

**CITY OF TORONTO**

**BY-LAW No. 883-2009(OMB)**

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto  
with respect to lands municipally known as 45 Lisgar Street.**

WHEREAS the Ontario Municipal Board, by way of an Order issued on June 25, 2008, determined to amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands municipally known, in the year 2007, as 45 Lisgar Street; and

WHEREAS authority is given to the Ontario Municipal Board under Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended; and

WHEREAS pursuant to Section 37 of the *Planning Act*, a By-law passed under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond that otherwise permitted by the by-law that will be permitted 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 the height or density of development, a municipality may require the Owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

WHEREAS the Owner of the lands known at the date of enactment of this By-law as 45 Lisgar Street (the "Lands") has elected to provide the facilities, services or matters as are set out in this By-law; and

WHEREAS the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by Zoning By-law No. 438-86, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the Owner of the Lands and the City of Toronto;

THEREFORE the Ontario Municipal Board orders that By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

1. Amending Appendix A, Map 49G-321 to rezone lands shown within the heavy lines on Map 1 of this exception from I1 D3 to RA as shown on Map 1 of this exception.
2. Adding the following exception to 12(2):

On the lands outlined by heavy lines and identified as 45 Lisgar Street on Map 1 to this section, no person shall use any land or erect or use any building or structure that does not comply with the following:

## 1. EXCEPTIONS FROM ZONING BY-LAW No. 438-86, AS AMENDED

1. The following sections of Zoning By-law No. 438-86, as amended, do not apply to any building or structure to be erected or used on the *lot*:
  - Section 4(2)
  - Section 4(14)
  - Section 4(16)
  - Section 7(2)
  - Section 7(3) Part II 1
  - Section 7(3) Part II 3 through 7
  - Section 7(3) Part IV
  
2. The following definitions in Section 2 of Zoning By-law No. 438-86, as amended, shall be replaced by the definitions in Section 12 of this exception:
  - i. *grade*; and
  - ii. *height*.

## 2. PERMITTED USES

Notwithstanding the uses permitted in the RA zone by Section 7(1)(f) of Zoning Bylaw No. 438-86, as amended, only the uses listed in subsection (d) below and accessory uses thereto are permitted on the *lot* and only on lands zoned RA, subject to the following qualifications:

- (a) A use is permitted by the chart below when the letter “P” is set in the line opposite the use.
  
- (b) A use is permitted by the chart below when the letter “q” followed by a number or numbers is set in the line opposite the use but only subject to the qualification or qualifications bearing the number or numbers that follow the letter “q” forming part of this subsection.
  
- (c) Uses accessory to a use that is permitted by the chart are themselves permitted by the chart as accessory uses when an asterisk is set in the line opposite the designation of the use and in the column under the heading “Acc.”.
  
- (d) Permitted uses:

(a)	RESIDENTIAL USES	Acc.	RA
	(i) HOUSING COMPRISING DWELLING UNITS		
	Any of the uses permitted in a RA district in section 7(1)(f)(a)(i)	*	Q1, Q7
	<i>Artist live/work studio</i>	*	P

	(ii)	SHARED HOUSING CONTAINING DWELLING ROOMS		
		Any of the uses permitted in a RA district in section 7(1)(f)(a)(ii)	*	Q1, Q7, Q8
	(iii)	ASSOCIATED / ACCESSORY RESIDENTIAL USES		
		Any of the uses permitted in a RA district in section (7)(1)(f)(a)(iii)	*	Q1
(b)		NON-RESIDENTIAL USES		
	(i)	PARKS, RECREATION, PLACES OF AMUSEMENT AND ASSEMBLY		
		Any of the uses permitted in a RA district in section (7)(1)(f)(b) (i) except: A. arena, stadium, racetrack are not permitted; and B. <i>club</i> is not permitted	*	Q2
	(ii)	COMMUNITY SERVICES, CULTURAL AND ARTS FACILITIES		
		Any of the uses permitted in a RA district in section (7)(1)(f)(b)(ii)	*	Q4
	(iii)	GENERAL INSTITUTIONS		
		Any of the uses permitted in a RA district in section (7)(1)(f)(b)(iii)	*	P
	(iv)	RETAIL AND SERVICE SHOPS		
		Any of the uses permitted in a RA district in section (7)(1)(f)(b)(iv) except A. <i>entertainment facility</i> is not permitted		Q2, Q3, Q9
	(v)	WORKSHOPS AND STUDIOS		
		Any of the uses permitted in a RA district in section (7)(1)(f)(b)(v)	*	P
	(vi)	OFFICES		
		Any of the uses permitted in a RA district in section (7)(1)(f)(b)(vi)	*	P
	(vii)	AUTOMOBILE RELATED USES		
		<i>Parking area</i>	*	P
		<i>Parking garage</i>	*	P
		<i>Parking stacker</i>	*	Q5
		<i>Private garage</i>	*	P
		<i>Taxicab stand or station</i>	*	P
		<i>Car-share parking space</i>	*	P
	(viii)	WAREHOUSING AND STORAGE		
		<i>Cold storage locker plant</i>		P
		<i>Cold storage plant</i>		P
		<i>Storage warehouse, class A</i>		P

		<i>Wholesaling establishment – general</i>		P
	(ix)	<b>INDUSTRIAL WORKSHOPS</b>		
		<i>Bookbinder’s shop</i>		P
		<i>Carpenter’s shop</i>		P
		<i>Contractor’s shop, class A</i>		P
		<i>Sheet metal shop</i>		P
		<i>Welder’s shop</i>		P
		<i>Open air market</i>		P
	(x)	<b>MANUFACTURING AND RELATED USES</b>		
		<i>Bakery</i>		P
		<i>Brewery</i>		P
		<i>Ceramics factory</i>		P
		<i>Fur goods factory</i>		P
		<i>Garment factory</i>		P
		<i>Manufacturing plant</i>		P
		<i>Metal wares factory</i>		Q6
		<i>Packaging plant</i>		P
		<i>Pharmaceutical factory – secondary</i>		P
		<i>Printing plant</i>		P
		<i>Winery</i>		P
	(xi)	<b>MISCELLANEOUS USES</b>		
		<i>Animal hospital</i>		P
		<i>Commercial bakery</i>	*	P
		<i>Commercial school</i>	*	P
		<i>Hotel</i>	*	P
		<i>Market gardening</i>		P
		<i>Massage establishment</i>	*	P
		<i>Newspaper plant</i>	*	P
		<i>Ornamental structure</i>		P
		<i>Public transit</i>	*	P
		<i>Trade school</i>	*	P
		<i>Undertaker’s establishment</i>	*	P

Qualifications to be complied with before certain uses are permitted within the Reinvestment Area (RA) District:

1. No person shall erect or use a building or structure having more than one basement or floor level below or partly below *grade* containing *dwelling units*.

2. A *bake-shop, caterer's shop, restaurant, take-out restaurant, concert hall, place of amusement or place of assembly* are permitted uses and a *patio* may be provided in connection therewith except:
  - (i) no person shall use for the purposes of a *patio*:
    - (a) any portion of the building above the first *storey*;
    - (b) any part of the roof of a building containing one of those uses; or
    - (c) a portion of the *lot* between the building in which the associated *bake-shop, caterer's shop, restaurant or take-out restaurant* is located and a *lot* abutting or within 10 metres of an 'R' district;
  - (ii) no person shall use any building or portion of a building for the purpose of a *bake-shop, caterer's shop, restaurant or take-out restaurant* or combination thereof where the *non-residential gross floor area* of the building or portion thereof of any single establishment used for one of these purposes exceeds 300 square metres; and
  - (iii) the combined *non-residential gross floor area* of all *bake-shops, caterer's shops, restaurants and take-out restaurants* on the *lot* cannot exceed 0.3 times the area of the *lot*;
3. A *retail store or showroom* is permitted provided:
  - (i) the total *non-residential gross floor area* of any one *retail store or showroom* is limited to no more than 1800 square metres;
4. The premises of a *charitable institution, non-profit institution* or other community or social agency are permitted uses provided they are used for the purpose of providing a community service such as, but not limited to, employment, immigration, counselling, welfare or legal services.
5. A *parking stacker* is permitted, provided:
  - (i) it is *accessory*; and
  - (ii) it is located within a building.
6. A *metal wares factory* is permitted provided the use does not exceed 475 square metres.
7. One or more *dwelling units or dwelling rooms* in a building is permitted provided the building contains uses that are permitted in the RA district in which the building is located.

8. A *rooming house* is permitted provided the aggregate number of *dwelling rooms* and *dwelling units* does not exceed 25.
9. A *courier service* is permitted provided the *non-residential gross floor area* does not exceed 150 square metres.

### 3. NON-RESIDENTIAL USES

1. A minimum *non-residential gross floor area* of 929 square metres shall be provided on the *lot*. For the purpose of calculating the minimum *non-residential gross floor area*, non-residential uses are as defined in the chart in Section 2 of this exception except:
  - (i) *non-residential gross floor area* relating to the following uses shall not count toward meeting the minimum non-residential use requirement of this exception:
    - (a) uses listed in the chart in Section 3(d)(b)(vii) of this exception under the heading “Automobile-Related Uses”;
    - (b) park;
    - (c) *public park*;
    - (d) *public playground*;
    - (e) *open air market*;
    - (f) *market gardening*;
    - (g) *bicycle parking spaces*; and
    - (h) *parking spaces*.

### 4. BUILDING ENVELOPES AND MAXIMUM HEIGHTS

1. Notwithstanding the “Height and Minimum Lot Frontage” Map 49G-321 contained in Appendix ‘B’ of Zoning By-law No. 438-86, as amended, no person shall erect or use a building or structure on the lands shown on Map 1 unless any portion of such building or structure located at or above ground is erected within the heavy lines shown on Map 2.
  - (i) No person shall erect or use a building or structure having a greater *height* in metres than the *height* limit specified by the numbers following the symbol “H” as shown on Map 2 except the permitted projections outlined in the chart below;
  - (ii) For clarity, where either no height limit or a height limit “H 0” is specified, no buildings or structures are permitted;
  - (iii) Notwithstanding i) and ii) above, no person shall erect a building or structure on the *lot* above finished ground level closer to a *lot* line than the heavy lines indicated on Map 2 except:

- a. stairs (excluding stairs providing access to underground areas), landscape features, uncovered ramps (including garage and wheelchair ramps); and
- b. the permitted projections outlined in the chart below:

PROJECTING STRUCTURES	LOCATION OF PROJECTION	MAXIMUM PERMITTED HORIZONTAL PROJECTION	ADDITIONAL QUALIFICATIONS
A. eaves, cornices, ornamental elements, architectural details	Beyond the heavy lines shown on Map 2 at that height	0.4 metres from the wall to which it is attached	
B. uncovered platform that is landscaped open space and is less than 1.2m above finished grade	Beyond the heavy lines on Map 2 at that height	2.0 metres from the most exterior portion of the wall to which it is attached	
C. porch (covered platform) that is landscaped open space and is less than 1.2 m above finished grade	Beyond the heavy lines on Map 2 at that height	2.0 metres from the most exterior portion of the wall to which it is attached	
D. canopy	Beyond the heavy lines on Map 2 at that height	3.0 metres from the wall to which it is attached, provided the horizontal projection is not more than 2.0 metres beyond the heavy lines on Map 2	
E. fences, safety railings and wind mitigation structures	On portions of the lot with either no height limit or a height limit "H 0", beyond the heavy lines shown on Map 2	2.0 metres from the wall to which it is attached	the height of such structures shall not exceed 1.2 metres
F. parapets, safety railings	Within the heavy lines on Map 2		the height of such structures not to exceed 1.1 metres

PROJECTING STRUCTURES	LOCATION OF PROJECTION	MAXIMUM PERMITTED HORIZONTAL PROJECTION	ADDITIONAL QUALIFICATIONS
G. balconies	Beyond the heavy lines on Map 2 at that height	(I) 0.75 metres outside of the heavy lines on Map 2 if located above the required stepback in section (vi)(b) below but in no case shall project more than 1.5 metres from the main exterior wall to which it is attached (II) 0.4 metres from the main exterior wall to which it is attached if located at or below the required stepback in section (vi)(b) below	combined width of all projecting bay windows and balconies on a façade at a given <i>storey</i> not to exceed 60% of the length of that façade at that <i>storey</i>
H. bay windows	Beyond the heavy lines on Map 2	0.4 metres from the wall to which it is attached	(I) width of bay window, as measured where the window joins the wall, not to exceed 3.9 metres (II) combined width of all projecting bay windows and balconies on a façade at a given <i>storey</i> not to exceed 60% of the length of that façade at that <i>storey</i>



PROJECTING STRUCTURES	LOCATION OF PROJECTION	MAXIMUM PERMITTED HORIZONTAL PROJECTION	ADDITIONAL QUALIFICATIONS
I. a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment or window washing equipment on the roof of the building or a fence, wall or structure enclosing such elements	Only within the heavy lines on a portion of the building identified with a height of 21.2 metres (“H 21.2”) and within an area identified as Mechanical Penthouse on the attached Map 2		(I) For the portion of the building identified with a height of 21.2 metres: (i) Height of such structures not to exceed 3.8 metres; (ii) Area occupied by such structures not to exceed 85 square metres; and (iii) no part of the structure is less than 4.5 metres from an adjacent outside wall or a vertical projection of the wall; (II) For the portion of the building identified as Mechanical Penthouse, the horizontal and vertical projections as shown on the attached Map 2.
J. below <i>grade</i> parking structure	Beyond the heavy lines on Map 2	Projection permitted to the <i>lot</i> line	

- (iv) No building or structure shall be erected which does not have:
- a. a minimum first *storey* floor-to-floor height of 4.0 metres; and
  - b. a minimum setback of 3.0 metres from the Build-To Line shown on Map 2 at a *height* between 12.0 metres and 16.0 metres above *grade*, except that a setback shall not be required at any portion of the building facade that is setback more than 2.0 metres from the Lisgar Street or Sudbury Street *lot* lines.

- (v) No person shall erect a building or structure abutting Lisgar Street unless the building or structure is erected such that one or more of its walls abutting Lisgar Street is built to the Build-To Line shown on Map 2 for at least 80% of the frontage onto Lisgar Street with a minimum building *height* of 12.0 metres at the Build-To Line.
- (vi) No person shall erect a building or structure abutting Sudbury Street unless the building or structure is erected such that one or more of its walls abutting Sudbury Street is built to the Build-To Line shown on Map 2 for at least 55% of the frontage onto Sudbury Street with a minimum building *height* of 12.0 metres at the Build-To Line.
- (vii) For the purposes of sections 4.1(v) and (vi) above, walls shall be deemed to include railings in front of recessed balconies, provided such railings are located at the Build-To Line and do not exceed 50 % of the length of the required Build-To Line;
- (viii) In no case shall the *floorplate* of any portion of the building shown on Map 2 with the symbol “H 40.6 m” above a *height* of 21.2 metres exceed 930 square metres;
- (ix) No person shall on any *lot* erect or use any building or any portion thereof for any use unless:
  - (i) the main floor is located no more than 0.2 metres below and no more than 1.2 metres above the level of the sidewalk or publicly accessible area directly opposite the entry to the unit; and
  - (ii) all exterior entrance doors, other than service entrance doors, which provide access to a non-residential use within the building, shall be directly accessible from the public sidewalk opposite the door by a level surface or a ramp not exceeding a gradient of 1 in 25 (4%); and
- (x) No person shall erect or use a structure having more than one basement or floor level below or partly below grade containing dwelling units.

## **5. LANDSCAPED OPEN SPACE**

- 1. A minimum of 875 square metres of *landscaped open space* shall be provided on the *lot* at finished grade, of which,
  - (i) Not less than 550 square metres shall consist of *soft landscaping*; and

- (ii) Not less than 250 square metres of *soft landscaping* shall be provided within Area A, as shown on Map 2.

## 6. PARKING AND LOADING

1. Notwithstanding the provisions of Section 4(4)(b) of Zoning By-law No. 438-86, as amended:

- (i) a minimum number of *parking spaces* for residents shall be provided and maintained on the *lot* for residential uses according to the following table:

Unit type	Minimum <i>parking spaces</i>
Bachelor Unit	0.3 per unit
1 <i>bedroom</i> Unit	0.7 per unit
2 <i>bedroom</i> Unit	1.0 per unit
3 or more <i>bedroom</i> Unit	1.2 per unit

Notwithstanding the above, should the residential portion of the building be constructed for rental housing purposes only then the following parking standards will apply:

*parking spaces* shall be provided on the *lot* for residential uses at a rate of 0.5 parking spaces per *dwelling unit* or an aggregate of 184 *parking spaces*, whichever is the lesser, and which may include one or more *car share parking spaces*; and

- (ii) of the total parking spaces required pursuant to subsection 6.1.(i) above, a minimum of 0.12 *parking spaces* per dwelling unit shall be provided on the *lot* for visitors to the building. The visitor *parking spaces* shall:
- a. be individually designated by means of clearly visible signs as being for the use of visitors to the building;
  - b. be equally available to all visitors of all residents of the site; and
  - c. be accessible by driveways or passageways designating the way from the street to the visitors' parking facilities with the route to the visitor *parking spaces* designated by clearly visible signs.
- (iii) pursuant to subsection 6.1.(i) above, up to 10% of the *parking spaces* required by subsection 6.1.(i) may be *small car parking spaces*.

2. In addition to the *parking spaces* required pursuant to section 1 above, *parking spaces* shall be provided on the *lot* for non-residential uses exceeding 1,500 square metres of *non-residential gross floor area*, at a rate of 1 *parking space* for each 100 square metres of *non-residential gross floor area*, or fraction thereof.
  - (i) notwithstanding the above, *places of assembly, concert halls, community centres* and *performing arts studios* will be required to provide parking in accordance with the following requirements:
    - (a) 0 *parking spaces* for the first 300 persons as generally accommodated;
    - (b) 1 *parking space* for up to 400 persons generally accommodated by the largest performance or meeting space; and
    - (c) 1 *parking space* for each additional 10 persons above 400 persons generally accommodated by the largest performance or meeting space.
  - (ii) notwithstanding i) above, *public art galleries, private art galleries, private museums* and *public museums* will be required to provide and maintain *parking spaces* in accordance with the following requirements:
    - (a) 0 *parking spaces* for the first 350 square metres of *non-residential gross floor area*; and
    - (b) 1 *parking space* per each additional 175 square metres of *non-residential gross floor area* in excess thereof.
3. Notwithstanding Section 4(13)(a) of Zoning By-law No. 438-86, as amended, the minimum requirement for bicycle parking shall be as described in Section 4(13) but the requirement:
  - (i) shall not be capped at 200 *bicycle parking spaces*; and
  - (ii) *bicycle parking spaces* shall not be provided within individual storage lockers.
4. The provisions of Section 4(6) of Zoning By-law No. 438-86, as amended, shall be satisfied by one *loading space – type G* being provided on the *lot*.

## 7. RESIDENTIAL AMENITY SPACE

1. Notwithstanding the provisions of Section 4(12) of Zoning By-law No. 438-86, as amended, indoor *residential amenity space* shall be provided as follows:

For buildings containing 20 or more *dwelling units* a minimum of 1.0 square metre per *dwelling unit* of indoor *residential amenity space* shall be located in a multi-purpose room or rooms provided that at least one room or contiguous group of rooms shall:

- (i) be the lesser of 100 square metres in size or the minimum requirement; and
- (ii) contain a kitchen and have access to a washroom.

## **8. HOUSING MIX**

1. Any development containing residential *dwelling units* shall provide a minimum of 15 percent of residential *dwelling units* having 2 or more bedrooms.

## **9. SITE SPECIFIC EXCEPTIONS**

1. The following site specific exceptions shall be deleted from the Index of Exceptions for 45 Lisgar Street:
  - i. Section 12(1)287;
  - ii. Section 12(1)290; and
  - iii. Section 12(1)307.

## **10. IMPLEMENTATION**

1. No person shall erect or use any building or structure above *grade* prior to satisfying the following conditions:
  - (i) the Owner of the Lands shall enter into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required in Section 11(1) herein, the said agreement to include provisions relating to indemnity, insurance, GST, registration and priority of agreement, and the indexing of any financial contributions and register against the title to the *lot* as a first charge;
  - (ii) all water mains, sanitary and storm sewers and appropriate appurtenances required for the development of this site have been built or secured via a letter of credit acceptable to the Executive Director of Technical Services;
  - (iii) the Owner shall provide certification from a qualified acoustical consultant that the building permit drawings contain all recommended and applicable acoustical and or vibration measures to satisfy the requirements of the Greater Toronto Transit Authority and Canadian National Railway Company; and

- (iv) provided a building permit is issued prior to October 23, 2012, the Owner shall remit cash in lieu of parkland at the rate of 5% for the residential component of the site and 2% for the commercial component, payable in accordance with City standards in place as of 2007. After October 23, 2012, the Owner shall remit cash in lieu of parkland in accordance with the applicable City Standards for payment of cash in lieu of parkland in place at the time the Owner applies for an above grade building permit.

## **11. SECTION 37 OF THE PLANNING ACT**

1. The Owner of the *lot* at its own expense and in accordance with and subject to the agreement referred to in Section 10(1)(i) herein shall provide the following facilities, services and matters to the City of Toronto (“City”):

- (i) Space for the City

the Owner, at its own cost, shall construct, provide and maintain on the ground floor of any building constructed on the lands no less than 929 square metres of non-residential space, fronting on Lisgar Street in a location acceptable to the Owner and the City, for use by Toronto Public Health or other division of the City or, upon acceptance by the owner, a not-for-profit or cultural use (the “City Space”).

- (ii) Lease to the City

the Owner shall enter into a lease with the City for the City Space, for an initial term of 25 years with a single option to renew for 25 years less a day, in a form and content satisfactory to the City Solicitor and Chief Corporate Officer.

- (iii) Extent of Underground Parking Garage

the Owner shall be permitted to build the underground parking garage to the extent of the lot as of the date of passing of this by-law, provided that, where trees are required to be planted by the City, a minimum of 1.2 metres of soil depth shall be required above the parking garage, in the form of continuous tree trenches where appropriate;

## (iv) Building

the Owner shall construct the building such that:

- a. the height of the first storey, as measured floor to floor, is a minimum of 4.0 metres;
- b. roofing materials for the building consist of white, low-emissivity materials;
- c. rainwater harvesting will be implemented;
- d. built form, including heights and stepbacks, as per Map 2 of this by-law;
- e. the vehicular pick up and drop off for the building is designed to be provided on Lisgar Street;
- f. the materials on the faces of the mechanical penthouses will complement the architectural features of the building and will be similar in quality and compatible with the materials used on the exterior elevations of the building, to the satisfaction of the Chief Planner and Executive Director, City Planning;

## (v) Street Tree Irrigation

the Owner shall, at its own expense, install and maintain in good working order and operation, an irrigation system for all street trees in the public right-of-way that includes an automatic timer which is designed as being water efficient by a Certified Landscape Irrigation Auditor (CLIA) and is constructed with a back flow preventer to the satisfaction of the City, if required;

## (vi) Access to Underground Parking Garage

The Owner shall design the vehicular access to the underground parking garage to be shared with the site known in 2007 as 55 Lisgar Street, if feasible;

## (vii) Wind Mitigation Measures

the Owner shall construct, or cause another party to construct, any wind mitigation measures required pursuant to site plan approval, to the satisfaction of the Chief Planner;

## (viii) Servicing Requirements

the Owner shall be required to submit a site servicing assessment and any required engineering drawings for review and acceptance by the Executive Director, Technical Services, and the Owner shall be required to service the lands outlined in heavy lines on Map 1 attached hereto, including but not limited to, the construction of

services for water services, sanitary and storm sewer systems, roads, streetscaping and landscaping, street trees and tree irrigation systems and utilities at no expense to the City;

2. Notwithstanding any of the foregoing provisions, the Owner and the City may modify or amend the said Section 37 agreement from time to time and, upon the consent of the City and the Owner, without further amendment to those provisions of this By-law which identify the facilities, services and matters to be secured.

## 12. DEFINITIONS

All italicized words and expressions in this exception have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the terms *grade* and *height*.

The following definitions either replace the definitions listed above or provide definitions for new terms:

*car-share* means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and to use a car-share vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven and do include use of cars on an hourly basis;

*car-share parking space* means a *parking space*, exclusively reserved and signed for a car used only for *car-share* purposes and such *car-share parking space* is accessible to non-resident car-share members at all times;

*floorplate* shall mean the total floor area of a storey measured to the exterior walls of that storey;

*grade* means  
the average elevation of the sidewalk on Lisgar Street;

*height* shall mean, the vertical distance between *grade* and the highest point of the roof or, where there is no roof, the highest point of the structure;

*small car parking spaces* shall mean a *parking space* having a minimum unobstructed area 2.4 metres wide by 5.0 metres long which is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle, except the width of the *parking space* shall be:

- a. 2.7 metres wide where there is an obstruction on one side of the space; or



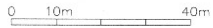
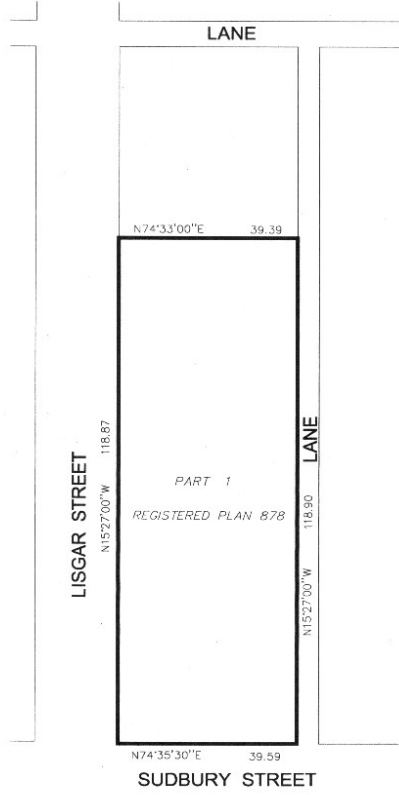
- b. 3.1 metres wide where there are obstructions on both sides of the space;

*soft landscaping* shall mean an open, unobstructed area that supports the growth of vegetation such as grass, trees, shrubs, flowers or other plants and shall include planters.

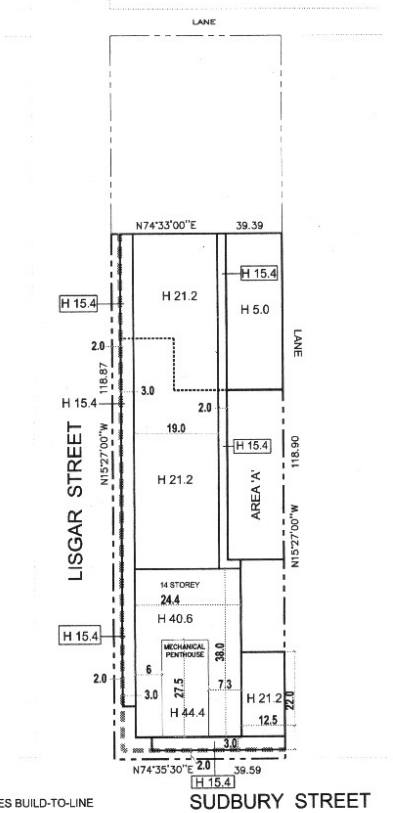
- 13. Despite any existing and future severance, conveyance for road widening purposes, partition or division of the Lands as shown on Map 1, the provisions of this exception shall apply to the whole *lot* as if no severance, conveyance for road widening purposes, partition or division occurred, including *parking spaces* that may be located below the road widening lands.

PURSUANT TO THE DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD  
ISSUED ON JUNE 25, 2008 IN BOARD CASE NO. PL060987.

MAP 1



MAP 2



==== DENOTES BUILD-TO-LINE

H : DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE

