

Zoning Conformity for Official Plan Employment Areas – Phase 1 Final Report and Phase 2 Update

Date: June 10, 2021

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

Toronto's Official Plan includes extensive policies that recognize the importance of *Employment Areas* to provide for a broad and diverse employment base. On December 10, 2019, the Planning and Housing Committee endorsed a proposed two-phased zoning framework to bring the City's zoning by-laws into conformity with Official Plan Amendment 231 (OPA 231), *Employment Areas* policies.

Phase 1 of the review involves the removal of sensitive land uses as permitted uses in all former general zoning by-laws and the city-wide Zoning By-law for lands designated as *Employment Areas* in the Official Plan.

This report summarizes the Phase 1 review and recommends amendments to all of the in-force zoning by-laws to remove permissions for sensitive land uses or other land uses that are not permitted in *General Employment Areas* or *Core Employment Areas* under the policy direction of OPA 231. This report also describes the next steps for Phase 2 of the review.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to this report.
2. City Council amend North York Zoning By-law 7625, York Zoning By-law 1-83, Toronto Zoning By-law 438-86, Leaside Zoning By-law 1916, East York Zoning By-law 6752, Scarborough Employment Districts Zoning By-law 24982, Municipal Shelter By-law, and the Etobicoke Zoning Code substantially in accordance with the draft Zoning By-law Amendment attached as Attachments 2 to 9 to this report.

3. City Council amend City of Toronto Zoning By-law 569-2013 for 60 Starview Lane substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 10 to this report.
4. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
5. City Council resolve and declare that the decision to amend the zoning by-laws attached as Attachments 1-10 to this report conforms to the Growth Plan (2019) as amended, has regard to matters of Provincial interest listed in Section 2 of the *Planning Act*, and is consistent with the Provincial Policy Statement (2020) issued under Section 3 of the *Planning Act*.

FINANCIAL IMPACT

There are no financial implications resulting from the recommendations included in this report, beyond what is included in City Planning's approved 2021-2030 Capital Budget and Plan.

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

DECISION HISTORY

At its meeting on December 16, 17 and 18, 2013, City Council adopted 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>

The Minister of Municipal Affairs and Housing approved the majority of OPA 231 with limited modifications in July 2014. The Minister's decision received 178 appeals to the Local Planning Appeal Tribunal (LPAT). In December 2016, the LPAT brought into force the *Core Employment Areas* and *General Employment Areas* designations, except for lands that are subject to a site-specific appeal. OPA 231 LPAT Decisions can be accessed at this link: <https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=PL140860>

On December 10, 2019, the Planning and Housing Committee considered a report on Zoning Conformity Framework for Official Plan Employment Areas. The Committee endorsed the proposed zoning framework outlined in the staff report as the basis for review to be undertaken to achieve conformity with OPA 231. Staff were directed 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*. Committee's decision can be viewed at this link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.13>

BACKGROUND

Zoning Proposal

Staff are proposing a number of amendments to zoning by-laws to appropriately implement Official Plan policies for *Employment Areas*, as amended by OPA 231. The table below summarizes the recommended changes to the Employment-Industrial Zones in Zoning By-law 569-2013. Similar summary tables are provided for each of the former general zoning by-laws in Attachment 11 to this report.

Zoning By-law Land Use Term	EL Zone	E Zone	EH Zone	EO Zone
Hotel				Delete
Place of Worship				Delete
Club				Delete
Library				Delete
Community Centre				Delete
Art Gallery				Delete
Museum				Delete
Recreation Use	Delete	Delete		Delete
Place of Assembly				Delete
Performing Arts Studio	Delete	Delete		Delete
Education Use				Permit w/condition
Municipal Shelter				Delete

An "*" symbol on the chart above indicates that the use is currently permitted subject to a condition(s). Where a cell in the table is blank, the use is not currently permitted in that zone.

In addition to the changes outlined in the table above, staff recommend a number of other amendments:

- Amend Municipal Shelter By-law 138-2003, to remove permissions for a "municipal shelter" from the employment-industrial zones of former municipal zoning by-laws;
- Reflect more specific land use policies in the Garrison Common North Secondary Plan;
- Remove zoning permission for ice arenas on lands designated *General Employment Areas* in the Official Plan unless they legally existed as of March 26, 2018;
- Remove zoning permission for ice arenas on lands designated *Core Employment Areas* in the Official Plan;
- Include transition regulations with respect to all of the recommended changes, for properties subject to complete site plan applications, to ensure that the application can proceed under as-of-right zoning permissions in place at the time of the application; and
- Include a site-specific exception for 60 Starview Lane to permit a City-owned community centre that is well-advanced in its planning. This amendment can be found in Attachment 10.

Provincial Land Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (PPS) provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- Efficient use and management of land and infrastructure;
- Opportunities for economic development and job creation.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official

plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

The Growth Plan for the Greater Golden Horseshoe (2019) as amended

The Growth Plan for the Greater Golden Horseshoe (2019) as amended, (Growth Plan) provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including providing certainty for traditional industries.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Staff have reviewed the proposed zoning by-law amendments for consistency with the PPS (2020) and for conformity with the Growth Plan (2019), as amended. The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

The Zoning By-law amendments recommended by this report affect *Employment Areas* as shown on Official Plan Map 2 – Urban Structure and on Maps 13-23 of the City's Official Plan. The Official Plan is intended to be read as a comprehensive and cohesive document. The City of Toronto Official Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Employment Areas (2.2.4) are intended exclusively for economic activity and protected from the encroachment of non-economic functions. They help maintain and grow the City's tax base and dynamic economy, provide a range of employment opportunities,

and are intended to help achieve a balance in the population and employment growth. *Employment Areas* (4.6) are where the city grows its enterprises and jobs, and recognizes that businesses increasingly require flexibility to compete effectively in the global economy. In addition to uses that support the prime economic function of *Employment Areas*, uses such as parks, small scale retail stores, services and restaurants that serve the daily needs of businesses and employees are also permitted in *Employment Areas*. Uses that detract from the economic function of these lands will not be permitted to locate in *Employment Areas*.

Official Plan Amendment 231 (OPA 231)

In December 2013, the City of Toronto adopted OPA 231 to implement new policies and land use designations for *Employment Areas*. OPA 231 established two new land use designations: *General Employment Areas* and *Core Employment Areas*, and amended policies in Chapters 2, 3, and 4 of the Official Plan, to support and protect Toronto's *General Employment Areas* and *Core Employment Areas*.

As amended by OPA 231, *Core Employment Areas* are places for business and economic activities that are generally geographically located within the interior of *Employment Areas*. The uses permitted in these areas are all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, industrial trade schools, media, information and technology facilities, among other related uses. However, uses that attract the general public into the interior of employment lands and possibly disrupt industrial operations are not generally permitted in *Core Employment Areas*.

General Employment Areas are generally located on the periphery of *Employment Areas* on major roads. In addition to all the uses permitted in *Core Employment Areas*, *General Employment Areas* also permit restaurant, retail and service uses that can serve workers in the *Employment Area* and would also benefit from visibility and transit access to draw the broader public.

In *General Employment Areas*, fitness centres are also permitted, as are existing ice arenas that were legally established before March 26, 2018. Neither of these uses are permitted in *Core Employment Areas*.

Sensitive Uses

In the Official Plan, sensitive land uses are defined as "buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times have the potential to experience an adverse effect, due to nearby major facilities or due to emissions that may be generated by the land uses permitted by this Plan within an *Employment Area*." Residential uses are considered to be sensitive land uses. Other examples of sensitive uses are daycare centres, and educational and health facilities.

The Official Plan states that introducing sensitive land uses into *Employment Areas* can have impacts by forcing industries "to alter their operations, particularly when the

environmental certificates that industries operate under are affected, or complaints are lodged about adverse effects from industrial operations." OPA 231 reaffirmed that sensitive uses should not locate in *Employment Areas*. While the COVID-19 pandemic has had profound impacts on Toronto's economy and employment structure, resulting in a 7.6 percent decline in total jobs across the City in 2020, Employment Areas continue to be a significant source of employment in Toronto. A total of 402,347 jobs were located in Employment Areas in 2020, representing 25.6 per cent of all jobs in Toronto and 87.6 per cent of all manufacturing jobs in the City.

Zoning By-laws and OPA 231

Section 24(1) of the Planning Act sets out that no by-law, including zoning by-laws, shall be passed that do not conform with the Official Plan. The City of Toronto is seeking to amend all in-force zoning by-laws to bring them into conformity with the Official Plan, as amended by OPA 231.

Because they were written prior to the current Official Plan and OPA 231, the former general zoning by-laws permit a number of sensitive uses, such as day nurseries and education uses, as well as other uses including places of worship, and hotels in industrial zones. City-wide Zoning By-law 569-2013 predates OPA 231, and permits some sensitive uses and other non-permitted uses in the Employment-Industrial zones.

The City is seeking to amend the in-force zoning by-laws to remove permissions for sensitive land uses or other land uses that are not permitted in *General Employment Areas* or *Core Employment Areas* under the policy direction of OPA 231.

Methodology

The City Planning Division retained the services of a private planning consultant, R.E. Millward and Associates, to support and carry out the Phase 1 review. In consultation with City Planning Division staff, the consultant identified which land uses must be removed from zoning by-law permissions for lands designated as *Employment Areas* in the Official Plan, in order to ensure conformity with the Official Plan. It was determined that the following uses or general categories of uses would be removed wherever they are currently permitted by zoning by-laws in areas designated as *Employment Areas* in the Official Plan:

Uses to be removed from zoning by-laws for lands designated as <i>Employment Areas</i>		
Residential Uses	Schools	Community Services
Municipal Shelters	Hotels	Public Services
Day Nurseries	Places of Worship	Institutions
Education Uses	Entertainment Uses	Recreation Uses

The uses listed include sensitive uses such as residential uses or municipal shelters that may negatively impact, or be negatively impacted by employment or industrial land

uses, as well as other land uses that may not be sensitive uses, but are not permitted under OPA 231.

All of the applicable zoning by-laws were reviewed with respect to the uses identified above. These include:

- City-wide Zoning By-law 569-2013;
- North York Zoning By-law 7625;
- York Zoning By-law 1-83;
- Toronto Zoning By-law 438-86;
- Leaside Zoning By-law 1916;
- East York Zoning By-law 6752;
- Scarborough Employment Districts Zoning By-law 24982;
- Etobicoke Zoning Code; and
- Municipal Shelter By-law 138-2003

A detailed review and analysis for each of the zoning by-laws was undertaken. This included the review of all zones that apply to lands designated as *Employment Areas* in the Official Plan, and the permitted uses within each of those zones. Because zoning by-law definitions and terms tend to be more specific than the policy-based language in the Official Plan, it was necessary to consider all of the zoning uses that would fall under each of the broader terms identified in the table above. For example, the term recreation use could include zoning terms such as "fitness centre", "bowling alley" and "swimming pool". In addition, different zoning by-laws of the former municipalities do not necessarily use the same terms to describe the same use. For example, "day care" and "day nursery" are both terms used to describe the same land use.

Secondary Plans and Site and Area-Specific Policies

Secondary Plans and Site and Area-Specific Policies (SASP) in Chapters 6 and 7 of the Official Plan respectively, were also reviewed where they apply to *Employment Areas*. Both of these tools allow for policies that differ from the general land use policies in Chapter 4 of the Official Plan and are used to address the unique planning context of a given site or area, or a specific development.

Fitness Centres and Ice Arenas

Policy 4.6.4 of the Official Plan, brought into force by OPA 231, specifically permits fitness centres in *General Employment Areas*, whereas fitness centres are not permitted *Core Employment Areas*. This use was considered in the context of a variety of land use terms in the current zoning by-laws. R.E. Millward also examined instances where different portions of a single large property are subject to the two different Official Plan *Employment Area* designations.

Policy 4.6.4 also permits existing ice arenas that were "legally established on or before March 26, 2018" in *General Employment Areas*. City Planning staff identified existing ice arenas located in *General Employment Areas* that met the criteria to be permitted as per Policy 4.6.4. OPA 231 does not extend the ice arena permission to areas designated as *Core Employment Areas*.

COMMENTS

The Planning Act

Section 24 of the *Planning Act* sets out that no by-law, including a zoning by-law, shall be passed that does not conform with the Official Plan. The intent behind the recommended zoning by-law amendments is to bring the City's zoning by-laws into conformity with the Official Plan, as amended by OPA 231. The amendments achieve this by amending the in-force zoning by-laws to remove permissions for sensitive land uses or other land uses that are not permitted in *General Employment Areas* or *Core Employment Areas* under the policy direction of OPA 231.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019), as amended.

Staff have determined that the proposed zoning by-law amendments to remove sensitive uses from zoning permissions *Employment Areas* are consistent with the PPS and conform with the Growth Plan as follows:

- Supports policy 1.2.6.1 of the PPS by ensuring separation between *major facilities* and *sensitive land uses* to avoid or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*;
- Supports policy 1.3.1 of the PPS which requires planning authorities to provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses;
- Ensures that the intent of the land use designations and policies of the Official Plan are maintained; Policy 4.6 of the PPS states that the official plan is the most important vehicle for implementation of this Provincial Policy Statement;
- The PPS states that zoning by-laws are important for implementation of the PPS. The proposed amendments ensure that the City's zoning by-laws are up-to-date with the Official Plan and the PPS;
- Ensures the availability of sufficient land, in appropriate locations, for a variety of employment in accordance with Growth Plan policy 2.2.5.1; and
- Protects for appropriate employment uses over the long-term by not permitting residential, and other sensitive uses, in accordance with Growth Plan policy 2.2.5.7.

Official Plan

The proposed amendments implement the Official Plan's policies for *Employment Areas*, as amended by OPA 231. They ensure that the in-force zoning by-laws are in conformity with the policies for both *General Employment Areas* and *Core Employment Areas*, by removing all sensitive and non-permitted uses. OPA 231 reaffirmed that sensitive uses should not locate in these areas.

The proposed amendments serve to maintain *Employment Areas* as places of business and economic activity, and help to provide a stable and productive operating

environment for business by removing permissions for sensitive uses, and other uses that may negatively impact industries. They recognize that *Employment Areas* are finite and that there is little opportunity to create new employment lands. As such, Policies 2.2.4.2(a), (b), (c), (e), (h), (j), (k) and (l) are supported by these amendments, in addition to land use designation policies 4.6.1 to 4.6.6.

Changes to land use permissions

As described in the Background section of this report, each of the applicable general zoning by-laws was reviewed to identify the relevant land use terms that should be recommended for removal in order to conform to the OPA 231 policies for lands designated as *Employment Areas*. These uses were identified as those that can negatively impact or be impacted by industry that is permitted in *Employment Areas*. In addition, industrial and manufacturing uses do not generally have options of locating outside of industrial-employment zones, while these sensitive and other uses are permitted in numerous other zones.

Municipal Shelter By-law 138-2003

The Municipal Shelter By-law is a permissive zoning by-law, in that it permits municipal shelters in all zones, including employment-industrial zones. This by-law was adopted prior to the adoption of OPA 231 policies, which no longer permits municipal shelters in zones that are within *Employment Areas*. It is recommended that municipal shelters should not be a permitted use in employment-industrial zones in the Etobicoke Zoning Code, North York By-law 7625, York By-law 1-83, East York By-law 6752, Leaside By-law 1916, Scarborough Employment District By-law 24982, and Toronto By-law 438-86.

Secondary Plan Areas and Site and Area-Specific Policies

Where a secondary plan or site and area-specific policy allows for a sensitive use or a use otherwise not permitted in *Employment Areas*, and that use is permitted under the in-force zoning by-law, it is the intent of this review to maintain that permission. This will be done through a site or area-specific exception in the applicable zoning by-law. It should be emphasized that this only applies where a use was already permitted under the applicable zoning by-law.

Secondary plans that include *Employment Areas* within their boundaries were reviewed as part of the land use analysis. Based on the analysis, amendments are required to reflect more specific land use policies in the Garrison Common North Secondary Plan. These amendments can be found in Attachment 4.

The ConsumersNext Secondary Plan also contains more specific land use policies that permit some sensitive uses in *Employment Areas*. However, there are no recommended zoning by-law amendments in this report to reflect the policies of the ConsumersNext Secondary Plan. This secondary plan was the subject of several appeals to the LPAT, and North York Community Planning staff have been directed to bring forward implementing zoning by-laws. An order was recently issued on April 21, 2021, and staff will bring forward the implementing zoning by-laws for ConsumersNext in the near future.

Fitness Centres and Ice Arenas

Fitness Centres are permitted in *Employment Areas* in some of the applicable zoning by-laws, either under a specific term such as fitness centre or fitness club, or under another permitted use such as a recreation use. As described in the Methodology and Analysis section above, fitness centre is a use that is not consistently permitted across all *Employment Areas*. It is permitted in lands designated *General Employment Areas*, but not in *Core Employment Areas*. In order to maintain the use permission and conformity with the Official Plan policies, many properties would need to be split-zoned along the official designation boundary, with the use being permitted on the portion that is designated *General Employment Area* only. Split zoning a property can result in administrative and interpretation issues. As part of the Phase 1 recommendations, staff are recommending that fitness centre permissions be removed from the applicable zoning by-laws in order to facilitate conformity with the OPA 231 policies for *Employment Areas*. As part of the Phase 2 review, staff will review how best to provide permissions for fitness centres on a site- or area-specific basis for those properties in *General Employment Areas* where the use was previously permitted.

Existing ice arenas located in *General Employment Areas* that were legally established before March 26, 2018 are permitted by the policies adopted OPA 231. It is recommended that site-specific exceptions be provided to permit the use for the sites listed in Attachment 12.

Transition

The recommended zoning by-law amendments include transition regulations for complete site plan applications. These would apply to site plan applications submitted and deemed complete by City staff, before the date that the proposed zoning by-law amendments are adopted by Council, should Council choose to approve them. Site plan applications are typically dependent on as-of-right zoning permissions. This will ensure fairness for sites that began a planning approval process before the use permissions changed, and will permit the application to proceed to be reviewed.

60 Starview Lane

A new City-owned community centre is proposed for this site, and has gone through community consultation and the Design Review Panel. It is currently split-zoned as M1 (Industrial Zone One) and R4 (One-Family Detached Dwelling Fourth Density Zone) under North York By-law 7625, and Residential Detached in By-law 569-2013. This site is unique in that the Official Plan designation is not *Employment Areas*, but *Neighbourhoods* which would indicate that the existing industrial zoning does not conform to the Official Plan.

Staff recommend that the zoning should be amended to reflect the Official Plan direction for *Neighbourhoods*, by zoning the entire site RD (the zone that currently applies to a portion of the site) and that a site-specific exception be provided to permit the community centre use which is currently permitted on the entire site under the current zoning for the site. Without this site-specific approach, the recommendations of this report would otherwise remove permission for a community centre on this site.

Areas Excluded from Proposed Zoning By-law Amendments

Site-Specific Zoning By-law Permissions

With the exception of Scarborough By-law 24982, the review of permitted uses in zoning for lands in *Employment Areas* did not include the review of permitted uses that exist through a site-specific exception. The Scarborough by-law was the subject of an earlier review undertaken to determine the scope of work required to achieve full conformity with OPA 231 in the context of the former general zoning by-laws. While the recommended zoning by-law amendments attached to this report will remove the base zoning permissions for sensitive and other non-permitted uses, the site-specific permissions will not be amended at this time. It is expected that these site-specific permissions will be reviewed through the Phase 2 work, which will consider whether or not these site-specific zoning permissions were obtained through a site-specific planning application process, and whether or not the additional permitted uses actually exist on the site, and any other relevant considerations.

Zones with No Remaining Use Permissions

Scarborough By-law 24982 contains numerous zones that only permit residential or institutional uses, despite being located in mostly industrial areas. In order to conform with OPA 231 through the removal of use permissions, some of these zones would have no permitted uses remaining once all of the sensitive and non-permitted uses are removed. These zones are: Community Facilities Zone (CF), Places of Worship Zone (PW), Single-Family Residential Zone (S), and Recreational Zone (RU). In order to best determine what new zoning should apply to these sites, and to allow for additional consultation, it is recommended that these zones will be addressed as part of the Phase 2 work.

Lands Zoned Employment-Industrial Outside of Employment Areas

The recommended zoning by-law amendments do not address lands with applicable employment-industrial zoning that are not designated as *Employment Areas* in the Official Plan. These areas typically reflect former industrial lands that have transitioned into other uses over time, or that are found in areas undergoing change. The Official Plan recognizes that the intention for future uses is something other than *Employment Area* uses, but the zoning has not been changed to reflect that. It is anticipated that these sites will be addressed as part of Phase 2 of the Zoning Conformity for Official Plan *Employment Areas*, or through a site-specific planning application.

Legal Non-conforming Uses

Legal non-conforming uses are governed by Subsection 34(9) of the *Planning Act*. Uses that are lawfully existing in *Employment Areas*, and which are being recommended to be removed as part of this report, may be considered legal non-conforming uses, in accordance with the *Planning Act*.

Community Consultation and Feedback

Two public consultation meetings were held on November 2 and 4, 2020 where participants could learn more about this study, ask questions and share their comments. Due to the COVID-19 pandemic, these meetings were held online and by phone-in only. One meeting was held in the evening, and the other was held during typical business

hours, in order to provide a range of opportunities for participation from industry, business and residents.

The meetings were advertised via e-mails to interested parties and stakeholders. The stakeholder list was developed in consultation with staff from the Economic Development and Culture Division, and included groups such as the Toronto Industry Network (TIN), the Building Industry and Land Development Association (BILD), various Business Improvement Areas (BIAs) and business associations with interests in industrial areas. An advertisement in the Toronto Sun was also used, as was the project study page, and social media.

The meetings were attended by approximately 30 people in total. The majority of questions received through the public consultation process related to the use of transition clauses to ensure that sites with active applications proceeding under the current applicable zoning would not be affected. There were also questions received with respect to individual sites and how these changes would affect individual use permissions. Staff are recommending that transition clauses be included as part of the zoning by-law amendments, for sites that have complete site plan applications prior to Council's adoption of the proposed zoning by-law amendments, should Council choose to approve them.

With respect to the inquiries related to use permissions for specific sites, these were considered on an individual basis. Sites that had Official Plan, Secondary Plan or Site and Area-Specific policies that provide permissions for uses that would otherwise have been removed, would have a site-specific exception applied as part of the recommended amendments. Sites that are undergoing a site plan application process and have a complete application would benefit from the transition clauses. Sites that do not fall into either of these previous categories may be considered legal non-conforming under the *Planning Act*.

Statutory Public Meeting Comments

In making their decision with regard to these proposed amendments, Council members will have the opportunity to review written submissions and hear live-streamed deputations, should they be made, at the public meeting held by the Planning and Housing Committee on May 20, 2021.

Phase 2 Next Steps

The Zoning Conformity for Official Plan *Employment Areas* was always envisioned as being completed in multiple phases because of the scope of the work. Phase 2 of the review will:

- Bring all lands designated as *Employment Areas* in the Official Plan into city-wide Zoning By-law 569-2013; and
- Review all permitted use conditions to ensure conformity with OPA 231.

Bringing the lands into Zoning By-law 569-2013 would mean that all of the lands that are currently not part of the by-law, commonly referred to as "holes", are assigned to a

new zone under By-law 569-2013. In some cases, sites may have been left out of By-law 569-2013 because the existing zoning under the former general zoning by-law did not conform to the Official Plan policies. For example, many former industrial zones that permit a wide range of commercial and non-employment uses could not be brought into the By-law because these use permissions conflict with the Official Plan policies. It is anticipated that these conflicts will be reconciled as part of the Phase 2 review.

It is also anticipated that the Phase 2 review will examine the conditions for existing permitted uses and whether or not they conform to the policies. For example, size restrictions on retail uses.

The Phase 2 review will require the support of a third party consultant. It is expected that this procurement process will commence later this year. Given the scope of the work required, consideration will be given to proceeding on a geographic basis and working across each former municipality or Community Council area.

Conclusion

The proposed zoning by-law amendments have been reviewed against the policies of the PPS (2020), the Growth Plan (2019) as amended, and the Official Plan. The amendments are consistent with the PPS (2020) and do not conflict with the Growth Plan (2019) as amended. Furthermore, the proposal updates the applicable zoning by-laws to ensure they are in conformity with the Official Plan, particularly as it relates to the *Employment Area* policies are amended by OPA 231.

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SIGNATURE

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Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

- Attachment 1: Amendment to Zoning By-law 569-2013
- Attachment 2: Amendment to North York Zoning By-law 7625
- Attachment 3: Amendment to York Zoning By-law 1-83
- Attachment 4: Amendment to Toronto Zoning By-law 438-86
- Attachment 5: Amendment to Leaside Zoning By-law 1916
- Attachment 6: Amendment to East York Zoning By-law 6752
- Attachment 7: Amendment to Scarborough Employment Districts Zoning By-law 24982
- Attachment 8: Amendment to Municipal Shelter By-law 138-2003
- Attachment 9: Amendment to Etobicoke Zoning Code
- Attachment 10: Site-specific amendment for 60 Starview Lane
- Attachment 11: Summary Table of proposed changes to use permissions in Former General Zoning By-laws
- Attachment 12: Summary Table of proposed exceptions for legally established ice arenas