

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 2025 as 3310, 3312, 3314 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;

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 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)".

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 amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of CR 0.4 (c0.4; r0.0) SS3 (x640) to a zone label of (H) CR 0.4 (c 0.4; r0.0) SS5 (x1289) as shown on Diagram 2

attached to this By-law.

4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.1 Exception Number 1289 so that it reads:

(1289) Exception CR (1289)

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 3310, 3312, and 3314 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 (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 175.3 metres and the elevation of the highest point of the **building** or **structure**;
- (C) Despite regulation 40.10.30.40(1), the permitted maximum **lot coverage**, as a percentage of the **lot area**, is 40 percent;
- (D) Despite regulations 40.10.40.10(5)(A) and (B), the required minimum height of the first **storey** is 6.5 metres, as measured between the average elevation of the ground along the **front lot line** and the floor of the second **storey**;
 - (i) provision (D) above does not apply to areas such as loading access, **loading spaces**, **bicycle parking spaces**, and shower and change facilities, and elements for the functional operation of the building such as storage rooms, corridors, electrical, utility, mechanical and ventilation rooms;
- (E) Despite regulation 40.10.40.10(9), 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 mezzanine 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 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 7.0 metres;
 - (ii) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, including the mechanical penthouse, by a maximum of 7.0 metres;
 - (iii) for the purpose of (i) and (ii) above, the total area of all equipment, **structures**, or parts listed in (i) and (ii), on the roof of the **building**, may cover no more than 30 percent of the roof, measured horizontally;
 - (iv) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 3.0 metres;
 - (v) **building** maintenance units and window washing equipment, by a maximum of 5.0 metres;
 - (vi) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, 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 3.0 metres;
- (H) Despite regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 19,810 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 19,400 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 410 square metres;
- (I) Despite regulation 40.10.40.50(1), **amenity space** must be provided at the following rate:
- (i) at least 2.0 square metres for each **dwelling unit** as indoor **amenity space**; and

- (ii) at least 2.0 square metres for each **dwelling unit** as outdoor **amenity space**;
 - (iii) at least 40.0 square metres is outdoor **amenity space** in a location adjoining or directly accessible to the indoor **amenity space**; and
 - (iv) no more than 25 percent of the outdoor component may be a **green roof**;
- (J) Despite regulation 40.10.40.70(8), the required minimum **building setbacks** are as shown in metres on Diagram 3 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 3 of By-law [Clerks to insert By-law number];
- (L) Despite Clause 40.10.40.60 and (J) and (K) 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 2.0 metres;
 - (ii) canopies and awnings, by a maximum of 3.0 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) eaves, by a maximum of 1.0 metres;
 - (vi) light fixtures, safety railings, planters, balustrades, bollards, land landscape features, retaining walls, privacy screens, by a maximum of 3.0 metre; and
 - (i) air conditioners, air intake and exhaust, air handling units, window washing equipment, screens, cornices, hose bibs, gas connections satellite dishes, antennae, vents, and pipes, by a maximum of 3.0 metres;
- (M) Despite regulation 40.10.50.10(3), no **landscaping** or **soft landscaping** is required along a **lot line** abutting a **lot** in the Residential Zone category;

- (N) 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;
- (O) Despite regulation 40.10.90.10(1), a **loading space** may be located in the rear yard;
- (P) 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 minimum of 0.6 residential occupant **parking spaces** for each **dwelling unit**, but not exceeding the permitted maximum in Table 200.5.10.1 for **dwelling units** in a **mixed use building** in Parking Zone B;
 - (ii) a minimum of 0.15 residential visitor **parking spaces** for each **dwelling unit**; and
 - (iii) a minimum of 1.0 **parking space** for every 100.0 square metres of **gross floor area** devoted to non-residential uses, but not exceeding the permitted maximum in Table 200.5.10.1 for Tier 4 in Parking Zone B.
- (Q) Despite Regulation 200.5.1.10(2)(A), a maximum of 15 percent of the total number of **parking spaces** provided on the **lot** may have a minimum dimension 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 any obstructed parking space is not required to be increased by 0.3 metres for each side that is obstructed according to Regulation 200.5.1.10(2)(D);
- (R) Despite Regulations 200.15.1(1) and (3), accessible **parking spaces** must comply with the following:

- (i) an accessible parking space must have the following minimum dimensions:
 - (a) length of 5.6 metres;
 - (b) width of 3.4 metres; and
 - (c) vertical clearance of 2.1 metres;
- (ii) the entire length of an accessible **parking space** must be adjacent to a minimum 1.5 metre wide accessible barrier free aisle or path;
- (S) Despite Regulations 220.5.10.1(1) to (8) and (11), 1 Type "G" **loading space** must be provided on the **lot**;
- (T) Despite Regulations 230.5.1.10(4)(B) and (C), the required minimum dimensions of a **stacked bicycle parking space** are as follows:
 - (i) length of 1.8 metres;
 - (ii) width of 0.2 metres; and
 - (iii) vertical clearance of 1.0 metres.

Prevailing By-laws and Prevailing Sections: (None Apply)

- 5. 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.
- 6. 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.
- 7. 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 or applicant has submitted a revised Functional Servicing and Stormwater Management Report, at their sole cost and expense, demonstrating that the existing sanitary sewer, storm sewer and watermain systems, together with any required improvements, have sufficient capacity and supply to accommodate the proposed development, all to the satisfaction of the Director, Engineering Review, Development Review;
- (ii) where the accepted Functional Servicing and Stormwater Management Report identifies the need for new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, either:
 - (a) the owner has secured the design, construction and financial securities for such works through a financially secured agreement, all to the satisfaction of the Director, Engineering Review, Development Review; or
 - (b) the required municipal infrastructure works or upgrades have been constructed and are operational, all to the satisfaction of the Director, Engineering Review, Development Review; and
- (iii) the owner or applicant has submitted a revised Hydrogeological Review Summary, prepared by a qualified professional, addressing the outstanding comments of Engineering Review, to the satisfaction of the Director, Engineering Review, Development Review.

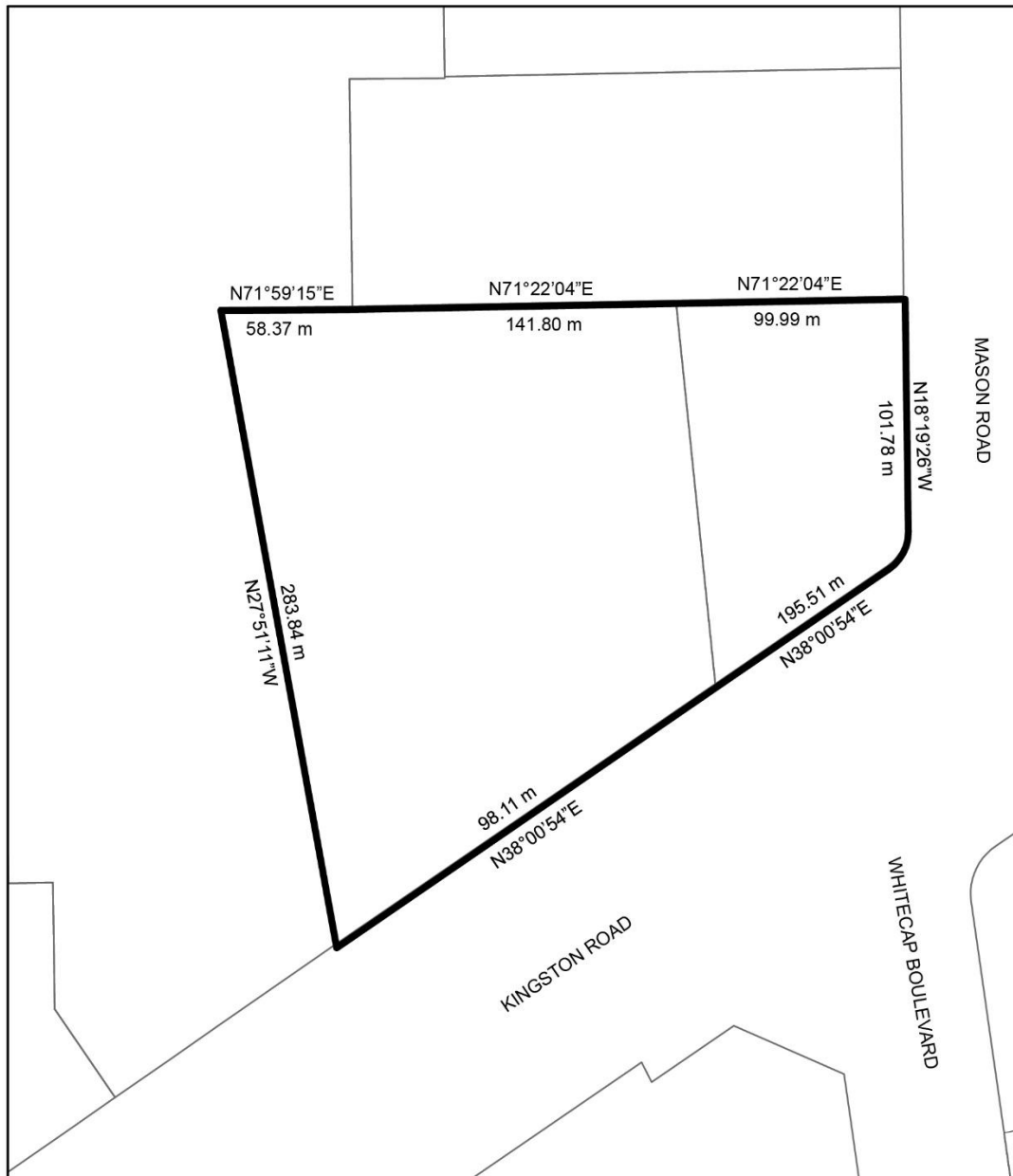
Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)

Diagram 1

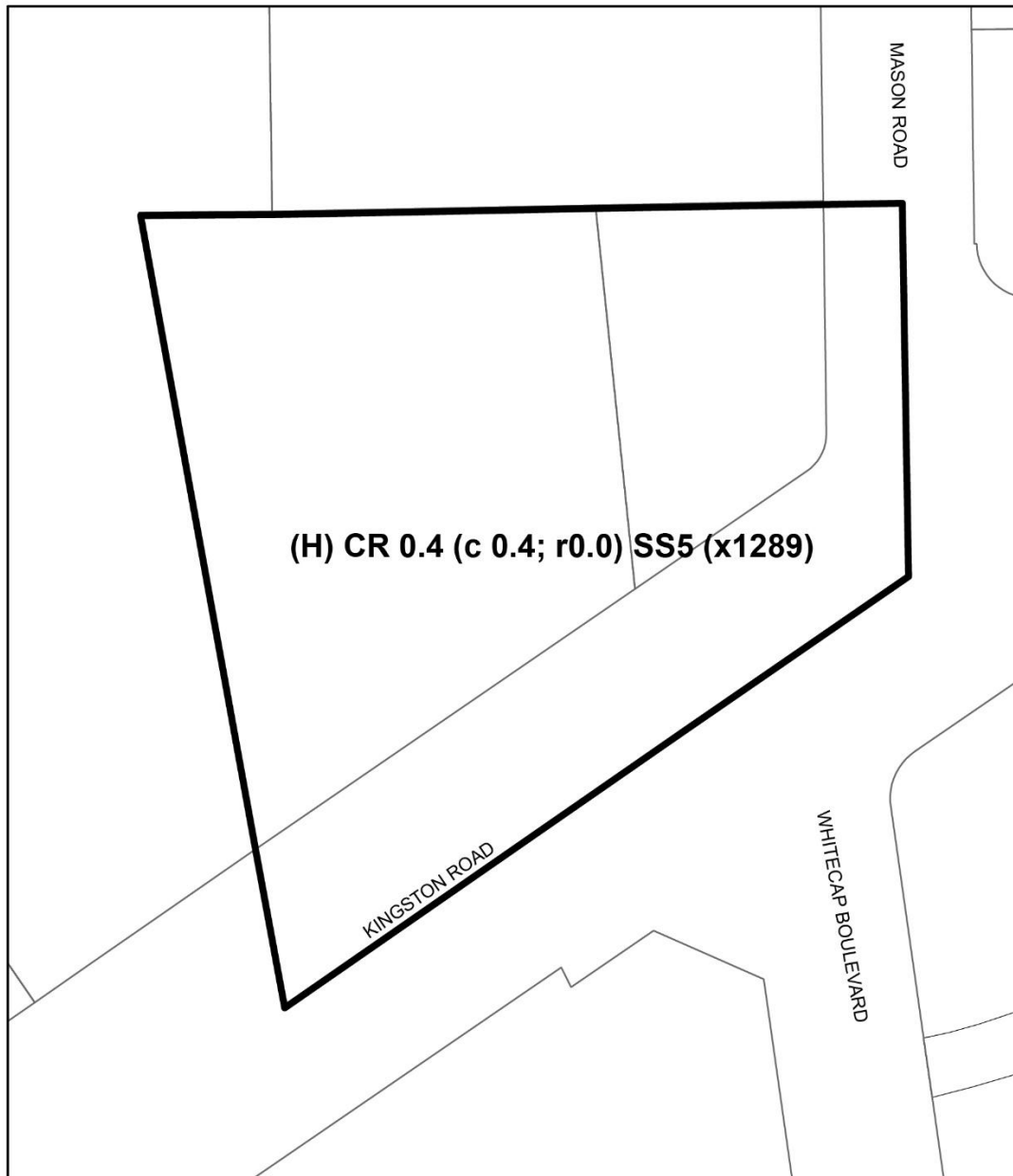


Toronto
Diagram 1

3310, 3312 and 3314 Kingston Road

File # 20 219229 ESC 20 0Z

Diagram 2



 **TORONTO**
Diagram 2

3310, 3312 and 3314 Kingston Road

File # 20 219229 ESC 20 02

The site plan illustrates the proposed MPP building and its layout on a 1.0-acre lot. The building is a rectangular structure with a length of 30.0m. It is surrounded by parking spaces and setbacks. Key dimensions and features include:

- Setbacks:** 9.0m and 13.0m setbacks are shown along the left side of the lot.
- Parking Spaces:** Several parking spaces are identified with dimensions:
 - HT 9.00 ST 2 (7.5m x 9.0m)
 - HT 21.00 ST 6 (9.0m x 9.0m)
 - HT 9.00 ST 2 (7.5m x 9.0m)
 - HT 34.00 ST 10 (14.5m x 11.5m)
 - HT 6.00 ST 1 (7.5m x 9.0m)
 - HT 6.00 ST 4 (7.5m x 9.0m)
 - HT 34.00 ST 10 (14.5m x 11.5m)
 - HT 30.00 ST 9 (7.5m x 9.0m)
 - HT 15.00 ST 4 (7.5m x 9.0m)
- Streets:** The lot is bounded by Kingston Road to the left, Whitecap Boulevard to the right, and Mason Road to the top.
- Building Footprint:** The building is labeled "MPP" and has a length of 30.0m.

3310, 3312 and 3314 Kingston Road

File # 20 219229 ESC 20 0Z