

Attachment 1: Proposed Amendment to City-wide Zoning By-law 569-2013 for Outdoor Patios

Authority: Planning and Housing Committee Item [-], as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO BY-LAW [Clerks to insert By-law number]

To amend Zoning By-law 569-2013, as amended, with respect to outdoor patios located on private property and to repeal By-law 237-2022.

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; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act, as amended; and

The Council of the City of Toronto enacts:

1. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, as amended, Chapter 800 Definitions.
2. Zoning By-law 569-2013, as amended, is further amended by adding to regulation 15.20.20.20(1), “**Outdoor Patio** (23)” after “Office (1)”.
3. Zoning By-law 569-2013, as amended, is further amended by adding to regulation 15.20.20.100 a new regulation (23) after (22) so that it reads:

(23) Outdoor Patio

In the RAC zone:

- (A) an **outdoor patio** must be combined with one of the following uses and be located on the same **lot** or an abutting **lot** that permits an **outdoor patio**:
 - (i) **Club**;
 - (ii) **Eating Establishment**;
 - (iii) **Recreation Use**;
 - (iv) **Retail Store**; and
 - (v) **Take-out Eating Establishment**;
- (B) the permitted maximum area of an **outdoor patio** is the greater of:

- (i) 50.0 square metres; or
 - (ii) 50% of the **interior floor area** of the **premises** it is combined with;
- (C) an **outdoor patio** may not be used to provide entertainment such as performances, music and dancing;
- (D) an **outdoor patio** must be set back at least 10.0 metres from a **lot** in the Residential Zone category;
- (E) despite (D) above, an **outdoor patio** located above the first **storey** of the **building**, must be at least 40.0 metres:
- (i) measured horizontally, from a **lot** in the Residential Zone category or Residential Apartment Zone category.
- (F) an **outdoor patio** located on a pedestrian walkway must maintain a pedestrian clearance with a minimum width of 1.5 metres along its entire length; and
- (G) an **outdoor patio** in the **rear yard** of a **lot** which abuts a **lot** in the Residential Zone category must have a fence installed along the portion of the **outdoor patio** parallel to the **rear lot line**.
4. Zoning By-law 569-2013, as amended, is further amended by adding to regulation 30.20.20.20(1), "**outdoor patio (20)**" after "Eating Establishment (2, 10)".
5. Zoning By-law 569-2013, as amended, is further amended by adding to regulation 30.20.20.100 a new regulation (20) after (19) so that it reads:

(20) Outdoor Patio

In the CL zone:

- (A) an **outdoor patio** must be combined with one of the following uses and be located on the same **lot** or an abutting **lot** that permits an **outdoor patio**:
- (i) **Eating Establishment;**
 - (ii) **Recreation use;**
 - (iii) **Retail Store;** and
 - (iv) **Take-out Eating Establishment;**

- (B) the permitted maximum area of an **outdoor patio** is the greater of:
 - (i) 50.0 square metres; or
 - (ii) 50% of the **interior floor area** of the **premises** it is combined with;
 - (C) an **outdoor patio** may not be used to provide entertainment such as performances, music and dancing;
 - (D) an **outdoor patio** must be set back at least 10.0 metres from a **lot** in the Residential Zone category or Residential Apartment Zone category;
 - (E) an **outdoor patio** is not permitted in a **rear yard** or **side yard** which abuts a **lot** in the Residential Zone category or Residential Apartment Zone category;
 - (F) an **outdoor patio** is not permitted above the first **storey** of a **building**;
6. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 40.10.20.100(21)(A) to (D) so that it reads:

(21) Outdoor Patio

In the CR zone:

- (A) an **outdoor patio** must be combined with one of the following uses and be located on the same **lot** or an abutting **lot** that permits an **outdoor patio**:
 - (i) **Amusement Arcade**;
 - (ii) **Cabaret**;
 - (iii) **Club**;
 - (iv) **Eating Establishment**;
 - (v) **Entertainment Place of Assembly**;
 - (vi) **Nightclub**;
 - (vii) **Place of Assembly**;
 - (viii) **Recreation Use**;
 - (ix) **Retail Store**;
 - (x) **Sports Place of Assembly**; and

- (xi) **Take-out Eating Establishment;**
 - (B) the permitted maximum area of an **outdoor patio** is the greater of:
 - (i) 50.0 square metres; or
 - (ii) 50% of the **interior floor area** of the **premises** it is combined with;
 - (C) an **outdoor patio** may be used to provide entertainment such as performances, music and dancing, provided the **outdoor patio** is not located above the first **storey** of the **building** and the entertainment area does not exceed 10% of the **outdoor patio** area;
 - (D) an **outdoor patio** must be set back at least:
 - (i) 10.0 metres from a **lot** in the Residential Zone Category or Residential Apartment Zone Category if it is on a **lot** subject to Development Standard Set 1 (SS1) or Development Standard Set 2 (SS2); or
 - (ii) 30.0 metres from a **lot** in the Residential Zone Category or Residential Apartment Zone Category if it is on a **lot** subject to Development Standard Set 3 (SS3);
7. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 50.10.20.100(21)(A) to (D) so that it reads:

(21) Outdoor Patio

In the CRE zone:

- (A) an **outdoor patio** must be combined with one of the following uses and be located on the same **lot** or abutting **lot** that permits an **outdoor patio**:
 - (i) **Amusement arcade;**
 - (ii) **Cabaret;**
 - (iii) **Club;**
 - (iv) **Eating Establishment;**
 - (v) **Entertainment Place of Assembly;**
 - (vi) **Nightclub;**

- (vii) **Place of Assembly;**
 - (viii) **Recreation Use;**
 - (ix) **Retail Store;**
 - (x) **Sports Place of Assembly;** and
 - (xi) **Take-out Eating Establishment;**
- (B) the permitted maximum area of an **outdoor patio** is the greater of:
- (i) 50.0 square metres; or
 - (ii) 50% of the **interior floor area** of the **premises** it is combined with;
- (C) an **outdoor patio** may be used to provide entertainment such as performances, music and dancing, provided the **outdoor patio** is not located above the first **storey** of the **building** and the entertainment area does not exceed 10% of the **outdoor patio** area;
- (D) an **outdoor patio** must be set back at least 10.0 metres from a **lot** in the Residential Zone category or Residential Apartment Zone category;
8. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 60.10.20.100(11) so that it reads:

(11) Outdoor Patio

In the EL zone, an **outdoor patio**:

- (A) must be combined with one of the following uses and be located on the same **lot** or abutting **lot** that permits an **outdoor patio**:
 - (i) **Eating Establishment;**
 - (ii) **Retail Store;** and
 - (iii) **Take-out Eating Establishment;**
- (B) must be no closer to a **lot line** than the required minimum **rear yard setback** or **side yard setback** for a **building**;
- (C) may not be located on land required for **loading spaces, driveways, or landscaping**;
- (D) may have a maximum area that is the greater of:

- (i) 50.0 square metres; or
 - (ii) 50% of the **interior floor area** of the **premises** it is combined with;
- (E) may be used to provide entertainment such as performances, music and dancing, provided the **outdoor patio** is not located above the first **storey** of the **building** and the entertainment area does not exceed 10% of the **outdoor patio** area;
- (F) must be set back at least 30.0 metres from a **lot** in the Residential Zone category or Residential Apartment Zone category;
- (G) despite regulation (F) above, an **outdoor patio** located above the first **storey** of the **building**, must be at least 40.0 metres, measured horizontally, from a **lot** in the Residential Zone category or Residential Apartment Zone category;
- (H) in the **rear yard** of a **lot** that abuts a **lot** in the Residential Zone category or Residential Apartment Zone category the **outdoor patio** must have a fence installed along the portion of the **outdoor patio** parallel to the **rear lot line**;
- (I) if a **lawfully existing outdoor patio** is closer to a **lot** than required in (F) or (G) above, that **lawful** distance from a **lot** in the Residential Zone category or Residential Apartment Zone category is the minimum distance for that **lawfully existing outdoor patio** from that **lot**; and
- (J) is not permitted on a **lot** located in the area bounded by Laird Avenue on the west, Vanderhoof Avenue and the Don River to the north, Don Mills Road to the east and Overlea Boulevard to the south. [By-law: 1198-2019].
9. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 60.20.20.100(9) so that it reads:

(9) Outdoor Patio

In the E zone, an **outdoor patio**:

- (A) must be combined with one of the following uses and located on the same **lot** or abutting **lot** that permits an **outdoor patio**:
 - (i) **Eating Establishment**;
 - (ii) **Retail Store**; and

(iii) **Take-out Eating Establishment;**

- (B) must be no closer to a **lot line** than the required minimum **rear yard setback** or **side yard setback** for a **building**;
- (C) may not be located on land required for **loading spaces, driveways, or landscaping**;
- (D) may have a maximum area that is the greater of:
 - (i) 50.0 square metres; or
 - (ii) 50% of the **interior floor area** of the **premises** it is combined with;
- (E) may be used to provide entertainment such as performances, music and dancing, provided the **outdoor patio** is not located above the first **storey** of the **building** and the entertainment area does not exceed 10% of the **outdoor patio** area;
- (F) must be set back at least 30.0 metres from a **lot** in the Residential Zone category or Residential Apartment Zone category;
- (G) despite regulation (F) above, an **outdoor patio** located above the first **storey** of the **building**, must be at least 40.0 metres, measured horizontally, from a **lot** in the Residential Zone category or Residential Apartment Zone category;
- (H) in the **rear yard** of a **lot** that abuts a **lot** in the Residential Zone category or Residential Apartment Zone category the **outdoor patio** must have a fence installed along the portion of the **outdoor patio** parallel to the **rear lot line**;
- (I) if a **lawfully existing outdoor patio** is closer to a **lot** than required in (F) or (G) above, that **lawful** distance from a **lot** in the Residential Zone category or Residential Apartment Zone category is the minimum distance for that **lawfully existing outdoor patio** from that **lot**; and;
- (J) is not permitted on a **lot** located in the area bounded by Laird Avenue on the west, Vanderhoof Avenue and the Don River to the north, Don Mills Road to the east and Overlea Boulevard to the south. [By-law: 1198-2019].

10. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 60.40.20.100(14) so that it reads:

(14) Outdoor Patio

In the EO zone, an **outdoor patio**:

- (A) must be combined with a permitted use and be located on the same **lot** or abutting **lot** that permits an **outdoor patio**;
 - (B) must be no closer to a **lot line** than the required **rear yard setback** or **side yard setback** for a **building**;
 - (C) may not be located on land required for **loading spaces, driveways, or landscaping**;
 - (D) may have a maximum area that is the greater of:
 - (i) 50.0 square metres; or
 - (ii) 50% of the **interior floor area** of the **premises** it is combined with;
 - (E) may be used to provide entertainment such as performances, music and dancing, provided the **outdoor patio** is not located above the first **storey** of the **building** and the entertainment area does not exceed 10% of the **outdoor patio** area;
 - (F) must be set back at least 30.0 metres from a **lot** in the Residential Zone category or Residential Apartment Zone category;
 - (G) despite regulation (F) above, an **outdoor patio** located above the first **storey** of the **building**, must be at least 40.0 metres, measured horizontally, from a **lot** in the Residential Zone category or Residential Apartment Zone category;
 - (H) in the **rear yard** of a **lot** that abuts a **lot** in the Residential Zone category or Residential Apartment Zone category the **outdoor patio** must have a fence installed along the portion of the **outdoor patio** parallel to the **rear lot line**; and
 - (I) if a **lawfully existing outdoor patio** is closer to a **lot** than required in (F) or (G) above, that **lawful** distance from a **lot** in the Residential Zone category or Residential Apartment Zone category is the minimum distance for that **lawfully existing outdoor patio** from that **lot**.
11. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 90.30.20.100(5) so that it reads:

(5) Outdoor Patio

In the OR zone, an **outdoor patio**:

- (A) An **outdoor patio** must be combined with one of the following uses on the same **lot** or an abutting **lot** that permits an **outdoor patio**:
- (i) **amusement arcade**;
 - (ii) **club**;
 - (iii) **eating establishment**;
 - (iv) **entertainment place of assembly**;
 - (v) **place of assembly**;
 - (vi) **recreation use**;
 - (vii) **take-out eating establishment**;
- (B) may be no closer than 10.0 metres from a **lot** in the Residential Zone category or the Residential Apartment Zone category;
- (C) despite (B) above, if the **outdoor patio** is above the first **storey** of the **building**, it may be no closer than 40.0 metres, measured horizontally, from a **lot** in the Residential Zone category or the Residential Apartment Zone category;
- (D) if a **lawfully existing outdoor patio** is closer to a **lot** than required in (B) or (C) above, that **lawful** distance from a **lot** in the Residential Zone category or Residential Apartment Zone category is the minimum distance for that **lawfully existing outdoor patio** from that **lot**; and
- (E) may be used to provide entertainment such as performances, music and dancing, provided the **outdoor patio** is not located above the first **storey** of the **building** and the entertainment area does not exceed 10% of the **outdoor patio** area.

12. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 90.40.20.100(4) so that it reads:

(4) Outdoor Patio

An **outdoor patio** in the OG zone:

- (A) An **outdoor patio** must be combined with one of the following uses on the same **lot** or an abutting **lot** that permits an **outdoor patio**:
- (i) **amusement arcade**;
 - (ii) **club**;
 - (iii) **place of assembly**;
 - (iv) **recreation use**;
 - (v) **take-out eating establishment**;
- (B) may be no closer than 10.0 metres from a **lot** in the Residential Zone category or the Residential Apartment Zone category;
- (C) despite (B) above, if the **outdoor patio** is above the first **storey** of the **building**, it may be no closer than 40.0 metres, measured horizontally, from a **lot** in the Residential Zone category or the Residential Apartment Zone category;
- (D) if a **lawfully existing outdoor patio** is closer to a **lot** than required in (B) or (C) above, that **lawful** distance from a **lot** in the Residential Zone category or Residential Apartment Zone category is the minimum distance for that **lawfully existing outdoor patio** from that **lot**; and
- (E) may be used to provide entertainment such as performances, music and dancing, provided the **outdoor patio** is not located above the first **storey** of the **building** and the entertainment area does not exceed 10% of the **outdoor patio** area.
13. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 90.50.20.100(4) so that it reads:

(4) Outdoor Patio

An **outdoor patio** in the OM zone:

- (A) An **outdoor patio** must be combined with one of the following uses on the same **lot** or an abutting **lot** that permits an **outdoor patio**:
- (i) **amusement arcade**;
 - (ii) **club**;
 - (iii) **place of assembly**;

- (iv) **recreation use;**
 - (v) **take-out eating establishment;**
- (B) may be no closer than 10.0 metres from a **lot** in the Residential Zone category or the Residential Apartment Zone category;
- (C) despite (B) above, if the **outdoor patio** is above the first **storey** of the **building**, it may be no closer than 40.0 metres, measured horizontally, from a **lot** in the Residential Zone category or the Residential Apartment Zone category;
- (D) if a **lawfully existing outdoor patio** is closer to a **lot** than required in (B) or (C) above, that **lawful** distance from a **lot** in the Residential Zone category or Residential Apartment Zone category is the minimum distance for that **lawfully existing outdoor patio** from that **lot**;
- (E) may be used to provide entertainment such as performances, music and dancing, provided the **outdoor patio** is not located above the first **storey** of the **building** and the entertainment area does not exceed 10% of the **outdoor patio** area;
14. Zoning By-law 569-2013, as amended, is further amended by inserting Regulation 200.5.1(4) so that it reads:
- (4) Reduction of Drive Aisle Width for Outdoor Patios
- Despite regulations 200.5.1(3)(A), (B) and (C) above, the required width of a **drive aisle** may be reduced for the purpose of an **outdoor patio**, provided the **parking space** that is exclusively accessed by that **drive aisle** is occupied by an **outdoor patio**;
15. Zoning By-law 569-2013, as amended, is further amended by inserting Regulation 200.5.10.1(11) so that it reads:
- (11) Reduction of Parking Spaces for Outdoor Patios
- Despite regulations 200.5.10.1(1) and 200.5.10.11(1)(C) and Table 200.5.10.1, an **outdoor patio** may occupy a required **parking space**, subject to the following:
- (A) If it is not a **parking space** required for a residential occupant or is a required accessible **parking space**; and
 - (B) If the number of residential visitor **parking spaces** reduced is not more than half the amount required by regulations 200.5.10.1(1)

and 200.5.10.11(1)(A) and Table 200.5.10.1, rounded down to the nearest whole number

16. By-law 237-2022 is repealed.

Enacted and passed on [Clerks to insert date].

[full name],
Speaker

[full name],
City Clerk

(Seal of the City)

[Insert Diagram 1 – City of Toronto]