

Authority: Toronto and East York Community Council Item TE19.4, as adopted by City of Toronto Council on November 8 and 9, 2016

CITY OF TORONTO

BY-LAW No. 1095-2016

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2016 as 377 Spadina Road and 17 Montclair Avenue.

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 enacts:

1. The lands subject to this By-law are outlined by heavy lines on Map 1, attached to and forming part of this By-law.
2. District Map 50K-312 contained in Appendix "B" of By-law No. 438-86, as amended, is further amended in accordance with Map 1 and 2 attached to and forming part of this By-law.
3. On 377 Spadina Road and 17 Montclair Avenue none of the provisions of Zoning By-law No. 223-79, as amended, being a by-law respecting premises fronting on either side of that portion of Montclair Avenue, shall apply to the subject lands.
4. None of the provisions of Section 2(1) with respect to *grade, height, landscaped open space, and lot*, as well as Section 4(2), Section 4(17), Sections 6(1)(f)(a)(i), 6(3) Part I 1, 6(3) Part II, 6(3) Part III, and 6(3) Part VII 1.(ii), of By-law No. 438-86 of the former City of Toronto, 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 of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of an *apartment building* containing a maximum of four *dwelling units* above a common *parking garage*, on the portion of the *lot* shown as Parcel A on Map 1, provided that:
 - (a) For the purposes of this By-law, the *front yard* for Building "A" shall be deemed to be the frontage along Spadina Road;
 - (b) An *apartment building* containing a maximum of 4 *dwelling units* above a common *parking garage* is permitted on the *lot*;
 - (c) The maximum permitted *residential gross floor area* for Building "A", as shown on Map 2 of By-law No. 1095-2016 is 1,548 square metres;

- (d) No portion of any *apartment building*, including balconies, erected on the *lot* above *grade* is located otherwise than wholly within the areas delineated by heavy lines and building envelopes shown on Map 2, attached to and forming part of this By-law;
- (e) nothing in Section 4(d) above shall prevent the following elements from projecting beyond the heavy lines shown on Map 2, as follows:
 - (i) Covered or uncovered decks, porches, patios or other similar platforms and associated structures may project a maximum of 4.5 metres;
 - (ii) Canopies, roofs, awnings or similar structures above a platform may project a maximum of 3.5 metres;
 - (iii) Exterior stairs, wheel chair access ramps, covered stairs or stair enclosures may project a maximum of 2.5 metres;
 - (iv) The maximum width of a walkway shall be 2.8 metres;
 - (v) Architectural and ornamental features, light fixtures, cladding, pilasters, decorative columns, cornice, sills, wash and belt course, chimney breast, elements related to outdoor terraces or landscape features, or other decorative features may project a maximum of 1.2 metre;
 - (vi) The eaves of a roof may project a maximum of 1.2 metres, but may be no closer than 0.2 metres to any property line;
 - (vii) Wall mounted equipment such as, vents, pipes, utility equipment, mechanical fans, satellite dish, antenna and/or pole used to hold an antenna, or air conditioner may project a maximum of 0.9 metres;
- (f) no part of any building or structure on the *lot* erected or used above *grade* shall exceed the *height* limits shown in metres and indicated by the numbers following the letter "H" in the areas delineated by heavy lines on Map 2;
- (g) nothing in Section 4(f) above shall prevent the following elements from projecting above the *height* limits shown on Map 2, as follows:
 - (i) roof top mechanical equipment that includes a chimney stack or other heating, cooling or ventilating equipment, a fence, wall or structure enclosing such elements, access hatches, ladders, sky lights and elevator upstands may project a maximum of 2.7 metres;
 - (ii) ornamental or architectural features and parapets may project a maximum of 1.0 metres;
 - (iii) privacy fences and structures used for safety and wind protection may project a maximum of 1.9 metres;

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- (iv) railings, landscape retaining walls, trellises a may project a maximum of 1.2 metres; and
 - (v) wood privacy fences, and balcony railings may project a maximum of 2.0 metres;
- (h) *Landscaped open space* is permitted to extend above the heights shown on Map 2, attached to and forming part of this By-law:
- (i) The landscaped *open space* in the front yard shall be no less than 120 square metres;
 - (ii) Landscaped *open space* is permitted in the required setback shown on Map 2 attached to and forming part of this By-law;
 - (iii) The minimum dimensions of a *parking space*, accessed by a one-way or two-way drive aisle having a width of 6.0 metres shall be:
 - length 5.6 metres;
 - width 2.6 metres;
 - height 2.0 metres;
 - (iv) For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:

"*height*" means the vertical distance between *grade* and the highest point of the roof, building or structure, as shown on Map 2, exclusive of any elements described in 4(g) herein up to a maximum of 2.7 metres;

"*grade*" means 162.05 metres Canadian Geodetic Datum;

"*landscaped open space*" means open, unobstructed space in the front yard that is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping including any surfaced walk, patio, external stairs, driveway, window wells, or similar area;

"*lot*" means those lands outlined by heavy lines on Map 1, labeled "Parcel A" attached hereto.
5. None of the provisions of Section 2 with respect to "*grade*", "*height*", and "*lot*", as well as Section 4(2), Section 4(17), Sections 6(3) Part I 1, 6(3) Part I 2, 6(3) Part II, 6(3) Part III, 6(3) Part IV 3(ii), 6(3) Part VII 1.(ii), and 6(3) Part IX 1(B) of By-law No. 438-86 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 of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection or use of one *detached house* and *accessory* uses and structures on the portion of the *lot* shown as Parcel B on Map 1, provided that:

- (a) The maximum permitted *residential gross floor area* for Building "B" is 520 square metres;
- (b) The maximum permitted *residential gross floor area* for Building "C" is 88 square metres;
- (c) No portion of any *detached house*, erected on the *lot* above *grade* is located otherwise than wholly within the areas delineated by heavy lines and building envelopes shown on Map 2, attached to and forming part of this By-law;
- (d) nothing in Section 5(c) above shall prevent the following elements from projecting beyond the heavy lines shown on Map 2:
 - (i) Covered or uncovered decks, porches, patios or other similar platforms and associated structures, canopies, roofs, awnings or similar structures above a platform may project a maximum of 3.5 metres;
 - (ii) Exterior stairs, wheel chair access ramps, covered stairs or stair enclosures may project a maximum of 2.5 metres;
 - (iii) Architectural and ornamental features, light fixtures, cladding, pilasters, decorative columns, cornice, sills, wash and belt course, chimney breast, elements related to outdoor terraces or landscape features, or other decorative features may project a maximum of 1.2 metre;
 - (iv) The eaves of a roof may project a maximum of 1.2 metres, but no closer than 0.2 metres to any property line;
 - (v) Wall mounted equipment such as, vents, pipes, utility equipment, mechanical fans, satellite dish, antenna and/or pole used to hold an antenna, or air conditioner may project a maximum of 0.9 metres;
 - (vi) The maximum width of a walkway shall be 2.8 metres;
- (e) no part of any building or structure on the *lot* erected or used above *grade* shall exceed the *height* limits shown in metres and indicated by the numbers following the letter "H" in the areas delineated by heavy lines on Map 2;
- (f) nothing in Section 5(e) above shall prevent the following elements from projecting above the *height* limits shown on Map 2, as follows:
 - (i) roof top mechanical equipment that includes a chimney stack or other heating, cooling or ventilating equipment, a fence, wall or structure enclosing such elements, access hatches, ladders, sky lights and elevator upstands may project a maximum of 2.7 metres;
 - (ii) ornamental or architectural features and parapets may project a maximum of 1.0 metres;

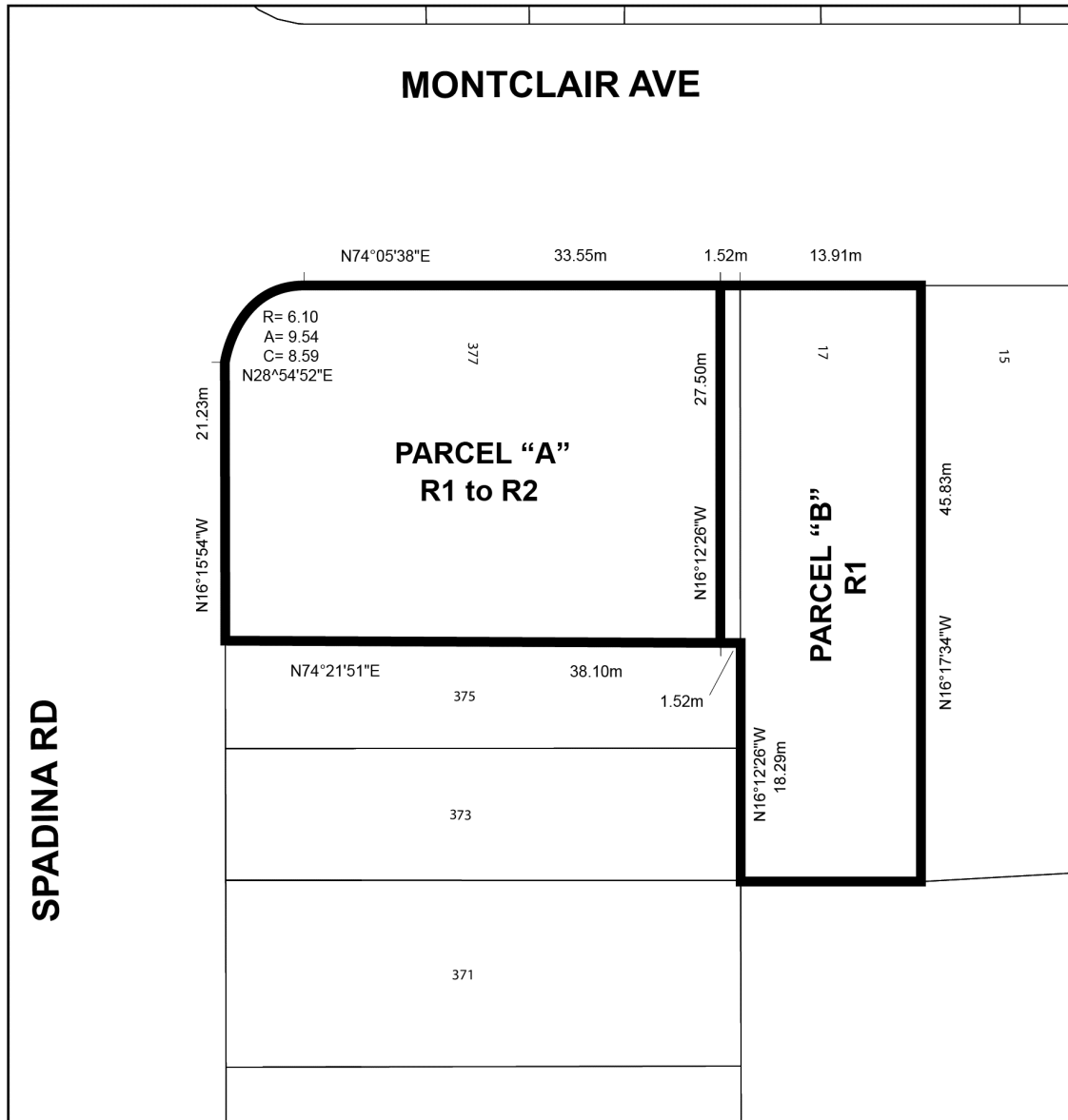
- (iii) privacy fences and structures used for safety and wind protection may project a maximum of 1.9 metres;
 - (iv) railings, landscape retaining walls, trellises a may project a maximum of 1.2 metres; and
 - (v) wood privacy fences, and balcony railings may project a maximum of 2.0 metres;
- (g) For the purposes of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended, except that the following definitions shall apply:
- (i) "grade" means 161.40 metres Canadian Geodetic Datum;
 - (ii) "*lot*" means those lands outlined on Map 1, labeled "Parcel B" attached hereto;
6. Despite any existing or future severance, partition, or division of the *lot*, the provision of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

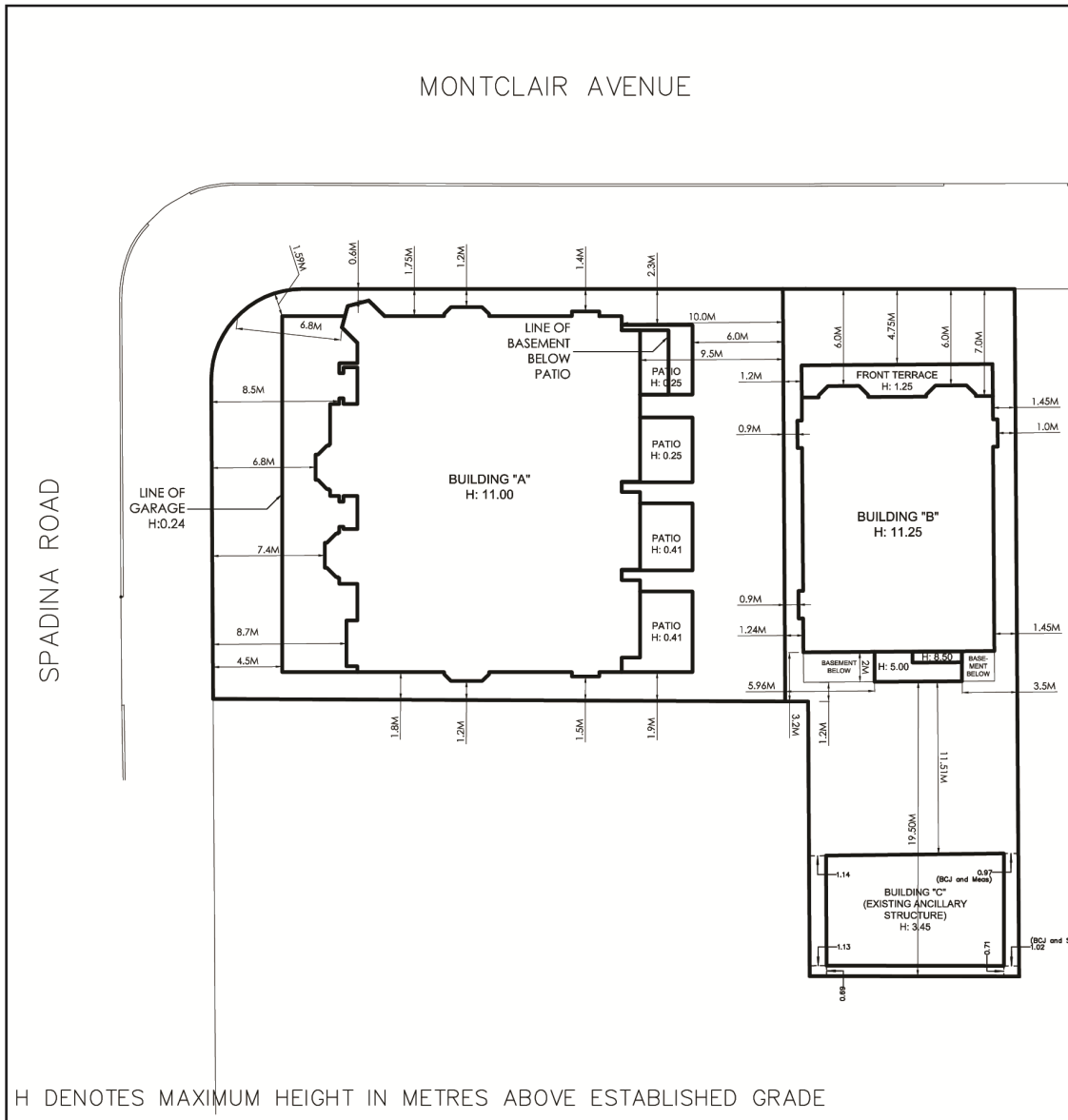
Enacted and passed on November 9, 2016.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





H DENOTES MAXIMUM HEIGHT IN METRES ABOVE ESTABLISHED GRADE



377 Spadina Road & 17 Montclair Avenue

File # 15 131139 STE 22 OZ



City of Toronto By-Law 438-86
Not to Scale
10/11/2016