

Authority: Scarborough Community Council Item 22.27,  
as adopted by City of Toronto Council on March 21, 2013

## **CITY OF TORONTO**

### **BY-LAW No. 631-2013**

#### **To amend former City of Scarborough By-law No. 9276, the Kennedy Park Community Zoning By-law, with respect to the lands municipally known as 611-631 Kennedy Road.**

Whereas authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the by-law 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 or matters in return for an increase in 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 or matters; and

Whereas the owner of the land hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

Whereas the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 9276, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); 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; 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*;

The Council of the City of Toronto enacts:

- 1. SCHEDULE "A"** of the Kennedy Park Community Zoning By-law No. 9276 is amended for the lands outlined in the attached Schedule 'I' by deleting the existing Neighbourhood Commercial (NC) zoning and replacing it with the Apartment Residential (A) Zone and the Performance Standards as shown on Schedule 'I', so that the amended zoning shall read as follows:

A - 40 - 142 - 146 - 147 - 148 - 149 - 150 - 151 - 152 - 153 - 216 - 217 - 218 - 308

2. **CLAUSE V - INTERPRETATION (f) Definitions** is amended by adding the following:

**Angular Plane**

means an imaginary flat surface projecting over a **lot**, at an inclined angle measured up from the horizontal.

**Bicycle parking space**

means an area designed and equipped for the purpose of parking and securing a bicycle.

3. **SCHEDULE "B", PERFORMANCE STANDARDS CHART**, is amended by adding the following Performance Standards:

**FRONT YARD**

40. Minimum 1.3 metres from Corvette Avenue.

**MISCELLANEOUS**

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:
- (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.
146. Maximum building height 30 metres and 10 storeys (excluding basements).
147. Indoor and outdoor amenity space to be provided at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:
- (a) A minimum of 1.85 square metres for each **dwelling unit** must be indoor amenity space; and
  - (b) A minimum of 2.15 square metres for each **dwelling unit** must be outdoor amenity space.
148. Minimum 2.0 metre wide strip of land immediately abutting "S" or "T" Zones shall be used for **landscaping** purposes only, except that an electrical transformer and underground parking air intake are permitted within 5 metres from the streetline.
149. No portion of any building shall penetrate an **angular plane** of 45 degrees measured from a **side lot line** abutting an "S" or "T" zone.

150. Underground parking structures may be permitted in all yards but shall be set back a minimum of 1.4 metres abutting an "S" or "T" zone.
151. A minimum of 1.1 **parking spaces** per **dwelling unit** shall be provided on the basis of 1 resident parking space and 0.1 visitor parking spaces per **dwelling unit**.
152. Minimum Commercial parking shall be provided on the basis of:
- (a) 1.5 **parking spaces** per 100 square metres of **gross floor area** of retail stores, offices (excluding medical and dental offices) and personal service shops;
  - (b) 4.0 **parking spaces** per 100 square metres of **gross floor area** of banks;
  - (c) 1.5 **parking spaces** per 100 square metres of **gross floor area** of all restaurants totalling less than 200 square metres;
  - (d) 3.0 **parking spaces** per 100 square metres of **gross floor area** of all restaurants totalling between 200 square metres and 500 square metres;
  - (e) 5.0 **parking spaces** per 100 square metres of **gross floor area** of all restaurants totalling greater than 500 square metres; and
  - (f) 3.0 **parking spaces** per 100 square metres of **gross floor area** of medical and dental offices.
153. **Bicycle parking spaces** shall be provided at a rate of:
- (a)
    - (i) 0.55 long-term **bicycle parking spaces** within the building for each dwelling unit;
    - (ii) 0.2 short term **bicycle parking spaces** at grade for each **dwelling unit**.
  - (b) Meaning of Long-Term and Short-Term **Bicycle Parking Spaces**:
    - (i) Long-Term **bicycle parking spaces** are **bicycle parking spaces** for use by the occupants or tenants of a building; and
    - (ii) Short-Term **bicycle parking spaces** are **bicycle parking spaces** for use by visitors to a building.
  - (c) A **bicycle parking space** must be located on the same lot as the use for which it is required.
  - (d) **Bicycle parking spaces** for a dwelling unit shall not be located:
    - (i) In a **dwelling unit**; or

- (ii) On a balcony; or
- (iii) In a storage locker; or
- (iv) In an area used for ancillary commercial space.
- (e) Where the bicycles are to be parked in a horizontal position (on the ground), the space shall have horizontal dimensions of at least 0.6 metres by 1.8 metres per bicycle and a vertical dimension of at least 1.9 metres.
- (f) Where the bicycles are to be parked in a vertical position, the space shall have horizontal dimensions of at least 0.6 metres by 1.2 metres per bicycle and a vertical dimension of at least 1.9 metres.

### **INTENSITY OF USE**

- 216. Maximum of 110 **dwelling units**.
- 217. **Gross floor area** of all buildings (excluding basements) shall not exceed 3.7 times the lot area.
- 218. Maximum building **coverage** 46% of lot area.

### **SIDE YARD**

#### 308. Minimum Setbacks for Buildings Erected on Corner Lots

Minimum 20 metres, except 0 metres to the Kennedy Road **street** lot line.

- 4. **SCHEDULE "C" EXCEPTIONS LIST** is amended by adding Exception No. 25 to the lands as shown on Schedule '2' as follows:

- 25. On those lands identified as Exception No. 25 on the accompanying Schedule 'C' map (Schedule '2'), the following provisions shall apply:
  - 1. Matters to be provided pursuant to Section 37 of the Planning Act, R.S.O.1990, c.P. 13, as amended:
    - (i) The density of development permitted by this By-law is permitted subject to the owner of the lands, at its sole expense and in accordance with and subject to the execution and registration of the agreements referred to in Section (ii) herein, providing or funding the following facilities, services and matters, as follows:
      - (a) \$150,000.00 to be used for improvements to Corvette Park, paid prior to the issuance of any building permits.

- (ii) The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act, R.S.O., 1990, c.P. 13 as amended, to secure the facilities, services and matters referred to in Section (i) herein, which agreement shall be registered as a first priority on title to the lands to which this By-law applies.
- (iii) Each instalment payment set out in Section (i) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City.

2. Additional Permitted Uses:

Retail stores, offices including medical and dental offices, restaurants, banks and personal service shops to a maximum combined gross floor area of 880 square metres on the ground floor only.

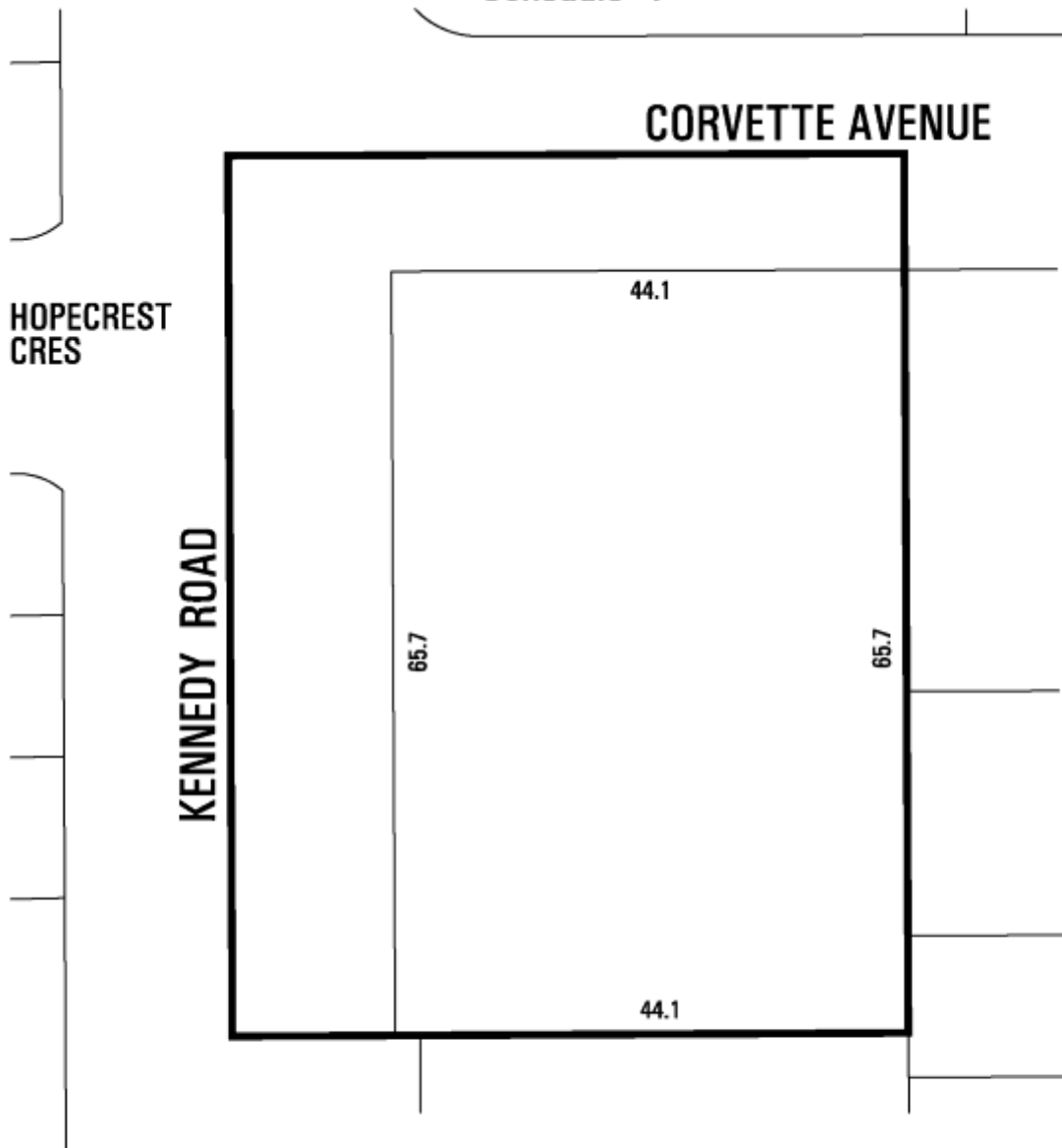
Enacted and passed on May 10, 2013.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

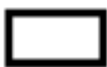
## Schedule '1'



Zoning By-Law Amendment

611-631 Kennedy Road

File # 12 113066 02

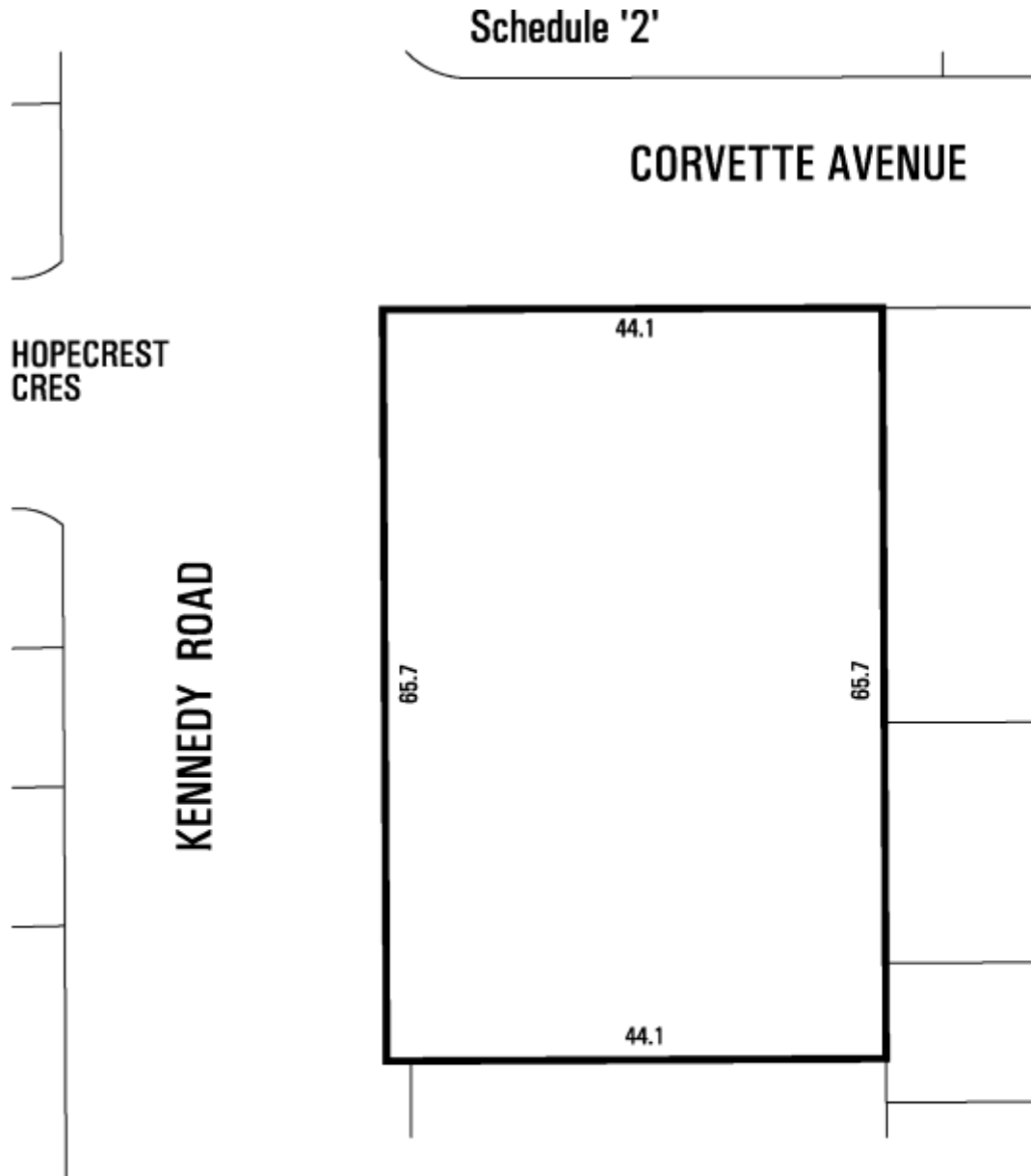


Area Affected By This By-Law

Kennedy Park Community Bylaw



Not to Scale  
01/31/13



**Exception No. 25**

**Toronto** City Planning  
Division  
**Zoning By-Law Amendment**

**611-631 Kennedy Road**  
**File # 12 113066 0Z**

 **Area Affected By This By-Law**

Kennedy Park Community Bylaw  
Not to Scale  
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