

# City of MARKHAM

## Task 7: Review & Assessment of Automotive Related Uses

Comprehensive Zoning By-law Project



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# 1. INTRODUCTION

The purpose of this paper is to explore how to implement zoning regulations for automotive uses to support land use compatibility and other planning objectives as part of Markham's comprehensive zoning by-law project. This paper reviews the direction provided by the Official Plan relating to automotive uses, provisions in Markham's existing parent zoning by-laws as well as best practices from other municipal zoning by-laws.

Seven types of automotive uses are generally defined in zoning by-laws. However, the use of terms is not always consistent across municipalities, or between a municipality's official plan and zoning by-law. For clarity, the following generic terms are used throughout this paper:

- **Fuel Station** refers to gas/fuel station
- **Body Shop** refers to a place where work on the auto body, upholstery, etc., takes place.
- **Repair Shop** refers to a place where mechanical repairs occur.
- **Washing Establishment** refers to a car wash that may be automatic or self-serve.
- **Dealership** refers to a place where vehicles are sold.
- **Rental Agency** refers to a place where vehicles are rented.
- **Storage Facility** refers to a place where vehicles are stored.

This report is organized as follows. Section 2, Official Plan and Existing Zoning By-laws Framework, reviews land use designations to determine where automotive uses are supported by the Official Plan and the provisions of Markham's existing parent zoning by-laws. Section 3, Recent Trends in Zoning: Uses and Zones, examines zoning by-laws in selected Ontario municipalities to determine how automotive uses are addressed and where each use is permitted by zone. Section 4, Recent Trends in

Zoning: Definitions and Regulations, compares the definitions for each automotive use from the selected zoning by-laws and the regulations that are applied. Section 5, Summary of Implications for Automotive Uses and Regulations for Markham Zoning By-law, concludes with considerations to be addressed for the new zoning by-law. Appendix 1 provides a summary of the relevant regulations and permitted zones for each automotive use.

Four Ontario municipal zoning by-laws were selected and reviewed for this paper. Milton's new comprehensive zoning by-law for the Town's urban area, Oakville's recently passed comprehensive zoning by-law, Ottawa's zoning by-law that was initially passed in 2008 and Toronto's 2013 city-wide comprehensive zoning by-law.

This discussion paper will be included as part of the public consultations on the comprehensive zoning by-law scheduled for the Fall of 2015.

Draft

## 2. THE OFFICIAL PLAN AND EXISTING ZONING BYLAW

### 2.1 The Official Plan

The Official Plan provides limited guidance for automotive uses. Fuel stations are addressed in Special Use Policy, Section 8.13.5 Motor Vehicle Service Stations, where policies regarding locational setting, accessory uses and other regulations are laid out. These are explored in detail in Section 4.1 of this report. Section 8 of the new Official Plan provides guidance on designations where fuel stations are allowed: Mid- and High-Rise Mixed Use areas, Commercial areas and Service Employment areas (as discretionary uses) provided they accord with the policies of 8.13.5.

Table 1 below identifies the land use designation and regulations by particular use. In summary:

- motor vehicle service stations are permitted in Mid-rise Mixed Use, High-Rise Mixed Use and Commercial designations subject to compliance with section 8.13.5 and as discretionary uses within Business Park Employment and Service Employment areas;
- motor vehicle sales are permitted in Mid-Rise Mixed Use, High-Rise Mixed Use, and Mixed Use Office Priority designations provided they are wholly contained within a building;
- auto sales and rentals are also permitted in lands designated Commercial without the restriction of being in a wholly enclosed building; and
- the repair of vehicles (body or mechanical) is limited to Service Employment areas and, as discretionary uses, in General Employment areas.

There are no defined terms in the Official Plan pertaining to automotive uses.

**Table 1. Official Plan Land Use Designations and Automotive Uses**

<b>Land Use Designation</b>	<b>Motor Vehicle Related Use and Permissions</b>
Mid-Rise Mixed Use	8.3.3.2 Motor vehicle sales are a permitted use provided they are located wholly contained within a building. Motor vehicle service stations are permitted in accordance with Section 8.13.5. Minimum building heights are 3 storeys except for a motor vehicle service station.
High-Rise Mixed Use	8.3.4.2 Motor vehicle sales are a permitted use provided they are located wholly contained within a building. Motor vehicle service stations are permitted in accordance with Section 8.13.5. Minimum building heights are 3 storeys except for a motor vehicle service station.
Mixed Use Office Priority	8.3.5.2 Motor vehicle sales facility is permitted provided it is wholly contained within a building.
Commercial	8.4.1.3 Motor vehicle sales and rentals are permitted. Outdoor storage and display are permitted provided these comply with Special Use Policy 8.13.6. Motor vehicle service station is permitted in accordance with 8.13.5.
Business Park Employment	8.5.2.4 A motor vehicle service station, is considered a “discretionary use” in Section 8.5.2.3.
Business Park Office Priority Employment	8.5.3.4 “does not permit” a motor vehicle use.
Service Employment	8.5.4.2 Motor vehicle body shop or repair facility with no accessory storage is permitted.  8.5.4.3 provides for the following discretionary uses amongst others; motor vehicle service station in accordance with Section 8.13.5; motor vehicle body shop and repair facility with accessory outdoor storage in accordance with Section 8.13.6; motor vehicle retail sales, having a maximum gross floor area of up to 3000 square metres per premise, with limited accessory outdoor storage or display of motor vehicles in accordance with Section 8.13.6; and motor vehicle rental with limited accessory outdoor storage or display of motor vehicles in accordance with Section 8.13.6 are permitted.
General Employment	8.5.5.3 Motor vehicle body shop and repair facility is permitted as a discretionary use. Outdoor storage is permitted provided it meets the policies of 8.13.6  8.5.5.4 Motor vehicle service stations, sales or rental facilities are not permitted.
Specific Use Policies	8.13.6 Outdoor Display and Outdoor Storage <ul style="list-style-type: none"> <li>• Outdoor storage may be permitted provided it is accessory to the primary business use located on the same property and conforms to other applicable regulations.</li> <li>• The specific land use must be identified in the Official Plan and subject to a development approval to ensure that mitigation measures are met.</li> </ul>



## 2.2 Existing Zoning By-law Framework

Existing Markham Zoning By-law 177-96 is aligned closely with the approach taken in other recently passed Ontario municipal zoning by-laws, particularly by including automotive specific zones: AC1 and AC2. These two zones share the same regulations which are summarized in Appendix 2 to this report. They are also explored in Section 4 of this report along with examples from other recently passed Ontario zoning by-laws. The main difference between the two is that *Gas Bars* are permitted in both, whereas *Motor Vehicle Service Stations* are only permitted in the AC2 zone.

Gas Bars and Motor Vehicle Service Stations are both fuel stations. The difference between them is the number and types of accessory uses they each allow.

*“Gas Bar”* means a premises used only for the sale of motor vehicle fuels and motor vehicle accessories, and may also include accessory retail sales of convenience foods and beverages and car washes, but shall not include the performance of repairs to a motor vehicle

and;

*“Motor Vehicle Service Station”* means a premises used for the sale of motor vehicle fuels and which may include one or more of the following accessory uses: the sale of motor vehicle parts and accessories, motor vehicle rental, the servicing and repairing of motor vehicles and car washes.

Of the two uses, *Gas Bars* are more restricted, being limited to selling fuel, retail, food and beverage, and car washing, whereas *Motor Vehicle Service Stations* are restricted from food and beverage, they may include retail sales, vehicle repairs, car washes and vehicle rental as accessory uses.

By-law 177-96 also provides definitions for several other automotive related uses:

- *Car Wash;*
- *Motor Vehicle Body Shop;*
- *Motor Vehicle Sales Establishment; and*
- *Motor Vehicle Repair Garage.*

However, these uses are not permitted in any zone under the general regulations, including AC1 or AC2. Instead, they are included as exceptions to the general provisions, being allowed in site specific locations and subject to site specific regulations.

As part of the Zoning Strategy review, a detailed comparison of definitions has been completed in a separate paper. See Task 5 – Review and Assessment of Zoning By-law Definitions.

### 3. RECENT TRENDS IN ZONING: USES AND ZONES

This review explores the zoning by-laws of Milton, Oakville, Ottawa and Toronto. Of the four examples, Ottawa's is the oldest, dating back to 2008. The others were passed by their councils within the last two years. The review assesses in which zones, each particular use is permitted. In order to provide an idea of the objectives for each zone, the tables below compare the zones to the respective municipal official plan land use designations. There is sometimes a clear attempt to link the zone to the official plan land use designation, but this is not always the case. In general, the zones permitting automotive uses can be classified into two categories; zones that allow only automotive uses and zones that allow automotive uses in combination with a range of other uses.

The review of the various by-laws shows that they each have their own unique definitions for automotive uses. An example of this is in Oakville where *Motor Vehicle Service Station* means fuel station, but in Ottawa *Automobile Service Station* means a repair shop. Definitions are explored further with the regulations for each use.

The review of defined terms also reveals that not all the municipalities distinguish between all of these uses as separately defined. For example, the City of Toronto combines dealerships with rental agencies under the term *Vehicle Dealership*.

### 3.1 Milton

Comprehensive Zoning By-law 016-2014 as amended applies to the Halton Urban Structure Plan Urban Area. It was passed by Milton Council in February 2014 and approved in part by the Ontario Municipal Board in October 2014. This area is expected to support the majority of the Town's growth.

There are six defined automotive uses and five zones that allow automotive uses.

**Defined in the Zoning By-law**

- Motor Vehicle Body Shop
- Motor Vehicle Dealership
- Motor Vehicle Gas Bar
- Motor Vehicle Rental Agency
- Motor Vehicle Repair Garage
- Motor Vehicle Washing Establishment

**Zones that Permit Automotive Uses**

- Secondary Mixed Use Area Commercial (C2)
- Auto Commercial (C5)
- Business Commercial (C6)
- Business Park (M1)
- General Industrial (M2)

The following table shows the zones that permit each of the defined automotive uses. The table also summarizes (where possible) the corresponding official plan designation within which each zone is located. For purposes of easy comparison amongst the various municipalities, the generic terms identified in the introduction to this paper are used in place of the defined terms for each municipality.

**Table 2: Milton: Automotive uses by Permitted Zone and Official Plan Designation**

Zone	OP designation within which the zone is located	Permitted Auto Related Uses						
		FS	BS	RS	WE	D	RA	SF
C2	<b>Secondary Mixed Use Node</b> – Commercial node with density residential uses designed to serve nearby residents. Subject to a Secondary Plan being approved.	•			•		•	
C5	No directly comparable land use designation. Found in Employment Areas, Business Park Areas and Secondary Mixed Use Nodes on the OP Schedule B.	•	•	•	•	•	•	
C6	No direct comparable land use designation. Two locations identified. One in an Employment Area and the other in a Business Park Area.	•	•		•	•	•	
M1	<b>Business Park Area</b> – Light industrial area premised on high quality design.						•	
M2	<b>Industrial Area</b> – Light and general industrial uses area permitted.		•	•	•	•	•	
Fuel Station (FS); Body Shop (BS); Repair Shop (RS); Washing Establishment (WE); Dealership (D); Rental Agency (RA); Storage Facility (SF)								

**Summary**

- Of the five zones that permit automotive uses, 3 are mixed use/commercial (C2, C5, and C6) and two are employment industrial areas (M1 and M2).

- Auto Commercial (C5) is exclusively dedicated to automotive uses and permits all the defined auto related uses. The C5 Zone does not have a direct correlation to an official plan designation, but is found in Mixed Use and Employment designated areas of the Official Plan .
- Secondary Mixed Use Area Commercial (C2) allows for fuel stations, washing establishments and rental agencies as well as other non-auto related uses.
- General Industrial (M2) allows for all automotive uses except for fuel stations. The M2 zone is the only other zone besides Auto Commercial (C5) to allow repair shops.

## 3.2 Oakville

Oakville's Zoning By-law 2014-014, as amended, was passed by the Town in February 2014 and is currently under appeal to the OMB. Developed through the inZone project, the aim is to implement the Official Plan: Livable Oakville.

The inZone project included a technical paper titled *Automobile Related Uses Review*. The focus of that review was to fill the gaps between the direction of the new Livable Oakville Plan and existing automotive uses throughout the Town. The *Review* resulted in a number of broad and regulation specific recommendations for addressing automotive uses, including:

- Clarifying definitions by combining “motor vehicle” in front of specific uses, such as “motor vehicle body shop”; providing a definition for each term.
- Using the same definitions for automotive uses between the official plan and zoning by-law in order to provide clarity. (The official plan definitions have yet to be amended to reflect this recommendation).
- Refining permissions for specific automotive uses to improve compatibility with adjacent areas.
- Creating special provisions for specified geographic areas that would permit automotive uses.
- Creating a special zone category for fuel stations (*C4 = Motor Vehicle Service Station Zone*). This is similar to the automotive specific zones in Zoning By-law 177-96.
- Introducing a new Special Provision to permit additional automotive uses in addition to the underlying zone. This would be shown on zoning mapping and correspond to the Livable Oakville Plan.
- Allowing body shops to be located in commercial and industrial zones, but not abutting a residential zone and not on a highway corridor unless in conjunction with a vehicle dealership.

There are seven defined automotive uses and five zones that allow automotive uses.

### **Defined in the Zoning By-law**

- Motor Vehicle Body Shop
- Motor Vehicle Dealership
- Motor Vehicle Service Station
- Motor Vehicle Rental Agency
- Motor Vehicle Repair Facility
- Motor Vehicle Washing Facility
- Motor Vehicle Storage Compound

### **Zones that Permit Automotive Uses**

- Core Commercial (C3)
- Service Station (C4)
- Urban Centre (MU3)
- Urban Core (MU4)
- Industrial (E3)
- Business Commercial (E4)

The following table shows the zones that permit each of the defined automotive uses. The table also summarizes (where possible) the corresponding official plan designation within which each zone is located. In Oakville, there was deliberate decision to align the zoning districts with the official plan designations and to create a unique zone for only fuel stations.

**Table 3: Oakville: Defined Automotive Uses by Permitted Zone and Official Plan Designation**

Zone	OP designation within which the zone is located	Permitted Auto Related Uses						
		FS	BS	RS	WE	D	RA	SF
C3	<b>Core Commercial</b> – Major concentrations of commercial facilities that serve the broader region	•		•	•			
C4	No OP equivalent – Only applies to service station sites in commercial areas	•			•			
MU3	<b>Urban Centre</b> – Pedestrian oriented mixed use area						•	
MU4	<b>Urban Core</b> – Designated to be mixed use urban areas with a focus on commercial, office and residential with the built form oriented to the street to create a strong pedestrian and transit supportive environment						•	
E3	<b>Industrial</b> – Heavy industrial uses in highly accessible areas that are well screened							•
E4	<b>Business Commercial</b> – Provide service commercial and commercial retail to surrounding employment areas and traveling public	•	•	•	•	•	•	
Fuel Station ( <b>FS</b> ); Body Shop ( <b>BS</b> ); Repair Shop ( <b>RS</b> ); Washing Establishment ( <b>WE</b> ); Dealership ( <b>D</b> ); Rental Agency ( <b>RA</b> ); Storage Facility ( <b>SF</b> )								

**Summary**

- Six zones allow for automotive uses in Oakville. All but one aligns with a designation of the Official Plan that shares the same name as the zone. The exception being Service Station (C4).
- The Service Station (C4) zone permits fuel stations, washing establishments and rental agencies. The C4 zone identifies specific sites to permit fuel stations. A review of the zoning schedule shows that these are often found at the intersections of major arterial roads. Washing establishments are permitted as an accessory use to fuel stations.
- The Core Commercial zone (C3) permits fuel stations and washing establishments. This area is intended to support broad regional commercial activity. Repair shops are only permitted as an accessory to a retail store.
- The two mixed-use designated and zoned areas, MU3 and MU4 only allow for auto rental agencies.
- Business Commercial zone (E4) allows for nearly all the defined automotive uses, apart from body shops and storage of vehicles. The intent is to support nearby employment areas and the traveling public.
- Storage facilities are only permitted in the Industrial (E3) zone.

### 3.3 Ottawa

Zoning By-law 2008-250 as amended is structured through a series of “parent zones” and “subzones”. The implication is that some automotive uses, while not generally permitted in the parent zones, may be permitted in some subzones. For example, Local Commercial (LC) does not permit any automotive uses, but subzone LC6 allows for fuel stations. This review focuses on the permitted automotive uses within the parent zones. The main exception to this is the General Mixed Use (GM) zone that has 29 subzones with automotive uses found throughout.

There are six defined automotive uses and five zones that allow automotive uses.

#### **Defined in the Zoning By-law**

- Automobile Body Shop
- Automobile Dealership
- Gas Bar
- Automobile Rental Establishment
- Automobile Service Station
- Car Wash

#### **Zones that Permit Automotive Uses**

- Arterial Mainstreet (AM)
- General Mixed Use (GM)
- Mixed Use Centre Zone (MC7)
- Business Park Industrial (IP)
- General Industrial (IG)
- Heavy Industrial (IH)
- Light Industrial (IL)
- Local Commercial (LC6)

The following table shows the zones that permit each of the defined automotive uses. The table also summarizes (where possible) the corresponding official plan designation within which each zone is located.

**Table 4. Ottawa: Defined Automotive Uses by Permitted Zone and Official Plan Designation**

Zone	OP Designation within which zone is located	Permitted Auto Related Uses						
		FS	BS	RS	WE	D	RA	SF
AM	<b>Arterial Mainstreet</b> – An urban fabric with larger lots, varied setbacks, lower densities and more automobile dependent. Generally four or more lanes with no on street parking.	•		•		•	•	
GM	<b>General Urban Areas</b> – Range of housing needs supported by a wide variety of amenities. <b>Central Area</b> character areas <b>Upper Town, Lowertown</b> and <b>Sandy Hill West</b> – Cultural and economic heart of the city, supporting government, residential and commercial uses.	•	•	•	•	•	•	
MC7	<b>Mixed</b>		•					
MD	<b>Central Area</b>				•			

Task 7: Automotive Related Uses

Zone	OP Designation within which zone is located	Permitted Auto Related Uses						
IP	<p><b>Enterprise Area</b> – Allows for the integration of residential uses provided that the area remains focused on employment.</p> <p><b>Employment Area</b> – Allows for noxious uses that are incompatible with other uses or prestige employment uses.</p> <p><b>General Urban Area</b></p>					•	•	
IG	Permits a wide range low and moderate impact light industrial uses that are located within the <b>Employment Area</b> and <b>General Urban Area</b> designations.	•	•	•	•	•	•	
IH	Permits a wide range low noxious industrial uses that are located within the <b>Employment Area</b> and <b>General Urban Area</b> designations.		•	•				
IL	Permits a wide range low impact light industrial uses that are located within the <b>Employment Area</b> and <b>General Urban Area</b> designations.			•		•	•	
LC6	Allows for a variety of small, locally oriented services for nearby residents that are located within the <b>General Urban Areas</b> and in the <b>Residential Character Areas</b> of the <b>Central Area</b> .	•						
Fuel Station (FS); Body Shop (BS); Repair Shop (RS); Washing Establishment (WE); Dealership (D); Rental Agency (RA); Storage Facility (SF)								

**Summary**

- Arterial Mainstreet (AM) allows for fuel stations, repair shops, dealerships and rental agencies. As envisioned in the official plan, these areas are aligned along four lane roads and support varied setbacks, which would easily accommodate these uses.
- General Mixed Use (GM). As noted above, the general permitted uses for this “parent zone” do not allow any automotive uses, but within the 29 GM subzones, each of the defined automotive uses is accounted for in at least one subzone. For example, G24 permits repair shops only, whereas GM28 permits rental establishments, fuel stations, washing establishments, and repair shops.
- Mixed Use Downtown (MC7) permits washing establishments are which are only permitted when wholly contained within a building where another permitted use is also allowed.
- General Industrial (IG) zone permits each of the defined automotive uses except for storage facilities. Fuel stations, repair shops, rental agencies, dealerships and washing facilities are restricted to a maximum 300 square metres of gross floor area.
- Heavy Industrial zone (IH) permits body shops and repair shops.
- Light Industrial zone (IL) permits repair shops, dealerships and rental.

## 3.4 Toronto

Zoning By-law 569-2013, as amended, was passed on May 9, 2013. The comprehensive city-wide zoning by-law is the result of a decade-long project to bring together the various by-laws from the pre-amalgamated City into one document. To address some automotive uses, the by-law includes special use regulations. The special use regulations provide requirements for setbacks, lot frontages, etc. The most extensive special use regulations are for fuel stations. Others include dealerships, body shops and washing establishments.

There are six defined automotive uses and five zones that allow automotive uses.

### **Defined in the Zoning By-law**

- Vehicle Service Shop
- Vehicle Dealership
- Vehicle Fuel Station
- Vehicle Repair Shop
- Vehicle Washing Establishment
- Vehicle Depot

### **Zones that Permit Automotive Uses**

- Commercial Local (CL)
- Commercial Residential (CR)
- Commercial Residential Employment (CRE)
- Employment Industrial (EI)
- Employment Heavy Industrial (EH)
- Employment Industrial Office (EO)
- Utility and Transportation (UT)

The following table shows the zones that permit each of the defined automotive uses. The table also summarizes (where possible) the corresponding official plan designation for each zone.

**Table 5. Toronto: Defined Automotive Uses by Permitted Zone and Official Plan Designation**

Zone	Comparable OP Designation and ZBL Intent	Permitted Auto Related Uses						
		FS	BS	RS	WE	D	RA	SF
CL	<b>Neighbourhoods and Apartment Neighbourhoods</b> – Considered physically stable areas in which intensification is to be controlled to protect from negative impacts.	•		•				
CR	<b>Mixed Use</b> – Supports a broad range of uses that vary in intensity and mix from area to area.	•		•	•	•	•	
CRE	<b>Regeneration Area</b> – Special dedicated areas open to a wide array of uses designed to attract investment and encourage new construction. Subject to a secondary plan prior to new development.	•		•	•	•	•	
E	<b>Employment Area</b> – Parts of employment area considered prime areas for employment, including uses intended to meet the needs of workers.	•	•	•	•			•
EH	<b>Employment Area</b> – Parts of employment areas intended for heavy manufacturing and industrial uses that may impact adjacent lands.		•					•
EO	<b>Employment Area</b> – Parts of the employment area that supports a mix of light and office uses.	•						



Zone	Comparable OP Designation and ZBL Intent	Permitted Auto Related Uses						
UT	<b>Utility Corridors</b> – Intended for the movement of and transmission of energy, people and goods.							•
Fuel Station ( <b>FS</b> ); Body Shop ( <b>BS</b> ); Repair Shop ( <b>RS</b> ); Washing Establishment ( <b>WE</b> ); Dealership ( <b>D</b> ); Rental Agency ( <b>RA</b> ); Storage Facility ( <b>SF</b> )								

**Summary**

Automotive uses are generally permitted in commercial/mixed-use and employment zones. Vehicle storage is permitted in the Employment and Utility Corridor areas. Each of the automotive uses is subject to special use regulations in the zoning by-law. These are reviewed in the section of this report that compares regulations for each of the uses.

- The Commercial Local (CL) zones are located at specific locations within stable residential areas in the official plan. Development within or adjacent to these areas is controlled to avoid negative impacts. This zone permits fuel stations and repair shops provided they are located on a major street as identified on zoning maps.
- The Commercial Residential (CR) zone permits the use of fuel stations, washing establishments, and dealerships (including rental agencies), subject to special use regulations.
- The Commercial Residential Employment (CRE) zone permits fuel stations, dealerships, repair shops, and washing establishments.
- The Employment Industrial (E) zone permits vehicle storage provided that it is at least 70 metres away from a residential zone. Auto body shops are also subject to a minimum separation from residential zones, of 100 metres. Repair shops and washing establishments are subject to special use regulations.
- Employment Heavy Industrial (EH) zone permits storage facilities and body shops.
- The Employment Industrial Office (EO) zone permits fuel stations.
- The Utility Corridors (UT) zone permits storage facilities.

### 3.5 Summary of Review

In a number of zoning by-laws automotive uses are generally grouped together by a common compound word, such as “motor vehicle” or “automobile”. Other by-laws, such as Ottawa’s may still use terms like “gas bar” independently. Generally, there are six or seven defined automotive uses. The common defined terms apply to fuel stations, body shops, repair shops, washing establishments. Variations are found in deciding whether to combine dealerships with rental agencies or to include a definition for automobile storage facilities.

Fuel stations often are either subject to their own zone as is the case with Oakville, Milton and Markham’s 177-96 by-law, or permitted in commercial/mixed use zones with special regulations attached. This generally applies to services stations as well as washing establishments which are sometime considered accessory to fuel stations. Body shops, considered a noxious use, are generally only permitted in employment/industrial zones. Dealerships are often kept to commercial and employment areas, whereas rental agencies are generally allowed in mixed use areas, presumably to support employees and residents who may rely on this service. Including a specific definition for an automotive storage facility allows municipalities to permit this use in otherwise underutilized space such as utility corridors.

## 4. RECENT TRENDS IN ZONING: DEFINITIONS AND REGULATIONS

Regulations for automotive uses generally relate to the zone within which they are located and may include unique requirements depending on the nature of the zone. For example, in Oakville's case, washing establishments are permitted within Service Station (C4) zone, but only as an accessory use to fuel stations. Toronto takes a unique approach when addressing some automotive uses by providing special use regulations as discussed in more detail below.

Markham's various existing zoning by-laws include a number of defined terms for automotive uses. As part of this project, these are identified and assessed in the discussion paper for Task 5 – Review & Assessment of Zoning By-law Definitions. These terms are also identified below as they relate to the specific automotive use under discussion.

Tables summarizing regulations by automotive use are provided in Appendix 1 of this report.

### 4.1 Fuel Stations

Markham's Official Plan provides clear policies for the design, size, permitted uses and location for fuel stations through its Special Use Policy 8.13.5, Motor Vehicle Service Station. A review of zoning by-laws reveals that this particular automotive use receives more detailed attention than other uses. Oakville has developed a special zone for fuel stations, Service Station (C4) and Toronto's special use regulations are extensive when compared to those of other automotive uses. The following summarizes the Official Plan direction, definitions and regulations from the various zoning by-laws under review.

## Markham Official Plan Direction

Official Plan policy 8.13.5, Motor Vehicle Service Station, provides the direction for location, uses, site size, and design elements for fuel stations.

- The site size shall not be more than 0.6 ha.
- The principal use shall be to sell fuel.
- Accessory uses may include retail convenience, small-scale take-out restaurants, drive-through subject to applicable design guidelines for motor vehicle service stations, and the outdoor storage and display of associate retail sale items.
- Car washes and minor vehicle repair services are also permitted provided that they are wholly contained within a building.
- Prohibited uses include the sale and leasing of vehicles, major repairs, body shops, and the outdoor storage and repairs.
- Access should be provided from major and arterial roads, and provincial highways. Only limited access should be provided to minimize the impact on vehicular and pedestrian traffic.
- The number of fuel stations should be limited to two at road intersections. Preference given to locating stations diagonally opposite each other.
- Orient main building and gas bars toward intersections with pump islands to the rear to support a pedestrian-oriented environment.
- Provide extensive landscaping.
- Design direction shall conform to urban design guidelines and other specific requirements as established in secondary plans, zoning by-law or through site plan control.
- Fuel stations should be designed to mitigate against noxious impacts on the surrounding area.

## Definitions

As discussed in Section 2.2, Markham's By-law 177-96 includes a definitions for *Gas Bar and Motor Vehicle Service Station* which both serve as fuel stations with different accessory uses. Two other defined terms are included in a number of other Markham zoning by-laws which allow some vehicle repair and the sale of gasoline as follows:

- Automobile Service Centre
- Automobile Service Station

The examples of definitions from the various municipalities vary in the amount of detail. None of them allow for the repair of vehicles. Other accessory uses are sometimes included. Milton and Ottawa each include in their definitions the sales of items commonly found at service stations. Oakville allows for these accessory uses under the Service Station (C4) designation, and Toronto allows these accessory uses under the special use regulations for *Vehicle Fuel Stations*.

### Milton

*Motor Vehicle Gas Bar* means one or more pump islands, each consisting of one or more gasoline pumps, and a kiosk used for the retail sale of convenience food items, and/or liquids and small accessories required for the operation of a motor vehicle.

**Oakville**

Motor Vehicle Service Station means a premise where fuel for motor vehicles is dispensed.

**Ottawa**

Gas bar means a place that retails automotive fuel along with small amounts of other automotive-related products such as pre-packaged motor oil or windshield washer anti-freeze, and may include the accessory sale of convenience items or food.

**Toronto**

Vehicle Fuel Station means premises where vehicle fuels are sold to the public.

**Where Permitted**

- As noted above, *Gas Bars* are permitted in both AC1 and AC2 zones, whereas *Motor Vehicle Service Stations* are only permitted in the AC2 zone. This allows the municipality to target suitable locations.
- Service stations are most commonly permitted in mixed use, commercial and employment/ industrial areas.
- Like Markham, Oakville has developed a special zone for service stations: Service Station (C4) zone. This specific-use designation provides the advantage of pinpointing where service stations are or should be located.
- Ottawa and Toronto both use a type of local commercial zone that allows fuel stations and other amenities to be located near, but not in, residential zones.
- When located in Commercial Local (CL) and Commercial Residential (CR) zones in Toronto, fuel stations must be located on major roads as identified in the zoning by-law.

**Regulations**

A summary of the regulations for each auto related use is provided in Appendix 1 of this report.

**Minimum Lot Frontage**

- The range of minimum lot frontage ranges up to 100 metres depending on the zone. Milton's Auto Commercial (C5) zone represents the top end of this range.
- The most common minimum lot frontage appears as 30 metres as reflected in Oakville's Service Station (C4) zone and Toronto's special use regulations. Zoning By-law 177-96 has the same standard.

**Lot Area**

- Oakville's Service Station (C4) zone has no identified minimum lot area, but does identify a minimum lot depth of 30 m. Toronto's minimum lot depth for fuel stations is 45 metres.
- Milton identifies a maximum lot area for two zones that ranges from 0.3 to 4.7 hectares.
- The Markham Official Plan identifies a maximum lot area of 0.6 hectares. Zoning By-law 177-96 identifies a maximum lot area of 0.8 hectares. The regulations in the new comprehensive zoning by-law will need to reflect Official Plan conditions. Existing service stations which do not meet these conditions, but were approved under the previous zoning regulations, will either become legal non-confirming or be deemed to conform to the zoning by-law, in accordance with the general approach to addressing legal non-confirming uses.

### **Lot Coverage**

- Milton identifies a maximum lot coverage of 20 and 30 percent depending on the zone. Ottawa includes a maximum within some of the industrial zones, but not the mixed use zones that allow for fuel stations.
- Oakville has no maximum lot coverage.
- Toronto's special use regulations state that the canopy above the fuel pumps is not included in the calculation of lot coverage.
- Markham's existing 177-96 by-law does not include a maximum lot coverage.

### **Setbacks**

#### *Front Yard*

- For commercial zones, the minimum front yard setback is generally identified as 3 metres, but can be slightly higher, but ranges up to 5 metres in Ottawa's Local Commercial (LC6) subzone.
- Ottawa's light and heavy industrial zones require 7.5 metres.
- Toronto includes a measurement from the top of the canopy that has a minimum of 5 metres.
- Oakville and Milton each identify a maximum in one zone each that permits fuel stations, but not in the automotive specific zone category.
- In Zoning By-law 177-96 a minimum of 10 metres and maximum 13 metres is identified for the AC zones.

#### *Side Yard*

- Side yard set backs are typically at a minimum of 3 metres, or 7.5 metres when abutting sensitive land uses. By-law 177-96 identifies a minimum of 10 metres for the exterior side yard and minimum of 3 metres for the interior side yard.
- Employment and industrial zones will generally include a higher setback of 15 m when abutting a sensitive land use.

#### *Rear Yard*

- Where a minimum rear yard setback is required, 3.0 metres is the starting point. Again, this will increase from 7.5 to 15 metres when abutting a sensitive land use. By-law 177-96 includes a regulation of a minimum of 12 metres.

### **Maximum Gross Floor Area for Accessory Retail**

- Under Toronto's special use regulations, fuel stations may have no more than a 140 square metres of internal retail store or service shop when abutting a residential zone.

### **Landscaping**

- Oakville and Milton impose a minimum of 10 and 15 percent of lot area respectively that must be landscaped. Within areas covered by Zoning By-law 177-96, the minimum is 30 percent.
- Toronto, Ottawa and Milton use minimum buffer zones ranging from 1.5 m to 4.5 abutting a street and between 3 and 7.5 metre when abutting a residential zone. This is similar to the 177-96 by-law that includes a 3 metre buffer for front and exterior side lot lines, and 6 metre for interior and rear lot lines.
- Additionally, Milton uses 7.5 metre buffer when abutting a Provincial Highway.

### Outside Display, Storage and Sales

- In Oakville, the outdoor displays and sale areas are permitted provided they are accessory to the primary use. There is a height restriction of 3 metres for any merchandise display. This area cannot encroach on any other required minimums, such as parking or landscaping areas.
- Toronto's special regulation for outside display and storage permits up to 20 percent of the lot outside the wholly enclosed building. It must be also enclosed by a fence.

### Sale of Propane

- Toronto's special use regulations limit propane tank size to 1,500 litres. Fuel stations with more than 100 litres must be no closer than 7.5 metres from a residential zone.
- Oakville does not allow the sale of propane on a site abutting a residential zone.

## 4.2 Washing Establishments

### Introduction

Washing establishments may be zoned independently or permitted as accessory uses to fuel stations. For this reason, there is a considerable amount of overlap in comparing the zones and regulations where each is permitted. Key considerations for washing establishments may include a minimum number of stacking lanes, requiring that operations be wholly enclosed in buildings, and determining setback issues.

### Official Plan Direction

Section 8.13.5 of the Official Plan allows washing establishments to be permitted with fuel stations as an accessory use provided they are wholly contained within a building. They are also provided for under the Service Employment designation as a *discretionary use* which and thus subject to site-specific zoning approvals.

### Definitions

Markham's existing zoning by-laws include three defined terms for washing establishments: *Automobile Washing Establishment*, *Car Wash* and *Car Washing Establishment*. By-law 177-96 includes the definition *Car Wash* and permits car washing as an accessory use under the definitions for *Gas Bar* and *Motor Vehicle Service Station*.

Definitions for washing establishments are straight forward and generally mention both mechanical and manual washing. Toronto is unique in that it does not distinguish between mechanical and manual methods. Milton's definition specifies that no other automotive uses are included within the definition.

#### Milton

*Motor Vehicle Washing Establishment* means a premises used for the operation of motor vehicle washing equipment and may include the use of production line methods and mechanical devices or self-serve coin-operated facilities, but does not include any other motor vehicle establishment defined in this By-law.

#### Oakville

*Motor Vehicle Washing Facility* means a premises for the mechanical or hand washing of motor vehicles.

## Ottawa

Car wash includes a conveyor-type car wash, a drive-through automatic car wash and a manual car wash.

## Toronto

Vehicle Washing Establishment means premises used for washing or cleaning vehicles.

## Permitted Zones

- Zones that permit fuel stations also commonly permit washing establishment. In the zones that were studied in this review, only one subzone in Ottawa (Local Commercial LC6) permitted fuel stations that did not also permit washing establishments. And, one zone in Milton (General Industrial M2) allows for washing establishments but not fuel stations.
- Oakville's Service Station (C4) zone only permits washing establishments as an accessory use.
- Also in Oakville, when located in a Business Commercial (E4) zone, washing establishment cannot abut a residential zone.
- In Toronto, washing establishments are permitted in the Commercial Local (CL), Commercial Residential (CR), Commercial Residential Employment (CRE) and Employment Industrial (E) zones provided they are located on a major street. They are subject to the special use regulations provided the internal floor space is greater than 38 sq m.
- In By-law 177-96, *Car Wash* is not found as a permitted use in any zone under the general regulations, except as an accessory use to *Gas Bar* or *Motor Vehicle Service Station* in the AC zones.

## Regulations

### Washing Inside a Building

- Toronto's special use regulations require washing and drying operations to take place wholly inside a building. Ottawa uses a similar provision in a subzone of Arterial Mixed Use (AM 5).

### Stacking Lane Requirements

- Milton requires stacking lanes to accommodate 10 vehicles and 2 egress lanes at washing establishments.
- Oakville requires stacking lanes for 8 vehicles and 2 at the exit.
- Toronto requires stacking lanes for 10 vehicles that measure 3 metres wide by 6.5 metres long at entrance. The exit must be 12 metres away from the building.

### Minimum Lot Frontage and Site Access

- Toronto special use regulations require a 26 metres front lot frontage.
- Toronto also requires that vehicle access:
  - Be a minimum width of 6 metres and maximum of 11 metres.
  - Be at least 3 metres away from any lot line and 7.5 metres away from any other vehicle access.
  - Be at least 7.5 metres away from the point of an intersection.



### Setbacks

- Toronto's special use regulations require that vehicle entrances and exits must be at least 12 m from any lot line abutting a street.
- A special provision attached to AC zones in By-law 177-96 requires that all parts of a structure, including a canopy, be setback a minimum of 20 metres from the front lot line or the exterior lot line, and from the boundary of residential zone.

### Ancillary Use Gross Floor Area

- Toronto's special use regulations limit the floor area of any ancillary shop to the car wash to 20 square metres.

### Landscaping

- For the mixed use areas in Oakville, there is no minimum landscaped buffer required. Milton includes a 4.5 metres minimum requirement for the Secondary Mixed Use Area Commercial (C2) zone.
- Toronto's special use regulations require the lot lines abutting another lot line on a corner lot must be fenced.

## 4.3 Repair Shops

### Introduction

Repair shops are often found as accessory uses to dealerships, commercial business and fuel stations. They may also be zoned independently. The regulations for repair shops generally fall in line with the zone in which they are located.

### Official Plan Direction

The Official Plan designation for Service Employment (8.5.4.2) provides for the use of motor vehicle repair shops. In the General Employment designation, it is a discretionary use. The Official Plan essentially treats body shops and repair shops as the same, but a review of municipal zoning by-laws reveals quite different regulations for each.

### Definitions

*Motor Vehicle Repair Garage* is commonly found in Markham's existing zoning by-laws but it has one of two definitions depending on the zone. One definition is very detailed, describing the type of work that can be undertaken (transmission repair, brake repair, radiator repair, etc.). The other definition simply allows for the 'repairing of motor vehicles' and excludes the sale of fuel.

By-law 177-96 includes *Motor Vehicle Repair Garage* as a defined term, but it is not a permitted use within the general regulations. It is used under exceptions to the main provisions. This is may be due to *Motor Vehicle Service Stations* allowing for the repair of vehicles as an accessory uses.

In comparison to other automotive uses, the definitions for repair shops provide more detailed explanations of what is included and what is excluded. Each of the following definitions mentions mechanical repairs, but otherwise varies. Milton provides examples of mechanical repairs. Oakville allows in their definition temporary parking and excludes auto body shops explicitly. Ottawa includes



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automotive sales, fuel stations, but excludes heavy vehicles (a defined term in their zoning by-law). Toronto excludes both auto body work and any service on construction or agricultural vehicles.

### **Milton**

Motor Vehicle Repair Garage means a premises used to conduct major and minor mechanical repairs of motor vehicles and includes such businesses as alignment, muffler, rust proofing, oil, lube and filter, auto glass, tire and radiator shops and in conjunction with which there may be such accessory uses as a towing service, and motor vehicle rentals.

### **Oakville**

Motor Vehicle Repair Facility means a premises equipped with facilities for the service, maintenance and repair of motor vehicles, and includes the temporary parking of motor vehicles in the process of repair, but does not include a *motor vehicle body shop*.

### **Ottawa**

Automobile Service Station means a place that:

- a) has one or more service bays or facilities for a mechanic to service and repair motor vehicles other than heavy vehicles, which may also retail fuel and other automotive products; or
- b) has one or more service bays which provide one or more single or specialized service product installation for motor vehicles other than heavy vehicles such as mufflers or oil changes; and
- c) may include sales of motor vehicles other than heavy vehicles in association with the automobile service station.

### **Toronto**

Vehicle Service Shop means premises used for vehicle service or customizing, such as mechanical, electrical, glass or upholstery service or installation of parts or accessories, but excluding:

- a) spray painting or repairing body or fender components; and
- b) the service or customizing of construction or agriculture vehicles.

## Permitted Zones

- There are some comparisons that can be drawn between municipalities regarding where they permit repair shops. Milton and Oakville each allow for them in commercial areas and an employment/industrial area. Toronto and Ottawa allow for them in mixed use and employment/industrial areas.
- Oakville does not allow for repair shops in their Service Station (C4) zone, even as an accessory use to a fuel station. However, they are permitted as part of the Core Commercial (C5) zone if they are an accessory to a retail business. They are also allowed to be accessory to dealerships when abutting highways, but not independently.
- When located in Commercial Local (CL) and Commercial (CR) zones in Toronto, they must be located on major roads as identified in the zoning by-law. Repairs shops located in Commercial Residential Employment areas are subject to the special regulations for repair shops.

- In By-law 177-96, *Motor Vehicle Repair Garages* are permitted as part of site specific policies which are included as exceptions to the general provisions, whereas *Motor Vehicle Service Stations* are allowed in AC2.

## Regulations

### Vehicle Access

- Toronto's special use regulations address vehicle access to lots.
  - Access must be a minimum of 6 metres and a maximum of 11 metres measured from the abutting street.
  - There must be at least a 7.5 metres separation distance between other vehicle access points and 3 metres from a lot line.
  - Access must be at least 7.5 metres from a point of intersection.

### Minimum Lot Frontage

- The minimum lot frontage by zone ranges from no minimum up to 100 metres. Milton's Auto Commercial (C5) zone represents the top end.
- By-law 177-96 requires a minimum lot frontage of 30 metres in AC2 zones.

### Lot Area

- The range in minimum lot areas that permit repair shops depends on the zone and is not likely to be a restrictive factor.
- By-law 177-96 has a maximum lot area of 0.8 hectares in the AC2 zone. This is larger than the maximum in the Official Plan's 0.6 hectares.

### Lot Coverage

- Milton identifies a maximum lot coverage of between 20 and 65 percent depending on the zone. Ottawa includes a maximum for some of the industrial zones, but not the mixed use zones that allow for fuel stations.
- Oakville has no maximum lot coverage.
- Toronto's special use regulations for repair shops do not identify a maximum lot coverage.

### Setbacks

#### *Front Yard*

- For commercial zones, the minimum front yard setback is generally identified as 3 metres, but can be slightly higher, ranging up to 4.5 metres in certain zones.
- Ottawa's Heavy Industrial (IH) and Light Industrial (IL) zones require a 7.5 metre setback.
- In By-law 177-96, a minimum 10 metre front yard setback is required in zone AC2.

#### *Side Yard*

- Where identified, the minimum side yard setback is generally 3 metres.
- Toronto requires a minimum 7.5 metre set back from a side street.
- When abutting a sensitive land use, the minimum setback ranges from 4.5 metres in Toronto to 15 metres in Oakville's Business Commercial (E4) and Ottawa's Heavy Industrial (IH) and Light Industrial (IL) zones.

- In By-law 177-96, a minimum 10 metre side yard setback is required in the zone AC2.

#### *Rear Yard*

- Where a minimum rear yard setback is required, 3.0 metres is the starting point. This will generally increase from 7.5 to 15 metres when abutting a sensitive land use. Milton identifies a 12 metres minimum for their Auto Commercial (C5) and General Industrial (M2) zones.
- Oakville and Ottawa each identify a minimum setback from railway corridors for an industrial zone.
- In By-law 177-96, a minimum 12 metre setback is required in the zone AC2.

#### **Gross Floor Area**

- Ottawa allows for repair shops in General Industrial (IG), Light Industrial (IL) and Business Park Industrial (IP) zones, but the gross floor area is restricted to a maximum of 300 square metres.

#### **Landscaping**

- Toronto's special use regulations require a minimum 1.5 metre wide strip of soft landscaping along the length of a lot line abutting a street, excluding the area for vehicle access. The minimum is 3 metres and a fence along the length of a lot line abutting a residential zone.
- Oakville and Milton impose a minimum percentage of lot area that must be landscaped: 10% and 15 percent respectively. By-law 177-96 requires 30 percent as landscaped open space in AC2 zones.
- Milton and Ottawa use minimum buffer zones ranging between 1.5 and 4.5 metres abutting a street and between 3 and 7.5 metres when abutting a residential zone.
- Milton uses a 7.5 metre buffer when abutting a Provincial Highway.
- By-law 177-96 requires a minimum landscaping width of 3 metres for front and exterior side lot lines, and 6 metres for interior and rear lot lines.

## **4.4 Auto Body Shops**

### **Introduction**

Auto body shops are generally the most restricted automotive use and require the greatest separation distances from sensitive land uses. For this reason, they are most often found only in employment and industrial areas.

### **Official Plan Direction**

Auto body shops are permitted within the for Service Employment (8.5.4.2) designation and as a discretionary use in the General Employment designation.

### **Definitions**

The term *Motor Vehicle Body Shop* is included in Markham's existing zoning by-laws, including By-law 177-96. It is defined as "a premises used for the painting and/or repairing of the exterior and/or the undercarriage of motor vehicle bodies."

As is shown in the examples from the municipalities below, the definition is restricted only to work related to structural, painting and other non-mechanical work undertaken on vehicles as distinct from repair shops. Oakville additionally regulates the temporary parking of vehicles during the repair process.

#### **Milton**

- *Motor Vehicle Body Shop* means a premises used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be a towing service.

#### **Oakville**

- *Motor Vehicle Body Shop* means a premises where painting, structural changes, or repairs are made to motor vehicle bodies, including exteriors and undercarriages, and includes the temporary parking of motor vehicles in the process of repair.

#### **Ottawa**

- *Automobile body shop* means a place where motor vehicles are repainted and major or structural repairs made.

#### **Toronto**

- *Vehicle Repair Shop* means premises used for vehicle service, repair or customizing, such as spray painting, repairing body or fender components.

## **Permitted Zones**

- Auto body shops are only permitted in a restricted number of zones. They are generally only permitted in employment/industrial areas. Ottawa does make some exceptions in some mixed use subzones.
- In Oakville's Business Commercial (E4) zone, auto body shops cannot be located adjacent to residential zones.
- When located in Toronto's Employment Industrial (E) zone, auto body shops must be at least 100 metres away from a residential zone.
- In By-law 177-96, a body shop is only permitted in one site specific exception.

## **Regulations**

### **Minimum Lot Frontage**

- The range of minimum lot frontage ranges from no minimum to 100 metres in Milton's Auto Commercial (C5) zone. Milton's other zones require 40 metres. Oakville Business Commercial (E4) and Ottawa's subzone General Industrial (IG2) zones require 30 metre frontages.

### **Lot Area**

- There is no consistent minimum lot area for zones that allow auto body shops.

### **Lot Coverage**

- Milton identifies a maximum lot coverage of 20 percent and 35 percent depending on the zone. Ottawa includes a maximum of 65 percent in General Industrial which is reduced to 50 percent in the subzone IG2.
- Oakville has no maximum lot coverage in its E4 zone.

## Setbacks

### Front Yard

- The minimum front yard setback is generally, between 3 and 4.5 metres, in mixed use and lighter employment areas. The setback is higher in Ottawa's Heavy Industrial (IH) and Milton's General Industrial (M2) zones: 7.5 and 9 metres respectively.
- Ottawa includes a setback of 2 metres for subzone Mixed Use Centre Zone (MC7).

### Side Yard

- Side yard setbacks are generally similar to front yard setbacks except when abutting a sensitive land use in which case the side yard setback requirement tends to go up to 15 m.

### Rear Yard

- Where a minimum rear yard setback is required, 3.0 metres is the starting point. Milton imposes a minimum of 12 metres in both the Auto Commercial (C5) and General Industrial (M2) zones.
- Oakville uses the same minimum 15 metre setback as for locations abutting sensitive land uses.

## Landscaping

- Oakville and Milton respectively impose a minimum of 10 percent and 15 percent of lot area that must be landscaped.
- Ottawa and Milton use minimum buffer zones ranging from 3 to 4.5 metres when abutting a street. When abutting a sensitive land use, this increases to 4 m in Milton's Business Commercial (C6), and 6 metres in Auto Commercial (C5) and General Industrial (M2) zones. Ottawa increases the buffer to 7.5 metres in the Heavy Industrial (IH) zone.
- Additionally, Milton uses a buffer of between 4.5 and 7.5 metres when abutting a Provincial Highway.

# 4.5 Dealerships

## Introduction

Dealerships have traditionally required a significant amount of surface area to display their vehicles. The Official Plan recognizes the model of having showrooms in Mid-rise, High-rise and Office Priority Mixed Use areas, only if wholly contained within a building.

The zoning by-laws reviewed generally only allow dealerships in areas with commercial and employment activities. The regulations around dealerships are dependent on their zone. In Toronto, there are a few guidelines provided by the Special Use Regulations.

## Official Plan Direction

The Official Plan designations for Mixed Use Mid-Rise, High-Rise and Office Priority and Commercial areas allow for automotive sales.

For Mixed Use designations where dealerships are permitted, the policy states that sales be allowed "provided they are located and wholly contained within a building".

In Commercial designated areas, policy 8.4.1.3 allows for motor vehicle and sales and rentals provided they adhere to the Special Use Policy 8.13.6 which deals with outdoor storage and display.

## Definitions

For dealerships, Markham's existing zoning by-laws provide three defined terms: *Automobile Sales Establishment*, *Motor Vehicle Sales Establishment* and *Motor Vehicle Dealership*. Of these, *Automobile Sales Establishment* allows for repairs and sales for the operation of vehicles. *Motor Vehicle Sales Establishment* and *Motor Vehicle Dealership* each allow for the rental of vehicles as well. By-law 177-96 includes a definition for *Motor Vehicle Sales Establishment*.

The definitions for dealerships from examples below are generally similar. They each mention the sale and display of vehicles. Oakville mentions outside display and sales. Milton adds that a repair garage may operate in conjunction with the dealership. Ottawa and Toronto prohibit the sale of heavy commercial vehicles. Toronto allows for the rental of vehicles.

### Milton

*Motor Vehicle Dealership* means a premises where new or used motor vehicles are displayed and/or offered for sale or lease and which may operate in conjunction with a motor vehicle repair garage.

### Oakville

*Motor Vehicle Dealership* means a premises used for selling or leasing of motor vehicles, including the outside display and sales of inventory motor vehicles on the same lot.

### Ottawa

*Automobile Dealership* means a place where new or used motor vehicles other than heavy vehicles are displayed and sold at retail, rented or leased.

### Toronto

*Vehicle Dealership* means premises used for the sale, rental or lease of vehicles displayed or stored on site, excluding construction or agricultural vehicles.

## Permitted Zones

Dealerships are permitted across a range of different zones:

- In Oakville, only the Business Commercial (E4) zone permits dealerships, but not abutting a residential zone.
- Toronto allows for dealerships in the mixed use zones Commercial Residential (CR) and Commercial Residential (CRE), subject to special regulations for this use, including being located on a major road.
- Dealerships are permitted in three zones in Milton: Auto Commercial (C5), Business Commercial (C6) and General Industrial (M2)
- Zones in Ottawa that allow dealerships include both mixed use and industrial zones, including: Arterial Mixed Use (AM), some subzones in General Mixed Use (GM), General Industrial (IG) and Business Park Industrial (IP).
- Under By-law 177-96, *Motor Vehicle Sales Establishment* is permitted in a single instance as a site specific exception to the general provisions.

## Regulations

### Minimum Lot Frontage

- Oakville's Business Commercial (E4) zone requires a 30 metre frontage.
- Milton's Auto Commercial (C5) zone requires 100 metre frontages.

### Lot Area

- Milton's minimum lot area for Auto Commercial (C5) requires 0.4 hectares.
- Ottawa's zones have no minimum and there is no mention of a minimum in Toronto's special regulations.

### Lot Coverage

- Lot coverage is not always applied for the zones that allow for dealerships:
  - Milton uses 20 and 30 percent for the commercial zones, but not in the industrial zone. Ottawa imposes a maximum in the industrial zones of 55 to 60 percent, but none in the mixed use zones. There is no maximum in Oakville's Business Commercial (E4) zone or in Toronto's regulations for dealerships.

### Setbacks

- When applied, the minimum setback from front, side and rear yards is generally 3 metres. This increases up to 15 metres when abutting a sensitive land use.
- For general industrial zones, Milton and Ottawa use a base minimum of 6 and 12 metres respectively.

### Landscaping

- Oakville and Milton impose a minimum percentage of lot area that must be landscaped of 10% and 15 percent respectively.
- A 3 metre landscape buffer is generally identified as the minimum. This may increase up to 6 metres where it abuts a sensitive land use.
- Milton uses 7.5 metre buffer for commercial zones and 4.5 metres for the industrial zones abutting a Provincial Highway.

### Outside Display, Storage and Sales

- Toronto's special use regulations for dealerships include the following regulations:
  - The interior of the dealership must be at least 150 metres.
  - Vehicles may not be displayed or stored in required parking spaces.
  - The area used for storage and display must be clearly marked, be 3 metres from the lot line, have a 3 m landscaped buffer and have a fence installed along the lot line when abutting a residential zone.

## 4.6 Rental Agencies

### Introduction

In Toronto, rental agencies are included in the definition with dealerships and are permitted within the same zones and follow the same regulations. Oakville's approach is to allow rental agencies to be located within their mixed use areas.

### Official Plan Direction

Vehicle rentals are permitted in areas designated Commercial, otherwise the Official Plan is silent on where the vehicles rental are permitted except as discretionary uses on lands designated Service Employment and are not permitted in General Employment areas. Outdoor storage and display of vehicles is guided by the Special Use Policy 8.13.6.

### Definitions

The definitions for rental agencies are concise. Toronto uses the same definition for both rental agencies and dealerships. Ottawa and Toronto prohibit heavier commercial vehicles from being leased on these sites. In Markham, the terms *Motor Vehicle Sales Establishment* and *Motor Vehicle Dealership* are included in some of Markham's existing zoning by-laws. Each allows for the rental of vehicles as well. In By-law 177-96, rentals are permitted under the definition for *Motor Vehicle Service Station*.

#### Milton

*Motor Vehicle Rental Agency* means a premises where motor vehicles are kept for rent under agreement for compensation.

#### Oakville

*Motor Rental Facility* means a premises where motor vehicles are kept for rent or hire.

#### Ottawa

*Automobile Rental Establishment* means a place where new or used motor vehicles other than heavy vehicles are rented.

#### Toronto

*Vehicle Dealership* means premises used for the sale, rental or lease of vehicles displayed or stored on site, excluding construction or agricultural vehicles.

### Permitted Zones

- In comparison to other automotive uses, rental agencies are widely permitted in different commercial and mixed use zones. In By-law 177-96, rental agencies are permitted in AC2 zones as an accessory use to *Motor Vehicle Service Station*.
- A number of zones that permit automobile dealerships also permit rental agencies. There are a number of approaches highlighted here that could assist Markham in deciding what is most appropriate and consistent with the new Official Plan land use designations.



## Task 7: Automotive Related Uses

- Toronto allows rental agencies (under the same definition as dealerships) in the mixed use zones Commercial Residential (CR) and Commercial Residential (CRE) zones, subject to special regulations for this use, including being located on a major road.
- Rental agencies are the only permitted automotive use in Oakville's mixed use zones Urban Centre (MU3) and Urban Core (MU4). These areas are intended to be pedestrian and transit oriented.
- In addition to the zones that permit dealerships, Milton extends rental agencies to Secondary Mixed Use Area Commercial (C2) and Business Park (M2).
- Ottawa also extends permission for rental agencies to locate in the Light Industrial (IL) zone.

## Regulations

### Minimum Lot Frontage

- In the mixed use areas that permit rental agencies, the minimum lot frontage ranges from zero to 60 metres.

### Setbacks

- In the mixed use areas that support rental agencies, maximum setbacks are specified. In Oakville's Urban Core (MU3) and Urban Centre (MU4) zones, there is a maximum setback of 5 metres. Similarly, Milton's Secondary Mixed Use Area Commercial (C2) has a maximum setback of 6 metres.

### Landscaping

- For the mixed use areas in Oakville, there is no minimum landscaped buffer required. Milton includes this requirement for the Secondary Mixed Use Area Commercial (C2) zone with a 4.5 metre minimum.

## 4.7 Storage Facilities

The Specific Use Policies 8.13.6 for Outdoor Display and Storage are summarized in Table 1 of this report. When defined and permitted, storage facilities are generally directed towards heavy industrial areas. Toronto also allows for the vehicle storage to take place in the Utility Corridor (UT) designation.

## 5. SUMMARY OF IMPLICATIONS FOR MARKHAM ZONING BY-LAW

In a number of Ontario municipal zoning by-laws as well as Markham By-law 177-96 automotive uses are generally grouped together by a common descriptive term, such as “motor vehicle” or “automobile”. Generally, there are six or seven defined automotive uses. The common defined terms apply to fuel stations, body shops, repair shops, washing establishments. There is variation on whether to lump together dealerships with rental agencies or to address storage of vehicles.

In general, fuel stations are either subject to their own zone as is the case of Oakville, Milton and Markham’s By-law 177-96, or permitted in commercial/mixed use zones subject to special regulations. Washing establishments and repair shops are sometime considered accessory to fuel stations and are subject to size restrictions. Auto body shops are considered noxious and are generally only permitted in employment/industrial zones. Dealerships are often kept to commercial and employment areas, whereas rental agencies are generally allowed in mixed use areas, but often subject to vehicle storage restrictions and confined indoors.

### Defined Terms

- A common practice worth considering is to define all automotive uses with a similar descriptive term that distinguishes and groups all automotive uses together, such as “automobile” or “vehicle”. “Motor vehicle” is defined in the Highway Traffic Act and is also already used in Markham By-law 177-96 and may be appropriate.
- There is a need to determine what terms to include in zoning by-law definitions. It may be possible to combine some, such as ‘dealership’ and ‘rental agency’ such as in Toronto’s case, but these will also need to address the issue of vehicle storage.
- Markham may want to determine how to address the sale of propane. Toronto limits propane tank size to 1,500 litres and fuel stations with more than 100 litres must be no closer than 7.5 m

away from a residential zone. Oakville does not allow the sale of propane on a site abutting a residential zone.

- Permitted Zones
- Markham's By-law 177-96, Oakville and Milton each have a specific zone for fuel stations and accessory uses. It may be appropriate to consider continuing to apply this approach when determining the appropriate locations for fuel stations with washing establishments and repair shops (or some variation of this).
- It will be necessary to determine if fuel stations (and possible accessory washing establishments and repair shops) may be located as permitted uses in some mixed use and business service zones and if so, how these will relate to adjacent residential zones.
- Limit auto body shops to the Service Employment designation.
- Consider how to deal with vehicular storage and whether this should be restricted only to certain employment areas.

## Approach to Regulations

Since the regulations that have been reviewed in this section are, for the most part, contained within the general provisions of the respective zoning by-laws, the summary of considerations that follows is grouped under the following headings: minimum lot frontage, minimum lot area, lot coverage, setbacks, landscaping, vehicle access and other regulations. It is assumed that height limits will generally apply over a larger area and not be specific to auto related uses, with the understanding that, aside from dealerships, most auto related uses will be in one storey buildings and thus will not be able to meet minimum height requirements above one storey and thus will need to be exempted from higher minimum height provisions.

## Minimum Lot Frontage

- For fuel stations determine the minimum lot frontage to allow for vehicle access taking into account distance from an intersection. Thirty metres seems to be a common standard in zoning by-laws reviewed, including Markham's existing Zoning By-law 177-96.

## Maximum Lot Area

- The Markham Official Plan restricts the maximum lot area for fuel stations to 0.6 hectares. Currently, by-law 177-96 allows up to 0.8 hectares. The regulations in the new comprehensive zoning by-law will need to reflect the Official Plan conditions. Existing service stations which do not meet these conditions, but were approved under the previous zoning regulations, will either become legal non-confirming uses or be deemed to conform to the zoning by-law, in accordance with the general approach to addressing legal non-confirming uses in the by-law as a whole.

## Lot Coverage

- Determine whether to include a standard lot coverage for fuel stations and other related uses. For example, Oakville has no maximum lot coverage requirement, Ottawa has no maximum in mixed use zones, whereas Milton's maximum lot coverage ranges from 20 to 30 percent.

## Setbacks

- Determine whether automotive uses should be subject to unique setbacks that are distinct from the general setback provisions within each zone within which they are located.
- Determine appropriate setbacks for automotive uses when located adjacent to residential zones. The range in other by-laws is between 7.5 and 15 metres.
- Determine whether a distinct, higher setback should be applied for auto body shops from residential zones.

## Landscaping

- For fuel stations determine whether a percent of the lot should be landscaped (Oakville requires 10 percent of landscaped area; in Zoning By-law 177-96 the minimum is 30 percent).
- Determine what a minimum landscape buffer zone should be. The range is between 1.5 metres and 4.5 metres abutting a street and 3 metres and 7.5 metres abutting residential zones. By-law 177-96 requires a 3 metre buffer for front and exterior side lot lines, and 6 metres for interior and rear lot lines.

## Vehicle Access

- Determine if there is a need to include a regulation regarding the appropriate minimum distance for vehicle access from other vehicle access points and from the lot line for repair stations. In Toronto access must be a minimum of 6 and a maximum of 11 metres measured from the abutting street and there must be at least a 7.5 metre separation distance between other vehicle access points.

## Other Regulations

- Determine whether washing establishments should be within wholly enclosed buildings.
- Determine what the appropriate length of stacking lanes for car washing establishments (8 to 10 vehicles is the standard in the zoning by-laws reviewed).
- Determine whether to include a maximum gross floor area restrictions for automobile repair shops. Additional performance standards may help to regulate this use, such as increased setbacks for garage bays facing sensitive land uses or providing screening and acoustic barriers.
- Although outside the scope of this project, signage (particularly electronic and moving signs) will need to be considered further.
- Determine if there is a need to distinguish between auto dealerships with repair shops as opposed to those without.

## References

City of Markham Official Plan, June 2014.

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City of Toronto. *City of Toronto Zoning By-Law 569-2013*, May 9, 2014. <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=2a8a036318061410VgnVCM10000071d60f89RCRD>.

Town of Milton. *Town of Milton Comprehensive Zoning By-law 016-2014 (HUSP Urban Area)*, February 24, 2014. [https://www.milton.ca/en/build/resources/By-law016-2014\\_UrbanArea\\_Text.pdf](https://www.milton.ca/en/build/resources/By-law016-2014_UrbanArea_Text.pdf)

Town of Oakville, Planning Services Department. *Automobile Related Uses Review*, October 22, 2012.

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<http://www.oakville.ca/townhall/zoning-by-law-2014-014.html>.

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# **APPENDIX 1: Comparative Regulations Tables**

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# Fuel Stations Regulations

Municipality	Oakville							Ottawa							Milton		
	Core Commercial (C3)	Service Station (C4)	Business Commercial (E4)	Arterial Main-street (AM)	General Mixed Use (GM)	General Industrial (IG)	General Industrial (IG2)	Business Park Industrial (IP7)	Heavy Industrial (IH)	Light Industrial (IL)	Business Commercial (C6)	Secondary Mixed Use Area (C2)	Auto Commercial (C5)	Business Commercial (C6)			
<b>Regulations</b>																	
<b>Lot Frontage (min)</b>		30 m	30 m	No Min	No Min	No Min	30 m	No Min	No Min	No Min	No Min	60 m	100 m	40 m			
<b>Lot Area</b>																	
<i>Minimum</i>	4 ha		6.0 ha	No Min	No Min	No Min	1,300 m <sup>2</sup>	No Min	2,000 m <sup>2</sup>	No Min	1,200 m <sup>2</sup>	4,000 m <sup>2</sup>	850 m <sup>2</sup>				
<i>Maximum</i>											4.7 ha	No Max	3,000 m <sup>2</sup>				
<i>Minimum Lot Depth</i>		30 m					45 m										
<b>Lot Coverage (max)</b>						65%	50%	55%	65%		30%	20%	30%				
<b>Setbacks</b>																	
<b>Front Yard</b>																	
<i>Minimum</i>	3 m	3 m	3 m	No Min	3 m	3 m		6 m	7.5 m	5 m	4.5 m	4.5 m	3 m				
<i>Maximum</i>	17.5										6 m	No Max	No Max				
<b>Flankage Yard</b>																	
<i>Minimum</i>	3 m	3 m															
<i>Maximum</i>	17.5 m																
<b>Side Yard</b>																	
<i>Minimum</i>		3 m	3 m	No Min	No Min	3 m	6 m	3 m		No Min	6 m (internal) 4.5 m (external)	3 m (internal) 4.5 m (external)	6 m (internal) 3 m (external)				
<i>Maximum</i>																	
<i>Abutting sensitive land use zone (min)</i>	7.5 m	7.5 m	15 m	7.5 m	5 m	15 m		6 m	15 m	5 m							
<i>Minimum</i>																	
<b>Rear Yard</b>																	
<i>Minimum</i>	0 m	7.5 m	3 m	No Min		3 m		6 m	7.5 m	No Min	4.5 m	12 m	6 m				



# Fuel Stations Regulations Continued

Municipality	Oakville							Ottawa							Milton		
	Core Commercial (C3)	Service Station (C4)	Business Commercial (E4)	Arterial Main-street (AM)	General Mixed Use (GM)	General Industrial (IG)	General Industrial (IG2)	Business Park Industrial (IP7)	Heavy Industrial (IH)	Light Industrial (IL)	Business Commercial (C6)	Secondary Mixed Use Area (C2)	Auto Commercial (C5)	Business Commercial (C6)			
<i>Abutting a railway corridor</i>			7.5 m						3.5 m								
<i>Abutting a street</i>				3 m	3 m					5 m							
<i>Abutting a sensitive land use</i>	7.5 m	7.5 m	15 m						15 m	7.5 m							
<b>Gross Floor Area</b>																	
<i>For All Buildings Combined</i>																	
<i>Minimum</i>															9,300 m <sup>2</sup>		No Min
<i>Maximum</i>				3.5	2, unless otherwise shown	2, unless otherwise shown	0.5, unless otherwise shown	2,999 m <sup>2</sup>	2	No Min	13,935 m <sup>2</sup>						930 m <sup>2</sup>
<b>For All Buildings Combined</b>																	
<i>Minimum</i>															370 m <sup>2</sup>		No Min
<i>Maximum</i>															5,575 m <sup>2</sup>		930 m <sup>2</sup>

# Fuel Stations Regulations Continued

Municipality	Oakville						Ottawa						Milton		
	Core Commercial (C3)	Service Station (C4)	Business Commercial (E4)	Arterial Main-street (AM)	General Mixed Use (GM)	General Industrial (IG)	General Industrial (IG2)	Business Park Industrial (IP7)	Heavy Industrial (IH)	Light Industrial (IL)	Business Commercial (C6)	Secondary Mixed Use Area (C2)	Auto Commercial (C5)	Business Commercial (C6)	
Zone															
Building Height (maximum)		6 m	18.5	11 m – 25 m	18 m	22 m, unless within 20 m from abutting residential zone	13.5, unless otherwise shown on maps	11 m unless within 20 m from abutting residential zone. 22 metres in other cases, unless otherwise shown.	22 m	18 m (11 m if within 20 m of a residential zone)	12.5 m	9.5 m	9.5 m	11 m	
Landscape Open Space															
% of Lot Area (Minimum)	10%	10%	10%									15%	15%	15%	
Minimum Landscape Buffer Abutting a street line					3 m	3 m			3 m	3 m	3 m	4.5 m	4.5 m	3 m	3 m
Minimum with Abutting a Residential Zone				3 m	3 m	3 m			7.5	3 m (1.4 m if an opaque screen is provided)	3 m	6 m	4 m	4 m	4 m
Abutting a Provincial Highway												7.5 m	7.5 m	7.5 m	7.5 m

## Toronto's Special Use Regulations

### 150.92 Vehicle Fuel Station

#### 150.92.1 General

(1) Application of this Section

The regulations in Section 150.92 apply to vehicle fuel stations.

150.92.20 Use Requirements

150.92.20.1 General

(1) Vehicle Fuel Station - Restrictions on Retail Store and Personal Service Shop

The maximum interior floor area for a retail store and personal service shop in combination with a vehicle fuel station on a lot that abuts a lot in the Residential Zone category or Residential Apartment Zone category may be no more than 140 square metres.

(2) Vehicle Fuel Stations in Combination with Other Uses

Despite regulations 5.10.1.10(2) and (3), if the requirements of this By-law for other uses in combination with a vehicle fuel station regulate the same area, the most restrictive regulation governs all uses on the lot.

(3) Vehicle Fuel Station - Outside Display and Storage

A vehicle fuel station may have outside display and storage if it is:

(A) no more than 20% of the area of the lot outside of wholly enclosed buildings; and

(B) enclosed by a fence.

(4) Vehicle Fuel Station - Propane Tank Requirement

A lot with a vehicle fuel station may have a propane tank that contains no more than 1500 litres of propane.

(5) Vehicle Fuel Station - Propane Tank Separation Requirements

If a vehicle fuel station has a propane tank that contains more than 100 litres of propane, the propane tank may be no closer than 7.5 metres from a lot line that abuts a lot in the Residential Zone category or

Residential Apartment Zone category.

#### 150.92.30 Lot Requirements

150.92.30.20 Lot Frontage

(1) Vehicle Fuel Station - Lot Frontage Requirements

A lot with a vehicle fuel station must have a minimum lot frontage of 30.0 metres

150.92.30.21 Lot Frontage Exemptions

(1) Vehicle Fuel Station - Permitted Lot Frontage Requirements for Lawfully Existing Lots

If a lawfully existing vehicle fuel station is on a lot that has a lawful lot frontage which is less than the minimum lot frontage required in regulation 150.92.30.20 (1), that lawful lot frontage is the minimum lot frontage for that lawfully existing vehicle fuel station on that lot.

150.92.30.30 Lot Depth

(1) Vehicle Fuel Station - Lot Depth Requirements

A lot with a vehicle fuel station must have a minimum lot depth of 45.0 metres.

150.92.30.31 Lot Depth Exemptions

(1) Vehicle Fuel Station - Permitted Depth Requirements for Lawfully Existing Lots

If a lawfully existing vehicle fuel station is on a lot that has a lawful lot depth which is less than the minimum lot depth required in regulation 150.92.30.30(1), that lawful lot depth is the minimum lot depth for that lawfully existing vehicle fuel station on that lot.

#### 150.92.40 Building Requirements

150.92.40.70 Setbacks

(1) Vehicle Fuel Station - Building Setbacks

A vehicle fuel station is subject to the following:

(A) the minimum side yard setback for a building or structure is the greater of:

(i) 3.0 metres;

(ii) 4.5 metres from a side lot line that abuts a lot in the Residential Zone category or Residential Apartment Zone category;

(iii) 7.5 metres from a side lot line that abuts a street; or

(iv) the minimum side yard setback required for the zone in which it is located; and

(B) the minimum rear yard setback for a building or structure is the greater of:

(i) 3.0 metres;

(ii) 7.5 metres if the lot abuts a lot in the Residential Zone category or Residential Apartment Zone category; or

(iii) the minimum rear yard setback required for the zone in which it is located.

150.92.40.71 Setbacks Exemptions

(1) Vehicle Fuel Station - Permitted Building Setbacks for Lawfully Existing Buildings

If a lawfully existing vehicle fuel station building or structure has a lawful building setback that is less than the required minimum building setback

in regulation 150.92.40.70(1), that lawful building setback is the minimum building setback for that lawfully existing vehicle fuel station building or structure on that lot.

#### **150.92.50 Yards**

150.92.50.10 Landscaping

(1) Vehicle Fuel Station - Soft Landscaping

A lot with a vehicle fuel station must have:

- (A) a minimum 1.5 metres wide strip of soft landscaping along the entire length of a lot line that abuts a street, excluding the part used for vehicle access to the lot; and
- (B) a minimum 3.0 metres wide strip of soft landscaping and a fence along the entire length of a lot line that abuts a lot in the Residential Zone category or Residential Apartment Zone category.

#### **150.92.60 Ancillary Buildings and Structures**

150.92.60.20 Setbacks

(1) Vehicle Fuel Station - Fuel Pump Island and Canopy Setbacks

For a vehicle fuel station:

- (A) Despite regulation 150.92.40.70(1), the edge of a canopy that is above the fuel pumps may be no closer than 5.0 metres from a lot line abutting a street; and
- (B) Despite regulation 150.92.40.70(1), a fuel pump island may be no closer than:
  - (i) 7.5 metres from a lot line that abuts a lot in the Residential Zone category or Residential Apartment Zone category; and
  - (ii) 6.0 metres from any other lot line.

150.92.60.21 Setbacks Exemptions

(1) Vehicle Fuel Station - Permitted Minimum Distance for Lawfully Existing Canopy

If a lawfully existing vehicle fuel station has a canopy above the fuel pumps that is lawfully closer to a lot line abutting a street than is permitted in regulation 150.92.60.20(1)(A), that lawful distance from a lot line abutting a street is the minimum distance required for a canopy above the fuel pumps for that lawfully existing vehicle fuel station.

(2) Vehicle Fuel Station - Permitted Minimum Distance for Lawfully Existing Fuel Pump Island

If lawfully existing vehicle fuel station has a fuel pump island that is lawfully closer to a lot line than is permitted in regulation 150.92.60.20(1)(B), that lawful distance is the minimum distance required for a fuel pump island from that lot line on the lot for that lawfully existing vehicle fuel station.

#### **150.92.60.40 Height**

(1) Vehicle Fuel Station Canopy Height

A vehicle fuel station canopy with or without structural support may not be more than 6.0 metres above the elevation of the ground directly below it.

150.92.60.41 Height Exemptions

(1) Vehicle Fuel Station - Permitted Height for Lawfully Existing Canopy

If a lawfully existing vehicle fuel station has a canopy above the fuel pumps that has a lawful height greater than the permitted maximum height in regulation 150.92.60.40(1), that lawful height is the maximum height for

a canopy for that lawfully existing vehicle fuel station.

150.92.60.70 Lot Coverage

(1) Vehicle Fuel Station - Lot Coverage Calculation

The area of a vehicle fuel station canopy above the fuel pumps is not included in the calculation of lot coverage.

#### **150.92.100 Access to Lot**

150.92.100.1 General

(1) Vehicle Fuel Station - Vehicle Access and Required Landscaping

Vehicle access to a lot with a vehicle fuel station may cross required landscaping.

(2) Vehicle Fuel Station - Vehicle Access Requirements

A lot with a vehicle fuel station must have two vehicle access points from the street to the lot and each vehicle access must have a width of at least 6.0 metres and no more than 11.0 metres, measured along the lot line abutting a street.

150.92.100.30 Separation

(1) Vehicle Fuel Station - Vehicle Access - Separation Distances

Vehicle access to a lot with a vehicle fuel station must be at least:

- (A) 7.5 metres from any other vehicle access on the lot; and
- (B) 3.0 metres from any side lot line.

(2) Vehicle Fuel Station - Vehicle Access for Corner Lots

Vehicle access to a vehicle fuel station on a corner lot must be at least 7.5 metres from the point of intersection of the front lot line and side lot line.





# Washing Establishment Regulations Continued

Municipality	Oakville					Ottawa					Milton			
	Core Commercial (C3)	Service Station (C4)	Business Commercial (E4)	Arterial Main-street (AM)	General Mixed Use (GM)	General Industrial (IG)	Business Park Industrial (IP7)	Mixed Use Downtown (MD)	Light Industrial (IL)	Heavy Industrial (IH)	Secondary Mixed Use Area (C2)	Auto Commercial (C5)	Business Commercial (C6)	General Industrial (M2)
<b>Zone</b>														
<b>Building Height (maximum)</b>		6 m	18.5	11 m – 25 m	18 m	22 m, unless within 20 m from abutting residential zone	11 m unless within 20 m from abutting residential zone. 22 metres in other cases, unless otherwise shown.	As per schedule	18 m (11 m if within 20 m of a residential zone.	22 m	9.5 m	9.5 m	11 m	4.5 m
<b>Landscape Open Space</b>														
<b>% of Lot Area (Minimum)</b>	10%	10%	10%								15%	15%	15%	5%

# Washing Establishment Regulations Continued

Municipality	Oakville			Ottawa					Milton					
	Core Commercial (C3)	Service Station (C4)	Business Commercial (E4)	Arterial Main-street (AM)	General Mixed Use (GM)	General Industrial (IG)	Business Park Industrial (IP7)	Mixed Use Downtown (MD)	Light Industrial (IL)	Heavy Industrial (IH)	Secondary Mixed Use Area (C2)	Auto Commercial (C5)	Business Commercial (C6)	General Industrial (M2)
								No Minimum, except that where a yard is provided and not used for required drive-ways, aisles, parking, loading spaces or outdoor commercial patio, the whole yard must be landscaped	3 m	3 m	3 m	4.5 m	4.5 m	4.5 m
<i>Minimum Landscape Buffer Abutting a street line</i>				3 m	3 m	3 m								
<i>Minimum with Abutting a Residential Zone</i>				3 m	3 m	3 m							4 m	6 m
<i>Abutting a Provincial Highway</i>													7.5 m	4.5 m



# Toronto's Special Use Regulations

## 150.96.30 Lot Requirements

150.96.30.1 General

- (1) Vehicle Washing Establishment - Location

A vehicle washing establishment must:

- (A) be on a lot that abuts a major street on the Policy Areas Overlay Map; and
- (B) be on a lot with a front lot line that is at least 26.0 metres wide.

- (2) Vehicle Washing Establishment - Vehicle Access - Permitted Width

Vehicle access to a lot with a vehicle washing establishment may have a minimum width of 6.0 metres and a maximum width of 11.0 metres, measured along the lot line abutting a street.

- (3) Vehicle Washing Establishment - Fence Requirement

The lot lines abutting another lot line on a corner lot with a vehicle washing establishment must be fenced.

- (4) Vehicle Washing Establishment - Vehicle Access - Separation Distances

Vehicle access to a lot with a vehicle washing establishment must be at least:

- (A) 7.5 metres from any other vehicle access on the lot; and
- (B) 3.0 metres from any lot line.

- (5) Vehicle Washing Establishment - Vehicle Access for Corner Lots

Vehicle access to a vehicle washing establishment on a corner lot must be at least 7.5 metres from the point of intersection of the front lot line and side lot line.

## 150.96 Vehicle Washing Establishment

### 150.96.1 General

- (1) Application of this Section

The regulations in Section 150.96 apply to vehicle washing establishments with an interior floor area greater than 38 square metres.

### 150.96.20 Use Requirements

150.96.20.1 General

- (1) Vehicle Washing Establishment - Activity Limited to Inside Building

All mechanical washing, waxing and drying operations must take place within a wholly enclosed building.

- (2) Vehicle Washing Establishment - Stacking Aisle Requirements

A mechanical vehicle washing establishment is subject to the following:

- (A) a minimum of 10 vehicle stacking spaces must be provided in a stacking aisle on the same lot; and
- (B) a vehicle stacking space must be at least 3.0 metres wide by 6.5 metres long.

- (3) Vehicle Washing Establishment - Restrictions on Other Uses

The maximum interior floor area for a retail store and personal service shop on a lot with a vehicle washing establishment is 20.0 square metres.

## 150.96.40 Building Requirements

150.96.40.1 General

- (1) Vehicle Washing Establishment - Building Setbacks

A vehicle washing establishment is subject to the following:

- (A) the minimum side yard setback for a building or structure is the greater of:

- (i) 3.0 metres;
- (ii) 4.5 metres from a side lot line that abuts a lot in the Residential Zone category or Residential Apartment Zone category;
- (iii) 7.5 metres from a side lot line that abuts a street; or
- (iv) the minimum side yard setback required for the zone in which it is located; and

- (B) the minimum rear yard setback for a building or structure is the greater of:

- (i) 3.0 metres;
- (ii) 7.5 metres if the lot abuts a lot in the Residential Zone category or Residential Apartment Zone category; or
- (iii) the minimum rear yard setback required for the zone in which it is located.

- (2) Vehicle Washing Establishment - Building Setbacks from Entrance and Exit

The vehicle entrance and exit from a vehicle washing establishment building must be at least 12.0 metres from any lot line abutting a street.



# Repair Shop Regulations Continued

Municipality	Oakville					Ottawa					Milton	
	Core Commercial (C3)	Business Commercial (E4)	Arterial Mainstreet (AM)	General Mixed Use (GM)	General Industrial (IG)	Business Park Industrial (IP7)	Heavy Industrial (IH)	Light Industrial (IL)	Auto Commercial (C5)	General Industrial (M2)		
For All Buildings Combined												
	Minimum											
Maximum			3.5	2, unless otherwise shown	2, unless otherwise shown	2, unless otherwise shown	2,999 m2	2,999 m2				
<b>For All Buildings Combined</b>												
Minimum												5 %
Maximum												4.5 m
Maximum total net floor area for all uses other than retail stores on a lot												
Building Height (maximum)		18.5	11 m – 25 m*	18 m	22 m, unless within 20 m from abutting residential zone	11 m unless within 20 m from abutting residential zone. 22 metres in other cases, unless otherwise shown.	22 m	18 m (11 m if within 20 m of a residential zone)	9.5 m			4.5 m
<b>Landscape Open Space</b>												40 m
% of Lot Area (Minimum)	10%	10%							15%			5%
Minimum Landscape Buffer Abutting a street line				3 m	3 m	3 m	3 m	3 m	4.5 m			4.5 m
Minimum with Abutting a Residential Zone			3 m	3 m	3 m		7.5	3 m (1.4 if a screen is provided)	6 m			6 m

# Repair Shop Regulations Continued

Municipality	Oakville					Ottawa					Milton	
	Zone	Core Commercial (C3)	Business Commercial (E4)	Arterial Mainstreet (AM)	General Mixed Use (GM)	General Industrial (IG)	Business Park Industrial (IP7)	Heavy Industrial (IH)	Light Industrial (IL)	Auto Commercial (C5)	General Industrial (M2)	
<i>Abutting a Provincial Highway</i>										7.5 m		4.5

## Toronto's Special Use Regulations

### 150.94 Vehicle Service Shop

#### 150.94.1 General

(1) Application of this Section

The regulations in Section 150.94 apply to vehicle service shops.

#### 150.94.20 Use Requirements

150.94.20.1 General

(1) Vehicle Service Shop - Activity Limited to Inside Building

All activities of a vehicle service shop must take place in a wholly enclosed building.

#### 150.94.30 Lot Requirements

150.94.30.1 General

(1) Vehicle Service Shop - Vehicle Access-Permitted Width

Vehicle access to a lot with a vehicle service shop may have a minimum width of 6.0 metres and a maximum width of 11.0 metres, measured along the lot line abutting a street.

(2) Vehicle Service Shop - Vehicle Access-Separation Distances

Vehicle access to a lot with a vehicle service shop must be at least:

(A) 7.5 metres from any other vehicle access on the lot; and

(B) 3.0 metres from any side lot line.

(3) Vehicle Service Shop - Vehicle Access for Corner Lots

Vehicle access to a vehicle service shop on a corner lot must be at least 7.5 metres from the point of intersection of the front lot line and side lot line.

#### 150.94.40 Building Requirements

150.94.40.1 General

(1) Vehicle Service Shop - Building Setbacks

A vehicle service shop is subject to the following:

(A) the minimum side yard setback for a building or structure is the greater of:

(i) 3.0 metres;

(ii) 4.5 metres from a side lot line that abuts a lot in the Residential Zone category or Residential Apartment Zone category;

(iii) 7.5 metres from a side lot line that abuts a street; or

(iv) the minimum side yard setback required for the zone in which it is located; and

(B) the minimum rear yard setback for a building or structure is the greater of:

(i) 3.0 metres;

(ii) 7.5 metres if the lot abuts a lot in the Residential Zone category or Residential Apartment Zone category; or

(iii) the minimum rear yard setback required for the zone in which it is located.

#### 150.94.50 Yards

150.94.50.1 General

(1) Vehicle Service Shop - Soft Landscaping

A lot with a vehicle service shop must have:

(A) a minimum 1.5 metres wide strip of soft landscaping along the entire length of a lot line that abuts a street, excluding the part used for vehicle access to the lot; and

(B) a minimum 3.0 metres wide strip of soft landscaping and a fence along the entire length of a lot line that abuts a lot in the Residential Zone category or Residential Apartment Zone category.





# Auto Body Shop Regulations Continued

Municipality	Ottawa					Milton			
	Oakville	General Mixed Use (GM)	Mixed Use Centre Zone (MC7)	General Industrial (IG)	General Industrial (IG2)	Heavy Industrial (IH)	Auto Commercial (C5)	Business Commercial (C6)	General Industrial (M2)
Zone	Business Commercial (E4)		No Min except where a yard is provided and not used for required driveways, aisles, parking, loading spaces or outdoor commercial patio, the whole yard must be landscaped.						
% of Lot Area (Minimum)	10%						15%	15%	5%
Minimum Landscape Buffer for Abutting a street line		3 m		3 m		3 m	4.5 m	3 m	4.5 m
Minimum with Abutting a Residential Zone		3 m		3 m		7.5	6 m	4 m	6 m
Abutting a Provincial Highway							7.5 m	7.5 m	4.5

# Dealership Regulations

Municipality	Oakville				Ottawa				Milton		
	Zone	Business Commercial (E4)	Arterial Main-street (AM)	General Mixed Use (GM)	General Industrial (IG)	Business Park Industrial (IP7)	Auto Commercial (C5)	Business Commercial (C6)	General Industrial (M2)		
<b>Regulations</b>											
<b>Lot Frontage (min)</b>		30 m	No Min	No Min	No Min	No Min	100 m	40 m	40 m		
<b>Lot Area</b>											
<i>Minimum</i>		6.0 ha	No Min	No Min	No Min	No Min	4,000 m <sup>2</sup>	850 m <sup>2</sup>	0.8 ha		
<i>Maximum</i>								3,000 m <sup>2</sup>			
<b>Lot Coverage</b>					65%		20%	30 %			
<b>Setbacks</b>											
<b>Front Yard</b>											
<i>Minimum</i>			No Min	3 m	3 m	6 m	3 m	3 m	9 m		
<i>Maximum</i>											
<b>Side Yard</b>											
<i>Minimum</i>		3 m	No Min	No Min	3 m	3 m		3	3 m		
<i>Maximum</i>											
<b>Abutting sensitive land use zone (min)</b>		15 m	7.5 m	5 m	15 m	6 m					
<i>Minimum</i>											
<b>Rear Yard</b>											
<i>Minimum</i>		3 m	No Min		3 m	6 m	12 m	6 m	12 m		
<b>Abutting a railway corridor</b>		7.5 m									
<b>Abutting a street</b>			3 m	3 m							
<b>Abutting a sensitive land use</b>			7.5 m	7.5 m	15 m						
<b>Gross Floor Area</b>											
<i>For All Buildings Combined</i>											
<i>Minimum</i>								No Min			
<i>Maximum</i>			3.5	2, unless otherwise shown	2, unless otherwise shown	2, unless otherwise shown		930 m <sup>2</sup>			
<b>For All Buildings Combined</b>											
<i>Minimum</i>								No Min			
<i>Maximum</i>								930 m <sup>2</sup>			



# Dealership Regulations Continued

Municipality	Ottawa					Milton		
	Business Commercial (E4)	Arterial Mainstreet (AM)	General Mixed Use (GM)	General Industrial (IG)	Business Park Industrial (IP7)	Auto Commercial (C5)	Business Commercial (C6)	General Industrial (M2)
<b>Building Height (maximum)</b>	18.5 m	11 m – 25 m	18 m	22 m, unless within 20 m from abutting residential zone	11 m unless within 20 m from abutting residential zone. 22 metres in other cases, unless otherwise shown.	9.5 m	11 m	
<b>Landscape Open Space</b>								
<i>% of Lot Area (Minimum)</i>	10%					15%	15%	5 %
<i>Minimum Landscape Buffer Abutting a street line</i>			3 m	3 m		3 m	3 m	4.5 m
<i>Minimum with Abutting a Residential Zone</i>		3 m	3 m	3 m		4 m	4 m	6 m
<i>Abutting a Provincial Highway</i>						7.5 m	7.5 m	4.5 m

## Toronto's Special Use Regulations

### 150.90 Vehicle Dealership (applies also to rental agencies)

#### 150.90.1 General

(1) Application of this Section

The regulations in Section 150.90 apply to vehicle dealerships.

#### 150.90.20 Use Requirements

150.90.20.1 General

(1) Vehicle Dealership - Major Street Location

A vehicle dealership must be on a lot with a front lot line that abuts a major street on the Policy Areas Overlay Map.

(2) Vehicle Dealership - Outside Display and Storage

The outside display or storage of vehicles in combination with a vehicle dealership is subject to the following:

- (A) the interior floor area of the vehicle dealership building must be at least 150 square metres;
- (B) vehicles may not be displayed or stored in required parking spaces; and
- (C) the area used for the outside display or storage of vehicles must:
  - (i) be clearly identified and marked;
  - (ii) be at least 3.0 metres from a lot line;
  - (iii) have a fence installed along a lot line that abuts a lot in the Residential Zone category or Residential Apartment Zone category; and
  - (iv) have a minimum 3.0 metre wide strip of soft landscaping along the lot line abutting a street.



# Rental Agency Regulations Continued

Municipality	Oakville				Ottawa				Milton				
	Urban Centre (MU3)	Urban Core (MU4)	Business Commercial (E4)	Arterial Mainstreet (AM)	General Mixed Use (GM)	General Industrial (IG)	Business Park Industrial (IP7)	Light Industrial (IL)	Secondary Mixed Use Area (C2)	Auto Commercial (C5)	Business Commercial (C6)	Business Park (M1)	General Industrial (M2)
<b>Rear Yard</b>													
<i>Minimum</i>	0 m	0 m	3 m	No Min		3 m	6 m	7.5 m	4.5 m	12 m	6 m		12 m
<i>Abutting a railway corridor</i>			7.5 m					3.5 m					
<i>Abutting a street</i>				3 m	3 m								
<i>Abutting a sensitive land use</i>	7.5 m	7.5 m	15 m					15 m					
<b>Gross Floor Area</b>													
<i>For All Buildings Combined</i>													
<i>Minimum</i>									9,300 m <sup>2</sup>		No Min		
<i>Maximum</i>				3.5	2, unless otherwise shown	2, unless otherwise shown	2, unless otherwise shown	2	13,935 m <sup>2</sup>		930 m <sup>2</sup>		
<b>For All Buildings Combined</b>													
<i>Minimum</i>									370 m <sup>2</sup>		No Min		5 %
<i>Maximum</i>									5,575 m <sup>2</sup>		930 m <sup>2</sup>		4.5 m
<i>Maximum total net floor area for all uses other than retail stores on a lot</i>							67%						6 m

# Rental Agency Regulations Continued

Municipality	Oakville					Ottawa					Milton				
	Urban Centre (MU3)	Urban Core (MU4)	Business Commercial (E4)	Arterial Main-street (AM)	General Mixed Use (GM)	General Industrial (IG)	Business Park Industrial (IP7)	Light Industrial (IL)	Secondary Mixed Use Area (C2)	Auto Commercial (C5)	Business Commercial (C6)	Business Park (M1)	General Industrial (M2)		
<b>Zone</b>															
<b>Building Height (maximum)</b>	29 m	43 m	18.5	11 m – 25 m	18 m	22 m, unless within 20 m from abutting residential zone	11 m unless within 20 m from abutting residential zone. 22 metres in other cases, unless otherwise shown.	18 m (11 m if within 20 m of a residential zone)	9.5 m	9.5 m	11 m	15 m	15 m		
<b>Landscape Open Space</b>															
<b>% of Lot Area (Minimum)</b>			10%						15%	15%	15%	10%	5%		
<b>Minimum Landscape Buffer Abutting a street line</b>					3 m	3 m	3 m	3 m	4.5 m	3 m	4.5 m	4.5 m	4.5 m		
<b>Minimum with Abutting a Residential Zone</b>				3 m	3 m	3 m	3 m	3 m (1.4 m if a opaque screen is provided)	4 m	4 m	6 m	6 m	6 m		
<b>Abutting a Provincial Highway</b>							No Min		7.5 m	7.5 m	4.5 m	4.5 m	4.5 m		

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**APPENDIX 2:  
Table B7, Automotive Commercial  
Zones, Zoning By-law 177-96**

# Zoning By-law 177-96 Automotive Commercial Zones

**Table B7 (Part 3 of 4)**

		AC1	AC2
		All Building Forms	All Building Forms
GG	Minimum lot area	n/a	n/a
HH	Maximum lot area	0.8 ha	0.8 ha
II	Minimum lot frontage	30.0 m	30.0 m
JJ	Minimum required front yard	10.0 m (8)	10.0 m (8)
KK	Maximum front yard	13.0 m (9)	13.0 m (9)
LL	Minimum required exterior side yard	3.0 m (8)	3.0 m (8)
MM	Maximum exterior side yard	10.0 m (9)	10.0 m (9)
NN	Minimum required interior side yard	12.0 m (8)	12.0 m (8)
OO	Minimum required rear yard	12.0 m (8)	12.0 m (8)
PP	Minimum width of landscaping adjacent to the front and exterior side lot lines	3.0 m	3.0 m
QQ	Minimum width of landscaping adjacent to the interior and rear lot lines	6.0 m (11)	6.0 m (11)
RR	Maximum lot coverage	n/a	n/a
SS	Minimum landscaped open space	30%	30%
TT	Maximum Floor space index (FSI)	n/a	n/a
UU	Minimum height	n/a	n/a
VV	Maximum height	5.7 m	5.7 m

- 8** This yard provision applies to the main walls of buildings enclosing interior floor area as well as related structures, including overhead canopies, excepting that no building or part of any building used for the purposes of a car wash shall be located any closer than 20 metres from the front lot line or the exterior side lot line and 20 metres from the Zone boundary of a Residential Zone.
- 9** This yard provision applies to the main walls of buildings enclosing interior floor area excepting any building or part of a building used for the purposes of a car wash or a motor vehicle service station.
- 11** The minimum required width of landscaping adjoining a rear or interior side lot line may be reduced to 3.0 metres where the rear or interior side lot line adjoins a public walkway owned and maintained by the Corporation.