

**Attachment ##: Recommended Zoning By-law Amendment for Certain Neighbourhoods A designated lands 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]

**Explanatory Comment: This is a DRAFT zoning by-law released for consultation and discussion purposes only.**

**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. These include 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;
- the following streets between Yonge Street and Mount Pleasant Avenue: the south side of Millwood Road, and the north side of Davisville 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:

**Explanatory Comment: Item 1 identifies the location of all of the potential revisions to the zoning by-law. Note that there is more than one Diagram 1 in this draft as there is more than one area identified. This will be clarified in the final by-law.**

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

**Explanatory Comment: Item 2 makes clear that certain words in this amendment have defined meanings, which are the same as those in the zoning 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.

**Explanatory Comment: Item 3 explains that the zoning label associated with the properties is proposed to change, and provides what it was and what it is proposed to be. Note that there is more than one Diagram 3 in this draft as there is more than one area identified. This will be clarified in the final by-law. There is no Diagram 2 – this will be**

**corrected for a final by-law.**

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 (x###) and OR (xXXX) as shown on Diagram 3 attached to this By-law.

**Explanatory comment: Item 4 indicates what the maximum heights and number of storeys are proposed to be, and where to find that detail.**

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 [##], ST [##] as shown on Diagram 4 attached to this By-law.

**Explanatory Comment: Item 5 lists the site specific provisions that are proposed to apply to the lands identified as R (x###-1) on the maps toward the end of this document. Note that Zoning By-law 569-2013 is proposed to continue to apply, and the list in Item 5 is simply the exceptions to that by-law which contains the new zoning rules being proposed for the areas identified.**

5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number ###, so that it reads:

(###) Exception R ###

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 **building** height and number of **storeys** for a **building** is 6 metres and a minimum of 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 (XXX-2023 [Clerks to insert By-law ###]) apply to all parts of a **building** or **structure** above ground, and for a minimum depth of 1.5 metres below ground;
- (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;
- (M) 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**;
- (N) 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;
- (O) 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**;
- (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**;

- (ii) in all other cases, may only be from a **driveway** that provides access to two or more **dwelling units**.
  
- (Q) 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;
  
- (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 maximum area of the platform is 4.0 square metres;
  - (ii) the minimum **side yard setback** of the platform is 1.8 metres; and
  - (iii) 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(##)(Q), 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(##)(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) Regulation 900.2.10(##)(N) above does not apply to a **lawfully existing residential building** containing a **lawfully existing vehicle** entrance through the front **main wall** of a **building**.

Prevailing By-laws and Prevailing Sections: (none apply)

<p><b>Explanatory Comment: Item 6 is with respect to lands that are proposed to be rezoned to park space. The regulations below clarify that existing dwelling units that exist lawfully today, are permitted to continue to exist.</b></p>
---

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

(##) Exception OR (##)

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;

**Explanatory Comment: Items 7 to 10 provide transition rules for the amendments in this by-law. This provides clarity for applications or permits already under review by the City.**

7. 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.
8. 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.
9. 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 7 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.

10. 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 ##, 2022.

Frances Nunziata,  
Speaker

John Elvidge,  
City Clerk

(Seal of the City)

















