

**CITY OF TORONTO**

**BY-LAW No. 1272-2015(OMB)**

**To amend former City of York Zoning By-law No. 1-83 and former City of North York Zoning By-law No. 7625 with respect to lands forming part of lands municipally known as 1100 Briar Hill Avenue.**

Whereas the Ontario Municipal Board, pursuant to its Order dated November 6, 2015, in relation to Board File No. PL140401, determined to amend Zoning By-law No. 1-83 and Zoning By-law No. 7625 with respect to the lands municipally known as 1100 Briar Hill Avenue;

The Ontario Municipal Board Orders that former City of York Zoning By-law No. 1-83, as amended, and former City of North York Zoning By-law No. 7625, as amended, are further amended as follows:

1. This by-law applies to the land delineated by heavy lines on Schedule 1 attached to and forming part of this By-law.
2. Schedules "B" and "C" of By-law No. 7625 of the former City of North York and Map 25a of Section 6 of By-law No. 1-83 of the former City of York are amended in accordance with Schedule 1 of this by-law.
3. None of the provisions of the former City of York Zoning By-law No. 1-83, as amended, titled "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 use of lands and the erection and use of certain buildings and structures in various areas of the City of York", and none of the provisions of the former City of North York By-law No. 7625, as amended, titled "A By-law to regulate the use of land and the erection, use, bulk, height and location of buildings in the City of North York", shall apply to prevent the erection or used of a *mixed use building* and *residential buildings* on the *lot*, provided that:
  - (a) the *lot* comprises at least the lands delineated by heavy lines on Schedule 1, attached to and forming part of this By-law;
  - (b) the minimum setbacks shall be:
    - (i) front yard setback: 0.8 metre
    - (ii) side yard setback abutting a street: 3.0 metre
    - (iii) side yard setback: 2.8 metres
    - (iv) rear yard setback: 12.0 metres
    - (v) minimum separation between residential buildings on the same lot: 7.5 metres;

- (vi) notwithstanding the setbacks in (i), (ii), (iii), (iv) and (v), the following may project a maximum of 1.0 metres: canopies, awnings, trellises, ornamental elements, landscape elements, ventilation shafts, porches, stairs, guardrails, railings, balustrades, and wheel chair ramps.
- (c) the *height* of any building structure, or portion thereof, shall not exceed 11.5 metres above *grade* as defined in 5a)ii), with the exception of the following elements:
  - (i) structures on any roof used for outside or open air recreation, maintenance, safety, or wind protection purposes, including enclosed stair access structures, privacy screens, canopies, architectural and ornamental elements, mechanical equipment, vents and stacks, landscape garden amenities, green roofs, parapets, terrace guards/landscape planters and window washing equipment, provided:
    - (1) the maximum height of the top of such structures is no higher than the sum of 3.4 metres and 11.5 metres; and
    - (2) the structures do not enclose habitable space;
- (d) the total of the residential *gross floor area* and the non-residential *gross floor area* shall not exceed 12,700.0 square metres;
- (e) the maximum residential *gross floor area* shall not exceed 12,100.0 metres;
- (f) the maximum non-residential *gross floor area* shall not exceed 520.0 square metres;
- (g) permitted non-residential uses shall include *artist studio*, office, *personal service shop*, *pet services*, *retail store*, *service shop* and *take-out eating establishment*;
- (h) the minimum number of *parking spaces* shall be:

Resident parking shall be provided at the following minimum ratios:

0.80 spaces per one bedroom dwelling unit

0.90 spaces per two bedroom dwelling unit

Visitor parking shall be provided at the following minimum ratio:

0.15 spaces per dwelling unit

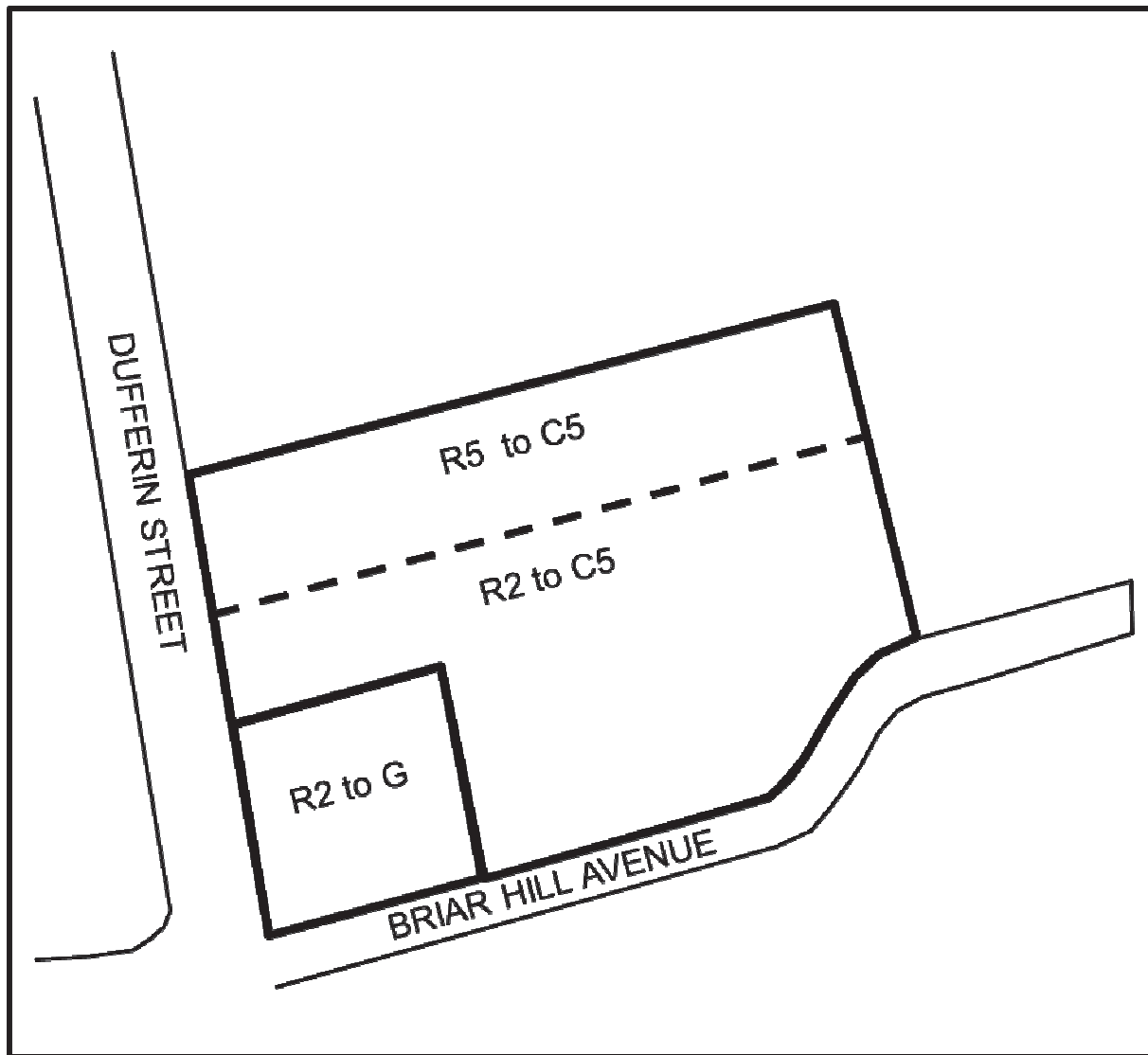
Non-residential parking shall be provided at the following minimum ratio:

1.5 spaces per 100 square metres of non-residential gross floor area

- (i) a minimum of 75.0 square metres of shared indoor recreational amenity space shall be provided;
  - (j) a minimum of 98.0 square metres of shared outdoor recreational amenity shall be provided;
  - (k) one loading space shall be provided and maintained on the *lot*;
  - (l) gross floor area calculations for non-residential uses are reduced by the area in the building used for:
    - (i) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement; and
    - (ii) exit stairwells in the building.
4. Despite any existing or future consent, severance, partition or division of the *lot*, the provisions of this By-law shall apply to the *lot* as if no consent, severance, partition or division occurred.
5. For the purposes of this By-law, the terms set forth in italics, subject to Section 5(a) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 1-83 and By-law No. 7625;
- (a) The following definitions shall apply:
- (i) "*artist studio*" means premises used for creating art or craft;
  - (ii) "*grade*" means 178.97 metres Canadian Geodetic Datum;
  - (iii) "*lot*" means the lands outlined by heavy lines on Schedule 1 attached to this By-law;
  - (iv) "*mixed use building*" means a building with a dwelling unit and a non-residential use;
  - (v) "*personal service shop*" means premises used to provide personal grooming services or for the cleaning or care of apparel;
  - (vi) "*pet services*" means premises used to provide for the grooming of domestic animals. A veterinary hospital or a kennel are not pet services;
  - (vii) "*retail service*" means premises in which photocopying, printing, postal or courier services are sold or provided;
  - (viii) "*retail store*" means premises in which goods or commodities are sold, rented or leased;

- (ix) *"service shop"* means premises used for servicing, repairing or refurbishing goods, other than vehicles. A personal service shop is not a service shop;
  - (x) *"take-out eating establishment"* means premises which food or beverages are prepared and offered for sale to patrons for consumption off the premises; and
  - (xi) *"temporary sales office"* means a building, structure, facility or trailer used for the purpose of the sale of *dwelling units* to be erected on the *lot*.
6. None of the provisions of the former City of York By-law No. 1-83, as amended, or of the former City of North York Zoning By-law No. 7625, as amended, shall apply to prevent the erection and use of a *temporary sales office* on the *lot*.
7. Notwithstanding the provisions of Section 3(b)(iii), the side yard setback of the *temporary sales office* shall be a minimum of 0.6 metres.
8. With the exception of any defined terms to the extent modified by the By-law and the provisions noted herein, all other provisions and defined terms set forth in the former City of North York By-law 7625, as amended, shall apply to the land delineated by heavy lines on Schedule 1 attached to this by-law.
9. No person shall occupy any building or structure within the *lot*, except for the purposes of a *temporary sales office* unless the following municipal services are provided to the *lot* line and the following provision is complied with:
- (a) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

PURSUANT TO DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED  
NOVEMBER 6, 2015 IN BOARD CASE NO. PL140368.



Applicant's Submitted Drawing  
 Part 1, 66R-26602, being Part of Lots 13  
 and 14, and Lots 15 to 25, both inclusive,  
 Registered Plan 1775 and Part of Lots 2  
 and 3, Concession 2, West of Yonge  
 Street, City of Toronto

## 1100 BRIAR HILL AVENUE SCHEDULE 1

File # \_\_\_\_\_



Not to Scale

## EXPLANATORY NOTE TO BY-LAW NO. 1272-2015(OMB)

The attached Zoning By-law changes the zoning on lands located at 1100 Briar Hill Avenue, located in both the former City of York and former City of North York, from R2 District in By-law 1-83 of the former City of York and R5 One-Family Detached Dwelling Fifth Density Zone in By-law 7625 of the former City of North York, to Mixed Use Commercial Zone C5 in By-law 7625 of the former City of North York as shown on Schedule 1 to this by-law. In addition, the Zoning By-law changes the zoning use on a portion of the land from R2 District in By-law 1-83 to Green Open Space Districts (G) in By-law 1-83 of the former City of York.

The attached zoning by-law must be read in conjunction with City of North York Zoning By-law 7625 and City of York By-law 1-83.

The Mixed Use Commercial Zone (C5) permits multiple attached dwellings and commercial uses. Site specific zoning provisions provide regulations relating to gross floor area, permitted non-residential uses, height, setbacks and parking.

The Green Open Space Districts Zone (G) permits a public park, golf course, cemetery, agricultural use and accessory uses. The lands to be zoned G will be used for the purposes of a public park.