

Authority: Local Planning Appeal Tribunal Decision
issued on May 25, 2021 and Ontario Land Tribunal Order
issued on October 2, 2023 in Tribunal File PL190536

CITY OF TORONTO

BY-LAW 887-2023(OLT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 33 Chatsworth Drive (formerly 41 Chatsworth Drive).

Whereas the Local Planning Appeal Tribunal, in its Decision issued on May 25, 2021 and the Ontario Land Tribunal, in its Order issued on October 2, 2023, in file PL190536, in hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, ordered the amendment of Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 33 Chatsworth Drive (formerly 41 Chatsworth Drive); and

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

The Ontario Land Tribunal, by Order, amends By-law 569-2013 as follows:

1. The lands subject to this By-law are outlined by heavy black lines 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 a zone label of RD (f12.0; d0.35)(x1411) and ON to a zone label of R (f7.5; d0.6; u30)(x163), ON, and ON(x28) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 163 so that it reads:

(163) Exception R 163

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 33 Chatsworth Drive (formerly 41 Chatsworth Drive), if the requirements of By-law 887-2023(OLT) are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (R) below;

- (B) For the purposes of this By-law, **established grade** is 166.14 metres above sea level;
- (C) Despite the permitted uses listed in Article 10.10.20.10, the only uses permitted are: **dwelling unit** in a **building type** permitted by Clause 10.10.20.40;
- (D) Despite Regulation 10.10.40.10(1), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 3 of By-law 887-2023(OLT);
- (E) Despite (D) above and Regulations 10.5.40.10(2), (3) and (4), and Regulations 10.10.40.10(8) and (9), the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 3 of By-law 887-2023(OLT):
- (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts and overruns, chimneys, and vents, by a maximum of 4.0 metres;
 - (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, by a maximum of 4.0 metres;
 - (iii) architectural features, lighting fixtures, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 1.0 metres;
 - (iv) **building** maintenance units and window washing equipment, by a maximum of 3.0 metres;
 - (v) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.0 metres;
 - (vi) trellises, pergolas, awnings, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 2.0 metres; and
 - (vii) canopies, lighting fixtures and balustrades, by a maximum of 1.8 metres;
- (F) Regulations 10.5.50.10(4) and (5), with respect to **landscaping** and **soft landscaping** requirements for an **apartment building**, do not apply;
- (G) Despite Regulation 10.5.100.1(4)(B), a **driveway** may have a maximum width of 6.5 metres;
- (H) Despite Regulation 10.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 7,900 square metres;

- (I) Despite Regulation 10.10.40.50(1)(A) and (B), a **building** must provide **amenity space** at a minimum rate of 4.0 square metres for each **dwelling unit**, of which:
- (i) at least 2.0 square metres for each **dwelling unit** is indoor **amenity space**;
 - (ii) at least 2.0 square metres for each **dwelling unit** is outdoor **amenity space**; and
 - (iii) outdoor **amenity space** required by (I)(ii) is not required to be in a location adjoining or directly accessible to indoor **amenity space**;
- (J) Despite Regulation 10.5.40.70(1) and Clause 10.10.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 887-2023(OLT);
- (K) Despite Clause 10.5.40.60 and (J) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) decks, porches, terraces and balconies, guard rails, and divider screens on a balcony and/or terrace by a maximum of 0.6 metres;
 - (ii) canopies and awnings, by a maximum of 2.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 4.5 metres;
 - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.25 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 0.6 metres;
 - (vi) window projections, including bay windows and box windows, by a maximum of 0.6 metres;
 - (vii) eaves, by a maximum of 0.6 metres;
 - (viii) air conditioners, satellite dishes, and antennae, by a maximum of 1.0 metres; and
 - (ix) **landscaping** features, lighting fixtures, balustrades, vents, shafts, transformers, pipes, or site servicing features by a maximum of 1.0 metres;
- (L) Regulation 10.10.40.30(1), with respect to the permitted maximum **building depth** for an **apartment building**, does not apply;

- (M) Regulation 10.10.40.80(1), with respect to the distance between **main walls** of the same **apartment building**, does not apply;
- (N) Despite Regulation 200.5.1.10(3)(A), a maximum of six **parking spaces** may have a maximum length of 11.2 metres;
- (O) Despite Regulation 200.5.1.10(2)(A)(iv) and (D), a maximum of 4 **parking spaces** must have a minimum width of 2.6 metres and may be obstructed on one or two sides, as described in Regulation 200.5.1.10(2)(D) provided that the **parking spaces** are in addition to the required **parking spaces**;
- (P) Despite Regulation 200.15.1(4), accessible **parking spaces** must be located within 30 metres of a barrier free entrance or vestibule which leads to a barrier-free passenger elevator that provides access to the first **storey** of the **building**;
- (Q) Regulations 5.10.40.40.(1), 5.10.40.1(3), 5.10.40.70(6), and 5.10.40.80(1) with respect to restrictions below a shoreline hazard limit or stable top-of-bank, do not apply; and
- (R) The permitted maximum number of **dwelling units** is 30.

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

5. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.41.10 Exception Number 28 so that it reads:

(28) Exception ON 28

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) **Buildings** or **structures** are not permitted.

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

6. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.
7. None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office on the portion of the **lot** located in the R zone, exclusively for the initial sale and/or initial leasing of **dwelling units** proposed on the same **lot**, for up to three years from the date this By-law comes into full force and effect.

Local Planning Appeal Tribunal Decision issued on May 25, 2021 and Ontario Land Tribunal Order issued on October 2, 2023 in Tribunal File PL190536.

Diagram 1



 **TORONTO**
Diagram 1

33 Chatsworth Drive
(formerly 41 Chatsworth Drive)
File # 17 277580 NNY 16 0Z



Diagram 2

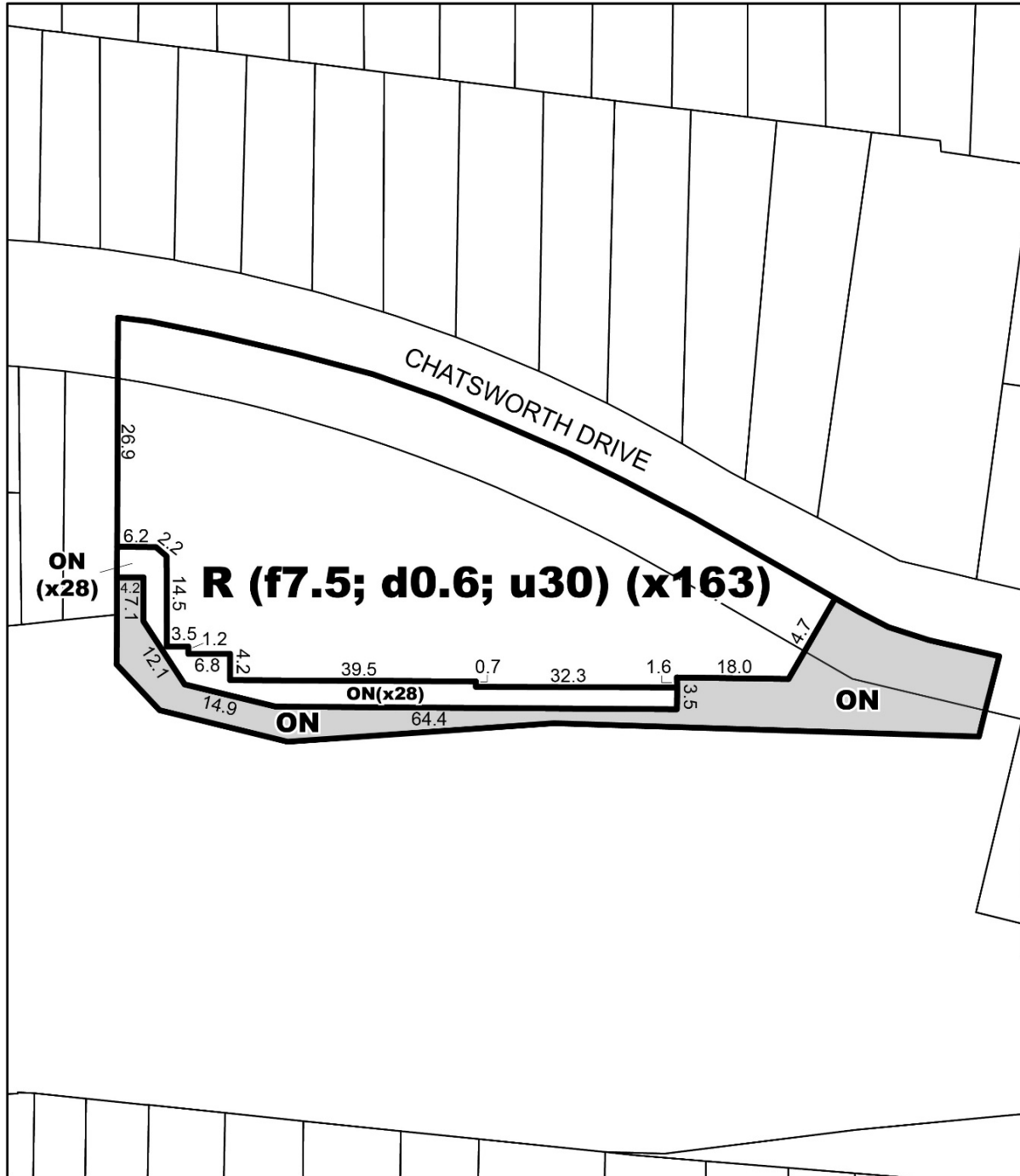
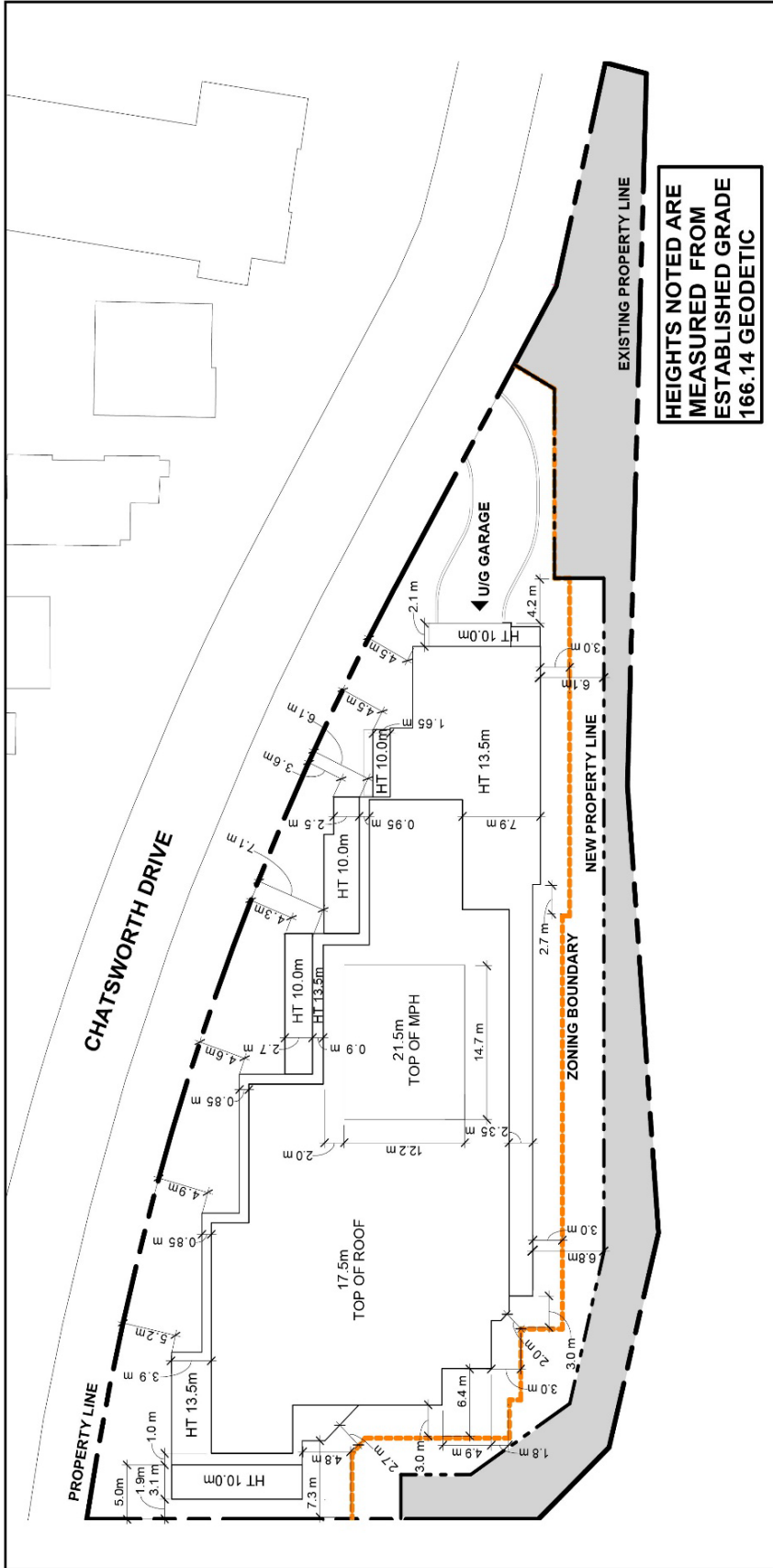


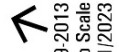
Diagram 3



HEIGHTS NOTED ARE
MEASURED FROM
ESTABLISHED GRADE
166.14 GEODETIC

Toronto
33 Chatsworth Drive
(formerly 41 Chatsworth Drive)
File # 17 277580 NNY 16 0Z

Toronto
Diagram 3



City of Toronto By-law 568-2013
Not to Scale
08/11/2023

lands to be conveyed to city

