

## **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 2257 Kingston 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Recovery Act*, S.O. 2020, c. 18 came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) provided the by-law is not amended to remove the requirement to provide any of the facilities, services or matters secured therein or repealed; and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Whereas Council at its meeting of December 4, 2009 enacted By-law 1224-2009 being a by-law described in the repealed subsection 37(1) of the *Planning Act* and this By-law does not amend or remove the requirement to provide facilities, services and therefore subsections 37(1)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 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 the Owner has elected to provide certain facilities, services and matters in return for certain increases in density and height as set out in the Zoning by-law Amendment herein in addition to those secured through By-law 1224-2009; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 9364 as amended by By-law 1224-2009, as amended, is permitted in return for the provision of the facilities, services and matters set out in this 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 (c1.0; r2.0) SS2 (1042) 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 to the Height Overlay Map in Article 995.20.1 and applying the following height and storey label to these lands: HT 11.0, as shown on Diagram 3 attached to this By-law.
5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 1042 so that it reads:

(1042) Exception **CR** 2.0 (c1.0; r2.0) SS2 (1042)

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 2257 Kingston 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 ([insert final letter of these Site Specific Provisions]) 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 157.65 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite regulation 40.10.40.10 (2), 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];
- (D) Despite regulations 40.5.40.10(3) to (8) and C 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 ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, by a maximum of 5.5 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 5.5 metres;
  - (iii) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.0 metres;
  - (iv) **building** maintenance units and window washing equipment, by a maximum of 4.0 metres;
  - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.0 metres;
  - (vi) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres; and
  - (vii) unenclosed **structures** providing safety or wind protection to rooftop **amenity spaces** may project above the height limits to a maximum of 3.0 metres, and may be located within 0.0 metres from the interior face of any **main wall**;
- (E) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 25,000 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 23,800 square metres;

- (ii) the permitted maximum **gross floor area** for non-residential uses is 1,200 square metres; and
  - (iii) the required minimum **gross floor area** for non-residential uses is 1,070 square metres;
- (F) Despite regulations 40.10.40.50(1)(A) and (B), and 40.10.40.50(2), **amenity space** must be provided at the following rate:
  - (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**;
  - (ii) at least 2.0 square metres for each **dwelling unit** as outdoor **amenity space**; and
- (G) Despite regulation 40.10.40.70(2), the required minimum **building setbacks** are as shown in metres on Diagram 4 of By-law [Clerks to insert By-law number];
- (H) Despite regulation 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];
- (I) Despite Clause 40.10.40.60 and (G) and (H) 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 3.5 metres;
  - (ii) canopies and awnings, by a maximum of 2.0 metres;
  - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 2.1 metres;
  - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.3 metres;
  - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 2.0 metres;
  - (vi) window projections, including bay windows and box windows, by a maximum of 1.0 metres;
  - (vii) eaves, by a maximum of 1.0 metres;

- (viii) dormers, by a maximum of 2.0 metres; and
- (ix) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.0 metres.
- (J) Despite (I)(i) above, balconies may not encroach into required minimum **building setback** from the lot line abutting Kingston Road, between the Canadian Geodetic Datums of 157.65 metres to 171.9 metres.
- (K) Despite regulation 40.10.50.10 no landscaping or **soft landscaping** shall be required along the **lot line** abutting a **lot** in the Residential Zone category or Residential Apartment Zone category.
- (L) 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 0.6 residential occupant parking spaces for each bachelor **dwelling unit** up to 45 square metres;
  - (ii) a maximum of 0.6 residential occupant parking spaces for each bachelor **dwelling unit** greater than 45 square metres;
  - (iii) a maximum of 0.7 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 1.0 residential occupant parking spaces for each three-bedroom **dwelling unit**; and
  - (vi) a minimum of 2.0 residential visitor parking spaces, plus a rate of minimum of 0.05 residential visitor parking spaces per **dwelling unit**.
- (M) Despite regulations 230.5.10.1(1)(3) and (5) and Table 230.5.10.1(1), **bicycle parking spaces** must be provided in accordance with the following minimum rates:
  - (i) 0.68 long-term **bicycle parking spaces** for each **dwelling unit**;
  - (ii) 0.07 short-term **bicycle parking spaces** for each **dwelling unit**;
  - (iii) 0.13 long term **bicycle parking spaces** for each 100 square metres of **interior floor area** for all non-residential uses; and

- (iv) 3 spaces plus 0.25 short-term **bicycle parking spaces** for each 100 square metres of **interior floor area** for all non-residential uses.
- (N) Despite regulation 230.5.1.10(4)(b), the minimum dimension of **bicycle parking spaces** if placed in a vertical position on a wall, **structure** or mechanical device is:
  - (i) minimum length of 1.2 metres;
  - (ii) minimum width of 0.45 metres; and
  - (iii) minimum horizontal clearance from the wall of 1.2 metres.
- (O) Despite Regulation 230.5.1.10(4), the minimum dimensions for a **stacked bicycle parking space** are:
  - (i) minimum length of 1.5 metres;
  - (ii) minimum width of 0.4 metres; and
  - (iii) minimum vertical clearance from the ground of 0.7 metres.
- (P) Despite regulation 230.5.1.10 (12), If a **building** has uses for which 5 or more "long-term" **bicycle parking spaces** are required, **bicycle maintenance facilities** must be provided in the **building** with the following minimum dimensions:
  - (i) minimum length of 1.6 metres;
  - (ii) minimum width of 2.6 metres; and
  - (iii) minimum vertical clearance from the ground of 1.9 metres.
- (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 220.5.10.1 (3), (4), and (5), 1 Type G **loading space** must be provided.
- (U) For the purpose of this exception, each word or expression that is in bold font will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:
  - (i) "Car-share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
  - (ii) "Car-share parking space" means a parking space that is reserved and actively used for car-sharing.

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

- 6. Prevailing By-laws and Prevailing Sections:
  - (A) Performance standard numbers 191 and 193 of Performance Standard Chart – Schedule "B" of former City of Scarborough Zoning By-law 9364.
- 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 of 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. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height of the development is permitted beyond that otherwise permitted 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 of the facilities, services and matters set out in Schedule A attached to this By-law 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 attached to 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 pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on [Clerks to insert date].

[full name],  
Speaker

[full name],  
City Clerk

(Seal of the City)



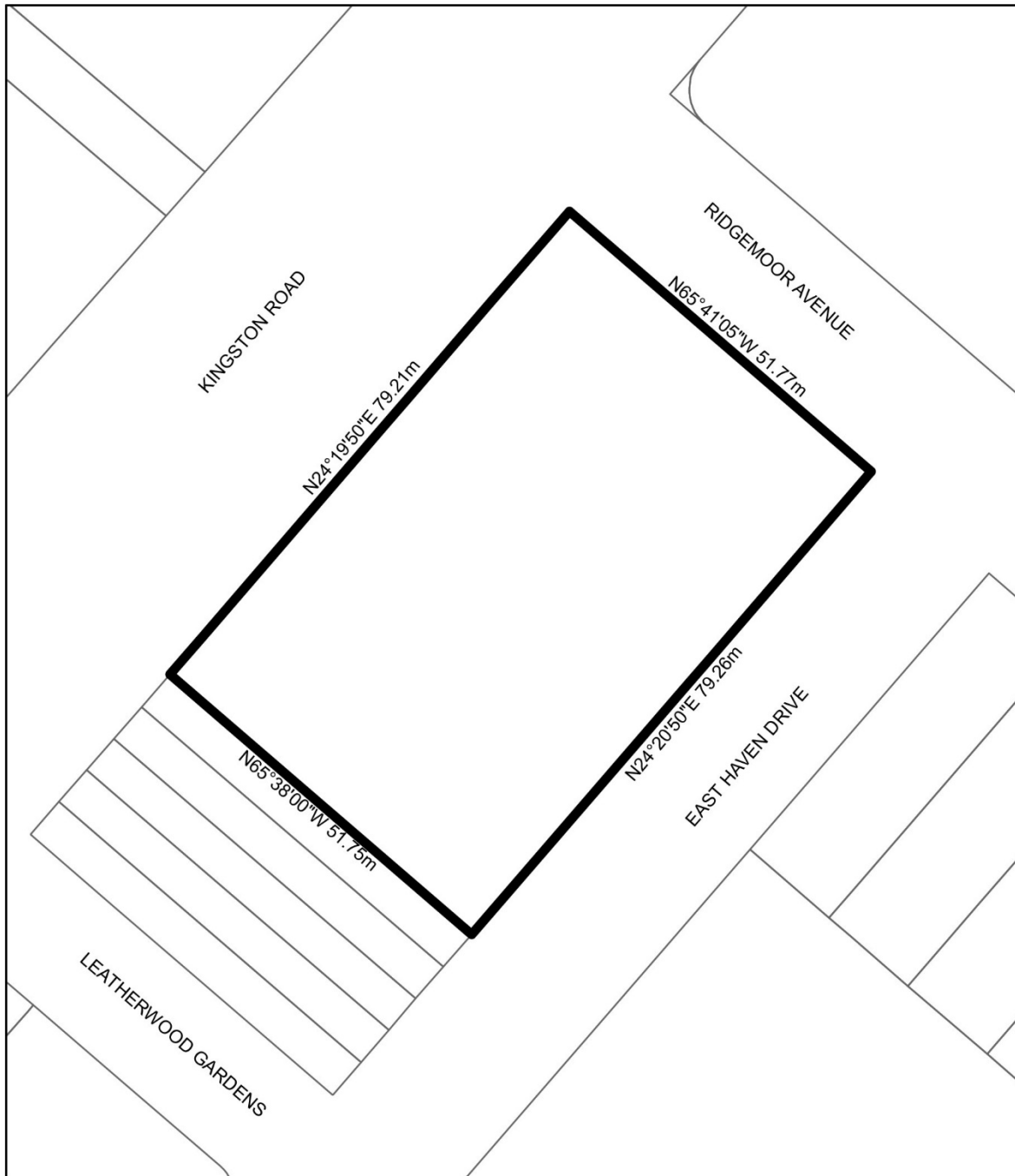
## **SCHEDULE A**

### **Section 37 Provisions**

Upon execution and registration in priority of an agreement with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the lands outlined in heavy black lines as shown on Diagram 1 of this By-law are subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements:

1. Prior to issuance of the first above grade building permit, the Owner shall pay to the City a cash payment of eight hundred thirty-two thousand dollars (\$832,000) to be secured towards the improvement of an existing park in the immediate area as identified by the Parks Forestry and Recreation Facilities Master Plan, public art on-site, and streetscape improvements to the south of the subject property allowing for a zebra crosswalk on East Haven Drive to be determined by the Executive Director, Development Review Division and the General Manager, Parks and Recreation, in consultation with the Ward Councillor;
2. The cash contribution set out in subsection 3.a.i. above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential 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, calculated from the date of execution of the Section 37 Agreement to the date of payment of the cash contribution by the Owner to the City;
3. In the event the cash contribution in Subsection 3.a.i. above has not been used for the intended purpose within three (3) years of the zoning by-law amendment coming into full force and effect, the cash contribution may be redirected for another purpose(s), at the discretion of the Executive Director, Development Review Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the site; and
4. The Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where

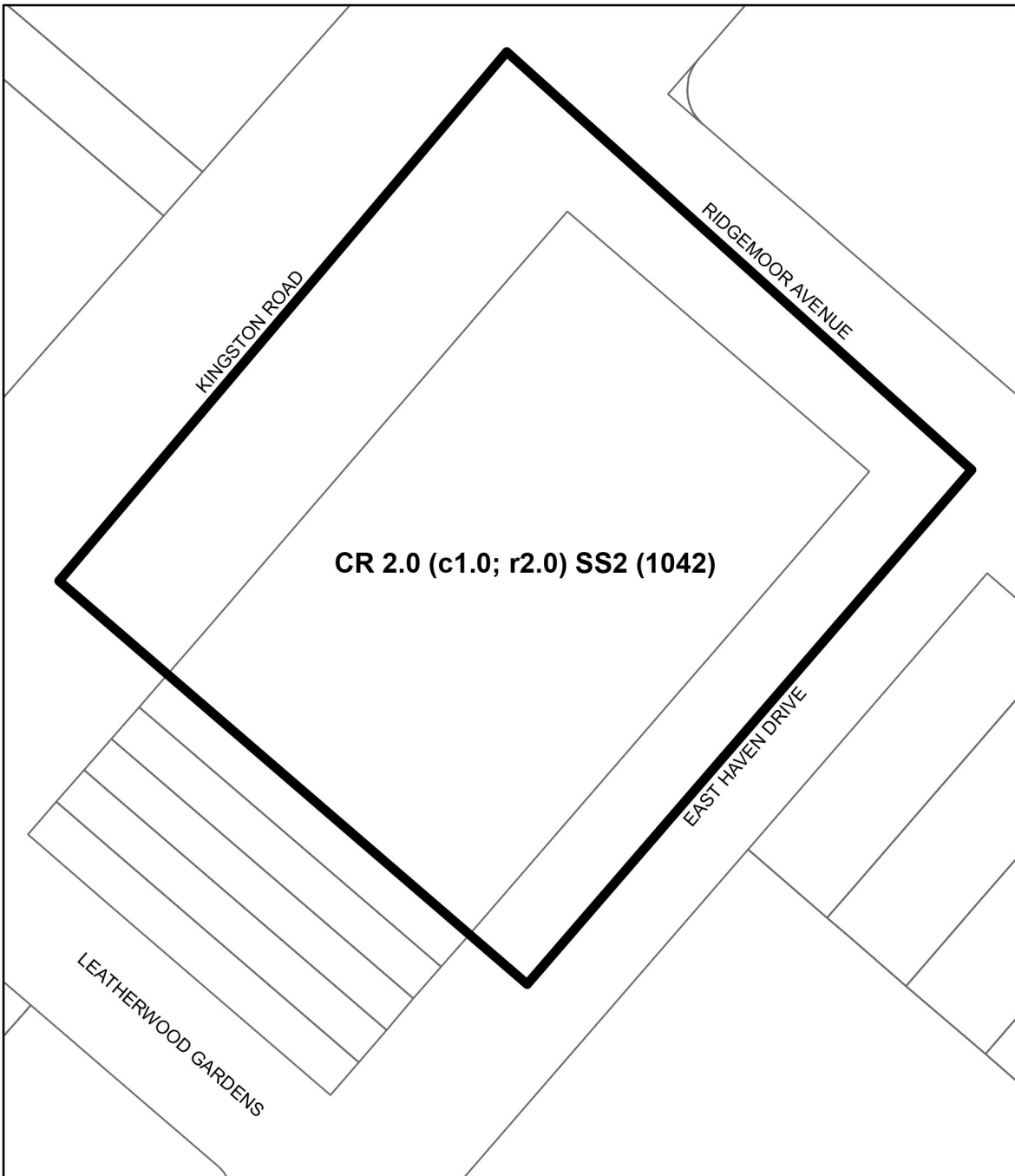
appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.



 **Toronto**  
Diagram 1

2257 Kingston Road

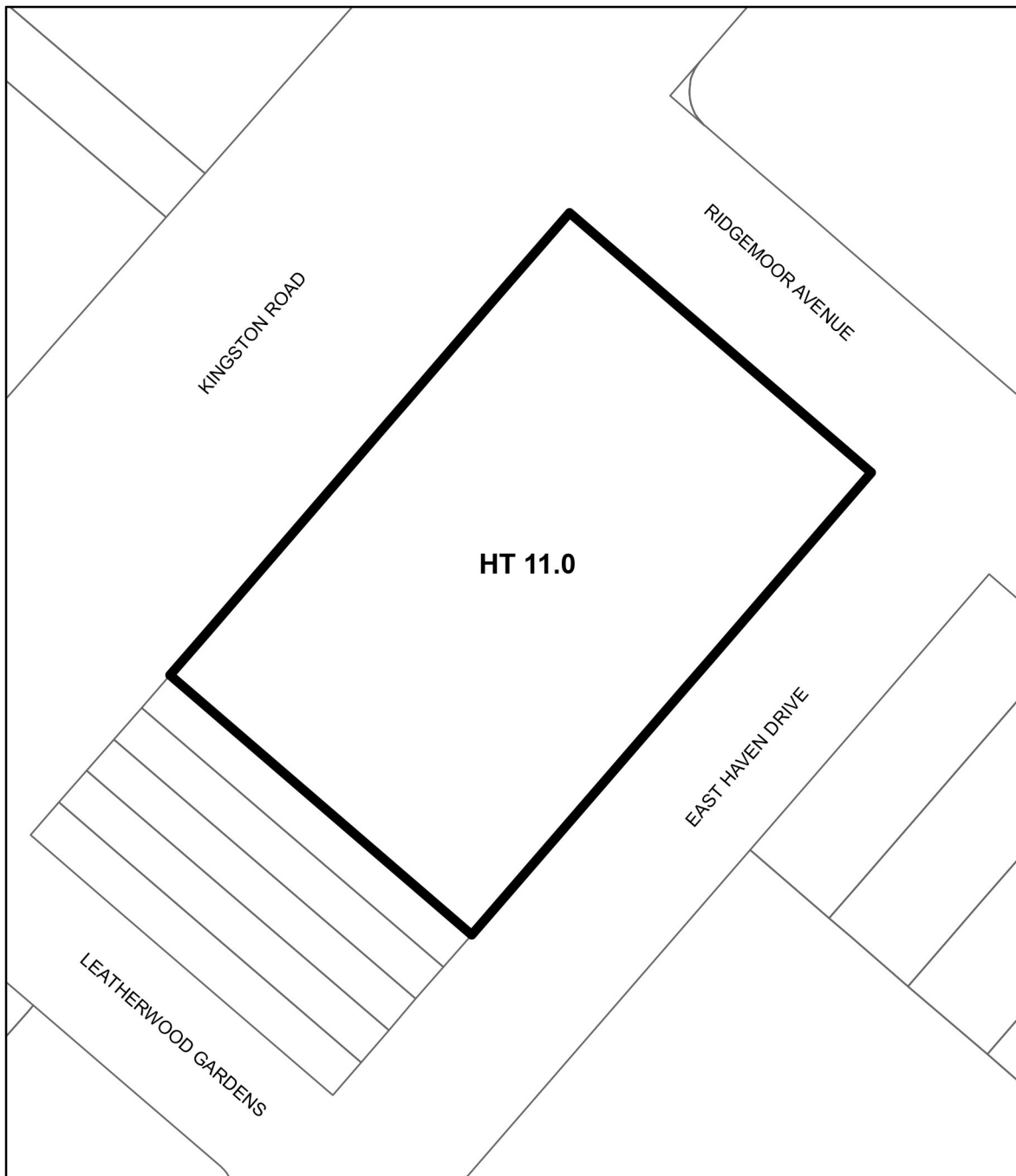
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 **Toronto**  
Diagram 2

2257 Kingston Road

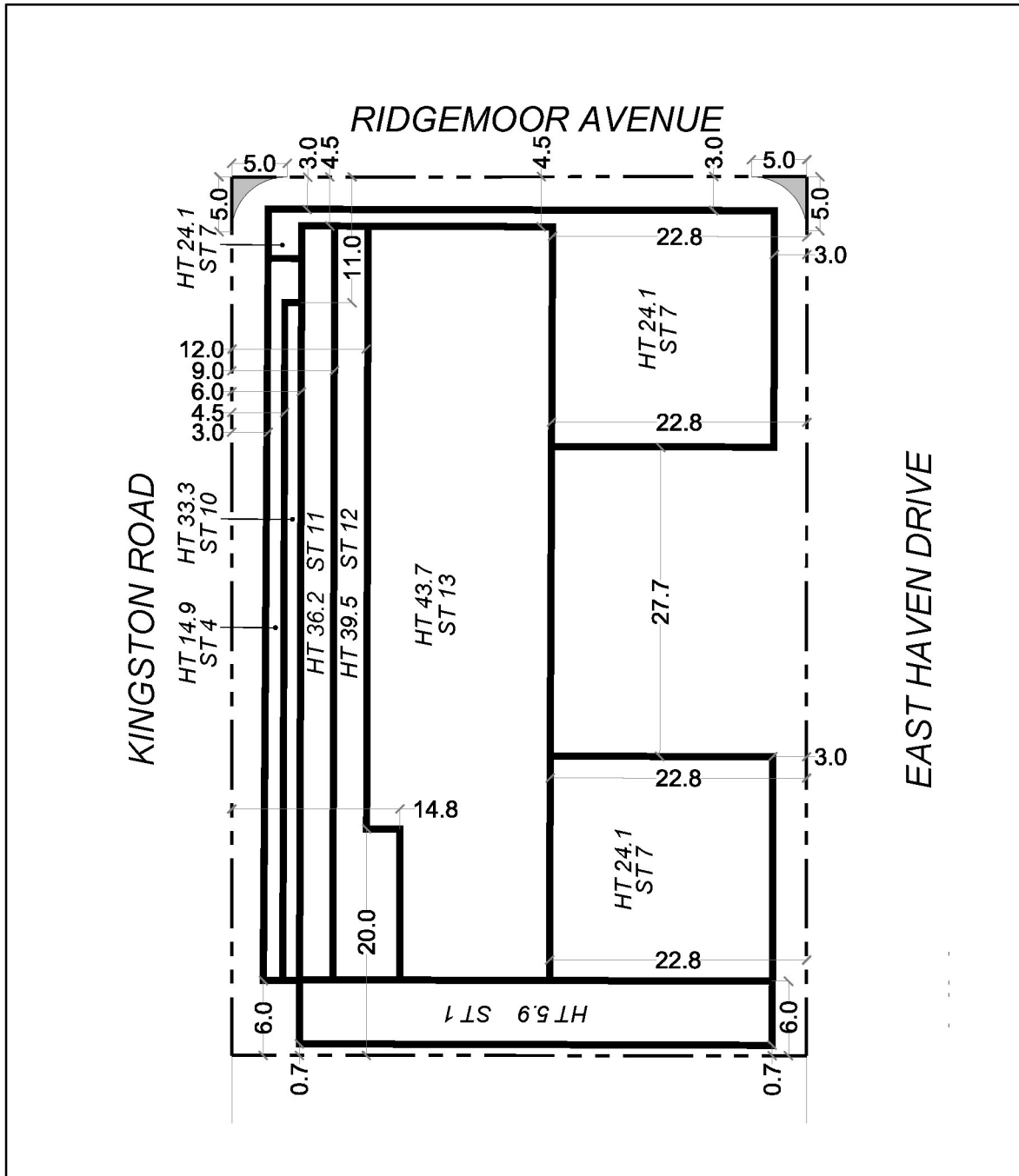
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 **Toronto**  
Diagram 3

2257 Kingston Road

File # 22 236511 ESC 20 02



**Toronto**  
Diagram 4

2257 Kingston Road

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