

Public Attachment D

Authority: Ontario Municipal Board Order issued on June 2, 2015 in Board File No. PL140391

CITY OF TORONTO

BY-LAW No. 1109-2015(OMB)

To amend 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 1001 Ellesmere Road.

Whereas pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, 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 1001 Ellesmere Road (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; and

Whereas the Ontario Municipal Board, by its Order issued on June 2, 2015 in Board File No. PL140391, determined to amend Zoning By-law No. 24982, as amended, with respect to the Lands;

Pursuant to the Order of the Ontario Municipal Board issued on June 2, 2015 in Board File No. PL140391 the Ontario Municipal Board orders 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 845 and 846, so that the amended zoning shall read as follows:

CR – 721 – 1010 – 1084 – 1086 – 1092 – 1192 – 2029 – 2061 – 2710

CR – 722 – 1010 – 1084 – 1086 – 1092 – 1192 – 2029 – 2061 – 2710

CR – 723 – 1011 – 1013 – 1084 – 1086 – 1092 – 1192 – 2029 – 2061 – 2062 – 2710 –
2711

CR – 492 – 913 – 1119 – 2029 – 2619

P

845

846



CERTIFIED
TRUE
COPY

John D.
Elvidge
City Clerk

Digitally
Signed

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

INTENSITY OF USE

721. Maximum 24 **townhouse dwelling units** having an attached rear garage and a minimum unit width of 4.2 metres.
722. Maximum 22 **townhouse dwelling units** having an attached rear garage and a minimum unit width of 4.2 metres.
723. Maximum 45 **townhouse dwelling units** having a detached garage in the rear yard and a minimum unit width of 4.5 metres.

SETBACKS

1013. Minimum setback from the **lot** line that abuts the TTC/SRT Rail Line to the rear main wall of a **dwelling unit**: 25.0 metres.
1092. Minimum interior **side yard** setback: 1.0 metres.

SETBACKS FROM LOT LINES OTHER THAN STREET LINES

1119. Minimum setback from **lot** lines other than **street lines** 15.0 metres.

GROSS FLOOR AREA

2619. **Gross floor area** of all buildings (minus the **gross floor area** of all **basements**) shall be a minimum of 6,500 square metres and shall not exceed 11,475 square metres.

HEIGHT

2710. Maximum 14.0 metres and 3 **storeys**, excluding **basements**, as measured from the average finished grade along the **main wall** of the **dwelling unit** facing any **street** line.
2711. The height measured from the floor of the **structure** of a detached garage to the **eaves** shall not exceed a height of 6.0 metres.
3. On those lands identified as Exception No. 845 on Schedule '1' hereto, the following provisions shall apply:
- (a) Only the following uses are permitted in the **Commercial/Residential Zone (CR)**:

Permitted Uses:

Townhouse Dwelling
Private Home Day Care

Temporary Use:

Temporary Sales Trailer for the sales of residential dwelling units

- (b) Where garages, accessed from a **lane**, are attached to a **dwelling unit** there shall be a minimum 15 square metres of outdoor amenity area provided on the roof of the attached garage.
- (c) Measurement of required **yard** and building setbacks shall be from the **street** or **lane** line, and shall not be affected by required corner roundings.
- (d) The following definitions shall apply to the lands encompassed by Exception No. 845:

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 **dwelling unit** 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**, except that no such projection shall extend into a public **street** or **lane**:

<u>Projections</u>	<u>Distance</u>
Deck, porch, balcony, or similar structure	1.5 metres
Decorative or screen wall	1.0 metres
Exterior steps or ramps	3.0 metres
Bay window, box window or other projecting window	0.6 metres
Roof overhang, eave or roof of dormer window	0.6 metres provided they are no closer to a lot line than 0.3 metres
Chimney, pilaster and projecting columns	0.6 metres

Street

shall mean a public right-of-way for general traffic circulation and which provides the primary access to abutting **lots**.

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.

Yard, Flankage

shall mean the space between the exterior side wall of a building and a **side lot line** bounding upon a **street** or **lane** and extending from the front main wall to the rear main wall.

- (e) 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. \$226,000 to improve the Birkdale Ravine and/or local park improvements, to be provided on the following basis:
 - (i) \$59,600 prior to the issuance of building permits for **dwelling units** fronting Ellesmere Service Road; and
 - (ii) \$166,400 prior to the issuance of building permits for all other **dwelling units**.
 - 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) Each installment payment set out in Sections 3(e)i)a.(i) and ii) 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. Each installment payment set out in Sections 3(e)i)a.(i) and (ii) 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.

- iv) The owner shall construct the development in the following phases:
 - Phase 1 – Blocks 1, 2 and 4
 - Phase 2 – Block 3 (the dwelling units fronting Ellesmere Service Road)
- v) The Section 37 Agreement will set out further details of the phasing plan referred to in Section (iv) herein.
- (f) **Model Homes** shall be permitted on the lands encompassed by Exception 845. 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"**, as amended by this By-law.

The maximum number of **Model Homes** shall be as follows:

- i) 1 **townhouse dwelling unit** with detached garage; and
- ii) 1 **townhouse dwelling unit** with attached garage

4. On those lands identified as Exception No. 846 on Schedule '1' hereto, the following provisions shall apply:

- (a) Only the following uses are permitted in the **Commercial/Residential Zone (CR)**

Permitted Uses:

- **Financial Institutions**
- Medical Centres
- Offices
- **Personal Service Shops**
- **Restaurants**
- **Retail Stores**

- (b) Additional Permitted Uses provided that they do not individually or collectively exceed 20 percent of **gross floor area** of all buildings (minus the **gross floor area** of all **basements**):

- Business and Trade Schools
- Data Storage Facilities
- Performing Arts Studio
- Pet Grooming Establishment (excluding overnight boarding of animals)
- Fitness Centre
- Veterinary Hospital

PURSUANT TO THE DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JUNE 2, 2015 IN BOARD FILE NO. PL140391.

Schedule '1'

