
City Council

Notice of Motion

MM41.13	ACTION			Ward: 25
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6175, 6183 Kingston Road, 1, 2, 4, 5, 7, 10 and 11 Franklyn Avenue Item SC14.1 - Minor Amendments to Zoning By-Laws - by Councillor Jennifer McKelvie, seconded by Councillor Paul Ainslie

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Scarborough Community Council. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Jennifer McKelvie, seconded by Councillor Paul Ainslie, recommends that:

1. City Council amend Zoning By-law 569-2013, for the lands at 6175, 6183 Kingston Road, 1, 2, 4, 5, 7, 10 and 11 Franklyn Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to the report (February 25, 2020) from the Director, Community Planning, Scarborough District, with Attachment 7 amended as follows:

a. by deleting and replacing Site Specific Provision 5 (A), so that it reads:

(A) For all parcels, the required **parking space** must be located in a **parking garage** attached to each residential unit.

b. by deleting and replacing Site Specific Provisions 5 (B) (iii), B (iv), B (xi), B (xiv), so they read:

(iii) Despite regulation 10.5.40.10(1), the height of a **building** for units 1 to 8, is measured from the Canadian Geodetic Datum elevation of 118.31 metres;

(iv) Despite regulation 10.5.40.10(1), the height of a **building for units 19 to 26**, is measured from the Canadian Geodetic Datum elevation of 116.75 metres;

(xi) Despite regulation 10.60.40.10(1), the permitted maximum height of a **building** or **structure** is 12.35 metres;

(xiv) Despite regulation 10.5.40.60(1)(D) in the **rear yard** of **lot/parcel 26**, a platform with a floor higher than the first **storey** of the **building** above **established grade** may encroach into the required **rear yard setback** 1.5 metres, if it is no closer to a **side lot line** than the required **side yard setback** plus 1.8 metres as shown on Diagram 4;

c. by adding (xvi) and (xvii) to Site Specific Provisions 5 B as follows:

(xvi) For the purposes of establishing the **first floor** for regulation (xii) above, the **first floor** is the first **storey** above **established grade**.

(xvii) Regulation 10.60.40.80 (1) shall not apply.

d. by deleting and replacing Site Specific Provisions 5 C (i) and (C) (iii) so that they read:

(i) Despite regulation 10.5.40.70(1) and clause 10.60.40.70, the required minimum **building setbacks** are as shown on Diagram 6 of By-law No. XX-2020.

(iii) Despite regulation 10.60.30.10, the required minimum **lot area** for each **lot/parcel** is as follows:

- (a) **Lot/Parcel 37**: 240 square metres;
- (b) **Lots/Parcels 44, 39, 38**: 300 square metres;
- (c) **Lots/Parcels 40, 43**: 350 square metres; and
- (d) **Lots/Parcels 41, 42**: 400 square metres;

e. by adding (ix) and (x) to Site Specific Provisions 5 (C) as follows:

(ix) For the purposes of establishing the **first floor** for regulation (viii) above, the **first floor** is the first **storey** above **established grade**.

(x) Despite regulation 10.5.40.10(1), the height of a **building**, is measured from the Canadian Geodetic Datum elevation of 117.00 metres;

f. by deleting and replacing Site Specific Provisions 5 (D) (vi), D (vii), D (xiv) so that they read:

(vi) Despite regulation 10.60.40.10(1), the permitted maximum height of a **building** or **structure on Lots/Parcels 9-17, 18, and 21-32** is 12.35 metres;

(vii) Despite regulation 10.60.40.10(2), the permitted maximum number of **storeys** of a **building** or **structure on Lots/Parcels 9-17, 18, and 21-32** is 3;

(xiv) A permitted platform in a **rear yard** must not project beyond the rear **main wall** of the first floor for lots/parcels 9-18 and **lots/parcels 27-32**, as shown on Diagram 5;

g. by adding (xviii), (xix), and (xx) to Site Specific Provisions 5 (D) as follows:

(xviii) Despite regulation 10.5.40.10 (1), the height of a **building** for units 9 to 18 and 27 to 32, is measured from the Canadian Geodetic Datum elevation of 117.54;

(xix) Despite regulation 10.5.40.10(1), the height of a **building** for units 33 to 36, is measured from the Canadian Geodetic Datum elevation of 116.86 metres;

(xx) For the purposes of establishing the **first floor**, the **first floor** is the first **storey** above **established grade**; and

h. by deleting and replacing Diagram 1, Diagram 2, Diagram 3, Diagram 4, Diagram 5, and Diagram 6 with the Diagrams 1 to 6 attached to Motion MM41.13.

2. City Council amend the Highland Creek Community Zoning By-law 10827, for the lands at 6175, 6183 Kingston Road, 1, 2, 4, 5, 7, 10 and 11 Franklyn Avenue substantially in

accordance with the draft Zoning By-law Amendment attached as Attachment 8 to the report (February 25, 2020) from the Director, Community Planning, Scarborough District, with Attachment 8 amended as follows:

- a. by further amending Clause 1 to add a definition for First Floor to Clause V _ Interpretation as follows:

First Floor

Means the first storey above established grade.

- b. by amending Clause 2 by deleting and replacing Schedule 'A', so that it reads:

SCHEDULE 'A' is amended by deleting the current zoning for the lands outlined in Schedule '1' and replacing it with the following so that the amended zoning shall read as follows:

S-99C-159-208-270-383-385-415-586-593-594-595-600

T-99C-159-208-268-270-386-403-586-587-588-589-590-591-592-594-595-597-601

T-99C-159-208-268-270-384-415-586-587-588-589-590-591-592-594-595-597-602

ST-99C-159-160-208-270-285-382-403-579-580-581-582-583-584-585-587-591-592-594-595-596-598-599

- c. by amending Clause 2 by deleting and replacing Performance Standard 383, so that it reads:

383. The minimum lot frontages and minimum lot areas for Lots 37-44, as identified on Schedule '1', are as follows:

Lot/Parcel Number	Minimum Lot Area	Minimum Lot Frontage
Lots/Parcels 37	240 square metres	10.0 metres
Lots/Parcels 44, 39, 38	300 square metres	9.0 metres
Lots/Parcels 40, 43	350 square metres	9.0 metres
Lots/Parcel 41, 42	400 square metres	9.0 metres

- d. by amending Clause 2 by adding Performance Standards 598, 599, 600, 601, and 602, so that they read:

598. The height of a building for units 1 to 8, is measured from the Canadian Geodetic Datum elevation of 118.31 metres;

599. The height of a building for units 19 to 26, is measured from the Canadian Geodetic Datum elevation of 116.75 metres;

600. Despite regulation 10.5.40.10(1), the height of a **building**, is measured from the Canadian Geodetic Datum elevation of 117.00 metres;

601. Despite regulation 10.5.40.10 (1), the height of a building for units 9 to 18 and 27 to 32, is measured from the Canadian Geodetic Datum elevation of 117.54;

602. Despite regulation 10.5.40.10(1), the height of a building for units 33 to 36. , is measured from the Canadian Geodetic Datum elevation of 116.86 metres;

e. by amending Clause 2 by deleting and replacing Performance Standard 159, so that it reads:

159. Minimum building **setbacks** shall comply with those shown on Schedule '2', Schedule '3' and Schedule '4' of By-law No XX-2020.

f. by amending Clause 3 by adding the words "accompanying schedule 5" to Exception 63, so that it reads:

63. On those lands identified as Exception No. 63 on the accompanying Schedule "5" map the following provisions shall apply:

Notwithstanding the definition of **Street Townhouse Dwelling** contained within **CLAUSE V, INTERPRETATION, Section (f), Street Townhouse Dwelling** shall be permitted to have frontage on a private road.

SCHEDULE "C" EXCEPTION MAP is amended by deleting Exception Number 11 and adding Exception Number 47 and 63 to the property shown outlined on Schedule '4'; and

g. by deleting and replacing Schedule 1, Schedule 2, Schedule 3, Schedule 4, and Schedule 5 with Schedules 1 to 5 attached to Motion MM41.13.

3. City Council determine that no further notice is required to be given in respect of these changes under section 34(17) of the Planning Act, RSO.

Summary

At its meeting on May 28, 2020, City Council adopted the Recommendations in the Report (February 25, 2020) from the Director, Community Planning, Scarborough District approving amendments to Zoning By-law 569-2013 and the Highland Creek Community Zoning By-law 10827, to permit the development of 8 detached homes, 20 semi-detached homes and 16 townhouse units.

After the statutory public meeting held at Scarborough Community Council on March 12, 2020, and after the May 28, 2020, City Council meeting it was determined by Toronto Buildings that the draft Zoning By-law Amendments found in Attachments 7 and 8 to the Planning Report required minor amendments to correct technical deficiencies that brought about by continued refinement of the proposal through concurrent review of the Plan of Subdivision application. The built form of the development has not changed.

This is an urgent matter as the Zoning By-law Amendments require the minor amendments to be made prior to their enactment by City Council in order for building permits to be issued. Construction will be further delayed if the By-laws are not enacted at the March 9, 2022 City Council meeting.

Background Information (City Council)

Member Motion MM41.13

Diagrams 1 to 6 and Schedules 1 to 5

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-222511.pdf>)