CITY OF TORONTO

BY-LAW No. 1103-2009

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands fronting onto the north and south side of St. Clair Avenue West between Old Weston Road and Bathurst Street.

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Except as otherwise provided herein, the provisions of former City of Toronto By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use certain buildings and structures in various areas of the City of Toronto”, shall continue to apply to the lands outlined by heavy lines shown on Schedule 1, attached hereto.

2. District Maps 48J-321, 48J-322, 48J-323, 49J-321, 49J-322, 49J-323, 48K-311, 48K-312 and 48K-313 contained in Appendix “A” of By-law No. 438-86, as amended, are further amended by redesignating the lands outlined by heavy lines to “MCR T3.0 C2.0 R2.5”, “MCR T5.0 C2.0 R4.0”, “MCR T5.5 C2.0 R4.5”, “MCR T6.5 C2.0 R5.5”, MCR T7.0 C2.0 R6.0”, “MCR T8.0 C2.0 R7.0” and “MCR T9.0 C2.0 R8.4” as shown on Schedule 2, attached hereto.

3. District Map 48K-312 contained in Appendix “A” of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines from “MCR T3.0 C1.0 R2.5” to “Gh” as shown on Schedule 2, attached hereto.

4. District Map 49J-321 contained in Appendix “A” of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines from “MCR T3.0 C1.0 R2.5” to “R2 Z1.0” as shown on Schedule 2, attached hereto.

PERMISSIVE EXCEPTION

1. Section 12(1) of By-law No. 438-86, as amended is further amended by adding a new exception as follows:

Notwithstanding anything hereinbefore contained, none of the provisions of this by-law or of any restrictive by-law applies:

479. To prevent the use of land or the erection of a building or structure within the area zoned MCR and shown within the heavy lines on Schedule 1, in accordance with the following provisions:

(1) NEW BUILDING OR STRUCTURE

(a) Any new building or structure erected within the lands identified in Schedule 1 shall comply with the provisions of exception 12 (1) 479.

(b) Except as otherwise provided herein, the provisions of former City of Toronto By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use certain buildings and structures in various areas of the City of Toronto”, shall continue to apply to the lands outlined by heavy lines shown on Schedule 1, attached hereto.

(2) EXCEPTIONS FROM ZONING BY-LAW NO. 438-86, AS AMENDED

None of the provisions of Section 4 (2)(a)(i), 4(16) and Section 8 (3)Part II 4 shall apply to prevent the erection and use of a building or structure on a lot.

(3) FLOOR-PLATE AREA

On a lot located in a Height Transition Zone, as shown on Schedule ‘4”, Maps A to D, no person shall erect a building or structure where the floor-plate area portion of the building above 16.5 metres exceeds:

(a) 1000 square metres in a “H39.0” metre height district;

(b) 743 square metres in a “H48.0” metre height district; and

(c) 743 square metres in a “H68.0” metre height district.
(4) **HEIGHT**

(a) No person shall erect a building or structure on a *lot* having a greater *height* in metres than the *height* limit specified by the numbers following the symbol “H” as shown on Schedule “3”, Maps A to D, except that:

(i) Where the maximum *height* in metres shown on Schedule “3” is “H24.0”, no person shall erect or use a building or structure that exceeds 7 *storeys*;

(ii) Where the maximum *height* in metres shown on Schedule 3 is “H30.0”, no person shall erect or use a building or structure that exceeds 9 *storeys*;

(iii) Where the maximum *height* in metres shown on Schedule 3 is “H39.0”, no person shall erect or use a building or structure that exceeds 12 *storeys*;

(iv) Where the maximum height in metres shown on Schedule 3 is “H48.0”, no person shall erect or use a building or structure that exceeds 15 *storeys*; and

(v) Where the maximum height in metres shown on Schedule 3 is “H68.0”, no person shall erect or use a building or structure that exceeds 22 *storeys*.

(b) No person shall erect a building or structure on an *enhanced lot* having a greater *height* in metres than the *height* limit specified by the numbers following the symbol “H” as shown on Schedule “3”, Maps A to D, except that:

(i) Where the maximum *height* in metres shown on Schedule “3” is “H24.0(EZ)”, no person shall erect or use a building or structure that exceeds 7 *storeys*;

(ii) Where the maximum *height* in metres shown on Schedule “3” is “H27.0(EZ)”, no person shall erect or use a building or structure that exceeds 8 *storeys*;

(iii) Where the maximum *height* in metres shown on Schedule 3 is “H30.0(EZ)”, no person shall erect or use a building or structure that exceeds 9 *storeys*;

(iv) Where the maximum *height* in metres shown on Schedule 3 is “H39.0(EZ)”, no person shall erect or use a building or structure that exceeds 12 *storeys*;
For the purposes of this paragraph *enhanced lot* shall have the same meaning as defined in paragraph (14)(e).

(c) Notwithstanding paragraph (a) and (b) above, where the frontage of the portion of the lot abutting St. Clair Avenue West is less than 30 metres and/or the lot depth or lot depth abutting a flanking street is less than 29 metres, no person shall erect a building or structure greater in height than 5 storeys or 16.5 metres, whichever is the lesser.

(d) Notwithstanding paragraph (a) and (b) above, the maximum height of any buildings or structures located within a Height Transition Zone as shown on Schedule 4 shall not penetrate an angular plane, extending between a height of 22 storeys and a height of 9 storeys, projected over the length of the portion of the lot abutting St. Clair Avenue West, as shown on the diagram following this section.

(e) Paragraph (a) and (b) above does not prevent the erection or use of the following:

(i) a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building of a fence, wall or structure enclosing such elements provided:

a. The maximum height of the top of such elements or enclosures:

   i. is no higher than the sum of five metres and the height limit applicable to the lot; and

   ii. does not penetrate the angular planes described in paragraph (7) below;

b. The aggregate horizontal area of such elements, including the area contained within an enclosure, measured at a point above the level of the height limit, does not exceed 30 percent of the area of the roof of the building; and

c. The width of such elements, including the width of an enclosure, located within six metres of a lot line that is a street line, does not exceed 20 percent of the width of the main wall of the building facing the lot line, provided the width is to be measured parallel to the lot line.

(i) Structures identified in Section 4(2)(a)(ii), subject to the limitations contained therein.
(f) No building or structure shall be erected which does not have:

(i) A minimum height of 3 storeys, for at least 50% of the total depth of a building or structure.

(ii) A minimum 4.5 metre first storey floor-to-floor height. For the purposes of this provision the first storey is deemed to be the storey with a floor level closest to the average elevation of the public sidewalk abutting St. Clair Avenue West.

(g) No person shall erect or use a building or structure containing dwelling unit(s) or dwelling room(s) on a floor level below grade.

(5) SETBACKS

Setbacks shall be provided in accordance with Section 8 (3) Part II, except that:

(a) Setbacks from St. Clair Avenue West

(i) No person shall erect or use a building or structure on a lot in a MCR district having any part of the building or structure closer to the curb line of the travelled portion of St. Clair Avenue West than 4.5 metres.

(b) Rear Yard Setbacks

(i) No person shall erect a building or structure above on a lot in a MCR district unless the building or structure is setback a minimum distance of 7.5 metres from any lot or portion of any lot in an R or G District.

(ii) The setback requirement in paragraph (i) above shall not apply if the lot or portion of the lot in the R or G district abuts a side lot line of a lot in the MCR district.

For the purpose of this paragraph, the expression “side lot line” means a lot line that runs, generally, perpendicular to the lot line abutting a street (excluding any lane). In the case of a lot abutting two or more streets (excluding any lanes), a lot line that runs, generally, perpendicular to the lot line abutting the street with the widest street allowance or widest vehicular roadway.
(c) Side yards

(i) On a corner lot, no person shall erect or use a building or structure on a lot in a MCR District having any part of the building or structure closer to a lot line abutting a flanking street other than St. Clair Avenue West than 1.5 metres.

(6) BUILDING STEP-BACK

(a) Any building or structure greater than 5 storeys or 16.5 metres in height, whichever is the lesser, shall have:

(i) A minimum 1.5 metre step-back of the main external building wall facing a lot line abutting a street, other than a public lane located:

a. At a height above 16.5 metres or 5 storeys, whichever is the lesser, measured from the face of external wall of the storey directly below; and

b. An additional 1.5 metres step-back, at a height above 22.5 metres or 7 storeys, whichever is the lesser, measured from the face of main external wall of the storey directly below.

(ii) On a side lot line not abutting a street or public lane, a minimum of 50% of the area of the portion of the main external building wall located above 16.5 metres or 5 storeys, whichever is the lesser, shall have a minimum 1.2 metre step-back of the building wall facing the side lot line; and

(iii) Notwithstanding paragraph (a)(i) above, the main external building wall may encroach into the minimum step-back area required by paragraph (a)(i) above, up to a maximum continuous width of 5 metres or 16% of the building face abutting a lot line,

(b) The provisions of paragraph (6)(a) above shall not apply to a building or structure erected on a lot in a Height Transition Zone, as shown on Schedule 4, Map D, provided the following standards are compiled with:

(i) Any building or structure greater than 5 storeys or 16.5 metres in height, whichever is the lesser, shall have:

a. At a lot line abutting a street other than a public lane, a minimum 3.0 metre step-back of the main external building wall at a height above 16.5 metres
or 5 storeys, whichever is the lesser, measured from the external face of the wall of the building of the storey directly below; and

b. At a side lot line, not abutting a street, a minimum 12.5 metre step-back of the main external building wall at a height above 16.5 metres or 5 storeys, whichever is the lesser, measured from the external face of the wall of the building of the storey directly below.

(7) ANGULAR PLANES AND BUILDING ENVELOPE

(a) For a lot which abuts the north side of St. Clair Avenue West, no person shall erect a building or structure which does not comply with the following:

(i) all parts of the building or structure must be contained within a 45 degree angular plane projected over the lot from the 7.5 metre setback required in paragraph (5)(b), at an elevation of 10.5 metres above the average elevation of the ground directly above such setback, as shown on the diagram following this section.

(ii) Where the height of the building or structure exceeds 30 metres, measured above the average elevation of the ground abutting St. Clair Avenue West, all parts of such building or structure shall be contained within a 45 degree angular plane projected over the lot from the setback required by paragraph (6) (a), at an elevation of 30 metres above the average elevation of the ground abutting St. Clair Avenue West.

(iii) The building or structure shall not exceed the height specified in paragraphs (4)(a) and (4)(b).

(b) For lots which abut the south side of St. Clair Avenue West, no person shall erect a building or structure which does not comply with the following:

(i) all parts of the building or structure must be contained within a 60 degree angular plane projected over the lot from the 7.5 metre setback required in paragraph (5)(b), at an elevation of 10.5 metres above the average elevation of the ground directly above such setback, as shown on the diagram following this section.
(ii) where the height of the building or structure exceeds 30 metres, measured above the average elevation of the ground abutting St. Clair Avenue West, all parts of such building or structure shall be contained within a 45 degree angular plane projected over the lot from the setback required by paragraph (6) (a), at an elevation of 30 metres above the average elevation of the ground abutting St. Clair Avenue West.

(iii) The building or structure shall not exceed the height specified in paragraphs (4)(a) and (4)(b).

(c) The angular plan provisions of requirements (7)(a) and (b) shall not apply to prevent the erection of the following:

(i) any building or structure erected on a lot within the Height Transition Zone as shown on Schedule 4, Map D;

(ii) parapets, fences, balustrades, safety railings and wind mitigation structures not exceeding 1.2 metres in height above the surface upon which it is erected;

(iii) division fences not exceeding 2 metres above the level of the ground; or

(iv) ground floor level decks not exceeding 1.2 metres above the level of the ground, including fences or safety railings not exceeding 1.2 metres above the deck floor.

(d) Where the angular plan provision is more restrictive than any other provisions of this exception, the angular plan provision shall prevail.

(8) **BUILD-TO-LINE**

(a) No person shall erect a building or structure abutting St. Clair Avenue West, unless one or more of its main external walls, facing St. Clair Avenue West:

(i) is built to a minimum height of 3 storeys at the build-to-line and occupies a least 80% of the length of the portion of the lot abutting St. Clair Avenue.
(ii) Notwithstanding paragraph (i), where the height of a building or structure is greater than 3 storeys, the main external building wall of the first 5 storeys or 16.5 metres, whichever is the lesser, shall be built at the build-to-line and occupy a least 80% of the length of the portion of the lot abutting St. Clair Avenue.

For the purposes of this section the Build-to-line shall be the setback required by paragraph (5) (a).

(9) LANDSCAPED OPEN SPACE

(a) A minimum 1.5 metre landscaped open space to be used for soft landscaping shall be provided along a lot line abutting a R District except:

(i) Where a laneway abuts a lot in a R District, the landscaped open space shall not be required.

(10) WINDOWS

Windows shall be provided in accordance with Section 8, Part II, 1 (b), except that:

(a) Where a building wall has been setback back less than 5.5 metres from a side lot line which does not abut a street:

(i) Only secondary windows shall be located on the sidewall of a residential building or mixed use building where the side lot line does not abut a public street.

(b) No person shall erect a residential building or a mixed use building containing more than 5 dwelling units or dwelling rooms or combination thereof in which any secondary window of a dwelling unit or dwelling room in the building is closer than:

(i) 1.2 metres to a wall, or to a lot line that is not a street line or that does not abut a public park or UOS district.

(c) The requirements of paragraph (b)(i) shall not apply to windows on walls which form an angle of 90 degrees or greater to each other, on a horizontal plane.
(11) PARKING

Notwithstanding Section 4(3), 4(4) and Section 8, Part IV the following uses shall be subject to the following minimum parking standards:

(a) Residential Parking Standards:

The following shall apply to dwelling units or dwelling rooms on a lot which has a lot frontage of more than 12.5 metres or a residential building or the portion of a building containing more than 12 dwelling units:

<table>
<thead>
<tr>
<th>Dwelling unit</th>
<th>Minimum Parking Space</th>
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<tbody>
<tr>
<td>Bachelor</td>
<td>0.50 per unit</td>
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<tr>
<td>1-Bedroom</td>
<td>0.50 per unit</td>
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<tr>
<td>2-Bedroom</td>
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<td>0.75 per unit</td>
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<tr>
<td>Visitor</td>
<td>0.06 per unit</td>
</tr>
</tbody>
</table>

(b) For each on-site car-share parking space provided on a lot up to a maximum of 2 car-share parking spaces, the minimum resident parking required by paragraph (a) above shall be reduced by 5 parking spaces.

(12) ACCESS

Where a lot abuts a flanking street or public laneway, all vehicle access shall be restricted to the flanking street or laneway.

(13) ENHANCEMENT ZONE

Where a lot in an enhancement zone, as shown in Schedule 4, is used as part of an enhanced lot the following shall apply:

(a) No portion of the lands located within an enhancement zone shall be used for erecting a building or structure and shall only be used:

(i) to create new, or widen existing, public lanes to achieve a 6 metre public lane or private driveway;

(ii) to provide a minimum 2.5 metre soft landscaped open-space; and
(iii) as a parking area, parking station or a commercial parking lot as permitted subject to satisfying the requirements (i) and (ii) above.

(b) The provisions herein described before shall continue to apply to the enhanced lot, except where identified below.

(c) The provisions of Section 4(14), and Section 8, Part IV 2 shall not apply.

(d) The provisions of paragraph (5)(b)(i) shall not apply to a building or structure on a enhanced lot provided it is setback a minimum distance of 7.5 metres from the lot line separating the enhancement zone from an adjacent R District.

(e) Notwithstanding the landscape requirements of paragraph 9(a), a minimum 2.5 metre soft landscaped open space shall be provided along the rear portion of an enhanced lot that abuts a lot in a R district that is not within an enhancement zone.

(f) Notwithstanding the angular plane requirements of paragraph 7(a)(i) and 7(b)(i), where a enhancement zone exists as part of an enhanced lot:

(i) for an enhanced lot which abuts the north side of St. Clair Avenue West, all parts of the building or structure must be contained within a 45 degree angular plane projected over the enhanced lot from a setback of 7.5 metres as required by paragraph (13)(d), at an elevation of 10.5 metres above the average elevation of the ground directly above such setback as shown on the following diagram; and

(ii) for an enhanced lot which abuts abut the south side of St. Clair Avenue West, all parts of a building or structure must be contained within 60 degree angular plane projected over the enhanced lot from a setback of 7.5 metres as required by paragraph 13(b), at an elevation of 10.5 metres above the average elevation of the ground directly above such setback as shown on the following diagram.

(14) DEFINITIONS

For the purposes of this exception:

(a) Except as otherwise provided herein, each other word or expression which is italicized herein shall have the same meaning for the purposes of this by-law as each word or expression has for the purposes of By-law No. 438-86, as amended, or any section thereof.
(b) “Car-sharing” means the practice of multiple people sharing the use of one or more cars that are owned by a profit or non-profit car-sharing organization and to use a car-sharing vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of membership fees that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven.

(c) “Car-sharing parking space” means a parking space exclusively for a car used only for car-sharing purposes and such vehicle is accessible to non-resident car-sharing members at all times.

(d) “Enhancement Zone” means an area above grade located to the rear of a lot within an MCR district, as shown on Schedule 4 that is free of any building or structure, and that is comprised of:

(i) an existing public lane, where one exists; and

(ii) a lot within a Residential District that is used for soft landscaping and, where additional lands permit, temporary surface parking.

(e) “Enhanced Lot” means an area of land held by the same owner(s), exclusive of any lands held by the City and comprised of a lot within an MCR district together with a lot wholly within an enhancement zone where:

(i) the east lot line of the lot in the MCR district is no further east than the east lot line of the lot in the enhancement zone;

(ii) the west lot line of the lot in the MCR district is no further west than the west lot line of the lot in the enhancement zone; and

(iii) notwithstanding paragraph (i) and (ii) above, the length of the front lot line and rear lot line of the lot in the MCR district may exceed the maximum distance measured between such lot lines permitted by paragraphs (i) and (ii) above by no more than an aggregate of 10%.

(f) “Floor-plate area” means the total aggregate floor area of a storey, measured from the exterior face of all exterior walls of that storey.

(g) “Front lot line” means the line that divides a lot from St. Clair Avenue West provided that in the case of a corner lot the shorter lot line that abuts St. Clair Avenue West is deemed to be the front lot line and the longer lot line that so abuts is termed the “flank” of the lot.
(h) “Lot line” means a front lot line, side lot line or a rear lot line.

(i) “Secondary window” shall mean the window of any bathroom or kitchen.
Angular Planes

St. Clair Avenue West Avenue Area
from Old Weston Road to Bathurst Street

Scale 1:500
05/1409

File # 05_189781 & 06_115914
RESTRICTIVE EXCEPTION

1. Section 12(2) of By-law No. 438-86, as amended is further amended by adding a new exception as follows:

344. No person shall on lands zoned MCR and located within the heavy lines on Schedule 1, Maps A to D, use land or erect to use a building or structure:

(a) for the purpose of a converted house, detached house, duplex, row house, rowplex, semi-detached duplex, detached house, semi-detached triplex, triplex, automobile service and repair shop, automobile service station, car washing establishment, and motor vehicle repair shop Class A, unless such use existed on the lot and was lawful on the date of the passing of this by-law.

(b) Unless the following municipal services are provided to the lot line and the following provisions are complied with:

i. all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and

ii. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

SITE SPECIFIC EXCEPTIONS

2. Section 15 of By-law No. 438-86, as amended, is further amended to indicate that site-specific exception 12(1)479 shall apply to any address within the area labelled Enhancement Zone as shown on Schedule 4.

3. The following site-specific exceptions shall not apply to any address within the area delineated by heavy lines on the maps attached to Sections 12(1) 479 and 12(2) 344:

(a) 12(1) 61

(b) 12(2) 222

ENACTED AND PASSED this 27th day of October, A.D. 2009.

SANDRA BUSSIN,                 ULLI S. WATKISS
Speaker                      City Clerk

(Corporate Seal)
Schedule 1 - Maps A to D
Schedule 2 - Maps A to D

St. Clair Avenue West Avenue Area from Old Weston Road to Bathurst Street

Zoning By-Law Amendment

Schedule '2', Map A
Schedule ‘3’, Map A

St. Clair Avenue West Avenue Area from Old Weston Road to Bathurst Street

File # 05-189781 & 06-115914

Maximum Permitted Heights

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<th>Description</th>
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<td>H24.0</td>
<td>Denotes Height in Metres Above Grade</td>
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<tr>
<td>H30.0</td>
<td>Denotes Height in Metres for “Enhanced Lot”</td>
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Note to Scale: 0/150

City of Toronto By-law No. 1103-2009

Schedule 3 - Maps A to D
City of Toronto By-law No. 1103-2009

Schedule ‘3’, Map B

Maximum Permitted Heights

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St. Clair Avenue West Avenue Area from Old Weston Road to Bathurst Street

File nos. 06-189781 & 06-115814

Note to Scale 0.5:100

City of Toronto Planning
Schedule ‘3’, Map D

Maximum Permitted Heights

H24.0 Denotes Height in Metres Above Grade
H30.0(EZ) Denotes Height in Metres for “Enhanced Lot”

St. Clair Avenue West Avenue Area from Old Weston Road to Bathurst Street

File #: 05-189781 & 06-115814

Note to Scale 09/09/09

City of Toronto By-law No. 1103-2009
Schedule 4 - Maps A to D
St. Clair Avenue West Avenue Area from Old Weston Road to Bathurst Street

Enhancement and Height Transition Zones

- Enhancement Zones
- Height Transition Zones

See Map D
Schedule '4', Map C

Enhancement and Height Transition Zones

St. Clair Avenue West Avenue Area from Old Weston Road to Bathurst Street

File # 05-189781 & 06-115914

[Map showing St. Clair Avenue West Avenue Area with Enhancement Zones and Height Transition Zones]
Schedule ‘4’, Map D

St. Clair Avenue West Avenue Area
from Old Weston Road to Bathurst Street

Enhancement and Height Transition Zones

File # 05-189781 & 06-115914

Note to Scale
09/15/09