

Authority: Ontario Municipal Board Decision/Order issued on January 20, 2017 in Board Files PL141134, PL140860, PL150658, PL110543, PL150838, PL160135 and PL160220

CITY OF TORONTO

BY-LAW 1694-2019(OMB)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to the lands on the north side of Dupont Street between Ossington and Kendal Avenues.

Whereas the Ontario Municipal Board pursuant to its Decision/Order issued on January 20, 2017 in relation to Board Files PL141134, PL140860, PL150658, PL110543, PL150838, PL160135 and PL160220 determined to amend Zoning By-law 438-86 of the former City of Toronto;

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

1. By-law 438-86, as amended, is further amended as follows:
 - (a) Except as otherwise provided herein, the provisions of Zoning By-law 438-86 shall continue to apply to the lands shown in Map 1, collectively referred to herein as the "*the study area*".
 - (b) None of the provisions of Sections 4(2), 4(3), 4(4), 4(5), 4(16), 8(3) PART I, 8(3) PART II 4I, 9(3) PART I of former City of Toronto By-law No. 438-86 shall apply to prevent the erection or use of one or more buildings and structures, within *the study area*, provided that all of the provisions of this By-law are complied with.
 - (c) Amending Maps 49J-312, 49J-313 and 50J-311 to rezone the lands shown on Map 2 of this By-law from IC D2 N1 and IC D2 N2 to MCR.
 - (d) Amending Maps 49J-312, 49J-313 and 50J-311 to rezone the lands shown on Map 2 of the By-law from IC D2 N1 and IC D2 N2 to IC D2.
 - (e) Notwithstanding the definition of *lot*, two or more buildings are permitted on each *lot* in *the study area*.

PERMITTED USES

- (f) Within the lands zoned IC, as shown on Map 2 only the following uses are permitted on the south side of the *berm* required in Section (j) of this By-law, in an *auxiliary building*:
 - (i) *berm*;
 - (ii) *storage warehouse*;
 - (iii) *parking garage*;
 - (iv) *loading space type A, type B, type C or type G*;

- (v) *open space*; and
 - (vi) any required rail safety, noise or vibration mitigation structure.
- (g) Notwithstanding subsection 1(f) of this By-law, a *storage warehouse* or a *parking garage* is permitted within a building in the IC or MCR zone, as shown on Map 2, provided those are the only uses contained within such a building.
 - (h) The total *non-residential gross floor area* of any one *retail store* on any *lot* in the *study area* may not exceed 5,000 square metres.
 - (i) The total *residential gross floor area* on any *lot* may not exceed 1,500 square metres.

RAIL SETBACK

- (j) Any *principal building* may only be constructed on the portion of a *lot* zoned MCR if a *berm* is constructed on the portion of the *lot* zoned IC.

HEIGHT

- (k) The maximum *height* of any building or structure erected above *grade* within the *study area* has a maximum *height* in metres as shown following the symbol "H" on Map 3 of this By-law.
- (l) Notwithstanding Section (k) of this By-law, the maximum *height* shown on Map 3, in the area zoned MCR on Map 2 includes all mechanical equipment, elevator overruns, stair towers, guards and any other projections.
- (m) The minimum *height* of any new building or structure in the *study area* is 10.5 metres.

STEPBACKS

- (n) Above the 3rd *storey*, a minimum 5 metre setback, from the edge of the building below for the entire Dupont Street façade.
- (o) Above the 3rd *storey*, a minimum 5.5 metre setback for the entire of the side facades (east and west), from the edge of the building below.

NET GAIN IN NON-RESIDENTIAL USES

- (p) Any new building or structure within the *study area* must contain a greater amount of *non-residential gross floor area*, than what existed on the *lot* prior to the date of the passing of this By-law.

PARKING

- (q) Parking shall be provided as follows:

Residential Uses		
Unit Type	Minimum	Maximum
Bachelor units	0.7 spaces/unit	1.3 spaces/unit
1-bedroom units	0.8 spaces/unit	1.2 spaces/unit
2-bedroom units	0.9 spaces/unit	1.3 spaces/unit
3+ bedroom units	1.1 spaces/unit	1.6 spaces/unit
Residential visitor	0.15 spaces/unit	
Non-Residential Uses		
Less than 200 square metres	0 required	
201-10,000 square metres	1.5 spaces per 100 square metres	
10,001-20,000 square metres	3.0 spaces per 100 square metres	
20,001 + square metres	6.0 spaces per 100 square metres	

MAXIMUM BUILDING WIDTH

- (r) The maximum width of any part of a building or structure, above *grade*, facing Dupont Street cannot exceed 90 metres.

AMENITY SPACE

- (s) Indoor *residential amenity space* shall be provided in no more than 2 separate areas one of which must contain a kitchen and a washroom, and must be directly adjacent to the outdoor *residential amenity space*.
- (t) All *residential amenity space* shall be provided above *grade*.

UNIT MIX

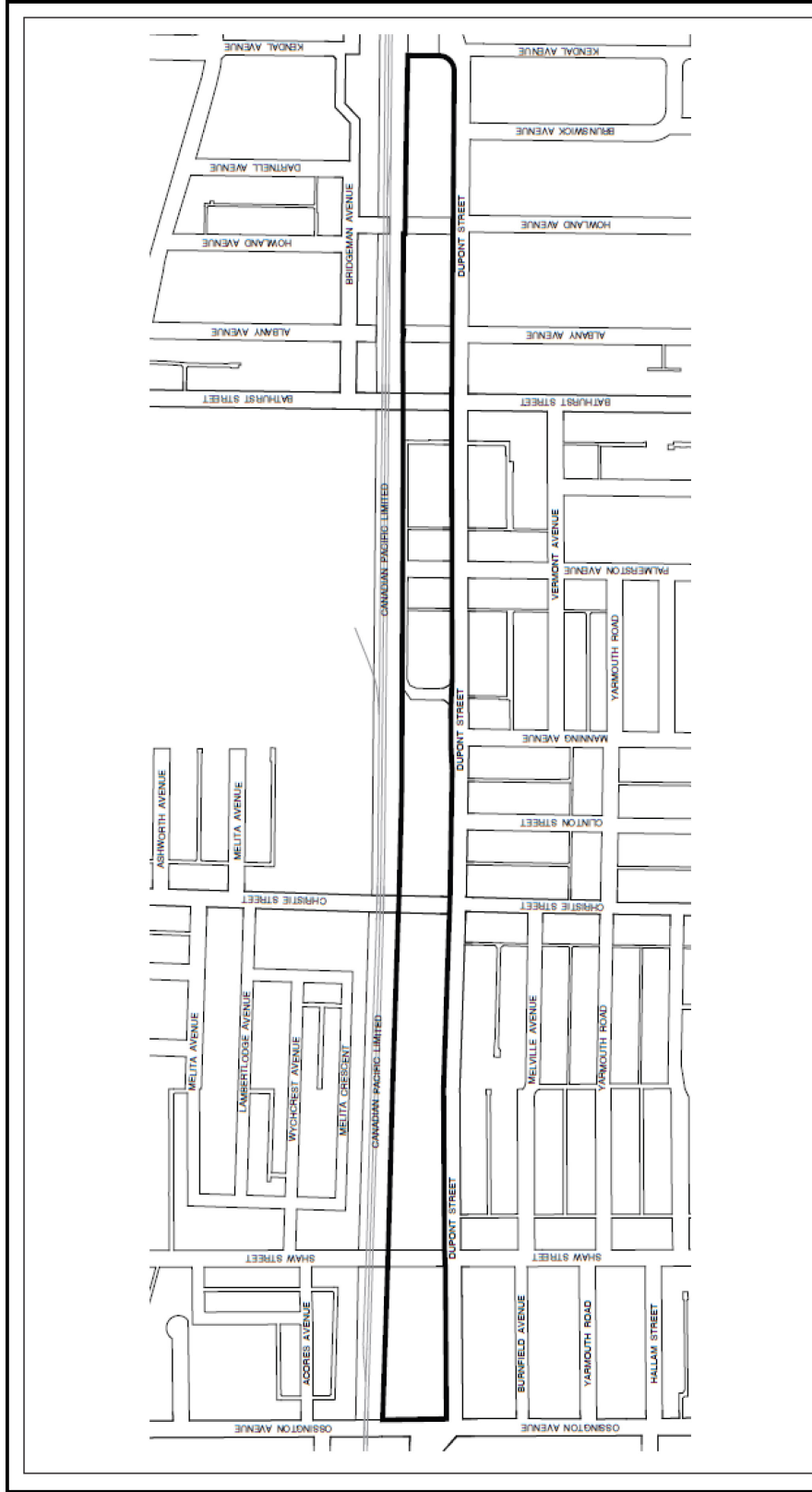
- (u) Any new building or structure containing *dwelling units* shall include a minimum of 10% 3-bedroom *dwelling units*, and a minimum of 20% 2-bedroom *dwelling units*.

DEFINITIONS

- (v) *auxiliary building* – is a building which is a separate building from the *principle building* on a *lot*.
- (w) *berm* – an earthen mound compacted to 95% modified Proctor, constructed parallel to the rail corridor, with returns at the ends. Must be a minimum height of 2.5 metres, from *grade* at the rail corridor property line, with side slopes not steeper than 2.5 to 1 (horizontal to vertical) on both sides.
- (x) *open space* – is an area absent of structures through which people move. May include bike trails, pedestrian pathways and parkland.
- (y) *principal building* – the primary building on the *lot*, located in the area zoned MCR, containing the uses permitted in that zone.

- (z) *storage warehouse* – is a building or structure for the storage of non-offensive goods, wares, merchandise, substance, articles or things.
- (aa) *the study area* – as defined by the heavy lines on Map 1.
2. Nothing in this By-law shall apply to prevent the erection or use on the lands municipally known as 524 Dupont Street and 903 Palmerston Avenue of a *mixed-use building, dwelling units* and uses *accessory* thereto that otherwise comply with the provisions of By-law 806-2006.
3. This By-law remains under appeal with respect to the properties municipally known in 2015 as 344 and 358 Dupont Street, 374 Dupont Street, and 650 Dupont Street and, as such, despite the definition of *the study area*, or anything in this By-law that would indicate otherwise, this By-law does not apply to the properties municipally known in 2015 as 344 and 358 Dupont Street, 374 Dupont Street, and 650 Dupont Street.
4. Each word or expression which is italicized in this By-law, shall have the same meaning as each word or expression as defined in By-law 438-86, as amended, unless otherwise defined in this By-law.

Ontario Municipal Board Decision/Order issued on January 20, 2017 in Board Files PL141134, PL140860, PL150658, PL110543, PL150838, PL160135 and PL160220.



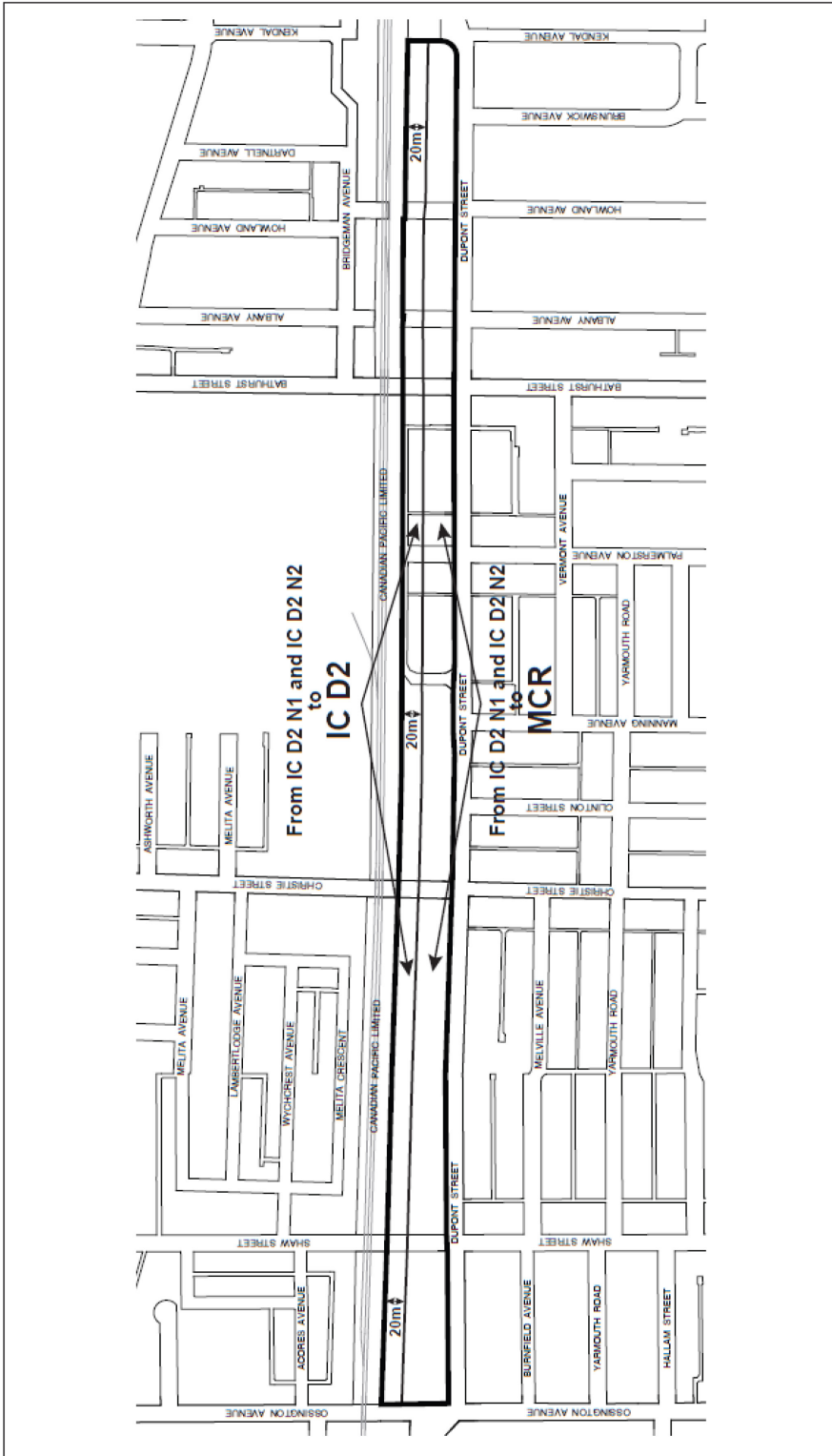
Dupont Street Regeneration Area Study

Map 1

File # 14 108871 STE 20 0Z



Not to Scale
04/18/2016



Dupont Street Regeneration Area Study

Map 2

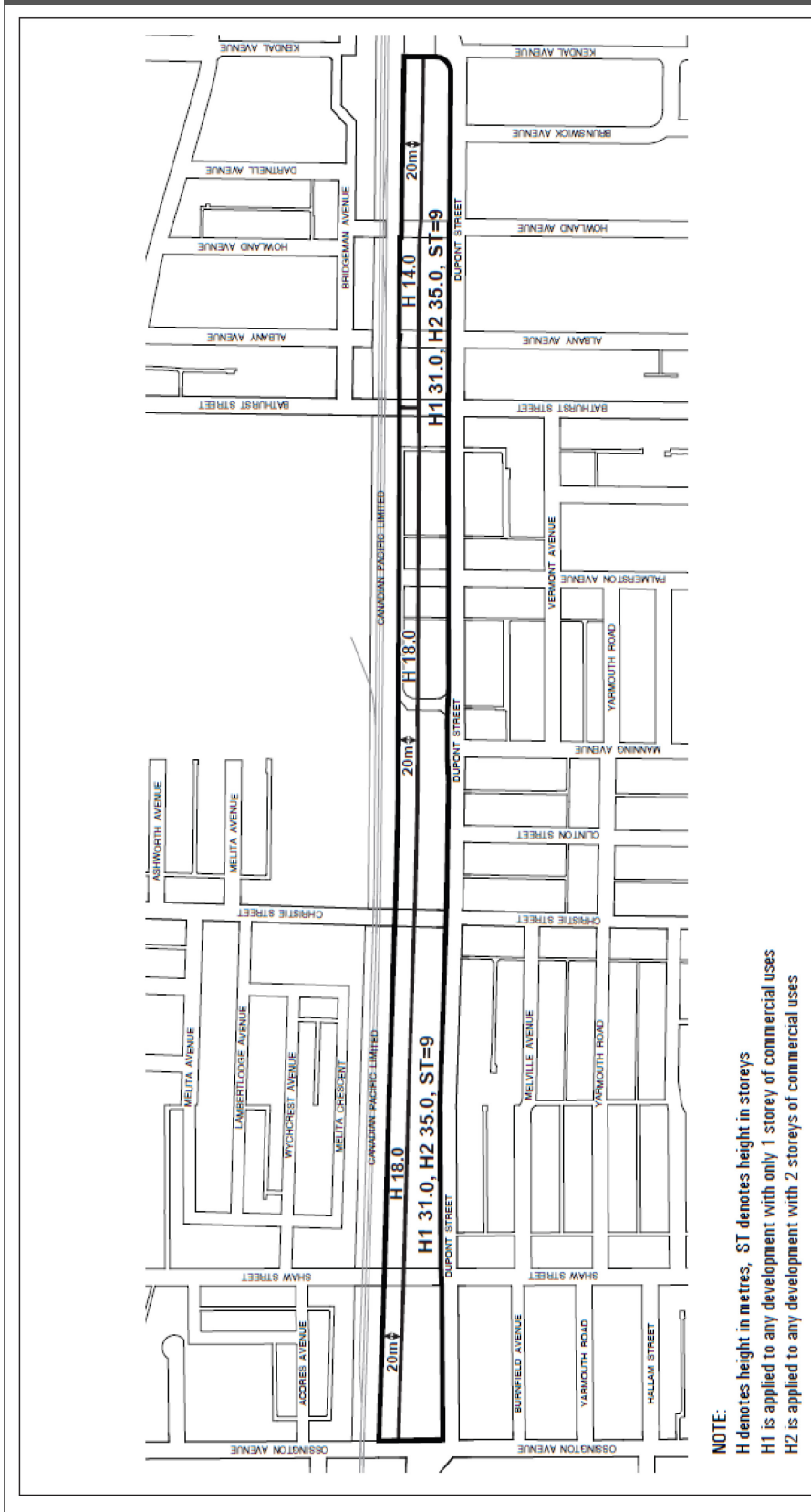
File # 14 108871 STE 20 02



Study Area Boundary



Not to Scale
04/18/2016



NOTE:
 H denotes height in metres, ST denotes height in storeys
 H1 is applied to any development with only 1 storey of commercial uses
 H2 is applied to any development with 2 storeys of commercial uses



Dupont Street Regeneration Area Study

Map 3

File # 14 108871 STE 20 0Z



Study Area Boundary



Not to Scale
 04/18/2016