



**STAFF REPORT  
ACTION REQUIRED**

**Various Properties – City-initiated Technical  
Amendments to Various Community Zoning By-laws –  
Final Report**

<b>Date:</b>	December 16, 2009
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Wards 35 & 36 – Scarborough Southwest Ward 40 – Scarborough – Agincourt Ward 41 – Scarborough – Rouge River Ward 42 – Scarborough – Rouge River
<b>Reference Number:</b>	09 188714 EPS 00 TM

**SUMMARY**

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This City-initiated zoning amendment is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report reviews and recommends approval of amendments to various community zoning by-laws to clarify and better implement the approved intentions of Council and to rectify minor technical errors in the by-laws.

**RECOMMENDATIONS**

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**The City Planning Division recommends that:**

1. City Council amend the zoning by-laws for the affected communities and districts substantially in accordance with the draft zoning by-law amendment attached as Attachment 1.
2. City Council authorize the City Solicitor to make stylistic and technical changes to the draft zoning by-law amendment as may be required.

**Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

Scarborough District Community Planning undertakes a continuous program to identify and correct errors in the drafting of zoning by-law amendments. Such technical amendments are typically required as a result of incorrect numbering of various clauses or standards within the by-law. These amendments are required to clarify and better implement the intentions of Council. These technical amendments will neither diminish nor increase development rights.

This report corrects 7 drafting errors in various community by-laws.

### **Community Consultation**

As the amendments proposed do not materially alter the development rights for the affected lands, and as the amendments rectify minor technical errors made in implementing Council's direction, additional community consultation was not undertaken.

## **COMMENTS**

It is important to identify and correct technical errors for several reasons. First, the City of Toronto is responsible to the residents of the City to maintain correct documentation to guide development. Second, these technical errors may cause hardship for certain land owners. Finally, the City is moving towards a consolidation of zoning across the City and correction of these technical errors will assist that effort.

Notice of these amendments was published in the Toronto Star on Friday December 18, 2009 in accordance with the Planning Act.

Attachment 1 to this report is a draft zoning by-law amendment. The specific corrections proposed in Attachment 1 are as follows:

1. By-law No. 842-2004 – Midland / St. Clair Community – Ward 36

This by-law implements the Evergreen Subdivision on lands rezoned in September 2004. There are several technical amendments required for this by-law.

The zoning map Schedule 'A' of the by-law was created prior to the final configuration of lots. As a result, a line on Schedule 'A' separating areas of different zoning cuts through a number of properties instead of along the lot lines as originally intended. This resulted in the incorrect zoning of multiple properties. The proposed by-law correction will amend the zoning map schedule 'A' to apply the correct zoning to each property and allow the proposed structures as originally intended under By-law 842-2004.

The other corrections required in By-law 842-2004 relate to Performance Standards 1, 2, 7 and 8. Performance Standard 1 in the intensity of use provisions permits “one townhouse dwelling per parcel having a minimum front lot line of 6.7 metres and a minimum area of 200 square metres”. Performance Standard 2 permits “One townhouse dwelling per parcel having a minimum front lot line of 6.0 metres and a minimum area of 180 square metres”.

A “townhouse dwelling” by definition contains three or more dwelling units. The performance standards should also refer to “townhouse dwelling units”, which refer to the dwelling units themselves, to enable the blocks in the subdivision to be divided and sold as individual units. The proposed by-law correction will allow the lots to be created for each townhouse unit as originally intended under By-law 842-2004.

Performance Standard 7 permits “one semi-detached dwelling per parcel having a minimum front lot line of 15.0 metres and a minimum area of 450 square metres and each dwelling unit shall have a minimum front lot line of 7.7 metres and a minimum parcel area of 225 square metres”. The unintended consequence of this wording is that it permits only one structure on a large block of land instead of multiple dwellings to be constructed prior to the creation of individual lots. The proposed by-law correction will allow for the construction of more than one semi-detached dwelling per block as originally intended under by-law 842-2004.

Performance Standard 8 permits “one townhouse dwelling unit per parcel of land having a minimum front lot line of 4.5 metres or a minimum parcel width of 4.5 metres and a minimum area of 112 square metres”. The unintended result of this wording is that the only permitted structure on large blocks of land created through the plan of subdivision is a single townhouse unit and not a townhouse dwelling containing multiple units. The proposed by-law correction will allow both townhouse dwellings and townhouse dwelling units to be created as originally intended under By-law 842-2004.

2. 28 Orchid Place Drive – Malvern Community –Ward 42

This property was rezoned in February of 2007 (By-law 77-2007) to amend the permitted land use and development standards on the site. The by-law created Performance Standard 557 (ii) which limits the maximum gross floor area of any individual office unit to 372 square metres or 3,000 square feet. This conversion from metric to imperial is incorrect as 372 square meters is approximately 4,000 square feet. The proposed by-law correction will delete the conversion to imperial measurement to eliminate this error and make this performance standard consistent with the current format of zoning by-laws.

3. Properties east of Birchmount Road and north of Ellesmere Road – Dorset Park Community – Ward 40

These properties were rezoned in 1997 to amend the permitted land use and development standards for the site. The by-law created Performance Standard No. 205 to apply to the lands that are now 51-109 Carrera Boulevard and 33 Florina Boulevard. This

performance standard requires that a minimum of two enclosed parking spaces are provided for each dwelling unit. This provision is incorrectly identified as Performance Standard 203 on Schedule 1 of this by-law. The proposed by-law correction will replace Performance Standard 203 with Performance Standard 205 in Schedule 1 so that the text and Schedule 1 of By-law 25288 are consistent as originally intended.

4. 26-50 Glacier Crescent – Morningside Heights Community – Ward 42

This property was rezoned in July 2007 (By-law 811-2007) to remove a holding symbol. The by-law created a performance standard that prohibits buildings or structures from being erected unless services are provided, public roads have been constructed and water mains and sanitary sewers have been installed and are operational. This performance standard was not assigned a number. The proposed by-law correction will assign Performance Standard 60 to 26-50 Glacier Crescent to apply the same zoning provisions as originally intended under By-law 811-2007.

5. 160 Nashdene Road – Tapscott Employment District – Ward 41

This property was rezoned in January, 2009 (By-law 202-2009) to amend the permitted land use and development standards for the site. The by-law created Performance Standards 1441, 1442 and 1443 to regulate parking. These performance standards already existed in the by-law. The proposed by-law correction will create Performance Standards 1446, 1447 and 1448 to apply the same parking provisions as originally intended under By-law 202-2009.

6. 544 Birchmount Road – Birchmount Park Community – Ward 35

This property was rezoned in February 2009 (By-law 227-2009) to amend the permitted land use and development standards for the site. The by-law created a performance standard that prohibits buildings or structures from being erected unless services are provided, public roads have been constructed and water mains and sanitary sewers have been installed and are operational. This performance standard was not assigned a number. The proposed by-law correction will create Performance Standard 114 to apply the same zoning provisions as originally intended under By-law 227-2009.

7. Employment Districts By-law 24982

By-law 761-2002 was created in October 2002 to amend the permitted land-use and development standards for the properties on the east side of Kennedy Road from Lawrence Avenue East to just north of Progress Avenue. The by-law removed Exception 502 (a) from the properties. Exception 502 a) states “The entire building may be used for the Retail Sale and Warehousing of Furniture”. However, instead of removing this exception from only the properties identified in the by-law, the exception was removed from the entire Employment Districts Zoning By-law. The proposed by-law correction will re-establish Exception 502 in Schedule “C” of the Employment Districts Zoning By-law 24982.

## **Conclusions**

Adoption of the proposed zoning by-law amendments is appropriate in order to rectify the minor technical errors and by-law clarifications identified. Staff is recommending that Council endorse the zoning by-law amendments set out in Attachment 1.

## **CONTACT**

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## **SIGNATURE**

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Allen Appleby, Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

Attachment 1: Draft Zoning By-law Amendment  
Attachment 2: Location Maps

## Attachment 1: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~]  
as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

### CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the City of Zoning By-law Number 842-2004, the Midland/St. Clair Community Zoning By-law; By-law Number 14402, the Malvern Community Zoning By-law; By-law Number 9508, the Dorset Park Community Zoning By-law; Zoning By-law Number 24982, the Scarborough Employment Districts Zoning By-law, the Morningside Heights Zoning By-law as approved by the Ontario Municipal Board on June 17, 2002, as amended; Zoning By-law Number 9174, the Birchmount Park Community Zoning By-law; Zoning By-law Number 24982, the Scarborough Employment Districts, the Tapscott Employment District.**

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. The Midland St. Clair Community Zoning By-law No. 842-2004, is amended as follows:
  1. **SCHEDULE ‘A’** is amended by adjusting the boundary lines between areas with different zoning as shown for the lands outlined on the attached Schedule ‘1’.
  - 1.2 **PERFORMANCE STANDARD CHART – SCHEDULE ‘B’**, Performance Standard Nos 1, 2, 7 and 8 are amended by deleting the text and replacing it with the following:

### **INTENSITY OF USE**

1. Minimum of one **townhouse dwelling** per parcel having a minimum frontage on a public street of 6.7 metres per dwelling unit and a minimum area of 200 m<sup>2</sup> per dwelling unit.

2. Minimum of one **townhouse dwelling** per parcel having a minimum frontage on a public street of 6.0 metres per dwelling unit and a minimum area of 180 m<sup>2</sup> per dwelling unit.
7. Minimum of one **semi-detached dwelling** per lot having a minimum frontage of 15.0 metres on a public street and a minimum area of 450 m<sup>2</sup> and each dwelling unit shall have a minimum street line of 7.5 metres and a minimum parcel area of 225 m<sup>2</sup>.
8. Minimum of one **townhouse dwelling** per parcel having a minimum frontage on a public street of 4.5 metres per dwelling unit or a minimum parcel width of 4.5 metres per dwelling unit and a minimum area of 112 m<sup>2</sup> per dwelling unit.

2. The Malvern Community Zoning By-law 14402, is amended as follows:

- 2.1 **PERFORMANCE STANDARD CHART – SCHEDULE “B”**, Performance Standard No 557 (ii) is amended by deleting the text and replacing it with the following:

**INTENSITY OF USE**

557(ii).the maximum **gross floor area** of any individual office unit be restricted to 372 square metres.

3. The Dorset Park Community By-law 9508, is amended as follows:

- 3.1 **SCHEDULE ‘A’** is amended by deleting Performance Standard No. 203 for the lands outlined on the attached Schedule ‘2’ and replacing it with Performance Standard No. 205 so that the zoning on the lands reads as follows:

RE-133-139-152-153-205-222

4. The Morningside Heights Community Zoning By-law as approved by the Ontario Municipal Board on June 17, 2002, as amended, is amended as follows:

- 4.1 **SCHEDULE ‘A’** is amended by adding Performance Standard No. 60 for the lands outlined on the attached Schedule ‘3’ so that the zoning on the lands reads as follows:

**ST-1-20-21-22-34-50-60 or  
SD-2-20-21-23-31-34-50-60 or  
ST-6-20-21-23-234-51-60**

5. Birchmount Park Community By-law 9174, is amended as follows:

5.1 **SCHEDULE ‘A’** is amended by adding Performance Standard No. 114 for the lands outlined on the attached Schedule ‘4’ so that the zoning on the lands reads as follows:

A-30-49-50-82-105-107-108-109-110-111-112-113-114-203-204-205-302

5.2 **PERFORMANCE STANDARD CHART – SCHEDULE “B”**, is amended by adding the following performance standard:

**MISCELLANEOUS**

114. Within the lands shown on Schedule "4" attached to this By-law, 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:

- (a) 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
- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

6. Scarborough Employment District By-law 24982 (Tapscott Employment District), is amended as follows:

6.1 **SCHEDULE ‘A’** is amended by deleting Performance Standard No. 1441, 1442, and 1443 for the lands outlined on the attached Schedule ‘5’ and replacing it with Performance Standard No. 1446, 1447 and 1448 so that the zoning on the lands reads as follows:

M-6-916-985-1054-1446-1447-1448-1814-1905

6.2 **PERFORMANCE STANDARD CHART – SCHEDULE “B”**, is amended by adding the following performance standards:

1446. A minimum of 2.4 parking spaces per 100 m<sup>2</sup> of **gross floor area** for **Vehicle Sales Operation & Vehicle Service Garage**

1447. A maximum of 2 vehicles may be displayed in the Markham Road street yard and a maximum of 2 vehicles may be displayed in the Nashdene Road street yard.



1448. Notwithstanding **Clause V –General Provisions**, Sub clause 7.5 **Parking Spaces in ‘M’, ‘MG’ and ‘MS’ Zones** the parking spaces in street yards shall be restricted to a maximum of 12 parking spaces and shall only be permitted in the Nashdene Road street yard.

7. Scarborough Employment District By-law 24982, is amended as follows:

**7.1 PERFORMANCE STANDARD CHART – SCHEDULE “C”**, is amended by re-establishing the following Exception:

502 (a).The entire building may be used for the Retail Sale and Warehousing of Furniture.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

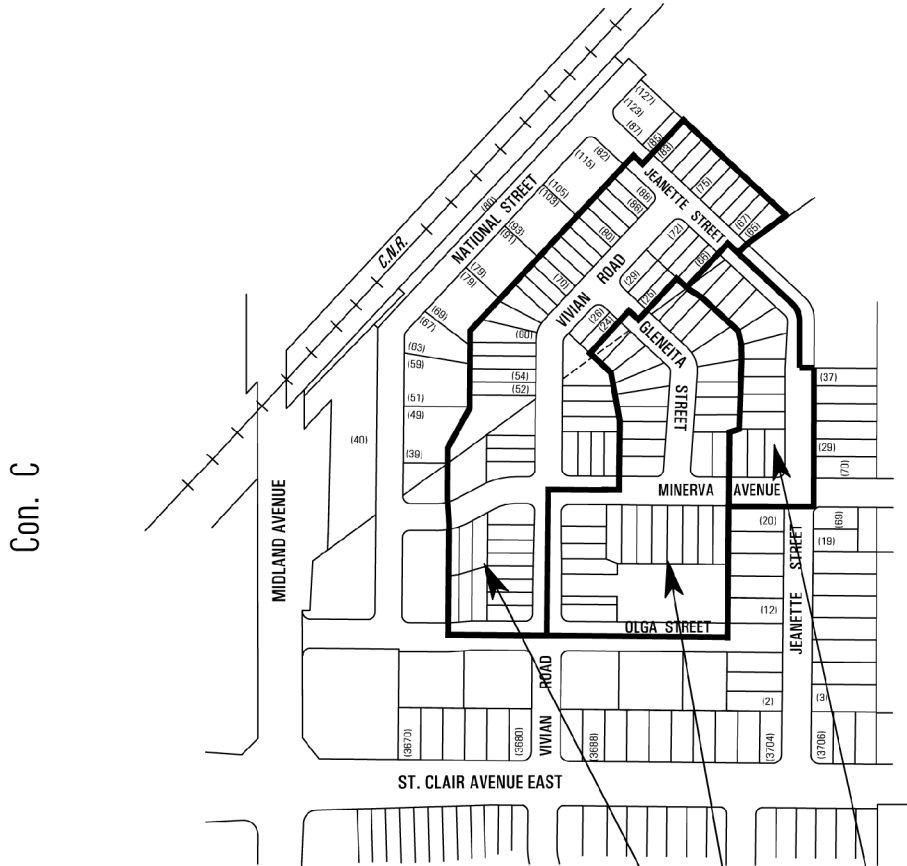
DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

# Schedule '1'

Lot 26



S-3-11-13-15-17-24-29-30-31

S-4-11-13-15-17-25-29-31

S-6-9-13-14-17-26-29-31



## Zoning By-Law Amendment

Midland Ave. / Brimley Rd. north of St. Clair Ave E

File # 09 188714 EPS 00 TM



Area Affected By This By-Law

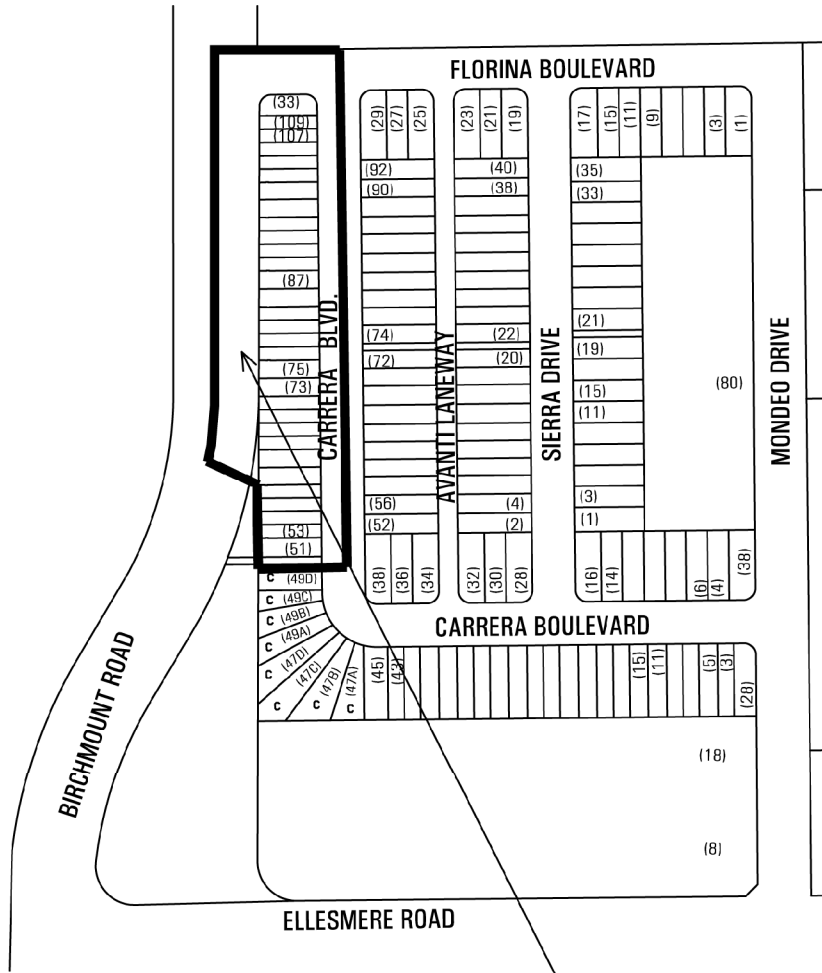
Midland St. Clair Community Bylaw  
Not to Scale  
12/10/09



# Schedule '2'

Lot 30

Con. 2



RE-133-139-152-153-205-222



Zoning By-Law Amendment

51-109 Carrera Blvd. & 33 Florina Blvd.

File # 09-188714

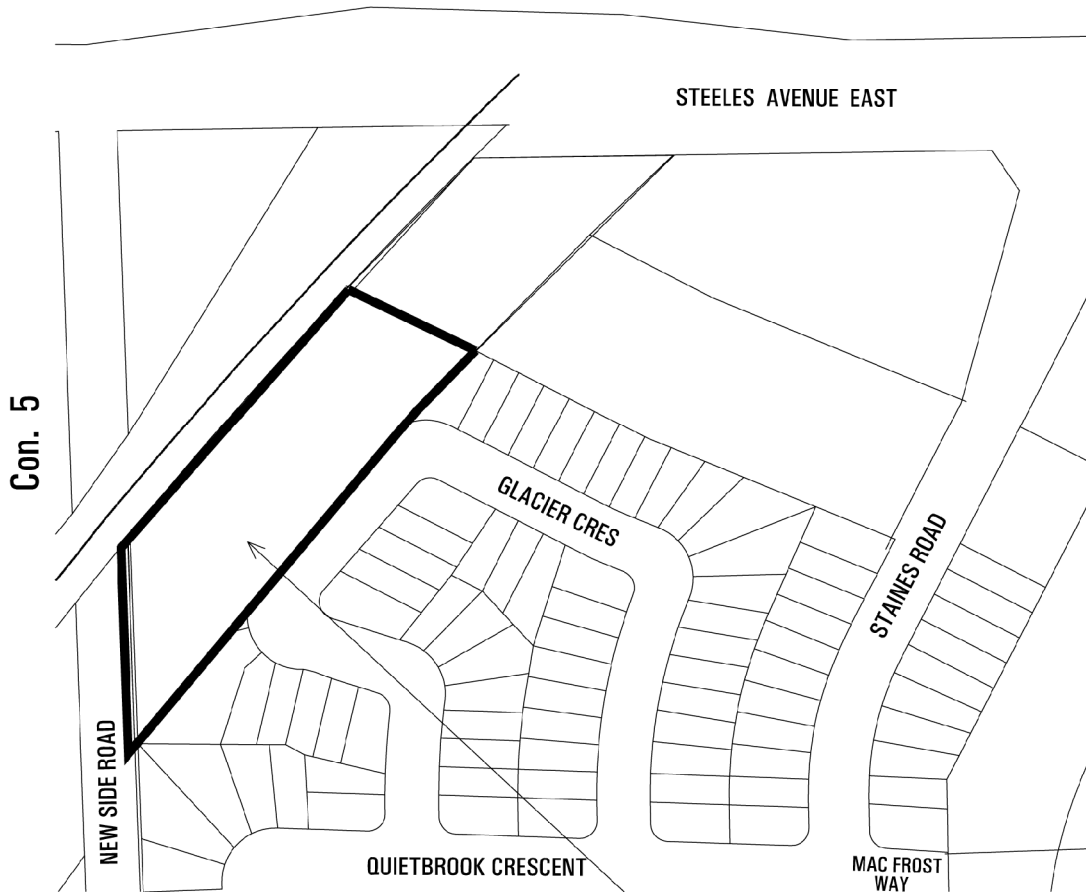


Area Affected By This By-Law

Dorset Park Community Bylaw  
Not to Scale  
12/11/09



Schedule '3'  
Lot 14



S-1-20-21-22-34-50-60 or  
SD-2-20-21-23-31-34-50-60 or  
ST-6-20-21-23-34-51-60



Zoning By-Law Amendment

26-50 Glacier Crescent  
File # 09-188714

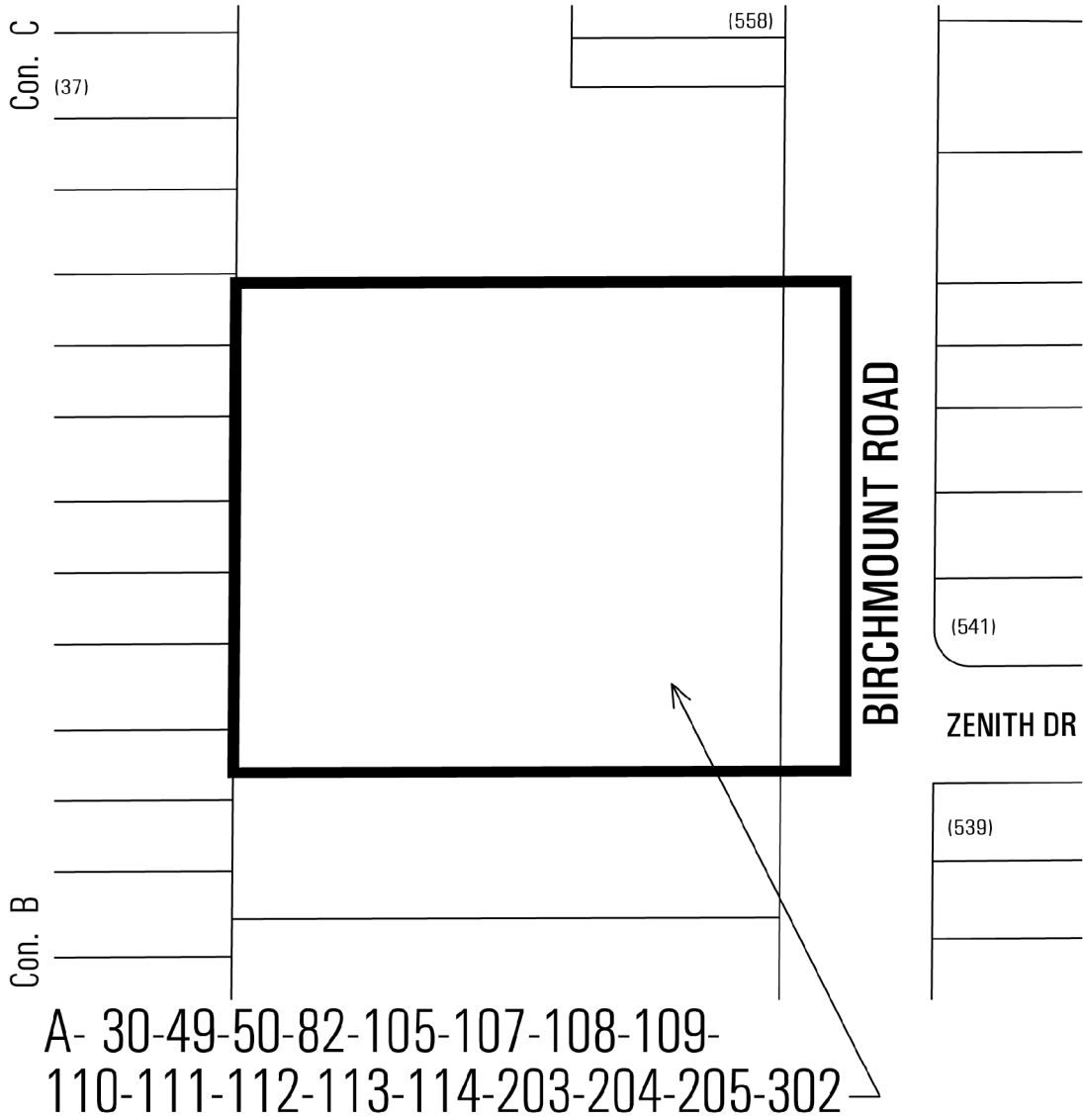
 Area Affected By This By-Law

Morningside Heights Community Bylaw  
Not to Scale  
12/11/09



Schedule '4'

Lot 31



A- 30-49-50-82-105-107-108-109-  
 110-111-112-113-114-203-204-205-302

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

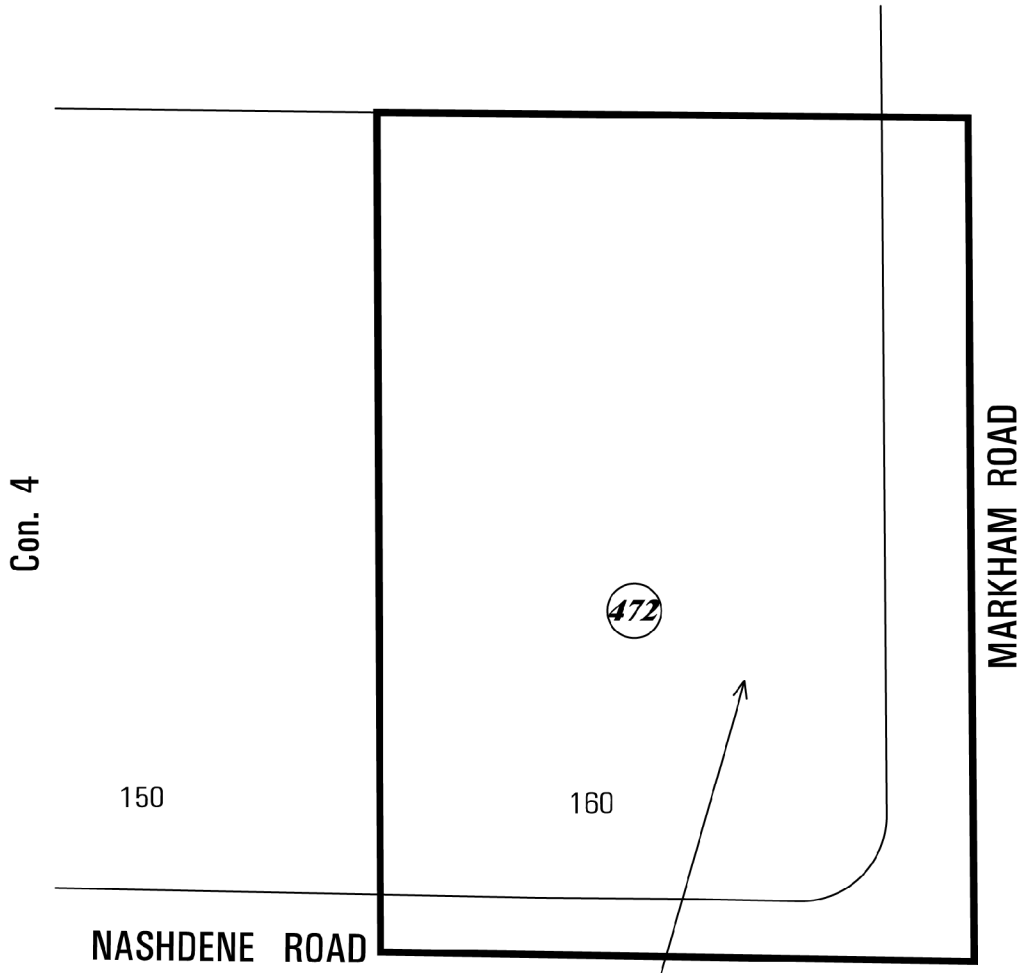
544 Birchmount Road  
 File # 09-188714

 Area Affected By This By-Law

Birchmount Park Community Bylaw  
 Not to Scale  
 12/11/09



Schedule '5'  
Lot 18



M-6-916-985-1054-1446-  
1447-1448-1814-1905

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

**160 Nashdene Road**  
File # 09-188714

 Area Affected By This By-Law

Tappscott Employment District  
Not to Scale  
12/11/09  


## Attachment 2: Location Maps

