

Port Lands – Interim Control By-law – Final Report

Date:	October 3, 2017
To:	City Council
From:	Acting Chief Planner and Executive Director, City Planning
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	17 242909 SPS 00 TM

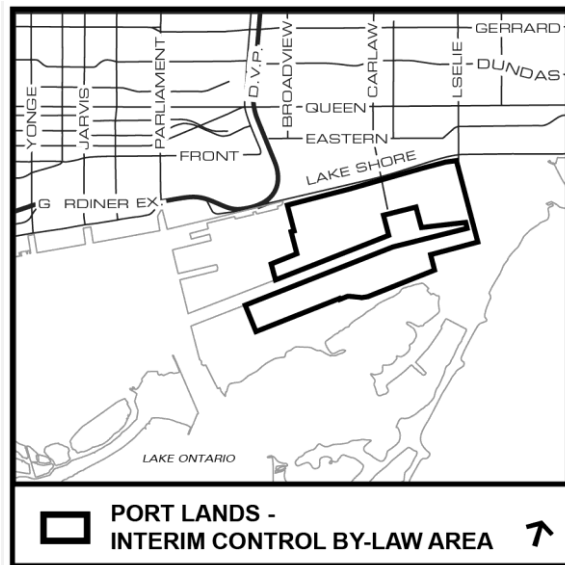
SUMMARY

This report recommends that an Interim Control By-law be adopted to prohibit certain incompatible uses in a portion of the Port Lands for a period of one year while City staff complete a zoning review for the McCleary District, Media City, Turning Basin District, Warehouse District, East Port, South Port East and South Port districts (see Attachment 1). Staff have completed a comprehensive planning study for the Port Lands, referred to as the Port Lands Planning Framework. This study included a review of the land use permissions in the Port Lands at an Official Plan level.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Council direct the Acting Chief Planner and Executive Director of the City Planning Division to undertake a study for the lands within portions of the Port Lands, as identified on Attachment 2, Schedule 1 and 2 to this report, to review the existing land use permissions and regulations pertaining to the proposed study area and determine the zoning by-law provisions and performance standards required to align with the



outcomes of the Port Lands Planning Framework, and to bring forward new zoning regulations for the area.

2. Pursuant to Section 38 of the *Planning Act*, City Council enact the Interim Control By-law, attached as Attachment 2 to the report dated October 3, 2017 from the Acting Chief Planner and Executive Director, City Planning Division, to prohibit those uses that may conflict with the Port Lands Planning Framework for a period of one year.
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

At its meeting on July 4, 2017, City Council adopted the May 16, 2017 staff report from the Deputy City Manager, Cluster B, entitled "Port Lands Planning Initiatives – Interim Report". This report summarized the findings of the Port Lands Planning Framework and Port Lands and South of Eastern Transportation and Servicing Master Plan, and included a draft Port Lands Official Plan modification for Council's endorsement in principle. Council directed Staff, among others, to finalize the Port Lands Planning Framework and Official Plan modification for the Port Lands and report to the Planning and Growth Management Committee's October 12, 2017 meeting.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.4>

The Port Lands Planning Initiatives – Interim Report included a comprehensive summary of all previous decision history for the Port Lands dating to Council's adoption of the Central Waterfront Secondary Plan in 2003.

ISSUE BACKGROUND

Official Plan

The former City of Toronto Official Plan remains in force in the Port Lands until the Central Waterfront Secondary Plan is brought into force for the lands. The former City of Toronto Official Plan designates the majority of the Port Lands as *General Industrial Areas*, which permits a wide range of industrial uses except those which may have a detrimental environmental effect on other industrial uses. Lands adjacent to the north dockwall of the Ship Channel and to the southeast of the Port Lands are designated *Heavy Industrial Areas*, which permits a range of industrial uses including primary and other industries involved in the processing, recycling or storage of raw and other materials. South of the Ship Channel, the Hearn and lands to its east are designated *Restricted Industrial Areas*, which permits a limited range of industrial uses which are environmentally compatible with adjacent open spaces, parks or recreational uses and residential or commercial areas.

The former City of Toronto Official Plan also identifies the Port Lands as the *Port Industrial District*, which is described as one of the City's chief industrial areas, including good transportation facilities, and has been used primarily for heavy industry, shipping and port-related purposes.

The Central Waterfront Secondary Plan (CWSP) (adopted in 2003 and currently under appeal) designates the majority of the Port Lands as *Regeneration Areas*. *Regeneration Areas*, as defined in the CWSP, are intended to provide for a broad mix of commercial, residential, industrial, parks and open space, and institutional uses in an urban form.

The CWSP calls for the transformation of the Port Lands into a number of new urban districts amid the activities of a working port. It identifies a number of uses desirable in the Port Lands, such as new mixed-use residential development, knowledge-based industries, film and new media activities, "green" industries, recreational, cultural and tourist amenities, city-serving uses and marine-related industries. The CWSP, however, does not identify where these uses should be located, nor does it resolve how these broad land use permissions will co-exist.

Zoning

The former City of Toronto Zoning By-law 438-86 is the in-force By-law for the Port Lands. The majority of the lands in the Port Lands are zoned industrial. Lands south of the Ship Channel are zoned I2. The I2 category permits light industrial uses, some commercial uses as well as production and manufacturing. Lands north of Ship Channel are primarily zoned I3. The I3 category permits a range of light and medium industrial uses and some commercial uses. Lands adjacent to the northern dockwall of the Ship Channel are generally zoned I4. The I4 category permits the heaviest industrial uses, including obnoxious uses. There are a few sites and areas that are zoned IC. The IC zoning is a more permissive category which permits a broad range of industrial and commercial uses. A map of existing zoning is found in Attachment 1 of this report.

COMMENTS

The development of the Port Lands Planning Framework officially began in November 2013 as a joint collaboration between the City Planning Division and Waterfront Toronto. The Framework is a high-level, long-term plan that will provide the basis and rationale for modifications to the Central Waterfront Secondary Plan as it relates to the Port Lands. The Framework, which was endorsed by City Council on July 4, 2017, will be a blueprint that will establish a refined and refreshed vision for the Port Lands, guiding the transformation and evolution of the Port Lands over the coming decades.

A key aspect of the Port Lands Planning Framework is the provision of more detailed land use direction to provide clarity for where different land uses are appropriate and desirable and to clearly set out expectations associated with the underlying *Regeneration Areas* land use designation. This enhanced direction will assist in guiding the transformation of the Port Lands over the coming decades. The final report for the Port Lands Planning Framework will be before the Planning and Growth Management Committee on October 12, 2017. This report also recommends additional studies to be

undertaken in the Port Lands. It recommends that a precinct plan process be undertaken for the McCleary District and the development of urban design guidelines and a zoning review for the Media City and Turning Basin District. It also recommends that a zoning review be undertaken for the port and industrial districts in the Port Lands.

As such, the areas subject to the recommended Interim Control By-law will undergo further detailed assessment to both implement the outcomes of the Planning Framework and provide more specificity on the range and permitted uses and associated performance standards. The land use direction for the Port Lands has been informed by extensive analysis and consultation carried out over the course of developing the Port Lands Planning Framework starting in 2013.

Several land use typologies are identified in the Planning Framework to clearly articulate the intentions and expectations for land uses within the *Regeneration Areas* designation of the Port Lands. These land use typologies include:

- Mixed-use residential – permits a broad range of uses such as residential, offices, retail and services, institutional and recreational and cultural activities;
- Productions, Interactive and Creative – permits a wide range of uses that support key economic sectors, provide good jobs for residents, strengthen and diversify our local economy, and maintain Toronto as a place for creativity and innovation;
- Light Industrial and Productions – permits a wide range of light industrial and production-related uses like warehousing, small-scale manufacturing, green industries, furniture manufacturing, printing, publishing and digital media firms, film and television studios and ancillary uses, artist studios, workshops, service commercial, and offices in single and/or multiple use buildings;
- Port – permits a full range of port and maritime uses;
- Industrial – permits a range of medium-intensity industrial land uses and some heavy-intensity industrial land uses;
- Destination and/or Catalytic – permits uses that draw people, whether on a civic or community scale; and
- Parks and Open Space Areas – permits parks, open spaces, natural areas and plazas and can include compatible community, recreation, cultural, restaurant, and some entertainment facilities.

Within the different land use typologies, the Port Lands Planning Framework identifies uses that are desirable, permissible and open for consideration, and further clarifies intentions with respect to permitted land uses defined in the City's Zoning By-law. Precinct planning and other planning studies to review the current zoning standards, will further refine the different land uses for each district, and ensure that the intent of the underlying land use direction is maintained and achieved.

Rationale for an Interim Control By-law

Section 38 of the Planning Act authorizes City Council to pass an Interim Control By-law to temporarily restrict a land use(s) for a period of time not exceeding one year while the

City reviews the land use policies for the affected areas. An Interim Control By-law may be extended by an additional year.

The current zoning permissions in the Port Lands are outdated. Zoning in the area has not been updated since the later 1990s and is not reflective of the vision of the waterfront encapsulated in the Central Waterfront Secondary Plan, and more specifically through the Port Lands Planning Framework. There is urgency and merit in reviewing the collective impact of the land use permissions currently permitted in the Zoning By-law in accordance with the land use direction established as part of the plans and studies that have been undertaken to date.

There are a number of land uses permitted in the Port Lands under the existing Zoning By-law that would be incompatible with plans for the Port Lands' transformation. It would be undesirable and counter to the public interest for these land uses to become established in the Port Lands. They have the potential to undermine or detract from revitalization efforts and investments. Moreover, many of the uses permitted in the By-law sterilize opportunities to support key sectors targeted for in the Port Lands in recognition of its proximity to Toronto's downtown, regional infrastructure in the area and that the area is the City's only working port. There have been recent examples of such development proposals, as well as pre-application inquiries. An Interim Control By-law will enable the City to complete the necessary zoning reviews and prevent land uses that are incompatible with the Port Lands transformation. The zoning must also be more finely tuned to the variety of land uses that are supported in the various districts of the Port Lands.

The proposed Interim Control By-law is tailored to reflect the outcomes of the Port Lands Planning Framework. It prohibits existing permitted uses in the various industrial zones that are considered to be incompatible with the land use direction for the Port Lands. Heavy and obnoxious industrial uses, auto-oriented uses, and uses that contribute little to overall employment objectives will be prohibited in the McCleary District, Media City, Turning Basin District and Warehouse District. Light industrial, such as beverage and food, beverage, wood and plastic manufacturing uses, and commercial uses will generally be prohibited in the East Port, South Port and South Port East district. The majority of uses in the IC zoning will be prohibited adjacent to Leslie Street (Area 5 in the Interim Control By-law). These lands have been identified for a new park with the potential for a small scale retail and/or restaurant use. Rail access into the Port Lands also needs to be maintained through this area.

An Interim Control By-law is not proposed at this time for the Lower Don Lands area (Villiers Island, Polson Quay and South River districts). The lands are generally adjacent to the reconstruction of the Don River mouth which will occur over the next several years. Precinct planning has been completed for this area and is addressed in the final report for the Port Lands Planning Initiatives. Implementing zoning for the Island to reflect both the Framework and Precinct Plan is anticipated to occur in phases. . Additionally, more detailed study, including a precinct planning, will be undertaken for Polson Quay and South River following the completion of the Port Lands Flood

Protection Project. For these reasons, an Interim Control By-law is not considered necessary at this time for these areas. The Interim Control By-law also does not extend to lands owned by Ports Toronto south of the Ship Channel, nor to lands owned by Ontario Power Generation.

The defined land uses listed in the proposed Interim Control By-law should be prohibited for a period of one year within the study area, with the potential for a year one extension. The next step in the Port Lands Planning Initiatives is to conduct precinct planning for the McCleary District and the zoning reviews for the planned employment clusters in the Port Lands in order to ensure that the permitted uses in these areas are compatible with the vision for the Port Lands. The work program for the Port Lands Planning Framework is outlined in the final report for the Port Lands Planning Framework dated September 27, 2017 to be before Planning and Growth Management Committee on October 12, 2017.

Conclusion

The current zoning permissions for the Port Lands do not accurately reflect the vision for the Port Lands, which may result in undesirable land use conflicts. It is appropriate to review the land use regulations in the identified areas and to determine what uses should or should not be permitted to meet the new vision of the Port Lands.

CONTACT

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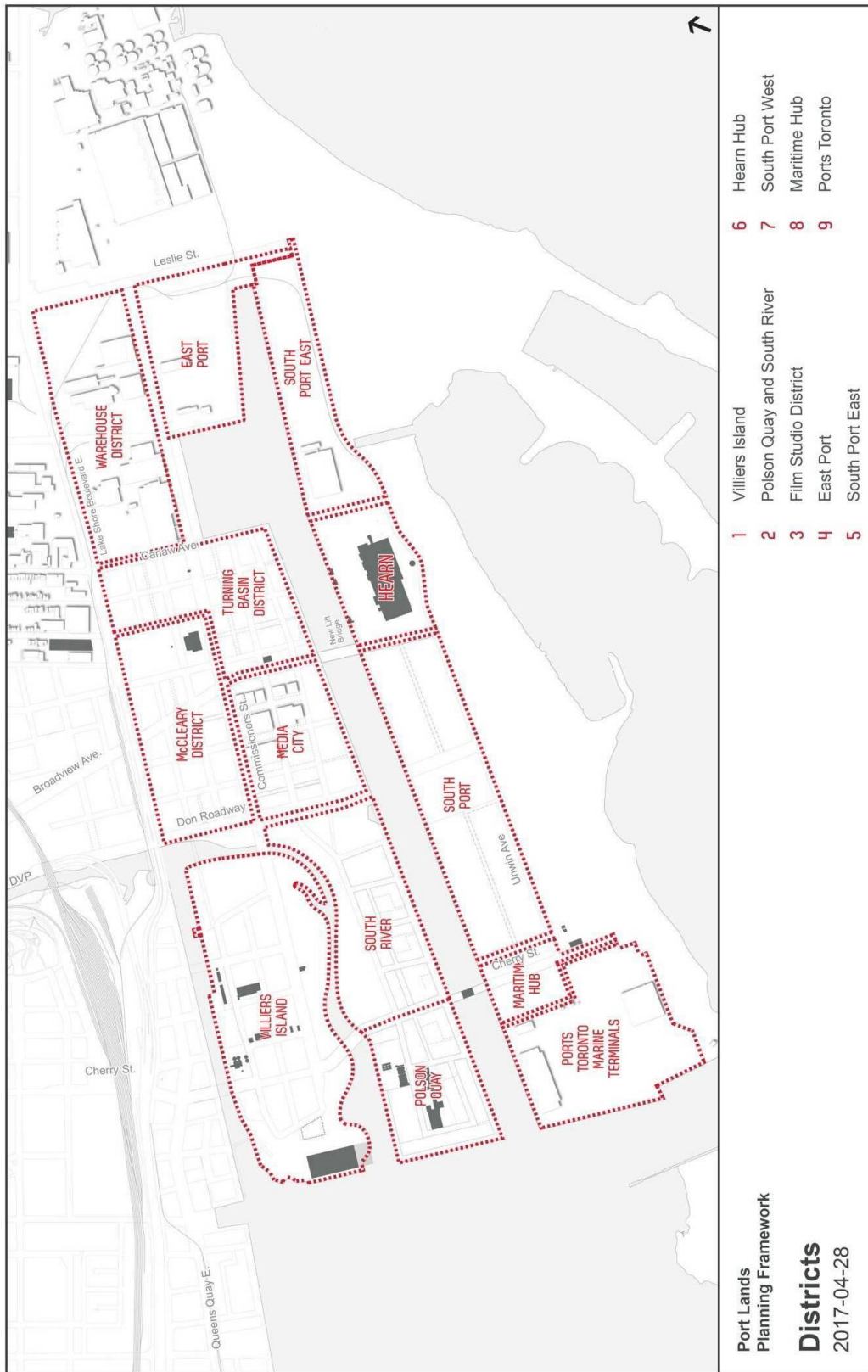
SIGNATURE

Gregg Lintern, MCIP, RPP
Acting Chief Planner
and Executive Director, City Planning

ATTACHMENTS

Attachment 1: Port Lands Districts
Attachment 2: Draft Interim Control By-law
Attachment 3: Zoning By-law 438-86

Attachment 1: Port Lands Districts



Port Lands
Planning Framework

Districts
2017-04-28

Attachment 2: Draft Interim Control By-law

Authority: Member Motion MM ~ as adopted by City of Toronto Council on October 2, 3 and 4, 2017

CITY OF TORONTO

Bill

BY-LAW -2017

To effect interim control for the lands shown on Schedule 1 to this By-law being a portion of the Port Lands located in the City of Toronto.

Whereas Council of the City of Toronto has, by adopting MM~ at its meeting of October 2, 3 and 4, 2017, directed that a review be undertaken in respect of the appropriate land uses and size of uses permitted in a portion of the Port Lands located in the City of Toronto; 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 which shall not exceed one year from the date of passage of the By-law for such purposes as are set out in the By-law;

The Council of the City of Toronto hereby enacts as follows:

1. The lands within the heavy lines on Schedule 1 are subject to this By-law with the exception of the lands shown with hatching.
2. The following uses are prohibited on any of the lands shown as Area 1 within the heavy lines on Schedule 2 attached to this by-law:
 - (i) showroom with more than 3,500 square metres of floor area;
 - (ii) automobile service and repair shop;
 - (iii) automobile service station;
 - (iv) car washing establishment;
 - (v) commercial parking lot;
 - (vi) motor vehicle repair shop, class A;
 - (vii) motor vehicle repair shop, class B;

- (viii) private commercial garage;
- (ix) sales or hire garage;
- (x) taxicab stand or station;
- (xi) public harbor works including public wharves, lighthouses and beacons;
- (xii) open storage yard;
- (xiii) recycling shop;
- (xiv) storage warehouse, class A (or public storage);
- (xv) wholesaling establishment – general;
- (xvi) cleaning plant;
- (xvii) contractor's shop, class B;
- (xviii) builder's supply yard;
- (xix) cartage, express or truck transport yard or terminal for one or more highway;
- (xx) transportation companies or organizations;
- (xxi) animal food factory;
- (xxii) gelatine factory;
- (xxiii) meat products plant;
- (xxiv) tannery;
- (xxv) commercial stable;
- (xxvi) postal sorting station;
- (xxvii) railway station;
- (xxviii) retail coal, coke and wood yard;
- (xxix) security service and business equipment;
- (xxx) shipping, trans-shipping or distributing depot;

- (xxxi) gas plant, class A;
- (xxxii) crisis care facility; and
- (xxxiii) drive-through facility.

3. The following uses are prohibited on any of the lands shown as Area 2 within the heavy lines on Schedule 2 attached to this by-law:

- (i) parking station;
- (ii) private commercial garage;
- (iii) Open storage associated with a city yard, class B;
- (iv) generating station;
- (v) public incinerator or refuse destructor;
- (vi) sewage disposal plant;
- (vii) fuel storage tank;
- (viii) open storage of raw materials yard;
- (ix) recycling yard;
- (x) storage warehouse, class B;
- (xi) motor vehicle repair shop, class A;
- (xii) motor vehicle repair shop, class B;
- (xiii) wholesale fuel supply yard;
- (xiv) contractor's shop, class B;
- (xv) railway station;
- (xvi) animal by-products plant;
- (xvii) chemical products factory;
- (xviii) concrete batching and mixing yard;
- (xix) distillation plant;

- (xx) gas plant, class B;
 - (xxi) non-metallic minerals plant; and
 - (xxii) rubber products factory.
4. The following uses are prohibited on any of the lands shown as Area 3 within the heavy lines on Schedule 2 attached to this by-law:
- (i) clinic;
 - (ii) community health centre;
 - (iii) day nursery;
 - (iv) post office;
 - (v) branch of a bank or financial institute;
 - (vi) brew-on-premises establishment;
 - (vii) dry-cleaning shop;
 - (viii) duplicating shop;
 - (ix) newsstand;
 - (x) personal grooming establishment;
 - (xi) showroom;
 - (xii) tailoring shop;
 - (xiii) artist's or photographer's studio;
 - (xiv) communications and broadcasting establishment;
 - (xv) custom workshop;
 - (xvi) data processing establishment;
 - (xvii) designer's studio;
 - (xviii) industrial computer service;

- (xix) performing arts studio;
- (xx) publisher;
- (xxi) software, design and development establishment;
- (xxii) automobile service and repair shop;
- (xxiii) automobile service station;
- (xxiv) car washing establishment;
- (xxv) commercial parking lot;
- (xxvi) parking station;
- (xxvii) private commercial garage;
- (xxviii) sales or hire garage;
- (xxix) taxicab stand or station;
- (xxx) food wholesaling establishment;
- (xxxii) storage warehouse, class A (or public storage);
- (xxxii) wholesaling establishment – general;
- (xxxii) bookbinder's shop;
- (xxxiv) carpenter's shop;
- (xxxv) cleaning plant;
- (xxxvi) laboratory, class B;
- (xxxvii) builder's supply yard;
- (xxxviii) bread distributing depot;
- (xxxix) courier service;
- (xl) industrial catering service;
- (xli) postal sorting station;

- (xlii) railway station;
- (xliii) security service and business equipment;
- (xliv) bakery;
- (xlv) brewery;
- (xlvi) ceramics factory;
- (xlvii) electronic equipment factory;
- (xlviii) fur goods factory;
- (xlix) garment factory;
- (l) metal wares factory;
- (li) packaging plant;
- (lii) pharmaceutical factory – secondary;
- (liii) plastic products factory – secondary;
- (liv) printing plant;
- (lv) soft drink bottling works;
- (lvi) textile factory;
- (lvii) vegetable food products factory;
- (lviii) wholesale dyeing plant;
- (lix) winery;
- (lx) wood products factory;
- (lxi) animal hospital;
- (lxii) commercial school;
- (lxiii) drive-through facility;
- (lxiv) market gardening;

- (lxv) newspaper plant; and
 - (lxvi) trade school.
5. The following uses are prohibited on any of the lands shown as Area 4 within the heavy lines on Schedule 2 attached to this by-law:
- (i) clinic;
 - (ii) community health centre;
 - (iii) day nursery;
 - (iv) post office;
 - (v) union hall;
 - (vi) branch of a bank or financial institute;
 - (vii) brew-on-premises establishment;
 - (viii) caterer's shop;
 - (ix) dry-cleaner's distributing station;
 - (x) dry-cleaning shop;
 - (xi) duplicating shop;
 - (xii) newsstand;
 - (xiii) personal grooming establishment;
 - (xiv) showroom;
 - (xv) service, rental or repair shop;
 - (xvi) tailoring shop;
 - (xvii) artist's or photographer's studio;
 - (xviii) communications and broadcasting establishment;
 - (xix) custom workshop;

- (xx) data processing establishment;
- (xxi) designer's studio;
- (xxii) industrial computer service;
- (xxiii) performing arts studio;
- (xxiv) publisher;
- (xxv) software, design and development establishment;
- (xxvi) automobile service and repair shop;
- (xxvii) automobile service station;
- (xxviii) car washing establishment;
- (xxix) motor vehicle repair shop, class A;
- (xxx) motor vehicle repair shop, class B;
- (xxxi) commercial parking lot;
- (xxxii) parking station;
- (xxxiii) private commercial garage;
- (xxxiv) sales or hire garage;
- (xxxv) taxicab stand or station;
- (xxxvi) sewage disposal plant;
- (xxxvii) food wholesaling establishment;
- (xxxviii) storage warehouse, class A (or public storage);
- (xxxix) storage warehouse, class B;
- (xl) wholesale fuel supply yard;
- (xli) wholesaling establishment – general;
- (xlii) bookbinder's shop;

- (xliii) carpenter's shop;
- (xliv) cleaning plant;
- (xlv) contractor's shop, class A;
- (xlvi) contractor's shop, class B;
- (xlvii) laboratory, class B;
- (xlviii) bread distributing depot;
- (xlix) cartage, express or truck transport yard or terminal for one or more highway transportation companies or organizations;
- (l) courier service;
- (li) commercial stable;
- (lii) industrial catering service;
- (liii) postal sorting station;
- (liv) railway station;
- (lv) security service and business equipment;
- (lvi) animal by-products plant;
- (lvii) animal food factory;
- (lviii) bakery;
- (lix) brewery;
- (lx) canning factory;
- (lxi) ceramics factory;
- (lxii) chemical products factory;
- (lxiii) electronic equipment factory;
- (lxiv) dairy products plant;

- (lxv) distillery;
- (lxvi) distillation plant;

- (lxvii) fur goods factory;

- (lxviii) garment factory;

- (lxix) gas plant, class A;

- (lxx) gas plant, class B;

- (lxxi) gelatine factory;

- (lxxii) meat products plant;

- (lxxiii) metal wares factory;

- (lxxiv) non-metallic minerals plant;

- (lxxv) packaging plant;

- (lxxvi) pharmaceutical factory;

- (lxxvii) pharmaceutical factory – secondary;

- (lxxviii) photographic plant;

- (lxxix) plastic products factory;

- (lxxx) plastic products factory – secondary;

- (lxxxii) printing plant;

- (lxxxiii) rubber products factory;

- (lxxxiv) soft drink bottling works;

- (lxxxv) tannery;

- (lxxxvi) textile factory;

- (lxxxvii) vegetable food products factory;

- (lxxxviii) wholesale dyeing plant;

- (lxxxviii) winery;

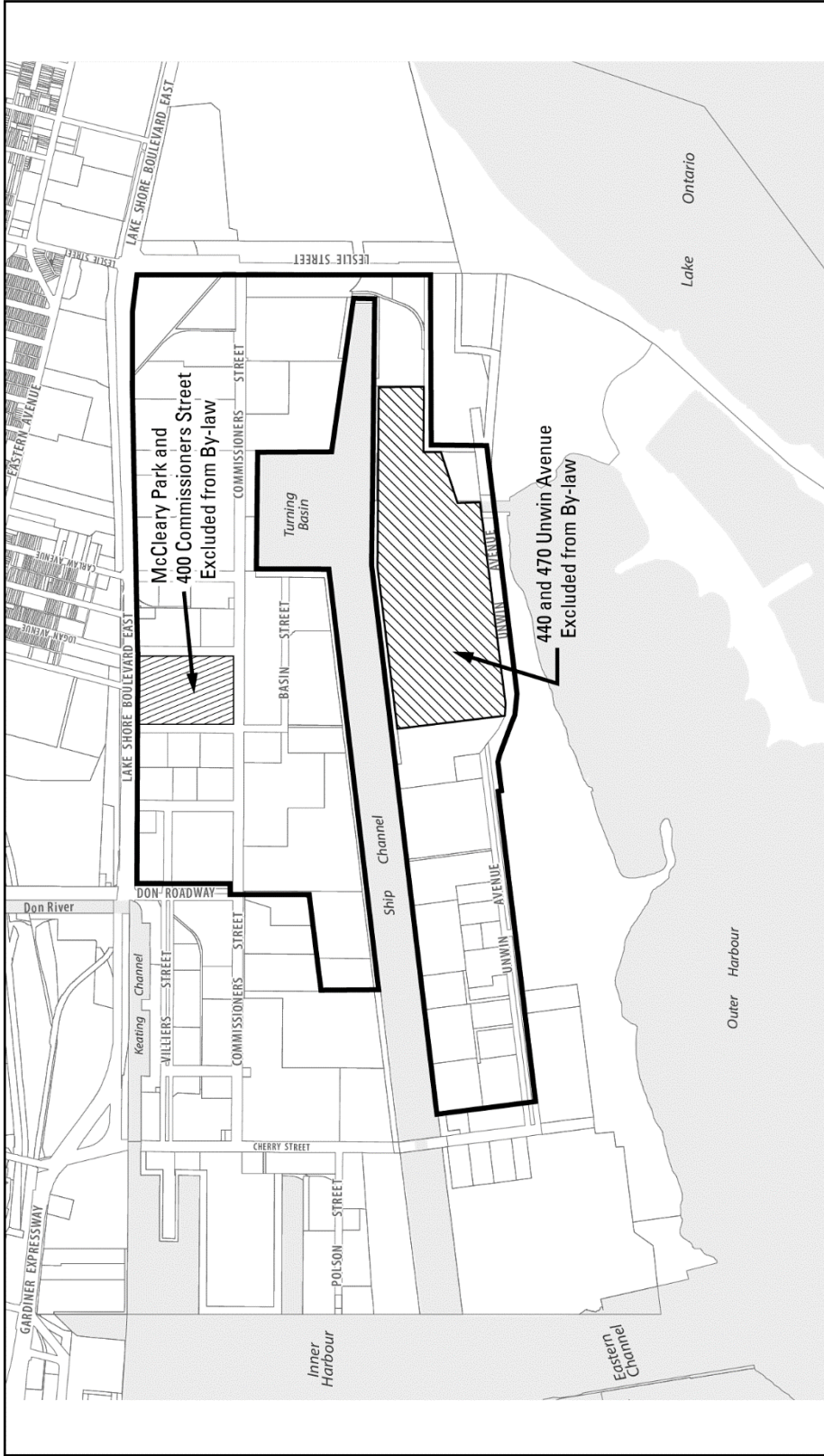
- (lxxxix) wood products factory;
- (xc) animal hospital;
- (xci) commercial school;
- (xcii) drive-through facility;
- (xciii) market gardening;
- (xciv) newspaper plant;
- (xcv) pinball or electronic game machine establishment; and
- (xcvi) trade school.
- 6.** All existing permitted uses are prohibited except public park, restaurant, a retail store with under 475 square metres of gross floor area, newsstand, take-out restaurant, railway, including service and repair yards, railway tracks, pumping station and waterworks on any lands shown as Area 5 within the heavy lines on Schedule 2 attached to this by-law.
- 7.** Despite clause 2(xv), the lands at 300 Commissioners Street may contain a storage warehouse, class A (self-storage warehouse).
- 8.** If any of the uses that are listed in Sections 2, 3, 4, 5, or 6 correspond to defined terms set out in By-law 438-86, then the definitions of those terms in By-law 438-68 shall apply.
- 9.** This By-law expires one year from the date of its enactment by Council.

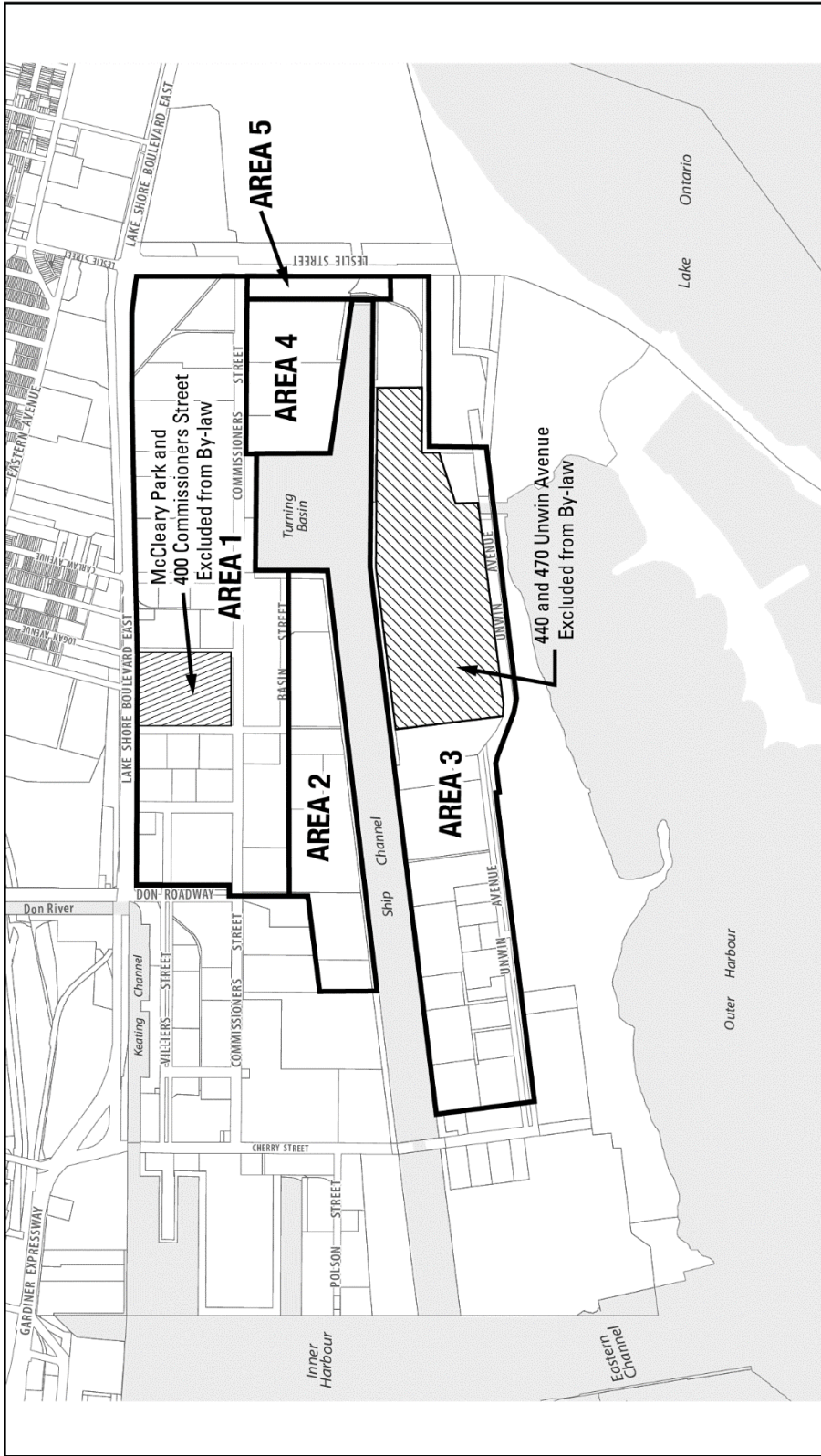
Enacted and passed on ~ , 2017.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)





Toronto
Schedule 2

Port Lands

City of Toronto By-Law 438-86
 Not to Scale
 02/10/2017

Attachment 3: Zoning By-law 438-86



Toronto
Zoning

Port Lands



City of Toronto By-Law 438-86
Not to Scale
02/10/2017