

Outdoor Commercial Patios (Section 85)

85. (1) (a) An outdoor commercial patio is permitted in any zone other than a residential zone, where associated with a permitted use.
- (b) An outdoor commercial patio is not required to be on the same lot as its associated primary use but must be located within the same city block as or directly across the street from the associated use.” (By-law 2021-406)
- (2) An outdoor commercial patio is prohibited in association with any **adult entertainment parlour**.
- (3) (a) Where an outdoor commercial patio is within 30 m of a residential zone, it is not permitted to be served by an amplified system, directly or indirectly, for music or entertainment purposes.
- (b) Where an outdoor commercial patio abuts a residential zone, is within 30 m of that zone and is not physically separated by a building, it must be screened from that zone by a structure, screen or wall that is at least 2 m in height.(By-law 2021-406)
- (4) (a) Outdoor commercial patios must not encroach on or eliminate an accessible parking space as defined under the Traffic and Parking By-law.
- (b) An outdoor commercial patio is deemed not to be in non-compliance with the requirements of Section 101 as a result of any encroachment on required parking spaces, except as per subsection (4)(a). (By-law 2021-406)
- (5) No additional parking is required for an outdoor commercial patio. (By-law 2012-334)
- (6) No portion of an outdoor commercial patio may be located at an elevation higher than two metres above ground level in the LC, GM, TM and VM zones as well as in the MD2 and MD3 subzones affecting the By Ward Market as shown on Schedule 8. (By-law 2012-334)