

Authority: North York Community Council Item 29.36, as adopted by City of Toronto Council on November 30, December 1, 2, 4 and 7, 2009
Enacted by Council: January 27, 2010

CITY OF TORONTO

BY-LAW No. 107-2010

To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands in the vicinity of Avenue Road, north of Lawrence Avenue West and south of Wilson Avenue.

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

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

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

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are hereby amended in accordance with Schedules 1 to 10 of this By-law.
2. Section 64.26 of By-law No. 7625 is amended by adding the following subsection:

"64.26(12)

PERMITTED USES

- (a) In addition to all uses normally permitted in a C4 zone under Section 26(2), an apartment building with non-residential uses on the first floor or the first and second floor is permitted.
- (b) Renewable Energy Uses
 - (i) A renewable energy or cogeneration device is permitted, but may not be located in a front yard or side yard that abuts a street.
 - (ii) A Photovoltaic solar energy device or thermal solar energy device is permitted provided that:
 - if located on a principal building, the device is set back to all of the minimum setback requirements for a principal building, and no part of the device is more than 2 metres higher than the maximum height permitted for a principal building excluding any other permitted encroachments into the height limit.
 - if not located on a principal building, the device shall be subject to all the requirements of the applicable zoning by-law regulations for an ancillary building or structure.

- (iii) A wind energy device is permitted provided all parts of the wind energy device comply with the minimum setback requirements for a principal building and that no part of the wind energy device exceeds the maximum height for a principal building as follows:
- if the wind energy device is located on a lot that abuts a lot in a Residential zone category or the principal building on the lot is less than 25 metres in height, the device cannot exceed the height limit by more than 3 metres.
 - in all other cases the device cannot exceed the height limit by more than 5 metres.
- (iv) A geo-energy device is permitted provided it meets all of the requirements for an ancillary building or structure.
- (v) A cogeneration energy device is permitted only inside a permitted principal building on the lot.

EXCEPTION REGULATIONS

(c) Building Height

- (i) Except for buildings or structures on the lands shown on Schedule A, the height of any part of a building or structure, exclusive of the mechanical penthouse or other rooftop structures, shall not exceed 5 storeys or 16.5 metres, whichever is lesser. The mechanical penthouse or other rooftop structures shall not exceed this height limit by more than 2 metres.
- (ii) The height of any part of a building or structure on the lands shown on Schedule A, exclusive of the mechanical penthouse or other rooftop structures, shall not exceed 7 storeys or 22.5 metres, whichever is lesser.
- (iii) The height of any part of a building or structure, including the mechanical penthouse, shall be contained within a 45 degree angular plane projected over the entire lot from grade level at a rear property line that is also the boundary of an R1, R2, R3, R4, R5, R6, R7, G, O1 or O3 zone district.
- (iv) The height of any part of a building or structure, including the mechanical penthouse, shall be contained within a 45 degree angular plane projected over the entire lot from the surface of the centre-point of the Avenue Road Right-of-Way.
- (v) The minimum height of any part of a building or structure, exclusive of the mechanical penthouse or other rooftop structures, shall not be less than 2 storeys or 7.5 metres, whichever is greater, for at least 50 per cent of the total depth of the building or structure.

- (vi) The first storey of any building or structure will have a minimum floor to floor height of 4.5 metres. For the purposes of this provision, the first storey is deemed to be the storey with a floor level closest to the average elevation of the public sidewalk abutting Avenue Road.

(d) Gross Floor Area

The maximum gross floor area shall not exceed 300 per cent of the lot area, of which no more than 200 per cent of the lot area shall be used for commercial purposes.

(e) Setbacks

Rear

- (i) Where no laneway exists on the rear portion of the lot, no part of any building or structure may be located within a setback of 7.5 metres from the rear property line.
- (ii) Where a laneway exists on the rear portion of the lot, no part of any building or structure may be located within a setback of 9 metres from the rear property line. This setback shall include the minimum 1.5 metre-wide landscape strip required by Section 26(8) along the rear property line.

Front

- (iii) Where a lot fronts onto Avenue Road between the Melrose Avenue and Joicey Blvd rights of way, no part of a building or structure shall be located within a setback from the front lot line that is the average of the shortest distance by which the front wall(s) of the adjacent building(s) or structure(s) are set back from their front lot line.

From the Top of Bank of Valleys and Ravines

- (iv) A principal building or structure shall be no less than 10.0 metres from the top of bank of a valley or ravine.

(f) Building Step-backs

Any building or structure greater than 3 storeys in height shall have a minimum 2 metre step-back of the main external building wall facing a lot line abutting a street, other than a public lane, at the top of the second storey. The stepback shall be measured from the main external face of the wall of the building at the top of the second storey.

(g) Build-to Line/Minimum Height

Any building or structure abutting Avenue Road shall be built to a minimum height of two storeys at the property line or the front setback provided for in paragraph (e)(iii) above and occupying at least 80 per cent of the length of the portion of the lot abutting Avenue Road.

(h) Level of First Storey at Avenue Road

The finished floor level of the first storey of any building or structure fronting on to Avenue Road shall be within 0.2 metres of grade measured at the street line directly opposite each pedestrian opening.

(i) Use of First Storey

At least 60 per cent of the floor area of the first storey of any building or structure fronting on to Avenue Road shall be used for non-residential purposes.

DEFINITIONS

For the purposes of this subsection the following definitions shall apply:

Cogeneration Energy: means thermal energy and electrical energy simultaneously produced from the same process.

Geo Energy: means energy derived from the temperature of the earth that is used to produce thermal energy or converted to produce electrical energy.

Renewable Energy: means energy obtained from solar energy, wind energy, or geo energy.

Solar Energy: means energy from the sun that is converted to produce electrical or thermal energy.

Wind Energy: means energy from the wind that is converted to produce electrical energy."

3. Section 64.12 of By-law No. 7625 is amended by adding the following subsection:

"64.12 (19)

PERMITTED USES

In addition to those uses permitted in an R3 zone district, a home occupation is a permitted use provided:

- (a) the home occupation shall not be permitted in conjunction with group homes or residential care homes;

- (b) the home occupation shall not involve obnoxious uses;
- (c) the home occupation shall not include:
 - (i) the sale rental or lease of goods directly from the dwelling unit;
 - (ii) personal services;
 - (iii) an animal shelter or kennel;
 - (iv) vehicle repair, service, or washing; or
 - (v) a manufacturing use;
- (d) outdoor activities or services, outside display or open storage is not permitted in conjunction with a home occupation;
- (e) there shall be no employee working in the dwelling unit other than the business operator that resides in the dwelling unit, unless otherwise stated in this By-law;
- (f) notwithstanding subparagraph (e) above, where a dwelling unit contains a home occupation that is a health related service provided by a professional regulated by the College of Physicians and Surgeons of Ontario, or under the *Regulated Health Professions Act*, there may be one employee working in the dwelling unit in addition to the business operator that resides in the dwelling unit;
- (g) on a lot where a sign is permitted, a sign for a home occupation may only be located on the front wall of the principal building;
- (h) there shall be no alteration to the exterior of a building to accommodate a home occupation;
- (i) the maximum floor area occupied or used by a home occupation is the lower of 25 per cent of the total interior floor area of the principal building, or 100 square metres; and
- (j) a home occupation is not permitted in an ancillary building or structure.

DEFINITIONS

For the purpose of this subsection, the following definitions shall apply:

Ancillary: means naturally and normally incidental, subordinate in purpose or floor area, and exclusively devoted to a principal use, building or structure.

Animal Shelter: means premises used for the keeping, adoption or disposal of stray, abandoned or wild animals.

Group Home: means premises used to provide supervised living accommodation, licensed or funded under Province of Ontario or Government of Canada legislation, for three to ten persons, exclusive of staff, living together as a single housekeeping unit because they require a group living arrangement by reason of their emotional, mental, social or physical condition or legal status.

Home Occupation: means a business use within a dwelling unit, where the dwelling unit is the principal residence of the business operator.

Kennel: means premises used for boarding, training or breeding of dogs, cats or other domestic animals.

Manufacturing Use: means the use of premises for fabricating, processing, assembling, packaging producing or making goods or commodities and it may include ancillary repair of those goods.

Obnoxious Use: means the use of premises in a manner that is offensive by the creation or transmission of noise, vibration, illumination, emissions, fumes, odour, dust or radiation, or any combination of these, beyond any lot lines of the premises.

Open Storage: means the use of premises for keeping or storing goods, commodities, containers or equipment other than in a wholly enclosed building. Public parking, or the parking or storage of vehicles in a vehicle depot or in a required parking space, is not Open Storage.

Residential Care Home: means supervised living accommodation:

- (i) licensed or funded under Province of Ontario or Government of Canada legislation;
- (ii) for persons requiring semi-independent or group living arrangements by reason of their emotional mental, social or physical condition or legal status;
- (iii) for more than ten persons, exclusive of staff; and
- (iv) it may include associated support services.

Vehicle Repair Shop: means premises used for any form of vehicle service, repair or customizing, and which may include spray painting or repairing body or service or customizing, and which may include spray painting or repairing body or fender components, but excluding service, repair or customizing of construction or agriculture vehicles.

Vehicle Service Shop: means premises used for vehicle service or customizing, such as mechanical, electrical, glass or upholstery service or installation of parts or accessories, but excluding the spray painting or repairing body or fender components and the service or customizing of construction or agriculture vehicles.

Vehicle Washing Establishment: means premises used for washing or cleaning vehicles."

4. Section 64.13 of By-law No. 7625 is amended by adding the following subsection:

"64.13(94)

PERMITTED USES

In addition to those uses permitted in an R4 zone district, a home occupation is a permitted use provided:

- (a) the home occupation shall not be permitted in conjunction with group homes or residential care homes;
- (b) the home occupation shall not involve obnoxious uses;
- (c) the home occupation shall not include:
 - (i) the sale, rental or lease of goods directly from the dwelling unit;
 - (ii) personal services;
 - (iii) an animal shelter or kennel;
 - (iv) vehicle repair, service, or washing; or
 - (v) a manufacturing use.
- (d) outdoor activities or services, outside display or open storage is not permitted in conjunction with a home occupation;
- (e) there shall be no employee working in the dwelling unit other than the business operator that resides in the dwelling unit, unless otherwise stated in this By-law;
- (f) notwithstanding subparagraph (e) above, where a dwelling unit contains a home occupation that is a health related service provided by a professional regulated by the College of Physicians and Surgeons of Ontario, or under the *Regulated Health Professions Act*, there may be one employee working in the dwelling unit in addition to the business operator that resides in the dwelling unit;
- (g) on a lot where a sign is permitted, a sign for a home occupation may only be located on the front wall of the principal building;
- (h) there shall be no alteration to the exterior of a building to accommodate a home occupation;
- (i) the maximum floor area occupied or used by a home occupation is the lower of 25 per cent of the total interior floor area for the principal building, or 100 square metres; and

- (j) a home occupation is not permitted in an ancillary building or structure.

DEFINITIONS

For the purpose of this subsection, the following definitions shall apply:

Ancillary: means naturally and normally incidental, subordinate in purpose or floor area, and exclusively devoted to a principal use, building or structure.

Animal Shelter: means premises used for the keeping, adoption or disposal of stray, abandoned or wild animals.

Group Home: means premises used to provide supervised living accommodation, licensed or funded under Province of Ontario or Government of Canada legislation, for three to ten persons, exclusive of staff, living together as a single housekeeping unit because they require a group living arrangement by reason of their emotional, mental, social or physical condition or legal status.

Home Occupation: means a business use within a dwelling unit, where the dwelling unit is the principal residence of the business operator.

Kennel: means premises used for boarding, training or breeding of dogs, cats or other domestic animals.

Manufacturing Use: means the use of premises for fabricating, processing, assembling, packaging producing or making goods or commodities and it may include ancillary repair of those goods.

Obnoxious Use: means the use of premises in a manner that is offensive by the creation or transmission of noise, vibration, illumination, emissions, fumes, odour, dust or radiation, or any combination of these, beyond any lot lines of the premises.

Open Storage: means the use of premises for keeping or storing goods, commodities, containers or equipment other than in a wholly enclosed building. Public parking, or the parking or storage of vehicles in a vehicle depot or in a required parking space, is not Open Storage.

Residential Care Home: means supervised living accommodation:

- (i) licensed or funded under Province of Ontario or Government of Canada legislation;
- (ii) for persons requiring semi-independent or group living arrangements by reason of their emotional mental, social or physical condition or legal status;
- (iii) for more than ten persons, exclusive of staff; and
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Vehicle Washing Establishment: means premises used for washing or cleaning vehicles."

5. Section 64.14-A of By-law No. 7625 is amended by adding the following subsection:

"64.14-A(20)

PERMITTED USES

In addition to those uses permitted in an R4 zone district, a home occupation is a permitted use provided:

- (a) the home occupation shall not be permitted in conjunction with group homes or residential care homes;
- (b) the home occupation shall not involve obnoxious uses;
- (c) the home occupation shall not include:
 - (i) the sale rental or lease of goods directly from the dwelling unit;
 - (ii) personal services;
 - (iii) an animal shelter or kennel;
 - (iv) vehicle repair, service, or washing; or
 - (v) a manufacturing use.
- (d) outdoor activities or services, outside display or open storage is not permitted in conjunction with a home occupation;
- (e) there shall be no employee working in the dwelling unit other than the business operator that resides in the dwelling unit, unless otherwise stated in this By-law;
- (f) notwithstanding subparagraph (e) above, where a dwelling unit contains a home occupation that is a health related service provided by a professional regulated by the College of Physicians and Surgeons of Ontario, or under the *Regulated Health*

Professions Act, there may be one employee working in the dwelling unit in addition to the business operator that resides in the dwelling unit;

- (g) on a lot where a sign is permitted, a sign for a home occupation may only be located on the front wall of the principal building;
- (h) there shall be no alteration to the exterior of a building to accommodate a home occupation;
- (i) the maximum floor area occupied or used by a home occupation is the lower of 25 per cent of total interior floor area for the principal building, or 100 square metres; and
- (j) a home occupation is not permitted in an ancillary building or structure.

DEFINITIONS

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Vehicle Washing Establishment: means premises used for washing or cleaning vehicles."

6. Section 64.14-B of By-law No. 7625 is amended by adding the following subsection:

"64.14-B (16)

PERMITTED USES

In addition to those uses permitted in an R4 zone district, a home occupation is a permitted use provided:

- (a) the home occupation shall not be permitted in conjunction with group homes or residential care homes;
- (b) the home occupation shall not involve obnoxious uses;
- (c) the home occupation shall not include:
 - (i) the sale rental or lease of goods directly from the dwelling unit;
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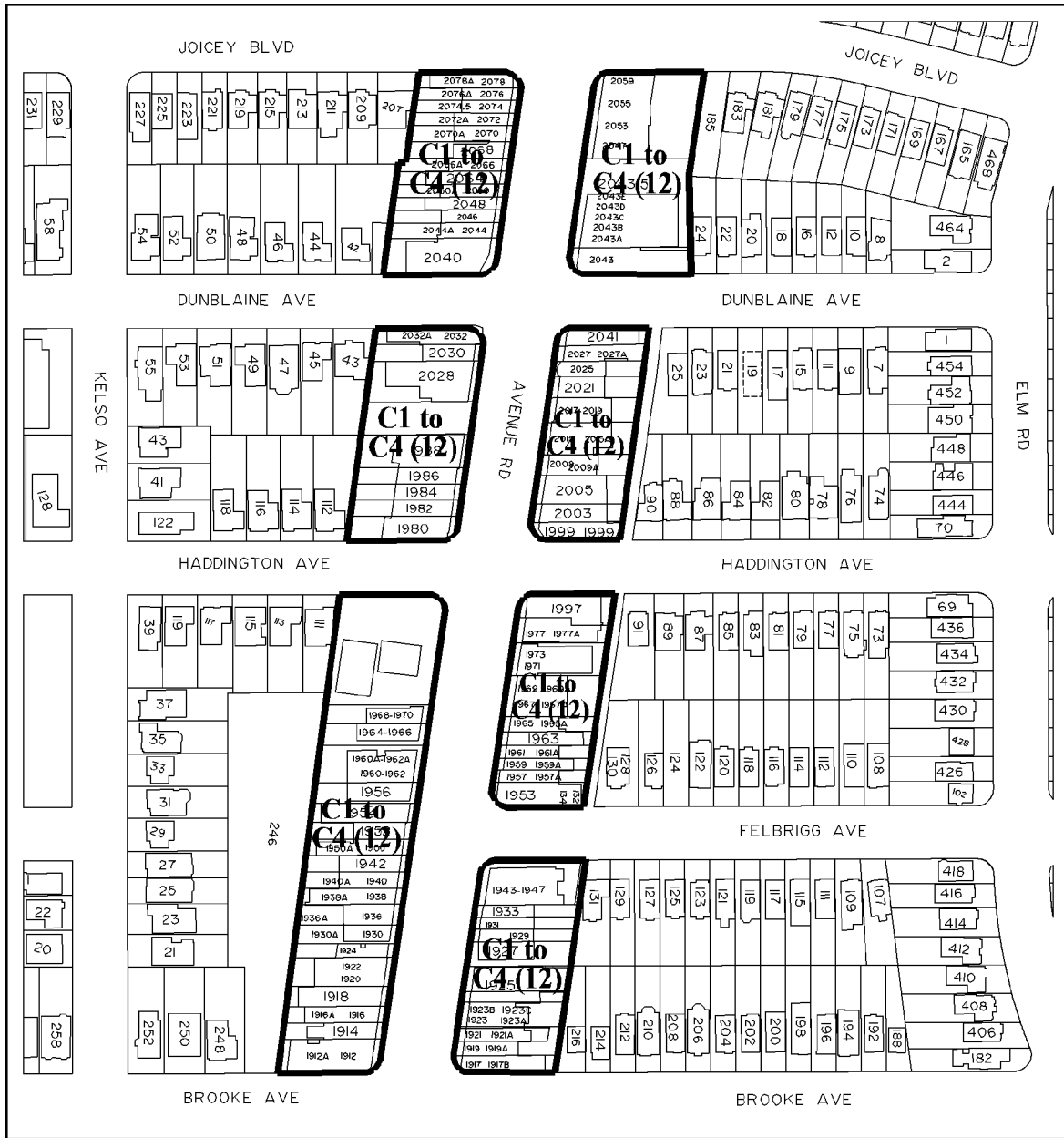
Vehicle Washing Establishment: means premises used for washing or cleaning vehicles."

ENACTED AND PASSED this 27th day of January, A.D. 2010.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

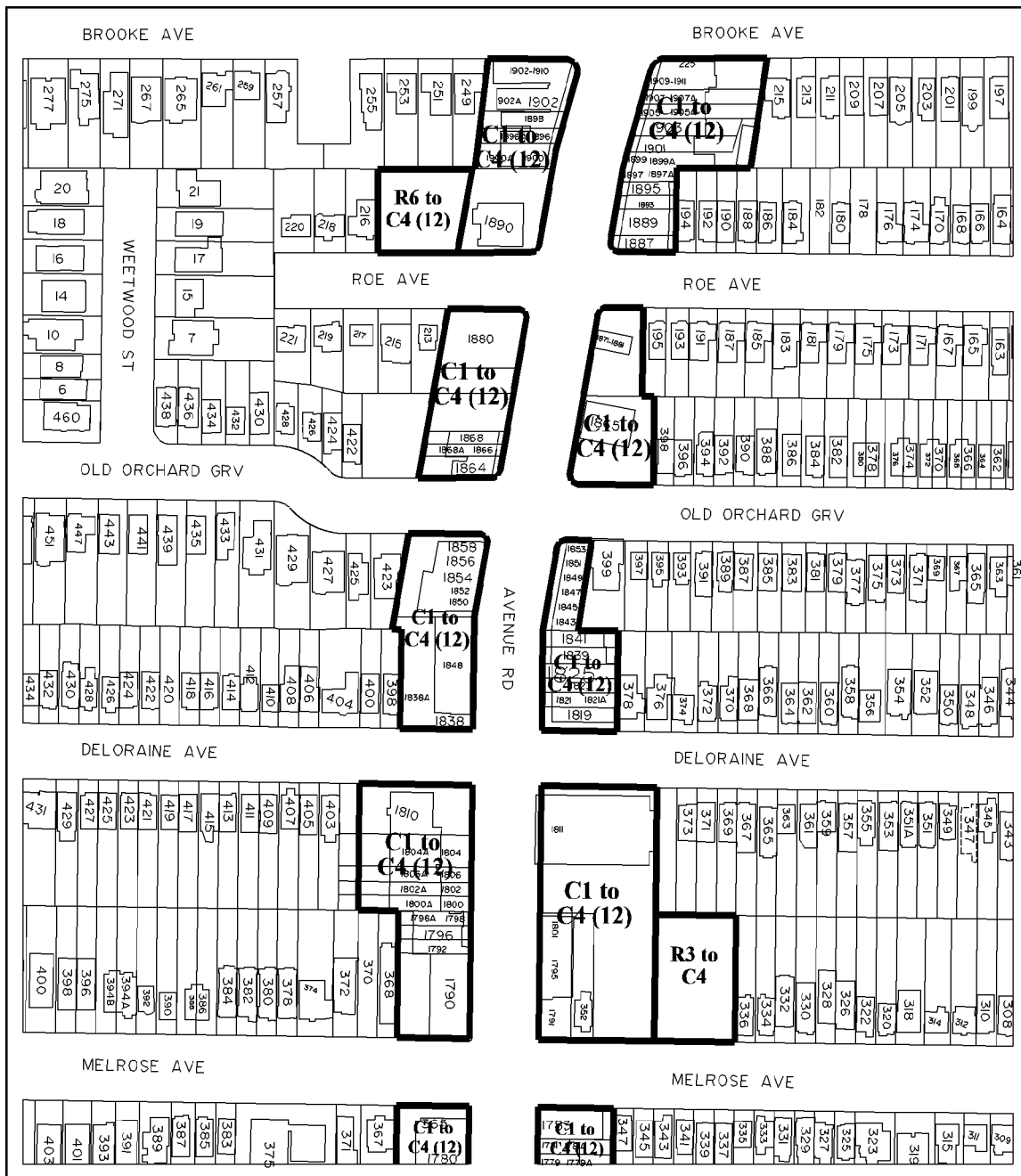
(Corporate Seal)



Zoning

Date: 10/09/2009
Approved by: PB





Zoning

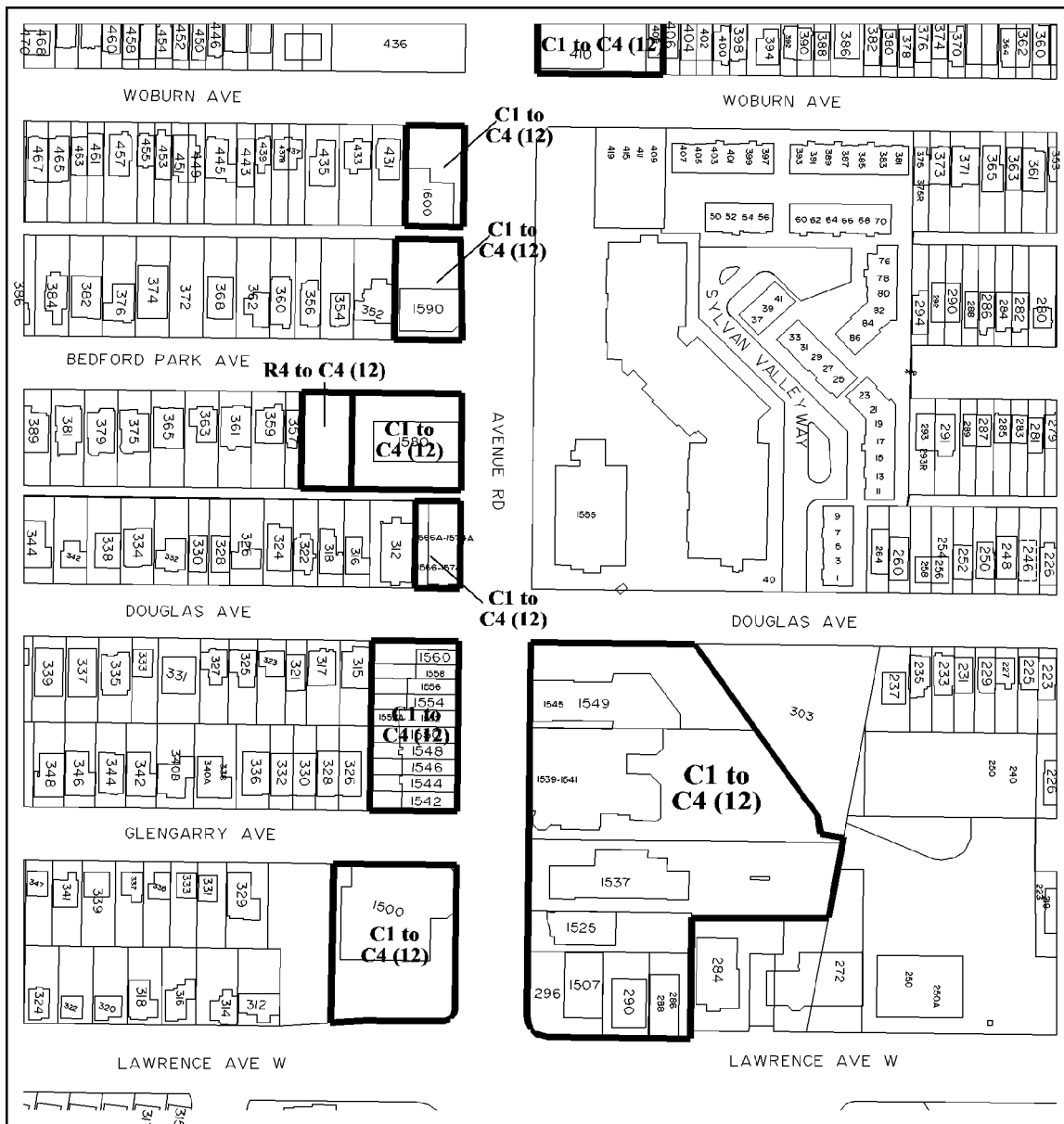
Date: 10/09/2009

Approved by: PB



Not to Scale





Zoning

Date: 10/09/2009
Approved by: PB

Not to Scale



Zoning

Date: 10/09/2009
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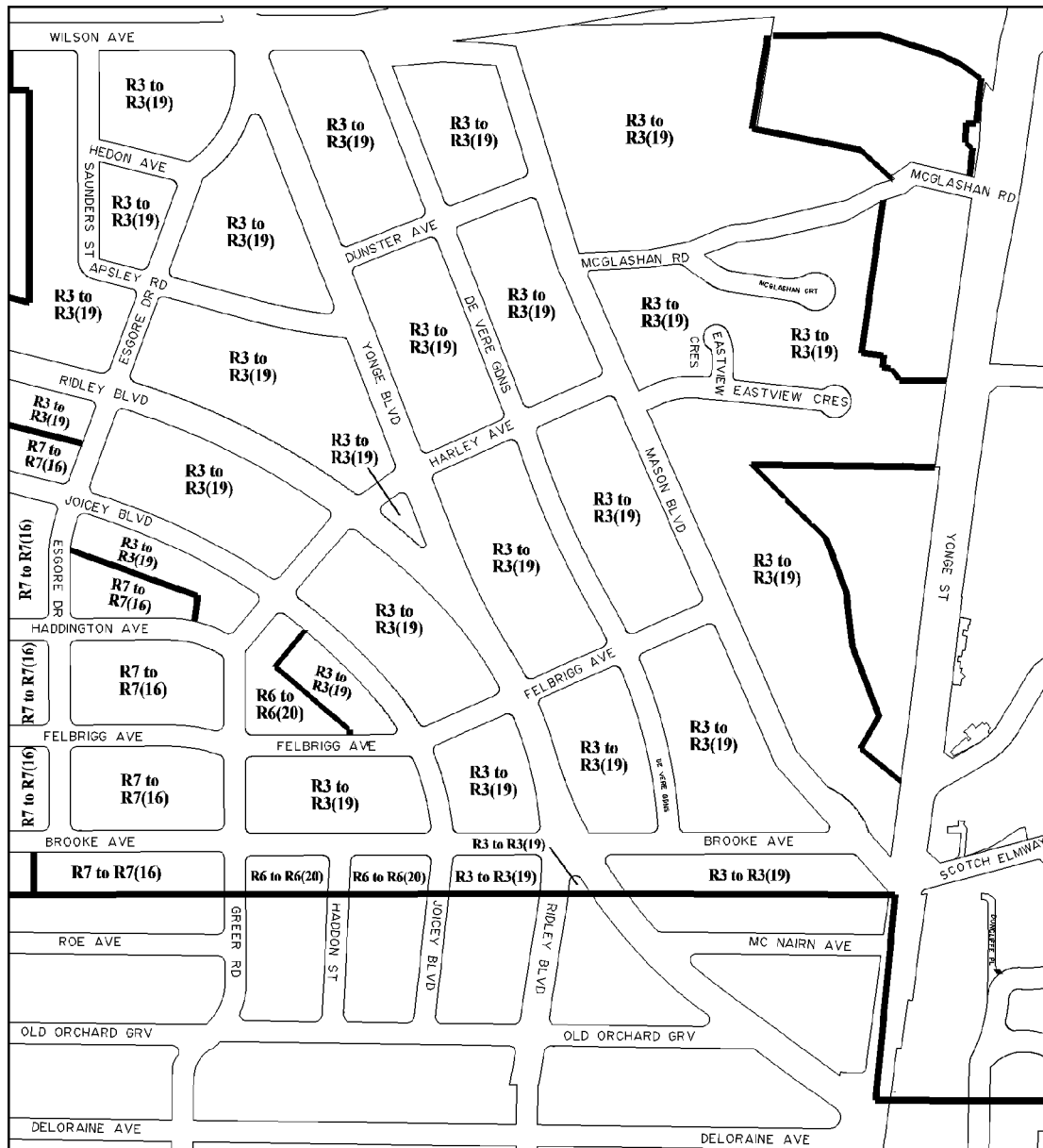




Zoning

Date: 10/09/2009
Approved by: PB





Zoning

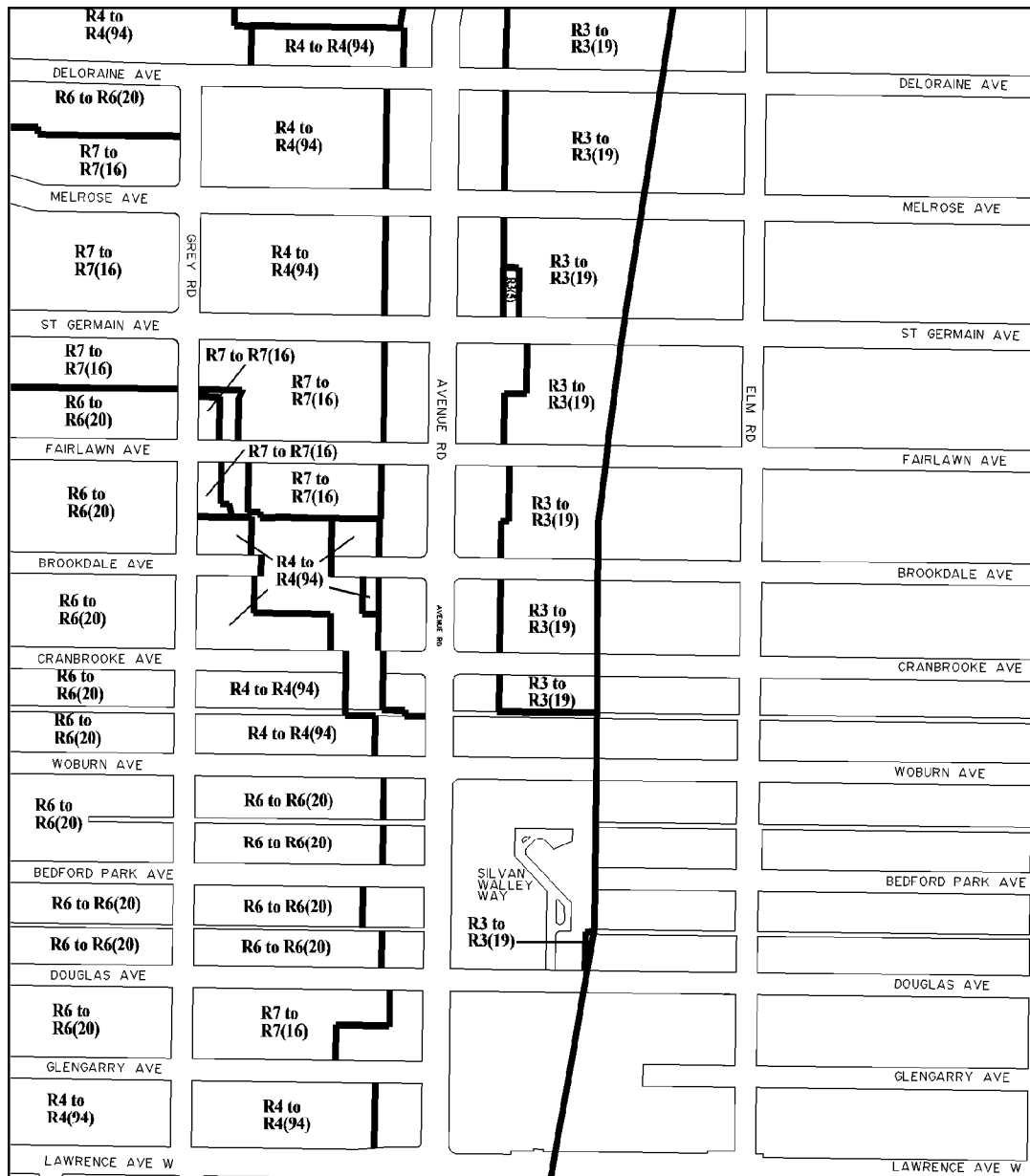
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