

Authority: Scarborough Community Council Item SC32.3, as adopted by City of Toronto Council on July 23, 24, 25, 26, 27 and 30, 2018

## CITY OF TORONTO

### BY-LAW 1277-2018

#### **To amend former City of Scarborough Woburn Community Zoning By-law 9510, as amended, with respect to the lands municipally known as 1021-1035 Markham Rd.**

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 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, 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 9511, 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;

The Council of the City of Toronto enacts:

- 1. Schedule "A"** of the Woburn Community Zoning By-law 9510, as amended, is amended by deleting the current zoning and replacing it with the following zoning as shown on Schedule '1':

CR – 177 – 178 – 281 – 312 – 313 – 314 – 550 – 551 – 552 – 553 – 554 – 555 – 556 –  
557 – 558

P

2. **Schedule "B" PERFORMANCE STANDARDS CHART** is amended by adding the following Performance Standard Nos. 281, 312, 313, 314, 550, 551, 552, 553, 554, 555, 556, 557 and 558 as follows:

Bicycle Parking Spaces

281. Bicycle **parking spaces** shall be provided in accordance with the following:

- (a) A minimum of 0.75 bicycle **parking spaces** per **dwelling unit**, allocated as 0.68 "long-term" bicycle **parking spaces** per **dwelling unit** and 0.07 "short-term" bicycle **parking spaces** per **dwelling unit**, where:
  - i. "long-term" bicycle **parking spaces** are for use by the occupants or tenants of a building and are located in a building; and
  - ii. "short-term" bicycle **parking spaces** are for use by visitors to a building.
- (b) Minimum bicycle **parking space** requirements for non-residential uses:
  - i. Minimum 0.137 "long-term" bicycle **parking spaces** per 100 square metres for use by the occupants or tenants of a building and are located in a building; and
  - ii. Minimum "short-term" bicycle **parking spaces** for use by visitors to a building: 3 bicycle **parking spaces** plus 0.25 bicycle **parking spaces** per 100 square metres.
- (c) Where bicycles are to be parked in a horizontal position, the bicycle **parking spaces** shall have minimum dimensions of 0.6 metres width by 1.8 metres length per bicycle and minimum vertical clearance from the ground of 1.9 metres.
- (d) Where bicycles are to be parked in a vertical position, the bicycle **parking spaces** shall have minimum dimensions of 0.6 metres width, minimum length or vertical clearance of 1.9 metres and minimum horizontal clearance from the wall of 1.2 metres.
- (e) Where stacked bicycle **parking spaces** are provided, the minimum vertical clearance for each bicycle **parking space** is 1.2 metres.
- (f) Bicycle **parking spaces** shall not be provided within a **dwelling unit** or on a balcony associated thereto, or in a storage locker.

**PARKING**

312. Notwithstanding **Clause VII – GENERAL PARKING REGULATIONS FOR ALL ZONES, Section 1, General Parking Requirements**, Sub-Section 1.1, **Table of Required Parking Rates**, the requirements in the following **Table of Required Parking** shall apply:

**Table of Required Parking**

Use	Minimum Parking Required	Maximum Parking Permitted
<b>Dwelling units</b>	0.45 spaces per unit of which a minimum of 2 and maximum of 5 <b>parking spaces</b> will be allocated for 'car-share' parking only	1.3 spaces per unit of which a minimum of 2 and maximum of 5 <b>parking spaces</b> will be allocated for 'car-share' parking only
Residential Visitors	0.15 space per unit	
Non-residential Uses	1.0 spaces per 100 square metres of <b>gross floor area</b>	4.0 spaces per 100 square metres of <b>gross floor area</b>

313. Minimum loading space requirements:
- (a) One Type G loading space, meaning a loading space that is a minimum of 4 metres wide, 13 metres long and has a minimum vertical clearance of 6.1 metres; and
  - (b) One Type B loading space, meaning a loading space that is a minimum of 3.5 metres wide, 11 metres long and has a minimum vertical clearance of 4 metres.

**MISCELLANEOUS**

550. Maximum 333 **dwelling units**, of which a minimum 10 percent shall be three-bedroom units.
551. **Gross floor area** of all uses shall not exceed 26,500 square metres (excluding **basements**, including below-grade parking structures and associated parking spaces, ramps, **driveways** and aisles; amenity rooms; **utility rooms**, elevator shafts; garbage handling and storage areas including garbage shafts; mechanical penthouse; and exit stairwells in the building or from the underground parking garage), of which a maximum 2,200 square metres may be for permitted uses other than **dwelling units**.
552. Maximum permitted building **coverage**: 61 percent of the area of the lot/parcel.

553. Maximum **height** of 34 **storeys** (excluding mechanical penthouse) and 111 metres (including mechanical penthouse), except maximum **height** of the podium base-building shall not exceed 6 **storeys** and 29.2 metres.
554. A minimum of 4 square metres of resident **amenity space** shall be provided as follows:
- (a) Minimum 2 square metres per **dwelling unit** of indoor **amenity space** or spaces, at least one of which contains a kitchen and washroom and at least one of which is adjoining and directly accessible to a minimum of 40 square metres of outdoor **amenity space**; and
  - (b) Minimum 2 square metres per **dwelling unit** of outdoor **amenity space**.
555. Minimum building **setback** requirements:
- (a) Minimum 1.0 metres from the Markham Road streetline, plus an additional building **setback** of 4.5 metres above **storey 6**;
  - (b) Minimum 0.7 metres from the Brimorton Drive streetline, plus an additional building **setback** of 2.6 metres above **storey 6**;
  - (c) Notwithstanding (a) and (b) above, a minimum building **setback** of zero (0) metres is permitted from the Markham Road/Brimorton Drive **street** line corner rounding;
  - (d) Minimum 9.7 metres from a **Park Zone (P)**;
  - (e) Minimum 9 metres from all other lot lines; and
  - (f) Minimum 0.6 metres from the streetline for underground parking structures, with no building **setback** required from the Markham Road/Brimorton Drive **street** line corner rounding or other lot lines.
556. Maximum **floor area** of each **storey** over 6 **storeys** above grade:
- (a) Maximum 750 square metres per floor from **storey 7** to **storey 32**;
  - (b) Maximum 650 square metres for **storeys 33** and **34**; and
  - (c) Maximum 400 square metres for mechanical penthouse.
557. Minimum floor to ceiling height for the first floor: 4.5 metres.
558. All waste and recyclable materials to be stored within a wholly enclosed building.

3. **Schedule 'C', EXCEPTIONS LIST and EXCEPTIONS MAP** are further amended by adding the following Exception No. 77:

77. On those lands identified as Exception 77 on the accompanying Schedule 'C' map, the following provisions shall apply:

(a) Only the following uses shall be permitted:

- **Dwelling Units**
- **Art Gallery**, being premises used for the exhibition, collection or preservation of works of art for public viewing
- **Artist Studio**, being premises used for creating art or craft
- **Automated Banking Machine**, being a device at which customers can complete self-serve financial transactions
- **Community Centre**, being premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and educational activities
- **Custom Workshop**, being premises used for producing or making custom-made goods in limited quantities, using techniques that do not involve mass-production
- **Eating Establishment**, being premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service
- **Home Occupation**, being a business use within a **dwelling unit**, where the **dwelling unit** is the principal residence of the business operator
- **Library**
- **Massage Therapy**, being premises providing massage therapy by persons who are medical or health professionals licensed or registered under Province of Ontario legislation
- **Municipal Shelter**, being premises in which short-term emergency accommodation and associated support services are provided and supervised, and is operated by or for the City of Toronto, or an agency of the City of Toronto
- **Offices**, including medical and dental offices
- **Outdoor Patio**, being an outdoor patron area that is ancillary to a non-residential use
- **Park**
- **Personal Service Shops**, being premises used to provide personal grooming services or for the cleaning or care of apparel
- **Pet Services**, being premises used to provide for the grooming of domestic animals.
- **Private Home Day Care**
- **Religious Education Use**, being premises used by a religious organization for religious education, other than a post-secondary

- school or school regulated under the Education Act, R.S.P. 1990, c.E.2, as amended
- Renewable Energy, being energy obtained from solar energy, wind energy, or geo-energy
  - Retail Store, being premises in which goods or commodities are sold, rented or leased
  - Retail Service, being premises in which photocopying, printing, postal, or courier services are sold or provided.
  - Take-out Eating Establishment, being premises where food or beverages are prepared and offered for sale to patrons for consumption off the premises
  - Wellness Centre, being premises providing services for therapeutic and wellness purposes.
- (b) Pursuant to Section 37 of the Planning Act and subject to compliance with the provisions of this By-law, the increase in height and/or density of development on the lands is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's expense:
- (1) Prior to the issuance of an above grade building permit, the Owner shall make a financial (cash) contribution to the City of \$832,500 to be allocated as follows, 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:
- a. \$200,000 for capital improvements to Centennial Recreation Centre for outdoor recreation upgrades including new walking trails;
  - b. \$200,000 for capital improvements to the Board of Health Scarborough Dental Clinic at the Scarborough Civic Centre and/or the Canadian Centre for Refugee and Immigrant Health Care (at 4185 Sheppard Avenue East);
  - c. \$50,000 to Toronto Public Library branches for capital upgrades to the library facilities, including the purchase of musical instruments, in order to deliver the 'Borrow a Musical Instrument' loan program and/or musical equipment for local non-profit community and school bands;
  - d. \$50,000 to Toronto Animal Services for capital improvements/upgrades to the Scarborough Animal Shelter, including but not limited to animal adoption facilities, operating clinic and/or public access improvements;

- e. \$50,000 to "The Robbie International Tournament" at 45 Fairfax Crescent for capital improvements to the Scarborough Soccer Centre and capital related expenses for hosting the Robbie International Soccer Tournament;
  - f. \$50,000 to Animal Alliance of Canada for capital improvements/upgrades to the Feral Cat Recovery Centre (at 705 Progress Avenue);
  - g. \$50,000 to the Toronto Wildlife Centre for capital improvements/upgrades to the facility at 60 Carl Hall Road, North York;
  - h. \$50,000 to South Asian Autism Awareness Centre for capital improvements/ upgrades to the facility at 705 Progress Avenue;
  - i. \$50,000 for the not-for-profit 'Skate to Great' loan program in Scarborough schools including North Bendale Public School;
  - j. \$50,000 to Toronto and Region Conservation Authority for capital improvements/upgrades to the Scarborough Butterfly Trail; and
  - k. \$32,500 for capital improvements/upgrades to food banks in the local area, including the food bank at St. Ninian's Anglican Church at 930 Bellamy Road;
- (2) 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, to secure the facilities, services and matters referred to in Section (1) herein, which agreement shall be registered as a first charge on title to the lands to which this By-law applies;
- (3) 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, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of Item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time;
- (4) 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 Official Plan and will benefit the community in the vicinity of the lands;

- (5) Where Section (1) above 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
- (6) 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 the by-law unless all provisions of Section (1) of this by-law above are satisfied.

4. **Schedule 'C', EXCEPTIONS MAP** is further amended by deleting Exception 20 from the lands indicated on the accompanying Schedule 'C' map.

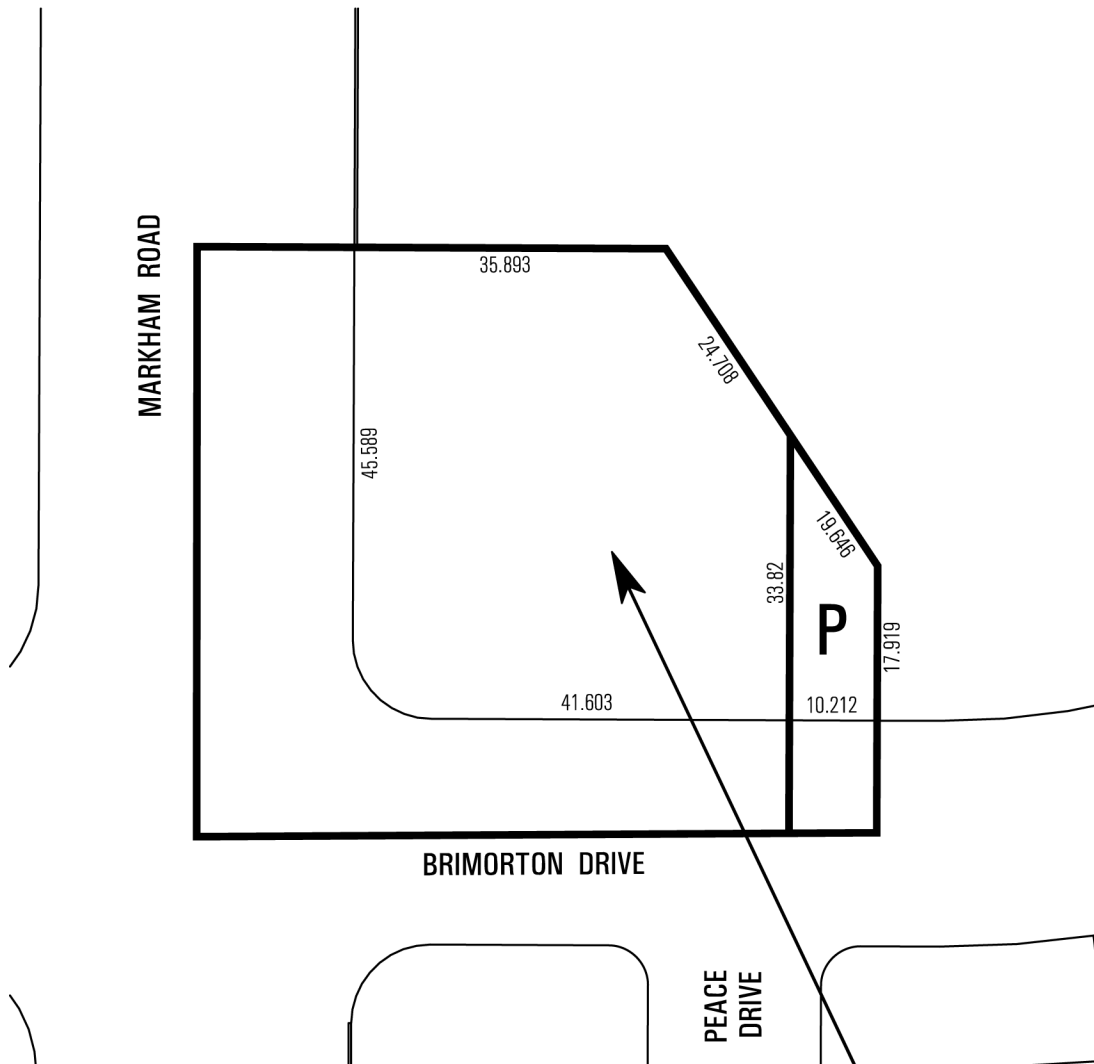
Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,  
Deputy Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

### Schedule '1'



**A-177-178-281-312-313-314-550-  
551-552-553-554-555-556-557-558**

**Toronto**  
Zoning By-Law Amendment

1021-1035 Markham Road  
File # 16 270614 ESC 38 0Z

 Area Affected By This By-Law

Woburn Community Bylaw  
Not to Scale  
07/09/18

