

Attachment 4b: Recommended Zoning By-law Amendment for Certain lands along Eglinton Avenue West across from Eglinton Park within the Yonge Eglinton Secondary Plan area (City-wide zoning by-law 569-2013)

Authority: Planning and Housing Committee Item PH###.##, as adopted by City of Toronto Council on [insert date of Council adoption of this By-law]

**CITY OF TORONTO
BY-LAW No. #####-2023**

To amend Zoning By-law 569-2013, as amended, with respect to certain lands within the Yonge-Eglinton Secondary Plan area, located on the south side of Eglinton Avenue West between Duplex Avenue and Oriole Parkway

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 Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 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 the zone labels of R (d1.0) (x844), R (d2.0) (x813), and R (d1.0) (x795) to a zone label of R (x158), as shown on Diagram 2 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 the height and storey labels as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 158, so that it reads:

(158) Exception R 158

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) The lands must comply with exception 900.2.10(7);
- (B) Regulation 10.10.40.40(1) regarding the permitted maximum floor space index does not apply;
- (C) The required minimum number of **storeys** for a **building** is **3 storeys**;
- (D) Despite regulation 10.10.20.40(1), only an **apartment building** or an **apartment building** containing **ancillary** non-residential uses, is permitted;
- (E) Despite regulations 10.10.20.100(12), a **retail store** is permitted in an **apartment building** subject to the following:
 - (i) it may not be above the first **storey** of the **apartment building**; and
 - (ii) the **interior floor area** of a **retail store** may not exceed 150 square metres;
- (F) The required minimum height of the first **storey**, measured between the floor of the first **storey** and the ceiling of the first **storey**, is 4.0 metres;
- (G) A floor level of the first **storey** in a **building** must:
 - (i) be within 0.2 metres of the ground measured at the **lot line** abutting the **street** directly opposite each pedestrian entrance; and
 - (ii) have a pedestrian access, other than service entrances, which, if not level with the public sidewalk closest to the entrance, is accessed by a ramp which rises no more than 0.04 metres vertically for every 1.0 metre horizontally;
- (H) Despite regulation 10.10.40.30(1)(B), the maximum permitted **building depth** is 17.0 metres for an **apartment building**;
- (I) 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 Eglinton Avenue West is the greater of:
 - (i) the requirements in Regulation 10.5.40.70(1); or
 - (ii) 4.5 metres for any portion of a **building** that contains ground floor **dwelling units**; and
 - (iii) 3.0 metres for any portion of a **building** that does not contain ground floor **dwelling units**;
- (J) 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**;
- (K) Despite regulation 5.10.40.70(2), **building setback** requirements in By-law (XXX-2023 [Clerks to insert By-law ###]) 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;
- (L) A minimum of 25 percent of the total number of **dwelling units** in a **building** containing between 5 and 79 **dwelling units** 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;
- (M) A **building** containing 80 **dwelling units** or greater must comply with the following:
- (i) a minimum of 15 percent of the total number of **dwelling units** on the **lot** must contain 2 bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** on the **lot** must contain 3 bedrooms; and
 - (iii) in addition to the requirements of (i) and (ii) above, an additional 15 percent of the total number of **dwelling units** must include a minimum **interior floor area** of 90 square metres;
- (N) Despite regulation 10.5.100.1(6), a **lot** in the Residential Zone category may have a **driveway** with a maximum of one **vehicle** access to a **street**;
- (O) 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;
- (P) 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**;
- (Q) Regulation 10.5.100.1(5) regarding **driveway** access to **apartment buildings** does not apply;
- (R) 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**;
- (S) 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 2.0;

- (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(158)(S), 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) A **lawfully existing** office is permitted at 151 Eglinton Avenue West;
- (V) A **lawfully existing funeral home** is permitted at 159, 170 Eglinton Avenue West;
- (W) If the **lawful** number of **storeys** and **building** height of a **lawfully existing building** does not satisfy the requirements of Regulations 900.2.10(158)(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
- (X) Regulations 900.2.10(158)(N), (O), (P) and (Q) 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. Nothing in By-law [Clerks to insert 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.
- 7. Nothing in By-law [Clerks to insert 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.
- 8. Nothing in By-law [Clerks to insert 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] in respect of a building permit referred to in Section 6 of By-law [Clerks to insert 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.
9. Nothing in By-law [Clerks to insert 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.

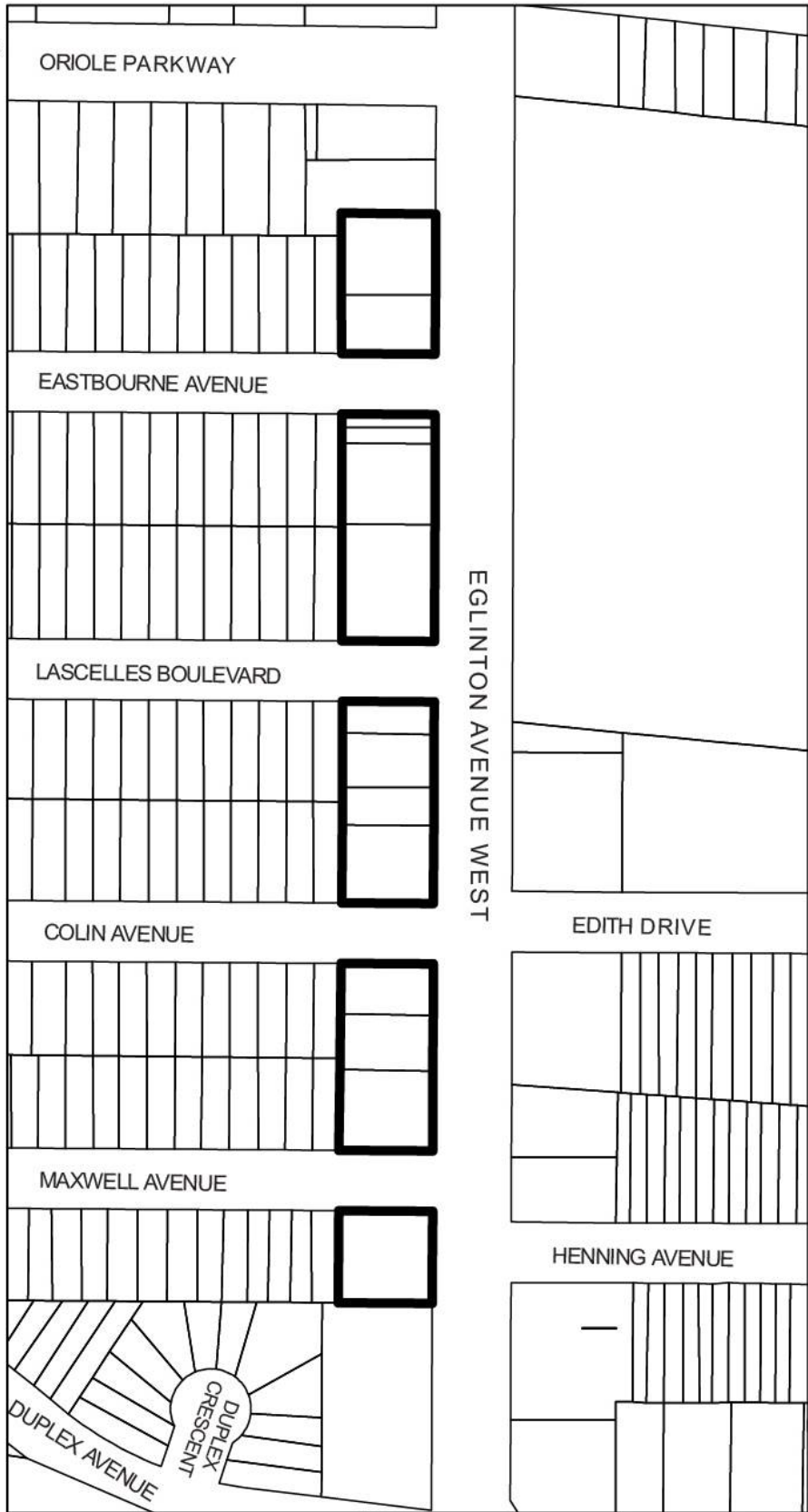
Enacted and passed on MM ##, 2023.

Frances Nunziata,
Speaker

John Elvidge,
City Clerk

(Seal of the City)

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Diagram 1



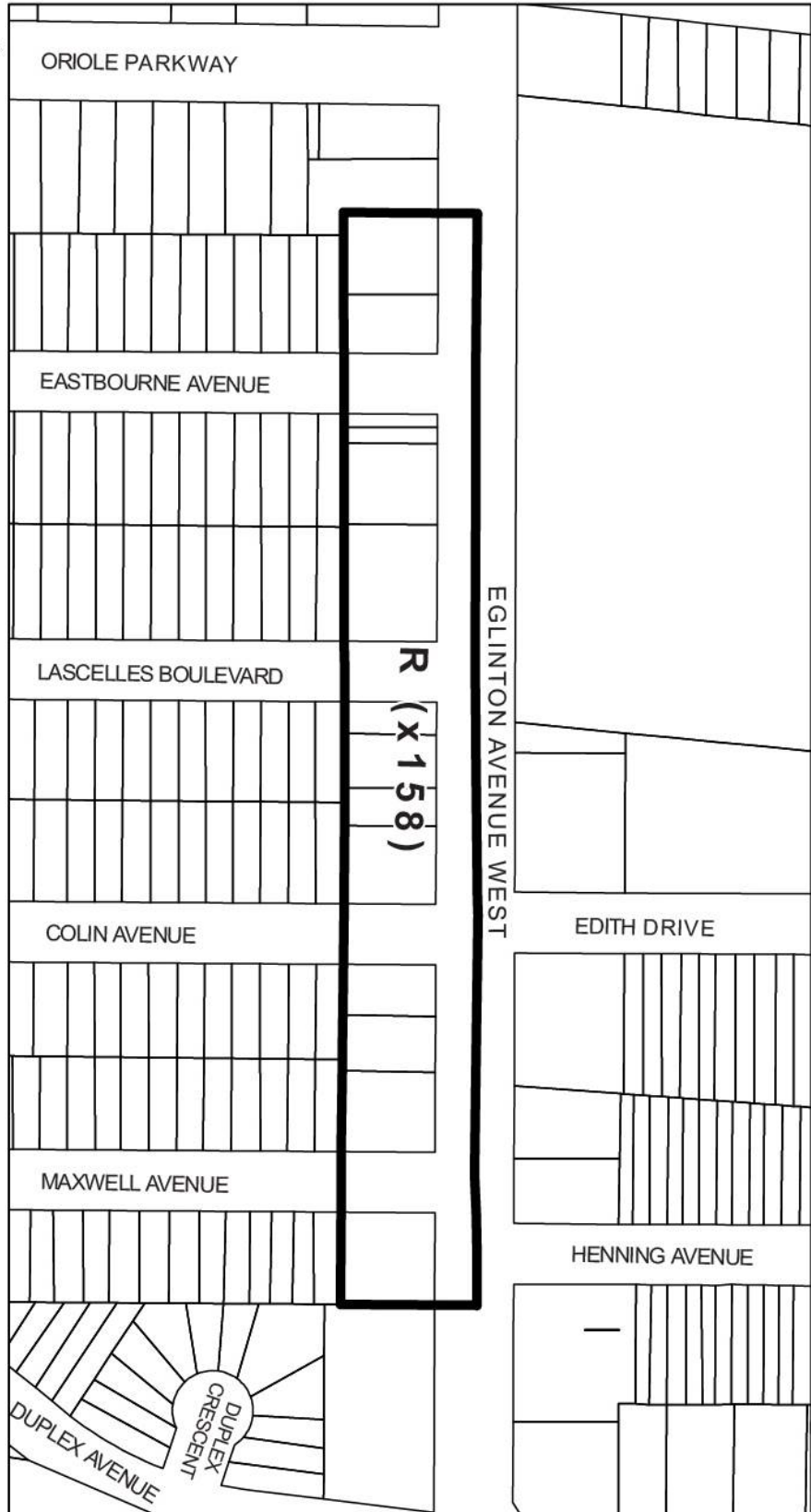
Midtown Zoning Review:
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File # 18 244598 CPS 00 0Z

City of Toronto By-law 589-2013
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02/10/2023



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Diagram 2

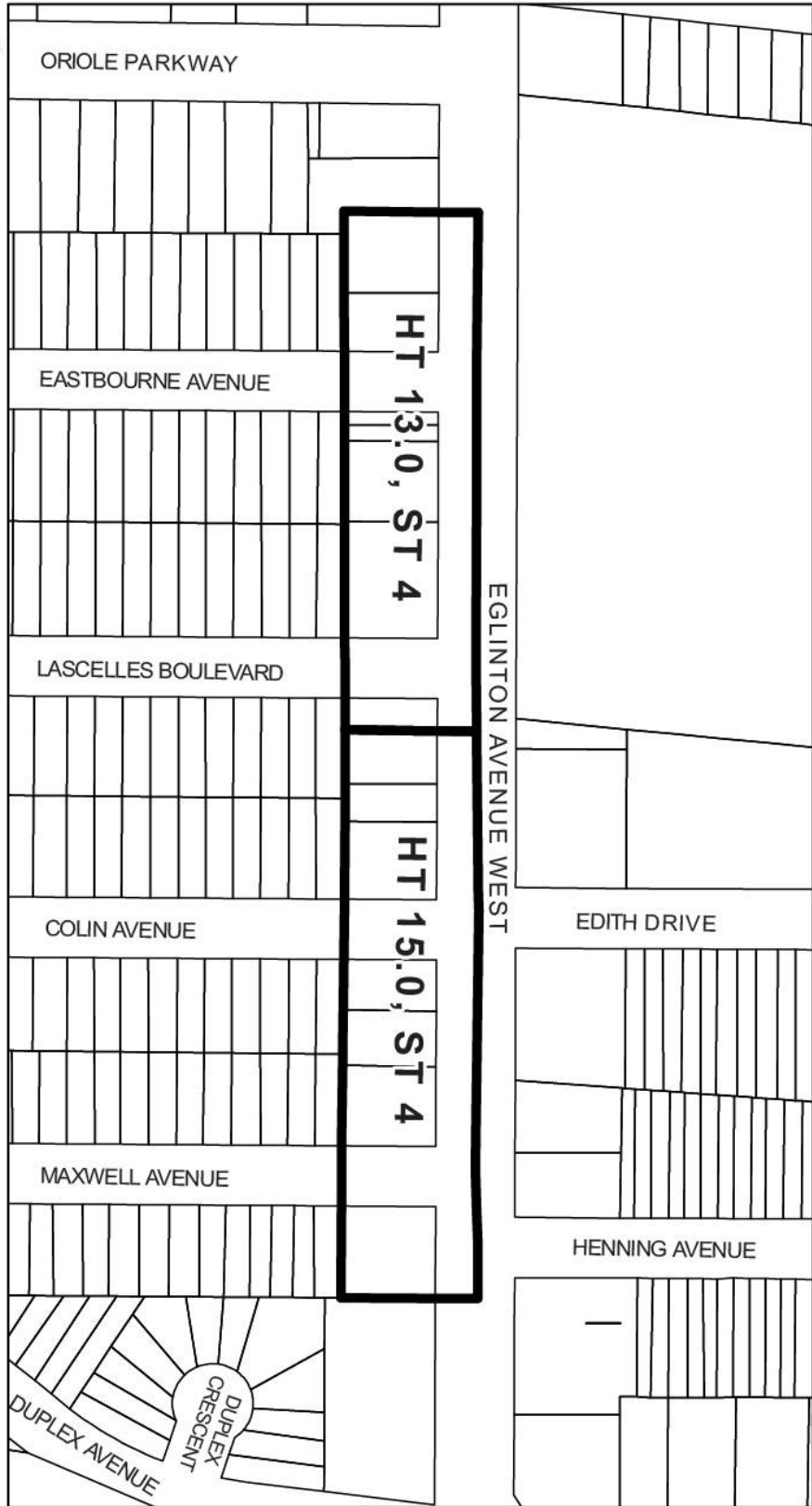


Midtown Zoning Review:
Select Low-rise Areas – Character Area A1

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Diagram 3



Midtown Zoning Review:
Select Low-rise Areas – Character Area A1

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City of Toronto By-law 569-2013
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