

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. 780-2002

To amend By-laws Nos. 1916 and 6752 for the former Borough of East York 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 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*; and

WHEREAS the Council of the City of Toronto has proposed an amendment to the zoning by-law for the former Borough of East York 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-laws Nos. 1916 and 6752, as amended, of the former Borough of East York;

The Council of the City of Toronto enacts as follows:

1. East York Zoning By-law No. 1916 is amended as follows:

1.1 SECTION 2 – DEFINITIONS is amended by adding the following definitions:

2.25.a 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 a bank, dry cleaning shop, Personal Service Shop, Restaurant, Retail Store, Garage Public, or Restaurant Take-Out. Despite the above, a Drive-through Facility does not include a Car Washing Establishment, Automobile Service Station or Garage Public.

2.83.a 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 5 – GENERAL PROVISIONS TO ALL ZONES is amended by adding the following:

5.34 Regulations for Drive-through Facilities

No person shall use any land, building or structures or parts thereof for a Drive-Through Facility:

- (i) within any zone which permits residential uses, and
- (ii) within any commercial or industrial zone that abuts a zone permitting residential uses except where a minimum distance of 30 metres separates all points of the drive-through facility including stacking lanes from any lot within the zone permitting residential uses and provided all other applicable development standards are satisfied.

- 5.35 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.

2. East York Zoning By-law No. 6752 is amended as follows:

- 2.1 SECTION 4 – DEFINITIONS is amended by adding the following definitions:

4.9.B 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, a bank, dry cleaning and laundry distributing depot, personal service shop, restaurant, neighbourhood store, automobile service station, or restaurant- take-out”. A Drive-through Facility does not include a Car Washing Establishment or Automobile Service Station.

4.24.D 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.

- 2.2 SECTION 5 – GENERAL PROVISIONS is amended by adding the following:

5.26 Regulations for Drive-through Facilities

No person shall use any land, building or structures or parts thereof for a Drive-Through facility:

- (iii) within any zone which permits residential uses, and
- (iv) despite Section 8.C.2a)ii) of this By-law, within any commercial or industrial zone that abuts a zone permitting residential uses, except where a minimum distance of 30 metres separates all points of the drive-through facility including stacking from any lot within the zone permitting residential uses and provided all other applicable development standards are satisfied.

5.27 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.

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

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)