

Authority: Toronto and East York Community Council Report No. 7, Clause No. 4,  
as adopted by City of Toronto Council September 28, 29, 30 and October 1, 2004  
Enacted by Council: September 30, 2004

## CITY OF TORONTO

### BY-LAW No. 861-2004

#### **To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2003 as 43 Hanna Avenue.**

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 lands municipally known in the year 2003 as 43 Hanna Avenue; 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; and

WHEREAS the Council of the City of Toronto, at its meeting held September 28, 29, 30 and October 1, 2004 determined to amend Zoning By-law No. 438-86, as amended, for the former City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2(1) with respect to the definitions of *lot*, *apartment building*, *grade*, *height* and *live-work unit* as well as Sections 4(2)(a), 4(4)(b), 4(4)(c), 4(6), 4(12), 4(16), 9(1)(f), 9(3) Part I, 9(3) Part XI, and 12(2)298 of By-law No. 438-86, as amended, shall apply to prevent the renovation of, including construction of additions, and the use of the buildings and structures existing on the *site* at the date of the passage of this By-law for any one or more of the uses permitted in the IC zone, *live-work units*, *retail uses* and *accessory uses* including *parking stacker(s)*, provided that:
  - (1) the *site* is comprised of at least those lands outlined in heavy lines on Map 1, attached to and forming part of this By-law;
  - (2) the total combined *residential gross floor area* and *non-residential gross floor area* of all buildings and structures on the *site* does not exceed 36,200 square metres;
  - (3) no portion of a building or structure located above the finished ground level on the *site* is located otherwise than wholly within the building envelope outlined by heavy lines shown on Map 2 attached to and forming part of this By-law;
  - (4) the number of *live-work units* on the *site* shall not exceed 215;
  - (5) no *live-work units* are located within any portion of the building(s) shown within Area A on Map 3;

- (6) *retail uses* are located only within the first storey of those parts of the building(s) shown within the hatched areas on Map 3 and such *retail uses* shall have a main pedestrian entrance located in the exterior wall of the building which is directly accessible by pedestrians from Hanna Avenue and no pedestrian entrance to *retail uses* shall be located in the exterior wall of the building on East Liberty Street;
- (7) *height* of any building or structure on the *site* shall not exceed the *heights* as shown on Map 2, but this paragraph does not prevent the erection or use of:
- (i) the structures and elements identified in Section 4(2)(a)(i) of By-law 438-86, as amended, subject to the limitations contained therein;
  - (ii) the structures identified in Section 4(2)(a)(ii) of By-law No. 438-86, as amended, provided that:
    - A. the maximum height of the top of the structure is not higher than the sum of 3.0 metres and the *height* limits shown on Map 2; and
    - B. the structure does not enclose space so as to constitute a form of penthouse or other room or rooms;
  - (iii) chimney stacks and smoke stacks existing on the *site* as of the date of the passing of this By-law;
  - (iv) skylights on the roof of the building provided that the maximum height to the top of the skylight is not higher than the sum of 1.5 metres and the *height* limits shown on Map 2; and
  - (v) one water tower provided that the maximum height to the top of the water tower is not higher than the sum of 17.0 metres and the *height* limits shown on Map 2;
- (8) despite the provisions of Sections 1(3) and 1(7) of this By-law, the following building elements and structures are permitted beyond the building envelope and above the *height* limits shown on Map 2:
- (i) cornices, parapet walls, eaves and ornamental elements provided such elements do not extend greater than 1.2 metres beyond the building envelope or *height* limits shown in Map 2;
  - (ii) balconies provided such elements do not extend greater than 1.6 metres from the wall to which they are attached;
  - (iii) canopies provided such elements do not extend greater than 2.6 metres from the wall to which they are attached; and

- (iv) stair and stair enclosures, landings, fences, patios, decks, wheel chair ramps, guard rails, retaining walls and landscape features;
- (9) a minimum of 248 *parking spaces*, inclusive of 26 *parking spaces* for the exclusive use of visitors, shall be provided and maintained in accordance with the definition of *parking space* as contained in Section 2 of By-law No. 438-86, as amended, with the exception of the following:
- (i) a maximum of 175 *parking spaces* shall have minimum dimensions of 2.6 metres in width and 5.2 metres in length when accessed by a 6.3 metre wide drive aisle;
  - (ii) a maximum of 28 *parking spaces* shall have minimum dimensions of 4.6 metres in width and 5.5 metres in length; and
  - (iii) a maximum of 3 *parking spaces* shall have minimum dimensions of 3.2 metres in width and 5.5 metres in length;
- (10) a minimum of one *loading space – type G* shall be provided and maintained on the *site* with a level surface, or a ramp not exceeding a slope of 2%, with access designed such that trucks can enter and exit the *site* in a forward motion;
- (11) *residential amenity space* shall be provided and maintained in accordance with Section 4(12) of By-law No. 438-86, as amended, provided that the required indoor *residential amenity space* shall be provided in contiguous or non-contiguous multi-purpose room or rooms, at least one of which contains a kitchen and a washroom;
- (12) the owner of the *site* enters into one or more agreements, pursuant to Section 37 of the *Planning Act*, satisfactory to the Commissioner of Urban Development Services and the City Solicitor and that such agreement(s) be registered against the title to the *site* to secure the following facilities, services and matters:
- (i) cash payment by the owner in the amount of \$270,000.00 for the purpose of funding an off-site publicly owned public art project for the enhancement of the King Street West railway underpass located east of Atlantic Avenue. The funds will be administered by the Commissioner of Economic Development, Culture and Tourism in consultation with the Commissioner of Urban Development Services, and the nature of the public art project shall be within the sole discretion of the City;
  - (ii) inclusion of warning clauses to the satisfaction of the Commissioner of Urban Development Services, in offers of purchase and sale, leases or rental agreements for units constructed on the *site* pursuant to this By-law, to provide notice of the integration of *live-work* units into an industrial building as well as possible noise and vibration resulting from the proximity of the *site* to a railway corridor or, as applicable and to the satisfaction of the Commissioner of Urban Development Services,

provision for providing notice and obtaining an acknowledgement from each purchaser or lessee of a unit prior to closing or occupancy of such unit, acknowledging receipt of such a warning clause; and

- (iii) implementation of noise and vibration abatement measures, if required, satisfactory to the City, in consultation with Canadian National Railway and GO Transit, or their respective successors and assigns.

2. For the purpose of this By-law, the following expressions shall have the following meaning:
  - (1) “*grade*” shall mean 87.3 metres Canadian Geodetic Datum;
  - (2) “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structures;
  - (3) “*live-work unit*” means a *dwelling unit* that is also used for work purposes provided the resident or residents of such accommodation work in the *dwelling unit*, and the *dwelling unit* may also be used for work purposes by any number of other persons;
  - (4) “*retail uses*” means any of those uses listed in Section 9(1)(f)(b)(iv) of By-law No. 438-86, as amended, save and except for a *dry cleaning shop* and a *laundry shop* which are not permitted uses; and
  - (5) “*site*” means those lands outlined by heavy lines on Map 1 attached hereto.
3. For the purposes of this By-law, every other word or expression that is italicized shall have the same meaning as each such word or expression as defined by By-law No. 438-86, as amended.
4. None of the provisions of this By-law shall operate to prohibit any uses, buildings or structures lawfully existing on the *site* as of the date of the passing of this By-law.
5. Despite any existing or future severance, partition or division of the *site*, the provisions of this by-law shall apply to the whole of the *site* as if no severance, partition or division occurred.

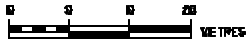
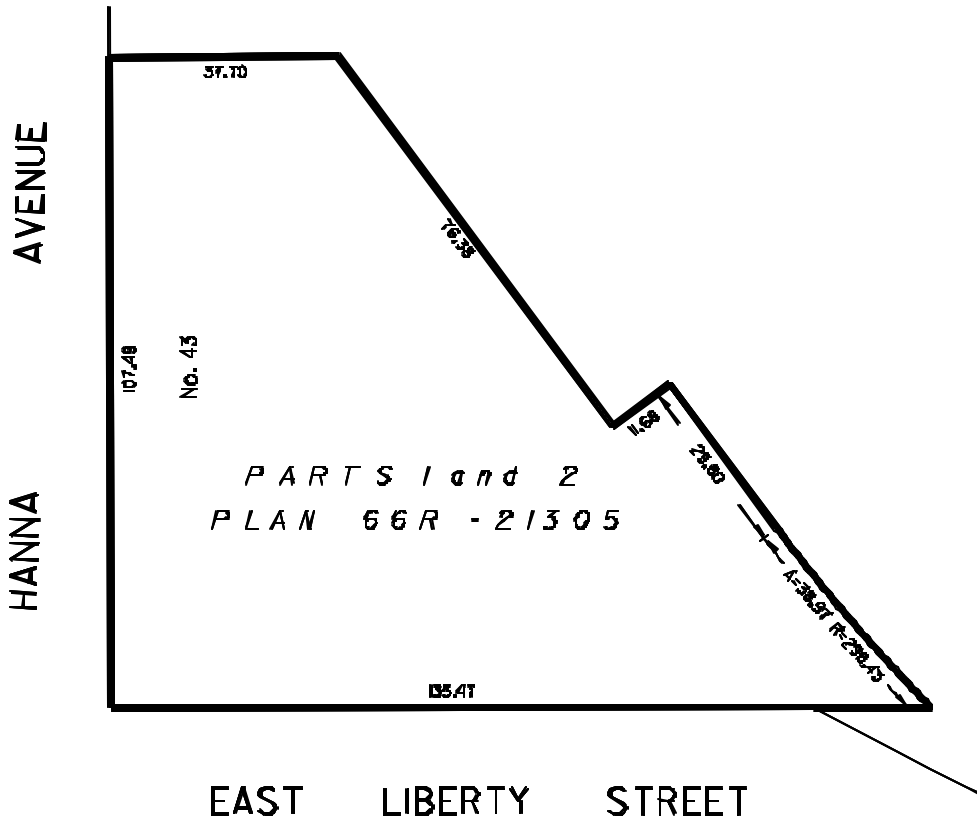
ENACTED AND PASSED this 30th day of September, A.D. 2004.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

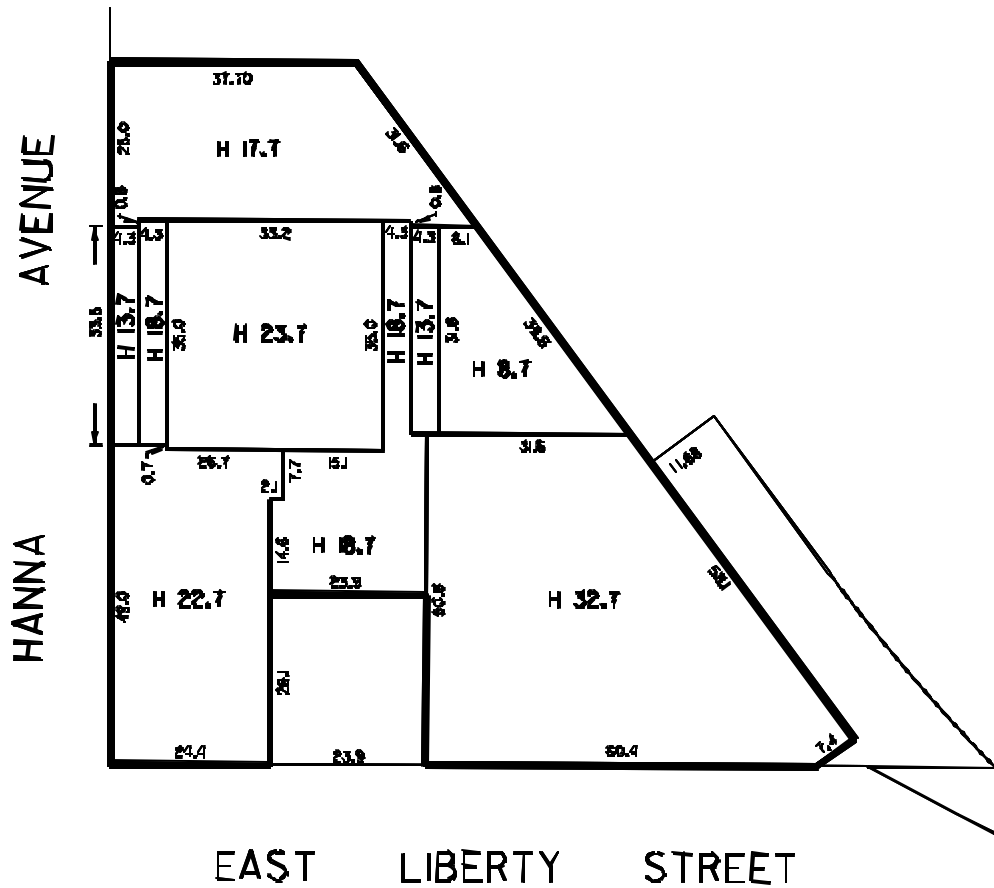
(Corporate Seal)

# MAP 1



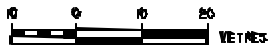
WORKS AND PROPERTY SERVICES  
SURVEY AND MAPPING SECTION  
TORONTO SEPTEMBER 2005  
BLOT/4884041.DGN  
FILE# 48-27  
MAP No. 492-02 DRAWN: WS/VB

# MAP 2



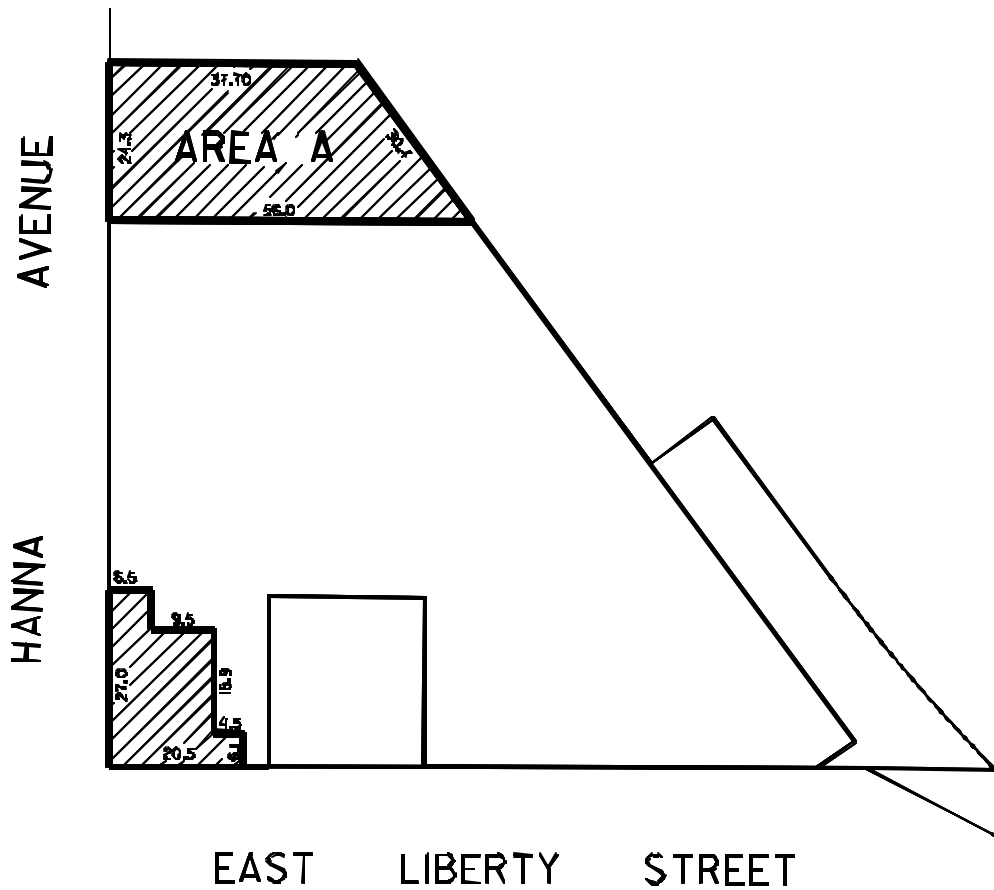
H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

 BUILDING ENVELOPE



WORKS AND EMERGENCY SERVICES  
 SURVEY AND MAPPING SERVICES  
 TORONTO SEPTEMBER 30, 2004  
 BLDG/HANNA42.DWG  
 FILED H5-21 DRAWN BY WS/VE/DR  
 MAP No. 430-22

# MAP 3



 RETAIL USES



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO SEPTEMBER 30, 2004  
BL04/43-HANNA3.DGN  
FILE: HC-21  
MAP No. 496-22 DRANKU WS/DR