

Zoning Bylaw Amendments, Housekeeping and Administrative

Date	January 6, 2021
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	RPC21-4

RECOMMENDATION

Regina Planning Commission recommends that City Council:

1. Approve the amendments to *The Regina Zoning Bylaw, 2019-19* as directed by Appendix A of this report.
2. Direct the City Solicitor to prepare the necessary bylaws to amend *The Regina Zoning Bylaw, 2019*, to be brought forward to the meeting of City Council following approval of the recommendations by Council.
3. Approve these recommendations at its January 13, 2021 meeting.

ISSUE

The Regina Zoning Bylaw, 2019 (Zoning Bylaw) came into effect on December 21, 2019 after receiving ministerial approval. Through regular usage of the Zoning Bylaw, certain housekeeping corrections and other needed amendments have been identified as outlined in Appendix A of this report for approval.

It is common for a municipality to regularly update its zoning bylaw in response to administrative or external trends. However, as this zoning bylaw is approximately one year old and was a comprehensive re-write from the former bylaw, these minor updates are expected to occur more frequently (likely bi-annually) to ensure that its bylaw functions as intended.

Administration intends to provide a Council with an update on the use and function of the

new Zoning Bylaw in Q2 of 2021. This report will comment on how the Zoning Bylaw has performed, as well as some specific amendments that are intended to be addressed to improve application and address specific issues that have emerged that are beyond the scope of Administrative Amendments.

IMPACTS

Policy/Strategic Impact

The recommendations of this report are consistent with the following *Design Regina: The Official Community Plan Bylaw No. 2013-48 (OCP)*:

- Section 12.2: *Minimize regulatory barriers to economic growth to the greatest possible extent while balancing the needs and aspirations of all Regina residents, fee-and tax-payers, and the sustainability of the city.*

The proposed amendments aim to remove inconsistencies in the bylaw that will improve the City's ability to administer the bylaw and remove barriers to new development proposals.

OTHER OPTIONS

Alternative options would be:

1. Approve the amendments in part by removing individual proposed amendments from the bylaw (amendments numbered separately in Appendix A to allow for ease of reference).
2. Refer the report back to Administration. Should City Council has specific concerns with the report and proposed amendments it may refer the report back to Administration and direct that it be reconsidered by Regina Planning Commission or brought directly back to Council following further review by Administration.
3. Deny the proposed amendments. This would impact Administration's ability to apply and interpret the bylaw for the affected sections, which could result in unnecessary delays in development application processes.

COMMUNICATIONS

Public notice of the public hearing to be conducted upon consideration of the proposed bylaw amendments will be given in accordance with *The Public Notice Policy Bylaw, 2020*. The proposed amendments and associated City Council meeting will be advertised on CityPage in the *Regina Leader-Post*, posted on the City's public notice board at City Hall and online at Regina.ca.

DISCUSSION

Given the comprehensive and complex nature of the Zoning Bylaw, it is common practice to identify housekeeping amendments in the subsequent months and years following

comprehensive reviews and adoption as minor errors are discovered and emerging developments are tested under the new regulations. Administration has addressed and categorized these amendments as follows:

- For ease of use, Appendix A provides general descriptions of all the proposed amendments and their rationale. Council's concurrence with this report and all proposed amendments would direct preparation of specific amendments to the Zoning Bylaw for Council's consideration.
- Most of the proposed amendments outlined in Appendix A are minor in nature such as typos, incorrect references, or other errors that occurred in preparing the new bylaw.
- Instances where the regulations need wording changes to clarify the intent are also included in the amendments.
- Errors in zoning designations on the maps (Chapter 9) are captured in the amendments.

Beyond housekeeping amendments other proposed amendments to specifically note include:

- **Flankage (Side Yard) driveway access (Amendment 1)**

The proposed amendment would require that a garage that is accessed from a flankage (side yard) to be at least 5.5 metres from the back of curb or walk rather than 6.0 metres from the property line as is currently required. The proposed standard would revert to the standard in place before adoption of *Regina Zoning Bylaw, 2019-19*. *Regina Zoning Bylaw, 2019-19* required the driveway to be 6.0 metres so that standards on front and side yards are consistent. However, when applied, the new standard proved to be less practical. In some cases a driveway leading from a side yard is preferred by the homeowner or it may better align with City policy, such as when lots are too narrow to allow for a side yard access that meets requirements; where the driveway may be excessively long depending on the width of the boulevard space; where the additional driveway length within the property comes at the expense of useable rear yard space for homeowners; or when a front yard driveway (which may be the only alternative) is not consistent with neighbourhood character.

- **ML - Mixed Low-Rise Zone and MH - Mixed High-Rise Zone setbacks adjacent to Residential Zones (Amendments 9 and 10)**

The Zoning Bylaw as a general principle requires additional setbacks in Mixed Use Zones where adjacent to Residential Zones. This is not changing in the proposed amendments. However, the proposed amendment would clarify that additional setback would be required only where Mixed Use property shares a common property line with a residential property. Currently the additional setback is also required where an alley intervenes between the Mixed and Residential zoned properties, which is difficult to justify, especially when the lane also serves the purpose of providing buffer. Most registered lanes in the city are 6.0 meters in width. The proposed amendment corrects this oversight.

- **Front Yard Decks in the RID – Residential Infill Design Overlay Zone (Amendment 11)**

The Residential Infill Design (RID) Overlay Zone applies to most neighbourhoods inside the Lewvan Drive and Ring Road. The intent of the zone is to ensure that new development acknowledges some elements of existing character, such as the established front yard setbacks on the block. To establish the required setback for new development in some cases a legal survey is required. Administration has found that this requirement is onerous for a permit for a front yard deck. In some cases, the cost of the survey may be close to the cost of construction of the deck. To facilitate these permit reviews while still maintaining the intent of the requirement, Administration proposes that the Development Officer may use discretion, to be applied based on information other than a survey, to determine the required front yard setbacks for decks. This may include measurements provided by the applicant and verified to a reasonable degree through the City's aerial photos, property photos, and infrastructure records.

- **Downtown Zone Amendments (Amendments 12 and 13)**

Currently, development standards do not apply to the 1800 and 1900 Blocks of Osler Street. In other situations, standards that apply to general areas of the downtown may not coincide with property lines, which creates ambiguity in application of standards. Amendments are being proposed to clarify how development standards would be applied in these situations. Without these amendments, the maximum height, density, street level front conditions, and other requirements may be unclear.

Furthermore, Administration is proposing to amend frontage standards to allow for residential uses on the main level in some locations. These amendments are consistent with the *Regina Downtown Neighbourhood Plan* and would essentially revert to requirements of the previous Zoning Bylaw, which required commercial uses only in specific locations while allowing others to be open to residential or commercial uses.

- **Discretion in Landscape and Aesthetic Screening Requirements (Amendment 15)**

This proposed amendment would allow the Development Officer to waive or vary landscape requirements where impractical in situations such as conflict with other bylaws, safety risks, or where hard surfaces are needed in high-traffic areas. A similar provision previously existed in the former Zoning Bylaw and was removed as the landscape regulations overall were simplified. However, some situations have been encountered where the development would have benefited from more administrative discretion without compromise to the overall intention of landscape standards.

- **Amendments to Sign Regulations (Amendment 16)**

Proposed amendments to sign regulations include some clarifications that have been identified through regular use of the Bylaw. Administration is also proposing amendments to:

- Allow for larger freestanding signs for multi-family residential developments such as for the purpose of indicating the name of the building and civic address. Currently the standard restricts freestanding signs to 1 square metre. The proposed standard would allow for up to 3 metres, depending on lot frontage. This is a condition that exists on several multi-family properties, through successful development appeal, or as non-permitted signs.
 - Clarify that “Assembly” land uses, such as churches or other places of worship, in residential zones are subject to the I – Institutional Zone signage standards rather than more restrictive residential signs. A similar provision existed in the previous Zoning Bylaw.
 - Increasing the size of wall signs for I - Institutional Zones from 5.0 square metres to 10 square metres and allow for one stall sign per building face. Institutional buildings such as schools and places of worship may benefit from larger signs as building setbacks are often wider and building faces are often in prominent locations.
- **Amendment to allow for Outdoor Retail and Wholesale Lots as permitted uses in Industrial Zones (Amendment 17)**

This amendment is primarily intended to balance the overall intent of industrial zones while permitting smaller outdoor sales areas, particularly outdoor car sales lots. Currently these uses are discretionary in all cases, whereas the proposed amendments would permit these uses up to 500 square metres and allow the use to be considered for discretionary approval beyond that limit. This is an interim solution until further amendments to specifically accommodate outdoor auto sales lots in all appropriate zones are considered. It is anticipated this report will come to RPC and Council in Q3 of 2020.

- **Exceptions to Parking in Favour of Bicycle Parking (Amendment 18)**

A provision is being proposed to provide discretion to the Development Officer to allow for bicycle parking facilities instead of required vehicle parking. This provision would apply only to adaptive re-use of buildings, not new developments. Administration has encountered proposals where there is no physical space on the lot to meet bicycle parking requirements and the only option was to allow for a reduction of parking stalls so that bicycle parking would be provided. This is consistent with provisions of the Transportation Master Plan and is likely a rare occurrence but would assist the Development Officer in application reviews. This may reduce parking on site to allow for onsite bicycle parking.

- **Amendments to MLM – Mixed Large Market Zones (Amendments 22 and 23)**

The proposed bylaw would require a 9.0-metre-wide landscape buffer where a parking area abuts an arterial street, and a 3.0-meter-wide landscape buffer where abutting a non-mixed (commercial) zone. Currently a 9.0-metre-wide landscape buffer is required along all streets and between non-mixed zones. MLM – Mixed Large Market Zone properties are typically those larger commercial centres, such as the Southland Mall or Capital Crossing. However, the Zoning Bylaw also applied this zone to smaller sites, which may be less feasible to meet these higher landscape requirements. This amendment intends to focus the wide buffer to

meet its primary intent, which is to screen large parking fields from major streets, while also providing adequate landscape separation between non-mixed (commercial) uses.

The proposed amendment to setbacks would be reduced to nil where abutting another mixed zone, whereas currently setbacks are required to be between 2.5 metres and 9.0 metres, depending on building height. Proposed amendments to setback regulations would allow for ease of subdivision while maintaining the intent to ensure wider building separations between non-mixed (commercial) uses.

DECISION HISTORY

On August 26, 2019, City Council adopted *The Regina Zoning Bylaw, 2019-19* to replace the former *Regina Zoning Bylaw 9250*. The Ministry of Government Relations subsequently approved *The Regina Zoning Bylaw, 2019-19* effective December 21, 2019.

Various amendments to Zoning Bylaw 2019 were approved through Bylaw 2020-33 on June 30, 2020.

Respectfully Submitted,



Fred Scarla, Director, Planning & Development Services

12/23/2020

Respectfully Submitted,



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

12/30/2020

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ATTACHMENTS

Appendix A