

**CITY OF TORONTO**

**BY-LAW No. 1176-2008(OMB)**

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto  
with respect to lands municipally known as 53 Colgate Avenue.**

WHEREAS the Ontario Municipal Board by its Decision/Order issued on October 8, 2008, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, upon hearing the appeal of Urban Fabrics (Colgate) Inc., deems it advisable to amend former City of Toronto Zoning By-law No. 438-86;

THEREFORE former City of Toronto Zoning By-law No. 438-86, as amended, is hereby further amended as follows:

1. This By-law shall apply to those lands outlined by a heavy black line, and identified as “Area Subject to Amendment”, on Map 1, attached hereto.
2. Map 1 to former City of Toronto Zoning By-law No. 438-86, as amended, is hereby further amended by changing the zoning category of the lands identified as “Area Subject to Amendment” on Map 1, attached hereto, (the “Subject Lands”) from I2 D2 Industrial District to I1 D2.05.
3. None of the provisions of Sections 4(2)(a), 4(4)(b), 4(5)(b), 4(13), 9(3)(PART I)(2), 9(3)(PART II), and the definition for *bicycle parking space* of By-law No. 438-86, of the former City of Toronto, 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 building on the Subject Lands for not more than 15 *live/work units* provided that no part of a *live/work unit* is used as:
  - (a) *sheet metal shop*
  - (b) *welder’s shop*

provided that:

- (1) despite Section 9(1)(a) of former City of Toronto Zoning By-law No. 438-86, as amended, *live/work units* are permitted, the work component consisting solely of those uses permitted in the I1 zone;
- (2) the building is comprised solely of *live/work units*;
- (3) the *lot* on which the proposed building is to be located comprises at least those lands delineated by heavy lines on Map 1, attached to and forming part of this By-law;

- (4) no portion of any building or structure is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, attached to and forming part of this By-law, except for the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” are complied with:

<b>STRUCTURE</b>	<b>MAXIMUM PERMITTED PROJECTION</b>
Light Fixtures	Maximum 0.5 metre projection, provided the height of the “STRUCTURE” is not higher than that portion of the building to which it is attached
Railings and guardrails	No restriction on the extent of the projection provided the height of such “STRUCTURE” does not exceed 1.0 metres
Eavestroughs, vent pipes, exhaust ducts	Maximum 1.13 metre projection, provided the height of such “STRUCTURE” does not exceed 1.0 metres
Balconies (Colgate Avenue elevation)	Maximum 2.2 metre projection, provided the “STRUCTURE” is not higher than that portion of the building to which it is attached
Balconies (rear elevation)	Maximum 1.52 metre projection, provided the “STRUCTURE” is not higher than that portion of the building to which it is attached

- (5) the *height* of any building or structure, as measured from the average grade along the Colgate Avenue frontage of the subject property, does not exceed the height in metres specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law;
- (6) the number of *parking spaces* provided on the Subject Lands is not less than eleven;
- (7) resident and visitor *parking spaces* on the Subject Lands are provided in accordance with the following minimum ratios (calculation to exclude those *parking spaces* provided in accordance with Section 3(9) of this By-law):

<u>Dwelling unit type</u>	<u>Parking Ratio</u>
Bachelor	0.0 space/unit
1 Bedroom unit	0.33 space/unit
2 Bedroom unit	0.66 space/unit
3 or more Bedroom unit	1.0 space/unit
<u>Visitor Parking</u>	
Live/work visitor parking	0.12 space/unit;

- (8) at least nine *parking spaces* on the Subject Lands are used solely for resident and visitor parking;

- (9) at least two *parking spaces* are used exclusively by owners/tenants of the *live/work* units located within the building located at the property municipally known in 2007 as 59 Colgate Avenue, provided a building is erected at said property;
  - (10) any *parking space* in excess of the requirements of Sections 3(7), 3(8), and 3(9) is used by:
    - (a) residents of the building;
    - (b) visitors to the building; and/or
    - (c) owners/tenants of the building on the *lot* municipally known in 2007 as 59 Colgate Avenue, but limited to a maximum of one *parking space* over and above those provided in accordance with Section 3(9);
  - (11) despite the definition of *parking space*, all *parking spaces* have minimum dimensions of 2.7 metres in width and 5.9 metres in length;
  - (12) driveways within the parking garage of the building have a minimum width of 6.0 metres, except at the garage door entrances, where they may be reduced to no less than 5.5 metres; and
  - (13) a minimum of 11 bicycle parking spaces are provided and maintained on the *lot*.
- 4.** For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.

PURSUANT TO THE ONTARIO MUNICIPAL BOARD DECISION/ORDER ISSUED ON OCTOBER 8, 2008 IN BOARD CASE NO. PL060910.



