



**STAFF REPORT
ACTION REQUIRED**

New Draft City-wide Zoning By-law Resulting from Meetings with Appellants of the Former By-law 1156-2010

Date:	June 4, 2012
To:	Planning and Growth Management Committee
From:	Acting Chief Planner and Executive Director, City Planning
Wards:	All
Reference Number:	Pg12031

SUMMARY

The new revised draft City-wide Zoning By-law is appended to this report as Attachment One. Revisions are proposed in response to concerns raised by the appellants of City-wide Zoning By-law 1156-2010, which was repealed in May 2011. Acting on the direction from Council, staff invited all the appellants of the former By-law 1156-2010 to meetings to describe their concerns. The meetings took place over the summer and early autumn of 2011. The report summarizes the concerns raised by the appellants and summarizes, chapter by chapter, the changes made to the new draft in comparison to the previous Zoning By-law. The report also makes recommendations with respect to consultation and reporting schedule for the consideration of the new draft of the Zoning By-law.

Many of the concerns expressed by the appellants of By-law 1156-2010 related to transition from the old to the new zoning regime with respect to the treatment of "pipeline" development applications, the recognition of minor variance and by-law permissions, and the treatment of existing buildings. Proposed changes to the new draft Zoning By-law address these concerns. How gross floor area is defined and regulated has been changed in the revised draft Zoning By-law. The Conservation Overlay Map has been removed but regulations within the draft Zoning By-law continue to require a 10 metre setback from the top of the ravine. Several changes have been made to the Employment Zone regulations based on discussions with appellants. Changes to the Commercial Residential Zones address concerns with tall building regulations, restaurants and outdoor patios. There were a few changes to the Residential Zone category, mostly exemptions for existing buildings and changes to the main wall height to allow greater flexibility in design.

RECOMMENDATIONS

The Acting Chief Planner and Executive Director, City Planning recommends that:

1. The draft City wide Zoning By-law be made available to the public in printed form for viewing at each of the Civic Centres and City Hall in the Office of the City Clerk, as well as in electronic form available online at the City Clerk's Council and Committee web page (<http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&meetingId=5685#Meeting-2012.PG16>)
2. The draft City-wide Zoning By-law be made available to the public in electronic form at: <http://www.toronto.ca/zoning> with the opportunity to comment on-line or write to the Acting Chief Planner and Executive Director, City Planning and that staff make themselves available to answer questions and meet upon request.
3. Staff attend community meetings sponsored by Ward Councillors upon request.
4. The Acting Chief Planner and Executive Director, City Planning submit a report to the October 12, 2012 meeting of the Planning and Growth Management Committee that outlines the comments received from members of the public and makes recommendations with respect to changes to the draft City-wide Zoning By-law.
5. A special meeting of the Planning and Growth Committee be arranged in the latter half of November 2012 to hold a Statutory Public Meeting for the purposes of considering the draft City-wide Zoning By-law for adoption.

Financial Impact

There is no financial impact resulting from the adoption of this report.

DECISION HISTORY

City Council on May 17, 18 and 19, 2011, adopted the following:

1. City Council repeal By-law 1156-2010 and all subsequent amendments to the By-law.
2. City Council direct the Chief Planner and Executive Director, City Planning, to conduct consultations with the public and appellants to By-law 1156-2010 and report to the Planning and Growth Management Committee at its meeting on October 6, 2011.
3. City Council request the Planning and Growth Management Committee to schedule a Public Meeting at its meeting on November 8, 2011, for the purpose of considering

whether to re-enact By-law 1156-2010 with any proposed revisions resulting from the consultation with appellants and councillors so that the new By-law can then be considered for enactment by City Council on February 6, 2012.

4. City Council direct that the scope of the revised harmonized Zoning By-law not be greater than what was contained in By-law 1156-2010 but can be reduced.

5. City Council direct the Chief Planner and Executive Director, City Planning, and the City Solicitor to report to the Planning and Growth Management Committee at its meeting on November 8, 2011, on transition provisions that may exempt rezoning and minor variance applications for inclusion in the Zoning By-law to be presented to City Council on February 6, 2012.

Following the meetings with all the appellants, as requested by Council, it became apparent that the recommended timeline for approval of another city-wide Zoning By-law would be unachievable. After consultation with the Chair, a revised timeline was adopted.

ISSUE BACKGROUND

The City-wide Zoning By-law was enacted on August 17, 2010. On April 12 and 13, 2011, City Council directed that notice be given of a public meeting at a special meeting of the Planning and Growth Management Committee to be held on May 10, 2011 respecting the repeal of the new Zoning By-law. At the May 10, 2011 special meeting, Planning and Growth Management Committee recommended to Council that By-law 1156-2010 be repealed. City Council repealed By-law 1156-2010 at its May 17, 18 and 19, 2011 meeting and requested the Chief Planner and Executive Director, City Planning to prepare new City-wide Zoning By-law after meeting with the appellants of By-law 1156-2010.

COMMENTS

Concerns Raised by Appellants of By-law 1156-2010

Over the summer of 2011, a wide range of general and site specific concerns with By-law 1156-2010 were discussed in 135 meetings City staff held with lawyers and consultants of appellants. What follows in this report is a description of each major area of concern as well as an explanation of the proposed approach in the new draft of the City-wide Zoning By-law.

Development Application Related

Immediately after they are enacted, zoning by-laws are considered "applicable law" that must be applied by a city's Chief Building Official before a building permit can be approved. When By-law 1156-2010 was passed by City Council, Toronto Building Division officials began to apply the new Zoning By-law's regulations, which included the review of building permit applications submitted prior to the enactment of By-law 1156-2010. This necessary procedure created a backlog within the system of approval for building permits as well as Committee of Adjustment minor variances. The difficult experience of 2010 highlighted a number of concerns relating to transition from the old to the new zoning regime and development applications, including:

- the treatment of "pipeline" development applications,
- the recognition of variance and by-law permissions, and
- the treatment of existing buildings.

In response to these concerns, a variety of transition provisions are proposed in order to avoid the inconvenience and confusion experienced after By-law 1156-2010 was enacted. Specifically:

- A 'Transition Protocol' and 'Transition Clause' that will operate to allow development applications in the 'pipeline' when the new Zoning By-law is enacted to continue under the former zoning rules;
- A 'Minor Variance Clause' that will allow most existing variances under the former zoning regulations to continue under the new Zoning By-law;
- 'Site Specific Exceptions' will recognize site specific zoning permissions of existing buildings and those under construction as prevailing over the general rules of the new Zoning By-law; and
- Grandfathering or 'Exemption Clauses' will shield lawfully existing buildings from compliance issues with the new Zoning By-law's regulatory standards.

The details of these transition provisions are described below. The proposed draft zoning regulations and their location in the draft Zoning By-law are discussed later in the report, beginning on page 17.

Transition Protocol

The Transition Protocol concept introduced with the repealed By-law 1156-2010 will continue in the new version. As before, the Protocol establishes criteria to determine whether to include a specific property in the new Zoning By-law. The current in force zoning by-laws will not be repealed. These 'former general zoning by-laws' (a defined term in the new Zoning By-law) will continue to apply where the new Zoning By-law does not.

The Transition Protocol enables zoning regulations to be applied fairly to all properties across the City under the applicable by-law, whether it be the former existing or the

newly enacted one. Eventually, it is intended to incorporate all properties within the new Zoning By-law. The 'Explanation of the Transition Protocol' in Attachment Two outlines the criteria for each category of properties that will not be included in the new Zoning By-law.

The new version of the Protocol has been expanded so that the new Zoning By-law will not apply to sites with applications for zoning by-law amendments that have not yet resulted in a building permit. If a rezoning has been approved and a building permit issued, the site will be included in the new Zoning By-law and the zoning amendment will be recognized as a Prevailing By-law in Chapter 900, as explained below.

Transition Clause

The 'Transition Clause' determines how active applications for a zoning certificate, building permit, minor variance, site plan approval, consent to sever, draft plan of subdivision, plan of condominium, payment in lieu of parking agreement or part lot control exemption will be treated after the new Zoning By-law is passed. If any of these complete applications were submitted prior to the enactment of the new Zoning By-law, they will be reviewed, processed and approved under the former zoning rules. The Transition Clause ensures that a dual review of existing applications for compliance under the new and former general zoning by-laws will not be required. The new Zoning By-law will apply only to new applications submitted after it is enacted. The Transition Clause will be in effect for three years after adoption. The Transition Clause can be found in Chapter 2 of the revised draft Zoning By-law (Attachment One).

For example, if an application for a zoning certificate submitted under one of the former general zoning by-laws before the new Zoning By-law is passed identifies required minor variances, the Transition Clause permits an application for these minor variances to be made after the new Zoning By-law is enacted, and approved under the former general zoning by-laws, as well as relied upon in a building permit application. Applications for site plan are included in the Transition Clause as well as the Transition Protocol as a safeguard. The Transition Clause allows a process initiated before the enactment of the new Zoning By-law to continue under the former general zoning by-laws for a three year period.

Minor Variance Clause

The draft 'Minor Variance Clause' will regulate how minor variances to the former general zoning by-laws will be treated when the Transition Clause is no longer in effect. It permits previously approved minor variances to be relied upon, but only if the provision varied has remained the same or becomes more permissive in the new Zoning By-law. The Minor Variance Clause explicitly states that the definitions of the former general zoning by-laws will be used as needed to apply these minor variances in the context of the new Zoning By-law. The Minor Variance Clause is also found in Chapter 2 of the revised draft Zoning By-law.

Minor variance approvals to regulatory standards that become more restrictive in the new Zoning By-law can be protected by a building permit issued within the three year limit prescribed by the Transition Clause. Otherwise, the new Zoning By-law will apply.

Site Specific Exceptions

Chapter 900 of the draft revised Zoning By-law will contain all the Site Specific Exceptions to the main text of the new Zoning By-law. The introductory wording for Chapter 900 outlines three types of Site Specific Exceptions: Site Specific Provisions, Prevailing By-laws and Prevailing Sections. Site Specific Provisions are textual. Prevailing By-laws are references to amendments to the former general zoning by-laws. Prevailing Sections are references to sections of the former general zoning by-laws. All three operate in place of any inconsistent regulations in the main text of the new Zoning By-law. Both Prevailing By-laws and Sections are read in the context of the former general zoning by-laws, ensuring that they may rely on the applicable definitions in the former general zoning by-laws.

The Transition Protocol will operate to prevent the new Zoning By-law from applying to properties with active site plan and rezoning applications that have not received a building permit. The Site Specific Exceptions in Chapter 900 recognize the permissions for existing buildings or those under construction. The new Zoning By-law will apply to any new building or addition not regulated by a Prevailing By-law or Section.

Grandfathering or Exemption Clauses

The new Zoning By-law will contain a series of Grandfathering or 'Exemption Clauses'. These Exemption Clauses will apply to the building standards in the Zoning By-law including height, setbacks, gross floor area, lot area and lot frontage requirements. Each Exemption Clause provides that the condition of a "lawfully existing" building is the permitted zoning requirement for that building. The terms "lawful" and "lawfully existing" are defined in the new Zoning By-law to clarify what is exempted by these clauses.

If a "lawfully existing" building is taller than the maximum height permitted in the new Zoning By-law, the height of that existing building is the maximum permitted height limit for that building. Any new buildings or additions must comply with the Zoning By-law requirements.

The definitions of "lawful" and "lawfully existing" are found in Chapter 800 – Definitions. The Exemption Clauses themselves are found in Chapters 10-100 in juxtaposition with the regulatory standards being exempted and have Clause numbers that end with "1". The following is an example of an Exemption Clause for height in the Residential Zone category:

10.5.40.11 Height Exemptions

- (1) Permitted Height for Lawfully Existing Buildings

In the Residential Zone category, if the **lawful** height of a **lawfully existing building** or **structure** is greater than the maximum height permitted by this By-law, that **lawful** height is the permitted maximum height for that **lawfully existing building** or **structure**.

Former General Zoning By-laws

The enactment of the new Zoning By-law will not repeal any of the existing general zoning by-laws. The continuance of these by-laws will be necessary for a variety of reasons. They will regulate the properties that are not included in the new Zoning By-law according to the Transition Protocol. Applications during the three year window created by the Transition Clause will be processed pursuant to them. Their definitions will be used to apply the permissions of minor variances, Prevailing By-laws and Prevailing Sections. Finally, they can establish that an existing building is 'lawfully existing' with a 'lawful' regulatory standard.

An interpretative provision recognizing the continued existence of the general zoning by-laws has been inserted into Chapter 1 – Administration and the definition of 'former general zoning by-laws' is in Chapter 800 – Definitions.

Property Specific Concerns

Property- specific issues represented the largest number of concerns expressed during the meetings with appellants. Solutions discussed and agreed to in these meetings have been incorporated into the new draft of the City-wide Zoning By-law. Concerns about existing development applications are resolved through the operation of the revised approach to transition discussed above. Another category of apprehension involved the protection of existing zoning permissions, in particular site-specific rezonings. These concerns are largely resolved by the recognition of existing permissions as 'Prevailing By-laws' and the 'Prevailing Sections' in Chapter 900. In addition, the new Exemption Clauses 'grandfather' existing building conditions. Some matters were outside the mandate and scope of the Zoning By-law Project to resolve, such as, adding new permitted uses and changing a zone category.

Definition of Gross Floor Area

Many appellants were concerned about the definition of gross floor area in the previous version of the Zoning By-law because it did not exclude certain areas of buildings as some of the existing zoning by-laws do. The new version of the draft Zoning By-law will continue to use the same definition, but will permit parts of buildings to be excluded from the calculation of gross floor area in the zone-specific principal building requirements. The gross floor area for each permitted building type will be reduced by the area made up of specific common elements of that building type, such as a mixed use building, an apartment building or a non-residential building. The following is an example of gross floor area regulation setting out exclusions for a mixed use building in a Commercial Residential zone:

"In a Commercial Residential Zone category the gross floor area of a building may be reduced by the area used for:

- (A) the purposes of parking, loading, and bicycle parking that are below established grade;
- (B) loading and bicycle parking at established grade;
- (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (D) shower facilities that are required by this By-law for required bicycle parking spaces;
- (E) amenity space that is required by this By-law;
- (F) elevator shafts;
- (G) garbage and recycling material shafts;
- (H) mechanical penthouse; and
- (I) exit stairwells in the building."

Tall Buildings Regulations

By-law 1156-2010 included regulations governing buildings in areas of the Downtown where the height limit was 46 metres or more. These regulations required a maximum 750 square metre interior floor plate, 25 metre separation between towers on the same lot, 3 metre setback for tower from the base along street wall, and a 12.5 metre setback for tower from side/rear lot line. In addition, the 25 metre separation between buildings was required of apartment buildings greater than 11 metres in height in the R and RA zones.

There was much opposition to these regulations raised by appellants in meetings with staff. As a result, these regulations for tall buildings have been removed from the new draft Zoning By-law. The existing City-wide Tall Buildings Guidelines, currently under review, will continue to be applied across the City by way of site specific zoning amendments. A further study of Tall Building Guidelines for the downtown is also underway. Work on these guidelines will inform any future changes to the Zoning By-law. The setbacks and separation distances between buildings contained within the existing zoning by-laws have been incorporated into the new draft Zoning By-law.

Conservation Overlay (Ravine Setback)

Chapter 600 of By-law 1156-2010 introduced a building setback of 10 metres from the top of the ravine edge. This requirement stems from the Official Plan policy that all development must be set back from the top of valleys, ravines or bluffs at least 10 metres. The regulation in By-law 1156-2010 was depicted in the Conservation Overlay Map, not by specific boundaries, but rather by generalized areas indicating properties that could be affected by the setback requirement. In addition to the setback, the area of a lot below the stable top of a ravine bank cannot be used for the purposes of calculating the permitted density on the site. This provision also originates with the Official Plan.

Most appellants were concerned with possible interpretations of the Conservation Overlay Map. Many viewed the boundaries depicted on the Overlay Map as a setback area. Others suggested that the setback requirement was unnecessary since the Toronto and Region Conservation Authority (TRCA) regulates the area within 15 metres of the top of the ravine bank. Most appellants were opposed to the regulation that prohibits the area below the top of bank from being used to calculate the density permissions for the site.

Discussions with TRCA staff clarified that the setback provision in 1156-2010 will assist the TRCA because it reviews development plans on a case-by-case basis with no established predetermined setback. As such, the 10 metre set back from top of bank has been retained in the revised draft Zoning By-law. It should be noted that ancillary buildings for low-rise residential buildings are exempt from the setback requirement.

In recognition of the confusion caused by the Conservation Overlay Map, it has been removed from the revised draft Zoning By-law. Instead, Chapter 5 includes regulations requiring a 10 metre setback from the top of bank on lots falling within the jurisdiction of the TRCA. As well, the area below the top of bank continues to be not included in density calculations.

Group Homes & Residential Care Facilities

Representatives from Advocacy Centre for Tenants Ontario advocated for the elimination of separation distance requirements for group homes and residential care facilities. No changes are recommended to the requirement in By-law 1156-2010 that a group home or residential care home be a minimum distance of 250 metres from any lot with an existing group home or residential care home. This is a uniform separation distance for group homes and residential care homes across the City; the current zoning-by-laws of each of the pre-amalgamation municipalities provide for a range of separation distances for these uses, from 245 metres to 800 metres. The 250 metre distance in By-law 1156-2010 is consistent with the separation distance introduced by the City-wide Municipal Shelters By-law 138-2003, which was upheld by the Ontario Municipal Board in 2004.

Visitor Parking

By-law 1156-2010 prohibited charging for visitor parking intended for residential buildings in residential zones. This prohibition is currently found in the zoning by-law for North York and Council requested staff to bring forward a similar provision in the new City-wide Zoning By-law. The practice of charging a fee for visitor parking spaces is quite common in various parts of the City. Opponents to the prohibition, including a representative of the Greater Toronto Apartment Association and representatives of companies providing equipment and enforcement for this service, met with staff to explain their reasons for appealing By-law 1156-2010.

From the perspective of apartment building owners, the issue is about controlling the improper use of visitor parking spaces. Where charging a fee for the use of visitor

parking spaces is currently permitted, an apartment building owner can enter into a contractual arrangement with a company that installs 'pay and display' machines and provides enforcement services. According to the appellants, the establishment of a system for charging for visitor parking occurs only where improper use is at a level that justifies the cost of this arrangement.

No change has been made to the new draft Zoning By-law as City Council had requested that the provision prohibiting the charge for visitor parking be included.

Drive Through Establishments

Representatives for several fast food restaurants, as well as the Ontario Restaurant Hotel and Motel Association, met with staff and outlined the following concerns with the regulation of drive through establishments in By-law 1156-2010:

- The separation distance of 30 metres between a drive through facility and a residential zone is too large. While no specific distance was requested, references were made to other municipalities with smaller separation distances.
- The separation distance requirement should be from the order box and not the vehicle stacking lane.
- Drive through facilities should be permitted in Commercial Local zones.
- Drive through facilities should be permitted in all Commercial Residential zones.
- The eating establishment (restaurant) size limitation of 200 square metres in Employment zones is too small for the standard size of a fast food restaurant.
- Many existing facilities could become legal non-conforming.

In October 2002, City Council passed City-wide zoning requirements for drive through facilities. These zoning regulations were appealed to the Ontario Municipal Board. In January 2004, the decision of the Board upheld the City's new zoning requirements for drive through facilities. During the enactment of By-law 1156-2010, Council chose not to amend the drive-through regulations as requested by the Canadian Petroleum Products Institute. The new draft Zoning By-law maintains the policy direction on drive-through facilities approved by Council in October 2002.

The new draft version of the Zoning By-law has increased the size of eating establishments where they are permitted uses in Employment-Industrial zones from 200 to 300 square metres. Otherwise, no changes have been made to the drive through regulations. It has been clarified that a drive through facility is permitted in CR Development Standard Set 3 (SS3) areas where the residential density is currently zero. All other drive through facility regulations are retained.

Funeral Homes

Representatives of funeral home establishments that appealed By-law 1156-2010 expressed the following concerns in meetings with staff:

- The definition of gross floor area in the former City of Toronto area had changed and no longer excludes parts of the building area.
- The definition of 'funeral home' does not include the phrase "so that persons may attend and pay their respects" but it is part of the definition of 'funeral visitation centre'.
- Funeral homes should be exempted from the loading space requirement required for "All Other Uses".
- The 7.5 metre setback for parking spaces abutting residential zones on corner lots in CR zones should not apply to funeral homes.

The new treatment of gross floor area mentioned previously in this report should address the concern about excluded areas. In addition, the definition of 'funeral home' has been changed to include the phrase "so that persons may attend and pay their respects". Finally, the loading space requirement has been removed for funeral home establishments. However, no change is recommended to the 7.5 metre setback for parking spaces on corner lots abutting residential zones in CR zoned areas required for all uses as it is a current requirement in an existing zoning by-law.

Cemeteries

The concerns raised in meetings with appellants with respect to cemeteries include:

- The limit on all buildings to a maximum total gross floor area of 3,500 square metres, because some existing zoning by-laws have no limit.
- The limit on the total size of Funeral Visitation Centres and ancillary buildings, because some existing zoning by-laws have no limit.
- The limit on the height of buildings to 12 metres, because some existing zoning by-laws have no limit.
- The required 7.5 metre setback from a property line for all buildings, because some existing zoning by-laws only require 3 metres.
- The 30 metre required setback for crematoriums from any Residential Zone category and Residential Apartment Zone category, because some existing zoning by-laws have no setback requirement.
- The parking requirement of 2 spaces for every 100 square metres of floor area, because some existing zoning by-laws have no parking requirement.
- The interpretation of the Conservation Overlay Map with respect to cemetery buildings and monuments.
- Recognition of existing variances.

The new version of the City-wide Zoning By-law includes the following changes to the regulations governing cemeteries:

- The total floor area permission for all buildings will be regulated by a floor space index value of 0.15. Given the varied sizes of cemeteries across the City, this

method of regulating permitted density is the most equitable as opposed to a maximum floor space size for specific buildings.

- After a review of the existing heights of some buildings, the height limit of revised draft Zoning By-law has been raised to 15 metres and existing heights that are greater are covered by an exemption statement.
- The changes to the Conservation Overlay Map discussed earlier in this report should address the concerns expressed.
- Chapter 2, Compliance with this By-law, will include a clause offering continued recognition of existing variances provided the standard being varied has not become more restrictive in the new Zoning By-law.

Places of Worship

Site specific permissions were the concern of many appellants with concerns about places of worship and were addressed for the most part through site specific exceptions in Chapter 900. Both the Anglican Diocese of Toronto and the Roman Catholic Episcopal Corporation appealed By-law 1156-2010. The Anglican Diocese of Toronto had the following general concerns:

- How being Not Part of this By-law ("holes") affects sites.
- The use of term "permitted to remain" for existing sites in residential areas.
- The ability to share parking spaces between uses on the same site.
- Permission to carry out other 'programs' in a place of worship.
- Questioned whether the proposed zoning would implement the Official Plan.

The Roman Catholic Episcopal Corporation also had general concerns:

- Prefer to deal with sites individually and to that end suggested that staff consider removing all places of worship from the Zoning By-law and conducting an extensive consultation with the faith community to discuss dealing with the sites.
- The term "permitted to remain" for existing sites in residential areas.
- The range of uses permitted is limited, but what uses should be included in a broader range of uses was not specified.
- The Zoning By-law should recognize the number of places of worship associated with cemeteries.
- The greatest need in the City is not for new facilities, but for expanding or replacing outdated facilities, but the new Zoning By-law limits the potential for expansion and replacement.
- The CR zone conditionally permits places of worship, but the built form requirements would not support the architecture of a place of worship.
- Heritage issues associated with places of worship.
- The new parking requirements reflect only the new places of worship constructed over the last 10-15 years. For existing parishes the parking rate is considerably lower.

- The By-law should recognize and permit sites where parking and other facilities are shared.
- A large of number sites are split between two zones.

Issues raised by both the Anglican Diocese of Toronto and the Roman Catholic Episcopal Corporation include the term "permitted to remain" and the ability to share parking spaces have been addressed as follows:

- The use of the term "permitted to remain" has been replaced with "permitted", which clarifies that the use and building of a "lawful" place of worship will be treated as lawful use.
- The parking space requirement for the place of worship may be shared with any other permitted use within the place of worship.

The specific issues raised by the Anglican Diocese of Toronto's were considered in the following manner:

- As explained above, the properties that are Not Part of this By-law will continue to be regulated by the existing zoning by-laws.
- The new Zoning By-law would have no effect on any regularly run 'programs', as they can be classified as activities. An activity must comply with use regulations of a zoning by-law only when it can be identified as a separate use of the property, because it has some permanence. Activities such as scouts and out-of-the-cold programs are activities, not uses regulated under zoning.
- The Official Plan does allow for places of worship to be located in a 'Neighbourhood', but it does not require that the zoning allow all uses as-of-right throughout the residential zones. A place of worship could establish itself in a residential zone through a rezoning.

With respect to the particular concerns raised by the Roman Catholic Episcopal Corporation:

- There is no particular advantage in the removal of all places of worship from the new Zoning By-law because it retains all the existing zoning rights and grandfathers existing situations except for in Employment and Employment-Heavy zones.
- The range of uses in the new Zoning By-law reflects the use permissions of the zones brought forward from the existing zoning by-laws. Revising the use lists for places of worship goes beyond and should be a separate exercise of zoning review.
- Cemeteries associated with places of worship have been recognized by site specific exceptions.
- Expansions and additions will continue to be permitted if the zoning for the site permits.

- The CR Zone principal building requirements in the new Zoning By-law contain a mix of existing standards and some new standards that are based on recent studies of acceptable built form for these areas. There was no need identified to exempt places of worship from these built form requirements.
- Heritage issues are dealt with by the Ontario Heritage Act.
- The new parking rate for places of worship was established through a study and was based on the sanctuary space rather than the whole building. If there is good cause to provide less parking spaces, a minor variance may be sought through the Committee of Adjustment.
- The Roman Catholic Episcopal Corporation recognized that the condition of sites split between two zones is a part of the existing zoning by-laws that has been brought forward in the new Zoning By-law. This is a matter that should be reviewed separately at a later time.

Schools

At the request of the Committee, all public school board sites were excluded from Zoning By-law 1156-2010 to allow for a more comprehensive approach to the role existing school sites might play within the surrounding community. Staff met with representatives of the public school boards on several occasions to discuss zoning related issues. These meetings will continue and it is recommended that all the public school board sites remain out of the new Zoning By-law at this time.

Residents and Ratepayers Associations

Staff met with the representatives of the Teddington Park Residents Association Inc. and the Swansea Area Ratepayers' Association. The discussion focused mainly on low-rise residential provisions derived from the former City of Toronto By-law 438-86. As a result of these meetings, several changes were made ensuring greater accuracy in capturing the intent of the existing City of Toronto By-law 438-86 as well as providing greater clarity. The more significant changes include:

- Reorganization of parts of the Residential Zone Category and the Residential Apartment Zone Category to allow for better understanding of the requirements that may apply to a given situation.
- Specific rules from By-law 438-86 were moved to Chapter 900 Site Specific Exceptions to ensure better clarity with respect to the intent and greater consistency in its application.

Employment-Industrial Zone Concerns

Several appellants met with staff to discuss the regulations of the Employment-Industrial Zone category. Many concerns related to specific sites, but there were a number of general concerns common among the appellants:

- Continued application of the 'Transition Protocol'.

- Transition issues with respect to development applications.
- Protection of site specific zoning permissions attained through rezoning.
- Grandfather clauses to protect existing building situations.
- Exclusion of certain building areas from gross floor area.
- Conservation regulations and permissible density on ravine lots.
- Co-generation should be a standalone use.
- The requirement that uses be "wholly enclosed" and how it would apply to tanks and pipes.
- The application of floor space index in Etobicoke and Scarborough.
- Office use permissions were overly restrictive.
- Possible misinterpretation of the requirement for the storage of 'waste'.
- The effect of setbacks from property lines on lots serviced by rail.
- Uncertainty over the application of the bicycle parking rate.

Many of these issues have been addressed above, such as transition issues, gross floor area and conservation regulations. By-law 1156-2010 restricted office space to the lesser of 5,000 square metres floor area or 0.5 floor space index in E zones. In response to the request of appellants, the draft Zoning By-law has removed the floor area restriction. Office buildings in E zones are limited only by the maximum floor space index of 0.5. Some of the other concerns resulted in changes made to the regulations in the Employment-Industrial Zone category, the details of which can be found in the description of the revised draft version of Chapter 60.

Some matters were not changed for the following reasons:

- Permitting co-generation as a standalone use would essentially transform the use into a power generating plant. None of the existing zoning by-laws permit such a use and that will continue in the new Zoning By-law.
- Currently, industrial properties in Etobicoke have no density limit. In response to objections from industrial sector representatives, By-law 1156-2010 did not include a maximum permitted height regulation. With no restrictions on height or density, there would be no limit to the size of buildings. Some understanding of the limits of the build-out potential is necessary for the planning of support services such as, roads, water, sewers and transit. As such, a floor space index is recommended in all Employment-Industrial zones.

Ontario Restaurant, Hotel and Motel Association (ORHMA) on Eating Establishments

A meeting was held with ORHMA to discuss concerns of their Toronto restaurant members. The key issues for the ORHMA restaurant base in the City are:

- Definition of gross floor area and interior floor area.
- Maximum restaurant size in certain areas of the city.
- Restrictions on location and size of patios.

- Grandfathering for existing uses.

On the matter of the definition of gross floor area, ORHMA was particularly concerned that storage and washrooms below grade should be excluded from the calculation of permitted density. As discussed above, the revised draft Zoning By-law permits areas of buildings to be excluded from gross floor area. In zones where eating establishments are permitted, storage areas and washrooms located below grade are excluded from the calculation of gross floor area.

The revised draft Zoning By-law retains the current size restrictions for eating establishments in the Downtown Development Standard Set 1 (SS1) areas and along main streets Development Standard Set 2 (SS2) areas, which is 400 square metres if the eating establishment property is within 6.1 metres of a residential zone. If the restaurant is not located within 6.1 metres of a residential zone, the size limit is restricted only by the permitted density limitation. This restriction has been removed in the Development Standard Set 3 (SS3) areas.

It is recommended that the current limitation on outdoor patio size, which is 30% of the eating establishment's interior floor area, be retained. As an example, for eating establishments limited to 400 square metres in size due to proximity to a residential zone, 30% is equivalent to 120 square metres or almost 1,300 square feet.

By-law 1156-2010 prohibited rear yard outdoor patios in most of CR Development Standard Set 2 (SS2) areas, which are the "main streets" of the City. The revised draft Zoning By-law has removed the area specific prohibition and added a new regulation for all CR Zones that requires any outdoor patio be located 30 metres from a residential zone.

Elevated patios, including rooftop patios, were restricted in By-law 1156-2010 to locations 40 metres from any residential zone. But describing 'elevated patio' as being any patio more than 0.6 metres above grade, made the regulation overly restrictive, particularly where a natural change in grade results in an "elevated patio" where it was not intended. The revised draft Zoning By-law more clearly defines an elevated patio as being above first storey. The first storey is defined in Chapter 800 – Definitions.

Finally, as described above, existing buildings are recognized by grandfathering Exemption Clauses that have been added throughout the revised draft Zoning By-law.

Ontario Association of Architects (OAA)

The Ontario Association of Architects, although not formal appellants to By-law 1156-2010, requested a meeting to discuss their concerns and recently submitted a letter. The following is a précis of the Association's concerns:

- The City-wide Zoning By-law would diminish the quality of residential architecture in the City.

- The charm and beauty of Toronto's best streetscapes and historical housing stock would be threatened by the By-law
- Steep roofs will become scarce for houses built or altered in accordance with the By-law
- The variety of building forms in Neighbourhood streetscapes would be diminished.
- The By-law would not reduce the need for variances nor help improve the already unacceptable wait times for Committee of Adjustment.
 - "Toronto is not an as-of-right City" meaning that the zoning is intentionally written in such a way as to require a large number of applications to seek relief and so to be scrutinized by the City and the Community on a case-by-case basis.
 - The building parameters which the By-law attempts to control are so numerous and so confining that seeking relief through the variance process will continue to be the norm rather than the exception.
- The By-law would conflict with the Official Plan.
 - The By-law effectively standardizes building forms in neighbourhoods - "The vision of the (Official) Plan is about creating... a city with beautiful architecture and excellent urban design which astonish and inspire"
 - The limitation on the floor area of houses is not in keeping with the Official Plan- The floor area limitation drives people to car dependent suburbs. Whereas the OP seeks to "...reduce the rate at which the countryside is urbanized" and "...reduce our reliance on the private automobile"
 - The By-law prohibits some opportunities for sustainable building features within neighbourhoods - Vegetated roofs are commonly regarded as an ecologically intelligent building element because they enhance flora and fauna, mitigate storm water runoff, clean the air, reduce urban heat islands and more. These roofs are already required by the City's green roof by-law for large buildings. They can only be realistically installed on flat roofs. The By-law's limitation on residential buildings with flat roofs also limits the ability of property owners to install vegetated roofs.
 - The By-law reduces housing affordability - Housing affordability is an important principle in the OP. The deadweight cost of variances and delays in the permit process are capitalized into the price of housing, reducing affordability.

The letter from the OAA refers to some sections of the Official Plan in support of greater flexibility in zoning regulations to promote variety in design, shape and size of houses. However, there are other policies in the Official Plan that try to protect for existing character. In particular, Section 4.1.5 states: "Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood". The Official Plan must be read in its entirety to truly understand its intent with respect to new development in existing neighbourhoods.

The OAA is concerned that the new draft Zoning By-law will not reduce the need for minor variances. The purpose the City wide Zoning By-law project was to create a unified single zoning by-law by bringing forward the intent of existing by-laws. The changes within the scope of the new draft By-law will bring greater clarity and consistency in the interpretation of the regulations which may lead to fewer minor variances. Any changes to the draft Zoning By-law should be balanced against the needs and wants of all stakeholders.

With respect to their specific zoning concerns, the OAA is looking for greater flexibility in the zoning restrictions especially for single and semi-detached houses. However, the restrictions objected to were put into place to prevent overly large homes being built. Nevertheless, the new draft Zoning By-law does contain some changes to permit greater freedom of design while maintaining the overall intent of the Zoning By-law. These are discussed in the review of the changes to Chapter 10.

Draft City-wide Zoning By-law - Changes Compared to By-law 1156-2010

Many changes were made to the new draft of the City-wide Zoning By-law in comparison to By-law 1156-2010. The combination of structural re-organization and various text changes means that the production of a comparative document, often referred to as a 'blackline' document, is impractical because it would simply be unreadable. The revised draft can be found in Attachment One of this report. In lieu of such a comparative document, this report identifies and explains the major changes to the new version of the Zoning By-law chapter by chapter.

In addition, because this is a new draft City-wide Zoning By-law, the beginning of the review of each Chapter provides a general statement of purpose of the zone category. This is to assist in recalling the structure of the zone categories and bringing context to the list of changes.

Chapter 1 - Administration

Chapter 1 has been re-written to better serve as a guide and an overview of the new Zoning By-law. For better comprehension, the interpretative provisions describing "How to Understand this By-law" have been separated into three topics: Zoning By-law Text, Zoning By-law Map and Overlay Maps. Statements detailing the purpose of the zones, which were located at the beginning of each zone in By-law 1156-2010, have been brought together in Chapter 1 so that one can see and understand the intent and purpose of each zone, as well as the differences between them.

Chapter 2 - Compliance with the By-law

Chapter 2 has been changed by adding the 'Transition Clause' and clarifying the 'Minor Variance Clause' explained earlier in this report.

Chapter 5 - Regulations Applying to All Zones

Chapter 5 regulations are intended to apply to all zones. One of the common complaints of appellants about By-law 1156-2010, was that there were many provisions in Chapter 5 that would be better located into the Zone categories for greater ease of reference and comprehension. The regulations in Chapter 5 were reviewed and many were moved to respective Zone categories. With the removal of the Conservation Overlay Map and related provisions from Chapter 600, regulations requiring a 10 metre setback from the top of a ravine bank and restricting the use of the area below the stable top of bank for calculation of gross floor area were added to Chapter 5.

Chapter 10 - Residential Zone Category

The Residential Zone category permits uses associated with the Neighbourhoods designation in the Official Plan. This Zone category may include a full range of low rise residential building types contained within different zones. The zones within this category also contain permissions for parks and some local institutions. The Zone Category contains the following zones: Residential (R), Residential Detached (RD), Residential Semi-Detached (RS), Residential Townhouse (RT) and, Residential Multiple (RM).

Chapter 10 begins with Section 10.5, regulations that apply to all the residential zones in this category. This Section contains the lot and building requirements for low rise residential buildings. The significant change to this Section of the Chapter is the addition of the grandfather clauses referred to as "Exemptions" that were described earlier in this report. For each lot or building requirement there is an Exemption Clause providing protection for existing situations that may not comply with the lot and building requirements in the new Zoning By-law. Under some circumstances, buildings may be extended along the setback line created by the existing building but otherwise additions must comply with the new Zoning By-law requirements.

Other specific changes to this zone category include:

1. Addition of regulation 10.5.20.1(1) and (2) that protect lawful schools and places of worship in the Residential Zone category allowing them to expand and rebuild in accordance with the new Zoning By-law requirements.
2. Changes to 10.5.40.40(1), the gross floor area exclusion provision, to account for how to deal with areas devoted to parking.
3. Changes to 10.5.40.40(2), inclusion of attic space in the gross floor area calculation, bringing clarity to the intent.
4. In all the Zones in this category, the uses listed under the 'Ancillary Use' heading have been moved to the 'Permitted Use with Conditions' list. The same conditions apply but these uses are no longer defined as ancillary.
5. In the R, RD, RS, RT and RM zones, the height of 'main walls' for houses and semi-detached houses is now 7.0 metres (instead of 6.5) above established grade or 2.5 metres (instead of 3 metres) less the maximum height permitted. This

change addresses concern that over 90% of variances to the requirement in By-law 1156-2010, which were within centimetres of the required maximum height. An example of this change is regulation 10.10.40.10 (2) – R zone.

6. In the R, RD, RS, RT and RM zones, despite the requirement of the main wall described in Chapter 10, 40% of the main wall either along the front, the rear or along the side of corner lot may extend beyond the main height requirement. This change addresses the concern with overly restrictive architectural control being imposed by the previous version of the main wall provision. An example of this change is regulation 10.15.40.10 (2) – RD zone.
7. The elimination of regulation 10.10.40.80 (1) (B) which imposed the 25 metre separation distance between residential apartments on the same lot. This provision relates to the implementation of the Tall Building Guidelines. Further work is being completed on tall building design parameters.

Chapter 15 - Residential Apartment Zone Category

The Residential Apartment Zone category permits uses associated with the Apartment Neighbourhoods designation in the Official Plan. This zone category may contain apartment buildings, parks, local institutions and some small scale retail uses. This Zone category currently contains only one zone, Residential Apartment (RA). This zone provides areas for apartment buildings.

The changes to the Residential Apartment Zone category and RA Zone:

1. Addition in Section 15.5 of Exemption Clauses providing grandfathering for lawfully existing buildings.
2. Addition of Clause 15.5.40.40 that excludes particular areas of the building from the calculation of gross floor area.
3. Addition of regulation 15.5.20.1(1) and (2) that protect lawful schools and places of worship in the Residential Apartment Zone category allowing them to expand and rebuild in accordance with the new Zoning By-law requirements.
4. The elimination of regulation 15.10.40.80 (1) (B) which imposed the 25 metre separation distance between residential apartments on the same lot. This provision relates to the implementation of the Tall Building Guidelines. Further work is being completed on tall building design parameters. Once complete, zoning regulations may be re-visited.

Chapter 30 - Commercial Zone Category

The Commercial Zone category permits parks, recreational uses, commercial uses and institutional uses associated with the Neighbourhoods and Apartment Neighbourhoods designations in the Official Plan. This zone category currently contains only one zone, Commercial Local (CL). This zone provides areas for small-scale commercial uses that meet the needs of the local residential area.

The general changes to this Commercial Zone Category:

1. Addition of Clause 30.5.40.40 excluding particular areas of the building from the calculation of gross floor area.
2. Addition in Sections 30.5 and 30.20 of Exemption Clauses providing grandfathering for lawfully existing buildings.

The specific changes to the CL Zone include:

1. Deletion of the condition in regulation 30.20.20.100 (2) restricting many uses in a CL Zone to a maximum 500 square metres. This limitation on maximum floor area conflicted with the existing use permissions which are restricted by the maximum floor space index, making a maximum size for each use unnecessary.
2. Addition of a new size condition for eating establishments in regulation 30.20.20.100 (2) of a maximum 400 square metres. This is consistent with the CR Zone's size limit for eating establishments in proximity to residential zones.
3. Addition of a 10.5 metre minimum front yard setback as the default in regulation 30.20.40.70 (1) (C). This is currently the requirement in the Etobicoke zoning by-law.
4. Addition of regulations 30.5.20.1(1) and (2) that protect existing schools and places of worship in the Commercial Zone category allowing them to expand and rebuild in accordance with the new Zoning By-law requirements.
5. Revision of regulation 30.20.150.1 (1) to clarify that the garbage enclosure provision applies to new buildings. This is a new requirement in some areas and has been made to apply to buildings constructed after the date of enactment of the new Zoning By-law.

Chapter 40 - Commercial Residential Zone Category

The Commercial Residential Zone category permits uses associated with the Mixed Use designation in the Official Plan. This Zone category may contain a range of commercial, residential and institutional uses, as well as parks. This Zone category currently contains only one zone, Commercial Residential (CR). The CR Zone permits a broad range of uses including retail, service commercial, office and residential uses. The CR zone is further subdivided into three distinct development standard categories; Standard Set One (SS1), Standard Set Two (SS2), and Standard Set Three (SS3). These three development standard categories apply to the building context found in either the downtown, the 'main' streets or the existing commercial zones found along major arterial roads.

The general changes to the Commercial Residential Zone include:

1. Addition in Sections 40.5 and 40.10 of Exemption Clauses providing grandfathering for lawfully existing buildings.
2. Addition of clause 40.5.40.40 excluding particular areas of the building from the calculation of gross floor area.

The specific changes to this zone include:

1. Removal of the following Tall Building Provisions: the maximum 700 square metre interior floor plate, 25 metre separation between towers on the same lot, 3 metre setback for tower from the base along street wall, 12.5 metre setback for tower from side/rear lot line, no longer apply. The setbacks and separation distances found in from the existing zoning by-laws have been incorporated into the new draft Zoning By-law in Sections 40.10.40.70 and 40.10.40.80. A study of tall building guidelines for the Downtown area is underway. Work on the guidelines will inform any future changes to the Zoning By-law.
2. Removal of the 1,800 square metre maximum size of retail floor area in regulation 40.10.20.100 (3). This restriction is now applied as a Prevaling Section in Chapter 900 only to those properties where it currently applies today. This approach is consistent with the original intent of Section 12(2)270 in former City of Toronto By-law 438-86.
3. Removal of the 400 square metre maximum size for retail service use from Development Standard Set 3 (SS3) in regulation 40.10.20.100 (6) to account for the different building and property context of these areas. This size limit continues to apply to Development Standard Sets 1 and 2 (SS1 and SS2) areas.
4. Removal of the 400 square metre maximum size for eating establishments in the Development Standard Set 3 (SS3) in recognition of the different building and property context of these areas. See regulation 40.10.20.100 (1). This provision continues to apply to Development Standard Sets 1 and 2 (SS1 and SS2) areas.
5. Removal of the restrictions for eating establishments in the area bounded by Humber, Lake Ontario, Bloor and Victoria Park in regulation 40.10.20.100 (1) the 300 square metre maximum floor area and the requirement that they be only on the ground floor. Many of the areas within this geographic boundary are already subject to similar restrictions by area specific restrictions, which will be brought forward as site specific exceptions in Chapter 900. A new general requirement in the new Zoning By-law would serve little purpose.
6. Addition of regulation 40.10.40.70 (7) which removes the requirement of setbacks for below grade structures in Development Standard Set 1 and 2 (SS1 and SS2) areas. This is consistent with existing zoning regulations.
7. Addition of Clause 40.5.20.1 that protects lawful places of worship where they are no longer permitted in the CR zone, allowing them to expand and rebuild in accordance with the new Zoning By-law requirements.
8. Addition of regulation 40.10.40.10 (6) (B) exempting vehicle-fuel stations from the 10.5m and 3-storey minimum height requirement found in the four Policy Areas for CR zones with an 'r' value greater than zero. The 3-storey minimum is intended to achieve commercial at grade with residential above, which is inappropriate for vehicle fuel stations.
9. Revision of the drive through facility use condition in regulation 40.10.20.100 (12) to permit the use in Development Standard Set 3 (SS3) areas that have an R value of 0, that is, where no residential uses are permitted without a rezoning.
10. Revision of the condition in regulation 40.10.20.100 (7) associated with public parking to not permit it in an above grade parking garage in Development Standard Sets 1 and 2 (SS1 and SS2). This is consistent with existing rules in the CR and MCR zones of By-law 438-86.

11. Addition of a 30 metre required set back from residential zones for outdoor patios in regulation 40.10.20.100 (21). In 1156-2010, rear yard patios were not permitted in Development Standard Set 2 (SS2) areas and in other areas required a 10m separation from Residential zones. This change creates greater consistency across the City with respect to the approach to noise from outdoor patios. Also, the separation distance of 30 metres is also consistent with the drive through facility separation distance from residential zones.
12. Revision of the 0.6m threshold for 'elevated' patios to anything above the first storey in regulation 40.10.20.100 (21). This change deals with concerns of grade issues on a site, as well classifying patios that are only slightly raised off the ground or patios 2 feet or more above grade as elevated patios.
13. Revision of regulation 40.10.150.1 (1) to clarify that the garbage enclosure provision applies to new buildings. This is a new requirement in some areas and has been made to apply to buildings constructed after the date of enactment of the new Zoning By-law.
14. Revision of regulation 150.100.30 (2) requiring a 300 metre separation for eating establishments larger than 1000 square metres. The change clarifies that the 300 metre separation distance was intended to be measured from the limits of the actual eating establishment to the nearest residential zone instead of from the lot line to the nearest residential zone. This is consistent with the intent of this provision and provides more flexibility as to where large eating establishments can be located.

Chapter 50 - Commercial Residential Employment Zone Category

The Commercial Residential Employment Zone category permits uses associated with the Regeneration Area designation in the Official Plan. This Zone category may contain a mix of commercial, residential, light industrial and institutional uses, as well as parks. This Zone category currently contains only one zone, Commercial Residential Employment (CRE). The purpose of the CRE Zone is to provide areas for a range of retail, service commercial, office, residential and limited industrial uses in single and multiple use buildings.

The general changes to the CRE Zone include:

1. Removal of the provision referred to as the 'sunshine streets rule" originating in Section 12(2)260 of By-law 438-86. This regulation will now apply to specific properties as a Prevailing Section in Chapter 900.
2. Addition of Exemption Clauses providing sections in 50.5 and 50.10 for lawfully existing buildings; and
3. Addition of a clause in 50.5.40.40 excluding particular areas of the building from the calculation of gross floor area.

The specific changes to this Zone include:

1. Revision of regulation 50.10.40.50 (1) reducing the threshold for requiring amenity space from 35 to 20 dwelling units. This is consistent with the CR zone.
2. Removal of the application of setbacks to below grade structures through the addition of regulation 50.10.40.70 (6). This is consistent with existing zoning regulations.
3. Revision of regulation 50.10.150.1 (1) to clarify that the garbage enclosure provision applies to new buildings. This is a new requirement in some areas and has been made to apply to buildings constructed after the date of enactment of the new Zoning By-law.
4. Removal of the 1,800 square metre maximum size of retail floor area and related uses in regulation 50.10.20.100 (3). This restriction is now applied as a Prevaling Section in Chapter 900 only to those properties where it currently applies today. This approach is consistent with the original intent of Section 12(2)270 in former City of Toronto By-law 438-86.

Chapter 60 – Employment-Industrial Zone Category

The Employment-Industrial Zone category permits uses associated with the Employment Areas designation in the Official Plan. This Zone category may include a variety of manufacturing, warehousing, distribution and office uses contained within different zones. Some zones may contain permissions for parks, hotels and small scale retail and services serving area businesses. This Zone category contains four zones: Employment Light Industrial (EL), Employment Industrial (E), Employment Heavy Industrial (EH) and, Employment Industrial Commercial (EO).

The general changes to Employment-Industrial Zones include:

1. Addition of Exemption Clauses providing grandfathering for lawfully existing buildings.
2. Addition of clause 60.5.40.40 excluding particular areas of the building from the calculation of gross floor area.

The specific changes to this Zone include:

1. Removal of the provision that required uses to be 'wholly enclosed' in recognition that many industrial operations include pipes and pumps that might not be enclosed but are part of the operation nonetheless. Some of these facilities cannot be enclosed but are not outdoor operations to which the provision was meant to apply.
2. Removal of the requirement that 'waste' to be stored in a garbage bin has been deleted. This matter is best handled through the Site Plan Control approval process where the location and design of waste storage can be made a condition of approval of plans and drawings.
3. Removal of specific provisions for "Ancillary Uses". All uses are either permitted with or without conditions.

4. Removal of the restriction to 5,000 square metre floor area for office uses in the E Zone. This restriction limit is considered artificial and unnecessary.
5. Removal of the Employment Commercial (EC) Zone from the revised draft Zoning By-law. The EC Zone was intended to permit retail commercial uses in industrial zones at a density similar to existing zone permissions. But the Official Plan will not permit this amount of retail floor area density.
6. Addition to clause 60.20.20.20 for 'printing establishment' and 'education use' in the E Zone, as permitted uses with conditions.
7. Revision of regulation 60.30.20.100(1)(A) so that the condition on open storage uses in EH Zones is "does not encroach into the required building setbacks."
8. Revision of regulation 60.20.20.100 (8) changing the conditions for the establishment of a 'Recovery Facility' in an E Zone to allow for smaller facilities that do not require outdoor operations and can operate entirely indoors.
9. Revision of the zoning for the area around Dixon Road near Lester B. Pearson airport to Employment Office (EO) in recognition of the existing office and hotel use in the area.
10. Removal from the Zoning By-law of a number of properties along the Queensway where the existing zoning permits retail commercial permissions that would not be consistent with the Official Plan policies.

Chapter 80 - Institutional Zone Category

The Institutional Zone category permits uses associated with the Institutional Areas designation in the Official Plan. This zone category may include major educational, health, government uses contained within different zones. Some zones may contain cultural and institutional uses and institutional residences. The zones in the Institutional Zone category are: Institutional (I), Institutional Hospital (IH), Institutional Education (IE), Institutional School (IS) and, Institutional Place of Worship (IPW).

The changes to these zones include:

1. Addition of Exemption Clauses providing grandfathering for lawfully existing buildings.
2. Addition of Clause 80.5.40.40 excluding particular areas of the building from the calculation of gross floor area.
3. Addition of regulations 80.5.20.1(1) and (2) that protect lawful schools and places of worship in the Institutional Zone category allowing them to expand and rebuild in accordance with the new Zoning By-law requirements.
4. Revision of the building setback requirements in the I and IH Zones to reflect the differences between sites located areas shown on the Policy Areas Overlay Map as the Downtown, the Centres, Avenues and the rest of the City.

Chapter 90 - Open Space Zone Category

The Open Space Zone category permits uses associated with the Parks and Open Space Areas designation in the Official Plan. This Zone category may include recreational,

cultural, educational uses and the conservation of lands. Some zones include permissions for golf courses, marinas and cemeteries, together with limited retail and commercial service uses. The Zones in the Open Space category are: Open Space (O), Open Space Natural (ON), Open Space Recreation (OR), Open Space Golf Course (OG), Open Space Marina (OM) and, Open Space Cemetery (OC).

The general changes to the Open Space Zones include:

1. Addition of Exemption Clauses providing grandfathering for lawfully existing buildings.

The specific changes to these Zones include:

1. An increase in the maximum height for any building or structure in all the Zones of 15 metres if no numerical value is shown on the Height Overlay Map. In 1156-2010, the maximum height was 12 metres.
2. Addition of regulations 90.40.40.40(1), 90.50.40.40 (1) and 90.70.40.40(1) which introduce 0.15 floor space index to regulate the total amount of floor area permitted in the OG, OM and OC Zones. The restriction of floor area to a maximum of 3,500 square metres in By-law 1156-2010 has been removed.
3. The elimination of different rules for ancillary buildings in OG, OM and OC Zones. All types of buildings in these Zones will have the same standards.

Chapter 100 - Transportation and Utility Zone Category

The Utilities and Transportation Zone category permits uses associated with the Utility Corridors designation in the Official Plan. This Zone category may include public utilities, transportation and recreation uses. This Zone category currently contains only one zone, Utility and Transportation Zone (UT).

There have been no changes to the UT Zone other than the addition of some of the Chapter 5 clauses and regulations as part of the reorganization of the draft Zoning By-law.

Chapter 150 - Specific Use Regulations

Chapter 150 contains additional regulations for some uses permitted in the Zoning By-law.

The specific changes are:

1. Secondary Suites - This Section has been partially re-written to better reflect the intent of the existing by-laws.
2. With respect to Rooming Houses, the major change is that the specific provisions that had been associated with (former) Areas B4 to B9 on an overlay map are now

cited as Prevailing Sections (referring to various "Section 12" provisions of By-law 438-86), in Exceptions applying to the relevant lands.

Chapter 200 - Parking Space Regulations

Chapter 200 contains all the parking rate requirements while regulations governing parking location, access points, setbacks and other such design related matters are found in the zones.

The most significant change was the addition of several Exemption Clauses to grandfather certain lawfully existing situations. Other changes to this Chapter are largely organizational, by adding regulations relating to parking rates that previously were in the zones.

Chapter 220 - Loading Space Regulations

Chapter 220 contains all the loading space requirements while regulations governing loading space location, access points, setbacks and other such design related matters are found in the zone.

The most significant change was the addition of several Exemption Clauses to grandfather certain lawfully existing situations. Other changes to this Chapter are largely organizational, by adding regulations relating to parking rates that previously were in the zones.

Chapter 230 - Bicycle Parking Space Regulations

Chapter 230 contains all the bicycle parking rate requirements while regulations governing bicycle parking location, access points, setbacks and other such design related matters are found in the zones.

In addition to the addition of several Exemption Clauses to grandfather certain lawfully existing situations, other changes to this Chapter involved both organization of the regulations as well as changes to the bicycle parking rates for residential buildings.

Residential bicycle parking rates are now based on bedroom count of multi-unit buildings. This change is based on a review of transportation survey results conducted in the Downtown, the Central Waterfront and the Centres. Generally speaking, the rates are slightly lower than they were in By-law 1156-2010. Also, the bicycle parking rates vary throughout the City based on the Policy Area Map structure.

Chapter 700 - Non-Conformity/Non- Compliance

This Chapter has been removed. The Exemptions Clauses found in this Chapter are now located in the respective Zone and Parking chapters.

Chapter 800 - Definitions

The following terms referenced in the Zoning By-law were either added or altered in the Definitions chapter of the draft City-wide Zoning By-law:

1. Former Zoning By-laws - this term as defined lists all the current existing zoning by-laws in the City.
2. Gross Floor Area - the definition of this term was altered to account for the new approach of excluding areas within the building for the purposes of calculating total permissible gross floor area.
3. Hospice Care Home - this is a new term added as a permitted use in CR, CRE, I and IH Zones. This term reflects the trend to the development of such a use independent from facilities such as hospitals.
4. Lawful and Lawfully - these two terms are used in the various Exemption Clauses. By defining the terms, the clauses are more easily read and what is being grandfathered is better understood.
5. Lawfully Existing - this term is also used in the various Exemption Clauses.
6. Mixed Use Building - this term has been added to help better apply requirements that apply to buildings containing both residential and non-residential uses.
7. Non-Residential Building - this term has been altered given the introduction of the term Mixed Use Building.
8. There were slight alterations for clarity and intent to Crisis Care Shelter and Municipal Shelter definitions.
9. Stacked Bicycle Parking Space - a new term to reflect the current approach to bicycle parking.

Chapter 900

In By-law 1156-2010, Chapter 900 contained all the site specific exceptions, Chapter 950 contained all the 'Prevailing By-law' (by-law amendments from existing zoning by-laws) and Chapter 955 contained all the 'Prevailing Section' (sections from existing zoning by-laws referred to in 1156-2010). These three Chapters have been combined into one, Chapter 900, for ease of reference. In addition, the introductory language in Chapter 900 has been revised as explained earlier in the report in the discussion of transition issues.

Next Steps

Consultation and Reporting Schedule

Consultation was also a concern raised in the meetings with appellants of By-law 1156-2010. The most common request was for more time to review any new draft of the City-wide Zoning By-law, and that no revisions should be issued during the review period. Most appellants suggested at least two months for review would be reasonable.

With these comments in mind, the following reporting schedule is recommended for the enactment of a new City-wide Zoning By-law:

1. June 18, 2012 - release of the new draft City-wide Zoning By-law.
2. Consultation period from June 18, 2012 to September 27, 2012.
3. October 12, 2012 - submit a staff report to the Planning and Growth Management Committee meeting recommending changes to the draft Zoning By-law based on comments received during the consultation period.
4. November 8, 2012 - release a revised version of the draft Zoning By-law.
5. End of November - hold a special meeting of the Planning and Growth Management Committee to consider the draft City-wide Zoning By-law in accordance the statutory requirements under the Planning Act.
6. January 2013 - if the Committee chooses to recommend that City Council enact the City-wide Zoning By-law, then the draft Zoning By-law would be submitted to the January meeting of City Council.
7. February 2013 - if City Council decides to enact the draft Zoning By-law, then the bill would be introduced at the February meeting of City Council in order to give staff sufficient time to make any changes that may be recommended and ensure the efficacy of the document.

Staff Contacts During Consultation

The experience of meeting with the appellants of By-law 1156-2010 has shown that one-on-one meetings are more useful and satisfying at resolving concerns and explaining the Zoning By-law's intent. Unfortunately, given the size of the area covered by the City-wide Zoning By-law the request for such meetings could be overwhelming. Nonetheless, an attempt will be made to hold one-on-one conversations with interested members of the public. To this end, staff have been organized into areas of expertise with respect to the Zoning By-law sections. This will give the public more opportunity to contact staff with questions or concerns. Below is a list of their names, contact information and area of expertise:

Klaus Lehmann

Phone: 416-392-0175 email: klehmann@toronto.ca

Any general questions, Institutional Zones, Car Parking, Bicycle Parking, Loading, Definitions, Drive Throughs, Places of Worship, Schools, Public Utilities

Alan Theobald

Phone: 416-392-0185 email: atheobal@toronto.ca

Regulations related to Residential Zones, Residential Apartment Zone, Open Space Zones, Utility and Transportation Zones, Secondary Suites, Rooming Houses, Group Homes, Schools Home Occupations, Shelters, Seniors Community Houses, Day Nurseries, Top of Bank

Dwayne Tapp
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With respect to formal public meetings, it is proposed to hold four meetings, one in each District of the City, in September. This should give the public sufficient time to review the draft Zoning By-law and avoids the summer months when many vacations are scheduled. In addition, staff will make themselves available to attend community meetings arranged by a Councillor.

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ATTACHMENTS

Attachment 1: New Revised Draft City-Wide Zoning By-Law
Attachment 2: Explanation of the Transition Protocol

Attachment 1: New Draft City-wide Zoning By-Law

Attachment 2: Explanation of the Transition Protocol

Explanation of the Transition Protocol

The new Zoning By-law will be comprehensive in its City-wide application, but some properties will not be incorporated at this time. The current general zoning by-laws will not be repealed and their provisions will continue to apply to properties left out of the new By-law. Excluded sites will be represented as a "Hole" in the Zoning By-law map with the label "Not Part of this By-law" and reference to the former general zoning by-law that continues to govern the property. This is an interim solution to assist in an orderly transition from the old to the new zoning regime. It is anticipated that "Not Part of This By-law" sites will be incorporated into the new Zoning By-law in the future after careful consideration and consultation with property owners.

This Transition Protocol has been developed to determine which properties will be "Not Part of this By-law." The following are the categories or types of properties that will not be incorporated in the new Zoning By-law. Further explanation and criteria for each category are outlined below.

1. Properties where the current zoning does not comply with the Official Plan
2. Sites within Secondary Plan and Official Plan area-based amendment study areas
3. Lands currently governed by area-based zoning by-laws that are complicated and comprehensive
4. Properties with a complete application for Site Plan Approval submitted before the new Zoning By-law's date of passage, but has not resulted in a building permit
5. Sites with a complete application for a Zoning By-law Amendment submitted before the date of enactment for which a building permit has not been issued

Conformity Concerns with the Official Plan

The mandate of the Zoning By-law Project is to bring forward the intent of current in force zoning in the new By-law. However, Section 24 of the *Planning Act* prohibits the City from passing a zoning by-law that does not conform to its Official Plan. The mandate's direction is obstructed where the Official Plan's land use designation does not correspond with the current zoning classification. As such, these properties will be left out of the new Zoning By-law until the nonconformity can be resolved.

Secondary Plan and Official Plan Study Areas

Properties within areas currently being studied for Secondary Plans and area-based Official Plan amendments, such as the Waterfront, Parc Downsview Park and York University will not be included in the new By-law. When the studies are completed, the zoning for these lands will be revised accordingly and implemented in the new Zoning By-law.

Area-based Zoning By-laws

Sites governed by area-based zoning by-laws are part of a comprehensive developmental plan, often involving the approval of a Secondary Plan or an Official Plan amendment, as well as sets of unique regulations developed specifically for the area in question. Due to the complex and "stand alone" character of these areas, further analysis and study are required for their incorporation into the new By-law and so they will not be included at this time. Examples of such exceptional sites would be the Centres in Etobicoke, North York and Scarborough, the Railway Lands, Harbourfront, the Fort York Neighbourhood, University of Toronto Downtown Campus, Liberty Village, West Don lands and the East Bayfront.

Site Plan Approval Applications

Development of properties in the Site Plan Approval process that has not resulted in a building permit should be permitted to progress under the current zoning rules. As such, sites with a complete Site Plan Approval application submitted before the new Zoning By-law is enacted will be left out of the By-law. This category includes approved Site Plan Applications that have not resulted in a building permit.

Zoning By-law Amendment Applications

Sites with a complete application for a Zoning By-law Amendment should also be able to complete their development under the same zoning regime. Those lands for which a complete Zoning By-law Amendment application was submitted before the date of passage, including those that have been enacted but do not have a building permit, will be left out the new Zoning By-law. Properties associated with an application in any of the following stages of development will be excluded from the new Zoning By-law:

- a complete application under consideration by Staff;
- a final Staff Reports with a bill attached;
- Staff Reports approved in principle by Council, but not enacted;
- zoning amendments enacted by Council, but appealed to the OMB;
- private appeals to the OMB due to refusal or neglect;
- zoning amendments enacted by Council, but a building permit has not been issued;
- zoning amendments approved by the OMB, but a building permit has not been issued; and
- zoning amendments enacted by Council or approved by the OMB with a building permit issued, but for a phased development for which future building permits will be required.

Properties regulated by site specific zoning amendments that have existing buildings or are under construction (that are not phased projects) will be included in the new Zoning By-law. Their zoning permissions will be recognized as governing over any inconsistent provisions in the new Zoning By-law in Chapter 900 Site Specific Exceptions. Any future

additions or enlargements to existing buildings must comply with the new Zoning By-law.

Complete Application

For the purposes of determining what constitutes a "complete application" for Site Plan Approvals and Zoning By-law Amendments, regard should be had to the City's Official Plan Policy 5.5.2 and Schedule 3.