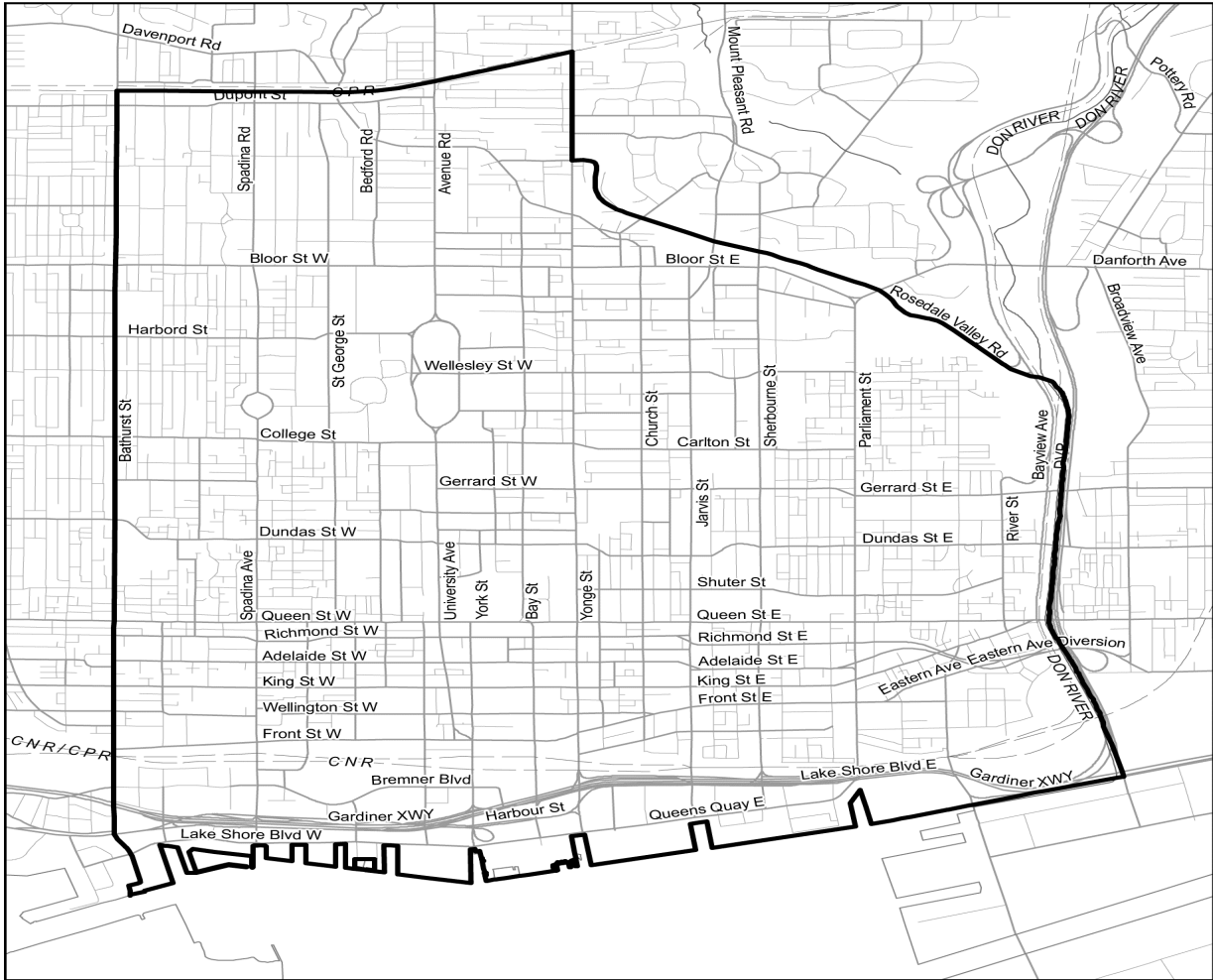
(a) Section 12(2)122;

(b) Section 12(2)141;

(c) Section 12(2)229;

(d) Section 12(2)250;

- (e) Section 12(2)297;
 - (f) Section 12(2)302; and
 - (g) Section 12(2)310.
- (10) None of the provisions of section 12(2)380. of this By-law shall apply to prevent the erection or use of a building or structure permitted by the following Section 45 *Planning Act* minor variances:
- Minor Variance No. A0771/05TEY – Respecting 130 Bloor Street West;
 - Minor Variance No. A0330/07TEY – Respecting 130 Bloor Street West;
 - Minor Variance No. A0728/07TEY – Respecting 456 Wellington Street West;
 - Minor Variance No. A0728/16TEY – Respecting 44 Gerrard Street East and 55 McGill Street.
- (11) For the purposes of section 12(2)380. of this By-law, *tower* means the portions of a building which collectively enclose the entirety of a *storey* higher than 24.0 metres above *grade*.



TORONTO City Planning
Zoning By-Law 438-86

Downtown Tall Building Setback

File # 16 103066 SPS 00 0Z

Legend

 Toronto Downtown



Not to Scale
 5/5/2016

Enacted and passed on November 9, 2016.

Frances Nunziata,
 Speaker

Ulli S. Watkiss,
 City Clerk

(Seal of the City)