

Authority: Scarborough Community Council Item SC30.1, as adopted by City of Toronto Council on March 9, 2022 and MM3.19, by Councillor Nick Mantas, seconded by Deputy Mayor Jennifer McKelvie, as adopted by City of Toronto Council on February 7 and 8, 2023  
City Council voted in favour of this by-law on February 8, 2023

Written approval of this by-law was given by Mayoral Decision 2-2023 dated February 8, 2023

## **CITY OF TORONTO**

### **BY-LAW 161-2023**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as 3051 to 3079 Pharmacy Avenue.**

Whereas Council of the City of Toronto has the authority to pursuant to 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 39 of the Planning Act, as amended, the Council of a Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy line on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from CL 0.33 (x93) to RAC (x183), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number 183 so that it reads:

#### **(183) Exception RAC 183**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On lands municipally known in the year 2021 as 3051 to 3079 Pharmacy Avenue, identified on Diagram 1 of By-law 161-2023, a **building, structure**, addition, or enlargement may be constructed or used if it complies with (B) to (W) below;
- (B) For the purposes of this exception, **established grade** is the Canadian Geodetic Datum elevation of 183.5 metres;
- (C) Regulations for an **apartment building** in Clause 15.5.40.40, Regulations 15.5.50.10(1), 15.5.80.10(2), 15.20.20.100(1), 15.20.20.100(4), 15.20.20.100(12), 15.20.20.100(13), 15.20.40.50(1), and 15.20.40.70(4) can also be applied to **mixed use buildings** and **townhouses**;
- (D) Despite regulation 15.5.50.10(1), a minimum of 1600 square metres of **landscaping** is required on the lot of which 900 square metres must be comprised of **soft landscaping**;
- (E) Regulation 15.5.80.30(1), with regards to **parking space** separation from an **apartment building** does not apply;
- (F) Regulation 15.5.100.1(2) with regards to **driveway** access does not apply;
- (G) In addition to the permitted **building** types listed in Clause 15.20.20.40, a **mixed use building** or **townhouse** are also permitted **building** types;
- (H) Despite Clause 15.20.20.10, the only permitted uses are:
  - (i) **Dwelling units** in a permitted **residential building** type in Clause 15.20.20.40;
  - (ii) **Education use**;
  - (iii) **Financial institution**;
  - (iv) **Massage therapy**;
  - (v) Medical office;
  - (vi) **Personal service shop**;
  - (vii) **Pet services**;
  - (viii) **Retail service**;
  - (ix) **Veterinary hospital**; and
  - (x) **Wellness centre**.

- (I) Despite Clause 15.20.20.20, the only permitted uses subject to condition are:
- (i) **Automated banking machine**, provided it complies with Regulation 15.20.20.100(2);
  - (ii) **Day nursery**, provided it complies with the specific use Regulations in Section 150.45;
  - (iii) **Retail store**, provided it complies with Regulations 15.20.20.100(1) (A), (D), (E) and (F); and
  - (iv) **take-out eating establishment**, provided it complies Regulations 15.20.20.100(1) (A), (D), (E) and (F);
- (J) Despite regulation 15.20.40.10(1)(A) and 15.20.40.10(2)(A), no portion of any **building** or **structure** may exceed the height in metres and number of stories specified by the number following the "HT" and "ST" symbol as shown on Diagram 3 attached to By-law 161-2023];
- (K) Despite (J) above and Regulations 15.5.40.10(3) and (4), the following **building** elements may project above the permitted maximum height:
- (i) Stairs and stair enclosures, enclosures or vestibules providing rooftop access, rooftop mechanical equipment, trellises, terraces, guard rails, pergolas, eaves, parapets, columns and beams, screens, roof drainage, skylights, vents, antennae, and a mechanical/electrical room may exceed the permitted maximum height up to a maximum of 2.5 metres;
- (L) Despite regulation 15.20.40.40(1) (B), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 12,100 square metres, of which a minimum non-residential **gross floor area** of 265 square metres is required;
- (M) In addition to the areas identified in Regulation 15.5.40.40(1), the **gross floor** area of an **apartment building**, **mixed use building** or **townhouse** is also reduced by the area in a building used as a **parking garage**;
- (N) Despite Clauses 15.20.40.70 and 15.20.40.80, the required minimum **building setbacks** and the required minimum separation distances between **main walls** of **buildings** or **structures** are as shown on Diagram 3 of By-law 161-2023, except that the required minimum aboveground separation distance between those **main walls** facing each other is 10.0 metres at the second and third storeys and 11.0 metres at the fourth storey;
- (O) In addition to the permitted encroachments into a required **building setback** listed in Clause 15.5.40.60, the following **building** elements are also permitted to encroach into the required minimum **building setbacks**:

- (i) Deck, porch, terrace, canopies, balcony, decorative or screen wall, exterior steps or ramps, entrance doors, gates, **bay window**, box window or other projecting window, roof overhang, eave, or roof of dormer window, pilaster, projecting columns, railings, privacy screens, columns and beams to a maximum of 2.0 metres; and
  - (ii) Where a conflict between the provisions in (i) above and Clause 15.5.40.60 occurs, the greater permitted encroachment into the required **building setback** prevails;
- (P) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, the required minimum number of **parking spaces** on the **lot** is:
  - (i) 1.0 residential occupant **parking space** per **dwelling unit**;
  - (ii) 4.0 **parking spaces** for residential visitors; and
  - (iii) for non-residential uses, the greater of 4.0 **parking spaces** or one **parking space** for each 70 square metres of non-**residential gross floor area** and these **parking spaces** may also be shared with residential visitors.
- (Q) Despite Regulation 200.5.10(2)(A)(iv), 200.5.1.10(2)(B)(iv), and 200.5.1.10(2)(C)(iv) a maximum of 0.1 **parking spaces** per **dwelling unit** are permitted to have a required minimum length of 5.0 metres, width of 2.4 metres and a vertical clearance of 2.0 metres;
- (R) Despite regulation 200.15.10.10(1) and (2), a minimum of three of the parking spaces required by (Q) (i) and (ii) above are required to be accessible parking spaces;
- (S) Clauses 15.20.30.10, 15.20.30.20, and 15.20.30.40, with regards to **lot area**, **lot frontage**, and **lot coverage** do not apply;
- (T) Despite clause 220.5.10.1, a minimum of one (1) Type 'G' **loading space** must be provided on the lot;
- (U) Despite regulation 15.20.40.50(1), a minimum of 140 square metres of outdoor **amenity space** is required to be provided on the lot and indoor **amenity space** is not required and the outdoor **amenity space** is not permitted to be a **green roof**;
- (V) The required minimum width of a **dwelling unit** in a **townhouse** is 4.0 metres; and
- (W) The permitted maximum number of **dwelling units** on the **lot** is 81.

Prevailing By-laws and Prevailing Sections: (None Apply)

**5. Section 39 Provisions**

None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office on the lands subject to this by-law used exclusively for the initial sale or initial leasing of dwelling units or the leasing of commercial units on the same lands for a period not to exceed 3 years from the date of this by-law coming into full force and effect.

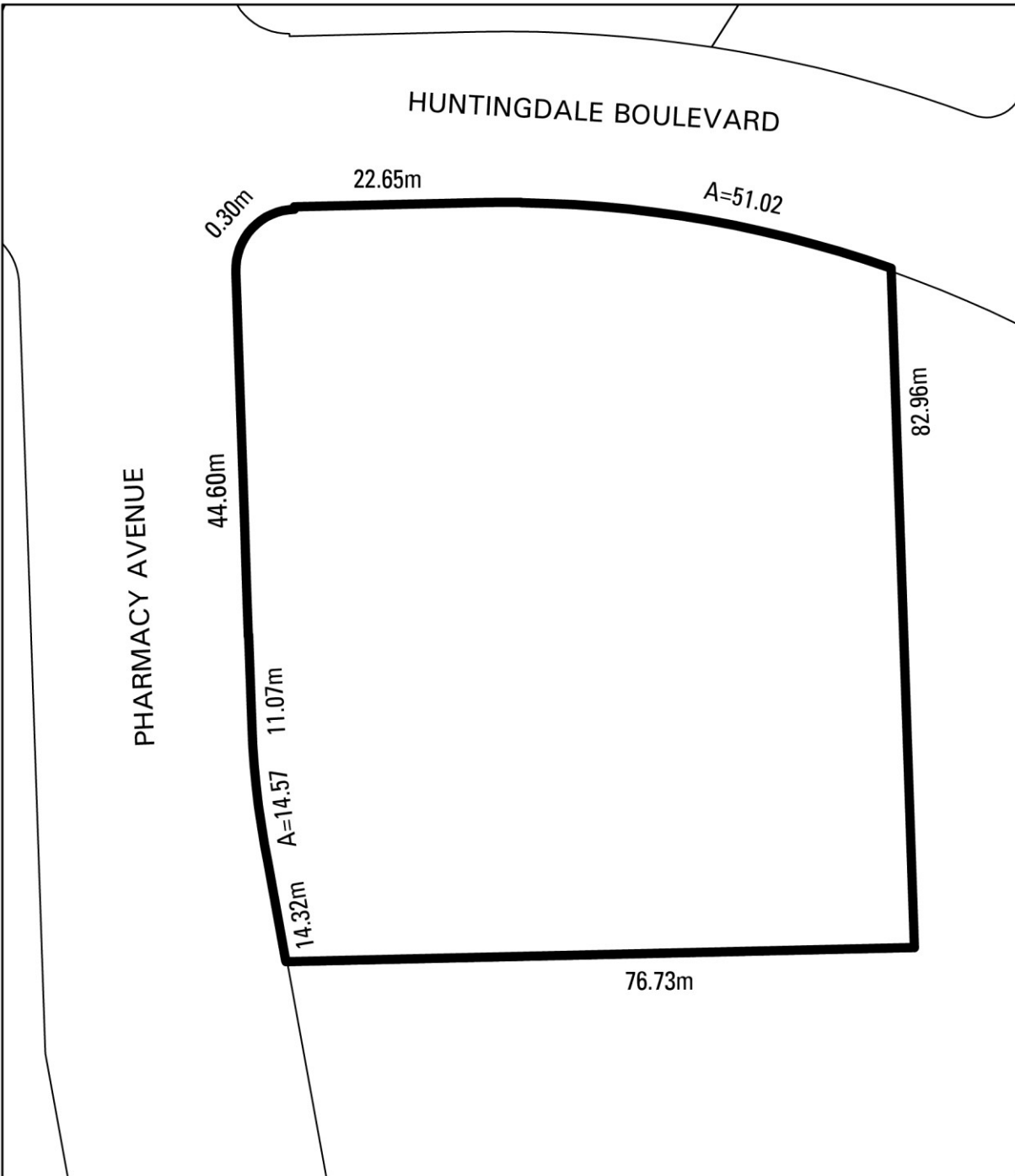
Enacted and passed on February 8, 2023.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)

Diagram 1



**Diagram 2**

