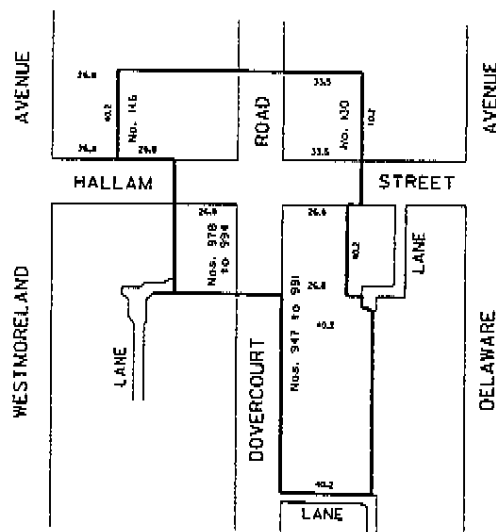


CITY OF TORONTO
 ZONING BY-LAW No. 438-86 SECTION 12 - EXCEPTIONS APPLYING TO SPECIFIC USE DISTRICTS OR SPECIFIC LANDS



LANDS REFERRED TO IN SECTION 12(2)292

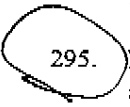


293. No person shall, within the *Fort York Neighbourhood*, use a lot or erect or use a building or structure for any of the following purposes: (870-2003)

- (i) *automobile service and repair shop;*
- (ii) *contractor's shop, class A;*
- (iii) *sheet metal shop;*
- (iv) *welder's shop;*
- (v) *railway tracks; and*
- (vi) *tannery.*

(1995-0466)

294. No person shall, on a lot adjoining the south side of Bloor Street West from Riverside Drive to the east limit of No. 1947 Bloor Street West and adjoining the north side of Bloor Street West between Old Mill Drive and Clendenan Avenue, erect or use a building for any purpose unless at least 60 per cent of the first floor frontage of the lot on Bloor Street West is used for the purpose of a use listed in section 8(1)(f)(b). (1995-0492)



295. No person shall, in the *Algonquin Island Residential Area* or the *Ward's Island Residential Area*, use any land or erect or use a building or structure that does not comply with the following:

SECTION 12 - EXCEPTIONS APPLYING TO SPECIFIC USE DISTRICTS OR SPECIFIC LANDS

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PERMITTED USES

- (a) No person shall use a *lot* or erect or use a building or structure for any purpose except for one or more of the following uses and subject to the qualifications where indicated:

RESIDENTIAL USES

detached house, keeping of not more than two roomers or boarders, residential care facility;

ASSOCIATED/ACCESSORY RESIDENTIAL USES

bed and breakfast establishment, home\work use, private home day care;

NON-RESIDENTIAL USES

community centre, community health centre, day nursery, municipal community centre, ornamental structure, place of worship, public park, public playground, public school;

ACCESSORY USES

Any use *accessory* to a use permitted under this paragraph (a) except for motor vehicle *parking spaces*, is permitted.

- (b) Each use in paragraph (a) is subject to the qualifications, if any, in this paragraph (b), to be complied with before the use is permitted.
- (i) A home\work use is a permitted residential use provided it is *accessory* to a *dwelling unit* and provided:
- A. the use is restricted to the following: office, studio, barber, hairdresser, beautician, caterer, dressmaker, seamstress or tailor;
 - B. the maximum *residential gross floor area* used for work purposes does not exceed 30 per cent of the *residential gross floor area* of the *dwelling unit*;
 - C. there is no sale of goods except those made in the *dwelling unit*;
 - D. there is no outdoor storage associated with the use; and
 - E. a resident or residents of the *dwelling unit* work in the area used for work purposes.
- (ii) A *residential care facility* is permitted provided:
- A. it occupies the whole of a fully detached building; and
 - B. it is at least 245 metres from another *residential care facility*.

- (iii) A *bed and breakfast establishment* is permitted provided:
- A. a maximum of two rooms are used for the purpose of providing lodging to the travelling public;
 - B. the *detached house* in which the use is located is not simultaneously used for the keeping of roomers and boarders; and
 - C. the use is operated by a person or persons whose ordinary and principal residence is within the *detached house*.

RESTRICTED USES

- (c) No person shall use any land or erect or use a building or structure for:
- (i) a *privately-owned outdoor swimming pool*;
 - (ii) for a building or structure having any basement or floor level more than 0.9 metres below *grade*; (S27-1998)
 - (iii) any purpose below *grade* other than a crawl space used for storage, heating, cooling, ventilating, electrical or mechanical equipment; or (S27-1998)
 - (iv) subject to section 12(1)387, motor vehicle parking. (S27-1998)

DENSITY

- (d) No person shall erect or use a building or structure on a *lot* with a second *storey* having a *residential gross floor area* that is greater than 75 per cent of the *residential gross floor area* of the first *storey*.
- (e) No person shall erect or use a building or structure on a *lot* in the *Ward's Island Residential Area* having a greater *residential gross floor area* than 140 square metres.

SETBACKS\DEPTH - BUILDING FOOTPRINT

- (f) Paragraphs (g) to (v) inclusive, apply only to those portions of a building or structure above the natural or finished surface of the ground, whichever is the lower, at all points adjacent to the exterior walls of the building or structure.

Front Yard Setback: setbacks from the front lot line

- (g) No person shall erect or use a building or structure on a *lot*, where any part of the building or structure is located closer to the *front lot line* than:
- (i) on an *inside lot*, between existing buildings or structures on *lots* that have their *front lot lines* on the same *street*, the minimum setback from the *front lot line* shall be the average of the shortest distances by which the *front walls* of the adjacent existing buildings or structures other than an *accessory building* or structure are set back from their *front lot lines*; or

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- (ii) on a *lot*, where there is only one adjacent building or structure on a *lot* that has its *front lot line* on the same *street*, the minimum setback from the *front lot line* shall be the shortest distance by which the *front wall* of the adjacent existing building or structure other than an *accessory* building or structure is set back from its *front lot line*.

Subparagraphs (i) and (ii) do not apply to prevent the use of a building or structure located closer to the *front lot line* than required by subparagraphs (i) and (ii), provided the minimum setback from the *front lot line* of the building or structure is equal to or greater than the setback of that building or structure as it existed on September 19, 1995. (1997-0422)

Subparagraphs (i) and (ii) do not apply to prevent the erection or use of additions to buildings or structures located closer to the *front lot line* than required by subparagraphs (i) and (ii), provided the minimum setback from the *front lot line* of the addition is equal to or greater than the setback of that building or structure as it existed on September 19, 1995.

- (h) For the purposes of paragraph (g), the setback from the *front lot line* for the lands known municipally in 1994 as No. 5 Fourth Street, is 4.6 metres.

Side Yard Setback: setbacks from the side lot lines

- (i) No person shall erect or use a building or structure on a *lot*, having any part of the building or structure closer to a *side lot line* than:
- (i) 1.8 metres in the *Ward's Island Residential Area*; and
 - (ii) 3.0 metres in the *Algonquin Island Residential Area*.

Rear Yard Setback: setback from the rear lot line in the Ward's Island Residential Area

- (j) No person shall erect or use a building or structure on a *lot* in the *Ward's Island Residential Area*, any part of which is closer to the *rear lot line* than 1.2 metres.

Corner Lots - Ward's Island Residential Area: exceptions to setback requirements

- (k) No person shall erect or use a building or structure on a *lot* known municipally in 1994 as Nos. 11 Willow Avenue, 14 and 16 Lakeshore Avenue, 3, 9, 12 and 14 Channel Avenue, 22, 24, 26, 28, 30 and 32 Bayview Avenue, closer to the *front lot line* than the line of the main *front wall* of the building or structure existing on September 19, 1995 as produced to the *side lot line*.

- (l) Notwithstanding paragraph (i), no person shall erect or use a building or structure on a *corner lot* in the *Ward's Island Residential Area*, closer to the *side lot line* facing the flanking *street* than the shortest distance from that *side lot line* to the building or structure existing on September 19, 1995.
- (m) Notwithstanding the definition of *front lot line* in section 2(1), on the lands known municipally in the year 1994 as referred to in Column A of the following Table, the *front lot line* is deemed to be the *lot line* abutting the *street* listed in the corresponding row under Column B.

TABLE

Column A Municipal Address in 1994	Column B Street which the Front Lot Line Abuts
Nos. 22, 24, 26, 28, 30, 32 Bayview Avenue	Bayview Avenue
Nos. 1, 3, 5, 7, 10, 11, 13, 14, 15, 16, 18 Channel Avenue	Channel Avenue
No. 14 Fifth Street	Fifth Street
Nos. 2, 6, 8, 10, 12, 14, 16 Lakeshore Avenue	Lakeshore Avenue
No. 15 Sixth Street	Sixth Street
Nos. 2, 4 Withrow Street	Withrow Street

Building Depth

- (n) No person shall erect or use a building or structure on a *lot* having a greater *depth* than:
 - (i) 11 metres in the *Ward's Island Residential Area*; and
 - (ii) 15.5 metres in the *Algonquin Island Residential Area*.

SECTION 12 - EXCEPTIONS APPLYING TO SPECIFIC USE DISTRICTS OR SPECIFIC LANDS

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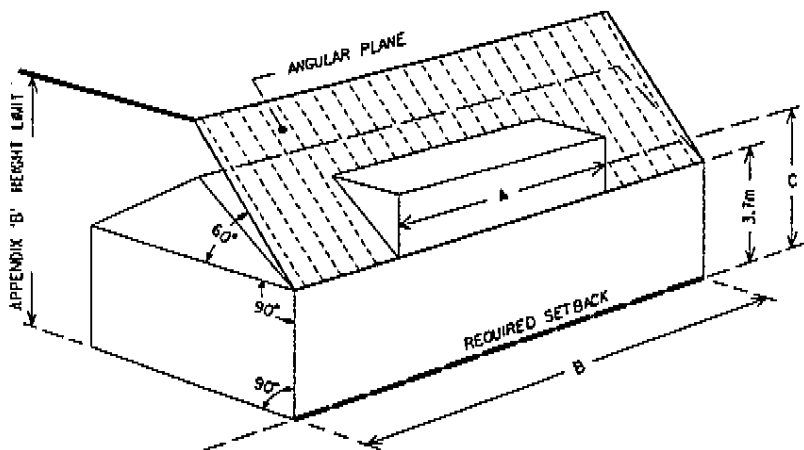
BUILDING ENVELOPE: height of outside walls and the setback of the second storey

- (o) No person shall erect or use a building or structure on a lot where any part of the building or structure penetrates a 60 degree angular plane projected over the interior of the lot, commencing at a height of 3.7 metres at any two of the following:
 - (i) the required setback from the front lot line;
 - (ii) the required setback from either of the side lot lines; or
 - (iii) the maximum permitted depth.

The diagram in paragraph (p) illustrates the above requirement.

- (p) Paragraph (o) shall not apply to prevent any person from erecting or using a building or structure on a lot, that projects beyond any of the required two 60 degree angular planes, provided the width of all projections above a height of 5.6 metres in the Ward's Island Residential Area and 6.0 metres in the Algonquin Island Residential Area, do not exceed one half of the width of the base wall of the same face of the building or structure facing the same lot line, as shown on the following diagram.

REQUIRED ANGULAR PLANE AND PERMITTED PROJECTION



- A width of permitted projection into the Angular Plane cannot exceed 1/2 the width of B
- B width of the Base wall facing the same lot line relative to the Angular Plane
- C height referred to in paragraph (o)

----- REQUIRED SETBACK

ANGULAR PLANE REFERRED TO IN SECTION 12(2)295(a) and (o)

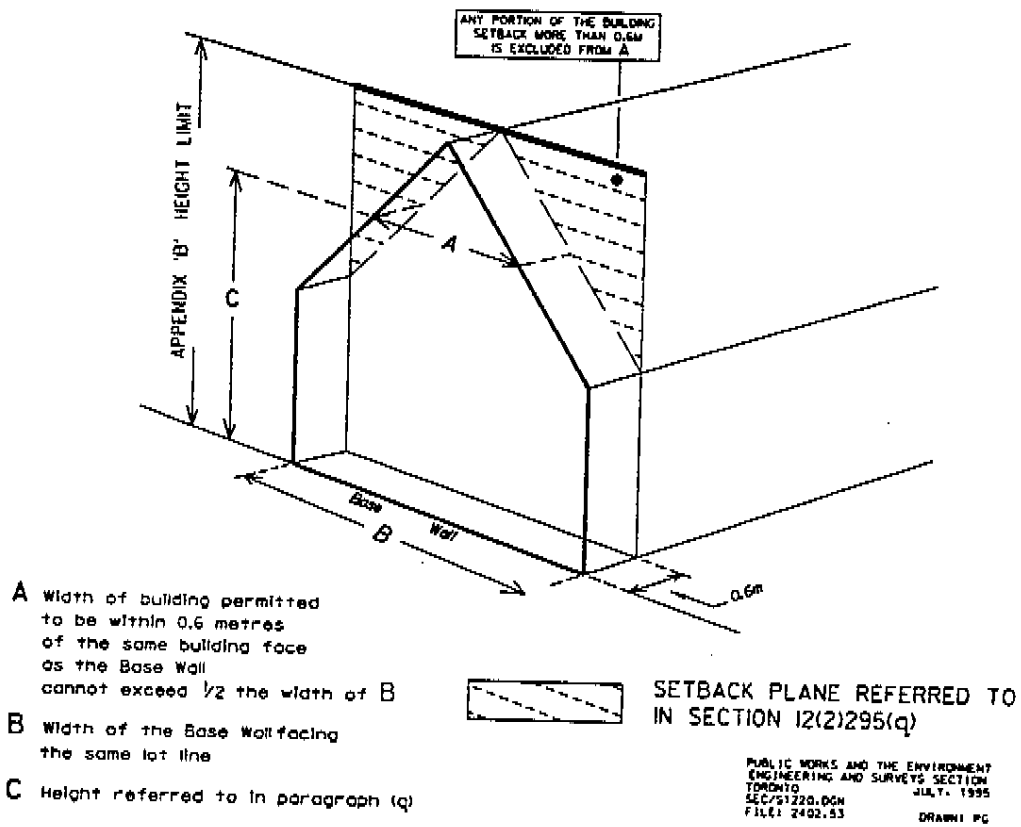
PUBLIC WORKS AND THE ENVIRONMENT
ENGINEERING AND SURVEYS SECTION
TORONTO JULY, 1995
SEC31224-000
FILE# 3400.55 GRAPH# PG

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SECTION 12 - EXCEPTIONS APPLYING TO SPECIFIC USE DISTRICTS OR SPECIFIC LANDS

- (q) No person shall erect or use a building or structure on a lot, where the sum of the width of any portion of the building or structure above a height of 5.6 metres in the *Ward's Island Residential Area* and 6.0 metres in the *Algonquin Island Residential Area*, measured in the same vertical plane as the base wall of the building or structure, exceeds one half of the width of the same face of the building or structure facing the same lot line, unless the portion of the building face above such height is setback more than 0.6 metres from the same building face, as shown on the following diagram.

WIDTH LIMITATION OF UPPER EXTERIOR WALL ON TWO BUILDING FACES



AMENDED JUNE, 1997

12(2).173

SECTION 12 - EXCEPTIONS APPLYING TO SPECIFIC USE DISTRICTS OR SPECIFIC LANDS

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ACCESSORY BUILDINGS

- (r) Subparagraphs (g) to (l) do not apply to the erection or use of an *accessory* building or structure on a *lot*, provided:
- (i) it has a floor area of less than 12.0 square metres;
 - (ii) it is no closer to:
 - A. another building on the same *lot* in the *Algonquin Island Residential Area* than 1.5 metres;
 - B. the *front lot line* than the distance at which the main building or structure is erected; and
 - C. a *side lot line* facing the flanking *street*, than the greater setback required in paragraph (i) and paragraph (l);
 - (iii) the total of all of the *residential gross floor area* and the *non-residential gross floor area* of all *accessory* buildings or structures erected on a *lot*, does not exceed:
 - A. 12 square metres in the *Ward's Island Residential Area*; and
 - B. 23 square metres in the *Algonquin Island Residential Area*; and
 - (iv) any exterior wall located closer than 1.5 metres to the nearest *lot* line is no higher than 2.3 metres above the natural or finished elevation of the ground, whichever is lower.

PERMITTED PROJECTIONS INTO REQUIRED SETBACK AREAS

- (s) Paragraphs (g), and (i) to (q) inclusive do not apply to the type of structure listed in the column entitled "STRUCTURE" in the following chart, provided that the restrictions set out opposite the structure in the columns entitled "LOCATION OF PROJECTION", "MAXIMUM PERMITTED PROJECTION" and "OTHER APPLICABLE QUALIFICATIONS" are complied with.

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CHART

STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
A. eaves or cornices	required setback area from any lot line	0.45 metres	none
B. fences and safety railings	required setback area from any lot line	no restriction	height of fence or safety railing not to exceed 2.0 metres
C. chimney breast	required setback area from any lot line	not more than 0.3 metres	length not to exceed 2.0 metres
D. uncovered platform that is landscaped open space	required setback from any rear lot line or front lot line and in the Algonquin Island Residential Area, one side lot line	(I) not more than 2.5 metres from the front wall or rear wall (II) no closer than 1.8 metres to one side lot line in the Algonquin Island Residential Area	(I) height of platform not to exceed the height of the first floor; or 1.0 metre above grade, whichever is lower (II) in the Ward's Island Residential Area no closer than 1.5 metres to the front lot line or where a railing is provided no closer than 2.0 metres

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STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
<p>E. a roof over a first floor platform attached to the <i>front wall</i> or rear wall</p>	<p>required setback area from the <i>front lot line</i> or <i>rear lot line</i></p>	<p>not more than 2.5 metres from the wall to which it is attached</p>	<p>(I) the roof, if not solely supported by such rear or <i>front walls</i> may only be additionally supported by columns or posts</p> <p>(II) the roof does not form part of the main building roof</p> <p>(III) the top of the roof is not used as a deck or terrace</p> <p>(IV) the roof is not over a first floor platform attached to a rear wall in the <i>Ward's Island Residential Area</i></p>
<p>F. replacement or erection of a bay window without complying with the provisions of this by-law regarding <i>residential gross floor area</i> and <i>landscaped open space</i></p>	<p>required setback area from any <i>lot line</i></p>	<p>0.75 metres from the wall to which it is attached</p>	<p>(I) width not to exceed three metres measured where the window joins the wall</p> <p>(II) regulations respecting minimum distances between buildings such distances to be measured from the external face of the window</p>

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STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
G. second <i>storey</i> addition	required setback area from any <i>lot</i> line	within the outer faces of the external walls of the first <i>storey</i>	(I) total <i>depth</i> of second <i>storey</i> addition not to exceed: (i) in the <i>Algonquin Island Residential Area</i> , 15.5 metres; and (ii) in the <i>Ward's Island Residential Area</i> , 11.0 metres (1997-0422) (II) <i>height</i> not to exceed the <i>height</i> prescribed by s.4(2) (III) the existing building and any additions is at least five years old (IV) the provisions of paragraphs (o), (p) and (q) are complied with and in the case of paragraph (o), the restriction shall be calculated from the existing setback of the wall
H. exterior insulation and facing material on a building or structure existing on September 19, 1995.	required setback area from any <i>lot</i> line	0.16 metres	none

SECTION 12 - EXCEPTIONS APPLYING TO SPECIFIC USE DISTRICTS OR SPECIFIC LANDS

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PARKING OF TRAILERS \ BOAT STORAGE

- (t) The occupant of a *lot*, building or structure may personally use the *lot*, or an *accessory* building or structure for the parking or storage of a boat and or boat trailer provided:
- (i) they are not connected to an electrical, water or gas supply; and
 - (ii) they are not used for living accommodation or recreational use while on the *lot*.

LOTS TO BE CAPABLE OF CONVEYANCE

- (u) No person shall erect or use a building or structure on a *lot* in the *Algonquin Island Residential Area* or in the *Ward's Island Residential Area* except on a parcel of land that could, at the time of application for a building permit, be conveyed in compliance with the provisions of the Planning Act or the Toronto Islands Residential Communities Stewardship Act, 1993 as if the *lot* were owned by a person subject to the provisions of the Planning Act or the Toronto Islands Residential Communities Stewardship Act, 1993 and not the Queen in right of the Province of Ontario.

BY-LAW REQUIREMENTS THAT DO NOT APPLY

- (v) The requirements set out in Sections 4(4), 6(1), 6(2), 6(3) PART II 1, 2, 3, 4, 5, 7, 8, 6(3) PART IV 1(c), 6(3) PART VI, 6(3) PART IX 1(a), shall not apply to the *Algonquin Island Residential Area* or the *Ward's Island Residential Area*.

For the purposes of this exception:

"height"

means where a building or structure other than an *accessory* building or structure subject to section 4(2)(d) is located on a *lot* in the *Algonquin Island Residential Area* or in the *Ward's Island Residential Area*, the vertical distance between the average elevation of the natural or finished level of the ground, whichever is lower, along the *side lot lines* or *flank* opposite the building or structure, and the highest point of the roof;

"landscaped open space"

means open, unobstructed space on a *lot* that is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping including the part of a *lot* unoccupied by a building or structure by reason of the operation of paragraphs (g) to (s) inclusive, and notwithstanding the foregoing includes any:

surfaced walk, patio or similar area; tennis or badminton court or other similar sports or recreational area; uncovered platform attached to a main side or rear wall or *front wall* of a house that is in compliance with paragraph (s)(D);

but does not include a curb, retaining wall or open space beneath or within a building or structure; and

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"street"

has the same meaning as the term has as defined in section 2(1) and as well includes the streets and avenues shown on the attached map.

(1995-0593)

MAP of STREETS and AVENUES
on WARD'S ISLAND

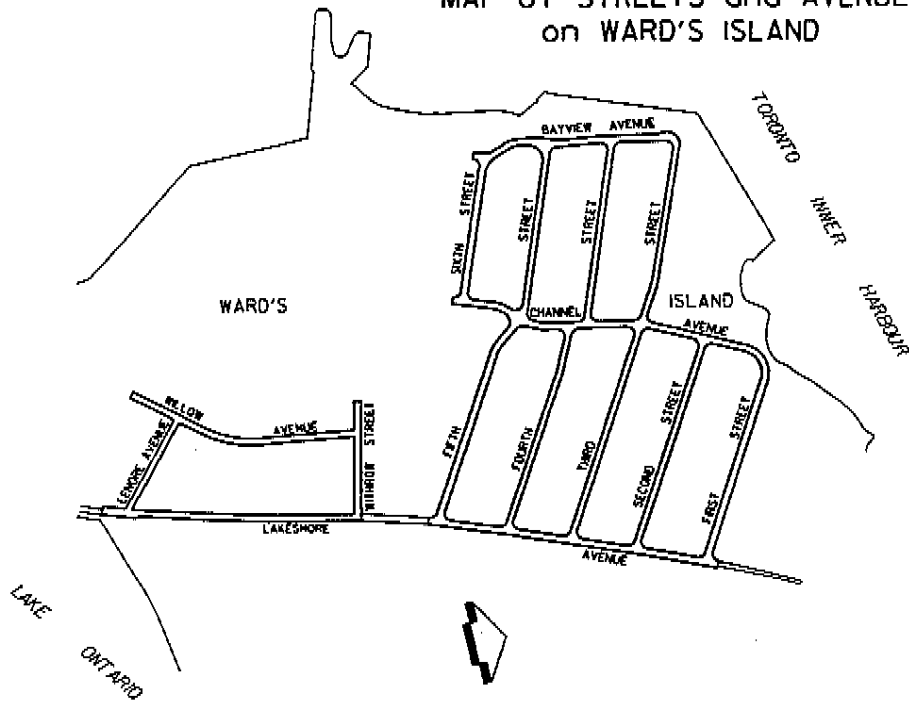


TABLE OF STREET LOCATIONS

STREET / AVENUE	PARTS
	PLAN 64R-14622
FIRST STREET	141
SECOND STREET	142
THIRD STREET	139 & 143
FOURTH STREET	138 & 144
FIFTH STREET	137 & 145
SIXTH STREET	136
BAYVIEW AVENUE	135
CHANNEL AVENUE	140
Part of LAKESHORE AVENUE	146
	PLAN 64R-14621
LEMORE AVENUE	43
Part of LAKESHORE AVENUE	44
Part of WITHROW STREET	45
Part of WILLOW AVENUE	46

— "STREET" REFERRED TO AND DEFINED IN SECTION 12 (2) 295 ARE SHOWN AS PARTS ON PLANS 64R-14621 AND 64R-14622 AS LISTED IN THE CHART



PUBLIC WORKS AND THE ENVIRONMENT
ENGINEERING AND SURVEYS SECTION
TORONTO SEPTEMBER, 1995
SEC/S122295X.DGN
FILE: 2402-53 DRAWN: TH
MAP No. 517-323

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