

Authority: Scarborough Community Council Item SC18.28, as adopted by City of Toronto Council on December 13, 14 and 15, 2016

## CITY OF TORONTO

### BY-LAW 319-2017

#### **To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 95 Pidgeon Street.**

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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; 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 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. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines as shown on Diagram 2, and applying the following zone labels to those lands as shown on Diagram 2 attached to this By-law:

RT (f5.5, au130, u8) (x94)

RT (x96)

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number 93 so that it reads:

**Exception RT 93**

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 95 Pidgeon Street, if the requirements of By-law 319-2017 are complied with, the erection and use of a **building**, structure, addition or enlargement as set out in regulations (B) to (J) below are permitted;
- (B) Despite Clause 10.60.20.40, the only permitted **building** type is a **townhouse**;
- (C) Despite the uses listed in Clause 10.60.20.20, the only conditional use permitted is **private home daycare**;
- (D) The permitted maximum height for a **building** or **structure** is 12.0 metres; and the maximum number of **storeys** is 3;
- (E) The maximum permitted height for a **building** is measured from the average finished grade along the **main wall** of the **dwelling unit** facing any **street** line;
- (F) Despite Clause 10.60.40.70, the minimum **building setback** is:
  - (i) 5.5 metres for the **front yard setback**;
  - (ii) 1.6 metres for the **side yard setback**; and
  - (iii) 6.0 metres for the **rear yard setback**; and
- (G) Despite Clause 10.60.40.80, the minimum separation distance between the exterior side **main walls** of an adjacent **townhouse building** is 1.6 metres;
- (H) Despite regulation 10.60.30.40(1), the maximum permitted **building coverage** is 55 percent;
- (I) Despite Clause 10.5.40.60, the following elements of a **building** may encroach into a required **building setback** a maximum of:
  - (i) 0.5 metres for chimneys, pilasters and projecting columns;

- (ii) 1.0 metres for roof overhang, cantilevered elements, canopies, eaves, porticoes into **rear yard** or **side yard** and 0.5 metres in **front yard**;
  - (iii) 1.55 metres for balconies, unenclosed porches encroaching into a **front yard, rear yard** or **side yard** abutting a **street**;
  - (iv) No limit for exterior steps;
  - (v) 1.0 metres on the first **storey** for a cantilevered bay, bow or other projecting window encroaching into a **front yard, rear yard** or **side yard** abutting a **street**;
  - (vi) 0.5 metres above first **storey** for a cantilevered bay, bow or other projecting window encroaching into a **side yard** abutting a **street** or a **front yard** or a **rear yard**; and
  - (vii) 2.0 metres for decks encroaching into the **rear yard**; and
- (J) The required **parking** space must be in the **townhouse building**;

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

5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900. 5.10 Exception Number 94 so that it reads:

**Exception RT 94**

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 95 Pidgeon Street, if the requirements of By-law 319-2017 are complied with, the erection and use of a **building**, structure, addition or enlargement as set out in regulations (B) to (L) below are permitted;
- (B) For the purpose of this exception, the **lot line** abutting the "Proposed Part of Private Lane" as identified on Diagram 1 of By-law 319-2017 is the **front lot line**;
- (C) For the purpose of regulation 5.10.30.1 (2), the "Proposed Part of Private Lane" as identified on Diagram 1 of By-law 319-2017 is a **street**;
- (D) Despite Clause 10.60.20.40, the only permitted **building** type is a **townhouse building**;
- (E) Despite the uses listed in Clause 10.60.20.20, the only conditional use permitted is **private home daycare**;

- (F) The permitted maximum height for a **building** or **structure** is 12.0 metres; and the maximum number of **storeys** is 3;
- (G) The permitted maximum height for a **building** is measured from the average finished grade along the **main wall** of the **dwelling unit** facing any **street** line;
- (H) Despite Clause 10.60.40.70, the minimum **building setback** is:
- (i) 9.0 metres for the **front yard setback**;
  - (ii) 1.6 metres for the **side yard setback**; and
  - (iii) 6.0 metres for the **rear yard setback**; and
- (I) Despite Clause 10.60.40.80, the minimum separation distance between the exterior side **main walls** of an adjacent **townhouse building** is 1.6 metres;
- (J) Despite regulation 10.60.30.40(1), the maximum permitted **building coverage** is 55 percent;
- (K) Despite Clause 10.5.40.60, the following elements of a **building** may encroach into a required **building setback** a maximum of:
- (i) 0.5 metres for chimneys, pilasters and projecting columns;
  - (ii) 1.0 metres for roof overhang, cantilevered elements, canopies, eaves, porticoes into **rear yard** or **side yard** and 0.5 metres in **front yard**;
  - (iii) 1.55 metres for balconies, unenclosed porches encroaching into a **front yard, rear yard** or **side yard** abutting a **street**;
  - (iv) No limit for exterior steps;
  - (v) 1.0 metres on the first **storey** for a cantilevered bay, bow or other projecting window encroaching into a **front yard, rear yard** or **side yard** abutting a **street**;
  - (vi) 0.5 metres above first **storey** for a cantilevered bay, bow or other projecting window encroaching into a **side yard** abutting a **street** or a **front yard** or a **rear yard**; and
  - (vii) 2.0 metres for decks encroaching into the **rear yard**; and
- (L) The required **parking** space must be in the **townhouse building**;

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

6. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number 96 so that it reads:

**Exception RT 96**

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 95 Pidgeon Street, if the requirements of By-law 319-2017 are complied with, despite Article 10.60.20, the only use permitted is **landscaping**.
7. 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 zoned **Residential Townhouse (RT)** shown on Diagram 2 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/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on March 29, 2017.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**SCHEDULE A**  
**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands zoned Residential Townhouse (RT) as shown in Diagram 2 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

- (1) Prior to issuance of an above-grade building permit (other than a permit for a temporary sales office/pavilion) the owner shall make a cash contribution in the amount of Sixty-five Thousand Dollars (\$65 000 CDN) to be allocated toward improvements to any one or more of the Warden Hilltop Community Centre, local parks or the public library in the Warden Woods community, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor and local community, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (2) In the event the cash contribution(s) referred to in Section (1) have 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 consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



