

Attachment 6: Draft Zoning By-law Amendment

Authority: North York Community Council Item ##, as adopted by City of Toronto Council on ~, 2024

CITY OF TORONTO

BY-LAW NO. [Clerks to insert By-law number]

To amend the Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 12-14, 18, and 20 Bentworth Avenue

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)"; 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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from zone labels of "CR 1.0 (c1.0; r1.0) SS2 (x2620)" and "RD (f12.0; a550) (x5)" to a zone label of "(H)CR 1.0 (c1.0; r1.0) SS2 (x1011)" as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending the Height Overlay Map in Section 995.20 for the lands subject to this By-law, for the lands

municipally known in 2023 as 20 Bentworth Avenue, from a height and storey label of HT 10, ST 2, to a height and storey label of HT 10.5, ST 3, as shown on Diagram 3 attached to this By-law.

5. Zoning By-law 569-2013, as amended, is further amended by amending the Lot Coverage Overlay Map in Section 995.30 for the lands subject to this By-law, for the lands municipally known in 2023 as 20 Bentworth Avenue, from a lot coverage label of 35 to a lot coverage label of 33 as shown on Diagram 4 attached to this By-law.
6. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 1011 so that it reads:

(1011) Exception CR 1011

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions:

Site Specific Provisions:

- (A) On lands municipally known as 12-14, 18, 20 Bentworth Avenue, 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 (P) 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 185.70 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite Clause 40.10.20.40, only **lawfully existing detached houses** or **apartment buildings** are permitted **building** types for **dwelling units**;
- (D) Despite regulation 40.10.30.40(1)(A), the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 46 percent;
- (E) Despite regulation 40.10.40.10(2)(A), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 5 of By-law [Clerks to insert By-law number];
- (F) Despite regulation 40.10.40.10(7)(A), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 5 of By-law [Clerks to insert By-law number]; and
 - (i) for the purpose of this exception, a mechanical penthouse is not 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 5 of By-law [Clerks to insert By-law number]:
- (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, 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 that is located in the area labelled “MPH Roof” on Diagram 5 of By-law ## [Clerks to insert By-law number], by a maximum of 6.0 metres;
 - (iii) architectural features, 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 3.0 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.5 metres;
 - (vi) antennae, flagpoles and satellite dishes, by a maximum of 3.0 metres; and
 - (vii) trellises, pergolas, and unenclosed structures providing safety, noise mitigation, or wind protection to rooftop **amenity space**, by a maximum of 4.0 metres;
- (H) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 8,350 square metres.
- (I) Despite regulation 40.10.40.70(2), the required minimum **building setbacks** are shown on Diagram 5 of By-law [Clerks to insert by-law number];
- (J) Despite regulation 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 5 of By-law [Clerks to insert By-law number];
- (K) For the purpose of this exception, the permitted maximum number of **dwelling units** on the **lot** is 136;

(L) Despite Clause 40.10.40.60 and (I) and (J) 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 1.5 metres, except that balconies are not permitted to project from **main walls** facing the west **side lot line** on the second to fourth **storeys**;
- (ii) canopies and awnings, by a maximum of 1.5 metres;
- (iii) exterior stairs, access ramps and elevating devices, by a maximum of 1.5 metres;
- (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 1.5 metres;
- (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.0 metres;
- (vi) window projections, including bay windows and box windows, by a maximum of 1.0 metres; and
- (vii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.5 metres;

(M) 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 0.40 residential occupant **parking spaces** for each **dwelling unit**, but not exceeding the permitted maximum in Table 200.5.10.1 for **dwelling units** in an **apartment building**; and
- (ii) minimum residential visitor **parking spaces** for each **dwelling unit** are to be provided in accordance with the minimum amount for a visitor requirement for a **dwelling unit** in an **apartment building** as indicated in Table 200.5.10.1;

(N) Despite regulation 200.5.1.10(12)(C), if an **apartment building, mixed use building** or a **building** with non-residential uses, has an area for parking 2 or more **vehicles**, the **vehicle** entrance and exit to the **building** must be at least 4.5 metres from the **lot line** abutting a **street**;

(O) For the purpose of this exception, 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; and
- (ii) a minimum of 3 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;

(P) Despite the definition of **soft landscaping**, for the purposes of this exception retaining walls for the use of a driveway/turnaround area are permitted provided they do not encroach more than 0.2 metres into a required landscaping strip.

Prevailing By-laws and Prevailing Sections: None Apply

- 7. 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.

8. 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 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.

9. 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 City has received, reviewed and accepted the Functional Servicing Report, demonstrating that sufficient capacity exists to accommodate the proposed development, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (ii) The applicant is required to make satisfactory arrangements with Engineering and Construction Services and enter into a financially secured agreement with the City for the design and construction of any improvements to the municipal infrastructure required to support this development to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (iii) the City has received, reviewed and accepted the updated Transportation Impact Study, to the satisfaction of the General Manager, Transportation Services;

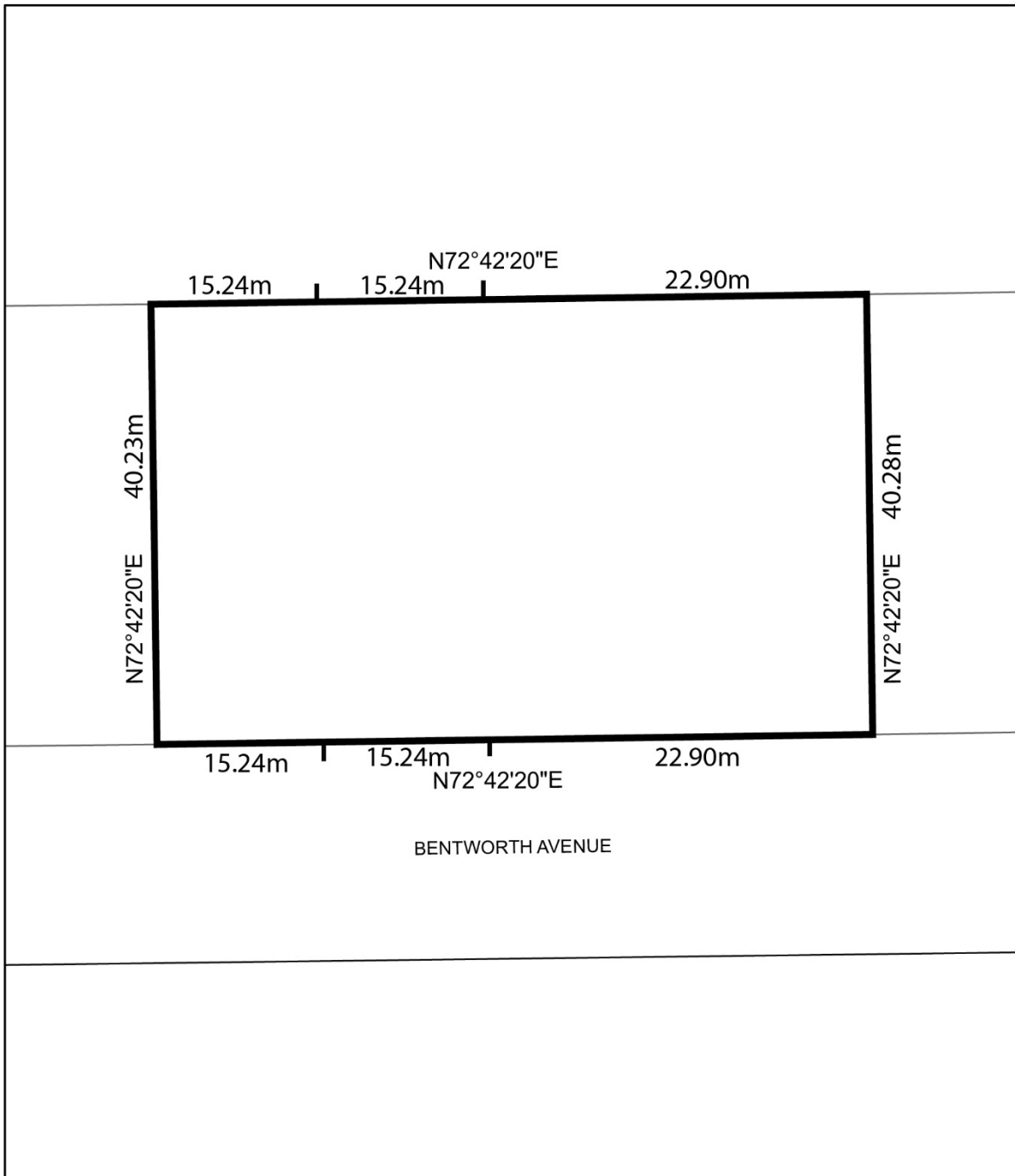
- (iv) the City has received, reviewed and accepted the updated Noise Impact Study, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- (v) the City has received, reviewed and accepted the updated Air Quality Study, to the satisfaction of the Chief Planner and Executive Director, City Planning.

Enacted and passed on [Clerks to insert date].

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

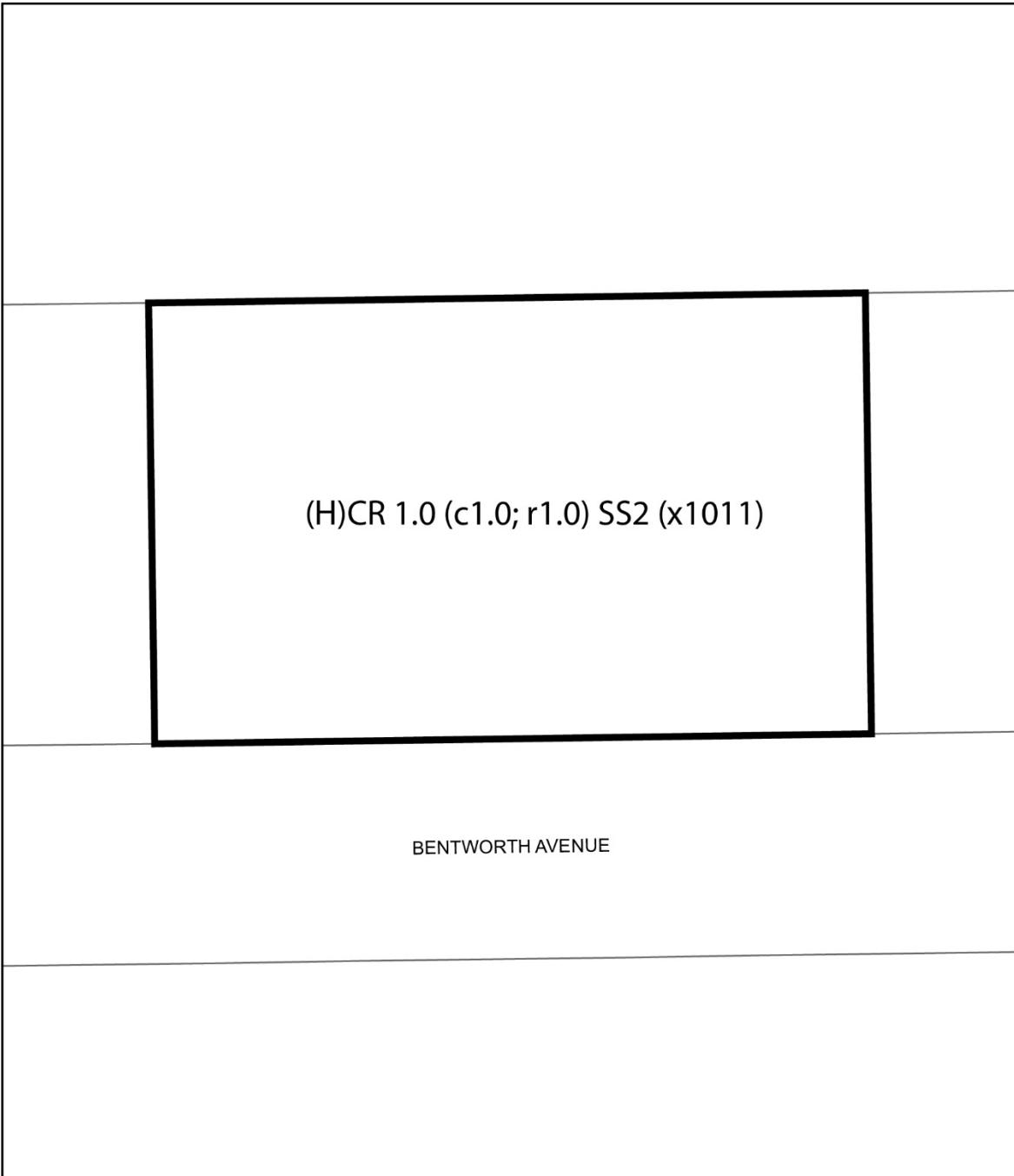
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 **TORONTO**
Diagram 1

12-14,18,20 Bentworth Avenue

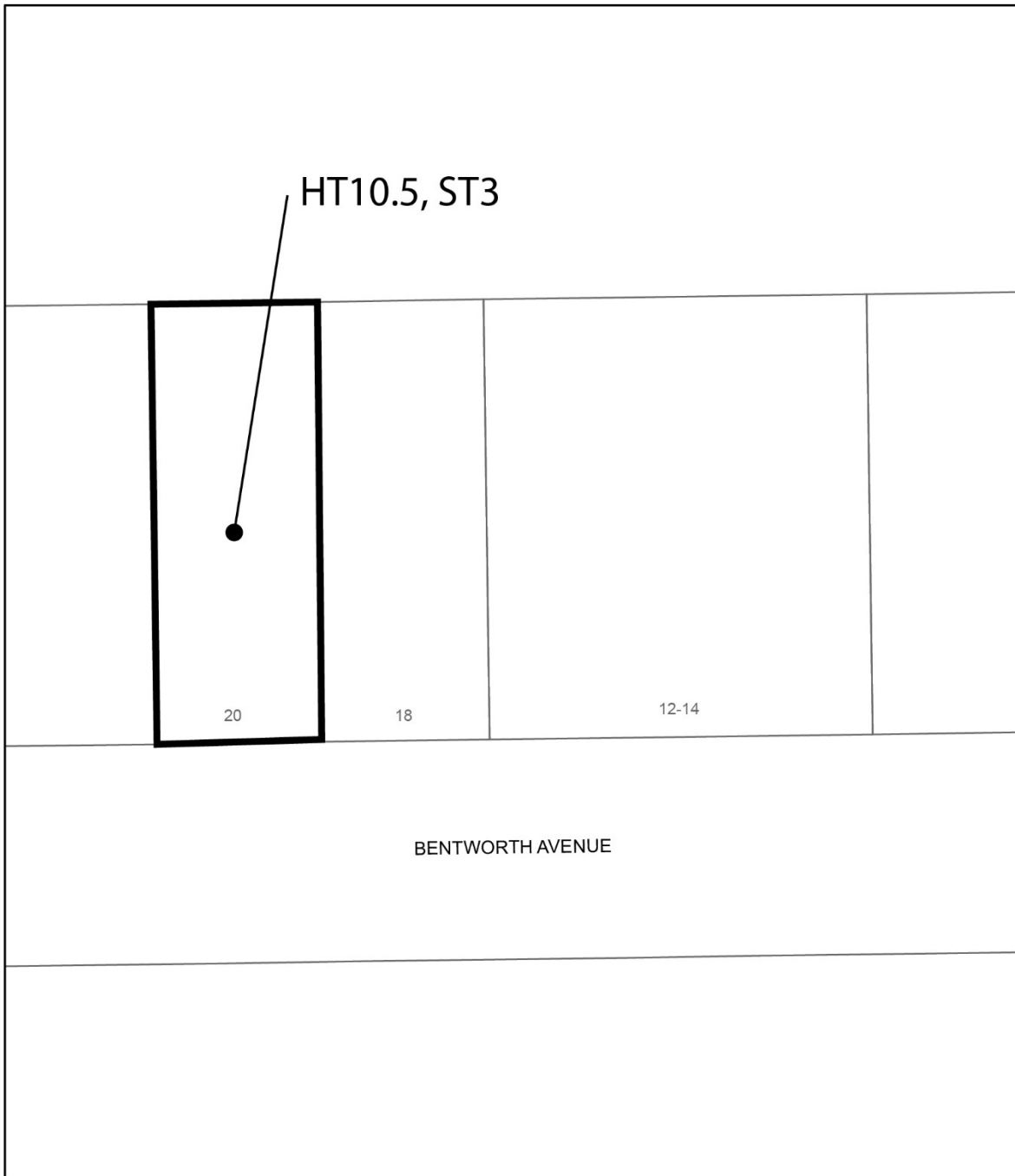
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Diagram 2

12 - 14,18,20 Bentworth

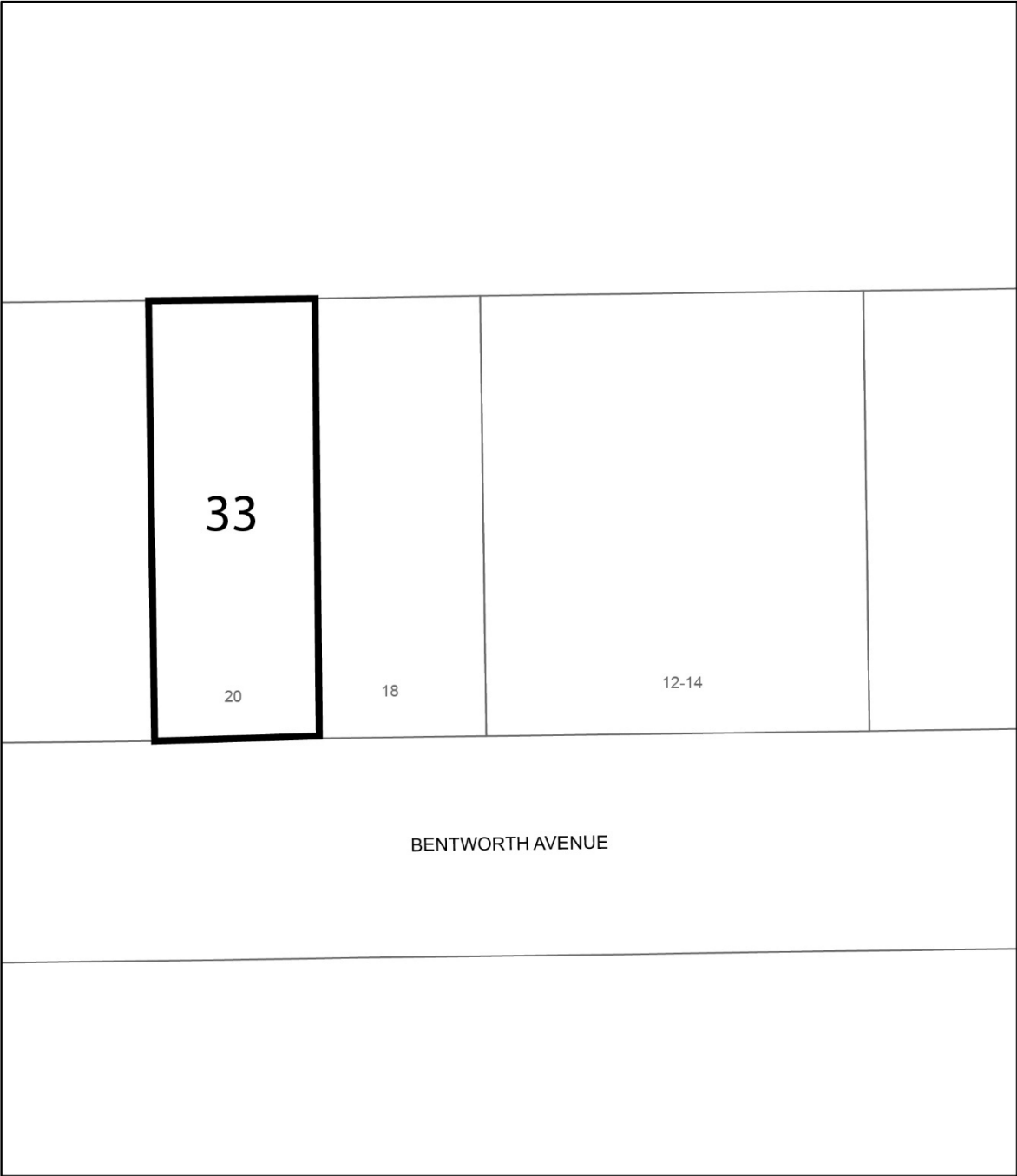
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 **TORONTO**
Diagram 3

12 - 14, 18, 20 Bentworth

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 **Toronto**
Diagram 4

12 - 14,18,20 Bentworth

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