

**CITY OF TORONTO**

**BY-LAW No. 1101-2006(OMB)**

**To amend the Employment Districts Zoning By-law No. 24982 (South Agincourt Employment District), as amended, of the former City of Scarborough with respect to lands municipally known as 2055 Kennedy Road.**

WHEREAS the Ontario Municipal Board, by way of Order No. 1212 issued on the May 12, 2005, determined to amend the former Scarborough Employment Districts Zoning By-law No. 24982 with respect to lands municipally known as 2055 Kennedy Road;

1. This by-law applies to the lands municipally known as 2055 Kennedy Road, and outlined in Schedule '1' of this by-law.
  
2. **SCHEDULE "A"** of the Scarborough Employment Districts Zoning By-law No. 24982 (South Agincourt Employment District) is amended by adding Performance Standard Numbers 2047, 2375 and Exception Number 230 to the lands outlined in Schedule '1' of this By-law and deleting the existing zoning provisions and replacing them with the following zoning provisions:

(Block 1) CR-2047-2375-	230
(Block 2) SDC-2047-2375-	230
(Block 3) RU-2047-2375-	230
(Block 4) CR-2047-2375-	230
(Block 5) CR-2047-2375-	230
(Block 6) CR-2047-2375-	230
(Block 7) SDC-2047-2375-	230
(Block 8) PU-SDC-2375-	230

3. **SCHEDULE “B”, PERFORMANCE STANDARDS CHART – SECTION 37**, of the Scarborough Employment Districts Zoning By-law No. 24982 (South Agincourt Employment District) is amended by adding Performance Standard Number 2375 as follows:

2375. Matters to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended:

- (a) The owner of the lands, at its expense and in accordance with, and subject to, the agreements referred to in Section (b) herein, shall provide or fund the following facilities, services and matters, in exchange for the increase in density, prior to issuance of Building Permits, as follows:
  - (i) a financial contribution to the City of Toronto for a public art budget of \$100,000 in accordance with the agreement under Section (b);
  - (ii) two non-profit day care facilities in accordance with the agreement under Section (b);
  - (iii) a pedestrian pathway to connect the pathway at the northern boundary of the CPR line to the asphalt path in Collingwood Park and a connection from that asphalt path to Collingwood Street in accordance with the agreement under Section (b);
  - (iv) the conveyance of a parcel of land, referred to as Block 8 in plan of subdivision, located at the north-east corner of the lands, south-west of where the Canadian Pacific Railway and the GO Transit rail lines intersect, to the City for public purposes, including but not limited to construction of and use as a future bus and subway terminal and/or transit related purposes in accordance with the agreement under Section (b).
- (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 facilities, services, and matters referred to in Section (a) herein, which agreement shall be registered as a first charge on title to the lands to which this By-law applies.

4. **SCHEDULE “B”, PERFORMANCE STANDARDS CHART - MISCELLANEOUS**, of the Scarborough Employment Districts Zoning By-law No. 24982 is amended by adding Performance Standard No. 2047 as follows:

2047. On those lands identified as having Performance Standard 2047, on the accompanying Schedule “A” map, the following provisions shall apply, provided that all other provisions of the By-law not inconsistent with these performance standards shall continue to apply:

- (a) Total **Residential Gross Floor Area** of all buildings, for Blocks 1, 4, 5 and 6, minus the gross floor area of all basements, below-grade parking structures and above-grade parking structures, shall not exceed 165,000 m<sup>2</sup> and the total number of residential units shall not exceed 2,100 units.
- (b) Total **Non-residential Gross Floor Area** of all buildings on Blocks 1, 2, 6 and 7, minus the gross floor area of all basements, below-grade parking structures and above grade parking structures, shall not exceed 38,500 m<sup>2</sup>.
- (c) The area outlined as “Block 1” in Schedule ‘1’ shall be zoned, **Commercial/Residential Zone (CR)**. No buildings or structures shall be permitted in lands outlined as “Block 1” on Schedule ‘1’ except as follows:
- i. Maximum **gross floor area**, minus the gross floor area of all basements, below-grade parking structures, above grade parking structures, and any daycare centre provided as a result of an agreement with the City pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended as outlined in Performance Standard 2375, shall not exceed 57,500 m<sup>2</sup>.
  - ii. Minimum **street yard** setback of 3 metres.
  - iii. Minimum **street yard** setback of 6 metres for any portions of a building or structure, with the exception of balconies, located above 13 m in height.
  - iv. All residential units shall be located a minimum of 25 m from the eastern property line abutting the GO Transit rail line.
  - v. No portion of any building on “Block 1”, above or below grade, shall be located closer than 14 m to the southern property line.
  - vi. Maximum **height** of 35 storeys and 117 m.
  - vii. Minimum **parking** requirement of 1.1 spaces per residential unit including a minimum of 0.2 visitor **parking** spaces per residential unit prior to the construction and operation of a subway facility south-west of where the Canadian Pacific Railway and the GO Transit rail lines intersect.
  - viii. Minimum **parking** requirement of 1.0 spaces per residential unit including a minimum of 0.17 visitor **parking** spaces per residential unit after the construction and operation of a subway facility south-west of where the Canadian Pacific Railway and the GO Transit rail lines intersect.

ix. Only the following uses are permitted:

- Apartments
- Day Care Centres
- **Day Nurseries**
- **Personal Service Shops**
- **Recreational Uses**
- **Restaurants**
- Retail Stores

(d) The area outlined as “Block 2” in Schedule ‘1’ shall be zoned, **Special District Commercial Zone (SDC)**. No buildings or structures shall be permitted in the area outlined as “Block 2” on Schedule ‘1’ except as follows:

i. Maximum **gross floor area**, minus the gross floor area of all basements, below-grade parking structures, above grade parking structures, and any daycare centre provided as a result of an agreement with the City pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended as outlined in Performance Standard 2375, shall not exceed 11,500 m<sup>2</sup>.

ii. Minimum **street yard** setback of 3 m.

iii. Maximum **height** of 10 storeys and 41 m.

iv. Only the following uses are permitted:

- Day Care Centres
- **Day Nurseries**
- Home Sales Centre
- Non-Commercial Parking Lots
- Offices
- **Personal Service Shops**
- **Recreational Uses**
- **Restaurants**
- Retail Shops
- Service Shops
- Studios

(e) The area outlined as “Block 3” in Schedule ‘1’ shall be zoned, **Parks Zone (RU)**.

- (f) The area outlined as “Block 4” in Schedule ‘1’ shall be zoned, **Commercial/Residential Zone (CR)**. No buildings or structures shall be permitted in the area outlined as “Block 4” on Schedule ‘1’ except as follows:
- i. Maximum **gross floor area**, minus the gross floor area of all basements, below-grade parking structures, above grade parking structures, and any daycare centre provided as a result of an agreement with the City pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended as outlined in Performance Standard 2375, shall not exceed 17,000 m<sup>2</sup>.
  - ii. Minimum **street yard** setback of 3 m with the exception of porches and stairs without below grade foundations.
  - iii. Minimum setback from the street lot line of 6 m to garages.
  - iv. Maximum **height** of 4 storeys and 14 m except for any buildings fronting on Sufferance Road which may have a maximum **height** of 8 storeys and 25 m.
  - v. Minimum **parking** requirement of 2.0 spaces per residential unit including a minimum of 0.2 visitor **parking** spaces per residential unit, for those units with integral parking, prior to the construction and operation of a subway facility south-west of where the Canadian Pacific Railway and the GO Transit rail lines intersect.
  - vi. Minimum **parking** requirement of 2.0 spaces per residential unit including a minimum of 0.17 visitor **parking** spaces per residential unit, for those units with integral parking, after the construction and operation of a subway facility south-west of where the Canadian Pacific Railway and the GO Transit rail lines intersect.
  - vii. Minimum **parking** requirement of 1.4 spaces per residential unit including a minimum of 0.2 visitor **parking** spaces per residential unit, for those units with a common or pooled parking arrangement, prior to the construction and operation of a subway facility south-west of where the Canadian Pacific Railway and the GO Transit rail lines intersect.
  - viii. Minimum **parking** requirement of 1.2 spaces per residential unit including a minimum of 0.17 visitor **parking** spaces per residential unit, for those units with a common or pooled parking arrangement, after the construction and operation of a subway facility south-west of where the Canadian Pacific Railway and the GO Transit rail lines intersect.

- ix. Minimum **parking** requirement of 1.1 spaces per residential unit, in an apartment building, including a minimum of 0.2 visitor **parking** spaces per residential unit prior to the construction and operation of a subway facility south-west of where the Canadian Pacific Railway and the GO Transit rail lines intersect.
  - x. Minimum **parking** requirement of 1.0 spaces per residential unit, in an apartment building, including a minimum of 0.17 visitor **parking** spaces per residential unit after the construction and operation of a subway facility south-west of where the Canadian Pacific Railway and the GO Transit rail lines intersect.
  - xi. Minimum requirements of 3 m by 6 m for garages constructed for a Townhouse Dwelling Unit.
  - xii. Only the following uses are permitted:
    - Ancillary Uses – Private Home Day Care
    - Apartments (**only along the frontage of Sufferance Road**)
    - **Day Nurseries**
    - Model Homes
    - Stacked Townhouses
    - Townhouse Dwelling Units
- (g) The area outlined as “Block 5” in Schedule ‘1’ shall be zoned, **Commercial/Residential Zone (CR)**. No buildings or structures shall be permitted in the area outlined as “Block 5” on Schedule ‘1’ except as follows:
- i. Maximum **gross floor area**, minus the gross floor area of all basements, below-grade parking structures, above grade parking structures, and any daycare centre provided as a result of an agreement with the City pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended as outlined in Performance Standard 2375, shall not exceed 18,500 m<sup>2</sup>.
  - ii. Minimum **street yard** setback of 3 m.
  - iii. Minimum **street yard** setback of 6 m for any portions of a building or structure, with the exception of balconies, located above 13 m in height.
  - iv. Maximum **height** of 20 storeys and 61 m.

- v. Minimum **parking** requirement of 1.1 spaces per residential unit including a minimum of 0.2 visitor **parking** spaces per residential unit prior to the construction and operation of a subway facility south-west of where the Canadian Pacific Railway and the GO Transit rail lines intersect.
  - vi. Minimum **parking** requirement of 1.0 spaces per residential unit including a minimum of 0.17 visitor **parking** spaces per residential unit after the construction and operation of a subway facility south-west of where the Canadian Pacific Railway and the GO Transit rail lines intersect.
  - vii. Only the following uses are permitted:
    - Apartments
    - Day Care Centres
    - **Day Nurseries**
- (h) The area outlined as “Block 6” in Schedule ‘1’ shall be zoned, **Commercial/Residential Zone (CR)**. No buildings or structures shall be permitted in the area outlined as “Block 6” on Schedule ‘1’ except as follows:
- i. Maximum **gross floor area**, minus the gross floor area of all basements, below-grade parking structures, above grade parking structures, and any daycare centre provided as a result of an agreement with the City pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended as outlined in Performance Standard 2375, shall not exceed 70,000 m<sup>2</sup>.
  - ii. Minimum **street yard** setback of 3 m.
  - iii. Minimum **street yard** setback of 6 m for any portions of a building or structure, with the exception of balconies, located above 13 m in height.
  - iv. All residential units shall be located a minimum of 30 m from the northern property line abutting the CP rail line.
  - v. Maximum **height** of 37 storeys and 115 m.
  - vi. Minimum **parking** requirement of 1.1 spaces per residential unit including a minimum of 0.2 visitor **parking** spaces per residential unit prior to the construction and operation of a subway facility south-west of where the Canadian Pacific Railway and the GO Transit rail lines intersect.

- vii. Minimum **parking** requirement of 1.0 spaces per residential unit including a minimum of 0.17 visitor **parking** spaces per residential unit after the construction and operation of a subway facility south-west of where the Canadian Pacific Railway and the GO Transit rail lines intersect.
- viii. Only the following uses are permitted:
- Apartments
  - Day Care Centres
  - **Day Nurseries**
  - **Personal Service Shops**
  - **Recreational Uses**
  - **Restaurants**
  - Retail Stores
  - Service Shops
- (i) The area outlined as “Block 7” in Schedule ‘1’ shall be zoned, **Special District Commercial Zone (SDC)**. No buildings or structures shall be permitted in the area outlined as “Block 7” on Schedule ‘1’ except as follows:
- i. Maximum **gross floor area**, minus the gross floor area of all basements, below-grade parking structures, above grade parking structures, and any daycare centre provided as a result of an agreement with the City pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended as outlined in Performance Standard 2375, shall not exceed 27,000 m<sup>2</sup>.
- ii. Minimum **street yard** setback of 3 m.
- iii. Maximum **height** of 20 storeys and 81 m.
- iv. Only the following uses are permitted:
- Day Care Centres
  - **Day Nurseries**
  - Home Sales Centre
  - Non-Commercial Parking Lots
  - Offices
  - **Personal Service Shops**
  - **Recreational Uses**
  - **Restaurants**
  - Retail Shops
  - Service Shops
  - Studios



- (j) The area outlined as “Block 8” in Schedule ‘1’ shall be zoned, **Public Utilities (PU) and Special District Commercial Zone (SDC)**.

Only the following uses are permitted:

- Non-Commercial Parking Lots
- Offices
- **Personal Service Shops**
- **Public Transportation Use**
- **Public Use**
- **Public Utilities**
- **Restaurants**
- Retail Stores
- Service Shops

**Public Transportation Use**

means the use of land or buildings for the operation of a transportation system which is provided by or under the control of a public authority

- 5. SCHEDULE “C” EXCEPTIONS LIST** of the Scarborough Employment Districts Zoning By-law No. 24982 (South Agincourt Employment District) is amended by adding **Exception Number** as follows:

**230.** (a) Prohibited Uses:

- Semi-Detached Dwellings
- Single-Family Dwellings

PURSUANT TO ORDER/DECISION NO. 1212 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON MAY 12, 2005 IN BOARD CASE NO. PL020411.

### Schedule '1'

