

Authority: Executive Committee Item EX2.4,
adopted as amended by City of Toronto Council on
February 7 and 8, 2023
City Council voted in favour of this by-law on February 8,
2023
Written approval of this by-law was given by Mayoral
Decision 2-2023 dated February 8, 2023

CITY OF TORONTO

BY-LAW 162-2023

To amend City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, City of Toronto Municipal Code Chapter 937, Temporary Closing of Highways, and City of Toronto Municipal Code Chapter 441, Fees and Charges, to update the regulations on sidewalk cafés in the City of Toronto.

Whereas City Council wishes to update the regulations for sidewalk cafés on highways in the City of Toronto;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, is amended as follows:

- a. replacing the phrase "parklet café" with the phrase "curb lane café" wherever it appears;
- b. deleting the definition for "PARKLET CAFÉ" from § 742-1.1 and adding the following definitions to § 742-1.1 in alphabetical order:

AMPLIFIED LIVE MUSIC PERFORMANCE – A live performance for an audience by an individual musical artist or group of musical artists on physical or digital instruments, but excludes the playback of any recorded music without the active use of an instrument;

CURB LANE CAFÉ – A sidewalk café that is a temporary lateral projection into the curb lane, parking lane, designated lane for bicycles or cycle track of a street;

- c. adding the word "Metrolinx" after the phrase "Toronto Hydro," in § 742-3.2A(3);
- d. amending § 742-5.1C so it reads as follows:

C. A permit will not be renewed if the permit holder is in violation of this Chapter, violated this Chapter during the previous term of the permit, has unpaid fees or fines under this Chapter, or cannot produce a certificate of insurance for the permit area. A violation of this Chapter may include not complying with one or more conditions on their permit, having their permit suspended and/or having been issued an order under this Chapter.

- e. adding the phrase "and in no case wider than 2.0 metres" to the end of § 742-7.2;
- f. amending § 742-9.4 so it reads as follows:

§ 742-9.4. Extended frontage permit areas.

- A. The Executive Director may allow a permit area for a marketing display or sidewalk café (other than a curb lane café) to extend across the front of an adjacent property where an applicant or permit holder has provided the Executive Director with a letter of consent, in a form satisfactory to the Executive Director, from the adjacent property owner or occupant across whose area the permit area will extend.
- B. Should the Executive Director receive a letter from an adjacent property owner or occupant revoking a consent provided under Subsection A, the Executive Director will amend the permit area to remove the portion of the permit area which extends across the front of that adjacent property.
- C. The reduction in permit area in Subsection B will be effective as of:
 - (1) the next permit renewal date where the letter revoking consent is received by the Executive Director at least 45 days in advance of that next permit renewal date; or
 - (2) Where the letter revoking consent is received by the Executive Director less than 45 days in advance of the next permit renewal date, at the first permit renewal date subsequent to that next permit renewal date.
- D. Despite Subsection A, where an applicant or permit holder has sought to contact the adjacent property owner through reasonable methods and has not received a response, the Executive Director may allow a permit area for a marketing display or sidewalk café to extend across the front of that adjacent property where an applicant or permit holder has provided the Executive Director with proof in a form satisfactory to the Executive Director of their efforts to contact the adjacent property owner.
- E. Should the Executive Director receive a letter from the adjacent property owner or occupant objecting to a permit area extension granted under Subsection D, the Executive Director will amend the permit area to remove the portion of the permit area which extends across the front of that adjacent property, and the reduction in permit area will be effective as of 30 days after notice is provided to the permit holder.
- F. Despite Subsections A to E, the Executive Director may allow a permit area for a curb lane café in a Business Improvement Area to extend across the curb lane or parking area of an adjacent property where an applicant or permit holder has received an approval from the General Manager and the

General Manager Economic Development and Culture through the pilot program described in Subsection G.

- G. The General Manager and General Manager, Economic Development and Culture, may establish a pilot program from February 15, 2023 to October 15, 2024, inclusive, to allow for the expansion of curb lane café permit areas in front of a neighbouring property in a Business Improvement Area. In establishing the pilot program, the General Managers shall:
- (1) Determine which Business Improvement Area(s) a permit area must be in to be eligible for participation in the pilot program;
 - (2) Establish appropriate guidelines for review and approval of expansion requests by the General Managers, including:
 - (a) A requirement for the requested expansion area to be within and in accordance with a street plan prepared by the local Business Improvement Area board of management and approved by the City; and
 - (b) Requiring permit holders to otherwise be in compliance with this Chapter
 - (3) Define location, size and length requirements for expansion areas, having regard to:
 - (a) Balancing multiple uses of the highway;
 - (b) The number of contiguous and/or adjacent permit areas;
 - (c) The nature of the use of the neighbouring properties; and
 - (d) Applicable traffic safety and accessibility requirements.
- H. Despite Subsections A to E, the Executive Director may allow a permit area for a curb lane café not in a Business Improvement Area to extend across the curb lane or parking area of an adjacent property where the following requirements are met:
- (1) the permit area is no longer than 12 m in length;
 - (2) the adjacent property does not have a permit area; and
 - (3) all other requirements of Article 10 are met.
- g. Deleting the word "sidewalk" from § 742-9.5B and replacing it with the word "curbside".

- h. Adding a new § 742-9.5C as follows:
- C. All curb lane café and public parklet permit holders shall remove all elements including fencing from the permit area, at the sole expense of the permit holder, from October 15 of one year to May 14 of the next year, inclusive.
- i. Amending § 742-9.7A(3) so it reads as follows:
- (3) is removed in accordance with this Chapter unless the frontage café or marketing display is permitted to remain on a sidewalk year-round.
- j. Amending § 742-9.9C so it reads as follows:
- C. Despite Subsection A, amplified sound on a sidewalk café is permitted if:
- (1) the amplified sound is an amplified live music performance;
 - (2) the amplified live music performance occurs only between the hours of:
 - (a) 5:00 p.m. to 10:00 p.m. on Thursday or Friday;
 - (b) Noon to 10:00 p.m. on Saturday; or
 - (c) Noon to 6:00 p.m. on Sunday;
 - (3) the permit area is not located on a local road;
 - (4) the permit holder has not been convicted of an offence under the City of Toronto Municipal Code or provincial legislation in the previous 12 months; and
 - (5) the permit holder complies with Chapter 591, Noise, at all times.
- k. Deleting § 742-10.2A(2) and replacing it as follows:
- (2) is not in a location that interferes with:
- (a) a designated parking space under Municipal Code Chapter 903, Parking for Persons with Disabilities;
 - (b) local roads within a permit parking area;
 - (c) passenger loading zones;
 - (d) bus parking zones;

- (e) bus loading zones;
 - (f) school bus loading zones;
 - (g) delivery vehicle parking zones;
 - (h) commercial loading zones;
 - (i) car-share vehicle parking areas;
 - (j) electric vehicles charging station parking;
 - (k) reserved lanes for designated classes of vehicles; or
 - (l) a portion of the highway designated as parking for restricted periods where the maximum period permitted is 30 minutes or less;
- l. Deleting § 742-10.2A(3).
- m. Adding the phrase "or separation distances provided in prior written approval given by the relevant utility or service" to the end of § 742-10.2A(9).
- n. Amending § 742-10.3B so that it reads as follows:
- B. Permit holders shall ensure that all curbside cafés have full perimeter fencing or cane-detectable planters for the visually-impaired, with gaps only for accessible entrances.
- o. Adding the phrase "café or" before the word "parklet" wherever "parklet" appears in subsections 742-10.4A(1) to (8) and subsections 742-10.4B(1) to (12).
- p. Deleting § 742-10.4A(1) and replacing it as follows:
- (1) on only a major arterial, minor arterial, collector or local road;
- q. Deleting § 742-10.4A(7).
- r. Deleting § 742-10.4A(8) and replacing it as follows:
- (8) in accordance with the following set backs:
 - (a) with a minimum 1.5 metre set back from the adjacent travel lane on a street with streetcar tracks; or
 - (b) with a minimum 1.2 metre set back from the adjacent travel lane on any other street; or

- (c) a greater set back from the adjacent travel lane as determined by the General Manager if considered on a street where posted and operating speeds are greater than 40 kilometres/hour.
- s. Deleting the phrase "from November 15 of one year to April 14 of the next year, inclusive" and replacing it with the phrase "required by this Chapter" in § 742-10.4B(11).
- t. Adding a new § 742-10.4B(13) and § 742-10.4B(14) as follows:
 - (13) include at least one 1.0-metre wide access point:
 - (a) for each permit area;
 - (b) for every 15 metres of continuous vertical barrier; and/or
 - (c) at any other access point required by the General Manager to ensure unobstructed street level building emergency access;
 - (14) do not obstruct a fire hydrant.
- u. Adding a new § 742-10.4C as follows:
 - C. Despite subsections B(6) and (7), curb lane café and public parklet permit holders will not be required to install a platform in their permit area from May 15, 2023 to July 31, 2023, inclusive, or an applicable portion of that period, if the permit holder:
 - (1) Has submitted a platform plan designed, signed and stamped from a professionally licensed designer by July 1, 2023 showing a platform complying with subsections B(6) and (7) the permit holder will install in their permit area in accordance with subsection C(3);
 - (2) Installs a temporary ramp in the permit area which provides for safe access to the permit area and meets the following requirements during any period when a platform is not installed:
 - (a) Must be a minimum of 1.0 metre wide;
 - (b) Must have contrasting colours with the roadway and sidewalk;
 - (c) Must have a slip-resistant surface and be visible at night;
 - (d) Must be stable so that it does not shift or move when used;

- (e) Must be positioned to allow for adequate space at the bottom of the ramp for someone using a mobility device to turn and navigate into the café area;
 - (f) Must not be affixed to the sidewalk, curb edge or street with screws, bolts or any other materials; and
 - (3) Installs a platform in the permit area in accordance with subsections B(6) and (7) by no later than August 1, 2023.
- v. Amending § 742-10.6 so it reads as follows:
§ 742-10.6. Visual screens.
 - A. Permit holders for a frontage café located on a local road must have a visual screen on the edge of the permit area facing any residential area that meets the following requirements:
 - (1) a maximum height of 1.8 metres and a minimum height of 1.5 metres; and
 - (2) not be installed in a permit area if the Executive Director or General Manager determines the visual screen poses a risk to the safety of any member of the public or obstructs or obscures a building entrance, traffic control sign or heritage building feature or sightlines for transit safety and operations.
- w. Amending § 742-10.7D(1) so it reads as follows:
 - (1) easily removable and located along the full perimeter of the permit area with gaps only for accessible entrances;
- x. Amending § 742-10.7D(5) so it reads as follows:
 - (5) designed to provide detectability for the visually-impaired by including at least one of the following features:
 - (a) lower rail height between 75 millimetres and 150 millimetres above the sidewalk surface with a contrasting colour to the sidewalk; or
 - (b) planter boxes with a detectable base that are spaced no more than 0.3 metres apart from each other except for the entrance; or
 - (c) a solid base that extends to or rests on the surface of the sidewalk with no gap;
- y. Deleting the phrase "on a local road" from § 742-10.12B;

z. Moving the "and" from the end of § 742-10.12C(6) to the end of § 742-10.12C(7) and adding a new § 742-10.12C(8) as follows:

(8) not exceed a height of 0.6 metres measured from the surface of the sidewalk.

aa. Adding a new § 742-10.13 as follows:

§ 742-10.13. Number of permit areas.

A. Each associated establishment:

- (1) may not have more than one curb lane café permit area;
- (2) may not have both a sidewalk café on a local road and a curb lane café on a different street.

bb. Deleting § 742-11.1A(8)(b) and replacing it as follows:

(b) in accordance with the following requirements:

- (i) No shorter than 0.9 metres and no taller than 1.2 metres for the height of the top rail of the fence or top of the opaque part of planters and plants;
- (ii) No taller than 0.9 metres in height for all opaque parts of the fence or planters with plants within 30 metres of any intersection to maintain sightlines;

cc. Adding a new § 742-11.1A(10) as follows:

(10) ensure all wheeled displays and display units are equipped with a wheel-locking mechanism or other provision to restrict the movement of the wheeled display or display unit.

dd. Adding a new § 742-14.3G as follows:

G. Where an order has been made under this section and a person or permit holder fails to comply with the order, that person or permit holder shall pay an inspection fee for each inspection conducted by the City subsequent to the order where the non-compliance is continued to be found.

ee. Deleting the content in Appendix B, Fee Zones, and replacing it with the following:

For the purpose of fees payable under this Chapter and Chapter 441, Fees and Charges, the zones shall be as follows:

There shall only be one zone City wide.

- ff. Adding a new Appendix C with the content found in Schedule A of this by-law.
2. City of Toronto Municipal Code Chapter 937, Temporary Closing of Highways, is amended by deleting the phrase "214 consecutive days from April 15 of one year to November 15 of that same year as required for the purposes of permitting parklet cafés" from § 937-3.13 and replacing it with the phrase "153 consecutive days from May 15 of one year to October 15 of that same year as required for the purposes of permitting curb lane cafés".
3. City of Toronto Municipal Code Chapter 441, Fees and Charges, is amended by:
- a. Adding the following to Appendix C – Schedule 2, Transportation Services:

Add to: Ref No.	Add to: Service Fee	Add to: Description	Add to: Category	Add to: Fee Basis	Add to: Fee	Add to: Annual Adjustment
172	Permits & Applications	Seasonal Fee: Curb Lane Café Permit	City Policy	Per Square Metre	\$132.42 ((\$43.70 in 2023) (\$87.40 in 2024)	Yes
173	Sidewalk Cafés, Parklets and Marketing Displays	Inspection fee	City Policy	Per Inspection	\$94.29	Yes

- b. Deleting the following from Appendix C – Schedule 12, Municipal Licensing and Standards:

Delete from: Ref No.	Delete from: Service Fee	Delete from: Description	Delete from: Category	Delete from: Fee Basis	Delete from: Fee	Delete from: Annual Adjustment
456	Licence and Permit Issuance	Annual Fee: Sidewalk Café Permit: Central Zone	Market Based	Per Square Metre	\$90.08	Yes

Delete from: Ref No.	Delete from: Service Fee	Delete from: Description	Delete from: Category	Delete from: Fee Basis	Delete from: Fee	Delete from: Annual Adjustment
458	Licence and Permit Issuance	Annual fee: Marketing Display permit: Central zone	Market Based	Per Square Metre	\$63.90	Yes
462	Licence and Permit Issuance	Monthly Fee Parklet Café Central Zone	Market Based	Each Parking Space	\$1,093.00 **subject to increase in accordance with Toronto Parking Authority	No
463	Licence and Permit Issuance	Monthly Fee Parklet Café Outer Zone	Market Based	Each Parking Space	\$683.00 **subject to increases in accordance with Toronto Parking Authority	No

- c. Adding the following to Appendix C – Schedule 12, Municipal Licensing and Standards:

Add to: Ref No.	Add to: Service Fee	Add to: Description	Add to: Category	Add to: Fee Basis	Add to: Fee	Add to: Annual Adjustment
455	Licence and Permit Issuance	Application Fee: Sidewalk Café Permit	Full Cost Recovery	Per application	\$865.00 (\$285.00 in 2023) (\$570.90 in 2024)	Yes

Add to: Ref No.	Add to: Service Fee	Add to: Description	Add to: Category	Add to: Fee Basis	Add to: Fee	Add to: Annual Adjustment
457	Licence and Permit Issuance	Annual fee: Sidewalk Café permit	Market Based	Per Square Metre	\$44.14 (\$14.56 in 2023) (\$29.13 in 2024) *Annual adjustment to be applied starting 2029	Yes
459	Licence & Permit Issuance	Annual fee: Marketing Display permit	Market Based	Per Square Metre	\$38.88 *Annual adjustment to be applied starting 2029	Yes
464	Licence and Permit Issuance	Permit Transfer Fee: Sidewalk Café and Marketing Display	Full Cost Recovery	Per application	\$676.27 (\$338.13 in 2023)	Yes

d. Adding the following to Appendix E – Schedule 1, Parks, Forestry and Recreation:

Add to: Ref No.	Add to: Service Fee	Add to: Description	Add to: Category	Add to: Fee Basis	Add to: Fee	Add to: Annual Adjustment
8.7023	Parks	Application Fee: CaféTO Patio in Hardscaped Park Permit	Full Cost Recovery	Per application	\$865.00 (\$285.00 in 2023)	Yes

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Add to: Ref No.	Add to: Service Fee	Add to: Description	Add to: Category	Add to: Fee Basis	Add to: Fee	Add to: Annual Adjustment
					(\$570.90 in 2024)	
8.7024	Parks	Annual fee: CaféTO Patio in Hardscaped Park Permit	Market Based	Per Square Metre	\$44.14 (\$14.56 in 2023) (\$29.13 in 2024) * Annual adjustment to be applied starting in 2029	Yes

4. This by-law shall come into force on the day it is passed.

Enacted and passed on February 8, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Schedule A

**Appendix C
Utility and Infrastructure Clearances**

Utility or Infrastructure Element (measured from edge of element / utility)	Required Clearance	
	Temporary Fixed Elements	Temporary Portable Elements
Hydro Infrastructure		
Cable Chamber*	2.0 metres	0.3 metres
Hydro Vault*	1.0 metres	1.0 metres
Transformer/Switchgear*	3.0 metres	3.0 metres
Distribution Pole	0.6 metres	0.3 metres
Street Lighting Pole [^]	0.6 metres	0.3 metres
Guy wire/anchor	0.6 metres	0.3 metres
BIA lighting access hatch [^]	0.3 metres	0.3 metres
Traffic Infrastructure		
Traffic signal pole	0.3 metres for local street or 1.0 metres	0.3 metres
Traffic control box	1.5 metres from front, sides 0.6 metres	0.3 metres
Traffic or parking sign pole	0.3 metres	0.3 metres
Fire Services and Water Infrastructure		
Fire Hydrant*	1.2 metres	1.2 metres
Fire Standpipe Connection*	1.2 metres	1.2 metres
Water Valve (post indicator/isolation)	0.6 metres	0.3 metres
Catch basin ^{^^}	0.6 metres	0.3 metres
Storm/Sanitary maintenance access covers	0.6 metres	0.3 metres
Gas Infrastructure		
Gas valve (and other assets)	0.6 metres	0.3 metres
Telecom Infrastructure		
In-ground access covers	0.6 metres	0.3 metres
Public Realm Infrastructure		
Street Furniture (bench, litter bin, newspaper corral, postering column)*	1.0 metres	1.0 metres

Transit shelter: with advertising^^	5.0 metres	5.0 metres
Transit shelter: without advertising^^	2.5 metres	2.5 metres
Transit stop poles^^	2.5 metres	2.5 metres
Wayfinding columns*	3.0 metres	3.0 metres
Wayfinding sign poles*	1.0 metres	1.0 metres
Bicycle locking ring**	2.5 metres	2.5 metres
Bike Share station^^	1.0 metres	1.0 metres
Toronto Parking Authority ticket kiosk*	1.0 metres	1.0 metres
Trees and Horticulture		
Street tree* and***	1.0 metres	0.3 metres
Above and in-ground planters***	1.0 metres	0.3 metres
Pedestrian Safety		
Intersection or Pedestrian Crossover****	3.0 metres	3.0 metres

Street furniture or utility listed without an asterisk (*^) may be located within proposed permit area if approved by the City

^ or other clearance as determined by the local BIA for BIA owned lighting infrastructure

^^ must be measured as a minimum linear distance along the curb edge; and for transit stops/shelters must have a minimum 2.4m width for the transit platform area

* must be measured as a minimum radius width from the street element or utility

** clearance may be less if approved by the City in consideration of the streetscape context and bike parking facilities in the immediate area

*** café elements must not be placed on open soil or soft surfaces adjacent to street trees, nor be fixed to the tree pit surface

**** intersections and pedestrian crossovers require adequate space for people of all ages and abilities waiting to cross the street and for safety and visibility. Additional separation distances are required for curbside and curb lane cafés for visibility and road safety