

Authority: Ontario Municipal Board Decision issued on August 24, 2012 and Local Planning Appeal Tribunal Order issued on April 4, 2019 in File PL061248

CITY OF TORONTO

BY-LAW 1095-2019(LPAT)

To amend former City of Scarborough Employment Districts Zoning By-law 24982 (Birchmount Park), as amended, and the Kennedy Park Community Zoning By-law 9276, as amended, with respect to the lands municipally known as 3585 and 3595 St. Clair Avenue East.

Whereas the Ontario Municipal Board, pursuant to its Decision issued on August 24, 2012 and Local Planning Appeal Tribunal Order issued on April 4, 2019 in File PL061248, upon hearing the appeal of St. Clair Investment Group under Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, determined to amend By-law 24982, the Employment Districts Zoning By-law (Birchmount Park), and By-law 9276, the Kennedy Park Community Zoning By-law, of the former City of Scarborough with respect to the lands municipally known as 3585 and 3595 St. Clair Avenue East;

Therefore Zoning By-law 24982, Employment Districts Zoning By-law (Birchmount Park), as amended, and Zoning By-law 9276, the Kennedy Park Community By-law, as amended, of former City of Scarborough, are further amended by the Local Planning Appeal Tribunal as follows:

1. Amendment to By-law 24982, the Employment Districts Zoning By-law (Birchmount Park):

1.1 By-law 24982, Employment Districts Zoning By-law (Birchmount Park) shall no longer apply to the lands shown outlined on the attached Schedule '1'.

2. Amendments to By-law 9276, the Kennedy Park Community By-law:

2.1 **CLAUSE II – GENERAL PROVISIONS** is amended by adding the following:

6. Holding Provision (H)

Where a Holding Provision (H) follows a zone category, the subject land shall not be used for any purpose in that zone category except as provided for in Schedule "C", **EXCEPTION LIST**, until the Holding Provision (H) is removed, in whole or part.

2.2 **CLAUSE IV – ZONES** is amended by adding the following:

<u>Zone</u>	<u>Letter</u>
Street Townhouse Residential	ST

- 2.3 **CLAUSE V – INTERPRETATION** is amended by adding the following definitions to sub-section (f) **Definitions**, as follows:

Lane

means a public right-of-way that is not intended for general traffic circulation and which may provide an alternate means of access to abutting **lots**.

Street Townhouse Dwelling

means a row of three or more attached **dwelling units** vertically separated and each unit having separate frontage on a public street.

- 2.4 **CLAUSE VII – ZONE PROVISIONS** is amended by adding the following:

17. **Street Townhouse Residential (ST) Zone**

(a) Permitted Uses

- **Street Townhouse Dwellings;**
- **Group Homes; and**
- **Correctional Group Homes; and**

(b) Ancillary Uses Permitted

- **Private Home Day Care.**

- 2.5 **SCHEDULE "A"** is amended by adding the lands shown outlined on Schedule '1' together with the following:

A – 80C – 114 – 133 – 140 – 142 – 213 – 358

A (H) – 80D – 114 – 136 – 137 – 142 – 145 – 215 – 356 – 357

ST – 39 – 78 – 114 – 134 – 138 – 141 – 142 – 143 – 214 – 306 – 307

ST – 39 – 78 – 114 – 135 – 139 – 141 – 142 – 143 – 214 – 306 – 307

ST (H) – 39 – 80A – 114 – 134 – 138 – 140 – 142 – 143 – 214 – 306 – 307

NC – 80B – 114 – 133 – 142 – 144 – 358 – 359

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

FRONT YARD

39. Minimum 3 metres, except that the **main wall** containing the vehicular access to a garage shall be **setback** a minimum of 5.7 metres.

FLOOR AREA

- 78. Building **coverage** shall not exceed 65 percent of lot area.
- 80A. Building **coverage** shall not exceed 70 percent of lot area.
- 80B. **Gross floor area** of all buildings shall not exceed 1.0 times the lot area.
- 80C. **Gross floor area** of all buildings shall not exceed 2.0 times the lot area.
- 80D. **Gross floor area** of all buildings shall not exceed 2.6 times the lot area.

MISCELLANEOUS

- 133. Maximum building **height** 17 metres and 4 storeys (excluding basements).
- 134. Maximum building **height** 14 metres and 3 storeys (excluding basements).
- 135. Maximum building **height** 11 metres and 2 storeys (excluding basements).
- 136. Minimum building **height** 15 metres and 4 storeys, and maximum building height of 45 m and 15 storeys (excluding basements).
- 137. The threshold of building entrances (excluding garage doors) facing any street shall not be greater than 1.2 m above the finished grade of the pedestrian walkway at the **street** line leading to the entrance.
- 138. An enclosed garage shall be provided with each **street townhouse dwelling** unit.
- 139. A detached garage having a minimum height of 5.5 metres shall be provided in the **rear yard** and/or flankage **side yard** for each **dwelling unit**, and shall be separated a minimum distance of 6.0 metres from the rear **main wall** of the **dwelling unit**. The garage shall have a minimum **rear yard setback** of 0.5 metres from a **lane**, and a minimum 0.3 metres **side yard setback**. No **side yard setback** is required where garages on abutting lots are attached at the common side lot line shared by the garages.
- 140. Minimum **rear yard setback** 3.0 metres.
- 141. Minimum **rear yard setback** 7.25 metres.

142. 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.
143. Measurement of required **yard** and building setbacks shall be from the **street** or **lane** line, and shall not be affected by required corner roundings, but in no case shall a building be set back less than 0.5 metres.
144. Minimum 1.5 parking spaces per 100 square metres of **gross floor area** of retail stores, offices and personal service shops, and minimum 5 parking spaces per 100 square metres of **gross floor area** of restaurants.
145. Indoor and outdoor amenity space to be provided at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:
- (a) A minimum of 2.0 square metres for each **dwelling unit** must be indoor amenity space; and
 - (b) A minimum of 2.0 square metres for each **dwelling unit** must be outdoor amenity space.

INTENSITY OF USE

213. Maximum of 48 **dwelling units**.
214. One **street townhouse dwelling** unit per parcel of land having a minimum **lot frontage** of 6 m and a minimum lot area of 145 square metres.
215. Maximum of 300 **dwelling units**.

SIDE YARD

306. Minimum 1.2 metres for the end (side) wall, except for **side yards** that abut a **street** or **lane**, and 0 metres from the common side **lot** line shared by **dwelling** units.
307. Minimum Setbacks for Buildings Erected on Corner Lots
- Minimum 3 metres to a **street** line or 1.2 metres to a **lane** line, except that the **main wall** containing the vehicular access to a garage shall be **setback** a minimum of 5.7 metres.

BUILDING SETBACKS

356. Minimum 3 metres from all lot lines.
357. Parking structures shall be set back a minimum 3 metres from a **street** line and a minimum 0.5 metres from any other lot line.
358. Minimum 3 metres and maximum 5 metres from the **street** line of St. Clair Avenue East, and a minimum 3 metres from any other **street** line. A canopy may project to not less than 0.5 metres from any **street** line.
359. Minimum 9.2 metres from the south property line.

2.7 **SCHEDULE "C"** of the Kennedy Park Community Zoning By-law 9276, **EXCEPTIONS LIST**, is amended by adding the following Exception No. 23:

23. On those lands identified as Exception No. 23 on the accompanying Schedule "C" map (Schedule '2'), the following provisions shall apply:
1. Matters to be provided pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P. 13, as amended:
 - (i) The density of development permitted by this By-law is permitted subject to the owner of the lands, at its sole expense and in accordance with and subject to the execution and registration of the agreements referred to in Section (ii) herein, providing or funding the following facilities, services and matters, as follows:
 - (a) \$300,000.00 to be used for improvements to Corvette, Maywood and Raleigh Parks and/or other local park improvements, and \$189,000.00 to \$399,000.00 for public streetscape improvements in the vicinity of Kennedy Road and St. Clair Avenue East, paid prior to the issuance of building permits as follows:
 - \$225,000.00 for parkland improvements prior to issuance of the first residential building permit in area (a);
 - \$24,000.00 for parkland improvements prior to issuance of the first **street townhouse dwelling** building permit in area (b); and
 - \$51,000.00 for parkland improvements and \$189,000.00, plus \$1,500.00 per unit for each unit in excess of 160 units, for

streetscape improvements, prior to issuance of the first residential building permit in area (c);

- (ii) The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to secure the facilities, services and matters referred to in Sections (i) and (ii) herein, which agreement shall be registered as a first priority on title to the lands to which this By-law applies; and
- (iii) Each instalment payment set out in (i) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City.

2. Additional Permitted Uses:

Temporary Sales Trailer for the sales of residential dwelling units.

3. Prohibited Uses:

Multiple-Family Dwellings and townhouses (not including stacked townhouses) in **Apartment Residential (A) Zones**.

4. The following definitions shall apply to the lands encompassed by Exception No. 23:

Model Home

shall mean a finished **Street Townhouse Dwelling** for temporary display to the public prior to occupancy for residential purposes.

Front Lot Line

shall mean the line which divides a lot from a **street**. On a corner lot, the shortest of the lines which divide a lot from a **street** shall be deemed to be the **front lot line**. For **Street Townhouse Dwellings**, the **front lot line** shall be deemed to be the **street** line opposite the front **main wall** of the **dwelling unit**.

5. **Model Homes** shall be permitted on the lands encompassed by Exception 23. Each **Model Home** shall be of the permitted **dwelling unit** type within the zone category and shall comply with the provisions of the **Performance Standards Chart, Schedule "B"** for the **dwelling unit** type, and the **Exceptions List, Schedule "C"**.

The maximum number of **Model Homes** permitted collectively for all lands subject to Exception No. 23 shall be as follows:

- (i) 1 block of **Street Townhouse Dwellings** (maximum 9 units) with detached garage; and
 - (ii) 1 block of **Street Townhouse Dwellings** (maximum 8 units) with attached garage.
6. Prior to the removal of the Holding Provision (H) from the zoning of the site respecting areas (b) and (c), only **Industrial (M) Zone** uses are permitted, together with the following Performance Standards as set out in the Employment Districts Zoning By-law No. 24982 (Birchmount Park), as amended, of the former City of Scarborough:

M – 359 – 913 – 991 – 1054

7. The Holding Provision (H) used in conjunction with the **Street Townhouse Residential (ST) Zone** of area (b) and **Apartment Residential (A) Zone** of area (c) shall be removed in whole or in part by amending By-law(s) upon submission of a Site Plan Control Application to the satisfaction of the City, and when Council is satisfied as to:
- (i) the availability or provision of all transportation improvements, infrastructure and servicing, including public transit, stormwater management, the provision of community facilities and accommodations for pedestrians and cyclists, necessary to accommodate any proposed development; and
 - (ii) all appropriate requirements or clearances for the proposed residential development pertaining to site environmental conditions.

2.8 **SCHEDULE "C"** of the Kennedy Park Community Zoning By-law 9276, **EXCEPTIONS LIST**, is amended by adding the following Exception No. 24:

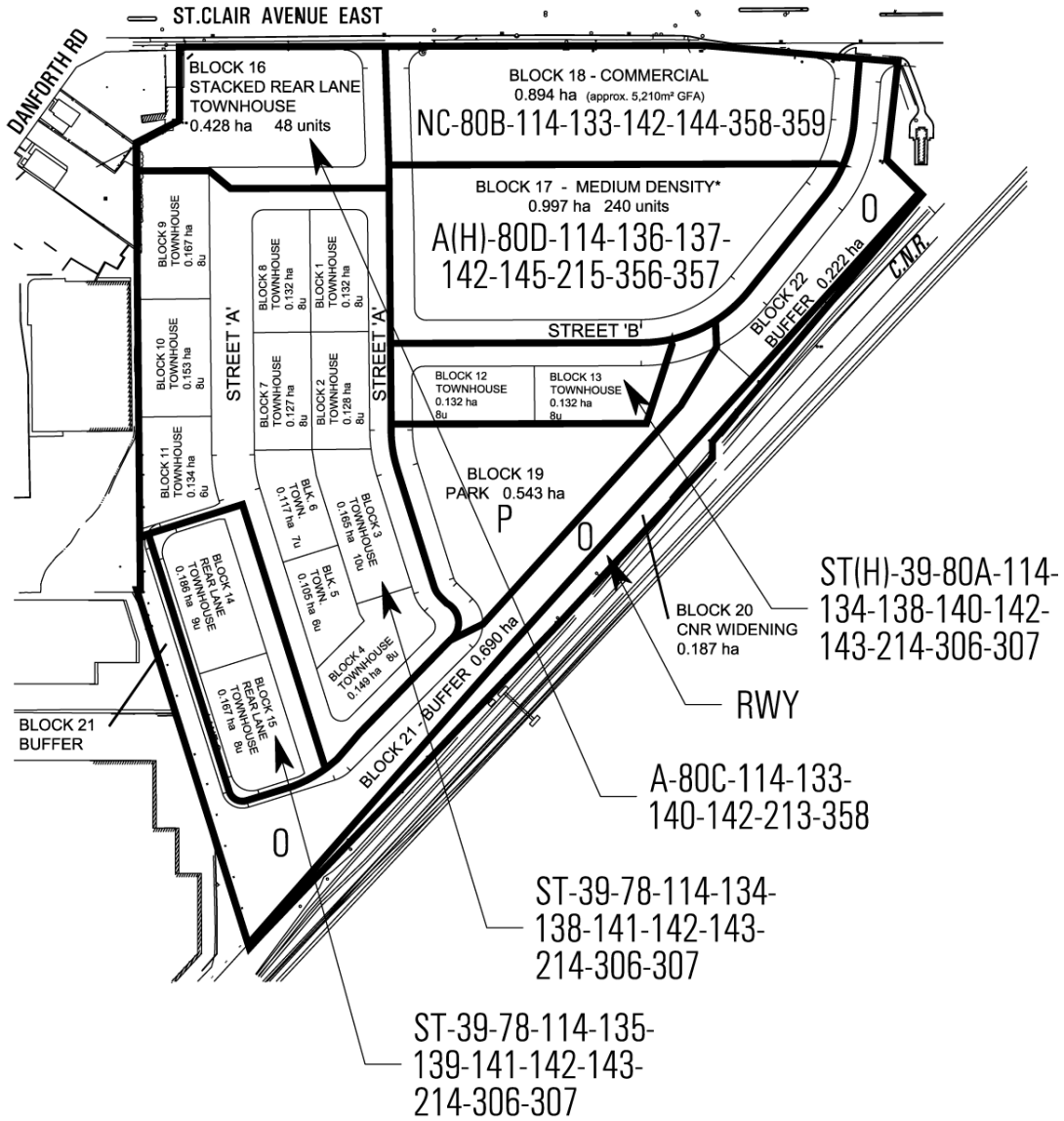
24. On those lands identified as Exception No. 24 on the accompanying Schedule "C" map (Schedule '2'), the following provisions shall apply:

(a) Prohibited Use

- Automobile Service Stations

Ontario Municipal Board Decision issued on August 24, 2012 and Local Planning Appeal Tribunal Order issued on April 4, 2019 in File PL061248

Schedule '1'



Zoning By-Law Amendment

3585-3595 St. Clair Avenue East

File # 98 036230 & 00 036162 ESC 35 OZ, 00 036158 ESC 35 SB

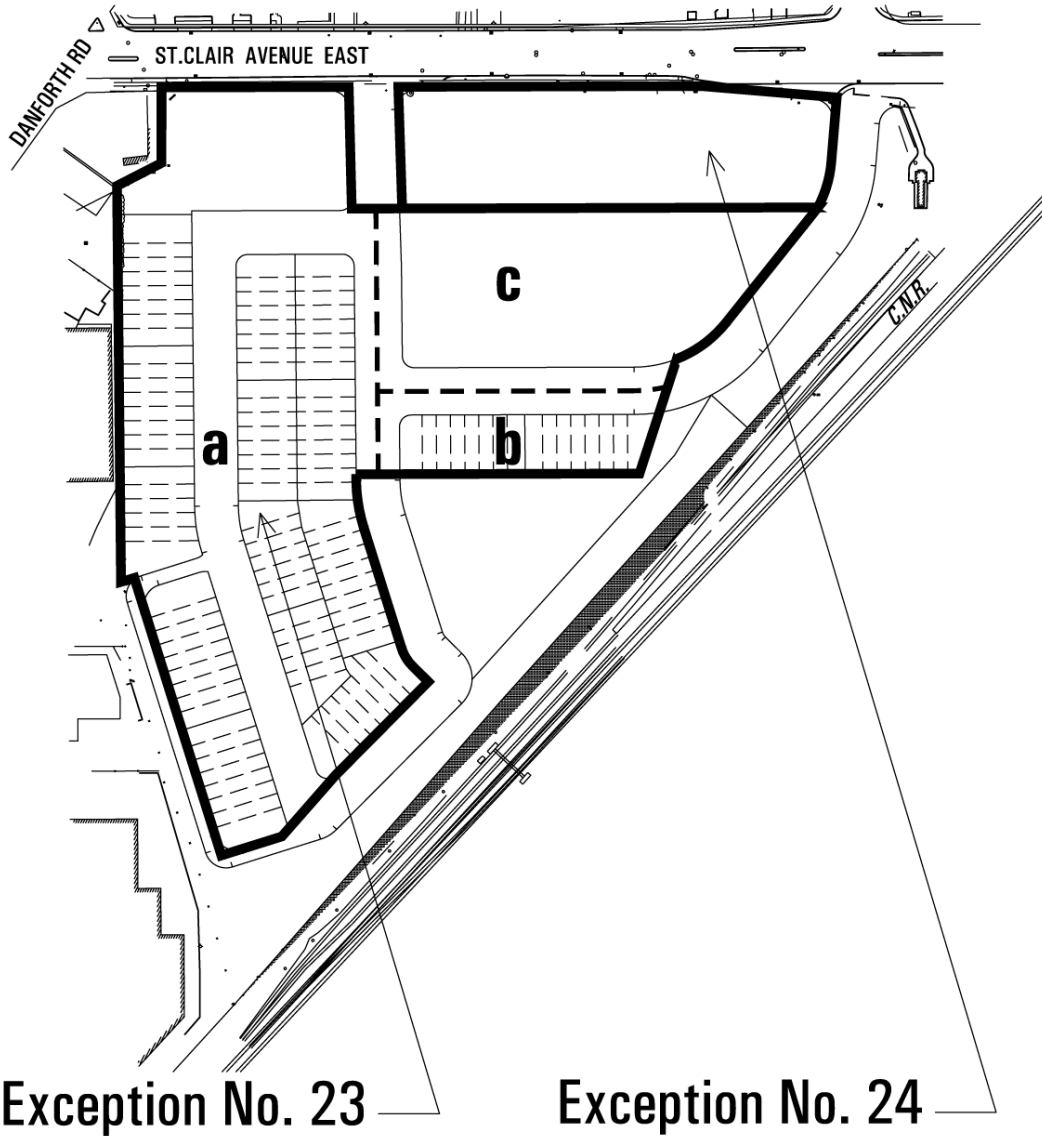


Area Affected By This By-Law

Birchmount Park Emp. Bylaw
Not to Scale
03/30/12



Schedule '2'



TORONTO City Planning Division
Zoning By-Law Amendment

3585-3595 St. Clair Avenue East

File # 98 036230 & 00 036162 ESC 35 OZ, 00 036158 ESC 35 SB

 Area Affected By This By-Law

Birchmount Park Emp. Bylaw
 Not to Scale
 03/28/12
