

Attachment 6: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item [XXX], as adopted by City of Toronto Council on [XXXX, 2024]

CITY OF TORONTO

BY-LAW XXXX-2024

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 1650 Military Trail.

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 Subsection 37.1(3) of the *Planning Act*, subsection 37(1) to (4) of the *Planning Act* as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act* came into force continue to apply to the lands where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2); and

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Whereas the lands subject to this By-law were subject to a by-law described in the repealed 37(1) on the date that the City's Community Benefits Charge By-law was passed and therefore subsections 37(1) to (4) of the *Planning Act*, as they read the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 the 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 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 2.0 (c0.25; r2.0) SS3 (x1038) and OR 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 the following Policy Area label to these lands: 4, as shown on Diagram 3 attached to this By-law.
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 18.5, as shown on Diagram 4 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 the following lot coverage label to these lands: 33, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 1038 so that it reads:

(1038) Exception CR (x1038)

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 1650 Military Trail, 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 (U) 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 117.6 metres and the elevation of the highest point of the **building** or **structure**;

- (C) Regulation 40.10.30.40(1) with respect to permitted maximum **lot coverage** does not apply;
- (D) Despite regulation 40.10.40.1(1), residential use portions of the **building** 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 6 of By-law [Clerks to insert By-law number];
- (F) Regulation 40.10.40.10(5) does not apply;
- (G) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 6 of By-law [Clerks to insert By-law number]; and
 - (i) for the purpose of this exception, a mezzanine, elevator entrance, stair enclosure, mechanical penthouse or rooftop outdoor amenity space does not constitute a **storey**;
- (H) Despite regulations 40.5.40.10(3), (4) and (6) to (8) and (E) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 6 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 or a mechanical penthouse to a maximum of 5.5 metres, measured from a height of 28.2 metres;
 - (ii) Elements of the roof of the **building** or **structure** used for **green roof** technology or alternative roofing system parapets, railings, patios, planters, balustrades, bollards, safety railings, guard railings, chimneys, vents, stacks, and exhaust stacks, retaining walls, wheelchair ramps, ornamental or architectural features, roofing assembly, landscape features, garbage chutes and vents, and roofs to a maximum of 1.5 metres;
 - (iii) Privacy screens, wind mitigation features, terrace dividers, cabanas, fences, pergola, trellises, public art features, lighting fixtures, railings, pool mechanical equipment, ramps, mechanical lift, and wind and noise mitigation and associated structural elements to a maximum of 3.0 metres; and
 - (iv) stairs or stair enclosures, heating and cooling towers, stacks and

associated components, elevator shafts, elevator overruns, make-up air units, emergency generator, window washing equipment, and lightning rods to a maximum of 5.7 metres, measured from a height of 28.2 metres;

- (I) Despite regulation 40.5.40.10(5), equipment, structures or parts of a building exceeding the permitted maximum height for a building, as permitted by regulation 40.5.40.10(4), must comply with the following:
 - (i) the total area all equipment, structures, or parts of a building may cover is no more than 52% of the area of the roof, measured horizontally; and
 - (ii) if any equipment, structures, or parts of a building are located within 6.0 metres of a lot line abutting a street, their total horizontal dimension, measured parallel to the street, may not exceed 20% of the width of the building's main walls facing that street.
- (J) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 11,500 square metres of which;
 - (i) the permitted maximum **gross floor area** for residential uses is 11,400 square metres; and
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 100 square metres.
- (K) Despite regulation 40.10.40.50(1)(B), outdoor **amenity space** is not required to be in a location adjoining or directly accessible to the indoor **amenity space**;
- (L) For the purpose of this exception, indoor **amenity space** may include guest suites; and,
 - (i) a maximum of 110 square metres of the indoor **amenity space** required by regulation 40.10.40.50(1) may include up to four (4) guest suites;
- (M) Despite regulation 40.10.40.70(3), the required minimum **building setbacks** are as shown in metres on Diagram 6 of By-law [Clerks to insert By-law number];
- (N) Despite regulation 40.10.40.80 (2), the required separation of **main walls** are as shown in metres on Diagram 6 of By-law [Clerks to insert By-law number];

- (O) Despite Clauses 40.5.40.60, 40.10.40.60 and (M) and (N) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) Cornices, light fixtures, awnings, ornamental elements, cladding, parapets, landscape features, trellises, eaves, windowsills, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, canopies, balconies, underground garage ramps, balconies and architectural feature walls, to a maximum of 1.5 metres;
- (P) Despite regulation 200.5.1.10(2)(A)(iv), a maximum of 15 percent of the required **parking spaces** may be obstructed as described in regulation 200.5.1.10(2)(D) without being required to provide additional width for the obstructed sides of the **parking space**;
- (Q) Despite regulation 200.15.1(1), an accessible **parking space** must have the following minimum dimensions:
- (i) A length of 5.6 metres;
 - (ii) A width of 3.4 metres; and
 - (iii) A vertical clearance of 2.1 metres;
- (R) Despite regulation 200.15.1(3), the entire length of an accessible parking space must be adjacent to a 1.5-metre-wide accessible barrier free aisle or path;
- (S) Despite regulation 200.15.1(4), an accessible **parking space** must be located within 15 metres of the closest barrier free entrance to a building or passenger elevator that provides access to the first **storey** of the **building**;
- (T) Despite regulation 230.5.1.10(4)(A)(ii), the required minimum width of a **stacked bicycle parking space** is 0.45 metres.
- (U) 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;

8. Prevailing By-law and Prevailing Sections

- (A) Performance standard number 577 of Performance Standard Chart – Schedule “B” of former City of Scarborough Zoning By-law 10827.

9. Despite any severance, partition or division of the lot, the provisions of this By-law shall continue to apply to the whole of the lot as if no severance, partition or division occurred.

10. 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 of 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.

11. Section 37 Provisions

- (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 density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense, of the facilities, services, and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to 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;
- (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 density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on [month day, year].

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

SCHEDULE A

SECTION 37 PROVISIONS

The facilities, services, and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 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, whereby the owner agrees as follows:

1. Prior to the issuance of an above grade building permit, a cash contribution of \$240,000 (TWO HUNDRED AND FORTY THOUSAND DOLLARS) to be secured to enhance streetscape and public realm in the Highland Creek Village as outlined in the Council-adopted Urban Design Guidelines to the satisfaction of the Executive Director, Development Review Division;
2. The financial contribution referenced above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment;
3. In the event the cash contribution referred to in subsection 1 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 Executive Director of the Development Review Division, in consultation with the local 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; and
4. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support 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 City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Management Committee, as further amended by City Council from time to time;
 - b. the Owner shall prepare and submit a functional engineering plan detailing the construction of a cul-de-sac at the southern end of Morrish Road, the closure of the existing Highway 2A off-ramp to Morrish Road and Military Trail, curb lane reconfiguration at Military Trail, landscaping on the closed portion of Morrish Road including the removal of existing hard surfaces, and pedestrian connections between the proposed cul-de-sac and

Highway 2A, to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services;

- c. the Owner shall prepare and submit a cost estimate for the work described in subsection 2, to the satisfaction of the Executive Director of Engineering and Construction Services; and
- d. should the development charge credit amount authorized in Recommendation 5 cover the full cost of the design and construction described in subsection 2, the Owner shall enter into a Municipal Infrastructure Agreement through the Site Plan Control process to secure the design and construction of the work described in subsection 2, to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Transportation Services. Should the cost estimate in subsection 3 exceed the amount of the development charge credit authorized in Recommendation 5, the scope of work described in subsection 2 shall be revised accordingly until the cost estimate is equal to or less than the amount of the development charge credit.

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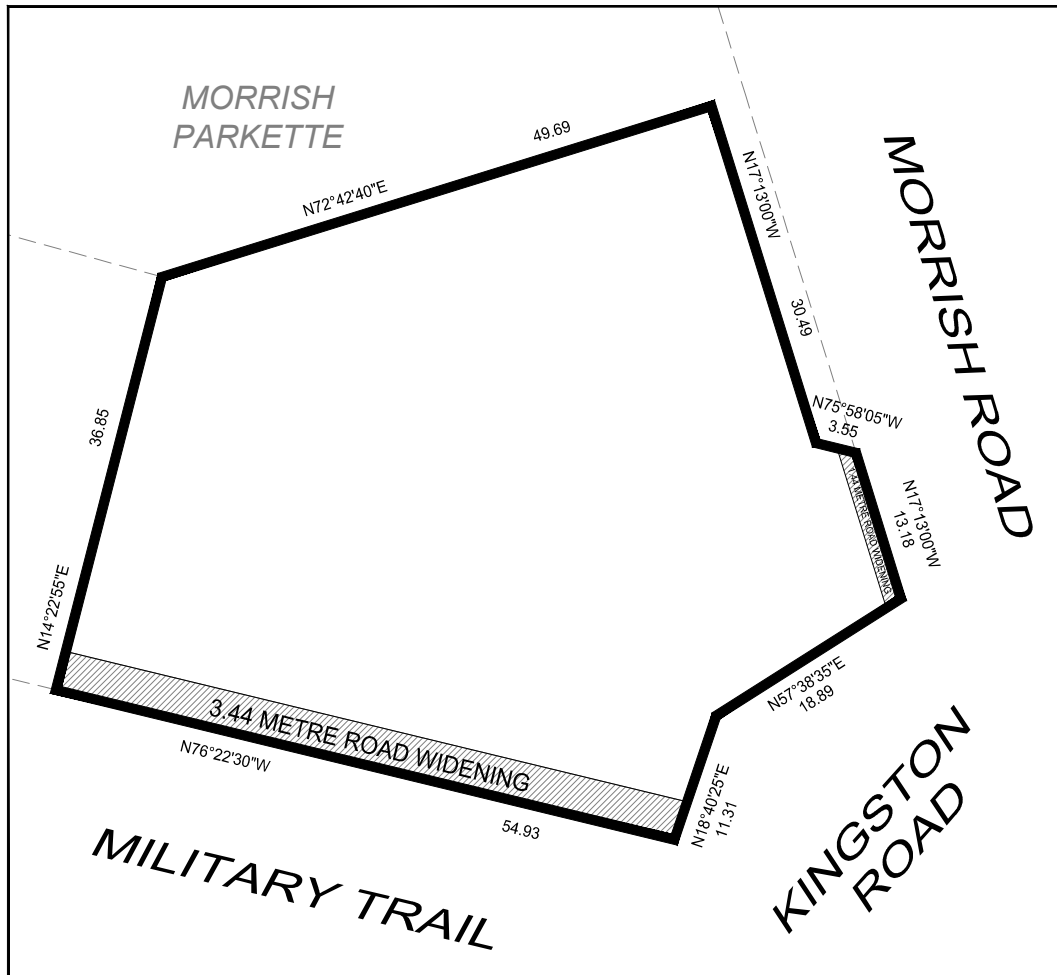


Diagram 1

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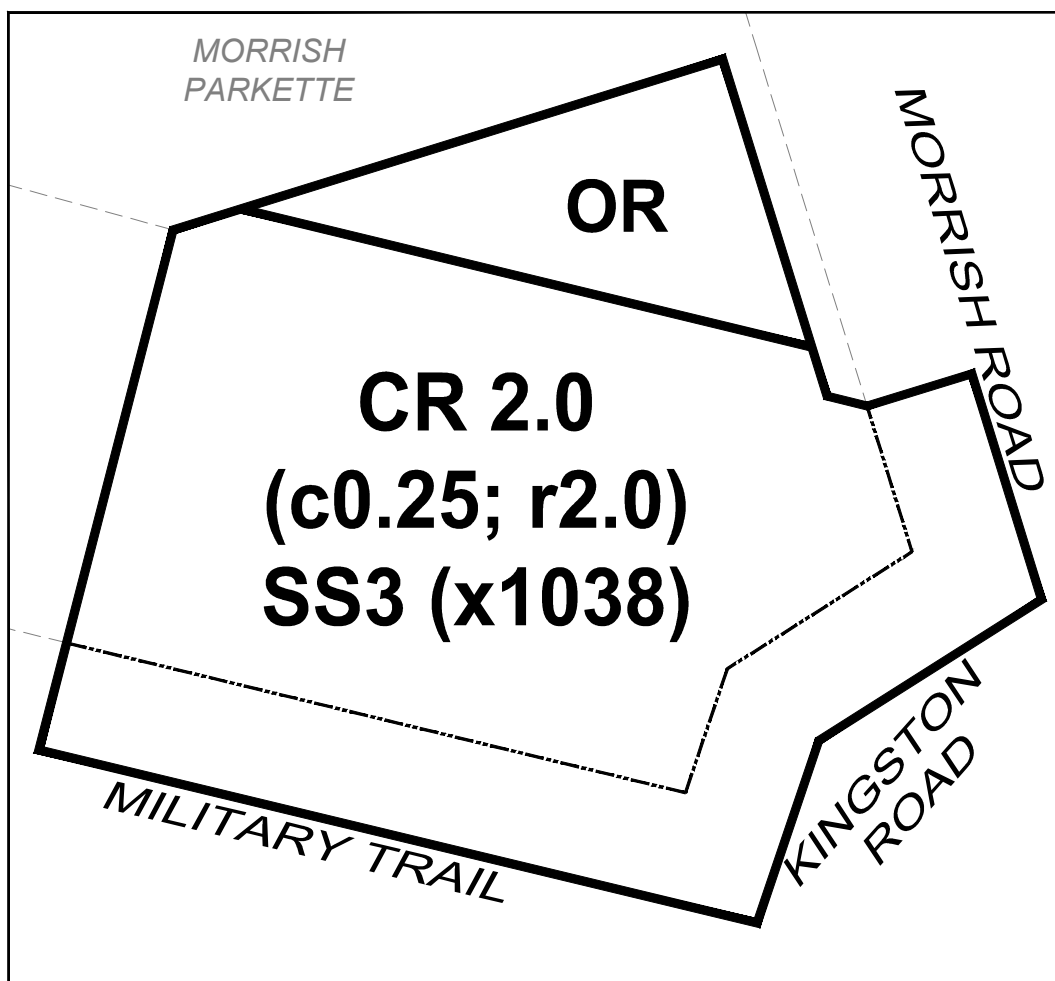
Road Widening

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 **TORONTO**
Diagram 2

1650 Military Trail

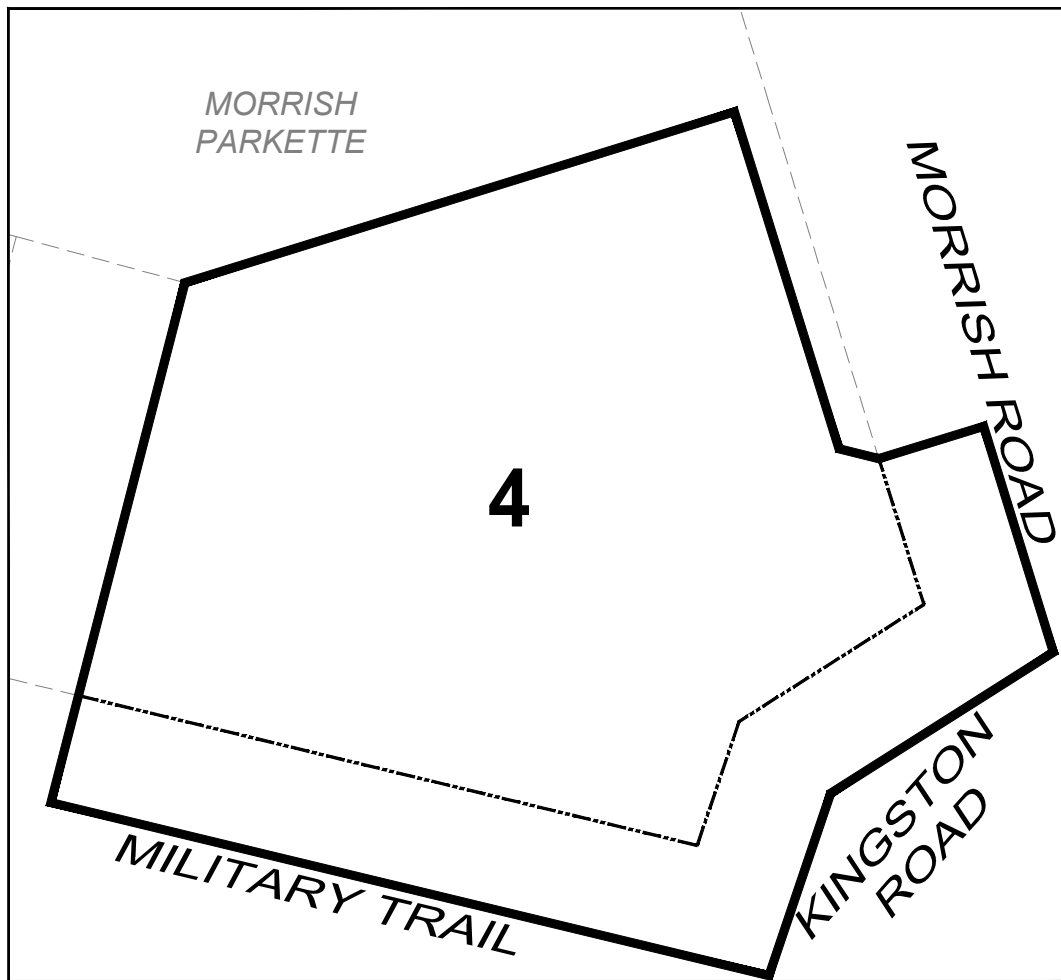
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 **TORONTO**
Diagram 3

1650 Military Trail

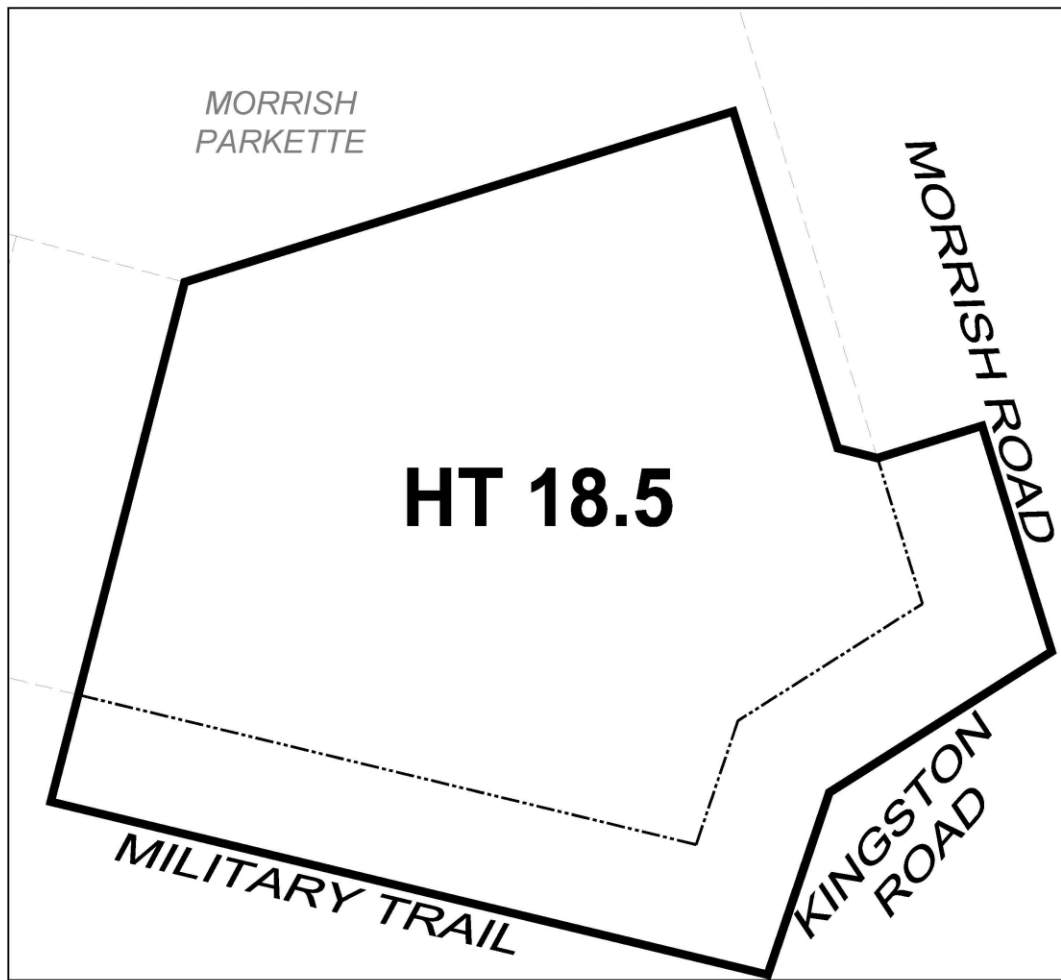
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 **TORONTO**
Diagram 4

1650 Military Trail

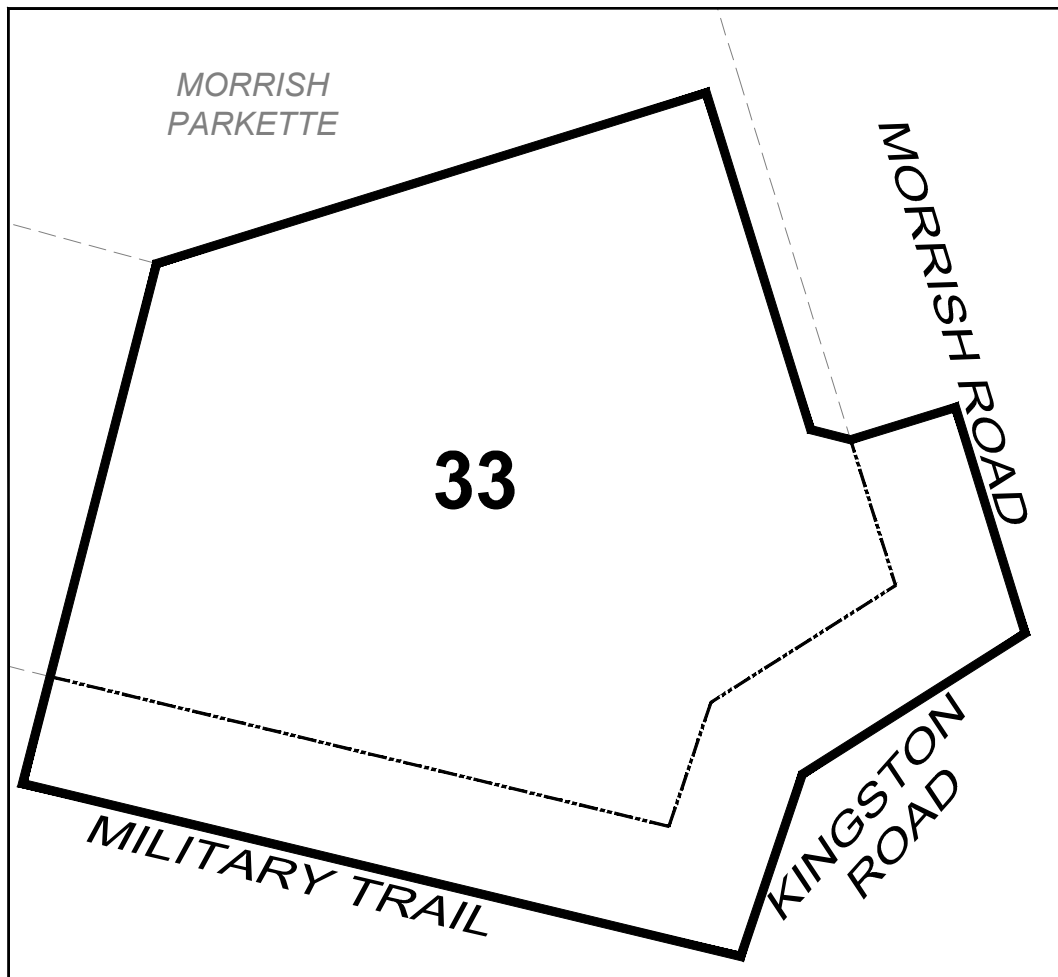
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 **TORONTO**
Diagram 5

1650 Military Trail

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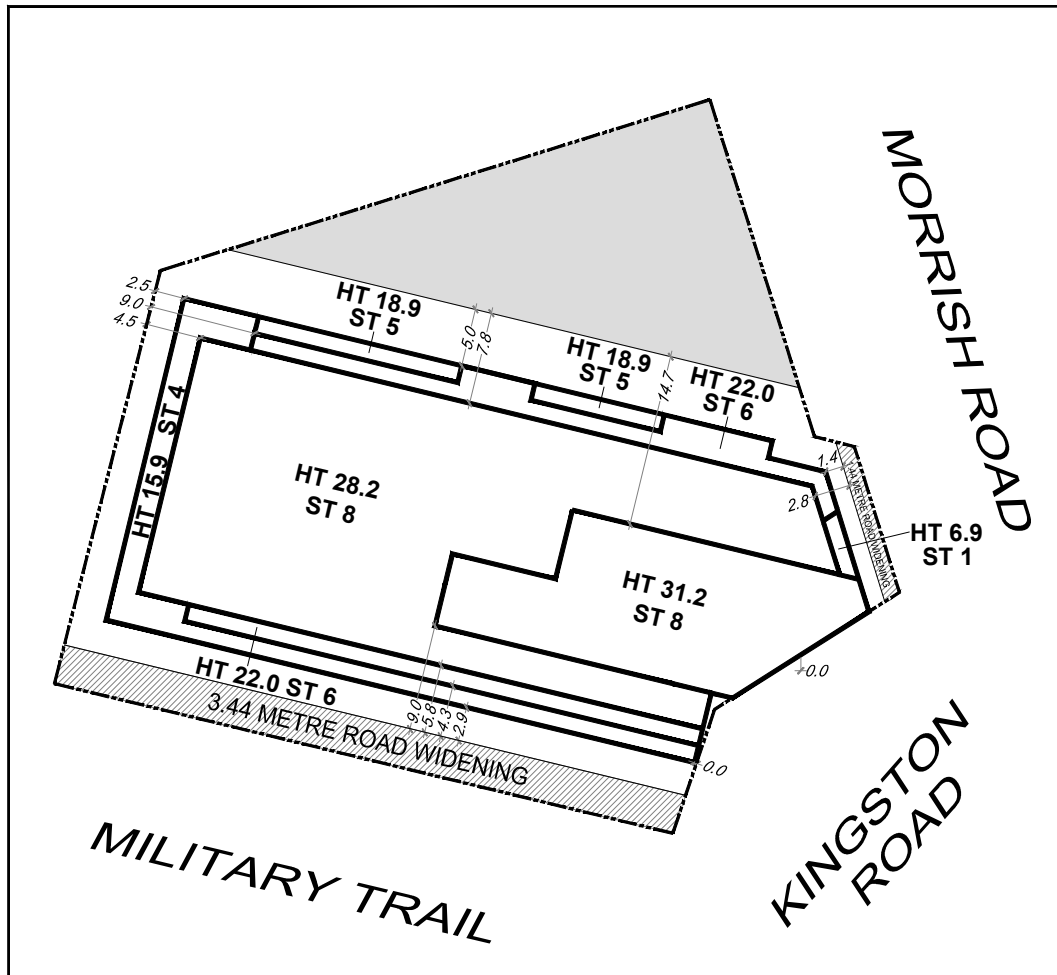


Diagram 6

1650 Military Trail

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