

Attachment 4: Recommended Zoning By-law Amendment for Certain Neighbourhoods within the Avenue Midtown Transit Station Area (former City of Toronto zoning by-law 438-86)

Authority: Planning and Housing Committee Item [##], as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW ###-2022

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to certain lands within the Yonge-Eglinton Secondary Plan area, including Avenue Road between Chaplin Crescent and Roselawn Avenue, Oriole Parkway between College View Avenue and Eglinton Avenue West, and Highbourne Road between College View Avenue and Eglinton Avenue West.

Whereas Council of the City of Toronto has the authority 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 delineated by heavy black lines on Map 1 attached to this By-law.
2. Except as otherwise provided herein, the provisions of By-law 438-86 shall continue to apply.
3. None of the provisions of Sections 4(2), 6(1)(a), 6(3) PART I and 6(3) PART II of Zoning By-law 438-86, as amended, being "A By-law to regulate the use of land and the erection, use, bulk, *height*, spacing and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various area of the City of Toronto", shall apply to prevent the erection and use of an a building or structure provided that:
 - (A) The maximum permitted *height* of a *duplex, triplex, semi-detached duplex, semi-detached triplex, rowplex or apartment building* is 12.0 metres; and
 - (i) for all other permitted *residential building* types, a maximum *height* of 9.0 metres;
 - (B) The maximum permitted number of *storeys* in a building is as follows:

- (i) 3 storeys for a *detached house, semi-detached house, converted house* or *row house*; and
 - (ii) 4 storeys for a *duplex, triplex, semi-detached duplex, semi-detached triplex, rowplex* or *apartment building*;
- (C) The maximum permitted building *depth* is 17.0 metres for a *duplex, triplex, row house* or *apartment building*;
- (D) The required minimum side yard setback is 1.8 metres for a permitted *residential building* type exceeding 9 metres in *height*;
- (E) The maximum number of *dwelling units* permitted on a *lot* for an *apartment building* is 20;
- (F) 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;
- (G) The required minimum *floor space index* of all land uses on a *lot* is 0.8; and
- (H) If the *gross floor area* of a building existing on a *lot* on or before [insert date of Council adoption of this By-law] results in a *floor space index* less than the required minimum *floor space index* in (G) above, the *floor space index* resulting from an existing building on that *lot* is the minimum *floor space index* for the existing building on that *lot*.
4. For the purpose of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended, with the exception of the following terms:
- (A) "*depth*" means the horizontal distance between the front yard setback required on a *lot* and the portion of the building's rear *main wall* furthest from the required front yard setback, measured along a line that is perpendicular to the front yard setback line;
 - (B) "*floor space index*" means the *gross floor area* of a building divided by the area of the *lot*;

- (C) "*gross floor area*" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the *main wall* of each floor level;
 - (D) "*interior floor area*" means the floor area of any part of a building, measured to:
 - (i) the interior side of a *main wall*;
 - (ii) the centerline of an interior wall; or
 - (iii) a line delineating the part being measured; and
 - (E) "*main wall*" means any exterior wall of a building or structure, including all structural members essential to the support of a roof over a fully or partly enclosed area.
5. The following site-specific exceptions do not apply to any address within the area delineated by heavy black lines on Map 1 attached to this By-law:
- (A) Section 12(2) 118; and
 - (B) Section 12(2) 119.
6. Notwithstanding the provisions of By-law 438-86 and this By-law, the following site-specific by-laws apply to the properties below:
- (A) On 1046 Avenue Road and 55-57 Burnaby Boulevard, former City of Toronto By-law 493-2014(OMB); and
 - (B) On 1066 Avenue Road, former City of Toronto By-law 644-2008.
7. Nothing in this By-law 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 [insert date of Council adoption of this By-law], 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 this By-law 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 [insert date of Council adoption of this By-law], 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.

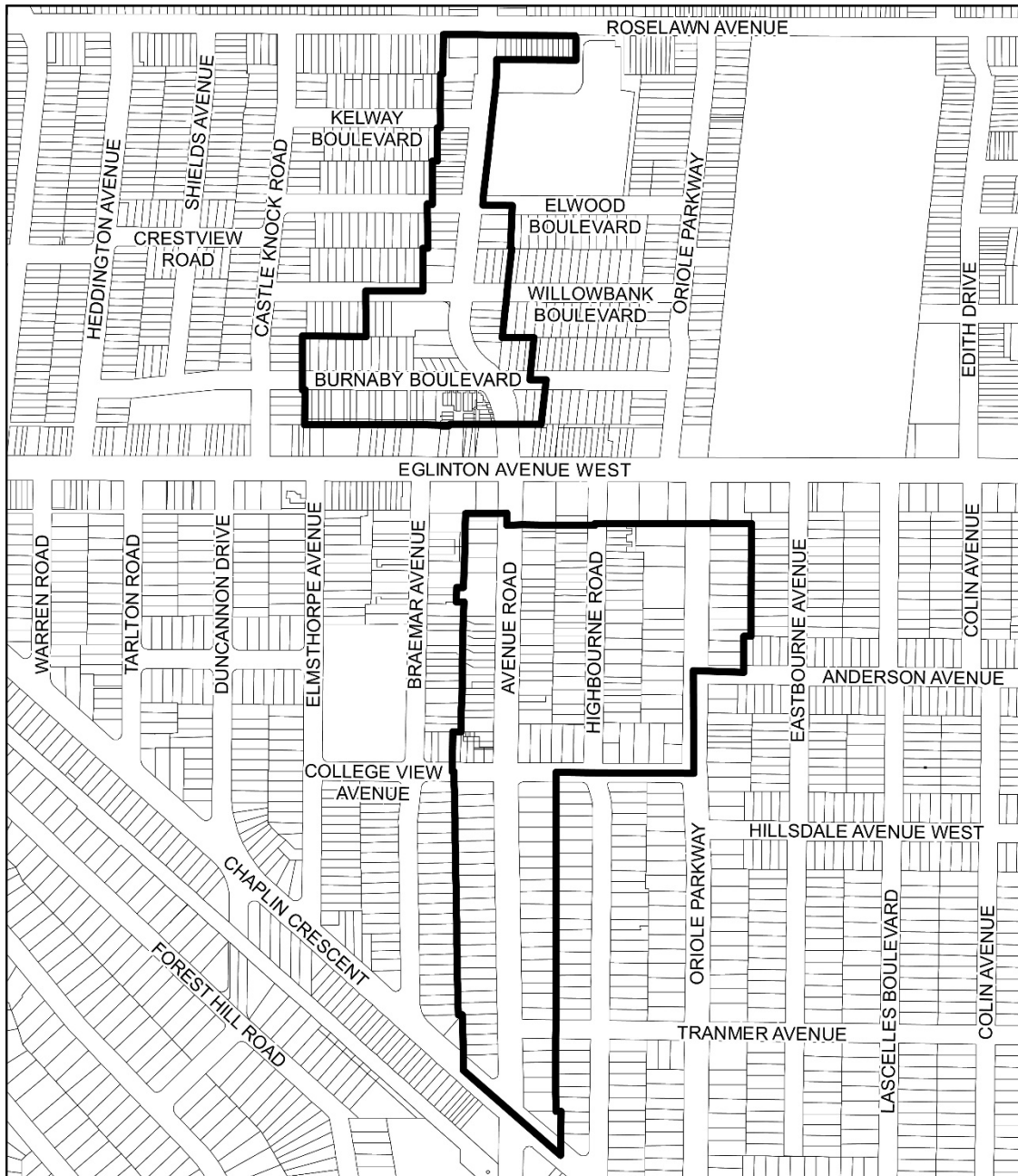
9. Nothing in this By-law will prevent the erection or use of a building or structure, for which:
- (A) A complete application for a minor variance under Section 45 of the Planning Act was filed on or prior to [insert date of Council adoption of this By-law]; or
 - (B) A complete application for a minor variance under Section 45 of the Planning Act was filed after [insert date of Council adoption of this By-law] based on a building permit referred to in Section 7 of this By-law.
 - (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 this By-law 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 [insert date of Council adoption of this By-law], 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 [month day, year].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)



Avenue Midtown Transit Station Area Neighbourhoods - Rezoning

File # 22 126321 CPS 00 0Z


 Former City of Toronto By-law 438-86
 Not to Scale
 05/27/2022