

Authority: Toronto and East York Community Council Item 19.10,
adopted as amended, by City of Toronto Council on October 29 and 30, 2008
Enacted by Council: October 30, 2008

CITY OF TORONTO

BY-LAW No. 1150-2008

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 165 East Liberty Street and 171 East Liberty Street.

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act* regarding the proposed Zoning By-law amendments;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Sections 2(1) "*parking space*", 4(4)(b), 4(6)(b), 9(1)(f)(b), 9(3)(3) and 12(2)298 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 a *non-residential building* on the *lot* for the uses permitted under this By-law, provided that:
 - (a) the *lot* comprises those lands delineated by heavy lines on Map 1 attached hereto. Notwithstanding the definition of "*lot*" contained in Section 2 of By-law No. 438-86, as amended, the lands delineated by heavy lines on Map 1 attached hereto, shall be deemed to be one *lot*, regardless of whether two or more buildings which are not connected below *grade* are erected thereon, and regardless of any conveyances made or easements granted after the date of enactment of the By-law;

PERMITTED USES

- (b) the uses listed in subsection (vi) below shall be permitted in any building or structure on the *lot* only in accordance with and subject to the following qualifications:
 - (i) a use is permitted by the chart below when the letter "P" is set in the line opposite the use;
 - (ii) a use is permitted by the chart below when the letter "q" followed by a number or numbers is set in the line opposite the use but only subject to the qualification or qualifications bearing the number or numbers that follow the letter "Q" forming part of this subsection;
 - (iii) the total combined *non-residential gross floor area* for the uses in subsection (vi) does not exceed 11,645 square metres;

- (iv) notwithstanding the qualifications, the uses permitted by the chart in subsection (vi) of this By-law shall be limited to the ground floor only;
- (v) no single unit used for the purposes of any use listed in the chart below shall exceed 500 square metres of gross floor area, with the exception of up to four units within any building or structure on the *lot* which may have a *non-residential gross floor area* of up to 750 square metres each;
- (vi) the permitted uses are:

Use	Qualification
<i>bake-shop</i>	P
<i>branch of a bank or financial institution</i>	P
<i>brew-on-premises establishment</i>	Q1
business/office supply store	P
<i>Caterer's shop</i>	P
<i>courier services</i>	P
<i>dry-cleaning shop</i>	P
<i>duplicating shop</i>	P
newsstand	P
<i>personal grooming establishment</i>	P
<i>private art gallery</i>	P
<i>restaurant</i>	Q2, Q3, Q4
<i>retail store</i>	P
<i>service, rental or repair shop</i>	P
<i>showroom</i>	P
<i>tailoring shop</i>	P
<i>take-out restaurant</i>	Q3, Q4

Qualifications to be complied with before certain uses are permitted within any building or structure on the *lot*:

1. A *brew-on-premises establishment* is permitted only if it is associated with a *restaurant*.
2. A *restaurant* is permitted provided that it does not include a dance floor, stage, teletheatre gambling, disc jockey, sound room, pinball or other mechanical or electronic game machines, or any other entertainment area.
3. A *restaurant* or *take-out restaurant* is permitted provided that the *non-residential gross floor area* does not exceed 500 square metres.
4. A *patio* existing at the date of passage of this By-law shall comply with any conditions imposed by the Committee of Adjustment with respect to the *patio*.

and;

- (vii) the following uses shall specifically not be permitted in any building or structure on the *lot*: auctioneer's premises, *dry-cleaner's distributing station, laundry shop, pawnbroker's shop, or pet shop*;

MAXIMUM FLOOR AREA

- (c) the maximum *non-residential gross floor area* on the *lot* does not exceed 25,151 square metres, provided that:
 - (i) the maximum *non-residential gross floor area* for any use listed under subsection 1(b)(vi) of this By-law, does not exceed 11,645 square metres; and
 - (ii) the maximum *non-residential gross floor area* for any other non-residential use not including those listed under subsection 1(b)(vi) of this By-law, does not exceed 13,506 square metres;

PARKING

- (d) a minimum of 108 *parking spaces* shall be provided where:
 - (i) a minimum of 88 *parking spaces* shall be provided wholly on the *lot*;
 - (ii) a maximum of 20 *parking spaces* may be provided off-site;
- (e) Notwithstanding Sections 4(17)(a), 4(17)(b) and 4(17)(c) of Zoning By-law No. 438-86 as amended, the following shall apply:
 - (i) a maximum of 18 parallel *parking spaces* may have minimum dimensions of 2.5 metres in width, by 6.7 metres in length, and 2.0 metres in height;
 - (ii) a maximum of 10 parallel *parking spaces* may have minimum dimensions of 2.5 metres in width, by 6.3 metres in length, and 2.0 metres in height;
 - (iii) a maximum of 8 perpendicular *parking spaces* may have minimum dimensions of 2.7 metres in width, by 5.6 metres in length, and 2.0 metres in height, provided that they are accessed by a drive-aisle having a minimum width of 5.7 metres; and
 - (iv) a maximum of 5 perpendicular *parking spaces* may have minimum dimensions of 2.6 metres in width, by 5.6 metres in length, and 2.0 metres in height, provided that they are accessed by a drive-aisle having a minimum width of 5.7 metres.

2. For the purposes of this By-law,

“parking space”: means an unimpeded area that has dimensions not less than those prescribed by this By-law, and that is readily accessible at all times for the parking and removal of a motor vehicle without necessity of moving another motor vehicle.

All other terms in italics shall have the same meaning as those terms have for the purpose of the aforesaid By-law No. 438-86, as amended.

ENACTED AND PASSED this 30th day of October, A.D. 2008.

GLORIA LINDSAY LUBY,
Deputy Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

