

Authority: Ontario Municipal Board Order issued on September 6, 2012, in Board File No. PL101201

CITY OF TORONTO

BY-LAW No. 1210-2012(OMB)

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 580 to 592 Kingston Road.

WHEREAS the Ontario Municipal Board, pursuant to its Order issued on September 6, 2012 in Board Case No. PL101201, 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 2011 as 580 to 592 Kingston Road;

NOW THEREFORE pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, former City of Toronto By-law No. 438-86, as amended, is hereby further amended as follows:

1. None of the provisions Sections 4(2)(a), 4(4)(b) and (c), 4(10)(a), 4(16), 6(3) Part I, 6(3) Part II and 6(3) Part III 1(b) and 3(c) 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 an *apartment building* containing residential uses, including an *accessory parking garage* and uses *accessory* thereto on the *lot*, provided that:
 - (a) the *lot* comprises the lands outlined by heavy lines on the attached Map 1;
 - (b) no portion of any building or structure is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, attached to and forming part of this By-law, except for the type of structure listed in the column entitled "STRUCTURE" in the following chart, provided that the restrictions set out opposite the structure in the columns entitled "MAXIMUM PERMITTED PROJECTION" and "OTHER APPLICABLE QUALIFICATIONS", if any, are complied with:

STRUCTURE	LOCATION OF PROJECTION	MAXIMUM PERMITTED PROJECTION	OTHER APPLICABLE QUALIFICATIONS
eaves or cornices	Required setback area from any lot line	0.45 metres	none
fences and safety railings	Required setback area from any lot line	no restriction	height of fence or safety railing not to exceed 2.0 metres
balconies	Required setback area from any lot line	2.48 metres on the north elevation of the 6 th floor only	None

- (c) the *height* of any building or structure does not exceed the height in metres specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law;
 - (d) the *residential gross floor area* of the *apartment building* shall not exceed 4,178 square metres;
 - (e) the *apartment building* shall contain a maximum of 47 *dwelling units*;
 - (f) vehicular ingress and egress to the *lot* shall be provided over the lands municipally known in 2011 at 600 Kingston Road;
 - (g) enclosed resident *parking spaces* and visitor *parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimums:
 - (i) Residential units exclusive use: 45 spaces
 - (ii) Visitor Parking: 6 spaces
 - (h) landscaped open space area comprising 38 percent of the *lot* area shall be provided on the *lot*.
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) Notwithstanding any defined terms to the extent modified by this By-law and the provisions noted herein, for the purposes of this By-law, each word or expression that is italicized shall have the same meaning as each such word or expression as defined in former City of Toronto Zoning By-law No. 438-86, as amended; and
 - (b) The following definitions shall apply:
 - (i) *grade* shall mean an elevation of 121.80 metres above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment);
 - (ii) *height* shall be defined as the height of the building above *grade*;
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.

- 5.** No person shall use any land or erect or use any building or structure on the *lot* unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

PURSUANT TO THE ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON SEPTEMBER 6, 2012 UNDER OMB CASE NO. PL101201.



