

# CITY OF TORONTO

## BY-LAW No. 866-2008(OMB)

**To amend the former City of Scarborough Birchcliff Community Zoning By-law No. 8786, as amended, with respect to lands municipally known as 1725 Kingston Road.**

WHEREAS the Ontario Municipal Board, by Order issued on April 9, 2008, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, upon hearing the appeal of 2109655 Ontario Limited, deems it advisable to amend By-law No. 8786 with respect to the Birchcliff Community Zoning By-law No. 8786, as amended;

THEREFORE the Birchcliff Community Zoning By-law No. 8786, as amended, is hereby further amended as follows:

1. Schedule 'A' of the Birchcliff Community Zoning By-law is amended by deleting the current Zoning and Performance Standards and substituting the following Zoning and Performance Standards as shown on Schedule '1' so that the amended zoning shall read as follows:

ST – 151 – 202 – 243 – 244 – 245 – 246 – 247 – 262 – 281 – 282

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

### **INTENSITY OF USE**

262. A maximum of 7 dwelling units with each dwelling unit having a minimum width of 4.2 metres at the main front wall along Kingston Road.

### **BUILDING SETBACK FROM THE STREET LINE**

281. Minimum building setback of 2.8 metres and a maximum building setback of 3.5 metres from Kingston Road.
282. Minimum building setback of 0.9 metres from Birchmount Road.

### **BUILDING SETBACK FROM LOT LINES OTHER THAN STREET LOT LINES**

151. Minimum building setback of 0.3 metres from the west property line.

### **PARKING**

202. A minimum of 11 required **parking spaces** to be provided. Notwithstanding the minimum number of **parking spaces** and dimension requirements, one additional **parking space** shall be permitted with minimum dimensions of 2.6 metres in width by 4.9 metres in length.

**MISCELLANEOUS**

243. A maximum 4 **storeys** (excluding the parking structure level) and a maximum building height of 13.7 metres. Notwithstanding the definition of height, the maximum building height shall be measured at the average grade of the Kingston Road street line.
244. The south main wall of the first **storey** of the building (excluding the parking structure level) shall not be located further than 22.5 metres from the street line of Kingston Road as situated on the date that this By-law is approved by the Ontario Municipal Board.
245. The south main wall of the second **storey** of the building (excluding the parking structure level) shall be set back a minimum of 1 metre from the south main wall of the first floor. The south main wall of the third **storey** shall be set back a minimum of 1 metre from the south main wall of the second **storey**. The south main wall of the fourth **storey** of the building shall be set back a minimum of 3 metres from the south main wall of the third **storey**. This provision shall not apply to the end dwelling unit of a building adjacent to Birchmount Road.
246. Each unit shall have a private outdoor amenity area located on the first **storey** above the parking structure level.
247. A balcony or deck on one floor can not project beyond the outer edge of a balcony or deck that is situated immediately below it on a lower floor.
3. Schedule “C”, **EXCEPTIONS MAP**, is amended by adding Exception No. 37 as shown on Schedule ‘2’.

Schedule “C”, **EXCEPTIONS LIST**, is amended by adding the following Exception No. 37, to the lands as shown on Schedule ‘2’:

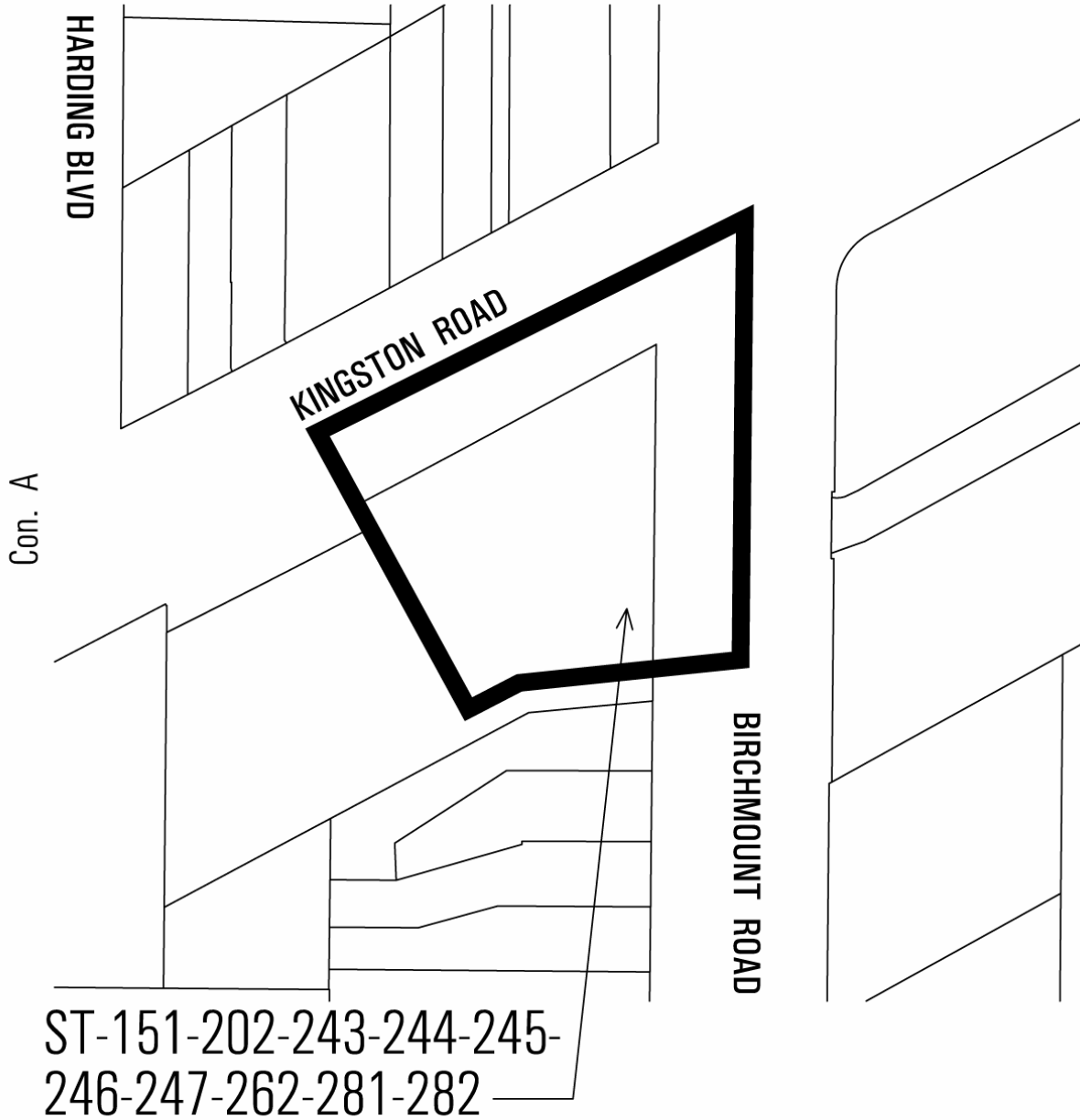
37. On those lands identified as Exception No. 37 on the accompanying Schedule ‘2’ map, the following provisions shall apply:
- (a) **CLAUSE VI – PROVISIONS FOR ALL ZONES, 13. Coverage** shall not apply.
  - (b) Notwithstanding the definition of **Street Townhouse Dwelling** within **CLAUSE V – INTERPRETATION (f) Definitions**, a **Street Townhouse Dwelling** shall mean a row of three or more attached, vertically divided dwelling units together with an associated parking structure.

- (c) Notwithstanding the definition of **Main Wall** within **CLAUSE V – INTERPRETATION (f) Definitions**, projections such as pilasters, columns, balconies and unenclosed porches shall not be permitted to project into a required street yard. A canopy and exterior steps may project into the required street yard for Kingston Road to a maximum of 1.0 metres.
- (d) Notwithstanding the future division of this land into two or more parcels, the provisions of this By-law shall apply collectively to this land.

PURSUANT TO DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON APRIL 9, 2008 IN BOARD CASE NOS. PL071181 AND PL071183.

### Schedule '1'

Lot 31



## Zoning By-Law Amendment

1725 Kingston Road

File # 06-199571 OZ

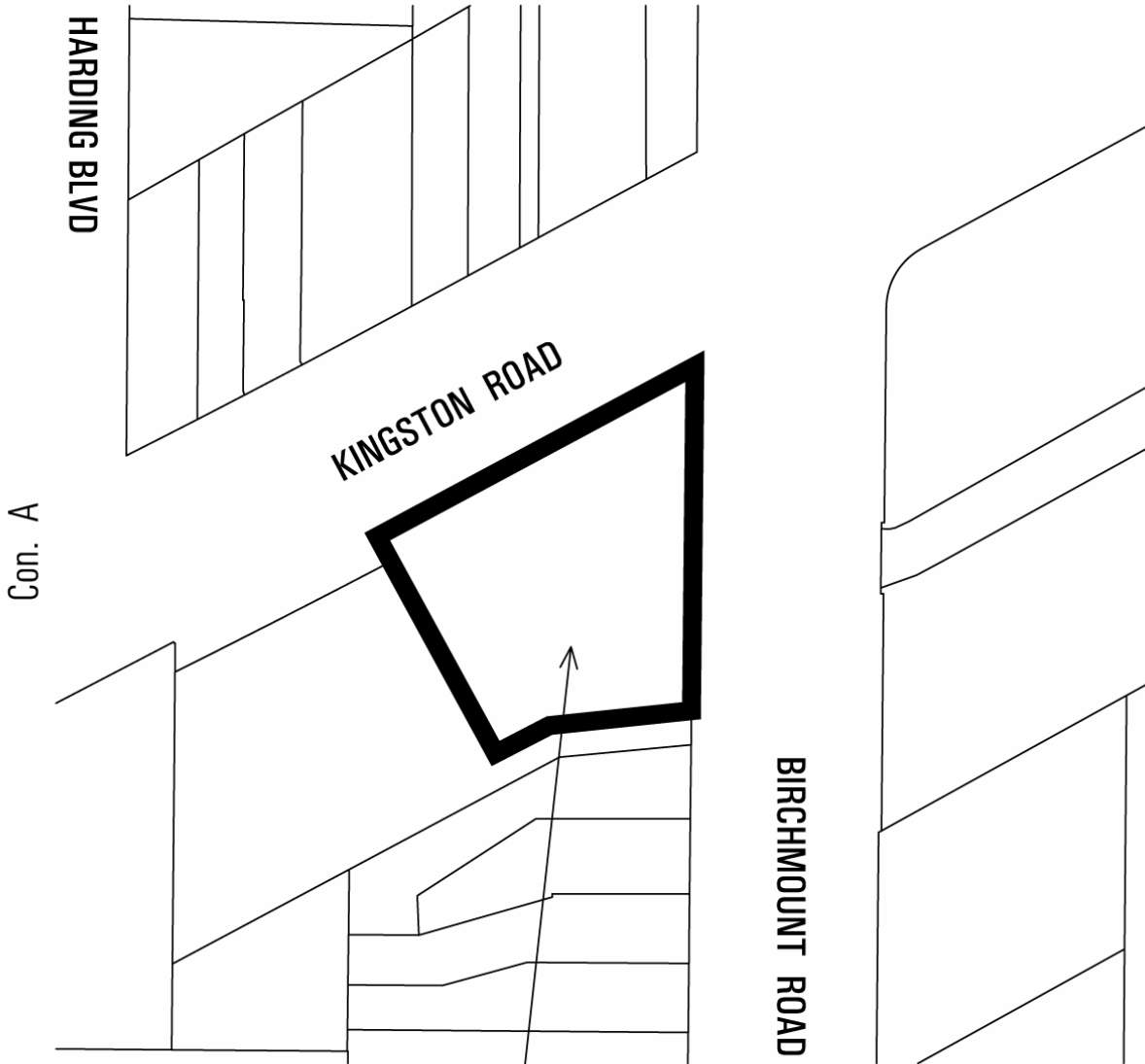
 Area Affected By This By-Law

Birchcliff Community Bylaw  
Not to Scale  
03/18/08



### Schedule '2'

Lot 31



Exception No.37



## Zoning By-Law Amendment

1725 Kingston Road

File # 06-199571 OZ

 Area Affected By This By-Law

Birchcliff Community Bylaw  
 Not to Scale  
 03/18/08

