

January 29, 2018

To: His Worship the Mayor  
And Members of City Council

Re: Administrative Amendments to Outdoor Eating and Drinking Area Requirements

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RECOMMENDATION

**RECOMMENDATION OF THE REGINA PLANNING COMMISSION  
– JANUARY 10, 2018**

1. That the proposed amendment to *Regina Zoning Bylaw No. 9250*, as specified in Appendix A of this report, be approved.
2. That the City Solicitor be directed to prepare the necessary bylaw to authorize the amendment.

*REGINA PLANNING COMMISSION – JANUARY 10, 2018*

The Commission adopted a resolution to concur in the recommendation contained in the report.

Recommendation #3 does not require City Council approval.

Councillors: Mike O'Donnell (Chairperson), Bob Hawkins and Barbara Young; Commissioners: David Bale, Frank Bojkovsky, Patrick Dennie, Simon Kostic, Andre Kroeger, Adrienne Hagen Lyster, Robert Porter and Steve Tunison were present during consideration of this report by the Regina Planning Commission.

The Regina Planning Commission, at its meeting held on January 10, 2018, considered the following report from the Administration:

RECOMMENDATION

1. That the proposed amendment to *Regina Zoning Bylaw No. 9250*, as specified in Appendix A of this report, be approved.
2. That the City Solicitor be directed to prepare the necessary bylaw to authorize the amendment.
3. That this report be forwarded to the January 29, 2018 meeting of City Council for approval, which will allow sufficient time for advertising of the required public notices for the respective bylaws.

## CONCLUSION

The proposal is to amend *Regina Zoning Bylaw No. 9250* (Zoning Bylaw) to include consistent regulations for an Outdoor Eating and Drinking Area as an accessory use in all commercial and industrial zones. An Outdoor Eating and Drinking Area is an accessory use located outside of a building where food or beverages are served or consumed. This includes, but is not limited to, commercial patios and the outdoor portion(s) of restaurants.

The proposal complies with other development standards and regulations contained in the Zoning Bylaw and is consistent with the policies in *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP).

## BACKGROUND

OCP policies 7.1.6, 7.1.8, 7.1.9 and 7.34 direct investment in design excellence in both private and public spaces to contribute to a sense of place and an enhanced public realm that contributes to a better neighbourhood experience. OCP policies 7.1.9 and 7.16 specifically support active street frontages and local commercial uses in residential areas as they contribute to a sense of activity, safety and “eyes on the street.” The purpose of this amendment is to ensure the Zoning Bylaw provides consistent and straightforward regulations around land uses that help to achieve the above noted OCP policies. Outdoor Eating and Drinking Areas (e.g. patios) have been identified as such a use.

This proposed amendment is being considered pursuant to *The Planning and Development Act, 2007* (The Act).

## DISCUSSION

The proposed amendment will allow Outdoor Eating and Drinking Areas as accessory uses in both commercial and industrial zoned lands. The OCP sets out different policy goals for these areas, which is reflected in the proposed regulations. For this reason, commercial and industrial zones are discussed separately.

The proposed amendment is intended to regulate a variety of accessory uses, including commercial patios open to public clients, as well as private patios serving as amenity spaces for staff or clients of commercial and industrial areas.

The proposed seating capacity thresholds have been set low to allow the City of Regina (City), business owners, and residents to adapt to the mixing and intensification of uses. Going forward, as the City collects data from discretionary use applications for Outdoor Eating and Drinking Areas, seating capacities could be revised. This is intended to achieve OCP policy 7.17.2 to allow for change and intensification over time.

In addition to intensity and seating capacity limitations, Outdoor Eating and Drinking Areas are required to meet existing visual screening and buffering requirements to limit the impacts of light, noise and other potential nuisances to abutting properties.

## Commercial Zones

The proposed amendment reflects the character of commercial areas as destinations for residents and visitors. By listing Outdoor Eating and Drinking Areas as permitted developments when they are located between the building and public spaces (i.e. sidewalks, parks, or plazas), the proposed amendment would encourage commercial property owners to orient Outdoor Eating and Drinking Areas in ways that animate these public areas. This is consistent with OCP policy 7.35, which directs private spaces to be strategically located to enhance streetscapes with active uses.

To help accomplish the OCP policy goals to animate the street while mitigating potential negative impacts on neighbouring properties, an Outdoor Eating and Drinking Area would be permitted in a commercial zone if it:

- Proposes to operate entirely between the building containing the principal use and a public sidewalk, public plaza or public park abutting the lot
- Meets screening requirements
- Has a certain seating capacity

Outdoor Eating and Drinking Areas that exceed the permitted intensity or that do not meet site layout criteria would be administered as discretionary uses, which would allow the City to review applications on a case-by-case basis.

The proposed seating capacities are zone specific:

- Developments in the Neighbourhood Convenience (NC), Local Commercial (LC1, LC2 and LC3) zones are intended to meet the day-to-day commercial needs of local residents while minimizing negative impacts on neighbouring properties. These zones are typically applied to lots near residential uses. OCP policy 7.16 encourages commercial activity in local residential areas. To reduce the likelihood of noise or other negative impacts on neighbouring properties, the proposed seating capacity of an Outdoor Eating and Drinking Area in these zones is 12 persons.
- Developments in the Mixed Residential Business (MX) and Mainstreet (MS) zones are intended to interface with residential and mixed-use buildings while providing for flexible commercial options zones. They are intended to mix residential dwellings and commercial destinations that cater to a range of clients. These zones are intended to be a transition between residential areas and higher intensity commercial areas. To account for their transitional intensity and mixed nature, the proposed seating capacity for an Outdoor Eating and Drinking Area is 16 persons in these zones.
- Developments in the Highway Commercial (HC), Major Arterial Commercial (MAC and MAC3), Designated Shopping Centre (DSC) and Downtown (D) zones are intended to provide a wide range of commercial uses catering to both local and regional customers. Policy 7.17.1 of the OCP specifically directs large-format retail to reinforce the

streetscape and contribute to a high quality public realm. Since these zones are intended to provide for higher intensity commercial uses, the proposed seating capacity for an Outdoor Eating and Drinking Area in these zones is 24 persons. A seating capacity is still recommended for these developments as they often abut residential uses. Screening, siting, and threshold requirements will mitigate potential adverse impacts of large-format retail development and ensure that it integrates with the surrounding neighbourhood as directed by OCP policies 7.17.3 and 7.17.4.

### Industrial Zones

Outdoor Eating and Drinking Areas in industrial zones typically function as complementary amenity areas to employees or customers of industrial uses, which is encouraged by OCP policy 7.24.

In the Heavy Industrial (IC/IC1) zone, Outdoor Eating and Drinking Areas do not require seating capacities or site controls because they would primarily serve the staff of the principal use, rather than external clientele.

In all other industrial zones, the proposed seating capacity for an Outdoor Eating and Drinking Area is 24 persons. OCP policy 7.24 prioritizes services that support industrial uses in industrial zones. Therefore, site layout requirements have not been proposed for Outdoor Eating and Drinking Areas in industrial zones. Seating area limitation and existing Visual Screening and Buffering requirements are expected to prevent Outdoor Eating and Drinking Areas from negatively impact neighbouring properties.

Outdoor Eating and Drinking Areas that exceed the permitted intensity criteria would be administered as discretionary uses.

## RECOMMENDATION IMPLICATIONS

### Financial Implications

This amendment is not expected to have any direct financial implications. Some efficiencies will be gained by staff during the review of permit applications.

### Environmental Implications

None with respect to this report.

### Policy/Strategic Implications

The proposal is consistent with the policies contained within Part A of the OCP with respect to:

#### Section D5: Land Use and Built Environment

##### Goal 1 – Complete Neighbourhoods:

Enable the development of complete neighbourhoods.

- 7.1.6 Specialized open space, such as squares, civic centres, and parks, which are optimally located and designed
- 7.1.8 A distinctive character, identity and sense of place.
- 7.1.9 Buildings which are designed and located to enhance the public realm, and contribute to a better neighbourhood experience.

#### Goal 4 – Employment Areas

Provide appropriate locations and development opportunities for a full range of industrial, commercial and institutional activities.

##### Commercial

- 7.16 Encourage local commercial with residential areas.
- 7.17 Require new large-format retail to be located on URBAN CORRIDORS or within identified URBAN CENTRES and designed:
  - 7.17.1 To reinforce the streetscape, a high quality public realm, and access to transit through the orientation of buildings and site design;
  - 7.17.2 To allow for change and intensification over time;
  - 7.17.3 To mitigate potential adverse impacts on adjacent residential uses; and
  - 7.17.4 To be accessible and integrated with surrounding neighbourhoods.

##### Industrial

- 7.24 Within industrial areas, permit supporting services or amenities that complement industrial uses or cater to industrial employees or customers.

#### Goal 6 – Built Form and Urban Design

Build a beautiful Regina through quality design of its neighbourhoods, public spaces and buildings.

- 7.34 Support design excellence by ensuring that public and private spaces and buildings contribute to a sense of place and an enhanced public realm through high-quality design and strategic location.
- 7.36 Consider the inclusion of the following elements where a secondary plan or concept plan is required in support of a proposed development:
  - 7.36.2 Strategies for providing a high-quality built environment and public realm, including but not limited to, consistent built-form edge, appropriate transitioning of density, and active street frontages.

Other Implications

None with respect to this report.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

Due to the administrative origin of these amendments and the applicability to multiple sites, sign posting for this amendment did not occur.

The proposed amendment was circulated to the Regina & Region Home Builders' Association (RRHBA), who expressed support for the proposed amendment.

Notice of the proposed amendment was circulated to over 1,400 property owners of commercially and industrially zoned lands. Eighteen responses were received: 10 respondents in favour; five were in favour with changes; two opposed the amendment; and one expressed neither support nor opposition but raised concerns. The comments and Administration's responses are summarized in Appendix B.

This notice was also sent to Restaurants Canada, a not-for-profit association with members comprised of 30,000 businesses (across Canada) in various culinary industries including restaurants, bars and caterers. A response was not received from this group prior to the deadline for submission of this report.

Public notification of signage posted	N/A
Published in the <i>Leader-Post</i>	January 13, 2018 January 20, 2018
Letter sent to property owners	November 10, 2017
Public Open House	N/A
Number of public comment sheets received	18

DELEGATED AUTHORITY

City Council's approval is required, pursuant to Part V of *The Planning and Development Act, 2007*.

Respectfully submitted,

REGINA PLANNING COMMISSION



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Elaine Gohlke, Secretary