

Authority: Local Planning Appeal Tribunal
Decisions/Orders issued on January 28, 2018, August 31,
2018 and April 12, 2019 in Tribunal File PL160965

CITY OF TORONTO

BY-LAW 673-2019(LPAT)

To amend Chapter 304 and 330 of the Etobicoke Zoning Code, as amended, with respect to the lands municipally known as 68 Daisy Avenue.

Whereas the Local Planning Appeal Tribunal Decisions/Orders issued on January 28, 2018, August 31, 2018 and April 12, 2019, in Tribunal File PL160965, have the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law;

The Local Planning Appeal Tribunal orders:

1. Notwithstanding the provisions of Section 330-9B, 330-16, 330-24, 330-26 of the Etobicoke Zoning Code, the following development standards shall now be applicable to the entirety of the lands described in Schedule A:
 - a. in addition to those uses permitted by Section 330-25 of the Etobicoke Zoning Code, Townhouse Dwelling Units, shall be permitted on the Lands shown as Parcel 1 on Schedule A;
 - b. only the following uses may be permitted within the existing building on Parcel 2 on Schedule A, and identified as the Vincent Massey Child Care Centre on Schedule B:
 - i. Art Gallery;
 - ii. Studio;
 - iii. Community Centre;
 - iv. Institutional Uses (excluding Hospital and Municipal Shelter);
 - v. Commercial School;
 - vi. Elementary School;
 - vii. Day Nursery;
 - viii. Fitness Club; and
 - ix. Club (excluding Adult Entertainment);
 - c. a maximum of 73 Townhouse Dwelling Units shall be permitted on Parcel 1;

- d. a maximum Gross Floor Area of 14,000 square metres shall be permitted on the Lands, which shall include the existing building, identified as the Vincent Massey Child Care Centre on Schedule B;
 - e. no portion of any structure above Established Grade erected on the Lands or used on the Lands shall extend beyond the Building Envelope delineated by the heavy lines on Schedule B, with the exception of any Minor Projections;
 - f. the maximum Building Height permitted on the Lands shall be 12.75 metres;
 - g. parking spaces shall be provided on the Lands at a minimum rate of:
 - i. 1.0 parking space for each Townhouse Dwelling Units;
 - ii. 13 visitor parking spaces in Parcel 1; and
 - iii. 32 visitor parking spaces in Parcel 2; and
 - h. parking spaces may be provided in a *parking stacker*.
2. For the purposes of this By-law, the terms below shall have the following meaning:
- a. "adult entertainment" means premises used for entertainment including activities, facilities, performances, exhibitions, viewings or encounters designed to appeal to erotic or sexual appetites or inclinations which a principal feature or characteristic is the nudity or partial nudity of any person. A body rub service is not an adult entertainment;
 - b. "art gallery" means premises used for the exhibition, collection or preservation of works of art for public viewing;
 - c. "building envelope" shall mean the building area permitted within the setbacks established on the attached Schedule B;
 - d. "building height" shall mean the vertical distance between grade and the highest point of the roof surface of the building, but shall exclude acoustic and privacy fences, landscape features, mechanical equipment, mechanical penthouses, parapets, railings, rooftop balcony guards, skylights, stair enclosures, stairs and vents located on the roof the building;
 - e. "day nursery" shall mean an establishment used for the temporary care and guidance of at least six children not of common parentage, for a continuous period not exceeding 24 hours, in accordance with the Day Nurseries Act;
 - f. "grade" shall mean the average level of the proposed or finished ground adjoining a building at all exterior walls;

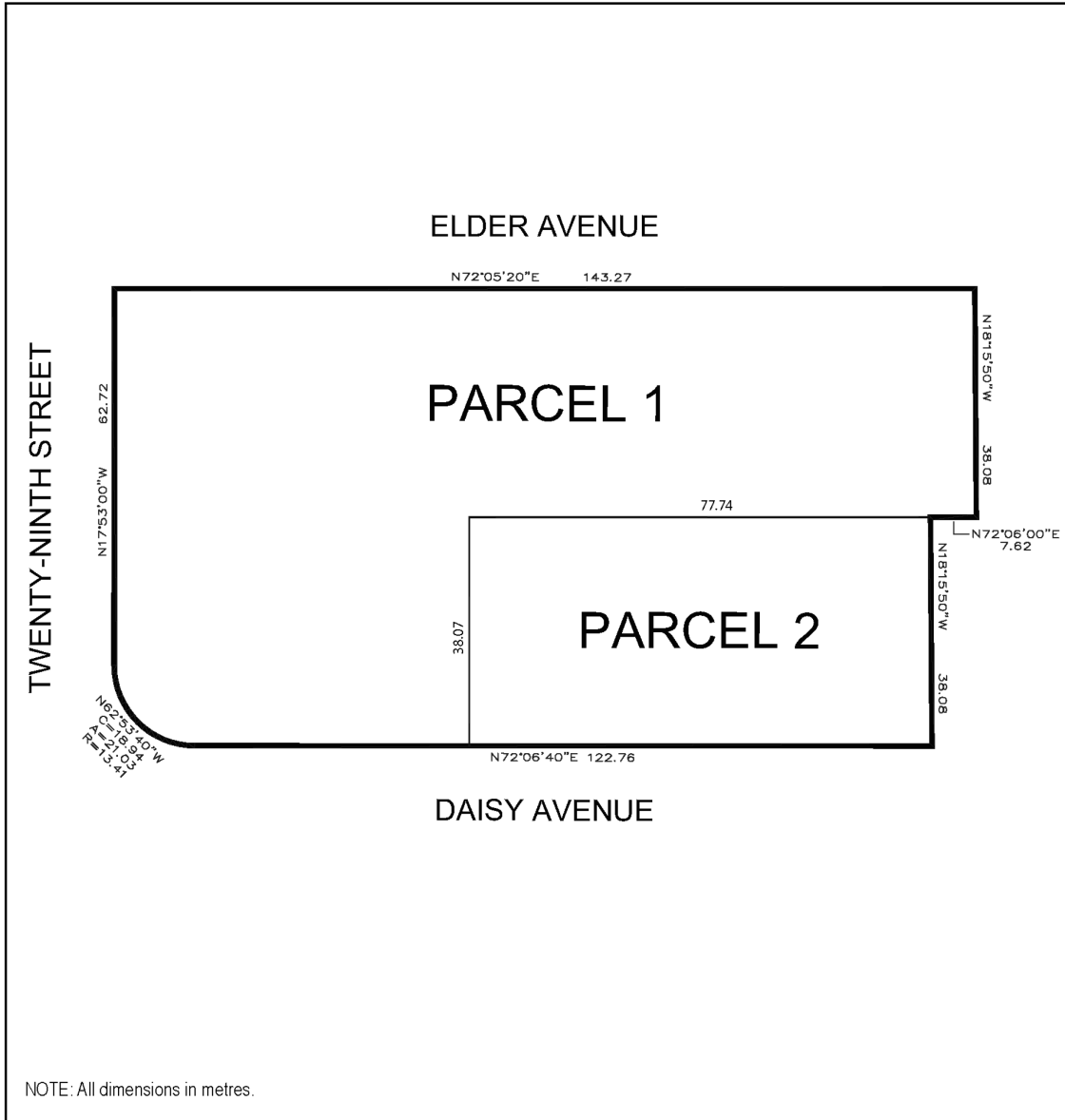
- g. "gross floor area" shall mean the total area of all floors in a building between the outside faces of the exterior walls, except for storage rooms where the floor level is at least 0.6 metres below grade, or parking areas for motor vehicles and mechanical rooms. In the case of commercial buildings, common pedestrian circulation areas in shopping centres and below-grade public washrooms and staff facilities shall be excluded. In the case of dwellings, laundry and recreation rooms located in cellars shall be excluded;
- h. "hospital" means premises used as a private or public hospital under the Province of Ontario Public Hospitals Act, R.S.O. 1990, c.P.40, as amended or Private Hospitals Act, R.S.O. 1990, c.P.24, as amended, for the care or treatment of:
- i. Persons afflicted with or suffering from sickness, disease or injury;
 - ii. Convalescent or chronically ill persons;
 - iii. Persons suffering from substance addictions; or
 - iv. Persons suffering from emotional, psychological or mental disorders;
- i. "lands" shall mean the lands described in Schedule A attached, and shall be identified as either "Parcel 1 or Parcel 2 for the purposes of this By-law, as described in Schedule A;
- j. "minor projections" means minor building elements which may project from the main wall of the building into required yards, including awnings, balconies, balustrades, bay windows, canopies, chimney, cornices, deck, downspouts, eaves, fences, guardrails, landscape features, lighting fixtures, ornamental elements, parapets, planter boxes, porch, porticoes, railings, retaining walls, splash pads, stairs, trellises, vents, wheelchair ramps and window sills, to a maximum projection of 2.6 metres;
- k. "municipal shelter" means premises in which short-term emergency accommodation and associated support services are provided and supervised, and is operated by or for the City of Toronto, or an agency of the City of Toronto;
- l. "parking stacker" means a mechanical motor vehicle parking facility with parking spaces which:
- i. Are positioned above each other;
 - ii. Situated in a parking space with dimensions of not less than 2.6 metres by 5.9 metres; and
 - iii. May not be readily accessible at all times without maneuvering another vehicle or a device; and

- m. "townhouse dwelling units" shall mean multiple dwellings consisting of a series of attached dwelling units each having a direct access from the outside.
3. None of the provisions of this By-law or the Etobicoke Zoning Code, as amended, shall apply to prevent the erection and use of a temporary sales office on the Lands, used exclusively for the purpose of marketing and sales of units related to the Townhouse Dwelling Units.
4. Section 37 contributions pursuant to Section 37 of the Planning Act. The heights and density of development permitted by this By-law on the site are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the Site of the facilities, services and matters set out in this Section, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act and in a form satisfactory to the City, with conditions providing for indexed escalation of financial contributions where applicable, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement Upon execution and registration of an agreement or agreements with the owner of the Site, pursuant to Section 37 of the Planning Act, securing the provision of the facilities, services and matters set out herein, the Site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements. The owner of the Site, at the owner's expense and in accordance with, and subject to the agreements referred to above, shall provide or fund the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in gross floor area and height authorized under this By-law:
- a. a cash contribution of \$125,000 to be paid to the City prior to the issuance of the first above-grade building permit, to be allocated towards parkland improvements in Ward 6;
- b. require that the cash amounts identified in (a) above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City. As a legal convenience, the following matters should be secured in the Section 37 Agreement;
- c. the site-specific zoning by-law shall rezone the lands shown as Parcel 2 on Schedule B solely for day nursery and community uses;
- d. a Day Nursery use will continue to operate on Parcel 2 for a defined period of time (up to 20 years); and

- e. the owner shall obtain a letter of undertaking from the Daycare Operator to commit to operating a day nursery for up to 20 years from the date of execution of the Section 37 Agreement.
5. Notwithstanding any severance, partition or division of the lands shown on Schedule A, the regulations of this By-law shall continue to apply to the whole of the lands as if no severance, partition or division had occurred.
6. Within the lands shown on Schedule A, 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:
- i. all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, except in the case of a conditional foundation permit issued at the discretion of the Chief Building Official; and
- ii. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
7. Chapter 324, Site Specifics, of the Etobicoke Zoning Code is amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
673-2019(LPAT) April 12, 2019	Lands municipally known as 68 Daisy Avenue	To amend the Etobicoke Zoning Code to permit Townhouse Dwelling Units, a Day Nursery and community uses

Local Planning Appeal Tribunal Decisions/Orders issued on January 28, 2018, August 31, 2018 and April 12, 2019 in Tribunal File PL160965

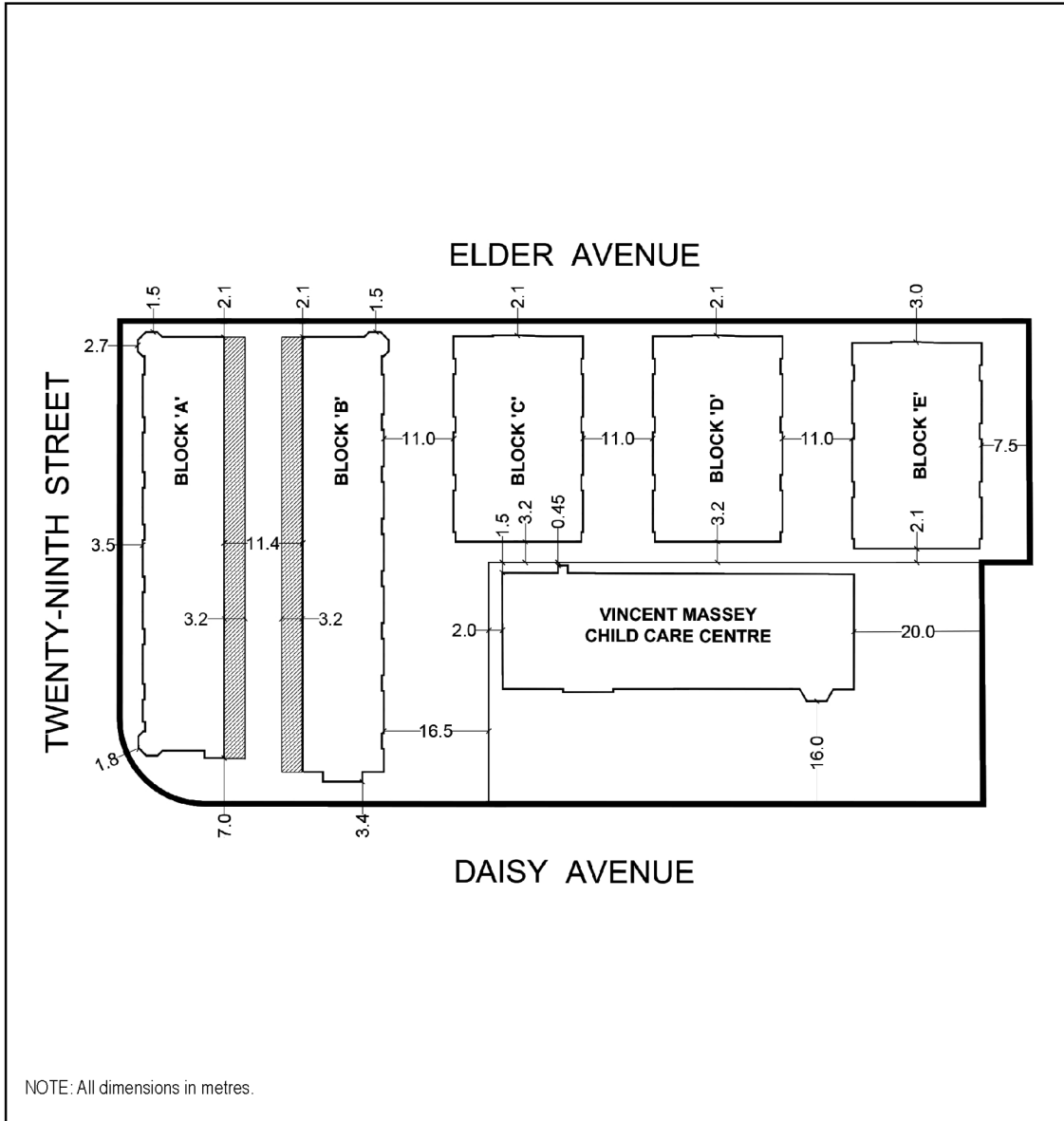


68 Daisy Avenue

Schedule A

File # 15 168656 WET 05 02


 Former City of Etobicoke By-Law 11,737
 Not to Scale
 08/16/2018



68 Daisy Avenue

Schedule B

File # 15 168656 WET 05 0Z


 Former City of Etobicoke By-Law 11,737
 Not to Scale
 08/16/2018