

# CITY OF TORONTO

## BY-LAW No. 753-2011(OMB)

**To amend the former City of Scarborough Agincourt North Community By-law No. 12797, as amended, and the Employment Districts Zoning By-law No. 24982 (Marshalling Yard Employment District), as amended, with respect to the lands municipally known as 2301 Brimley Road, 2329-2361 Brimley Road, 0 Commander Boulevard and 175 Commander Boulevard.**

WHEREAS the Ontario Municipal Board, pursuant to its Order issued on February 14, 2011, upon hearing the appeal of First Capital (Chartwell) Corporation and First Capital (175 Commander) Corporation under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, deems it advisable to amend Zoning By-law Nos. 12797 and 24982, as amended of the former City of Scarborough;

THEREFORE By-law No. 12797, as amended and By-law No. 24982, as amended of the former City of Scarborough are further amended by the Ontario Municipal Board, as follows:

1. The Employment Districts Zoning By-law No. 24982, as amended, shall no longer apply to the lands shown outlined on the attached Schedule '1' to this By-law.
2. **SCHEDULE "A"** of the Agincourt North Community By-law No. 12797, as amended, is hereby further amended by adding the lands shown outlined on the attached Schedule '1' to this By-law.
3. **SCHEDULE "A"** of the Agincourt North Community By-law No. 12797, as amended, is hereby further amended by deleting the current zone provisions from the lands shown outlined on the attached Schedule '2' to this By-law and by adding thereto the following zoning as shown on the attached Schedule '2' to this By-law:

### **NC-40C-76-80P-152-159-161-176**

4. **SCHEDULE "B", PERFORMANCE STANDARD CHART**, of the Agincourt North Community By-law No. 12797, is amended by adding the following Performance Standards:

**80P.** (i) Maximum **gross floor area** of all restaurants, excluding mall food retail outlets, shall be 3,360 m<sup>2</sup>.

(ii) Mall Food Retail Outlet, shall mean part of a building or structure which abuts a walkway within an enclosed mall where food and beverages are prepared and offered for sale to the public for consumption on or off the premises, but does not include a Restaurant.

**159.** No person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

(a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and

- (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

**176.** Notwithstanding the provisions of **CLAUSE VII- GENERAL PARKING REGULATIONS FOR ALL ZONES**, Sub-Clause 1.1 Table of Required Parking Rates, parking shall be provided as follows:

- Minimum 4.5 spaces per 100 m<sup>2</sup> of **gross floor area**.

**5. SCHEDULE "C", EXCEPTIONS LIST** of the Agincourt North Community By-law No. 12797, is amended by adding **EXCEPTION 3** to the lands outlined on the attached Schedule '3' to this By-law. Further, **EXCEPTION 3** is deleted and replaced as follows:

3. On those lands identified as Exception 3 on the accompanying Schedule "C" map, the following provisions shall apply:

(a) Only the following uses are permitted:

- Agencies and Studios
- Banks
- Bake Shops
- Business and Professional Offices
- **Drive-through Facility**
- **Marketplace Signs**
- Mall Food Retail Outlet
- Restaurants, Taverns
- Retail Store
- Service Shops
- Supermarket
- Tailor Shops

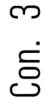
(b) The maximum gross floor area for a supermarket shall be 5,000 m<sup>2</sup>.

(c) For the purposes of this Exception, Supermarket means a retail store primarily selling food as well as other convenience and household goods with a minimum **gross floor area** of 750 m<sup>2</sup>.

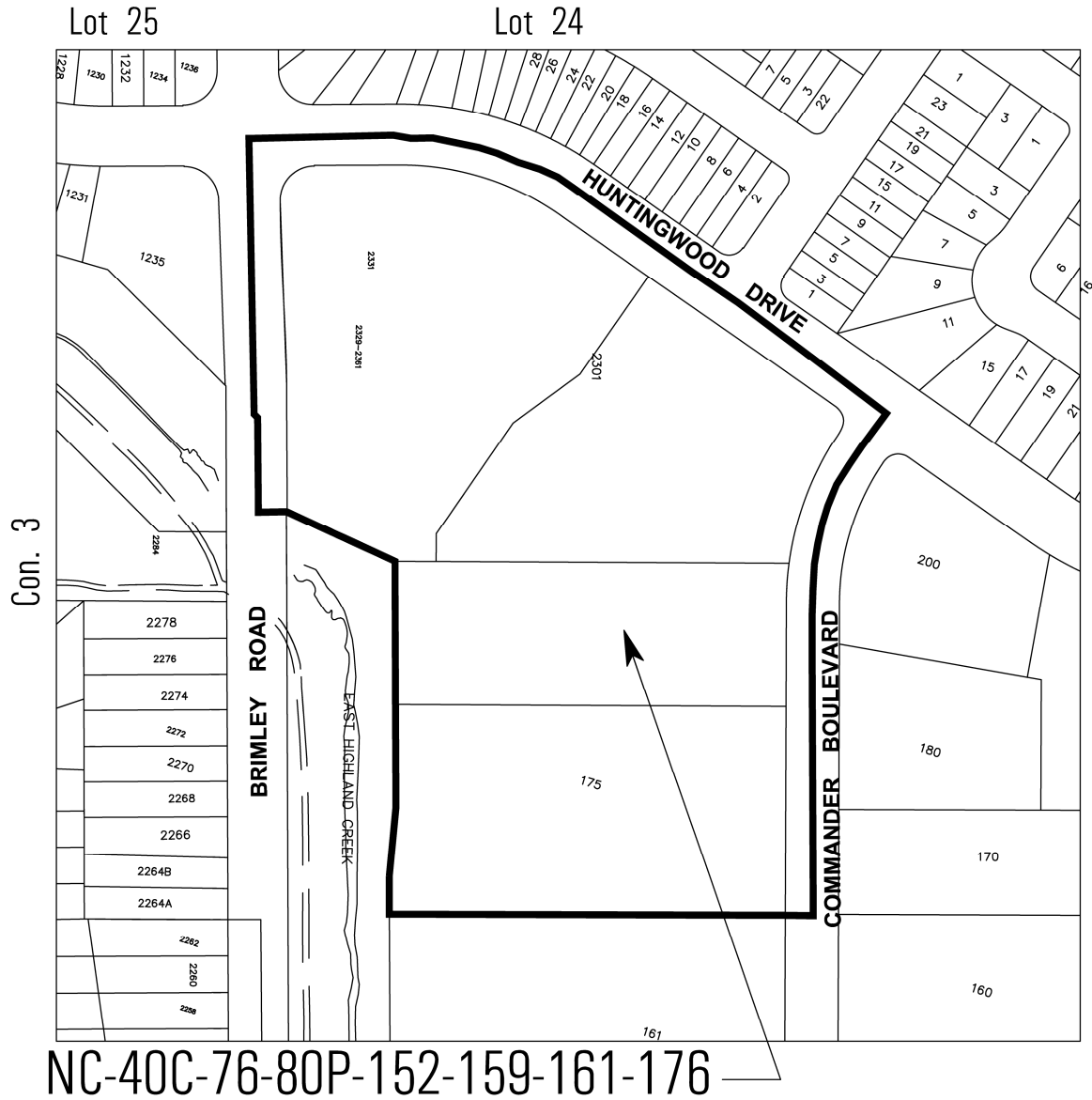
(d) A canopy or roof overhang is permitted to project a maximum of 1.0 metre into a required building **setback**.

PURSUANT TO DECISION/ORDERS OF THE ONTARIO MUNICIPAL BOARD ISSUED ON FEBRUARY 14, 2011 AND MAY 18, 2011 IN OMB FILE NO. PL100084.

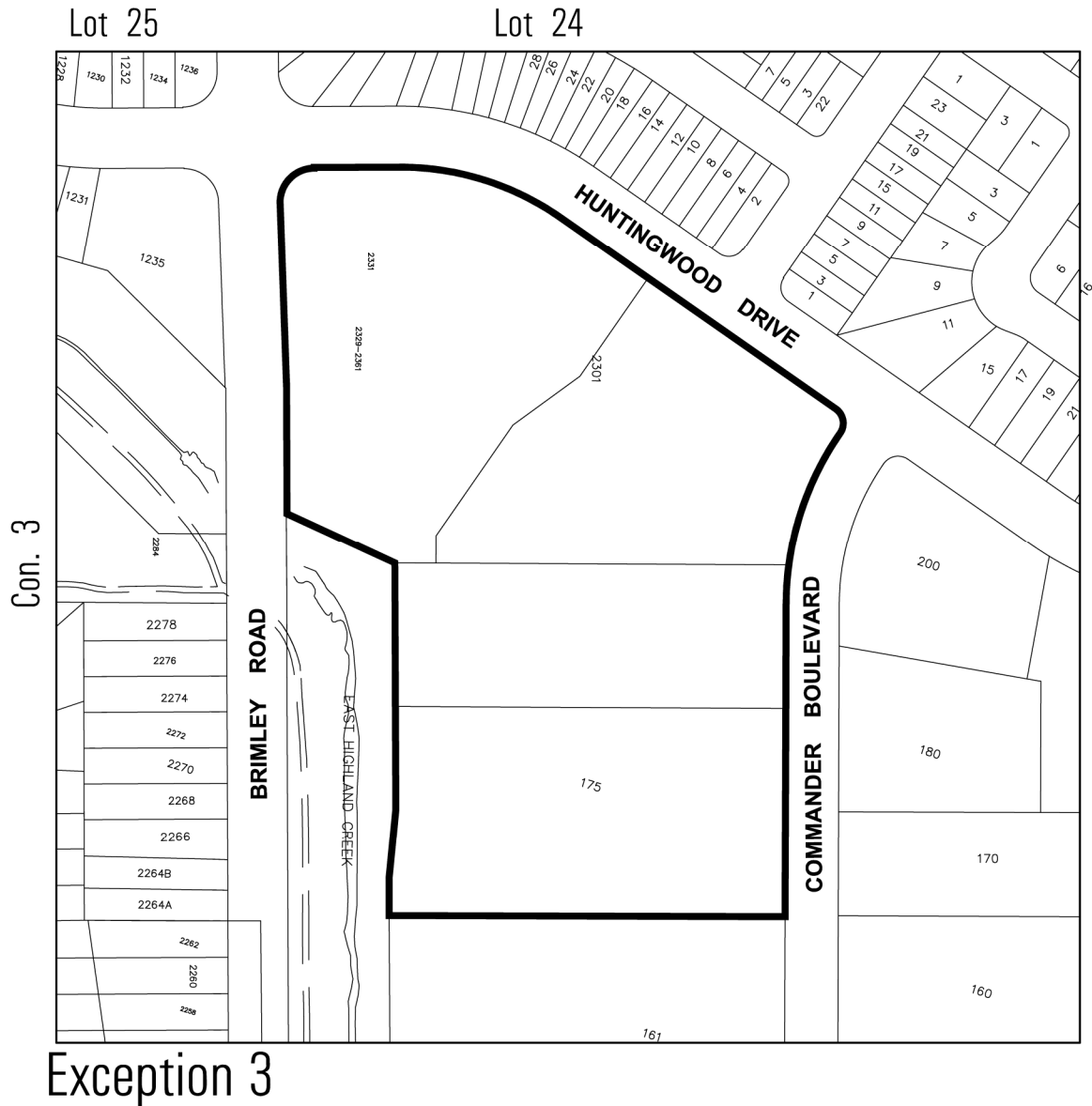
Lot 24



## Schedule '1'



## Schedule '3'



**Toronto** City Planning  
Division  
**Zoning By-Law Amendment**

2301, 2329-2361 Brimley Road and  
0 & 175 Commander Boulevard  
File # 09 137337 ESC 41 02

 Area Affected By This By-Law

Agincourt North Community Bylaw & Marshalling Yard Employment District  
Not to Scale  
12/06/10

