

**538 & 540 Eglinton Ave E – Zoning Amendment
Application, Final Report**

Date:	January 19, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	10 316220 STE 22 OZ

SUMMARY

This application was made on December 21, 2010 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to demolish an existing house at 538 and 540 Eglinton Avenue East which is currently used as professional offices and to construct seven, 4.5-storey street related townhouse units with integral garages at the rear accessed by a private driveway.

This report reviews and recommends approval of the application to amend the Zoning By-law based on its planning and design attributes which include:

- a. the proposed townhouse development is a permitted land use under the *Apartment Neighbourhood* designation in the Official Plan;
- b. the proposed development complies with the intent of the Urban Design Guidelines for Infill Townhouses, including the guidelines which are related to; accessibility to public streets, neighbourhood streetscapes, sunlight and sky views, building façade, grade and landscaping;



- c. the proposed townhouses are under the permitted zoned height and the overall development marginally exceeds the permitted 2.0 times density by 0.2 times the lot area; and
- d. the proposed development includes 1 parking space per unit as required by the Zoning By-law. Parking is provided in individual integral garages which are accessed from a common driveway located to the rear of each unit. The front yard of each unit is reserved for landscaping and the approach to the main entrance.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 538 and 540 Eglinton Avenue East substantially in accordance with the draft Zoning By-law Amendment included as Attachment No. 6 to the report dated January 19, 2012 from the Director of Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The applicant is proposing to demolish an existing house which is currently used as professional offices and to construct seven, 4.5-storey townhouse units at 538 – 540 Eglinton Avenue East (refer to Attachment 1: Site Plan and Attachment 5: Application Data Sheet).

Four of the seven units would front onto Eglinton Avenue East and three would front onto Walder Avenue. All units have frontage on a public street and single car garages at the rear. Garages would be accessed by a private, one-way driveway with its entrance and exit located on Walder Avenue. The applicant will submit an application for common elements condominium for the private driveway and any other elements of the development which are common to all unit owners.

Site and Surrounding Area

The subject lands are located on the northeast corner of Eglinton Avenue East and Walder Avenue. The existing house (used as professional offices) has rear yard parking that is accessed from Walder Avenue. The following uses comprise the local context surrounding the site:

North: primarily single detached houses and the Charlotte Maher Parkette;

South: a mid-rise apartment building, professional offices, single and semi-detached houses;

East: office and commercial buildings, a mid-rise apartment building and a commercial plaza including a food store;

West: professional offices, single and semi-detached houses and mid-rise apartments.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated *Apartment Neighbourhoods* in the City's Official Plan. *Apartment Neighbourhoods* are distinguished from *Neighbourhoods* designations because a greater scale of development is permitted. Established *Apartment Neighbourhoods* are considered stable areas in which significant growth is not anticipated but where there may be opportunities for additional townhouses or apartments on underutilized sites.

The Official Plan provides a list of criteria which are intended to direct the design and orientation of new development proposals within *Apartment Neighbourhoods*. The proposed development has been evaluated with respect to the full list of criteria found in Section 4.2.2. The criteria include:

- locating and massing new buildings to provide a transition between areas of different development intensity and scale as necessary, to achieve the objectives of this Plan through means such as providing setbacks from, and/or a stepping down of heights towards, lower scale *Neighbourhoods*;
- locating and massing new buildings to frame the edge of streets with good proportion;
- including sufficient off-street motor vehicle and bicycle parking for residents and visitors; and
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

Zoning

The site is zoned R4A Z2.0 under By-law 438-86 (refer to Attachment 4: Zoning). That zoning classification permits the proposed townhouse use to a maximum density of 2.0 times the lot area. The height restriction is 18 metres or approximately 6 storeys.

Site Plan Control

This application is subject to site plan control. An application has been submitted and is currently under review.

Reasons for Application

The applicant proposes to amend the provisions of By-law 438-86 to, permit a density of 2.2 times the lot area (in a zone where 2.0 times the lot area is permitted) and setback and depth of building variances. Additional zoning amendments are also required and provided in the attached draft zoning by-law (refer to Attachment 6: Draft Zoning By-law).

Community Consultation

A community consultation meeting was held on Wednesday April 20, 2011. The meeting was attended by approximately 15 people.

Comments made and concerns raised by those in attendance at the meeting were discussed with the applicant and revisions to the original plans (including revisions requested by City staff) were made.

Concerns expressed by the residents and subsequent revisions to the plans made by the applicant or clarification of the proposal include:

- the owner of 542 Eglinton Avenue East was concerned that vehicles unrelated to the businesses occupying his building would park on his lot.

The applicant was requested to install a card-operated traffic control arm barrier between the subject property driveway and the entrance to the surface parking at 542 Eglinton Avenue East. The applicant's revised site plan shows a traffic control arm in that location (refer to Attachment 1: Site Plan).

- the applicant should provide a wider setback between the eastern-most townhouse and the existing building at 542 Eglinton Avenue East.

An increased side yard setback of 0.9 metres which matches the existing sideyard setback at 542 Eglinton Avenue East is shown on the revised site plan (refer to Attachment 1: Site Plan).

- the applicant should provide a step back from the eastern limit of the building fronting onto Eglinton Avenue East (flank wall of unit 7) at the partial 5th level.

The proposed development is under the permitted height restriction and complies with the 0.9 metre side yard setback at this location on the plan. However, an approximately 1.1 metre step back of the 5th level of unit 7 has been provided. The total setback of the 5th level of unit 7 from the east side property line would be 2.0 metres (refer to Attachment 1: Site Plan).

- the owners of the abutting property on Walder Avenue to the north expressed a concern that the proposed townhouses would significantly reduce the amount of sunlight in their home.

No significant shadow impact, particularly on houses to the north of the site, would result from the proposed development (refer to the Comments subsection, Sunlight and Sky Views in this report).

- setbacks to property lines in general and to the north property line in particular were perceived to be inadequate.

The side wall of the northern-most townhouse (unit 1) is separated by 4.2 metres to the side wall of the existing house to the north. The 3.0 metre width of the driveway on the subject property comprises most of that separation. The remaining 1.2 metres of separation is the existing setback of the house to the north of the subject lands on Walder Avenue.

The proposed development exceeds the required 1.2 metre side yard setback from unit 1 of the proposed development to the north property line (refer to Attachment 1: Site Plan).

- the applicant should consider a walk-up apartment as a built form rather than the proposed townhouses.

Townhouses and apartment buildings are both permitted in *Apartment Neighbourhoods* designations of the Official Plan.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

This application supports the 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application complies with the policies of the PPS including:

- policy 1.1 - manages and directs land use to achieve efficient development and land use patterns;
- policy 1.4.3 – provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents; and
- policy 1.4.3(d) - promote densities for new housing which efficiently use land, infrastructure and public service facilities and support the use of alternative transportation modes and public transit;

The proposed development also meets the policies of the Provincial Growth Plan. The Growth Plan promotes intensification of the existing built-up area with a focus on areas of the City within proximity of major transit stations. The subject lands are on a direct bus route connection to the Yonge-Eglinton subway station. In addition, the site is within walking distance of the proposed Eglinton-Mt Pleasant LRT station.

Land Use

The proposed townhouse use conforms with the land uses which are permitted for the site by the Official Plan and the Zoning By-law.

Toronto Urban Design Guidelines – Infill Townhouses

Council adopted Design Guidelines for Infill Townhouses in January of 2003. The Guidelines are intended to assist private sector architects, planners and developers in designing infill townhouse developments. The Guidelines are also intended to assist City staff in their review of these types of development proposals. The Guidelines have City-wide applicability.

The document sets out various guidelines to ensure that townhouses are designed with a focus on protecting streetscapes and seamlessly integrating new development into existing residential patterns. The intent of many of these guidelines have been met in the design of the proposed townhouses including:

1. Accessibility to Public Streets

New townhouse development should be accessible from existing public streets.

The proposed development is on a corner lot with houses facing both street frontages. The houses have front entrances on the existing streets and provide access to parking in integral garages off of a U-shaped private driveway at the rear of all units.

2. Neighbourhood Streetscapes, Pedestrian Environment & Parking

Townhouse developments should balance the need to preserve the character of Toronto's neighbourhood streetscapes and improve the pedestrian environment with the demand for parking.

Townhouses produce better streetscapes when parking is provided at the back of the units. In the proposed design, parking is kept to the rear of the houses and is accessed by a private lane. Front yards are reserved for landscaped open space and are not monopolized by the need to park vehicles in front of the houses.

3. Sunlight and Sky Views

Townhouse developments should provide adequate sunlight and sky views from streets and open spaces.

The site is within an *Apartment Neighbourhood* in which taller building forms are permitted and currently exist. At 14.2 metres, the townhouses have been designed at 3.8 metres under the 18.0 metre height limit for the zone (R4A Z2.0). This provides a transition down from the taller apartment buildings within the Eglinton Avenue *Apartment Neighbourhood* to the 2 and 3 storey houses in the *Neighbourhoods* area to the north of the site.

New shadowing resulting from the proposed building on the adjacent neighbourhood would be kept to a minimum due to the buildings' lower than permitted height and the sites' location to the south of the *Neighbourhoods* designation.

Sky views from the south flank wall of the existing house to the north are maintained via a separating distance of 4.2 metres consisting of the 3.0 metre width of the lane plus the 1.2 metre setback of that neighbouring house.

The proposed development sets its 5th floor back 2.0 metres from the eastern property line to allow sky views from the house-form building which is used as an office to the east of the site on Eglinton Avenue. The fifth floor of all units is a partial level which is a 4th floor roof deck access and a utility and laundry room.

4. Building Façade

The front of new townhouse developments should be, attractive, well proportioned and integrate with neighbouring buildings.

Staff find that the proposed design treatment is appropriate for both the Walder and Eglinton Avenue street frontages. The façade of the proposed townhouses is designed to match the more modern designs of the house to the north on Walder Avenue and the office building to the east on Eglinton Avenue. The proposed design transitions well from the apartment buildings in the Eglinton Avenue *Apartment Neighbourhood* to the *Neighbourhood* to the north.

Proposed unit no. 4 is located at the northeast corner of Eglinton Avenue East and Walder Avenue. Due to this unit's corner location, its two street-facing walls have both been designed as 'front' walls rather than having a side wall condition facing one of the streets.

Similarly, the north-facing wall of proposed unit no.1 will be visible from the north approach on Walder Avenue. This wall will be constructed using an architecturally finished surface and/or other means of softening a primarily blank wall. Both of these exterior wall treatments (unit nos. 4 and 1) will be secured through the site plan agreement process.

5. Building Height and Grade

Townhouses should use the existing or 'natural' grade or ground level and blend into the context of the neighbourhood.

A common issue of concern when considering new infill townhouse developments is the perception (from the street) of excessive height and potential impact on the abutting residential properties and streets. To alleviate this effect, the proposed development establishes the ground floor close to finished grade with only 5 (internal) steps up to the main living level on the second floor.

The partial 5th floor (of the 4.5-storey units) consists of utility space, laundry and a stair access to the 4th floor roof deck is pulled back from the street on all frontages of all units but one by approximately 3.5 metres.

The exception is the Walder Avenue façade of proposed unit #4 which is the end unit at the corner of Walder and Eglinton avenues. In this unit, the 5th floor is stepped back 3.5 metres from Eglinton Avenue but only 1.0 metre from Walder Avenue. To compensate, the design of that unit provides a double-front with full-sized windows and a door on the side elevation. The effect is the impression of a front face rather than flank face on Walder Avenue.

6. Landscaping

Townhouse developments should landscape both the public boulevard and the private yard areas in a manner that enhances the pedestrian environment.

The proposed development is setback (including public and private property) from the curb by approximately 5.5 metres on Walder and on Eglinton avenues. Public and private lands within that setback area are designed to provide a well-landscaped streetscape.

Height, Density, Massing

At 14.2 metres, the proposed 5-storey development is under the 18 metre height restriction for the area. No zoning amendment for height is required. Also as a result of the lower than permitted height, the proposed development transitions well to the *Neighbourhoods* designation to the north.

Normally, staff do not support 5-storey townhouse buildings particularly when they are located in *Neighbourhoods*. In this case, the townhouses are located in an *Apartment Neighbourhood* designation and are zoned for a higher height than is being proposed.

With a gross floor area of 2.2 times the lot area, the proposed development is marginally over the permitted density of 2.0 times coverage.

Buildings of similar or greater heights and densities currently exist in the surrounding *Apartment Neighbourhood* in which the site is located.

The setback of the 5th floor (discussed above under 'Building Height and Grade') serves to reduce the overall impression of building mass at the pedestrian level.

Traffic Impact and Access

The existing house-form buildings which are located on the site and at 542 Eglinton East (east of the site) are both used as commercial office space. Each of these buildings have outdoor parking in their rear yards that is accessed by a single two-way driveway located entirely on 538 Eglinton East at the north end of that lot on Walder Avenue. The owner of 542 Eglinton East currently has a right-of-way over the driveway.

The applicant proposes a private, one-way, U-shaped driveway. The driveway serves to access the integral garages which are located at the rear of all 7 proposed units and to access the rear-yard parking of the commercial office building at 542 Eglinton Avenue East.

Vehicular access to the site is extends easterly into the site from Walder Avenue in approximately the same location as the existing driveway. The proposed driveway directs cars southwards and exits between the south flank of unit #3 and the rear yards of units 1 - 4 (also to Walder Avenue).

The owners of 542 Eglinton Avenue East will maintain their right-of-way over the entrance from Walder Avenue but will need an additional easement to proceed to the exit over the one-way southbound and westbound sections.

The applicant has agreed to install a card access control arm at the entrance to the parking area for the offices located at 542 Eglinton Avenue East to restrict entrance to office employees and their visitors.

The projected traffic movement to and from the site has been reviewed by Transportation Services and is not found to have significant impact on the traffic flow on either Walder or Eglinton avenues.

Parking

Parking spaces within integral garages located at the rear of each unit are proposed for this development. This satisfies the Zoning By-law requirement of 1 space per unit and reduces the number of curb cut interruptions to street parking. The dimensions and general layout of the parking spaces also comply with the By-law and are satisfactory to Transportation Services.

Servicing

The applicant has submitted a storm water management and site servicing report to the Executive Director of Technical Services for review and acceptance prior to entering into a Site Plan Agreement with the City.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.78 to 1.55 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 7 residential units on a total site area of 0.06643 hectares (664.3 m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420- 2007, the parkland dedication would be 0.0093 hectares (93.3 m²). However, a cap of 10% applies and hence the parkland dedication for the development would be 0.00664 hectares (66.4 m²).

The applicant proposes to satisfy the parkland dedication requirement through a cash-in-lieu payment. This is appropriate since an on-site parkland dedication requirement of 0.00664 hectares (66.4 m²) would not be of a useable size.

Streetscape

Section 4.2.2(c) of the Official Plan requires that new development within *Apartment Neighbourhoods* locate and mass new buildings to frame the edge of streets with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets. Section 4.2.2(g) requires that new development in *Apartment Neighbourhoods* provide ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces.

The proposed townhouse development provides vehicular access and parking to the rear of the houses and allowing the front yards to be entirely dedicated to landscaping. The houses are close to 4 metres under the permitted height, each with the partial 5th floor set back from the street which maintains optimum sunlight on the street. The building height transitions well to the *Neighbourhood* and does not overwhelm the adjacent single-detached dwellings.

The units are proposed to be constructed close to grade and, with the garages at the back, the front doors and the living areas within the houses are located approximately at street-level facing the street. This focuses activity occurring within the houses and the front yards on the streetscape and adds to the animation and safety of the adjacent streets.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Any revisions to the Green Checklist circulation which may be required by commenting Divisions will be done with the Site Plan application.

Tenure

All proposed townhouses are to be freehold units. Individual lots will be created through a Part Lot Control application. The driveway will be created as a separate Part (under Part Lot Control) and will be established as a common elements condominium through a separate Condominium application.

Development Charges

It is estimated that the development charges for this project will be \$78,680.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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E-mail: tburk@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: South and West Elevations

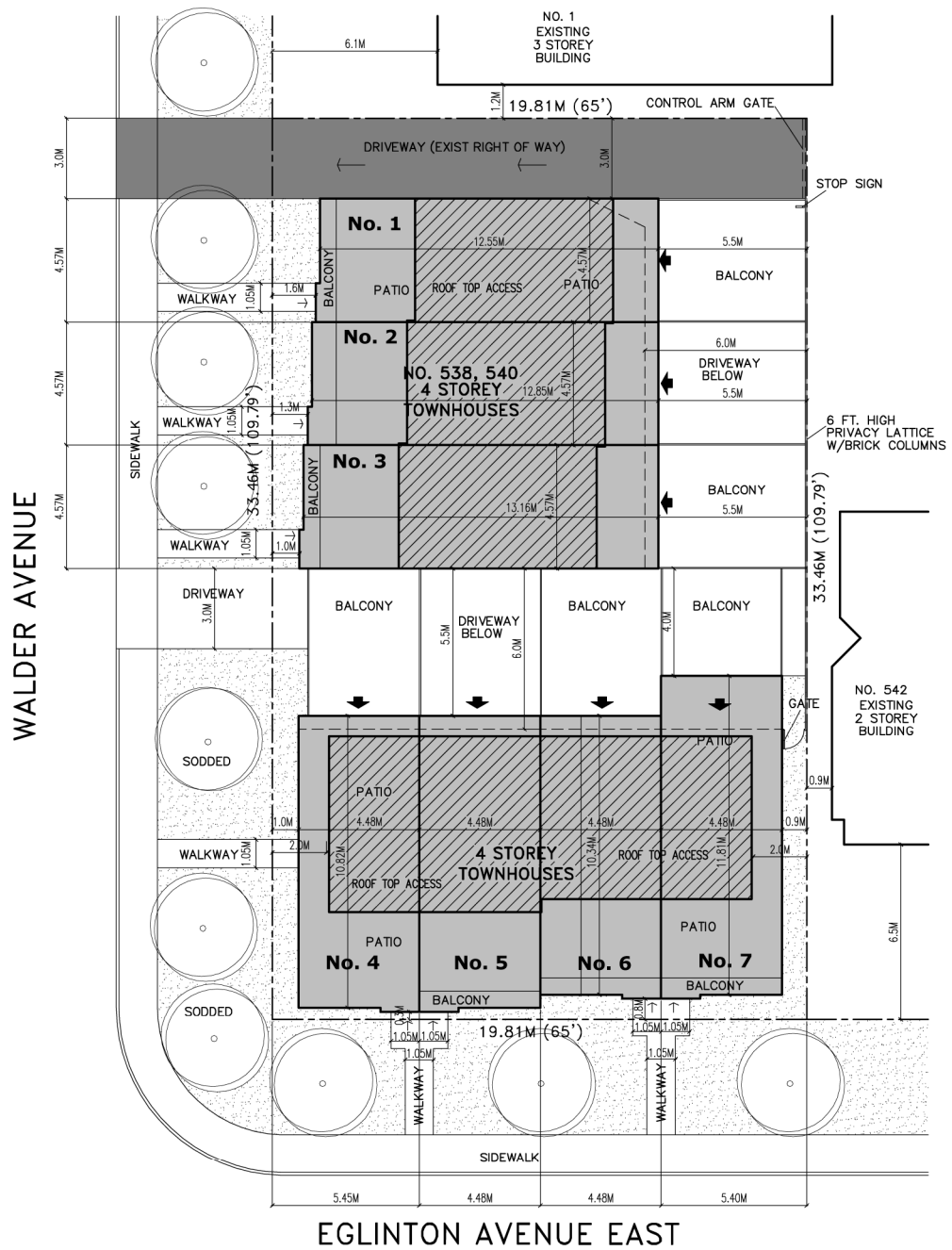
Attachment 3: East and North Elevations

Attachment 4: Zoning

Attachment 5: Application Data Sheet

Attachment 6: Draft Zoning By-law Amendment

Attachment 1: Site Plan



Site Plan

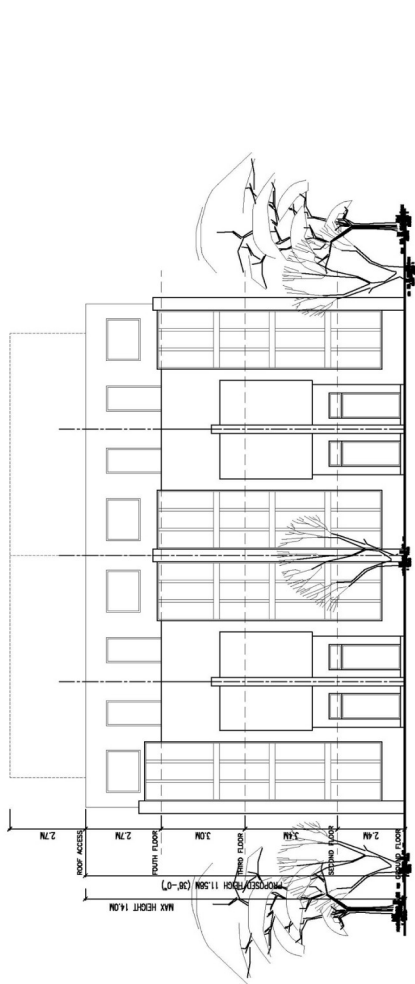
538 & 540 Eglinton Avenue East

Applicant's Submitted Drawing

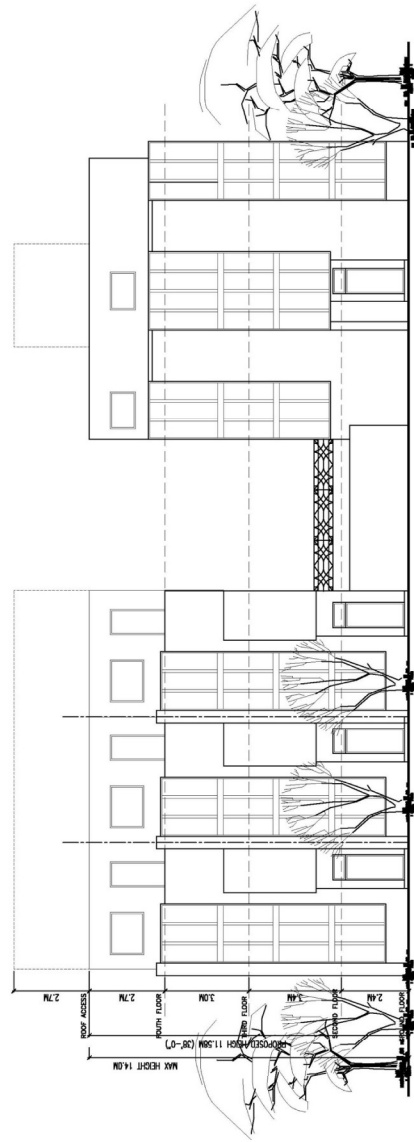
Not to Scale 

File # 10 316220 OZ

Attachment 2: South and West Elevations



South Elevation



West Elevation

Elevations

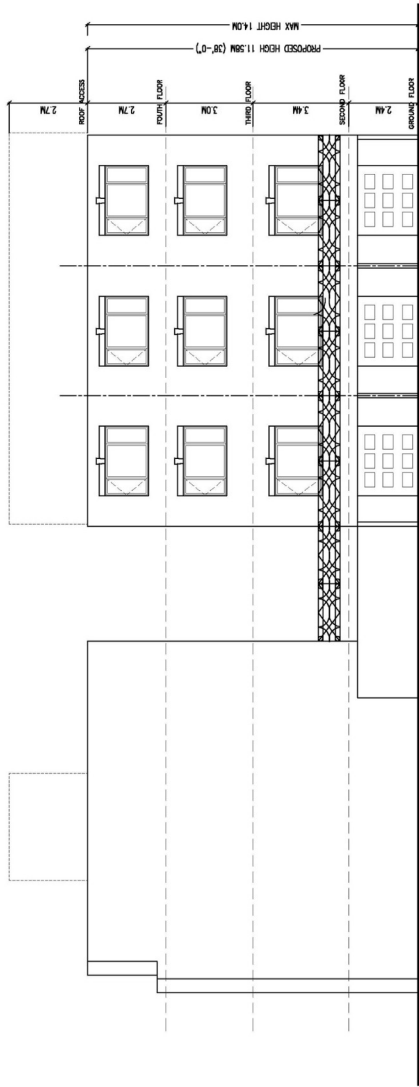
Applicant's Submitted Drawing

Not to Scale
11/21/2011

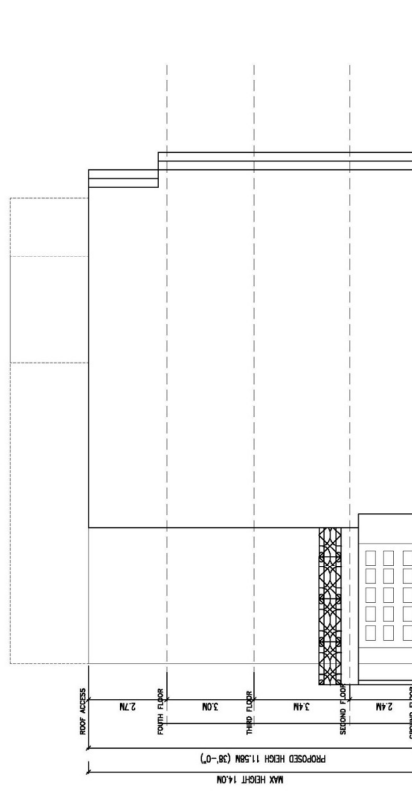
538 & 540 Eglinton Avenue East

File # 10 316220 0Z

Attachment 3: East and North Elevations



East Elevation



North Elevation

Elevations

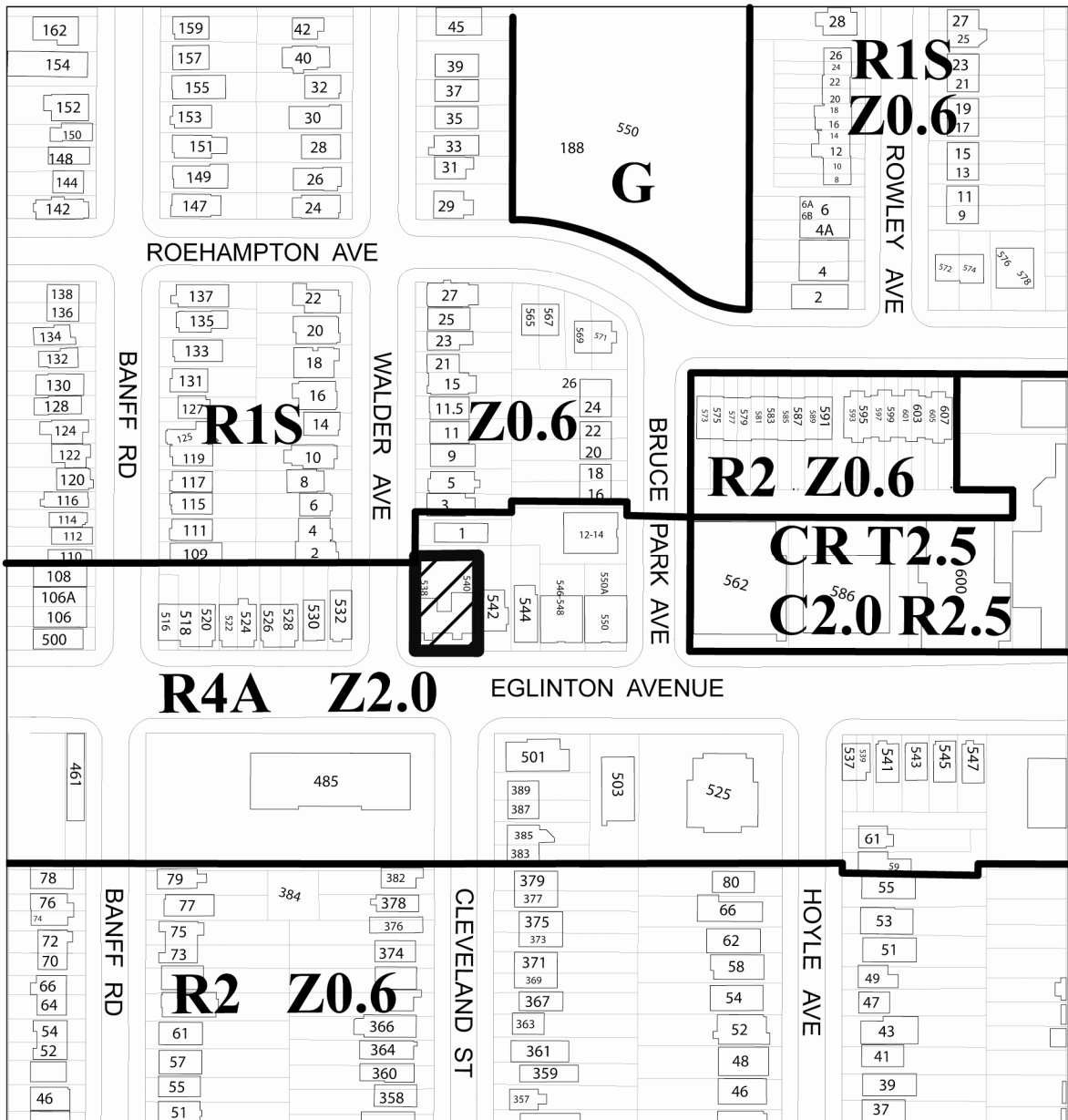
Applicant's Submitted Drawing

Not to Scale
11/21/2011

538 & 540 Eglinton Avenue East

File # 10 316220 0Z

Attachment 4: Zoning



TORONTO City Planning
Zoning

538 Eglinton Avenue East
540 Eglinton Avenue East

File # 10_316220

Site Location

- | | | |
|--------------------------|--------------------------|------------------|
| R1S Residential District | R4A Residential District | G Parks District |
| R2 Residential District | CR Mixed-Use District | |



Not to Scale
Zoning By-law 438-86 as amended
10/27/10 - MH

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	10 316220 STE 22 OZ
Details	Rezoning, Standard	Application Date:	December 17, 2010

Municipal Address: 538 EGLINTON AVE E

Location Description: CON I EYS PT LOT 1 **GRID S2201

Project Description: Zoning by law amendment applicaiton to permit the redevelopmetn of the land for a new 7 unit infill townhouse development (Freehold) serviced by common element driveway leading to private parking to the rear of each unit. Each unit to front onto a municipal street. Separate application for common element condo to follow.

Applicant:	Agent:	Architect:	Owner:
ALEX BOROS DESIGN INC.			DOUGLAS BRUCE BROWN

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	
Zoning:	R4A Z 2.0	Historical Status:	
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	664.3	Height:	Storeys:	4	
Frontage (m):	19.8		Metres:	14	
Depth (m):	33.5				
Total Ground Floor Area (sq. m):	164				Total
Total Residential GFA (sq. m):	1464		Parking Spaces:	7	
Total Non-Residential GFA (sq. m):	0		Loading Docks	0	
Total GFA (sq. m):	1464				
Lot Coverage Ratio (%):	24.7				
Floor Space Index:	2.2				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Freehold			
Rooms:	0	Residential GFA (sq. m):	1464	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	7	Institutional/Other GFA (sq. m):	0	0
Total Units:	7			

CONTACT:	PLANNER NAME:	Tim Burkholder, Senior Planner
	TELEPHONE:	(416) 392-0412

Attachment 6: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item - as adopted by City of
Toronto Council on _____, 2011
Enacted by Council: _____, 2011

CITY OF TORONTO BY-LAW No. XXX-2011

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto,
with respect to lands municipally known as 538 & 540 Eglinton Avenue East.**

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 HEREBY ENACTS as follows:

1. None of the provisions of Section 2 with respect to *lot*, *landscaped*, *open space* and *row house*, 6(3) Part IX 1 (A), 6 (3) Part IX 1 (B), 6(3) Part I 1, 6(3) Part II 2(III), 6(3) Part II 3.A(II), 6(3) Part II 3.C(I), 6(3) Part II 4, 6(3) Part II 5(I), 6(3) Part III 1 (A), 6(3) Part III 3(B), 6(3) Part III 4, 6(3) Part IV 4(I) and 6(3) Part VII 1 (II) Zoning By-law No. 438-86, 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 and use of 7 *row houses* comprised within 2 blocks as shown on Map 2, including uses accessory thereto, on the *lot* provided that:
 - (a) the *lot* consists of those lands delineated by heavy lines on Map 1 attached and forming part of this by-law;
 - (b) the *residential gross floor area* erected or used on the *lot* does not exceed 1,464m²;
 - (c) the maximum number of *dwelling units* does not exceed 7;
 - (d) no part of any building or structure erected or used on the *lot* above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;

- (e) no part of any building or structure erected or used above finished ground level shall exceed the *height* limits above *grade* in metres specified by the numbers following the symbol "H" as shown on Map 2
 - (f) not less than 57 square metres of *landscaped open space* shall be provided and maintained on the *lot*;
 - (g) the minimum driveway width shall be 3m including the existing right of way and a maximum of 6m on the remainder of the *lot*;
 - (h) nothing in Sections 2(d) and 2 (e) of this By-law shall prevent the following elements from projecting beyond the heavy lines and above the *heights* shown on Map 2:
 - (i) eaves, cornices, lighting fixtures, fences safety railings, architectural features, parapets, privacy screens, window sills, chimneys, vents, terraces, platforms, landscape features, walkways.
3. 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 severance, partition or division occurred.

4. Definitions

For the purposes of this By-law, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law No. 438-86 as amended except that the following definitions shall apply:

- (a) “*lot*” means those lands identified on Map 1 attached to this By-law. 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 severance, partition, or division has occurred; and
- (b) “*row house*” means one of a series of more than two attached buildings:
 - (i) each building comprising of one *dwelling unit*; and
 - (ii) each building divided vertically from another by a party wall.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

