

103-111 Ingram Drive – Advisability of Preparing a Draft Zoning By-law Amendment - Supplementary Report

Date:	April 24, 2014
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York
Wards:	12 – York South-Weston
Reference Number:	2014 143555 WET 12 TM

SUMMARY

This report responds to Etobicoke York Community Council's direction to report on the advisability of introducing a Zoning By-law Amendment under Section 34(10) of the *Planning Act* that would permit junk yard uses at 103-111 Ingram Drive thereby allowing the current use to continue.

This report summarizes information with respect to zoning and permitted uses for the site that has been provided in previous reports, examines the existing use in relation to former City of North York Zoning By-law No. 7625 and City-wide Zoning By-law No. 569-2013, both of which apply to the lands, and discusses the advisability of preparing a Zoning By-law Amendment to permit junk yard uses on the site.

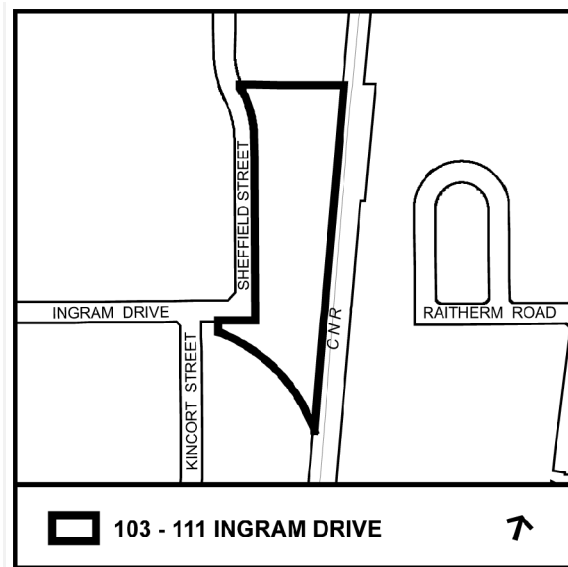
RECOMMENDATIONS

The City Planning Division recommends that:

1. This report be received for information.

Financial Impact

The recommendations in this report have no financial impact.



DECISION HISTORY

In 2003 a number of reports were considered by City Council on the business activities occurring on the lands known as 103 and 111 Ingram Drive. A Joint Information Report from the Acting Director, Community Planning, North District and the Director and Deputy Chief Building Official, Building Division, North District dated May 2, 2003 advised that the M3 zoning and M3(6) and M3(5) zoning exceptions that applied to the site permitted manufacturing, recycling facility and transfer station uses subject to the site specific exception provisions. It also advised that since the uses were permitted there were limited options to restrict the existing uses through zoning.

A report from the Commissioner of Urban Development Services dated July 16, 2003, advised that the asphalt plant at the site is deemed to be a manufacturing use that is in compliance with former City of North York Zoning By-law No. 7625. The use would not be classified as a salvage yard under the by-law. The Zoning By-law definition of manufacturing use is quite broad and does not limit itself to a product using only raw materials. The report also advised that outside storage and operations are permitted on the site.

A further Information Report from the Director and Deputy Chief Building Official, Building Division, North District dated June 30, 2003 advised that the manufacturing operation is a permitted use and site specific by-laws approved in 1970 and 1975 provide exemptions from the landscaping, outdoor storage and building setback requirements of the M3 zone.

These reports are embodied in the following link:

<http://www.toronto.ca/legdocs/2003/agendas/council/cc030722/yk6rpt/cl015.pdf>

Several information reports have also been considered by Planning and Growth Management Committee in relation to the land use regulations applicable to these lands.

An Information Report from the Chief Planner and Executive Director, City Planning dated June 16, 2008 provided information on the Site Plan approval and Building Permit activity for the structures and trailers relating to the businesses operating on the site. A Supplementary Information Report from the Chief Building Official and Executive Director, Toronto Building dated September 26, 2008 provided further information in response to questions posed by Planning and Growth Management Committee, including the zoning review of the asphalt plant as a manufacturing use and a review of the accessory buildings and equipment on site with respect to their need to obtain Site Plan approval, Committee of Adjustment approval and building permits.

These reports can be viewed at the following links:

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-13950.pdf>

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-16009.pdf>

ISSUE BACKGROUND

At its meeting on January 10, 2012, Etobicoke York Community Council directed the Director of Community Planning, Etobicoke York District, and the City Solicitor to submit a report on the advisability of introducing a Zoning By-law Amendment under Section 34(10) of the *Planning Act* that would permit junk yard uses at 103-111 Ingram Drive thereby allowing the current use to continue. Community Council's direction can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EY12.46>

COMMENTS

Site and Surrounding Area

The 2.8 ha site is in one ownership with a municipal property address of 103 Ingram Drive. However it is commonly referred to as 103 and 111 Ingram Drive as a recycling facility operates on the northern portion of the site, referred to as 111 Ingram Drive, and an asphalt plant operates on the southern portion of the site, referred to as 103 Ingram Drive. As noted in previous reports, the asphalt plant has been operating since late 1999/early 2000 with a Ministry of the Environment Certificate of Approval. Processes that take place on the site include: delivery of raw materials, including used asphalt shingles and concrete, which are stored both inside and outside; the grinding and crushing of materials outside; and the manufacture of asphalt utilizing these materials. The recycling facility was established in early 2000 and continues to operate. It also operates with a Ministry of the Environment Certificate of Approval and receives solid household non-hazardous waste for separating and sorting.

The properties immediately surrounding the site and beyond to the north, west and east are zoned for industrial uses and support a wide range of uses, including the City's Ingram Yard and Ingram Transfer Station on the north side of Ingram Drive and the Castlefield Design and Decor District on the east side of the Metrolinx rail corridor. There are residential neighbourhoods located approximately 500 m southwest and southeast of the site. A long-term care facility is also located southwest of the site, at the corner of Kincort Street and Northwestern Avenue.

Zoning – Former City of North York Zoning By-law No. 7625

The site is zoned Industrial Zone Three (M3), with site-specific exceptions M3(6) and M3(5), which apply to 103 and 111 Ingram Drive, respectively (see Attachment 1– Zoning Under Former City of North York Zoning By-law No. 7625). The M3 zone permits outside storage and operations, subject to certain conditions, and heavier industrial uses including manufacturing, recycling facilities and transfer stations. Manufacturing uses are permitted to have outside storage and processing, whereas recycling facilities are required to be within a building and are not permitted to store source-separated materials outside. The M3 zone requirements set out minimum front yard, side yard, and rear yard building setback provisions; front yard landscaping provisions; and open storage provisions. The parking regulations limit the amount of parking permitted in the front yard.

Site-specific exception M3(5) exempts 111 Ingram Drive from the M3 zoning standards for front, side and rear yard building setbacks, parking, landscaping and open storage. Site specific exception M3(6) exempts 103 Ingram Drive from the M3 zoning standards for front, side and rear yard building setbacks and open storage.

Zoning – City-wide Zoning By-law No. 569-2013

The site is also zoned Employment Heavy Industry (EH) by Zoning By-law 569-2013, with site specific exceptions EH (x2) and EH (x1), which apply to 103 and 111 Ingram Drive, respectively (see Attachment 2 – Zoning Under Zoning By-law 569-2013). The EH zone permits a range of heavy industrial uses such as recovery facilities, waste transfer stations and manufacturing uses. The EH zone permits open storage and outside operations, subject to conditions.

Zoning By-law No. 569-2013 maintained the site-specific M3(5) and M3(6) zoning exceptions that apply to the site from former City of North York Zoning By-law No. 7625. Exception EH (x1) exempts 111 Ingram Drive from the EH zoning standards for building setbacks, parking, landscaping and open storage, while exception EH (x2) exempts 103 Ingram Drive from the EH zoning standards for building setbacks and open storage.

Zoning and Use Interpretation

In former City of North York Zoning By-law No. 7625, a 'recycling facility' is defined as "the use of land, building or structure for processing source separated material into recyclable or reusable material, and without limiting the generality of this definition includes such activities as sorting, baling, treating, altering and other forms of material recovery; but does not include a works yard, salvage yard, transfer station, or waste incinerator." Similarly, under City-wide Zoning By-law No. 569-2013, a 'recovery facility' is defined as "premises used for separating or sorting recyclable material; a salvage yard is not a recovery facility." 'Recyclable Material' is also defined in Zoning By-law No. 569-2013 as "material that is separated into specific categories for purposes of reuse, recycling or composting". A recycling facility is permitted on the site under both former City of North York Zoning By-law No. 7625 and City-wide Zoning By-law No. 569-2013.

As noted in previous staff reports, the asphalt plant is deemed to be a manufacturing use, and is therefore permitted in an M3 zone, subject to site-specific exceptions M3(5) and M3(6). Similarly, the recycling facility at 111 Ingram Drive was established as a permitted use by former City of North York Zoning By-law No. 7625 and is a permitted use as a recovery facility by City-wide Zoning By-law No. 569-2013. The uses have not changed, and therefore are still permitted in the EH (x1) and EH (x2) zone.

The definition of 'junk yard' means a 'salvage yard' in former City of North York Zoning By-law No. 7625. A salvage yard is defined as: "the use of land, building or structure for an automobile wrecking yard or premises or for the storing or processing of municipal or hazardous waste; but does not include a recycling facility, works yard, transfer station, or

waste incinerator." In City-wide Zoning By-law No. 569-2013, a salvage yard is defined as "premises used as a scrap metal yard or a vehicle wrecking yard, and which may include storing, dismantling, crushing, or demolishing vehicles or heavy equipment or parts thereof." A salvage yard is not permitted in an M3 or an EH zone. The asphalt plant and the recycling or recovery facility, by definition are not a salvage yard under both Zoning By-laws.

Conclusion

Toronto Building staff have again confirmed that the asphalt plant is deemed to be a manufacturing use, a use that is permitted under former City of North York Zoning By-law No. 7625 and under City-wide Zoning By-law No. 569-2013. Outside storage and operations are permitted, with conditions. The recycling or recovery facility is also permitted under both Zoning By-laws. The uses on site have not changed, and the zoning interpretation of these uses has not changed. Accordingly, it is not required or advisable to prepare a Zoning By-law Amendment to introduce a junk yard and/or salvage yard as a permitted use, and to classify the asphalt plant and/or the recycling or recovery facility as such.

Legal Services Division staff have reviewed this report and concurs with its content.

CONTACT

Anthony Hommik, Assistant Planner

Tel: 416-394-6006

Fax: 416-394-6063

E-mail: ahommik@toronto.ca

SIGNATURE

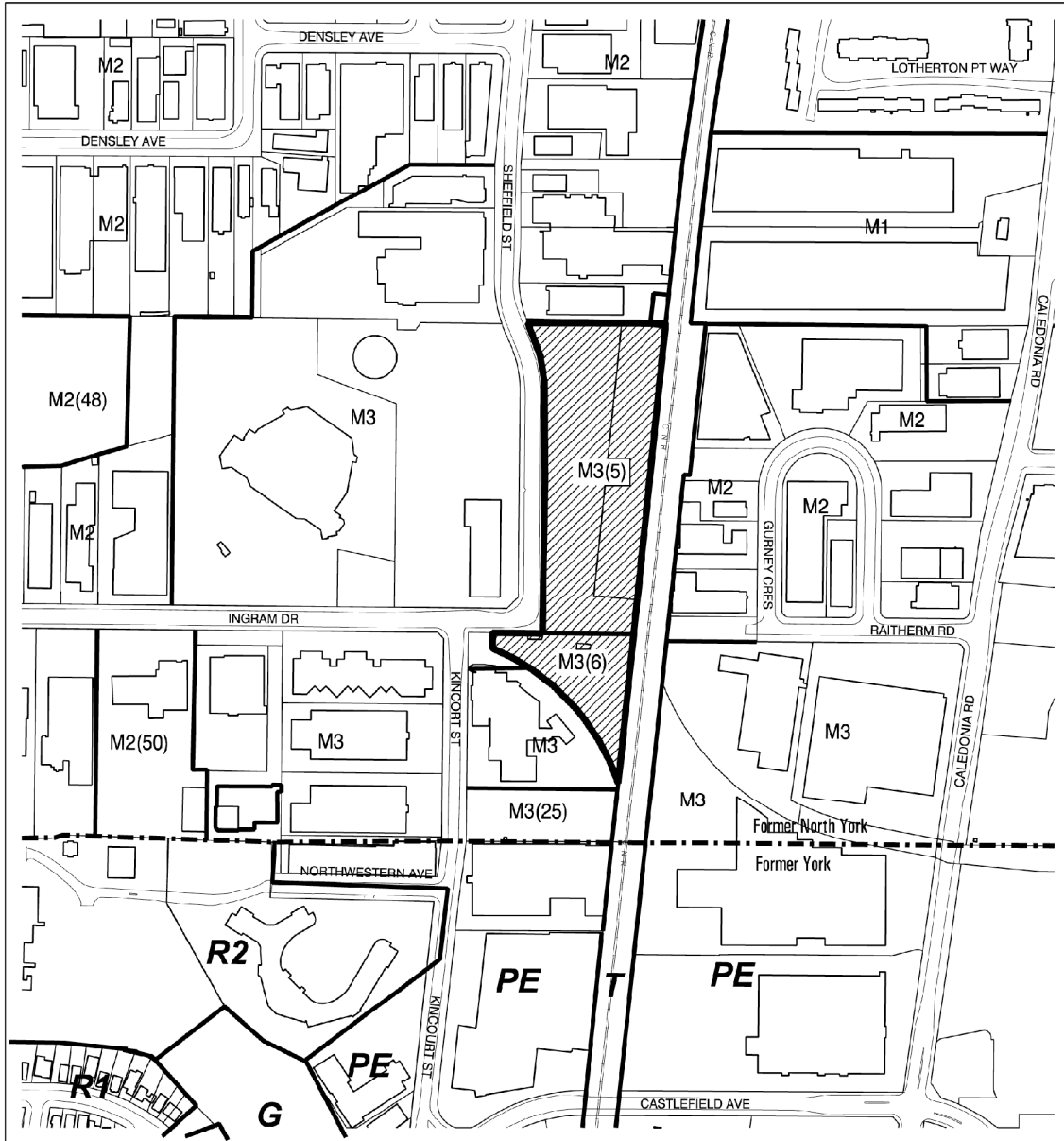
Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Zoning Under Former City of North York Zoning By-law No.7625

Attachment 2: Zoning Under Zoning By-law No. 569-2013

Attachment 1: Zoning Under Former City of North York Zoning By-law No.7625



103 - 111 Ingram Drive

File # n/a

Former North York Zoning By-law 7625
 M1 Industrial Zone One
 M2 Industrial Zone Two
 M3 Industrial Zone Three

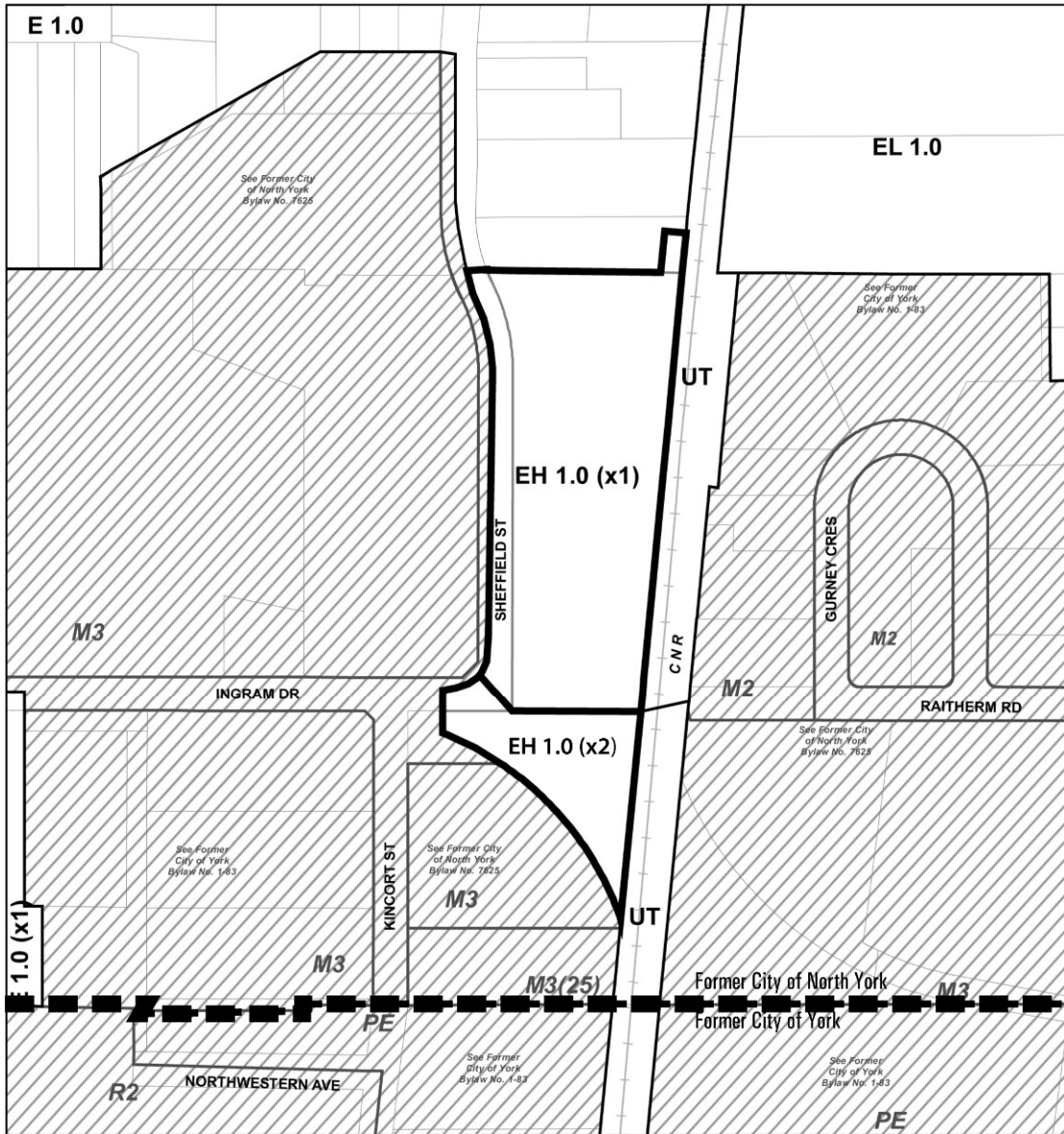
Former York Zoning By-law 1-83
 R1 Residential Zone
 R2 Residential Zone
 PE Prestige Employment Zone

G Green Open Space
 T Transportation & Utilities






Not to Scale
 Zoning By-law 7625
 Extracted 04/04/2014

Attachment 2: Zoning Under Zoning By-law No. 569-2013



TORONTO City Planning
Zoning By-law 569-2013

103 - 111 Ingram Drive
 File # n/a

	Location of Application		See Former City of North York Bylaw No. 7625		See Former City of York Bylaw No. 1-83
E	Employment Industrial	M2	Industrial Zone Two	R2	Residential Zone
EH	Employment Heavy Industrial	M3	Industrial Zone Three	PE	Prestige Employment Zone
EL	Employment Light Industrial				
UT	Utility and Transportation				


 Not to Scale
 Extracted 04/04/2014