

ZONING BY-LAW

Chapter 340

ZONING BY-LAW

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[HISTORY: Adopted by the Municipal Council of the Corporation of the Town of Mimico 1962-07-19 by By-Law No. 1930. Amendments noted where applicable.¹]

MUNICIPAL CODE REFERENCES

Committee of Adjustment — See Ch. 22.
Building construction — See Ch. 104.
Conveyance of land for park purposes — See Ch. 117, Art. I.
Flood hazard areas — See Ch. 143.
Lodging-houses — See Ch. 166.
Noise — See Ch. 174.

¹ Editor's Note: Amendments made by By-Law No. 1979-307 are included in the text of this chapter; however, historical data for this by-law is not given. By-Law No. 1979-307, adopted 1979-11-26, provided for the conversion of the imperial measurements in this chapter into metric equivalents. Such amendments are too numerous to cite individually.

Numbering of buildings and lots — See Ch. 179.

Property maintenance — See Ch. 198.

Service stations — See Ch. 210.

Signs — See Ch. 215.

Site control agreements — See Ch. 217, Art. I.

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Penalties for offences — See Ch. 300.

Mimico Zoning Maps — See Ch. 341.

Mimico site specifics — See Ch. 342.

Site plan control — See Ch. 344.

ARTICLE I Interpretation

§ 340-1. (Reserved)²

§ 340-2. Scope.

The provisions of this chapter shall apply to all lands within the Town of Mimico.

§ 340-3. Statement of measurement. [Added 1980-04-28 by By-Law No. 1980-131]

- A. For the purpose of this chapter, all dimensions shall be expressed in metric terms.
- B. Conversion of imperial measurements for the administration of this chapter shall be expressed to the nearest two places of decimals.

² Editor's Note: Former § 340-1, Definitions, as amended, was repealed 1996-12-09 by By-Law No. 1996-210. See now § 304-3.

ARTICLE II
Zoning Districts

§ 340-4. Districts established. [Amended 1962-11-12 by By-Law No. 1951; 1981-06-01 by By-Law No. 1981-189; 1996-12-09 by By-Law No. 1996-209]

For the purpose of this chapter, the lands within the Town of Mimico are divided into the following zones:

Zone	Short Title
Residential	R1A, R1, R2A, R2, R3 and R4
Commercial	C
Greenbelt	G
Temporary Open Space	O
Waterfront	W

§ 340-5. Zoning Map.

- A. Subject to the provision of § 340-6B of this chapter, the boundaries of the zones established by § 340-4 of this chapter are shown on the map which is attached hereto and marked "Zoning Map" and which is referred to herein as the "Zoning Map."
- B. The Zoning Map, together with all the information shown thereon, forms part of this chapter as if included herein.³

§ 340-6. Determination of district boundaries.

- A. Where the boundary of any zone is uncertain and is shown as:
- (1) Following a street or lane, the boundary shall be the centre line of such street or lane.

³ Editor's Note: See Ch. 341, Zoning Maps.

- (2) Approximately following lot lines shown on a registered plan of subdivision, the boundary shall follow such lot lines.
- B. The boundary between the larger of the two O Zones in the Town of Mimico and the R, G and C Zones on which the said O Zone abuts is and shall be the water's edge of Lake Ontario as the same shall be from time to time.
- C. The Waterfront Zone shall be defined as the area south of the shoreline of Lake Ontario, as shown on the Zoning Map for Mimico attached to By-Law No. 1930, bounded on the east, west and south by the corporate limits of the former Town of Mimico. This area includes all lands and water areas in water lots or parts thereof so patented, with the exception of those areas as excluded from time to time by amendment. **[Added 1981-06-01 by By-Law No. 1981-189]**

§ 340-6.1. Regulation of industrial uses. [Added 1996-12-09 by By-Law No. 1996-209]

The provisions regulating the use of lands zoned for industrial purposes as shown upon the zoning maps are set forth under Chapter 304 of the Zoning Code.

§ 340-6.2. Regulation of definitions. [Added 1996-12-09 by By-Law No. 1996-210]

Definitions of various terms used throughout the Zoning Code are set forth under Chapter 304.

ARTICLE III
General Provisions

§ 340-7. Conformance required.

No person shall, within the Town of Mimico, use any land or erect or use any building or structure except in conformity with the provisions of this chapter.

§ 340-8. Existing uses.

Nothing in this chapter applies:

- A. To prevent the use of any land, building or structure for any purpose prohibited by this chapter if such land, building or structure was lawfully used for such purpose on the day of the passing of this chapter, so long as it continues to be used for that purpose; or
- B. To prevent the erection or use for a purpose prohibited by this chapter of any building or structure the plans for which have, prior to the day of the passing of this chapter, been approved by the Municipal Building Inspector, so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected, and provided that the erection of such building or structure is commenced within two years after the day of the passing of this chapter and that such building or structure is completed within a reasonable time after the erection thereof is commenced.

§ 340-9. Nonconforming buildings and uses. [Added 1982-01-11 by By-Law No. 1982-11]

A. Nonconforming buildings.

- (1) Existing nonconforming buildings. Subject to Subsections A(2) and C(1) of this section, a building which, at the date of enactment of By-Law No. 1930, is used for a purpose not permissible within the zone

in which it is located shall not be enlarged, extended, reconstructed or otherwise structurally altered, unless such building is thereafter to be used for a purpose permitted within such zone; provided, however, that the interior of any building lawfully used on the date of enactment of this chapter for a use that is not permitted within the zone that such building is located in may be reconstructed or structurally altered, in order to render the same more convenient or commodious for the same purpose for which, at the date of enactment of By-Law No. 1930, such building is used.

- (2) Partial destruction of existing nonconforming buildings. A building which is damaged to the extent of 50% or more of its value (exclusive of walls below grade) as at the date of the damage and as determined by fair building standards and which does not comply with the use, area or height regulations of this chapter shall not be restored except in conformity with the regulations for the use zone in which such building is located.
- (3) Reconstruction of damaged nonconforming buildings. Nothing in this chapter shall apply to prevent the reconstruction or continued use of any lawful nonconforming building or structure which is damaged by causes beyond the control of the owner subsequent to the date of enactment hereof, provided that the residual value of such building or structure exceeds 50% of the value thereof immediately prior to the damage.

B. Nonconforming use of buildings.

- (1) Continuation of use. The lawful nonconforming use of an existing building or structure may be continued, provided that no structural alterations are made therein, other than those which may be required by existing law or by-law or which may render the same more convenient or commodious for

the purpose for which, at the date of enactment of this chapter, such building is law-

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fully used, and provided also that no new building or extension to such building is erected.

- (2) Change of use. A nonconforming use of a building or structure shall not be changed except to a conforming use or to a use that is similar to the purpose for which it was used or is more compatible with the uses permitted by this chapter than the purpose for which it was used at the date thereof, provided that such building or structure continues to be used in the same manner and for the same purpose thereafter.
- (3) Discontinued use. Any nonconforming use of a building or structure which is discontinued or unused shall not be resumed, nor shall such nonconforming use be changed to any other nonconforming use, except as provided in Subsection C, provided that, where the nonconforming use is of a dwelling for dwelling purposes, such use may be resumed even if such use is discontinued or the dwelling becomes vacant.

C. Nonconforming use of land.

- (1) Continuation of use. The lawful nonconforming use of land existing at the date of enactment of this chapter may be continued so long as it is used for such lawful nonconforming purpose, and notwithstanding Subsection B, buildings which at the time of passing of this chapter were lawfully used for the operation of a farm, market garden or greenhouse and/or nursery on land which is zoned residential, industrial or commercial may be used, enlarged, rebuilt or suitable new buildings erected so long as they are used for the operation of a farm, market garden or greenhouse and/or nursery.
- (2) The lawful nonconforming use of land shall not in any way be expanded or extended to any property adjoining that actually used for a lawful nonconforming purpose at the date of enactment of this chapter.
- (3) Discontinuance and change of use. If the nonconforming use of land, or portion thereof, is discontinued or changed, any future use of such land shall be in conformity with the provisions of this chapter.

D. Lawful nonconforming location of buildings. [Added 1982-12-13 by By-Law No. 1982-255]

(1) Lawful nonconforming buildings.

- (a) Any building which is so located as to violate any yard or set-back requirements of this chapter and which was erected lawfully prior to the effective yard or set-back requirements being enacted shall be considered to be lawful nonconforming, provided that the building is being used for a purpose permitted in the zone in which it is located; and**
- (b) Any such building may be added to or enlarged, provided that the addition meets the yard requirements of the by-law and the expanded building meets the coverage, parking, height and density requirements of the by-law in force at the time of the enlargement or addition.**

(2) Land taken for public road widening. Any building which has its set-backs reduced by a public road widening so as to be in violation of such requirements shall be deemed to be lawful nonconforming, as regulated by Subsection D(1).

E. Lawful nonconforming lots. [Added 1982-12-13 by By-Law No. 1982-255]

- (1) Buildings on lawful nonconforming lots. Any lot, as defined under § 340-1, excepting a vacant lot, which does not meet current by-law standards for frontage and lot area shall be considered to be conforming, provided that any existing building located on such lots may be added to or enlarged, provided that the building is used for a purpose permitted in the zone in which it is located and the addition meets the current yard requirements of the by-law and the expanded building meets the coverage, parking, height and density requirements of the by-law in force at the time of the enlargement or addition.**

- F. Lawful nonconforming parking for change of use. In any Commercial Zone, where the existing use of a building does not provide the required parking on the site for such use, the use may be changed to another use permitted in the Commercial Zone, provided that the proposed use does not require a larger parking ratio than the existing use. [Added 1985-02-11 by By-Law No. 1985-28]

§ 340-10. Compliance with other by-laws.

Nothing in this chapter shall operate to relieve any person from the obligation to comply with the provisions of By-Law No. 1853¹ or any other by-law of the Town of Mimico in force from time to time or from the obligation to obtain any licence, permit, authority or approval required by any by-law of the Town of Mimico.

§ 340-11. General permitted uses. [Amended 1982-01-11 by By-Law No. 1982-11]

Except as provided in § 340-29C, nothing in this chapter shall prevent the use of land or the erection or use of any building or structure for:

- A. Essential public services authorized by the Town of Mimico, the Mimico Public Utilities Commission, the Municipality of Metropolitan Toronto, the Province of Ontario or other government board, agency or authority.
- B. A construction camp, tool-shed, scaffold or other temporary building or structure incidental to and necessary for construction in progress for so long as the same is necessary.
- C. A statue, monument, cenotaph, fountain or other similar memorial or ornamental structure.

¹ Editor's Note: By-Law No. 1853 is the former Building By-Law of the former Town of Mimico. For current provisions, see Municipal Code Ch. 103, Building Construction.

§ 340-12. Prohibited uses.

Notwithstanding any provision of this chapter, no person shall use any land or erect or use any building or structure for a salvage-, junk- or scrap-metal yard, nor for any use that is a nuisance or is obnoxious.

§ 340-13. Reduction in lot area.

If any lot is reduced in area, whether by conveyance or other alienation of any portion thereof or otherwise as a result of which any of the provisions of this chapter applicable to the resulting lot or lots or any building or structure thereon are not complied with, then no person thereafter shall use the resulting lot or lots or any building or structure thereon until the provisions of this chapter have been complied with.²

§ 340-14. (Reserved)³**§ 340-15. Obstruction of yards prohibited.**

Subject to the provisions of §§ 340-16 and 340-17, any yard required to be provided under this chapter and every part thereof shall be open and shall not be obstructed by any building or structure or by any extension of or projection from any building or structure.

² Editor's Note: Original Section 13 concerning frontage, which immediately followed this section, was repealed 1963-12-09 by By-Law No. 1967.

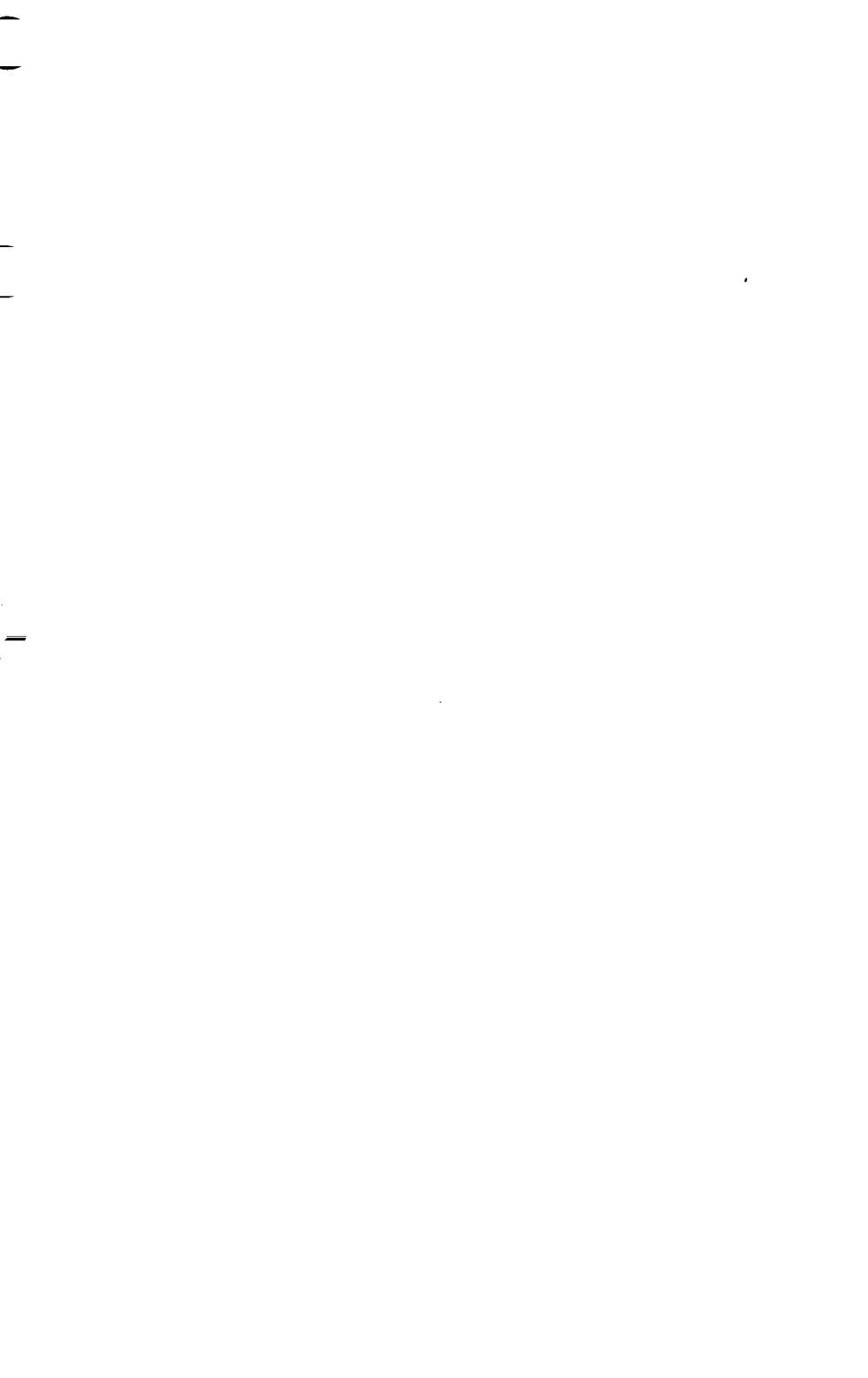
³ Editor's Note: Former § 340-14, Use of cellars as dwelling units, as amended, was repealed 2000-07-06 by By-Law No. 493-2000(OMB).

§ 340-16. Permitted yard encroachments. [Amended 1973-11-19 by By-Law No. 2947]

The provisions of § 340-15 of this chapter shall not prevent the construction or erection of any of the following additions to or projections from a main building:

- A. An uncovered terrace, an open and roofed porchway or veranda, which has a maximum projection from the main front wall of 1.6 metres. Other than supporting columns having a maximum width and depth of 33 centimetres, the only enclosure permitted shall be a wall, guard-rail or balustrade not exceeding 107 centimetres in height. [Amended 1988-01-25 by By-Law No. 1988-21]
- B. Chimney-breasts, steps, eaves or other projections from the main side wall of a building that are not closer than 0.4 metre from the side lot line of the lot on which the building is located.
- C. The construction or location of an uncovered terrace, veranda, porch, chimney-breast or steps, which have a maximum projection from the main rear wall of 1.6 metres. Other than supporting columns having a maximum width and depth of 33 centimetres, the only enclosure permitted shall be a wall, guard-rail or balustrade not exceeding 107 centimetres in height. [Amended 1988-01-25 by By-Law No. 1988-21]

(Cont'd on page 34025)



- D. Any chimney-breast may project a maximum of four-tenths (0.4) metre into a required front yard. [Added 1978-12-11 by By-Law No. 1978-344]
- E. Uncovered steps to grade may project into any required front yard. [Added 1978-12-11 by By-Law No. 1978-344]

§ 340-17. Accessory structures and buildings. [Amended 1970-02-02 by By-Law No. 1497]

- A. [Amended 1973-11-19 by By-Law No. 2947; 1985-02-11 by By-Law No. 1985-27] Except as otherwise hereinafter specifically referred to, the distance of all accessory buildings or structures from any rear or side lot line shall be a minimum of four-tenths (0.4) metre, provided that:
 - (1) Any detached accessory structure in the rear yard shall maintain a minimum of one and zero-tenths (1.0) metre separation between any part of the accessory structure and any part of the main building.
 - (2) Overhang projections (including eavestroughs) from the main side or rear wall of the accessory building shall be not less than fifteen-hundredths (0.15) metre from the side or rear lot line of the lot on which the accessory building is located. [Added 1988-01-25 by By-Law No. 1988-21]
- B. Garages.
 - (1) The distance of any garage in the rear yard from any side or rear lot line shall be a minimum of four-tenths (0.4) metre, save and except where a mutual garage is erected on the common property line between two (2) properties.
 - (2) Where no lane exists at the rear of the lot on which a garage is located, the minimum distance of such building from the rear lot line shall be four-tenths (0.4) metre. Where entrance to the private garage or carport

is from a lane, such building shall be a minimum of four-tenths (0.4) metre from the lot line but shall be no closer than seven and five-tenths (7.5) metres from the opposite boundary of the lane.

- (3) A private garage or carport must provide a minimum of eighteen (18) square metres floor space and have a minimum width of three (3) metres.

C. An accessory structure or building shall not exceed two and five-tenths (2.5) metres in height, except that for any such building or structure that is constructed with a pitched roof, the maximum height of such building may be three and seven-tenths (3.7) metres, provided that no part of the walls or supporting posts shall exceed two and five-tenths (2.5) metres in height. In addition, no part of any accessory structure or building shall exceed the maximums herein provided.

D. Lot coverage.

- (1) Subject to Subsection D(2) below, the total lot coverage of all accessory buildings and structures shall not exceed twelve per cent (12%) of the lot area. No individual accessory building or structure shall exceed two-per-cent coverage of the lot area, except that a private garage, carport or private swimming-pool (including a pool enclosure) may cover up to ten per cent (10%) of the lot area.
- (2) Not more than thirty-five per cent (35%) of the rear yard shall be covered by accessory buildings or structures. For the purpose of this subsection, a private swimming-pool constructed not more than three-tenths (0.3) metre above the average natural ground level shall not be included in the calculation of lot coverage.

E. (Reserved)¹

F. On all new dwellings erected on corner lots, any garage or carport must be attached to the dwelling. Where the said garage is not built with the dwelling, a blank wall shall be

¹ Editor's Note: Former Subsection E, concerning detached garages and carports, was repealed 1985-02-11 by By-Law No. 1985-27.

provided in the first storey and basement, if any, of the building to permit the future construction of the attached garage.

- G. The distance of any accessory building in the side yard from the side lot line shall be not less than the minimum side yard required for the main building.
- H. No accessory structures shall be located closer than three (3) metres to a rear lot line abutting a street line. [Added 1982-01-11 by By-Law No. 1982-11]
- I. The vertical supports for the roofs of carports shall be masonry or metal, and any wall or storage wall forming part of a carport shall be of a similar construction and character to that of the main building. [Amended 1982-01-11 by By-Law No. 1982-11]
- J. No accessory use shall take place, nor shall accessory structure or buildings be constructed, in a required front yard, and in any event not closer than seven and five-tenths (7.5) metres to the front lot line of the property.
- K. Lot lines abutting streets. [Amended 1974-09-09 by By-Law No. 3252; 1982-01-11 by By-Law No. 1982-11]
 - (1) No accessory structure or building shall be located closer to the side lot line abutting a three-tenths-metre reserve or a street line than seven and five-tenths (7.5) metres or the required side yard for the main building, whichever is the lesser. This provision shall not apply to an outdoor private swimming-pool, for which the side yard adjacent to a street line or a three-tenths-metre reserve shall be one and five-tenths (1.5) metres more than the required side yard for a dwelling on the same lot.
 - (2) Notwithstanding the provisions of Subsections F and K(1) of this section, a dwelling which was erected on a corner lot prior to July 19, 1962, may locate a detached garage at a minimum distance of three (3) metres from the rear lot line and side lot line abutting a street.
- L. When a private swimming-pool is constructed as an accessory use to a residential dwelling, no part of the pool or pool enclosure shall be located closer than three (3) metres to the rear lot line and side lot line abutting a street.

sure shall be located closer than one and five-tenths (1.5) metres to any rear or side lot line, nor closer than three (3) metres to any rear lot line which abuts the side yard of another lot or which abuts a street. Notwithstanding the provisions of this section, outdoor swimming-pools on corner lots shall comply with the provisions of Subsection K(1). [Amended 1974-09-09 by By-Law No. 3252; 1982-01-11 by By-Law No. 1982-11]

M. Air-conditioning units. [Amended 1973-01-08 by By-Law No. 2617; 1979-09-04 by By-Law No. 1979-217; 1979-11-26 by By-Law No. 1979-307; 1982-01-11 by By-Law No. 1982-11]

- (1) For the purpose of this subsection, "central air-conditioning unit" shall mean any device used for the purpose of cooling, dehumidification, circulating and cleaning the air and which utilizes duct work in its operation rather than directly discharging into the conditioned space.
- (2) No central air-conditioning unit shall be constructed closer than six (6) metres to the front lot line of the property.

(Cont'd on page 34027)

- (3) No central air-conditioning unit shall be located closer than one and five-tenths (1.5) metres to any side or rear lot line or closer than three (3) metres to any side or rear lot line abutting a three-tenths-metre reserve or a street line.

ARTICLE IV Supplementary Regulations

§ 340-18. Service stations. [Added 1967-01-30 by By-Law No. 103]

No building, structure or land shall be used, and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained, for the purpose of a service station, except in accordance with the following regulations:

- A. Access. There shall be no vehicular access to a service station site except through ramps as specified in Subsection B hereof. Not less than two (2) such ramps shall be provided for each service station site.
- B. Ramps.
 - (1) Width of ramp: seven and five-tenths (7.5) metres measured perpendicular to the centre line of the ramp.
 - (2) Distance between ramps: minimum seven and five-tenths (7.5) metres measured along the street line.
 - (3) Locations of ramps. No ramp shall be closer to an intersection of two (2) streets than three (3) metres (measured along the street line) from the tangent point of a street line to the corner arc of an intersection street. In no event shall any ramp be located closer than ten and five-tenths (10.5) metres (measured along the street line and its projection) to the intersection of such street line or its projection with another street line or its projection, nor closer

than three (3) metres to any other property line which the ramp does not intersect.

- (4) Angle of intersection with street line. The sides of a ramp may intersect the street line at an angle less than ninety degrees (90°) but not at an angle less than sixty degrees (60°).
 - (5) Junction with travelled portion of street. No ramp may intersect a line drawn by projecting the property limit across the travelled portion of the street.
- C. Pump island set-back: minimum six (6) metres from street line.
- D. Landscaping. Where a service station abuts a residential zone, an area along the property limit at least three (3) metres wide shall be landscaped, and such landscaping shall be cared for and maintained.
- E. Paving and curbing. All ramps, circulation areas and parking areas shall be paved with concrete or asphalt. Any sidewalk between ramps as described in Subsection B above and/or adjacent to a property line abutting any street shall have a fifteen-hundredths-metre curb face on the road side.
- F. Sale of convenience items. **[Added 1995-06-26 by By-Law No. 1995-119]**
- (1) The ancillary sale of convenience items shall be permitted, provided that the range of items to be sold shall be limited to such items as tobacco products, snack foods and soft drinks. The sale of perishable foods shall be prohibited.
 - (2) The maximum floor area within all buildings and structures devoted to the display/retail of the aforementioned items shall not exceed twenty (20) square metres.

§ 340-19. Car washes. [Added 1967-01-30 by By-Law No. 103]

No building, structure or part thereof or land shall be used and no building or structure or part thereof shall hereafter be erected, structurally altered, enlarged or maintained for the purpose of washing motor vehicles by mechanical means, except in accordance with the following regulations. These regulations do not apply to mechanically or manually operated wash-racks contained within a service station or public garage where the floor area used for such purpose is not designed or solely used for such washing facilities and does not exceed thirty-eight (38) square metres.

A. Ramps; ingress and egress only.

- (1) Ramps shall be entirely separate from any other garage facility.
- (2) In the case of one (1) wash-rack, the ramp shall not exceed six (6) metres in width measured perpendicular to the centre line of the ramp where the prolongation of the centre line intersects the street line. In the case where more than one (1) rack is served, the ramp shall not exceed nine (9) metres in width measured along the street line.
- (3) No ramp, whether for one-way or two-way traffic, shall exceed nine (9) metres in width.
- (4) Ramps shall not be less than seven and five-tenths (7.5) metres apart measured along the street line.
- (5) Entrance and exit ramps shall be not closer than forty-five (45) metres and ten and five-tenths (10.5) metres respectively, when measured along the street line, from the intersection of two (2) street lines [in the case of a radius from the projected intersection of the two (2) street lines] nor closer than three (3) metres to any other property limit, nor cross the projections of the property limits at the travelled portion of road allowance.

- (6) The sides of a ramp may intersect the street line at an angle less than ninety degrees (90°) but not at an angle less than sixty degrees (60°).

B. Vehicle waiting line.

- (1) Vehicle waiting lines shall be provided on the building lot to accommodate not less than thirty (30) vehicle spaces for each wash-rack, and each vehicle space shall be not less than six and five-tenths (6.5) metres long nor less than three (3) metres wide. Not more than two (2) waiting lines shall be permitted for each wash-rack.
- (2) The minimum inside radius for a vehicle waiting line shall be six (6) metres, and each line shall have not more than two (2) turning radii.
- (3) Waiting lines shall be not less than three (3) metres wide when measured from one lane divider to another.

C. Location of wash-rack terminus. The point at which the cars leave the wash-rack shall be not closer than nine (9) metres from the exit door, and the exit door shall not be closer than nine (9) metres from the street line, provided that the building set-back requirements of this chapter are satisfied where those requirements are in excess of nine (9) metres.

D. Steam-hoses. No cleaning operations of any sort shall be carried on outside the building.

E. Paving and curbing. All ramps, waiting lines, circulation areas and parking areas shall be paved with concrete or asphalt. Permanent continuous curbing fifteen-hundredths (0.15) metre in height and width shall be installed to define waiting lines, circulation areas, parking areas and any landscaped area.

F. Landscaping.

- (1) Exclusive of access ramps, areas shall be provided along the property limits in accordance with the

following provisions, which shall be used for no purpose other than landscaping or sodding:

- (a) Front property limit: minimum seven and five-tenths (7.5) metres wide.
- (b) Rear and side property limits: minimum three (3) metres wide.
- (c) Where a property limit abuts a residentially zoned area, such property limit shall be fenced.
- (d) The rear property limit of a reversed corner lot shall be fenced.

G. Lighting. All lighting fixtures and illuminated signs shall be arranged so as to be directed away from neighbouring properties.

H. Sale of convenience items. **[Added 1995-06-26 by By-Law No. 1995-119]**

- (1) The ancillary sale of convenience items shall be permitted, provided that the range of items to be sold shall be limited to such items as tobacco products, snack foods and soft drinks. The sale of perishable foods shall be prohibited.
- (2) The maximum floor area within all buildings and structures devoted to the display/retail of the aforementioned items shall not exceed twenty (20) square metres.

(Cont'd on page 34031)

§ 340-20. Restaurants. [Added 1969-07-07 by By-Law No. 1299; amended 1981-03-09 by By-Law No. 1981-61;¹ 1981-10-19 by By-Law No. 1981-309; 1981-10-19 by By-Law No. 1981-310;² 1991-08-16 by By-Law No. 1991-135; 1993-06-01 by By-Law 1993-97]

No building, structure or land shall be used and no building or structure shall be hereinafter erected, structurally altered, enlarged or maintained for the purpose of a restaurant, except in accordance with the following regulations:

- A. Parking. Subject to §§ 320-19, 330-17, 340-22 and 350-29, Handicapped automobile parking spaces, the parking requirements for restaurants in the Limited

¹ Editor's Note: By-Law No. 1981-61 also provided as follows:

"Notwithstanding the foregoing, all buildings, structures, or lands used on the date of passage of the by-law for restaurant purposes and developed in accordance with all previously applicable zoning provisions, where same are damaged in whole or in part by causes beyond the control of the owner or any other person with an interest therein, said owner or other person may restore said damaged buildings, lands, or structures to a size not to exceed the lot coverage, and floor space index of the premises as they existed prior to damage, but may only use the lands in an identical manner as they were used prior to the damage.

"For the purpose of this by-law a 'neighborhood store' shall mean a store that serves the needs of the neighborhood and shall include the following types of stores: general stores; clothing stores; food stores; drug stores; banks; delicatessens; barber shops; beauty salons; hardware stores; sporting goods stores; dry cleaning agencies for the receipt and delivery only of dry cleaned articles.

"Save and except the sale of used merchandise by bona fide charitable or religious organizations on a non-profit basis all such stores shall be retail establishments selling new merchandise exclusively, and that all such business is conducted wholly within enclosed buildings.

Notwithstanding the above the outside display of merchandise within a distance not exceeding 1.0 m from the front line of a building is permitted subject to the following provisions: No such outside display of merchandise shall under any circumstance encroach upon any public sidewalk nor shall the available width of any private walkway or sidewalk be reduced to less than 1.8 m as a result of such outside display.

"For the purpose of this by-law 'coverage' shall mean that percentage of the lot area covered by the building area but excluding that portion of any building that is constructed entirely below grade and underground."

² Editor's Note: By-Law No. 1981-310 also provided as follows:

"Notwithstanding the foregoing, all buildings, structures or lands used on the date of the passage of this by-law for restaurants licenced by The Liquor Licence Act of Ontario developed in accordance with previously applicable zoning provisions may continue to be so used and maintained and shall be deemed to be uses permitted under the provisions of the said By-law Number 1930 in accordance with the requirements and regulations applicable thereto immediately prior to the enactment of this by-law."

Commercial (CL), Neighbourhood Commercial (CN), General Commercial (CG) and Planned Commercial Preferred (CPP) zoning categories shall be as set forth below:

- (1) Standard restaurant, take-out restaurant and bar restaurant.

**Standard Restaurant,
Take-Out Restaurant
and Bar Restaurant**

**Minimum Number
of Parking Spaces**

Not exceeding 150 square metres

3 spaces for every 93 square metres of commercial floor space

Greater than 150 square metres but not exceeding 175 square metres

5 spaces for every 93 square metres of commercial floor space

Greater than 175 square metres but not exceeding 200 square metres

8 spaces for every 93 square metres of commercial floor space

Standard and take-out greater than 200 square metres

10 spaces for every 93 square metres of commercial floor space

Bar restaurant greater than 200 square metres

12 spaces for every 93 square metres of commercial floor space

- (2) Convenience restaurant.

Convenience Restaurant

**Minimum Number
of Parking Spaces**

Not exceeding 150 square metres

3 spaces for every 93 square metres of commercial floor space

Greater than 150 square metres but not exceeding 175 square metres

7 spaces for every 93 square metres of commercial floor space

Convenience Restaurant	Minimum Number of Parking Spaces
Greater than 175 square metres but not exceeding 200 square metres	11 spaces for every 93 square metres of commercial floor space
Greater than 200 square metres	15 spaces for every 93 square metres of commercial floor space

B. Parking. Subject to §§ 320-19, 330-17, 340-22 and 350-29, Handicapped automobile parking spaces, the parking requirements for restaurants in the Regional Planned Commercial (CP Regional), Local Planned Commercial (CP Local), Class 1 Industrial (IC-1), Class 2 Industrial (IC-2) and Class 3 Industrial (IC-3) zoning categories shall be as set forth below:

- (1) Standard restaurant, takeout restaurant and bar restaurant.

Standard Restaurant, Take-Out Restaurant and Bar Restaurant	Minimum Number of Parking Spaces
Not exceeding 150 square metres	5.5 spaces for every 93 square metres of commercial floor space
Greater than 150 square metres but not exceeding 175 square metres	7 spaces for every 93 square metres of commercial floor space
Greater than 175 square metres but not exceeding 200 square metres	8.5 spaces for every 93 square metres of commercial floor space
Standard and take-out than greater than 200 square metres	10 spaces for every 93 square metres of commercial floor space

**Standard Restaurant,
Take-Out Restaurant
and Bar Restaurant**

**Minimum Number
of Parking Spaces**

Bar restaurant greater than 200 square metres

12 spaces for every 93 square metres of commercial floor space

(2) Convenience restaurant.

Convenience Restaurant

**Minimum Number
of Parking Spaces**

Not exceeding 150 square metres

5.5 spaces for every 93 square metres of commercial floor space

Greater than 150 square metres but not exceeding 175 square metres

9 spaces for every 93 square metres of commercial floor space

Greater than 175 square metres but not exceeding 200 square metres

12 spaces for every 93 square metres of commercial floor space

Greater than 200 square metres

15 spaces for every 93 square metres of commercial floor space

C. Notwithstanding the foregoing, the parking requirement for restaurants in operation on or before the date of passage of By-Law No. 1981-60, and bar restaurants in operation as of the date of the passage of By-Law 1993-97, shall be as follows:

- (1) In the CL, CN, CG and CPP zoning category: three (3) spaces per ninety-three (93) square metres of commercial floor space for the first one hundred fifty (150) square metres of commercial floor space.
- (2) In the CP Regional, CP Local, IC-1, IC-2, IC-3 zoning category: five and five-tenths (5.5) spaces per ninety-three (93) square metres of commercial floor

space for the first one hundred fifty (150) square metres of commercial floor space.

- (3) The parking requirements for that portion of the restaurant which exceeds one hundred fifty (150) square metres in commercial floor space shall be as set out in Subsections A and B.

D. Notwithstanding the foregoing, the parking requirements for a restaurant for a bar restaurant which serves a function that is clearly ancillary and subordinate to the prime function of an establishment shall be equal to that of the prime user. For the purpose of this section, a restaurant or bar restaurant shall be deemed an ancillary use only if said establishment is wholly contained within a retail commercial establishment or building (where the use is not retail commercial). Such restaurants or bar restaurants shall be accessible only from the prime user and shall not have separate public access or external signage. Restaurants or bar restaurants in covered malls shall not be considered ancillary uses unless such restaurants are wholly contained within another retail establishment in the covered mall. Bar restaurants, located in the foregoing establishments, shall also be subject to § 340-20F(1) of this chapter.

E. None of the foregoing parking requirements shall apply to restaurants, including bar restaurants which locate in hotels; where applicable, beverage rooms, cocktail lounges and taverns located within hotels shall continue to be subject to § 320-18C(3)(e).

F. The following regulations shall apply to restaurants which feature drive-through windows. (For the purpose of this subsection, a "drive-through window" shall mean any facility which enables the customer to order and collect food from the automobile for consumption elsewhere than within the restaurant building.)

- (1) One (1) stacking lane, in addition to the required parking as set out in Subsections A and B, shall be provided in advance of the pick-up window to accommodate a minimum of ten (10) vehicles. The minimum width of said lane shall not be less than three (3) metres, and the minimum depth per vehicle shall not be less than six (6) metres. Said stacking lane shall be clearly marked by striping or concrete curbing. **[Amended 1991-08-16 by By-Law No. 1991-135]**
- (2) The width of the pavement where the stacking lane and driveway coincide shall be a minimum of seven and three-tenths (7.3) metres.

G. Restaurants whose operations or business include features or attractions other than those necessarily ancillary to the preparation and dispensing of food, including, without limiting the generality of the foregoing, dancing area, live bands, disc jockeys, entertainment area, floor shows and adult entertainment, and bar restaurants shall be subject to the following restrictions:

- (1) Such restaurants and bar restaurants or the lands required for parking or access thereto shall be situated not closer than ninety (90) metres from a property zoned residential.

H. Fencing. Where a restaurant site abuts a residential zone, a one-and-eight-tenths-metre-high metal or wood screen fence shall be installed along the boundary of the property line.

I. Lighting. All lighting fixtures and free-standing illuminated signs on restaurant or bar restaurant sites shall be arranged so as to be oriented away from neighbouring residential properties.

J. Waste receptacles.

- (1) Convenience and take-out restaurants shall supply waste receptacles at a ratio of one (1) receptacle per

five parking spaces, and they shall meet the following requirements:

- (a) The receptacle shall be enclosed in a concrete, wood, metal, plastic or other suitable impervious material.
 - (b) The receptacle enclosure shall be anchored to the ground.
- (2) The operator of a food vending cart shall be required to maintain one waste receptacle, which receptacle shall be enclosed in concrete, wood, metal, plastic or other suitable impervious material. **[Added 1994-08-19 by By-Law No. 1994-139]**
- K. No building, structure or part thereof used as a restaurant or bar restaurant with a commercial floor area of less than 112 square metres shall be licenced by the Liquor Licence Act of Ontario.
- L. No food vending cart shall be located closer than three metres to any street line, and such food vending cart shall be located on the paved portion of the property. **[Added 1994-08-19 by By-Law No. 1994-139]**
- M. Outdoor patios in side yards or rear yards used in association with standard restaurants which do not include a dancing area, live bands, disc jockey, entertainment area, floor show or adult entertainment shall be situated not closer than 40 metres (135 feet) from a property zoned residential, that distance to be measured from the closest point between the patio and the nearest lot line of the residential zone. **[Added 1995-11-13 by By-Law No. 1995-208]**
- N. Customer dining facilities of up to five seats shall be permitted in retail stores, beverage stores, bakeries and dairies. **[Added 1996-12-09 by By-Law No. 1996-210]**
- O. Restaurants, bar restaurants and banquet halls shall be permitted to include a commercial outdoor roof top patio as an accessory use, provided that the commercial

outdoor roof top patio shall comply with the following regulations: **[Added 2007-02-06 by By-Law No. 131-2007]**

- (1) A commercial outdoor roof top patio shall:
 - (a) Not be located any closer than 40 metres to a lot in a residential zone, measured horizontally at grade;
 - (b) Be located only within the half of the roof area that is closest to the front wall of the building;
 - (c) Have a maximum area of 50 square metres or 20% of the floor area used for patron seating inside the restaurant, bar restaurant or banquet hall, whichever is less;
 - (d) Have an acoustical wall, 1.8 metres high, erected around the perimeter of the patio, provided the acoustical wall is a maximum of 1.2 metres high along the street edge of the building;
 - (e) Not include any area that is used for any of the following purposes:
 - [1] Dance floor.
 - [2] Stage.
 - [3] Disc jockey.
 - [4] Television.
 - [5] Mechanical, electrical, or electronic music equipment.
 - [6] Live bands.
 - [7] An area used for the purposes of recreational activities.
 - (f) Direct any lighting away from adjoining properties and streets in the event that lighting is provided; and

- (g) Gain regular ingress and egress from the interior of the building, and any exterior stair access shall only be used for emergency and fire safety purposes, as may be required by the Ontario Building Code.

§ 340-21. Fences. [Added 1972-02-28 by By-Law No. 2282]

The following regulations shall apply to all residential zones:

- A. No fence shall exceed 1.9 metres in height. Notwithstanding the above, no fence located in a front yard or side yard abutting a street shall exceed 1.0 metre in height. **[Amended 1985-03-25 by By-Law No. 1985-61]**
- B. A lot to the rear of a reverse corner lot may have a fence height not exceeding 1.9 metres along the side lot line abutting the reverse corner lot's rear yard. **[Amended 1985-03-25 by By-Law No. 1985-61]**
- C. When there is a difference in grade level of adjacent lots, the maximum height of a fence shall be measured from the top of the fence to the finished grade level at the fence. **[Added 1982-12-13 by By-Law No. 1982-255]**

§ 340-22. Handicapped automobile parking spaces. [Added 1981-10-19 by By-Law No. 1981-309]

- A. The provisions of § 340-31 shall apply to handicapped automobile parking space(s), save and except such space(s) shall not be less than 3.65 metres in perpendicular width throughout and shall be located as close as practical to the principal entrance(s) of a building. Where handicapped parking spaces are required, a curb cut or ramp shall be provided as close as practical to the principal entrance(s), and said space(s) shall be identified by means of the physically handicapped symbol.

B. The number of handicapped automobile parking space(s) required may be calculated within the total number of automobile parking spaces required and shall apply to those zoning categories and land uses specified in § 340-20A; § 340-34 as it applies to medical or dental clinic, library, church, synagogue or other place of worship, private school and nursery school; § 340-40, save and except a dwelling unit over or behind a commercial use; and § 340-42D. Handicapped automobile parking space(s) shall be provided as follows:

(1) Save and except medical or dental centres or clinics:

Number of Automobile Parking Spaces Required	Minimum Number of Handicapped Automobile Parking Space(s) Required
0 - 9	Nil
10 - 100	1
For each additional 100 or part thereof	1

(2) For medical or dental centres or clinics:

Number of Automobile Parking Spaces Required	Minimum Number of Handicapped Automobile Parking Space(s) Required
0 - 9	Nil
10 - 30	1
31 - 60	2
61 - 100	3
For each additional 30 or part thereof	1

C. Subsections A and B above shall apply to all new buildings and additions to existing buildings where the addition increases the gross floor area by fifty per cent (50%) or more.

§ 340-23. Lodging-houses.⁹ [Added 1981-10-05 by By-Law No. 1981-298]

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained for the purpose of lodging-house, except in accordance with the following regulations, notwithstanding any other provisions of this chapter to the contrary:

- A. Dwelling type. The dwelling type shall be a fully detached residential building occupied wholly by the lodging-house use.
- B. Minimum lot area. Minimum lot area shall be four hundred sixty (460) square metres.
- C. Minimum lot frontage. Minimum lot frontage shall be twelve and zero-tenths (12.0) metres.
- D. General zoning requirements. The building shall comply with the requirements for residential development within the zone category in which the lodging-house is located.
- E. Occupancy. A lodging-house shall be owner-occupied.
- F. Intensity of use. There shall be a minimum floor area per resident of twenty-three (23) square metres, up to a maximum of ten (10) residents per dwelling.
- G. Minimum rear or side yard: For retirement homes or rest-homes, the minimum side or rear yard area shall be fourteen (14) square metres for each resident but not less than one hundred sixteen (116) square metres in total.
- H. Minimum landscaped area. A minimum landscaped area of seventy-five (75) square metres shall be provided in either the rear or side yard.

⁹ Editor's Note: Original Section 18, Development Control, which immediately followed this section and was added 1974-11-04 by By-Law No. 3403 and amended 1977-07-18 by By-Law No. 4150, was deleted during codification. Adopted under Section 35a of the Planning Act, R.S.O. 1970, By-Law No. 3403 is applicable to development prior to June 22, 1979, and is on file and may be examined in the office of the Borough Clerk. For current provisions regarding site plan control, see Section 40 of the Planning Act, R.S.O. 1980, and Ch. 344, Site Plan Control.

- I. Distance between lodging-houses. There shall be a minimum separation radius of three hundred (300) metres measured from property line to property line between any two (2) lodging-houses or between a lodging-house and a group home or any other similar type of residential care facility.
- J. All licenced lodging-houses in existence prior to the passage of this section shall continue to be deemed permitted uses, provided that the said uses are in conformity with Borough of Etobicoke By-Law No. 1978-41.¹

§ 340-23.1. Supplementary regulations for group homes. [Added 1986-04-21 by By-Law No. 1986-88²]

No building or structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained for the purpose of a group home, except in accordance with the following regulations, notwithstanding any other provision in this chapter to the contrary:

- A. Dwelling type. A group home may locate in any fully detached residential dwelling, duplex and triplex dwellings, and in any two (2) semi-detached dwellings which are joined to one another, provided that the building is occupied wholly by that use.
- B. Distance between group homes. There shall be a minimum radius of eight hundred (800) metres measured from property line to property line between any two (2) group homes, as defined in § 340-1 herein, and any form of residential care facility.
- C. Registration. No owner or operator of a group home shall commence operation without having registered the proposed group home with the City of Etobicoke.
- D. Parking. Notwithstanding the provisions of § 340-31, at least one (1) on-site automobile parking space shall be provided.

¹ Editor's Note: See Municipal Code Ch. 166, Lodging-Houses.

² Editor's Note: This by-law also provided that "for the purposes of this by-law, the following definition shall apply: 'Floor Space' shall mean the total gross floor area of a dwelling as defined in § 340-1 of the Zoning Code."

- E. Minimum floor space. A minimum floor space of twenty-three (23) square metres (exclusive of the basement area) shall be provided for each resident, exclusive of staff.
- F. Minimum lot area. There shall be a minimum lot area of three hundred seventy (370) square metres for any group home.
- G. Minimum rear yard. There shall be a minimum rear yard of fourteen (14) square metres for each group home resident, but not less than one hundred sixteen (116) square metres in total.
- H. General zoning requirement. The building shall comply with the requirements for residential development within the zoning category in which the group home is located.
- I. General health requirement. A group home shall be constructed and used so that it complies with the laws affecting the health and the inhabitants and any rule, regulation, direction or order of the local Board of Health and/or any direction or order of the local Medical Officer of Health.
- J. All licenced group homes in existence prior to passage of this section shall continue to be deemed permitted uses.
- K. Correctional group homes shall only be located on a public road designated as an arterial road by the Municipality of Metropolitan Toronto.

§ 340-23.2. Supplementary regulations for churches. [Added 1988-10-31 by By-Law No. 1988-236]

- A. Permitted locations (subject to Subsection B).

- (1) Etobicoke.

- (a) Institutional (I);
Agricultural (A);
Private Open Space (POS);
Fourth Density Residential (R4);
Fifth Density Residential (R5);

Neighbourhood Commercial (CN);
 Limited Commercial (CL);
 Regional Planned Commercial (CPR);
 Planned Commercial Preferred (CPP);
 Class 1 Industrial (IC-1);
 Class 2 Industrial (IC-2); and
 Class 3 Industrial (IC-3) Zones.

- (b) First Density Residential (R1);
 Second Density Residential (R2); and
 Third Density Residential (R3), where such zones
 front the roads listed below:

[Roads within (or proposed to be within) the jurisdictional control of the Ministry of Transportation and Communications and the Corporation of Metropolitan Toronto as shown within the Metropolitan Toronto Official Plan]

Road	From	To
Queen Elizabeth Way	Etobicoke Creek	Humber River
Highway No. 27	Eglinton Avenue West	Steeles Avenue West
Macdonald-Cartier Freeway (Highway No. 401)	Renforth Drive	Humber River
Highway No. 409	Highway No. 427	Highway No. 401
Highway No. 427	Queen Elizabeth Way	Steeles Avenue West
Albion Road	Steeles Avenue West	Humber River
Bloor Street West	Etobicoke Creek	Humber River
Beamish Drive	Dundas Street West	Bloor Street West
Brown's Line	Evans Avenue	Lakeshore Boulevard West
Burnhamthorpe Road	Etobicoke Creek	Dundas Street West
Dixon Road	Highway No. 427	Scarlett Road
Dunbloor Road	Dundas Street West	Bloor Street West
Dundas Street West	Etobicoke Creek	Humber River

Road	From	To
Eglinton Avenue West	Etobicoke Creek	Humber River
Finch Avenue West	Highway No. 427	Albion Road
Government Road	The Kingsway	Royal York Road
Islington Avenue	Northerly limit of the Town of New Toronto	Finch Avenue
Kipling Avenue	Northerly limit of the Town of New Toronto	Steeles Avenue West
Lakeshore Boulevard West	Easterly limit of the Town of Mimico	Humber River
Lawrence Avenue	Scarlett Road	Humber River
The Queensway	Etobicoke Creek	Humber River
Rexdale Boulevard	Highway No. 427	Islington Avenue
Scarlett Road	Dixon Road	Humber River
St. Phillips Road	Dixon Road	Humber River
Steeles Avenue West	Highway No. 50/Albion Road	Humber River
Finch Avenue	Albion Road	Humber River
Wilson Avenue	Rexdale Boulevard	Albion Road

(Roads which comprise part of the Principal Road Network of the City of Etobicoke as contained within Official Plan Amendment No. C-60-86)

Road	From	To
Attwell Drive	Disco Road	Dixon Road
Belfield Road	Attwell Drive	Kipling Avenue
Bergamot Avenue	Rexdale Boulevard	Islington Avenue
Bethridge Road	Highway No. 27	Kipling Avenue
Burnhamthorpe Crescent	Burnhamthorpe Road	Dundas Street West
Cadmark Place	Highway No. 27	Rexdale Boulevard
Carlingview Drive	Disco Road	Highway No. 401
Central Park Roadway	Cordova Avenue	Islington Avenue
Cordova Avenue	Dundas Street West	Islington Avenue

Road	From	To
Disco Road	Highway No. 427	Attwell Drive
The East Mall	Eglinton Avenue	Evans Avenue
East Mall Crescent	The East Mall	Dundas Street West
Eva Road	The West Mall	Highway No.427
Evans Avenue	The West Mall	Royal York Road
Farnboro Road	Attwell Drive	Highway No. 27
Fasken Drive	Highway No. 427	Carlingview Drive
Galaxy Boulevard	International Boulevard	Skyway Avenue
Gibbs Road	Highway No. 427	The East Mall
Holiday Drive	The West Mall	Highway No. 427
Horner Avenue	Brown's Line	Evans Avenue
Humber College Boulevard	Finch Avenue	John Garland Boulevard
Humberline Drive	Albion Road	Humber College Boulevard
International Boulevard	Carlingview Drive	Galaxy Boulevard
Lambeth Road	The Kingsway	Royal York Road
Lawrence Avenue	Royal York Road	Scarlett Road
Loop Road ¹	Highway No. 27	Bethridge Road
Martin Grove Road	Steeles Avenue West	Burnhamthorpe Road
Meridian Road (south leg)	Skyway Avenue	Highway No. 27
Morning Star Drive	Highway No. 427	Woodbine Downs
North Queen Street	The Queensway	Kipling Avenue
Park Lawn Road	Berry Road	Lakeshore Boulevard West
Racine Road	Martin Grove Road	Kipling Avenue
Rathburn Road	Mill Road	Islington Avenue
Richview Road	Scarlett Road	Eglinton Avenue
Royalcrest Road	Highway No. 27	Martin Grove Road
Royal York Road	Dixon Road	Evans Avenue
Shorncliffe Road	Dundas Street West	North Queen Street
Skyway Avenue	Dixon Road	Galaxy Boulevard
Steeles Avenue	Highway No. 50	Kipling Avenue
St. Lawrence Avenue	Queen Elizabeth Way	The Queensway

¹ Editor's Note: Now known as "Queen's Place Drive."

Road	From	To
Usher Avenue	The Kingsway	Royal York Road
Valhalla Inn Road	Highway No. 427	The East Mall
West Mall Crescent	Dundas Street West	The West Mall
The Westway	Martin Grove Road	Royal York Road
Widdicombe Hill Boulevard	Eglinton Avenue	Kipling Avenue
Woodbine Downs	Humberline Drive	Rexdale Boulevard

(2) Town of Mimico.

- (a) Residential (R2);
Residential (R3);
Residential (R4); and
Commercial (C) Zones.
- (b) Residential (R1); and
Residential (R2A), where such zones front the roads
listed below:

(Roads within the jurisdictional control of the Corporation of Metropolitan Toronto as shown within the Metropolitan Toronto Official Plan)

Road	From	To
Lakeshore Boulevard West	Dwight Avenue	Easterly limit of the Town of Mimico

(Roads which comprise part of the Principal Road Network of the City of Etobicoke as contained within Official Plan Amendment No. C-60-86)

Road	From	To
Drummond Street	Dwight Avenue	Royal York Road
Dwight Avenue	Drummond Street	Lakeshore Boulevard West
Mimico Avenue	Royal York Road	Lakeshore Boulevard West
Royal York Road	Evans Avenue	Lakeshore Boulevard West

(3) Town of New Toronto.

- (a) Residential, Third Density (R3) District; Residential, Fourth Density (R4) District; and Commercial (C) District Zones.
- (b) Residential, First Density (R1) District; and Residential, Second Density (R2) District, where such zones front the roads listed below:

(Roads within the jurisdictional control of the Corporation of Metropolitan Toronto as shown within the Metropolitan Toronto Official Plan)

Road	From	To
Islington Avenue	Northerly limit of the Town of New Toronto	Lakeshore Boulevard West
Kipling Avenue	Northerly limit of the Town of New Toronto	Lakeshore Boulevard West
Lakeshore Boulevard West	Twenty-Third Street	Dwight Avenue

(Roads which comprise part of the Principal Road Network of the City of Etobicoke as contained within Official Plan Amendment No. C-60-86)

Road	From	To
New Toronto Street	Kipling Avenue	Dwight Avenue

(4) Village of Long Branch.

- (a) Residential Multiple -1 (RM-1) District; Residential Multiple -2 (RM-2) District; Residential Multiple Apartments (RMA) District; and Commercial (C-1) District Zones.
- (b) Residential Single-Family (RS) District, where such zone fronts the road listed below:

(Roads within the jurisdictional control of the Corporation of Metropolitan Toronto as shown within the Metropolitan Toronto Official Plan)

Road	From	To
Lakeshore Boulevard West	Etobicoke Creek	Twenty-Third Street

B. Exemptions. The following shall not be subject to the supplementary regulations for churches, provided that such uses shall continue to be subject to the applicable provisions contained elsewhere in the Zoning Code:

- (1) Churches in existence as of May 4, 1987.
- (2) Church additions or expansions totalling fifteen percent (15%) or less of the total gross floor area.
- (3) Buildings erected for educational purposes if operated, or formerly operated, by public or separate school boards.
- (4) Joint school-church facilities in existence as of May 4, 1987.

C. Parking: one (1) space per five-person capacity of the main assembly area. Where a banquet hall, bingo hall, church hall or other accessory use, on the same site, can accommodate more persons than the main assembly area, the greater requirement of the two (2) uses shall apply.

D. Parking lots. All parking lots shall be curbed and paved to current city standards and shall maintain a one-and-five-tenths-metre setback from all property lines, except from the front lot line, in which case a three-and-zero-tenths-metre setback shall be maintained. Fencing shall be provided in accordance with Subsection G.

E. Landscaping. A one-and-five-tenths-metre landscaped strip shall be provided along the entire perimeter of the property except for the frontage where a three-and-zero-tenths-metre-wide landscaped strip shall be provided.

F. Minimum lot areas. A minimum lot area of two thousand sixteen (2,016) square metres shall be maintained.

G. Minimum lot frontages. A minimum lot frontage of thirty and zero-tenths (30.0) metres shall be maintained.

- H. Minimum setbacks. A minimum front and rear yard of seven and five-tenths (7.5) metres shall be required, and a minimum side yard of four and five-tenths (4.5) metres shall be required.
- I. Fences. No fence shall exceed one and nine-tenths (1.9) metres [on or within one and two-tenths (1.2) metres of a lot line] except if located closer to the street line than the main building, in which case the maximum height shall be one and zero-tenths (1.0) metre. All rear lot parking areas and driveways leading thereto shall be fenced with solid screening if abutting a residential zone or use.
- J. Accessory structures. The maximum permitted coverage of all accessory structures, including banquet halls, bingo halls, church halls, etc., shall not exceed fifteen percent (15%) of the lot area. A minimum setback of one and five-tenths (1.5) metres or one-half ($\frac{1}{2}$) the height of the said accessory structure, whichever is greater, shall be maintained from all property lines.
- K. Height. The height of the main building shall not exceed eleven and zero-tenths (11.0) metres on lots under four-tenths (0.4) hectare in size. The height of accessory structures shall not exceed three and seven-tenths (3.7) metres.

§ 340-23.3. Supplementary regulations for satellite dishes. [Added 1994-10-17 by By-Law No. 1994-175]

Satellite dishes shall be permitted as an accessory use to a permitted use, in all zoning categories, subject to the following provisions:

- A. The installation of satellite dishes and supporting structures shall comply with all development standards for an accessory structure, where applicable, or otherwise with the development standards applicable to the permitted use within the zone category in which the satellite dish is to be installed.

- B. Notwithstanding § 340-17D(1) of the Zoning Code, satellite dishes and supporting structures in all Residential Zones shall not exceed five (5) square metres in area and four (4) metres in height nor shall satellite dishes and supporting structures in all other zones exceed seven and three-tenths (7.3) square metres in area and four (4) metres in height. Where satellite dishes and supporting structures are attached to a building, they shall not exceed the maximum height permitted within the zone category in which the satellite dish is to be installed. Where the building has a pitched roof, the satellite dish and supporting structure shall not exceed the highest point of the roof.

§ 340-23.4. Supplementary regulations for school. [Added 1995-11-27 by By-Law No. 1995-222]

No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained for the purpose of a school, except in accordance with the following regulations:

- A. Exemptions. New schools, portables and additions, which are less than fifteen per cent (15%) of the total gross floor area of existing buildings shall not be subject to the supplementary regulations for schools, provided that such uses shall continue to be subject to the applicable provisions contained elsewhere in the Zoning Code.
- B. Landscaping. A one-and-five-tenths-metre landscaped strip shall be provided along the entire perimeter of the property, except for the frontage where a three-and-zero-tenths-metre-wide landscaped strip, to include driveways for pick-up/drop-off, parking lots and play areas, shall be provided. Property lines which abut H.E.P.C. Corridors and/or parkland are exempt from this requirement.
- C. Minimum setbacks. A minimum front and rear yard of seven and five-tenths (7.5) metres shall be required, and

a minimum side-yard of 3.0 metres shall be required.

- D. Fences. No fence shall exceed 2.5 metres except if closer to the street line than the main building, in which case the maximum height shall be 1.2 metres. Baseball play areas shall be exempt from fence height requirements.
- E. Height. The height of the main building shall not exceed 14.0 metres, exclusive of mechanical penthouse and/or roof structures.
- F. Parking. Parking for schools shall be provided in accordance with the relevant sections in the Zoning Code [§§ 320-18 E(1), 330-16B, 340-34 and 340-40 and 350-26B(4)], as amended by By-Law No. 1995-18.
- G. Parking lots. A one-and-five-tenths-metre set-back shall be provided for all parking lots (except for property lines which abut H.E.P.C. Corridors and/or parkland).
- H. Lot coverage. Maximum lot coverage of the main building shall not exceed 33%.
- I. Accessory uses. Accessory uses shall be subject to the applicable standards of the zone in which the school is located.

§ 340-23.5. Supplementary regulations for amusement arcades. [Added 1996-12-09 by By-Law No. 1996-210]

- A. Amusement arcades shall only be permitted as accessory uses to commercial/recreational facilities, hotels with at least 100 guest rooms or enclosed shopping malls with a minimum gross floor area of 20,000 square metres.
- B. Maximum number of amusement devices.
 - Commercial/recreational use: 12.
 - Hotel: 36.
 - Shopping mall: 36.

- C. An amusement arcade shall comply with the following provisions:
- (1) Amusement arcades located in hotels or shopping malls shall only be accessible from the interior of the buildings.
 - (2) Amusement arcades accessory to commercial/recreational uses shall be located on the same floor as the principal use.
 - (3) Amusement devices shall not be permitted in hallways, lobbies or other pedestrian areas.
 - (4) Public washroom facilities shall be available.

§ 340-23.6. Supplementary regulations for drive-through facilities. [Added 2002-10-03 by By-Law No. 776-2002]

- A. Permitted locations: Drive-through facilities shall be restricted to industrial zones and commercial zones. In commercial zones where residential dwelling units above business uses are permitted on the same lot, drive-through facilities shall be prohibited.
- B. Separation distance: Where a property in any zone that permits a drive-through facility abuts any residential zone or a commercial zone which permits residential dwelling units above business uses, a minimum distance of 30 metres shall separate all points of the drive-through building or stacking lanes from any lot within any of the aforementioned zones.
- C. Combination of uses: Where the use of any land, building or structure is composed of a combination of a drive-through facility and any one or more other uses, those uses shall not be construed as accessory to one another and all provisions pertaining to each use shall apply.

- D. Restaurants which feature a drive-through window shall also be subject to the applicable regulations cited in § 340-20 of the Zoning Code.

§ 340-23.7. Front yard landscaping. [Added 2006-09-27 by By-Law No. 973-2006¹]

The following front yard landscaping provisions shall apply to town house dwellings where a driveway leads directly to the dwelling unit, single-family detached dwellings, semi-detached dwellings, and duplex dwellings:

- A. For lots with a frontage of less than six metres, the front yard not covered by a permitted driveway shall be maintained as landscaping.
- B. For lots with a frontage of six metres to less than 15 metres, a minimum of 50% of the front yard shall be maintained as landscaping.
- C. For lots with a frontage of 15 metres and greater, a minimum of 60% of the front yard shall be maintained as landscaping.
- D. For the purpose of this § 340-23.7, “landscaping” means trees, shrubs, grass, flowers, vegetables, and other vegetation, decorative stonework, walkways, patios, screening, or other horticultural or landscape-architectural elements, or any combination of these. Landscaping does not include driveways or parking areas, and directly associated elements such as curbs or retaining walls.

¹ Editor's Note: This by-law was approved as passed by the Ontario Municipal Board 2007-06-29 by Order No. 1820, with exceptions for certain properties. A copy of Order No. 1820 of the Ontario Municipal Board is on file with By-Law No. 973-2006 in the City offices.

§ 340-23.8. Front yard soft landscaping. [Added 2006-09-27 by By-Law No. 973-2006²]

The following front yard soft landscaping provisions shall apply to town house dwellings where a driveway leads directly to the dwelling unit, single-family detached dwellings, semi-detached dwellings, and duplex dwellings:

- A. A minimum of 75% of the front yard not covered by a permitted driveway shall be maintained as soft landscaping.
- B. For the purpose of this § 340-23.8, “soft landscaping” means trees, shrubs, grass, flowers, vegetables, and other vegetation, but does not include hard surfaced areas such as, but not limited to, driveways, parking areas, decorative stonework, walkways, patios, screening, or other landscape-architectural elements.

**ARTICLE V
Residential Zones**

§ 340-24. Permitted uses in R1A Zone.

In the R1A Zone, no person shall use any land or erect or use any building or structure except for the following uses:

- A. Single-family detached dwelling.
- B. Home occupation.
- C. Accessory uses and structures; private garages; carports; television antennae; private swimming-pools and structures in conjunction with such swimming-pools; lawn and garden furnishings; one doghouse not exceeding one square metre of floor area; tool-sheds; patios; playhouses; central air-conditioning units subject

² Editor's Note: This by-law was approved as passed by the Ontario Municipal Board 2007-06-29 by Order No. 1820, with exceptions for certain properties. A copy of Order No. 1820 of the Ontario Municipal Board is on file with By-Law No. 973-2006 in the City offices.

to § 340-17M; and such other buildings or structures that are subordinate and customarily incidental to a dwelling. **[Amended 1974-05-27 by By-Law No. 3151]**

D. Private home day care. **[Added 1975-05-23 by By-Law No. 3606]**

E. Group homes, as defined in §§ 340-1 and 340-23.1. **[Added 1986-04-21 by By-Law No. 1986-88]**

(Cont'd on page 34041)

§ 340-25. Permitted uses in R1 Zone.

In an R1 Zone, no person shall use any land or erect or use any building or structure except for the following uses:

- A. Single-family detached dwelling.
- B. Home occupation.
- C. Church, synagogue or other place of worship.
- D. Public, separate or private school. **[Amended 1985-09-09 by By-Law No. 1985-209]**
- E. Park or playground.
- F. Accessory uses and structures: private garages; carports; television antennae; private swimming-pools and structures in conjunction with such swimming-pools; lawn and garden furnishings; one doghouse not exceeding one square metre of floor area; tool-sheds; patios; playhouses; central airconditioning units subject to § 340-17M; and such other buildings or structures that are subordinate and customarily incidental to a dwelling. **[Amended 1974-05-27 by By-Law No. 3151]**
- G. Private home day care. **[Added 1975-06-23 by By-Law No. 3606]**
- H. Day nursery and nursery school, provided that it is situated within a school, church or community centre. **[Added 1985-09-1909 by By-Law No. 1985-209]**
- I. Group homes, as defined in §§ 340-1 and 340-23.1. **[Added 1986-04-21 by By-Law No. 1986-88]**

§ 340-26. Permitted uses in R2A Zone.

In the R2A Zone, no person shall use any land or erect or use any building or structure except for the following uses:

- A. Any R1 use.
- B. Duplex dwelling.

- C. Accessory uses and structures: private garages; carports; television antennae; private swimming-pools and structures in conjunction with such swimming-pools; lawn and garden furnishings; one doghouse not exceeding one square metre of floor area; tool-sheds; patios; playhouses; central air-conditioning units subject to § 340-17M; and such other buildings or structures that are subordinate and customarily incidental to a dwelling. **[Amended 1974-05-27 by By-Law No. 3151]**
- D. Private home day care. **[Added 1975-06-23 by By-Law No. 3606]**
- E. Group homes, as defined in §§ 340-1 and 340-23.1. **[Added 1986-04-21 by By-Law No. 1986-88]**

§ 340-27. Permitted uses in R2 Zone.

In any R2 Zone, no person shall use any land or erect or use any building or structure except for the following uses:

- A. Any R1 use.⁴
- B. Converted dwelling.
- C. Duplex dwelling.
- D. Library.
- E. Nursery school.
- F. Semi-detached dwelling.
- G. Triplex dwelling.
- H. Accessory uses and structures: private garages; carports; television antennae; private swimming-pools and structures in conjunction with such swimming-pools; lawn and garden furnishings; one doghouse not exceeding one square metre of floor area; tool-sheds;

⁴ Editor's Note: Original Subsection (2), which immediately followed this subsection and listed boarding-house as a permitted use, was repealed 1980-06-06 by By-Law No. 1980-178 and 1981-10-05 by By-Law No. 1951-295.

patios; playhouses; central airconditioning units subject to § 340-17M; and such other buildings or structures that are subordinate and customarily incidental to a dwelling. **[Amended 1974-05-27 by By-Law No. 3151]**

- I. Private home day care. **[Added 1975-06-23 by By-Law No. 3606]**
- J. Group homes, as defined in §§ 340-1 and 340-23.1. **[Added 1986-04-21 by By-Law No. 1986-88]**

§ 340-28. Permitted uses in R3 and R4 Zones.

In any R3 or R4 Zone, no person shall use any land or erect or use any building or structure except for the following uses:

- A. Any R2 use.
- B. Apartment building.
- C. Apartment-hotel.
- D. Medical centre(s) or medical and dental offices. **[Amended 1987-05-19 by By-Law No. 1987-97]**
- E. Accessory uses and structures: private garages; carports; television antennae; private swimming-pools and structures in conjunction with such swimming-pools; and lawn and garden furnishings. Single-family, duplex, boarding-house, converted dwelling, semi-detached and triplex dwellings shall be permitted the following uses in addition to the foregoing; toolsheds; patios; playhouses; one doghouse not exceeding one square metre of floor area; central air-conditioning units subject to § 340-17M; and such other buildings or structures that are subordinate and customarily incidental to a dwelling. **[Amended 1974-05-27 by By-Law No. 3151]**
- F. Private home day care. **[Added 1975-06-23 by By-Law No. 3606]**
- G. Lodging-house. **[Added 1981-10-05 by By-Law No. 1981-298]**

- H. Day nursery and nursery school, provided that it is situated within a school, church or community centre. **[Added 1985-09-09 by By-Law No. 1985-209]**
- I. Group homes, as defined in §§ 340-1 and 340-23.1. **[Added 1986-04-21 by By-Law No. 1986-88]**
- J. Fourplex. **[Added 1996-12-09 by By-Law No. 1996-210]**

§ 340-29. Special lot requirements. [Amended 1963-12-09 by By-Law No. 1967; 1968-06-03 by By-Law No. 754; 1973-08-13 by By-Law No. 2837; 1974-03-07 by By-Law No. 3049; 1977-10-24 by By-Law No. 4263; 1979-04-17 by By-Law No. 1979-75; 1982-01-11 by By-Law No. 1982-11]

- A. Notwithstanding the provisions of § 340-30 with respect to lands lying within Lots 195 to 197 inclusive and Lots 204 and 206 inclusive, Plan M-161; all lots on Plan M-494; and Blocks A to N, inclusive, Plan M-328, no person shall use any lot or erect or use any building or structure thereon unless the lot frontage is a minimum of 15 metres and the depth of the lot is the full depth of the lot on the registered plan, but in all other respects, the provisions of § 340-30 shall apply.
- B. In the R2A Zone, the provisions of § 340-30 notwithstanding, no person shall erect or use a duplex dwelling on a lot unless the lot frontage is at least 15 metres.
- C. In any R1 Zone, no person shall use any land or erect or use any building or structure for essential public services under the provisions of § 340-11A of this chapter unless such building or structure is erected and maintained so as to be in harmony with residential buildings permitted in such zone and there is no exterior storage of goods, material or equipment.
- D. Single-family detached dwellings.

- (1) In any R1, R2, R2A, R3 or R4 Zone, the provisions of § 340-30 notwithstanding, a single-family detached dwelling may be erected and used on any lot, provided that:
 - (a) The lot has a frontage of not less than 7.5 metres.
 - (b) The minimum lot area of the lot shall not be less than 185 square metres.
 - (c) All the requirements of this chapter, other than the minimum lot frontage and the minimum lot area requirements, are complied with.
 - (d) The dwelling shall not have a floor space index greater than 0.4.
- (2) In and for the purposes of this subsection, the word "lot" means a parcel of land which, at the time of the passing of this chapter, is described separately in a registered deed that contains a description of no other land.

E. In any residential zone where the lot is triangular in shape, no portion of the main building shall be located less than 7.5 metres from the rear angle of the lot, and the rear yard shall have a minimum area of:

- (1) Ninety-three square metres for any lot upon which is erected a one-family detached dwelling.
- (2) One hundred eleven square metres for any lot upon which is erected a duplex dwelling.
- (3) Sixty-nine square metres for any lot upon which is erected a semi-detached dwelling.
- (4) One hundred thirty-nine square metres for any lot upon which is erected a triplex dwelling.

F. Front yard set-back. **[Repealed 1982-12-13 by By-Law No. 1982-255]**

- G. Minimum rear yard: 7.5 metres, or 0.6 times the lesser of height or width of building, whichever is greater. **[Added 1983-01-24 by By-Law No. 1983-10]**

§ 340-30. Lot, area and yard requirements. [Added 1982-01-11 by By-Law No. 1982-11⁵]

Except as provided for in § 340-29D, no person shall use any lot or erect or use any building or structure thereon unless such building or structure complies with the following standards:

A. Single-family detached dwelling.

- (1) Minimum lot area: 325 square metres.
- (2) Minimum lot frontage: 10.5 metres.
- (3) Minimum front yard: six metres.
- (4) Minimum side yard: 0.9 metre.
- (5) Minimum rear yard: 7.5 metres. Notwithstanding any part of this section to the contrary, no residential building containing four or fewer dwelling units, located on a lot with a rear yard which abuts a Waterfront Zone, shall be hereafter erected or structurally altered or enlarged by additions at the rear of the building unless a minimum separation of 7.5 metres is maintained between the main rear wall of the building or any enclosed portion of the building extending beyond the main rear walk and the waterfront top-of-bank as defined in the Zoning Code. **[Amended 1985-06-28 by By-Law No. 1985-162]**
- (6) Minimum landscaped open space: 25% of the lot area.

⁵ Editor's Note: This by-law repealed original Schedule A of By-Law No. 1930, as amended 1962-09-10 by By-Law No. 1938; 1962-11-12 by By-Law No. 1951; and 1974-07-24 by By-Law No. 3217.

- (7) **[Added 1990-02-19 by By-Law No. 1990-56⁴]**
Maximum building height of 9.5 metres to the highest point of the roof, provided that for the purpose of this section, "height" shall be defined as follows:

HEIGHT — The perpendicular distance measured from the average of the natural, unaltered grade at the intersection of the side lot lines and the minimum front yard setback to the highest point of the roof, or soffit of the eaves overhang. **[Amended 1999-12-16 by By-Law No. 871-1999]**

Where the provisions of this section conflict with variances granted by the Committee of Adjustment, the provisions of these variances shall prevail.

B. Semi-detached dwelling.

- (1) Minimum lot area: 278.5 square metres.
- (2) Minimum lot frontage: nine metres.
- (3) Minimum front yard: six metres.
- (4) Minimum side yard: nine-tenths (0.9) metre.
- (5) Minimum rear yard: 7.5 metres. Notwithstanding any part of this section to the contrary, no residential building containing four or fewer dwelling units, located on a lot with a rear yard which abuts a Waterfront Zone, shall be hereafter erected or structurally altered or enlarged by additions at the rear of the building unless a minimum separation of 7.5 metres is maintained between the main rear wall of the building or any enclosed portion of the building extending beyond the main rear wall and the waterfront top-of-bank as defined in the Zoning Code. **[Amended 1985-06-28 by By-Law No. 1985-162]**

⁴ Editor's Note: This by-law also provided that it shall not apply to any application for a building permit accepted and assigned a permit number prior to the enactment of the by-law.

- (6) Minimum landscaped open space: 25% of the lot area.

C. Duplex dwelling.

- (1) Minimum lot area: 371 square metres.
- (2) Minimum lot frontage: 12 metres.
- (3) Minimum front yard: six metres.
- (4) Minimum side yard: 0.9 metre.
- (5) Minimum rear yard: 7.5 metres. Notwithstanding any part of this section to the contrary, no residential building containing four or fewer dwelling units, located on a lot with a rear yard which abuts a Waterfront Zone, shall be hereafter erected or structurally altered or enlarged by additions at the rear of the building unless a minimum separation of 7.5 metres is maintained between the main rear wall of the building or any enclosed portion of the building extending beyond the main rear wall and the waterfront top-of-bank as defined in the Zoning Code. **[Amended 1985-06-28 by By-Law No. 1985-162]**
- (6) Minimum landscaped open space: 25% of the lot area.

D. Triplex dwelling.

- (1) Minimum lot area: 465 square metres.
- (2) Minimum lot frontage: 15 metres.
- (3) Minimum front yard: six metres.
- (4) Minimum side yard: nine-tenths (0.9) metre.

- (5) Minimum rear yard: 7.5 metres. Notwithstanding any part of this section to the contrary, no residential building containing four or fewer dwelling units, located on a lot with a rear yard which abuts a Waterfront Zone, shall be hereafter erected or structurally altered or enlarged by additions at the rear of the building unless a minimum separation of 7.5 metres is maintained

(Cont'd on page 34046.3)



between the main rear wall of the building or any enclosed portion of the building extending beyond the main rear wall and the waterfront top-of-bank as defined in the Zoning Code. **[Amended 1985-06-28 by By-Law No. 1985-162]**

- (6) Minimum landscaped open space: 25% of the lot area.

E. Fourplexes and apartment buildings. **[Amended 1985-02-11 by By-Law No. 1985-27; 1985-06-28 by By-Law No. 1985-162; 1996-12-09 by By-Law No. 1996-210]**

- (1) Minimum lot frontage: 22.5 metres.
- (2) Minimum front yard: six metres.
- (3) Minimum side yard: 0.6 times the lesser of the height or depth of the building, whichever is greater.
- (4) Minimum landscaped open space: 30% of the lot area in an R3 Zone.
- (5) Minimum landscaped open space: 35% of the lot area in an R4 Zone.
- (6) Minimum rear yard: 7.5 metres or 0.6 times the lesser of the height or width of the building, whichever is greater. Notwithstanding any part of this section to the contrary, no residential building containing four or fewer dwelling units, located on a lot with a rear yard which abuts a Waterfront Zone, shall be hereafter erected or structurally altered or enlarged by additions at the rear of the building unless a minimum separation of 7.5 metres is maintained between the main rear wall of the building or any enclosed portion of the building extending beyond the main rear wall and the waterfront top-of-bank as defined in the Zoning Code.

F. Private school.

- (1) Minimum lot area: 465 square metres.
- (2) Minimum lot frontage: 15 metres.
- (3) Minimum front yard: six metres.
- (4) Minimum side yard: 0.9 metre.
- (5) Minimum rear yard: 7.5 metres.
- (6) Minimum landscaped open space: 25% of the lot area.

G. Nursery school.

- (1) Minimum lot area: 465 square metres.
- (2) Minimum lot frontage: 15 metres.
- (3) Minimum front yard: six metres.
- (4) Minimum side yard: 0.9 metre.
- (5) Minimum rear yard: 7.5 metres.
- (6) Minimum landscaped open space: 25% of the lot area.

H. Library.

- (1) Minimum lot area: 371 square metres.
- (2) Minimum lot frontage: 12 metres.
- (3) Minimum front yard: six metres.
- (4) Minimum side yard: 0.9 metre.

I. Converted dwelling.

- (1) Minimum lot area: 465 square metres.
- (2) Minimum lot frontage: 15 metres.
- (3) Minimum front yard: six metres.
- (4) Minimum side yard: 0.9 metre.
- (5) Minimum rear yard: 7.5 metres.

- (6) Minimum landscaped open space: 25% of the lot area.
 - (7) Minimum gross floor area: 278 square metres. **[Added 1996-12-09 by By-Law No. 1996-210]**
 - (8) Minimum dwelling unit gross floor area: 55.7 square metres. **[Added 1996-12-09 by By-Law No. 1996-210]**
- J. Medical centre. **[Amended 1987-05-19 by By-Law No. 1987-97]**
- (1) Minimum front yard: six metres.
 - (2) Minimum side yard: 0.9 metre.
 - (3) Minimum rear yard: 7.5 metres.
 - (4) Minimum landscaped open space: 35% of the lot area.
- K. Places of worship.
- (1) Minimum lot area: 742 square metres.
 - (2) Minimum lot frontage: 24 metres.
 - (3) Minimum front yard: six metres.
 - (4) Minimum side yard: 0.6 times the lesser of the height or depth of the building.
 - (5) Minimum rear yard: 7.5 metres.
 - (6) Minimum landscaped open space: 25% of the lot area.
- L. Floor space index. No building shall be erected in any R1A, R1, R2A, R2, R3 or R4 Zone having a floor space index greater than listed below:

Zone	Floor Space Index
R1A	0.4
R1	.4

Zone	Floor Space Index
R2A	.6
R2	.6
R3	1.0
R4	1.5

M. Lodging-house. Subject to the provisions of §§ 340-23 and 340-31B(3).

N. Front yard set-back in a residential zone shall be in accordance with "yard established front yard depth," as defined in § 34-01. **[Added 1982-12-13 by By-Law No. 1982-255]**

§ 340-31. Automobile parking space. [Amended 1976-02-16 by By-Law No. 3785]

A. There shall be provided, for any building in any zone, an area for automobile parking located on the same lot with the said building. This area shall contain individual automobile parking spaces and adequate provisions for access to a street or public lane from each individual parking space unimpeded by any other parking space shall be provided. The minimum parking space dimensions shall be as follows: **[Amended 1982-01-11 by By-Law No. 1982-11; 1985-02-11 by By-Law No. 1985-28; 1986-12-15 by By-Law No. 1986-269; 2006-09-27 by By-Law No. 973-2006¹; 2007-05-25 by By-Law No. 497-2007]**

(1) The minimum dimensions of a parking space, accessed by a one-way or two-way drive aisle having

¹ Editor's Note: This by-law was approved as passed by the Ontario Municipal Board 2007-06-29 by Order No. 1820, with exceptions for certain properties. A copy of Order No. 1820 of the Ontario Municipal Board is on file with By-Law No. 973-2006 in the City offices.

a width of 6.0 metres or more measured at the entrance to the parking space, shall be:

- (a) Length: 5.6 metres;
- (b) Height: 2.0 metres;
- (c) Width: 2.6 metres;

except that the minimum required width of a parking space shall be increased by 0.3 metre for each side of the parking space that is obstructed in accordance with Subsection A(3) below.

- (2) The minimum dimensions of a parking space, accessed by a one-way or two-way drive aisle having a width of less than 6.0 metres measured at the entrance to the parking space, shall be:

- (a) Length 5.6 metres;
- (b) Height 2.0 metres;
- (c) Width 3.0 metres;

except that the minimum required width of a parking space shall be increased by 0.3 metre when one or both sides of the parking space are obstructed in accordance with Subsection A(3) below.

- (3) For the purposes of this by-law, the side of a parking space is obstructed when any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated:

- (a) Within 0.3 metre of the side of the parking space, measured at right angles; and
- (b) More than 1.0 metres from the front or rear of the parking space.

- (4) A minimum access driveway width of 6.0 metres shall be provided in front of all parking spaces, with the exception of parking spaces in tandem which shall provide a minimum three-metre access driveway to the side of each space. Despite

Subsection A(1) and (2) above, parking spaces in tandem shall be a minimum of 6.7 metres in length by a minimum of 2.6 metres in perpendicular width throughout by a minimum clear height of 2.0 metres, except that the minimum required width of a parking space shall be increased by 0.3 metre when one side of the parking space is obstructed in accordance with Subsection A(3) above.

- (5) Every parking space shall have a minimum unobstructed vertical clearance of 2.0 metres for the entire length and width of the parking space.
- (6) Despite § 340-31A(1) to (5) above:
 - (a) Where a site-specific amendment to the Etobicoke Zoning Code, as amended, has been passed by Council between January 1, 2003 and April 30, 2007, or is the result of an Order of the Ontario Municipal Board respecting an appeal filed between January 1, 2003 and April 30, 2007, which specifies parking space dimensions, the minimum parking space dimensions shall be in accordance with the amending by-law that has come into force; or
 - (b) Where a site-specific amendment to the Etobicoke Zoning Code, as amended, has been passed by Council between January 1, 2003 and April 30, 2007, or is the result of an Order of the Ontario Municipal Board respecting an appeal filed between January 1, 2003 and April 30, 2007, which does not specify parking space dimensions, the minimum parking space dimensions shall be: 2.7 metres in width and 6.0 metres in length, except for parking spaces in tandem which shall be a minimum of 2.7 metres in width and 6.7 metres in length.

B. Residential. Automobile parking space shall be provided in accordance with the following regulations:

- (1) One-family, semi-detached, duplex and triplex dwellings. **[Amended 1977-09-26 by By-Law No. 4228]**
- (a) At least one parking space shall be provided for each dwelling unit. The said parking shall be provided either by an attached garage, carport, detached garage or rear yard parking space, provided that such rear space for a triplex dwelling is accessible by means of a minimum two-and-four-tenths-metre-wide driveway. **[Amended 2006-09-27 by By-Law No. 973-2006²]**
- (b) Parking requirements: No person shall use any residential lot for the parking or storage of any recreational vehicle, motor vehicle or commercial vehicle, except as provided for under Subsection B of this section, §§ 340-32 and 340-33 and as herein provided:
- [1] No parking shall be permitted in any front yard or side yard abutting a street, save and except on a properly constructed and surfaced driveway, provided the driveway leads to a parking space as required under Subsection B(1)(a). **[Amended 2006-09-27 by By-Law No. 973-2006³]**
- [a] Despite the minimum access driveway width of 6.0 metres required in § 340-31A, for town house dwellings where a driveway leads directly to the dwelling unit, one-family dwellings,

² Editor's Note: This by-law was approved as passed by the Ontario Municipal Board 2007-06-29 by Order No. 1820, with exceptions for certain properties. A copy of Order No. 1820 of the Ontario Municipal Board is on file with By-Law No. 973-2006 in the City offices.

³ Editor's Note: This by-law was approved as passed by the Ontario Municipal Board 2007-06-29 by Order No. 1820, with exceptions for certain properties. A copy of Order No. 1820 of the Ontario Municipal Board is on file with By-Law No. 973-2006 in the City offices.

semi-detached dwellings, and duplex dwellings, a driveway which is located in or which passes through the front yard shall have the following dimensions:

- [i] A minimum width of 2.6 metres.
- [ii] For lots with a frontage of less than six metres, a maximum width for its entire length of 2.6 metres.
- [iii] For lots with a frontage of six metres to 23 metres inclusive, a maximum width for its entire length of six metres, provided the front yard landscaping and soft landscaping requirements of §§ 340-23.7 and 340-23.8 are met.
- [iv] For lots with a frontage greater than 23 metres, a maximum width of:
 - [A] Nine metres where there are three or more side-by-side parking spaces behind the main front wall of the building; or

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[B] Six metres where there are less than three side-by-side parking spaces;

provided the front yard landscaping and soft landscaping requirements of §§ 340-23.7 and 340-23.8 are met.

- [b] Despite the minimum access width of 6.0 metres required in § 340-31.A, for town house dwellings where a driveway leads directly to the dwelling unit, one-family dwellings, semi-detached dwellings, and duplex dwellings, a driveway which is not located in or which does not pass through the front yard shall have the following dimensions:
- [i] A minimum width of 2.6 metres; and
 - [ii] A maximum width for its entire length of 6.0 metres.
- [c] For triplex dwellings, a driveway shall not exceed 6.0 metres in width or 40% of the front yard area, and the remainder of the front yard shall be used for no purpose other than sodding, landscaping, walkways or other permitted structures.
- [2] Notwithstanding Subsection B(1)(b)[1], the owner of any one-family or semi-detached dwelling erected prior to July 19, 1962, for which there is no provision for parking either by an existing attached garage, carport or two-and-four-tenths-metre side drive and where there is not sufficient space for the construction of such facility,

may develop one parking space in the front yard, provided that:

- [a] Such space does not exceed 18 square metres in area and three metres in width and provided further that such space is designed having its length at right angles to the street line.
- [b] The parking space is properly constructed and surfaced and may take the form of two hard-surfaced runways.
- [c] The remainder of the front yard is used for no purpose other than sodding and/or landscaping, footpaths or otherwise permitted structures.
- [d] Such parking space shall be used for the parking of a private automobile only, and no commercial motor vehicle or recreational vehicle parking shall be permitted.

(2) **[Amended 1984-06-29 by By-Law No. 1984-141]** Apartment houses and maisonettes shall provide automobile parking spaces in accordance with the following regulations:

(a) Apartment houses:

- [1] One bedroom or less: 1.25 spaces per dwelling unit.
- [2] Two bedrooms: 1.40 spaces per dwelling unit.
- [3] Three bedrooms: 1.55 spaces per dwelling unit.

[4] Of this number, not less than twenty-hundredths (0.20) spaces per dwelling unit shall be reserved for surface visitor parking and not less than fifty-hundredths (0.50) spaces per dwelling unit shall be located within buildings or underground structures.

[5] Notwithstanding the foregoing provisions, parking for a senior citizen apartment building shall be provided at a ratio of twenty-five hundredths (0.25) spaces per dwelling unit, with an additional ten-hundredths (0.10) spaces per dwelling unit designated for the exclusive use of visitors. **[Added 1996-03-08 by By-Law No. 1996-41]**

- (b) Maisonettes. At least 1.60 automobile parking spaces per dwelling unit shall be provided. Of this number, not less than twenty-hundredths (0.20) spaces per dwelling unit shall be reserved for surface visitor parking and not less than fifty-hundredths (0.50) spaces per dwelling unit shall be located within buildings or underground structures.
- (c) Notwithstanding the provisions of § 340-31B(2)(a) and (b), a parking area provided in the rear yard shall be in excess of a landscaped area in the rear yard equal to 7.5 metres times the average width of the lot.
- (d) Subject to Subsection B(2)(a), (b) and (c), in the case of an apartment house or maisonette, any surface parking shall be located no closer to any street line than the nearest main wall of the main building to the said street line(s).
- (e) All outdoor parking areas and driveways shall be curbed with permanent continuous fifteen-

hundredths-metre curbing and paved with hot mix asphalt or concrete.

- (3) Lodging-house. Minimum off-street parking shall be provided on the basis of one space for the proprietor (and his family) and one space for every two lodgers or fraction thereof, except in the case of retirement homes or rest-homes where minimum off-street parking shall be one space for the proprietor and one space for every five lodgers or fraction thereof. Subject to Subsection B(1)(b)[1], parking in tandem on the driveway shall

(Cont'd on page 34049)

be permitted, and the regulations of Subsection A regarding the provision of a minimum three-metre access driveway to the side of each space shall be waived. [Amended 1981-10-05 by By-Law No. 1981-298]

§ 340-32. Parking of commercial motor vehicles. [Added 1976-02-16 by By-Law No. 3785]

- A. No person shall, in any residential zone, use any lot for the parking or storing of commercial motor vehicles.
- B. Notwithstanding the provisions of Subsection A, the owner or occupant of any dwelling unit in any residential zone may park or store a maximum of one (1) commercial motor vehicle on the same lot upon which his dwelling unit is located, provided that:
- (1) Such vehicle is not in excess of one thousand (1,000) kilograms' capacity.
 - (2) Is operated by himself and is for parking or storage only and not in connection with any business or other use prohibited by this chapter in any such residential zone.
 - (3) Any such vehicle in excess of five hundred (500) kilograms' capacity must be parked or stored in a garage or carport.
 - (4) Any such vehicle up to five hundred kilograms' capacity must be parked or stored in a garage, carport or surfaced parking area as regulated by § 340-3B(1) and (2) or surfaced driveway as provided under § 340-31B(1)(b). [Amended 1977-09-26 by By-Law No. 4228]
 - (5) For the purposes of this section, a "vehicle of one-half (½) ton's [five hundred (500) kilograms]' capacity" shall mean a commercial motor vehicle licenced with the appropriate provincial authorities for a gross weight not exceeding two thousand two hundred sixty-eight (2,268) kilograms, and a "vehicle of one (1) ton's [one thousand (1,000) kilograms]' capacity" shall mean a commercial motor vehicle licenced with the appropriate provincial

authorities for a gross weight not exceeding three thousand one hundred seventy-five (3,175) kilograms. [Added 1977-05-24 by By-Law No. 4114]

§ 340-33. Parking or storage of recreational vehicles. [Added 1970-09-14 by By-Law No. 1775; amended 1976-02-16 by By-Law No. 3785]

- A. No person shall, in any residential zone, use any recreational vehicle for residential occupancy nor use any lot for the parking or storage of recreational vehicles except those that are less than nine (9) metres in length (exclusive of hitch or tongue), and then only in compliance with the following regulations:
- (1) Such recreational vehicles are located entirely within a private garage, a carport or a dwelling; or
 - (2) Such recreational vehicles do not exceed two (2) in number parked or stored outside of buildings on any lot and are owned and used by the owner of such lot and:
 - (a) Are not located in a front yard or a side yard abutting a street or, in the case of a corner lot, are not located on any portion of the rear yard closer to the street than the main wall of the main building; and
 - (b) No recreational vehicle exceeding one and nine-tenths (1.9) metres in overall height shall be parked or stored in a required minimum side yard.
- B. Notwithstanding Subsection A(2)(a), occasional parking by the owner or occupant of a lot of one (1) recreational vehicle for seasonal use on a properly constructed and surfaced driveway on such lot shall be permitted as follows:
- (1) Camper trailers, motor homes, truck campers, travel trailers, boats and boat trailers during the period from May 15 to October 15 in each year, inclusive.
 - (2) Snowmobiles, snowmobile trailers and like winter-oriented vehicles during the period from November 30 in one year to April 1 in the next year, inclusive.

- C. For the purpose of Subsections A(2) and B, recreational units such as snowmobiles, boats, camper tops, etc., mounted on a trailer or truck bed shall be considered one recreational vehicle.
- D. Notwithstanding the provisions of Subsection A, transitory parking of recreational vehicles on a properly constructed and surfaced driveway in compliance with the provisions of § 340-31B may be permitted at any time during the year, provided that the incidence of such parking does not exceed a total of three days in any calendar month. For the purpose of this section, the use of the driveway for parking purposes for any period of time during the day shall be deemed to be an incidence of parking for the entire day.
- E. Notwithstanding the provisions of Subsection A, B, C and D, the owner or occupant of any lot used for apartment house, garden apartment, maisonette or group dwelling purposes may only park or store recreational vehicles in garages, carports or surfaced parking areas, provided that:
- (1) The vehicle does not exceed nine metres in length, exclusive of hitch or tongue.
 - (2) Parking is provided in accordance with the regulations contained in § 340-31B and is in excess of the minimum number of parking spaces required therein.
- F. For the purpose of this section, parking or storage shall not include the use of such recreational vehicles for residential occupancy.

**§ 340-34. Off-street parking in residential districts.
[Amended 1976-02-16 by By-Law No. 3785;
1981-10-19 by By-Law No. 1981-309]**

Subject to § 340-22, Handicapped automobile parking spaces, in any R Zone, no person shall use any lot or erect or use any

building or structure thereon unless parking spaces on the lot, in accordance with the following requirements, are provided and maintained:

Use	Minimum Number of Parking Spaces
Converted dwelling	1 for every dwelling unit
Home occupation	2
Apartment-hotel	1 for each and every dwelling unit and 1 for each and every group of 4 (or less) dwelling units
Medical centre or medical and dental offices [Amended 1987-05-19 by By-Law No. 1987-97]	5.5 per 93 square metres of commercial floor area
Library	6 or a number whose total area equals area of ground floor, whichever is greater
Church, synagogue or other place of worship	1 for every 10 persons who can be accommodated
Private school	1 for each 45 square metres of gross floor area
Nursery school	1 for each staff member
Elementary schools [Added 1995-01-30 by By-Law No. 1995-18]	0.60 spaces per 100 square metres of gross floor area
Secondary schools [Added 1995-01-30 by By-Law No. 1995-18]	1.0 spaces per 100 square metres of gross floor area

§ 340-35. Visibility at intersections.

In any R Zone, on a corner lot no building or structure shall be erected or used and no tree, plant or shrub shall be permitted to grow or remain that obstructs vision across the triangle formed by the point of intersection of the front and side lot lines of the lot and the two points on the front and side lot lines, respectively, nine metres from the point of intersection.

ARTICLE VI Commercial Zones

§ 340-36. Prohibited uses.

In any C Zone, no person shall use any land or erect or use any building or structure for a public garage, body repair shop, automatic car wash or used car lot.

§ 340-37. Permitted uses.

- A. In any C Zone, no person shall use any land or erect or use any building or structure except for the following uses:
- (1) New and used car sales rooms and lots, provided that they are used only on the same lot and as a subsidiary of and in conjunction with a new car sales agency. **[Amended 1978-12-11 by By-Law No. 1978-341]**
 - (2) Bank.
 - (3) Business, professional or government office.
 - (4) Church, synagogue or other place of worship.
 - (5) Club, lodge or union hall.
 - (6) Dwelling unit over a commercial use and private home day care associated with such residential use. **[Amended 1975-06-23 by By-Law No. 3606; 1983-01-24 by By-Law No. 1983-75]**

- (a) Access to the dwelling units shall be from an entrance at grade level, fronting on a street.
- (7) Funeral parlour.
- (8) Hotel or motel.
- (9) Library.
- (10) Medical centre(s) or medical and dental offices. **[Amended 1987-05-19 by By-Law No. 1987-97]**
- (11) Parking lot.
- (12) Public, separate or private school. **[Amended 1975-06-23 by By-Law No. 3606]**
- (13) Restaurants.
 - (a) Convenience restaurant, take-out restaurant, standard restaurant. **[Amended 1973-12-17 by By-Law No. 2977; 1981-03-09 by By-Law No. 1981-61]**
 - (b) One food vending cart, except on a corner lot where a second food vending cart will be permitted. **[Added 1994-08-19 by By-Law No. 1994-139]**
- (14) Retail store.
- (15) Service station.
- (16) Service or repair shop.
- (17) Supermarket.
- (18) Theatre or movie.
- (19) Dry-cleaning establishments using non-combustible cleaning solvents and customer-operated automatic laundries or cleaners. **[Added 1968-05-06 by By-Law No. 722]**
- (20) Any use accessory to a permitted use.

- (21) Lodging-house. **[Added 1981-10-05 by By-Law No. 1981-298⁷]**
- (22) A maximum of two amusement devices shall be permitted for individual commercial establishments listed in Subsection A(8), (13), (14), (17), (18) and (19) having a minimum gross floor area of 130 square metres. **[Added 1982-12-13 by By-Law No. 1982-265; amended 1996-12-09 by By-Law No. 1996-210]**
- (23) Game establishment – Types A, B and C. (See the definition of “amusement device” in § 340-1.) **[Added 1982-12-13 by By-Law No. 1982-265]**
- (24) Day nursery or nursery school. **[Added 1985-09-09 by By-Law No. 1982-209]**
- (25) Group homes, as defined in §§ 340-1 and 340-23.1. **[Added 1986-04-21 by By-Law No. 1986-88]**
- (26) Bowling-alley. **[Added 1990-07-23 by By-Law No. 1990-154]**

§ 340-38. Use of land for service stations.

No person shall use any land or erect or use any building or structure on any land for a service station except on land that was used for a service station at the date of the passing of this chapter.

§ 340-39. Yard requirements.

In any C Zone, no person shall use any lot or erect or use any building or structure thereon unless the following standards are complied with:

⁷ Editor's Note: By-Law No. 1981-298 also repealed original Subsection (6), which prohibited boarding-, lodging- or rooming-houses and was added 1980-06-06 by By-Law No. 1980-178.

- A. Minimum front yard: no minimum.
- B. Minimum side yard: no minimum unless the lot is adjacent to an R Zone, in which case the minimum side yard shall be 0.9 metre.
- C. Minimum rear yard: no minimum unless the lot is adjacent to an R Zone, in which case the minimum rear yard shall be 4.5 metres.

§ 340-40. Off-street parking. [Amended 1974-01-21 by By-Law No. 3003; 1981-03-09 by By-Law No. 1981-61; 1981-10-05 by By-Law No. 1981-298; 1981-10-19 by By-Law No. 1981-309]

Subject to § 340-22, Handicapped automobile parking spaces, in any C Zone, no person shall use any lot or erect or use any building or structure thereon unless and until parking spaces on the lot have been provided in accordance with the following requirements:

Land Use	Minimum Number of Parking Spaces
Automobile salesroom	1 for every 28 square metres of gross floor area
Bank	1 for every 28 square metres of gross floor area
Business, professional or government office	1 for every 93 square metres of gross floor area
Church, synagogue or other place of worship	1 for every 10 persons who can be accommodated
Club, lodge or union hall	1 for every 10 persons who can be accommodated

Land Use	Minimum Number of Parking Spaces
Dwelling unit over a commercial use [Amended 1983-01-24 by By-Law No. 1983-10]	1, plus an additional 1 for each dwelling unit
Undertaking establishment [Amended 1984-09-04 by By-Law No. 1984-188]	8 per 93 square metres of gross floor area
Hotel	2 for every 3 bedrooms
Library	6 or a number whose area equals area of ground floor, whichever is greater
Motel	1 for every unit
Private school	1 for every staff member
Retail store	1 for every 28 square metres of selling space (all floor area on which goods are displayed and including shelf, counter, refrigerators, entrances and window wells)
Service or repair shop	1 for every 28 square metres of selling space
Supermarket	1 for every 9.3 square metres of selling space
Theatre or movie	1 for every 10 persons who can be accommodated
Lodging-house	Subject to the provision of § 340-31B(3)

Land Use	Minimum Number of Parking Spaces
Restaurants [Added 1985-02-11 by By-Law No. 1985-27]	See § 340-20 for parking requirements
Day nursery or nursery school [Added 1985-09-09 by By-Law No. 1985-209]	1 for every staff member and, in instances where such use is the sole use of a site, an additional 2 spaces are to be provided and designated for delivery and pick-up only
Public garage [Added 1986-12-01 by By-Law No. 1986-250]	3 for every 93 square metres of commercial floor space of the building
Medical centre or medical and dental offices [Added 1987-05-19 by By-Law No. 1987-97]	5.5 for every 93 square metres of commercial floor area
Bowling-alley [Added 1990-07-23 by By-Law No. 1990-154]	4 per bowling lane
Retail sales accessory to industrial building [Added 1993-06-14 by By-Law No. 1993-101]	3 per 93 square metres of retail floor area
Manufacturing and indus- trial uses [Added 1993- 06-28 by By-Law No. 1993-114]	1 for every 93 square metres of gross floor area
Wholesale and warehouse uses [Added 1993-06-28 by By-Law No. 1993-114]	1 for every 93 square metres of gross floor area

Land Use	Minimum Number of Parking Spaces
Elementary schools [Added 1995-01-30 by By-Law No. 1995-18]	0.60 spaces per 100 square metres of gross floor area
Secondary schools [Added 1995-01-30 by By-Law No. 1995-18]	1.0 spaces per 100 square metres of gross floor area

ARTICLE VII⁸
(Reserved)

§§ 340-41 through 340-44. (Reserved)

(Cont'd on page 34059)

⁸ Editor's Note: Former Art. VII, Industrial Zones, consisting of §§ 340-41 through 340-44, was repealed 1996-12-09 by By-Law No. 1996-209.

ARTICLE VIII
Greenbelt Zones

§ 340-45. Permitted uses.

Within a G Zone, no person shall use any land or erect or use any building or structure except for the following uses:

- A. Public parks and their related recreation facilities, including arts and cultural facilities; swimming-pools; golf-courses; skating-rinks; curling-rinks; tennis-courts; bowling-greens; arenas; stadia; field houses; playlots; playgrounds; playfields; bandstands; washrooms; greenhouses; garden allotments; plant nurseries; beaches; boat liveries; community centres; community recreation buildings; and any services associated with the uses listed herein, including roadways and parking areas required to support such uses. **[Amended 1962-11-12 by By-Law No. 1951; 1993-08-20 by By-Law No. 1993-143]**
- B. Any use accessory to a permitted use.

ARTICLE IX
Temporary Open Space Zones
[Amended 1962-11-12 by By-Law No. 1951]

§ 340-46. Prohibited uses.

Subject to the provisions of § 340-47, no person shall, within any O Zone, use any land (including land underwater), erect or use any building or structure or deposit on any land (including land underwater) any stone, gravel, earth, cinders, ashes or other material or rubbish except for a community park or public service authorized by the Town of Mimico, the Municipality of Metropolitan Toronto, the Province of Ontario or other government board, agency or authority.

§ 340-47. Deposit of certain materials on land underwater.

Notwithstanding the provisions of § 340-46 of this chapter, nothing shall prevent a person depositing on land underwater in an O Zone any stone, gravel, earth or other fill, provided that:

- A. The land underwater is part of a land lot shown on a registered plan or part of an original township lot not subdivided by a registered plan;
- B. The land underwater is owned by the said person;
- C. The said person has first filed with the Municipal Building Inspector of the Town of Mimico a survey, prepared by a duly qualified Ontario Land Surveyor, showing the limits of the said land underwater and plans and specifications of the retaining wall or other structure to be erected in accordance with the provisions of Subsection D of this section and the Building By-Law of the Town of Mimico;¹ and
- D. A retaining wall or other structure, sufficient to prevent the said stone, gravel, earth or other fill from being washed away or eroded by the action of the water in Lake Ontario, is erected.

ARTICLE X**Waterfront Zones**

[Added 1981-06-01 by By-Law No. 1981-189]

§ 340-48. Applicability.

In addition to the regulations of §§ 340-4, 340-5 and 340-6, the following regulations shall apply in the Waterfront Zone (W).

¹ Editor's Note: See Municipal Code Ch. 103, Building Construction.

§ 340-49. Permitted uses.

No building, structure, land or water area shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained except for the following uses:

- A. Agricultural: nil.
- B. Residential: nil.
- C. Business: nil.
- D. Recreational: parks, playgrounds, community centres, swimming-pools, structures in conjunction with such swimming-pools, skating-rinks, tennis-courts, bowling-greens, field houses and bandstands.
- E. Institutional: nil. [**Amended 1984-07-30 by By-Law No. 1984-159**]
- F. Public: monuments, municipal waterworks, hydro-electric stations, conservation works and public parking lots.
- G. Humber Bay West Park. [**Amended 1984-07-30 by By-Law No. 1984-159**]
 - (1) In addition to the foregoing, the following shall be permitted in the public area of the Humber Bay West Park as shown on Schedule A attached hereto:² greenhouses; public service structures; concession stands for the sale of food and rental of recreational equipment, including boats; dry mooring; boat launch ramps; police station.
 - (2) In the Humber Bay Boating Federation Area of the Humber Bay West Park as shown on Schedule A attached hereto, and as more particularly shown on Schedule B attached hereto,³ the following shall be

² Editor's Note: Schedule A is attached to By-Law No. 1984-159 and on file in the office of the City Clerk.

³ Editor's Note: Schedules A and B are attached to By-Law No. 1984-159 and on file in the office of the City Clerk.

permitted: yacht clubs and a sailing school operated by Humber College of Applied Arts and Technology; mooring facilities for a maximum of seven hundred (700) boats; and winter storage areas for a maximum of five hundred (500) boats; club houses; dry sailing facilities; launch ramps and related equipment; other services and facilities required for the operation of boats, but shall not include facilities for major mechanical or structural repair. The use of any club facilities for commercial purposes shall not be permitted.

§ 340-50. Land filling.

No persons shall, within any W Zone, use any land (including land underwater), erect or use any building or structure or deposit on any land (including land underwater) any stone, gravel, earth, cinders, ashes or other material or rubbish except for a public service which has obtained a fill permit from the Metropolitan Toronto and Region Conservation Authority and authorized by the Borough of Etobicoke. Nothing shall prevent a person depositing on land underwater in a W Zone any stone, gravel, earth or other fill, provided that:

- A. The said person has first filed with the Borough of Etobicoke appropriate surveys, maps and/or drawings showing the proposed works.
- B. The land underwater is owned by the said person or a use permit has been issued by the Province of Ontario.
- C. The proposed use of the lands to be filled has been approved in principle by the borough.
- D. A fill permit has been issued by the Metropolitan Toronto and Region Conservation Authority.

ARTICLE XI
Administration and Enforcement

§ 340-51. Pre-existing by-laws.

From and after the date of passing of this chapter, wherever the use of any land or the erection or use of any building or structure is prohibited by any earlier by-law heretofore passed and is permitted by this chapter, the provisions of this chapter shall prevail, and such earlier by-law shall, to that extent, be deemed to have been repealed but shall otherwise remain in full force and effect.

§ 340-52. Prevailing standards.

Subject to the provisions of § 340-29A of this chapter, in the event of conflict between this chapter and any General or Special By-Law, this chapter shall prevail.⁴

⁴ Editor's Note: Original Section 43, which followed this section and provided penalties for offences, as amended 1977-03-14 by By-Law No. 4054, was superseded during codification. Current penalty provisions are contained in Ch. 300.

