

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. 1033-2014

To amend Zoning By-law No. 569-2013, 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. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
2. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.11.10 Exception number 2379, by adding under the heading 'Site Specific' the following, so that it reads:

Site Specific Provisions:

- (A) Despite 40.5.40.10(4), equipment and **structures** located on the roof of a **building**:
 - (i) may exceed the permitted maximum height for that **building** by a maximum of 3.0 metres only, instead of by the 5.0 metres permitted by 40.5.40.10(4); and
 - (ii) may not penetrate a 45 degree **angular plane** projected over the **lot** from the **rear lot line** starting at a height equal to the average elevation of the ground along the **rear lot line**;
- (B) In addition to the requirements of 40.5.40.10(5)(A) and (B), equipment, **structures** or parts of a **building** exceeding the permitted maximum height for a **building** must also be set back at least 3.0 metres from the interior face of the **main wall** facing the **front lot line**;
- (C) In addition to the requirements of 40.5.40.10(6), unenclosed **structures** providing safety or wind protection to rooftop **amenity space**:
 - (i) must be set back at least 3.0 metres from the interior face of the **main wall** facing the **front lot line**; and

- (ii) may not penetrate a 45 degree **angular plane** projected over the **lot** from the **rear lot line** starting at a height equal to the average elevation of the ground along the **rear lot line**;
 - (D) The maximum height of a **main wall** facing the **front lot line** is 7.5 metres measured from the average elevation of the ground along the **front lot line**;
 - (E) Despite 40.10.40.70(2)(A) for a **building** constructed after May 9, 2013, if it is on a **lot** that is:
 - (i) beside one **lot** in the CR zone, which has a **building** fronting on Davenport Road, the required minimum **front yard setback** for that **building** constructed after May 9, 2013, is the **front yard setback** of the **building** located on the abutting **lot**; and
 - (ii) between two abutting **lots** in the CR zone, each of which have a **building** fronting on Davenport Road, the required minimum **front yard setback** for that **building** constructed after May 9, 2013, is the average of the **front yard setbacks** of those **buildings** located on the two abutting **lots**;
 - (F) Despite 40.10.40.70(2)(E) a **building** may not penetrate a 45 degree **angular plane** projected over the **lot** from the **rear lot line** starting at a height equal to the average elevation of the ground along the **rear lot line**;
 - (G) Despite 40.10.40.70(5) **building setbacks** apply above and below ground; and
 - (H) Despite 40.5.40.40, the **gross floor area** of a **building** may be reduced only to a maximum of 50% of the floor area of the **basement** and the floor space index of a **building** may be reduced only to a maximum of 50% of the floor area of the **basement** divided by the area of the **lot**.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending Article 900.11.10 Exception number 2380, by adding under the heading 'Site Specific' the following, so that it reads:

Site Specific Provisions:

- (A) Despite 40.5.40.10(4), equipment and **structures** located on the roof of a **building**:
 - (i) may exceed the permitted maximum height for that **building** by a maximum of 3.0 metres only, instead of by the 5.0 metres permitted by 40.5.40.10(4); and
 - (ii) may not penetrate a 45 degree **angular plane** projected over the **lot** from the **rear lot line** starting at a height equal to the average elevation of the ground along the **rear lot line**;

- (B) In addition to the requirements of 40.5.40.10(5)(A) and (B), equipment, **structures** or parts of a **building** exceeding the permitted maximum height for a **building** must also be set back at least 3.0 metres from the interior face of the **main wall** facing the **front lot line**;
- (C) In addition to the requirements of 40.5.40.10(6), unenclosed **structures** providing safety or wind protection to rooftop **amenity space**:
- (i) must be set back at least 3.0 metres from the interior face of the **main wall** facing the **front lot line**; and
 - (ii) may not penetrate a 45 degree **angular plane** projected over the **lot** from the **rear lot line** starting at a height equal to the average elevation of the ground along the **rear lot line**;
- (D) The maximum height of a **main wall** facing the **front lot line** is 7.5 metres measured from the average elevation of the ground along the **front lot line**;
- (E) Despite 40.10.40.70(2)(A) for a **building** constructed after May 9, 2013, if it is on a **lot** that is:
- (i) beside one **lot** in the CR zone, which has a **building** fronting on Davenport Road, the required minimum **front yard setback** for that **building** constructed after May 9, 2013, is the **front yard setback** of the **building** located on the abutting **lot**; and
 - (ii) between two abutting **lots** in the CR zone, each of which have a **building** fronting on Davenport Road, the required minimum **front yard setback** for that **building** constructed after May 9, 2013, is the average of the **front yard setbacks** of those **buildings** located on the two abutting **lots**;
- (F) Despite 40.10.40.70(2)(E) a **building** may not penetrate a 45 degree **angular plane** projected over the **lot** from the **rear lot line** starting at a height equal to the average elevation of the ground along the **rear lot line**;
- (G) Despite 40.10.40.70(5) **building setbacks** apply above and below ground; and
- (H) Despite 40.5.40.40, the **gross floor area** of a **building** may be reduced only to a maximum of 50% of the floor area of the **basement** and the floor space index of a **building** may be reduced only to a maximum of 50% of the floor area of the **basement** divided by the area of the **lot**.

Enacted and passed on August 28, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)