

Authority: Local Planning Appeal Tribunal
Decision issued on March 21, 2019 and Orders
issued on May 17, 2021 and May 31, 2021 in
Tribunal Case File PL170861

CITY OF TORONTO

BY-LAW 452-2021(LPAT)

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands known municipally as 321 Davenport Road.

Whereas the Local Planning Appeal Tribunal pursuant to its Decision issued on March 21, 2019 and Orders issued on May 17, 2021 and May 31, 2021 in relation to Tribunal File PL170861, upon hearing an appeal under Section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended deems it advisable to amend the former City of Toronto By-law 438-86, as amended, with respect to lands municipally known as 321 Davenport Road;

Therefore, pursuant to the Order of the Local Planning Appeal Tribunal, former City of Toronto By-law 438-86 is amended as follows:

1. Except as otherwise provided herein, the provisions of former City of Toronto By-law 438-86, as amended, shall continue to apply to the *lot*.
2. This By-law applies to the lands delineated by a heavy line and identified municipally as "321 Davenport Road" as shown on Map 1 attached hereto.
3. Height and Minimum Lot Frontage Map District Map No. 50J-312 contained in Appendix "B" of By-law 438-86, as amended, is further amended in accordance with Map 2 - Building Envelope attached hereto and forming part of this By-law.
4. None of the provisions of Sections 2(1) with respect to the definitions of "*bicycle parking space – occupant*", "*bicycle parking space – visitor*", "*grade*", "*height*", "*lot*", "*parking space*", "*residential gross floor area*", "*tall building*" and "*tower*", 4(2), 4(5) Schedule 1, 4(5)(b), 4(5)(g), 4(5)(i)(ii), 4(8), 4(10), 4(12), 4(13), 4(16), 4(17), 8(3) PART I 1 and 3, 8(3) PART II 1(a), 8(3) PART IV 1, 12(2)270 and 12(2)380 of Zoning By-law 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 apply to prevent the erection and use of an *apartment building* and *accessory* uses on the *lot*, provided:
 - (a) the *lot* on which the building is to be located comprises at least those lands within the heavy lines on Map 1, attached to and forming part of this By-law;
 - (b) the total *residential gross floor area* of any building or structure erected on the *lot* shall not exceed 4,650 square metres;
 - (c) no portion of any building or structure on the *lot* shall have a *height* in metres, above *grade*, greater than the *height* limits specified by the numbers following the

symbol "H" as shown on Map 2 attached to and forming part of this By-law, except for:

- (i) terrace or balcony guards, screens and dividers, guards, guardrails, fences, retaining walls, landscape elements, and structures located on the roof used for outside or open-air recreation purposes, which may exceed the applicable height limits to a maximum *height* of 3.0 metres;
 - (ii) planters, ornamental elements, fixed outdoor furniture, elevated pool and deck, which may exceed the applicable height limits to a maximum *height* of 2.0 metres;
 - (iii) elevator overrun, cooling tower, stairs, stair enclosures, screens, architectural elements, heating, cooling or ventilating equipment, wall or structure enclosing elements, and partitions, which may exceed the applicable height limits to a maximum *height* of 3.0 metres;
 - (iv) cornices, parapets, roof drainage, thermal insulation and roof ballast, balustrades, window washing equipment, green roof elements, vents, flues, pipes, access roof hatch and safety railings, and structures located on the roof used for safety or wind protection purposes, which may exceed the applicable height limits to a maximum *height* of 2.5 metres;
 - (v) a mechanical penthouse which may project up to a maximum of 3.0 metres above the *height* limit of 33.5 metres; and
 - (vi) notwithstanding subsection (c)(v) above, elements listed in subsection (c)(iv) may exceed the applicable height limit for the mechanical penthouse area as set out in subsection (c)(v) above to a maximum *height* of 2.5 metres;
- (d) no portion of any building or structure erected and used above *grade* on the *lot* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, except for:
- (i) cornices, light fixtures, ornamental elements, building cladding, parapets, art and landscape features, landscaping elements, flutes, piers, pillars, pergolas, trellises, window sills, ventilation shafts, stair enclosures, stairs, site servicing features, retaining walls, wheel chair ramps and vehicular parking ramps, which may project to a maximum of 1.25 metres;
 - (ii) located at and between the second floor and the seventh floor, all balconies, balcony guards, dividers and railings, screens and awnings, which may project by a maximum of 1.25 metres;
 - (iii) all balconies, balcony guards, dividers and railings, screens and awnings not addressed in subsection (d)(ii) above, guardrails, terraces, terrace or balcony platforms, terrace guards, and canopies, which may project by a maximum of 3.5 metres; and

- (iv) exhaust shafts and the enclosure of such elements;
- (e) *residential amenity space* shall be provided in accordance with the following:
 - (i) a minimum of 2 square metres of indoor *residential amenity space* for each *dwelling unit* shall be provided, may be permitted below-grade and does not have to be provided in a single multi-purpose room or in contiguous multi-purpose rooms; and
 - (ii) no outdoor *residential amenity space* shall be required;
- (f) a minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) 0.3 *parking spaces* for each bachelor *dwelling unit*;
 - (ii) 0.5 *parking spaces* for each one bedroom *dwelling unit*;
 - (iii) 0.8 *parking spaces* for each two bedroom *dwelling unit*;
 - (iv) 1.0 *parking spaces* for each three bedroom *dwelling unit*; and
 - (v) 2 *parking spaces* for visitors;
- (g) the minimum dimensions of an obstructed *parking space* shall be the same as for a *parking space* as defined in this By-law;
- (h) a maximum of 45 *parking spaces*, including 3 tandem spaces, are permitted on the *lot*;
- (i) for the purposes of *parking space* calculations, if the calculation of the number of required *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one *parking space*;
- (j) a minimum of 3 accessible *parking spaces* shall be provided and maintained in accordance with the following:
 - (i) shall have the following minimum dimensions:
 - a. length of 5.6 metres;
 - b. width of 3.9 metres; and
 - c. vertical clearance of 2.1 metres; and
 - (ii) no barrier free aisle adjacent to the accessible *parking spaces* shall be required;
- (k) access to *parking spaces* shall be provided by motor vehicle elevators, provided each motor vehicle elevator has a minimum width of 2.4 metres, and provided not

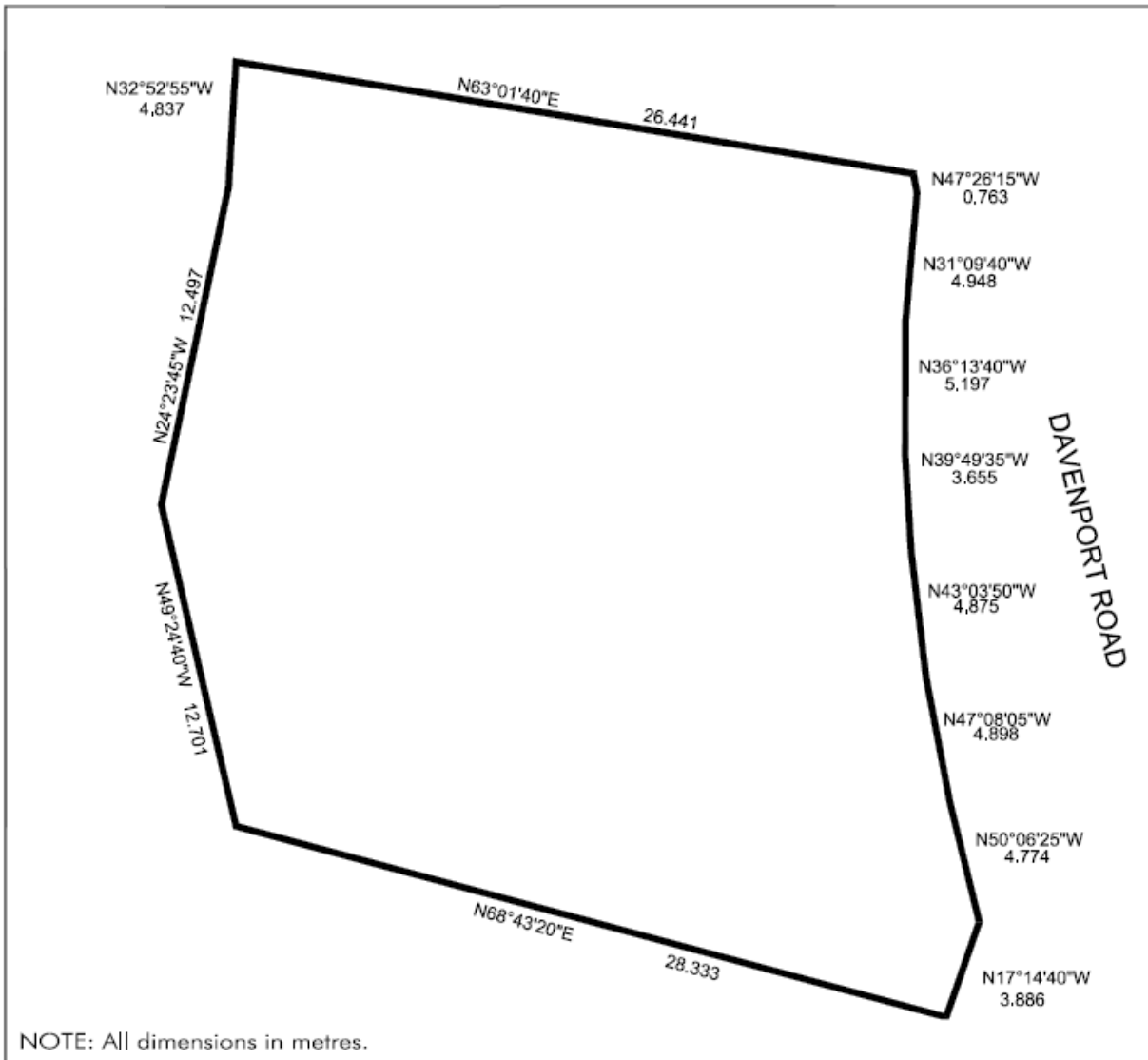
less than two (2) motor vehicle elevators are provided and maintained in the building for the use of residents of and visitors to the *lot*;

- (l) notwithstanding subsection (k) above, the vehicle entrance and exit of each motor vehicle elevator must have a minimum width of 2.4 metres;
 - (m) no *loading space* shall be required;
 - (n) *bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - (i) a minimum of 1.0 *bicycle parking spaces* for each *dwelling unit*, comprised of:
 - a. 0.9 *bicycle parking spaces – occupant*; and
 - b. 0.1 *bicycle parking spaces - visitor*; and
 - (o) if the calculation of the minimum *bicycle parking spaces* for the *lot* results in a fraction of a *bicycle parking space* being required, the number of required *bicycle parking spaces* shall be rounded up to the nearest whole number.
5. None of the provisions of this By-law or By-law 438-86, as amended, shall apply to or prevent the erection and/or use of a *sales office* on the *lot* to be used exclusively for the initial sale and/or initial leasing of *dwelling units*.
6. For the purpose of this By-law, all italicized words and expression have the same meanings as defined in By-law 438-86, as amended, with the exception of the following:
- (a) "*bicycle parking space*" means an area that is equipped for the purpose of parking and securing bicycles;
 - (b) "*bicycle parking space – occupant*" means *stacked bicycle parking spaces*:
 - (i) with horizontal dimensions of at least 0.3 metres by 1.6 metres and a vertical dimension of at least 1.0 metres; and
 - (ii) located on any level above or below *grade*; and
 - (iii) located within a secured room, enclosure or bicycle locker;
 - (c) "*bicycle parking space – visitor*" means *bicycle parking spaces*:
 - (i) with horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres, excluding outdoor circular/ring bicycle racks;
 - (ii) located on any level above or below *grade*; and
 - (iii) that may be located outdoors or indoors within a secured room or enclosure;

- (d) "*grade*" means the Canadian Geodetic Elevation of 120.10 metres;
- (e) "*height*" means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly prescribed in this By-law that may exceed permitted *height* limits;
- (f) "*lot*" means the parcel of land outlined by heavy lines on Map 1 attached to and forming part of this By-law;
- (g) "*main wall*" means any exterior wall of a building or structure but excludes any structural columns, metal panels or exoskeleton structures that are external to any exterior wall;
- (h) "*parking space*" means an area used for the parking or storing of a motor vehicle, having minimum dimensions of 5.6 metres in length, 2.6 metres in width and 2.0 metres in height and may include a tandem parking arrangement;
- (i) "*residential gross floor area*" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the *main wall* of each floor level excluding:
 - (i) parking, loading and bicycle parking below-ground;
 - (ii) *loading spaces* at the ground level and *bicycle parking spaces* at or above ground;
 - (iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
 - (iv) shower and change facilities for *bicycle parking spaces*;
 - (v) amenity space;
 - (vi) elevator shafts;
 - (vii) garbage shafts;
 - (viii) mechanical penthouse; and
 - (ix) exit stairwells in the building;
- (j) "*sales office*" means a building, structure, facility or trailer on the *lot* used for the purpose of the sale and/or leasing of *dwelling units* to be erected on the *lot*; and
- (k) "*stacked bicycle parking space*" means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*.

7. Notwithstanding any 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 had occurred.

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321 Davenport Road

File # 16 145386 STE 20 OZ

Map 1



