

Attachment ##: 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]

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, 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:

Explanatory Comment: Item 1 identifies the location of all of the potential revisions to the zoning 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 no Diagram 2 – this will be corrected for the 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 (d1.0) (x844), and R (d2.0) (x813), R (d1.0) (x795) to a zone label of R (x###-2), 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###-2) 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) 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 height of a **building** or **structure** is 10.0 metres and it must have 3 **storeys**;
- (D) Despite Regulation 10.10.20.40 (1), only an **apartment building** 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:
 - (iii) be within 0.2 metres of the ground measured at the **lot line** abutting the **street** directly opposite each pedestrian entrance; and
 - (iv) 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 XXX)] apply to all parts of a **building** or **structure** above ground, and for a minimum depth of 1.5 metres below ground;
- (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 regulation 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**;
 - (ii) in all other cases, may only be from a **driveway** that provides access to two or more **dwelling units**.
- (Q) Regulation 10.5.100.1(5) regarding **driveway** access to **apartment buildings** does not apply;
- (R) 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
- (S) 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(X)(K), 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**;
- (T) A **lawfully existing** office is permitted at 151 Eglinton Avenue West;
- (U) A **lawfully existing funeral home** is permitted at 159, 170 Eglinton Avenue West;
- (V) If the **lawful** number of **storeys** and **building** height of a **lawfully existing building** does not satisfy the requirements of Regulations 900.2.10(X)(D), the **lawful** number of **storeys** and **building height** are deemed to satisfy the requirements of Regulations 900.2.10(X)(D); and
- (W) Regulation 900.2.10(XX)(J) 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)

Explanatory Comment: Items 6 to 9 provide transition rules for the amendments in this by-law. This provides clarity for applications or permits already under review by the City.

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 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.
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 ##, 2022.

Frances Nunziata,
Speaker

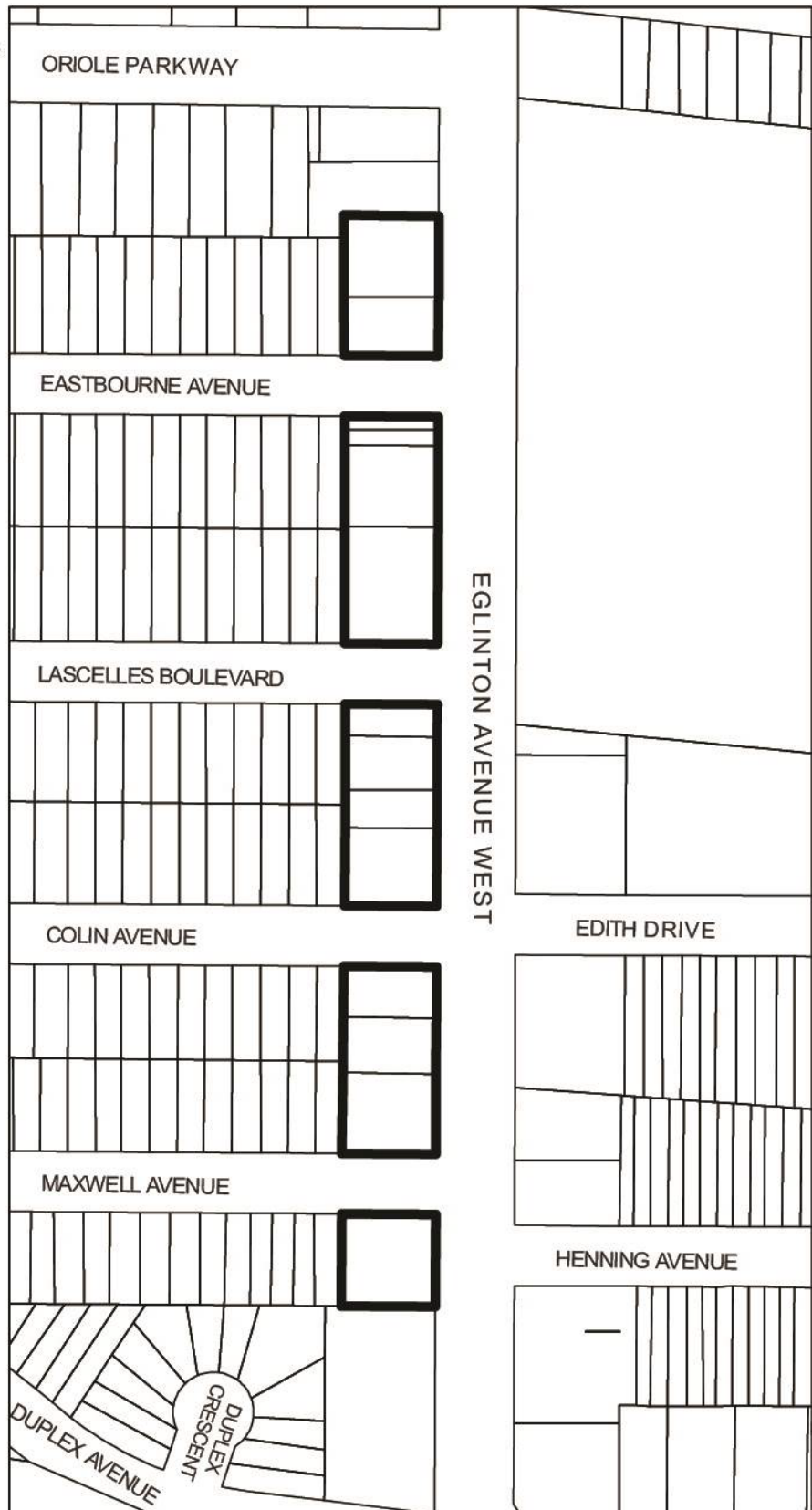
John Elvidge,
City Clerk

(Seal of the City)

Toronto
Diagram 1

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

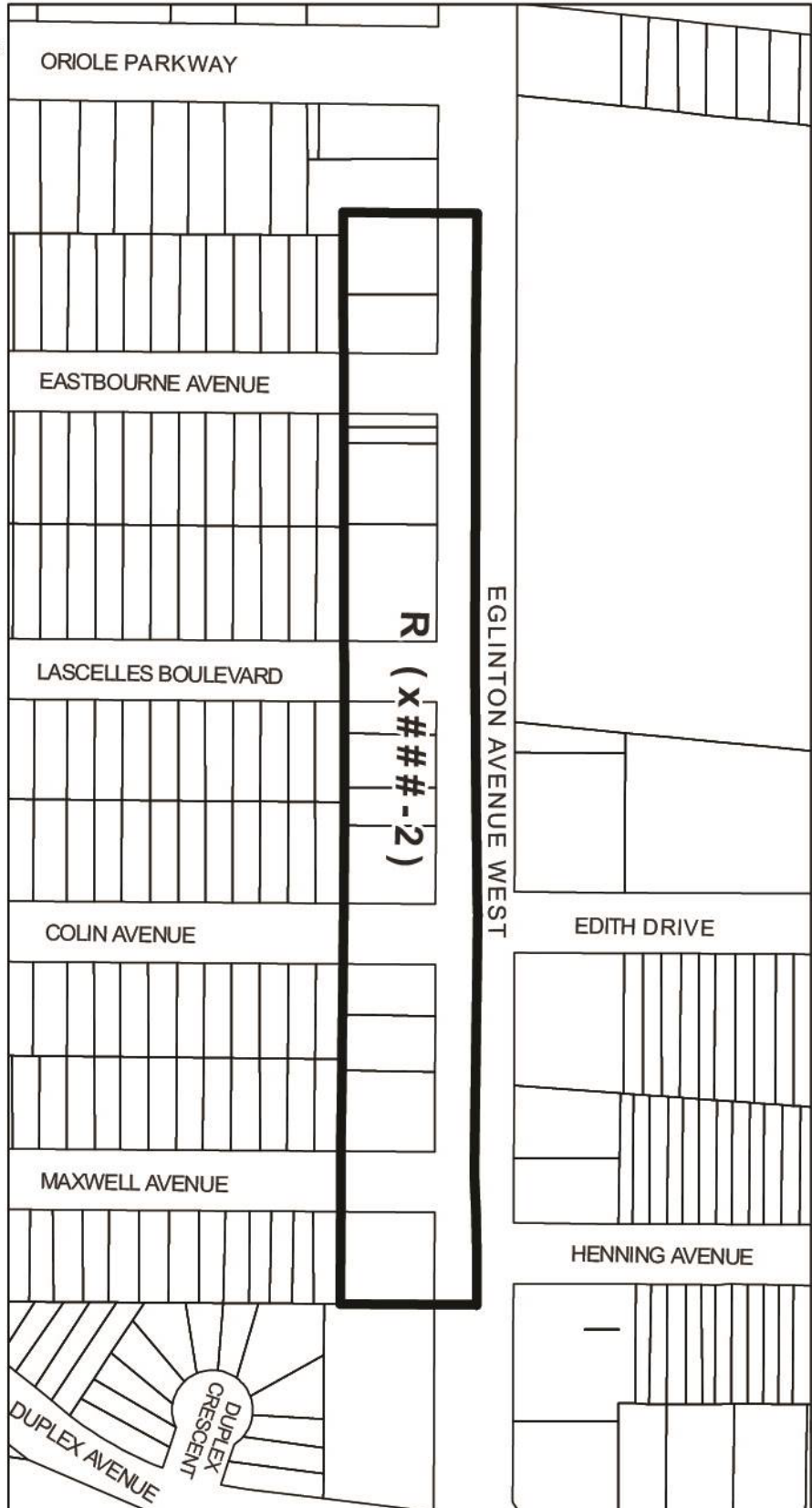
File # 18 244598 CPS 00 02



Toronto
Diagram 3

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

File # 18 244598 CPS 00 02



Toronto
Diagram 4

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

File # 18 244598 CPS 00 02

