Authority: Ontario Municipal Board Order issued on June 12, 2012 in Board File No. PL101376

CITY OF TORONTO

BY-LAW No. 1115-2013(OMB)

To amend the former City of Scarborough Highland Creek Community Zoning By-law No. 10827, as amended, with respect to the lands municipally known as 6039 Kingston Road.

Whereas the Ontario Municipal Board, pursuant to an order issued on June 12, 2012, in Board File No. PL101376, following an appeal pursuant to section 34(11) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, determined to amend the former City of Scarborough Highland Creek Community Zoning By-law No. 10827, as amended, with respect to the lands municipally known as 6039 Kingston Road;

Therefore By-law No. 10827, the former City of Scarborough Highland Creek Community By-law, as amended, is further amended by the Ontario Municipal Board as follows:

1. SCHEDULE "A" is amended by deleting the zoning for the lands outlined in Schedule "1" and adding the following zoning to the lands outlined in Schedule "1" as shown thereon:


2. SCHEDULE "B", PERFORMANCE STANDARDS CHART, is amended by adding the following Performance Standards:

   **INTENSITY OF USE**

   20O. Maximum 30 dwelling units.

   20P. Maximum 4 units for personal service shops, business and professional offices and retail stores. The maximum gross floor area for personal services shops, business and professional offices and retail stores shall not exceed a total of 200 m².

   **SIDE YARD SETBACKS**

   60E. For buildings having frontage on Highway 2A, excluding buildings having frontage on Kingston Road, the minimum building setback from the north lot line is 14 m, including a minimum landscape strip of 2.8 m. Lands along the north lot line used for a hammerhead turnaround and garbage storage are excluded from the landscape requirement.

   60F. 0 m for the common lot line shared by dwelling units.
BUILDING SETBACKS FROM STREETS

153. Minimum building setback from the lot line abutting Kingston Road is 1.5 m for personal service shops, business and professional offices and retail stores. Minimum building setback of 3.0 m from the lot line abutting Kingston Road for all dwelling units on the first floor of a building having frontage on Kingston Road.

154. Minimum building setback from the lot line abutting Highway 2A is 5 m.

HEIGHT

411. Maximum building height of 12 m and 3 storeys (excluding basements) for buildings having frontage on Kingston Road.

412. Maximum building height of 15 m and 3 storeys (excluding basements) for buildings having frontage on Highway 2A, excluding buildings having frontage on Kingston Road.

MISCELLANEOUS

276. Where a 0.3 m reserve exists, the lands shall be deemed to abut the street.

3. SCHEDULE "C", EXCEPTION MAP, is amended by deleting Exceptions 1 and 39 and by adding Exception 53 to the lands as outlined on Schedule '2'.

4. SCHEDULE "C", EXCEPTION LIST, is amended by adding by adding Exception 53 to the lands outlined on Schedule '2' as follows:

53. On those lands identified as Exception 53 on the accompanying SCHEDULE "C" map, the following provisions shall apply:

1. Additional permitted uses for buildings having frontage on Kingston Road, excluding buildings having frontage on Highway 2A:

   - Personal Service Shops
   - Business and Professional Offices
   - Retail Stores
   - Dwelling Units

2. Personal service shops, business and professional offices and retail up to and including 200 m² of gross floor area shall be subject to 0 parking spaces and shall be located only on the first floor of a building fronting Kingston Road.
3. **Dwelling units** or **dwellings** in buildings having frontage on Kingston Road shall only be permitted on or above the second **storey** of buildings unless:

   a) **dwellings units** or **dwellings** in buildings are located on the first floor of the building; and

   b) **dwellings units** or **dwellings** are located a minimum of 0.6 m above the average finished grade at the streetline and a maximum of 0.9 m above the average finished grade at the streetline

4. Notwithstanding, **CLAUSE V – INTERPRETATION, Section (f), Definitions, Apartment Building, Apartment Building** shall mean a building that has five or more **dwelling units**, with at least one **dwelling unit** entirely or partially above another, and each **dwelling unit** has a separate entrance directly from outside or through a common inside area.

5. Sunken patios are not permitted.

PURSUANT TO ORDER/DECISION OF THE ONTARIO MUNICIPAL BOARD ISSUED ON JUNE 12, 2012 UNDER OMB FILE NO. PL101376.
Schedule '2'

Exception No. 53

6039 Kingston Road
File # 09 198718  ESC  44 OZ

Area Affected By This By-Law

Highland Creek Community Bylaw
Not to Scale
05/15/12