

Authority: Etobicoke York Community Council Report 6, Clause 36,
as adopted by City of Toronto Council on July 25, 26 and 27, 2006
Enacted by Council: July 27, 2006

CITY OF TORONTO

Bill No. 714

BY-LAW No. 717-2006

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands fronting on the north and south side of Dundas Street West between Royal York Road and the Humber River, to introduce Avenues (AV) zoning with associated development standards.

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the matters herein set out are in conformity with Official Plan Amendment No. 277, as adopted by the Council of the City of Toronto; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The Zoning Map referred to in Section 320-5, Article II of the Zoning Code, be and the same is hereby amended by changing the classification of the lands located in the former Township of Etobicoke as described in Schedules "A1", "A2", "A3", "A5" and "A6" attached hereto from General Commercial (CG) and Second Density Residential (R2) to General Commercial – Avenues (CG-AV).
2. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply, otherwise the commercial provisions of the Etobicoke Zoning Code shall continue to apply.
3. The following development standards shall now be applicable to the (CG-AV) lands described on Schedules "A1", "A2", "A3", "A5" and "A6" attached hereto.

A. Permitted Uses

Residential: apartment houses; dwelling units above a business use, retail and/or office use; and live-work units. Townhouses are not permitted on the north side of Dundas Street West and in the first 60 metres of depth on the south side of Dundas Street West.

All Business, Institutional and Public Uses permitted under the General Commercial (CG) zone.

The following uses shall be prohibited: all vehicle related uses with the exception of public parking lots; service stations, public garages and car rental agencies; new and used car sales rooms and lots; drive-thru facilities; monuments related to cemeteries; and massage parlours.

B. Building Heights

- (1) For the purposes of the By-law, the maximum building heights permitted on lands zoned General Commercial – Avenues (CG-AV) on Schedules “A1” (the first 60 metres of depth), “A2”, “A3”, “A5” and “A6” attached hereto shall not exceed 5 storeys and 14 metres in height.
- (2) For the lands on “A1” beyond 60 metres in depth, measured from the front lot line, the maximum height shall be 3 storeys and 11 metres in height.
- (3) Despite the provisions in B(1) and D(2), a development can have the lesser of a floor space index of 3.0 or height of 18.5 metres and 6 storeys, provided that the owner enters into an agreement satisfactory to the City of Toronto pursuant to Section 37 of the *Planning Act*, as amended, authorizing an increase in height and density in exchange for the Section 37 benefits described below.
- (4) All buildings and structures shall maintain a minimum building height of two (2) storeys and 7.5 metres in height, excluding the mechanical penthouse. Notwithstanding Section 320-95 of the Etobicoke Zoning Code, accessory structures for the purpose of parking attendant booths garbage storage areas and monuments dedicated as art or a memorial shall be excluded from this requirement.
- (5) One mechanical penthouse shall be permitted having a maximum size of 25 square metres. Notwithstanding Section 304-3 of the Etobicoke Zoning Code the said mechanical penthouse shall not encroach within the 45-degree angular plane of the property.

C. Angular Plane

- (1) All buildings and structures shall maintain a 45-degree angular plane, as defined, beyond which no building or structure shall be permitted from any lot line of abutting properties that are zoned Second Density Residential (R2).

D. Lot Coverage and Floor Space Index

- (1) Notwithstanding Section 320-79 D, there shall be no minimum or maximum lot coverage, provided the maximum floor space index is not exceeded.
- (2) The maximum floor space index shall be 2.0 and 2.5 as shown on Schedule “A6”.

E. Parking

- (1) Notwithstanding Section 320-18 of the Etobicoke Zoning Code:
- (2) Where a development consists of a mix of residential and commercial uses, parking for residential uses shall be required on the basis of one (1) parking space per residential dwelling unit with 2-bedroom units or less, and 1.20 spaces per residential dwelling unit with three or more bedrooms.
- (3) A minimum of 0.2 visitor parking spaces shall be required per residential dwelling unit.
- (4) Notwithstanding (1) above, where a development is residential only or live/work, parking shall be provided on the basis of 1.25 spaces for a 1 bedroom unit and 1.4 spaces for a 2 bedroom unit, and subject to 320-19 of the Etobicoke Zoning Code.
- (5) Where a development consists of townhouses, parking shall be required on the basis of one (1) parking space per residential dwelling unit with 2 bedrooms or less, and 1.4 parking spaces per dwelling unit with 3 bedrooms or more. Notwithstanding Section 320-18C, parking for commercial uses (excluding restaurants (subject to Section 320-23 of the Etobicoke Zoning Code), hotels, theatres, undertaking establishments, athletic/fitness establishments, bowling alleys/curling rinks, nursery schools/day nurseries, race tracks, stadia and animal hospitals) shall be required on the basis of 2.5 parking spaces per 93 square metres of gross floor area.
- (6) Notwithstanding Section 320-18 D of the Etobicoke Zoning Code, parking for medical/dental offices shall be required on the basis of 4.0 parking spaces per 93 square metres of gross floor area.
- (7) For the purposes of this by-law, residential visitor and commercial parking may be shared. The total number of residential visitor and commercial parking spaces shall be the greater of either the residential visitor parking requirement or the commercial parking requirement on the same parcel of land and/or situated within the same building or structure.
- (8) Parking stall sizes shall be required to comply with Section 320-18 of the Etobicoke Zoning Code.
- (9) Parking at grade shall be prohibited between the building face and street line.

F. Indoor and Outdoor Amenity Space

- (1) Buildings containing 20 or more dwelling units shall be required to provide two (2) square metres of indoor residential amenity space, as defined, for each dwelling unit.
- (2) Buildings containing 20 or more dwelling units shall be required to provide two (2) square metres of outdoor residential amenity space for each dwelling unit, of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor residential amenity space.

G. Site Access

- (1) Where a lot abuts a major street, flanking street, or laneway, all vehicle access shall be restricted to the flanking street or laneway.

H. Treatments at Grade

- (1) Entrances that provide access to the entire building shall front onto, and be directly accessible from, the primary street frontage.
- (2) 50 percent of the front building facade at grade shall be in live/work, retail, commercial, restaurant or service commercial uses for the area west of Prince Edward Drive.
- (3) Buildings shall be constructed with a minimum 3.6 metre high floor-to-ceiling height on the first floor.
- (4) Buildings with commercial or live/work units on the main floor shall be directly accessible from grade.
- (5) The finished main floor area of residential only uses shall be constructed at a minimum of 0.6 metres and no greater than 0.9 metres above unaltered grade.

I. Build-to-Area

- (i) The build-to-area, as defined herein, for lands shown on Schedules "A1", "A2", "A3", "A5" and "A6" shall be a minimum of seventy percent of the lot frontage abutting a public street.

J. Loading and Service Areas

- (1) Every building containing more than 400 square metres of gross floor area shall provide a loading space with minimum dimensions of 15 metres in length, 4.0 metres in width and with a vertical clearance of 4.5 metres.

- (2) Loading spaces shall be located within rear or side yards, not abutting a street.
- (3) Garbage storage areas shall be wholly contained within a building and not subject to setback requirements.

K. Site Plan Control

- (1) The entire (CG-AV) and (CG) zones shall be subject to Site Plan Control.

L. Building Setbacks and Yard Requirements

- (1) Within Area 1, the south side of Dundas Street West, as shown on Schedule "A1":

- (i) Front Yard:

- (a) The minimum front yard setback shall be 0 metres, except for residential only buildings where the minimum setback shall be 2 metres, and in all cases the maximum front yard setback shall be 3 metres.
 - (b) Any building with a 13 metres and 4 storeys or greater height shall be set back 1.5 metres at that height.

- (ii) Rear Yard:

- (a) The required rear yard setback shall be determined by the 45 degree angular plane requirements, but in no case shall be less than 7.5 metres where properties abut an R2 zone.
 - (b) A landscape strip having a minimum width of three (3) metres shall be provided at the rear property line, where the site abuts a Second Density Residential (R2) zone.

- (iii) Side Yard:

- (a) No side yard setback is required, except where the side yard abuts a street, in which case the side yard setback shall equal the average setback from the street line for the block.

- (2) Within Area 2, the first 80 metres of lot depth on the north side of Dundas Street West, west of 4210 Dundas Street West, shown on Schedule "A2":
- (i) Front Yard:
 - (a) The minimum front yard setback shall be 0 metres, except for residential only buildings where the minimum setback shall be 2 metres, and in all cases the maximum front yard setback shall be 3 metres.
 - (b) Notwithstanding (a) above, for the lands located at 4242 Dundas Street West, the front yard setback for the buildings located on this property on the date of passing of this By-law shall be considered legal non-conforming as they existed on the date of passing of this By-law.
 - (c) Any building with a 13 metres and 4 storeys or greater height shall be set back 1.5 metres at that height.
 - (i) Rear Yard: No rear yard setback is required, except where the rear yard abuts a street, in which case the rear yard setback shall equal the required front yard setback.
 - (ii) Side Yard:

No side yard setback is required, except where the side yard abuts a street, in which case the side yard setback shall equal the required front yard setback.
- (3) Within Area 3, the north side of Dundas Street West, from 4174 Dundas Street West up to and including 4210 Dundas Street West, shown on Schedule "A3":
- (i) Front Yard:
 - (a) The minimum front yard setback shall be the average of the front yard setbacks of the properties within Area 3.
 - (b) Any building with a 13 metres and 4 storeys or greater height shall be set back 1.5 metres at that height.
 - (ii) Rear Yard: 5 metres from the existing property line or property limits as determined through review of the valley limits in conjunction with the Toronto and Region Conservation Authority.

- (iii) Side Yard: No side yard setback is required, except where the side yard abuts a street, in which case the side yard setback shall equal the required front yard setback.
- (4) Within Area 4, the remaining lot depth on the north side of Dundas Street West, west of Prince Edward Drive, as shown on Schedule “A4”:
 - (i) The regulations in Chapter 320 and the CG General Commercial Zone shall apply.
- (5) Within Area 5, the north side of Dundas Street West, east of 4174 Dundas Street West, as shown on Schedule “A5”:
 - (i) Front Yard:
 - (a) The minimum front yard setback shall be 0 metres, except for residential only buildings where the minimum setback shall be 2 metres, and in all cases the maximum front yard setback shall be 3 metres.
 - (b) Notwithstanding the above, the front yard setback at 4180, 4174 and 4160 Dundas Street West shall be consistent with the existing front yard setback at the time of passing of this By-law, provided that the existing trees on private property are preserved.
 - (c) Any building with a 13 metres and 4 storeys or greater height shall be set back 1.5 metres at that height.
 - (ii) Rear Yard:

The rear yard will be determined through a review of the valley limits in conjunction with the Toronto and Region Conservation Authority.
 - (iii) Side Yard: No side yard setback is required, except where the side yard abuts a street, in which case the side yard setback shall equal the required front yard setback.
- M. Balconies and architectural elements are permitted provided they comply with L, above.
- N. Section 37

In addition to developing the Dundas Street West Avenues Area in accordance with the provisions above, the owner of any development that requires an increase in height and density shall enter into an agreement pursuant to Section 37 of the *Planning Act* to secure the following facilities, services and matters.

Such Agreement shall be in a form satisfactory to the City and to the extent and on the terms set out in the Section 37 Agreement.

- (a) The Owner agrees to provide parkland and streetscape improvements abutting and beyond the development site including: trees, planters, benches, pedestrian level street lighting, walkways, landscaped medians and public art.

O. Bicycle Parking

- (a) Buildings containing 10 or more dwelling units, other than senior citizens' housing, shall be required to provide 0.75 bicycle parking spaces for each dwelling unit, or a fraction thereof equal to or greater than 0.5, to a maximum of 200 bicycle parking spaces.
- (b) The bicycle parking spaces shall be provided in the following proportions: 80 percent of bicycle parking spaces for occupants and 20 percent for visitors.
- (c) Bicycle parking spaces shall not be provided within a dwelling unit or a balcony, nor within commercial suites.

P. Miscellaneous

- (1) For the purpose of the (CG-AV) zone lawful non-conforming uses shall be subject to Section 320-13 to 320-15.3 inclusive of the Etobicoke Zoning Code.

4. Lands subject to Holding (H) Symbol

- (i) Notwithstanding the provisions of this by-law, lands located within Areas 1, 2, 3, and 5 on Schedules "A1", "A2", A3" and "A5" shall be subject to a Holding (H) symbol until such time as the Council for the City of Toronto is satisfied as to the availability of all road improvements, infrastructure, servicing and school capacity, to accommodate the proposed development.

5. For the purposes of this By-law, the following definitions shall apply:

- (i) "Minor projections" shall mean minor building elements which may project from the main wall of the building into required yards, including, but not limited to: roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows.
- (ii) "Height" shall mean the vertical distance between grade and the highest point of the roof surface of the building but shall exclude mechanical equipment, parapets, stairs and stair enclosures located on the roof of the building.

- (iii) “Build-to-area” shall mean the area of the lands within which a streetwall of a building or structure shall be located.
- (iv) “Streetwall shall mean any exterior wall of a building abutting a public street.
- (v) “45 Degree Angular Plane” shall mean a point originating at a residential lot line, measured from unaltered grade, and projecting at a 45 degree angle towards the Dundas Street West street line.
6. By-law No. 12231, as it applies to lands located on the south side of Dundas Street West, west of Old Dundas Street, shall continue to apply.
7. By-law No. 4321, as it applies to lands on the north side of Dundas Street West, west of Prince Edward Drive, shall continue to apply
8. By-law No. 1990-155 as it applies to lands located on the south side of Dundas Street West, east of Royal York Road, shall continue to apply.
9. By-law No. 1993-7 as it applies to the lands located on the south side of Dundas Street West, east of Royal York Road, shall continue to apply.
10. By-law No. 328-1998 as it applies to lands located on the south side of Dundas Street West, east of Prince Edward Drive, shall continue to apply.
11. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
717-2006 July 27, 2006	Lands located on the north and south side of Dundas Street West between Royal York Road and the Humber River,	To rezone the lands from General Commercial (CG) and Second Density Residential (R2) to General Commercial – Avenues (CG-AV).

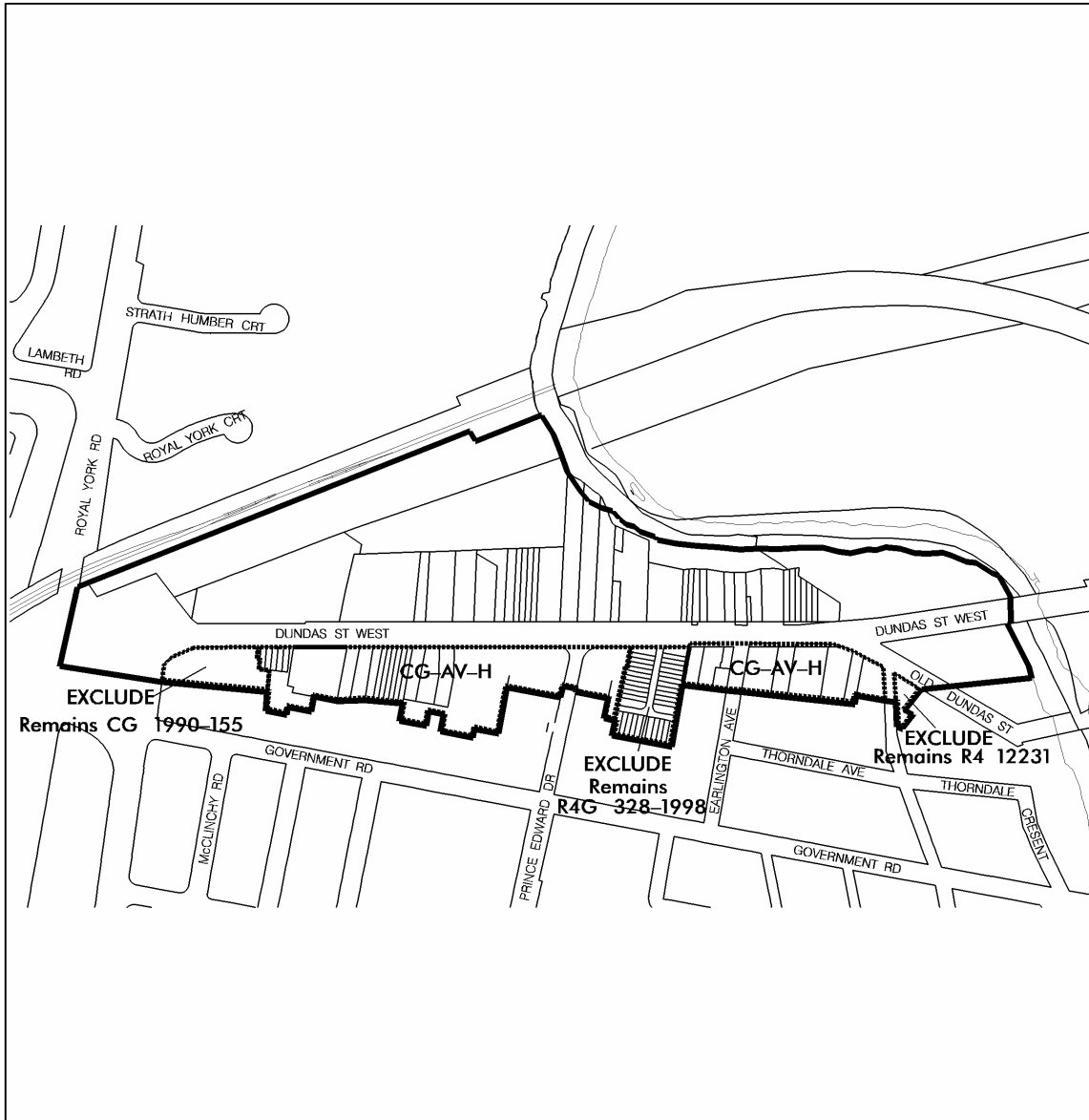
ENACTED AND PASSED this 27th day of July, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

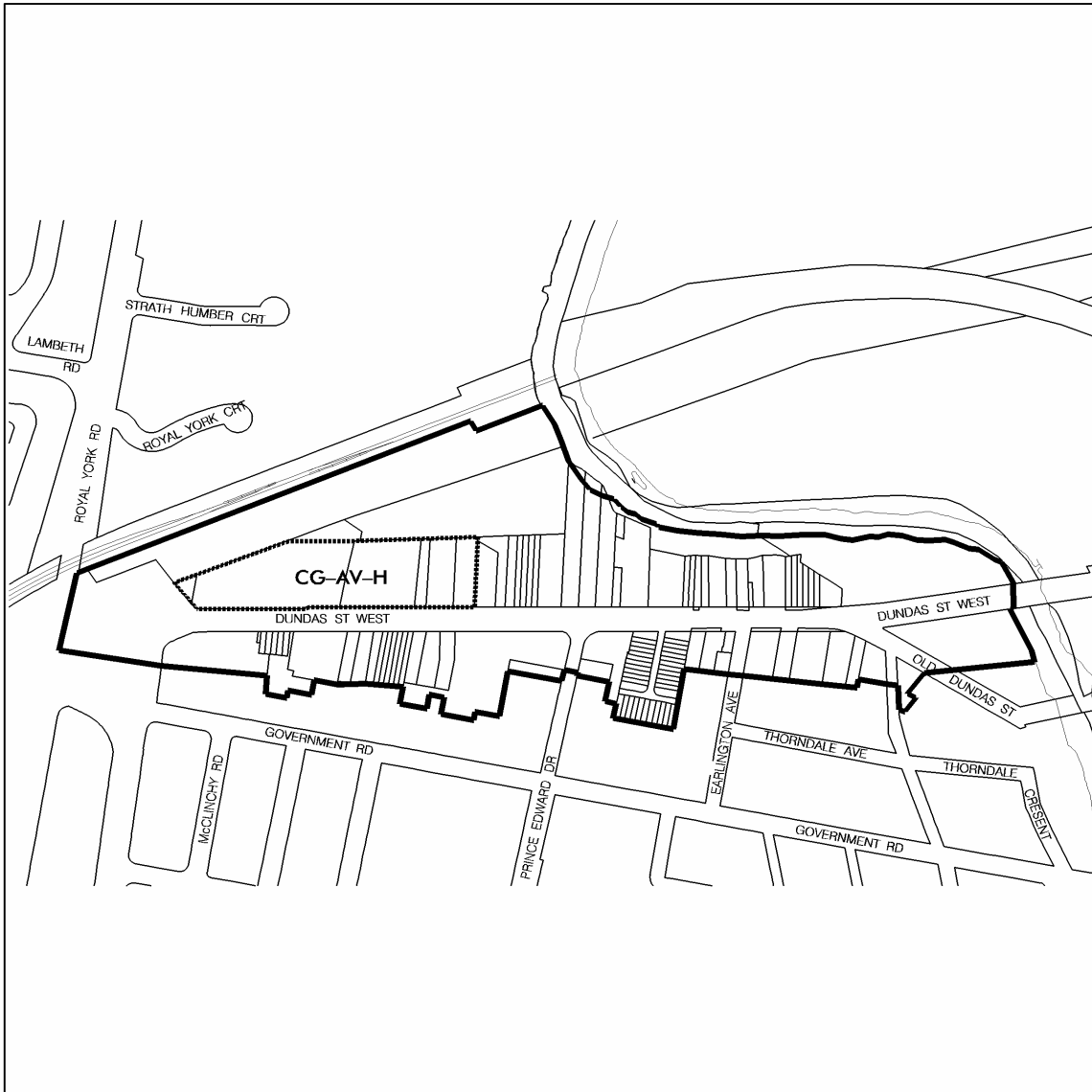
(Corporate Seal)

TORONTO Schedule 'A-1' BY-LAW



THE AVENUES – DUNDAS STREET WEST			
AREA 1			
Applicant's Name:		CITY OF TORONTO	
Assessment Map D10	Zoning Code Map/s D10	scale:	
File No. 05_101508	Drawing No. 05_101508_A-1		

Toronto Schedule 'A-2' BY-LAW

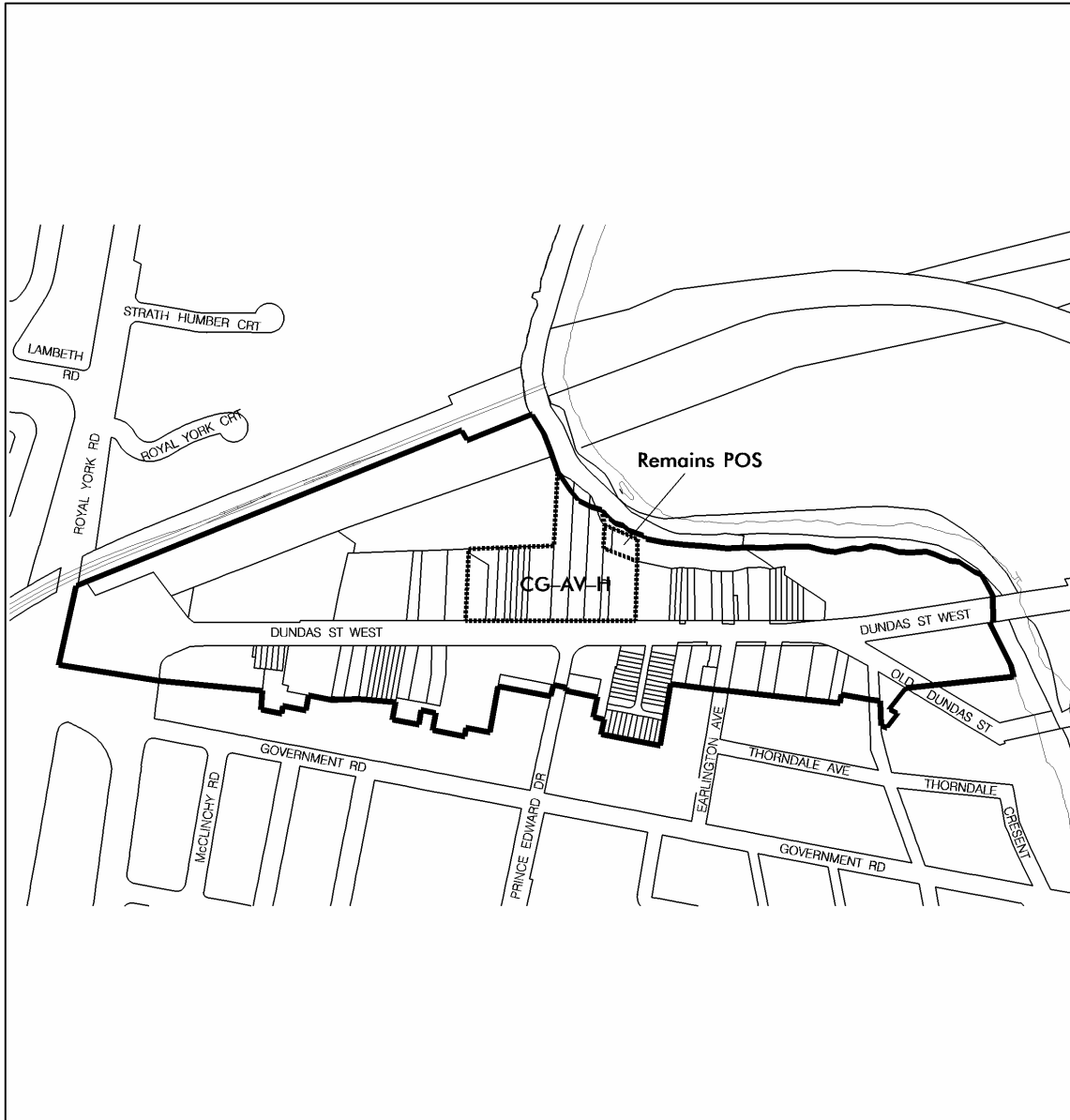


AREA 2
THE AVENUES – DUNDAS STREET WEST
CG-AV-H

Applicant's Name:		CITY OF TORONTO	
Assessment Map D10	Zoning Code Map/s D10	scale:	
File No. 05_101508	Drawing No. 05_101508_A-2		



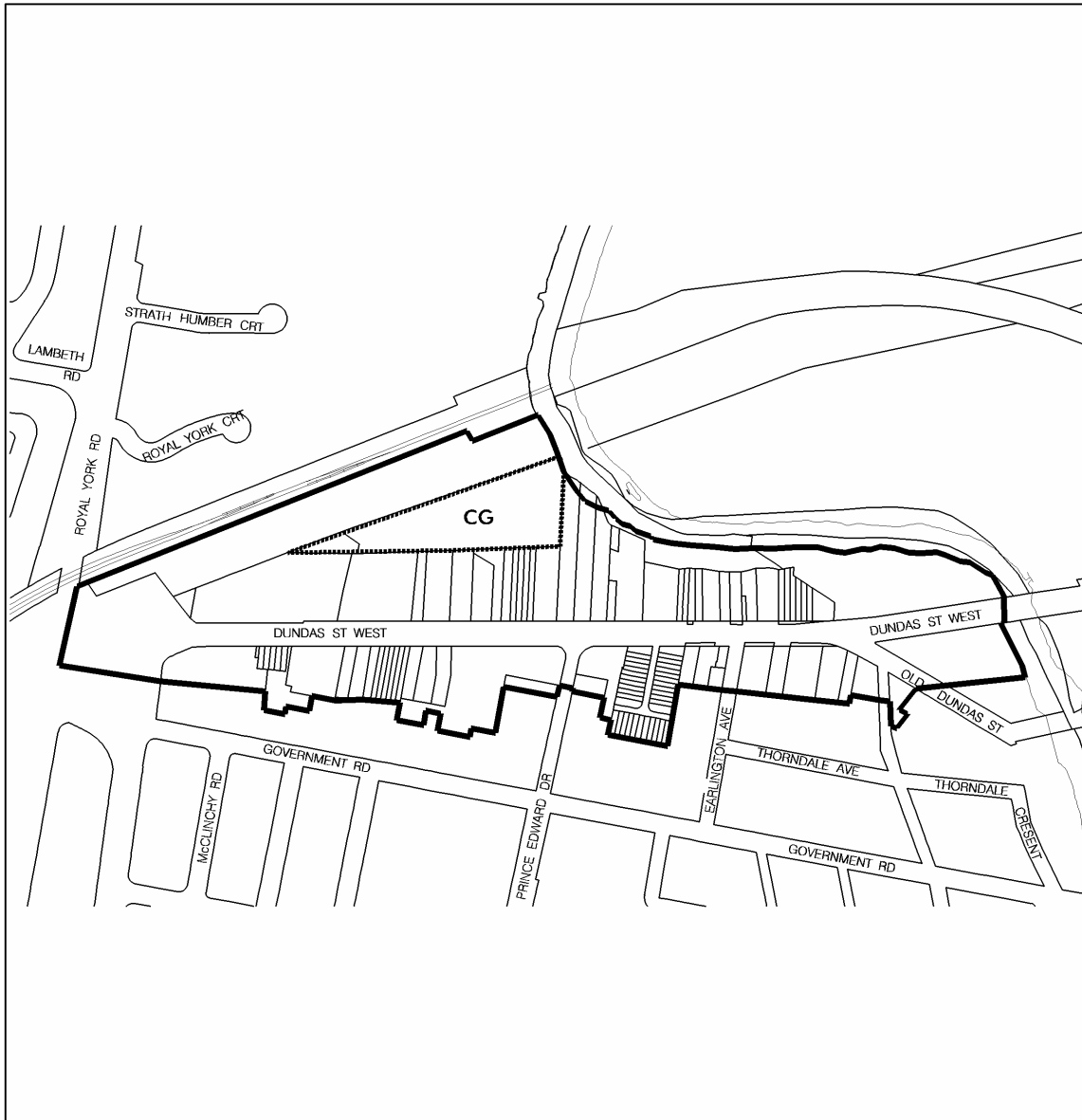
Toronto Schedule 'A-3' BY-LAW



THE AVENUES – DUNDAS STREET WEST
AREA 3
CG-AV and CG-AV-H

Applicant's Name:		CITY OF TORONTO	
Assessment Map D10	Zoning Code Map/s D10	scale:	
File No. 05_101508	Drawing No. 05_101508_A-3		

TORONTO Schedule 'A-4' BY-LAW



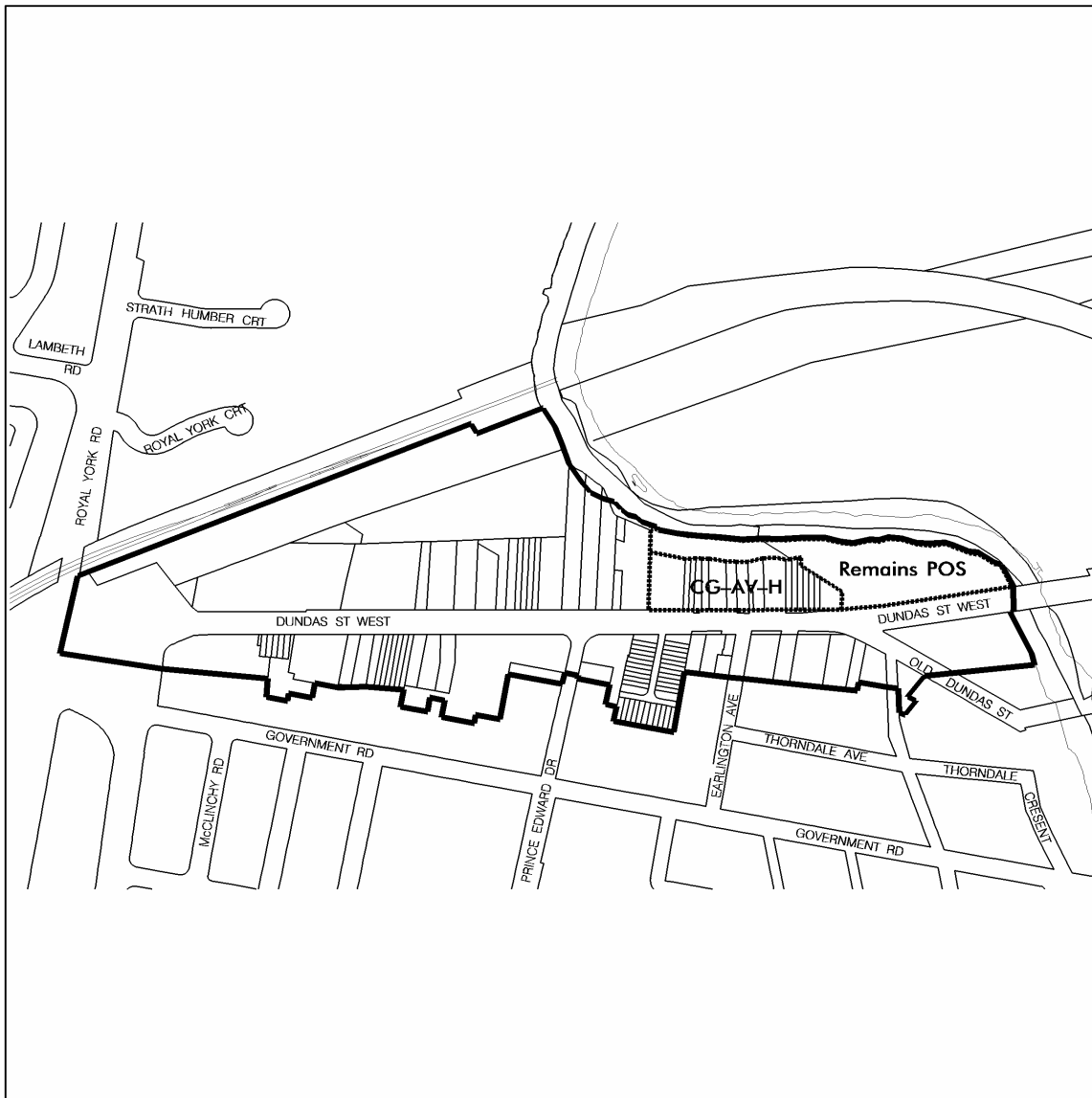
**THE AVENUES – DUNDAS STREET WEST
CG**

AREA 4

Applicant's Name:		CITY OF TORONTO	
Assessment Map D10	Zoning Code Map/s D10		scale:
File No. 05_101508	Drawing No. 05_101508_A-4	Drawn By: K.P.	

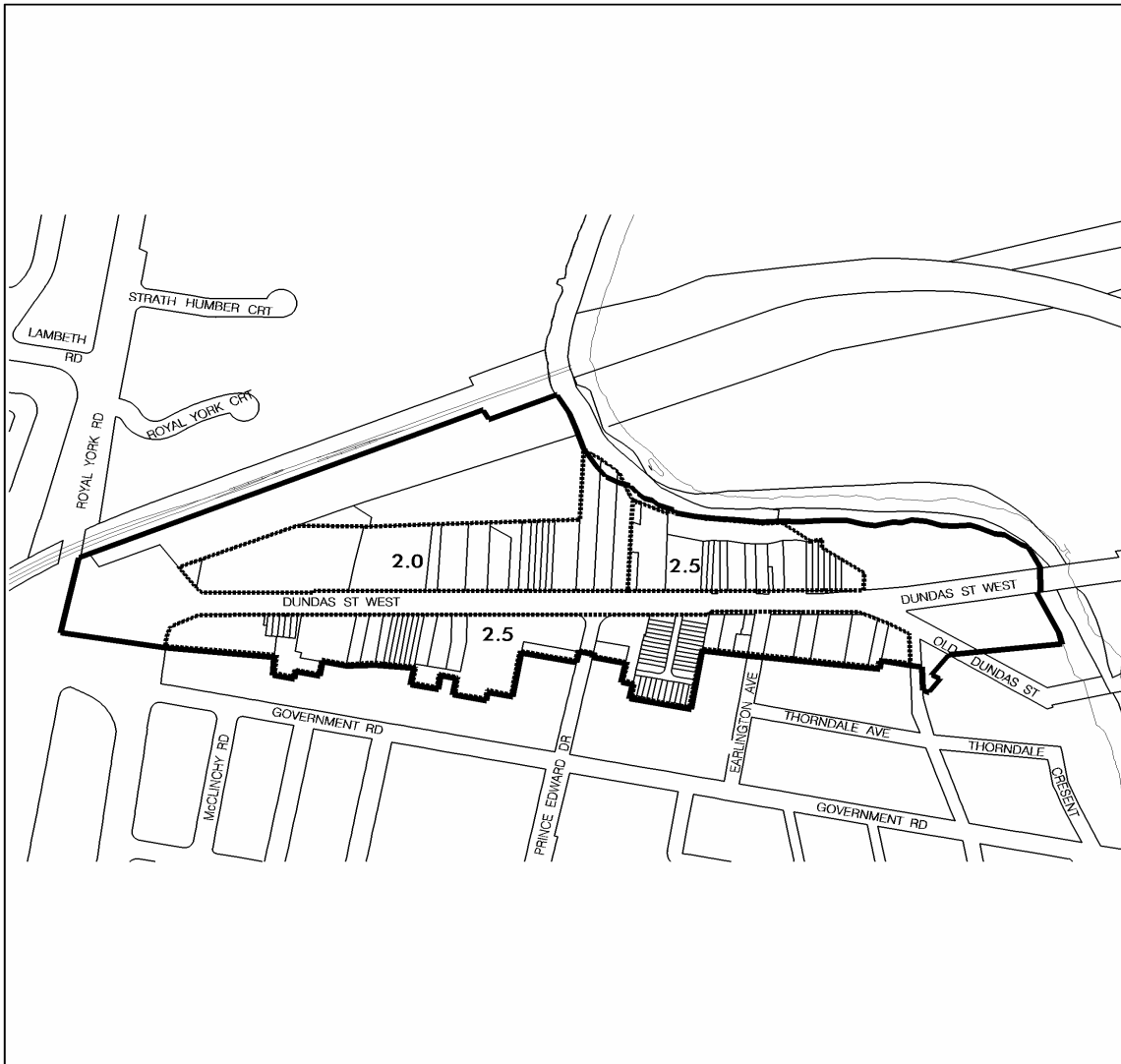


Toronto Schedule 'A-5' BY-LAW



THE AVENUES – DUNDAS STREET WEST			
CG-AV-H			
AREA 5			
Applicant's Name:		CITY OF TORONTO	
Assessment Map D10	Zoning Code Map/s D10		scale:
File No. 05_101508	Drawing No. 05_101508_A-5	Drawn By: K.P.	

Toronto Schedule 'A-6' BY-LAW



**THE AVENUES – DUNDAS STREET WEST
CG-AV-H
MAXIMUM FLOOR SPACE INDEX**

Applicant's Name:		CITY OF TORONTO		
Assessment Map D10	Zoning Code Map/s D10	scale: 0 120 240 60 180 m		
File No. 05_101508	Drawing No. 05_101508_A-5	Drawn By: K.P.		

