

Authority: Local Planning Appeal Tribunal Decision issued on February 19, 2019, and Order issued on December 10, 2021, in File PL170134

CITY OF TORONTO

BY-LAW 1112-2021(LPAT)

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2021 as, 28-32 Evergreen Gardens.

Whereas after hearing an appeal under Section 34(11) of the Planning Act R.S.O 1990, c.P.13, as amended, the Local Planning Appeal Tribunal, by its decision issued on February 19, 2019 and its decision issued on December 10, 2021 in respect of Tribunal File PL170134, approved amendments to By-law 569-2013, as amended, for the City of Toronto with respect to lands known municipally as 28-32 Evergreen Gardens; and

Whereas pursuant to Section 39 of the Planning Act, a by-law 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 by the by-law;

The Local Planning Appeal Tribunal enacts:

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 to RT (x252) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.5.10 Exception Number 252 so that it reads:

Exception RT 252

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provision, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) The permitted maximum number of dwelling units is 5;
- (B) Despite Regulation 10.60.30.10 (1), the required minimum lot area is 1,005 square metres;

- (C) Despite Regulation 10.60.30.10 (1), the minimum required lot frontage is 39 square metres along Evergreen Gardens;
- (D) Despite Regulation 10.60.30.40 (1), the permitted maximum lot coverage is 58 percent;
- (E) Despite Regulation 10.60.30.40.1 (3), the minimum required width of a dwelling unit in a townhouse is 6.5 metres;
- (F) For the purpose of this exception, established grade is Canadian Geodetic Datum elevation of 146.4 metres;
- (G) Despite regulation 10.5.40.10(1), the height of the building or structure is the distance between established grades and the highest point of the building or structure;
- (H) Despite regulation 10.60.40.10(1) and (2), the permitted maximum height of a building or structure on the lot, in metres, is shown following the letters "H" in Diagram 3 attached to By-law xxx-2021;
- (I) Despite (H) above, parapets, architectural features, privacy screens or any roof **structure** which is used as an ornament of the **building** is permitted to project up to 1.8 metres beyond the height in metres specified by the numbers following the symbol H as shown on Diagram 3 of By-law 1112-2021;
- (J) Despite (H) above, trellises are permitted to project up to 2.7 metres beyond the height in metres specified by the numbers following the symbol H as shown on Diagram 3 of By-law 1112-2021;
- (K) Despite Regulation 10.60.40.40 (1), the permitted maximum floor space index is 1.6 times of the area of the lot;
- (L) Despite regulation 10.5.40.70 (1) and Clauses 10.60.40.70 the required minimum **building setbacks** are as shown on Diagram 3 of By-law 1112-2021;
- (M) Despite (L) above regulation 10.5.40.70 (1) and Clause 10.60.40.70, the minimum required setback from Evergreen Gardens, to the first floor is 2.6 metres;
- (N) Despite (L) and (M) above and Regulation 10.5.40.50(2), 10.5.40.50(3), 10.5.40.60(1), (2), (3), (5)(A), (7)(B), and (8), the following may encroach into the required minimum building setbacks as shown on Diagram 3 of By-law-1112-2021;
 - (i) Lighting, window frames, ornamental architectural features and architectural cladding to a maximum of 0.30 metres;
 - (ii) A platform or stairs may encroach into the required setback to a maximum of 1.5 metres; and

- (iii) A platform at the second or third floor and associated elements, including screens, partitions, and planters, attached to the north main wall of the building may encroach into the north building setback, if:
 - (a) They do not project by more than 1.5 metres,
 - (b) Any walls, sound barriers, acoustical screens, dividers, guardrails, screens, partitions or planters do not exceed a height of 1.8 metres, measured from the surface of the platform;
 - (c) Despite (N)(iii)(b) above, walls on a platform at the second floor attached to the east or west main wall of the building may be from floor to ceiling;
- (O) Despite regulation 200.5.10.1(1), a minimum of one parking space must be provided for each dwelling unit; and
- (P) Despite Clause 10.5.50.10, the lot must have a minimum of 15 percent of the area of the lot for landscaping;

Prevailing By-laws and Prevailing Sections: None Apply

5. Section 39 Provisions

- (A) None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office on the **lot** used exclusively for the initial sale or initial leasing of **dwelling units** on the same **lot** for a period not to exceed 3 years commencing from the date of this By-law 1112-2021 comes into effect.

6. Division of Lands

- (A) Notwithstanding any conveyance, severance⁴, partition or division of the lands outlined by heavy black lines and identified on Diagram 1, the regulation of By-law 1112-2021 shall continue to apply to the whole of said lands as if no conveyance, severance, partition or division had occurred.

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Diagram 1

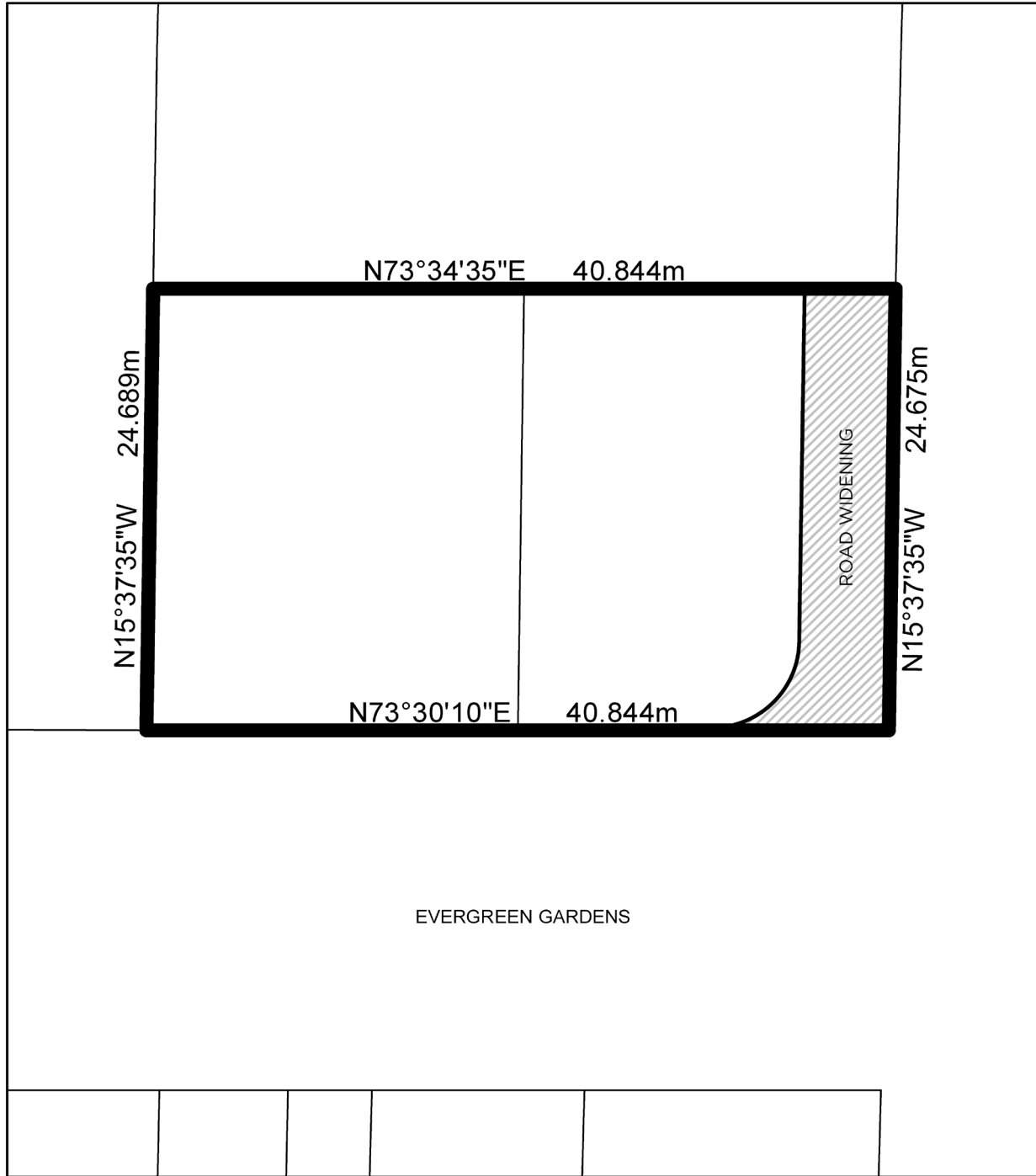


Diagram 2

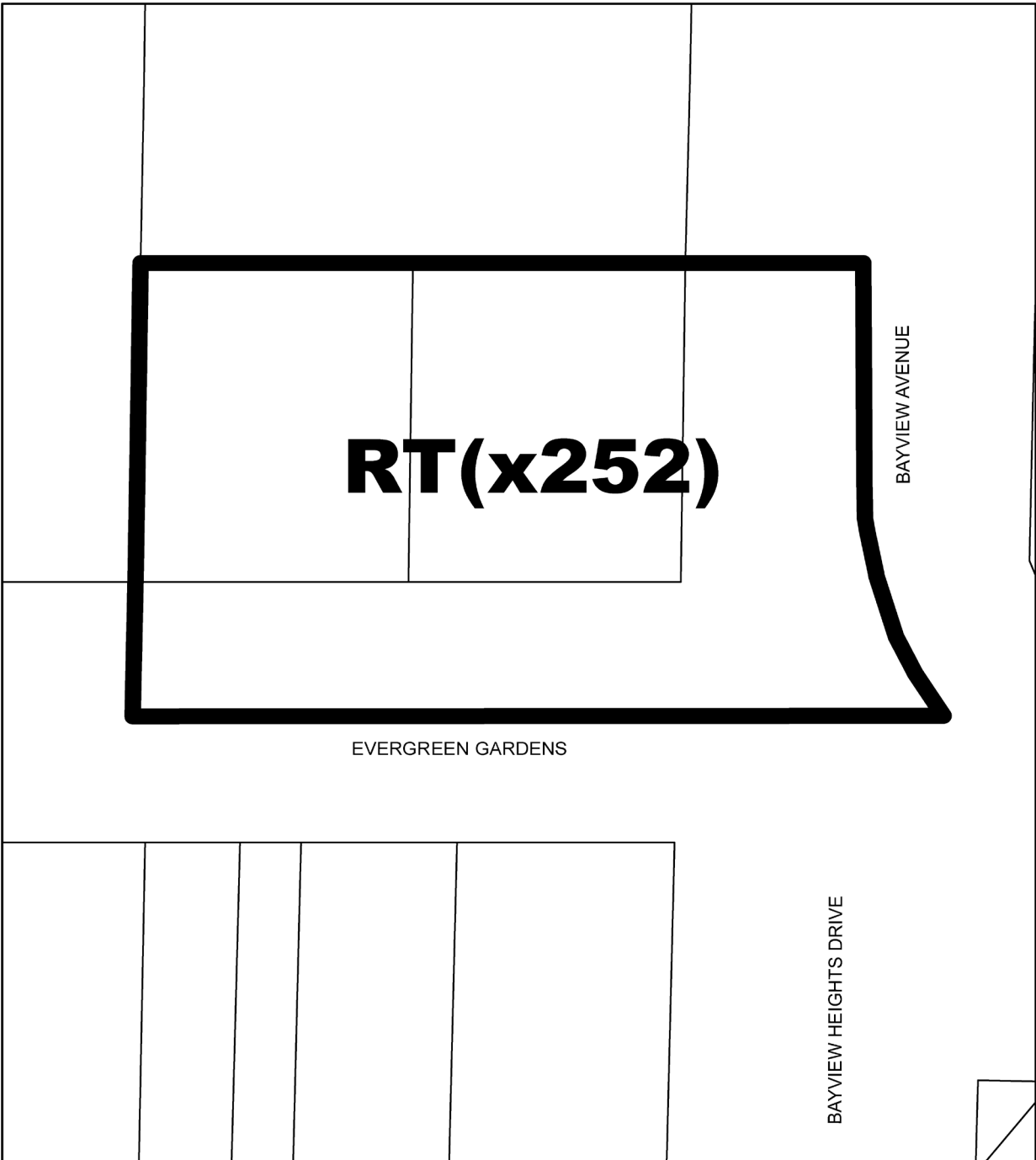


Diagram 3

