

Residential Land Uses in Industrial Zones - Zoning Bylaw Amendment

Date	June 30, 2020
To	City Council
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	CM20-19

RECOMMENDATION

That City Council:

1. Approve the amendments to *The Regina Zoning Bylaw 2019-19* as specified in Appendix A.
2. Direct the City Solicitor to prepare the necessary Bylaw to amend *The Regina Zoning Bylaw, 2019-19* for the July 29, 2020 City Council meeting, after advertising the required public notice.
3. Remove item CR20-33 from the outstanding items list for City Council.

ISSUE

City Council has requested that Administration bring forward a report that provides options for the regulation of residential uses that are accessory to industrial uses as described in *The Regina Zoning Bylaw, 2019-19* (Zoning Bylaw). This report provides a summary of the types of residential uses that are accessory to industrial operations and options for regulation and recommends that these uses be accommodated in the bylaw as a permitted or discretionary use, depending on the type of accessory residential use and circumstance.

IMPACTS

Policy/Strategic Impacts

The recommendations in this report support the following policies contained in *Design*

Regina: The Official Community Plan Bylaw No. 2013-48 (OCP) to support economic development, industrial land uses, and ensure land use compatibility between residential and employment uses:

- 7.24 Provide appropriate locations and development opportunities for a full range of industrial, commercial and institutional activities: Within industrial areas, permit supporting services or amenities that complement industrial uses or cater to industrial employees or customers.
- 11.1 Improve overall health of the public through urban planning: Ensure the compatibility of new development with land use compatibility transition areas identified on Map 9 – Health and Safety.
- 12.1 Foster an environment conducive to economic vitality and competitiveness which supports the standard of living residential in Regina and the surrounding region: Ensure an orderly regulatory environment within which business and industry can operate assured of transparency, predictability, and fairness in their dealings with the City.

There are no financial, environmental or accessibility implications.

OTHER OPTIONS

Within the scope of this review, there are two other options to consider:

1. Status Quo. There would be no change to the Zoning Bylaw. Residential Uses would not be permitted in industrial zones as principal, accessory, or temporary uses. It is important for some industrial business functions for safety, security and respite for workers. This option would limit and compromise important functions for some industrial businesses and is not recommended for this reason.
2. Amend the Zoning Bylaw to allow for any residential use as accessory to an industrial operation. This provides the most flexibility to accommodate residential uses that may not be foreseen to support industrial uses at this time. Residential uses that are accessory to an industrial use may be accommodated as a permitted use depending on compliance and consistency with any criteria established in the Zoning Bylaw. However, criteria established for a permitted use would need to be specific to be effective. For example, evaluation for a more intense residential use or, which may require further evaluation of an environmental condition would be difficult to establish without some degree of discretion.

COMMUNICATIONS

Stakeholders consulted by the City of Regina (City) have been contacted to advise of this report. Public notice of Council's intention to consider the proposed zoning bylaw

amendment will also be given and interested parties will receive written notification of City Council's decision in accordance with *The Planning and Development Act, 2007*.

DISCUSSION

In follow up to City Council's motion the Administration undertook the following actions:

- Assessed current provisions in the Zoning Bylaw for the regulation of accessory and temporary residential uses in industrial areas.
- This included consideration of the type, categories and classifications of these uses that might occur in Regina's industrial areas.
- Conducted key informant interviews to determine needs of industry and how they may be impacted by a change to the bylaw.
- Researched bylaws in other cities and municipalities to determine regulatory approaches and confirmed how Zoning Bylaw regulations of the City have recently changed with respect to this issue.

City of Regina Bylaw Summary

Regina Zoning Bylaw No. 9250, now repealed, contained provisions for caretaker's quarters as an accessory dwelling within an industrial zone. This provision was removed from the Bylaw in 2015 (2015-1) as it was considered unnecessary at the time. Habitable uses within accessory buildings were not allowed, however, the previous Zoning Bylaw contained temporary use provisions, which allowed for consideration of residential uses for, based on criteria, up to 12 months.

The current *Regina Zoning Bylaw 2019-19* does not contain specific provisions for accessory residential units in industrial zones (such as caretaker's quarters) or specific regulations for work camps. An accessory residential use to an industrial use would not be permitted as an accessory use in the current Zoning Bylaw as the definition for accessory excludes habitation and there is no provision for temporary uses within the current Zoning Bylaw. Administration previously interpreted a different section of the Bylaw to allow for discretion; however, in consultation with the Legal Department it was determined that the definition of accessory would need to be amended.

The Administration is considering re-introducing some temporary use provisions to respond to requests for temporary uses on properties. Some of these include temporary uses of properties for food trucks, vendors and garden centres. Under the new Zoning Bylaw these uses would be subject to the same requirements as a permanent use, which is not reasonable in some cases. Administration will bring a separate report and proposed amendments on temporary uses back to Regina Planning Commission and City Council.

Key Informant Interviews

Administration contacted a select group of six stakeholders who represent a cross-section of industrial types and interests, including commercial real estate agents who have experience with industrial properties, a construction company, Co-op Refinery Complex (CRC) and a trucking company. Stakeholders were advised of City Council's motion that Administration follow up to determine the range and type of accessory and temporary residential uses in industrial areas and how they might best be regulated in the Zoning Bylaw.

While complete dwelling units in industrial development are infrequent, some industrial buildings do have facilities on premises, such as kitchens, showers or rest (respite) areas. Especially in operations that operate on a 24-hour basis. These areas would be deemed accessory as they provide support for the functioning of the industrial operation.

The stakeholders were asked if they were aware of any instances where accessory residential uses, such as caretaker's or security quarters or sleeping areas for 24-hour industrial operations, or other similar residential uses are required to support an industrial operation. Generally, the stakeholders commented that:

- There is no awareness of any industrial operations that required permanent on-site residence to support an industrial operation. It is a rare, if not, non-existent situation in the city's industrial inventory.
- Some trucking operations may have a sleeping quarters, washing, and cooking facilities to allow drivers to recover and rest before continuing their route.
- It is unlikely that temporary work camps with on-site residential would be needed to support a construction activity within the city. Usually work camps support more major construction projects and industries in remote locations where there are no alternate accommodations, such as apartments or hotels. Although rare, it is possible that construction sites may require on-site temporary dwellings because of the nature, duration and extent of the project.
- Temporary work camps can be beneficial during times of economic growth when accommodations for temporary workers are minimal or marginal and immediate housing is needed for the workers.

As noted above, the Administration also contacted the CRC for feedback on how a proposed bylaw change would impact their current operation where a work camp was established under the temporary use provisions of *Regina Zoning Bylaw No. 9250*. The CRC was contacted specifically because they are a unique industrial operation within the city, which currently holds a permit for a temporary work camp within its premises issued pursuant to the previous Zoning Bylaw. They commented that their business operations would benefit from on-site residential accommodation from time to time in various

circumstances, not only in times of scarce labour resources. The CRC is not in favour of a discretionary use process because it adds uncertainty to their business planning operations. They recommend that placement of on-site work camps should be managed as a technical issue with the Administration as a permitted land use.

Municipal Bylaw Research

Administration researched bylaws of other municipalities and found similar approaches between them. These cities and municipalities included Saskatoon, Winnipeg, Calgary, Edmonton, Windsor, London, R.M. of Sherwood, R.M. of Edenwold, Rosetown, and Biggar. The research revealed that other cities and municipalities allowed for residential uses in industrial areas in very limited situations as follows:

- Dwelling or habitable areas for caretakers or security guards that are accessory to industrial operations.
- Work camps were defined and regulated in rural municipal bylaws, but not bylaws in most cities. However, Edmonton allows for “Temporary Sleeping Accommodations” as an accessory use to industrial uses, subject to a phased environmental assessment.

This research is summarized in Appendix B.

Recommended Option

Administration’s assessment is that there are two categories of potential accessory residential uses that are appropriate to accommodate in industrial zones. These are:

- Accessory residential uses required to support an industrial operation, which are located within the principal use building. These include caretaker or security quarters, or respite areas. They would include attributes typical of a dwelling, including sleeping, cooking, and washing facilities. These would be more permanent in nature, but small-scale and low impact and the locations and safety issues would typically be reviewed through the building permit process for compliance with the *National Building Code of Canada*; and
- Temporary camps for workers associated with an industrial or construction activity. These uses would be more temporary in nature, may vary in scale, ranging from a few units, to several hundred.

Although both uses are rarely required, the Zoning Bylaw should accommodate the industry needs and include provisions, regulations, and procedures that consider the impacts and appropriateness of such proposals to ensure objectives with respect to health and safety, land use compatibility, and economic growth are addressed. The regulations should also be appropriate for evaluating the impacts of the land use. Therefore, Administration proposes amendments to the Zoning Bylaw to provide for the following:

- **Residential or habitable spaces be permitted as an accessory use to industrial uses up to 100 square metres.** They would be reviewed for health and safety in alignment with the *National Building Code of Canada*. Given this, they would have minimal impact on surrounding land uses or development on-site, a discretionary use process is unnecessary.

Work camps be included as a defined land use and be accommodated as a discretionary use if accommodating more than 20 beds in the IL - Industrial Light, IH - Industrial Heavy and UH - Urban Holding Zones. Although work camps are likely to occur in rare circumstances, each case will be unique and should be considered on its own merits through the discretionary use process. Work camps would be permitted in any circumstance if required for 20 beds or less. Beyond this intensity a discretionary use process would evaluate the impacts and appropriateness of the proposed land use.

A discretionary use process would require public notice, technical evaluation, and City Council's approval. Council's decision would need to consider the established criteria as outlined in the Zoning Bylaw for discretionary uses. This may include evaluation of environmental factors to determine land use compatibility with an industrial operation, considering the intensity of the work camp and the nature of the industrial use. The process currently takes approximately four months from submission to approval. Discretionary use approvals can include terms (i.e. time limits) and conditions to mitigate concerns. For example, an application for a work camp would consider in more detail its relationship to the OCP, require supporting studies to address concerns, consider on-site and off-site impacts (which may result in alterations to the site layout), and could be approved for a limited term and include conditions to return the site to its original state, and to be limited to the approved scale.

- **Definitions related to "accessory" be amended to allow for habitable space to be considered as an accessory use only in those zones and on conditions expressly provided for in the bylaw as outlined in the report.**

DECISION HISTORY

On May 27, 2020, City Council considered a report (CR20-33) for housekeeping amendments to Zoning Bylaw 2019-19. As part of those discussions, City Council resolved "that recommendation #1 respecting accessory residential uses in industrial zones be withdrawn and Administration be directed to bring a report to the June 24, 2020 meeting of City Council outlining options to address residential land uses in industrial areas within the Zoning Bylaw.

The recommendations contained in this report require City Council approval.

Respectfully Submitted,



Fred Searles, Director, Planning & Development Services

Respectfully Submitted,



6/16/2020

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

6/18/2020

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ATTACHMENTS

Industrial Accessory Uses - App A

Residential Uses in Industrial Zones - App B