

Authority: Local Planning Appeal Tribunal
Decision issued on July 4, 2019 and Local
Planning Appeal Tribunal Order issued on
April 22, 2020 in File PL171267

CITY OF TORONTO

BY-LAW 851-2020(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2019 as 5, 7 and 9 Dale Avenue.

Whereas after hearing the appeal under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, and pursuant to its Decision in respect of Case Number PL171267 issued on July 4, 2020 and its Order issued April 22, 2020, the Local Planning Appeal Tribunal deems it advisable to amend the City of Toronto Zoning By-law 569-2013;

The Local Planning Appeal Tribunal enacts:

1. The lands subject to this By-law are outlined by heavy lines on Diagram 1, attached to and forming part of 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 labels on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to R (f15.0; d0.6) (x78) and ON (x13), as shown on Diagram 2, attached hereto and forming part of this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 78 so that it reads:

Exception R x78

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) For the purposes of this Exception, **established grade** is the Canadian Geodetic Datum 2013 elevation of 115.40 metres;
- (B) Despite regulation 10.10.40.10 (1), the permitted maximum height of a **building** or **structure** is the height in metres specified by the numbers following the symbol "HT" on Diagram 3 attached to By-law 851-2020(LPAT);

- (C) Despite regulation 10.10.40.10 (3), the permitted maximum number of **storeys** for a **building** or **structure** is specified by the numbers following the symbol "ST" on Diagram 3 attached to By-law 851-2020(LPAT);
- (D) Despite regulation 10.10.40.30 (1), the permitted maximum **building depth** is 50.0 metres;
- (E) Despite regulation 10.10.60.70 (1) the maximum permitted area of the **lot** covered by **ancillary buildings** and **structures** may not exceed 10 percent of the **lot area**;
- (F) Clause 10.5.60.20 and regulations 200.15.1 (4), 200.15.1.5 (1), and 10.5.80.30 (1) do not apply;
- (G) Despite regulation 10.5.50.10 (5) a 1.5 metre strip of **soft landscaping** is not required;
- (H) Despite regulation 10.10.40.40 (1), the permitted maximum **gross floor area** is 7,900 square metres;
- (I) A maximum of 26 **dwelling units** are permitted;
- (J) Despite regulations 10.5.40.10 (2) and (3), the following **building** elements and **structures** are permitted to project vertically beyond the height limits specified on Diagram 3 attached to By-law 851-2020(LPAT):
 - (i) Roof drainage components, or thermal and waterproofing assemblies located at each of the roof levels of the **building**, if the maximum vertical distance does not exceed 0.25 metres;
 - (ii) A parapet to a maximum of 0.4 metres;
 - (iii) Safety railings and fences at each of the roof levels of the **building**, if the maximum vertical dimension does not exceed 1.8 metres above the height of each roof level of the **building**;
 - (iv) **Structures** on the roof of any part of the **building** used for, **green roofs**, wind mitigation, landscape features, partitions dividing outdoor balcony or terrace areas, privacy screens, telecommunications equipment and antennae, window washing equipment, or lightning rods and exhaust flues, if the maximum vertical distance does not exceed 2.5 metres; and
 - (v) Equipment used for the functional operation of the **building**, such as electrical, utility, mechanical, and ventilation equipment, and **structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof accesses, elevator shafts, vents and water supply facilities, if it is located within the "Area of permitted equipment and or structure(s) projection(s)" as shown on Diagram 3 of

By-law 851-2020(LPAT) and the maximum vertical dimension does not exceed 4.0 metres.

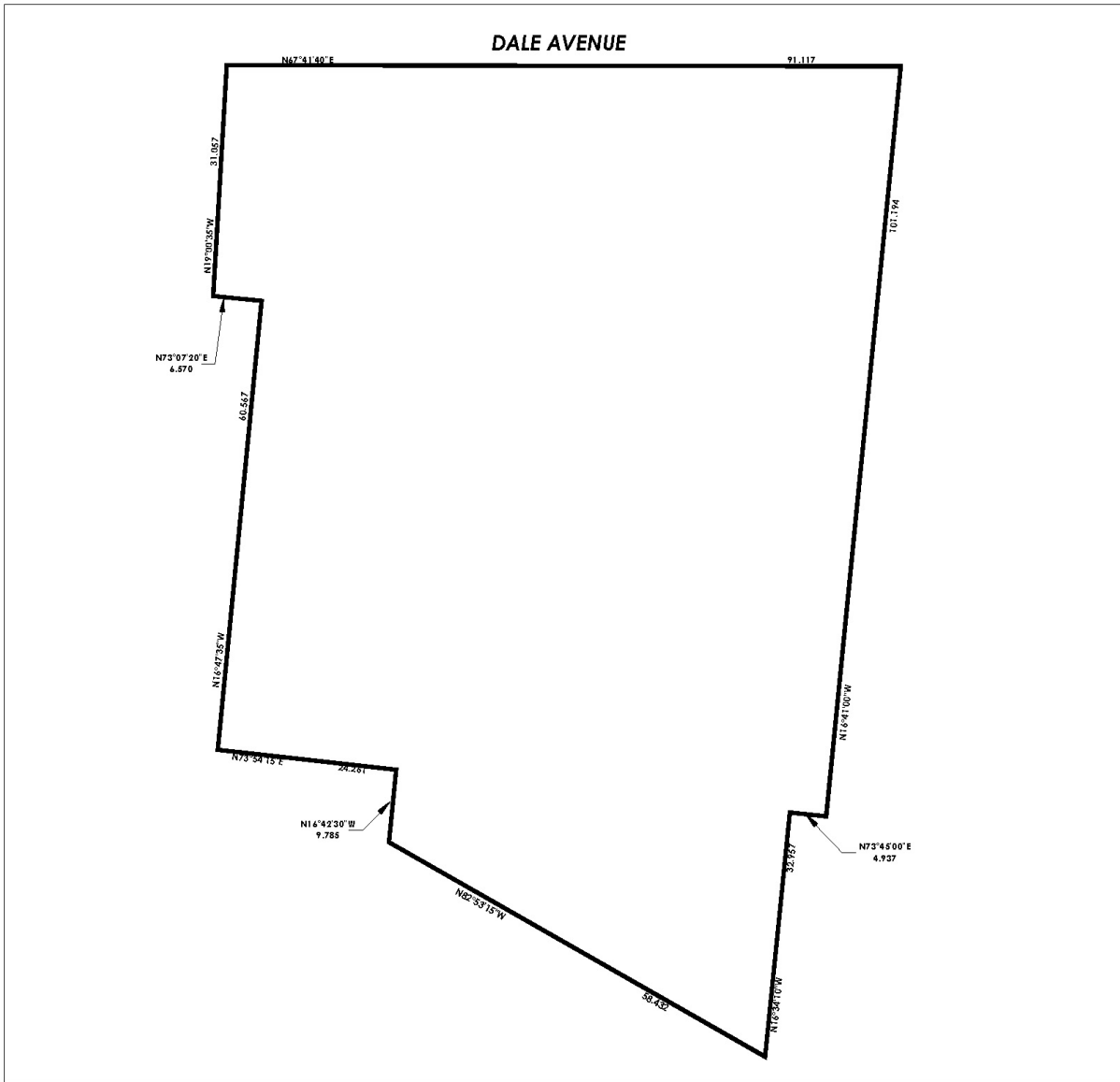
- (K) Despite regulation 10.5.40.70 (1) and Clause 10.10.40.70, the required minimum **buildings setbacks** are as shown on Diagram 3 of By-law 851-2020(LPAT);
- (L) Despite regulation 10.10.40.80 (1), the required minimum above-ground separation distance between **main walls** of an **apartment building** is shown on Diagram 3 of By-law 851-2020(LPAT);
- (M) Despite regulations 10.5.40.60(1), (2), (3), (7), and (8), the following building elements and structures are permitted to encroach into the required **building setbacks** shown on Diagram 3 of By-law 851-2020(LPAT):
- (i) a platform or balcony attached to or within 0.3 metres from a **building**, if it is located within the "Area of permitted balcony setback encroachment(s)" as shown on Diagram 3 of By-law 851-2020(LPAT) and the encroachment into the required **building setbacks** does not exceed a maximum of 4.5 metres;
 - (ii) a canopy, awning, or similar structure at the first floor, with or without structural support, or a roof over a platform, if the encroachment into the required **building setbacks** does not exceed a maximum of 4.0 metres;
 - (iii) exterior stairs, wheelchair access ramps, pedestrian access ramps, and elevating devices, if the encroachment into the required **building setbacks** does not exceed a maximum of 1.0 metres;
 - (iv) roof projections, such as cornices and eaves, if the encroachment into the required **building setbacks** does not exceed a maximum of 1.0 metres; and
 - (v) vents, pipes, utility equipment, siamese connections, satellite dishes and antennas (including mounting poles), if the encroachment into the required **building setbacks** does not exceed a maximum of 1.4 metres and does not encroach into the required **front yard setback**.
- (N) Despite regulation 10.5.50.10 (4) a minimum 35 percent of the area of the **lot** must be used for **landscaping**, of which a minimum of 50 percent must be **soft landscaping**;
- (O) Despite regulation 10.10.40.50 (1), the required minimum amount of **amenity space** is 275 square metres of indoor **amenity space** and 0 square metres of outdoor **amenity space**;
- (P) Despite regulation 10.5.60.1 (4), an **ancillary building** or **structure** may be erected on the **lot** prior to the erection of the **main walls** and completion of the roof of a **residential building** on the **lot**;

- (Q) Despite regulation 10.5.100.1 (4) (B), the permitted maximum width of a **driveway** is 8.5 metres;
- (R) Despite regulation 200.15.1 (B) the required minimum width of an accessible **parking space** is 3.40 metres; and
- (S) Despite regulation 230.5.10.1 (5), a minimum of 24 **bicycle parking spaces** are required.

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

5. Despite any existing or future consent, severance, partition or division of the lands outlined on Diagram 1 attached to this By-law, the provisions of this By-law apply to all the lands, as if no consent, severance, partition or division occurred.

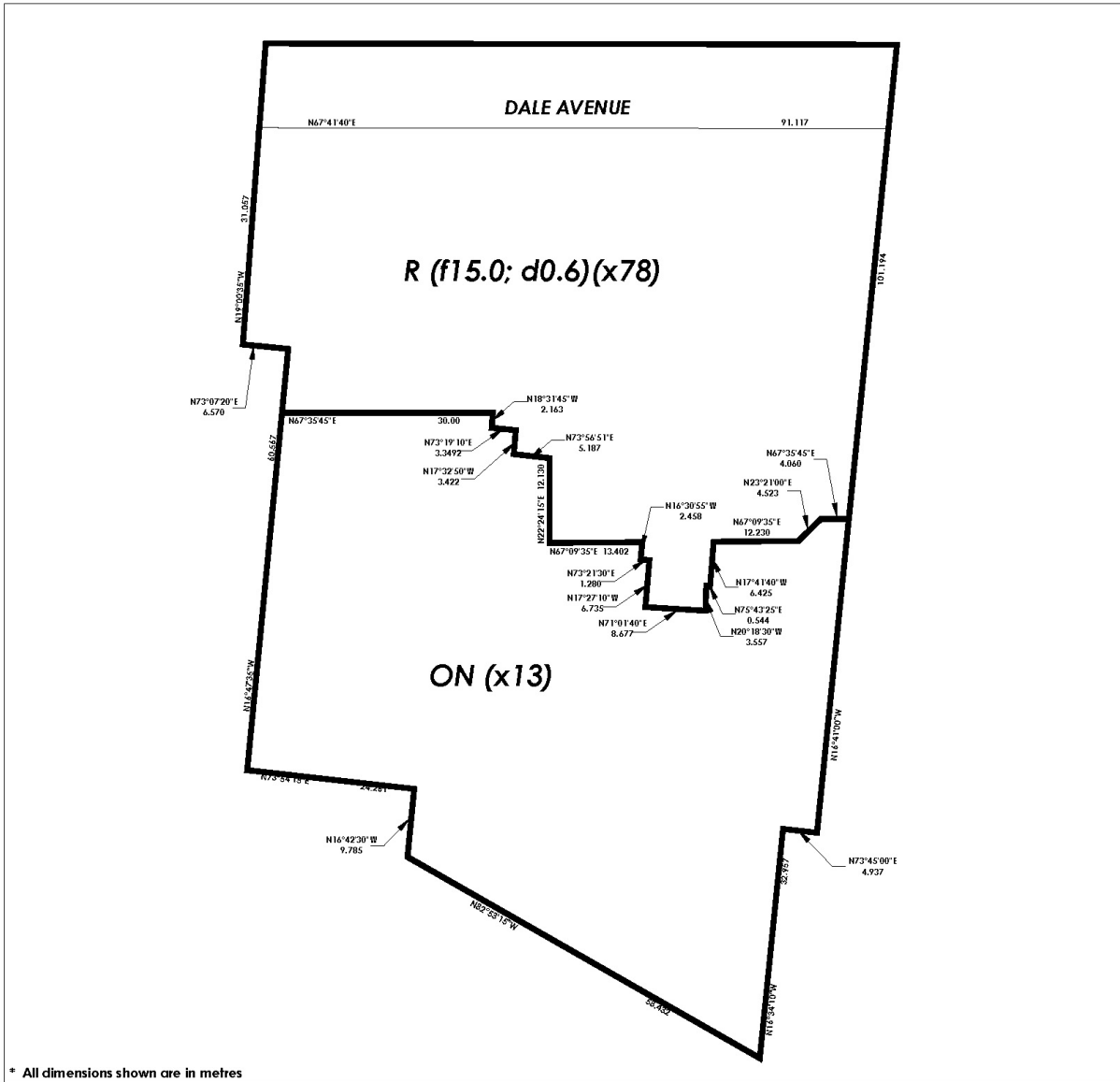
Local Planning Appeal Tribunal Decision issued on July 4, 2019 and Local Planning Appeal Tribunal Order issued on April 22, 2020 in File PL171267.



Not to Scale

DIAGRAM 1
Zoning By-law Amendment
5-9 Dale Avenue
City of Toronto

 Area affected by this by-law



Not to Scale

DIAGRAM 2

Zoning By-law Amendment

5-9 Dale Avenue
City of Toronto

 Lands subject to Zoning By-law Amendment

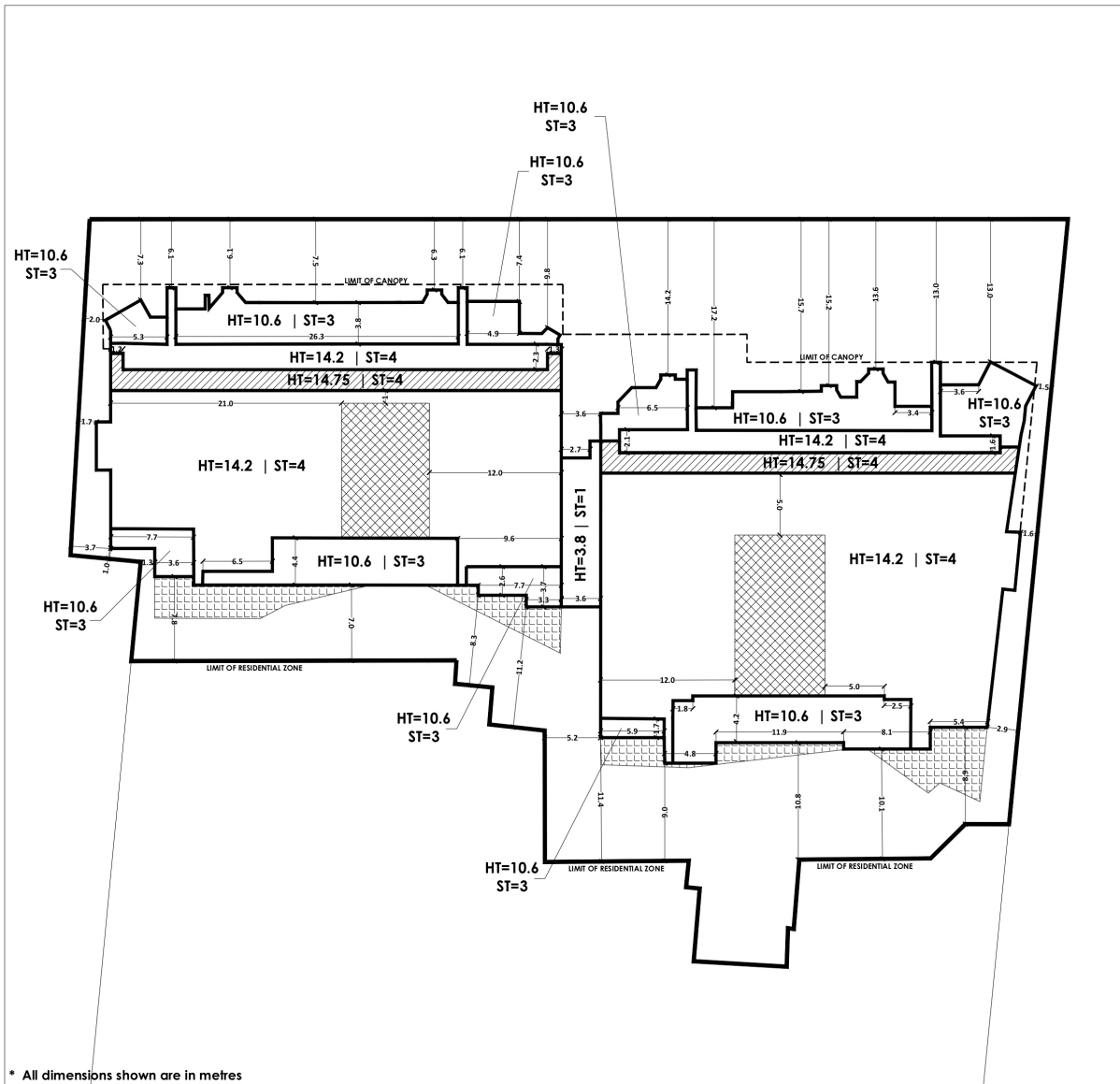






DIAGRAM 3
Zoning By-law Amendment
 5-9 Dale Avenue
 City of Toronto

-  Lands subject to Zoning By-law Amendment
-  Area of sloped roof and roof peak
-  Area of permitted balcony setback encroachment(s)
-  Area of permitted equipment and or structure(s) projection(s)



Not to Scale