

Authority: Toronto and East York Community Council Item 26.5,  
as adopted by City of Toronto Council on October 8, 9, 10 and 11, 2013

## CITY OF TORONTO

### BY-LAW No. 1293-2013

**To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 138 St. Helen's Avenue.**

Whereas authority is given to Council by 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*;

The Council of the City of Toronto enacts:

1. Maps 1 and 2, attached, form part of this By-law.
2. For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86 of the former City of Toronto, as amended, with the exception of the following:
  - (a) "*Grade*" means 109.50 metres Canadian Geodetic Datum.
  - (b) "*Height*" means the vertical distance between *Grade* as defined in this By-law and the highest point of the roof except for those elements prescribed in this By-law.
  - (c) "*Lot*" means the lands outlined by heavy lines on Map 1.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86 of the former City of Toronto, as amended, shall continue to apply to the *lot*.
4. None of the provisions of Sections 4(2)(a), 4(4)(b), 4(6), 4(11), 4(16), 9(1), 9(3) Part I(2), and 12(2)270 of Zoning By-law No. 438-86, of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection or use of a *building*, containing the following uses: *residential uses, day nursery, brew on premises establishment, caterer's shop, bake-shop, dry-cleaning shop, personal grooming establishment, tailoring shop, artist or photographers studio, custom workshop, designers studio, performing arts studio, publisher, software design and development establishment, offices, carpenters shop, public art gallery, premises of a charitable institution or non-profit institution, communication and broadcasting establishment, and trade school* subject to the following:
  - (a) The total *residential gross floor area* shall not exceed 7,990 square metres.
  - (b) The total *non-residential gross floor area* shall not exceed 1,950 square metres.

- (c) No portion of the building or structure erected or used above grade shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2, subject to the following:
  - (i) Underground garage ramps, stairs, stair enclosures, wheelchair ramps, vents, bollards, bicycle racks, and landscape and public art features may be located outside the heavy lines shown on Map 2 up to a height of 2 metres.
  - (ii) Awnings, window sills, cornices, lighting fixtures and ornamental elements may extend beyond the heavy lines shown on Map 2 projecting no more than 3 metres.
- (d) The *height* of any building or structure, or portion thereof, including mechanical and elevator/stair overrun, shall not exceed the *heights* in metres indicated by the numbers following the symbol H on Map 2, with the exception of the following:
  - (i) Terrace guards and dividers, safety railings, roof access hatches, vents, stacks, pipes, chimneys, and structures located on the roof used for outside or open air recreation, safety or wind protection purposes may extend above the *heights* shown on Map 2 up to a height of 3 metres.
  - (ii) Within the area indicated as "Area A" on Map 2, no portion of any building or structure shall be located between a *height* of 0.0 metres and a *height* of 8.0 metres, with the exception of elements listed in Section 4(c)(i) and (ii) of this by-law.
- (e) *Parking spaces* shall be provided as follows:
  - (i) 0.7 *parking spaces* per bachelor unit.
  - (ii) 0.8 *parking spaces* per 1-bedroom unit.
  - (iii) 0.9 *parking spaces* per 2-bedroom unit.
  - (iv) 1.1 *parking spaces* per 3-bedroom unit or larger.
  - (v) shared *parking spaces* for residential visitors and to serve the *non-residential* building uses, which shall equal the greater of:
    - A. 0.15 *parking spaces* per residential unit; or
    - B. 1 *parking space* per 100 square metres of *non-residential gross floor area*.
  - (vi) The shared *parking spaces* referred to in paragraph (v) above shall be provided at no cost for the use of residential visitors.
- (f) One shared Type "G" loading space must be provided on the *lot*.

- (g) No more than 90 dwelling units are permitted on the *lot*, of which a minimum of 5 units must have 3 bedrooms, and a minimum of 40 must have 2 bedrooms.
5. Within the lands shown on Map 1, attached to and forming part of this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the *lot* line and the following provisions are complied with:
- (a) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
6. Despite any existing or future severance, partition or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no consent, partition or division had occurred.

Enacted and passed on October 11, 2013.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



