

Authority: Etobicoke Community Council Report No. 7, Clause No. 41,
as adopted by City of Toronto Council on September 22, 23, 24 and 25, 2003
Enacted by Council: September 24, 2003

CITY OF TORONTO

BY-LAW No. 941-2003

To amend Chapter 320 of the Etobicoke Zoning Code with respect to certain lands fronting on the north and south sides of Bloor Street West, between Montgomery Road and Thompson Avenue, respectively, in the west, and Prince Edward Drive, in the east, to introduce an Avenue zoning area and associated development standards.

WHEREAS authority is given 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 the provisions of the former City of Etobicoke Official Plan and new City of Toronto Official Plan, 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*;

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 lands located in the former Township of Etobicoke as described in Schedule 'A', attached hereto, from Limited Commercial (CL) 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 Schedule 'A', attached hereto.

A. Permitted Uses

Residential: Dwelling units above a business use, retail and/or office use.

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; and drive-through facilities.

Building Heights

- (1) For the purpose of this By-law, the maximum building height permitted on lands zoned Limited Commercial – Avenues (AV) on Schedule ‘A’ shall be 6 storeys (18 metres) for new buildings.
- (2) Notwithstanding Section 3.B.(1) of this By-law, the maximum building height on lands that back directly onto residential areas on the north side of Bloor Street, shall be 14 metres.
- (3) All new buildings and structures shall maintain a minimum building height of two (2) storeys or 6.5 metres in height, excluding the mechanical penthouse. Parking attendant booths and monuments shall be excluded from this requirement.
- (4) Notwithstanding Section 3.B.(2) 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.
- (5) Where a new building exceeds two (2) storeys, a cornice line or minimum 0.6 metre setback shall be required above the second storey to separate the bulk of the height above from the building base.
- (6) Where a new building exceeds five (5) storeys, the sixth storey level shall be setback a minimum of 3.0 metres from all sides to ensure adequate sun conditions and to reduce the visual impact of the upper storey.

B. Angular Plane

- (1) All new 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 abutting properties that are zoned Second Density Residential (R2). Where a public laneway abuts the development site, the portion of the laneway that abuts an (R2) zone may be included for the purposes of establishing the 45-degree angular plane.

C. Building Setbacks

- (1) Front Yard:
 - (i) A minimum 1.2 metre setback from the street line on both sides of Bloor Street shall be required for new buildings.
- (2) Side Yard:
 - (i) No side yard setback is required.

(3) Rear Yard:

- (i) No rear yard setback is required.

D. 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 ‘A’, attached hereto, shall be 3 times the lot area, as defined by Section 304-3 of the Etobicoke Zoning Code.

E. Build-to Area

- (1) The Build-to Area, as defined, for any lot within the lands identified on Schedule ‘A’, attached hereto, shall be a minimum of seventy (70) percent of the lot frontage abutting a public street.

F. Lot Frontage

- (1) A minimum lot frontage of more than 24 metres shall be required in order to permit any new development having a building height of six (6) storeys.

G. Lot Coverage

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

H. Parking

- (1) Notwithstanding Section 320-18 B), C), and E) of the Zoning Code, the following parking requirements shall apply:

- (a) Parking for business uses (excluding restaurants greater than 150 square metres in gross floor area, 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 2.0 parking spaces per 93 square metres of gross floor area.

- (b) Residential Dwelling Units (excluding townhouses) having less than 3 bedrooms:

Minimum 1.0 parking spaces per dwelling unit of which 0.2 parking spaces per dwelling unit are reserved for visitor parking; and,

Maximum 1.25 parking spaces per dwelling unit of which 0.2 parking spaces per dwelling unit are reserved for visitor parking.

- (c) Residential Dwelling Units (excluding townhouses) having 3 or more bedrooms:

Minimum 1.0 parking spaces per dwelling unit of which 0.2 parking spaces per dwelling unit are reserved for visitor parking; and,

Maximum 1.4 parking spaces per dwelling unit of which 0.2 parking spaces per dwelling unit are reserved for visitor parking.

- (d) 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; and,

- (e) Where a lot is abutting a flanking street or laneway, all vehicular access for parking shall be restricted to the flanking street or laneway.

- (2) No person shall use any portion of a lot located between the main front wall of a building and the street, at or above the natural ground level of the ground, for the purpose of parking or storing a motor vehicle.

I. 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 new building is on a corner lot, a minimum 2.0 metre wide, 45 degree angular entrance shall be required.
- (4) Where a lot abuts a flanking street or laneway, all vehicular access shall be restricted to the flanking street or laneway.
- (5) 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.

4. For the purpose 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, canopies, 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) **‘Build-to Line’** means the area of the lands within which a streetwall of a building or structure shall be located.
 - (v) **‘45 degree Angular Plane’** shall mean a point originating at existing grade at the residential lot line and projecting at a 45 degree angle towards the Bloor Street streetline.
5. Notwithstanding the provisions of this by-law, no person shall use the lands or premises to which the following by-laws apply except in accordance with all zoning regulations in effect on the day of passing of this By-law: By-law No. 646-1999; By-law No. 1997-233; By-law 1997-16; By-law No. 1988-62; By-law No. 1987-10; By-law No. 1984-221; By-law No. 83-115; By-law No. 1979-302; By-law No. 1979-171; By-law No. 13899; By-law No. 13810; By-law No. 13051; By-law No. 12908; By-law No. 11,869; By-law No. 11843; and By-law No. 69.
6. For the purpose of this By-law, gross floor area and coverage as per Section 304-2 of the Etobicoke Zoning Code do not apply.

7. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this by-law by adding the following Section 324-1, Table of Site Specific By-laws:

BY-LAW NUMBER ENACTMENT DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
941-2003 September 24, 2003	Lands on the north and south sides of Bloor Street West, between Montgomery Road and Thompson Avenue, respectively, in the west, to Prince Edward Drive, in the east	To rezone lands from Limited Commercial (CL) to Limited Commercial – Avenues (AV)

ENACTED AND PASSED this 24th day of September, A.D. 2003.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Toronto Schedule 'A' BY-LAW

