

Attachment 1: 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 former City of Scarborough Bendale Community Zoning By-law No. 9350, as amended, with respect to the lands municipally known as 2655 Lawrence Avenue East

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. **CLAUSE IV – ZONES** is amended by adding the Commercial-Residential (CR) Zone.
2. **CLAUSE V – INTERPRETATION (f) Definitions** is amended by adding the following definitions:

Amenity Space

shall mean indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for **recreational use** or social activities.

Angular Plane

shall mean an imaginary flat surface projecting over a lot, at an inclined angle measured up from the horizontal.

Automated Banking Machine

shall mean a device at which customers can complete self-serve financial transactions.

Bicycle Parking Space

shall mean an area used for parking or storing a bicycle.

Building

shall mean a wholly or partially enclosed **structure** with a roof supported by walls, columns, piers or other structural systems. A **vehicle** is not a **building**.

Building Setback

shall mean a horizontal distance measured at a right angle from any lot line to the nearest part of the main wall of a building or structure.

Eating Establishment

shall mean premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service.

Financial Institution

shall mean premises used to provide financial services to the public, other than exclusively through an **automated banking machine**.

Green Roof

shall mean an extension to a building's roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained in compliance with the Toronto Green Roof Construction Standard set out in Chapter 492 of the City of Toronto Municipal Code.

Landscaping

shall mean trees, shrubs, grass, flowers, vegetables, decorative stonework, walkways, screening or other horticultural or landscape-architectural elements, or any combination of these; but does not include **driveways**, loading or **parking spaces**, and directly associated elements such as curbs or retaining walls.

Landscaping, soft

shall mean the landscaping in a yard excluding hard-surfaced areas such as, but not limited to, decorative stonework, walkways, screening, or other landscape-architectural elements.

Loading Space

shall mean an area used for the loading or unloading of goods or commodities from a **vehicle**.

Lot Line

shall mean the boundary of a lot.

Mixed Use Building

shall mean a building with a **dwelling unit** and a non-residential use. A residential building is not a **mixed-use building**.

Outdoor Patio

shall mean an outdoor patron area ancillary to a non-residential use.

Personal Service Shop

shall mean premises used to provide personal grooming services or for the cleaning or care of apparel.

Retail Service

shall mean premises in which photocopying, printing, postal, or courier services are sold or provided.

Retail Store

shall mean premises in which goods or commodities are sold, rented or leased.

Service Shop

Shall mean premises used for servicing, repairing or refurbishing goods, other than **vehicles**. A **personal service shop** is not a **service shop**.

Structure

shall mean anything that is erected, built or constructed of one or more parts joined together. A **vehicle** is not a **structure**.

3. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-clause 8, **Games Arcades and Games Machines Incidental to Commercial Operations** is amended by:
 - (a) Adding ", Commercial-Residential (CR)," to sub-section iii) after the words "City Centre Commercial (CCC).

4. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-clause 12, **Non-Accessory Signs**, sub-section 12.3 is amended by adding the words and symbol "Commercial-Residential (CR)," before the words "District Commercial (DC)".

5. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-Clause 14, **Lands Not Covered by Buildings** is amended by adding the following paragraph to the end of this Sub-Clause:

In areas designated on Schedule 'A' as "CR", the lands not covered by permitted buildings, structures, **parking spaces, driveways**, curbs and ramps shall be used only for **landscaping**, 50% of which shall be **soft landscaping**. **Outdoor patio** areas ancillary to a permitted **Eating Establishment** in the "CR" Zone shall not be considered **landscaping** and shall be permitted."

6. **CLAUSE VIII – ZONE PROVISIONS** is amended by adding the following:
 16. **Commercial-Residential (CR) Zone**
 - (a) Permitted Uses

- **Apartment Building**
- **Day Nurseries**
- **Dwelling Units**
- **Eating Establishments**
- Educational and Training Facility Uses
- **Financial Institutions**
- Fraternal Organizations
- Hotels
- Medical Centres
- **Mixed Use Building**
- Municipally owned and operated Parking Lots
- Nursing Homes
- Offices
- **Personal Service Shops**
- **Place of Entertainment**
- **Private Home Day Care**
- **Recreational Uses**
- **Retail Services**
- **Retail Stores**
- Retirement Home
- **Service Shops**

(b) Prohibited Uses

- Automobile Sales, including Auto Sales Rooms
- Automobile Service, Repair and Maintenance Uses, including auto body repair and/or painting
- Automobile Service Stations
- Mechanical or Automatic Car Washes
- **Single-Family Dwellings**
- **Two-Family Dwellings**
- Duplex
- **Split Level Dwelling**

7. **Schedule "A"** of the Bendale Community Zoning By-law No. 9350 is amended by deleting the current zoning and replacing it with the following zoning as shown on Schedule '1'.

CR – 137 – 138 – 139 – 140 – 141 – 142 – 143 – 144 – 145 – 146 – 147 – 148 – 149 – 162 – 163 – 164 – 165 – 166 – 208 – 209 – 210 – 211 – 212 – 213

8. **Schedule "B" PERFORMANCE STANDARD CHART** is amended by adding the following Performance Standard Nos. 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 162, 163, 164, 165, 166, 208, 209, 210, 211, 212 and 213 as follows:

INTENSITY OF USE

162. Maximum 412 **dwelling unit**.
163. The **gross floor area** of all uses permitted in the **Commercial-Residential Zone (CR)** shall not exceed 41,750 m².
164. A minimum **gross floor area** of 1,600 m² shall be provided as non-residential uses.
165. A minimum of 11% of the total number of **dwelling units** will contain a minimum of three bedrooms.
166. A minimum of 48% of the total number of **dwelling units** will contain a minimum of two bedrooms.

MISCELLANEOUS

137. The **setbacks** and stepbacks from the **lot line(s)** to the **main wall(s)** of any **building(s)** and additional stepbacks from the **main wall(s)** of any **building(s)** to the **main wall(s)** of any **building(s)** shall be the minimum distance in metres specified by the number on Schedule '3' of [Clerks to supply By-law ##].
138. Notwithstanding performance standard 137 and **CLAUSE V – INTERPRETATION (f) Definitions, Main Wall**, the following **building elements and structures** may encroach into a required minimum **building setback** from the **main wall** as follows:
- a. Lighting fixtures, cornices, sills, eaves, awnings, parapets, guardrails, balustrades, railings, planters, patios, porches, stoops, pillars, pergolas, trellises, screens, ventilation shafts, stairs and stair enclosures, wheelchair ramps, window washing equipment, underground garage ramps and associated structures, **day nursery** facilities, public art features, landscape features, architectural features and ornamental elements: a maximum of 0.750 m; and
 - b. Balconies: a maximum projection of 1.8 m;
 - c. **Canopies**: a maximum projection of 1.5 m.
139. Notwithstanding the definition of **Height** in **CLAUSE V – INTERPRETATION, SECTION (f), Definitions**, the **height** of any **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 160.16 metres, and shall not exceed the **height** in metres and/or in **storeys** specified by the numbers following the symbol H on Schedule '3' of [Clerks to supply By-law ##].

140. Notwithstanding performance standard 139, the following may extend above the permitted **heights** for that building as shown on Schedule '3' of [Clerks to supply By-law ##]:
- a. a maximum vertical distance of 3 m: eaves, cornices, lighting fixtures, ornamental features, architectural elements, parapets, trellises, fences, railings, screens, rooftop outdoor amenity landscape features, public art features, window washing equipment, lightning rods, stairs, roof drainage, **green roof** elements, **structures** and elements associated with green energy and renewable energy facilities, vents, stacks, flues, chimneys, **day nursery** facilities,
 - b. a maximum vertical distance of 2 m: unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, if the **structures** are no closer than 2 m from the interior face of any **main wall**.
141. The minimum floor to floor **height** of the first **storey** shall be 4.5 m for Building A as shown on Schedule '3' of [Clerks to supply By-law ##].
142. The **building** may not penetrate a 45 degrees **angular plane**, measured at a line parallel to and at a height above a **lot line** that abuts a **street** and is not a **rear lot line**, equal to 80% of the width of the **street** right-of-way on which the lot fronts.
143. **Amenity space** for each building with 20 or more **dwelling units** shall be provided at a minimum rate of 4 m² for each **dwelling unit**, of which:
- a. A minimum of 2 m² for each **dwelling unit** is indoor **amenity space**;
and
 - b. A minimum of 2 m² for each **dwelling unit** is outdoor **amenity space**;
144. All waste and recyclable material must be stored in a wholly enclosed building.
145. The total area of all equipment, **structures**, or parts of a building may cover no more than 55% of the area of the roof that it occupies.
146. A minimum of one type "G" loading space shall be provided and shall have the following minimum dimensions:
- a. length of 13.0 m;
 - b. width of 4.0 m; and
 - c. vertical clearance of 6.1 m.
147. A minimum of one type "B" loading space shall be provided and shall have the following minimum dimensions:

- a. length of 11.0 m;
 - b. width of 3.5 m; and
 - c. vertical clearance of 4.0 m.
148. No person shall use any land or erect or use any building or structure unless the following municipal services are provided to the **lot line** and the following provisions are complied with:
- a. all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - b. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
149. Notwithstanding the definition of **Gross floor area** in **CLAUSE V – INTERPRETATION, SECTION (f), Definitions**, the **gross floor area** shall mean the sum of the total area of each floor level of a **building**, above and below the ground, measured from the exterior of the **main wall** of each floor level, except that parking, loading and bicycle parking below-ground, required **loading spaces** at the ground level and required **bicycle parking spaces** at or above-ground; storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the **basement**, **amenity space** required by the By-law, elevator shafts, garbage shafts, mechanical penthouse and exit stairwells in the **building** shall not be included.

PARKING

208. Notwithstanding **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES, Sub-Clause 1. General Parking Requirements**, Section 1.1 Table of Required Parking Rates, parking shall be provided in accordance with the following:
- a. A minimum of 0.8 spaces per bachelor **dwelling unit** for residents;
 - b. A minimum of 0.9 spaces per 1 bedroom **dwelling unit** for residents;
 - c. A minimum of 1.0 spaces per 2 bedroom **dwelling unit** for residents;
 - d. A minimum of 1.2 spaces per 3 bedroom **dwelling unit** for residents;
 - e. A minimum of 0.2 space per **dwelling unit** for visitors; and
 - f. A minimum of 1.5 spaces per 100 m² of **gross floor area** shall be provided ancillary offices, **retail stores, retail services, financial**

institutions, personal service shops, service shops and eating establishments.

209. Notwithstanding **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES, Sub-Clause 1. General Parking Requirements**, Section 1.5 Parking Structures, 1.5.2 Yards, all parking structures above and below grade shall be setback as follows:
- a. North property line: a minimum of 7.0 m;
 - b. South property line: a minimum of 12.0 m;
 - c. West property line: 0 m; and
 - d. East property line: a minimum of 2.0 m
210. **Bicycle parking spaces** shall be provided in accordance with the following:
- a. A minimum of 1.0 **bicycle parking spaces per dwelling unit**, allocated as:
 - i. 0.9 "long-term" **bicycle parking spaces per dwelling unit** for use by the occupants or tenants of a **building** and are located in a **building**; and
 - ii. 0.1 "short-term" **bicycle parking spaces per dwelling unit** for use by visitors to a **building**.
 - b. Minimum **bicycle parking space** requirements for non-residential uses:
 - i. Minimum 0.137 "long-term" **bicycle parking spaces per 100 m²** for use by the occupants or tenants of a **building** and are located in a **building**; and
 - ii. Minimum "short-term" **bicycle parking spaces** for use by visitors to a **building**: 3 **bicycle parking spaces** plus 0.25 **bicycle parking spaces** per 100m².
 - c. **Bicycle parking spaces** shall not be provided within a **dwelling unit** or on a balcony associated therewith, or in a storage locker.
211. A **bicycle parking spaces** shall have the following dimensions:
- a. If located in a horizontal position:
 - (i) minimum length of 1.8 m;
 - (ii) minimum width of 0.6 m; and
 - (iii) minimum vertical clearance from the ground of 1.9 m; and

b. If located in a vertical position:

- (i) minimum length or vertical clearance of 1.9 m;
- (ii) minimum width of 0.6 m; and
- (iii) minimum horizontal clearance from the wall of 1.2 m.

212. If a **building** has uses, other than **dwelling units**, for which a "long-term" **bicycle parking space** is required, shower and change facilities must be provided for each gender at the following rate:

- a. None if less than 5 required "long-term" **bicycle parking spaces**;
- b. 1 for 5 to 60 required "long-term" **bicycle parking spaces**;
- c. 2 for 61 to 120 required "long-term" **bicycle parking spaces**;
- d. 3 for 121 to 180 required "long-term" **bicycle parking spaces**; and
- e. 4 for more than 180 required "long-term" **bicycle parking spaces**;

213. A required **bicycle parking space** may be located:

- a. on the first **storey** of the **building**; and
- b. on levels of the building below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50% of the area of that level is occupied by **bicycle parking spaces**, until all required **bicycle parking spaces** have been provided.

9. **Schedule "C"** of the Bendale Community Zoning By-law No. 9350, **EXCEPTIONS LIST AND MAP**, is amended by adding Exception No. 13 and Exception No. 14 to the lands outlined on the attached Schedule '2', so that it reads as follows:

13. On those lands identified as Exception No. 13 on the accompanying Schedule "C" map the following provisions shall apply:

- a. Prior to the earlier of issuance of any building permit or Site Plan Approval, the Owner shall, to the satisfaction and acceptance of the Chief Engineer and Executive Director of Engineering and Construction Services:
 - i) Submit financial securities associated with traffic control signal modifications required at the intersection analyzed in the accepted Traffic Impact Study;
 - ii) Submit financial securities, as determined by the City, for the installation of the required pavement marking at the intersection of Brockley Drive and Lawrence Avenue East;

- iii) Submit financial securities for the median extension on Lawrence Avenue East at the intersection of Brockley Drive and Lawrence Avenue East;
 - iv) Submit a Hydrogeological Report to determine and confirm if any temporary or permanent groundwater discharge is proposed, including the proposed method of discharging groundwater into a City sewer;
 - v) Submit updates to the Functional Servicing Report and/or the Storm Water Management Report if required to include the findings from c. (iv) above; and
 - vi) Enter into a financially secured Development Agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development.
14. On those lands identified as Exception No. 14 on the accompanying Schedule "C" map the following provisions shall apply:
- (a) Additional Permitted Uses
 - A temporary sales office for the sale of residential **dwelling units** on the property.

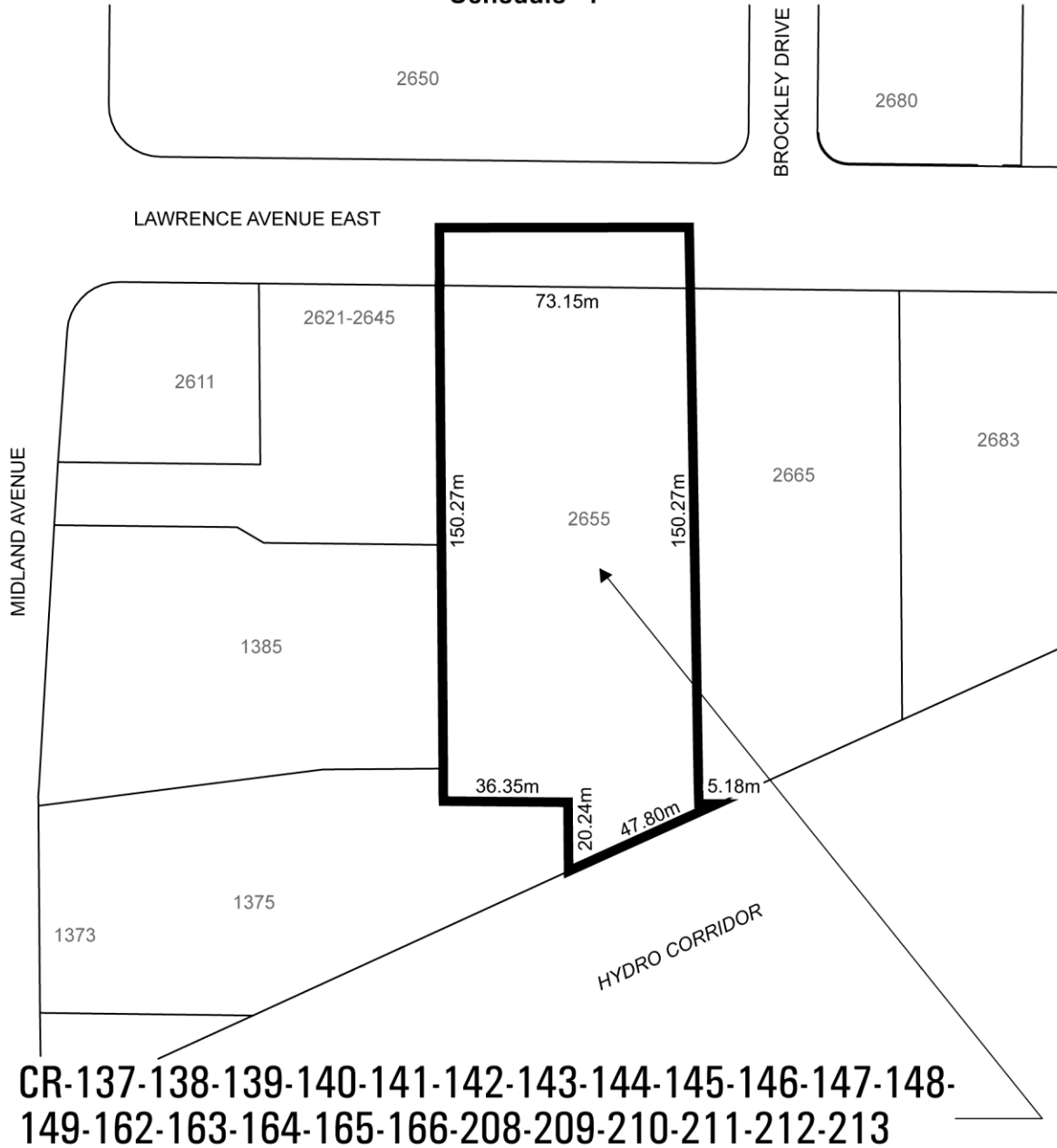
Enacted and passed on [Clerks to insert date]

[full name],
Speaker,

(Seal of the City)

[full name]
City Clerk

Schedule '1'



 **TORONTO**
Zoning By-law Amendment

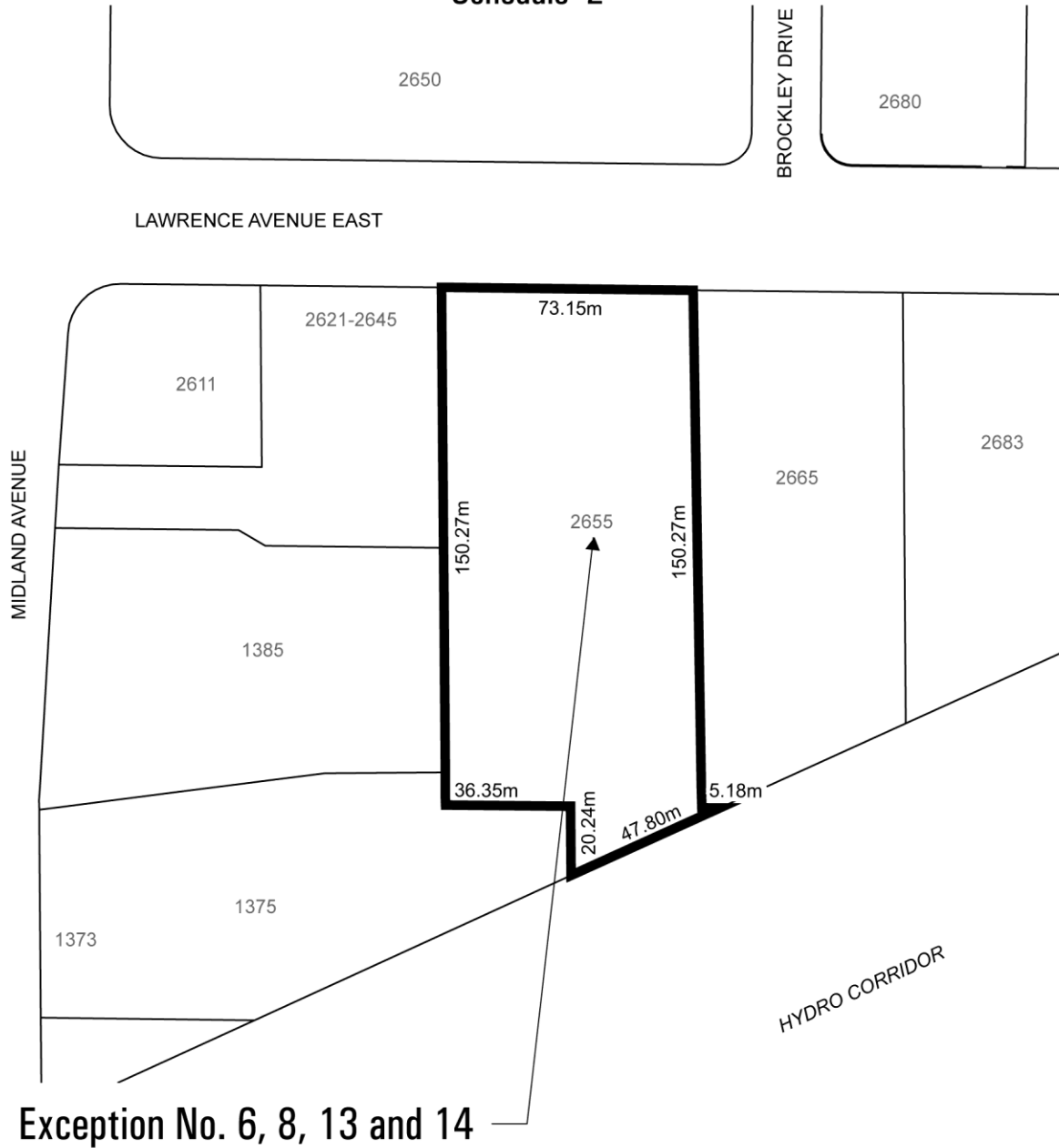
2655 Lawrence Avenue East

File # 08 153889 ESC37 OZ

 Area Affected By This By-law

Bendale Community By-law
Not to Scale
6/18/2018


Schedule '2'



 **TORONTO**
Zoning By-law Amendment

2655 Lawrence Avenue East
File # 08 153889 ESC37 0Z

 Area Affected By This By-law

Bendale Community By-law
Not to Scale
6/12/2018

Schedule '3'

