

1 AUTHORITY AND ADMINISTRATION

PART 1A TITLE & AUTHORITY

1A.1 CITATION

This Bylaw may be cited as *The Regina Zoning Bylaw, 2019 (No. 2019-19)*

1A.2 LEGISLATIVE AUTHORITY

2.1 AUTHORITY

This Bylaw is passed pursuant to the authority of *The Planning and Development Act, 2007*.

2.2 LEGISLATIVE INTENT

The regulations, standards and other requirements of this Bylaw are intended to implement or facilitate those goals and policies of *Design Regina: The Official Community Plan Bylaw 2013-48* that are best addressed through zoning.

PART 1B

PURPOSE AND APPLICATION

1B.1 PURPOSE OF THE ZONING BYLAW

The purpose of this Bylaw is to control the use of land and regulate development in the City of Regina to provide for the amenity of the area and for the health, safety and general welfare of the residents of Regina.

1B.2 SEVERABILITY

2.1 INVALID PROVISION

If a court of competent jurisdiction holds that any portion of this Bylaw is, for any reason, invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portions of the Bylaw.

2.2 INVALID APPLICATION

If any court of competent jurisdiction holds that the application or enforcement of any portion of this Bylaw to a particular land, property, area, development, building or structure is invalid, that judgement shall not affect the application of that provision to any other land, property, area, development, building or structure that is not specifically included in the judgement.

1B.3 APPLICATION

3.1 MORE RESTRICTIVE REGULATION APPLIES

Where any land, development or property is affected by more than one regulation of this Bylaw, the regulation(s) that are more restrictive shall prevail unless specifically stated otherwise.

3.2 RESPONSIBILITY OF THE PROPERTY OWNER(S)

The issuance of a development permit or any other approval issued pursuant to this Bylaw relates only to the requirements of the Zoning Bylaw and does not relieve the applicant or permittee from the requirements of any other legislation, bylaws or encumbrances that may apply to the land or development.

3.3 CONFLICT BETWEEN TEXT AND ILLUSTRATION

If there is any ambiguity or conflict between the text of this Bylaw and any caption, illustration, or table, the text shall prevail.

Part 1C

SCOPE, JURISDICTION AND TRANSITION

1C.1 SCOPE

1.1 CITY OF REGINA

This Bylaw applies to land, development and property within the municipal boundaries of the City of Regina.

1.2 ALL LAND AND PROPERTY

No land shall be used, developed, modified or maintained for any purpose except in conformity with this Bylaw.

1.3 MULTIPLE OCCUPANCY

In the case of a lot or building containing more than one land use, the regulations for each land use shall apply to the appropriate portion of the land or building being used.

1C.2 COMING INTO FORCE

This Bylaw comes into force on the date that is [30 days] after the date that it is approved by the minister as defined in *The Planning and Development Act, 2007*.

PART 1D

ADMINISTRATION – OFFICERS AND BOARDS

1D.1 DEVELOPMENT OFFICER

1.1 APPOINTMENT

- (1) The Executive Director, City Planning and Community Development is appointed as the Development Officer for the purpose of administering this Bylaw and *The Planning and Development Act, 2007*.
- (2) The Development Officer may, by written authorization, delegate their authority or any portion thereof to any other person to act as a Development Officer for the purpose of administering this Bylaw and *The Planning and Development Act, 2007*.

1.2 POWERS AND DUTIES OF THE DEVELOPMENT OFFICER

- (1) The Development Officer is authorized to exercise and shall carry out all of the powers and duties required to be performed by the Development Officer pursuant to this Bylaw and *The Planning and Development Act, 2007*, including, but not limited to, carrying out all actions necessary to administer and enforce this Bylaw.
- (2) Further to and without limiting the generality of section (1), the Development Officer is delegated the authority and responsibility to exercise and carry out any and all of the powers and duties conferred or imposed on council as an approving authority pursuant to *The Planning and Development Act, 2007*, including those respecting the following:
 - (a) approval of plans and drawings in a Direct Control District; and
 - (b) Architectural Control District development permits.

1D.2 DEVELOPMENT APPEALS BOARD

2.1 ESTABLISHMENT

The Development Appeals Board of the City of Regina is hereby established and shall hear and determine appeals in accordance with *The Planning and Development Act, 2007*.

2.2 APPOINTMENT AND MEMBERSHIP

Council shall appoint no fewer than three persons and no more than nine person to constitute the members of the Development Appeals Board.

Part 1E

ADMINISTRATION – REQUIREMENTS AND PROCEDURES

1E.1 DEVELOPMENT PERMITS

1.1 NO DEVELOPMENT WITHOUT DEVELOPMENT PERMIT

- (1) Unless a development permit is expressly not required by this Bylaw, no person shall undertake any development or commence any use without first obtaining a development permit.
- (2) No building permit is valid unless a subsisting development permit where such permit is required by this Bylaw, has been issued and remains valid.
- (3) Development permits for signs shall be administered pursuant to the Application requirements as set out in Chapter 11.

1.2 GENERAL DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

- (1) Every application for a development permit shall be submitted to the Development Officer in accordance with the requirements of this Bylaw.
- (2) Every application for a development permit shall be submitted in the manner and form specified by the Development Officer and shall be accompanied by the following:
 - (a) a site plan in accordance with the requirement of this Bylaw or as specified by the Development Officer;
 - (b) a landscape plan in accordance with the requirement of this Bylaw or as specified by the Development Officer;
 - (c) any other information specified elsewhere in this Bylaw or by the Development Officer; and
 - (d) payment of the applicable fees.
- (3) The Development Officer may require that an applicant provide any additional information necessary to verify the compliance of the proposed use or development with the regulations prescribed by this Bylaw before reviewing an application.

1.3 SPECIFIC DEVELOPMENT PERMIT REQUIREMENTS FOR THE AQUIFER PROTECTION ZONE

In addition to the requirements of sections 1.2, every application for a development permit for any development located in the Aquifer Protection Overlay Zone shall be accompanied by:

- (a) a complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;
- (b) a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion and leakage, and to provide for control of spills;
- (c) a description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal methods;
- (d) evidence of requisite approval(s) by the Saskatchewan Ministry of Environment and the Water Security Agency;
- (e) a description of site development measures to be undertaken to protect the Aquifers including proposed monitoring program; and
- (f) a geotechnical report for the site.

1.4 SPECIFIC DEVELOPMENT PERMIT REQUIREMENTS FOR A RESIDENTIAL BUSINESS

- (1) In addition to the requirements of sections 1.2, every application for a development permit for a Residential Business shall include all of the following:
 - (a) a detailed written description of the exact nature of the Residential Business;
 - (b) a written description of the materials, equipment and vehicles that will be used in the operation of the Residential Business and where they will be stored;
 - (c) a letter of approval for the Residential Business from the property owner and/or property manager; and

- (d) a copy of Provincial licence for any “Institution, Day Care” land use providing childcare service for more than eight children.
- (2) The Development Officer may waive the requirement to provide any information set out in subsection (1).
- (3) For the purposes of this section, the Residential Business license application shall be the development permit application.

1.5 SPECIFIC DEVELOPMENT PERMIT REQUIREMENTS FOR THE ARCHITECTURAL CONTROL DISTRICT OVERLAY ZONE FOR FORMER DIOCESE OF QU’APPELLE (AC1.DCD-QP)

- (1) In addition to the requirements of sections 1.2, every application for a development permit in the Architectural Control District Overlay Zone for Former Diocese of Qu’Appelle (AC1.DCD-QP) shall be accompanied by building construction drawings.
- (2) The building construction drawings are required to be drawn at a standard metric scale and at a specific detail to allow review for compliance with standards in Appendix A and shall include the following:
 - (a) fully dimensional and annotated plans of all floors;
 - (b) fully dimensional and annotated elevations of all sides of the building;
 - (c) fully dimensional and annotated longitudinal section of the building;
 - (d) all materials and colours on all elevations are to be listed on elevational drawings, and/or in a finish schedule, detailing:
 - (i) wall cladding, grout, trim, corner boards, door and window surround;
 - (ii) gable end wall cladding and details outlined in (i);
 - (iii) bay cladding and details as outlined in (i);
 - (iv) roof materials;
 - (v) main roof: soffits, fascia, eaves trough;
 - (vi) porch roof: soffits, fascia, eaves trough;
 - (vii) porch floors, and stairs to the house/porch;

- (viii) columns and column bases, balustrades; and
 - (ix) windows, doors, and including garage doors;
 - (e) clearly annotated existing finishes and/or materials;
 - (f) elevations on all floors; and
 - (g) slopes of all roofs.
- (3) In addition to the any information for a site plan that may be required under section 1.2, the site plan shall indicate the location of all existing and planned improvements, parking and loading areas, including the following:
- (a) finished grade elevations at the midpoint of each property line;
 - (b) finished grade elevations at all building corners, garage corners, centre of the garage door and main entry to the building;
 - (c) top of new footing elevations;
 - (d) dimensions of all buildings from all property lines, and from all other buildings;
 - (e) location and sizes of porches, decks, patios, stairs and ramps;
 - (f) slope of driveway;
 - (g) slope of finished grade; and
 - (h) surface drainage pattern, including the location, size and depth of swales.

1.6 SPECIFIC DEVELOPMENT PERMIT REQUIREMENTS FOR BROWNFIELD SITES

- (1) Every application for a development permit on a brownfield site shall be accompanied by confirmation from the Ministry of Environment that the site is suitable for development; and
- (2) Notwithstanding the requirements in subsection (1), the City may impose additional requirements for a brownfield site that is being redeveloped to include a Dwelling use.

1.7 VALIDITY

- (1) Subject to subsections (2) and (3), a development permit shall be valid for a period of two years from the date it is issued.
- (2) Notwithstanding subsection (1), if a building permit has been issued to pursue the development authorized by the development permit, the development permit shall continue to be valid so long as the building permit is valid.
- (3) A development permit for a sign issued pursuant to Chapter 11 shall be subject to any periods of validity as set out in that Chapter and if no validity period is indicated the permit shall not expire.

1.8 EXEMPTIONS FROM DEVELOPMENT PERMIT

- (1) Except on land subject to an Architectural Control District Overlay Zone, no development permit shall be required pursuant to this Bylaw for the following:
 - (a) the maintenance and repair of infrastructure (including public works, public services and public utilities) carried out under the authority of the municipality, the province or the federal government;
 - (b) any of the following as an accessory use, building or structure:
 - (i) a building or structure that is:
 - (A) 10 square metres or less in area;
 - (B) 4 metres or less in height;
 - (C) not connected to water, sewer or natural gas;
 - (D) not used for human habitation; and
 - (E) not on a permanent foundation.
 - (ii) an uncovered platform or deck that is 600 millimetres in height or lower;
 - (iii) an ornamental or decorative structure;
 - (iv) a single flagpole;
 - (v) a fence;

- (vi) a single clothesline or other device for drying laundry without electricity or fuel;
 - (vii) a household recreational activity structure, provided that it is moveable; or
 - (viii) a private swimming pool.
- (2) Developments exempt from requiring a development permit pursuant to subsection (1), except for a fence, remain subject to all other applicable regulations of this Bylaw.

1.9 ENCROACHMENTS AND SITE TRIANGLES

- (1) No land use, structure, building or development shall encroach onto any land owned or controlled by the City including any easement, buffer strip, a road right-of-way, a public reserve, a municipal reserve or an environmental reserve unless the prior written approval of the City is obtained and an agreement entered into with the City pursuant to section 235 of *The Planning and Development Act, 2007*.
- (2) All land uses, structures, buildings, development(s) and landscaping shall conform to the Intersection Sight Line Controls set out in *The Traffic Bylaw No. 9900*.

1.10 DEVELOPMENT NEAR RAILWAYS

- (1) The regulations in this section shall apply to any development on a lot that:
- (a) contains a railway line; or
 - (b) abuts a lot which contains a railway line.
- (2) Every lot identified in subsection (1) shall have a fence erected along every lot line abutting a railway right-of-way that is:
- (a) a minimum height of 1.83 metres;
 - (b) designed to be unclimbable from the lot side of the fence; and
 - (c) is designed to be climbable from the railway side of the fence.

1E.2 ACCESSORY USES, BUILDINGS, AND STRUCTURES

2.1 DETERMINATION OF ACCESSORY STATUS

The Development Officer is authorized to determine whether a land use, building or structure is accessory to a principal use based on the following factors:

- (a) the size of the lot;
- (b) the nature, intensity and scale of the principal use and the accessory use;
- (c) whether the land use, building or structure will:
 - (i) serve a principal use, building or structure;
 - (ii) be subordinate or incidental in nature, scale and impact to the principal use, building or structure; and
 - (iii) contribute to the comfort, convenience, safety or necessity of the principal use, building or structure it serves.

2.2 REQUIREMENTS OF AN ACCESSORY USE, BUILDING OR STRUCTURE

- (1) An accessory use, building or structure may be developed in any zone subject to the requirements of this Bylaw.
- (2) No accessory use, building or structure shall be developed unless construction of the principal use is underway or complete.
- (3) Except as specifically permitted otherwise by this Bylaw, an accessory use, building or structure shall be located on the same lot as the associated principal use.
- (4) No accessory use, building or structure shall be used unless the principal use, building or structure has been developed and is in use, except as otherwise authorized by a development agreement or allowed under other provisions of this Bylaw.
- (5) All accessory uses, buildings and structures shall be removed from a lot from which the principal structure or use has been removed.

1E.3 DISCRETIONARY USE

3.1 APPLICATION

- (1) Any land use, land use intensity, development, structure or activity is considered to be discretionary and subject to this subpart if:

- (a) it is listed as discretionary in:
 - (i) any provision of this Bylaw; or
 - (ii) the terms or conditions of a Contract Zone;
 - (b) any hazardous material or dangerous good will be used, stored, processed or produced on the lot;
 - (c) the Development Officer has determined that a House-Form Building or a Residential Business land use will significantly impact the front or side streetscape; or
 - (d) the Development Officer has determined that there may be environmental concerns or factors that can affect or be affected by development, including but not limited to:
 - (i) artesian water pressure;
 - (ii) potential impact on biodiversity; or
 - (iii) impact to environmental goals outlined in *The Official Community Plan*.
- (2) The City is authorized to specify a time limit on a discretionary use.

3.2 APPLICATION REQUIREMENTS

In addition to the requirements prescribed in subpart 1E.1, the Development Officer may require that an applicant provide any additional information deemed necessary to evaluate the suitability of the proposed development before reviewing a discretionary use application.

3.3 SPECIFIC DISCRETIONARY USE APPLICATION REQUIREMENTS FOR USES INVOLVING HAZARDOUS MATERIALS

- (1) In addition to the requirements of section 1E.3.2, every application for a development permit made in respect of a discretionary use involving use, storage, processing or production of hazardous material(s) or dangerous good(s) shall also be accompanied by a report:
 - (a) identifying all hazardous material(s) which are stored, used, processed or produced on the site;

- (b) providing a full description of all hazardous material(s) and dangerous good(s), including:
 - (i) the materials and goods produced or processed;
 - (ii) the manufacturing processes employed; and
 - (iii) the industry type(s) that will store, use, process or produce the material(s) and good(s);
- (c) identifying potential nuisances and environmental effects created by the development in terms of glare, air emissions, vibrations, noise, storm water, solid waste, liquid waste(s), hazardous materials and dangerous goods;
- (d) identifying the specific location(s), boundaries, maximum amounts and maximum concentrations of hazardous material(s) and dangerous good(s) on the lot;
- (e) identifying mitigation measures to contain, reduce or eliminate any of the nuisances and environmental effects mentioned in clause (iii);
- (f) demonstrating compliance with the Hazardous Material and Dangerous Good Standards in section 1E.3.3; and
- (g) in the case where the Development Officer is reasonably concerned that a proposed land use or proposed development could present environmental hazards and/or health risks, that includes a Community Impact Analysis (CIA) prepared by a qualified engineer licensed to practice in Saskatchewan, and based on the components and elements provided in Table 1.T1.

TABLE 1.T1: ELEMENTS OF A COMMUNITY IMPACT ANALYSIS (CIA)	
DEVELOPMENT COMPONENT	REQUIRED ELEMENTS FOR REPORT
Site Preparation and Construction	The proposed development should be described in terms of the following elements: <ul style="list-style-type: none"> • site preparation and construction such as cleaning and grading.
Process Operation	The proposed development should be described in terms of the following elements: <ul style="list-style-type: none"> • analysis of the process operations using a process flowchart. • approximate material balance of raw materials, products and waste. Maximum as well as normal operating levels should be provided. • operations should be identified as either continuous, batch, intermittent or emergency. Sources of noise, air, water and solid waste pollution should be enumerated and their output quantified in relation to the process flow diagram.
Raw Material Handling	The proposed development should be described in terms of the following elements: <ul style="list-style-type: none"> • details of off-loading, conveying, pre-treatment, storage and similar operations performed on site. • information on source and quantities of pollutants likely to be produced during each operation.
Energy-producing Operations	The proposed development should be described in terms of the following elements: <ul style="list-style-type: none"> • pollutants (emissions, discharges and solid wastes) resulting from the energy producing operations should be identified and quantified. • the handling procedures for fuel and other needs should be identified.
Transportation Requirements	The proposed development should be described in terms of the following elements: <ul style="list-style-type: none"> • pipeline, roadway or railway requirements
Accidents and Hazards	The proposed development should be described in terms of the following elements: <ul style="list-style-type: none"> • identify any potential hazardous materials, their location, quantities stored and in-process. • identify the possible ways in which failure of the plants could present a hazard to the surrounding environment. • identify possible routes leading to the hazardous failures, such as operator errors, fatigue or aging plant facilities, corrosion, loss of process control, overfilling, impurities, fire, explosion and flooding. • quantify the probability of these failures occurring and their consequences. • where spillage is unavoidable, examine schemes to ensure its containment and routing to a collection and disposal system on site. • identify possible risks and potential consequences, in qualitative and quantitative terms, to the surrounding community, of accidental spills, emissions or fires involving hazardous materials as scoped in agreement with the Development Officer.
Waste Disposal and Control	The proposed development should be described in terms of the following elements: <ul style="list-style-type: none"> • waste disposal and methods of control should be described in relation to continuous, batch, intermittent and emergency processes for the development. • waste reduction, recovery and recycling schemes should also be discussed.
Monitoring	The proposed development should be described in terms of the following elements: <ul style="list-style-type: none"> • monitoring or surveillance systems which support normal control systems or provide emergency warning or control for accidents and spills. • details of programs to monitor internal (factory) and external (ambient) pollution.

3.4 ADMINISTRATION'S REVIEW

Unless otherwise provided in this Bylaw, upon submission, an application for a discretionary use shall be processed as follows:

- (a) the Development Officer shall review the discretionary use application for completeness in accordance with the requirements of section 1E.3.2, 1E.3.3 and 1E.3.4;
- (b) an application will not be deemed complete until the Development Officer is satisfied that the applicant has submitted all the required information for the application to be processed; and

- (c) once complete, the application will be publicized in accordance with the public participation process specified in Part 1G and otherwise processed in accordance with the procedure specified in Figure 1.E1.

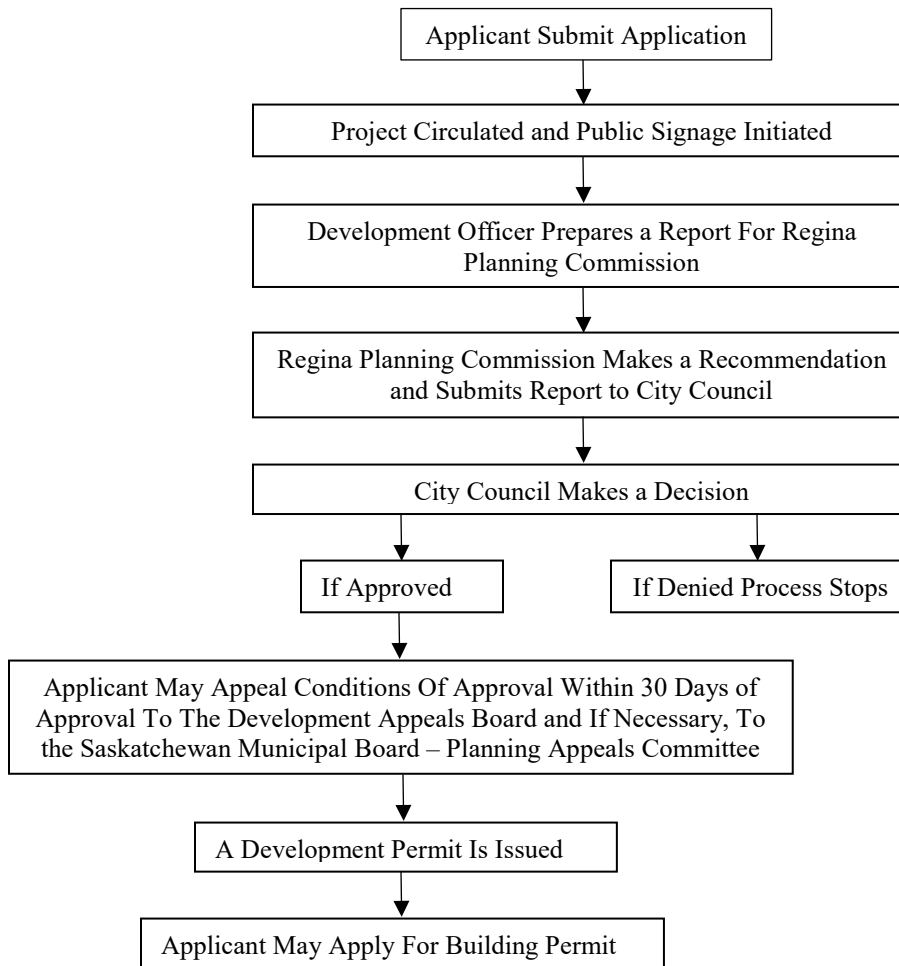


Figure 1.E1 – Discretionary Use Process (Overview)

3.5 REVIEW CRITERIA

Every application for a discretionary use shall be evaluated based on the following criteria:

- (a) consistency with the vision, goals and policies of the *Official Community Plan*;

- (b) consistency with the objectives and policies of any applicable special study or policy document for the site, area or neighbourhood, with emphasis on:
 - (i) land use;
 - (ii) intensity of the development; and
 - (iii) impact on public facilities, infrastructure or services;
- (c) consistency with the regulations of this Bylaw; and
- (d) potential adverse impacts or nuisances affecting:
 - (i) nearby land, development, land uses, or properties;
 - (ii) neighbourhood character;
 - (iii) the environment;
 - (iv) traffic;
 - (v) a public right-of-way; and
 - (vi) any other matter(s) affecting public health and safety.

3.6 DISCRETIONARY USE DEVELOPMENT PERMIT – ADDITIONAL CONDITIONS

In approving a discretionary use, the Development Officer may impose conditions to a discretionary use development permit regarding development orientation, site layout, setbacks, landscaping, buffering, screening, and/or performance standards that, in the opinion of the Development Officer, will:

- (a) achieve City vision, goals and policies as communicated in the *Official Community Plan* and other policy documents;
- (b) mitigate nuisances and aesthetic concerns caused by activities pertaining to land use and land use intensities;
- (c) prevent potential nuisance(s) from extending beyond a lot's boundaries;
- (d) address potential concerns regarding hazardous material(s) and dangerous goods including the production, processing, use, storage or transportation of hazardous material(s) and dangerous goods;

- (e) protect heritage developments, Direct Control Districts, Sensitive Lots or Major Roadways; or
- (f) address other potential concerns and considerations of a lot, a location, or a development, raised during the review and public participation process associated with the proposed discretionary use.

3.7 ISSUANCE OF DEVELOPMENT PERMITS

- (1) Where an application for a development permit is made with respect to a permitted use, the Development Officer shall issue a development permit where the development is in conformity with this Bylaw and *The Planning and Development Act, 2007*.
- (2) Where an application for a development permit is made with respect to a discretionary use, the Development Officer shall process the application in accordance with the procedure prescribed in subpart 1E.3 and, if approved, the development officer shall issue a development permit subject to any applicable development standards or conditions prescribed in accordance with *The Planning and Development Act, 2007*.
- (3) The Development Officer may refuse to issue a development permit if:
 - (a) the proposed development or use contravenes or will, upon completion, be in contravention of any federal or provincial laws, or any City bylaw; or
 - (b) the applicant is in violation of any other City bylaw.
- (4) Issuance of a development permit does not relieve an applicant from compliance with any other legislation, bylaws or other encumbrances that may apply or be attached to the subject property.
- (5) No development permit or any other approval shall be issued pursuant to this Bylaw where the applicant is violating another bylaw of the City.

3.8 DISCRETIONARY USE REVIEW BY PLANNING COMMISSION

The Regina Planning Commission shall review the report of the Development Officer in relation to an application for a development permit made with respect to a discretionary use and shall make a recommendation to the City Council.

3.9 DISCRETIONARY USE REVIEW AND DECISION BY CITY COUNCIL

City Council shall review the recommendation of the Regina Planning Commission made pursuant to section 3.8 and may:

- (a) request further information from the Planning Commission, the Development Officer, or the applicant;
- (b) approve the proposal as originally proposed;
- (c) approve the proposal with modifications as recommended by the Planning Commission or the Development Officer; or
- (d) deny the proposal.

3.10 EFFECT OF DENIAL

No development proposal for which discretionary use has been rejected shall be resubmitted for a period of 12 months from the date of the denial, except on grounds that the proposal has been modified to constitute a new discretionary use proposal as determined by the Development Officer.

1E.4 INFORMATION STANDARDS

4.1 CERTIFICATION REQUIREMENTS

All information provided in accordance with the application requirement of this Bylaw shall be certified as follows:

- (a) all site boundaries, subdivisions shall be certified by a Professional Surveyor;
- (b) all architectural drawings shall be certified by a Professional Architect registered in Saskatchewan;
- (c) all site planning shall be certified by a Registered Professional Planner, Professional Land Surveyor or Professional Landscape Architect;
- (d) subdivision layout design shall be certified by a Registered Professional Planner or Professional Land Surveyor; and
- (e) all landscape designs shall be certified by a Professional Landscape Architect registered with the Canadian Society of Landscape Architects.

PART 1F EXCEPTIONS TO STANDARDS

1F.1 MINOR VARIANCE

1.1 APPLICATION

The authority and procedures prescribed in this Subpart apply to all minor variance applications.

1.2 AUTHORITY

- (1) The Development Officer is authorized to vary the regulations, requirements and standards of this Bylaw by a maximum of 10 percent in relation to any one or more of the following:
 - (a) minimum lot area;
 - (b) minimum lot frontage;
 - (c) minimum yard setback or step-back distance;
 - (d) maximum lot coverage;
 - (e) maximum floor area ratio, provided the maximum height is not varied;
 - (f) maximum height of a principal or accessory building, provided the maximum floor area ratio is not varied;
 - (g) minimum required parking; and
 - (h) maximum area for accessory building.
- (2) The Development Officer shall establish and maintain a record of minor variance applications and the decision issued in relation each application.

1.3 INITIATION

- (1) An application for a minor variance may be made by:
 - (a) the property owner(s); or
 - (b) a qualified professional (e.g. a Registered Professional Planner, Professional Engineer, Licenced Architect, contractor), on behalf of the property owner(s).

1.4 APPLICATION REQUIREMENTS

- (1) Every application for a minor variance shall be submitted to the Development Officer in accordance with the requirements of this Bylaw.
- (2) Every application for a minor variance shall be submitted in the manner and form specified by the Development Officer.
- (3) The Development Officer may require that an applicant provide any additional information deemed necessary to evaluate the suitability of the proposed minor variance before reviewing an application.
- (4) An application for a minor variance shall include the signatures of all registered owners listed on the property title.

1.5 DECISION

- (1) Unless otherwise provided in this Bylaw, an application for a minor variance shall be processed by the Development Officer and a notice of decision issued in accordance with *The Planning and Development Act, 2007*.
- (2) Notwithstanding section (1), if subsequent to the decision notice being issued, the Development Officer receives written consent to the variance from each assessed owner of property having a common boundary with the applicant's land, the decision shall come into effect immediately and the 20-day waiting period otherwise prescribed in *The Planning and Development Act, 2007*, shall be waived.

1.6 RIGHT OF APPEAL

If an application for a minor variance is refused, revoked or approved with conditions, the applicant may appeal the decision to the Development Appeals Board in accordance with *The Planning and Development Act, 2007*.

1.7 EFFECT OF REFUSAL

No application for a minor variance which has been refused shall be resubmitted for a period of 12 months from the date of the notice of the Development Officer's decision, except on grounds of new evidence or proof of change of factors that the Development Officer finds to be valid.

1F.2 EXCEPTIONS TO DEVELOPMENT STANDARDS AND PARKING REQUIREMENTS

2.1 APPLICATION

- (1) The requirements of this Subpart apply to development permit applications where specific exceptions to the development standards or parking requirements may be authorized by the Development Officer as prescribed in this Bylaw and the applicant is requesting such exceptions.
- (2) In order to obtain an exception to development standards or parking requirements, the applicant may be required to provide certain facilities, services or matters as prescribed in this Bylaw.
- (3) The Development Officer may require the applicant to enter into a development agreement with the City and register an interest on the title of the affected lands with respect to:
 - (a) the exception to the development standard or parking requirement;
 - (b) any public amenity to be provided in exchange for the exception, as appropriate;
 - (c) and any other related matters necessary to facilitate the granting of the exception.
- (4) The Development Officer may require the applicant to provide a letter of credit, performance bond or any other form of assurance the Development Officer considers necessary to ensure the development is carried out in accordance with the conditions of approval or other terms of a development agreement required by subsection (3).
- (5) The Development Officer may impose conditions on the development as a condition of approval of the exception to development standards or parking requirements in accordance with this Subpart.

2.2 AUTHORITY

- (1) The Development Officer is authorized to vary the regulations, requirements and standards of this Bylaw.
- (2) The Development Officer shall establish and maintain a record of exemption to development standard and parking requirement applications and the decision issued in relation each application.

2.3 APPLICATION REQUIREMENTS

- (1) Every application for an exception to a development standard shall:
 - (a) be submitted in the manner and form specified by the Development Officer; and
 - (b) be submitted together with the development permit application to which it relates in accordance with this Bylaw.
- (2) The Development Officer may require that an applicant provide any additional information deemed necessary to evaluate the suitability of granting the proposed exception before reviewing an application.

2.4 APPLICATION REVIEW

The Development Officer shall review the application submitted in accordance with section 1F.2.3 and evaluate the proposed exception based on the following criteria:

- (a) whether the proposed exception will have significantly greater negative impact on surrounding neighbourhoods than the same development would have without the exception; and
- (b) in cases where there is a risk of significant negative impact, whether modifications to the exception, project, or proposed amenity can address concerns and mitigate risks;

2.5 PUBLIC AMENITY

- (1) The public amenity for which the exception to development standards or parking requirement is granted shall remain for the life of the building or land use in respect of which it was approved.
- (2) Notwithstanding subsection (1), the owner of the development which received an exception to development standards or parking requirements may reduce or discontinue the provision of the public amenity if:
 - (a) the exception to the development standard or parking requirement is no longer required; or
 - (b) upon agreement of the City:
 - (i) another public amenity of equal or greater market value is substituted; or

- (ii) the equivalent to the market value of the public amenity is paid to the City.
- (3) With regard to clause 1F.2.5(2)(b), the market value of the public amenity shall be determined by the City.
- (4) Unless otherwise specified in the development agreement mentioned in subsection 1F.2.1(3), the owner of the development in respect of which a public amenity was developed shall be responsible to maintain all elements of the public amenity, including but not limited to landscaping, parking, seating, lighting, safety and security.

2.6 PARKING RELAXATION

- (1) In addition to the requirements of sections 2.1 to 2.5, the requirements prescribed in this section apply to the granting of exceptions to the minimum motor vehicle parking requirements in this Bylaw.
- (2) The exceptions to parking standards prescribed in this section shall not:
 - (a) be used in conjunction with a minor variance for parking, or any other parking reduction mechanism;
 - (b) apply to Dwelling Unit(s) in buildings other than Building, Stacked; or
 - (c) apply to a development on any lands zoned Contract.
- (3) A parking reduction shall only be considered if it is submitted as part of a complete development permit application.
- (4) The maximum exception to the parking requirements in this Bylaw shall be as indicated in Table 1.T2 and at locations identified in Figure 1.F1.
- (5) Where the proposed development is on a site that is in more than one location identified in Table 1.T2, the applicable location is the one which allows the largest maximum exception.
- (6) If an exception to parking requirement results in a fractional parking stall being required:
 - (a) any fraction up to and including one-half shall be disregarded; and
 - (b) any fraction over one-half shall be deemed to be equivalent to one full stall.
- (7) The owner of the development receiving the exception shall pay to the City:

- (a) for each parking stall that is no longer required, an amount of:
- (i) \$2,500 in the DCD-WH – Dewdney Avenue Warehouse Direct Control District; or
 - (ii) \$7,000 in all other zones; or
- (b) by agreement of the City, an amount greater than or equal to the requirement in clause (a):
- (i) in transit facilities; or
 - (ii) as a public amenity

TABLE 1.T2: PARKING EXCEPTION AREAS			
Sec.	Locations	Maximum Exception to Minimum Required Motor Vehicle Parking	Public Amenity Requirement
T2.1	Growth Plan Areas¹		
	<ul style="list-style-type: none"> • Within the City Centre 	Up to 75 per cent	(1) Where the proposed parking exception is: (a) up to 30 per cent, no public amenity is required. (b) above 30 per cent, a public amenity shall be provided.
	<ul style="list-style-type: none"> • Within an Urban Centre. • Within 100 m of an Urban Centre². • Within an Urban Corridor 	Up to 60 per cent	
	<ul style="list-style-type: none"> • Within 500 m of an Express Transit Corridor³. • Within an Intensification Area. 	Up to 50 per cent	
	<ul style="list-style-type: none"> • Within the Residential Infill Development Boundary 	Up to 40 per cent	
T2.2	Any Area not identified in T2.1	Up to 30 per cent	---
Notes: ¹ As illustrated in Figure 1.F1: Growth Map. ² Measured from the property line of the proposed site to the property line of the Urban Centre. ³ Measured from the property line of the proposed site along public streets leading the nearest transit stop on the Express Transit Corridor.			

- (8) Even application for an exception to parking requirements under this section must include a parking analysis undertaken by a Registered Professional Planner, Professional Engineer or Licenced Architect demonstrating that the proposed parking is appropriate for the use on the site.
- (9) To determine whether the reduced parking requirement is appropriate, the Development Officer shall use the considerations outlined in subsection (10) to assess the application for a parking exception.
- (10) To determine the level of exception to parking requirements for a land use on a site, the Development Officer will consider:

- (a) whether the proposed relaxation will create or exacerbate traffic or parking concerns;
- (b) whether the proposed relaxation will have overall adverse impacts on neighbouring properties or uses;
- (c) the findings of a traffic impact assessment;
- (d) whether the proposed land use(s) conflicts with City policy goals;
- (e) the nature of the proposed land use(s);
- (f) the design and orientation of existing and proposed development(s);
- (g) whether the proposed development(s) or land use(s) will be used predominantly by residents or populations who have specific needs and are less likely to require parking;
- (h) whether the proponent can demonstrate that access to the lot, the development and the land use(s) is prioritized for walking, bicycle and other non-motor vehicular transportation options and/or public transit services;
- (i) what pedestrian, bicycle and transit facilities are provided beyond those required by this Bylaw;
- (j) whether the proponent can demonstrate that the proposal promotes adaptive reuse of existing buildings – especially those that offer heritage value, cultural value or aesthetic value to the public realm; and
- (k) other considerations the Development Officer deems appropriate to assist in their review.

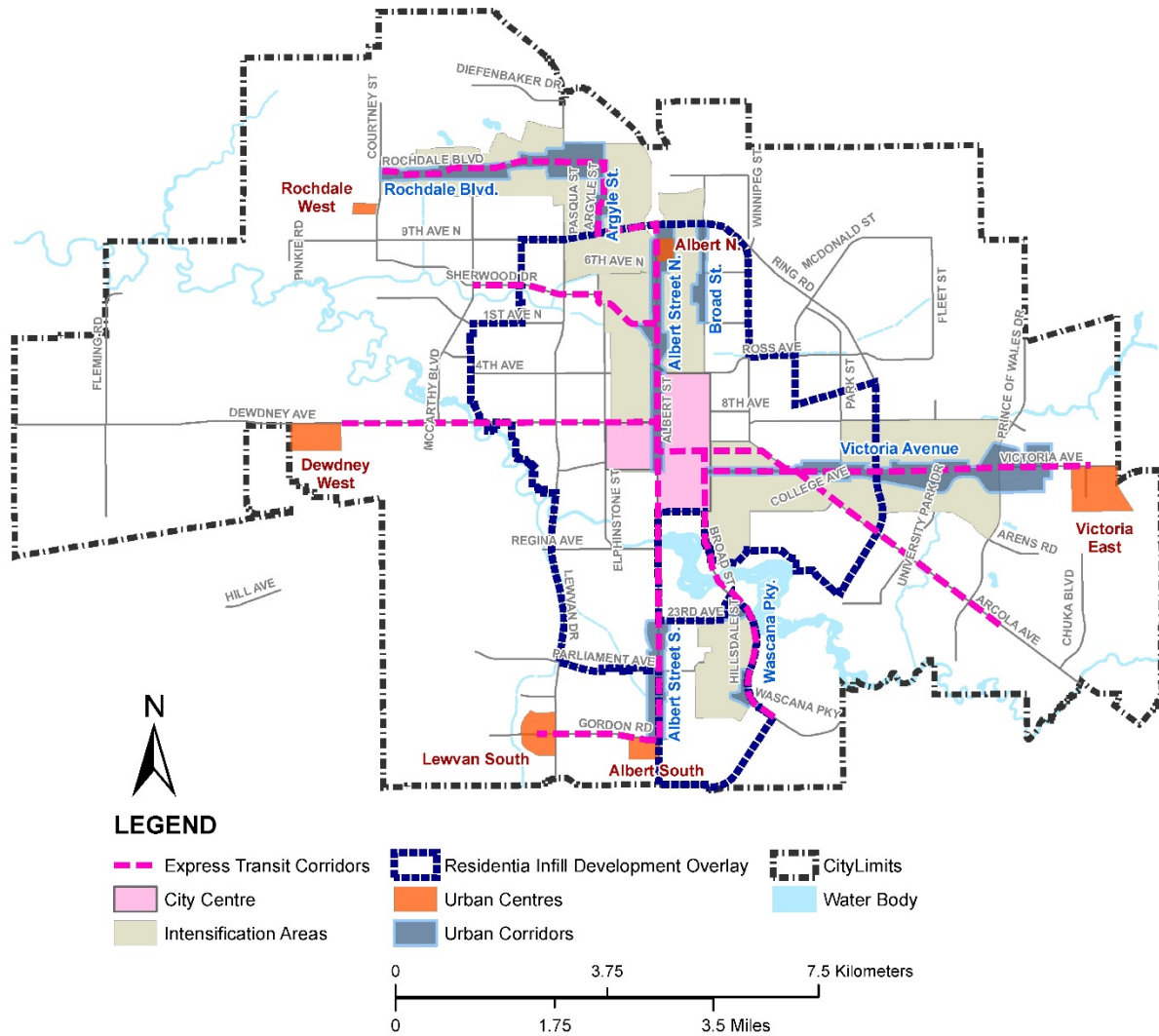


Figure 1.F1: Growth Map

1F.3 SHARED AND CAVEATED PARKING AND MANOEUVERING

3.1 PROVISIONS FOR SHARED PARKING

- (1) Upon receipt of an application made in conjunction with a development permit application, the Development Officer may consider a formal request to allow a manoeuvring area and/or more lots, provided that:
 - (a) the application demonstrates to the Development Officer’s satisfaction that there is no substantial conflict in the principal operating hours of the uses for which the sharing of parking is proposed.

- (b) proposed land uses which are included in the formal request to share parking are on a lot located within 150 metres of the parking area. This shall be measured from the closest point of the land use to the nearest shared parking stall.
 - (c) a registrable agreement providing for the shared use of parking or manoeuvring area shall be executed among:
 - (i) the City;
 - (ii) the owner(s) of the land on which the parking is provided; and
 - (iii) the owner(s) of the lands containing the land uses for which the shared parking is being considered;
- (2) The agreement executed pursuant to clause 1F.3(1)(c) shall:
- (a) restrict the purpose of the portions of the lands which contain the shared parking facilities to only that land use as long as the land uses for which the shared parking was provided exist;
 - (b) include the times of day that parking stalls are intended for each use; and
 - (c) be binding on the owner(s) and all heirs and successors.
- (3) An interest based on the agreement mentioned in subsection (5) shall be registered to the titles of the affected lands mentioned in clauses (4)(b) and (c).
- (4) Any shared parking and manoeuvring area shall be in effect only so long as the agreement, binding on all parties, remains in force.
- (5) If the agreement is no longer in force, parking and loading shall be provided as required by this Bylaw.

3.2 OFF-SITE CAVEATED PARKING

- (1) Parking stalls built on a separate lot may be used to meet a lot's minimum motor vehicle parking requirements using off-site caveated parking provided that:
- (a) a "Transportation, Parking Lot" or "Transportation, Parking Structure" land use is listed as a permitted or discretionary use on the lot where the parking stalls are built; and

- (b) the caveated parking area is located within 150 metres of the lot with the land use for which the parking is. This shall be measured from the closest point of the lot for which the parking is being provided to the furthest caveated parking stall.
- (2) An agreement providing for caveated parking shall be executed among:
 - (a) the City;
 - (b) the owner(s) of the lands on which the parking is provided; and
 - (c) the owner(s) of the lands containing the for which the caveated parking is being considered.
 - (3) The agreement executed pursuant to subsection (2) shall:
 - (a) shall restrict the purpose of the portions of the lands which contains the caveated parking facilities to only that land use long as the land uses for which the caveated parking was provided exist; and
 - (b) be binding on the owner(s) mentioned in (2)(b) and all heirs and successors.
 - (4) A caveat based on the agreement mentioned in subsection (2) shall be registered to the titles of the affected lands mentioned in clauses (2)(b) and (c).
 - (5) The caveated parking shall be in effect only so long as the agreement, binding on all parties, remains in force.
 - (6) If the agreement is no longer in force, parking shall be provided as otherwise required by this Bylaw, another agreement, including a contract zoning agreement, or a condition of a permit.

1F.4 ZONING AMENDMENTS

4.1 APPLICATION REQUIREMENTS

- (1) An application for a Zoning Bylaw amendment shall be made to the Development Officer.
- (2) An application for a Zoning Bylaw amendment shall be made in the manner and form specified by the Development Officer.

4.2 DIRECT CONTROL DISTRICT

- (1) The City may apply a Direct Control District designation to a location if it is satisfied that one or more of the following contexts apply to the proposed location:
 - (a) the area is constrained by natural environmental conditions which would be unbuildable under a conventional zone;
 - (b) hazardous land uses are contemplated, requiring the need for special development controls to limit potential impact(s) on surrounding area;
 - (c) City Council identifies the area to have considerable significance due to its historic, architectural or environmental character;
 - (d) a secondary plan identifies circumstances unique to the area that require the need for specific development provisions to protect the area, ensure compatibility with other areas or encourage a unique form of development; or
 - (e) where the City considers it appropriate to allow land uses, land use intensities, built forms, or development standards that are not achievable through conventional zoning provisions.
- (2) Council may, through a development agreement with the applicant, specify the conditions necessary to ensure that developments in the district conform to *The Official Community Plan*, a special study adopted by Council, or *The Planning and Development Act, 2007*.

Part 1G

PUBLIC NOTICE SIGNAGE

1G.1 PUBLIC NOTICE SIGN

1.1 PUBLIC NOTICE SIGN REQUIRED

In addition to complying with the public notice requirements of *The Planning and Development Act, 2007*, the Development Officer shall post one or more public notification signs on the subject property of a zoning bylaw map amendment or discretionary use application, unless one of the following conditions are met:

- (a) in the opinion of the Development Officer, the subject property is in a remote location or the site conditions render the property inaccessible;
- (b) the discretionary use is a unit entirely within a building that is not directly accessible from the outside; or
- (c) Council has exempted the property from this requirement.

1.2 SIGN CONTENT

The sign required by section 1.1 shall indicate:

- (a) the general purpose of the proposed zoning map amendment or discretionary use application; or
- (b) where additional information may be obtained.

1.3 SIGN POSTING DURATION

The sign required by section 1.1 shall remain on the subject property during the entire Zoning Bylaw amendment or discretionary use process, and shall be removed following a decision by the City to approve or deny the application.

1.4 COST ALLOCATION

The applicant shall be responsible to pay all applicable costs associated with the sign-posting process.

Part 1H

NON-CONFORMITIES

1H.1 REGULATIONS FOR ALL NON-CONFORMITIES

Non-conforming uses, buildings and sites are subject to *The Planning and Development Act, 2007*.

1H.2 REGULATIONS FOR SPECIFIC NON-CONFORMITIES

2.1 NON-CONFORMING LOT

- (1) If, upon the coming into force of this Bylaw, a lot does not comply with the dimensional standards required for minimum lot area or minimum lot frontage as prescribed by this Bylaw, the lot may still be developed for a permitted or discretionary use provided the owner or applicant submits information to establish that the lot:
 - (a) was either lawfully established in the Saskatchewan Land Titles Registry; or
 - (b) the subject of an agreement for transferring the lot executed prior to the adoption of this Bylaw; and conformed to the dimensional standards existing at the time it was registered in the Saskatchewan Land Titles or the agreement was concluded.
- (2) Where a lot's dimensional standards are non-conforming, that lot shall not be subdivided unless either:
 - (a) the subdivision will reduce or eliminate the non-conforming dimensional standards; or
 - (b) Council is satisfied that the subdivision is necessitated by federal, provincial or municipal government action.

Part 1I

ENFORCEMENT

1I.1 VIOLATION AND PENALTY

- (1) Any person who violates any provision of this Bylaw is guilty of an offence, and is liable on summary conviction to the penalties specified in Section 243 of *The Planning and Development Act, 2007*.
- (2) The passage of this Bylaw does not affect the right of the City of Regina to prosecute any violation of any previous bylaw, if the violation occurred while that bylaw was in effect.

1I.2 ZONING BYLAW ENFORCEMENT

2.1 AUTHORITY AND DUTY TO ENFORCE

The Development Officer is authorized to enforce the Bylaw in accordance with *The Planning and Development Act, 2007*.