

City Clerk's Office

Secretariat
Marilyn Toft
Council Secretariat Support
City Hall, 12th Floor, West
100 Queen Street West
Toronto, Ontario M5H 2N2Tel: 416-392-7032
Fax: 416-392-2980
e-mail: mtoft@toronto.ca
web: www.toronto.ca**In reply please quote:
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June 1, 2009

ALL INTERESTED PARTIES:**Subject: Planning and Growth Management Committee Item 25.3
By-law to Require and Govern the Construction of Green Roofs in Toronto
(Ward: All)**

City Council on May 25, 26 and 27, 2009, considered this Item, and adopted the following:

1. City Council enact the draft Green Roof By-law attached as Attachment A to the report (May 22, 2009) from the Chief Planner and Executive Director, City Planning and the Chief Building Official and Executive Director, Toronto Building, such draft by-law being in accordance with the following recommendations of the Planning and Growth Management Committee and in accordance with the recommended actions of the aforementioned May 22, 2009 report with respect to outdoor amenity space and exemptions for complete site plan applications:

The Planning and Growth Management Committee recommended that:

1. The Draft By-law attached as Attachment 1 to the report from the Chief Building Official and Executive Director, Toronto Building and Chief Planner and Executive Director, City Planning dated March 27, 2009 be amended to provide that:
 - a. industrial buildings are required to include a green roof equal to 10% of the available roof space to a maximum of 2,000m² to become effective as of January 31, 2011;
 - b. non-profit housing is subject to the same requirements as other residential buildings governed by the proposed by-law;
 - c. separate and public schools are subject to the same requirements as non-residential buildings;
 - d. coverage and threshold requirements include new developments with a gross floor area between 2,000m² and 4,999m² which would be required to provide a minimum coverage of 20% of the available roof space;



- e. minimum height requirements for residential buildings include new developments with a height greater than 6 storeys or 20 metres; and
 - f. the exemption for non-vegetative border from the calculation of available roof space is removed.
2. City Council amend the City of Toronto Municipal Code substantially in accordance with the draft by-law attached as Attachment 1 to the report from the Chief Building Official and Chief Planner and Executive Director, City Planning dated March 27, 2009, as amended by Part 1 above, to require the construction of green roofs, such amendment to come into effect on January 31, 2010;
 3. City Council amend the City of Toronto Municipal Code substantially in accordance with the draft by-law attached as Attachment 1 to the report from the Chief Building Official and Chief Planner and Executive Director, City Planning dated March 27, 2009, as amended by Part 1 above, to govern the construction of green roofs, such amendment to come into effect on January 31, 2010.
 4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft by-law as may be required, in consultation with the Chief Planner and the Chief Building Official.
2. City Council amend the draft Green Roof By-law to exempt all complete site plan applications received prior to January 31, 2010 from the green roof requirement of the By-law.
 3. City Council direct the Chief Planner Executive Director of the City Planning Division to include a provision in the proposed harmonized Zoning By-law for the City of Toronto to allow 25 percent of any amenity space located on the roof of a building to be utilized as a green roof.
 4. City Council amend the draft Green Roof By-law to exclude outdoor amenity space provided on the roof of a residential building from the calculation of available roof space to a maximum of 2m² per residential unit.
 5. City Council request that the Province amend Section 108 of the City of Toronto Act, 2006 ("COTA"), to provide additional authority for the City to require alternatives to green roofs that meet or exceed the objectives of a green roof.
 6. City Council delegate authority to the Chief Planner and Executive Director, City Planning to approve variances to the Green Roof By-law subject to notification of the local Councillor(s).
 7. City Council authorize that cash in-lieu of a green roof required under the Green Roof By-law be directed to the Eco-Roof Incentive Program to be used to green roofs on existing buildings.

8. City Council request the Province to amend the regulation under the Building Code Act, 1992 to include as applicable law a by-law made under section 108 of the City of Toronto Act, 2006, and that the Province make such amendment prior to January 31, 2010 when the by-law contemplated in the report from the Chief Building Official and Chief Planner and Executive Director, City Planning dated March 27, 2009, as amended by Part 1 above, will come into effect.
9. City Council request that the Province provide additional money under the funding formula for the construction of new schools in Toronto.
10. City Council direct the Chief Planner and Executive Director of City Planning and the Chief Building Official and Executive Director, Toronto Building to undertake a review of the Toronto Green Roof By-law by January 31, 2012.
11. City Council direct the Chief Building Official and Executive Director, Toronto Building to bring forward any proposed technical updates to the Toronto Green Roof Construction Standard following the American National Standards Institute adoption of fire and wind uplift standards and after consultation with the Technical Advisory Group.
12. City Council adopt amendments to Chapter 363 of the Municipal Code to clarify that the building permit classification "Re-Roofing with structural work, raise roof structure" would also apply to stand alone modifications to create a green roof, such amendment to come into effect upon adoption of the Toronto Green Roof By-law.
13. City Council direct the Chief Planner and Executive Director, City Planning and the General Manager, Economic Development, Culture and Tourism, to report solely and before the effective date of the industrial building requirement on an alternate option that would fulfill:
 - a. the reduction of the urban heat island effect;
 - b. the reduction of Green House Gas emissions; and
 - c. help with bio-diversity functions/corridors
14. City Council authorize the City Solicitor be authorized to introduce the necessary Bill in Council to give effect thereto.

The Planning and Growth Management Committee Item 25.3, in its entirety, can be accessed through the City's web site at the following address:

<http://www.toronto.ca/legdocs/mmis/2009/pg/reports/2009-05-06-pg25-cr.htm>

The Item is also available in the City Clerk's Office, 12th Floor West, City Hall.

for City Clerk

M. Toft/gc

Sent to: City Manager
All Interested Parties