

March 29, 2016

To: His Worship the Mayor
and Members of City Council

Re: Zoning Amendment Application (15-Z-21)
Discretionary Use Application (15-DU-33)
Live/Work Zoning Regulations – Westerra Subdivision

**RECOMMENDATION OF THE REGINA PLANNING COMMISSION
– MARCH 9, 2016**

1. That Lots 23-45, inclusive, Block 1 and Lots 1-23, inclusive, Block 2, in the Westerra Subdivision be rezoned from R5(H) – Residential Medium Density (Holding Overlay Zone) to R5 – Residential Medium Density.
2. That the discretionary use for the proposed Live/Work Units located on Lots 23-45, inclusive, Block 1 and Lots 1-23, inclusive, Block 2, in the Westerra Subdivision be approved subject to the following conditions:
 - a. The development shall generally be consistent with the plans attached to this report as Appendix A-1, A-2 and A-3.0-A-3.7 inclusive.
 - b. That the Live/Work Units are subject to *The Licensing Bylaw, 2007* and the *2010 National Building Code* for Mixed Use Buildings, or equivalent;
 - c. The development is contingent on subdivision approval of the subject lots and subsequent title creation; and
 - d. The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*.
3. That the proposed amendments to the *Regina Zoning Bylaw No. 9250* be approved as specified in Appendix B-1.
4. That the City Solicitor be directed to prepare the necessary bylaw to authorize the respective Zoning Bylaw amendment.

REGINA PLANNING COMMISSION – MARCH 9, 2016

Munir Haque, representing Harvard Developments and Westerra Development Corp. addressed the Commission.

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

Recommendation #5 does not require City Council approval.

Councillors: Mike O'Donnell (Chairperson) and Barbara Young; Commissioners: Phil Evans, Simon Kostic, Adrienne Hagen Lyster, Ron Okumura, Daryl Posehn, Laureen Snook and Kathleen Spatt were present during consideration of this report by the Regina Planning Commission.

The Regina Planning Commission, at its meeting held on March 9, 2016, considered the following report from the Administration:

RECOMMENDATION

1. That Lots 23-45, inclusive, Block 1 and Lots 1-23, inclusive, Block 2, in the Westerra Subdivision be rezoned from R5(H) – Residential Medium Density (Holding Overlay Zone) to R5 – Residential Medium Density.
2. That the discretionary use for the proposed Live/Work Units located on Lots 23-45, inclusive, Block 1 and Lots 1-23, inclusive, Block 2, in the Westerra Subdivision be approved subject to the following conditions:
 - a. The development shall generally be consistent with the plans attached to this report as Appendix A-1, A-2 and A-3.0-A-3.7 inclusive.
 - b. That the Live/Work Units are subject to *The Licensing Bylaw, 2007* and the *2010 National Building Code* for Mixed Use Buildings, or equivalent;
 - c. The development is contingent on subdivision approval of the subject lots and subsequent title creation; and
 - d. The development shall comply with all applicable standards and regulations in *Regina Zoning Bylaw No. 9250*.
3. That the proposed amendments to the *Regina Zoning Bylaw No. 9250* be approved as specified in Appendix B-1.
4. That the City Solicitor be directed to prepare the necessary bylaw to authorize the respective Zoning Bylaw amendment.
5. That this report be forwarded to the March 29, 2016 City Council meeting for approval, which will allow sufficient time for advertising of the required public notices for the respective bylaws.

CONCLUSION

The Administration recommends amendments to *Regina Zoning Bylaw No. 9250* (Zoning Bylaw) as:

- The removal of the holding symbol for the subject properties to allow development to commence; and
- The introduction of a Live/Work Unit to provide live/work opportunities which is an important component of a complete neighbourhood and is identified as a policy objective within *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP).

Subject to the approval of the amendments to the Zoning Bylaw, Administration also recommends the approval of Live/Work Units on the subject properties in the Westerra Neighbourhood, which is supported through policy. The live/work component has been approved through policy 3.5.3 in the Westerra Neighbourhood Plan, which provides direction on the location of the live/work buildings, the use of land within the live work area and density targets. Individual business operators within the Live/Work Units will require a business license prior to commencing operation and the townhouse building form will require building permit approval.

BACKGROUND

The OCP introduced the definition of Live/Work Unit as, “a unit designed and/or zoned to allow for both residential and employment (business) uses of the proprietor are permitted, though these uses do not include home-based businesses.”

To enable the development of complete neighbourhoods, a goal included in Section D5 (7.6) of the OCP encourages permitting live/work opportunities within Urban Centres and Urban Corridors, as well as residential areas identified within approved secondary or concept plans.

The Westerra Neighbourhood Plan forms part of the OCP. The approved Westerra Neighbourhood and Concept Plans fulfil the goals and policies of the OCP and have identified Urban Centres, Urban Corridors and residential areas where live/work opportunities are to be permitted.

The Zoning Bylaw does not have a complimentary land use classification or zone that would allow for live/work opportunities. During subdivision and re-zoning approval for Westerra Neighbourhood, the subject lands were zoned R5(H) - Residential Medium Density (Holding Overlay Zone) until a complimentary land use classification or zone was created. The intent of the Holding Symbol was to retain the lands for future live/work uses and to remove the Holding Symbol once an implementation mechanism (zoning amendment) was developed to introduce live/work uses. Administration is now proposing to introduce a Live/Work Unit land use classification to recognize the live/work policy area and therefore the Holding Symbol can be removed.

This application is being considered pursuant to *Regina Zoning Bylaw No. 9250, Design Regina: The Official Community Plan Bylaw No. 2013-48*, and *The Planning and Development Act, 2007*.

DISCUSSION

Existing Zoning Regulations for Residential Businesses

The Zoning Bylaw currently has zoning regulations for a Residential Business as follows:

Residential Business is defined as “an occupation, profession, activity, or use conducted for monetary gain from a residentially assessed property that:

- (a) is customary, incidental, and a secondary use to the residential dwelling unit; and
- (b) does not alter the exterior of the property or affect the residential character of the neighbourhood.”

A Residential Business is a permitted use within all residential zones and is located within a dwelling unit or accessory building on residentially assessed properties and is considered an accessory use to an existing dwelling unit land use classification.

Proposed Live/Work Unit Regulation

The location of Live/Work Units is determined through policy in the form of neighbourhood, secondary or concept plan approval. The proposed Live/Work Unit is provided as an alternative to a Residential Business for those areas identified as live/work in City of Regina policy (neighbourhood and concept plans). Landowners have the option for applying for the Live/Work Unit through the discretionary use application process which would allow them to have additional gross floor area, employees, signage, unscheduled client visits as well as merchandise storage and display above what is allowed in a residential business, as presented in Appendix B-1. The regulated business uses for the Live/Work Unit are similar to the regulated business uses allowed in a Residential Business. The proposal also allows for the option of a dwelling unit in the Live/Work Unit, instead of a business component, for townhouse and semi-detached building forms only.

Parking and signage requirements are regulated through the discretionary use application. An extra parking space is required for the Live/Work Unit in addition to the parking space required for the dwelling unit. Signage requirements will encourage a balance of commercial and residential character of the streetscape.

Proposed Live/Work Unit in Westerra

The location of the proposed Live/Work Units in the Westerra Neighbourhood is supported through the Westerra Neighbourhood Plan. The applicant's proposal complies with the proposed Live/Work Unit regulations. The proposed development is consistent with the purpose and intent of the R5 - Residential Medium Density Zone with respect to:

- Providing flexibility in building and site design.
- Providing a variety of development options.
- Encouraging mixed use development along or adjacent to major arterial streets.

Review considerations included the assessment of impacts on the neighbourhood with respect to:

- Parking - provided for both the dwelling unit and Live/Work Unit on-site at the rear of the property, accessed through a lane.
- Access to the Building - provided for both the dwelling unit and the Live/Work Unit at the front of the building facing the street.
- Signage - will adhere to proposed signage regulations for the Live/Work Unit.
- Landscaping - will meet the requirements for building form (townhouse dwelling unit) in Chapter 15 of the Zoning Bylaw.

The proposed location will be compatible with its surroundings, add diversity to the neighbourhood, help maintain a compact urban form and be within easy walking distance to future amenities within the neighbourhood, which is a central pillar of sustainable neighbourhoods. The applicant has provided conceptual layout and design which are included in Appendix A-3.0 to A-3.3. The site requirements and building design will be assessed in accordance with the R5 Zone regulations.

RECOMMENDATION IMPLICATIONS

Financial Implications

The Live/Work Unit is intended to be residential in nature and not require any infrastructure upgrades from residential service to commercial service.

Upon development of the Westerra Neighbourhood, the subject property will be located in a neighbourhood that will receive a full range of municipal services, including water, sewer and storm drainage. The applicant will be responsible for the cost of any additional or changes to existing infrastructure that may be required to directly or indirectly support the development, in accordance with City standards and applicable legal requirements.

Environmental Implications

None with respect to this report.

Policy/Strategic Implications

The proposal is consistent with the policies contained within the OCP by:

Complete Neighbourhoods

- Providing opportunities for daily lifestyle needs, such as services, convenience shopping, and recreation.
- Permit live/work opportunities within Urban Centres and Urban Corridors and within residential areas as identified within approved secondary plans or concept plans.

Employment Areas

- Encourage local commercial within residential areas.

Diversity of Housing Forms

- Consider alternatives for parking, height, or other development standards in support of specific needs housing and innovative housing within new development.

The proposal is consistent with the policies contained within the Westerra Neighbourhood Plan, Policy 3.5.3 Live Work Residential, regarding location, use of land and density targets. The Live/Work Unit will provide another option for live/work opportunities within growing neighbourhoods and provides an appropriate transition of land use between commercial and residential neighbourhoods.

Other Implications

None with respect to this report.

Accessibility Implications

The Live/Work Unit will be required to provide accessible access into the building, as per the *2010 National Building Code*, *The Uniform Building and Accessibility Standards Act and Regulations*, and the *Building Bylaw 2003-7*. The design of the Live/Work Units in the Westerra

Neighbourhood are subject to the discretionary use approval and may need accessibility improvements prior to a business license being issued.

Barrier-free parking stalls for persons with disabilities will be in accordance with Chapter 14 of the Zoning Bylaw, where two per cent of all required parking spaces shall be provided in the form of accessible parking spaces. However, as only two parking stalls (in total) are required for the Dwelling Unit and the Live/Work Unit (townhouse building form) there will be no on-site barrier free parking stalls required at this time for the discretionary use application.

COMMUNICATIONS

Public notification signage posted on	November 25, 2015
Will be published in the Leader Post on	March 12 & 19, 2016
Letter sent to immediate property owners	N/A
Public Open House held	N/A
Number of Public Comments Sheets received	0

DELEGATED AUTHORITY

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

Respectfully submitted,

REGINA PLANNING COMMISSION



Elaine Gohlke, Secretary