

Attachment 1: Draft Zoning By-law Amendment: Commercial Use Permissions in the Residential Zone Category

Authority:

CITY OF TORONTO Bill

BY-LAW xxxx-2024

To amend Zoning By-law 569-2013, as amended, with respect to commercial use permissions in the Residential Zone category

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;

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 “small-scale commercial uses” to the end of Regulation 1.40.10(2) so that it reads:

(2) Purpose of the Residential Zone Category

The Residential Zone category permits uses associated primarily with the Neighbourhoods designation in the Official Plan. This zone category includes a range of **residential building** types in different zones. The **residential building** types identified in the Residential Detached (RD), Residential Semi-Detached (RS) and Residential Townhouse (RT) zones reflect the historical development patterns in an area, however, a range of **residential building** types are permitted and form the physical context. The zones within this category also include permission for **parks**, and local institutions and small-scale commercial uses.

Explanatory Comment: This by-law adds permissions & conditions relating to commercial uses to the zones in the Residential Zone category. The amendments to add uses and conditions are repeated for each of the zones as follows: R (sections 3 to 9), RD (sections 10 to 16), RS (sections 17 to 23), RT (sections 24 to 30) and RM (section 31 to 37).

Explanatory Comment: Section 3 below amends the R Zone use permissions to add permitted uses with conditions allowing a variety of commercial units on Major Streets in the R Zone, including (but not limited to) in apartment buildings, and a more limited set of commercial units on corner lots in the R zone.

3. Zoning By-law 569-2013, as amended, is further amended by amending Regulation 10.10.20.20(1) as follows:
- (i) adding the following uses with conditions:
 - Art Gallery** (21)
 - Artist Studio** (21)
 - Automated Banking Machine** (23)
 - Club** (21)
 - Eating Establishment** (21, 22)
 - Education Use** (21)
 - Market Garden** (26)
 - Medical Office (21)
 - Office (21)
 - Outdoor Patio** (25)
 - Outdoor Sales and Display (24)
 - Performing Arts Studio** (21)
 - Personal Service Shop** (21)
 - Pet Services** (21)
 - Production Studio** (21)
 - Recreation Use** (21)
 - Retail Service** (21)
 - Service Shop** (21)
 - Take-out Eating Establishment** (21, 22)
 - (ii) replacing “**Retail Store** (12)” with “**Retail Store** (12, 21, 22)”;
 - (iii) arranging the amended list of uses with conditions in alphabetical order.

Explanatory Comment: Section 4 below contains the conditions that would apply to the variety of commercial units located on Major Streets in the R Zone, including (but not limited to) in apartment buildings.

4. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.10.20.100(21) so that it reads:
- (21) Art Gallery and Other Commercial and Non-Residential Uses on Major Streets
 In the R zone, an **art gallery, artist studio, eating establishment, club, education use, medical office, office, performing arts studio, personal service shop, pet services, production studio, recreation use, religious education use, retail store, retail service, service shop** or a **takeout eating establishment** must be located in a **non-residential building** or a permitted **residential building** type on a **lot** abutting a major **street** on the Policy Area Overlay Map, subject to the following:
- (A) the **building** must be on a **lot** with a **front lot line** or **side lot line** abutting a major **street** on the Policy Areas Overlay Map;
 - (B) the **interior floor area** dedicated to the uses must comply with the following:
 - (i) The **interior floor area** of an individual establishment may not exceed 150 square metres;
 - (i) If located in a **building** other than an **apartment building**, the total **interior floor area** of the uses may not exceed 250 square metres

- (ii) If located in an **apartment building**, the total **interior floor area** of the uses may not exceed 400 square metres
 - (iii) If located in an **apartment building**, the uses may not occupy, in total, more than 85% of the interior floor area of the first **storey** of the **building**;
- (C) the calculation of total **interior floor area** is reduced by the area in the **building** used for:
 - (i) the same **building** areas as provided for in the calculation of **gross floor area** for an **apartment building** in regulation 10.5.40.40(4); and
 - (ii) in the case of an **eating establishment** or a **take-out eating establishment**, the areas use for associated offices, storage rooms, and staff rooms located in the basement.
- (D) the uses must not be located above the first **storey** of the **building** with the exception of the following uses, which may be located below, on or above the first **storey** of the **building**, provided that any **premises** located above the first **storey** must not share access with any residential uses on the same **storey**: Medical Office, Office, **Education Use**;
- (E) each individual use must have a main pedestrian entrance:
 - (i) located parallel to and within 5.0 metres of the **lot line** abutting the Major **Street**; and
 - (ii) within 0.2 metres of the ground measured at the **lot line** abutting the **street** directly opposite the entrance;
 - (iii) if not level with the public sidewalk closest to the entrance, is accessed by a ramp which rises no more than 0.04 metres vertically for every 1.0 metre horizontally.
- (F) All waste and **recyclable material** associated with the non-residential uses must be stored in a wholly enclosed **building**;
- (G) the area for the outdoor sale or display of goods or commodities may not be located in areas required for parking, loading, driveways or outdoor amenity space.
- (H) for the purposes of regulations 10.10.20.10(1) and 10.10.20.40(1), a **building** that contains a **dwelling unit** and a non-residential use that complies with (A) to (G) above may be considered a permitted **residential building** type despite the **building** type definitions in Chapter 800, as follows:
 - (i) if a **lawfully existing building** was originally constructed as a permitted **residential building** type, the **building** remains that **residential building** type; or
 - (ii) the **residential building** type that the **building** would be defined as if it did not contain the non-residential use;
- (I) In an **apartment building**, the first **storey** of the building must have a minimum height of 3.8 metres;

Explanatory Comment: Section 5 below contains the conditions that would apply to a more limited range of commercial uses permitted to be located on corner lots or adjacent to parks or non-residential zones in the R Zone.

5. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.10.20.100(22) so that it reads:

(22) Retail Store – Corner Lot and Adjacent to Non-Residential Uses

In the R zone, a **Retail Store** may be located in a **non-residential building** or a permitted **residential building** type on a **lot** that does not abut a major **street** on the Policy Areas Overlay Map, subject to the following:

- (A) the **lot** must be:
 - (i) a **corner lot**,
 - (ii) a **lot** abutting a **park** or a **public school** that fronts on the same **street**; or
 - (iii) a **lot** abutting a **lot** that fronts on the same **street** and that is in the Commercial Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category, or Institutional Zone category;
- (B) the use must be the only non-residential use in the **building**;
- (C) the **interior floor area** dedicated to the use must not exceed 110 square metres;
- (D) the use must not be located above the first **storey** of the **building**;
- (E) an area for outdoor sales or display must not exceed 10 square metres;
- (F) an area for outdoor sales or display must not be located in areas required for parking, loading, **driveways** or outdoor **amenity space**.
- (G) All waste and **recyclable material** associated with the non-residential use must be stored in a wholly enclosed **building**;
- (H) A **retail store** may include an ancillary **eating establishment** or **take-out eating establishment**, provided that the preparation and sale of food and beverages is limited to hot beverages and low-risk or pre-packaged, ready-to-eat food items;
- (I) for the purposes of regulations 10.10.20.10(1) and 10.10.20.40(1), a **building** that contains a **dwelling unit** and a non-residential use that complies with (A) to (I) above may be considered a permitted **residential building** type despite the **building** type definitions in Chapter 800, as follows:
 - (i) if a **lawfully existing building** was originally constructed as a permitted **residential building** type, the **building** remains that **residential building** type; or
 - (ii) the **residential building** type that the **building** would be defined as if it did not contain the non-residential use;

Explanatory Comment: Sections 6 to 9 below contains additional conditions that would apply to specific types of uses, including ABMs, Market Gardens and Outdoor Sales or Display Areas, Outdoor Patios and Eating Establishments.

6. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.10.20.100(23) so that it reads:
 - (23) Automated Banking Machines
In the R zone, an **automated banking machine** must be located in a **building**;

7. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.10.20.100(24) so that it reads:
 - (24) Outdoor Sales or Display
In the R zone, the outdoor sale or display of goods or commodities on a **lot** abutting a **major street** on the Policy Area Overlay Map is subject to the following:
 - (A) the outdoor sale or display of goods or commodities in combination with a permitted use inside a **building** may be located abutting that use if the area for the outdoor sale or display of those goods or commodities does not exceed 10 square metres;
 - (B) the goods or commodities may not be displayed closer to a **rear lot line** or a **side lot line** than:
 - (i) 0.0 metres where the **lot line** abuts a **street**; and
 - (ii) 7.5 metres in all other cases;
 - (C) the area for the outdoor sale or display of goods or commodities may not be located in areas required by this By-law for parking, loading, driveways or outdoor **amenity space**.

8. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.10.20.100(25) so that it reads:
 - (25) Outdoor Patio
In the R Zone, an **outdoor patio**:
 - (A) 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**:

Eating Establishment;
Retail Store; and
Take-out Eating Establishment;
 - (B) may have a maximum area of 10 square metres;
 - (C) may not be used to provide entertainment such as performances, music and dancing;

- (D) is not permitted above the first **storey** of a **building**;
- (E) must be set back at least 1 metre from a **lot line** that abuts a **lot** in the Residential Zone category;
- (F) in the **rear yard** of a **lot** that abuts a **lot** in the Residential Zone category, the **outdoor patio** must have a fence installed along the **rear lot line** or the portion of the **outdoor patio** parallel to the **rear lot line**. In the **side yard** of a **lot** that abuts a **lot** in the Residential Zone category, the **outdoor patio** must have a fence installed along the **side lot line** or the portion of the **outdoor patio** parallel to the **side lot line**;

9. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.10.20.100(26) so that it reads:

(26) Market Gardens

In the R zone, a **market garden** may not be used for the growing and harvesting of shrubs or trees for the purpose of sale;

SECTION BREAK

Explanatory Comment: Sections 10 to 16 below amends the RD Zone use permissions to add permitted uses with conditions allowing a variety of commercial units on Major Streets and corner lots in RD Zones, generally in keeping with the uses and conditions added for the R Zone as set out in Sections 3 to 9 above.

10. Zoning By-law 569-2013, as amended, is further amended by amending Regulation 10.20.20.20(1) as follows:

(i) adding the following uses with conditions:

- Art Gallery** (18)
- Artist Studio** (18)
- Automated Banking Machine** (20)
- Club** (18)
- Eating Establishment** (18, 19, 23)
- Education Use** (18)
- Market Garden** (21)
- Medical Office (18)
- Office (18)
- Outdoor Patio** (22)
- Outdoor Sales and Display (21)
- Performing Arts Studio** (18)
- Personal Service Shop** (18)

Pet Services (18)
Production Studio (18)
Recreation Use (18)
Retail Service (18)
Retail Store (18, 19)
Service Shop (18)
Take-out Eating Establishment (18, 19)

(ii) arranging the amended list of uses in alphabetical order.

11. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.20.20.100(18) so that it reads:

(18) Art Gallery and Other Commercial and Non-Residential Uses on Major Streets

In the RD zone, an **art gallery, artist studio, club, eating establishment, education use, medical office, office, performing arts studio, personal service shop, pet services, production studio, recreation use, religious education use, retail store, retail service, service shop** or a **takeout eating establishment** must be located in a **non-residential building** or a permitted **residential building** type on a **lot** abutting a major **street** on the Policy Area Overlay Map, subject to the following:

- (A) the **building** must be on a **lot** with a **front lot line** or **side lot line** abutting a major **street** on the Policy Areas Overlay Map;
- (B) the **interior floor area** for an individual establishment must comply with the following:
- (i) The **interior floor area** of an individual establishment may not exceed 150 square metres;
 - (ii) If located in a **building** other than an **apartment building**, the total **interior floor area** of the uses may not exceed 250 square metres
 - (iii) If located in an **apartment building**, the total **interior floor area** of the uses may not exceed 400 square metres
 - (iv) If located in an **apartment building**, the uses may not occupy, in total, more than 85% of the interior floor area of the first **storey** of the **building**;
- (C) the calculation of total **interior floor area** is reduced by the area in the **building** used for:
- (i) the same **building** areas as provided for in the calculation of gross floor area for an **apartment building** in regulation 10.5.40.40(4); and
 - (ii) in the case of an **eating establishment** or a **take-out eating establishment**, the areas use for associated offices, storage rooms, and staff rooms located in the basement.
- (D) they must not be located above the first **storey** of the **building** with the exception of the following uses, which may be located below, on or above the first **storey** of the **building**, provided that any **premises** located above the first **storey** must not share access with any

residential uses on the same **storey**: Medical Office, Office, **Education Use**;

- (E) each individual establishment must have a main pedestrian entrance:
 - (i) located parallel to and within 5.0 metres of the **lot line** abutting the Major **Street**; and
 - (ii) within 0.2 metres of the ground measured at the **lot line** abutting the **street** directly opposite the entrance;
 - (iii) if not level with the public sidewalk closest to the entrance, is accessed by a ramp which rises no more than 0.04 metres vertically for every 1.0 metre horizontally.
- (F) All waste and **recyclable material** associated with the non-residential uses must be stored in a wholly enclosed **building**;
- (G) the area for the outdoor sale or display of goods or commodities may not be located in areas required by this By-law for parking, loading, driveways or outdoor **amenity space**.
- (H) for the purposes of regulations 10.20.20.10(1) and 10.20.20.40(1), a **building** that contains a **dwelling unit** and a non-residential use that complies with (A) to (G) above may be considered a permitted **residential building** type despite the **building** type definitions in Chapter 800, as follows:
 - (i) if a **lawfully existing building** was originally constructed as a permitted **residential building** type, the **building** remains that **residential building** type; or
 - (ii) the **residential building** type that the **building** would be defined as if it did not contain the non-residential use;
- (I) In an **apartment building**, the first **storey** of the building must have a minimum height of 3.8 metres;

12. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.20.20.100(19) so that it reads:

(19) Retail Store – Corner Lot and Adjacent to Non-Residential Uses

In the RD zone, a **Retail Store** may be located in a **non-residential building** or a permitted **residential building** type on a **lot** that does not abut a major **street** on the Policy Areas Overlay Map, subject to the following:

- (A) the **lot** must be:
 - (i) a **corner lot**;
 - (ii) a **lot** abutting a **park** or a **public school** that fronts on the same **street**; or
 - (iii) a **lot** abutting a **lot** that fronts on the same **street** and that is in the Commercial Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category, or Institutional Zone category;

- (B) the use must be the only non-residential use in the **building**;
- (C) the **interior floor area** dedicated to the use must not exceed 110 square metres;
- (D) the use must not be located above the first **storey** of the **building**;
- (E) the use must not share access with any residential uses;
- (F) an area for outdoor sales or display must not exceed 10 square metres;
- (G) an area for outdoor sales or display must not be located in areas required for parking, loading, **driveways** or outdoor **amenity space**.
- (H) All waste and **recyclable material** associated with the non-residential use must be stored in a wholly enclosed **building**;
- (I) A **retail store** may include an ancillary **eating establishment** or **take-out eating** establishment, provided that the preparation and sale of food and beverages is limited to hot beverages and low-risk or pre-packaged, ready-to-eat food items;
- (J) for the purposes of regulations 10.20.20.10(1) and 10.20.20.40(1), a **building** that contains a **dwelling unit** and a non-residential use that complies with (A) to (I) above may be considered a permitted **residential building** type despite the **building** type definitions in Chapter 800, as follows:
 - (i) if a **lawfully existing building** was originally constructed as a permitted **residential building** type, the **building** remains that **residential building** type; or
 - (ii) the **residential building** type that the **building** would be defined as if it did not contain the non-residential use;

13. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.20.20.100(20) so that it reads:

- (20) Automated Banking Machines
 In the RD zone, an automated banking machine must be located in a **building**.

14. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.20.20.100(21) so that it reads:

- (21) Outdoor Sales or Display
 In the RD zone, the outdoor sale or display of goods or commodities on a **lot** abutting a **major street** on the Policy Area Overlay Map is subject to the following:

- (A) the outdoor sale or display of goods or commodities in combination with a permitted use inside a **building** may be located abutting that use if the area for the outdoor sale or display of those goods or commodities does not exceed 10 square metres;
- (B) the goods or commodities may not be displayed closer to a **rear lot line** or a **side lot line** than:
 - (i) 0.0 metres where the **lot line** abuts a **street**; and
 - (ii) 7.5 metres in all other cases;

(C) the area for the outdoor sale or display of goods or commodities may not be located in areas required by this By-law for parking, loading, driveways or outdoor **amenity space**.

15. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.20.20.100(22) so that it reads:

(22) Outdoor Patio

In the RD Zone, an **outdoor patio**:

(A) 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**:

Eating Establishment;

Retail Store; and

Take-out Eating Establishment;

(B) may have a maximum area of 10 square metres;

(C) may not be used to provide entertainment such as performances, music and dancing;

(D) is not permitted above the first **storey** of a **building**;

(E) must be set back at least 1 metre from a **lot line** that abuts a **lot** in the Residential Zone category;

(F) in the **rear yard** of a **lot** that abuts a **lot** in the Residential Zone category, the **outdoor patio** must have a fence installed along the **rear lot line** or the portion of the **outdoor patio** parallel to the **rear lot line**. In the **side yard** of a **lot** that abuts a **lot** in the Residential Zone category, the **outdoor patio** must have a fence installed along the **side lot line** or the portion of the **outdoor patio** parallel to the **side lot line**;

16. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.20.20.100(23) so that it reads:

(23) Market Gardens

In the RD zone, a **market garden** may not be used for the growing and harvesting of shrubs or trees for the purpose of sale;

Explanatory Comment: Sections 17 to 23 below amends the RS Zone use permissions to add permitted uses with conditions allowing a variety of commercial units on Major Streets and corner lots in RS Zones, generally in keeping with the uses and conditions added for the R Zone as set out in Sections 3 to 9 above.

17. Zoning By-law 569-2013, as amended, is further amended by amending Regulation 10.40.20.20(1) as follows:

(i) adding the following uses:

Art Gallery (18)

Artist Studio (18)

Club (18)
Automated Banking Machine (20)
Eating Establishment (18, 19, 23)
Education Use (18)
Market Garden (21)
Medical Office (18)
Office (18)
Outdoor Patio (22)
Outdoor Sales and Display (21)
Performing Arts Studio (18)
Personal Service Shop (18)
Pet Services (18)
Production Studio (18)
Recreation Use (18)
Retail Service (18)
Retail Store (18, 19)
Service Shop (18)
Take-out Eating Establishment (18, 19)

(ii) arranging the amended list of uses in alphabetical order.

18. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.40.20.100(18) so that it reads:

(18) Art Gallery and Other Commercial and Non-Residential Uses on Major Streets
In the RS zone, an **art gallery, artist studio, club, eating establishment, education use, medical office, office, performing arts studio, personal service shop, pet services, production studio, recreation use, religious education use, retail store, retail service, service shop** or a **takeout eating establishment** must be located in a **non-residential building** or a permitted **residential building** type on a **lot** abutting a major **street** on the Policy Area Overlay Map, subject to the following:

(A) the **building** must be on a **lot** with a **front lot line** or **side lot line** abutting a major **street** on the Policy Areas Overlay Map;

(B) the **interior floor area** dedicated to the uses must comply with the following:

(i) The **interior floor area** of an individual establishment may not exceed 150 square metres;

(ii) If located in a **building** other than an **apartment building**, the total **interior floor area** of the uses may not exceed 250 square metres

(iii) If located in an **apartment building**, the total **interior floor area** of the uses may not exceed 400 square metres

(iv) If located in an **apartment building**, the uses may not occupy, in total, more than 85% of the interior floor area of the first **storey** of the **building**;

(C) the calculation of total **interior floor area** is reduced by the area in the **building** used for:

- (i) the same **building** areas as provided for in the calculation of gross floor area for an **apartment building** in regulation 10.5.40.40(4); and
 - (ii) in the case of an **eating establishment** or a **take-out eating establishment**, the areas use for associated offices, storage rooms, and staff rooms located in the basement.
- (D) they must not be located above the first **storey** of the **building** with the exception of the following uses, which may be located below, on or above the first **storey** of the **building**, provided that any **premises** located above the first **storey** must not share access with any residential uses on the same **storey**: Medical Office, Office, **Education Use**;
- (E) each individual establishment must have a main pedestrian entrance:
- (i) located parallel to and within 5.0 metres of the **lot line** abutting the Major **Street**; and
 - (ii) within 0.2 metres of the ground measured at the **lot line** abutting the **street** directly opposite the entrance;
 - (iii) if not level with the public sidewalk closest to the entrance, is accessed by a ramp which rises no more than 0.04 metres vertically for every 1.0 metre horizontally.
- (F) All waste and **recyclable material** associated with the non-residential uses must be stored in a wholly enclosed **building**;
- (G) the area for the outdoor sale or display of goods or commodities may not be located in areas required by this By-law for parking, loading, driveways or outdoor **amenity space**.
- (H) for the purposes of regulations 10.40.20.10(1) and 10.40.20.40(1), a **building** that contains a **dwelling unit** and a non-residential use that complies with (A) to (G) above may be considered a permitted **residential building** type despite the **building** type definitions in Chapter 800, as follows:
- (i) if a **lawfully existing building** was originally constructed as a permitted **residential building** type, the **building** remains that **residential building** type; or
 - (ii) the **residential building** type that the **building** would be defined as if it did not contain the non-residential use;}
- (I) In an **apartment building**, the first **storey** of the building must have a minimum height of 3.8 metres;

19. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.40.20.100(19) so that it reads:

(19) Retail Store – Corner Lot and Adjacent to Non-Residential Uses

In the RS zone, a **Retail Store**, may be located in a **non-residential building** or a permitted **residential building** type on a **lot** that does not abut a major **street** on the Policy Areas Overlay Map, subject to the following:

- (A) the **lot** must be:
 - i. a **corner lot**;
 - ii. a **lot** abutting a **park** or a **public school** that fronts on the same **street**; or
 - iii. a **lot** abutting a **lot** that fronts on the same **street** and that is in the Commercial Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category, or Institutional Zone category;
- (B) the use must be the only non-residential use in the **building**;
- (C) the **interior floor area** dedicated to the use must not exceed 110 square metres;
- (D) the use must not be located above the first **storey** of the **building**;
- (E) the use must not share access with any residential uses;
- (F) an area for outdoor sales or display must not exceed 10 square metres;
- (G) an area for outdoor sales or display must not be located in areas required for parking, loading, **driveways** or outdoor **amenity space**.
- (H) All waste and **recyclable material** associated with the non-residential use must be stored in a wholly enclosed **building**;
- (I) A **retail store** may include an ancillary **eating establishment** or **take-out eating** establishment, provided that the preparation and sale of food and beverages is limited to hot beverages and low-risk or pre-packaged, ready-to-eat food items;
- (J) for the purposes of regulations 10.20.20.10(1) and 10.40.20.40(1), a **building** that contains a **dwelling unit** and a non-residential use that complies with (A) to (I) above may be considered a permitted **residential building** type despite the **building** type definitions in Chapter 800, as follows:
 - (i) if a **lawfully existing building** was originally constructed as a permitted **residential building** type, the **building** remains that **residential building** type; or
 - (ii) the **residential building** type that the **building** would be defined as if it did not contain the non-residential use;

20. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.40.20.100(20) so that it reads:

- (20) Automated Banking Machines
In the RS zone, an automated banking machine must be located in a **building**.

21. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.40.20.100(21) so that it reads:

- (21) Outdoor Sales or Display

In the RS zone, the outdoor sale or display of goods or commodities on a **lot** abutting a **major street** on the Policy Area Overlay Map is subject to the following:

- (A) the outdoor sale or display of goods or commodities in combination with a permitted use inside a **building** may be located abutting that use if the area for the outdoor sale or display of those goods or commodities does not exceed 10 square metres;
- (B) the goods or commodities may not be displayed closer to a **rear lot line** or a **side lot line** than:
 - (i) 0.0 metres where the **lot line** abuts a **street**; and
 - (ii) 7.5 metres in all other cases;
- (C) the area for the outdoor sale or display of goods or commodities may not be located in areas required by this By-law for parking, loading, driveways or outdoor **amenity space**.

22. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.40.20.100(22) so that it reads:

(22) Outdoor Patio

In the RS Zone, an **outdoor patio**:

- (A) 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**:
 - Eating Establishment;**
 - Retail Store;** and
 - Take-out Eating Establishment;**
- (B) may have a maximum area of 10 square metres;
- (C) may not be used to provide entertainment such as performances, music and dancing;
- (D) is not permitted above the first **storey** of a **building**;
- (E) must be set back at least 1 metre from a **lot line** that abuts a **lot** in the Residential Zone category;
- (F) in the **rear yard** of a **lot** that abuts a **lot** in the Residential Zone category, the **outdoor patio** must have a fence installed along the **rear lot line** or the portion of the **outdoor patio** parallel to the **rear lot line**. In the **side yard** of a **lot** that abuts a **lot** in the Residential Zone category, the **outdoor patio** must have a fence installed along the **side lot line** or the portion of the **outdoor patio** parallel to the **side lot line**;

23. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.40.20.100(23) so that it reads:

(23) Market Gardens

In the RS zone, a **market garden** may not be used for the growing and harvesting of shrubs or trees for the purpose of sale;

Explanatory Comment: Sections 24 to 30 below amends the RT Zone use permissions to add permitted uses with conditions allowing a variety of commercial units on Major Streets and corner lots in RT Zones, generally in keeping with the uses and conditions added for the R Zone as set out in Sections 3 to 9 above.

24. Zoning By-law 569-2013, as amended, is further amended by amending Regulation 10.60.20.20(1) as follows:

(i) adding the following uses:

- Art Gallery** (18)
- Artist Studio** (18)
- Automated Banking Machine** (20)
- Club** (18)
- Eating Establishment** (18, 19, 23)
- Education Use** (18)
- Market Garden** (21)
- Medical Office (18)
- Office (18)
- Outdoor Patio** (22)
- Outdoor Sales and Display (21)
- Performing Arts Studio** (18)
- Personal Service Shop** (18)
- Pet Services** (18)
- Production Studio** (18)
- Recreation Use** (18)
- Retail Service** (18)
- Retail Store** (18, 19)
- Service Shop** (18)
- Take-out Eating Establishment** (18, 19)

(ii) arranging the amended list of uses in alphabetical order.

25. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.60.20.100(18) so that it reads:

(18) Art Gallery and Other Commercial and Non-Residential Uses on Major Streets

In the RT zone, an **art gallery, artist studio, club, eating establishment, education use, medical office, office, performing arts studio, personal service shop, pet services, production studio, recreation use, religious education use, retail store, retail service, service shop** or a **takeout eating establishment** may be located in a **non-residential building** or a permitted **residential building** type on a **lot** abutting a major **street** on the Policy Area Overlay Map, subject to the following:

(A) the **building** must be on a **lot** with a **front lot line** or **side lot line** abutting a major **street** on the Policy Areas Overlay Map;

(B) the **interior floor area** dedicated to the uses must comply with the following:

- (i) The **interior floor area** of an individual establishment may not exceed 150 square metres;
 - (ii) If located in a **building** other than an **apartment building**, the total **interior floor area** of the uses may not exceed 250 square metres
 - (iii) If located in an **apartment building**, the total **interior floor area** of the uses may not exceed 400 square metres
 - (iv) If located in an **apartment building**, the uses may not occupy, in total, more than 85% of the interior floor area of the first **storey** of the **building**;
- (C) the calculation of total **interior floor area** is reduced by the area in the **building** used for:
- (i) the same **building** areas as provided for in the calculation of gross floor area for an **apartment building** in regulation 10.5.40.40(4); and
 - (ii) in the case of an **eating establishment** or a **take-out eating establishment**, the areas use for associated offices, storage rooms, and staff rooms located in the basement.
- (D) they must not be located above the first **storey** of the **building** with the exception of the following uses, which may be located below, on or above the first **storey** of the **building**, provided that any **premises** located above the first **storey** must not share access with any residential uses on the same **storey**: Medical Office, Office, **Education Use**;
- (E) each individual establishment must have a main pedestrian entrance:
- (i) located parallel to and within 5.0 metres of the **lot line** abutting the Major **Street**; and
 - (ii) within 0.2 metres of the ground measured at the **lot line** abutting the **street** directly opposite the entrance;
 - (iii) if not level with the public sidewalk closest to the entrance, is accessed by a ramp which rises no more than 0.04 metres vertically for every 1.0 metre horizontally.
- (F) All waste and **recyclable material** associated with the non-residential uses must be stored in a wholly enclosed **building**;
- (G) the area for the outdoor sale or display of goods or commodities may not be located in areas required by this By-law for parking, loading, driveways or outdoor **amenity space**.
- (H) for the purposes of regulations 10.60.20.10(1) and 10.60.20.40(1), a **building** that contains a **dwelling unit** and a non-residential use that complies with (A) to (G) above may be considered a permitted **residential building** type despite the **building** type definitions in Chapter 800, as follows:

- (i) if a **lawfully existing building** was originally constructed as a permitted **residential building** type, the **building** remains that **residential building** type; or
- (ii) the **residential building** type that the **building** would be defined as if it did not contain the non-residential use;

- (l) In an **apartment building**, the first **storey** of the building must have a minimum height of 3.8 metres;

26. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.60.20.100(19) so that it reads:

(19) Retail Store – Corner Lot and Adjacent to Non-Residential Uses

In the RT zone, a **Retail Store** may be located in a **non-residential building** or a permitted **residential building** type on a **lot** that does not abut a major **street** on the Policy Areas Overlay Map, subject to the following:

- (A) the **lot** must be:
 - (i) a **corner lot**;
 - (ii) a **lot** abutting a **park** or a **public school** that fronts on the same **street**; or
 - (iii) a **lot** abutting a **lot** that fronts on the same **street** and that is in the Commercial Zone category, Commercial Residential Zone category or Commercial Residential Employment Zone category, or Institutional Zone category;
- (B) the use must be the only non-residential use in the **building**;
- (C) the **interior floor area** dedicated to the use must not exceed 110 square metres;
- (D) the use must not be located above the first **storey** of the **building**;
- (E) the use must not share access with any residential uses;
- (F) an area for outdoor sales or display must not exceed 10 square metres;
- (G) an area for outdoor sales or display must not be located in areas required for parking, loading, **driveways** or outdoor **amenity space**.
- (H) All waste and **recyclable material** associated with the non-residential use must be stored in a wholly enclosed **building**;
- (I) a **retail store** may include an ancillary **eating establishment** or **take-out eating** establishment, provided that the preparation and sale of food and beverages is limited to hot beverages and low-risk or pre-packaged, ready-to-eat food items;
- (J) for the purposes of regulations 10.60.20.10(1) and 10.60.20.40(1), a **building** that contains a **dwelling unit** and a non-residential use that complies with (A) to (I) above may be considered a permitted **residential building** type despite the **building** type definitions in Chapter 800, as follows:
 - (i) if a **lawfully existing building** was originally constructed as a permitted **residential building** type, the **building** remains that **residential building** type; or
 - (ii) the **residential building** type that the **building** would be defined as if it did not contain the non-residential use;

27. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.60.20.100(20) so that it reads:

(20) Automated Banking Machines

In the RT zone, an automated banking machine must be located in a **building**.

28. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.60.20.100(21) so that it reads:

(21) Outdoor Sales or Display

In the RT zone, the outdoor sale or display of goods or commodities on a **lot** abutting a **major street** on the Policy Area Overlay Map is subject to the following:

- (A) the outdoor sale or display of goods or commodities in combination with a permitted use inside a **building** may be located abutting that use if the area for the outdoor sale or display of those goods or commodities does not exceed 10 square metres;
- (B) the goods or commodities may not be displayed closer to a **rear lot line** or a **side lot line** than:
 - (i) 0.0 metres where the **lot line** abuts a **street**; and
 - (ii) 7.5 metres in all other cases;
- (C) the area for the outdoor sale or display of goods or commodities may not be located in areas required by this By-law for parking, loading, driveways or outdoor **amenity space**.

29. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.60.20.100(22) so that it reads:

(22) Outdoor Patio

In the RT Zone, an **outdoor patio**:

- (A) 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**:
 - Eating Establishment;**
 - Retail Store;** and
 - Take-out Eating Establishment;**
- (B) may have a maximum area of 10 square metres;
- (C) may not be used to provide entertainment such as performances, music and dancing;
- (D) is not permitted above the first **storey** of a **building**;
- (E) must be set back at least 1 metre from a **lot line** that abuts a **lot** in the Residential Zone category;

- (F) in the **rear yard** of a **lot** that abuts a **lot** in the Residential Zone category, the **outdoor patio** must have a fence installed along the **rear lot line** or the portion of the **outdoor patio** parallel to the **rear lot line**. In the **side yard** of a **lot** that abuts a **lot** in the Residential Zone category, the **outdoor patio** must have a fence installed along the **side lot line** or the portion of the **outdoor patio** parallel to the **side lot line**;

30. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.60.20.100(23) so that it reads:

- (23) Market Gardens
In the RT zone, a **market garden** may not be used for the growing and harvesting of shrubs or trees for the purpose of sale;

Explanatory Comment: Sections 31 to 37 below amends the RM Zone use permissions to add permitted uses with conditions allowing a variety of commercial units on Major Streets and corner lots in RM Zones, generally in keeping with the uses and conditions added for the R Zone as set out in Sections 3 to 9 above.

31. By-law 569-2013, as amended, is further amended by amending Regulation 10.80.20.20(1) as follows:

- (i) adding the following uses:

Art Gallery (21)
Artist Studio (21)
Automated Banking Machine (23)
Club (21)
Eating Establishment (21, 22, 26)
Education Use (21)
Market Garden (24)
Medical Office (21)
Office (21)
Outdoor Patio (25)
Outdoor Sales and Display (24)
Performing Arts Studio (21)
Personal Service Shop (21)
Pet Services (21)
Production Studio (21)
Recreation Use (21)
Retail Service (21)
Retail Store (21, 22)
Service Shop (21)
Take-out Eating Establishment (21, 22)

- (ii) arranging the amended list of uses in alphabetical order.

32. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.80.20.100(21) so that it reads:

- (21) Art Gallery and Other Commercial and Non-Residential Uses on Major Streets
In the RM zone, an **art gallery, artist studio, club, eating establishment, education use,** medical office, office, **performing arts studio, personal**

service shop, pet services, production studio, recreation use, religious education use, retail store, retail service, service shop or a takeout eating establishment must be located in a **non-residential building** or a permitted **residential building** type on a **lot** abutting a major **street** on the Policy Area Overlay Map, subject to the following:

- (A) the **building** must be on a **lot** with a **front lot line** or **side lot line** abutting a major **street** on the Policy Areas Overlay Map;
- (B) the **interior floor area** dedicated to the uses must comply with the following:
 - (i) The **interior floor area** of an individual establishment may not exceed 150 square metres;
 - (ii) If located in a **building** other than an **apartment building**, the total **interior floor area** of the uses may not exceed 250 square metres
 - (iii) If located in an **apartment building**, the total **interior floor area** of the uses may not exceed 400 square metres
 - (iv) If located in an **apartment building**, the uses may not occupy, in total, more than 85% of the interior floor area of the first **storey** of the **building**;
- (C) the calculation of total **interior floor area** is reduced by the area in the **building** used for:
 - (i) the same **building** areas as provided for in the calculation of gross floor area for an **apartment building** in regulation 10.5.40.40(4); and
 - (ii) in the case of an **eating establishment** or a **take-out eating establishment**, the areas use for associated offices, storage rooms, and staff rooms located in the basement.
- (D) they must not be located above the first **storey** of the **building** with the exception of the following uses, which may be located below, on or above the first **storey** of the **building**, provided that any **premises** located above the first **storey** must not share access with any residential uses on the same **storey**: Medical Office, Office, **Education Use**;
- (E) each individual establishment must have a main pedestrian entrance:
 - (i) located parallel to and within 5.0 metres of the **lot line** abutting the Major **Street**; and
 - (ii) within 0.2 metres of the ground measured at the **lot line** abutting the **street** directly opposite the entrance;
 - (iii) if not level with the public sidewalk closest to the entrance, is accessed by a ramp which rises no more than 0.04 metres vertically for every 1.0 metre horizontally.
- (F) All waste and **recyclable material** associated with the non-residential uses must be stored in a wholly enclosed **building**;

- (G) the area for the outdoor sale or display of goods or commodities may not be located in areas required by this By-law for parking, loading, driveways or outdoor amenity space.
- (H) for the purposes of regulations 10.80.20.10(1) and 10.80.20.40(1), a **building** that contains a **dwelling unit** and a non-residential use that complies with (A) to (G) above may be considered a permitted **residential building** type despite the **building** type definitions in Chapter 800, as follows:
 - (i) if a **lawfully existing building** was originally constructed as a permitted **residential building** type, the **building** remains that **residential building** type; or
 - (ii) the **residential building** type that the **building** would be defined as if it did not contain the non-residential use;
- (I) In an **apartment building**, the first **storey** of the building must have a minimum height of 3.8 metres;

33. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.80.20.100(22) so that it reads:

(22) Retail Store – Corner Lot and Adjacent to Non-Residential Uses

In the RM zone, a **Retail Store** may be located in a **non-residential building** or a permitted **residential building** type on a **lot** that does not abut a major **street** on the Policy Areas Overlay Map, subject to the following:

- (A) the **lot** must be:
 - (i) a **corner lot**;
 - (ii) a **lot** abutting a **park** or a **public school** that fronts on the same **street**, or
 - (iii) a **lot** abutting a **lot** that fronts on the same **street** and that is in the Commercial Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category or Institutional Zone category;
- (B) the use must be the only non-residential use in the **building**;
- (C) the **interior floor area** dedicated to the use must not exceed 110 square metres;
- (D) the use must not be located above the first **storey** of the **building**;
- (E) the use must not share access with any residential uses;
- (F) an area for outdoor sales or display must not exceed 10 square metres;
- (G) an area for outdoor sales or display must not be located in areas required for parking, loading, **driveways** or outdoor **amenity space**.
- (H) All waste and **recyclable material** associated with the non-residential use must be stored in a wholly enclosed **building**;
- (I) A **retail store** may include an ancillary **eating establishment** or **take-out eating** establishment, provided that the preparation and sale of food and beverages is limited to hot beverages and low-risk or pre-packaged, ready-to-eat food items;

- (J) for the purposes of regulations 10.80.20.10(1) and 10.80.20.40(1), a **building** that contains a **dwelling unit** and a non-residential use that complies with (A) to (I) above may be considered a permitted **residential building** type despite the **building** type definitions in Chapter 800, as follows:
 - (i) if a **lawfully existing building** was originally constructed as a permitted **residential building** type, the **building** remains that **residential building** type; or
 - (ii) the **residential building** type that the **building** would be defined as if it did not contain the non-residential use;

34. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.80.20.100(23) so that it reads:

- (23) Automated Banking Machines
In the RM zone, an automated banking machine must be located in a **building**.

35. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.80.20.100(24) so that it reads:

- (24) Outdoor Sales or Display
In the RM zone, the outdoor sale or display of goods or commodities on a **lot** abutting a **major street** on the Policy Area Overlay Map is subject to the following:
 - (A) the outdoor sale or display of goods or commodities in combination with a permitted use inside a **building** may be located abutting that use if the area for the outdoor sale or display of those goods or commodities does not exceed 10 square metres;
 - (B) the goods or commodities may not be displayed closer to a **rear lot line** or a **side lot line** than:
 - (i) 0.0 metres where the **lot line** abuts a **street**; and
 - (ii) 7.5 metres in all other cases;
 - (C) the area for the outdoor sale or display of goods or commodities may not be located in areas required by this By-law for parking, loading, driveways or outdoor **amenity space**.

36. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.80.20.100(25) so that it reads:

- (25) Outdoor Patio
In the RM Zone, an **outdoor patio**:
 - (A) 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**:
Eating Establishment;

**Retail Store; and
Take-out Eating Establishment;**

- (B) may have a maximum area of 10 square metres;
- (C) may not be used to provide entertainment such as performances, music and dancing;
- (D) is not permitted above the first **storey** of a **building**;
- (E) must be set back at least 1 metre from a **lot line** that abuts a **lot** in the Residential Zone category;
- (F) in the **rear yard** of a **lot** that abuts a **lot** in the Residential Zone category, the **outdoor patio** must have a fence installed along the **rear lot line** or the portion of the **outdoor patio** parallel to the **rear lot line**. In the **side yard** of a **lot** that abuts a **lot** in the Residential Zone category, the **outdoor patio** must have a fence installed along the **side lot line** or the portion of the **outdoor patio** parallel to the **side lot line**;

37. Zoning By-law 569-2013, as amended, is further amended by adding regulation 10.80.20.100(26) so that it reads:

(26) Market Gardens

In the RM zone, a **market garden** may not be used for the growing and harvesting of shrubs or trees for the purpose of sale;

Explanatory Comment: Sections 38 and 39 relate to regulations governing how ancillary entertainment uses can be combined with an Eating Establishment, which are located under Section 150.100 Specific Use Regulations for Eating Establishments, to be consistent with their location for other zone types pursuant to the recently approved Night Economy Zoning By-law 1329-2023. No combined uses are permitted for eating establishments zoned under the Residential Zone category, and as a housekeeping matter the existing restrictions for the RAC zone would be moved to Section 150.100.

38. Zoning By-law 569-2013, as amended, is further amended by replacing regulation 15.20.20.100(7) so that it reads:

(7) Eating Establishments

In the RAC zone, an **eating establishment** must comply with the specific use regulations in Section 150.100;

39. Zoning By-law 569-2013, as amended, is further amended by adding to 150.100.20.1(1) regulations (F) and (G) so that they read:

- (F) In the Residential Zone category, entertainment areas, including **amusement arcades**, a dance floor, stage, standing audience area, disc jockey area, sound room or karaoke room, or **recreation use**, are not permitted in an **eating establishment**;

- (G) In the RAC zone, the following may occupy a maximum of 6 percent of the total **interior floor area** of the **eating establishment** to a maximum of 12 square metres:
- (i) an **amusement arcade**;
 - (ii) dance floor;
 - (iii) stage;
 - (iv) standing audience area;
 - (v) disc jockey area;
 - (vi) sound room or karaoke room;
 - (vii) a **recreation use**; and
 - (viii) any other entertainment area;