

Authority: Toronto and East York Community Council Item 34.25,  
as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014

## CITY OF TORONTO

### BY-LAW No. 1032-2014

**To amend former City of Toronto Zoning By-law No. 438-86, as amended, respecting all of the lots located on the north side of Davenport Road, between and including the lots municipally known in the year 2014 as 142 Davenport Road and 202 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 all of the lots located on the north side of Davenport Road, between and including the lots municipally known in the year 2014 as 142 Davenport Road and 202 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 enacts:

1. Within the *Davenport Terrace Area*, notwithstanding the provisions of Sections 4(2)(a)(i), A. of *By-law No. 438-86*, which states, "the maximum height of the top of such elements is no higher than the sum of five metres and the *height* limit applicable to the *lot*," the "five" metres shall be reduced to the sum of three metres and the *height* limit applicable to the *lot*, and, in addition to that restriction, all roof top elements and structures permitted by Sections 4(2)(a)(i) and (ii) of *By-law No. 438-86*:
  - (a) must also be set back at least 3.0 metres from the interior face of the *main wall* facing the *front lot line*; and
  - (b) may not penetrate a 45 degree angular plane projected over the *lot* on which all such roof top elements and structures are located, from the average elevation of the *rear lot line*.
2. Within the *Davenport Terrace Area*:
  - (a) if a *lot* is located beside an abutting *lot* that is located in the CR zone and also has a building fronting on to the north side of Davenport Road, the required minimum front yard setback for that *lot* within the *Davenport Terrace Area* is the front yard setback of that building located on the abutting *lot*; and
  - (b) if a *lot* is located between two abutting *lots* that are each located in the CR zone and each have a building fronting on the north side of Davenport Road, the required minimum front yard setback for that *lot* within the *Davenport Terrace Area* is the average of the front yard setbacks of those two abutting buildings located on the abutting *lots*.

3. Within the *Davenport Terrace Area*, if the as-built setback of a building or structure that was lawfully erected before May 30, 2014, is less than the required minimum front yard setback as established by the previous Section of this By-law, that existing as-built building setback shall continue to be the applicable minimum front yard setback for that building or structure.
4. Within the *Davenport Terrace Area*, each building or structure is subject to the following:
  - (a) where the *rear lot line* of a *lot* abuts a lane, a building or structure must be set back at least 7.5 metres from the lot line of the *lot* abutting the lane on the opposite side of the lane;
  - (b) where the side *main wall* of a building has windows or openings, the *main wall* must be set back at least 5.5 metres from the *side lot line*, otherwise no building setback is required; and
  - (c) no portion of a building or structure may penetrate a 45 degree angular plane, projected over the *lot* on which the building or structure is located, from the average elevation of the *rear lot line* of that *lot*.
5. Within the *Davenport Terrace Area*, the exemptions provided in Section 2 of *By-law No. 438-86* to the calculation of *residential gross floor area* and *non-residential gross floor area* of a building or structure, may not exempt more than 50% of the floor area located below *grade* from the calculation of the combined *residential gross floor area* and *non-residential gross floor area* of a building or structure.
6. Except as otherwise provided herein, the provisions of *By-law No. 438-86* shall continue to apply to the *Davenport Terrace Area*.
7. For the purposes of the By-law, the following expressions shall have the following meaning:
  - (a) "*By-law No. 438-86*" means By-law No. 438-86, as amended, of the former City of Toronto;
  - (b) "*Davenport Terrace Area*" means and includes all of the *lots* located on the north side of Davenport Road, between and including the *lots* municipally known in the year 2014 as 142 Davenport Road and 202 Davenport Road;
  - (c) "*main wall*" means any exterior wall of a building or structure, including all structural members essential to the support of a roof over a fully or partly enclosed area; and

- (d) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in *By-law No. 438-86*.

Enacted and passed on August 28, 2014.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)