

CITY OF TORONTO

BY-LAW 409-2017(OMB)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands known municipally as 202-204 Bathurst Street.

Whereas the Ontario Municipal Board, by way of Decision/Order issued on September 23, 2014 in Board File PL130666, following an appeal pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determined to amend the former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands known municipally as 202-204 Bathurst Street;

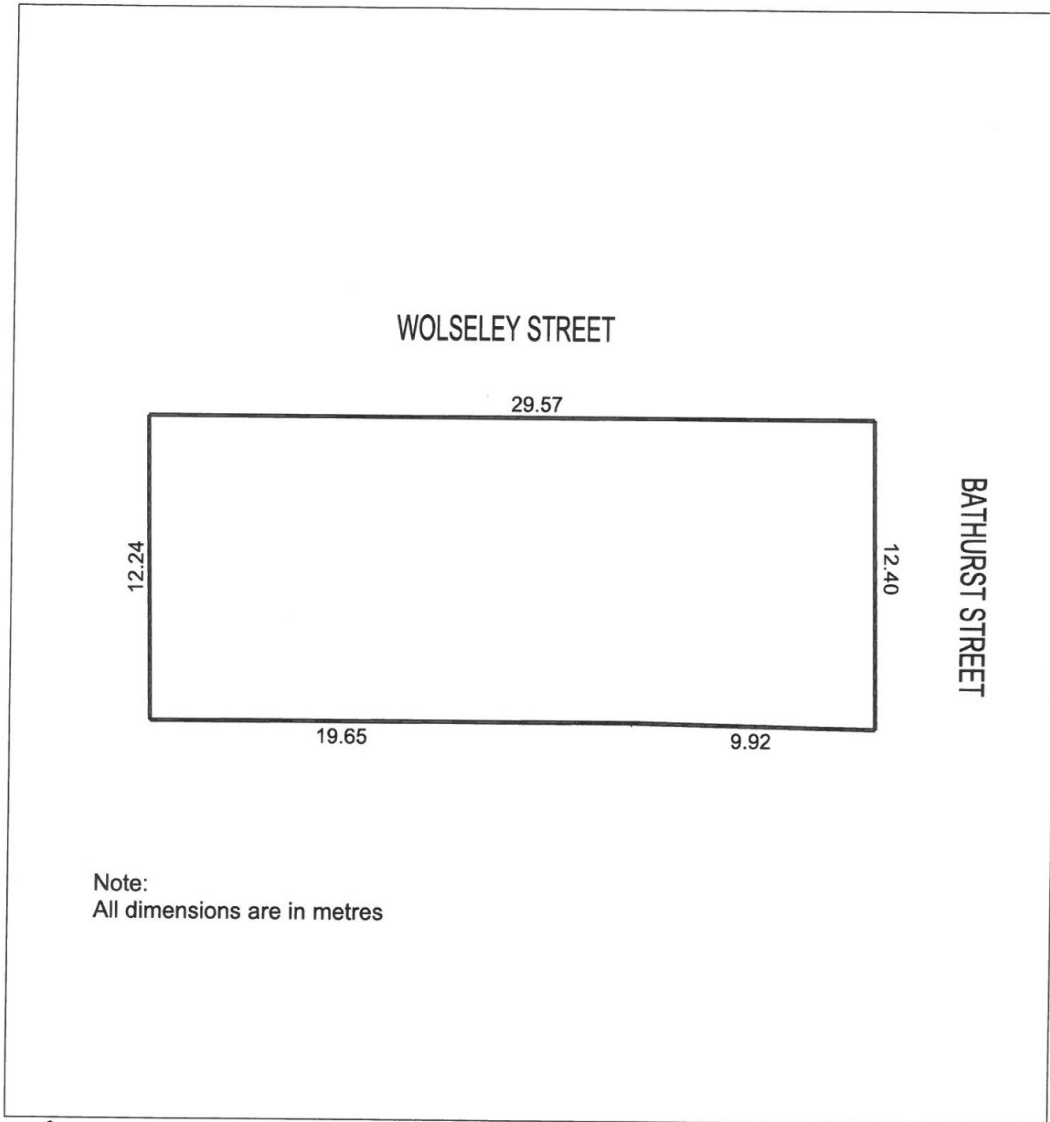
Former City of Toronto By-law 438-86, as amended, is further amended by the Ontario Municipal Board as follows:

1. None of the provisions of Section 4(2), 4(4), 4(12), 4(17), 8(3) Part I (1), (3)(a)(b) and Part II (1)(a)(ii) of By-law 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, as well as the provisions of By-laws 573-82 and 144-83, shall apply to prevent the erection and use of a *mixed-use building* on the lot, provided that:
 - a. The *lot* on which the *mixed-use building* is located comprises of the lands outlined by heavy lines, and identified as Part A of the *lot* on Map 1 attached to and forming part of this By-law;
 - b. The total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 1,868 square metres, provided:
 - i. The *residential gross floor area* does not exceed 1,781 square metres; and
 - ii. A minimum of 85 square metres of *non-residential gross floor area* is provided on the lot;
 - c. A maximum of 24 dwelling units shall be permitted within the *mixed-use building*;
 - d. The *mixed-use building*, including all mechanical equipment, stair enclosures and elevator overruns, is located wholly within the areas delineated by heavy lines and the *height* limits specified by the numbers following the symbol H as shown on Map 2, attached and forming part of this By-law, with the following exceptions:
 - i. The maximum height for terraces and balcony guards, roof surface materials, planters, railing, parapets, cornices, balustrades, light fixtures, awnings, canopies, stairs, fences, window washing equipment, ornamental architectural features, chimney stacks, and structures uses for safety or wind protection purposes shall be the sum of 0.5 metres and the applicable height limit shown of Map 2;

- e. Notwithstanding subsection d. above, no portion of the building shall exceed a 45 degree angular plane, measured from a height of 12 metres above grade at the boundary between the CR and R zone located to the west of the rear lot line;
 - f. A minimum of 16 square metres of *indoor residential amenity space* shall be provided;
 - g. *outdoor residential amenity space* shall not be required on the *lot*; and
 - h. A minimum of 10 *parking spaces* for the residential *dwelling units* shall be provided in parking stackers with space dimensions in accordance with stacker technology and consist of the following minimum dimensions:
 - i. 2.5 metres in width by 5.4 metres in length.
2. No person shall use any land or erect or use any building or structure on the *lot* unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- a. All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
3. 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 438-86, as amended.
4. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.

Ontario Municipal Board Decision/Order issued September 23, 2014 in Board File PL130666

Map 1



Map 2

