

Clause embodied in Report No. 4 of the Scarborough Community Council, as adopted by the Council of the City of Toronto at its meeting held on May 21, 22 and 23, 2002.

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**Definition of Personal Service Shop Uses in
Neighbourhood Commercial and Community Commercial Zones
in the East District Zoning By-laws - TF WPS 2001 0004**

(City Council on May 21, 22 and 23, 2002, adopted this Clause, without amendment.)

The Scarborough Community Council recommends the adoption of the following report (December 6, 2001) from the Director of Community Planning, East District:

Purpose:

To report on the review of the definition of Personal Service Shop uses in the East District Zoning By-laws and seek Council direction.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that this report embodying the request of City Council of November 6, 7, and 8, 2001, be forwarded to the New Zoning By-law Project staff for consideration in the preparation of a comprehensive Zoning By-law for the City of Toronto.

Background:

City Council on November 6, 7, and 8, 2001, adopted a resolution of Scarborough Community Council requesting the Director of Community Planning, East District, to review the East District Zoning By-laws with a view to more clearly defining "Personal Service Uses" therein, having regard for the new type of business known as "Aromatherapy Clinics", and the clearer definition of Personal Service Uses in the former North York Zoning By-laws, and report thereon to the Scarborough Community Council.

Comments:

Personal Service Shop is not defined in any of the Scarborough Community Zoning By-laws, however, the following definition is included in the Scarborough Employment Districts Zoning By-law:

Personal Service Shop:

shall mean land, buildings or structures or parts thereof used for the beautifying or grooming of persons or care of their apparel.

Although not defined in any of the Scarborough Community Zoning By-laws, “Personal Service Shops”, “Service Shops” or “Personal Services” generally are permitted uses in the following zones in all communities;

- Neighbourhood Commercial (NC); and
- Community Commercial (CC).

These uses are not permitted in the Upper Rouge, which does not have these zones. The Milliken, Morningside and Rouge Community By-laws permit only barber shops and beauty parlours in Neighbourhood Commercial zones. In addition, some communities also permit Personal Service Shops in Office (OU) zones.

The Scarborough Employment Districts Zoning By-law permits Personal Service Shops or Service Shops in areas zoned as follows:

- Community Commercial Zone (CC);
- District Commercial Zone (DC);
- Special District Commercial Zone (SDC);
- Commercial/Residential Zone (CR);
- City Centre Commercial Zone (CCC);
- Mixed Employment Zone (ME); and
- Office Uses Zone (OU).

Also, the City Centre Town Square Zone (CCTS) permits only certain service uses and service shops, which are specified.

The Personal Service Shop, Service Shop, or Personal Service zoning has been interpreted to permit businesses for personal grooming and care, and typically include beauty parlours, barbershops, masseuses, tobacconists, florists, shoe shine stands, magazine and newspaper outlets, dry cleaning and laundry services, and souvenir and jewellery shops and kiosks. Aromatherapy Clinics and Spas would also be considered permitted uses. The current situation allows Scarborough Buildings staff a certain degree of flexibility in determining the types of uses permitted under this zoning category but also introduces the possibility of inconsistency.

The definitions and permissions of Personal Service Shop, Service Shop, Personal Service zoning, called “Personal Grooming Establishment” in the former City of Toronto, were briefly examined for all former municipalities across the City. Except for the former Cities of Etobicoke and York, which do not define Aromatherapy Clinics or any of the foregoing uses, but permit these uses under “Retail Uses” and “Retail Store” respectively, the other municipalities generally define and permit these uses in a similar manner to that in Scarborough.

The North York Zoning By-law permits Personal Service Shops in commercial and industrial zones and defines Personal Service Shop as follows:

“Personal Service Shop” shall mean the use of a building or part of a building for personal grooming services and, without limiting the generality of the definition includes beauty parlours, hair styling, manicures, massages, aroma-therapy, acupuncture, and similar uses; but does not include a business office, professional office, professional medical office, or an adult entertainment parlour.

The task of determining a common definition for Personal Service Shop and amending up to thirty-three Scarborough Community Zoning By-laws and possibly the Employment Districts Zoning By-law is labour intensive, potentially costly, and would also involve extensive research to identify existing operations which would be affected, and those which would be rendered non-conforming.

City Council adopted the Planning and Transportation Committee’s recommendations for the New Zoning By-law Project on November 6, 7, and 8, 2001. The objective of this project is to produce a single, simplified, comprehensive Zoning By-law that applies to the entire City, blending the standards and regulations of existing by-laws with new regulations. Rather than undertake work on individual components of current Zoning By-laws affecting an entire municipality, it would be prudent to refer this Council request and other similar requests to the New Zoning By-law Project for integration into the new city-wide By-law.

Conclusions:

In light of the above noted Council approval to produce a new Zoning By-law city-wide, general reviews of zoning definitions and/or permissions should more appropriately be directed to the New Zoning By-law Project.

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The Scarborough Community Council also submits the following report (April 22, 2002) from the Director of Community Planning, East District:

Purpose:

To report on the review of the definition of Personal Service Shop uses in Neighbourhood Commercial and Community Commercial zones in the East District Zoning By-laws.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that the staff report dated December 6, 2001, recommending that this matter be forwarded to the New Zoning By-law Project staff for consideration in the preparation of a comprehensive Zoning By-law for the City of Toronto, be recommended for City Council adoption.

Background:

Scarborough Community Council on February 25, 2002, deferred consideration of the report dated December 6, 2001, from the Director of Community Planning, East District, requesting a report to the Scarborough Community Council on May 7, 2002, providing a clear definition between Neighbourhood Commercial and Community Commercial for Personal Service Shop type of uses.

Comments:

Official Plan

A review of the Scarborough Official Plan commercial policies in the mid-1970's resulted in market area sizes and populations to be served being incorporated into the Official Plan in 1978 to assist in defining the hierarchy of commercial designations as should be built.

These policies envisaged that Neighbourhood Commercial zones would encompass areas with a radius of 0.4 kilometres serving a population of up to 10,000 within centres of up to 1,400 square metres. Community Commercial zones would encompass areas with a radius of 1.5 kilometres serving a population of 15,000 to 30,000 within centres of between 3,700 to 10,000 square metres.

Staff reviews in 1995-1997 of the Scarborough Official Plan suggested that commercial development patterns in Scarborough did not conform to hierarchical strategies and policies adopted in 1978 for commercial zones. Planning staff recommended deletion of these policies. Work in this regard was suspended after amalgamation and has been superseded by the preparation of the new Official Plan for the City, which is to be considered by the Planning and Transportation Committee on May 27, 2002.

Zoning By-laws

The Zoning By-laws generally permit Personal Service Shops in Neighbourhood Commercial zones and, because land use permissions in the commercial hierarchy are cumulative, such uses are also permitted in Community Commercial zones. A list of permissions for Personal Service Shops, Service Shops and Personal Services in Scarborough Community By-laws by zone is attached. (Attachment 1).

Personal Service Shops typically include beauty and hair styling parlours, barbershops, custom tailors and dressmakers, dry cleaning and laundry services and, subject to adequate documentation of certification, masseuses and Holistic Centres, including Aromatherapy Clinics and Spas.

Although Personal Service Shop is not defined in any of the Scarborough Community Zoning By-laws, the following definition is included in the Scarborough Employment Districts Zoning By-law:

Personal Service Shop:

shall mean land, buildings or structures or parts thereof used for the beautifying or grooming of persons or care of their apparel.

Scarborough's Zoning Examiners do not make any distinction between the types of Personal Service Shops regardless of whether the use is located in a Neighbourhood Commercial or Community Commercial zone.

The task of re-defining Personal Service Shop uses would require review of up to thirty-three Scarborough Community Zoning By-laws and possibly the Employment Districts Zoning By-law. This work would involve extensive research to identify existing operations which would be affected, and assessment of the impacts of proposed changes on these establishments, including owners' rights and reactions to those which would be rendered non-conforming. Such a review would also necessitate extensive public input. As experienced from the work to separate automotive uses into distinct categories, re-defining a category of use is labour intensive, time consuming, and potentially costly. Such a review could not be completed in time in order to provide the Scarborough Community Council meeting of May 7, 2002, with a clear definition between Neighbourhood Commercial and Community Commercial for Personal Service Shop type uses, as requested.

The first phase of the New Zoning By-law Project has been approved. An element of the first phase is an analysis of similarities and differences in existing zoning By-laws, as the initial step towards harmonization. A review of Personal Service Shop definitions in a comprehensive manner would be appropriate in the context of the New Zoning By-law Project.

Conclusions:

This matter should be forwarded to the New Zoning By-law Project staff for consideration in the preparation of a comprehensive Zoning By-law for the City of Toronto as recommended in my previous report on this matter dated December 6, 2001.

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(The attachment referred to in the foregoing report was included in the Agenda for the Scarborough Community Council meeting held on May 7, 2002, and a copy thereof is on file in the Office of the City Clerk, Scarborough Civic Centre.)