

# CITY OF TORONTO

## BY-LAW No. 1177-2008(OMB)

### To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 59 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 Fabric Development (Colgate) Inc., deems it advisable to amend former City of Toronto Zoning By-law No. 438-86, as amended;

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 (the “Subject Lands”).
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, from I2 D3 Industrial District to I1 D3.2.
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 18 *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 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 0.6 metre projection, provided the height of such “STRUCTURE” does not exceed 1.0 metres
Balconies (rear elevation)	Maximum 1.8 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 Lands, 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 thirteen;
- (7) resident and visitor *parking spaces* are provided at least in accordance with the following minimum ratios (calculation to exclude any *car-share parking spaces* and to include *parking spaces* provided in accordance with Section 3(8) of this By-law, fractions to be rounded down to the closest whole number):

<u>Dwelling unit type</u>	<u>Parking Ratio</u>
Bachelor	0.0 space/unit
1 Bedroom unit	0.5 space/unit
2 Bedroom unit	1.33 space/unit
3 or more Bedroom unit	1.0 space/unit

Visitor Parking

Live/work visitors 0.12 space/unit;

- (8) at least two *parking spaces* are provided on the lands municipally known in 2007 as 53 Colgate Avenue for the sole use of residents of the building on the Subject Lands;

- (9) at least two *parking spaces* at the Subject Lands are *car-share parking spaces*;
  - (10) any *parking spaces* on the Subject Lands in excess of the requirements of Sections 3(7) and 3(9) are used by residents of, and/or visitors to, the building on the Subject Lands;
  - (11) driveways within the parking garage are a minimum width of 6.0 metres;
  - (12) a minimum of 10 bicycle parking spaces are provided and maintained on the *lot*;  
and
  - (13) a minimum of 23 square metres of *residential amenity space – outdoor* is provided and maintained on the lot.
- 4. Despite the definition of *parking space*, for the purpose of this By-law all *parking spaces* have minimum dimensions of 2.6 metres in width and 5.9 metres in length.
  - 5. For the purposes of this By-law, the term *car-share parking space* means a *parking space* used exclusively for the parking of a *car-share motor vehicle*.
  - 6. For the purposes of this By-law, the term *car-share motor vehicle* means a motor vehicle available for short term rental, including an option for hourly rental, for the use of at least the occupants of the building located on the Subject Lands and the occupants of the building located on the lands municipally known in 2007 as 53 Colgate Avenue.
  - 7. Notwithstanding any defined terms to the extent modified by this By-law and the provisions noted herein, 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 former City of Toronto Zoning 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.



