

Authority: Toronto and East York Community Council,  
Item TE10.6, as adopted by City of Toronto Council on  
February 6 and 7, 2024  
City Council voted in favour of this by-law on March 21,  
2024  
Written approval of this by-law was given by Mayoral  
Decision 9-2024 dated March 22, 2024

## **CITY OF TORONTO**

### **BY-LAW 238-2024**

**To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as a portion of 111 Davisville Avenue and 141 Davisville Avenue.**

Whereas Council of the City of Toronto has the authority pursuant to 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; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the Council of a Municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the By-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions, except as otherwise provided.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.2.10 respecting the lands outlined in heavy black lines from a zone label of R (d0.6) (x913) to a zone label of R (d0.6) (x191), as shown on Diagram 2 attached to this by-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number 191 so that it reads:

#### **(191) Exception R 191**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On lands municipally known in the year 2023 as 111 and 141 Davisville Avenue as shown on Diagram 1 to By-law 238-2024, if the requirements of By-law 238-2024 are complied with, a **building** may be constructed, used or enlarged in compliance with Regulations (B) to (JJ) below;
- (B) Despite Regulation 10.10.40.1(5), the **buildings** and **structures** permitted on the **lot** include Building A and Building B as shown on Diagram 3 of By-law 238-2024;
- (C) "**lot**" consists of the lands delineated by heavy lines on Diagram 1 attached to By-law 238-2024;
- (D) In addition to the permitted uses in Clauses 10.10.20.10 and 10.10.20.20, with respect to Building A and Building B as shown on Diagram 3 attached to By-law 238-2024, the following non-residential uses are permitted below ground:
  - (i) **public parking** facility in Building A and Building B;
  - (ii) "car share" **parking spaces** in Building A;
  - (iii) **market garden** in Building B to a maximum **gross floor area** of 300 square metres and provided that a **market garden** may not be used for the growing and harvesting of shrubs or trees for the purpose of sale; and
  - (iv) **recreation use** in Building B to a maximum gross floor area of 700 square metres;
- (E) Regulation 10.10.40.30(1)(B) with respect to **building depth** does not apply;
- (F) Despite Regulation 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 154.0 metres and the elevation of the highest point of the **building** or **structure**;
- (G) Despite Regulations 10.10.40.10(1) and (7), the permitted maximum height for Building A and Building B as shown on Diagram 3 of By-law 238-2024 is:
  - (i) With respect to Building A, the number in metres following the "HT" symbol as shown on Diagram 3 of By-law 238-2024; and
  - (ii) With respect to Building B, the height of such **building**, inclusive of all rooftop projections, as it existed on the **lot** at the time of the passing of By-law 238-2024, in addition to permitted projections for the functional operation of a **building** as set out in regulation 10.5.40.10(3);

- (H) Despite Regulations 10.5.40.10.(2)(A) and (3), and 10.10.40.10 (9), and (10), and (G)(i) above, the following equipment and **structures** may project beyond the permitted maximum height of Building A shown on Diagram 3 of By-law 238-2024:
- (i) equipment used for the functional operation of the **building** such as electrical, utility, mechanical and ventilation equipment, elevator shafts and elevator machine rooms to a maximum of 7.0 metres;
  - (ii) roof access, chimneys, pipes, vents, cooling towers, and window washing equipment, may further exceed the permitted maximum height projection in (i) to a maximum of 3.0 metres;
  - (iii) stairs, enclosed stairwells, maintenance equipment storage, and **building** maintenance units, to a maximum of 5.0 metres;
  - (iv) antennae, may further exceed the permitted maximum height projection in (i) to a maximum of 4.0 metres;
  - (v) elements and **structures** associated with a **green roof**, to a maximum of 2.1 metres;
  - (vi) **structures** that enclose, screen, or cover the equipment, **structures** and parts of a **building** listed in (i) above, by a maximum of 7.0 metres;
  - (vii) trellises, pergolas, and unenclosed **structures** providing safety, wind or noise protection to rooftop **amenity space**, by a maximum of 4.5 metres;
  - (viii) outdoor furniture, bollards and wheelchair ramps, by a maximum of 2.0 metres;
  - (ix) architectural features and parapets, by a maximum of 1.2 metres; and
  - (x) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 3.0 metres;
- (I) Despite Regulation 10.5.40.10(4), equipment, **structures** or parts of a **building** that exceed the permitted maximum height for a **building** permitted in (H)(i), (ii), and (iv) above may cover 70 percent of the area of the roof, measured horizontally;
- (J) Despite Regulation 10.10.40.40(1), the permitted maximum **gross floor area** of Building A and Building B as shown on Diagram 3 of By-law 238-2024 is as follows:
- (i) the total permitted maximum **gross floor area** of Building A, is 24,400 square metres;

- (ii) the permitted maximum **gross floor area** of Building B is the **gross floor area** existing therein at the time of the passing of By-law 238-2024; and
  - (iii) In addition to (ii) above, with respect to Building B, an additional total **gross floor area** for non-residential uses permitted by (D) above, must not exceed 1,000 square metres;
- (K) In addition to the areas listed in Regulation 10.5.40.40.(4), with respect to Building A as shown on Diagram 3 of By-law 238-2024, the following areas also reduce the **gross floor area** of a **building**:
  - (i) electrical, utility, mechanical and ventilation rooms, excluding such areas located in **dwelling units**; and
  - (ii) the area of a void in a floor if there is a vertical clearance of more than 4.5 metres between the top of the floor below the void and the ceiling directly above it;
- (L) Despite Regulation 10.10.40.50(1), with respect to Building A as shown on Diagram 3 of By-law 238-2024, a minimum rate of 3.5 square metres of **amenity space** must be provided for each **dwelling unit**, in accordance with the following:
  - (i) a minimum of 1.5 square metres per **dwelling unit** must be provided as indoor **amenity space**; and
  - (ii) indoor pet friendly amenities and bicycle/stroller washing areas are included in the calculation of indoor **amenity space**;
- (M) Despite Regulation 10.10.40.50(1), with respect to Building B as shown on Diagram 3 of By-law 238-2024, **amenity space** existing as of the date of the passing of By-law 238-2024, is deemed to comply with the requirements of By-law 569-2013, as amended;
- (N) Despite Clauses 10.5.40.70 and 10.10.40.70, the required minimum **building setbacks** are as shown in metres on Diagram 3 of By-law 238-2024;
- (O) Despite Regulation 10.10.40.80(1), the required minimum separation distance of **main walls** are as shown in metres on Diagram 3 of By-law 238-2024;
- (P) Despite Clauses 10.5.40.50, 10.5.40.60, and Regulations (N) and (O) above, the following elements of a **building** or **structure** may encroach into a required minimum **building setbacks** and **main wall** separation distances shown on Diagram 3 of By-law 238-2024 as follows:

- (i) Decks, porches, and balconies to a maximum of 1.5 metres;
  - (ii) Canopies and awnings to a maximum 3.0 metres;
  - (iii) Site servicing features and window washing equipment including **building** maintenance unit or crane to a maximum of 3.0 metres;
  - (iv) Trellises and pergolas to a maximum of 5.0 metres;
  - (v) Balustrades and light fixtures to a maximum of 3.0 metres;
  - (vi) Panels and cladding added to the exterior surface of the **main wall** of a **building** to a maximum of 0.5 metres;
  - (vii) Architectural or ornamental features, such as pilaster, decorative column, cornice, sill, belt course, or chimney breast and window projection, to a maximum of 1.0 metres;
  - (viii) Eaves to a maximum of 0.5 metres;
  - (ix) Satellite dishes, antennae to a maximum of 1.0 metres;
  - (x) Art, **structures** and elements associated with outdoor amenity and children's play areas, landscaping features, privacy screens, planters, retaining walls, vents and pipes, safety and wind mitigation/protection features, and ventilation shafts; and
  - (xi) Stairs, enclosed stairwells, bollards, guards, guard rails, railings, safety railings, enclosed stairwells, ramps to underground parking areas and associated **structures**, wheelchair ramps, access ramps and elevating devices if it is no closer to a **lot line** than 0.6 metres;
- (Q) Despite Regulation 10.5.50.10(4), the **lot** must have:
- (i) a minimum of 15 percent of the area of the **lot** will be used for **landscaping**, and
  - (ii) a minimum of 25 percent of the **landscaping** required in (i) above, must be **soft landscaping**;
- (R) Despite Regulation 10.5.50.10(5), a 1.5 metre wide strip of **soft landscaping** along any part of a **lot** line abutting another **lot** in the Residential Zone category is not required;
- (S) Despite Regulation 10.5.100.1(4), any **driveways** on the **lot**, existing as of the date of the passing of By-law 238-2024, are deemed to comply;

- (T) Despite Regulation 10.5.100.1(5), with respect to Building A and Building B as shown on Diagram 3 of By-law 238-2024, an unobstructed vehicular access between the **street** and the principal entrance so that a **vehicle** can enter and leave the **lot** while driving forward in one continuous movement is not required;
- (U) Despite Regulation 200.5.1(3), any **drive aisles** on the **lot**, existing as of the date of the passing of By-law 238-2024, are deemed to comply with the requirements of By-law 569-2013, as amended;
- (V) Despite Regulations 10.5.80.1(1), 10.5.80.10(1), 200.5.1(2) and 200.10.1(1) and (2), **parking spaces** for residents and visitors may be provided on a non-exclusive basis and may be located:
- (i) within a **public parking** facility on the **lot**; and
  - (ii) on lands municipally known in the year 2023 as 111 Davisville Avenue;
- (W) Despite Regulations 200.5.1.10 (2), (3), and (14), and (BB) below, and Clause 200.15.1, any **parking space** and accessible **parking space** on the **lot** existing as of the date of the passing of By-law 238-2024, is deemed to comply with the requirements of By-law 569-2013, as amended, and may be used to satisfy the requirements of Regulations (Z) and (BB) below;
- (X) Despite Regulation 200.5.1.10(2)(A)(ii) and (iv), a maximum of 10 percent of the total number of **parking spaces** provided may have a minimum required **parking space** width of 2.6 metres with or without a fixed object or obstruction within 0.3 metres of one or both sides of the parking space, measured at right angles;
- (Y) Despite Regulation 200.5.1.10(2)(D), electric **vehicle** infrastructure, including electrical vehicle supply equipment or an **energized outlet**, does not constitute an obstruction to a **parking space**;
- (Z) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, **parking spaces** must be provided as follows:
- (i) A minimum of 2 **parking spaces** plus 0.01 **parking space** per **dwelling unit** must be provided for residential visitors;
  - (ii) Despite (i) above, with respect to Building B as shown on Diagram 3 of By-law 238-2024, no **parking spaces** are required for visitors; and
  - (iii) With respect to Building B as shown on Diagram 3 of By-law 238-2024, no **parking spaces** are required for non-residential uses;

- (AA) Regulation 200.5.10.11(1)(C) as it relates to **parking space** requirements for a **lawfully existing building** does not apply;
- (BB) Despite Regulations 200.15.1(1) and (3), with respect to Building A as shown on Diagram 3 of By-law 238-2024, accessible **parking spaces** must comply with the following provisions:
- (i) an accessible **parking space** must have the following dimensions:
    - (a) length of 5.6 metres;
    - (b) width of 3.4 metres; and
    - (c) vertical clearance of 2.1 metres;
  - (ii) a 1.5-metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may be shared by 2 accessible **parking spaces**;
- (CC) Regulation 200.15.1(4) with respect to the location of accessible **parking spaces** does not apply;
- (DD) Despite Regulations 200.15.10.5(3) and Table 200.15.10.5, with respect to **dwelling units** in Building B as shown on Diagram 3 of By-law 238-2024, no new accessible **parking spaces** are required;
- (EE) Despite Regulations 220.5.10.1 (2) and 220.5.10.11(3), with respect to Building A and Building B as shown on Diagram 3 of By-law 238-2024:
- (i) a minimum of one Type "G" **loading space** must be provided in Building A; and
  - (ii) a minimum of one Type "C" **loading space** must be provided for Building B;
- (FF) Despite Regulation 230.5.1.10(9), with respect to Building A as shown on Diagram 3 of By-law 238-2024, a required "long-term" **bicycle parking space** for a **dwelling unit** may be located:
- (i) on the first **storey** of the **building**;
  - (ii) on the second **storey** of the **building**;
  - (iii) on a partial mezzanine level located between the first **storey** and the second **storey** of the **building**; and
  - (iv) on levels of the **building** below-ground;

- (GG) Despite Regulations 230.5.1.10(10), 230.5.10.1(1) and (5) and Table 230.5.10.1(1), with respect to Building A and Building B as shown on Diagram 3 of By-law 238-2024, **bicycle parking spaces** must be provided and maintained on the **lot** in accordance with the following:
- (i) A minimum of 0.9 "long-term" **bicycle parking spaces** per **dwelling unit** in Building A;
  - (ii) A "short-term" and "long-term" **bicycle parking space** on the **lot** may be located in a **stacked bicycle parking space**; and
  - (iii) No **bicycle parking spaces** are required for **dwelling units** in Building B;
- (HH) Regulation 230.10.1.20(2) with respect to the location of "short-term" **bicycle parking spaces** relative to a **building** entrance does not apply, provided that a **bicycle parking space** may not be located above the first **storey** of a **building** and not within the third level below-ground of a **building** on the **lot**;
- (II) Despite (Z) above and any regulation of By-law 569-2013, as amended, Building B shown on Diagram 3 of By-law 238-2024 may be occupied by residents during construction of Building A without the provision of required **parking spaces**;
- (JJ) For the purpose of this exception, each word or expression that is in bold font in this exception shall have the same meaning as each word or expression as defined in Chapter 800 of this By-law, as amended, except for the following:
- (i) "Building A" means an addition to Building B on the **lot** as shown on Diagram 3 of By-law 238-2024, including portions below ground;
  - (ii) "Building B" means the existing **apartment building** municipally known as 141 Davisville Avenue as shown on Diagram 3 of By-law 238-2024, including portions below ground and an underground **parking garage**, and enclosed garage entry ramp, located on the **lot** in the year 2023;
  - (iii) "Car share" means the practice where a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short term rental, including hourly rental; and
  - (iv) "Car share **parking space**" means a **parking space** exclusively reserved and signed for a motor **vehicle** used only for "car-share" purposes.

Prevailing By-laws and Prevailing Sections: (none)



5. Despite any existing or future severance, partition or division of the **lot** shown on Diagram 1 of By-law 238-2024 the provisions of this By-law and By-law 569-2013, as amended, shall apply to the whole of the **lot** as if no severance, partition or division had occurred.
6. Temporary Use:
- (A) None of the provisions of this Exception, or By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales, leasing or construction office, which is a temporary **building, structure**, facility, or trailer or portion thereof, with a maximum height of 5.0 metres, used exclusively for the purpose of marketing or sale of **dwelling units** in Building A as shown on Diagram 3 of By-law 238-2024 on the lands to which this By-law applies for a period of three (3) years from the date this By-law comes into full force and effect.

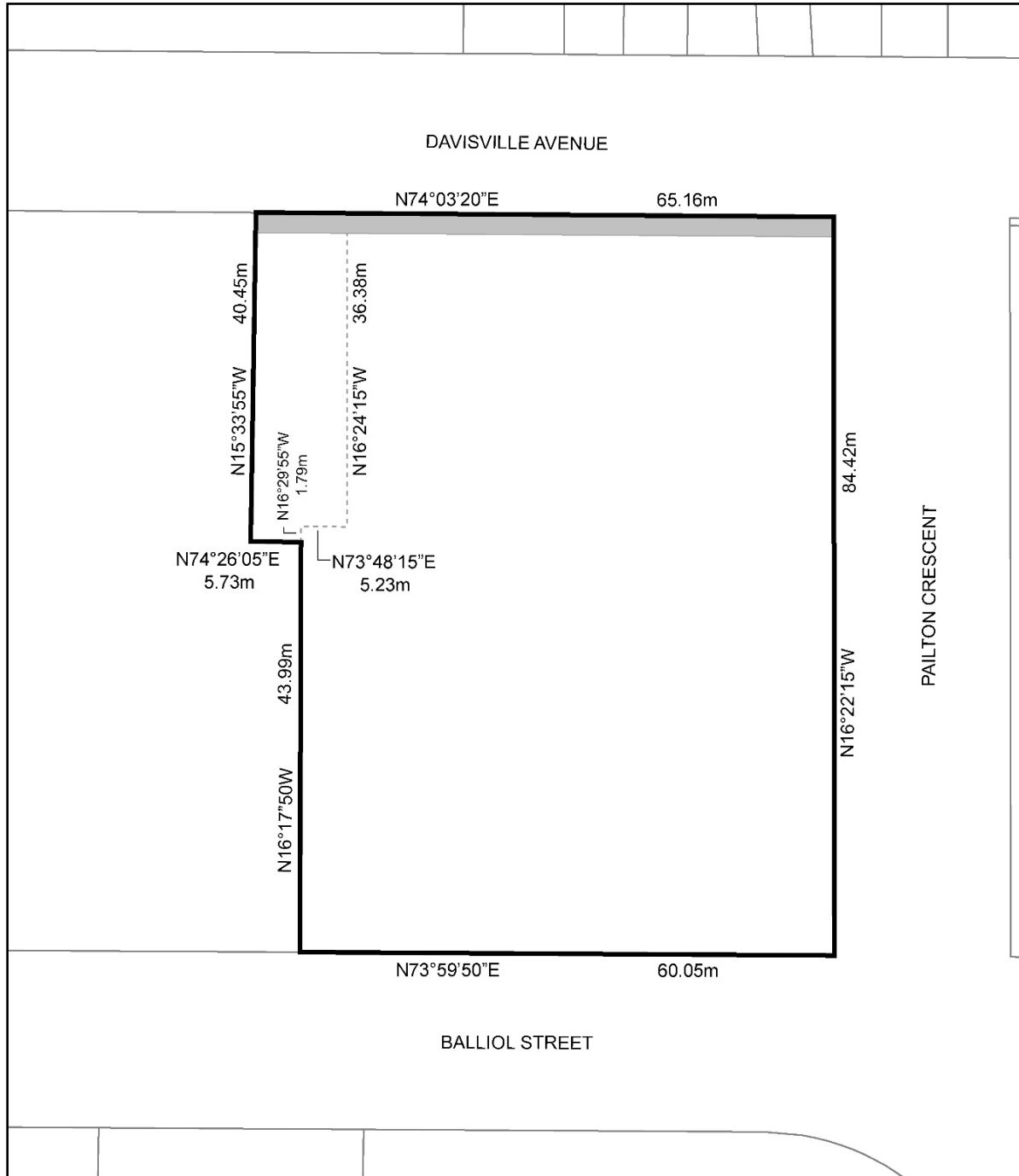
Enacted and passed on March 22, 2024.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)


Diagram 1



111 And 141 Davisville Avenue

File # 22 165979 STE 12 0Z

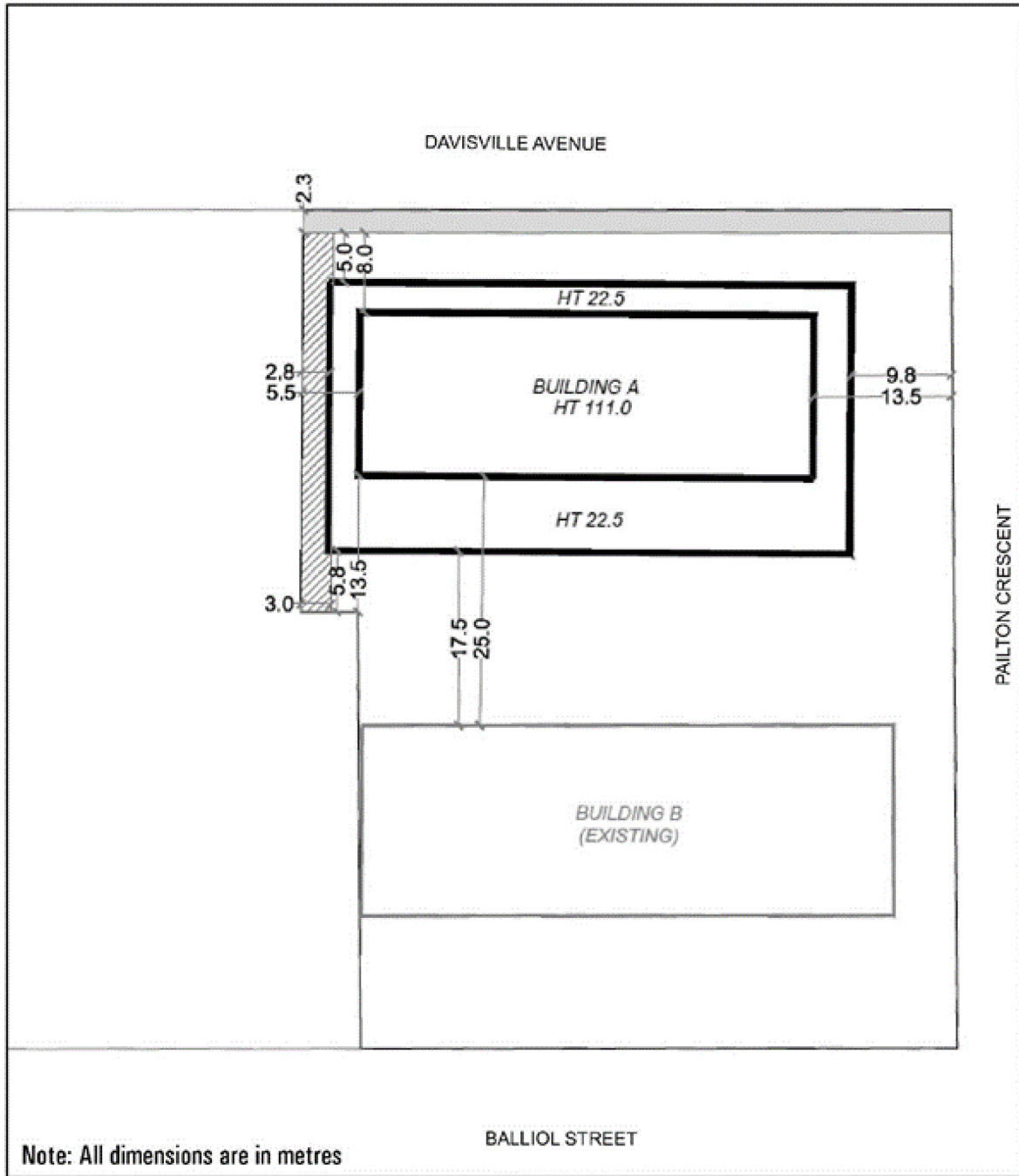
 2.3 Metre Road Widening

  
City of Toronto By-law 569-2013  
Not to Scale  
02/29/2024

**Diagram 2**



Diagram 3



 **TORONTO**  
Diagram 3

111 And 141 Davisville Avenue

File # 22 165979 STE 12 0Z

-  2.3 Metre Road Widening
-  3.0 Metre Mid-Block Connection At Grade

  
City of Toronto By-law 569-2013  
Not to Scale  
01/22/2024