

# PH17.12 - Attachment 2

Attachment 2: Draft Temporary Use By-law (former municipal zoning by-laws)

Authority:

## CITY OF TORONTO

Bill No. ~

**BY-LAW No. [XXXX- 2020]**

### **To temporarily modify zoning restrictions in the former general zoning by-laws of the City of Toronto 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. For the purpose of this By-law, the following definitions apply:
  - (A) "former general zoning by-law" has the same meaning provided in Regulation 800.50(260) of By-law 569-2013, as amended;
  - (B) "lot" means means a single parcel or tract of land that:
    - (i) may be conveyed in compliance with the provisions of the Planning Act; and
    - (ii) is not included in the Zoning By-law Map of By-law 569-2013, as amended;
  - (C) "exclusively residentially zoned" means lands upon which a former general zoning by-law permits residential uses, including but not limited to dwelling units, houses, or apartments, and a restaurant is not permitted;

- (D) "outdoor patio" means an outdoor patron area that is used in combination with a restaurant; and
- (E) "restaurant" means any non-residential use:
  - (i) in which the preparation and offering for sale of food or beverages to patrons for consumption on or off the premises forms a principal function; and
  - (ii) which forms all or part of a use described and permitted on a lot governed by one of the former general zoning by-laws;
- (F) "accessible" means free of a physical, architectural or design barrier that would restrict access or use to a person with a disability; and
- (G) "disability" has the same meaning as in section 2 of the *Accessibility for Ontarians with Disabilities Act, 2005*.

**4.** Despite any regulation in any former general zoning by-law to the contrary, an outdoor patio is permitted in combination with a restaurant on the same lot, provided:

- (A) no portion of the outdoor patio is located within 30 metres of an exclusively residentially zoned lot;
- (B) no portion of the outdoor patio is located above the first storey of the building;
- (C) the outdoor patio does not exceed 50 square metres in area;
- (D) the outdoor patio may not be used to provide entertainment such as performances, music and dancing; and
- (E) the outdoor patio may not be located in a yard that abuts an exclusively residentially zoned lot;

and where any of the above regulatory standards conflict with a more permissive regulatory standard in the former general zoning by-law, the more permissive regulatory standard prevails.

**5.** Despite any regulation in any former general zoning by-law to the contrary, an outdoor patio may occupy the area of a surface parking space on a lot, 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 the former general zoning by-law, if the parking space is not required by the former general zoning by-law for any residential use and if the parking space is not an accessible parking space.

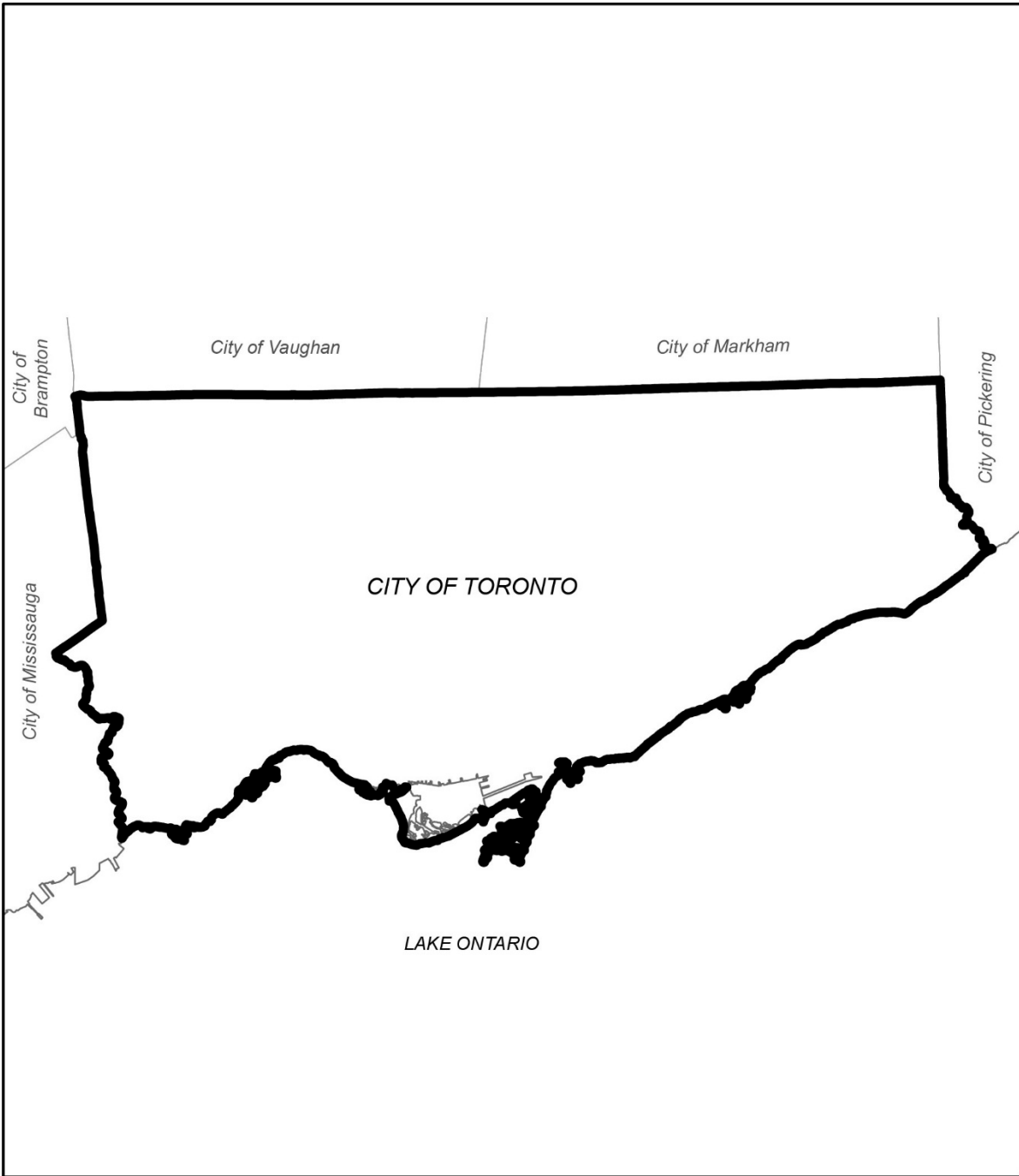
Enacted and passed on month ##, 20##.

Name,

Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



 **TORONTO**  
Diagram 1

