

SCHEDULE "G" **Outdoor Restaurant Regulations**

1.0 PURPOSE

To enhance the overall image and economic vitality of Regina, by increasing the interest and service of the streetscape to the people using it through the provision of Outdoor Restaurants.

2.0 DEFINITIONS

- 2.1 Driveway – means a private right-of-way, paved or unpaved, that provides access for vehicles and pedestrians from a boulevard, curb, or sidewalk to a lot or a carport, garage, parking pad, loading berth, or structure located on the lot.
- 2.2 Outdoor Restaurant – means an outdoor eating establishment which extends onto the adjacent Right-of-way, requiring no permanent construction.
- 2.3 Parking Lane – means that portion of longitudinal division of a highway or sufficient width to accommodate the storage of a single line of vehicles adjacent to the curb and where parking is permitted.
- 2.4 Parking Stall – means a portion of a public highway or an area indicated by signs, markings, meters or physical barriers as a parking space for a single vehicle.
- 2.5 Public Property - means any real property owned or under the control and management of the City of Regina, including public highways.
- 2.6 Public Sidewalk - means the actual sidewalk where constructed on or adjacent to a part of a public highway or that portion of a public highway intended primarily for use by pedestrians or any structure in a park or other public place designed and intended for use by pedestrians.
- 2.7 Seasonal Boardwalk – means a platform constructed in a parking lane for the purpose of creating a pedestrian corridor or to house an Outdoor Restaurant.
- 2.8 Side Boulevard - means the area between the curb and the property line that is not sidewalk.
- 2.9 Sign – includes a poster, banner, placard or sign board.
- 2.10 Temporary Street Use Permit - means a permit issued by the City of Regina pursuant to *The Traffic Bylaw*.

2.11 Traffic Lane – means a longitudinal division of a highway of sufficient width to accommodate the passage of a single line of vehicles.

2.12 Vendor - means the owner or operator of an established restaurant.

3.0 PERMIT

3.1 Issuance of Temporary Street Use Permits shall be at the sole discretion of the City and shall only be considered after receipt of all information as required by these regulations and evidence, to the City's satisfaction, of compliance with all applicable standards and requirements.

3.2 No person shall operate an Outdoor Restaurant on a Public Sidewalk without a Temporary Street Use Permit.

3.3 A Vendor may apply to the City for a Temporary Street Use Permit for permission to encroach onto the Public Sidewalk for the purpose of operating an Outdoor Restaurant.

4.0 PROCEDURE

TEMPORARY STREET USE PERMIT

4.1 An application for a Temporary Street Use Permit for an Outdoor Restaurant or Seasonal Boardwalk in Parking Lane must be sent to:

Service Regina
13th Floor City Hall
P.O. Box 1790
Regina, Saskatchewan
S4P 3C8

4.2 Questions can be directed to Service Regina (306) 777-7000 between the hours of 8:00 am and 4:45 pm.

4.3 Vendors must obtain a Temporary Street Use Permit prior to commencing any use of public property.

4.4 Vendors must renew their Temporary Street Use Permit annually.

4.5 Temporary Street Use Permits will expire annually on a date at the discretion of the City.

4.6 Permits are non-transferrable and are only valid at the address indicated on the permit.

- 4.7 Any damage to public property shall be repaired by the City and the costs of the repairs paid for by Vendor;
- 4.8 Signs must abide by the *Sandwich Board Sign Regulations* established in Schedule “T” of this Bylaw unless approved otherwise by the City.
- 4.9 All applications for a Temporary Street Use Permit must contain the following:
- a. General description of food and beverage services being offered and whether alcohol will be served;
 - b. Proposed business hours and approximate season of operation of the Outdoor Restaurant;
 - c. Plan showing layout of building elements (doors, windows, signs, decor, cash registers and fencing) located on Public Property and adjacent the building. Plan shall be fully dimensioned, referencing property line and width of Public Sidewalk;
 - d. Elements requiring anchoring into the Right-of-way must be approved in writing by the City;
 - e. Proof of insurance as required. (See Section 4.11)
- 4.10 The City reserves the right to rescind the Temporary Street Use Permit. Structures installed on or above the Public Sidewalk will be considered non-permanent, and the City may, in its sole discretion require the entire structure, including supports, to be returned to its original condition within 24 hours if required. Any of the following events (among others) may, in the City’s sole discretion, cause temporary or permanent revocation of the Temporary Street Use Permit and require the removal of the Outdoor Restaurant:
- a. Emergency use of walk;
 - b. Maintenance or reconstruction of City walks or underground utilities;
 - c. Excessive congestion of pedestrians or safety concerns of pedestrians walking around the Outdoor Restaurant;
 - d. Non compliance with these regulations, City bylaws, and building codes, Saskatchewan Liquor and Gaming Association, or any other regulations;
 - e. Road widening.

4.11 The Vendor shall obtain and provide the City with proof of minimum general liability insurance in a form satisfactory to the City's Risk Manager. The requirements are as follows:

- a. Automobile liability insurance - \$1,000,000 where vehicle is used for the delivery of goods and services relating to the permit;
- b. No sale of alcohol - \$2,000,000 minimum liability;
- c. Sale of Alcohol - \$5,000,000 minimum liability including host liquor liability coverage.

OUTDOOR RESTAURANTS

General Criteria:

4.11 The general requirements for Outdoor Restaurants are as follows:

- a. May not restrict or interfere with ingress or egress of adjacent properties or obstruct access to fire service connections, hydrants or by police, fire services or City maintenance crews;
- b. Must ensure barrier-free access to building entrances and exits, public utilities and service connections at all times;
- c. Must not be used for storage at any time;
- d. All costs associated with development and maintenance of the Outdoor Restaurant, including litter pick up, shall be the responsibility of the Vendor.

Location Criteria for Outdoor Restaurant:

4.12 The location criteria for Outdoor Restaurants are as follows:

- a. Licensed Outdoor Restaurants must be located adjacent to the building face;
- b. Unlicensed Outdoor Restaurants may be located along the curb allowing pedestrians between the Outdoor Restaurant and building face or directly adjacent the building face.
- c. Must operate directly adjacent and not extend laterally beyond the frontage of the established restaurant by the same Vendor, unless approved by the City;

- d. May not be located in a Traffic Lane or Driveway;
- e. May not be located adjacent to any driving or bus lanes where the passageway for pedestrians is less than 2 metres;
- f. Notwithstanding the above, a minimum 1.5 metre wide clear walkway for pedestrians must be provided at all times between the edge of the Outdoor Restaurant and either the curb face, or any obstructions along the sidewalk such as trees, tree pits (where a metal tree grate is not present) metres, light poles or other furnishings;
- g. May not be located on any Side Boulevard landscaped with grass, plants, or landscape materials;
- h. Corner restaurants will require special consideration to ensure intersection sight-lines are maintained and is at the discretion of the City;

Design Criteria for Outdoor Restaurant:

4.13 The design criteria for Outdoor Restaurants are as follows:

- a. Must have an open appearance with defined edge such as a railing or a row of planters or pots;
- b. All furniture or articles must be of commercial quality;
- c. Furniture placement must not extend beyond the approved perimeter;
- d. Advertising and other equipment used in the operation of the restaurant must not lean against or hang from any street light, traffic sign, parking meter or other structure on public property;
- e. Vendor may install a railing not exceeding 1.2 metres in height to delineate the restaurant area. Railing must not obstruct view of seated patrons.

SEASONAL BOARDWALKS IN PARKING LANE

4.14 A Seasonal Boardwalk constructed in a Parking Lane is designed to offer restaurants with narrow City sidewalks the option of a pedestrian corridor to accommodate Outdoor Restaurant service.

Boardwalks will be permitted seasonally from April 1st and must be removed by October 15th of the same calendar year. Cost for this type of development will be fully born by the proponent.

Location Criteria for Boardwalk:

4.15 The location criteria for boardwalks are as follows:

- a. An approved boardwalk shall be located in a Parking Lane and shall not exceed the width of the Parking Lane;
- b. Must operate directly adjacent to and not extend laterally beyond the frontage of the established restaurant by the same Vendor, unless approved by the City, and consent granted by neighbouring businesses;
- c. Shall not be allowed along arterial or freeway roadways, main bus routes, designated bus lanes or in front of a bus stop;
- d. Corner Outdoor Restaurants will require special consideration to ensure intersection sight-lines are maintained and is at the discretion of the City;
- e. Shall not be located in front of a taxi stand, loading zone, disabled loading zone, pedestrian ramp, or adjacent to a street with a speed limit greater than fifty (50) kilometres per hour;

Design Criteria for Boardwalk:

4.16 The design criteria for boardwalks are as follows:

- a. Must be designed by a Saskatchewan licensed designer and be to the satisfaction of the City;
- b. The surface shall have no protrusions (i.e. screws, nails, planks, etc) and be made of timber or composite decking affixed with screws;
- c. Sections must be securely fastened together;
- d. Decking must be tightly spaced to prevent heels or mobility devices such as canes from becoming caught;
- e. Shall be a minimum width of 2 metres and shall not exceed the width of the Parking Lane;
- f. Decking must allow proper drainage to prevent ponding;
- g. A significant and reflective vertical design element shall be included along the outer edges of a boardwalk to warn motorists and pedestrians of its presence (i.e. planters, fences), and be approved by the City;

- h. Must be affixed to the sidewalk with the transition from the sidewalk to the boardwalk being flush to provide wheelchair access;
- i. Barrier free access must be provided from the boardwalk to the entrance of the building from a location perpendicular to the sidewalk;

5.0 APPROVALS

- 5.1 The Neighbourhood Planning Branch and the Traffic control & Parking Branch will review the application. The approval procedure involves the following:
- .2 Applicants should submit their request well in advance of commencement of operations. The approval process may take up to twenty-eight (28) days;
 - .3 Applications for Outdoor Restaurants within Regina Downtown will be sent to Regina Downtown Business Improvement District for their information;
 - .4 Applications for Outdoor Restaurants within the Warehouse District will be sent to Regina's Warehouse Business Improvement District for their information;
 - .5 Upon payment of the Street Use Fee and evidence satisfactory to the City of compliance with all applicable regulations and standards, a Temporary Street Use Permit will be issued;

6.0 LEGISLATION

- 6.1 The Vendor must abide by all laws and regulations, bylaws and resolutions governing the vending operation including, but not necessarily limited to those below:
- .1 No person shall operate an Outdoor Restaurant for the purpose of selling food and/or beverages without having a valid permit from the Regina Qu'Appelle Health Region to do so;
 - .2 Any alcohol service shall be approved by the Saskatchewan Liquor and Gaming Authority;
 - .3 All Vendors shall comply with the *Litter Section* in this Bylaw that are in effect and applicable to the Vendor. Vending apparatus must be removed from the sidewalk upon expiry of the Temporary Street Use Permit.

- .4 Properties located in the boundaries of the Victoria Park Heritage Conservation District are protected by heritage designation according to the provisions of the *Victoria Park Heritage Conservation District Bylaw No. 9656* and are regulated by the guidelines provided in this Bylaw.
- .5 Alterations to properties designated as Municipal Heritage Properties are regulated by the guidelines provided in the *Municipal Architectural Design Guidelines Bylaw No. 2007-78*.

7.0 PERMIT FEES

- 7.1 The Temporary Street Use Permit fee is based on the fees established under Schedule “J”, Section 65 of the Traffic Bylaw by resolution of City Council.

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