

**ZONING BY-LAW**

**Chapter 304**

**ZONING BY-LAW**

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**[HISTORY: Adopted by the Municipal Council of the Corporation of the City of Etobicoke 1996-12-09 by By-Law No. 1996-209. Amendments noted where applicable.]**

MUNICIPAL CODE REFERENCES

Committee of adjustment — See Ch. 22.  
Building construction — See Ch. 104.  
Development of land — See Ch. 117.  
Lodging-houses — See Ch. 166.  
Parking — See Ch. 183.  
Parks — See Ch. 190.  
Property maintenance and minimum standards — See Ch. 198.  
Signs — See Ch. 215.  
Site control agreements — See Ch. 217, Art. I.  
Swimming pools — See Ch. 234.

ZONING CODE REFERENCES

Zoning By-Law — See Ch. 320.  
Zoning By-Law — See Ch. 330.  
Zoning By-Law — See Ch. 340.  
Zoning By-Law — See Ch. 350.

ARTICLE I  
**Interpretation**

**§ 304-1. Interpretation of provisions.**

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

**§ 304-2. Scope.**

Buildings, lands or structures within the City of Etobicoke shall only be developed and used in conformity with the

provisions of this chapter, as well as applicable provisions of Chapters 320, 330, 340 and 350 of the Zoning Code.

**§ 304-3. Definitions. [Added 1996-12-09 by By-Law No. 1996-210]**

As used in this chapter, the following terms shall have the meanings indicated:

ABUT(TING) — To physically touch or border upon.

ACCESSORY BUILDING/STRUCTURE — A subordinate building or structure, not used for human habitation, located on the same lot as the main building, and shall exclude fences.

ACCESSORY USE — A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the lot.

AMUSEMENT ARCADE — Formerly known as a “game establishment,” part of a building in which at least 12 amusement devices are maintained for remuneration.

AMUSEMENT DEVICE — A machine or device on which games of chance or skill are played for entertainment. It shall include pinball machines, electronic games and video games, but shall exclude adult entertainment.

APARTMENT BUILDING — A residential building or part thereof containing at least five dwelling units, each unit having access only by an interior corridor system

and/or individual access from the outside if located on the first or second storeys.

ARTERIAL ROAD — All public roads indicated as “metropolitan arterial” or “Etobicoke arterial” identified

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as "Zoning: Transportation Network" in the zoning maps.<sup>1</sup>

**ASPHALT OPERATION** — Production facility equipped with primary stage centrifugal dry collector and secondary stage hydrostatic precipitator which must limit the effluent to 0.4 gram per C.F.M. of exhaust dryer gases.

**BANQUET HALL** — A commercial establishment which is either self-contained or is a specific area within a standard restaurant, whose primary function involves the pre-arranged booking of the hall for private, social functions. A full, commercial kitchen must be provided.

**BASEMENT** — A storey of a building in which up to half of the floor to ceiling height is below grade and the floor level is at least 0.6 metres below grade.

**BOWLING-ALLEY** — A building or part thereof containing at least six bowling lanes, and may include an accessory billiard hall and/or amusement arcade.

**BUILDING** — A structure having a roof, supported by columns, piers or walls and used for the shelter, accommodation or enclosure of persons, animals, goods or materials.

**BUSINESS** — Operations involving a trade, industry or commercial enterprise.

**CARPOR** — A private garage in which at least 40% of the total area of its sides are open to the outside and unenclosed by walls, columns, piers, doors or windows.

**CELLAR** — A storey of a building in which more than half of the floor to ceiling height is below grade.

**CLUB** — Chartered organization with formal membership, operating on a nonprofit, non-commercial or charitable basis and where access to and use of that

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<sup>1</sup> Editor's Note: Schedule A, "Zoning: Transportation Network" is attached to By-Law No. 1996-210 and on file in the office of the City Clerk.

organization's facilities is generally limited to its membership only.

**COLUMBARIUM** — A building or other structure used to store cremated human remains.

**COMMERCIAL MOTOR VEHICLE** — A motor vehicle licensed and used for commercial purposes.

**COMMERCIAL/RECREATIONAL** — Also may be known as "place of assembly", an establishment where entertainment or recreational activities are available for a fee.

**COMMUNICATIONS/TECHNOLOGY** — Operations associated with film, radio, videotape, telecommunications, electronics or computer industries, including studios, research, training and development, warehouses and equipment rentals, but excluding retail operations and operations primarily involving videotape rentals for domestic use.

**COMMUNITY CENTRE** — Establishment used for gatherings for community oriented, non-profit, non-commercial or charitable activities.

**CONCRETE BATCHING** — A manufacturing operation primarily involving the batching and mixing of concrete and may include the open storage of raw materials, but excluding the manufacture of cement.

**COURT** — An open, uncovered, unoccupied space accessory to and bounded on two or more sides by a building.

**COVERAGE** — The percentage of the lot area covered by the building. It shall include attached private garages, but shall exclude a building or part thereof which is completely below grade, and building projections into yards or courts such as open and unroofed porches, verandas and terraces; exterior steps, cornices, chimneys, fire-escapes, stairways, ramps and open-



loading platforms. **[Amended 1997-06-23 by By-Law No. 1997-94]**

CREMATORIUM — A building used to cremate human remains.

DAY NURSERY — An establishment used for the temporary care and guidance of at least six children of common parentage, for a continuous period not exceeding 24 hours, in accordance with the Day Nurseries Act.

DRIVE-THROUGH FACILITY — 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 (excluding service stations and car washes, where § 320-22 of the Zoning Code shall apply). A drive-through facility may be in combination with other uses, such as a bank, dry cleaning and laundry collecting establishment, financial institution, personal service shop, restaurant, retail store, or take-out restaurant. **[Added 2002-10-03 by By-Law No. 776-2002]**

DWELLING — A building or part thereof used exclusively for residential purposes. It shall include group homes and lodging- houses, but shall exclude hotels.

DWELLING, CONVERTED — A single-detached dwelling located in the former Village of Long Branch or Towns of Mimico or New Toronto, which has been altered to contain more dwelling units.

DWELLING, DUPLEX — A building containing two dwelling units which are located one above the other.

DWELLING, FOURPLEX — A building containing four dwelling units, each unit having access only by an

interior corridor system and/or individual access from the outside if located on the first or second storeys.

**DWELLING, SEMI-DETACHED** — A building containing two dwelling units which are located side-by-side.

**DWELLING, SINGLE-DETACHED** — A building containing one dwelling unit, which has two side yards. It shall exclude group homes or lodging-houses.

**DWELLING, TOWN HOUSE** — A multiple dwelling consisting of a series of attached dwelling units each having direct access from the outside.

**DWELLING, TRIPLEX** — A building containing three dwelling units located one above another.

**DWELLING UNIT** — One or more habitable rooms used as independent living quarters for a single household. It shall contain facilities for cooking and sleeping and sanitary conveniences.

**EDUCATIONAL/RESEARCH** — Use involving training and development, scholastic study and instruction or research and testing of non-obnoxious materials, and may include scientific research, investigation, experimentation and product development.

**ENTERTAINMENT FACILITY** — A commercial establishment which is either self-contained or is a specific area within a standard restaurant, whose primary function involves a stage or specified performance area where live entertainment is provided for patrons in a designated seating area, but does not include dance facilities primarily for patrons. Food and liquor may be served to patrons in a designated seating area.

**ERECT(ED)** — Build, construct or reconstruct, and shall include the relocation of a structure and any physical operation, such as excavating, filling or draining, preparatory to building, construction or reconstruction.

**ESTABLISHED BUILDING LINE** — The average depth of the front yard of the main buildings on the two lots flanking the lot in question.

**EXISTING** — Existing at the date of enactment of this chapter on December 9, 1996.

**FITNESS CLUB** — Establishment used for the purpose of a gymnasium, sauna, swimming-pool and other sports-related recreational activities and services.

**FLANKING** — That part of a side lot line that abuts a street line.

**FLEA MARKET** — An occasional or periodic operation involving sales to the public, in which stalls or sales areas are set aside and rented or otherwise provided, on long- or short-term basis. Goods available for sale

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primarily include antiques, foodstuffs, handicrafts, newspapers and periodicals and second-hand goods. Such operations may also include the selling of new retail goods, but this shall not constitute the primary type of sales.

**FLOOR SPACE INDEX** — The ratio of the gross floor area to the lot area.

**FOOD SERVICES** — Establishment where food products for human consumption are prepared and/or served.

**FOOD VENDING CART** — A food service which is portable, self-contained and has no seating.

**FULL COMMERCIAL KITCHEN** — A kitchen facility in a commercial establishment which must include a grease and vapour removal mechanical exhaust system.

**GARAGE, COMMUNITY** — A building or part thereof used by residents in the vicinity to park private motor vehicles and shall exclude servicing of such vehicles for profit or storage of commercial vehicles.

**GARAGE, PRIVATE** — An accessory building, either detached or part of a dwelling, used by the occupants of the dwelling to park private motor vehicles and store private household equipment.

**GRADE** — The average of the natural, unaltered elevation of the ground level at the intersection of the side lot lines and the minimum front yard setback.  
**[Amended 1999-12-16 by By-Law No. 871-1999]**

**GROSS FLOOR AREA** (incorporating the previous “commercial floor space” definition) — The total area of all floors in a building between the outside faces of the exterior walls, except for storage rooms where the floor level is at least 0.6 metres below grade, or parking areas for motor vehicles and mechanical rooms. In the case of commercial buildings, common pedestrian circulation areas in shopping centres and below-grade public washrooms and staff facilities shall be excluded. In the

case of dwellings, laundry and recreation rooms located in cellars shall be excluded.

**GROUND FLOOR AREA** — The total area of a building at grade between the outside faces of the exterior walls, excluding, in the case of a dwelling, a private garage, porch or veranda.

**GROUP HOME** — A single supervised housekeeping unit in a dwelling used to accommodate three to 10 persons, exclusive of staff, who require a group living arrangement for their well-being due to their emotional, mental, social or physical condition or status and are referred by a hospital, court or government agency or recognized social services agency or health professional. The operation of such facility shall be at least partly publicly funded or licensed or approved in accordance with provincial statute.

**GROUP HOME, CORRECTIONAL** — A group home operated primarily for persons who have been placed on probation, released on parole or admitted for correctional purposes.

**GROUP HOUSING** — Also known as “group dwelling”, two or more dwellings on a lot.

**HABITABLE ROOM** — A room for human habitation. It shall exclude a bathroom, toilet room or kitchenette with a floor area less than 5.5 square metres or a room in a cellar.

**HEIGHT** — The perpendicular distance measured from the average of the natural, unaltered grade at the intersection of the side lot lines and the minimum front yard setback to the highest point of a flat roof surface or to the point halfway up the surface of a pitched roof.  
**[Amended 1999-12-16 by By-Law No. 871-1999]**

**HOTEL** — A commercial establishment offering transient lodging accommodations on a daily rate to the public. Accessory uses may include restaurants, fitness clubs, meeting and banquet rooms and similar facilities

and services. It shall exclude lodging-houses or apartment buildings.

HOUSEHOLD — One or more persons living together as a single housekeeping unit.

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INSTITUTIONAL — Uses serving public or quasi-public health, religious or similar functions to the broader benefit of society.

LANDSCAPED OPEN SPACE — A yard or court on a lot, which is suitable for landscaping. It shall include any part of the lot occupied by accessory recreation buildings, surfaced walks, patios or similar areas, sports or recreational areas and ornamental or swimming-pools, but shall exclude driveways, ramps or motor vehicle parking areas.

LANE — A public or private way which provides a secondary means of access to abutting lots.

LOADING SPACE — An off-street space or berth on the same lot with a building or buildings, used for the temporary parking of a commercial motor vehicle while loading or unloading merchandise or materials.

LODGING-HOUSE — A dwelling in which lodging, with or without meals, is provided for remuneration to at least three tenants. It shall include a boardinghouse, rooming-house, rest-home or retirement home, transitional residence or dormitory and premises operated as a lodging-house by social clubs, fraternal societies and religious orders for their members. It shall exclude a hotel, hospital, group home or home for the young or aged under provincial statute or similar establishment.

LONG-TERM CARE FACILITY — A residence designed primarily for seniors, which is occupied by three or more persons, exclusive of staff, who by reason of their emotional, mental, physical or social condition or legal status are cared for on a temporary or permanent basis in a supervised group setting. **[Added 2003-10-09 by By-Law No. 148-2004]**

LOT — A parcel of land with frontage onto an abutting public street. **[Amended 1997-06-23 by By-Law No. 1997-94]**

**LOT AREA** — The total horizontal area within the lot lines of a lot except for any part of a lot covered by water or marsh, below the top-of-bank of a watercourse, between the top and toe of any natural slope exceeding 22.5°, separated by such features from the part of the lot on which development is proposed, or lying within a different zone which does not permit the proposed use. Filled areas of water lots shall be excluded from the calculation of lot area of adjacent land lots.

**LOT, CORNER** — A lot located at the intersection of two or more streets having an angle of intersection of not more than 135°.

**LOT DEPTH** — The average horizontal distance between the front and rear lot lines.

**LOT FRONTAGE (OR WIDTH)** — The horizontal distance between the side lot lines. Where such lot lines are not parallel, it shall be the distance between the side lot lines measured at the minimum front yard set-back in the applicable zone, up to 7.5 metres back from and parallel to the front lot line.

**LOT, INTERIOR** — A lot other than a corner lot.

**LOT, KEY** — The first interior lot abutting the rear of a reversed corner lot.

**LOT LINE** — Any boundary of a lot.

**LOT LINE, FRONT** — The lot line that abuts the street. In the case of a corner lot, it shall be deemed the shorter lot line abutting a street.

**LOT LINE, REAR** — The lot line opposite the front lot line.

**LOT LINE, SIDE** — A lot line other than a front or rear lot line.

**LOT, REVERSED CORNER** — A corner lot of which the side street line is substantially a continuation of the front lot line of the lot to its rear.

**MANUFACTURING** — Establishment for the making or processing of products.

**MAUSOLEUM** — A building or other structure used for the interment of the dead in crypts or compartments.

**MEDICAL** — Uses involving the administration of health care, including drugless practitioners.

**MEDICAL OFFICE/CLINIC** — Formerly known as “medical/dental office” or “medical centre,” an establishment used by physicians, surgeons, dentists, drugless practitioners, veterinarians and/or any other health care professionals, their staff and their patients for the purpose of consultation, diagnosis, surgical or therapeutic treatment and may include medical laboratories and/or an ancillary pharmacy.

**MUNICIPAL LEAF AND YARD WASTE COMPOSTING SITE** — Lands used to decompose leaf and yard waste.

**NIGHTCLUB** — A commercial establishment which is either self-contained or is a specific area within a standard restaurant, whose primary function is to provide a dance floor for patrons to dance to pre-recorded music or to live entertainment. Food and liquor may be prepared and/or served to patrons, with the food to be served in a designated seating area.

**NON-CONFORMING** — The use of land, structures or buildings which does not comply with the provisions of this chapter for the zone in which such land, structures or buildings are situated.

**OFFICE:**

- A. **BUSINESS** — Establishment in which persons are employed in the management, direction and conduct of a business, agency, brokerage or a labour or fraternal organization.
- B. **ADMINISTRATIVE OFFICE** — Establishment where persons are employed in the management, direction and conduct of a business related to a

manufacturing and/or warehousing facility on the same site or in the immediate area and such office facility is ancillary to the manufacturing or warehousing operation. **[Amended 1997-06-23 by By-Law No. 1997-94]**

- C. PROFESSIONAL — Establishment where professionally qualified persons, technical assistants and clerical staff are employed, which may include services for clients seeking advice or consultation, but shall not include a medical office.

OUTDOOR GARDEN CENTRE — The outside display and sale of garden equipment and supplies, plants, seeds, vegetable and fruit produce and similar products.

OUTSIDE STORAGE — The storage of raw materials, machinery, equipment and/or partially processed or finished goods and/or materials in an area not enclosed within a building or structure, but excluding a vehicle parking area, truck terminal or the storage of previously used material, including material intended for recycling or similar uses.

PARKING AREA, PUBLIC — A place used for the temporary off-street parking of motor vehicles, with or without a fee. **[Amended 1997-06-23 by By-Law No. 1997-94]**

PARKING SPACE — A space or stall which is used for the temporary parking of a motor vehicle.

PERSONAL SERVICE SHOP — A building or part thereof where persons are employed in furnishing services and administering to the individual and personal needs of persons, and may include barber-shops, beauty shops, shoe repair shops, and depots for collecting dry-cleaning and laundry, and similar establishments, but shall exclude any manufacturing or fabrication of goods for sale.

**PLACE OF WORSHIP** — Formerly known as “church”, a place of religious assembly and associated accessory uses.

**PRIVATE HOME DAY CARE** — An accessory use in a dwelling unit for the temporary care of up to three children for remuneration by an occupant of the dwelling unit, in accordance with the Day Nurseries Act. A private home day care may accommodate up to five children under agreement with the Municipality of Metropolitan Toronto and/or an agency licensed pursuant to the Day Nurseries Act.

**PUBLIC GARAGE** — An establishment for the service, repair and/or replacement of parts in a vehicle, but shall not include a vehicle body shop or any vehicle painting facilities.

**RECREATIONAL VEHICLE** — A private vehicle or part thereof, either self-propelled or towed, used for sport, recreation, camping or similar activities, including vehicles used as temporary living quarters such as camping trailers, truck campers or motor homes; boats, personal water crafts and/or their trailers; snowmobiles, similar winter sport vehicles and/or their trailers; and garden and utility trailers not exceeding 250 kg rated capacity.

**RESTAURANT** — A commercial establishment with a full commercial kitchen where meals are prepared and sold to the public for immediate consumption.

**RESTAURANT, CONVENIENCE** — A take-out restaurant with a seating capacity exceeding 10 seats.

**RESTAURANT, STANDARD** — A restaurant where meals are principally eaten at the same table or counter where they are served. Outdoor dining is limited to designated seating areas.

**RESTAURANT, TAKE-OUT** — A restaurant where meals are principally taken off the premises. Accessory

customer dining facilities with a seating capacity not exceeding 10 seats may be permitted.

RETAIL STORE — A building or part thereof in which goods are sold directly to the public.

SCHOOL, COMMERCIAL — An educational establishment operated for remuneration and may include dancing schools, music schools, golf schools, business schools, trade schools, and similar establishments.

SCHOOL, ELEMENTARY — An educational establishment that provides primary academic instruction, operated by public or separate school boards, or privately.

SCHOOL, SECONDARY — An educational establishment that provides secondary academic instruction to students in grade nine or higher, operated by public or separate school boards, or privately.

SECOND SUITE — A lawful second dwelling unit located within a single-detached or semi-detached dwelling. **[Added 2000-07-06 by By-Law No. 493-2000(OMB)]**

SENIOR CITIZEN APARTMENT BUILDING — A residential apartment building where all the dwelling units are self-contained and intended for occupancy by persons 65 years of age or older; or, in the case of dwelling units within a residential apartment building operated by a non-profit housing corporation which receives financial assistance from a government non-profit housing programme, 55 years of age or older. Senior citizen apartment buildings must provide ancillary medical support services and/or communal dining facilities for use by residents of the building.

SENIOR CITIZENS' APARTMENT UNITS — A building or structure containing self-contained separate dwelling units designed primarily for seniors occupancy. Each dwelling unit shall contain within it kitchen and sanitary facilities, and each dwelling unit shall have a

separate entrance from a common hall. **[Added 2003-10-19 by By-Law No. 148-2004]**

**SENIOR CITIZENS' RETIREMENT HOME FACILITY** — A building or structure containing units designed primarily for seniors, which may include bedrooms, sitting rooms and area and ensuite washrooms, but which may not include kitchen facilities within units; and where common facilities are provided for the preparation and consumption of food. **[Added 2003-10-09 by By-Law No. 148-2004]**

**SERVICE STATION** — Establishment where vehicular fuels, lubricants and automotive parts and accessories are available for sale. Accessory uses shall include car washes, service bays for minor repair and retail kiosks of limited size, all in accordance with the relevant supplementary regulations.

**SIMILAR** — Has the same purpose, nature and characteristics, but is not completely identical.

**STACKING LANE** — An on-site queuing lane for motorized vehicles, which is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs. **[Added 2002-10-03 by By-Law No. 776-2002]**

**STOREY** — The part of a building which is between one floor level and the next higher floor level or between the highest floor level and the underside of the roof of the building. Mezzanines and loft areas above grade shall be considered as storeys. Attics excluded from the calculation of gross floor area, as well as cellars, shall not be considered as storeys.

**STOREY, HALF** — The part of a building situated wholly or partly within the roof and in which there is a height between the finished floor and finished ceiling of at least 2.2 metres over a floor area equal to at least 50% of the area of the next floor below.

**STREET** — A public highway which affords a principal means of access to abutting lots.

**STREET LINE** — The dividing line between a lot and a street.

**STRUCTURAL ALTERATION** — Any change in the supporting members of a building or other structure.

**STRUCTURE** — Anything erected of parts joined together, which is located on or attached to the ground.

**STUDIO** — Workplace of photographers, craftspersons or artists and/or including the instruction of art, music, languages and similar disciplines.

**SWIMMING-POOL, PRIVATE** — An accessory structure forming an artificial waterbody permanently located outdoors on private property, and used for swimming and similar water activities.

**TRADE AND CONVENTION CENTRE** — An establishment which involves:

- A. The display of products or services; and/or
- B. The assembly of persons for civic, educational, trade, business, political, recreational, religious or social meeting purposes, or any combination thereof.
- C. Associated uses may include administrative offices, temporary display areas, show-rooms, demonstrations, training facilities, storage and associated sales of products or services and/or dissemination of information. Storage areas and restaurants, entertainment facilities and/or banquet halls are also permitted, subject to the any applicable development standards a set out in the Zoning Code.

**TRAILER** — A trailer as defined in the Highway Traffic Act.

**TRUCK TERMINAL** — A building or place where commercial trucks are rented, leased, kept for hire or stored or parked for remuneration, or from which commercial trucks being stored or parked on the



property are dispatched for hire as common carriers, or which is a bonded or sufferance warehouse.

**USEABLE ACTIVE RECREATION AND SOCIAL SPACE** — An area, which is accessory, incidental and subordinate to a permitted use, and which is designed and used for recreation and social activities and includes, but is not limited to, all fitness, sport and recreation areas, therapeutic pools, saunas and changing rooms, personal services, tuck shop, areas for hobbies, crafts, meetings, parties, games, cafe, lounges, main floor lobby, religious instructions and observance, library reading and television areas and may include space for use by the broader community which may include but is not limited to meeting room space, community program and activity space and day care. Personal services and tuck shop uses are not permitted to have direct access from the exterior nor any exterior signage. **[Added 2003-10-09 by By-Law No. 148-2004]**

**USE(D)** — The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is or may be occupied or maintained.

**VEHICLE-RELATED** — Use involving automobiles and/or other motorized vehicles for one or more of the following: sales, rental, leasing, repair, maintenance.

**VEHICLE BODY SHOP** — Establishment for the repair of damaged vehicles, and shall include the reconstruction and/or painting of vehicles, but shall not include any of the uses permitted in conjunction with a service station.

**VEHICLE RENTAL ESTABLISHMENT** — Operation involving the use of land, permanent buildings or structures for the parking or display of new and/or used operable motor vehicles offered for lease, hire or rental. The operation may include minor repairs, but shall not include facilities for the mechanical repair or vehicle body repair of such vehicles. The display or storage of said motor vehicles shall not be considered as outside

storage. **[Amended 1997- 06-23 by By-Law No. 1997-94]**

VEHICLE SALES ESTABLISHMENT — Operation involving the use of land, permanent buildings or structures for the parking or display of operable new and/or used motor vehicles for sale, rental or lease. The operation may include as accessory uses, facilities for the servicing and/or mechanical repair of motor vehicles and/or a motor vehicle body shop. The display or storage

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of said motor vehicles shall not be considered as outside storage. [Amended 1997- 06-23 by By-Law No. 1997-94]

**WAREHOUSE** — Building where goods are stored, and may include a public self-storage operation.

**WASTE** — Ashes, garbage, refuse, domestic waste, industrial waste or municipal refuse and such other material designated under the Environmental Protection Act.

**WASTE DISPOSAL/RECYCLING FACILITY** — A building or other structure in which waste is deposited for processing into a product, by-product or raw material substitute, which may include transfer to further processing, manufacturing or other end users. It shall exclude landfills, operations involving incineration; acid works; operations involving the processing of gasoline, oil, ammonia, paint, varnish or chemicals in an obnoxious manner; salvage-yards; smelters; stock-yards; tar works and the processing of animal or fish waste products.

**WATERCOURSE** — The Humber River, Etobicoke Creek, Mimico Creek, Elmcrest Creek, Renforth Creek, Berry Creek, Silver Creek, Humber Creek, Albion Creek, Rowntree Creek and any tributary thereto, including any artificial channel located at the bottom of a valley, and Lake Ontario.

**WATERFRONT** — [Repealed 1997-06-23 by By-Law No. 1997-94]

**WATERFRONT TOP-OF-BANK** — The top of slope along the shore of Lake Ontario in the former Village of Long Branch, Town of Mimico and Town of New Toronto, which is deemed to be a line having an elevation of 79.3 metres above sea level, Canadian Geodetic Datum. In the case of Lots 1-6, Plan 1581; Lot 1, Plan 1545; Lot N, Plan M-328; Lots 15-20, Plan 1737; Lots 1-4, Plan 1705; Lots 39-51, Plan 1783; Lots 99-106 and Block G, Plan

1478, it is deemed to be a line having an elevation 77.7 metres above sea level, Canadian Geodetic Datum. Its location shall be shown on a legal survey dated within three months of the date of application for the building permit.

**WATER LOT** — A property described in a registered deed or patent from the Crown as a water lot or as land covered by water and that is not part of a land lot on a registered plan or part of an original township lot.

**YACHT CLUB** — A club for recreational boating purposes, which may have a club house; dining facilities and administration offices; boat mooring, storage and launching facilities; and similar facilities and services. It shall exclude facilities for major mechanical or structural overhaul of boats.

**YARD** — An open, uncovered and unobstructed space accessory to a building, excluding a court.

**YARD, FRONT** — A yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building on the lot.

**YARD, REAR** — A yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on the lot.

**YARD, SIDE** — A yard extending from the front yard to the rear yard between the side lot line of the lot and the nearest main wall of the main building, exclusive of any chimney.

**ZERO LOT LINE** — The location of a building or other structure on a lot in such a manner that one or more of its sides rests directly on a lot line.

**ZONE** — An area within which, in accordance with the provisions of this chapter, certain uses of lands, buildings and structures are permitted and certain others are prohibited; and where yards and other open spaces are required; and where lot areas, building height

limits and other requirements are established; all of the foregoing being identical for the zone in which they apply.

## ARTICLE II Zoning Categories

### § 304-4. Zoning categories.

- A. For the purpose of the Zoning Code, the lands within the City of Etobicoke shall include the following zones:

<b>Zone</b>	<b>Short Title</b>
Class 1 Industrial	I.C1
Class 2 Industrial	I.C2
Class 3 Industrial	I.C3

- B. The boundaries for these zoning categories are shown on the zoning maps, which shall be considered a part of the Zoning Code.

## ARTICLE III (Reserved)

### §§ 304-5 through 304-19. (Reserved)

## ARTICLE IV Supplementary Regulations

### § 304-20. Supplementary regulations for stand alone vehicle sales and/or rental establishments. [Added 1997-06-23 by By-Law No. 1997- 94]

- A. Such establishments shall be restricted to lots which abut at least one arterial road.
- B. A minimum front yard landscape strip of 4.5 metres (15 feet) and a minimum 3.0 metres (10 feet) landscaped side

yard and/or rear yard when such uses flank or back onto an arterial road.

- C. The area used for vehicle display or storage shall be in addition to and separated from the areas required for parking as provided for in the zone in which the use is situated.
- D. The area used for vehicle display or storage shall provide side and rear yards in accordance with the provisions of the zone in which the land is situated, but shall not be closer than 3.0 metres (10 feet) to any side or rear lot line.
- E. The area used for vehicle display or storage shall be properly surfaced and maintained.
- F. If the area used for vehicle display or storage abuts a nonindustrial use, such area shall be enclosed by a solid screen fence or wall not less than 2.4 metres (eight feet) in height, constructed of metal, wood or masonry.

**§ 304-21. Supplementary regulations for home occupations. [Added 1997-09-22 by By-Law No. 1997-175<sup>2</sup>]**

Home occupations shall be permitted as a secondary use in all residential dwelling units subject to the following provisions:

- A. Subject to Subsection B of these supplementary regulations, a home occupation is any occupation conducted for gain or profit within a residential dwelling by any permanent resident(s) of the dwelling.
- B. Any home occupation conducted in a dwelling other than a single detached or semi-detached dwelling unit shall be limited to business office uses whose operations are conducted solely by means of telecommunication

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<sup>2</sup> Editor's Note: This by-law also provided that it shall take effect for a period of three years from the date of its passage by Council.

equipment utilizing a phone line, such as but not limited to a telephone, computer and fax machine.

- C. The home occupation is secondary to the main use of the dwelling and does not change the character of the dwelling as a private residence.
- D. The total area devoted to a home occupation shall not exceed 25% of the gross floor area of the dwelling (up to a maximum of 100 square metres), the calculation of which shall not include the area of the basement, garages or accessory structures. The 25% gross floor area devoted to the home occupation may be permitted to locate in the basement of the dwelling.
- E. Storage in connection with a home occupation shall only be permitted within the main residential dwelling and the area occupied by such storage shall be included in the calculation of the permitted gross floor area for a home occupation.
- F. No exterior storage, including storage on balconies or display of goods, materials or equipment shall be permitted in connection with the home occupation.
- G. No portion of a garage or an accessory structure shall be used in connection with a home occupation.
- H. A business identification plaque may be permitted in connection with home occupations conducted in a single- or semi-detached dwelling. The plaque must be located on the main front wall of the dwelling and must be no larger than 10.8 centimeters by 28 centimeters.
- I. There shall be no goods, wares or merchandise offered, sold or kept for sale on the premises other than those produced on the premises.
- J. The following shall not be permitted as a home occupation or in connection with a home occupation:
  - (1) The repair and servicing of gas powered or electric motor vehicles and equipment.

- (2) Any use that involves food preparation such as catering.
- (3) Any use, which from its nature of operation creates a nuisance by the creation of noise, traffic, vibration or by reason of the emission of gas, fumes, dust, glare or objectionable odour or any other use which may be considered to be an obnoxious or offensive trade, business or manufacture.
- (4) Use of a satellite dish in dwellings other than single- or semi-detached dwellings.

**§ 304-22. Supplementary regulations for second suites.  
[Added 2000-07-06 by By-Law No. 493-2000  
(OMB)]**

A second suite shall be permitted as a secondary use within all single-detached and semi-detached dwellings the whole of which, prior to the introduction of the second suite, is more than five years old, subject to the following provisions:

- A. Any additions or expansions in relation to the introduction of a second suite must comply with the zoning requirements specified for single-detached or semi-detached dwellings.
- B. The below-grade portion of the floor area attributed to the second suite shall not be included in the calculation of gross floor area for the single-detached or semi-detached dwelling in which it is located.
- C. Notwithstanding Subsection B above, the gross floor area attributed to the second suite, including any below-grade portions thereof, shall not exceed the gross floor area of the remaining single-detached and semi-detached dwelling.
- D. One on-site parking space shall be provided for the second suite. Parking for the second suite may be located at-grade, in front of the required parking space for the dwelling, at a length of not less than 6.0 metres.



- E. There shall be no addition to nor substantial alteration to the exterior appearance of the front of the dwelling and, in the case of a corner lot, to the side of the dwelling facing a street, as a result of the introduction of a second suite, such as but not limited to, a new private entrance in any street facade.

**ARTICLE V  
(Reserved)**

**§§ 304-23 through 304-29. (Reserved)**

**ARTICLE VI  
Industrial Zones (General)**

**§ 304-30. Applicability.**

The provisions of this chapter are subject to the general provisions of Articles I through V of Chapter 320 of the Zoning Code.

**§ 304-31. Permitted uses.**

The following uses shall be permitted within all lands zoned for industrial purposes:

- A. Food services: restaurants (standard, take-out, convenience); banquet halls; entertainment facilities; one food- vending cart (two permitted on corner lots).
- B. Business: communications/technological facilities; hotels; undertaking establishments; banks; servicing/repair operations, but excluding waste recycling facilities.

(Cont'd on page 30425)



- C. Manufacturing: manufacturing/processing of food products which does not involve slaughtering or rendering; manufacturing wherein patrons may be involved in a portion of the manufacturing process and the final product is purchased and available for personal use by such patrons. Manufacturing of paint and/or varnish, fuel oil storage yards, asphalt operations which do not meet the definition as set forth in the Zoning Code, and cement works shall be excluded.
- D. Vehicle-related uses: service stations; car washes; public garages; vehicle body shops; vehicle sales establishments and vehicle rental establishments, subject to § 304-20; public parking; railway yards, which may include vehicle, equipment and fuel storage, and other ancillary maintenance facilities; and, truck terminals, subject to § 304-36F. [Amended 1997-06-23 by By- Law No. 1997-94]
- E. Educational/research: research laboratories which do not generate obnoxious emissions, but excluding virus research laboratories which deal with high community risk materials, as deemed by the Public Health and Protection Act; schools (elementary, secondary, private, nursery, commercial); colleges; training centres.
- F. Institutional: government/public works buildings; emergency service stations; police stations; monuments; restrooms.
- G. Storage.
- (1) Warehouse buildings.
  - (2) Outside storage: raw, partially processed or finished material, provided that:
    - (a) The storage is not located within any required front, side or rear yard set-back when such yard abuts a street, or in any area designated for parking.

- (b) If the storage area abuts lands zoned for residential, open space or institutional purposes, or hydro-corridor lands which separate the industrial use from residentially zoned lands, such area shall be enclosed by a solid screen fence or wall not less than 2.4 metres in height, constructed of metal, wood or masonry.
  - (c) Any materials stored outside within a required side or rear yard set-back shall not exceed 2.4 metres in height.
  - (d) For lands zoned Class 1 Industrial, additional requirements are set out in § 304-33G.
- (3) Fragments of asphalt, concrete, metal, plastic, wood or topsoil, sand, gravel or other loose, aggregate material may be stored outside, provided that they are in wholly enclosed buildings, sealed containers within enclosed truck trailers or open trucks covered with tarpaulin or other similar material or such piles of material must be secured by an enclosure, fencing or tarpaulin or other similar material which is tied and anchored to the ground. Materials containing salt or other potentially noxious substance must be stored in a solid structure or roofed bin.
- (4) Sections 304-31G(2) and 304-33G shall not apply to lands developed for railway land uses.

#### H. Residential.

- (1) One accessory residential unit for a caretaker in conjunction with any industrial establishment on the same lot. Notwithstanding the definition of "accessory building/structure," a residential unit may be a separate building; provided that it complies with the general regulations for residential zones. Notwithstanding the foregoing, the size of the residential unit shall not exceed 10% of the gross

floor area of the buildings on the site, to a maximum gross floor area of 190 square metres. A minimum of one parking space shall be provided.

- (2) Existing one-family detached dwellings and private garages in industrial zones south of The Queensway may be expanded or enlarged, subject to the general regulations for residential zones and the applicable area requirements, set out in the provisions of the Fourth Density Residential (R4) Zone of Chapter 320 of the Zoning Code.

**§ 304-32. Prohibited uses. [Amended 1997-06-23 by By-Law No. 1997-94]**

The following uses shall not be permitted: acid works; ammonia manufacture; commercial gasworks; glue factories; fuel oil refineries; vehicle-related uses in multiple-occupancy buildings; salvage-yards; slaughterhouses; smelters; stock-yards; tar works; tanneries; uses which are obnoxious and which are deemed to be contrary to the regulations of the Environmental Protection Act and/or the Health and Safety Act; uses involving the manufacture or detonation of explosives; new single-family dwellings, unless they are replacing single-family dwellings which were damaged or destroyed by fire or other disaster.

**ARTICLE VII  
Class 1 Industrial Zone**

**§ 304-33. Permitted uses. [Amended 1997-06-23 by By-Law No. 1997-94]**

In addition to the uses outlined in Article VI, the following uses shall be permitted:

- A. Business: flea markets abutting an arterial road; trade and convention centres abutting an arterial road; business, professional or administrative offices (which

may include ancillary day-care facilities); veterinary clinics, but excluding waste recycling facilities..

- B. Manufacturing: manufacturing operations, excluding those involving the use of paint and/or varnish, fuel oil storage-yards, asphalt operations and cement works.
- C. Medical: medical office/clinic; hospitals.
- D. Institutional: community centres; athletic fields; playgrounds; libraries; daycares; places of worship.
- E. Commercial/recreational facilities: cinemas; bowling alleys; curling rinks; bingo halls; arenas; horse race-tracks and ancillary facilities; nightclubs; social clubs; fitness clubs; commercial sport and recreational facilities; studios for arts- related purposes; amusement arcades.
- F. Retail sales: retail sales of products manufactured or warehoused on-site, provided that the retail floor area does not exceed 25% of the gross floor area of the industrial building, to a maximum retail floor area on-site of 700 square metres.
- G. Outside storage.
  - (1) In addition to the provisions of § 304-31G, the area used for such purposes shall not exceed 10% of the lot area.
  - (2) The fencing requirement set out in § 304-31G(2)(b) shall also apply if such storage area faces a street.
- H. Residential: one accessory residential unit for a caretaker or official associated with a place of worship in conjunction with any place of worship on the same lot. If the residential unit is a separate building, it must comply with the general provisions contained in general regulations for residential zones. A minimum of one parking space shall be provided.

**ARTICLE VIII**  
**Class 2 Industrial Zone**

**§ 304-34. Permitted uses.**

In addition to the uses outlined in Article VI, the following uses shall be permitted:

- A. **Business:** flea markets abutting an arterial road; trade and convention centres abutting an arterial road; administrative offices (which do not include day-care facilities); veterinary clinics; waste-recycling facilities, except such uses shall not be permitted on lands identified as I.C2 on the zoning maps referred to in Chapters 330 and 340 of the Zoning Code.
- B. **Manufacturing:** establishments which may generate obnoxious emissions, but such emissions are not prejudicial to the health of or not injurious to the surrounding neighbourhood, and including concrete batching operations, and asphalt operations as defined within the Zoning Code, but prohibiting paint and/or varnish manufacturing, fuel oil storage-yards and cement works.
- C. **Institutional:** community centres; athletic fields; playgrounds; libraries; daycares; places of worship.
- D. **Commercial/recreational facilities:** cinemas; bowling alleys; curling rinks; bingo halls; arenas; race-tracks and ancillary facilities; nightclubs; fraternal organizations; fitness clubs; commercial sport/recreational facilities; studios for arts- related purposes; amusement arcades.
- E. **Retail sales:** retail sales of products manufactured or warehoused on-site, provided that the retail floor area does not exceed 25% of the gross floor area of the industrial building, to a maximum retail floor area on-site of 700 square metres.
- F. **Residential:** one accessory residential unit for a caretaker or official associated with a place of worship in conjunction with any place of worship on the same lot. If

the residential unit is a separate building, it must comply with the general regulations for residential zones set out in each of the chapters of the Zoning Code. A minimum of one parking space shall be provided.

**ARTICLE IX**  
**Class 3 Industrial Zone**

**§ 304-35. Permitted uses. [Amended 1997-06-23 by By-Law No. 1997-94]**

In addition to the uses outlined in Article VI, the following uses shall be permitted:

- A. Business: waste-recycling facilities; industrial administrative offices (which do not include day-care facilities).
- B. Manufacturing: establishments which may generate obnoxious emissions, but such emissions are not prejudicial to the health of or not injurious to the surrounding neighbourhood, including paint and/or varnish manufacturing, fuel oil storage-yards, and cement works, and concrete batching, and asphalt operations as defined within the Zoning Code. No day-care facilities shall be permitted in conjunction with these uses.

**ARTICLE X**  
**General Regulations for Industrial Zones**

**§ 304-36. Development standards.**

The following development standards shall apply to any building erected, structurally altered or enlarged in an industrial zone:

- A. Lot frontage.



- (1) Minimum 15.0 metres.
- (2) No minimum lot frontage shall apply to industrial lands identified on the zoning maps referred to in Chapters 330, 340 and 350 of the Zoning Code.

B. Front yards.

- (1) Minimum: 4.5 metres. The required front yard shall be landscaped along the entirety of the front lot line, except for the necessary driveway access(es).
- (2) For industrially zoned lands identified on the zoning maps referenced in Chapter 340 of the Zoning Code: no minimum front yard shall apply, unless adjacent to or opposite a residential zone, in which case a minimum of 3.0 metres shall apply, and such front yard shall be landscaped.

C. Rear yards. Minimum: 6.0 metres, except as provided in the following:

- (1) Where the rear lot line faces a residential, open space or agricultural zone: minimum 18.0 metres.
- (2) In an industrial zone where the rear lot line abuts a railway right-of-way or a railway siding within the industrial zone: minimum 1.5 metres.
- (3) Where a Hydro-Electric Power Commission right-of-way forms the boundary between residential and industrial zones, and where the rear lot line faces a residential zone or open space zone, the industrial properties shall provide solid screen fencing not less than 2.4 metres in height constructed of wood, metal or masonry.
- (4) For industrial lands identified in the zoning maps referred to in Chapters 330, 340 and 350 of the Zoning Code: no minimum rear yard shall apply, unless adjacent to or opposite a residential zone, in which case a minimum of 3.0 metres shall apply.

D. Side yards.

- (1) On lots of 30.0 metres or less frontage: minimum 3.0 metres.
- (2) On lots of 30.0 metres to 60.0 metres frontage: minimum total side yards of 20% of the lot frontage, provided no side yard is less than 3.0 metres.
- (3) On lots of over 60.0 metres frontage: minimum total side yards of 12.0 metres, provided no side yard is less than 3.0 metres.
- (4) Where a side yard abuts a street: minimum of 10% of the lot frontage for a side yard, to a maximum 4.5 metres. A minimum 3.0 metre-wide landscaped strip is required along the entirety of the side lot line abutting a street, except for the necessary driveway accesses.
- (5) Where a side lot line is the boundary between an industrial zone and a residential or open space zone: minimum 15 metres, and a landscape strip no less than 4.5 metres in depth shall be provided along the side lot line. The remaining side yard shall be landscaped or paved, if used for parking.
- (6) In an industrial zone where the side lot line abuts a railway right-of-way or railway siding within the industrial zone, the side yard may be reduced to 1.5 metres; and if so reduced, the minimum side yard of the opposite side yard shall be increased by an amount equal to the said reduction.
- (7) Hotels: two storeys in height or less shall have a minimum side yard of 3.5 metres. For each additional storey over two storeys, an additional 1.5 metre setback is required, up to a maximum 9.5 metres.
- (8) For industrial lands identified in the zoning maps referenced in Chapters 330, 340 and 350 of the Zoning Code: no minimum side yard shall apply, unless adjacent to or opposite a residential zone; in

which case a minimum of 3.0 metres shall apply, and such side yard shall be landscaped.

**E. Density and height. [Amended 1997-06-23 by By-Law No. 1997-94]**

The following provisions shall apply to business, professional and administrative offices:

- (1) Floor space index. Maximum: 0.6.
- (2) Height. Maximum: 5 storeys.

**F. Separation distance.**

- (1) Properties developed for waste-recycling facilities shall not be permitted less than 100 metres from any lands zoned for residential, institutional, agricultural or open space purposes.
- (2) Properties developed for truck terminals or vehicle body shops shall not be permitted less than 100 metres from any lands zoned for residential purposes.

**G. Parking location.**

- (1) No parking area shall be located closer than 4.5 metres to any lot line abutting a street, except where the building set-back requirement is less than 4.5 metres, in which case the parking area shall not extend beyond the required building line.
- (2) Means of vehicular access to and from all properties shall not exceed 10.5 metres in width, excluding corner radii. No two such means of access on any said properties shall be less than 5.0 metres apart.

**H. Off-street loading.**

- (1) A minimum of one loading space shall be provided for any manufacturing or warehouse use, provided the buildings are greater than 500 square metres in gross floor area.

- (2) A loading space shall be at least 16.5 metres long and 3.6 metres wide and have a vertical clearance of 4.2 metres.
- (3) Any wall which contains a loading space or vehicle entrance and which faces a street shall be located a minimum 16.5 metres from the lot line abutting a street. In the case of an interior loading area which is open to the outside, the measurement shall be taken from the face of the interior dock.

## ARTICLE XI Site Plan Control Areas

### § 304-37. Site plan control.

The following industrially zoned lands shall be designated as site plan control areas:

- A. Industrially zoned lands abutting the following roads (map identified as "Zoning: Transportation Network" in the zoning maps):
  - (1) All roads or lots which are partially or wholly parallel to and abutting provincial highways;
  - (2) All roads or portions of roads which are located in the area south of Highway 409, north of Highway 401 and east of Highway 427, with the exception of Skyway Avenue;
  - (3) All metropolitan and city arterial roads, with the exception of The West Mall;
  - (4) Attwell Drive, south of Highway 409;
  - (5) Birmingham Street;
  - (6) Carlingview Drive, south of Highway 409;
  - (7) Dwight Avenue;
  - (8) Horner Avenue, between Brown's Line and Carson Street;

- (9) Queens Plate Drive.
- B. Lots abutting residential zones as well as lands separated therefrom by a road allowance, open space zones and lands owned by Ontario Hydro.
- C. Lots abutting open space zones, valleys and watercourses.
- D. (Reserved)<sup>1</sup>
- E. Lands developed for:
- (1) Places of worship;
  - (2) Waste disposal/recycling facilities;
  - (3) Municipal leaf and yard waste composting facilities.
- F. Lands municipally known as:
- (1) 247 Carrier Drive;
  - (2) 21 Chauncey Drive;
  - (3) 5 and 15 Canmotor Avenue;
  - (4) 3 Jutland Road;
  - (5) 5 Brydon Drive;
  - (6) 325 Bering Avenue;
  - (7) Lots 16-26, Plan M-2009 (lots fronting onto Goodmark Place and Steinway Boulevard and which also abut the utility corridor within the Parkway Belt);
  - (8) 194 New Toronto Street.<sup>2</sup>

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<sup>1</sup> Editor's Note: Former § 304-37D, regarding lands affected by the Parkway Belt Planning and Development Act, was repealed 1998-07-31 by By-Law No. 490-1998.

<sup>2</sup> Editor's Note: Former Art. XII, Demolition Control Areas, added 1998-07-31 by By-Law No. 488-1998, which immediately followed this section, was repealed 2006-09-27 by By-Law No. 1009-2006.

