



**STAFF REPORT  
ACTION REQUIRED**

**Recommended Changes to the Draft City-wide Zoning  
By-law Resulting from Public Consultation**

<b>Date:</b>	September 27, 2012
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2012\Cluster B\PLN\ Pg12068

**SUMMARY**

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The new revised draft City-wide Zoning By-law was released for public consultation on June 18, 2012. This report will explain the recommended changes to the draft Zoning By-law in response to comments and concerns raised and received by Staff. The objective of this report is to obtain the Planning and Growth Management Committee's endorsement of the proposed changes to prepare a final draft of the City-wide Zoning By-law that will be considered by Committee at the Statutory Public Meeting which will be held in February 2013. The final draft of the Zoning By-law will be released in November to allow ample time for review prior to the Statutory Public Meeting.

**RECOMMENDATIONS**

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**The Chief Planner and Executive Director, City Planning Division recommends that:**

1. The draft City-wide Zoning By-law be revised in accordance with the changes outlined in this report.
2. The revised draft City-wide Zoning By-law be the subject of a Statutory Public Meeting before a special meeting of the Committee to be held in February 2013.
3. The City Planning Division arrange a public meeting to discuss the matter of separation distance requirements for crematoriums as outlined in this report for

the purpose of recommending to the Committee any changes to the City-wide Zoning By-law on this subject at the Statutory Public Meeting date.

4. The City Planning Division work with United Way Toronto, the Tower Renewal Office, Toronto Public Health, Social Development Finance and Administration Division, Economic Development and Culture Division, and other key stakeholders, to examine which Residential Apartment zones of the City would be best suited for application of the new Residential Apartment Commercial zone and report back to the Committee with these findings.
5. The City Planning Division, in consultation with Municipal Licensing and Standards and Legal Services, prepare a further report on the matter of defining holistic type establishments and adult entertainment type uses to better distinguish between them for the purposes of regulating their location within the City.

### **Financial Impact**

There is no financial impact beyond what has already been approved in the current year's budget.

### **DECISION HISTORY**

On June 18, 2012, the Planning and Growth Management Committee had before it a report from the Chief Planner and Executive Director, City Planning attaching the new revised draft City-wide Zoning By-law. The Committee adopted the following recommendations in connection with that report:

1. Directed that the draft City-wide Zoning By-law be made available to the public in printed form for viewing at each of the Civic Centres and City Hall in the Office of the City Clerk, as well as in electronic form available online at the City Clerk's Council and Committee web page:  
(<http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&meetingId=5685#Meeting-2012.PG16>)
2. Directed that the draft City-wide Zoning By-law be made available to the public in electronic form at: <http://www.toronto.ca/zoning> with the opportunity to comment on-line or write to the Acting Chief Planner and Executive Director, City Planning, and that staff make themselves available to answer questions and meet upon request.
3. Directed Staff to attend community meetings sponsored by Ward Councillors upon request.
4. Directed the Acting Chief Planner and Executive Director, City Planning, to submit a report to the October 12, 2012 meeting of the Planning and Growth

Management Committee that outlines the comments received from members of the public and makes recommendations with respect to changes to the draft City-wide Zoning By-law.

5. Directed that a special meeting of the Planning and Growth Management Committee be arranged in the latter half of November 2012 to hold a Statutory Public Meeting for the purposes of considering the draft City-wide Zoning By-law for adoption.
6. Directed the Acting Chief Planner and Executive Director, City Planning to consider and report to the October 12, 2012 meeting of the Planning and Growth Management Committee on amendments to the Harmonized Zoning By-law that would have the effect of prohibiting Holistic Establishments from being located within any Zone that permits residential uses, or within specified Centres, Districts, or Avenues.
7. Directed the Acting Chief Planner and Executive Director, City Planning, to consider and report to the October 12, 2012 meeting of the Planning and Growth Management Committee on amendments to the Harmonized Zoning By-law that would have the effect of requiring an appropriate limiting distance of any Holistic establishment from a Residential, Mixed-use, or Avenue zone.
8. Directed the Acting Chief Planner and Executive Director, City Planning, to consider and report to the October 12, 2012 meeting of the Planning and Growth Management Committee on amendments to the Harmonized Zoning By-law that would have the effect of requiring a limiting distance between Holistic establishments in any Zone.
9. Referred the deputations and letters submitted to date to the Acting Chief Planner and Executive Director, City Planning, for consideration in his review of the new draft City-wide Zoning By-law.

At its meeting of May 17, 2012, the Committee made a recommendation in connection with Item PG14.2, Apartment Infill in Toronto: A Ten Year Review by the Tower Renewal Office that pertained to the City-wide Zoning By-law:

1. Requested City Planning staff to work with United Way Toronto, the Tower Renewal Office, Social Development Finance and Administration Division, Economic Development and Culture Division, and other key stakeholders, to examine how a tiered approach to zoning policy reform as described in the United Way Toronto/ERA Architects' May 17 presentation, could promote social development and economic opportunities in Toronto's apartment neighbourhoods, with a view to reporting back to the Planning and Growth Management Committee in October 2012, in conjunction with the Harmonized Zoning By-law and within the context of the current Official Plan review.

This report will respond to these requests of the Committee as they pertain to the draft City-wide Zoning By-law.

## **ISSUE BACKGROUND**

The City-wide Zoning By-law No. 1156-2010 was enacted on August 17, 2010. On April 12 and 13, 2011, City Council directed that notice be given of a public meeting at a special meeting of the Planning and Growth Management Committee on May 10, 2011 respecting the repeal of the new Zoning By-law. At the May 10, 2011 special meeting, Planning and Growth Management Committee recommended to Council the Zoning By-law be repealed. City Council repealed By-law No. 1156-2010 at its May 17, 18 and 19, 2011 meeting and requested the Chief Planner and Executive Director, City Planning to prepare a new City-wide Zoning By-law after meeting with the appellants of By-law 1156-2010. On June 18, 2012, a new revised version of the draft City-wide Zoning By-law was tabled before the Planning and Growth Management Committee. The Committee directed that the draft Zoning By-law be made available to the public and that staff report back to the Committee, at its meeting to be held on October 12, 2012, with any recommended changes to the draft Zoning By-law based on the comments received from the public.

## **COMMENTS**

### **Public Consultation**

The tabling of the draft City-wide Zoning By-law at the June 18, 2012 meeting of the Planning and Growth Committee marked the beginning of public consultation. The draft Zoning By-law was made available on the City Clerk's Committee meeting web page, the City Planning Division web page and in print at the four District offices of the City Clerk. In addition, the City Planning Division web page included an electronic version of the Zoning By-law that was capable of providing zoning information on a 'search by address' basis.

Meetings were held upon request with individuals and groups representing associations. Four public meetings were held in each of the District offices in the form of an open house with a presentation and opportunity to ask questions of staff. Staff also responded to emails and letters submitted during this time with a view to resolving any outstanding concerns.

Meetings were held with staff of the Toronto Building Division and City Planning Division which involved a detailed presentation followed by a question and answer session. The presentation on the draft Zoning By-law has been available to staff on the City Planning Intranet site with a request to contact staff on the Zoning By-law Team with any questions or concerns. Workshops on the application of the new Zoning By-law to typical building permit situations will be held in the fall.

## **General Results of the Consultation Period**

Review of the draft Zoning By-law during the consultation period resulted in changes that are mostly corrective in nature. Some changes were in response to complaints from owners of land or their representatives. Others were the result of review of the Zoning By-law by staff of Legal Services, Toronto Building and City Planning. These changes are considered necessary to ensure consistency with the intent of the existing zoning by-laws or for clarification to ensure accurate interpretation of the provisions. The report will elaborate on the recommended changes in two broad categories: map changes and text changes. Within the changes to the text, there are changes to some development standards, which are explained at the end of this section. The report also discusses the matters of zoning permissions for Tower Renewal sites, separation distance requirements for crematoriums and regulations for holistic centres as requested by the Committee at its May 17 and June 18, 2012 meeting dates.

## **Changes to the Zoning By-law Map and Overlay Maps - Corrections**

### **Land not Included as Part of this By-law**

The Transition Protocol establishes criteria to determine whether sites will be left out of the new Zoning By-law. These sites will have the existing zoning by-law regulations continue to apply to them. The sites are depicted on the Zoning By-law Map with diagonal hatching and the name and number of the existing zoning by-law that applies. These criteria were established in advance in order to ensure fairness and equity in determining which sites are left out of the Zoning By-law across the City. There are several criteria but the most challenging to apply is that of the sites that are currently the subject of a rezoning or site plan application. This is an ever-changing target as new applications are received by the City every day. The latest list of new applications is under review in order to update the Zoning By-law Map. New applications will be continuously reviewed until the draft Zoning By-law is enacted. Changes have also been made to some of the boundaries of sites left out of the By-law to accurately capture the entirety of eligible properties.

Another reason to leave a site out the draft City-wide Zoning By-law involves the requirement in the Planning Act that new zoning by-laws be in conformity with the Official Plan. Further reviews by staff as well as comments from the public have resulted in a few new sites being identified as having existing zoning permissions that do not conform to the Official Plan and they will be left out of the new Zoning By-law for this reason.

### **Rationalization of the Boundaries of Site Specific Exceptions**

Site Specific Exceptions are found in Chapter 900 and form the bulk of the text of the draft Zoning By-law. These Exceptions consist of site or area specific amendments enacted by City Council and councils of the former municipalities. The boundaries of the

Site Specific Exceptions reflect the area to which the original amendment was intended to apply. In some instances, the area affected by an amendment overlaps with the area of previous amendments, which created the need to further subdivide the Exception area. However, this approach resulted in numerous separate Exception areas. A further review by staff permitted an opportunity to rationalize and reduce the number of Exception areas while retaining the restrictions or permissions intended by the original amendments. This rationalization will result in a cleaner looking Zoning By-law Map, fewer pages of text devoted to Site Specific Exceptions and less time searching for all the applicable Exceptions applying to a given area in the City.

### **Correction to Zone Labels**

Zone labels on the Zoning By-law Map provide information regarding the land use category in which the site is located, including some lot and building requirements, such as density limits. In some instances, the label has a Site Specific Exception number that references provisions in Chapter 900 that apply to the area in which the property is located. A review of these labels by staff and comments from the public identified some necessary corrections to certain zone labels so that they more accurately reflect the current zoning permissions.

### **Zone Boundary Alignment**

Zone boundaries should align with property lines, the centre line of the road or natural physical boundaries. Most of the changes in this category are to correct improperly zoned 'slivers' of land by realigning the zone boundaries to the property boundaries. Other changes include moving zone boundaries to the centre line of the road consistently across the City. The same process has been applied to the Height and Lot Coverage Overlay Maps. Some adjustments were made to the Rooming House Overlay Map to more accurately reflect the area specific permissions in the former City of Toronto zoning by-law No. 438-86. No changes were made to the current rooming house regulations.

### **Changes to the Text - Corrections**

The majority of text changes to the draft Zoning By-law are in Chapter 900 (Volumes 2 and 3), which contains the Site Specific Exceptions. Many were required as a result of the rationalization of the Exception boundaries and corrections to the Exception numbers in zone labels described above. These changes are discussed first. Some changes to the main text, Chapters 1 through 800 (Volume 1) will be discussed separately. Should the Committee endorse these text changes, a 'redline' version of the main text will be produced shortly after the next draft is released.

### **Chapter 900 Corrections**

#### Duplicate Site Specific Exceptions

The amalgamation of some of the Site Specific Exception areas resulted in many duplicate Exceptions in Chapter 900, which became redundant when their regulations were incorporated into another Exception covering a larger area. Exceptions that referenced properties left out of the By-law in accordance with the Transition Protocol will also be removed.

### Clarification of Particular Exceptions

There are three categories of Site Specific Exceptions in Chapter 900: Site Specific Provisions, Prevailing By-laws and Prevailing Sections. Site Specific Exceptions are existing zoning by-law amendments that have been re-written in the language and context of the new draft Zoning By-law. Prevailing By-laws are references to site specific zoning by-law amendments and Prevailing Sections are references to sections of the existing zoning by-laws that apply to certain areas of the City. All three operate in place of any inconsistent regulations in the main text of the new Zoning By-law. Upon review of these Exceptions, some changes to ensure the accurate application of the original intent were identified. These proposed changes include a revamping of the language used to reference the prevailing clauses from Sections 12(1) and 12(2) of By-law No. 438-86, the zoning by-law for the former City of Toronto.

### Wording and Formatting Changes

Other changes to the Site Specific Exceptions involve correcting improper section references, inaccurate labelling and inconsistency with the recent map changes. Sections 12(1) and 12(2) that have been re-written in the language of the new Zoning By-law as Site Specific Provisions will have a reference to the original provision from By-law No. 438-86 in square brackets, which will help with their interpretation.

## **Chapters 1 to 800 Corrections and Changes**

### Changes to the Standards and Uses

In Chapter 220 Loading Space Regulations, the height of the "Type B" loading space requirement will be changed from 4.3 metres to 4.4 metres to be in keeping with Solid Waste Management Division requirements.

In Chapter 10 Residential, the soft landscaping requirement for the rear yard of residential lots will be changed from 50% to 25% for lots less than 6 metres in width. This change acknowledges that the hard landscaped areas that might typically be expected in back yards occupy a larger percentage of the yard on smaller lots.

In Chapter 40 Commercial Residential, the rear yard setback required when a lot abuts a public lane was 1.5 metres, under the assumption that the rear lane is 6.0 metres wide. However, there are still many lanes in the City that are less than the required minimum width. To account for these substandard lanes and to avoid encroachment of commercial

uses on neighbouring residential lots, it is recommended that the rear yard setback be measured from the opposite side of the public lane.

Chapter 60 Employment Industrial permits an "education use", which is defined as premises used for education and training other than a post secondary school or a school regulated under the Education Act, R.S.O. 1990, c.E.2. The term was intended to permit private training and educational facilities that serve the industrial and business establishments. However, in a meeting with representatives of the Toronto Industry Network (TIN), it was noted that the Ministry of the Environment treats such facilities as a "sensitive use" that are required to be separated from some industrial operations. TIN representatives suggested eliminating this use in the 'E' zones (general industrial) and permitting the use in the 'EL' (light industrial) and 'EO' (employment-office) zones where the use might be more compatible and would not jeopardize any existing manufacturing plants.

In the Employment Light Industrial (EL) zone, office use is restricted to 5,000 square metres or an area equal to the maximum floor area permitted on the lot. In the Employment Industrial (E) zone, office use is restricted to the lesser of 0.5 times the area of the lot or the floor space index shown on the Zoning By-law Map. These restrictions on office space development are reflective of current zoning limitations. In his review of the draft City-wide Zoning By-law, the General Manager of Economic Development and Culture requested that consideration be given to removing the limits on office use in these two zones. Interest in office type jobs in the industrial areas is expected to grow and the office is an important source of job growth for the City.

In Employment Industrial (E) zones, driveway entrances and exits are limited to a maximum of 11 metres in width measured at the street line. Maximum widths are often required to allow for safer pedestrian crossings along sidewalks in the area. The issue raised by TIN was a lack of clarity as to the extent to which this measurement extends into a lot. A recommended change will clarify that the maximum driveway width is measured at the lot line to a point 3 metres back to coincide with the depth of the required landscaping strip.

### **Wording Changes for Clarification Purposes**

A review of the main By-law text by Legal Services and Toronto Building staff resulted in recommended wording changes to help ensure greater consistency and clarity. The intent remains the same in all instances. For example, a definition of Worship Area is proposed to be added to Chapter 200 for the purpose of determining the parking requirement for a Place of Worship more consistently.

### **Bicycle Parking Rate Changes**

It is recommended that the bicycle parking rate for apartment buildings, including condominiums be changed. In the draft City-wide Zoning By-law released in June, these parking rates were based on the size of the unit as measured by the number of bedrooms.



This is the same approach used to determine the rate for parking spaces for cars. Under this system, the bicycle parking rates varied by policy area: Downtown, Centres, Avenues with subways, Avenues with surface transit and the rest of the City. A recent travel demand survey conducted by the City Planning Division supports a change to a bedroom count approach, but the patterns of bicycle ownership does not fit consistently with the policy area geography. According to the recent surveys, bicycle ownership patterns are not entirely related to access to transit, on which the policy areas were based. As a result, a simplified two-zone, flat rate approach is recommended for bicycle parking requirements.

The Central Zone would consist of an area bounded by the Humber River to the west, Lawrence Avenue to the north, Victoria Park Avenue to the east, and the Lake Ontario shoreline to the south. The Outer Zone is made up of all other areas of the City of Toronto not included in the Central Zone.

The two-zone approach recognizes that existing bicycle ownership and use is higher in the Central Zone than the Outer Zone. The enlarged Central Zone recognizes that the former City of Toronto By-law No. 438-86 has required bicycle parking in this area for many years. In addition, this geographic area of the City has the capacity to generate large numbers of cycling trips due to its proximity to the Downtown. Bicycle use is more prevalent within a 10-kilometre distance of the Downtown, corresponding to a typical maximum catchment area for cycling trips to a major destination.

A flat rate of 1 bicycle parking space per unit is recommended for the Central Zone, comprised of 0.9 long-term spaces for residents and 0.1 short-term spaces for visitors. For the Outer Zone, a flat rate of 0.75 bicycle parking spaces per unit is recommended, comprised of 0.68 long-term spaces for residents and 0.07 short-term spaces for visitors. These rates are the same as the June draft of the Zoning By-law but applied to a different geography.

The revised rates are set above prevailing bicycle ownership rates in recognition of the City's Official Plan transportation policies to encourage cycling. These rates provide for future-proofing buildings to accommodate emerging trends in cycling and bicycle ownership in the city. The experience of recent zoning amendment applications demonstrates that there is generally little difficulty achieving these rates, which have been previously applied through the Toronto Green Standard (TGS). In fact, some rezoning applicants have voluntarily exceeded these rates to achieve compliance with Tier 2 of the Toronto Green Standard.

Other changes to bicycle parking regulations include the location requirements for bicycle parking spaces to allow for accommodation at various levels within underground parking situations. In addition, the parking spaces may be provided in different forms, including bicycle stackers and bicycle lockers devoted exclusively to that purpose.

## **Tower Renewal Apartment Zone**

### **Background**

At the May 17, 2012 meeting of the Planning and Growth Management Committee, a presentation from the City's Tower Renewal Office on "*Infill on Apartment Sites in Toronto: A Ten Year Review*" was received. The Tower Renewal initiative seeks to drive environmental, social, economic and cultural change by improving Toronto's apartment towers and the surrounding neighbourhoods. A 2011 report entitled *Vertical Poverty* published by the United Way suggests that many of these neighbourhoods are in decline and emerging as centres of growing poverty. The recent Toronto Public Health report *Toward Healthier Apartment Neighbourhoods: A Healthy Toronto By Design* which was before the September 24, 2012 meeting of the Board of Health, suggests that the ability to provide a variety of goods and services within an apartment building or cluster of buildings can better support the physical and economic health of these communities and contribute toward positive change. This report identifies a number of regulatory barriers, including the zoning by-law. Earlier this year, another United Way sponsored report *Apartment Neighbourhood Zoning Study* proposed a tiered approach to provide more permissible as-of-right zoning permissions which would allow services, such as artist studios, cafés, dance classes, homework clubs, medical offices, and green grocers to locate and operate on these apartment sites.

The draft City-wide Zoning By-law has a Residential Apartment Zone (RA Zone), the purpose of which is to provide areas for larger apartment buildings. The RA Zone includes permissions for some institutional and community service uses such as nursing homes, day cares, libraries, and community centres. Commercial use permissions are limited in the RA Zone to a single retail store within an apartment building with a maximum size of 110 square metres, depending upon how many units are in the building. The mandate of the new Zoning By-law Project is to replicate the intent of existing zoning provisions and not go beyond those permissions. The limitation on retail space in the RA zone is consistent with existing zoning regulations.

### **City-wide Zoning By-law Approach**

There are two key components to implementing the concept of expanded use permissions on apartment sites. First, determining the extent and size of the use permissions compatible with such areas. Second, determining the areas in the City where this concept should apply. The recommended approach is to separate these two components into phases. The first phase would introduce a zone structure that achieves the objective of expanding use permissions. The second phase would examine where it is most appropriate to apply the new zone structure. This report recommends a new zoning category for the application to appropriate Tower Renewal sites identified in the second phase.

In keeping with the findings of the reports described above and the contention that an expansion of the commercial uses and services permitted in declining apartment neighbourhoods would provide much needed services and allow for small-scale local enterprise, a new Residential Apartment - Commercial Zone (RAC Zone) is proposed. The geographic locations of the RAC Zone will be identified in a subsequent report.

In order to conform to the policies of the Official Plan for areas designated Apartment Neighbourhoods, all retail and service uses must serve the needs of local area residents and be incidental to the residential uses. Restricting the size and type of land use permissions is the means by which the zoning regulations conform with the Official Plan. City Planning Division staff met with United Way representatives, their consultant and Tower Renewal staff to develop a list of land uses that both contribute to the betterment of the community and conform with the Official Plan.

The use permissions proposed for the RAC Zone are: art gallery, artist studio, automated banking machine, club, custom workshop, eating establishment, education use, financial institution, market garden, medical office, office, outdoor sales and display, performance arts studio, personal service shop, pet services, production studio, recreation use, religious education use, retail service, service shop, take-out eating establishment, and veterinary hospital. Some of these uses are currently permitted in the Commercial Local Zone (CL Zone) and were considered in the development of the RAC Zone because the CL zone is located exclusively in areas designated *Neighbourhoods* and *Apartment Neighbourhoods* in the Official Plan.

However, as these commercial uses have the potential of going beyond servicing the immediate neighbourhood, it is also proposed that most be subject to conditions limiting the size of any individual use, as well as the as a total maximum size of all such uses on any one site. A discussion of how these conditions were determined is provided below. A draft of the permitted uses and conditions in the proposed RAC Zone is found in Attachment 1.

### **Determining a Maximum Size for Individual Non-Residential Uses**

Data from The Centre for the Study of Commercial Activity at Ryerson University was examined to get a sense of the typical sizes for similar existing uses. This data is gathered annually by a field survey of all retail strips and shopping centres in the Greater Toronto Area and includes information for each commercial use such as store name, size, and type of activity.

As a result of the data analysis, a maximum size of 200 square metres for any single use was chosen and applied to most of the non-residential uses proposed to be permitted in the RAC Zone. This size provides flexibility to accommodate the majority of similar uses which exist in established retail strips across the City and it maintains the intent of providing small-scale retail and services that are local in nature. As well, parking rates in the draft city-wide Zoning By-law have a threshold of 200 square metres before they apply to some uses including retail store, eating establishment and personal service shop.

The 200 square metres limitation means that no parking will be required for these uses, which supports their local characteristics.

### **Determining an Overall Maximum Size for All Non-residential Uses in Combination**

In addition to establishing a maximum size for each use, an overall size limitation on all combined non-residential uses on a site is necessary to keep the focus local and small-scale and to be in conformity with the Official Plan.

A ratio of 50% of the ground floor area for non-residential uses has been identified as reasonable limitation because it is likely that many of the existing apartment buildings have some residential uses or amenity space on the ground floor and the primary purpose of the RAC Zone is to provide for residential uses. Additionally, an overall maximum gross floor area of 1000 square metres for all of non-residential uses combined would permit up to five individual uses at the maximum 200 square metres each, or more than 5 if the individual units are smaller than 200 square metres.

Finally, the number of units in all apartment buildings on a given lot will serve to determine how much gross floor area can be allocated to non-residential uses based on the premise that with more units, there are more residents to be served, and that the local-scale of the non-residential uses is dependent upon the number of residents living in the building. Accordingly, it is proposed that an overall maximum of 400 square metres of gross floor area could be allocated to non-residential uses on any lot that has a minimum of 100 apartment units. For each additional 25 units, an additional 50 square metres would be permitted, up to a maximum of 1000 square metres. Applying this formula, the maximum 1000 square metres of gross floor area of non-residential uses would require an apartment building property with at least 400 units.

### **Separation Distance of Crematoriums from Sensitive Land Uses and Residential Areas**

At its meeting June 18<sup>th</sup>, 2012, Planning and Growth Management Committee referred a letter requesting that staff report on minimum separation distances for crematoriums from sensitive land uses for consideration in the review of the new draft City-wide Zoning By-law.

On July 1, 2012, new provincial legislation, the *Funeral, Burial and Cremation Services Act, 2002* (the Act), came into effect. The Act establishes a new regulatory framework that permits applications for a licence to operate a crematorium outside of a cemetery. The previous legislation (*Cemeteries Act (Revised)* and the *Funeral Directors and Establishments Act*) allowed crematoriums only in cemeteries. The new Act further states that crematoriums must be approved by the municipality and that the municipality shall grant approval if, in the municipality's opinion, it is in the public interest. The Act leaves it up to municipalities to determine whether a setback from sensitive land uses is established.

Under the existing zoning by-laws in Toronto, crematoriums are permitted only in cemeteries. The former municipality of North York requires a separation distance of 30 metres from a residential area. In the proposed draft Zoning By-law, a crematorium is permitted in an Open Space Cemetery zone (OC zone) provided it is together with a cemetery and no closer than 30 metres from a lot in a Residential Zone category or Residential Apartment Zone category. There are 7 existing crematoriums located in cemeteries in the City that are separated from residential areas in the range of between 27 metres to 305 meters.

Crematoriums are licensed by the Province and require an Environmental Compliance Approval (ECA) (formerly a Certificate of Approval). The purpose of the Ministry of the Environment's (MOE) ECA process is to ensure that concentrations of air pollutants meet Provincial Standards. Typical emissions that may be of concern to adjacent sensitive land uses include gaseous and particulate emissions, noise, dust and odour. These Standards continue to apply whether or not the City, or any municipality, establishes a separation distance between a crematorium and a sensitive use. Further, the MOE may engage Toronto Public Health in the review process, if a concern has been raised with respect to public health.

The requirement of an ECA appears to qualify crematoriums for inclusion in the MOE's D-6 Guideline, Compatibility between Industrial Facilities and Sensitive Land Uses. The D-6 Guideline classifies industrial uses by potential impact to sensitive uses into three categories. The D-6 Guidelines suggest minimum separation distances of 20 metres for Class I (small scale self contained plant); 70 metres for Class II (medium scale processing and manufacturing plant); and 300 metres for Class III (large scale manufacturing or processing). Information published by the MOE does not currently classify crematoriums.

It is proposed that further review be undertaken before any recommendation is presented to the Committee. Such review would include: confirmation from the MOE as to the type of industrial classification a crematorium would be considered for the purposes of the D-6 Guideline; consultation with the MOE, Toronto Public Health and the Ontario Association of Cemeteries and Funeral Professionals as well as scheduling a public meeting to discuss the findings and appropriate separation distance requirements between crematoriums and sensitive land uses, such as residential areas. It is proposed that a report to the February 2013 statutory public meeting for the new comprehensive Zoning By-law detail the results of this investigation and stakeholder consultation and propose appropriate separation distance requirements.

## **Separation Distances for Holistic Centres**

### **Background**

At its meeting held on June 18, 2012, the Committee passed three recommendations related to a report on restricting possible location for holistic establishments. The Committee's request would have the effect of limiting holistic establishments to Industrial or Open Space Zone categories, as these are the only two zone categories that do not

permit residential uses. In addition, the Committee requested consideration of a separation distance requirement from any Residential or Commercial Residential Zone category, as well as a separation distance between holistic establishments where they are permitted.

The term 'holistic' is only found currently in the City of Toronto's Licensing By-law. It was introduced in 2004 and is defined as, "Any modality used as a tool for therapeutic and wellness purposes". The Licensing By-law definition expressly excludes a body rub, traditional Chinese medicine or acupuncture or other medical or therapeutic treatment performed by a licensed/registered health care professional. The term is not found in any of the existing zoning by-laws to describe uses permitting therapeutic and wellness activities.

### **Existing Zoning By-laws**

The former City of Toronto zoning by-law No. 438-86 uses the term 'massage establishment' to describe a use providing massages given by a person duly trained, licensed or registered individuals. The York zoning by-law No. 1-83 includes the term 'commercial steam bath' and uses the same wording found in by-law No. 438-86. Most of the Scarborough community zoning by-laws and the North York zoning by-law No. 7625 permit 'therapeutic and aromatherapy massages' as part of the 'personal service shop' use. The Etobicoke Zoning Code mentions the term 'drugless practitioners' as part of the definition of 'medical office/clinic'. The Leaside zoning by-law No. 1916 includes the term 'physiotherapeutic' in its definition of 'clinic' but expressly excludes 'body rub parlours'. The East York zoning by-law No. 6752 does not include a definition or a mention the terms 'massages' or 'therapeutic'.

The draft City-wide Zoning By-law defines a 'holistic centre' as "premises used to provide services for therapeutic and wellness purposes, that may be provided by persons other than medical or health professionals licensed or registered under applicable Province of Ontario legislation". This definition attempts to be consistent with the Licensing By-law definition.

### **Recommended Zoning Changes**

The review of existing zoning by-laws demonstrates that there is no consistent approach to regulating businesses that offer services involving therapeutic practices including massage therapy. The revised draft Zoning By-law proposes the term 'holistic centre' in keeping with the terminology used in the Licensing By-law. However, the Licensing By-law definition also indicates that a body rub parlour, a medical practitioner or traditional Chinese medicine or acupuncture do not constitute holistic services. Similarly, the City-wide Zoning By-law should define more specifically the uses of concern with this issue.

Within the concept of a holistic practice, two broad categories of businesses might be expected. Those practices that involve no touching as part of the treatment and those that involve touching as part of the treatment. The most common type of touch treatment is

massage therapy conducted by a registered massage therapist. A third business practice that has become associated with the holistic name is the body rub establishment. Body rubs are not viewed as therapeutic in their treatment.

Separate definitions are proposed to differentiate between the touch versus no touch therapeutic treatment. This approach will assist in determining appropriate location requirements within the City-wide Zoning By-law. A definition for a body rub establishment is proposed only for the purpose of helping to distinguish between the uses. There are currently 25 licensed locations. There is no intention to extend the number of locations. Three separate definitions will assist in enforcement.

Discussions about this approach have been held with the Executive Director of Municipal Licensing and Standards. Changes to the Licensing By-law to complement the draft City-wide Zoning By-law provisions will likely be necessary. It is recommended that a separate report and recommendations for changes to the draft Zoning By-law be prepared and brought forward at the Statutory Public Meeting date of the City-wide Zoning By-law. In the interim, the term 'holistic centre' will be removed from the draft City-wide Zoning By-law.

### **Letter from the Canadian Petroleum Institute**

Currently in the draft Zoning By-law, a stacking aisle for a drive through facility on a corner lot in the same building as a vehicle fuel station may only be located in a side yard that abuts a street, if the stacking aisle is not located between the building and the sidewalk. This allows for direct pedestrian access from the sidewalk to the building.

The Canadian Petroleum Products Institute (CPPI) would like this provision revised so that the stacking aisle can be located between the building and one of the two streets. It is suggested that the current condition in the draft Zoning By-law would force the stacking aisle for the drive through facility to be located between the building and the fuel pumps which is a safety concern for a number of reasons. Firstly, cars in the stacking aisle between the building and the fuel pumps would block the attendant's view of the fuel pumps as required by the Technical Standards and Safety Authority (TSSA) to monitor the safe dispensing of fuel, and secondly it could pose a danger to pedestrians crossing the stacking aisle to get from the fuel pumps to the building. An additional safety concern is that this provision would have an effect on the TSSA requirement that the attendant cannot be located more than 50 metres away from the furthest fuel pump.

CPPI is requesting a revision to Specific Use Regulation 150.80.20(6) for vehicle fuel stations that include a drive through facility in the same building located on corner lots. In such circumstances, CPPI requests that the drive through stacking aisle be allowed to locate between the building and one of the streets associated with the corner lot situation. Staff have considered this request but note that such a change, while providing relief from the concern of the stacking aisle blocking the view of pump stations, creates other problems for site design. A stacking aisle permitted along only one side the building that faces the street would have to double back in a U turn fashion. This would consume a lot

of the site for the purpose of traffic circulation. The building would then have to be pushed further back creating other constraints on the location of pump islands, parking and loading requirements. In addition, locating the building the further back from the street in order to accommodate a double drive aisle deviates from the purpose and intent of the Zoning By-law. It is recommended that staff meet with CPPI representatives to discuss design alternatives permitted by the draft Zoning By-law as currently written and report back to the Committee if any changes are recommended.

### **Position Paper Submitted on behalf of the Adult Entertainment Association of Canada**

The following is a summary of the September 24, 2012 Position Paper submitted to the City on behalf of the Adult Entertainment Association of Canada.

The position paper offers suggestions for regulating Adult Entertainment Establishments that are business premises which provide services designed to appeal to erotic or sexual appetites or inclinations. The paper points out that Adult Entertainment Establishment should be distinguished from body rub parlours and holistic centres.

The paper proposes a definition of Adult Entertainment Establishment that recognises that such businesses provide services designed to appeal to erotic or sexual appetites or inclinations and they are not body rub parlours or holistic centres. It further recommends that some of the similar land use regulations applied in the Draft Zoning By-law to commercial operations such as cabarets or nightclubs be applied to Adult Entertainment Establishments as a permitted use in the Zoning By-law's Commercial Residential and Employment zone categories.

The paper suggests a series of separation distance requirements between any two Adult Entertainment Establishments and between other uses. Some of the suggested separation distances are: 1,000 metres between any two Adult Entertainment Establishments in Commercial Residential zones and 500 metres in Industrial zone categories; 1,000 metres between an Adult Entertainment Establishment and a school; 300 metres between an Adult Entertainment Establishment and low rise residential areas and 100 metres between an Adult Entertainment Establishment and a place of worship; 1,000 metres between an Adult Entertainment Establishment and a holistic centre.

The paper recommends permitting uses that may be ancillary to an Adult Entertainment Establishment, presumably within an Adult Entertainment Establishment, including amusement arcades, billiards halls, and tanning facilities. Day nurseries are also proposed as permitted use given, as the paper suggests, many Adult Entertainment Establishment employees are women. Development standards for Adult Entertainment Establishment buildings and sites are offered including minimum and maximum building size, landscaping requirement, and parking standards.

As the letter attaching this position paper was sent by email two days before the agenda closing, any meaningful response is not possible in this time frame given the breadth of



the issues covered. No change is recommended at this time. In the discussion about holistic establishment regulations mentioned earlier in this report, it was recommended that staff further review the definitions of other uses such as adult entertainment establishments and body rub parlour. The position paper of the Adult Entertainment Association should be reviewed in that context.

## **Summary of Comments Made at the Public Open Houses**

Four open house style public meetings were held in Etobicoke, North York and Scarborough Civic Centres and Metro Hall in accordance with Official Plan Policy 5.5.1.(c) ii) The open houses ran from 4:00 pm to 8:00 pm and included a presentation held at 5:30 pm followed by a question and answer period. Attached to this report are notes taken by staff of the questions, answers and comments made at the meetings (Attachment 2). The following is a summary of the main points raised and staff response to them.

### **Places of Worship**

Discussion at the public open houses was dominated by the concern about as-of-right permissions for places of worship. The draft City-wide Zoning By-law permits places of worship as-of-right in Commercial, Commercial Residential, and Institutional zone categories. Places of worship are not permitted as-of-right in Employment Industrial and Residential zone categories. This is the same as the previous version of the Zoning By-law that was enacted by Council in 2010 and then repealed. Places of worship and schools are not permitted as-of-right in Employment Industrial areas because of compatibility concerns. Places of worship are considered a 'sensitive use' by the Ministry of the Environment (MOE) under the Environmental Protection Act requirements for industrial operations. Places of worship and schools are not permitted as-of-right in Residential zones and Residential Apartment Zones. They would be permitted by way of a rezoning application. Because neighbourhoods in the City are fully developed, new places of worship and schools could have a significant impact on the character of the community. A rezoning application would allow an opportunity for community concerns to be addressed.

Most of the questions related to why places of worship are not an as-of-right use in Residential and Employment Industrial zone categories. The general sentiment of the speakers supporting places of worship zoning was that they should be allowed in all Residential zones as well as Employment Industrial zones. With respect to the Employment Industrial zone categories, some speakers suggested that perhaps places of worship be permitted as-of-right in only some zones, such as along the edges of Employment Industrial areas, as opposed to throughout all Employment Industrial zones.

At some meetings, speakers expressed the concerns industrial operations have about permitting places of worship as-of-right throughout industrial areas. The main concern is that places of worship are considered a sensitive land use and the fear is that the MOE will require an update to their Environmental Compliance Approval issued under the

Environmental Protection Act. Also noted was that industrial operations are only permitted in Employment Industrial areas and land should be reserved for such operations.

City Council direction at the time of repeal of By-law No. 1156-2010 was to revise the Zoning By-law without altering its scope. Permitting places of worship as-of-right in Residential and Industrial zones would constitute altering of the previous direction of the Zoning By-law. With respect to as-of-right zoning for places of worship in industrial, the Official Plan restricts opportunities for such a use in Employment Areas. While it is possible to rezone particular sites in the Employment Areas, as-of-right permission is not recommended without a change in the current Official Plan policy direction. Instead, it is recommended that parties interested in the future of Employment Area policies join in the Official Plan Review which is just now beginning the review of such policies.

### **Other Comments**

There were several requests for clarification of the Transition Clauses. It was explained that any of the processes listed in Chapter 2 for which an application has been made will be treated under zoning rules only after the enactment of the new Zoning By-law. The draft Zoning By-law also states that existing minor variance permissions may be relied upon after the enactment of the new Zoning By-law if the development standard to which the variance applies is the same or more permissive.

There was a comment from a restaurant representative that outdoor patios are crucial for the economic success of restaurants and the current restrictions on rear yard patios, 30 metres from a Residential Zone category, be reconsidered. A resident responded that even the proposed 30 metres is insufficient.

There were some concerns expressed over the training of staff before the draft Zoning By-law is enacted in order to make the transition easier for those applying under the new Zoning By-law. Staff training workshops are proposed to be held in December and January. Information sessions are also being arranged for key design professions prior to the Zoning By-law being enacted.

### **Scheduling of the Statutory Public Meeting**

According to recommendation #5 of the recommendations adopted by the Planning and Growth Management Committee at its meeting on June 18, 2012 listed at the beginning in this report, a special meeting of the Planning and Growth Committee was to be arranged in the latter half of November 2012 for the purposes of a Statutory Public Meeting related to approval of the draft City-wide Zoning By-law.

Arranging a special meeting at that time of year is constrained by a tight City Council and Committee meeting schedule due to the days reserved for religious holidays, the Federation of Canadian Municipalities Board of Directors meeting, as well as the budget

deliberation meetings in December 2012. January 2013 begins with a full set of Committee meetings and further budget meetings. As a result, the first opportunity to host a special meeting of the Committee is in early February 2013. A specific date cannot be arranged until City Council has approved the schedule of meetings for 2013.

## **CONTACT**

Joe D'Abramo, Director (Acting)  
Zoning By-law and Environmental Planning  
City Planning Division  
Telephone: (416) 397-0251, Fax (416) 392-3821  
Email: [jdabramo@toronto.ca](mailto:jdabramo@toronto.ca)

## **SIGNATURE**

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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: Proposed New Zone - Chapter 15.30 Residential Apartment Commercial  
Attachment 2: Open House Meeting Notes

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## Attachment 1: Proposed New Zone Uses and Conditions

### Article 15.20.20 of the Residential Apartment Commercial Zone

#### 15.20.20.10 Permitted Use

(1) Use – RAC Zone

The following uses are permitted in an RAC zone:

Ambulance Depot

**Dwelling Unit**, if it is located in a permitted building type in Clause 15.20.20.40.

Fire Hall

**Park**

Police Station

**Public Utility**

#### 15.20.20.20 Permitted Use – with Conditions

(1) Use with Conditions – RAC Zone

The following uses are permitted in an RAC zone if they comply with the specific conditions associated with the reference number(s) for each use in Clause 15.20.20.100:

**Art Gallery** (1)

**Artist Studio** (1)

**Automated Banking Machine** (2)

**Club** (1)

**Cogeneration Energy Production** (3)

**Community Centre** (4)

**Crisis Care Shelter** (5)

**Custom Workshop** (1)

**Day Nursery** (6)

**Eating Establishment** (1, 7)

**Education Use** (1)

**Financial Institution** (1)

**Group Home** (8)

**Home Occupation** (9)

Library (4)

**Market Garden** (10)

Medical Office (1)

**Municipal Shelter (5)**  
**Nursing Home (11)**  
 Office (1)  
 Outdoor Sales or Display (12)  
**Performance Arts Studio (1)**  
**Personal Service Shop (1)**  
**Pet Services (1)**  
**Production Studio (1)**  
**Private Home Daycare (13)**  
**Recreation Use (1)**  
**Religious Education Use (1)**  
 Renewable Energy Production (3)  
**Residential Care Home (8)**  
**Respite Care Facility (14)**  
**Retail Store (1)**  
**Retail Service (1)**  
**Retirement Home (11)**  
 Rooming House (15)  
**Secondary Suite (16)**  
**Seniors Community House (17)**  
**Service Shop (1)**  
**Take-out Eating Establishment (1)**  
**Transportation Use (18)**  
**Veterinary Hospital (1)**

### 15.20.20.100      **Conditions**

- (1) Art Gallery, Artist Studio, Club, Custom Workshop, Eating Establishment, Education Use, Financial Institution, Medical Office, Office, Performance Arts Studio, Personal Service Shop, Pet Services, Production Studio, Recreation Use, Religious Education Use, Retail Store, Retail Service, Service Shop, Take-out Eating Establishment or Veterinary Hospital

In an RAC zone, the uses identified with condition number (1) in Clause 15.20.20 may be located on a **lot** with 100 or more **dwelling units** in one or more **apartment buildings**, and must:

- (A) not be above the first **storey** of the **building** they are in;
- (B) not occupy more than 50% of the ground floor area in each **apartment building** on the lot;
- (C) not exceed 400 square metres for the first 100 **dwelling units** on the **lot**, which may be increased by 50 square metres for each additional 25 **dwelling units** in excess of 100, to a maximum of 1,000 square metres; and
- (D) limit the **interior floor area** of an individual establishment to 200 square metres.

(2) Automated Banking Machine

In an RAC zone, an **automated banking machine** must be located in a **building**.

(3) Cogeneration Energy Production or Renewable Energy Production

In an RAC zone, **Cogeneration energy** production or **renewable energy** production must be with a permitted use on the **lot** and comply with all municipal, provincial and federal by-laws, statutes and regulations.

(4) Community Centre or Library

In an RAC zone, a **community centre** or a library must:

(A) be located on a **lot** that abuts a major **street** identified on the Policy Areas Overlay Map; or

(B) not exceed 600 square metres in **interior floor area**.

(5) Crisis Care Shelter or Municipal Shelter

In an RAC zone, a **crisis care shelter** or a **municipal shelter** must comply with the specific use regulations in Sections 150.20 and 150.22, respectively.

(6) Day Nursery

In an RAC zone, a **day nursery** must comply with the specific use regulations in Section 150.45.

(7) Eating Establishment – Other Uses

In an RAC zone, other uses with an **eating establishment**:

(A) may occupy a maximum of 6% of the **interior floor area** of the **eating establishment** to a maximum of 12 square metres; and

(B) must be entirely within the **building** where the **eating establishment** is located.

(8) Group Home or Residential Care Home

In an RAC zone, a **group home** or a **residential care home** must comply with the specific use regulations in Section 150.15.

(9) Home Occupation

In an RAC zone, a **home occupation** must comply with the specific use regulations in Section 150.5.

(10) Market Garden

In an RAC zone, a **market garden** may not be used for the growing and harvesting of shrubs or trees for the purpose of sale.

(11) Nursing Home or Retirement Home

In an RAC zone, a **nursing home, retirement home** or a combination of these two uses, must be located on a **lot** that:

(A) has a **front lot line** or **side lot line** abutting a major **street** identified on the Policy Areas Overlay Map; or

(B) has a **front lot line** or **side lot line** abutting a **street** which intersects a road described in regulation (A) above, and the **lot** is located, in whole or in part, within 80 metres from that intersection.

(12) Outdoor Sales or Display

In an RAC zone, the outdoor sale or display of goods or commodities is subject to the following:

(A) must be in combination with a commercial establishment in a **building** on the same **lot**;

(B) the goods or commodities are displayed no closer to a **rear lot line** or a **side lot line** than the greater of:

(i) 3.0 metres; or

(ii) the minimum required **building setback** for the yard in which the goods or commodities are located;

(C) the area for the outdoor sale or display of goods or commodities may not be greater than 10% of the **interior floor area** of the commercial establishment it is in combination with; and

(D) the area for the outdoor sale or display of goods or commodities must not be located on land required for parking, loading or **driveways**.

(13) Private Home Daycare

In an RAC zone, a **private home daycare** outdoor children's play area must be:

(A) fenced; and

(B) no closer to a **lot line** abutting a **street** than 6.0 metres.

(14) Respite Care Facility

In an RAC zone, a **respite care facility** must be with a **nursing home** or **retirement home**.

(15) Rooming House

In an RAC zone, a rooming house must comply with the specific use regulations in Section 150.25.

(16) Secondary Suite

In an RAC zone, a **secondary suite** must comply with the specific use regulations in Section 150.10.

(17) Seniors Community House

In an RAC zone, a **seniors community house** must comply with the specific use regulations in Section 150.30.

(18) Transportation Use

In an RAC zone, a **building** or **structure** located on a **lot** and used as a **transportation use** must comply with all requirements for a **principal building** on that **lot**.

#### **15.20.20.40 Permitted Building Types**

(1) Permitted Building Types – RAC Zone

In an RAC zone, a **dwelling unit** is only permitted in an **apartment building**



## **Attachment 2: Open House Meeting Notes**

**Following a presentation of the main features of the draft City-wide Zoning By-law, the floor was opened for questions and comments. Below is a summary of the questions, or in some instances comments, and the response given by staff.**

### **Places of Worship – General**

- Question - Would a church be able to expand if they wanted to?
- Response - They could as long as there is room under the standards.
- Question - The proposed Zoning By-law is forcing faith based communities out of communities.
- Response –Staff explain lawful existing places of worship are permitted to stay and expand if possible under current zoning requirements. New places of worship will need to apply for a rezoning in residential zones.
- Question - No owner will want to wait for places of worship to get Zoning By-law approval in a sale of land.
- Response - Staff advised that places of worship are permitted as-of-right in Commercial Residential (with the exception of Policy Areas 3 & 4) Commercial Local, Commercial Residential Employment, Institutional, Institutional Place of Worship and Institutional Education zones permit places of worship.
- Question - Preferential treatment was given to industrial property owners because faith groups were not met with. Feel left out of the process.
- Question - places of worship are unique and should not be put in just one zone or another.
- Question – With changing demographics and the variety of religions it is important to plan for where new places of worship can be located.
- Response - Staff advised that the same restrictions existed in By-law No. 1156-2010 – no substantive changes made.
- Question - All the space in the institutional zones is already taken up with institutional uses and there is no room for places of worship there. Not even space for them where they are allowed.
- Question - places of worship should be added as-of-right to areas where they are not currently.
- Question – How did places of worship get zoned with other institutional uses and were they were ever a stand-alone zone.
- Response - Staff advised that most by-laws characterize it as a separate land use term permitted not as a separate zoning category other than Institutional which allows other such uses.
- Question - places of worship want to be exempt from planning process.
- Response - Staff advised that if faith groups want to be allowed as-of-right in residential areas, direction is needed from the Planning and Growth Management Committee to staff and if faith groups want places of worship permitted in industrial zones, it is recommended that faith groups participate in the Official Plan Review process which is reviewing the policies that apply Employment (Industrial) Areas.

- Question - If a church needs to expand and wants to buy an old church, that church is forced to compete with developers which they can't afford to do.
- Question - Are these restrictions really about tax?
- Response - Staff advised that tax implications are not the driving force behind land use planning recommendation – issues of compatibility and policies in the Official Plan determine the direction for zoning regulations. Council must abide by its Official Plan policies.
- Question – Why were faith groups not involved?
- Response - Staff advised that faith groups were not purposely avoided; the consultation exercise was open to all members of the public. Property owners usually come to public consultation events because concern over protecting their rights. There was no conspiracy against the faith communities. Communities during the previous consultation wanted these changes made to residential zones regarding places of worship and schools as well.
- Question - Proper study should be done regarding where places of worship should be able to go.

### **Places of Worship – Employment Lands**

- Question – Concerns over removal of places of worship zoning permission in industrial zones and being permitted only in Institutional and Commercial zones where there is no land and higher cost. Restrictions would hurt new churches from finding a place to develop.
- Question - As-of-right permissions to locate places of worship in light industrial areas should be granted.
- Response - Staff advised that this is first a policy issue and then a zoning issue.
- Question - How many properties had been removed?
- Response - Staff advises some existing zoning by-laws permitted them in industrial zones and some did not in accordance with Official Plan policies in place at that time. The City's new Official Plan approved 2006 does not allow places of worship in industrial areas. Policy informs zoning and so the new Zoning Bylaw does not permit places of worship in industrial zones.
- Question - Light industrial zones could accommodate churches without affecting the heavier Industrial zones.
- Response - Industry concerned about the impact that 'sensitive uses' would have on employment lands.
- Question- Faith groups understand what the Toronto Industry Network's concerns are, but there isn't a compatibility issue since there are unused spaces in these areas and these industries often operate at separate hours from when places of worship operate. A limited amount of new churches should be allowed to convert unused space in these areas. Churches do not hurt areas that are just offices and could inject vibrancy into declining areas.
- Question - There is already a good relationship between places of worship and Industry because some industrial properties already use places of worship parking.
- Question - Brampton is an example of where places of worship and industry coexist.
- Question - Only areas in the City that would provide enough space for a growing church is in industrial lands and faith groups are growing. This restriction would be a hit to new places of worship.

- Question - places of worship need land to accommodate both structures and parking and this is why light industrial areas come under consideration.
- Question – While places of worship should probably not be in heavy industrial areas, they could locate on the edge and create a buffer between residential and industrial – Employment Light.

### **Places of Worship – Commercial Residential Lands**

- Question - Allowing places of worship in Commercial Residential zones is very limiting as not all Commercial Residential zones would permit them and the standards would not work with places of worship building styles such as the requirement to build to street line.
- Question - Places of Worship would want relief from standards.
- Question - The cost to develop places of worship in commercial areas is prohibitive, given the amount of land that they require.
- Question - Sites in commercial zones are small so City is saying places of worship cannot grow.

### **Places of Worship – Residential Lands**

- Question - Concerned about not allowing places of worship in residential neighbourhoods (as-of-right).
- Response - Staff advised they are allowed under the Official Plan but there is concern with the impact new buildings would have on existing character of housing. By using the rezoning process and community involvement, better results may be achieved.
- Question - Faith groups want as-of-right zoning permissions in residential areas and do not want to be put through the cost of a rezoning process.
- Response - Staff advised concerns have been raised in the past by resident organizations about as-of-right permissions for places of worship and schools in residential zones.
- Question - What are the restrictions that would be considered in a rezoning?
- Response - Staff advises that faith groups are not being told they cannot build in this city. Some places allow places of worship as-of-right, and in other places, they have to go through a rezoning as a way of protecting the neighbourhoods where a new church might locate. During last consultation process, residents and property owners wanted to ensure that they could be involved in the process of community consultation when a new place of worship or School was being proposed as a way of helping to protect neighbourhoods from being developed with no community input. Through a rezoning process issues such size, bulk, height, traffic and parking are looked at.
- Question - Individual rezonings are impractical.
- Question - Zoning process long and expensive – Places of Worship should be allowed in residential areas.
- Response - Staff recognizes that Places of Worships do not want to go through a rezoning.

### **Places of Worship – Community Impact**

- Question – Concerned about how these restrictions would impact communities.
- Question - Places of worship should be allowed to locate anywhere in the City – they are not businesses and they are important for communities.

- Question - Policy is outdated and needs innovation because it does not make sense. Policies regarding places of worship amount to segregation. Zoning By-law is affecting 70% of the population who have a faith; most are ethnic or immigrant communities, so some facilities should be available for those growing communities.
- Question - The City should recognize the value that churches provide to communities – churches should connect with industry to help community.
- Question - God's work needs to be recognized.
- Response - Staff advised that the City is not negative toward the service place of worship provide. The objective of zoning is to organize land uses into compatible form.
- Question - Churches are as important as hospitals and City cannot ask hospitals to move outside the city.
- Question - It is good to have business near church. It is a dynamic relationship. It is recommended that places of worship and industry engage in dialogue.
- Question - Has planning considered the important role these places of worship play in the “humanities” of the communities and have we ever studied the value of places of worship?
- Response - Staff advised that the Zoning Project goal was to bring together existing zoning by-laws.
- Question - There is more than just zoning going on. Concerned for the future of the city and we feel under attack. The City is saying places of worship have no place here.
- Question - Our heritage is based on faith – it is an integral part of community – churches help community and the people who help are being ignored.
- Question - Feeling that faith is being driven out.
- Response- Staff advised that there are areas where places of worship are allowed as-of-right and other area (residential zones) where a rezoning would be required.
- Question - Places of worship can increase the value of adjacent residential property and is a good thing for a neighbourhood.
- Question - Why is this By-law only attacking churches?
- Response - Staff advises Places of Worship covers all faiths and corresponding buildings. The Zoning By-law applies to more than just churches.
- Question - Will faith groups' voices be heard? Faith groups do not feel at peace with these new restrictions.
- Response - Staff suggested faith groups represent themselves at the next Planning and Growth Management Committee meetings.

### **Places of Worship – Parking**

- Response - Lands in industrial areas are the only places that would offer enough space to accommodate the minimum parking requirements for places of worship.
- Question - Was the 2009 report about parking rates for places of worship repealed?
- Response – The 2009 study was by a consultant to help inform what the parking rates for places of worship should be in the new Zoning By-law. The parking rates have changed.
- Question - Would parking standards for places of worship be carried forward from 1156-2010?
- Response – Staff advised they would.
- Question - Existing churches with little parking are impacted by the Zoning By-law.

- Response - Staff explained that exemption clauses cover places of worship if they were lawful and that only new additions would have to supply parking as per the draft Zoning Bylaw. However, it is noted that parking is required on the basis of the size of the 'worship area' in terms of the number of people accommodated.
- Question – Why is there a requirement for landscaping in an existing parking lot?
- Response - Staff advised it could a requirement of site plan approval – District staff can help with that.
- Question – Citing 1985 North York place of worship report (Mayor's Task Force).
- Response - Staff advised different municipalities took different approaches at different times.

### **Employment Lands**

- Toronto Industry Network representatives met with City staff regarding sensitive uses and are concerned by the risk introduced to industries (noise complaints and nuisance actions, Ministry of Environment requirements) when sensitive uses locate in industrial areas.
- Question – Faith groups could have an agreement on title that they could not go after industry.
- Response - Staff explain that cannot be done through a zoning by-law – the power to restrict property rights through zoning is laid out in the Planning Act so it's not an arbitrary exercise – putting encumbrances on title is not in zoning's ability. Province says onus on industry to mitigate impact of new sensitive uses.
- Question - Major issue is the need to would arise to update Ministry of Environment approvals – industry could be thrown out of compliance with regard to environmental rules.
- Question - Who determines what is 'sensitive'?
- Response - Staff advise Ministry of Environment regulations relate to need to mitigate against impact on nearby sensitive uses. The Province determines sensitive uses for the purposes of the Environmental Protection Act. Zoning is concerned with land use compatibility when it comes to sensitive uses.
- Question - A lot of industries don't pollute or cause impact so sensitive uses could locate near industrial uses.
- Response - Staff advises that the closer a sensitive use is to industrial property, the more stringent the mitigation that may be required.
- Question – Industry recommends maintaining position of restricting sensitive uses from employment areas.
- Question - Representative from South Etobicoke Industrial Employers Association advises that a lot of industry runs 24/7 and that the Ministry of Environment does not distinguish among sensitive uses.
- Response - Staff advises the Provincial Policy Statement and the Growth Plan objective is to retain industrial areas for industrial uses.
- Question - City should redefine employment uses in terms of impact such as 'Impactful' and 'Non-Impactful'.
- Question - Toronto Industry Network understands faith groups' concerns but Zoning By-law is bound by Official Plan policies.

- Question – It is a struggle to grow businesses and there are 275,000 people employed in manufacturing. How does Toronto maintain manufacturing when hampered by places of worship? Industry has to be able to expand within industrial areas – there must be a variety of job opportunities.
- Question - Ministry of Environment will give industry problems if sensitive uses move into industrial areas.
- Question - Toronto Industry Network is open to dialogue to find common ground with faith groups.

### **Group Homes & Rooming Houses**

- Question – Have the separation distances for group homes been changed. – Staff advises no change has been made.
- Question - What has been done or not done with regard to Rooming Houses?
- Response - Staff advises Planning and Growth Management Committee directed the Zoning Project to include only existing regulations. There was an outstanding request to study this issue after the new version was passed but further instruction and timeline for that study needs to come from Planning and Growth Management Committee. The repeal disrupted the timeline so that matter will need to be raised again. Ideally it would be best to have the new Zoning By-law in place before any changes to Rooming House regulations are made.
- Question - Concerned about University of Toronto student residence at 265 College.
- Response - Staff advised that if University of Toronto owns the residence it would be permitted as student housing. If it is not then it would need site specific permission. There is no City-wide permission for large rooming house type accommodation.
- Question - Concerned that City is leaning toward permitting them.
- Question – Concerned about illegal rooming houses south of York University.
- Response - Staff advises that issue is being considered.
- Question – Suggest that separation distances between group homes and other housing accommodation be scrapped so the City does not get embarrassed at the Human Rights Tribunal.

### **Black line Version**

- Question – There is need for a black line version of the Zoning By-law to illustrate changes.
- Response - Staff advises there was an IT problem in creating one in the previous version. It is anticipated that a red line/black line version will be available for this draft.
- Question - Black line version should also be searchable.

### **Transition**

- Question - How would building permits be affected?
- Response - Staff advises there is a three year deadline, after enactment of the Zoning By-law, to receive building permits whereby only the existing zoning bylaw rules apply. Once a building permit is issued, the right to build under the old rules is guaranteed.
- Question - There should be a time limit on the permit.
- Response - Staff advises zoning cannot do that as the matter falls under different legislation.

- Response - Staff advises people can submit applications up to the passing of the Bill.
- Question - 2.1.3.5(3)(B) is not clear – if you apply for site plan (only) and determine that a variance is needed, is it a variance to the old or the new? If not under the existing, then does the site plan then have to be under the new? Similar issue for those listed under 2.1.3.6.
- Question - Places of Worship should be left out of the Zoning By-law just as schools are.
- Question – What examples of places can you give that don't apply in the Zoning By-law?
- Response - Staff advised sites the subject of rezoning applications as well as Downsview, York University, some industrial-commercial zones and other areas where the current does not conform with the Official Plan.
- Question - Variance will not apply if provision is made more restrictive.
- Response - Staff advised if you are built, you are okay; the issue is if you are hanging onto to an old variance and haven't built as yet. You would have 3 years to do so.
- Question - Why does the Zoning By-law not say that anything built before the new Zoning By-law is okay?
  - Response - Staff advises it is not prudent - legal advice says to be more specific.
- Question – Would it be possible to tear down a house build on previous variance?
- Response - Staff advises if the standard has not changed, you can rely on the variance – that is different compared with 2010 By-law No. 1156-2010.

### **Parking**

- Question - Is there still prejudice in Scarborough vs. downtown? Why are current rules different?
- Response - Staff advised that the former City of Toronto has special legislation to permit front yard parking.

### **Zoning and OP Relationship**

- Response - Staff advised that the Official Plan lays out a plan for how the City is developed and zoning by-laws reflect that through its regulations. Issue of Places of Worship restrictions in Employment Industrial areas is a policy issue. Zoning takes its cue from the Official Plan.

### **Conservation**

- Question – Is any additional protection from wind turbines given in the Zoning By-law?
- Response - Staff advises Green Energy Act supersedes the Zoning By-law.

### **Restaurant Patios**

- Question - Restaurant patios are critical for economic success and so they want to continue dialogue.
- Response - Staff suggests they make their thoughts known at the Planning and Growth Management Committee meeting as direction is given to the project from there.
- Question - Outdoor patios are a major impact on residents nearby and even 90 feet is not enough when a patio is boisterous – had one client that committed suicide because she could not sleep.

- Question - Ontario Restaurant Hotel & Motel Association wants to continue to have dialogue.

### **Schools**

- Question - Schools and Places of Worship are being forced out of communities.
- Question - Schools are in same situation in residential zones (not as-of-right).
- Question - Any secondary plans to accommodate Places of Worship and schools?
- Response - Staff advises there may be some localized areas.
- Question - Places of worship should be treated as schools. How did schools get to be "Not Part of this By-law"?
- Response - Staff advised that the Planning and Growth Management directed that public school sites be left out of the Zoning By-law

### **Staff Training**

- Question – Suggestion to have professional trainers train staff and a dedicated team for tough questions.
- Question - Want feedback in first few weeks on the nature of the most problematic queries.
- Response - Staff advised that staff training sessions are scheduled for November and December.

### **Major Changes**

- Question - Is there a chart or comparison of what major changes have been made from old by-laws to new?
- Response - Staff advised that it would be looked into.

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