

Authority: Scarborough Community Council Item SC11.3,
as adopted by City of Toronto Council on March 20 and 21,
2024

City Council voted in favour of this by-law on March 21,
2024

Written approval of this by-law was given by Mayoral
Decision 9-2024 dated March 22, 2024

CITY OF TORONTO

BY-LAW 281-2024

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 4566 and 4568 Kingston 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, as amended; and

Whereas pursuant to Section 39 of the Planning Act, as amended, 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;

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, as amended, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 3.9 (c0.5 r3.9) SS2 (x CR 954) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying no value.
5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Article 995.20.1, and applying no value.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1, and applying no value.

8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number CR 954 so that it reads:

(CR 954) Exception [zone symbol] (CR 954)

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 as 4566 to 4568 Kingston Road if the requirements of By-law [Clerks to insert By-law number] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (V) below;
- (B) 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 127 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Regulation 40.10.40.1(1), regarding the location of commercial uses in a **mixed use building**, does not apply;
- (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 281-2024;
- (E) Despite regulation 40.10.40.10(5), the required minimum height of the first **storey**, as measured between the floor of the first **storey** and the ceiling of the first **storey**, is 4.3 metres, excluding the moving room;
- (F) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is 12; and
 - (i) for the purpose of this exception, the mechanical penthouse, and any elevator overrun, elevator entrance, elevator lobby and stair enclosure associated therewith, does not constitute a **storey**;
- (G) Despite regulations 40.5.40.10(3) to (8) and (D) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 281-2024:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, enclosed stairwells, roof access, elevator shafts and overruns, garbage chutes, maintenance equipment storage, solar panels and related equipment, antennae and satellite dishes, flight warning lights, site servicing features, vents, pipes, and mechanical (including ventilation, heating and cooling equipment and elevator machine room) by a maximum of 6.0 metres;

- (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, including a mechanical penthouse, by a maximum of 6.0 metres;
 - (iii) architectural features (including architectural flutes and ornamental elements), parapets, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 6.0 metres;
 - (v) **landscaping** features, retaining walls, including planters, seating areas, decorative screens, canopies, awnings, columns, pillars and fences, wheelchair ramps, art features, balustrades, eaves, roof drainage, lightning rods, light standards and fixtures, 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 to rooftop **amenity space**, by a maximum of 3.0 metres;
- (H) Despite regulation 40.5.40.10(5)(A), the total area of all equipment, **structures**, or parts of a **building** exceeding the permitted maximum height for a **building** may cover no more than 50 percent of the area of the roof, measured horizontally;
- (I) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 10,000 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 9,600 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 400 square metres; and
 - (iii) the required minimum **gross floor area** for non-residential uses is 187 square metres;
- (J) Despite regulation 40.10.40.50(1) and (2), **amenity space** must be provided at the following rate:
- (i) at least 2 square metres for each **dwelling unit** as indoor **amenity space**;
 - (ii) at least 2 square metres of outdoor **amenity space** for each **dwelling unit** of which 40 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iii) no more than 25 percent of the outdoor component may be a **green roof**;

- (K) Despite regulation 40.10.40.70(2) and 40.10.40.80(2) the required minimum **building setbacks** and **main wall** separation distances are as shown in metres on Diagram 3 of By-law 281-2024;
- (L) Despite Clause 40.10.40.60, and (K) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) roof overhangs, balconies, balustrades, canopies, chimneys, cornices, eaves, guardrails, parapets, landscape and **green roof** elements, waste storage and **loading space** enclosures, lighting fixtures, ornamental elements, public art features, railings, window washing equipment, terraces, decorative architectural features, privacy screens, stair enclosures, stairs, trellises, terraces, underground garage ramps, vents, wheelchair ramps, wind mitigation features and windowsills to a maximum of 2.5 metres;
 - (ii) a retaining wall is not required to comply with the required minimum **building setbacks**;
- (M) Article 200.25.15 and Clause 200.25.15.2 regarding transition requirements for **parking space** regulations do not apply;
- (N) Despite regulation 200.5.1.10(2), a maximum of 15 percent of the required **parking spaces** may be obstructed as described in regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (O) Despite regulation 200.5.1.10(2)(A), a maximum of 15 percent of the provided parking spaces on the lot may have the following minimum dimensions:
- (i) width of 2.6 metres;
 - (ii) length of 5.4 metres; and
 - (iii) vertical clearance of 1.8 metres;
- (P) Regulation 200.5.1.10(14) regarding electric vehicle infrastructure does not apply;
- (Q) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
- (i) a maximum rate of 0.7 residential occupant **parking spaces** for each bachelor **dwelling unit** up to 45 square metres;
 - (ii) a maximum rate of 1.0 residential occupant **parking spaces** for each bachelor **dwelling unit** greater than 45 square metres;

- (iii) a maximum rate of 0.8 residential occupant **parking spaces** for each one-bedroom **dwelling unit**;
 - (iv) a maximum rate of 0.9 residential occupant **parking spaces** for each two-bedroom **dwelling unit**;
 - (v) a maximum rate of 1.1 residential occupant **parking spaces** for each three-bedroom **dwelling unit**;
 - (vi) a minimum of 2.0 residential visitor **parking spaces**, plus 0.05 residential visitor parking spaces per **dwelling unit**; and
 - (vii) no **parking spaces** are required for non-residential uses;
- (R) Despite regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
- (i) length of 5.6 metres;
 - (ii) width of 3.4 metres; and
 - (iii) vertical clearance of 2.1 metres;
- (S) Despite Regulation 200.15.1(3), the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path;
- (T) Despite regulation 200.15.1(4), an accessible **parking space** must be located within 15 metres of the closest barrier free entrance to a **building** or passenger elevator that provides access to the first **storey** of the **building**;
- (U) Despite regulations 200.15.10.5 (1) and (2) and 200.15.10.10 a minimum of 6 of the required **parking spaces** are required to be accessible **parking spaces**;
- (V) Despite regulations 230.5.10.1(1)(3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
- (i) 0.68 long-term" **bicycle parking spaces** for each **dwelling unit**;
 - (ii) 0.07 "short-term **bicycle parking spaces** for each **dwelling unit**;
 - (iii) no **bicycle parking spaces** are required for non-residential uses;

Prevailing By-laws and Prevailing Sections: (None Apply)

9. 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.

10. Temporary Use(s):

- (A) None of the provisions of Zoning By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of a temporary sales office on the lands to which this By-law applies for a period of 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires.

Enacted and passed on March 22, 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1

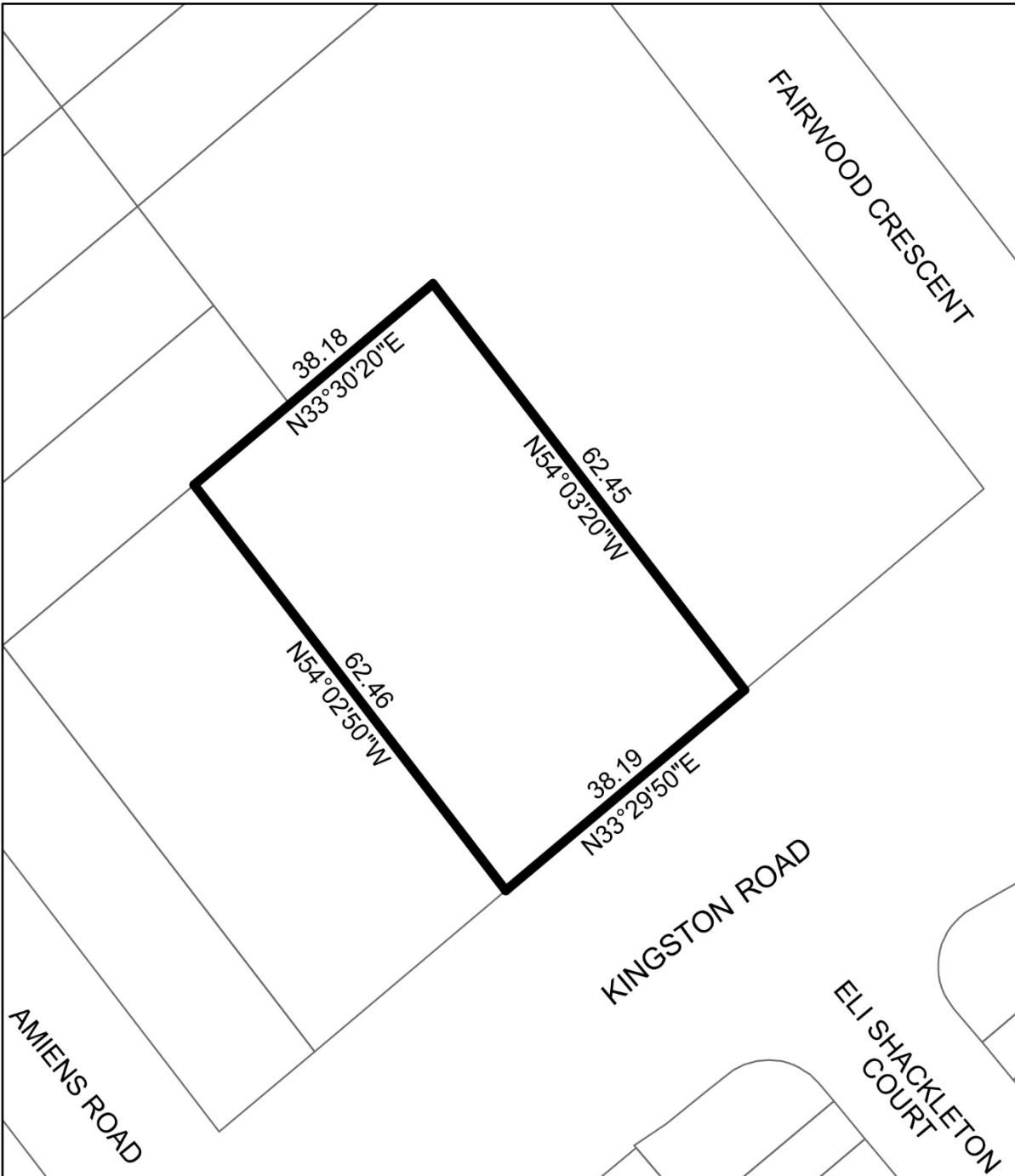
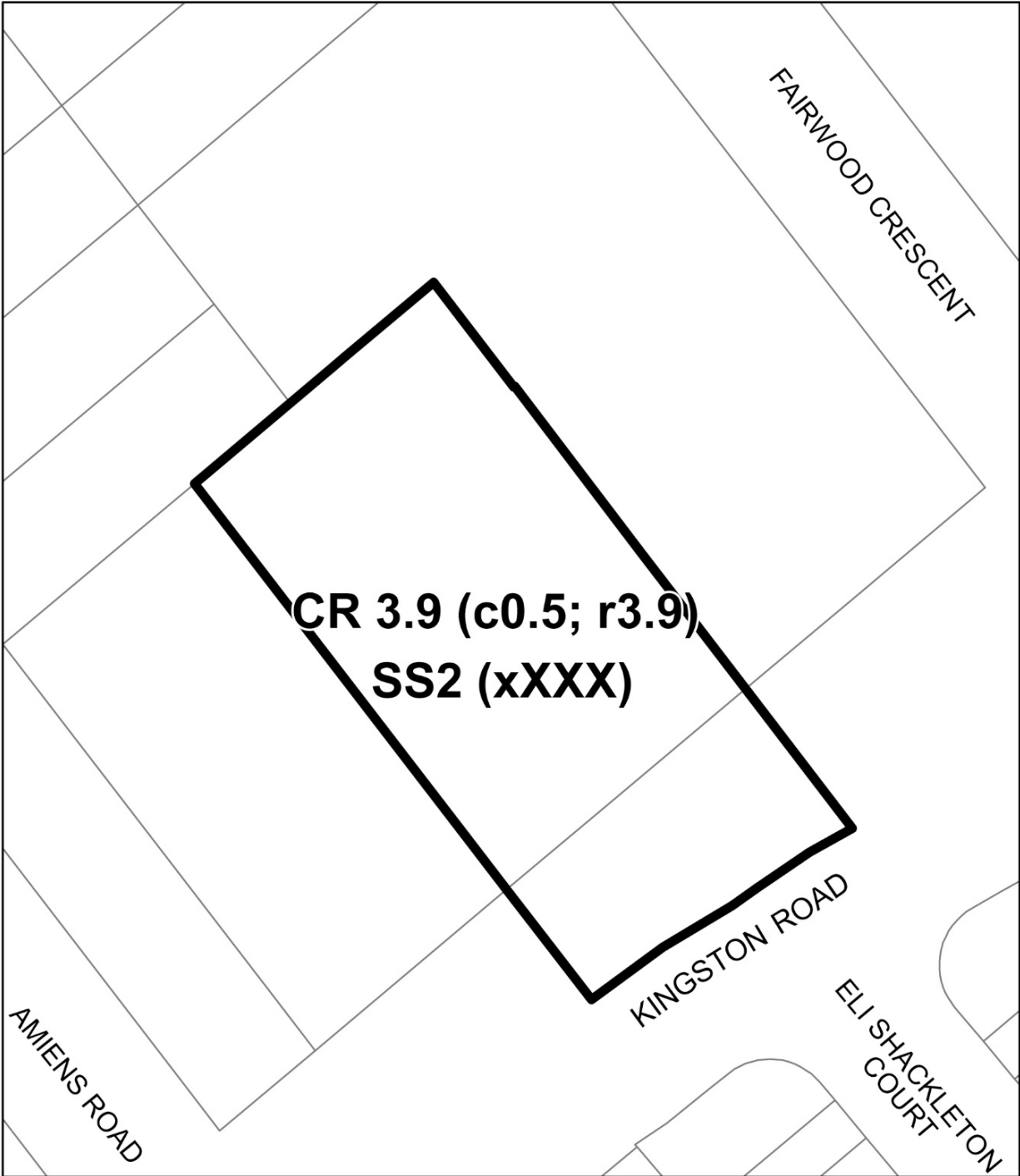


Diagram 2



 **TORONTO**
Diagram 2

4566-4568 Kingston Road

File # 21 181185 ESC 25 0Z

Diagram 3

