

December 6, 2018

To: Members
Regina Planning Commission

Re: Landscape Regulations (MN18-9)

RECOMMENDATION

1. That Option 2 – Moderate Landscape Requirements and Enforcement Option 3 – Intensive Bylaw and Process Changes as outlined in this report be approved.
2. That Administration be directed to prepare a report on creating a program that supports tree planting, identifies potential sources of funding and minimizes long-term risk to Regina’s urban forest.
3. That the City Solicitor be directed to prepare the necessary bylaw amendments to the *Regina Zoning Bylaw No. 9250* as outlined in the table entitled Landscape Option 2 – Moderate Landscape Requirements, under the heading Bylaw and Process Changes.
4. That the City Solicitor be directed to prepare the necessary bylaw amendments to *The Regina Community Standards Bylaw No. 2016-2* as outlined in the table entitled Enforcement Option 3 – Intensive Bylaw and Process Changes, under the heading Bylaw Changes.
5. That item MN18-9 be removed from the list of outstanding items for Regina Planning Commission and the list of outstanding items for City Council.
6. That this report be forwarded to the December 17, 2018 meeting of City Council for approval.

CONCLUSION

This report outlines Administration’s recommendations respecting:

- Landscape requirements for one and two-unit dwellings.
- Enforcing landscape requirements for one and two-unit dwellings.

Administration recommends Landscape Option 2 - Moderate Landscape Requirements, which creates landscape requirements that minimize weed growth and other nuisances and provides appropriate balance and flexibility for residents, the development community and the City.

Administration recommends Enforcement Option 3 – Intensive Bylaw and Process Changes, which provides the City with tools and resources to better enforce property maintenance standards in all neighbourhoods.

The ongoing review of the *Regina Zoning Bylaw No. 9250* (Zoning Bylaw) highlighted a potential gap in City programs that support *Design Regina: The Official Community Plan Bylaw 2013-48*, (OCP) Section D2 - Environment. Goal 2 - Urban Forest: Protect, promote and expand Regina's urban forest and street tree canopy. Administration recommends a report be prepared to assess the benefit of a program that supports tree planting, identifies potential sources of funding and minimizes long-term risk to Regina's urban forest.

BACKGROUND

Administration and Council have seen a shift in the number of complaints regarding weeds and nuisances in the city over the past five years. Service request trends show an increasing number of complaints in wards with newer neighbourhoods (Appendix A). On August 27, 2018, City Council directed Administration, through motion MN18-9, to prepare a report for consideration with respect to:

- The advisability of adopting regulations requiring “soft landscaping” on one and two-unit dwellings in new greenfield, infill and brownfield developments, such landscaping to apply to all front or side-yards bordering any street or public pathway;
- Details of what the landscaping regulations might contain;
- The options available for enforcing such a regulation, including the option of enforcement by private industry developers and builders; and
- Consultation with Regina and Region Home Builders' Association (RRHBA) in preparation of this report.

DISCUSSION

Administration compared the City of Saskatoon, City of Calgary, City of Edmonton and City of Winnipeg in preparation of this report (Appendix B). Approaches to landscape regulations range from no requirements on one and two-unit dwellings to very prescriptive requirements on one and two-unit dwellings (City of Edmonton) and a range of options that fall in between. Administration also analyzed service requests related to weed complaints and complaints related to clean property (Appendix A). This information was presented during consultation on October 25, 2018 with RRHBA. The development industry shared that some developers are already utilizing tools such as restrictive covenants or a deposit system as mechanisms to enforce landscape requirements in new developments. The outcome of that consultation supported the direction of Council's motion and resulted in a four-pronged recommended approach that includes:

- Developing landscape regulations
- Allowing developers to enhance and enforce landscape requirements for greenfield developments

- Enhancing enforcement tools
- Increasing awareness and communication of landscaping requirements and required applicable bylaw requirements (*The Weed Control Act*, etc.) and partnering with RRHBA to develop a best practice guide for landscaping in Regina that can be distributed to residents

The options illustrated below present a range of approaches from minimal to intensive landscape regulations. The options also will manage landscaping primarily on new lots in greenfield developments or lots being redeveloped. Enforcement (see enforcement options) will be required to manage existing development areas. Administration and RRHBA will work together to address the maintenance and weed issues associated with vacant or undeveloped lots.

Landscape Option 1 - Maintain Status Quo

Primary Intention: Minimize change and impact to the development community, residents and the Administration.

Time Requirement for Plant Material Installation	<ul style="list-style-type: none"> • No time requirement
Plant Material Requirement	<ul style="list-style-type: none"> • None
Developer Options	<ul style="list-style-type: none"> • Specify their own options and requirements and enforcement tools
Pros	<ul style="list-style-type: none"> • Allows for maximum diversity in front yard landscaping
Cons	<ul style="list-style-type: none"> • Does not create minimal and enforceable expectations for landscaping • Does not proactively address landscaping or weed growth
Cost	<ul style="list-style-type: none"> • No cost to Administration • No cost to home owner
Bylaw and Process Changes	<ul style="list-style-type: none"> • None

Landscape Option 2 - Moderate Landscape Requirements (Recommended Option)

Primary Intention: Provide options that allow for a variety of landscaping and provide options for the development community to enhance landscape requirements within their developments that exceed minimum requirements. Include minimum landscape requirements that must be complied with by all one and two-unit dwellings in the Zoning Bylaw and direct developers, at the time of subdivision, to illustrate additional landscape requirements in greenfield developments through authority granted by *A Bylaw of The City of Regina to Regulate and Control the Subdivision of Land No. 7748* (Subdivision Bylaw).

Assuming Council approves this option, the City Solicitor will make the necessary bylaw amendments for approval on January 9, 2019.

Time Requirement for Plant Material Installation	<ul style="list-style-type: none"> Home owners must complete landscaping in all front or side yards bordering any public street or public pathway within two years of issuance of an occupancy permit
Plant Material Requirement	<ul style="list-style-type: none"> Landscaping may consist of, but is not limited to: <ul style="list-style-type: none"> Ornamental plants, shrubs or trees; Turf; or Suitable permeable groundcover (such as aggregate, mulch, artificial turf, etc.) to prevent instability, including but not limited to the erosion of soil and/or approved by the Development Officer
Developer Options	<ul style="list-style-type: none"> Allow developers to define and set standards that exceed requirement for all greenfield development Allows developers to utilize tools such as restrictive covenants, a deposit system, etc. to enforce landscape standards that exceed the minimum requirements
Pros	<ul style="list-style-type: none"> Allows for greater diversity of landscape solutions ranging from grass, groundcover, artificial turf or gardens Creates timelines and expectations for when landscaping must be complete
Cons	<ul style="list-style-type: none"> Requires compliance and enforcement resources
Cost	<ul style="list-style-type: none"> Minimal cost to Administration Moderate cost to residents
Bylaw and Process Changes	<ul style="list-style-type: none"> Amend Chapter 15 of the Zoning Bylaw to include landscape requirements for one and two-unit dwellings in greenfield, infill and brownfield developments As per authority prescribed in the Subdivision Bylaw, information related to additional requirements, such as additional landscape requirements that exceed the minimum landscape requirements outlined in the Zoning Bylaw, be incorporated into the subdivision approval process

Landscape Option 3 - Intensive Landscape Requirements

Primary Intention: Provide prescriptive options for landscape requirements based on lot width and allow for the Development Community to enhance landscape requirements within their developments that exceed minimum requirements. Include landscape requirements in the Zoning Bylaw and direct developers to illustrate landscape requirements in greenfield developments through authority granted by the Subdivision Bylaw.

Time Requirement	<ul style="list-style-type: none"> Home owners must complete landscaping in all front or side yards bordering any public street or public pathway within two years of issuance of an occupancy permit
Plant Material	<ul style="list-style-type: none"> Landscaping must consist of a set number of shrubs (>300mm

Requirement	<p>height, >400mm spread) and seed/sod or alternate groundcover (as approved by Development Officer)</p> <ul style="list-style-type: none"> Require development permits to specify shrub coverage and groundcover utilizing lot width <table border="1" data-bbox="516 342 1372 604"> <thead> <tr> <th data-bbox="516 342 812 380">Lot Width</th> <th data-bbox="812 342 1372 380">Requirement</th> </tr> </thead> <tbody> <tr> <td data-bbox="516 380 812 457">Less than 10 M</td> <td data-bbox="812 380 1372 457">5 shrubs Seed/sod (or alternate)</td> </tr> <tr> <td data-bbox="516 457 812 531">10 – 13 M</td> <td data-bbox="812 457 1372 531">7 shrubs Seed/sod (or alternate)</td> </tr> <tr> <td data-bbox="516 531 812 604">Greater than 13 M</td> <td data-bbox="812 531 1372 604">10 shrubs Seed/sod (or alternate)</td> </tr> </tbody> </table>	Lot Width	Requirement	Less than 10 M	5 shrubs Seed/sod (or alternate)	10 – 13 M	7 shrubs Seed/sod (or alternate)	Greater than 13 M	10 shrubs Seed/sod (or alternate)
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Less than 10 M	5 shrubs Seed/sod (or alternate)								
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Greater than 13 M	10 shrubs Seed/sod (or alternate)								
Developer Options	<ul style="list-style-type: none"> Allow developers to define and set standards that exceed requirement for all greenfield development 								
Pros	<ul style="list-style-type: none"> Provides greater control of contents of front yard landscaping 								
Cons	<ul style="list-style-type: none"> May create conflicts with utilities Requires significant resources for review of building and development permits to ensure compliance with requirements Requires significant resources to ensure builders are complying with building and development permit requirements May limit variation in residential landscaping 								
Cost	<ul style="list-style-type: none"> Moderate cost to the Administration (FTE for review and compliance) Increased costs for residents 								
Bylaw Changes	<ul style="list-style-type: none"> Amend Chapter 15 of the Zoning Bylaw to include landscape requirements for one and two-unit dwellings in greenfield, infill and brownfield developments As per authority prescribed in the Subdivision Bylaw, information related to additional requirements, such as additional landscape requirements that exceed the minimum landscape requirements outlined in the Zoning Bylaw, be incorporated into the subdivision approval process 								

Options for landscape regulations range in complexity from maintaining the status quo to being highly prescriptive with landscape requirements. Based on comparative analysis, service request analysis and consultation with industry and internal business areas, Administration recommends Option 2 - Moderate Landscape Requirements which provide appropriate balance and flexibility for residents, the development community and the City.

As part of any new regulation, enforcement options will need to be considered. Administration reviewed tools for supporting the enforcement of landscape regulations. Consultation with RRHBA emphasized that Administration and developers need to partner in enforcing landscape regulations in new developments. Options for enforcing landscape regulations range in complexity from maintaining the status quo for enforcement to partnering with RRHBA and enhancing requirements within the Zoning Bylaw, *The Regina Community Standards Bylaw No.*

2016-2 (Community Standards Bylaw) and the subdivision approval process. Below are options for enforcing minimum landscape requirements.

Enforcement Option 1 – No Bylaw Changes

Primary Intention: Enforce *The Weed Control Act* and the Community Standards Bylaw to minimize weeds and nuisances within the city of Regina.

Administration Impact	<ul style="list-style-type: none"> • None
Landowner Impact	<ul style="list-style-type: none"> • No requirements to create minimum landscape requirements
Enforcement	<ul style="list-style-type: none"> • All enforcement responsibility falls to the City • The City has several enforcement options available for violation of the Community Standards Bylaw. These include: <ul style="list-style-type: none"> ○ Issuance of an order to comply ○ Ticketing ○ Prosecution • If a person fails to comply with an order to comply issued under the Community Standards Bylaw, <i>The Cities Act</i> permits the City to remedy the contravention and the costs of that remedy can be added to the tax roll. • <i>The Weed Control Act</i> permits the City to appoint weed inspectors which are given the authority to issue orders to comply regarding noxious, prohibited or nuisance weeds as defined by the Minister. If the property owner does not comply with the order the City has the authority to complete the work and costs of that work (not exceeding \$400) can be added to the tax roll.
Pros	<ul style="list-style-type: none"> • No change to process or procedures
Cons	<ul style="list-style-type: none"> • Without increased enforcement resources (staff) and tools (ticketing system) no significant change is likely • The Community Standards Bylaw specifies grass height and untidy or unsightly property but does not specify maintenance standards for landscaping
Cost	<ul style="list-style-type: none"> • No cost increase
Bylaw and Process Changes	<ul style="list-style-type: none"> • None

Enforcement Option 2 – Moderate Bylaw Changes

Primary Intention: Enforce *The Weed Control Act* and enhance the Community Standards Bylaw to minimize weeds and nuisances within Regina. Enhance landscape requirements for one and two-unit dwellings in the Zoning Bylaw. Provides additional enforcement resources.

Administration Impact	<ul style="list-style-type: none"> • Stronger tools for enforcing property maintenance standards • Increases resources to enforce property maintenance standards
Landowner Impact	<ul style="list-style-type: none"> • No requirements to create minimum landscape requirements
Enforcement	<ul style="list-style-type: none"> • All enforcement responsibility falls to the City

	<ul style="list-style-type: none"> • For greenfield, infill and brownfield development: <ul style="list-style-type: none"> ○ The City will require home builders to illustrate how they are meeting the minimum landscape requirements (as illustrated in the Zoning Bylaw) when submitting their development permit • Non-Compliance: <ul style="list-style-type: none"> ○ The City can pursue compliance utilizing processes outlined in the Zoning Bylaw for non-compliance or the Community Standards Bylaw • The City has several enforcement options available for violation of the Community Standards Bylaw. These include: <ul style="list-style-type: none"> ○ Issuance of an order to comply ○ Ticketing ○ Prosecution • If a person fails to comply with an order to comply issued under the Community Standards Bylaw, <i>The Cities Act</i> permits the City to remedy the contravention and the costs of that remedy can be added to the tax roll. <ul style="list-style-type: none"> ○ <i>The Weed Control Act</i> permits the City to appoint weed inspectors which are given the authority to issue orders to comply regarding noxious, prohibited or nuisance weeds as defined by the Minister. If the property owner does not comply with the order the City has the authority to complete the work and costs of that work (not exceeding \$400) can be added to the tax roll.
Pros	<ul style="list-style-type: none"> • No change to process or procedures
Cons	<ul style="list-style-type: none"> • Enforcement activity and costs fall directly to the City • Without increased resources, minimal change likely
Cost	<ul style="list-style-type: none"> • 2 FTEs • Operational Costs
Bylaw and Process Changes	<ul style="list-style-type: none"> • Amend the Community Standards Bylaw to: <ul style="list-style-type: none"> ○ Expand the current requirement not to allow overgrown grass of a height greater than fifteen centimeters to include all non-woody vegetation with the exception of deliberate plantings ○ Add a requirement to maintain the yard to prevent the erosion of soil

Enforcement Option 3 – Intensive Bylaw and Process Changes (Recommended Option)

Primary Intention: Enforce *The Weed Control Act*. Enforce and enhance the Community Standards Bylaw. Enhance landscape requirements for one and two-unit dwellings in the Zoning Bylaw. Direct developers to illustrate landscape requirements and enforcement tools for greenfield developments through authority granted by the Subdivision Bylaw. Provide additional resources and tools for enforcement.

Administration Impact	<ul style="list-style-type: none"> • Stronger tools for enforcing property maintenance standards • Increases resources to enforce property maintenance standards
Landowner Impact	<ul style="list-style-type: none"> • Developers of greenfield developments will be required to submit a plan prior to subdivision of land that illustrates additional landscape requirements and enforcement tools for one and two-unit residential properties • Home builders will be required to submit a plan illustrating how they will meet minimum landscape requirements as part of their development permit application
Enforcement	<ul style="list-style-type: none"> • For greenfield development: <ul style="list-style-type: none"> ○ The City will require developers to provide a plan prior to subdivision approval that illustrates additional (if desired) landscaping requirements in greenfield development and what enforcement tools they will utilize (securities, restrictive covenants, other) to ensure compliance. The City will play no role in enforcing landscape requirements above and beyond minimum requirements adopted by City Council ○ The City will require home builders to illustrate how they are meeting the minimum landscape requirements when submitting their development permit • For infill and brownfield development: <ul style="list-style-type: none"> ○ The City will require home builders to illustrate how they are meeting the minimum landscape requirements when submitting their building and development permit • Non-Compliance: <ul style="list-style-type: none"> ○ Developers can utilize tools as outlined in their plan of subdivision (security, restrictive covenant, other) ○ The City can pursue compliance utilizing processes outlined in the Zoning Bylaw • The City has several enforcement options available for violation of the Community Standards Bylaw. These include: <ul style="list-style-type: none"> ○ Issuance of an order to comply ○ Ticketing ○ Prosecution • If a person fails to comply with an order to comply issued under the Community Standards Bylaw, <i>The Cities Act</i> permits the City to remedy the contravention and the costs of that remedy can be added to the tax roll. <ul style="list-style-type: none"> ○ <i>The Weed Control Act</i> permits the City to appoint weed inspectors which are given the authority to issue orders to comply regarding noxious, prohibited or nuisance weeds as

	<p>defined by the Minister. If the property owner does not comply with the order the City has the authority to complete the work and costs of that work (not exceeding \$400) can be added to the tax roll.</p>
Pros	<ul style="list-style-type: none"> • Developers would be allowed freedom to prescribe landscape requirements that exceed minimum requirements for their developments • Enforcement responsibilities in greenfield development are shared between the development industry and the City • Requirements are already in place and outlined in the Zoning Bylaw for multi-family, commercial and industrial developments (albeit stricter and more detailed) • Outlines landscape maintenance requirements for properties into the future to further reduce untidy or unkept properties, affording a mechanism to the City to ensure compliance
Cons	<ul style="list-style-type: none"> • Traditional enforcement tools afforded to the City still require time and resources
Cost	<ul style="list-style-type: none"> • 2 FTEs • Operational Costs • Cost increases for developers will vary on the enforcement tools they choose to utilize
Bylaw and Process Changes	<ul style="list-style-type: none"> • Amend the Community Standards Bylaw to: <ul style="list-style-type: none"> ○ Expand the current requirement not to allow overgrown grass of a height greater than fifteen centimeters to include all non-woody vegetation with the exception of deliberate plantings ○ Add a requirement to maintain the yard to prevent the erosion of soil • As per authority prescribed in the Subdivision Bylaw, information related to additional requirements, such as additional landscape requirements that exceed the minimum landscape requirements outlined in the Zoning Bylaw, and what enforcement tools are being utilized, such as restrictive covenant, deposits, etc., be incorporated into the subdivision approval process

The preferred option, Enforcement Option 3 – Intensive Bylaw and Process Changes, provides the greatest flexibility for enforcing landscape requirements allowing the City to partner with developers to ensure landscaping is completed in greenfield areas and provides tools to enforce landscape maintenance requirements in established areas of the city.

RECOMMENDATION IMPLICATIONS

Financial Implications

Resources to implement the Enforcement Option 3 – Intensive Bylaw and Process Changes would need to be included as part of the 2020 budget process. Estimated total resources required include:

- 2020 (ongoing resources)
 - 2 Full Time Equivalent - Bylaw Enforcement and Support (\$146,000)
 - Vehicle Operating Expense (\$10,000)

Environmental Implications

Ensuring landscaping is completed in a timely manner limits erosion and damage to stormwater infrastructure and minimizes the spread of nuisance or noxious weeds.

Policy and/or Strategic Implications

The recommendations contained within this report support policies contained within Part A of the OCP with respect to:

Section D2 – Environment

Goal 2 - Urban Forest: Protect, promote and expand Regina’s urban forest and street tree canopy.

- 4.7 Maintain and continually expand a healthy and diverse urban tree canopy to improve air quality, increase carbon sequestration, reduce heat island effect and enhance the aesthetic character of the city.

Other Implications

None with respect to this report.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

As per the direction of City Council, Administration met with the RRHBA on October 25, 2018 for a consultation session. The RRHBA will receive a copy of this report and notification of the meeting to appear as a delegation in addition to receiving a written notification of City Council’s decision.

Based on Council's decision, Administration will work with the Communications Department to educate residents on the new bylaw once it takes effect.

DELEGATED AUTHORITY

The recommendations contained in this report require City Council approval. Changes to the Zoning Bylaw require Council approval pursuant to Part V of *The Planning and Development Act, 2007*. Changes to the Community Standards Bylaw require Council approval pursuant to Section 8 of *The Cities Act*.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Fred Searle".

Fred Searle, A/Director,
Development Services

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Diana Hawryluk".

Diana Hawryluk, Executive Director,
City Planning & Development

Report prepared by:
Ryley Slywka, Business Performance Consultant

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