

Authority: Scarborough Community Council Item SC32.5, as adopted by City of Toronto Council on July 23, 24, 25, 26, 27 and 30, 2018

CITY OF TORONTO

BY-LAW 1156-2018

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 3000, 3004, 3008, 3012 and 3020 Kennedy Road.

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

Whereas Council of the City of Toronto has the authority to pursuant to Section 39 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to authorize the temporary use of a building for a model home sales office; 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 to RD(x652), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.3.10 Exception Number 652 so that it reads:

Exception RD 652

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 3000, 3004, 3008, 3012 and 3020 Kennedy Road, if the requirements of Section 6 and Schedule A of By-law 1156-2018 are complied with, a **building, structure**, addition or enlargement may be erected or used in compliance with (B) to (K) below;
- (B) Despite regulation 10.20.30.10(1) the required minimum **lot area** for the following **lots** shown on Diagram 3 attached to By-law 1156-2018, are:
- | | | |
|--------|--------------------|------------------------|
| (i) | lot 1 | 372 square metres; |
| (ii) | lot 2 | 338 square metres; |
| (iii) | lot 3 | 476 square metres; |
| (iv) | lot 4 | 438 square metres; |
| (v) | lot 20 | 244 square metres; |
| (vi) | lot 21 | 300 square metres; |
| (vii) | lot 22 | 359 square metres; |
| (viii) | lot 34 | 336 square metres; |
| (ix) | lot 35 | 200 square metres; |
| (x) | lots 36 and 37 | 205 square metres; |
| (xi) | lots 38-40 | 206 square metres; |
| (xii) | lot 41 | 207 square metres; |
| (xiii) | lot 42 | 199 square metres; and |
| (xiv) | for all other lots | 255 square metres; |
- (C) Despite regulation 10.20.40.40(1) the permitted maximum floor space index for the following **lots** shown on Diagram 3 attached to By-law 1156-2018, are:
- | | | |
|------|--------------------------|------|
| (i) | lots 20 and 23 | 1.1; |
| (ii) | lots 3, 4, 19, 21 and 22 | 1.0; |

- (iii) lots 2, 38 and 42 1.3; and
- (iv) for all other lots 1.2;
- (D) Despite regulation 10.20.30.20(1) the required minimum **lot frontage** for the following **lots** shown on Diagram 3 attached to By-law 1156-2018 are:
 - (i) lots 1 and 2 10.5 metres;
 - (ii) lot 3 11.5 metres;
 - (iii) lot 4 16 metres;
 - (iv) lot 22 11 metres;
 - (v) lot 34 12 metres;
 - (vi) lot 42 8.7 metres; and
 - (vii) for all other lots 9 metres;
- (E) Despite regulations 10.5.40.70(1) and 10.20.40.70(1) the required minimum **front yard setback** for the following **lots** shown on Diagram 3 attached to By-law 1156-2018 are:
 - (i) lots 4-20, 33 and 34 5.6 metres;
 - (ii) lot 21 6.7 metres;
 - (iii) lot 22 7.0 metres; and
 - (iv) for all other lots 6.0 metres;
- (F) Despite regulation 10.20.40.70(2) the required minimum **rear yard setback** for the following **lots** shown on Diagram 3 attached to By-law 1156-2018 are:
 - (i) lots 35-42 3.0 metres to Kennedy Road street line; and
 - (ii) for all other lots 7.5 metres;
- (G) Despite regulation 10.20.40.70(3) the required minimum **side yard setback** for the following **lots** shown on Diagram 3 attached to By-law 1156-2018 are:
 - (i) lots 1 and 2 is 0.9 m on one side and 0.6 metres on the other side;
 - (ii) lot 3 is 2.0 metres for level 1 and level 2 of the **detached house**, 2.4 metres for level 3 of the **detached house**, and 0.6 metres on the other side of the **detached house**;
 - (iii) lot 4 is 4.0 metres from the south **lot line** and 0.6 metres from the east **lot line** and 2.6 metres from the west **lot line**;

- (iv) lots 5-11,14-20, 23-33 and **lots** 36-41 is 0.9 metres on one side only, 0.6 metres on the other side, and 0.3 metres for an attached garage;
 - (v) lots 12 and 13 is 1.5 metres for the exterior **side yard**, 0.6 metres on the other side, and 0.3 m for an attached garage;
 - (vi) lot 21 is 1.2 metres on one side, and 0.6 metres on the other side;
 - (vii) lot 22 is 1.2 metres on one side, and 0.9 metres on the other side;
 - (viii) lot 34 is 3.0 metres for the exterior **side yard**, 0.6 metres on the other side, and 0.3 metres for an attached garage;
 - (ix) lot 35 is 0.8 metres on one side, 0.6 metres on the other side and 0.3 metres for an attached garage; and
 - (x) lot 42 is 0.6 metres on one side, 0.5 m on the other side, and 0.3 metres for an attached garage;
- (H) Despite regulation 10.20.30.40(1) the permitted maximum **lot coverage** for the following **lots** shown on Diagram 3 attached to By-law 1156-2018 are:
- (i) lot 2 51 percent;
 - (ii) lot 3 36 percent;
 - (iii) lot 4 28 percent;
 - (iv) lot 18 49 percent;
 - (v) lot 34 39 percent;
 - (vi) lots 35 and 42 53 percent;
 - (vii) lots 36 and 37 52 percent;
 - (viii) lots 38-41 51 percent; and
 - (ix) for all other lots 48 percent;
- (I) Despite regulations 10.20.40.10(1), (3) and (4) the permitted maximum height and storeys for the following **lots** shown on Diagram 3 attached to By-law 1156-2018 are:
- (i) lot 21 9.0 metres and 2 storeys;
 - (ii) lot 22 9.5 metres and 2 storeys; and
 - (iii) for all other lots 11.0 metres and 3 storeys;

- (J) Despite regulation 10.5.50.10(1), a minimum of 28 percent of the **front yard** must be **landscaping**, of which 75 percent must be **soft landscaping**; and
- (K) Despite regulation 10.5.80.40(3), for **lots** 12, 13 and 35 shown on Diagram 3 attached to By-law 1156-2018, vehicular access to a **parking space** on a **corner lot** must be from the **street** on which the **lot** fronts.

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

- 5. On the lands outlined in Diagram 1 attached to this by-law, a temporary sales office is permitted in one **detached house**, for the purpose of the marketing and sales of the **dwelling units** on these lands, for a period of three years from the date this by-law comes into full force and effect.
- 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/or density of the development is permitted beyond that otherwise permitted on the lands 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 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.
 - (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 July 27, 2018.

Glenn De Baeremaeker,
Deputy Speaker

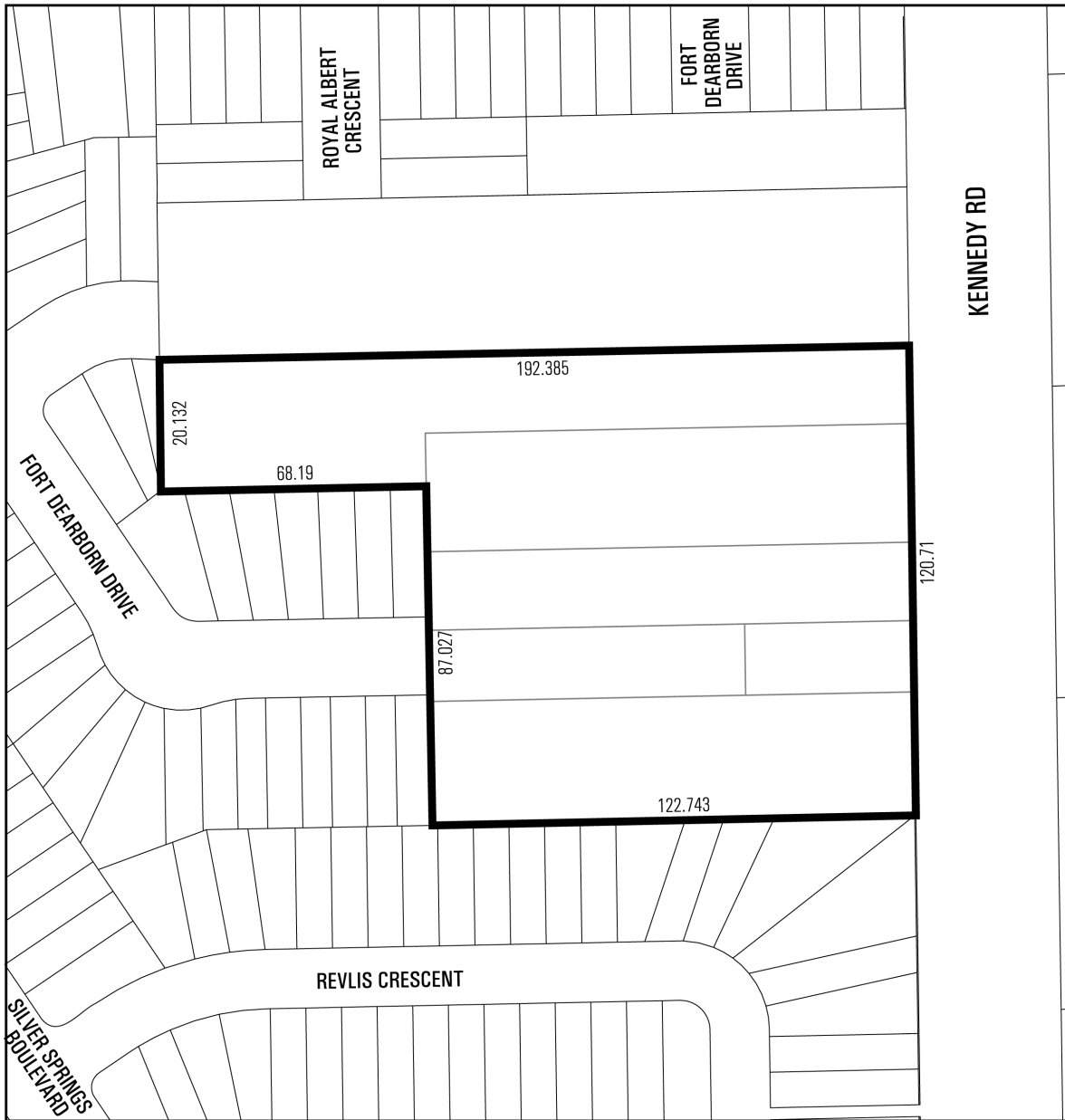
Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A
Section 37 Provisions

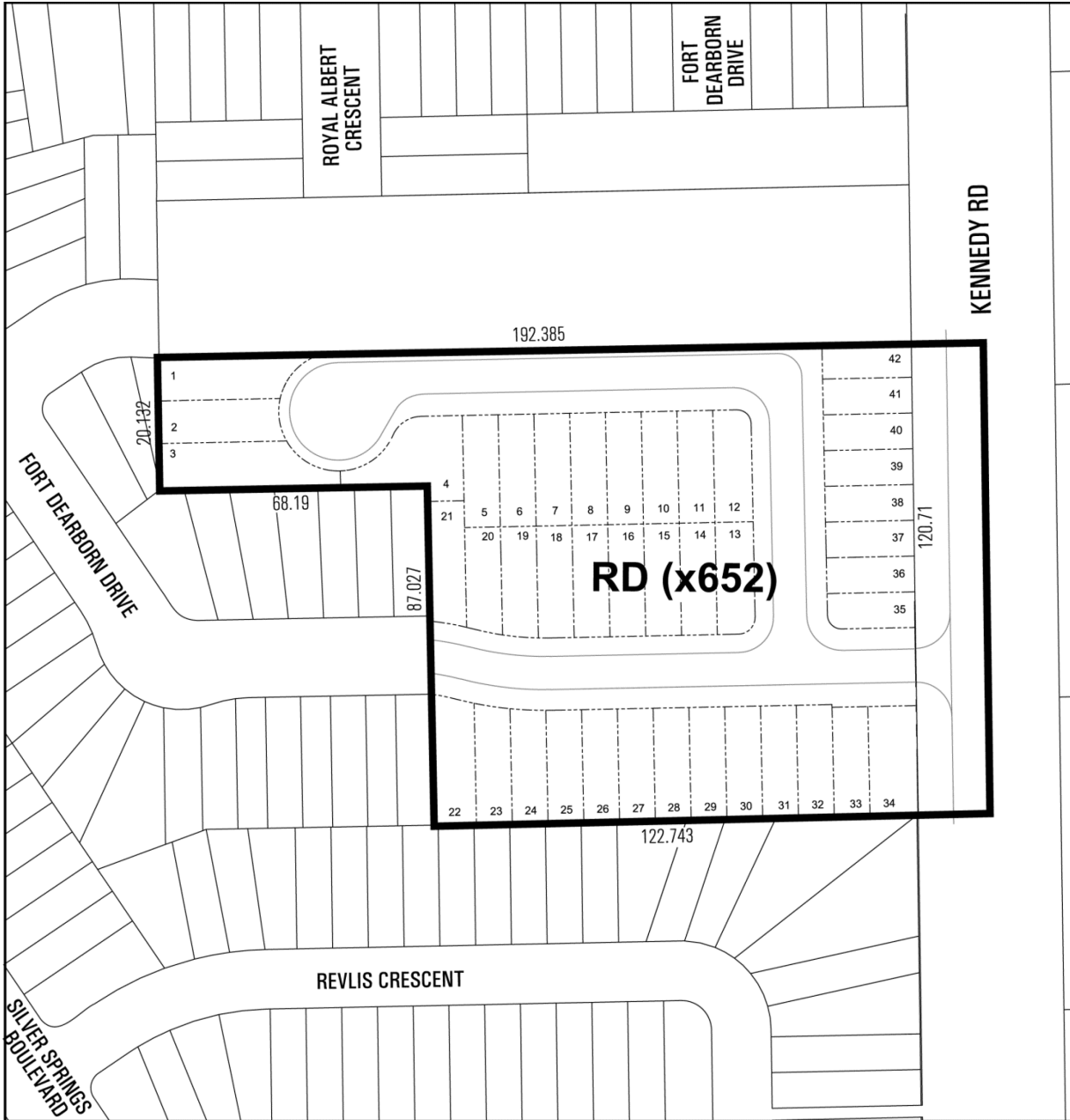
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and/or density of the proposed development on the lands as shown in Diagram 2 in this By-law and secured in an agreement or agreements under Section 37(3)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

- (1) Prior to issuance of an above grade building permit, other than a building permit for a sales office, the owner shall provide the City with a cash payment of Four Hundred and Fifty Thousand dollars (\$450,000.00) to be paid by way of certified cheque payable to the City of Toronto, to be directed towards various park improvements in Ward 39, including the installation of a new skatepark in Fundy Bay Park.
- (2) Any cash or letter of credit contributions shall be indexed upwardly from the date of the registration of the Section 37 Agreement to the date the payment is made in accordance with the "Single Detached House Construction Price Index for the Toronto Census Metropolitan Area", reported quarterly by Statistics Canada in Building Construction Price Indexes Publication No. 327-0058, or its successor.
- (3) In the event the cash contribution(s) referred to in Section (1) applicable 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 consultation with the local Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (4) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee, as further amended by City Council from time to time.
- (5) Prior to issuance of any building permit, the owner shall execute and register with priority of title an Agreement under Section 37(3) of the Planning Act securing the above noted items to the satisfaction of the City Solicitor.



3000-3020 Kennedy Road

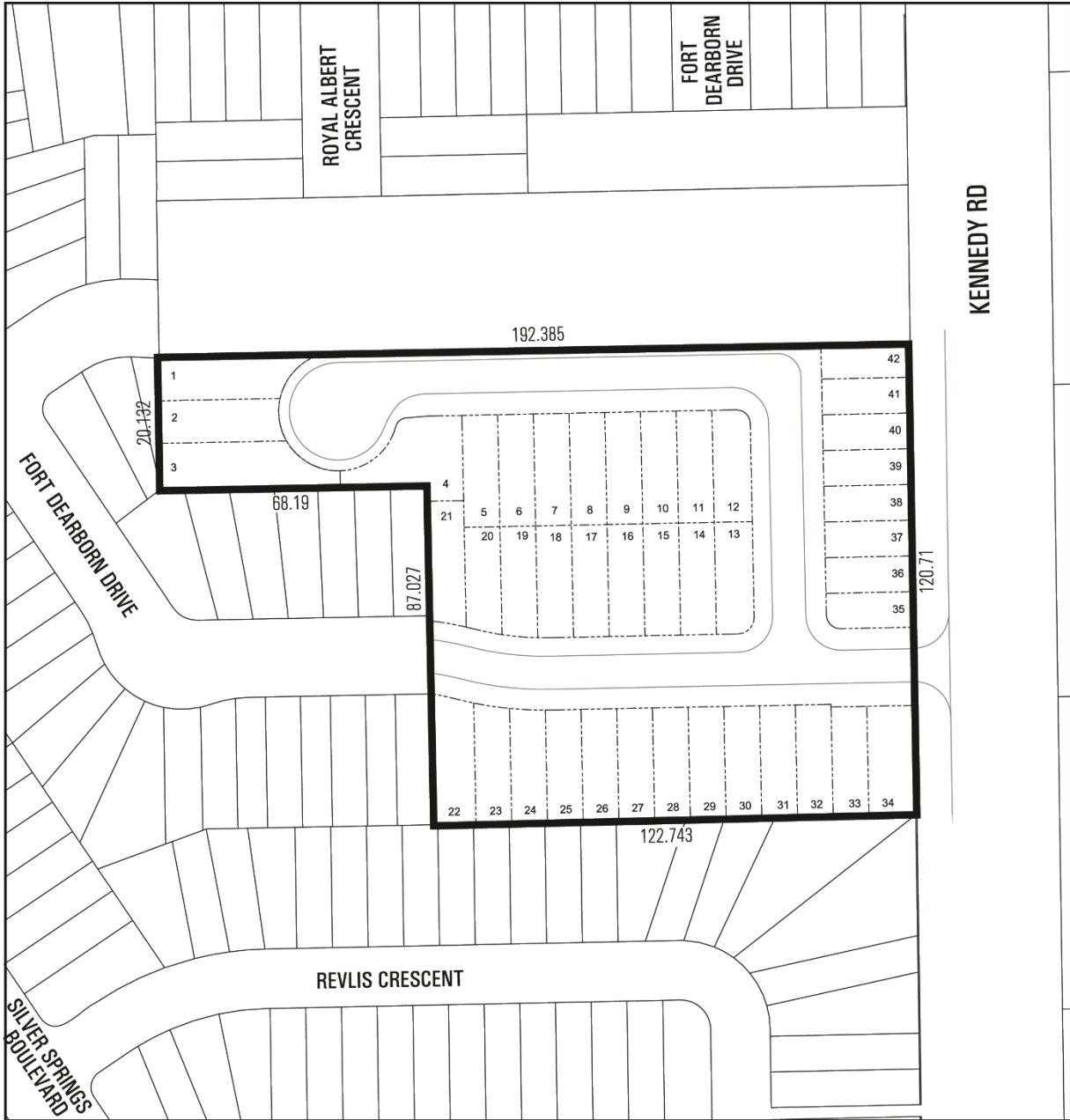
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 **TORONTO**
Diagram 2

3000-3020 Kennedy Road

File # 16 256248 ESC 39 OZ, 16 256254 ESC 39 SB



Toronto
Diagram 3

3000-3020 Kennedy Road

File # 16 256248 ESC 39 0Z, 16 256254 ESC 39 SB