



## STAFF REPORT INFORMATION ONLY

### Final Report on the City-wide Zoning By-law

<b>Date:</b>	April 2, 2013
<b>To:</b>	City Council
<b>From:</b>	Chief Planner & Executive Director, City Planning Division
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2013\Cluster B\PLN\City Council\CC13027

#### SUMMARY

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On March 6, 2013, a special meeting of the Planning and Growth Management Committee was held for the purposes of a statutory public meeting in connection with the proposed City-wide Zoning By-law. The Committee recommended some changes to the draft City-wide Zoning By-law as well as a report directly to Council on establishing a cap on the number of dwelling rooms in CR zones and several proposed changes for places of worship regulations. This report does not recommend any further changes to the draft City-wide Zoning By-law other than the Committee's recommendations to Council.

#### Financial Impact

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

#### DECISION HISTORY

At its meeting held on March 6, 2013, the Planning and Growth Management Committee made the following requests for reports directly to City Council with respect to the City-wide Zoning By-law:

1. requested the Chief Planner and Executive Director, City Planning to report directly to Council on establishing a cap on the number of dwelling rooms and requiring a rooming house licence for any address with multiple rooms in commercial/residentially zoned areas.
2. referred the following Motion by Councillor Vaughan to the Chief Planner and Executive Director, City Planning for report directly to Council:

"That the draft City-wide Zoning By-law in the form dated November 8, 2012 be amended by:

1. Inserting the following regulation 150.50.1(2) pertaining to part-time rental by religious organizations

- (2) Part-Time Place of Worship Use

Notwithstanding anything else in this by-law, any Premises used as a Place of Assembly, Entertainment Place of Assembly, Education Use, Religious Education Use, Community Centre, library, Recreation Use, school regulated under the Education Act, R.S.O. 1990, c.E.2, Post-Secondary School or Apartment Building may also be used as a place of worship provided the place of worship is not the full-time principal use of the premises and, in the case of an apartment building, is located only in amenity space on a part-time basis.

2. Revising regulation 200.5.1.10(5) to add place of worship to tandem parking permissions

200.5.1.10(5) Tandem Parking Spaces

- (5) Tandem Parking Spaces

A required parking space may not be a tandem parking space, except when it is required for a secondary suite, group home, duplex building or a place of worship provided however that not more than 50% of the required parking spaces for a place of worship can be tandem parking spaces.

3. Revising regulation 200.5.10.1 regarding "parking rates - general" by inserting new regulation 200.5.10.1 (11)

200.5.10 Parking Rates

200.5.10.1 General

- (11) Place of Worship Parking Rates

For the purpose of calculating parking space requirements for a place of worship, the worship area is the area occupied by permanent or fixed seating in the main area of a place of worship used for expression of worship through religious services, rites or ceremonies or if there is no seating or variable seating, 75% of the

main area of a place of worship used for expression of worship through religious services, rites or ceremonies.

4. Revising regulation 60.10.20.20 (1) (B) to include Place of Worship as a permitted use with conditions

60.10.20.20 Permitted Use - with Conditions

- (1) Use with Conditions - EL Zone

In the EL Zone:

(B) the following uses are permitted under the letter "o" in the zone label if they comply with the specific conditions associated with the reference number(s) for each use in Clause 60.10.20.100:

Place of Worship (21, 22)

5. Inserting regulations 60.10.20.100 (21) and 60.10.20.100 (22) pertaining to conditions

60.10.20.100 Conditions

- (21) Place of Worship - Interior Floor Area and Major Street

In the EL Zone, a place of worship:

- (A) may not have an interior floor area that exceeds 5,000 square metres; and
- (B) must be on a lot with a front lot line or side lot line abutting a major street as shown on the Policy Area Overlay Map.

(22) Place of Worship

In the EL Zone, a place of worship must comply with the specific use regulations in Section 150.50."

## **COMMENTS**

### **Cap on the Number of Dwelling Rooms**

There currently is a patchwork of zoning regulations across the City regarding rooming houses. The proposed City-wide Zoning By-law carries forward the basics of the current zoning regulations for rooming houses, with somewhat updated language, as per Council's request. A possible set of city-wide regulations for buildings with mainly

dwelling room accommodation, including a licensing regime, is to be considered by the Planning and Growth Management Committee in October 2013.

Rooming houses are currently permitted in a few parts of the former Cities of Etobicoke and York, and to a larger extent in the former City of Toronto. In both Etobicoke and York there is an upper limit of 10 occupants in a building, rather than a restriction on the number of rooms. The former City of Toronto area restricts the number of rooms by area: the R2 and R3 zones outside of the Central Area are limited to 6 rooms per building; the R3, R4 and R4A zones inside the Central Area are limited to 12 rooms per building; and the RA, CR, MCR and Q zones are limited to 25 rooms per building.

There are limits on the number of dwelling rooms which have been carried forward in the proposed City-wide Zoning By-law. This includes a mixed use building being limited to a maximum of 25 dwelling rooms. Currently, By-law 438-86 may be interpreted as permitting dwelling rooms in mixed use buildings without any numerical limit.

## **Suggested Changes to the Place of Worship Regulations**

### **Part-time Place of Worship Use**

This is a request that a building constructed and used for another purpose such as, a place of assembly, an entertainment place of assembly, community centre or library be allowed to be used as a place of worship on a part-time basis. Part-time is not defined. A list of uses is provided. This is unnecessary. A place of worship is a permitted use in all the zones in which these other uses are found. If the place of worship intends to rent the facility occasionally, there is no consequence from a zoning standpoint. If the place of worship wants to move in and establish itself as a use of the premises, then the zoning regulations for a place of worship would be applied. As a general rule, the proposed City-wide Zoning By-law does not have regulations which are linked to tenure.

### **Tandem Parking**

The request is to allow 50% of the required parking spaces to be arranged in a tandem manner. Tandem parking involves one vehicle being parked immediately behind another vehicle, blocking access to the aisle. Tandem parking is only permitted in the case of houses whereby a parking space for a secondary suite may be located in the driveway behind another parking space. In the case of commercial, institutional and industrial uses, tandem parking is not allowed for the purposes of providing the required number of parking spaces. Tandem parking at the household level is tolerable but at a large scale it could be very problematic. It is not recommended.

## **Place of Worship Parking Rates**

The request is to apply the parking rate to 75% of the worship area as opposed to 90%. A consultant study was undertaken to review the parking rates for places of worship in connection with the proposed City-wide Zoning By-law. The study recommended basing the parking rates on the worship area with two methods of calculation; one based on fixed seating and the other based on non-fixed seating worship space. The parking study assigned a worship space floor area per seat or per person based on whether there is seating or not. The study included the assumption that there would be 2.5 persons per vehicle and that the typical peak service attendance would occupy only 80% of the worship space floor area.

Initially, the proposed City-wide Zoning By-law required that 100% of the worship space floor area be used in calculating the amount of required parking. After discussions with the faith community representatives, it was recommended that 90% of the total worship area be used in the calculation of the parking requirement. With respect to the non-fixed seating parking requirement, the amount of floor space assumed per person was increased resulting in a reduced number of people accommodated in the worship area and thereby reducing the amount of parking that may be required. Given the assumptions of the original parking study and the changes already made to the parking rate calculation, further changes are not recommended.

## **Permit Places of Worship in EL Zones**

It has been requested to permit places of worship in EL (light industrial zones) with the condition that they have a maximum interior floor area of 5,000 square metres and be located on a major street.

The concern with places of worship in industrial areas is about compatibility. Industry is restricted to specific areas usually segregated from other uses that may be negatively affected by the nature of these industrial operations. Places of worship and their associated non-worship activities such as after school programs, soup kitchens, banquet halls, senior centre, daycare and bingo halls do not relate to the industrial operations and can negatively impact these areas as a location for manufacturing and similar operations. For example, the Ministry of the Environment (MOE) classifies places of worship as a sensitive use and requires nearby businesses to undertake a compliance audit for existing processes and proposed expansions. Notwithstanding that the business was located in the area prior to the place of worship, MOE attaches conditions on certificates it issues requiring the business owners to mitigate impacts on the sensitive use. Businesses must implement these mitigation measures at their own cost in order to maintain existing operations or expand. This process, required as a result of proximity to a sensitive use, increases the time and cost of doing business and may restrict a company's operations. Other impacts, such as on-street parking, increased pedestrian traffic including seniors and children associated with places of worship and ancillary activities can also negatively impact business operations. Some of these businesses cannot locate in any other zone, while places of worship are permitted in every zone across the City.

Over one-third of the existing industrially zoned land has been left out of the proposed City-wide Zoning By-law because the amount of retail density currently permitted would not conform with the policies of the Official Plan respecting Employment Lands. The mix of industrial uses with large amounts of retail would classify these lands as light industrial. In addition to retail use, places of worship are also permitted. Since these lands will not be part of the new City-wide Zoning By-law, they will continue to permit places of worship as-of-right even after the enactment of the new City-wide Zoning By-law.

The Official Plan Review is examining the Employment Lands policies with a view to whether changes should be recommended. Initial work has proposed a policy for Employment Lands that would have the majority of lands reserved as "Core Employment" permitting industrial uses only. A second designation, "General Employment" which involves lands along the edge of existing industrial and along major roads would permit major retail in addition to industrial uses. A third designation, "Retail Employment" would permit a variety of retail and service type uses. The latter two designations would permit places of worship but the "Core Employment" designation would not.

The EL zones in the proposed City-wide Zoning By-law would be part of the "Core Employment" designation meaning that places of worship are not recommended for these areas. Given the direction of this emerging policy it would be prudent to avoid permitting places of worship in the EL zones at this time.

## **Other Changes Recommended by the Committee**

### **Outdoor Patios**

The Planning and Growth Management Committee recommends that a new provision be added to the proposed City-wide Zoning By-law restricting outdoor patios from being located on the roof of a building if the patio is within 30 metres of a dwelling unit. This new provision would apply in CR SS1 zones (Downtown), CR SS2 zones (older main streets) and the CRE zone, currently the RA zoning of By-law 438-86. This provision for rooftop outdoor patios has been added to these zones.

### **Crematoriums**

The Committee recommends a separation distance of 300 for crematoriums from residential and other sensitive uses. It is also recommended that crematoriums be permitted in industrial zones and not in cemetery zones. The proposed City-wide Zoning By-law permits crematoriums in light industrial (EL), general industrial (E) and heavy industrial (EH) zones provided the lot is not within 300 metres of any other zone except a utility and transportation (UT) zone.

## **Wellness Centre Definition**

The Committee recommends that the definition of Wellness Centre be revised to read "means premises providing services for therapeutic and wellness purposes".

## **Body Rub Service Definition**

The proposed City-wide Zoning By-law includes separate definitions for 3 types of identified massage services:

Massage Therapy – massage conducted by a registered massage therapist

Wellness Centre – massage offered for therapeutic purposes by a non-registered therapist  
eg. Shiatsu

Body Rub Service – massage offered for the purposes of appealing to erotic or sexual appetites

The definition of Body Rub Service uses the language found in the City of Toronto Act to define "adult entertainment". Distinguishing between the different types of massage services assists in determining the most suitable location for each use. In the case of the Body Rub Service, it is recommended that they be permitted in general industrial (E) zones only. These types of massage services tend to conceal views into the establishment and operate during late hours.

Currently, none of the zoning by-laws define a body rub service. However, owing to previous permissions, 25 body rub establishments continue to operate. The City's Licensing By-law sets a maximum of 25 licenses for body rub establishments. Permitting a body rub service in E zones gives opportunity to existing establishments to move from the retail commercial streets. The distinction between the 3 types of massage services should help in the enforcement of illegal operations.

Separation distances are also being applied to the body rub service definition:

- 500 metres from a school or place of worship
- 500 metres from a "strip club"
- 100 metres from a residential zone
- 100 metres from another body rub service

Legal Services, Economic Development and Culture and Municipal Licensing and Standards have been consulted in the preparation of this report.

**CONTACT**

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**SIGNATURE**

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