

Authority: Etobicoke Community Council Report No. 4, Clause No. 15,
as adopted by City of Toronto Council on May 21, 22 and 23, 2003
Enacted by Council: June 26, 2003

CITY OF TORONTO

BY-LAW No. 514-2003

To amend Chapter 320 of the Etobicoke Zoning Code with respect to certain lands fronting on the north and south side of The Queensway, between the Mimico Creek Valley and Kipling Avenue, to introduce an Avenues zoning area and associated development standards.

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 the matters herein set out are in conformity with Official Plan Amendment No. 95-2002, 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 held at least one public meeting in accordance with the *Planning Act*;

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

1. THAT the Zoning Map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to Township of Etobicoke By-law No. 11,737, 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' and 'A3' - Zoning Map, annexed hereto from Limited Commercial (CL), Class 1 Industrial (IC.1), and Second Density Residential (R2) to Limited Commercial-Avenues (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 provisions of the Etobicoke Zoning Code shall continue to apply.
3. The following development standards shall now be applicable to the (AV) lands described on Schedules 'A1', 'A2' and 'A3' - Zoning Map, attached hereto.

A. Permitted Uses

Residential: apartment houses; dwelling units above a business use, retail and/or office use; live/work units; and townhouses.

All Business, Institutional, and Public Uses permitted under the Limited Commercial (CL) zone, and shall include public parking areas and holistic clinics.

The following uses shall be prohibited: service stations and public garages; new and used car sales rooms and lots; the manufacture of confectionery; drive-through facilities; monuments related to cemeteries; adult video and

massage parlours; and adult entertainment establishments as defined by the *Municipal Act, 2001*.

B. Building Heights

- (1) For the purposes of this By-law, the maximum building heights permitted on lands zoned Limited Commercial- Avenues (AV) on Schedules 'A1', 'A2' and 'A3' - Zoning Map attached hereto, shall be as shown on Schedules 'B1', 'B2' and 'B3' - Building Heights Map. In no situation shall the height exceed the following measurements; 6 storeys (21 metres) and 8 storeys (27 metres).
- (2) All buildings and structures shall maintain a minimum building height of two (2) storeys or 7.5 metres in height, excluding the mechanical penthouse. Parking attendant booths and monuments shall be excluded from this requirement.
- (3) Notwithstanding Section 320-109 (A)(1) of this By-law, one mechanical penthouse shall be permitted having a maximum size of 25 square metres. The said mechanical penthouse shall not encroach within the 45-degree angular plane of the property.
- (4) Notwithstanding the height provisions in Schedules 'B1', 'B2' and 'B3' - Building Heights Map, where a building exceeds two (2) storeys, all additional storeys above the 2 storey level and up to the 6th storey shall be setback a minimum of one (1) metre. Where a building exceeds the 6 storey level, all additional storeys above the 6 storey level shall be setback a minimum of three (3) metres.

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) and Third Density Residential (R3). Where a public laneway abuts the development site, the portion of the laneway that abuts a (R2) and/or (R3) zone may be included for the purposes of establishing the 45-degree angular plane.
- (2) In cases where a development has been constructed and a laneway is deemed surplus and sold by the Municipal Council, the development shall be deemed to comply with the 45-degree angular plane provision.

D. Building Setbacks

- (1) Front Yard:
 - (i) The minimum front yard building setback shall be 0.0 metres, and the maximum front yard building setback shall be 3.0 metres on

the lands zoned Limited Commercial- Avenues (AV) on Schedules 'A1', 'A2' and 'A3' - Zoning Map attached hereto.

- (ii) Notwithstanding (i) above, for the lands on the south side of The Queensway, between Zorra Street and Islington Avenue, a minimum building setback of three (3) metres is required.
- (iii) Notwithstanding (i) above, for the lands on the south side of The Queensway, having municipal addresses from 935 to 997 The Queensway inclusive (located between Canmotor Avenue and Islington Avenue), a minimum building setback of three (3) metres is required.

(2) Rear Yard:

- (i) A landscape strip shall be provided within the rear yard having a minimum width of two (2) metres, where the site abuts a Second Density Residential (R2) and/or Third Density Residential (R3) zone.
- (ii) Where a laneway abuts a development site, the landscape strip shall not be required.

(3) Side Yard:

- (i) No side yard setback is required.
- (ii) Notwithstanding i) above, a minimum side yard building setback of 1.2 metres shall be required only where the development site abuts a Public Open Space (OS) zone or Utilities (U) zone.

E. Density

- (1) For the purposes of this By-law, the maximum gross Floor Space Index (FSI) permitted on lands zoned Limited Commercial- Avenues (AV) on Schedule 'A1', 'A2' and 'A3' - Zoning Map attached hereto, shall be 3 times the lot area, as defined by Section 304-3 of the Etobicoke Zoning Code.

F. Build-to Area

- (1) The Build-to Area, as defined, for any lot within the lands identified on Schedules 'A1', 'A2' and 'A3' - Zoning Map attached hereto, shall be a minimum of seventy (70) percent of the lot frontage abutting a public street.

G. Lot Frontage

- (1) Property/properties with a minimum lot frontage of less than twenty-four (24) metres are permitted to have a development having a maximum building height of six (6) storeys.
- (2) A minimum lot frontage of twenty-four (24) metres shall be required in order to permit any development having a building height of greater than six (6) storeys.

H. Lot Coverage

- (1) No minimum or maximum lot coverage is required.

I. Parking

- (1) Where a development consists of a mix of residential and commercial uses, parking for residential uses (excluding townhouses) shall be required on the basis of one (1) parking space per residential dwelling unit (where there are 2-bedroom units or less); and 1.20 spaces per residential dwelling unit where there are three or more bedrooms.
- (2) A minimum of 0.2 visitor parking spaces shall be required per residential dwelling unit.
- (3) Notwithstanding (1) above, where a development is residential only, parking shall be provided subject to Sections 320-18 and 320-19 of the Etobicoke Zoning Code.
- (4) Notwithstanding Section 320-18C., parking for commercial uses (excluding restaurants, 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.
- (5) Notwithstanding Section 320-18, parking for medical/dental offices shall be required on the basis of 4.0 parking spaces per 93 square metres of gross floor area.
- (6) 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.

J. Miscellaneous

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

- (2) Main building entrances shall front onto and be directly accessible to the public street.
- (3) Where a lot abuts a flanking street or laneway, all vehicle access shall be restricted to the flanking street or laneway.
- (4) 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.
- (5) Section 304-36C.(1) is amended by adding the following words “Limited Commercial-Avenues (AV)”, after the word “residential”.
- (6) Section 304-36D.(5) is amended by adding the following words “or Limited Commercial-Avenues (AV)” after the word “residential”.

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

- (i) ‘**Minor projections**’ means 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, mechanical penthouses, parapets, stairs and stair enclosures located on the roof of the building.
- (iii) ‘**Grade**’ shall mean the average elevation of the finished ground level at the main front wall of the building.
- (iv) ‘**Live/work**’ shall mean a unit that contains a subsidiary business, which business is conducted only by an individual that lives/resides in the dwelling and which does not occupy any more than 30 percent of the entire dwelling unit. The subsidiary business use shall be restricted to the ground/ main floor only. The uses allowed as a subsidiary business include restricted business offices (not including any medical, dental, medical laboratories, massage therapy, holistic office, restaurant, food preparation, food retail, video sales/rentals, automotive repair, rental or parts, printing or photo finishing, dry cleaning establishments), but shall exclude retail stores.
- (v) ‘**Townhouse dwelling**’ shall be defined as “multiple dwellings consisting of a series of attached dwelling units each having a direct access from the outside, and shall include group dwellings and row dwellings, and may include a live/work component”.
- (vi) ‘**Build-to Line**’ means the area of the lands within which a streetwall of a building or structure shall be located.

- (vii) **'Streetwall'** shall mean any exterior wall of a building abutting a public street.
- (viii) **'45 degree Angular Plane'** shall mean a point originating at a residential lot line and projecting at a 45 degree angle towards The Queensway streetline.
- 5. By-law No. 1991-13, as it applies to lands located on the south side of The Queensway, east of Taymall Avenue, shall continue to apply notwithstanding the provisions of this By-law.
- 6. By-law No. 1992-130, as it applies to lands located on the south side of The Queensway, between Zorra Street and St. Lawrence Avenue, shall continue to apply notwithstanding the provisions of this By-law.
- 7. By-law No. 1992-169, as it applies to lands located on the south side of The Queensway, between Grand Avenue and the Mimico Creek, shall continue to apply notwithstanding the provisions of this By-law.
- 8. By-law No. 1995-59, as it applies to lands located on the south side of The Queensway, west of Morgan Avenue, shall continue to apply notwithstanding the provisions of this By-law.
- 9. The subject By-law shall take precedence over By-law No. 280-2001, only as it applies to the lands zoned Limited Commercial- Avenues (AV) on Schedules 'A1', 'A2' and 'A3' - Zoning Map attached hereto.
- 10. By-law No. 2002-699, as it applies to lands located on the north side of The Queensway, between Rothsay and Parker Avenues, shall continue to apply notwithstanding the provisions of this By-law.
- 11. By-law No. 776-2002, as it applies with respect to Drive-Through facilities shall continue to apply notwithstanding the provisions of this By-law.
- 12. For the purposes of this By-law, gross floor area and coverage as per Section 304-3 of the Etobicoke Zoning Code do not apply.

- 13.** 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 ENACTMENT DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
514-2003 June 26, 2003	Lands located on the north and south side, fronting onto The Queensway, between the Mimico Creek Valley and Kipling Avenue	To rezone the lands from Class 1 Industrial (IC.1), Limited Commercial (CL)

ENACTED AND PASSED this 26th day of June, A.D. 2003.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Toronto Schedule 'A1' BY-LAW

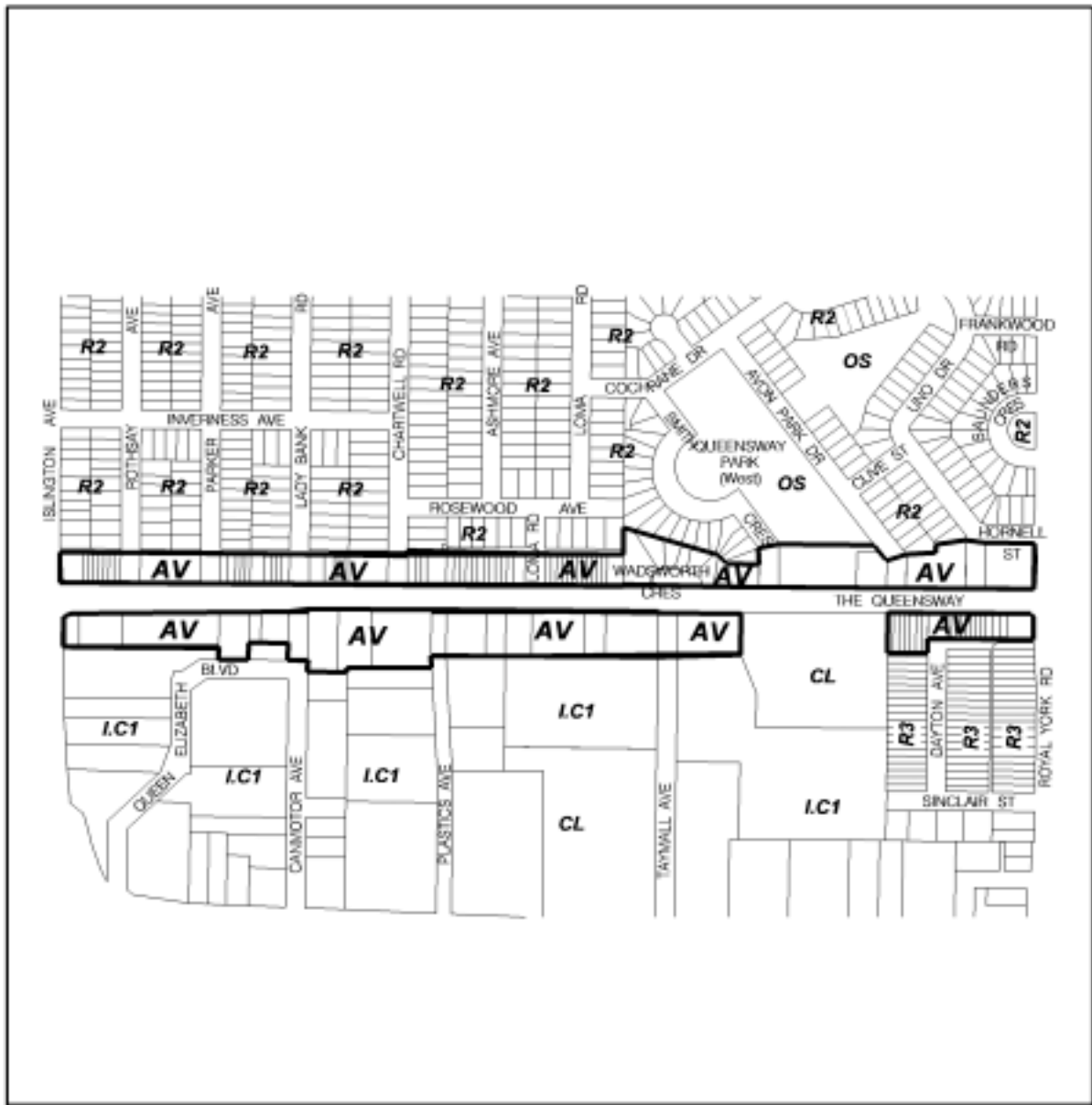


**THE AVENUES – THE QUEENSWAY
ZONING MAP**

Applicant's Name:		CITY OF TORONTO	
Assessment Map: C12	Zoning Code Map's C12		scale:
File No.	Drawing No.	Drawn By: K.R.O.M.	



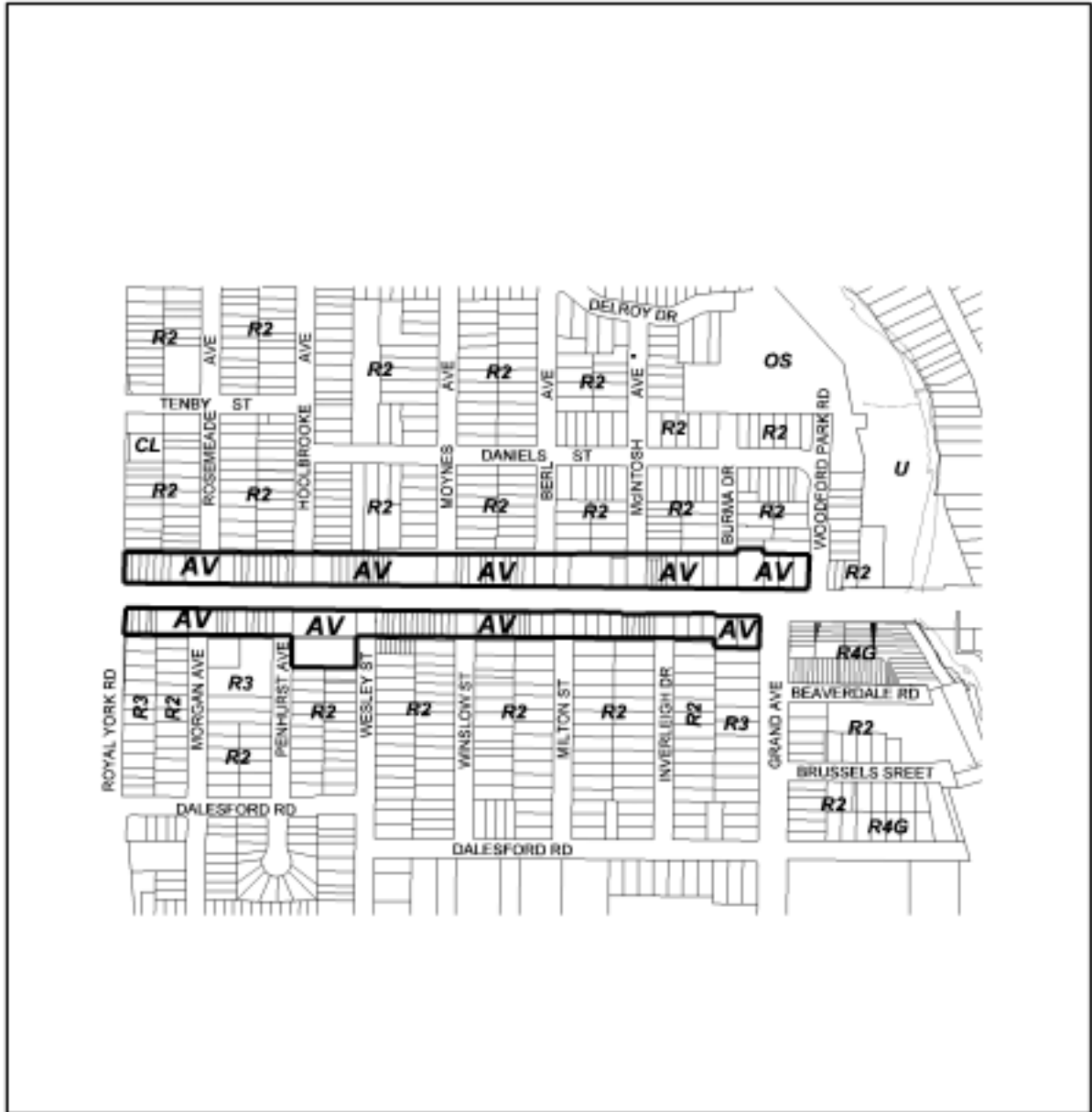
Toronto Schedule 'A2' BY-LAW



**THE AVENUES – THE QUEENSWAY
ZONING MAP**

Applicant's Name:		CITY OF TORONTO	
Assessment Map C12	Zoning Code Maps C12		scale 0 120 240 60 180 m
File No.	Drawing No.	Drawn By: K.P./J.M.	

TORONTO Schedule 'A3' BY-LAW

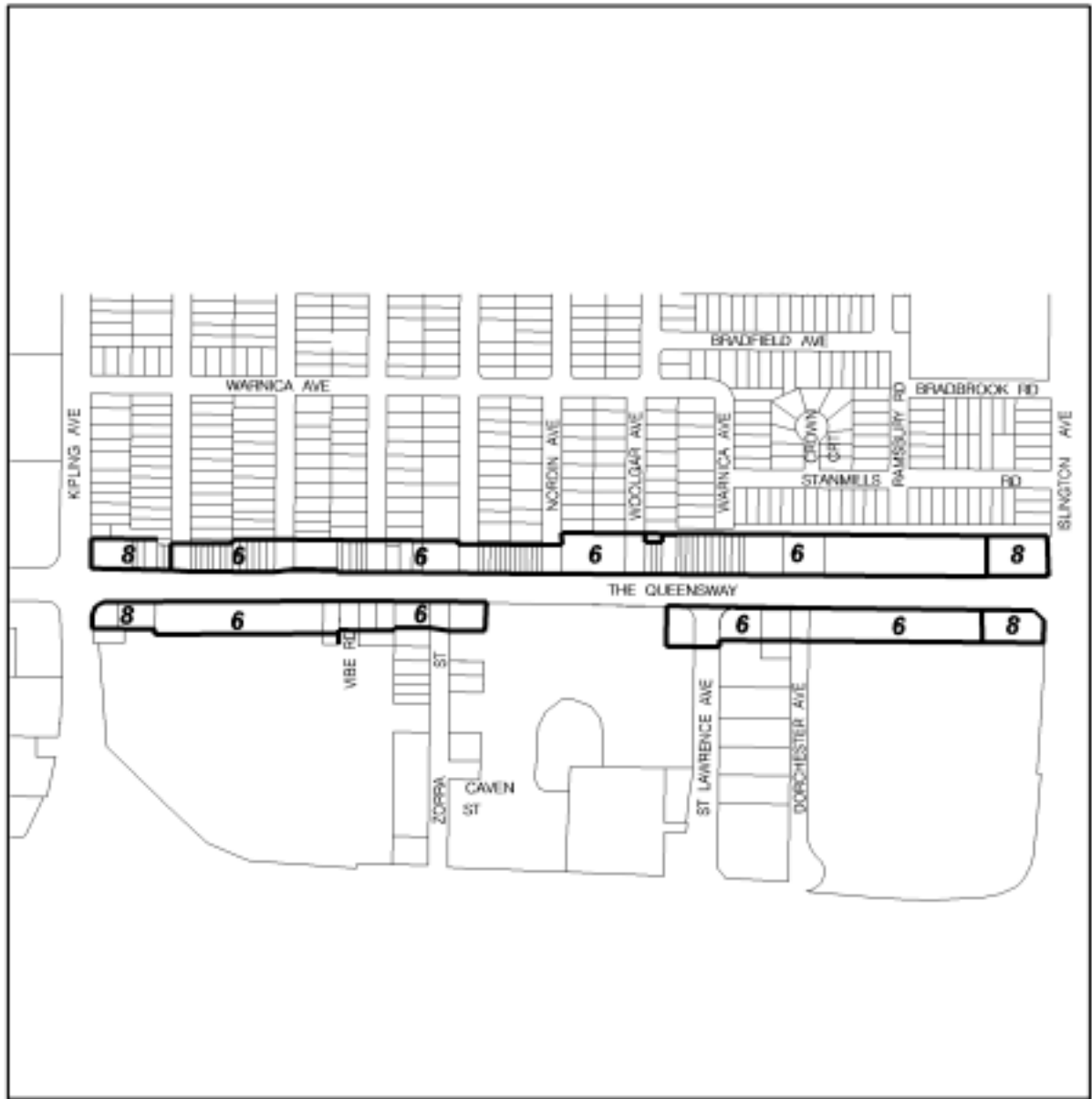


**THE AVENUES – THE QUEENSWAY
ZONING MAP**

Applicant's Name:		CITY OF TORONTO	
Assessment Map C12	Zoning Code Map's C12		scale: 0 120 240 60 180 m
File No.	Drawing No	Drawn By: K.P./J.M	



Toronto Schedule 'B1' BY-LAW



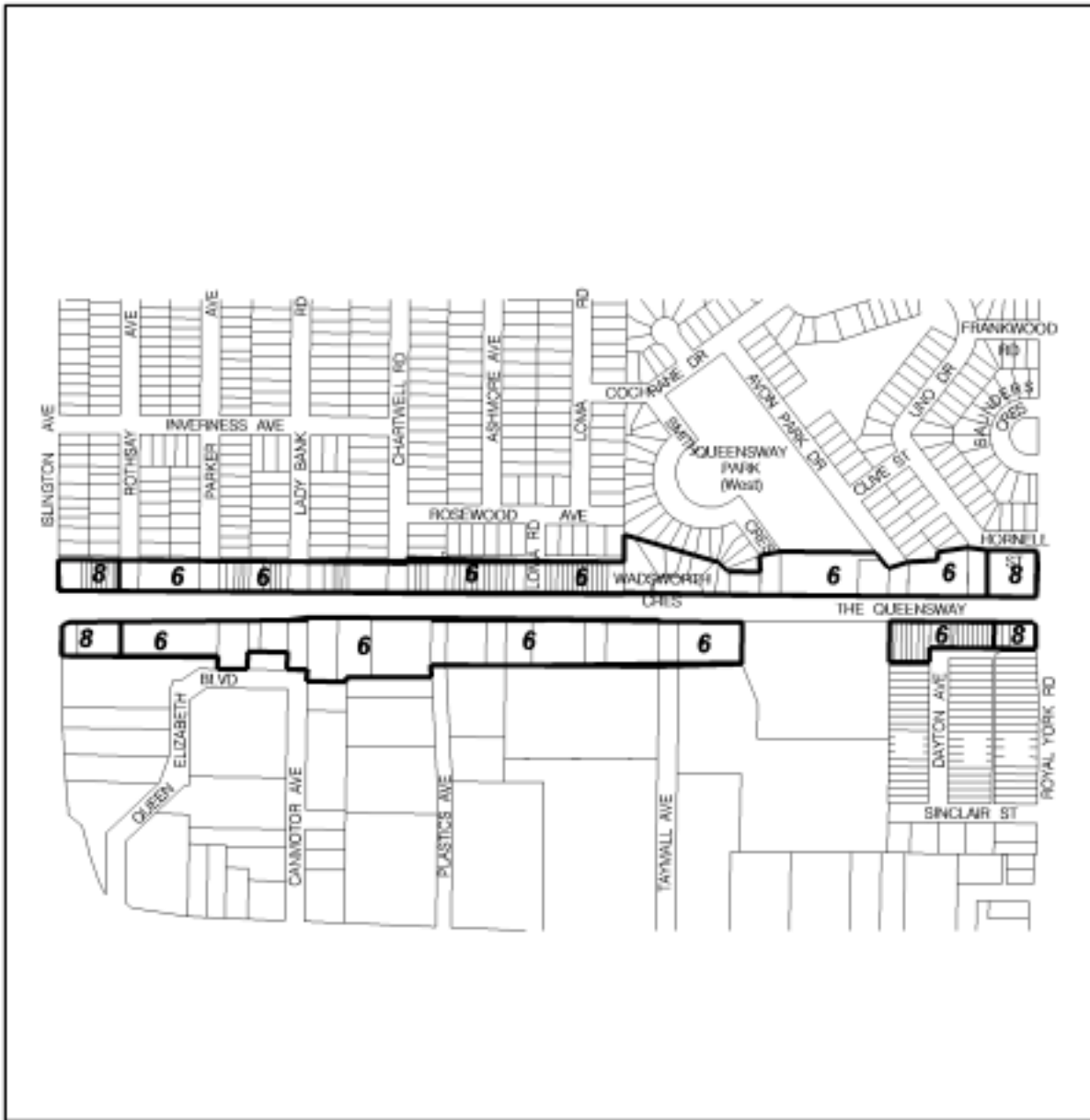
**THE AVENUES – THE QUEENSWAY
 BUILDING HEIGHTS**

(maximum height based on number of storeys)

Applicant's Name:		CITY OF TORONTO	
Assessment Map C12	Zoning Code Maps C12		scale:
File No.	Drawing No.	Drawn By: K.R.O.M.	



Toronto Schedule 'B2' BY-LAW

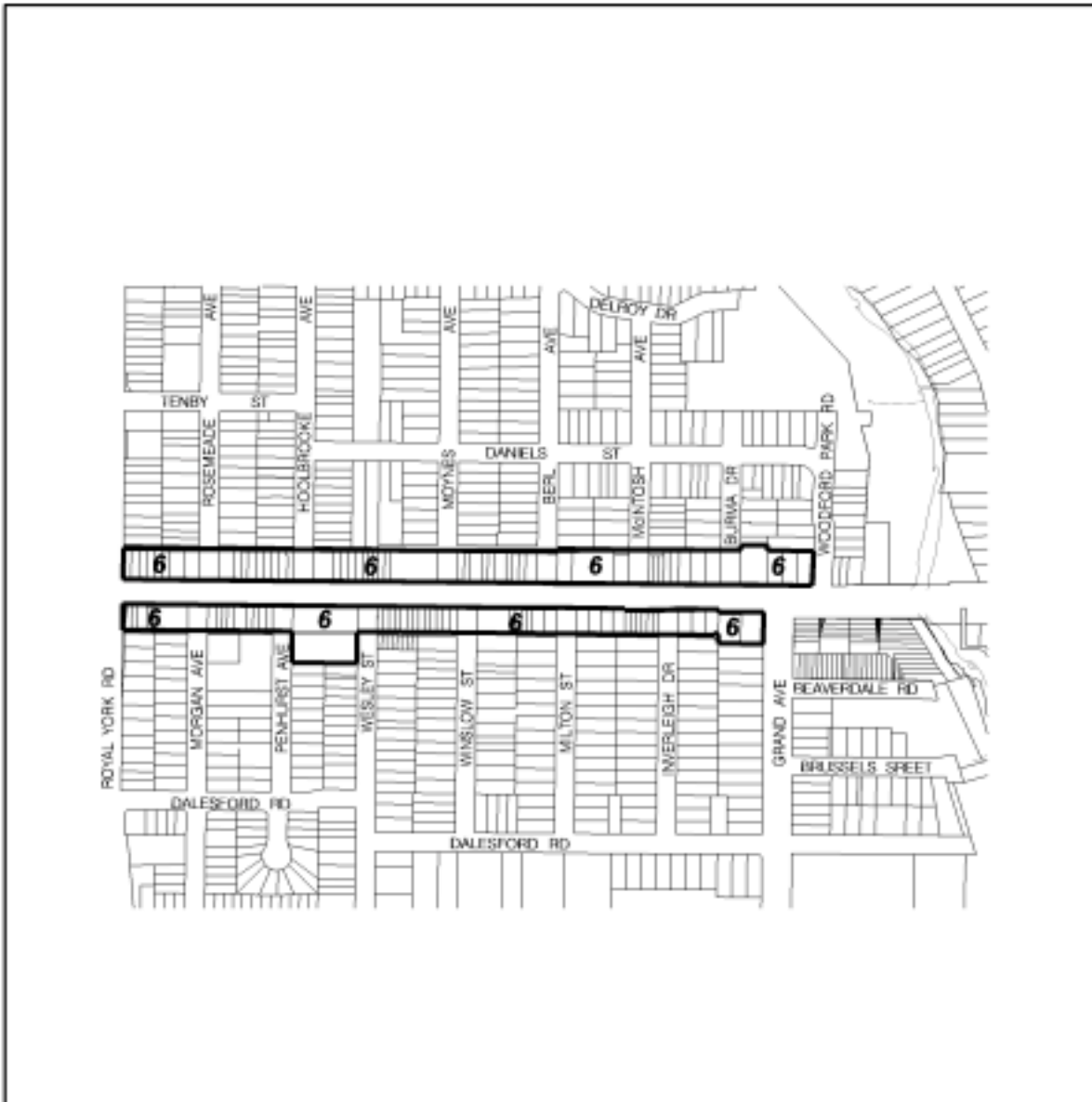


**THE AVENUES – THE QUEENSWAY
 BUILDING HEIGHTS**
 (maximum height based on number of storeys)

Applicant's Name:		CITY OF TORONTO	
Assessment Map C12	Zoning Code Map# C12	scale 0 60 120 180 240 m	
File No.	Drawing No.		



TORONTO Schedule 'B3' BY-LAW



**THE AVENUES – THE QUEENSWAY
 BUILDING HEIGHTS**
 (maximum height based on number of storeys)

Applicant's Name:		CITY OF TORONTO	
Assessment Map: C12	Zoning Code Map: C12		0 120 240 scale 60 180 m
File No.	Drawing No.	Drawn By: K.P./J.M.	