

# CITY OF TORONTO

## BY-LAW No. 152-2011(OMB)

**To amend the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Steeles Employment District), as amended, with respect to the lands municipally known as 1030 McNicoll Avenue.**

WHEREAS the Ontario Municipal Board, pursuant to its Decision/Order No. 2855, issued on October 31, 2007, and its Decision/Order issued on January 18, 2011, upon hearing the appeal of the St. John's McNicoll Centre under Section 34(11) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, deems it advisable to amend the Employment Districts Zoning By-law No. 24982 of the former City of Scarborough;

THEREFORE By-law No. 24982, as amended, of the former City of Scarborough is further amended as follows:

1. **SCHEDULE 'A'**, of the Employment Districts Zoning By-law No. 24982 (Steeles Employment District) is amended by deleting the current zone provisions for the lands municipally known as 1030 McNicoll Avenue and replacing them with the following zone provisions as shown on Schedule '1' attached hereto and forming part of this by-law:

I-SW-43-714-853-913-1008-1080-1081-1083-1422-1640-1642-1807-2029-2230-2231-2232-2233-2234-2382

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2. **SCHEDULE 'B'**, of the Employment Districts Zoning By-law No. 24982, **Performance Standards Chart** is amended by adding the following Performance Standards:

### **INTENSITY OF USE**

714. Maximum 578 **Senior Citizens' Apartment dwelling units**.

853. **Gross floor area** of all retail stores and **personal service shops** shall not exceed 360 m<sup>2</sup>.

### **SETBACKS**

1008. Minimum **rear yard** setback 19 m.

1080. Minimum east **side yard** setback 15 m.

1081. Minimum west **side yard** setback 7 m.

1083. **Main Wall Projections**:

- (i) Balconies may project into the required **rear yard** and required west **side yard** setback by a maximum of 1.5 metres.

- (ii) A **canopy** may project into the required **rear yard** setback by a maximum of 3.6 metres.

## **REQUIRED PARKING**

1642. Parking shall be provided at the following rates:

Minimum 0.5 parking spaces per **Senior Citizens' Apartment dwelling unit**.

Minimum 0.5 parking spaces per bed-sitting room within a **Retirement Home**.

## **MISCELLANEOUS**

2230. **Bed-sitting Room** means a room used as a separate living accommodation that:

- (i) has a private entrance from a hallway inside a building, and
- (ii) may have sanitary facilities but not food preparation facilities.

2231. **Non-Profit Organization** means:

- (i) a corporation without share capital to which the provisions of Part III of the *Corporations Act*, R.S.O. 1990 c.C.38, as amended, apply; or
- (ii) a non-profit organization, a charitable organization or a registered charity, as those terms are defined in the *Income Tax Act*, R.S.C. 1985, Chapter 1 (5th Supp.), as amended.

2232. **Nursing Home** means premises used to provide living accommodation and regular nursing care for persons of any age and which contains personal and medical care facilities, common lounges and dining areas.

2233. **Retirement Home** means premises used for semi-independent living accommodation for senior citizens primarily in **bed-sitting rooms**, with common dining and lounge areas and may include associated support services.

2234. **Senior Citizens' Apartments** means **dwelling units** in an apartment building provided by a **Non-Profit Organization** and includes a common dining area and on site support services and facilities for seniors and other groups, which services may include but are not limited to: wellness and fitness programs; seniors daycare; recreational facilities and programming, counselling and training services; and social and cultural programs.

**SECTION 37**

2382. Pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lands is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's expense:

- (1) prior to issuance of a foundation permit, the Owner shall:
  - (i) make a financial contribution to the City of \$250,000.00, together with any increases to reflect increases in the Non-Residential Construction Output Price Index from the date of the Section 37 agreement, towards capital improvements to the L'Amoreaux Community Centre or towards other capital facilities as may be determined by the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor.
- (2) the Owner of the lands shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended which are registered on title to the lands by the City to secure:
  - (a) matters provided for in 1 (i) above.
  - (b) phasing of development, including a requirement that the first phase of development contain a maximum of 220 dwelling units and that the second phase of development must include a gymnasium, administrative and medical office uses, personal service shop and retail store floor space and retirement home use.
  - (c) The provision by the Owner of a comprehensive range of support services and facilities to the residents of the development and to the broader public.
  - (d) The following matters required to support the development as a legal convenience:
    - (i) A noise and vibration study will be required as part of the site plan approval process for each phase of development to ensure compliance with MOE guidelines.
    - (ii) The Owner agrees to include warning clauses in all Agreements of Purchase and Sale and/or Rental Agreements for residential dwelling units or other sensitive land uses to inform future residents and occupants of road traffic noise and noise and potential emissions from nearby industrial operations and other activities in the surrounding industrial area.

3. **SCHEDULE 'C'**, of the Employment Districts Zoning By-law No. 24982, **Exceptions List** is amended by adding the following Exceptions:

144. (a) Only the following uses are permitted in the **Institutional – Social Welfare Zone (I-SW)**:

- **Nursing Home**
- **Offices**
- **Place of Worship**
- **Retirement Home**
- **Senior Citizens' Apartments**

(b) The following uses are permitted provided they are ancillary to **Senior Citizens' Apartments, Nursing Home or Retirement Home** use:

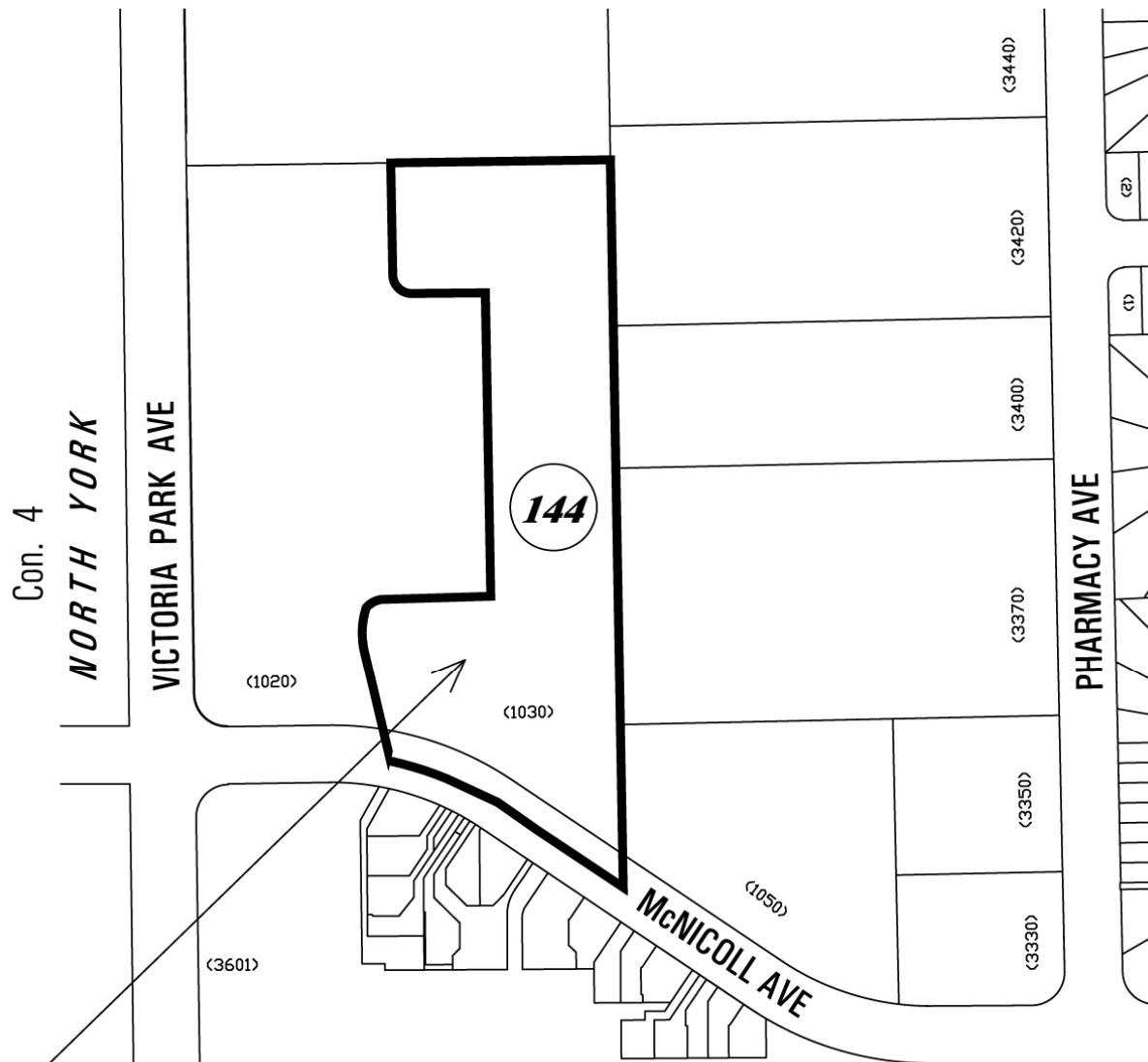
- **Personal Service Shops**
- **Recreational Use**
- **Restaurants**
- **Retail Stores**

(c) **CLAUSE V – GENERAL PROVISIONS, Section 23, Regulations for Places of Worship in Zones Other than the Places of Worship Zone (PW)**, Sub-Clause 23. (a) shall not apply.

PURSUANT TO DECISION/ORDER NO. 2855, ISSUED ON OCTOBER 31, 2007 AND DECISION/ORDER ISSUED ON JANUARY 18, 2011 OF THE ONTARIO MUNICIPAL BOARD IN BOARD CASE NO. PL060449.

## Schedule '1'

Lot 35



I-SW-43-714-853-913-1008-1080-1081-1083-1422-1640-  
1642-1807-2029-2230-2231-2232-2233-2234-2382



**Zoning By-Law Amendment**

1030 McNicoll Avenue

File # 05-211770 0Z



Area Affected By This By-Law

Steeles Emp. Bylaw  
Not to Scale  
04/28/10

