

Authority: Etobicoke York Community Council Item 5.2, adopted as amended,
by City of Toronto Council on April 12 and 13, 2011
Enacted by Council: September 22, 2011

CITY OF TORONTO

BY-LAW No. 1169-2011

To amend the former City of York Zoning By-law No. 1-83, as amended, with respect to the lands in the vicinity of St. Clair Avenue West between Scarlett Road and Runnymede Road.

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. That Section 6 of former City of York Zoning By-law No. 1-83, as amended, be and the same is hereby further amended by adding new Subsections (84) and (85) as follows:

"(84) Lands - North Side of St. Clair Avenue West between Runnymede Road and the east limit of 2490 St. Clair Avenue West and between the west limit of 2490 St. Clair Avenue and French Avenue
Map 17

By changing the area shown on District Map 17 which area is more particularly shown on the on Schedule '1' to this by-law from a CE- Commercial Employment zone to MCR - Main Street Commercial /Residential zone and Section 16(440) and by changing District Map 17 accordingly.

(85) Lands- North Side of St. Clair Avenue West between Jane Street and the west limit of 104 Florence Avenue.
Map 21

By changing the area shown on District Map 21 which area is more particularly shown on the on Schedule '1' to this by-law from a CE- Commercial Employment zone to an R2-Residential zone and Section 16(441) and by changing District Map 21 accordingly."

2. That Section 16 of former City of York Zoning By-law No. 1-83, as amended, be and the same is hereby further amended by adding a new Subsection (440) as follows:

"(440) LANDS - ZONED 'MCR' ON NORTH SIDE OF ST. CLAIR AVENUE WEST BETWEEN FRENCH STREET AND RUNNYMEDE ROAD

Notwithstanding the provisions of Section 12(3) the lands zoned 'MCR' on the north side of St. Clair Avenue West between French Street and Runnymede Road may be used for the purpose of any use permitted in an 'MCR' zone district provided:

- (1) The maximum floor space index is 3 for combined residential and non-residential uses;
- (2) The maximum non-residential gross floor area is equal to 1 times the lot area;
- (3) The maximum residential gross floor area is equal to 2.5 times the lot area;
- (4) The maximum height of a building is 20 metres except that on the lands known municipally as 2492 St. Clair Avenue West the maximum building height is 24 metres;
- (5) The minimum height of a building is 10.5 metres and any building must be a minimum of 3 stories in height;
- (6) The minimum height, measured floor to floor of the storey of a building closest to grade is 4.5 metres;
- (7) A parapet wall used for wind protection for a green roof may exceed the maximum building height by 2.0 metres;
- (8) Any building or structure must be set back:
 - (a) a maximum of 3 metres from the front lot line;
 - (b) a minimum of 75% of the main wall of the building facing a front lot line must be located at or between the front lot line and the maximum setback;
 - (c) a minimum of 7.5 metres from the rear lot line; and
 - (d) a minimum of 1.5 metres from the rear lot line if the rear lot line abuts a lane;
- (9) Where the wall of a building contains windows or openings, the wall must be set back a minimum of 5.5 metres from a side lot line that is not adjacent to a street or lane, otherwise no setback is required;
- (10) Where the wall of a building does not contain windows or openings, the wall must be set back a minimum of 3.0 metres from any abutting side lot line if the building is on a lot that abuts a lot in an R1, R2, R3, RM1, RM2 or G zone district, otherwise no setback is required;
- (11) If a lot abuts an R1, R2, R3, RM1, RM2 or G zone district, then any building on the lot must not penetrate a 45 degree angular plane projected:
 - (a) Over a shallow lot, along the entire rear lot line, starting at an elevation of 10.5 metres above the average elevation of the ground along the rear lot line;

- (b) Over a deep lot, along the entire rear lot line, starting at an elevation of 7.5 metres above the average elevation of the ground along the rear lot line;
- (c) For the purposes of the foregoing subsections (a) and (b) a shallow lot is a lot with a lot depth less than or equal to that which is prescribed in Column B below corresponding to the width of the street right-of-way on which the lot has frontage in Column A. For the purposes of the foregoing subsections (a) and (b) a deep lot is a lot with a lot depth greater than that which is prescribed in Column B corresponding to the width of the street right-of-way on which lot has frontage in Column A:

Column A	Column B
Width of Street Right-of-Way	Lot Depth
20 metres	32.6 metres
23 metres	36.2 metres
27 metres	41 metres
30 metres	44.6 metres
33 metres	48.2 metres
36 metres	51.8 metres

- (d) The specified height above the required rear yard setback at which the angular plane is to be measured, must be taken from the average elevation of grade along the rear lot line; and
- (e) Where a lot has frontage on a street right-of-way that is not listed in Column A, the next lowest width of street right-of-way in Column A will apply;
- (12) The building must not penetrate a 45 degrees angular plane, measured at a line parallel to and at a height above a lot line that abuts a street and is not a rear lot line, equal to 80 per cent of the street right-of-way on which the lot has frontage;
- (13) If a lot has two or more lot lines which abut a street, then the width of the widest abutting street right-of-way shall be used in the calculation of all setback, height and angular plane provisions;
- (14) Any portion of a building or structure containing residential uses located in the first floor of a building must be set back:
- (a) A minimum of 4.5 metres from the front lot line; or
- (b) A minimum of 3.0 metres from the front lot line provided that the floor level of the first floor is located a minimum of .9 metres and a maximum of 1.2 metres above the average elevation of grade along the front lot line;

- (15) That portion of the building that has a height equal to or less than the width of the right-of-way of the street it abuts must comply with the following:
- (a) If a wall of the building has windows and a line projected at a right angle from one of these walls intercepts the other wall, the minimum above ground distance between them must be 5.5 metres;
 - (b) If a wall of the building has windows facing a wall which does not have windows and a line projected at a right angle from one of these walls intercepts the other wall, the minimum above ground distance between them must be 5.5 metres;
- (16) The building is not used for the purposes of an private commercial garage or public garage which did not exist on September 22, 2011, except for a gasoline service station, gasoline bar or a vehicle sales establishment; and
- (17) A townhouse, detached dwelling house and a semi-detached dwelling house are permitted only if legally established prior to September 22, 2011.
3. That Section 16 of former City of York Zoning By-law No. 1-83, as amended, be and the same is hereby further amended by adding a new Subsection (441) as follows:
- "(441) LANDS- ZONED R2 ON THE NORTH SIDE OF ST. CLAIR AVENUE ON 2610 TO 2630 ST.CLAIR AVENUE WEST INCLUSIVE AND 67 FLORENCE CRESCENT
- In addition to uses permitted in an R2 zone, a retail store, and an office are also permitted on a lot that fronts on to Florence Crescent or St. Clair Avenue West."
4. That Section 16 of former City of York Zoning By-law No. 1-83, as amended, be and the same is hereby further amended by adding a new Subsection (442) as follows:
- "(442) LANDS - ZONED 'CE' ON THE NORTH SIDE OF ST. CLAIR AVENUE WEST BETWEEN THE WEST LIMIT OF 104 FLORENCE CRESCENT AND SCARLETT ROAD
- In addition to other permissions in this By-law for the lands zoned 'CE' on the north side of St. Clair Avenue West between the west limit of 104 Florence Crescent and Scarlett Road, a lot may be used for a retail store of less than 1500 square metres. The maximum permitted gross floor area of buildings and structures on a lot shall not exceed 2 times the lot area and the maximum height of a building or structure shall not exceed 16 metres."

5. That Subsection 16(411) of Zoning By-law No. 1-83, as amended, of the former City of York, be and the same is hereby further amended by:

- (1) Deleting the first two paragraphs up to the word "provisions" and replacing them with the following:

"Notwithstanding any provisions of Section 13 and any other provisions of this By-law, the lands municipally known as the southwest corner of St. Clair Avenue West and Runnymede Road, 2525 to 2535 St. Clair Avenue West, shown outlined by broken lines to Schedule 'A' to this subsection, and shown on the plans attached as Schedule 'B' and Schedule 'C' hereto (hereinafter referred to as "the Lands") may be used for any purpose permitted in a CE zone except for a public garage established after September 22, 2011, subject to the following provisions:"

- (2) Deleting subsection (b) and replacing it with the following:

"(b) The maximum height of the buildings shall be 24 metres exclusive of mechanical floors, walls or structures to screen mechanical equipment, roof stairwell enclosures, parapet walls and the basement floor."

- (3) Deleting subsection (d) and replacing it with the following:

"(d) The maximum total gross floor area shall not exceed 1 times the area of the lot, and the maximum total gross floor area used for a retail store, restaurant, restaurant-licensed shall not exceed 0.5 times the area of the lot."

- (4) Section 16(431) shall be amended by:

- (1) Deleting the first paragraph and replacing it with the following:

"Notwithstanding the provisions of Section 13 of this By-law, the portion of the Canadian Pacific Railway lands at St. Clair Avenue West and Jane Street, more particularly shown in Schedule 'A' attached to By-law No. 650-2008 may be used for any use permitted in a 'CE' zone district, subject to the following conditions:"

- (2) Deleting paragraph 1 and replacing it with the following:

"1. The maximum height of buildings shall not exceed 20 metres east of Jane Street and 14 metres west of Jane Street."

(3) Deleting paragraph 2 and replacing it with the following:

"2. The maximum total gross floor area shall not exceed 1 times the area of the lot, provided the maximum total gross floor area used for the purposes of a retail store, restaurant, or restaurant-licensed shall not exceed a 0.5 times the area of the lot."

(5) Section 16(432) shall be amended by:

(1) Deleting paragraph 4 and replacing it with the following:

"4. The maximum total gross floor area for all uses shall not exceed 1 times the area of the lot, provided the maximum total gross floor area for the purposes of a retail store, restaurant, or restaurant-licensed shall not exceed 0.5 times the area of the lot."

(2) Deleting paragraph 5 and replacing it with the following:

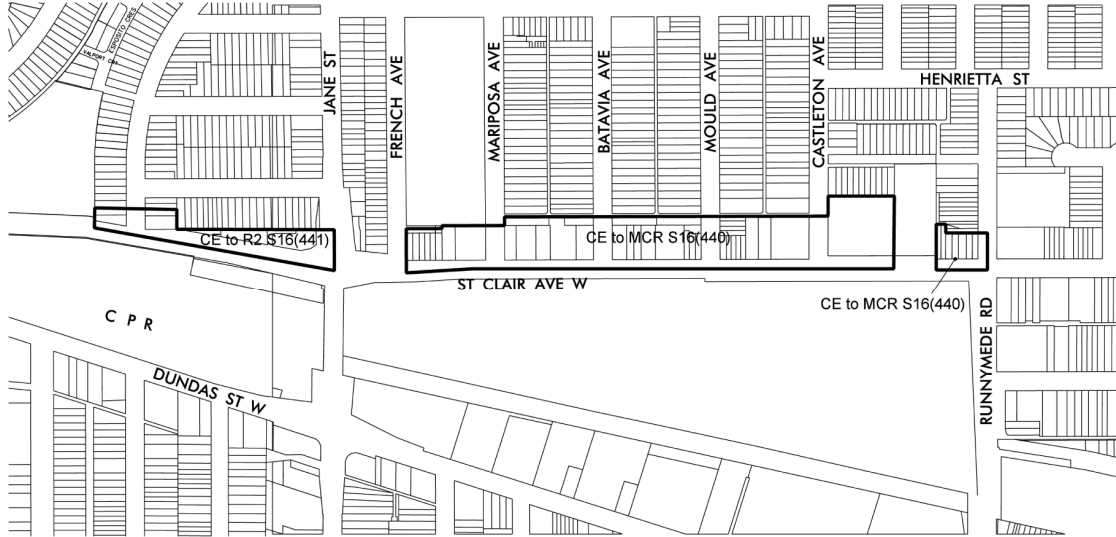
"5. The maximum height of building shall not exceed 20 metres; and"

ENACTED AND PASSED this 22nd day of September, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



St. Clair Avenue West from
Keele Street/Weston Road to Scarlett Road

Schedule 1 - Zone District Changes

09 192880 SPS 00 TM

 Area Affected By This By-Law


Note to Scale
2011/06/28