

Authority: Scarborough Community Council Item 37.33,
as adopted by City of Toronto Council on August 25, 26 and 27, 2010
Enacted by Council: December 16, 2010

CITY OF TORONTO

BY-LAW No. 45-2011

**To amend the former City of Scarborough Zoning By-law No. 12466
(L'Amoreaux Community), as amended, with respect to the lands municipally known
as 2002 Pharmacy Avenue and 2992 Sheppard Avenue East.**

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 pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or 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 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 or 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 the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 12466, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this Bylaw and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); 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; 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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

- 1. SCHEDULE 'A'** of the L'Amoreaux Community Zoning By-law No. 12466 is amended by deleting the current zoning provisions for the lands known as 2002 Pharmacy Avenue and 2992 Sheppard Avenue East and replacing them with the following provisions as shown on Schedule '1' attached hereto and forming part of this by-law:

A-99-192-248-280-281-282-283-284-285-316-411

2. **SCHEDULE "B", PERFORMANCE STANDARD CHART**, is amended by adding the following performance standards:

BUILDING SETBACKS FROM LOT LINES OTHER THAN STREET LINES

192. Building **setbacks** shall be provided as follows:

- i) Minimum building **setback** of 6.5 metres from the west property line to the first through twelfth **storeys** above grade. Balconies may project a maximum of 2.0 metres into this **setback** and shall not be considered part of the **main wall**.
- ii) Minimum building **setback** of 13.0 metres from the west property line to the thirteenth and fourteenth **storey** above grade. Balconies and roof terraces may project a maximum of 8 metres into this **setback** and shall not be considered part of the **main wall**.
- iii) Minimum building **setback** of 5.2 metres from the north property line to the second through sixth storeys above grade. Balconies may project a maximum of 2.0 metres into this **setback**. A second floor roof terrace may project with no limit and shall not be considered part of the **main wall**.
- iv) Minimum building **setback** of 7.8 metres from the north property line to the seventh and eighth **storeys** above grade. Balconies may project a maximum of 2.0 metres into this **setback**. A seventh floor roof terrace may project a maximum of 4.5 metres and shall not be considered part of the **main wall**.
- v) Minimum building **setback** of 10.3 metres from the north property line to the ninth and tenth **storeys** above grade. Balconies may project a maximum of 2.0 metres into this **setback**. A ninth floor roof terrace may project a maximum of 4.0 metres and shall not be considered part of the **main wall**.
- vi) Minimum building **setback** of 13.0 metres from the north property line to the eleventh through fourteenth **storeys** above grade. Balconies may project a maximum of 2.0 metres into this **setback**. An eleventh floor roof terrace may project a maximum of 4.5 metres and shall not be considered part of the **main wall**.

PARKING

248. Parking shall be provided at the following rates:

- i) Minimum of 1.15 **parking spaces** per **dwelling unit** of which a minimum of 1.0 **parking spaces** per **dwelling unit** shall be provided for residents and a minimum 0.15 **parking spaces** per **dwelling unit** shall be provided for visitors.
- ii) Maximum of 1.3 **parking spaces** per **dwelling unit** shall be provided for residents.
- iii) Retail Stores, Personal Service Shops and Restaurant: Minimum 2.0 parking spaces per 100 m² **gross floor area**.
- iv) The provisions of Clause VII, Subsection 1.1, Table of Required Parking Rates shall not apply.
- v) The provisions of Clause VII, Subsection 2.1.4, Garages, Carports and Other Accessory Buildings shall not apply.

MISCELLANEOUS

281. The provisions of Clause VI, Section 6. **Coverage**, shall not apply.

282. Amenity Space shall be provided as follows:

- i) Minimum common indoor amenity space to be provided: 1.5 m² per **dwelling unit**.
- ii) Minimum common outdoor amenity space and/or landscaped amenity space to be provided: 2.0 m² per **dwelling unit**.

283. Maximum building **height** shall be 14 **storeys** and 44.40 metres.

284. The provisions of Clause VI, Section 10. **Height of Apartment Buildings**, shall not apply.

285. The floor to ceiling height of the ground floor shall be a minimum of 4.5 metres.

INTENSITY OF USE

- 316. i) **Gross Floor Area** means the area of all floors, including mezzanine floors, but excludes common indoor amenity space, parking structures including ramps and **driveways**, and **utility rooms**, rooftop mechanical penthouse, and below grade **floor area**, including **basements**. **Gross floor area** shall be measured to the external faces of the exterior walls, except that **gross floor area** of a use occupying a portion of a

building shall be measured to the centre line of a dividing wall and the external faces of the exterior walls. Where there is no dividing wall between uses, the **gross floor area** shall be measured to the dividing line between uses.

- ii) Maximum **gross floor area** of 6.0 times the lot area.
- iii) Maximum 143 **dwelling units**.
- iv) A minimum of 140 m² of **gross floor area** shall be used for retail store, personal service shop and/or restaurant uses.

BUILDING SETBACKS FROM STREETS

411. Building **setbacks** from **streets** as follows:

- i) Minimum building **setback** of 5.7 metres from the **street** line of Sheppard Avenue East to the first and second **storey** above grade.
- ii) Minimum building **setback** of 4.0 metres from the **street** line of Sheppard Avenue East to the third **storey** above grade and all **storeys** above.
- iii) Minimum building **setback** of 1.7 metres from the **street** line of Pharmacy Avenue to the first and second **storey** above grade within 12 metres of the intersection of the **street** lines of Sheppard Avenue East and Pharmacy Avenue.

3. SCHEDULE "C", EXCEPTIONS LIST, is amended by adding the following EXCEPTIONS to the lands as shown outlined on Schedule '2' to this By-law.

91. On those lands identified as Exception 91 on Schedule "C", the following provisions shall apply:

(a) Only the following uses shall be permitted:

- **Apartment Building**
- **Townhouse Dwellings**
- Retail Stores
- Personal Service Shops
- Restaurants

(b) **Townhouse Dwellings** shall mean a row of two or more dwelling units provided as part of an apartment building that are vertically separated and each dwelling unit shall have external access to the building at grade.

(c) Retail stores, Personal Service Shops and Restaurant uses shall only be permitted on the ground floor of an **apartment building**.

- (d) The provisions of Clause VIII, Section 4, **Apartment Residential (A) Zone** shall not apply.

92. On those lands identified as Exception 92 on Schedule "C", the following provisions shall apply:

Pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended and subject to compliance with the provisions of this By-law, the increase in height and 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:

- (1) prior to the issuance of a foundation permit, the Owner shall:
- (i) make a financial contribution to the City of \$300,000.00, together with any increases to reflect increases in the Statistics Canada Non-Residential Construction Price Index for Toronto from the date of the Section 37 agreement, towards the capital expansion of the Bridlewood Branch of the Toronto Public Library or towards other capital facilities as may be determined by the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor.
- (2) the Owner of the lands shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended which are registered on title to the lands by the City to secure the matters provided for in 1 (i) above.

ENACTED AND PASSED this 16th day of December, A.D. 2010.

FRANCES NUNZIATA,
Speaker

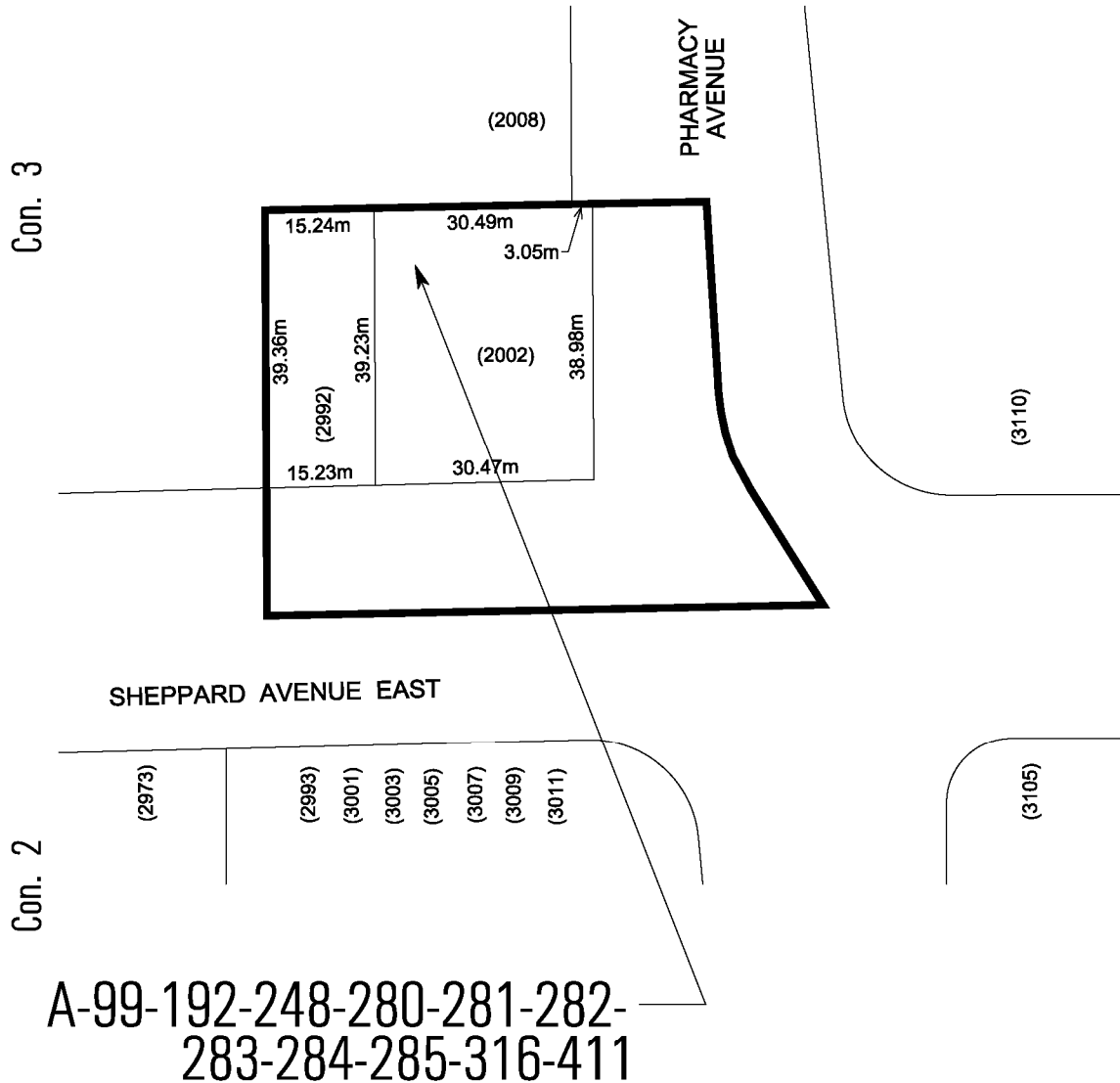
ULLI S. WATKISS
City Clerk

(Corporate Seal)

Schedule '1'

Lot 35

Lot 34



2002 Pharmacy Avenue and 2992 Sheppard Avenue East Zoning By-Law Amendment

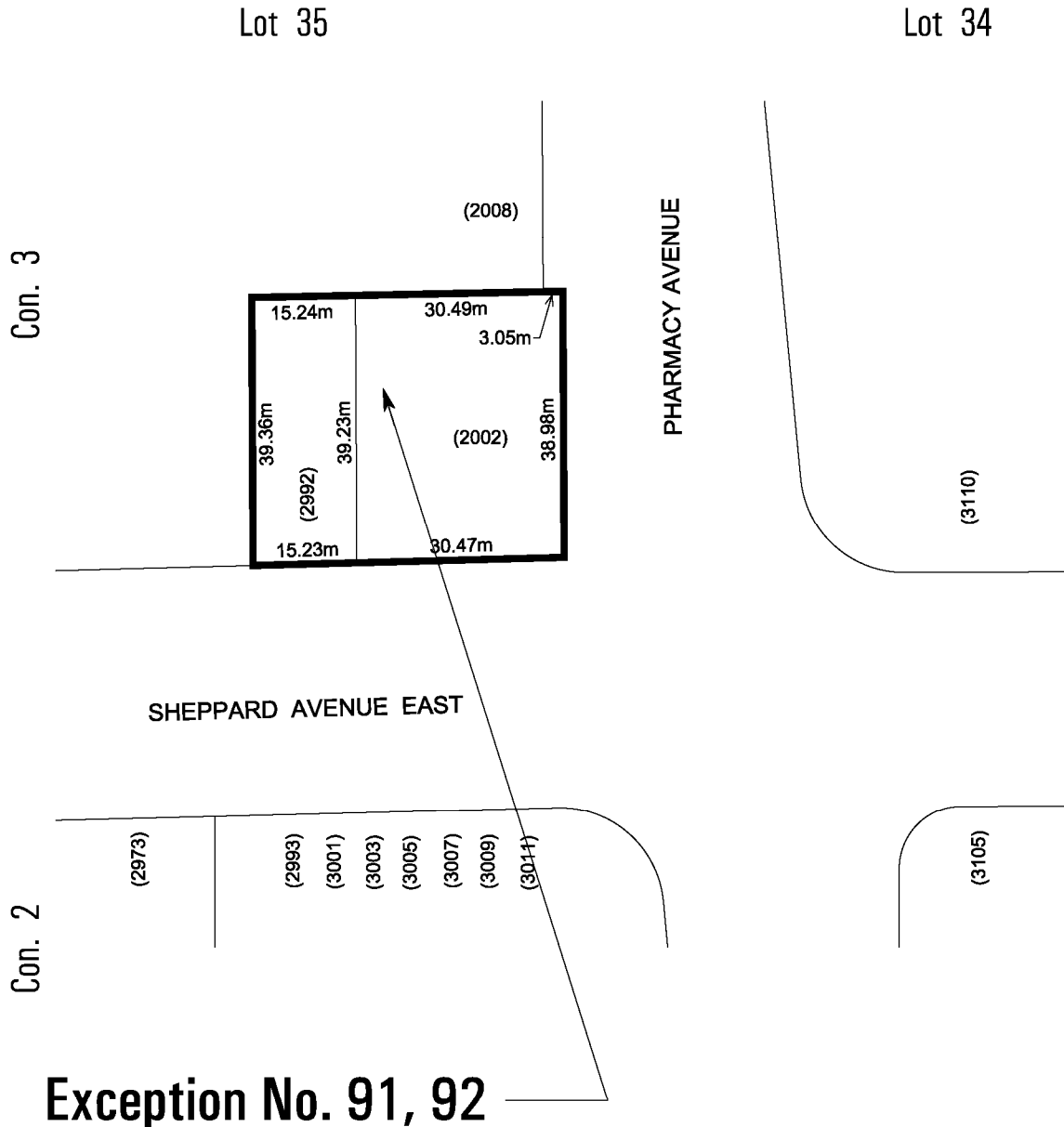
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Area Affected By This By-Law

L'Amoreaux Community By-law
Not to Scale
7/12/10



Schedule '2'

Area Affected By This By-Law

