

Authority: Etobicoke York Community Council Item 2.12,
as adopted by City of Toronto Council on February 5, 6, 7 and 8, 2007
Enacted by Council: February 6, 2007

CITY OF TORONTO

BY-LAW No. 131-2007

To amend Chapters 320, 330, 340 and 350 of the Etobicoke Zoning Code and to repeal City of Toronto By-law No. 278-2005 with respect to commercial outdoor roof top patios located in the area comprised by the former City of Etobicoke.

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*;

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

1. That Sections 320-23, 330-43 and 340-20 of the Etobicoke Zoning Code be amended by adding a new Section O, as follows:

“O. Restaurants, bar restaurants and banquet halls 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 rooftop patio shall:

- (a) not be located any closer than 40 metres to a lot in a residential zone, measured horizontally at grade;
- (b) be located only within the half of the roof area that is closest to the front wall of the building;
- (c) have a maximum area of 50 square metres or 20 percent of the floor area used for patron seating inside the restaurant, bar restaurant or banquet hall, whichever is less;
- (d) have a 1.8 metre high acoustical wall erected around the perimeter of the patio, provided the acoustical is a maximum of 1.2 metres high along the street edge of the building;
- (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 of recreational activities;
- (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. That Section 350-25 of the Etobicoke Zoning Code be amended by adding a new Section O, as follows:

“O. Restaurants, bar restaurants and banquet halls, except those in R3 or R4 zones in New Toronto, 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 rooftop patio shall:

- (a) not be located any closer than 40 metres to a lot in a residential zone, measured horizontally at grade;
- (b) be located only within the half of the roof area that is closest to the front wall of the building;
- (c) have a maximum area of 50 square metres or 20 percent of the floor area used for patron seating inside the restaurant, bar restaurant or banquet hall, whichever is less;
- (d) have a 1.8 metre high acoustical wall erected around the perimeter of the patio, provided the acoustical is a maximum of 1.2 metres high along the street edge of the building;
- (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 purposed of recreational activities;
- (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.”

3. For the purpose of this By-law:

- (a) “**COMMERCIAL OUTDOOR ROOF TOP PATIO**” means an ancillary use to an restaurant, bar restaurant or banquet hall, located on the roof of the building containing the restaurant, bar restaurant or banquet hall, that provides an outdoor patron area; 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 a commercial area outward through the use of special materials, methods of construction and design.

4. Site Specific By-law No. 278-2005 is hereby repealed.

ENACTED AND PASSED this 6th day of February, A.D. 2007.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)