

Authority: Ontario Municipal Board Decision issued January 13, 2015 and Order issued May 5, 2015 in Board File No. PL140537

## CITY OF TORONTO

### BY-LAW No. 379-2016(OMB)

#### **To amend Chapter 320 of the Etobicoke Zoning Code with respect to the lands municipally known in 2014 as 300 Valermo Drive.**

Whereas the Ontario Municipal Board, pursuant to its Decision in respect of Board File PL140537 issued on January 13, 2015, and Order issued on May 5, 2015 after hearing the appeal of Urbancorp (Valermo) Inc. (formerly Urbancorp (Old Mill Inc.)) under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend Chapter 320 of the Etobicoke Zoning Code, as amended, of the former City of Etobicoke; and

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

Whereas pursuant to Section 37 of the *Planning Act*, a By-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the By-law and 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 and matters in return for an increase in the height or density of development, the municipality, and the Ontario Municipal Board on appeal, 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 height and density permitted beyond that otherwise permitted on the aforesaid lands by the Etobicoke Zoning Code, as amended, 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;

Chapter 320 of the Etobicoke Zoning Code of the former City of Etobicoke is further amended by the Ontario Municipal Board, as follows:

1. Notwithstanding Section 320-16, 320-18, 320-24.9 (B), 320-24.10 (A), 320-39, 320-40, 320-41, 320-42, 320-42.1, 320-44, 320-63, 320-64 of the Etobicoke Zoning Code, as amended, the following definitions and development standards shall now be applicable to the lands zoned Third Density Residential (R3) as outlined in heavy lines on Schedule 'A' and as described in Schedule 'B' attached hereto.
2. Definitions: For the purposes of this By-law, the following definitions shall apply:
  - (i) 'Block' shall mean a reference to Block A, B1, B2, B3, B4, B5, C or D as identified on Schedule 'B' attached hereto;

- (ii) 'Front Wall' shall mean the Building façade above the first Storey of the Dwelling abutting the Front Lot Line;
- (iii) 'Grade' shall mean the average elevation of the finished grade at the intersection of the Side Lot Lines at the Front Yard setback of 5.1 metres to the Front Wall of the Building;
- (iv) 'Height' for a flat roof Building shall mean the perpendicular distance measured from Grade to the top of roof, which may include a parapet;
- (v) 'Lands' shall mean the lands described and outlined in heavy lines on Schedule 'A' attached hereto; and
- (vi) 'Soft Landscaping' shall mean trees, shrubs, grass, flowers, vegetables, and other vegetation, but does not include hard surfaced areas such as, but not limited to, driveways, parking area, decorative stonework, walkways, patios, screening or other landscape-architectural elements. For the purpose of Front Yard Soft Landscaping, the Front Yard shall mean a Yard extending across the full width of the lot between the Front Lot Line and the Front Wall of the Building on the Lot.

**3. Permitted Uses:**

- (i) The only permitted use shall be Single-Detached Dwellings on the lands within Block A and Semi-Detached Dwellings on the lands within all other Blocks;
- (ii) A temporary sales trailer/office for the purpose of marketing and sales of the Dwellings proposed on the Lands and/or a construction trailer are permitted during the development of the Lands and are not subject to any development standards set out in this By-law; and
- (iii) The erection and use of one model home for the purpose of marketing and sales of the Dwellings proposed on the Lands is permitted within Block A during the development of the Lands and the development standards of this By-law applicable to Single Detached Dwellings shall apply to the model home.

**4. The following development standards are applicable to the Single-Detached Dwellings within Block A:**

- (i) Lot Frontage (minimum): 12 metres;
- (ii) Lot Area (minimum): 270 square metres;
- (iii) Lot Coverage (maximum): 39 percent;
- (iv) Floor Space Index (FSI) shall not exceed 0.98 times the total Lot Area;
- (v) The maximum permitted Height of a Building shall be 9.5 metres;
- (vi) Notwithstanding subsection 4(v) of this By-law, a parapet wall may exceed the maximum permitted Height to a maximum of 0.5 metres for a maximum linear

width of 7.0 metres along the Front Wall of the Building and a maximum depth of 3.5 metres from the Front Wall of the Building as shown in Schedule 'C' attached hereto;

- (vii) The minimum Front Yard setback shall be 6 metres from the Street Line to the garage door and 5.1 metres to the Front Wall of the main Building;
  - (viii) The minimum Rear Yard setback shall be 7.5 metres;
  - (ix) The minimum exterior Side Yard setback shall be 0.6 metres, except that for Corner Lots, the minimum exterior Side Yard setback for the Side Yard abutting the Street Line shall be 0.85 metres;
  - (x) The following projections shall be permitted:
    - a) Uncovered steps to grade;
    - b) An open terrace, an open and/or roofed porchway or veranda, and a deck, provided that the same does not encroach more than 1.6 metres into the required Rear Yard setback;
    - c) Ornamental elements, parapets, trellises, eaves, window sills, vents, may be permitted to project a maximum of 0.3 metres into a required Yard setback; and
    - d) Gas fireplaces and chimney breast, and the associated mechanical elements, may project a maximum of 0.4 metres into the required Side Yard and Rear Yard setback, provided the projection is above the first Storey;
  - (xi) Front Yard Soft Landscaping (minimum): 35 percent;
  - (xii) The maximum Dwelling depth shall be 10.1 metres;
  - (xiii) A minimum of one Parking Space having a minimum dimension of 2.6 metres by 5.6 metres shall be provided for each Dwelling Unit in an integral garage; and
  - (xiv) The maximum driveway width shall be 6 metres.
5. The following development standards are applicable to the Lots within Blocks B1, B2 and B3:
- (i) Lot Frontage (minimum): 7.5 metres;
  - (ii) Lot Area (minimum): 225 square metres;
  - (iii) Lot Coverage (maximum): 46 percent;
  - (iv) Floor Space Index (FSI) shall not exceed 1.33 times the total Lot Area;
  - (v) The maximum permitted Height of a Building shall be 9.5 metres;

- (vi) Notwithstanding subsection 5(v) of this By-law, a parapet wall may exceed the maximum permitted Height to a maximum of 0.5 metres for a maximum linear width of 4.3 metres along the Front Wall of the Building and a maximum depth of 3.5 metres from the Front Wall of the Building as shown in Schedule 'C' attached hereto;
  - (vii) The minimum Front Yard setback shall be 6 metres from the Street Line to the garage door and 5.1 metres to the Front Wall of the main Building;
  - (viii) The minimum Rear Yard setback shall be 7.5 metres;
  - (ix) The minimum exterior Side Yard setback shall be 0.6 metres, except that for Corner Lots, the minimum exterior Side Yard setback for the Side Yard abutting the Street Line shall be 1.3 metres;
  - (x) The following projections shall be permitted:
    - a) Uncovered steps to grade;
    - b) An open terrace, an open and/or roofed porchway or veranda, and a deck, provided that the same does not encroach more than 1.6 metres into the required Rear Yard setback;
    - c) Ornamental elements, parapets, trellises, eaves, window sills, vents, may be permitted to project a maximum of 0.3 metres; into the required Yard setback; and
    - d) Gas fireplaces and chimney breast, and the associated mechanical elements, may project a maximum of 0.4 metres into the required Side Yard and Rear Yard setback, provided the projection occurs above the first Storey;
  - (xi) Front Yard Soft Landscaping (minimum): 40 percent;
  - (xii) A minimum of one Parking Space having a minimum dimension of 2.6 metres by 5.6 metres shall be provided for each Dwelling Unit in an integral garage; and
  - (xiii) The maximum driveway width shall be 3 metres;
- 6.** The following development standards are applicable to the Lots within Block B4, referred to as Block B4-A and Block B4-B on Schedule 'B' attached hereto:
- (i) Lot Frontage (minimum): 7.5 metres;
  - (ii) Lot Area (minimum): 215 square metres;
  - (iii) Lot Coverage (maximum): 48 percent;
  - (iv) Floor Space Index (FSI) shall not exceed 1.36 times the total Lot Area;

- (v) The maximum permitted Height of a Building shall be 9.5 metres;
  - (vi) Notwithstanding subsection 6(v) of this By-law, a parapet wall may exceed the maximum permitted Height to a maximum of 0.5 metres for a maximum linear width of 4.3 metres along the Front Wall of the Building and a maximum depth of 3.5 metres from the Front Wall of the Building as shown on Schedule 'C' attached hereto;
  - (vii) The minimum Front Yard setback for a Building within Block B4-A shown on Schedule 'B' attached hereto shall be 6 metres from the Front Wall of the main Building and the minimum Front Yard setback for a Building within Block B4-B shown on Schedule 'B' attached hereto shall be 3.6 metres from the Street Line to the garage door and 2.7 metres to the Front Wall of the main Building;
  - (viii) The minimum Rear Yard setback shall be 7.5 metres;
  - (ix) The minimum exterior Side Yard setback shall be 0.6 metres;
  - (x) The following projections shall be permitted:
    - a) Uncovered steps to grade;
    - b) An open terrace, an open and/or roofed porchway or veranda, and a deck, provided that the same does not encroach more than 1.6 metres into the required Rear Yard setback;
    - c) Ornamental elements, parapets, trellises, eaves, window sills, vents, may be permitted to project a maximum of 0.3 metres into the required Yard setback; and
    - d) Gas fireplaces and chimney breast, and the associated mechanical elements, may project a maximum of 0.4 metres into the required Side Yard and Rear Yard setback, provided the projection occurs above the first Storey;
  - (xi) Front Yard Soft Landscaping (minimum): 34 percent;
  - (xii) A minimum of one Parking Space having a minimum dimension of 2.6 metres by 5.6 metres shall be provided for each Dwelling Unit in an integral garage; and
  - (xiii) The maximum driveway width shall be 3 metres.
7. The following development standards are applicable to the Lots within Block B5 referred to as Block B5-A and Block B5-B on Schedule 'B' attached hereto:
- (i) Lot Frontage (minimum): 7.5 metres;
  - (ii) Lot Area (minimum): 219 square metres;
  - (iii) Lot Coverage (maximum): 47 percent;

- (iv) Floor Space Index (FSI) shall not exceed 1.35 times the total Lot Area;
  - (v) The maximum permitted Height of a Building shall be 9.5 metres;
  - (vi) Notwithstanding subsection 7(v) of this By-law, a parapet wall may exceed the maximum permitted Height to a maximum of 0.5 metres for a maximum linear width of 4.3 metres along the Front Wall of the Building and a maximum depth of 3.5 metres from the Front Wall of the Building as shown on Schedule 'C' attached hereto;
  - (vii) The minimum Front Yard setback for a Building within Block B5-A shown on Schedule 'B' attached hereto shall be 6 metres from Street Line to the garage door and 5.1 metres to the Front Wall of the main Building and the minimum Front Yard setback for a Building within Block B5-B shown on Schedule 'B' attached hereto shall be 4.1 metres from the Street Line to the garage door and 3.2 metres to the Front Wall of the main Building;
  - (viii) The minimum Rear Yard setback shall be 7.5 metres;
  - (ix) The minimum exterior Side Yard setback shall be 0.6 metres;
  - (x) The following projections shall be permitted:
    - a) Uncovered steps to grade;
    - b) An open terrace, an open and/or roofed porchway or veranda, and a deck, provided that the same does not encroach more than 1.6 metres into the required Rear Yard setback; and
    - c) Ornamental elements, parapets, trellises, eaves, window sills, vents, may be permitted to project a maximum of 0.3 metres into the required Yard setback; and
    - d) Gas fireplaces and chimney breast, and the associated mechanical elements, may project a maximum of 0.4 metres into the required Side Yard and Rear Yard setback, provided the projection occurs above the first Storey;
  - (xi) Front Yard Soft Landscaping (minimum): 37 percent;
  - (xii) A minimum of one Parking Space having a minimum dimension of 2.6 metres by 5.6 metres shall be provided for each Dwelling Unit in an integral garage; and
  - (xiii) The maximum driveway width shall be 3 metres.
- 8.** The following standards are applicable to the Lots within Block C:
- (i) Lot Frontage (minimum): 8.05 metres;
  - (ii) Lot Area (minimum): 323 square metres;

- (iii) Lot Coverage (maximum): 39 percent;
  - (iv) Floor Space Index (FSI) shall not exceed 1.11 times the total Lot Area;
  - (v) The maximum permitted Height of a Building shall be 9.5 metres;
  - (vi) Notwithstanding subsection 8(v) of this By-law, a parapet wall may exceed the maximum permitted Height up to a maximum of 0.5 metres for a maximum linear width of 4.9 metres along the Front Wall of the Building and a maximum depth of 3.5 metres from the Front Wall of the Building as shown in Schedule 'C' attached hereto;
  - (vii) The minimum Front Yard setback shall be 6 metres from the Street Line to the garage door and 5.1 metres to the Front Wall of the main Building;
  - (viii) The minimum Rear Yard setback shall be 16.1 metres;
  - (ix) The minimum exterior Side Yard setback shall be 0.6 metres, except that for Corner Lots, the minimum exterior Side Yard setback for the Side Yard abutting the Street Line shall be 0.9 metres;
  - (x) The following projections shall be permitted:
    - a) Uncovered steps to grade;
    - b) An open terrace, an open and/or roofed porchway or veranda, and a deck, provided that the same does not encroach more than 1.6 metres into the required Rear Yard setback;
    - c) Ornamental elements, parapets, trellises, eaves, window sills, vents, may be permitted to project a maximum of 0.3 metres into the required Yard setback; and
    - d) Gas fireplaces and chimney breast, and the associated mechanical elements, may project a maximum of 0.4 metres into the required Side Yard and Rear Yard setback, provided the projection occurs above the first Storey;
  - (xi) Front Yard Soft Landscaping (minimum): 40 percent;
  - (xii) A minimum of one Parking Space having a minimum dimension of 2.6 metres by 5.6 metres shall be provided for each Dwelling Unit in an integral garage; and
  - (xiii) The maximum driveway width shall be 3 metres.
- 9.** The following development standards are applicable to the Lots within Block D:
- (i) Lot Frontage (minimum): 7.5 metres;
  - (ii) Lot Area (minimum): 206 square metres;

- (iii) Lot Coverage (maximum): 54 percent;
  - (iv) Floor Space Index (FSI) shall not exceed 1.49 times the total Lot Area;
  - (v) The maximum permitted Height of a Building shall be 9.5 metres;
  - (vi) Notwithstanding subsection 9(v) of this By-law, a parapet wall may exceed the maximum permitted Height to a maximum of 0.5 metres for a maximum linear width of 7 metres along the Front Wall of the Building and a maximum depth of 3.5 metres from the Front Wall of the Building as shown in Schedule 'C' attached hereto;
  - (vii) The minimum Front Yard setback shall be 6 metres from the Street Line to the garage door and 5.1 metres to the Front Wall of the main Building;
  - (viii) The minimum Rear Yard setback shall be 7.5 metres;
  - (ix) The minimum exterior Side Yard setback shall be 0.6 metres;
  - (x) The following projections shall be permitted:
    - a) Uncovered steps to grade;
    - b) An open terrace, an open and/or roofed porchway or veranda, and a deck, provided that the same does not encroach more than 1.6 metres into the required Rear Yard setback;
    - c) Ornamental elements, parapets, trellises, eaves, window sills, vents, may be permitted to project a maximum of 0.3 metres into the required Yard setback; and
    - d) Gas fireplaces and chimney breast, and the associated mechanical elements, may project a maximum of 0.4 metres into the required Side Yard and Rear Yard setback, provided the projection occurs above the first Storey;
  - (xi) Front Yard Soft Landscaping (minimum): 35 percent;
  - (xii) A minimum of one Parking Space having a minimum dimension of 2.6 metres by 5.6 metres shall be provided for each Dwelling Unit in an integral garage; and
  - (xii) The maximum driveway width shall be 3 metres.
- 10.** The maximum number of Dwellings permitted within the Blocks shown on Schedule 'B' attached hereto are as follows:
- (i) Block A: 12 Single-Detached Dwellings;
  - (ii) Block B1: 8 Semi-Detached Dwellings;
  - (iii) Block B2: 18 Semi-Detached Dwellings;



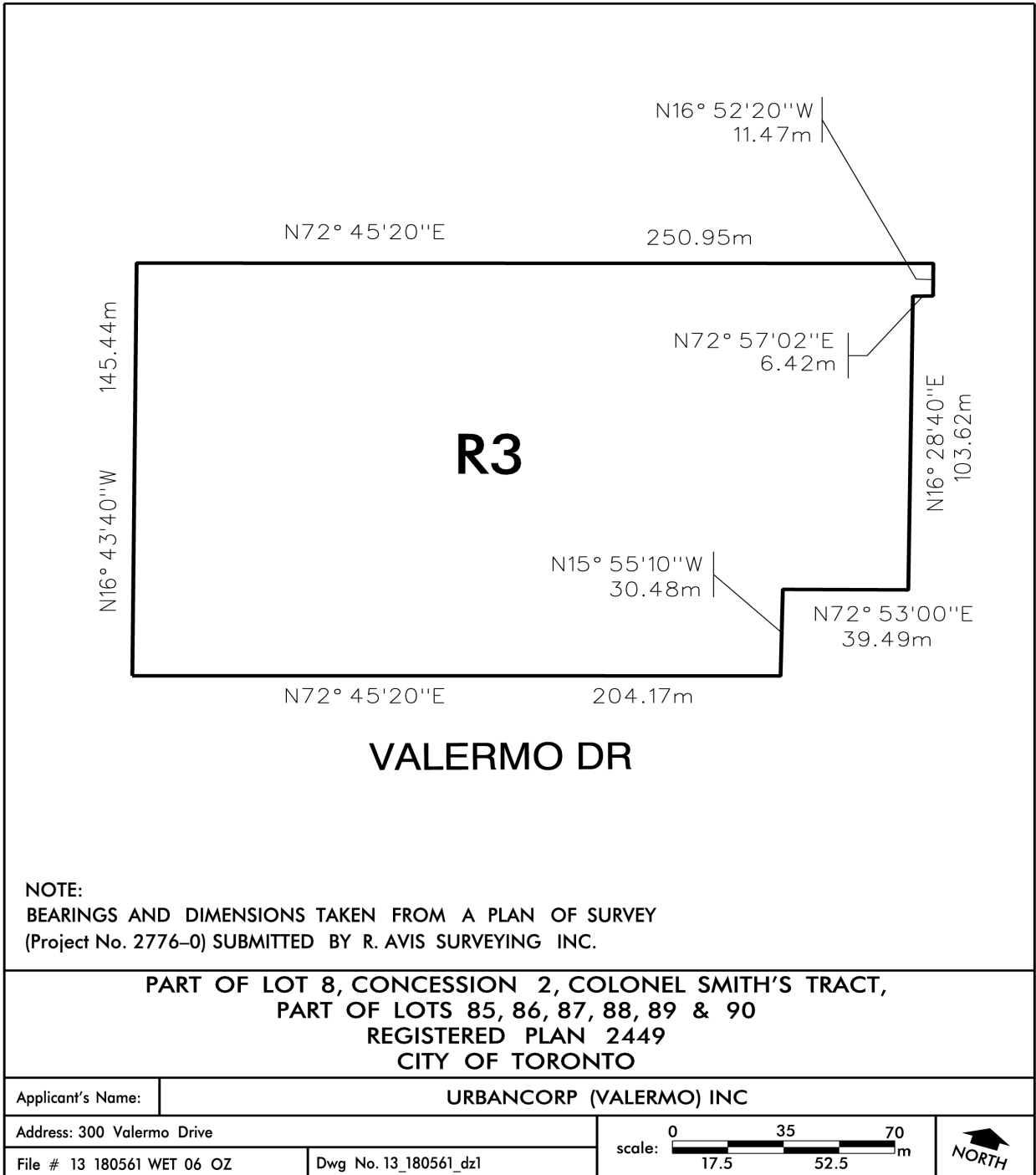
- (iv) Block B3: 4 Semi-Detached Dwellings;
  - (v) Block B4: 1 Semi-Detached Dwelling;
  - (vi) Block B5: 1 Semi-Detached Dwelling;
  - (vii) Block C: 9 Semi-Detached Dwellings; and
  - (viii) Block D: 2 Semi-Detached Dwellings.
- 11.** Within the lands identified as R3 on Schedule 'A' attached hereto, no person shall use any land or erect or use any Building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (i) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - (ii) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
- 12.** Section 37 Provisions
- (i) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the Lands shown on Schedule 'A' attached hereto in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 'D' attached hereto and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the Lands, to the satisfaction of the City Solicitor;
  - (ii) Where Schedule 'D' of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
  - (iii) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule 'D' attached hereto are satisfied.
- 13.** Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall take precedence.
- 14.** The provisions of By-law No. 1979-67 and By-law No. 1981-272 shall not apply to the lands shown on Schedule 'A' attached hereto.
- 15.** No Buildings or structures shall be permitted within the hatched lands labeled "Subject to Easement" on Schedule 'B' attached hereto with the exception of fences, fence posts and structural elements required to support the fence provided the function of the easement for the purpose intended is not restricted.

- 16.** Nothing in this By-law shall apply to prevent phased building permits and phased construction of the development on the Lands.
- 17.** Despite any future severance, partition or division of the lands as shown on Schedule 'A' attached hereto, the provisions of this exception shall apply as if no severance, partition or division has occurred.
- 18.** Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws:

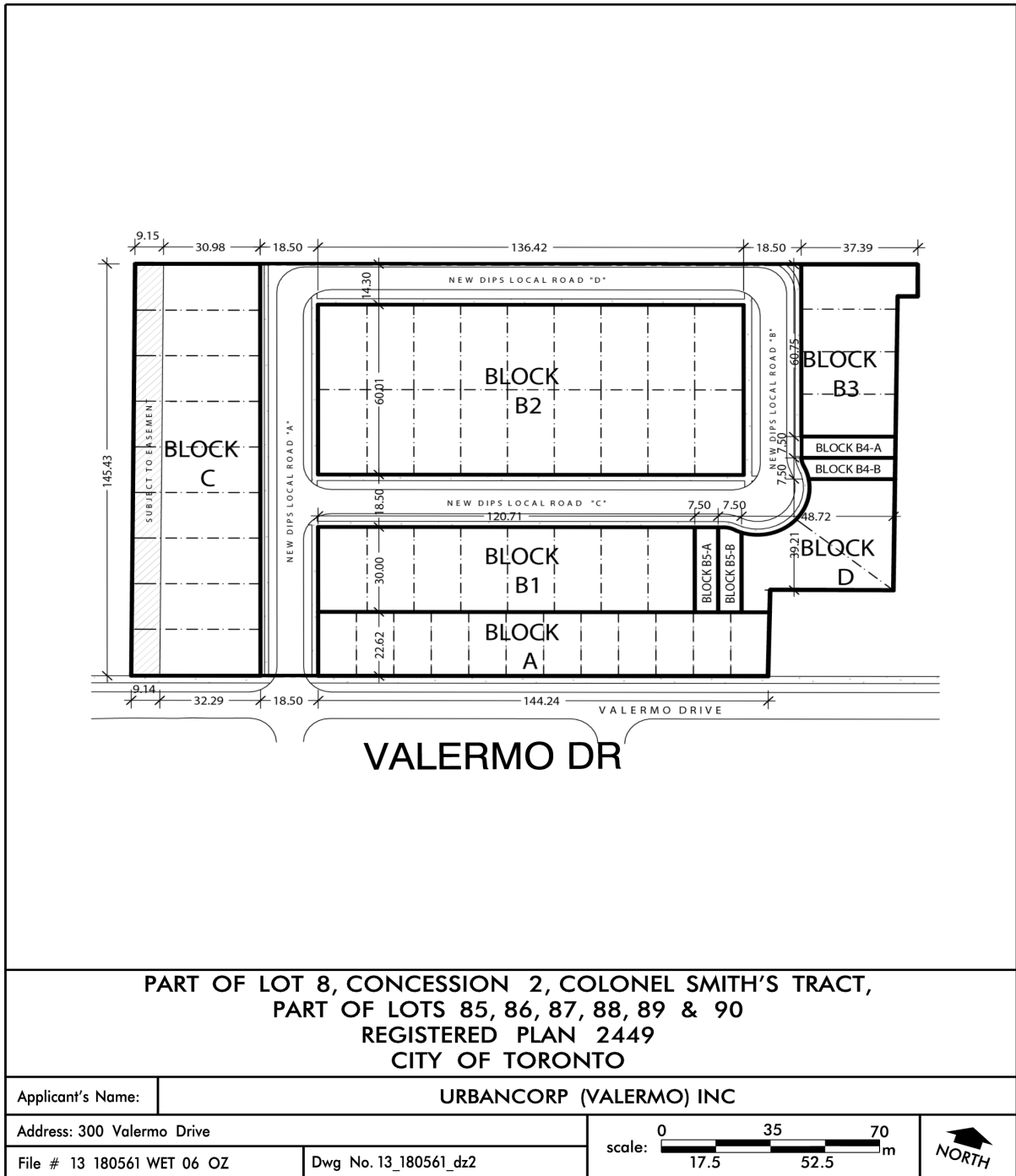
<b>By-law Number and Adoption Date</b>	<b>Description of Property</b>	<b>Purpose of By-law</b>
379-2016(OMB) May 5, 2015	Lands municipally known as 300 Valermo Drive	To rezone the lands to permit the construction of one-family detached dwellings and semi-detached dwellings on the lands shown on Schedule 'A' annexed hereto.

PURSUANT TO THE DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED JANUARY 13, 2015 AND ORDER ISSUED ON MAY 5, 2015 IN BOARD FILE NO. PL140537.

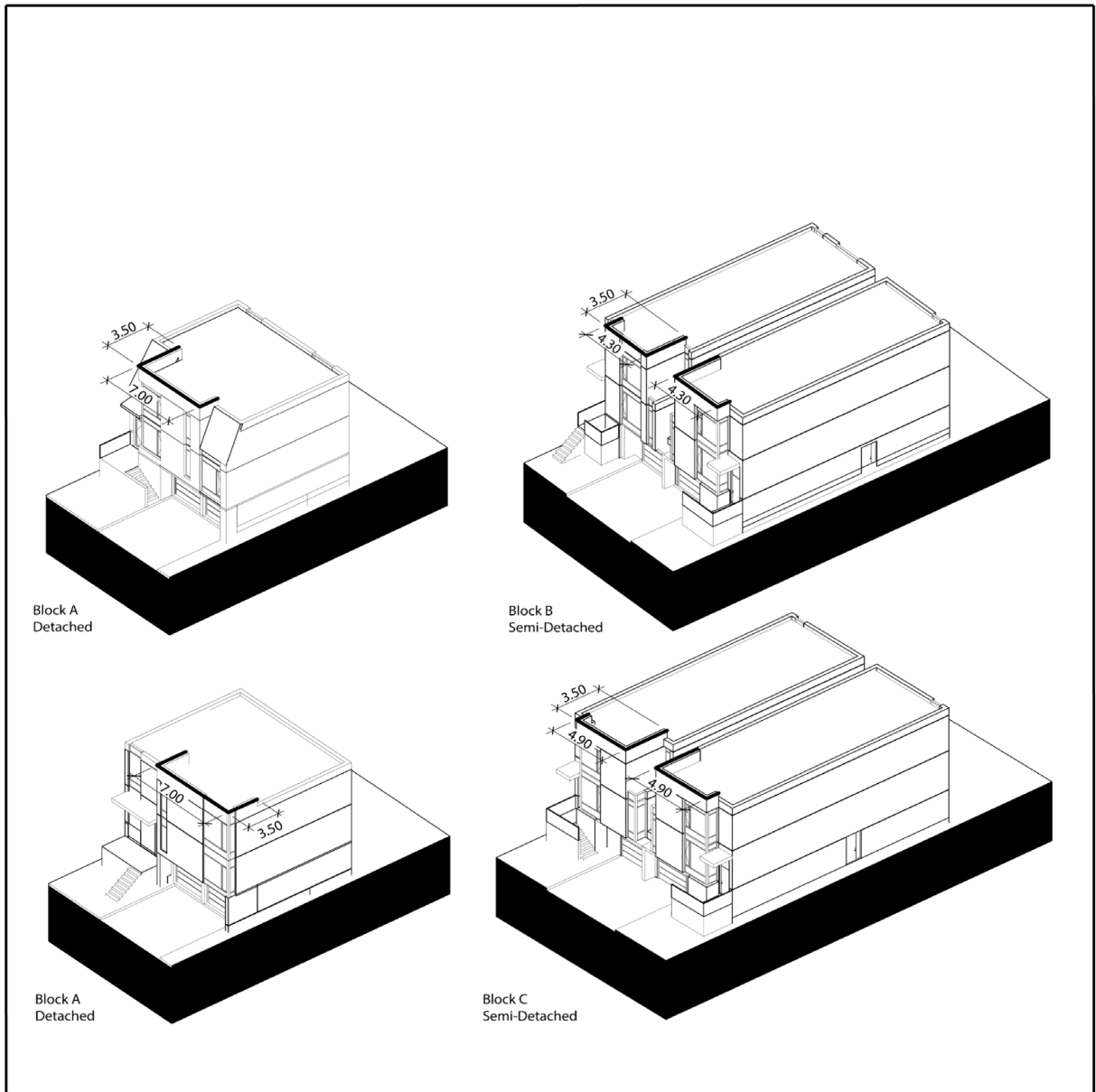
**Toronto** Schedule 'A' BY-LAW



**TORONTO** Schedule 'B' BY-LAW



**Toronto** Schedule 'C' BY-LAW



**PART OF LOT 8, CONCESSION 2, COLONEL SMITH'S TRACT,  
PART OF LOTS 85, 86, 87, 88, 89 & 90  
REGISTERED PLAN 2449  
CITY OF TORONTO**

Applicant's Name:	URBANCORP (VALERMO) INC		
Address: 300 Valermo Drive		scale:	
File # 13 180561 WET 06 OZ	Dwg No. 13_180561_dz3		

**Schedule 'D'**

## Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the Lands as shown in Schedule 'A' to this By-law and secured in an agreement under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

- (1) Prior to issuance of any above grade building permit the owner shall make a cash contribution in the amount of one hundred and fifty thousand dollars (\$150,000.00) to the City to be allocated toward local park improvements at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, which amount shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date of payment.