

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. 1107-2016

To amend Zoning By-law No. 569-2013, 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. The lands subject to this By-law are outlined by heavy black lines and identified as Toronto Downtown on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by inserting Section 600.10 and Regulation 600.10.10(1) so that it reads:

600.10 Building Setback Overlay District Map

- (1) For the purposes of Section 600.10, tower means the portions of a **building** which collectively enclose the entirety of a **storey** higher than 24.0 metres above **average grade**.

600.10.10 Building Setback Overlay District "A"

- (1) District "A" Building Setback

The areas within the heavy lines on the Building Setback Overlay District Map in Diagram 1 of By-law 1107-2016 identified as area "Toronto Downtown" are subject to the following:

- (A) Despite regulations 40.5.40.71(2), 40.10.40.70 (1), 50.5.40.71(2) and 50.10.40.70 (1), every tower must be set back at least:
 - (i) the greater of:
 - (a) 3.0 metres from a **lot line** that abuts a **street**; and
 - (b) 12.5 metres from the centre line of that abutting **street**; and
 - (ii) 12.5 metres from the centre line of an abutting **lane**; and
 - (iii) 12.5 metres from a **lot line** having no abutting **street** or **lane**.
- (B) Despite regulations 40.10.40.80 (1) and 50.10.40.80 (1), (2), (3) and (5), each tower must be separated by at least 25.0 metres from each other tower on the same **lot**.

- (C) 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.
 - (D) Despite regulations 40.10.40.60 (6) and 50.10.40.60 (6), the following projections which are attached to a tower must not encroach into the **building setbacks** required in regulations 600.10.10 (1) (A):
 - (i) bay windows;
 - (ii) box windows;
 - (iii) other window projections;
 - (iv) exterior stairs; and/or
 - (v) access ramps.
 - (E) The following **building** elements which are attached to a tower may encroach into the separation distances between towers on the same **lot** required in regulations 600.10.10 (1) (B) and 600.10.10 (1) (C):
 - (i) a platform, such as a balcony, projecting not more than 1.5 metres from the tower;
 - (ii) a canopy, awning or similar **structure**, with or without structural support, or a roof over a platform which complies with regulation 600.10.10 (1) (E) (i), projecting not more than 1.5 metres from the tower;
 - (iii) if the tower is at least 5 years old, cladding added to the original exterior surface of the **main wall** of a tower, projecting not more than 0.15 metres from the tower;
 - (iv) architectural features, including a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature, projecting not more than 0.3 metres from the tower;
 - (v) eaves, projecting not more than 0.9 metres from the tower; and
 - (vi) equipment, including a vent or pipe, projecting not more than 0.6 metres from the tower;
 - (F) Despite the regulations in 600.10.10 (1) (E), **building** elements are permitted to encroach into either the setback required in regulation 600.10.10.(1)(A) or the separation distances required in regulations 600.10.10 (1) (B) and 600.10.10 (1) (C) must not penetrate into a required **angular plane**.
- (2) None of the provisions of Section 600.10.10 Building Setback Overlay District "A" apply to prevent the erection or use of a **building** or **structure** constructed pursuant to a building permit issued prior to October 4, 2016.
 - (3) None of the provisions of this Section 600.10.10 Building Setback Overlay District "A" apply to prevent the erection or use of a **building** or **structure** permitted by the following amending by-laws to the **Former General Zoning By-law 438-86** and by the following amending by-laws to this By-law 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;

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

- (4) None of the provisions of 600.10.10(1)(A), 600.10.10(1)(B), 600.10.10(1)(C) and 600.10.10.(D) apply to prevent the erection of a **building** or **structure** if the site specific exception existing on a **lot** on October 4, 2016 includes either of the following as a Prevailing By-law and Prevailing Section:
- (A) Section 12(2) 122 of **Former General Zoning By-law 438-86**;
 - (B) Section 12(2) 229 of **Former General Zoning By-law 438-86**; and
 - (C) Section 12(2) 250 of **Former General Zoning By-law 438-86**.
- (5) None of the provisions of this Section 600.10.10 Building Setback Overlay District "A" 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.
- (6) The **Former General Zoning By-law 438-86**, including the definitions, as amended, as they read on October 4, 2016, apply to assist in the interpretation of any minor variance referred to in the context of Regulations 600.10.10 (4) of this By-law.

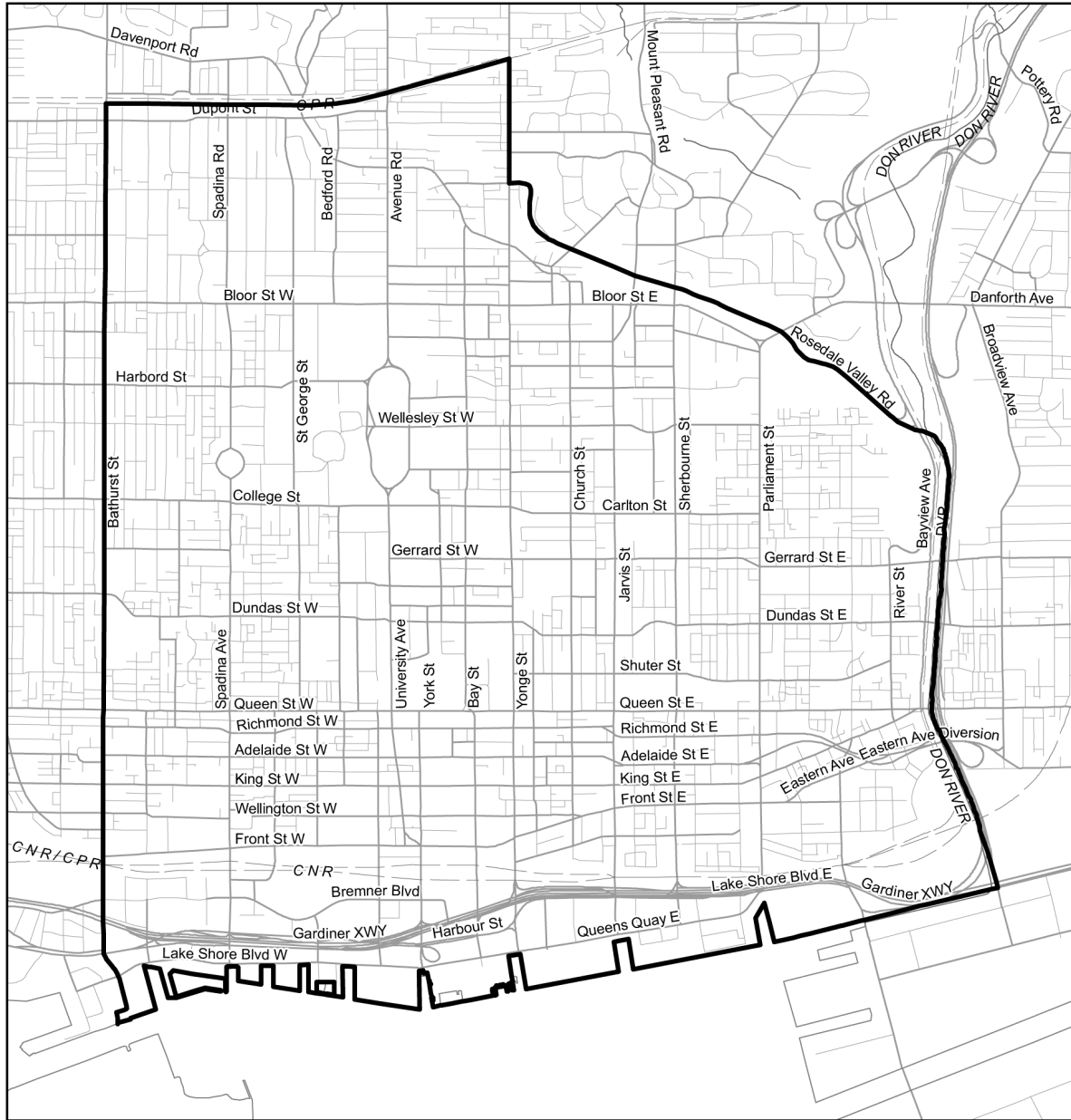
Enacted and passed on November 9, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Diagram 1



TORONTO City Planning
Zoning By-Law 569-2013

Downtown Tall Building Setback

File # 16 103066 SPS 00 0Z

Legend
 Toronto Downtown


 Not to Scale
 5/5/2016