

Authority: Planning and Housing Committee Item [-], as adopted by City of Toronto Council on [-]

Explanatory Comment: This Zoning By-law amendment proposes to rezone lands from “Airport Hazard Area (A)” in North York Zoning By-law 7625, to “Commercial Residential (CR)” in City-wide Zoning By-law 569-2013 (https://www.toronto.ca/zoning/bylaw_amendments/ZBL_NewProvision_Chapter40.htm). The intent of this amendment is to provide for community amenity and placemaking opportunities, as well as the efficient use of vacant lands, during the long interim period before the Downsview Secondary Plan Area is fully developed. These “meanwhile uses” are generally non-residential land uses that are permitted to occupy the site prior to development of a particular district, phase or site in accordance with the policies in the recommended Downsview Secondary Plan.

CITY OF TORONTO

BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to certain lands within the Downsview Secondary Plan Area in the City of Toronto, generally located south of Sheppard Avenue West, west of William Allen Road, north of Wilson Avenue, and east of Keele Street.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act, as amended; and

Whereas pursuant to Section 36 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, use a holding symbol "(H)" in conjunction with any use designation to specify the use to which lands, buildings or structures may be put once the holding symbol "(H)" is removed by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding symbol "(H)".

The Council of the City of Toronto enacts:

Explanatory Comment: Section 1 identifies the location of the lands subject to this by-law, which are a large portion of the lands within the Downsview Secondary Plan Area, including the Runway and lands surrounding Downsview Park Station and the Depot building, excluding the hangar buildings in Taxiway West District.

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

Explanatory Comment: Section 2 makes clear that certain words have defined meanings found in the existing city-wide by-law (available online at toronto.ca/zoning/bylaw_amendments/ZBL_NewProvision_Chapter800.htm)

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, Chapter 800 Definitions.

Explanatory Comment: Section 3 identifies that the lands subject to this by-law will be added to the city-wide by-law. It also identifies the proposed zoning label for these lands as Commercial Residential Zone with a maximum floor space index of 0.15, and subject to a holding provision.

3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: (H) CR 0.15 (c0.15; r0.0) SS3 (x961) as shown on Diagram 2 attached to this By-law.

Explanatory Comment: Section 4 is a technical addition of lands to the Policy Overlay Map of the city-wide by-law and does not include any regulations.

4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying no value.

Explanatory Comment: Section 5 adds the lands subject to this by-law to the Height Overlay Map in the city-wide by-law and sets a maximum height of 12 metres and three storeys.

5. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Height Overlay Map in Article 995.20.1 and applying the following height and storey label to these lands: HT 12.0, ST 3, as shown on Diagram 3 attached to this By-law.

Explanatory Comment: Section 6 is a technical addition of lands to the Lot Coverage Map of the city-wide by-law and does not include any lot coverage regulations.

6. Zoning By-law 569 -2013, as amended, is further amended by adding the lands to the Lot Coverage Overlay Map in Article 995.30.1 and applying no value.

Explanatory Comment: Section 7 is a technical addition of lands to the Rooming House Overlay Map of the city-wide by-law and does not include any regulations for rooming houses as they are not a permitted use.

7. Zoning By-law 569-2013, as amended, is further amended by adding the lands to the Rooming House Overlay Map in Article 995.40.1 and applying no value.

Explanatory Comment: Section 8 provides changes to the general regulations for the Commercial Residential Zone category that will apply to the lands subject to this by-law. The CR regulations in city-wide by-law 569-2013 apply, except as described in this section.

8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 961 so that it reads:

(961) Exception CR 961

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

- (A) On lands shown on Diagram 1 of By-law [Clerks to insert By-law number], if the requirements of By-law are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (M) below;

Explanatory Comment: Subsection (B) identifies three different front lot lines to clarify how by-law standards apply as future development applications proceed in accordance with the Downsview Secondary Plan.

- (B) For the purposes of clause 5.10.30.20:

- (i) The front “lot line” for Area A, as shown on Diagram 4 of By-law [Clerks to insert By-law number] is Sheppard Avenue West;
- (ii) The front “lot line” for Area B, as shown on Diagram 4 of By-law [Clerks to insert By-law number] is William Allen Road; and

- (iii) The front “lot line” for Area C, as shown on Diagram 4 of By-law [Clerks to insert By-law number] is Beffort Road;

Explanatory Comment: Subsection (C) permits renewable energy to locate in a front yard or side yard.

- (C) Regulation 40.5.75.1(1), with respect to the location of a **renewable energy** device on a “lot” does not apply;

Explanatory Comment: Subsection (D) identifies a specific set of non-residential uses to be permitted as ‘meanwhile’ uses without conditions, including:

- permitting a production studio in addition to the those uses in the city-wide CR regulation (https://www.toronto.ca/zoning/bylaw_amendments/ZBL_NewProvisionChapter40_10.htm); and
- not permitting certain uses in the city-wide CR regulation (e.g. courts of law, financial institution, software development and processing), as these uses are more appropriately located within future development sites in the Downsview Secondary Plan Area.

- (D) Despite regulation 40.10.20.10(1)(A), only the following non-residential uses are permitted:
- (i) **Art Gallery;**
 - (ii) **Artist Studio;**
 - (iii) **Automated Banking Machine;**
 - (iv) **Community Centre;**
 - (v) **Education Use;**
 - (vi) **Library;**
 - (vii) **Massage Therapy;**
 - (viii) **Museum;**
 - (ix) **Office;**
 - (x) **Park;**
 - (xi) **Passenger Terminal;**

- (xii) **Performing Arts Studio;**
- (xiii) **Personal Service Shop;**
- (xiv) **Production Studio;**
- (xv) **Religious Education Use;** and
- (xvi) **Wellness Centre;**

Explanatory Comment: Subsection (E) permits a municipal shelter as the only residential ‘meanwhile’ use without conditions.

- (E) Despite regulation 40.10.20.10(1)(B), only the following residential use is permitted:
- (i) **Municipal Shelter;**

Explanatory Comment: Subsection (F) identifies a specific set of non-residential uses to be permitted as ‘meanwhile’ uses with conditions, including:

- **permitting certain uses in addition to those in the city-wide CR regulation (e.g. food manufacturing use, market garden, vehicle depot);**
- **setting conditions for certain non-residential uses (e.g. setbacks, fencing/buffering requirements) and clarifying which conditions in the city-wide CR regulation continue to apply;**
- **clarifying that ceremonial space and cultural gatherings are permitted as a place of assembly; and**
- **not permitting certain uses in the city-wide CR regulation (e.g. day nursery, hotel, laboratory), as these uses are more appropriately located within future development sites in the Downsview Secondary Plan Area.**

- (F) Despite regulation 40.10.20.20(1)(A), only the following non-residential uses with conditions are permitted, provided they comply with the specific conditions listed below, or, if no conditions are listed below, provided they comply with the specific conditions associated with the reference number(s) for each use in Clause 40.10.20.100:
- (i) **Amusement Arcade (23, 47);**
 - (ii) **Cabaret (1);**
 - (iii) **Club (1);**
 - (iv) **Custom Workshop (16);**

- (v) **Eating Establishment** (1,33);
- (vi) **Entertainment Place of Assembly** (1,46);
- (vii) **Food Manufacturing Use**, provided:
 - (a) a food **manufacturing use** must be fruit and vegetable preserving, specialty food manufacturing or dairy product manufacturing, only in batch processing; and
 - (b) must be located at least 30 metres from a **lot** in the Residential Zone category, the Residential Apartment Zone category, or a **lot** in the CR zone where the “r” value in the zone label is greater than 0.0;
- (viii) **Market Garden**, which may also include growing and harvesting vegetables, fruits, flowers, shrubs, trees or other horticultural products for community uses;
- (ix) **Nightclub** (2);
- (x) **Open Storage**, subject to the following:
 - (a) must be located at least 100 metres from a **lot** in the Residential Zone category, the Residential Apartment Zone category, or a **lot** in the CR zone where the “r” value in the zone label is greater than 0.0;
 - (b) must be enclosed by a fence;
 - (c) must be a maximum of 5,000 square metres;
 - (d) may be no higher than the maximum permitted height of a **building** on the “lot;” and
 - (e) must not include any hazardous waste or contaminated materials;
- (xi) **Outdoor Patio** (21);
- (xii) **Outdoor Sales or Display** (20);
- (xiii) **Place of Assembly** (1, 29), which may also include **premises** used for ceremonies and cultural gatherings such as, but not limited to traditional ceremonies;
- (xiv) **Place of Worship** (40); except a dwelling unit is not permitted;

- (xv) **Public Parking** (8,9,10,11); and provided:
 - (a) **public parking** is not located below-ground;
- (xvi) **Public School** (28);
- (xvii) **Public Utility** (54,57);
- (xviii) **Public Works Yard**, provided:
 - (a) a **public works yard** must be at least 100 metres from a **lot** in the Residential Zone Category, the Residential Apartment Zone category or the Commercial Residential Employment Zone category, or a **lot** in the CR zone where the “r” value in the zone label is greater than 0.0;
- (xix) **Recreation Use** (1, 46), and provided:
 - (a) A swimming pool is not permitted as a **recreation use**;
- (xx) **Renewable Energy**, provided:
 - (a) **renewable energy** production must comply with all Municipal, Provincial and Federal by-laws, statutes and regulations;
- (xxi) **Retail Service** (17);
- (xxii) **Retail Store** (5);
- (xxiii) **Service Shop** (6);
- (xxiv) **Sports Place of Assembly** (46);
- (xxv) **Take-out Eating Establishment** (1); and
- (xxvi) **Transportation Use** (55);
- (xxvii) **Vehicle Depot**, subject to the following:
 - (a) fuelling as **ancillary** to a **vehicle depot** is only permitted if the **vehicles** are electric **vehicles** using **energized outlets** for electric vehicle charging;
 - (b) must be enclosed by a fence; and
 - (c) must be located at least 30 metres from a **lot** in the

Residential Zone category, the Residential Apartment Zone category, or a **lot** in the CR zone where the “r” value in the zone label is greater than 0.0;

Explanatory Comment: Subsection (G) permits a crisis care shelter as the only residential ‘meanwhile’ use with conditions, which are outlined in the city-wide by-law.

- (G) Despite regulation 40.10.20.20(1)(B), only the following residential use with conditions is permitted, provided it complies with the specific conditions associated with the reference number for the use in Clause 40.10.20.100:

- (i) **Crisis Care Shelter** (43);

Explanatory Comment: Subsection (H) sets out a maximum gross floor area of 3,500 square metres for each new building. The existing Depot building at 40 Carl Hall Road is not subject to this maximum. This subsection also identifies that gross floor area may not be located below-ground to help ensure meanwhile uses can be removed or relocated in the future.

- (H) In addition to regulation 40.10.40.40(1), the permitted maximum **gross floor area** for each **building** is 3,500 square metres, except:
- (i) the maximum **gross floor area** does not apply to the **building** at 40 Carl Hall Road, identified within Area A on Diagram 4 of By-law [Clerks to insert By-law number], which is existing as of [Clerks to insert date of adoption of By-law]; and
- (ii) **gross floor area** is not permitted below-ground, including areas in regulation 40.5.40.40(1);

Explanatory Comment: Subsection (I) clarifies that a municipal shelter and/or crisis care shelter are not subject to the maximum 3,500 square metre gross floor area outlined in subsection (H). These uses are subject to the maximum 0.15 floor space index in the by-law.

- (I) Despite regulation 40.10.40.40(1)(C), a **municipal shelter** and/or **crisis care shelter** are permitted, subject to the following:
- (i) the permitted maximum floor space index is 0.15; and
- (ii) the permitted maximum **gross floor area** for a **building** or structure in regulation (H) above does not apply;

Explanatory Comment: Subsection (J) sets minimum setbacks, including a minimum of 7.5 metres from the outer lot lines of the lands subject to the by-law, and a minimum of 30 metres from lot boundary of the Barrie GO Rail Line.

- (J) Despite regulation 40.10.40.70(3), and in addition to the specific use conditions outlined in regulation (F) and (G) above, a **building** or **structure** must be set back as follows:
- (i) at least 30 metres from a **lot** in the UT Utility Transportation Zone; and
 - (ii) at least 7.5 metres from the “lot lines” of Area A, Area B, and Area C as shown on Diagram 4 of By-law [Clerks to insert By-law number], except:
 - (a) no setbacks are required for a **building** or **structure** where Area A, Area B, and/or Area C share an adjoining “lot line,” as shown on Diagram 4 of By-law [Clerks to insert By-law number];

Explanatory Comment: Subsection (K) removes soft landscaping requirements, given that the by-law is intended for meanwhile uses and appropriate site layout will be addressed through Site Plan Control applications.

- (K) Despite regulation 40.10.50.10(3), **soft landscaping** is not required abutting a **lot** in the Residential Zone category or Residential Apartment Zone category;

Explanatory Comment: Subsection (L) does not permit parking spaces below-ground to help ensure meanwhile uses can be removed or relocated in the future.

- (L) In addition to clause 40.10.80.10, **parking spaces** may not be located below-ground;

Explanatory Comment: Subsection (M) establishes specific definitions for a lot and lot line to provide clarity on implementing the by-law.

- (M) For the purpose of this exception, each word or expression that is in bold font will have the same meaning as such word or expression as defined in Chapter 800 of Zoning By-law 569-2013, as amended, except for the following:

- (i) “Lot” means the lands collectively comprising Area A, Area B and Area C as identified on Diagram 4 of By-law [Clerks to insert By-law number];
- (ii) “Lot Line” means the boundary of any of Area A, Area B and Area C as identified on Diagram 4 of By-law [Clerks to insert By-law number];

Prevailing By-laws and Prevailing Sections:

(None Apply)

Explanatory Comment: Section 9 identifies that if lands subject to this by-law are divided in the future, the by-law applies as though there was no land division.

9. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition or division occurred.

Explanatory Comment: Item 10 identifies uses subject to a holding provision, and the requirement for a Functional Servicing Report to be submitted to the satisfaction of the City prior to lifting the hold and establishing the use. This is to ensure adequate servicing capacity for uses with potential higher water demand, sewage flows and/or fire flows.

10. Holding Symbol Provisions

- (A) The following uses are not permitted on lands zoned with the holding symbol "(H)" delineated by heavy lines on Diagram 2 attached to this By-law, other than those uses and buildings existing as of the date of the passing of this By-law, until the holding symbol "(H)" has been removed:
 - (i) **Amusement Arcade;**
 - (ii) **Cabaret;**
 - (iii) **Club;**
 - (iv) **Community Centre;**
 - (v) **Crisis Care Shelter;**
 - (vi) **Eating Establishment;**
 - (vii) **Education Use;**

- (viii) **Entertainment Place of Assembly;**
 - (ix) **Food Manufacturing Use;**
 - (x) **Library;**
 - (xi) **Market Garden;**
 - (xii) **Nightclub;**
 - (xiii) **Office;**
 - (xiv) **Place of Assembly;**
 - (xv) **Place of Worship;**
 - (xvi) **Public School;**
 - (xvii) **Recreation Use;**
 - (xviii) **Religious Education Use;**
 - (xix) **Sports Place of Assembly;** and
 - (xx) **Take-out Eating Establishment;**
- (B) The holding symbol "(H)" referred to in (A) above does not apply to the **building** at 40 Carl Hall Road, identified within Area A on Diagram 4 of By-law [Clerks to insert By-law number], which is existing as of [Clerks to insert date of adoption of By-law];
- (C) An amending by-law to remove the holding symbol "(H)" referred to in (A) above may be enacted when the following is fulfilled:
- (i) The owner shall submit a Functional Servicing Report demonstrating sufficient capacity to accommodate the servicing demand for this development, to the satisfaction of the Executive Director, Engineering and Construction Services.

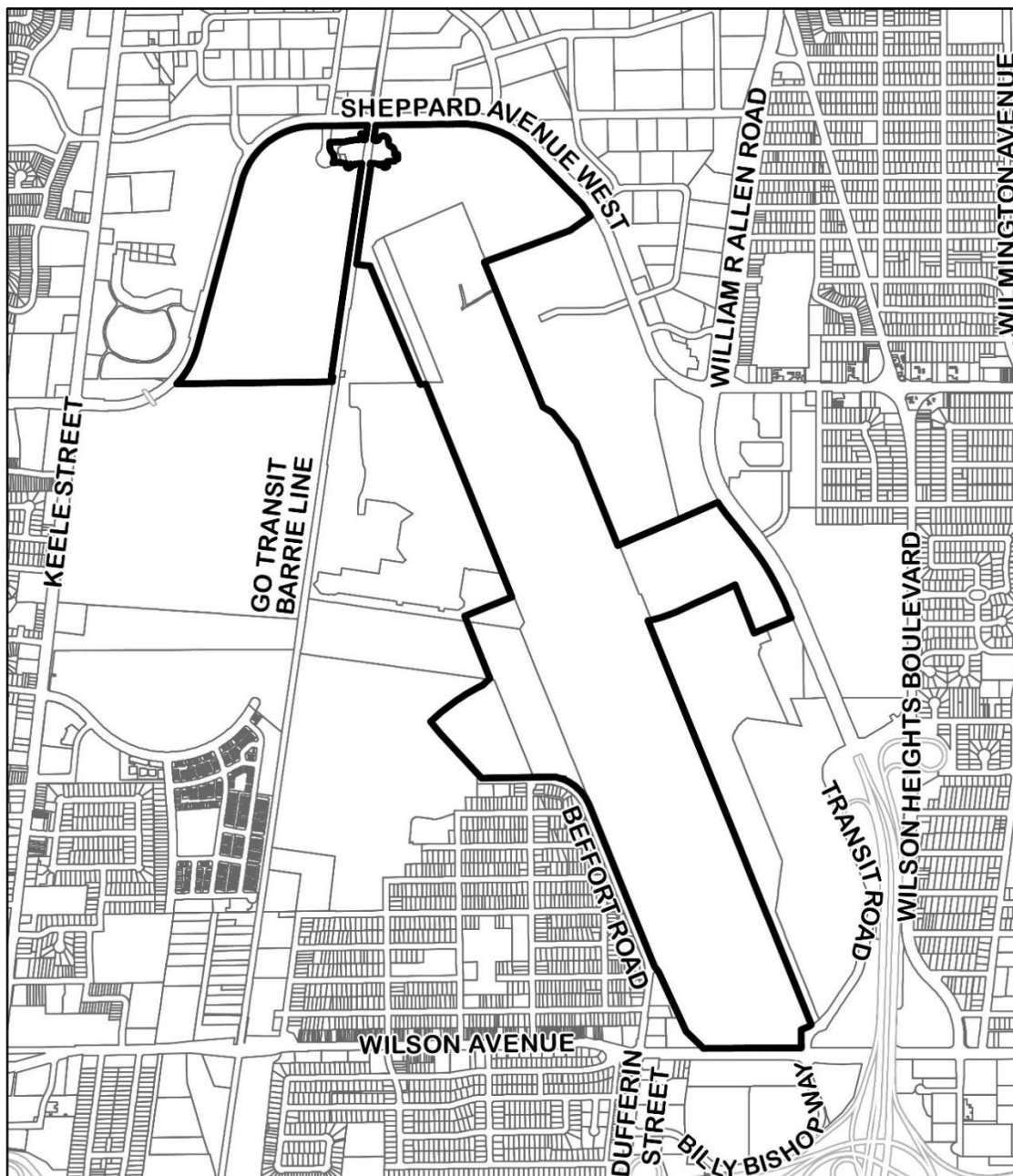
Enacted and passed on [Clerks to insert date].

[full name],
Speaker

(Seal of the City)

[full name],
City Clerk

Diagram 1



Downsview Zoning By-law

Diagram 1

File # 21 207011 NPS 00 02

Diagram 2



Downsview Zoning By-law

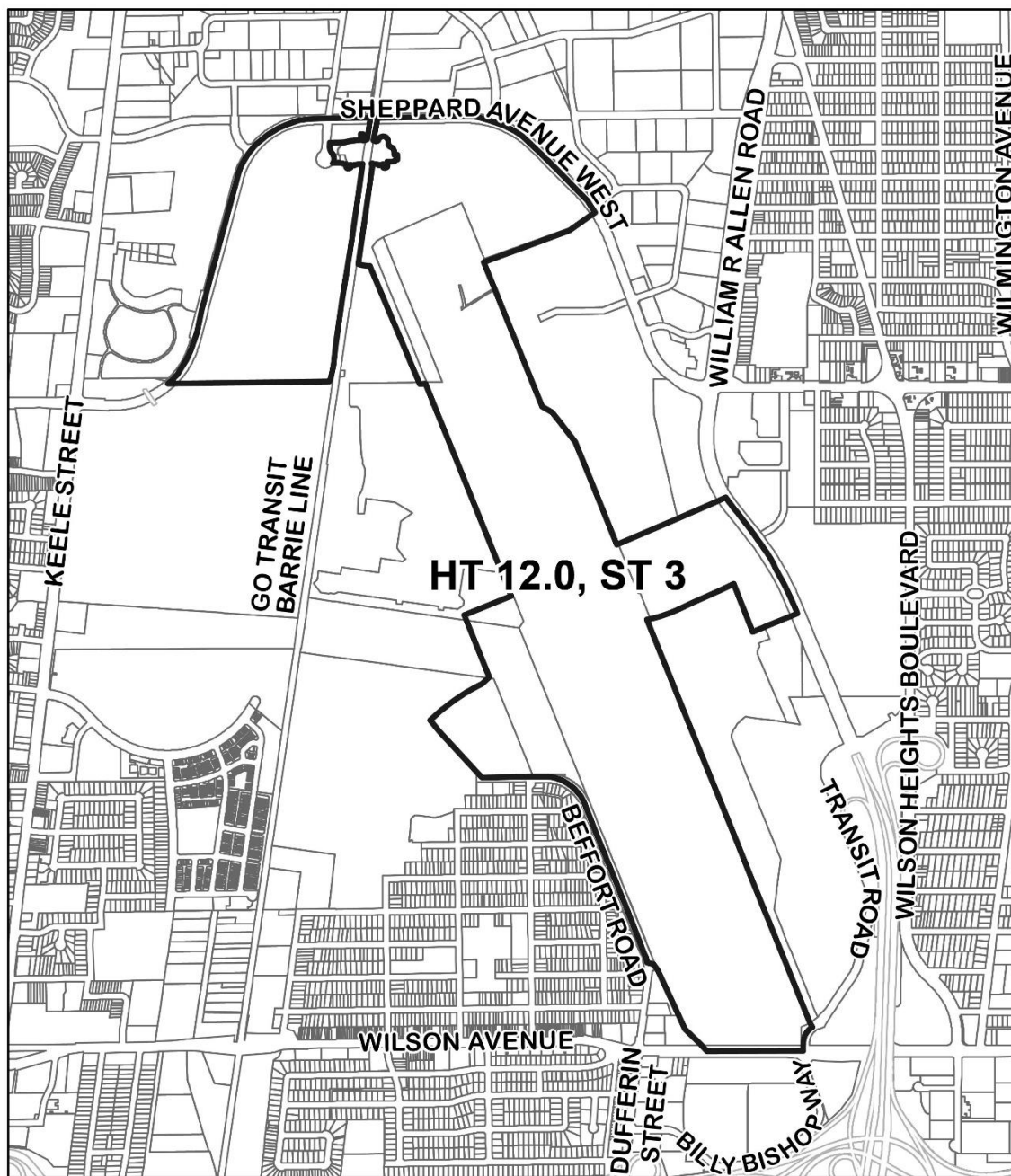
Diagram 2

File # 21 207011 NPS 00 02



City of Toronto By-law 569-2013
Not to Scale
02/15/2024

Diagram 3



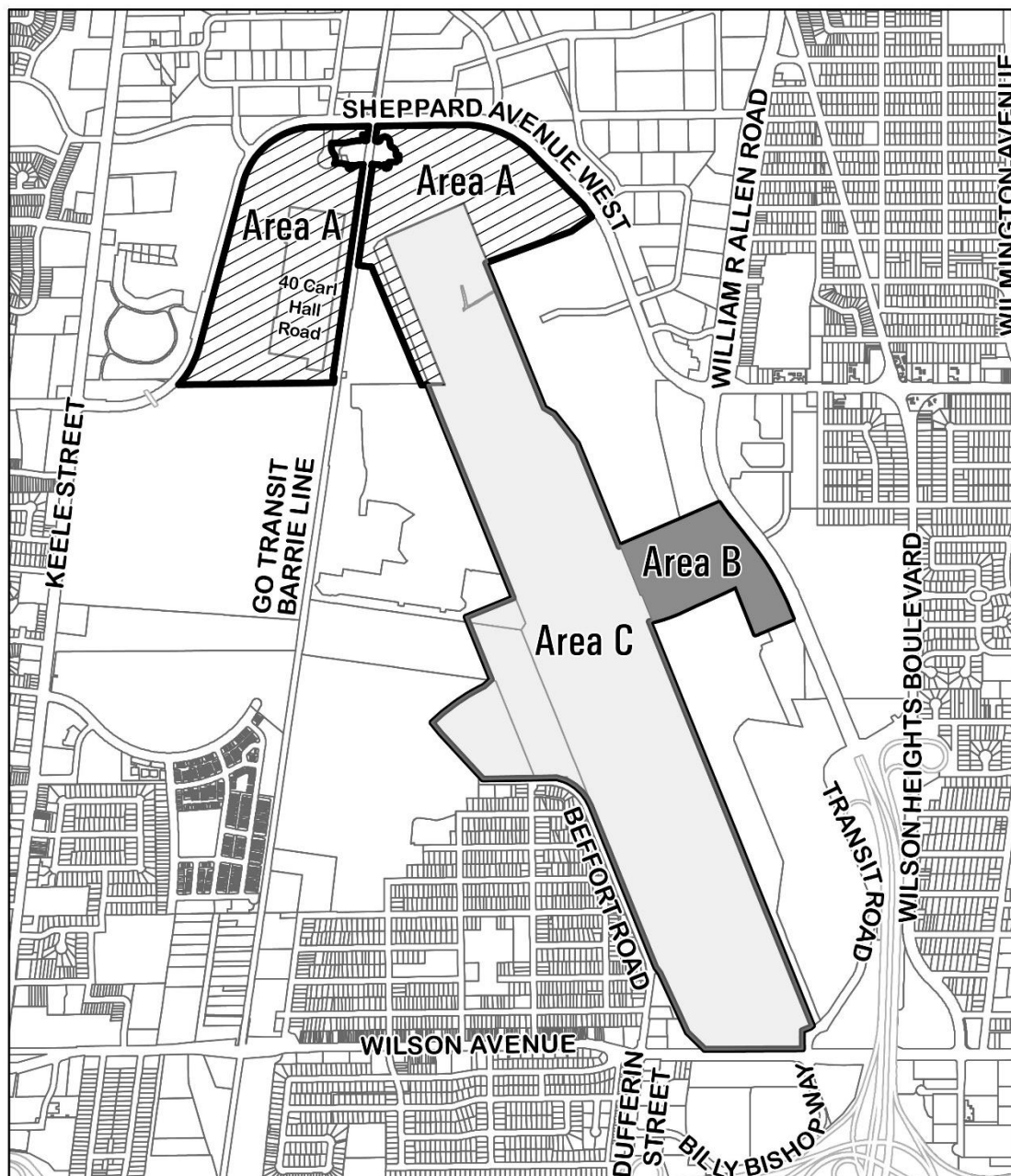
Downsview Zoning By-law

Diagram 3

File # 21 207011 NPS 00 02



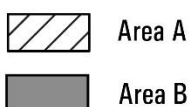
Diagram 4



Downsview Zoning By-law

Diagram 4

File # 21 207011 NPS 00 02



City of Toronto By-law 569-2013
Not to Scale
01/31/2024