

CITY OF TORONTO

BY-LAW No. 740-2004(OMB)

To amend the General Zoning By-law No. 438-86 and By-law No. 20623 and the Site Specific By-law No. 657-76, all as amended, of the former City of Toronto with respect to lands known as Winchester Square, located within the block bounded by Wellesley Street East, Ontario Street, Carlton Street and Bleecker Street and at 405 Sherbourne Street.

WHEREAS the Ontario Municipal Board in an Order issued October 31, 2003, approved a Zoning By-law Amendment as a result of a zoning by-law appeal with respect to certain lands known as Winchester Square, located within the block bounded by Wellesley Street East, Ontario Street, Carlton Street and Bleecker Street and at 405 Sherbourne Street; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an Owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-laws Nos. 438-86, 20623 and 657-76, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law; and

WHEREAS it is desirable to restate the zoning regulations pertaining to the lands defined below as the "South Site" so as to make the South Site zoning regulations discrete and independent of the zoning regulations pertaining to the lands described herein as "Parcel A", "Parcel B" and "Parcel C", while maintaining an aggregate gross floor area limit on the "lot" that comprises the South Site and "Parcel A" and "Parcel B" of three times the area of the "lot";

WHEREAS the zoning regulations set out herein for the South Site have been prepared based upon the best available records of the buildings, landscaping, parking spaces and other facilities erected and used on the South Site; and

WHEREAS it is the intention and premise of this by-law that no building or area existing within the South Site as of December 31, 2002 will be rendered non-conforming by the enactment of this By-law;

NOW THEREFORE pursuant to the Order No. 1470 of the Ontario Municipal Board issued on October 31, 2003 in Board File No. PL911855 By-laws Nos. 438-86, 20623 and 657-76, as amended, of the former City of Toronto, are hereby amended as follows:

1. Section 2 of By-law No. 657-76 is deleted and replaced with a new Section 2 as follows:
 - “2. None of the provisions of clause (h) of subsection (46) of Section 2 and the initial paragraph of subsection (64) of Section 2 and subsections (3), (4), (5), (7), (8)(e), (12), (13), (14)(a) and (21) of Section 4 and Sections 9 and 10 of the aforesaid By-law No. 20623, as amended, of the former City of Toronto shall apply to the erection or use, on the “South Site” of an “apartment house” (containing “dwelling units”, a parking garage for the use of which a charge may be made, one or more directional signs advertising such parking garage and space for certain other purposes hereinafter set out); and (494-77) (525-82) provided that:
 - (1) the South Site comprises at least the lands outlined by heavy line and identified as the “South Site” on Map 4;
 - (2) within the “apartment houses” erected and used on the South Site the total number of “dwelling units” in the aggregate does not exceed 789; (494-77)
 - (3) within the “apartment houses” erected and used on the South Site, other than within the areas designated as “14” and “15” on Map 1, “dwelling units” are provided, at least, as follows:
 - (a) not less than 16 “dwelling units” contain four bedrooms, (689-80) (154-82)
 - (b) not less than 99 “dwelling units” contain three bedrooms,
 - (c) not more than 258 “dwelling units” contain one bedroom, and
 - (d) no “dwelling units” contain less than one bedroom;
 - (4) no part of the “apartment houses” erected and used on the South Site located within the areas designated as “5”, “6”, “7”, “8”, “9”, “10”, “11”, “12”, “13”, “14”, “15”, and “E” on Map 1, has a height above Canadian Geodetic Datum exceeding, respectively, 131.4, 120.1, 129.5, 123.7, 117.3, 116.4, 128.6, 114.6, 125.9, 114.6, 141.4 and 106.1 metres;
 - (5) no part of the “apartment houses” erected and used on the South Site is erected above “grade” otherwise than wholly within one of the areas designated as “5”, “6”, “7”, “8”, “9”, “10”, “11”, “12”, “13”, “14”, “15”, and “E” on Map 1, other than fences and ventilator housings for the ventilation of underground facilities and ramps or stairs (or railings or enclosures therefor) providing access to such facilities and one or more decks between the aforesaid areas designated “12” and “13” and between

the aforesaid areas designated “6” and “5”, provided no deck extends farther than 5.2 metres from the rear line of the area designated “12” and no deck extends farther than 3.66 metres from the rear line of the area designated “6”; (689-80) (154-82)

- (6) all “dwelling units” containing four or more bedrooms required to be provided pursuant to Section 2(3) and all “dwelling units” containing three bedrooms required to be provided pursuant to Section 2 (3) and at least 105 of the “dwelling units” containing two bedrooms required to be provided pursuant to Section 2(3) are located as follows:
 - (a) within the parts of the South Site designated as “5”, “6”, “7”, “8”, “9”, “10”, “11”, “12” and “13” on Map 1; and
 - (b) with the principal means of ingress and egress to such “dwelling units” being within the first, second or third storey of the “apartment house” in which the “dwelling units” are contained; such principal means of ingress and egress being provided by a means other than an elevator or other mechanical device;
- (7) no window in any room, other than a bathroom or kitchen, in any “dwelling unit” located in the first storey of the “apartment houses” erected and used on the South Site is located closer than 3.66 metres to any pedestrian walkway or vehicular access roadway;
- (8) no part of the “apartment houses” erected and used on the South Site and located within the areas designated as “5”, “6”, “7”, “8”, “9”, “10”, “11”, “12”, “13” on Map 1 is used for any purposes other than “dwelling units”, “shared indoor recreation space” and “personal recreation space” and purposes incidental, subordinate and exclusively devoted to such “dwelling units”; (494-77)
- (9) no part of the South Site described as follows:

Lots 3 to 6 according to registered plan E-210; the said lands now being better known and described as Part 5 according to a Plan received and deposited in the Land Registry Office for the Registry Division of Toronto (No. 63) on September 10, 1976 as 63R-1159

is used for any purpose other than “dwelling units” and “landscaped open space”;
- (10) no part of the “apartment houses” erected and used on the South Site and located within the area designated as “15” on Map 1 is used for any purpose other than “dwelling units”, “recreation space” and purposes incidental, subordinate and exclusively devoted to such “dwelling units”;

- (11) no part of the “apartment house” erected and used on the South Site and located within the area designated as “E” on Map 1 is used for any purpose other than as a part of the underground garage (the roof of which is landscaped) or as the ramp and roadway giving ingress and egress to the underground garage;
- (12) the owner or occupant of the “apartment houses” erected and used on the South Site provides and maintains motor vehicle parking facilities on the South Site (which may have access facilities extending beyond the South Site) as follows:
 - (a) a minimum of 101 “parking spaces” are provided and maintained in an underground parking garage and clearly marked for residents and visitors to the “dwelling units” located in the areas designated as “5” and “7” on Map 1;
 - (b) a minimum of 127 “parking spaces” are provided and maintained in an underground parking garage and clearly marked for residents and visitors to the “dwelling units” located in the areas designated as “8”, “9”, “10”, “11” and “13” on Map 1;
 - (c) 20 “parking spaces” above “grade” in a “parking station” located within the area designated as “Parking Station A” on Map 1 and 15 “parking spaces” located within the area designated as “Parking Station B” on Map 1;
 - (d) despite any other provision of this By-law, none of the provisions of subsection 89) of Section 2 of the aforesaid By-law No. 20623 shall apply to “Parking Station B” as shown on Map 1, provided it has a properly drained hard surface; and
 - (e) in the area designated as “6” on Map 1, one “parking space”, located in an integral garage, for each “dwelling unit”;
- (13) no part of the areas designated “6”, “12” or “14” on Map 1 is used for any purpose other than,
 - (a) in area “14”,
 - (i) any building or structure existing thereon on November 12, 1976, or
 - (ii) “row housing” containing not more than 4 “dwelling houses” each containing not more than two “dwelling units” which may be erected, subject to subsections (4) and (5) of Section 2 hereof, to replace such building or structure; and

- (b) in areas “6” and “12”, “row housing” containing not more than 14 “dwelling houses” in area “6” and containing not more than 12 “dwelling houses” in area “12”. (678-79)
- (14) within the South Site:
 - (a) “landscaped open space” is provided and maintained to the extent of at least 11,600 square metres, and
 - (b) the “gross floor area” erected or used does not exceed 64,500 square metres;
- (15) “recreation space” is provided within the South Site at least in accordance with the following:
 - (a) 9.3 square metres for each “dwelling unit” containing one bedroom or less and located within the area designated as “15” on Map 1;
 - (b) 15.8 square metres for each “dwelling unit” located on the respective areas of the South Site containing one bedroom excepting therefrom all “dwelling units” containing one bedroom or less and located within the area designated as “15” on Map 1 (494-77);
 - (c) 27.9 square metres for each “dwelling unit” located on the respective areas of the South Site lands containing two bedrooms;
 - (d) 37.2 square metres for each “dwelling unit” located on the respective areas of the South Site containing three bedrooms; and
 - (e) 46.4 square metres for each “dwelling unit” located on the respective areas of the South Site containing four or more bedrooms (494-77).
- (16) “personal recreation space” is provided within the South Site at least accordance with the following:
 - (a) 6.5 square metres for each “dwelling unit” located on the South Site containing one bedroom excepting therefrom all “dwelling units” containing one bedroom or less and located within the area designated as “15” on Map 1 (494-77);
 - (b) 9.3 square metres for each “dwelling unit” located on the respective areas of the South Site containing two or more bedrooms; and

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- (c) no “personal recreation space” within the South Site located at the same elevation as and adjoining a street, a park, any other public area, an outdoor “shared recreation space” or a “common outdoor space” shall have a lesser width, as measured at right angles to the external wall of the “dwelling unit”, than 3.66 metres.
- (17) “shared recreation space” is provided within the South Site at least in accordance with the following:
- (a) 3.7 square metres for each “dwelling unit” located on the South Site containing one bedroom excepting therefrom all “dwelling units” containing one bedroom or less and located within the area designated as “15” on Map 1 (494-77);
 - (b) 7.4 square metres for each “dwelling unit” located on the respective areas of the South Site containing two bedrooms;
 - (c) 11.1 square metres for each “dwelling unit” located on the respective areas of the South Site containing three bedrooms; and
 - (d) 14.9 square metres for each “dwelling unit” located on the respective areas of the South Site containing four or more bedrooms (494-77).
- (18) not less than 1858 square metres of “shared indoor recreational space” is provided in the aggregate within the “apartment houses” located on the South Site; and
- (19) any directional sign advertising the parking garage permitted on the South Site is a non-lashing type and any illumination is so arranged as to direct the light away from adjacent residential premises. (525-82)”
2. Section 3 of By-law No. 657-76 is amended by renumbering it as Section 9, and by inserting Sections 3, 4, 5, 6, 7 and 8 as follows:
- “3. Subject to Sections 6, 7, 8 and 10 of this By-law, none of the provisions of Sections 4(2)(a), 4(5), 4(16), 6(1), 6(3) Part I, 6(3) Part II or 6(3) Part III of Zoning By-law No. 438-86, as amended, 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”, or By-law No. 20623, as amended, of the former City of Toronto, shall apply to prevent the erection and use of an “apartment building”, “rowhouses” or “rowplexes” or a “mixed-use building”, or any combination thereof on “Parcel A” provided that:
- (1) “Parcel A” comprises at least the lands outlined by heavy line and identified as “Parcel A” on Maps 1 and 4;

- (2) the total of the “non-residential gross floor area” and the “residential gross floor area” erected or used on “Parcel A” does not exceed 14,920 square metres;
- (3) the “non-residential gross floor area” erected and used on “Parcel A”;
 - (a) is located only at or below the first storey;
 - (b) does not exceed 1240 square metres; and
 - (c) is used only for one or more of the following purposes:
 - (i) a grocery store of not more than 140 square metres of “non-residential gross floor area”;
 - (ii) a “bake shop”;
 - (iii) a “branch of a bank or financial institution”;
 - (iv) a “caterer’s shop”;
 - (v) a “club” serving the recreational or athletic purposes of local area residents;
 - (vi) a “community centre”;
 - (vii) a “community health centre”;
 - (viii) a dressmaker’s shop;
 - (ix) a “dry-cleaner’s distributing station”;
 - (x) a “duplicating shop”;
 - (xi) “educational services”;
 - (xii) an insurance agency;
 - (xiii) a “municipal community centre”;
 - (xiv) an office of a professional person;
 - (xv) an optician;
 - (xvi) a “personal grooming establishment”;
 - (xvii) a pet shop;

- (xviii) a “public library”;
 - (xix) a “restaurant” of less than 400 square metres of “non-residential gross floor area”;
 - (xx) a “retail store”;
 - (xxi) a “service, rental or repair shop”;
 - (xxii) a “tailoring shop”;
 - (xxiii) a “take-out restaurant” of less than 400 square metres of “non-residential gross floor area”; or
 - (xxiv) a “travel agency”.
- (4) no part of a building located within “Parcel A” at or above the second storey is used for any purposes other than “dwelling units” and purposes incidental, subordinate and exclusively devoted to such “dwelling units”;
 - (5) no window in any room, other than a bathroom or kitchen, in any “dwelling unit” located in the first storey of a building located within “Parcel A” is located closer than 3.66 metres to any pedestrian walkway or vehicular access roadway;
 - (6) not less than 776 square metres of “landscaped open space” is provided and maintained on “Parcel A”;
 - (7) despite any other provision of this By-law or of By-law No. 438-86, as amended, the “parking spaces” required to be provided for a building erected within “Parcel A” may be located in an underground parking garage within “Parcel A” or within the South Site provided such “parking spaces” are located within 125 metres of “Parcel A”;
 - (8) the “height” above “grade” of any building or structure or any portion thereof located on “Parcel A” does not exceed the “heights” and the maximum number of permitted storeys shown on Map 2;
 - (9) at least 35% of the “dwelling units” erected and used on “Parcel A” contain two bedrooms or more;
 - (10) no “dwelling units” erected and used on “Parcel A” contain less than one bedroom;
 - (11) no part of any building erected or used on “Parcel A” above ground is located otherwise than wholly within the areas outlined by heavy lines within “Parcel A” as shown on Map 2;

- (12) in the case of a condominium development on “Parcel A”, the parking requirements set forth in Table “A” of this By-law shall apply in respect of any such condominium development;
- (13) except as otherwise specifically provided in this Section 3, the provisions of By-law No. 438-86, as amended or replaced, shall continue to apply to “Parcel A”; and
- (14) any directional sign advertising the parking garage permitted on the South Site is a non-lashing type and any illumination is so arranged as to direct the light away from adjacent residential premises.”

3. Subject to Sections 6, 7, 8 and 10 of this By-law none of the provisions of Sections 4(2)(a), 4(5), 4(16), 6(1), 6(3) Part I, 6(3) Part II or 6(3) Part III of Zoning By-law No. 438-86, as amended, 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”, or By-law No. 20623, as amended, of the former City of Toronto, shall apply to prevent the erection and use of an “apartment building”, “rowhouses”, “rowplexes” or a “mixed-use building” or any combination thereof on “Parcel B” provided that:

- (1) “Parcel B” comprises at least the lands outlined by heavy line and identified as “Parcel B” on Maps 1 and 4;
- (2) the total of the “non-residential gross floor area” and the “residential gross floor area” erected or used on “Parcel B” does not exceed 15,130 square metres;
- (3) the “non-residential gross floor area” erected and used on “Parcel B”:
 - (a) is located entirely at or below the first storey;
 - (b) does not exceed 500 square metres; and
 - (c) is not used for any purpose other than those purposes set out in sub-clause (c) of subsection 3(3) of this By-law;
- (4) no part of a building located within “Parcel B” at or above the second storey is used for any purposes other than “dwelling units” and purposes incidental, subordinate and exclusively devoted to such “dwelling units”;
- (5) no window in any room, other than a bathroom or kitchen, in any “dwelling unit” located in the first storey of a building located within “Parcel B” is located closer than 3.66 metres to any pedestrian walkway or vehicular access roadway; except that any window in any room located on the south wall of any building in “Parcel B” may be located closer than 3.66 metres to any pedestrian walkway;

- (6) not less than 1100 square metres of “landscaped open space” is provided and maintained on “Parcel B”;
 - (7) the “height” above “grade” of any building or structure or any portion thereof located on “Parcel B” does not exceed the “heights” and the maximum number of permitted storeys shown on Map 2;
 - (8) at least 35% of the “dwelling units” erected and used on “Parcel B” contain two bedrooms or more;
 - (9) no “dwelling units” erected and used on “Parcel B” contain less than one bedroom;
 - (10) no part of any building erected or used on “Parcel B” above ground is located otherwise than wholly within the areas outlined by heavy lines within “Parcel B” as shown on Map 2;
 - (11) in the case of a condominium development on “Parcel B”, the parking requirements set forth in Table “A” of this By-law shall apply in respect of any such condominium development;
 - (12) except as otherwise specifically provided in this Section 4, the provisions of By-law No. 438-86, as amended or replaced, shall continue to apply to “Parcel B”; and
 - (13) any directional sign advertising the parking garage permitted on the South Site is a non-flashing type and any illumination is so arranged as to direct the light away from adjacent residential premises.
4. Subject to Sections 6, 7, 8 and 10 of this By-law none of the provisions of Sections 4(2)(a), 4(5), 4(16), 6(1), 6(3) Part I, 6(3) Part II or 6(3) Part III of Zoning By-law No. 438-86, as amended, 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”, or By-law No. 20623, as amended, of the former City of Toronto, shall apply to prevent the erection and use of an “apartment building”, “rowhouses”, “rowplexes” or a “mixed-use building”, or any combination thereof on “Parcel C” provided that:
- (1) “Parcel C” comprises at least the lands outlined by heavy line and identified as “Parcel C” on Map 1 and Map 4;
 - (2) the total “residential gross floor area” erected or used on “Parcel C” does not exceed 9,300 square metres;
 - (3) no part of a building located within “Parcel C” is used for any purposes other than “dwelling units” and purposes incidental, subordinate and exclusively devoted to such “dwelling units”;

- (4) no window in any room, other than a bathroom or kitchen, in any “dwelling unit” located in the first storey of a building located within “Parcel C” is located closer than 3.66 metres to any pedestrian walkway or vehicular access roadway;
 - (5) not less than 782 square metres of “landscaped open space” is provided and maintained on “Parcel C”;
 - (6) the “height” above “grade” of any building or structure or any portion thereof located on “Parcel C” does not exceed the “heights” and the maximum number of permitted storeys shown on Map 3;
 - (7) at least 35% of the “dwelling units” erected and used on “Parcel C” contain two bedrooms or more;
 - (8) no “dwelling units” erected and used on “Parcel C” contain less than one bedroom;
 - (9) no part of any building erected or used on “Parcel C” above ground is located otherwise than wholly within the areas outlined by heavy lines within “Parcel C” on Map 3;
 - (10) in the case of a condominium development on “Parcel C”, the parking requirements set forth in Table “A” of this By-law shall apply in respect of any such condominium development; and
 - (11) except as otherwise specifically provided in this By-law, the provisions of By-law No. 438-86, as amended or replaced, shall continue to apply to “Parcel C”.
5. The owners of the lands comprising “Parcel A” and “Parcel B” and “Parcel C”, at their expense, and subject to and in accordance with the agreement required pursuant to Section 8 of this By-law pay to the City of Toronto, \$500,000 for the purpose of constructing public recreational facilities in the vicinity of such Parcels.
 6. The owners of the lands comprising “Parcel A” pursuant to and in accordance with the agreement referred to in Section 8 of this By-law, provide and maintain, as part of and prior to the occupancy of any building erected or used on “Parcel A”, a new access ramp that will also serve the underground garage within the South Site and which ramp will be shared with the residents of the building on Areas “5” and “7” on Map 1, and thereupon close, deck over and landscape with grass the parking entrance ramp existing on December 31, 2002 located to the west of Area “5” and grant all necessary easements to permit pedestrian and vehicular access over the new shared access ramp.
 7. The owners of the lands comprising “Parcel A” and “Parcel B” enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required by Sections 6 and 7 of this By-law which agreement shall be registered against “Parcel A” and “Parcel B”, as a first charge.”

8. Section 9 (formerly section 3) of By-law No. 657-76 is amended as follows:

- (a) replacing each occurrence of the phrase “lands described in Section 2 hereof” with the words “South Site”;
- (b) replacing each occurrence of a reference to “Section 3” with a reference to “Section 9”;
- (c) replacing the word “Council” in subsection (1) with the words “City of Toronto”;
- (d) replacing the word “owner” in subsection (2) with the word “owners”; and
- (e) replacing the words “the said” in subsection (2) with the words “their respective”.

9. Former Section 4 of By-law No. 657-76 is deleted and replaced with the following:

“10. For the purpose of this By-law the following terms have the following definition:

- (1) “apartment house” when used in reference to the “apartment house” to be erected on the South Site includes,
 - (a) those buildings or structures referred to in clauses (i) and (ii) of subsection (12)(a) of Section 2 hereof;
 - (b) the building located within the area designated as “15” on Map 1; and (678-79)
 - (c) the building or buildings located within the areas designated “6” and “12” on Map 1 (678-79)whether or not connected at or below grade.
- (2) “common outdoor space” means any paved, sodded or landscaped area which:
 - (a) adjoins a street, park or other public area, or a pedestrian walkway on a “lot”;
 - (b) is open to the sky or covered by an arcade or other such shelter;
 - (c) is located within 4.9 metres of grade and is accessible therefrom by means of a stair or ramp;
 - (d) is not narrower than 3.0 metres; and
 - (e) is not used for the purposes of a driveway, vehicular ramp, loading or servicing area, outdoor storage area, or motor vehicle parking area.

- (3) “first storey” means the storey the floor of which is the first floor above the elevation of 2.4 metres below “grade”.
- (4) “grade” means:
 - (a) with respect to the South Site, the average elevation of the natural or finished level, whichever is the lower, of the ground adjoining, respectively, the front walls of those portions of the “apartment houses” described in Section 2 hereof located within the areas designated as “5”, “7”, “8”, “9”, “10”, “11”, “12”, “13”, “14”, “15”, “16” and “E”;
 - (b) with respect to “Parcel A”, 110.21 metres above Canadian Geodetic Datum;
 - (c) with respect to “Parcel B”, 110.26 metres above Canadian Geodetic Datum; and
 - (d) with respect to “Parcel C”, 102.45 metres above Canadian Geodetic Datum.
- (5) “grocery store” means a store dealing in staple food stuffs, household supplies, meats, produce and dairy products;
- (6) “gross floor area” with respect to any buildings erected and used on the South Site means the aggregate of the areas of each floor of the “apartment house”, whether any such floor is above or below “grade”, measured between the exterior faces of the exterior walls of the “apartment house” at the level of each floor, exclusive, however, of any part of the “apartment house” below “grade” which is used for the following:
 - (a) heating equipment, or
 - (b) storage or parking of motor vehicles, or
 - (c) locker storage and laundry facilities, or
 - (d) living quarters of the caretaker, watchman or the supervisor of the building or structures, or
 - (e) “shared indoor recreation space”, or
 - (f) “accessory” uses to the “dwelling units”;

- (7) “Winchester Lot” means the lands shown outlined by heavy lines on Map 1 and comprising the “Winchester Lot” (PARCEL A), the “Winchester Lot” (PARCEL B) and the “SOUTH SITE” and notwithstanding that the Winchester Lot is and may be comprised of more than one separately owned parcel of land, and regardless of any future conveyances;
- (8) “South Site” means the lands shown outlined by heavy lines and identified as the “South Site” on Map 4;
- (9) “Map 1”, “Map 2”, “Map 3” and “Map 4” means, respectively, the Map attached to and forming part of this by-law and marked as “Map 1”, “Map 2”, “Map 3” or “Map 4”;
- (10) “non-profit organization” means an institution or organisation incorporated as such under The Corporations Act of Ontario (as amended from time to time);
- (11) “Parcel A” means the lands identified as “PARCEL A” on Map 2 and as ‘ “Winchester Lot” (PARCEL A)’ on Map 4;
- (12) “Parcel B” means the lands identified as “PARCEL B” on Map 2 and as ‘ “Winchester Lot” (PARCEL B)’ on Map 4;
- (13) “Parcel C” means the lands identified as PARCEL C on Map 3 and as ‘ “Sherbourne Lot” (PARCEL C)’ on Map 4;
- (14) “personal recreation space” means recreation space within or outside an “apartment house” located adjacent to and directly accessible from the “dwelling unit” to which it is attributable, which is provided for the exclusive use of the occupants of the “dwelling unit” and includes a private patio, courtyard, garden, terrace, balcony, enclosed balcony or sunroom;
- (15) “recreation space” means an area or areas, on or within South Site provided exclusively for the use of the residents of any “apartment house” located on such lands, for the purpose of “personal recreation space”, “shared recreation space” or “shared indoor recreation space”;
- (16) “row house” means one of a series of more than two attached buildings:
 - (a) each building comprising one dwelling unit;
 - (b) each building divided vertically from another by a party wall; and
 - (c) each building is capable of conveyance without contravening the provisions of the *Planning Act*;

- (17) “rowplex” means one of a series of more than two attached buildings comprising duplexes or triplexes or both, and:
 - (a) each building is divided vertically from one another by a party wall; and
 - (b) each building is capable of conveyance without contravening the provisions of the *Planning Act*;
 - (18) “row housing” with respect to the South Site means a series of more than two attached “dwelling houses”;
 - (19) “shared indoor recreation space” means recreation space provided within an “apartment house” for the common use of the residents of such “apartment house” for recreation or social purposes and includes an indoor swimming pool, a sauna, a shower and change room, an exercise room, a hobby room, a workshop, a lounge, a meeting room, a day care centre operated by a “non-profit organisation”, a day nursery operated by a “non-profit organisation” and a health care centre operated by a “non-profit organisation”;
 - (20) “shared recreation space” means recreation space provided within or outside an “apartment house” for the common use of the residents of such “apartment house” for recreational or social purposes, and includes a landscaped area, a garden, a terrace, an outdoor swimming pool, an outdoor games or play area, a “tot lot”, a covered sitting area, an indoor swimming pool, a sauna, a shower and change room, an exercise room, a hobby room, a workshop, a lounge and a meeting room.”
- 10.** Former Section 5 of By-law No. 657-76 is renumbered Section 11.
- 11.** Former Section 6 of By-law No. 657-76 is amended by:
- (a) renumbering it as Section 12; and
 - (b) replacing the words and figures “or 14” with the words and figures “14, Parcel A, Parcel B or Parcel C”.
- 12.** Former Section 7 of By-law No. 657-76 is amended by:
- (a) renumbering it as Section 13; and
 - (b) by inserting the words “in relation to Parcel A, Parcel B or Parcel C, or” after the word “Except”.

13. By-law No. 657-76 is further amended by adding Sections 14 and 15 as follows:

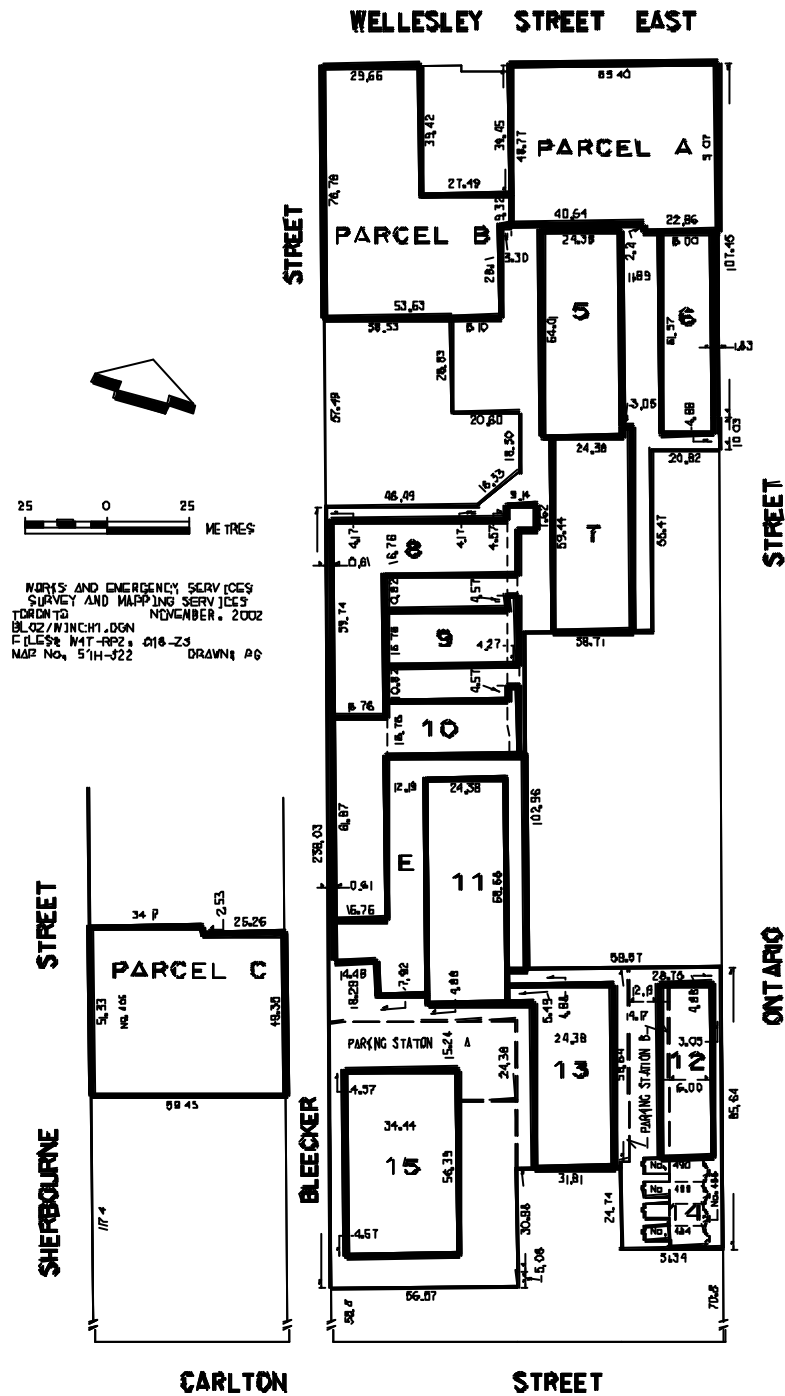
“14. Except as specifically provided in this By-law, words and expressions appearing in this By-law within quotation marks shall have the same meaning as such words and expressions have where used in By-law No. 438-86, as amended of the former City of Toronto;

15. A “parking space” or drive aisle that existed on December 31, 2002 within any of the South Site or Parcel A shall be deemed to conform to the requirements for a “parking space” or drive aisle under By-law No. 438-86, as amended of the former City of Toronto.”

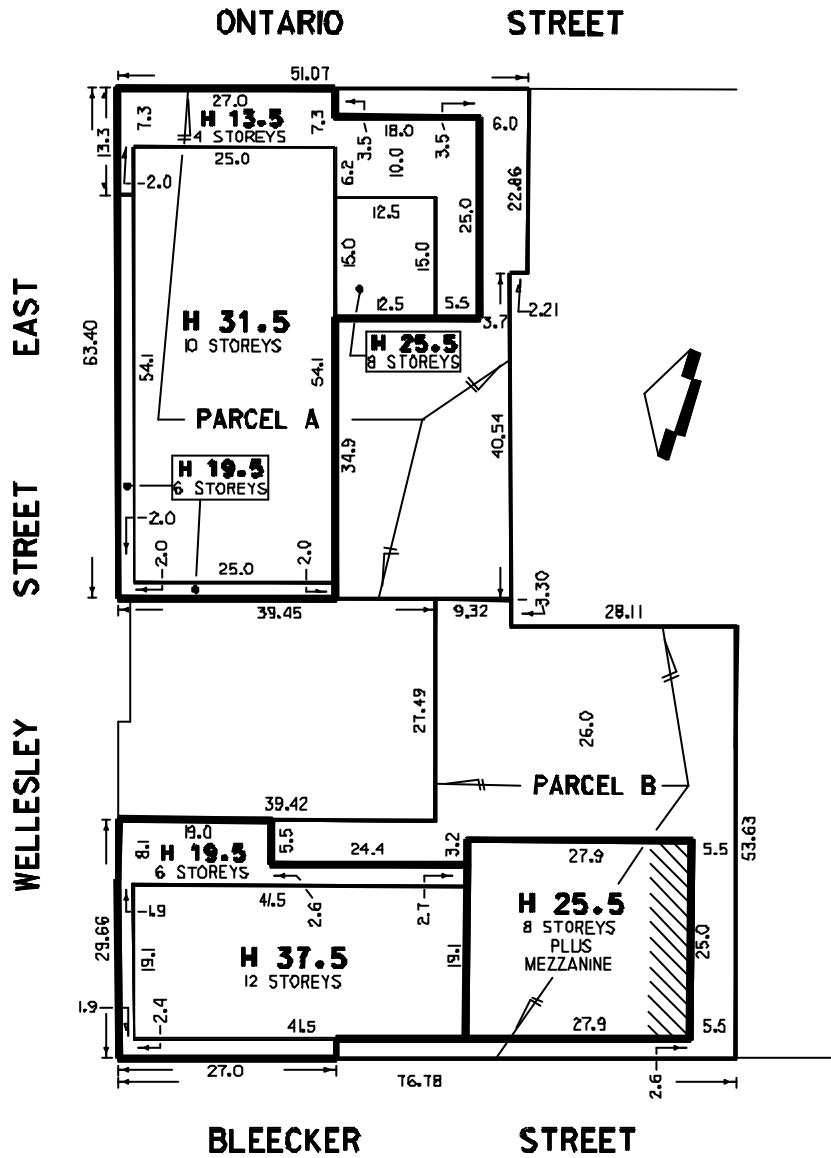
14. Map 1 and Map 2 of By-law No. 657-76 are deleted and replaced with Map 1, Map 2, Map 3 and Map 4, which Maps are attached to and form part of this By-law.

PURSUANT TO ORDER NO. 1470 OF THE ONTARIO MUNICIPAL BOARD ISSUED ON OCTOBER 31, 2003 IN BOARD CASE NO. PL911855.

MAP 1



MAP 2



H DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

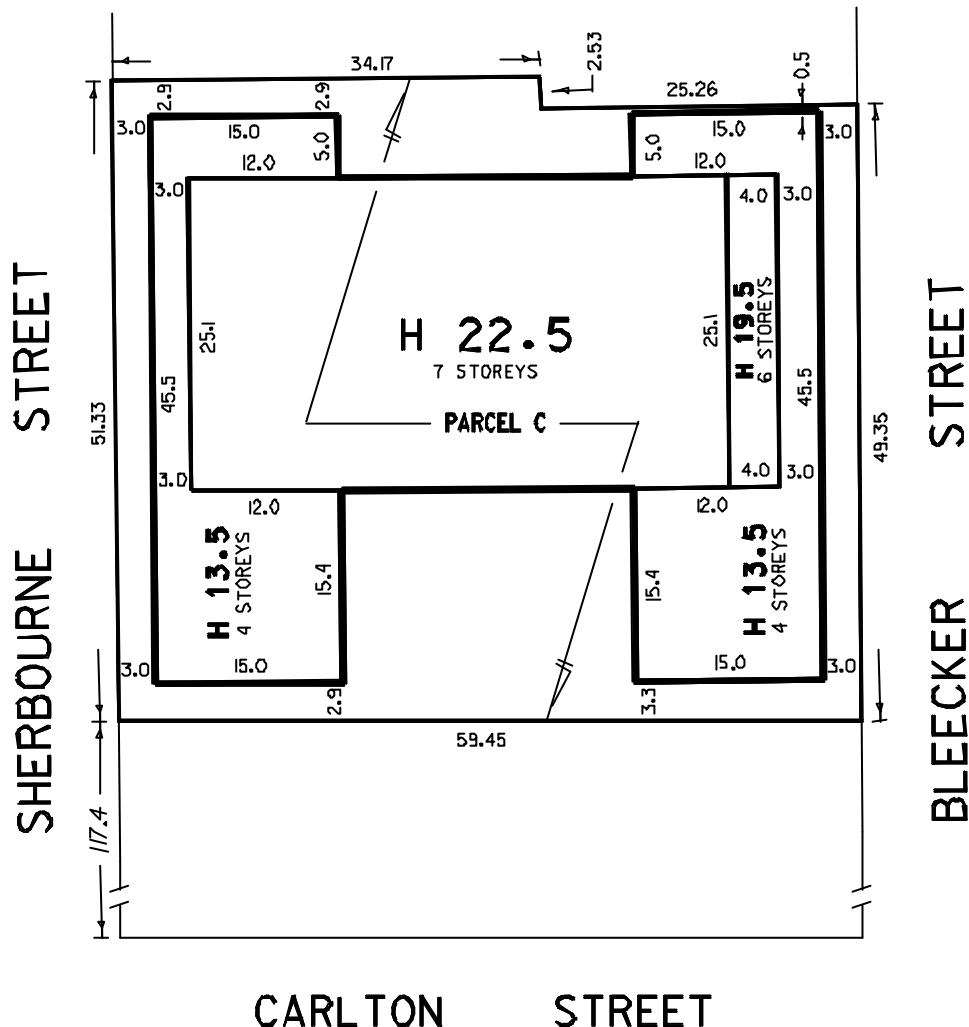


5.1 METRE BUILDING SETBACK BETWEEN GRADE AND H 5.0



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO
BL02/WINCH2.DGN
FILE: W4T-RP2-1
MAP No- 01H-322
NOVEMBER, 2002
DRAWN: PC

MAP 3



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO NOVEMBER, 2002
BLO2/WJNCH3.DGN
FILE: W41-RP2.1
MAP No. 51H-322 DRAWN: EM

MAP 4

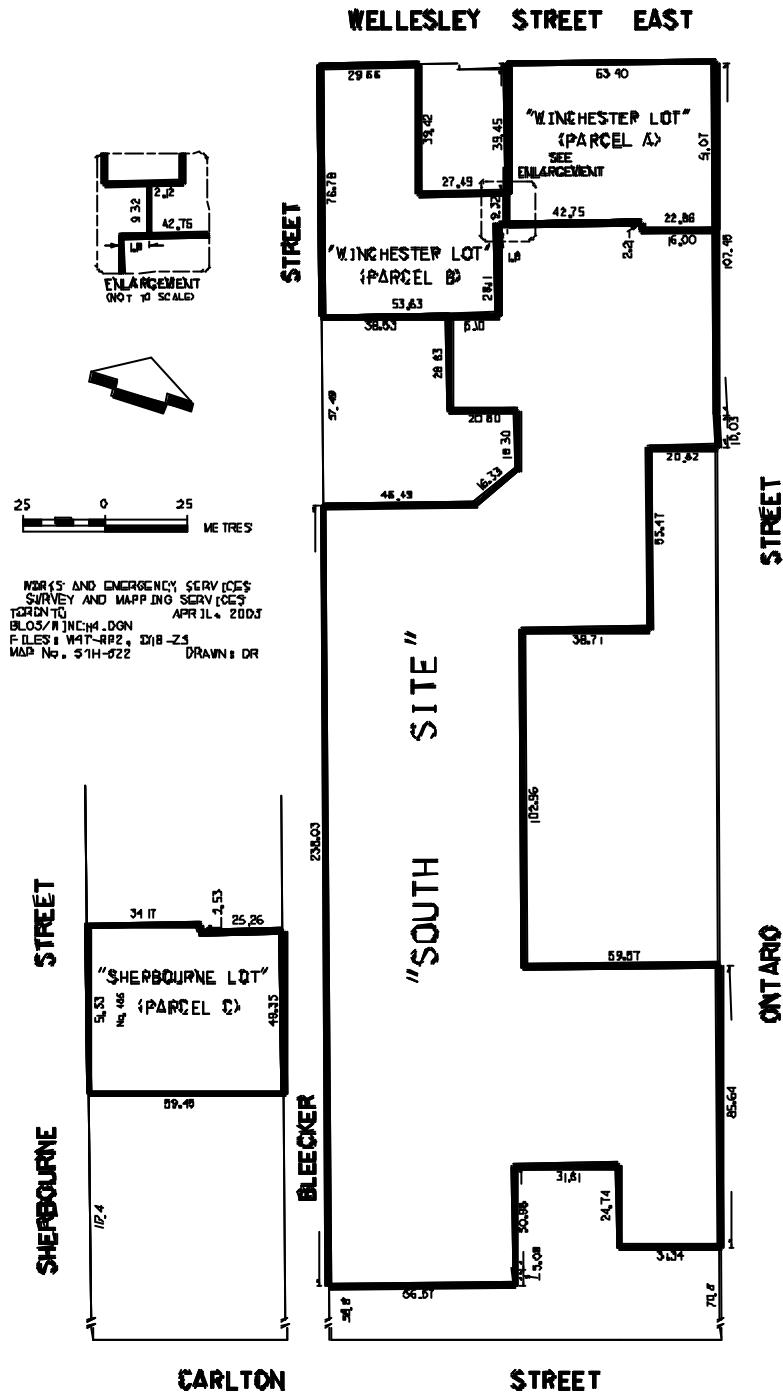


Table “A”

RESIDENTIAL CONDOMINIUM PARKING STANDARDS

| <u>Type of parking facility</u> | <u>Required parking</u> |
|--|---|
| Residents’ Parking: In an underground garage in the basement of the building | 0.7 “parking space” for each one – bedroom “dwelling unit” contained within: 1.0 “parking space” for each two-bedroom “dwelling unit” contained therein: and 1.2 “parking space” for each 3 or more bedroom “dwelling unit” contained therein: |
| Visitors’ Parking: | 0.06 “parking space” for every “dwelling unit” contained therein: |

IF TOTAL REQUIRED IS A FRACTION GREATER THAN OR
EQUAL TO 0.5 THEN ROUND UP: IF NOT, ROUND DOWN

PURSUANT TO DECISION/ORDER NO. 1740 OF THE ONTARIO MUNICIPAL BOARD
ISSUED ON OCTOBER 31, 2003 IN BOARD CASE NO. PL911855.