

PH17.12 - Attachment 3

Attachment 3: Draft Temporary Use By-law (229 Richmond Street West)

Authority:

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2020

To temporarily modify zoning restrictions affecting outdoor patios with respect to the lands municipally known in the year 2019 as 229 Richmond Street West and to repeal By-law 667-2020.

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 pursuant to Section 39 of the *Planning Act*, the Council of a Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law;

Whereas Ontario Regulation 345/20 under the *Emergency Management and Civil Protection Act* exempts a by-law authorizing the temporary use of land for a restaurant or bar patio under Section 39 of the *Planning Act* from subsections 34(12) to (14.3), (14.5) to (15) and (19) of that Act and paragraphs 4 and 5 of subsections 6 (9) of Ontario Regulation 545/06 under that Act;

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

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 expires on the latter of (a) or (b), subject to (c):
 - (a) May 25, 2021; or
 - (b) the date upon which Ontario Regulation 358/20 is revoked;
 - (c) except that if the date upon which Ontario Regulation 358/20 is revoked exceeds 3 years from the day this By-law is passed, this By-law shall expire on the day 3 years after this By-law is passed.
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. The words highlighted in italic type in this By-law have the meaning provided in Zoning By-law No. 438-86, Section 2(1).
5. Nothing in City of Toronto Zoning By-law 569-2013, as amended, applies to prevent the use of an **outdoor patio** on the lands subject to this By-law provided that any **outdoor patio**:
 - a. is associated with a non-residential use located on a **lot** within the area bounded by Richmond Street West to the north, Duncan Street to the east, Nelson Street to the south, and John Street to the west;

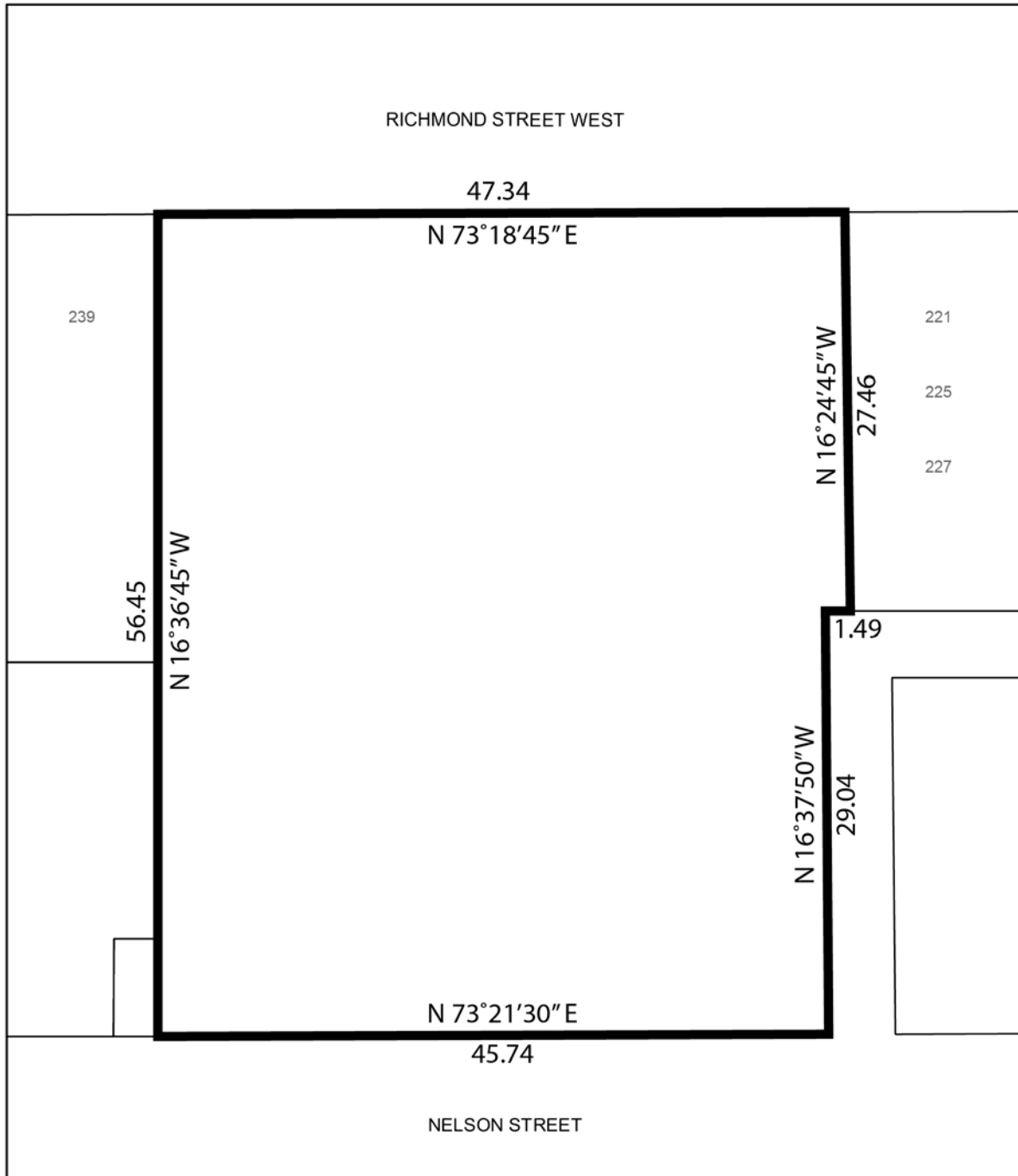
- b. is not used to provide entertainment such as live music and dancing; and
 - c. is located a minimum of 3 metres from a **lot line** abutting Richmond Street West or Nelson Street.
6. Nothing in Former City of Toronto Zoning By-law 438-86, as amended, applies to prevent the use of a *patio* on the lands subject to this By-law provided that any *patio*:
- a. is associated with a non-residential use located on a *lot* within the area bounded by Richmond Street West to the north, Duncan Street to the east, Nelson Street to the south, and John Street to the west;
 - b. is not used to provide entertainment such as live music and dancing; and
 - c. is located a minimum of 3 metres from a *lot* line abutting Richmond Street West or Nelson Street.
7. By-law 667-2020 is repealed.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



 **TORONTO**
Diagram 1

229 Richmond Street West

File # 20 170504 STE 10 0Z