

# **17. DEVELOPMENT ALTERNATIVES AND INCENTIVES**

## **PART 17A**

### **PURPOSE OF CHAPTER**

- (1) The purpose of this Chapter is to specify:
  - (a) circumstances under which development standards in this Bylaw may be relaxed in return for developer-provided amenities;
  - (b) procedures that may be followed in bringing about the relaxation of the development standards; and
  - (c) standards and criteria for all public amenities that may be provided in return for the relaxation of development standards.
- (2) The intent of the Chapter is to:
  - (a) encourage and provide developers with flexibility in the development of the urban environment;
  - (b) foster innovative developments; and
  - (c) ensure that the entire community benefits from the amenities provided by developers.
- (3) To achieve these goals, increases in the base floor area ratio of developments or maximum tower height relaxations will be allowed in certain land use zones, if the development incorporates certain public amenities. Detailed development standards, minimum bonusable sizes, and location criteria with which the amenities must comply, are also specified. [2007-60]
- (4) This Chapter addresses the recommendation of the Development Plan to set out information regarding the authorization of exceptions to development standards. [1992/9250]

## PART 17B

### GENERAL REGULATIONS FOR GRANTING BONUS

#### 17B.1 APPLICATION

##### 1.1 COUNCIL'S DECISION

- (1) City Council may, by agreement, approve the provision by a developer of a public amenity which complies with the provisions in Table 17.1, in exchange for the relaxation of the maximum tower height specified in section 3.15 of subsection 9C.3, or of the floor area ratio standards specified in Chapter 5, or Chapter 7, in the case of the D - Downtown Zone. [2007-60]
- (2) The bonus floor area granted pursuant to subsection (1) shall not exceed the rate specified in Table 17.1.
- (3) Unless otherwise specified in this Bylaw, the floor area of the amenity provided by the developer shall not be included in the calculation of the required floor area ratio of the development.
- (4) Where, in the opinion of Council, a deviation from development standards, other than floor area ratio, is desirable to accommodate the public amenity or the development where the bonus floor area is to be used, it may approve the deviation.
- (5) A caveat based on the agreement mentioned in subsection (1) shall be registered by the City against the lot on which the:
  - (a) public amenity installed; or
  - (b) bonus floor area is developed. [1992/9250]
- (6) The application of these bonusing measures shall be consistent with the Official Community Plan (OCP) policies. [2014-44]

##### 1.2 APPLICATION PROCEDURE

Every application for a floor area bonus or maximum tower height relaxation shall be made in accordance with the requirements of Chapter 18 of this Bylaw. [1992/9250] [2007-60]

## 17B.2 BONUSABLE AMENITIES AND STANDARDS

Except otherwise mentioned in this Bylaw, only the uses mentioned in Table 17.1 are eligible for floor area bonuses or maximum tower height relaxations. [1992/9250; 1993/9488] [2007-60]

### 2.1 SIZE OF QUALIFYING AMENITY

- (1) Every qualifying amenity shall meet the minimum size specified in Table 17.1.
- (2) Where a minimum size is provided for a qualifying amenity, that size cannot be modified, except by an amendment to this Bylaw. Consequently, if an amenity does not meet the minimum size, no bonus shall be granted.
- (3) Where no minimum size is specified in Table 17.1 for a qualifying amenity, the size may be established in the agreement specified in section 1.1, Subpart 17B.1. [1992/9250]

### 2.2 PERFORMANCE STANDARDS

- (1) Every qualifying amenity shall meet the appropriate performance standards provided in Table 17.1.
- (2) Modification to the performance standards may be approved by Council, if it can be demonstrated to its satisfaction that the modification:
  - (a) would result in a better amenity than would be possible without the modification; or
  - (b) is essential to:
    - (i) enhance the street environment, encourage pedestrian activity, and increase pedestrian comfort;
    - (ii) preserve existing housing;
    - (iii) increase the level of services for residents;
    - (iv) preserve designated landmarks or other historical or architecturally desirable structures; or
    - (v) maximize unusual site characteristics, such as views and relationships to buildings. [1992/9250]

### **17B.3 INSTALLATION AND TIME COMMITMENT**

#### **3.1 INSTALLATION**

Every public amenity shall be installed prior to the issuance of an occupancy certificate for the development with which the amenity is associated, or in which the bonus floor area or maximum tower height relaxation is developed.

[1992/9250][2007-60]

#### **3.2 CONTINUITY**

- (1) A public amenity for which a bonus is granted shall remain for the life of the building or use in respect of which it was provided.
- (2) The amenity may be reduced or discontinued if;
  - (a) the additional floor area ratio allowed in return is permanently removed;
  - (b) another amenity of equal value is substituted; or
  - (c) the equivalent floor area value of the amenity is bought out, as provided in section 3.3. [1992/9250]

#### **3.3 BUY-OUT**

An amenity may be bought out by the developer who provided it, including his heirs and successors, by paying to the City an amount equal to the actual market cost at the time of the buy-out, to provide the same amenity.

#### **3.4 MAINTENANCE**

Unless otherwise specified in this Bylaw, the owner of the development or use in respect of which a public amenity was developed shall maintain all elements of the public amenity, including but not limited to landscaping, parking, seating, lighting, and safety and security. [1992/9250]

**TABLE 17.1: INCENTIVE AND AMENITY SYSTEM [2014-44]**

<b>BONUSABLE AMENITY</b>	<b>PURPOSE</b>	<b>APPLICABLE LAND USE ZONE</b>	<b>INCENTIVE TO AMENITY RATIO (x:y)</b>	<b>AMENITY PERFORMANCE STANDARDS</b>
Arcade, Sidewalk  [A continuously covered area which functions as a weather protected extension of the publicly accessible space which it abuts.]	To provide weather protection for pedestrians along major pedestrian routes and in major activity areas, especially the Downtown.	D	8:1	The arcade: 1. must be accessible to pedestrians at all times; 2. be a minimum height of at least 2.4 metres above finished grade; 3. overhead protection shall be at least 1.83 metres wide, but shall not be within 0.61 metres of the curb; 4. minimum length shall be 18 metres. [1992/9250]
Artist Live/Work [2014-44]  [Living and working space for members of the City's performing, visual and participatory arts groups.]	To provide living and working space for artists in the City to develop and share ideas by way of joint-living, performances, rehearsals, exhibitions, and workshops.	All zones where residential development and the proposed performing, visual or participatory arts professions are allowed.	5:1	The performance standards are determined by Council at time of project consideration.
Bus Passenger Shelter	To increase weather protection for public transit clientele.	All Zones	10:1	The shelter: 1. shall be a sheltered area of at least 20 square metres; 2. may be a free-standing structure or integrated into a building; 3. shall adjoin a sidewalk along a bus route operated by the City at a stop location specifically approved by the Director of Transit for the location of a bus passenger shelter; 4. shall have at least 10 spaces of public seating sheltered from the weather; 5. provide a line of sight from within the shelter along the bus route to allow persons waiting for buses to observe their approach; 6. shall be illuminated at all times to a level of at least 50 lux; and 7. shall be provided with heating from 6:00 a.m. to 12:00 p.m. between December 1 and April 1. [1992/9250]
Child Care Centre  [A use providing care and training for children, for less than 24 hours a day]	To increase the number of child care spaces in the City, especially in the major employment areas.	All residential, commercial and industrial zones where it is a permitted or discretionary use.	8:1	The centre: 1. shall not be less than 93 square metres; 2. may be on the same lot or separate lot from the project using the bonus, as long as it is in the same zone. [1992/9250]
Façade upgrades to existing building [2013-64]	To bring existing buildings to current built form standards	D-Downtown	50 percent of the costs associated with the removal and replacement of building façade can be applied wholly or in part to offset the Office Contribution Gradient requirement	The building façade upgrade: 1. must demonstrate a public benefit such as public safety, or street activation of a previously un-active space. 2. must conform to the built form standards of the D-Downtown Zone.
General Amenity	To improve pedestrian amenity in the Scarth Street Mall.	D-DM	Unlimited. Fixed by Council at project consideration stage.	The development must contribute to the general amenity and public enjoyment of the Scarth Street Pedestrian Mall in a manner acceptable to City Council. [1992/9250]

TABLE 17.1: INCENTIVE AND AMENITY SYSTEM [2014-44]

BONUSABLE AMENITY	PURPOSE	APPLICABLE LAND USE ZONE	INCENTIVE TO AMENITY RATIO (x:y)	AMENITY PERFORMANCE STANDARDS
Heritage Building incorporated into new developments	To assist with the preservation of heritage properties	D	Floor area exempt from FAR calculation.	The heritage building must: <ol style="list-style-type: none"> <li>1. exist on the same site as a proposed building;</li> <li>2. be identified as a potential heritage building; and</li> <li>3. form part of an overall development scheme for the site. [1992/9250]</li> </ol>
Landscaped Area	To provide public amenity space; serve as a focal point for pedestrian activity in the Downtown.	D <sup>2</sup> TAR	5:1  The requirement for parking for apartment dwelling units may be reduced by 30% where the applicant enters into an agreement to provide private or public amenity space in addition to that required by Chapter 15, at a rate of 4.6 square metres for each parking space which has been reduced. The agreement shall be registered against the lands pursuant to Section 215 of <i>The Planning and Development Act, 1983</i> . [1992/9250]	The landscaped area must be: <ol style="list-style-type: none"> <li>1. contiguous with and adjacent to public sidewalk;</li> <li>2. must be available for public use unless otherwise specified in an accompanying agreement;</li> <li>3. may be open to the sky or roofed in the form of an atrium for at least the full height of the ground floor;</li> <li>4. the maximum permitted floor area (FAR) may be increased at the rate 5 square metres of floor area for every square metre of landscaped open area. [1992/9250; 1993/9488]</li> </ol>
Marquee  [A permanent overhead canopy above the entrance of a hotel, theatre, or high density apartment]	To provide weather protection to pedestrians.	D	4:1	<ol style="list-style-type: none"> <li>1. Must be developed over a walkway or sidewalk.</li> <li>2. Minimum height must be the same as the entrance it protects.</li> <li>3. To ensure daylight access, the ratio of the marquee's projections from the building to its height above finished grade shall not exceed 3:4. [1992/9250]</li> </ol>
Public Gallery  [Space containing fixed seating for public assembly for the purpose of entertainment or cultural events, and encouraging the development of the performing arts.	To enliven an area with activity during the prime time hours and to add support to related shops, restaurants, and amusement activities.	All Commercial	10:1	<ol style="list-style-type: none"> <li>1. Shall provide seating space for at least 100 people. [1992/9250]</li> </ol>
Public Art and Cultural Heritage [2014-44]  [Any form of sculpture, artwork, plaques, monuments, statues and commemorative works]	To increase support for the Culture community in the City, and enhance the aesthetic quality of the urban environment.	All Commercial and DCD-9 Former Diocese of Qu'Appelle Lands.	<ol style="list-style-type: none"> <li>1. The value of the work is converted into floor area by dividing that value by 100 square feet.</li> <li>2. In DCD-9, a 3.0m relaxation of tower height restriction.</li> <li>3. Applicable to each building once.</li> </ol>	<ol style="list-style-type: none"> <li>1. The work must be located or displayed permanently in accordance with the Cultural Policy of the Official Community Plan (OCP), not inside the building.</li> <li>2. The work must be by an artist with qualifications.</li> <li>3. The work must be approved by a Development Officer.</li> <li>4. The value shall be authenticated by a certified bill of sale for the work. The value shall not include the cost of improving the site for installation.</li> <li>5. In DCD-9, the work must be located or displayed permanently at one or more of the locations identified in Map 11.1 Secondary Plan for the Former Diocese of Qu'Appelle Property in Part B of the Official Community Plan.</li> </ol>

**TABLE 17.1: INCENTIVE AND AMENITY SYSTEM [2014-44]**

<b>BONUSABLE AMENITY</b>	<b>PURPOSE</b>	<b>APPLICABLE LAND USE ZONE</b>	<b>INCENTIVE TO AMENITY RATIO (x:y)</b>	<b>AMENITY PERFORMANCE STANDARDS</b>
Public Meeting Room	To provide optional meeting places for community, cultural and recreational groups in the City.	All Commercial zones.	2:1	The meeting room: <ol style="list-style-type: none"> <li>1. May include free auditorium or multi-purpose meeting rooms.</li> <li>2. Must be available for public use, but may operate under a reservation.</li> <li>3. Must provide seating, including fixed seating, for at least 50 people. [1992/9250]</li> </ol>
Public Rest-room [A room or rooms containing toilets, lavatories and showers for the use of the general public]	To increase pedestrian convenience in the major activity centres. It will also provide opportunities for cyclists to change.	All Commercial and Industrial	8:1	The rest-room: <ol style="list-style-type: none"> <li>1. Shall be located on the ground floor of the building.</li> <li>2. Shall be accessible to persons with disabilities. [2003-1]</li> <li>3. Shall be open for use by the public during normal business hours.</li> <li>4. The lot on which the amenity is located must be within 76.2 metres of a street served by the Regina Transit System. [1992/9250]</li> </ol>
Residential Unit	To increase the population of the Downtown	D - DR	2:1	The building must: <ol style="list-style-type: none"> <li>1. contain commercial uses only at application time; and</li> <li>2. maximum FAR for the mixed use development shall not exceed 8.5. [1992/9250]</li> </ol>
Retail Use/Restaurant	To enhance the role of the Downtown as the employment, business and cultural centre of the City.	D	The floor area will be exempted from FAR calculation.	The retail use must be on the ground floor or second floor. [1992/9250; 1993/9488]
Space for Non-Profit, Cultural and Social Services [2014-44] [Space which is made available, free of or at reduced rent, to charitable, cultural and social service organizations that provide emergency assistance, health or cultural services, referral services or other specialized social service directly to the public.]	To promote community development in the City and also to serve as a focal point for pedestrian activity in the Downtown.	D	8:1	<ol style="list-style-type: none"> <li>1. The maximum bonusable area for this amenity will not exceed 464.5 square metres.</li> <li>2. The lot on which the amenity is located must be within 76.2 metres of a street served by the Regina Transit System.</li> </ol>
Transit Transfer Area	To provide weather protection for waiting transit riders at major transfer points.	All zones	10:1	Same as sidewalk arcade. [1992/9250]

TABLE 17.1: INCENTIVE AND AMENITY SYSTEM [2014-44]

BONUSABLE AMENITY	PURPOSE	APPLICABLE LAND USE ZONE	INCENTIVE TO AMENITY RATIO (x:y)	AMENITY PERFORMANCE STANDARDS
Water Feature [2014-44]  (May include a fountain, cascade, stream water, pond, sculpture or reflection.)	To serve as a focal point for pedestrian activity, and moderate ambient air temperature in the summer.	D, DSC, DCD-9	8:1	The water feature: <ol style="list-style-type: none"> <li>Must be located outside the building, and be publicly visible and accessible at the main pedestrian entrance to a building or along a pedestrian connection to the building.</li> <li>Water must be maintained in a clean and non-polluted condition.</li> <li>Water must be in motion during daytime hours, except between September 21 and April 21.</li> </ol>
Conservation of Landscape Elements [2014-44]	To reflect previous use of the site and related community values, and to help meet environmental and social objectives.	DCD-9	3.0 metre relaxation of tower height restriction: allotment garden	<ol style="list-style-type: none"> <li>Must include provision of water access.</li> <li>Must be available for resident use.</li> <li>Must be a minimum of 25m<sup>2</sup>.</li> <li>Relaxation for specific amenity may be applied to each building only once.</li> <li>Must met the <i>Standards and Guidelines for the Conservation of Historic Places in Canada</i>. [2014-44]</li> </ol>
LEED Certification	To reduce fossil fuel energy consumption and residents' ecological footprints.	DCD-9, High-Rise Residential Policy Area	9.0 metre relaxation of tower height restriction: LEED Certification	<ol style="list-style-type: none"> <li>The design team shall include a LEED Certified Architect.</li> <li>Before issuance of a Development Permit, the applicant shall submit a plan that has been verified as being eligible for LEED Certification by a LEED Certified Architect. Within 90 days of receiving an Occupancy Permit, the applicant must submit documentation that demonstrates achievement of LEED Certification.</li> <li>If LEED Certification is not achieved, the applicant shall provide other bonusable amenities, as determined by the Development Officer.</li> <li>Relaxation for a specific amenity may be applied to each building only once. [2007-60]</li> </ol>
Affordability Measures	To allow income-mix on the site through the incorporation of affordable housing.	DCD-9	6.0 metre relaxation of tower height restriction: affordable units	<ol style="list-style-type: none"> <li>A minimum of 8 units must be affordable, as defined by the Province of Saskatchewan's Affordable Housing Programs.</li> <li>Relaxation for specific amenity may be applied to each building only once. [2007-60]</li> </ol>
Green Roof	To conserve energy and beautify the building.	DCD-9, High-Rise Residential Policy Area	3.0 metre relaxation of tower height restriction: green roof on podium	<ol style="list-style-type: none"> <li>Must cover the entirety of the podium.</li> <li>Must be viewable in part from the street.</li> <li>Must be accessible by residents.</li> <li>Relaxation for specific amenity may be applied to each building only once. [2007-60]</li> </ol>
Public Art	To increase support for the Art community in the City, and enhance the aesthetic quality of the urban environment.	DCD-9	3.0 metre relaxation of tower height restriction: public art	<ol style="list-style-type: none"> <li>Must be located or displayed permanently at one or more of the locations identified in Map 11.1 in Part A, <i>Regina Development Plan Bylaw No. 7877</i>.</li> <li>Must be approved by the City of Regina's Arts, Culture and Heritage Section.</li> <li>Relaxation for specific amenity may be applied to each building only once. [2007-60]</li> </ol>



**TABLE 17.1: INCENTIVE AND AMENITY SYSTEM [2014-44]**

<b>BONUSABLE AMENITY</b>	<b>PURPOSE</b>	<b>APPLICABLE LAND USE ZONE</b>	<b>INCENTIVE TO AMENITY RATIO (x:y)</b>	<b>AMENITY PERFORMANCE STANDARDS</b>
Office Contribution Gradient – Office Use with unlimited Height and FAR in the area defined as the Central Business District [2014-44]	To increase the amount and profile of Office Development within Downtown Regina's central business core by allowing office development unlimited height in exchange for public amenity payment or contribution of equal value of public amenities	D – Downtown – Area identified as the Central Business District in Figure 7.3 and in areas where unlimited height bonusing is allowed as identified in Figure 7.4 of Subpart 7C.10	Payment of \$4.00/square foot (in 2009 dollars) or contribution of public amenities in kind for portions of the building that exceeds Podium height.	25% of total Gross Floor Area of the Building shall be allocated as office use in perpetuity. [2012-67]
Community Amenity [2014-83]	To implement policy of <i>Design Regina: The Official Community Plan Bylaw No.2013-48 (OCP)</i> , with respect to bonusing, and enhancing the local amenity of a community.	C	Determined at discretion of City Council. The height or density in excess of what would normally be permitted in an appropriate zone for the site context will be considered.	The Community Amenity must: 1. Be consistent with the definition in Appendix C of the OCP; 2. Implement the objectives and policies of the OCP; and 3. Provide tangible benefit to the local community.
<b>Notes:</b>				
<ol style="list-style-type: none"> <li>1. Applies to the area between Albert Street, Broad Street, the south land of Victoria Avenue and Saskatchewan Drive.</li> <li>2. In the retail portion of the district, only an atrium is a qualifying use.</li> </ol>				