

Authority: Scarborough Community Council Item SC10.5,  
as adopted by City of Toronto Council on November 26  
and 27, 2019

## CITY OF TORONTO

### BY-LAW 1776-2019

**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 as, 113, 115, 117, 119, 121, 123, 129, 131, 133, 135, 137, 139 and 141 Montezuma Trail.**

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. **SCHEDULE 'A'** of the Agincourt North Community 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

NC-125-169-170B-215

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

**SETBACK FROM STREET**

- 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 1776-2019;

**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** result 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 the rate of Minimum 1.0 **parking space** per **dwelling unit** shall be provided for residents, and 0.2 **parking spaces** per **dwelling unit** shall be provided for visitors.
- 170B. Vehicle **parking spaces** shall be provided at the following rates:
- i. minimum 1.5 **parking space** for each 100 square metres of gross floor area for Retail Uses, Office Use, and Services Uses, except for Banks where a minimum of 4 spaces per 100 square metres is required; and
  - ii. minimum of 3.0 for each 100 square metres of **gross floor area** for Medical Offices.

**INTENSITY OF USE**

199. Maximum 37 **dwelling units**.
211. The maximum **height** of the building is 13.5 metres.
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 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 4200 square metres.
214. Maximum building coverage shall not exceed 66 percent of the lot area.
215. Maximum building coverage shall not exceed 40 percent of the lot area.

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 parking structure, loading and bicycle parking located above-ground;
  - ii. elevator and garbage shafts;
  - iii. garbage and recycle rooms, enclosed driveways and drive aisles;
  - iv. mechanical or electrical rooms; and
  - v. exit stairwells in the building.
3. **SCHEDULE "C", EXCEPTION MAP**, is amended as shown outlined on the attached Schedule 2.
4. **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. Temporary sales office for the sale/lease of residential dwelling units and non-residential gross floor area on the lands.

5. **SCHEDULE "C", EXCEPTIONS LIST AND MAP**, are amended by adding the following **EXCEPTION 37** to the lands outlined on 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, platforms, 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, architectural features, 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

vi. pursuant to Section 37 of the Planning Act and subject to compliance with the provisions of this By-law, the increase in height and/or density of development on the lands is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's expense.

a. Prior to issuance of an above grade building permit the owner shall submit cash contribution totaling \$125,000 for local park improvements in Ward 23 in consultation with the Ward Councillor with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made;

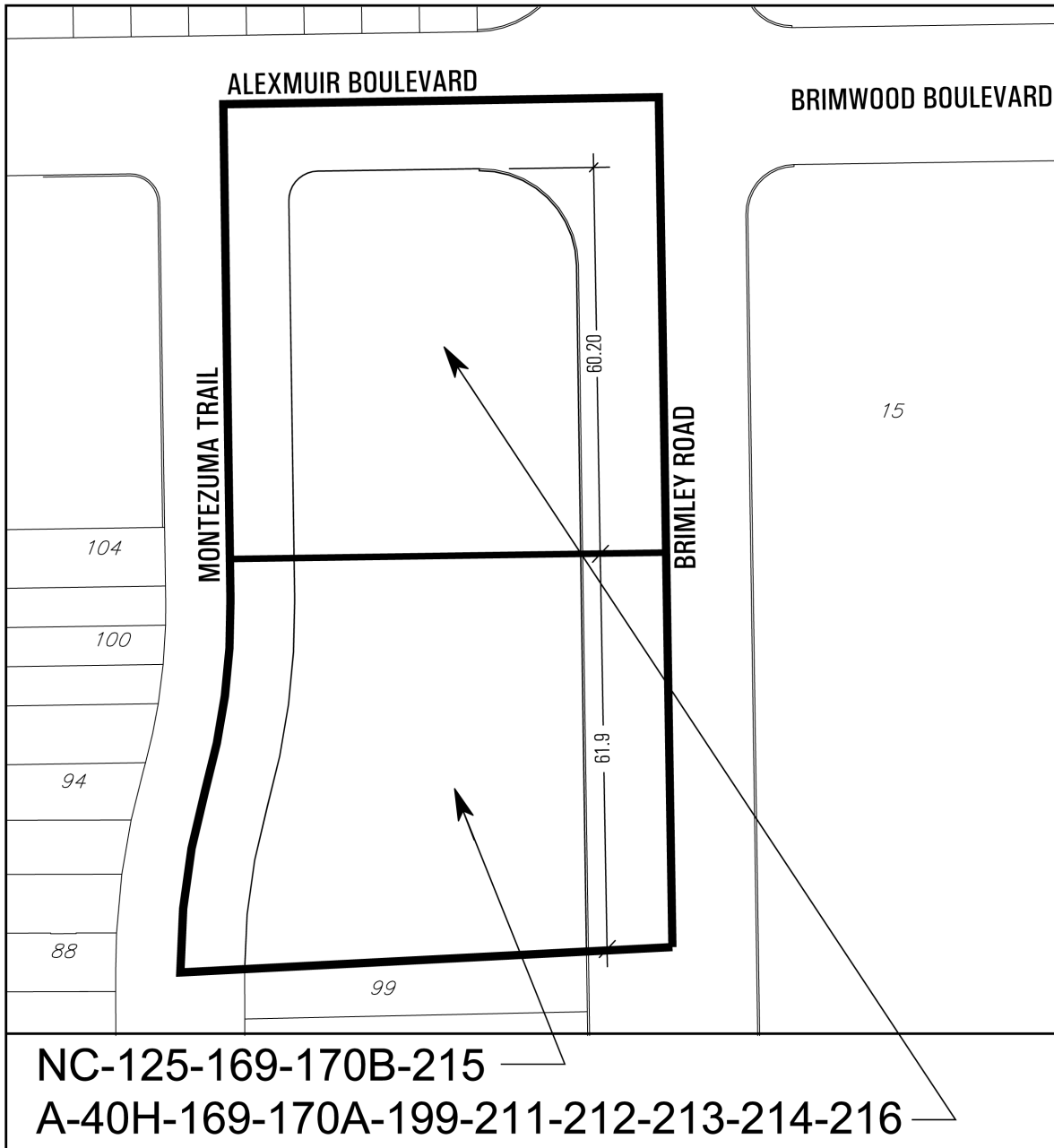
- b. The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the Planning Act, to secure the facilities, services and matters referred to in Section a) herein, which agreement shall be registered on title to the lands to which this By-law applies;
- c. In the event the cash contribution(s) referred to in Section a. 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 of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;
- d. Where Section a. above 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
- e. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to the by-law unless all provisions of Section a. of this by-law above are satisfied.

Enacted and passed on December 18, 2019.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

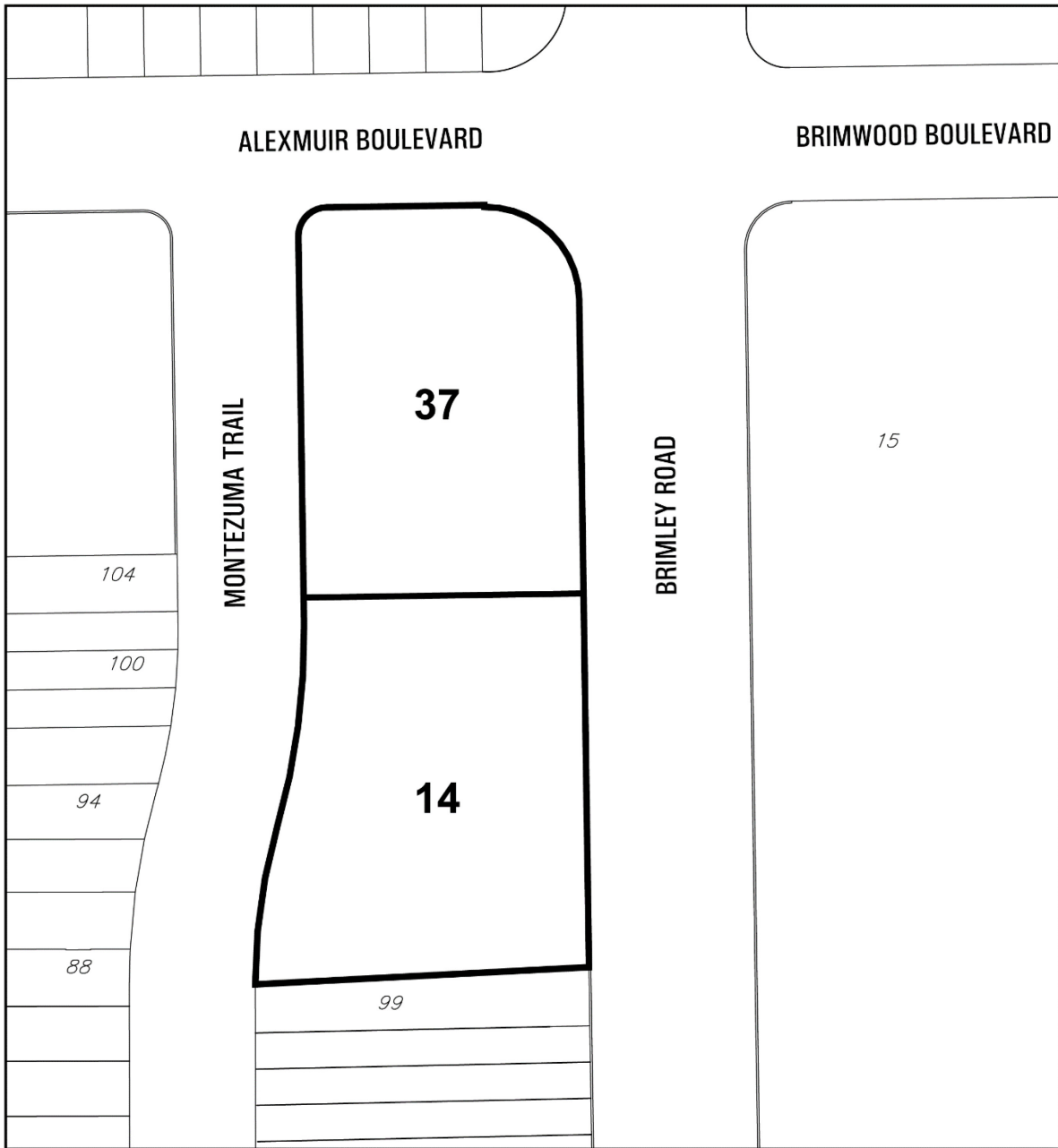


**TORONTO**  
Schedule 1

113-141 Montezuma Trail

File # 18 266753 ESC 23 0Z

↑  
Agincourt North Community By-law  
Not to Scale  
09/23/2019



 **TORONTO**  
Schedule 2

**113-141 Montezuma Trail**

File # 18 266753 ESC 23 OZ

  
Agincourt North Community By-law  
Not to Scale  
09/10/2019

