

CONSOLIDATION

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THE CORPORATION OF THE CITY OF SCARBOROUGH BY-LAW NUMBER 9396

**Enacted
May 24, 1960**

**Approved by the
Ontario Municipal Board
October 28, 1960**

Amended by By-laws Numbered:

9526	9722	9748	9815	9816	10074	10469	10682
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14027	14304	14504	14515	14601	14813	15066	15483
15731	15824	15943	16005	16082	16142	16253	16398
16529	16558	16722	17025	17045	17132	17228	17506
17600	17843	18312	18361	18706	18791	18867	19013
19072	19197	19556	19620	19654	19931	20303	20445
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21951	22147	22180	22230	22272	22293	22438	22707
22731	22858	22875	23036	23319	23435	23468	23477
23750	23991	OMB Order R940162	24465	24657	24689	24882	
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543-2007	1365-2007	1381-2007	106-2008	242-2009	212-2011	777-2011	1130-2011
1052-2013	550-2014	1006-2014	1018-2014	273-2015	268-2108	688-2019	

being a Community By-law to implement the Official Plan of the City of Scarborough with respect to certain lands in the **COMMUNITY OF CLIFFCREST**.

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CLIFFCREST COMMUNITY

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NOW THEREFORE BE IT AND IT IS HEREBY ENACTED:

CLAUSE I - LANDS REGULATED

1. The lands regulated by this By-law are shown outlined with a heavy black line on Schedule "A" annexed hereto, and the regulations applicable to such lands shall be in accordance with the Clauses and Schedules of this By-law.
2. Where lands on Schedule "A" do not have letters or numbers noted thereon, the regulations applicable to such lands shall be as follows:

2.1 Streets and Watercourses

The regulations on lands adjacent to a street or watercourse shall extend to the centre lines of the streets or watercourses.

2.2 Lake Ontario

The regulations on the lands adjacent to Lake Ontario shall extend to the municipal boundary.

CLAUSE II - GENERAL PROVISIONS

1. Restrictions on the Use of Land and/or Buildings

No building, structure or land shall hereafter be used or occupied, and no building or structure, or part thereof, shall be erected, moved or altered except in conformity with provisions of this By-law.

2. General Exemption

Where existing buildings and structures have been lawfully erected and a By-law, or amendments to it, have been subsequently enacted with the result that some characteristic of the building or structure does not conform, but the existing uses conform to the land uses specifically permitted on the parcel by the applicable provisions set out in Schedule "A" and Schedule "C" of the By-law; those provisions of the By-law which cause the non-conformity shall not apply with respect to:

- 2.1 The reconstruction or renovation of an existing building, or structure which has

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been damaged or destroyed by fire, explosion, Act of God or any other cause beyond the owner's control, after March 23, 1987, provided that:

2.1.1 The replacement buildings or structures erected on the parcel shall conform to the By-law to the same, or to a greater extent, as those existing on the date the damage occurred, and shall be reconstructed or renovated for the same land use which existed on the parcel on the date the damage occurred; and

2.1.2 In instances where the number of parking spaces supplied on the parcel on the date the damage occurred was insufficient to meet the minimum requirement for parking spaces for the uses which existed on the date the damage occurred, this **parking space deficiency** shall not be increased as a result of the reconstruction or renovation, and the total number of parking spaces on the parcel shall not be decreased.

A building or structure renovated or reconstructed pursuant to this Section shall be deemed to have been erected on the day of original construction for the purpose of this By-law.

2.2 A change in the use of an existing building or structure to other land uses specifically permitted by the applicable provisions set out in Schedule "A" and Schedule "C" of the By-law, provided that:

2.2.1 The land use changes in the buildings or structures, in combination with all other uses on the parcel, shall not increase the extent of the non-conformity; and

2.2.2 In instances where the existing number of parking spaces supplied on the parcel is insufficient to meet the minimum requirement for parking spaces for the existing uses, this **parking space deficiency** shall not be increased as a result of the change to the new use, and the total number of parking spaces on the parcel shall not be decreased.

2.3 The construction of additional buildings or structures on a parcel, provided that:

2.3.1 Any additional buildings or structures shall conform to all the provisions of the By-law; and

2.3.2 Any additional buildings, and structures, and uses, in combination with all other buildings, structures, and uses on the parcel, shall not increase

the extent of non-conformity; and

- 2.3.3 In instances where the existing number of parking spaces supplied on the parcel is insufficient to meet the minimum requirement for parking spaces for the existing uses, the **parking space deficiency** shall not be increased as a result of the additional buildings, structures, and uses, and the total number of parking spaces on the parcel shall not be decreased.

3. **Expansion of Non-Conforming Buildings and Structures**

Where existing buildings and structures have been lawfully erected and the By-law or amendments to it have been subsequently enacted with the result that some characteristic of the building or structure does not conform, but the existing land uses conform to the land uses specifically permitted on the parcel by the applicable provisions set out in Schedule "A" and Schedule "C" of the By-law:

- 3.1 The existing buildings and structures may be structurally altered or renovated provided that:
 - 3.1.1 The altered or renovated buildings or structures shall continue to conform to all provisions of the By-law, to which the existing buildings or structures conformed.
 - 3.1.2 Any structural alterations and renovations, in combination with all other buildings and structures on the parcel, shall not increase the extent of non-conformity; and
 - 3.1.3 In instances where the existing number of parking spaces supplied on a **parcel** is insufficient to meet the minimum requirement for parking spaces for the existing use, this **parking space deficiency** shall not be increased as a result of the alterations or renovations and the total number of parking spaces on the parcel shall not be decreased.
- 3.2 The existing buildings and structures may be enlarged, provided that:
 - 3.2.1 Any enlargement to buildings or structures shall conform to all the provisions of the By-law; and
 - 3.2.2 The enlargement, in combination with all other buildings, structures, and uses on the parcel, shall not increase the extent of non-conformity; and

- 3.2.3 In instances where the existing number of parking spaces supplied on the parcel is insufficient to meet the minimum requirement for parking spaces for the existing uses, this **parking space deficiency** shall not be increased as a result of the enlargement and the total number of parking spaces on the parcel shall not be decreased.

4. **Parking Space Deficiency**

For the purposes of the regulations in this Clause, a **parking space deficiency** occurs when the number of parking spaces provided for the uses on a parcel of land is less than the number of parking spaces required for these uses. The extent of the **parking space deficiency** shall be calculated by subtracting the number of parking spaces provided from the number of parking spaces required.

5. **Second Suite Permission when the Existing Use is Legal Non-Conforming**

When the existing use is legal non-conforming, a **second suite** may be provided in the existing detached **single-family dwellings** and existing **semi-detached/two family dwellings**, notwithstanding Section 3. **Expansion of Non-Conforming Buildings and Structures** of **CLAUSE II-GENERAL PROVISIONS**. A **parking space** required for the **second suite** shall be provided.

CLAUSE III - SCHEDULES

Schedules "A" and "B" with notations and references shown thereon and also Schedule "C" are hereby declared to be part of this By-law and are described as follows:

<u>Schedule</u>	<u>Title</u>
"A"	Cliffcrest Community Map
"B"	Performance Standard Chart
"C"	Specific exceptions to the provisions of this By-law

CLAUSE IV - ZONES

For the purposes of this By-law the following zones are hereby established:

<u>Zone</u>	<u>Letter</u>
Single-Family Residential	S
Two-Family Residential	T
Multiple-Family Residential	M
Apartment Residential	A
Neighbourhood Commercial	NC
Community Commercial	CC
Highway Commercial	HC
Institutional	I
Institutional Uses - Public Transit	I-PT
Place(s) of Worship	PW
Major Open Spaces	0
Agricultural	Ag
Office Uses	OU
Park	P
School	SC
Street Townhouse Residential	ST

CLAUSE V - INTERPRETATION

To interpret the restrictions applicable to any particular parcel of land or building the following procedure shall be adopted:

- (a) Refer to the regulations applicable to all areas restricted by this By-law as found in Clauses II, VI, and VII.
- (b) Refer to Schedule "A" and note the characters (letters and numbers) applicable to the particular area under consideration (subject area bounded by heavy black line).
- (c) The letter or letters refer to one of the zones established by Clause IV of this By-law. Uses Permitted in each of the Zones are set forth in respective Sub-Clauses of Clause VIII of this By-law under appropriate headings. For example, "M" refers to the Multiple-Family Residential provisions in Sub-Clause 3; "S" refers to the Single-Family Residential provisions in Sub-Clause 1, etc.
- (d) The number or numbers in Schedule "A" refer to required standards of performance specific details of which shall be ascertained by reference to the Performance Standard Chart (Schedule "B").

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(e) Refer to Schedule "C" for specific exceptions to the provisions of this By-law.

(f) **Definitions**

Accessory Building

shall mean a subordinate building or portion of the main building the use of which is incidental to that of the main or principal building.

Accessory Sign

shall mean a sign that relates exclusively to the use of the premises on which the sign is situated.

Adult Entertainment Parlours

shall mean any premises or part thereof in which is provided in pursuance of a trade calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

Amenity Space

shall mean 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.

Angular Plane

shall mean an imaginary flat surface projecting over a lot, at an inclined angle measure up from the horizontal.

Apartment Building

shall mean a building arranged, intended or designed to be occupied by five or more **families** living independently of each other.

Art Gallery

means premises used for the exhibition, collection or preservation of works of art for public viewing.

Artist Studio

shall mean premises used for creating art or craft.

Automated Banking Machine

shall mean a device at which customers can complete self-serve financial transactions.

Bachelor Suite

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shall mean a self-contained dwelling unit in an apartment building, consisting of a bed-sitting room combination, a kitchen, a bathroom and spaces normally accessory thereto.

Banquet Hall

shall mean a place of assembly for the purpose of consumption of food or beverages and, without limiting the generality of the foregoing, shall include restaurants, beverage rooms, taverns, and cafeterias.

Basement

shall mean a storey or portion of a storey of a building in which the floor is more than .75 m below the level of the finished grade of the averaged finished grade at the front and side main walls of the building.

Basement Height

shall be measured from the averaged finished grade at the front main wall of the building to the ceiling of the basement. If there is no ceiling, the measurement shall be made to the underside of the floor joists.

Bicycle Parking Space

shall mean an area used for parking or storing a bicycle.

Building Setback

shall mean a horizontal distance measured at a right angle from any **lot line** to the nearest part of the main wall of a building or structure.

Circular Driveway

means a **driveway** having two access points to a **street**.

Coverage

shall mean the area of all buildings and structures on a **lot** or parcel measured to the exterior limit of all roof lines excluding the following projections:

1. Any eaves and roof overhangs up to a maximum of 1 m.
2. Any eaves, roof overhangs and canopies over unenclosed pedestrian walkways.

Day Nursery

means the provision of temporary care or guidance or both temporary care and guidance, for a continuous period not exceeding twenty-four hours to more than five children who are:

- (i) Not of common parentage, and
- (ii) Under eighteen years of age in the case of children with a developmental handicap, and
- (iii) Under ten years of age in all other cases.

Domestic or Household Arts

means any domestic or household art, the practice of which does not affect the amenity of the neighbourhood.

Drive-through Facility

means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be in combination with other uses such as, a bank, dry cleaning and laundry collecting establishment, financial institution, personal service shop, restaurant, retail store, service station, or take-out restaurant. A **Drive-through Facility** does not include a Mechanical or Automatic Car Wash or Automobile Service Station.

Driveway

means any surface prepared with paving materials and designed for or used by **vehicles** to travel over.

Dwelling Unit or Dwelling

means a separate set of living quarters designed or intended for use or used by an individual or by one **family** only and shall include:

1. at least one room; and
2. a separate kitchen; and
3. sanitary conveniences; and
4. shall have a private entrance from outside the building or from a common hallway or staircase.

In addition, it may include a **second suite** where there is no addition to nor substantial alteration to the exterior appearance of the front or side of the **dwelling unit** facing a street as a result of the introduction of the **second suite**, such as but not limited to, a new private entrance for the **second suite** in any **main walls** facing a **street yard**.

Eating Establishment

shall mean premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service.

Family

means one or more persons living as a single housekeeping unit in a **dwelling**, and may include domestic servants and not more than two roomers or boarders, but does not include persons living together in a **group home**, **correctional group home** or a **residential care facility**.

Floor Area

shall mean the area of all floors of a dwelling measured from the outside of the exterior walls, excluding the floor area of all basements and garages.

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 the lot from a street shall be deemed to be the front lot line.

Front Yard

shall mean the space between a main front wall of a building and a front lot line, and extending the full width of the lot.

Games Arcade

shall mean an establishment where one or more electronic or manually operated games machines are used for recreation, entertainment or amusement. A bowling alley, billiard hall or pool hall is not considered to be a **Games Arcade**.

Green Roof

shall mean an extension of a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Municipal Code Chapter 492.

Gross Floor Area

shall mean the area of all floors, including **basements** and mezzanine floors, except that storage rooms and washrooms located in the **basement**, parking structures including ramps and **driveways**, and **utility rooms** shall not be included. **Gross floor area** shall be measured to the external faces of the exterior walls, except that **gross floor area** of a use occupying a portion of a building shall be measured to the centre line of dividing walls and the external faces of the exterior walls. Where there is no dividing wall between uses, the **gross floor area** shall be measured to

the dividing line between uses.

Ground Floor Area

shall mean the area of the building based on exterior dimensions of the said building or buildings.

Ground Sign

shall mean a sign directly supported by the ground without aid of any other building or structure, other than the sign structure.

Group Home

means premises used to provide supervised living accommodation, licensed or funded under Province of Ontario or Government of Canada legislation, for up to ten persons, exclusive of staff, living together in a single housekeeping unit because they require a supervised group living arrangement.

Group Home, Correctional

means a **Group Home** operated for persons who have been placed on probation, released on parole or admitted for correctional purposes;

Hammerhead Turnaround

means that portion of a **driveway** designed or intended to permit a **vehicle** to complete a 180° turn on the **driveway**.

Height

shall mean 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, and parapet walls.

Loading Space

shall mean an area used for the loading or unloading of goods or commodities from a vehicle.

Lot Depth

shall mean the distance between the midpoint of the front lot line and the midpoint of the rear lot line.

Lot Line

shall mean any boundary of a lot

Main Wall

shall mean the exterior front, side or rear wall of a building, and all structural

members essential to the support of a fully or partly enclosed space or roof. The following projections, to the maximum distances shown below, shall not be considered part of the main wall, except that within "NC", "CC" and "HC" Zones, no such projections shall extend into a yard which is required to separate a building from a street:

Chimneys, pilasters and projecting columns	500 mm
Roof overhang	1 m
Balconies and unenclosed porches projecting into a front yard, rear yard or a side yard abutting a street	1.55 m
Exterior steps	No Limit

Marketplace Sign

shall mean a non-accessory ground-mounted sign such as a pedestal or pillar ad sign and does not include signage on benches, telephone booths, transit shelters or other similar objects.

Massage Therapy

shall mean premises providing **massage therapy** by persons who are medical or health professionals licensed or registered under Province of Ontario legislation. A body rub service or wellness centre is not a **massage therapy**.

Museum

shall mean premises used for the exhibition, collection or preservation of objects of cultural, historical or scientific interest for public viewing.

Multiple-Family Dwellings

means low density **family** type rental **dwelling units**.

Non-Accessory Sign

shall mean a sign which does not relate to the use of the premises on which the sign is situated, or which is not an **accessory sign** or a transit shelter advertising sign.

Park

shall mean land or structures owned and operated by a public authority for the provision of recreational, cultural and conservation activities, facilities and services.

Parking Space

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shall mean any surface prepared with paving material designed for or used for **vehicle** parking.

Passenger Terminal

shall mean premises used for the boarding or discharge of people being transported.

Performing Arts Studio

shall mean premises used for the rehearsal of performing arts, such as music, dance or theatre.

Personal Service Shop

shall mean premises used to provide personal grooming services or for the cleaning or care of apparel.

Pet Services

shall mean premises used to provide for the grooming of domestic animals. A **veterinary hospital** or a kennel are not **pet services**.

Place of Entertainment

shall mean premises used as a concert hall, cinema, or theatre.

Place of Worship

shall mean land, building or structure, or part of a building or structure, used by bona fide religious groups or organizations for religious purposes and other related uses, save and except cemeteries.

Post Secondary School

shall mean premises used for educational purposes by a degree granting college or university under Province of Ontario legislation.

Private Home Day Care

shall mean the provision of temporary care and custody of not more than five children under ten years of age for reward or compensation in a private residential **dwelling unit** other than the home of a parent or guardian of any such child or children for a continuous period not exceeding 24 hours.

Production Studio

shall mean premises used for producing live broadcasts, motion pictures, or audio or video recordings or transmissions. The mass reproduction of film or recordings is not a **production studio**.

Public Transportation Uses

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shall mean the use of land, buildings or structures, or portions thereof, for the operation of a transportation system which is provided by, or under the control of, a public authority, but excludes a transit vehicle maintenance yard and/or storage facility.

Rear Lot Line

shall mean the lot line which is farthest from, and opposite to, the front lot line. In the case of a triangular lot, the rear lot line is the apex of the angle formed by the intersection of the side lot lines.

Rear Yard

shall mean the space between a main wall of a building, and a rear lot line extending the full width of the lot. The location of accessory buildings shall not be used to determine the dimensions of a rear yard.

Rear Yard Setback

shall mean a horizontal distance on a lot measured at a right angle from the **rear lot line** to the nearest main wall of a building or structure.

Recreational Use

shall mean the use of lands, buildings, or structures primarily for the pursuit of sports, games, or physical exercise, and may include associated spectator seating.

Religious Education Use

shall mean the use of premises by a religious organization for religious education, other than:

- (a) a **post-secondary school**; or
- (b) a school regulated under the Education Act, R.S.O. 1990, c.E.2, as amended.

Residential Care Facility

means a supervised facility for the accommodation of more than 10 persons, exclusive of staff who, by reason of their emotional, mental, social or physical condition, or legal status, require a group living arrangement for their well-being, and where:

- The members of the group are referred by a hospital, court or government agency, or recognized social services agency or health professional; and
- Such facility is funded wholly or in part by any government, other than funding provided for capital purposes only, or such a facility is licensed or

approved under Provincial statute.

Such facility is not a hospital, nursing home, retirement home or convalescent home.

Retail Store

shall mean premises in which goods or commodities are sold, rented or leased.

Rooming and/or Boarding House

means living accommodation, provided for valuable consideration to more than two persons who are not members of the single **family** which normally occupies the **dwelling** where said accommodation is provided or given.

School

shall mean a School as defined under The Education Act, as amended, and under The Education Act, as amended, shall include educational uses, School Board administrative uses and secondary uses for community, cultural, and recreational purposes.

Second Suite

shall mean a separate, self-contained residential accommodation located in a detached **single-family dwelling**, the whole of which prior to the introduction of the **second suite** is at least 5 years old, and a **semi-detached/two family dwelling**, the whole of which prior to the introduction of the **second suite** is at least 5 years old, which shall be smaller than the remaining portion of the **Dwelling Unit or Dwelling** excluding garages and accessory buildings, and which shall contain at least one room, a kitchen and separate sanitary conveniences.

Setbacks

shall mean the horizontal distance measured at right angles from the lot line to the main wall.

Side Yard

shall mean the space between the main side wall of a building, and the side lot line, extending from the front yard to the rear yard. The location of accessory buildings shall not be used to determine the dimensions of a side yard.

Single-Family Dwelling

means a building to be occupied by one **family** only, having only one kitchen, and including a private garage or carport to accommodate not more than two motor vehicles, may include one **second suite**, and the usual **accessory buildings**.

Split Level Dwelling

shall mean a dwelling in which the first floor above finished grade is so constructed as to create two or more different levels, the vertical distance between such levels being always less than a full storey.

Stacking Lane

means an on-site queuing lane for motorized vehicles which is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs.

Storey

means that portion of a building which is situated between the top of any floor and the top of the floor next above it and, if there is no floor above it, that portion between the top of such floor and the ceiling above it.

Street

shall mean a highway as defined by "The Municipal Act".

Street Townhouse

shall mean a row of three or more attached **dwelling units** divided vertically above ground and with each unit having separate frontage on a **public street**.

Street Yard

means the space between a street lot line or lines and the **main wall** or **walls** of a building, extending the width and breadth of the lot.

Townhouse

means a **building** that has three or more **dwelling units**, and no **dwelling** unit is entirely or partially above another.

Two-Family Dwelling

means a building divided vertically into two **single-family dwellings**.

Utility Room

shall mean a room accommodating service facilities for buildings on the same parcel of land and used primarily for one or more of the following purposes: mechanical, telephone, or electrical services; building maintenance equipment storage; or garbage handling and storage.

Vehicle

means a device, either self-propelled or pulled by a self-propelled vehicle, designed to transport persons or goods or for construction, and designed to be supported through contact of wheels or tracks with the ground.

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Veterinary Hospital

shall mean premises used by a licensed veterinarian for the medical treatment of animals.

Wall Sign

shall mean a sign entirely supported by or through the face of a building or structure, or by component members comprising all or a part of said sign face.

Wellness Centre

shall mean **premises** providing services for therapeutic and wellness purposes. A **massage therapy**, medical office or body rub services is not a **wellness centre**.

CLAUSE VI - PROVISIONS FOR ALL ZONES

1. **Reduction of Yards**

No part of a yard or other open space, required about any building for the purpose of complying with the provisions of this By-law, shall be included as a part of a yard or other open space similarly required for another building.

2. **Licences, Permits and Other By-laws**

Nothing in this By-law shall operate to relieve any person from the obligation to comply with the requirements of the Building By-laws of the Corporation of the City of Toronto, or any other By-laws of the City of Toronto or its predecessors in force from time to time, or the obligation to obtain any licence, permit, authority or approval which may be otherwise lawfully required.

3. **Uses Permitted in All Zones**

Nothing in this By-law shall prevent the use of any land within the defined area as a public park, public street, or for the erection of public and separate schools within the meaning of the Public and Separate Schools Acts for the Province of Ontario, or for structures essential to the operation of Public Utilities.

4. **Frontage on a Street**

No person shall erect a building or structure and no person shall use any building, structure, lot or parcel in the defined area, unless the lot or parcel to be so used or upon which the building is situated, erected or proposed to be erected, abuts or fronts on a public street.

5. **Landscaping Requirements**

In "NC", "CC", "HC", "A" and "M" zones, a 1.5 m strip of land immediately abutting "S" or "T" zones shall not be used for any purpose other than landscaping.

6. **Coverage**

The maximum **coverage** for all buildings and structures shall be 33% of the area of the **lot** or parcel. Notwithstanding the foregoing, where specific provisions for maximum **coverage** or maximum **gross floor area** are provided elsewhere in this By-law, then this Sub-Clause shall not apply.

7. **Day Nurseries in "M" and "A" Zones**

- i) **Day Nurseries** shall only be located on or below the second storey.
- ii) **Day Nurseries** are prohibited within Single-Family, Semi-Detached, Two-Family and Street Townhouse dwellings in "M" and "A" zones.

8. **Games Arcades and Games Machines
Incidental to Commercial Operations**

- i) **Games Arcades** shall be prohibited except in City Centre Commercial (CCC) and District Commercial (DC) zones, where specified on **Schedule "C"** or **Clause IX**.
- ii) Notwithstanding the above, **Games Arcades** shall be permitted as a use subordinate and incidental to the following principal uses: bowling alleys, billiard halls, pool halls, and establishments licensed under The Liquor Licence Act except for licensed restaurants within Neighbourhood Commercial (NC) zones.
- iii) Notwithstanding the above, one games machine is permitted per commercial establishment, incidental to the commercial operation, in City Centre Commercial (CCC), District Commercial (DC) and Community Commercial (CC) Zones.

9. **Commercial Recreational/Health Establishments - Prohibitions**

No one may use or permit the use of any property for a commercial recreational or commercial health establishment either of which invites or is suited to use by prostitutes.

10. **Adult Entertainment Parlours**

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An "adult entertainment parlour" shall be prohibited except in Hotels having fifty or more bedrooms.

11. Day Nurseries in Schools

All private and public educational institutions operated pursuant to The Education Act, R.S.O. 1980, Chapter 129, as amended, and as permitted by this By-law, may use a maximum of 40% of the gross floor area for a Day Nursery.

12. Non-Accessory Signs

12.1 **Ground** and **Wall Signs** which are **non-accessory** are permitted in District Commercial (DC), Community Commercial (CC), Highway Commercial (HC), Neighbourhood Commercial (NC), Office Uses (OU) and Industrial Commercial (MC) zones.

12.2 **Ground** and **Wall Signs** which are **non-accessory** are prohibited within 400 m of the street line of Highway 401.

12.3 Roof-mounted Signs are prohibited.

12.4 Notwithstanding Sub-Section 12.2, **Marketplace Signs** are permitted in District Commercial (DC), Community Commercial (CC), Highway Commercial (HC), Neighbourhood Commercial (NC), Office Uses (OU) and Industrial Commercial (MC) zones.

12.4.1 A **Marketplace Sign** face shall not exceed 2 m² in area to a maximum total face area of 8 m² for a sign containing four or more faces.

13. Underground Structures in "NC", "CC", "HC" and "OU" Zones

Underground structures in "NC", "CC", "HC" and "OU" Zones shall be set back from streets in accordance with the main wall building setbacks applying within such Zones.

14. Lands Not Covered by Buildings

In areas designated in Schedule "A" as "NC", "CC" and "HC", the land area not covered by buildings shall be used for off-street **vehicle** parking and landscaping purposes only.

15. Use of Basements

In areas designated on Schedule "A" as "NC", "CC", and "HC", the **basement** shall be

used only for storage purposes for the occupants of the building.

16. Regulations for Single-Family and Two-Family Dwellings

16.1 Maximum Height: 9 m.

16.2 Maximum number of storeys excluding basements: 2 storeys.

16.3 Maximum floor area per dwelling unit shall be as follows:

<u>Lot Size</u>	<u>Floor Area</u>
For Lots less than 408 m ²	Maximum 0.6 x lot area to a maximum floor area of 204 m ²
For Lots 408 m ² - 697 m ²	Maximum 0.5 x lot area to a maximum floor area 279 m ²
For Lots more than 697 m ²	Maximum 0.4 x lot area

16.4 Minimum Rear Yard:

For Lots having a lot depth 33.5 m or less	Minimum 7.5 m
For lots having a lot depth more than 33.5 m	Minimum 7.5 m plus 50% of lot depth greater than 33.5 m

16.5 Maximum Basement Height: 1 m

17. Regulations for Group Homes, Correctional Group Homes and Residential Care Facilities

17.1 **Group homes, correctional group homes and residential care facilities** are not permitted in conjunction with any other Uses Permitted, including Ancillary Uses Permitted.

17.2 Deleted by By-law 550-2014.

17.3 **Correctional group homes** are permitted in single detached **dwelling units** only, on lots or parcels of land which front onto the following arterial roads:

- Brimley Road north of Kingston Road
- Danforth Avenue
- Danforth Road
- Eglinton Avenue
- Ellesmere Road
- Finch Avenue
- Kennedy Road
- Kingston Road/Highway 2A
- Lawrence Avenue
- Markham Road north of Kingston Road
- McCowan Road north of Danforth Road
- Meadowvale Road
- Morningside Avenue north of Lawrence Avenue
- Port Union Road
- Sheppard Avenue
- Staines Road
- St. Clair Avenue
- Steeles Avenue
- Victoria Park Avenue north of Kingston Road
- Warden Avenue north of Kingston Road

18. Regulations for Drive-through Facilities

No person shall use any land, building or structures within the City of Toronto, for any use containing a drive-through facility or service facility:

- (i) within any zone which permits residential uses, and
- (ii) within any commercial or industrial zone that abuts a residential zone, except there a minimum distance of 30 metres separates all points of the drive-through facility including stacking lanes from any lot within the zone permitting residential uses and provided all other applicable development standards are satisfied.

19. Drive-through Facility in Combination with Other Uses

Despite any other provision of this by-law, where the use of any land, building or structure is composed of a combination of a **Drive-through Facility** and any one or more other uses, the combined uses should not be construed as accessory to one another and all provisions pertaining to each use shall apply.

20. Front Yard Landscaping and Front Yard Soft Landscaping Requirements

20.1 Front Yard Landscaping

The following **front yard** landscaping provisions shall apply to **street townhouse dwellings** where a **driveway** leads directly to the **dwelling unit, single-family dwellings**, semi-detached dwellings, **two-family dwellings**, and duplexes:

- (a) For lots with a frontage less than 6 metres, the **front yard** not covered by a permitted **driveway** shall be maintained as landscaping.
- (b) For lots with a frontage of 6 metres to less than 15 metres, a minimum of 50% of the **front yard** shall be maintained as landscaping.
- (c) For lots with a frontage of 15 metres and greater, a minimum of 60% of the **front yard** shall be maintained as landscaping.
- (d) For the purpose of this subsection, landscaping means trees, shrubs, grass, flowers, vegetables, and other vegetation, decorative stonework, walkways, patios, screening, or other horticultural or landscape-architectural elements, or any combination of these. Landscaping does not include **driveways** or parking areas, and directly associated elements such as curbs or retaining walls.

20.2 Front Yard Soft Landscaping

The following **front yard** soft landscaping provisions shall apply to **street townhouse dwellings** where a **driveway** leads directly to the **dwelling unit, single-family dwellings**, semi-detached dwellings, **two-family dwellings**, and duplexes:

- (a) A minimum of 75% of the **front yard** not covered by a permitted **driveway** shall be maintained as soft landscaping.
- (b) For the purpose of this subsection, soft landscaping means trees, shrubs, grass, flowers, vegetables, and other vegetation, but does not include hard surfaced areas such as but not limited to **driveways**, parking areas, decorative stonework, walkways, patios, screening or other landscape-architectural elements.

CLAUSE VII - GENERAL PARKING REGULATIONS FOR ALL ZONES

1. General Parking Requirements

1.1 Table of Required Parking Rates

Except as otherwise specifically regulated by the By-law, **parking spaces** shall be provided in accordance with the parking rates set out in the following table:

<u>Use</u>	<u>Minimum Rate of Parking Space Supply Required</u>
Dwelling Units	- 1 space per dwelling unit , excluding second suites
Retail Uses, Service Uses	- 3 spaces per 100 m ² of gross floor area
Office Uses	- 3 spaces per 100 m ² of the following: gross floor area minus the gross floor area of main floor public lobbies and main floor public walkways.
Banquet Halls , Restaurants	- 10.7 spaces per 100 m ² of gross floor area
Places of Entertainment	- 12 spaces per 100 m ² of gross floor area
Recreational Uses	- 5 spaces per 100 m ² of gross floor area
Hotels and Motels	- the greater of: 1 space per bedroom or 1 space per 2 bedrooms plus applicable parking requirements for the gross floor area of the building used for the following accessory uses; retail uses, service uses, banquet halls , restaurants, places of entertainment , and recreational uses .
Places of Worship	- 7.7 spaces per 100 m ² of gross floor area

- | | |
|----------------------|--|
| Day Nurseries | - 1.5 spaces per 100 m ² of gross floor area |
| Second Suites | - 1 space per second suite |

1.2 Application of Parking Rate

1.2.1 Calculation of Requirement

If a parking rate in the By-law is expressed as a ratio of **parking spaces** to the **gross floor area**, the **parking space** requirement for a use shall be calculated by multiplying the **gross floor area** of the use by the applicable rate.

1.2.2 Sum of Requirements

The total number of **parking spaces** required on a parcel shall be the sum of the number of **parking spaces** required for each use on the parcel. When this sum includes a fraction of a **parking space**, one additional whole **parking space** shall be provided.

1.2.3 Enclosed Public Walkways and Malls

Except as otherwise specifically regulated by the By-law, parking shall be required for enclosed public walkways and malls in commercial buildings. For any floor which contains more than one type of use, parking shall be provided for enclosed public walkways and malls at the same rate as is required for retail and service uses. For any floor which has only one type of use, parking shall be provided for enclosed public walkways and malls at the rate required for that type of use.

1.2.4 Office Lobbies and Walkways

For a building which contains both office uses and other commercial uses, if the **gross floor area** of commercial uses other than offices, exceeds the **gross floor area** of office uses, parking shall be required for main floor public lobbies and main floor public walkways in accordance with the regulations for enclosed public walkways and malls contained in Section 1.2.3.

1.2.5 Vacant Space

When determining the parking supply requirement for vacant space in a building, parking shall be provided in accordance with the requirements corresponding to its intended use. The most recent of the following shall constitute the intended use of the vacant space:

- the most recently identified land use in conjunction with any permit issued in accordance with the Building Code Act; or
- the previous use of the vacant space.

If the vacant space has never been used, and its intended use has never been identified in conjunction with any permit issued in accordance with the Building

Code Act, its intended use shall be deemed to be the permitted use having the lowest minimum parking requirement.

1.3 **Parking Space and Driveway Dimensions**

Except as otherwise specifically regulated by the By-law:

1.3.1 **Parking Space Dimensions**

- (a) The minimum dimensions of a **parking space**, accessed by a one-way or two-way drive aisle having a width of 6.0 metres or more measured at the entrance to the **parking space**, shall be:

- length 5.6 metres
- height 2.0 metres
- width 2.6 metres

except that the minimum required width of a **parking space** shall be increased by 0.3 metres for each side of the **parking space** that is obstructed in accordance with subsection 1.3.1 (e) below.

- (b) The minimum dimensions of a **parking space**, accessed by a one-way or two-way drive aisle having a width of less than 6.0 metres measured at the entrance to the **parking space**, shall be:

- length 5.6 metres
- height 2.0 metres

- width 3.0 metres

except that the minimum required width of a **parking space** shall be increased by 0.3 metres when one or both sides of the **parking space** is obstructed in accordance with subsection 1.3.1 (e) below.

- (c) Despite subsections 1.3.1 (a) and (b) above, the minimum dimensions for a parallel **parking space** shall be:

- length 6.7 metres
- height 2.0 metres
- width 2.6 metres

except that the minimum required width of a **parking space** shall be increased by 0.3 metres when one side of the **parking space** is obstructed in accordance with subsection 1.3.1 (e) below.

- (d) Every **parking space** shall have a minimum unobstructed vertical clearance of 2.0 metres for the entire length and width of the **parking space**.

- (e) For the purposes of this by-law, the side of a **parking space** is obstructed when any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated:

- (i) within 0.3 metres of the side of the **parking space**, measured at right angles, and
- (ii) more than 1.0 metres from the front or rear of the **parking space**.

- (f) Despite subsections 1.3.1 (a) to (e) above:

- (i) where a site-specific amendment to By-law No. 9396, as amended, has been passed by Council between January 1, 2003 and April 30, 2007, or is the result of an Order of the Ontario Municipal Board respecting an appeal filed between January 1, 2003 and April 30, 2007, which specifies **parking space** dimensions, the minimum **parking space** dimensions shall be in accordance with the amending by-law that has come into force, or

- (ii) where a site-specific amendment to By-law No. 9396, as amended, has been passed by Council between January 1, 2003 and April 30, 2007, or is the result of an Order of the Ontario Municipal Board respecting an appeal filed between January 1, 2003 and April 30, 2007, which does not specify **parking space** dimensions, the minimum **parking space** dimensions shall be: 2.7 metres in width and 5.7 metres in length.

1.3.2 **Driveway Dimensions**

1.3.2.1 For **street townhouse dwellings** where a **driveway** leads directly to the **dwelling unit, single-family dwellings**, semi-detached dwellings, **two-family dwellings**, and duplexes, a **driveway** which is located in or which passes through the **front yard** shall have the following dimensions:

- (a) A minimum width of 2.6 metres.
- (b) For lots with a frontage less than 6 metres, a maximum width for its entire length of 2.6 metres.
- (c) For lots with a frontage of 6 metres to 23 metres inclusive, a maximum width for its entire length of the lesser of the following:
 - (i) 6 metres;
 - (ii) the width of **parking spaces** behind the front wall, where there is at least one **parking space** behind the front wall but not in the **rear yard**; or
 - (iii) 2.6 metres where there is any **parking space** in the **rear yard**;

provided the **front yard** landscaping and **front yard** soft landscaping requirements of this By-law are met.

- (d) For lots with a frontage greater than 23 metres, a maximum width for its entire length of the lesser of the following:
 - (i) 9 metres;

- (ii) the width of **parking spaces** behind the front wall where there is at least one **parking space** behind the front wall but not in the **rear yard**; or
- (iii) 2.6 metres where there is any **parking space** in the **rear yard**;

provided the **front yard** landscaping and **front yard** soft landscaping requirements of this By-law are met.

1.3.2.2 For **street townhouse dwellings** where a **driveway** leads directly to the **dwelling unit**, **single-family dwellings**, semi-detached dwellings, **two-family dwellings**, and duplexes, a **driveway** which is not located in or which does not pass through the **front yard** shall have the following dimensions:

- (a) A minimum width of 2.6 metres; and
- (b) A maximum width for its entire length of the lesser of 6.0 metres or the width of the **parking spaces**.

1.3.2.3 For uses other than those set out in Subsections 1.3.2.1 and 1.3.2.2, a **driveway** shall have a minimum width of 3.0 metres per lane.

1.4 Location

Except as otherwise specifically regulated by the By-law, **parking spaces** shall be located on the same parcel as the use they serve.

1.5 Parking Structures

1.5.1 Height

Except as otherwise specifically regulated by the By-law, the maximum height of any above-grade parking structure shall be 3.7 m. The height shall be measured from the average grade of the lands at the perimeter of the parking structure to the highest point of the uppermost floor of the parking structure. Where the lands abut a residential zone, at no point shall that

portion of the structure facing the residential zone exceed 3.7 m in height, measured from grade to the uppermost floor.

1.5.2 Yards

All parking structures above and below grade shall comply with the minimum building setback requirements of the By-law.

1.5.3 Exemption

All parking structures which are accessory to residential uses are not subject to Sub-Section 1.5.1, 1.5.2, and shall be regulated by Sub-Section 2.1, Regulations for all Residential Uses.

2. **Residential Parking Regulations**

2.1 Regulations for all Residential Uses

2.1.1 Street Yard Parking

No **parking space** required by this By-law shall be located in any **street yard** unless otherwise permitted in this By-law.

2.1.2 Vehicles Prohibited in All Yards

Parking of the following vehicles is prohibited in all yards:

- Construction **Vehicles**
- Dump Trucks
- Farm Tractors
- Repair and Towing **Vehicles**
- Self-Propelled Implements of Husbandry
- Tracked **Vehicles**
- Traction Engines
- **Vehicles** designed to run only on rails
- **Vehicles** equipped with more than six wheels, excluding spare wheels, designed to support the weight of the **vehicle** through contact with the ground
- **Vehicles** that are in a wrecked or dismantled or inoperative condition

Notwithstanding this Sub-Section, parking of motorized snow **vehicles** designed to transport not more than two persons is permitted.

2.1.3 Vehicles Prohibited in Street Yards

Parking of **vehicles** equipped with five or six wheels, excluding spare wheels, designed to support the weight of the **vehicle** through contact with the ground, is prohibited in **street yards**. Notwithstanding this Sub-Section, parking of recreational **vehicles**, and **vehicles** for the transport of disabled persons, is permitted in **street yards** on the **driveway** leading to the **parking space** required by this By-law.

2.1.4 Garages, Carports and Accessory Buildings: (all hereinafter termed "Structures")

- (a) Shall not be used for human habitation;
- (b) Shall not exceed a height of 3.7 m measured from the floor of the said structures to the eaves. This height restriction shall not apply to basement garages;
- (c) May be erected in a side yard, and provided that the structure is distant not less than 1.2 m from any adjoining dwelling, may be located a minimum distance of 300 mm from the side lot line;
- (d) May be erected in rear yard provided that:
 - (i) If the structure is partly within the side yard it shall be subject to the provisions of Clause 2.1.4(c);
 - (ii) If the structure so erected is wholly within the rear yard it shall be distant not less than 1.8 m from a dwelling, and shall be distant not less than 450 mm from the nearest lot line.
 - (iii) Notwithstanding anything in this By-law, common semi-detached garages may be centred on the side lot line.
- (e) In "S" and "T" zones:
 - (i) The maximum dimensions of a garage, carport or free-standing **accessory building** shall be 7.6 m by 7.6 m.

- (ii) The combined gross floor areas of all garages, carports and free-standing **accessory buildings** on a lot or parcel shall not exceed 75 m².
- (iii) Notwithstanding Clause 2.1.4(b), the maximum height of all garages, carports and **accessory buildings** not attached to the **dwelling unit** shall be 5 m measured from the average finished grade at the perimeter of the building to the highest point of the roof.
- (iv) The gross floor area of all garages, carports or **accessory buildings** shall not exceed the **ground floor area** of all such structures.
- (v) In no case shall the **ground floor area** of any garage, carport or other **accessory building** be larger than the **ground floor area** of the principal building on the lot or parcel.

2.2 Regulations for **Single-Family Dwellings**, Semi-Detached and **Two-Family Dwellings, Duplexes and Street Townhouse Dwellings**

2.2.1 **Street Yard Exceptions**

2.2.1.1 **Vehicles** may only be parked in a **street yard** on that portion of the **driveway** leading to the **parking space** required by this By-law.

2.2.1.2 Notwithstanding paragraphs 2.1.1 and 2.2.1.1, the **parking space** required by this By-law may be located in a **street yard**, provided that:

1. Both **side yards** are less than 2.5 m in width; and
2. The **dwelling unit** was constructed prior to September 23, 1985; and
3. A **parking space** complying with all other provisions of this By-law was not established on the lot or parcel as of September 23, 1985.

2.2.1.3 Notwithstanding paragraphs 2.1.1 and 2.2.1.1, the **parking space** required for a **second suite** may be located in a **street yard**, only in tandem on the **driveway** leading to the **parking space** required for a dwelling unit.

2.2.2 Hammerhead and Circular Driveway Regulations

2.2.2.1 Hammerhead Turnarounds

A **driveway** with a **hammerhead turnaround** shall be permitted on lots or parcels having frontage greater than 18 m, or on lots or parcels having access to 27 m wide **streets**, provided that:

- (a) where it is located in the **front yard**, the **driveway** dimensions, **front yard** landscaping and **front yard** soft landscaping requirements of this By-law are complied with; and
- (b) where it is located in a **street yard** that is not a **front yard**, the **driveway** and **parking space** shall not cover more than 60% of the **street yard**; and

Parking of **vehicles** is permitted only on that portion of the **driveway** leading directly to the **parking space** required by this By-law.

2.2.2.2 Circular Driveways

A **circular driveway** shall be permitted on lots or parcels having frontage greater than 18 metres, provided that:

- (a) where it is located in the **front yard**, the **driveway** dimensions, **front yard** landscaping and **front yard** soft landscaping requirements of this By-law are complied with; and
- (b) where it is located in a **street yard** that is not a **front yard**, the **driveway** and **parking space** shall not cover more than 60% of the **street yard**.

Parking of **vehicles** is permitted only on that portion of the **driveway** leading directly to the **parking space** required by this By-law.

2.2.3 Vehicle Repair

Any work on a **vehicle** is restricted to maintenance of a **vehicle** owned by an occupant of the dwelling, and shall exclude painting, sanding, welding and autobody repairs.

CLAUSE VIII - ZONE PROVISIONS

1. Single-Family Residential (S) Zone

(a) Permitted Uses

- **Correctional Group Homes**
- **Group Homes**
- **Single-Family Dwellings**

(b) Ancillary Uses Permitted

- **Domestic or Household Arts**
- **Private Home Day Care**

(c) Supplementary Regulations

- (i) The operation of a **rooming and/or boarding house** is strictly prohibited.
- (ii) Nothing in this By-law shall prevent the carrying on of any **domestic or household art**, except that **domestic and household arts** shall not be permitted in conjunction with **Group Homes, Correctional Group Homes, and Residential Care Facilities**.

2. Two-Family Residential (T) Zone

(a) Permitted Uses

- **Correctional Group Homes**
- **Group Homes**
- **Single-Family Dwellings**
- **Two-Family Dwellings**

(b) Ancillary Uses Permitted

- **Domestic or Household Arts**
- **Private Home Day Care**

(c) Supplementary Regulations

- (i) **Side yard setbacks** shall only be required from the side lot lines of the parcel or lot used to establish conformity with the applicable Intensity of Use standard in Schedules to this By-law.
- (ii) The operation of a **rooming and/or boarding house** is strictly prohibited.
- (iii) Nothing in this By-law shall prevent the carrying on of any **domestic or household art**, except that **domestic and household arts** shall not be permitted in conjunction with **Group Homes, Correctional Group Homes, and Residential Care Facilities**.

2.1 **Street Townhouse Residential (ST) Zone**

(a) Permitted Uses

- **Correctional Group Homes**
- **Group Homes**
- **Single-Family Dwellings**
- **Street Townhouse Dwellings**
- **Two-Family Dwellings**

(b) Ancillary Uses Permitted

- **Private Home Day Care**

(c) Supplementary Regulations

1. **Side yard Setbacks** shall only be required from the side lot lines adjacent to the end unit of the row of **Street Townhouse Dwellings**.

3. **Multiple-Family Residential (M) Zone**

(a) Permitted Uses

- **Correctional Group Homes**
- **Day Nurseries**
- Duplexes) Only where specifically provided for on Schedules to this By-law
- Fourplexes) Only where specifically provided for on Schedules to this By-law
- **Group Homes**
- **Multiple-Family Dwellings**
- Nursing Homes
- Senior Citizen Homes
- **Single-Family Dwellings**

- Two-Family Dwellings

(b) Ancillary Uses Permitted

- **Private Home Day Care**

(c) Supplementary Regulations

4. **Apartment Residential (A) Zone**

(a) Permitted Uses

- **Apartment Buildings**
- **Day Nurseries**
- **Group Homes**
- Nursing Homes
- Senior Citizen Homes

(b) Ancillary Uses Permitted

- **Private Home Day Care**

(c) Supplementary Regulations

5. **Neighbourhood Commercial (NC)**

(a) Permitted Uses

- **Day Nurseries**
- Neighbourhood Commercial Uses

(b) Definition

For the purposes of this By-law, Neighbourhood Commercial Uses shall mean retail Commercial Uses serving the adjacent Residential Neighbourhood and includes one or more of the following uses:

- Automobile Service Stations
- Banks
- Medical Centres
- Personal Service Shops
- Restaurants
- Retail Stores and Offices

6. **Community Commercial (CC)**

(a) **Permitted Uses**

- Community Commercial Uses
- Neighbourhood Commercial Uses
- **Day Nurseries**

(b) **Definition**

For the purposes of this By-law, Community Commercial shall include one or more of the following Commercial Uses:

- Auto Sales Rooms
- Automobile Service Stations
- Banks
- Business and Professional Offices
- Commercial Storage
- Custom Workshop for Sale of Goods on Premises
- Frozen Food Storage and Space Rental
- Places of Entertainment or Recreation
- Restaurants, Tea Rooms, Cafeterias, Taverns
- Retail Stores
- Service Shops and Agencies
- Studios

7. **Highway Commercial (HC)**

(a) **Permitted Uses**

- Highway Commercial Uses
- **Day Nurseries**

(b) **Definition**

For the purposes of this By-law, Highway Commercial Uses shall include commercial uses of the following natures:

1. Those which necessitate their location adjacent to a major traffic artery and may require channelization of off-street parking, and do not require large areas of sustained off-street parking, or

2. Those which are not suited to locations in shopping centres, or
3. Those which perform a specialized commercial function and may require limited processing of a product but are not essentially industrial in character, and shall include such uses as the following:
 - Automobile Sales, service and maintenance uses excluding auto body repair and/or auto wrecking yards
 - Fraternal Organizations
 - Funeral Homes
 - Hotels and Motels
 - **Place(s) of Worship**
 - Professional and Business Offices
 - Recreational Uses
 - Specialized Commercial Uses

8. Institutional Uses (I)

(a) Permitted Uses

- **Day Nurseries**
- Institutional Uses

(b) Definition

For the purposes of this By-law, Institutional Uses shall mean and be confined to Public, Semi-Public and/or Institutional Uses consisting of large tracts of land with low building coverage such as the following:

- Fraternal Organizations
- Hospitals within the meaning of Provincial Legislation relating thereto
- Private and Public Educational Institutions
- Private and Public Recreational Uses and Commercial Uses incidental thereto

9. Place(s) of Worship (PW)

(a) Permitted Uses

- **Day Nurseries**
- **Place(s) of Worship**

10. Major Open Spaces (O)

(a) Permitted Uses

- Major Open Space Uses

(b) Definition

For the purposes of this By-law, Major Open Spaces shall include areas, the topographical or physical nature of which renders these lands unsuitable for the sustenance of buildings. In this category or zone, the erection, structural alteration and/or maintenance of buildings is prohibited. Notwithstanding the foregoing, however, public recreational uses, and buildings accessory thereto, shall be permitted in the areas designated "O" in Schedule "A".

11. Agricultural Uses (Ag)

(a) Definition

For the purposes of this By-law, Agricultural Uses is a land use zone designed to provide temporary use of land pending the extension of storm and sanitary sewers, and other municipal services to provide for more intensive or permanent use of lands.

(b) Permitted Uses

1. Agricultural Uses

- Apiaries
- Aviaries
- Berry Bush Crops
- Commercial Greenhouses
- Farms or Ranches for Grazing of Livestock - Raising of Sheep, Goats, Horses or Cattle
- Flower Gardening
- Nurseries
- Orchards
- Training of Horses
- Tree Crops

2. Recreational Uses

- Golf Driving Ranges
- Playgrounds
- Riding Stables or Academies
- and other outdoor recreational uses which do not require the erection of a permanent building or structure

3. - **Day Nurseries**

12. **Office Uses (OU)**

- (a) Office Uses are professional, business and administrative offices.
- (b) Lands used for any of the purposes stated in Sub-Section (a) may also be used for:
 - Banks
 - **Day Nurseries** and Educational Facilities
 - Personal Service Shops
 - Places of Entertainment, Assembly and Recreation
 - Restaurants
 - Retail Stores

13. **Park Zone (P)**

Permitted Uses

- **Day Nursery**
- **Park**

14. **School Zone (SC)**

Permitted Uses

- **Day Nursery**
- **School**

15. **Institutional Uses - Public Transit (I-PT) Zone**

Permitted Uses

- **Public Transportation Uses**
- Ancillary commuter parking facilities

CLAUSE IX - VIOLATIONS AND PENALTIES

Repealed by By-law No. 21951.

CLAUSE X - VALIDITY

This By-law shall come into force upon receiving the approval of the Ontario Municipal Board.

CLIFFCREST COMMUNITY

BY-LAW NUMBER 9396

INTENSITY OF USE

1. One single-family dwelling per lot or block as shown on Registered Plan.
2. One single-family dwelling per parcel having a minimum frontage of 15 m on a public street and a minimum area of 510 m².
3. One single-family dwelling per parcel having a minimum frontage of 10.5 m on a public street and a minimum area of 371 m².
4. One single-family dwelling per parcel having a minimum frontage of 12 m on a public street and a minimum area of 464 m².
5. One single-family dwelling per parcel having a minimum frontage of 13 m on a public street and a minimum area of 464 m².
6. One single-family dwelling per parcel having a minimum frontage of 13.5 m on a public street and a minimum area of 464 m².
7. One single-family dwelling per parcel having a minimum frontage of 15 m on a public street and a minimum area of 696 m².
8. One **townhouse dwelling** unit per parcel of land having a minimum **front lot line** of 4 metres or a minimum parcel width of 4 metres and a minimum **lot area** of 90 square metres.
9. Maximum two **dwelling units** per parcel of land having a minimum frontage of 18 m on a public **street** and a minimum area of 613 m²;
or
Maximum one **dwelling unit** per parcel of land having a minimum frontage of 9 m on a public **street** and a minimum area of 306 m².
10. One duplex dwelling (two-family dwelling divided horizontally) per parcel having a minimum frontage of 15 m on a public street and a minimum area of 510 m².
11. Fourplex dwelling (four dwelling units divided horizontally in pairs) having a minimum frontage of 21 m on a public street and a minimum area of 780 m².
12. One suite (individual dwelling unit) per 250 m² of lot area.

13. One suite (individual dwelling unit) per 199 m² of lot area.
14. One suite (individual dwelling unit) per 161 m² of lot area.
15. One suite (individual dwelling unit) per 134 m² of lot area.
16. One suite (individual dwelling unit) per 99 m² of lot area.
17. One suite (individual dwelling unit) per 80 m² of lot area.
18. One suite (individual dwelling unit) per 67 m² of lot area.
19. One single-family dwelling on a parcel of land with a minimum of 12 m frontage on a public street and a minimum width along a line 6 m back from and parallel to the street line of 15 m and a minimum area of 510 m².
20. One single-family dwelling per parcel of land with a minimum of 15 m frontage on a public street and a minimum width along a line 6 m back from and parallel to the street line of 18 m and a minimum area of 603 m².
- 20A. One fourplex dwelling (four-family dwelling) per parcel of land having a minimum frontage of 19.5 m on a public street and a minimum lot area of 975 m².
- 20B. One Single-Family dwelling per parcel having a minimum frontage of 15 m on a public street and a minimum area of 557 m².
- 20C. One suite (individual dwelling unit) per 256 m² of lot area.
- 20D. Maximum two **dwelling units** per parcel having a minimum 15 m frontage on a public **street** and a minimum area of 613 m²; or Maximum one **dwelling unit** per parcel having a minimum 7.5 m frontage on a public **street** and a minimum area of 306 m².
- 20E. One suite (individual dwelling unit) per 269 m² of lot area.
- 20F. One individual dwelling unit per 263 m² of lot area.
- 20G. The intensity of use shall not exceed an F.S.I. of 1.8. Floor Space Index (F.S.I.) shall mean the ratio of the total floor area to the site area. Total Floor Area means the aggregate of the area of each floor above grade measured between the exterior walls at the level of each floor including any part of the building or structure above grade used for the storage or parking of motor vehicles, locker storage and laundry facilities, but excluding any part of the building or structure used for retail commercial purposes open to the public and any area used for recreational or mechanical purposes.
- 20H. One single-family dwelling per parcel of land having a minimum frontage of 15 m on a public street and a minimum area of 464 m².

- 20J. Maximum two **dwelling units** per lot as shown on a Registered Plan having a minimum frontage of 16.5 m on a public **street** and a minimum area of 557 m²;
or
Maximum one **dwelling unit** per parcel having a minimum 8.25 m on a public **street** and a minimum area of 278 m².
- 20K. Maximum two **dwelling units** per parcel of land having a minimum frontage of 16.5 m on a public **street** and a minimum area of 613 m²;
or
Maximum one **dwelling unit** per parcel of land having a minimum frontage of 8.25 m on a public **street** and a minimum area of 306 m².
- 20M. One Single-Family dwelling per lot as shown on a registered plan having a minimum frontage of 19.5 m on a public street and a minimum lot area of 557 m².
- 20N. Maximum two **dwelling units** per lot as shown on a Registered Plan having a minimum frontage of 21 m on a public **street** and a minimum area of 603 m²; or
Maximum one **dwelling unit** per parcel having a minimum frontage of 10.5 m on a public **street** and a minimum area of 301 m².
- 20P. One single-family dwelling per parcel of land having a minimum frontage on a public street of 14 m and a minimum lot area of 510 m².
- 20Q. One dwelling unit per parcel of land having a minimum frontage of 7.5 m and a minimum area of 290 m².
- 20R. One dwelling unit per parcel of land having a minimum frontage of 9 m and a minimum area of 300 m².
- 20S. One dwelling unit per parcel of land having a minimum frontage of 9 m on a public street and a minimum area of 418 m².

FRONT YARD

21. Minimum building setback 16 m from centre line of the original road allowance.
22. Minimum building setback 22 m from centre line of the original road allowance of St. Clair Avenue, McCowan Road, Brimley Road and Bellamy Road.
23. Minimum Building Setbacks

For "NC", "CC" and "HC" Zones, 16.5 m from the centre line of the original road allowance of McCowan Road north of Kingston Road, Bellamy Road north of Kingston Road, Brimley Road north of Kingston Road, and Midland Avenue; 21 m from the centre line of Kingston Road, 18 m from the centre line of the original road allowance of St. Clair Avenue; or 3 m from the street lines of the said streets, whichever is the greater

setback; and 3 m from the street lines of any other streets.

For all other Zones, 25 m from the centre line of the original road allowance of St. Clair Avenue, McCowan Road, Brimley Road and Bellamy Road.

24. Minimum Building Setbacks

For "NC", "CC" and "HC" Zones, 16.5 m from the centre line of the original road allowance of McCowan Road north of Kingston Road, Bellamy Road north of Kingston Road, Brimley Road north of Kingston Road, and Midland Avenue; 21 m from the centre line of Kingston Road, 18 m from the centre line of the original road allowance of St. Clair Avenue; or 3 m from the street lines of the said streets, whichever is the greater setback; and 3 m from the street lines of any other streets.

For all other Zones, 31 m from the centre line of the original road allowance of St. Clair Avenue, McCowan Road and Bellamy Road.

25. Minimum Building Setbacks

For "NC", "CC" and "HC" Zones, 16.5 m from the centre line of the original road allowance of McCowan Road north of Kingston Road, Bellamy Road north of Kingston Road, Brimley Road north of Kingston Road, and Midland Avenue; 21 m from the centre line of Kingston Road, 18 m from the centre line of the original road allowance of St. Clair Avenue; or 3 m from the street lines of the said streets, whichever is the greater setback; and 3 m from the street lines of any other streets.

26. Minimum Building Setbacks

For "NC", "CC" and "HC" Zones, 16.5 m from the centre line of the original road allowance of McCowan Road north of Kingston Road, Bellamy Road north of Kingston Road, Brimley Road north of Kingston Road, and Midland Avenue; 21 m from the centre line of Kingston Road, 18 m from the centre line of the original road allowance of St. Clair Avenue; or 3 m from the street lines of the said streets, whichever is the greater setback; and 3 m from the street lines of any other streets.

For all other Zones, 30 m from the centre line of the original road allowance of Kingston Road.

27. Minimum building setback 33 m from centre line of the original road allowance of Kingston Road.

28. Minimum Building Setbacks

For "NC", "CC" and "HC" Zones, 16.5 m from the centre line of the original road allowance of McCowan Road north of Kingston Road, Bellamy Road north of Kingston Road, Brimley Road north of Kingston Road, and Midland Avenue; 21 m from the centre

line of Kingston Road, 18 m from the centre line of the original road allowance of St. Clair Avenue; or 3 m from the street lines of the said streets, whichever is the greater setback; and 3 m from the street lines of any other streets.

For all other Zones, 36 m from the centre line of the original road allowance of Kingston Road.

29. Minimum building setback 3 m from the street line.

30. Minimum building setback 6 m from the street line.

31. Minimum building setback 7.5 m from the street line.

32. Minimum building setback 9 m from the street line.

33. Minimum Building Setbacks

For "NC", "CC" and "HC" Zones, 16.5 m from the centre line of the original road allowance of McCowan Road north of Kingston Road, Bellamy Road north of Kingston Road, Brimley

Road north of Kingston Road, and Midland Avenue; 21 m from the centre line of Kingston Road, 18 m from the centre line of the original road allowance of St. Clair Avenue; or 3 m from the street lines of the said streets, whichever is the greater setback; and 3 m from the street lines of any other streets.

34. Minimum building setback 18 m from the street line.

35. Minimum building setback 43 m from the centre line of the original road allowance of St. Clair Avenue.

36. Minimum building setback 20.5 m from the centre line of the original road allowance of Brimley Road.

37. Minimum building setback: 12 m from the street line of Pine Ridge Drive; 6 m from the street line of Meadowcliffe Drive.

BUILDING SETBACK FROM STREET

40. No building shall be erected less than:

- (a) 36 m from the centre line of Kingston Road, and
- (b) 12 m from the street line of Brimley Road.

- 40A. Minimum 7.5 m from street line of Brimley Road.
- 40B. Minimum 6 m from street line of Comrie Terrace.
- 40C. Service Station canopies and their supporting columns shall be set back 21 m from the centre line of Kingston Road, or 3 m from the street line thereof, whichever is the greater setback.
- 40D. Minimum 6 m.
- 40E. Minimum 3 m.
- 40F. Minimum building setback 16.5 m from the centre line of the road allowance of Brimley Road.
- 40G. The main walls shall be setback:
- (a) minimum 2.9 metres from the **front lot line** adjacent to St. Clair Avenue East.
 - (b) minimum 0.0 metres from the side **lot line** adjacent to Vivian Road.
 - (c) minimum setback at the southwest corner as shown on Schedule '3' of By-law 688-2019.

SIDE YARD

41. Minimum 450 mm from each side.
42. Minimum 600 mm from each side.
43. Minimum 900 mm from each side.
44. Minimum 1.2 m from each side for a one-storey dwelling plus 600 mm for each additional or partial storey.
45. Minimum 2.4 m from each side.
46. Minimum each side one-half the height of the building.
47. Minimum 1.5 m from side wall to the street line for buildings erected on corner lots.
48. Minimum 2.4 m from side wall to the street line for buildings erected on corner lots.
49. Minimum Setbacks for Buildings Erected on Corner Lots

For "NC", "CC" and "HC" Zones, 16.5 m from the centre line of the original road allowance of McCowan Road north of Kingston Road, Bellamy Road north of Kingston Road, Brimley Road north of Kingston Road, and Midland Avenue; 21 m from the centre line of Kingston Road, 18 m from the centre line of the original road allowance of St. Clair Avenue; or 3 m from the street lines of the said streets, whichever is the greater setback; and 3 m from the street lines of any other streets.

For all other Zones, 3.6 m from side wall to the street line.

- 50. Minimum 4.5 m from side wall to the street line for buildings erected on corner lots.
- 51. Minimum 5.7 m from side wall to the street line for buildings erected on corner lots.
- 52. Minimum Setbacks for Buildings Erected on Corner Lots

For "NC", "CC" and "HC" Zones, 16.5 m from the centre line of the original road allowance of McCowan Road north of Kingston Road, Bellamy Road north of Kingston Road, Brimley Road north of Kingston Road, and Midland Avenue; 21 m from the centre line of Kingston Road, 18 m from the centre line of the original road allowance of St. Clair Avenue; or 3 m from the street lines of the said streets, whichever is the greater setback; and 3 m from the street lines of any other streets.

For all other Zones, 6 m from side wall to the street line.

- 53. Minimum Setbacks for Buildings Erected on Corner Lots

For "NC", "CC" and "HC" Zones, 16.5 m from the centre line of the original road allowance of McCowan Road north of Kingston Road, Bellamy Road north of Kingston Road, Brimley Road north of Kingston Road, and Midland Avenue; 21 m from the centre line of Kingston Road, 18 m from the centre line of the original road allowance of St. Clair Avenue; or 3 m from the street lines of the said streets, whichever is the greater setback; and 3 m from the street lines of any other streets.

For all other Zones, 9 m from side wall to the street line.

- 54. Minimum 12 m from side wall to the street line for buildings erected on corner lots.
- 55. Minimum 2.7 m from each side.
- 56. Building setback from side and rear lines, minimum 7.5 m for end walls, minimum 12 m abutting "S" or "T" zones; minimum 10.5 m otherwise.
- 57. Minimum building setback 6 m from the limit of Brimley Road.

58. Except on the east yard where a minimum 7.5 m side yard shall be provided, side and rear yards shall be a minimum of one-half the height of the building. This standard shall not apply to a side yard, the property limit of which is a street line.

BUILDING SETBACK FROM LOT LINES OTHER THAN STREET LINES

59. Rear yard - minimum 6 m.
60. Side yard minimum 900 mm.
- 60A. Garage side yard minimum 300 mm.
- 60B. Rear yard - minimum 5 m.
- 60C. Side yard - minimum 1 m from any side lot line, across which it is not attached to the adjacent dwelling unit.
- 60D. Side Yard - minimum 1 m on one side only.
- 60E. Rear Yard - minimum 4.5 m.
- 60F. Minimum rear yard: 7.5 m plus 50% of lot depth greater than 33.5 m.
- 60G. The **main walls** shall be **setback**:
- (a) minimum 1.0 metres from the east side **lot line**.
 - (b) minimum 8.9 metres from the rear **lot line**.

FLOOR AREA

61. Minimum ground floor area 69 m² for one-storey or split level dwelling. More than one-storey 46 m².
62. Minimum ground floor area 74 m² for one-storey or split level dwelling. More than one storey 55 m².
63. Minimum ground floor area 88 m² for one-storey or split level dwelling. More than one-storey 67 m².
64. Minimum ground floor area 92 m² for one-storey or split level dwelling. More than one-storey 60 m².

65. Minimum ground floor area 102 m², for one-storey or split level dwelling. More than one-storey 65 m².
66. Minimum ground floor area 111 m² for one-storey or split level dwelling. More than one-storey 69 m².
67. Minimum ground floor area 120 m² for one-storey or split level dwelling. More than one-storey 74 m².
68. Minimum floor area of 78 m².
69. Minimum floor area of 83 m².
70. Minimum **ground floor area** 92.5 m² per **dwelling unit** for one **storey** building. More than one **storey** buildings shall be 46 m² per **dwelling unit**.
71. All suite types permitted. Minimum floor area (inside dimensions):

Bachelor	37 m ²
1-Bedroom	48 m ²
2-Bedroom	65 m ²

(Minimum 9 m² for each additional bedroom.)
72. Only bachelor and one bedroom permitted. Minimum floor area (inside dimensions), Bachelor 37 m², one bedroom 48 m².
73. Only two-bedroom and larger suites permitted. Minimum floor area: (inside dimensions) Two-bedroom 65 m². (Minimum 9 m² for each additional bedroom.)
74. **Gross floor area** of all buildings, minus the **gross floor area** of **basements**, shall not exceed 22% of the lot area.
75. **Gross floor area** of all buildings, minus the **gross floor area** of **basements**, shall not exceed 33% of the lot area.
76. **Gross floor area** of all buildings, minus the **gross floor area** of **basements**, shall not exceed 40% of the lot area.
77. **Gross floor area** of all buildings, minus the **gross floor area** of **basements**, shall not exceed 70% of the lot area.
78. Only bachelor, one-bedroom and two-bedroom suites permitted. Minimum floor area (inside dimensions):

Bachelor	37 m ²
1-Bedroom	48 m ²
2-Bedroom	65 m ²

- 80A. Minimum floor area of 92 m² for one dwelling unit.
- 80B. Minimum **ground floor area** 102 m² per **dwelling unit** for one **storey** buildings; more than one **storey** buildings shall be 55.5 m² per **dwelling unit**. **Split level dwellings** may be erected either with a minimum **ground floor area** of 102 m² per **dwelling unit** or minimum **floor area** of 117.5 m² per **dwelling unit**.
- 80C. Ground Floor Area of all buildings shall not exceed 40% of the lot area.
- 80D. Minimum Ground Floor Area 92 m² for bungalows, 46 m² for two-storey dwellings. Split level dwellings may be erected either with a minimum ground floor area of 92 m² or minimum floor area of 106 m² (inside dimensions).
- 80E. Maximum building coverage 30% of the lot area.
- 80F. For a 3-bedroom unit, the **gross floor area** shall not be less than 111 m².
- 80G. Minimum ground floor area for a one-storey dwelling shall be 120 m² and minimum 74 m² for a two-storey dwelling. Split level dwelling may be erected either with a minimum ground floor area of 120 m² or a minimum floor area of 139 m².
- 80H. Only Bachelor and one-bedroom units shall be permitted with the following minimum inside floor areas:

Bachelor	37 m ²
One-bedroom	41 m ²

- 80J. Maximum building coverage shall not exceed 18% of the lot area.
- 80L. Maximum total floor area per dwelling unit shall be as follows:

<u>Lot Size</u>	<u>Floor Area</u>
For lots less than 408 m ²	Maximum 0.45 x lot area to maximum of 163 m ²
For lots 408 m ² - 697 m ²	Maximum 0.4 x lot area to maximum of 232 m ²
For lots more than 697 m ²	Maximum 0.33 x lot area

- 80M. The following unit types are permitted:

<u>Unit Type</u>	<u>Floor Area</u>
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1 Bedroom	Minimum 48 m ²
2 Bedroom	Minimum 72 m ²
3 Bedroom	Minimum 91 m ²

80N. Maximum floor area per dwelling unit: 0.4 x lot area.

MISCELLANEOUS

81. Maximum 50% of ground floor or first floor area to be utilized for dwelling units.
82. Minimum 92 m² of ground floor to be utilized as a recreation room.
83. Balconies to be provided on 60% of the dwelling units.
84. Maximum height six storeys.
85. 3 m wide strip abutting "S" zone to be used for landscaping purposes only.
86. Rear yard setback at least 3 m.
87. Rear yard setback at least 7.5 m.
88. Rear yard setback at least 13.5 m.
89. Minimum 1.5 m buffer strip for landscaping purposes only.
90. Repealed by By-law Number 25268.
91. Minimum rear and side yard 7.5 m.
92. The easterly 1.5 m to be used for landscaping purposes only.
93. Extent of major open space (O) is within 76 m of the top of bluff.
94. Basement of buildings to be minimum 3.6 m above the invert of the creek.
95. Extent of major open space 'O' to be all land having an elevation of 3.6 m or less above the invert of the creek.
96. Recreation room to be provided in each Apartment building to have minimum 46 m² plus 0.9 m² for each additional suite in excess of 50, up to a maximum of 93 m² in one room.

Where total requirements of all Apartments in the building exceed 93 m², said requirements shall be provided in two or more rooms each having not less than 46 m² floor area.

97. Minimum 125% parking, i.e., five car parking spaces per four dwelling units.
98. Notwithstanding Clause VI, **PROVISIONS FOR ALL ZONES**, Sub-Clause 5, **LANDSCAPE REQUIREMENTS**, the 1.5 m strip abutting "S" or "T" zones may be used for a purpose other than landscaping.
99. Maximum 7 **dwelling units** which shall be located on the second storey.
100. A maximum of 2 **dwelling units** may be permitted.
101. Maximum height 3 storeys for **street townhouse dwellings**.
102. Maximum 16 **dwelling units** shall be located on the second and third floor.
103. An attached garage shall be erected with each **dwelling unit**.
104. Attached and detached garages may be erected not less than 300 mm from the side lot line, provided the said structure is at least 1.5 m from the structure or dwelling on the adjoining lot.
105. No building or structure shall be erected less than:
 - (a) 36 m from the centre line of Kingston Road;
 - (b) 7.5 m from any other street line.
106. Notwithstanding anything contained in this By-law, buildings or structures used for refuse storage purposes shall be permitted in front or flankage yards with a minimum distance of not less than 1.5 m from the street line. The said buildings or structures to be used for refuse storage purposes to be enclosed by at least four walls and a roof.
107. Minimum 125% off-street parking to be provided (i.e. five parking spaces per four dwelling units). Minimum of 75% of the total parking spaces to be underground or enclosed. One of every five parking spaces to be provided on the surface for visitors' parking only.
108. Minimum 50% of the lot area to be used for no other purpose than landscaping.
109. Maximum height of 3 **storeys** not including parking levels and rooftop architectural features.

110. Minimum building setback 12 m from the northerly lot line abutting the proposed Scarborough Expressway.
111. Underground parking structures may be permitted in all yards but the said structures shall be distant from a street line not less than a measurement equivalent to the full depth of the underground structure measured from the floor of the structure to the grade at the street line and in no case shall an underground structure be less than 3 m from the street line.
112. Maximum building height 8 m (grade to top of roof) at the front wall elevation.
113. A minimum number of parking spaces equivalent to 100% of all the **dwelling units** shall be provided for residents completely underground or in garages attached to each and every **dwelling unit**. A minimum number of parking spaces equivalent to 25% of all the **dwelling units** shall be provided for visitors on the surface.
- 113A Apartment buildings two storeys and over shall be provided with a mechanical elevator.
114. A minimum of 9000 cm² per suite shall be provided for a common or recreation room on the site.
115. A minimum of 60% of the site shall be used for no other purpose than landscaping.
116. A minimum number of off-street parking spaces equivalent to 25% of all the dwelling units shall be provided on the site, of which a minimum one-fifth shall be provided for visitors' parking on the surface.
117. A garage may be erected along a line through the common wall between semi-detached dwelling units but otherwise shall be setback a minimum of 300 mm from the side lot line.
118. For "NC", "CC" and "HC" Zones, underground structures shall be set back from streets in accordance with the main wall building setbacks applying within such Zones. For all other zones, underground structures shall be setback from the street line a minimum distance equivalent to its full depth measured from its floor to the grade at the street line but not less than 3 m.
119. A garage, with minimum inside dimensions of 2.7 m by 5.7 m, shall be attached to each dwelling unit .
120. Ground Floor Area of all buildings shall not exceed 50% of the lot area.
121. A garage to be erected with each dwelling unit.

122. The gross floor area of all Office Uses shall not exceed 100% of the lot area.
123. A garage (inside dimensions minimum 2.7 m by 5.7 m) shall be erected with each dwelling unit.
124. Maximum building height not to exceed 22.5 m.
125. Maximum building height permitted by the By-law shall not prevent the construction or maintenance on the roof of the building of mechanical enclosures.
126. Minimum of 1 m² of enclosed recreation floor area to be provided for each dwelling unit.
127. Maximum height: 9 m.
128. Maximum number of storeys excluding basements: 2 storeys.
129. Maximum height: 10.5 m.
130. Maximum basement height: 1 m.
131. The provisions of this By-law shall apply collectively to this property notwithstanding its division into two or more parcels.
132. **CLAUSE VI – PROVISIONS FOR ALL ZONES No. 5 Landscaping Requirements** shall not apply.
133. Maximum building **height** 13 metres.
134. The southerly 1.5 metres to be used for landscaping purposes only.
135. The easterly 1.2 metres to be used for landscaping purposes only.
136. The northerly and easterly 1.2 m to be used for landscaping purposes only.
137. Maximum height of 9 metres and 2 storeys excluding basements.
138. Maximum 3 **storeys**, excluding **basements**, to a maximum of 12.5 m in **height**.
139. Maximum 3 **storeys**, excluding **basements**, to a maximum of 10.5 m in **height**.

140. 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.
141. Minimum building **setback** of 5.6 m from the private street line, other than end **townhouse** units.
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:
- (i) 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
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
143. Maximum lot coverage, excluding terraces over parking spaces is 70 percent.
144. Notwithstanding, the definition of **Main Wall** in **Clause V – Definitions**, the following projections and their supporting structural members shall not be considered part of the **main wall**, except that no such projection shall extend into a public street:
- i) porches, exterior steps or ramps, screen wall, railings, sill or other similar architectural feature may be located 0.0 metres to the west side lot line.
 - ii) terraces, planters and privacy screens located at the second storey may encroach into the required **rear yard** setback a maximum of 4.0 metres.
145. The northerly 1.5 metres shall be used for landscaping purposes only, and the main wall of the mechanical/electrical room may be located 5.0 metres from the rear **lot line**.
146. **CLAUSE VI – PROVISIONS FOR ALL ZONES, Section 14** "Lands Not Covered by Buildings", shall not apply.

BUILDING SETBACK FROM LOT LINES

- 201. All buildings shall be setback a minimum of 3 m from the street line except that the main wall containing the vehicular access shall be setback a minimum of 6 m.
- 202. Minimum half of the height of the building from the southerly lot line.
- 203. Minimum 6 m from the northerly lot line.
- 204. Minimum front yard setback 30 m from the streetline.
- 205. Minimum side yard setback 3 m from each side.
- 206. Minimum side yard on west side only: 1.5 m.
- 207. Minimum rear yard: 21 m.
- 208. Minimum side yard setback 1.2 m on one side and 0.6 m on the other side for **single-family dwellings**.
- 209. Minimum side yard setback 1.2 m for **two-family dwellings** and **street townhouse dwellings**.
- 210. Minimum setback for a **dwelling unit** 30 m from a **Railway Corridor Zone (RWY)**.
- 211. Minimum 5 m from the southerly side lot line.
- 213. Minimum side yard setback of 1.2 m on one side and 0 m for the common lot line shared by dwelling units for **two-family dwellings**.
- 214. Minimum building **setback** of 1.0 m from the west lot line and 1.1 m from the east lot line.
- 215. Minimum building **setback** of 7.5 m from the west and east lot lines.
- 216. Minimum building **setback** of 6.8 m from the south lot line.
- 217. Notwithstanding the definition of **Front Lot Line** in **CLAUSE V – INTERPRETATION, SECTION (f), Definitions**, the **front lot line** shall be deemed the **lot line** coincident with Kingston Road as shown on Schedule '1' of By-law 268-2018.
- 218. Minimum building **setbacks** shall comply with those shown on Schedule '2' of By-law 268-2018.

219. Notwithstanding Performance Standard 218, the following building elements may extend into the required **building setback** shown on Schedule '2' as follows:
- (a) stairs;
 - (b) eaves, building cornices, light fixtures, ornamental and architectural elements, pilasters, parapets, trellises, window sills, window box, bay window or projecting window, landscape and public art features, window washing equipment, lightning rods a maximum of 0.3 metres; and
 - (c) porches a maximum of 2.5 metres.
220. Notwithstanding Performance Standard 227, the following building elements may extend above the permitted heights shown on Schedule '2' as follows:
- (a) eaves, building cornices, light fixtures, ornamental and architectural elements, parapets, trellises, landscape and public art features, window washing equipment, lightning rods, stair overruns a vertical distance not exceeding 3 metres; and
 - (b) mechanical and ventilation equipment and related enclosures a vertical distance not exceeding 5 metres.
221. No part of a **building** on a **lot** may penetrate a 45 degree **angular plane** projected along the entire required **rear yard setback**, starting at a height of 10.5 metres above the average elevation of the ground along the **lot line** opposite Kingston Road.
222. Notwithstanding Performance Standards 218 and 221, the following building elements or structures may project into an **angular plane** starting at a height above a height of 16.5 metres as follows:
- (a) mechanical and ventilation equipment, green roofs, stair overruns, balconies, parapets, window washing equipment, lightning rods, ornamental and architectural features, window sills, building cornices;
 - (b) A total of 42 **parking spaces** are required to be shared for visitors and non-residential uses of which a minimum of 1 **parking space** may be used for car share.
223. **Amenity space** shall be provided at a minimum rate of 4.0 square metres for each **dwelling unit** of which a minimum of 2.0 metres for each **dwelling unit** shall be indoor **amenity space** and a minimum of 2.0 square metres for each **dwelling unit** shall be outdoor space.
224. All waste and recyclable material must be stored in a wholly enclosed **building**.

225. Notwithstanding the provisions of **Clause VI – PROVISIONS FOR ALL ZONES** Section 15, "Use of Basements", does not apply.
226. An **eating establishment** must be entirely within a building.

HEIGHT

227. Notwithstanding the definition of **Height** in **CLAUSE V – INTERPRETATION, SECTION (f), Definitions**, the height of any building shown on Schedule '2' of By-law 268-2018, as measured from Canadian Geodetic Datum elevation of 176.6 metres to the highest point of the building or structure, shall not exceed the height in metres specified by the numbers following the symbol HT of By-law 268-2018.
228. Notwithstanding the definition of **Height** in **CLAUSE V – INTERPRETATION, SECTION (f), Definitions**, the height of the building, as measured from Canadian Geodetic Datum elevation of 164.4 metres to the highest point on the building, shall not exceed 11 metres.
229. The following building elements may extend above the permitted height:
- (a) guard rails, trellises, pergolas, privacy screens, ornamental and architectural elements, landscaping and planters, mechanical and electrical equipment, and enclosed stairwells providing rooftop access to terraces may exceed the permitted maximum height by 3.0 metres.

PARKING

301. Parking spaces shall be provided to achieve a ratio of either:
- i) 10.8 spaces per 100 m² of restaurant floor area, or
 - ii) 2.4 spaces per 100 m² of floor area for all uses permitted under the "OU" Zone whichever is the higher.
302. An attached garage shall be erected with each dwelling unit.
303. Minimum 1.2 **parking spaces per dwelling unit**.
305. Minimum 1.3 spaces per dwelling unit as follows:
- i) 1.03 enclosed parking spaces per dwelling unit for tenants;
 - ii) 0.08 above ground parking spaces per dwelling unit for tenants;
 - ii) 0.19 above ground parking spaces per dwelling unit for visitors.

306. Minimum 1.8 parking spaces per dwelling unit.
307. Notwithstanding Clause VII (2.1.1 Street Yard Parking) of the By-law, parking in the Dorset Road street yard is permitted.
308. Minimum 1.4 enclosed parking spaces per dwelling unit as follows:
- 1.2 parking spaces per dwelling unit for tenants;
 - 0.2 parking spaces per dwelling unit for visitors.
309. Notwithstanding anything in this by-law the dimensions for parking spaces in an attached garage shall be minimum 3 m width and 6 m length and a step having maximum dimensions of 0.31 m wide by 0.92 m long and 21 cm high shall be permitted to encroach within the area of a parking space.
310. A minimum of 1 **parking space** for visitor use having a minimum length of 6.6 m.
311. A minimum of 2 **parking spaces** for visitor use having a minimum length of 6.0 m.
312. Maximum **driveway** width of 2.6 m.
313. Minimum **parking space** width of 3.2 m and length of 5.6 m within an attached garage.
314. A minimum spaces shall be provided, as follows:
- a) a minimum of .80 **parking spaces** per one bedroom **dwelling unit**
a minimum of .90 **parking spaces** per two bedroom **dwelling unit**

a minimum of 1.10 **parking spaces** per three or more bedroom **dwelling unit**

a minimum of .15 **parking spaces** per **dwelling unit** for visitors a minimum of 1 **parking spaces** per 100 square metres for non-residential uses.
 - b) A total of 42 **parking spaces** are required to be shared for visitors and non-residential uses and of which a minimum of 1 **parking space** may be used for car share.
315. One **loading space** shall be provided and shall have the following minimum dimensions:
- (a) Length of 13.0 metres;
 - (b) Width of 4.0 metres; and

(c) Vertical Clearance of 6.1 metres.

316. "Long-term" and "short-term" **bicycle parking spaces** means:

- (a) "Long-term" **bicycle parking spaces** are for use by the residents or tenants of a building; and
- (b) "Short-term" **bicycle parking spaces** are for use by visitors to a building.

317. A minimum of 134 "long term" **bicycle parking spaces** shall be provided.

318. A minimum of 36 "short term" **bicycle parking spaces** shall be provided.

319. A **bicycle parking space** shall have the following dimensions

- (a) the minimum dimension of a **bicycle parking space** is:
 - i. minimum length of 1.8 metres;
 - ii. minimum width of 0.6 metres; and
 - iii. minimum vertical clearance from the ground of 1.9 metres; and
- (b) the minimum dimension of a **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device is:
 - i. minimum length or vertical clearance of 1.9 metres;
 - ii. minimum width of 0.6 metres; and
 - iii. minimum horizontal clearance from the wall of 1.2 metres; and
- (c) if a **stacked bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres.

320. Minimum of 7 "long term" **bicycle parking spaces** shall be provided.

321. Minimum of 3 "short term" **bicycle parking spaces** shall be provided.

322. **Vehicle** parking spaces shall be provided at the following rates:

(a) Residential Use:

Bachelor Units (< 45 m ² GFA):	0.8 spaces per unit;
Bachelor Units (>45 m ² GFA):	1.0 spaces per unit;
1-Bedroom Units:	0.9 spaces per unit;
2-Bedroom Units:	1 space per unit;
3+ Bedroom Units:	1.2 spaces per unit;

Visitor Spaces: 0.2 spaces per unit;

(b) Non-residential Uses:

No parking required if Gross Floor Area < 200 m².

323. **CLAUSE VII - GENERAL PARKING REGULATIONS FOR ALL ZONES**, Sub-clause 1.2.2. Sum of Requirements, shall not apply.

INTENSITY OF USE

- 350. One dwelling unit per parcel of land having a minimum frontage of 10 m on a public street and a minimum area of 305 m².
- 351. One single-family dwelling per parcel of land having a minimum frontage of 30 m on a public street and a minimum lot area of 2500 m².
- 352. Maximum of 200 units per hectare.
- 353. One single-family dwelling per parcel of land having a minimum frontage of 25 m on a public street and a minimum area of 1670 m².
- 354. One single-family dwelling per parcel of land having a minimum frontage of 30 m on a public street and a minimum lot area of 1858 m².
- 355. Maximum one dwelling unit per 197 m² of the lot area.
- 356. Maximum **gross floor area** of all uses except restaurants 1550 m².
- 357. Maximum **gross floor area** of restaurants 1850 m².
- 358. One **single-family dwelling** per parcel of land having a minimum frontage of 9 m on a public street and a minimum lot area of 270 m².
- 359. One **two-family dwelling** per parcel of land having a minimum frontage of 18 m on a public street and a minimum lot area of 540 m².
- 360. One **street townhouse dwelling** per parcel of land having a minimum frontage of 7 m on a public street and a minimum lot area of 200 m².
- 361. Maximum total gross floor area 3 505 m².
- 362. Maximum non-residential gross floor area 1 205 m² to be located entirely on the ground floor.

- 363. Maximum one dwelling unit per 95 square metres of lot area.
- 364. Maximum building **coverage** 36 percent of lot area.
- 365. One **dwelling unit** per 150 m² of lot area.
- 366. Balconies, decks and enclosed porches may project a maximum 1.8 metres into a yard required by the by-law from a **main wall**.
- 367. Maximum lot **coverage** 40%.
- 368. One apartment **dwelling unit** is permitted.
- 369. Maximum non-residential gross floor area: 0.30 times the lot area.
- 370. One **two-family dwelling** per parcel having a minimum frontage of 15 m and a minimum parcel area of 450 m² and each dwelling unit having a minimum frontage of 7.5 m and a minimum parcel area of 225 m².
- 371. Maximum building coverage of 50% of the lot area.
- 372. Maximum one **dwelling unit** per parcel having a minimum 7.5 m frontage on a public **street** and a minimum area of 196 m².
- 373. Maximum number of **dwelling units**: 11.
- 374. Maximum number of **dwelling units**: 10.
- 375. The total number of **dwelling units** shall not exceed 188.
- 376. The maximum **gross floor area** shall not exceed 16,800 square metres of which a minimum 1,300 square metres must be non-residential uses.
- 377. Maximum number of **dwelling units** is 16 and maximum gross floor area shall not exceed 2,000 square metres.
- 378. Maximum non-residential gross floor area shall not exceed 100 square metres.

SIDE YARD

- 400. Minimum Setbacks for Buildings erected on Corner Lots

Minimum 2.2 m from side wall to the street line for buildings erected on corner lots.

BUILDING SETBACK FOR LOT LINES OTHER THAN STREET LINES

450. Minimum building setback of 10 m from the east property line.

LEGEND

A linear distance noted on the accompanying Schedule "C" map in Imperial Units of Measure may be converted to the Metric Scale by multiplying by 0.3048 and rounding the result to the nearest millimetre.

EXCEPTIONS

Notwithstanding the following exceptions, all other provisions of this By-law, as amended, not inconsistent with the exception, shall continue to apply.

1. On Registered Plan 2541, Lots 243-258 Inclusive

Dwellings may be erected if not less than 6.020 m from the street or road boundary.

2. On Registered Plan 2347

(a) Lots 153 and 154 - dwellings may be erected if not less than 5.94 m from the street line and 737 mm from side lot line.

(b) Lot 227 - a dwelling may be erected if not less than 5.79 m from the front lot line.

(c) Lot 357 - a dwelling may be erected distant not less than 869 mm from side lot lines.

3. On Registered Plan M-475

(a) Lots 39 and 40 - dwellings may be erected distant not less than 813 mm from side lot lines.

(b) Lot 289 - dwelling may have a side yard of 901 mm.

4. On Registered Plan M-350, Block "J"

Three (3) dwellings may remain as erected.

5. On Registered Plan 3757

(a) Lots 154-156 inclusive - dwellings may be erected if not less than 8.8 m from street boundary.

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- (b) Lots 124-127 inclusive - dwellings may be erected if not less than 8.8 m from street boundary.
 - (c) Lot 168 - a dwelling may be erected if distant not less than 8.8 m from the street line.
 - (d) Lot 48 - a garage may be erected if distant not less than 7.9 m from the street line.
6. On Registered Plan M-440
- Lots 82 and 137 - two (2) dwellings may be erected on each one of the said lots. Lot 152 - three (3) dwellings may be erected on the Lot.
7. On Registered Plan 3849, Lot 29
- Two (2) dwellings may be erected.
8. On Registered Plan M-612, Parts of Lots 44 and 45
- Three (3) single-family dwellings may be erected on Lots 44 and 45 according to Registered Plan M-612, provided that one dwelling only be erected on the southerly 38.1 m of Lot 44 and one dwelling only be erected on the southerly 38.1 m of Lot 45, both fronting on Martindale Road, and one dwelling only be erected on a parcel of land comprising all of Lots 44 and 45 save and except the southerly 38.1 m thereof, and fronting on Colonial Road.
9. On Registered Plan 3995, Lots 79, 80 and 81
- Buildings may be erected if distant not less than 5.45 m from the street line.
10. On Registered Plan M-592, Lots 12-15 Inclusive
- A dwelling may be erected on a parcel of land having a minimum frontage of 12 m and a minimum lot area of 696 m².
11. Cemetery Uses are permitted on lands designated I (Cemetery) as shown on Schedule "A" of this By-law, and identified as Exception 11 on the accompanying Schedule "C" map.
12. On Plan M-475, Lots 325, 326 and the North 6.096 metres of Lot 327
- Two dwellings may be erected provided each one shall have appurtenant to it a parcel of

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land having minimum frontage of 21 m on Sunnypoint Crescent and a minimum lot area of 650 m².

13. On Registered Plan 3757, Lots 174 to 176 Inclusive

A fifth dwelling may be erected on a parcel of land having an area of not less than 487 m² and consisting of the northerly 14.478 m of Lot 175 together with the southerly 762 mm of Lot 174, said parcel having a minimum frontage of 15 m on a public street and a minimum depth of 32 m.

14. On Lots 1 and 4 Inclusive, of Registered Plan M-832, a **Place of Worship** may be erected subject to the following Performance Standards, shown in Schedule "B" - 30 - 46 - 76.

15. Flankage setback of main wall may be 1.2 m on Lot 10 of Registered Plan M-615.

16. On Registered Plan M-832, a split level dwelling shall be considered as a one-storey dwelling insofar as side yard requirements are concerned.

17. On those lands identified as Exception 17 on the accompanying Schedule "C" map, the following provisions shall apply:

a) Automobile Service Stations are not permitted.

18. On Registered Plan M-832

In order that it shall be clearly established when a dwelling is erected that an attached garage may or may not be erected in the future, the following restrictions shall apply:

(i) Any dwelling erected without provision for a garage or carport incorporated in the construction of the main dwelling, shall be erected with the main side wall on the driveway side of the house at least 4.5 m from the side lot line.

(ii) The above restriction in 18(i) shall not apply provided the dwelling is erected with a part of the main side wall on the driveway side of the house not more than 3.201 m from the side lot line on the driveway side of the house.

(iii) Driveways shall be at least 2.4 m in width.

19. On Plan M-629 (all lots), it shall be permissible to erect an attached or detached garage within 300 millimetres of the side line of any lot, provided that the said structure when so erected, is situate not less than 1.5 m from the habitable portion of the dwelling unit on the adjoining lot.

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20. On Apartment lands on the east side of Brimley Road between St. Clair Avenue and Kingston Road.

On the above described parcel designated A-17-23-46-78-81-82-83-84 not more than thirty per cent (30%) of the suites shall be two-bedroom suites.

21. On Registered Plan Number 2541 (all lots)

It shall be permissible to erect an attached or detached garage within 300 mm of a side lot line provided that the said structure is erected in such a manner as to be situated not less than 1.2 m from the dwelling on the adjoining lot.

22. On Lots 102 and 103 of Registered Plan M-350, two single-family dwellings may be erected (fronting on Broadmead Avenue) on the rear of easterly portions of the said Lots, subject to the following restrictions:

- a) Each dwelling shall have appurtenant to it a parcel of land having a frontage of not less than 15 m on Broadmead Avenue and an area of not less than 464 m²;
- b) No part of a dwelling or accessory building shall be distant less than 6 m from the street line of Broadmead Avenue;
- c) Each dwelling shall have a ground floor area of not less than 92 m² if a one-storey dwelling or split level dwelling and 60 m² if a more-than-one-storey dwelling;
- d) Each dwelling shall be connected to Township storm and sanitary sewer facilities;
- e) Each dwelling shall conform in all other respects to the provisions of By-law 9396 relating to single-family dwellings.

23. As amended by By-law 11433. In regards to Lots 7 and 8 and Block "A", Plan M-910, the following provisions shall apply:

- a) The apartment density accruing from the area of Lots 7 and 8 may be applied to the development of Block "A", but the use of Lots 7 and 8 is hereby restricted to landscaping with parking structures below the average grade of the site.
- b) Only one building permitted on block "A".
- c) Neighbourhood Commercial Uses permitted on Block "A", Plan M-910, such

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commercial floor area not to exceed 651 m², and the said commercial floor area is hereby restricted to the ground floor of the apartment building. The said commercial floor area is further restricted by permitting only the following:

- Laundromat
- Bank
- Barber shop and beauty parlour
- Drug store
- Shoe repair store
- Dry cleaning and laundry pick-up
- Variety stores

- d) A minimum of 6.45 car parking spaces shall be provided for every 100 m² of commercial floor area over and above the parking requirements for the associated residential apartment use and the parking area required in conjunction with the commercial floor area is hereby restricted to the area bounded by St. Clair Avenue, Brimley Road, the westerly limit of Block "A" and the building setback line as Performance Standard No. 35.

24. On Registered Plan M-629, Lots 4 and 5

Three (3) single-family dwellings may be erected, each on a parcel of land having a minimum frontage of 15 m on a public street, and a minimum lot area of 557 m².

25. Two single-family dwellings may be erected on Lot 23, Plan M-629, provided each dwelling has appurtenant thereto a parcel of land having a minimum frontage of 15 m on a public street and a minimum area of 468 m².

26. On that part of Lot 15, Plan M-475 and part of Lot 1, Plan 2347, identified as Exception 26 on the Schedule "C" map attached hereto and forming a part of this By-law, one apartment dwelling unit may be erected over and above the existing store, the said apartment unit to have a minimum floor area inside dimension of 58 m².

27. On those lands identified as Exception 27 on the accompanying Schedule "C" map, the following provisions shall apply:

(a) Additional Permitted Use

- **Dwelling Units**

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Prohibited Use

- Automobile Service Stations

28. On those lands identified as Exception Number 28 on the accompanying Schedule "C" map, the following provisions shall apply:

(a) Additional Permitted Uses

- Marina
- Recreational Uses
- Restaurant

29. Never approved.

30. On those lands identified as Exception 30 on the accompanying Schedule "C" map the following provisions shall apply:

(a) Additional Permitted Use:

- Professional Offices not exceeding 200 square metres of **gross floor area**.

31. On those lands identified as Exception 31 on the accompanying Schedule "C" map, the following provisions shall apply:

a) Additional Permitted Uses:

- Fraternal Organizations
- Private and Public Educational Institutions
- Private and Public Recreational Uses and Commercial Uses incidental thereto;

32. On those lands being the northerly 23.47 m of Block "J", Plan M-350, and identified as Exception 32 on the accompanying Schedule "C" map, one single-family dwelling may be erected.

33. On lands being lots 170 and 171, Registered Plan 3757 and identified as Exception 33 on the accompanying Schedule "C" map, the following provisions shall apply:

1. One single-family dwelling may be erected on each of Parts 1, 2 and 3.

34. On lands being Lot 130, Registered Plan M-350 and identified as Exception 34 on the

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accompanying Schedule "C" map, the following provisions shall apply:

1. One single-family dwelling may be erected on each of Parts 1 and 2.
35. On lands being lots 7 and 8 and Block "A", Plan M-910, identified as Exception 35 on the accompanying Schedule "C" map, the following provisions shall apply:
- a) 179 m² of the 650 m² of Neighbourhood Commercial Floor area may be used for Business and Professional Office Uses.
36. On lands being Part Block J, Plan M-350, and identified as Exception 36 on the accompanying Schedule "C" map, the following provisions shall apply:
- a) One single-family dwelling may be erected on a parcel of land having a minimum frontage of 18 m and a lot area of 557 m².
 - b) Minimum ground floor area 111 m² for one-storey or split level dwelling, more than one-storey dwelling to have a minimum ground floor area of 69 m².
37. On those lands identified as Exception 37 on the accompanying Schedule "C" map, the following provisions shall apply:
- a) One single-family dwelling may be erected on each of Areas "A" and "B".
38. On those lands identified as Exception 38 on the accompanying Schedule "C" map, the following provisions shall apply:
1. One single-family dwelling may be erected on each of Areas "A" and "B".
 2. Area "B" shall contain at least 1950 m².
39. Deleted by By-law 1041-2001.
40. On those lands identified as Exception 40 on the accompanying Schedule "C" map, the following shall apply:
- a) The existing single-family dwelling to be permitted to remain as sited on Area "A" with a minimum side yard of 900 mm on the westerly side, and a minimum 1.0 m on the easterly side.
 - b) One single-family dwelling may be erected on Area "B" with a minimum of 10.5 m frontage.

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41. Deleted by By-law 1041-2001.
42. On those lands identified as Exception 42 on the accompanying Schedule "C" map, the following provisions shall apply:
 - a) One single-family dwelling may be constructed on parcel shown as Part 1.
 - b) Existing single-family dwelling to remain as sited on parcel shown as Part 2.
43. On those lands identified as Exception 43 on the accompanying Schedule "C" map, the following provisions shall apply:
 - a) A maximum of nine (9) apartment suites shall be permitted.
 - b) A maximum of 70% of the ground floor level area may be used for dwelling units.
 - c) Parking in the front yard shall be restricted to two (2) parking spaces.
44. On those lands outlined as Exception 44 on the accompanying Schedule "C" map, the following shall apply:
 - (a) For the purposes of this Exception, Building Height shall mean the vertical distance measured from the average elevation of the finished grade at the front wall of the building to the base of the eaves of the said building.
45. On those lands identified as Exception 45 on the accompanying Schedule "C" map shall be used in conjunction with the adjoining lands to the east but not for purpose of erecting a separate single-family dwelling per aforesaid parcel (as outlined in Performance Standards Number 1 and in Schedule "B" of By-law 9396).
46. On those lands identified as Exception 46 on the accompanying Schedule "C" map, the following shall apply:
 - (a) A maximum of eight (8) visitors' parking spaces shall be permitted in the yard abutting Kingston Road.
47. On those lands identified as Exception 47 on the accompanying Schedule "C" map, the following shall apply:
 - (a) Parcel "A" shall have a minimum frontage of 26 metres and a minimum lot area of 929 square metres.

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- (b) Parcel "B" shall have a minimum frontage of 29 metres and a minimum lot area of 1020 square metres.
 - (c) Parcel "C" shall have a minimum frontage of 9.2 metres and a minimum lot area of 1110 square metres.
 - (d) Parcel "D" shall have a minimum frontage of 8.8 metres and a minimum lot area of 1110 square metres.
 - (e) Parcel "E" shall have a minimum frontage of 41.5 metres and a minimum lot area of 1575 square metres.
 - (f) Parcel "F" shall have a minimum frontage of 28.5 metres and a minimum lot area of 1390 square metres.
48. On those lands identified as Exception 48 on the accompanying Schedule "C" map, only Senior Citizen Apartments shall be permitted.
49. Deleted by By-law 953-2001
50. On those lands identified as Exception 50 on the accompanying Schedule "C" map, the following provisions shall apply:
- (a) The provisions of Clause VII, Section 1.3.1, shall not apply.
 - (b) Notwithstanding the provisions of Clause VIII, Section 12, "Office Uses", only the following uses shall be permitted:
 - Commercial Uses to include only:
 - Banks
 - **Ground Signs** which are **non-accessory**
 - **Marketplace Signs**
 - Retail Stores
 - Educational Facilities
 - Restaurants
 - Personal Service Shops
 - Professional, Business and Administrative Offices
 - **Wall Signs** which are **non-accessory**
 - (c) Pinball Machines and other electronic or manually operated games are prohibited.
 - (d) Commercial uses shall not exceed 10% of the total built floor area, provided that

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up to 350 m² of commercial floor area shall be permitted in advance of any floor area used for offices.

- (e) The provisions of By-law 9396, as amended, shall apply collectively to the lands encompassed by this Exception, notwithstanding their division into two or more parcels.
51. On these lands identified as Exception Number 51 on the accompanying Schedule "C" map, the following provisions shall apply:
- (a) Prohibited Uses:
 - **Non Accessory Ground Signs** excluding **Marketplace Signs**
 - **Wall Signs** which are **non-accessory**
52. On those lands identified as Exception 52 on the accompanying Schedule "C" map, the following provisions shall apply:
- a) Part of Lots 145 and 146, Registered Plan M-440

Notwithstanding Clause VI, Section 4, one single-family dwelling may be erected or maintained on these lands.
 - b) Part of Block A, Registered Plan 1734

One single-family dwelling may be erected or maintained.
53. On those lands identified as Exception 53 on the accompanying Schedule "C" map, the following provisions shall apply:
- (a) Maximum floor area per dwelling unit shall be 320 m².
 - (b) Maximum height: 9.5 m.
54. On those lands identified as Exception No. 54 on the accompanying Schedule "C" map, the following provisions shall apply:
- 1. Definitions
 - a) The definitions of basement, floor area, building height, storey and rear yard contained in Clause V, Section (f) shall no longer apply.

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- b) **Basement** shall mean a storey or portion of a storey of a building in which the floor is more than .75 m below the level of the averaged finished grade at the front and side main walls of the building.
 - c) **Rear Yard** shall mean the space between a main wall of a building, and a rear lot line extending the full width of the lot. The location of accessory buildings shall not be used to determine the dimensions of a rear yard.
 - d) **Floor Area** shall mean the area of all floors of a dwelling measured from the outside of the exterior walls, excluding the floor area of all basements and garages.
 - e) **Height** shall mean 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, and parapet walls.
 - f) **Storey** means that portion of a building which is situated between the top of any floor and the top of the floor next above it and, if there is no floor above it, that portion between the top of such floor and the ceiling above it.
56. One those lands identified as Exception 56 on the accompany Schedule "C" map, the following provisions shall apply:
- (a) The following additional use is permitted in the Community Commercial 'CC' zone:
 - greenhouse in association with a retail store
 - (b) The following uses are prohibited in the Community Commercial 'CC' zone:
 - restaurants
 - outside storage
 - c) The maximum gross floor area for a greenhouse shall be 315 square metres
 - d) Residential uses are not permitted on the ground floor of any building.
 - e) Notwithstanding Performance Standards 29 and 400 in **Schedule 'B' Performance Standards Chart**, a minimum building setback of 1.2 m is permitted in the area shown as Part A of Exception 56.
 - f) The landscaping requirements provision of **CLAUSE VI – PROVISIONS FOR**

(c) A temporary sales trailer and associated parking is permitted on the lands

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encompassed by Exception 57 subject to the following provisions:

- Minimum building setback of 2.5 m from the St. Clair Avenue street line.
 - Minimum building setback of 2 m from the east boundary of Exception 57.
 - Minimum separation of 1.3 m between the side wall of a sales trailer and the side wall of a model home.
- (d) The provisions of **CLAUSE VI – PROVISIONS FOR ALL ZONES Section 20. Front yard Landscaping and Front yard Soft Landscaping Requirements** shall not apply to the lands encompassed by Exception 57 and instead the following front yard landscaping provisions shall apply to **single-family dwellings** and **two-family dwellings**:
- A minimum of 50% of the front yard shall be maintained as landscaping. Landscaping means trees, shrubs, grass, flowers, vegetables, and other vegetation, decorative stonework, walkways, patios, screening or other horticultural and landscape-architectural elements or any combination of these. Landscaping does not include driveways or parking areas, and directly associated elements such as curbs or retaining walls.
- (e) The provisions of **CLAUSE VII - GENERAL PARKING REGULATIONS FOR ALL ZONES Section 1.3.2. Driveway Dimensions** shall not apply to the lands encompassed by Exception 57. Instead the following shall apply:
- Driveway Dimensions
- For **single-family dwellings** and **two-family dwellings** a driveway which is located in or which passes through the front yard shall have a minimum width of 2.6 m. For all other uses a driveway shall have a minimum width of 3 m per lane.
- (f) Notwithstanding the definition of **Main Wall** contained in **CLAUSE V – INTERPRETATION, Section (f), Definitions** and Performance Standard 201, the minimum setback of balconies, unenclosed porches and bay or box windows shall be 1.45 m from a street.
- (g) The following provisions shall apply to all buildings or structures on the lands encompassed by Exception 57, except for **Model Homes** where a model home agreement has been executed:

No person shall use any land or erect or use any building or structure unless the

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following municipal services are provided to the lot line and the following provisions are complied with:

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

58. (a) Permitted Uses

Retirement Home

Shall mean living accommodation for senior citizens provided primarily in bed-sitting rooms, other than a Senior Citizen's Community House, provided there is:

- (i) a maximum of two persons per bed sitting room;
- (ii) accommodation for one or more staff persons;
- (iii) one or more common lounges and dining areas; and
- (iv) food preparation facilities shared by all residents.

Bed Sitting Room

Shall mean a private room used as separate living accommodation that:

- (i) has a private entrance from a hallway inside a building; and
- (ii) may include sanitary facilities but not food preparation facilities.

(b) On those lands identified as Exception 58 on Schedule '1' map attached hereto and forming part of this By-law, the following standards shall apply only to a **Retirement Home:**

- (i) Minimum of 0.45 **parking spaces** shall be provided per **bed-sitting room**;
- (ii) Minimum building **setback** 7.0 metres from the street line of St. Clair Avenue East;

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- (iii) Minimum **side yard** building **setback** of 0.0 metres each side for the underground parking and the first floor above grade and 1.2 metres for subsequent floors;
 - (iv) Maximum **gross floor area** of 3,804 square metres (excluding mechanical penthouse);
 - (v) Maximum of 55 **bed-sitting rooms**;
 - (vi) Maximum **coverage** of 41%;
 - (vii) Maximum **height** of 19.0 metres;
 - (viii) Maximum **height** of 7 **storeys**. The 7th **storey** shall be used for indoor amenity space only to a maximum of 111 square metres;
 - (ix) Minimum **rear yard setback** of 6.8 metres;
 - (x) Minimum outdoor rooftop amenity area of 170 square metres; and
 - (xi) Minimum indoor amenity area of 690 square metres.
59. On those lands identified as Exception 59 on the accompanying Schedule "C" map, the following provision shall apply:
- (a) Additional Permitted Use:

Townhouses
60. On those lands identified as Exception 60 on the accompanying Schedule "C" map, the following provision shall apply:
- (a) For the purposes of determining lot **coverage** and frontage on a public **street**, the provisions of this By-law shall apply collectively to this property notwithstanding its division into two or more parcels.
61. On those lands identified as Exception No. 61 on the accompanying Schedule 'C' map, the following provisions shall apply:

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- (a) In addition to the uses permitted by the zone, the following uses are also permitted within a building with a maximum **floor area** of 170 square metres that complies with **height, coverage** and minimum setbacks for a building in a Single Family Residential (S) zone:
- Office Uses.
- (b) Notwithstanding Clause VIII - Zone Provisions, subsection 1(a), a **Dwelling Unit** is permitted within a building containing office uses;
- (c) Notwithstanding Clause VII, General Parking Regulations for all Zones, subsection 2.1.1, Street Yard Parking, four (4) parking spaces are permitted in the **street yard**; and
- (d) Notwithstanding Clause VI, Provisions for All Zones, subsection 20.1(c) and subsection 20.2(a), a minimum of 35% of the **front yard** shall be maintained as soft landscaping.
62. On those lands identified as Exception No. 62 on the accompanying Schedule "C" map the following provisions shall apply:
- (a) Additional Permitted Uses
- A temporary sales office for the sale of residential dwelling units on the property.
- The following non-residential uses are permitted on the ground floor of a building:
- Restaurants
 - Art Gallery
 - Retail stores
 - Artist Studio
 - Performing Arts Studio
 - Automated Banking Machine
 - Courts of Law
 - Tutorial facilities
 - Business and Professional Offices
 - Financial Institution
 - Library

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- Medical Office
- Museum
- Personal Service Shop
- Pet Services
- Religious Education Use
- Software Development and Processing
- Veterinary Hospital
- Community Centre
- Education Use

63. On those lands identified as Exception No. 63 on the accompanying Schedule "C" map the following provisions shall apply:

1. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the following facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lot, to the satisfaction of the City Solicitor:
 - (a) Prior to issuance of an above grade building permit other than building permit for a temporary sales office/pavilion the owner shall: provide a cash contribution of Three Hundred and Twenty Thousand dollars \$320,000.00 paid by way of certified cheque payable to the Treasurer, City of Toronto, to be directed towards streetscape improvements on Kingston Road between St. Clair Avenue and Bellamy Road in Ward 36.
 - (b) \$320,000.00, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
2. The owner shall not use, or permit the use of, a building or structure erected with an increase in density pursuant to this By-law unless the cash contribution contemplated herein has been paid.
3. In the event the cash contribution referred to in Section 1.(a) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in

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consultation with the local Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lot.

64. On those lands identified as Exception No. 64 on the accompanying Schedule 'C' map, the following provisions shall apply:

(a) Additional Permitted Uses:

A temporary sales office for the sale/lease of residential dwelling units and non-residential gross floor area on the property