

## **COMMITTEE OF THE WHOLE – MAY 22, 2001**

### **ZONING BY-LAW NO.1-88 COMPREHENSIVE REVIEW FILE NO.1.6.6.3**

#### **Recommendation**

The Commissioner of Planning & Urban Design recommends:

That the following amendments to the zoning standards of By-law 1-88 BE APPROVED, and that an implementing by-law be brought forward to Council for enactment:

- a) the addition of a parking standard for taverns of 1.0 space for each 4 persons design capacity or 16 spaces/100 sq.m GFA, whichever is greater;
- b) the deletion of definition for Eating Establishment/Restaurant Drive-In from Section 3.28;
- c) the addition of permitted uses accessory to an "Office Building" in Section 5.9 C8 Office Commercial Zone; and,
- d) the addition of appropriate standards to regulate accessory billiard tables in the C1, C2, C4, C5, C7, C9 and C10 Commercial Zones.

#### **Purpose**

City-initiated amendments to the Commercial and Employment Zone Categories of Zoning By-law 1-88, arising from a comprehensive review of the by-law.

#### **Background – Analysis and Options**

In 1999, P. Houghton Associates, Town Planners was retained by the City to undertake a comprehensive review of the Zoning By-law, consisting of:

- technical amendments that have occurred as a result of errors or omissions in the text, schedule and maps;
- amendments that are substantive in nature, but non-controversial in terms of their implementation, and are as a result of unclear or ambiguous language or where general standards have been superseded by more recent by-law amendments; and
- substantive amendments that may require more detailed study the City Staff over an extended period, prior to Council consideration.

In considering the results of the study, Council adopted a resolution on June 12, 2000 to prioritize those provisions identified as requiring a more thorough review through the public hearing process.

#### **Location**

This is a City-wide application affecting Employment and Commercial Zones of the Zoning By-law.

## Public Hearing

On March 1, 2001, a notice of public hearing was advertised in The Liberal. One response was received which stated that comments would be submitted upon further review of the proposed amendments.

On March 26, 2001, a Public Hearing was held and on April 2, 2001, Council ratified the recommendation to receive the public hearing and that a technical report be prepared for Committee of the Whole. Since that time, Staff has met with representatives of the public and the building industry who expressed concern at the Public Hearing or in writing.

## Proposed Amendments

### 1. Taverns

A tavern is defined by the "Liquor License Act" and does not include a hotel, motel or restaurant.

Taverns are permitted in C7, C9 and C10 Zones, but are not subject to parking requirements. A tavern use is similar to an eating establishment use and accordingly, Staff are suggesting that the parking standards for eating establishments be applied.

Eating Establishment parking requirements are: 1 space for each four (4) persons comprised in the designed maximum capacity, or 16.0 spaces per 100 sq.m. GFA, whichever is greater.

Staff recommend that Section 3.8 a) of By-law 1-88 be amended by adding the words "and Tavern" to the Eating Establishment parking requirement.

### 2. Eating Establishments/Restaurant, Drive-In

Section 3.28, CONTINUATION OF RESTAURANT USES, deals with developments approved by Council for "Eating Establishment" and "Restaurant Drive-In" prior to December 17, 1991. However, the term "Restaurant Drive-In" is not defined in Section 2.0, DEFINITIONS, nor is it a permitted use under Section 5.0, COMMERCIAL ZONES. The definition, which predates the present zoning by-law, states:

#### a) Definitions:

EATING ESTABLISHMENT - Means a building or part of a building where food is offered for sale or sold to the public for immediate consumption therein and includes a restaurant, café, tea or lunch room, dairy bar, coffee shop, or refreshment room or stand; but does not include a boarding or lodging house or drive-in restaurant.

RESTAURANT, DRIVE-IN - Means a building or part of a building where food is prepared and offered for sale to the public for consumption both within and outside the building.

#### b) Parking Requirements:

Eating Establishments 1.0 parking space for each four (4) persons comprised in the designed maximum capacity or 20.0 parking spaces per 100 sq.m GFA, whichever is greater

Restaurant, Drive-In 27.0 parking spaces per 100 sq.m GFA

Section 3.28 provides a different definition for Eating Establishment than in Section 2.0 DEFINITIONS, which sub-divides eating establishments into 4 types (45. Eating Establishment; 45a. Eating Establishment, Convenience; 45b. Eating Establishment, Convenience with Drive-through; and 45c. Eating Establishment, Take Out). These definitions are more detailed and thorough than in Section 3.28. Also, the parking standards in Section 3.28 are more restrictive than those in Section 3.8 a) PARKING REQUIREMENTS.

The conflicting definitions and standards are difficult to implement, with the older standards being more restrictive and the newer standards being more detailed. Presently, Restaurant, Drive-In uses can only be implemented through a site specific amendment to the Zoning By-law. Accordingly, it is appropriate to delete Section 3.28 in its entirety to eliminate conflicting standards, and to maintain the Section 2 Definitions as the only standards.

### 3. Commercial Uses in C8 Office Commercial Zone

An office building with accessory uses is defined in Section 2.0, as follows:

*“Office Building – Means a building having more than one-storey used for business or professional office purposes. If an office building exceeds three (3) storeys in height, the following uses shall be permitted on the ground floor provided the combined total gross floor area of all such uses does not exceed fifteen percent (15%) of the gross floor area of the said office building:*

- *bank*
- *eating establishment*
- *eating establishment, convenience*
- *eating establishment, take out*
- *health center*
- *personal service shop*
- *retail store*
- *a ‘variety store’ which shall mean a kiosk serving the daily or occasional needs of the employees in the office building with a variety of goods such as food snacks and beverages, sundries, tobacco, magazines and newspapers, but not including groceries, meats and produce, with no direct access to the exterior of the building and a gross floor area not exceeding fifty (50) square metres.”*

However, in referring to Section 5.9 Office Commercial Zone, an "Office Building" is a permitted use but the accessory uses are not listed. To avoid discrepancy in the uses permitted, Staff suggest that the accessory uses to office building listed in Section 2.0, DEFINITIONS, be incorporated into the Permitted Uses list under Section 5.9, C8 Office Commercial.

### 4. Billiard Tables

The Zoning By-law makes reference to billiard tables in the definitions for Sections 45. Eating Establishments; 45a. Eating Establishments, Convenience; 98. Place of Entertainment; and 126. Tavern. A Place of Entertainment, which includes a Billiard Hall, is permitted in C1, C2, C4, C5, C7, C9 and C10 zones, whereas all other definitions prohibit accessory billiard tables within 300 metres of a public or private school. This implies that accessory billiard tables are permitted in the Commercial Zones; however, there are no standards to regulate the number of tables.

Based on a 1993 report to Council, the By-law has consistently applied the following rule:

Maximum number of billiard/pool tables within  
**“Eating Establishments” and “Convenience Eating Establishments”**

| Gross Floor Area of Establishment     | Maximum Number of Tables |
|---------------------------------------|--------------------------|
| Up to 500 sq.m of GFA                 | 1                        |
| Between 500 sq.m and 1000 sq.m of GFA | 2                        |
| Greater than 1000 sq.m of GFA         | 3                        |

Maximum number of billiard/pool tables within  
**“Adult Entertainment Parlours” and “Taverns”**

| Gross Floor Area of Establishment    | Maximum Number of Tables |
|--------------------------------------|--------------------------|
| Up to 300 sq.m of GFA                | 1                        |
| Between 300 sq.m and 500 sq.m of GFA | 2                        |
| Greater than 500 sq.m of GFA         | 3                        |

Formalizing this rule in the Zoning By-law allows for clarification, consistency and enforcement, if necessary. As such, it is recommended that the above tables be incorporated into the General Provisions of the Commercial Zone.

**Conclusion**

Staff have proposed a number of amendments to By-law 1-88 which would clarify or introduce standards that are necessary for the improved implementation of the By-law. Should Committee concur, the amendments proposed can be approved with the adoption of the Recommendation of this report.

**Attachments**

n/a

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