

Authority: Scarborough Community Council Item SC31.5,  
as adopted by City of Toronto Council on May 11 and 12,  
2022

## CITY OF TORONTO

### Bill 882

### BY-LAW -2022

**To amend the former City of Scarborough Zoning By-law 12797, Agincourt North Community Zoning By-law, as amended, with respect to the lands municipally known in the year 2021 as 113, 115, 117, 118, 121, 123, 129, 131, 133, 135, 137, 139 and 141 Montezuma Trail and to repeal By-law 1776-2019.**

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 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; and

Whereas pursuant to Section 37 of the Planning Act, the Council of a municipality may in a By-law passed under Section 34 of the Planning Act, authorize increases in the height and density of development beyond those otherwise permitted by the By-law in return for the provision of such facilities, services and 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, 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 lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; 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;

The Council of the City of Toronto enacts:

1. By-law 1776-2019 is hereby repealed.
2. **SCHEDULE 'A'** of the Agincourt North Community Zoning By-law 12797, as amended, is amended by deleting the current zoning and replacing it with the following zoning as shown on the attached Schedule 1:

A-40H –169–170A–199-211-212-213-214-216

3. **PERFORMANCE STANDARDS CHART - SCHEDULE 'B'**, of the Agincourt North Community Zoning By-law 12797 is further amended by adding the following Performance Standards:

**SETBACKS FROM STREETS**

- 40H. The required minimum building setbacks and the required minimum separation distances between main walls of buildings or structures are shown on Schedule 3 of By-law [Clerks to supply By-law #];

**PARKING**

169. CLAUSE VII - GENERAL PARKING REGULATIONS FOR ALL ZONES, Sub-clause 1.2.2. Sum of Requirements, shall not apply. If the calculation of the number of required **parking spaces** resulting in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one **parking space**.
- 170A. Vehicle **parking spaces** shall be provided at a Minimum 1.0 **parking space** per **dwelling unit** shall be provided for residents, 0.1 **parking spaces** per **dwelling unit** shall be provided for visitors and 0.1 **parking spaces** shall be provided per every 100 square metres of gross floor area for retail uses.

**INTENSITY OF USE**

199. Maximum 81 **dwelling units**.
211. The maximum height of the building is 13.9 metres above the established grade for the North Block – Block A and 13.5 metres for the South Block – Block B.
212. CLAUSE V – INTERPRETATION, Sub-Clause (f) Definitions: The definitions of **Height** shall not apply. **Height** shall mean the vertical distance measure from the established grade of 187.8 metres Canadian Geodetic Datum (North block – Block A) and 188.2 metres Canadian Geodetic Datum (South block – Block B) to the highest point on the building, excluding stairs and stair enclosures, enclosures or vestibules providing rooftop access, rooftop mechanical equipment, trellises, terraces, chimneys, guard rails, pergolas, eaves, parapets, columns and beams, screens, roof drainage, architectural features, landscaping, skylights, vents, antennae, an accessory building, and a mechanical/electrical room to a maximum of 1.5 metres.
213. The **gross floor area** shall not exceed 10,000 square metres.
214. Maximum building coverage shall not exceed 40 percent of the lot area, excluding the covered parking garage.
216. CLAUSE V – INTERPRETATION, Sub-Clause (f) Definitions: The definitions of **Gross Floor Area** shall not apply. **Gross floor area** shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the **main wall** of each floor level. The **gross floor area** of a mixed use or residential building is reduced by the area in the building used for:

- i. enclosed/covered parking structure, loading and bicycle parking located above-ground;
  - ii. elevator and garbage shafts;
  - iii. garbage and recycle rooms, storage, enclosed driveways and drive aisles;
  - iv. mechanical or electrical rooms; and
  - v. exit stairwells in the building.
4. **SCHEDULE "C", EXCEPTION MAP**, is amended as shown outlined on the attached Schedule 2.
5. **SCHEDULE "C", EXCEPTIONS LIST and EXCEPTION MAP**, are amended by amending Exception number 14 to the lands outlined on Schedule 2 as follows:
  14. On those lands identified as Exception 14 on the accompanying Schedule "2" map, the following provisions shall apply:
    - i. Only the following uses shall be permitted:
      - a. Domestic Retail
        - Sale of foods and soft drinks for consumption off the premises
        - Sale of Household Goods
        - Sale of Drugs, Cosmetics, Pharmaceuticals and Tobaccos
      - b. Service Uses
        - Bank
        - Barber Shop and Beauty Parlour
        - Business and Professional Office
        - Laundromats
        - Laundry and Dry-Cleaning Pick-ups
        - Shoe Repair Shop
      - c. Medical Office Uses
      - d. Retail Stores
      - e. Service Shops and Agencies
      - f. Temporary sales office for the sale/lease of residential dwelling units and non-residential gross floor area on the lands.

Non-residential uses listed in subsection (14) above are permitted in the shaded area on the ground floor as shown on Schedule 3.

6. **SCHEDULE “C”, EXCEPTIONS LIST AND MAP**, are amended by adding the following **EXCEPTION 37** to north portion of the lands as shown outlined on the attached Schedule 2 as follows:

37. On those lands identified as Exception 37 on the accompanying Schedule "2" map, the following provisions shall apply:

- i. In addition to the uses permitted in **CLAUSE VIII – ZONE PROVISIONS**, Sub-Clause 4. Apartment Residential (A) a temporary sales office for the sale and/or lease of residential or non-residential units is permitted;
- ii. **apartment building** shall mean a building that has five or more dwelling units, with at least one dwelling unit entirely or partially above another, and each dwelling unit has a separate entrance directly from outside or through a common inside area.
- iii. **Permitted Projections:**

The following projections shall not be considered part of the **main wall**, except that no such projection shall extend into a public street or lane:

Deck, porch, terrace, canopies, balcony, decorative or screen wall, exterior steps or ramps, bay window, box window or other projecting window, roof overhang, eave, or roof of dormer window, pilaster, projecting columns, railings, privacy screens, columns and beams to a maximum of 2.0 metres;

- iv. **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-Clause 18 Lands Not Covered by Buildings shall not apply;
- v. **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES**, Sub-Clause 2.1.1 Street Yard Parking shall not apply; and

7. Section 37 Provisions

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule “1” in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and 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 lands, to the satisfaction of the City Solicitor;

- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- (C) 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 Schedule A are satisfied.

Enacted and passed on July , 2022.

Frances Nunziata,  
Speaker

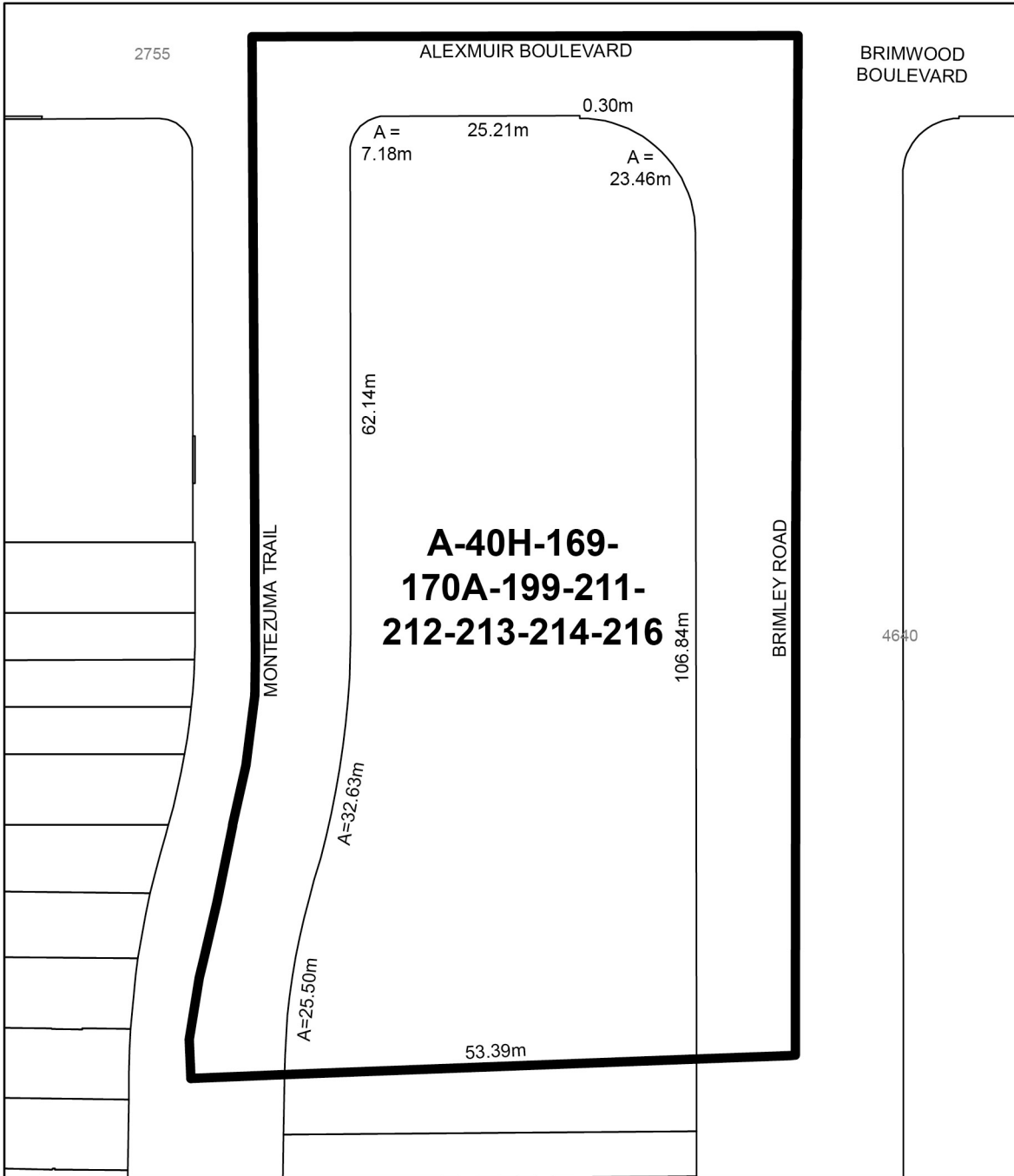
John D. Elvidge,  
City Clerk

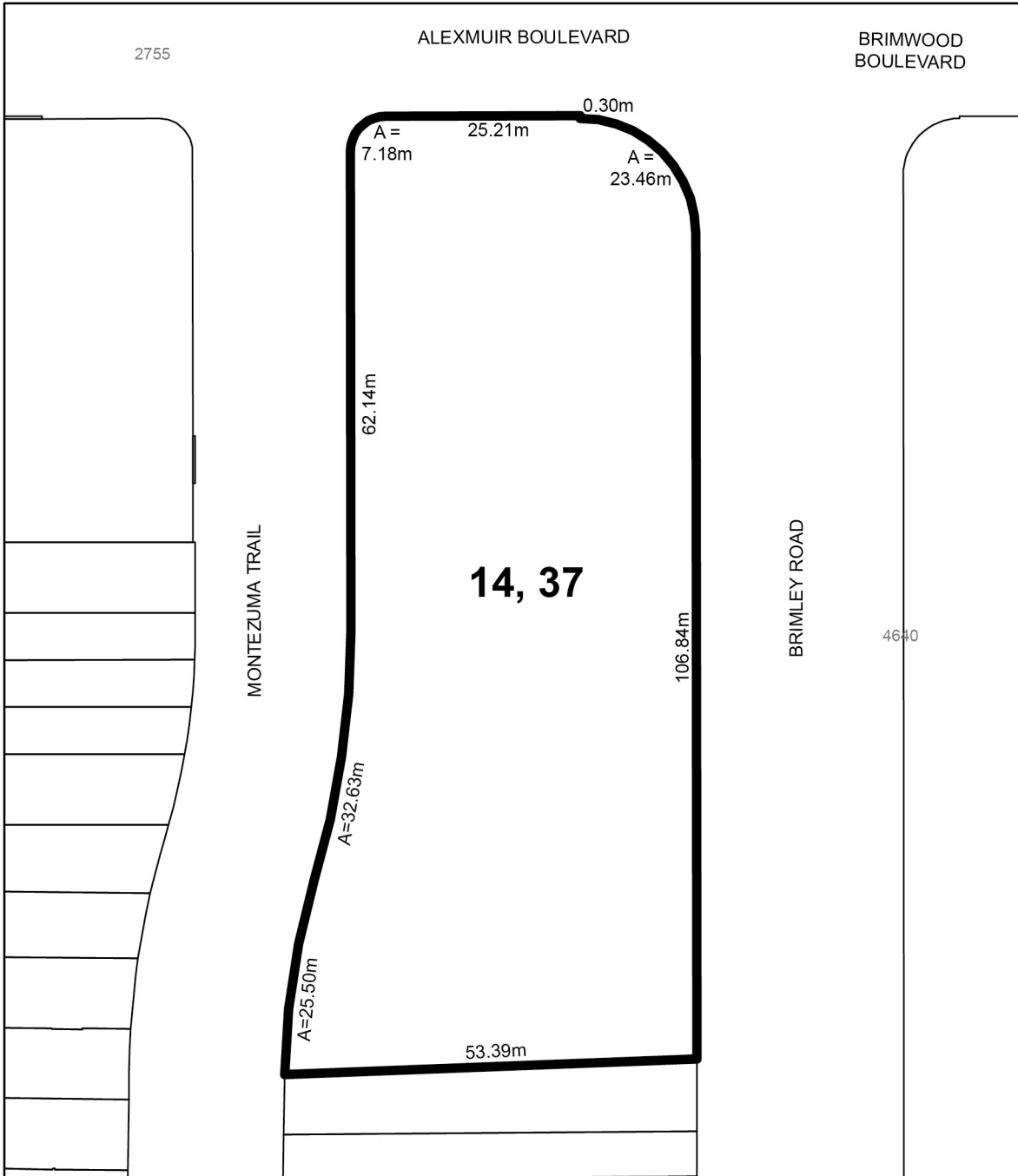
(Seal of the City)

**SCHEDULE A**  
**Section 37 Provisions**

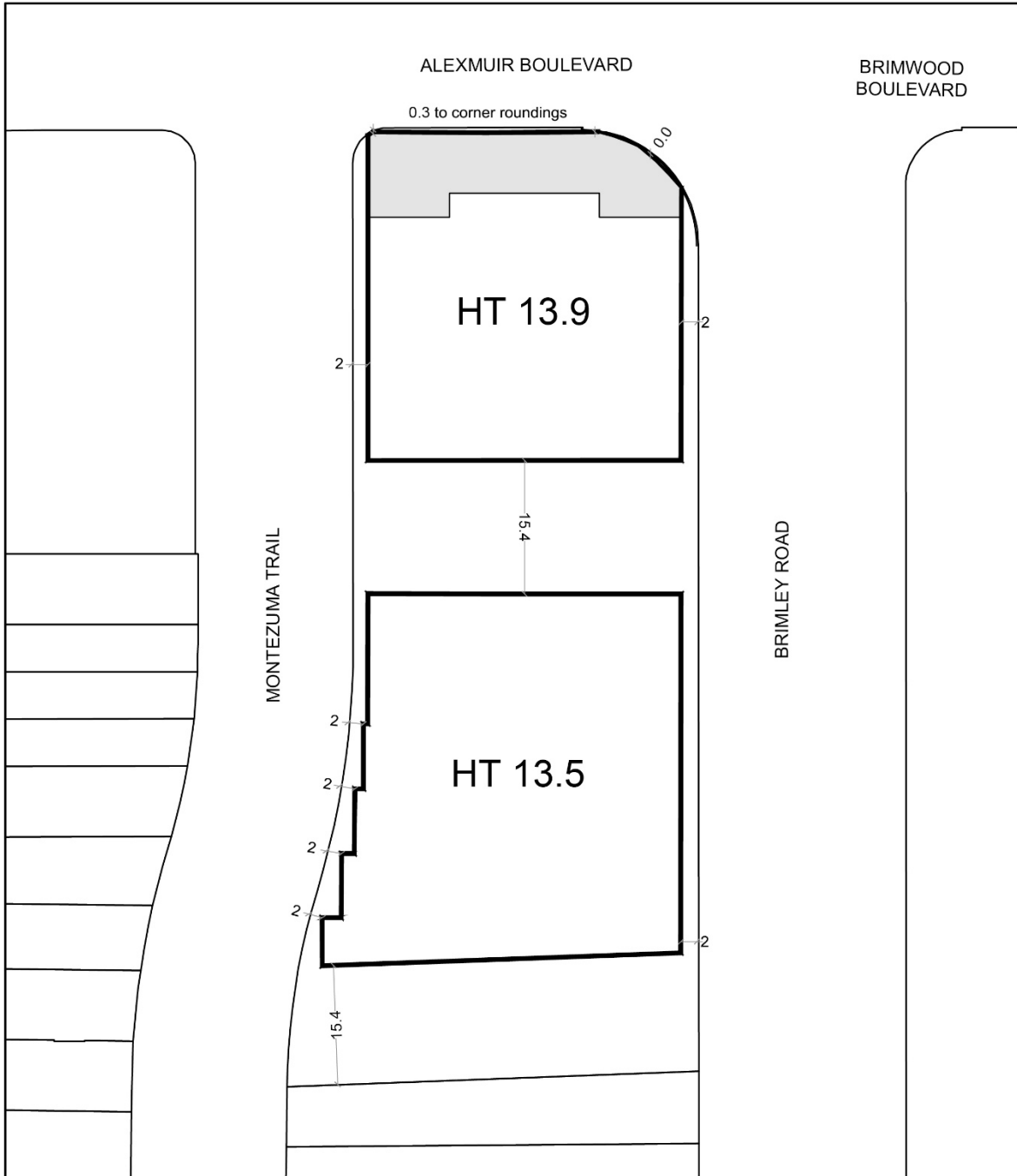
Upon execution and registration in priority of an agreement with the owner, pursuant to Section 37 of the Planning Act, with conditions providing for without limitation, indexing escalation of letters of credit, development charges, indemnity and registration, satisfactory to the City Solicitor, securing the provision of the facilities, services and matters set out herein, the lands outlined in heavy black lines as shown on Schedule 1 of this By-law are 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:

1. Prior to the issuance of the first above grade building permit for the lands, the owner shall make a cash contribution to the City in the amount of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00), to be allocated towards area park improvements in the Ward, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
2. The cash contribution referred to in 1. above shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for the Toronto Census Metropolitan Area, as reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made to the City.
3. In the event the cash contribution referred to in 1. 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, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.










**Toronto**  
**Zoning By-law Amendment**  
**Schedule 3**

**113-141 Montezuma Trail**

File # 18 266753 ESC 23 0Z

North Parcel: Established grade of 187.8 metres Canadian Geodetic Datum  
 South Parcel: Established grade of 188.2 metres Canadian Geodetic Datum

-  Area Affected By This By-law
-  Location of Non-residential Uses (Non-residential uses are permitted in shaded area on the ground floor)

  
 City of Toronto By-law 569-2013  
 Not to Scale  
 04/01/2022