

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 2024 as 1151 Markham 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 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)".

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: (H) CR 0.4 (c0.4; r0.0) SS3 (x1049) 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 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 the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30 and applying the following lot coverage label to these lands: 33, 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 subject to this By-law to the Parking Zones Overlay Map in Article 995.50 and applying the following Parking Zone label to these lands: B, **as shown on Diagram 5 to this By-law.**
7. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number **1049** so that it reads:

(1049) Exception CR 1049

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 1151 Markham 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 (T) 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 160.55 metres and the elevation of the highest point of the **building** or **structure**; [Clerks to insert By-law number];
- (C) Clause 40.10.30.40 with regard to **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** provided it is for:
 - (i) Residential lobby access;
 - (ii) related residential uses such as mail room, management office, lockers and storage; and
 - (iii) indoor **amenity space**;
- (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 3 of By-law [Clerks to insert By-law number];

- (F) 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 3 of By-law [Clerks to insert By-law number]; and
- (i) for the purpose of this exception a mechanical penthouse does not constitute 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 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 heating, cooling or ventilation equipment, roof access, enclosed stairwells, maintenance equipment storage, elevator shafts, chimneys, roof assemblies and vents by a maximum of 7.0 metres;
- (ii) **building** maintenance units and window washing equipment, lighting rods and elevator overruns, by a maximum of 8.5 metres;
- (iii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) or (ii) above, inclusive of a mechanical penthouse by a maximum of 8.5 metres;
- (iv) **structures** on the roof of any part of the building used for outside or open air recreation, by a maximum of 3.0 metres;
- (v) planters, **landscaping** features, guard rails, trellises, safety railing, fences and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres;
- (vi) vertical screening required for wind and/or noise mitigation requirements by a maximum of 3.5 metres; and,
- (vii) architectural features, parapets, roof drainage components, or thermal and waterproofing assembly located at each of the roof levels of the building, telecommunications equipment and antennae, and elements and **structures** associated with a **green roof**, by a maximum of 2.0 metres;
- (H) Despite regulation 40.10.20.40(1)(A), **apartment buildings** and **mixed use buildings** are permitted;
- (I) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 32,500 square metres, of which:

- (i) the permitted maximum **gross floor area** for residential uses is 32,000 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 200 square metres;
- (J) 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];
- (K) 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];
- (L) Despite Clause 40.10.40.60 and (K) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
 - (i) balconies and awnings, by a maximum of 1.8 metres;
 - (ii) decks, porches and canopies, by a maximum of 3.0 metres;
 - (iii) architectural features, such as a pilaster, decorative column, cornice, sill, parapet flashing, roof overhang, belt course, or chimney breast, by a maximum of 2.5 metres;
 - (iv) trellises, guardrails, balustrades, railings, by a maximum of 2.5 metres;
 - (v) mechanical exhaust and intake components, wind mitigation and acoustic screens and features, transformer and associated decorative screens, privacy screens, equipment used for the functional operation of the **building** including electrical, utility, mechanical and heating, cooling or ventilation equipment railings by a maximum of 2.5 metres;
 - (vi) exterior stairs, access ramps and elevating devices, by a maximum of 2.5 metres;
 - (vii) planters, lighting fixtures, art installations and required signage for the functioning and servicing of the building, by a maximum of 2.5 metres;
 - (viii) window projections, including bay windows and box windows and eaves by a maximum of 1.5 metres; and

- (ix) antennae, vents, pipes, downspout and by a maximum of 1.0 metres.
- (M) Despite regulations 970.10.15.5(5), Table 970.10.15.5 and Table 200.5.10.1, **parking spaces** must be provided in accordance with the following:
 - (i) a minimum of 0.16 residential occupant **parking spaces** for each **dwelling unit** to a maximum of 1.0 **parking spaces** per **dwelling unit**;
 - (ii) a minimum of 0.05 residential visitor **parking spaces** for each **dwelling unit** to a maximum of 0.15 **parking spaces** per **dwelling unit** for visitors; and
 - (iii) a minimum of 1.0 **parking spaces** per 100 square metres of non-residential **gross floor area** to a maximum of 4.0 **parking spaces** per 100 square metres of non-residential **gross floor area**;
- (N) Despite Regulation 200.5.1.10(2) (A), a maximum of 10% of the required parking spaces may have minimum dimensions of:
 - (i) length of 5.1 metres;
 - (ii) width of 2.4 metres;
 - (iii) vertical clearance of 1.7 metres; and
 - (iv) the side of the parking space may be obstructed on one side;
- (O) Despite regulation 200.15.1(1) and (3), an accessible **parking space** must have the following minimum dimensions:
 - (i) length of 5.6 metres;
 - (ii) width of 3.4 metres;
 - (iii) vertical clearance of 2.1 metres; and
 - (iv) A 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may be shared by up to 2 accessible **parking spaces**;
- (P) Despite regulation 200.15.1(4), accessible **parking spaces** must be located no more than 30.0 metres from an access to a barrier free

entrance to the **building** or to a passenger elevator that provides access to the first **storey** of the **building**;

- (Q) Despite regulation 230.5.1.10(4)(A), **bicycle parking spaces** must comply with the following:
 - (i) A **stacked bicycle parking space** must have a minimum length of 1.8 metres, a minimum width of 0.2 metres and a minimum vertical clearance of 1.0 metres;
 - (ii) A **bicycle parking space** that is not a stacked bicycle parking space, must have a minimum length of 1.8 metres, a minimum width of 0.2 metres and a minimum vertical clearance of 1.9 metres;
- (R) 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;
- (S) An “enhanced landscaped area” with a minimum area of 260 square metres must be provided on the ground level generally to the east of the **building**, as identified on Diagram 6 of By-law [Clerk to insert By-law];
- (T) For the purpose of this exception:
 - (i) “enhanced landscaped area” means a space on the lands that is accessible to the public, secured through appropriate legal agreements and may include pedestrian walkways, seating areas, landscaped plazas, short term bicycle parking required by By-law, [Clerk to insert By-law], as well as ornamental **structures** and is used principally for the purpose of sitting, standing and other recreational uses.

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.
- 9. Holding Symbol Provisions:

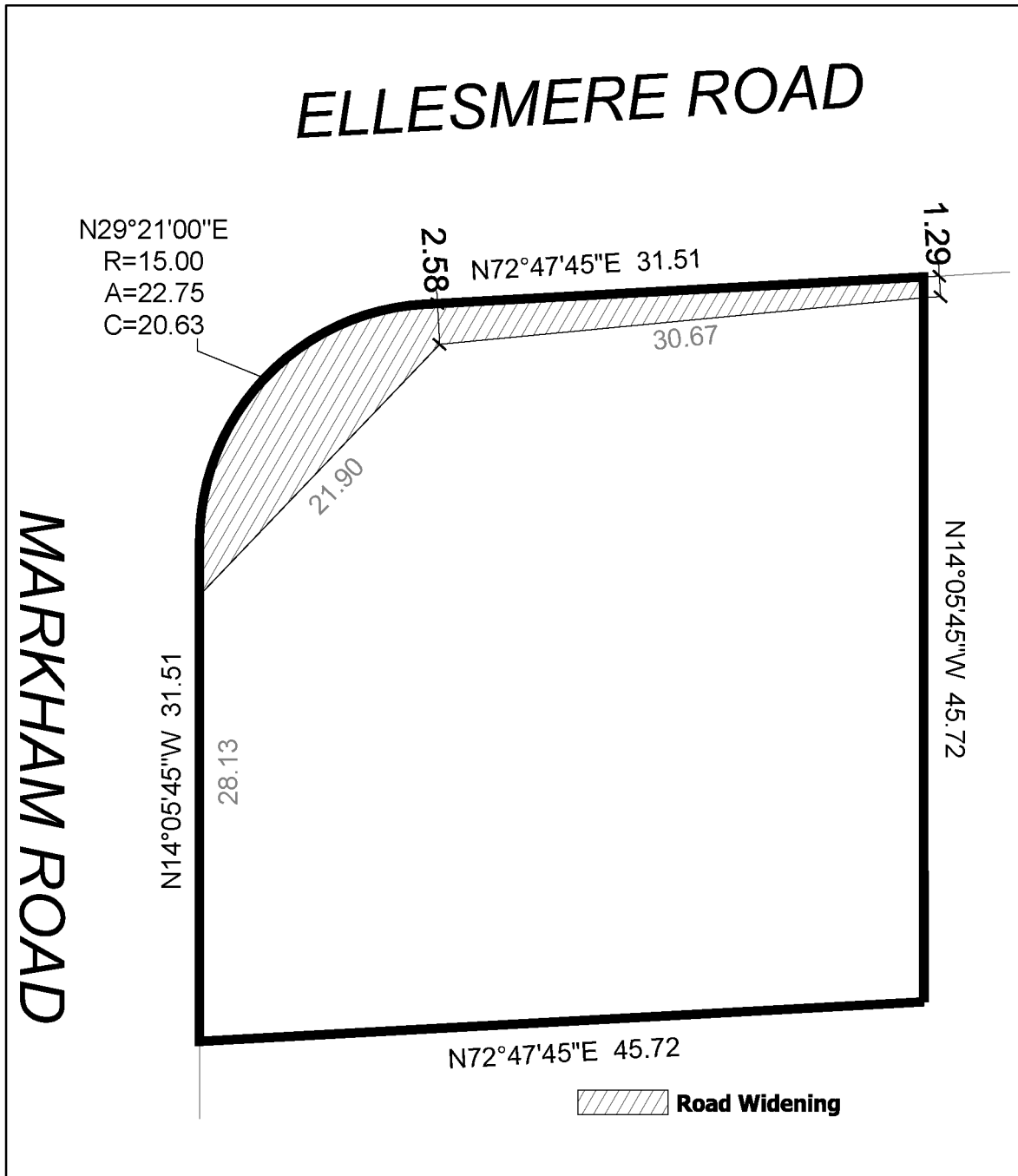
- (A) The lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram 2 attached to this By-law must not be used for any purpose other than those uses and buildings existing as of the date of the passing of this By-law, until the holding symbol "(H)" has been removed; and
- (B) An amending by-law to remove the holding symbol "(H)" referred to in (A) above may be enacted when the following are fulfilled:
 - (i) The owner has submitted, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services:
 - (a) a Servicing Report, Stormwater Management Report and Conceptual Servicing Plan ("Engineering Reports"), to demonstrate that the existing municipal infrastructure and any required improvements to it, has adequate capacity to accommodate the development of the lands to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and
 - (ii) the owner or applicant has secured the design, construction and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, including temporary and final conditions that may be accepted, to support the development, in a financial secured agreement, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; or
 - (iii) the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory Engineering Reports in (i) above are constructed and operational, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services;

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

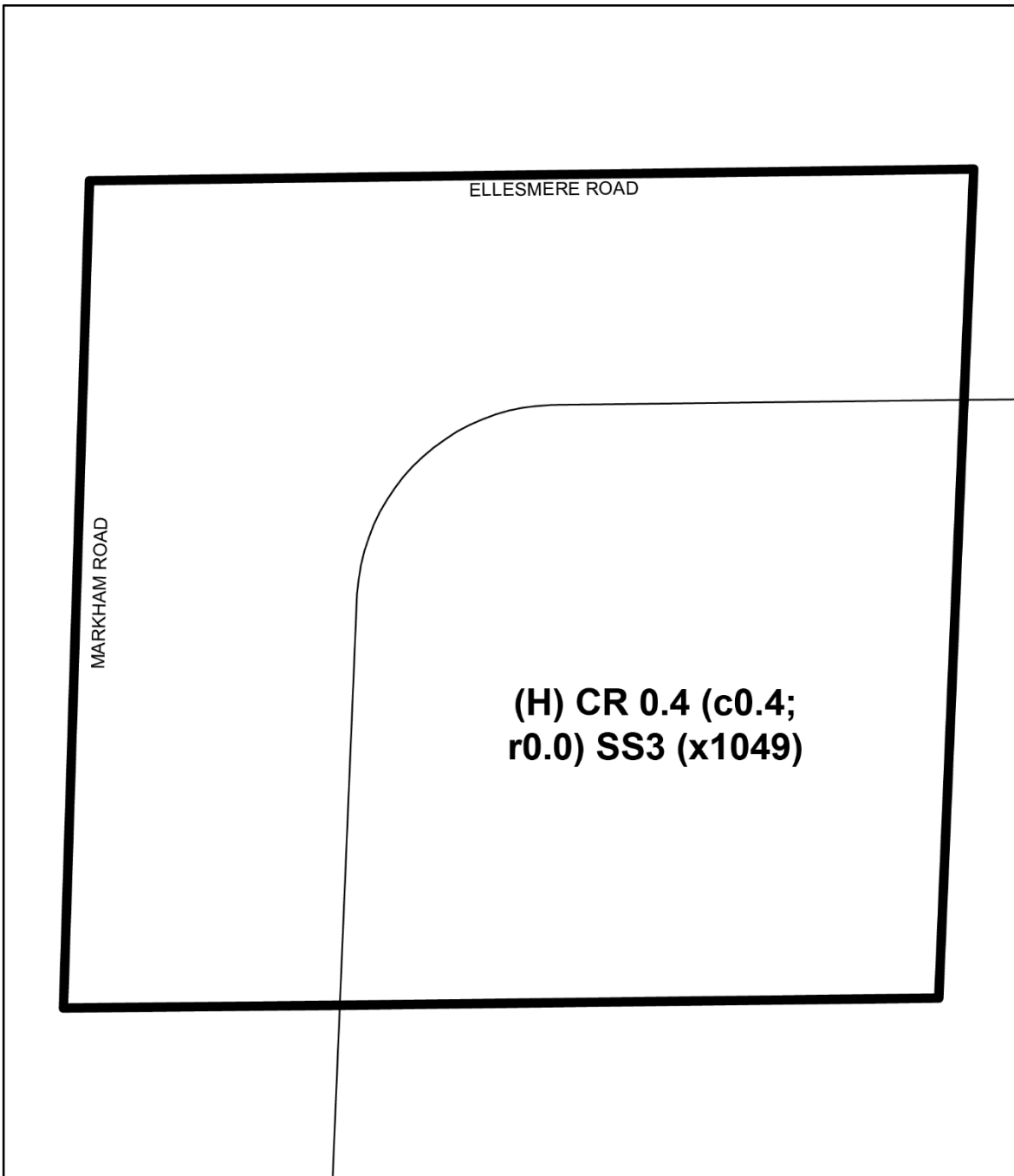
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Toronto
Diagram 1

1151 Markham Road

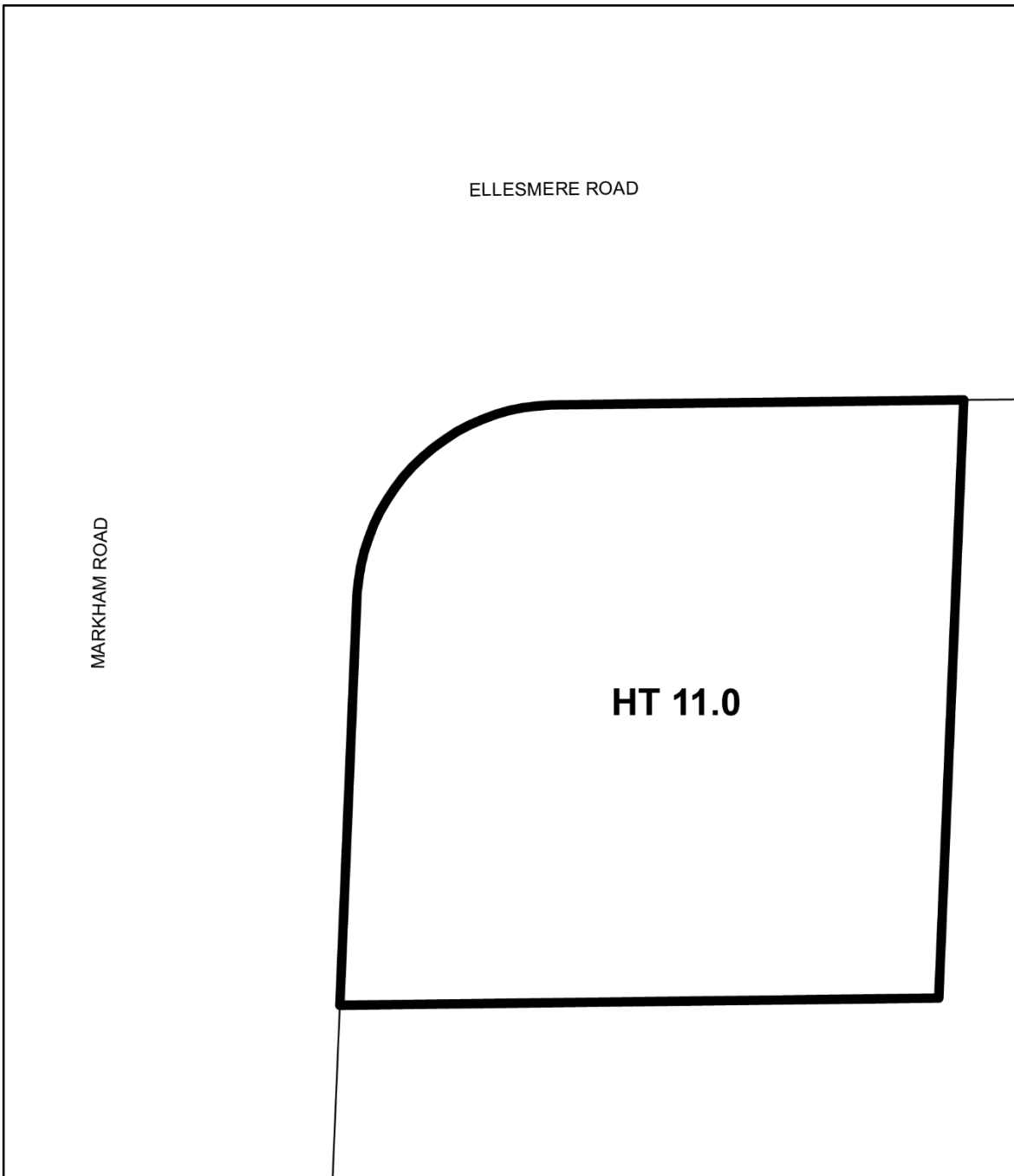
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Diagram 2

1151 Markham Road

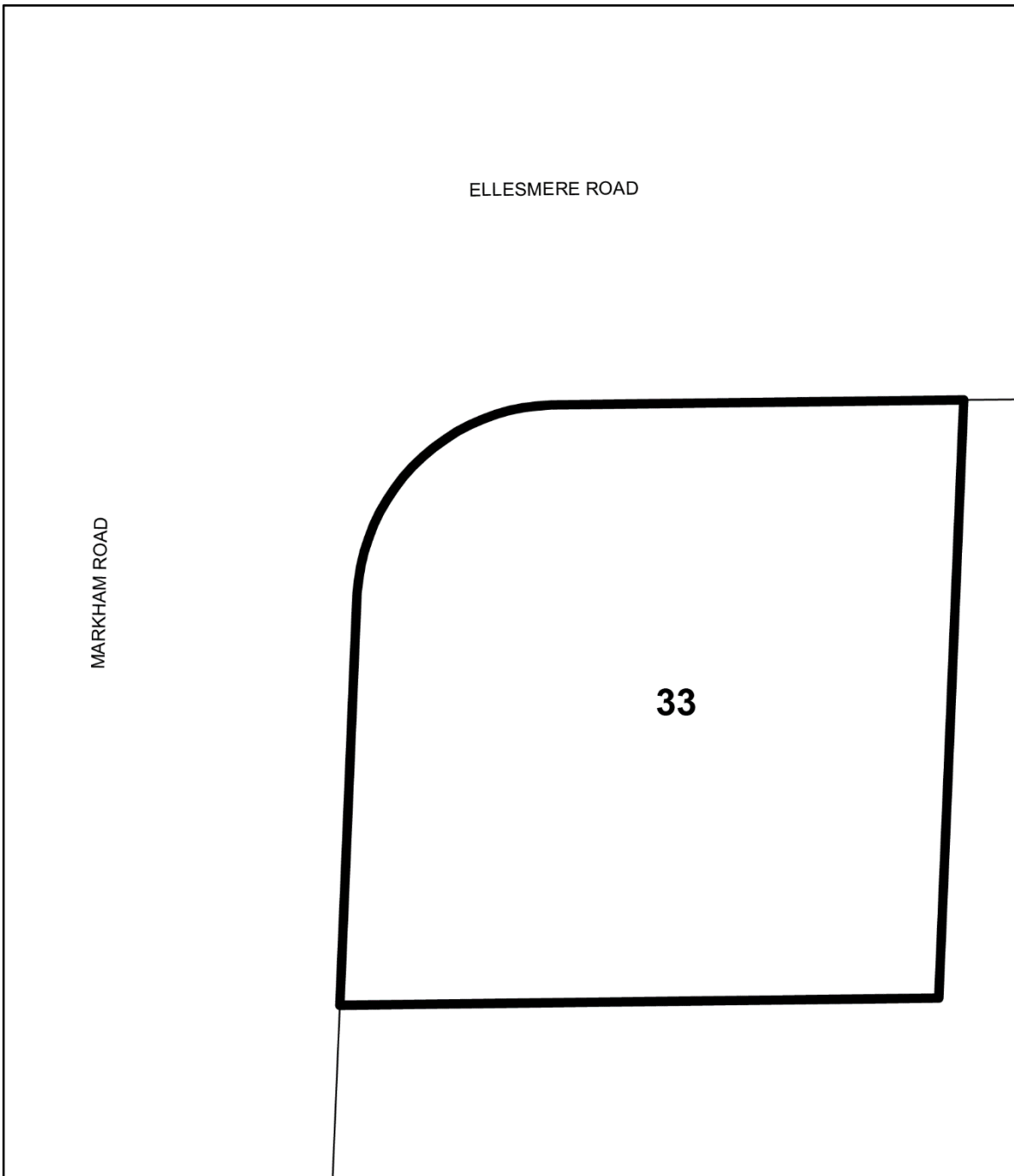
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 **Toronto**
Diagram 3

1151 Markham Road

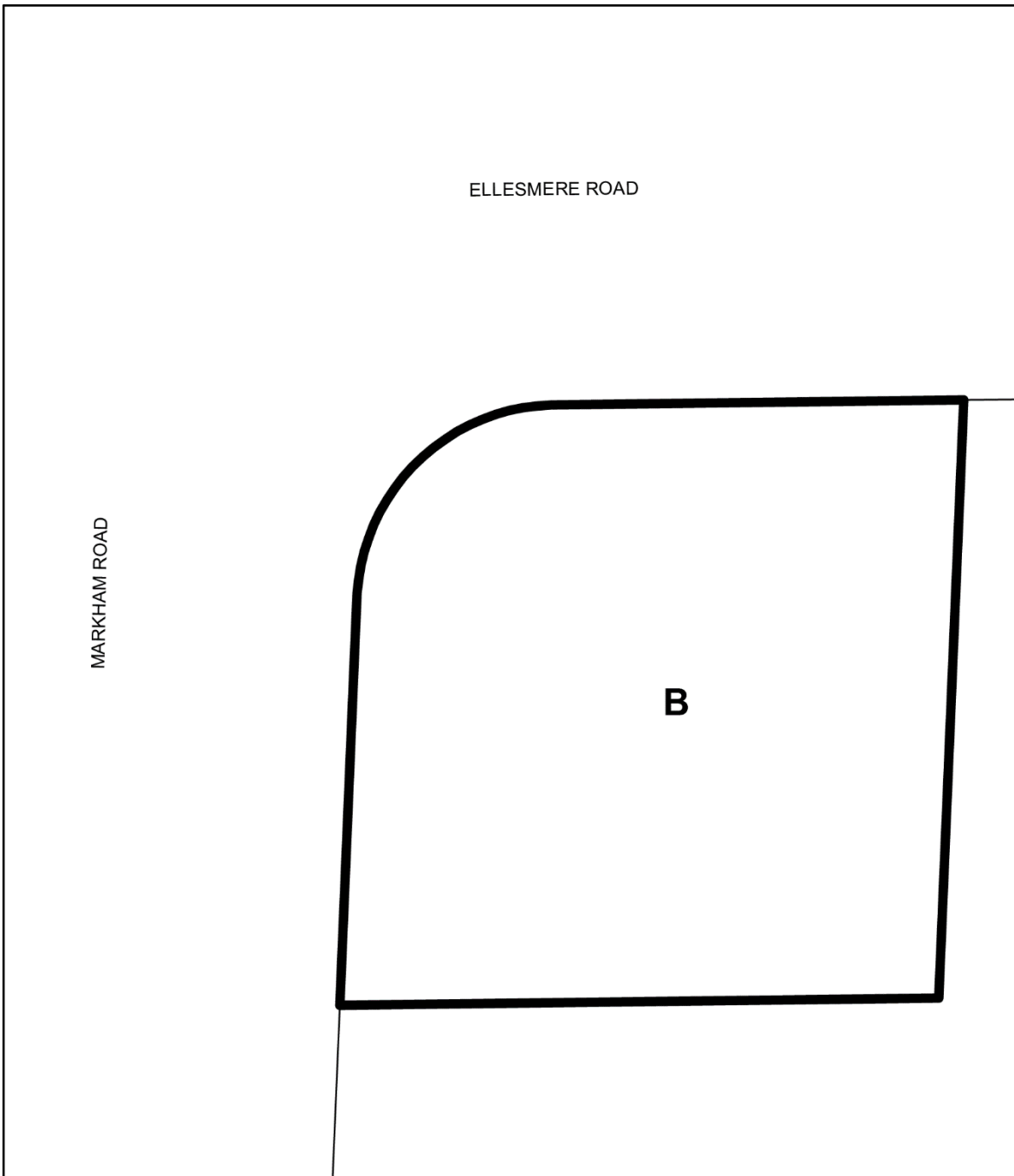
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Diagram 4

1151 Markham Road

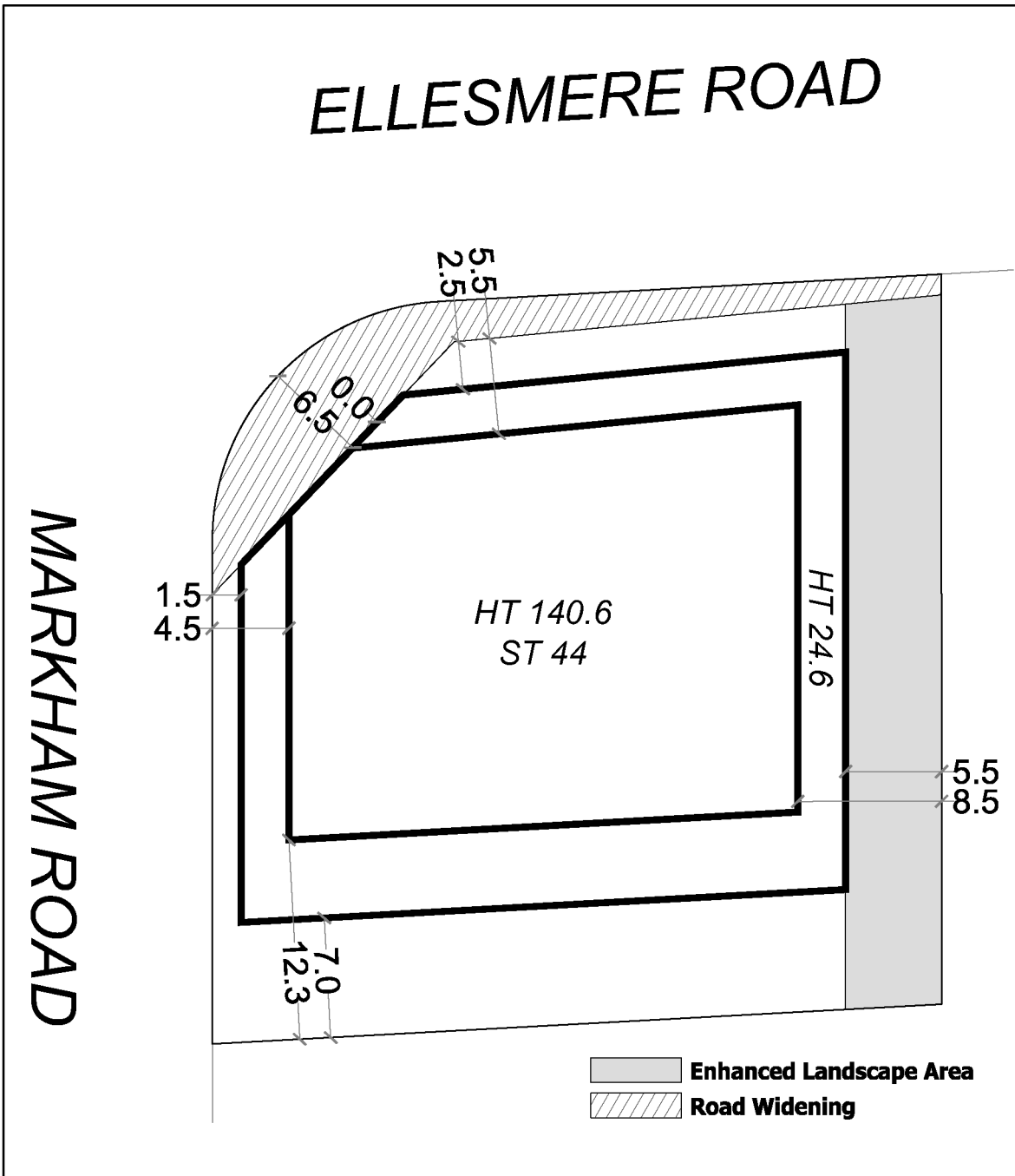
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Diagram 5

1151 Markham Road

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Diagram 6

1151 Markham Road

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