

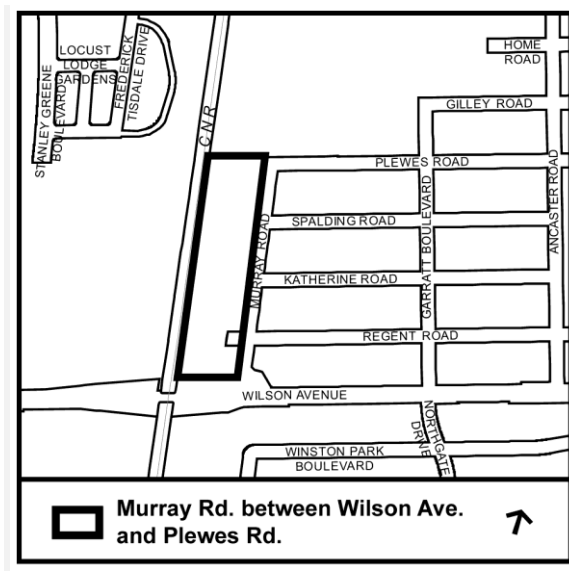
**Murray Road – Interim Control By-law – Final Report**

<b>Date:</b>	February 3, 2016
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning
<b>Wards:</b>	Ward No. 9
<b>Reference Number:</b>	P:\2016\Cluster B\PLN\CC16029 (File No.16 108149 NNY 09 TM)

**SUMMARY**

Staff are recommending a study of land-use permissions in the area along the west side of Murray Road between Wilson Avenue to the south and Plewes Road to the north (the “Murray Road Land Use Study”). The Murray Road Land Use Study will assess the compatibility of established employment uses with the array of use permissions that exist through in-force zoning in the Industrial and Employment Light Industrial Zones, as well as with the adjacent residential areas, with particular emphasis on employment and manufacturing uses such as concrete batching plants, a contractor’s establishment, motor vehicle body repair shop, transportation terminal and plastic product manufacturing use, and explore alternative land use options for the Study Area in accordance with the policies of Amendment #231 to the Official Plan as they apply to Regeneration Areas and specifically as outlined in Site and Area Specific Policy #389.

This report proposes that an Interim Control By-law be adopted to prohibit new manufacturing uses such as concrete batching plants, a contractor’s establishment, motor vehicle body repair shop, transportation terminal and plastic product manufacturing use for the lands on the west side of Murray Road between Wilson Avenue and Plewes Road (the proposed “study area” – see Attachment 1) for a period of one year.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. Council direct the Chief Planner and Executive Director of the City Planning Division to undertake a study for the lands on the west side of Murray Road between Wilson Avenue and Plewes Road, as identified on Attachment 1 to this report, to review the existing land use permissions and regulations pertaining to the proposed study area and determine if new policies and standards are required to reduce land use conflict, and if so, to bring forward new policies and zoning regulations for the area.
2. Pursuant to Section 38 of the *Planning Act*, City Council enact the Interim Control By-law to prohibit any new Employment and Manufacturing uses described as concrete batching plants, a contractor's establishment, motor vehicle body repair shop, transportation terminal and plastic product manufacturing use, attached as Attachment #3 to the final report dated February 3, 2016 from the Chief Planner and Executive Director, City Planning Division, for a period of one year to study the land use permissions contained within the former City of North York Zoning By-law #7625 and City of Toronto Zoning By-law #569-2013, as they apply to the proposed study area.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Interim Control By-law as may be required.

### Financial Impact

The recommendations in this report have no financial impact.

### Decision History

In 2013, the City of Toronto City Planning Division undertook a review of the policies and designations of the City's Employment lands. The resultant Official Plan Amendment #231 was adopted by Council in December 2013, and is presently under appeal. The effect of the new Official Plan policies were to:

- preserve 97 per cent of the City's employment lands for business and future job growth;
- limit sensitive uses in employment areas that could affect the functioning of area businesses;
- create new Official Plan designations for Employment Areas; and
- promote the maintenance and growth of office space and jobs on rapid transit.

Although presently under appeal, Official Plan Amendment #231 to the Official Plan for the City of Toronto also redesignated the proposed Murray Road Land Use Study lands as a Regeneration Area. In lieu of a Secondary Plan, Site and Area Specific Policy #389 sets out a framework for new development on the lands located within the proposed Murray Road Land Use Study Area, and specifically between the municipally assessed properties of 10 to 62 Murray Road.

In addition to the considerations of Section 4.7.2 of the City's Official Plan, Site and Area Specific Policy #389, requires that new development on these lands be also guided by the following considerations:

- a) A land use buffer of *Core Employment Area* uses on the north portion of the lands that is compatible with and sensitive to adjacent existing and planned residential and sensitive non-residential uses;
- b) A low scale residential built form on lands south of the land use buffer described above, that is compatible with and sensitive to the existing low scale residential neighbourhood located east of the lands;
- c) A requirement that residential and sensitive non-residential uses only be permitted on the lands south of the land use buffer described above, once the concrete batching use ceases to operate on the lands;
- d) Opportunities for commercial uses at the Wilson Avenue frontage;
- e) A street and block plan that includes pedestrian and cycling connections; and,
- f) A setback of any residential and sensitive non-residential use from the rail corridor west of the lands.

## **ISSUE BACKGROUND**

### **Proposal**

The purpose of the Murray Road Land Use Study is to assess the compatibility of established employment uses with the array of use permissions that exist through in-force zoning in the proposed study area, as well as with the adjacent residential areas.

Some of the permitted employment and manufacturing uses and facilities applicable to the study area such as such as concrete batching plants, a contractor's establishment, motor vehicle body repair shop, transportation terminal and plastic product manufacturing use can generate significant land use conflicts due to the nature of their operations, as they generate substantial truck traffic, and create significant environmental impacts such as chemical uses, noise, dust and odour. With an established residential

community in such close proximity to the study area, it would be appropriate to assess the compatibility of such uses.

City staff will prepare a final report at the conclusion of the Murray Road Land Use Study, for the first quarter of 2017 that may include recommendations such as:

- to make amendments to the City's Official Plan;
- to make amendments to the Zoning By-law affecting all or part of the lands in the Study Area; and
- other area specific planning restrictions and/or requirements.

An active site plan application for a proposed new concrete batching plant is located within the proposed study area at 62 Murray Road (File # 15-263446 NNY 09 SA, submitted on December 10, 2015). The proposal would consist of an 18 metre high mixing structure and an associated one storey office building on currently vacant lands. The proposal would also include outside storage of aggregate material, on-site parking for trucks and vehicles and sound walls for noise attenuation.

The applicant was notified via correspondence dated January 11, 2016 that the application was determined to be incomplete as information required for a fulsome review of the proposal was not provided when the application was submitted to the City.

An initial zoning review of the proposal has also determined that as presently submitted, the proposal would require variances to both the former City of North York Zoning By-law #7625 and to City of Toronto Zoning By-law #569-2013 for (but not necessarily limited to) location of parking spaces, fencing, height and that the proposed manufacturing use is not located entirely within a building as required.

To date, there has not been any application submitted to the City for any building permits and specifically for the proposed concrete batching plant use at 62 Murray Road.

## **Area Context**

Murray Road is a north-south road connecting Wilson Avenue to Plewes Road to the north. The portion of land on the west side of Murray Road north of Wilson Avenue and within the proposed study area is designated Employment Areas within the City's Official Plan, and forms part of an Employment District. The character of employment has remained static over the past years and has included a range of outdoor industrial storage, aggregate and manufacturing uses. Presently along the west side of Murray Road at its southerly end is located a concrete batching plant and truck distribution operation.

The area is bordered on the east by the Ancaster low density residential neighbourhood. This is a stable residential community experiencing reinvestment and modernization of the housing stock. Along its western edge the subject lands are bordered by the Toronto-Barrie railway corridor. Immediately to the west of the site across the railway corridor is located Mount Sinai Cemetery. At the north terminus of Murray Road is a City of

Toronto Transportation Works Yard and immediately thereafter the airplane manufacturing and maintenance facilities of Bombardier.

Across the railway corridor and to the north-west of the proposed study area on the former Canadian Forces Bases Downsview (Downsview Lands) are vacant lands proposed for a 225 unit low-rise residential development, for which the subdivision application is currently being reviewed by the City (File # 15-172297 NNY 09 SB). At the south end of Murray Road and easterly along Wilson Avenue is located a Mixed Use Area, with mixed residential and commercial uses.

The site plan application for the proposed new concrete batching plant also includes a municipally assessed property known as 54 Murray Road, which is currently vacant. This was also the location of the Murray Road propane tank explosion which occurred in August of 2008.

## **Official Plan**

The City of Toronto Official Plan designates the lands along the west side of Murray Road within the proposed study area as *Employment Areas*. Section 4.6 of the Official Plan includes policies on *Employment Areas*, characterizing them as places of business and economic activity. Uses that support this function consist of offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses and restaurants and small scale stores and services that serve area business and workers.

The Employment Areas policies also contain criteria which describe how development in *Employment Areas* will contribute to keeping these places competitive, attractive and highly functional. These criteria include:

- supporting the economic function of the Employment Area;
- encouraging the establishment of key clusters of economic activity with significant value-added employment and assessment;
- avoiding excessive car and truck traffic on the road system and adjacent areas;
- mitigating the effects of noise, vibration, dust, odours or particulate matter that will be detrimental to other businesses or the amenity of neighbouring areas;
- Providing landscaping on the front and any flanking yard and adjacent to any public parks and open space to create an attractive streetscape and screening parking, loading and service areas;
- Treating the boundary between *Employment Areas* and residential lands with landscaping, fencing or other measures to minimize nuisance impacts; and
- Ensuring outside storage and outside processing is limited and generally located at the rear of the property, well screened and not detrimental to neighbouring land uses in terms of dust, noise and odours.

Where the Zoning By-law permits outside storage or outside processing of goods and materials as the primary use on a property within *Employment Areas* the Official Plan requires that the outside storage or processing:

- be well screened by fencing and landscaping where viewed from adjacent streets and neighbouring lands uses; and
- not be detrimental to neighbouring land uses in terms of dust, noise and odours.

As mentioned above, in 2013, the City of Toronto Planning Division undertook a review of the policies and designations of the City's Employment lands. The resultant Official Plan Amendment #231 was adopted by Council in December 2013, although presently under appeal.

The effect of the new Official Plan policies were to create new Official Plan designations for Employment Areas that would preserve employment lands for future job growth, limit sensitive uses in employment areas and promote maintenance and growth of office and jobs on rapid transit.

Official Plan Amendment #231 to the Official Plan for the City of Toronto also redesignated the proposed Murray Road Land Use Study lands as a Regeneration Area and introduced Site and Area Specific Policy described previously to guide future development. Regeneration Areas open up unique areas of the City to a wide array of uses to help attract investment, re-use buildings, encourage new construction and bring life to the streets. These areas are key to the Official Plan's growth strategy, reintegrating areas of the City that are no longer in productive urban use due to shifts in the local or global economies. In Regeneration Areas, commercial, residential, live/work, institutional and light industrial uses can be mixed within the same block or even the same building.

As outlined in Section 4.7.1 of the Official Plan, Regeneration Areas will provide for a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses in an urban form to:

- a) revitalize areas of the City that are largely vacant or underused;
- b) create new jobs and homes that use existing roads, transit, sewers, social services and other infrastructure and create and sustain well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- c) restore, re-use and retain existing buildings that are economically adaptable for re-use, particularly heritage buildings and structures, through the use of incentives;
- d) achieve streetscape improvements and the extension of the open space network; and

- e) promote the environmental clean-up and re-use of contaminated lands.

As mentioned above, Official Plan Amendment #231 to the Official Plan for the City of Toronto also redesignated the proposed Murray Road Land Use Study lands as a Regeneration Area. In lieu of a Secondary Plan, Site and Area Specific Policy #389 sets out a framework for new development on the lands located within the proposed Murray Road Land Use Study Area, and specifically between the municipally assessed properties of 10 to 62 Murray Road. New development on these lands will also be guided by the following considerations:

- a) A land use buffer of *Core Employment Area* uses on the north portion of the lands that is compatible with and sensitive to adjacent existing and planned residential and sensitive non-residential uses;
- b) A low scale residential built form on lands south of the land use buffer described above, that is compatible with and sensitive to the existing low scale residential neighbourhood located east of the lands;
- c) A requirement that residential and sensitive non-residential uses only be permitted on the lands south of the land use buffer described above, once the concrete batching use ceases to operate on the lands;
- d) Opportunities for commercial uses at the Wilson Avenue frontage;
- e) A street and block plan that includes pedestrian and cycling connections; and,
- f) A setback of any residential and sensitive non-residential use from the rail corridor west of the lands.

Official Plan Amendment #231 to the Official Plan for the City of Toronto is presently under appeal. The owner of land within the proposed study area has appealed Official Plan Amendment #231 as it relates to the lands and Site and Area Specific Policy #389 within the proposed study area.

## **Zoning**

Under the former City of North York Zoning By-law #7625, the proposed study area is zoned Industrial Zone Two (M2). This zone permits a variety of uses, including manufacturing uses.

The City of Toronto Zoning By-law #569-2013 also applies to the proposed study area, and zones the proposed study area as Employment Light Industrial Zone (EL). Manufacturing use for a concrete batching plant is not a permitted use in this zone. However, with exception 900.21.10 (26), a concrete batching plant is permitted within the proposed study area and specifically at 54 and 62 Murray Road.

Of particular note however, City of North York Zoning By-law #7625 also requires that all manufacturing uses be located wholly within a building. If not located wholly within a building, a manufacturing use, such as the proposed concrete batching plant, could be considered an obnoxious use as defined in Zoning By-law #7625:

“Obnoxious shall mean a use which, from its nature or operation creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration; or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the unsightly storage of goods, wares merchandise, salvage, refuse, waste or other material”.

Under Zoning By-law #7625, manufacturing uses that are considered obnoxious are not permitted in any zone. A cement batching plant can be considered a manufacturing use under Zoning By-law #7625, and given the operational requirements of the manufacturing process, can be considered a use that can create or become a nuisance with ultimately negative impacts on surrounding land uses.

An initial zoning review of the proposed concrete batching plant at 62 Murray Road has determined that as presently submitted, the proposal would require variances to both the former City of North York Zoning By-law #7625 and to City of Toronto Zoning By-law #569-2013.

## **COMMENTS**

The Murray Road Land Use Study will assess the compatibility of established employment uses with the array of use permissions that exist through in-force zoning as well as with adjacent residential areas.

An analysis of the current and potential future employment land use profile in the proposed study area is required to assess the appropriateness of current permissions, including uses such as concrete batching plants, a contractor’s establishment, motor vehicle body repair shop, transportation terminal and plastic product manufacturing use. This may result in recommendations for new policies and standards for certain land use permissions that may be determined as incompatible with the established land use context surrounding the study area.

Analysis of the present and future land use permissions is an important undertaking as the proposed concrete batching plant at 54 and 62 Murray Road is immediately across Murray Road from the existing Ancaster residential community and homes fronting onto Murray Road to the east, and would be located less than 150 metres from the planned residential community on the Downsview Lands in the Stanley Greene neighbourhood to the north-west.



The employment uses in the proposed study area have typically been industrial or manufacturing based. An assessment of the opportunity to guide employment uses in the study area towards more compatible uses would be a useful exercise given that the neighbouring residential areas to the east will soon be augmented by additional residential uses to the north-west.

The study would also be guided by the policies of Amendment #231 to the Official Plan and specifically as outlined in Site and Area Specific Policy #389, as described earlier in this report. Developing a land use strategy compatible with the surrounding community would also meet the City's Official Plan policies and the intent of the City's harmonized Zoning By-law.

A component of the Murray Road Land Use study will consider the adverse effects that can result from incompatible land uses and will include:

- the economic function of the *Employment Area* and the amenity of adjacent areas that may be adversely affected (Official Plan policy 4.6.6 a);
- the ability to promote and build upon key clusters of economic activity with significant value-added employment and assessment (Official Plan policy 4.6.6 b);
- avoiding excessive car and truck traffic generation and impact upon the *Employment Area* and adjacent area (City Policy 4.6.6 f); and
- mitigating the detrimental impacts from noise, vibration, dust, odours or particulate matter upon other business or the amenity of neighbouring areas (Official Plan policy 4.6.6 f).

Section 38 of the *Planning Act* authorizes City Council to pass Interim Control By-laws to temporarily restrict a land use for a period of time not exceeding one year while the City reviews the land use policies for the affected properties.

This report proposes that an Interim Control By-law be adopted to prohibit employment and manufacturing uses such as concrete batching plants, a contractor's establishment, motor vehicle body repair shop, transportation terminal and plastic product manufacturing use for a period of one year in the proposed study area.

## **CONCLUSION**

It is recommended that Council enact the attached proposed Interim Control By-law for the area set out in Attachment 1 to this report to prohibit for a period of one year employment and manufacturing uses specifically identified as concrete batching plants, a contractor's establishment, motor vehicle body repair shop, transportation terminal and plastic product manufacturing use.

The Murray Road Land Use Study will include a review of land use permissions and will enable the City, if necessary, to bring forward recommendations setting out changes to the land use policies and zoning and/or recommend uses that are more compatible with the existing land uses and surrounding residential character of the area.

## **CONTACT**

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## **SIGNATURE**

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Jennifer Keesmaat, MES, MCIP, RPP  
Chief Planner and Executive Director

## **ATTACHMENTS**

Attachment 1: Boundary of the Murray Road Study Area

Attachment 2: Site and Area Specific Policy #389 of Official Plan Amendment #231  
(Under Appeal)

Attachment 3: Draft Interim Control By-law

## Attachment 1: Boundary of the Murray Road Study Area



  
**TORONTO**  
 Attachment 1

File # 16108149 NNY 09 TM



Boundaries of the Murray Rd. Land Use Study Area

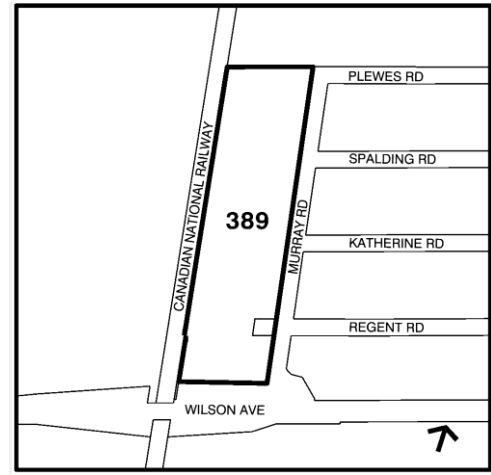
  
 City of Toronto By-Law 569-2013  
 Not to Scale  
 01/22/2016

**Attachment 2: Site and Area Specific Policy #389 of Official Plan Amendment #231  
(Under Appeal)**

**'389. 10-62 Murray Road**

Instead of a Secondary Plan, a Site and Area Specific Policy is required to set out a framework for new development on the lands to address the matters that are identified in Section 4.7.2 of the Plan and also matters such as the following:

- a) A land use buffer of *Core Employment Area* uses on the north portion of the lands that is compatible with and sensitive to adjacent existing and planned residential and sensitive non-residential uses;
- b) A low scale residential built form on lands south of the land use buffer described above, that is compatible with and sensitive to the existing low scale residential neighbourhood located east of the lands;
- c) A requirement that residential and sensitive non-residential uses only be permitted on the lands south of the land use buffer described above, once the concrete batching use ceases to operate on the lands;
- d) Opportunities for commercial uses at the Wilson Avenue frontage;
- e) A street and block plan that includes pedestrian and cycling connections; and
- f) A setback of any residential and sensitive non-residential use from the rail corridor west of the lands.'



**Attachment 3: Draft Interim Control By-law**

Authority: Motion M~, moved by Councillor ~, seconded by Councillor ~,  
as adopted by City of Toronto Council on ~, 2016  
Enacted by Council: ~, 2016

**CITY OF TORONTO**

Bill No.

**BY-LAW No. ~-2016**

**To effect interim control for lands generally bounded on the west side of Murray Road, immediately north of Wilson Avenue and south of Plewes Road, as detailed in Schedule “1” to this By-law.**

WHEREAS Council of the City of Toronto has, by adopting [Motion M~ ] [report dated ~] at its meeting of ~, 2016 , directing that a study be undertaken reviewing land use permissions of the employment lands on the west side of Murray Road north of Wilson Avenue and south of Plewes Road; and

WHEREAS authority is given to Council by Section 38 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass an Interim Control By-law for a period of time not exceeding one year from the date of passage of the By-law for such purposes as set out in the By-law;

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

1. On the lands shown within the heavy lines on the attached Schedule “1” to this By-law, a manufacturing use described as concrete batching plants, a contractor’s establishment, motor vehicle body repair shop, transportation terminal and plastic product manufacturing use, and as described or defined under the former City of North York Zoning By-law #7625, Industrial Zone Two (M2), and City of Toronto Zoning By-law #569-2013, 900.21.10(26), Employment Light Industrial Zone (EL), shall be prohibited uses.
2. This By-law shall expire one year from the date of enactment by City Council.

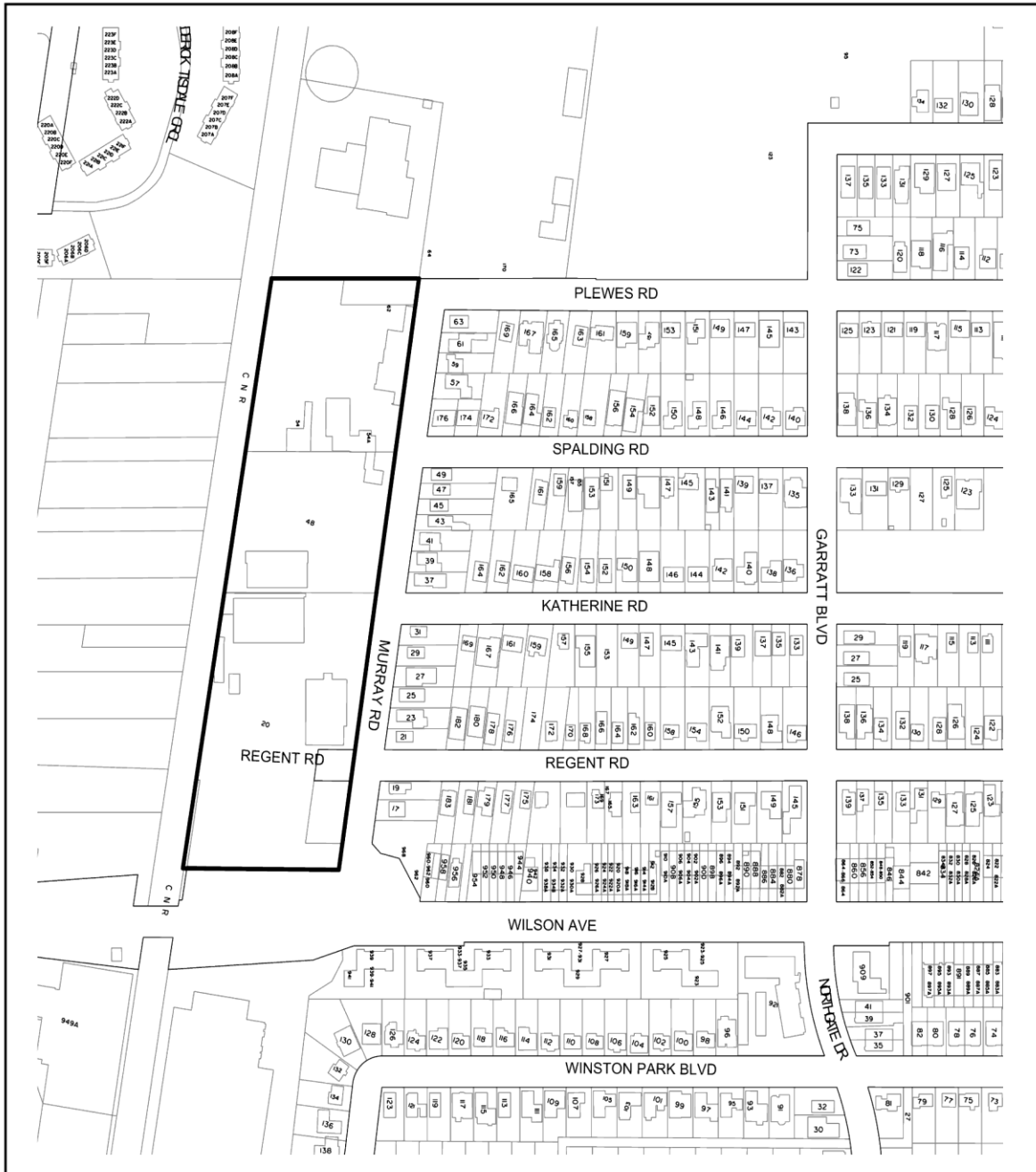
ENACTED AND PASSED this ~ day of ~ , A.D. 2016.

JOHN TORY,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

Schedule 1:




**TORONTO** City Planning  
**Zoning By-law Amendment**

**Murray Rd. Between Wilson Ave. & Plewes Rd.**

File # 16 108149 NNY 09 TM

 Area Affected By This By-Law

  
 Not to Scale  
 Extracted 01/25/2015