

Attachment 5: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item [-], as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2024 as 3000, 3004, 3008, 3012 and 3020 Kennedy 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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to subsection 37.1(3) of the Planning Act, R.S.O. c. P.13 subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and

Whereas on August 15, 2022, City Council passed By-law 1139-2022 being the City's Community Benefits Charge By-law pursuant to Subsection 37(2) of the Planning Act; and

Whereas on July 27, 2018, City Council amended By-law 569-2013, as amended, being By-law 1156-2018, and amended former City of Scarborough By-law 12466, as amended, being By-law 1157-2018, which are by-laws described in repealed subsection 37(1) of the Planning Act and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1) to (4) of the Planning Act, as they read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force continue to apply; and

Whereas subsection 37(3) of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, provides

that where an owner of land elects to provide facilities, services or matters in return for an increase in density and/or height of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner has elected to provide certain facilities, services and matters in return for certain increases in density and height as set out in this By-law in addition to those secured through By-law 569-2013 and former City of Scarborough By-law 12466, as amended; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-laws 1156-2018 and 1157-2018, is permitted in return for the provision of the facilities, services and matters set out in this By-law; 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 this 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 RD (x1458) and RD (f9.0; a306) (x1075) to a zone label of RM (x441) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.6.10 Exception Number 441 so that it reads:

(441) Exception **RM 441**

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 3000, 3004, 3008, 3012 and 3020 Kennedy 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 (M) below;
- (B) Despite Regulation 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 186.1 metres and the elevation of the highest point of the **building** or **structure**;
- (C) The maximum permitted number of **dwelling units** is 171;
- (D) **Amenity space** must be provided at the minimum rate of 4.0 square metres for each **dwelling unit**, of which:
 - (i) at least 2.0 square metres for each **dwelling unit** is indoor **amenity space**; and
 - (ii) at least 2.0 square metres for each **dwelling unit** is outdoor **amenity space**.
- (E) Despite Regulation 10.80.30.40(1)(A), the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 50 percent;
- (F) Despite Regulation 10.80.40.10(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 [Clerks to insert By-law number];
- (G) Despite Regulation 10.80.40.10(3), the permitted maximum number of **storeys** in a **building** is the number following the ST symbol as shown on Diagram 3 of By-law [Clerks to supply By-law ##];
 - (i) for the purpose of this exception, an elevator overrun, elevator entrance, stair enclosure, as well as any mechanical penthouse element does not constitute a **storey**;
- (H) Despite Clause 10.80.40.40, the permitted maximum floor space index is 1.20;
- (I) Despite Regulation 10.5.40.10(3), the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 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 3.0 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 3.3 metres;
 - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres;
 - (iv) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres;
- (J) Despite Clause 10.80.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (K) Despite Regulation 10.80.40.80 (1) and (2), the required separation of **main walls** are as shown in metres on Diagram 3 of By-law [Clerks to insert By-law number];
- (L) Despite Clause 10.80.40.70 and (J) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) exterior stairs, access ramps and elevating devices, by a maximum of 3.0 metres;
 - (ii) window projections, including bay windows and box windows, by a maximum of 3.0 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 maximum of 0.7 residential occupant **parking spaces** for each bachelor **dwelling unit** up to 45 square metres;
 - (ii) a maximum of 1.0 residential occupant **parking spaces** for each bachelor **dwelling unit** greater than 45 square metres;
 - (iii) a maximum of 0.8 residential occupant **parking spaces** for each one-bedroom **dwelling unit**;
 - (iv) a maximum of 0.9 residential occupant **parking spaces** for each two-bedroom **dwelling unit**;
 - (v) a maximum of 1.1 residential occupant **parking spaces** for each three-bedroom **dwelling unit**; and

- (vi) a minimum of 2.0 residential visitor **parking spaces**, plus 0.05 residential visitor **parking spaces** per **dwelling unit**.

Prevailing By-laws and Prevailing Sections:

- (A) 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. Section 37 Requirements:
- (A) Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the Covid-19 Economic Recovery Act, 2020 came into force, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted in By-law 1156-2018, as amended, on the lands shown on Diagram 1 attached to this By-law in return for the provision by the owner, at the owner's expense certain facilities, services and matters set out in Schedule A hereof and as such are secured by one or more agreements pursuant to the repealed Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor; and
 - (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
 - (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied; and
 - (D) The owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37(3) and (4) of the Planning Act, as it read on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, to secure the community benefits above.
7. Holding Symbol Provisions
- (A) The lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram 4 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 submission of updated and acceptable servicing reports, including Functional Servicing Reports and Stormwater Management Reports, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Enacted and passed on [Clerks to insert date].

Frances Nunziata
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

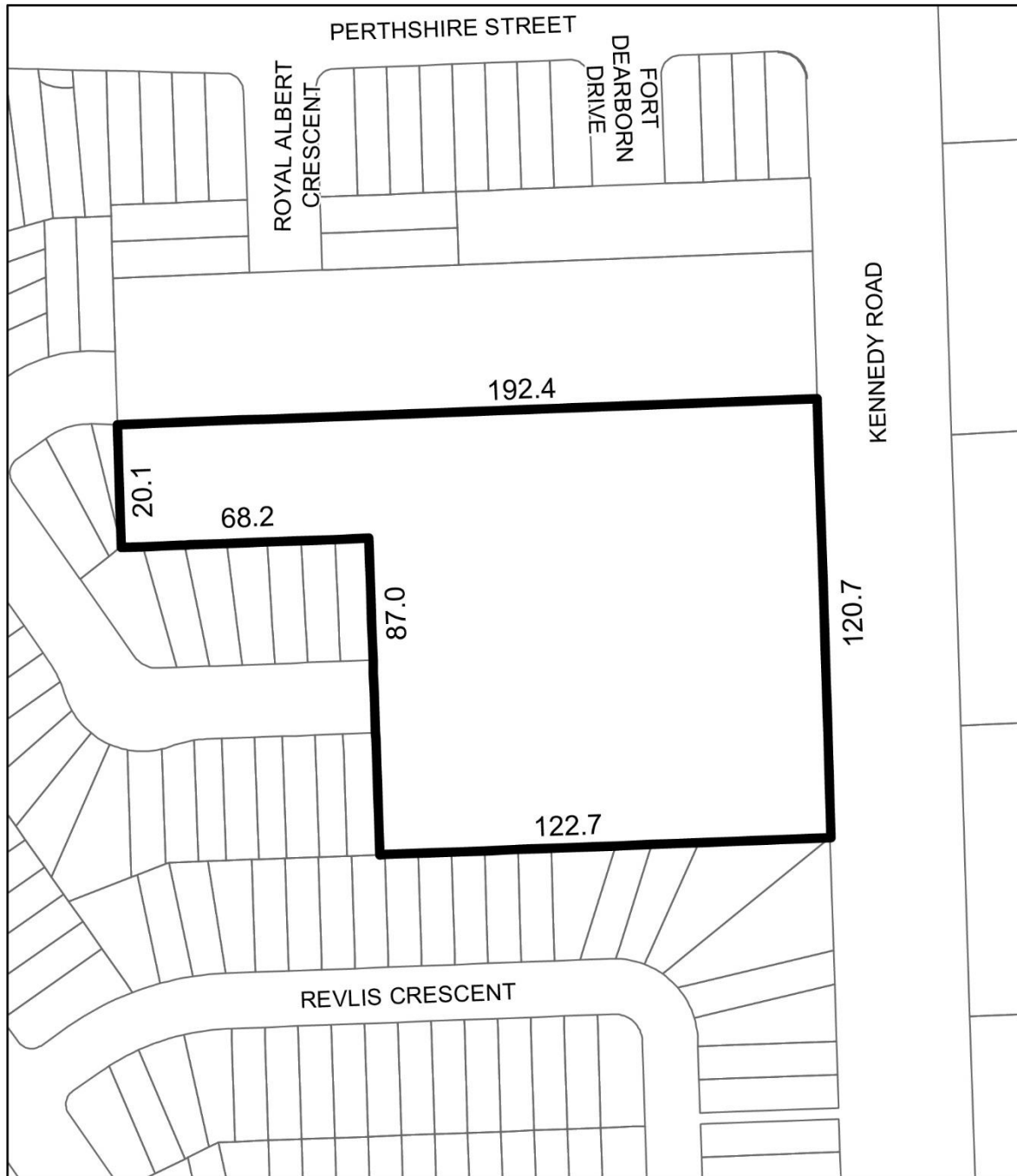
SCHEDULE A

Section 37 Provisions

Pursuant to Section 37 of the Planning Act, as it read the day before Section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force, the heights and density of development permitted by this exception are permitted upon the entering into an agreement or agreements pursuant to Section 37(3) of the Planning Act in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions, indemnity, insurance, termination and unwinding, and registration and priority of agreement, which on the other terms and conditions set out therein the owner provides for the following:

- 1.) The owner shall provide to the City:
 - a. Prior to issuance of an above grade building permit, other than a building permit for a sales office, the owner shall provide the City with a cash payment of Four Hundred and Fifty Thousand dollars (\$450,000.00) to be paid by way of certified cheque payable to the City of Toronto, to be directed towards various park improvements within the local ward in the vicinity of the lands, including the L'Amoreaux Sports Complex and L'Amoreaux Park.
 - b. The cash contributions shall be indexed upwardly from the date of the registration of the Section 37 Agreement to the date the payment is made in accordance with the Statistics Canada Non-Residential Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor.
 - c. In the event the cash contribution(s) referred to in Section(1) applicable has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- 2.) The following matter is also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

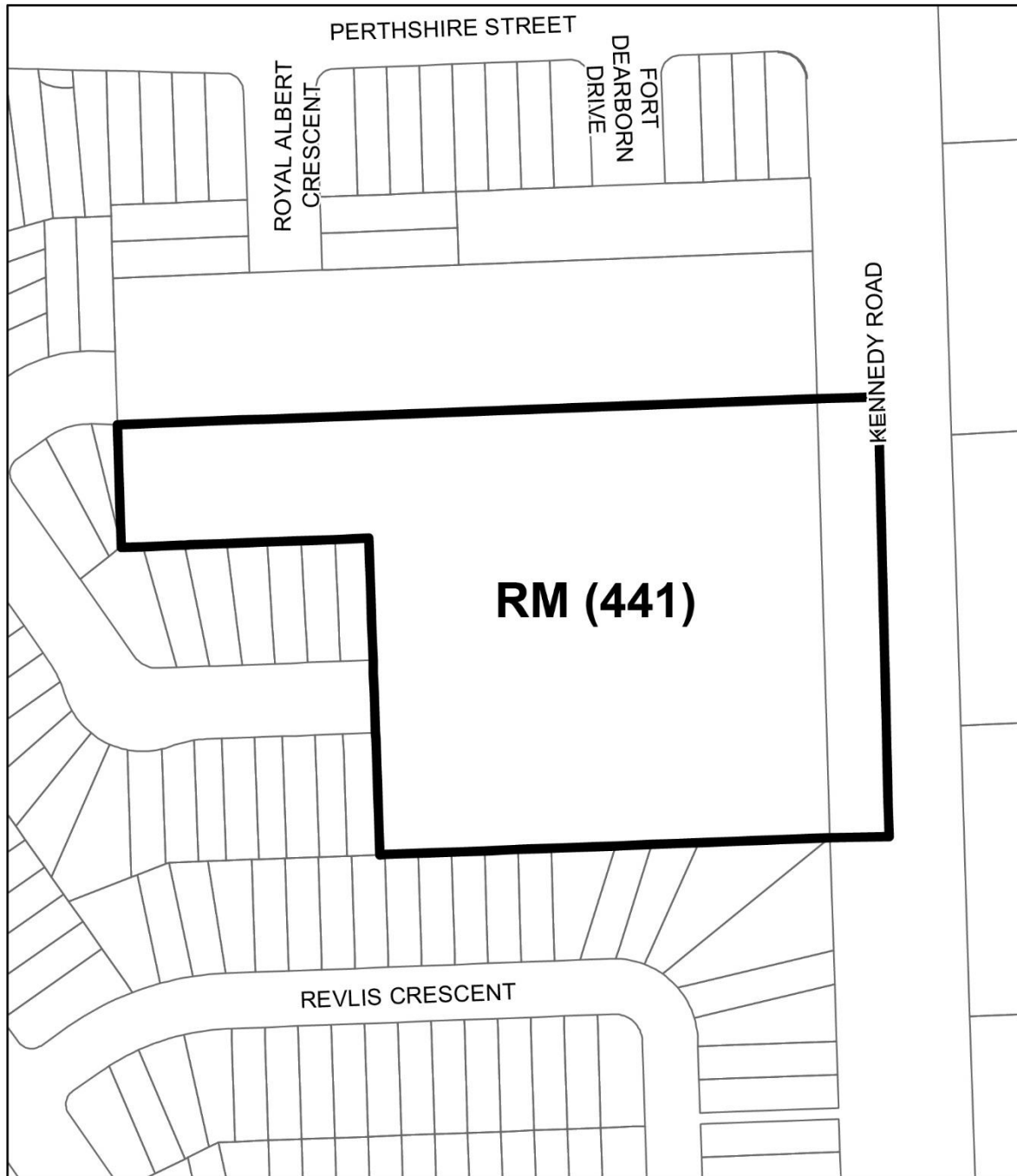
- a. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on July 14, 2021 through the adoption of item PH25.17 of the Planning and Housing Committee, and as may be further amended by City Council from time to time.



 **TORONTO**
Diagram 1

3000, 3004, 3008, 3012 and 3020 Kennedy Road

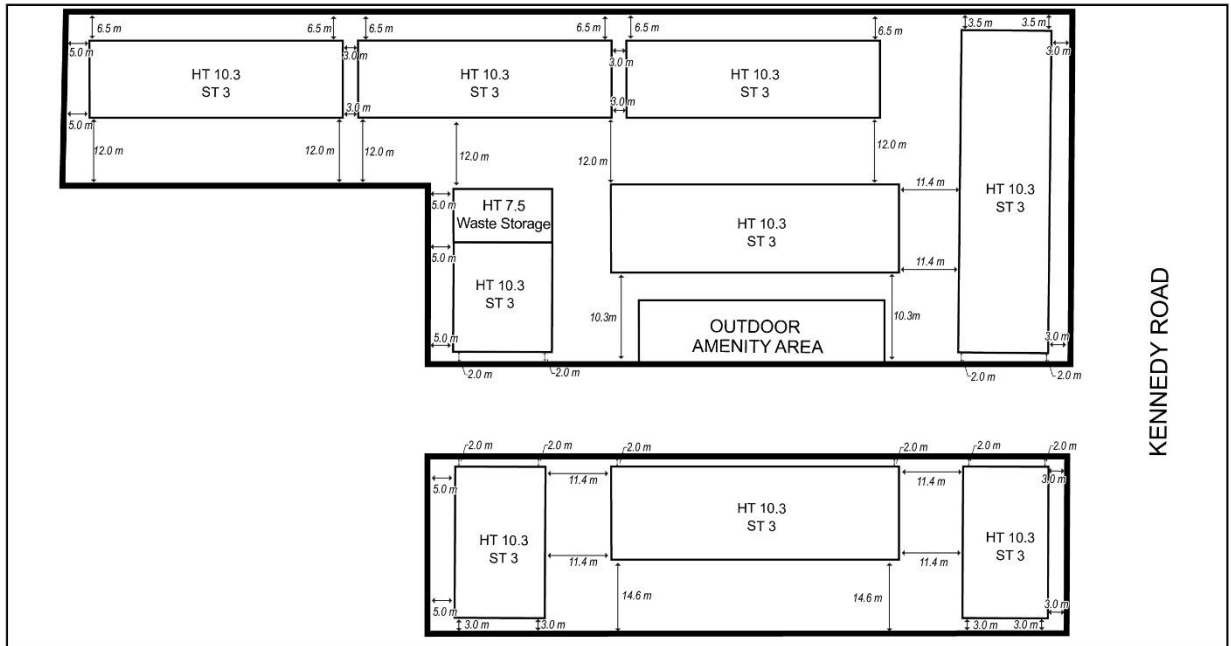
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 **Toronto**
Diagram 2

3000, 3004, 3008, 3012 and 3020 Kennedy Road

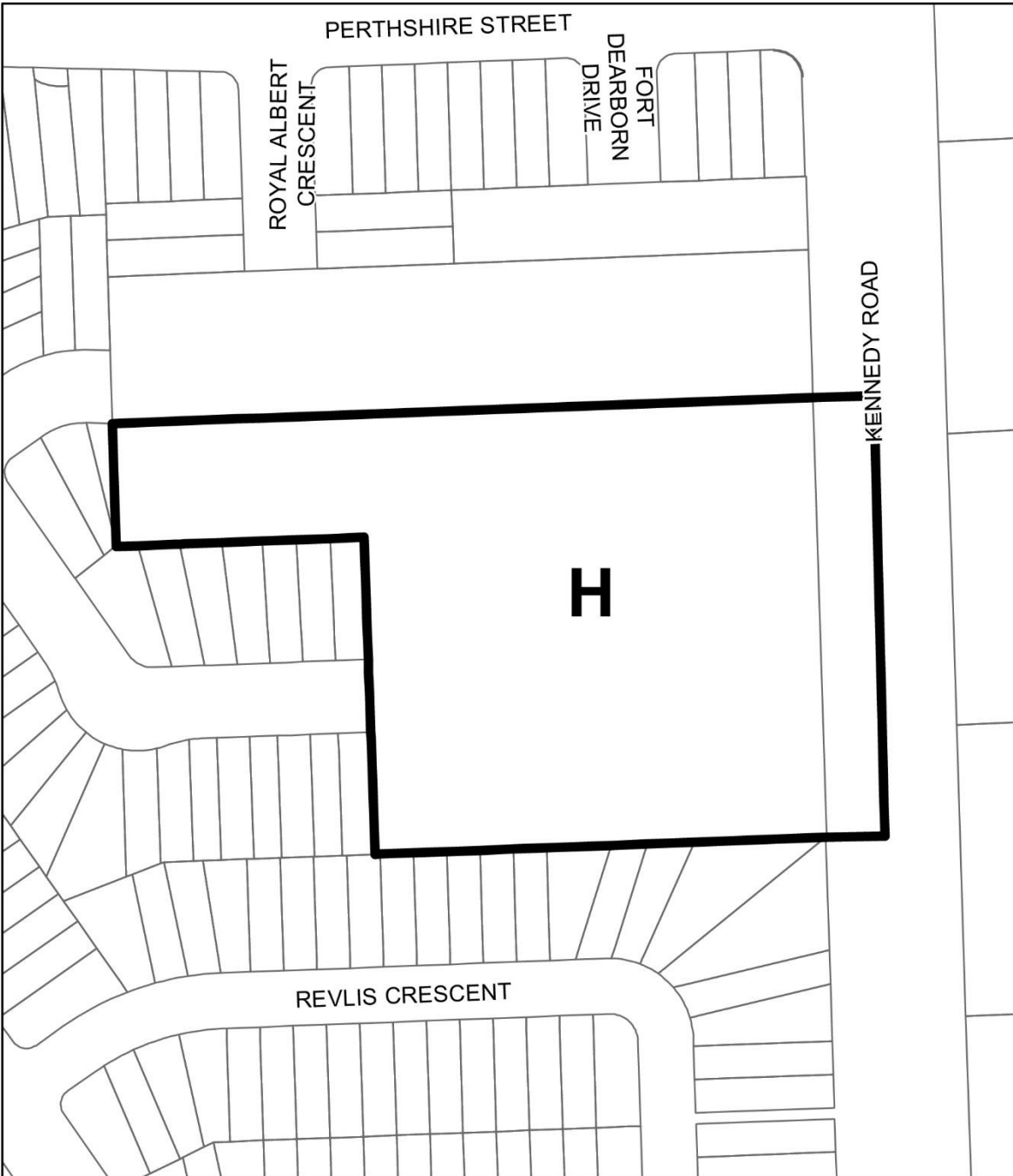
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 **TORONTO**
Diagram 3

3000, 3004, 3008, 3012 and 3020 Kennedy Road

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 **TORONTO**
Diagram 4

3000, 3004, 3008, 3012 and 3020 Kennedy Road

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