Authority: Etobicoke York Community Council Report No. 3, Clause No. 8,

adopted as amended, by City of Toronto Council on April 12, 13 and 14, 2005

Enacted by Council: April 14, 2005

CITY OF TORONTO

BY-LAW No. 278-2005

To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code with respect to commercial outdoor roof top patios with respect to certain lands located on Bloor Street West between Prince Edward Drive and Thompson Avenue/Montgomery Drive.

WHEREAS authority is given to Council by 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 held at least one public meeting in accordance with the *Planning Act*;

THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

- **1.** That Section 320-23 of the Etobicoke Zoning Code be amended by adding a new Section O, as follows:
 - "O. Restaurants and bar restaurants, on lands located within the area described in Schedule 'A' attached hereto shall be permitted to include a commercial outdoor roof top patio as an accessory use provided that the commercial outdoor roof top patio shall comply with the following regulations:

A commercial outdoor roof top patio shall:

- (a) not have any portion of a commercial outdoor roof top patio located any closer than 40 metres to a residential zone, measured horizontally at grade;
- (b) be located on the front half portion of a building abutting Bloor Street West;
- (c) have a maximum area of 20 percent of the floor area used for patron seating inside the restaurant;
- (d) have a 1.8 metre high acoustical wall erected around the perimeter of the patio with the wall being a minimum of 1.2 metres high abutting Bloor Street West:
- (e) not include any area that is used for any of the following purposes:
 - (i) dance floor,
 - (ii) stage,
 - (iii) disc jockey,
 - (iv) television,
 - (v) mechanical, electrical or electronic music equipment,
 - (vi) live bands,

- (vii) an area used for the purposes recreational activities, or
- (viii) any other entertainment;
- (f) direct any lighting away from adjoining properties and streets in the event that lighting is provided; and
- (g) gain regular ingress and egress from the interior of the building, and any exterior stair access shall only be used for emergency and fire safety purposes, as may be required by the *Ontario Building Code*."
- **2.** For the purpose of this By-law:
 - (a) "commercial outdoor roof top patio" means an accessory use to a restaurant or bar restaurant, located on the roof of the building containing the restaurant or bar restaurant, that provides seating and service to patrons but does not provide entertainment and is open to the sky; and
 - (b) "acoustical wall" means an opaque wall without openings designed by a qualified acoustical engineer and constructed in accordance with the design to minimize the flow of airborne and impact sound from within the outdoor patio area outward through the use of special materials, methods of construction and design.
- 3. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws:

BY-LAW NUMBER AND DESCRIPTION OF PURPOSE OF BY-LAW PROPERTY 278-2005 April 14, 2005 Both sides of Bloor Street To provide regulations for the establishment of outdoor

Drive, Montgomery Road and

Thompson Avenue.

commercial roof top patios.

ENACTED AND PASSED this 14th day of April, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

TORONTO Schedule 'A' BY-LAW

