

Authority: Ontario Municipal Board Decision issued May 21, 2015 and Order issued August 24, 2017 in Board File PL141099

CITY OF TORONTO

BY-LAW 1191-2017(OMB)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known as 117, 121, 123 and 129 Roselawn Avenue.

Whereas the *owner* of the lands known municipally in the year 2014 as 117, 121, 123 and 129 Roselawn Avenue appealed a proposed zoning by-law amendment to the Ontario Municipal Board pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended; and

Whereas the Ontario Municipal Board, by its Decision issued on May 21, 2015 and Order issued on August 24, 2017, in Board File PL141099 approved amendments to the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands;

The Ontario Municipal Board orders amendments to the former City of Toronto Zoning By-law 438-86, as amended, as follows:

1. This By-law applies to the lands delineated by a heavy line on Map 1 attached to and forming part of this By-law.
2. Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the *lot*.
3. None of the provisions of Section 2(1) with respect to the definition of grade, height, lot and row house and Sections 4(2)(a), 4(2)(d), 4(4)(b), 6(3) Part I, 6(3) Part II, 6(3) Part III, 6(3) Part IV 4(c)(iii), and 6(3) Part VII 1, of By-law 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 or use of a *row house* on the *lot* provided that:
 - (a) The maximum number of *row house* units on the *lot* shall not exceed 12;
 - (b) The total *residential gross floor area* of buildings and structures shall not exceed 2300.00 square metres;
 - (c) No portion of a building or structure erected on the *lot* shall have a greater *height* in metres than 11.0 metres except that:
 - (i) The maximum height for roof top mechanical units, parapets and guard rails shall be 1.5 metres;
 - (d) No portion of a building or structure erected or used above grade is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 except that:

- (i) Awnings, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, landings, wheelchair ramps, underground garage ramps, and landscape features including planters and screening, may extend to a maximum of 2.60 metres beyond the heavy lines as shown on Map 2;
- (e) A minimum number of *parking spaces* shall be provided and maintained on the *site* in accordance with the following:
 - (i) 1.0 *parking spaces* for each *dwelling unit*; and
 - (ii) 0.2 *parking spaces* for each *dwelling unit* shall be provided for visitors;
- (f) None of the provisions of By-law 438-86, as amended, or this By-law, shall apply to prevent the erection of a temporary sales office on the lot for the initial sale of *row house units* as of the date of passing of this By-law;
- (g) Notwithstanding Section 2(1) of By-law 438-86, as amended, for purposes of this Bylaw the following definitions shall apply:
 - (i) "grade" means 166.42 metres Canadian Geodetic Datum; and
 - (ii) "height" means the vertical distance between *grade* and the highest point of the roof except for those elements prescribed in Section 3(c)(i) of this By-law; and
- (h) "lot" means the lands delineated by heavy lines on Map 1 attached to this By-law. This amendment shall apply to all of the lands, shown on Map 1 attached to this By-law, regardless of future severance, partition or division.

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