

Authority: Scarborough Community Council Item [-], as adopted by City of Toronto Council on [-]

CITY OF TORONTO

BY-LAW ###-2024 [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 1050 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

By-law 569-2013, as amended, of the City of Toronto is further amended as follows:

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, Chapter 800 Definitions, except as otherwise provided.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.8.10 respecting the lands outlined by heavy black lines from a zone label of RAC (x18) to a zone label of RAC (x#####) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.8.10 Exception Number ##### that it reads:

(###) Exception RAC #####

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 in the year 2024 as 1050 Markham Road, as shown on Diagram 1 of By-law ###-2024 [Clerks to insert By-law number], if the requirements of By-law ###-2024 are complied with, an **apartment building or structure** may be constructed, used or enlarged in compliance with Regulations (B) to (PP) below;

- (B) The **lot** consists of the lands delineated by heavy lines on Diagram 1 of By-law ###-2024 [Clerks to insert By-law number];
- (C) The **buildings** and **structures** permitted on the **lot** include "Building A", "Building B" and "Building C" as shown on Diagram 3 of By-law ###-2024 [Clerks to insert By-law number], as follows:
- (i) For the purpose of this Regulation, "Building A" means an addition to Building C on the **lot**, as shown on Diagram 3, including **ancillary structures** and portions below ground;
 - (ii) For the purpose of this Regulation, "Building B" means an addition to Building C on the **lot**, as shown on Diagram 3, including **ancillary structures** and portions below ground; and,
 - (iii) For the purpose of this Regulation, "Building C" means the existing **apartment building** municipally known as 1050 Markham Road as shown on Diagram 3, as well as uses, **ancillary structures**, including portions below ground, and an underground parking garage and enclosed garage ramp, located on the **lot** in the year 2024;
- (D) In addition to the permitted uses listed in Clauses 15.20.20.10 and 15.20.20.20, the following non-residential uses are permitted in an **apartment building** on the lot:
- (i) **Public parking**;
 - (ii) **Day Nursery** uses **lawfully existing** as of the date of the passing of By-law ###-2024 [Clerks to insert By-law number] in Building C;
 - (iii) **Recreation use**, to a maximum **gross floor area** of 500 square metres in Building C; and
 - (iv) Car share **parking spaces**;
- (E) For the purpose of this Exception,
- (i) "Car share" or "car sharing" means the practice where a number of people share the use of one or more motor **vehicles** that are owned by a profit or non-profit "car-sharing" organization and where such organization may require that use of motor **vehicles** be reserved in advance, charge fees base 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** exclusively reserved and signed for a motor **vehicle** used only for “car-share” purposes;

ACCESS TO LOT

- (F) Despite Regulation 15.5.100.1(1), any **driveway** on the **lot**, existing as of the date of the passing of By-law ###-2024 [Clerks to insert By-law number], is deemed to comply with the requirements of By-law 569-2013, as amended;
- (G) Regulation 15.5.100.1(2) with respect to driveway access to **apartment buildings** does not apply;

HEIGHT

- (H) Despite Regulation 15.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 161.3 metres for Building A and 159.75 metres for Building B, and the elevation of the highest point of the **building** or **structure**;
- (I) Despite Regulation 15.20.40.10(1) the permitted maximum height of Building A and Building B, as shown on Diagram 3 of By-law ###-2024 [Clerks to insert By-law number], is the number in metres following the letter “HT” as shown on Diagram 3 of By-law ###-2024 [Clerks to insert By-law number];
- (J) For the purpose of this Exception, none of the following **building** elements are considered a **storey**:
 - (i) a mechanical penthouse;
 - (ii) a mezzanine;
- (K) Despite Regulations 15.5.40.10 and 15.20.40.10, the projections may project beyond the permitted maximum height shown on Diagram 3 of By-law ###-2024 [Clerks to insert By-law number] as indicated:
 - (i) a parapet, roof drainage components, or thermal and waterproofing assembly located at each of the roof levels of the building, all of which may project up to a maximum of 1.5 metres;
 - (ii) safety railings, fences and guardrails at each of the roof levels of the building, all of which may project up to a maximum of 1.8 metres;

- (iii) **structures** on the roof of any part of the building used for outside or open air recreation including **amenity space**, and for vestibules providing access to outdoor **amenity spaces**, planters, noise mitigation elements, screens, trellises, landscape features, telecommunications equipment and antennae, and partitions dividing outdoor recreation areas, all of which may project up to a maximum of 4.5 metres; and
 - (iv) mechanical penthouses, equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment, stairs, stair enclosures, window washing equipment, lightning rods, exhaust flues, vents, ventilating equipment, chimney stack, and garbage chute overruns, and structures that enclose, screen or cover the equipment, structures and parts of a building listed in this section, all of which may project up to a maximum of 7.5 metres;
 - (v) building elements on top of a building element or structure listed in (J)(iii) above, including a parapet, architectural design elements, chimneys, pipes, vents, cooling towers, cooling tower perimeter walls, elevator overruns, roof drainage components, and thermal and waterproofing assembly, all of which may project up to a maximum of 7.5 metres;
 - (vi) **structures** on the roof of any part of the building used for outside or open air recreation including for maintenance, safety, wind protection or **green roof** purposes, and vestibules providing access to green roof elements and wind mitigation elements, all of which may project up to a maximum of 7.5 metres;
- (L) The permitted maximum height of Building C, as shown on Diagram 3 of By-law ###-2024 [Clerks to insert By-law number], is the height of such **building**, inclusive of all rooftop projections, as it existing on the lot at the time of the passing of By-law ###-2024 [Clerks to insert By-law number], and subject to permitted projections for the functional operation of a **building** as set out in Regulation 15.5.40.10(3) and (J) above;
- (M) Despite Regulation 15.5.40.10(4), the total area of the mechanical penthouse may cover no more than 70% of the total roof area, measured horizontally;

COVERAGE

- (N) Clause 15.20.30.40(1) with regard to **lot coverage** does not apply;

FLOOR AREA

- (O) Despite Regulation 15.5.40.40(2), the permitted maximum **gross floor area** of **buildings** on the **lot** is as follows:
- i. The total **gross floor area** of Building A, as shown on Diagram 3 of By-law #####-2024 [Clerks to insert By-law number], must not exceed 28,000 square metres;
 - ii. The total **gross floor area** of Building B, as shown on Diagram 3 of By-law #####-2024 [Clerks to insert By-law number], must not exceed 13,000 square metres; and,
 - iii. The **gross floor area** of Building C, as shown on Diagram 3 of By-law #####-2024 [Clerks to insert By-law number], must not exceed the **gross floor area** existing therein at the time of the passing of By-law #####-2024 [Clerks to insert By-law number];
- (P) In addition to the elements which reduce **gross floor area** listed in Regulation 15.5.40.40(1), and despite Regulation 15.5.40.40(1)(C), the following areas also reduce the **gross floor area** of a **building**:
- i. areas occupied by any non-structural architectural grid system or ornamental features that are attached to and project from the **main wall** of a **building**, or any areas that are partially enclosed by such features;
 - ii. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms; and,
 - iii. the area of a void in a floor if there is a vertical clearance of more than 4.5 metres between the top of the floor below the void and the ceiling directly above it;

AMENITIES

- (Q) Despite Regulation 15.20.40.50(1), **amenity space** is only required to be provided for **dwelling units** in Building A and Building B, and such **amenity space** may be located partially or wholly within Building A and Building B;
- (R) Despite Regulation 15.20.40.50(1), a minimum of 4.0 square metres of **amenity space** must be provided for each **dwelling unit** in Building A and Building B, as shown on Diagram 3 of By-law ###-2024 [Clerks to insert By-law number], of which:
- (i) a minimum of 1.5 square metres per **dwelling unit** as indoor

amenity space; and,

- (ii) a maximum of 2.5 square metres for each **dwelling unit** as outdoor **amenity space** of which a minimum of 40 square metres must be in a location adjoining or directly accessible to the indoor **amenity space**;
 - (iii) no more than 25% of the outdoor component may be a **green roof**; and,
 - (iv) pet friendly amenities and bicycle/stroller washrooms are included in the calculation of **amenity space**;
- (S) The required **amenity space** for Building C, as shown on Diagram 3 of By-law ###-2024 [Clerks to insert By-law number], is the **amenity space** as it exists on the lot at the time of the passing of By-law ###-2024 [Clerks to insert By-law number];
- (T) Despite any Regulation of this Exception and of By-law 569-2013, as amended, Building A and Building C shown on Diagram 3 of By-law ####-2024 [Clerks to provide number] may be occupied by residents during construction of Building B without the provision of required **amenity space**;

SETBACKS

- (U) Despite Clauses 15.20.40.70 and 15.20.40.80, the required minimum **building setbacks** and the required minimum separation distances between **main walls** of **buildings** or **structures** above ground level are as shown in metres on Diagram 3 of By-law ####-2024 [Clerks to insert By-law number];
- (V) Despite Clauses 15.20.40.70 and 15.20.40.80 and (O) above, the following elements of a **building** or **structure** may encroach into the required minimum **building setbacks** and a required minimum **main wall** separation distance as follows:
- i. lighting fixtures, architectural or ornamental features/panels, structural/non-structural architectural columns/piers, cladding, sills, cornices, window washing equipment, awnings, canopies, parapets, parapet flashing, roof and terrace scuppers, roof overhang, gutter, downspout, trellises, window sills, guardrails, balustrades, railings, wind mitigation, acoustic and divider screens and features, planters, patios, ramps and wheel chair ramps, mechanical exhaust and intake components, gas meters, underground garage ramps and their associated structures and elements, stairs, bicycle racks, retaining walls, fences, furniture,

Siamese connections and privacy screens, to a maximum horizontal projection of 4.0 metres;

- ii. canopies, awnings, and balconies to a maximum horizontal projection of 2.5 metres;
- iii. transformers and associated decorative screens; and,
- iv. architectural or ornamental features/panels, cladding, sills, cornices, all of which may project up to a maximum of 0.5 metres beyond the main walls of Building A and Building B as shown on Diagram 3 of By-law #####-2024 [Clerks to insert By-law number];

- (W) Non-structural architectural grid system, architectural or ornamental features or panels, and cladding permitted by (P) above, including the areas that may be fully or partly enclosed by such features, are not **main walls**;

YARDS

- (X) Regulations 15.5.50.10(1) and (2), with respect to **landscaping** and **soft landscaping**, does not apply;

PARKING

- (Y) **Parking spaces** for residents and visitors may be provided for the residents and visitors of Building A, Building B and Building C as shown on Diagram 3 of By-law #####-2024 [Clerks to provide number] within a **public parking** facility on the **lot**;
- (Z) Despite Regulation 200.5.1(3), any **drive aisles** on the **lot**, existing as of the date of the passing of By-law #####-2024 [Clerks to provide number], are deemed to comply with the requirements of By-law 569-2013, as amended;
- (AA) Despite Regulation 200.5.1.10(2)(A)(iv), a maximum of 10 percent of the total number of **parking spaces** provided may have a minimum required **parking space** width of 2.6 metres with or without a fixed object or obstruction within 0.3 metres of one or both sides of the **parking space**, measured at right angles;
- (BB) Despite Regulation 200.5.1.10(2)(E), equipment for the charging of one electric **vehicle** is permitted within a **parking space**, subject to the equipment being located in the same **parking space** as the **vehicle** to be charged and:
- i. being within 0.5 metres of two adjoining sides of the parking space which are not adjacent and parallel to a drive aisle from which vehicle access is provided, measured at right angles; or

- ii. being at least 5.1 metres from a drive aisle from which vehicle access is provided, measured at right angles, and at least 1.0 metre from the ground;
- (CC) Despite Regulations 200.5.1.10(2), (3), (12), (13), (14), 200.5.200.5(2) and (DD) below, any **vehicle** access to a **building**, a **parking space** and an accessible **parking space** on the **lot**, existing as of the date of the passing of By-law ####-2024 [Clerks to provide number], that has dimensions that are lesser than the minimum required or greater than the maximum permitted, and which may not be equipped with an energized outlet, is deemed to comply with the requirements of By-law 569-2013, as amended, and such **parking space** may satisfy the requirements of Regulation 200.15.10.1(1), and Clauses 200.15.10.5 and 200.15.10.10;
- (DD) Despite Regulation 200.5.1.10(2)(D), electric **vehicle** infrastructure, including electrical **vehicle** supply equipment or an **energized outlet**, does not constitute an obstruction to a **parking space**;
- (EE) Regulation 200.5.10.11(1)(C) as it relates to **parking space** requirements for a **lawfully existing building** does not apply;
- (FF) Car share **parking spaces** are permitted;
- (GG) Despite Regulations 200.15.1 (1), (3) and (4), 200.15.15.4 (1) and (2), accessible **parking spaces** must comply with the following provisions:
 - i. an accessible **parking space** must have the following dimensions:
 - (a) Length of 5.6 metres;
 - (b) Width of 3.4 metres; and
 - (c) Vertical clearance of 2.1 metres;
 - iii. 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 2 accessible **parking spaces**;

LOADING

- (HH) Despite Regulation 220.5.10.1(1), **loading spaces** must be provided and maintained on the **lot** as shown on Diagram 1 below in accordance with the following:

- (i) A minimum of one (1) Type 'G' **loading space** for Building A;
 - (ii) A minimum of one (1) Type 'G' **loading space** for Building B;
 - (iii) No Type 'C' **loading spaces** are required; and,
 - (iv) No **loading spaces** are required for Building C;
- (II) Loading spaces shall be provided with the following dimensions:

- (i) Type 'G' **Loading space**:
 - (a) A minimum length of 13.0 metres;
 - (b) A minimum width of 4.0 metres, and
 - (c) A minimum vertical clearance of 6.1 metres;

- (JJ) Despite any provision of this Exception or By-law 569-2013, as amended, **parking spaces, drive aisles, driveways** and ramps existing as of the date of the passing of By-law #####-2024 [Clerks to provide number], may be maintained, and are deemed to comply with the requirements of By-law 569-2013, as amended;

BICYCLE PARKING

- (KK) A **bicycle parking space** existing on the **lot** as of the date of the passing of By-law #####-2024 [Clerks to provide number], is deemed to comply with the requirements of By-law 569-2013, as amended;
- (LL) Despite Clause 230.5.1.10 and Regulation 230.5.10.1(5), a **bicycle parking space** existing on the **lot** as of the date of the passing of By-law #####-2024 [Clerks to provide number], is deemed to comply with the requirements of By-law 569-2013, as amended;
- (MM) Regulation 230.10.1.20(2) with respect to the location of “short-term” **bicycle parking spaces** relative to a building entrance does not apply;
- (NN) Regulation 230.5.10.20(1) as it relates to payment-in-lieu of **bicycle parking spaces** does not apply;
- (OO) Despite Regulation 230.5.1.10(4)(A)(B), the minimum width of a bicycle parking spaces is 0.4 metres;
- (PP) Despite any Regulation of this Exception and of By-law 569-2013, as amended,

Building C shown on Diagram 3 of By-law #####-2024 [Clerks to provide number] may be occupied by residents during construction of Building A and Building B without the provision of required **parking spaces, loading spaces, bicycle parking spaces and landscaping;**

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

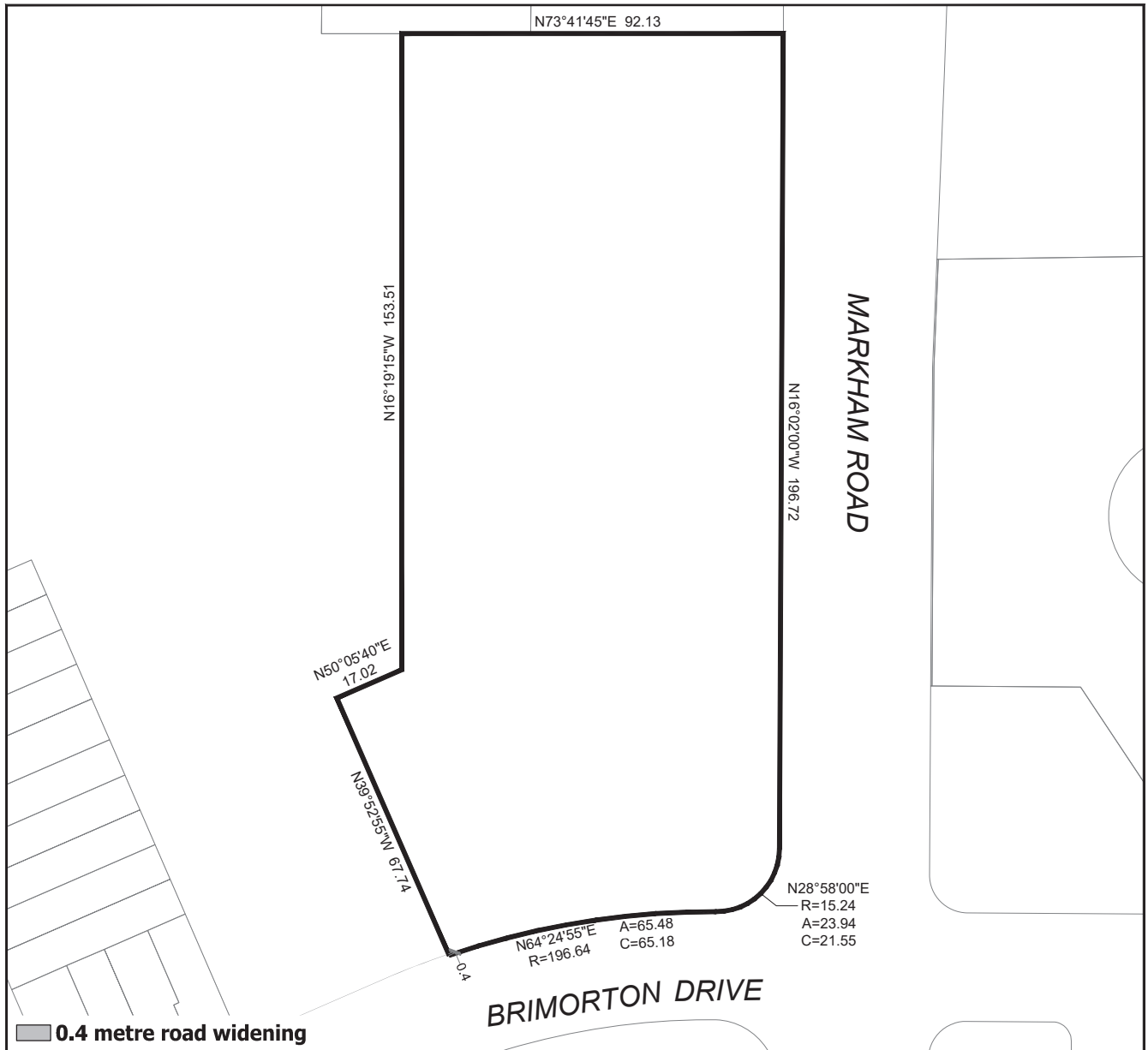
5. For the purpose of this By-law, the lands that are outlined by heavy black lines on Diagram 1 of this By-law shall be deemed as a **lot**.
6. Despite any existing or future severance, partition or division of the **lot** shown on Diagram 1 of By-law #####-2024 [Clerks to provide number] the provisions of this By-law and By-law 569-2013, as amended, shall apply to the whole of the **lot** as if no severance, partition or division had occurred.
7. Temporary Use
 - (A) None of the provisions of this Exception as amended, or By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales, leasing or construction office on the **lot**, which means a **building, structure**, facility, trailer or portion thereof used exclusively for the purpose of marketing, sale, lease or rental of **dwelling units** in Building A and Building B as shown on Diagram 3 of By-law #####-2024 [Clerks to provide number].

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)



1050 Markham Road

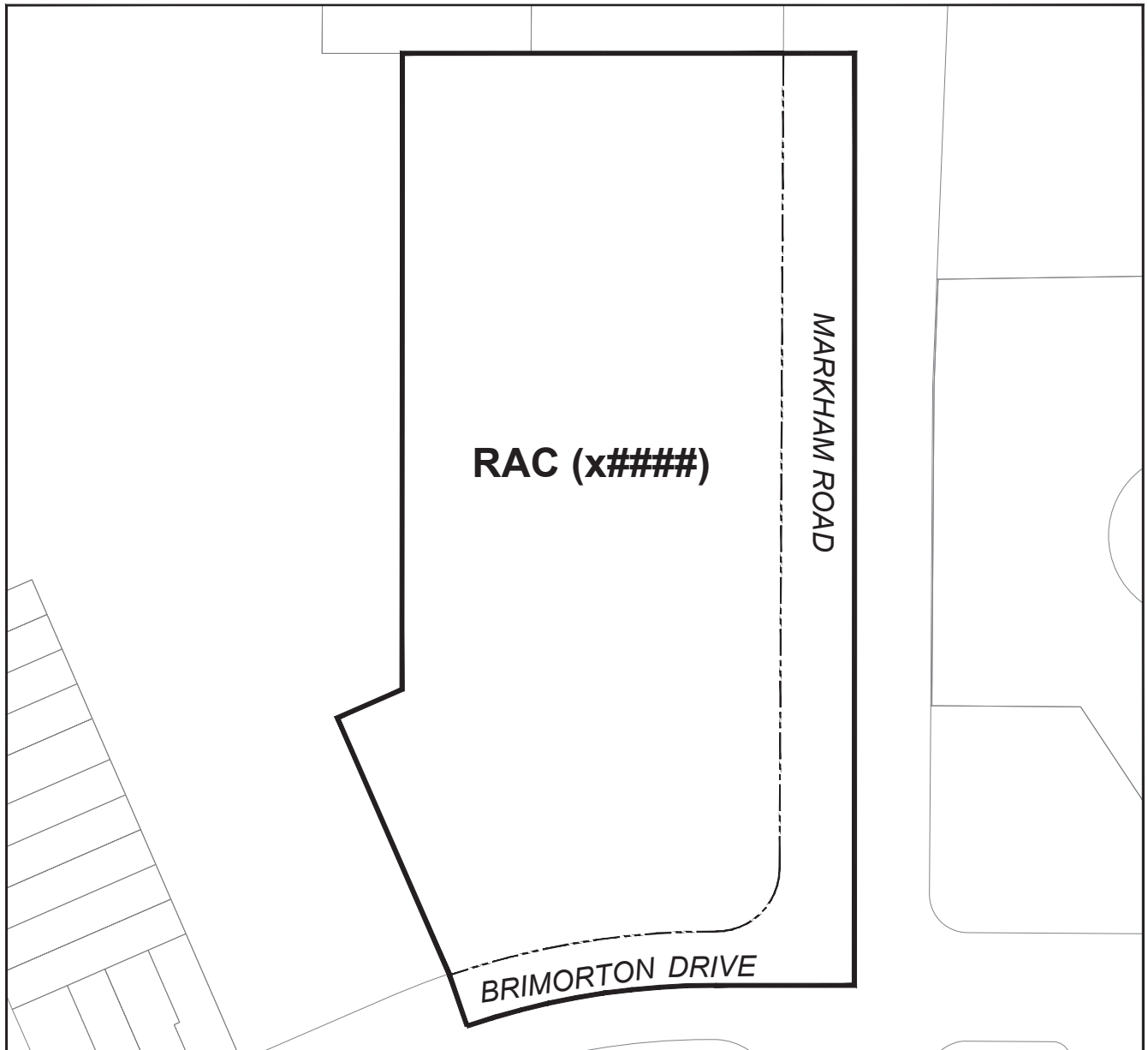
Diagram 1

File #24 _____

Part of Block C
Registered Plan M-1020
City of Toronto
(Formerly City of Scarborough)
R. Avis Surveying Inc.



Not to Scale





1050 Markham Road

File #24_____



Not to Scale