

Authority: Scarborough Community Council Item 11.29,
as adopted by City of Toronto Council on November 29, 30 and
December 1, 2011
Enacted by Council: December 1, 2011

CITY OF TORONTO

BY-LAW No. 1363-2011

To amend the 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 authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the by-law 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 land hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 24982, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in 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*;

The Council of the City of Toronto HEREBY ENACTS 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

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

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

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 m².
716. One **townhouse dwelling unit** per **lot** having a minimum **lot frontage** of 4.2 m and a minimum **lot area** of 85 m².
717. One **townhouse dwelling unit** per **lot** having a minimum **lot frontage** of 4.4 m and a minimum **lot area** of 95 m².

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.

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.
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 15m² 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**.

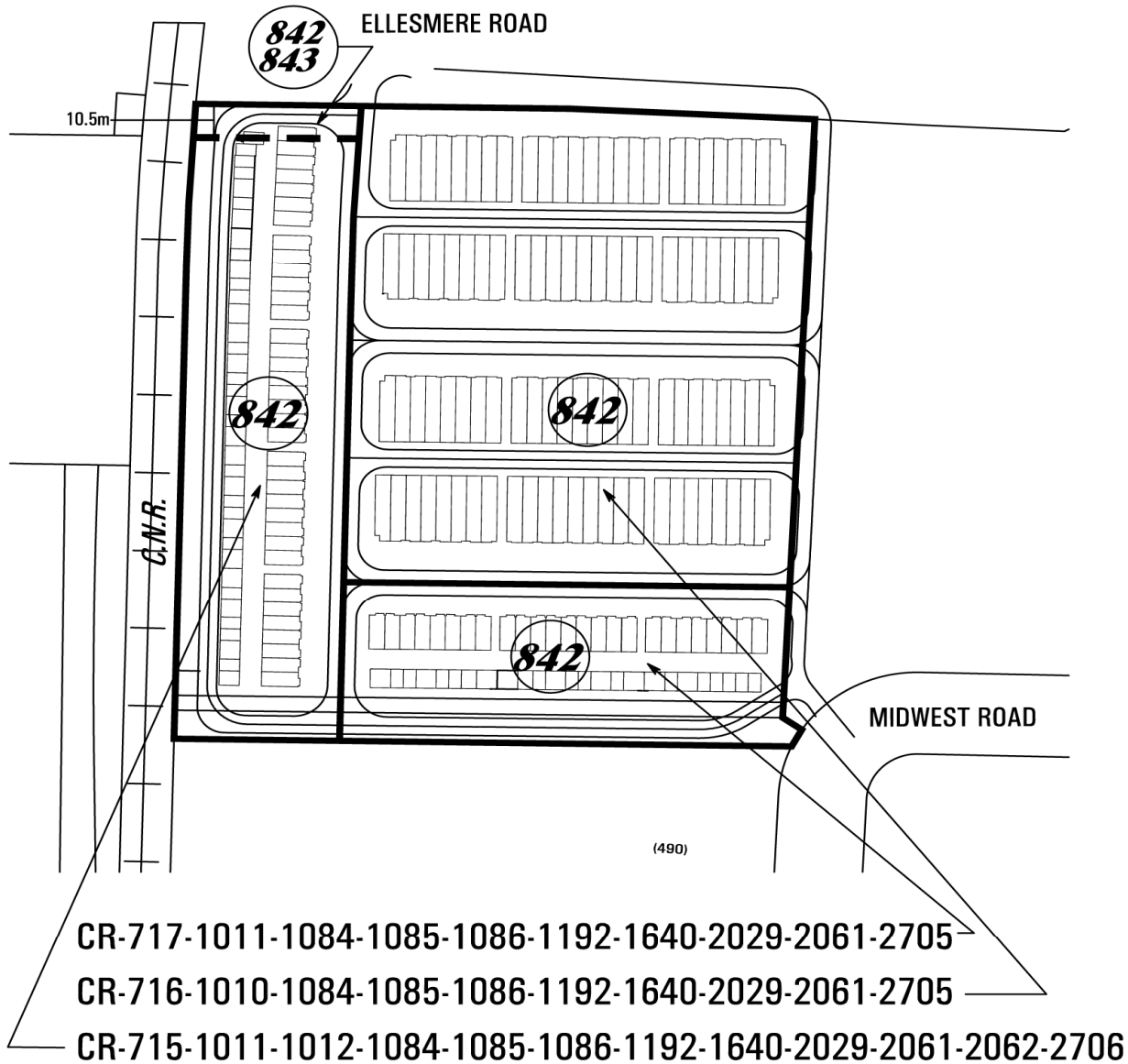
ENACTED AND PASSED this 1st day of December, A.D. 2011.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

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

