

Authority: Toronto and East York Community Council Item 36.10,  
as adopted by City of Toronto Council on August 25, 26 and 27, 2010  
Enacted by Council: August 27, 2010

## CITY OF TORONTO

### BY-LAW No. 1045-2010

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 277 Davenport Road.**

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands forming part of lands known municipally in the year 2010 as 277 Davenport Road; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment;

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

1. None of the provisions of Section 2 with respect to *lot*, *grade*, and *height*, 4(2)a, 4(10), 8(3) PART I (1) and (3), 8(3) PART II (1), 8(3) PART II (2), and 8(3) PART XI (2), 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, shall apply to prevent the erection and use of a *mixed-use building* and uses *accessory* thereto, including an underground *parking garage* on the lands municipally known in the year 2009 as 277 Davenport Road as more particularly identified on Map 1 of this By-law.
2. Notwithstanding Section 8(1)(f) or 8(2) of By-law No. 438-86, no person shall use a *lot* or erect or use a building within the *lot* for any purpose except one or more of the following uses:
  - (a) an *apartment building*;
  - (b) any of the non-residential uses permitted within a CR district by Subsections 8(1)(f)(b)(iv) and (vi) of By-law No. 438-86;
  - (c) uses *accessory* thereto, including a property management office; and
  - (d) a *sales office* for the building or structure permitted by this section.
3. Notwithstanding. Section 8(3) Part I of By-law No. 438-86, the maximum combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures erected within the *lot* shall not exceed 2,915 square metres, of which:
  - (a) the maximum *residential gross floor area* shall not exceed 2,555 square metres;
  - (b) the maximum *non-residential gross floor area* shall not exceed 365 square metres.

4. Notwithstanding Section 8(3) Part II of By-law No. 438-86, no part of any building or structure erected within the *lot* shall be located above finished ground level other than within a *Building Envelope*, except for the following:
- (a) cornices, lighting fixtures, awnings, canopies, ornamental or architectural elements, parapets, trellises, eaves, lighting features, window sills, guardrails, balustrades, railings, wind mitigation screens and features, stairs, vents, screens, and landscape features to a maximum of 1.0 metre beyond the *Building Envelope*.
5. Notwithstanding Section 4(2)(a) of By-law No. 438-86:
- (a) a building or structure erected within the *lot* shall not exceed the *height* in metres above *grade* as shown following the symbol "H" as shown on Map 2;
  - (b) no building or structure shall be erected above finished ground level within the *lot* outside a *Building Envelope*, other than a structural projection permitted outside a *Building Envelope* by Subsections 6(a) and 6(b) hereof.
6. The preceding Section hereof,
- (a) does not apply to prevent the erection or use above the said *height* limits of:
    - (i) parapets, ornamental elements, guardrails, balustrades, railings, or a roof structure which is intended to house or serve as structural support for 'green roof' landscaping on the roof of a building, provided the maximum vertical dimension of any such parapet, ornamental element, guardrail, balustrade, railing or roof structure does not exceed 1.5 metres above the applicable *height* limit;
    - (ii) privacy screens provided the maximum vertical dimension of any such screen does not exceed 2.2 metres above the applicable *height* limit;
    - (iii) stairways and related enclosures, elevators and related enclosures, storage rooms, chimneys and rooftop canopies which may extend within the *lot* to a maximum vertical projection of 2.5 metre beyond the maximum *height* as shown on Map 2;
    - (iv) temporary window washing equipment on the roof of any building within the *lot*, provided the maximum vertical dimension of any such equipment does not extend 1.6 metres above the applicable *height* limit; and
    - (v) awnings, canopies, trellises and landscape features located on a setback area or terrace of a building provided the maximum vertical dimension of any such item does not exceed 3.0 metres above the applicable *height* limit.

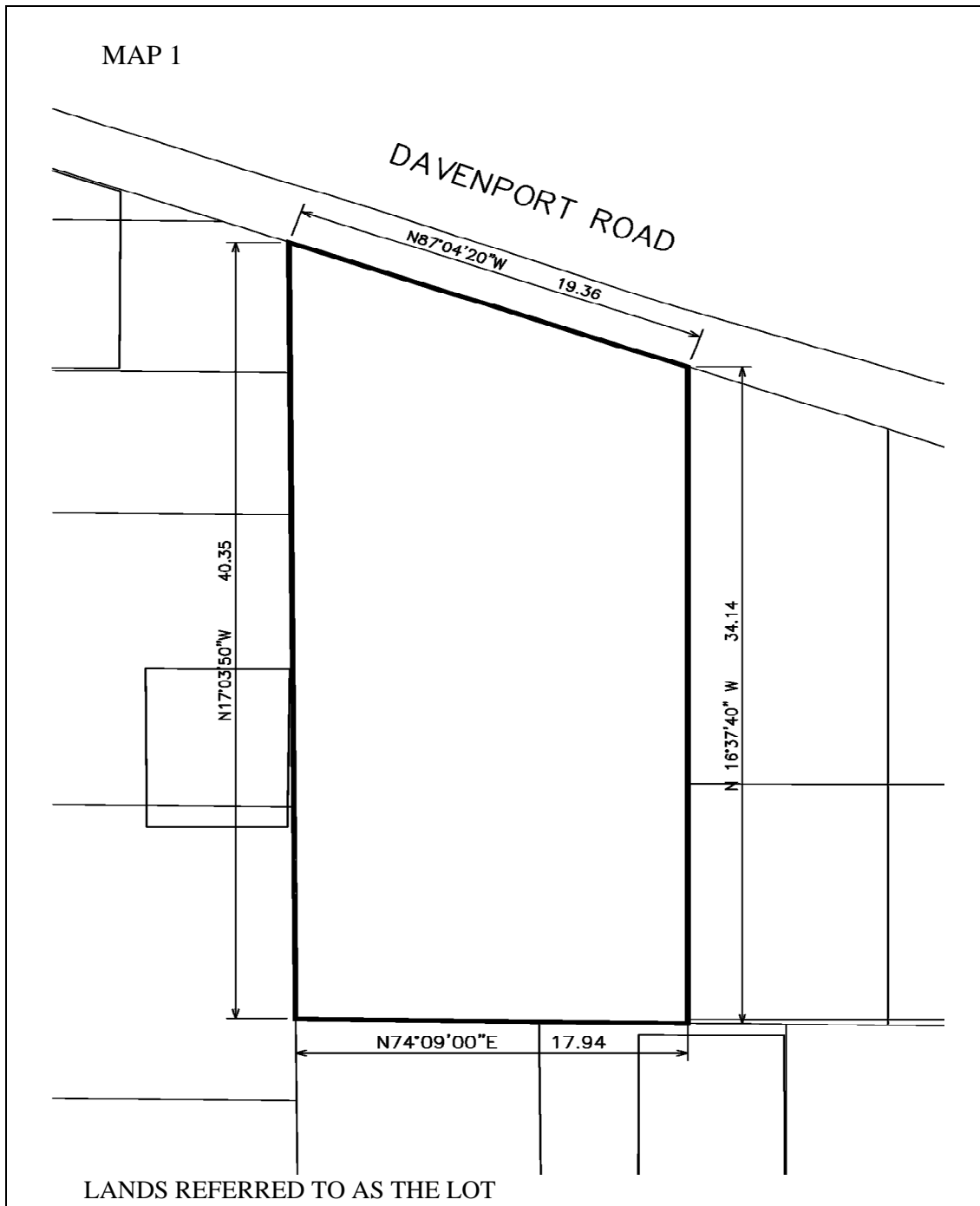
- (b) for clarity, does not permit the erection or use above the said *height* limits of the structures and elements identified in Section 4(2)(a)(i) and Section 4(2)(a)(ii) of By-law No. 438-86, other than such elements as are set out in subsection 6(a) hereof.
7. Notwithstanding Subsection 4(5)(b) of By-law No. 438-86, a minimum of 2 *parking spaces* shall be provided and maintained in support of the non-residential uses on the *lot*, and a maximum of 24 *parking spaces* shall be provided and maintained for all uses on the *lot*;
8. Notwithstanding Section 4(5) of By-law No. 438-86 and the definition of *parking space*, access to *parking spaces* may be provided by a mechanical vehicle elevator or elevators, readily accessible at all times for the parking and removal of a motor vehicle;
9. For the purpose of this By-law, the following expressions shall have the following meaning:
- (a) "*Building Envelope*" means a Building Envelope as outlined by heavy lines on Map 2 attached hereto;
- (b) "*By-law No. 438-86*" means By-law No. 438-86, as amended, of the former City of Toronto being, "A By-law to regulate the use of land and the erection, use, bulk, height, spacing 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";
- (c) "*grade*" shall mean an elevation of 119.3 metres above Canadian Geodetic Datum;
- (d) "*height*" means the vertical distance between *grade* and the highest point of the roof, building or structure shown on Map 2;
- (e) "*lot*" means those lands outlined by heavy lines on Map 1 attached hereto; and
- (f) "*owner*" means the registered owner of the *lot* or any part thereof.
10. Each word or expression which is italicized herein shall have the same meaning as such word or expression as defined in By-law No. 438-86, as amended, unless otherwise defined in the By-law.

ENACTED AND PASSED this 27th day of August, A.D. 2010.

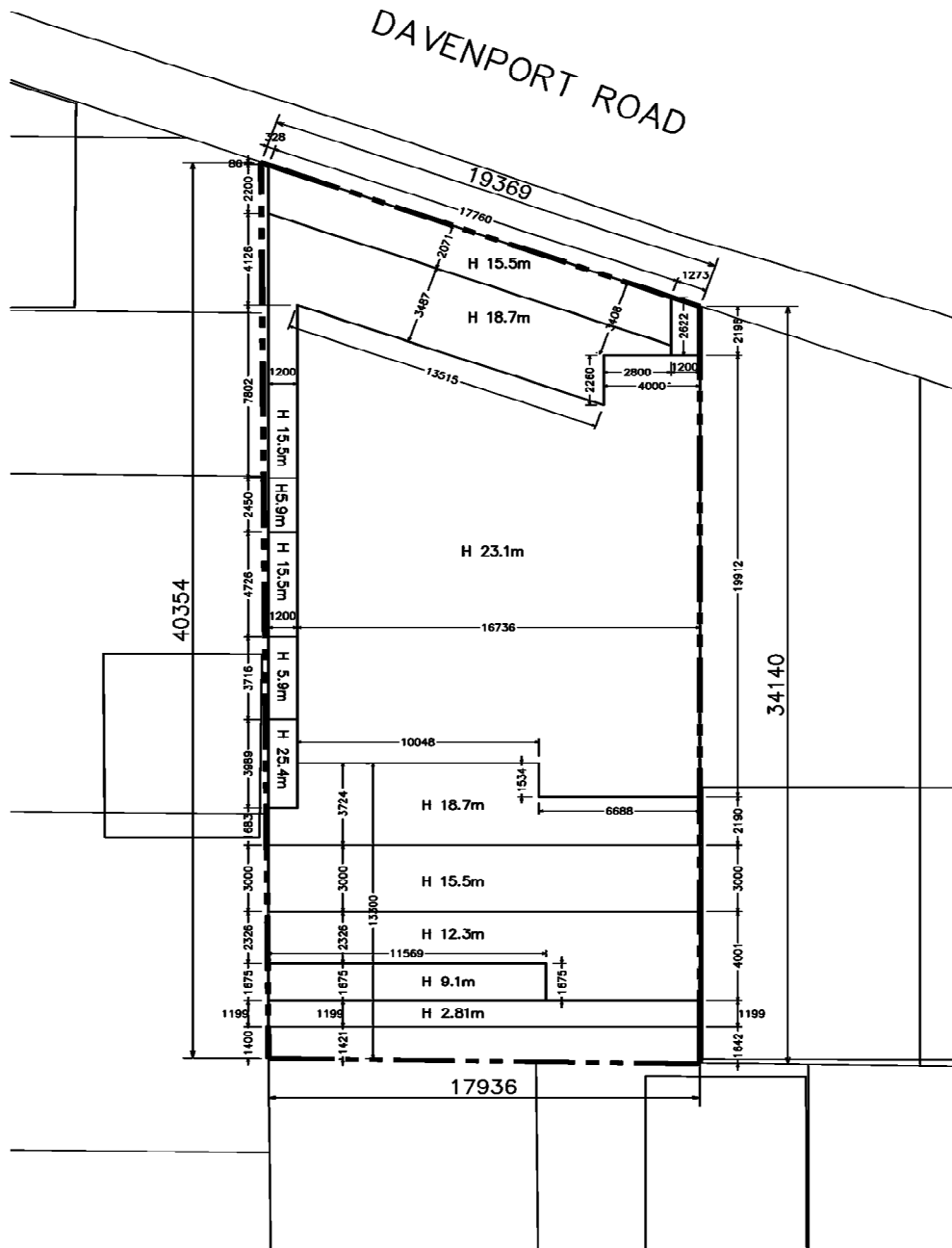
DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)



MAP 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE