

Authority: Scarborough Community Council Item 25.25,  
as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013

**CITY OF TORONTO**

**BY-LAW No. 1055-2013**

**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, 197 Blantyre Avenue, 198 Blantyre Avenue, 225X Warden Avenue, 1-43 Rodeo Pathway and 36-40 Viewbank 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 enacts:

1. **CLAUSE V - INTERPRETATION (f) Definitions** is amended by adding the following definition:

**Amenity Space** means indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for **recreational** or social activities.

2. **SCHEDULE "A"** is amended by deleting the zoning for the lands outlined on Schedules "1' to '6' and adding the following zoning to the outlined lands on Schedules '1' to '6' as shown thereon:

CR-203-205-206-285-286-287-290-291-293-294-295-296-297-298-299-300-301-303

CR-205-285-286-291-293-294-295-296-297-298-299-301-303

T-6-27-41-47-67-303

CR-203-205-206-285-286-287-288-293-294-295-296-297-298-299-300-301-303

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CR-203-205-206-284-287-288-291-293-294-295-296-298-299-300-301-303

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CR-203-204-205-206-283-287-292-293-294-295-296-297-298-299-300-301-303

3. **SCHEDULE "B" - PERFORMANCE STANDARD CHART**, is amended by deleting Performance Standard Nos. 203, 204, 286, 291, 293, 295, 296, 297, 299 and 303 and replacing them as follows:

**PARKING**

203. A **vehicle** shall not be parked or stored within the Kingston Road or Victoria Park Avenue **street yard**.
204. Individual vehicular access to **street townhouse dwellings** from Kingston Road shall not be permitted.

**KINGSTON ROAD REVITALIZATION STUDY (Birchcliff Community)**

286. Prior to the issuance of a building permit, the owner of any building or structure to be constructed in excess of 6 **storeys**, or exceeding an overall **height** of 20 m in accordance with the Performance Standards provided herein, 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, which shall be constructed or secured by means of financial securities satisfactory to the Chief Planner, prior to the issuance of a building permit:
- (a) Public art;

- (b) Non-profit arts, cultural, community or institutional facilities;
  - (c) 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;
  - (d) Parkland and/or park improvements;
  - (e) Streetscape improvements not abutting the site;
  - (f) Non-profit child care facilities, including start-up funding; and
  - (g) Municipally owned parking lots.
291. Minimum building **setback** of 1.5 m from a lot line abutting a public street other than Kingston Road.
293. Buildings shall not exceed a **45-degree angular plane** from a lot line abutting **Single-Family Residential (S), Two-Family Residential (T), Multiple-Family (M), and Park (P) Zones**. Where a public laneway abuts the development site, the portion of the laneway that abuts an **"S", "T", "M" and/or "P"** Zone may be included for the purposes of establishing the **45-degree angular plane**.
295. Balconies and unenclosed porches located above the 1<sup>st</sup> **storey** shall not project beyond the **main wall** of that portion of a building below 10.5 m in building **height** adjacent to a street line.
296. For that portion of a building above 14 m in **height**, buildings shall be stepped back an additional 1.5 m from the **main wall** abutting a public street.
297. For that portion of a building above 20 m in **height**, buildings shall be stepped back an additional 5.5 m from the **side lot line**.
299. Mechanical penthouses shall be stepped back 5 m in addition to the required **setbacks** from all **street yards**. The mechanical penthouse shall cover no more than 30% of the roof area and extend no more than 5 m in **height**.
303. 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.
4. **SCHEDULE "C" - EXCEPTIONS LIST**, Exception No. 27 is amended by deleting subsections 1 and 2.
5. **SCHEDULE "C" - EXCEPTIONS LIST AND MAP**, is amended by deleting Exception Nos. 2, 18, 19 and 28.

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6. **SCHEDULE "C" - EXCEPTIONS MAP**, is amended by deleting Exception No. 38 for the lands outlined on the attached Schedules '7' and '9'.
7. **SCHEDULE "C" - EXCEPTIONS MAP**, is amended by adding Exception No. 38 for the lands outlined on the attached Schedule '10'.
8. **SCHEDULE "C" - EXCEPTIONS MAP**, is amended by adding Exceptions No. 40 and Exception No. 41 for the lands outlined on the attached Schedules '7' and '8'.
9. On those lands identified as Exception No. 40 and Exception No. 41 on the accompanying Schedule "C" map, the following performance standards shall apply:
40. (a) Retail, Service, Office, **Restaurant**, Recreational, and Places of Entertainment up to, and including, 1000 m<sup>2</sup> of the gross floor area, on one land parcel, shall be subject to a minimum parking requirement of 1 parking space per 100 m<sup>2</sup> **gross floor area**.
- If the **gross floor area** of these uses exceeds 1000 m<sup>2</sup>, the reduced parking requirement shall apply to the 1000 m<sup>2</sup> of **gross floor area** of these uses having the lowest requirement in the Table of Required Parking Rates.
- (b) 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.
- (c) 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.
- (d) 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.

- (e) 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:
  - (1) Public art;
  - (2) Non-profit arts, cultural, community or institutional facilities;
  - (3) 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;
  - (4) Parkland, and/or park improvements;
  - (5) Streetscape improvements not abutting the site;
  - (6) Non-profit child care facilities, including start-up funding; and
  - (7) Municipally owned parking lots.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) Balconies and unenclosed porches shall not project into the Kingston Road **street yard**.
- (j) 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.

- (k) 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.
- (l) 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.
- (m) 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.
- (n) Minimum floor to ceiling height of the **first floor** shall be 4.5 m for buildings or structures. This provision shall not apply to buildings containing **townhouse** units on the **first floor**.
- (o) 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 <b>Amenity Space</b> Required	Amount of <b>Amenity Space</b> Required
<b>Amenity space</b> or contiguous <b>amenity space</b> , at least one of which contains a kitchen and a washroom:	Minimum of 2 m <sup>2</sup> of <b>amenity space</b> for each <b>dwelling unit</b> .
<b>Amenity space</b> located outdoors:	Minimum of 2 m <sup>2</sup> of <b>amenity space</b> for each <b>dwelling unit</b> of which at least 40 m <sup>2</sup> is to be provided in a location adjoining or directly accessible from the indoor <b>amenity space</b> .

- (p) Balconies and unenclosed porches shall be recessed 1.5 m from the main wall of the building.

41. (a) Retail, Service, Office, **Restaurant**, Recreational, and Places of Entertainment up to, and including, 1000 m<sup>2</sup> of the gross floor area, on one land parcel, shall be subject to a minimum parking requirement of 1 parking space per 100 m<sup>2</sup> **gross floor area**.

If the **gross floor area** of these uses exceeds 1000 m<sup>2</sup>, the reduced parking requirement shall apply to the 1000 m<sup>2</sup> of **gross floor area** of these uses having the lowest requirement in the Table of Required Parking Rates.

- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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.

- (i) Balconies and unenclosed porches shall not project into the Kingston Road **street yard**.
- (j) 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.
- (k) 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.
- (l) 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.
- (m) Minimum floor to ceiling height of the **first floor** shall be 4.5 m for buildings or structures. This provision shall not apply to buildings containing **townhouse** units on the **first floor**.
- (n) 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 <b>Amenity Space</b> Required	Amount of <b>Amenity Space</b> Required
<b>Amenity space</b> or contiguous <b>amenity space</b> , at least one of which contains a kitchen and a washroom:	Minimum of 2 m <sup>2</sup> of <b>amenity space</b> for each <b>dwelling unit</b> .
<b>Amenity space</b> located outdoors:	Minimum of 2 m <sup>2</sup> of <b>amenity space</b> for each <b>dwelling unit</b> of which at least 40 m <sup>2</sup> is to be provided in a location adjoining or directly accessible from the indoor <b>amenity space</b> .

- (o) Balconies and unenclosed porches shall be recessed 1.5 m from the main wall of the building.

Enacted and passed on July 19, 2013.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



**Schedule '1'**

CR-203-205-206-285-286-287-288-293-294-295-296-297-298-299-300-301-303

CR-27-205-283-293-295-298-299-301-302-303 or T-6-27-41-47-67-303

CR-203-204-205-206-284-287-290-291-292-293-294-295-296-298-299-300-301-303

CR-203-205-206-285-286-287-290-291-293-294-295-296-297-298-299-300-301-303

CR-205-285-286-291-293-294-295-296-297-298-299-301-303 or T-6-27-41-47-67-303

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**Zoning By-Law Amendment**

**Kingston Road Revitalization Area - Birchcliff Community**  
File # 05 106102 TM



Area Affected By This By-Law

Birchcliff Community By-law  
Not to Scale  
03/22/2013



**Schedule '2'**

CR-203-205-206-284-287-288-291-  
293-294-295-296-298-299-300-301-303



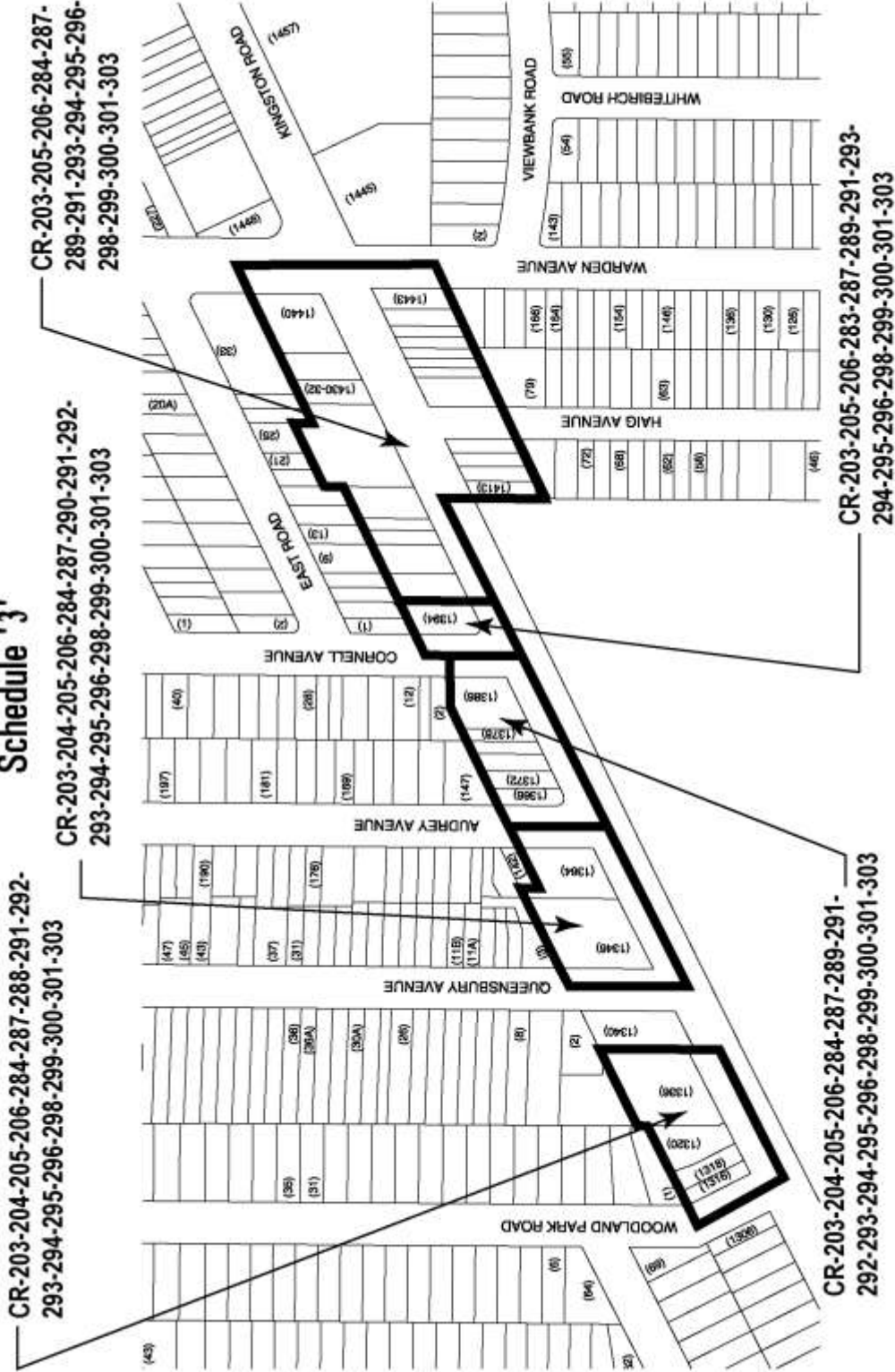
**Toronto** City Planning  
**Zoning By-Law Amendment**

**Kingston Road Revitalization Area - Birchcliff Community**  
File # 05 106102 TM

 Area Affected By This By-Law

Birchcliff Community By-law  
Not to Scale  
03/22/2013  


**Schedule '3'**

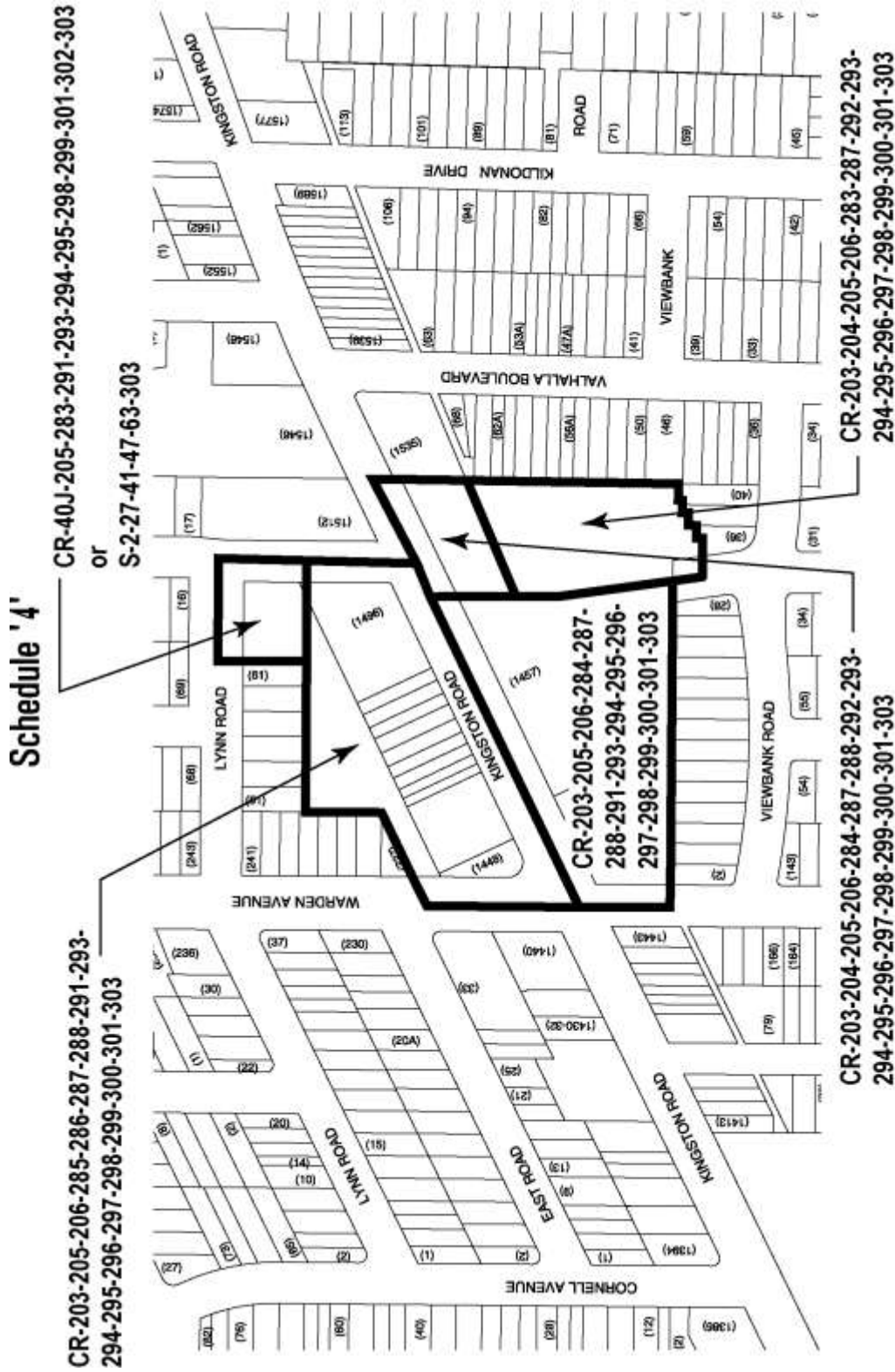


**Toronto** City Planning  
**Zoning By-Law Amendment**

**Kingston Road Revitalization Area - Birchcliff Community**  
 File # 05 106102 TM

 Area Affected By This By-Law

Birchcliff Community By-law  
 Not to Scale  
 03/22/2013  

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

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



Area Affected By This By-Law

Birchcliff Community By-law  
 Not to Scale  
 03/22/2013

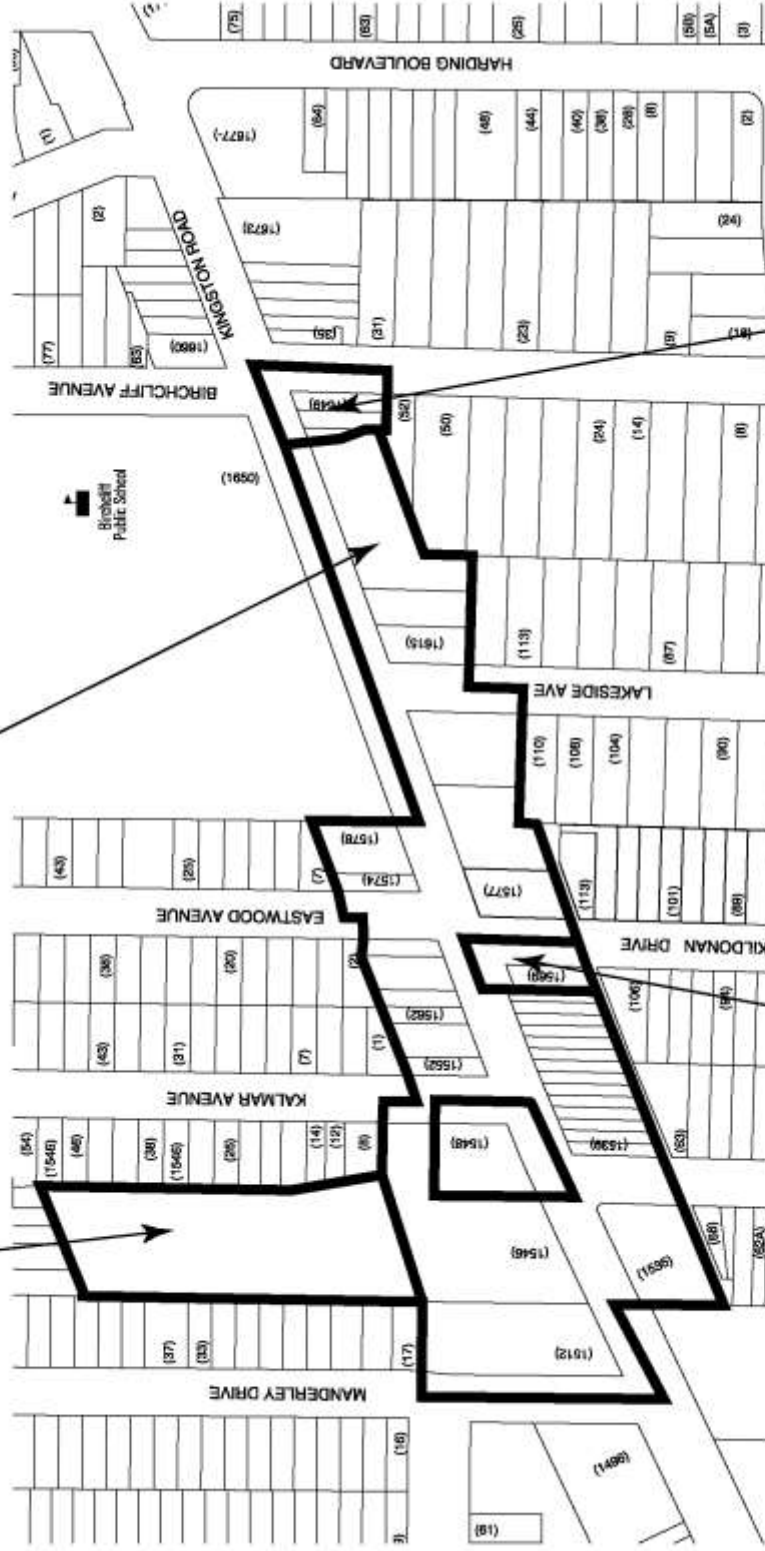
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**Toronto** City Planning  
**Zoning By-Law Amendment**

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



Area Affected By This By-Law

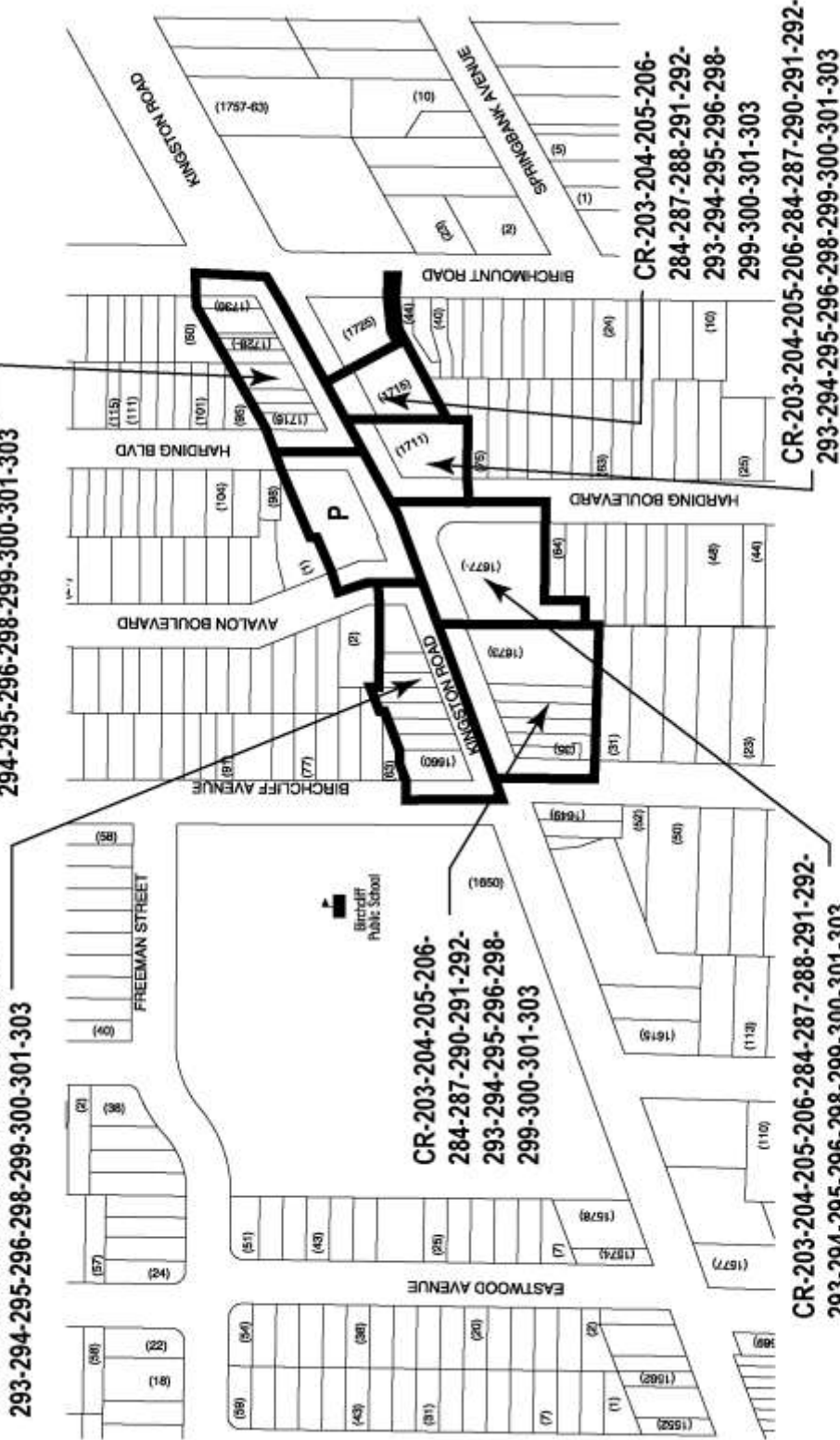
Birchcliff Community By-law  
 Not to Scale  
 03/22/2013



**Schedule '6'**

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

**Kingston Road Revitalization Area - Birchcliff Community**  
File # 05 106102 TM



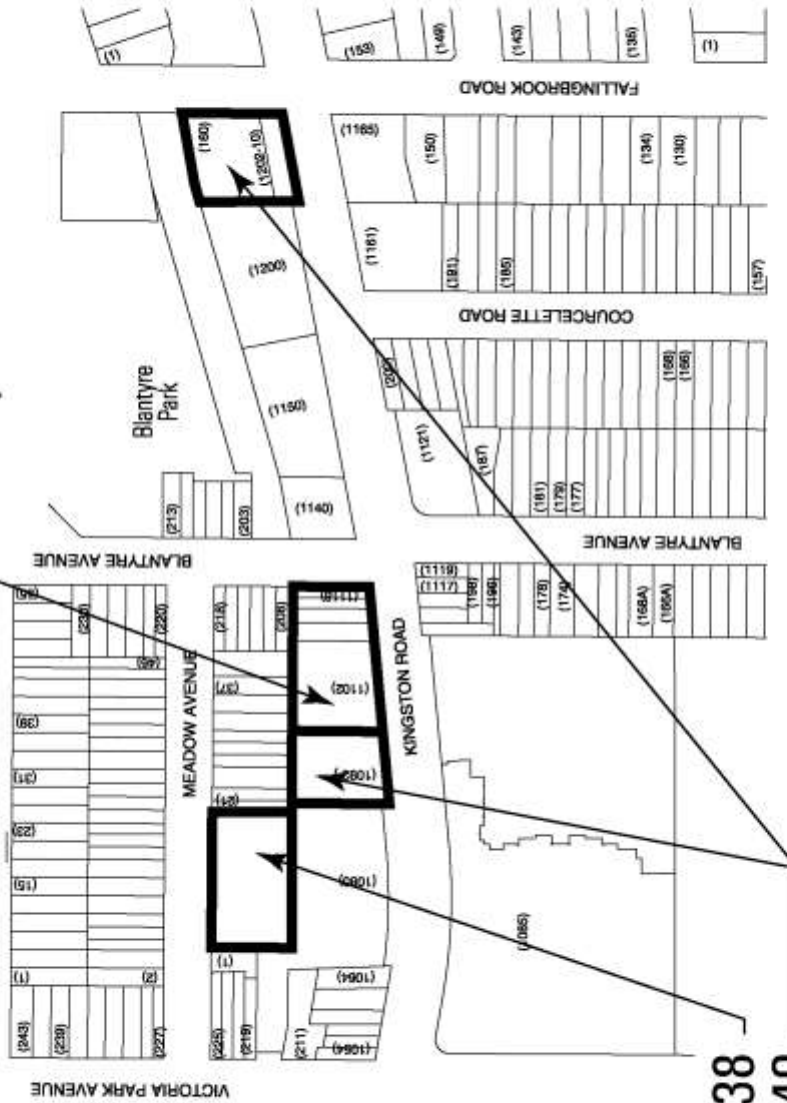
Area Affected By This By-Law

Birchcliff Community By-law  
Not to Scale  
03/22/2013



Schedule '7'

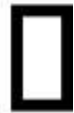
Exception 41



Exception 38  
Exception 40

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

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

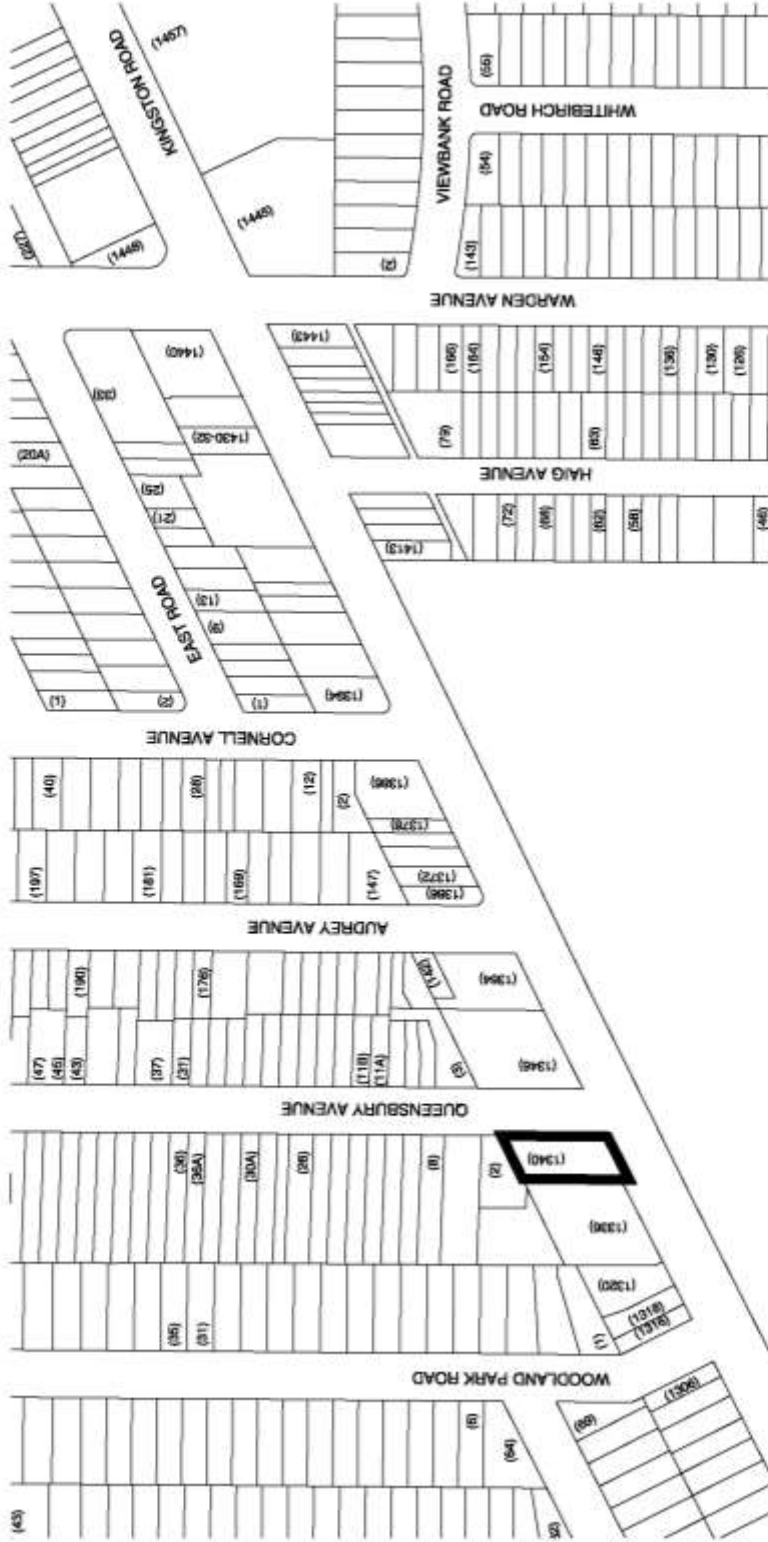


Area Affected By This By-Law

Birchcliff Community By-law  
Not to Scale  
03/22/2013



Schedule '8'



Exception 41

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

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



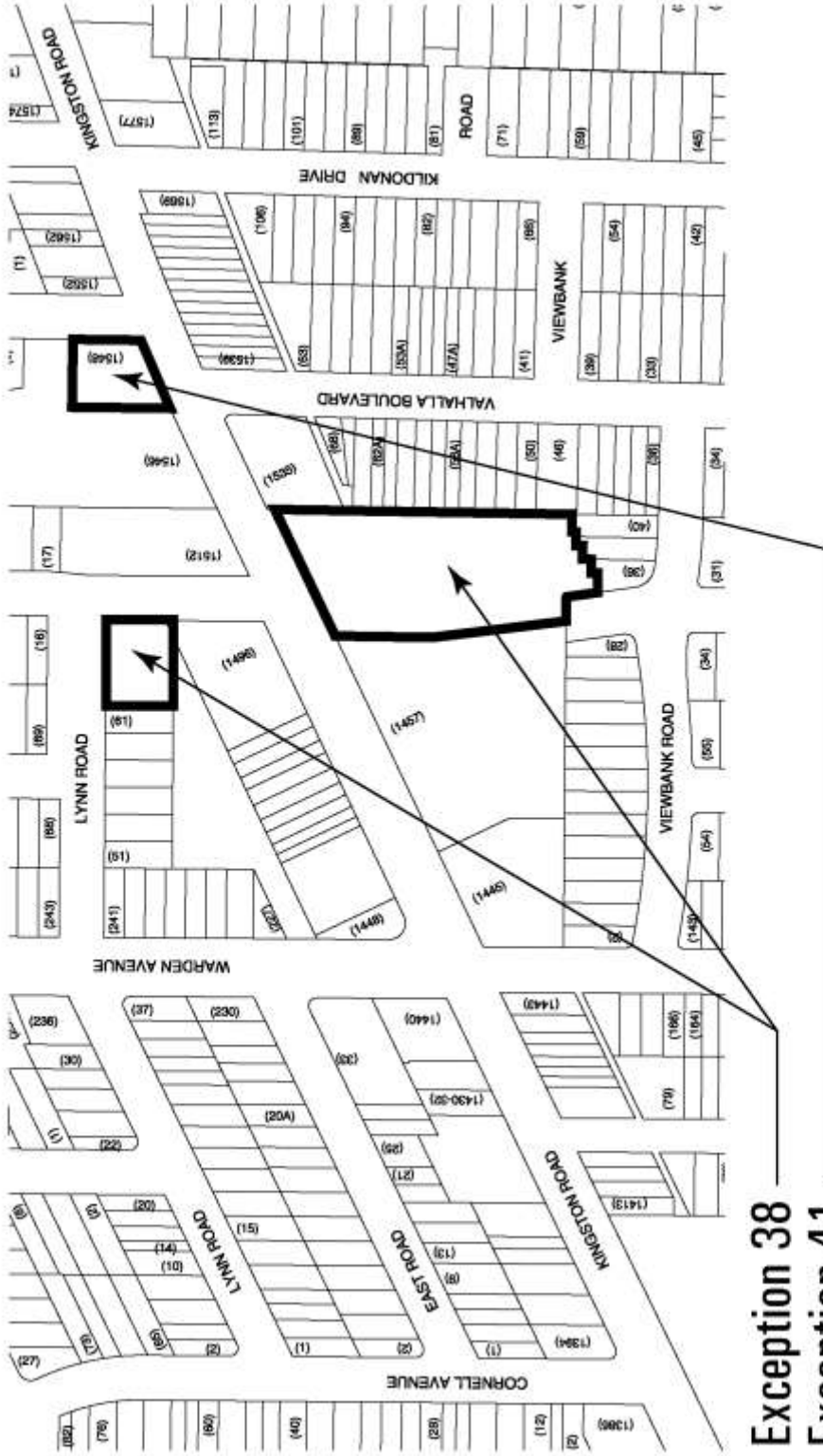
Area Affected By This By-Law

Birchcliff Community By-law  
 Not to Scale  
 03/22/2013





**Schedule '9'**



**Exception 38**  
**Exception 41**

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

**Kingston Road Revitalization Area - Birchcliff Community**  
 File # 05 106102 TM

 Area Affected By This By-Law

Birchcliff Community By-law  
 Not to Scale  
 03/22/2013 

Schedule '10'



Exception 38  
Exception 41

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

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

 Area Affected By This By-Law

Birchcliff Community By-law  
Not to Scale  
03/22/2013  
