

Authority: Scarborough Community Council Item 31.21,
as adopted by City of Toronto Council on January 26 and 27, 2010
Enacted by Council: February 23, 2010

CITY OF TORONTO

BY-LAW No. 222-2010

To amend the former City of Scarborough Birchcliff Community Zoning By-law No. 8786, as amended, with respect to lands on the north and south sides of Kingston Road from Victoria Park Avenue to Birchmount Road, 211 Victoria Park Avenue and 198 Blantyre Avenue, as outlined on Schedules '1' to '5'.

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 authority is given to Council by Section 37 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 words Commercial-Residential (CR) after the words “Highway Commercial (HC) as follows:

<u>Zone</u>	<u>Letter</u>
Commercial-Residential	CR

2. **CLAUSE V – INTERPRETATION (f) Definitions** is amended by adding the following definitions:

Bicycle Parking Space

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

Dwelling Unit or Dwelling

means a separate set of living quarters designed or intended for use or used by an individual or by one **family** only and shall include:

1. at least one room; and
2. a separate kitchen; and
3. sanitary conveniences; and
4. shall have a private entrance from outside the building or from a common hallway or staircase.

In addition, it may include a **second suite** where there is no addition to nor substantial alteration to the exterior appearance of the front or side of the **dwelling unit** facing a street as a result of the introduction of the **second suite**, such as but not limited to, a new private entrance for the **second suite** in any **main walls** facing a street yard.

Established Grade

means the average elevation of the two points where the required minimum front yard setback line meets the side lot lines.

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 6, **Games Arcades and Games Machines Incidental to Commercial Operations** is amended by:
 - (a) adding "Commercial-Residential (CR)", to subsection (iii) after the words "Community Commercial (CC)".
4. **CLAUSE VI – PROVISIONS FOR ALL ZONES** – Sub-Clause 10, **Non-Accessory Signs**, subsection 10.3 is amended by adding the words, "Commercial-Residential" and the symbol "CR" after the words "Highway Commercial (HC)".
5. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-Clause 11, **Underground Structures In "NC", "CC" and "HC" Zones** is amended by:
 - (a) adding the symbol "CR" after the symbol "CC"; and

- (b) adding the following words to the end of the sentence:

", except that setbacks that apply to the "Commercial-Residential (CR)" Zone shall not apply to underground structures." so that the revised Sub-Clause would read as follows:

"Underground Structures In "NC", "CC", "CR" and "HC" Zones

11.1 Underground structures in "NC", "CC", "CR" and "HC" Zones shall be setback from streets in accordance with the main wall building setbacks applying within such Zones.

11.2 Setbacks that apply to the "Commercial-Residential (CR) Zone" shall not apply to underground structures."

6. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-Clause 12, **Lands Not Covered by Buildings** is amended by adding 12.2 to the first paragraph and adding the following new paragraph to this Sub-Clause:

12.2 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 non-residential use in the "CR" Zone shall not be considered **landscaping** and shall be permitted.

7. **CLAUSE VI – PROVISIONS FOR ALL ZONES** is amended by adding a new sub-clause 19, **Use of Basements** as follows:

19. Use of Basements

In areas designated in Schedule "A" as "CR", the **basement** shall be used only for storage purposes for the occupants of the building.

8. **Clause VIII – Zone Provisions** is amended by adding the following:

16. **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 Home

(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 and/or Automatic Car Washes
- **Single-Family Dwellings**
- **Two-Family Dwellings**
- **Multiple-Family Dwellings**
- Duplexes

9. **SCHEDULE "A"** is amended by deleting the zoning for the lands outlined on Schedules "1" to '3' and adding the following zoning to the outlined lands on Schedules '1' to '3' as shown thereon:

CR-203-204-205-283-288-293-294-295-296-297-298-300-301-303

CR-203-204-205-283-285-286-287-290-294-295-296-297-298-299-300-301-303

CR-203-204-205-285-286-287-290-294-295-296-297-298-299-300-301-303

CR-203-204-205-283-287-288-291-294-295-296-297-298-299-300-301-303

CR-203-204-205-283-287-291-294-295-296-297-298-299-300-301-303

CR-203-204-205-283-288-293-294-295-296-297-298-300-301-302-303

CR-203-204-205-283-285-286-287-290-294-295-296-297-298-299-300-301-303

CR-203-204-205-284-287-289-290-291-292-293-294-295-296-297-298-299-300-301-303

T-6-27-41-47-67

CR-203-204-205-284-287-290-293-294-295-296-297-298-300-301-303

CR-203-204-205-283-287-290-294-295-296-297-298-299-300-301-303

CR-203-204-205-284-287-290-293-294-295-296-297-298-300-301-303

CR-203-204-205-283-284-287-288-294-295-296-297-298-299-300-301-303

10. **SCHEDULE "B", PERFORMANCE STANDARD CHART**, is amended by adding the following Performance Standards:

Kingston Road Revitalization Study (Birch Cliff Community)

283. Minimum of two **storeys** and a maximum of 4 **storeys** not exceeding an overall **height** of 14 m, excluding **basements** and rooftop mechanical penthouses.

Maximum **Gross Floor Area** 2.5 times the area of the lot or parcel.

284. Minimum of two **storeys** and a maximum of 6 **storeys** not exceeding an overall **height** of 20 m, excluding **basements** and rooftop mechanical penthouses.

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

285. Minimum of two **storeys** and a maximum of 6 **storeys** not exceeding an overall **height** of 20 m, excluding **basements** and rooftop mechanical penthouses.

This maximum height may be increased up to 8 storeys, not exceeding an overall height of 27 m, provided that the owner has secured one or more of the Section 37 benefits described in Performance Standard 286, in exchange for the additional height and density, by entering 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.

286. 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 6 storeys, not exceeding an overall height of 20 m, 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:

- Public art;
- Non-profit arts, cultural, community or institutional facilities;
- 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;
- Streetscape improvements not abutting the site;
- Non-profit child care facilities, including start-up funding; and
- Municipally owned parking lots.

287. The **main wall** of the first two storeys of building(s) fronting or 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 30 m and 60% for lots having frontage or flankage of 30 m or less.
288. Minimum building setback of 0 m from the lot line along Kingston Road line for all uses permitted in the "**CR**" Zone, with the exception of **dwelling units** on the first floor.
289. Minimum building setback of 1.5 m from the lot line along Kingston Road for all uses permitted in the "**CR**" Zone, with the exception of **dwelling units** on the first floor.
290. Minimum building setback of 3 m from the lot line along Kingston Road for all uses permitted in the "**CR**" Zone, with the exception of **dwelling units** on the first floor.
291. Minimum building setback of 1.5 m from the street lot line for all uses permitted in the "**CR**" Zone, with the exception of **dwelling units** on the first floor.
292. Minimum building setback of 3 m from the lot line along Kingston Road for **dwelling units** on the **first floor** of a building abutting Kingston Road.
293. Buildings shall not exceed a **45-degree angular plane** from the lot line of abutting **Single-Family Residential (S), Two-Family Residential (T) and Multiple-Family (M)** Zones.
294. Minimum 7.5 m building setback from the rear lot line abutting **Single-Family Residential (S), Two-Family Residential (T) and Multiple-Family (M)** Zones.
295. Balconies and unenclosed porches shall not project into the Kingston Road **street yard**.
296. For that portion of a building above four storeys or 14 m in height, buildings shall be stepped back a minimum of 1.5 m from the front main wall along Kingston Road.
297. For that portion of a building above six storeys or 20 m in height, excluding the parking garage level, buildings shall be stepped back a minimum of 5.5 m from the side lot line.
298. A minimum 1.5 m strip of land immediately abutting **Single-Family Residential (S), Two-Family Residential (T), Multiple-Family (M)** Zones shall be used for soft landscaping purposes only.
299. Mechanical penthouses shall be stepped back 6 m 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 5 m in height.

300. Minimum floor to ceiling height of the **first floor** shall be 4.5 metres for buildings or structures. This provision shall not apply to buildings containing **townhouse** units on the **first floor**.
301. 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 2 m ² of amenity space for each dwelling unit .
Amenity space located outdoors:	Minimum of 2 m ² of amenity space for each dwelling unit of which at least 40 m ² is to be provided in a location adjoining or directly accessible from the indoor amenity space .

302. Only **dwelling units** are permitted.
303. Balconies and unenclosed porches shall be recessed 1.5 m from the main wall of the building.

PARKING

203. Retail, Service, Office, **Restaurant**, Recreational, and Places of Entertainment up to, and including, 1000 m² of the gross floor area, on one land parcel, shall be subject to a minimum parking requirement of 1 parking space per 100 m² **gross floor area**.

If the **gross floor area** of these uses exceeds 1000 m², the reduced parking requirement shall apply to the 1000 m² of **gross floor area** of these uses having the lowest requirement in the Table of Required Parking Rates.

204. A vehicle shall not be parked or stored within the Kingston Road **street yard** and individual vehicular access to **street townhouse dwellings** from Kingston Road shall not be permitted.
205. Bicycle parking spaces shall be provided at the rate of 0.5 bicycles per **dwelling unit**, of which 80% is for occupant use, and 20% is for visitor use. Bicycle parking spaces shall not be provided within a **dwelling unit** or on a balcony associated therewith, and shall be provided as follows:
- (1) where the bicycles are to be parked in a horizontal position, the space shall have horizontal dimensions of at least 0.6 m by 1.8 m per bicycle and a vertical dimension of at least 1.9 m;

- (2) where the bicycles are to be parked in a vertical position, the space shall have horizontal dimensions of at least 0.6 m by 1.2 m per bicycle and a vertical dimension of at least 1.9 m;
 - (3) resident bicycle parking spaces shall be located in a secured room or area; and
 - (4) visitor bicycle parking spaces shall be located outside on the ground floor or first underground parking level in a publicly accessible area.
206. Parking requirements do not apply for outdoor patio areas of less than or equal to 50 m².
- 11. SCHEDULE "C", EXCEPTIONS MAP**, is amended by adding Exception No. 38 to the lands outlined on Schedules '4' and '5.'
- 12. SCHEDULE "C", EXCEPTIONS LIST**, is amended by adding Exception No. 38 as follows:
- 38. On those lands identified as Exception No. 42 on the accompanying Schedule "C" map, the following provisions shall apply:
 - 1. Permitted Uses

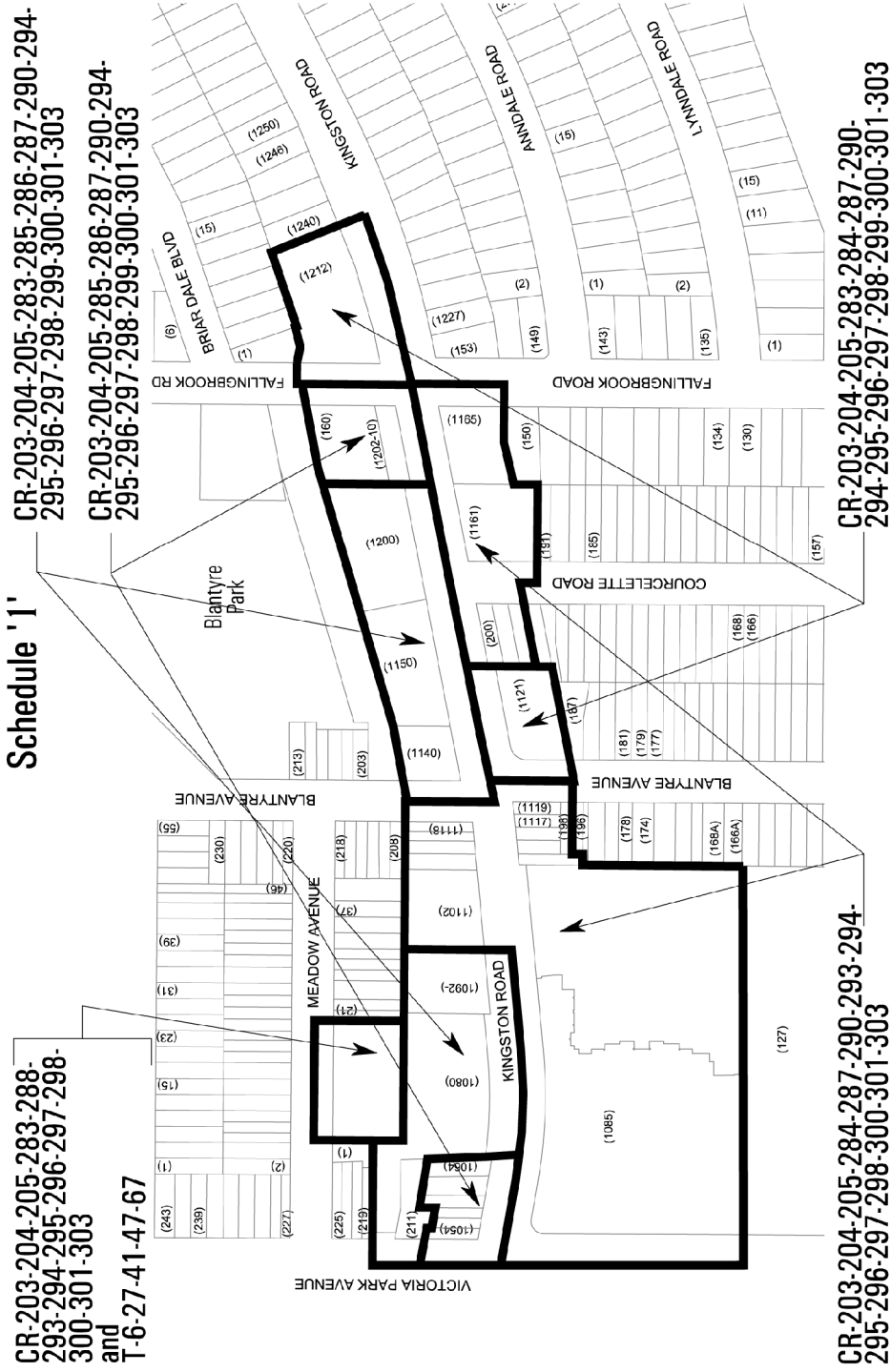
Dwelling Units, Retirement Homes, Nursing Homes and Private Home Day Care shall only be permitted on or above the second storey of buildings (excluding the parking structure level).
 - 2. Prohibited Uses:
 - **Street Townhouse Dwellings**
- 13. SCHEDULE "C", EXCEPTIONS MAP and SCHEDULE "C", EXCEPTIONS LIST**, is amended by deleting Exception Numbers 23, 26, 30, 31, 32 and 35.

ENACTED AND PASSED this 23rd day of February, A.D. 2010.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)



Zoning By-Law Amendment

 Area Affected By This By-Law

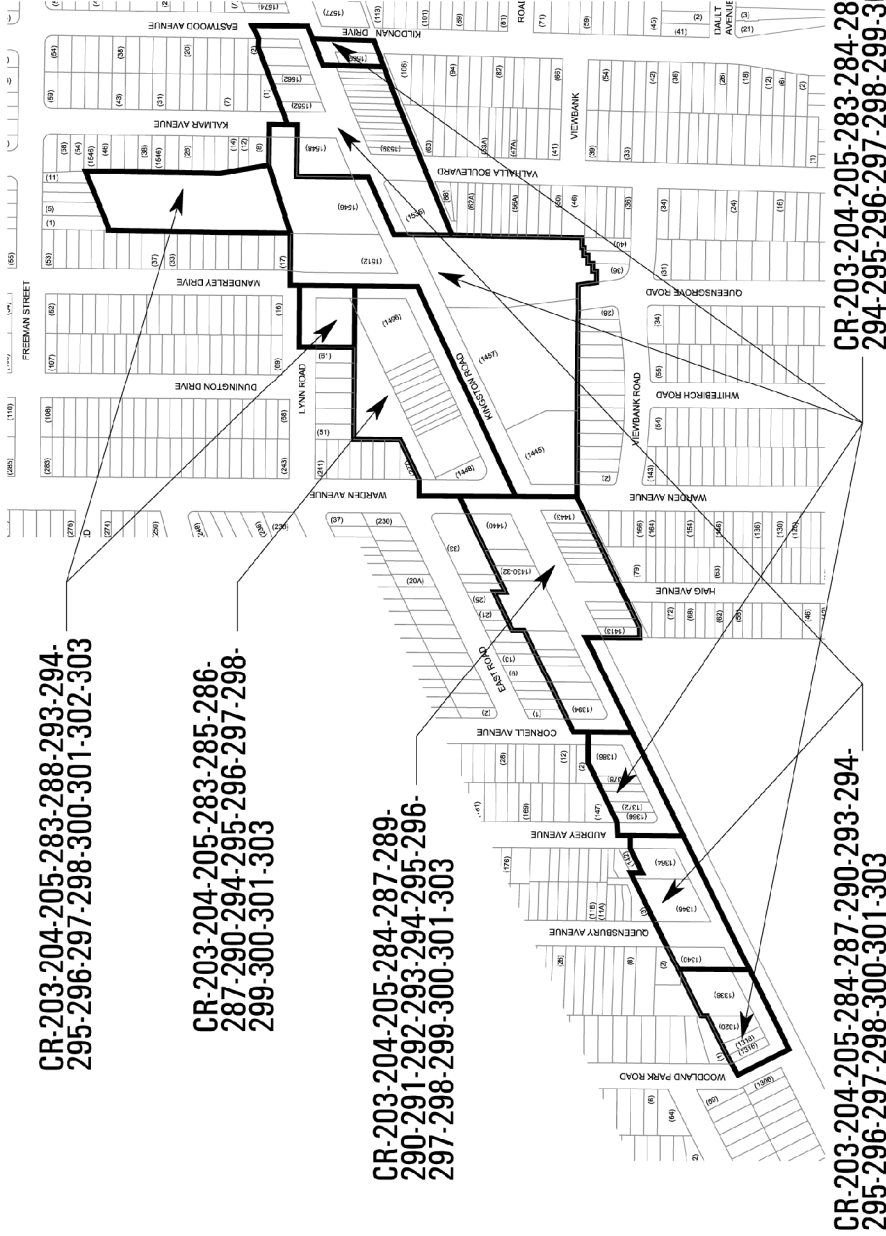
Kingston Road Revitalization Area - Birchcliff Community

File # 05-106102 TM

Birchcliff Community By-law
Not to Scale
2/22/10



Schedule '2'



CR-203-204-205-283-288-293-294-
 295-296-297-298-300-301-302-303

CR-203-204-205-283-285-286-
 287-290-294-295-296-297-298-
 299-300-301-303

CR-203-204-205-284-287-289-
 290-291-292-293-294-295-296-
 297-298-299-300-301-303

CR-203-204-205-284-287-290-293-294-
 295-296-297-298-300-301-303

CR-203-204-205-283-284-287-288-
 294-295-296-297-298-299-300-301-303



City Planning
 Division

Zoning By-Law Amendment

Kingston Road Revitalization Study - Birchcliff Community

File # 05-106102 TM

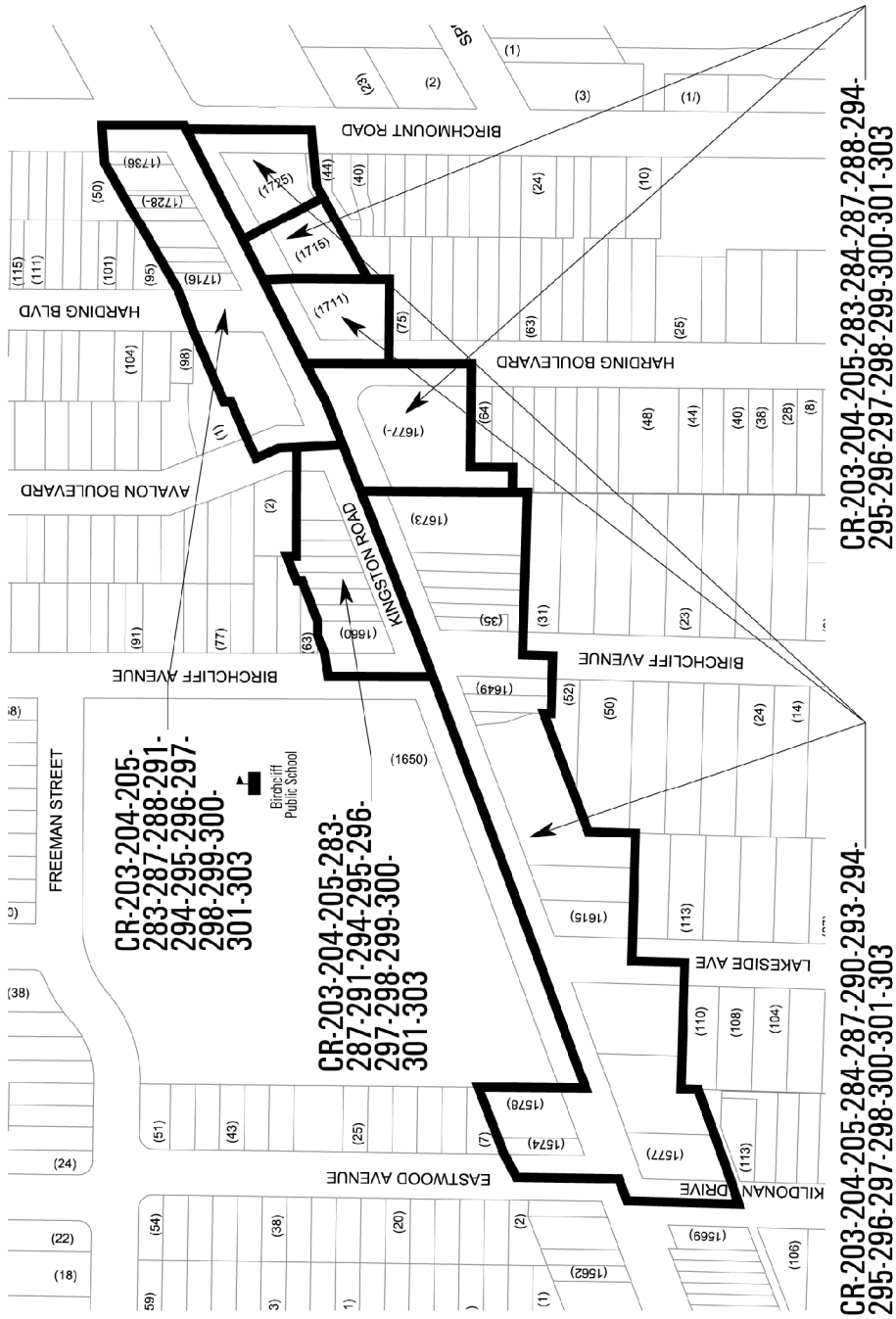


Area Affected By This By-Law

Birchcliff Community By-law
 Not to Scale
 2/22/10



Schedule '3'



Toronto City Planning Division
Zoning By-Law Amendment

Kingston Road Revitalization Study - Birchcliff Community
 File # 05-106102 TM

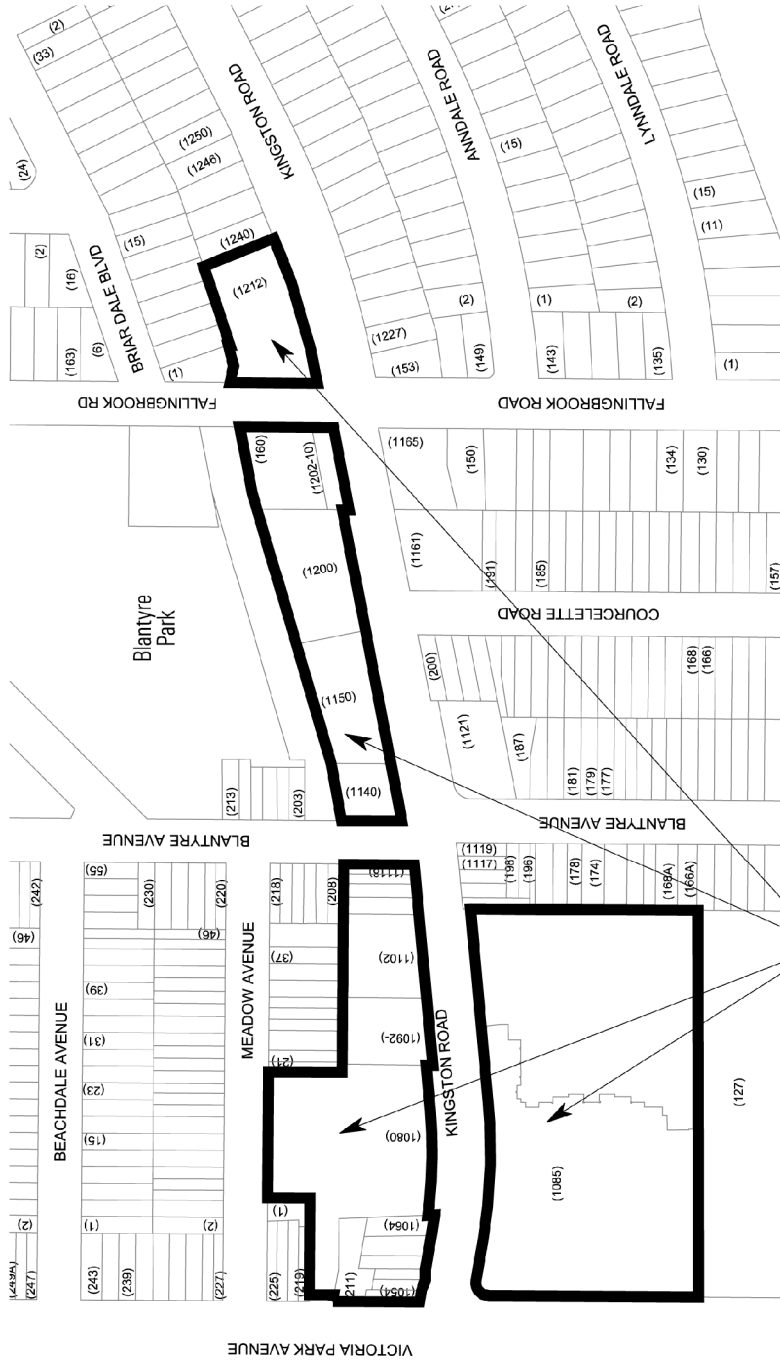
Area Affected By This By-Law



Birchcliff Community By-law
 Not to Scale
 2/22/10



Schedule '4'



Exception No. 38



City Planning
Division

Zoning By-Law Amendment

Kingston Road Revitalization Area - Birchcliff Community

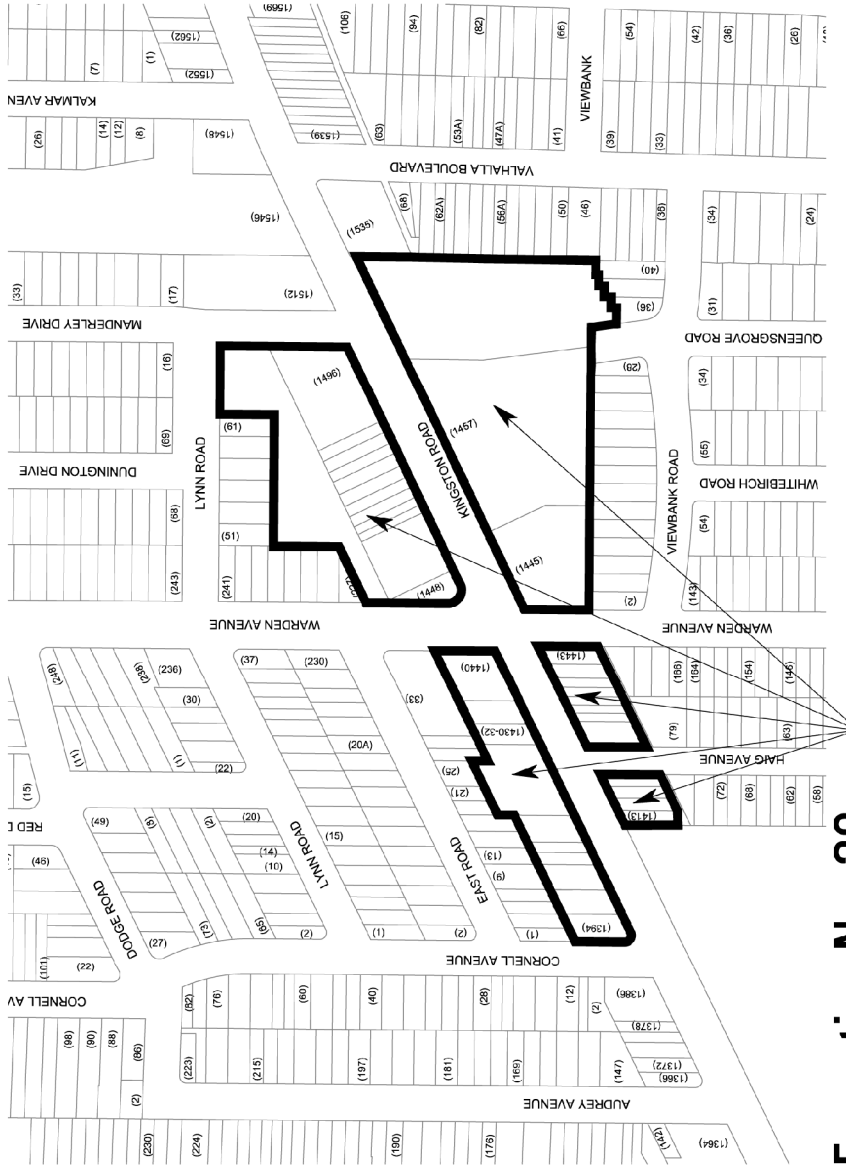


Area Affected By This By-Law

Birchcliff Community By-law
Not to Scale
2/18/10



Schedule '5'



Exception No. 38



Zoning By-Law Amendment

Kingston Road Revitalization Area - Birchcliff Community



Area Affected By This By-Law

Birchcliff Community By-law
 Not to Scale
 2/18/10

