

## Proposed Interim Control By-law - South Etobicoke Employment Lands Review Area

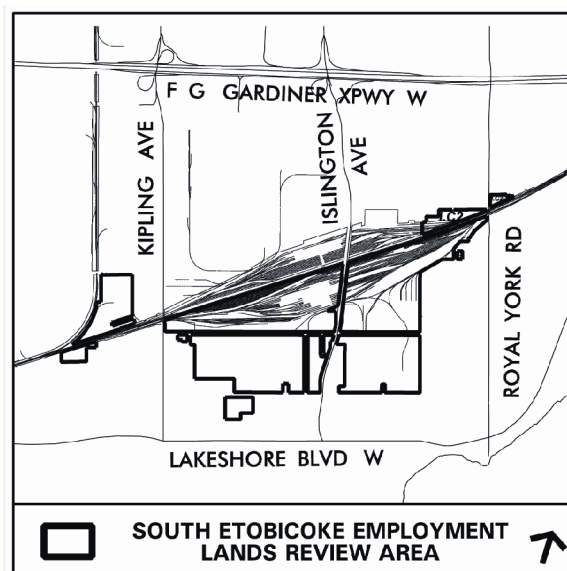
<b>Date:</b>	March 31, 2010
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning
<b>Wards:</b>	Ward 6 – Etobicoke-Lakeshore
<b>Reference Number:</b>	08 199425 WET 06 OZ

### SUMMARY

This City-initiated Interim Control By-law is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report proposes that an Interim Control By-law be put in place for one year to prohibit, in parts of south Etobicoke, concrete batching operations and asphalt operations currently permitted in the I.C2 (Industrial Class 2) zone. These uses could impose significant negative impacts on properties that are in close proximity, both residential and employment. These I.C2 zones are located on both sides of the Canadian National main rail line between Windsor Street (east of Royal York Road) and Twenty-Sixth Street.

The By-law will enable the Chief Planner and Executive Director of City Planning to study and review the impact of these industrial uses on the surrounding area and, together with the completion of the new City-wide zoning by-law, recommend revised zoning regulations and other policies for such uses in this area. The area's Employment Area designation in the Official Plan is not under review.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council direct the Chief Planner and Executive Director to conduct a study of the lands in the South Etobicoke Employment Lands Review Area (“SEELRA”) that are zoned I.C2, as identified on Attachment 1, to review the existing regulations pertaining to concrete batching operations and asphalt operations in order to determine if new policies and standards are required and, if so, to bring forward new policies and zoning regulations for those uses.
2. Pursuant to Section 38 of the *Planning Act*, City Council enact an Interim Control By-law to prohibit concrete batching operations and asphalt operations substantially in accordance with the proposed By-law attached as Attachment 2.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Interim Control By-law as may be required.

### Financial Impact

The recommendations in this report have no financial impact.

## DECISION HISTORY

At its meeting of April 12, 13, and 14, 2005, City Council directed Planning staff to undertake a zoning review in south Etobicoke. This action came in response to community concerns about potential negative impacts from a proposed concrete batching operation on New Toronto Street adjacent to residential uses.

<http://www.toronto.ca/legdocs/2005/agendas/council/cc050412/cofa.pdf>

At its October 7, 2008 meeting Etobicoke York Community Council received an information report on the SEELRA study which laid out a work plan involving community and employer consultations and research. This process would lead to recommendations regarding any changes that may be required to improve land use compatibility, with the goal of preserving employment land use potential and reducing impacts on nearby residential areas.

<http://www.toronto.ca/legdocs/mmis/2008/ey/bgrd/backgroundfile-16038.pdf>

The new zoning by-law project currently being undertaken by the City Planning Division has been examining some of the same issues in the South Etobicoke area and consulting with the business community. To maximize the efficient use of staff time and to eliminate parallel consultation processes, work on the SEELRA has been deferred pending the recommendations of the new zoning by-law project.

## **ISSUE BACKGROUND**

### **Site and Surrounding Area**

The SEELRA is composed of land zoned I.C2 clustered along the CN rail line from just east of Royal York Road to just west of Kipling Avenue (Attachment 1). South Etobicoke has a long history as an area of employment and traditionally worker housing was located within walking distance of factories and other industries. On the west, south and east sides of this industrial area low-rise residential neighbourhoods are either abutting or across a street. Aside from the rail yards themselves, no portion of the industrial land is more than 350 metres from a residential neighbourhood.

## **COMMENTS**

Many of the original industrial employers have now closed, but the area is experiencing a turnaround and new businesses are moving in, which could give the South Etobicoke employment area a stable future. The I.C2 zoning permits a wide range of general employment uses, some of which have the potential to create adverse impacts on sensitive land uses in the community.

Concrete batching and asphalt operations are permitted in the I.C2 zone. These uses in particular have the potential of imposing significant negative impacts on neighbouring sensitive uses, especially noise and dust. There are no concrete batching or asphalt operations in the SEELRA at this time. However, the existing zoning would permit the establishment of such operations.

The City Planning Division is currently completing a review of the zoning by-laws governing land use in Toronto and will be reporting later this spring on a new consolidated Zoning By-law for the City. The new zoning by-law proposes to buffer the impact of industrial uses on sensitive uses by instituting a graduated industrial use zoning scheme. Light industrial zones are located along the edges of industrial areas, next to residential areas, followed by medium industrial zones and finally heavy industrial zones are placed in the middle of industrial areas furthest from sensitive use zones. Concrete batching and asphalt operations are proposed to be permitted only in heavy industrial zones.

This pattern of light, medium and heavy industrial zoning structure is being applied to reflect current zoning permissions with some exceptions. The current permission allowing concrete batching and asphalt operations in I.C2 did not warrant the entire zone being classified as a heavy industrial zone. The current I.C2 zones in the SEELRA are proposed to be zoned, in the new zoning by-law, as “E” (Employment Industrial). “E” zones will permit only light and medium industrial uses. This recommendation better reflects existing industrial zoning permissions in the area.

Council, by adopting the new zoning by-law, will no longer permit concrete batching and asphalt operations in the SEELRA.

Section 38 of the Planning Act gives City Council authority to pass Interim Control By-laws to temporarily restrict a land use while the City studies and reviews the affected land use policies.

The proposed Interim Control By-law contained in Attachment 2 would apply to lands in the SEELRA only, and seeks to temporarily prohibit concrete batching and asphalt operations within the area while the study and review are underway.

Staff recommend that Council enact the Interim Control By-law (Attachment 2) to enable staff to review the policies and regulations pertaining to concrete batching and asphalt operations in the SEELRA. This review may result in recommendations for revised zoning regulations and policies regarding these uses. The work being undertaken as part of the new City-wide zoning by-law will inform this review. The existing Employment Area designation in the Official Plan is not part of the review.

## **CONTACT**

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## **SIGNATURE**

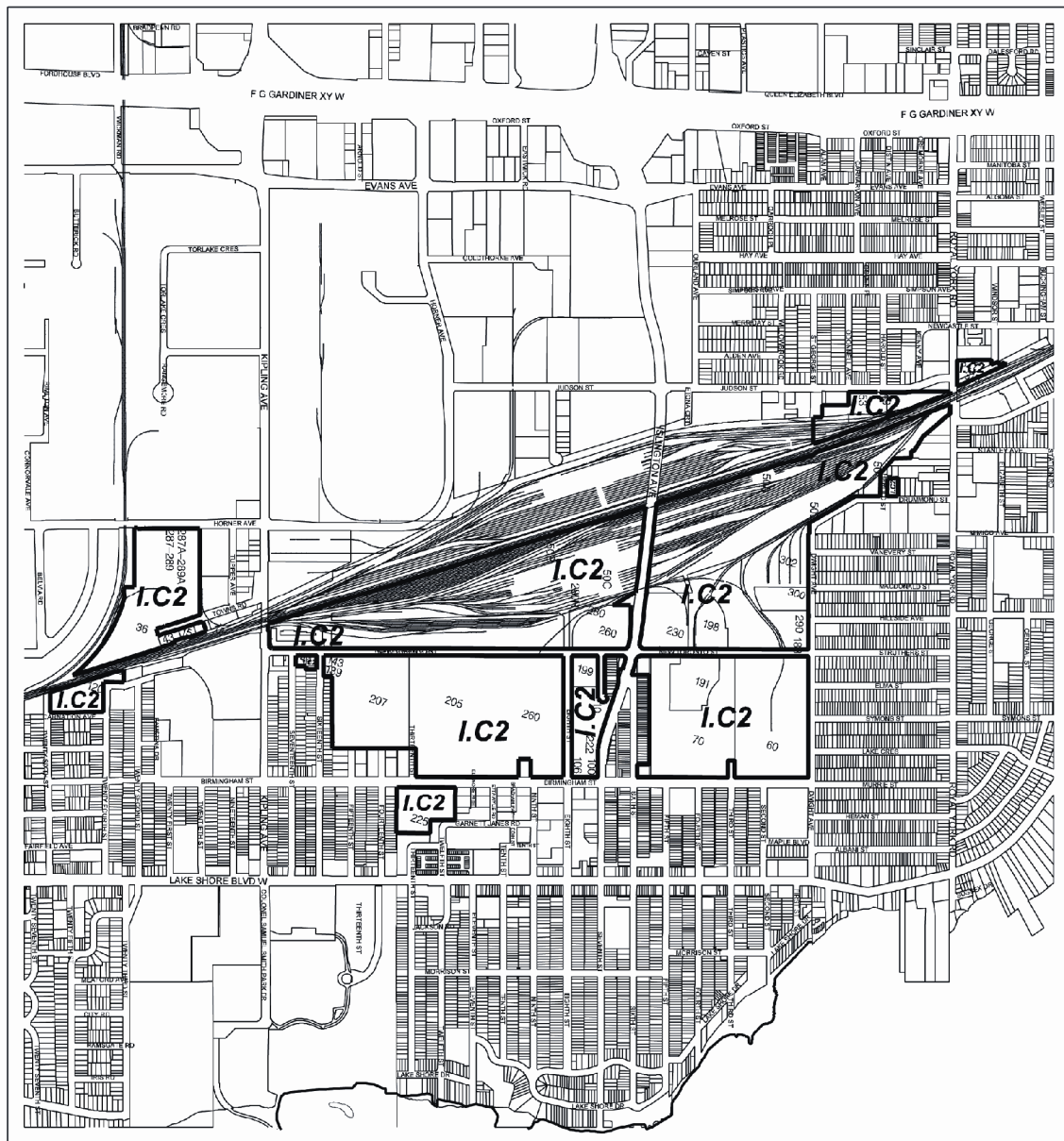
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Gary Wright  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: South Etobicoke Employment Lands Review Area (SEELRA)  
Attachment 2: Proposed Interim Control By-law

## Attachment 1: South Etobicoke Employment Lands Review Area



### South Etobicoke Employment Lands Review Area

File # 08\_199425

Former Etobicoke By-law 11,737

I.C.2 Industrial Class 2



Not to Scale  
Zoning By-law 11,737 as amended  
Extracted 08/08/08 - MH

## **Attachment 2: Proposed Interim Control By-law**

Authority:

Enacted by Council:

### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-2010**

#### **To pass an Interim Control By-law affecting those lands in the South Etobicoke Employment Lands Review Area currently zoned I.C2.**

WHEREAS the Council of the City of Toronto has, by adopting Motion without Notice ~ at its meeting of ~, 2010, directed that a study and review be undertaken of the regulations pertaining to concrete batching and asphalt operations in the South Etobicoke Employment Lands Review Area currently zoned I.C2; and

WHEREAS authority is given to Council by Section 38 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass an Interim Control By-law for a period of time which shall not exceed one year from the date of passage of the By-law for such purposes as are set out in the By-law:

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

- 1.** Concrete batching operations and asphalt operations as defined within the Etobicoke Zoning Code are prohibited on any lands shown within the heavy lines on Schedule 1 attached to this by-law.
- 2.** This By-law expires one year from the date of its enactment by Council.

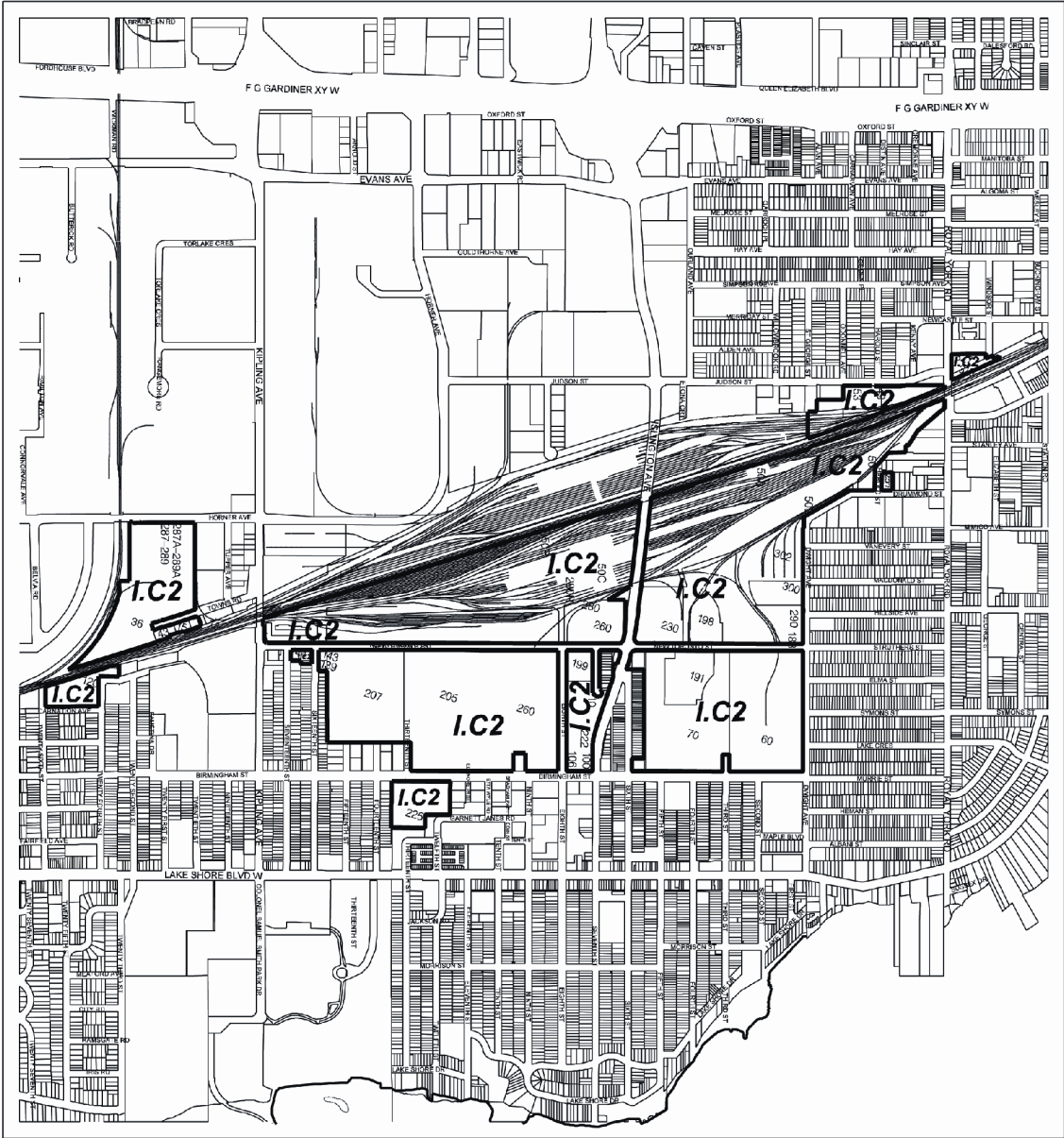
ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

SCHEDULE 1 - BY-LAW xxxxxxxx -



 **TORONTO** City Planning  
**Zoning**

South Etobicoke Employment Lands Review Area

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