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358/20

In accordance with Section 6 of this Order, this Zoning Order is deemed to be City of Toronto By-law 679-2020(MZO) regarding Toronto Patios.

ONTARIO REGULATION

made under the

PLANNING ACT

ZONING ORDER - CITY OF TORONTO

Definitions

1. In this Order,

“accessible” means free of a physical, architectural or design barrier that would restrict access or use to a person with a disability;

“disability” has the same meaning as in section 2 of the *Accessibility for Ontarians with Disabilities Act, 2005*;

“eating establishment” means an establishment that meets the following criteria and includes a restaurant providing take-out or counter service, but does not include a place of assembly, a nightclub or a club:

1. The establishment is used for a non-residential use defined or described by a zoning by-law.
2. The preparation and offering for sale of food or beverages to patrons for consumption on or off the premises is,
 - i. the principal function, or
 - ii. an ancillary function to a principal recreation or amusement function;

“outdoor patio” means an outdoor patron area that is used in combination with an eating establishment;

“residential zone” means,

- (a) lands upon which the zoning by-law permits residential uses, including dwelling units, houses or apartments, but does not permit an eating establishment, and
- (b) the Residential Apartment Commercial Zone of City of Toronto Zoning By-law 569-2013;

“zoning by-law” means any of the following zoning by-laws, as applicable:

- 1. City of Toronto Zoning By-law 569-2013.
- 2. A By-law that meets the definition of “Former General Zoning By-law” in City of Toronto Zoning By-law 569-2013.
- 3. Harbourfront By-law 289-93.
- 4. Railway Lands East Area ‘A’ By-law 168-93.
- 5. Railway Lands West By-law 1994-0805.
- 6. Railway Lands Central By-law 1994-0806.

Application

- 2. This Order applies to all lands in the City of Toronto.

Permission for outdoor patio

3. If an eating establishment is permitted on a lot by a zoning by-law, an outdoor patio may be used in combination with the eating establishment.

Zoning requirements

- 4. The following are the zoning requirements for the use permitted in section 3:
 - 1. The outdoor patio must be located on the same lot as the eating establishment with which it is associated.
 - 2. No portion of the outdoor patio may be located,
 - i. in a residential zone, or
 - ii. within 30 metres of a residential zone.
 - 3. No portion of the outdoor patio may be located above the first storey of a building.

4. The permitted maximum area of an outdoor patio is the greater of,
 - i. 50 square metres, or
 - ii. 50 per cent of the interior floor area of the eating establishment with which the outdoor patio is combined.
5. The outdoor patio may occupy the area of one or more surface parking spaces unless the parking space is,
 - i. a required accessible parking space, or
 - ii. a parking space required by the zoning by-law for a residential use.
6. The outdoor patio may occupy the area of a portion of the drive aisle that is adjacent to a parking space mentioned in paragraph 5 if the sole purpose of the drive aisle is to provide access to the parking space.
7. A parking space mentioned in paragraph 5 that is occupied by an outdoor patio shall continue to satisfy any requirement for parking spaces in the zoning by-law.

Terms of use

5. (1) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully used or permitted on the day this Order comes into force.

(2) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(3) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Deemed by-law

6. This Order is deemed for all purposes, except the purposes of section 24 of the Act, to be and to always have been a by-law passed by the council of the City of Toronto.

Revocation

7. **This Regulation is revoked.**

Commencement

8. (1) Subject to subsection (2) , this Regulation comes into force on the day it is filed.

(2) Section 7 comes into force on November 16, 2020.

Made by:


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Signature (in blue ink)

Minister of Municipal Affairs and Housing

Date made: *July 8/2020*
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