

Authority: Ontario Municipal Board Orders issued October 23, 2015 and January 5, 2016 in Board File No. MM140029

CITY OF TORONTO

BY-LAW No. 528-2016(OMB)

To amend former City of Scarborough Employment Districts Zoning By-law No. 24982 (Golden Mile Employment District), as amended, and the Warden Woods Community Zoning By-law No. 950-2005, as amended, with respect to the lands municipally known as 743 Warden Avenue.

Whereas the Ontario Municipal Board, by its Orders issued on October 23, 2015 and January 5, 2016 in Board Case No. MM140029, determined to amend Zoning By-law No. 24982 and Zoning By-law No. 950-2005, as amended, with respect to the Lands; and

Whereas pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that otherwise permitted by the by-law 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 the height or density of development, a 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 Lands has elected to provide the facilities, services or matters as are set out in this By-law; and

Whereas the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law No. 24982, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Lands and the City of Toronto;

Pursuant to the Order of the Ontario Municipal Board issued on January 5, 2016 in Board File No. MM140029 the Ontario Municipal Board orders as follows:

1. **SCHEDULE "A"** of the Employment Districts Zoning By-law No. 24982 (Golden Mile) is amended by deleting the zoning applying to portions of the lands at 743 Warden Avenue, shown outlined on the attached Schedule '1' to this By-law.
2. **SCHEDULE "A"** of the Warden Woods Community Zoning By-law No. 950-2005, is further amended by substituting new zoning on portions of the lands as shown outlined on Schedule '1' attached and forming part of this By-law, together with the following letters and numerals:

TH – 11 – 63 – 71 – 72 – 124 – 156 – 160 – 166 – 207 – 218 – 225 – 226 – 227 – 236

TH – 19J – 51 – 63 – 71 – 72 – 81 – 106 – 125 – 156 – 160 – 166 – 207 – 218 – 225 – 226 – 228 – 236

TH(H) – 19J – 51 – 63 – 71 – 72 – 81 – 106 – 125 – 156 – 160 – 207 – 218 – 225 – 226 – 229 – 236

TH – 19K – 21 – 50 – 63 – 71 – 72 – 128 – 156 – 218 – 225 – 226 – 235 – 236

CR – 83 – 126 – 157 – 177 – 178 – 203 – 208 – 218 – 225 – 226 – 230 – 231 – 232 – 233 – 234 – 236

O

P

3. **CLAUSE V – INTERPRETATION (f) Definitions**, is amended by adding the following definition:

45 Degree Angular Plane

means an imaginary flat surface projecting over a lot, at an inclined 45 degree angle measured up from the horizontal.

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

INTENSITY OF USE

19J. One **townhouse dwelling unit** per parcel having a minimum **lot frontage** of 5.5 metres and a minimum **lot area** of 125 square metres per **dwelling unit**.

19K. Maximum 21 **townhouse dwelling units** having a detached garage in the rear yard and a minimum unit width of 4.5 metres.

SIDE YARD SETBACK

71. Minimum flankage **side yard setback** of 1.1 metres.

72. Minimum 1.0 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.

BUILDING SETBACK FROM LOT LINES OTHER THAN STREET LINES

106. Minimum **setback** to northerly industrial zone from rear **main wall** of dwelling unit is 18.5 metres.

COVERAGE

128. Maximum **building coverage** of 70 percent of the **lot area**.

HEIGHT

156. Maximum 14.0 metres and 3 **storeys**, as measured from the average finished grade along the **main wall** of the **dwelling unit** facing any **street** line.
157. Minimum 5 **storeys** and maximum 8 **storeys**.

PARKING

177. Parking for **Apartment Buildings** shall be provided at a minimum rate of:

Residential:

- (i) bachelor **dwelling unit**: minimum 0.8 spaces per **dwelling unit**;
- (ii) one-bedroom **dwelling unit**: minimum 0.8 spaces per **dwelling unit**;
- (iii) two-bedroom **dwelling unit**: minimum 0.9 spaces per **dwelling unit**; and
- (iv) three (or more) bedroom **dwelling units**: minimum 1.2 spaces per **dwelling unit**;

Visitor:

- (v) a minimum of 0.1 **parking spaces** per **dwelling unit** shall be provided for visitors;

Commercial:

- (vi) minimum 1.5 **parking spaces** per 100 square metres of **gross floor area**; and
- (vii) minimum 5.0 spaces per 100 square metres of **restaurant gross floor area**.

178. Bicycle parking spaces shall be provided at a rate of:

- (i) (a) 0.68 long-term bicycle parking spaces within the building for each **dwelling unit**; and
- (b) 0.07 short term bicycle parking spaces at grade for each **dwelling unit**;
- (ii) meaning of Long-Term and Short-Term Bicycle Parking Spaces:
 - (a) Long-Term bicycle parking spaces are bicycle parking spaces for use by the occupants or tenants of a building; and

- (b) Short-Term bicycle parking spaces are bicycle parking spaces for use by visitors to a building;
- (iii) a bicycle parking space must be located on the same lot as the use for which it is required;
- (iv) bicycle parking spaces for a dwelling unit shall not be located:
 - (a) in a **dwelling unit**; or
 - (b) on a balcony; or
 - (c) in a storage locker;
- (v) where the bicycles are to be parked in a horizontal position (on the ground), the space shall have horizontal dimensions of at least 0.6 metres by 1.8 metres per bicycle and a vertical dimension of at least 1.9 metres; and
- (vi) where the bicycles are to be parked in a vertical position, the space shall have horizontal dimensions of at least 0.6 metres by 1.2 metres per bicycle and a vertical dimension of at least 1.9 metres.

MISCELLANEOUS

- 226. Measurement of required **yard** and building **setback** shall be from the **street** line, and shall not be affected by required corner roundings.
- 227. Maximum 110 **dwelling units**.
- 228. Maximum 35 **dwelling units**.
- 229. Maximum 18 **dwelling units**.
- 230. Maximum 130 **dwelling units**.
- 231. 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 minimum of 2.0 square metres for each **dwelling unit** must be outdoor amenity space.
- 232. Buildings shall not exceed a **45 degree angular plane** from the street line of abutting **Townhouse Residential (TH)** zones.
- 233. Minimum ground floor height for commercial-retail uses of 4.5 metres.

234. A minimum of 1,610 square metres of commercial uses shall be provided in conjunction with residential uses.
235. A minimum 10.7 metre wide strip of land abutting the full length of the northerly industrial zone shall only be used for **landscaping**.
236. 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 metres (rear and side yards) and 0.5 metres (front yard)
Balconies, decks and unenclosed porches projecting into a front yard, rear yard or a side yard abutting a street	1.55 metres except shall not be within 0.3 metres of street line
First storey enclosed apartment building entry vestibule within the street yard adjacent to Warden Avenue	2.4 metres
Balconies, decks and unenclosed porches projecting into an interior side yard	0.3 metres
Exterior steps	No Limit
First storey cantilevered bay, bow, box, or dormer windows projecting into a front yard, rear yard or a side yard abutting a street	1 metre, except 0.65 metres where the required building setback is 1.5 metres or less
Cantilevered bay, bow, box, or dormer windows above first storey	0.5 metres
Decks into a rear yard	2 metres

5. Schedule "C" of the Warden Woods Community Zoning By-law No. 950-2005, **EXCEPTIONS LIST**, is further amended by the addition of the following Exception No. 19:

19. On those lands identified as Exception No. 19 on the accompanying Schedule '2' map, the following provisions shall apply:

(i) only the following uses are permitted:

Permitted Uses:

- **Townhouse Dwelling**
- **Model Home**
- **Private Home Daycare**

Temporary Uses:

- Temporary Sales Trailer for the sale of residential **dwelling units**.

(ii) the following definition shall apply to the lands encompassed by Exception No. 19:

Model Home

shall mean a finished **Townhouse Dwelling** for temporary display to the public prior to occupancy for residential purposes.

(iii) 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".

6. Schedule "C" of the Warden Woods Community Zoning By-law No. 950-2005, **EXCEPTIONS LIST**, is further amended by the addition of the following Exception No. 20:

20. On those lands identified as Exception No. 20 on the accompanying Schedule '2' map, the following provisions shall apply:

(i) Only the following uses are permitted:

Permitted Uses:

- **Apartment building**
- The following uses provided on the ground floor of an **Apartment building**:
 - **Financial Institutions**
 - Offices
 - **Personal Service Shops**
 - **Restaurants**
 - Retail Stores

Temporary Uses:

- Temporary Sales Trailer for the sale of residential **dwelling units**.

7. Schedule "C" of the Warden Woods Community Zoning By-law No. 950-2005, **EXCEPTIONS LIST**, is further amended by the addition of the following Exception No. 21:

21. On those lands identified as Exception No. 21 on the accompanying Schedule '2' map, the following provisions shall apply:

- (i) Matters to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended:
 - (a) the height and 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 (b) herein, providing or funding the following facilities, services and matters, as follows:
 - (1) Financial contribution to the City of Toronto in the amount of \$668,000 towards provision within the Warden Woods Community of local parkland, community facilities and/or streetscape improvements, or other such purposes within the community as are determined by City Council, and paid prior to the issuance of building permits as follows:
 - (A) \$460,000 to be paid prior to the issuance of the first building permit for any **townhouse dwelling unit**; and
 - (B) \$208,000 to be paid prior to the issuance of the first building permit for an **apartment building**;
 - (b) 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 (a) herein, which agreement shall be registered as a first priority on title to the lands to which this By-law applies;
 - (c) each installment payment set out in (1) (A) and (B) 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; and

- (d) the owner shall construct the development in the following phases as further set out in the Section 37 Agreement:

Phase 1 - Blocks 1 – 5 and 9 – 20,
Phase 2 - Block 21 and/or Block 22, and
Phase 3 – Blocks 6, 7 and 8.

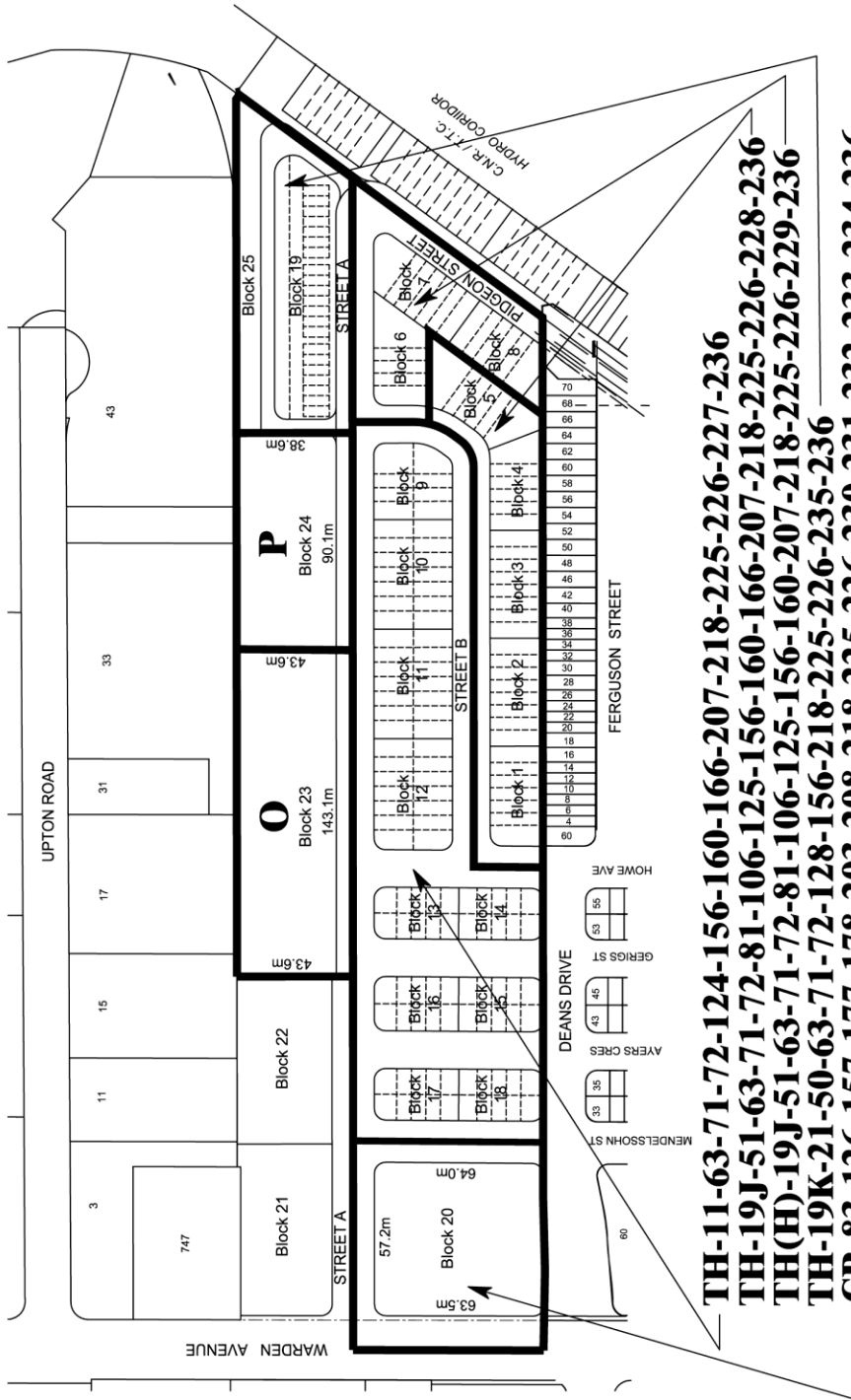
8. Schedule "C" of the Warden Woods Community Zoning By-law No. 950-2005, **EXCEPTIONS LIST**, is further amended by the addition of the following Exception No. 22:

22. On those lands identified as Exception No. 22 on the accompanying Schedule '2' map, the following provisions shall apply:

- (i) permitted uses prior to the removal of the Holding Provision (H) from the zoning for the lands shall be restricted to public **streets** and **Open Space** uses;
- (ii) the Holding Provision (H) used in conjunction with the **Townhouse Residential (TH) Zone** shall be removed in whole or in part by amending By-law when Council, in accordance with the Warden Woods Community Secondary Plan and having regard to established Urban Design Guidelines, is satisfied as to:
- (a) the owner demonstrating to the satisfaction of the Toronto Transit Commission that the development of the affected lands will not adversely impact the Commission's existing and planned facilities and operations in the vicinity; and
- (b) the owner demonstrating to the satisfaction of the Executive Director, Engineering and Construction Services that the necessary road improvement will be implemented.

PURSUANT TO THE DECISIONS/ORDERS OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON OCTOBER 23, 2015 AND JANUARY 5, 2016 IN BOARD FILE NO.
MM140029.

Schedule '1'



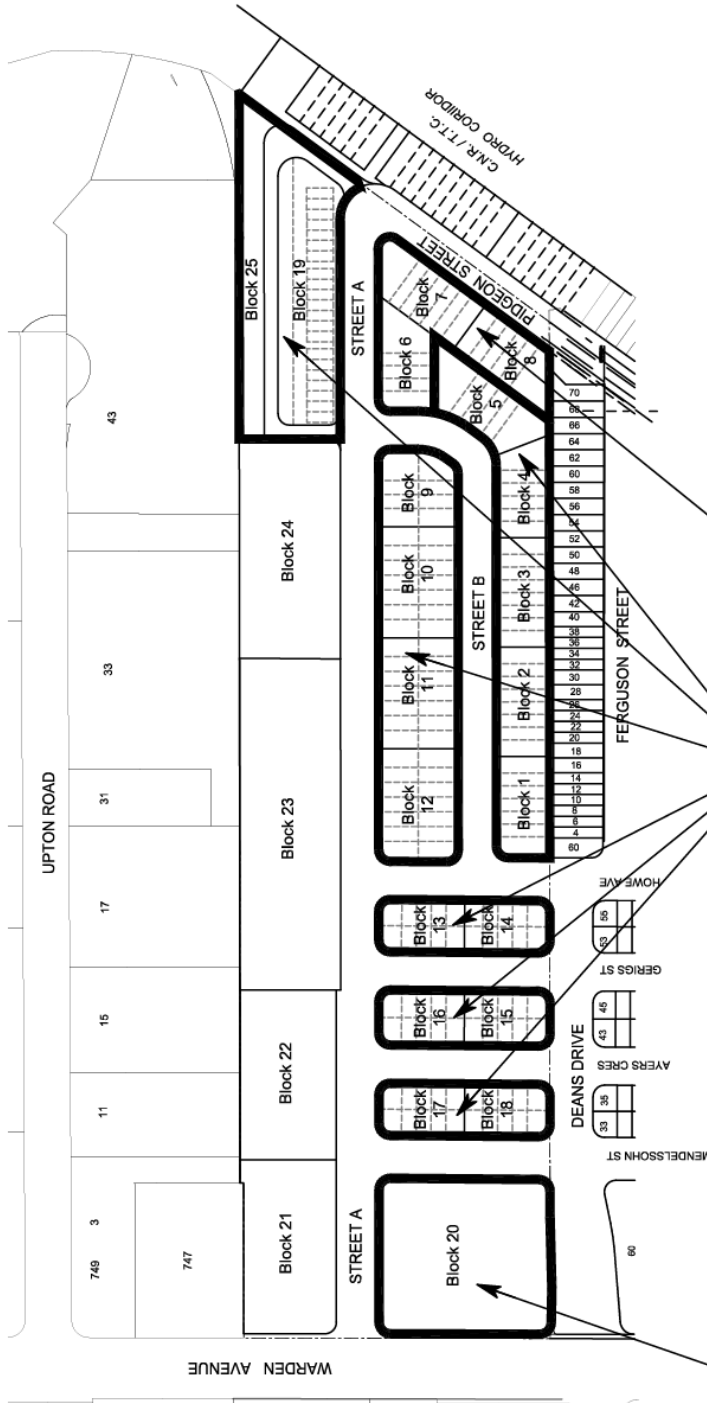
- TH-11-63-71-72-124-156-160-166-207-218-225-226-227-236**
- TH-19J-51-63-71-72-81-106-125-156-160-166-207-218-225-226-228-236**
- TH(H)-19J-51-63-71-72-81-106-125-156-160-207-218-225-226-229-236**
- TH-19K-21-50-63-71-72-128-156-218-225-226-235-236**
- CR-83-126-157-177-178-203-218-225-226-230-231-232-233-234-236**

Toronto City Planning Division
Zoning By-Law Amendment
 743 Warden Avenue
 File # 13 268029 ESC 35 OZ

Area Affected By This By-Law

Warden Woods Community By-Law
 Not to Scale
 08/28/15

Schedule ' 2 '



Exception Numbers 19 and 21
Exception Numbers 19, 21 and 22
Exception Numbers 20 and 21



City Planning
 Division

Zoning By-Law Amendment

743 Warden Avenue

File # 13 268029 ESC 35 0Z



Area Affected By This By-Law

Warden Woods Community By-Law
 Not to Scale
 08/27/15

