

Authority: Toronto and East York Community Council
Item TE5.6, as adopted by City of Toronto Council on June
14 and 15, 2023
City Council voted in favour of this by-law on July 20,
2023
Written approval of this by-law was given by Mayoral
Decision 8-2023 dated July 20, 2023

CITY OF TORONTO

BY-LAW 738-2023

To amend former City of Toronto Zoning By-law 438-86, as amended, with respect to lands municipally known in the year 2022 as 555 Davenport Road.

Whereas authority is given to Council under 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:

1. Except as otherwise provided herein, the provisions of former City of Toronto Zoning By-law 438-86, as amended, shall continue to apply to the *lot*.
2. District Map 50J-321 of By-law 438-86, as amended, is further amended by redesignation from "Q T2.5" to "R3 Z2.0" as outlined on Map 1 attached to and forming part of this By-law.
3. None of the provisions of Section 2(1) with respect to the definition of "*grade*", "*height*", "*landscaping*", "*lot*", "*residential gross floor area*" and "*soft landscaping*", and Sections 4(2)(a), 4(4)(b), 4(12), 4(13)(a) and (c), 4(14)(a), 4(17), 6(3) Part I, 6(3) Part II, 6(3) Part IV, and Section 12(1) 359 of Zoning By-law 438-86, as amended, shall apply to prevent the erection of a *residential building* with *dwelling units* on the lands identified on Map 1 attached to and forming part of this By-law, provided that:
 - i. The *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - ii. The total *residential gross floor area* on the *lot* shall not exceed a maximum of 12,000.0 square metres;
 - iii. No portion of any *building* or *structure* erected on the *lot* shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol "H" identified on Map 2 attached to and forming part of this by-law, with the exception of the following:
 - i) window washing equipment, chimneys, vents and lightning rods, by a maximum of 5.0 metres;

- ii) wind screens, elevator overruns and stair overruns, by a maximum of 2.0 metres;
 - iii) pergolas, trellises, pool equipment, fences, dividers, screens and light fixtures, by a maximum of 3.0 metres; and
 - iv) parapets, guard rails, railings, balustrades, eaves, roof drainage, roof assemblies, windowsills and elements of a green roof, by a maximum of 1.5 metres.
- iv. No portion of any *building* or *structure* above *grade* shall be located otherwise than wholly within the area delineated by heavy lines on Map 2 attached to and forming part of this By-law, with the exception of the following:
- i) Cornices, light fixtures, stairs, ornamental elements, art and landscape features, pillars, windowsills, eaves, planters, ventilation shafts, guardrails, balustrades, railings, doors, fences, screens, site servicing features, awnings and canopies, by a maximum of 0.6 metres;
 - ii) Stairs and stair enclosures, by a maximum of 2.0 metres; and
 - iii) Terraces, to the extent of the main wall of the storey below.
- v. No portion of the *building* is permitted within "Area A" as shown on Map 2 of this by-law between finished grade and 2.9 metres above finished grade;
- vi. A minimum of 7 percent of the area of the *lot* must be for *landscaping*;
- vii. A minimum of 35 percent of the *landscaping* required by (vi) above must be *soft landscaping*;
- viii. A minimum of 15 percent of the *dwelling units* in the *building* must have two bedrooms;
- ix. A minimum of 10 percent of the *dwelling units* in the *building* must have three or more bedrooms;
- x. *Residential amenity space* must be provided as follows:
- i) at least 2.0 square metres for each *dwelling unit* as *indoor amenity space* located at or above finished grade; and
 - ii) at least 30.0 square metres as *outdoor amenity space* in a location adjoining or directly accessible to the *indoor amenity space*.
- xi. *Parking spaces* for the *residential building* shall be provided and maintained on the *lot* in accordance with the following:

- i) *Parking spaces* must be provided for the residents of the *dwelling units* at a minimum rate of 0.0 spaces for each *dwelling unit*;
 - ii) *Parking spaces* must be provided for visitors at a minimum rate of 2.0 plus 0.01 spaces for each *dwelling unit*;
 - iii) *Parking spaces* must be provided for the residents of the *dwelling units* at a *maximum of 0.5* parking space for each one bedroom, 0.8 for each two bedroom and 1.0 for each three or more bedroom *dwelling unit*;
 - iv) *Parking spaces* must be provided for the visitors a maximum of 1.0 parking spaces per *dwelling unit* for the first five and a maximum of 0.1 parking space for the subsequent *dwelling units*; and
 - v) A minimum of 1.0 "*car-share parking space*".
- xii. a maximum of 10 percent of the total *parking spaces* may be obstructed on one or two sides in accordance with Section 4(17)(e) without a requirement to increase the minimum width by 0.3 metres;
- xiii. A minimum of three (3) accessible *parking spaces* shall be provided on the *lot* and the accessible *parking spaces* shall comply with the following minimum dimensions:
- i) length of 5.6 metres;
 - ii) width of 3.4 metres; and
 - iii) vertical clearance of 2.1 metres.
- xiv. the entire length of an accessible *parking space* shall be adjacent to a 1.5 metre wide accessible barrier free aisle on one side;
- xv. *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
- i) A minimum of 0.9 bicycle parking spaces – occupant per dwelling unit; and
 - ii) A minimum of 0.1 bicycle parking spaces – visitor per dwelling unit.
- xvi. Notwithstanding Section 2(1) and 4(13)(d) *bicycle parking spaces - occupant* and *bicycle parking spaces- visitor* may be located indoors or outdoors in a secured or unsecured room or enclosure; and
- xvii. A minimum of one Type "G" *loading space* must be provided on the *lot*.

4. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:
- i. "*bicycle parking space – occupant*" means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles:
 - i) Where the bicycles are to be stacked and parked horizontally, these bicycle parking spaces must have horizontal dimensions of at least 0.45 metres by 1.8 metres and a vertical dimension of at least 1.9 metres.
 - ii. "*bicycle parking space – visitor*" means an area that is equipped with a bicycle rack or *stacked bicycle parking* device;
 - iii. "*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 kilometres driven, and set membership requirements of the car sharing organization, including the payment of a membership fee that may or may not be refundable;
 - iv. "*car-share parking space*" means a *parking space* that is reserved and actively used for car-sharing;
 - v. "*grade*" means 124.9 metres Canadian Geodetic Datum;
 - vi. "*height*" means the vertical distance between *grade* and the highest point of the roof of any building on the *lot*, except for those elements prescribed by this By-law;
 - vii. "*landscaping*" means an area used for trees, plants, decorative stonework, retaining walls, walkways, or other landscape or architectural elements. Driveways and areas for loading, parking or storing of vehicles are not landscaping;
 - viii. "*lot*" means the lands outlined by heavy lines on Map 1 attached to this By-law;
 - ix. "*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; The gross floor area is reduced by the area in the building used for:
 - i) Parking, loading and bicycle parking below grade and on the first storey;
 - ii) Loading spaces at the ground level and bicycle parking spaces at or above grade;
 - iii) Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below grade;

- iv) Mechanical and electrical areas on the first storey;
 - v) Shower and change facilities required by this By-law for required bicycle parking spaces;
 - vi) Residential amenity space required by this By-law;
 - vii) Elevator shafts;
 - viii) Garbage shafts;
 - ix) Mechanical penthouse; and
 - x) Exit stairwells in the building.
- x. *"Soft landscaping"* means landscaping excluding hard-surfaced areas such as decorative stonework, retaining walls, walkways, or other hard-surfaced landscape-architectural elements.
5. Despite any future severance, partition or division of the *lot*, the provisions of this By-law shall apply as if no severance, partition or division had occurred.
6. None of the provisions of By-law 438-86, as amended, shall apply to prevent a temporary sales office on the land as of the date of the passing of this By-law with a maximum height of 6.0 metres and 1 *storey*.

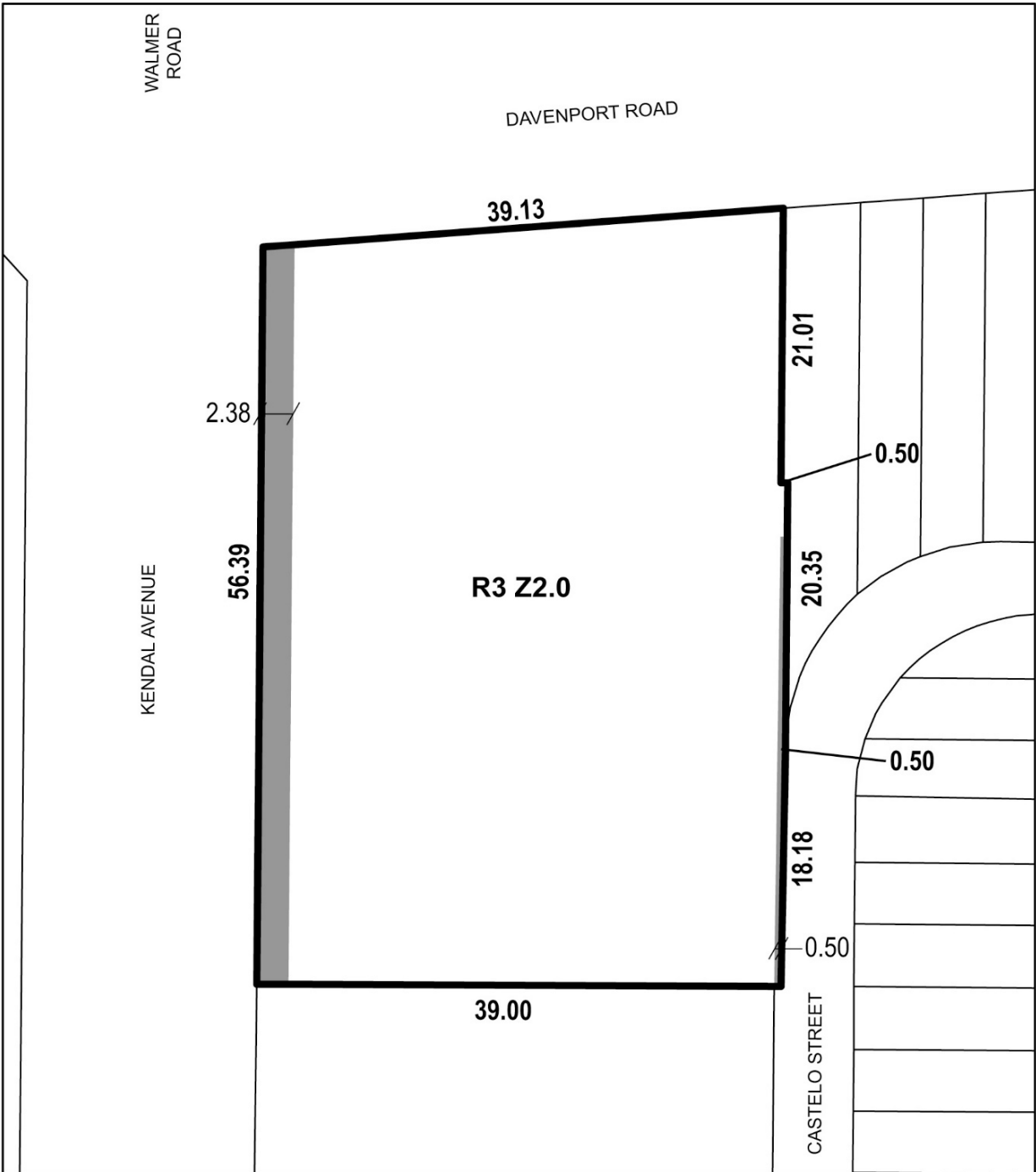
Enacted and passed on July 20, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Map 1



 **TORONTO**
Map 1

555 Davenport Road

File #: 22 137948 STE 12 0Z

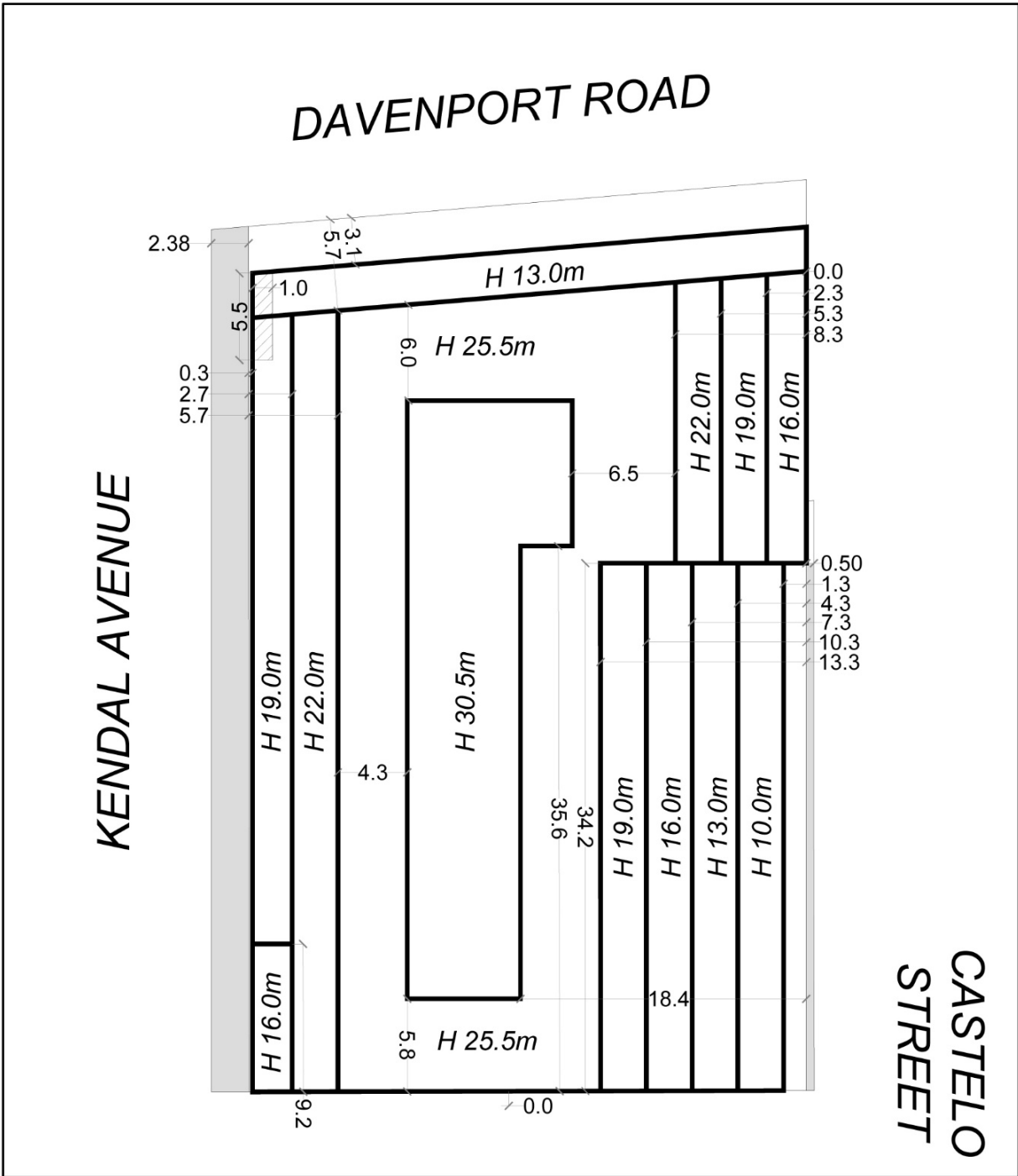




Road and Lane Widening



Former City of Toronto By-law 438-86
Not to Scale
05/08/2023

Map 2



-  Road and Lane Widening
-  Area A