Minute No. 86
Report – Executive Policy Committee – December 7, 2016

Item No. 7 Text Amendment – Winnipeg Zoning By-law 200/2006
File DAZ 214/2016

COUNCIL DECISION:

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

1. That amendments to the Winnipeg Zoning By-law No. 200/2006 (draft amending By-law attached as Schedule 'A') be enacted to incorporate a new "TOD" Transit-Oriented Development zoning district.

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

Report – Executive Policy Committee – December 7, 2016

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 5, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation from the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

On November 8, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development did not hear any representation on the application and adjourned the public hearing to its meeting on December 5, 2016 at 9:00 a.m. in the Council Building at 510 Main Street.

RE: **Text Amendment – Winnipeg Zoning By-law 200/2006**
File DAZ 214/2016

For submission to: **Executive Policy Committee**

Prepared by: **A. Poitras, Senior Committee Clerk**
Standing Policy Committee on Property and Development, Heritage and Downtown Development

Report date: **December 5, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 5, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and recommended to the Executive Policy Committee:

1. That Council enact amendments to the Winnipeg Zoning By-law No. 200/2006 (draft amending By-law attached as Schedule 'A') to incorporate a new "TOD" Transit-Oriented Development zoning district.

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

The Standing Policy Committee on Property and Development, Heritage and Downtown Development provided the following supporting reason for its recommendation:

1. It makes sense to have higher density near transit stations.

PUBLIC HEARING SUMMARY

File:	DAZ 214/2016
Before:	Standing Policy Committee on Property and Development, Heritage and Downtown Development Councillor Orlikow, Chairperson Councillor Dobson Councillor Schreyer
Public Hearing:	December 5, 2016 November 8, 2016 Council Building, 510 Main Street
Applicant:	The City of Winnipeg (Director of Planning, Property and Development)

Subject:

City of Winnipeg

NOTICE OF PUBLIC HEARINGS

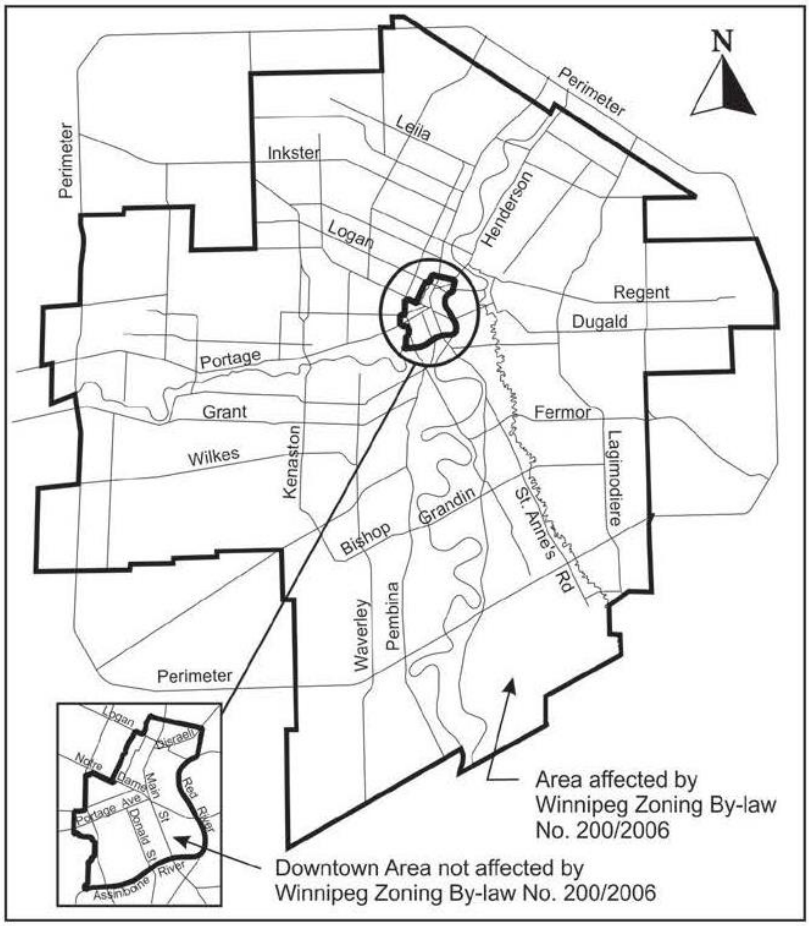
Winnipeg

Under the authority of The City of Winnipeg Charter, the Standing Policy Committee listed below will conduct PUBLIC HEARINGS for the purpose of allowing interested persons to make submissions, ask questions or register objections in respect of the application(s) listed below. Information or documents concerning the applications and a description of the procedure to be followed at the public hearings are available for inspection at Unit 15-30 Fort Street or at the Community Committee offices located in the City Clerk's Department, Council Building, 510 Main Street between 8:30 a.m. and 4:30 p.m., Monday-Friday, excluding holidays; or on-line at http://www.winnipeg.ca.

NOTICE OF STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT, HERITAGE, AND DOWNTOWN DEVELOPMENT

PUBLIC HEARINGS

Date: Tuesday, November 8, 2016
Time: 9:00 AM
Location: Council Building, 510 Main Street, Winnipeg, Manitoba
Hearing Body: Standing Policy Committee on Property and Development, Heritage, and Downtown Development
Applicant: City of Winnipeg
File: DAZ 214/2016



PROPOSAL : To add a new zoning district, "TOD" Transit Oriented Development to the Winnipeg Zoning By-law 200/2006. This district is intended for high density mixed use development adjacent to rapid transit stations where supported by a local area plan. **For information, phone Mr. K. Kowalke, Planner, at 204-986-5917.**

Exhibits Filed:

1. Application dated August 19, 2016
2. Advertising Notice
3. Report from the Director of Planning, Property and Development dated October 26, 2016

REPRESENTATIONS:

In Support:

Kurtis Kowalke

In Opposition:

Nil

For Information:

Matt Glavin

For the City:

Mr. J. Kiernan, Director, Planning, Property and Development Department
Mr. B. Smith, Chief Planner, Planning, Property and Development Department

Exhibit "3" referred to in File DAZ 214/2016

ADMINISTRATIVE REPORT

Title: Transit-Oriented Development Zoning District

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	J. Kiernan	n/a	D. McNeil

EXECUTIVE SUMMARY

Transit-oriented development is a form of infill characterized by:

- Densities higher than the neighbourhood average;
- Mix of uses including residential, commercial, service, employment, and public uses;
- "Active" first floor uses oriented to serve pedestrians along key street edges;
- Buildings close to the street (reduced setbacks) with windows and entrances oriented to the public sidewalk;
- Reduced parking requirements and innovative parking strategies;
- Parking facilities located behind buildings, in parking structures, or screened from adjacent land uses;
- Centrally located, secure and convenient bicycle parking; and
- A station area plan developed through community consultation.

The Winnipeg Public Service recommends the adoption of the proposed text amendments to the Winnipeg Zoning By-law No. 200/2006 (the "Zoning By-law") to facilitate transit-oriented development within the High-Rise Mixed Use policy area adjacent to Osborne Station and at other rapid transit stations where supported by a local area plan

RECOMMENDATIONS

1. That Council enact amendments to the Winnipeg Zoning By-law No. 200/2006 (draft amending By-law attached as Schedule 'A') to incorporate a new "TOD" Transit-Oriented Development zoning district.

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

REASON FOR THE REPORT

In accordance with the City Organization By-law, only Council can amend By-laws.

IMPLICATIONS OF THE RECOMMENDATIONS

If Council passes the proposed amending by-law, the applicable text amendments will be incorporated into the Zoning By-law. This will facilitate the implementation of the Corydon-Osborne Area Plan and provide standards for transit-oriented development at other existing and future rapid transit stations.

HISTORY/DISCUSSION

History and Context

The first leg of Winnipeg's rapid transit system went into operation in April of 2012. One of the pillars of the City's rapid transit strategy is transit-oriented development. Transit-Oriented Development ("TOD") supports the city-building vision of *OurWinnipeg* and the Complete Communities Development Strategy. It is a concept designed to maximize access to public transport, and typically involves mixed-use, higher density pedestrian-oriented infill development adjacent to rapid transit stations.

Regulatory Options

Under the existing regulations of the Zoning By-Law, the maximum building height is 150 feet (approximately 15 storeys) and the maximum site density is 109 units per acre (one dwelling unit per 400 square feet of lot area) for residential development. For residential mixed use (RMU), it is lower, at 100 feet in height (approximately 10 storeys) and 87 units per acre (one dwelling unit per 500 square feet of lot area).

Zoning District and Designation	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum Corner Side Yard (Ft.)	Principal Building Separation (Ft.) [note a]	Maximum Building Height (Ft.)
Multi-Family Residential Structures								
RMF-S	9,000	1,250	20	25	4	5	8	35
RMF-M	9,000	800	25	25	8 [note b]	20	8	60
RMF-L	20,000	400	25	25	8 [note b]	20	8	150
RMU	9,000	500	20	25	5 [note b]	20	8	100

Existing density limits under Winnipeg Zoning By-law 200/2006

1. Variances

While variances can be used to modify these limitations, *The City of Winnipeg Charter* requires that such variances be a “minimum modification” and must be associated with an “injurious effect of the zoning by-law on the applicant's property” that is unique to the property and not shared with other properties in the same area.

2. Planned Development Overlays

Planned Development Overlays (PDO) can also serve to tailor regulations to support transit-oriented development. Planned Development Overlays are a custom set of regulations for a defined area that work together with the existing underlying zoning. A PDO can modify the regulations for height, setbacks, parking, etc. Creating a PDO for each site is resource intensive and administratively cumbersome – each PDO forms a new schedule appended to the Winnipeg Zoning By-law.

3. New TOD Zoning District

Because transit-oriented development includes common attributes, regardless of where it occurs, the Winnipeg Public Service recommends creating a standard set of TOD regulations embedded within a new zoning district that development proponents can apply for.

The defining characteristics of TOD are expressed in the Council-endorsed *Transit-Oriented Development Handbook.* Some examples include:

- Densities higher than the neighbourhood average;
- Mix of uses including residential, commercial, service, employment, and public uses;
- “Active” first floor uses oriented to serve pedestrians along key street edges;
- Buildings close to the street (reduced setbacks) with windows and entrances oriented to the public sidewalk;

- Reduced parking requirements and innovative parking strategies;
- Parking facilities located behind buildings, in parking structures, or screened from adjacent land uses;
- Centrally located, secure and convenient bicycle parking; and
- Designed to fit in the context of a station area plan.

The Proposed Amendments

The proposed intent statement for the TOD zoning district within the Zoning By-law would indicate that it may be used for sites adjacent to rapid transit stations where there is an endorsed or adopted area plan in place. This proposed amendment does not identify or map any specific areas for TOD zoning. As development proposals come forward, applicants can apply for TOD zoning where it meets the criteria above. The development application process would be used to determine where servicing capacity is sufficient for the proposed building(s). Where it is not, servicing agreements would lay out necessary improvements.

Scale and Density

The proposed TOD zoning district would allow for buildings up to 200 feet in height and with densities up to 217 units per net acre, which corresponds with the second highest density category in the *Transit-Oriented Development Handbook.* (The category with the greatest density, Urban Centre, is intended for the downtown area.) The Public Service acknowledges that this scale of development may not be appropriate for all transit station areas. However, it is possible to use secondary plans, planned development overlays or zoning agreements to tailor the density down to fit the individual context through the development application process.

Land Uses

The proposed use table (see Schedule “A”) permits multi-family above the first floor plus a wide array of commercial, service, employment, and public uses.

Although TOD includes large scale development, the requirement for active edges means that the frontage along the sidewalk should convey a variety of uses and fine-grained urbanism at grade level. This is why main floor residential would require a conditional use. For the same reason a number of uses have size restrictions. The expectation is that a TOD development will include a combination of land uses and businesses. Schools and community/recreation centres are conditional and would only be suitable if large but compact – the minimum building height for all development in TOD would be 30 feet. Large sports fields could also detract from the continuous urban form expected of TOD.

Parking

The proposed amendment would reduce minimum parking allocations by 50% for TOD districts. Currently, properties within designated Urban Infill areas or sites on transit routes have a parking reduction of 20%. The proposed amendments also provide an upper limit on the maximum amount of on-site parking permitted. Parking reductions do not apply to bicycle parking.

Within the TOD zoning district, accessory parking is restricted to locations below grade, above the first floor of a building, or behind a building or within a building such that the parking is separated from a public street by other land uses, such as residential or commercial.

Design Standards

In order to promote transit as a convenient mode of choice, principal building entrance (access to elevator/stairs) as well as main floor commercial uses would have to be oriented to the street and be directly accessible from the public sidewalk rather than from parking areas or internal concourses or common areas. This is a standard that currently exists for commercial uses in the Downtown Winnipeg Zoning By-law.

50% of main floor facades that face a public street would need to be comprised of transparent materials. The default standard for commercial development is 10%.

FINANCIAL IMPACT

Financial Impact Statement **Date:** October 26, 2016

Project Name:

Transit-Oriented Development Zoning District

COMMENTS:

There are no financial implications associated with this report.

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

CONSULTATION

In preparing this report there was consultation with:

- Legal Services, as per legal issues
- Winnipeg Transit

OURWINNIPEG POLICY ALIGNMENT

Our Winnipeg, Section 01-1c – Centres and Corridors

Key Direction: Focus a significant share of growth to Centres and Corridors in a manner that:

- provides compact, mixed-use, high-quality urban development.
- concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.
- concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
- encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Kurtis Kowalke, Senior Planner
Date: October 26, 2016
File No. DAZ 214/2016

O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2016 Reports\RIS DAZ 214 2016 TOD.doc

List of Appendices

1. Schedule ‘A’: Draft Amending By-law

SCHEDULE "A" – DRAFT AMENDING BY-LAW



Amending By-law - Winnipeg Zoning By-la