

December 16, 2019

To: His Worship the Mayor
And Members of City Council

Re: The Regina Zoning Bylaw, 2019 (No. 2019-19) Amendments Report

RECOMMENDATION

1. That the proposed amendments to *Regina Zoning Bylaw, 2019 (No. 2019-19)* as specified in Appendix A be approved.
2. *The Sign Bylaw (No. 2019-20)* be repealed.
3. That the City Solicitor be directed to prepare the necessary bylaws to authorize the amendments.

CONCLUSION

On August 26, 2019, City Council approved *The Regina Zoning Bylaw, 2019 (No. 2019-19)* and *The Sign Bylaw (No. 2019-20)* and directed that they be sent to the Ministry of Government Relations for approval pursuant to *The Planning and Development Act, 2007*. As a result of its review, the Ministry identified the concerns noted in this report. The Ministry refused to approve *The Sign Bylaw* unless the regulations adopted pursuant to the City's authority under *The Planning and Development Act, 2007* are consolidated within the Zoning Bylaw. The Ministry granted conditional approval of *The Regina Zoning Bylaw, 2019* provided the proposed amendments, as set out in this report, are adopted.

Based on the conditional approval, the Administration recommends approval of the amendments outlined in this report.

BACKGROUND

On June 18, 2019, City Council considered and approved third reading of *The Sign Bylaw, 2019 (No. 2019-20)*. On August 26, 2019, City Council considered and approved third reading of *The Regina Zoning Bylaw (No. 2019-19)*. Upon approval of *The Regina Zoning Bylaw (No. 2019-19)* on August 26, 2019, both *The Regina Zoning Bylaw, 2019 (No. 2019-19)* and *The Sign Bylaw (No. 2019-20)* were sent to the Ministry of Government Relations for ministerial approval in accordance with *The Planning and Development Act, 2007*.

The Ministry's review of *The Regina Zoning Bylaw, 2019 (No. 2019-19)* and *The Sign Bylaw (No. 2019-20)* led to the identification of the two items as follows:

- The Ministry advised that it will not approve *The Sign Bylaw (No. 2019-20)* as some sections fall under the authority of *The Cities Act* and are not within the Ministry's authority to approve. Additionally, their interpretation of *The Planning and Development Act, 2007* requires that, if a municipality has regulations related to the location of signs, they must be included in the municipality's zoning bylaw.
- *The Regina Zoning Bylaw, 2019 (No. 2019-19)* does not include maps of the City of Regina's Floodway Fringe boundaries for the 1:500 estimated peak water elevation. *The Statements of Provincial Interest Regulations* require planning documents to identify potential hazard lands and address their management. Therefore, in the Ministry's view, without inclusion of a Floodway Fringe Overlay Zone *The Regina Zoning Bylaw, 2019 (No. 2019-19)* does not fully meet this requirement.

On November 21, 2019, the Ministry conditionally approved *The Regina Zoning Bylaw, 2019 (No. 2019-19)* provided the abovementioned items be addressed within three months of the Ministry's approval date.

The proposed amendments to *The Regina Zoning Bylaw, 2019 (No. 2019-19)* are listed in Appendix A-1, along with their rationale and implications.

DISCUSSION

Amendments to *The Regina Zoning Bylaw, 2019 (No. 2019-19)* and the subsequent repeal of *The Sign Bylaw (No. 2019-20)* are being considered in response to conditions imposed by the Ministry of Government Relations during its review of the proposed bylaws. As ministerial approval is conditional upon these amendments to *The Regina Zoning Bylaw, 2019 (No. 2019-19)*, the proposed amendments identified in this section must be approved within three months by City Council in order that *The Regina Zoning Bylaw, 2019 (No. 2019-19)* come into effect.

With regard to the City's sign regulations, the Ministry's direction is that the sign regulations be located within *The Regina Zoning Bylaw, 2019 (No. 2019-19)* rather than within a sign-specific bylaw. The regulations approved by City Council within *The Sign Bylaw (No. 2019-20)* will become Chapter 11 of *The Regina Zoning Bylaw, 2019 (No. 2019-19)*, with the exception of the regulations for sandwich board signs which will remain in *The Regina Clean Property Bylaw*.

Sandwich Board Signs/Signs on Public Property

The regulations related to sandwich board signs and signs on public property that were approved by City Council within *The Sign Bylaw (No. 2019-20)* were taken from *The Regina Clean Property Bylaw*. As these regulations address the use of sandwich board signs on public property and *The Regina Zoning Bylaw, 2019 (No. 2019-19)* addresses land uses on private property, it is more appropriate to leave them in *The Regina Clean Property Bylaw*. This reflects the status quo prior to City Council's approval of *The Regina Zoning Bylaw, 2019 (No. 2019-19)* and *The Sign Bylaw (No. 2019-20)* as there were no changes to these regulations.

All Other Sign Regulations

All other sign regulations approved by City Council within *The Sign Bylaw (No. 2019-20)* will be included as Chapter 11 within *The Regina Zoning Bylaw, 2019 (No. 2019-19)*. The regulations themselves are unchanged aside from minor edits to numbering and formatting in order to integrate the new chapter with the rest of *The Regina Zoning Bylaw, 2019 (No. 2019-19)*. This approach would result in a need to repeal *The Sign Bylaw (No. 2019-20)* as all its contents would now be located in *The Regina Zoning Bylaw, 2019 (No. 2019-19)* and *The Regina Clean Property Bylaw*.

Based on its interpretation of *The Planning and Development Act, 2007*, the Ministry has concluded that any sign regulations pertaining to land use cannot exist separately and must be within the Zoning Bylaw. While the City maintains the Act does allow the sign regulations to be removed and put under one bylaw, Administration acknowledges the Ministry's request and will proceed with requesting an amendment to the Zoning Bylaw so that it can go into effect.

At the August 26, 2019 City Council meeting, Council asked that 1 year after adoption a report come forward outlining any implications to the new Zoning Bylaw and sign regulations.

Floodway Fringe Overlay Zone

The proposed amendment will bring forward the Floodway Fringe Overlay Zone regulations from *Regina Zoning Bylaw, No. 9250* as a new subsection within Chapter 8 of *Regina Zoning Bylaw, 2019 (No. 2019-19)*. The regulations will mostly remain unchanged aside from minor edits to ensure formatting and language consistency with the rest of *Regina Zoning Bylaw, 2019 (No. 2019-19)*. Just like *Regina Zoning Bylaw No. 9250*, the provisions of the new part apply to all areas of the city identified under the Canada/Saskatchewan Floor Damage Reduction Program and within the floodway fringe of different creeks and storm channels.

Although the Ministry gave the City three months for the Floodway Fringe boundaries to be added to *The Regina Zoning Bylaw, 2019 (No. 2019-19)*, the Administration is choosing to advance this amendment to Council now to ensure that the new Zoning Bylaw is fully compliant with the Ministry's requirements as soon as it comes into effect.

In addition to adding the Floodway Fringe boundaries to the Chapter 9 - Zoning Maps, Administration has included a change to the zoning designation for parcel with civic address - 4700 Parliament Avenue from ML – Mixed Low-Rise Zone to MH – Mixed High-Rise Zone due to a mapping error. In May 2019, Zone Forward mailed out letters to all property owners notifying the proposed zoning designation of their properties. Zone Forward intended to assign MH – Mixed High-Rise Zone to the parcel located at 4700 Parliament Avenue, which was reflected in the letter that the owner received. However, the zoning maps that were approved by City Council on August 26, 2019 erroneously show this parcel as ML – Mixed Low-Rise.

RECOMMENDATION IMPLICATIONS

Financial Implications

None with respect to this report.

Environmental Implications

None with respect to this report.

Policy and/or Strategic Implications

None with respect to this report.

Other Implications

The new *Regina Zoning Bylaw, 2019 (No. 2019-19)* will come into effect on December 21, 2019 and, subsequently, *Regina Zoning Bylaw, No. 9250* will be repealed, should Council approve these bylaws on December 16, 2019.

However, the following are implications if the proposed amendments are not approved:

- The Ministry could rescind their conditional approval of *Regina Zoning Bylaw, 2019 (No. 2019-19)* and the City would revert to *Regina Zoning Bylaw, No. 9250* until such time as the condition is met.
- The Government of Saskatchewan/Ministry is also authorized by section 77 of *The Planning and Development Act* to exercise any of the powers of the Council after giving the municipality a 30 days' written notice if the Council fails to amend the Zoning Bylaw as directed by the Ministry. Effectively, this would allow the Ministry to adopt the amendments in Council's place.
- If the sign regulation amendments are not approved, the City will not have regulations for managing signs on private property. *Regina Zoning Bylaw, 2019* does not include any sign regulations. Portions of *Regina Sign Bylaw, 2019* that are enacted under *The Cities Act* would remain in effect. However, the City would not be able enforce those portions that rely on its authority pursuant to *The Planning and Development Act, 2007*.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

Public notice of the proposed amendments has been given in accordance with *The Planning and Development Act, 2007*.

Stakeholders who participated in the Zone Forward project and engagement process were also notified of the Ministry's conditional approval of the Bylaw.

The proposed amendments were advertised on *CityPage* in the *Regina Leader-Post*.

DELEGATED AUTHORITY

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

Respectfully submitted,



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12/5/2019



Diana Hawryluk, Executive Director, City Planning & Community Dev.

12/10/2019

Report prepared by: Jordan Reid, Strategy and Performance Consultant in Public Policy