

Authority: Scarborough Community Council Item 30.23, as adopted by City of Toronto Council on November 30, December 1, 2, 4 and 7, 2009

Enacted by Council: December 4, 2009

CITY OF TORONTO

BY-LAW No. 1224-2009

To amend former City of Scarborough Cliffside Community Zoning By-law No. 9364, as amended, with respect to all lands along Kingston Road between Danforth Avenue, to east of Chine Drive (including 46 to 62 Glen Everest Road) as outlined on Schedules 1 through 6.

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. **CLAUSE IV – ZONES** is amended by adding the Commercial-Residential (CR) Zone.
2. **CLAUSE V – INTERPRETATION**, is amended by adding the following definitions to sub-section (f), **Definitions**:

Amenity Space

means indoor or outdoor space on a lot that is:

- (i) ancillary to the main use; and
- (ii) communal and available for use by the occupants of a building on the lot, or the general public, or both, for recreational or social activities.

Bicycle Parking Space

means an area designed and equipped for the purpose of parking and securing a bicycle.

First Floor

means the floor of a building closest to established grade.

Landscaping

means trees, shrubs, grass, flowers, vegetables, decorative stonework, walkways, screening or other horticultural or landscape-architectural elements, or any combination of these; but does not include driveways, loading or parking spaces, and directly associated elements such as curbs or retaining walls.

Landscaping, Soft

means the landscaping in a yard excluding hard-surfaced areas such as, but not limited to, decorative stonework, walkways, screening, or other landscape-architectural elements.

Outdoor Patio

means an outdoor patron area ancillary to a non-residential use.

Personal Service Shop

means premises used to provide personal grooming services or for the cleaning or care of apparel.

Townhouse

means a building that has three or more **dwelling units**, and no **dwelling unit** is entirely or partially above another.

45-Degree Angular Plane

means a plane extending at right angles to a line drawn at a 45 degree angle from horizontal from the mid point of a lot line abutting one or more residential properties zoned “S”, “T” and/or “M”. The resulting plane shall extend above the width, breadth and/or length of the lot.

3. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-Clause 8, **Games Arcades and Games Machines Incidental to Commercial Operations** is amended by:
 - (a) deleting the words “or **Clause IX**” in sub-section (i); and
 - (b) adding “Commercial-Residential (CR),” to sub-section (iii) after the words “City Centre Commercial (CCC)”.
4. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-Clause 12, **Lands Not Covered by Buildings** is amended by adding the following paragraph to the end of this Sub-Clause:

“In areas designated on Schedule ‘A’ as “CR”, the lands not covered by permitted buildings, structures and required parking spaces, shall be used only for **landscaping**, 50% of which shall be **soft landscaping**. **Outdoor patio** areas ancillary to a permitted non-residential use in the “CR” Zone shall not be considered **landscaping** and shall be permitted.”
5. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-Clause 13, **Use of Basements** is amended by adding the symbol “CR” after the symbol “CC”.

-
6. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-Clause 16, **Non-Accessory Signs**, Sub-Section 16.4 is amended by adding the symbol “Commercial-Residential (CR),” before the words “District Commercial (DC)”.
7. **CLAUSE VIII – ZONE PROVISIONS** is amended by adding the following:
17. **Commercial-Residential (CR) Zone**
- (a) **Permitted Uses**
- **Day Nurseries**
 - **Dwelling Units**
 - Educational and Training Facility Uses
 - Financial Institutions
 - Fraternal Organizations
 - Hotels
 - Medical Centres
 - Municipally owned and operated Parking Lots
 - Nursing Homes
 - Offices
 - **Personal Service Shops**
 - **Places of Entertainment**
 - **Private Home Day Care**
 - **Recreational Uses**
 - Restaurants
 - Retail Stores
 - Retirement Homes
- (b) **Prohibited Uses**
- Automobile Sales, including Auto Sales Rooms
 - Automobile Service, Repair and Maintenance Uses, including auto body repair and/or painting
 - Automobile Service Stations
 - Mechanical or Automatic Car Washes
 - **Single-Family Dwellings**
 - **Two-Family Dwellings**
 - Duplexes
 - **Split Level Dwelling**
- (c) **Supplementary Regulations**
- (i) For the lands between Claremore Avenue and Midland Avenue on the north side of Kingston Road and for the lands between Cliffside Drive and Midland Avenue on the south side of Kingston Road: **Dwelling Units**, Retirement Homes, Nursing Homes, and **Private Home Day Care** shall only be permitted on or above the second storey, or where no portion of the **dwelling unit** is located

within 20m of the Kingston Road **street** line. For the purposes of this supplementary regulation, the **basement** shall not be considered a **storey**.

- (ii) **Townhouses** are permitted in all locations with exception to those lands within 20m of the Kingston Road **street** line.

8. **Schedule “A”** is amended by deleting the zoning for the lands outlined on Schedule “1” and adding the following zoning to the outlined lands on Maps (1 to 4):

CR – 190 – 193 – 194 – 195 – 197 – 199 – 200 – 202 – 203 – 205 – 206 – 207 – 208 – 209 – 210 – 211 – 212 – 213

CR – 192 – 193 – 194 – 195 – 197 – 199 – 200 – 202 – 203 – 205 – 206 – 207 – 208 – 209 – 210 – 211 – 212 – 213

CR – 191 – 193 – 194 – 196 – 197 – 199 – 200 – 202 – 203 – 204 – 205 – 206 – 207 – 208 – 209 – 210 – 211 – 212- 213

CR – 191 – 193 – 194 – 196 –197 – 198 – 199 – 200 – 202 – 203 – 204 – 205 – 206 – 207 – 208 – 209 – 210 – 211 – 212 – 213

CR – 191 – 193 – 194 – 196 –197 – 198 – 201 – 202 – 203 – 205 – 206 – 207 – 208 – 209 – 210 – 211 – 212 – 213

CR – 191 – 193 – 194 – 196 –197 – 199 – 200 – 202 – 203 – 204 – 205 – 206 – 207 – 208 – 209 – 210 – 211 – 212 – 213

CR (H) – 191 – 193 – 194 – 196 –197 – 198 – 201 – 202 – 203 – 205 – 206 – 207 – 208 – 209 – 210 – 211 – 212 – 213

9. **Schedule “B”, PERFORMANCE STANDARD CHART**, is amended by adding the following Performance Standards:

Kingston Road (Cliffside Community) Avenue Study

190. Minimum of 10.5m (3 **storeys**) and a maximum of 6 **storeys**, excluding **basements** and rooftop mechanical penthouses, not exceeding an overall **height** of 20 m. This maximum **height** may be increased up to 8 storeys, not exceeding an overall **height** of 27 m, provided that the owner provides one or more of the Section 37 benefits described in Performance Standard 193, in exchange for the additional height and density, and that the owner enters into an agreement to secure such benefits satisfactory to the City of Toronto pursuant to section 37(3) of the *Planning Act*, as amended.

Maximum **Gross Floor Area** 3.5 times the area of the lot or parcel.

191. Minimum of 10.5m (3 **storeys**) and a maximum of 6 **storeys**, excluding **basements** and rooftop mechanical penthouses, not exceeding an overall **height** of 20 m. This maximum **height** may be increased up to 11 storeys, not exceeding an overall **height** of 36 m, provided that the owner provides one or more of the Section 37 benefits described in Performance Standard 193, in exchange for the additional height and density, and that the owner enters into an agreement to secure such benefits satisfactory to the City of Toronto pursuant to section 37(3) of the *Planning Act*, as amended.

Maximum **Gross Floor Area** 4.5 times the area of the lot or parcel.

192. Minimum of 10.5m (3 **storeys**) and a maximum of 20m (6 **storeys**), excluding **basements** and rooftop mechanical penthouses, not exceeding an overall **height** of 20m (6 **storeys**). This maximum **height** may be increased up to 8 **storeys**, not exceeding an overall **height** of 27 m, provided that the owner provides one or more of the Section 37 benefits described in Performance Standard 193, in exchange for the additional height and density, and that the owner enters into an agreement to secure such benefits satisfactory to the City of Toronto pursuant to section 37(3) of the *Planning Act*, as amended.

Maximum **Gross Floor Area** 4.5 times the area of the lot or parcel.

193. In addition to developing the buildings or structures in accordance with the Performance Standards provided herein, the owner of any building or structure to be constructed in excess of 20m (6 **storeys**) in **height**, shall enter into an agreement satisfactory to the City of Toronto pursuant to Section 37 of the *Planning Act*, as amended, authorizing the increase in height and density in exchange for one or more of the following benefits:

- Fully furnished and equipped non-profit child care facilities, including start-up funding;
- Public art;
- Other non-profit arts, cultural, community or institutional facilities;
- Streetscape improvements not abutting the site;
- Purpose built rental housing with mid-range or affordable rents, land for affordable housing, or, at the discretion of the owner, cash-in-lieu of affordable rental units or land;
- Parkland, and/or park improvements; and
- Municipally owned and operated parking lots.

194. The **main wall** of the first 10.5m (3 **storeys**) of a building(s) abutting Kingston Road shall have a minimum width of 70% of the lot at the Kingston Road **street** line for lots having frontage or flankage of more than 30m and 60% for lots abutting Kingston Road **street** line having frontage or flankage 30m or less.

195. Minimum building **setback** of 2m and maximum building **setback** of 5m on the Kingston Road and Midland Avenue **street** line for all uses permitted in the “**CR**” Zone, with the exception of **dwelling units** on the **first floor**.

Minimum building **setback** of 1m and a maximum building setback of 3m from all other **street** lines for all uses permitted in the “**CR**” Zone, with the exception of **dwelling units** on the **first floor**.

Only hard landscaping material shall be permitted to be used within that portion of lands fronting onto Kingston Road within the required 2m building **setback**. This area will not be used for outdoor patio space.

196. Minimum building **setback** of 3m and maximum building **setback** of 6m on the Kingston Road and Midland Avenue **street** line.

Minimum building **setback** of 1m and maximum building **setback** of 3m from Cliffside Drive, Ridgemoor Avenue, Sandown Avenue and any new streets constructed after January, 2010 between Kingston Road and Glen Everest Road, East Haven Drive, Pell Street Lane or Leisure Lane.

Only hard landscaping material shall be permitted to be used within that portion of lands fronting onto Kingston Road within the required 3m building **setback**. This area will not be used for outdoor patio space.

197. Where **dwelling units** on the **first floor** abut Kingston Road, Chine Drive, Claremore Avenue, Midland Avenue, Ridgemoor Avenue, Sandown Avenue, Sharpe Street, Cliffside Drive and any new streets constructed after January, 2010 between Kingston Road and Glen Everest Road, East Haven Drive, Pell Street Lane or Leisure Lane a minimum 3m building **setback** is required.

198. Minimum building **setback** of 3m for all uses permitted in the “**CR**” Zone on Glen Everest Road, East Haven Drive, Pell Street Lane and Leisure Lane.

199. Minimum 7.5m **rear yard setback**.

200. Buildings shall not exceed a **45 degree angular plane** from the lot line of abutting “**S**”, “**T**” and “**M**” Zones. Where a public laneway abuts the development site, the portion of the laneway that abuts a “**S**”, “**T**” and/or “**M**” Zone may be included for the purposes of establishing the **45-degree angular plane**.

201. Buildings shall not exceed a 45 degree plane projected and drawn at a right angle from the minimum setback required by Performance Standard 198, starting from a point 10.5m above the average elevation of the ground directly above such setback.

202. For that portion of a building above 20m (6 **storeys**) buildings shall be setback a minimum of 5.5m from a **side lot line(s)**.

203. **Street yard** setbacks that apply to the “**CR**” Zone shall not apply to underground structures.
204. A minimum 1.5m strip of land immediately abutting “**S**”, “**T**”, and “**M**” Zone shall be used for **soft landscaping** purposes only. Where a laneway abuts a development site, the landscape strip shall not be required.
205. Buildings between 13.5m and 22.5m in **height** (4 **storeys** and 7 **storeys**) shall be stepped back a minimum of 1.5m at a minimum **height** of 13.5m (4 **storeys**) from the front **main wall** of all buildings along all **street** lines, with the exception of Glen Everest Road, East Haven Drive, Pell Street Lane, Leisure Lane and Sandown Lane.
206. Buildings above 22.5m in **height** (8 **storeys** and higher) shall be stepped back an additional of 1.5m at a minimum **height** of 22.5m (8 **storeys**) from the front **main wall** of all buildings along all **street** lines, with the exception of Glen Everest Road, East Haven Drive, Pell Street Lane, Leisure Lane and Sandown Lane.
207. Balconies and unenclosed porches shall not project into the Kingston Road **street yard**.
208. No person shall erect or use a building containing 20 or more **dwelling units** unless **amenity space** is provided in accordance with the following:
- | | |
|--|---|
| Type of Amenity Space Required: | Amount of Amenity Space Required: |
| Amenity space or contiguous amenity space , at least one of which contains a kitchen and a washroom: | Minimum of 2m ² of amenity space for each dwelling unit . |
| Amenity space located outdoors: | Minimum of 2m ² of amenity space for each dwelling unit of which at least 40m ² is to be provided in a location adjoining or directly accessible from the indoor amenity space . |
209. Mechanical penthouse to be stepped back 5m in addition to the required **setbacks** from all **street yards**. The mechanical penthouse shall cover no more than 50% of the roof area and extend no more than 5m in **height**.
210. Minimum floor to ceiling **height** of the **first floor** shall be 4.5m for that portion of a building located within 20m of the Kingston Road **street** line.
211. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-Clause 5, **Landscaping Strips** and Sub-Clause 6, **Coverage**, shall not apply.
212. Parking spaces shall not be located or **vehicles** parked or stored in the Kingston Road **street yard** for all new buildings constructed after January, 2010.

213. **Bicycle parking spaces** shall be provided at a rate of:

- (i) 0.6 long term bicycles parking spaces for each **dwelling unit**;
- (ii) 0.15 short term bicycle parking spaces for each **dwelling unit**; and where:
 - (a) Long-term **bicycle parking spaces** shall be located in a secure enclosed bicycle parking area.
 - (b) Short-term **bicycle parking spaces** shall be located in bicycle parking area at grade.
 - (c) A minimum of 50% of the long-term **bicycle parking spaces** in an apartment building shall not be in a vertical position

Bicycle parking space for a **dwelling unit** shall not be located:

- (i) in a **dwelling unit**; or
- (ii) on a balcony; or
- (iii) in a storage locker; or
- (iv) an area used for ancillary commercial space.

A **bicycle parking space** shall have the following dimensions:

- (i) minimum length of 1.9 m;
- (ii) minimum width of 0.6 m;
- (iii) minimum height of:
 - (a) 1.2m where the bicycle is to be parked on a horizontal surface;
 - (b) 1.9m where the bicycle is to be parked in a vertical position.

10. **Schedule “C”** is amended by deleting Exception Numbers 8, 13, 22 and 30.

11. **Schedule “C”** is amended by deleting Exception Number 19 as it applies to 2660 and 2670 Kingston Road.

- 12. Schedule “C”** is amended by deleting Exception Number 10 and all lands it applies to and replacing it as follows:

On those lands identified on the accompanying map, the following provisions shall apply:

- (a) Permitted uses prior to the removal of the Holding Provision (H) from the zoning shall be restricted to all uses permitted in a **Community-Commercial (CC)** zone with the exception of Auto Sales Rooms, Automobile Service Stations, Commercial Storage and Frozen Food Storage and Space Rental which are prohibited.
- (b) Prior to the removal of the Holding Provision (H) the following performance standards will apply:

CC – 76 - 84 - 196

- (c) The Holding Provision (H) used in conjunction with the **Commercial-Residential (CR)** Zone shall be removed by amending By-law when:

Council is satisfied that land dedicated to the City for the design, construction and financing of new street(s) has been satisfactorily reviewed by the Chief Planner and Executive Director in consultation with the Executive Director of Technical Services and that any recommended improvements have been implemented, or financially secured through appropriate agreements.

- 13. Schedule “C”** is amended by deleting Exception Number 28 and all lands it applies to and replacing it as follows:

On those lands identified on the accompanying map, the following provisions shall apply:

- (a) Permitted uses prior to the removal of the Holding Provision (H) from the zoning shall be restricted to all uses permitted in a **Community-Commercial (CC)** zone with the exception of Auto Sales Rooms, Automobile Service Stations, Commercial Storage and Frozen Food Storage and Space Rental which are prohibited.
- (b) Prior to the removal of the Holding Provision (H) the following performance standards will apply:

CC – 74 - 85 - 196

- (c) The Holding Provision (H) used in conjunction with the **Commercial-Residential (CR)** Zone shall be removed by amending By-law when:

Council is satisfied that land dedicated to the City for the design, construction and financing of new street(s) has been satisfactorily reviewed by the Chief Planner

and Executive Director in consultation with the Executive Director of Technical Services and that any recommended improvements have been implemented, or financially secured through appropriate agreements.

- 14. Schedule “C”** is amended by deleting Exception Number 14 and all lands it applies to and replacing it as follows:

On those lands identified on the accompanying map, the following provisions shall apply:

- (a) Permitted uses prior to the removal of the Holding Provision (H) from the zoning shall be restricted to all uses permitted in a **Community-Commercial (CC)** zone with the exception of Auto Sales Rooms, Automobile Service Stations, Commercial Storage and Frozen Food Storage and Space Rental which are prohibited.
- (b) Prior to the removal of the Holding Provision (H) the following performance standards will apply:

CC – 80B – 85 – 196
- (c) Holding Provision (H) used in conjunction with the **Commercial-Residential (CR)** Zone shall be removed by amending By-law when:

Council is satisfied that land dedicated to the City for the design, construction and financing of new street(s) has been satisfactorily reviewed by the Chief Planner and Executive Director in consultation with the Executive Director of Technical Services and that any recommended improvements have been implemented, or financially secured through appropriate agreements.

ENACTED AND PASSED this 4th day of December, A.D. 2009.

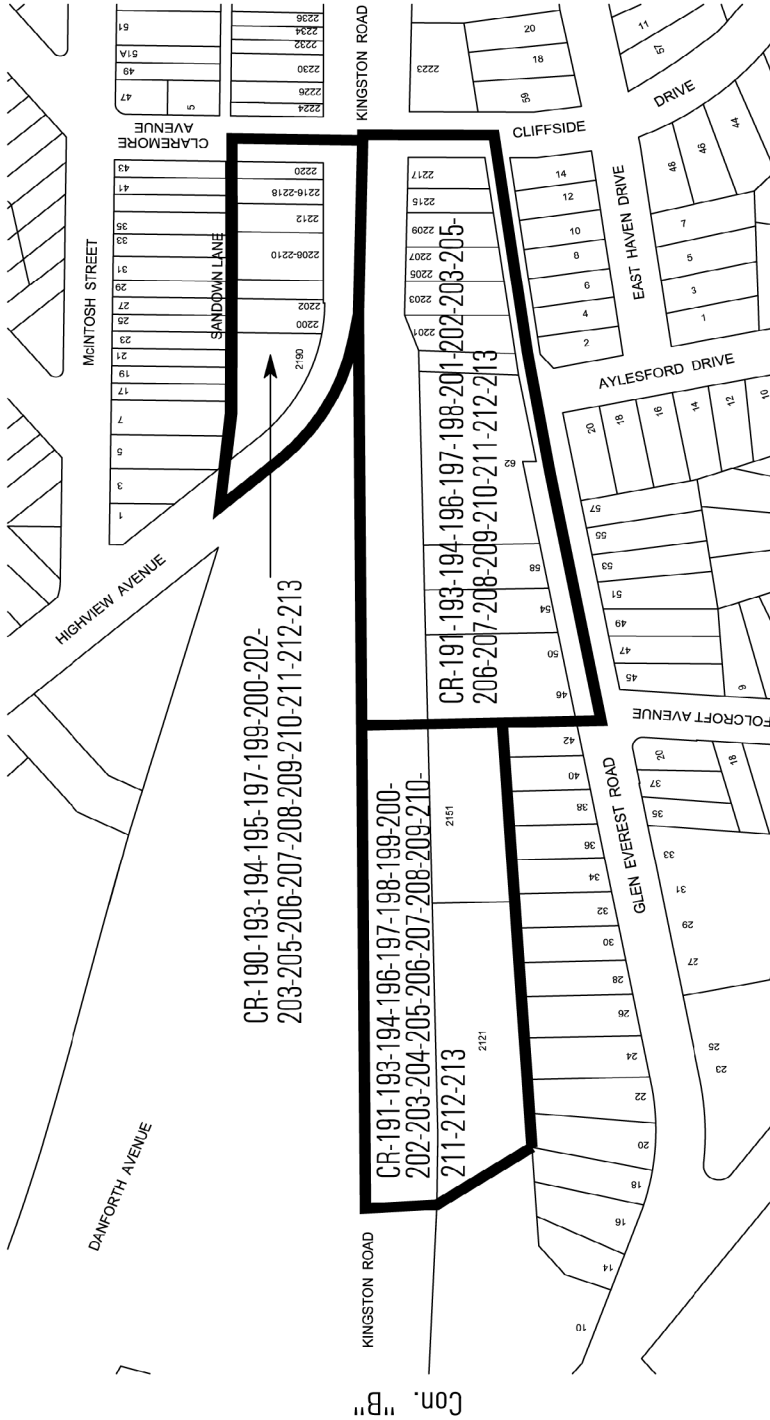
SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

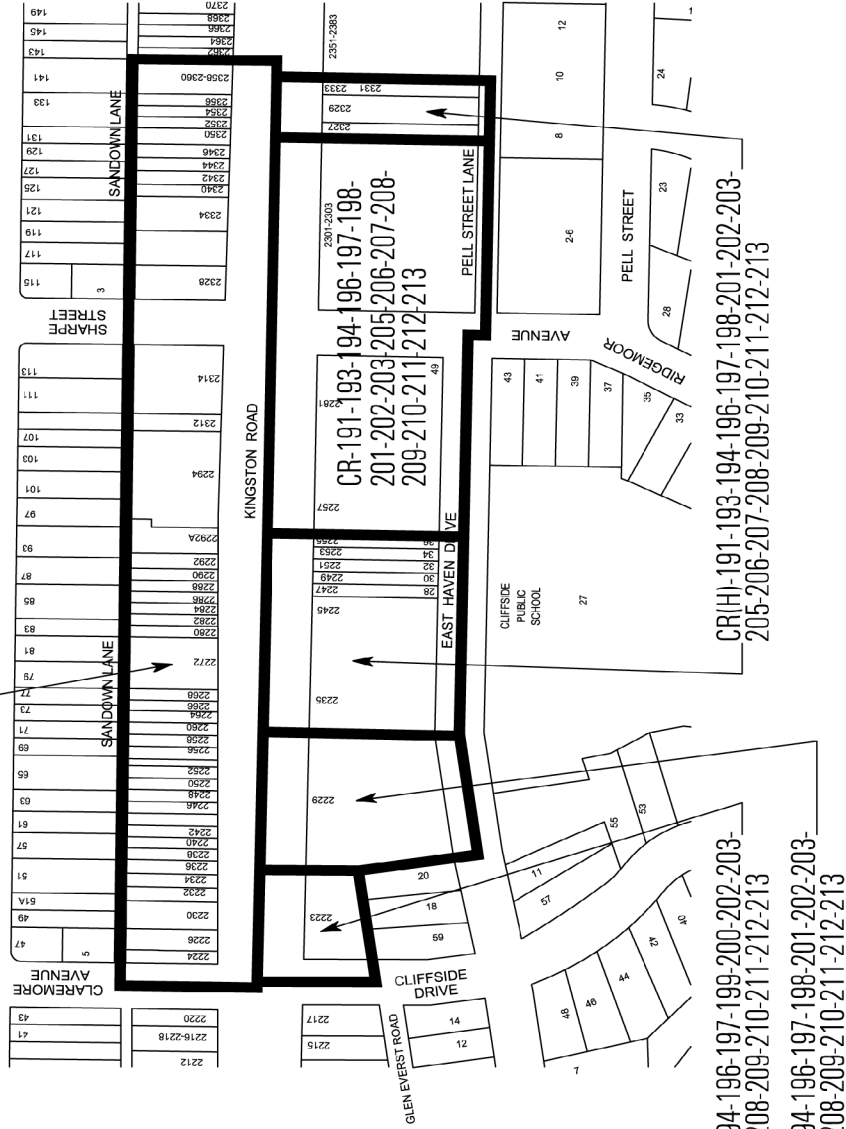
Schedule '1'

Lot 28



Schedule '2'
 Lot 28

CR-192-193-194-195-197-199-200-202-203-205-
 206-207-208-209-210-211-212-213

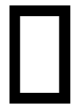


Con. "B"

CR-191-193-194-196-197-199-200-202-203-
 205-206-207-208-209-210-211-212-213
 CR-191-193-194-196-197-198-201-202-203-
 205-206-207-208-209-210-211-212-213

Toronto City Planning Division
Zoning By-Law Amendment

Kingston Road Avenue Study - Cliffside Community



Area Affected By This By-Law

Cliffside Community By-law
 Not to Scale
 10/21/09



Schedule '3'

Lot 27

CR-192-193-194-195-197-199-200-202-203-205-206-207-208-209-210-211-212-213



Con. "B"

CR-191-193-194-196-197-198-201-202-203-205-206-207-208-209-210-211-212-213



Zoning By-Law Amendment

Kingston Road Avenue Study - Cliffside Community



Area Affected By This By-Law

Cliffside Community By-law
Not to Scale
10/9/09



Schedule '4'

Lot 26



Con. "B"



Kingston Road Avenue Study - Cliffside Community

Zoning By-Law Amendment

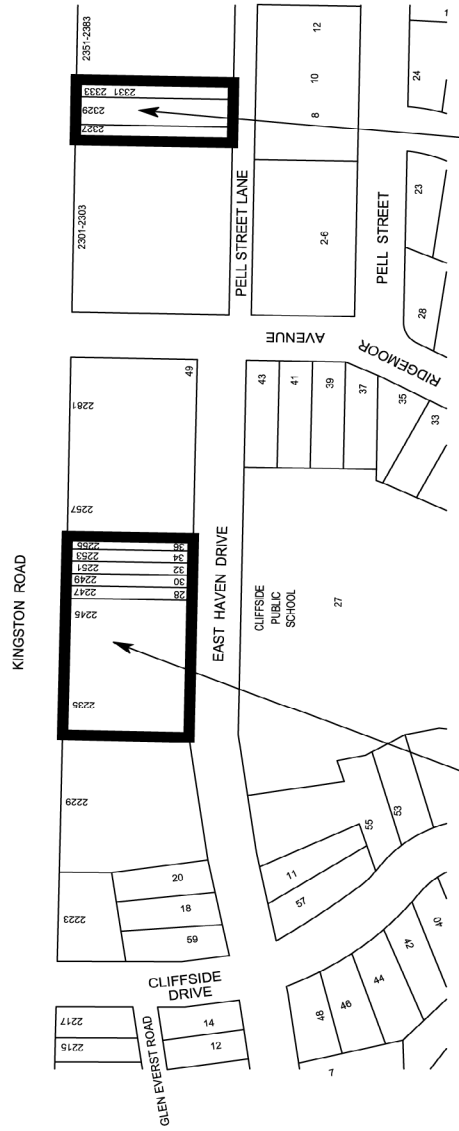
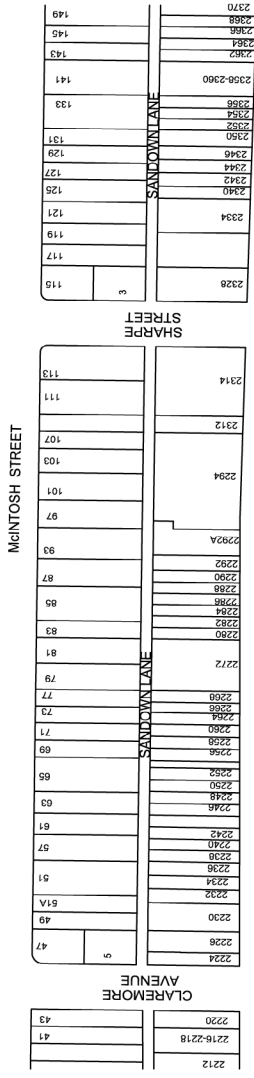


Area Affected By This By-Law

Cliffside Community By-law
 Not to Scale
 9/30/09



Schedule '5'
Lot 28



Con. "B"

Exception No. 10

Exception No. 28

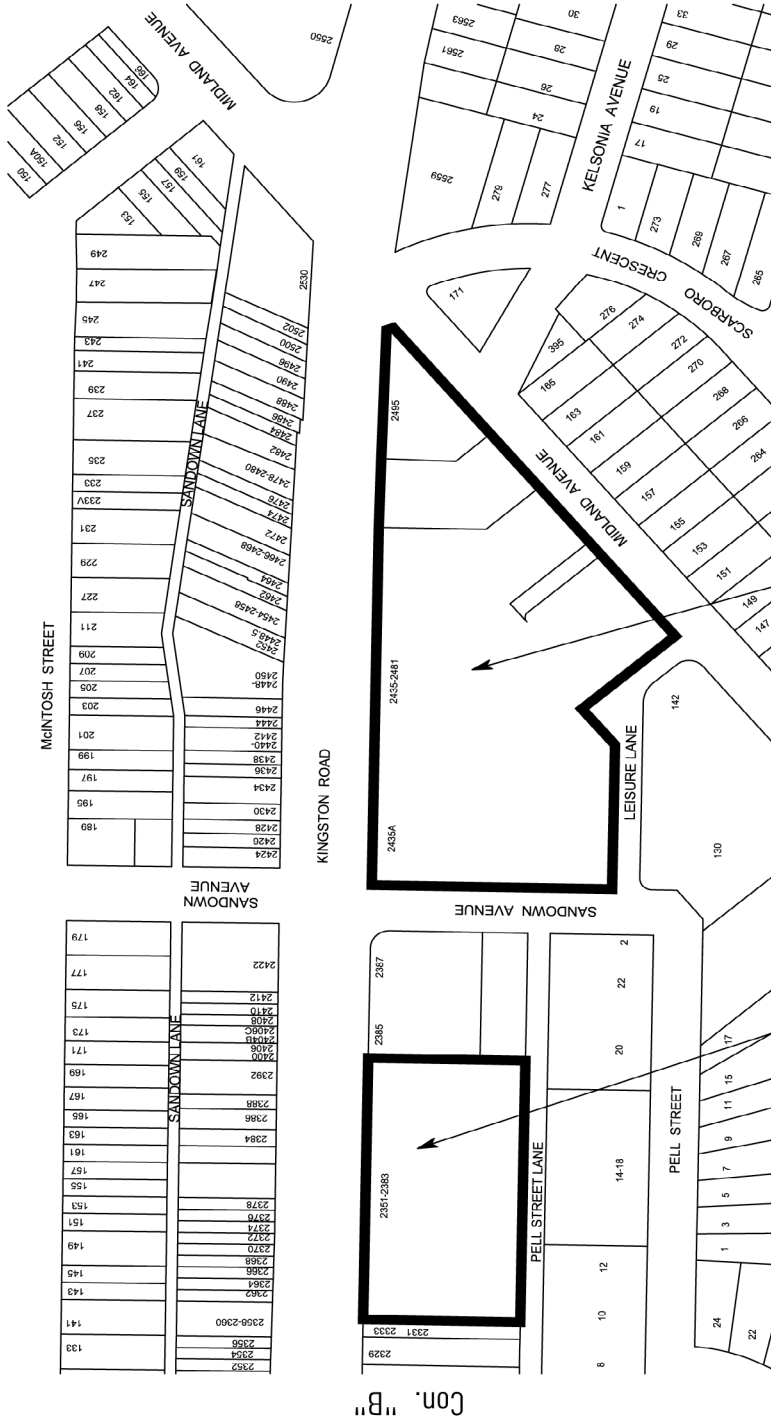
Toronto City Planning Division
Zoning By-Law Amendment -
Kingston Road Avenue Study - Cliffside Community

Area Affected By This By-Law

Cliffside Community By-law
Not to Scale
9/30/09

Schedule '6'

Lot 27



Exception No. 14

Exception No. 28



City Planning
Division

**Zoning By-Law Amendment -
Kingston Road Avenue Study - Cliffside Community**



Area Affected By This By-Law

Cliffside Community By-law
Not to Scale
10/9/09

