

**Queensway Avenue Corridor – Zoning By-law
Amendment – Final Report**

Date:	April 26, 2013
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	13 146911 WET 05 OZ

SUMMARY

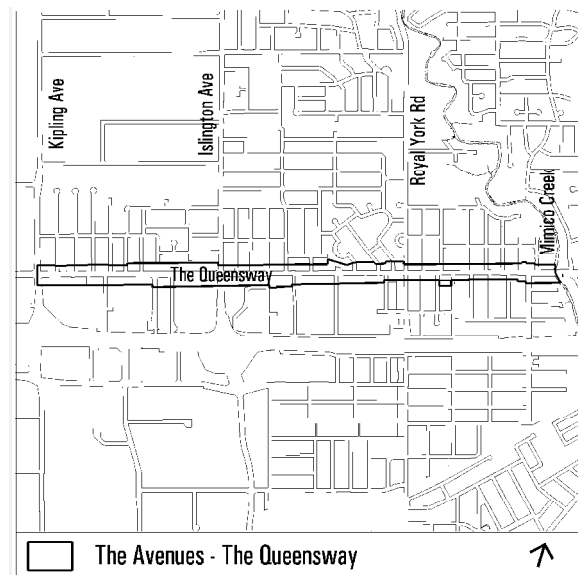
At its meeting of April 9, 2013, Etobicoke York Community Council directed staff to submit an amendment to The Queensway Avenue Zoning By-law 514-2003 to its May 14, 2013 meeting. This By-law applies to the lands fronting the north and south side of The Queensway, between Mimico Creek and Kipling Avenue. The purpose of the amendment is to prohibit the use of holistic clinics, adult entertainment establishments, massage therapy and body rub services and to ensure the definitions for these uses are consistent with the new City-wide Harmonized Zoning By-law.

This report presents the requested amendment.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Etobicoke Zoning Code and Zoning By-law 514-2003 with respect to the lands fronting the north and south side of The Queensway, between Mimico Creek and Kipling Avenue substantially in accordance with the draft Zoning By-law Amendment attached as



Attachment No. 1 to this report.

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

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2001, the City of Toronto undertook an Avenue Study for The Queensway between Mimico Creek and Kipling Avenue. The study led to the implementation of The Queensway Avenue Zoning By-Law 514-2003 which was intended to guide future development and growth and to achieve, over time, the revitalization of this area of The Queensway.

On February 28, 2013, the Superior Court of Justice issued a decision with respect to the use of the property at 1100 The Queensway. The decision determined that the portion of Section 3.A. of By-law 514-2003, dealing with "adult entertainment establishments" was "*void for uncertainty*" due to the vagueness of the language in the By-law.

In light of the changes to the By-law resulting from the Superior Court of Justice decision, an amendment to The Queensway Avenue Zoning By-Law 514-2003 is necessary to address appropriate uses along the Avenue. This will also provide an opportunity to ensure that such amendments are consistent with the new City-wide Harmonized Zoning By-law (HZB) with respect to permissions and definitions. Currently, the area covered by The Queensway Avenue Zoning By-law is listed as an exception to the HZB, which means the HZB does not apply to these lands.

At its meeting of April 9, 2013, Etobicoke York Community Council directed staff to submit an amendment to Zoning By-law 514-2003 to its May 14, 2013 meeting. This direction can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY23.49>

The purpose of the amendment is to prohibit the use of holistic clinics, adult entertainment establishments, massage therapy and body rub services on the lands fronting The Queensway, between Mimico Creek and Kipling Avenue and to ensure the definition for these uses are consistent with the new City-wide Harmonized Zoning By-law. Specifically, staff were directed to prepare amendments to the Zoning By-law 514-2003 to:

1. Amend Section 3.A. PERMITTED USES, to delete holistic clinics as a Permitted Use;

2. Amend Section 3.A. PERMITTED USES to add holistic clinics, Adult Entertainment, Massage Therapy and Body Rub Services to the list of prohibited uses; and,
3. Amend Section 4. to add definitions for holistic clinics, Adult Entertainment, Massage Therapy and Body Rub Services generally as defined in the City's Harmonized Zoning By-law.

The draft Zoning By-law Amendment included as Attachment 1 to this report incorporates the amendments to Zoning By-law 514-2003 as directed by Etobicoke York Community Council.

CONTACT

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SIGNATURE

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

ATTACHMENT

Attachment 1: Draft Zoning By-law Amendment

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Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto
Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2013

To amend Chapter 324 of the former City of Etobicoke Zoning Code, as amended and Zoning By-law No. 514-200, as amended, with respect to certain lands fronting the north and south side of The Queensway, between Mimico Creek and Kipling Avenue

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. That Section 3.A. of By-law No. 514-2003 is hereby deleted and replaced with the following:

A. Permitted Uses

Residential: apartment houses; dwelling units above a business use, retail and/or office use; live/work units; and townhouses.

All Business, Institutional, and Public Uses permitted under the Limited Commercial (CL) zone, and shall include public parking areas.

The following uses shall be prohibited: service stations and public garages; new and used car sales rooms and lots; the manufacture of confectionery; drive-through facilities; monuments related to cemeteries; holistic clinics; adult video; massage therapy; body rub services; and adult entertainment.

2. That Section 4 of By-law No. 514-2003 is hereby amended by adding the following terms to the list of definitions:

- (ix) **'Adult Entertainment'** means **premises** used for entertainment including activities, facilities, performances, exhibitions, viewing or encounters designed to appeal to erotic or sexual appetites or inclinations which a principal feature or

characteristic is the nudity or partial nudity of any person. A body rub service is not an adult entertainment.

- (x) **'Body Rub Service'** means **premises** used for services involving the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body for the purposes of appealing to erotic or sexual appetites or inclinations. An adult entertainment, massage therapy or holistic clinic is not a body rub service.
- (xi) **'Holistic Clinic'** means **premises** providing services for therapeutic and holistic purposes, such as reiki energy therapy, hypnosis, reflexology, life coaching, "TAP" therapy, acupuncture, or massage service by persons other than medical or health professionals licensed or registered under Province of Ontario legislation. A massage therapy, medical office or body rub service is not a holistic clinic.
- (xii) **'Massage Therapy'** means **premises** providing massage therapy by persons who are medical or health professionals licensed or registered under Province of Ontario legislation. A body rub service or holistic clinic is not a massage therapy.
- (xiii) **'Premises'** means the whole or part of lands, buildings or structures, or any combination of these.

3. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws:

BY-LAW NUMBER AND BY-LAW ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY- LAW
_____-2013	Lands fronting the north and south side of The Queensway, between the Mimico Creek and Kipling Avenue.	To amend By-law 514-2003, as amended, as it relates to permitted uses and definitions.

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)