

Authority: Planning and Transportation Committee Report No. 10, Clause No. 1,
adopted as amended, by City of Toronto Council on October 1, 2 and 3, 2002
Enacted by Council: October 3, 2002

CITY OF TORONTO

BY-LAW No. 777-2002

To amend former City of York Zoning By-law No. 1-83, as amended, with respect to Drive-Through Facilities.

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 held at least one public meeting in accordance with the *Planning Act*;

THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

1. York Zoning By-law No. 1 - 83 is amended as follows:

1.1. That Section 2, Definitions, of By-law No. 1-83, as amended, of the former City of York, be further amended as follows:

- (i) adding as Subsection (35f): “ **“DRIVE-THROUGH FACILITY”** means the use of land, buildings or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be in combination with other uses such as, an automated teller, bake shop, gasoline bar, gasoline service station, public garage (excluding a mechanical car wash), licensed restaurant, take-out eating establishment, bank, dry cleaning and laundry collecting establishment, financial institution, personal service shop, or retail store. Despite the above, a drive-through facility does not include a mechanical car wash, a gasoline bar or a gasoline service station”.
- (ii) adding as Subsection (95c): “ **“STACKING LANE”** means an on-site queuing lane for motorized vehicles which is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs”.
- (iii) adding “or a Drive-Through Facility” to Subsection (1) **“ACCESSORY”** to read as follows:

“ **“ACCESSORY”** when used to describe a use, building or structure means, subject to Subsection 3.5.2 of Section 3, a use (other than an adult entertainment parlour or a Drive-Through Facility), building, or structure, that is naturally and normally incidental, subordinate and exclusively devoted to a principle use, building or structure and located on the same lot”;

- 1.2 That Section 3.7, General Provision – Miscellaneous, of By-law No. 1-83, as amended, of the former City of York, be amended by adding the following as new Subsection 3.7.5:

“3.7.5 DRIVE-THROUGH BY-LAW GENERAL PROVISIONS RELATED TO A COMBINATION OF USES

Where the use of any land, building or structure is composed of a combination of a Drive-Through Facility and any one or more other uses, those uses shall not be construed as accessory to one another and all provisions pertaining to each use shall apply”.

- 1.3 That Section 11, Local Commercial/Residential Zone (LCR), of By-law No. 1-83, as amended, of the former City of York, be amended by adding the following as new Subsection 11.4:

“11.4 PROHIBITED USES

No person shall within an LCR Zone, use any land or erect or use any building or structure for a Drive-Through Facility”.

- 1.4 That Section 12, Main Street Commercial/Residential Zone (MCR), of By-law No. 1-83, as amended, of the former City of York, be amended by adding the following as new Subsection 12.4

“12.4 PROHIBITED USES

No person shall within an MCR Zone, use any land or erect or use any building or structure for a Drive-Through Facility”.

- 1.5 That Section 13, Employment Zones, of By-law No. 1-83, as amended, of the former City of York, be amended by adding the following as new Subsection 13.1.7:

“13.1.7 DRIVE-THROUGH FACILITIES are permitted, subject to the following provision:

- (a) where a Drive-Through Facility is located on a property in an employment zone that abuts any residential district zone, LCR zone, or MCR zone, a minimum distance of 30 metres shall separate all points of the Drive-Through facility including stacking lanes from any lot in any of the aforementioned zones”.

ENACTED AND PASSED this 3rd day of October, A.D. 2002.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)