

Authority: Scarborough Community Council Item SC31.5,
as adopted by City of Toronto Council on May 11 and 12,
2022

CITY OF TORONTO

Bill 881

BY-LAW -2022

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 113-141 Montezuma Trail and to repeal By-law 1777-2019.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. By-law 1777-2019 is hereby repealed.
2. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
4. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RT (u81; d1.73 (x188) as shown on Diagram 2 attached to this By-law.

5. Zoning By-law 569-2013, as amended, is further amended by amending and replacing Article 900.5.10 Exception Number RT (188) so that it reads:

Exception RT(188)

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

Site Specific Provisions:

- A. On lands municipally known as 113-141 Montezuma Trail, identified as on Diagram 1 of By-law [clerks to provide by-law number], if the requirements of Section 5 and Schedule A of by-law [clerks to insert] are complied with, a **building** or **structure** may be constructed, used, or enlarged in compliance with (B) to (T) below;
- B. For the purposes of this exception, the **lot** is as shown on Diagram 1, attached to By-law [clerks to provide by-law number];
- C. Despite regulations 10.5.40.10(1) the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 187.8 metres (North Block – Block A) and 188.2 metres Canadian Geodetic Datum (South block – Block B) and the highest point of the **building** or **structure**;
- D. In addition to the permitted uses listed in Regulation 10.60.20.10(1), the following additional uses are permitted:
- i. **personal service shop;**
 - ii. office;
 - iii. medical office;
 - iv. **financial institution;**
 - v. **pet services;**
 - vi. **retail service;**
 - vii. **retail store;** and
 - viii. **take out eating establishment**
- E. Non-residential uses listed in subsection (D) above are permitted in the shaded area on the ground floor as shown on Diagram 3;
- F. Despite regulation 10.60.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 10,000 square metres of which:
- i. 9,600 square metres is residential; and

- ii. 400 square metres is non-residential;
- G. Despite regulation 10.60.40.10 (1), the permitted maximum height of a **building** or **structure** is the number following the "HT" symbol in metres as shown on Diagram 3 attached to By-law [clerks to provide by-law number];
- H. Despite (G) above and regulations 10.5.40.10(3) and (4), the following **building** elements may project above the permitted maximum height:
 - i. stairs and stair enclosures, enclosures or vestibules providing rooftop access, rooftop mechanical equipment, trellises, terraces, guard rails, pergolas, eaves, parapets, columns and beams, screens, roof drainage, skylights, vents, antennae, and a mechanical/electrical room may exceed the permitted maximum height up to a maximum of 1.5 metres;
- I. Despite Clauses 10.5.40.60 and 10.60.40.70, the required minimum **building setbacks** and distance between **main walls** for all **buildings** and **structures** are as shown on Diagram 3, attached to this By-law;
- J. Despite Clause 10.5.40.60 and (I) above, the following **building** elements are permitted to encroach into the required minimum **building setbacks**:
 - i. Deck, porch, terrace, canopies, balcony, decorative or screen wall, exterior steps or ramps, bay window, box window or other projecting window, roof overhang, eave, or roof of dormer window, pilaster, projecting columns, railings, privacy screens, columns and beams to a maximum of 2.0 metres;
- K. Despite regulation 10.5.80.1 (2), the **ancillary** outdoor area used for parking **vehicles** may be located 0.0 metres away from the **residential building** and fence, 0.3 metres away from a **lot line** that abuts a **street** and 3.8 metres from the south **lot line**,
- L. Despite regulation 200.5.10.1(1) and Table 200.5.10.1, the required minimum number of **parking spaces** is:
 - i. 1.0 residential occupant **parking space** for each **dwelling unit**;
 - ii. 0.1 residential visitor **parking spaces** for each **dwelling unit**.
 - iii. 0.1 **parking spaces** per every 100 square metres of non-residential **gross floor area**.

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- M. Despite Clause 10.5.40.40, the **gross floor area** of a **residential building** may be reduced by the area in the **building** used for:
- i. enclosed/covered parking **structure**, loading and bicycle parking located above-ground;
 - ii. elevator and garbage shafts;
 - iii. garbage and recycle rooms, storage rooms, enclosed **driveways** and **drive aisles**;
 - iv. mechanical & electrical rooms; and
 - v. exit stairwells in the **building**.
- N. Despite regulation 10.60.40.1(3), the required minimum width of a **dwelling unit** in a **townhouse** is 4.0 metres on the second, third and fourth **storey** and the required minimum width does not apply on the first **storey**;
- O. Despite regulation 10.60.40.80(1)(B), the required minimum above-ground separation distance between **main walls** facing each other is 10.0 metres, and 11.0 metres between window openings to a **dwelling unit** on the third and fourth **storeys**;
- P. Despite Regulations 10.60.30.10(1), the required minimum **lot area** does not apply;
- Q. Despite Regulation 10.60.30.20(1), the required minimum **lot frontage** does not apply;
- R. Despite Regulation 10.60.30.40(1), the required minimum **lot coverage** does not apply;
- S. Despite regulation 10.5.50.10 (1) (3), no front or rear yard **soft landscaping** is required;
- T. Despite Regulations 230.5.10.1(1) and (5) and Table 230.5.10.1(1) 12 bicycle **parking spaces** are required.

Prevailing By-law and Prevailing Sections: (None Apply)

6. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and 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 lands, to the satisfaction of the City Solicitor;

- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

7. In Article 900.10.10 delete Exception Number 8.

Enacted and passed on July , 2022.

Frances Nunziata,
Speaker

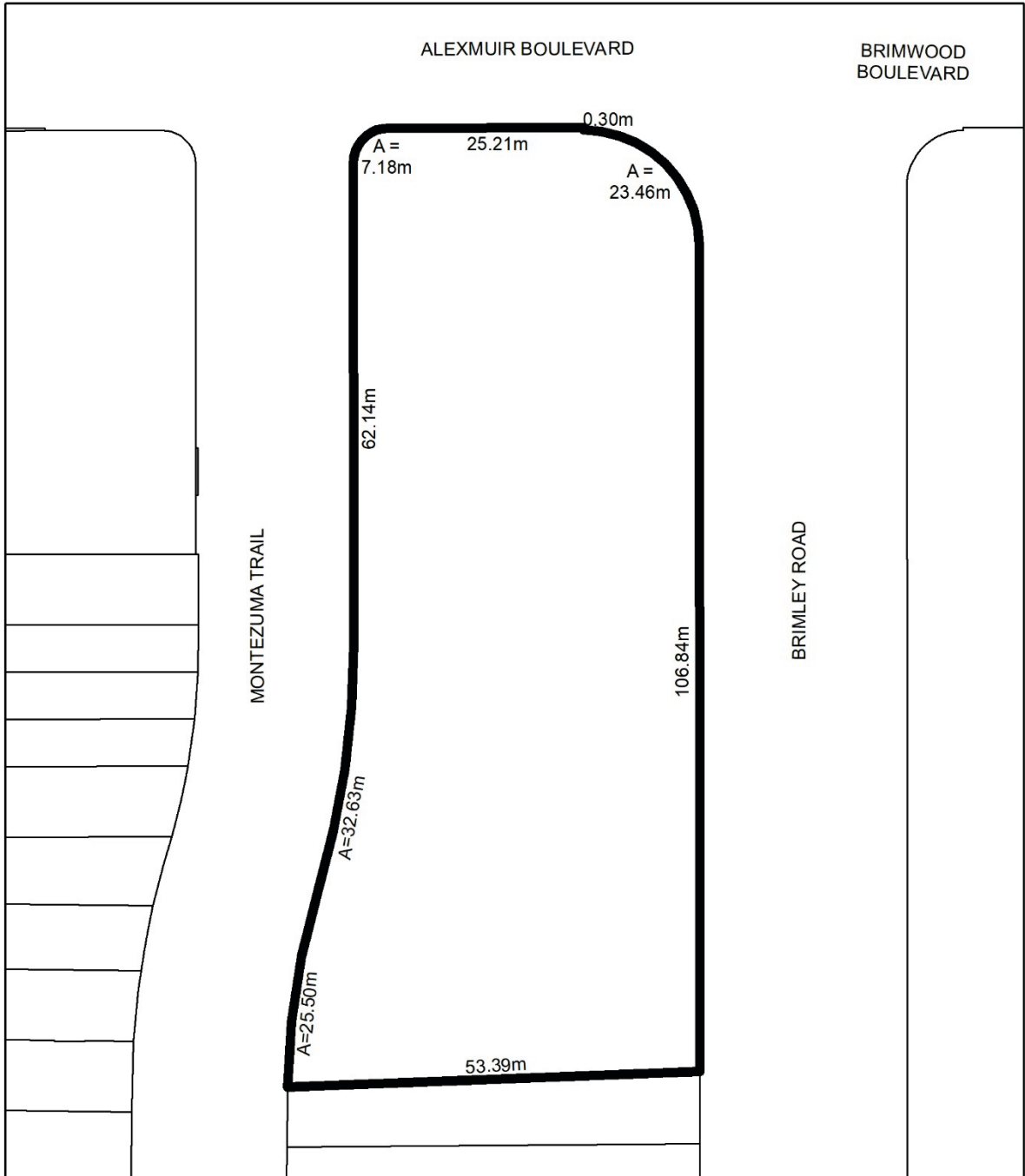
John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

Upon execution and registration in priority of an agreement with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the lands outlined in heavy black lines as shown on Diagram 1 of this By-law are subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:

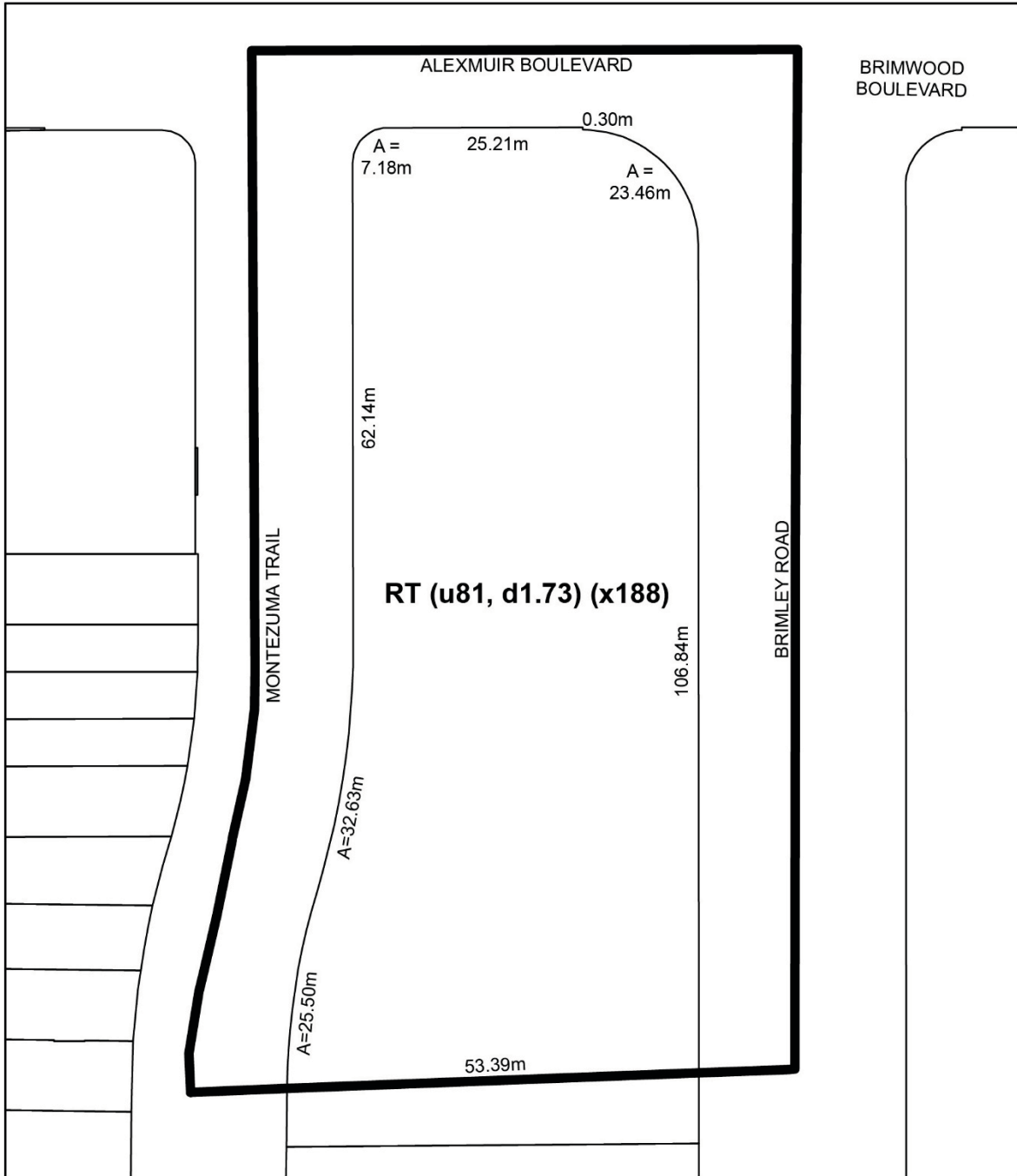
1. Prior to the issuance of the first above grade building permit for the lands, the owner shall make a cash contribution to the City in the amount of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00), to be allocated towards area park improvements in the Ward, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. The cash contribution referred to in 1. above shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for the Toronto Census Metropolitan Area, as reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made to the City.
3. In the event the cash contribution referred to in 1. above 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

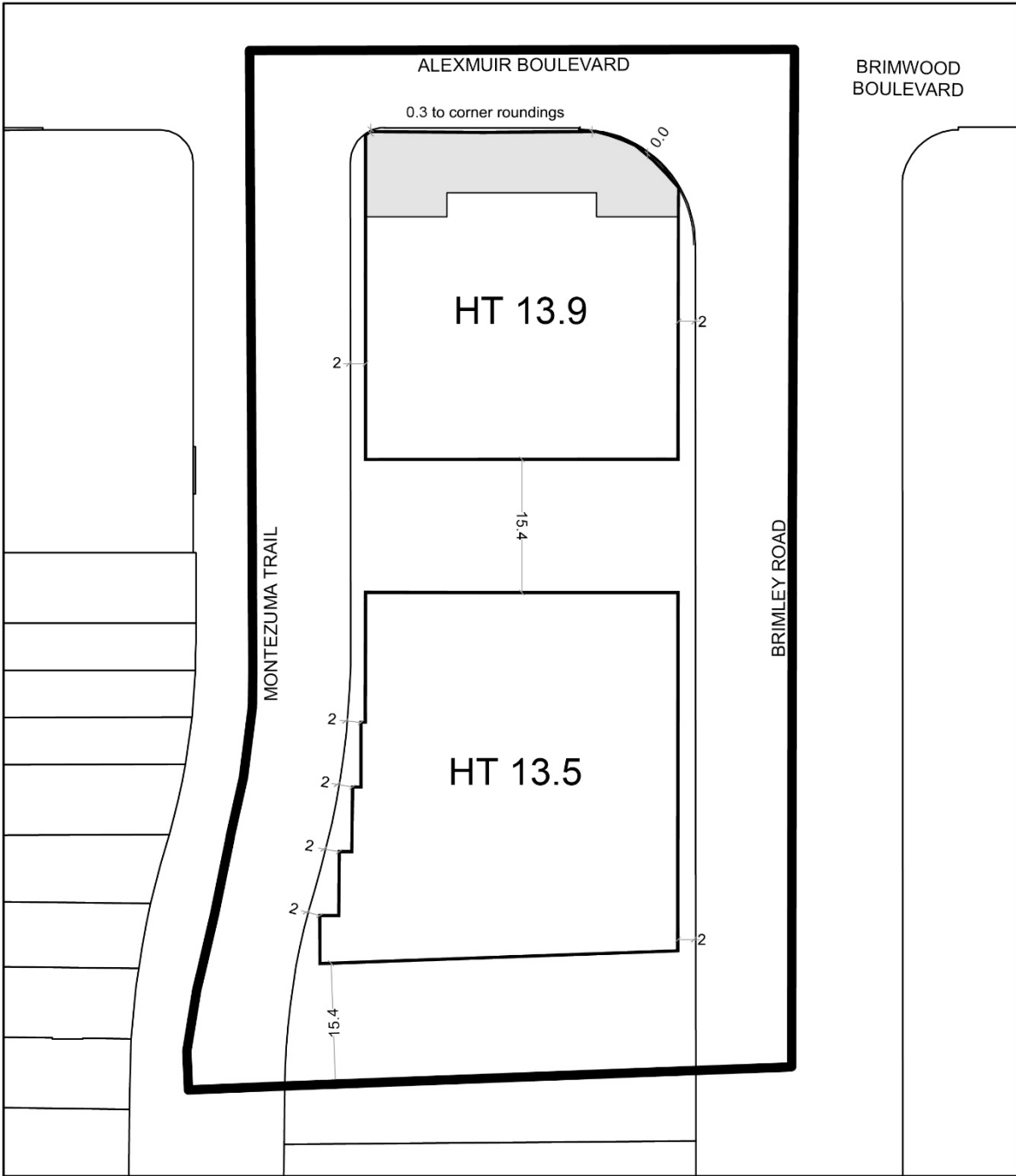


 **Toronto**
Diagram 1

113-141 Montezuma Trail

File # 18 266753ESC 23 0Z





113-141 Montezuma Trail

File # 18 266753 ESC 23 0Z

North Parcel: Established grade of 187.8 metres Canadian Geodetic Datum

South Parcel: Established grade of 188.2 metres Canadian Geodetic Datum

Area Affected By This By-law

Location of Non-residential Uses (Non-residential uses are permitted in shaded area on the ground floor)

City of Toronto By-law 569-2013
Not to Scale
04/01/2022