

CITY OF TORONTO

BY-LAW No. 364-2010(OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 1201 Dundas Street East.

WHEREAS the Ontario Municipal Board, by way of its Order issued on March 30, 2010, 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 No. 438-86, the General Zoning By-law, in respect of lands municipally known as 1201 Dundas Street East;

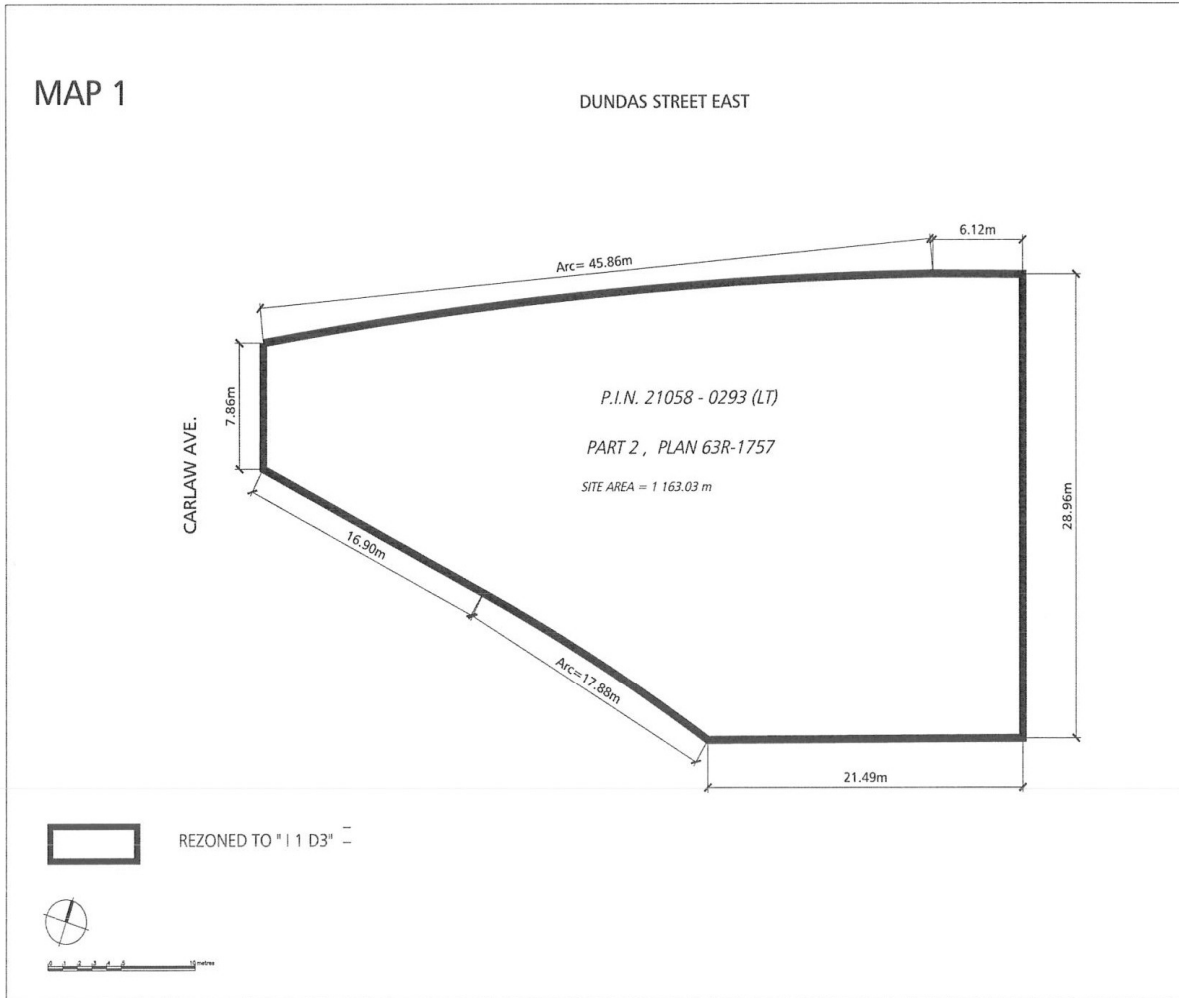
THEREFORE By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended is further amended by the Ontario Municipal Board as follows:

1. District Map No. 52H-312 contained in Appendix "A" of 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, is further amended by redesignating the lands shown outlined with heavy lines on Map 1, attached to and forming part of this By-law, from I2 D3 to I1 D3.
2. None of the provisions of Sections 2(1) *bicycle parking space - visitor, grade, height, loading space - type G*, 4(2)(a), 4(4)(b), 4(6)(b), 4(12), 4(17), 9(1)(a) and (f) and 9(3) Part I 2 and 3 of By-law No. 438-86, as amended, shall apply to prevent the erection and use of a *mixed-use building* on the *lot* containing *live-work units* and non-residential uses, provided:
 - (a) the *lot* is comprised of at least those lands shown outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) the *mixed-use building* contains:
 - (i) not more than 6,345 square metres of *residential gross floor area*; and
 - (ii) not less than 1,095 square metres of *non-residential gross floor area* provided that the total cumulative amount of *non-residential gross floor area* for *retail stores* shall not exceed 480 square metres and that no individual *retail store* shall exceed 300 square metres of *non-residential gross floor area*.
 - (c) the following residential uses are permitted in the *mixed-use building*:
 - (i) a maximum of 84 *live-work units*.
 - (d) the following non-residential uses are permitted in the *mixed-use building*:
 - (i) *artist's or photographer's studio*;
 - (ii) *bake-shop*;

- (iii) *branch of a bank or financial institution;*
- (iv) *caterer's shop;*
- (v) *clinic;*
- (vi) *commercial school;*
- (vii) *community health centre;*
- (viii) *communications and broadcasting establishment;*
- (ix) *community or social agency;*
- (x) *courier service;*
- (xi) *custom workshop;*
- (xii) *data processing establishment;*
- (xiii) *designer's studio;*
- (xiv) *dry-cleaning shop and dry-cleaning distribution station;*
- (xv) *duplicating shop;*
- (xvi) *newsstand;*
- (xvii) *office;*
- (xviii) *performing arts studio;*
- (xix) *personal grooming establishment;*
- (xx) *premises of a charitable institution or non-profit institution;*
- (xxi) *private art gallery;*
- (xxii) *public art gallery;*
- (xxiii) *publisher;*
- (xxiv) *restaurant and take-out restaurant;*
- (xxv) *retail store;*
- (xxvi) *service, rental or repair shop;*

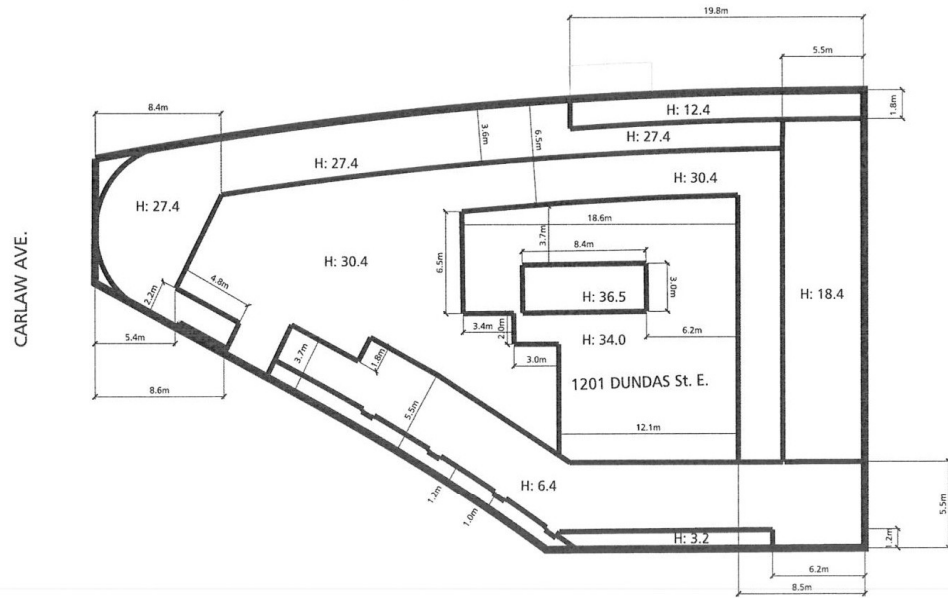
- (xxvii) *showroom*;
 - (xxviii) *software design and development establishment*;
 - (xxix) *tailoring shop*; and
 - (xxx) *trade school*.
- (e) no portion of the *mixed-use building* above finished ground level shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, with the exception of the following:
- (i) cornices, light fixtures, awnings, ornamental elements, parapets, landscape features, trellises, eaves, window sills, ventilation shafts, insulation and roof surface materials on the roof or terrace levels, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheel chair ramps and underground garage ramps and associated structures, and
 - (ii) balconies and canopies provided they extend no more than 1.8 metres beyond the areas delineated by heavy lines on Map 2.
- (f) no portion of the *mixed-use building* shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, with the exception of the following:
- (i) a structure used for outside or open air recreation, safety or wind protection purposes, elements of a green roof, insulation and roof surface materials on the roof or terrace levels, a chimney stack or other heating, cooling, electrical or ventilating equipment, a screen around such equipment, window washing equipment, ornamental elements, landscaping elements, privacy walls, trellises, parapets, stairs, stair enclosures, guardrails and railings, and
 - (ii) balconies and canopies provided they extend no more than 1.8 metres beyond the areas delineated by heavy lines on Map 2.
- (g) not less than 66 *parking spaces* are provided and maintained on the *lot*, of which at least 10 *parking spaces* are for the exclusive use of visitors, at least 52 *parking spaces* are for the exclusive use of residents of the *live-work units* and at least 4 *parking spaces* are for the exclusive use of the non-residential uses in the building, and 1 *car-share parking space* shall be provided out of the 52 residents *parking spaces*;
- (h) each *parking space* shall have minimum dimensions of 2.6 metres in width by 5.6 metres in length; and

- (i) not less than 1.16 square metres of indoor *residential amenity space* per *live-work unit* and not less than 2.0 square metres of outdoor *residential amenity space* per *live-work unit* shall be provided and maintained in the *lot*.
3. For the purposes of this By-law:
- (a) "*car-share*" shall mean the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such *car-share* motor vehicles to be made available for short term rental, including hourly rental. *Car-share* organizations may require that the *car-share* motor vehicles be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- (b) "*car-share parking space*" shall mean a *parking space* that is reserved and actively used for *car-share* motor vehicles;
- (c) "*grade*" shall mean 82.85 metres Canadian Geodetic Datum;
- (d) "*height*" shall mean the vertical distance between *grade* and the highest point of the building or structure on the *lot*;
- (e) "*live-work unit*" shall mean a *dwelling unit* which may be used for work purposes by the residents of the unit and which may also be used for work purposes by persons not residing in the unit;
- (f) "*loading space – type G*" shall mean *loading space – type G* as defined in By-law No. 438-86, as amended, except that the required overall length shall be at least 12.0 metres;
- (g) "*bicycle parking space – visitor*" shall mean *bicycle parking space – visitor* as defined in By-law No. 438-86, as amended, except that the spaces may be located indoors in a secure room; and
- (h) each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
4. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if no severance, partition or division occurred.
5. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.



MAP 2

DUNDAS STREET EAST



H: DENOTES MAXIMUM HEIGHT IN METERS ABOVE AVERAGE GRADE

