

Authority: Scarborough Community Council Item SC16.5,
as adopted by City of Toronto Council on October 9 and
10, 2024
City Council voted in favour of this by-law on October 10,
2024
Written approval of this by-law was given by Mayoral
Decision 19-2024 dated October 10, 2024

CITY OF TORONTO

BY-LAW 1034-2024

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 4206, 4208 and 4212 Kingston Road.

Whereas Council of the City of Toronto has the authority pursuant to 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; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of the municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 1.5 (c 0.1; r1.5); SS2 (x 1040) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Parking Zones Overlay Map in Article 995.50 and applying the following Parking Zone label to these lands: B, as shown on Diagram 3 to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1 and applying the following height and storey label to these lands: HT 29.0 ST; 8, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 1040:

(1040) Exception CR 1040

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On lands municipally known as 4206, 4208 and 4212 Kingston Road, if the requirements of By-law 1034-2024 are complied with, a **building or structure** may be constructed, used or enlarged in compliance with Regulations (B) to (T) below:
- (B) Despite Regulations 40.5.40.10(1) and (2), the height of a **building or structure** is the distance between the Canadian Geodetic Datum of 133.00 metres and the elevation of the highest point of the **building or structure**;
- (C) The provision of dwelling units must comply with the following:
 - (i) A minimum of 15 percent of the total number of **dwelling units** must contain two-bedrooms; and
 - (ii) A minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms;
- (D) Despite Clause 40.10.20.20, the permitted uses with conditions are those listed in 40.10.20.20, except the following uses which are not permitted:
 - (i) **Vehicle Service Shop**;
 - (ii) **Vehicle Dealership**;
 - (iii) **Vehicle Fuel Station**;
 - (iv) **Vehicle Washing Establishment**; and
 - (v) **Public Parking**;
- (E) Despite Regulation 40.10.40.1(1), residential use portions of the building are permitted to be located on the same storey as non-residential use portions of the building provided the non-residential use portions of the building are located on or below the second storey. Non-residential uses are not permitted above the second **storey**;
- (F) **Dwelling units** and/or portions thereof that are located on the same storey as non-residential uses, must be located to the rear of non-residential uses on or below the second **storey**;

- (G) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 5 of By-law 1034-2024;
- (H) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the average elevation of the ground along the **front lot line** and the floor of the second **storey**, is 2.9 metres;
- (I) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 5 of By-law 1034-2024;
 - (i) For the purposes of this exception, a mechanical penthouse is not considered a **storey**;
- (J) Despite Regulations 40.5.40.10(3) to (8) and (G) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 5 of By-law 1034-2024:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 6.0 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse labelled "MPH" on Diagram 5, by a maximum of 6.0 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 2.0 metres;
 - (v) planters, **landscaping** features, guard rails, divider screens on a balcony and/or terrace, and wind screens by a maximum of 2.0 metres; and
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.5 metres;
- (K) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 20,800 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 20,550 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 250 square metres; and

- (iii) the required minimum **gross floor area** for non-residential uses is 230 square metres;
- (L) Despite Regulation 40.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** on the **lot** at the following rate:
 - (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 2.0 square metres of outdoor **amenity space** for each **dwelling unit**; and
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**;
- (M) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 5 of By-law 1034-2024;
- (N) Despite Regulation 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 5 of By-law 1034-2024;
- (O) Despite Clause 40.10.40.60 and (M) and (N) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) decks, porches, and balconies, by a maximum of 1.5 metres;
 - (ii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.5 metres;
 - (iii) canopies by a maximum of 3.0 metres; and
 - (iv) wind screens by a maximum of 1.0 metres;
- (P) Regulation 40.10.50.10(3) shall not apply to outdoor **amenity space**, including an outdoor pet relief area, located along the part of the **lot line** abutting the **lot** in the Residential Zone category or Residential Apartment Zone category;
- (Q) Regulation 40.5.40.60(1) does not apply;
- (R) Despite Regulations 970.10.15.5(5) and (11) and Table 970.10.15.5, **parking spaces** must be provided in accordance with the following:
 - (i) a minimum of 2 plus 0.05 residential visitor **parking spaces** for each **dwelling unit**;
 - (ii) no minimum **parking spaces** are required for residential use;

- (iii) no minimum visitor **parking spaces** are required for non-residential uses;
 - (iv) a maximum of 0.91 residential occupant **parking spaces** for each **dwelling unit**;
 - (v) a maximum of 0.16 residential visitor **parking spaces** for each **dwelling unit**;
 - (vi) a maximum of 2 **parking spaces** per 100 square metres of non-residential gross floor area;
 - (vii) a minimum of 5 accessible **parking spaces** plus 1 accessible **parking space** for every 50 provided **parking spaces** beyond 100 parking spaces; and
 - (viii) a minimum of 1 "car sharing parking space";
- (S) Despite Regulation 230.40.1.20(2), a "short-term" **bicycle parking space** may be no more than 35 metres from a pedestrian entrance to the **building** on the **lot**;
- (T) For the purpose of this exception, each word or expression that is in bold font will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:
- (i) "Car-share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and
 - (ii) "Car-share parking space" means a parking space that is reserved and actively used for car-sharing.

Prevailing By-laws and Prevailing Sections:

- (A) On lands known as 4206, 4208, and 4212 Kingston Road, Performance Standard 601 of Schedule "B" of former City of Scarborough By-law 10327.
7. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

8. Temporary Use(s):

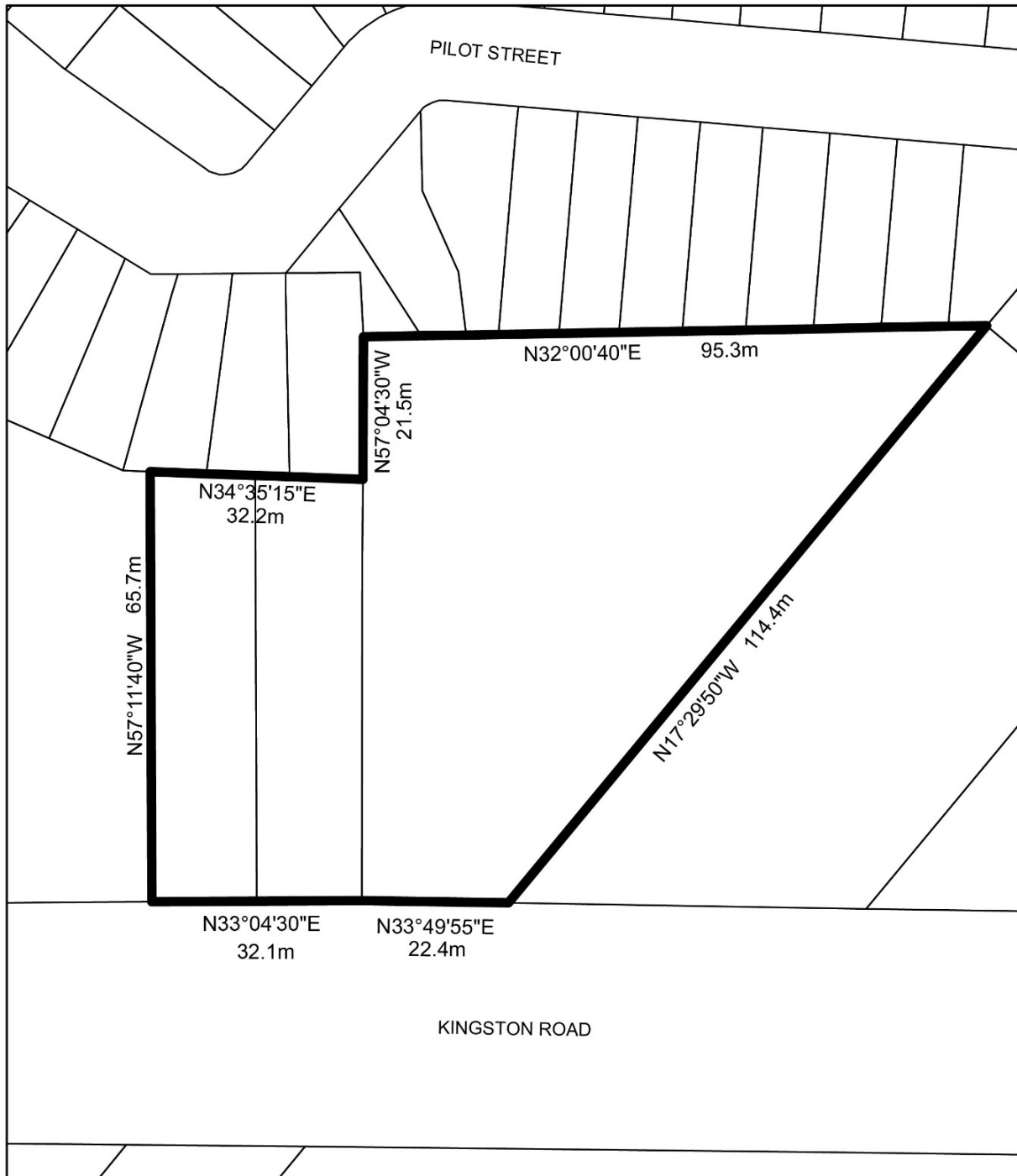
- (A) None of the provisions of Zoning By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of temporary sales centre, construction management office, and construction staging uses on the lands to which this By-law applies for a period of 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires.

Enacted and passed on October 10, 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

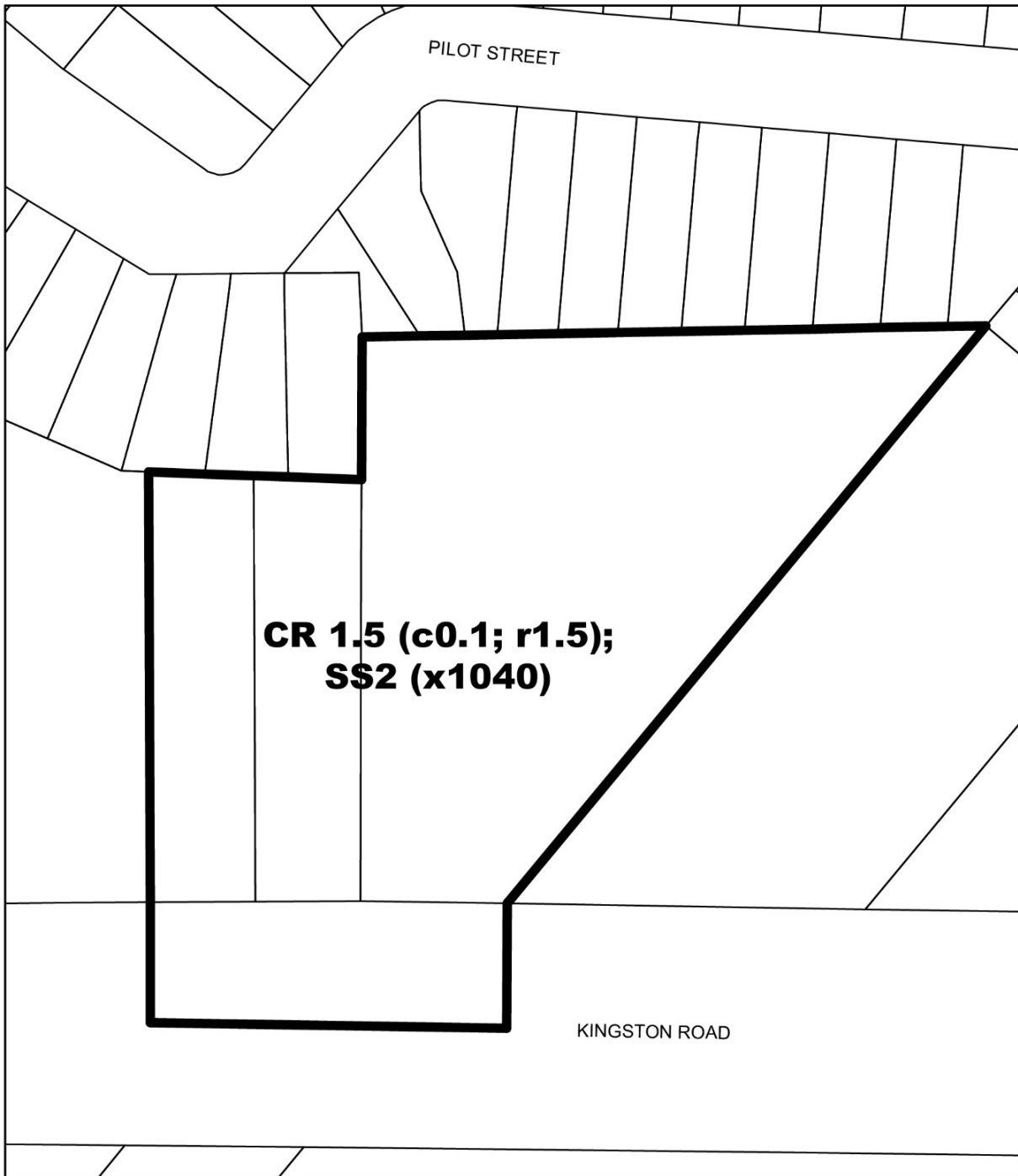
Diagram 1

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Diagram 1

4206, 4208, and 4212 Kingston Road

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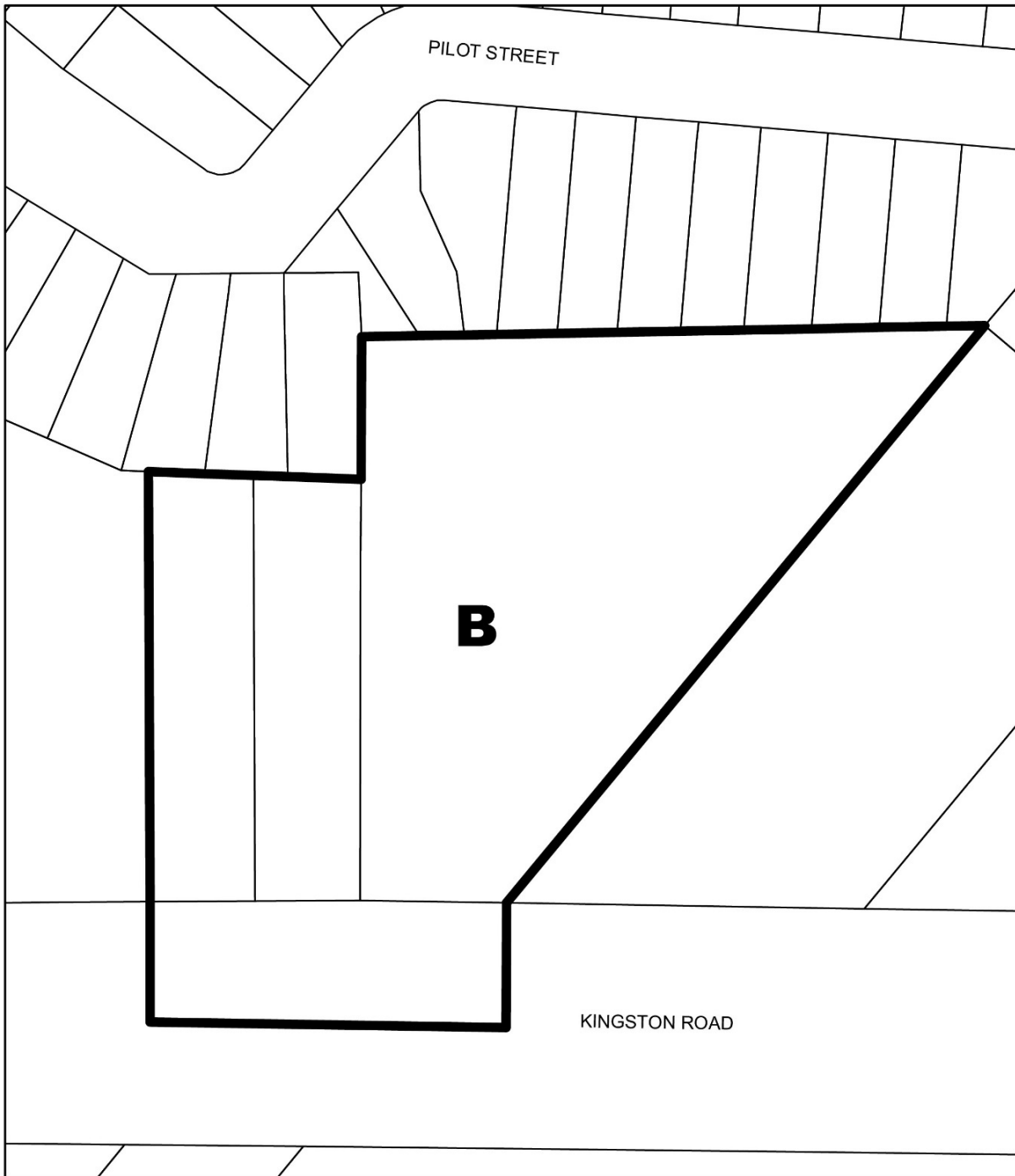
Diagram 2

 **TORONTO**
Diagram 2

4206, 4208, and 4212 Kingston Road

File #: 22 125367 ESC 24 OZ



Diagram 3

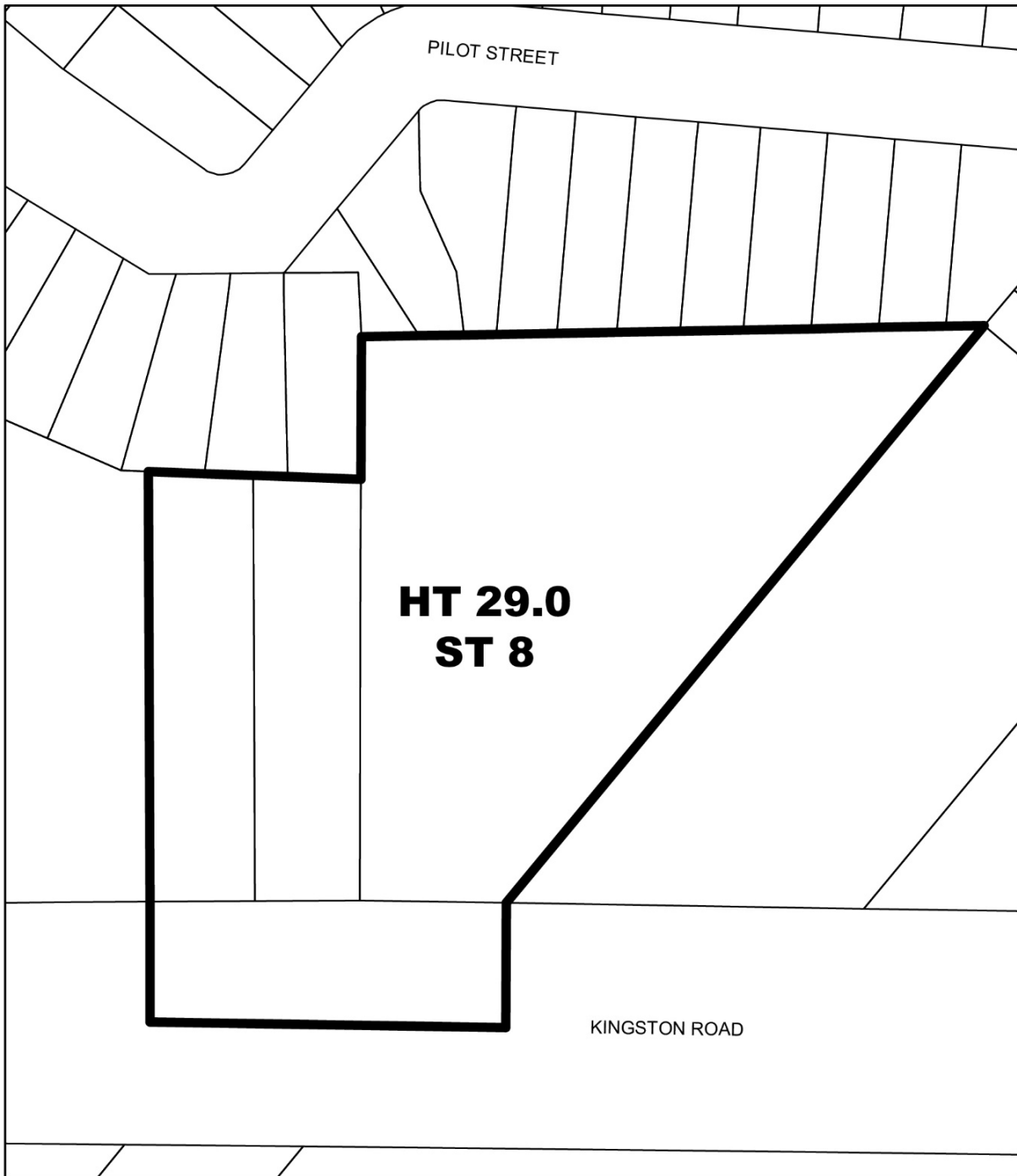
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Diagram 3

4206, 4208, and 4212 Kingston Road

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Diagram 4



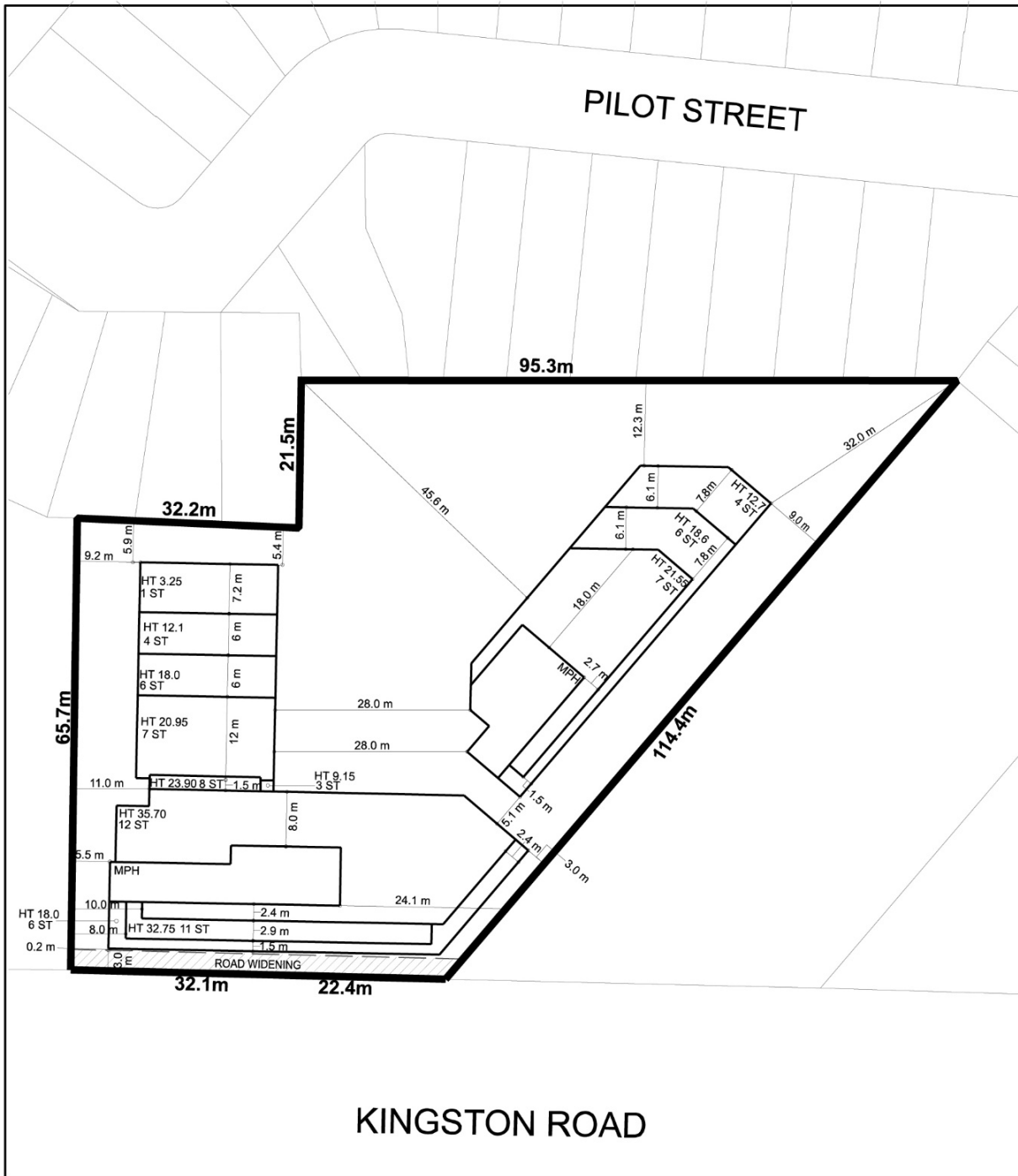
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Diagram 4

4206, 4208, and 4212 Kingston Road

File #: 22 125367 ESC 24 0Z



Diagram 5



 **TORONTO**
Diagram 5

4206, 4208, and 4212 Kingston Road

File #: 22 125367 ESC 24 OZ

