

CITY OF TORONTO

BY-LAW No. 569-2008(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 164 Avenue Road.

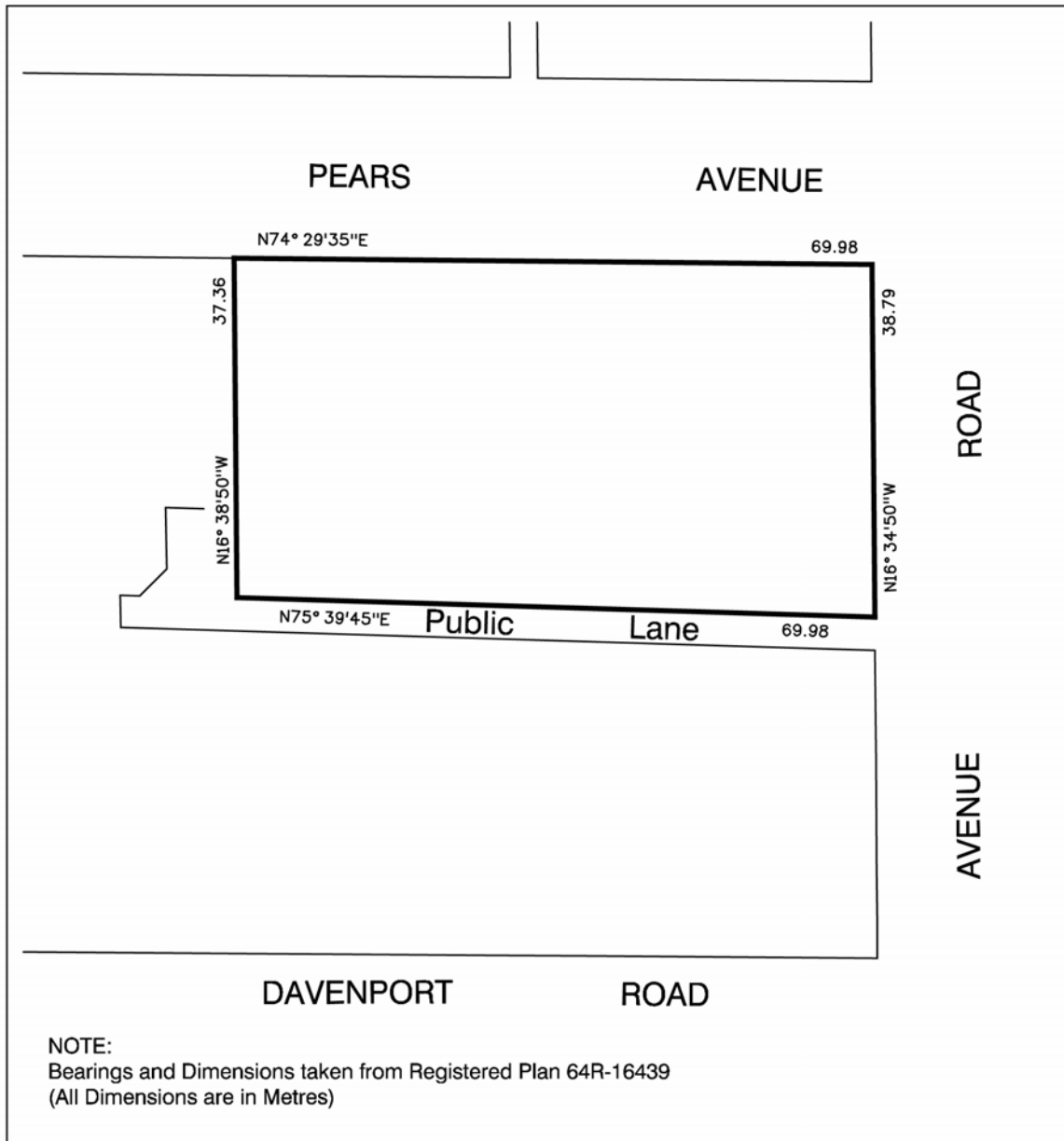
WHEREAS the Ontario Municipal Board pursuant to its Order No. 1547, dated May 25, 2006, deems it advisable to amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands municipally known in the year 2006 as 164 Avenue Road;

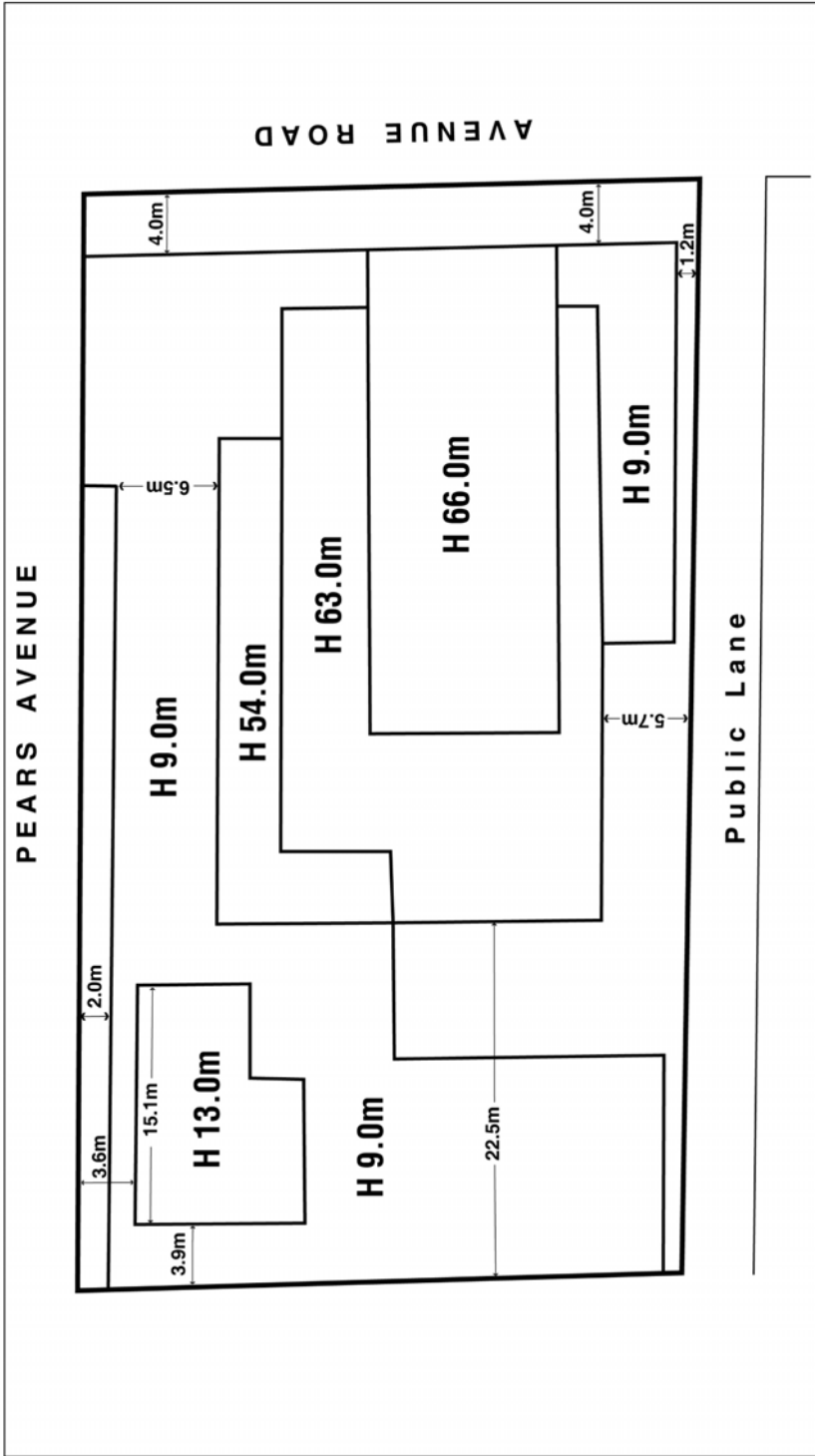
THEREFORE pursuant to Order No. 1547 of the Ontario Municipal Board issued on May 25, 2006, in Board File No. PL050918, By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

1. None of the provisions of Sections 4(2)(a), 4(5)(i), 8(3) Part I 1, 2 and 3, 8(3) Part II 1(a), 2(a), 8(3) Part III 1(a) and 8(3) Part XI 2(i) and 8 (3) Part XI 2 (iii) of Zoning By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of a building or buildings containing residential and non-residential uses, including an *accessory parking garage* and uses *accessory* thereto on the *lot*, provided that:
 - (a) the *lot* comprises at least the lands outlined by heavy lines on the attached Plan 1;
 - (b) the *residential gross floor area* of the *mixed-use building* shall not exceed 14,313 square metres and shall contain a maximum of 127 *dwelling units*;
 - (c) the *non-residential gross floor area* of the *mixed-use building* shall not exceed 1,721 square metres;
 - (d) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Plan 2 with the exception of cornices, lighting fixtures, awnings, canopies, ornamental elements, parapets, trellises, balconies, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, underground garage ramps and their associated structures and landscape features, all of which may extend beyond the heavy lines on the attached Plan 2;
 - (e) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Map 2, except for the following:
 - (i) a structure on the roof of the building used for outside or open air recreation, safety or wind protection purposes may exceed the *height* limit on Plan 2 by no more than 3.0 metres;

- (ii) a stair tower, elevator shaft and associated equipment, chimney stack or other heating, cooling or ventilating equipment, window washing equipment, cornices, canopies, ornamental elements, parapets, railings, stairs, stair enclosures, and public art features may exceed the maximum *height* limits as shown on Plan 2 by no more than 5.0 metres; and
 - (iii) parapets to a maximum *height* of 1.0 metre above the height limits as shown on Plan 2.
- (f) a maximum of 212 *parking spaces* shall be provided and maintained on the *lot*, of which no less than 8 *parking spaces* are provided for visitors, in a below *grade parking garage*; and
 - (g) driveways shall have a minimum width of 3.5 metres for one-way operation and a minimum width of 5.5 metres for two-way operation.
2. None of the provisions of By-law No. 438-86 shall apply to prevent a *sales office* on the *lot* as of the date of the passing of this By-law.
3. Definitions:
- (a) For the purposes of this By-law and subject to Section 3(b) below, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended; and
 - (b) the following definitions shall apply:
 - (i) *sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
 - (ii) *grade* shall be measured from the average elevation of the sidewalk along the *front lot line*; and
 - (iii) *parking spaces* shall have a minimum width of 2.6 metres and a minimum length of 5.9 metres.
4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.

PURSUANT TO DECISION/ORDER NO. 1547 OF THE ONTARIO MUNICIPAL BOARD,
ISSUED ON MAY 25, 2006 IN BOARD CASE FILE NO. PL050918.





164 Avenue Road

Toronto City Planning
Map 2

File # 03 187763

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Note to Scale
06/03/08