

# Private Patio Guide

CaféTO

EXPANDED OUTDOOR DINING OPPORTUNITIES IN TORONTO

The City of Toronto is providing expanded outdoor dining opportunities for restaurant and bar owner/operators located in Toronto on private property and the public right-of-way (sidewalks and curb lanes).

## Patios on Private Property

Outdoor patios associated with restaurants and bars are often located on private property. The City of Toronto has enacted temporary use zoning by-laws to permit larger outdoor patios than would otherwise be permitted and to ease some other restrictions until April 14, 2022.

If your outdoor patio proposal is located entirely on private property, complies with the zoning by-law, and does not incorporate any structures that require a building permit (see page 4 for a description of structures requiring a building permit), then you do not need to obtain City permission prior to the installation. You do not need City permission to install a modest fence or guardrail.



If you are a tenant, seek permission from property management to determine if they will permit an outdoor patio on their property.

## Zoning Regulations for Outdoor Patios

Outdoor patios on private property are regulated by the City's zoning by-laws. Many of the zoning rules are intended to manage potential conflicts between outdoor patios and other nearby properties. Zoning permissions for outdoor patios can vary depending on the zone, unique circumstances of a property, or which zoning by-law is in force.

A restaurant, bar or cafe that is located in a mixed use, commercial or employment zone can usually operate an outdoor patio without any special zoning permissions. In most cases, your patio will need to meet the following rules:



### Size

You can install an outdoor patio on the ground that has an area up to 50% of the interior floor area of your establishment, or 50 square metres, whichever is greater. (If the patio is above the first storey – such as on a rooftop – the maximum size is 30% of the interior floor area of your establishment, or 30 square metres.)



### Setback

An outdoor patio must be at least 30 metres from all properties in a residential zone. If the patio is located above the first storey (for example, on a rooftop), the required distance increases to 40 metres.



### Parking

The outdoor patio can occupy parking spaces, if those spaces are not required for a residential use or are accessible parking spaces. The adjacent driving aisle between the parking spaces may also be occupied, provided it does not block access to other parking spaces.



### Entertainment

An outdoor patio may not provide entertainment, such as performances, music or dancing.

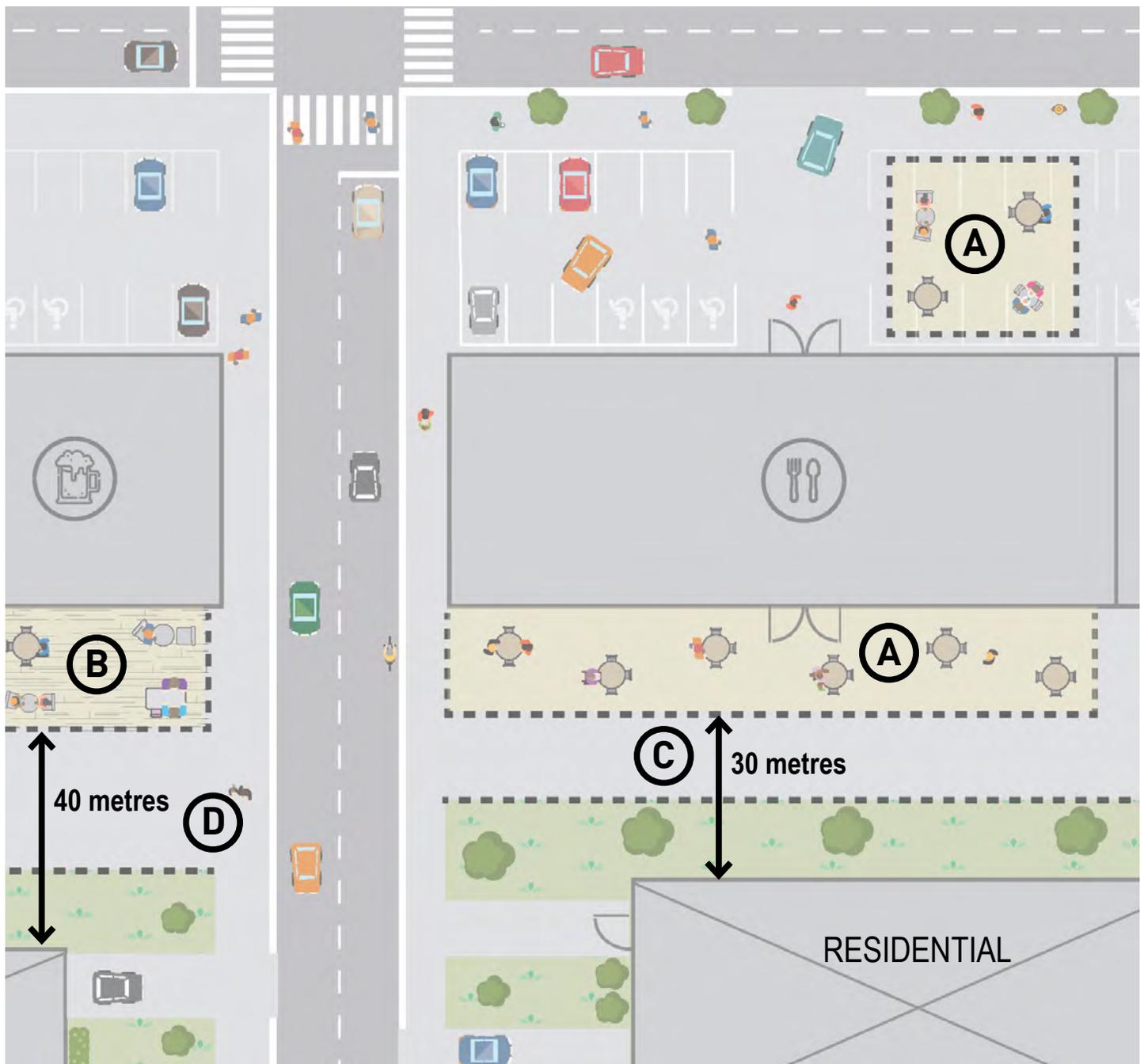


### Fence

If your property abuts a residential property, a fence must be installed along the portion of the outdoor patio parallel to the rear property line.

**These are general guidelines. If elements of your patio proposal are not addressed in this guide or you would like to find out if your proposed patio complies with the zoning by-law, you can submit a Preliminary Project Review (PPR). Details can be found by visiting:**

<https://www.toronto.ca/services-payments/building-construction/preliminary-zoning-reviews-information/apply-for-a-zoning-review/preliminary-project-review/>



**(A)**

Combined patio space can be 50% of the interior floor area of 50m<sup>2</sup>, whichever is greater

**(B)**

Rooftop Patio

**(C)**

30 metres from all properties in a residential zone

**(D)**

40 metres setback from residential zone for first storey patios (rooftop patio)

**This document is provided as general guidance. More details describing the regulations regarding patios on both private and public property can be found in the CaféTO Guidebook available at [Toronto.ca/CafeTO](https://toronto.ca/CafeTO).**

## Do you want to construct a structure or enclosure around your outdoor patio?

If your outdoor patio will incorporate additional structures like a raised platform, you may require a building permit and there may be zoning rules that prevent or regulate a structure or enclosure on a patio. There are also provincial Building Code regulations, fire safety regulations, and public health regulations **that must be considered**.



### Temporary Tents & Building Permits

Temporary tents and structures may be possible on private property but may require a building permit.

**\*\* To meet current public health regulations, an area that is covered by a roof, canopy, tent, awning or other element, must have at least two full sides open to the outdoors and cannot be blocked by other walls or physical barriers.**

A building permit for a temporary tent is not required if the tent is:

- Less than 60 square metres in aggregate ground area
- Not attached to a building
- Constructed more than 3 metres from other structures per [Ontario Building Code](https://www.ontario.ca/page/ontarios-building-code) (<https://www.ontario.ca/page/ontarios-building-code>)

Tents may not obstruct required exits from buildings nor obstruct any fire access route.

**You should discuss any proposal for a structure with the Toronto Building Division. They can also provide more information on building permits and regulations.**



**Call: 416-397-5330 Monday to Friday 8:30 a.m. to 4:30 p.m.  
or by visiting the Toronto Building website at:**

<https://www.toronto.ca/services-payments/building-construction/apply-for-a-building-permit/building-permit-application-guides/guides-for-structures/tents-and-temporary-structures/>



### Patios on Public Property

If you would like to install a patio on the sidewalk or in the curb lane of the street, you must register with the CaféTO program. More information is available at [www.toronto.ca/CafeTO](http://www.toronto.ca/CafeTO)

Tents, structures and enclosures are not permitted on the public right-of-way.

If your property is located on both private property and the public right-of-way, your outdoor patio will need to comply with the zoning by-law as well as the regulations within the CaféTO Guidebook.