Authority:

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2021]

To repeal By-law 906-2020 and to temporarily reduce zoning restrictions on outdoor patios through zoning regulations that prevail over the former municipal zoning by-laws, which by-laws include:

By-law 438-86 (being the Zoning By-law of the former City of Toronto), as amended, By-law 291-68 (being the Forest Hill Zoning By-law), as amended, and By-law 278-73 (being the Swansea Zoning By-law), as amended, and predecessor zoning by-laws as applicable;

By-law 7625 (being the Zoning By-law of the former City of North York), as amended, and predecessor zoning by-laws as applicable;

By-law 1-83 (being the Zoning By-law of the former City of York), as amended, and predecessor zoning by-laws as applicable;

Zoning Code of The City of Etobicoke, Canada, V131 (being the Zoning Code of the former City of Etobicoke), as amended, and predecessor zoning by-laws as applicable;

Borough Of East York Zoning By-law 1916 (Town Of Leaside), as amended, and By-law 6752 (Township Of East York), as amended, (being the Zoning By-laws of the former Borough of East York), and predecessor zoning by-laws as applicable; and

The Corporation of the City of Scarborough By-laws 10076 (Agincourt); 12797 (Agincourt North); 8786 (Birchcliff); 9350 (Bendale); 9174 (Birchmount Park); 9396 (Cliffcrest); 12077 (Centennial); 8978 (Clairlea); 9364 (Cliffside); 9508 (Dorset Park); 10048 (Eglinton); 9676 (Guildwood); 10827 (Highland Creek); 9089 (Ionview); 9276 (Kennedy Park); 12466 (L'amoreaux); 14402 (Malvern); 12181 (Malvern West); 842-2004 (Midland St.Clair); 17677 (Milliken); Morningside Heights; 11883 (Morningside); 9366 (Maryvale); 9812 (Oakridge); 15907 (Rouge); 10010 (Scarborough Village); 16762 (Steeles); 10717 (Sullivan); 12360 (Tam O'Shanter); 25278 (Upper Rouge - Hillside); 950-2005 (Warden Woods); 9511 (Wexford); 10327 (West Hill); 9510 (Woburn); Employment Districts Zoning By-law 24982; Industrial District By-law 12790 (Centennial Industrial District); The Corporation Of The Township Of Pickering By-law 1978; By-law 3036 (Highway No. 2 Area in Rouge Community), (being the Zoning By-laws of the former City of Scarborough), all as amended, and predecessor zoning by-laws as applicable.

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; and

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 expires on April 14, 2022.

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 zonining 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.

6.   By-law 906-2020 is repealed.

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

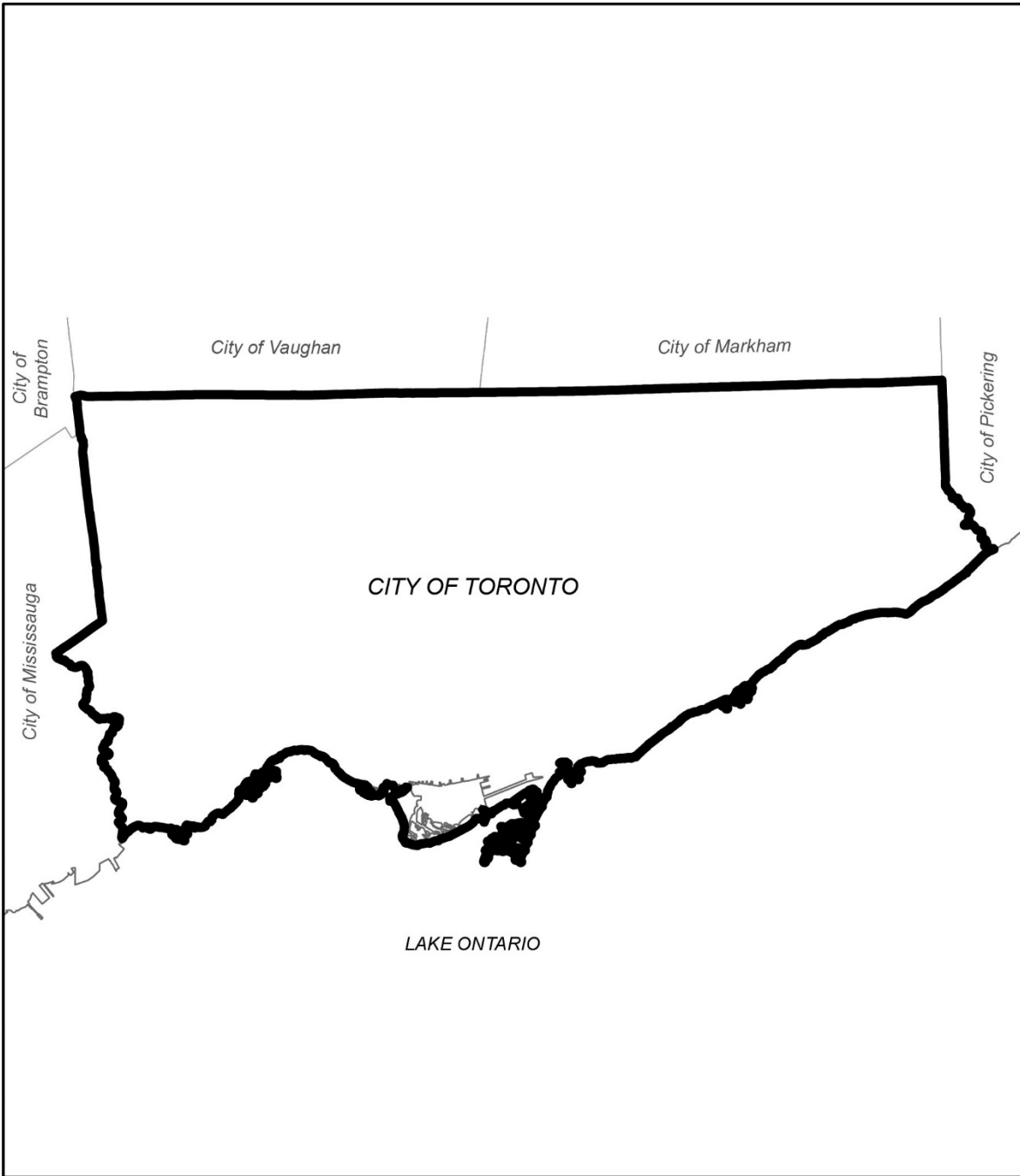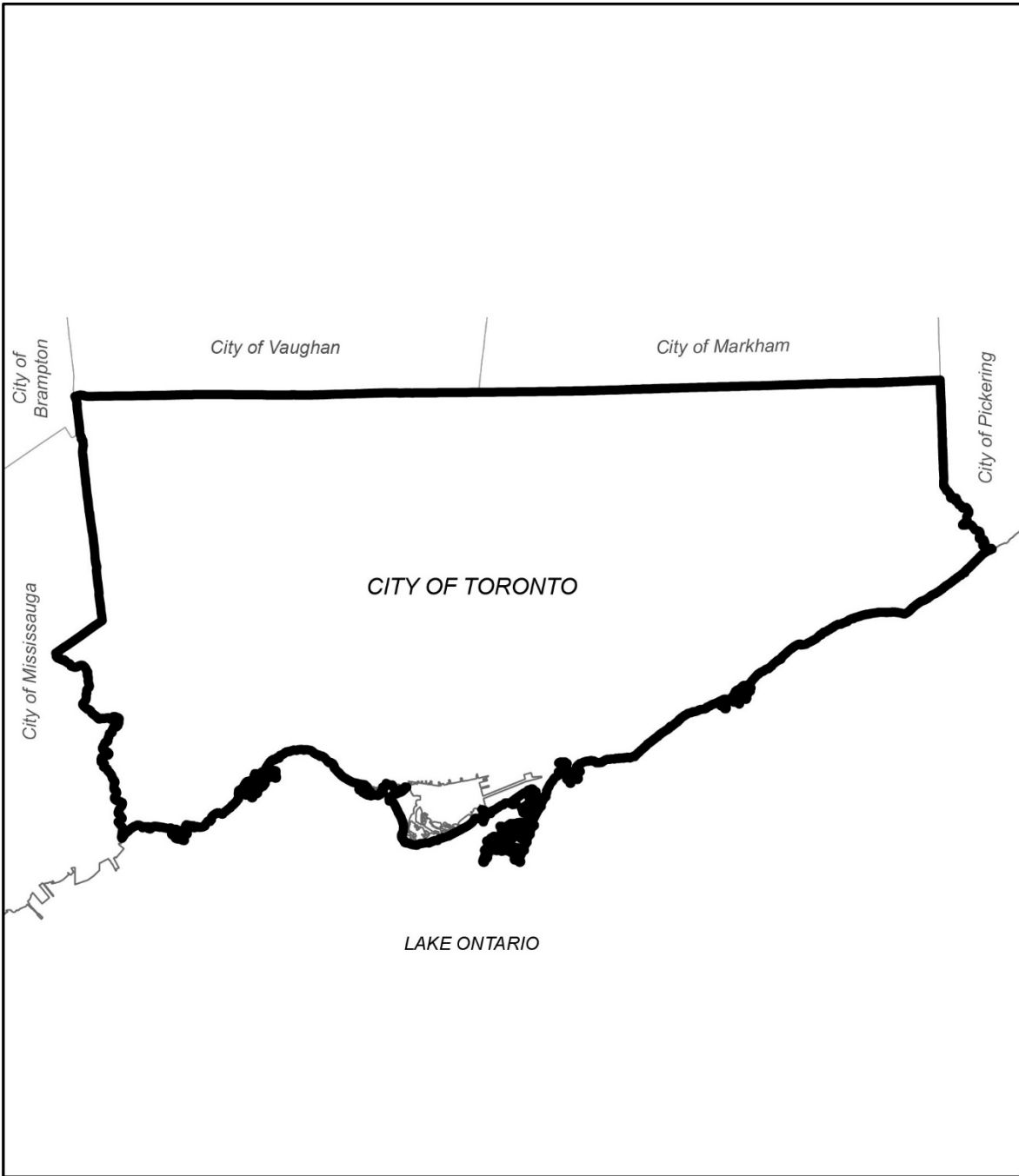Name,   Name,
          Speaker   City Clerk

(Seal of the City)

TORONTO
Diagram 1

City of Brampton

City of Vaughan

City of Markham

City of Pickering

City of Mississauga

CITY OF TORONTO

LAKE ONTARIO

TORONTO
Diagram 1

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Not to Scale
06/09/2020