

Authority: Scarborough Community Council Item 11.23,  
as adopted by City of Toronto Council on December 11, 12 and 13, 2007  
Enacted by Council: January 30, 2008

**CITY OF TORONTO**

**BY-LAW No. 116-2008**

**To amend Scarborough Zoning By-law No. 842-2004 for the Midland/St. Clair  
Community, as amended, with respect to 260 Brimley Road and adjacent lands west of  
Brimley 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. Schedule 'A' **MIDLAND/ST. CLAIR COMMUNITY MAP** of the Midland/St. Clair  
Community By-law No. 842-2004 is amended by adding lands on the west side of  
Brimley Road known municipally as 260 Brimley Road with zoning and performance  
standards and deleting the current zoning and performance standards for lands on the  
west side of Brimley Road adjacent to the north and south of 260 Brimley Road, and  
replacing them with new zoning and performance standards with all of the lands together  
shown on the attached Schedule '1' so that the amended zoning shall read as follows on  
Schedule 'A':

**S(H) - 13 - 15 - 24 - 30 - 31 - 34 - 50 - 90 - 160 - 350 - 393**

**S - 13 - 15 - 24 - 30 - 31 - 34 - 50 - 90 - 160 - 350 - 393**

**SD(H) - 13 - 16 - 24 - 29 - 30 - 31 - 34 - 51 - 90 - 160 - 393**

**SD - 13 - 16 - 24 - 29 - 30 - 31 - 34 - 51 - 90 - 160 - 393**

**TH(H) - 13 - 16 - 20 - 23 - 27 - 29 - 30 - 31 - 34 - 52 - 90 - 161-392**

**TH(H) - 20 - 23 - 53 - 240 - 310- 351 - 352 - 356 - 390 - 392 - 394 - 395 - 397**

**TH(H) - 20 - 23 -53 - 240 - 310 - 351 - 355 - 356 - 390 - 391 - 392 - 395 - 396**

**TH(H) - 23 - 53 - 240 - 310 - 351 - 353 - 356 - 390 - 391 - 392 - 395 - 396**

**TH(H) - 54 - 240 - 241 - 280 - 310 - 351 - 354 - 356 - 390 - 392 - 395 - 397 - 398**

**OS(H)**

**OS**

**P**

2. Schedule 'B', **PERFORMANCE STANDARDS CHART**, is amended by added the following Performance Standards:

**INTENSITY OF USE**

50. One **single-detached dwelling** per lot having a minimum frontage of 9.0 metres on a public **street** and a minimum lot area of 250 m<sup>2</sup>.
51. One **semi-detached dwelling** per parcel having a minimum **front lot line** of 15 metres and a minimum area of 420 m<sup>2</sup> and each **dwelling unit** shall have a minimum **front lot line of 7.5 metres** and a minimum parcel area of 210 m<sup>2</sup>.
52. One townhouse dwelling unit per 6 metres of street frontage and per 165m<sup>2</sup> of lot area.
53. One townhouse dwelling unit per 4.5 metres of street frontage and per 80 m<sup>2</sup> of lot area.
54. One townhouse dwelling unit per 6 metres of street frontage and per 105 m<sup>2</sup> of lot area.

**FRONT YARD SETBACKS**

90. Minimum **front yard setback** of 3 metres from the street line except the portion of the **main wall** containing the vehicular access shall be **setback** a minimum of 5.7 metres.

**SIDE YARD SETBACKS**

160. Minimum Setbacks for Buildings Erected on Corner Lots

Minimum **setback** of 2 metres from a side wall to a street line, except the portion of the **main wall** containing the vehicular access shall be **setback** a minimum of 5.7 metres.

161. Minimum Setbacks for Buildings Erected on Corner Lots

Minimum **setback** of 3 metres from a side wall to a street line, except the portion of the **main wall** containing the vehicular access shall be **setback** a minimum of 5.7 metres.

**SETBACKS FROM STREETS**

240. Minimum **building setback** of 3 metres from the street line.
241. Private lanes shall not be situated less than 3 metres from the Brimley Road street line.

### **COVERAGE**

280. Maximum **building coverage** of 65% of the **lot area**.

### **HEIGHT**

310. Notwithstanding the definition of **Height** in **CLAUSE V – INTERPRETATION, Section (g) Definitions, Height** shall mean the vertical distance measured from the average grade at the front wall of the dwelling unit to the highest point of the building excluding chimneys, skylights, vents, antennae, elevator machine rooms and parapet walls. The front wall of the dwelling unit shall mean the main wall containing the principle pedestrian entrance to the dwelling. A maximum height of 12.6 metres and 3 storeys is permitted.

### **PARKING**

350. An attached or detached garage is required with each **dwelling unit**.

351. Access to driveways and **parking spaces** shall be provided from a private lane, such lane having a minimum width of 6 metres.

352. Parking shall be provided as follows:

A minimum of 2 **parking spaces** are required for 50% of the **dwelling units** in each **townhouse dwelling** and a minimum of 1 **parking space** is required for the remaining **dwelling units**. All required **parking spaces** shall be in an attached garage. Notwithstanding anything else in the by-law the minimum dimensions for each enclosed parking space in a two vehicle garage shall be 2.7 metres width by 6.0 metres length and the minimum dimensions for each enclosed parking space in a single-vehicle garage shall be 3 metres width by 6 metres length.

353. Parking shall be provided as follows:

- A minimum of 2 **parking spaces** are required for each **dwelling unit** with a minimum of one of the required **parking spaces** in a detached or attached garage.
- Minimum separation between the side walls of adjacent detached garages shall be 1.2 metres and 0 metres along the common wall between garages.
- A maximum of 3 detached garages may be joined together.
- Notwithstanding anything else in the by-law, the minimum dimensions for each enclosed parking space in a two-vehicle garage shall be 2.7 metres width by 6.0 metres length and the minimum dimensions for each enclosed parking space in a single-vehicle garage shall be 3 metres width by 6 metres length.

354. A minimum of 2 **parking spaces** are required for each **dwelling unit** except for the end **dwelling units** on each **townhouse dwelling** where a minimum of 1 **parking space** is required. Required **parking spaces** shall be in an attached garage. Notwithstanding anything else in the by-law the minimum dimensions for each enclosed parking space in a two-vehicle garage shall be 2.7 metres width by 6 metres length and the minimum dimensions for each enclosed parking space in a single-vehicle garage shall be 3 metres width by 6 metres length.
355. Parking shall be provided as follows:
- A minimum of 2 **parking spaces** are required for 30% of the **dwelling units** with a minimum of 1 of the two required **parking spaces** to be located in a detached or attached garage.
  - A minimum of 1 **parking space** in an attached garage is required for the remaining **dwelling units**.
  - Minimum separation between the side walls of adjacent detached garages shall be 5.0 metres and 0 metres along the common wall between garages.
  - A maximum of 3 detached garages may be joined together.
  - Notwithstanding anything else in the by-law the minimum dimensions for each enclosed parking space in a two-vehicle garage shall be 2.7 metres width by 6.0 metres length and the minimum dimensions for each enclosed parking space in a single-vehicle garage shall be 3 metres width by 6 metres length.
356. Notwithstanding the definition of **driveway** contained in **CLAUSE V-INTERPRETATION Section (g) Definitions** a **driveway** means the portion of a lot which is intended to provide vehicular access between a street or private lane and a parking space or loading space.

### **MISCELLANEOUS**

390. Buildings shall not be situated less than 0.5 metres from a private lane, except for an end wall which shall not be situated less than 0.9 metres from a private lane.
391. Minimum separation between townhouse and/or semi-detached dwellings shall be as follows:
- Minimum separation between the side walls of adjacent townhouse and/or semi-detached dwellings shall be 2 metres, and 0 metres along the common wall between **dwelling units**.
  - Minimum separation between the rear walls, above the first storey, of opposing townhouses and/or semi-detached **dwelling units** shall be 15 metres.

- Minimum separation between a side wall and a rear wall on opposing townhouse and/or semi-detached **dwelling units** shall be 7.5 metres.
392. The provisions of this by-law for **Performance Standards** for **Intensity of Use, Coverage** and **Parking** shall apply collectively to the lands despite the division of the lands into two or more parcels.
393. For **lots** with frontage on more than one street, the minimum frontage shall be measured along the **front lot line**.
394. A minimum 1.5 metre wide strip immediately abutting “S” or “SD” zones shall be used only for landscaping.
395. A balcony or terrace having a minimum area of 9 square metres shall be provided above each attached garage.
396. In addition to the permitted uses in **CLAUSE VIII- ZONE PROVISIONS Section 3, Townhouse Residential (TH) Zone**, one **semi-detached dwelling** may be permitted.
397. Minimum separation between townhouse dwellings as follows:
- Minimum separation between the side walls of adjacent townhouse dwellings shall be 2.4 metres, and 0 metres along the common wall between **dwelling units**.
  - Minimum separation between the rear walls, above the first storey, of opposing townhouses and/or semi-detached **dwelling units** shall be 14.5 metres.
  - Minimum separation between a side wall and a rear wall on opposing townhouse **dwelling units** shall be 7.5 metres.
398. Where a 0.3 metre reserve exists, the lands shall be deemed to abut the street.
- 3.** Schedule ‘C’, **EXCEPTIONS LIST**, is amended by deleting Exception No. 2 from lands on the west side of Brimley Road as shown on the accompanying Schedule “2” map.
- 4.** Schedule ‘C’, **EXCEPTIONS LIST** is amended by adding Exception No. 2 to lands on the west side of Brimley Road, and by adding Exception No. 4 to lands on the west side of Brimley Road known municipally as 260 Brimley Road as shown on the accompanying Schedule “3” map.

5. On the lands identified as Exception 2 on the accompanying Schedule '3' map, the following provisions shall apply, provided that all other provisions of the by-law, as amended, not inconsistent with this Exception, shall continue to apply:

2.1 Only the following uses are permitted prior to the removal of the Holding Provision (H)

- Open Space Uses

2.2 The Holding Provision (H) used in conjunction with the **Single-Detached Residential (S)**, **Semi-Detached Residential (SD)**, and **Townhouse Residential (TH)** zones shall be removed in whole or in part by amending By-law, when Council is satisfied:

- (i) that the owner has submitted a subdivision application to the satisfaction of Council, that addresses the development principles and guidelines of the Midland/St. Clair Urban Design Guidelines.
- (ii) that an appropriate level of land consolidation has occurred to provide for the orderly development of the lands.
- (iii) as to the availability of the infrastructure and servicing which are necessary to accommodate the proposed use(s).
- (iv) that environmental studies to confirm that the soil conditions and other matters relating to environmental quality meet the relevant Ministry of the Environment guidelines for the proposed use have been submitted to the satisfaction of the City of Toronto.
- (v) that the necessary transportation improvements are in place or will be available to provide for the orderly development of the lands.

2.3 The provisions of **CLAUSE VII- GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 2.1.4 Garages, Carports and Accessory Buildings Subsections (c), (d) (i) (ii) (iii) and (e)(ii)** shall not apply within a **Townhouse Residential (TH)** zone.

Instead the following shall apply:

- (i) Detached garages, carports or other **accessory buildings** shall be setback a minimum of 3 metres from a street.
- (ii) Detached garages, carports or other **accessory buildings** shall not be situated less than 0.9 metres from a private lane.
- (iii) Detached garages, carports or other **accessory buildings** shall not be situated less than 1.8 metres from a **dwelling**.

6. On the lands identified as Exception 4 on the accompanying Schedule “3” map, the following provisions shall apply, provided that all other provisions of the by-law, as amended, not inconsistent with this Exception, shall continue to apply:
- 4.1 On those lands identified as Exception No. 4 on the accompanying Schedule ‘C’ map, the following provisions shall apply:
- (a) A maximum of 340 residential **dwelling units** are permitted on the lands encompassed by Exception 4.
- (b) Except for **Semi-Detached Dwellings** in a **Townhouse Residential (TH)** zone where **Performance Standard 310** applies, the provisions of **CLAUSE VI, PROVISIONS FOR ALL ZONES, Section 11 Regulations for Single-Detached and Semi-Detached Dwellings**, Subsection 11.1 Maximum Height shall not apply to the lands encompassed by Exception 4. Instead the Maximum Height provision shall be replaced with the following:
- Maximum Height      10.5 m.
- (c) The following provisions concerning Model Homes shall apply to the lands encompassed by Exception 4.
- (i) **Model Home** shall mean a finished building intended to be a **Dwelling** used for temporary display to the public prior to occupancy for residential purposes.
- (ii) **Model Homes** shall be permitted on the lands encompassed by Exception 4, except that in areas subject to a Holding Provision (H), **Model Homes** shall not be permitted until such time as the Holding Provision (H) has been removed.
- (iii) Each **Model Home** shall be of the permitted **Dwelling Unit** type within the zone category and shall comply with the provisions of the **Performance Standards Chart, Schedule “B”** for the **dwelling unit** type, and the **Exceptions List, Schedule “C”**.
- (iv) The maximum number of **Model Homes** shall be as follows:
- 3 **Single-Detached Dwellings**
  - 1 **Semi-Detached Dwelling**
  - 1 **Townhouse Dwelling**
- (d) The provisions of **CLAUSE VII- GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 2.1.4 Garages, Carports and Accessory Buildings** Sub-sections (d) (i) (ii) shall not apply to detached garages on **lots** that have frontage on more than one **street** in the

**Single-Detached Residential (S) Zone**, and instead the following provisions shall apply to detached garages:

- (i) Detached garages in the **rear yard** shall be **setback** a minimum of 450 millimetres from the **rear lot line** or a **side lot line** except a street line.
  - (ii) A detached garage shall be **setback** a minimum of 3.0 metres from a street line.
  - (iii) Notwithstanding anything in this by-law, semi-detached garages may be centred on a lot line.
- (e) The provisions of **CLAUSE VII- GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 2.1.4 Garages, Carports and Accessory Buildings Sub-sections (c), (d) (i), (ii) (iii) and (e) (ii)** shall not apply within a **Townhouse Residential (TH)** zone.

Instead the following shall apply:

- (i) Detached garages, carports or other **accessory buildings** shall be setback a minimum of 3 metres from a street.
  - (ii) Detached garages, carports or other **accessory buildings** shall not be situated less than 0.9 metres from a private lane.
  - (iii) Detached garages, carports or other **accessory buildings** shall not be situated less than 1.8 metres from a **dwelling**.
- (f) The following provisions shall apply to all buildings or structures on the lands encompassed by Exception 4, except for **Model Homes** where a model home agreement or subdivision agreement has been executed:

No person shall use any land or erect or use any building or structure 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.



- (g) Matters to be provided pursuant to Section 37 of the *Planning Act* R.S.O, 1990 c.P. 13, as amended in order to permit the increased density authorized by Exception No. 4:
- (i) The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters referred to below, which agreements or agreements may be registered against the title of the lands to which Exception 4 of this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to above, shall provide or fund the following facilities and/or matters:
- (a) Prior to the enactment of the Zoning By-law with respect to the lands to which Exception 4 of this By-law applies, the owner shall pay to the City by certified cheque the amount of \$200,000.00 to be used for improvements to the park proposed in the Midland/St. Clair Community.
- (b) Prior to the issuance of any building permit with respect to the lands to which Exception 4 of this By-law applies, the owner shall pay to the City by certified cheque in the amount of \$200,000.00 as indexed to the Consumer Price index from the date of the Section 37 Agreement, such amount to be used for improvements to the park proposed in the Midland/St. Clair Community.

4.2 The following permitted uses and provisions shall apply to the lands encompassed by Exception 4 on the accompanying Schedule 3 map, prior to the removal of the Holding Provision (H)

- (a) Only the following uses are permitted prior to the removal of the Holding Provision (H).
- Warehouse and distribution centre and associated ancillary uses.
- (b) The provisions of Employment Districts Zoning By-law No. 24982 (Knob Hill Employment District) shall apply to the lands encompassed by Exception 4, prior to the removal of the Holding symbol (H) with the following performance standards

357 - 913 - 991 - 1067

- (c) The Holding Provision (H) used in conjunction with the **Single-Detached Residential (S)**, **Semi-Detached Residential (SD)**, **Townhouse Residential (TH)** and **Open Space (OS)** zones shall be removed in whole or in part by amending By-law, when Council is satisfied:
- (i) that the industrial use has ceased.
  - (ii) that an appropriate level of land consolidation has occurred to provide for the orderly development of the lands.
  - (iii) as to the availability of the infrastructure and servicing which are necessary to accommodate the proposed use(s).
  - (iv) that environmental studies to confirm that the soil conditions and other matters relating to environmental quality meet the relevant Ministry of the Environment guidelines for the proposed use have been submitted to the satisfaction of the City of Toronto.
  - (v) that the necessary transportation improvements are in place or will be available to provide for the orderly development of the lands.
  - (vi) that the owner has submitted a subdivision application to the satisfaction of Council, that addresses the development principles and guidelines of the Midland/St. Clair Urban Design Guidelines.

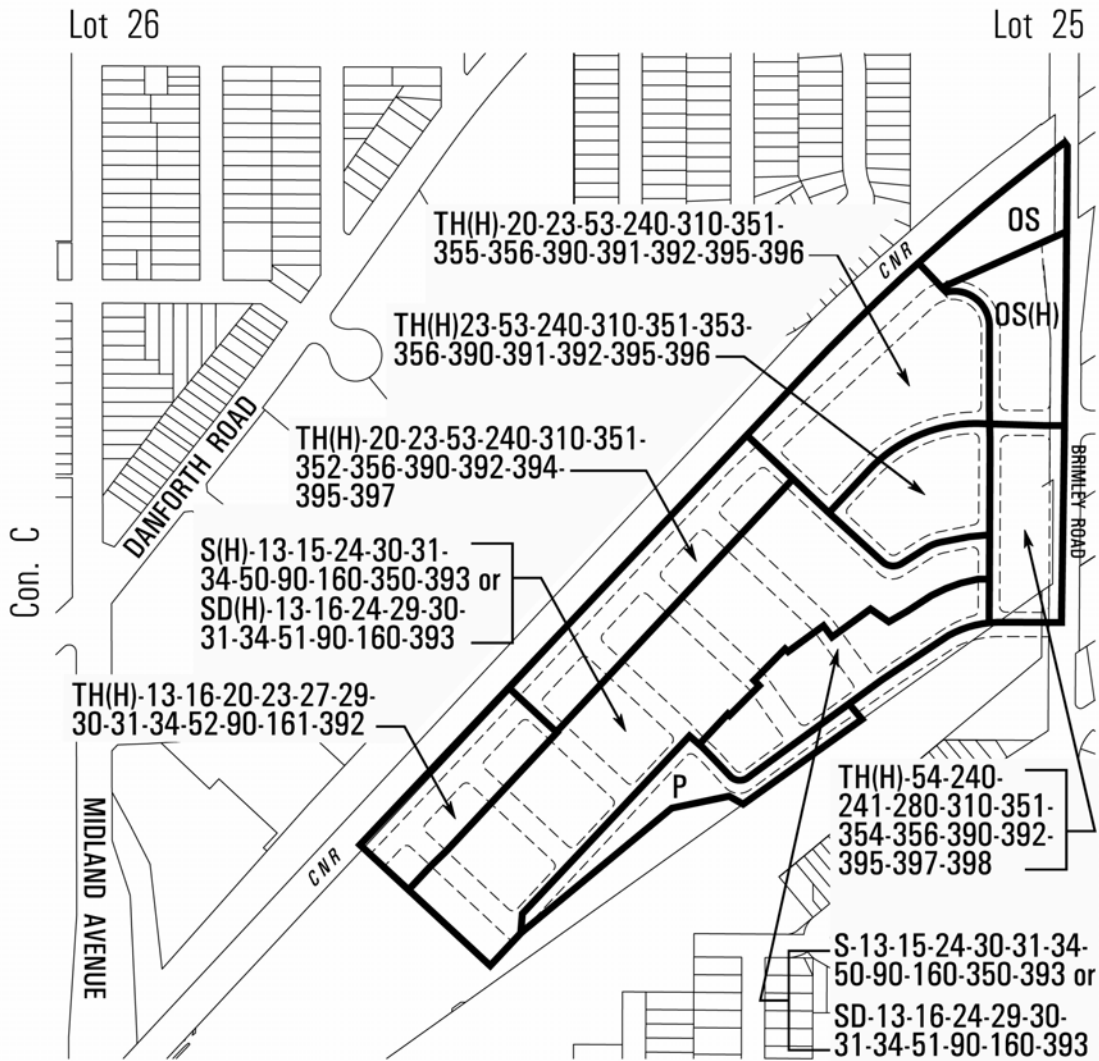
ENACTED AND PASSED this 30th day of January, A.D. 2008.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

Schedule '1'



 **TORONTO** City Planning Division  
**Zoning By-Law Amendment**

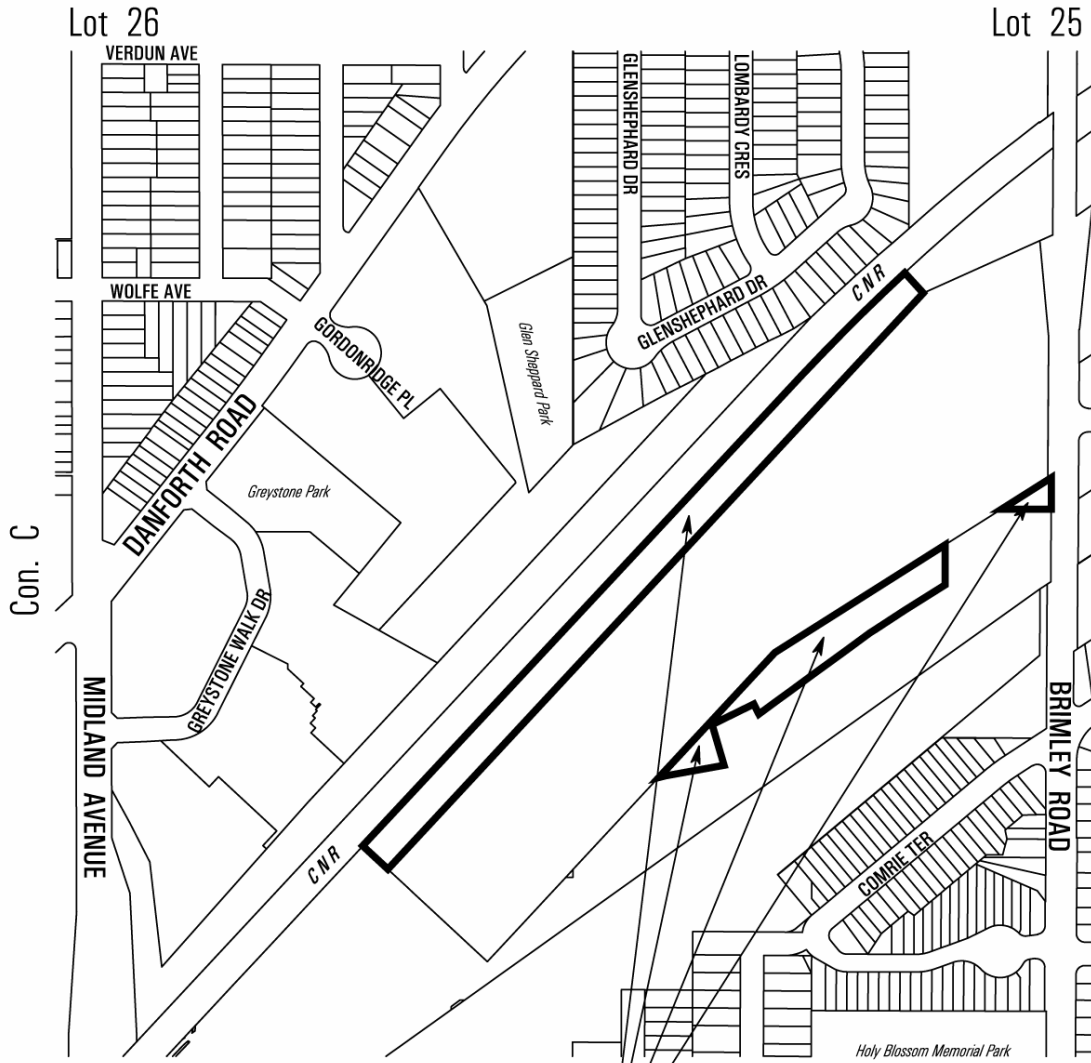
260 Brimley Road  
File # 06-106761 OZ

 Area Affected By This By-Law

Knob Hill Emp. District & Midland/St.Clair Community Bylaw  
Not to Scale  
11/12/07



Schedule '2'



Exception No.2



Zoning By-Law Amendment

260 Brimley Road and adjacent lands west of Brimley Road

File # 06-106761 OZ

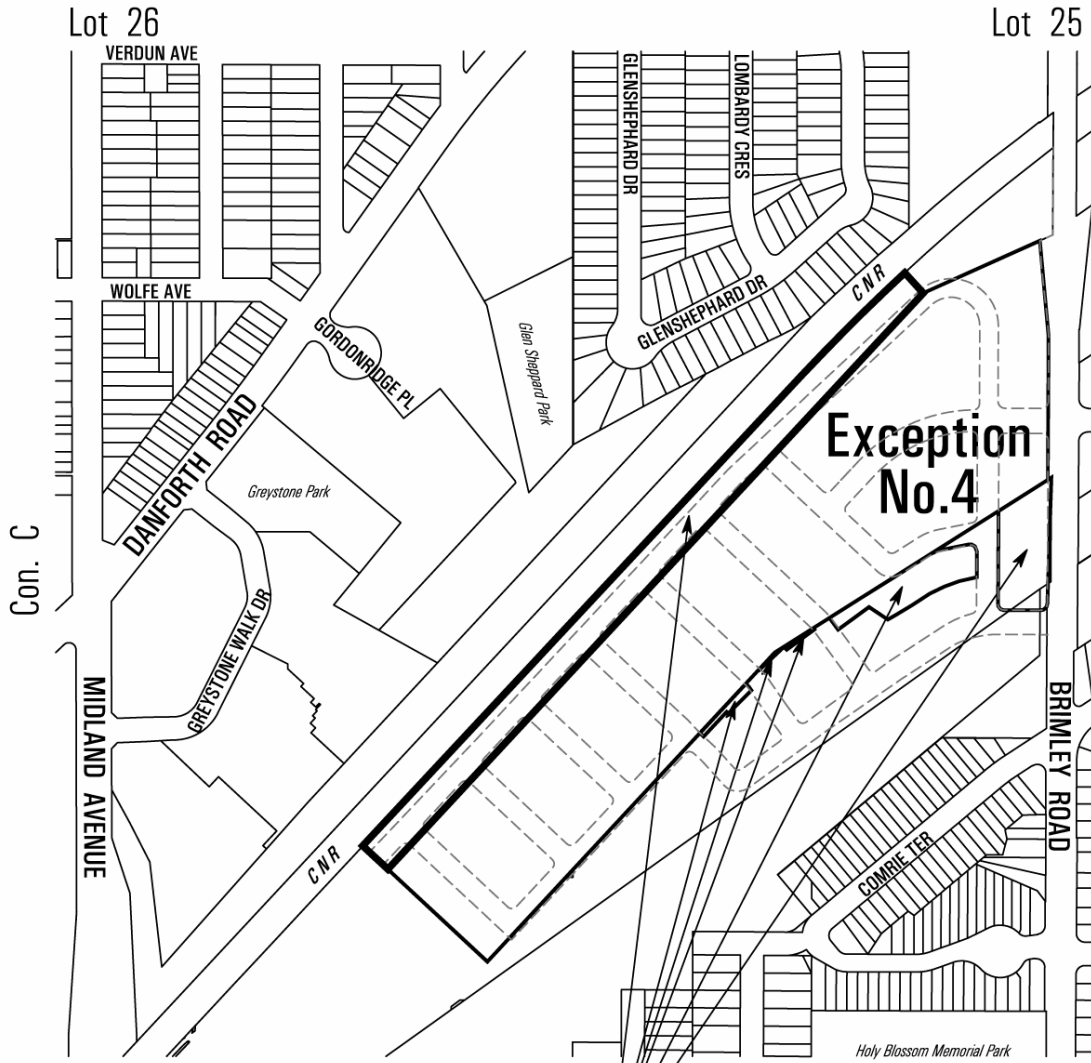


Area Affected By This By-Law

Midland/St. Clair Community Bylaw  
Not to Scale  
10/01/07



Schedule '3'



Exception No.2

**Toronto** City Planning  
Division  
**Zoning By-Law Amendment**

260 Brimley Road and adjacent lands west of Brimley Road

File # 06-106761 OZ

 Area Affected By This By-Law

Midland/St. Clair Community Bylaw  
Not to Scale  
10/01/07  
