

Authority: Planning and Housing Committee Item PH8.2,
adopted as amended, by City of Toronto Council on
December 13, 14 and 15, 2023
City Council voted in favour of this by-law on
December 15, 2023
Written approval of this by-law was given by Mayoral
Decision 30-2023 dated December 15, 2023

CITY OF TORONTO

BY-LAW 1329-2023

To amend Zoning By-law 569-2013, as amended, with respect to bars, restaurants and other entertainment venues.

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, as amended;

The Council of the City of Toronto enacts:

1. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, Chapter 800 Definitions.
2. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 40.10.20.20(1)(A) "**Amusement Arcade** (23, 47)" with: "**Amusement Arcade (1)**".
3. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 40.10.20.20(1)(A) "**Entertainment Place of Assembly** (1, 46)" with "**Entertainment Place of Assembly (1)**".
4. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 40.10.20.100(1) so that it reads:
 - (1) Amusement Arcade, Cabaret, Club, Eating Establishment, Entertainment Place of Assembly, Place of Assembly, Recreation Use and Take-out Eating Establishment

In the CR zone:

- (A) the total **interior floor area** of all **amusement arcades, cabarets, clubs, eating establishments, entertainment places of assembly, places of assembly, recreation uses and take-out eating establishments** on a lot within 6.1 metres of a lot in the Residential Zone category or Residential Apartment Zone category and on a lot which is subject to Development Standard Set 1 (SS1) or Development Standard Set 2 (SS2) may not exceed 400 square metres;

- (B) the calculation of total **interior floor area** is reduced by:
- (i) the **interior floor area** used for items listed in regulations 40.5.40.40(1)(A) to (G) and 40.5.40.40(3)(A) to (I); and By-law: 1774-2019;
 - (ii) the **interior floor areas** used for associated offices, storage rooms, and staff rooms located in the **basement** or on a different **storey**; and
- (C) the **interior floor area** size restriction in regulation (A) above does not apply to **amusement arcades, cabarets, clubs, eating establishments, entertainment places of assembly, places of assembly, recreation uses and take-out eating establishments**, on a **lot** that is more than 6.1 metres from a **lot** in the Residential Zone category or Residential Apartment Zone category, nor on a **lot** in the CR zone and subject to Development Standard Set 3 (SS3).
5. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 40.10.20.100(23) so that it reads:
- (23) (THIS DOES NOT CURRENTLY CONTAIN A REGULATION)
6. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 40.10.20.100(46) so that it reads:
- (46) (THIS DOES NOT CURRENTLY CONTAIN A REGULATION)
7. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 40.10.20.100(47) so that it reads:
- (47) (THIS DOES NOT CURRENTLY CONTAIN A REGULATION)
8. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 40.10.20.100(2) so that it reads:
- (2) Nightclub
- In the CR zone, a **nightclub** is subject to the following:
- (A) it must be located in a **non-residential building**;
 - (B) the permitted maximum **interior floor area** for each **nightclub** located on a **lot** within 6.1 metres of a **lot** in the Residential Zone category or Residential Apartment Zone category is 400 square metres;

- (C) the calculation of **interior floor area** is reduced by:
 - (i) the **interior floor area** used for items listed in regulation 40.5.40.40(1)(A) to (G);
 - (ii) **interior floor areas** used for associated offices, storage rooms, and staff rooms located in the **basement** or on a different **storey**; and
 - (iii) the **interior floor area** size restriction in regulation (B) above does not apply to a **nightclub** if the **lot** is more than 6.1 metres from a **lot** in the Residential Zone category or Residential Apartment Zone category;
 - (D) it must be the only **nightclub** in the **building**; and
 - (E) it must not be located above the first **storey**, except for:
 - (i) associated offices, storage rooms and staff rooms; and
 - (ii) a mezzanine does not constitute a **storey**.
9. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 50.10.20.20(1)(A) "**Amusement Arcade (1, 31)**" with "**Amusement Arcade (2)**".
 10. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 50.10.20.20(1)(A) "**Entertainment Place of Assembly (2, 39)**" with "**Entertainment Place of Assembly (2)**".
 11. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 50.10.20.100(1) so that it reads:
 - (1) (THIS DOES NOT CURRENTLY CONTAIN A REGULATION)
 12. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 50.10.20.100(31) so that it reads:
 - (31) (THIS DOES NOT CURRENTLY CONTAIN A REGULATION)
 13. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 50.10.20.100(39) so that it reads:
 - (39) (THIS DOES NOT CURRENTLY CONTAIN A REGULATION)

14. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 50.10.20.100(2) so that it reads:

- (2) Amusement Arcade, Cabaret, Club, Eating Establishment, Entertainment Place of Assembly, Place of Assembly, Recreation Use and Take-out Eating Establishment

In the CRE zone:

- (A) the total **interior floor area** of all **amusement arcades, cabarets, clubs, eating establishments, entertainment places of assembly, places of assembly, recreation uses and take-out eating establishments** on a lot within 6.1 metres of a lot in the Residential Zone category or Residential Apartment Zone category may not exceed 400 square metres;
- (B) the calculation of total **interior floor area** is reduced by:
- (i) the **interior floor area** used for items listed in regulations 50.5.40.40(1) (A) to (G) and 50.5.40.40(3) (A) to (I); and
- (ii) the **interior floor areas** used for associated offices, storage rooms, and staff rooms located in the **basement** or on a different **storey**; and
- (C) the **interior floor area** size restriction in regulation (A) above does not apply to **amusement arcades, cabarets, clubs, eating establishments, entertainment places of assembly, places of assembly, recreation uses and take-out eating establishments**, if the lot is more than 6.1 metres from a lot in the Residential Zone category or Residential Apartment Zone category.

15. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 50.10.20.100(3) so that it reads:

- (3) Nightclub

In the CRE zone, a **nightclub** is subject to the following:

- (A) it must be located in a **non-residential building**;
- (B) the permitted maximum **interior floor area** for each **nightclub** located on a lot within 6.1 metres of a lot in the Residential Zone category or Residential Apartment Zone category is 400 square metres;
- (C) the calculation of **interior floor area** is reduced by:
- (i) the **interior floor area** used for items listed in regulation 50.5.40.40(1)(A) to (G);

- (ii) **interior floor areas** used for associated offices, storage rooms, and staff rooms located in the **basement** or on a different **storey**; and
 - (iii) the **interior floor area** size restriction in regulation (B) above does not apply to a **nightclub** if the **lot** is more than 6.1 metres from a **lot** in the Residential Zone category or Residential Apartment Zone category;
- (D) it must be the only **nightclub** in the **building**;
- (E) it must not be located above the first **storey**, except for:
- (i) associated offices, storage rooms and staff rooms; and
 - (ii) a mezzanine does not constitute a **storey**;
- (F) the **front lot line** or **side lot line** of the **lot** may not abut Spadina Avenue; and
- (G) if the **lot** is west of Spadina Avenue, north of Front Street West, south of the public **lane** located north of Richmond Street West and east of Bathurst Street:
- (i) the **lot** must have existed on February 14, 2006;
 - (ii) the maximum **interior floor area** of a **nightclub** may not exceed 350 square metres;
 - (iii) the **nightclub** must be on a **lot** that abuts King Street West, or Richmond Street West, or Adelaide Street West; and
 - (iv) the total number of **nightclubs** in the CRE zone west of Spadina Avenue may not be more than 14.

16. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 150.100.20.1(1) so that it reads:

(1) Eating Establishment – Other Uses

Other uses combined with an **eating establishment** are subject to the following:

- (A) In the CR, CRE, OR, OG and OM Zones, the following may occupy a maximum of 25 percent of the total **interior floor area** of the **eating establishment** to a maximum of 250 square metres:
- (i) an **amusement arcade**;

- (ii) dance floor;
 - (iii) stage;
 - (iv) standing audience area;
 - (v) disc jockey area;
 - (vi) sound room or karaoke room;
 - (vii) a **recreation use**; and
 - (viii) any other entertainment area;
- (B) In the EL, E and EO Zones, if a **lot** abuts a Major **Street** on the Policy Areas Overlay Map, the following may occupy a maximum of 25 percent of the total **interior floor area** of the **eating establishment** to a maximum of 250 square metres:
- (i) an **amusement arcade**;
 - (ii) dance floor;
 - (iii) stage;
 - (iv) standing audience area;
 - (v) disc jockey area;
 - (vi) sound room or karaoke room;
 - (vii) a **recreation use**; and
 - (viii) any other entertainment area;
- (C) In the EL, E and EO Zones, if a **lot** does not abut a Major **Street** on the Policy Areas Overlay Map, the following may occupy a maximum of 6 percent of the total **interior floor area** of the **eating establishment** to a maximum of 50 square metres:
- (i) an **amusement arcade**;
 - (ii) dance floor;
 - (iii) stage;
 - (iv) standing audience area;

- (v) disc jockey area;
- (vi) sound room or karaoke room;
- (vii) a **recreation use**; and
- (viii) any other entertainment area;

(D) In the CL Zone, the following may occupy a maximum of 6 percent of the total **interior floor area** of the **eating establishment** to a maximum of 50 square metres:

- (i) an **amusement arcade**;
- (ii) dance floor;
- (iii) stage;
- (iv) standing audience area;
- (v) disc jockey area;
- (vi) sound room or karaoke room;
- (vii) a **recreation use**; and
- (viii) any other entertainment area; and

(E) other than an **outdoor patio**, all uses must be entirely in the **building** with the **eating establishment**.

17. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 600.50.10(1)(A) so that it reads:

- (A) an **entertainment place of assembly** or a **nightclub** are not permitted;

18. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 800.50(20) so that it reads:

- (20) Amusement Arcade

means **premises** for entertainment with **amusement devices**, such as arcade games. An **eating establishment**, an **entertainment place of assembly**, or **recreation use** is not an **amusement arcade**.

19. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 800.50(235) so that it reads:

(235) Entertainment Place of Assembly

means **premises** used to provide entertainment and performing arts, such as a theatre, cinema, opera, ballet, concert hall, or live music venue. Food or beverages may be offered for sale. An **adult entertainment** use, a **cabaret**, an **eating establishment**, a **place of assembly**, or a **nightclub** is not an **entertainment place of assembly**.

20. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 800.50(490) so that it reads:

(490) Nightclub

means **premises** used to provide amplified music for patron entertainment and dancing, such as a dance hall, dance club, or disco, and where food and beverages may be served. A **cabaret**, an **eating establishment**, an **entertainment place of assembly**, a **place of assembly**, or an **adult entertainment** use is not a **nightclub**.

21. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 800.50.(575) so that it reads:

(575) Place of Assembly

means **premises** used for social, cultural, educational or trade events, such as a banquet hall, convention or trade centre, or a hall used for bingo or other lottery events licensed by the City of Toronto for charitable purposes. A **cabaret**, an **eating establishment**, an **entertainment place of assembly**, or a **nightclub** is not a **place of assembly**.

22. Zoning By-law 569-2013, as amended, is further amended by:

(A) Deleting regulation 900.11.10(1988), Prevailing By-laws and Prevailing Sections Regulation (B) which reads "Section 12(2) 289 of former City of Toronto By-law 438-86"; and

(i) Replacing ";and" with "." in Regulation 900.11.10(1988), Prevailing By-laws and Prevailing Sections Regulation (A);

(B) Deleting regulation 900.11.10(2150), Prevailing By-laws and Prevailing Sections Regulation (B) which reads "Section 12(2) 289 of former City of Toronto By-law 438-86"; and

(i) Replacing ";and" with "." in Regulation 900.11.10(2150), Prevailing By-laws and Prevailing Sections Regulation (A); and

- (C) Deleting regulation 900.11.10(2157), Prevailing By-laws and Prevailing Sections Regulation (B) which reads "Section 12(2) 289 of former City of Toronto By-law 438-86"; and
- (i) Replacing ";and" with "." in Regulation 900.11.10(2157), Prevailing By-laws and Prevailing Sections Regulation (A).

23. This By-law comes into force and effect on January 1, 2025.

Enacted and passed on December 15, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)