**Minute No. 407**
**Report – Executive Policy Committee – April 16, 2014**

**Item No. 5** **Amendment to the Complete Communities Direction Strategy By-law No. 68/2010 – Residential Subdivision without a Full Range of Municipal Services**
**File SPA 2/2014**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That first reading be given to By-law No. 35/2014, which would amend Complete Communities Direction Strategy By-law No. 68/2010 ("Complete Communities") to provide clear policy guidance for evaluating subdivision proposals involving residential lots with less than a full range of municipal services by adding the following text to Direction 1 of Section 04 Areas of Stability of Complete Communities (page 81):

   (P – Planning)
   Support residential infill subdivision proposals creating lots with frontage on roads with less than a full range of municipal services when it can be demonstrated that all proposed lots:
   - are located entirely in an R1 or R2 zoning district;
   - meet the minimum bulk requirements of applicable zoning by-laws without variance;
   - do not interfere with or potentially disrupt the orderly planned development of neighbouring holdings and/or plans;
   - conform with all local secondary plans and precinct plans;
   - will be appropriately connected to and accommodated by the existing local land drainage system, to the satisfaction of the City of Winnipeg;
   - will be serviced with piped sewer and piped water; and
   - respect the local context and character of the area.

2. That Executive Policy Committee schedule a public hearing respecting By-law No. 35/2014 in accordance with The City of Winnipeg Charter.

3. That the Proper Officers of the City be authorized to all things necessary to implement the intent of the foregoing.

**Report – Executive Policy Committee – April 16, 2014**

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,
That the recommendation of the Executive Policy Committee be adopted.

Carried

(See Minute No. 402 for disclosure of a potential conflict of interest by Councillor Wyatt)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 16, 2014, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

Further on April 16, 2014, David Sanders submitted a communication dated April 16, 2014, with respect to the Amendment to the Complete Communities Direction Strategy By-law No. 68/2010 – Residential Subdivision without a Full Range of Municipal Services.

# ADMINISTRATIVE REPORT

**Title:** **Residential Subdivision without a Full Range of Municipal Services**

**Critical Path:** **Executive Policy Committee -> Council**

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| B. Smith | B. Thorgrimson | N/A | D. Joshi |

## RECOMMENDATIONS

1. That Council give first reading to By-law No. 35/2014, which would amend *Complete Communities* Direction Strategy By-law No. 68/2010 ("Complete Communities") to provide clear policy guidance for evaluating subdivision proposals involving residential lots with less than a full range of municipal services by adding the following text to Direction 1 of Section 04 Areas of Stability of *Complete Communities* (page 81):

   *(P – Planning)*
   *Support residential infill subdivision proposals creating lots with frontage on roads with less than a full range of municipal services when it can be demonstrated that all proposed lots:*
   - *are located entirely in an R1 or R2 zoning district;*
   - *meet the minimum bulk requirements of applicable zoning by-laws without variance;*
   - *do not interfere with or potentially disrupt the orderly planned development of neighbouring holdings and/or plans;*
   - *conform with all local secondary plans and precinct plans;*
   - *will be appropriately connected to and accommodated by the existing local land drainage system, to the satisfaction of the City of Winnipeg;*
   - *will be serviced with piped sewer and piped water; and*
   - *respect the local context and character of the area.*

2. That Executive Policy Committee schedule a public hearing respecting By-law No. 35/2014 in accordance with The City of Winnipeg Charter.

3. That the proper officers of the City be authorized to all things necessary to implement the intent of the foregoing.

## REASON FOR THE REPORT

An amendment to *Complete Communities* will help provide clarity for evaluating subdivision proposals involving residential lots with less than a full range of municipal services. This report provides the background related to the intent and phrasing of the proposed amendment.

## IMPLICATIONS OF THE RECOMMENDATIONS

If adopted by Council, the proposed amendment to *Complete Communities* will provide clear policy guidance for evaluating subdivision proposals involving residential lots with less than a full range of municipal services. Clear policy guidance will foster greater consistency as to when such proposals will be accepted.

## HISTORY

Historically, City of Winnipeg Development Plans has required a full range of municipal services, which includes piped drainage, sewer and water, along with asphalt or concrete surfaced roads. These standards are most likely based on 'Best Practices' related to safety and life cycle costing considerations. Regardless, uncertainty exists as to whether residential infill proposals are acceptable when less than a full range of municipal services exists.

Proposals for residential infill lots in areas with less than a full range of municipal services are not uncommon. On a number of occasions, applicants have challenged the requirement for a full range of municipal services with mixed success (DASZ 20/2007 – 484 Almey Ave, DASSF 542/09 – 795 Knowles Ave, DASZ 38/2006 - 445-453 Ham St, DASZ 28/10 – 461 Ham St). While the Public Service has typically sought to reject such applications based on policies found in *OurWinnipeg*, many applications are eventually approved through the appeals process or rationalized as a unique circumstance. Development applications are often approved in certain areas of the City (i.e. Charleswood) where less than a full range of municipal services exists.

*Policy Context*

*OurWinnipeg* allows *intensification of land-uses through the development application process only when a full range of municipal services is provided* (p 30).

*OurWinnipeg* defines a full range of municipal services as *piped water, piped wastewater, piped land drainage, and an urban standard roadway* (p 30). By this definition, any road with open drainage ditches or with chip seal or gravel surfacing is not considered as having a *full range of municipal services.*

Subdivision of lots, including infill lots, are permitted without a full range of services *where a statutory secondary plan establishes minimum parcel sizes, and appropriate servicing criteria* (*OurWinnipeg* - p 30).

*Complete Communities* states *Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure and services as well as enhance housing choice and affordability. Infill in areas of stability will be supported with the intent of creating more complete communities* (p 78).

The *Areas of Stability* section of *Complete Communities* supports *the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner* (p 80).

*Complete Communities* indicates that *Recent Communities can also accommodate some infill development to increase housing choice, increase options for 'aging in place', and to maximize the use of existing infrastructure* (p 86).

*Complete Communities* indicates that in Rural and Agricultural Areas, *the establishment of new residential properties will be considered in areas covered by an applicable statutory plan that allows for their creation* (p 114)

*Discussion*

Winnipeg's population is expected to grow by more than 200,000 people over the next 23 years, which translates into the need for more than 100,000 new dwelling units. While a large share of this growth will be accommodated through the development of new communities, Areas of Stability will undoubtedly continue to accommodate a share of new growth.

Perhaps, the most obvious neighbourhood of the City to consider for residential subdivision of parcels with less than a full range of municipal services is Charleswood. It should be noted that Charleswood was originally developed to a rural standard under the jurisdiction of the former Rural Municipality of Charleswood prior to joining the City of Winnipeg in 1972. The neighbourhood does have piped sewer and water servicing, however the roads remain chip seal surfaced with open drainage. The conversion of the area to a full range of municipal services would be far too costly to ever complete.

*Complete Communities* indicates that areas designated *Areas of Stability: Recent Communities can accommodate some infill development to increase housing choice, increase options for 'aging in place', and to maximize the use of existing infrastructure* (p 86).

*Analysis*

The Urban Planning Division undertook an exercise to identify the number infill lots that could be subdivided from residential parcels with less than a full range of municipal services (see Attachment: *Methodology and Analysis*).

Residential parcels within Agriculture and Rural Areas were omitted from the analysis as the establishment of new residential properties in these areas will only be considered when *an applicable statutory plan that allows for their creation* (*Complete Communities* p 114).

Three residential areas with infill subdivision opportunities on streets containing less than a full range of municipal services were identified. All three areas are located entirely within the *Areas of Stability: Recent Communities* designation of *Complete Communities*.

Each of these three areas was then examined to determine the number of infill lots that could be accommodated. In total, 112 potential residential infill opportunities (71 flag lots & 41 regular shaped lots) were identified (see Attachment Map 6).

Analysis suggests instances that infill lots, particularly flag lots, proposed independently of a larger planning exercise, may have the potential to interfere with or potentially disrupt the orderly planned development of neighbouring holdings.

Proper drainage of flag lots is often an issue because of the distance from the developable area to the existing land drainage system, regardless of whether it is a piped or open drainage. There is concern that flag lots could increase landowner complaints related to standing water.

Flag lot development is regulated by section 140(4) of the City of Winnipeg Zoning By-law (200/2006) which prohibits new flag lots unless:

- the lands proposed for flag lot access are located in an R1 or R2 zoning district;
- the lands proposed for flag lot development are located more than 150 feet from the nearest existing or planned public street or lane; and
- the Director determines that there is no feasible alternative way to provide access to such lands.

Proper implementation of section 140(4) of the Zoning By-law should prevent flag lots from interfering with and/or disrupting existing plans. In addition, all but one potential flag lot opportunity identified outside of Area 3 (Charleswood) occur on parcels with 'R1'-'RR' split zoning.

*Conclusions*

Residential intensification through infill subdivision activity in areas designated *Recent Communities* supports the objectives and intent of *Complete Communities* provided that the proposal is sensitive to the local context. 'Context' would include consideration of any local plans, as well as the orderly planned development of the surrounding area in general. In addition, 'Context' would also include consideration for issues of 'safety', as would be the case when evaluating infill proposals on streets which function as collectors.

Policy guidance on the matter would best be contained in the *Complete Communities* By-law. Such policy should be clear and only apply within Areas of Stability; which includes Mature Communities and Recent Communities.

## FINANCIAL IMPACT

### Financial Impact Statement Date: March 10, 2014

### Project Name:

**Residential Subdivision without a Full Range of Municipal Services**

**COMMENTS:**

There are no financial implications associated with the recommendations in this report.

*"Original Signed By"*
Mike McGinn, CA
Manager of Finance

## CONSULTATION

**In preparing this report there was consultation with:**

- Public Works
- Water and Waste

## SUBMITTED BY

| | |
|---|---|
| Department: | Planning, Property and Development |
| Division: | Urban Planning |
| Prepared by: | Braden Smith |
| Date: | *March 11, 2014* |
| File No. | SPA 2/2014 |
| | O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2014 Reports\35-2014\CCA - BL 35-2014 - First Reading Rpt.doc |

### List of Schedules and Attachments

*Attachment 'A' – Methodology and Analysis*

**THE CITY OF WINNIPEG**

**BY-LAW NO. 35/2014**

A By-law of THE CITY OF WINNIPEG to amend the Complete Communities Direction Strategy By-law No. 68/2010.

**THE CITY OF WINNIPEG**, in Council assembled, enacts as follows:

1 *The Complete Communities Direction Strategy By-law No. 68/2010 is amended by adding the following at the end of Section 04 'Areas of Stability of Complete Communities', Direction 1 'Support the Completion of Areas of Stability':*

(P – Planning)
Support residential infill subdivision proposals creating lots with frontage on roads with less than a full range of municipal services when it can be demonstrated that all proposed lots:

- are located entirely in an R1 or R2 zoning district;
- meet the minimum bulk requirements of applicable zoning by-laws without variance;
- do not interfere with or potentially disrupt the orderly planned development of neighbouring holdings and/or plans;
- conform with all local secondary plans and precinct plans;
- will be appropriately connected to and accommodated by the existing local land drainage system, to the satisfaction of the City of Winnipeg;
- will be serviced with piped sewer and piped water; and
- respect the local context and character of the area.

RECEIVED FIRST READING on this day of , 2014.

RECEIVED SECOND READING on this day of , 2014.

RECEIVED THIRD READING on this day of , 2014.

**DONE AND PASSED** this day of , 2014.

Mayor

City Clerk

Approved as to planning details:

Approved as to form:

*for* Director of Planning, Property and Development

James Carter *for* Director of Legal Services and City Solicitor