

# PH17.12 - Attachment 5

Attachment 5: Draft Temporary Use By-law (1012–1018 Gerrard Street East)

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 2020 as 1012-1018 Gerrard Street East and to repeal By-law 668-2020.**

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 shown in cross-hatching on Map 1 attached to this By-law.
2. This By-law expires on May 25, 2021
3. The words highlighted in italic type in this By-law have the meaning provided in Zoning By-law No. 438-86, Section 2(1).
4. Nothing in Former City of Toronto Zoning By-law 438-86, as amended, applies to prevent the use of a *patio* on the subject site, as outlined in black on Map 1 attached to this By-law provided that any *patio*:
  - a. is combined with a *restaurant* located within the lands subject to this By-law;
  - b. is not used to provide entertainment such as performances, music and dancing, including a prohibition on amplified sound;
  - c. is not used for outdoor cooking;
  - d. is located a minimum of 3 metres from a *lot* line abutting Gerrard Street East and Marjory Avenue; and
  - e. does not include permanent structures such as decking or tents.

5. By-law 668-2020 is repealed.

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

JOHN TORY,  
Mayor



ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



 **TORONTO**  
Map 1

### 1012 - 1018 Gerrard Street East

-  Subject Site
-  Lands Subject to Bylaw XX-2020