

PH17.12 - Attachment 1

Attachment 1: Draft Temporary Use By-law (By-law 569-2013)

Authority:

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2020]

To temporarily modify zoning restrictions in Zoning By-law 569-2013 affecting outdoor patios, to support physical distancing in response to the provincial emergency related to the COVID-19 pandemic

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;

Whereas Ontario Regulation 345/20 made under the *Emergency Management And Civil Protection Act* was passed on July 2, 2020;

Whereas Ontario Regulation 345/20 authorizes the council of a municipality to pass a by-law allowing for the temporary use of land for a restaurant or bar patio pursuant to Section 39 of the *Planning Act* and exempts a municipality from subsections 34 (12) to (14.3), (14.5) to (15) and (19) of the *Planning Act* and paragraphs 4 and 5 of subsection 6 (9) of Ontario Regulation 545/06 under the *Planning Act*;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. This By-law comes into force on November 16, 2020 and expires on May 25, 2021.
3. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
4. In the CL Zone of By-law 569-2013, as amended, despite Article 30.20.20, an **outdoor patio** is permitted in combination with an **eating establishment, take-out eating establishment, or recreation use**, provided the **outdoor patio**:
 - (A) is not used to provide entertainment such as performances, music and dancing;
 - (B) is set back at least 30.0 metres from a **lot** in the Residential Zone category or Residential Apartment Zone category;
 - (C) is not located in a **rear yard** or **side yard** which abuts a **lot** in the Residential Zone category or Residential Apartment Zone category;
 - (D) does not exceed an area equal to the greater of:
 - (i) 50.0 square metres; or

- (ii) 50% of the **interior floor area** of the **premises** it is associated with; and
 - (E) is not located above the first **storey** of the **building**.
5. In the EL Zone of By-law 569-2013, as amended:
- (A) despite Regulation 60.10.20.100(11)(B), an **outdoor patio** must be no closer to a **side lot line** or a **rear lot line** than the required minimum **building setback** for a **building** and no setback is required from the **front lot line**; and
 - (B) Regulation 60.10.20.100(11)(C), restricting the area of the **front yard** occupied by an **outdoor patio**, does not apply.
6. In the E Zone of By-law 569-2013, as amended:
- (A) despite Regulation 60.20.20.100(9)(B), an **outdoor patio** must be no closer to a **side lot line** or a **rear lot line** than the required minimum **building setback** for a **building** and no setback is required from the **front lot line**; and
 - (B) Regulation 60.20.20.100(9)(C), restricting the area of the **front yard** occupied by an **outdoor patio**, does not apply.
7. In the EO Zone of By-law 569-2013, as amended:
- (A) despite Regulation 60.40.20.100(14)(B), an **outdoor patio** must be no closer to a **side lot line** or a **rear lot line** than the required minimum **building setback** for a **building** and no setback is required from the **front lot line**; and
 - (B) Regulation 60.40.20.100(14)(C), restricting the area of the **front yard** occupied by an **outdoor patio**, does not apply.
8. Despite Regulations 40.10.20.100(21)(B), 50.10.20.100(21)(B), 60.10.20.100(11)(E), 60.20.20.100(9)(E), and 60.40.20.100(14)(E), and despite any conflicting provision in a Site Specific Provision, Prevailing By-law or Prevailing Section listed in Chapter 900, the permitted maximum area of an **outdoor patio** is the greater of 50.0 square metres or 50% of the **interior floor area** of the **premises** it is associated with, provided that the **outdoor patio**:
- (A) is **ancillary** to a permitted **eating establishment, take-out eating establishment** or **recreation use**;
 - (B) is not located above the first **storey** of the **building**;
 - (C) is not located in a **rear yard** or **side yard** which abuts a **lot** in the Residential Zone category or Residential Apartment Zone category;

and where the above regulatory standard conflicts with a more permissive regulatory standard in a Site Specific Provision, Prevailing By-law or Prevailing Section listed in Chapter 900, the more permissive regulatory standard prevails.

9. Despite Regulations 30.5.80.1(1), 40.5.80.1(1), 50.5.80.1(1), 60.5.80.1(2), and 90.5.80.1(1) of By-law 569-2013, as amended, all of which require a **parking space** to be available for the use for which it is required, and Regulations 60.10.20.100(11)(D), 60.20.20.100(9)(D) and 60.40.20.100(14)(D) of By-law 569-2013, as amended, an **outdoor patio** may occupy the area of a surface **parking space**, and any adjacent portion of **drive aisle** providing sole access thereto, and the occupied **parking space** continues to satisfy any requirement for **parking spaces** in By-law 569-2013, if the **parking space** is not required for any residential use and if the **parking space** is not an accessible **parking space**.

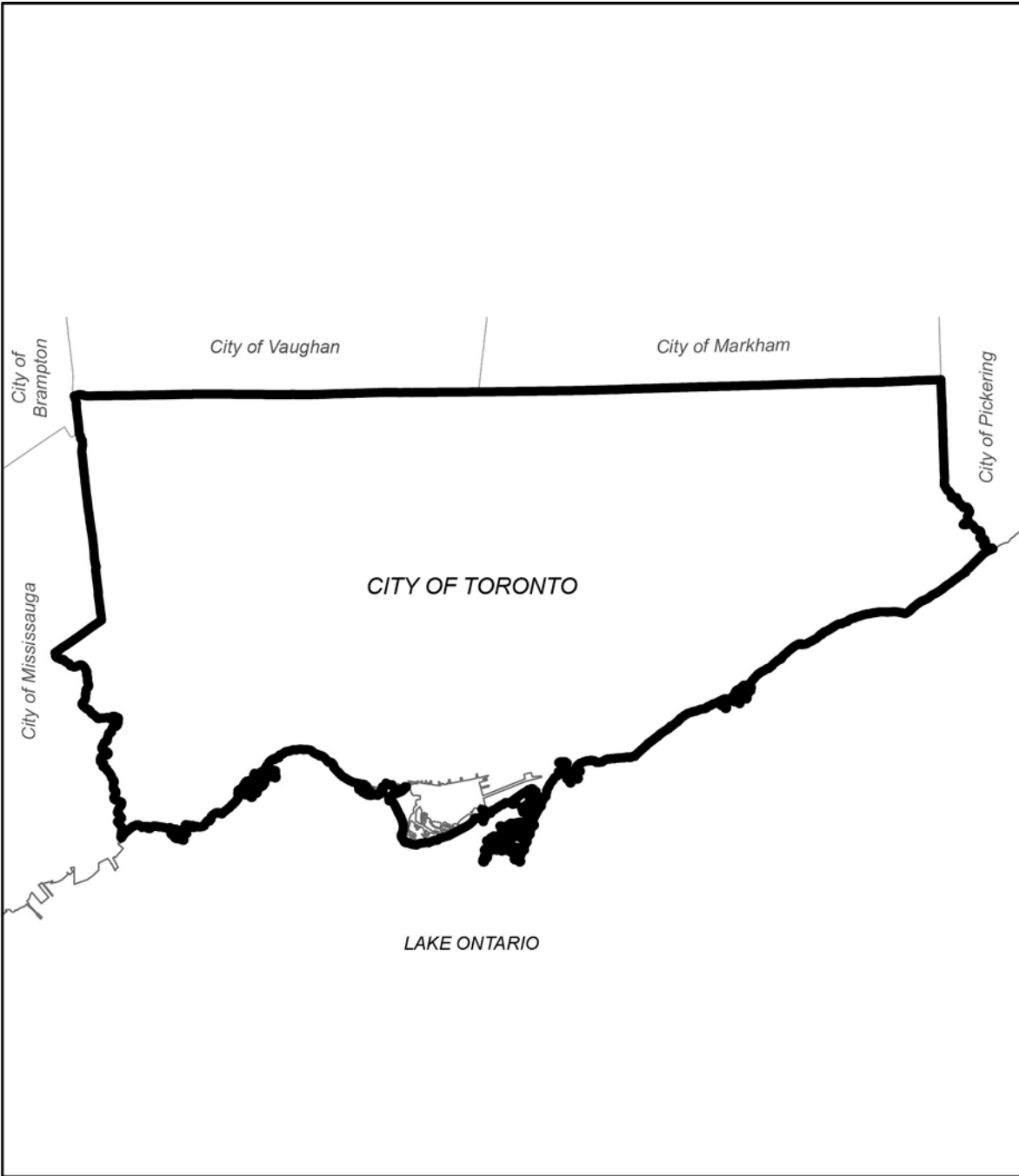
Enacted and passed on month ##, 20##.

Name,

Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



 **TORONTO**
Diagram 1