

Authority: Scarborough Community Council Item SC19.2, as adopted by City of Toronto Council on November 25 and 26, 2020 and MM47.105, by Councillor Nick Mantas, seconded by Councillor Jennifer McKelvie, as adopted by City of Toronto Council on July 19 and 20, 2022

CITY OF TORONTO

BY-LAW 1046-2022

To amend former City of Scarborough L'Amoreaux Community Zoning By-law 12466, as amended, with respect to the lands municipally known in the year 2020 as 3268 Finch Avenue East.

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 Section 37.1 of the Planning Act provides that Subsections 37(1) to (4) of the Planning Act as it read on the day before Section 1 of Section 17 to the COVID-19 Economic Recovery Act, 2020 came into force shall continue to apply to a by-law passed pursuant to the repealed Section 37 (1) prior to the date that a municipality passes a community benefits charge By-law and this By-law was passed prior to that date; and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 former City of Scarborough By-law 12466, L'Amoreaux Community, 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. SCHEDULE "A" of the L'Amoreaux Community Zoning By-law is amended for the lands outlined in the attached Schedule 1 by deleting the current zoning so that the amended zoning reads as follows:

A-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579

2. **CLAUSE V – DEFINITIONS** is amended by adding the following definitions:

A. Long-Term bicycle **parking spaces** 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;
- (ii) Short-Term bicycle **parking spaces** are bicycle parking spaces for use by visitors to a **building**;
- (iii) A bicycle **parking space** must be located on the same lot as the use for which it is required; and
- (iv) Bicycle **parking spaces** for a dwelling unit shall not be located:
 - (a) in a **dwelling unit**; and
 - (b) on a balcony;

3. **PERFORMANCE STANDARDS CHART - SCHEDULE "B"**, L'Amoreaux Community Zoning By-law 12466, as amended, is amended by adding the following Performance Standards:

INTENSITY OF USE

562 The total residential **gross floor area** shall not exceed a Floor Space Index of 6.40 times the area of the **Lot**.

563 Maximum 300 **dwelling units** are permitted.

BUILDING SETBACKS

Building Setbacks shall be provided as follows:

564 A minimum **building setback** of 3.0 metres from Finch Avenue East to the ground floor.

565 Below grade parking level is permitted to encroach up to 2.5 metres into the required setback.

- 566 A minimum **building setback** of 3.0 metres from Bridletowne Circle to the ground floor.
- 567 A minimum **building setback** of 6.3 metres from the northerly property to the nearest main wall.
- 568 A minimum **building setback** of 3.0 metres from the easterly property line to the ground floor.
- 569 A minimum **building setback** of 5.5 metres from the easterly property line to floors 8 to 11.
- 570 Posts and decorative elements shall be permitted to encroach into the permitted Finch Avenue East and Bridletowne Circle yard setback by a maximum of 1.25 metres.

HEIGHT

- 571 The **height** of the **building** shall not exceed 42 metres or 13 **storeys** to the highest point of the **building**, excluding the mechanical penthouse.
- 572 The **height** of each portion of a **building** or structure on the **lot**, is measured as the vertical distance between the Canadian Geodetic Datum elevation of 179.0 metres, and the highest point of the **building** or structure, and must not exceed the **height** in metres as specified by Performance Standard 571, with the exception of the following:
- (i) Structures, elements and enclosures are permitted to a maximum height of 1.5 metres;
 - (ii) Parapets to a maximum height of 1.5 metres;
 - (iii) Window washing equipment to a maximum height of 3.0 metres.
 - (iv) Structures on any roof used for mechanical equipment, chimneys, vents, stacks, mechanical fans, cooling towers, elevators and related structural elements, roof assemblies, and structures and elements associated with green energy and renewable energy facilities located on any roof, which may have a maximum vertical projection above the permitted height limits specified by Performance Standard 571 of 1.5 metres;
 - (v) Structures on any roof used for maintenance, safety, wind or green roof purposes, including architectural screens, stairs and related enclosures, and lightning rods, provided that the maximum height of such elements is no higher than 3.0 metres above the height limits specified by Performance Standard 571;

- (vi) Structures at ground level, including bollards, guards, guardrails, wheel chair ramps, gas and hydro meters, green energy and renewable energy facilities, air intakes and vents, and ventilating equipment provided that the maximum height of such elements is no higher than 1.2 metres above ground level;
- (vii) Structures at ground level, including underground garage ramps and associated structures, walls and safety railings, privacy screens, retaining walls, balustrades, stairs and related enclosures, fences, bike share facilities, outdoor amenity space elements, and safety railings, provided that the maximum height of such elements is no higher than 2.0 metres above ground level; and
- (viii) Structures at ground level, including lighting fixtures, ornamental, architectural or landscape features, including planters, wind mitigation elements, trellises, and art installations provided that the maximum height of such elements is no higher than 4.0 metres above ground level;

LANDSCAPING

- 573 A minimum 3.0 metre landscape buffer shall be provided along north property line

PARKING

- 574 Vehicle **parking spaces** per **dwelling unit** shall be provided as follows:

- (i) 0.8 **parking spaces** per 1 bedroom unit;
- (ii) 0.9 **parking space** per 2 bedroom unit;
- (iii) 1.1 **parking spaces** per 3 bedroom unit; and
- (iv) 2.0 **parking spaces** plus 0.05 per unit for visitors;

- 575 An accessible **parking space** must have the following minimum dimensions:

- (i) length of 5.6 metres;
- (ii) width of 3.4 metres;
- (iii) vertical clearance of 2.1 metres; and
- (iv) A 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may be shared by 2 accessible **parking spaces**;

BICYCLE PARKING SPACES

576 Bicycle **Parking Spaces** shall be provided at a rate of:

Residential:

- (a) 0.68 long term bicycle **parking spaces** for each **dwelling unit**; and
- (b) 0.07 short term bicycle **parking spaces** for each **dwelling unit**;

MISCELLANEOUS

577 **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub Clause 6, **Coverage** shall not apply.

578 **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub Clause 18, Lands not Covered by **Buildings** shall not apply.

579 **CLAUSE VII – GENERAL PARKING PROVISIONS FOR ALL ZONES** shall not apply.

- 4. **SCHEDULE "C" EXCEPTIONS MAP** of the L'Amoreaux Community Zoning By-law 12466, is amended by deleting Exceptions 17 and 68.
- 5. **SCHEDULE "C" EXCEPTIONS MAP and EXCEPTIONS LIST** of the L'Amoreaux Community Zoning By-law 12466, is further amended by adding Exception 101 for the lands outlined in the attached Schedule 2 as follows:

Exception 101

On those lands identified as Exception 101 on **SCHEDULE " C" EXCEPTIONS MAP**, the following provisions shall apply:

- a) Only the following uses shall be permitted:
 - (i) **Apartment Building** which may include live work units on ground floor.
- b) **Front Lot Line** shall be Finch Avenue East.
- c) **Gross Floor Area** shall mean the area of all floors, excluding anything below grade.

6. SECTION 37 PROVISIONS

Upon execution and registration in priority of an agreement or agreements with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity, insurance, and registration, satisfactory to the City Solicitor, securing the provision of the

facilities, services and matters set out herein, the Site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:

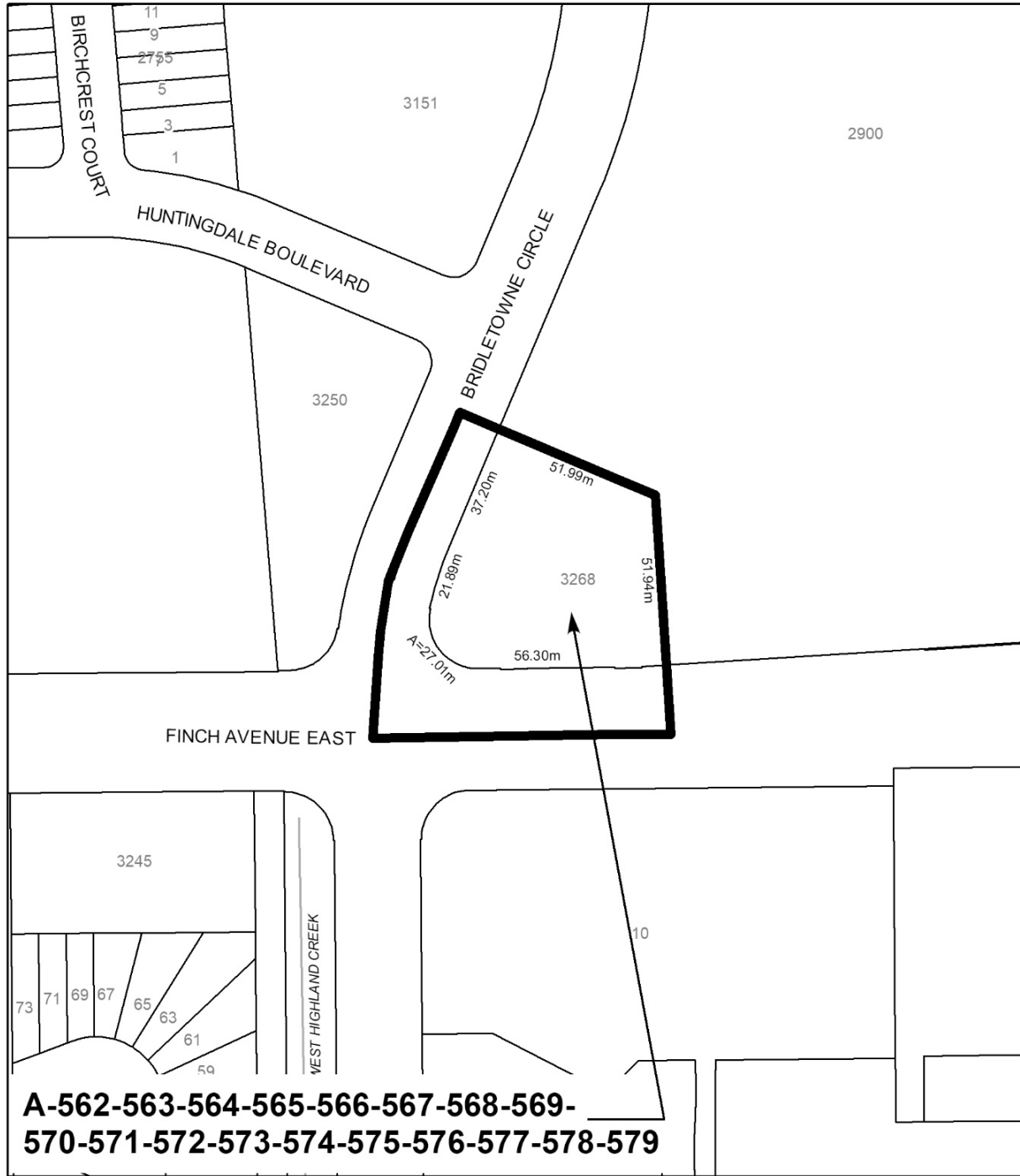
- A. Prior to the issuance of the first above-grade building permit, a cash contribution in the amount of \$975,000 towards the Kidstown Water Park Project.
- B. The cash contribution required in (1) above shall be indexed be indexed upwardly in accordance with Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment.
- C. In the event the cash contribution required in (1) above has not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment 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, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the community in the vicinity of the Site.
- D. The following matters are also recommended to be secured in the Section 37 Agreement:
 - i) The Owner shall provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the City of Toronto Municipal Code Chapter 681, Sewers;
 - ii) The Owner shall enter into a financially secured Development Agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the Site Servicing Review accepted by the Chief Engineer and Executive Director of Engineering and Construction Services; and
 - iii) The Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

Enacted and passed on July 22, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

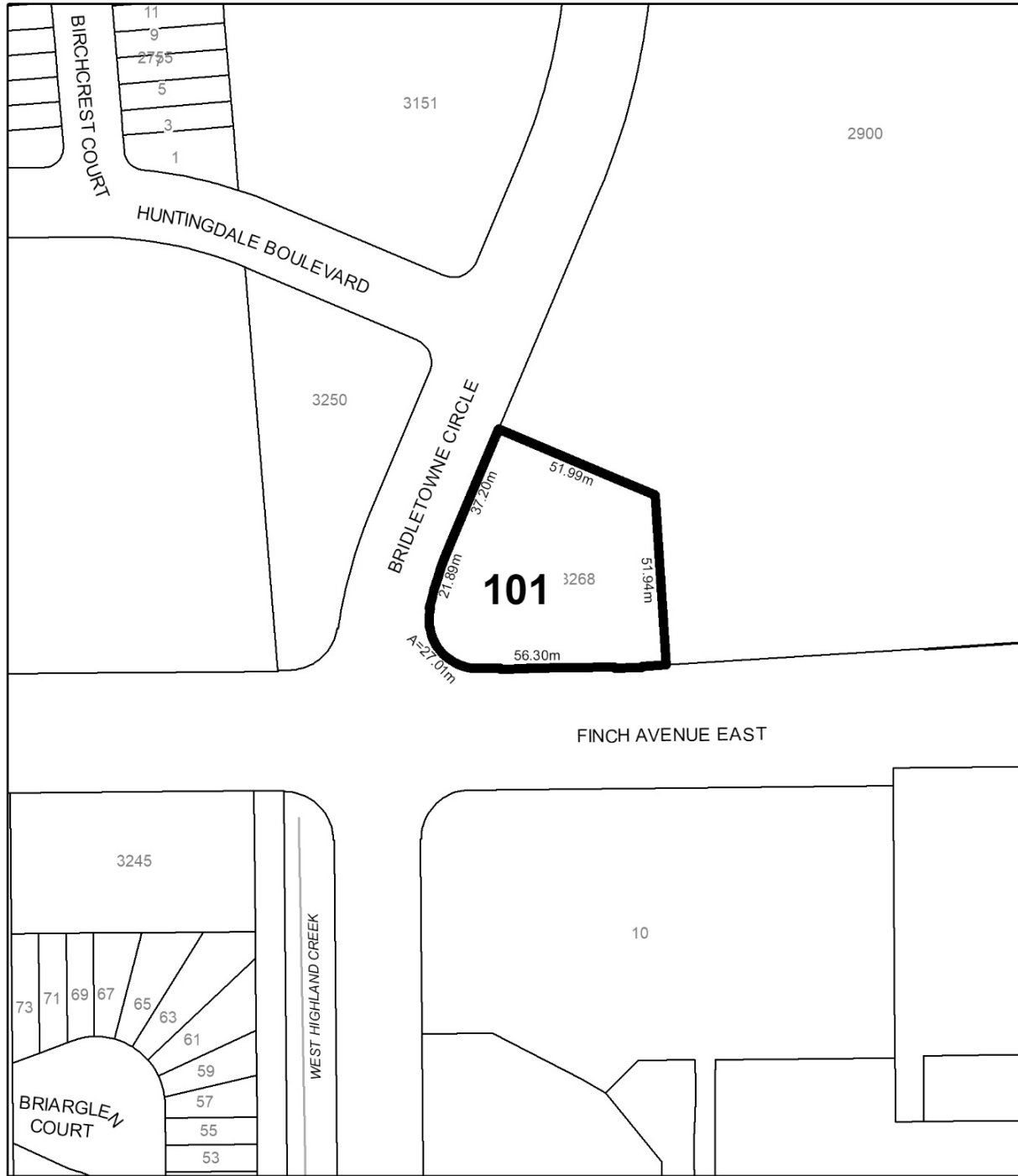


TORONTO
Schedule 1

3268 Finch Avenue East

File # 16 128441 ESC 39 0Z


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L'Amoreaux Community By-law 12466
Not to Scale
09/15/2020



 **TORONTO**
Schedule 2

3268 Finch Avenue East

File # 16 128441 ESC 39 0Z


L'Amoreaux Community By-law 12466
Not to Scale
09/15/2020