

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

Authority:

## CITY OF TORONTO

Bill No. ~

**BY-LAW No. [XXXX- 2022]**

**To repeal By-law 198-2021 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 December 31, 2023.
3. For the purpose of this By-law, the following definitions apply:
  - (A) "accessible" means free of a physical, architectural or design barrier that would restrict access or use to a person with a disability;
  - (B) "building" means a wholly or partially enclosed structure with a roof supported by walls, columns, piers or other structural systems;
  - (C) "disability" has the same meaning as section 2 of the *Accessibility for Ontarians with Disabilities Act, 2005*;
  - (D) "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;
  - (E) "former general zoning by-law" has the same meaning provided in Regulation 800.50(260) of By-law 569-2013, as amended;
  - (F) "interior floor area" means the floor area of any part of a building, measured to:
    - (i) the interior side of a main wall;
    - (ii) the centerline of an interior wall; or
    - (iii) a line delineating a part being measured
  - (G) "lot" 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;

- (H) "main wall" means any exterior wall of a building or structure, including all structural members essential to the support of a roof over a fully or partly enclosed area;
- (I) "outdoor patio" means an outdoor patron area that is used in combination with a restaurant;
- (J) "premises" means the whole or part of lands, buildings or structures, or any combination of these;
- (K) "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; and
- (L) "structure" means anything that is erected, built or constructed of one or more parts joined together;

**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 an area equal to the greater of:
  - (i) 50 square metres; or
  - (ii) 50 percent of the interior floor area of the premises it is associated with;
- (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.
6. By-law 198-2021 is repealed.

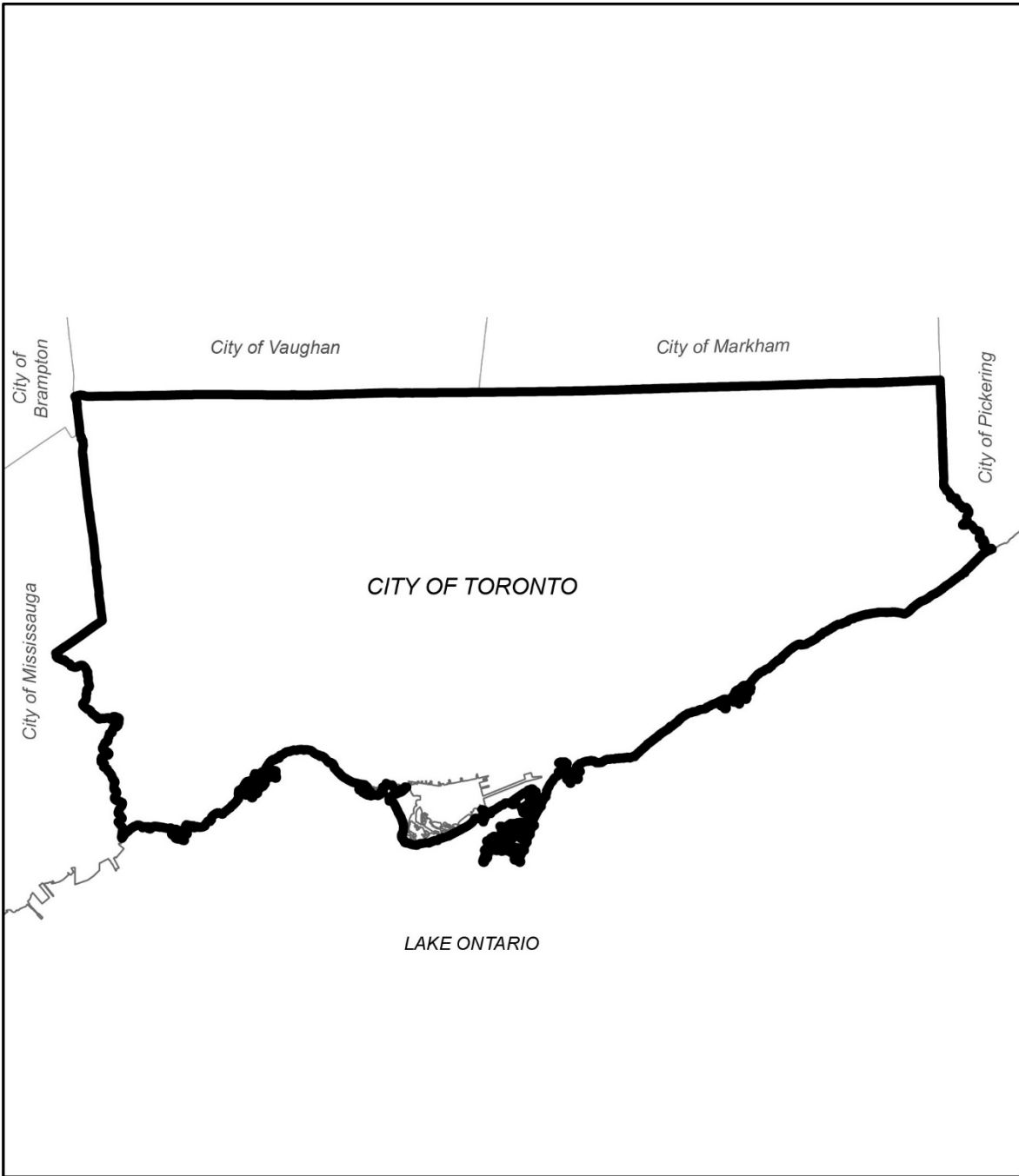
Enacted and passed on month ##, 20##.

Name,

Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)



 **TORONTO**  
Diagram 1



Not to Scale  
06/09/2020