

Authority: Planning and Housing Committee Item PH3.2,
as adopted by City of Toronto Council on May 10, 11 and
12, 2023
City Council voted in favour of this by-law on June 15,
2023

CITY OF TORONTO

BY-LAW 553-2023

To amend Zoning By-law 569-2013, as amended, with respect to certain lands within the Yonge-Eglinton Secondary Plan area, including lands along the east side of Duplex Avenue Road between Helendale Avenue and St. Clements Avenue; the following streets between Duplex Avenue and Yonge Street: Helendale Avenue, Montgomery Avenue, Roselawn Avenue, and Castlefield Avenue; Roehampton Avenue east of Bruce Park Avenue; and the south side of Millwood Road and the north side of Davisville Avenue between Yonge Street and Mount Pleasant Avenue.

Whereas Council of the City of Toronto has the authority to pursuant to 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 enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagrams 1, 2 and 3 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by:
 - (A) amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of R (f7.5; u2; d0.6) (x949), R (d1.0) (x768), R (d1.0) (x795), R (d1.0) (x940), R (d0.6) (x948) and R (d0.6) (x931) to a zone label of R (x159) and OR (x44) as shown on Diagrams 4, 5, and 6 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20 and applying a height and storey label of HT 12.0, ST 4 as shown on Diagrams 7, 8 and 9 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 159, so that it reads:

(159) Exception R 159

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) Regulation 10.10.40.40(1) regarding the permitted maximum floor space index does not apply;
- (B) Despite regulation 10.10.40.30(1)(B), the maximum permitted **building depth** is 17.0 metres for a **duplex, triplex, fourplex, townhouse or apartment building**;
- (C) The required minimum number of **storeys** for a **building** is 2 **storeys**;
- (D) Despite regulations 10.5.40.70(1) and 10.10.40.70(3), the minimum **street yard setback** for the portion of a **lot** abutting Roselawn Avenue is the greater of:
 - (i) the requirements in regulation 10.5.40.70(1) or 5.0 metres, for a required minimum **front yard setback**; and
 - (ii) the requirements in regulation 10.10.40.70(3) or 5.0 metres, for a required minimum **side yard setback**;
- (E) Despite regulations 10.5.40.70(1) and 10.10.40.70(3), the minimum **street yard setback** for the portion of a **lot** abutting Montgomery Avenue is the greater of:
 - (i) the requirements in regulation 10.5.40.70(1) or 5.0 metres, for a required minimum **front yard setback**; and
 - (ii) the requirements in regulation 10.10.40.70(3) or 5.0 metres, for a required minimum **side yard setback**;
- (F) Despite regulation 10.5.40.70(1), the minimum **street yard setback** for **lots** abutting Davisville Avenue is 4.5 metres;
- (G) Despite regulation 10.10.30.20(1)(B), the required minimum **lot frontage** is 5.0 metres;
- (H) Despite regulation 10.10.40.70(2), a **building** or **structure** must be set back:
 - (i) at least 7.5 metres from the **rear lot line**; or
 - (ii) where the **rear lot line** abuts a **lane**, at least 7.5 metres from the **lot line** of the **lot** abutting the **lane** on the opposite side of the **lane**;

- (I) Despite regulation 5.10.40.70(2), **building setback** requirements in By-law 553-2023 apply to all portions of a **building** or **structure** above ground and below ground; except,
 - (i) a below-ground **parking garage** may encroach within a required **building setback**, provided it is located a minimum depth of 1.5 metres;
- (J) Regulation 10.10.40.1(4) with respect to required minimum width of a **dwelling unit** in a **townhouse** does not apply;
- (K) A minimum of 25 percent of the total number of **dwelling units** in an **apartment building** must contain a minimum of two or more bedrooms with a minimum **interior floor area** of 90 square metres for each **dwelling unit**; and
 - (i) where the calculation above results in a fraction, the number of required **dwelling units** may be rounded down to the next whole number;
- (L) Despite regulation 10.5.80.40(3), if a **lot** abutting Davisville Avenue and Millwood Road contains a **detached house, semi-detached house, duplex triplex, or fourplex, vehicle** access from a **street** to a **parking space** may only be provided from a **lawfully existing vehicle access**;
- (M) Despite regulations 10.5.80.40(1) and 10.10.80.40(1), a **vehicle** entrance through the front **main wall** of a **residential building** is not permitted;
- (N) Despite regulation 10.5.100.1(6), a **lot** in the Residential Zone category may have one **driveway** with only one point of **vehicle** access to a **street**;
- (O) Despite regulation 10.5.80.40(3), **vehicle** access to a **parking space** on a **lot** must:
 - (i) be from the **lane**, if the **lot** abuts a **lane**; and
 - (ii) in all other cases, may only be from a **driveway** that provides access to a **building** containing two or more **dwelling units**.
- (P) The minimum required floor space index of all uses permitted in regulations 10.10.20.10(1) and 10.10.20.20(1) on a **lot** is 1.0 for the following:
 - (i) **lots** abutting the south side of Roselawn Avenue;
 - (ii) **lots** abutting Duplex Avenue south of Roselawn Avenue; and
 - (iii) **lots** abutting Montgomery Avenue;
- (Q) If two or more **residential buildings** are located on the same **lot**, the required minimum above-ground separation distance between the **main walls** of the respective **buildings** is:

- (i) 5.5 metres if there are no openings to **dwelling units** in the **main wall** of one or more of the **buildings**; and
 - (ii) 11.0 metres if each **main wall** has an opening to a **dwelling unit**;
- (R) On lands municipally known as 84 Davisville Avenue, a **lawfully existing retirement home** is permitted, subject to the following:
- (i) no **driveway** to the **lot** is permitted with access on Millwood Road; and
 - (ii) the minimum required **building setback** from a **lot line** that abuts Millwood Road is 30.0 metres;
- (S) Despite regulations 10.5.40.50(2), 10.5.40.60(1)(C) and 10.5.40.60(1)(D), a platform without **main walls**, such as a deck or balcony, attached to or within 0.3 metres of the rear **main wall** of a **residential building** and at a height greater than 1.2 metres above established grade, must comply with the following:
- (i) the minimum **side yard setback** of the platform is 1.8 metres; and
 - (ii) may not encroach into the required **rear yard setback**;
- (T) If the **lawful gross floor area** of **lawfully existing buildings** on a **lot** results in a floor space index less than the minimum floor space index required in Regulation 900.2.10(159)(P), the **lawful** floor space index resulting from those **lawfully existing buildings** on that **lot** is the minimum floor space index for those **lawfully existing buildings** on that **lot**;
- (U) If the **lawful** number of **storeys** and **building** height of a **lawfully existing building** are less than the requirements of Regulation 900.2.10(159)(C), that **lawful** number of **storeys** and **lawful** building **height** are the required minimum number of **storeys** and **building** height for that **lawfully existing building** or **structure**; and
- (V) Regulations 900.2.10(159)(M), (N) and (O) above do not apply to a **lawfully existing residential building** containing a **lawfully existing vehicle** entrance or **vehicle** access.

Prevailing By-laws and Prevailing Sections: (None Apply)

6. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.42.10 Exception Number 44, so that it reads:

(44) Exception OR (44)

The lands, or a portion thereof, as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) A **dwelling unit** in a **lawfully existing building** is permitted on the lands municipally known as 35, 39, 43, 45, 49, 51, 55, 57, and 61 Montgomery Avenue, and 30, 32, 34, 36, 38, 40, 44, 46, 50, 54, and 58 Helendale Avenue, and any addition to a **lawfully existing building** on these lands must comply with the requirements for the respective **building** type in the R zone, or be authorized by a Section 45 Planning Act minor variance.

Prevailing By-laws and Prevailing Sections: (None Apply)

7. Nothing in By-law 553-2023 will prevent the erection or use of a **building** or **structure** for which an application for a building permit was filed on or prior to June 18, 2023, whereby an "application for a building permit" means an application for a building permit that satisfies the requirements set out in Article I, Building Permits of Chapter 363, Building Construction and Demolition of the City of Toronto Municipal Code.
8. Nothing in By-law 553-2023 will prevent the erection or use of a **building** or **structure**, for which a complete application for a zoning by-law amendment was filed on or prior to June 18, 2023, whereby a "complete application for a zoning by-law amendment" means an application which satisfies the requirements set out in the City of Toronto Official Plan.
9. Nothing in By-law 553-2023 will prevent the erection or use of a **building** or **structure**, for which:
- (A) A complete application for a minor variance under Section 45 of the Planning Act was filed on or prior to June 18, 2023; or
- (B) A complete application for a minor variance under Section 45 of the Planning Act was filed after June 18, 2023 in respect of a building permit referred to in Section 7 of By-law 553-2023.
- (C) For the purposes of (A) and (B) above, a "complete application for a minor variance" means an application which satisfies the requirements of Section 2 of Ontario Regulation 200/96 (Minor Variance Applications) under the Planning Act.
10. Nothing in By-law 553-2023 will prevent the erection or use of a **building** or **structure** for which a complete application for site plan approval was filed on or prior to June 18, 2023, whereby a "complete application for site plan approval" means an application which satisfies the requirements set out in the City of Toronto Official Plan.

Enacted and passed on June 18, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1



Diagram 2

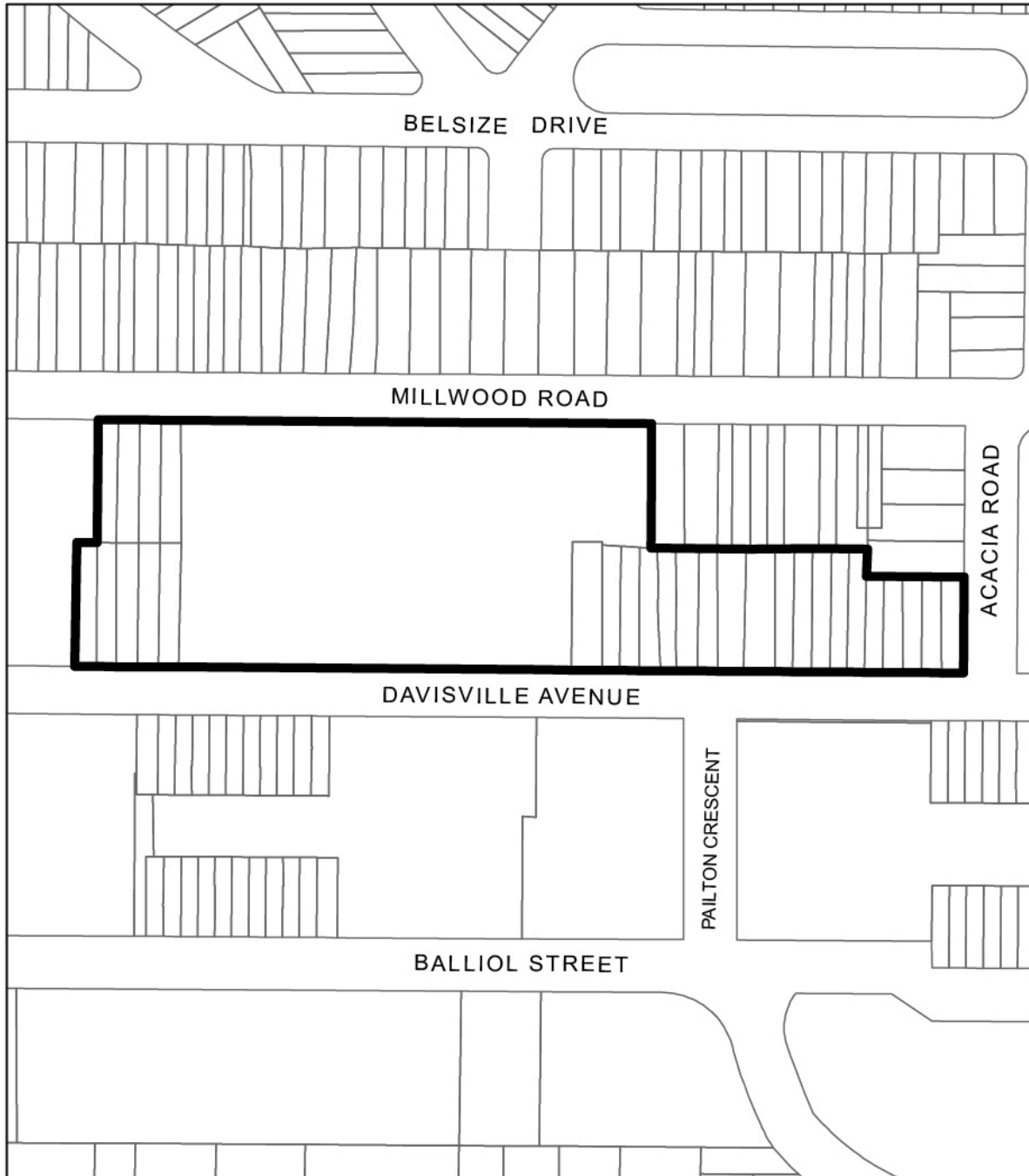


Diagram 3

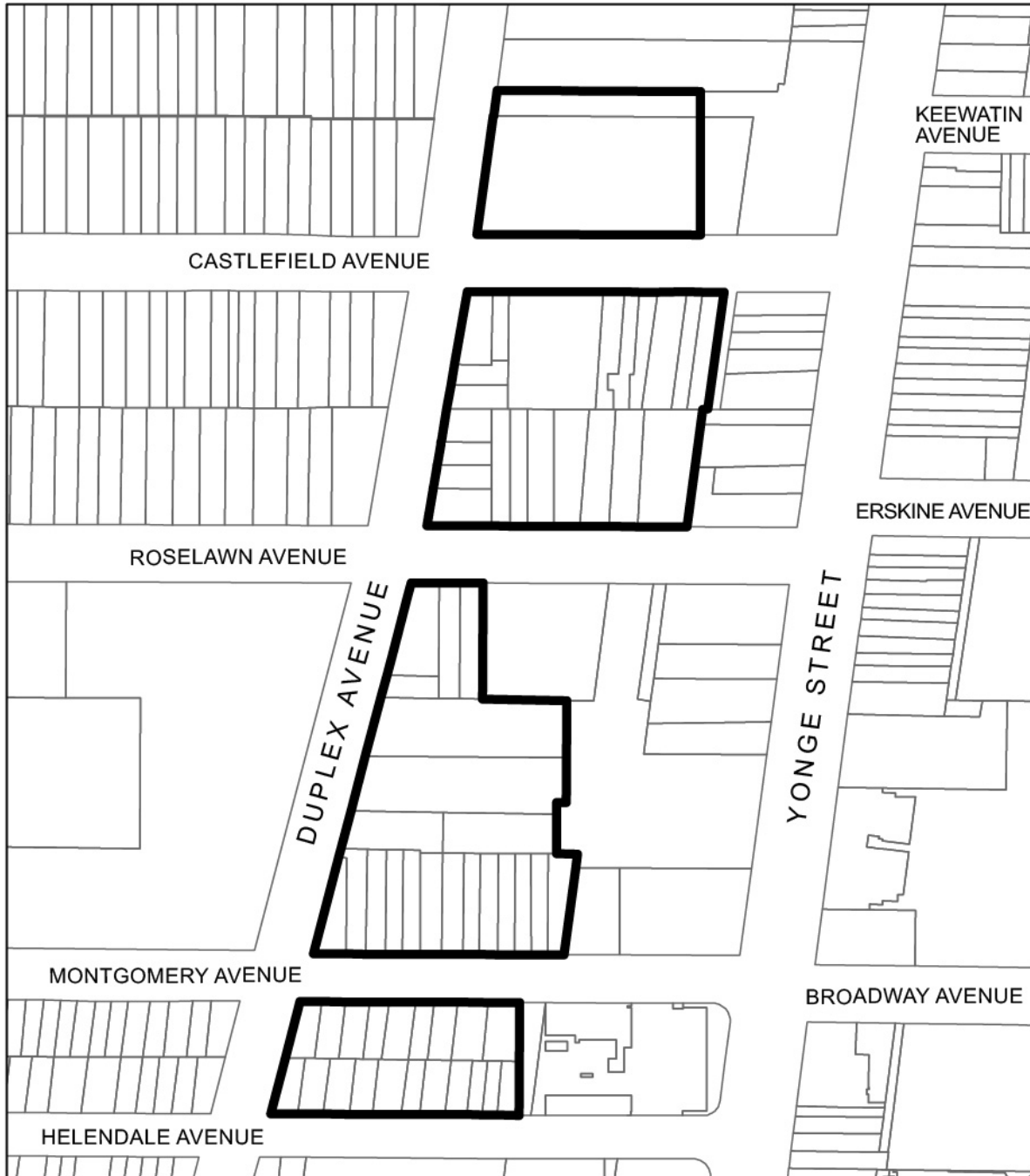


Diagram 4

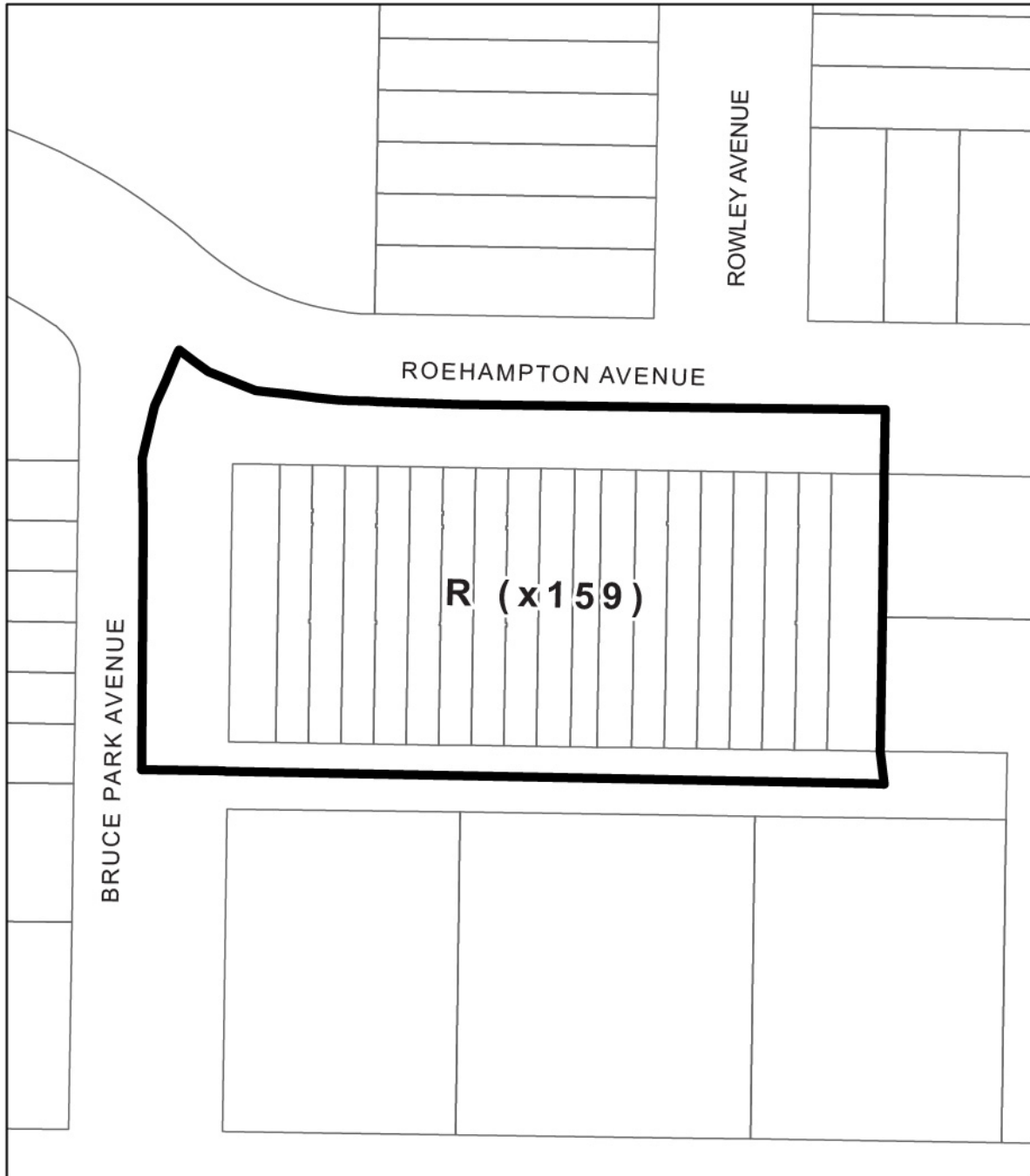


Diagram 5

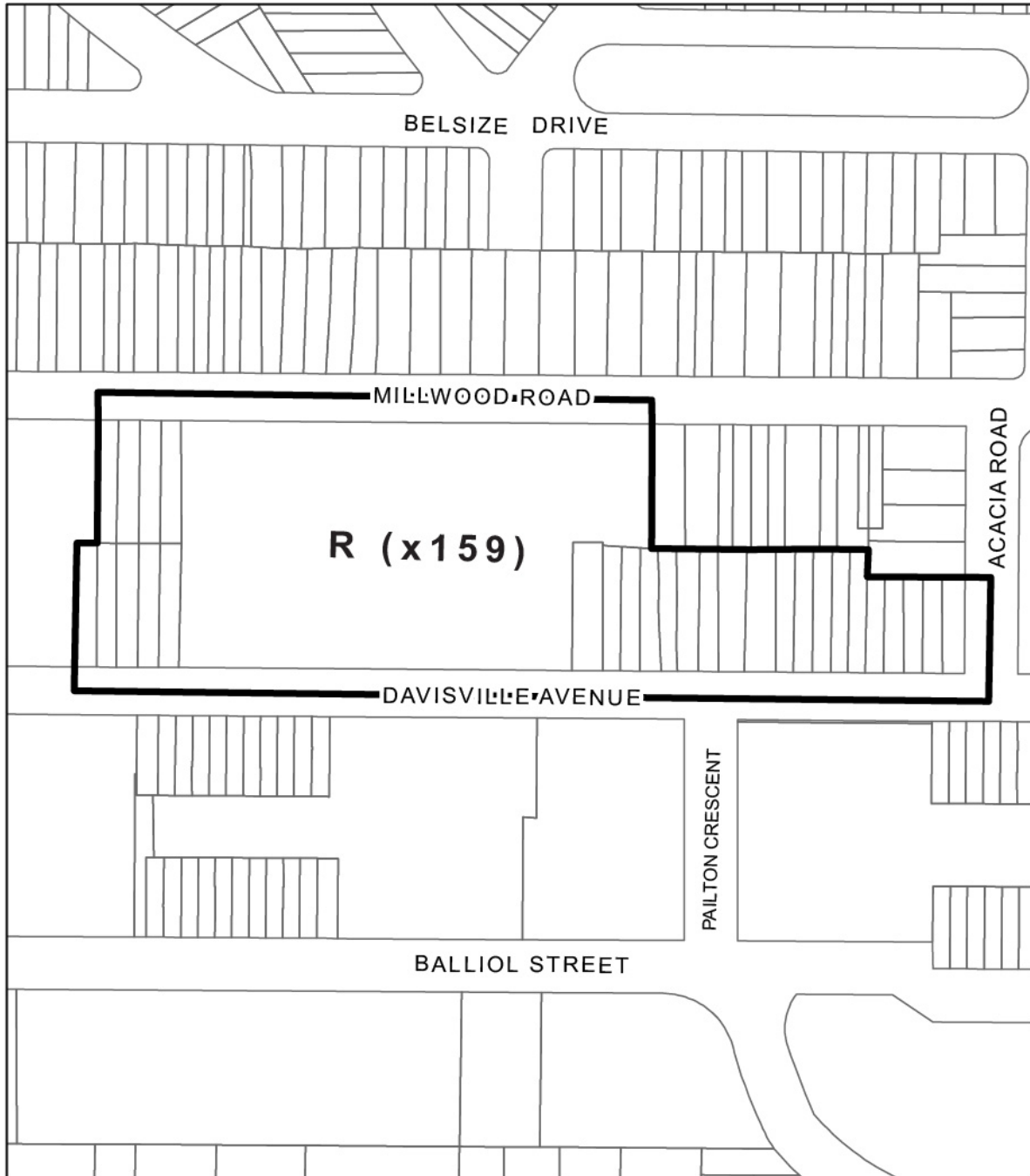


Diagram 6

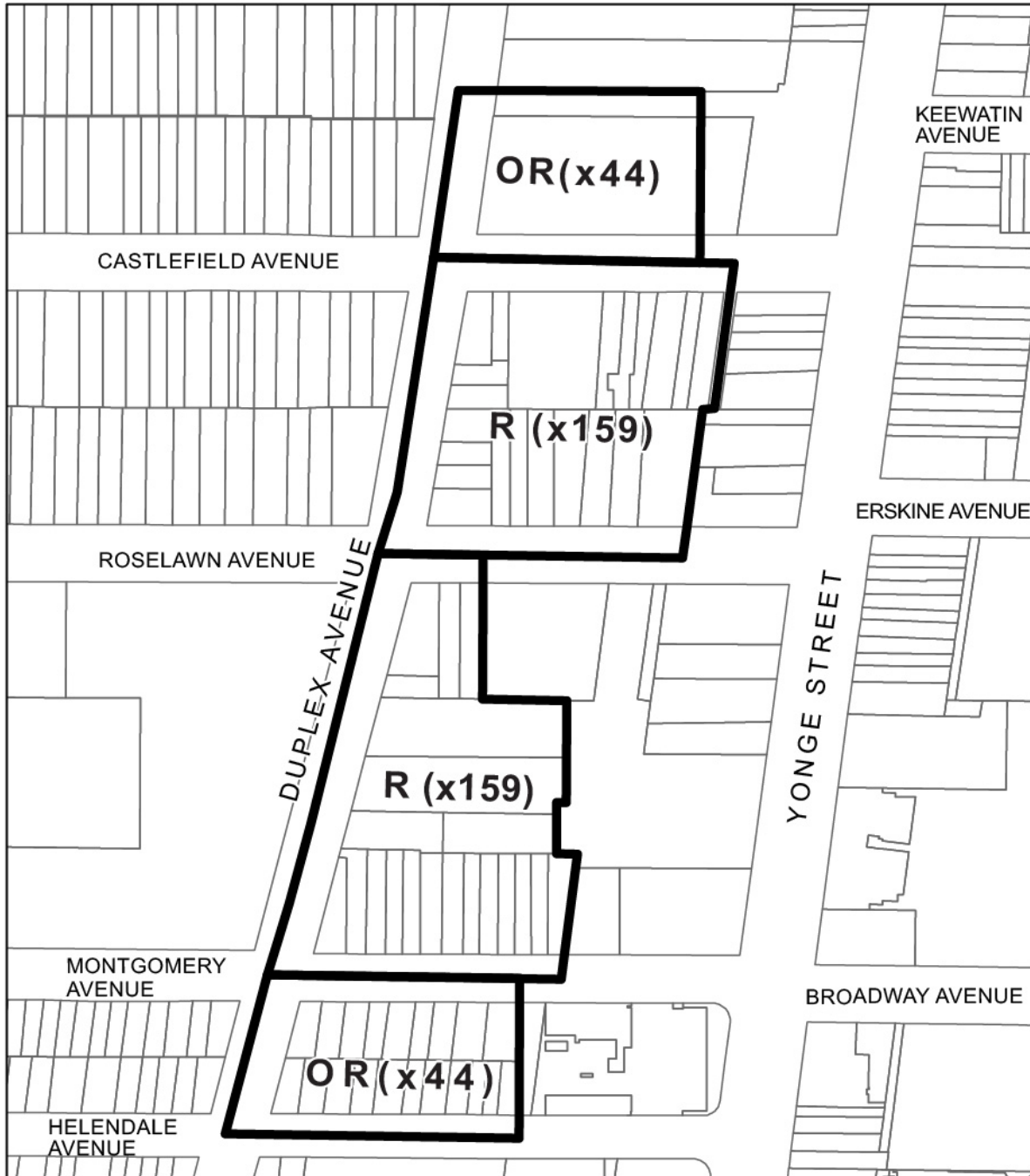


Diagram 7

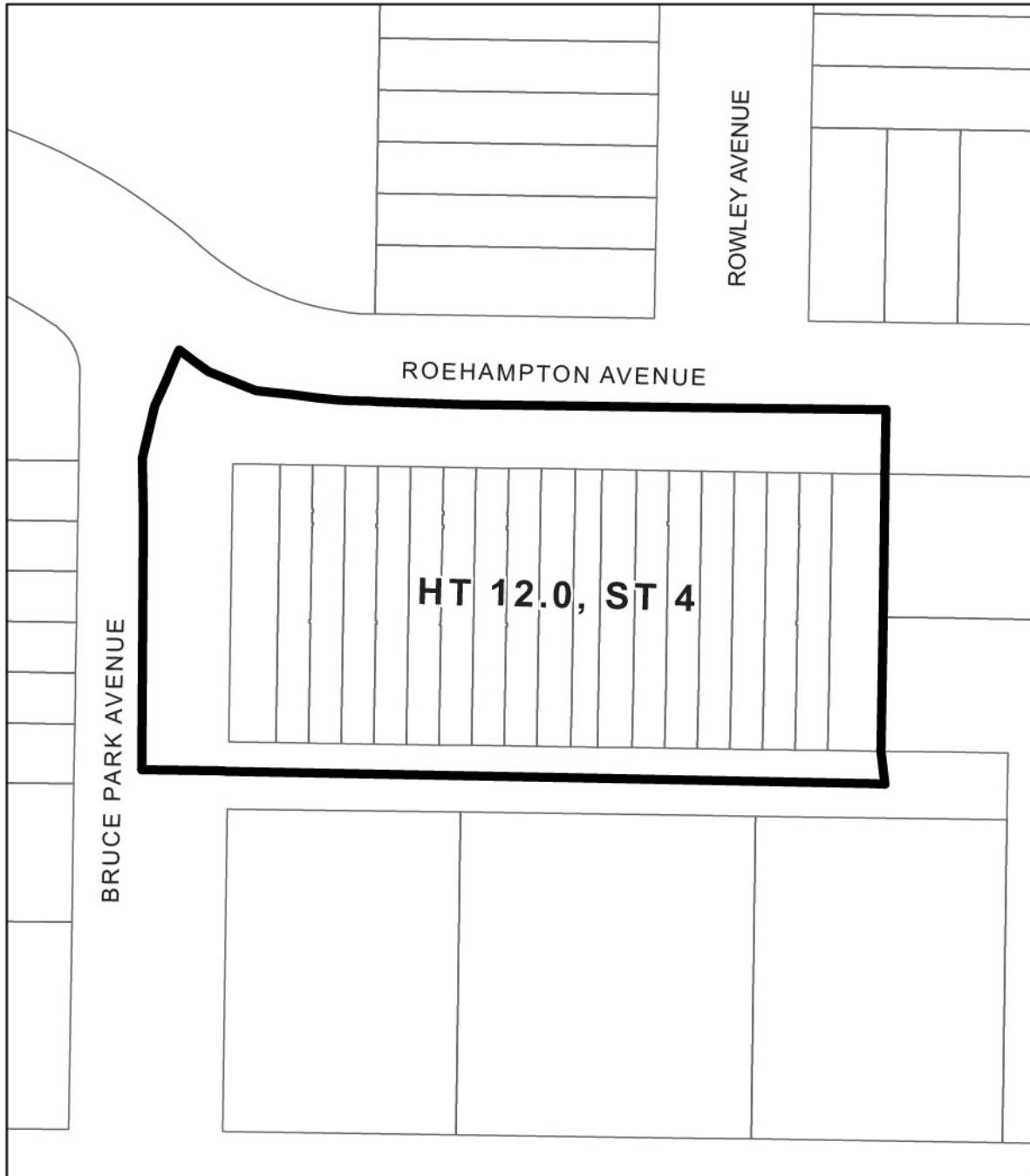


Diagram 8

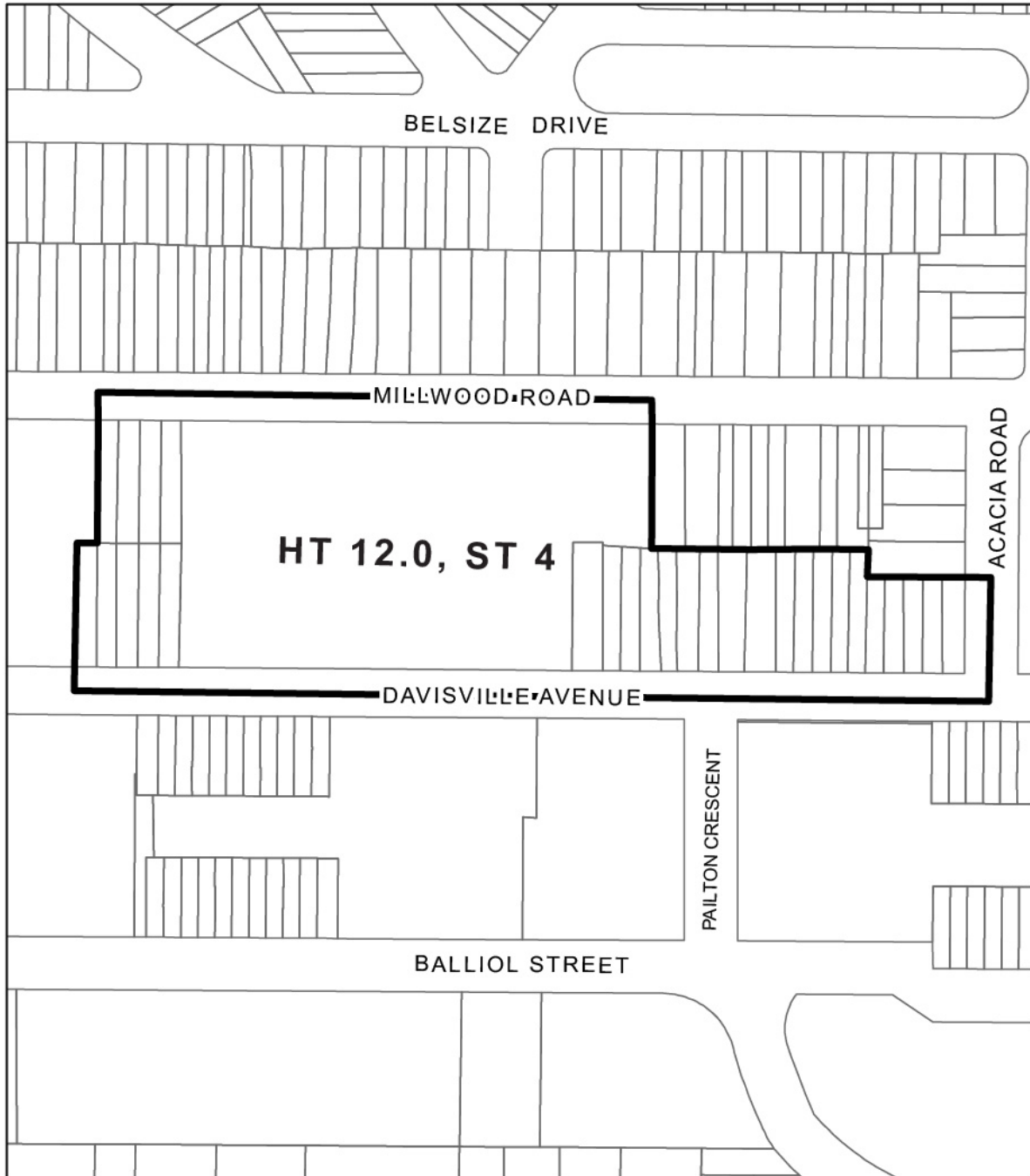


Diagram 9

