

CITY OF TORONTO

BY-LAW 910-2020

To temporarily reduce zoning restrictions in Zoning By-law 569-2013 affecting outdoor patios.

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 Ontario Regulation 345/20 made under the Emergency Management And Civil Protection Act was passed on July 2, 2020; and

Whereas Ontario Regulation 345/20 authorizes the council of a municipality to pass a by-law allowing for the temporary use of land for a restaurant or bar patio pursuant to Section 39 of the Planning Act and exempts a municipality from subsections 34 (12) to (14.3), (14.5) to (15) and (19) of the Planning Act and paragraphs 4 and 5 of subsection 6 (9) of Ontario Regulation 545/06 under the Planning Act;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. This By-law comes into force on November 16, 2020 and expires on May 25, 2021.
3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
4. In the CL Zone of By-law 569-2013, as amended, despite Article 30.20.20, an **outdoor patio** is permitted in combination with an **eating establishment, take-out eating establishment, or recreation use**, provided the **outdoor patio**:
 - (A) is not used to provide entertainment such as performances, music and dancing;
 - (B) is set back at least 30.0 metres from a **lot** in the Residential Zone category or Residential Apartment Zone category;
 - (C) is not located in a **rear yard or side yard** which abuts a **lot** in the Residential Zone category or Residential Apartment Zone category;
 - (D) does not exceed an area equal to the greater of:
 - (i) 50.0 square metres; or

- (ii) 50 percent of the **interior floor area** of the **premises** it is associated with; and
 - (E) is not located above the first **storey** of the **building**.
- 5. In the EL Zone of By-law 569-2013, as amended:
 - (A) despite Regulation 60.10.20.100(11)(B), an **outdoor patio** must be no closer to a **side lot line** or a **rear lot line** than the required minimum **building setback** for a **building** and no setback is required from the **front lot line**; and
 - (B) Regulation 60.10.20.100(11)(C), restricting the area of the **front yard** occupied by an **outdoor patio**, does not apply.
- 6. In the E Zone of By-law 569-2013, as amended:
 - (A) despite Regulation 60.20.20.100(9)(B), an **outdoor patio** must be no closer to a **side lot line** or a **rear lot line** than the required minimum **building setback** for a **building** and no setback is required from the **front lot line**; and
 - (B) Regulation 60.20.20.100(9)(C), restricting the area of the **front yard** occupied by an **outdoor patio**, does not apply.
- 7. In the EO Zone of By-law 569-2013, as amended:
 - (A) despite Regulation 60.40.20.100(14)(B), an **outdoor patio** must be no closer to a **side lot line** or a **rear lot line** than the required minimum **building setback** for a **building** and no setback is required from the **front lot line**; and
 - (B) Regulation 60.40.20.100(14)(C), restricting the area of the **front yard** occupied by an **outdoor patio**, does not apply.
- 8. Despite Regulations 40.10.20.100(21)(B), 50.10.20.100(21)(B), 60.10.20.100(11)(E), 60.20.20.100(9)(E), and 60.40.20.100(14)(E), and despite any conflicting provision in a Site Specific Provision, Prevailing By-law or Prevailing Section listed in Chapter 900, the permitted maximum area of an **outdoor patio** is the greater of 50.0 square metres or 50 percent of the **interior floor area** of the **premises** it is associated with, provided that the **outdoor patio**:
 - (A) is **ancillary** to a permitted **eating establishment, take-out eating establishment or recreation use**;
 - (B) is not located above the first **storey** of the **building**;
 - (C) is not located in a **rear yard** or **side yard** which abuts a **lot** in the Residential Zone category or Residential Apartment Zone category;

and where the above regulatory standard conflicts with a more permissive regulatory standard in a Site Specific Provision, Prevailing By-law or Prevailing Section listed in Chapter 900, the more permissive regulatory standard prevails.

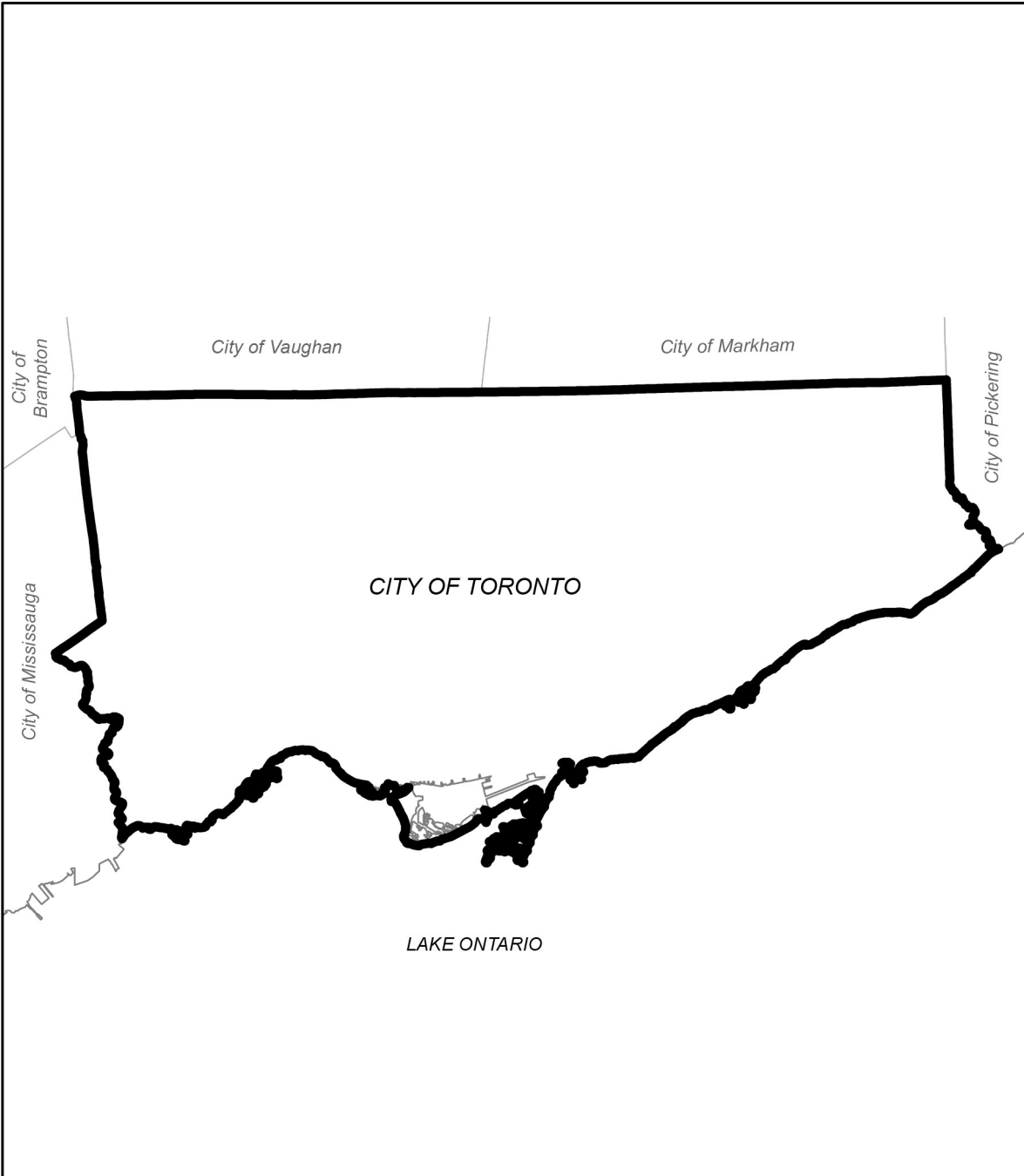
9. Despite Regulations 30.5.80.1(1), 40.5.80.1(1), 50.5.80.1(1), 60.5.80.1(2), and 90.5.80.1(1) of By-law 569-2013, as amended, all of which require a **parking space** to be available for the use for which it is required, and Regulations 60.10.20.100(11)(D), 60.20.20.100(9)(D) and 60.40.20.100(14)(D) of By-law 569-2013, as amended, an **outdoor patio** may occupy the area of a surface **parking space**, and any adjacent portion of **drive aisle** providing sole access thereto, and the occupied **parking space** continues to satisfy any requirement for **parking spaces** in By-law 569-2013, if the **parking space** is not required for any residential use and if the **parking space** is not an accessible **parking space**.

Enacted and passed on October 30, 2020.

Frances Nunziata,
Speaker

John D. Elvidge,
Iterim City Clerk

(Seal of the City)



 **TORONTO**
Diagram 1