

Authority: Ontario Municipal Board Decision/Order issued May 22, 2012 and January 27, 2014 in Board File No. PL110794

CITY OF TORONTO

BY-LAW No. 493-2014(OMB)

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 1046 Avenue Road and 55-57 Burnaby Boulevard.

Whereas authority is given to the Ontario Municipal Board under Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas the Ontario Municipal Board, pursuant to its Decision dated May 22, 2012 and Order dated January 27, 2014 in Board File No. PL110794 has determined to amend By-law No. 438-86 of the former City of Toronto;

The Ontario Municipal Board orders:

1. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
2. For the purpose of this By-law, the *lot* shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
3. None of the provisions of Section 2 with respect to *grade*, *height* and *lot*, 4(2)a, 4(4)b, 4(11) (b) and (c), 4(13), 6(3) Part I 1, and 6(3) Part II 1, 2, 3, 4, 5 and 6 of 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 related to buildings and structures and to prohibit certain uses of land 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 *residential building* on the *lot*, subject to the following:
 - (a) The maximum *residential gross floor area* erected or used on the *lot* does not exceed 3,715 square metres;
 - (b) The maximum number of *dwelling units* erected or used on the *lot* does not exceed 18;
 - (c) No part of any building or structure erected above *grade* on the *lot* is located otherwise than wholly within the areas delineated by the heavy lines as shown on Map 2 attached to and forming part of this By-law, with the exception of:
 - (i) Awnings, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, wheelchair ramps, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on Map 2.
 - (d) The *height* of any building or structure, or portion thereof, including mechanical and stair overrun, shall not exceed those heights as indicated by the numbers following the symbol H on Map 2 and a maximum of 4-storeys.

- (e) Despite (d) above, the *height* of any building or structure, or portion thereof, excluding mechanical and stair overrun, located within the hatched area as shown on Map 2, shall not exceed a maximum height of 11 metres and 3-storeys. Furthermore, the mechanical and stair overrun shall be limited to a maximum area of 3 metres in width by 5 metres in length to a maximum height of 2.74 metres.
- (f) Any building or structure, or portion thereof, located within the hatched area as shown on Map 2, located above a maximum height of 11 metres shall only be used as outdoor amenity space and for a mechanical and stair overrun area.
- (g) Any rooftop amenity area located with the hatched area as shown on Map 2 shall be setback a minimum of 8.7 metres from the west property line and a minimum setback of 5.5 metres from the north property line.
- (h) The minimum number of *parking spaces* provided and maintained on the *lot* shall not be less than the number calculated in accordance with the following minimum ratios and shall be located in the *underground parking garage*:
 - (i) 1.0 parking spaces per dwelling unit - residential occupant
 - (ii) 0.2 parking spaces per dwelling unit - visitor
- (i) The minimum number of bicycle parking spaces provided shall be 18 for residents and 4 for visitors.

4. DEFINITIONS

For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:

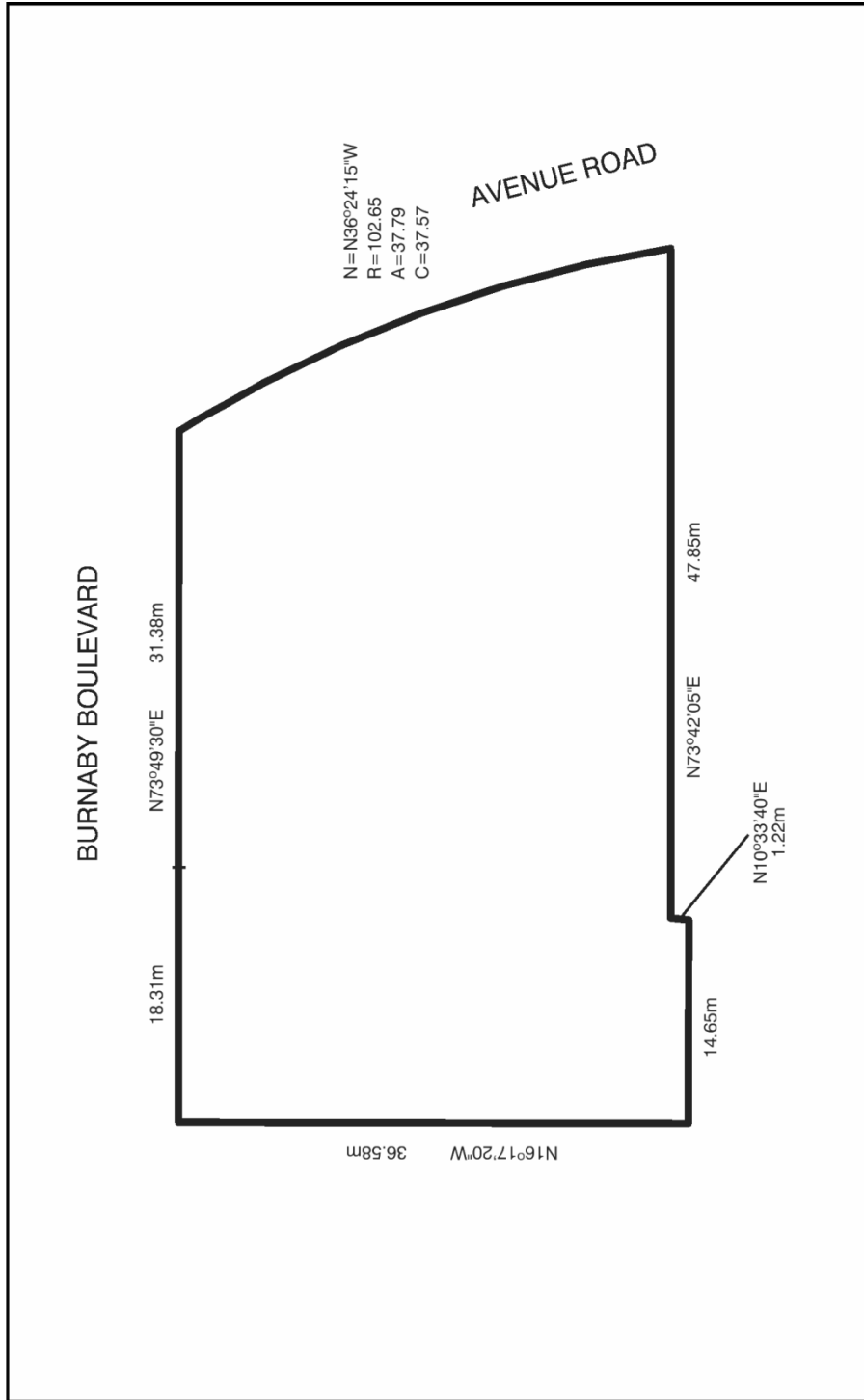
- (a) "*Lot*" means the lands delineated by heavy lines on Map 1.
- (b) "*Grade*" means the average elevation of the natural or the finished level of the ground, whichever is the lower, adjoining the wall containing the main entrance of each individual dwelling unit within a building.
- (c) "*Height*" means the vertical distance between *grade* as defined in this By-law and the highest point of the roof.

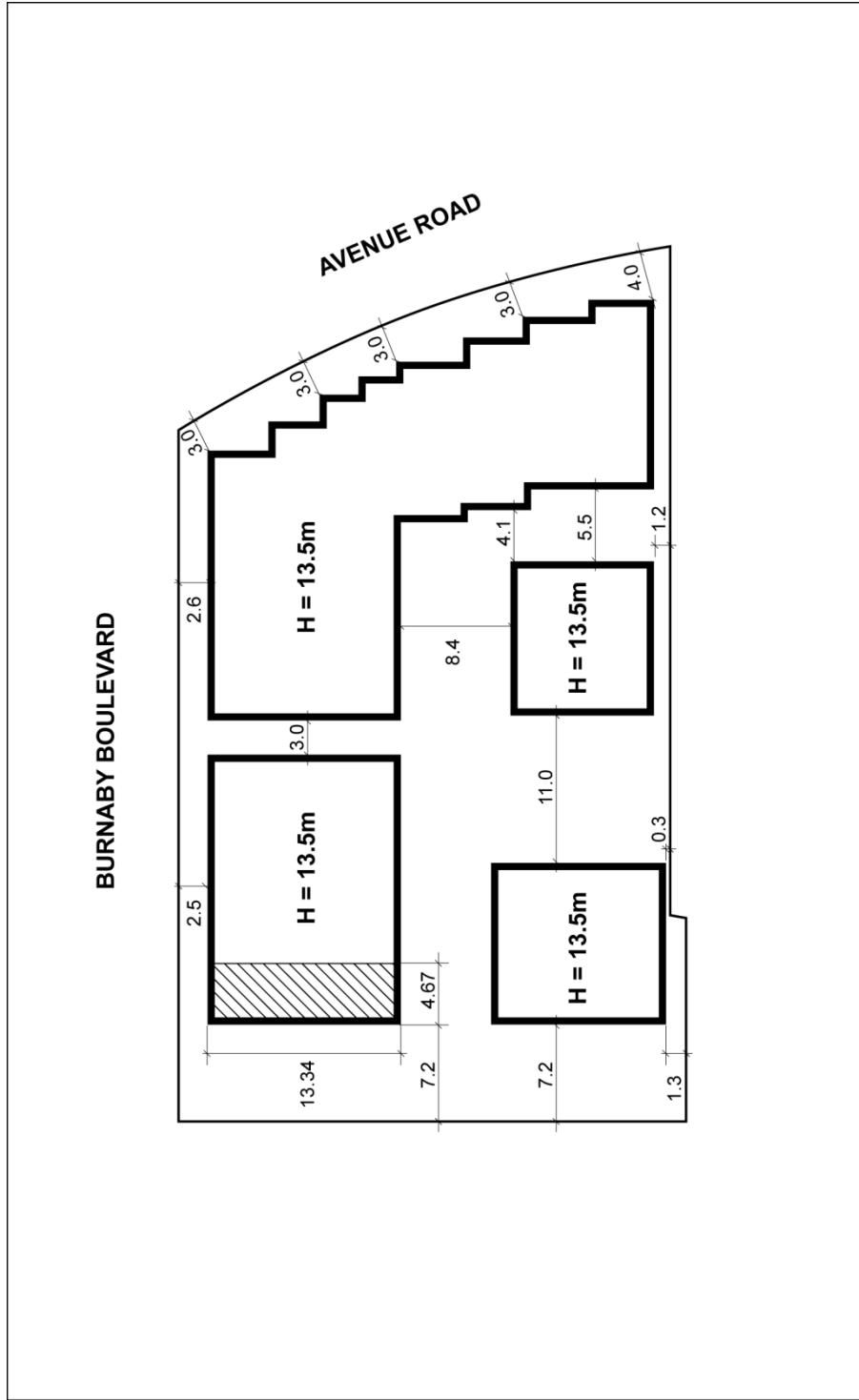
5. Within the *lot*, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:

- (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.
- 6. Despite any existing or future consent, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no consent, partition or division had occurred.

PURSUANT TO DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON MAY 22, 2012 AND JANUARY 27, 2014 UNDER OMB FILE NO. PL110794.





Map 2

File # 10 293313 NNY 16 0Z



Not to Scale

Date: 03/27/2012
Approved by: J.A.