

CITY OF TORONTO

BY-LAW No. 1000-2011(OMB)

To amend the former City of Scarborough Woburn Community Zoning By-law No. 9510, as amended, with respect to the lands municipally known as 1221 Markham Road.

WHEREAS authority is given to the Ontario Municipal Board by Section 34 and Section 37 of the *Planning Act*, R.S.O. c.P. 13, as amended, to enact this By-law; and

WHEREAS the Ontario Municipal Board, pursuant to its Order dated April 21, 2011, upon hearing the appeal of Kingsberg Monetary Corporation, deems it advisable to amend the former City of Scarborough Zoning By-law No. 9510, the Woburn Community, with respect to the lands municipally known as 1221 Markham Road in the year 2011;

The Ontario Municipal Board HEREBY ENACTS as follows:

1. Schedule 'A' of the Woburn Community Zoning By-law No. 9510 is amended by deleting the current Community Commercial (CC) zoning, and replacing it with Apartment Residential (A) zoning, so that the amended zoning shall read as follows, as shown on Schedule '1'.

A – 179-180-181-182-183-184-185-186-187-188-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244

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

MISCELLANEOUS:

Height of Buildings:

179. Notwithstanding the definition of height in Clause V (f), for the purposes of this by-law, the height of a building is measured as the distance between the average elevation of grade along the front lot line which is the Markham Road street lot line, and the elevation of the highest point on the building excluding, mechanical penthouse, elevator machine rooms, chimneys, skylights, vents, antennae, and parapet walls.
180. Maximum **height** of any building on "Block A", as shown on Schedule '1'; shall not exceed 77.0 metres;
181. Maximum **height** of any building on "Block B", as shown on Schedule '1'; shall not exceed 62.0;
182. Maximum **height** of any building on "Block C", as shown on Schedule '1'; shall not exceed 80.0 metres; and

183. Mechanical penthouses, elevator machine rooms chimneys, vents, skylights, antennae, and parapet walls located on any building on "Block A", "Block B", and "Block C", as shown on Schedule '1'; shall not exceed a height of 5.0 metres.

Distance Between Main Walls of Buildings on "Block A", "Block B" and "Block C":

184. The distance between the **main wall** of the building on "Block A" to a **main wall** of building on "Block B" as shown on Schedule '1', shall be a minimum of 20.0 metres and the distance between the **main wall** of the building on "Block B" to a **main wall** of building on "Block C" as shown on Schedule '1', shall be a minimum of 14.0 metres.

Amenity Space:

185. A **building** with 20 or more **dwelling units** on lands identified as "Block A", "Block B" and "Block C" as shown on Schedule '1', shall provide indoor and outdoor amenity space at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:
- (i) a minimum of 2.0 square metres for each **dwelling unit** must be indoor amenity space; and
 - (ii) a maximum of 25% of the outdoor amenity space may be in the form of a green roof.

Lot Area:

186. For the purposes of this by-law, the lot area shall mean the horizontal area within all lines of a lot. The combined lot area of lands identified as "Block A", "Block B" and "Block C" as shown on Schedule '1', shall not exceed 13,940 square metres.

Provisions to Apply Collectively:

187. The provisions of the By-law shall apply collectively to this land, notwithstanding its future division into four or more parcels of land.

Provision of Services:

188. Within the lands identified as "Block A", "Block B" and "Block C" as shown on Schedule '1', 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.

INTENSITY OF USE:

Gross Floor Area:

- 218. Notwithstanding the definition of **gross floor area** in Clause V (f), for the purposes of this by-law, the **gross floor area** shall mean the total area of each floor level of a building above and below grade, measured from the exterior of the **main wall** of each floor level, including voids at the level of each floor, such as an atrium, mezzanine, stairwell, escalator, elevator, ventilation duct or utility shaft, but excluding areas used for the purpose of parking or loading. The **gross floor area** for "Block A", "Block B" and "Block C" as shown on Schedule '1' shall not exceed 62,165 square metres.
- 219. **Gross floor area** of all buildings on lands identified as "Block A", as shown on Schedule '1', shall not exceed 26,556 square metres of which:
 - i) the total **gross floor area** of all retail and office uses shall not exceed 720 square metres; and
 - ii) the total **gross floor area** of restaurant uses shall not exceed 1,120 square metres.
- 220. **Gross floor area** of all buildings on lands identified as "Block B", as shown on Schedule '1', shall not exceed 15,844 square metres.
- 221. **Gross floor area** of all buildings on lands identified as "Block C", as shown on Schedule '1', shall not exceed 19,766 square metres.

Dwelling Units:

- 222. Maximum – 733 **dwelling units** for lands identified as "Block A", "Block B" and "Block C" as shown on Schedule '1'.

Lot Coverage:

- 223. Notwithstanding the definition of **coverage** in Clause V (f), for the purposes of this by-law, **coverage** shall mean the portion of the lot that is covered by any part of any building or structure on or above the surface of the lot. The total lot **coverage** of all buildings on lands identified as "Block A", "Block B" and "Block C", as shown on Schedule '1' shall not exceed 38% of the total combined area of "Block A", "Block B" and "Block C".
- 224. The total permitted lot **coverage** on lands identified as "Block D", as shown on Schedule '1' is 0%.

Floor Area:

225. The **floor area** of each storey above 5 storeys above grade of a building on lands identified as "Block A", as shown on Schedule '1':
- i) maximum 975 square metres per floor from the 6th storey to the 7th storey; and
 - ii) maximum 750 square metres per floor from the 8th storey to the 25th storey and above.
226. The **floor area** of each storey above 5 storeys above grade of a building on lands identified as "Block B", as shown on Schedule '1':
- i) maximum 750 square metres per floor from the 6th storey to the 20th storey and above.
227. The **floor area** of each storey above 5 storeys above grade of a building on lands identified as "Block C", as shown on Schedule '1':
- i) maximum 750 square metres per floor from the 6th storey to 26th storey and above.

BUILDING SETBACKS FROM STREET LINES

228. **Main wall** building setbacks from the Markham Road street line on lands identified as "Block A", as shown on Schedule '1':
- i) minimum 3.0 metres from the Markham Road street line at the 1st storey to the 2nd storey above grade; and
 - ii) minimum 5.0 metres from the Markham Road street line at the 3rd storey to the 25th storey above grade.
229. **Main wall** building setbacks from the Markham Road street line on lands identified as "Block B", as shown on Schedule '1':
- i) minimum 78.0 metres from the Markham Road street line at the 1st storey to the 5th storey above grade; and
 - ii) minimum 81.0 metres from the Markham Road street line at the 6th storey to the 20th storey above grade.
230. **Main wall** building setbacks from the Markham Road street line on lands identified as "Block C", as shown on Schedule '1':
- i) minimum 130.0 metres from the Markham Road street line at the 1st storey to the 5th storey above grade; and

- ii) minimum 133.0 metres from the Markham Road street line at the 6th storey to the 26th storey above grade.

BUILDING SETBACKS FROM LOT LINES OTHER THAN STREET LINES

231. **Main wall** building setbacks from the north lot line on lands identified as "Block A" as shown on Schedule '1':

- i) minimum 4.0 metres from the north lot line at the 1st storey to the 2nd storey above grade;
- ii) minimum 9.0 metres from the north lot line at the 3rd storey to the 5th storey above grade; and
- iii) minimum 26.0 metres from the north lot line at the 6th storey to the 25th storey above grade.

232. **Main wall** building setbacks from the north lot line on lands identified as "Block B", as shown on Schedule '1':

- i) minimum 15.0 metres from the north lot line at the 1st storey to the 5th storey above grade; and
- ii) minimum 16.0 metres from the north lot line at the 6th storey to the 20th storey above grade.

233. **Main wall** building setbacks from the north lot line on lands identified as "Block C", as shown on Schedule '1':

- i) minimum 47.0 metres from the north lot line at the 1st storey to the 5th storey above grade; and
- ii) minimum 50.0 metres from the north lot line at the 6th storey to the 26th storey above grade.

234. **Main wall** building setbacks from the south lot line on lands identified as "Block A" as shown on Schedule '1':

- i) minimum 21.0 metres from the south lot line at the 1st storey to the 2nd storey above grade;
- ii) minimum 22.0 metres from the south lot line at the 3rd storey to the 5th storey above grade; and
- iii) minimum 33.0 metres from the south lot line at the 6th storey to the 25th storey above grade.

235. **Main wall** building setbacks from the south lot line on lands identified as "Block B", as shown on Schedule '1':
- i) minimum 55.0 metres from the south lot line at the 1st storey to the 5th storey above grade; and
 - ii) minimum 56.0 metres from the south lot line at the 6th storey to the 20th storey above grade.
236. **Main wall** building setbacks from the south lot line on lands identified as "Block C", as shown on Schedule '1':
- i) minimum 22.0 metres from the south lot line at the 1st storey to the 5th storey above grade; and
 - ii) minimum 24.0 metres from the south lot line at the 6th storey to the 26th storey above grade.
237. **Main wall** building setbacks from the east lot line on lands identified as "Block A" as shown on Schedule '1':
- i) minimum 133.0 metres from the east lot line at the 1st storey to the 5th storey above grade for the distance measured from 0.0 metres to 28.0 metres from the north boundary and a minimum of 152.0 metres from the east lot line at the 1st to the 5th storey above grade for the remaining distance through to the south boundary; and
 - ii) minimum 152.0 metres from the east lot line at the 6th storey to the 25th storey above grade.
238. **Main wall** building setbacks from the east lot line on lands identified as "Block B", as shown on Schedule '1':
- i) minimum 74.0 metres from the east lot line at the 1st storey to the 5th storey above grade; and
 - ii) minimum 77.0 metres from the east lot line at the 6th storey to the 20th storey above grade.
239. **Main wall** building setbacks from the east lot line on lands identified as "Block C", as shown on Schedule '1':
- i) minimum 22.0 metres from the east lot line at the 1st storey to the 5th storey above grade; and
 - ii) minimum 25.0 metres from the east lot line at the 6th storey to the 26th storey above grade.

Vehicle Parking Spaces:

240. The following provisions of **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES** are not applicable:

1.5.2 Yards

2.1.1 Street Yard Parking

241. Vehicle parking spaces shall be provided on "Block A", "Block B" and "Block C" as shown on Schedule '1' as follows:

Residential:

- i) one-bedroom **dwelling unit**: minimum 0.9 spaces per **dwelling unit**, except that no resident parking spaces are required for a maximum of 60, one-bedroom **dwelling unit(s)**;
- ii) two-bedroom **dwelling unit**: minimum 1.0 spaces per **dwelling unit**; and
- iii) three-bedroom **dwelling unit**: minimum 1.2 spaces per **dwelling unit**.

Visitor:

- iv) A minimum 0.2 parking spaces per **dwelling unit** shall be provided for visitors.

Commercial:

- v) minimum 1.5 spaces per 100 square metres of retail and office **gross floor area**;
- vi) minimum 5.0 spaces per 100 square metres of restaurant **gross floor area**;
- vii) up to fifty percent of the total required vehicle parking spaces for the retail and restaurant uses set out in i) and ii) above, to a maximum of 34 vehicle parking spaces, may be shared with the visitor parking spaces, thereby reducing the number of vehicle parking spaces required for commercial uses by up to fifty percent, to a maximum of 34 vehicle parking spaces; and
- viii) A minimum of three vehicle parking spaces shall be provided and shown on all relevant drawings as vehicle parking spaces set aside for the exclusive use of an automobile share organization.

Bicycle Parking Spaces:

242. For buildings located on lands identified as "Block A", "Block B" and "Block C" as shown on Schedule '1', bicycle parking spaces for residents and visitors shall be provided at the rate of 0.08 bicycle spaces per **dwelling unit** (for short term/visitor use) and 0.7 bicycle spaces per **dwelling unit** (for long term/resident use), except that no bicycle parking spaces are required for 20% of the total number of **dwelling units**, to a maximum of 147 **dwelling units**, for buildings located on lands identified as "Block A", "Block B" and "Block C".
243. For buildings located on lands identified as "Block A", "Block B" and "Block C" as shown on Schedule '1', bicycle parking spaces for retail, office and restaurant uses shall be provided as follows:
- i) 3 bicycle parking spaces plus 0.25 per 100 square metres of retail **gross floor area** for short term/visitor use and 0.13 per 100 square metres of retail **gross floor area** for long term/employee use;
 - ii) 3 bicycle parking spaces plus 0.15 per 100 square metres of office **gross floor area** for short term/visitor use and 0.13 per 100 square metres of office **gross floor area** for long term/employee use; and
 - iii) 3 bicycle parking spaces plus 0.25 per 100 square metres of restaurant **gross floor area** for short term/visitor use and 0.13 per 100 square metres of retail **gross floor area** for long term/employee use.
244. On lands identified as "Block A", "Block B" and "Block C" as shown on Schedule '1', residential and visitor bicycle parking spaces shall not be provided within a **dwelling unit** or on a balcony associated thereto, or in a storage locker and shall be provided as follows.
- i) long term/resident bicycle parking spaces shall be outside on grade, or on the ground floor of the building or on the first floor of the building below grade used for vehicular parking spaces; and
 - ii) short term/visitor bicycle parking spaces shall be outside on grade, or on the ground floor of the building and if the requirement for short term/visitor bicycle parking spaces is greater than 10, at least 50% of the required short term/visitor bicycle parking spaces shall be in a weather protected bicycle parking area at grade.

3. Schedule "C", **EXCEPTIONS MAP**, is amended by adding the following Exception Nos. 72 and 73 for the lands shown on the accompanying Schedule "C" Map (Schedule '2' of this Zoning By-law):

72. On lands identified as Exception 72, the following provisions shall apply, provided that all other provisions of this By-law, as amended, not inconsistent with this Exception, shall continue to apply:

Permitted Uses:

For the purposes of this Exception, the following uses shall be permitted within the 1st storey above grade of a residential building proposed on "Block A" as shown on Schedule '1' and shall mean retail-commercial uses serving the adjacent and nearby residential uses and includes one or more of the following:

- Restaurants
- Retail Stores,
- Personal Service Shops
- Offices
- Banks

Prohibited Uses:

- **Day Nurseries** above the 1st storey or any storey above for any building
- **Group Homes**

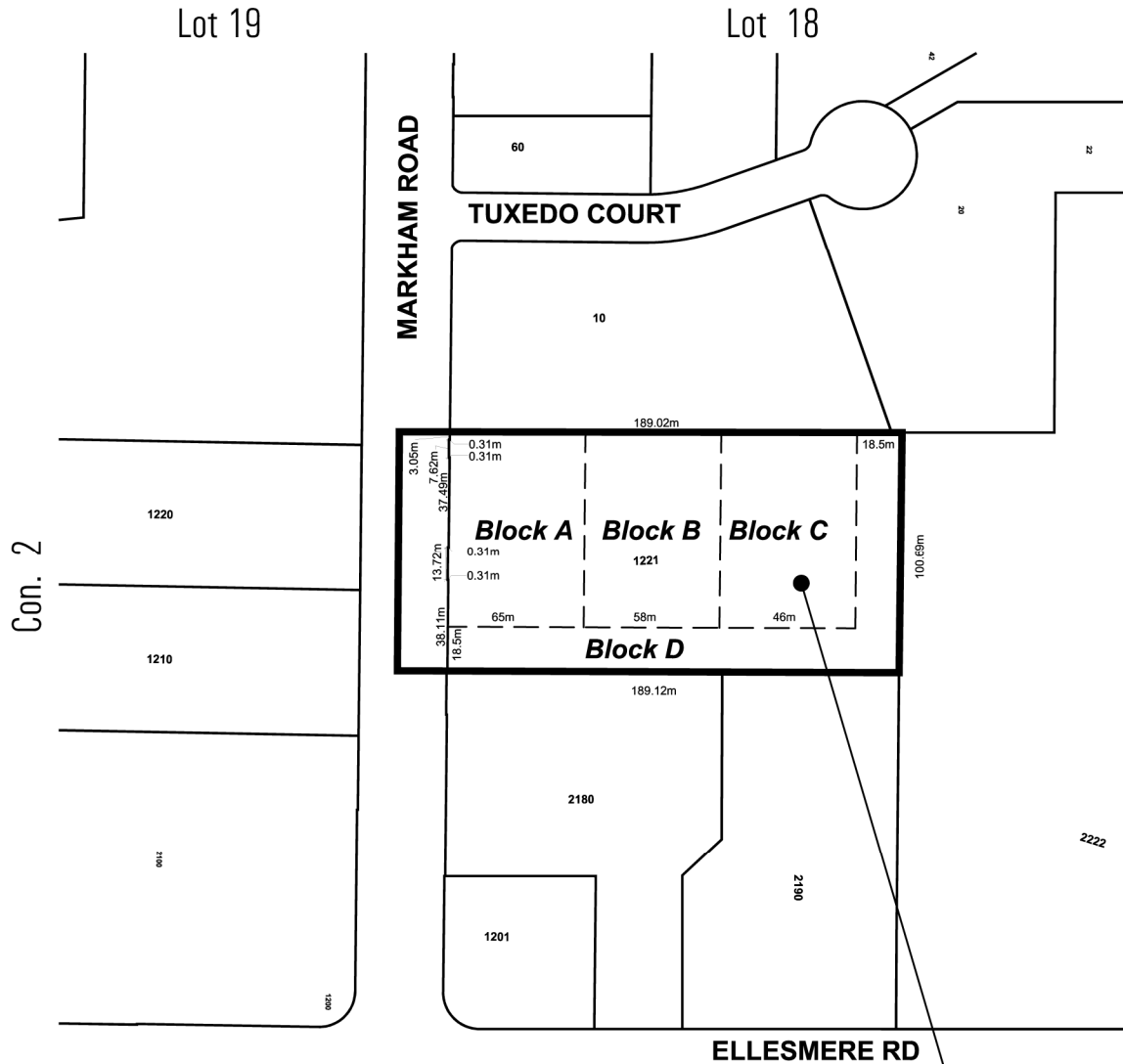
73. On lands identified as Exception 73, the following provisions shall apply:
1. Pursuant to Section 37 of the *Planning Act*, the **height** and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the owner of the lot of the facilities, services and matters set out below, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in Exception 73.2 of this By-law.
 2. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in below, and the final order of the Ontario Municipal Board, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.

3. Pursuant to Section 37 of the *Planning Act* 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 sole expense:
 - a) a cash contribution of \$440, 000.00, to be indexed in accordance with the Statistics Canada Non-Residential Construction Price Index from the date the Zoning Bylaw amendment for this site comes into force and effect, and payable to the City prior to the issuance of the first building permit for any phase of construction of the development (but excluding any permit for demolition purposes) as follows:
 - i) \$240,000.00 for improvements to Woburn Park; and
 - ii) \$200,000.00 for improvements to the Scarborough Animal Shelter and/or streetscape improvements to public roads within the vicinity of the site.
4. the owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which are registered on title to the lands to secure:
 - i) matters provided for in Exception 73.3; and
 - ii) the provision of, and at the owner's expense, two public roads along and adjacent to the southerly boundary and the easterly boundary of the lot. Each public road is to have a minimum width of not less than 18.5 metres. The Agreement(s) shall include provision that:
 - a) the owner agrees to transfer to the City land required for two public roads along and adjacent to the southerly and easterly boundaries of the site, having a width of approximately 18.5 metres. In this regard, the owner agrees to prepare at its cost any necessary Reference Plan (s) and documents for the conveyance, all to the satisfaction of the Executive Director of Technical Services;
 - b) the owner shall agree to be responsible for the cost of a peer review of any environmental reports provided by the owner;
 - c) the owner agrees to sign and release for registration a Transfer/Deed of the land to the City for the public roads prior to Site Plan Approval for the development; and

- d) the owner agrees to enter into the City's standard service agreement in respect of the public roads, and agrees to provide reasonable securities for the design and construction of the two public roads, at the owner's cost, and to the satisfaction of the Executive Director of Technical Services. The agreement and financial securities shall be provided before the commencement of road construction and shall provide that the roads be substantially completed to base asphalt to the satisfaction of the Executive Director of Technical Services, prior to the issuance of the first building permit for the proposed redevelopment of the Site (excluding demolition permit).

PURSUANT TO THE DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON APRIL 21, 2011 IN BOARD FILE NO. PL090434.

Schedule '1'



A-179-180-181-182-183-184-185-186-187-188-218-219-
 220-221-222-223-224-225-226-227-228-229-230-231-232-
 233-234-235-236-237-238-239-240-241-242-243-244



Zoning By-Law Amendment

1221 Markham Road

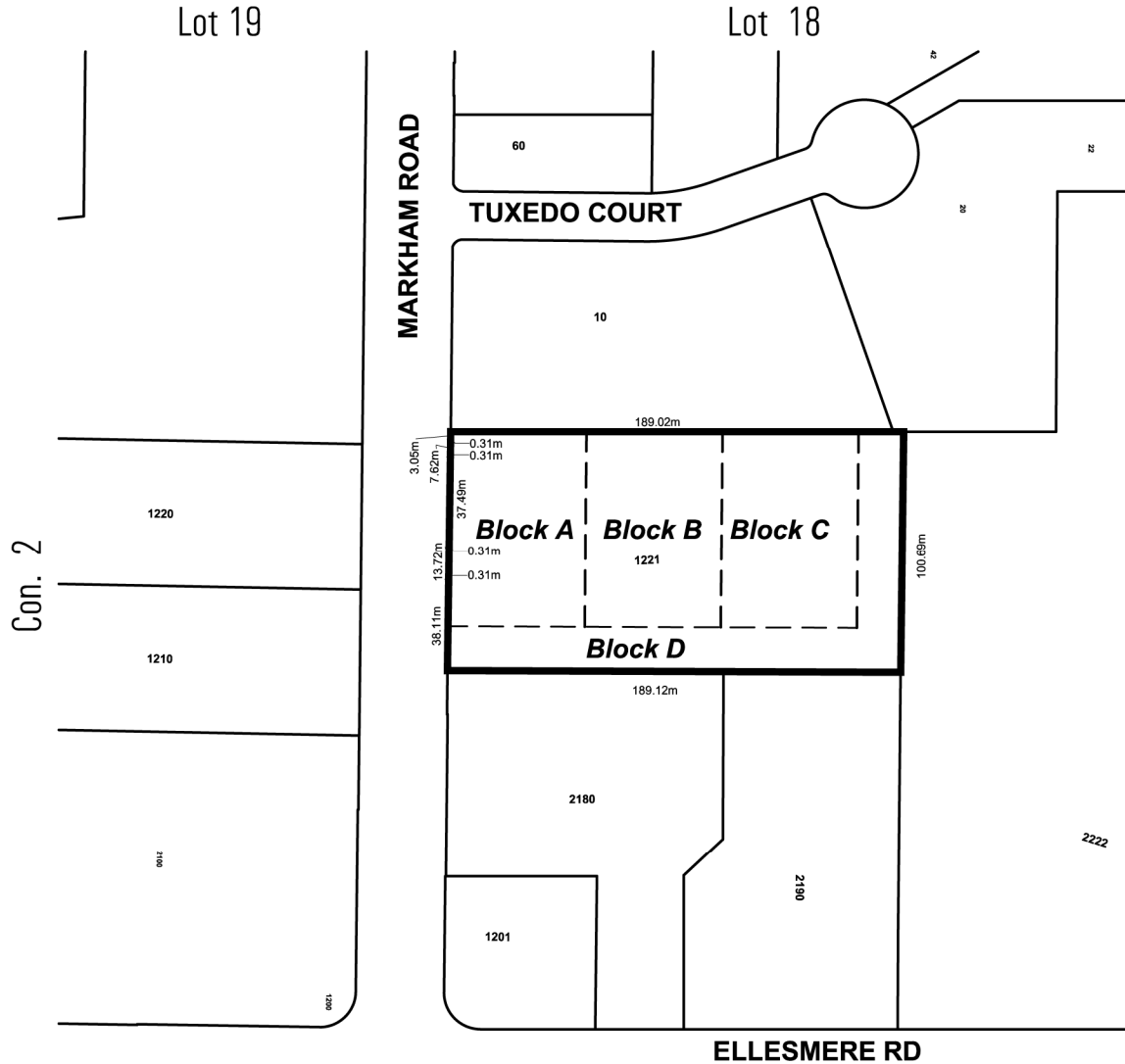
File # 07 288612 ESC 38 02



Area Affected By This By-Law

Woburn Community
 Not to Scale
 03/03/011

Schedule '2'



Exception 72 & 73

Toronto City Planning
Division
Zoning By-Law Amendment

1221 Markham Road
File # 07 288612 ESC 38 02

 Area Affected By This By-Law

Woburn Community
Not to Scale
03/03/011