

Authority: Planning and Housing Committee Item PH8.2,
adopted as amended, by City of Toronto Council on
December 13, 14 and 15, 2023
City Council voted in favour of this by-law on
December 15, 2023
Written approval of this by-law was given by Mayoral
Decision 30-2023 dated December 15, 2023

CITY OF TORONTO

BY-LAW 1328-2023

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to adding entertainment facilities as a prohibited use or a use with conditions to area-specific by-laws.

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, as amended;

The Council of the City of Toronto enacts:

1. The words in italic type in this By-law have the meaning provided in Zoning By-law 438-86, as amended, Section 2 Definitions.
2. Zoning By-law 438-86, as amended, is further amended by replacing the first paragraph of Section 12(2)137 so that it reads:
 137. No person shall, within an area shown delineated by a heavy line on the maps below, use land or erect or use a building or structure for the purpose of an *entertainment facility, restaurant, or a take-out restaurant or a caterer's shop*, a billiard or pool room, a *club*, a delicatessen or a *place of amusement*. (109-88) (425-93)
3. Zoning By-law 438-86, as amended, is further amended by replacing Section 12(2)228(i) so that it reads:
 - (i) *a caterer's shop, a club, an entertainment facility, a place of amusement, a place of assembly, a restaurant or a take-out restaurant*: (1994-0532) (1997-0382)
4. Zoning By-law 438-86, as amended, is further amended by replacing Section 12(2)240(i) so that it reads:
 - (i) *a bake-shop, a caterer's shop, a club, an entertainment facility, a place of amusement, a place of assembly, a restaurant, or a take-out restaurant* unless: (425-93)

5. Zoning By-law 438-86, as amended, is further amended by replacing Section 12(2)318 so that it reads:

No person shall, within the area shown within the heavy lines on the map 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, entertainment facility, place of amusement, place of assembly, restaurant, take-out restaurant* or *patio* provided in connection therewith unless:
 - (a) the *front lot line* of such *lot* is on College Street;
 - (b) any such use located at or above *grade* is limited to the ground floor only;
 - (c) the aggregate area of all operable windows and doors located in any ground floor wall facing a *street* other than College Street shall not be greater than 3.3 square metres, except to the extent a greater area is required by the Ontario Building Code, as amended;
 - (d) the *patio*, if any, is located,
 - (i) between the *front wall* of the building or structure housing the principal use and the *front lot line* of the *lot*, or
 - (ii) 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*, and not closer than 10 metres from the *rear lot line* of the *lot*; and
- (2) erect or use any building or structure for the purpose of a *restaurant, take-out restaurant, bake-shop, entertainment facility, place of amusement, place of assembly* or *club*, unless the total *non-residential gross floor area* used for any one or a combination of two or more of those purposes in a building or structure does not exceed 300 square metres.

For the purposes of this exception, the *non-residential gross floor area* of a *take-out restaurant, bake-shop, entertainment facility, place of amusement, place of assembly* or *club* means 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 a room or enclosed area that is used exclusively for heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that services the building, storage or washrooms. (1997-0258) (537-2005)

6. Zoning By-law 438-86, as amended, is further amended by replacing Section 12(2)341 so that it reads:

No person shall, within the area zoned MCR T3.0 C1.0 R2.5 and shown within the heavy lines on the map attached to section 12(2)340:

- (1) use land or erect or use a building, addition, or structure for the purpose of a *bake-shop, club, entertainment facility, place of amusement, place of assembly, restaurant, take-out restaurant* or *patio* provided in connection therewith unless:
- (a) the *front lot line* of such *lot* is on King Street West or Bathurst Street;
 - (b) any such use located at or above *grade* is limited to the ground floor only;
 - (c) the aggregate area of all operable windows and doors located in any ground floor wall facing a *street* other than King Street West and Bathurst Street shall not be greater than 3.3 square metres, except to the extent a greater area is required by the Ontario Building as amended; and
 - (d) the *patio*, if any, is located:
 - (i) between the *front wall* of the building or structure housing the principal use and the *front lot line* of the *lot*; or
 - (ii) 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*, and not closer than 10 metres from the *rear lot line* of the *lot*; and
- (2) erect or use any building or structure for the purpose of a *restaurant, take-out restaurant, bake-shop, entertainment facility, place of amusement, place of assembly* or *club*, unless the total *non-residential gross floor area* used for any one or a combination of two or more of those purposes in a building or structure does not exceed 300 square metres.

For the purposes of this exception, the *non-residential gross floor area* of a *take-out restaurant, bake-shop, entertainment facility, place of amusement, place of assembly* or *club* means 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 a room or enclosed area that is used exclusively for heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that services the building, storage or washrooms. (461-2006)

7. Zoning By-law 438-86, as amended, is further amended by replacing Sections 346(1)(2) and Subsection 346(2)(b) so that they each read:

- (1) use land or erect or use a building, addition, or structure for the purpose of a *bake-shop, club, entertainment facility, place of amusement, place of assembly, restaurant, take-out restaurant* or *patio* provided in connection therewith unless:

- (2) erect or use any building or structure for the purpose of a *restaurant, take-out restaurant, bake-shop, entertainment facility, place of amusement, place of assembly* or *club*, unless the total *non-residential gross floor area* used for any one or combination of said uses in a building or structure does not exceed 225 square metres.
- (b) the non-residential gross floor area of a *restaurant, take-out restaurant, bake-shop, entertainment facility, place of amusement, place of assembly* or *club* 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 heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that services the building, storage, or washrooms.

8. This By-law comes into force and effect on January 1, 2025.

Enacted and passed on December 15, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)