Amendment to Site Plan Control By-law - Final Report

Date: August 16, 2011
To: Etobicoke York Community Council
From: Director, Community Planning, Etobicoke York District
Wards: Ward 5 – Etobicoke-Lakeshore
                Ward 6 – Etobicoke-Lakeshore
Reference Number: 08 102920 WET 05 OZ

SUMMARY

This City-initiated amendment is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006. This report recommends an amendment to Chapter 326 of the former City of Etobicoke Zoning Code in order to add certain zone categories to the list of zone categories that are designated as areas of site plan control.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Chapter 326 of the former City of Etobicoke Zoning Code substantially in accordance with the draft site plan control by-law attached as Attachment 1.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft by-law as may be required.

ISSUE BACKGROUND

The former City of Etobicoke Zoning Code was amended in 1980 to establish Chapter 326 Site Plan Control which identifies the zoning categories of the Zoning Code which are designated as site plan control areas (By-law 1980-5). A by-law designating a site plan control area by reference to one or more land use designations contained in a zoning by-law under Section 34 of the Planning Act, is not in itself a zoning by-law or a zoning by-law amendment, and therefore the statutory public meeting requirements applying to
the enactment of a zoning by-law do not apply to the enactment of a by-law designating areas of site plan control.

In recent years, zoning by-law amendments have been enacted which introduce new zone categories to the former City of Etobicoke Zoning Code. It has been determined that for three new zone categories, the former City of Etobicoke Zoning Code was not amended to include these zone categories as areas of site plan control. These zone categories apply to lands within the Etobicoke Centre Secondary Plan Area (EC zone category), the Lake Shore Avenues study area (CA-AV zone category), and the Queensway Avenues study area (AV zone category).

It was always intended that lands subject to these zone categories be subject to site plan control where proposals meet the definition of "development" as set out in Section 114 of the City of Toronto Act. The City has processed site plan control applications for proposals in these areas, consistent with practice for lands in other similar zone categories.

Conclusion
Amending Chapter 326 of the former City of Etobicoke Zoning Code to add three zone categories will enable the City to guide development within the lands subject to these zone categories consistent with the site plan control policies of the Official Plan.

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SIGNATURE

________________________________________
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Etobicoke York District

ATTACHMENTS
Attachment 1: Draft Zoning By-law Amendment
Attachment 1: Draft Zoning By-law Amendment

Authority: Etobicoke York Community Council Item _____
As adopted by City of Toronto Council on ______
Enacted by Council: ________

CITY OF TORONTO
By-Law No. _____
To designate certain zone categories as site plan control areas

WHEREAS authority is given to Council by Section 114 of the City of Toronto Act 2006, to designate as a site plan control area the whole or any part of the area shown or described as a proposed area of site plan control in an official plan;

WHEREAS the Official Plan for the City of Toronto designates the entire City of Toronto as a Site Plan Control Area where the site plan control by-law will define classes of development that will be subject to Site Plan Control;

WHEREAS Council of the City of Toronto deems it expedient to incorporate certain zone categories into Site Plan Control areas in the former Etobicoke Zoning Code;

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

Section 326-2 of Chapter 326, Site Plan Control, of the former Etobicoke Zoning Code is amended to add the following zoning categories as site plan control areas:

- Commercial Avenues (C1-AV)
- Limited Commercial-Avenues (AV)
- Etobicoke Centre 1 (EC1), Etobicoke Centre 2 (EC2), Etobicoke Centre 3 (EC3)

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

ROB FORD, ULLI S. WATKIS,
Mayor City Clerk

(Corporate Seal)