

Authority: Executive Committee Item EX10.15, as adopted as amended, by City of Toronto Council on December 13, 14 and 15, 2023
City Council voted in favour of this by-law on December 15, 2023
Written approval of this by-law was given by Mayoral Decision 30-2023 dated December 15, 2023

CITY OF TORONTO

BY-LAW 1324-2023

To amend City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, and City of Toronto Municipal Code Chapter 937, Temporary Closing of Highways, 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 by:
 - a. amending the definition of "PUBLIC PARKLET" in § 742-1.1A so it reads as follows:

PUBLIC PARKLET - A temporary lateral projection into the curb lane or parking lane of a road that is used for a public space or such other use permitted by the General Manager, Transportation Services and General Manager, Economic Development and Culture.
 - b. adding a new § 742-2.1E as follows:
 - E. Where more than one person jointly apply for and are issued a permit under this Chapter, those persons are jointly and severally liable as permit holder for that permit area under this Chapter and any other applicable by-law or legislation.
 - c. adding a new § 742-3.1B as follows:
 - B. Where a permit has been issued and the General Manager has approved one or more different minimum set backs pursuant to § 742-10.4A(3) as part of the issued permit, the General Manager shall notify the local Ward Councillor of the issued permit and approved set back.
 - d. adding a new § 742-9.1C as follows:
 - C. All curb lane café permit holders shall ensure the permit area is:

- (1) Open and in use by the permit holder within 30 days of the City installing traffic safety equipment around the permit area; and
 - (2) Open and in use by the permit holder at least three times per week from May 2 to October 14, inclusive, each year unless otherwise restricted by this Chapter.
- e. amending § 742-9.5C so it reads 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:
- (1) from October 15 of one year to May 1 of the next year, inclusive; and/or
 - (2) during any period where the City has not installed traffic safety equipment around the permit area.
- f. adding the phrase "where the local Councillor has been notified of the application and objected within 30 days of receiving the notice" to the end of § 742-10.2A(2)(h).
- g. amending the first line of § 742-10.4A so it reads "A permit may be issued for a curb lane café or public parklet where the permit area meets the requirements of § 742-10.2 and is located:";
- h. deleting § 742-10.4A(3), (4), (5) and (6) and adding a new § 742-10.4A(3) as follows:
- (3) in accordance with the following set backs, unless the General Manager has approved different minimum set backs based on a review of factors such as street context, number and width of travel lanes, traffic volumes and speeds, and other safety-related considerations:
 - (a) no less than 30.5 metres upstream of the closest curb edge of a signalized intersection;
 - (b) no less than 18 metres upstream of the location of a transit stop, and if there is no transit stop, no less than 15 metres upstream of the closest curb edge of an unsignalized intersection or pedestrian crossover;
 - (c) no less than 9 metres downstream of the closest curb edge of an intersection, except where barriers such as a curb extension is present. Where a curb extension is present, the café or parklet may be located in a parking space adjacent to the curb extension; and

- (d) no less than 9 metres downstream of a pedestrian crossover;
- i. amending the first line of § 742-10.4B so it reads "Permit holders shall ensure that all curb lane café and/or public parklets:";
- j. adding the phrase "installed by no later than June 1 of each year that are" after the phrase "have platform surfaces" in § 742-10.4B(6);
- k. adding the phrase "installed by no later than June 1 of each year" after the phrase "have a platform" in § 742-10.4B(7);
- l. adding a new § 742-10.4B(15) as follows:
 - (15) at any time prior to June 1 where a platform complying with Subsections B(6) and (7) has not been installed, have temporary ramps installed in the permit area which provides for safe access to the permit area and meets the following requirements:
 - (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; and
 - (f) must not be affixed to the sidewalk, curb edge or street with screws, bolts or any other materials.
- m. adding a new § 742-10.4B(16) as follows:
 - (16) are not used or occupied until the City has installed traffic safety equipment around the permit area;
- n. deleting § 742-10.4C; and
- o. adding a new § 742-15.1B as follows:
 - B. Existing R58 curb lane café permit holders with permit areas on Duncan Street between a point 4.2 metres south of Richmond Street West and a point 27.1 metres further south or King Street East and West between Bathurst Street and Jarvis Street can continue to operate under the terms and conditions of their approved permit and agreement with the City as of

April 14, 2023, provided the existing R58 permit holders comply with the following as of January 1, 2024:

- (1) The following portions of this Chapter : permits (§ 742-2.1); permit applications (§ 742-2.2, provided the plans show compliance with the existing terms and conditions of the approved permit and agreement); permit renewal (§ 742-5.1C); permit requirements (§ 742-5.2); permit transfer (§ 742-6.1); usage of permit area (§ 742-9.1); seasonal operation (§ 742-9.5A except for § 742-9.5A(1) and (2)); set back requirements (§ 742-10.4A(8)(a) and (b)); reduction or relocation of permit area (§ 742-12.1); temporary removal for civil works or emergencies (§ 742-12.2); amendments to permit area (§ 742-12.3); Permit Cancellation, Suspension (Article 13); Offences, Entry to Inspect, Orders (Article 14); and all fee requirements.
 - (2) Where the permit holder operates outside of the time periods in § 742-9.5C, the permit holder will pay double the permit fee applicable from time to time in the calendar year where such operation occurs.
2. City of Toronto Municipal Code Chapter 937, Temporary Closing of Highways, is amended by deleting 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 parklet cafés" from § 937-3.13 and replacing it with the phrase "167 consecutive days from May 1 of one year to October 15 of that same year, or such longer period for a permit area transitioned under § 742-15.1B, as required for the purposes of permitting curb lane cafés,".
 3. This by-law shall come into force on the day it is passed.

Enacted and passed on December 15, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)