

August 6, 2019

To: His Worship the Mayor
And Members of City Council

Re: The Regina Zoning Bylaw, 2019 (No. 2019-19) Supplemental Report #2

RECOMMENDATION

That this report be received and filed.

CONCLUSION

Having considered the representations made at the June 17, 2019 public hearing and other submissions made to City Council in relation to *The Regina Zoning Bylaw, 2019 (No. 2019-19)*, City Council approved several amendments to the proposed bylaw which have been advertised in accordance with *The Planning and Development Act, 2007*.

BACKGROUND

On May 15, 2019, City Council considered and approved first reading of *The Regina Zoning Bylaw, 2019 (No. 2019-19)*. A subsequent public hearing was held on June 17, 2019 where members of the public made representations to City Council on the proposed bylaw. After the public hearing, City Council considered item CM19-7 “*The Regina Zoning Bylaw, 2019 (No. 2019-19) & The Sign Bylaw (No. 2019-20) Supplemental Report*” and approved the following alterations to *The Regina Zoning Bylaw, 2019*:

- correction of typographical errors, omissions or discrepancies;
- clarification or addition of definitions to assist with interpretation of the regulations;
- deletion of the requirement to provide performance security in relation to a development permit application;
- deletion of the provision delegating authority to the development officer in relation to discretionary use applications;
- an amendment to the RL – Residential Low-Rise zone to allow buildings with two or more units;
- an amendment to Table 3D.T3 in relation to the RH – Residential High-rise zone to provide for side yard setbacks of 4.4 metres in relation to buildings between 15 metres and 17.5 metres in height;
- an amendment to allow for Assembly, Recreation to be a permitted use within the IP – Industrial Prestige and IL – Industrial Light zones and a discretionary use within the IH – Industrial Heavy zone; and

- an amendment to allow the minimum lot frontage for lots without rear lane access in the RL – Residential Low-Rise zone to be 6.1 metres for interior units and 7.3 metres for end units.

The alterations made by City Council on June 17, 2019 to the proposed Zoning Bylaw are listed in Appendix A-1, which also outlines the rationale and any implications associated with each alteration.

As a result of the consideration of public representations regarding the proposed bylaw on June 17, 2019, City Council proposed the following additional alterations to the Zoning Bylaw in accordance with section 211 of *The Planning and Development Act, 2007*:

- addition of the R1 – Residential Detached zone and application of the R1 zone to all existing R1 zoned properties; and
- an amendment to the Residential Infill Development Overlay – RID zone to require development in this zone to be consistent with prescribed development guidelines with respect to building orientation, massing and height requirements.

These additional alterations proposed by City Council to the proposed Zoning Bylaw are listed in Appendix B-1, which also outlines the rationale and any implications associated with these two alterations. These alterations were not discussed in the previous Supplemental Report and will be discussed in more detail in this report.

DISCUSSION

Alterations to the proposed Zoning Bylaw are being considered in response to concerns brought forward at the June 17, 2019 public hearing. The alterations are intended to address concerns related to the context of infill housing within existing neighbourhoods as well as the built form development opportunities in low density residential zones.

R1 – Residential Detached Zone

The regulations for the R1 – Residential Detached Zone within the *Regina Zoning Bylaw No. 9250* are proposed to be carried forward and included in the proposed zoning bylaw. All properties currently in the R1 Zone will continue to be in the R1 Zone. This alteration intends to address concerns brought forward related to built form development opportunity in this low-density residential zone. The impact of this alteration is status quo.

RID – Residential Infill Development Overlay Zone

The direction provided by City Council after the June 17, 2019 public hearing was for the RID – Residential Infill Development Overlay zone to include further measures from the Infill Housing Guidelines to require infill development to be more sensitive to the context of existing development in the area surrounding the proposed site. To address the concerns of City Council,

the RID – Residential Infill Development Overlay zone has been updated with the addition of new regulations that will apply in the zone. The specific changes are summarized as follows:

Application

The application section of the RID – Residential Infill Development Overlay zone is proposed to be updated to include a provision that allows the Development Officer to refer an application to City Council as a discretionary use application, if the Development Officer considers that the application does not strictly comply with the permitted use requirements of the overlay zone. The referral to Council is to be requested by the applicant. This proposed change provides flexibility in the review of applications that do not strictly comply with the permitted use regulations, rather than outright denying approval for these developments. Some aspects of the proposed changes to the RID – Residential Infill Development Overlay zone resulting from the motions are somewhat subjective in application and may benefit from being evaluated under a discretionary process. Development applications that are consistent with the regulations of the overlay zone will continue to be reviewed as a permitted use by the Administration. If an application is advanced to City Council, it will be within City Council's authority to grant an exception and approve the infill development and impose conditions as part of the approval process.

Building Height

In the draft of the bylaw approved at first reading, the regulations regarding maximum building height in the RID – Residential Infill Development Overlay zone specified that the maximum height for an infill development would be 8.5 metres, unless the immediately adjacent residential properties were developed at a greater height. In such a situation, if the applicant desired to build greater than 8.5 metres in height, a surveyor's certificate would be submitted with the application to verify the building height on the abutting adjacent properties.

The proposed alteration being considered is to continue to have a maximum building height of 8.5 metres, but if an applicant desired to build greater than 8.5 metres in height, instead of using the average building height of the adjacent properties for reference, the average building height of the residences on the block face would be used.

The Administration will attempt to provide the applicant with the average building height for the block face based on their best estimate using a GIS software to take the measurement. This prevents the applicant from needing to survey all the properties on the block face, which would increase the cost of the proposed development. However, if the applicant disagrees with the estimate provided by the Development Officer, they would have the option of submitting a surveyor's certificate that indicates the actual average height of all buildings on the block face.

Location and Organization

A new section is proposed to be included in the RID – Residential Infill Development Overlay zone that would require the primary views of a proposed building to be oriented towards an adjacent street, park or open space. This would prevent the view from a proposed building being oriented toward a neighbouring property.

Porch and Uncovered Balcony, Deck or Platform

A new section is proposed to be included in the RID – Residential Infill Development Overlay zone that would require porches and balconies to be screened on the sides to prevent them from overlooking the properties on either side of the proposed site.

Massing

A new section is proposed to be included in the RID – Residential Infill Development Overlay zone to address the massing of buildings. The regulations would require that the portions of a building above a certain specified height be set further back from the property line than the lower portion of the building. The step back requirement for the upper portions of a structure would increase the complexity of the structural loading calculations and roof structure design, which may increase the cost of construction.

It should be noted that the above-mentioned alterations have been created to attempt to meet the objectives of Council’s direction but may create uncertainty for applicants developing infill as each application will be considered in the context of the block face. Administration will create information packages to help applicants as they design infill developments.

RECOMMENDATION IMPLICATIONS

Financial Implications

None with respect to this report.

Environmental Implications

None with respect to this report.

Policy and/or Strategic Implications

Pursuant to 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

None with respect to this report.

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,

A handwritten signature in black ink, appearing to read 'Fred Searle', written in a cursive style.

Fred Searle, Director
Planning & Development Services

Report prepared by: Rohan Swaby, Manager, City Projects

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Diana Hawryluk', written in a cursive style.

Diana Hawryluk, Executive Director
City Planning & Community Development