



## Zoning Bylaw Amendment - Backyard Suites Amendment

Date	June 7, 2022
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	RPC22-20

### RECOMMENDATION

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Regina Planning Commission recommends that City Council:

1. Approve amendments to *The Regina Zoning Bylaw, 2019* to allow for Backyard Suites as a permitted use as described in this report and in accordance with the regulations set out in detail in Appendix A.
2. Approve amendments to *The Housing Incentives Policy* to expand a five year, 25 per cent tax exemption to applicable Backyard Suites as described in this report and in accordance with amendments set out in detail in Appendix B.
3. Exempt the sign posting requirements, as allowed by *The Public Notice Policy Bylaw, 2020*, for the properties as noted in Appendix B that are being rezoned.
4. Instruct the City Solicitor to prepare the necessary bylaw to give effect to the recommendations, to be brought forward to the meeting of City Council following approval of the recommendations by Council and the required public notice.
5. Approve these recommendations at its meeting on June 15, 2022.

### ISSUE

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Backyard suites are secondary living units on a residential lot; previously called laneway and garden suites in Regina. There are three backyard suite pilot projects. They are located in the Greens on

Gardiner, Harbour Landing, and six infill sites in existing neighbourhoods. Aside from the pilot projects, backyard suites have not been permitted.

In the September 7, 2016 report to Regina Planning Commission, Administration committed to completing post-occupancy evaluation surveys on the pilot projects (CR16-108). Two rounds of public consultation were completed, in 2019 and 2022 respectively.

Backyard suites are becoming an increasingly popular housing option across Canada. Based on research and public consultation, backyard suites are recommended as an option for an additional unit on a property. Backyard suites are distinct from secondary suites, which are already permitted within dwelling units under *The Regina Zoning Bylaw 2019* (Zoning Bylaw). The proposed amendments to the Zoning Bylaw would permit backyard suites as a land use in residential zones and are outlined in Appendix A. Consequential amendments to the City's *Housing Incentives Policy* are also recommended. The policy amendments will ensure alignment with recommendations and are attached in Appendix B.

## IMPACTS

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### **Financial Impact**

The City's *Housing Incentives Policy* currently provides a five year, 25 per cent tax exemption for Council-approved Laneway and Garden Suite pilot project sites in all areas of the city. Although this report recommends backyard suites in all areas of the city, the proposed amendment to the *Housing Incentives Policy* would provide a five year, 25 per cent tax exemption for all backyard suites developed and utilized for long-term residential rental purposes in areas 1 and 2 defined in the *Housing Incentives Policy* and shown in Appendix B.

### **Policy/Strategic Impact**

The *Comprehensive Housing Strategy* provides direction on how the City can align its policies, programs and resources to address Regina's housing needs and includes strategies and guiding principles related to housing incentives. The proposed Zoning Bylaw regulations and *Housing Incentives Policy* amendments in this report are consistent with the guiding principles and strategies within the *Comprehensive Housing Strategy*, including fostering the creation of secondary suites and diverse rental accommodations and supporting innovative housing types.

The recommendations are also supported by policies in *The Official Community Plan Bylaw 2013-48* (OCP). Allowing backyard suites would allow for relatively small-scale investment for property owners to accommodate a rental unit and redevelop their property. Backyard suites would become a new option on the housing spectrum, which adds diversity and affordability to the community.

### **Environmental impacts**

The recommendations in this report have limited direct impacts on energy consumption and greenhouse gas emissions.

## OTHER OPTIONS

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Through the review process, Administration identified the following alternative options:

1. Deny the proposed amendments, which would prohibit the development of more backyard suites in the city. Risks to this option include inconsistencies with established housing policies, as detailed in the Policy/Strategic Impact section of this report as well as public desire for the land use, as per the comments received from the surveys which indicates residents would support backyard suites as housing form options throughout the city.
2. Develop a fourth pilot project of backyard suites. If City Council wishes to obtain further experience and data from real examples, then approval of another pilot project may be an option. This option will slow the broad implementation of recommended changes to accommodate this development form in the city.

None of these alternative options would require an amendment to the *Housing Incentives Policy*.

## COMMUNICATIONS

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All interested parties will receive a copy of the report and notification of the meeting to appear as a delegation in addition to receiving a written notification of City Council's decision. Should Council approve amendments to the Zoning Bylaw to permit backyard suites throughout the city, public notice of the public hearing that is required to be held when Council considers the proposed bylaw will be given in accordance with *The Public Notice Policy Bylaw, 2020*.

In 2015, Administration undertook extensive public engagement in preparing the Design Guidelines for a backyard suites pilot project including two open houses with approximately 45 attendees, two workshops with a total of 140 attendees, meetings with community associations and stakeholders as well as an online survey with approximately 160 responses.

In 2019, Administration conducted a post-occupancy survey of impacted and involved stakeholders, including applicants, property owners, tenants and area residents.

In 2022, Administration posted the draft regulations online for public review and encouraged questions and comments using the Be Heard Regina engagement tool. This information can be found at [Regina.ca/backyardsuites](https://regina.ca/backyardsuites).

The results of these public engagements are summarized in Appendices E-1 to E-3. A more detailed summary of previous engagement undertaken can be found below.

## DISCUSSION

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Backyard suites are a dwelling unit, separate from the primary dwelling, on a residential lot. Secondary suites (i.e., basement suites) are currently allowed within a detached dwelling in residential zones and in row buildings (semi-detached and town homes) in the Residential Low-Rise and Residential High-Rise Zones, provided there is only one principal dwelling unit on the lot. Backyard suites are proposed to be regulated similar to secondary suites and will typically be located above a detached garage.

### **Backyard Suite Pilot Projects**

The City piloted three separate projects in different contexts as a cautious approach to introducing backyard suites in Regina:

- In 2013, the first pilot involved developing detached secondary suites on 11 properties in the Greens on Gardiner to assess the performance of the backyard suites in the greenfield context.
- In 2014, the City allowed the development of 20 properties in Harbour Landing as a second pilot project. This project varied in location, context, floor plans, and layout from the first pilot. It provided the Administration with opportunities to evaluate the differences between the two projects and raise firsthand awareness of the new building form for residents in a different city area.
- In 2016, the third pilot project involved six different properties in established neighbourhoods throughout the city.

Not all properties in these pilots have been developed with backyard suites. However, the ones with functioning backyard suites allow Administration to learn from the experiences and perceptions of the homeowners, renters, and surrounding community. More details and photos from all three pilot projects are available in Appendix D-1 and D-2.

### **Public Engagement Following the Pilot Projects**

In 2019, a post-occupancy consultation was conducted via a survey to neighbouring property owners within a 75-metre radius of the subject properties, backyard suite tenants, contractors, designers and developers. Internal departments were consulted to understand the impacts of the pilot projects on each business area. Comments received from these surveys and internal consultations indicated that backyard suites increase the diversity of housing options in the city. A summary of this consultation is outlined in Appendices E-1 and E-2.

In 2020, the work to further research or permit backyard suites was paused amid adaptations related to the COVID-19 pandemic.

In 2021, resources were re-allocated, and work resumed with a focus on drafting a proposal for city-wide guidelines and for additional public engagement.

In 2022, public engagement was launched via the Be Heard Regina page. It presented the project's intention to permit backyard suites broadly throughout the city and the proposed regulations were posted for public review. The engagement was conversational and solicited questions about the project that Administration could address. It also asked what level of interest respondents had in backyard suites for construction on their property. Responses to the questions and concerns received during the 2019 public engagement were provided for the public's information. A simplified version of the proposed regulations was presented to the public. A summary of the 2022 public engagement is outlined in Appendix E-3.

Based on interest numbers from the most recent public engagement, 43 individuals indicated interest in applying in the next two years and a total of 66 in the next seven years. This averages to 10-20 applications per year which Administration believes will result in anywhere from three to 15 backyard suites being built per year, which is based on the ratio of applications approved then completed in pilot project three.

### **What Backyard Suites May Look Like in Regina**

Generally, a two- storey backyard suites will resemble those of the third pilot project (see photos in Appendix D) and single storey ground-oriented backyard suites, will resemble that of any other accessory building like garages but will be fully equipped as living space. The key development standards are described as follows:

- The height would be limited to 5.8 metres as opposed to allowing for up to 7.5 metres, which was allowed for the projects in the Greens on Gardener and Harbour Landing.
- The rear yard setback to the lane would increase, from 1.5 metres to 2.5 metres, which would add additional privacy for both backyard suite residents and neighbours.
- In the case where there is no rear lane the rear yard setback would be limited to 3.0 metres. The intent is to limit the impact on abutting lots, accounting for the allowable height of 5.8 metres. In comparison, the rear yard setback of a principal building on a lot would be limited to 5.0 metres, but also allows for height between 8.5 metres and 11 metres.
- There will be an added requirement for a 5.0 metres shared yard space for the backyard suite. In most cases this will result in a 5.0 metres separation distance between the principal building and backyard suite and has the effect of pushing the backyard suite to the rear of the property. In the case of a wide, shallow lot with no lane access, this will ensure there is at least a 5.0 metres setback to one side, which allows for yard space and sunlight exposure.
- The proposal maintains existing standards for accessory buildings for all portions below 4.0 metres in height (the current maximum height for accessory buildings). This means that any

backyard suites that are below 4.0 metres in height, or single story, will be subject to the same standards as a typical accessory building or garage.

### **Summary of Proposed Changes**

Further details of the proposed amendments to the Zoning Bylaw are outlined in Appendix A – Proposed Amendments Table. In short, the amendments will broadly:

1. Change five definitions to merge the land uses of Laneway Suite and Garden Suite into a singular Backyard Suite and permit (as-of-right) their development, similar to secondary suites.
2. Change the Land Use Tables in five residential zones (RN, RU, RL, RH and R1) to permit Backyard Suites and adding Land Use Specific Regulations that prescribes the applicable development standard consistent with what is described in this report.
3. Change the development standards applicable to Accessory Buildings to accommodate their use as Backyard Suites.
4. Rezone the properties in the Greens on Gardiner and Harbour Landing that are currently zoned DCD-LHP – Laneway Housing Pilot Zone to RU – Residential Urban Zone
5. Repeal the DCD-LHP – Laneway Housing Pilot Zone underlying zone and LGS overlay.

### **Housing Incentive Policy Amendment**

Currently the City's *Housing Incentives Policy* provides a five year, 25 per cent tax exemption for Laneway and Garden Suite pilot project sites that were approved by City Council. The tax exemption was provided to these suites as they aligned with the *Comprehensive Housing Strategy* by promoting new alternative housing forms for rental accommodations.

To continue supporting the development of backyard suites, a consequential amendment to the *Housing Incentives Policy* is proposed to align with amendments to the Zoning Bylaw outlined in this report. The proposed *Housing Incentives Policy* amendment includes adding a definition for backyard suites and policy updates to provide a tax exemption for backyard suites developed and utilized for long-term residential rental purposes within areas 1 and 2 (Appendix B).

### **DECISION HISTORY**

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On June 10, 2013, City Council approved the first backyard suite pilot project located in the Greens on Gardiner (CR13-78).

On March 24, 2014, City Council approved the second backyard suite pilot project located in Harbour Landing (CR14-22).

On January 25, 2016, City Council approved the Laneway and Garden Suites Guidelines and

directed Administration to permit these housing forms for development in Regina's existing neighbourhoods as a pilot project (CR16-6).

On September 26, 2016, City Council approved laneway suites as permitted uses on six lots in established neighbourhoods (CR16-108).

Respectfully Submitted,

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4/22/2022

  
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5/25/2022

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## ATTACHMENTS

Appendix A - Proposed Amendments Table  
Appendix B - HIP Housekeeping Text Amendment  
Appendix C-1 - Map - Pilot Project 1 - Greens on Gardiner  
Appendix C-2 - Map - Pilot Project 2 - Harbour Landing  
Appendix C-3 - Map - Pilot Project 3 - Infill Neighbourhoods  
Appendix D-1 - Details of Pilot Projects  
Appendix D-2 - Photos of Backyard Suites in Regina  
Appendix E-1 - 2019 Engagement - Public  
Appendix E-2 - 2019 Engagement - Internal and Developer  
Appendix E-3 - 2022 Engagement - Summary