

Authority: Ontario Municipal Board Orders issued on May 15, 2012 and May 18, 2012, in Board File No. PL120014

## CITY OF TORONTO

### BY-LAW No. 1208-2012(OMB)

**To amend former City of Scarborough Employment Districts Zoning By-law No. 24982 (Dorset Park Employment District), as amended, with respect to the lands municipally known as 1051 Ellesmere Road.**

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands municipally known in the year 2012 as 1051 Ellesmere Road (the "Lands"); and

WHEREAS pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, a 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 Lands has elected to provide the facilities, services or matters as are set out in this By-law; and

WHEREAS the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law No. 24982, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Lands and the City of Toronto; and

WHEREAS the Ontario Municipal Board, by its Order issued on May 15, 2012 in Board File No. PL120014, determined to amend Zoning By-law No. 24982, as amended, with respect to the Lands;

THEREFORE pursuant to the Order of the Ontario Municipal Board issued on May 15, 2012 in Board File No. PL120014 the Ontario Municipal Board orders as follows:

1. Schedule "A" of the Employment Districts Zoning By-law No. 24982 (Dorset Park Employment Area) is amended for the lands outlined in the attached Schedule '1' by deleting the existing Industrial (M) zoning and replacing it with the Commercial Residential (CR) Zone, the Performance Standards as shown on Schedule '1' and noted Exceptions 842 and 843, so that the amended zoning shall read as follows:

CR – 715 – 1011 – 1012 – 1084 – 1085 – 1086 – 1192 – 1640 – 2029 – 2061 – 2062 – 2706 – 2708

CR – 716 – 1010 – 1084 – 1085 – 1086 – 1192 – 1640 – 2029 – 2061 – 2705

CR – 717 – 1011 – 1084 – 1085 – 1086 – 1192 – 1640 – 2029 – 2061 – 2063 – 2705 – 2708

842

843

2. Schedule "B", PERFORMANCE STANDARDS CHART, is amended by adding the following Performance Standards:

INTENSITY OF USE

715. One **townhouse dwelling unit** per **lot** having a minimum **lot frontage** of 4.5 m and a minimum **lot area** of 100 m<sup>2</sup>.
716. One **townhouse dwelling unit** per **lot** having a minimum **lot frontage** of 4.2 m and a minimum **lot area** of 85 m<sup>2</sup>.
717. One **townhouse dwelling unit** per **lot** having a minimum **lot frontage** of 4.4 m and a minimum **lot area** of 95 m<sup>2</sup>.

SETBACKS

1010. For a rear main wall of the garage attached to the **dwelling unit**:

- (i) Where a **dwelling unit** is serviced by a rear **lane** a minimum of 0.5 m setback from a lane having a minimum width of 6.0 m.

1011. For the rear main wall of the **dwelling unit** and detached garage:

- (i) Where a **dwelling unit** is serviced by a rear **lane** a minimum of 12.0 m setback from a **lane** having a minimum width of 6.0 m.
- (ii) Where a detached garage is serviced by a rear **lane** a minimum of 0.5 m setback from a **lane** having a minimum width of 6.0 m.

1012. Minimum setback from the **lot** line that abuts the CNR/GO Rail Line to the rear **main wall** of a **dwelling unit**: 25 m.

1084. Minimum **flankage side yard** setback: 0.9 m

1085. Minimum interior **side yard** setback: 0.8 m
1086. Minimum separation distance of 1.8 m between side **main walls** of adjacent **townhouse dwelling unit** blocks.
1192. Minimum **front yard** setback: 3 m

#### MISCELLANEOUS

2061. **Permitted projections** from the **main wall** of the dwelling unit may be allowed into any yard to the maximum distance shown, but in no case shall this projection extend into a public **street** or **lane**.
2062. Garages shall not be used for human habitation, but may include a second **storey** with window(s) and may include separate sanitary conveniences.
2063. Garages shall not be used for human habitation, **day nurseries** or **private home day care**, but may include a second storey with window(s), save and except any window(s) located on the south side of the garages shall be non-operable, and may include separate sanitary conveniences.

#### HEIGHT

2705. Maximum 13.5 m and 3 **storeys**, excluding **basements**, as measured from the average finished grade along the **main wall** of the **dwelling unit** facing any **street** line.
2706. Maximum 14 m and 4 **storeys**, as measured from the average finished grade along the **main wall** of the **dwelling unit** facing any **street** line.
2708. The height measured from the floor of the **structure** of a detached garage to the **eaves** shall not exceed a height of 6.15 m.
3. On those lands identified as Exception No. 842 on Schedule '1' hereto, the following provisions shall apply:
- (a) Only the following uses are permitted:

#### Permitted Uses:

- **Day Nurseries**
- **Group Homes**
- **Multiple Family Dwellings**
- **Townhouse Dwellings**
- **Private Home Day Care**

Temporary Uses:

- Temporary Sales Trailer for the sales of residential dwelling units.
- (b) A maximum total of 162 **dwelling units** shall be permitted collectively for all lands subject to Exception No. 842.
- (c) Where garages, accessed from a **lane**, are attached to a **dwelling unit**, there shall be a minimum 15 m<sup>2</sup> of outdoor amenity area provided on the roof of the attached garage.
- (d) Measurement of required **yard** setback and building shall be from the **street** or **lane** line, and shall not be affected by required corner roundings, but in no case shall a building be set back less than 0.5 m.
- (e) The following definitions shall apply to the lands encompassed by Exception No. 842:

**Lane**

Shall mean a public or private right-of-way which is not for general traffic circulation and which may provide an alternate means of access to abutting **lots**.

**Model Home**

Shall mean a finished **Townhouse Dwelling** for temporary display to the public prior to occupancy for residential purposes.

**Permitted Projections**

The following Projections, to the maximum distance shown below, shall not be considered part of the **main wall**:

<u>Projections</u>	<u>Distance</u>
Deck, porch, balcony, or similar structure	1.5 m
Decorative or screen wall	1.0 m
Exterior steps or ramps	3.0 m
Bay window, box window or other projecting window	0.6 m
Roof overhang, eave or roof of dormer window	0.6 m provided they are no closer to a lot line than 0.3 m
Chimney, pilaster and projecting columns	0.6 m

**Townhouse Dwelling**

Shall mean a **building** containing three or more **dwelling units**, in which **dwelling units** are separated from each other vertically, and each of which has a separate entrance directly from outside.

- (f) Matters to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended:
- (i) The density of development permitted by this By-law is permitted subject to the owner of the lands, at its expense and in accordance with and subject to the execution and registration of the agreements referred to in Section (ii) herein, providing or funding the following facilities, services and matters, as follows:
    - a. \$200,000 to improve the Birkdale Ravine and/or local park improvements prior to the issuance of any building permits;
    - b. \$200,000 to improve West Birkdale Park and/or local park improvements prior to the issuance of any building permits;
  - (ii) the owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O., 1990, c.P. 13, as amended, to secure the facilities, services and matters referred to in Section (i) herein, which agreement shall be registered as a first priority on title to the lands to which this By-law applies.
  - (iii) Payments set out in (i) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment of the funds by the owner to the City.
- (g) **Model Homes** shall be permitted on the lands encompassed by Exception 842. Each **Model Home** shall be of the permitted **dwelling unit** type within the zone category and shall comply with the provisions of the **Performance Standards Chart, Schedule "B"** for the **dwelling unit** type, and the **Exceptions List, Schedule "C"**.

The maximum number of **Model Homes** permitted collectively for all lands subject to Exception No. 842 shall be as follows:

- (i) 1 **townhouse dwelling** with detached garage
- (ii) 1 **townhouse dwelling** with attached garage

4. On those lands identified as Exception No. 843 on Schedule '1' hereto, the following provisions shall apply:

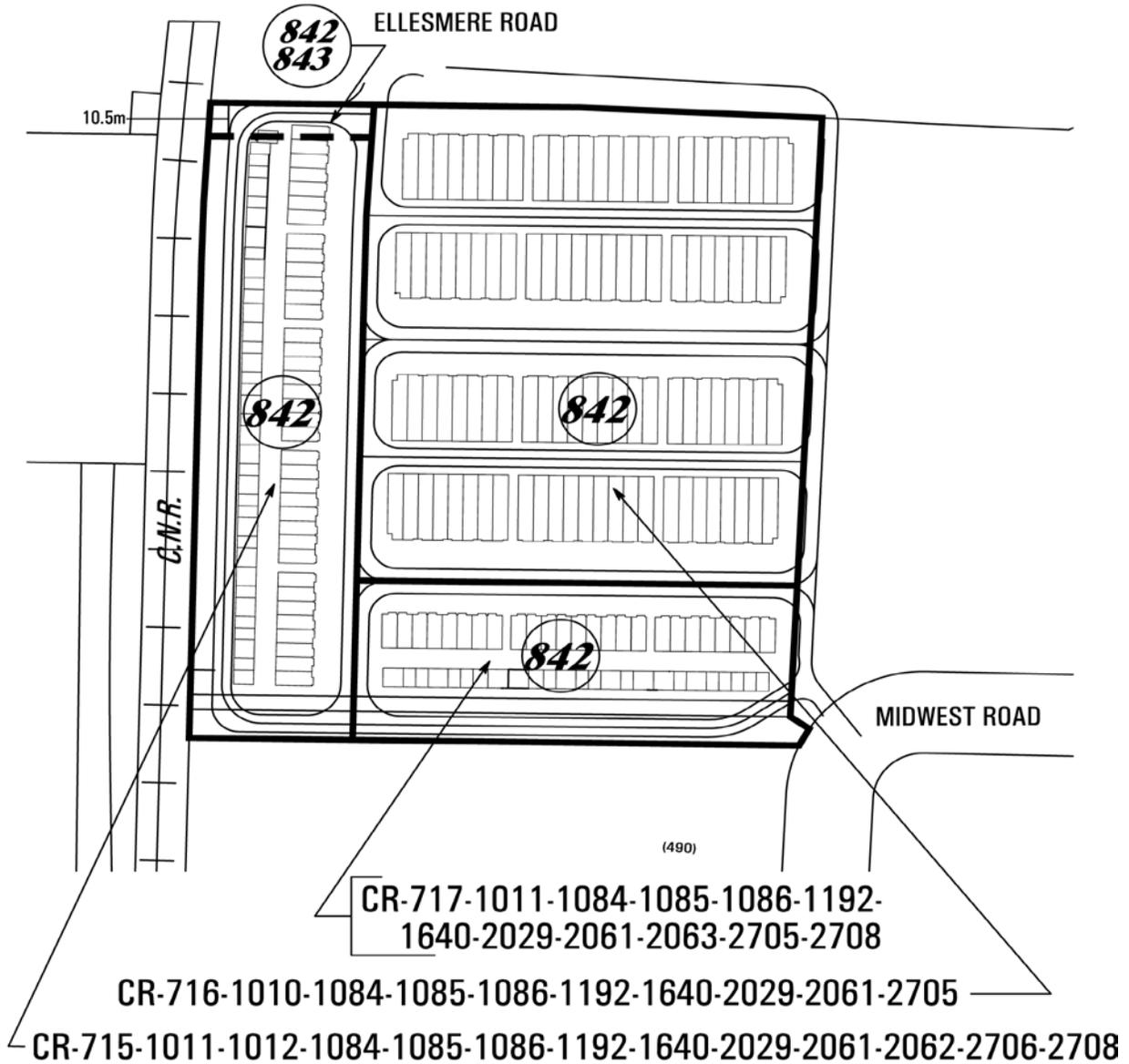
- (a) SETBACKS

For the rear main wall of the **dwelling unit** and detached garage:

- (i) Where a **dwelling unit** is serviced by a rear **lane** a minimum of 10.5 m setback from a lane having a minimum width of 6.0 m to the rear **main wall** of the **dwelling unit**.
- (ii) Where a detached garage is serviced by a rear **lane** a minimum of 0.5 m setback from a **lane** having a minimum width of 6.0 m to the rear **main wall** of the **dwelling unit**.

PURSUANT TO THE DECISION/ORDERS OF THE ONTARIO MUNICIPAL BOARD  
ISSUED ON MAY 15, 2012 AND MAY 18, 2012 UNDER OMB CASE NO. PL120014.

### Schedule '1'



**Zoning By-Law Amendment**

**1051 Ellesmere Road**

File # 11 141212 OZ, 11 141240 SB

 Area Affected By This By-Law

Dorset Park Employment District Bylaw  
Not to Scale  
10/18/11

