

Authority: **Toronto and East York Community** Item , as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO
BY-LAW [Clerks to insert By-law number]

A by-law to amend By-law 1208-2022(OLT), being a by-law to amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2025 as 247, 249 and 251 Roehampton Avenue and 808 Mount Pleasant 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;

Whereas the Official Plan for the City of Toronto By-contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to subsection 37.1(3) of the Planning Act, 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Act, 2020, S.O. 2020, c. 18, came into force continue to apply where a municipality passes a by-law described in the repealed subsection 37(1) prior to the date that a community benefits charge by-law is passed under subsection 37(2) of the Planning Act; and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 the Ontario Land Tribunal in its orders issued on May 31, 2022 and August 11, 2022, amended By-law 569-2013, as amended, being By-law 1208-2022(OLT) which is a by-law described in the repealed subsection 37(1) of the Planning Act and this By-law does not remove the requirement to provide facilities, services or matters and therefore subsections 37(1)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 of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in the height and density of development permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 and By-law 1208-2022(OLT) is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Section 4 of By-law 1208-2022(OLT), as amended, is further amended by replacing regulation (F), so that it reads:
 - “(F) 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 3 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 7.5 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 7.5 metres;
 - (iii) architectural features, roof drainage, thermal and waterproofing assemblies, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 7.5 metres above the items listed in (i) and (ii);
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres;
 - (vi) antennae, flagpoles and satellite dishes, by a maximum of 3.0 metres; and
 - (vii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 5.0 metres;”

2. Section 4 of By-law 1208-2022(OLT), as amended, is further amended by replacing regulation (I), so that it reads:
- “(I) Despite regulation 40.10.40.40(1), the permitted maximum gross floor area of all **buildings** and **structures** is 50,000 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 49,000 square metres;
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 1,000 square metres;
 - (iii) the required minimum **gross floor area** for non-residential uses is 800 square metres;”
3. Section 4 of By-law 1208-2022(OLT), as amended, is further amended by replacing regulation (K), so that it reads:
- “(K) Despite regulation 40.10.40.50(1), amenity space must be provided at the following rate:
- (i) at least 1.94 square metres for each **dwelling unit** as indoor **amenity space**; and,
 - (ii) at least 0.98 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**;”
4. Section 4 of By-law 1208-2022(OLT), as amended, is further amended by replacing regulation (M), so that it reads:
- “(M) Despite Clause 40.10.40.60 and (L) 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 1.5 metres;
 - (ii) canopies and awnings, by a maximum of 2.5 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 2.5 metres;
 - (iv) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 1.0 metres;

- (v) window projections, including bay windows and box windows, by a maximum of 1.0 metres;
 - (vi) eaves, by a maximum of 0.5 metres; and,
 - (vii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.5 metres;”
5. Section 4 of By-law 1208-2022(OLT), as amended, is further amended by deleting regulations (G), (H), (N), (O), and (S).
6. Section 4 of By-law 1208-2022(OLT), as amended, is further amended by re-numbering existing regulation (I) to (G), regulation (J) to (H), regulation (K) to (I), regulation (L) to (J), regulation (M) to (K), regulation (P) to (L), regulation (Q) to (M), regulation (R) to (N), and regulation (T) to (O).
7. Section 4 of By-law 1208-2022(OLT), as amended, is further amended by adding (P), so that it reads:
- “(P) Despite Article 200.25.15, if **parking spaces** are provided on the **lot**, a percentage of the provided **parking spaces** must be accessible **parking spaces** in accordance with Section 200.15;”
8. Section 4 of By-law 1208-2022 (OLT), as amended, is further amended by adding (Q), so that it reads:
- “(Q) Despite regulations 40.10.90.40(1) and 40.10.100.10(1), **vehicle** access may be from a major **street**;”
9. Schedule A of By-law 1208-2022(OLT), as amended, is further amended by:
- (A) amending Provision 1, so that it reads:
- “1. prior to the earlier of the registration of the first condominium in respect of any part of the site and the first occupancy of any part of the development, the owner shall design, construct, finish, commission, and convey to the City no less than 5,000 square feet of space within the development, being the most northern non-residential unit facing the Parkland Dedication for the City's EarlyON program (the "EarlyON Space"), all at no cost to the City and in accordance with the terms and conditions of an agreement entered into between the owner and the City pursuant to Section 37 of the Planning Act as it read on the day before Section 1 of Schedule 17 of the COVID-19 Economic Recovery Act, 2020 came into force, to the satisfaction of the Executive Director, Development Review and the General Manager, Children’s Services;”

- (B) amending Provision 4, so that it reads:

“4. the owner shall provide an over-dedication of parkland beyond the on-site parkland dedication required under Section 42 of the Planning Act in order to achieve a 317 square metre park the balance shall be conveyed to the City prior to the issuance of the first permit under the Building Code Act, 1992 for any part of the lands, save and except for a demolition permit, of the fee simple interest in a part of the lands with an area of up to 55 square metres as an over-dedication of public parkland which is adjacent to the parkland dedication at no cost to the City and subject to the owner transferring the over-dedication to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, except for the temporary encumbrance, registered Instrument No. AT2938877, in an acceptable environmental condition, all to the satisfaction of the Executive Director, Development Review, and the City Solicitor, and subject to the authority granted to the Executive Director, Development Review in respect of tiebacks;”

- (C) amending Provision 5, so that it reads:

“5. the owner shall make arrangements satisfactory to the City Solicitor and the Executive Director, Development Review respecting any matters arising from Instrument No. AT2938877 as it relates to the required fee simple conveyances to the City for parkland, road widenings and the EarlyON Centre;”

- (D) amending part of existing Provision 9, by deleting “9.” and replacing it with “10.”.

- (E) adding new Provision 9 and introductory sub-heading, so that it reads:

“In addition to the facilities, services and matters above, the owner agrees to the following as legal conveniences to support the development:

9. Prior to residential occupancy, the owner shall design and construct Above Base Park Improvements at their sole cost, for the on-site parkland dedication and the over-dedication of parkland referred to in paragraphs 3. And 5d. above, as approved by the General Manager, Parks and Recreation, and to the satisfaction of the Executive Director, Development Review, and General Manager, Parks and Recreation; and prior to the issuance of the first above grade building permit for any part of the lands, the owner shall provide the City with financial security in the amount of 120 percent of the value of the above base park improvements, to the

satisfaction of the Executive Director, Development Review;”

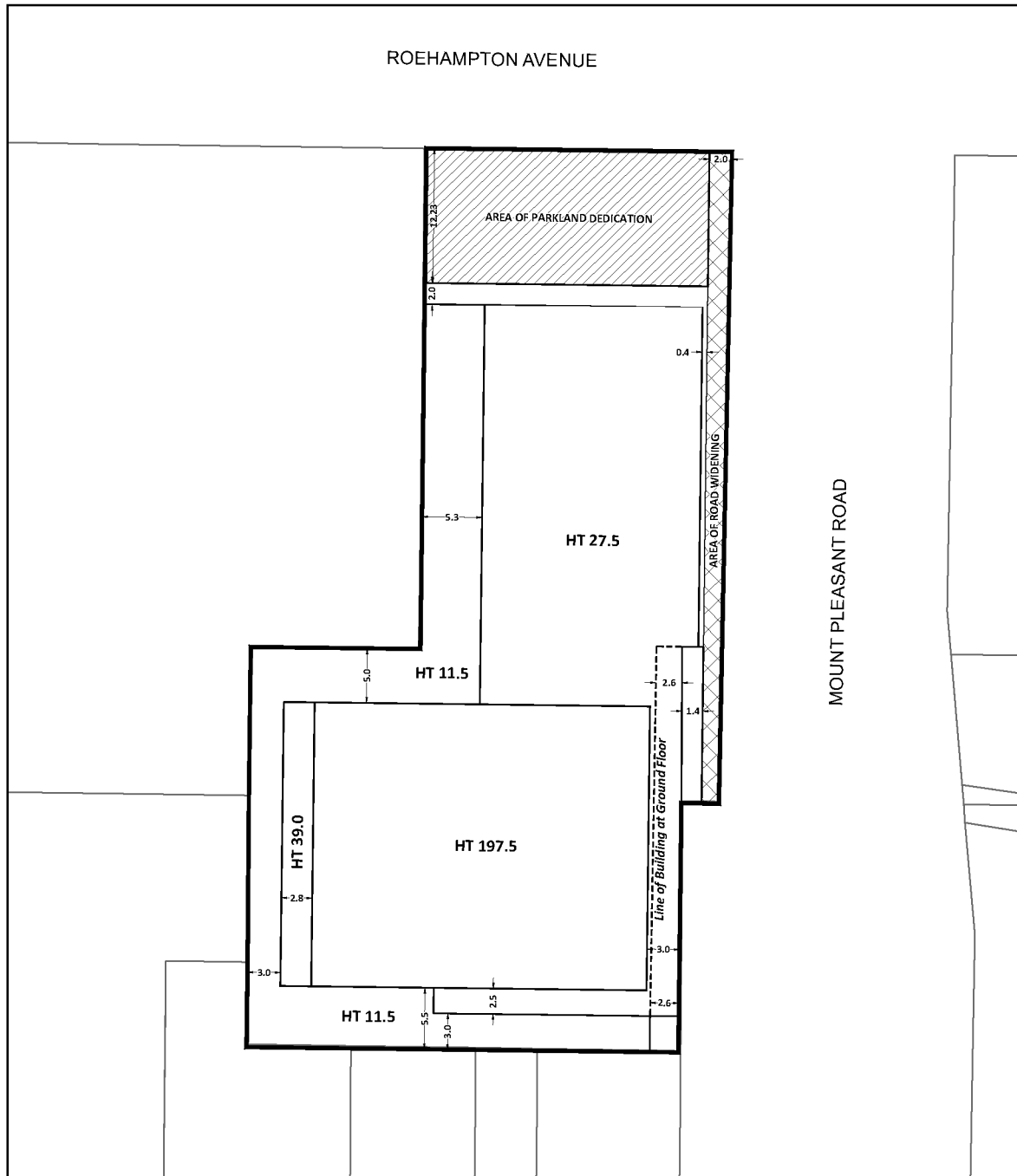
- (F) amending part of existing Provision 10, by deleting “10.” and replacing it with “11.”.
 - (G) amending part of existing Provision 11, by deleting “11.” and replacing it with “12.”.
 - (H) amending part of existing Provision 12, by deleting “12.” and replacing it with “13.”.
 - (I) amending part of existing Provision 13, by deleting “13.” and replacing it with “14.”.
 - (J) amending part of existing Provision 14, by deleting “14.” and replacing it with “15.”.
 - (K) amending part of existing Provision 15, by deleting “15.” and replacing it with “16.”.
 - (L) amending part of existing Provision 16, by deleting “16.” and replacing it with “17.”.
- 10.** Diagram 3 to By-law 1208-2022(OLT), as amended is replaced with Diagram 3 attached to this by-law.

Enacted and passed on [Clerks to insert date].

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk




(Seal of the City)




 **TORONTO**
Diagram 3

**808 Mount Pleasant Road &
247-251 Roehampton Avenue**

File # 24 242404 STE 12 OZ

-  Area Affected by this By-Law
-  Area of Parkland Dedication
-  Area of Road Widening


City of Toronto By-law 569-2013
Not to Scale
01/27/2025