

CITY OF TORONTO

BY-LAW 909-2020

To temporarily modify zoning restrictions affecting outdoor patios with respect to the lands municipally known in the year 2020 as 1012-1018 Gerrard Street East and to repeal By-law 668-2020.

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

Whereas pursuant to Section 39 of the Planning Act, the Council of a Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law; and

Whereas Ontario Regulation 345/20 under the Emergency Management and Civil Protection Act exempts a by-law authorizing the temporary use of land for a restaurant or bar patio under Section 39 of the Planning Act from subsections 34(12) to (14.3), (14.5) to (15) and (19) of that Act and paragraphs 4 and 5 of subsections 6 (9) of Ontario Regulation 545/06 under that Act;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are shown in cross-hatching on Map 1 attached to this By-law.
2. This By-law expires on May 25, 2021.
3. The words highlighted in italic type in this By-law have the meaning provided in Zoning By-law 438-86, Section 2(1).
4. Nothing in former City of Toronto Zoning By-law 438-86, as amended, applies to prevent the use of a *patio* on the subject site, as outlined in black on Map 1 attached to this By-law provided that any *patio*:
 - a. is combined with a *restaurant* located within the lands subject to this By-law;
 - b. is not used to provide entertainment such as performances, music and dancing, including a prohibition on amplified sound;
 - c. is not used for outdoor cooking;
 - d. is located a minimum of 3 metres from a *lot* line abutting Gerrard Street East and Marjory Avenue; and

e. does not include permanent structures such as decking or tents.

5. By-law 668-2020 is repealed.

Enacted and passed on October 30, 2020.

Frances Nunziata,
Speaker



John D. Elvidge,
Interim City Clerk


(Seal of the City)



 **Toronto**
Map 1

1012 - 1018 Gerrard Street East

-  Subject Site
-  Lands Subject to Bylaw XX-2020


City of Toronto By-law 438-86
Not to Scale
07/27/2020