



## STAFF REPORT ACTION REQUIRED

### Report to City Council on the Draft Zoning By-law

<b>Date:</b>	August 23, 2010
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	All Wards
<b>Reference Number:</b>	Cc10066

#### SUMMARY

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On August 19, 2010, the Planning and Growth Management Committee considered the Final Report on the draft Zoning By-law and held a statutory public meeting as per the requirements of the Planning Act. In forwarding the draft Zoning By-law to City Council for enactment, the Committee passed several motions recommending modifications to it. The Committee also referred several other motions for further changes to staff for further report directly to City Council. This report responds to the Committee actions.

Attachment 1 of this report contains the all modifications to the draft Zoning By-law recommended by the Committee as well as other modifications resulting from the referral to staff of other motions recommending additional changes. The amendments proposed by the Committee together with the other referred motions are discussed in this report. Attachment 1 also includes a list of new properties that should be left out of the new Zoning By-law in accordance with the Transition Protocol.

#### RECOMMENDATIONS

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**The Chief Planner and Executive Director, City Planning Division recommends that the Recommendations in the August 5, 2010 Final Report be replaced with the following revised Recommendations:**

1. City Council enact the proposed City-wide Zoning By-law substantially in the form attached as Attachment 1 to the report dated August 5, 2010, as amended by the modifications set out in Attachment 1, entitled "Requested By-law Modifications" attached to the report dated August 12, 2010, from the Chief Planner and Executive Director, City Planning Division and as further amended

- by the modifications set out in Attachment 1, entitled “By-law Modifications Requested at the Public Meeting held before the Planning and Growth Management Committee” attached to the report dated August 23, 2010, from the Chief Planner and Executive Director, City Planning Division.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft City-wide Zoning By-law as may be required.
  3. City Council determine that no further notice is to be given in respect of the proposed by-law.

### **Financial Impact**

There is no financial impact beyond what has already been approved in the current year’s budget.

### **DECISION HISTORY**

The new Zoning By-law Project is about creating a single zoning by-law for the City. The first draft of the new Zoning By-law was released to the public in May 2009. An accompanying staff report, submitted to the April 14, 2009 meeting of the Planning and Growth Management Committee, explained the approach to creating a single zoning by-law and the significant changes to the regulations found in the existing zoning by-laws. <http://www.toronto.ca/legdocs/mmis/2009/pg/bgrd/backgroundfile-19921.pdf>

Open Houses were held and several Ward specific meetings were attended by staff to hear and address concerns with the proposed draft Zoning By-law. A report on the results of the consultation was before the Committee at its meeting held on November 4, 2009. <http://www.toronto.ca/legdocs/mmis/2009/pg/bgrd/backgroundfile-24425.pdf>

A further report addressing public comments was received by the Planning and Growth Management Committee at its February 11, 2010 meeting. <http://www.toronto.ca/legdocs/mmis/2010/pg/bgrd/backgroundfile-27033.pdf>

During consideration of the staff report, the Planning and Growth Management Committee adopted a set of recommendations that outlined a timeline for the adoption of the new Zoning By-law based on a series of reports to the Committee culminating in the Statutory Public Meeting on June 16, 2010. <http://www.toronto.ca/legdocs/mmis/2010/pg/minutes/2010-02-11-pg35-mn.htm>

At its meeting held on March 8, 2010, the Planning and Growth Management Committee had before it a report describing the progress on the resolution of outstanding issues related to the new Zoning By-law. <http://www.toronto.ca/legdocs/mmis/2010/pg/bgrd/backgroundfile-27988.pdf>

At its meeting held on April 21, 2010, the Planning and Growth Management Committee had before it a revised draft of the new Zoning By-law dated April 21, 2010 and corresponding maps together with an accompanying covering report outlining the major changes made to the draft new Zoning By-law since its initial release in May 2009.

<http://www.toronto.ca/legdocs/mmis/2010/pg/bgrd/backgroundfile-28966.pdf>

<http://www.toronto.ca/legdocs/mmis/2010/pg/bgrd/backgroundfile-29456.pdf>

<http://www.toronto.ca/legdocs/mmis/2010/pg/bgrd/backgroundfile-29457.htm>

At its meeting held on May 19, 2010, the Committee had before it a report that outlined further changes and refinements to the draft new Zoning By-law that resulted from the direction of the Committee at the meeting of April 21, 2010, and further input from stakeholders and other interested parties.

<http://www.toronto.ca/legdocs/mmis/2010/pg/bgrd/backgroundfile-30388.pdf>

At its meeting held on June 16, 2010, the Planning and Growth Management Committee, under the topic of new business, requested a change to the draft new Zoning By-law as it pertains to school sites. The Committee requested that the Chief Planner and Executive Director remove the sections of the draft Zoning By-law pertaining to the school sites owned by the Toronto District School Board and the Toronto Catholic District School Board.

<http://www.toronto.ca/legdocs/mmis/2010/pg/minutes/2010-06-16-pg39-mn.htm>

At its meeting held on August 19, 2010, the Planning and Growth Management Committee held a public meeting in accordance with the Planning Act, RSO 1990 and recommended to City Council that the draft Zoning By-law as presented be further amended as described in the decision document and that the Chief Planner and Executive Director report directly to City Council, on August 25, 2010, with respect to several motions requesting further changes to the draft Zoning By-law.

<http://www.toronto.ca/legdocs/mmis/2010/pg/decisions/2010-08-19-pg40-dd.htm>

<http://www.toronto.ca/legdocs/mmis/2010/pg/bgrd/backgroundfile-31864.pdf>

<http://www.toronto.ca/legdocs/mmis/2010/pg/bgrd/backgroundfile-33149.pdf>

## **ISSUE BACKGROUND**

The City currently has 43 separate comprehensive zoning by-laws inherited from the six pre-amalgamation municipalities. All of these zoning by-laws are similar in what they do, that is, regulate use of land and the location and size of buildings, but different in the standards that are applied to any given zone. The initial aim of the Zoning By-law Project was to consolidate the existing zoning by-law regulations into one by-law with a focus on establishing a common 'zoning language' while retaining existing standards.

The Project faced three key issues. Despite the similarities in structure and content among the existing zoning by-laws, there are different approaches taken to achieving the same end result. An example of this is how the height of low-rise residential buildings are measured. The new Zoning By-law must be in conformity with the Official Plan. The current zoning of some properties, such as retail in industrial areas, cannot be brought

forward because of conformity issues with the Official Plan. Finally, there are over 10,000 amendments to the current zoning by-laws. Some were re-written into the language of the new Zoning By-law. The more complicated site specific amendments are retained as “prevailing” by-laws (explained below). Another small group, such as the zoning applying to the Etobicoke, Scarborough and North York Centres, have been left out of the new Zoning By-law, at least for now.

## **COMMENTS**

This report responds to the actions of the Planning and Growth Management Committee taken at its meeting of August 19, 2010. On that day, the Committee held a public meeting and notice was given in accordance with the Planning Act. In its decision, the Committee recommended to City Council several amendments to the draft Zoning By-law and referred several motions to the Chief Planner for consideration and report directly to City Council. This report will provide a brief explanation about the manner in which each of the proposed amendments should be implemented. Attachment 1 to this report entitled “By-law Modifications Requested at the Public Meeting held before the Planning and Growth Management Committee” contains a detailed listing of all the proposed modifications together with references to the sections of the draft Zoning By-law that require changing. As well, the report discusses the actions City Council may want to take with respect to the additional motions of the Committee referred to staff.

### **Amendments to the Draft Zoning By-law Recommended by the Planning and Growth Management Committee**

Recommendation 1 a) – Delete the requirement prohibiting the paying for visitor parking in Residential Zones

Sections 10.5.80.1(1), and 15.10.80.1(1), which state that a fee must not be charged for visitor parking spaces in Residential Apartment zones, will be deleted. This provision was introduced at the direction of City Council. In examining the issue, it was concluded that it is desirable to prohibit the charging for visitor parking in residential zones but not commercial-residential zones. In mixed commercial-residential zones there is generally a higher level of competition for parking spaces and a charge for visitor parking associated with residential buildings in these zones would better ration its use for legitimate visitors.

Recommendation 1 b) – Delete the area of the Central Finch Secondary Plan

The area of the Central Finch Secondary Plan will be shown as “Not Part of this By-law.” The draft Zoning By-law was unable to capture the intent of the policies within the secondary plan owing to their complexity.

Recommendation 1 c) – delete the property known as 1066 Avenue Road

The property known as 1066 Avenue Road will be shown as “Not Part of this By-law.”

Recommendation 1 d) – Amend Section 150.80.20(6) to allow a drive through stacking aisle to be located between the building and one of the streets associated Vehicle Fuel Station located on a corner lot

The Committee motion provided explicit wording to give effect to this direction. The wording is contained in Attachment 1 and will be incorporated into the draft Zoning By-law. It should be noted that the argument put forward by the industry for allowing this condition to prevail for drive through uses associated with vehicle fuel stations is that safety regulations require a clear line of sight from the attendant’s station and the fuel pumps.

Recommendation 1 e) – Amend the Drive Through Facility regulations to require that the ‘order box’ location rather than Stacking Aisle be located 30 metres from any lot permitting residential uses

The Committee motion provided explicit wording to give effect to this direction. The wording is contained in Attachment 1 and will be incorporated in the draft Zoning By-law. It should be noted that this change undermines the original intent of the Drive Through Facility regulations introduced city wide in 2002. The arguments made in the staff report and later at the Ontario Municipal Board included the separation of the stacking aisle as well as the order box. This is a fundamental change to the existing intent of all the existing zoning by-laws and was never discussed with the public.

Recommendation 1 f) – Add additional wording to clarify the intent with respect to the permission for medical clinics

Medical clinics are permitted under the draft Zoning By-law in the category of ‘medical offices’ in Commercial-Residential Zones. There is some concern as to whether the intent would be understood. An additional sentence is being added to Section 40.10.1.10(3) to clarify this intent.

Recommendation 1 g) – Amendments to recognize the characteristics of lawfully existing lots and buildings as the acceptable standard under the new Zoning By-law and to allow for their expansion

These recommended amendments stem from discussions between staff and the representatives of industrial operations throughout the City. There is some concern that existing industrial operations, which have been lawfully built under previous regulations, may be considered non-complying with the standards found in the new Zoning By-law. It is essential for such operations to be considered complying with zoning by-law requirements as compliance with zoning is often a prerequisite for other approvals. With respect to alterations and additions, industry would like to be able to follow existing setback and building limits. This request is reasonable in that the draft Zoning By-law contains similar provisions for other zones. These amendments would be tailored for industrial operations and placed in Chapter 60, the Employment-Industrial Zone category.

Recommendation 1 h) – Amend the draft Zoning By-law to require a 500 metre separation distance between industrial propane handling facilities and zones permitting residential uses instead of 300 metres

Currently the draft Zoning By-law requires a separation distance of 300 metres. The Committee requested that this distance be increased to 500 metres. Section 60.30.20.100 will be amended accordingly.

Recommendation 1 i) – Amend the draft Zoning By-law to allow a Day Nursery in detached and semi-detached houses in the R zone (former City of Toronto)

The Committee recommended that Section 150.45, Day Nursery regulations, be amended to permit day nurseries as-of-right in the whole of a single detached house or the whole of a semi-detached building. The exact wording is found in Attachment 1 and mimics the current provisions found in By-law 438-86. The new R zone covers the R2, R3, R4 and R4A zones of the former City of Toronto.

Recommendation 1 j) – Clarify that student housing is a permitted use in institutional zones

The draft Zoning By-law uses the term ‘student residences’ to describe premises that are either owned or operated by, or on behalf of a public, private or post-secondary school. Currently, a student residence is listed in the IE zone, where universities and colleges are permitted, and the IH zone, where hospitals and other institutions are permitted. It appears reasonable to expect that a student residence should be permitted where these types of schools are permitted. Accordingly, the draft Zoning By-law should be amended to include a student residence in the I zone and the IS zone.

Recommendation 8 a) – Modify the draft Zoning By-law, to include in Chapter 2, the wording from Scarborough Zoning By-law No. 24982 respecting recognition of variances

For discussion of this proposed modification, the City Solicitor has been consulted.

Chapter 2 is entitled ‘Compliance with the By-law.’ This Chapter describes how all land, building or structures must comply with the requirements of the new Zoning By-law. This is also the Chapter where the clause recognizing existing variances was inserted. The wording was carefully developed between staff from City Legal, Toronto Building and City Planning. Staff from these three Divisions believe the wording in the draft Zoning By-law is both adequate and sufficient to allow staff to consider any circumstance related to previous variances.

The Committee decision directs staff to include this phrase from the Scarborough Employment District Zoning By-law 24982 which states: “All minor variances in effect prior to the enactment of this By-law shall continue to apply and remain in force.” This statement adds nothing to the clause as currently proposed, and in fact, only serves to confuse matters. The wording of Chapter 2 was carefully and cautiously crafted to

recognize rights that currently exist in law, not to limit or expand these rights. There are serious concerns that creating new wording at this stage could create new controversies and have unintended consequences. Therefore, the clause should remain the same.

Recommendation 8 b) – Clarify the language about the status of existing approvals from the Committee of Adjustment and site specific by-laws

The new Zoning By-law contains language to allow for the recognition of existing, approved variances, as discussed above. That should be of no concern. However some concern has been expressed with respect to the parts of the new Zoning By-law that introduces new and higher standards for which variances may not have been sought. Parking spaces for both cars and bicycles are particularly important to look at since they are new. In the case of cars, the rates have gone down. In the case of bicycles, they are generally higher with the exception of change room facilities where the requirements are lower. If the variance included a reduction in car parking spaces or bicycle parking spaces, then these reduced rates would be recognized at the time of building permit application. If the variance did not include any variances to such requirements, then the plans would have to comply with the new standards. But since the car parking requirements are lower, the opportunities to accommodate any additional bicycle parking requirements should not prove to be onerous.

With respect to site-specific by-laws, the situation is a little different. If a building permit has been issued then there is no conflict. If the site-specific by-law is part of a current site plan application, then the site is left out of the new Zoning By-law and will be built as per all existing regulations. If a site specific by-law has been recently passed and no site plan application submitted before the enactment of the new Zoning By-law, then it would have been made a ‘prevailing by-law’ in accordance with the Transition Protocol. This means that when a site plan application is submitted, the plans will need to comply with the site specific by-law first and the new Zoning By-law. Where there is a conflict between the new Zoning By-law and the site specific by-law, then the site specific by-law requirements will apply. Following the scenario mentioned above, if the site specific by-law contains a requirement for car or bicycle parking, then the site-specific by-law requirement will apply. If the site specific by-law does not address car or bicycle parking, then the standards found in the new Zoning By-law will apply.

## **Motions Referred to Staff for Consideration**

### **Motion by Councillor Vaughan on behalf of Councillor Jenkins**

The Motion by Councillor Vaughan on behalf of Councillor Jenkins to revise Section 900.43.10 (3), which is Exception 3 of the Open Space Golf Course zone regarding Rosedale Golf Course, is supportable with some further modification. The proposed amendment to Item (C) includes reference to the existing building being in a “location which would otherwise not be permitted by this By-law” but the phrase could lead to the possible interpretation of a new building being able to be placed in a non-complying location anywhere on the golf course. This should be further revised for clarity.

With the additional revision, the section would read as follows:

“Exception OG 3

The lands subject to this exception shall comply with the following in regard to any replacement, addition, extension or alteration of any buildings or structures existing on the date of enactment of this By-law:

(A) despite 90.40.20.100 (2), the total combined interior floor area of a take-out restaurant, retail store, personal service shop, or a service shop that lawfully existed on the date of the enactment of this By-law is the maximum total combined interior floor area permitted for those uses;

(B) despite 90.40.20.100 (4), the minimum distance required between a outdoor patio and a lot line is equal to the shortest distance between an outdoor patio existing on the date of the enactment of this by-law and the nearest lot line.

(C) a building existing on the date of the enactment of this by-law may be replaced, expanded or altered if the replacement, expansion or alteration does not exceed the building height, building length and building width that existed on the date of the enactment of this by-law. Any replacement, expansion or alteration to building referenced above that is permitted by this by-law to exceed the building height, building length and building width that existed on the date of the enactment of this by-law, must comply with the application regulation of this by-law;

(D) the minimum required number of parking spaces is the actual number of parking spaces on the date of the enactment of this By-law, provided that if there is an increase in gross floor area additional parking spaces must be provided in accordance with this By-law.”

**Motion by Councillor DiGiorgio**

1. That a salvage yard be deleted as a permitted use in EH (heavy industrial) zones.

A salvage yard is not consistently permitted across the City by the existing zoning by-laws. On this basis, the use could be deleted as a permitted use in EH zones.

2. That the Keele Street-Ingram Drive industrial employment area exclude EH zones.

The EH zone in the Keele Street-Ingram Drive industrial area is not very large but is well situated in that it is completely encircled by other industrially zoned land and a rail corridor. It is currently zoned for heavy industrial uses (M3 Zone) and contains an existing heavy industrial use. No change is recommended.

3. That the Employment Industrial zones delete the provision that a waste transfer station be permitted within 70 metres of a residential zone category.



A waste transfer station is defined as premises used for receiving waste or recyclable material and transferring the material to vehicles for transport to another location. A waste transfer station is permitted in a heavy industrial zone (EH) without condition and in a general industrial zone (E) provided it is no less than 70 metres from a residential zone. It is unclear whether the intention of the recommendation was to remove the use from the E zone category or to eliminate the separation distance requirement. Removing the distance requirement is not recommended because the characteristics of the use is incompatible with residential development that might directly abut the waste transfer station. If the intent is to eliminate the use from the E zone category, this is supportable from a land use standpoint.

4. That the expansion of a permitted accessory use to a principal use that is not a permitted use, be subject to a Committee of Adjustment application or a rezoning on the basis of an expansion of a legal non conforming use.

If the existing principal use is not listed as a permitted use but was otherwise lawfully established, then it is a legal non-conforming use. Any alteration would require approval from the Committee of Adjustment.

5. That fencing that abuts a public road not include a retaining wall for site plan screening purposes.

A fence required by the new Zoning By-law must comply with the regulations in the Municipal Code respecting fences (Chapter 447).

6. That obnoxious industrial uses not be permitted as of right in industrial employment zones.

The use of the term obnoxious in application to industrial uses was discussed at length with the representatives of industrial operators across the City. It was concluded that the term is open to too much subjectivity in its application to be of use in zoning where consistency of interpretation is all important. The use of the term is not recommended. In addition, the E and EH zones list uses that are not permitted, which is a better method of ensuring incompatible uses are avoided.

#### **Motions by Councillor Filion on behalf of Councillor Jenkins**

Motion 1 – In an RD zone, the maximum designation for the unit parameter is “u1” and it be specifically identified in the residential zone string as “u1” and that the By-law be amended as required.

With respect to the number of units in an RD zone, “u1” does not need to be put in the zone string or label on the map because 10.5.40.1 (2) says only one principal building is permitted on a lot, and 10.20.20.40 (1) says a dwelling unit is only permitted in a detached house. As defined, a detached house “means a building that has one dwelling unit occupying the whole building.”

Motion 2 – Section 10.5.1.10(2) be amended by the addition of the following point (F):

“(F) the letter ‘x’, with an associated numerical value, indicates the specific regulations for the lot or area in that zone found in Chapters 900 , 950 and 955.”

The “x parameter” is already explained in 1.20.2 (8) (A), which says “If a zone symbol on the Zoning By-law Map, is followed by rounded brackets ( ) containing a lowercase ‘x’ followed by a number, the number in the rounded brackets refers to specific regulations for the lot or area in that zone, found in Chapter 900 Site Specific Amendments.”

Motion 3 – Section 800.50(705) be amended so that it reads “Secondary Suite means one dwelling unit that is an ancillary second unit to a principal dwelling unit”; and,

Motion 4 – Add a definition for “Ancillary Unit” and make appropriate changes to section 150.10.20 by moving 150.10.20(3) as a condition for an ancillary unit.

Motions 3 and 4 are discussed together as they pertain to the same topic. The definition of a secondary suite was refined by way of a clarification identified in the report dated August 16, 2010, to emphasize that it “means a dwelling unit that is ancillary to a principal dwelling unit”. There cannot be two different definitions to deal with the same basic type of unit. In addition, because the R zone (other than those with a maximum unit value of 2) permits a detached or semi-detached house to have more than one such ancillary unit if they meet certain criteria, as is now the case for those same areas in the current Toronto By-law 438-86, the definition cannot be used to specify the number of units. Instead, for all other areas, the regulation in 150.10.20 clearly states that “within a detached house or semi-detached house, each dwelling unit may have a maximum of one secondary suite.” A clear regulation such as this will convey the intent of the new Zoning By-law better than mixed definitions.

Motion 5 – On the Zoning Map, where properties and/or areas are identified as “Not Part of this By-law”, those properties and areas remain subject to the provisions of the previously applicable zoning by-law(s) and that those by-laws be identified on the Zoning Map.

The status of properties that are not part of this by-law is already explained in 1.5.3, which says “this By-law applies to all lands in the City of Toronto shown on the Zoning By-law Map, being the map in Chapter 990, except for those lands identified on the Zoning By-law Map as lands to which this by-law does not apply.” There are a plethora of existing by-laws applicable to those 6,000-plus properties. It would be unnecessarily onerous to identify all of them given that the intent is to make them part of the new Zoning By-law in due course.

Motion 6 – Staff be directed to make the appropriate changes in the Zoning By-law to ensure that the addition of a secondary suite within a basement or ancillary building is always included in the measure of gross floor area and subject to FSI limits.

The new Zoning By-law exempts basements in a residential zone category from being included in FSI, unless there is a major grade change between the front and rear of the building, whether or not there is a secondary suite in the basement. No living accommodation of any sort is permitted by the new Zoning By-law in ancillary buildings.

Motion 7 – Section 10.20.40.50(1) be amended by adding point C: “(C) no deck or balcony on the side or front of a house may protrude beyond the exterior of the wall.”

This provision applies to decks and balconies. It limits the size to 4 square metres, and the number to a total of 4 and no more than one on any of the walls. To prohibit a deck or balcony from projecting beyond the wall of a house, regardless of which wall, defeats the purpose of a deck or balcony. It is not recommended that such a change be made to the Zoning By-law.

Motion 8 - Section 10.5.40.60(3) (A) be amended by adding point (iv): “(iv) no part of any exterior stairs may extend beyond 2.5 meters from the front wall.”

If added, this regulation will likely be in conflict with requirement of the Ontario Building Code that regulates the construction of stairs between any floor and ground.

Motion 9 – Section 10.20.40.40(2) be amended by adding the words “and the building with the rear addition complies with all regulations within the Zoning By-law.” is further discussed in the following section of “Motion by Councillor Filion on behalf of Councillor Jenkins.”

Motion 10 – Staff be directed to amend Section 10.5.40.60(6) (B) with a provision reflecting the current window-to-window separation requirements in By-law 438-86.

The section deals with allowable window projections or encroachments into the rear and side yards for elements such as a bay window, a box window or other window projection for house form residential buildings. The window separation distances found in By-law 438-86 have been replicated elsewhere in the Residential Zone category, Residential Apartment Zone category and the Commercial Residential Zone.

**Motion by Councillor Filion on behalf of Councillor Jenkins**

That the draft Zoning By-law be amended as follows:

1. Amend 10.10.40.50 (2) and 10.20.40.50.2 By adding after the words “former City of Toronto zoning by-law” in each clause the following “438-86” so that each clause would read “former City of Toronto zoning by-law 438-86.”

The full regulations would then read as follows:

“10.10.40.50 (2) Interpretation of Platform Walls

In an R zone, in addition to 10.5.40.50 (1), the exterior sides of a platform that was lawfully enclosed in accordance with the former City of Toronto Zoning By-law 438-86, and existing on the date of the enactment of this By-law, are not main walls.”

“10.20.40.50 (2) Interpretation of Platform Walls

In an RD zone that is not subject to a maximum lot coverage, in addition to 10.5.40.50 (1), the exterior sides of a platform that was lawfully enclosed in accordance with the former City of Toronto Zoning By-law 438-86, and existing on the date of the enactment of this By-law, are not main walls.”

2. Amend 10.10.40.40 (2) so that it reads:

“If a lot in an R zone has a maximum floor space index of 0.6, and contains a detached house, a semi-detached house, a detached house or a duplex, erected before October 15, 1953, the detached house, semi-detached house or duplex may be enlarged to the rear of the building if:

- (a) the overall floor space index for the lot, including the addition, does not exceed a total of 0.69;
- (b) any prior addition is at least 5 years old; and
- (c) that no part of the addition is closer to the nearest side lot line than the shortest distance by which the side wall of the existing building is from the side lot line.

3. Additions to the Rear of Certain Residential Buildings

If a lot in an RD zone has a maximum floor space index of 0.6 and is not subject to a maximum lot coverage requirement, and the lot contains a detached house erected before October 15, 1953, the detached house may be enlarged to the rear of the building if:

- (a) the overall floor space index for the lot, including the addition, does not exceed a total of 0.69;
- (b) all finished floor levels within the addition are no higher than the uppermost floor level in the existing building;
- (c) any prior addition is at least 5 years old; and
- (d) that no part of the addition is closer to the nearest side lot line than the shortest distance by which the side wall of the exiting building is from the side lot line.

Motion 9 – Section 10.20.40.40(2) be amended by adding the words “and the building with the rear addition complies with all regulations within the Zoning By-law.”

The changes requested to these sections of the Zoning By-law are aimed at correctly interpreting the intent of the existing provisions found in By-law 438-86 relating to an addition to the rear of a house that existed in 1953. The conditions in these sections have been revised. This motion also dealt with a revision to each of 10.10.40.50 (2) and 10.20.40.50 (2), simply to insert a reference to By-law 438-86 at the point where those

regulations refer to the former City of Toronto zoning by-law. These changes are supportable, with some slight editing.

The revised regulations would read as follows:

“10.10.40.40 (2) Additions to the Rear of Certain Residential Buildings

If a lot in an R zone has a maximum floor space index of 0.6, and contains a detached house, a semi-detached house or a duplex, erected before October 15, 1953, the detached house, semi-detached house or duplex may be enlarged by an addition to the rear of the building if:

(A) the overall floor space index for the lot, including the addition, does not exceed a total of 0.69;

(B) no part of the addition is closer to the nearest side lot line than the shortest distance between the existing side wall of the building and the side lot line; and

(C) any prior addition is at least 5 years old.”

“10.20.40.40 (2) Additions to the Rear of Certain Detached Houses

If a lot in an RD zone has a maximum floor space index of 0.6 and is not subject to a maximum lot coverage requirement, and the lot contains a detached house erected before October 15, 1953, the detached house may be enlarged by an addition to the rear of the building if:

(A) the overall floor space index for the lot, including the addition, does not exceed a total of 0.69;

(B) all finished floor levels within the addition are no higher than the uppermost floor level in the existing building;

(C) no part of the addition is closer to the nearest side lot line than the shortest distance between the existing side wall of the building and the side lot line; and

(D) any prior addition is at least 5 years old.”

4. That the R1S areas of Swansea (presently shown as R(u2)) in the draft by-law be designated RS with the exception of the Swansea Town Hall and Swansea Town Hall Residences which came into existence after 1973 and should be carved out and designated R.

The R1S zone permits a detached house, a semi-detached house, a duplex, a semi-detached duplex and a converted house (2 units). An RS zone permits a detached house and a semi-detached house. Altering the R1S zoning to an RS should be done as part of a

review of the zoning in that area. This approach also would allow for community input on such a suggested change.

**Motion by Councillor Filion, on behalf of Councillor Jenkins**

That the draft Zoning By-law be amended as follows:

The front yard setback of the properties listed below be properly identified in the new Zoning-By-law as RD(f21,a975)(x70) or whichever identification that translates as close as possible to the R2 zone in North York By-law 7625:

Gerald Street

East side - #s 63, 77, 81, 83, 85, 87 and 89 (formerly 47 Northdale)

West side - #s 76, 78, 88, 92

Northdale Road

North side - #s 58, 60, 62, 64, 66, 68, 70, 72, 74, 86 and 88

Truman Road

#s 32 and 55

Upon review of the zoning map, all but two of the properties listed in the Motion are already in that zone, that is, RD(f21,a975)(x70).

Of the remaining two, #32 Truman Road is in RD(f21,a975)(x82) and #55 Truman Road is in RD(f21,a975)(x81). Both of these exceptions capture the existing requirement in Section 7.3.3 of the current zoning by-law for the former City of North York. It requires #32 Truman to have a minimum front yard setback of 10 metres and #55 Truman to have a minimum front yard setback of 18 metres. Based on a preliminary review, it appears the existing houses on those lots do not meet the current by-law's front yard setback requirements, but they may have been built on the basis of earlier setback rules. If so, they may benefit from regulation 10.5.40.200 (8) of the new Zoning By-law, which recognizes the existing setbacks of lawfully erected houses that exist on the date of enactment of this By-law.

In the event of a new house being built, it appears that #32 Truman is a deep enough lot to accommodate a front yard setback of 10 metres. However, #55 Truman is not quite as deep yet has a much bigger front yard setback requirement, which would not leave much room for a new house without a variance being considered. In this situation, it may be appropriate for Council to direct a change to the effect sought by the referred motion to have #55 Truman Road zoned RD(f21,a975)(x70).

**Motion by Councillor Filion on behalf of Councillor Jenkins**

That the draft Zoning By-law be amended as follows:

## Secondary Suites

### 1. Amend 800.50 (705)

Secondary Suite means a second dwelling unit that is ancillary to a principal dwelling unit.

### 2. Add a new definition

Ancillary Unit means a dwelling unit that is ancillary to a principal dwelling unit.

### 3. Amend 150.10.20 Use Regulations

(3) Secondary Suite –Number permitted in an R Zone with a numerical value of 2 following the letter ‘u’ in the zone label, a residential building originally constructed as a detached house, semi-detached house may have a maximum of one secondary suite.

### 4. Amend 150.10.40.40 Floor Area by deleting (2)

5. With the necessary changes incorporate the conditions related to secondary suites for “ancillary unit” mutatis mutandis with the appropriate numbering changes:

150.10.1 change “secondary suite” to read “ancillary unit.”

150.10.1 apply (3) and (4) and change “secondary suite” to read “ancillary unit.”

150.10.40.1 change from “secondary suite” to read “ancillary unit” where applicable.

150.10.40.40 change from “secondary suite” to read “ancillary unit” where applicable.

With the revisions proposed in the supplementary report dated August 12, 2010, the purpose and intent of the secondary suite regulations are clearer. Introducing a new term such as “ancillary unit” would only serve to confuse the matter. No change is recommended to this section.

## **Request for Further Report Directly to City Council**

The Committee requested the Chief Planner and Executive Director, City Planning, to report directly to Council on how the Avenue Guidelines, new Zoning By-law and Parking Guidelines govern parking requirements on main streets and commercially zoned lands.

When the new Zoning By-law is passed, the parking standards will be applied to all the properties affected by it. Properties, including some Avenues, that have been marked as “Not part of this By-law” will not be affected by the new parking standards. The existing parking standards would continue to apply. Parking “guidelines” have no force of law. The Zoning By-law parking standards override any parking “guidelines.” However, parking “guidelines” can be applied through rezoning applications.

Streets designated as “Avenues” in the City’s Official Plan are divided into two sets of parking Policy Areas in the new Zoning By-law. Parking Policy Area 3 (PA3) comprises Avenues served by a subway or RT line; parking Policy Area 4 (PA4) comprises those

Avenues on a bus or streetcar line. The proposed parking standards for apartment buildings on the Avenues are based on unit size or bedroom count. The parking standards that apply in PA3, where there is better transit access, are lower than in PA4.

Where the PA3 and PA4 areas fall outside the former City of Toronto, the new Zoning By-law standards are lower than the existing parking standards for apartments. However, in the former City of Toronto this is not the case and the lower, existing parking standards associated with the mixed commercial-residential (MCR) districts have been retained as exemptions to the proposed PA3 and PA4 standards. This means the current distinction in parking standards between narrow lots (less than 12.5 metres wide) and other wider lots, as currently found in the MCR zones of By-law 438-86, will also be retained.

The new Zoning By-law proposes a separate parking standard for “multiple dwelling unit buildings.” This standard addresses the parking requirements of condominium townhouse developments that have shared vehicular access to a common parking area. Typically, townhouse developments provide the opportunity to create two parking spaces for each unit, one in the garage and one on the driveway. In “multiple dwelling unit buildings” this opportunity is lost and, in response, the new Zoning By-law proposes that a standard of 1.5 parking spaces per unit be introduced for such developments across the City. It is not expected that this type of townhouse development will be commonly built along the Avenues.

The non-residential parking standards for the Avenues (PA3 and PA4) are lower than the existing standards, reflecting the higher level of transit service that these areas enjoy. Notably, restaurants are exempt from providing parking as are retail uses with a gross floor area of less than 200 square metres. The existing parking exemption for restaurant, retail, personal service shop and service shop uses in the Central Area that have less than 1.0 times commercial coverage and under 1,500 square metres of gross floor area also continues to apply in the new Zoning By-law by way of provision 40.10.80.200(4).

It should also be noted that, as Avenue Studies are completed, new tailor-made parking standards can be introduced to fit a particular Avenue’s situation if this is found to be appropriate.

### **Properties to be shown as “Not Part of this By-law”**

The Transition Protocol, set out in the Final Report has three categories that will result in changes to the Zoning By-law maps to show properties as “Not Part of this By-law” as new information is received. Properties associated with active Site Plan applications are recommended for removal from the new Zoning By-law. Once the development is completed, the intent is to bring the property within the purview of the new Zoning By-law.

Another category that requires updating is that of lands associated with a site specific zoning by-law amendment application that has been enacted by City Council at its July meeting date or is slated for enactment at its August meeting date. The appeal periods for



these site specific by-law enactments run over into the Notice and Enactment period of the new Zoning By-law. Owing to this timing, it was determined to be too challenging to incorporate these amendments at this time. Attachment 1 contains an updated list of properties that fall within this category.

There are also those properties that are subject to site specific zoning by-law amendments passed by City Council but which are currently under appeal at the Ontario Municipal Board (OMB). As a result of their appeals, the final form of the new Zoning By-law is in the hands of the OMB. Not knowing the final form the site specific by-law requires that the land affected by the amendment be left out of the new Zoning By-law at this time. Attachment 1 includes an updated list of such properties.

## **CONTACT**

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## **SIGNATURE**

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Gary Wright  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1 - By-law Modifications Requested at the Public Meeting held before the Planning and Growth Management Committee

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## **Attachment 1 - By-law Modifications Requested at the Public Meeting held before the Planning and Growth Management Committee**

### **Committee Recommendations**

1. Attachment 1 of the report dated August 5, 2010, as amended by the modifications set out in Attachment 1 of the supplementary report, entitled "Requested By-law Modifications", appended to the report dated August 16, 2010, from the Chief Planner and Executive Director, City Planning Division be amended as follows:
  - a. DELETING the provisions 10.5.80.1(1) and 15.10.80.1(1) prohibiting paid visitor parking at residential properties;
  - b. SHOWING the lands in the area of the Central Finch Secondary Plan as "Not Part of this By-law";
  - c. SHOWING the property known as 1066 Avenue Road as "Not Part of this By-law";
  - d. AMENDING Section 150.80.20 by replacing it with the following:

“(6) Stacking Aisle Location in

In a CR Zone, if a corner lot contains in one building a vehicle fuel station and a drive through facility, the drive through facility stacking aisle may be located in a side yard between the building and one of the two streets, if:

(A) the drive through facility stacking aisle is not located between the building and the other street; and

(B) the drive through facility complies with all other applicable requirements of this By-law.”
  - e. AMENDING the by-law such that the 30 metre set back requirement is to the ‘order box location’, rather than the start of the stacking aisle, so that Section 150.80.40 (1) be amended as follows:

“The location of the drive through facility order box is to be a minimum of 30.0 metres from any lot in a Residential Zone category, Residential Apartment Zone category; Commercial Residential Zone category or Commercial Residential Employment Zone Category.”
  - f. ADDING (NEW RECORD) the following section:

40.10.1.10(3):

For the purposes of the CR Zone, a medical office includes a clinic.

- g. AMENDING the draft by-law as necessary to recognize lots, characteristics of the development of such lots, buildings and structures, in the Employment Industrial Zone category, by adding the following clause:

“60.5.1.200 Exemptions

(1) Recognition of Existing Conditions

If on the date of enactment of this By-law, a lawfully existing lot, building or structure in the Employment Industrial Zone category complied with regulatory standards contained in the applicable former zoning by-law or a Section 45 Planning Act minor variance, and the lot, building or structure does not comply with a regulatory standard in this By-law, then the existing condition may remain for so long as the building or structure remains. This Regulation does not apply to the Exemptions set out in the following Clauses:

60.5.80.200  
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60.50.80.200  
60.50.90.200

(2) Additions, Extensions or Alterations

Additions, extensions or alterations to the buildings or structures referred to in Regulation 60.5.1.200(1) may rely on that Regulation, but in no event shall the addition, extension or alteration increase the non-compliance with this By-law.”

- h. AMENDING Section 60.30.20.100 paragraph 9 (a) from 300 metre limit to 500 metre limit so that it reads:

“In an EH zone:

(A) a propane transfer, handling and storage facility is permitted if the use is on a lot that is located a minimum of 500 metres from a lot that is in a Residential zone category, Residential Apartment zone category, Commercial zone category, Commercial Residential zone category, Commercial Residential Employment zone category, Institutional zone category, or Open Space zone category; and

(B) a manufacturing use permitted in the EH zone that involves propane in the manufacturing process, or in the operation of equipment or vehicles is not subject to (A).”

- i. ADDING to Regulation 150.45.20 to add the following:

- (2) Day Nursery – Permitted in a Detached House or Semi-Detached House in the R Zone

In addition to 150.45.20 (1), in the R zone, a day nursery may be located in a building originally constructed as a detached house or a semi-detached house if:

a. the day nursery occupies the entire building; or

b. the day nursery is together with a dwelling unit that is the principal residence of the day nursery operator.

- j. Add to the Permitted use Tables for the ‘I’ zone and the ‘IS’ zone permission to have Student Residence as a permitted use, subject to the condition that it is for the existing use on the property.

- k. REPLACEMENT of existing clause 900.43.10 (3), with the following

“Exception OG 3

The lands subject to this exception shall comply with the following in regard to any replacement, addition, extension or alteration of any buildings or structures existing on the date of enactment of this by-law:

(A) despite 90.40.20.100 (2), the total combined interior floor area of a take-out restaurant, retail store, personal service shop, or a service shop that lawfully existed on the date of the enactment of this By-law is the maximum total combined interior floor area permitted for those uses;

(B) despite 90.40.20.100 (4), the minimum distance required between a outdoor patio and a lot line is equal to the shortest distance between an outdoor patio existing on the date of the enactment of this by-law and the nearest lot line.

(C) a building existing on the date of the enactment of this by-law may be replaced, expanded or altered if the replacement, expansion or alteration does not exceed the building height, building length and building width that existed on the date of the enactment of this by-law. Any replacement, expansion or alteration to building referenced above that is permitted by this by-law to exceed the building height, building length and building width that existed on the date of the enactment of this by-law, must comply with the application regulation of this by-law;

(D) the minimum required number of parking spaces is the actual number of parking spaces on the date of the enactment of this By-law, provided that if there is an increase in gross floor area additional parking spaces must be provided in accordance with this By-law.

- l. A replacement to an existing clause:

**10.10.40.40 (2) Additions to the Rear of Certain Residential Buildings**

If a lot in an R zone has a maximum floor space index of 0.6, and contains a detached house, a semi-detached house or a duplex, erected before October 15, 1953, the detached house, semi-detached house or duplex may be enlarged by an addition to the rear of the building if:

(A) the overall floor space index for the lot, including the addition, does not exceed a total of 0.69;

(B) no part of the addition is closer to the nearest side lot line than the shortest distance between the existing side wall of the building and the side lot line; and

(C) any prior addition is at least 5 years old.

- m. A replacement to an existing clause:

**10.20.40.40 (2) Additions to the Rear of Certain Detached Houses**

If a lot in an RD zone has a maximum floor space index of 0.6 and is not subject to a maximum lot coverage requirement, and the lot contains a

detached house erected before October 15, 1953, the detached house may be enlarged by an addition to the rear of the building if:

(A) the overall floor space index for the lot, including the addition, does not exceed a total of 0.69;

(B) all finished floor levels within the addition are no higher than the uppermost floor level in the existing building;

(C) no part of the addition is closer to the nearest side lot line than the shortest distance between the existing side wall of the building and the side lot line; and

(D) any prior addition is at least 5 years old.

- n. A replacement to an existing clause:

**10.10.40.50 (2)** Interpretation of Platform Walls

In an R zone, in addition to 10.5.40.50 (1), the exterior sides of a platform that was lawfully enclosed in accordance with the former City of Toronto By-law 438-86, and existing on the date of the enactment of this By-law, are not main walls.

- o. A replacement to an existing clause:

**10.20.40.50 (2)** Interpretation of Platform Walls

In an RD zone that is not subject to a maximum lot coverage, in addition to 10.5.40.50 (1), the exterior sides of a platform that was lawfully enclosed in accordance with the former City of Toronto By-law 438-86, and existing on the date of the enactment of this By-law, are not main walls.

- p. Mapping Change  
"THAT the Zoning Map be revised to change the Exception number in the Zone String for 55 Truman Road from (x81) to (x70)."
- q. DELETE permission for salvage yard in the Employment Zone category
- r. DELETE the permission for a Waste Transfer Facility as a conditional use in the 'E' Zone, and remove the associated condition

**List of Properties to be shown as "Not Part of this By-law" in accordance with the Transition Protocol  
(Updated since Planning and Growth Management Meeting on August 19, 2010)**

**Addresses with Zoning By-law Amendments likely to be considered at August City Council Meeting**

2256-2270 Lawrence Avenue West

2002 Pharmacy Avenue and 2992 Sheppard Avenue East  
2901, 2925 Sheppard Avenue East  
8, 10 Donalda Crescent  
Southeast corner of Staines Road and Steeles Avenue East, and 2-34 Palk Lane  
6490 Kingston Road  
8833 Sheppard Avenue East  
2761 Markham Road  
82 Buttonwood Avenue  
555 Finch Avenue West  
1955 -1991 Victoria Park Avenue  
1265 and 1277 York Mills Road  
1000 Bay Street  
15-27 Beverley Street  
1, 35 and 40 Fountainhead Road and 470 Sentinal Road  
2800 Bloor Street West  
15 Huntley Street  
277 Davenport Road  
2464, 2477, 2494, 2500 Bloor Street West  
1994-2008 Yonge Street and 17 Glebe Road West  
2055 and 2057 Danforth Avenue  
244 Finch Avenue West  
335-355 King Street. West and 119 Blue Jays Way  
2950 Keele Street  
1705-1745 Avenue Road

**Addresses with Zoning By-law Amendments passed by City Council but appealed to the OMB**

3101 Kennedy Road  
181 Nugget Avenue  
2 True Davidson Drive  
2 Bloor Street West  
10 and 14 Prince Arthur Avenue  
102 Shuter Street  
1100 Queen Street West

**Addresses subject to site plan applications**

8-14 Donalda Crescent and 4164, 4182 Sheppard Avenue East  
30 Glen Edyth Place  
382 Yonge Street  
34 Noranda Drive  
78 Ellis Park Road  
20 Baldwin Street  
50 Fifeshire Road  
2 Carluke Crescent  
939 Lawrence Avenue East, 49 and 75 The Donway West  
3415-3499 Weston Road

2133, 2155 St. Clair Avenue West and 90 Ethel Avenue  
167, 169, 177 and 181 Maplehurst Avenue  
297 Beechgrove Drive  
18 York Ridge Road

**Staff Who Contributed to the Development of the new Zoning By-law**

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