

## **REGULATIONS FOR PATIOS**

The Former City of Toronto, Toronto Municipal Code, Chapter 313-36 governs processing of applications and issuance of permits for boulevard cafés on the public property. The Chapter applies to the city wards within former City of Toronto. The bylaw includes a number of restrictions and requirements that apply to cafes located on the commercial frontage and flankage streets of businesses wishing to establish a cafe.

Municipal Licensing and Standards, Licensing Services administers a two-tier boulevard café permitting fee scheme: an application processing fee is collected at the time of the submission of the application, and the permit fee is collected at the time of the permit issuance. The permit is issued annually from April 1 to March 31, and one fee is payable for the entire year, regardless if the patio is in daily use or it is not. The fees, however, are pro-rated to take into account the permit's issuance and expiry dates. For example, if the permit is issued on June 1, it will bear an expiry date of March 31, and, in such case, the applicant will pay a pro-rated fee covering ten months of the permit's validity. The permit fees are calculated based on square metres occupied on the City sidewalk and location.

**Area 1** - area bounded by and including York Street, University Avenue, Dundas Street West and East, Victoria Street, Colborne Street, Church Street, The Esplanade, Yonge Street and the Lakefront.

**Fee \$83.42 per sq metre**

**Area 2** – area bounded by and including Spadina Avenue, Spadina Rd, Crescent, Bloor Streets West and East, Sherbourne Street, Lower Sherbourne Street and the Lakefront,

(b) The area bounded by and including Spadina Avenue, Dundas Street West, Bathurst Street and College Street.

(c) Yonge Street, from Bloor Street to north City limit.

(d) St. Clair Avenue East and West, from Avoca Avenue to Avenue Road.

(e) Eglinton Avenue East and West, from Mount Pleasant Road to Duplex Avenue.

**Fee \$41.69 per sq metre**

**Area 3** - being any portion or portions of the boulevard proposed to be used within any area not in Area 1 or Area 2.

**Fee \$20.22 per sq metre**

### **COMMERCIAL FRONTAGES**

- Where the application is for a boulevard cafe to be located on a commercial frontage, the Commissioner shall prepare a notice advising of the application and shall post the notice on the property in a manner so that the notice is visible to passersby, for a period of not less than fourteen (14) days before a date specified by the Commissioner.
- The occupation of the sidewalk or boulevard shall extend no closer to the curb of the roadway than 2.13 metres or at a further distance from the roadway as may be determined by the Commissioner.
- In order to sustain unimpeded pedestrian traffic movement where utility poles, parking metres, trees, benches, tree pits or other similar things are located within the proposed café area, the required setback is measured by the street installation in order to sustain unimpeded pedestrian traffic movement.
- The owner or occupant of every boulevard cafe shall provide in conjunction with the boulevard cafe a fence as follows:
  - The fence shall provide at least one (1) entrance having a width of not less than one (1) metre that is located and designed so as to permit easy access by a person in a wheelchair.
  - The fence shall not be located less than one (1) metre from any fire hydrant
  - The height of the railing of the fence shall not be less than nine-tenths (0.9) metre or more than one and two-tenths (1.2) metres.
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  - The fence may be free-standing if its supports do not project beyond the limits of the boulevard cafe area, or the fence may be supported on removable plates anchored to the paved surface of the boulevard cafe area, but any post shall not penetrate below the surface grade and footings shall not be used.
- The fence shall be removed from within the street allowance during any period when the boulevard cafe operation is not in regular daily use.

## **RESIDENTIAL FLANKAGES**

- Where the application is for a boulevard cafe to be located on a residential flankage, a poll is conducted under Chapter 190, Polling and Notification Procedures.
- The owner or occupant shall:
- Ensure the boulevard cafe is closed and cleared by 11:00 p.m. or, where Council has authorized extended hours of operation, the closing time as authorized by Council. (b) Ensure there is no outdoor music or amplified sound.
- Ensure doors and windows located on the residential flankage of the refreshment establishment shall not be left open or propped open while there is music or amplified sound in the interior.
- Erect visual barriers satisfactory to the Commissioner between the boulevard cafe and the abutting residential area.
- Maintain a minimum separation of one (1) metre between the boulevard cafe perimeter and any entrance to a dwelling unit located within an adjacent building or within the building containing the refreshment establishment.
- Ensure that no part of the boulevard cafe is less than twenty-five (25) metres from a residential zone.
- Ensure that there is a minimum separation of six (6) metres between the boulevard cafe perimeter and the extended boundary of a residential zone district containing properties fronting on the opposite side of the street across from the proposed boulevard cafe.

### **Tree Planting for Cafes on flankages**

(a) where the applicant is notified by the City, the applicant shall arrange with EDCT for an inspection for one tree installation at the location;

(b) the decision on the feasibility of tree planting is to be made by EDCT and its decision is final.

(c) should the installation inspection by EDCT find that the location is suitable for tree planting, EDCT will advise the applicant;

(d) where EDCT has advised that the location is suitable for a tree to be planted, the applicant shall pay to the City a non-refundable fee in the amount of \$3,000.00 for the planting of a tree by the City; and

- (e) the licence will not be granted until the fee for the tree installation has been collected by the City.

## **APPEALS**

- Where an application has been refused by the Commissioner, the applicant may appeal the refusal in writing within 30 days under § 313-77.
- Where a refusal is appealed in writing under § 313-77, a report to the Committee (Community Council) setting out the grounds for refusal of the application, which shall be considered in conjunction with the appeal.

## **City of Toronto, Municipal Licensing & Standards, Licensing Services**

Website <http://www.toronto.ca/licensing/pdf/chpt313.pdf>

### **The Road Allowance Unit**

East York Civic Centre  
850 Coxwell Avenue, Third Floor  
Toronto, ON M4C 5R1  
Information line: 416-392-6700  
Fax number: 416-338-7225  
Business hours:  
Monday - Friday  
8:30 a.m. - 4:00 p.m.

***Please make your application in person and bring all required documents and payments.***