

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

CITY OF TORONTO

BY-LAW No. 779-2002

**To amend By-law No. 438-86 for the former City of Toronto with respect to
Drive-Through Facilities.**

WHEREAS the Council of the City of Toronto has proposed an amendment to its zoning by-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, respecting drive-through facilities; and

WHEREAS the Planning and Transportation Committee of the City of Toronto conducted a public meeting on September 9, 2002, under Section 34 of the *Planning Act* regarding the zoning amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held on October 1, 2 and 3, 2002, determined to amend By-law No. 438-86, as amended, of the former City of Toronto.

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

1. Former City of Toronto By-law No. 438-86 is amended as follows:

1.1 Section 2.1 – DEFINITIONS AND INTERPRETATION is amended by adding the following definitions:

(1) Definitions

“*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 customers remaining in motorized vehicles that are in a designated *stacking lane*. A drive-through facility may be in combination with other uses such as, *laundry shop, dry cleaning shop, dry cleaner's distributing station, branch of a bank or financial institution, restaurant, retail store, automobile service station, or take-out restaurant*. Despite the above, a drive-through facility does not include a *car washing establishment, automobile service station or gas bar*.

“*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.

1.2 SECTION 4 - REGULATIONS APPLYING TO ALL USE DISTRICTS is amended by adding as Section (15) the following:

(15) DRIVE THROUGH FACILITY IN COMBINATION WITH OTHER 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 SECTION 9 - INDUSTRIAL DISTRICTS

Section 9 (1)(b)(vii) Permitted Uses in Industrial Districts, is amended by adding "*drive-through facility*" as a permitted use in the I1, I2, I3, and IC categories under the heading "Miscellaneous Uses" subject to Qualification 5;

Section 9 (2) Qualifications To Be Complied With Before Certain Uses Are Permitted In Industrial Districts is amended by adding the following as Qualification 5;

"5. a *drive-through facility* is a permitted use where a minimum distance of 30 metres separates all points of the *drive-through facility* including *stacking lanes* from the boundary of any *lot* in any use district permitting residential uses".

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

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)