

Authority: Scarborough Community Council Item 18.29,
as adopted by City of Toronto Council on September 24 and 25, 2008
Enacted by Council: February 25, 2009

CITY OF TORONTO

BY-LAW No. 227-2009

**To amend former City of Scarborough Birchmount Park Community Zoning By-law
No. 9174, as amended, with respect to the lands municipally known as
544 Birchmount 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” of the Birchmount Park Community Zoning By-law No. 9174 is amended by substituting new zoning on the subject lands as shown on Schedule ‘1’ attached hereto and forming part of this By-law, together with the following letters and numerals:

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

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

Bicycle parking space

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

3. **SCHEDULE “B”, PERFORMANCE STANDARD CHART**, of the Birchmount Park Community Zoning By-law No. 9174, is amended by adding the following Performance Standards:

MISCELLANEOUS

107. All suite types permitted. Minimum floor areas:

Bachelor	39 m ²
One Bedroom	40 m ²
Two Bedrooms	55 m ²
Three Bedrooms	76 m ²

108. Minimum interior amenity space to be provided: 505 m² of which a minimum of 405 m² shall be located in the northerly most building and a minimum of 100 m² in the southerly most building.

109. Minimum outdoor amenity space to be provided: 1,475 m².

110. Minimum 0.86 **parking spaces** per **dwelling unit** including 0.09 visitor **parking spaces** per unit.
111. If the property abuts a “S”, “T” and/or “M” zone, no portion of any building shall exceed a 45 degree angular plane, exempting therefrom a parkade stair enclosure which may be located within 950 mm of the west property line and have a maximum height of 2.4 metres. For the purposes of this provision, 45 degree angular plane shall mean a plane extending at right angles to a line extending 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”, and extending perpendicular to that lot line at the point of intersection. The resulting plane shall extend above the width and breadth of the lot.
112. Minimum number of **bicycle parking spaces** for occupant use: 42 spaces. **Bicycle parking spaces** shall not be provided within a **dwelling unit** or on a balcony associated thereto, and shall be provided in a secured area as follows:
- (a) where the bicycles are to be parked in a horizontal position, the space shall have horizontal dimensions of at least 0.6 metres by 1.8 metres per bicycle and a vertical dimension of at least 1.9 metres; and
 - (b) where bicycles are to be parked in a vertical position, the space shall have horizontal dimensions of at least 0.6 metres by 1.2 metres per bicycle and a vertical dimension of at least 1.9 metres.
- A bicycle rack for visitors shall be provided outdoors.
113. 1.5 metre width strip along rear and side boundaries abutting “S” and “T” zones shall be used for landscaping, except that a parkade stair enclosure with a maximum height of 2.4 metres may encroach within the required landscape strip to a maximum of 0.6 metres.

INTENSITY OF USE

203. The definition of height in Clause V(f) Definitions shall not apply. Maximum building height of 30.15 metres, being the vertical distance measured from the mean grade at the intersection of the side lot lines and the minimum front yard setback to the highest point of the building, excluding chimneys, skylights, vents, antennae, elevator machine rooms, parapet walls and mechanical penthouses.
204. One suite (individual **dwelling unit**) per 27.7 m² of lot area.
205. **Gross floor area** of all buildings, minus the **gross floor area** of all **basements**, shall not exceed 22,700 square metres.

BUILDING SETBACKS

302. Minimum **Rear Yard**:

- to a maximum height of one **storey** excluding **basements**: 18 metres.
- to a height greater than one **storey** and up to six **storeys** excluding **basements**: 25 metres.
- to a height greater than six **storeys** excluding **basements**: 28 metres.

FRONT YARD

30. Minimum **front yard setback** of 5 metres from the **main wall**. A canopy may project a maximum of 3 metres from the **main wall** into the required yard abutting a street.

SIDE YARD

49. Minimum north **side yard**: 10 metres.

50. Minimum south **side yard**: 15 metres.

4. Schedule “C” of the Birchmount Park Community Zoning By-law No. 9174, **EXCEPTIONS LIST**, is further amended by adding the following Exception No. 6:

6. On those lands identified as Exception No. 6 on the accompanying Schedule “C” map (Schedule ‘2’), the following provisions shall apply:

Pursuant to Section 37 of the *Planning Act* and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lands is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner’s sole expense:

- (1) prior to issuance of a foundation permit for the proposed additional residential building, the Owner shall provide a Construction Mitigation and Tenant Communication Plan to the satisfaction of the Director of Community Planning, Scarborough District, in consultation with the appropriate City divisions.
- (2) prior to issuance of an above grade building permit for the proposed additional residential building, the Owner shall make a cash payment in the amount of \$1,000.00 per **dwelling unit**, for a minimum of 153 units, to the City in a form satisfactory to the Chief Financial Officer and City Treasurer, for capital project improvements to local parks, including Danforth Gardens Park.

- (3) the Owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which are registered on title to the lands by the City to secure:
- (a) matters provided for in (1) above;
 - (b) matters provided for in (2) above; and
 - (c) the provision and maintenance by the Owner of the following:
 - (i) The Owner covenants and agrees to maintain the existing 123 rental units and any additional rental units constructed in the existing building as rental units for a minimum period of twenty (20) years commencing from the date an amending zoning by-law comes into effect and further covenants and agrees that it shall make no application for a demolition permit or a condominium conversion pursuant to the *Condominium Act* for the existing rental units during this period.
 - (ii) The Owner covenants and agrees to make additional improvements to the site and related facilities and provide new amenities at least as set out in the Section 37 Agreement for use by all tenants in both the existing rental housing units and the new affordable rental building to be constructed on the site, and the Owner agrees that it shall not pass through any of the costs of these improvements to the rents of the existing rental housing units arising from the cost of these improvements, which improvements shall include at least:
 - A. common indoor amenity space in the new affordable rental building of a minimum of 405 square meters, including a fitness room, play room, meeting room, and kitchen, which are to be provided, equipped and maintained, and available to the tenants of both the existing and new rental; and
 - B. common outdoor amenity space on site of a minimum of 1,475 square metres, equipped with a play lot, a play structure and play surface, a gazebo, and outdoor benches, and available to the tenants of both the existing and new rental buildings.
 - (iii) The Owner covenants and agrees to provide and maintain two common indoor amenity spaces within the existing rental building for tenant use, with a total minimum floor area of 100 square metres. The common indoor amenity

space shall be refurbished by the Owner in consultation with the tenants. The refurbishment will consist of at least new flooring, lighting and painting. No costs for providing and maintaining this space shall be passed through to the tenants of the existing building.

5. Within the lands shown on Schedule '1' 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.

ENACTED AND PASSED this 25th day of February, A.D. 2009.

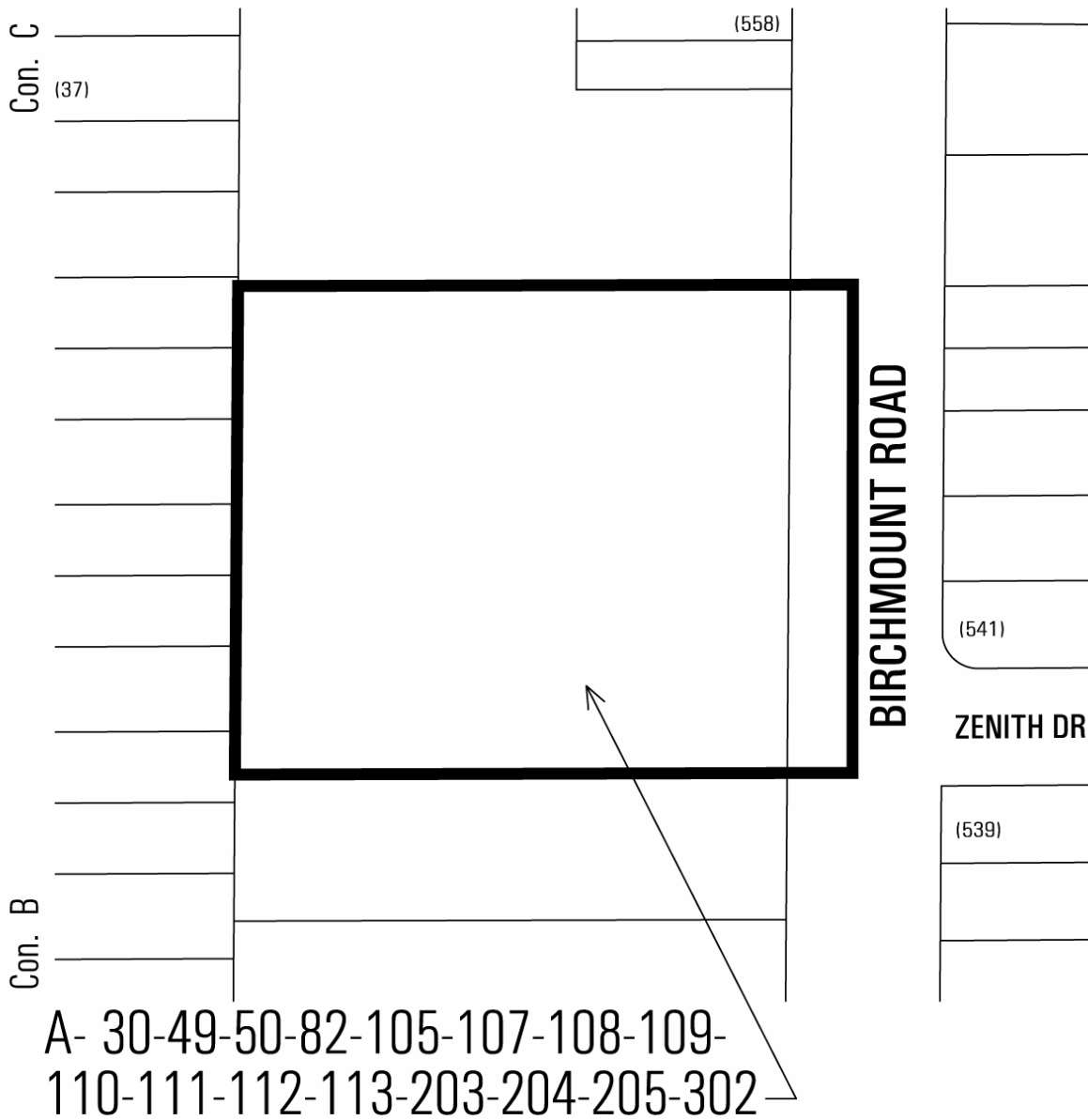
SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule '1'

Lot 31



Zoning By-Law Amendment

544 Birchmount Road

File # 07-241104 OZ



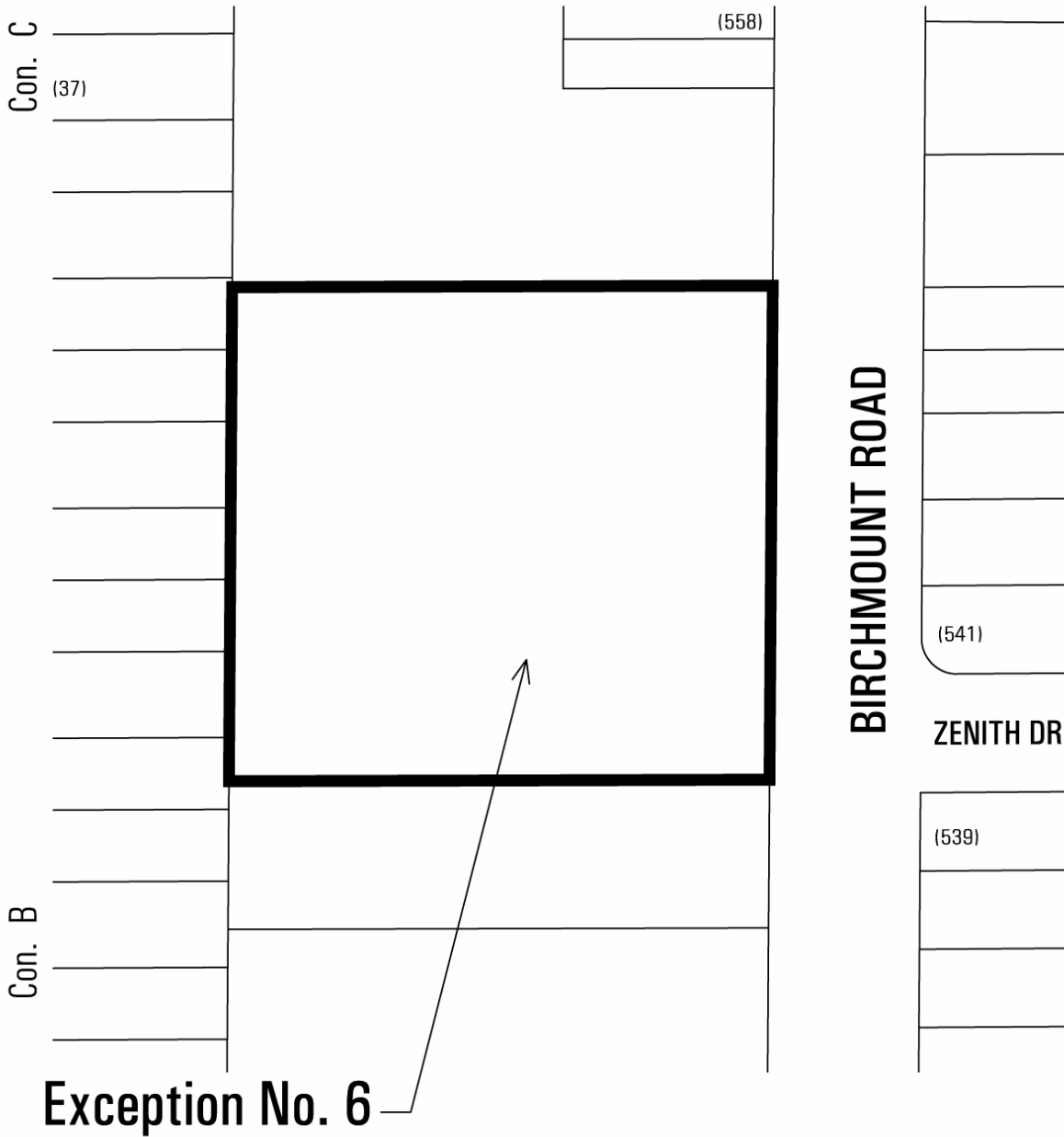
Area Affected By This By-Law

Birchmount Park Community Bylaw
Not to Scale
08/01/08



Schedule '2'

Lot 31



TORONTO City Planning Division
Zoning By-Law Amendment

544 Birchmount Road
File # 07-241104 OZ

 Area Affected By This By-Law

Birchmount Park Community Bylaw
Not to Scale
08/01/08

