

Attachment 2: Draft Zoning By-law Amendment: Commercial Use Permissions in the Residential Zone Category on Interior Streets

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

CITY OF TORONTO Bill

BY-LAW xxxx-2024

To amend Zoning By-law 569-2013, as amended, with respect to commercial use permissions abutting community streets, parks, schools and commercial zones in the Residential Zone category

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;

The Council of the City of Toronto enacts:

1. 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: This by-law adds permissions & conditions relating to retail store uses to the zones in the Residential Zone category where the property does not abut a major street and is on a corner lot along a community street or select properties abutting non-residential uses.

Explanatory Comment: Sections 2-20 below contains the conditions that would apply to retail stores on corner lots or adjacent to parks, schools or non-residential zones in the residential zone categories.

2. Zoning By-law 569-2013, as amended, is further amended by amending Regulation 10.10.20.20(1) as follows:

(i) Replacing “**Retail Store** (12, 21)” with “**Retail Store** (12, 21, 22)”

3. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.10.20.100(22) so that it reads:

(22) Retail Store – Corner Lot or Adjacent to Non-Residential Uses

In the R zone, on a **lot** that does not abut a **major street**, a **retail store** may be located in a **non-residential building**, **detached house** or **detached houseplex**, subject to the following:

- (A) the **lot** must be:
 - (i) a **corner lot** abutting a **community street**;
 - (ii) a **lot** abutting a **park** or a **public school** that fronts on the same **street**; or
 - (iii) a **lot** abutting a **lot** that fronts on the same **street** and that is in the Commercial Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category, or Institutional Zone category;
- (B) the use must be the only non-residential use in the **building**;
- (C) the **interior floor area** dedicated to the use must not exceed 110 square metres;
- (D) the **interior floor area** is reduced by the area within each individual establishment in the **building** used for the purposes for which the **gross floor area** of an **apartment building** is reduced in regulation 10.5.40.40(4):
- (E) the use must not be located above the first **storey** of the **building**;
- (F) The **premises** must not operate as a **warehouse** for the distribution of goods or commodities;
- (G) The storage of waste and recyclable materials associated with the non-residential uses must comply with the following:
 - (i) All waste and **recyclable material** associated with the non-residential uses must be stored in a wholly enclosed **building**;
 - (ii) If the waste and recyclable material is stored in an **ancillary building**, the **ancillary building** may not be located in a **side yard** that abuts a **street** or in a **front yard**, and must be a minimum of 1.0 metres from any **lot line**;
- (H) A **retail store** may include an **ancillary eating establishment** or **take-out eating establishment**, provided that the preparation and sale of food and beverages is limited to cold and hot beverages and low-risk or pre-packaged, ready-to-eat food items; and
- (I) for the purposes of regulations 10.10.20.10(1) and 10.10.20.40(1), a **building** that contains one **dwelling unit** and a non-residential use that complies with (A) to (H) above may be considered a **detached house** despite the **building** type definitions in Chapter 800, as follows:
 - (i) if a **lawfully existing building** was originally constructed as a **detached house**, the **building** remains a **detached house**; or
 - (ii) a **detached house** if the **building** would be defined as a **detached house** if it did not contain the non-residential use;

4. Zoning By-law 569-2013, as amended, is further amended by amending Regulation 10.10.20.20(1) as follows:

- (i) Replacing “Outdoor Sales and Display (24)” with “Outdoor Sales and Display (24, 28)”

5. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.10.20.100(28) so that it reads:

(28) Outdoor Sales or Display – Not Abutting a Major Street

In the R zone, the outdoor sale or display of goods or commodities on a **lot** that does not abut a **major street** is subject to the following:

- (A) the outdoor sale or display of goods or commodities must be in combination with a **retail store** on the **lot**;
- (B) the outdoor sale or display of goods or commodities in combination with a permitted use inside a **building** may be located abutting that use if the area for the outdoor sale or display of those goods or commodities does not exceed 10 square metres;
- (C) the goods or commodities may not be displayed closer to a **rear lot line** or a **side lot line** than:
- (i) 0.0 metres where the **lot line** abuts a **street**; and
- (ii) 7.5 metres in all other cases; and
- (D) the area for the outdoor sale or display of goods or commodities may not be located in areas required by this By-law for parking, loading, driveways or outdoor **amenity space**.

6. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.20.20.100(20) so that it reads:

(20) Retail Store – Corner Lot or Adjacent to Non-Residential Uses

In the RD zone, on a **lot** that does not abut a **major street**, a **retail store** may be located in a **non-residential building**, **detached house** or **detached houseplex**, subject to the following:

- (A) the **lot** must be:
- (i) a **corner lot** abutting a **community street**;
- (ii) a **lot** abutting a **park** or a **public school** that fronts on the same **street**; or
- (iii) a **lot** abutting a **lot** that fronts on the same **street** and that is in the Commercial Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category, or Institutional Zone category;

- (B) the use must be the only non-residential use in the **building**;
 - (C) the **interior floor area** dedicated to the use must not exceed 110 square metres;
 - (D) the **interior floor area** is reduced by the area within each individual establishment in the **building** used for the purposes for which the **gross floor area** of an **apartment building** is reduced in regulation 10.5.40.40(4);
 - (E) the use must not be located above the first **storey** of the **building**;
 - (F) The **premises** must not operate as a **warehouse** for the distribution of goods or commodities;
 - (G) The storage of waste and recyclable materials associated with the non-residential uses must comply with the following:
 - (i) All waste and **recyclable material** associated with the non-residential use must be stored in a wholly enclosed **building**; and
 - (ii) If the waste and recyclable material is stored in an **ancillary building**, the **ancillary building** may not be located in a **side yard** that abuts a **street** or in a **front yard**, and must be a minimum of 1.0 metres from any **lot line**.
 - (H) A **retail store** may include an ancillary **eating establishment** or **take-out eating** establishment, provided that the preparation and sale of food and beverages is limited to cold and hot beverages and low-risk or pre-packaged, ready-to-eat food items; and
 - (I) for the purposes of regulations 10.20.20.10(1) and 10.20.20.40(1), a **building** that contains a **dwelling unit** and a non-residential use that complies with (A) to (H) above may be considered a **detached house** despite the **building** type definitions in Chapter 800, as follows:
 - (i) if a **lawfully existing building** was originally constructed as a **detached house**, the **building** remains a **detached house**; or
 - (ii) a **detached house** if the **building** would be defined as a **detached house** if it did not contain the non-residential use;
7. Zoning By-law 569-2013, as amended, is further amended by amending Regulation 10.20.20.20(1) as follows:
- (i) Replacing “Outdoor Sales and Display (22)” with “Outdoor Sales and Display (22, 26)”
8. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.20.20.100(26) so that it reads:

(26) Outdoor Sales or Display – Not Abutting a Major Street

In the RD zone, the outdoor sale or display of goods or commodities on a **lot** that does not abut a **major street** is subject to the following:

- (A) the outdoor sale or display of goods or commodities must be in combination with a **retail store** on the **lot**;
- (B) the outdoor sale or display of goods or commodities in combination with a permitted use inside a **building** may be located abutting that use if the area for the outdoor sale or display of those goods or commodities does not exceed 10 square metres;
- (C) the goods or commodities may not be displayed closer to a **rear lot line** or a **side lot line** than:
 - (i) 0.0 metres where the **lot line** abuts a **street**; and
 - (ii) 7.5 metres in all other cases; and
- (D) the area for the outdoor sale or display of goods or commodities may not be located in areas required by this By-law for parking, loading, driveways or outdoor **amenity space**.

9. Zoning By-law 569-2013, as amended, is further amended by amending Regulation 10.40.20.20(1) as follows:

- (i) Replacing “**Retail Store (19)**” with “**Retail Store (19, 20)**”

10. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.40.20.100(20) so that it reads:

(20) Retail Store – Corner Lot or Adjacent to Non-Residential Uses

In the RS zone, on a **lot** that does not abut a **major street**, a **retail store**, may be located in a **non-residential building, detached house or detached houseplex**, subject to the following:

- (A) the **lot** must be:
 - (i) a **corner lot** abutting a **community street**;
 - (ii) a **lot** abutting a **park** or a **public school** that fronts on the same **street**; or
 - (iii) a **lot** abutting a **lot** that fronts on the same **street** and that is in the Commercial Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category, or Institutional Zone category;
- (B) the use must be the only non-residential use in the **building**;
- (C) the **interior floor area** dedicated to the use must not exceed 110 square metres;

- (D) the **interior floor area** is reduced by the area within each individual establishment in the **building** used for the purposes for which the **gross floor area** of an **apartment building** is reduced in regulation 10.5.40.40(4);
 - (E) the use must not be located above the first **storey** of the **building**;
 - (F) The **premises** must not operate as a **warehouse** for the distribution of goods or commodities;
 - (G) The storage of waste and recyclable materials associated with the non-residential uses must comply with the following:
 - (i) All waste and **recyclable material** associated with the non-residential use must be stored in a wholly enclosed **building**; and
 - (ii) If the waste and recyclable material is stored in an **ancillary building**, the **ancillary building** may not be located in a **side yard** that abuts a **street** or in a **front yard**, and must be a minimum of 1.0 metres from any **lot line**.
 - (H) A **retail store** may include an ancillary **eating establishment** or **take-out eating** establishment, provided that the preparation and sale of food and beverages is limited to cold and hot beverages and low-risk or pre-packaged, ready-to-eat food items; and
 - (I) for the purposes of regulations 10.40.20.10(1) and 10.40.20.40(1), a **building** that contains one **dwelling unit** and a non-residential use that complies with (A) to (H) above may be considered a **detached house** despite the **building** type definitions in Chapter 800, as follows:
 - (i) if a **lawfully existing building** was originally constructed as a **detached house**, the **building** remains a **detached house**; or
 - (ii) a **detached house** if the **building** would be defined as a **detached house** if it did not contain the non-residential use;
11. Zoning By-law 569-2013, as amended, is further amended by amending Regulation 10.40.20.20(1) as follows:
- (i) Replacing “Outdoor Sales and Display (22)” with “Outdoor Sales and Display (22, 26)”
12. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.40.20.100(26) so that it reads:
- (26) Outdoor Sales or Display – Not Abutting a Major Street

In the RS zone, the outdoor sale or display of goods or commodities on a **lot** that does not abut a **major street** is subject to the following:

- (A) the outdoor sale or display of goods or commodities must be in combination with a **retail store** on the **lot**;
 - (B) the outdoor sale or display of goods or commodities in combination with a permitted use inside a **building** may be located abutting that use if the area for the outdoor sale or display of those goods or commodities does not exceed 10 square metres;
 - (C) the goods or commodities may not be displayed closer to a **rear lot line** or a **side lot line** than:
 - (i) 0.0 metres where the **lot line** abuts a **street**; and
 - (ii) 7.5 metres in all other cases; and
 - (D) the area for the outdoor sale or display of goods or commodities may not be located in areas required by this By-law for parking, loading, driveways or outdoor **amenity space**.
13. Zoning By-law 569-2013, as amended, is further amended by amending Regulation 10.60.20.20(1) as follows:
- (i) Replacing "**Retail Store** (19)" with "**Retail Store** (19, 20)"
14. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.60.20.100(20) so that it reads:

(20) Retail Store – Corner Lot or Adjacent to Non-Residential Uses

In the RT zone, on a **lot** that does not abut a **major street**, a **retail store** may be located in a **non-residential building**, **detached house** or **detached houseplex**, subject to the following:

- (A) the **lot** must be:
 - (i) a **corner lot** abutting a **community street**;
 - (ii) a **lot** abutting a **park** or a **public school** that fronts on the same **street**; or
 - (iii) a **lot** abutting a **lot** that fronts on the same **street** and that is in the Commercial Zone category, Commercial Residential Zone category or Commercial Residential Employment Zone category, or Institutional Zone category;
- (B) the use must be the only non-residential use in the **building**;
- (C) the **interior floor area** dedicated to the use must not exceed 110 square metres;
- (D) the **interior floor area** is reduced by the area within each individual establishment in the **building** used for the purposes for which the

gross floor area of an **apartment building** is reduced in regulation 10.5.40.40(4);

- (E) the use must not be located above the first **storey** of the **building**;
 - (F) The **premises** must not operate as a **warehouse** for the distribution of goods or commodities;
 - (G) The storage of waste and recyclable materials associated with the non-residential uses must comply with the following:
 - (i) All waste and **recyclable material** associated with the non-residential use must be stored in a wholly enclosed **building**; and
 - (ii) If the waste and recyclable material is stored in an **ancillary building**, the **ancillary building** may not be located in a **side yard** that abuts a **street** or in a **front yard**, and must be a minimum of 1.0 metres from any **lot line**.
 - (H) a **retail store** may include an ancillary **eating establishment** or **take-out eating** establishment, provided that the preparation and sale of food and beverages is limited to cold and hot beverages and low-risk or pre-packaged, ready-to-eat food items; and
 - (I) for the purposes of regulations 10.60.20.10(1) and 10.60.20.40(1), a **building** that contains one **dwelling unit** and a non-residential use that complies with (A) to (H) above may be considered a **detached house** despite the **building** type definitions in Chapter 800, as follows:
 - (i) if a **lawfully existing building** was originally constructed as a **detached house**, the **building** remains a **detached house**; or
 - (ii) a **detached house** if the **building** would be defined as a **detached house** if it did not contain the non-residential use;
15. Zoning By-law 569-2013, as amended, is further amended by amending Regulation 10.60.20.20(1) as follows:
- (i) Replacing “Outdoor Sales and Display (22)” with “Outdoor Sales and Display (22, 26)”
16. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.60.20.100(26) so that it reads:
- (26) Outdoor Sales or Display – Not Abutting a Major Street

In the RT zone, the outdoor sale or display of goods or commodities on a **lot** that does not abut a **major street** is subject to the following:

- (A) the outdoor sale or display of goods or commodities must be in combination with a **retail store** on the **lot**;

- (B) the outdoor sale or display of goods or commodities in combination with a permitted use inside a **building** may be located abutting that use if the area for the outdoor sale or display of those goods or commodities does not exceed 10 square metres;
 - (C) the goods or commodities may not be displayed closer to a **rear lot line** or a **side lot line** than:
 - (i) 0.0 metres where the **lot line** abuts a **street**; and
 - (ii) 7.5 metres in all other cases; and
 - (D) the area for the outdoor sale or display of goods or commodities may not be located in areas required by this By-law for parking, loading, driveways or outdoor **amenity space**.
17. Zoning By-law 569-2013, as amended, is further amended by amending Regulation 10.80.20.20(1) as follows:
- (i) Replacing “**Retail Store (21)**” with “**Retail Store (21, 22)**”
18. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.80.20.100(22) so that it reads:

(22) Retail Store – Corner Lot or Adjacent to Non-Residential Uses

In the RM zone, on a **lot** that does not abut a **major street**, a **retail store** may be located in a **non-residential building**, **detached house** or **detached houseplex**, subject to the following:

- (A) the **lot** must be:
 - (i) a **corner lot** abutting a **community street**;
 - (ii) a **lot** abutting a **park** or a **public school** that fronts on the same **street**; or
 - (iii) a **lot** abutting a **lot** that fronts on the same **street** and that is in the Commercial Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category or Institutional Zone category;
- (B) the use must be the only non-residential use in the **building**;
- (C) the **interior floor area** dedicated to the use must not exceed 110 square metres;
- (D) the **interior floor area** is reduced by the area within each individual establishment in the **building** used for the purposes for which the **gross floor area** of an **apartment building** is reduced in regulation 10.5.40.40(4);
- (E) the use must not be located above the first **storey** of the **building**;

- (F) The **premises** must not operate as a **warehouse** for the distribution of goods or commodities;
 - (G) The storage of waste and recyclable materials associated with the non-residential uses must comply with the following:
 - (i) All waste and **recyclable material** associated with the non-residential use must be stored in a wholly enclosed **building**; and
 - (ii) If the waste and recyclable material is stored in an **ancillary building**, the **ancillary building** may not be located in a **side yard** that abuts a **street** or in a **front yard**, and must be a minimum of 1.0 metres from any **lot line**.
 - (H) A **retail store** may include an ancillary **eating establishment** or **take-out eating** establishment, provided that the preparation and sale of food and beverages is limited to cold and hot beverages and low-risk or pre-packaged, ready-to-eat food items; and
 - (I) for the purposes of regulations 10.80.20.10(1) and 10.80.20.40(1), a **building** that contains one **dwelling unit** and a non-residential use that complies with (A) to (H) above may be considered a **detached house** despite the **building** type definitions in Chapter 800, as follows:
 - (i) if a **lawfully existing building** was originally constructed as a **detached house**, the **building** remains a **detached house**; or
 - (ii) a **detached house** if the **building** would be defined as a **detached house** if it did not contain the non-residential use;
19. Zoning By-law 569-2013, as amended, is further amended by amending Regulation 10.80.20.20(1) as follows:
- (i) Replacing “Outdoor Sales and Display (22)” with “Outdoor Sales and Display (24, 28)”
20. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.80.20.100(28) so that it reads:
- (28) Outdoor Sales or Display – Not Abutting a Major Street
- In the RM zone, the outdoor sale or display of goods or commodities on a **lot** that does not abut a **major street** is subject to the following:
- (A) the outdoor sale or display of goods or commodities must be in combination with a **retail store** on the **lot**;
 - (B) the outdoor sale or display of goods or commodities in combination with a permitted use inside a **building** may be located abutting that use if the area for the outdoor sale or display of those goods or commodities does not exceed 10 square metres;

- (C) the goods or commodities may not be displayed closer to a **rear lot line** or a **side lot line** than:
 - (i) 0.0 metres where the **lot line** abuts a **street**; and
 - (ii) 7.5 metres in all other cases; and
- (D) the area for the outdoor sale or display of goods or commodities may not be located in areas required by this By-law for parking, loading, driveways or outdoor **amenity space**.

Explanatory Comment: Sections 21 and 22 create a new mapping layer and definition for Community Streets.

- 21.** Zoning By-law 569-2013, as amended, is further amended by adding to Section 800.50 a new regulation 143 so that it reads:

(143) Community Street

means any street identified as "Community Streets" on the Policy Areas Overlay Map found in Section 995.60.

- 22.** Zoning By-law 569-2013, as amended, is further amended by adding a new Section 995.60 Community Streets Overlay Map and a new Community Streets Overlay Map, as shown on Diagrams 1-25 attached to this By-law:

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)