

Authority: Scarborough Community Council Item SC12.3,
as adopted by City of Toronto Council on April 17 and 18,
2024
City Council voted in favour of this by-law on April 18,
2024
Written approval of this by-law was given by Mayoral
Decision 10-2024 dated April 18, 2024

CITY OF TORONTO

BY-LAW 400-2024

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 1125 to 1137 Markham Road and 2141 Ellesmere 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 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 to which lands, buildings or structures may be put once the holding symbol "(H)" is removed 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)";

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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of CR 0.4 (c0.4; r0.0) SS3 (x390) to a zone label of (H) CR 0.4 (c0.4; r0.0) SS3 (x981) and O as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 981 so that it reads:

(981) Exception CR (981)

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 1125 to 1137 Markham Road and 2141 Ellesmere Road, if the requirements of By-law 400-2024 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (W) 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 160.6 metres and the elevation of the highest point of the **building** or **structure** for Tower A, B and C as shown on Diagram 3 and 160.88 metres for Tower D as shown on Diagram 3 of By-law 400-2024;
- (C) Clause 40.10.30.40 with regard to **lot coverage** does not apply;
- (D) Despite regulation 40.10.40.1(1), residential use portions of the **building**, including a **dwelling unit** are permitted to be located on the same **storey** as non-residential use portions of the **building**;
- (E) Despite regulation 40.10.40.10 (3), 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 400-2024;
- (F) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number of **storeys** identified on Diagram 3 of By-law 400-2024; and
 - (i) for the purpose of this exception, a mezzanine or mechanical penthouse does not constitute a **storey**;
- (G) 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 400-2024 as indicated:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, roof access, maintenance equipment storage, chimneys, roof assemblies and vents and **building** maintenance units and window washing equipment may project above the height limits by a maximum of 7.0 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, enclosed stairwells and elevator shafts may project above the height limits by a maximum of 8.5 metres;
 - (iii) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace may project above the height limits by a maximum of 3.0 metres;

- (iv) vertical screening required for wind and/or noise mitigation requirements may project above the height limits by a maximum of 3.5 metres; and
 - (v) architectural features, parapets, and elements and **structures** associated with a **green roof** may project above the height limits by a maximum of 2.0 metres;
- (H) Despite regulation 40.10.20.40(1)(A), **apartment buildings** and **mixed use buildings** are permitted;
- (I) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 72,500 square metres, of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 71,200 square metres; and
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 1,300 square metres;
- (J) Despite regulation 40.10.40.50(1)(A) and (B), **amenity space** must be provided at the following rate:
 - (i) at least 2.8 square metres for each **dwelling unit** as indoor **amenity space**; and
 - (ii) at least 1.2 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**;
- (K) Despite regulation 40.10.40.70 (3), the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 400-2024;
- (L) Despite regulation 40.10.40.80 (2), the required separation of **main walls** are as shown in metres on Diagram 3 of By-law 400-2024;
- (M) 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) decks, porches, and balconies, by a maximum of 1.8 metres;
 - (ii) canopies that do not exceed 6.0 metres in height may project by a maximum of 2.5 metres;
 - (iii) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, window projections, including bay windows and box windows and eaves, lighting fixtures, art installations and required signage for the functioning and servicing of the building, by

a maximum of 2.0 metres;

- (N) 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 minimum of 0.59 residential occupant **parking spaces** for each **dwelling unit** to a maximum of 1.0 **parking spaces per dwelling unit**;
 - (ii) a minimum of 0.05 residential visitor **parking spaces** for each **dwelling unit** to a maximum of 0.15 **parking spaces per dwelling unit** for visitors;
 - (iii) a minimum of 1.0 **parking spaces** per 100 square metres of non-residential **gross floor area** to a maximum of 4.0 **parking spaces** per 100 square metres of non-residential **gross floor area**; and
 - (iv) a minimum of 4 "car-share parking spaces";
- (O) 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;
 - (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**;
- (P) Despite regulation 200.15.1(4), accessible **parking spaces** must be located no more than 30.0 metres from an access to a barrier free entrance to the **building** or to a passenger elevator that provides access to the first **storey** of the **building**;
- (Q) 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) 0.77 "long-term" **bicycle parking spaces** for each **dwelling unit**;
 - (ii) 0.07 "short-term" **bicycle parking spaces** for each **dwelling unit**;
 - (iii) 3 "long term" **bicycle parking spaces** for all non-residential uses; and
 - (iv) 16 "short-term" **bicycle parking spaces** for all non-residential uses;
- (R) Despite regulations 230.5.1.10(12), **bicycle maintenance facilities** are not required;

- (S) Despite Clause 220.5.10.1(3), the following **loading spaces** are required:
- (i) a minimum of one Type 'G' and one Type 'C' **loading space** for Towers A and B shown on Diagram 3 of By-law 400-2024;
 - (ii) a minimum of one Type 'G' **loading space** for Tower C shown on Diagram 3 of By-law 400-2024; and
 - (iii) a minimum of one Type 'C' **loading space** for Tower D shown on Diagram 3 of By-law 400-2024;
- (T) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 15 percent of the total number of **dwelling units** must have 2 or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have 3 or more bedrooms; and
 - (iii) any **dwelling units** with 3 or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;
- (U) An "enhanced landscaped area" with a minimum area of 850 square metres must be provided on the ground level located between Tower A and Tower D and connecting to Markham Road and the public park, generally as illustrated on Diagram 3 of By-law 400-2024;
- (V) Despite regulation 5.10.30.1(1), within the lands shown on Diagram 1 of By-law 400-2024, no **building** or **structure** may be erected or used:
- (i) unless the lands identified as "New Public Road" on Diagram 3 of By-law 400-2024, have been constructed to a minimum base curb and base asphalt or concrete and are connected to existing **streets**;
 - (ii) unless all Municipal water mains and Municipal sewers, and their appurtenances, are installed within the lands identified as "New Public Road" on Diagram 3 of By-law 400-2024 and are operational; and
 - (iii) unless, for all or any part of a **building** or **structure** to be erected or used above ground, the lands identified as "New Public Road" on Diagram 3 of By-law 400-2024 are **streets**;
- (W) For the purpose of this exception:
- (i) "car-share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven,

and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

- (ii) "car-share parking space" means a **parking space** exclusively reserved and actively used for "car-share"; and
- (iii) "enhanced landscape area" means a space on the lands that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, short term bicycle parking required by By-law 400-2024, ground level exhaust shafts necessary for functioning of the buildings and underground parking, as well as ornamental **structures** and is used principally for the purpose of sitting, standing and other recreational uses.

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

- 5. 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.
- 6. Holding Symbol Provisions:
 - (A) The lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram 2 attached to this By-law must not be used for any purpose other than those uses and buildings existing as of the date of the passing of this By-law, until the holding symbol "(H)" has been removed; and
 - (B) An amending by-law to remove the holding symbol "(H)" referred to in (A) above may be enacted when the following are fulfilled:
 - (i) The owner has submitted, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services:
 - (a) confirmation that approval has been obtained for a lot addition and lands have been acquired by the owner to facilitate the interim north-south public road required for this development and those lands have been included in the related plan of subdivision application;
 - (ii) The owner has submitted, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services:
 - (a) a revised Functional Servicing and Stormwater Management Report confirming the location of all municipal infrastructure within the public right-of-way, confirming capacity in the existing municipal infrastructure to accommodate the proposed development and what, if any, infrastructure improvements are required;

- (iii) a financially secured agreement has been entered into with the City by the owner, or alternate arrangements have been made, satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, to pay for and construct any improvements to the municipal infrastructure in connection with the accepted Functional Servicing and Stormwater Management Report, should it be determined that improvements to such infrastructure are required to support this development; and
- (iv) a financially secured subdivision agreement has been entered into with the City by the owner, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor and release for construction of services pursuant to the agreement has been obtained to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Enacted and passed on April 18, 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

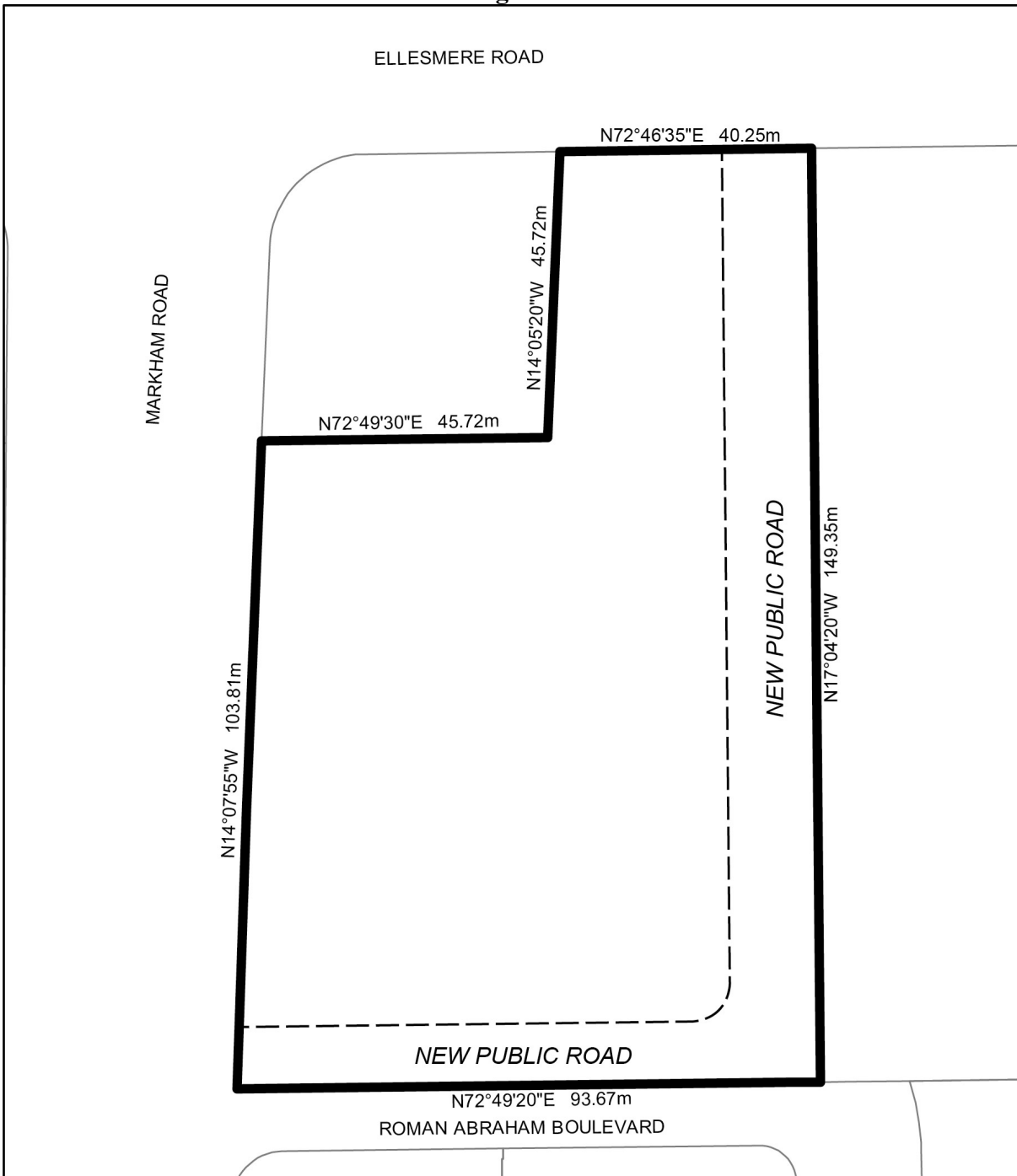
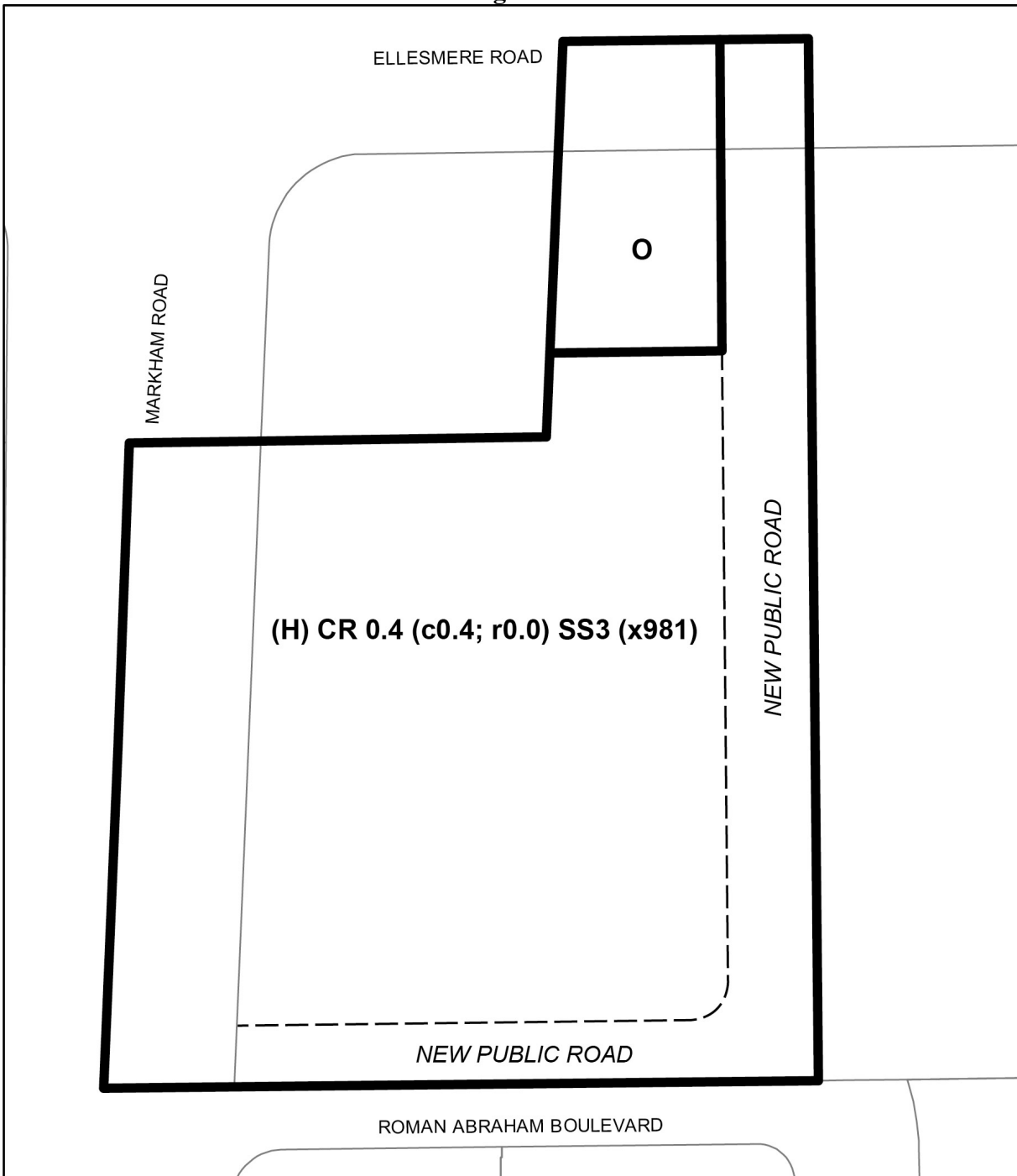
Diagram 1

Diagram 2

 **TORONTO**
Diagram 2

**1125-1137 Markham Road
and 2141 Ellesmere Road**

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