

Authority: Planning and Housing Committee Item PH31.8,
as adopted by City of Toronto Council on March 9, 2022

CITY OF TORONTO

BY-LAW 236-2022

To repeal By-law 198-2021 and to temporarily reduce zoning restrictions on outdoor patios through zoning regulations that prevail over the former municipal zoning by-laws, which by-laws include:

By-law 438-86 (being the Zoning By-law of the former City of Toronto), as amended, By-law 291-68 (being the Forest Hill Zoning By-law), as amended, and By-law 278-73 (being the Swansea Zoning By-law), as amended, and predecessor zoning by-laws as applicable;

By-law 7625 (being the Zoning By-law of the former City of North York), as amended, and predecessor zoning by-laws as applicable;

By-law 1-83 (being the Zoning By-law of the former City of York), as amended, and predecessor zoning by-laws as applicable;

Zoning Code of The City of Etobicoke, Canada, V131 (being the Zoning Code of the former City of Etobicoke), as amended, and predecessor zoning by-laws as applicable;

Borough Of East York Zoning By-law 1916 (Town Of Leaside), as amended, and By-law 6752 (Township Of East York), as amended, (being the Zoning By-laws of the former Borough of East York), and predecessor zoning by-laws as applicable; and

The Corporation of the City of Scarborough By-laws 10076 (Agincourt); 12797 (Agincourt North); 8786 (Birchcliff); 9350 (Bendale); 9174 (Birchmount Park); 9396 (Cliffcrest); 12077 (Centennial); 8978 (Clairlea); 9364 (Cliffside); 9508 (Dorset Park); 10048 (Eglinton); 9676 (Guildwood); 10827 (Highland Creek); 9089 (Ionview); 9276 (Kennedy Park); 12466 (L'amoreaux); 14402 (Malvern); 12181 (Malvern West); 842-2004 (Midland St.Clair); 17677 (Milliken); Morningside Heights; 11883 (Morningside); 9366 (Maryvale); 9812 (Oakridge); 15907 (Rouge); 10010 (Scarborough Village); 16762 (Steeles); 10717 (Sullivan); 12360 (Tam O'Shanter); 25278 (Upper Rouge - Hillside); 950-2005 (Warden Woods); 9511 (Wexford); 10327 (West Hill); 9510 (Woburn); Employment Districts Zoning By-law 24982; Industrial District By-law 12790 (Centennial Industrial District); The Corporation Of The Township Of Pickering By-law 1978; By-law 3036 (Highway No. 2 Area in Rouge Community), (being the Zoning By-laws of the former City of Scarborough), all as amended, and predecessor zoning by-laws as applicable.

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 expires on December 31, 2023.
3. For the purpose of this By-law, the following definitions apply:
 - (A) "accessible" means free of a physical, architectural or design barrier that would restrict access or use to a person with a disability;
 - (B) "building" means a wholly or partially enclosed structure with a roof supported by walls, columns, piers or other structural systems;
 - (C) "disability" has the same meaning as section 2 of the Accessibility for Ontarians with Disabilities Act, 2005;
 - (D) "exclusively residentially zoned" means lands upon which a former general zoning by-law permits residential uses, including but not limited to dwelling units, houses, or apartments, and a restaurant is not permitted;
 - (E) "former general zoning by-law" has the same meaning provided in Regulation 800.50(260) of By-law 569-2013, as amended;
 - (F) "interior floor area" means the floor area of any part of a building, measured to:
 - (i) the interior side of a main wall;
 - (ii) the centerline of an interior wall; or
 - (iii) a line delineating a part being measured;
 - (G) "lot" means a single parcel or tract of land that:
 - (i) may be conveyed in compliance with the provisions of the Planning Act; and
 - (ii) is not included in the Zoning By-law Map of By-law 569-2013, as amended;

- (H) "main wall" means any exterior wall of a building or structure, including all structural members essential to the support of a roof over a fully or partly enclosed area;
- (I) "outdoor patio" means an outdoor patron area that is used in combination with a restaurant;
- (J) "premises" means the whole or part of lands, buildings or structures, or any combination of these;
- (K) "restaurant" means any non-residential use:
 - (i) in which the preparation and offering for sale of food or beverages to patrons for consumption on or off the premises forms a principal function; and
 - (ii) which forms all or part of a use described and permitted on a lot governed by one of the former general zoning by-laws; and
- (L) "structure" means anything that is erected, built or constructed of one or more parts joined together.

4. Despite any regulation in any former general zoning by-law to the contrary, an outdoor patio is permitted in combination with a restaurant on the same lot, provided:
- (A) no portion of the outdoor patio is located within 30 metres of an exclusively residentially zoned lot;
 - (B) no portion of the outdoor patio is located above the first storey of the building;
 - (C) the outdoor patio does not exceed an area equal to the greater of:
 - (i) 50 square metres; or
 - (ii) 50 percent of the interior floor area of the premises it is associated with;
 - (D) the outdoor patio may not be used to provide entertainment such as performances, music and dancing; and
 - (E) the outdoor patio may not be located in a yard that abuts an exclusively residentially zoned lot;

and where any of the above regulatory standards conflict with a more permissive regulatory standard in the former general zoning by-law, the more permissive regulatory standard prevails.

5. Despite any regulation in any former general zoning by-law to the contrary, an outdoor patio may occupy the area of a surface parking space on a lot, 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 the former general zoning by-law, if the parking space is not required by the former general zoning by-law for any residential use and if the parking space is not an accessible parking space.

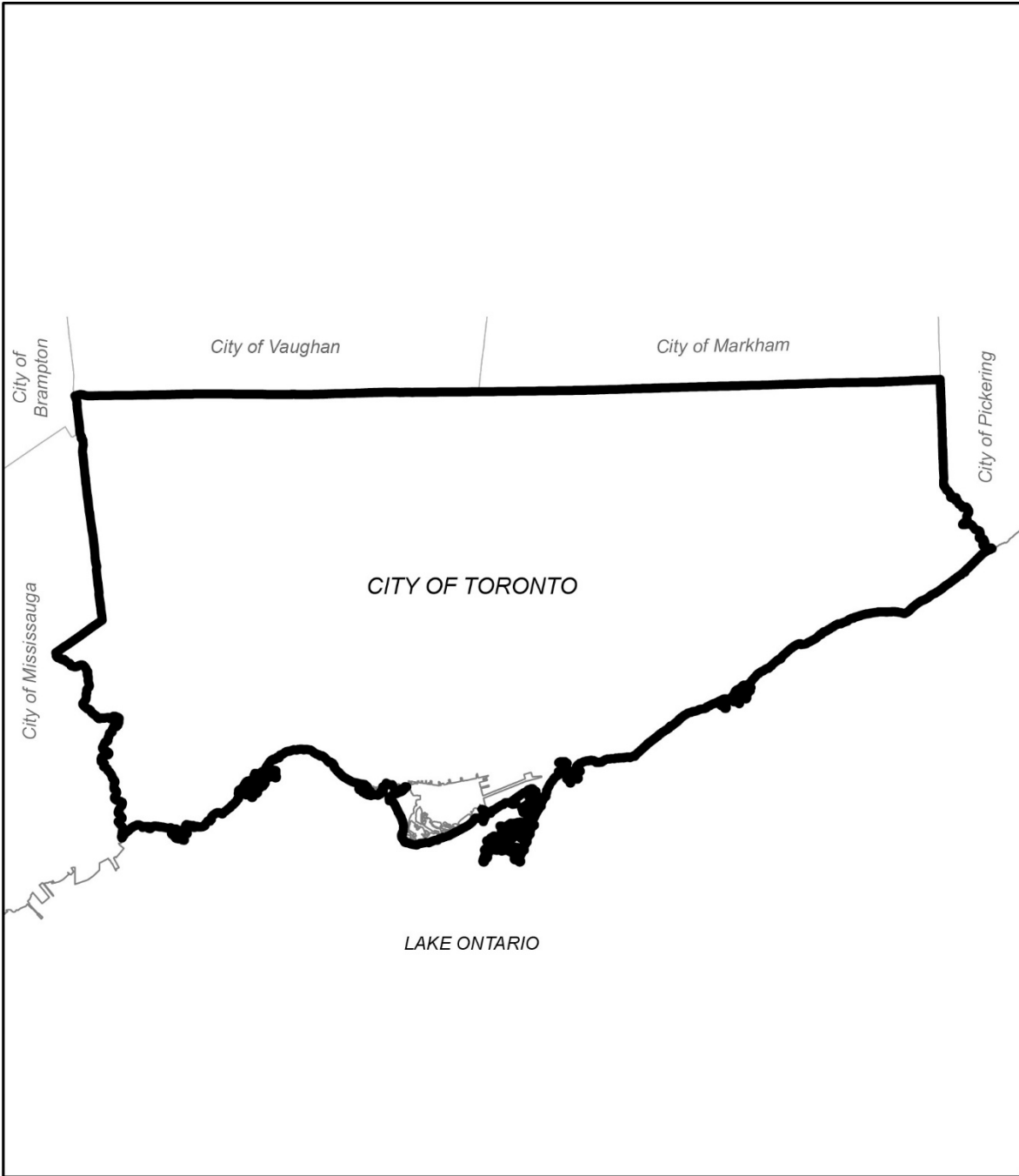
6. By-law 198-2021 is repealed.

Enacted and passed on April 7, 2022.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)



 **TORONTO**
Diagram 1



Not to Scale
06/09/2020