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**

- 200. 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 m<sup>2</sup>.

### **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 m<sup>2</sup> 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) **dwelling 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 '1'



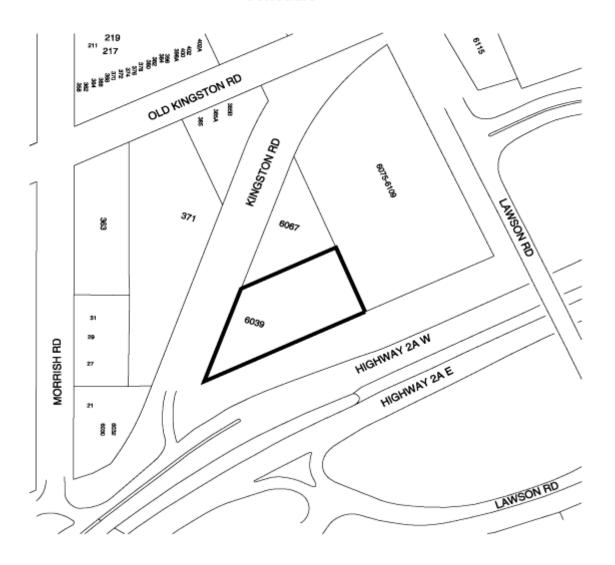


6039 Kingston Road File # 09 198718 ESC 44 0Z



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

## Schedule '2'



# Exception No. 53



6039 Kingston Road File # 09 198718 ESC 44 0Z

Area Affected By This By-Law

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