



## REFERRAL REPORT

Report Date: October 20, 2022  
Contact: Chris Robertson  
Contact No.: 604.873.7684  
RTS No.: 15372  
VanRIMS No.: 08-2000-20  
Meeting Date: January 17, 2023

TO: Vancouver City Council

FROM: General Manager of Planning, Urban Design and Sustainability

SUBJECT: Zoning and Development By-law Amendments to Support the Patio Program for Businesses on Private Property

### **RECOMMENDATION TO REFER**

THAT the General Manager of Planning, Urban Design and Sustainability be instructed to bring forward the application as described below and that the application be referred to Public Hearing together with the recommendations set out below;

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary Zoning and Development By-law amendments, generally in accordance with the recommendations set out below, for consideration at the Public Hearing.

### **RECOMMENDATION FOR PUBLIC HEARING**

- A. THAT Council approves, in principle, the application to allow patios for businesses on private property that are currently restricted by the Zoning and Development By-law;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment amendments to the Zoning and Development By-law generally in accordance with Appendix A.

- B. THAT Recommendation A be adopted on the following conditions:
- (i) THAT passage of the above resolutions creates no legal rights for any person, or obligation on the part of the City and any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
  - (ii) THAT any approval that may be granted following the public hearing shall not obligate the City to enact any rezoning by-laws; and

- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

### **REPORT SUMMARY**

This report proposes Zoning and Development By-law amendments to allow patios on private property for a small subset of businesses (e.g. neighbourhood grocery/retail/public house, cabarets, restaurants, etc.) that are currently subject to regulations requiring a use to be contained within a building. Council previously approved temporary zoning regulations until March 31, 2023 to provide a pathway for these businesses to have a patio. The proposed amendments would make the patio provisions permanent.

Staff recommend that the proposal be referred to a Public Hearing, with the recommendation of the General Manager of Planning, Urban Design and Sustainability to approve it in principle, subject to the Public Hearing, and conditions contained in Appendix A.

### **COUNCIL AUTHORITY/PREVIOUS DECISIONS**

- May 2020: Council Motion supported small businesses such as restaurants in meeting Public Health physical distancing requirements while continuing to sustain themselves during the pandemic.
- June 2020: Council approved the Temporary Expedited Patio Program (TEPP), which expedited permit processes and waived permit costs for temporary patios until October 31, 2020.
- June 2020: Council approval Zoning and Development By-law amendments to include temporary regulations to allow patios on private property until October 31, 2020 for uses that must be contained within a building.
- October 2020: Council approved Zoning and Development By-law amendments extending temporary regulations to allow patios for businesses on private property impacted by patio restrictions until October 31, 2021.
- September 2021: Council approved the transition from TEPP to a summer patio permit program (April 1 to October 31) and a permanent patio permit program (year round) for private and public property.
- October 2021: Council approved Zoning and Development By-law amendments to allow liquor manufacturer patios, and extended temporary regulations to allow patios for businesses on private property impacted by patio restrictions until March 31, 2022.
- March 2022: Council approved Zoning and Development By-law amendments extending temporary regulations to allow patios for businesses on private property impacted by patio restrictions until March 31, 2023. This report responds to this item.

### **CITY MANAGER'S/GENERAL MANAGER'S COMMENTS**

The City Manager recommends approval of the foregoing.

## **REPORT**

### **Background/Context**

In 2020, the City launched the Temporary Expedited Patio Program (TEPP) in response to COVID-19 and Public Health Office (PHO) orders requiring physical distancing. The TEPP was developed in response to the exceptional circumstances of the pandemic; the program expedited permit processes, waived permit fees, and included temporary Zoning and Development By-law regulations to allow patios on private property for businesses impacted by patio restrictions. In September 2021, Council approved the transition from TEPP to a summer patio permit program (April 1 to October 31) and a permanent patio permit program (year round) for private and public property.

Outdoor patios on private property are regulated by the Zoning and Development By-law. In some district schedules, uses such as retail stores, grocery or drug stores, clubs and cabarets, and in some cases restaurants, neighbourhood public houses, and neighbourhood grocery stores, are subject to regulations that require the use to be contained within a building. This occurs in approximately 33 district schedules and affects an estimated seven uses. To facilitate patios for businesses impacted by the above regulations, Council approved several Zoning and Development By-law amendments since 2020. Currently, section 10.35 (previously 10.29A) allows the Director of Planning to permit a patio to be carried on outside of a completely enclosed building until March 31, 2023.

### **Strategic Analysis**

#### **Proposed Zoning and Development By-law Amendment**

Staff have evaluated the impact of the temporary patio regulations in place over the past three years, including public feedback received from Van311. Overall, patios enabled by these temporary regulations have been well-received by the public and businesses with no major issues or concerns identified; therefore, staff recommend making these zoning changes permanent (see Table 1). The proposed changes include deleting Section 10.35 “Temporary Patios” and introducing provisions for an “outdoor eating area in combination with” the seven impacted uses in 33 district schedules where patio restrictions apply. Please see Appendix A and B for full details of these amendments.

The proposed updates to the Zoning and Development By-law provide a permanent solution for businesses who are seeking a patio and are limited by the current by-law. The proposed Zoning and Development By-law amendments provide certainty to applicants, support a more consistent application of zoning regulations, clarify regulations related to patios on private property, and will assist with more efficient processing.

**Table 1** *Summary of Proposed Zoning Changes*

<b>Current Regulations</b>	<b>Proposed Changes</b>	<b>Rationale</b>
Section 10.35 “Temporary Patios”, which expires March 2023	<ul style="list-style-type: none"> <li>• Delete this section</li> <li>• Introduce zoning amendments within the district schedules to allow patios for the affected uses (see Appendix A and B)</li> </ul>	<ul style="list-style-type: none"> <li>• Temporary provisions have been in place since June 2020 and require Council approval to be extended.</li> </ul>

Current Regulations	Proposed Changes	Rationale
The Zoning & Development By-law does not currently allow patios in some district schedules, where some uses must be contained within a building.	<ul style="list-style-type: none"> <li>• Introduce an “outdoor eating area in combination” with the impacted uses</li> <li>• Affects 33 district schedules</li> </ul>	<ul style="list-style-type: none"> <li>• Allow patios (formalizes the existing temporary provisions in place for patios)</li> </ul>
IC-1 and IC-2 section 4.2.5 1.2 m property line setback required for all uses except for gasoline station and cardlock fuel station	<ul style="list-style-type: none"> <li>• Add “outdoor eating area in combination with a restaurant or retail store” as an exception to the 1.2 m setback</li> </ul>	<ul style="list-style-type: none"> <li>• Provides flexibility for patio space location</li> </ul>

If approved, the proposed changes would continue to allow businesses to obtain permits to operate patios on private property, and standardizes regulations for patio uses across the Zoning and Development By-law.

***Financial Implications***

Consistent with any application, businesses would be required to obtain the necessary permits and would be subject to the applicable permit fees. Existing permits for year-round patios are subject to annual renewal but do not require a new application each year.

Development Cost Levies (DCLs) would continue to apply to any covered/enclosed portion of a permanent patio as that area is counted towards floor space ratio (FSR) as indicated on a development permit.

***CONCLUSION***

This report recommends amendments to allow those businesses who are subject to current Zoning and Development restrictions to permanently be allowed a patio should they wish to apply. The proposed changes continue to advance the Zoning and Development By-law amendment work to support patios over the past three years while standardizing uses within the Zoning and Development By-law.

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*Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.*

**A By-law to amend  
Zoning and Development By-law No. 3575  
Regarding Patios**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Zoning and Development By-law No. 3575.
2. In section 10, Council strikes out section 10.35 “Temporary Patio” in its entirety.
3. In the RM-5, 5M-5A, RM-5B, RM-5C, and RM-5D District Schedule, Council strikes out Section 2.2.1 and substitutes the following:  

“2.2.1 All uses listed in section **2.1** of this schedule, other than dwelling uses, must be carried on wholly within a completely enclosed building, except for the following:

  - (a) child day care facility;
  - (b) display of flowers, plants, fruit and vegetables;
  - (c) farmers’ market;
  - (d) outdoor eating area in combination with a club, grocery or drug store, or neighbourhood grocery store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
  - (e) park or playground;
  - (f) parking and loading facilities;
  - (g) public bike share;
  - (h) restaurant; and
  - (i) urban farm – class A.”.
4. In the RM-6 District Schedule, Council strikes out Section 2.2.1 and substitutes the following:  

“2.2.1 All commercial uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, except for the following:

  - (a) child day care facility;
  - (b) display of flowers, plants, fruits and vegetables;
  - (c) farmers' market;
  - (d) gasoline station – split island;
  - (e) outdoor eating area in combination with a club, grocery or drug store, neighbourhood grocery store or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area

and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;

- (f) park or playground;
- (g) parking and loading facilities;
- (h) public bike share;
- (i) restaurant; and
- (j) urban farm – class A.”.

5. In the C-1 District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All commercial uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) farmers’ market;
- (c) gasoline station – full serve;
- (d) gasoline station – split island;
- (e) neighbourhood public house;
- (f) outdoor eating area in combination with a club, grocery or drug store, or retail store;
- (g) parking and loading facilities;
- (h) public bike share;
- (i) restaurant – class 1; and
- (j) urban farm – class B,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display or eating area with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

6. In the C-2 District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All commercial uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) drive-through service;
- (c) farmers’ market;
- (d) gasoline station – full serve;
- (e) gasoline station – split island
- (f) lumber and buildings material establishment;
- (g) neighbourhood public house;
- (h) outdoor eating area in combination with a cabaret, club, grocery or drug store, restaurant – class 2, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (i) parking and loading facilities;
- (j) public bike share;

- (k) restaurant – class 1;
- (l) restaurant – drive-in;
- (m) taxicab or limousine station;
- (n) urban farm – class B; and
- (o) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

7. In the C-2B District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All commercial uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) farmers’ market;
- (c) gasoline station – full serve;
- (d) gasoline station – split island;
- (e) neighbourhood public house;
- (f) outdoor eating area in combination with a club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (g) parking and loading facilities;
- (h) public bike share;
- (i) restaurant – class 1;
- (j) urban farm – class B; and
- (k) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

8. In the C-2C District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All commercial uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) farmers’ market;
- (c) gasoline station – full serve;
- (d) gasoline station – split island;
- (e) neighbourhood public house;

- (f) outdoor eating area in combination with a club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (g) parking and loading facilities;
- (h) public bike share;
- (i) restaurant – class 1; and
- (j) urban farm – class B,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

9. In the C-2C1 District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All commercial uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) drive-through service;
- (c) farmers’ market;
- (d) gasoline station – full serve;
- (e) gasoline station – split island;
- (f) neighbourhood public house;
- (g) outdoor eating area in combination with a club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (h) parking and loading facilities;
- (i) public bike share;
- (j) restaurant – class 1;
- (k) restaurant – drive-in; and
- (l) urban farm – class B,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

10. In the C-3A District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All commercial uses listed in section **2.1** of this schedule and all outright approval



accessory uses listed in section **2.1** of this schedule, must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) drive-through service;
- (c) farmers' market;
- (d) gasoline station – full serve;
- (e) gasoline station – split island;
- (f) lumber and buildings material establishment;
- (g) neighbourhood public house;
- (h) outdoor eating area in combination with a cabaret, club, grocery or drug store, restaurant – class 2, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (i) parking and loading facilities;
- (j) public bike share;
- (k) restaurant – class 1;
- (l) restaurant – drive-in;
- (m) taxicab or limousine station;
- (n) urban farm – class B; and
- (o) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

11. In the C-5, C-5A, and C-6 Districts Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All commercial uses listed in section **2.1** of this schedule, and all outright approval accessory uses accessory to the outright commercial uses listed in section **2.1** of this schedule, must be carried on wholly within a completely enclosed building, other than the following:

- (a) child day care facility;
- (b) display of flowers, plants, fruits and vegetables;
- (c) farmers' market;
- (d) gasoline station – full serve;
- (e) gasoline station – split island;
- (f) neighbourhood public house;
- (g) outdoor eating area in combination with a cabaret, club, grocery or drug store or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (h) parking and loading facilities;

- (i) public bike share;
- (j) restaurant; and
- (k) urban farm – class B.”.

12. In the C-7 and C-8 Districts Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All outright approval uses listed in section **2.1** of this schedule, and all conditional approval uses listed in section **2.1** of this schedule that are commercial uses, must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) farmers’ market;
- (c) gasoline station – full serve;
- (d) gasoline station – split island;
- (e) neighbourhood public house;
- (f) outdoor eating area in combination with a club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (g) outside storage for any outright approval use that is not specifically listed as an outright approval use in section **2.1** of this schedule but that was existing as of December 12, 1995;
- (h) parking and loading facilities;
- (i) public bike share;
- (j) restaurant;
- (k) taxicab or limousine station;
- (l) urban farm – class B; and
- (m) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

13. In the FC-1 District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All outright approval uses listed in section **2.1** of this schedule, and all conditional approval uses listed in section **2.1** of this schedule that are commercial uses, must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers and vegetables;
- (b) drive-through service;
- (c) farmers’ market;
- (d) gasoline station – full serve;

- (e) gasoline station – split island;
- (f) lumber and building material establishment;
- (g) neighbourhood public house;
- (h) outdoor eating area in combination with a cabaret, club, grocery or drug store, restaurant – class 2, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (i) parking and loading facilities;
- (j) public bike share;
- (k) restaurant – class 1;
- (l) restaurant – drive-in;
- (m) taxicab or limousine station; and
- (n) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”.

14. In the FC-2 District Schedule, Council strikes out Section 2.2.1(a) and substitutes the following:

“(a) that are commercial uses, must be carried on wholly within a completely enclosed building, other than the following:

- (i) display of flowers, plants, fruits and vegetables,
- (ii) farmers’ market,
- (iii) neighbourhood grocery store,
- (iv) neighbourhood public house,
- (v) outdoor eating area in combination with a club or neighbourhood grocery store subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule,
- (vi) park or playground,
- (vii) parking and loading facilities,
- (viii) parking uses,
- (ix) public bike share,
- (x) restaurant – class 2,
- (xi) retail store,
- (xii) transportation and storage uses, and
- (xiii) urban farm – class B,

except that the Director of Planning may vary this regulation if appropriate measures are taken, to the satisfaction of the Director of Planning, to minimize any dangerous, injurious, noxious or otherwise objectionable impacts that could adversely affect the surrounding area and adjoining non-industrial districts;”.

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15. In the I-1 District Schedule, Council strikes out Section 2.2.1(a) and substitutes the following:
- “(a) except for cardlock fuel station, vehicle dealer, transportation and storage uses, and outdoor eating area in combination with a neighbourhood public house or restaurant, must be carried on wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”.
16. In the I-1 District Schedule, Council strikes out Section 2.2.2(a) and substitutes the following:
- “(a) except for gasoline station – full serve, lumber and building materials establishment, and outdoor eating area in combination with a club, must be carried on wholly within a completely enclosed building, except for heating and mechanical equipment, off-street parking and loading, or other facilities or equipment that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”.
17. In the I-1A District Schedule, Council strikes out Section 2.2.1(a) and substitutes the following:
- “(a) except for cardlock fuel station, vehicle dealer, transportation and storage uses, and outdoor eating area in combination with a neighbourhood public house or restaurant, must be carried on wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”.
18. In the I-1A District Schedule, Council strikes out Section 2.2.2(a) and substitutes the following:
- “(a) except for gasoline station – full serve, lumber and building materials establishment, and outdoor eating area in combination with a club, must be carried on wholly within a completely enclosed building, except for heating and mechanical equipment, off-street parking and loading, or other facilities or equipment that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”.

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19. In the I-1B District Schedule, Council strikes out Section 2.2.1(a) and substitutes the following:
- “(a) except for cardlock fuel station, vehicle dealer, transportation and storage uses, and outdoor eating area in combination with a neighbourhood public house or restaurant, must be carried on wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”.
20. In the I-1B District Schedule, Council strikes out Section 2.2.2 (a) and substitutes the following:
- “(a) except for gasoline station – full serve, lumber and building materials establishment, and outdoor eating area in combination with a club, must be carried on wholly within a completely enclosed building, except for heating and mechanical equipment, off-street parking and loading, or other facilities or equipment that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”.
21. In the I-1C District Schedule, Council strikes out Section 2.2.1 (a) and substitutes the following:
- “(a) except for park or playground, aircraft landing place, and outdoor eating area in combination with a grocery or drug store, neighbourhood public house, or restaurant, or retail store, must be carried on wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”.
22. In the I-1C District Schedule, Council strikes out Section 2.2.2 (a) and substitutes the following:
- “(a) except for outdoor eating area in combination with a club, must be carried on wholly within a completely enclosed building, except for heating and mechanical equipment, off-street parking and loading, or other facilities or equipment that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”.
23. In the I-3 District Schedule, Council strikes out Section 2.2.1 (a) and substitutes the

following:

- “(a) except for gasoline station, parking uses, transportation and storage uses, vehicle dealer, and outdoor eating area in combination with a neighbourhood grocery store, restaurant, or retail store, must be carried on wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”.
24. In the IC-1 and IC-2 Districts Schedule, Council strikes out Section 2.2.1 (a) and substitutes the following:
- “(a) except for cardlock fuel station, gasoline station – split island, and outdoor eating area in combination with a club, must be carried on wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”.
25. In the IC-1 and IC-2 Districts Schedule, Council strikes out Section 2.2.2 (a) and substitutes the following:
- “(a) except for gasoline station – full serve, lumber and building materials establishment, and outdoor eating area in combination with a restaurant or retail store, must be carried on wholly within a completely enclosed building, except for off-street parking and loading, heating or mechanical equipment, or other facilities or equipment that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”.
26. In section 4.2.5 of the IC-1 and IC-2 Districts Schedule, Council strikes out “, and cardlock fuel station” and substitutes “, cardlock fuel station, and outdoor eating area”.
27. In the IC-3 District Schedule, Council strikes out Section 2.2.1 (a) and substitutes the following:
- “(a) except for cardlock fuel station, transportation and storage uses, and outdoor eating area in combination with a restaurant, must be carried on wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts and, in the case of outdoor

eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”.

28. In the IC-3 District Schedule, Council strikes out Section 2.2.2 (a) and substitutes the following:

“(a) except for retail store and lumber, building materials establishment, and outdoor eating area in combination with a club, must be carried on wholly within a completely enclosed building, except for off-street parking and loading, heating and mechanical equipment, or other facilities or equipment that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”.

29. In section 4.2.4 of the IC-3 District Schedule, Council strikes out “Any use that is not carried on wholly within a completely enclosed building” and substitutes “Except for outdoor eating area, any use that is not carried on wholly within a completely enclosed building”.

30. In the MC-1 and MC-2 Districts Schedule, Council strikes out Section 2.2.1 (c) and substitutes the following:

“(c) must be carried on wholly within a completely enclosed building, except for the following:

- (i) display of flowers, plants, fruits and vegetables,
- (ii) farmers’ market,
- (iii) gasoline station – full serve,
- (iv) gasoline station – split island,
- (v) lumber and building materials establishment,
- (vi) neighbourhood public house,
- (vii) outdoor eating area in combination with a club, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule,
- (viii) parking and loading facilities,
- (ix) public bike share,
- (x) transportation and storage uses,
- (xi) urban farm – class B, and
- (xii) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods, and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation, and the intent of this schedule and all applicable Council policies and guidelines; and”.

31. In the MC-1 and MC-2 Districts Schedule, Council strikes out Section 2.2.2 (c) and substitutes the following:

“(c) must be carried on wholly within a completely enclosed building, except for the following:

- (i) display of flowers, plants, fruits and vegetables,
- (ii) gasoline station – full serve,
- (iii) gasoline station – split island,
- (iv) lumber and building materials establishment,
- (v) neighbourhood public house,
- (vi) outdoor eating area in combination with a grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule,
- (vii) parking and loading facilities,
- (viii) restaurant,
- (ix) transportation and storage uses, and
- (x) vehicle dealer,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation, and the intent of this schedule and all applicable Council policies and guidelines; and”.

32. In the HA-1 and HA-1A Districts Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All non-dwelling uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) gas station – split island;
- (c) farmers’ market;
- (d) neighbourhood public house;
- (e) outdoor eating area in combination with a cabaret, club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (f) park or playground;
- (g) parking and loading facilities;
- (h) public bike share; and
- (i) restaurant and refreshment facilities,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation, the intent of this schedule and all applicable Council policies



and guidelines, and the submission of any advisory group, property owner or tenant.”.

33. In the HA-2 District Schedule, Council strikes out Section 2.2.1 and substitutes the following:

“2.2.1 All non-dwelling conditional approval uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) farmers’ market;
- (c) neighbourhood public house;
- (d) outdoor eating area in combination with a grocery or drug store or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (e) parking and loading facilities;
- (f) public bike share; and
- (g) restaurant,

except that the Director of Planning may vary these conditions for restaurant and refreshment facilities and retail uses, and the Director of Planning may impose any conditions that the Director of Planning considers necessary, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines, and the submission of any advisory group.”.

34. In the HA-2 District Schedule, Council strikes out Section 2.2.2 and substitutes the following:

“2.2.2 All non-dwelling outright approval uses listed in section **2.1** of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) outdoor eating area in combination with a cabaret, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (c) parking and loading facilities; and
- (d) restaurant and refreshment facilities,

except that the Director of Planning may vary these conditions for restaurant and refreshment facilities and retail uses, and the Director of Planning may impose any conditions that the Director of Planning considers necessary, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines, and the submission of any advisory group.”.

35. In the HA-3 District Schedule, Council strikes out Section 2.2.1 and substitutes the following:



**Amendments to Zoning and Development By-law**

Note: This document is being provided for information only as a reference tool to highlight the proposed amendments. The draft amending by-laws attached to the Council report RTS No. 15372 entitled “Zoning and Development By-law amendments to allow outdoor eating areas on private property” represent the amendments being proposed to Council for approval. Should there be any discrepancy between this redline version and the draft amending by-laws, the draft amending by-laws prevail.

Sections/ District Schedule(s)	Proposed Amendments
Section 10	<ul style="list-style-type: none"> <li>• <del>Delete</del> “Temporary Patio 10.35” from the Index.</li> <li>• <del>Delete</del> “Section 10.35 Temporary Patio” in its entirety.</li> </ul> <p><del>10.35 Temporary Patio</del></p> <p><del>10.35.1 For the purposes of this section 10.35, “temporary patio” means a patio permitted on a temporary basis only, for a period up to and including March 31, 2023.</del></p> <p><del>10.35.2 Despite a condition of use in a district schedule requiring that a use be carried on wholly within a completely enclosed building, the Director of Planning may permit a temporary patio to be carried on outside of a completely enclosed building.</del></p> <p><del>10.35.3 The Director of Planning may vary any regulation in a district schedule in order to enable the enclosure of a temporary patio.</del></p>
RM-5, 5M-5A, RM-5B, RM-5C, and RM-5D	<ul style="list-style-type: none"> <li>• <del>Delete</del> existing text after <b>Section 2.2.1</b> and <b>replace</b> it with the following:  “2.2.1 All uses listed in section <b>2.1</b> of this schedule, other than dwelling uses, must be carried on wholly within a completely enclosed building, except for the following: <ul style="list-style-type: none"> <li>(a) child day care facility;</li> <li>(b) display of flowers, plants, fruit and vegetables;</li> <li>(c) farmers’ market;</li> <li>(d) <del>outdoor eating area in combination with a club, grocery or drug store, or neighbourhood grocery store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the display or eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;</del></li> <li>(e) park or playground;</li> <li>(f) parking and loading facilities;</li> <li>(g) public bike share;</li> <li>(h) restaurant; and</li> <li>(i) urban farm – class A.”</li> </ul> </li> </ul>
RM-6	<ul style="list-style-type: none"> <li>• <del>Delete</del> existing text after <b>Section 2.2.1</b> and <b>replace</b> it with the following:  “2.2.1 All commercial uses listed in section <b>2.1</b> of this schedule must be carried on wholly within a completely enclosed building, except for the following:</li> </ul>

Sections/ District Schedule(s)	Proposed Amendments
	<ul style="list-style-type: none"> <li>(a) child day care facility;</li> <li>(b) display of flowers, plants, fruits and vegetables;</li> <li>(c) farmers' market;</li> <li>(d) gasoline station – split island;</li> <li>(e) outdoor eating area in combination with a club, grocery or drug store, neighbourhood grocery store or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;</li> <li>(f) park or playground;</li> <li>(g) parking and loading facilities;</li> <li>(h) public bike share;</li> <li>(i) restaurant; and</li> <li>(j) urban farm – class A.”</li> </ul>
C-1	<ul style="list-style-type: none"> <li>• <b>Delete</b> existing text after <b>Section 2.2.1</b> and <b>replace</b> it with the following:  “2.2.1 All commercial uses listed in section <b>2.1</b> of this schedule must be carried on wholly within a completely enclosed building, other than the following: <ul style="list-style-type: none"> <li>(a) display of flowers, plants, fruits and vegetables;</li> <li>(b) farmers’ market;</li> <li>(c) gasoline station – full serve;</li> <li>(d) gasoline station – split island;</li> <li>(e) neighbourhood public house;</li> <li>(f) outdoor eating area in combination with a club, grocery or drug store, or retail store;</li> <li>(g) parking and loading facilities;</li> <li>(h) public bike share;</li> <li>(i) restaurant – class 1; and</li> <li>(j) urban farm – class B,</li> </ul> <p>except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display or eating area with respect to adjoining sites, the hours of operation and the intent of this schedule.”</p> </li> </ul>
C-2	<ul style="list-style-type: none"> <li>• <b>Delete</b> existing text after <b>Section 2.2.1</b> and <b>replace</b> it with the following:  “2.2.1 All commercial uses listed in section <b>2.1</b> of this schedule must be carried on wholly within a completely enclosed building, other than the following: <ul style="list-style-type: none"> <li>(a) display of flowers, plants, fruits and vegetables;</li> <li>(b) drive-through service;</li> </ul> </li> </ul>

Sections/ District Schedule(s)	Proposed Amendments
	<p>(c) farmers' market;</p> <p>(d) gasoline station – full serve;</p> <p>(e) gasoline station – split island</p> <p>(f) lumber and buildings material establishment;</p> <p>(g) neighbourhood public house;</p> <p>(h) outdoor eating area in combination with a cabaret, club, grocery or drug store, restaurant – class 2, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;</p> <p>(i) parking and loading facilities;</p> <p>(j) public bike share;</p> <p>(k) restaurant – class 1;</p> <p>(l) restaurant – drive-in;</p> <p>(m) taxicab or limousine station;</p> <p>(n) urban farm – class B; and</p> <p>(o) vehicle dealer,</p> <p>except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”</p>
C-2B	<ul style="list-style-type: none"> <li>• Delete existing text after Section 2.2.1 and replace it with the following: <ul style="list-style-type: none"> <li>“2.2.1 All commercial uses listed in section 2.1 of this schedule must be carried on wholly within a completely enclosed building, other than the following: <ul style="list-style-type: none"> <li>(a) display of flowers, plants, fruits and vegetables;</li> <li>(b) farmers' market;</li> <li>(c) gasoline station – full serve;</li> <li>(d) gasoline station – split island;</li> <li>(e) neighbourhood public house;</li> <li>(f) outdoor eating area in combination with a club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;</li> <li>(g) parking and loading facilities;</li> <li>(h) public bike share;</li> <li>(i) restaurant – class 1;</li> <li>(j) urban farm – class B; and</li> </ul> </li> </ul> </li> </ul>

Sections/ District Schedule(s)	Proposed Amendments
	<p>(k) vehicle dealer,</p> <p>except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”</p>
C-2C	<ul style="list-style-type: none"> <li>• <b>Delete</b> existing text after <b>Section 2.2.1</b> and <b>replace</b> it with the following: <ul style="list-style-type: none"> <li>“2.2.1 All commercial uses listed in section <b>2.1</b> of this schedule must be carried on wholly within a completely enclosed building, other than the following: <ul style="list-style-type: none"> <li>(a) display of flowers, plants, fruits and vegetables;</li> <li>(b) farmers’ market;</li> <li>(c) gasoline station – full serve;</li> <li>(d) gasoline station – split island;</li> <li>(e) neighbourhood public house;</li> <li>(f) <b>outdoor eating area in combination with a club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;</b></li> <li>(g) parking and loading facilities;</li> <li>(h) public bike share;</li> <li>(i) restaurant – class 1; and</li> <li>(j) urban farm – class B,</li> </ul> <p>except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”</p> </li> </ul> </li> </ul>
C-2C1	<ul style="list-style-type: none"> <li>• <b>Delete</b> existing text after <b>Section 2.2.1</b> and <b>replace</b> it with the following: <ul style="list-style-type: none"> <li>“2.2.1 All commercial uses listed in section <b>2.1</b> of this schedule must be carried on wholly within a completely enclosed building, other than the following: <ul style="list-style-type: none"> <li>(a) display of flowers, plants, fruits and vegetables;</li> <li>(b) drive-through service;</li> <li>(c) farmers’ market;</li> <li>(d) gasoline station – full serve;</li> </ul> </li> </ul> </li> </ul>

Sections/ District Schedule(s)	Proposed Amendments
	<p>(e) gasoline station – split island;  (f) neighbourhood public house;  (g) outdoor eating area in combination with a club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;  (h) parking and loading facilities;  (i) public bike share;  (j) restaurant – class 1;  (k) restaurant – drive-in; and  (l) urban farm – class B,</p> <p>except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”</p>
C-3A	<ul style="list-style-type: none"> <li>• Delete existing text after Section 2.2.1 and replace it with the following:  <p>“2.2.1 All commercial uses listed in section 2.1 of this schedule and all outright approval accessory uses listed in section 2.1 of this schedule, must be carried on wholly within a completely enclosed building, other than the following:</p> <p>(a) display of flowers, plants, fruits and vegetables;  (b) drive-through service;  (c) farmers’ market;  (d) gasoline station – full serve;  (e) gasoline station – split island;  (f) lumber and buildings material establishment;  (g) neighbourhood public house;  (h) outdoor eating area in combination with a cabaret, club, grocery or drug store, restaurant – class 2, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;  (i) parking and loading facilities;  (j) public bike share;  (k) restaurant – class 1;  (l) restaurant – drive-in;  (m) taxicab or limousine station;</p> </li> </ul>

Sections/ District Schedule(s)	Proposed Amendments
	<p>(n) urban farm – class B; and (o) vehicle dealer,</p> <p>except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”</p>
C-5, C-5A, and C-6	<ul style="list-style-type: none"> <li>• <b>Delete</b> existing text after <b>Section 2.2.1</b> and <b>replace</b> it with the following: <ul style="list-style-type: none"> <li>“2.2.1 All commercial uses listed in section 2.1 of this schedule, and all outright approval accessory uses accessory to the outright commercial uses listed in section 2.1 of this schedule, must be carried on wholly within a completely enclosed building, other than the following: <ul style="list-style-type: none"> <li>(a) child day care facility;</li> <li>(b) display of flowers, plants, fruits and vegetables;</li> <li>(c) farmers’ market;</li> <li>(d) gasoline station – full serve;</li> <li>(e) gasoline station – split island;</li> <li>(f) neighbourhood public house;</li> <li>(g) <b>outdoor eating area in combination with a cabaret, club, grocery or drug store or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;</b></li> <li>(h) parking and loading facilities;</li> <li>(i) public bike share;</li> <li>(j) restaurant; and</li> <li>(k) urban farm – class B.”</li> </ul> </li> </ul> </li> </ul>
C-7 and C-8	<ul style="list-style-type: none"> <li>• <b>Delete</b> existing text after <b>Section 2.2.1</b> and <b>replace</b> it with the following: <ul style="list-style-type: none"> <li>“2.2.1 All outright approval uses listed in section 2.1 of this schedule, and all conditional approval uses listed in section 2.1 of this schedule that are commercial uses, must be carried on wholly within a completely enclosed building, other than the following: <ul style="list-style-type: none"> <li>(a) display of flowers, plants, fruits and vegetables;</li> <li>(b) farmers’ market;</li> <li>(c) gasoline station – full serve;</li> <li>(d) gasoline station – split island;</li> <li>(e) neighbourhood public house;</li> </ul> </li> </ul> </li> </ul>



Sections/ District Schedule(s)	Proposed Amendments
	<p>(f) outdoor eating area in combination with a club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;</p> <p>(g) outside storage for any outright approval use that is not specifically listed as an outright approval use in section 2.1 of this schedule but that was existing as of December 12, 1995;</p> <p>(h) parking and loading facilities;</p> <p>(i) public bike share;</p> <p>(j) restaurant;</p> <p>(k) taxicab or limousine station;</p> <p>(l) urban farm – class B; and</p> <p>(m) vehicle dealer,</p> <p>except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”</p>
FC-1	<ul style="list-style-type: none"> <li>• Delete existing text after Section 2.2.1 and replace it with the following: <ul style="list-style-type: none"> <li>“2.2.1 All outright approval uses listed in section 2.1 of this schedule, and all conditional approval uses listed in section 2.1 of this schedule that are commercial uses, must be carried on wholly within a completely enclosed building, other than the following: <ul style="list-style-type: none"> <li>(a) display of flowers and vegetables;</li> <li>(b) drive-through service;</li> <li>(c) farmers’ market;</li> <li>(d) gasoline station – full serve;</li> <li>(e) gasoline station – split island;</li> <li>(f) lumber and building material establishment;</li> <li>(g) neighbourhood public house;</li> <li>(h) outdoor eating area in combination with a cabaret, club, grocery or drug store, restaurant – class 2, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;</li> <li>(i) parking and loading facilities;</li> <li>(j) public bike share;</li> </ul> </li> </ul> </li> </ul>

Sections/ District Schedule(s)	Proposed Amendments
	<p>(k) restaurant – class 1;            (l) restaurant – drive-in;            (m) taxicab or limousine station; and            (n) vehicle dealer,</p> <p>except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the types of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation and the intent of this schedule.”</p>
FC-2	<ul style="list-style-type: none"> <li>• <b>Delete</b> existing text after <b>Section 2.2.1(a)</b> and <b>replace</b> it with the following:           <ul style="list-style-type: none"> <li>“(a) that are commercial uses, must be carried on wholly within a completely enclosed building, other than the following:               <ul style="list-style-type: none"> <li>(i) display of flowers, plants, fruits and vegetables,</li> <li>(ii) farmers’ market,</li> <li>(iii) neighbourhood grocery store,</li> <li>(iv) neighbourhood public house,</li> <li>(v) <b>outdoor eating area in combination with a club or neighbourhood grocery store subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule,</b></li> <li>(vi) park or playground,</li> <li>(vii) parking and loading facilities,</li> <li>(viii) parking uses,</li> <li>(ix) public bike share,</li> <li>(x) restaurant – class 2,</li> <li>(xi) retail store,</li> <li>(xii) transportation and storage uses, and</li> <li>(xiii) urban farm – class B,</li> </ul> </li> </ul> </li> </ul> <p>except that the Director of Planning may vary this regulation if appropriate measures are taken, to the satisfaction of the Director of Planning, to minimize any dangerous, injurious, noxious or otherwise objectionable impacts that could adversely affect the surrounding area and adjoining non-industrial districts;”</p>
I-1	<ul style="list-style-type: none"> <li>• <b>Strike out Section 2.2.1(a)</b> and <b>replace</b> it with the following:           <ul style="list-style-type: none"> <li>“(a) except for cardlock fuel station, vehicle dealer, transportation and storage uses, <b>and outdoor eating area in combination with a neighbourhood public house or restaurant,</b> must be carried on wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or</li> </ul> </li> </ul>

Sections/ District Schedule(s)	Proposed Amendments
	<p>otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”</p> <ul style="list-style-type: none"> <li>• <b>Strike out Section 2.2.2(a) and replace</b> it with the following: <ul style="list-style-type: none"> <li>“(a) except for gasoline station – full serve, lumber and building materials establishment, and outdoor eating area in combination with a club, must be carried on wholly within a completely enclosed building, except for heating and mechanical equipment, off-street parking and loading, or other facilities or equipment that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”</li> </ul> </li> </ul>
I-1A	<ul style="list-style-type: none"> <li>• <b>Strike out Section 2.2.1(a) and replace</b> it with the following: <ul style="list-style-type: none"> <li>“(a) except for cardlock fuel station, vehicle dealer, transportation and storage uses, and outdoor eating area in combination with a neighbourhood public house or restaurant, must be carried on wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”</li> </ul> </li> <li>• <b>Strike out Section 2.2.2(a) and replace</b> it with the following: <ul style="list-style-type: none"> <li>“(a) except for gasoline station – full serve, lumber and building materials establishment, and outdoor eating area in combination with a club, must be carried on wholly within a completely enclosed building, except for heating and mechanical equipment, off-street parking and loading, or other facilities or equipment that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”</li> </ul> </li> </ul>
I-1B	<ul style="list-style-type: none"> <li>• <b>Strike out Section 2.2.1(a) and replace</b> it with the following:</li> </ul>

Sections/ District Schedule(s)	Proposed Amendments
	<p>“(a) except for cardlock fuel station, vehicle dealer, transportation and storage uses, <b>and outdoor eating area in combination with a neighbourhood public house or restaurant</b>, must be carried on wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts <b>and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;</b>”</p> <ul style="list-style-type: none"> <li>• <b>Strike out Section 2.2.2(a) and replace it with the following:</b> <p>“(a) except for gasoline station – full serve, lumber and building materials establishment, <b>and outdoor eating area in combination with a club</b>, must be carried on wholly within a completely enclosed building, except for heating and mechanical equipment, off-street parking and loading, or other facilities or equipment that the Director of Planning considers similar to the foregoing <b>and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and</b>”</p> </li> </ul>
I-1C	<ul style="list-style-type: none"> <li>• <b>Strike out Section 2.2.1(a) and replace it with the following:</b> <p>“(a) except for park or playground, aircraft landing place, <b>and outdoor eating area in combination with a grocery or drug store, neighbourhood public house, or restaurant, or retail store</b>, must be carried on wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts <b>and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;</b>”</p> </li> <li>• <b>Strike out Section 2.2.2(a) and replace it with the following:</b> <p>“(a) <b>except for outdoor eating area in combination with a club</b>, must be carried on wholly within a completely enclosed building, except for heating and mechanical equipment, off-street parking and loading, or other facilities or equipment that the Director of Planning considers similar to the foregoing <b>and, in the case of outdoor eating area, subject to any conditions that the Director of</b></p> </li> </ul>

Sections/ District Schedule(s)	Proposed Amendments
	<p>Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”</p>
I-3	<ul style="list-style-type: none"> <li>• Strike out Section 2.2.1(a) and replace it with the following: <ul style="list-style-type: none"> <li>“(a) except for gasoline station, parking uses, transportation and storage uses, vehicle dealer, and outdoor eating area in combination with a neighbourhood grocery store, restaurant, or retail store, must be carried on wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”</li> </ul> </li> </ul>
IC-1 and IC-2	<ul style="list-style-type: none"> <li>• Strike out Section 2.2.1(a) and replace it with the following: <ul style="list-style-type: none"> <li>“(a) except for cardlock fuel station, gasoline station – split island, and outdoor eating area in combination with a club, must be carried on wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”</li> </ul> </li> <li>• Strike out Section 2.2.2(a) and replace it with the following: <ul style="list-style-type: none"> <li>“(a) except for gasoline station – full serve, lumber and building materials establishment, and outdoor eating area in combination with a restaurant or retail store, must be carried on wholly within a completely enclosed building, except for off-street parking and loading, heating or mechanical equipment, or other facilities or equipment that the Director of Planning considers similar to the foregoing and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”</li> </ul> </li> <li>• Strike out Section 4.2.5 “, and cardlock fuel station” and substitutes “, cardlock fuel station, and outdoor eating area”.</li> </ul>

Sections/ District Schedule(s)	Proposed Amendments
IC-3	<ul style="list-style-type: none"> <li>• <b>Strike out Section 2.2.1(a) and replace</b> it with the following: <ul style="list-style-type: none"> <li>“(a) except for cardlock fuel station, transportation and storage uses, <b>and outdoor eating area in combination with a restaurant</b>, must be carried on wholly within a completely enclosed building unless appropriate measures are taken, to the satisfaction of the Director of Planning, to eliminate any dangerous, injurious, noxious or otherwise objectionable impact that could adversely affect the surrounding area and adjoining non-industrial districts <b>and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;”</b></li> </ul> </li> <li>• <b>Strike out Section 2.2.2(a) and replace</b> it with the following: <ul style="list-style-type: none"> <li>“(a) except for retail store and lumber, building materials establishment, <b>and outdoor eating area in combination with a club</b>, must be carried on wholly within a completely enclosed building, except for off-street parking and loading, heating and mechanical equipment, or other facilities or equipment that the Director of Planning considers similar to the foregoing <b>and, in the case of outdoor eating area, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule; and”</b></li> </ul> </li> <li>• <b>Strike out Section 4.2.4 “Any use that is not carried on wholly within a completely enclosed building” and substitutes “Except for outdoor eating area, any use that is not carried on wholly within a completely enclosed building”.</b></li> </ul>
MC-1 and MC-2	<ul style="list-style-type: none"> <li>• <b>Strike out Section 2.2.1(c) and replace</b> it with the following: <ul style="list-style-type: none"> <li>“(c) must be carried on wholly within a completely enclosed building, except for the following: <ul style="list-style-type: none"> <li>(i) display of flowers, plants, fruits and vegetables,</li> <li>(ii) farmers’ market,</li> <li>(iii) gasoline station – full serve,</li> <li>(iv) gasoline station – split island,</li> <li>(v) lumber and building materials establishment,</li> <li>(vi) neighbourhood public house,</li> <li>(vii) <b>outdoor eating area in combination with a club, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule,</b></li> </ul> </li> </ul> </li> </ul>

Sections/ District Schedule(s)	Proposed Amendments
	<p>(viii) parking and loading facilities,            (ix) public bike share,            (x) transportation and storage uses,            (xi) urban farm – class B, and            (xii) vehicle dealer,</p> <p>except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods, and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation, and the intent of this schedule and all applicable Council policies and guidelines; and”</p> <ul style="list-style-type: none"> <li>• <b>Strike out Section 2.2.2(c)</b> and <b>replace</b> it with the following:               <ul style="list-style-type: none"> <li>“(c) must be carried on wholly within a completely enclosed building, except for the following:                   <ul style="list-style-type: none"> <li>(i) display of flowers, plants, fruits and vegetables,</li> <li>(ii) gasoline station – full serve,</li> <li>(iii) gasoline station – split island,</li> <li>(iv) lumber and building materials establishment,</li> <li>(v) neighbourhood public house,</li> <li>(vi) <b>outdoor eating area in combination with a grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule,</b></li> <li>(vii) parking and loading facilities,</li> <li>(viii) restaurant,</li> <li>(ix) transportation and storage uses, and</li> <li>(x) vehicle dealer,</li> </ul> </li> </ul> </li> </ul> <p>except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation, and the intent of this schedule and all applicable Council policies and guidelines; and”</p>
HA-1 and HA-1A	<ul style="list-style-type: none"> <li>• <b>Strike out Section 2.2.1</b> and <b>replace</b> it with the following:               <ul style="list-style-type: none"> <li>“2.2.1 All non-dwelling uses listed in section 2.1 of this schedule must be carried on wholly within a completely enclosed building, other than the following:</li> </ul> </li> </ul>

Sections/ District Schedule(s)	Proposed Amendments
	<ul style="list-style-type: none"> <li>(a) display of flowers, plants, fruits and vegetables;</li> <li>(b) gas station – split island;</li> <li>(c) farmers’ market;</li> <li>(d) neighbourhood public house;</li> <li>(e) outdoor eating area in combination with a cabaret, club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;</li> <li>(f) park or playground;</li> <li>(g) parking and loading facilities;</li> <li>(h) public bike share; and</li> <li>(i) restaurant and refreshment facilities,</li> </ul> <p>except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation, the intent of this schedule and all applicable Council policies and guidelines, and the submission of any advisory group, property owner or tenant.”</p>
HA-2	<ul style="list-style-type: none"> <li>• <b>Strike out Section 2.2.1</b> and <b>replace</b> it with the following: <ul style="list-style-type: none"> <li>“2.2.1 All non-dwelling conditional approval uses listed in section 2.1 of this schedule must be carried on wholly within a completely enclosed building, other than the following: <ul style="list-style-type: none"> <li>(a) display of flowers, plants, fruits and vegetables;</li> <li>(b) farmers’ market;</li> <li>(c) neighbourhood public house;</li> <li>(d) outdoor eating area in combination with a grocery or drug store or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;</li> <li>(e) parking and loading facilities;</li> <li>(f) public bike share; and</li> <li>(g) restaurant,</li> </ul> </li> </ul> </li> </ul> <p>except that the Director of Planning may vary these conditions for restaurant and refreshment facilities and retail uses, and the Director of Planning may impose any conditions that the Director of Planning considers necessary, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines, and the submission of any advisory group.”.</p>



Sections/ District Schedule(s)	Proposed Amendments
	<ul style="list-style-type: none"> <li>• <b>Strike out Section 2.2.2</b> and <b>replace</b> it with the following:           <p style="margin-left: 40px;">“2.2.2 All non-dwelling outright approval uses listed in section <b>2.1</b> of this schedule must be carried on wholly within a completely enclosed building, other than the following:</p> <ul style="list-style-type: none"> <li>(a) display of flowers, plants, fruits and vegetables;</li> <li>(b) <b>outdoor eating area in combination with a cabaret, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;</b></li> <li>(c) parking and loading facilities; and</li> <li>(d) restaurant and refreshment facilities,</li> </ul> <p style="margin-left: 40px;">except that the Director of Planning may vary these conditions for restaurant and refreshment facilities and retail uses, and the Director of Planning may impose any conditions that the Director of Planning considers necessary, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines, and the submission of any advisory group.”.</p> </li> </ul>
HA-3	<ul style="list-style-type: none"> <li>• <b>Strike out Section 2.2.1</b> and <b>replace</b> it with the following:           <p style="margin-left: 40px;">“2.2.1 All non-dwelling uses listed in section <b>2.1</b> of this schedule must be carried on wholly within a completely enclosed building, other than the following:</p> <ul style="list-style-type: none"> <li>(a) grocery store or drug store;</li> <li>(b) farmers’ market;</li> <li>(c) neighbourhood public house;</li> <li>(d) <b>outdoor eating area in combination with a club, grocery or drug store, or restaurant – class 2, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;</b></li> <li>(e) park or playground;</li> <li>(f) parking and loading facilities;</li> <li>(g) public bike share;</li> <li>(h) restaurant – class 1; and</li> <li>(i) retail store.”</li> </ul> </li> </ul>