

CITY OF TORONTO

Bill 1061

BY-LAW -2026

To amend Zoning By-law 438-86, as amended, with respect to the lands municipally known in the year 2025 as 65 Ookwemin Street, formerly known as 309 Cherry Street in the year 2024.

Whereas Council of the City of Toronto has the authority pursuant to 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, as amended;

The Council of the City of Toronto enacts:

1. Section 12(1) of the aforesaid By-law 438-86 is amended by adding the following Exception:

513. to prevent, within the area outlined by a heavy line on the following map, the use of land or use of a building or structure for any purpose, subject to the following:

Permitted Uses

- (i) The following are not permitted as uses or as *accessory* uses in an I3 district:

- (A) *animal food factory;*
- (B) *canning factory (fruits, vegetables);*
- (C) *cereal food products factory;*
- (D) *dairy products plant;*
- (E) *distillery;*
- (F) *gelatine factory;*
- (G) *manufacturing plant;*
- (H) *meat products plant;*
- (I) *metal products factory;*
- (J) *packaging plant;*

- (K) *pharmaceutical factory;*
 - (L) *pharmaceutical factory – secondary;*
 - (M) *plastic products factory;*
 - (N) *plastic products factory – secondary;*
 - (O) *tannery;*
 - (P) *textile factory;*
 - (Q) *vegetable oils plant;*
 - (R) *wholesale dyeing plant; and*
 - (S) *wood products factory;*
- (ii) The following are permitted as uses in an I3 district:
- (A) Those non-residential uses permitted within a I3 district in section 9(1)(f)(b), and subject to the qualifications in section 9(2) where applicable, except for the uses identified in subsection (B) above;
 - (B) *amusement arcade;*
 - (C) *art gallery;*
 - (D) *cabaret;*
 - (E) *club;*
 - (F) *community centre;*
 - (G) *eating establishment;*
 - (H) *entertainment place of assembly;*
 - (I) *massage therapy;*
 - (J) *museum;*
 - (K) *outdoor patio;*
 - (L) *outdoor sales and display;*
 - (M) *place of assembly;*

- (N) *recreation use*;
 - (O) *retail store*;
 - (P) *sports place of assembly*;
 - (Q) *take-out eating establishment*;
 - (R) *wellness centre*; and
 - (S) a use that is *accessory* to any of the foregoing uses;
- (iii) Notwithstanding paragraph (ii), an *outdoor patio* is permitted in combination with a *community centre, eating establishment, entertainment place of assembly, recreation use, retail store, sports place of assembly* or *take-out eating establishment* provided;
- (A) an *outdoor patio* may be used to provide entertainment such as performances, music, and dancing, provided the entertainment area does not exceed the greater of 20 percent of the outdoor patio area;
 - (B) an *outdoor patio* may be located above the *first storey* above *grade*, provided that the maximum area does not exceed 50 square metres or 50 percent of the *interior floor area* of the premises it is associated with, whichever is greater;
 - (C) an *outdoor patio* may be combined with *community centre, eating establishment, entertainment place of assembly, recreation use, retail store, sports place of assembly* or *take-out eating establishment* uses on the same lot;
- (iv) Notwithstanding any other provision of this by-law, any building or structure erected or used for a purpose permitted by this exception must be on a *lot* that abuts a *street*;
- (v) Notwithstanding the requirements of Section 4(4), 4(6) and 4(7), no parking or loading spaces shall be required for the uses authorized by this exception;

Definitions

- (vi) For the purposes of this Exception, each word or expression that is italicized in this exception shall have the same meaning as each such word or expression as defined in the said By-law 438-86, as amended, except for the following or where otherwise defined in this Exception:

- (A) *"amusement arcade"* means premises for entertainment with *amusement devices*, such as arcade games. An *eating establishment*, an *entertainment place of assembly*, or *recreation use* is not an *amusement arcade*;
- (B) *"amusement device"* means a machine or electronic device used for games of skill or chance other than:
 - (a) billiards;
 - (b) bowling; and
 - (c) any gaming or lottery device regulated under Province of Ontario legislation;
- (C) *"animal food factory"* means a factory for manufacturing, processing, or packaging of food for pets or domestic animals;
- (D) *"art gallery"* means *premises* used for the exhibition, collection or preservation of works of art for public viewing;
- (E) *"building"* means a wholly or partially enclosed *structure* with a roof supported by walls, columns, piers or other structural systems;
- (F) *"cabaret"* means *premises* used to provide entertainment such as a dinner theatre or comedy club, where patrons are seated at tables and where food or beverages may be offered for sale. An *adult entertainment use*, an *eating establishment*, a *nightclub*, or an *entertainment place of assembly* is not a *cabaret*;
- (G) *"canning factory (fruits, vegetables)"* means a factory for making jams or jellies or for preserving or canning fruits or vegetables or fruit or vegetable juices and includes a fruit or vegetable dehydrating plant and a plant for the fast freezing of fruits and vegetables;
- (H) *"cereal food products factory"* means a factory for blending, preparing or processing feed grains, yeast, malt and malt products, corn flakes, puffed wheat, popcorn, macaroni, or other cereal food product but does not include a *canning factory (fruits and vegetables)*, *bakery*, soft drink bottling works, brewery, distillery or winery or other use otherwise classified or defined in this by-law;
- (I) *"club"* means *premises*:
 - (a) operated by members of a non-profit organization that maintains formal membership and generally limits attendance at meetings to members; and

- (b) used for meetings and gatherings for social, cultural, recreational, charitable or community service purposes; and
- (c) a *community centre* is not a club;
- (J) "*community centre*" means premises operated by or on behalf of a government or non-profit organization providing community activities, such as arts, crafts, recreational, social, charitable and educational activities. A *club* is not a *community centre*;
- (K) "*dairy products plant*" means a milk pasteurization and bottling plant, a cheese factory or butter factory, condensed or powdered milk factory, creamery, casein factory, milk or cream shipping or receiving station, ice cream factory and other premises where milk or cream is received for shipment, distribution, processing or manufacture;
- (L) "*distillery*" means a plant for the distillation of water, bones, wood, tar or petroleum or any of their products;
- (M) "*eating establishment*" means *premises* where food or beverages are prepared and offered for sale to patrons for immediate consumption on the *premises* while they are seated, and which may include an incidental take-out service.
- (N) "*entertainment place of assembly*" means *premises* used to provide entertainment and performing arts, such as a theatre, cinema, opera, ballet, concert hall, or live music venue. Food or beverages may be offered for sale. An *adult entertainment use*, a *cabaret*, an *eating establishment*, a *place of assembly*, or a *nightclub* is not an *entertainment place of assembly*;
- (O) "*first floor*" means the floor of the building, other than an area used for parking, that is closest in elevation to the elevation of the adjacent finished ground level;
- (P) "*gelatine factory*" means a building for the manufacture of gelatine;
- (Q) "*interior floor area*" means the floor area of any part of a building measured to the interior side of a main wall, the centre line of an interior wall, or as measured to a line delineating the part being measured;
- (R) "*manufacturing plant*" means a building for the manufacture or processing of products of light manufacturing not otherwise classified or defined in this by-law;

- (S) *"massage therapy"* means *premises* providing *massage therapy* by persons who are medical or health professionals licensed or registered under Province of Ontario legislation. A *body rub service* or *wellness centre* is not a *massage therapy*;
- (T) *"meat products plant"* means a canned meat factory, sausage factory, meat processing plant and any other factory where meat, poultry or eggs are cooked, cured, smoked or otherwise processed or packed but does not include a delicatessen shop, a stock-yard, slaughter-house, *tannery* or hide processing plant, a poultry-killing establishment, an *animal food factory*, an *animal by-products plant*, or another use otherwise classified or defined in this by-law;
- (U) *"metal products factory"* means a factory for forging, rolling, stamping or drawing (either cold or hot), casting, fabricating, grinding, turning, machining, heat-treating, galvanizing, plating, coating, annealing or other fabrication or processing of structural steel, boilers, tanks, drums or cans, machines, motors or large parts, including railway, automotive, agricultural or electric equipment, hardware or tools, other ferrous or ferro-alloy metal products, aluminum products, brass or copper products, white metal alloy products, bronze powder or other non-ferrous or non-ferrous alloy metal products and includes an industrial welding shop, a casting factory and a die casting factory, premises used for making sandcastings and a railway rolling stock repair shop but does not include a *metal wares factory*;
- (V) *"museum"* means *premises* used for the exhibition, collection or preservation of objects of cultural, historical or scientific interest for public viewing;
- (W) *"outdoor patio"* means an outdoor patron area that is *ancillary* to a non-residential use;
- (X) *"packaging plant"* means a building or a portion of a building used for the packaging of goods;
- (Y) *"pharmaceutical factory"* means a factory for manufacturing perfumes, cosmetics, toilet preparations, deodorants, soaps or cleaning compounds, bleaches, patent medicines, disinfectants, or insecticides, or poisons that are manufactured and packaged for medical or pharmaceutical purposes only;
- (Z) *"place of assembly"* means premises used for social, cultural, educational or trade events, such as a banquet hall, convention or trade centre, or a hall used for bingo or other lottery events licensed by the City of Toronto for charitable purposes. A *cabaret*, an *eating establishment*, an *entertainment place of assembly*, or a *nightclub* is not a *place of assembly*;

- (AA) *"plastic products factory"* means a factory for manufacturing plastic products but does not include the manufacture of celluloid or pyroxylin or an *offensive use*;
- (BB) *"premises"* means the whole or part of lands, buildings or structures, or any combination of these.
- (CC) *"recreation use"* means *premises* used for sports, physical play or exercise, such as a fitness club, bowling alley, billiards hall or pool hall, swimming pool or skating rink. An *amusement arcade* and a *sports place of assembly* is not a *recreation use*;
- (DD) *"retail store"* means *premises* in which goods or commodities are sold, rented or leased;
- (EE) *"sports place of assembly"* means *premises* used for spectator sporting events, such as a stadium or arena;
- (FF) *"structure"* means anything that is erected, built or constructed of one or more parts joined together;
- (GG) *"take-out eating establishment"* means *premises* where food or beverages are prepared and offered for sale to patrons for consumption off the *premises*;
- (HH) *"tannery"* includes premises where hides are salted or otherwise processed, except a *fur goods factory*;
- (II) *"textile factory"* means a building for the manufacture or processing of cotton yarn, thread, cloth or waste; woollen yarn, thread, cloth or waste; silk yarn, thread or cloth, synthetic cloth, but does not include the manufacture of rayon or other synthetic yarn or material, wool pulling or scouring;
- (JJ) *"vegetable oils plant"* means a factory for the extraction, preparation or processing of vegetable shortening, cottonseed oil, linseed oil, palm kernel oil, peanut oil, soya bean oil or other nuts, kernel or vegetable oils or their products;
- (KK) *"wellness centre"* means *premises* providing services for therapeutic and wellness purposes. A *massage therapy*, medical office or *body rub service* is not a *wellness centre*;
- (LL) *"wholesale dyeing plant"* means a plant for the wholesale or commission dyeing of yarn or fabric before further manufacturing process;

(MM) *"wood products factory"* means a factory for the manufacture or assembly of goods or products of which wood or cork is the principal component, but does not include a wood distillation plant, a saw mill or planing mill or the manufacture of motors for boats or airplanes;

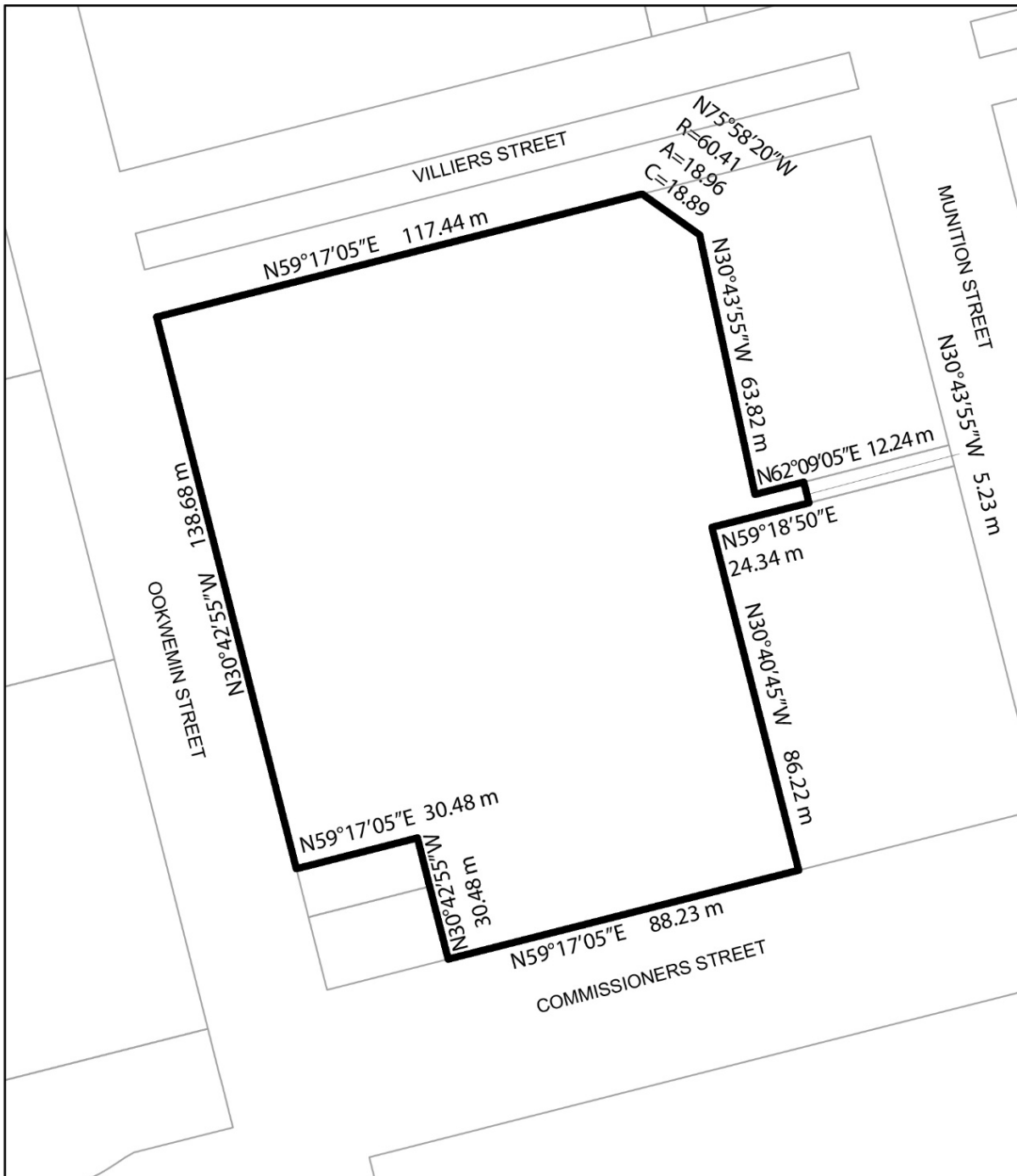
Enacted and passed on July , 2026.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Map 1



Map 1

65 Ookwemin Street

File # 26 160167 STE 14 OZ



Former City of Toronto By-law 438-86
Not to Scale
05/28/2026