

**CITY OF TORONTO**

**BY-LAW No. 153-2011(OMB)**

**To amend the former City of Scarborough Employment Districts Zoning By-law No. 24982 (Milliken Employment District), as amended, with respect to lands municipally known as 3241-3261 Kennedy Road and 19-27 Passmore Avenue.**

WHEREAS AI Reisman Limited made application to the City of Toronto on August 21, 2009 for amendments to Zoning By-law of the City of Toronto with respect to certain lands located within the former Municipality of Scarborough; and

WHEREAS the Council of the Corporation of the City of Toronto has refused or neglected to make a decision with respect to the application within 120 days; and

WHEREAS AI Reisman Limited appealed to the Ontario Municipal Board under Section 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended; and

WHEREAS the Ontario Municipal Board, by way of its Order issued on August 17, 2010, upon hearing the appeal of the owner under Section 34(11) of the *Planning Act*, R.S.O. 1990, c.P 13, as amended, determined to amend By-law No. 24982, the Employment Districts Zoning By-law, as amended, of the former City of Scarborough with respect to the Milliken Employment District Zoning By-law;

THEREFORE the Ontario Municipal Board hereby amends By-law No. 24982 (Milliken Employment District), as amended, of the former City of Scarborough as follows:

1. **SCHEDULE 'A'** of the Employment District Zoning By-law No. 24982 (Milliken Employment District) is amended by deleting the current zoning for the lands at 3241-3261 Kennedy Road and 19-27 Passmore Avenue and replacing it with the following:

M-ME-414-913-1054-1644-2615-2616-2617-2618  
Exceptions: 202 205 475 476 477

As shown on Schedule '1' to this By-law.

2. **SCHEDULE 'B' - PERFORMANCE STANDARD CHART**, of the Milliken Employment District Zoning By-law, as amended, is hereby further amended by adding the following Performance Standards:

**PARKING**

1644. Notwithstanding the provision of **CLAUSE V – GENERAL PROVISIONS Section 7.2, Table of Required Parking Rates**, a minimum of 366 parking spaces shall be provided.

**INTENSITY OF USE**

2615. Gross floor area of any individual small scale store or service, exclusive of a health and fitness establishment, furniture and/or major appliance sales and service establishment, an office equipment sales, supply and service establishment, and, a recreational vehicle sales and service establishment, shall not exceed 280 square metres.
2616. Gross floor area of all small scale stores, service and restaurants uses shall not exceed 5,240 square metres.
2617. Gross floor area of all restaurants, exclusive of a delicatessen, a bake shop, shall not exceed 1,466 square metres. The gross floor area of any one individual restaurant shall not exceed 475 square metres.
2618. A seating area for a maximum of 12 persons may be provided in association with a delicatessen and a bake shop, which seating area shall not be included in the calculation of the gross floor area of these uses.

- 3. SCHEDULE 'C', EXCEPTIONS LIST**, is amended by adding Exceptions 475, 476 and 477 as follows:

## Exceptions:

475. On those lands situated within 58 metres of the front lot line adjacent the easterly limit of Kennedy Road, the uses permitted shall be in accordance with the provisions of the Mixed Employment (ME) Zone and such permission does not extend beyond the above area.
476. On those lands situated greater than 58 metres from the easterly limit of Kennedy Road, greater than 76 metres from the southerly limit of Passmore Avenue and greater than 72 metres north of the southerly property line, the uses permitted shall be restricted to those permitted within the Industrial (M) Zone.
477. In addition to those uses permitted in the Industrial (M) Zone, the following additional employment, small scale stores, service and restaurant uses are permitted on those lands situated within 76 metres of the lot line adjacent the southerly limit of Passmore Avenue and within 72 metres of the southerly property line.

**A. Additional Employment Uses permitted without restrictions on gross floor area:**

- i. a business and/or professional office inclusive of a medical and/or dental clinic and the offices of a holistic and/or naturopathic practitioner;
- ii. a financial institution;
- iii. a photographic and/or art studio and gallery;
- iv. a printing and/or publishing establishment;
- v. a travel agency;
- vi. a wine and/or beer making establishment; and,

- vii. such other accessory uses as are normally considered incidental and subordinate to the foregoing uses.

**B. Only the following Additional Small Scale Retail, Service and Restaurant Uses are Permitted:**

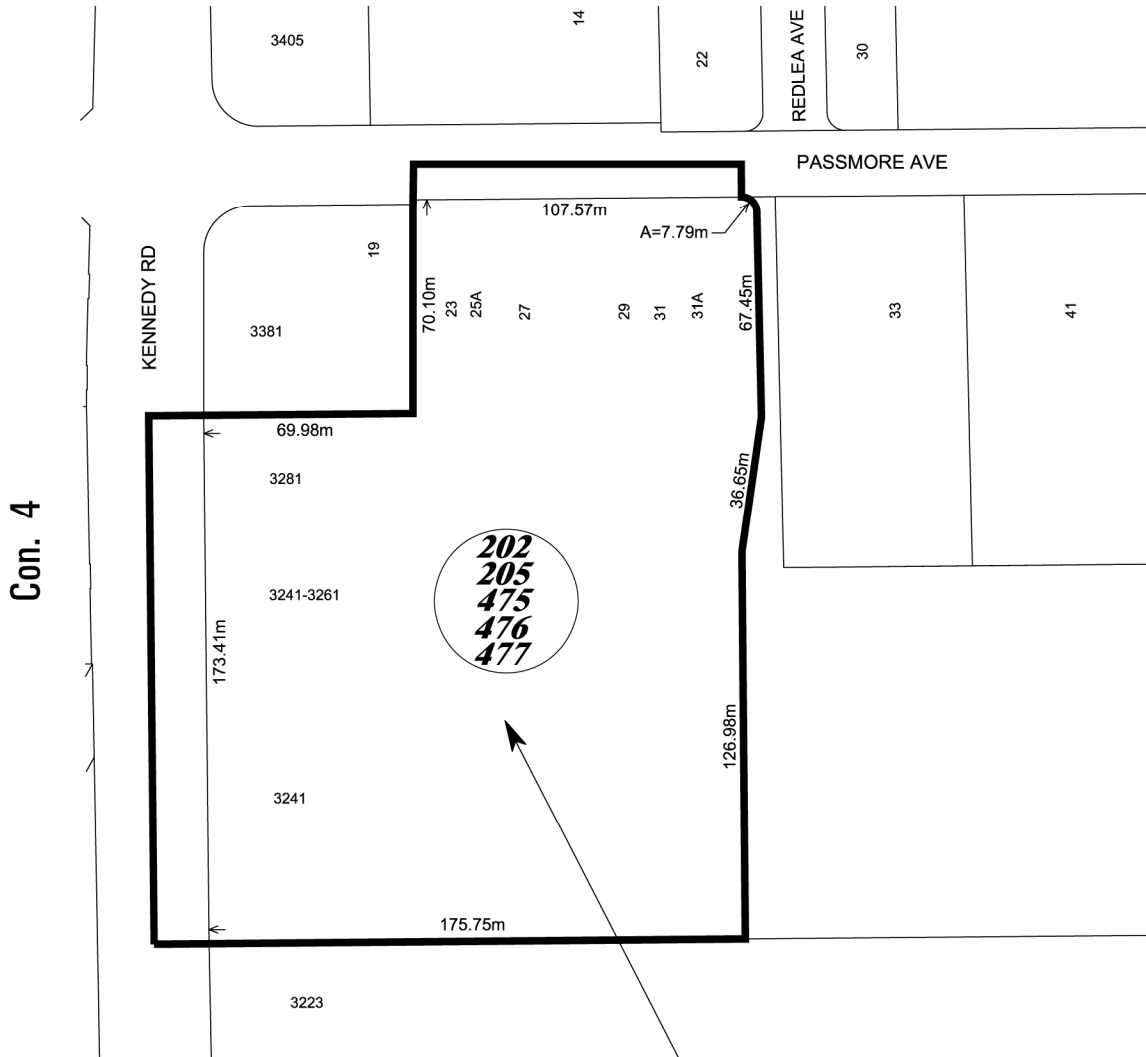
- i. an automotive, truck and trailer parts sales and service establishment;
- ii. an automotive service, detailing and/or glass and trim establishment exclusive of an auto body and facilities for the retail sale of gasoline and related petroleum products;
- iii. a bake shop and delicatessen;
- iv. a computer and/or electronics sales and service establishment;
- v. a convenience store;
- vi. a courier service establishment inclusive of mail box facilities, photocopying and other related business services;
- vii. a dry cleaning depot and/or dry cleaning establishment;
- viii. an electrical supply and service establishment inclusive of ancillary sales;
- ix. a florist;
- x. a health food and nutritional supplement sales outlet;
- xi. an industrial parts sales and service establishment;
- xii. an industrial safety equipment supply sales and service establishment;
- xiii. an industrial trade and tool supply sales and service establishment;
- xiv. an interior design, kitchen and bathroom design and sales establishment;
- xv. a medical equipment and supplies sales and service establishment;
- xvi. an office equipment sales, supply and service establishment;
- xvii. an optical dispensing and product related sales outlet;
- xviii. a personal service shop;
- xix. a pharmacy;
- xx. a plumbing, heating and air conditioning sales and service establishment;
- xxi. a pool and/or spa design and service establishment inclusive of ancillary sales;
- xxii. a restaurant and/or eating establishment;
- xxiii. a small appliance service establishment inclusive of ancillary sales;
- xxiv. a small engine sales and service establishment, inclusive of a lawn and garden equipment sales and service establishment;
- xxv. a snowmobile and/or recreational vehicle sales and service establishment; and,
- xxvi. such other accessory uses as are normally considered incidental and subordinate to the foregoing uses.

For the purposes of this By-law, the term "ancillary sales" shall mean that not greater than 45 percent of the gross floor area associated with the principal permitted use is dedicated to a showroom and/or sales area.

PURSUANT TO DECISION/ORDER ISSUED ON AUGUST 17, 2010 OF THE ONTARIO MUNICIPAL BOARD IN BOARD CASE NO. PL100131.

# Schedule '1'

## Lot 28



**M, ME-414-913-1054-1644-  
2615-2616-2617-2618**



**3241-3261 Kennedy Rd. and 19-27 Passmore Ave.**

**Zoning By-Law Amendment**

**File # 09-161120 0Z**



**Area Affected By This By-Law**

Milliken Employment District By-law  
Not to Scale  
6/14/10

