

Authority: Toronto and East York Community Council Item 33.4,  
adopted as amended, by City of Toronto Council on July 8, 9, 10 and 11, 2014

## **CITY OF TORONTO**

### **BY-LAW No. 690-2014**

**To amend former City of Toronto Zoning By-law No. 438-86, as amended, respecting lands known municipally as 41 Dovercourt Road.**

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*;

The Council of the City of Toronto enacts:

Amending Appendix A, Map 49G-322 to rezone the lands shown within the heavy dashed lines on Map 1 of this By-law from I2 D3 to RA.

#### **1. EXCEPTIONS FROM ZONING BY-LAW NO. 438-86, AS AMENDED**

The following sections of Zoning By-law No. 438-86, as amended, do not apply to any building or structure to be erected or used on the *lot*:

Section 4(2)  
Section 4(16)  
Section 7 (2)  
Section 7 (3) Part II 1  
Section 7 (3) Part II 3 through 7  
Section 7 (3) Part IV

#### **2. PERMITTED USES**

The uses listed and qualifications in the RA zone by Section 7(1)(f) of Zoning By-law No. 438-86, as amended, are permitted with the exception of the following:

*An entertainment facility* is not permitted.

#### **3. RESIDENTIAL USES**

- (a) The total *residential gross floor area* shall not exceed 6,975 square metres.
- (b) A maximum of 75 *dwelling units* shall be permitted on the *lot*.
- (c) A minimum of 10% of the *dwelling units* on the *lot* shall contain at least three bedrooms, with a minimum *residential gross floor area* of 115 square metres per *dwelling unit*.

- (d) A minimum of 20% of the *dwelling units* on the *lot* shall contain at least two bedrooms.
- (e) A maximum of 13.5% of the *dwelling units* on the *lot* shall contain *bachelor dwelling units*.
- (f) No *dwelling units* shall have a *residential gross floor area* of less than 29.5 square metres.

#### 4. NON-RESIDENTIAL USES

- (a) The total *non-residential gross floor area* shall not exceed 2,650 square metres, of which no more than 1,800 square metres may be contained in any single retail or commercial use.
- (b) No *restaurant* or *take-out restaurant* shall be greater than 300 square metres of *non-residential gross floor area* exclusive of the kitchen, storage and washrooms.

#### 5. PARKING AND LOADING

- (a) Notwithstanding the provisions of Section 4(4)(b) of Zoning By-law No. 438-86, as amended:
  - (i) The minimum number of *parking spaces* for residents shall be provided and maintained on the *lot* in accordance with the following:  
  
*Bachelor dwelling unit* - 0.7 *parking spaces* per unit;  
*1-bedroom dwelling unit* - 0.8 *parking spaces* per unit;  
*2-bedroom dwelling unit* - 0.9 *parking spaces* per unit;  
*3 or more bedroom dwelling unit* - 1.1 *parking spaces* per unit; and  
*Visitors* - 0.15 *parking spaces* per *dwelling unit*;
  - (ii) Notwithstanding (i) above, for each on-site *car-share parking space* provided on the *lot*, the resident parking requirement shall be reduced by 4 *parking spaces*, up to a maximum of 5 *car-share parking spaces*;
  - (iii) In addition, a minimum of one *car-share parking space* shall be provided on the *lot*;
  - (iv) The minimum amount of *parking spaces* for non-residential uses provided on the *lot* shall be in accordance with the following:  
  
*Retail* - 1 space per 100 square metres of *non-residential gross floor area*; and  
*Office* - 1 space per 100 square metres of *non-residential gross floor area*
  - (v) Provided further that the parking for the residential visitors, retail and office components of the project may be provided on a shared basis

provided that the minimum number of *parking spaces* is the greatest of the aggregate gross minimum numbers of *parking spaces* for the morning, afternoon and evening periods, calculated based on the following parking occupancy rates:

| Use                            | Parking Occupancy Rate      |                               |                               |
|--------------------------------|-----------------------------|-------------------------------|-------------------------------|
|                                | Morning<br>(6 a.m. to noon) | Afternoon<br>(Noon to 6 p.m.) | Evening<br>(6 p.m. to 6 a.m.) |
| Residential<br>Visitor Parking | 10%                         | 35%                           | 100%                          |
| Retail                         | 20%                         | 100%                          | 100%                          |
| Office                         | 100%                        | 60%                           | 0%                            |

- (vi) Notwithstanding (a) above, the building existing on the *lot* on the day of the passage of this By-law shall be exempt from the requirements of this By-law to provide motor vehicle parking facilities in respect of the use of the building for non-residential purposes, as permitted in an I2 zone in Zoning By-law No. 438-86, as amended, provided that the non-residential gross floor area of the building does not exceed the non-residential gross floor area of the building on the date of the passage of this By-law.
- (vii) A minimum of one *loading space "Type G"* shall be provided and maintained on the *lot*.

## 6. BUILDING ENVELOPES AND MAXIMUM HEIGHTS

- (a) Notwithstanding the "Height and Minimum Lot Frontage" Map 49G-322 contained in Appendix 'B' of Zoning By-law No. 438-86, as amended, no person shall erect or use a building or structure on the lands shown on Map 1 unless any portion of such building or structure located at or above ground is erected within the heavy lines shown on Map 2 and provided the following paragraphs are complied with:
  - (i) No person shall erect or use a building or structure having a greater *height* in metres than the *height* limit specified by the numbers following the symbol "H" as shown on Map 2.
  - (ii) For clarity, where either no height limit or a height limit "H 0" is specified, no buildings or structures are permitted.
  - (iii) Paragraph (i) does not prevent the erection of parapets, fences, safety railings, window washing equipment, green roof elements and wind mitigation structures on the building not exceeding 1.2 metres in height.
  - (iv) Paragraph (i) does not prevent the erection or use of stair enclosures, elevator overruns and/or enclosures for any of the foregoing on the roof of the 10<sup>th</sup> storey of the building, provided that such structures do not exceed 3.2 metres above the height shown on Map 2.

(v) Notwithstanding (i) and (ii) above, no person shall erect a building or structure on the *lot* above finished ground level closer to a *lot* line than the heavy lines indicated on Maps 2 except:

- a. stairs (excluding stairs providing access to underground areas), landscape features, uncovered ramps (including garage and wheelchair ramps);
- b. the permitted projections outlined in the chart below:

| PROJECTING STRUCTURES  | LOCATION OF PROJECTION  | MAXIMUM PERMITTED PROJECTION  |
|--|---|---|
| A. Eaves, cornices, ornamental elements, architectural details   | Beyond the heavy lines shown on Map 2 at that height  | 0.65 metres from the wall to which it is attached   |
| B. Balconies   | Only on the west and east sides of the building, beyond the heavy lines on Map 2 at that height | 3.0 metres from the wall to which it is attached  |
| C. Uncovered platform that is landscaped open space and is less than 1.2 metres above finished grade       | Beyond the heavy lines on Map 2 at that height  | 2.5 metres from the main exterior wall to which it is attached  |
| D. Porch (covered platform) that is landscaped open space and is less than 1.2 metres above finished grade | Beyond the heavy lines on Map 2 at that height  | 2.5 metres from the most exterior portion of the wall to which it is attached                               |
| E. Canopy  | Beyond the heavy lines on Map 2 at that height  | 2.5 metres from the wall to which it is attached  |
| F. Balustrades and wind mitigation structures  | Beyond the heavy lines shown on Map 2 at that height  | The extent of the roof of the storey below, or 2.0 metres from the main exterior wall, whichever is greater |
| G. Fences or safety railings   | Beyond the heavy lines shown on Map 2 at that height  | Height not to exceed 1.2 metres   |

(vi) No building or structure shall be erected which does not have:

- a. a minimum of 2 *storeys*; and

- b. a minimum first *storey* floor-to-floor height of 3.7 metres.

## **7. RESIDENTIAL AMENITY SPACE**

Notwithstanding the provisions of Section 4(12) of Zoning By-law No. 438-86, as amended, *residential amenity space* shall be provided as follows:

- (a) The indoor *residential amenity space* shall be provided at a minimum of 1.5 square metres per *dwelling unit*.
- (b) The outdoor *residential amenity space* shall be provided at a minimum of 1.6 square metres per *dwelling unit*.
- (c) The outdoor *residential amenity space* shall be provided in a location adjoining and directly accessible from the indoor *residential amenity space*.

## **8. USE OF EXISTING BUILDING**

No provision of this By-law shall prevent the use of an existing building or structure on the *lot* that existed on the date of the enactment of this By-law for the purposes of any use permitted by Section 2 of this By-law, provided the provisions of Section 2 and 5 of this By-law are complied with.

## **9. MISCELLANEOUS**

A temporary *sales presentation centre* shall be permitted on the *lot*, and none of the other provisions of this By-law shall apply to such use.

## **10. DEFINITIONS**

All italicized words and expressions in this exception have the same meanings as defined in Zoning By-law No. 438-86, as amended, with the exception of the following terms:

*car-share* means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars 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;

*car-share parking space* shall mean a *parking space* that is reserved and actively used for car-sharing, including non-residents;

*grade* shall mean 89.19 metres Canadian Geodatic Datum (CGD);

*height* shall mean the vertical distance between *grade* and the highest point of the roof or, where there is no roof, the highest point of the structure, as shown on Map 2;

*lot* shall mean the lands as shown in heavy lines on Map 1; and

*sales presentation centre* shall mean an office provided for the marketing or selling of *dwelling units* located or to be located on the *lot*.

11. Despite any existing or future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.
12. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
  - (a) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on July 11, 2014.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



