

Authority: North York Community Council Report No. 4, Clause No. 16,
as adopted by City of Toronto Council on May 21, 22 and 23, 2003
Enacted by Council: May 23, 2003

CITY OF TORONTO

BY-LAW No. 422-2003

**To amend former City of North York By-law No. 7625 in respect of lands municipally
known as Emery Village Secondary Plan.**

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. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule “1” of this By-law.
2. By-law No. 7625 is amended by adding the following subsection:

SECTION 27 MIXED USE COMMERCIAL ZONE (C5)

27(1) Prohibition

No person shall use any land, building or structure, or cause or permit a building or structure to be erected, in a Mixed Use Commercial (C5) zone except in accordance with the following provisions:

27(2) Definitions

- (a) For the purpose of the Mixed Use Commercial (C5) zone, the following definitions will apply in addition to the definitions of By-law No. 7625:
 - (i) “Live Work Unit” shall mean an artist studio, business and professional office, commercial school, personal service shop, professional medical office, retail store, or service shop use located within a dwelling unit, provided the following conditions apply: Live work uses shall only be conducted by a member or members of a household that reside in the dwelling unit; the work component shall not exceed a maximum gross floor area of 30 per cent of the total residential gross floor area of the dwelling unit; and, for an apartment house dwelling, the live work uses shall be restricted to the street level.

27(3) (a) Permitted Uses

Adult education school
Apartment hotel
Apartment house dwelling
Art gallery
Artist studio
Automatic laundry shop
Financial institution
Business and Professional office
Cinema
Club
Commercial recreation
Commercial school
Commercial gallery
Communications and broadcasting
Community centre
Custom workshop
Day nursery
Dry cleaning and laundry collecting establishment
Financial institution
Fitness centre
Hotel
Industrial sales and service
Information processing
Live Work Unit
Multiple attached dwelling
Museum
Nursing Home subject to the provisions of subsection 6(26)
Park
Personal service shop
Pinball and video games arcade
Place of worship subject to the provisions of subsection 6(26)
Professional medical office
Public library
Research Laboratory
Restaurant, with or without an outdoor café subject to the provisions of subsection 6(22)
Retail store
School
Service shop
Theatre
Take-out restaurant
Veterinary Clinic

(b) Use Qualifications

- (i) all permitted uses in 27(3)(a), except for apartment hotel, apartment house dwelling, live work unit, multiple attached dwelling and nursing home uses, shall not exceed the lesser of a floor space index of 1.0 or a combined total gross floor area on a lot of 5,000 m² unless those criteria listed in Section 27(10) are fulfilled.
- (ii) apartment hotel, apartment house dwelling, live work unit, multiple attached dwelling and nursing home uses are prohibited unless those criteria listed in Section 27(10) are fulfilled.

C5 ZONE REGULATIONS**27(4) (a) Yard Setbacks**

- (i) All buildings and structures above grade, to an elevation of 9.6 metres or 3 storeys, shall be located a minimum of 0.0 metres and a maximum of 2.5 metres from any street;
- (ii) Notwithstanding (i) above:
 - (A) Development that has residential uses on the first floor shall be located a maximum of 4.5 metres from any street; and,
 - (B) Balconies, pedestrian weather protection systems, canopies, porches, steps, bay windows, overhangs, railings, cornices, awnings or colonnades may be permitted in the area between the front wall of the building and the front lot line.
- (iii) The portion of any buildings and structures above 9.6 metres or 3 storeys in elevation shall be setback an additional 2.0 metres from the base elevation;
- (iv) Where the side yard of a property is adjacent to a low density Residential zone, the minimum side yard setback shall be 1.2 metres for buildings up to an elevation of 9.6 metres or 3 storeys, and 7.5 metres for buildings above an elevation of 9.6 metres or 3 storeys.
- (v) the minimum separation between residential buildings on the same lot shall be:
 - (A) 11.0 metres for buildings up to 9.6 metres or 3 storeys in height;
 - (B) 15.0 metres for portions of buildings in excess of 9.6 metres or 3 storeys in height; and

(C) 7.5 metres to a lot line, excluding a lot line that abuts a street.

(vi) The minimum setback for underground parking shall be 0 metres.

27(5) (a) Building Height

(i) The minimum and maximum building heights for all buildings and structures shall be as shown on Schedule “C5”.

(ii) Notwithstanding (i), the maximum height of all buildings or structures, or portions thereof, shall not exceed the horizontal distance between the building or structure and the rear lot line where the rear lot line is abutting an R, RM1 or RM2 zone.

27(6) (a) Density

(i) The maximum floor space index shall be as shown on Schedule “C5”, subject to the use qualifications set out in 27(3)(b).

27(7) (a) Parking

(i) Where a property abuts a public lane or a flanking street, the access for all vehicles shall be from the public lane or flanking street.

(ii) Where a property does not abut either a public lane or a flanking street, only one vehicular access point to parking and loading facilities shall be provided from the fronting street.

(iii) Parking shall be located in the side yard, rear yard or below grade, except all residential parking for apartment dwelling uses shall be provided below grade.

(iv) All required parking spaces, or portions thereof, shall be provided on the same parcel on which the use is situated;

(v) No surface parking spaces are permitted within 5.0 metres of a front lot line and 3.0 metres elsewhere.

27(8) (a) Recreational Space:

(i) A minimum of 2.0 m² per dwelling unit of above grade indoor recreational amenity area and a minimum of 2.0 m² of outdoor recreational space per dwelling unit shall be provided.

27(9) (a) Common Outdoor Space Non-Residential Gross Floor Area:

(i) A minimum common outdoor space equal to 4% of the non-residential gross floor area or 10% of the site, whichever is greater, shall be provided.

HOLDING PROVISIONS

27(10) (a) On those lands subject to an ‘H’ as illustrated on Schedule “1”, no person shall use any lot or erect or use any building or structure for any purpose except as permitted in this by-law. Upon fulfilment of the following conditions on terms satisfactory to the City of Toronto, the “H” prefix shall be lifted, in whole or in part, and the uses as set out in this by-law shall be the only uses permitted on such lands:

- (i) For those lands shown on Schedule “1” as C5(H1)
 - (A) Submission of a Traffic Impact Study and Traffic Certification Report to the satisfaction of the Commissioner, Works and Emergency Services, identifying public roads and addressing the planning and design process for establishing public roads and, for development that exceeds 5,000 m² in gross floor area, demonstrating that the following criteria have been met:
 - (i) The site layout provides adequately for the movement needs of pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties;
 - (ii) The development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise dust and fumes for nearby residential communities;
 - (iii) The development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and
 - (iv) The traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local roads to below a generally acceptable level.
 - (B) For public roads, completion of a Soil Investigation Report to the satisfaction of the Commissioner, Works and Emergency Services addressing the construction of public roads and any below grade infrastructure.

- (C) Submission of a Phase I Environmental Assessment Report to determine the likelihood of on-site and off-site contamination and, if required, Phase II Environmental Assessment Report and Peer Review to the satisfaction of the Commissioner, Works and Emergency Services and in accordance with the applicable Ministry of Environment Guidelines to remediate on-site and off-site contamination.
- (D) Submission of a Preliminary Engineering and Servicing Report to the satisfaction of the Commissioner, Works and Emergency Services, which demonstrates the feasibility of proposed engineering works.
- (E) Submission of a Noise and Vibration Study to the satisfaction of the City, which addresses any noise and vibration concerns with the adjacent and industrial uses.
- (F) Development that exceeds 5,000 m² in gross floor area, shall submit a Development Plan to the satisfaction of the Commissioner, Urban Development Services which addresses:
 - (i) The proposed massing of buildings, building heights, setbacks and distribution of density;
 - (ii) The location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
 - (iii) Protection and enhancement of significant views and landscape focal points;
 - (iv) The general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;
 - (v) The location of street-related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and

- (vi) Possible phasing of development and new infrastructure including roads, parks and open spaces.
- (ii) For those lands shown on Schedule “1” as C5(H2)
- (A) Development that exceeds 5,000 m² in gross floor area, shall submit a Traffic Impact Study and Traffic Certification Report to the satisfaction of the Commissioner, Works and Emergency Services demonstrating that the following criteria have been met:
 - (i) The site layout provides adequately for the movement needs of pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties;
 - (ii) The development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise dust and fumes for nearby residential communities;
 - (iii) The development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and
 - (iv) The traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local roads to below a generally acceptable level.
 - (B) Submission of a Phase I Environmental Assessment Report to determine the likelihood of on-site and off-site contamination and, if required, Phase II Environmental Assessment Report and Peer Review to the satisfaction of the Commissioner, Works and Emergency Services and in accordance with the applicable Ministry of Environment Guidelines to remediate on-site and off-site contamination.
 - (C) Submission of a Preliminary Engineering Report to the satisfaction of the Commissioner, Works and Emergency Services, which demonstrates the feasibility of proposed engineering works.
 - (D) Submission of a Noise and Vibration Study to the satisfaction of the City which addresses any noise and vibration concerns with the adjacent and industrial uses.

- (E) Developments which exceed 5,000 m² in gross floor area shall submit a Development Plan to the satisfaction of the Commissioner, Urban Development Services which addresses:
- (i) The proposed massing of buildings, building heights, setbacks and distribution of density;
 - (ii) The location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
 - (iii) Protection and enhancement of significant views and landscape focal points;
 - (iv) The general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;
 - (v) The location of street-related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and
 - (vi) Possible phasing of development and new infrastructure including roads, parks and open spaces.
- (iii) For those lands shown on Schedule "1" as C5(H3)
- (A) Submission of a Traffic Impact Study and Traffic Certification Report to the satisfaction of the Commissioner, Works and Emergency Services, identifying public roads and addressing the planning and design process for establishing public roads, and for development that exceeds 5,000 m² in gross floor area, demonstrating that the following criteria have been met:
- (i) The site layout provides adequately for the movement needs of pedestrians, automobiles and

commercial vehicles without disrupting bordering streets and properties;

- (ii) The development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise dust and fumes for nearby residential communities;
 - (iii) The development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and
 - (iv) The traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local roads to below a generally acceptable level.
- (B) For public roads, submission of a Soil Investigation Report to the satisfaction of the Commissioner, Works and Emergency Services addressing the construction of public roads and any below grade infrastructure.
- (C) Submission of a Phase I Environmental Assessment Report to determine the likelihood of on-site and off-site contamination and, if required, Phase II Environmental Assessment Report and Peer Review to the satisfaction of the Commissioner, Works and Emergency Services and in accordance with the applicable Ministry of Environment Guidelines to remediate on-site and off-site contamination.
- (D) Submission of a Preliminary Engineering Report to the satisfaction of the Commissioner, Works and Emergency Services, which demonstrates the feasibility of proposed engineering works.
- (E) Submission of a Noise and Vibration Study to the satisfaction of the City which addresses any noise and vibration concerns with the adjacent and industrial uses.
- (F) Developments which exceed 5,000 m² in gross floor area shall submit a Development Plan to the satisfaction of the Commissioner, Urban Development Services which addresses:
- (i) The proposed massing of buildings, building heights, setbacks and distribution of density;

- (ii) The location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
 - (iii) Protection and enhancement of significant views and landscape focal points;
 - (iv) The general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;
 - (v) The location of street-related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and
 - (vi) Possible phasing of development and new infrastructure including roads, parks and open spaces.
- (iv) For those lands shown on Schedule “1” as C5(H4)
- (A) For development that exceeds 5,000 m² in gross floor area, submission of a Traffic Impact Study and Traffic Certification Report to the satisfaction of the Commissioner, Works and Emergency Services demonstrating that the following criteria have been met:
 - (i) The site layout provides adequately for the movement needs of pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties;
 - (ii) The development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise dust and fumes for nearby residential communities;
 - (iii) The development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and

- (iv) The traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local roads to below a generally acceptable level.
- (B) Completion of a Phase I Environmental Assessment Report to determine the likelihood of on-site and off-site contamination and, if required, Phase II Environmental Assessment Report and Peer Review to the satisfaction of the Director, Works and Emergency Services and in accordance with the applicable Ministry of Environment Guidelines to remediate on-site and off-site contamination.
- (C) Submission of a Soil Investigation Report to the satisfaction of the Commissioner, Works and Emergency Services.
- (D) Completion of a Preliminary Engineering Report to the satisfaction of the Commissioner, Works and Emergency Services, which demonstrates the feasibility of proposed engineering works.
- (E) Developments which exceed 5,000 m² in gross floor area shall submit a Development Plan to the satisfaction of the Commissioner, Urban Development Services which addresses:
 - (i) The proposed massing of buildings, building heights, setbacks and distribution of density;
 - (ii) The location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
 - (iii) Protection and enhancement of significant views and landscape focal points;
 - (iv) The general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;

- (v) The location of street-related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and
- (vi) Possible phasing of development and new infrastructure including roads, parks and open spaces.

27(11) OTHER PROVISIONS

- (a) The main building entrance shall front onto and be directly accessible to the street and at an elevation no greater than 0.3 metres above or below the grade of the public right-of-way at the property line.
 - (b) The provisions of this section shall apply collectively to the lands shown as C5 notwithstanding their division into two or more parcels.
3. Section 27 of By-law No. 7625 is amended by adding Schedule “1” and Schedule “C5” attached to this by-law.
 4. Section 64.20 of By-law No. 7625 is amended by adding the following subsection:

64.20-A(135) RM6(135)

DEFINITIONS

- (a) For the purpose of this exception ‘apartment house dwelling’ shall mean a building containing more than four dwelling units, each unit having access from an internal corridor system or direct access at grade, or any combination thereof.

EXCEPTION REGULATIONS

For the purpose of the lands shown on Schedule ‘RM6(135)’ the following regulations shall apply:

- (b) The maximum floor space index shall be as shown on Schedule “RM6(135)”.
- (c) The minimum and maximum building heights for all buildings and structures shall be as shown on Schedule “RM6(135)”.
- (d) The provisions of Section 20-A.2.5 shall not apply.
- (e) The provisions of Section 20-A.2.6 shall not apply.

HOLDING PROVISIONS

- (f) Those lands identified on Schedule “RM6(135)” shall be subject to an (H) holding provision of which the lifting shall be subject to the following conditions:
- (i) Notwithstanding the provisions of clause (b) any additional development on the lands shall require the Submission of a Traffic Impact Study and Traffic Certification Report to the satisfaction of the Commissioner, Works and Emergency Services, identifying public roads through the lands and addressing the planning and design process for establishing public roads and, for development that exceeds 5,000 m² in gross floor area, demonstrating that the following criteria have been met:
- (A) The site layout provides adequately for the movement needs of pedestrians, automobiles and commercial vehicles without disrupting bordering streets and properties;
- (B) The development will not increase local residential road traffic so significantly as to produce appreciable new hazards, noise dust and fumes for nearby residential communities;
- (C) The development provides sufficient parking while still encouraging the use of public transit, walking and cycling as alternatives to automobile use; and
- (D) The traffic resulting from occupancy of the proposed development does not significantly contribute to reducing the level of service of nearby arterial roads and their intersections with local roads to below a generally acceptable level.
- (ii) Development which exceeds 5,000 m² in gross floor area shall submit a Development Plan to the satisfaction of the Commissioner, Urban Development Services which addresses:
- (A) The proposed massing of buildings, building heights, setbacks and distribution of density;
- (B) The location, dimensions and character of publicly accessible private open spaces and pedestrian routes, showing their continuity and complementary relationship to adjacent public spaces, pedestrian routes and streets;
- (C) Protection and enhancement of significant views and landscape focal points;

- (D) The general location, size and treatment of surface parking facilities and vehicular access points in sufficient detail to identify locations where parking amongst different building sites or uses may be shared and to assess the effect of these facilities on public sidewalks and pedestrian routes;
 - (E) The location of street-related uses and principle pedestrian entrances to buildings and the relationship of such uses and entrances to street frontages to ensure that the role of the public street and pedestrian movement along the street is supported and reinforced; and
 - (F) Possible phasing of development and new infrastructure including roads, parks and open spaces.
5. Section 64.20 of By-law No. 7625 is amended by adding Schedule “RM6(135)” attached to this By-law.
6. Section 64.21 of By-law No. 7625 is amended by adding the following subsection:
- 64.21(12) G(12)**
- PERMITTED USES**
- (a) In addition to the uses permitted in the G zone, a municipal skating rink is also permitted.

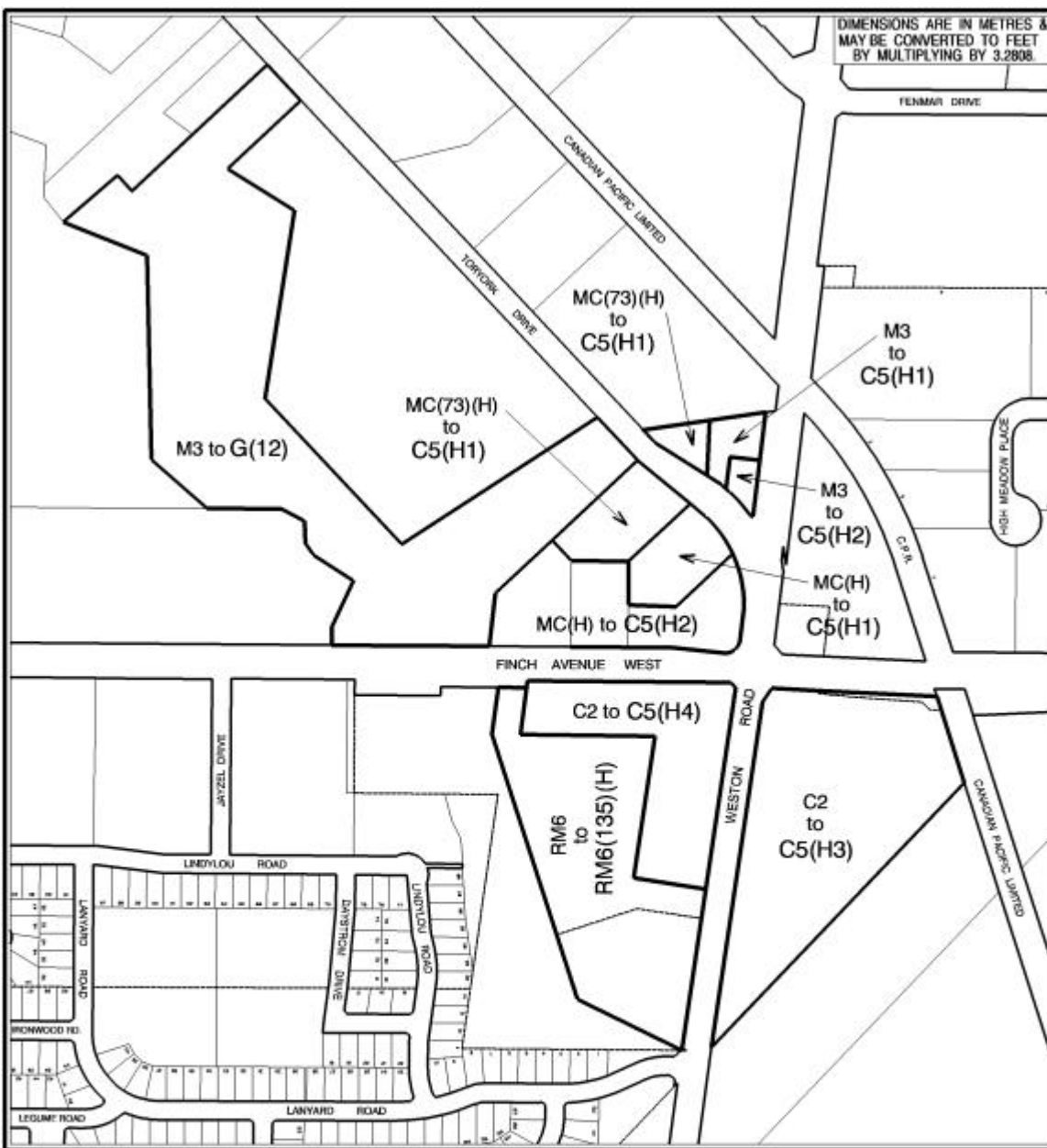
ENACTED AND PASSED this 23rd day of May, A.D. 2003.

MEL LASTMAN,
Mayor

ULLI S. WATKISS
City Clerk

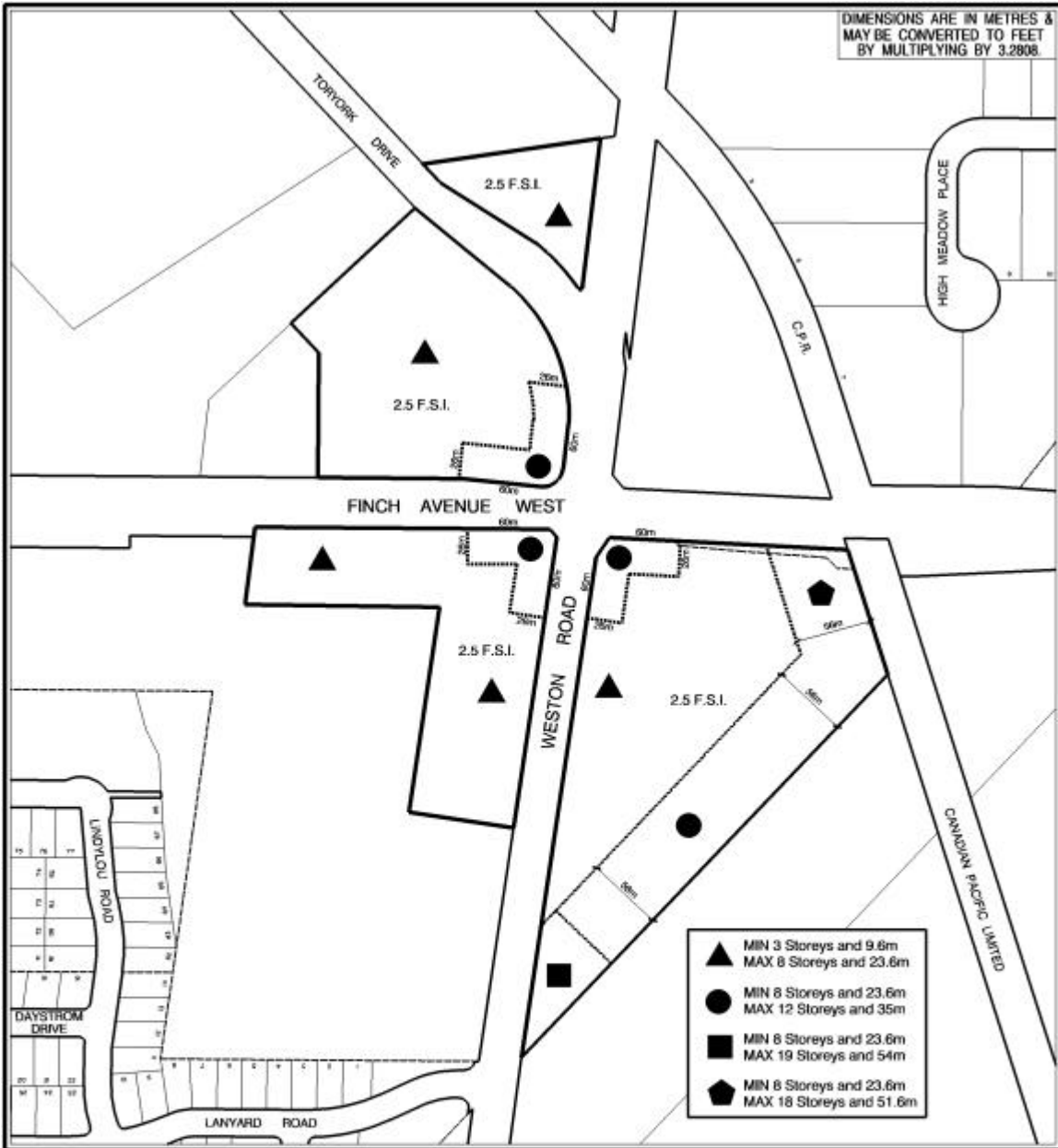
(Corporate Seal)

SCHEDULE "1"



<p>This is Schedule " 1 " to By-Law _____ passed the _____ day of _____, 20 _____</p>				 TORONTO City Planning Division North District
(Sgd.) _____ CLERK	(Sgd.) _____ MAYOR	 SUBJECT PROPERTY		
File: _____	Prepared by: A.A.	Approved by: S.H.	Date: APRIL 9, 2003	Filename: EMERY VILLAGE
<small>Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District. Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.</small>				

SCHEDULE "C(5)"



This is Schedule " C(5) " to By-Law _____
 passed the _____ day of _____, 20____

(Sgd.) _____ (Sgd.) _____
 CLERK MAYOR

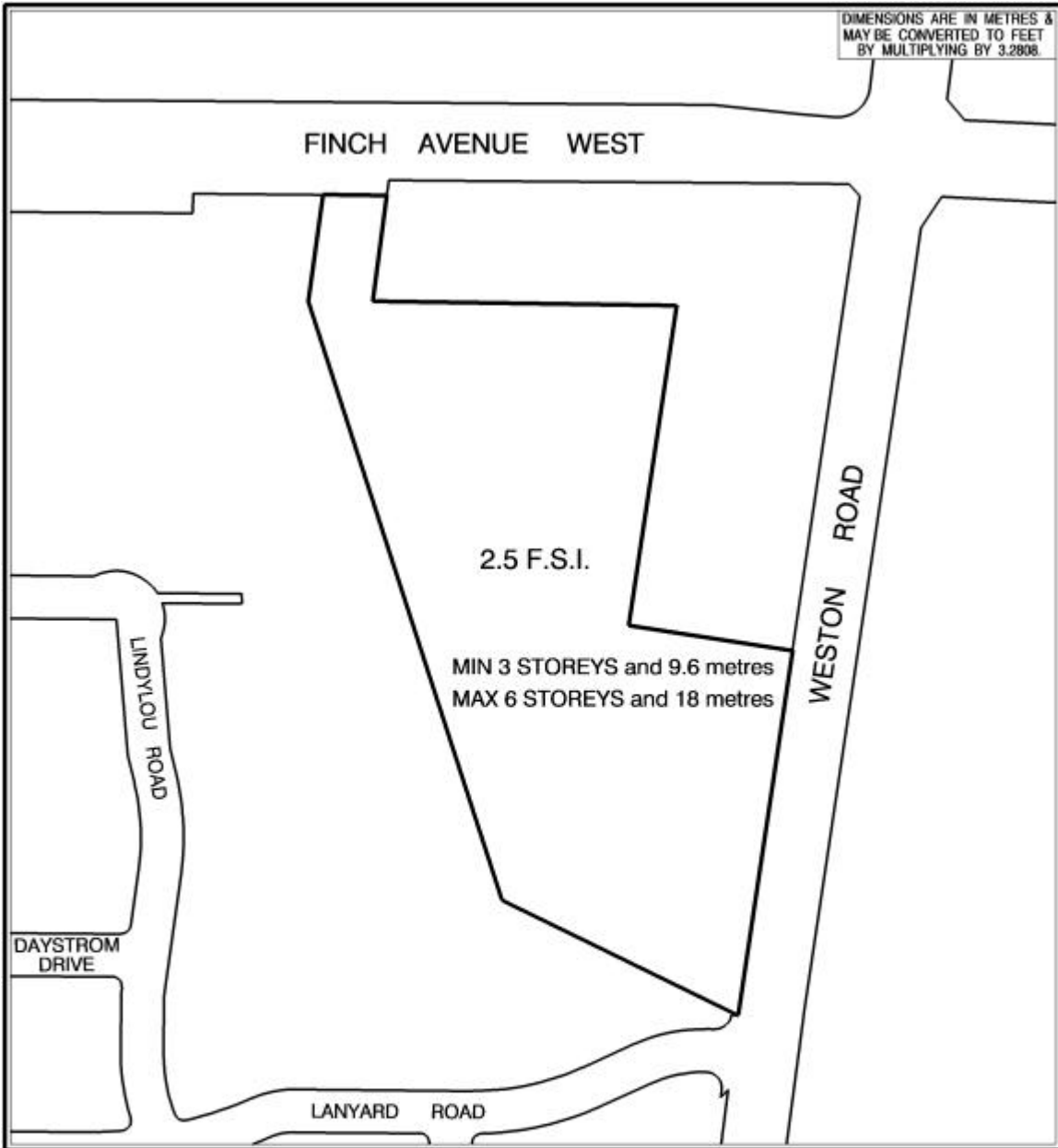
TORONTO
 City Planning Division
 North District



SUBJECT PROPERTY

File No. _____ Prepared by: A.A. Approved by: S.H. Date: APRIL 7, 2003 Filename: EMERY VILLAGE

Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District.
 Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.

SCHEDULE "RM6(135)"



This is Schedule "RM6(135)" to By-Law _____				 City Planning Division North District
passed the _____ day of _____, 20 ____				
(Sgd.) _____	(Sgd.) _____			 SUBJECT PROPERTY
CLERK	MAYOR			
File No. _____	Prepared by: A.A.	Approved by: S.H.	Date: APRIL 7, 2003	Filename: EMERY VILLAGE
<small>Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District. Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.</small>				