

Authority: Ontario Municipal Board Order issued September 4, 2015 in Board File No. PL141260

## CITY OF TORONTO

### BY-LAW No. 1111-2015(OMB)

#### **To amend former City of Scarborough By-law No. 10327, West Hill Community Zoning By-law, as amended, with respect to the lands municipally known as 280 Manse Road.**

Whereas the Ontario Municipal Board pursuant to its Order dated September 4, 2015 in Board File No. PL141260, upon hearing the appeal of Manse Developments Inc., under Section 34(11) of the *Planning Act*, R.S.O. c. P.13, as amended, determined to amend the West Hill Community Zoning By-law No. 10327, with respect to 280 Manse Road; 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 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 By-law No. 10327, 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;

Pursuant to the Order of the Ontario Municipal Board, former City of Scarborough By-law No. 10327 is amended as follows:

- SCHEDULE "A"** of the West Hill Community Zoning By-law, as amended, is hereby amended by deleting the existing Single-Family Residential (S) Zone and replacing it with a Multiple-Family Apartment Terrace Residential (MFAT) Zone, Street Townhouse Residential (ST) Zone and Major Open Spaces (O), so that the amended zoning shown on the attached Schedule 'I' reads as follows:

MFAT – 146 – 263 – 331 – 332 – 413 – 416 – 512 – 604 – 614 – 627 – 628 – 629 – 630 – 631 – 638 - 639

MFAT – 205 – 264 – 414 – 513 – 514 – 604 – 614 – 632 – 633 – 634 – 635 – 638

ST – 205 – 206 – 264 – 415 – 417 – 515 – 516 – 604 – 614 – 617 – 632 – 634 – 635 – 636 – 638

ST – 205 – 206 - 264 – 415 – 517 – 518 – 604 – 614 – 617 – 632 – 634 – 635 – 637 – 638

O

2. **SCHEDULE "B" – PERFORMANCE STANDARDS CHART** is amended by adding Performance Standard Nos. 205, 206, 263, 264, 331, 332, 413, 414, 415, 416, 417, 512, 513, 514, 515, 516, 517, 518, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638 and 639 as follows:

### **LANDSCAPING**

205. **Clause VI – PROVISIONS FOR ALL ZONES, Section 21, Front Yard Landscaping and Front Yard Soft Landscaping**, shall not apply.
206. A minimum 1.5 m strip of land abutting the **front lot line** within the **street yard** not covered by a permitted **driveway** shall only be used for any combination landscaping and soft landscaping which includes trees, shrubs, grass, flowers, decorative stonework, walkways, screening, or other horticultural or landscape-architectural elements, a minimum of 50 percent of which shall be for soft landscaping.

### **SIDE YARD**

263. Minimum **side yard setback** of 1.2 m from the west property line.
264. Minimum **side yard setback** of 1.2 m from lot lines and 0.0 m from the common lot lines coincident with the common wall shared by **dwelling units**.

### **PARKING**

331. A minimum of 12 visitor **parking spaces** shall be provided.
332. A minimum of 8 bicycle **parking spaces** shall be provided.

### **BUILDING SETBACKS FROM STREETS**

413. Minimum **front yard setback** of 3.0 m to **street** line.
414. Minimum **front yard setback** of 2.0 m to **street** line.
415. A maximum of 50 percent of the **dwelling units** within each building block shall be **setback** a minimum of 1.5 m from the **front lot line** and the remaining units shall be **setback** between a minimum of 2 m and 4.4 m.
416. Minimum building **setback** of 2.6 m to the Manse Road **street** line.

417. Minimum building **setback** of 2.7 m to the Manse Road **street** line.

### **INTENSITY OF USE**

512. Maximum of 76 **dwelling units**.
513. Maximum of 8 **dwelling units**.
514. One **dwelling unit** per parcel of land with a minimum 6.4 m of frontage on a public **street** and a minimum lot area of 82 square metres.
515. Maximum of 40 **dwelling units**.
516. One dwelling unit per parcel of land with a minimum 6.0 m of frontage on a public **street** measured at a distance of 2.4 m from the **front lot line** and a minimum lot area of 120 square metres.
517. Maximum of 6 **dwelling units**.
518. One **dwelling unit** per parcel of land with a minimum 6.0 m of frontage on a public street and a minimum lot area of 120 square metres.

### **MISCELLANEOUS**

627. Maximum 13.5 m building **height**.
628. The southerly lot line shall be deemed to be the **front lot line**.
629. The minimum distance between **main walls** of buildings containing **dwelling units** shall be 13.0 m.
630. Minimum 8.0 m **rear yard**.
631. Notwithstanding the definition of **Main Wall** in **CLAUSE V – INTERPRETATION**, the following projections and their supporting structural members, to the maximum distances shown below, 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:	1.0 metre
Roof overhang, cantilevered elements, canopies, eaves:	1.0 metre
Balconies, patios and unenclosed porches or decks projecting into a <b>front yard</b> or <b>rear yard</b> :	2.1 metres (front yard) 3.1 metres (rear yard)
Exterior steps:	No Limit

- |  |  |            |
|--|--|------------|
|  | Cantilevered bay, bow, box or dormer windows above first <b>storey</b> | 0.5 metres |
|--|--|------------|
632. Maximum 12.1 m building height not exceeding 3 **storeys**. Height shall be measured from the mean grade at a setback of 3.4 m from the street line along the side lot lines of the building block to the highest point of the building, excluding chimneys, skylights, vents and antennae.
633. Notwithstanding the definition of **Main Wall** in **CLAUSE V – INTERPRETATION**, the following projections and their supporting structural members, to the maximum distances shown below, 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                             | 1.0 metre  |
|  | Roof overhang, cantilevered elements, canopies, eaves                  | 1.0 metre  |
|  | Exterior steps   | No Limit   |
|  | Cantilevered bay, bow, box or dormer windows above first <b>storey</b> | 0.5 metres |
634. **Clause VI – PROVISIONS FOR ALL ZONES**, Section 15. **Regulations for Single-Family, Two-Family and Street Townhouse Dwellings**, shall not apply.
635. Maximum **driveway** width: 3.0 m to within 1.95 m of the **main wall** of a **dwelling**.
636. Notwithstanding the definition of **Main Wall** in **CLAUSE V – INTERPRETATION**, the following projections and their supporting structural members, to the maximum distances shown below, 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  | 1.0 metre   |
|  | Roof overhang, cantilevered elements, canopies, eaves   | 1.0 metre   |
|  | Balconies and unenclosed porches or decks projecting into a <b>front yard</b> , abutting a street | 1.5 metres, and shall not be within 1.0 m of the <b>street line</b> |
|  | Exterior steps  | No Limit  |
|  | Cantilevered bay, bow, box or dormer windows above first <b>storey</b>                            | 0.5 metres  |
|  | Decks into a <b>rear yard</b>   | 2.5 metres  |

637. Notwithstanding the definition of **Main Wall** in **CLAUSE V – INTERPRETATION** The following projections and their supporting structural members, to the maximum distances shown below, 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	1.0 metre
Roof overhang, cantilevered elements, canopies, eaves	1.0 metre
Balconies and unenclosed porches or decks projecting into a <b>front yard</b>	1.5 metres, and shall not be within 1.0m of the <b>street line</b>
Exterior steps	No Limit
Cantilevered bay, bow, box or dormer windows above first <b>storey</b>	0.5 metres
Decks into a <b>rear yard</b>	1.83 metres

638. All waste and recyclable material must be stored in a wholly enclosed building or structure.

639. Notwithstanding **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES**, 1.3 **Parking space and Driveway Dimensions**, 1.3.1 (a) a **parking space** must have the following minimum dimensions: length: 5.6 m, height: 2.0 m, and width: 3.0 m.

3. **SCHEDULE "C" EXCEPTION MAP** is amended by adding Exception Numbers 103 and 104 to the lands outlined on Schedule '2'.
4. **SCHEDULE "C" EXCEPTION LIST** is amended by adding Exceptions 103 and 104 to the lands outlined on Schedule '2' as follows:

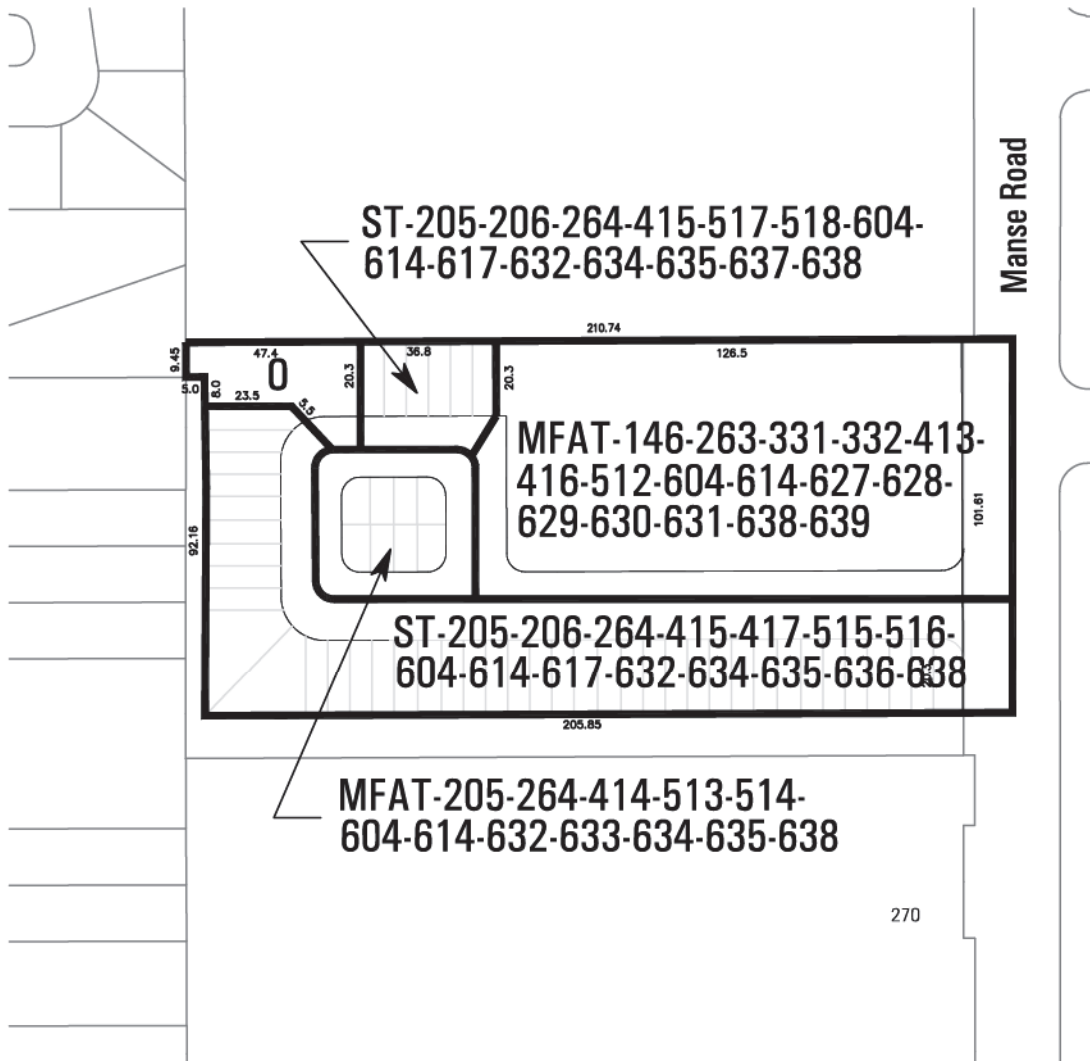
103. (1) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in density of development on the lot contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the following facilities, services and matters which 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 lot, to the satisfaction of the City Solicitor:

- (i) prior to issuance of the first above-grade building permit for a building or structure on the lot, other than for a Temporary Sales Pavilion, the owner shall make a cash contribution to the City in the amount of \$300,000.00, which is to be used by the City for the construction of a pedestrian bridge to cross the West Hill watercourse and its associated pathway as part of the proposed Lawrence Avenue East to Coronation Trail.

- (ii) 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 Sections (1)(i) above are satisfied.
  - (iii) In the event the cash contribution referred to in Section (1)(i) above *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 of City Planning, in consultation with the local Councillor, provided that the purpose(s) is/are identified in the Official Plan and will benefit the community in the vicinity of the lot.
- (2) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- (i) The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.
104. A minimum 1.5 m strip of land abutting the **front lot line** within the **street yard** not covered by a permitted **driveway** shall only be used for any combination landscaping and soft landscaping which includes trees, shrubs, grass, flowers, decorative stonework, walkways, screening, or other horticultural or landscape-architectural elements, a minimum of 37 percent of which shall be for soft landscaping.

PURSUANT TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD  
ISSUED SEPTEMBER 4, 2015 IN BOARD FILE NO. PL141260.

### Schedule '1'



### Schedule '2'

