

BYLAW NO. 2019-32

THE REGINA ZONING AMENDMENT BYLAW, 2019 (No. 8)

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

- 1 *Regina Zoning Bylaw No. 9250* is amended in the manner set forth in this Bylaw.
- 2 Chapter 19 – Zoning Maps (Map No. 3089) is amended by rezoning the lands in Regina, Saskatchewan, as outlined on the map attached as Appendix “A”, legally described as:  
  
**Legal Address:            Lots 22-25, Block 5, Plan No. BE636  
                                 Lot 28, Block 5, Plan No. 101149118**  
  
**Civic Address:            1124 & 1138 E. Dewdney Avenue**  
  
**Current Zoning:           R2 – Residential Semi-Detached & C – Contract**  
  
**Proposed Zoning        C - Contract**
- 3 The City Clerk is authorized to execute under seal the Contract Zone Agreement attached as Appendix “B” and forming part of this Bylaw.
- 4 This Bylaw comes into force on the day of passage.

READ A FIRST TIME THIS 27th DAY OF May 2019.

READ A SECOND TIME THIS 27th DAY OF May 2019.

READ A THIRD TIME AND PASSED THIS 27th DAY OF May 2019.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
(SEAL)

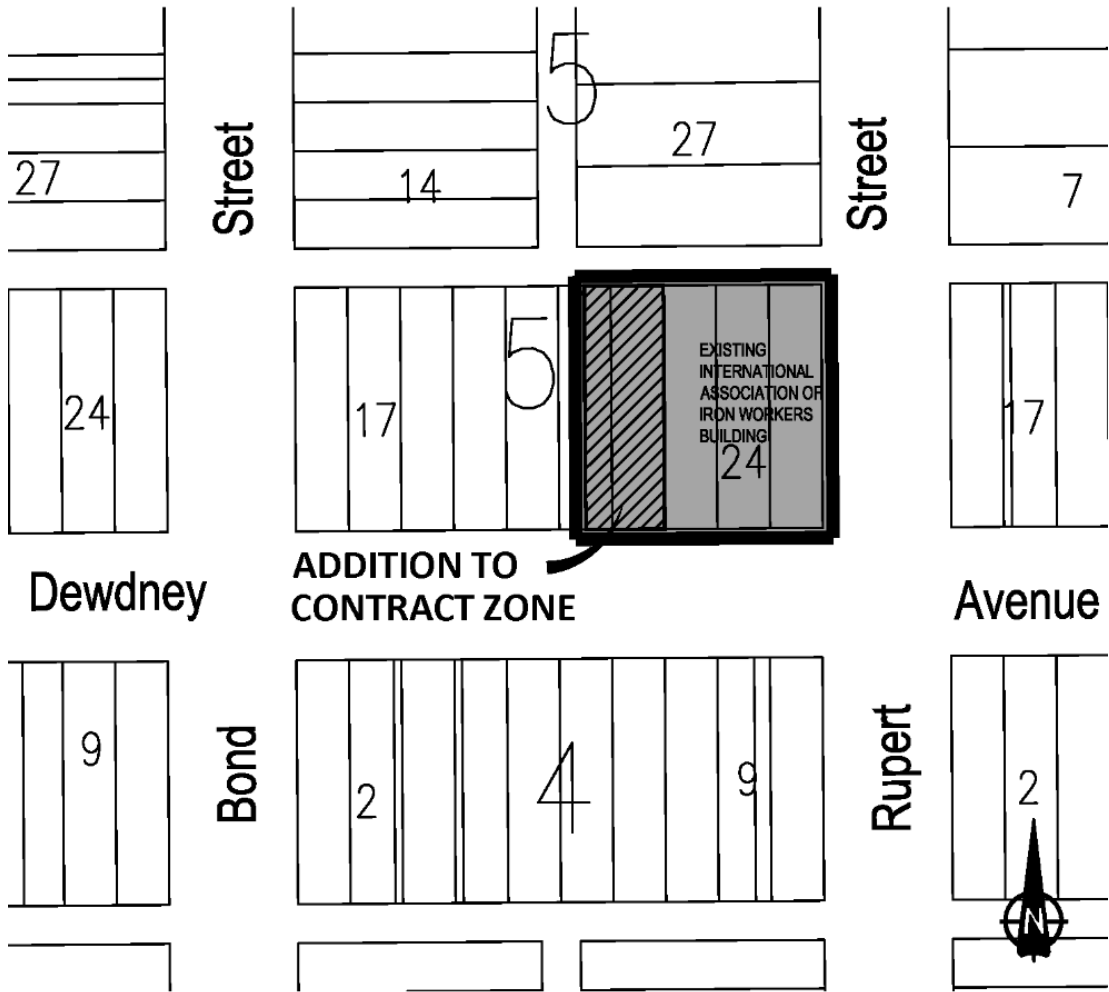
CERTIFIED A TRUE COPY

\_\_\_\_\_  
City Clerk

Approved as to form this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Solicitor

APPENDIX “A”



## APPENDIX "B"

THIS AGREEMENT made as of this 19<sup>th</sup> day of May, 2019.  
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BETWEEN:

**THE CITY OF REGINA**  
in its capacity as approving authority  
pursuant to *The Planning and Development Act, 2007*  
(the "City")

- and -

**International Association of Bridge, Structural,  
Ornamental and Reinforcing Iron Workers, Local 771**  
(the "Owner/Applicant")

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### CONTRACT ZONE AGREEMENT

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**WHEREAS:**

- A. The City has an approved official community plan as contemplated in section 69 of *The Planning and Development Act, 2007* that contains guidelines respecting the entering into of agreements for the purpose of accommodating requests for the rezoning of lands to permit the carrying out of a specific proposal, referred to as "contract zoning"; and
- B. The Owner is or is entitled to become the registered owner of the lands and buildings (if any) located at **1124 & 1138 E Dewdney Avenue**, Regina, Saskatchewan, and legally described as:
- Surface Parcel(s): 106960136  
Reference Land Description: Lot 22, Block 5, Plan BE636, Extension 0
- Surface Parcel(s): 106960125  
Reference Land Description: Lot 23, Block 5, Plan BE636, Extension 0
- Surface Parcel(s): 106960114  
Reference Land Description: Lot 24, Block 5, Plan BE636, Extension 0
- Surface Parcel(s): 106960417  
Reference Land Description: Lot 25, Block 5, Plan BE636, Extension 0
- Surface Parcel(s): 112378822  
Reference Land Description: Lot 28, Block 5, Plan 101149118, Extension 28
- (the "Property")
- C. The Owner/Applicant has applied to the City to amend the existing contract entered into pursuant

to Bylaw 2008-35 to have the Property expanded to also include Lot 22, Block 5, Plan BE636; and Lot 28, Block 5, Plan 101149118 ext. 28 to be rezoned from R2 – Residential Semi-Detached Zone to C-Contract Zone to permit the use of the Property for the carrying out of a specific proposal described as: paved parking lot for the existing office building located at 1138 E Dewdney Avenue. (the “Proposal”). The remainder of the Property would continue to be used as described in Section 4.

NOW THEREFORE, the Parties agree as follows:

1. **Preamble.** The preamble forms an integral part of this Agreement.
2. **Establishment of the Contract Zone.** The City hereby agrees that the zoning of the Property shall be a contract zone (C-Contract) pursuant to the provisions of *The Planning and Development Act, 2007* and *Design Regina: The Official Community Plan Bylaw No. 2013-2* to accommodate the Applicant’s Proposal (“Contract Zone”).
3. **Effective Date.** The effective date of this Agreement shall be the date of passage of the bylaw by City Council authorizing the Contract Zone (the “Effective Date”), it being understood by the Owner/Applicant that the relevant amendments to the Zoning Bylaw shall not take effect until an interest based on this Agreement is registered against the affected title(s) to the Property at the Saskatchewan Land Titles Registry.
4. **Permitted Development and Use.** The development and use of the Property permitted within the Contract Zone shall be as follows:
  - (a) *Permitted use.* Existing and proposed use and development on the Property shall be limited to office space, meeting space, instructional area, storage and paved parking lot;
  - (b) *Site Layout and External Design.* The site layout and design of existing and proposed development on the Property shall be generally consistent with the site plan prepared by Kreate Architecture and Design Ltd. and dated January 4, 2019, which is attached to this Agreement as Schedule “A”;
  - (c) *Landscaping.* Landscaping for the Property shall comply with the applicable development standards for landscaped areas pursuant to Chapter 15, *the Regina Zoning Bylaw, No. 9250*. Specifically the Property shall upgrade their landscaping by providing at least 10 % of area landscaped. Majority of the landscaping shall be in front of the existing office building. A landscape plan shall be submitted with the development permit application;
  - (d) *Parking.* Parking requirements for the Property shall comply with applicable development standards for parking areas pursuant to Chapter 14, *the Regina Zoning Bylaw, No. 9250* and be consistent with the parking layout as shown on Schedule A;
  - (e) *Signage.* Signage on the Property shall comply with applicable development standards for signage pursuant to Chapter 16 of *the Regina Zoning Bylaw, No. 9250*;
  - (f) *Access.* Vehicle entry and exit from the Property shall be in accordance with the access points identified on Schedule A; and

- (g) *Other.* Except as expressly modified or otherwise stated herein, the Property shall be subject to and comply with the applicable requirements and provisions of *the Regina Zoning Bylaw No. 9250*.
5. **Conditions.** The Contract Zone and this Agreement shall be conditional on the following:
- (a) The development is conditional on a parcel tie of the subject lots being registered on the titles;
  - (b) A development permit must be applied for and obtained prior to the commencement of any development;
  - (c) None of the land or buildings comprising the Property shall be developed or used except in accordance with this Agreement.
6. **Time Limits.**
- (a) The City's approval to initiate the proposed development on the Property shall be valid for a period of two years from the Effective Date.
  - (b) The term of this Agreement and the Contract Zone provided for herein shall be in effect from the Effective Date until the office building ceases operation.
7. **Compliance with Laws Other than Zoning.** The Owner/Applicant agrees to comply with and to conform to the requirements of every applicable statute, law, bylaw, code and order in connection with its development, use or occupancy of the Property, which govern the Property and not to use either the land or building for any unlawful purpose.
8. **Termination.** Subject to the requirements of *The Planning and Development Act, 2007*, this Agreement may be terminated or declared void by the City if:
- (a) the Property is developed or used contrary to the provisions of this Agreement;
  - (b) the development fails to meet a time limit prescribed in this Agreement; or
  - (c) a new zoning bylaw has been adopted and the *Regina Zoning Bylaw No. 9250* has been repealed.
9. **Re-Zoning on Termination.** In the event that this Agreement is declared void or otherwise terminated or expires, the zoning of Property shall revert to the underlying zone applicable to the respective parcel.
10. **Liability on Termination and Indemnity.** In the event that this Agreement is declared void or otherwise terminated, the City shall not be liable to the Owner/Applicant for any compensation, reimbursement or damages or account of profit or account of expenditures in connection with the Profit.
11. **Departure or Waiver.** Departure from or waiver of the terms of this Agreement shall be deemed

not to authorize any prior or subsequent departure or waiver and the City shall not be obligated to suffer any continued departure or grant further waiver(s). No alteration or modification of any of the provisions of this Agreement shall be binding unless the same is in writing and signed by the parties.

12. **Severability.** If any covenant or provision of this Agreement is deemed to be void or unenforceable in whole or in part, it shall not be deemed to affect or impair the validity of any other covenant or provision of this Agreement.
13. **Governing Jurisdiction.** This Agreement shall be governed and interpreted exclusively in accordance with the laws of the Province of Saskatchewan.
14. **Amendment of Agreement.**
  - (a) Pursuant to *The Planning and Development Act, 2007*, the council of the City may, on the application by the Owner/Applicant or any subsequent owner of the Property:
    - (i) vary this Agreement;
    - (ii) enter into a new agreement; or
    - (iii) extend any time limit established in this Agreement.
  - (b) Notwithstanding clause (a), the provisions hereof may not otherwise be modified, unless design modifications are approved by the Development Officer, in his/her sole discretion, pursuant to that certain policy document approved by the Council of the City on or about March 25, 1991 and entitled *Guidelines for Changes to Contract Zones*.
15. **Notice.** Any notice required to be given by the parties under the terms hereof shall be in writing and may be delivered personally or mailed in a properly stamped and addressed envelope to the party to be notified at the address as follows:
  - (a) to the City at:
 

Director of Planning & Development Services  
 City of Regina  
 P. O. Box 1790  
 Regina, SK S4P 3C8
  - (b) to the Owner/Applicant at:
 

Paul Gronick & Colin Daniels  
 International Association of Bridge, Structural,  
 Ornamental and Reinforcing Iron Workers, Local  
 771  
 1138 E Dewdney Avenue  
 Regina, SK, S4N 0E2
16. **Registration of Agreement.** The parties acknowledge and agree that:
  - (a) this Agreement is made pursuant to section 69 of *The Planning and Development Act, 2007*;

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- (b) the City shall register an interest against the title(s) to the Property based on the terms of this Agreement and, upon such registration, this Agreement shall be binding on and run with the Property as against the Owner/Applicant and the Owner/Applicant's heirs, executors, administrators, successors and assigns; and
- (c) the interest mentioned in clause (b) shall register in preference to all other encumbrances against the Property save and except those acceptable to the City.

IN WITNESS WHEREOF the Parties have hereunto affixed their hand and seal on the day and year first above written.

(seal)

**THE CITY OF REGINA**

\_\_\_\_\_  
City Clerk

(seal)

**INTERNATIONAL ASSOCIATION OF  
BRIDGE, STRUCTURAL, ORNAMENTAL  
AND REINFORCING IRON WORKERS,  
LOCAL 771**

Per: \_\_\_\_\_

Per: \_\_\_\_\_

AFFIDAVIT VERIFYING CORPORATE SIGNING AUTHORITY

CANADA ) I, Jonathan Healey of Regina, Saskatchewan,  
 PROVINCE OF SASKATCHEWAN ) (Name of Corporate Officer)  
 TO WIT: ) MAKE OATH AND SAY THAT:

1. I am an Officer of International Local 771, named in the within agreement; and  
(Name of Owner/Applicant)
2. I am authorized by the corporation to execute the document without affixing a corporate seal.

SWORN BEFORE ME at Regina, )  
 Saskatchewan, this \_\_\_\_\_ day )  
 of \_\_\_\_\_, 20\_\_\_\_. )

\_\_\_\_\_  
(Signature of Commissioner)

  
(Signature of Owner/Applicant)

A COMMISSIONER FOR OATHS in  
 and for the Province of Saskatchewan.  
 My Commission expires \_\_\_\_\_  
(Date)



## ABSTRACT

BYLAW NO. 2019-32

THE REGINA ZONING AMENDMENT BYLAW, 2019 (No. 8)

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PURPOSE:	To amend <i>Regina Zoning Bylaw No. 9250</i> .
ABSTRACT:	The proposed rezoning will include 1124 E Dewdney Avenue for the development of a parking lot for the office building at 1138 E Dewdney Avenue.
STATUTORY AUTHORITY:	Section 69 of <i>The Planning and Development Act, 2007</i> .
MINISTER'S APPROVAL:	N/A
PUBLIC HEARING:	Required, pursuant to section 207 of <i>The Planning and Development Act, 2007</i> .
PUBLIC NOTICE:	Required, pursuant to section 207 of <i>The Planning and Development Act, 2007</i> .
REFERENCE:	Regina Planning Commission, May 8, 2019, RPC19-17.
AMENDS/REPEALS:	Amends <i>Regina Zoning Bylaw No. 9250</i> .
CLASSIFICATION:	Regulatory
INITIATING DIVISION:	City Planning & Community Development
INITIATING DEPARTMENT:	Planning & Development Services