

Attachment 5: Draft Zoning By-law Amendment

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

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 2023 as 245 Morningside 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 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 2.5 (c0.5; r2.0) SS3) (x1039) 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 to the Height Overlay Map in Article 995.20.1, and applying the following height label to these lands: HT 24.0, as shown on Diagram 3 attached to this By-law.
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 Article 900.11.10 Exception Number 1039:

(1039) Exception CR 1039

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 245 Morningside 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 (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 125.25 metres and elevation of the highest point of the **building** or **structure**;
- (C) Clause 40.10.30.40 regarding permitted maximum **lot coverage** does not apply;
- (D) Despite Regulations 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 4 of By-law [Clerks to insert By-law number];
- (E) 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 4 of By-law [Clerks to insert By-law number]:
 - (i) equipment used for the functional operation of the **building**, including electrical, utility, mechanical and heating, cooling, or ventilation equipment, as well as enclosed stairwells, roof access, , elevator overruns, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 5.0 metres;
 - (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, by a maximum of 7.0 metres;
 - (iii) Parapets, pergolas, trellises, terrace or balcony guards and dividers, terraces, balconies, partitions, ornamental elements, architectural elements, landscape elements, **green roof** elements, lighting fixtures, a fence, and **structures** located on the roof used for outside or open air recreation, safety or wind protection

- purposes, by a maximum of 3.0 metres;
- (iv) stairs, stair enclosure, wall or structure enclosing such elements and railings, stair towers, window washing equipment, flues, screens, pipes, access roof hatch, by a maximum of 3.0 metres;
 - (v) Roof drainage, thermal insulation, and roof ballast, by a maximum of 0.5 metres;
 - (vi) elements on or above any roof used for lighting rods, by a maximum of 5.0 metres;
 - (vii) planters and outdoor furniture, by a maximum of 2.0 metres; and;
 - (viii) antennae, flagpoles and satellite dishes, by a maximum of 2.0 metres;
- (F) For the purpose of this exception and compliance with Regulation 40.10.40.10(5), a mezzanine does not constitute a **storey**;
- (G) Despite Regulation 40.10.40.1(1), **amenity space** may be located on the same level as non-residential use portions of the **building**;
- (H) Despite Regulation 40.10.40.40(1), the maximum total combined residential **gross floor area** and non-residential **gross floor area** on the **lot** may not exceed 38,000 square metres, of which:
- (i) the permitted maximum residential **gross floor area** is 37,450 square metres;
 - (ii) a minimum of 550 square metres of **gross floor area** for retail store use is required.
- (I) The provision of **dwelling units** is subject to the following:
- (i) A minimum of 15-percent must be two-bedroom **dwelling units**;
and
 - (ii) A minimum of 10 percent must be three-bedroom **dwelling units**.
- (J) In addition to the areas of a building which reduce the **gross floor area** for a **mixed use building** in Regulation 40.5.40.40(3), the **gross floor area** may also be reduced by:
- (i) storage rooms, electrical, utility, service corridors, mechanical and ventilation shafts, mechanical and ventilation rooms, moving rooms, mail room, residential garbage rooms, bicycle rooms, firefighter central alarm control facilities (CACF), at or above- ground;

- (K) Despite Regulation 40.10.40.50(1), a **building** with 20 or more **dwelling units** must provide **amenity space** at a minimum rate of 4.0 square metres for each dwelling unit, of which:
- (i) at least 2.6 square metres for each **dwelling unit** as indoor **amenity space**; and,
 - (ii) at least 1.5 square metres of outdoor **amenity space** for each **dwelling unit** of which at least 40 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**.
- (L) Despite Regulations 40.10.40.70(3), the required minimum **building setbacks** are as shown in metres on Diagram 4 of By-law [Clerks to insert By-law number];
- (M) Despite Regulations 40.10.40.80(2), the required separation of **main walls** are as shown in metres on Diagram 4 of By-law [Clerks to insert By-law number];
- (N) Despite Clause 40.10.40.60 and (L) and (M) 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 2.0 metres for Tower B on Diagram 4 of By-law [Clerks to insert By-law number], and decks, porches, and balconies, by a maximum of 2.4 metres for Tower A on Diagram 4 of By-law [Clerks to insert By-law number];
 - (ii) canopies and awnings at first floor level, by a maximum of 4.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 3.0 metres;
 - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.2 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 3.0 metres;
 - (vi) window projections, including bay windows and box windows, by a maximum of 3.0 metres;
 - (vii) eaves, by a maximum of 3.0 metres; and,

- (viii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 2.0 metres;
- (O) 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 0.44 residential **parking spaces** for each **dwelling unit**;
 - (ii) a minimum of 2.0 residential visitor **parking spaces** plus 0.05 **parking spaces** for each **dwelling unit**;
 - (iii) no minimum **parking spaces** are required for non-residential uses; and
- (P) For each on-site “car-share” **parking space** provided on the **lot**, the minimum residential parking required may be reduced by four **parking spaces**, up to a maximum reduction as calculated by the following formula:
 - (i) $4 \times$ (the total number of **dwelling units** on the lands divided by 60), rounded down to the nearest whole number;
 - (ii) For the purposes of this exception:
 - (a) “car-share” or “car-sharing” means the practice where a number of people share the use of one or more motor **vehicles** 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 kilometres driven and set membership requirements of the car-sharing operator, including payment of a membership fee that may or may not be refundable; and
 - (b) “car-share **parking space**” means a **parking space** that is reserved and actively used for “car-sharing”.
 - (c) Despite Regulations 200.5.1.10(2)(A) and (D), Electric Vehicle Infrastructure, including electric vehicle supply equipment, does not constitute an obstruction to a parking space;
- (Q) Despite Regulations 200.5.1.10(2)(A) and (D), Electric Vehicle Infrastructure, including electric **vehicle** supply equipment, does not constitute an obstruction to a **parking space**;

- (R) Despite Regulation 200.5.1.10(2)(A), a maximum of 10 percent of the **parking spaces** provided may have the following minimum dimensions:
- (i) length of 5.4 metres;
 - (ii) width of 2.4 metres; and
 - (iii) vertical clearance of 1.7 metres;
- (S) Despite Regulation 200.5.1.10(2)(A), a maximum of ten percent of the required **parking space** may be obstructed on one or both sides in accordance with Regulation 200.5.1.10(2)(D) without the requirement to widen the minimum width by 0.3 metres;
- (T) Despite Regulation 200.15.1(4), an accessible **parking space** must be located no more than 30 metres from a barrier-free entrance to a **building** or to a passenger elevator that provides access to the first storey of the **building**;
- (U) Despite Regulations 200.15.10.10(1) and (2), a minimum of 14 of the required **parking spaces** on the **lot** must be accessible **parking spaces**;
- (V) Despite Regulations 220.5.10.1(1),(2), and (3), **loading spaces** must be provided as follows:
- (i) A minimum of 1 Type "G" **loading space**; and
 - (ii) A minimum of 1 Type "C" **loading space**.
- (W) Despite regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may be provided in a **stacked bicycle parking space**;

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

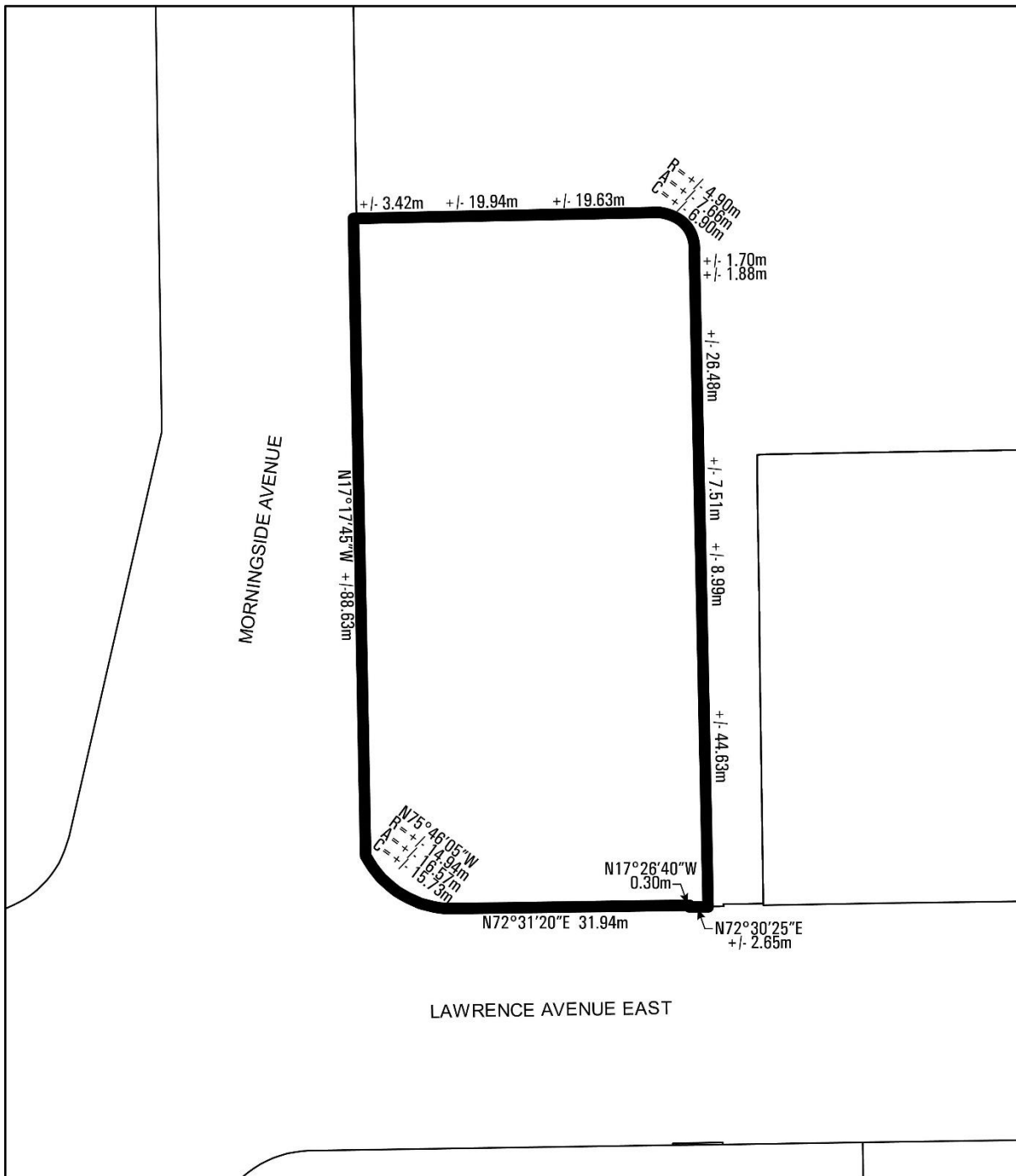
8. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

Enacted and passed on [Clerks to insert date].

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

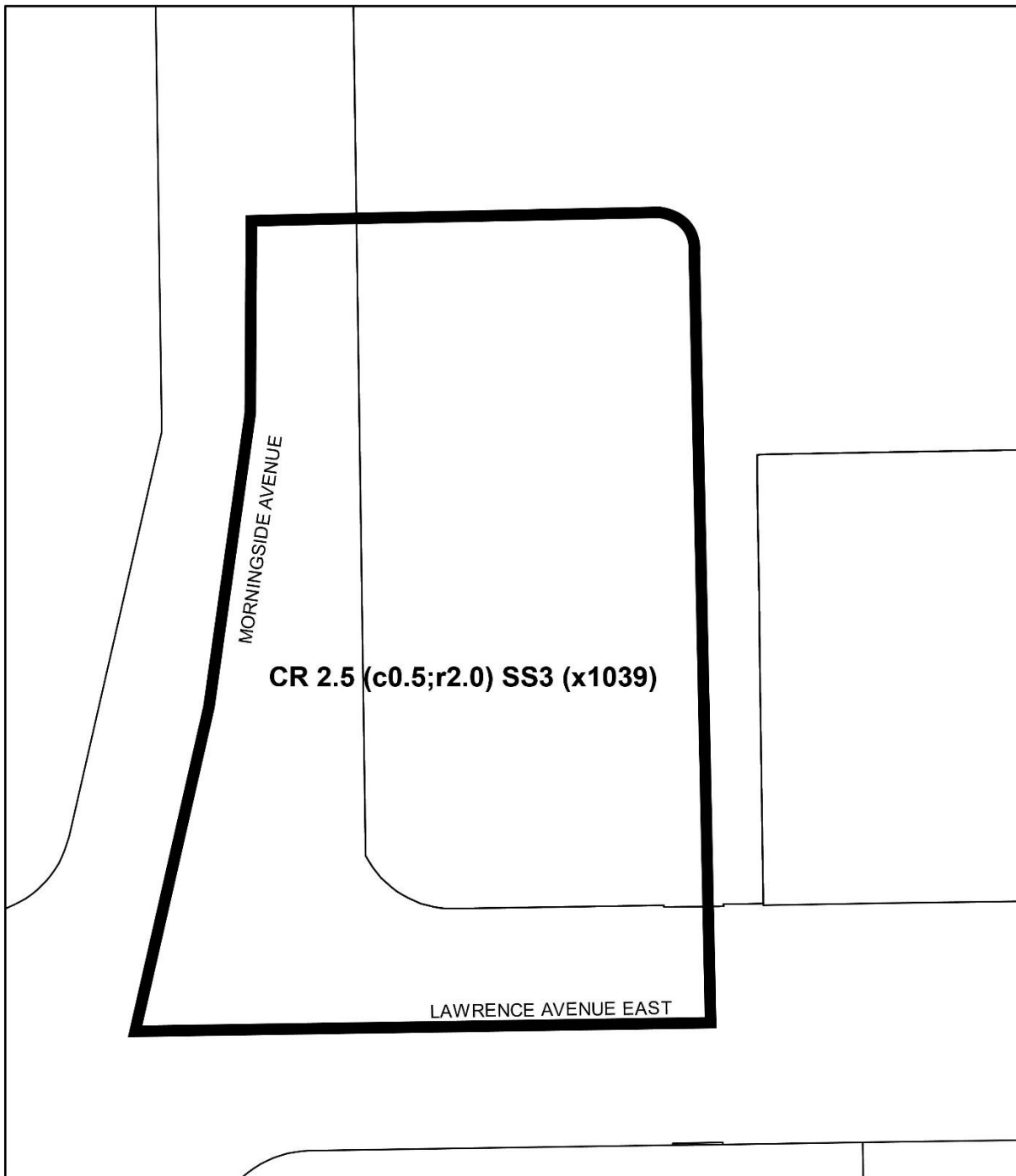
(Seal of the City)



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Diagram 1

245 Morningside Avenue

File # 22 205463 ESC 25 0Z

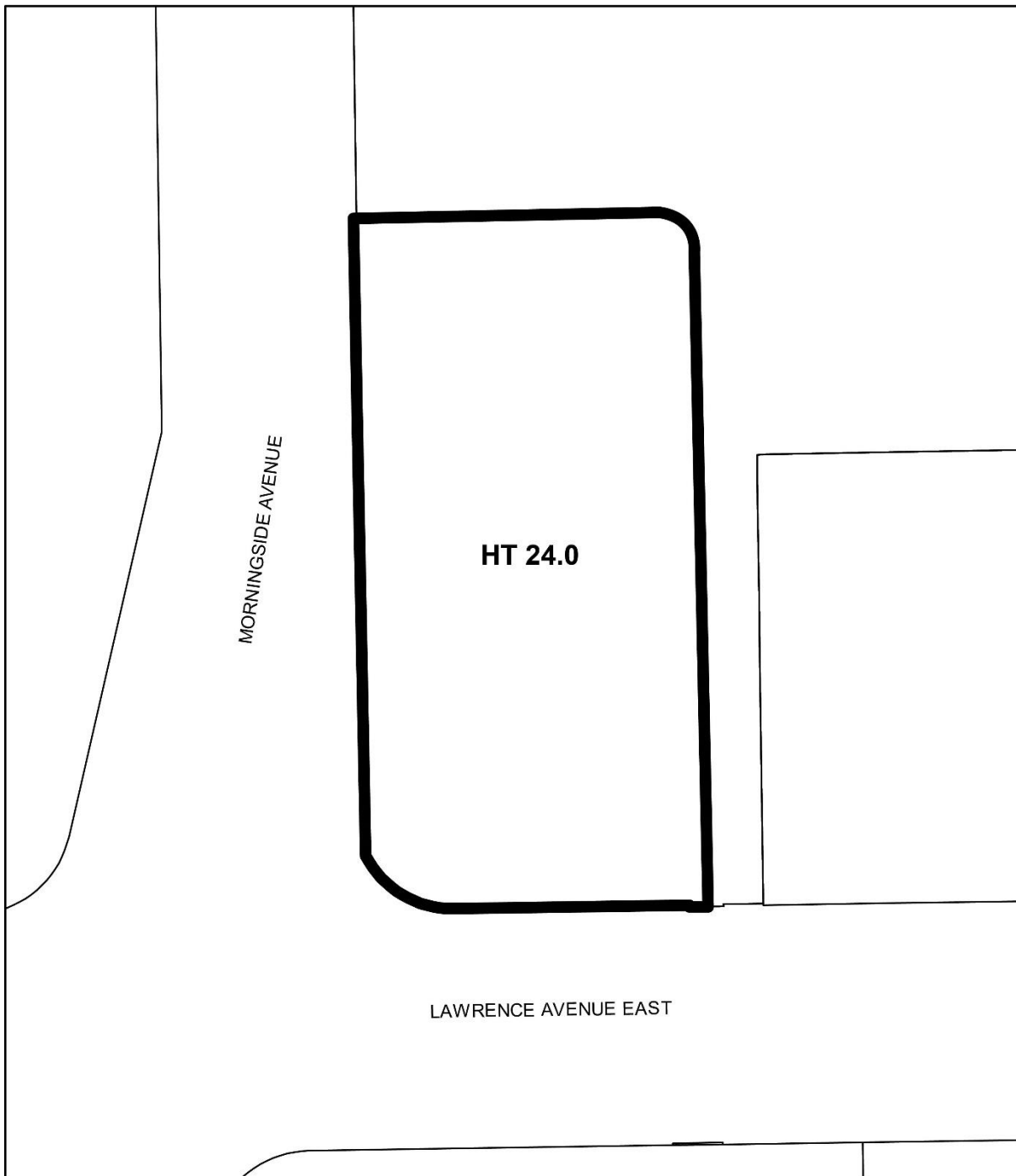


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Diagram 2

245 Morningside Avenue

File # 22 205463 ESC 25 02





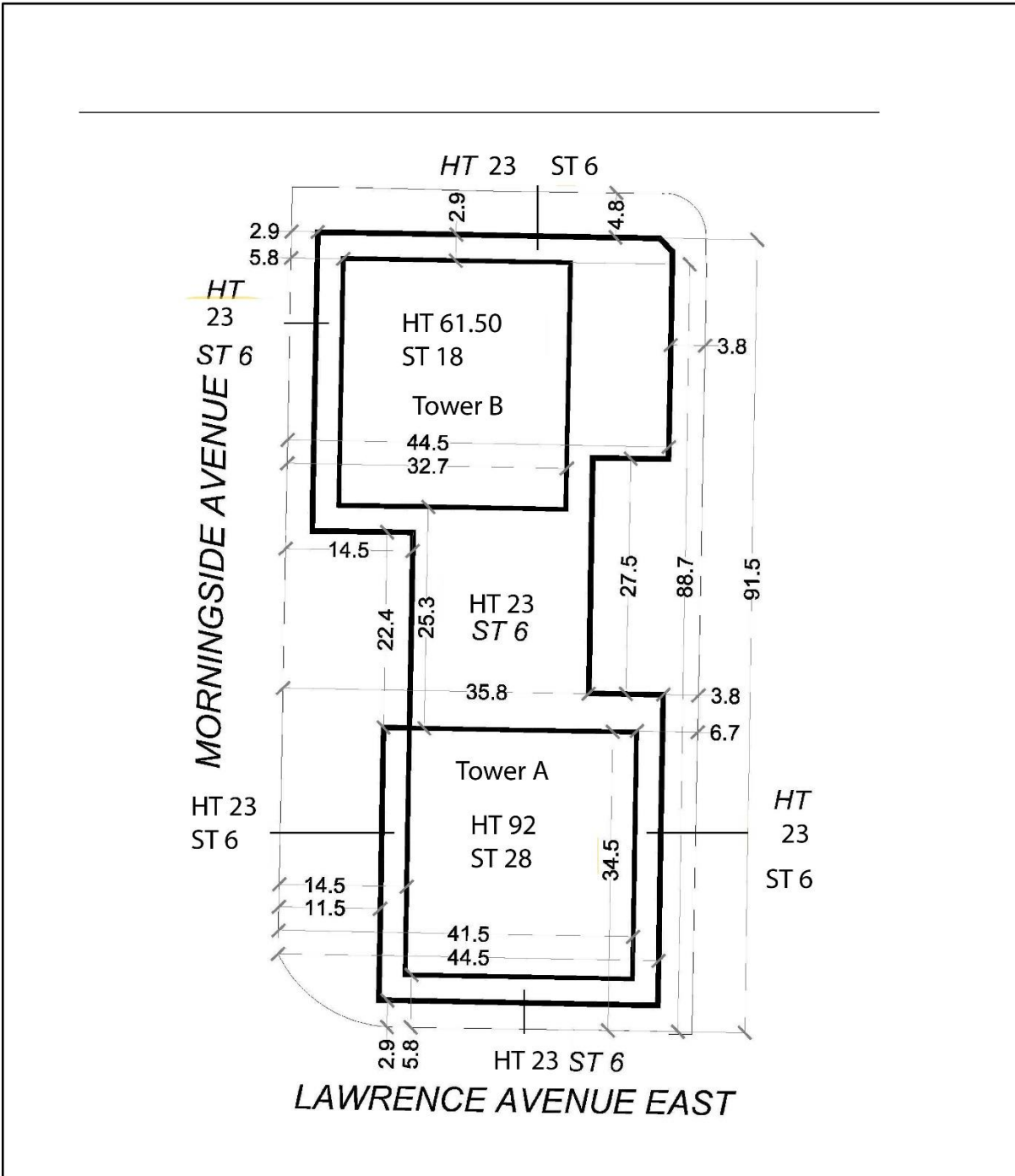
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Diagram 3

245 Morningside Avenue

File # 22 205463 ESC 25 02



City of Toronto By-law 569-2013
Not to Scale
05/01/2024



TORONTO
Diagram 4

245 Morningside Avenue

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