

June 17, 2019

Re: The Regina Zoning Bylaw 2019

I provide the following information on behalf of Arch Transco Ltd.

It's of great concern as a light industrial land owner and business owner in Regina that the proposed Zoning Bylaw 2019 seeks to greatly restrict the permitted uses of light industrial land when compared to the long established uses under the Zoning Bylaw 9250. The notice provided does not convey these significant restrictions and certainly does not provide land and business owners the understanding that their businesses and land uses may now be considered as non-conforming uses under the proposed Zoning Bylaw 2019 and the Planning and Development Act 2007, which would impose significant restrictions on those properties and businesses and greatly restrict future development of properties. No rationale is provided why these significant changes are proposed nor have any options been provided for land and business owners to conform to the proposed Bylaw.

We believe these major changes requires more consultation with affected land and business owners and amendments to the proposed Zoning Bylaw 2019 to align it more appropriately with the current Zoning Bylaw 9250 and established uses so as not to create new restrictions on land and business owners with significant implications to those owners.

Request:

Remove the Land Use Specific Regulations (1) from Table 5B.T2 T2.2 and replace them with "---", or provide exceptions to the referenced table for properties located in the Warehouse District, along the Saskatchewan Dr. and Winnipeg St. corridors.

Remove the Land Use Specific Regulations (1)a,b,c from Table 5B.T2 T2.3 and replace them with "---" to align with the well established land uses of Zoning Bylaw 9250.

Reasoning:

Historically Industrial Land in Regina such as IA, IA1 etc has enjoyed a large number of retail commercial uses and discretionary food & beverage uses and hundreds of businesses currently provide these types of services to residents across many areas of the city. These changes would see numerous property and business owners stripped of their current rights under the Zoning Bylaw.

The retail commercial permitted uses under the current Zoning Bylaw 9250 include General Retail, Convenience Store, etc. which allows for virtually all types of retail stores with few restrictions on the products sold.

Under the proposed Zoning Bylaw these uses would be severely restricted or prohibited altogether. The proposed Zoning Bylaw seeks to restrict all General Retail, which is referred to as "Retail Trade, Shop" be limited to "only articles or commodities which are serviced, altered or produced on the lot made sold from the lot" in table 5B.T2 T2.3. This would seem to limit all Light Industrial and Heavy Industrial to the sale of products produced, serviced or altered on the lot thereby prohibiting everything from small clothing stores to small grocery stores and many many other retailers, where no such restriction existed previously.

The current Zoning Bylaw 9250 also provides for many discretionary uses such as Restaurant, Licensed Beverage Room, Cocktail Room, Dining Room.

While the proposed Zoning Bylaw provides for Food & Beverage Lounge and Food & Beverage Restaurant as a permitted use on industrial properties, **it seeks to prohibit it when within a 100 meter proximity to mixed use (formerly MAC) properties or residential properties, where no such restriction exists for the proposed mixed commercial zoning, nor previously existed on industrial.** This would have the affect of prohibiting all Restaurants, Coffee Shops etc. on Industrial land all along the north and south sides of Saskatchewan Dr. which is a main corridor to the Mosaic Stadium; along the east and west sides of Winnipeg St. north of Dewdney Ave., which provides services to the Eastview community; much of the Warehouse District and many others areas due to the proximity to mixed use (formerly MAC) properties and or residential zoning, where no such prohibition existed previously or for the proposed mixed commercial zoning.

These changes would see hundreds of land and business owners stripped of their current rights under the Zoning Bylaw and would seemingly create hundreds of non-conforming uses making re-development or expansions virtually impossible and likely creating many development appeals, costly rezoning applications and legal challenges for land and business owners further complicating the survival of small businesses in Regina.

Examples of businesses that would appear to now be non-conforming and prohibited from being developed in the future under the proposed Zoning Bylaw would include: Tim Horton's at Ross Ave. & Winnipeg St., Tim Horton's at Park St. & Dewdney, Ross Food Center and Diner on McDonald St., Casa Décor on 7th Ave, Cowtown Western Wear, Audio Warehouse, etc. etc. and this would directly impact future tenants or uses for the City owned GM plant property located on Winnipeg St.

We believe these major change requires more consultation with affected land and business owners and amendments to the proposed Zoning Bylaw 2019 to align it more appropriately with the current Zoning Bylaw 9250 and established uses so as not to create new restrictions on land and business owners with significant implications for their future operations.

Thank you for the opportunity to explain our concerns. Please find attached excerpts from the current Zoning Bylaw 9250 and from the proposed Zoning Bylaw 2019 outlining the changes.

James Archibald
Arch Transco Ltd.

Current Zoning Bylaw 9250:

Chapter 2 Interpretation:

“RETAIL STORE” – a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such store, but not including any use listed in Appendix E. [1992/9250]

TABLE 5.3: TABLE OF LAND USES - INDUSTRIAL ZONES [2003-6]							
LAND USE TYPE	SIC CODE	LAND USE ZONE¹					
		IA, IA1	IB, IB1	IC, IC1	IP	IT	WH
KEY: P=Permitted Use; D=Discretionary Use; Blank Space=Prohibited use							
RETAIL TRADE (continued)							
Night Club	5813	D			D		D
Recreation Vehicles²⁶	556	P				P	
Restaurant [2014-45]	5812	D	D		D	D	D
Restaurant, Drive-in³⁰	5812	D					
Retail, General	999	P³	P³	P³	P³	P³	P²³ D²⁴
Retail, Small Equipment and Supplies	999	P⁴	P⁴	P¹⁸		P⁴	
Service Station³¹	554, 5984 [1997/9904]	P	P	P		P	
WHOLESALE TRADE							
Farm and Large Machinery, Sale and Rental²⁵	50	P	P	P			
Salvaging and Recycling (Junk Yard)³²	5015, 5093		D	D			
Storage and Terminal, Petroleum	517			D			
Wholesale³ [1995/9736]	999	P	P	P	P	P	P
CULTURE AND RECREATION							
Art Gallery or Museum [2013-8]	841						P
Community Garden [2006-63]	999	P	P	P	P	P	P
MISCELLANEOUS							
Public Use³³	999	P	P	P	P	P	P
Rink, Enclosed⁴³ [2018-41]	999	D					
		IA, IA1	IB, IB1	IC, IC1	IP	IT	WH
Notes:							
1	Land use zone abbreviations are explained in Chapter 3.						
2	Includes display, sale, rental, service, and parts.						
3	Of any article or commodity for which the warehousing, storage, sale at retail or wholesale, fabrication, processing or manufacture is allowed in the zone.						

Proposed Zoning Bylaw 2019:

Proposed Zoning Bylaw Chapter 5B Industrial Light Zone Land Uses:

TABLE 5B.T2: INDUSTRIAL LIGHT ZONE LAND USES				
Sec.	Land Use	Permitted	Discretionary	Land Use Specific Regulations
T2.1	<ul style="list-style-type: none"> Food & Beverage, Outdoor 	<p>Permitted if dedicated outdoor area is:</p> <p>(a) less than 100 square metres per lot; and</p> <p>(b) is operating entirely between the building containing the principal use and the front or side lot lines abutting a public sidewalk, public plaza, public park, or a non-dwelling land use</p>	<p>Discretionary if dedicated outdoor area is:</p> <p>(a) 100 square metres per lot, or more; or</p> <p>(b) operating entirely or partially between the building containing the principal use and the rear lot line, or the side lot line abutting a lot zoned Residential.</p>	---
T2.2	<ul style="list-style-type: none"> Food & Beverage, Lounge Food & Beverage, Restaurant Service Trade, Clinic Service Trade, Light Service Trade, Personal 	<p>Permitted if gross floor area is less than 300 square metres per lot.</p>	<p>Discretionary if gross floor area is between 300 and 1,000 square metres per lot, inclusive.</p>	<p>(1) No land use within this group shall be developed within 100 metres of any lot zoned Residential or Mixed-Use, except that this regulation shall not apply to any lot located within the 100 and 200 blocks of North Winnipeg Street.</p>

“Retail Trade, Shop” means an indoor land use intended for the sale or lease of food, beverages, goods, products, merchandise, articles or things to members of the general public but used or consumed off-site. Excludes “Retail Trade, Adult.”

TABLE 5B.T2: INDUSTRIAL LIGHT ZONE LAND USES

Sec.	Land Use	Permitted	Discretionary	Land Use Specific Regulations
T2.3	<ul style="list-style-type: none"> Retail Trade, Shop Wholesale Trade, Indoor 	Permitted if gross floor area is less than 300 square metres per lot.	Discretionary if gross floor area is between 300 and 1,000 square metres per lot, inclusive.	<p>(1) “Retail” and “Wholesale” trade land uses are restricted as follows:</p> <p>(a) convenience items, such as food, may only be sold from a lot in the Industrial Light zone if it is 100 metres or further from a lot zoned Residential or Mixed-Use;</p> <p>(b) only articles or commodities which are serviced, altered or produced on the lot made sold from the lot; or</p> <p>(c) equipment, supplies and materials which are, in the opinion of the Development Officer, directly associated with land uses classified in the “Agriculture;” “Industry;” “Service Trade” or “Storage” land use classes may only be sold from a lot in the Industrial Light zone if it is 100 metres or further from of a lot zoned Residential or Mixed-Use.</p> <p>(2) The limitations prescribed in subsection (1) do not apply to lots within the 100 and 200 blocks of North Winnipeg Street.</p>