



## Zoning Conformity Framework for Official Plan Employment Areas

**Date:** November 22, 2019

**To:** Planning and Housing Committee

**From:** Chief Planner and Executive Director, City Planning

**Wards:** All

### SUMMARY

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This report outlines a proposed zoning framework to bring the City's zoning by-laws into conformity with Official Plan Amendment 231 (OPA 231), *Employment Areas* policies. There are two phases proposed: Phase 1 would remove zoning permissions for sensitive uses for lands designated as *Employment Areas* in the Official Plan. Phase 2 would bring all lands designated as *Employment Areas* in the Official Plan into city-wide Zoning By-law 569-2013 and amend the permitted uses to ensure conformity with OPA 231.

### RECOMMENDATIONS

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The Chief Planner and Executive Director, City Planning recommends that the Planning and Housing Committee:

1. Endorse the proposed zoning framework as the basis for review to be undertaken to achieve conformity with Official Plan Amendment 231.
2. Direct City Planning staff to conduct public consultations on Phase 1 of the proposed zoning framework, which would remove zoning permissions for sensitive uses from lands designated as *Employment Areas*.
3. Request the Chief Planner and Executive Director, City Planning to prepare a Final Recommendations Report and Zoning By-law Amendments for Phase 1 in the 2nd quarter of 2020, including next steps on Phase 2 of the framework.

## FINANCIAL IMPACT

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An external consultant will be hired for Phase 1 of this project. The total estimated costs for this proposal is \$50,000 (including HST) and there are sufficient funds in the 2019 City Planning Capital Budget.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## DECISION HISTORY

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At its meeting on December 16, 17 and 18, 2013, City Council adopted Official Plan Amendment 231 (OPA 231) for Employment Areas as part of the five-year Official Plan and Municipal Comprehensive Review for Employment Lands. Council's decision on OPA 231 can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

## COMMENTS

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At the time of enactment of city-wide Zoning By-law 569-2013 on May 9, 2013, lands with industrial zoning in the former general zoning by-laws that did not conform to the *Employment Area* policies of the Official Plan were left out of the city-wide Zoning By-law. As a result, the former general zoning by-laws are still in effect for these lands.

Shortly after the enactment of the city-wide Zoning By-law, City Council adopted OPA 231 at its meeting on December 16, 17 and 18, 2013 with respect to the Economic Health and Employment Lands policies, designations and mapping. The intent of OPA 231 is to:

- preserve the city's *Employment Areas* for business and economic activities;
- limit sensitive uses that could affect the function of businesses within *Employment Areas*;
- promote office space on rapid transit;
- accommodate the growth of the retail and institutional sectors to serve the growing population of the City and region;
- conform to the Growth Plan for the Greater Golden Horseshoe; and
- be consistent with the Provincial Policy Statement.

## Policy and Legislative Framework

The former general zoning by-laws permit a number of uses no longer contemplated for lands designated as *Employment Areas* in the Official Plan, including many sensitive uses, such as day nurseries, places of worship, education uses and hotels. OPA 231 reaffirmed that sensitive uses should not locate in these areas. However, because they

are permitted in the former general zoning by-laws, there is nothing to prevent the establishment of these sensitive uses in designated *Employment Areas*. To ensure conformity with the Council approved policies for *Employment Areas* in OPA 231, the former general zoning by-laws should be amended to remove permissions for sensitive uses. Since the adoption of OPA 231, the City on numerous occasions has defended the intent of the Official Plan as a result of minor variance applications seeking to permit uses in *Employment Areas* not intended by the long-term vision of the Official Plan.

OPA 231 was approved by the Minister of Municipal Affairs and Housing in July 2014, and subsequently appealed to the Local Planning Appeal Tribunal (LPAT). The LPAT has issued several Orders to bring portions of OPA 231 into effect including the designations and associated land use policies for *Employment Areas*. Upon conclusion of the LPAT matters regarding the land uses within the City's *Employment Areas*, there is a need to ensure both the city-wide Zoning By-law and the remaining in-force general zoning by-laws of the former municipalities are brought into conformity with OPA 231.

OPA 231 includes polices for appropriate employment uses in *Employment Areas* and divides them into *Core Employment Areas* and *General Employment Areas*. *Core Employment Areas* are, for the most part, geographically located within the interior of *Employment Areas*. Uses that would attract the general public into the interior of *Employment Areas* and possibly disrupt industrial operations are not generally permitted in *Core Employment Areas*. *General Employment Areas* are usually located on the periphery of *Employment Areas* on major roads where retail, service and restaurant uses can serve workers in the *Employment Area*.

The January 8, 2019 LPAT Order brings into force Council decisions to remove the following uses from lands within *Core Employment Areas* and *General Employment Areas*: places of worship, daycares/day nurseries, education uses (excluding technical trade schools related to employment uses), entertainment uses, recreation uses, hotels (unless permitted by a Site and Area Specific Policy (SASP)), and ice arenas (legally established arenas in *General Employment Areas* are permitted). This recent LPAT Order further emphasizes the need to bring the city's zoning by-laws into conformity with OPA 231.

## **Proposed Zoning Framework**

The following two-phased zoning framework would be required to implement provincial policy and bring the City's zoning by-laws into conformity with the OPA 231:

Phase 1: Remove Sensitive Land Uses from Employment Industrial Zones

- Remove sensitive land uses (i.e., day nurseries, places of worship, education uses (not including industrial trade schools), schools, municipal shelters, entertainment uses, recreation uses (not including fitness centres, lawfully existing ice arenas, and hotels unless permitted by a SASP) as permitted uses in industrial zones in all former general zoning by-laws and the city-wide Zoning By-law.

Phase 2: Add lands to the city-wide Zoning By-law and full conformity with OPA 231

- Add all lands designated *Employment Areas* in OPA 231, which are currently not subject to the city-wide Zoning By-law, into Zoning By-law 569-2013. These lands

would be assigned employment industrial zoning based on the applicable zoning under the former general zoning by-laws, with adjustments as needed to ensure conformity with OPA 231.

- Amend the use permissions in the Employment Industrial zones in the city-wide Zoning By-law to conform with the full suite of uses in OPA 231, and create a new zone, Employment Industrial Commercial Zone, to conform with the *General Employment Area* permissions.

This zoning framework is proposed as the basis for review and public consultation. It is anticipated that Phase 1 would be undertaken in the first half of 2020, with a Final Recommendations Report and Zoning By-law Amendments brought forward in the 2nd quarter of 2020. This report would also include discussion regarding next steps on Phase 2 of the framework.

## **CONTACT**

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Michael Mizzi, Director, Zoning and Committee of Adjustment, City Planning Division, Tel: 416-392-0888, Email: [Michael.Mizzi@toronto.ca](mailto:Michael.Mizzi@toronto.ca)

Caroline Samuel, Senior Planner, Zoning and Committee of Adjustment, City Planning Division, Tel: 416-392-8781, Email: [Caroline.Samuel@toronto.ca](mailto:Caroline.Samuel@toronto.ca)

Carola Perez-Book, Senior Planner, Zoning and Committee of Adjustment, City Planning Division, Tel: 416-392-8788, Email: [Carola.Perez-Book@toronto.ca](mailto:Carola.Perez-Book@toronto.ca)

## **SIGNATURE**

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