

June 17, 2019

To: His Worship the Mayor  
And Members of City Council

Re: The Regina Zoning Bylaw, 2019 (No. 2019-19) & The Sign Bylaw (No. 2019-20)  
Supplemental Report

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### RECOMMENDATION

That this report be received and filed.

### CONCLUSION

*The Regina Zoning Bylaw, 2019 (No. 2019-19)* (proposed Zoning Bylaw) and *The Sign Bylaw (No. 2019-20)* (proposed Sign Bylaw) require amendments to correct errors identified and to consider options based on stakeholder feedback received since the first reading of the proposed Zoning Bylaw and Sign Bylaw on May 15, 2019.

### BACKGROUND

The proposed Zoning Bylaw and Sign Bylaw were released publicly on May 8, 2019 and were given first reading by City Council on May 15, 2019. Since the public release, some errors have been identified, which must be addressed to ensure that the regulations can be interpreted correctly. Further, Administration has received additional feedback from stakeholders on aspects of the proposed Zoning Bylaw and Sign Bylaw, which should be considered.

### DISCUSSION

The recommended changes in the proposed Zoning Bylaw and Sign Bylaw outlined in this report, generally fall into one of the following three categories:

1. Correction of typographical errors, omissions or discrepancies.
2. Wording changes or additions of new definitions to clarify the intent of a regulation for Zoning Bylaw users to understand.
3. Recommendations for regulation changes to address issues identified by stakeholders since the first reading of the proposed Zoning Bylaw and Sign Bylaw on May 15, 2019.

The full list of proposed amendments and rationale are attached as Appendix B-1 and Appendix B-2. Appendix B-3 provides options for City Council to consider with respect to public feedback on the RN Zone.

## **Appendix B-1: Administrations proposed changes to the proposed Zoning Bylaw**

Appendix B-1 has several amendments that Administration recommends City Council to consider at second reading. The bulk of the recommended amendments are correction of typographical errors, omissions or discrepancies and wording changes or additions of new definitions to clarify the intent of a regulation to make it easier for Zoning Bylaw users to understand.

The following provides a discussion of the more substantive changes that are being recommended for City Council's consideration, as found in Appendix B-1, following the additional feedback that Administration received since May 8, 2019.

### Performance Security

Administration has received feedback from the development industry, that the inclusion of the provision for requiring a performance security of up to 100 per cent of the estimated cost to complete the development, will create challenges for the development community in the absence of a defined set of criteria and process to determine when a performance security would be required. The development industry has indicated that a framework needs to be developed to guide how and when City Council and Administration would use this provision before this tool is included in the proposed Zoning Bylaw.

Administration is recommending that the performance security provisions be removed from the proposed Zoning Bylaw and a report be brought back to City Council regarding this matter within six months of the approval of the proposed Zoning Bylaw. This will give Administration and the development industry time to develop the framework for the application of performance securities and a common understanding of an approach, which would then be brought back to City Council for approval.

### Delegated Authority for Discretionary Use Decisions

Administration has received feedback that these provisions should have a fulsome discussion outside of the approval of the proposed Zoning Bylaws. As such, Administration recommends that the provision regarding the delegation of authority to the Development Officer for discretionary use approval be removed from the proposed Zoning Bylaw at this time and be brought forward as a separate report within six months of the approval of the proposed Zoning Bylaw. This will enable a focused discussion and consideration of this item through Committee and City Council.

### Two Unit Buildings in RL Zone

The development industry has provided feedback that the proposed Zoning Bylaw removes the ability to develop two-unit dwelling buildings on a fee simple basis in the RL – Residential Low-Rise zone. They have indicated that the proposed Zoning Bylaw will negatively impact their opportunities to include flexibility and diversity in housing options in the RL Zone, which they were allowed under *Regina Zoning Bylaw No. 9250* (current Zoning Bylaw). Administration is recommending that the RL – Residential Low-Rise zone be amended to include buildings with two or more units. Administration supports this amendment as it provides for additional housing

options and flexibility in alignment with the purpose and intent of the zone and with *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP) policy.

#### Side Yard Setback for Buildings RH Zone

The development industry has provided feedback that in the RH – Residential High-Rise zone, they would like to see a tier added in the development standards table for buildings between 15 metres and 17.5 metres in height. The proposed change would keep the side yard setback standards for buildings 17.5 metres in height the same as what would apply under the current Zoning Bylaw in the R6 – Residential Multiple Housing zone. The proposed RH – Residential High-Rise zone has the same side yard setback for buildings higher than 15 metres up to 20 metres. Administration is recommending that a tier be added in Table 3D.T3 for side yard setback for buildings higher than 15 metres and up to 17.5 metres to allow for increased flexibility in the development standards and a gradation in setback that is proportionally tied to building height.

#### Recreational Uses in Industrial Zones

Administration has received several concerns from some operators of recreational service facilities in industrial zones that the proposed removal of this use from industrial zones would impact their ongoing operation. It should be noted that if the proposed Zoning Bylaw is approved, existing recreational service facilities in industrial zones would be able to continue operating as legally non-conforming land use since they were approved under the current Zoning Bylaw. To respond to these concerns, Administration has outlined the following options for Council to consider:

- Option 1: Make recreational service facilities a permitted use in industrial zones.
- Option 2: Make recreational service facilities a discretionary use in industrial zones.

Administration would recommend Option 2 that Assembly, Recreation be changed to a discretionary use in the IP – Industrial Prestige, IL – Industrial Light and IH – Industrial Heavy zones. This would allow consideration of these facilities in industrial zones on a case by case basis, which helps achieve OCP policy 7.23, which speaks to protecting industrial lands. Existing facilities would continue to not be impacted. The existing facilities would continue to lawfully exist as they would be deemed pre-existing authorized land uses. Option 2 is reflected in Appendix B-1.

#### Lot Frontage for Front Access in RL Zone

The development industry has indicated that the provisions in the proposed RL – Residential Low-Rise zone to only allow lots with front access where there is a minimum lot frontage of 8.5 metres would prevent them for selling product that they currently offer in the R5 – Residential Medium Density zone. The issue has come to light on three-unit townhouse developments where they would like to see the middle units at 6.1 metres minimum frontage and the end units at 7.3 metres frontage. To respond to this issue, Administration has outlined the following options for City Council to consider:

- Option 1: Maintain existing frontage requirements for all units at minimum frontage of 8.5 metres.

- Option 2: Allow interior units with a minimum lot frontage of 6.1 metres and end units with a minimum lot frontage of 7.3 metres.

To allow the continued sale of existing housing product, Administration is recommending Option 2, that the minimum lot frontage for lots without rear lane access in in the RL – Residential Low-Rise zone be changed to 6.1 metres for interior units and 7.3 metres for end units. This will allow for some flexibility and variation in design. This option has been reflected in Appendix B-1.

Should City Council agree with the recommended changes as set out in Appendix B-1, the following motion would need to be passed during debate at second reading:

“That *The Regina Zoning Bylaw, 2019 (No. 2019-19)* be amended to reflect the changes as set out in Appendix B-1; and that the City Solicitor prepare the necessary public notices of such changes”.

### **Appendix B-2: Administrations proposed changes to the proposed Sign Bylaw**

Appendix B-2 has several amendments that Administration recommends City Council to consider at second reading. The recommended amendments are correction of typographical errors, omissions or discrepancies and wording changes or additions of new definitions to clarify the intent of a regulation to make it easier for Sign Bylaw users to understand.

The following section provides a discussion of the more substantive changes that are being recommended for the proposed Sign Bylaw.

#### Billboard Standards

The sign industry has provided feedback indicating concerns with the proposed size limits for billboard signs. The sign industry proposes higher limits or no limits on the size of billboards. Any type of sign (e.g. freestanding, roof, wall, portable) can be a billboard. A billboard means that the advertisement on the sign is not related to the use on the lot on, which the sign is placed. The current Zoning Bylaw includes maximum size regulations for the different sign types.

The proposed Sign Bylaw limits for maximum height and maximum sign face area for billboards to the same as the standards for freestanding signs in the same zone. This was an error as the intent was to allow billboards to be the permitted up to the maximum size as the sign type (i.e. wall signs, freestanding signs, roof signs) in the zone.

Administration is recommending that this change be made to clarify the wording so that it is consistent with what was intended. This would ensure a consistent approach to the regulation of the maximum size of the sign type regardless of the content of the advertisement on the sign.

Should City Council agree with the recommended changes as set out in Appendix B-2, the following motion would need to be passed during debate at second reading:

“That *The Sign Bylaw (No. 2019-20)* be amended to reflect the changes as set out in Appendix B-2 and that the City Solicitor prepare the necessary public notices of such changes”.

### **Appendix B-3 - RN Zone**

Administration has received feedback from the stakeholders regarding two unit buildings being permitted in the RN zone, indicating that they are not in support of allowing Building, Row and Building, Stacked in the RN – Residential Neighbourhood zone. Administration has included two draft motions as options in Appendix B-3, should City Council wish to amend the provisions in the proposed Zoning Bylaw:

- Option 1: Make Building, Row and Building, Stacked a discretionary use in the RN – Residential Neighbourhood zone. Should City Council want to make this change, Administration recommends that City Council pass the following motion at second reading:

“That *The Regina Zoning Bylaw, 2019 (No. 2019-19)* be amended to reflect the changes as set out in Appendix B-3 Option 1; and that the City Solicitor prepare the necessary public notices of such changes”.

- Option 2: Remove Building, Row and Building, Stacked from the RN – Residential Neighbourhood zone. Should Council want to make this change, Administration recommends that City Council pass the following motion:

“That *The Regina Zoning Bylaw, 2019 (No. 2019-19)* be amended to reflect the changes as set out in Appendix B-3 Option 2; and that the City Solicitor prepare the necessary public notices of such changes”.

Administration would recommend that should City Council wish to change these uses from permitted, that they be included as a discretionary use (Option 1) within the zone in order to continue to align with OCP policies and Housing Strategy objectives.

### RECOMMENDATION IMPLICATIONS

#### Financial Implications

None with respect to this report.

#### Environmental Implications

None with respect to this report.

#### Policy and/or Strategic Implications

Under section 34(2) of *The Planning and Development Act, 2007*, municipalities are required to ensure the Zoning Bylaw is consistent with the OCP.

Other Implications

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

The required notices will be published in the newspaper in accordance with *The Planning and Development Act, 2007*.

DELEGATED AUTHORITY

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

Respectfully submitted,



Fred Searle, Director  
Planning & Development Services

Respectfully submitted,



Diana Hawryluk, Executive Director  
City Planning & Community Development