

## CITY OF TORONTO

### BY-LAW 1212-2022(OLT)

**To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2020 as 413, 417, 419, 423, 425, 429, 431 and 435 Roehampton Avenue.**

Whereas the Ontario Land Tribunal Decision and Order issued April 02, 2019 and June 28, 2022 in Tribunal File PL170596, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 438-86, as amended, with respect to lands municipally known as 413, 417, 419, 423, 425, 429, 431 and 435 Roehampton Avenue;

The Ontario Land Tribunal orders:

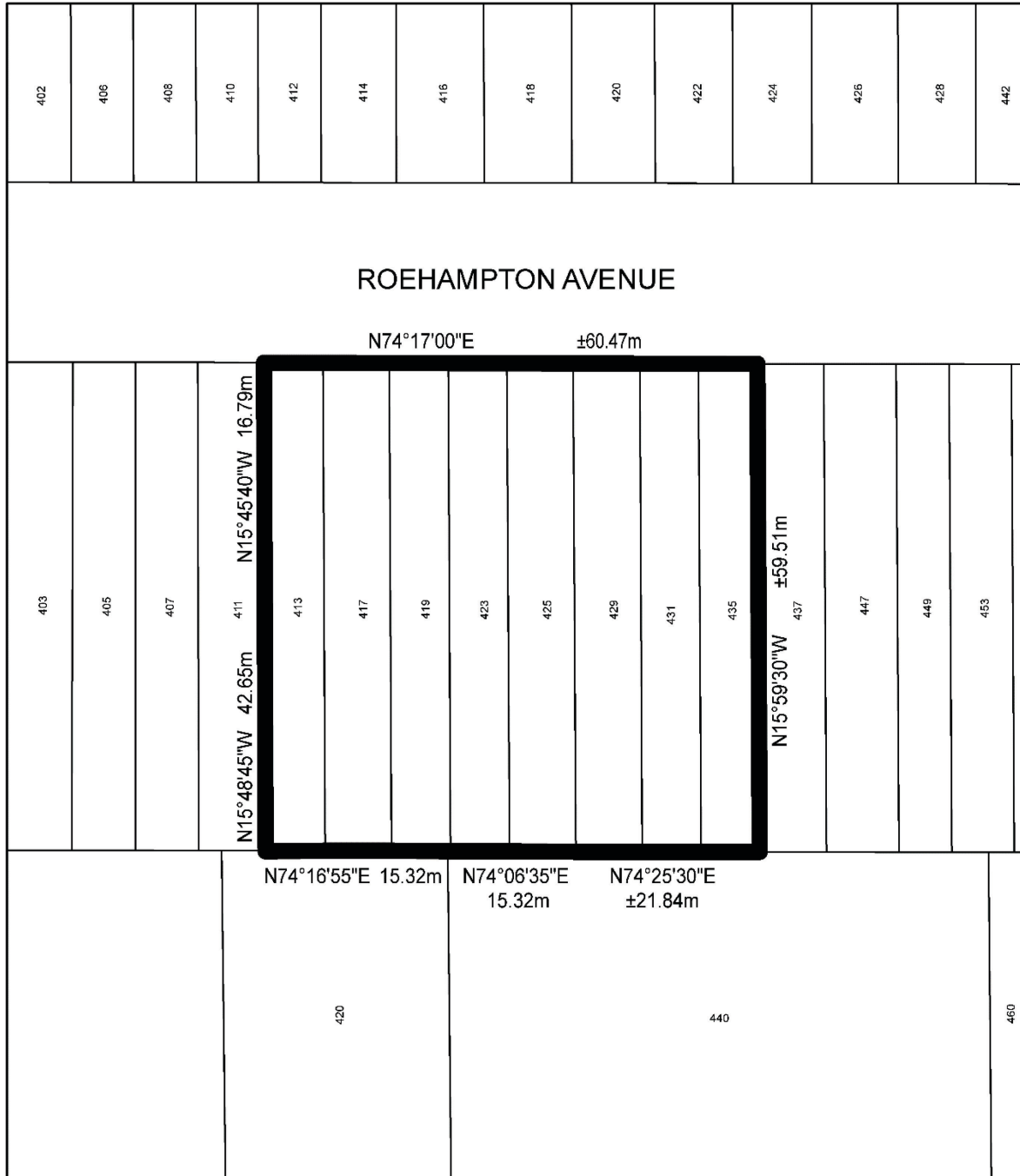
1. Except as otherwise provided herein, the provisions of By-law 438-86, as amended shall continue to apply to the *lot*.
2. None of the provisions of Sections 4(2)(a), 4(4)(b), 4(12), 4(16), 6(1)(f), 6(3) Part I 1, 6(3), Part II 2, 6(3) Part II 3, 6(3) Part II 4, 6(3) Part II, 6(3) Part III 1, Section 12(1)68(a) 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 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 an *apartment building* and uses accessory thereto on the *lot* delineated by heavy lines on the attached Map 1, provided that:
  - (a) the *lot* upon which the proposed buildings and structures are erected or used comprises at least the lands shown outlined by heavy lines on the attached Map 1;
  - (b) notwithstanding (a) above, an apartment building is not permitted within the shaded areas identified on Map 2 on 413 and 435 Roehampton Avenue;
  - (c) the total *residential gross floor area* erected or used on the *lot* shall not exceed 4675 square metres, exclusive of any structures existing on the *lot* as of the date of passing of this by-law;
  - (d) Despite (c) above, a *residential gross floor area* of 224 square metres is permitted for the existing semi-detached dwellings at 413 and 435 Roehampton Avenue excluding a future addition of 42 square metres to the rear of 435 Roehampton Avenue;
  - (e) no person shall erect or use a building or structure on the *lot* having a greater *height* than the *height* limits specified by the numbers in metres shown on the attached

Map 2, with the exception of a parapet wall, stairwells, landscaping, roof assembly, roof terrace access, mechanical rooms, stairs, stair overruns safety structures such as railings, and rooftop terraces which may extend no more than 3 metres beyond the height of the roof;

- (f) no portion of the building above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2, with the exception of the following:
    - i. cornices, lighting fixtures, vents, awnings, canopies, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, wheelchair ramps, fences, downspouts, retaining walls, stairs, planter boxes and landscape features, all of which may extend beyond the heavy lines shown on Map 2.
  - (g) *parking spaces* shall be provided on the *lot* in accordance with the following standards:
    - i. a minimum of 1.0 *parking spaces* for each *dwelling unit*; and
    - ii. a minimum of 0.2 visitor *parking spaces* for each *dwelling unit* on the *lot*.
  - (h) *bicycle parking spaces* shall be provided on the *lot* in accordance with the following standards:
    - i. a minimum of 0.9 "long-term" *bicycle parking spaces* for each *dwelling unit*; and
    - ii. a minimum of 0.1 "short-term" *bicycle parking spaces* for each *dwelling unit*.
  - (i) no indoor *amenity space* shall be required on the *lot*; and
  - (j) no outdoor *amenity space* shall be required on the *lot*.
3. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:
- (a) "*grade*" shall mean 156.85 metres Canadian Geodetic Datum;
  - (b) "*height*" shall mean the vertical distance between grade and the highest point of the roof of any building on the *lot*, except those elements prescribed by this by-law;
  - (c) "*temporary sales office*" means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of the first dwelling units to be erected on the *lot*;

- (d) *"lot"* shall refer to those lands delineated by a heavy black line on Map 1, attached to and forming part of this By-law; and
- (e) *"residential gross floor area"* shall mean the sum of the total area of each floor level of a *building*, above and below the ground, measured from the exterior of the main wall of each floor level. The *gross floor area* of an *apartment building* is reduced by the area in the *building* used for:
- i. parking, loading and bicycle parking below *grade*;
  - ii. required *loading spaces* and required *bicycle parking spaces* at or above *grade*;
  - iii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the *basement*;
  - iv. shower and change facilities for by this By-law for required *bicycle parking spaces*;
  - v. elevator shafts;
  - vi. garbage shafts;
  - vii. mechanical penthouse; and
  - viii. exist stairwells in the *building*.
4. On the lands outlined on Map 1 of this By-law, a *temporary sales office* is permitted for a period of not more than 3 years from the date this by-law comes into force and effect, used exclusively for the purpose of marketing, sales and leasing of *dwelling units*. A temporary sales office is permitted if 5 *parking spaces* are provided.
5. Notwithstanding any 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 had occurred.
6. Within the lands shown on Map 1 attached to this By-law, 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.

Map 1



Map 2

