

Authority: Ontario Municipal Board Decision issued
March 24, 2014 and Order issued April 25,
2014 in Board File PL130037

CITY OF TORONTO

BY-LAW 1625-2019(OMB)

To amend Highland Creek Community Zoning By-law 10827, as amended, with respect to lands known as 255 Old Kingston Road, 1625 Military Trail, 6000, 6115, 6143-6147, 6149, 6096 and 6098 Kingston Road, all lands on the north side of Old Kingston Road and Kingston Road between Lawson Road and Morrish Road, 270 Old Kingston Road, and all lands south of Old Kingston Road and north of Kingston Road and Highway 2A between Lawson Road and Military Trail as outlined on Schedule 1, attached to and forming part of this By-law.

Whereas the Ontario Municipal Board by Board Decision issued March 24, 2014 and Order issued April 25, upon hearing an appeal under Section 34(11) of the Planning Act R.S.O. 1990, c. P.13, as amended, deems it advisable to amend By-law 438-86, as amended, for the City of Toronto with respect to lands municipally as 255 Old Kingston Road, 1625 Military Trail, 6000, 6115, 6143-6147, 6149, 6096 and 6098 Kingston Road, all lands on the north side of Old Kingston Road and Kingston Road between Lawson Road and Morrish Road, 270 Old Kingston Road, and all lands south of Old Kingston Road and north of Kingston Road and Highway 2A between Lawson Road and Military Trail;

The Ontario Municipal Board enacts:

1. **CLAUSE V – INTERPRETATION**, is amended by adding the following definitions to subsection (f), **Definitions**:

"Ancillary" means naturally and normally incidental, subordinate in purpose or **floor area**, and exclusively devoted to a permitted use, building or structure.

"Angular Plane" means an imaginary flat surface projecting over a lot, at an inclined angle measured up from the horizontal.

"Established Grade" means the average elevation of the ground measured at the two points where the projection of the required minimum **front yard setback** line is 0.01 metres past each **side lot line**.

"First Floor" means the floor of the building, other than a floor used for a **parking space**, that:

- (i) is closest in elevation to the elevation of **established grade**;
- (ii) has an interior **floor space** in excess of 10 square metres; and
- (iii) is closest to the required **front yard setback**.

"Landscaping, Soft" means landscaping and excludes hard-surfaced areas such as decorative stonework, retaining walls, walkways, or other hard surface landscaped-architectural elements.

"Outdoor Patio" means an outdoor patron area **ancillary** to a non-residential use.

2. **CLAUSE VI - PROVISIONS FOR ALL ZONES**, Sub-Clause 15, **Lands Not Covered by Buildings** is amended by adding the following paragraph to the end of this Sub-Clause:

"In areas designated in Schedule 'A' as "CR", the lands not covered by permitted buildings, structures and **parking spaces**, shall be used only for **landscaping**, 50 percent of which shall be **soft landscaping**. **Outdoor patio** areas **ancillary** to a permitted non- residential use in the "CR" Zone shall not be considered **landscaping** and shall be permitted, provided the **outdoor patio**:

- (a) is located between the front wall of the building or structure housing the principal uses and the **front lot line** of the lot; or
- (b) is located between the wall facing the **side lot line** of the building or structure housing the principal uses and the **side lot line** of the lot, to a maximum of 50 percent of the depth of the building or structure housing the principal use, measured from the front wall; and
- (c) has a maximum area the greater of:
 - 1. 30 square metres; or
 - 2. 30 percent of the interior floor area of the premises it is associated with.
- (d) is not used to provide entertainment uses such as music and dancing, whether as an **ancillary** use or associated with the principal use; and
- (e) is at least 10 metres from a lot in a **Single-Family Residential (S)**, **Two-Family Residential (T)** or **Multiple Family Residential (M)** zone.
- (f) despite (e) above, if located on a roof, or on a platform that is higher than 0.6 metres above average grade, must be at least 40.0 metres, measured horizontally, from a lot in a **Single-Family Residential (S)**, **Two-Family Residential (T)** or **Multiple Family Residential (M)** zone; and
- (g) if on a lot which abuts a lot in a **Single-Family Residential (S)**, **Two-Family Residential (T)** or **Multiple Family Residential (M)** zone, or a lot is within 10.0 metres of a lot in a **Single-Family Residential (S)**, **Two-Family Residential (T)** or **Multiple Family Residential (M)** zone, an **outdoor patio** located in the rear yard of the lot must have a fence installed along the portion of the **outdoor patio** parallel to the **rear lot line**."

3. **CLAUSE VIII - ZONE PROVISIONS** is amended by adding the following to Subsection 16 **Commercial-Residential (CR) Zone**:
- (c) Supplementary Regulations
- (i) **Street townhouse dwellings** and **multiple-family dwellings** are permitted in all locations with exception to those lands within 20 metres of the Old Kingston Road or Highway 2A **street** lines.
4. **Schedule "A"** is amended by deleting the zoning for the lands outlined on Schedule '1' by adding the following zoning to the lands outlined on Schedule '1':
- CR-214-215-216-217-265-270-275-503-511-513-516-518-519-541-555-556-557-571- 573-574-577
- CR-214-215-216-217-265-270-275-503-506-516-517-518-519-520-522-541-552-556- 570-573-574-575-577
- CR-214-215-216-217-265-270-275-503-506-516-517-518-519-520-522-541-552-556-571-573-574-575-577
- CR-214-215-216-217-265-270-275-502-506-511-515-516-518-519-521-540-551-556-557-571-572-573-574-577
- CR-214-215-216-217-265-270-275-503-505-510-516-518-519-540-550-556-571-573-574-575-577
- CR-214-215-216-217-265-270-275-503-507-510-516-518-519-540-555-556-571-573-574-575-577
- CR(H)-214-215-216-217-265-270-275-501-504-505-509-516-518-519-541-550-556-571-573-574-576-577
- CR-214-215-216-217-265-270-275-501-504-505-511-518-519-521-540-550-556-557-571-572-574-577
- CR-214-215-216-217-265-270-275-503-505-515-516-518-519-540-550-556-571-573-574-575-577
- CR-214-215-216-217-265-270-275-500-504-505-510-518-519-540-550-556-557-571-572-574-576-577
- CR-214-215-216-217-265-270-275-500-511-518-519-540-550-556-557-571-572-574-575-576-577
- CR(H)-214-215-216-217-265-270-275-501-504-505-516-518-519-541-550-556-571-573-574-576-577

CR-214-215-216-217-265-270-275-502-505-511-518-519-540-550-556-557-571-572-574-575-577

CR-214-215-216-217-265-270-275-503-512-514-515-516-517-518-519-522-542-553-554-556-571-573-574-575-576-577

CR-214-215-216-217-265-270-275-503-508-510-516-518-519-540-551-556-571-574-577

CR(H)-214-215-216-217-265-270-275-503-504-514-516-518-519-541-553-554-556-571-573-574-576-575-577

CR(H)-214-215-216-265-270-275-217-503-506-510-516-518-519-540-550-556-571-574-575-577

CR(H)-214-215-216-217-265-270-275-503-506-516-518-519-542-551-556-571-573-574-577

5. **Schedule "B", PERFORMANCE STANDARD CHART**, is amended by adding the following Performance Standards as follows:

PARKING

215. Notwithstanding the provisions of **CLAUSE VII - GENERAL PARKING REQUIREMENTS FOR ALL ZONES**, any buildings or structures constructed after January 1, 2013, the following minimum parking rates will apply to uses permitted within the **Commercial Residential (CR) Zone**:

Day Nurseries	-	1.0 space per 100 square metres of gross floor area
Dwelling Units	-	Parking will be provided at a minimum rate of:
	-	0.8 spaces for each bachelor dwelling unit ;
	-	0.9 spaces for each one-bedroom dwelling unit ;
	-	1.0 space for each two-bedroom dwelling unit ;
	-	1.2 spaces for each three or more bedroom dwelling unit ; and
	-	visitors parking will be provided at 0.15 spaces per dwelling unit .
Educational and Training Facility Uses	-	3.0 spaces per 100 square metres of gross floor area
Financial Institutions	-	3.0 spaces per 100 square metres of gross floor area
Hotels	-	1.0 space per guest room
Medical Centres	-	3.0 spaces per 100 square metres of gross floor area

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|----------------------------------|---|--|
| Nursing Homes | - | 0.3 spaces for each dwelling unit and bed sitting room |
| Offices | - | 1.5 spaces per 100 square metres of gross floor area |
| Personal Service Shops | - | 1.5 spaces per 100 square metres of gross floor area |
| Places of Entertainment | - | 10 spaces per 100 square metres of gross floor area |
| Place of Worship | - | If there is permanent or fixed seating in a place of worship , then a minimum of 23.0 parking spaces must be provide for each 100 square metres of worship area; and |
| | - | If there is no seating or variable seating in a place of worship , then a minimum of 34.0 parking spaces must be provided for each 100 square metres of worship area. |
| Recreational Uses | - | 3.0 spaces per 100 square metres of gross floor area |
| Restaurants | - | 3.0 spaces per 100 square metres of gross floor area , or part thereof, between 0 and 500 square metres of gross floor area , and 5.0 spaces per 100 square metres of gross floor area , or part thereof, in excess of 500 square metres of gross floor area |
| Retail Stores | - | 3.0 spaces per 100 square metres of gross floor area |
| Retirement Homes | - | 0.3 spaces for each unit or bed-sitting room |
| Multiple Family Dwellings | - | 1.0 space per dwelling unit , and, visitors parking will be provided at 0.15 spaces per dwelling unit |
| Street Townhouse Dwelling | - | 1.0 spaces per dwelling unit |
216. For any **dwelling units** constructed after January 1, 2013, **bicycle parking spaces** shall be provided at a rate of:
- (a) 0.7 long term **bicycles parking spaces** for each **dwelling unit**;
 - (b) 0.1 short term **bicycle parking spaces** for each **dwelling unit**; and where:
 - (i) Long-term bicycle parking are **bicycle parking spaces** for use by the occupants or tenants of a building and must be located in a secure, weather protected and enclosed bicycle parking area

within 30.0 metres from a pedestrian entrance to the principal building on the lot; and

- (ii) Short-term bicycle parking are **bicycle parking spaces** for use by visitors to a building and shall be located in bicycle parking area at grade within 30.0 metres from a pedestrian entrance to the principal building on the lot.

Bicycle parking space for a **dwelling unit** shall not be located:

- (a) in a **dwelling unit**; or
 - (b) on a balcony; or
 - (c) in a storage locker; or
 - (d) an area used for **ancillary** commercial space.
217. Minimum 0.13 occupant **bicycle parking spaces** per 100 square metres of **gross floor area** for all uses excluding **dwelling units** and the greater of 0.15 visitor **bicycle parking spaces** per 100 square metres of **gross floor area** or 6 **bicycle parking spaces** for all uses excluding **dwelling units**.

SETBACKS

500. Minimum building **setback** of 0.0 metres and a maximum building **setback** of 3.0 metres from a **street** line for that portion of a building measured from **established grade** to a building **height** of 13.5 metres.
501. Minimum building **setback** of 0.0 metres and a maximum building **setback** of 3.0 metres from the **street** line abutting Old Kingston Road and a minimum building **setback** of 1.5 metres and a maximum building **setback** of 3.0 metres from any other **street** line for that portion of a building measured from **established grade** to a building **height** of 13.5 metres.
502. Minimum building **setback** of 1.5 metres and a maximum building **setback** of 3.0 metres from any **street** line for that portion of a building measured from **established grade** to a building **height** of 13.5 metres.
503. Minimum building **setback** of 0.0 metres and a maximum building **setback** of 3.0 metres for all uses permitted from a **street** line abutting Old Kingston Road and a minimum building **setback** of 3.0 metres and a maximum building **setback** of 5.0 metres from the **street** line abutting Kingston Road, Military Trail, Lawson Road, Morrish Road, and/or Highway 2A for that portion of a building measured from **established grade** to a building **height** of 13.5 metres.
504. The lot line abutting Old Kingston Road shall be deemed to be the **front lot line**.

505. Minimum building **setback** of 0.0 metres from a **side yard**.
506. Minimum building **setback** of 3.0 metres from a **side yard**.
507. Minimum **side yard** building **setback** of 3.0 metres on one side and 0.0 metres on the other side.
508. Minimum **side yard** building **setback** of 7.5 metres on one side and 3.0 metres on the other side.
509. Minimum building **setback** of 6.0 metres from a **rear yard**.
510. Minimum building **setback** of 7.5 metres from a **rear yard**.
511. Minimum building **setback** of 7.5 metres from any lot line abutting an 'S', 'T', 'M' 'PW' or 'P' zone.
512. Minimum building **setback** of 7.5 metres from the west lot line.
513. Minimum building **setback** of 7.5 metres from the lot line abutting the lands known as 1622 Military Trail at the time of passing of this By-law.
514. For any portion of a building within 30.0 metres of the Old Kingston Road frontage, the minimum **side yard setback** will be 0.0 metres and for any portion of a building beyond 30.0 metres of the Old Kingston Road frontage, the minimum **side yard setback** will be 7.5 metres.
515. Minimum building **setback** of 6.0 metres from the south lot line if grade related entrances to **dwelling units** are constructed adjacent to the south lot line, and a minimum building **setback** of 3.0 metres if no grade related entrances to **dwelling units** are constructed adjacent to the south lot line.
516. For that portion of buildings above 10.5 metres in **height**, buildings shall be setback at a minimum an additional 1.5 metres from that portion of the building closest to all **street** lines.
- For the purposes of this Performance Standard the wall below 10.5 metres in **height** shall be no less than 75 percent in length of the overall length of the wall facing all **street** lines.
517. For that portion of buildings above 20.0 metres in **height**, buildings shall be setback at a minimum an additional 1.5 metres from that portion of the building closest to all **street** lines.
518. No building step backs will be provided at, or below, 2 **storeys** or 7.5 metres in building **height**.
519. Setbacks that apply to the "CR" Zone shall not apply to underground structures.

520. The lot line abutting Military Trail shall be deemed to be the **front lot line**.
521. Minimum building **setback** of 3.0 metres and a maximum building **setback** of 5.0 metres from the **street** line for all residential uses for that portion of a building measured from **established grade** to a building **height** of 13.5 metres.
522. For that portion of a building that has a **height** equal to or less than the width of the right-of-way of the **street** it abuts, the following provisions apply:
- (i) if a wall of the building has principal windows and a line projected at a right angle from one of these walls intercepts another such wall on the same lot, the minimum above ground distance between the walls must be 20.0 metres; or
 - (ii) if a wall of the building has windows facing a wall which does not have a window and a line projected at a right angle from one of these walls intercepts the other wall on the same lot, the minimum above ground distance between them must be 11.0 metres.

INTENSITY OF USE

540. Maximum **gross floor area** 1.5 times the area of the lot or parcel.
541. Maximum **gross floor area** 2.0 times the area of the lot or parcel.
542. Maximum **gross floor area** 2.5 times the area of the lot or parcel.

BUILDING HEIGHT

550. Minimum building **height** of two **storeys**, excluding **basements** and rooftop mechanical penthouses and a maximum building **height** of three **storeys**, excluding **basements** and rooftop mechanical penthouses.
- Minimum building **height** of 7.5 metres, excluding **basements** and rooftop mechanical penthouses and a maximum building **height** of 12.0 metres, excluding **basements** and rooftop mechanical penthouses.
551. Minimum building **height** of three **storeys**, excluding **basements** and rooftop mechanical penthouses and a maximum building **height** of four **storeys**, excluding **basements** and rooftop mechanical penthouses.
- Minimum building **height** of 10.5 metres, excluding **basements** and rooftop mechanical penthouses and a maximum building **height** of 13.5 metres, excluding **basements** and rooftop mechanical penthouses.
552. Minimum building **height** of three **storeys**, excluding **basements** and rooftop mechanical penthouses and a maximum building **height** of six **storeys**, excluding **basements** and rooftop mechanical penthouses.

Minimum building **height** of 10.5 metres, excluding **basements** and rooftop mechanical penthouses and a maximum building **height** of 20.0 metres, excluding **basements** and rooftop mechanical penthouses.

553. Minimum building **height** of two **storeys**, excluding **basements** and rooftop mechanical penthouses and a maximum building **height** of three **storeys**, excluding **basements** and rooftop mechanical penthouses for any building or structure, or portion thereof, located within 30.0 metres of the Old Kingston Road **street** line.

Minimum building **height** of 7.5 metres, excluding **basements** and rooftop mechanical penthouses and a maximum building **height** of 12.0 metres, excluding **basements** and rooftop mechanical penthouses for any building or structure, or portion thereof, located within 30.0 metres of the Old Kingston Road **street** line.

554. Minimum building **height** of three **storeys**, excluding **basements** and rooftop mechanical penthouses and a maximum building **height** of four **storeys**, excluding **basements** and rooftop mechanical penthouses for any building or structure, or portion thereof, situated greater than 30.0 metres from the Old Kingston Road **street** line.

Minimum building **height** of 10.5 metres, excluding **basements** and rooftop mechanical penthouses and a maximum building **height** of 13.5 metres, excluding **basements** and rooftop mechanical penthouses for any building or structure, or portion thereof, situated greater than 30.0 metres from the Old Kingston Road **street** line.

555. Minimum building **height** of three **storeys**, excluding **basements** and rooftop mechanical penthouses and a maximum building **height** of five **storeys**, excluding **basements** and rooftop mechanical penthouses.

Minimum building **height** of 10.5 metres, excluding **basements** and rooftop mechanical penthouses and a maximum building **height** of 18.2 metres, excluding **basements** and rooftop mechanical penthouses.

556. Mechanical penthouse shall be **setback** a minimum of 5.0 metres in addition to the required **setbacks** from all **street yards**. The mechanical penthouse shall cover no more than 30 percent of the roof area and extend no more than 5.0 metres above the roof deck.
557. Buildings shall not penetrate into a **45 degree angular plane** from the lot line abutting "S", "T", "O", "P" and "M" Zones.

MISCELLANEOUS

570. The **main wall** shall have a minimum width of 60 percent and a maximum width of 70 percent of the lot at the Military Trail or Lawson Road **street** line.

571. The **main wall** of the first 10.5 metres of building **height** shall have a minimum width of 60 percent for any lot with 30.0 metres of frontage or less, and a minimum width of 70 percent for any lot with greater than 30.0 metres of frontage.
572. Minimum 1.5 metre strip of land immediately abutting lots zoned "S", "T", and "M" shall be used for **soft landscaping** purposes only.
573. For that portion of a building above 13.5 metres in building **height**, buildings shall be set back a minimum of 5.5 metres from that portion of a building below 13.5 metres in building **height** adjacent to a **side lot line**.
574. Balconies and unenclosed porches located above the 1st **storey** shall not project beyond that portion of a building below 10.5 metres in building **height** adjacent to a **street line**.
575. Additional provisions for **street townhouse dwellings** and **multiple-family dwellings** are as follows:
- (i) Minimum separation between the side walls of adjacent **street townhouse dwelling** or **multiple-family dwelling** blocks shall be 1.2 metres, and 0.0 metres along the common wall between **dwelling units**; and
 - (ii) Minimum rear yard **setback** of 7.5 metres.
576. For any building or structures constructed after January 1, 2013, the minimum floor to floor **height** of the **first floor** shall be 4.5 metres for that portion of a building located within 20.0 metres of the Old Kingston Road **street line**.
577. In addition to developing the buildings or structures in accordance with the Performance Standards provided herein, the applicant of any building or structures being 13.5 metres in building **height** or greater, shall enter into an agreement satisfactory to the City of Toronto pursuant to Section 37 of the *Planning Act*, as amended, authorizing the increase in height and density in exchange for one or more of the following benefits:
- Public art;
 - Dedicated and accessible community service space for non-profit service agencies to deliver programs/services for various user groups, particularly for youth and seniors;
 - High quality and accessible licensed child care facilities, particularly for infants and toddlers;
 - Additional satellite recreation space including large flexible multi-purpose rooms to run programs for all age groups, particularly for youth and seniors;
 - Other non-profit arts, cultural, community or institutional facilities;

- Streetscape improvements not abutting the site;
 - Purpose built rental housing with mid-range or affordable rents, land for affordable housing, or, at the discretion of the owner, cash-in-lieu of affordable rental units or land;
 - Park improvements to parkland within the Village Area; and
 - Municipally owned and operated parking lots.
6. **Schedule "C", EXCEPTION MAP** is amended by deleting Exception Number 1 from the lands outlined on Schedule '1'.
7. **Schedule "C", EXCEPTION MAP** and **EXCEPTION LIST** is amended by deleting Exception Numbers 23, 27, 30, 37 and 39.
8. **Schedule "C", EXCEPTION MAP** and **EXCEPTION LIST** is amended by adding Exception Number 7 to the lands outlined on Schedule '2' so that it reads as follows:
7. On those lands identified as Exception 7 on the accompanying Schedule "C" map, the following provisions shall apply:
- (a) Permitted uses prior to the removal of the Holding Provision (H) from the zoning shall be restricted to all uses permitted in the **Highway-Commercial (HC)** zone and **Place of Worship (PW)** zone with the exception of the following uses which are not permitted: **Automobile Service Stations, Automobile Sales Uses, Mechanical or Automatic Car Washes and Public Garages.**
- (b) Prior to the removal of the Holding Provision (H) the following performance standards will apply:
- HC-25-30-34-53-76 & PW-30-47-77
- (c) The Holding Provision (H) used in conjunction with the **Commercial Residential (CR)** Zone shall be removed by amending By-law when:
- Council is satisfied that land dedicated to the City for the design, construction and financing of new public lanes or streets, in accordance with the recommendations of the Highland Creek Village Area Study and subsequent transportation environmental assessment, has been satisfactorily reviewed by the Chief Planner and Executive Director of City Planning in consultation with the Executive Director of Technical Services and that any recommended improvements have been implemented, or financially secured through appropriate agreements.

9. **Schedule "C", EXCEPTION MAP and EXCEPTION LIST** is amended by deleting Exception Number 20 and replacing it on the lands outlined on Schedule '2', so that it reads as follows:

20. On those lands identified as Exception 20 on the accompanying Schedule "C" map, the following provisions shall apply:

(a) Additional permitted uses:

- **Street Townhouse Dwellings**
- **Multiple-Family Dwellings**

10. **Schedule "C", EXCEPTION MAP and EXCEPTION LIST** is amended by creating Exception Number 55 to the lands outlined on Schedule '2', so that it reads as follows:

55. On those lands identified as Exception 56 on the accompanying Schedule "C" map, the following provisions shall apply:

(a) Additional permitted uses:

- **Place of Worship**

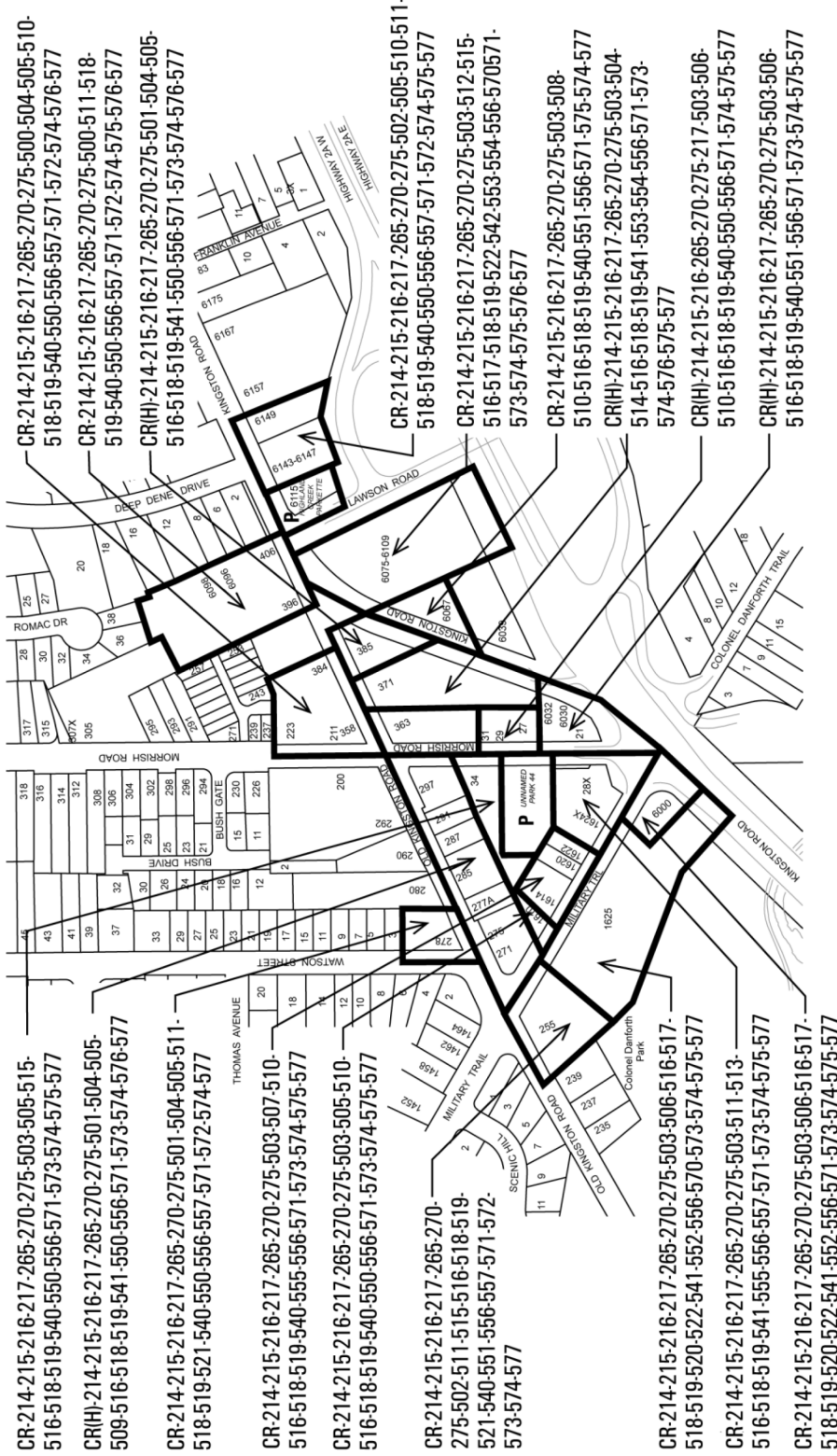
11. **Schedule "C", EXCEPTION MAP and EXCEPTION LIST** is amended by adding Exception Number 56, to the lands outlined on Schedule '2', so that it reads as follows:

56. On those lands identified as Exception 57 on the accompanying Schedule "C" map, the following provisions shall apply:

(a) No residential uses shall be permitted on the **first floor** of a building within 20 metres of the Old Kingston Road **street line**.

Ontario Municipal Board Decision issued March 24, 2014 and Order issued April 25, 2014 in Board File PL130037.

Schedule '1'



Zoning By-Law Amendment



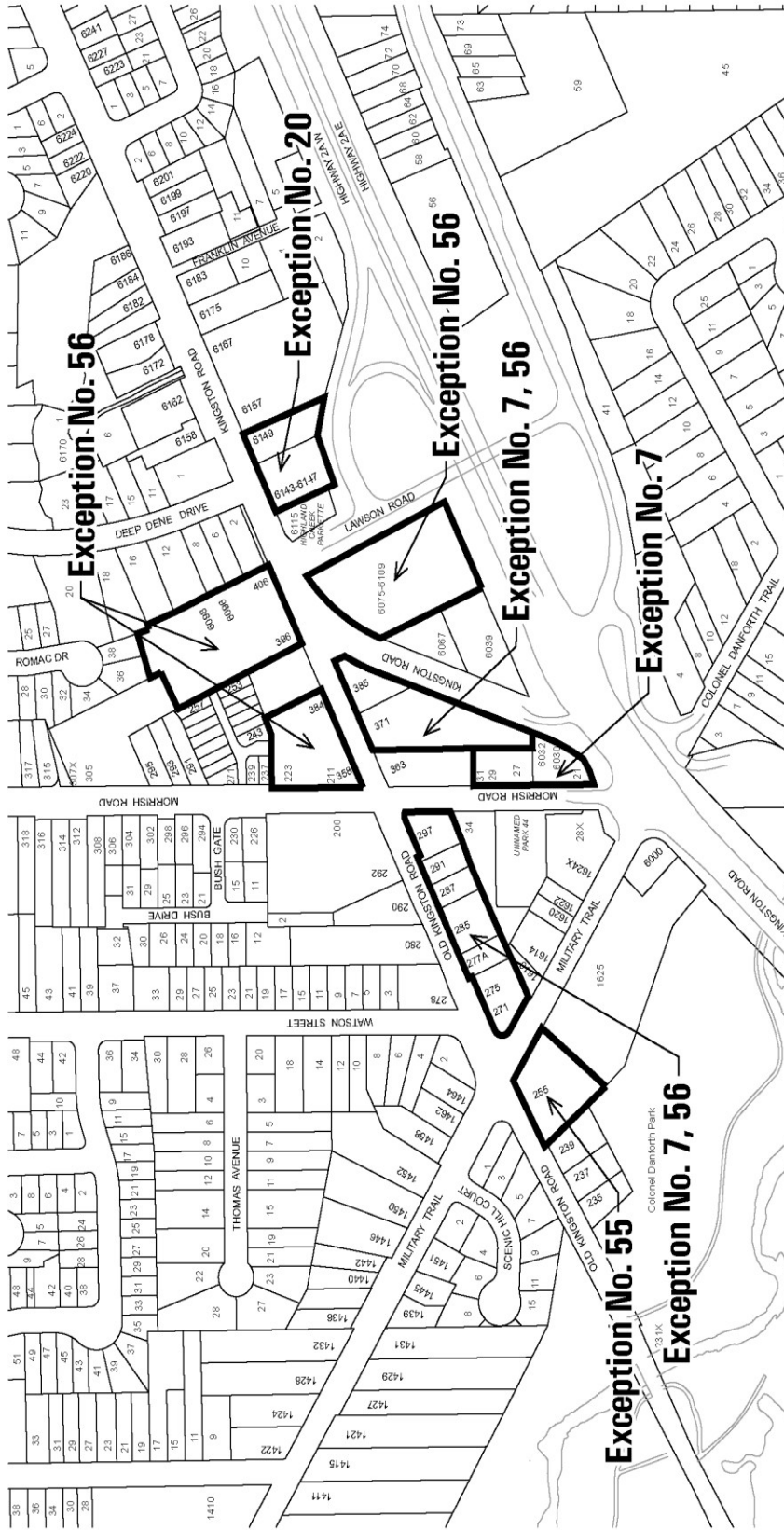
Area Affected By This By-Law

Highland Creek Village Study
File # 10 303518 EPS 44 TM

Highland Creek Community By-law
Not to Scale
11/26/12



Schedule '2'



City Planning
Division

Zoning By-Law Amendment

Highland Creek Village Study

File # 10 303518 EPS 44 TM



Area Affected By This By-Law

Highland Creek Community By-law
Not to Scale
8/10/12

