Agenda – Executive Policy Committee – September 21, 2023

Report – Standing Policy Committee on Property and Development – September 18, 2023

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Item No. 10 Zoning By-law Review – Phase 1

STANDING COMMITTEE RECOMMENDATION:

On September 18, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the report be received as information.

Agenda – Executive Policy Committee – September 21, 2023

Report – Standing Policy Committee on Property and Development – September 18, 2023

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On September 18, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Zoning By-law Review: Phase 1

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

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch (Acting)	H. Borys	N/A	M. Jack

EXECUTIVE SUMMARY

In November 2022, the City of Winnipeg retained Clarion Associates ("Clarion") to undertake an initial review and assessment of the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004. This initial review and assessment are being referred to as "Phase 1" because it is intended to help inform the larger, comprehensive Zoning By-law review process (Phase 2).

Phase 1 (see Appendix A) identifies ways the current by-laws work well, or are ineffective/difficult to use, and ways to make the revised documents more user-friendly. It also includes an annotated outline of a new zoning by-law, and estimated scope of work for Phase 2 along with order of magnitude costs, which are estimated to range between $880,000 to $1,584,000.

These estimates were provided to give an idea of the level of work that may need to be undertaken in Phase 2 and the potential costs associated with that process. However, future responses to Requests for Proposals (RFPs) will not be reviewed against the estimates provided by Clarion as these were submitted for information purposes only and similar work in other cities has been significantly more expensive, particularly when associated with a full zoning map update, enabling complete communities, and adequate community engagement.

Should the City's application under HAF be approved by Canada Mortgage and Housing Corporation (CMHC), Phase 2 is to occur within the Housing Accelerator Fund (HAF) timeline as the final milestone for the proposed Rapid Zoning By-law Amendments for Accelerated Housing and Complete Communities initiative. However, the comprehensive Zoning By-law review is a top priority for the Planning, Property and Development Department whether or not federal funding is received. Our current Zoning By-laws do not align with Council adopted policy enabling the development of complete communities, for example:

- The Zoning By-law must align more succinctly with *OurWinnipeg 2045* and the companion Complete Communities Direction Strategy 2.0;
- The Zoning By-law should be less regulatory, focusing more on design and form; and

- There are a number of outstanding issues identified by the Standing Policy Committee on Property and Development, Council to review and address in the Zoning By-law.

RECOMMENDATIONS

1. That the report be received as information.

REASON FOR THE REPORT

The City of Winnipeg has recently updated its Development Plan, OurWinnipeg 2045 *("OW 2045")*, in addition to the Complete Communities Direction Strategy 2.0 (*"CCDS 2.0"*).

Though both the Winnipeg and Downtown Winnipeg Zoning By-laws have been reviewed and updated over the years, a full-scale comprehensive review has not been initiated since these by-laws came into force and effect in 2008 and 2004 respectively. The Winnipeg Zoning By-law does not enable complete communities outside of downtown.

A comprehensive review can help ensure better alignment with *OW 2045* and *CCDS 2.0*, current trends in development, and other associated policies or guidelines.

IMPLICATIONS OF THE RECOMMENDATIONS

If the report is received as information, there are no further implications at this time.

Per the Financial Impact Statement, budget requirements for Phase 2 will be the subject of a future report or addressed in an annual budget submission process.

HISTORY/DISCUSSION

In November 2022, the City of Winnipeg retained Clarion to undertake an initial review and assessment of the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004.

Clarion is a regulatory and land-use consulting firm based out of Denver, Colorado. Clarion has more than 30 years of experience working with communities throughout North America, including the City of Winnipeg where they assisted with the development of Winnipeg Zoning By-law No. 200/2006.

This initial review and assessment are being referred to as "Phase 1" because it is intended to help inform the larger, comprehensive Zoning By-law review process (Phase 2).

The Phase 1 assessment identifies the ways in which our current zoning by-laws work well, or are ineffective/difficult to use, and ways to make the future revised zoning by-laws more user-friendly (see Appendix A).

The focus areas of the Phase 1 assessment are:

- User-Friendliness (Organization and Format)
- Zoning Districts
- Dimensional Standards
- Use Standards
- Downtown
- Site Development
- Off-Street Parking
- Building Design
- Signage
- Sustainability
- Equity
- Administration

The commentary provided for some of these focus areas is applicable (to varying degrees) to some of the motions previously passed by Council or the Standing Policy Committee on Property and Development for the zoning by-law review.

The focus areas were reviewed against best practices and alternatives from other cities, including: Calgary, Alberta; Edmonton, Alberta; Hamilton, Ontario; London, Ontario; Ottawa, Ontario; Denver, Colorado; Minneapolis, Minnesota; and Omaha, Nebraska.

Clarion also reviewed *OurWinnipeg 2045* (*OW 2045*), the *Complete Communities Direction Strategy 2.0* (*CCDS 2.0*), and other relevant material such as the *Small Scale and Low-Rise Residential Development Guidelines for Mature Communities*, the *Comprehensive Housing Needs Assessment*, and the *Climate Change Action Plan* to determine key policy or guideline alignment.

Lastly, Clarion provided an annotated draft outline of a new zoning by-law, and estimated scope of work for the comprehensive Zoning By-law review process (Phase 2) along with order of magnitude costs, which were estimated to range between $880,000 to $1,584,000.

These estimates were provided to give a general idea of the level of work that may need to be undertaken in Phase 2 and the potential costs associated with that process. However, future responses to Requests for Proposals (RFPs) will not be reviewed against the estimates provided by Clarion as these were submitted for information purposes only. Nonetheless, those responding to any future RFP for Phase 2 will have access to the Phase 1 assessment and estimates.

Some of the key recommendations presented by Clarion for consideration in Phase 2 include:

- Consolidating the Downtown and Winnipeg Zoning By-laws.
- Reorganizing the by-law(s) to make it easier to find key information.
- Adding additional illustrations and graphics.
- Expanding the residential development options (i.e. Missing Middle housing).
- Diversifying allowed housing types.
- Strengthening design standards, including the use of form-based standards particularly in the downtown and other defined areas with a pedestrian-focus, although these would be required in all conditions where complete communities are enabled.
- Strengthening tree protection and landscaping requirements.
- Expanding parking exemptions and reductions.
- Consolidating the sign regulations.
- Incorporating sustainability principles into the baseline standards of the by-law.
- Adopting inclusionary housing requirements.
- Clarifying the basis for decision-making.
- Promoting housing affordability.

No consultation was undertaken as part of the Phase 1 assessment. The Phase 1 assessment is intended to help inform Phase 2, which will include significant focused consultation with all stakeholders, and the bulk of the required work for the comprehensive Zoning By-law review process.

Per the July 13, 2023, report to Council on the Canada Mortgage and Housing Corporation (CMHC) Housing Accelerator Fund (HAF), the City of Winnipeg has applied for up to $192 million in HAF program funding, which is given on the condition the City carry out activities outlined in the associated report.

The first activity or action plan initiative included in the report is “Rapid Zoning By-law Amendments for Accelerated Housing and Complete Communities.” The launch of the comprehensive Zoning By-law review process (Phase 2) is planned to occur within the HAF timeline as the final milestone for the Rapid Zoning By-law Amendments for Accelerated Housing and Complete Communities initiative, if the City’s application under HAF is approved by the CMHC.

FINANCIAL IMPACT

Financial Impact Statement

Date: July 20, 2023

Project Name:

Comprehensive Zoning By-law Review: Phase 1

COMMENTS:

There are no direct financial implications associated with the recommendations contained in this report. Budget requirements for Phase 2 will be the subject of a future report or addressed in an annual budget submission process.

Mike McGinn July 20, 2023

Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with: n/a

OURWINNIPEG POLICY ALIGNMENT

The Comprehensive Zoning By-law Re-write aligns with numerous *OurWinnipeg* policies, including but not limited to:

Environmental Resilience
2.4 Climate Resilient Growth
Facilitate compact, dense, complete and physically and virtually connected communities through integrated land use, transportation, and infrastructure planning, to achieve climate change mitigation and adaptation goals and objectives, and greenhouse gas emissions reduction targets.

Economic Prosperity
3.1 Strategic Enterprise Supports
Provide a predictable and supportive regulatory framework to facilitate growth of existing and new enterprises that demonstrate a commitment to innovation, local employment, workforce diversity, and community reinvestment.

Good Health and Well-Being
4.4 Affordable and Supportive Housing Options
Enable collaborative partnerships that provide a continuum of existing or new affordable housing, making use of municipal supports such as fiscal, regulatory and measurement tools to ensure those most in need have increased access throughout the resident and building life-cycle.

Social Equity
5.2 Affordable and Supportive Housing Options
Conserve and increase development of a continuum of affordable and supportive housing throughout the city as a fundamental human right.

City Building
6.1 Sustainable Urban Growth
The City must accommodate physical development that reflects this Plan's goals, and achieves a continuum of complete and connected communities over the lifecycle of the Plan.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4
Facilitate Compact, Complete Development and Increase Density

4.1 Increase Strategic Infill Development That Provides Access to and Capitalizes on Existing and Planned Corridors with Frequent Transit Service

4.3 Pursue Transit-Oriented Development

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

The information presented in this report align with and advance the Winnipeg Poverty Reduction Strategy (2021-2031) as follows:

Aligns with the following Goals and Objectives:
GOAL 2: The City Actively Plans for and Partners in Affordable Housing

C. Municipal tools, resources and partnerships are developed and used to encourage and facilitate affordable housing development.

GOAL 6: All City Services are Equitable, Inclusive and Accessible

C. Use of City's tools and resources are maximized to reduce systemic inequities.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design
Prepared by: Robert Kostiuk, RPP, MCIP
Date: August 3, 2023
File No: n/a

Attachments:

Appendix A: Assessment of the Winnipeg Zoning and Downtown Winnipeg Zoning By-laws (June 2023)