

Authority: Scarborough Community Council Item SC18.28, as adopted by City of Toronto Council on December 13, 14 and 15, 2016

## CITY OF TORONTO

### BY-LAW 318-2017

**To amend former City of Scarborough Employment Districts Zoning By-law 24982 (Golden Mile Employment District), as amended, and the Warden Woods Community Zoning By-law 950-2005, as amended, with respect to the lands municipally known in the year 2016 as 95 Pidgeon Street.**

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*; and

Whereas the Official Plan for the City of Toronto contains provision 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 height or 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 or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters, as hereinafter set out; and

Whereas the increases in the height and density permitted beyond that otherwise permitted in the aforesaid lands by By-law 950-2005, 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;

The Council of the City of Toronto enacts:

- 1. Schedule "A"** of the City of Scarborough Employment Districts Zoning By-law 24982 (Golden Mile Employment District) is amended by deleting the lands at 95 Pidgeon Street from this By-law as shown outlined on the attached Schedule '1' to this By-law.
- 2. Schedule "A"** of the Warden Woods Community Zoning By-law 950-2005, as amended, is further amended by adding the following lands and zoning at 95 Pidgeon Street as shown on the attached Schedule '1' to this By-law:

TH – 19M – 25 – 40 – 73 – 120 – 149 – 160 – 218 – 225 – 237– 238

3. **Schedule "B", PERFORMANCE STANDARD CHART**, of the Warden Woods Community Zoning By-law 950-2005, as amended, is further amended by adding the following Performance Standards:

**INTENSITY OF USE**

- 19L. Maximum 18 **townhouse dwelling** units, each **townhouse dwelling** unit having a minimum **lot frontage** of 5.5 metres and a minimum **lot area** of 130 square metres per **dwelling** unit.
- 19M. Maximum 8 **townhouse dwelling** units, each **townhouse dwelling** unit having a minimum **lot frontage** of 5.5 metres and a minimum **lot area** of 130 square metres per **dwelling** unit.

**FRONT YARD SETBACK**

24. Minimum 5.5 metres.
25. Minimum 9.0 metres.

**SIDE YARD SETBACK**

73. Minimum 1.6 metres for the end (side) wall of **townhouse dwellings**, except for **side yards** that abut a **street** or **lane**, and 0 metres from the common **lot** line shared by **dwelling** units.

**MICELLANEOUS**

237. Notwithstanding **Clause VI – PROVISIONS FOR ALL ZONES, 4 – Frontage on a Street**, the **lot line** abutting the "Proposed Part of Private Lane" as identified on Schedule 1 of this By-law, shall be deemed to abut or front on a public **street**.
238. Notwithstanding **Clause VI – PROVISIONS FOR ALL ZONES, 16 – Permitted Encroachments into Required Yards**, the following projections and their supporting structural members, to the maximum distances shown below and in no case closer than 0.3 metres to a street line, shall not be considered part of the **main wall** and may extend into required **front, rear** or **side yards**, including required **main wall** separation distances, except as otherwise specified:

Chimneys, pilasters and projecting columns:	0.5 metres
Roof overhang, cantilevered elements, canopies, eaves, porticoes:	1 metre (rear and side yards) and 0.5 metres (front yard)

Balconies, unenclosed porches projecting into a <b>front yard, rear yard</b> or a <b>side yard</b> abutting a <b>street</b> :	1.55 metres
Exterior steps:	No Limit
First <b>storey</b> cantilevered bay, bow or dormer windows projecting into a <b>front yard, rear yard</b> or a <b>side yard</b> abutting a <b>street</b> :	1 metre
Cantilevered bay, bow or dormer windows above first <b>storey</b> :	0.5 metres
Decks into a <b>rear yard</b> :	2 metres

4. **Schedule "C", EXCEPTIONS MAP**, of the Warden Woods Community Zoning By-law 950-2005, as amended, is further amended by adding Exception 19 to the lands outlined on the attached Schedule '2' to this By-law.
  
5. **Schedule "C", EXCEPTIONS LIST AND MAP**, of the Warden Woods Community Zoning By-law 950-2005, as amended, is further amended by adding Exception 23 to the lands outlined on the attached Schedule '2' to this By-law, so that it reads:
  23. On those lands identified as Exception 23 on the accompanying **Schedule "C"** map, the following provision shall apply:
    - (i) These lands shall be used for landscaping purposes only.
  
6. **Schedule "C", EXCEPTIONS LIST AND MAP**, of the Warden Woods Community Zoning By-law 950-2005, as amended, is further amended by adding Exception. 24 to the lands outlined on the attached Schedule '2' to this By-law, so that it reads:
  24. On those lands identified as Exception 24 on the accompanying **Schedule "C"** map, the following provisions shall apply:
    - (i) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and/or density of development beyond that otherwise permitted on the lands zoned **Townhouse Residential (TH)** shown on the accompanying **Schedule "C"** map is permitted in return for the provision by the owner, at the owner's expense, of the following facilities, services and matters 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:
      - (a) Prior to issuance of the first above-grade building permit (other than a permit for a temporary sales office/pavilion), the owner shall make a financial contribution to the City in the amount of Sixty-five Thousand (\$65,000.00 CDN), to be allocated toward

improvements to one or more of the Warden Hilltop Community Centre, local parks or the public library in the Warden Woods community at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor and local community, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment; and

- (b) In the event the cash contribution(s) referred to in Section (i)(a) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
- (ii) Where Section (i) above 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 /or density pursuant to this By-law unless all provisions of Section (i) above are satisfied.

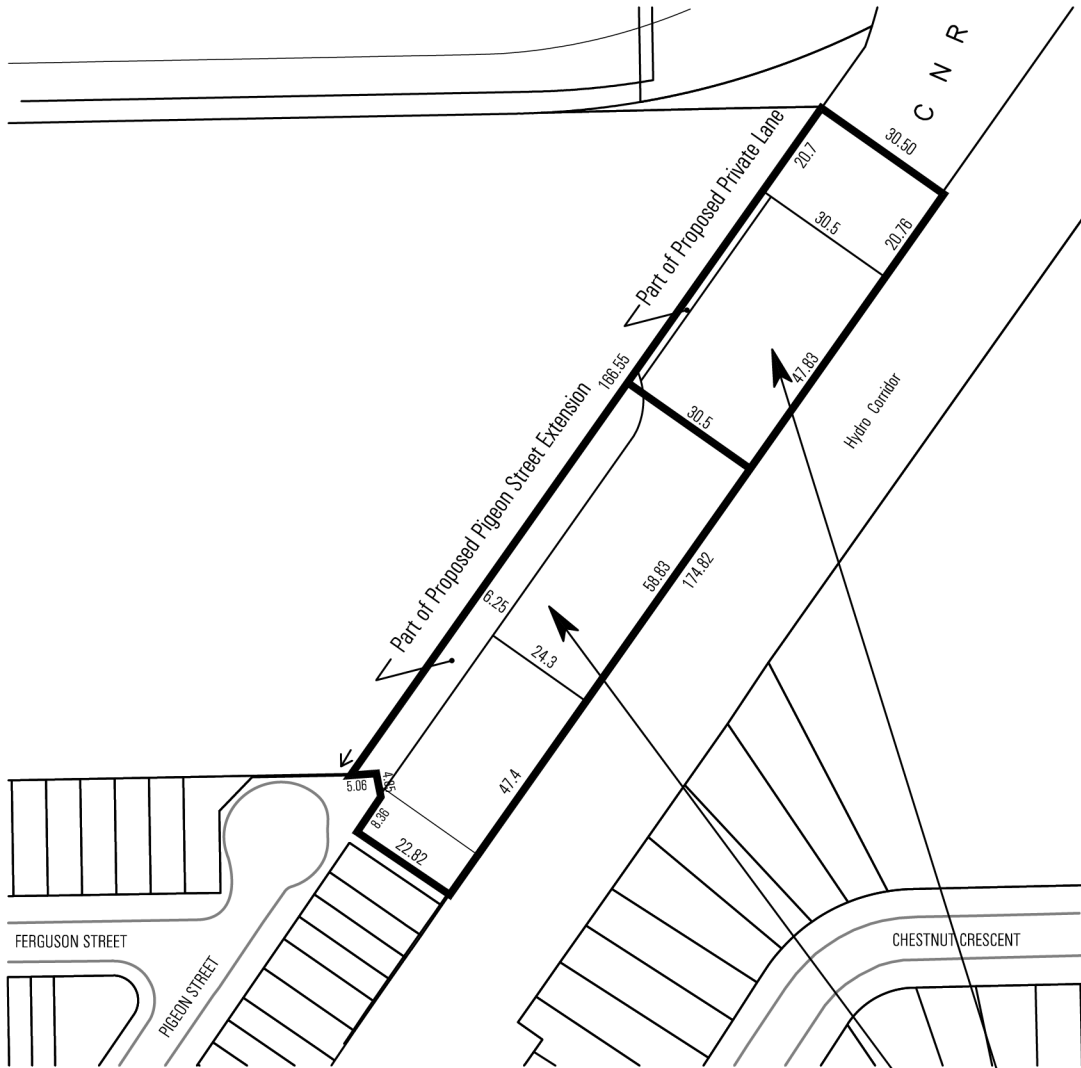
Enacted and passed on March 29, 2017.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

### Schedule '1'



**TH-19L-24-40-73-120-149-160-218-225-238**

**TH-19M-25-40-73-120-149-160-218-225-237-238**



**Zoning By-Law Amendment**

95 Pigeon Street  
File # 15 183193 ESC 35 OZ, 15 183205 ESC 35 SB

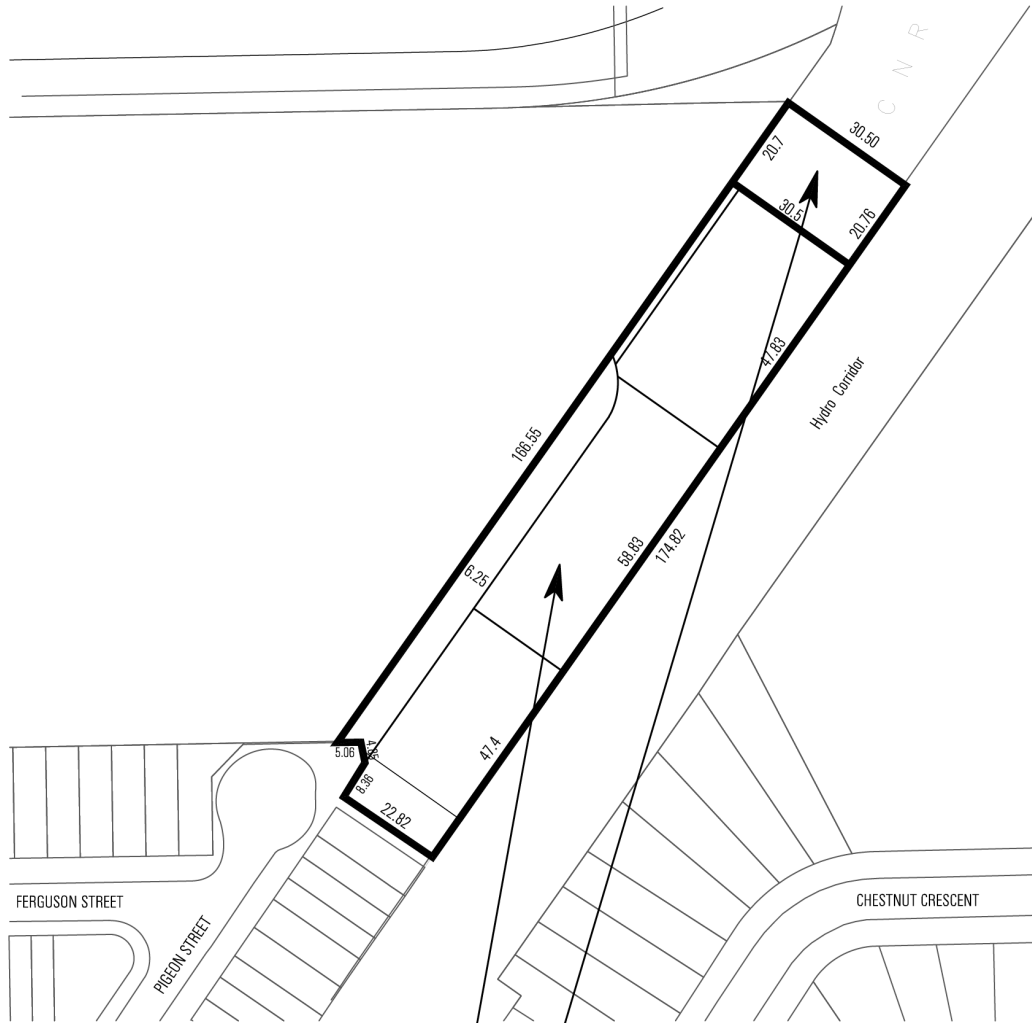


Area Affected By This By-Law

Warden Woods Community Bylaw  
Not to Scale  
03/15/17



Schedule '2'



**Exception No. 19, 24**

**Exception No. 19, 23, 24**



**Zoning By-Law Amendment**

File # 15 183193 ESC 35 OZ, 15 183205 ESC 35 SB

95 Pigeon Street



Area Affected By This By-Law

Warden Woods Community Bylaw  
Not to Scale  
10/21/16

