



REPORT FOR ACTION

Temporary Use Zoning By-law to Expand Permissions for Outdoor Patios for Bars and Restaurants - Supplementary Report

Date: July 9, 2020

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning Division

Wards: All

SUMMARY

This report summarizes events which have resulted in the temporary use zoning by-laws proposed in PH15.2 no longer being necessary.

The zoning regulations contained in the temporary use zoning by-laws proposed in PH15.2 are substantially reflected in a Ministerial Zoning Order filed and put into force on July 8, 2020, specifically, Ontario Regulation 358/20. This Ministerial Zoning Order permits outdoor patios ancillary to eating establishments in certain zones, subject to conditions which mitigate impact on nearby properties. This Order also provides relief from certain zoning restrictions, including permission to occupy space that would otherwise be required for parking and an increase to the permitted maximum area of outdoor patios.

The Ministerial Zoning Order cannot be appealed and is revoked on November 16, 2020, coinciding with the end of the CaféTO program, the goal of which is to support local restaurants and bars as they re-open following closures resulting from COVID-19.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. Planning and Housing Committee receive the item for information.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

City Council adopted with amendments EX14.1 "CaféTO - Increasing Outdoor Dining Space for Toronto Restaurants and Bars" on June 29, 2020.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EX14.1>

City Council requested the Chief Planner and Executive Director, City Planning to report to the July 13, 2020 meeting of the Planning and Housing Committee on a draft Temporary Use By-law pursuant to Section 39 of the Planning Act, to amend on a temporary basis zoning regulations respecting outdoor patios located in front of buildings and ancillary to eating establishments and take-out eating establishments, and that Notice for Public Meeting be given in accordance with the regulations of the Planning Act. City Council also requested the Minister of Municipal Affairs and Housing to provide, as quickly as possible, expanded permission for patios on private properties in Toronto to improve the economic health of the City of Toronto so that such permissions achieve a number of objectives, and which shall be in effect until November 16, 2020.

COMMENTS

Following City Council's direction, City Planning submitted PH15.2, a report titled "Temporary Use Zoning By-law to Expand Permissions for Outdoor Patios for Bars and Restaurants", which proposed two temporary use zoning by-laws, and provided Notice for Public Meeting in accordance with the Planning Act. Concurrently, City Planning staff consulted with Ministry of Municipal Affairs and Housing staff on the matter of a Ministerial Zoning Order, which would achieve the objectives set out in City Council's motion.

On July 8, 2020, the Ministry of Municipal Affairs and Housing filed Ontario Regulation 358/20, a Ministerial Zoning Order under the Planning Act, which cannot be appealed and is revoked on November 16, 2020. This Order has the following effects:

- outdoor patios ancillary to eating establishments are permitted in certain zones which permit eating establishments but not outdoor patios, subject to conditions which mitigate their impact on adjacent properties, including the conditions that such outdoor patio must be located a minimum of 30 metres from any residential zone and must not be located above the first storey of a building;
- removing restrictions in the Employment Industrial zones of Zoning By-law 569-2013 which limit the amount of front yard an outdoor patio may occupy and which require a setback from the front lot line;
- allowing an outdoor patio to occupy space that would otherwise be required for parking, excluding parking spaces required for accessibility or residential uses; and
- increasing the permitted maximum area of surface outdoor patios ancillary to eating establishments, take-out eating establishments and recreations uses from the greater of 30 square metres or 30 percent of the interior floor area, to the greater of 50 square metres or 50 percent of the interior floor area.

The purpose of the proposed temporary use by-laws is to provide more opportunity for restaurants and bars to respond to physical distancing requirements associated with the COVID-19 pandemic, by increasing the amount of outdoor space for customers. Given that the Ministerial Zoning Order achieves the same effect as the proposed temporary use zoning by-laws, the temporary use zoning by-laws and the associated statutory meeting are no longer required.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: Ontario Regulation 358/20