

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

## CITY OF TORONTO

### BY-LAW 239-2022

**To temporarily modify zoning restrictions affecting outdoor patios with respect to the lands municipally known in the year 2022 as 67 Front Street East and 94 The Esplanade and to repeal By-law 202-2021.**

Whereas Council of the City of Toronto has the authority to 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 outlined by heavy black lines on Diagram 1 attached to this By-law.
2. This By-law expires on December 31, 2023.
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. The words highlighted in italic type in this By-law have the meaning provided in Zoning By-law 438-86, Section 2(1).
5. Nothing in City of Toronto Zoning By-law 569-2013, as amended, applies to prevent the use of an **outdoor patio** on the lands, as outlined in heavy lines on Diagram 2 attached to this By-law, provided that any **outdoor patio**:
  - (i) is combined with an **eating establishment** located within the lands subject to this By-law;
  - (ii) is not used to provide entertainment such as performances, music and dancing, including prohibition on amplified sound;
  - (iii) is not used for outdoor cooking; and

- (iv) may have temporary structures such as tents for the exclusive use of weather protection.
6. Nothing in former City of Toronto Zoning By-law 438-86, as amended, applies to prevent the use of a *patio* on the lands, as outlined in heavy lines on Diagram 2 attached to this By-law, provided that any *patio*:
- (i) is combined with a *restaurant* located within the lands subject to this By-law;
  - (ii) is not used to provide entertainment such as performances, music and dancing, including a prohibition on amplified sound;
  - (iii) is not used for outdoor cooking; and
  - (iv) may have temporary structures such as tents for the exclusive use of weather protection.
7. By-law 202-2021 is repealed.

Enacted and passed on April 7, 2022.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)



 **TORONTO**  
Diagram 1

### 67 Front Street East and 94 The Esplanade

File # 20 217237 STE 13 0Z

 Property Affected by this By-law

  
City of Toronto By-law 569-2013  
Not to Scale  
11/10/2020

