

**South Etobicoke Employment Lands Review Area  
Industrial Zoning Study Zoning Amendment – Final  
Report**

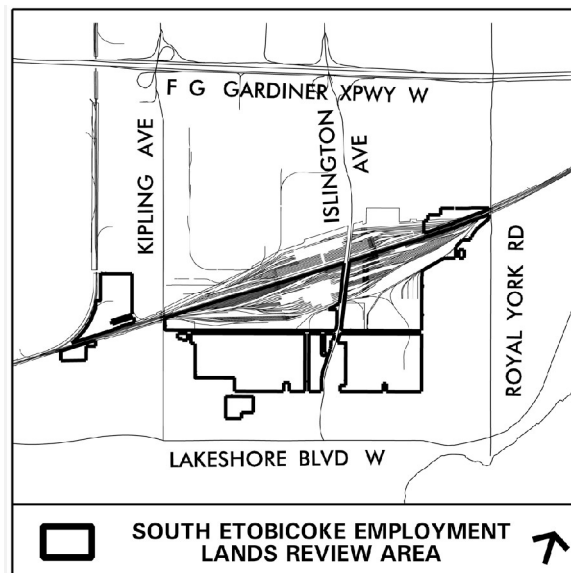
<b>Date:</b>	January 24, 2012
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 6 – Etobicoke-Lakeshore
<b>Reference Number:</b>	08 199425 WET 06 OZ

**SUMMARY**

The South Etobicoke Employment Review Area (SEELRA) is a long-standing industrial area in the south part of the former Etobicoke, all of which is zoned I.C2 in the former City of Etobicoke Zoning Code. This zone permits a wide range of employment uses, including some “heavy” industrial uses. The area is undergoing revitalization, including the emergence of a food processing cluster.

No portion of the SEELRA is more than 350 metres from residential areas. Existing and potential industrial and residential uses could be negatively affected by the establishment of certain industrial uses that are permitted by the current I.C2 zoning and two site-specific by-laws that apply in the SEELRA area.

This City initiative proposes to remove permission for some potentially incompatible industrial uses currently permitted. This report reviews and recommends approval of amendments to the Zoning By-law to this effect.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council amend the former City of Etobicoke Zoning Code for the lands in the South Etobicoke Employment Lands Review Area substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 2 to the report dated January 24, 2012.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

### Financial Impact

The recommendations in this report have no financial impact.

### DECISION HISTORY

In 2005 City Council requested City Planning to conduct a review of the zoning in the SEELRA. This study was intended to result in recommendations that would both preserve employment land use and reduce impacts from industries on nearby residential areas.

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

In March 2010 City Council enacted Interim Control By-law (ICBL) 298-2010 for a period of one year. The By-law removed permission for concrete batching plants and asphalt operations in the SEELRA. At the same time Council directed City Planning to conduct a study of the lands in the SEELRA to review the existing regulations pertaining to concrete batching operations and asphalt operations and to bring forward new policies and zoning regulations, if warranted. In March 2011 this ICBL was extended for another year.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.MM47.13>

St. Mary's Cement, the owner of 194 New Toronto Street, a property in the SEELRA, appealed ICBL 298-2010 to the Ontario Municipal Board. The Board struck down the By-law and restored all the uses permitted in the I.C2 zone to the properties that are so zoned in the SEELRA. (OMB Case No. 100554)

In May 2011 City Planning completed the study associated with the ICBL and updated Etobicoke York Community Council on the findings, including potential amendments to the industrial zoning in the SEELRA, in a Progress Report.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EY7.4>

Factors considered included the proximity of residential areas, an expanding food processing cluster, Official Plan policies, the history of the industrial zoning in this area, incident reports received by the Municipal Licensing and Standards Division, Ministry of

the Environment land use separation guidelines and the new City-wide Zoning By-law 1156-2010. Staff proposed to carry out a program of public and stakeholder consultation culminating in recommendations to Community Council, which are detailed in this report.

## **ISSUE BACKGROUND**

### **Proposal**

City Planning recommends that the following uses be removed from those currently permitted in the I.C2 zone in the SEELRA:

- Crude Petroleum Oil or Coal Refinery;
- Ammunition, Firearms or Fireworks Factory;
- Concrete Batching Plant;
- Primary Processing of Limestone;
- Primary Processing of Gypsum;
- Asphalt Plant

In addition, By-law 1996-211, a site-specific by-law which applies to 207 New Toronto Street and 260 Eighth Street, should be repealed. This By-law permits any manufacturing, repairing or warehousing use (except for salvage, junk and scrap metal yards) to locate on these properties.

Finally, By-law 1996-212, another site-specific by-law, permits paint and varnish manufacturing in addition to those uses permitted by the base I.C2 zoning on four properties on Sixteenth Street. It is proposed that this by-law should be repealed as it applies to 139 and 143 Sixteenth Street.

It should be noted that a concrete batching plant would still be permitted at 194 New Toronto Street, as ordered by the Ontario Municipal Board.

### **Site and Surrounding Area**

On the west, south and east sides of the SEELRA low-rise residential neighbourhoods are either abutting or across a street from industrially-zoned lands. North of most of the SEELRA lands are other industrial areas and rail yards. Aside from the rail yards themselves, no portion of the industrial land is more than 350 metres from a residential neighbourhood. (Attachment 2)

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The SEELRA is designated *Employment Area* and *Employment District* in the Official Plan. *Employment Districts* are to provide suitable locations for a variety of employment uses, including those that require separation and/or buffering, to nurture key clusters of producers, suppliers, customers, etc.

## **Zoning**

The former City of Etobicoke Zoning Code has three industrial zones. I.C1 permits "light" industrial uses, I.C2 permits all I.C1 uses plus "medium impact" uses and I.C3 permits all types of industries, including "heavy" industrial.

The current base zoning in all parts of the SEELRA is Industrial Class 2 (I.C2). A wide range of general employment uses are permitted including manufacturing uses, as long as they are not "prejudicial to the health of or injurious to the surrounding neighbourhood". "Prejudicial" and "injurious" are not defined terms. Only two uses, concrete batching plants and asphalt operations, are specifically listed as permitted manufacturing uses in the zone, in addition to those permitted in all I zones (various food service, business, vehicle-related, educational, institutional, and storage uses as listed in [http://www.toronto.ca/legdocs/etobicokecodes/0894\\_304.pdf](http://www.toronto.ca/legdocs/etobicokecodes/0894_304.pdf), Section 304-30) and those that meet the criteria above.

Two site-specific zoning by-laws permit additional uses as follows:

Site specific Zoning By-law 1996-211 applies to 207 New Toronto Street and 260 Eighth Street, which is a single property at the southwest corner of New Toronto Street and Eighth Street. (Attachment 3) The By-law permits, in addition to the I.C2 uses, all the uses that were permitted in the former Town of New Toronto "M" zone, which was New Toronto's industrial zone. (The Town of New Toronto was amalgamated with the City of Etobicoke in 1967). The "M" zone was more permissive than the I.C2 zone applied to the property, in that it permitted any manufacturing use, including heavy industry. This By-law previously applied to 327 Royal York Road also but that section has been repealed.

Site specific Zoning By-law 1996-212 applies to 139, 140, 143 and 144 Sixteenth Street, which are two properties on the southeast (139, 143) and southwest (140, 144) corners of

New Toronto Street and Sixteenth Street. The By-law permits paint and varnish manufacturing in addition to the uses permitted in the I.C2 zone.

## **Community Consultation**

Several meetings were held with the South Etobicoke Industrial Employers Association (SEIEA), which is a group representing some of the industries in the SEELRA. SEIEA was concerned about the breadth of the uses identified in the May 2011 Progress Report for potential removal from the I.C2 zone as they felt some existing industries could become non-conforming depending on how the uses were defined and interpreted. They were also of the opinion that wide elimination of uses could hinder the incubation of new, innovative businesses. They were agreeable to the deletion of uses which could create negative impacts, which is essentially the list that is being recommended by City Planning in this report. Other area industries which are not part of SEIEA were contacted by mail to explain the proposal and solicit comment.

Local residents groups were invited to a meeting organized by Lakeshore Area Multi-Services Project (LAMP), a local community organization. There was limited attendance. Those who did attend wanted the proposed list of prohibitions to be broader. However, the need to protect and encourage industry in the area was also recognized.

Build Toronto is the owner of 260 Eighth Street and 207 New Toronto Street. The Progress Report and this report recommend repeal of the site specific Zoning By-law (1996-211) which applies to its property on the basis that it is more permissive than the existing I.C2 zoning for the area. Build Toronto was consulted on this issue.

The owner of two of the four properties covered by By-law 1996-212 (140 and 144 Sixteenth Street) met with City Planning and submitted comments. Paint manufacturing continues on his properties and he is considering expanding operations. The owner has requested that the by-law, which permits paint manufacturing on his properties and two properties on the other side of Sixteenth Street, not be repealed. City Planning is recommending that the site specific by-law be left in place for the properties currently used for paint manufacturing and owned by this owner but that this permission be removed from those properties that are not engaged in paint manufacturing at this time.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the PPS. It is intended to improve the amenity of the existing industrial area and its relationship with its abutting residential neighbourhoods

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. No conversion of industrial land is proposed.

## Land Use

### Former City of Etobicoke Zoning Code I (Industrial) zones

The former City of Etobicoke Zoning Code places all industrial land in the SEELRA in an I.C2 zone.

In a review conducted for the City-wide zoning by-law project (previously approved by City Council as Zoning By-law 1156-2010 but subsequently repealed and now under further review), the following uses were found to be inappropriate for a “general” industrial area. However, these uses are not specifically precluded in the I.C2 zoning and their establishment would depend on the interpretation of the prohibition of industries that are “prejudicial to the health of or injurious to the surrounding neighbourhood”:

- Crude Petroleum Oil or Coal Refinery;
- Ammunition, Firearms or Fireworks Factory;
- Rendering of Animals Factory;
- Pulp Mill, using pulpwood or other vegetable fibres;
- Petrochemical Manufacturing;
- Industrial Gas Manufacturing;
- Resin, Natural or Synthetic Rubber Manufacturing;
- Pesticide or Fertilizer Manufacturing;
- Primary Processing of Oil-based Coatings or Adhesives;
- Concrete Batching Plant;
- Primary Processing of Limestone;
- Primary Processing of Gypsum;
- Large Scale Foundry Operations for the Primary Processing of Metals;
- Asphalt Plant

This list was contained in the May 2011 Progress Report submitted to Community Council in the May 2011 update.

Modern industrial operations are complex and may involve many processes, some of which are peripheral to the primary business function. As a result of the consultation process; further review of area characteristics; recognition of the need to balance the interest of residents and the need to create the conditions for a vibrant employment area; and to protect existing industries from becoming legal non-conforming uses, City Planning recommends that the following, condensed list of uses no longer be permitted as-of-right anywhere in the SEELRA:

- Crude Petroleum Oil or Coal Refinery;
- Ammunition, Firearms or Fireworks Factory;
- Concrete Batching Plant;
- Primary Processing of Limestone;
- Primary Processing of Gypsum;
- Asphalt Plant

There may be instances where some of these uses are appropriate in the SEELRA, depending on separation distances, mitigation measures, etc. Should a property owner wish to use land for a manufacturing purpose not permitted by the proposed I.C2 zone, an application for a site specific zone change would be the appropriate process to allow a fulsome review of the impacts of a proposed change. This would allow Council to make an informed decision on the merits of the proposal, after receiving input from staff, area stakeholders including residents and other interested parties.

### **194 New Toronto Street**

The Ontario Municipal Board has ruled that a concrete batching plant is a permitted use at 194 New Toronto Street. Therefore the attached draft zoning by-law provides an exemption for this property from the prohibition on concrete batching plants in the SEELRA.

### **Site Specific By-laws 1996-211 and 1996-212**

Two site specific zoning by-laws are in force in the SEELRA.

Site specific By-law 1996-211 applies to 207 New Toronto Street and 260 Eighth Street. (Attachment 3) Build Toronto owns these properties. An application for Site Plan Approval for a food processing and commercialization centre is currently under review.

Build Toronto has advised that they have no objection to the repeal of the site specific by-law and further, they do not object to the removal of uses from the I.C2 zone category proposed in this report. Therefore By-law 1996-211 should be repealed.

Site specific By-law 1996-212 applies to 139, 140, 143 and 144 Sixteenth Street, which are properties on the southeast and southwest corners of New Toronto Street and Sixteenth Street. The By-law permits paint and varnish manufacturing in addition to the uses permitted in the I.C2 zone. Two of the sites (140 and 144) continue to be used for paint manufacturing. Residents report that impact from this use is minimal. This use should be permitted to continue on the properties where it exists today (140 and 144 Sixteenth Street).

### **Economic Impact**

The proposed changes should improve the attractiveness of the SEELRA as a place to carry on business and create new industries, especially in the developing food sector. No existing industries would be made non-conforming by this proposal.

It should be noted that the uses removed from the I.C2 zone in the SEELRA would continue to be permitted in I.C2 zones outside the SEELRA and in I.C3 zones.

## **CONTACT**

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## **SIGNATURE**

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Thomas C. Keefe

Director, Community Planning

Etobicoke York District

## **ATTACHMENTS**

Attachment 1: South Etobicoke Employment Review Area (SEELRA)

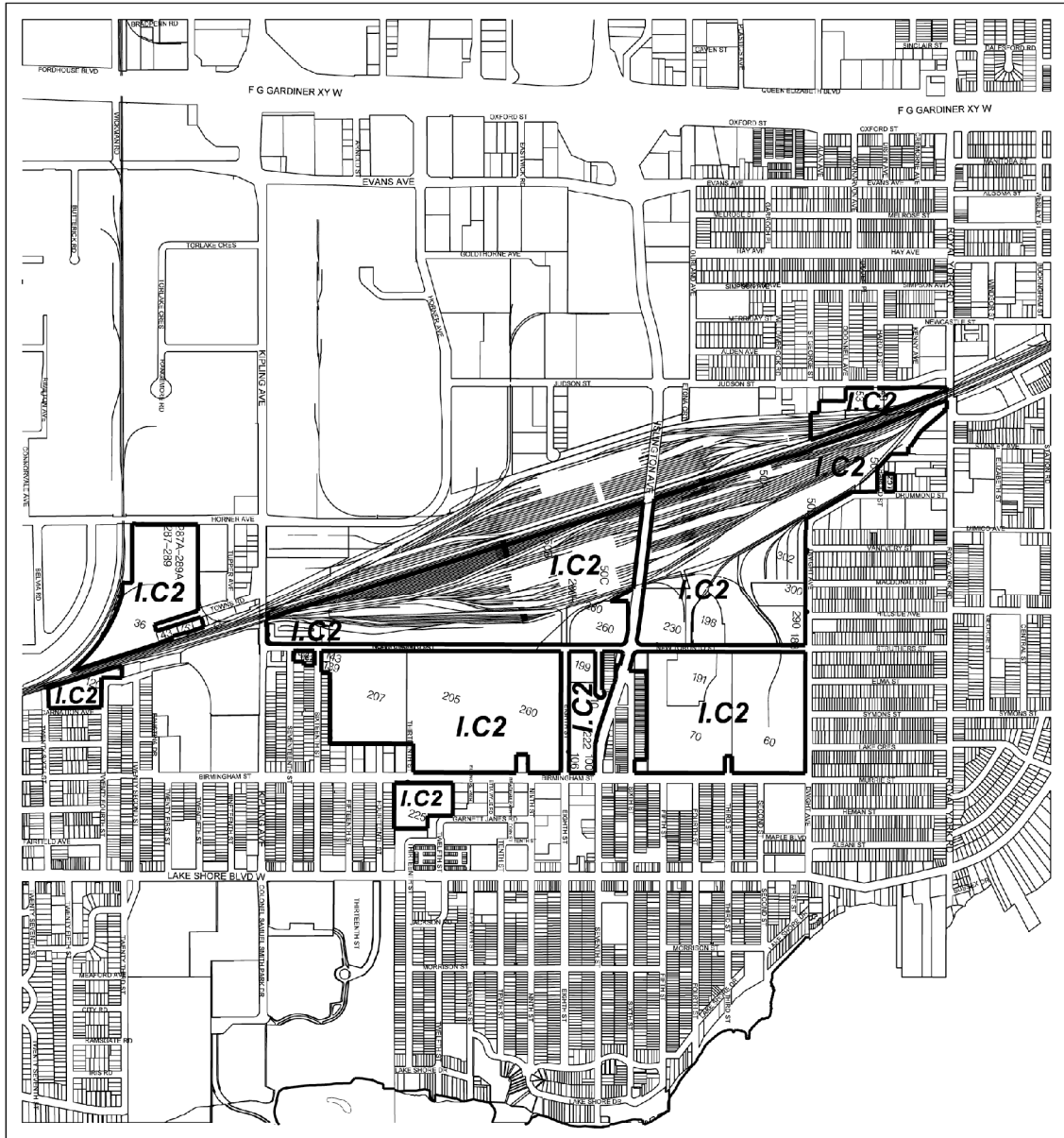
Attachment 2: Land Uses in the SEELRA

Attachment 3: Former Municipalities and Site-Specific Zoning in the SEELRA

Attachment 4: Draft Zoning By-law



# Attachment 1: South Etobicoke Employment Review Area (SEELRA)



## South Etobicoke Employment Lands Review Area

File # 08\_199425

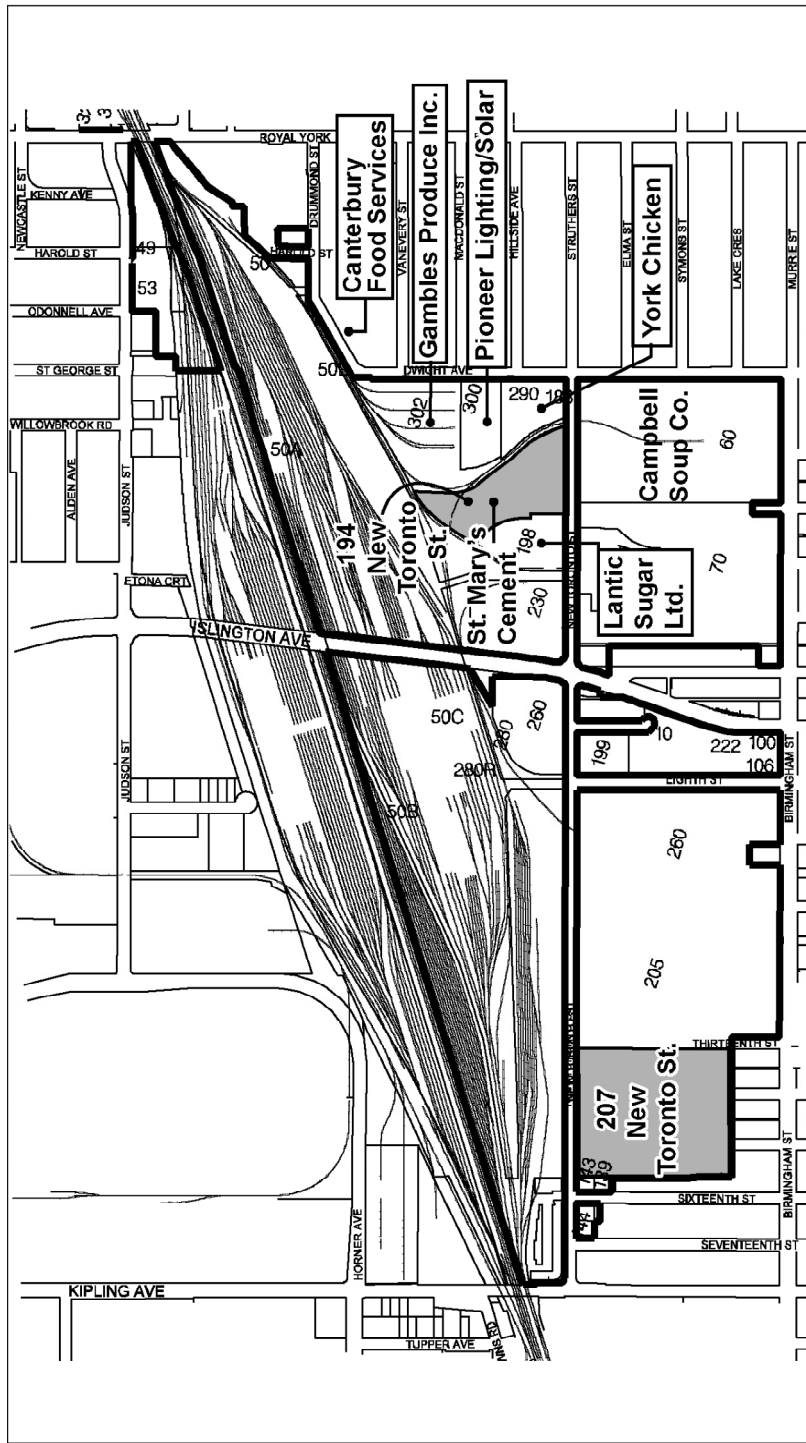
Former Etobicoke By-law 11,737

I.C.2 Industrial Class 2



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

Attachment 2: Land Uses in the SEELRA



South Etobicoke Employment Lands Review Area



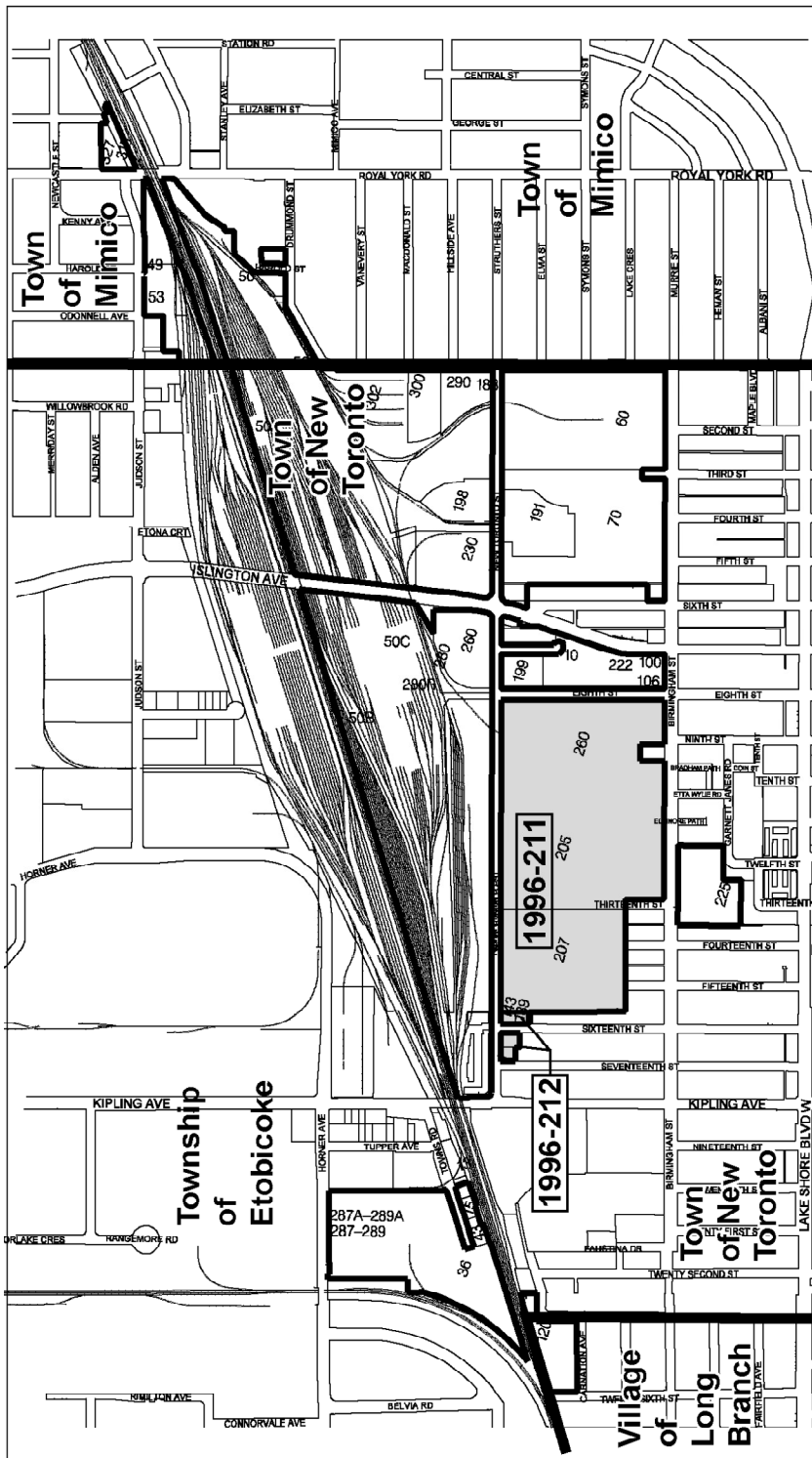
File # 08\_199425



194 and 207 New Toronto Street

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

Attachment 3: Former Municipalities and Site-Specific Zoning in the SEELRA



South Etobicoke Employment Lands Review Area

**TORONTO** City Planning  
 Former South Etobicoke Municipalities  
 and Zoning By-Laws

File # 08\_199425



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

## Attachment 4: Draft Zoning By-law

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto  
Council on ~, 20~  
Enacted by Council: ~, 20~

### CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the Etobicoke Zoning Code as amended, with respect to certain lands zoned I.C2 and bounded by Horner Avenue, Judson Street, Royal York Road, Drummond Street, Dwight Avenue, Lake Shore Boulevard West and Thirtieth Street (known as the South Etobicoke Employment Lands Review Area)**

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

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

1. For those lands with a zone symbol I.C2 identified by a heavy boundary line on Schedule A attached to this zoning by-law, Section 304-34 (B) of the Etobicoke Zoning Code is amended by adding the following prohibited uses.
  - A. Manufacturing: crude petroleum oil or coal refinery; ammunition, firearms or fireworks factory; concrete batching plant; primary processing of limestone or gypsum, asphalt plant.
2. By-law 1996-211 of the former City of Etobicoke is repealed.
3. By-law 1996-212 of the former City of Etobicoke shall no longer apply as it relates to 139 and 143 Sixteenth Street.
4. Notwithstanding Section 1 above, a concrete batching plant shall be a permitted use on the lands known municipally as 194 New Toronto Street.
5. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws.

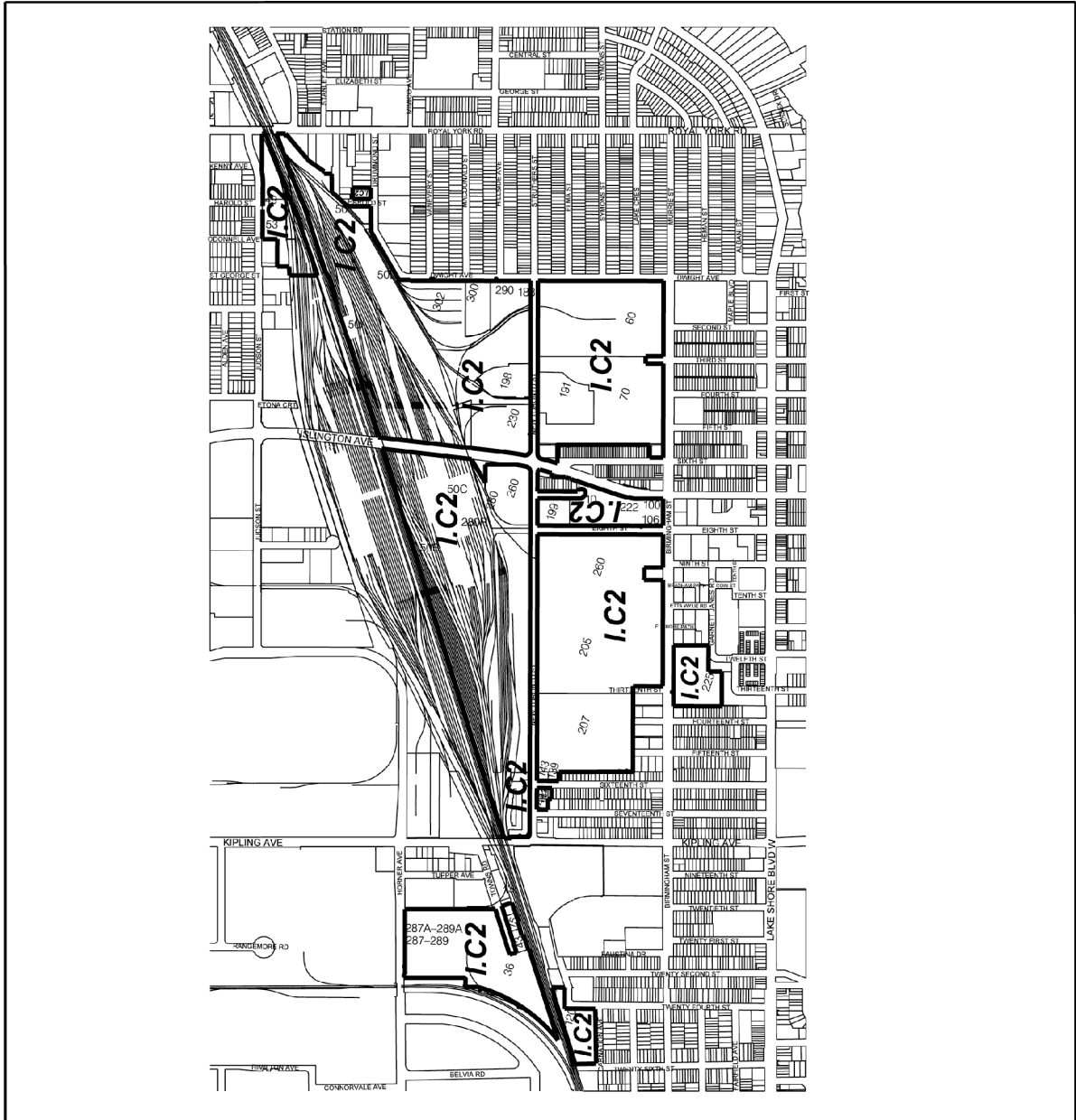
<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
_____ - 2011	Certain lands zoned I.C2, bounded by Horner Avenue, Judson Street, Royal York Road, Drummond Street, Dwight Avenue, Lake Shore Boulevard West and Thirtieth Street (known as the South Etobicoke Employment Lands Review Area).	To prohibit certain industrial uses and repeal By-laws 1996-211 and 1996-212 (in part).

ENACTED AND PASSED this ~ day of ~, A.D. 20~.



ROB FORD,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



**SOUTH ETOBICOKE EMPLOYMENT LANDS**

Applicant's Name:	CITY OF TORONTO		
Assessment Map MIMICO		scale:  m	
File No. 08 199425 WET 06 OZ	Dwg No. 08_199425_dz1		