

# PH7.2 Attachment 2

## Attachment 2: Draft By-law Amendment (Amending By-law 438-86)

Authority:

### CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2019]

**To amend former City of Toronto By-law 438-86, as amended, with respect to breweries and related uses.**

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 Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto enacts:

1. Former City of Toronto By-law 438-86, as amended, is further amended by:

- (a) in Section 2(1), amending the definition of “*restaurant*” by deleting the words “cooking of meals and the sale of food and beverages” and substituting for them the words “sale of food or beverages” so that it reads:

“*restaurant*”

means a building or a portion of a building used for the preparation and sale of food or beverages to the public while they are seated, for consumption on the premises and which may include:

- (i) an incidental take-out service;
- (ii) an area for children's play equipment;
- (iii) floor area above or below *grade* for up to two billiard tables not exceeding 18 square metres per billiard table;
- (iv) floor area above or below *grade* in the aggregate up to six per cent of the *non-residential gross floor area* or 47 square metres, whichever is less, to be used for one or more of the purposes of a:

dance floor

stage

teletheatre gambling

disc jockey

sound room

not more than two pinball or other mechanical or electronic game

machines, none of which may be used for the purpose of gambling

an area dedicated to recreational activities

any other entertainment area

and no exterior area may be used for those purposes; and

- (v) despite the provisions of (iv) herein, in the case of a *restaurant* having a *non-residential gross floor area* of 350 square metres or less, floor area above or below *grade* in the aggregate up to 21 square metres shall be permitted for the purposes set forth in (iv);

- (b) in Section 2(1), amending the definition of “*take-out restaurant*” by deleting the words “cooking, preparation and sale of meals and food” and substituting for them the words “preparation and sale of food or beverages” so that it reads:

“*take-out restaurant*”

means a building or portion of a building used for the preparation and sale of food or beverages directly to the public, for consumption off the premises and which may contain incidental seating areas for consumption on the premises and which does not provide incidental retail sales or a mechanical or electronic game machine to be used for the purpose of gambling;

- (c) in Section 2(1), amending the definition of “*brew-on-premises establishment*” by deleting the number “300” and substituting for it the number “400” so that it reads:

“*brew-on-premises establishment*”

means a building or a portion of a building used for the fermentation, chilling, filtering, carbonation and bottling of beverages by or on behalf of retail clients, provided the *total floor area* does not exceed 400 square metres.

- (d) amending Section 8(2) 5. so that it reads:

- (a) A *retail store* is permitted provided in the Q district:

- (i) the *non-residential gross floor area* for each *retail store* does not exceed 465 square metres; and

- (ii) the total *non-residential gross floor area* used for one or more *retail stores*, *restaurants* or *take-out restaurants* does not exceed 0.3 times the area of the *lot*; and

- (b) In the CR, or MCR district, a *retail store* may include the on-site production of beer, cider or wine provided that the total *non-residential gross floor area* of the *retail store* including the area used for the production of beer, cider or wine does not exceed 400 square metres.

- (e) amending the chart in Section 8 (1)(f), so that the qualification for the use *retail store* are as follows:

	Acc.	CR	MCR	Q
<i>retail store</i>	*	q5	q5	q5

(f) amending Section 9(2) 2. so that it reads:

*A restaurant, take-out restaurant and a metal wares factory are permitted uses provided:*

(i) in the case of a *metal wares factory* in an I1 district, the use does not exceed a *non-residential gross floor area* of 475 square metres and only one *restaurant or take-out restaurant* is provided;

(ii) in the case of a *restaurant and a take-out restaurant* in an I2 and I3 district, the use does not exceed a *non-residential gross floor area* of 500 square metres and only one *restaurant or take-out restaurant* is provided;

(iii) in the case of a *restaurant or take-out restaurant*, a *patio* may be provided in connection therewith except where, on any *lot* that abuts a *lot* in an R district or that is separated from a *lot* in an R district by a *street* less than 5 metres in width, no person shall use for the purposes of a *patio*:

A. any portion of the *lot* located between the rear wall of a building containing a *restaurant or take-out restaurant* and the *rear lot line*; or

B. any part of the roof of a building containing a *restaurant or take-out restaurant*; and

(iv) in the case of a *restaurant or take-out restaurant* on any *lot* that abuts a *lot* in an R district or that is separated from a *lot* in an R district by a *street* of 6.1 metres or less in width, no person shall use any building or portion of a building for the purpose of a *restaurant or take-out restaurant* or combination of them where the *non-residential gross floor area* of the building or portion thereof used for *restaurant or take-out restaurant* purposes exceeds 400 square metres.

(g) in exception 12(2) 174, as amended by By-law 445-2017, amending subsection 12(2) 174(v)(c) by deleting the word "or" following the words "(other than escalators)" and substituting for it a comma ",", and inserting the words "or beverage production including areas associated therewith such as offices, loading areas and staff rooms" after the words "services the building" so that it reads:

*the non-residential gross floor area of a bake-shop, caterer's shop, club, place of amusement, place of assembly, restaurant, or take-out restaurant including where this use is accessory to other permitted uses shall mean the aggregate of the areas of each floor and the spaces occupied by walls and stairs, measured above and below grade, measured between the exterior faces of the exterior walls of the building or structure of the level of each floor, exclusive of only kitchen space and a room or enclosed area that is used exclusively for storage, washrooms, heating, cooling, ventilating, electrical, mechanical (other than escalators), telecommunications equipment that services the building or beverage production areas including areas associated therewith such as offices, loading areas and staff*

rooms. Where adjoining restaurants are connected by internal passageways used by patrons or staff, the total *non-residential gross floor area* of all the connected uses must be calculated cumulatively for the purposes of this subsection; and

- (h) in exception 12(2) 345, amending subsection 12(2) 345(c) by deleting the word "or" following the words "(other than escalators)" and substituting for it a comma "," and inserting the words "or beverage production including areas associated therewith such as offices, loading areas and staff rooms" after the words "services the building" so that it reads:

*the non-residential gross floor area of a restaurant, take-out restaurant, bakeshop, place of amusement, place of assembly or club shall mean the aggregate of the areas of each floor and the spaces occupied by walls and stairs, measured above and below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of only kitchen space and a room or enclosed area that is used exclusively for storage, washrooms, heating, cooling, ventilating, electrical, mechanical (other than escalators), telecommunications equipment that services the building or beverage production including areas associated therewith such as offices, loading areas and staff rooms. Where adjoining restaurants are connected by internal passageways used by patrons or staff, the total non-residential gross floor area of all the connected uses must be calculated cumulatively for the purposes of this subsection.*

- (i) in exception 12(2) 346, amending subsection 12(2) 346(b) by deleting the words "or washrooms" and substituting for them the words "washrooms or beverage production including areas associated therewith such as offices, loading areas and staff rooms" so that it reads:

*the non-residential gross floor area of a restaurant, take-out restaurant, bakeshop, place of amusement, place of assembly or club shall mean the aggregate of the areas of each floor and the spaces occupied by walls and stairs, measured above and below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of only kitchen space and a room or enclosed area that is used exclusively for heating, cooling, ventilating, electrical, mechanical (other than escalators) or telecommunications equipment that services the building, storage, washrooms or beverage production including areas associated therewith such as offices, loading areas and staff rooms.*

2. By-law 1049-2013, as amended, is further amended by:

(a) amending section (c) by deleting the word "or" following the words "(other than escalators)" and substituting for it a comma "," and inserting the words "or beverage production including areas associated therewith such as offices, loading areas and staff rooms" after the words "services the building" so that it reads:

the *non-residential gross floor area* of a *bake-shop, place of amusement, restaurant or take-out restaurant* shall mean the aggregate of the areas of each floor and the spaces occupied by walls and stairs, measured above and below *grade*, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive of only *kitchen space* and a room or enclosed area that is used exclusively for storage, washrooms, heating, cooling, ventilating, electrical, mechanical (other than escalators), telecommunications equipment that services the building or beverage production including areas associated therewith such as offices, loading areas and staff rooms. Where adjoining restaurants are connected by internal passageways used by patrons or staff, the total *non-residential gross floor area* of all the connected uses must be calculated cumulatively for the purposes of this subsection.

Enacted and passed on month ##, 20##.

Name,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)