

Authority: Scarborough Community Council Item SC10.5,
as adopted by City of Toronto Council on November 26
and 27, 2019

CITY OF TORONTO

BY-LAW 1777-2019

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 113, 115, 117, 119, 121, 123, 129, 131, 133, 135, 137, 139 and 141 Montezuma Trail.

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

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

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

Whereas pursuant to Section 37 of the Planning Act, the Council of a municipality may in a By-law passed under Section 34 of the Planning Act, authorize increases in the height and density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services and 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 or 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 lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

Whereas Council has required the Owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RT (u37; d1.6) (x188) and CL 0.37 (x8), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number RT 188 so that it reads:

(188) 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 in the year 2019 as 113-141 Montezuma Trail, identified as Part 1 on Diagram 1 of By-law 1777-2019, a **building, structure**, addition or enlargement may be constructed or used if it complies with (B) to (P) below;
- (B) For the purposes of this exception, the **lot** comprises the lands outlined by heavy lines and identified as Part 1 on Diagram 1, attached to By-law 1777-2019;
- (C) For the purposes of this exception, **established grade** is the Canadian Geodetic Datum elevation of 187.8 metres;
- (D) Despite regulation 10.60.40.40, the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 4,200 square metres;
- (E) Despite regulations 10.60.40.10 (1), no portion of any **building** or **structure** on the lands must have a **height** greater than the **height** in metres specified by the number following the HT symbol as shown on Diagram 3 attached to By-law 1777-2019;
- (F) Despite (E) 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;
- (G) Despite Clause 10.60.40.70, the required minimum **building setbacks** and the required minimum separation distances between **main walls** of **buildings** or **structures** are shown on Diagram 3 of By-law 1777-2019;

- (H) Despite the encroachments permitted in Clause 10.5.40.60, the following **building** elements are permitted to encroach into the required minimum **building setbacks**:
- (i) deck, porch, platforms, 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 dormor window, pilaster, projecting columns, architectural features, railings, privacy screens, columns and beams to a maximum of 2.0 metres;
- (I) Despite regulation 10.5.80.1(2)(C) the surface area used for the parking of **vehicles** may be located 0 metres from a fence;
- (J) Despite regulation 200.5.10.1(1), the required minimum number of **parking spaces** is:
- (i) 1.0 **parking space** for each **dwelling unit** for the use of residents; and
 - (ii) 0.2 visitor **parking spaces** for each of the **dwelling units**.
- (K) Despite Clause 10.5.40.40, the **gross floor area** of a residential building is reduced by the area in the building used for:
- (i) enclosed parking structure, loading and bicycle parking located above-ground;
 - (ii) elevator and garbage shafts;
 - (iii) garbage and recycle rooms, enclosed driveways and drive aisles;
 - (iv) mechanical and electrical rooms; and
 - (v) exit stairwells in the building;
- (L) Despite regulation 10.60.40.1(3), the required minimum width of a **dwelling unit** in a **townhouse** is 4.0 metres at the second and third floor. The minimum width does not apply to the ground floor;
- (M) Despite regulation 10.60.40.80(1)(B), the required minimum above-ground separation distance between those **main walls** facing each other is 10.0 metres at the second **storey**; 11.0 metres between windows facing each other at the third and fourth **storeys**;
- (N) Regulations 10.60.30.10(1), 10.60.30.20(1), and 10.60.30.40(1) do not apply;
- (O) Despite regulation 10.5.50.10 (3), no rear yard **soft landscaping** is required; and

- (P) Despite regulation 10.5.80.1 (2), the ancillary outdoor area used for parking can be 0 metres away from the residential building and fence, and 0.3 metres away from a lot line that abuts a street.

Prevailing By-laws and Prevailing Sections: None Apply

5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.10.10 Exception Number 8 so that it reads:

(8) Exception CL 8

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 the lands known in year 2019 as 113 - 141 Montezuma Trail, identified as Part 2 on Diagram 1 of By-law 1777-2019, a **building, structure**, addition or enlargement may be constructed or used if it complies with (B) to (J) below;
- (B) Despite Article 30.20.20, only the following uses are permitted: **take-out eating establishment, retail store, personal service shop**, office use, medical office use; and **financial institution**;
- (C) Despite regulation 30.20.30.40(1), the maximum **lot coverage** permitted on lands identified as Part 2 on Diagram 1 to the By-law 1777-2019 is 40 percent;
- (D) Despite regulation 30.20.40.40(1), the permitted maximum **gross floor area** of all **buildings and structures** on the lands identified as Part 2 on Diagram 1 to the By-law 1777-2019 is 1,200 square metres;
- (E) Despite regulation 30.20.40.70(2), the minimum required **building setback** from the north **side lot line** is 0 metres;
- (F) Despite regulation 30.20.80.20(1), **parking spaces** and a **drive aisle** may be located in the required **front yard setback** that abuts Montezuma Trail and the north **side yard setback**;
- (G) Despite regulation 30.20.80.20(2), no **soft landscaping** is required between the **parking spaces** and the **front lot line** of the property;
- (H) Despite 30.20.80.20 (3), **parking spaces** are permitted to be set back 0 metres from the **front lot line**;
- (I) Despite regulation 220.5.10.1(3) and (5), no **loading space** is required; and
- (J) Despite regulation 30.20.50.10(1) and 30.20.80.20(2) no **soft landscaping** needs be provided along the part of the **lot line** abutting the **lot** in the Residential Zone.

Prevailing By-law and Prevailing Sections: None Apply

6. Section 39 Provisions

None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office on the lands subject to this by-law used exclusively for the initial sale or initial leasing of **dwelling units** or the leasing of commercial units on the same lands for a period not to exceed 3 years from the date of this by-law coming into full force and effect.

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 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.

Enacted and passed on December 18, 2019.

Frances Nunziata,
Speaker

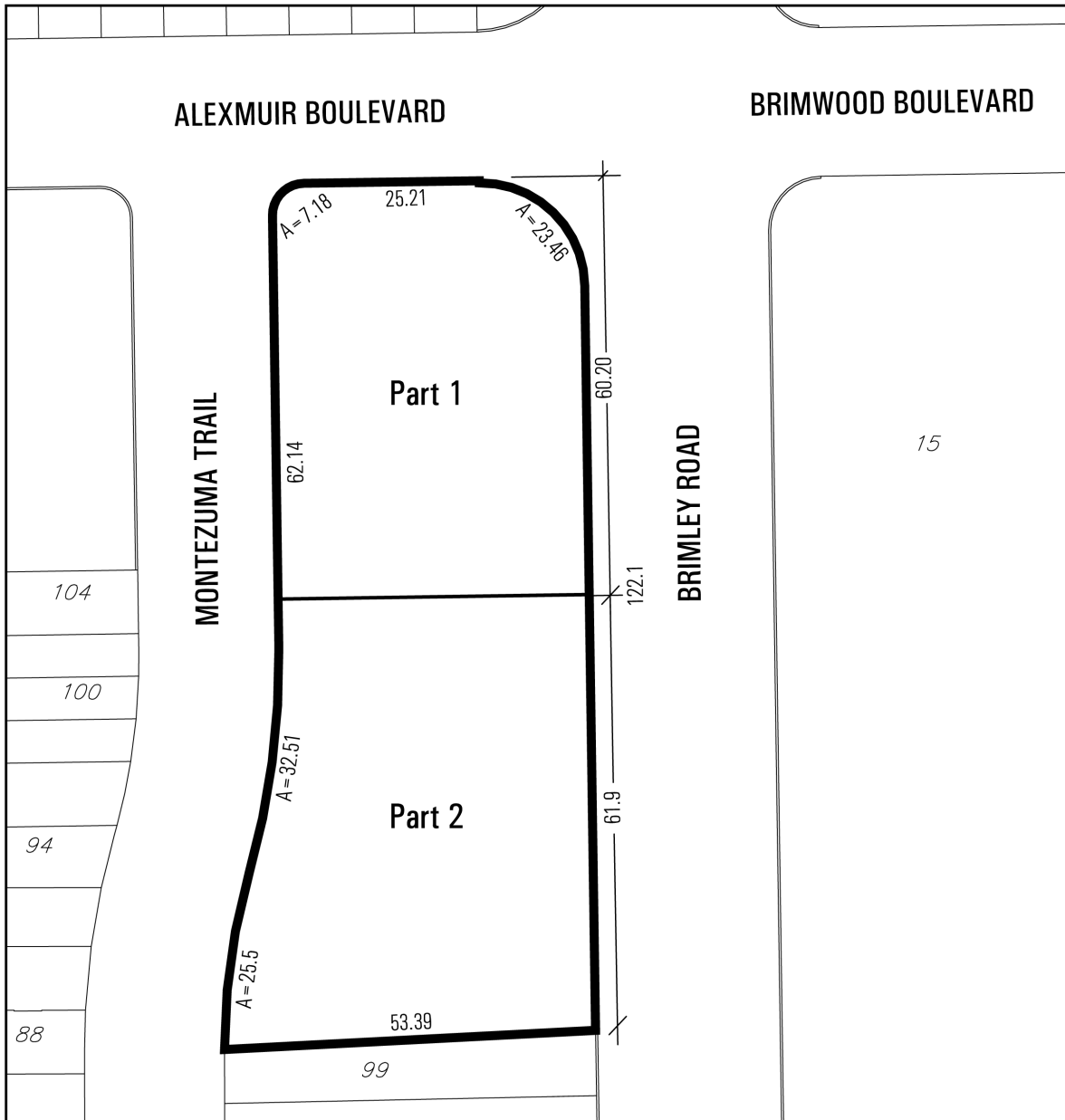
Ulli S. Watkiss,
City Clerk

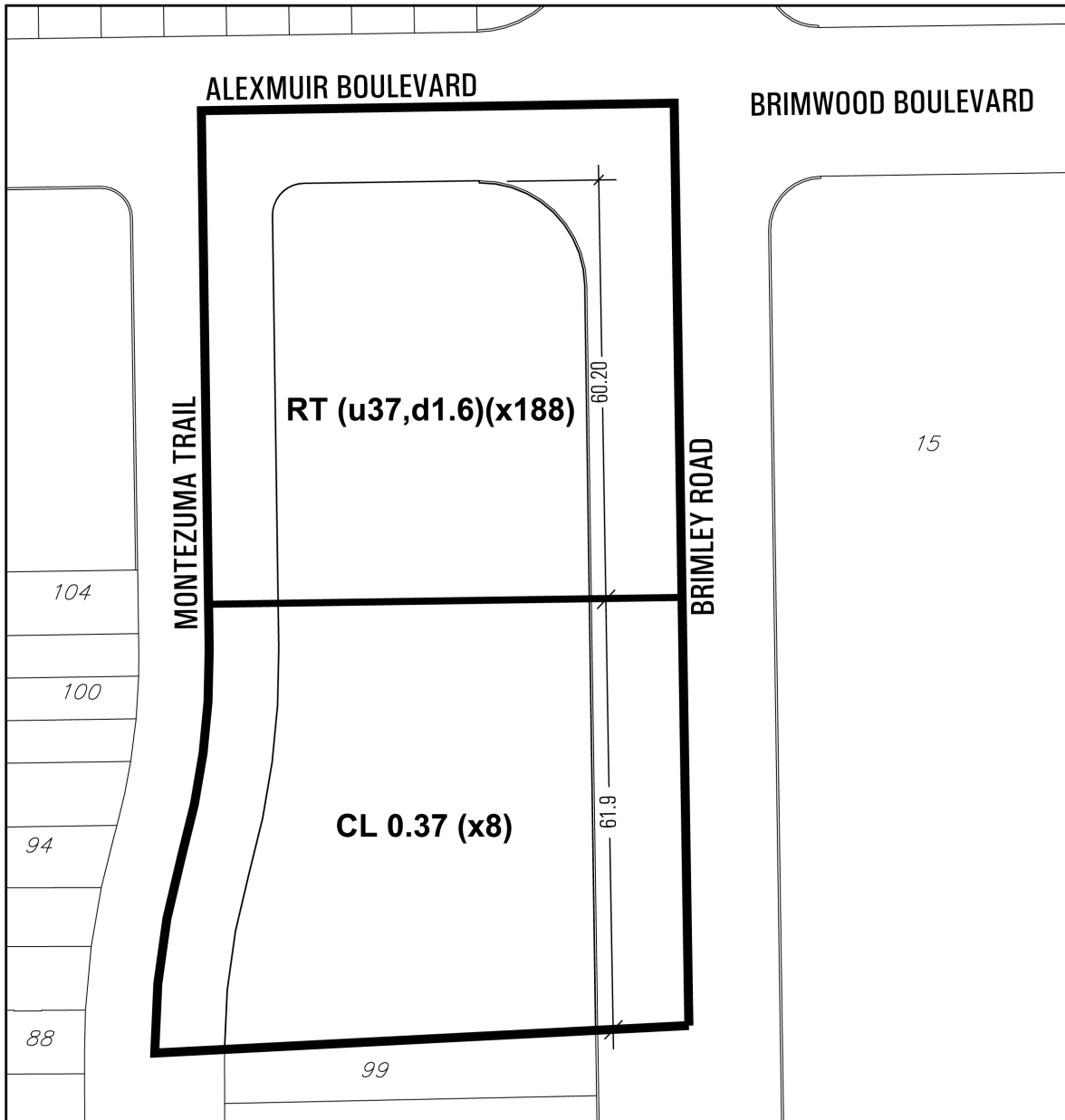
(Seal of the City)

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 as shown in Diagram 1 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 the owner shall submit a cash contribution totaling \$125,000 for local community benefits for park improvements in Ward 23 to be determined in consultation with the Ward Councillor 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 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 is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

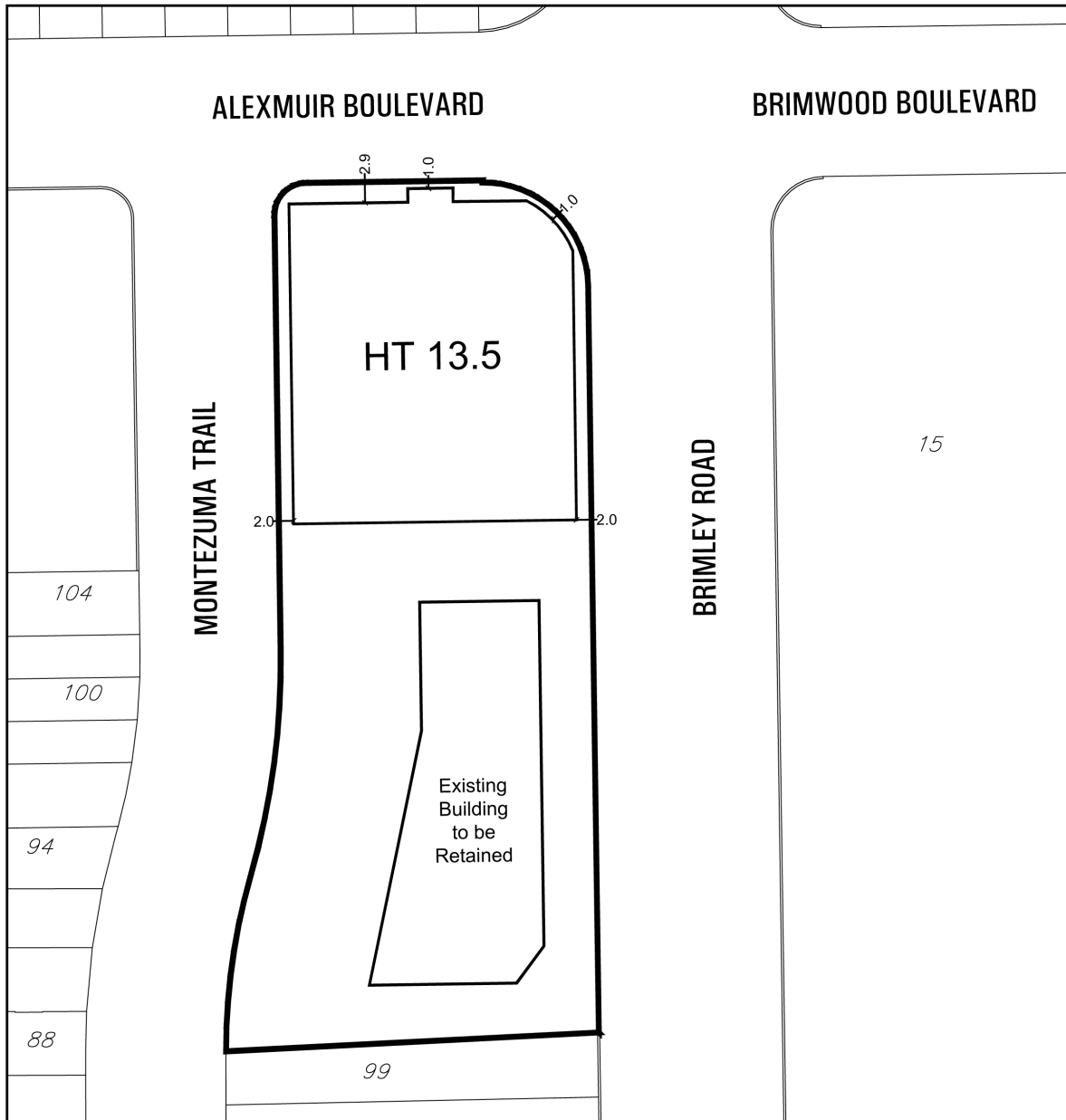




Toronto
Diagram 2

113-141 Montezuma Trail

File # 18 266753 ESC 23 0Z



Toronto
Diagram 3

113-141 Montezuma Trail

File # 18 266753 ESC 23 0Z