

Authority: Executive Committee Item EX18.7, adopted as amended, by City of Toronto Council on November 13 and 14, 2024

City Council voted in favour of this by-law on November 14, 2024

Written approval of this by-law was given by Mayoral Decision 21-2024 dated November 14, 2024

## **CITY OF TORONTO**

### **BY-LAW 1261-2024**

**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, City of Toronto Municipal Code Chapter 27, Council Procedures, 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. deleting the definition for "FLANKAGE CAFÉ" in § 742-1.1;
- b. deleting the phrase ", in the case of public parklets" in § 742-2.1A(3);
- c. deleting the phrase ", in the case of public parklets," in § 742-2.2A(3);
- d. deleting the phrase ", in the case of public parklets" in § 742-2.2A(5);
- e. amending § 742-2.3. so it reads as follows:

**§ 742-2.3. Notice, permit areas on residential flankages.**

A. Upon receipt of a complete application for a permit area to be located on a residential flankage, the Executive Director or General Manager will notify the following people or entities:

- (1) the Applicant;
- (2) the local Ward Councillor;
- (3) the local Business Improvement Area, if any;

- (4) any resident associations registered with the City Clerk that includes the proposed café location within its area of representation; and
  - (5) all property owners and occupants on the primarily residential street where the permit area is located within 30 metres of the proposed café location.
- B. All applicants for a permit area to be located on a residential flankage must display a notice of the application in a form, size and location satisfactory to the Executive Director on the associated establishment for no less than 21 days commencing on a date specified by the Executive Director.
- f. deleting the phrase ", in the case of public parklets," in § 742-3.1A;
- g. deleting the phrase "in the case of an application for a public parklet" in § 742-3.1A(2);
- h. deleting the phrase ", in the case of public parklets," in § 742-3.2A;
- i. amending § 742-3.2A(2) so it reads as follows:
  - (2) in the case of an application for a permit area on a residential flankage, the City receives multiple objections to the application from members of the public during the 21-day period of public notice;
- j. adding the phrase "or General Manager" after the phrase "deemed necessary by the Executive Director" in § 742-3.2A(3);
- k. amending the first line of § 742-4.2D so it reads "The General Manager or Executive Director shall:";
- l. deleting § 742-4.2E;
- m. adding the phrase "General Manager or" prior to the phrase "Executive Director shall prepare" in § 742-4.3A;
- n. adding the phrase "General Manager's or" prior to the phrase "Executive Director's report" in § 742-4.3C;
- o. deleting the phrase "by the Executive Director" in § 742-5.2A(5);
- p. deleting the phrase ", in the case of public parklets," in § 742-5.2B(1);
- q. deleting the phrase ", in the case of public parklets," in § 742-5.2B(8);

- r. adding the phrase "or General Manager" after the phrase "prescribed by the Executive Director" in § 742-6.1A(1);
- s. adding the phrase "or General Manager" after the phrase "The Executive Director" in the first sentence of § 742-6.1D and § 742-6.1D(6);
- t. deleting the phrase "May 2 to October 14" in § 742-9.1C(2) and replacing it with the phrase "May 1 to October 15";
- u. deleting § 742-9.4 F and G replacing them as follows:
  - F. The General Manager 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 can demonstrate that their permit area is in accordance with a BIA curb lane café closure area approved by the General Manager and the General Manager Economic Development and Culture under Subsection G.
  - G. The General Manager and General Manager, Economic Development and Culture, may approve a BIA curb lane café closure area where:
    - (1) The Business Improvement Area where the closure area is located has submitted the following documents to the General Manager, Economic Development and Culture:
      - (a) Detailed plans showing:
        - (i) The total area of the closure area;
        - (ii) The location, length and width of each proposed permit area within the closure area; and
        - (iii) Any other information required by the General Manager or General Manager, Economic Development and Culture, for the purposes of balancing multiple uses of the street, adjacent permit areas, neighbouring properties, and applicable traffic safety and accessibility requirements.
      - (b) A document listing the business name and address of each proposed permit holder for each proposed permit area within the closure area;
    - (2) The proposed closure area meets the following requirements:
      - (a) Each proposed permit area complies with the requirements of this Chapter except permit areas may extend across the

curb lane or parking area of an adjacent property contrary to Subsection I; and

- (b) The closure area complies with a traffic plan for the street approved by the General Manager.
  - (3) The Business Improvement Area agrees to the following terms and conditions:
    - (a) Where a BIA curb lane café closure area is approved, the Business Improvement Area where the closure has operated will provide the General Manager and General Manager, Economic Development and Culture, with an end of season report which details the use of BIA curb lane closure area to the satisfaction of the General Manager prior to the end of the season each year where a closure operated.
    - (4) The Business Improvement Area has not failed to comply with any of the requirements under this Subsection G in the preceding 12 months.
- v. adding new subsections G.1, G.2 and I to § 742-9.4 as follows:
- G.1 The General Manager may withdraw its approval of a BIA curb lane café closure area, in whole or in part, at any time where:
    - (1) the Business Improvement Area does not comply with Subsection G;
    - (2) the Business Improvement Area requests the withdrawal of the approval;
    - (3) the permit holders operating in the BIA curb lane café closure area do not comply with this Chapter; and/or
    - (4) access to the street is needed for street improvements, civil works or other municipal purposes.
  - G.2 Where the General Manager withdraws its approval of a BIA curb lane café closure area under section G.1, in whole or in part, the General Manager will reduce the permit areas of any curb lane café permit areas located in the BIA curb lane café closure area and the reduction in permit areas will be effective as of the next March 1 after notice is provided to the permit holders.
  - I. Except as provided for in this section, every permit area shall only extend as far as the property lines of the permit area's associated establishment.

- w. amending the first paragraph of § 742-9.4H so it reads as follows:
- H. The General Manager 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:
- x. deleting the phrase "October 15 of one year to May 1 of the next year" in § 742-9.5C(1) and replacing it with the phrase "October 16 of one year to April 30 of the next year";
- y. adding a new § 742-9.5D as follows:
- D. Despite Subsection C, the General Manager may permit a curb lane café on King Street East and West between Bathurst Street and Jarvis Street from October 16 of one year to April 30 of the next year, inclusive, where the permit holder pays an additional permit fee for the use during this period.
- z. deleting the phrase "18 metres" in § 742-10.4A(3)(b) and replacing it with the phrase "30 metres";
- aa. amending § 742-10.4A(3)(c) so it reads as follows:
- (c) no less than:
- (i) 18 metres downstream of the location of a transit stop; or
- (ii) if there is no transit stop, 9 metres downstream of the closest curb edge of an intersection, except where a barrier 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;
- bb. deleting the phrase "greater than 0.9 metres" in § 742-10.4B(2) and replacing it with the phrase "greater than 1.2 metres";
- cc. amending § 742-12.1 and § 742-12.2 so they read as follows:

**§ 742-12.1. Reduction or relocation of permit area.**

- A. The Executive Director or General Manager may direct a permit holder to reduce the size of a permit area or relocate a permit area at any time if, in the opinion of the Executive Director or General Manager, the permit area poses a risk to the health or safety of any person, and where the reduction or relocation terminates the risk to the health and safety of any person, to the satisfaction of the Executive Director or General Manager.

- B. The Executive Director or General Manager may amend the size and/or location of all permit areas along a street if the street is subject to substantial reconstruction and/or redesign in order to satisfy the pedestrian clearway requirements of this Chapter following such reconstruction and/or redesign.
- C. Where a permit area is reduced in accordance with this section, the Executive Director or General Manager shall refund the permit holder the pro-rated portion of the annual permit fee applicable to the reduced area by square metre to each remaining day in the permit term.

**§ 742-12.2. Temporary removal for civil works or emergencies.**

- A. The Executive Director or General Manager may require the permit holder, upon notice, to temporarily remove all sidewalk café and marketing display installations due to planned street improvements and/or civic works.
  - B. The Executive Director or General Manager may direct that any installation be removed from within a permit area without notice in the case of an emergency.
  - C. Where a permit is cancelled or installations in a permit area are temporarily removed due to an emergency, planned street improvement or civic works, the Executive Director or General Manager shall refund the permit holder the pro-rated portion of the annual permit fee applicable for each remaining day in the permit year.
- dd. deleting the phrase "Executive Director, or General Manager in the case of public parklets," in the first paragraph of § 742-13.1D and replacing it with the phrase "Executive Director or General Manager";
  - ee. deleting the phrase "90 days" in § 742-13.1D(1) and replacing it with the phrase "30 days";
  - ff. deleting the phrase "Executive Director, or General Manager in the case of public parklets," in § 742-13.1D(3) and replacing it with the phrase "Executive Director or General Manager";
  - gg. deleting the phrase ", in the case of public parklets," in § 742-13.1E;
  - hh. adding the phrase "or General Manager" after the phrase "Executive Director" in subsections A, B and C of § 742-13.2;

- ii. deleting the phrase "Executive Director, or General Manager in the case of public parklets," in the first paragraph of § 742-13.2E and replacing it with the phrase "Executive Director or General Manager";
- jj. deleting § 742-13.2E(4) and replacing it as follows:
  - (4) the permit holder has been convicted of an offence for a violation of any law or by-law in relation to the permit area.
- kk. deleting the phrase "Executive Director, or General Manager in the case of public parklets," in the first paragraph of § 742-13.2F and replacing it with the phrase "Executive Director or General Manager";
- ll. adding the phrase "or General Manager" after the phrase "Executive Director" in § 742-13.2G;
- mm. adding the phrase "or General Manager" after the phrase "Executive Director" in subsections A and B of § 742-13.3;
- nn. deleting the phrase "Executive Director, or General Manager in the case of public parklets," in § 742-13.4A(2) and replacing it with the phrase "Executive Director or General Manager";
- oo. adding the phrase "or General Manager" after the phrase "Executive Director" in § 742-14.3B;
- pp. deleting the following from the table in Appendix C, Utility and Infrastructure Clearances, under the heading "Telecom Infrastructure":

In-ground access covers	0.6 metres	0.3 metres
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- qq. adding the following to the table in Appendix C, Utility and Infrastructure Clearances, under the heading "Telecom Infrastructure":

Above-ground access units	1.0 metre	0.3 metres
In-ground access covers	2.0 metres	0.3 metres

- 2. City of Toronto Municipal Code Chapter 937, Temporary Closing of Highways, is amended by amending § 937-3.13 so that it reads as follows:

**§ 937-3.13. Parklet cafés and public parklets.**

Despite any other by-law, the General Manager of Transportation Services may temporarily close to vehicular traffic the curb lanes or any portion thereof of the following highways for the following periods for the purposes or permitting curb lane cafes or public parklets when an applicant has been either issued a permit or granted an approval for that purpose by the General Manager, Transportation Services, or Executive

Director, Municipal Licensing and Standards under Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays:

- A. King Street East and King Street West, between Bathurst Street and Jarvis Street, for a period up to and including 12 consecutive months;
  - B. Any other highway or portion of a highway, for a period up to and including 175 consecutive days from April 24 of one year to October 15, inclusive, of that same year.
3. City of Toronto Municipal Code Chapter 27, Council Procedures, is amended by:
- a. amending § 27-18.4C(1) so it reads as follows:
    - (1) Sidewalk café or public parklet permit appeals except appeals in relation to the location, design and safety of curb lane cafés and public parklets; and/or pedestrian clearway requirements under Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays.
  - b. amending subsections E(6) and E(7) of § 27-18.4 so that they read as follows:
    - (6) The imposition of temporary or permanent alternative hours of operation on sidewalk café or public parklet permit holders, except for special events.
    - (7) Cancellation or suspension of a sidewalk café, public parklet permit or boulevard marketing permit, except a temporary seasonal suspension, which the Executive Director, Municipal Licensing and Standards, or General Manager, Transportation Services, has authority for.
4. City of Toronto Municipal Code Chapter 441, Fees and Charges, is amended by:
- a. Deleting the following from Appendix C – Schedule 2, Transportation Services:

Delete from: Ref	Delete from: Service Fee	Delete from: Description	Delete from: Category	Delete from: Fee Basis	Delete from: Fee	Delete from: Annual Adjustment
165	Permits & Applications	Application fee: Public Parklet All Zones	City Policy	Each Parking Space	\$693.96	Yes
172	Permits & Applications	Seasonal Fee: Curb Lane Café Permit	City Policy	Per Square Metre	\$132.42 (\$87.40 in 2024)	Yes



- b. Adding the following to Appendix C – Schedule 2, Transportation Services:

Add to: Ref	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  (\$87.40 in 2024) * Annual Adjustment to be applied starting 2029	Yes

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

Delete from: Ref	Delete from: Service Fee	Delete from: Description	Delete from: Category	Delete from: Fee Basis	Delete from: Fee	Delete from: Annual Adjustment
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 C – Schedule 12, Municipal Licensing and Standards:

Add to: Ref	Add to: Service Fee	Add to: Description	Add to: Category	Add to: Fee Basis	Add to: Fee	Add to: Annual Adjustment
464	Licence and Permit Issuance	Permit Transfer Fee: Sidewalk Café and Marketing Display	Full Cost Recovery	Per application	\$676.27  (\$338.13 in 2023 and 2024)	Yes

5. This by-law shall come into force as follows:
- a. Section 4 shall retroactively be deemed to have come into force on January 1, 2024.
  - b. The remainder of the by-law shall come into force on the day it is passed.

Enacted and passed on November 14, 2024.

Frances Nunziata,  
Speaker

John D. Elvidge,  
City Clerk

(Seal of the City)