

Authority: Scarborough Community Council Item SC6.5,
as adopted by City of Toronto Council on July 19 and 20,
2023

City Council voted in favour of this by-law on July 20,
2023

Written approval of this by-law was given by Mayoral
Decision 8-2023 dated July 20, 2023

CITY OF TORONTO

BY-LAW 775-2023

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 3355, 3357 and 3365 Kingston Road and 34 Annis 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 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 36 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, use a holding symbol "(H)" in conjunction with any use designation to specify the use that lands, buildings or structures may be put once Council removes the holding symbol "(H)" by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding symbol "(H)"; and

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 for the lands on Diagram 1, attached to this By-law from a zone label of CR 0.4 (c0.4; r0.0) SS3 (x641) to the zone labels of (H) CR 0.4 (c0.4; r0.0) SS3 (x866), (H) RT (x365) and O as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending the following subsection to Article 900.11.10 Exception Number 866 so that it reads:

(866) Exception CR (866)

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 3355, 3357 and 3365 Kingston Road and 34 Annis Road, if the requirements of By-law 775-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Q) below;
- (B) Despite Regulation 40.10.20.40(1), **dwelling units** are permitted in a **mixed use building**;
- (C) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 172.50 metres and the elevation of the highest point of the **building** or **structure**;
- (D) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law 775-2023;
- (E) Despite Regulation 40.10.40.10(5), the required minimum height of the first **storey** that contain non-residential uses is 4.0 metres. For all other parts of the **building**, the required minimum height of the first **storey** is 2.95 metres;
- (F) Despite Regulations 40.5.40.10(3) to (8) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 775-2023:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 4.5 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, inclusive of a mechanical penthouse, by a maximum of 4.5 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 1.5 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 4.0 metres;
 - (v) planters, **landscaping** features, agricultural elements, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres; and
 - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection by a maximum of 3.0 metres;

- (G) The provision of **dwelling units** on the **lot** must comply with the following:
- (i) A minimum of 25 percent of the total number of **dwelling units** on the **lot** must contain two bedrooms;
 - (ii) A minimum of 10 percent of the total number of **dwelling units** on the **lot** must contain a minimum of three bedrooms; and
 - (iii) for the purpose of this exception, if the calculation of the number of required **dwelling units** in (i) and (ii) above result in a number with a fraction, the number is rounded down to the nearest whole number;
- (H) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** for a **mixed use building** is 34,500 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 34,000 square metres; and
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 500 square metres;
- (I) Despite Regulations 40.5.40.70(1) and 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 775-2023;
- (J) Despite Clause 40.10.30.40, the requirements regarding permitted maximum **lot coverage** do not apply;
- (K) Regulations 40.10.40.1 (1), (3) and (5) regarding the location of commercial uses in a **mixed use building**, residential use orientation to a **street** and **building** orientation to a **street**, do not apply;
- (L) Despite Clause 40.10.40.60, Regulation 40.10.40.80(2) and (K) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks, porches, structural columns and elements and balconies, by a maximum of 2.0 metres;
 - (ii) canopies and awnings, by a maximum of 2.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 3.0 metres;
 - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 1.0 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.5 metres;

- (vi) window projections, including bay windows and box windows, by a maximum of 1.5 metres;
 - (vii) eaves, by a maximum of 0.50 metres;
 - (viii) a dormer, by a maximum of 3.0 metres; and
 - (ix) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 2.0 metres;
- (M) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 10 percent of obstructed **parking spaces** are not required to provide 0.3 metres of additional width for each obstructed side;
- (N) Despite regulation 230.5.1.10(10), both "short-term" and "long-term" **bicycle parking spaces** may be located in a **stacked bicycle parking space**;
- (O) Despite Regulation 230.5.1.10(4), for a **stacked bicycle parking space** provided in a mechanical device, where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum required width of each such **stacked bicycle parking space** is 0.43 metres;
- (P) Despite clause 220.5.10.1, 1 Type "G" **loading space** is required to be provided on the **lot**; and
- (Q) Regulations 200.25.15.2 (1) and 200.25.15.4 (1) do not apply.

Prevailing By-laws and Prevailing Sections: None Apply

5. Zoning By-law 569-2013, as amended, is further amended by amending the following subsection to Article 900.5.10 Exception Number 365 so that it reads:

(365) Exception RT (365)

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 3355, 3357 and 3365 Kingston Road and 34 Annis Road if the requirements of By-law 775-2023 are complied with, a building or structure may be constructed, used or enlarged in compliance with Regulations (B) to (M) below;
- (B) Regulations 10.60.30.10(1) and (2) with respect to required minimum **lot area** do not apply;
- (C) Regulation 10.60.30.20(1) with respect to required minimum **lot frontage** does not apply;

- (D) Despite Regulation 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 171.40 metres and the elevation of the highest point of the **building** or **structure**;
- (E) Despite Regulation 10.5.40.70(1) and Clauses 10.60.40.70 and 10.60.40.80, the required minimum **building setbacks** and separation distances are as shown in metres on Diagram 3 of By-law 775-2023;
- (F) Despite Regulation 10.60.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law 775-2023;
- (G) Despite Regulation 10.60.40.40(1), the maximum permitted residential **gross floor area** for **townhouses** is 2,200 square metres;
- (H) Despite Regulation 10.60.40.1(3), a maximum of 3 **dwelling units** in a **townhouse** may have a minimum width of 5.5 metres;
- (I) Despite Regulations 10.5.50.10(1) and (2), no **landscaping** is required for the **front yard** or **side yard** of a **townhouse**;
- (J) Despite Regulation 10.5.50.10(3), a maximum of three **townhouse dwelling units** may have no **rear yard landscaping**;
- (K) Despite Clause 10.60.30.40, the requirements regarding permitted maximum **lot coverage** do not apply;
- (L) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, a minimum of one **parking space** must be provided for residential visitors, and
- (M) Regulations 200.25.15.2 (1) and 200.25.15.4 (1) do not apply.

Prevailing By-laws and Prevailing Sections: None Apply

- 6. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
- 7. The lands zoned with the "H" symbol may not be used for any purpose other than those uses and **buildings** existing on the site as of July 20, 2023 until the "(H)" symbol has been removed. An amending by-law to remove the "(H)" symbol shall be enacted by City Council when the following conditions have been fulfilled to the satisfaction of Council:
 - (A) The owner shall submit a revised Functional Servicing Report demonstrating sufficient capacity to accommodate the servicing demand for this development, to the satisfaction of the Executive Director, Engineering and Construction Services; and

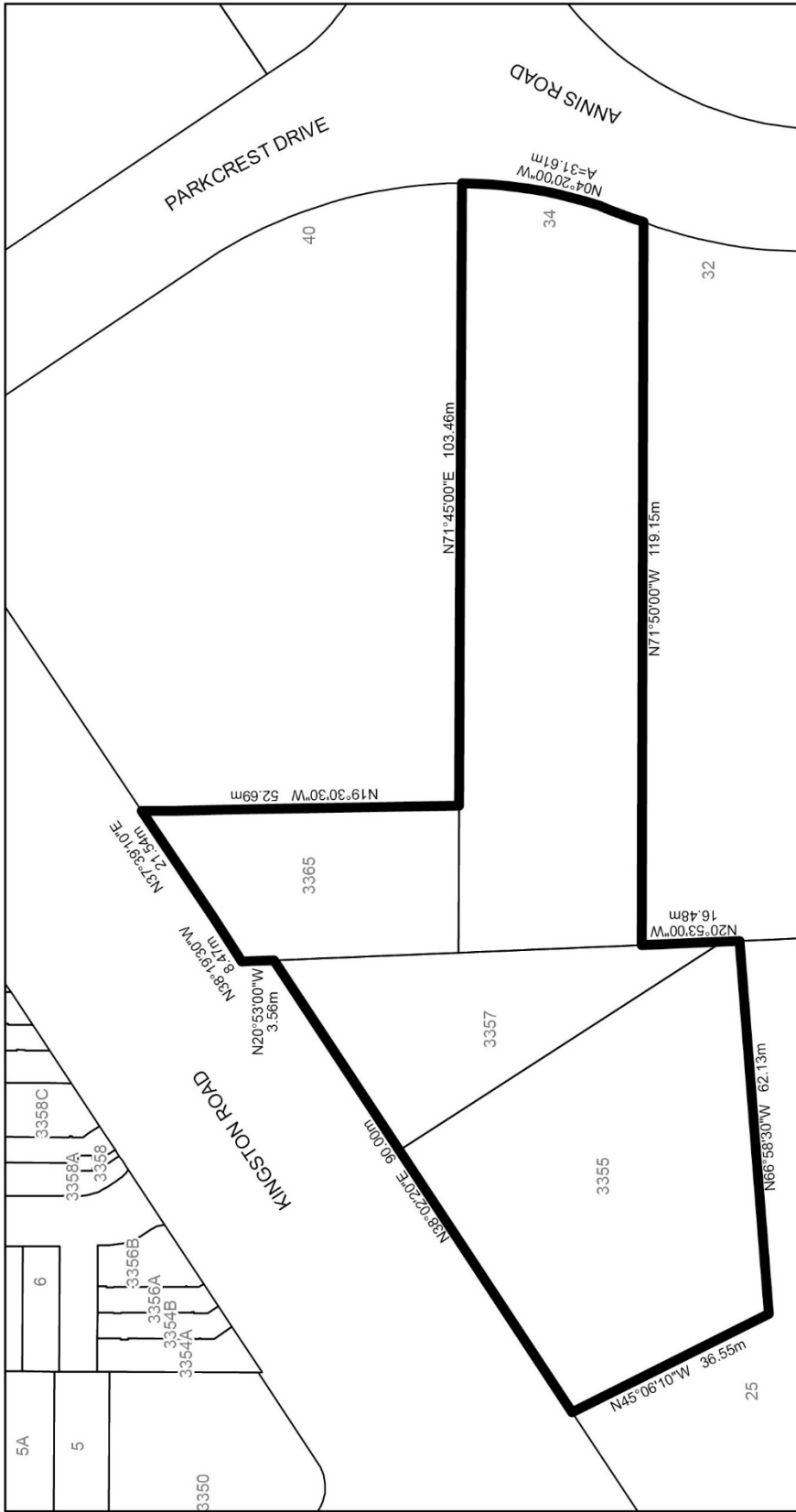
- (B) The owner shall enter into agreement(s) for the construction of any improvements to existing municipal infrastructure, as required, to the satisfaction of the Executive Director, Engineering and Construction Services.

Enacted and passed on July 20, 2023.

Frances Nunziata,
Speaker

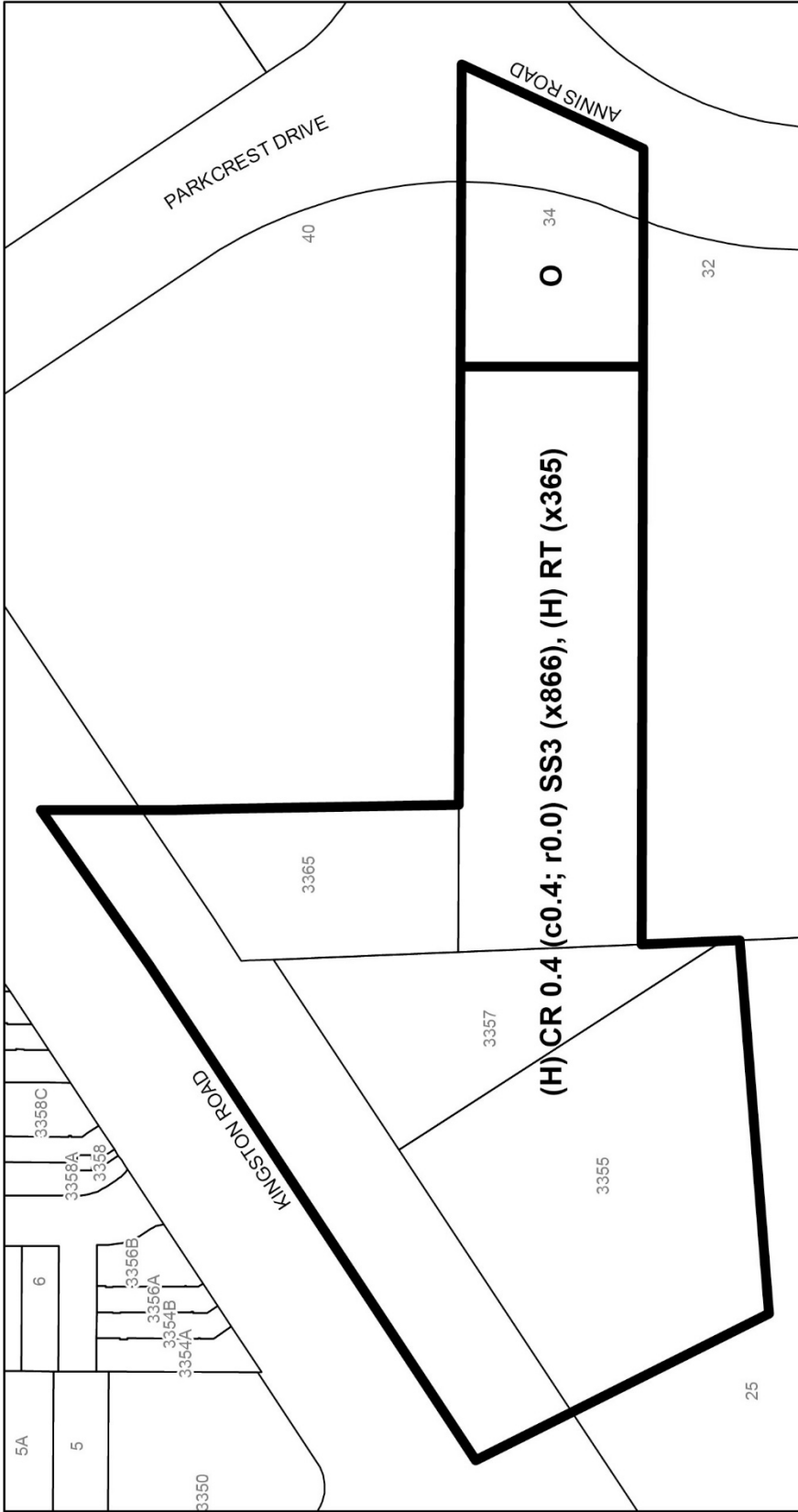
John D. Elvidge,
City Clerk

(Seal of the City)



3355, 3357, 3365 Kingston Road
and 34 Annis Road
File # 20 189568 ESC 20 0Z

City of Toronto By-law 569-2013
Not to Scale
06/06/2023



Toronto
 Diagram 2

**3355, 3357, 3365 Kingston Road
 and 34 Annis Road**
 File # 20 189568 ESC 20 0Z



City of Toronto By-law 569-2013
 Not to Scale
 06/06/2023

