

Authority: Etobicoke York Community Council Report 6, Clause 8,  
adopted as amended, by City of Toronto Council on July 25, 26 and 27, 2006  
Enacted by Council: July 27, 2006

## CITY OF TORONTO

### BY-LAW No. 728-2006

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the Davenport Village Area.**

WHEREAS this By-law is passed in implementation of the City of Toronto, Davenport Village Secondary Plan; and

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

WHEREAS Council may, in a by-law passed under Section 34 of the *Planning Act*, by the use of the holding symbol “h” in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-law; and

WHEREAS Council of the City may in a By-law passed under Section 34 of the *Planning Act*, authorize density and height increases not otherwise permitted in the by-law in return for the provisions of such facilities, services or matters as are set out in the By-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Except as otherwise provided herein, the provisions of former City of Toronto By-law No. 438-86, as amended, 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”, shall continue to apply to the *lot*.
2. District Map 48J-322 contained in Appendix “A” of By-law No. 438-86, as amended, is further amended by redesignating the lands outlined by heavy lines from “I3 D3” to “R2(h)”, “R4(h)” and “G(h)” as shown on Map 2, attached hereto;
3. Height and Minimum Lot Frontage Map No. 48J-322 contained in Appendix “B” of By-law No. 438-86, as amended, is further amended to establish maximum permitted heights in metres as delineated by heavy lines on Map 3 attached hereto;
4. None of the provisions of Section 2(1) with respect to the definition of *grade*, *height*, *owner* and *lot* and Sections 4 (2)(a), 4(11), 4(12), 4(16), 6(1)(a), S 6 (3) PART I, S 6 (3) PART II S. 1, 2, 3 4, 5, 6, 7 and 8, S 6 (3) PART III, S 6 (3) PART IV 1 (e), (2), (3) and (4), 6 (3) Part VI, 6 (3) PART VII, 6(3) PART IX and PART XI 1(a) of the aforesaid By-law No. 438-86, as amended, shall apply to prevent the erection and use of a

*public park*, and the erection and use of *rowplexes* and/or a *parking garage*, except on any lands designated “G(h)”; *an apartment building and/or rowplexes and/or a parking garage* on Block 5; *dwelling units and/or live work units and/or a parking garage or mixed-use buildings* consisting of *dwelling units, live-work units, private academic, philanthropic or religious school, retail store, office, office of a professional person/ administrative office* on Blocks 4 and 6; and *accessory uses*, including but not limited to a barrier wall or acoustical wall or fence, thereto, as shown on Map 4, attached to and forming part of this by-law provided that:

- (1) the total combined *residential gross floor area* and *non-residential gross floor area* for the *lot* does not exceed 147,000 square metres;
- (2) the total number of *dwelling units*, including *live-work units*, on the *lot* does not exceed 1084;
- (3) a minimum 35% of the area of the *lot* shall be *landscaped open space*;
- (4) *rowplexes* shall have a minimum setback of 3.0 metres from a public street;
- (5) no person shall erect a building or structure on the *lot* unless the building or structure is setback a minimum distance of 4.5 metres from a *public park*;
- (6) notwithstanding any provisions of By-law No. 438-86 to the contrary, a minimum setback of 5.5 metres is permitted from the *rowplexes* in Block 3, and the existing building located on Block 6; 0 metres from the 5-storey portion of the *apartment buildings* and *rowplexes* located on Block 5 and the existing building located on Block 6; and 11 metres from the *rowplexes* in Block 3 and the existing building located on Block 4;
- (7) notwithstanding any provisions of By-law No. 438-86 to the contrary, *apartment buildings* between 14 metres in height and 60 metres in height shall have a minimum distance between external walls of a building or structure that face each other of 20 metres, and buildings above 60 metres in height shall have a minimum distance between external walls of a building or structure that face each other of 30 metres;
- (8) no building or portion of a building shall be permitted above a 45 degree angular plane, that rises from ground level at the face of the *rowplexes* located on Block 3, closest to the *apartment building* located on Block 5, toward the said *apartment buildings*;
- (9) notwithstanding the provisions of the By-law No. 438-86 to the contrary, *parking spaces* for *rowplexes* shall be provided and maintained at the rate set out in the following table:

<i>Dwelling Unit</i>	1.0 spaces per unit
Visitor Parking	0.12 spaces per unit

(10) underground *parking garages* shall be exempt from the calculation of *residential gross floor area* and *non-residential gross floor area*;

(11) rooftop mechanical equipment, shall not be included when calculating *height*.

(12) Distance between external walls of *rowplexes*:

No person shall erect or use a building or structure having a distance between external walls of a building or structure that face each other, that is less than:

(i) 11 metres; or

(ii) two metres provided that the facing walls do not contain openings other than service or fire exit doors or windows that light stairways.

(13) Permitted projections into the required setback areas in Sections 4, 5 and 12 of this By-law:

(i) eaves, cornices, fences and safety railings, chimney breasts, vents, wheelchair ramps, stairs and landings, retaining walls;

(ii) uncovered platforms to a maximum horizontal projection of not more than 1.5 metres and a height not to exceed 1.2 metres above finished ground level;

(iii) balconies to a maximum horizontal projection of not more than 1.5 metres;

(iv) roofs over a first floor platform or terrace to a maximum horizontal projection of not more than 2.5 metres;

(v) canopies to a maximum horizontal projection of not more than 2.5 metres;

(vi) bay windows to a maximum horizontal projection of not more than 0.75 metres and with a width not to exceed 3.0 metres.

(14) the maximum floor plate area of the *apartment buildings*, above the base of a maximum height of 14 metres, shall be 810 square metres;

(15) Section 4(12) of By-law No. 438-86, regarding residential amenity space, shall only apply to *apartment buildings*;

(16) the following uses are permitted on the lands the subject of a holding symbol:

(i) uses permitted in an I1 and IC district in Section 9(1) (f) of the aforesaid By-law No. 483-86, or for the purposes of a sales marketing centre for real estate being marketed exclusively for property on the *lot*, provided the I1 and IC uses permitted do not include:

a *dry cleaner's distributing station*, a *laboratory, class A*, a *publisher*, an *automobile service and repair shop*, an *automobile service station*, a *car washing establishment*, a *motor vehicle repair shop, class A*, a *motor vehicle repair shop, class B*, a *contractor's shop, class A*, a *sheet metal shop*, a *welder's shop*, an *open air market*, a *brewery*, a *ceramics factory*, a *fur goods factory*, a *garment factory*, a *manufacturing plant*, a *metal wares factory*, a *packaging plant*, a *pharmaceutical factory - secondary*, a *plastic products factory - secondary*, a *printing plant*, a *winery*, an *animal hospital*, *market gardening*, a *newspaper plant*;

#### HOLDING PROVISIONS

(17) On those lands subject to an “h” as illustrated on Map 2, no person shall use any lot or erect or use any building or structure for any purpose except as permitted in this by-law. Upon fulfilment of conditions satisfactory to the City of Toronto, the “h” prefix shall be lifted, in whole or in part, and the uses as set out in this by-law shall be the only uses permitted on such lands.

#### 5. For the purposes of this By-law:

- (i) “*lot*” shall mean those lands delineated by heavy lines on the attached Map 1, which lands shall be deemed to be one *lot*, regardless of whether two or more buildings, which are not connected below *grade* are erected thereon, and regardless of any conveyances or easements made or granted to the City of Toronto after the date of enactment of this By-law.
- (ii) “*grade*” shall mean elevation 128.091 metres Canadian Geodetic Datum;
- (iii) “*owner*” of the *lot* means the owner of the fee simple of the *lot*;
- (iv) “*height*” means the vertical distance between *grade*, and:
  - (a) in the case of a pitched roof building, the mean level between the eaves and the ridge of the roof and;
  - (b) in the case of another kind of roof, the highest point of the roof; and
  - (c) where there is no roof, the highest point of the structure.
- (v) despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred; and
- (vi) each other word or expression which is italicized or underlined herein shall have the same meaning for the purposes of this by-law as each word or expression has for the purposes of By-law No. 438-86, as amended, or any section thereof.

6. Notwithstanding any provisions of By-law No. 438-86 to the contrary, with respect to the lands designated “G(h)” and used for *public park* on Map 2, no buildings or structures, other than those unenclosed structures associated with a *public park*, shall be permitted within the areas between 30 metres from the railway property and 10 metres from the railway property.
7. Notwithstanding any provisions of By-law No. 438-86 to the contrary, with respect to the lands abutting and directly opposite the lands used for *public park* on Map 2, no buildings or structures shall be permitted within 10 metres of the railway property.
8. The minimum setback from any portion of a building containing habitable rooms to an abutting railway line shall be as follows:
  - (i) on Block 1, between 23.63 metres and 27.98 metres;
  - (ii) on Block 3, between 24.70 metres and 27.19 metres;
  - (iii) on Block 5, between 25 metres and 27.23 metres along the westerly portion of the block and between 20 metres and 21.74 metres along the southerly portion of the block; and
  - (iv) on Block 6, 20 metres, all with the provisions of approved railway noise and safety mitigation measures at the interface of the railway property.
9. The densities of development permitted by this by-law are permitted subject to compliance with the conditions set out in this by-law and in return for the provision by the *owner* of the *lot* of the facilities, services and matters set out below, which shall be secured by an agreement or agreements registered pursuant to Section 37 of the *Planning Act* in a form satisfactory to the City Solicitor.
  - (a) the *owner* will provide \$200.00 per residential unit to the City to be used by the City in its discretion to provide community facilities and services or matters in the immediate vicinity of the Davenport Village Secondary Plan Area, as identified by the City (the “Community Facilities and Services Contribution”).
  - (b) the *owner* shall enter into and register a heritage easement agreement to preserve and conserve any designated historically significant buildings located on the *lot*;
  - (c) In the case of a condominium residential development, prior to the registration of a plan of condominium, for each phase of development on the *lot*:
    - (i) the *owner’s* solicitor will provide a sworn affidavit confirming the creation of low end of market affordable housing in each development phase by ensuring 30% of each type of dwelling unit is constructed to a maximum unit size as follows: bachelor apartment 46.5 square metres, one bedroom apartment 60.4 square metres, two bedroom apartment 79 square metres, three bedroom apartment 93 square metres, two bedroom townhouse/stacked townhouse 120 square metres and three bedroom

townhouse/stacked townhouse 135 square metres.

- (d) In the case of a rental residential development, at the time of first occupancy of a rental unit, for each phase of development on the *lot*:
- (i) the *owner's* solicitor will provide a sworn affidavit confirming the creation of low end of market affordable housing in each development phase by ensuring 30% of each type of dwelling unit is constructed to a maximum unit size as follows: bachelor apartment 46.5 square metres, one bedroom apartment 60.4 square metres, two bedroom apartment 79 square metres, three bedroom apartment 93 square metres, two bedroom townhouse/stacked townhouse 120 square metres and three bedroom townhouse/stacked townhouse 135 square metres.
- (e) Each phase of the development shall be marketed initially within the local community to provide opportunities for local residents to move into the development and the owner shall acknowledge it has been requested by the City to work with the City's Social Housing Connections Office in an effort to house individuals and families currently on Toronto's waiting list for social housing.
- (f) Within 3 months after this by-law comes into force, the owner shall enter into agreement to the satisfaction of the City to provide for the ownership and maintenance of a strip of land abutting the railway property sufficient to construct a railway barrier wall and acoustical wall or fence. The maintenance of this land and facilities by the owner shall be to the satisfaction of the Manager Parks, Forestry and Recreation. The City will grant a permit, subject to applicable terms and fees, to provide the owner with access across abutting park land in order to maintain the land and railway barrier wall and acoustical wall or fence.
- 10.** The facilities, services and matters provided for in this by-law pursuant to Section 37 of the *Planning Act* as they relate to the issuance of a building permit under the *Building Code Act, 1992* are as follows:
- (a) prior to the issuance of the first above-grade building permit for any building in any phase (as identified in the Secondary Plan), the *owner* will provide the Community Facilities and Services Contribution for the residential units within that phase.

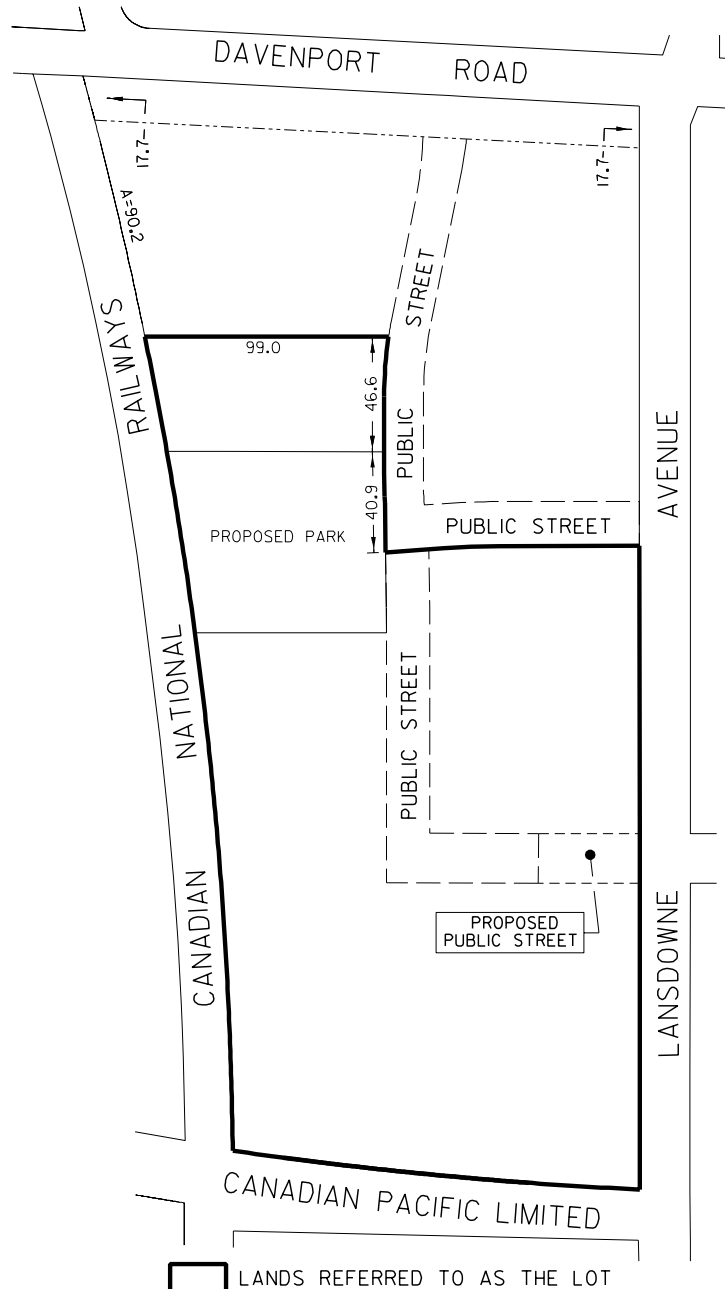
ENACTED AND PASSED this 27th day of July, A.D. 2006.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

# MAP I

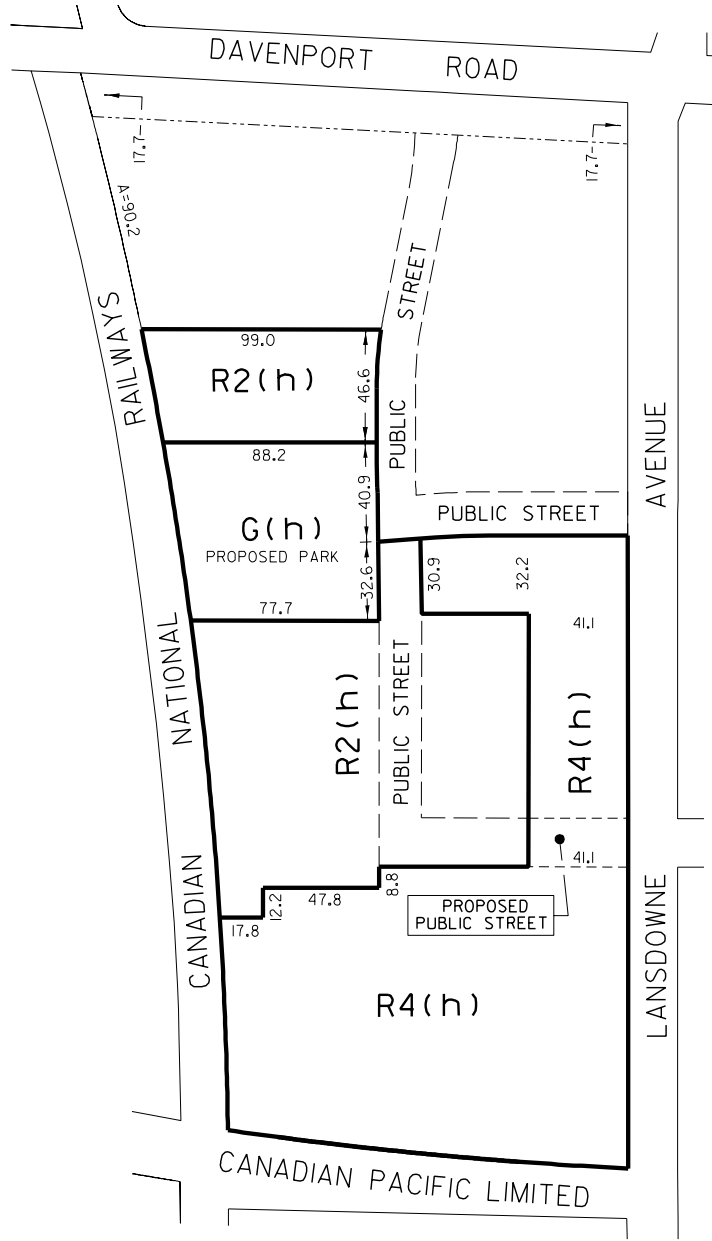


LANDS REFERRED TO AS THE LOT

0 20 METRES

SURVEY AND MAPPING SERVICES  
JULY 2006 DRAWN: VG  
BL06/DAVEN1.DGN  
FILE: 2402.53, L14-Z4  
MAP No. 48J-322

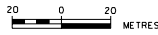
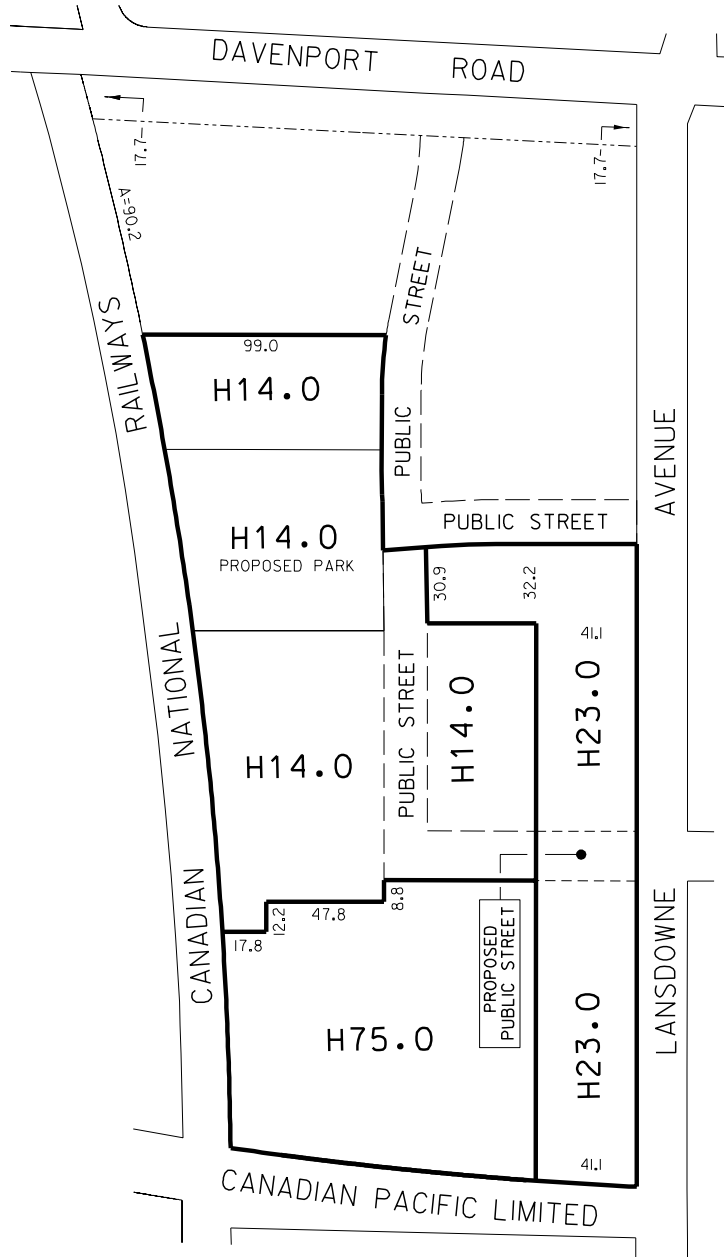
# MAP 2



SURVEY AND MAPPING SERVICES  
 JULY 2006 DRAWN: VG  
 BL06/DAVEN2.DGN  
 FILE: 2402-53- L14-Z4  
 MAP No. 48J-322

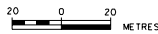
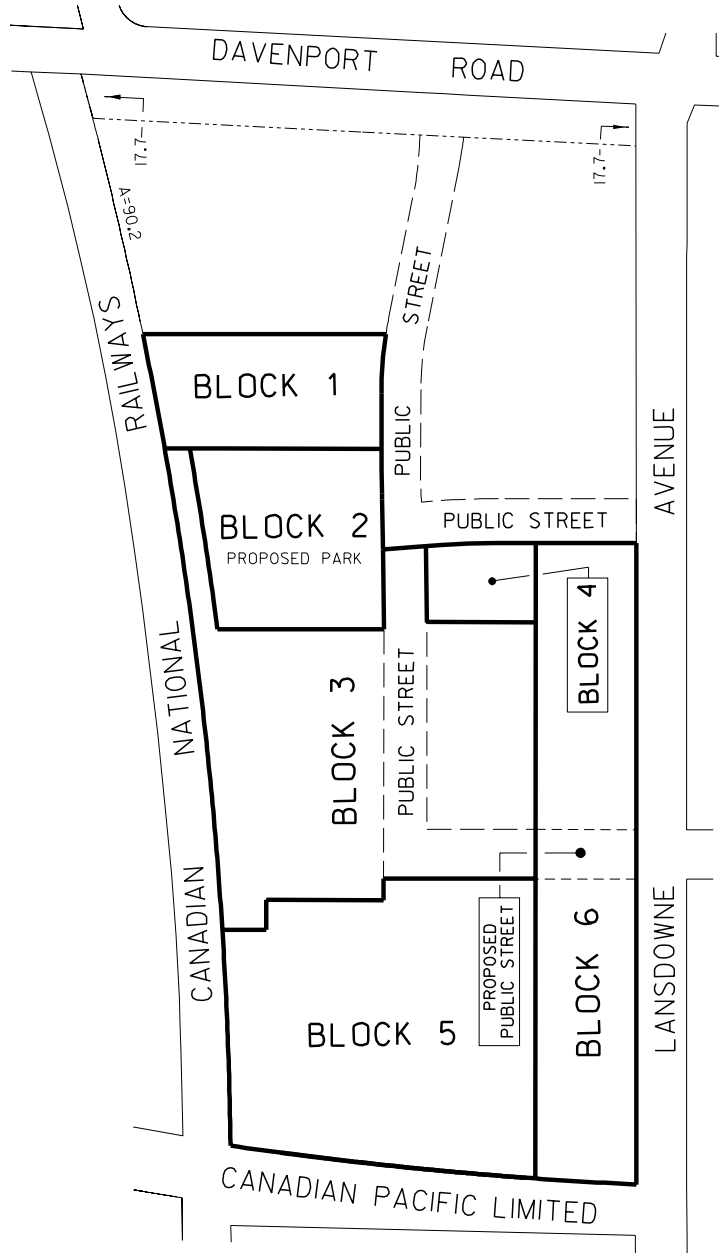


# MAP 3



SURVEY AND MAPPING SERVICES  
 JULY 2006  
 BLO6/DAVEN3.DGN DRAWN: VG  
 FILE: 2402.53, L14-24  
 MAP No. 48J-322

# MAP 4



SURVEY AND MAPPING SERVICES  
JULY 2006  
BL06/DAVEN4.DGN DRAWN: VG  
FILE: 2402.53, L14-24  
MAP No. 48J-322