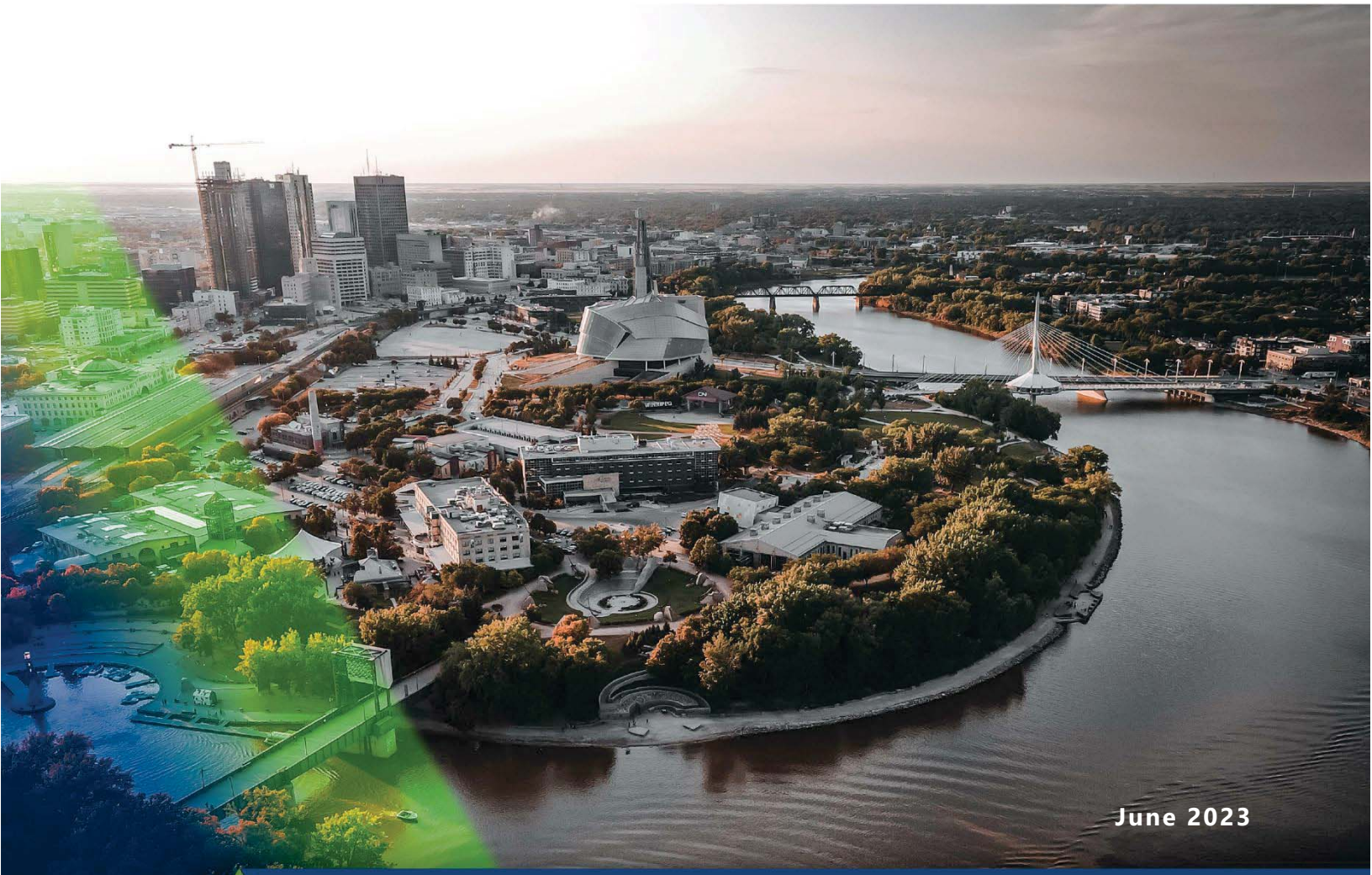


June 2023

Assessment of the Winnipeg and Downtown Winnipeg Zoning By-Laws

Winnipeg, Manitoba

CLARION

CLARION ASSOCIATES

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1: Project Overview and Summary

Project Overview

The City of Winnipeg initiated an assessment of the current Winnipeg and Downtown Winnipeg Zoning by-laws to implement and align with the City's newly adopted Development Plan *OurWinnipeg 2045* (OW 2045), the associated Direction Strategy *Complete Communities 2.0* (CCDS 2.0), and other recently adopted plans and policies.

This assessment is the first phase of a multi-phase project. The conclusions and recommendations in this report will provide the basis and background information for by-law updates that will take place in future phase(s), which will include stakeholder consultation and engagement.

The by-laws are regulatory tools that provide direction on how development and redevelopment will occur within the City. The assessment provides an opportunity to identify strengths and areas for improvement, and to ensure that the by-laws both encourage and require the type and scale of development that is desired in Winnipeg. Rewritten by-laws will act as incentives to promote economic development and attract business and industry while also promoting quality of life and creating and maintaining a healthy community.

The City retained Clarion Associates to assist with this assessment process. Clarion is a Denver-based land-use consulting firm and brings to the project more than 30 years of experience and perspective from working with communities throughout North America. Clarion assisted with the original development of the current Winnipeg Zoning By-law in 2006-07. (The document has been amended since then through various individual and omnibus amendments).

Clarion's review for this assessment project involved an independent analysis of the existing Zoning and Downtown Zoning by-laws, along with the Development Procedures by-law, to determine:

- Ways in which the current by-laws work well;
- Ways in which the current by-laws are ineffective or difficult to use; and
- Ways to make the revised documents more user-friendly.

In addition to the by-laws, Clarion team members reviewed OW 2045 and CCDS 2.0, plus other related City plans and guidelines (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).

Working with the City, Clarion also identified peer communities that offer examples, best practices, and alternative approaches that Winnipeg may wish to consider when amending the by-laws. These peer cities include: Calgary, Alberta; Denver, Colorado; Edmonton, Alberta; Hamilton, Ontario; London, Ontario; Minneapolis, Minnesota; Omaha, Nebraska; Ottawa, Ontario.

The City plans to utilize this assessment to establish a framework for a separate by-law rewrite project that will begin later in 2023.

Report Organization

Following this **Project Overview and Summary** (Part 1), the document is organized into two main parts:

In Part 2, the **Key Focus Areas** discuss major topics that emerged from our review of the City's regulations and our knowledge of best zoning practices in Canada and across North America. The discussion of each focus area provides an overview of strengths and identified issues in the current by-laws, identifies

Winnipeg plans relevant to the respective topic, and includes recommendations for how a new by-law might best address concerns pertinent to that issue.

The focus areas and recommendations are organized in the following categories:

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

Part 3's **Annotated Outline of a New Zoning By-law** presents an outline showing what a new development by-law would look like if the City elects to move forward with the recommendations in this report. The Annotated Outline provides a general understanding of the structure of an updated by-law and describes the scope and content of each article.

Overview of Regulatory Authority

Winnipeg guides and regulates development through planning and zoning processes. Planning involves the creation of a development plan, required by the Winnipeg Charter Act (Charter) Section 224, which identifies the City's vision for the next 25 years. *OurWinnipeg 2045*, adopted in 2022, is the City's current development plan. *OurWinnipeg 2045* also identifies key goals, objectives, and policies to guide implementation of the plan. The development plan can be supplemented by secondary plans, all of which must be consistent with the development plan (Charter Section 234). Some of the City's secondary plans include the Complete Communities Direction Strategy and the Local Area Plans.

The Zoning and Downtown Zoning by-laws, and the updates recommended in this assessment, are drafted to ensure that new development and redevelopment is consistent with the development plan and any applicable secondary plans. The general regulatory scope of the by-laws and the tools available to the City to regulate the components of different types of development are established in the Charter (Sec. 236(2)) and include the authority described in the list below (paraphrased and condensed). This enabling authority is quite broad and encompasses a full range of modern zoning tools and best practices. For example, the ability to set dimensional standards for lots and structures, combined with the ability to establish building design requirements, provides authority to establish form-based zoning standards. Similarly, the ability to protect water bodies and groundwater sources supports the adoption of low-impact development (LID) standards.

Other examples specific to this assessment include:

A. Divide the city into zone districts of various characteristics, uses, and buildings.

Zoning tools: use-based regulations, climate/environmental based regulations (e.g., solar orientation, groundwater protection), infill development standards, address equity issues through overlay or conservation zones, reduce or eliminate new single-unit residential development, create new districts

or overlays focused on intensification or infrastructure provision, and incorporate urban agriculture standards.

B. Set dimensional standards for lots and structures.

Zoning tools: incentives for redevelopment/infill, adjustments for greater diversity in housing types, creation of small lot and/or high-density residential development, establish contextual dimensional standard options (e.g., setback averaging for infill in existing neighbourhoods), and creation of density bonuses based on height or lot coverage.

C. Establish building design requirements.

Zoning tools: structural adjacency/transition standards (e.g., step-back, step down), contextual neighbourhood infill design standards, pedestrian-scale façade requirements, green building standards, and climate-responsive materials requirements.

D. Designate standards for lot-specific features such as parking, open space, landscaping, grading, signs, and lighting.

Zoning tools: parking adjustments for affordable housing, redevelopment, or to encourage the creation of new uses; landscaping that addresses water use and quality issues; incorporation of Indigenous sustainability practices focused on maintenance of biodiversity and holistic understanding of natural systems; mobility and connectivity standards for pedestrian and bicycle use; and outdoor lighting standards that reduce light spillover and pollution.

E. Protect sensitive, scenic, and heritage areas, as well as water bodies and groundwater sources.

Zoning tools: sensitive land protection, riparian area buffers, scenic view protection, and heritage area conservation overlay.

F. Create review and approval processes.

Zoning tools: fast track review for affordable housing, development review criteria that reflect equity considerations, streamlined process to review proposals for adaptive reuse, options to incorporate full range of engagement opportunities.

G. Require the provision of affordable housing as a percentage of a residential development (inclusionary zoning) and allow a bonus density incentive for the provision of that housing (City of Winnipeg Charter Act, Part 6, Division 2, Section 236(2)).

Zoning tools: Create a definition of affordable housing (reflecting city policy guidance).

In summary, Winnipeg has the enabling authority needed to pursue the recommended changes to the Zoning By-law and, if retained as a stand-alone document, the Downtown Zoning By-law.

Summary of Recommendations

The table below is organized around the major focus areas in Part 2 of this report and summarizes all recommendations included in Part 2. These recommendations will form the basis for substantive updates in future phases of the by-law update project.

Focus Area	Recommendations
User-Friendliness (Organization and Format)	
Consider consolidating the by-laws	▪ Consolidate the Zoning and Downtown Zoning by-laws (and possibly the Development Procedures By-law) to maximize efficiency and improve user-friendliness.
Reorganize the by-laws to make it easier to find key information	▪ Reorganize the new by-law according to the Annotated Outline in this report.
Add illustration, photographs, and other graphics	▪ Introduce graphics and visual aids (summary tables, photographs, flowcharts, illustrations, etc.) to explain regulations.
Improve the page layout	▪ Create a new page layout with a detailed numbering system that establishes a clear hierarchy of provisions.
Define key terms, consolidate definitions, and use clear language	▪ Define all key terms. ▪ Revise complex or confusing definitions for clarity. ▪ Review all language and rewrite for clarity as needed.
Integrate regulatory material from related documents into the new by-law	▪ Integrate relevant regulatory material from external plans and guidelines into the new Zoning By-Law.
Zoning Districts	
Consolidate zoning district information	▪ Consolidate all information related to specific districts, with each district's standards summarized on a single page that conveys all relevant standards. ▪ Add active links to other sections that contain relevant standards.
Use consistent district names throughout the by-law	▪ Use consistent district nomenclature across locations within and outside of the by-law. ▪ Where necessary, include separate purpose statements for the different districts.
Expand residential development options	▪ Review and expand the housing types that are permitted in the existing residential districts. ▪ Create more fine-grained multi-family districts to accommodate different density ranges. ▪ If resistance to changes in existing districts limits this possibility of more housing types, consider the creation of new districts to accommodate them. ▪ Redefine multi-family districts to start at five or more units in a structure, allowing more widely 3- and 4- unit structures that can fit as infill in established districts.
Create new mixed-use districts	▪ Replace the existing mixed-use districts with new ones that focus on minimum density and scale of development, rather than composition of development, to facilitate mixed-use centre development. ▪ Consider whether existing C1 and C2 districts could be 'repurposed' as mixed-use. ▪ Incorporate elements from the current Downtown mixed-use standards as appropriate to apply in mixed-use zones elsewhere in the city.

Focus Area	Recommendations
Assess type, extent, and location of employment lands	▪ Assess uses permitted in industrial districts, ensure addition of quasi-industrial, and increase attention to advanced, high-tech medium or light industry zones. ▪ Encourage concentration of large office uses (Major and Medium Office) Downtown, and in other areas of high transit concentration. ▪ Retain MMU district, or replace it with new mixed-use district that allows creation of large, campus-style business development. ▪ Carry forward C3 and possibly C4 as commercial-only districts, but rely instead on mixed-use districts to accommodate smaller scale commercial uses that would appear in C1 and C2 districts.
Revisit the use of PDOs	▪ Consider whether additional flexibility and alternate procedures can replace the need for site-specific PDO-2s. ▪ Include information in the by-law on how to update, modify, or eliminate existing PDOs.
Consider the use of neighbourhood conservation districts	▪ Promote heritage conservation through the use of Heritage Conservation Districts. ▪ Consider establishing a process for creating Neighbourhood Conservation Districts.
Consider applying "hold" zone to prevent premature development in unplanned new community areas	▪ Pending completion of precinct or secondary plans, apply Hold zone to New Communities areas anticipating future urbanization to prevent premature or incompatible development.
Mapping the new districts	▪ Adopt an updated zoning map at time of adoption of new MDC showing new district consolidations and new district names. ▪ Consider longer-term strategies for applying new districts to the zoning map.
Dimensional Standards	
Review and update dimensional standards to support plan goals	▪ Review dimensional standards requirements and tailor standards to development context. ▪ Reduce or eliminate residential lot coverage limitations. ▪ Eliminate FAR in non-residential zones. ▪ Tailor dimensional standards to specific areas to facilitate infill and redevelopment projects and allow additional flexibility, if necessary.
Special yards	▪ Limit further creation of special yards that do not serve public purposes. ▪ Eliminate existing special yards that no longer serve their original purpose or are already addressed in the By-law through front yard alignments.
Use Standards	
Diversify allowed housing types	▪ Remove barriers to diverse housing by adding more housing types to the by-law. ▪ Reduce Secondary Suite regulations, particularly for detached ones, to allow in more locations. ▪ Change multi-family definition to five units and more; allow smaller developments in more places.

Focus Area	Recommendations
	▪ In drafting process, consider allowing additional new housing types such as tiny homes, cottage or courtyard developments, co-housing, and build-to-rent subdivisions.
Update allowed use list	▪ Refine the list of land uses by eliminating antiquated uses, consolidating like uses, and creating new uses.
Assess use permissions by district	▪ Ensure all districts allow appropriate land uses.
Reevaluate use-specific standards	▪ Revisit use-specific standards for possible additions and adjustments.
Downtown	
Consolidate the Downtown and overall zoning by-laws	▪ Combine Downtown and overall by-laws,
Define terms and use consistent terminology	▪ Perform review for consistent use of terminology across by-laws.
Strengthen existing design standards	▪ Strengthen design outcomes by making some design standards mandatory, possibly offering a menu of options to allow some flexibility in their implementation.
Establish additional regulations focused on form	▪ Consider adapting Downtown sector regulations to be more form-based standards.
Incentivize downtown residential development	▪ Craft a tailored program of incentives to promote residential development Downtown.
Site Development	
Generally, establish more predictable standards and processes	▪ Update the development standards to create more objective standards across a wider range of topics that reflect community and planning priorities.
Support a multi-modal transportation system with access and connectivity standards	▪ Include an "Access and Connectivity" section in the new by-law that consolidates and enhances standards for vehicular, pedestrian and bicycle connectivity.
Strengthen tree protection and landscape requirements	▪ Implement stronger tree preservation requirements to preserve and augment urban tree canopy. ▪ Update the plant materials requirements to establish a full range of minimum sizes and quantities and require that a landscape professional prepare the landscaping plan. ▪ Establish targeted plant materials requirements for urban areas. ▪ Add timeframes to ensure that installation is completed, and unhealthy or dead plants are replaced.
Incorporate low-impact development (LID) standards and other measures for improved water quality	▪ Remove barriers and provide incentives for low-impact development (LID) stormwater management practices.
Consider transition and residential adjacency standards	▪ Establish more specific transition and buffering standards that rely on building scale, site layout, buffering, and screening.
Implement park and public/private open space requirements	▪ Maintain adequate parks, open space, and community facilities in housing intensification target areas through the establishment of parks requirements for redevelopment. ▪ Ensure that all public parkland is designated by the PR zoning district.
Off-Street Parking	
Expand parking exemptions/reductions	▪ Expand opportunities for parking exemptions and/or reductions.

Focus Area	Recommendations
Update parking schedule	▪ If parking requirements are retained, update the schedule of required spaces and consider including parking maximums.
Define opportunities to request reduction of required parking	▪ Define opportunities to request additional reductions in required on-site accessory parking.
Enhance parking lot layout and design standards	▪ Expand parking lot layout and design standards to improve safety, accessibility, and sustainability.
Expand bike parking requirements	▪ Expand bicycle parking requirements.
Include EV requirements	▪ Include requirements in the by-law for provision of EV-Installed and EV-Capable parking spaces.
Building Design	
Enhance the building design standards	▪ Enhance building design standards by broadening range of design features addressed; adopting tailored standards for development type and/or geographic area, including potential form-based standards; and avoiding vague language in new standards.
Encourage adaptive redevelopment and reuse of heritage buildings	▪ Consider adopting an adaptive reuse overlay or other tools to provide greater flexibility and encourage redevelopment of heritage buildings.
Signage	
Consolidate the sign regulations	▪ Consolidate the sign regulations following a clear, consistent organization.
Consider a separate signage by-law	▪ Consider creating a separate signage by-law if Sign Districts are established.
Improve graphics	▪ Add illustrations, photographs, and other graphics to illustrate the new sign by-law.
Sustainability	
Make sustainable development outcomes a default setting	▪ Incorporate sustainability principles into the baseline standards in all sections of the by-law.
Consider the organization of sustainability standards	▪ In the drafting process, evaluate various organizational options for integrating sustainability-focused standards.
Consider green building standard requirements for private development	▪ Adopt green building standards for private development or offer a menu of green design options from which developers must incorporate a certain number into their project.
Equity	
Adopt inclusionary housing requirements	▪ Implement an Inclusionary Housing requirement as part of the by-law rewrite. ▪ Gather background information on current development conditions to craft effective IH program incentives. ▪ Consider various options for the parameters of an IH program, choosing those that match Winnipeg's context and administrative capacity.
Focus rewrite on promoting housing affordability	▪ As part of the rewrite, conduct a thorough audit of regulations and standards that are detrimental to housing affordability. ▪ Balance affordability concerns against other zoning prerogatives in determining adjustments to incorporate into the updated by-law.
Assess equity and inclusivity in development review procedures	▪ Amend public notice requirements to reach wider audiences in an effort to improve inclusivity of participation. ▪ Consider alternative ways to facilitate broader public participation in public hearing process.

Focus Area	Recommendations
Enhance diversity and inclusivity among decision-makers	▪ Evaluate ways to ensure boards, committees, staff, and decision-making bodies are representative of the population they serve.
Administration	
Improve referencing to Development Procedures By-law	▪ Improve referencing to Development Procedures By-law in the new Zoning By-law to improve ease of administration and user-friendliness.
Add summary table to help users understand process at a glance	▪ Include summary table of review procedures to help users understand processes at a glance.
Clarify the basis for decision-making	▪ Add detail to procedural descriptions, including information on who may submit an application, the purpose of the various procedures, and the basis for a decision to approve or deny an application.
Investigate enhanced options for flexibility	▪ Consider a procedure that offers additional flexibility to facilitate infill projects.

2: Key Focus Areas

This assessment identifies twelve major focus areas for improving Winnipeg's current by-laws. These focus areas present an organized way to discuss the strengths and weaknesses of the current by-laws, and they guide Part 3's suggested outline for a reorganized and updated by-law. They include:

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

The content of each focus area provides:

- An overview of strengths and identified issues in the current by-laws;
- Discussion of relevant topics, including emerging issues, and makes recommendations for how a new by-law might best address concerns pertinent to that topic;
- Identifies Winnipeg plans relevant to the respective topic; and
- Notes sample approaches, best practices, and other relevant noteworthy features from the comparison communities.

User-Friendliness (Organization and Format)

As part of any future updates, it will be important to consider the organization and format of the new by-law to ensure that it is easy for all users to find the information they need and to present that information in a clear and easy-to-understand format. Making it easier to find and understand information will also improve the efficiency of the review process.

Overview of Current By-Laws

The current Zoning By-law is typical of many regulatory documents that have been assembled and amended by different people over many years, and thus have some inconsistent formatting and awkward organization resulting from piecemeal amendments. In terms of improving user-friendliness, a few opportunities for improvement, as described in Identified Issues, stand out:

Strengths in Current Regulations

- The general organization does a good job of consolidating related information in the same parts, rather than dispersing it across multiple parts. Examples include the consolidation of administrative provisions in Part 1 and development and design standards in Part 5. (However, as noted below, the parts are of different lengths and could benefit from better internal reorganization within each part.)
- Summary tables for key topics (e.g., dimensional standards, allowed uses) enhance ease of use.

- Use table grouped by general use category and specific use types is a more logical organization than an alphabetized list.
- Some illustrations (e.g., lot types within definitions) are included in the by-law.
- The Downtown By-law has a table of contents with online hyperlinks from the table to later sections of the document.

Identified Issues

- The Zoning By-law has no master table of contents, making it challenging for a user to find information or understand how the document is organized.
- The numbering system is sequential for every section, rather than starting anew with each new chapter or major section. This affects the ease of amending the document, since certain numbers become established with certain headings, so amendments must be shoe-horned in with decimal-based numbers. For example, "87. Office" is followed by "87.1 Call Centre." Many subsections are not numbered at all, which likely makes it challenging for users to cite specific by-law sections in external documents. For example, the use standards for "68. Park/plaza/square/playground" are not numbered, though similar standards for other uses are numbered. The numbering is not always correct (for example, on page 2 of the by-law, "Development to Comply," the subsection numbering jumps from (2) to (9)).
- The city's website contains an online PDF version of the Zoning By-law. While it is helpful to be able to access the by-law online, the online version is not especially user-friendly. There is no table of contents or bookmarking to key parts or major sections, making it challenging to find information unless the user knows exactly where to look or which key words to search for.
- A separate zoning by-law covers the Downtown (By-law No. 100/2004). This document has a different organizational structure than the general Zoning By-law. Various "sectors" are established (e.g., multiple-use sector, character sector, downtown living sector), and within each are individual use tables and dimensional standards tables. General development standards apply to most sectors (e.g., urban design). In some instances, different terms are used to describe similar concepts (e.g., "home-based business" in the Zoning By-law is a "Home Occupation" in the Downtown By-law.
- Another separate by-law covers development procedures (Development Procedures By-Law No. 160/2011).

Discussion and Recommendations

A. Consider Consolidating the By-Laws

Among the comparison cities, Winnipeg is the only one to have a separate by-law for its Downtown. Given that the development context and planning goals for Downtown are different from anywhere else in the city, it has made sense in the past for the area to have its own set of regulations. The distinct focus on character areas and form-based tools in the Downtown By-law is different from the planning and organizational approach used in the general Zoning By-law. Additionally, some Winnipeg staff have expressed support for a separate Downtown By-law, as they find it easy to administer.

However, the existence of two separate by-laws for the Downtown and the rest of the city may lead to some confusion for by-law users (especially those not familiar with Downtown boundaries) and may make development more cumbersome, especially for potential projects that might straddle Downtown boundaries. In our experience in other communities that administer two parallel by-laws (e.g., a traditional by-law and a form-based by-law), administration can be challenging for staff, who

need to divide their effort between two separate documents with different structures, standards, administrative procedures, and terminology.

A rewrite of the Zoning By-law provides a significant opportunity to reconsider the relationship between these two documents and whether the benefits of separation would be outweighed by the advantages of consolidation. We propose that Downtown should still maintain its own separate regulations, but those should be integrated within the general Zoning By-law. In a combined document, the two separate use tables would be replaced with an integrated use table with one set of uses that apply to all land in the city, and the separate definitions would be reviewed and revised into one consistent set of definitions.

By consolidating the use tables, definitions, administrative procedures, and other elements of the existing by-laws, the new by-law would reduce repetition and have less potential for inconsistencies. This would maximize user-friendliness and development efficiency. The rewrite project can identify the best elements of both documents to carry forward, as well as new material based on other recommendations in this report, to help the City meet its development goals.

The rewrite can also consider the possibility of combining the Development Procedures By-law with the Zoning and Downtown by-laws. This consolidation would enable a user to find all pertinent development information in one place—a substantial advantage for user-friendliness.

B. Reorganize the By-laws to Make it Easier to Find Key Information

Beyond the larger question of consolidation, there are opportunities for improvement within each of the individual by-laws. Each is divided into multiple parts and sections of widely varying length. Some parts are a few pages, while others are many dozens of pages. The organizational structure can make it challenging to find key information for casual users of the documents, and the same is likely true even for long-time users.

There are pros and cons of various organizational options. The current structure requires cross-referencing and knowledge of many sections of the by-law. On the other hand, by-laws that attempt to consolidate too much related information (e.g., all the standards that apply to one district) can be much lengthier, repetitive, and harder to maintain over time.

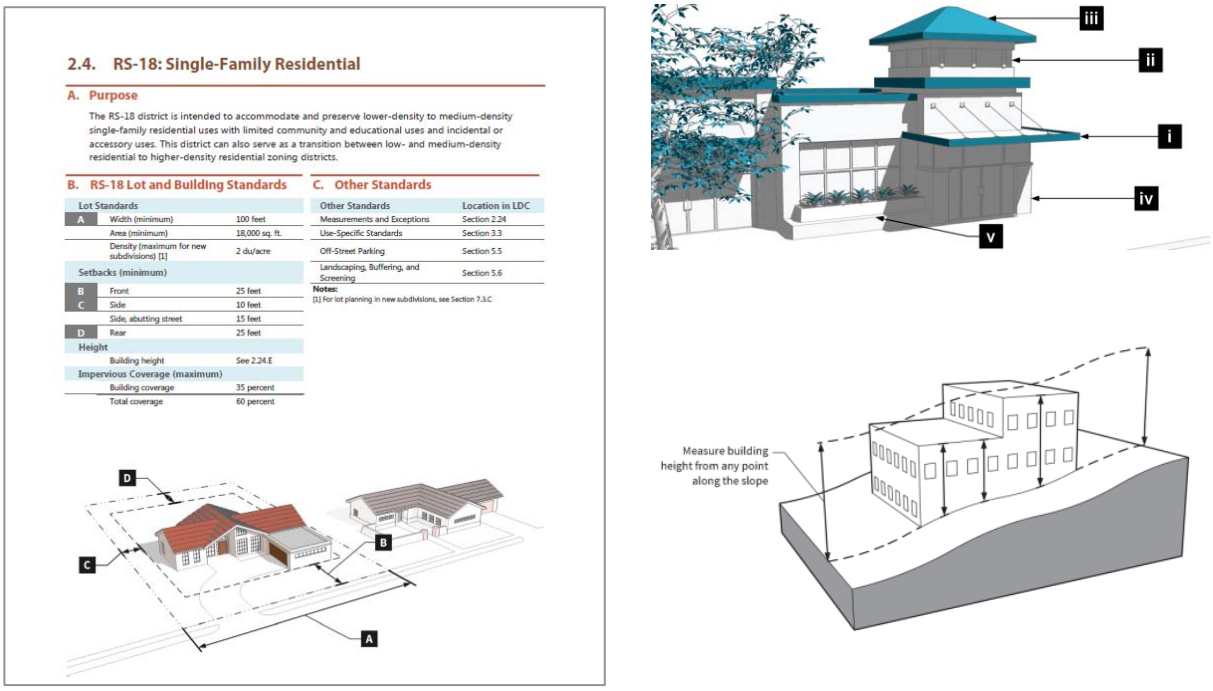
In general, effective land use regulations should be organized to place frequently used information where it can be easily referenced, and to remove repetition by consolidating related information. In addition, an improved organization makes it easier to see the overlaps between related sections, which can make future amendments easier and more consistent. We recommend reorganizing the consolidated by-law by consolidating similar topics under logical headings, eliminating redundancies, and streamlining the content. A more detailed reorganization is proposed in the Annotated Outline later in this report.

C. Add Illustrations, Photographs, and Other Graphics

Photographs, tables, flowcharts, illustrations, and other graphics are helpful in conveying information concisely. The current by-law is text-heavy and includes few such graphics. We recommend expanding the use of visual aids in a new by-law to help explain how the regulations are intended to work. For example, illustrations can clearly show how dimensional standards are measured and how development standards (e.g., parking, landscaping, building design) are applied.

Sample graphics from other by-laws prepared by Clarion are shown below. They are included here simply to illustrate a small range of possible formats. Each community is unique in how they choose to illustrate a by-law (e.g., freehand versus software, heavy detail versus light detail). Other sample graphics include the use table and procedural flowchart shown elsewhere in this report.

By-law graphics can be effectively drafted using different software programs. Simple diagrams and tables can be produced using Microsoft Word, and more complex drawings depicting dimensional standards can be drafted using products such as Trimble's SketchUp and Adobe Creative Suite (Photoshop, Illustrator, and InDesign). These programs allow staff to quickly create and update drawings depicting dimensional standards. There are front-end costs associated with purchasing these software packages and with training; however, they save staff time in the long run, and are better suited for graphics than word processing programs such as Microsoft Word. Using graphics software programs also will help the City quickly update drawings that illustrate dimensional and other standards as they are amended in the future.



2.4. RS-18: Single-Family Residential

A. Purpose

The RS-18 district is intended to accommodate and preserve lower-density to medium-density single-family residential uses with limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between low- and medium-density residential to higher-density residential zoning districts.

B. RS-18 Lot and Building Standards

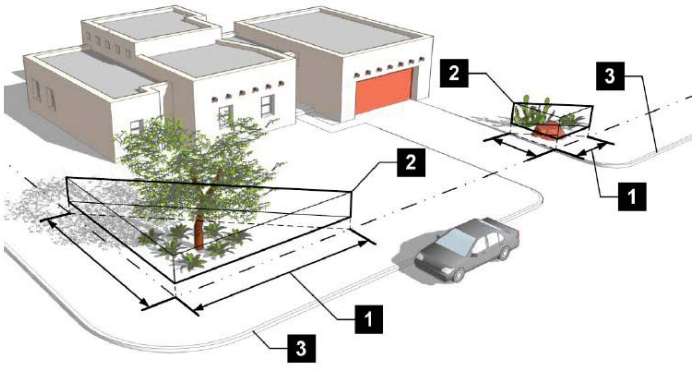
Lot Standards		
A	Width (minimum)	100 feet
	Area (minimum)	18,000 sq. ft.
	Density (maximum for new subdivisions) [1]	2 du/acre
Setbacks (minimum)		
B	Front	25 feet
C	Side	10 feet
	Side, abutting street	15 feet
D	Rear	25 feet
Height		
	Building height	See 2.24.E
Impervious Coverage (maximum)		
	Building coverage	35 percent
	Total coverage	60 percent

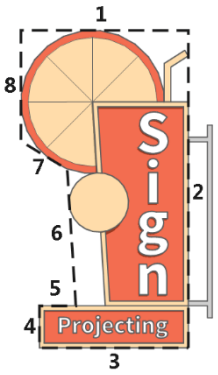
C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.24
Use-Specific Standards	Section 3.3
Off-Street Parking	Section 5.5
Landscaping, Buffering, and Screening	Section 5.6

Notes:
[1] For lot planning in new subdivisions, see Section 7.3.C

These images from other Clarion by-laws show a single-page layout for a residential zoning district, references to building design and entryway features, and measurement of building height on a slope.





Sample graphics help illustrate sight triangles and sign area measurement for unusual signs.



This sample flowchart above from another community describes the required steps for a single-family residential development review. The procedure is based on a set of common review procedures (in dark orange) with further detail in the lighter orange boxes below. Common review procedures that are not required or applicable are greyed out. Procedural flowcharts reduce repetition and help convey the essential elements of a procedure at a glance.

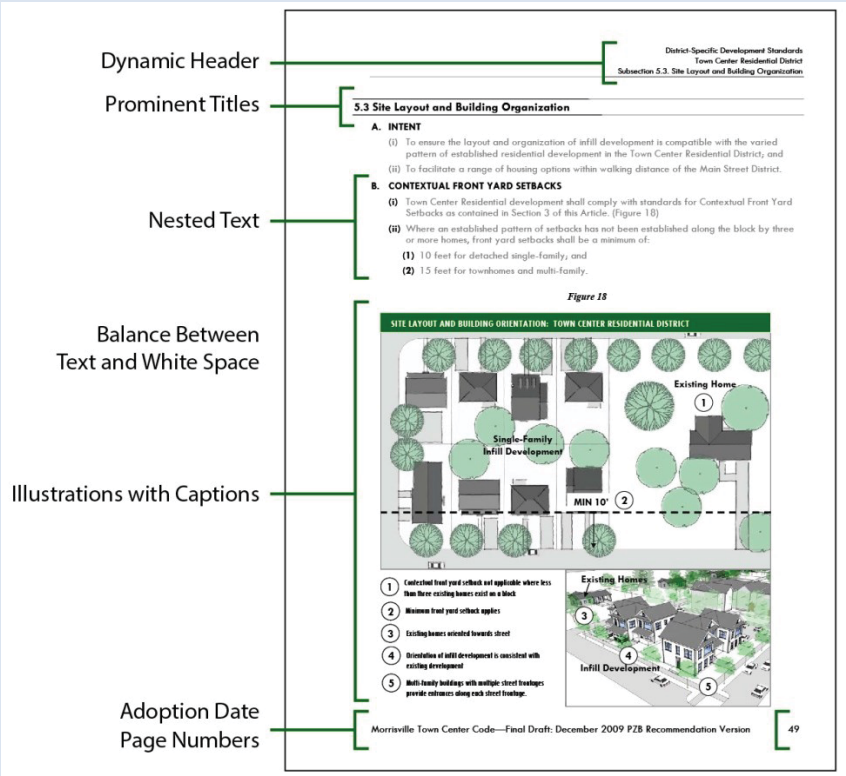
D. Improve the Page Layout

Beyond adding new graphics, the page layout of the new by-law should be improved to help users quickly find key information. Several types of revisions are necessary.

First, a new, simpler numbering system should be adopted that is consistently applied and easy to understand. Also, a new document layout with defined headings and multiple levels of subheadings will help establish a clear hierarchy of provisions and enable by-law users to understand more quickly where in the document a particular provision is located. In addition, this new layout should include dynamic headers, footers, page numbers, and illustrations with captions to make the by-law more user-friendly.

The online hosting of a by-law with a codification service is useful and we recommend that the new By-law continue be hosted along with the City's other by-laws. However, the online version should be upgraded to at minimum include a dynamic table of contents, as well as clickable hyperlinks to cross-references.

The following graphic illustrates a sample improved layout from another by-law.



This sample page layout illustrates how headers, text, graphics, and use of page numbers help to modernize a by-law and make it more user-friendly.

E. Define Key Terms, Consolidate Definitions, and Use Clear Language

The use of clear and precise language is just as important as document organization and format. In the current Winnipeg Zoning By-law, definitions are mostly located in Part 2, but some also appear in other targeted locations (e.g., use categories are defined in Part 4, section 60). In the new by-law, all key terms (including all use types) should be defined, and inconsistent definitions should be reconciled in one consolidated set of definitions. Any regulatory language should be removed and relocated into the main body of the by-law.

Beyond the definitions, all by-law text should be reviewed and rewritten as necessary to provide greater clarity. The by-law drafters should identify and remove "legalese" and "plannerese" and replace jargon with plain language. The goal should be a by-law that all stakeholders can understand, from the individual landowner looking to expand his house to the professional planning a new development.

The by-law should provide greater certainty by avoiding the use of purely subjective language, disconnected from any measurable criteria. The new by-law, and particularly the new development standards, should use clear, objective language, that presents a win-win opportunity for both the community and developers. It is important to note that increased flexibility can also be achieved through clear and objective development standards. For example, the City can establish both a minimum and a maximum off-street parking requirement, allowing the developer to decide how many parking spaces will be provided. Projects near public transit facilities or those with age-restricted dwelling units may be allowed to reduce the minimum number of parking spaces required by a fixed percentage. Clearly stating the City's standards up-front can save time and money, as

expectations are set in the beginning of the development process and the need for lengthy negotiations regarding design standards is removed.

F. Integrate Regulatory Material from Related Documents into the New By-Law

As noted above in "Overview of Regulatory Authority," the City's by-laws are required to be consistent with the adopted development plan and secondary plans. Winnipeg has many layered plans, studies, and guidelines. Altogether, these provide a well-defined and detailed vision for future development in Winnipeg.

However, the need to consult multiple documents to get a complete picture of development goals and requirements is somewhat onerous. It may be particularly challenging for users that the Zoning By-law (including the Downtown Zoning By-law) does not include or specifically reference all applicable requirements. For example, the Small Scale and Low-Rise Residential Development Guidelines for Mature Communities include some requirements among the guidelines.

The rewrite offers the opportunity to accomplish the 2021 Council directive for integrating those requirements into the updated by-law. Not including mandatory development standards in the Zoning By-law increases both the possibility of missing important information and the likelihood of extending the project approval timeline. The by-law rewrite should address this disconnect to ensure that all applicable requirements are relocated from guidelines to the by-law. This exercise would also provide an opportunity to assess if any existing guidelines (for example, Downtown Urban Design Guidelines) should become requirements.

Recommendations

- Consolidate the Zoning and Downtown By-laws (and possibly Development Procedures By-law) to maximize efficiency and improve user-friendliness.
- Reorganize the new by-law according to the Annotated Outline in this report.
- Introduce graphics and visual aids (summary tables, photographs, flowcharts, illustrations, etc.) to explain regulations.
- Create a new page layout with a detailed numbering system that establishes a clear hierarchy of provisions.
- Define all key terms.
- Revise complex or confusing definitions for clarity.
- Review all language and rewrite for clarity as needed.
- Integrate relevant regulatory material from external plans and guidelines into the new Zoning By-law.

Relation to Adopted Plans

This focus area supports or is related to the following goals in Winnipeg's adopted plans:

OurWinnipeg 2045

Leadership and Good Governance

Objective 2: Promote trust and government responsiveness through meaningful, inclusive and informed community engagement.

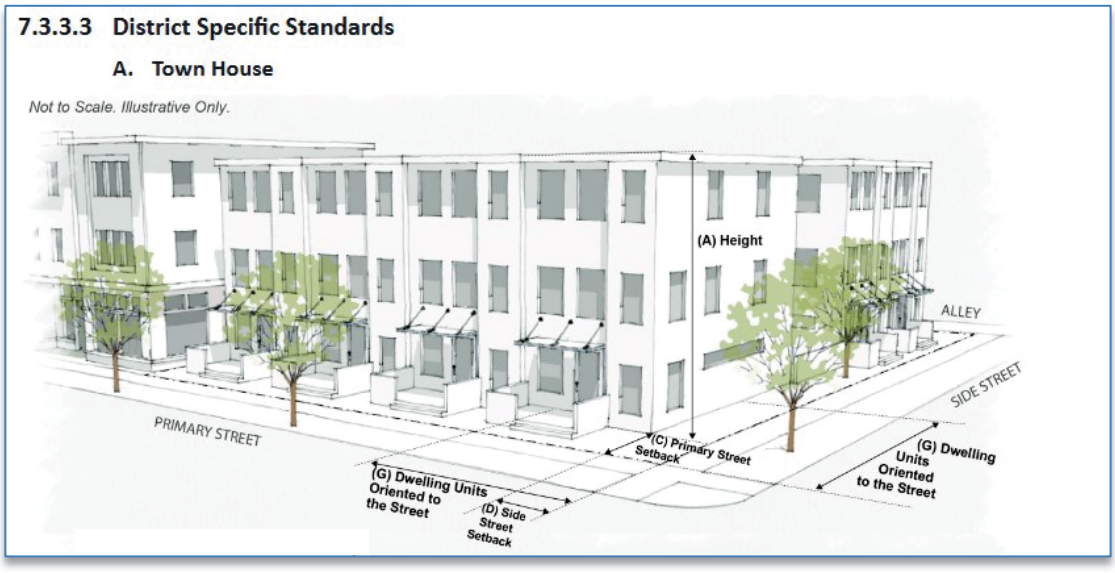
Policies: 1.7 and 1.19, Equitable Service Access

Comparison Cities

A cell highlighted in blue indicates that this comparison city provides a particularly good example of the element being assessed and may serve as a good model for Winnipeg's updated by-law.

	Organization	Use of Graphics	Online Accessibility
Calgary	The PDF of the by-law is challenging to navigate and does not contain some simple essential features like a master use table.	Illustrations are used sparingly. In a by-law of this length, there are only 11, and they all have to do with measuring building height. At the bottom of the navigation pane, there are separate links to List of Illustrations, List of Tables, and List of Maps, which is helpful, rather than having to page through the by-law trying to find them.	• Full Zoning By-law available for download as a PDF, and there is an "Interactive" version linked to the web site. • Though over 1,000 pages, the website to access Calgary's by-law is clean, easy-to-navigate, and contains helpful tools for users, such as excerpts of frequently accessed sections accessible from the landing page. The interactive version has active links to definitions and other sections that come up in a pane to the right of the text, without taking the user out of that section. This is a useful feature, but the red underlined text indicating a link may be distracting.
Denver	• Despite being 1,500+ pages, this by-law is surprisingly easy to navigate. • The Table of Contents, comprised of 13 Articles, and numerous Divisions within each article, is invaluable. The titles use plain language but are descriptive enough to enable users to find specific information easily. • Article 2 is a user's guide to the document ("Using the Code") and explains the context-based and form-based approaches.	There are many photographs, illustrations, tables, and diagrams in this document. Each zoning district starts with pictures to illustrate typical development, then includes graphics used to depict how design elements and dimensional standards apply in each zoning context (example provided below).	Each individual section of the Zoning By-law is available for download as a PDF. It contains active links to each section.
Edmonton	• The organizational structure of this by-law is challenging for users. Most titles are not descriptive, the nested structure is difficult to navigate, and, aside from districts, even the most basic information is challenging to find. • Development standards are generally located within district sections, leading to repetition.	No graphics.	• Full Zoning By-law available for online viewing. • Edmonton notes that they are in the process of a Zoning By-law update that, if adopted, will be effective in January 2024. • From the main landing page, there is a direct link to the Zoning Map. This is very helpful, as the two resources, while intertwined in being applied, are rarely located in the same place on a department web site. The maps are often difficult to find.
Minneapolis	The numbering for chapters is non-sequential, but the chapters are clearly labeled, as are the articles that comprise the chapters, so the by-law is fairly straightforward to navigate.	There are very few graphics, apart from zoning district maps.	Full Zoning By-law available online on Municode, accessible from a link on the city's planning department web site. The zoning map and text amendments are also available on the department landing site.

	Organization	Use of Graphics	Online Accessibility
Omaha	Some topics are located in unexpected places: for example, Omaha's use table is not in the article on uses, but rather in the article on zoning districts. These are then repeated in each zoning district. While this does prevent a user from having to switch back and forth between sections, it also offers plenty of opportunity for mistakes and inconsistencies when the by-law is updated.	There are illustrations, primarily in the landscaping section, but they are dated and relatively low-quality images. Nevertheless, they do help illustrate the concepts they are there to support.	Omaha's Zoning By-Law is available on Municode.
Ottawa	The by-law structure is well-organized and clearly labeled. Navigation is relatively easy, with the one limitation that, since topics are divided into separate Parts and Sections, there are no cross-references to lead from one topic to a related one in another Part or Section.	• The Sections of the by-law are all text, but they do refer to Schedules that contain maps and diagrams. • Of roughly 100 Schedules, about 90% are related to allowed building height.	Full Zoning By-law available on the City's web site. PDFs of the separate sections are also available, but there appears to be no PDF that includes all 19 Parts of the by-law.



Sample Building Typology Graphic - Denver CO

Zoning Districts

A comprehensive update of a community's zoning by-laws provides an opportunity for a high-level review of the zoning districts to ensure they are appropriate to implement adopted plans. A reexamination of the zoning districts and the land uses allowed within them helps ensure that the districts are aligned with the City's goals. The zoning districts in Winnipeg should accommodate a wide range of housing types, commercial and mixed-use development, institutional uses, and recreational uses. The districts should be reviewed and updated as appropriate to accurately reflect existing conditions and to open up additional opportunities for desired development types in targeted areas, consistent with OW 2045 and CCDS 2.0.

The district lineup can be improved by consolidating similar districts, retiring unnecessary districts, and making any necessary adjustments to the standards of districts that are carried forward. New districts may be introduced even if they are not immediately applied to the zoning map. The goal is to broaden Winnipeg's zoning toolbox, so that more types of projects may be built by-right and fewer projects need to opt for planned development (PDO) approvals, and so that additional district options are available for future use as the City updates its plans.

The following sections discuss Winnipeg's current zoning districts in light of the following questions:

- Is the intent of each district clear and does the district name match the intent?
- Is the district currently used? If not, is it unnecessary or obsolete?[1]
- Are any districts so similar in purpose and standards that they overlap and could be consolidated?
- Are new districts needed to accommodate development patterns that are hard to achieve with existing districts?

Based on these considerations, the team proposes several changes to the current lineup of zoning districts as summarized in this section.

Overview of Current By-Laws

In the current by-law, information pertinent to zoning districts is in two locations. The summary table of districts (Table 3-1) and district purpose statements are in Part 3: Zoning Districts, while all appurtenant standards are in Part 5: Development and Design Standards.

Strengths in Current Regulations

- The list of districts is relatively brief, which can be an advantage in administration if the accompanying standards are flexible.
- Small lots are already allowed in some areas for single-family dwellings (2,500 sq ft).
- Side setbacks are small (with the exception of the Downtown provision requiring a 10-foot side interior setback Downtown if there are windows on the side of a structure).

Identified Issues

- In some cases, the existing districts are not producing the kind of development the City hopes to see (for example, mixed-use).
- Minimum lot widths of 25 feet apply in most single and two-family zones.
- Some front setbacks and rear setbacks are large. Where context and adjacent development do not require maintaining consistent or enhanced setbacks, reducing these can reduce costs and facilitate building on smaller lots.

[1] If available, data about the number of parcels within each zoning district (and percent of land area within the city) would help inform this discussion.

- The combination of setback requirements, minimum lot size, minimum lot width, height limit, and lot coverage or FAR all combine to circumscribe what development is possible on a given lot, at the same time as they add costs, all independent of any further design requirements (parking, landscaping).
- All of the standards listed in the prior bullet can prove to be impediments to infill and redevelopment, especially on smaller lots in older areas of the city, or those with topographic or other constraints. (Note, however, that non-conforming uses and existing zoning agreements also impact infill and redevelopment.)

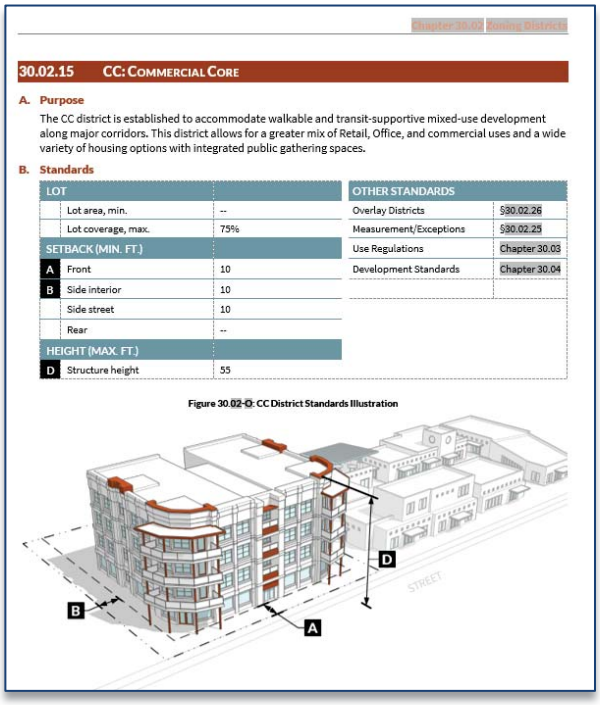
Discussion and Recommendations

A. Consolidate Zoning District Information

Some opportunities for improving the district lineup relate more to how they are presented in the document, rather than the more substantive changes discussed below.

Information pertinent to zoning districts is in multiple locations in the current by-laws. We recommend reorganizing this information so that, to the greatest extent possible, all standards related to a district are in one place. This would make the new by-law easier to navigate for users, who can then find all relevant information without the need to flip back and forth between sections—a particular challenge in the current online by-law, where there are no active links between different sections.

The image to the right shows a sample page from another community in which all information pertinent to the given district, including a graphic illustrating typical development in the district, is located on one page. In the image, anything that shows a grey highlight is an active link to the related content.



30.02.15 CC: Commercial Core

A. Purpose

The CC district is established to accommodate walkable and transit-supportive mixed-use development along major corridors. This district allows for a greater mix of Retail, Office, and commercial uses and a wide variety of housing options with integrated public gathering spaces.

B. Standards

LOT			OTHER STANDARDS	
	Lot area, min.	--	Overlay Districts	§30.02.26
	Lot coverage, max.	75%	Measurement/Exceptions	§30.02.25
SETBACK (MIN. FT.)			Use Regulations	Chapter 30.03
A	Front	10	Development Standards	Chapter 30.04
B	Side interior	10		
	Side street	10		
	Rear	--		
HEIGHT (MAX. FT.)				
D	Structure height	55		

Figure 30.02-O: CC District Standards Illustration

B. Use Consistent District Names Throughout the By-Law

The names of the zoning districts in Part 3 are not the same as the names used in the tables in Part 5. In Table 5-2, for example, the R1 districts is divided into Estate, Large, Medium, and Small. This is also true for the multi-family districts in Table 5-4. Though the tables show the difference is based on minimum lot size, and lot area per dwelling for multi-family, there is no explanation of this in either location of the by-law. Also, the S, M, L designations do not appear on the zoning map.

This is confusing for users: Are the small, medium, large designations separate districts? If not, how do they know which of the categories for a district apply? If someone requests a rezone, are they required to specify small, medium, or large? What if they want to create varying lot sizes?

We recommend ensuring consistent terminology throughout the by-law by carrying forward the "small, medium, and large" designations more consistently, each with a purpose statement to provide greater clarity about what the district is designed for.

C. Expand Residential Development Options

The list of residential districts is relatively "flat" in Winnipeg, with just six primary districts (RR5, RR2, R1, R2, RMF, and RMH). Even if the estate, small, medium, and large designations indicate separate R1 and RMH districts as discussed in Section B. above, the extent of R1 districts on the zoning map indicates that, historically, the main type of residential development has focused on detached single-family residences, in some cases on extremely large lots (RR5 and RR2).

This limited range of residential districts is not unusual, since most communities outside of urban centres have developed this way over the past century, but it is an emphasis that is not in alignment with the CCDS 2.0's Intensification Target. This target recognizes that the 50 percent of future growth that is to be accommodated in established areas cannot all be single-family dwellings. It also does not align with the objective of having a diversity of housing types, nor the anticipated housing diversity in Transformative Areas and New Communities.

The City's goals recognize that, to support projected growth, equity, and affordability (addressed in greater detail later in this report), Winnipeg needs a greater variety of housing types, at a higher density in designated areas, than is presently permitted. The Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities recognize various housing types that are not referenced in the by-law (triplex, fourplex, townhomes), but should be. If the existing districts are retained, they should be expanded to explicitly allow a greater diversity of housing types than are currently mentioned. Alternately, new districts could be created that enable development of a greater diversity of housing types, and more fine-grained differentiation based on density. Multi-family districts, for example, need more options permitting different densities than are presently allowed with the current small, medium, and large designations.

An increasing number of communities in North America have considered "eliminating single-family zoning," which means that no districts allow only single-family detached dwellings. Some communities, such as Minneapolis, have adopted these changes. It is a possibility Winnipeg could consider, though there are many other incremental changes to explore. For example, rather than considering three- and four-unit developments as multi-family, many communities redefine "multi-family" as five or more units in one structure, and allow triplexes and quadplexes in more districts that have historically been limited to one- or two-family structures. The current R2 district could be updated to allow this. Townhomes or rowhomes should also be included in these areas. (See other recommendations related to encouraging a greater diversity of housing types in the "Use Standards" section of this assessment.)

D. Create New Mixed-Use Districts

Because mixed-use development supports implementation of three of the five designated Transformative Areas of CCDS 2.0—Corridors and Mixed-Use Centres (both Urban and Regional Corridors, and Community and Regional Centres)—and Mixed-Use Centres form part of the anticipated development in New Communities, the City has expressed the desire for more mixed-use development. The current RMU and CMU districts, however, are not producing this development. We propose replacing those two mixed-use districts with new ones that focus on the scale of development, rather than the composition of uses in a development. Instead of mixed-use districts that are "predominantly" residential or commercial, the new districts can emphasize appropriate scales of intensity of mixed-use development, based on the surrounding context.

To accomplish this, at least two new districts are proposed: one at a neighbourhood or community scale and one at a regional scale. Both districts should be designed to emphasize pedestrian-scale development and the relationship of buildings to the streetscape, and to minimize the presence of

off-street parking along street frontages (where these districts are coincident with regular transit routes, parking may not be required at all). The focus of these districts should be more on the particular urban form desired, rather than the uses allowed within the districts. (See additional discussion of form-based zoning tools for such areas in the "Building Design" section of this assessment.)

To achieve desired development in mixed-use zones, the districts can combine minimum density requirements (similar to the maximum allowed density employed in multi-family districts) or a range of appropriate density, with FAR or neighbourhood-sensitive design standards. Appropriate density depends on the development context and is more usually tied to supporting transit than the form of development along the surrounding corridor. Depending on the context, appropriate density for mixed-use development can range from 10 dwelling units per acre up to 20 dwelling units per acre or even more. In some areas, this could be combined with FAR that ranges from 0.5 up to 3.0, and both tied to transit service level (a similar idea to that employed in TOD districts). The lower end of this range would apply in smaller neighbourhood-scale development, while the higher ranges would apply to regional scale mixed-use. In areas with more defined character or existing development patterns, such as Winnipeg's Neighbourhood Main Streets, where building form may be a traditional storefront with residential above, the minimum density would be tied more closely to what the building form can accommodate.

Creating mixed-use areas while avoiding a proliferation of districts with few differences may be accomplished by "repurposing" some of the existing commercial districts. For example, since both C1, Commercial Neighbourhood, and C2, Commercial Community, already allow both residential and commercial uses, perhaps these districts could be renamed to emphasize mixed-use character of development, and enhanced as described above, with density requirements and design and development standards that promote walkable urbanism. Components of the current Downtown standards that aim at this outcome may be incorporated into the new or repurposed districts, as appropriate.

The City has a Transit-Oriented Development (TOD) zone listed in the table of zoning districts, but the district does not appear on the zoning map. We understand that this district is intended for the highest-density and height (200 feet) outside the Downtown adjacent to Rapid Transit Stations where local area plans are in place. Such a district can be an important part of the mixed-use district lineup to encourage even higher intensities of mixed use near transit stops.

Illustrations and graphics can help convey the intended character of the districts as it is envisioned in corridor plans and local area plans. If additional design or other development standards are needed, they can be added to the by-law's development standards article, based on the direction and information in the applicable local area plan.

E. Assess Type, Extent, and Location of Employment Lands

As employment trends evolve in many locations, communities often find the need to review their industry- and employment-supporting zoning designations to ensure not only that adequate land area is zoned for employment-generating uses, but also that the districts are compatible with present and projected industry trends and surrounding development. Though CCDS 2.0 mainly focuses on Industrial, Institutional, and Business Park areas, this section addresses commercial zones and employment lands, as well.

CCDS 2.0 discusses Core Industrial and General Industrial as two designations to support a range of manufacturing, from light to heavy. The corresponding zone districts in the current by-law are M1 for light manufacturing, M2 for general manufacturing, and M3 for heavy manufacturing.

Beginning mid-century and accelerating in the 1970s, heavy manufacturing jobs have declined as a share of employment in advanced economies, and while some "legacy" industries remain, projections do not foresee robust recovery for manufacturing where services jobs have replaced it. Nevertheless, CCDS 2.0 does project that a "significant portion" of anticipated job growth in Winnipeg will be centered around industrial and manufacturing jobs, and so land to accommodate those jobs needs to be safeguarded from being developed with other uses. CCDS 2.0 also notes that new designations are needed to accommodate quasi-industrial or light-industrial uses, combination industrial and business uses, and uses that may not be strictly industrial, but still require large land areas—the expansion of e-commerce distribution centres is one example of such a use. Another trend is the turn to more high-tech manufacturing, where activity is contained entirely within a structure, so has limited impact on neighboring properties.

Where industrial and quasi-industrial land is to be maintained, a reassessment of what uses are allowed may be warranted, with additional uses included that can accommodate trends in industry employment as described above. The City has been using Manufacturing Mixed-Use mainly for existing business parks that are predominantly light industrial in nature, with associated commercial uses, mostly at the periphery of the park. Given the proposed review of mixed-use districts, one of the districts can be tailored to accommodate such business and industry combinations, along with inclusion of quasi-industrial uses permitted in these areas as well.

CCDS 2.0 mentions the need for Business Park areas, and the possibility of creating a Business Park zoning district (or two). While maintaining existing business park areas and making their office development allowances more liberal is a good idea, Business Park districts are being reconsidered in many locations, since they tend to concentrate office development in campuses that are often located on city peripheries and require those who work there to drive to reach them. Winnipeg wants to concentrate Major and Medium Office development in the Downtown, which is more aligned with the goals of concentrating employment (and residences) where transit is centered. In the event that a business or businesses want to develop a campus-style business park, future proposals could still be accommodated using the MMU district, or its equivalent mixed-use replacement if a new district is created, to accommodate institutions and industries that need such single-use, concentrated, campus-style development.

Commercial land is also employment land, but certain commercial uses have also been undergoing significant change in the past decades. The prime example is retail: as e-commerce has claimed an ever-increasing share of retail spending, the physical presence of retail outlets has contracted. What retail does remain is often concentrated along highway corridors in big box stores. If retail was contracting, offices seemed to be a stable commercial land use mainstay… until COVID. Whether the trend for working from home that was initiated by the pandemic is permanent remains to be seen, though there are predictions that, given the longer term of commercial leases, the decline of office use will continue for several years in the future. Perhaps the best way to accommodate these uncertainties through zoning is to focus more, as the City intends to do, on mixed-use, rather than single-use commercial. How Winnipeg could go about this is described in the preceding section of this assessment. While such districts could accommodate small office, restaurant, retail, residential, and other uses at the scales and intensities described, we nevertheless recommend maintaining at least one strictly commercial district, and possibly two. In this case, we would carry forward C3, Commercial Corridor, and possibly C4, Commercial Regional, for the creation of larger developments on large or multiple sites.

F. Revisit the Use of PDOs

The City has numerous Planned Development Overlay districts, listed in a table at the end of Schedule B and described in detail in other schedules at the end of the by-law document. Many of the PDO-1 overlays are intended to establish or protect neighbourhood character in certain areas, while PDO-2 overlays are more limited in scope to specific sites rather than larger areas. The number of PDOs suggests that many applicants for development in Winnipeg turn to the Planned Development (PD) process rather than attempting to work within the existing zoning district regulations and development standards.

The underlying concept behind planned developments is that, if a developer is given greater leeway and flexibility to design a project and mix uses, the community will benefit from more creative development and from a higher level of amenities and community benefits, such as open space, than would otherwise be required. The theory is sound, yet many communities across North America have overused the PDO process, turning to it even for relatively straightforward projects. An overreliance on the PDO process suggests that the underlying regulations are not adequately addressing local market demands and creates practical difficulties for all parties:

- Developers find that the negotiation inherent in creating a PDO causes a loss of predictability, which lengthens approval times and increases carrying costs. Also, they cannot rely on past approvals for guidance and must negotiate every aspect of the development anew.
- Neighbors cannot rely on existing zoning standards for protection and have little certainty about the unpredictable potential impacts of each new PDO, making each new project a potential battle.
- Planning staff must devote substantial time to not only negotiating the PDO up front, but in trying to administer each PDO once it is adopted, making enforcement and compliance extremely difficult. PDOs often result in substantial administrative burdens for local staff down the road.

While PDOs have their place, they are often overused, and there is little evidence in many communities that their use results in better projects. Each adopted PDO is its own unique zoning district and functions essentially as a mini-zoning ordinance and must be monitored, amended, administered, and enforced alongside the main by-law.

Pending further discussion, our initial assessment is that the continued use of PDO-1 in Winnipeg is appropriate for unusual situations that require additional flexibility beyond the baseline by-law requirements. However, while the use of PDO-1 is also aligned with the City's need to create tailored standards for special development areas (infill, transit corridors, employment lands), it may be that many of the new recommended base districts (e.g., the mixed-use districts) discussed above will provide better options for such development than the negotiated PDOs.

The narrower scope of PDO-2 may be less necessary with the creation of more flexible districts, design standards, and updated use permissions. Where updated standards do not accommodate site-specific development proposals, and additional flexibility is still needed, the City may be able to accommodate these requests with other procedures. These could include minor deviations to dimensional standards, design review or variances for bigger modification requests, or conditional use review. Some of these procedures, such as minor deviations, could be administrative decisions, increasing the efficiency in processing. Even where governing body approvals are still needed, these can be associated with a specific site-development proposal, rather than carried forward through time as a PDO.

While PDOs are valuable tools, their proliferation over time can create challenges in by-law administration. The more PDOs there are, and the older they are, the harder it is for staff to keep track

of them. It is also true that, over time, the objective for creating the PDO may become less relevant. PDOs can become obsolete when area plans change or when the base by-law standards are updated. Without a means of amending or updating existing PDOs, they can be increasingly restrictive and misaligned with current standards, regulations, and planning objectives. To address these circumstances, we recommend that the updated by-law should also include information about updating, modifying, or eliminating existing PDOs.

G. Consider the Use of Neighbourhood Conservation Districts

As Winnipeg has grown, it has developed residential neighbourhoods with unique characteristics that many residents treasure and would like to protect. One application of the current PDO-1 is to protect neighbourhood character, while Heritage Conservation Districts have also been applied in two instances to protect historic neighborhoods. However, short of full-blown heritage district designation, there may be other tools to consider that may provide effective protections that may be tailored to each area.

Winnipeg's Heritage Conservation Districts By-law may be applied to areas of special architectural and historical significance where "at least 50% of [the] proposed character-defining elements are at least 40 years old." While the HCD by-law should continue to be promoted to protect areas that meet the required levels of significance, there may be distinctive areas that do not meet either the age or percentage threshold, or where residents want to protect certain character-defining aspects of their neighbourhood but do not wish to be bound by regulations as strict as those that apply in a designated Heritage Conservation District. These are instances where a Neighbourhood Conservation District (NCD) could apply.

A NCD is a less restrictive and increasingly common alternative option that can be used to protect distinctive features in a neighborhood. NCDs are applied as an overlay district to a particular neighbourhood and include additional standards intended to ensure that new development is in accordance with the character of the existing neighbourhood fabric. The specific standards included in an NCD will vary based on the characteristics of a particular neighbourhood, but may include special restrictions on building height, density, setbacks, design, and landscaping, among other site features, compared to what is normally allowed in the base zoning district. Often there are just a handful of specific design features that are regulated in a conservation district. In Dallas, Texas, for example, a city with dozens of conservation districts and one of the oldest such programs, each district has about a half-dozen specific design features regulated (e.g., front-facing gables are required to be preserved in one district). Because a NCD is less restrictive than an HCD, it can avoid some of the exclusionary outcomes HCDs can sometimes produce. NCDs can be drafted to recognize significant neighbourhood characteristics, while still allowing for change, new development, and redevelopment more readily than HCDs.

As part of the by-law update, we suggest establishing a local area planning process that would allow the City and its residents, in the future, to consider additional tools for neighbourhood character protection, which could include neighborhood or infill design guidelines or possibly NCDs as overlay districts. The procedure should allow greater flexibility to property owners than would an HCD, but at the same time avoid using NCDs as a way to exclude new residents and new development. If a proposed local area plan establishes the need for additional regulations to protect certain characteristics, City staff can then work with the neighbourhood to identify the appropriate regulatory approach.

H. Consider Applying "Hold" Zone to Prevent Premature Development in Unplanned New Community Areas

According to CCDS 2.0, New Communities areas are "large undeveloped land areas identified for future urban development that are not currently served by a full range of municipal services." Generally in close proximity to the City boundaries, the four designated New Communities areas are currently zoned Agricultural (A) zoning. This may be a concern, since certain uses are permitted in the Agricultural zoning district which, once established, may prove incompatible with future development in these areas. While the City currently anticipates that one of the four areas zoned Agricultural will not be converted to urban uses and can retain its current zoning, a "Hold" zone could be applied to the other three.

Some communities use "Hold" zones to apply to such areas until such time as secondary or precinct plans have been approved to guide their development. An example is London, Ontario, where a hold zone is used in part to prevent premature development on unplanned, unserviced land. Omaha also has "Development Reserve" district for areas on the fringe of the urbanized area, though there is access to public facilities. Nevertheless the uses allowed in the DR zone are quite limited, to eventually allow for the "orderly conversion of land from agricultural and rural to urban uses." A Hold zone can restrict uses, or altogether prohibit the establishment of any further uses that may in future impede desirable development determined by applicable plans. While any Hold zone should make allowances for existing uses, by its limiting nature, it can avoid the proliferation of additional ones.

I. Mapping the New Districts

Ultimately, a new lineup of zoning districts in Winnipeg will require a revised zoning map that reflects any updates to district names or consolidation of districts. For those changes, and for any districts that are carried forward, the new zoning map simply should reflect the updated designations. In most cases, individual parcels will require only a simple "one-to-one" conversion. In some cases, however, City staff may need to conduct additional research to identify the appropriate conversions based on existing land uses or other factors.

Any new districts established would likely not be introduced immediately at the time of adoption of new by-law but would be available for future rezonings. To apply a new district and any associated standards, a rezoning of an existing property would have to be approved. Local governments often wait until after a zoning by-law is adopted to consider either legislative rezoning (large areas of the jurisdiction at one time) or rezoning of individual properties. The following are a few options the City may consider regarding zoning map updates:

- The City could distribute an announcement to property owners and invite them to discuss potential rezoning. Rezonings would be undertaken only following applications from property owners. This option is staff-intensive and would require individual meetings and negotiations. The City could offer incentives such as reduced or waived fees or expedited review and approval.
- The City could rezone properties as part of a legislative rezoning process that would collectively focus on the entire City (or large portions of it) rather than individual site-specific rezoning applications. Through this option, a wholesale revision to the zoning framework in Winnipeg would be achieved immediately. This option requires extensive public outreach, and some communities allow a "grace period" during which property owners may initiate development under their present zoning rather than the new zoning. Such periods typically extend for six months to a year, after which any new development would be subject to the newly applied zoning.

Preferred development that is compatible with the *OurWinnipeg 2045* and other plans should be encouraged and incentivized where appropriate. Incentives (such as fee waivers and staff assistance in preparing the rezoning applications) can be powerful tools to help put the updated and new districts into practice through future rezonings.

Recommendations

- Consolidate all information related to specific districts, with each district's standards summarized on a single page that conveys all relevant standards.
- Add active links to other sections that contain relevant standards.
- Use consistent district nomenclature across locations within and outside of the by-law.
- Where necessary, include separate purpose statements for the different districts.
- Review and expand the housing types that are permitted in the existing residential districts.
- Create more fine-grained multi-family districts to accommodate different density ranges.
- If resistance to changes in existing districts limits this possibility of more housing types, consider the creation of new districts to accommodate them.
- Redefine multi-family districts to start at five or more units in a structure, allowing more widely 3- and 4-unit structures that can fit as infill in established districts.
- Replace the existing mixed-use districts with new ones that focus on minimum density and scale of development, rather than composition of development, to facilitate mixed-use centre development.
- Consider whether existing C1 and C2 districts could be 'repurposed' as mixed-use.
- Incorporate elements from the current Downtown mixed-use standards as appropriate to apply in mixed-use zones elsewhere in the city.
- Assess uses permitted in industrial districts, ensure addition of quasi-industrial, and increase attention to advanced, high-tech medium or light industry zones.
- Encourage concentration of large office uses (Major and Medium Office) Downtown, and in other areas of high transit concentration.
- Retain MMU district, or replace it with new mixed-use district that allows creation of large, campus-style business development.
- Carry forward C3 and possibly C4 as commercial-only districts, but rely instead on mixed-use districts to accommodate smaller scale commercial uses that would appear in C1 and C2 districts.
- Consider whether additional flexibility and alternate procedures can replace the need for site-specific PDO-2s.
- Include information in the by-law on how to update, modify, or eliminate existing PDOs.
- Promote heritage conservation through the use of Heritage Conservation Districts.
- Consider establishing a process for creating Neighbourhood Conservation Districts.
- Pending completion of precinct or secondary plans, apply Hold zone to New Communities areas anticipating future urbanization to prevent premature or incompatible development.
- Adopt an updated zoning map at time of adoption of new MDC showing new district consolidations and new district names.
- Consider longer-term strategies for applying new districts to the zoning map.

Relation to Adopted Plans

This focus area supports or is related to the following goals in Winnipeg's adopted plans:

OurWinnipeg 2045

Social Equity

Objective 1: Uphold human rights so that no one is left behind.

Policies: 5.2 Affordable and Supportive Housing Options; and 5.9 Heritage Conservation

City Building

All Objectives and Policies

Complete Communities Direction Strategy 2.0 (CCDS 2.0)

Transformative Areas

C2.1.1 Create Urban and Regional Mixed-Use Corridors compatible with surrounding neighbourhood

C4.1.8 and C4.3.3 Proper location for large-scale retail and institutional development

C5.2.1 – C5.2.2 Additional TOD districts

C6.1.1 – C6.1.7 Creation of hold zones pending completion of precinct plans for New Communities

Established Neighbourhoods

D1.1 (inclusive) Determining appropriate standards for residential development

D1.4.12 and D1.5.2 Proper location for large-scale retail and institutional development

D1.4.6 and D1.4.7 Encourage mixed-use development

Urban Structure Supports

G1.1.2 – G1.1.5 Align districts' standards and density to transit proximity

G1.3.1 – G1.3.3 Create districts that allow higher density, mixed-use

G3 Ensure existing park lands are designated PR

G7.4.2 Heritage conservation districts

Other Resources

Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities

Comparison Cities

A cell highlighted in blue indicates that this comparison city provides a particularly good example of the element being assessed and may serve as a good model for Winnipeg's updated by-law.

	Residential Districts	Mixed-Use Districts	Other Noteworthy District-Related Features
Calgary	• 11 low-density residential districts include single-dwelling, two-dwelling, low-density multiple dwelling (allows duplex, rowhouse, semi-detached, and townhouses). Of note are the contextual districts that allow contextual front setback and height; grade-oriented infill; and low-density mixed housing (including cottage housing clusters). • 11 multi-residential districts are tiered from at-grade to low-profile to mid-profile to high-rise. Two districts include support commercial uses.	• General mixed-use district located along commercial streets with both residential and commercial uses at grade. • Active-frontage mixed-use district requires active commercial uses at grade.	• 11 types of commercial districts. • Commercial Residential Incentive Density District allows provision of public amenities to increase allowed FAR based on tiered cost of amenities. • "Future Urban Development" special purpose district functions as Hold zone for areas awaiting urban development and utility servicing.

	Residential Districts	Mixed-Use Districts	Other Noteworthy District-Related Features
Denver	• Overall by-law is divided into multiple "contexts," each of which have multiple districts. • Districts are precisely focused on allowable building form (e.g., row house of two units on minimum 5,500 sq ft lot). • Suburban Neighborhood Context is primarily single-unit districts, but also some districts for row houses and multi-unit (suburban house, duplex, and row house building forms up to 20 stories). • Urban Neighborhood Context has a greater variety of residential districts, including single unit, two unit, row house, mixed-use, residential mixed-use, and main street.	• Large variety of mixed-use districts included throughout document in several contexts (e.g., Suburban Neighborhood Context has 11 mixed-use districts). • These districts generally require active street frontages and mainly distinguished by allowed height.	• Main Street districts apply to corridors and promote active, safe, pedestrian-scaled commercial streets. • Conservation overlay districts ("…for the revitalization or conservation of specific areas…possessing distinctive features, identity, or character worthy of retention and enhancement.")
Edmonton	• No exclusive single-family zoning; duplexes are allowed in the RF1 district (appears to date to 2018). • Base lower-density residential districts include low density, small-scale infill (narrow lots), semi-detached, residential mixed, row housing, urban character row housing, and medium density. • Base multi-family districts include low-, medium-, and high-rise apartment districts.	• Neighbourhood Convenience Commercial Zone allows small-scale mixed-use. • Commercial Mixed Business allows medium-intensity commercial and residential uses near high-capacity transportation nodes and transit avenues.	• Numerous commercial and urban service districts. • Various Special Areas offer added flexibility and/or protections. Many appear to function as planned developments and have multiple subdistricts. • Examples include Energy and Technology Park, Heritage Valley, and Orchards. • Orchards allow reverse housing to provide low-density residential housing with high site coverage. • Direct Development Control district allows detailed control of uses and site design for multiple purposes, including environmental protection or heritage preservation.
Hamilton	• There are only two low-density residential zones, and both allow duplexes and townhouses in addition to single-unit dwellings. • The Downtown Residential Zone is intended to maintain stable residential areas by allowing a range of housing types and mix of commercial uses.	• Three mixed-use districts: high-density, medium-density, and medium-density pedestrian focus. • Four transit-oriented corridor zones: mixed use, local commercial, multiple residential, and mixed-use high-density.	• This is the only by-law of those reviewed that organizes its districts from highest to lowest intensity, with low-density residential last. • Four waterfront districts. • This by-law has a broad array of industrial districts, including five airport-related districts and two for shipping/navigation. • Holding provisions for specific lands in Schedule D.

	Residential Districts	Mixed-Use Districts	Other Noteworthy District-Related Features
Minneapolis	• No exclusive single-family zones: all eight residential districts allow up to three units. • The city also has maximum lot sizes for single- up to three-family dwellings, the largest of which is 9,000 sq ft (836 $m^{2)}$.	• No zones specifically devoted to mixed-use. • A pedestrian-oriented overlay district regulates building orientation, parking location, and restricts auto-oriented uses.	An industrial living overlay district encourages rehabilitation and reuse of industrial structures, including limited residential and retail uses.
Omaha		• Mixed-use and TOD zone districts. • R-WRN Walkable Residential Neighborhood District	Planned Unit Redevelopment District promotes redevelopment of constrained lots in older areas of the city.
Ottawa	• Limited number of residential zones, but large number of subzones in each. • The subzone "character" is described by a letter, which is unhelpful in understanding what that character is, nor is there any readily apparent explanation or link to an explanation.	Mixed-use and TOD zone districts.	

Dimensional Standards

The current lot and building dimensional standards should be updated to be more flexible, to reflect current building practices, and to protect the character of existing Winnipeg neighbourhoods. The by-law update provides an opportunity to ensure that dimensional standards for each district (setbacks, density, and height) are appropriately tailored to the purpose of each district.

Overview of Current By-Laws

Strengths in Current Regulations

- Summary tables that consolidate all applicable dimensional standards for groups of districts are clear and easy to use.
- Existing residential districts allow development on lots as small as 2,500 square feet for single-dwelling residential, facilitating compact development.
- Side interior setbacks can be as small as four feet, thus avoiding large expanses of unused area on lots.
- Dimensional standards for non-residential zones are permissive, avoiding constraints that contribute to development cost.

Identified Issues

- With the exception of Downtown and the TOD and CMU districts, most residential front setback requirements trend toward the larger end of the spectrum. While not every square foot of a lot should be covered with structures, these setbacks do increase cost through unused lot area, and prevent certain new development from bringing buildings to the street.
- A minimum lot area of 9,000 square feet for small multi-family is likely precluding development of smaller three- and four-unit structures and curtailing such development in infill areas with smaller lots.

- The combination of requirements for minimum lot area, minimum lot width, setbacks, height limits, and lot coverage all contribute to larger lots and higher costs by limiting what can be built and requiring certain percentages of most lots to have vacant and unused area. (However, the City's Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities recommend decreasing lot coverage rather than increasing it, particularly for single-family dwellings.)
- Standards do not allow for adjustments in setbacks based on context (e.g., height, massing, abutting land uses, the absence/presence of windows/balconies on side-facing elevations).
- There is currently no mechanism to allow for varying setbacks along City waterways to protect bank stability or any other location-specific concerns.

Discussion and Recommendations

A. Review and Update Dimensional Standards to Support Plan Goals

1. Residential Development

Winnipeg's current by-law already includes some dimensional standards that are appropriate to a community that is growing denser and more urban. For example, the City already permits residential lots as small as 2,500 square feet, and small side setbacks of four feet in some cases, even with larger lot single-family development in R1-Large and R1-Medium zones. This is in contrast to other communities that often begin by-law update projects with mostly outdated, suburban-style lot and setback standards.

Nevertheless, there are additional opportunities to revisit dimensional standards to more closely consider development context and minimize unused lot area, thus avoiding unnecessary additional costs for development.

Most of the City's required minimum front setbacks for residential development are relatively large, at 15-25 feet, and all the minimum rear setbacks are 25 feet. These kind of setback requirements were common and considered appropriate when detached single dwellings were the primary form of residential development, but, as Winnipeg focuses on allowing more diverse housing in certain areas, these kinds of land set asides may constrain possible development types and add cost to what should be lower-cost housing. With an emphasis on mixed-use, multi-family, and TOD, the current Winnipeg approach to TODs of applying a maximum setback (or none at all) should be considered for more locations. Such areas also may not need a 25-foot rear setback; for example, does a mixed-use building on a transit corridor where no parking is needed need a 25-foot rear yard? Why should it not occupy the full lot, particularly if the rear lot line abuts a public lane? Townhomes or rowhomes are also a development type that, in some contexts, can be brought up to the street, or have minimal front setbacks. These are two examples where dimensional standards would benefit from being more closely tailored to development context.

In other residential contexts where the lot size and setbacks seem reasonable, the imposition of additional standards can conspire to limit the possible type of development that can occur on a lot. An example for residential development is the overlapping requirements for minimum lot size and setbacks, but also the minimum width, maximum height, and maximum lot coverage. The combination of standards can impose limits that push development to occur on larger lots, even if smaller lots are permitted. This adds costs and may make infill or redevelopment challenging or impossible in exactly those areas where it is most desired. Given the goal in CCDS 2.0 that 50 percent of development should take place in existing built-up areas, the City is looking at half of new development taking the form of infill or redevelopment, rather than greenfield development. To accommodate this, the new by-law should carefully review what combination of standards

applies in these areas. To avoid negative consequences not just in infill areas, but for residential development anywhere in the City, we recommend reconsidering whether these requirements are necessary at all, or at minimum, tailoring them by zoning districts. While the City's Small-Scale and Low-rise Residential Development Guidelines for Mature Communities recommend decreasing lot coverage, particularly for single-family dwellings, it will be important for the rewrite to evaluate where coverage limits should apply, and to what extent. It is possible that some areas or situations would benefit from lower lot coverage, while other areas may be appropriate to allow more.

2. Non-Residential Development

In a commercial context, floor-area ratio (FAR) standards may similarly serve as a limiting factor for non-residential development, and it has other disadvantages as well. Aside from the difficulty of community members understanding FAR and the complexity of staff administering it, FAR only controls for bulk, so it can produce unintended consequences in other areas. The most obvious is building design: bulk controls are often imposed in areas where it is important for buildings to fit in contextually, but FAR has no impact on building design, which may be more important to context. Because FAR restricts building size, developments often seek to maximize interior space, which generates revenue, in two ways, both of which produce undesirable outcomes. Developers either rely on steel-frame construction, which takes up less buildable area, but adds considerable cost to the structure; or they employ cheaper, thinner materials that take up less space, but produce less durable, lower-quality structures. Because of these factors, we recommend eliminating FAR, relying instead on other dimensional standards—again tailored to context—in combination with design and development standards to produce quality development in non-residential areas of the appropriate mass and scale Infill and Redevelopment

Infill and redevelopment parcels often present specific challenges ranging from environmental cleanup (e.g., a former gas station site) to compatibility with surrounding, built-up neighbourhoods. While some site-specific issues are addressed in the "Site Development" section of this assessment (the significant reduction in parking requirements that Winnipeg already offers to encourage infill and redevelopment is a great incentive), development standards in combination with dimensional standards requirements can often pose an insurmountable obstacle to infill and redevelopment projects.

For redevelopment parcels in particular, many existing standards were adopted after the original development of a property. Further, redevelopment opportunities are often located in older areas, where lots were historically smaller, possibly exacerbating constraints to redevelopment potential. Often, the combination of dimensional limitations acts as a deterrent to redevelopment due to a lack of physical land area or the financial burden of compliance rendering a project infeasible. As a result, this is another area where tailoring dimensional requirements to a particular area is important, but where the possibility for even greater flexibility may be required. (This can be offered in the form of development procedures (minor adjustment, waiver, variance) that are discussed further in the "Administration" section of this assessment.)

B. Special Yards

The general by-law specifies that special yards have been created to accommodate "right-of-way widening, buffering, noise attenuation, adjacency to retention ponds, building alignments, and design standards along designated Image Routes." Schedule I of the by-law describes over 300 locations where special yards apply, and further instances are described in Schedules H, J, and K. Generally, special yards appear to be used to formalize the creation of larger setbacks than the by-law requires. These yards can serve public purposes—reserving space to enable street widening or preventing

development over gas lines—but given the proliferation of them, they seem to be applied in many circumstances beyond these public purposes.

While special yards can be a useful tool in supporting public purposes, we recommend against their continued proliferation when they are not used in this way. They do not generally support the City's plans and policies, but they surely do contribute to increasing complexity for staff administering the by-law. In assessing development proposals, keeping track of hundreds of special setback dimensions based on location throughout the City seems daunting, and ripe for errors due to oversight.

Given the nature of special yards, and that they run with the land, over time they may complicate proposals for redevelopment. If the pattern of development evolves in an area over time to become more compact, or to have buildings closer to the street or closer to each other, special yards would interfere with that evolution, since they have "locked in" those larger setbacks. In theory, the yards can be eliminated through mutual agreement by the City and the property owner (similar to how older planned developments have been voluntarily eliminated in some cities when new zoning rules make them obsolete), but such agreements can be time-consuming to negotiate and may not always be readily forthcoming. Setbacks larger than the by-law requires can be done in any development without the permanence of applying special yards. If those larger setbacks are not formalized through the creation of special yards, they would be easier to amend in the case of future redevelopment.

As the City seeks to increase density and to promote smaller, more compact development, creating more of these special yards is counterproductive to those goals. To the extent that special yards are not being created to support public purposes, we therefore recommend against creating more of them. Further, the City is already undertaking a project to eliminate existing special yards that no longer serve their original purpose, or are in alignment with the current front yard requirements of the By-law. This should both support compact development goals, and reduce the burden of administration for the smaller number of special yards that remain.

Recommendations

- Review dimensional standards requirements and tailor standards to development context.
- Reduce or eliminate residential lot coverage limitations.
- Eliminate FAR in non-residential zones.
- Tailor dimensional standards to specific areas to facilitate infill and redevelopment projects and allow additional flexibility, if necessary.
- Limit further creation of special yards that do not serve public purposes.
- Eliminate existing special yards that no longer serve their original purpose or are already addressed in the By-law through front yard alignments.

Relation to Adopted Plans

This section supports or is related to the following goals in Winnipeg's adopted plans:

OurWinnipeg 2045

City Building

Objective 1: Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan's sustainable development goals.

Objective 3: Facilitate development opportunities that complete established communities, and plan new communities as complete and connected from the outset.

Complete Communities Direction Strategy 2.0

Transformative Areas

C2.3.1, C2.3.7, C2.8.1.1 and C3.2.5 Dimensional standards tailored to Urban and Regional Mixed-Use Corridors

Established Neighbourhoods

D1.1 (inclusive) Determining appropriate standards for residential development

D1.2.1 – D1.2.3 Appropriate setback standards

D1.2.16 – D1.2.19 Parking location, layout, and design

Other Resources

Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities

Comparison Cities

A cell highlighted in blue indicates that this comparison city provides a particularly good example of the element being assessed and may serve as a good model for Winnipeg's updated by-law.

	Residential Development	Non-Residential Development	Context-Based Standards
Calgary	Contextual residential districts allow context-based front setbacks and building height.		Flexible parcel dimensions and building setbacks in Grade-Oriented Infill District.
Denver	Under this form-based by-law, residential building setbacks are determined first by neighbourhood context (suburban, urban edge, urban center, etc.) and then by zoning district, providing clear guidance for residential developers while establishing requirements that promote consistent neighbourhood-level design.	• Zero-setback requirements are common for most (if not all) neighbourhood contexts across Denver. • Build-to requirements are often used to demand a percentage of the building to be placed within a certain distance of the primary street.	"Context" is a major organizing principle of this by-law, which is divided into six major contexts (e.g., "Downtown Neighborhood") plus additional "Special Contexts."
Hamilton	• No lot coverage limitations. • Large rear setback requirements (7.5 metres) in the Small Lot Zone may limit development on lots that already pose a challenge due to their small size.	Building size is not restricted by FAR, but instead guided by dimensional standards such as building setbacks, height limitations, and maximum gross floor area requirements for specified uses.	Maximum gross floor area regulations apply to a variety of uses in different zoning districts (e.g., microbreweries cannot exceed 700 square metres in commercial and mixed use zones).
London	Street setback requirements are determined by the type of public right-of-way (local, collector, arterial).		Use of zone variations in each zone district to create context-based dimensional standards.
Minneapolis	Both minimum and maximum lot area restrictions are provided for single, two-, and three-family dwellings.	By-law relies on minimum and maximum FAR to align buildings with planned scale of development.	• Lot dimensions are established by the base zone district while other dimensional standards are governed by the applicable Built Form overlay district. • The Built Form overlay districts are unique among the peer community by-laws. • Lot and impervious surface coverage requirements are established to combat the urban heat island effect, reduce stormwater runoff, among other goals.
Omaha	Large front and rear setback requirements (25-35 feet) are used required even in medium- to high-density residential districts.	Floor area ratio, building coverage, and impervious surface coverage restrict development in commercial, office, and industrial districts.	

	Residential Development	Non-Residential Development	Context-Based Standards
Ottawa	Lot coverage restrictions are not applied in all subzones, but when they are applied they can be as low as 25% coverage.	Building size is determined by floor space index, which is Ottawa's version of floor area ratio.	Dimensional standards, such as setback requirements, are dictated by subzones in each zoning districts, providing context-based dimensional standards.

Use Standards

Beyond the lineup of districts, the various land uses allowed within each district are an important element of any zoning by-law. Sample land uses include "single-family residential," "retail," and "bed and breakfast." Even form-based by-laws that attempt to prioritize physical design over use still define and regulate land uses to some extent. The Winnipeg By-law update project provides an opportunity to revisit the way the City defines, categories, and regulates various land uses. This section recommends several improvements for the City's consideration.

Overview of Current By-Laws

Strengths in Current Regulations

- There is a good organizational structure for the use regulations section overall, and the principal use table in particular. Though there are opportunities to streamline and consolidate use categories and sub-categories, we recommend carrying forward this overall structure.
- It is helpful that references to applicable use-specific standards and parking requirements are included in the table.

Identified Issues

- Some uses are undefined (e.g., outdoor dining/drinking area).
- The current "roster" of allowed housing types is very limited, with only five mentioned in the Use Table (single-family, duplex, multi-family, live-work, and mobile home).
- There are areas where new use types are necessary (e.g., personal services).
- In the online version, the principal use table is static and none of the reference links are clickable.

Discussion and Recommendations

A. Diversify Allowed Housing Types

As described in the Complete Communities Direction Strategy 2.0, to meet the projected need for housing to accommodate growth over the next 20 years, Winnipeg will need "to accommodate approximately 82,000 new dwellings between 2020 and 2040, or 3,900 new units annually." Further, the City recognizes that the majority of those new dwellings—a projected 60 percent—will not be detached single-family structures. To achieve climate goals, it is projected that 50 percent of the needed residential development should be infill, adding density in strategic locations in established neighbourhoods, as described by the Residential Guidelines for Mature Communities.

The Guidelines describe which building types of slightly denser housing are preferred in certain locations in established neighbourhoods, but it is important for the by-law to reflect this degree of specificity too, since meeting the City's housing and climate goals will require these denser forms of housing throughout the City, and not only in the Mature Communities the Guidelines address.

The current use table lists very few distinct housing types: detached single-family dwelling, duplex, live-work, multi-family, and mobile home. Based on the Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities, which describe both up-down and side-by-side duplexes, stacked row housing and triplexes and fourplexes, and smaller-scale apartment buildings of up to four storeys, we understand the City is allowing and encouraging other forms of residential development. These should be included in the principal use table. Once included, there will be no confusion or question about whether or where a certain type of housing is allowed in a given district, and the inclusion can also reduce the need to consult multiple documents (the by-law, and the Mature Communities guidelines) to understand all applicable standards and requirements.

Expanding the variety of allowed housing types is also an important step in supporting both equity and affordability, addressed in greater detail later in this report. In this section, we address standards particular to specific types of housing that should be addressed in the rewrite.

1. **Secondary Suites**
   Secondary suites, also sometimes called "accessory dwelling units (ADUs)," have proven a popular "gentle density" option in many communities and are one of the few ways to incorporate slightly more density and diversity of housing types into single-family zones. Winnipeg allows both attached and detached secondary suites, but should consider the following ideas to encourage their creation:

   - Allowing both attached and detached secondary suites by-right on any single-family or duplex lot that meets the applicable district standards. Currently, detached secondary suites are only allowed in the R1 and R2 districts and require a conditional use approval.
   - Though the lot coverage standards of "484 square feet or 12.5% of the total lot area, to a maximum of 880 square feet" for accessory structures are likely large enough to allow a detached suite above a garage, in combination with the overall district-based limitations on lot coverage, secondary suites may not be possible on smaller lots under these limitations. (And, as noted earlier, the Guidelines for Small-Scale Residential Development actually recommend decreasing lot coverage.)
   - Allow attached secondary suites to occupy a full basement, even if larger than 33 percent of dwelling, and allow detached secondary suites to be more than 600 square feet in area; both up to the maximum permitted by Building By-law of 869 square feet.
   - Permit one attached and one detached secondary suite per lot.
   - Consider areas where the parking requirement could be reduced or eliminated.

   Conversely, Winnipeg does not have requirements for compatible architectural design, deed restriction, or requirement for separate utility meters, as many communities do. For example, Ottawa and Vancouver have primary residency requirements; Toronto, Quebec, and Montreal have lodging taxes; and Calgary has a business license requirement. If encouraging the creation of more secondary suites could generate resistance, additional requirements such as these can help mitigate neighbourhood concerns.

   Though regulation regarding the use of secondary suites as short-term rental accommodation has been discussed by the Council, there are so far no regulations in the by-law on this topic, though proposed revisions are underway. The by-law rewrite project can focus on identifying the right regulations for allowing the expansion of secondary suites as an affordable housing source in Winnipeg.

2. **Duplexes, Townhomes, and Three- and Four-Unit Buildings**
   Both up-down and side-by-side duplexes are permitted in Winnipeg, but, regardless of building form, they are limited by zoning district and by the comparatively large minimum lot size requirement of 5,000 square feet. Townhomes or rowhomes are included in the Guidelines for Mature Communities, but they are not mentioned in the by-law, and by current definition, three- and four-unit structures would be considered "multi-family."

   Recent trends suggest considering some additions and changes to these standards. In urbanized areas, many communities are allowing duplexes on lots of 2,500 square feet total, and townhomes on lots of 1,800 square feet. These two housing types, along with triplex and four-plex buildings, can often be integrated into existing neighbourhoods without disruption to neighbourhood

character. This is often seen in older city neighbourhoods, where such a housing mix occurred frequently, before zoning prevented it.

Winnipeg has already seen the construction of some townhome developments, and as a result, the City is aware of certain standards that should be included in the rewrite to ensure these developments fit seamlessly into their neighborhoods. Some issues the rewrite can address are: minimum length of a driveway so parked cars do not extend over sidewalks or into the street; extent of impermeable cover where there are not routinely side setbacks, except at the end of rows; whether narrow lots should require parking access from a rear lane, or provide a minimum length of frontage between driveways accessing the street to preserve on-street parking; snow storage areas; adequate width for private streets; and standards for connectivity within the site.

Another option to allow for gentle increases in density in established neighbourhoods is to permit the internal partitioning of single-family homes to create an additional unit in the existing structure, as long as no changes are externally visible (which differs from an attached secondary suite in not being subject to the size limits). This creates additional housing without disrupting existing neighbourhood fabric, and also offers the possibility for "empty nesters" with extra floor area to earn additional income from their home. While the general recommendation is to allow these housing types more widely throughout Winnipeg, an important focus of the rewrite will be fine-tuning the locations and lot sizes where such development is appropriate. It will also be important to ensure that any development requirements included in the Mature Communities guidelines are also reflected in the by-law.

3. **Multi-Family Buildings**
   Currently, Winnipeg's definition for a multi-family structure is three units and above. This is not an uncommon threshold in older by-laws, but it is one that is being revisited in many places. Some communities are allowing up to five- and six-plexes to fall below the definition of "multi-family."

   As a starting point in Winnipeg, we recommend the City reclassify "multi-family" as buildings with five or more units—distinguished from townhouses by building structure—and allowing these smaller developments of three to four units in more districts, which would support infill goals by integrating these developments into existing neighbourhoods. We suggest that Winnipeg consider changing the R2 district to allow up to four units (also helpful for attached townhomes). This modest change can sometimes provide the needed economic incentive to redevelop lots at these higher densities.

   In addition to a recommended change in the definition for "multi-family" from three units to five or more, a reassessment of the required minimum lot sizes and maximum densities (established by the minimum lot area per dwelling unit) is also recommended as part of the rewrite process, as is clarification of where RMF Small, Medium, and Large are permitted. Since Winnipeg has seen the construction of multi-family structures outpace that of single-family homes, and since the City intends to see much more multi-family construction to meet projected housing needs over the coming 20 years, it is particularly important to have an adequate range of districts and standards to accommodate varying scales of construction, in different locations throughout the City. City staff have indicated that the current categories of RMF small, medium, and large, while easy to understand, are not adequate to accommodate the varying scales of multi-family construction, and that further distinction in categories for multi-family construction is needed.

4. **Other Emerging Housing Types**
   Tiny homes, cottage or courtyard developments, co-housing, and build-to-rent subdivisions are only some of the new housing types that are becoming more common in recent years, as communities have struggled with affordability, and sought additional options in housing to

accommodate evolving household composition. Some or all of these may exist in Winnipeg, but the current by-law does not mention them. The rewrite can consider which of these (and other housing types) are appropriate and desirable in the City, and then include standards for where they are permitted, and whether any use-specific standards apply.

Recommendations

- Remove barriers to diverse housing by adding more housing types to the by-law.
- Reduce Secondary Suite regulations, particularly for detached ones, to allow in more locations.
- Change multi-family definition to five units and more; allow smaller developments in more places.
- In drafting process, consider allowing additional new housing types such as tiny homes, cottage or courtyard developments, co-housing, and build-to-rent subdivisions.

B. Update Allowed Use List

The allowed uses in a modern city are always evolving with shifting cultural trends, technologies, and demographics. The list of allowed uses in the current Winnipeg by-law was drafted at a time before there were establishments such as axe-throwing or breakout rooms. These are only some of the uses that have become popular or common over the intervening years. The new by-law should address land uses that are emerging across North America but are not addressed in Winnipeg's current regulations. In developing the new by-law, drafters should work with the City to determine if the following newer uses—or others—need to be added to the roster of allowed uses in Winnipeg:

- Artisan manufacturing. These "maker" uses are usually a hybrid between small-scale light industrial, office, and retail uses. For example, an artisan who owns a small welding business where they fabricate metal artwork and sell the products in a retail space, or an artist who fabricates ceramics and sells the products direct to consumers. Some communities establish clear size thresholds for production and manufacturing and prohibit or limit distribution, warehousing, and/or wholesaling;
- Urban agriculture. Sustainability is a broad goal of OW2045 and accommodating urban agricultural uses helps build a more resilient and sustainable community. "Urban agriculture" already is defined in the by-laws (both outdoor and indoor), but could be expanded to include community gardens, produce stands, and potentially even small-scale farms and nurseries.
- Short-term rental accommodation;[2]
- Conversion of roadside motels to housing;
- Ghost kitchens, mobile food trucks, or other itinerant vending;
- Doggie day care;
- Hookah lounges;
- Large-scale e-commerce distribution facilities; and
- Cannabis uses (such as consumption lounges), aside from production facilities.

A preliminary review also reveals some uses that may no longer be needed, or where we would recommend different permissions. Those include:

- Call centres;
- Body modification studios, which are often no longer separated from other personal services uses;
- Boarder or roomer, which is likely difficult to enforce, and contrary to the trend of avoiding regulations tied to relationships within a household; and
- Major versus minor home occupation; where the trend in regulation is to be more liberal, such that these could be combined to one use.

[2] Proposed new standards for short-term rental accommodations are being considered through a separate project.

C. Assess Use Permissions by District

Land use types allowed by right or through conditional approval should represent the desired mix of land uses based on the intent and character of each zoning district. There may be current uses allowed in Winnipeg that are inconsistent with the intended character of their respective districts, or there may be opportunities to allow more uses by right that are currently not allowed or that require a special use permit.

The rewrite should include a thorough review of the current use permissions to determine if any changes are warranted. This involves considering both whether some uses should be allowed more widely or changed to more limited permission. As one example, we suggest the City remove permission for non-accessory at-grade parking as a primary use Downtown and along TOD corridors, and possibly consider whether it should be prohibited, conditional, or permitted in other locations, depending on context.

The appropriate level of approval should be considered for each use (i.e., whether the use is allowed by right, allowed subject to standards, or allowed only with a conditional permit). It may be that some uses currently require a higher level of scrutiny than warranted, whereas other uses are being allowed without sufficient scrutiny of their potential impacts.

Use permissions can be a challenging discussion topic in concept. Most residents want the ability to weigh in on development applications that might impact their neighbourhood and so lean toward requiring heightened review. However, it can be burdensome on staff and officials to conduct hearings on all applications; with appropriate safeguards established through use-specific standards, the need to weigh in on every application diminishes. Striking a balance for appropriate use allowances and standards to regulate such uses will be a fundamental component of the by-law update project. During the drafting phase, the drafters should present updates to land use allowances using tracked-changes, color-coding, or similar tools to clearly highlight proposed changes for community discussion. The assessment can also consider whether some conditional or prohibited uses could be permitted more widely if appropriate use-specific standards were applied.

D. Reevaluate Use-Specific Standards

Use-specific standards address the impacts associated with particular land uses. They may be tailored based on specific location (zoning district or another context). They typically address issues such as distance requirements from lower intensity uses and size limitations of the structures or use.

Generally, use-specific standards help address community concerns and allow uses to be permitted by right, subject to conformance with the standards, rather than requiring discretionary review. By making more uses permitted, but ensuring compatibility with surrounding areas and mitigating impacts through new objective standards, the development review process can be streamlined and made more predictable. Another benefit of this approach is consistency, so that such standards may be uniformly applied rather than negotiated anew for each application.

The use-specific standards in the Zoning By-law begin in Section 63 and are noted in the principal use table. They are often tied to the operation of the use when permitted conditionally. The standards include size limitations, separation requirements, additional buffering standards, limitations to accessory uses, and others. The rewrite project provides an opportunity to reevaluate and improve the use-standards to help improve clarity, efficiency, and predictability.

1. Remove Redundant Use-Specific Standards

There may be instances where the current use-specific standards overlap with each other or even conflict with other by-law sections, such as the development and design standards. By-law drafters should review the existing use-specific standards to eliminate redundancy and ensure the

purpose of the standard is best achieved in relation to that specific land use, instead of throughout the zoning district or citywide.

2. **Consider New Use-Specific Standards**
   We recommend evaluating where there are opportunities for new use-specific standards for other common uses that are currently being addressed through conditions in the development approval process. Also, if certain conditional uses are almost always being approved, they should be considered for conversion to uses allowed by-right.

   Further, existing use-specific standards should be reviewed to determine if the existing standards are adequate, if new ones are needed, or if any should be relaxed or removed. New secondary suites regulations are suggested earlier in this section. In addition, we recommend removing the prohibition against ground-floor residential units in TOD zones. Given the changing demand for commercial space, this requirement has sometimes caused commercial space to be overbuilt in areas that don't have the demand for it, adding cost to construction that aren't defrayed by tenancy. These vacancies along street frontages can have negative impacts on designated mixed-use zones. As an alternative to eliminating this requirement, some communities require that ground floors be built to standards that would permit commercial uses in the future if there is demand, but allow them to be used for residential units in the meantime.

Recommendations

- Refine the list of land uses by eliminating antiquated uses, consolidating like uses, and creating new uses.
- Ensure all districts allow appropriate land uses.
- Revisit use-specific standards for possible additions and adjustments.

Relation to Adopted Plans

This focus area supports or is related to the following goals in Winnipeg's adopted plans:

OurWinnipeg 2045

Economic Prosperity

Objective 1: Ensure transparent and predictable conditions are in place to support desired business growth through attraction, investment, and retention.

Policies: 3.6 Downtown Economic Investment; 3.7 Heritage Investment; 3.9 Strategic Enterprise Supports; and 3.11 Community Economic Development

Good Health and Well-Being

Objective 2: Support positive health outcomes through the built and natural environments.

Policies: 4.4 Affordable and Supportive Housing Options; 4.5 Healthy Food; 4.12 Inclusive Public Places

Social Equity

Objective 1: Uphold human rights so that no one is left behind.

Policies: 5.2 Affordable and Supportive Housing Options; and 5.9 Heritage Conservation

Complete Communities Direction Strategy 2.0

Growth and Servicing

B1.3.4 – B1.3.6, B1.3.8 and B1.3.9 Create Major and Medium Office uses

Transformative Areas

C1.4.3 Discourage auto-oriented uses Downtown

C2.3.3, C2.3.6, C2.5.1 and C2.5.3 Use-specific standards along Urban Mixed-Use Corridors, discourage auto-oriented uses

C4.1.4 Widespread allowance for appropriate-scale grocery uses

Urban Structure Supports

G2 (inclusive) Mitigation measures addressed through use-specific standards (separation distance, flood risk, et al)

G4 (inclusive) Accommodate Major Open Space in PR district

G5.1.1. Support housing diversity

Other Resources

Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities

Winnipeg Climate Change Action Plan

Comparison Cities

A cell highlighted in blue indicates that this comparison city provides a particularly good example of the element being assessed and may serve as a good model for Winnipeg's updated by-law.

	Diversity of Housing Types	Use Table/ Uses Allowed	Use-Specific Standards
Calgary	Allows duplex, rowhouse, semi-detached, townhouses, cottage house clusters.	• By-law allows "deemed uses," which collectively recategorize specific uses from older by-laws into new general use categories. • By-law distinguishes "pop-up" uses (i.e., temporary uses) and "interim" uses.	
Denver	Allows tandem house, rowhouse, townhouses, apartments and garden courts.	• Extensive definitions are provided for all general use categories and specific use types. • The type of zoning procedure required for a given use is specified in the use table. • Any use not listed in the use table is prohibited unless special permission is granted by the Zoning Administrator. • Use tables include vehicle and bicycle parking requirements along with use permissions.	• Article 11 (Use Limitations and Definitions) is well-organized and comprehensive. • There are more extensive standards for accessory and temporary uses than in other by-laws reviews. • Short-term rentals are subject to 10 use-specific standards, including occupancy requirements for the primary dwelling unit on site and a maximum length of stay of 30 days in the short-term rental.
Edmonton	• Base lower-density residential districts include low density, small-scale infill (narrow lots), semi-detached, residential mixed, row housing, urban character row housing, and medium density. • Base multi-family districts include low-, medium-, and high-rise apartment districts.	No use table; all uses are listed (not alphabetically) by district.	
Hamilton	Allows street townhouse dwellings, mixed use dwellings, multiple dwellings, and live/work units.	• Uses are listed alphabetically and not by category within each district. • Temporary uses are listed separately in Section 4: General Provisions.	

	Diversity of Housing Types	Use Table/ Uses Allowed	Use-Specific Standards
London	Allows converted dwellings, triplexes, fourplexes, street townhouse dwellings, cluster townhouse dwellings, cluster stacked townhouse dwellings, and apartments.	The by-law does not contain a consolidated use table. Furthermore, use definitions are mixed in with general definitions, so there is no easy way to evaluate defined uses at a glance.	Differentiates between standard apartments, senior citizen apartments, and apartments for handicapped persons.
Minneapolis	Allows cluster development. Otherwise, only specifies single-family, two-family, three-family, multi-family, and accessory dwelling units.	• Each category of zoning districts (e.g., residence, office, commercial) contains a primary use table that indicates whether a use is allowed by right or requires conditional approval. • Accessory uses are described in their own section of the by-law, Chapter 537.	In Minneapolis, these are called Specific Development Standards (Chapter 536.20). The standards apply to many uses, and where basic use-specific standards cover separation distances, hours of operation, residential adjacency, and performance standards, Minneapolis standards are substantially more detailed than such standards often are.
Omaha	Allows multi-family, townhouse, accessory dwelling, mobile home, and live-work units.		Uses are assigned an intensity rating on a scale from 1-9, and this intensity is tied to the districts in which the use is allowed. Possibly on account of this intensity rating, Omaha has no use-specific standards. If an intensity is appropriate in a district, it is allowed (possibly subject to conditional use or special permit).

Downtown

As CCDS 2.0 points out, Winnipeg's Downtown is the heart of the City, with the highest concentration of employment, arts and cultural venues, and heritage properties. It is also a growing residential centre, and one of the Transformative Areas where future residential growth is anticipated to concentrate.

A Downtown planning process is underway, which is expected to result in the need for significant updates to the Downtown By-law. The timing of that rewrite may be advantageous in terms of thinking through a potential consolidation with the general Zoning By-law. It is expected that the development of design guidelines as part of the new Downtown Plan will help shape the new Zoning By-law content. We address design standards later in this report and believe that these recommendations would still be valid, regardless of the specific details of the plan update. The same is true of the residential incentive recommendations below.

Overview of Current By-Laws

Strengths in Current Regulations

- The identification of various sectors within the Downtown is useful in describing the appropriate type of development within different geographic areas.
- Some sectors, particularly the Riverbank and possibly Character sectors, are likely still valid regulatory approaches for these Downtown areas, despite the age of the by-law. (Sector names and boundaries may change with the Downtown Plan.)
- Design requirements and design review help ensure appropriate contextual review for Downtown development.
- Staff feedback indicates the Downtown By-law works well, and that in fact, some users prefer the structure of this by-law to that of the overall by-law.

Identified Issues

- The separation from the City's main Zoning By-Law requires repetition (e.g., non-conformities, offences and penalties, duties of the Director, parking space dimensions) that could be covered once in an integrated by-law.
- Though updated periodically, the by-law dates to 2004, and likely does not reflect current plan goals, development conditions, and development context in Downtown.
- Some design requirements are vague (e.g., "open and inviting" facades at street level), while others are suggestions rather than requirements (e.g., undifferentiated blank walls "discouraged"). These standards could produce more predictable outcomes if they were objective (30% transparency requirement) and mandatory (fenestration requirements).
- Inconsistent terminology within the by-law and across supporting documents is confusing.

Discussion and Recommendations

A. Consolidate the Downtown and Overall Zoning By-Laws

As noted above in the "User-Friendliness" section of this assessment, the Downtown By-law and the overall Zoning By-law should be combined. While all comparison communities have special districts and regulations specific to their Downtown areas, no other community has a fully separate by-law for its Downtown. Even taking into account that most downtowns have unique contexts and circumstances that do not apply to other parts of a city, it is uncommon to have wholly separate by-laws to address these conditions. None of the comparison cities have a separate by-law for their downtown. By defining boundaries for the area, either by sector as is currently done or by other

means such as a dedicated Downtown district with tailored overlays, a single by-law can still maintain distinct regulations that only apply within the central core.

Combining the by-laws has other advantages. It is an opportunity to reconcile terminology and ensure consistency (Item B below goes into greater detail on this topic.). It is also an opportunity to reduce repetition. For example, if the Downtown By-law and the overall by-law were combined, the separate use tables in each of the Downtown sectors could be addressed in a master use table. This kind of streamlining would make future updates to the by-law easier and reduce the possibility of inconsistent updates in different sections.

B. Define Terms and Use Consistent Terminology

The Downtown By-law describes four sectors: Character, Riverbank, Multiple-Use, and Downtown Living. These sectors appear on the City's zoning map as "districts," but it is not clear from the by-law if "sector" is synonymous with "district," because "sector" is not a defined term. Within the by-law, there are other instances of inconsistent terminology. The Character sector description refers to the Exchange District, but on the map it is described as "Warehouse"; on the Zoning Map it is referred to as "C" with no explanation that this is a Character sector.

A simple first step in the rewrite should be to ensure that essential terms are defined and the terminology for referencing sectors is consistent. If the Downtown By-law is integrated with the Zoning By-law, there is a further opportunity to ensure consistency and eliminate repetition; each sector would no longer need its own use tables, for example, since allowed uses for the entire city would be covered in one master use table.

C. Strengthen Existing Design Standards

With the inclusion of Urban Design Considerations in Section 250(10) of the Downtown By-law, and the accompanying Downtown Winnipeg Urban Design Guidelines, the City recognizes the importance not only of bulk and use requirements Downtown, but also the importance of coherent, context-sensitive design. Given the emphasis on increased residential development Downtown, the quality of design and its contribution to creating an environment that is welcoming to pedestrians is especially important. The sections on Building Placement, Façade Treatment & Building Entrances, Driveways & Buildings Services, and Signs address many of the central components in creating pedestrian-friendly, harmonious development Downtown. The limitation of these regulations is that some are vague, and most are "encouraged," rather than required.

We recommend that the rewrite identify which of these standards are most important to quality Downtown development, and that those standards become mandatory. This could be informed by a survey of Downtown developers, residents, and other stakeholders. Further, any mandatory standards should be clear, detailed, and objective. One example of how this could apply is replacing the façade treatment statement that "open and inviting building facades are encouraged at street level and second storey" with a specific percent-transparency requirement at street level (e.g., "Street-level facades shall provide transparency for at least 40 percent of their length."). Where lanes are adjacent to properties, parking and loading access from the lane could be required, instead of encouraged, to minimize curb cuts, driveways, and other disruptions to pedestrian elements. Menus of options for compliance should be considered (i.e., "new development must provide three of the following seven design features," as is done for many current design standards), to allow flexibility.

D. Establish Additional Regulations Focused on Form

Form-based zoning tools are discussed generally in the "Building Design" section of this assessment. Form-based standards may be particularly beneficial in certain areas like the Downtown, where walkable urbanism is desired.

Downtown's existing four sectors—Riverbank, Downtown Living, Multiple-Use, and Character—already combine some form-based elements alongside use limitations. Given the importance of physical form and neighbourhood context in Downtown, it is possible that adopting regulations even more focused on form could be beneficial here. Some existing Downtown regulations, such as bulk and FAR (if retained), are typical of form-based by-laws, but these could be supplemented with a broader array of standards to address other important concerns, such as how a building relates to the sidewalk and the street.

Adopting more form-based standards for Winnipeg's Downtown could help produce the kind of walkable urbanism the adopted plans envision for this area while still protecting distinctive neighbourhood contexts. The following sections look at how form-based regulations could be helpful in each of the current sectors.

1. **Character**
   Built form is cited as the most important unifying element in the Character sector. This sector would likely benefit most from tailored form-based standards because the form in each of the three areas of the sector differs significantly, as does the surrounding context. The Exchange district's historic warehouses are different from the monumental civic structures in the Legislative area, and both differ from the public-oriented nature of the Forks. In addition to the Downtown Plan and the development of a comprehensive design strategy for Downtown, the zoning rewrite would be a good opportunity to determine if the current regulatory structure encompassing these areas is working equally well for each of them, or if more place-specific, tailored regulations regarding built form is needed in these areas. Since the design standards are under development, and the rewrite will follow, it is possible some of the more important design elements could become requirements under a form-based approach, while form-controls can support the implementation of other components that remain guidelines. Other options could also be investigated: since the Forks is planned to include residential development alongside the commercially-oriented area, perhaps a reassessment of allowed uses is warranted. Or, for commercial uses that pre-date the development of residential, perhaps residential adjacency standards can help to avoid any negative impacts from this adjacency.

2. **Downtown Living and Multiple Use**
   The same considerations regarding uses and built form apply to both the Downtown Living and Multiple-Use sectors, but an added concern here is related to the emphasis on Downtown being a transformative area, and one where a significant concentration of increased residential development is desired. Given that CCDS 2.0 anticipates both large and medium multi-family developments in Downtown, do the FAR of 8 or the limit of 8 storeys on Waterfront Drive still make sense in the Downtown Living sector? Even if so, are they adequate regulations, in combination with design standards, to guide context-sensitive new development to appropriate locations?

   Since the Multiple-Use sector allows for the highest intensity in development Downtown, regulations here may concentrate not only on form, but on locating more intense development along corridors where the highest level of servicing infrastructure, such as transit routes, already exists or is planned. While a significant emphasis in Downtown is attracting more residential development, the City's various plans also recognize this area is both the economic and entertainment heart of the City, so the Multiple-Use sector in particular needs to be able to accommodate non-residential uses or large mixed-use projects. As it exists, the sector may be too general to produce appropriate development in different locations and might benefit from being broken out into somewhat more specific classifications, with standards tailored to a concentration

of office and commercial uses designated for some areas, and entertainment-district type standards for other areas, and large-scale mixed-use emphasis elsewhere.

3. **Riverbank**
   Based on the described intent for the Riverbank sector—to preserve riverfront land for the use and enjoyment of the public—this sector seems least likely to warrant changes, and since the emphasis is on open space rather than built form, it would be the least likely to benefit from form-based standards.

On this topic area, this report suggests options rather than offering definitive recommendations, primarily because the separate Downtown Plan effort will significantly impact the most appropriate regulatory approaches.

E. Incentivize Downtown Residential Development

The "Equity" section of this assessment describes the possibility of adopting citywide inclusionary housing requirements, in combination with incentives, for providing affordable units. Given the emphasis in many Winnipeg plans on increasing residential development Downtown, the use of incentives, perhaps independent of or in addition to citywide IH requirements, should also be considered. (While such incentives are recommended specifically to bolster residential development, they can also be used to obtain desirable features such as universal design or accessible/visitable housing.)

Incentives should be based on prevailing development conditions in an area. For Downtown in particular, this relates to the unusual circumstances created by the pandemic. As of July 2021, according to the Downtown Winnipeg Business Improvement Zone, Downtown Winnipeg was still struggling to recover from the worst effects of the pandemic, with apartment vacancies rising, only 20% of workers returning to offices, and both residential and commercial building development grinding to a halt. Conversely, before the pandemic, development was robust in Downtown: "Over the last decade downtown Winnipeg has seen an unprecedented level of investment in both the commercial and residential development sectors. New buildings have been constructed and older buildings have been renovated and repurposed, representing more than $1.5 billion in private sector investment in the last 10 years."

The Downtown Recovery Framework, initiated in 2021 and anticipated to span three years, directly encourages downtown living, proposing initiatives such as development supported by tax-increment financing, government assistance with acquisition of buildings or land, and reliance on public-private partnerships to jump start a resurgence in downtown housing development. All these incentives are beyond the scope of a zoning by-law. However, as recovery progresses, more traditional zoning incentives can be considered. Areas to concentrate on include:

1. **Density Bonuses**
   Given the cost and fixed extent of land area in any Downtown area, density bonuses are normally very effective incentives to encourage preferred types of development, with the caveat that the proper extent of bonus must be calibrated based on prevailing circumstances related to development context. However, because the City does not really have density limits in the Downtown area, the limits on what a site can accommodate are instead tied to floor-area ratio (FAR) limitations. While we generally recommend against FAR and in favor of design standards instead, if it is retained, flexibility in the application of FAR could serve essentially as a density bonus incentive. For example, does a 10% increase in allowed floor area generate enough revenue to make the bonus financially worth adding units to a developer? Or does the increased allowance need to reach up to 20%, or higher? It is important to seek input from the development

community to ensure these bonuses are viable incentives. It is equally important for the City to determine what extent of flexibility it is willing to offer, and the rewrite can investigate both of these elements in greater detail.

2. **Fee Waiver or Reduction**
   The effectiveness of this incentive depends both on how high these fees are, and on the extent of demand for Downtown land used for residential development. If application, permit, or inspection fees are modest, or if there is not high demand for Downtown land for residential development as compared with other areas of the City, this would not be effective.

3. **Expedited Processing**
   The time it takes for a project to progress from application to building permit, on then on to occupancy or lease up, is typically very important to developers. The longer the development process takes from start to finish, the more it costs. While the Province has imposed pre-determined processing timelines, if there are application processes to which these timelines do not apply, or if the timeline can be further reduced in some instances, this can be an effective incentive.

4. **Predictable Process**
   While a predictable process may seem vague as an incentive, from a developer's perspective, this is often one of the most important incentives. Any aspect of City review that requires negotiation between staff and applicants increases uncertainty and thus risk, adds time to a project timeline, and can increase cost through delays. Any way the City can add certainty and predictability to the development review process is valuable, such as administrative approvals for projects that meet defined criteria, or development "checklists" that ensure approval if projects comply with all requirements.

5. **Other Options**
   The "Equity: Inclusionary Housing" section of this report discusses other potential incentives, including parking reductions, relaxation of design requirements, and reduction or elimination of open space requirements. There may be circumstances where this would apply to specific Downtown development proposals, but we do not generally recommend their widespread use in Downtown, for the following reasons:

   - Parking Reduction: Since the Downtown By-law states that "parking facilities are not required to be provided in conjunction with new development or redevelopment," this acts as no incentive in the Downtown sectors.
   - Design Standards: Compatible design is particularly important to maintaining the character and sense of place of distinctive Downtown areas, so in the event that some design standards become mandatory, we would not recommend relaxing these requirements in the Downtown area.
   - Open Space and Public Realm Amenities: As Downtown is projected to be the area with the highest population density in all of the City, eliminating any applicable open space or amenity requirements that apply is likely inadvisable. A further concern is that, of all areas of the City, Downtown residents are most likely not to have a car and be able to travel to other open spaces further afield, so open space is especially necessary in close-by areas.

Recommendations

- Combine Downtown and overall by-laws; perform review for consistent use of terminology across by-laws.
- Strengthen design outcomes by making some design standards mandatory, possibly offering a menu of options to allow some flexibility in their implementation.

Recommendations

- Consider adapting Downtown sector regulations to be more form-based standards.
- Craft a tailored program of incentives to promote residential development Downtown.

Relation to Adopted Plans

This focus area supports or is related to the following goals in Winnipeg's adopted plans:

OurWinnipeg 2045

Environmental Resilience

Objective 2: Prioritize sustainable transportation as the mobility options of choice.

Objective 3: Promote low-carbon, energy-efficient buildings through low-energy building design, construction and retrofitting.

Policies: 2.1 Climate Action Targets; 2.4 and 2.5 Climate Resilient Growth; 2.14 Heritage Conservation; and 2.19 through 2.21 Leverage Green Infrastructure

Economic Prosperity

Objective 1: Ensure transparent and predictable conditions are in place to support desired business growth through attraction, investment, and retention.

Policies: 3.6 Downtown Economic Investment; 3.7 Heritage Investment; 3.11 Community Economic Investment; 3.16 Optimize Facility Access; and 3.17 Sustainable Transportation Connectivity

City Building

All Objectives and Policies

Complete Communities Direction Strategy 2.0 (CCDS 2.0):

Growth and Servicing

B1.3.4 and B1.3.8 Encourage development of Major and Medium Office Downtown in proximity to transit

B1.3.13 Encourage Small Office clusters that function as one site to locate Downtown

Transformative Areas

C1 (inclusive)

Urban Structure Supports

G5.1.2 Integrate affordable housing

G6.1.1, G6.1.2, G6.1.4, G6.2.3, G6.3.5, G6.2.4, G6.3.2, G6.3.3, G6.4.2, G6.3.10 Design-related policies

G6.3.9 Preserve view planes and vistas

G7.4.2 Heritage conservation districts

Other Resources:

Downtown Winnipeg Urban Design Guidelines

Downtown Residential Development Strategy & Action Plan

Centre Plan (in process of updating)

Comparison Cities

A cell highlighted in blue indicates that this comparison city provides a particularly good example of the element being assessed and may serve as a good model for Winnipeg's updated by-law.

	Organization	Design Standards	Affordable Housing
Calgary	Centre City Districts regulate development in the downtown core while Centre City East Village Districts are tailored to regulate the more residential character of development in East Village.	Outside of the Zoning By-law Calgary has a very good set of Centre City Urban Design Guidelines, including a full section on Green Infrastructure (Section 4.3) that could provide an excellent model for Winnipeg.	

	Organization	Design Standards	Affordable Housing
Denver	Downtown has 11 subdistricts, tied to character and context. Some have unique concerns such as viewshed protection & sunlight preservation.	Each district has form-based standards for general character, street patterns, and building placement, ground floor active uses, while specific design standards apply in each district, covering building entrances, transparency, build to or setback, and more. There is also an additional section on city-wide design standards.	Denver has a section devoted to incentives for affordable housing (beyond that which is mandatory). Incentives include: increased height (1 additional storey in 3 storey zones, up to 10 additional storeys in 20 storey zones) for both greater number of units or higher financial contribution to Affordable Housing Fund than is required); increased FAR in Downtown; and reduced parking.
Edmonton	Downtown Edmonton is designated as a Special Area (including eight unique districts), with permits additional use and design regulations.	Additional building design standards within Heritage Area Zone.	The Quarters Overlay requires a contribution to affordable housing.
Hamilton	Downtown zones are in Section 6 and include separate districts for CBD, prime retail streets, mixed use, local commercial, downtown residential, and multiple residential.	Built form regulations apply to new construction in downtown zone districts.	
Minneapolis	Four types of downtown zoning districts (business, service, commercial, and neighborhood) exist within the Minneapolis Zoning By-law.	Regulations in the Built Form Overlay District chapter, which is separate from the Downtown Districts chapter, dictate site design elements such as height, FAR, and yard requirements.	Affordable housing is included as a premium that would allow developers to increase FAR or maximum building height.
Omaha	Downtown districts are included as a type of commercial zone district.	The City's separate urban design standards notably do not apply to the Central Business District.	Any residential use permitted in the Central Business District qualifies the development for FAR bonus.
Ottawa	Downtown district is included as a type of mixed-use/commercial zone district.	Standards vary by Character Area, which may change from street to street and block to block.	

Site Development

The current by-laws address site development quality with a variety of modest standards, from pedestrian circulation to landscaping to outdoor lighting. The challenge and opportunity of the by-law update will be to take the adopted standards to the next level by:

- Identifying key regulations that should not be renegotiated with each submission, such as basic design and materials requirement for landscaping buffers or full-cutoff lighting fixtures; and
- Providing both more certainty and meaningful flexibility—potentially though expanded use of menus and design options—to achieve compliance with the by-law while not restricting creativity.

The following sections discuss several substantive areas where revisions or additions to current standards are recommended. (Off-street parking, currently located in Part 5: Development and Design Standards, is addressed independently in the following section of this assessment.)

Overview of Current By-Laws

Strengths in Current Regulations

- Design standards require pedestrian connections for commercial, institutional, multi-family, and industrial uses; and pedestrian and bicycle access for certain projects (e.g., multi-family dwellings with 50 or more units).
- Flexible landscaping standards allow for a range of compliance options and helps standards to apply in a predominately built environment.
- There is a sliding-scale applicability for determining when redevelopment or expansion of existing buildings must meet development standards.
- Landscaping regulations include a credit for preserving existing healthy mature trees.
- For required parkland, applicants have both a dedication and payment in-lieu fee option.

Identified Issues

- Current Winnipeg Zoning By-Law standards, particularly for landscaping and lighting, are not as descriptive as they could be and rely on the plan review process to be fully described and applied.
- Connectivity requirements focus mainly on sidewalks and not larger issues of site connectivity and multi-modal access.
- There are no standards or connection to requirements for water quality and conservation, green infrastructure, low impact development, or riparian area buffers.
- Specified requirements are minimal and could be expanded for use in less-urban environments.
- Landscaping regulations do not appear to require native and/or low-water planting materials (the only requirement is that they be able to "withstand local climatic conditions"), though there may be additional guidelines outside the by-laws that require such materials.
- Buffering standards are not well-described and may not provide enough buffering between more intense uses and residential development.
- Parking lot landscaping requirements appear insufficient to create shade areas.
- There are no snow storage standards.
- There is no evident coordination with stormwater standards.
- Use and structure transitions are only subject to minimal buffering requirements.
- Though the City has three PR districts, not all parks are classified as such.

- References to required open spaces do not appear to be supported by specific requirements in the by-laws. For example, there are no current requirements for private open space or amenities for multi-family developments.

Discussion and Recommendations

A. Generally, Establish More Predictable Standards and Processes

The current development standards, particularly landscaping and buffering (and also including signs and outdoor lighting), are fairly minimum in topic coverage and their application appears to rely on a negotiated approval process in which the applicant submits a plan for City review, and presumably, negotiation to fill in the gaps that the regulations do not address. This approach may appear to provide greater flexibility to both the applicant and the City, and the negotiations may be limited by the use of landscaping professionals for larger projects, but it undermines predictability and misses opportunities for the City to consistently support important planning goals.

Predictability is a key regulatory requirement for good development. Predictable regulations will yield anticipated outcomes more frequently. If the City wants to ensure the use of fire-resistant plant materials, the regulations must specify how that will happen for new projects, redevelopment, and projects that have site-specific changes that should trigger landscaping review (such as in Zoning By-law Section 190(10)(b), but at a more precise scale). Perhaps less obviously, regulatory predictability also affects how players in the development process act. Applicants, seeking to minimize costs and not volunteer to comply with regulations when not required, will hold back on compliance with unpredictable development standards and seek to negotiate a better deal; they will try to use gaps in the regulatory requirements to their benefit. Staff, seeking compliant development for the community, will typically interpret unclear regulations in favor of "good" development and may inadvertently add new (or at least unanticipated) requirements to the application. This pattern results in a pervasive feeling that somebody is getting a better deal, reinforcing the need to negotiate. In this scenario, decisions may be left for a public hearing process, which is almost always the worst place to settle on development design.

Changes could be made, for example, to Zoning By-law Section 190, to:

- Section 190(2): Specify the minimum depth of required landscape areas to ensure that the applicant can calculate a required street edge landscape area and ensure there is enough room for the trees and shrubs to root and grow;
- Section 190 (new): In areas where the street edge is predominately covered with impervious surface, such as a sidewalk, include provisions for the creation of tree wells or tree strips;
- Section 190(8) and (9): Increase the number of trees required in parking lot buffers; and,
- Section 190(10): Landscaping updates could be required for additions or enlargements of 20 percent or more, rather than the 50 percent trigger in current Zoning By-law Section 190(10).

The Omaha zoning by-law provides examples of different types of measurements for minimum depth of landscape areas and a landscaping trigger at 20 percent structure change. The Denver by-law provides examples of tailoring landscaping location and size requirements to surface parking lots in different development contexts.

Where possible, the development standards should be updated and revised to include objective standards. Where there are multiple ways to accomplish a development or design preference, the by-laws should be revised to include clear decision-making criteria. Taking this approach improves predictability by clarifying the standards that the administrative officer will use to review the

application and can lead to more consistent outcomes. Examples of changes that could be made to the Zoning By-law to provide more consistent decision-making might include:

- Section 190(5)): Establishing criteria for how foundation plantings can be clustered to "provide interest," such as accentuating an architectural feature, breaking up a flat expanse of building wall, or adding natural shape and color to the site;
- Section 201: Adding energy efficient lighting criteria to help implement the intent of the Lighting section; and
- Section 201: Explaining what lighting glare and spillover are, how they are measured, and what lighting choices are available to help address these problems.

Finally, Winnipeg could broaden the range of regulations to establish landscaping standards tied to development character. Edmonton, for example, has specific landscaping requirements for low density residential developments. And the Calgary Land Use Bylaw establishes landscaping requirement for each district grouping (such as multi-residential or Centre City districts) and sets a minimum tree requirement per unit instead of per lot.

B. Support a Multi-Modal Transportation System with Access and Connectivity Standards

OW 2045 includes policies that support transit-oriented development and multi-modal community connections. For example, one policy supports achieving "a modal split that reflects greenhouse gas emissions reduction targets, through the integrated planning and development of compact, walkable and connected mixed-use neighbourhoods, that enable a transition to an integrated and sustainable transportation system." (6.37). The Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities similarly emphasize the importance of siting development in areas to support transit, pedestrian, and active transportation networks.

As Winnipeg continues to grow and redevelop, promoting alternate forms of transportation, including walking, biking, and transit, will be increasingly important to help manage parking demand, relieve traffic congestion, and reduce pressure on the automobile transportation network. It will be important to accommodate new development while effectively managing parking, traffic, and congestion. Improving access and connectivity for all modes of travel is a key piece of this puzzle; not only can better connectivity help reduce traffic and congestion on major roadways by providing additional auto travel routes, but it can also reduce auto dependence by making it easier and safer for residents and visitors to travel by foot or by bike.

The current Zoning By-law focuses on access issues primarily at the individual site level, with pedestrian connection requirements for commercial, institutional, multi-family, and industrial uses; and pedestrian and bicycle access for certain projects (e.g., multi-family dwellings with 50 or more units).

The new by-law should build upon these requirements by including a dedicated section with requirements for connectivity between lots and streets, streets and streets, the provision of sidewalks, requirements for complete streets, and overall neighbourhood development for both new development and redevelopment, all of which should be designed to work with the City's engineering standards and specifications. These standards would apply to on-site development but be intended to facilitate off-site connections where possible. Additional provisions should focus on providing pedestrian and bicycle connections throughout the City. Examples of these regulations include:

- On-site pedestrian walkway requirements for multi-family, mixed-use, and nonresidential development;
- Required pedestrian access through parking areas;

- Limitations on cul-de-sacs and dead-end streets; and
- Required connections to external and adjacent pedestrian systems (sidewalks, skywalks, multi-use paths, trails, etc.).

C. Strengthen Tree Protection and Landscape Requirements

The Zoning By-law requires tree planting along street edges (Section 190(2)), in parking lots with a minimum threshold of 50 spaces (190(6)), and in buffers between residential districts and more intense districts (190(7)). The minimum size of newly planted trees required by the by-law is small (1¾-inch caliper for deciduous trees and six feet height for coniferous trees).

Protecting larger, existing trees provides a community multiple benefits because these trees:

- Require less water than new plantings because they are already established;
- Contribute to the City's tree canopy, which is both a form of green infrastructure and a contributor to community health; and
- Have spent years sequestering carbon.

However, existing trees are not specifically protected by either the Downtown By-law or the Zoning By-law. Zoning By-law Section 191 establishes an incentive for the preservation of existing trees, but the relatively low cost for new trees versus the higher cost of organizing construction around existing trees likely guarantees that few existing trees are preserved. The Zoning By-law does not include standards for tree protection during construction, such as root protection and tree fencing, which should be added for the benefit of developers. The Downtown By-law does not include any tree protection incentives or requirements.

By comparison, both CCDS 2.0 and the Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities recognize the benefits of trees. For example, Mature Communities usually have "beautiful tree canopies" (pg. 5) and new development is encouraged to "reflect and enhance the landscaping quality of the existing streetscape and adjacent properties." The Mature Communities standards also encourage consideration of the amount of planting space provided for the health of the tree, the use of native species, and the use of an arborist to assist with tree preservation (pg. 27, 37, 45, 53). The importance of trees is highlighted in the triplex and fourplex standards, where parking may be reduced for tree protection (pg. 46, 54).

Pursuant to review of the Charter to ensure that the City possess the authority to implement tree protection requirements, Winnipeg could adopt tree protection standards to include the mandatory protection of large trees or "specimen" trees (impressive or unusual example of a species due to size, shape, age, or other relevant trait) and potentially update the incentives table to make the preservation of medium-sized trees more financially interesting to developers. Some communities establish a tree removal permit program for large or specimen trees and make use of current technology by requiring submission of an aerial photograph of the site taken at least six months prior to application to be submitted with development applications to see if the permit requirement has been violated. The City should also establish rules for tree protection during construction.

In addition to enhancing tree protection, Winnipeg could substantially improve the landscaping standards by providing more detail about plant materials and planting requirements. Because the current materials standards are very basic, determining landscape design through plan submission may result in the applicant putting minimal effort and investment into site landscaping design, which often puts staff in a position of negotiating for more. The applicant is not required to consult with a landscaping professional, nor is the applicant asked to choose materials or designs that support the City's goals, such as:

- Enhancing the urban forest/tree canopy (diverse selection of native or climate-appropriate trees),
- Reducing the urban heat island effect (parking lot landscaping that provides shade),
- Incorporating stormwater management (LID),
- Preference for use of native species (climate, ecosystem, and water appropriate), or
- Design of urban landscapes (impacts of harsh environment on plant selection).

Improving the materials standards and requiring that the landscape plan be prepared by either a landscape architect or landscaping professional would bring deeper knowledge to the nuances of plant selection, site constraints, climate impacts, and long-term maintenance.

Plant materials and design requirements should also be tailored to be locationally appropriate, and this is where a menu system would be beneficial. Urban landscaping, for example, may need to consider constrained sites, more extreme wind or sun exposure, road and auto impacts such as dust and deicing materials, and neglected maintenance. Suburban sites, in contrast, might provide more space or planting depth where a wider range of plant materials could thrive. While considering updated materials standards for the City as a whole, Winnipeg should also prepare materials and planting requirements for different contexts that balance the needs of the plant with the constraints of the site. In some locations, planting alternatives may be needed, such as colorful art and sidewalk hardscaping such as seating areas that, in an urban setting may be a better choice than live plants.

At the other end of the landscape plan is installation and continued maintenance. The Zoning By-law is silent about installation and maintenance, which typically creates challenges to enforcement. The standards should specify when full installation is required (usually before the issuance of the final City approval) and a period of time in which plants that die need to be replaced. In some communities, a maintenance guarantee is required and held by the local government for a period of time until the landscaping materials are established.

D. Incorporate Low-Impact Development (LID) Standards and Other Measures for Improved Water Quality

The Winnipeg plans support the adoption of measures to improve water quality through tools such as limitations on pervious surfaces, and reduction/filtration of runoff. To support this goal, the by-law update should consider incentives and/or standards to promote "low-impact development," which refers to the use of natural materials such as soil and vegetation to help manage stormwater runoff. These measures are used in some projects in place of engineered infrastructure such as pipes, detention ponds, underwater storage systems, engineered channels, and the like, but are more typically used in conjunction with these more traditional stormwater control measures to reduce the amount of heavy infrastructure that is needed.

The use of LID can have substantial benefits. Most LID measures involve the preservation of existing natural or areas or development of new areas with grass and other vegetation that are designed to accommodate and mitigate stormwater runoff. Therefore, incorporating LID standards or incentives can provide stormwater benefits in conjunction with increased natural areas. In some cases, LID measures are cheaper than engineered stormwater solutions, and they can also reduce the amount of infrastructure such as concrete pipes and circulation systems that need to be built and maintained in perpetuity either by the landowner, a homeowners' association, or the City.

The by-law update should address and incorporate LID measures (or work in conjunction with a separate LID design manual) in several ways. First, the City's stormwater regulations should not restrict the use of LID for stormwater control where they would be most useful. Second, as the existing development and design standards are integrated and new standards proposed, the by-law drafters

should try to identify and remove obstacles that might limit LID solutions. For example, one option may be to explicitly allow the use of LID measures within a required transitional buffer, and to ensure that the vegetation requirements for such a buffer do not block their use. Atlanta, Georgia, has required nearly every type of development to manage the first inch of rainwater that falls on the site through green infrastructure since 2013. The LID standards establish a priority best management practice (BMP) list that identifies vegetated infiltration, bioretention, stormwater planters, permeable pavements, green roofs, rainwater harvesting, and infiltration practices.

There may also be opportunities to provide incentives for new development or redevelopment to incorporate LID practices. By-law drafters should evaluate where appropriate incentives could be incorporated as general standards or in particular base or overlay zoning districts. As with all incentive-based approaches, stakeholder feedback will be useful in identifying the specific types of incentives that might be most valuable in Winnipeg (e.g., streamlined processing, fee reductions, increased density). San Antonio, Texas, includes a list of credits and offsets for the use of specific LID techniques, such as: infrastructure credit, density bonus, parkland dedication credit, and construction of BMPs in the public right-of-way.

E. Consider Transition and Residential Adjacency Standards

Site design requirements can help ensure quality developments, especially in instances where buildings of different scale or use are located next to one another, and/or along site boundaries and edges; for example, where a residential building or zone is next to a nonresidential building or zone.

The concept of residential buffers started in zoning history with physically separating nonresidential development from residential development. Buffers were typically applied with various separation distances based on how dissimilar in terms of intensity the nonresidential use was from the residential. Industrial uses would have large buffers from residential neighbourhoods while multifamily units might have smaller buffers. This approach was one of the many contributors to sprawl development.

Approaches to buffers and neighbourhood transitions have changed over the past decades and now the idea of buffering is more focused on creating good neighbors. In urban settings, a mix of structures and uses may generally be located more closely together (as was historically the pattern in urban areas), and redevelopment and infill is encouraged to use a combination of structural and landscaping designs to better coordinate the scale and "feel" of development to transition from one neighbourhood or area to another.

Winnipeg's current design strategies recognize this more modern approach and this appears to be an area where the City has already developed policy that is ready for implementation in the by-laws. CCDS 2.0 includes considerations such as: "[e]ncourage the transition of development towards the outer edges of Major Redevelopment Sites so that it is sensitive to the scale, massing, height, form and character of the surrounding area." (Major Redevelopment Sites Goal 3, Compatibility 3.4). The Small-Scale and Low-Rise Residential Development Guides for Mature Communities identifies a series of key considerations (2.2, Secondary Considerations):

- Does the proposed development mitigate massing impacts on nearby lower-density properties through design considerations such as: larger side yard setbacks, lower building heights, building step backs, and façade design?
- Will the proposed development's building height and massing provide a transition from properties with higher development intensification to properties with lower development intensification?

- Does the proposed building consider how its design and orientation impacts nearby properties in terms of shadow, viewsheds, sky views, and privacy impacts on adjacent properties? This can particularly be a concern when buildings change the design orientation of the building from the predominant pattern of the street and of its immediate neighbours.
- What proposed building design techniques and landscaping solutions are provided to mitigate potential land use conflicts between buildings of different scale and intensity?

The Zoning By-law does not specify how developers should respond to these considerations. The by-law includes very general landscaping buffer requirements when new nonresidential development is built abutting a residential site. Section 190(7)(a), Buffering of Residential Uses from Non-Residential Impacts, provides two buffer design options:

1. A landscaped area (of unspecified width) that is planted with 1 tree per 35 feet of lot line and 3 shrubs per 20 feet of lot line. For a residential lot with a 100-foot width, that would be 3 trees (rounding up) and 15 shrubs. A berm may be provided but is optional.
2. A fence, wall, berm, or vegetative screen that is at least 6-feet tall.

In Section 150, applicants for Master Plan approval in the EI district are required to identify "[f]eatures included to minimize any impacts on adjacent properties, including but not limited to transitions in building height, building size, location of parking areas, and landscaping and screening…" The Downtown By-law does not contain any provisions specific to buffers or transitions, but all Downtown development must go through the urban design review process, where transitions could be imposed.

In the by-law update, Winnipeg should establish more specific transition and buffer requirements to ensure adequate mitigation of potential impacts from a range of development types in both suburban and urban contexts. Standards should consider additional building setbacks along shared property lines, or stepbacks where higher floors of taller buildings are pulled back from the building edge so the larger structure does not "loom over" smaller neighbouring ones. Block face averaging or contextual setbacks standards are also commonly used approaches to ensure compatibility. Buffers can require landscaping to soften views or screening to hide the heavier impacts of some uses. Limitations on the location of service areas and drive-throughs can be considered for some uses.

These same standards can be applied at a scale greater than individual adjacent lots, smoothing transitions between lower and higher-intensity use areas, such as commercial strips next to residential neighbourhoods. At this scale, standards might include modified height limits, or requiring that shorter buildings be located on the development site perimeter.

F. Implement Park and Public/Private Open Space Requirements

Winnipeg's parks and open spaces are jewels of the city and encompass a range of natural area preserves, active recreation areas, and large regional parks. As noted in the Winnipeg Parks Study (pg. iv), the City's parks "make important contributions to the city as a whole, creating tangible environmental and economic benefits."

Parks land is typically added to a municipal system either through dedication or acquisition; Winnipeg does both. For greenfield development, this typically happens during the subdivision process. For redevelopment, many development bylaws, including Winnipeg's, are unclear about how parks and open space dedications should apply.

The Winnipeg Parks Study identifies the City's parks and open space demand along with preferred implementation strategies to achieve these standards. Additionally, the City's Charter includes base requirements, which can be further adapted with the provision of a development agreement between

the City and the developer. Taking these tools into account, to implement this plan, the updated by-law should:

- Establish threshold requirements for dedication, or payment of fee in-lieu or provision of usable private open space where a site will not be subdivided, such as redevelopment from single-family to multifamily; and
- Identify the types and locations where "usable" private common open space could be substituted for public dedication or payment in-lieu. These can be especially important for public open spaces in an urban environment, such as outdoor seating or civic plazas.

The City should also clarify the application of Parkland Policy 4.1.1.36 to allow preference for payment of an in-lieu fee for redevelopment located in an urban context.

Staff also notes that not all parkland is designated PR and, while a process was initiated to address this, it was never completed and should be part of the ZBL update.

Recommendations

- Update the development standards to create more objective standards across a wider range of topics that reflect community and planning priorities.
- Include an "Access and Connectivity" section in the new by-law that consolidates and enhances standards for vehicular, pedestrian and bicycle connectivity.
- Implement stronger tree preservation requirements to preserve and augment urban tree canopy.
- Update the plant materials requirements to establish a full range of minimum sizes and quantities and require that a landscape professional prepare the landscaping plan.
- Establish targeted plant materials requirements for urban areas.
- Add timeframes to ensure that installation is completed and unhealthy or dead plants are replaced.
- Remove barriers and provide incentives for low-impact development (LID) stormwater management practices.
- Establish more specific transition and buffering standards that rely on building scale, site layout, buffering, and screening.
- Maintain adequate parks, open space, and community facilities in housing intensification target areas through the establishment of parks requirements for redevelopment.
- Ensure that all public parkland is designated by the PR zoning district.

Relation to Adopted Plans

This focus area supports or is related to the following goals in Winnipeg's adopted plans:

OurWinnipeg 2045

Environmental Resilience

Objective 2: Prioritize sustainable transportation as the mobility options of choice.

Objective 3: Promote low-carbon, energy-efficient buildings through low-energy building design, construction and retrofitting.

Policies: 2.17 Regional Water Resource Management; 2.18 Potable Water Conservation; 2.19 Leverage Green Infrastructure; 2.22 Local Food Security; 2.23 Urban Soil Conservation; and 2.24 Low-Impact Ecosystem Management)

Good Health and Well-Being

Objective 2: Support positive health outcomes through the built and natural environments.

Policies: 4.2 Affordable and Supportive Housing Options; 4.12 Inclusive Public Places;

City Building

Objective 1: Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan's sustainable development goals.

Objective 3: Facilitate development opportunities that complete established communities, and plan new communities as complete and connected from the outset.

Policies: 6.23 Urban Mixed-Use Corridors; 6.29 New Communities; 6.33 Major Open Space; and 6.44 Compatible Growth

Complete Communities Direction Strategy 2.0

Growth and Servicing

B1.7.2 Reduce urban heat island effect through enhanced landscaping

Transformative Areas

C1.5.2, C1.5.3, and C1.8.4 Pedestrian-oriented site design Downtown and Design guidelines for neighbourhood amenities

C1.7.2 Multi-modal transportation access, connectivity, and circulation standards

C1.9.8, C1.9.10 and C1.9.11, C2.3.9 Tree canopy, parks, and landscaping

Established Neighbourhoods

D1.2.21 and D1.2.22, and D1.8.1 – D1.8.6 Context-sensitive and pedestrian-oriented site design

D1.6.4 and D1.6.6 Adequate parks and open space for residential areas

D1.6.5 and D1.6.7 Landscaping, tree preservation, and expansion of tree canopy coverage

Additional Areas

E1.6.3 Master plans for major institutional areas

E1.7.1 and E1.7.2 Access, connectivity, and circulation standards for employment lands

Urban Structure Supports

G1.6.1, G1.6.3 through G1.6.6, G6.3.14 Improve access, connectivity, and circulation

G3 (inclusive) Parks and Recreation

G6.1.4 Winter city design

G6.3.12 and G6.3.13 Incorporate CPTED principles in design

G6.4.6 Sustainable land drainage management

G6.4.7 Urban tree canopy

G7.3.3 Flexibility in requirements to promote heritage conservation & reduce associated variances

Other Resources

Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities

Winnipeg Parks Strategy

Winnipeg Pedestrian and Cycling Strategies

Comparison Cities

	Access and Connectivity	Tree Protection and Landscaping	Low-Impact Development	Residential Adjacency and Buffering	Parks and Open Space
Calgary	Pedestrian and bicycle requirements and access standards included in subdivision road standards.	• Separate Landscape Design Standards for Small Residential Sites; • Water efficient YardSmart guidelines on the city's website. • Urban agriculture may count toward landscaping requirements.	Calgary Stormwater Management & Design Manual	By-law requires tree plantings along property lines shared with low-density residential zones.	• Amenity space required, standard tailored to zone districts. • Public realm setbacks

	Access and Connectivity	Tree Protection and Landscaping	Low-Impact Development	Residential Adjacency and Buffering	Parks and Open Space
Denver	Supplemental design elements, such as dictating the placement of surface parking lots or building entrances, are provided to support pedestrian connectivity.	Established trees must be preserved when located in the front or street side setback on a residentially zoned lot.	City and County of Denver Construction Activities Stormwater Manual	Gives authority for performance standards to be enforced by other government agencies (in addition to the Community Planning department).	Large developments required to provide at least 10% of developable area as open space.
Edmonton	Safe Mobility Strategy, no specific standards located	• Incentives for tree and shrub preservation; • Landscaping standards (in Design and Construction Standards manual) include limited requirements for naturalized plants.	EPCOR Stormwater Management and Design Manual, Vol. 3, Drainage	• Parking or service areas abutting residential must be screened. Dev. Officer allowed to require additional landscaping between some use/structure types.	Amenity areas required in some districts (e.g., downtown districts)
Hamilton	• Connectivity addressed in the Transportation Master Plan. • Trails addressed in Park and Open Space Development Guide.	• Landscape plan required and tree protection plan required. • Separate tree bylaw for public and private trees. • Woodland tree preservation through Urban Woodland Conservation By-law.	LID techniques, found in Landscape Design Guidelines for Stormwater Management Facilities, used in parks and ROWs.	Requires a 3-metre-wide planting strip between abutting industrial zones and residential zones, but doesn't specify tree or shrub planting requirements.	• Hamilton has three park districts, an open space district, and four conservation or hazard land districts. • Appropriate park type/trails requirement as determined through application of Park and Open Space Development Guide.

	Access and Connectivity	Tree Protection and Landscaping	Low-Impact Development	Residential Adjacency and Buffering	Parks and Open Space
London	Many specific standards addressed in Site Plan Control By-Law, including: Site access, external circulation, and walkways.	• Separate Tree Protection By-law. • Minimal landscaping design requirements in Zoning By-law, more extensive standards in Site Plan Control By-Law	• City "promotes and encourages" LID practices. • Reference to Ontario Stormwater Management Planning and Design Manual.	• Screening-buffer strips required primarily around site elements such as parking areas or service entrances. • Minimum distance separation requirements apply to odour-producing agricultural uses.	Separate Parkland Dedication By-Law
Minneapolis	Pedestrian and transit access requirement are explicitly listed as elements of the site plan review process.	Plant material standards include minimum installation size requirements for trees and shrubs and explicitly require the use of indigenous or climate-adaptable plant species.	No development may occur within 50 feet of any vegetated wetland.	Changes to yard size in abutting lot standards.	Parkland (parks, playgrounds, recreational facilities, wetlands, trails, and open spaces) dedication requirement in Land Subdivision regulations (separate title in municipal code)
Omaha	Connectivity required in mixed-use districts	Additional pervious landscaping requirements for developments subject to urban design guidelines.	Required as part of stormwater management plan in separate chapter of the municipal code.	Buffer yards and screening are required any time a use is established on a more intensive zone district adjacent to a less intensive zone district.	• Parks and open spaces required pursuant to master plan (amount of land is not specified). • Public easements are required along major waterways.
Ottawa	Currently updating Active Transportation Plan	• Separate Tree Protection By-law. • Landscape plan requirement in Guide to Preparing Studies and Plans.	• Reference to Ontario Stormwater Management Planning and Design Manual. • Low Impact Development Technical Guidance Report for Areas with Constraints.	Setback adjustments for residential adjacency in mixed-use and non-residential zone districts. •	• Environmental Protection zone district assigned to lands designated in the Official Plan as important natural resources. • Separate Parkland Dedication By-law. •

Off-Street Parking

Historically, particularly in younger cities that developed alongside the expansion of reliance on private automobiles, the necessity of providing parking to accommodate those vehicles has been an unquestioned requirement. Over the past decade, attitudes have changed, partly as a result of affordability concerns, and partly as a result of climate concerns. While affordability concerns related to parking provision are vitally important, in this section, we focus more on the latter emphasis, related to climate goals. To support those goals, cities have adapted to place greater emphasis on multi-modal transportation opportunities and accommodating pedestrians. In this evolving context, the necessity of parking requirements has come under reconsideration. In requiring low or no on-site parking in some areas, Winnipeg already is ahead of the curve with this trend. The rewrite offers a timely opportunity to consider how much further to go in reducing, or altogether eliminating, the Winnipeg off-street parking requirements.

Overview of Current By-Laws

Strengths in Current Regulations

- The structure of Table 5-9, General Accessory Parking Requirements, is streamlined and easy to understand.
- Not requiring parking Downtown, and limiting what can be provided, is a favored approach in the area with most concentrated transit options.
- At one space per unit for various forms of single-family dwellings, Winnipeg's current requirement is what many cities are hoping to achieve.
- In some areas, change of use does not require adding parking.
- There is a maximum parking limit, though it only applies to large lots (250+ spaces), with defined exceptions.
- The bylaws already include possibilities for requesting a reduction of requirements.
- Pedestrian connections within and through parking lots are required.
- Bicycle spaces are required.
- There is a significant possible reduction to required parking in Urban Infill Areas.

Identified Issues

- Parking is challenging for infill projects, which is a major area of emphasis for future development.
- Though parking is not required Downtown, there are many existing surface lots.
- Bachelor and one-bedroom multi-family units are required to provide parking at a higher rate than single dwellings.
- Surfacing is unclear as to whether permeable pavement is permitted, nor are there standards included for if it can be provided.
- There are no defined standards for alternatives to providing minimum parking, such as when there are car share stalls/vehicles located on the site.
- Reduction in parking for infill areas is tied to specific uses and requires frontage on a public transit route with regular daily service.

Discussion and Recommendations

A. Expand Parking Exemptions/Reductions

The Downtown By-law provides a solid model for possible expansion of areas in the City where parking is not required, and if provided, the amount is limited. Building on the current City work to reduce parking requirements for affordable housing, the rewrite can further investigate other areas where this may be appropriate, but it generally could include areas along the Primary Transit Network, or along Rapid Transit Corridors, and Urban or Mixed-Use Corridors. Urban and Mixed-Use Corridors could, depending on location and walkability, prohibit surface parking, allowing only structured parking, if provided. An alternative to reductions based on transit or development type could be a tiered system based on location and character. In such a system, a more suburban, car-dependent area would have different requirements than dense, urbanized areas.

There are advantages and limitations to both approaches, related to complexity of administration, specificity of requirements based on either general or detailed definition of areas where the requirements apply, and the possibility for future misalignment of parking requirements and character of an area as it changes over time. The by-law drafters can work with City staff to determine the best approach for various areas and development contexts in Winnipeg.

B. Update Parking Schedule

An increasing number of communities large and small are eliminating parking requirements altogether, having decided that development professionals know how much parking their projects require, and are not likely to underprovide, for fear of being unable to sell or lease space if there is not enough parking.

Many other communities have opted to retain parking requirements, though often with varying amounts required, depending on the context, as Winnipeg does. If parking requirements for some areas and uses are to be retained, the rewrite should include a thorough review of the existing parking requirements in Table 5-9, and consideration of applying maximum parking limits, in addition to minimum requirements.

Winnipeg's current parking regulations in Table 5-9 already include many progressive elements, such as no parking required for certain uses, and only one space for various single-family and duplex dwelling types. A preliminary review shows areas where additional targeted reductions may be warranted. For example, the requirement of 1.5 spaces per dwelling unit in multi-family developments would have bachelor units and one-bedroom apartments providing parking at a higher rate than a two- or three-bedroom house (if only one space were provided). Requirements for visitor parking could be reconsidered in areas with good transit connectivity, or with on-street parking availability. Some requirements for commercial uses seem high in comparison with other communities. For example, requirements for restaurants and cultural or amusement facilities, at one space for 100 square feet of floor area, is high compared to many communities that are moving to a ratio closer to one space for 200-250 square feet.

A detailed overall review may yield other opportunities to fine-tune use-related parking requirements throughout the City. If parking maximums are not applied universally, there may still be additional uses where a maximum would apply. Given the plan emphasis on infill, the City should consider tailored requirements to facilitate infill and redevelopment projects. We recommend reconsidering requirements based on number of employees, as this is not only difficult to enforce, but also subject to changes in the use's operation. A better, less changeable metric is "design capacity" (i.e., how many occupants a building is designed to accommodate).

Finally, as is proposed in the Parking Reductions for Affordable Housing report, making allowance for reduction to certain residential uses where residents have lower car ownership or usage (affordable units, and bachelor units and accessory dwelling units/secondary suites) is increasingly common practice. Further possibilities for reductions are discussed below.

C. Define Opportunities to Request Reduction of Required Parking

Beyond outright reductions, there are many ways to allow flexibility in meeting parking requirements in certain situations. The City currently offers the possibility of reduction through a Parking Management Plan in certain situations. This is a good practice, but perhaps the rewrite can consider whether reductions in the defined instances (e.g., proximity to transit, enhanced bike parking, availability of car share) are by-right, rather than requiring a plan prepared by an engineer or parking consultant. Though not exhaustive, the list below offers some pre-defined options for when parking may be reduced, subject to approval of an administrative review (and not necessarily requiring a Parking Management Plan):

1. **Shared Parking**
   Neighboring uses with dissimilar hours (such as a bank and a restaurant) may share a central lot. This option is similar to the current possibility for uses with different peak hours located on two separate lots sharing a single accessory parking lot between them but would be defined in the by-law to be allowed by-right in some circumstances, rather than requiring a Parking Management Plan.

2. **On-Street Parking**
   In areas where on-street parking is neither metered nor time-restricted, allowing on-street spaces within a certain proximity to count for required spaces is becoming common practice. This is not an option that should be considered along unmetered commercial strips, but it is useful along "side streets" in predominantly residential areas.

3. **Off-Site / Public Parking**
   Where there is surface or structured parking within a defined proximity of a use, on-site parking requirements can be reduced.

4. **Proximity to Transit**
   This option is included in the current by-law but limited to a reduction of 50 percent of the current requirement. The trend in many locations is to eliminate parking requirements altogether along the transit corridor and withina specified distance beyond the transit corridor (extending one or two blocks to adjacent, parallel streets).

5. **Provision of Space(s) for Car Share Vehicles**
   Where one or more car share spaces are provided on-site, the spaces may be counted as a "credit" allowing the reduction of other required spaces by a defined quantity.

6. **Provision of Bicycle Accommodations**
   Car spaces may be reduced with provision of bicycle spaces. These typically must be indoor, secured bicycle facilities, and may include shower or changing facilities for cyclists.

D. Enhance Parking Lot Layout and Design Standards

Many communities are implementing more extensive and detailed requirements related to the layout and design of parking lots, aimed at achieving several objectives, including safety, accessibility, and sustainability. In Winnipeg, this could focus on:

1. **Revisit Drive-Through Standards**
   Queuing spaces may be high for some uses. There also could be additional standards for where drive-through lanes can be located (i.e., beside or behind building), screening and buffering requirements, and standards regarding pedestrian pathways when crossing drive-through lanes.

2. **Pedestrian Connections**
   Some communities are focusing on pedestrian safety by requiring grade-separated pedestrian pathways through large lots, and direct connections from adjacent sidewalks to building entrances, so people do not have to walk in parking areas.

3. **Loading Spaces**
   The update can revisit what uses require loading spaces and provide additional detail about allowed locations and screening requirements for them. There may be areas where a "flex" space could be considered, with signs specifying restricted loading hours versus those when the space can be used for general parking.

4. **Increased sustainability**
   Aside from reducing the extent of asphalt devoted to parking, an important component of improving parking areas is the provision of landscaping, specifically designed to provide shade. This approach focuses on provision of trees rather than low shrubbery or ground plantings, and in some cases, allows for providing fewer parking spaces in exchange for enhanced landscaping. This can also include flexibility in what materials are permitted for paving, if they are permeable or less heat absorbent than traditional materials. Such materials—along with landscape areas—may also support reducing hardscape runoff of stormwater.

E. Expand Bike Parking Requirements

Winnipeg has bicycle parking requirements in the current by-law, but there are numerous opportunities to add detail and strengthen them.

1. **Standalone Bike Space Requirement**
   A best practice is to "untie" bicycle space provision from parking space provision where, for example, one bike space is required for every auto space. Instead, establishing a bicycle space requirement based on square metres of floor area, or other independent metric, is recommended. While Part 5, Section 171 does specify that reduction in car spaces does not allow reduction in bicycle spaces, unlinking the two would simplify the requirements, particularly in instances where no car parking is required, such as Downtown.

2. **Revisit Base Requirement**
   In certain areas and for certain uses, the requirement for one bike space per 10 auto spaces may be adequate, particularly in locations that are primarily auto-dependent. However, in central, bike-accessible areas, there may be an opportunity to establish a higher requirement.

3. **Differentiate Between Short- and Long-Term Spaces**
   Most communities differentiate between short-term bicycle spaces, which are generally outdoors, and long-term spaces, which are indoors, or enclosed and secured. Provision of an adequate number of long-term spaces is particularly important in multi-family developments, and also workplaces, so employees who ride to work have a secure place to store their bike.

4. **Add Detail to Requirements**
   In addition to specifying how many spaces must be provided, and that they should be visible and well-lighted, many communities describe how close the spaces must be to a building entrance, and require a defined connecting path from the bike racks to the entrance, if it crosses parking

areas or drive aisles. It may also be helpful to specify approved designs for racks to be installed, to reduce the possibility of theft from outdoor, unsecured racks.

5. **Reduction of Car Spaces**
   As mentioned above in recommendation 2, many communities choose to allow a reduction in the number of car spaces required for provision of bicycle facilities beyond the minimum. In many cases, this involves not just the number of bike spaces, but that they be long-term, and that supportive facilities (showers, changing rooms) be provided.

F. Include EV Requirements

With the growing number of electric vehicles available, it has become increasingly common to include standards for provision of EV infrastructure in zoning by-laws. Many communities start with relatively modest requirements for parking spaces that include full charging infrastructure ("EV-Installed"), but are more aggressive in requiring spaces to be installed simply with conduits that allow for charging infrastructure to be installed in the future ("EV-Capable").

While we generally recommend inclusion of EV requirements into the updated by-law, further consideration will be needed to determine what kind of development will be required to provide the infrastructure (residential, commercial, public facilities), along with the extent required (e.g., 10% EV-Installed for lots of 50 or more parking spaces).

Recommendations

- If parking requirements are retained, update the schedule of required spaces and consider including parking maximums.
- Expand opportunities for parking exemptions and/or reductions.
- Define opportunities to request additional reductions in required on-site accessory parking.
- Expand parking lot layout and design standards to improve safety, accessibility, and sustainability.
- Expand bicycle parking requirements.
- Include requirements in the by-law for provision of EV-Installed and EV-Capable parking spaces.

Relation to Adopted Plans

This focus area supports or is related to the following goals in Winnipeg's adopted plans:

OurWinnipeg 2045

Environmental Resilience

Objective 2: Prioritize sustainable transportation as the mobility options of choice.

Policies: 2.1 Climate Action Targets; 2.2 Climate Action Investment; 2.4 and 2.5 Climate Resilient Growth; 2.7 Air Quality Conservation; 2.9 Reduce Road Congestion; 2.11 and 2.12 Eliminate Fossil Fuel Dependence; and 2.19 through 2.21 Leverage Green Infrastructure

City Building

All Objectives

Policies: 6.1 Sustainable Urban Growth; 6.5 Climate Resilient Growth; 6.22 Complete Streets; and 6.24, 6.37 and 6.38 Transit-Oriented Development

Complete Communities Direction Strategy 2.0

Transformative Areas

C1.4.1 and C1.4.2 Limit or eliminate Downtown surface parking

C1.7.4 Bicycle parking

C1.8.6, C2.3.1, C2.3.7.4, and D1.2.16 through D1.2.19 Parking location, layout, and design

C1.8.6 and D1.2.20 Loading space location and design

Urban Structure Supports

G.1.1.2 through and G.1.1.5 Review/reduce parking relative to area's frequency of transit

G.1.4 (inclusive) Explore ways to reduce or eliminate parking requirements

G.1.5.2 and G.1.5.3 Expand bicycle parking and design requirements

Other Resources

Transportation Master Plan

Winnipeg Climate Change Action Plan

Comparison Cities

A cell highlighted in blue indicates that this comparison city provides a particularly good example of the element being assessed and may serve as a good model for Winnipeg's updated by-law.

	Parking Exemptions/ Reductions	Parking Lot Design	Bicycle Parking	EV Parking [1]
Calgary	Limited opportunities for reduction of requirements: historic structures, transportation demand management measure; with a parking study, and for certain schools.	Includes pick-up and drop-off stalls in required parking calculation.	Required for some uses at a relatively low rate.	Not required, however, listed as a public amenity item that can be used to increase FAR.
Denver	The following situations are exempt from meeting minimum parking requirements: existing small zoning lots, ground-floor retail uses in mixed-use buildings, historic structures, and affordable housing near multi-modal transit.	No part of a parked vehicle may reduce pedestrian walkway width to less than five feet in a surface parking lot.	By-law may require either enclosed bicycle parking or a fixed bicycle rack.	EV parking requirements are not included in Denver's Zoning By-law.
Edmonton		Screening requirements apply to any drive-through use located within 30m of a residential zoned property.		EV parking requirements are not included in Edmonton's Zoning By-law.
Hamilton		Drive-through stacking lane not permitted between the public street and building.	By-law differentiates between long-term and short-term bicycle parking requirements.	No requirements. City Council has charged City staff with proposing requirements for new developments.
London	Four areas are exempt from providing parking: Downtown, two transit-related zones, and "Main Street place types."		• Multi-family: 1 space/unit, with 90% required as long-term spaces. • Non-residential: generally 3 spaces plus 0.1 to 0.3 spaces per 100 m^2.	Electric vehicle charging station requirements included in some Bonus Zone provisions.

	Parking Exemptions/ Reductions	Parking Lot Design	Bicycle Parking	EV Parking [1]
Minneapolis	All Minneapolis parking requirements are stated as maximums, rather than minimums, citywide. The city has, effectively, eliminated required parking, and capped how much can be provided voluntarily.	Pervious pavement is allowed, but no detail is provided regarding standards. Decision appears to be case-by-case basis.	Title 20 provides good detail for standards: type of racks, distance from building entrance, specifications for design of long-term spaces.	At least 5% of stalls in surface parking lots with 20 or more stall must be designed with EV charging stations.
Omaha	CBD and NBD (Neighbourhood) do not require parking. Other standards date to 1987, but there is some limited flexibility for Director determination of requirements.		Only required in Mixed-Use and TOD districts.	
Ottawa	Numerous defined instances where no parking is required: near transit, along "Main Streets" or for first 12 residential units in urban areas of the city. When parking is required, rates are very low in urban areas.		• Requirements are included, but set at a fairly low rate. • There is an allowance for some spaces to be located in a landscape area. • Indoor spaces are only required if over 50 bike spaces have to be provided; then 25% of total must be indoors or secured.	EV parking requirements are not included in Ottawa's Zoning By-law.

[1] The best model for current EV regulations in Canada is British Columbia, where over 20 towns have adopted some form of EV requirements. In Vancouver, 100 percent of new multi-unit residential buildings must be EV ready, 10 percent of parking stalls in commercial buildings must be EV ready, and single-family dwellings with garages must have at least one stall that is EV ready. Nelson requires 2 EV stalls for every 10 parking spaces in residential structures. Surrey requires 20 percent of commercial spaces, 50 percent of visitor spaces, and 100 percent of residential parking spaces to have outlets capable of Level 2 or higher changing. Further comparisons can be investigated in the rewrite.

Building Design

Like other communities, Winnipeg welcomes new development but also wants high-quality, well-designed projects that respect the City's unique character and setting. The current by-laws have minimal building design standards that mostly apply to commercial and institutional buildings and address issues such as rooftop equipment screening, façade articulation and transparency, and entryway design. Building design is also addressed in external documents such as the Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities, which address issues such as roof pitch and architectural features, but which are not all mandatory.

The opportunity in a by-law rewrite project will be to take Winnipeg's approach to regulating building design to the next level by:

- Providing more certainty—specifically, by removing any vague language and ambiguous standards that may lead to unnecessary delays;
- Integrating additional form-based standards in areas where physical design is especially important to create more walkable urbanism;
- Ensuring that all standards work together, by eliminating repetition and clarifying which standards control in case of conflict between the building design standards and other parts of the by-law; and
- Providing greater flexibility (though menus and options) to achieve compliance with the by-law while still not restricting creativity.

Overview of Current By-Laws

Strengths in Current Regulations

- There are modest building design standards for commercial and institutional buildings addressing facades and articulation, entryway design, rooftop equipment screening. Additional standards apply to large commercial retail buildings and mixed-use development.
- Menus of design options are included for several of the design standards, such as entryway design.
- Supporting guidelines (outside the by-law) provide additional guidance on urban design for the Downtown and residential development.
- The Downtown By-law requires all development and redevelopment to go through an urban design review process.

Identified Issues

- There are no design standards for multi-family development (apart from rooftop equipment screening).
- There are no standards aimed at the type of walkable urbanism that is the aim of most form-based by-laws (e.g., minimum building frontages on street, wide sidewalks).
- Enhanced design standards are necessary in particular to accommodate environmentally sensitive design (e.g., green roofs, permeable surfacing) and renewable energy facilities (e.g., solar panels, small-scale wind turbines, geo-thermal).
- The Downtown urban design review process is based not on objective design standards but rather somewhat vague "key considerations."

Discussion and Recommendations

A. Enhance the Building Design Standards

Building design standards can be powerful tools to address a community's goals for improving development quality. However, the existing standards in sections 205 through 212 are modest and limited in applicability. The by-law update project provides an opportunity to consider expanding the standards to address a wider array of design elements and to tailor the standards for different development contexts. There are several components to this proposed update and expansion.

1. Address a Wider Range of Design Elements

Establishing a broader range of citywide design standards would provide greater consistency across projects and minimize the need to negotiate for higher-quality building design. Such standards could be structured to address a variety of common design aspects, such as:

- Building design (building massing and form, primary façade treatment, wall articulation, ground-level interest, fenestration, materials, roof form)
- Site layout and development pattern (relationship to roadway, setbacks, sidewalks, pedestrian amenities, building orientation)

In some cases, new standards may not need to be developed from scratch if there are current PDO standards or perhaps external guidelines that the City believes have been successful. Because introducing enhanced design standards may initially be met with resistance, we recognize the importance of starting in a limited way and offering as much flexibility as possible within the new regulations. (One thing the current by-law does well is to provide optional approaches for meeting various standards.)

2. Tailor Standards by Development Type, Location, and Context

Adopting citywide standards does not mean that all design standards are uniform. For example, different standards may apply to multi-family residential versus commercial development, as is done in the current by-law; and separate standards often apply to mixed-use development, where a pedestrian emphasis and active sidewalk realm are desired. Standards tailored to different geographic areas may also be necessary, similar to the character area approach used in the Downtown By-law. One example of how standards could vary based on where they are applied is a four-sided architecture requirement, which could be appropriate in denser, built-out areas, but would more likely represent an unnecessary expense in certain rural contexts.

Because Winnipeg is a city of different places, development patterns, and neighbourhoods, special approaches may be needed in one or more of these development types or geographic areas. In the past, this has been accomplished by tools such as the PDO. However, a new by-law that starts with uniform standards as a base, and then supplements those with development-based or district-based as necessary, could help bring greater consistency and effectiveness to the City's zoning system overall.

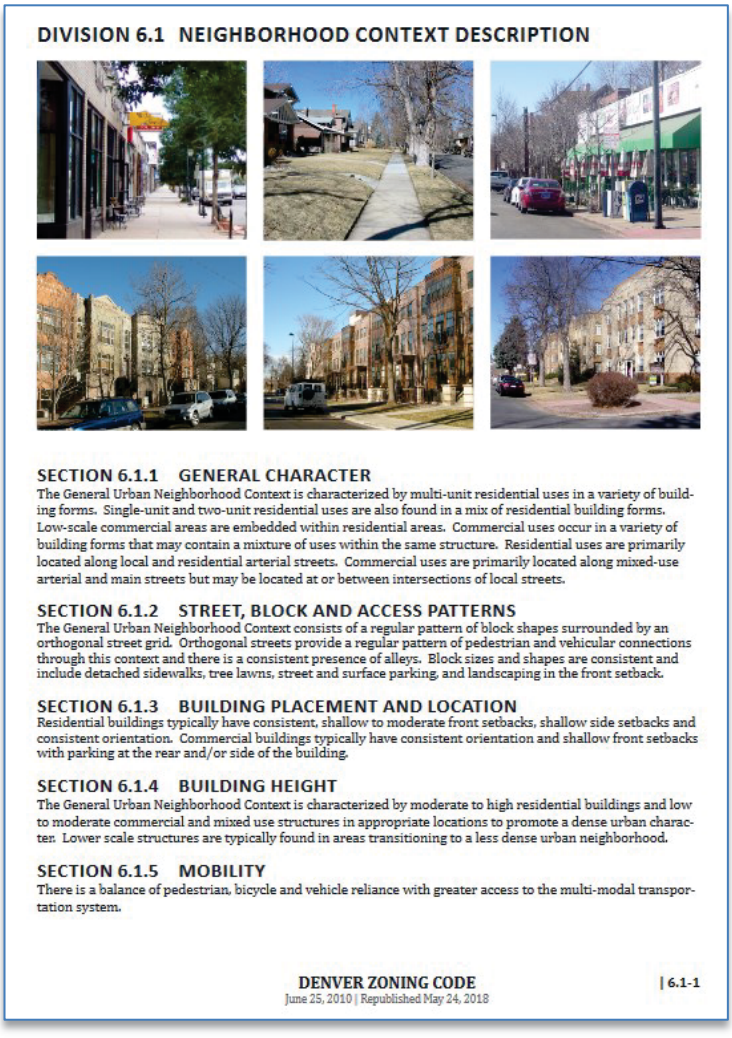
As a starting point for discussion, we recommend that the current by-law's distinctions between multi-family, commercial and institutional, mixed-use, and industrial be maintained as an organizing principle for new standards. The mixed-use category could be extended to transit corridors and would include standards emphasizing pedestrian orientation, addressing issues such as required sidewalks, building placement, and location of parking.

3. Consider Form-Based Standards in Defined Areas

For some areas, it may be appropriate to consider form-based zoning. The original theory behind form-based zoning is that community rules should emphasize "form over use." Detailed standards

should address the physical form of a building and its relationship to the public realm (typically the sidewalk and fronting roadway), while de-emphasizing the regulation of activity inside the building or on the site. But in practice, form-based zoning has evolved over the past two decades, and the term "form-based" today encompasses a wide range of zoning approaches with varying levels of specificity. Some early approaches to form-based zoning eliminated use tables altogether, though today most form-based by-laws do include some type of categorization and regulation of use. Almost all form-based by-laws are heavily illustrated.

A handful of communities, including the cities of Denver and Miami, have adopted form-based zoning citywide. In the Denver by-law, the entire city is divided into various "contexts," similar to the way Winnipeg's Downtown is currently regulated, within which specific development types are allowed. The Denver example below shows basic form-based standards addressed in the city's General Urban Neighbourhood context. Within this section, more specific standards apply to common development types, from three-unit rowhomes to 20-unit apartment buildings, and mixed-use buildings of various sizes, all of which are typical in this context. Those standards address building form standards, design standards, and to a limited extent, uses (generally, specifying what does not fit in the given context, rather than narrowing down to what does).



DIVISION 6.1 NEIGHBORHOOD CONTEXT DESCRIPTION

SECTION 6.1.1 GENERAL CHARACTER
The General Urban Neighborhood Context is characterized by multi-unit residential uses in a variety of building forms. Single-unit and two-unit residential uses are also found in a mix of residential building forms. Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure. Residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial and main streets but may be located at or between intersections of local streets.

SECTION 6.1.2 STREET, BLOCK AND ACCESS PATTERNS
The General Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback.

SECTION 6.1.3 BUILDING PLACEMENT AND LOCATION
Residential buildings typically have consistent, shallow to moderate front setbacks, shallow side setbacks and consistent orientation. Commercial buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building.

SECTION 6.1.4 BUILDING HEIGHT
The General Urban Neighborhood Context is characterized by moderate to high residential buildings and low to moderate commercial and mixed use structures in appropriate locations to promote a dense urban character. Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood.

SECTION 6.1.5 MOBILITY
There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system.

DENVER ZONING CODE | 6.1-1
June 25, 2010 | Republished May 24, 2018

Rather than applying form-based tools citywide, it is much more common to see form-based zoning tools used in select areas where walkable urbanism is strongly favored.[3] For Winnipeg, areas where form-based tools should be considered include the Downtown (discussed earlier in this report) and also areas with a pedestrian focus, such as mixed-use districts and transit corridors. The areas in which to focus should be considered during the scoping process for Phase 2 of the by-law rewrite.

4. Avoid Vague Language

The urban design language in the "key considerations" in the Downtown Zoning By-law, as well as the Downtown Urban Design Guidelines, is very broad and general. It would be valuable to survey the development community, as well as the urban design advisory committee and City staff, to evaluate how consistently City staff and individual developers interpret the language, how easily the guidelines have been applied in practice, and how successful the guidelines have been in creating well-designed projects.

In the by-law update, any new standards should provide greater certainty by avoiding the use of purely subjective language, disconnected from any measurable criteria. Adopting objective design standards offers a win-win opportunity for both the City and the developer, as clear standards define what improvements in design and architectural quality the City is seeking, while saving time and money for both the City and the developer, by removing the need for lengthy negotiation on those items. This aligns with feedback we generally hear from the development community, who state they would prefer being subject to clear, defined standards upfront, rather than engaging in time-consuming negotiations on design details as the project progresses.

5. Maintain Guidelines Outside the By-law

Outside the by-law, Winnipeg has adopted Urban Design Guidelines for the Downtown. The guidelines are used as part of a design review process that requires meetings with staff and/or an advisory committee and approval by the Director. The guidelines themselves suggest broad ideas to consider rather than specific design elements or features that must be provided. For example, Principle 7 is to "Strive for quality and character." Supporting guidelines include: "utilize quality building material; provide a consistent level of development; create an identifiable presence through memorable icons, conceptual coherence and reflection of surroundings."

External design guidelines like these can be useful in situations where there is local resistance to adopting stronger, mandatory design standards in the by-law. They provide inspiration and support creativity while still allowing broad flexibility for individual projects. The City is now considering whether such guidelines (or standards) should be established for additional key areas, such as transit corridors and commercial and mixed-use areas.

Generally, we recommend that the guidelines continue to be located in separate documents, as is done with the Winnipeg Downtown guidelines, and that mandatory standards be located within the by-law.

B. Encourage Adaptive Redevelopment and Reuse of Heritage Buildings

Winnipeg's heritage buildings, especially in areas such as Downtown's Exchange District, are an important part of the City's charm and attraction to visitors. The City has an established conservation program to encourage the preservation, rehabilitation, and reuse of heritage buildings. The program

[3] That is due in part to the relative higher level of effort involved in administering detailed form-based standards. It also is due in part to budget reasons; the most ambitious form-based zoning efforts can involve relatively expensive tasks like detailed field reconnaissance to document existing physical conditions, the development of regulating plans, and enhanced public outreach efforts like charettes.

includes separate by-laws to allow for the designation of heritage structures and heritage conservation districts and the regulation of alteration of listed buildings. The "Standards and Guidelines for the Conservation of Historic Places in Canada" have been locally adopted in Winnipeg and provide guidance for redevelopment projects.

Historic preservation and adaptive reuse are identified in Winnipeg's plans as an important part of creating and maintaining complete communities, in which growth occurs in a context-sensitive manner. Preservation also supports the City's sustainability goals. Many studies, such as "The Greenest Building: Quantifying the Environmental Value of Building Reuse," by the National Trust for Historic Preservation, have concluded that, "when comparing buildings of equivalent size and function, building reuse almost always offers environmental savings over demolition and new construction."

Projects that involve the adaptive reuse of a heritage building are inherently complex. Redevelopment of larger historic buildings that involve a change of use, such as a conversion from office to residential, may be especially challenging due to the need to navigate multiple tiers of financing, tax credits, regulatory incentives, and building by-law provisions on any given project. A change of use request may also trigger a rezoning and/or a special permit approval for reduced parking, setbacks, or other requirements. Fire safety and access requirements can limit the types of uses that can be provided on the upper floors of historic buildings without the adaptation or addition of secondary access points, fire sprinklers, and other system upgrades.

While some of the challenges with adaptive reuse involve regulations outside the Zoning By-law, this rewrite project does provide an opportunity to offer greater support for the redevelopment of heritage buildings by identifying and removing zoning obstacles and offering additional flexibility. Some communities adopt zoning tools specifically to encourage adaptive reuse.

- El Paso, Texas, for example, established an Adaptive Reuse Overlay (ARO) that provides flexibility in setbacks, lot area, height, density, and other standards for the conversion of all or any portion of an existing historic building to specified residential uses and/or a mix of uses. The ARO also allows for an exemption from detailed site development plan requirements.
- Reno, Nevada, allows staff approval of alternative approaches that deviate from general design standards for adaptive reuse projects. For example, exceptions can be made to the wall articulation or ground-level interest requirements to accommodate the adaptive reuse of a vacant or functionally obsolete building or a historically significant or designated structure.

Similar approaches should be considered in Winnipeg.

Recommendations

- Enhance building design standards by broadening range of design features addressed; adopting tailored standards for development type and/or geographic area, including potential form-based standards; and avoiding vague language in new standards.
- Consider adopting an adaptive reuse overlay or other tools to provide greater flexibility and encourage redevelopment of heritage buildings.

Relation to Adopted Plans

This focus area supports or is related to the following goals in Winnipeg's adopted plans:

OurWinnipeg 2045

Environmental Resilience

Objective 3: Promote low-carbon, energy-efficient buildings through low-energy building design, construction and retrofitting.

Objective 5: Protect and value ecosystems as essential components to life.

Policies: 2.17 Regional Water Resource Management; 2.18 Potable Water Conservation; 2.19 Leverage Green Infrastructure; 2.22 Local Food Security; 2.23 Urban Soil Conservation; and 2.24 Low-Impact Ecosystem Management

City Building

Objective 2: Integrate Resilient land use, transportation and infrastructure planning, and investments.

Policies: 6.23 Urban Mixed-Use Corridors; and 6.44 Compatible Growth

Complete Communities Direction Strategy 2.0:

Transformative Areas

C1.8.1 Grade level building design enhancements

C1.8.7 Compatible architectural and building materials standards

C1.91. and C1.9.2 High-quality built-form, tailored to Downtown districts

C2.3.1.2 and C2.3.1.3, C2.3.7.2 and C 2.3.7.3, C4.5.3 – C4.5.7 Design standards for Urban and Regional Mixed-Use Corridors

Established Neighbourhoods

D1.2.4 – D1.2.15 Enhanced building design standards

D1.4.11 Conserve traditional store fronts

Other Resources:

Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities

Comparison Cities

A cell highlighted in blue indicates that this comparison city provides a particularly good example of the element being assessed and may serve as a good model for Winnipeg's updated by-law.

	Building Design Standards	Adaptive Reuse
Calgary	Outside of the zoning by-law, Calgary has a very good set of Centre City Urban Design Guidelines.	Commercial Residential District promotes the preservation and reuse of historic buildings.
Denver	• Within each of Denver's many zoning districts, both in Downtown and on the city's periphery, are Design Guidelines. • Depending on context, some are minimal and others extensive, but they are part of the by-law for each district.	To help in preserving heritage buildings, the City allows for transfer of unused development rights from lots with historic structures to other lots.
Edmonton	• Building design standards are minimal and integrated into district regulations. • Outside of the Zoning By-law, Edmonton has Winter City Design Guidelines. As Winnipeg is also a Winter City, these guidelines have excellent ideas that are likely "transferable" to Winnipeg.	Downtown's Heritage Zone emphasizes reuse of existing buildings.
Hamilton	Additional building design standards located in Commercial, Mixed-Use, TOD, and Waterfront zones.	
London	Uses zoning district variations to modify building design standards in different contexts.	
Minneapolis	Regulations in the Built Form Overlay District chapter dictate building design elements such as height and floor area ratio.	• To help in preserving heritage buildings, the City allows for transfer of unused development rights from lots with historic structures to other lots. • Most heritage-related issues are addressed in a separate Heritage Preservation By-law.
Omaha	Additional design guidelines for development in a floodway.	Commercial Residential District promotes the preservation and reuse of historic buildings.
Ottawa	An additional set of urban design guidelines exists outside of the Zoning By-law.	

Signage

Signs serve many roles in a community. They can provide information, define structure or area identity, help with wayfinding or navigation, support public activities and services, and provide a visually interesting counterpoint to the built environment. They can also create visual clutter, overwhelm a structure or area, and contribute to a sense of neighbourhood aging or blight.

A lack of comprehensive sign standards can both cause public frustration with "ugly" signs and can make any one individual sign less effective. Examples of issues that should be addressed in an effective by-law include the total number of different permanent and mobile signs allowed on a lot, the types of signs chosen (e.g., projecting or fascia), how many signs are digital or illuminated, required separation of street-front signage, and how signage across multiple lots adds up along a block frontage.

The current organization of the Winnipeg sign regulations makes it challenging to find all standards applicable to a particular sign type. The standards themselves are modest, focusing primarily on whether a sign is free-standing or attached, along with sign dimensions. It is difficult to understand the potential cumulative impact of signage on a lot or in an area. The current standards also do reflect the City's current approach to regulating design and aesthetics, as represented in newer projects like the Residential Design Guidelines for Mature Communities.

While Winnipeg may not want to overregulate signage, there is substantial opportunity for improvement in the by-law update to better clarify the City's purposes in sign regulation, to address a wider variety of sign types, and to better tailor the regulations to various development types or character areas.

Overview of Current By-Laws

Strengths in Current Regulations

- Sign regulations in the Zoning By-law allow a reasonable-to-generous amount of signage and are focused on regulating the nuisance aspects of signs.
- Detailed standards fully explain most requirements.
- Sign regulations in the Downtown By-law are organized in tables and are easier to understand; the summary table in the Appendices provides a useful comparison of sign allowances.
- The Downtown By-law tailors standards to character areas.
- Zoning By-law definitions are comprehensive (but need to be illustrated), as are the measurements (which need more illustrations).

Identified Issues

- Sign regulations in the Zoning By-law lack an organizational framework, making it necessary to read the entire section to find relevant information.
- Graphics that illustrate sign types are located in the definitions where they might not be found, and are drawn in too much detail to highlight the signs.
- Sign-specific terms in the Downtown By-law are illustrated but not comprehensive.
- Sign measurement instructions are incomplete in the Downtown By-law.
- It is unclear whether the added Urban Design review contributes significantly to sign design.
- Non-conforming signs that exceed current Downtown sign standards may be kept in place rather than replaced.
- The Downtown By-law appears to be silent about digital signs and mobile signs.
- Billboards are treated as a use rather than a sign.

- There do not appear to be any regulations restricting the conversion of static billboards to digital billboards (in zone districts where allowed).
- Billboard standards could be more comprehensive.

Discussion and Recommendations

A. Consolidate the Sign Regulations

The main body of the City's sign standards are in Zoning By-law Sections 178 to 187. Sign standards are also located in the Downtown By-law, with information located in each of Parts 2-6. Both sets of sign standards are substantive and each is intended to be comprehensive. Billboard standards are in Section 98.1 and are treated as a specific use in the Transportation, Utility, and Communication section of the by-law.

Generally, maintaining regulations in multiple locations can result in both difficult navigation and conflicting regulations for by-law users. All the various sign-related regulations should be consolidated in the updated by-law (assuming the Downtown and general by-laws are merged). This section should include a single set of applicability, exemption, sign type, and measurement standards as well as a single set of definitions. This consolidated structure can still accommodate a wide range of sign permission variation across zone districts, development character or form areas, and use types.

A consolidated set of sign regulations should include the following.

1. **Improved Organizational Structure**
   The organization of the current sign regulations is difficult to discern. A by-law user must read the entire collection of sign sections, likely more than once, to identify all standards related to one new sign. The information in the sign regulations should be organized by major topics that make subsections of specific information easier to locate. With an improved organization, the current sign sections might look like this:

   a. Purpose
   b. Applicability
   c. Standards Applicable to All Signs
   d. Sign Types and Specific Standards
   e. Digital Displays and Illumination
   f. Allowed Sign Types and Dimensions by Zoning Districts
   g. Billboards
   h. Mobile Signs
   i. Non-conforming Signs
   j. Measurement and Calculation
   k. Installation and Maintenance

2. **Common Definitions and Measurements**
   Sign regulations in both the Zoning By-law and Downtown By-law include definitions and measurements, but not always the same definitions and measurements. For example: Canopy sign is defined both as including free standing canopies (such as gas station canopies) and as not including them (emphasis added):

Zoning By-law	Downtown By-law
"canopy sign" means a canopy or **free-standing canopy** which utilizes or incorporates a sign.	"canopy sign" means a canopy which utilizes or incorporates a sign. A "canopy" means any roof-like structure projecting more than 1.5 feet from the face of a building having a rigid frame, and attached to said building in such a manner as not to become an integral part thereof.

And the measurement to determine how much of the sign is covered with a message has different names and different instructions in both by-laws, such as:

Zoning By-law	Downtown By-law
"sign surface area" means the entire area of a sign within a single **continuous perimeter** enclosing the extreme limits of writing, representation or emblem.	"copy area" means the area of a sign covered by a single **rectangle** drawn around the extremities of the message contained on the sign and, in the case of a multi-face sign, comprises half of the total area of all sign faces.





Some communities allow the sign area to be measured with up to eight straight lines or by using a combination of lines and other geographic shapes, both of which could be allowed as part of the "continuous perimeter" measurement and may end up impacting the size of copy allowed between the two by-laws.

3. Common Standards for Each Sign Type

The sign standard basics could also be improved by collecting all of the standards applicable to each sign type in a single location. For example, projecting signs may have a set of generally applicable standards that require:

- The side of the sign parallel to the wall on which it is mounted to be no further than one foot from the wall,
- No less than 9 feet of clearance from the bottom of the sign to the sidewalk or 14 feet of clearance from the bottom of the sign to a parking lot, and
- Internal illumination only.

Reorganizing these baseline standards into specific sign-type categories should make it easier to identify conflicts or gaps in the regulations. It will also make it easier to compare the sign standards to peer communities to find opportunities to modernize the current regulations.

B. Consider a Separate Signage By-Law

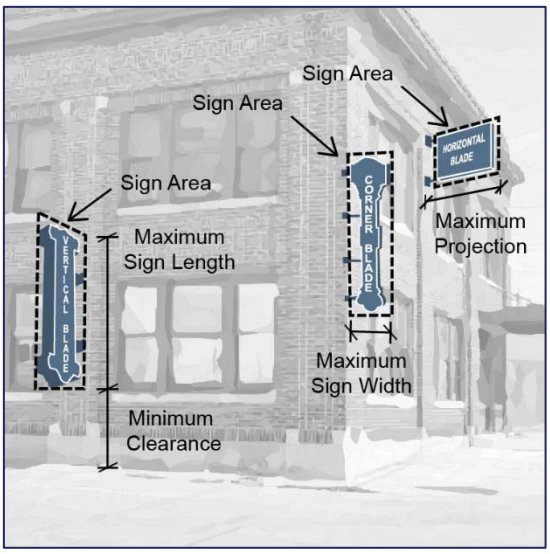
The consolidated sign regulations could be located within an updated Zoning By-law or, alternatively, could be separated out into a separate by-law as has been seen in some comparison communities.

For example, Toronto revised and separated their sign regulations from the zoning by-law in 2010. The project involved the consolidation of six sign by-laws into a single set of regulations. One reason Toronto established a separate sign by-law was because they believed that regulating signs by zone district did not allow a precise enough fit between the sign and its surroundings. Separating the signs into their own by-law allowed the creation of Sign Districts and Special Sign Districts different from the established zone districts. As part of the creation of the new sign by-law, Toronto also established a process for minor relief from the by-law and two types of variances: (1) first-party sign regulations were made subject to administrative variance, and (2) third-party signs could be granted variances by a sign variance committee.

Winnipeg is at the beginning of a process to update the current Zoning By-law. As part of that process, the City should consider whether new and/or form-based zone districts will create a sufficient baseline on which to add sign regulations. If so, the sign regulations should be kept in the Zoning By-law and consolidated as described below; if not, the City might consider if distinct Sign Districts are necessary and warrant a separate sign by-law.

C. Improve the Graphics

Sign regulations can be greatly improved through the use of graphics such as photographs (which can be annotated) and illustrations. Creating shared expectations between an applicant and plans reviewer about the interpretation is certainly one place where a picture can be worth at least two dozen words. Compare the following:

Zoning By-law description	Graphic depiction
"projecting sign" means a sign, other than a fascia or canopy sign, the exposed face or faces of which are not necessarily parallel to a wall and which is attached to a building and extends as a projection of a line of that building or beyond the surface of that portion of the building to which it is attached.	

Additional graphics should be used to describe the basics of sign design by sign type, the full range of sign measurements, and any design requirements that the City may add to the by-law.

Recommendations

- Consolidate the sign regulations following a clear, consistent organization.
- Consider creating a separate signage by-law if Sign Districts are established.
- Add illustrations, photographs, and other graphics to illustrate the new sign by-law.

Relation to Adopted Plans

This focus area supports or is related to the following goals in Winnipeg's adopted plans:

OurWinnipeg 2045

Economic Prosperity

City Building

Objective 1: Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan's sustainable development goals.

Complete Communities Direction Strategy 2.0

Transformative Areas

C1.8.8 Pedestrian-scale signage

C2.3.1.7 and C2.3.7.5 Sign standards aligned with CCDS 2.0 in Urban and Regional Mixed-Use Corridors

Established Neighbourhoods

D1.4.8 Sign standards tailored to development context

Urban Structure Supports

G6.3.6 Quality signage

Other Resources

N/A

Comparison Cities

A cell highlighted in blue indicates that this comparison city provides a particularly good example of the element being assessed and may serve as a good model for Winnipeg's updated by-law.

	Consolidated Regulations	Separate By-Law?	Use of Graphics
Calgary	Sign standards are all included in a single section of the land use bylaw.	Calgary's sign regulations are included in the Land Use By-law, Part 3, Division 5.	Basic graphic examples provided for measurements.
Denver	All sign design guidelines are conveniently located in a single section of the zoning by-law (Article 10).	Denver's sign regulations are included in Article 10 of the zoning by-law.	Basic graphic examples are provided to show how to calculate the area of a sign face or measure the length of a sign projection.
Edmonton	All sign regulations are included in the Zoning Bylaw, Part 1, Division 59. The bylaw includes separate schedules for different zones.	Edmonton's sign regulations are included in the Zoning By-law, Part 1, Division 59.	There are no graphics or illustrations in this section.
Hamilton	All of Hamilton's sign regulations are located in the Sign By-Law.	Hamilton's sign regulations are located in a separate by-law.	There is one graphic related to visibility triangle.
London	London's sign regulations are all included in a single by-law. The regulations are comprehensive and organized with tables allocating signs by defined use groups that are easy to understand and compare.	Sign regulations are located in a separate by-law.	Two graphics used to show: 1) where the sign validation sticker goes on mobile signs, and 2) sight triangles

	Consolidated Regulations	Separate By-Law?	Use of Graphics
Minneapolis	• There are separate chapters regarding on-premises signs, versus off-premise signs (billboards). The off-premise chapter has been further divided into different zones. • Though extremely detailed, these regulations are fairly standard in terms of U.S. sign regulations.	Sign regulations are located within the zoning by-law.	Tables are used to explain sign regulations by zone district, but there are few images, illustrations, or graphics.
Omaha	All sign regulations are located in a stand-alone article (Article XVIII) of the zoning by-law.	Sign regulations are located in Article XVIII of the zoning by-law.	Graphic examples depicting types of signs (e.g., wall sign, ground sign, monument) are embedded within the sign definitions, which are located in Article XVIII.
Ottawa	Sign regulations are located both in the Permanent Signs on Private Property By-law and urban design guidelines for a range of development types.	Sign regulations are located in a separate by-law.	Maps used to identify some areas with specific regulations; tables used to organize information; no graphics.

Sustainability

The Environmental Resilience goals of OW 2045 call for the City to achieve more sustainable, climate-resilient growth. Sustainability is a broad-based concept that may involve pursuing a wide variety of objectives, including improving air quality, reducing transportation-related emissions, supporting the use of clean energy, decreasing energy consumption, conserving water, reducing waste, and restoring/improving the natural ecological systems.

Some aspects of sustainability, such as choices about street lighting and municipal fleets for police or fire departments, are addressed through the building by-law or through the City's purchasing policies. Winnipeg already has implemented a number of sustainable programs, projects, and initiatives, such as green building requirements for public buildings.

Zoning regulations also can play an important role in improving a community's climate resilience. Several other parts of this assessment address sustainability because the theme should be integrated into all parts of the by-law. This includes, for example, landscaping standards that emphasize improved biodiversity through the use of climate-appropriate and native plants, and parking design elements that produce less hardscape runoff.

This section focuses on the potential creation of an additional "sustainability" component of the new by-law to provide for additional opportunities, or requirements, to exceed the baseline sustainability-related zoning requirements.

Overview of Current By-Laws

Strengths in Current Regulations

- Urban agriculture is addressed with both outdoor and indoor use types and is allowed in most districts subject to use-specific standards. Sustainability is a broad goal of OW2045 and accommodating urban agricultural uses helps build a more resilient and sustainable community. Urban agricultural uses may include community gardens, produce stands, and potentially even small-scale farms and nurseries.

Identified Issues

- Environmental sustainability is not addressed directly in the current by-laws.
- The urban agriculture use types could be broadened to include a wider array of uses such as outdoor keeping of poultry and beekeeping.

Discussion and Recommendations

A. Make Sustainable Development Outcomes a Default Setting

Many sustainability goals can be achieved by making climate-resilient development a part of the "core DNA" of the by-law. This means integrating sustainable development practices into all parts of the underlying foundations of the by-law. For example, important sustainable outcomes can be well-supported by site layout standards that limit impervious cover, and that require connectivity and promote walkable urbanism in areas such as the Downtown and mixed-use centres.

The following table offers a framework for thinking about how various sustainable outcomes may be achieved in a zoning by-law. The left column includes some typical sustainability goals, the middle column identifies development approaches that help achieve those goals, and the third column suggests specific relevant zoning tools. The table is not comprehensive, but merely a way of thinking about how sustainability may be a fundamental consideration in developing all parts of a by-law.

Sustainable Goal	Development Approach	Zoning Tools
Reduction of Greenhouse Gas Emissions / Healthy Lifestyle Options	▪ Compact, mixed-use development ▪ Connected trails and sidewalks ▪ Limit new auto-oriented development in remote areas ▪ Remove barriers to expanding multi-modal transportation options	▪ Mixed-use and smaller lot residential zone districts ▪ Mobility and connectivity standards ▪ Bicycle parking requirements ▪ Reduced and better calibrated off-street parking requirements ▪ Streetscape, building form and scale, and other pedestrian-focused design standards, especially in Downtown and community centres
Efficient Building and Site Design Practices	▪ Adaptive reuse of existing buildings ▪ Energy efficient buildings ▪ Water conservation and management ▪ Green building materials ▪ Waste reduction and management	▪ Applicability of development standards scaled to the scale of development and incentives for adaptive reuse of buildings ▪ Incentives or requirements to design buildings using LEED, ENERGY STAR, or other national green building standards ▪ Increased limitation on impervious surfaces ▪ Water-efficient landscaping standards
Renewable and Alternative Energy	▪ Introduce opportunities for solar and other renewable energy sources	▪ Accessory renewable energy facility standards for ground- and roof-mounted solar, wind energy, and geothermal energy equipment ▪ Electric vehicle parking requirements or incentives
Environmentally Sensitive Lands and Natural Resource Protection	▪ Limit impact of development on natural resources and sensitive lands ▪ Incorporate natural environment into the development process	▪ Comprehensive floodplain, wetlands, stream buffer, wildlife habitat, grading/land disturbance, and other sensitive land protection regulations ▪ Native landscaping standards

As shown in the matrix, some of the basic sustainability work of an updated by-law can take place in the core zone district and site layout standards. These standards will encourage compact and walkable development while setting a path for redevelopment that makes the most of existing infrastructure resources and limits residential and commercial encroachment into protected agricultural and industrial areas.

Beyond updating basic zoning tools through a sustainability lens, a range of sustainable development topics can be addressed through specific regulations in areas such as stormwater management, green infrastructure, tree protection, community health, local food production, and renewable energy. The sections below describe several of these areas for potential focus in the by-law update.

B. Consider the Organization of Sustainability Standards

Beyond the content of the standards, discussed above, their organization and placement within the by-law deserves attention. A frequent issue that comes up in zoning by-law rewrites is how much of an individual spotlight to shine on sustainability. There are several approaches to consider:

1. **Independent "Sustainability" Section**
   A standalone sustainability section brings sustainability to the forefront, which indicates that it is a community priority. This approach can also allow for coordination of all measures that advance sustainability, and allow more flexibility (e.g., point systems) and incentives (e.g., tying standards to bonuses), which allows for more creativity and getting applicants used to what is wanted. However, because many of the topics tied to sustainability may already be addressed in other dedicated sections of the by-law (e.g., landscaping, parking, building design standards), a separate sustainability section may result in similar topics being addressed in two places.

2. **Integrated Throughout**
   As noted, most sustainability measures are already tied to topics that are addressed by zoning tools (e.g., landscaping requirements greatly impact water use). Integrating sustainability-related standards throughout the by-law, rather than consolidating them, can make compliance more straightforward because standards are included alongside similar regulations that an applicant must meet. However, that can also make it harder to build in broad incentives and a more comprehensive approach to sustainability. Having sustainability-related standards located throughout the by-law reduces their collective emphasis and the sense of community focus on sustainability; this can either make them easier to approve or harder to publicize as a "win," depending on political realities.

3. **Hybrid**
   A hybrid approach, where many communities end up, can include some sustainability-oriented standards integrated into baseline by-law requirements and integrated throughout, alongside a freestanding sustainability section that establishes additional sustainability standards above and beyond the baseline. This can be a useful approach when the community wants to make certain standards mandatory (standards integrated within relevant chapters), while others are incentive-based (standalone section where they may be used by a developer to meet a score or unlock an incentive).

C. Consider Green Building Standard Requirements for Private Development

The City of Winnipeg adopted a policy in 2010 that requires all new City-owned buildings and major additions to be "designed and constructed to achieve minimum energy performance, and to achieve certification in accordance with a credible, third-party verified, integrated design-based green building standard." To further support goals in the City's Climate Change Action Plan, the City could consider implementing similar requirements for private development, either as a mandatory requirement, or using an incentive-based program. (As discussed in greater detail in the Equity section of this report, whether to opt for a mandatory or incentive-based program depends on knowing the strength of market demand for development.) The City could use the same standards for private development as it meets for City-owned buildings and building additions, focused on building certification. Alternately, as discussed elsewhere in this report, the regulations could offer a menu of options, and allow the developer to choose a certain number to meet the requirements. There are any

number of options such a menu could include, but common ones that have been adopted by other communities include renewable energy requirements for building heating and cooling, cool or green roof requirements, building orientation to maximize solar gain, building materials certification, and water conservation features.

The location of green building standards and/or incentives requires discussion and may be appropriate in a separate by-law or in the Building By-law rather than the Zoning By-law. If incentives to encourage green-building practices are integrally linked to zoning standards (e.g., more building height when a green roof if provided), that would argue for locating such incentives in the Zoning By-law. But, often, green building standards operate independently of zoning standards and are a better fit alongside other technical and structural specifications in the Building By-law.

Though typically outside of zoning by-laws, some cities have also adopted programs to divert construction debris from landfills, with Chicago requiring at least 50% of such waste to be recycled.

Recommendations

- Incorporate sustainability principles into the baseline standards in all sections of the by-law.
- In the drafting process, evaluate various organizational options for integrating sustainability-focused standards.
- Adopt green building standards for private development, or offer a menu of green design options from which developers must incorporate a certain number into their project.

Relation to Adopted Plans

This focus area is directly and indirectly relevant to dozens of goals and policies in Winnipeg's adopted plans, especially CCDS 2.0. Below are citations to some of the more directly relevant goals and policies.

OurWinnipeg 2045

Environmental Resilience

All Objectives and Policies

Good Health and Well-Being

Objective 2: Support positive health outcomes through the built and natural environments.

Policies: 4.5 Healthy Food; 4.11 Equitable Service Access; and 4.12 Inclusive Public Places

City Building

All Objectives

Policies: 6.1 Sustainable Urban Growth; 6.5 Climate Resilient Growth; 6.8 Plan for and Accommodate Forecasted Growth; 6.11 and 6.13 Secondary Plans; 6.15 Transformative Areas; 6.22 Complete Streets; 6.24, 6.37, and 6.38 Transit-Oriented Development; and 6.33 Major Open Space

Complete Communities Direction Strategy 2.0

Growth and Servicing

B1.7.1 – B1.7.3 Sustainable building practices, Reduce urban heat island effect, and Manage urban air pollution

Established Neighbourhoods

D1.2.4 Durable and energy efficient building design

D1.6.5 and D1.6.7 Landscaping, tree preservation, and expansion of tree canopy coverage

D2.3.3 Adaptive reuse

Additional Areas

E2.1.3 Groundwater protection in rural/ag land areas

E2.3.4 Sustainable agriculture

Urban Structure Supports

G3.4.5 Enhance tree preservation

G7.2.2 Heritage conservation as sustainable development

Other Resources

Climate Change Action Plan

The City of Winnipeg's Environmental Directory

Comparison Cities

A cell highlighted in blue indicates that this comparison city provides a particularly good example of the element being assessed and may serve as a good model for Winnipeg's updated by-law.

	Sustainability-Focused Standards	Organization of Standards
Calgary	Supports use of renewable energy by allowing solar collectors and wind energy conservation systems.	The Green Infrastructure Guidelines that are part of the Centre City Urban Design Guidelines are an excellent model for this topic, and many could be included as standards or regulations, rather than guidelines.
Denver	• Green Building Ordinance (GBO) generally applies to building of 25,000 square feet or greater. • GBO contains requirements for cool roofs, green space, renewable energy, building certification, and more. • Applicants may pay into the Green Building Fund when requirements cannot be met.	Sustainability standards are integrated throughout the Denver zoning by-law as well as found in supplemental documents, such as the Green Building Ordinance Rules and Regulations document.
Edmonton	• Climate Resilient Policy C627 requires all new City buildings to be constructed to an emissions-neutral standard. • Quarters Overlay District has a Sustainable Development Standards checklist that allows height and FAR increases with provision of various green development features.	
Hamilton	Downtown zones allow provision of a green roof to reduce amount of required amenity area.	• Landscape Design Guidelines for Stormwater Management Facilities promotes creative stormwater management. • Complete Street Design Guidelines supports multi-modal transportation.
London	Sustainable design features used to incentivize desirable development in Bonus Zones.	London is in the process of updating its Zoning By-law, which includes exploring transect-level interventions for combating climate change.
Minneapolis	Building height and FAR may be increased in exchange for providing environmental sustainability premiums.	Minneapolis integrates sustainability standards throughout their zoning by-law, a good example of which can be found in Chapter 541: Off-Street Parking, Loading and Mobility.
Omaha	Urban design guidelines apply to TOD, Major Commercial Corridor District, and Areas of Civic Importance District and promote the creation of walkable, connected neighbourhoods.	
Ottawa	High Performance Development Standard includes voluntary and required standards for sustainable and resilient design	Multiple guidelines outside of the zoning by-law support sustainable development practices, including Building Better and Smarter Suburbs guidelines and the Downtown Moves guidelines.

Equity

Social equity is identified as one of the primary goals in *OurWinnipeg 2045*, where the focus is on fostering inclusive, non-discriminatory communities that welcome Winnipeggers from all backgrounds. While zoning has historically been used as a tool for exclusion, more recently an altered perspective has been brought to bear, which seeks instead to use zoning to support and accomplish social equity goals. Efforts to incorporate equity in zoning aim to eliminate zoning laws and regulations that implement and perpetuate inequitable outcomes, and to remedy the adverse impacts of prior barriers inherent in the regulations. Inclusivity is central to these ideas, and often linked to concerns about affordability. Affordability is certainly inextricable from notions of equity, but it is not the whole of it. There are also ways to advance equity in zoning implementation by encouraging inclusive and representative participation in zoning processes, and facilitating more diverse enfranchisement of the individuals who implement the rules.

Overview of Current By-Laws

Strengths in Current Regulations

- Equity is not addressed directly in the current by-laws, so there are no specific instances of strengths to cite.

Identified Issues

- Current by-laws fail to reflect pervasive plan emphasis on equity and inclusivity.
- Public notice requirements are limited and likely inadequate to produce inclusive citizen participation in decision-making.

Discussion and Recommendations

A. Adopt Inclusionary Housing Requirements

Winnipeg has the authority to impose inclusionary housing (IH) requirements for new development. Inclusionary housing can be an important tool in creating new affordable units, in many case, in areas that otherwise would not see this type of development. Because affordability is one of Winnipeg's chief concerns in maintaining an equitable city, the general recommendation is that the City should adopt IH requirements.

The difficulty with drafting any IH requirements is to ensure that such requirements are well-tailored to the prevailing development climate so that they actually produce the desired affordable units. Requirements that do not take into account local development conditions can either end up producing no new affordable units or pushing development to areas where the requirements do not apply.

Many considerations go into crafting an effective IH program. Absent certain supporting data, this section does not make definitive recommendations for the form IH should take in Winnipeg, but it does identify key components to consider in calibrating the requirements of an effective IH program.

1. Mandate Versus Incentive

Municipalities must choose whether to impose a mandate for the construction of affordable units, or whether to offer incentives under a program where the creation of the units is voluntary. Generally, mandates work best in preventing undesirable behaviors, while incentives are most effective at encouraging desirable behaviors. Creation of affordable units is certainly a desirable behavior, but experience in other locations demonstrates that incentives on their own are not sufficient to produce affordable units voluntarily. As a result, many communities adopt a hybrid

approach, where the City mandates a target for the number of affordable units that must be included in a development project, while at the same time offering defined incentives to help off-set the cost of providing them.

2. Choosing Effective Incentives

What incentives are sufficiently powerful to motivate developers to pursue them? This is a crucial question that influences the success of any IH program. Determining what incentives will work in Winnipeg requires knowledge of local circumstances, but the options below describe common IH incentives.

a. Density Bonus

The City of Winnipeg Charter Act accommodates this per section 236(2)(t.2). Determining whether or where a density bonus will work depends on knowing if there are areas in the City where development is occurring at the maximum allowed density. If not—if development is failing to achieve or maximize allowed permitted density—a density bonus will be an ineffective incentive.

b. Reduced Parking

Many of the City's parking requirements are low or, in some areas, on-site parking is not required. If the direction of the rewrite is to further reduce or potentially eliminate required parking more widely, this incentive is not likely to be effective. Generally, reduced parking has many positive outcomes, but it does eliminate the possibility of using parking reductions as an IH incentive.

c. Design Standards

Design standards often add cost to development projects, and the more detailed or extensive they are, the greater the cost. Relaxing design requirements may help to off-set the cost of providing affordable units, but it requires a careful balance to ensure that projects with affordable units are not of visibly lower quality than ones that are meeting design requirements.

d. On-Site Open Space

The provision of on-site open space raises costs by requiring land area of a lot to be set aside for a purpose that does not generate revenue. Without this requirement, lots could either be smaller or have more density. This is another provision that can be relaxed in exchange for affordable units, although perhaps only in certain circumstances, such as the development being within a half-kilometer of a park with sufficient capacity to serve additional residents.

e. Fee Waiver or Reduction

The City could consider a reduction of or waiver of development impact fees for projects that provide a certain amount of affordable units, or it could reduce application processing fees. These incentives work best where IH is voluntary. In cases where it is required, this kind of reduction or waiver for every project that requires IH can significantly impact City revenue.

f. Expedited Processing

The City could offer expedited application or permit processing for projects that are providing IH. CCDS 2.0 already suggests this for Downtown development permit processing, and the idea could be expanded to apply to IH projects, both within and outside of Downtown. Priority or expedited processing is often a powerful incentive for developers, as time equals money, and the faster a project can be approved, completed, and begin to generate returns,

the better. If, however, the City's processing time is relatively rapid and there are no backlogs in processing time, this incentive is less impactful.

g. Predictable Process

Any aspect of City review that requires negotiation between staff and applicants increases uncertainty and thus risk, adds time to a project timeline, and can increase cost through delays. The ability to say that if IH projects meet certain criteria, their approval is guaranteed, can function as a significant incentive.

3. Other Considerations

Knowledge and information about the City's development context is critical to determining the shape of the City's IH program, as well as defining meaningful incentives. There are some additional elements to consider that are equally important.

a. Project Threshold

First, what is the correct threshold at which a project is subject to IH requirements? Other Canadian cities such as Toronto, Montreal, and Vancouver have set very high thresholds, where projects of 200 or more units are subject to IH requirements. IH programs in the US often start at much lower thresholds, such as five or ten percent of units in any project of ten or more dwelling units. Over time, setting a lower threshold for applicability can both produce more units, and can also distribute them more broadly throughout the City. It is likely that there are a limited number of areas in the City that can accommodate such large-scale projects, with the result that affordable units end up concentrated only in certain areas. Focusing on large projects also limits the opportunity to have affordable units included in infill projects, which are often in areas with smaller lots and limited development capacity.

b. Affordability Target

How deep mandatory affordability targets extend (60% to 100% of the area median income (AMI)? Up to 120% of the area median income (AMI)?) generally depends on two factors. First is the general lack of affordability, as determined by median income versus median rents, and the percentage of residents who are cost-burdened in relation to their income. The second factor is the cost of constructing units, whether market-rate or income-restricted, because with higher construction costs, either fewer affordable units are feasible, or there is a higher income target of affordability (120% AMI versus 80%). If these elements are not properly determined so that they are financially feasible in a pro forma, development will not happen at all.

c. Length of Term

Some municipalities have limited the length of time for required income-restriction to durations as short as five years, so that any diminished income from temporarily restricted units can be recovered by the property owner raising rents at the end of that time. While this short-duration limit on its own can function as a sort of incentive for a developer, we do not recommend it. Such a short duration of income-restriction does little to support affordability over the long term and can be very disruptive to tenants who must relocate at the end of the term. At the other end of the spectrum, Denver's mandatory inclusionary zoning policy requires a 99-year term of continued affordability. This is possible because there is an extremely strong market for construction of multi-family units, at the same time as returns on market rate units in these projects is still very high due to strong rental demand. For most places, however, a term somewhere in between these two extremes is probably most

workable. It is common for income-restricted units to be required to remain restricted for 20 to 30 years.

d. Ownership or Rental

How an IH Program operates looks very different when applied to for-purchase housing versus for-rent. Both require resources to administer, but that administration can be more complicated when applied to ownership situations. Rather than trying to address issues such as who reaps financial gains at the sale of a property if value has increased, and how to re-price it affordably for the next owner, some communities have found it simpler to offer lower- and moderate-income residents assistance with down payments and closing and legal costs rather than administering owner-related IH programs. Some issues with income-limited properties changing hands during the term of their income-restriction can be addressed through the use of land banking or land trusts, but that is another option that requires significant upfront administrative resources from the City, and often City-owned land on which affordable units can be built. Because rental programs do not face as many of the same issues, they are simpler to administer, and many communities limit their IH programs to rentals. Given that renter income is often less than that of owners, there is always ample need for affordable rental units. However, programs that only address renters do not contribute to helping residents "move up the property ladder," where owned properties are a major source of wealth generations and stability. How best to approach this issue in Winnipeg will depend on both the human resources and financial resources the City can devote to the issue, while also being impacted by the fact that the City has an agreement with the Province regarding long-term monitoring of rents.

In summary, the City has the authority to impose IH requirements, and since affordability is central to equity and is also one of the City's chief concerns over the plan timeline horizon, it makes solid sense to implement this tool. Doing so in a manner that will produce substantial results for Winnipeg, however, depends on additional, detailed information about the current state of development in the City.

B. Focus the Rewrite on Promoting Housing Affordability

The City's Comprehensive Housing Needs Assessment indicates that, while Winnipeg has been and remains one of the more affordable Canadian cities, diminishing affordability is an increasing concern, and one that is projected to grow more acute into the future, absent active and effective policies and programs implemented by the City.

As referenced in the introduction to this section, affordability is so central to the notion of equity that one does not exist independent of the other. While a zoning by-law cannot on its own solve issues of equity and affordability, it is an important part of the effort. The by-law rewrite offers the opportunity to consider the many ways in which regulations contribute to the cost of housing, and decide where those requirements can be amended or eliminated to reduce those added costs. Though not an exhaustive list, below are some of the main components such a review would typically consider.

- Residential zoning districts that allow diverse housing types by right
- Provision of smaller units for growing percentage of single-person households
- Provision of larger units to enable extended families to reside together, rather than in multiple units
- Mixed-use districts where housing proximity to necessary daily services can reduce transportation cost

- Overlays or protective measures to safeguard historically disadvantaged or vulnerable communities from gentrification and displacement
- Lot size and building form standards that add to cost by requiring unused land area or construction of large structures
- Development requirements that add to cost, such as on-site parking, and open space
- Implementation of either mandatory Inclusionary Housing requirements to increase provision of affordable units, or a voluntary incentive-based program to do so
- Complexity and cost of development review

While this list focuses specifically on housing affordability as related to zoning by-law requirements, other topics in this section are a partial review of other ways that zoning and equity are intertwined.

C. Assess Equity and Inclusivity in Development Review Procedures

Equity and inclusivity in governance depends on the ability of the public to participate in decision-making. This section examines how well two public-facing components of the development review procedures succeed in fostering both equitable and inclusive public participation in the City's decision-making.

1. Public Notice

The possibility for equitable and inclusive participation in city decision-making depends upon distribution of information and citizen awareness of what decisions are about to be made. Consequently, the City's public notice policies, as described in the Development Procedures By-Law, are critical to disseminating the information necessary to enable effective and broad-based citizen participation. The by-law describes public notice that is required prior to a decision, and also notice that must be posted following a staff-level decision, as in the case of certain variances.

The by-law describes two means of required public notice: posted signs for variance (pre- and post-decision, for staff decisions where the extent of variance is greater than 5% of the standard) and conditional use decisions, and ads in two newspapers 14 days prior to hearing for other decisions, including plan of subdivision, a zoning by-law or amendment, an amendment to a zoning agreement, a secondary plan by-law or amendment, or an amendment to the CCDS 2.0, or to *OurWinnipeg 2045*. While the City does propose to make improvements to posted notice, such as using plain language in posters and including QR codes that will link to information about the development proposal, we suggest that the methods and requirements for public notice are inadequate to enable broad and inclusive participation by Winnipeg residents.

Posted signs are an effective means of notice for those in proximity to a development location, but should not be the sole means of notice for the application types that require it. Online news media still reaches a fairly broad audience, but younger audiences often rely more on social media than traditional media for information. In recognition of evolving trends in preferred media, many communities are expanding their official means of public notice. We note as a positive the City's stated intention to improve the use of online tools in publicizing information about development proposals, and the Public Notice website as a best practice example. Whether included in a by-law as an official means of notice or not, there are many ways to accomplish this, either as a formal means of notice, or simply as a best practice pursued outside codification in the by-law. The City should routinely also distribute information about development review using some or all of these alternatives:

- City website and social media announcements
- Physical posting information in city building(s)

- Email notification to individuals and groups who request it
- TV, radio, or podcasts

2. Public Hearings

The City has a sophisticated system of allowing residents to submit comments to decision-making bodies via the online representation form, or to register to speak at a public hearing via the public representation form. What implications for participation does this have, however, for Winnipeggers who do not have regular access to the web, or facility with using it? How does this registration requirement impact those whose first language is neither English or French, as is likely true for at least some of the growing population of immigrants that comprise Winnipeg's population? How does the public hearing requirement that "anyone else may also attend the hearing and may speak for or against the merits of the development" limit participation from these same groups, or those whose work schedules or childcare responsibilities prevent them being able to attend the City's public hearings?

The by-law goes on to say that "The public hearing is the only opportunity for members of the public and the applicant to voice their opinions to the decision-making body on the merits of the proposed development and development applications." Some communities, to avoid the disenfranchisement created by this kind of limitation, have set up online commenting portals, so that community members may register their feedback on development proposals at any time for two weeks prior to a hearing, and these comments are then part of the record at the hearing. Lakewood, Colorado, has adopted this practice to enable residents to voice their input without having to attend public hearings in person. While this practice does not eliminate limitations on access to those with language or technology issues, it does help those who cannot or do not feel comfortable speaking in public. Accepting email comments on development proposals, or even allowing residents to leave phone message or voice note comments, may help to enable more residents to express their opinions. Beyond these proposals, proving opportunities for meaningful engagement for non-native speakers or recent immigrants often relies on identifying a liaison with these communities. This can be a labor-intensive process, but is one of the few ways to begin establishing a tradition of participation among these communities.

D. Enhance Diversity and Inclusivity Among Decision-Makers

Though this item is beyond the scope of a zoning by-law, it is nevertheless important enough to warrant mention in this section. It is important for the City's boards, committees, and staff to reflect the diversity of the population they represent. The Council is elected, but the numerous City advisory boards and committees should, in their membership, reflect the diversity of the residents of Winnipeg. As one example, the Urban Design Advisory Committee has 12 members who assess and provide recommendations on suitability of design. Professional qualifications are required, but that does not preclude considerations of diverse composition in membership. The City already has experience in ensuring representation of diverse voices on account of the bilingual nature of Canada.

Recommendations

- Implement an Inclusionary Housing requirement as part of the by-law rewrite.
- Gather background information on current development conditions to craft effective IH program incentives.
- Consider various options for the parameters of an IH program, choosing those that match Winnipeg's context and administrative capacity.
- As part of the rewrite, conduct a thorough audit of regulations and standards that are detrimental to housing affordability.
- Balance affordability concerns against other zoning prerogatives in determining adjustments to incorporate into the updated by-law.

Recommendations

- Amend public notice requirements to reach wider audiences in an effort to improve inclusivity of participation.
- Consider alternative ways to facilitate broader public participation in public hearing process.
- Evaluate ways to ensure boards, committees, staff, and decision-making bodies are representative of the population they serve.

Relation to Adopted Plans

This focus area supports or is related to the following goals in Winnipeg's adopted plans:

OurWinnipeg 2045

Leadership and Good Governance

Objective 1: Establish and implement priority actions through evidence-informed decision-making processes.

Objective 2: Promote trust and government responsiveness through meaningful, inclusive and informed community engagement.

Policies: 1.7 and 1.19 Equitable Service Access; and 1.10 and 1.11, Representative and Participatory Democracy

Social Equity

All Objectives and Policies.

Complete Communities Direction Strategy 2.0

Transformative Areas

C1.3.3 Affordable housing Downtown

Established Neighbourhoods

D1.3.3 - D1.3.6 and G5.1.2 Integrate affordable housing

Urban Structure Supports

G5.1.3 Adopt inclusionary housing and employ incentives

G5.1.5 Reduce development cost by removing regulatory barriers

Other Resources

City of Winnipeg Comprehensive Housing Needs Assessment

Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities

Comparison Cities

A cell highlighted in blue indicates that this comparison city provides a particularly good example of the element being assessed and may serve as a good model for Winnipeg's updated by-law.

	Inclusionary Housing and Housing Affordability	Equity in Review Process
Calgary	• Calgary does not have inclusionary housing (IH). However, the city builds and supports the building of affordable housing, then transfers management to the Calgary Housing Company which is a wholly owned subsidiary of the City and reports 25,000 tenants reside in properties they manage. • In some zoning districts, a developer can increase FAR if they provide affordable housing on site or contribute to an affordable housing fund.	

	Inclusionary Housing and Housing Affordability	Equity in Review Process
Denver	• Residential projects of 10 or more units to provide 8-15% of units as income-restricted housing for those earning 60-90% of area median income for a term of 99 years. • Denver offers additional FAR (up to 10.0) for "enhanced affordable housing." It is a significant Premium in comparison with that offered for other incentives (from public art = 0.25 FAR, to preserving historic structure rather than maximizing lot development potential= 6.0 FAR).	• Differentiates between informational notice (informing the public on the status of an application) and public hearing (providing an opportunity for the public to voice support or opposition for a project). • Forms are written (mailed), posted signs, and published in newspaper.
Edmonton	Edmonton does not have an inclusionary housing policy.	Public notice and public hearing requirements not included in Zoning By-law.
Hamilton	Hamilton is assessing the feasibility of implementing IH along a transit corridor (as required by Ontario legislation). Plan and zoning by-law amendments anticipated Q3-Q4 of 2023.	
London	London does not have an inclusionary housing policy.	Public notice and public hearing requirements not included in Zoning By-law.
Minneapolis	• For rental housing, 20 or more units provide either: 8% of units affordable to 60% AMI; or 4% of units affordable to 30% AMI; or 20% of units affordable to 50% AMI, with Revenue Loss Offset Assistance. Terms of 20 years (30 if Revenue Offset). • For sale housing**,** 4% occupied by households at or below 80% AMI, priced to be affordable to 70% AMI. Over time, target increases to 8% of units. Term of 30 years, renews at each sale.	• Notice requirements for public hearings are listed in Chapter 525: Administration and Enforcement. • Standards are provided for members appointment to the Planning Commission and Board of Adjustment, but no professional qualifications are required.
Omaha	• Omaha does not have an inclusionary housing policy. • Site area requirements may be reduced up to 20% for projects that develop housing affordable to low- to moderate-income residents.	
Ottawa	Ottawa has been working to implement IH requirements at the direction of their Council.	Public notice and public hearing requirements not included in Zoning By-law.

Administration

This section makes suggestions for amending the Development Procedures By-Law No. 160/2011, with the understanding that the City is currently undertaking a separate review and update of that by-law. The suggestions in this section are relatively limited, primarily so as not to duplicate that separate project, or make conflicting suggestions and recommendations. Moreover, administrative procedures in particular are an area of by-law content where additional feedback from staff on how things are working or not working is particularly important in understanding what changes may be needed or helpful. Absent further discussion with staff, this assessment makes general observations and recommendations, with one more specific recommendation related to facilitating infill. Information and recommendations on public notice and decision-making body constitution is covered in the Equity section of this report.

Overview of Current By-Law

Strengths in Current Regulations

- There are relatively few application types, and the process for review and decision-making is clearly delineated for each.
- Many decisions are administrative which, since scheduling a public hearing is not required, can produce more timely decisions for applicants.
- Significant authority for administration of the by-law is vested in the Director.
- The mechanism for notifying people who speak at public meetings about the decision on the project is a good practice.
- Currently, updates to the Development Procedures By-law do not require public hearings, which adds flexibility in responding to the need for changes, and reduces the amount of time required to implement those changes in the by-law.

Identified Issues

- The Development Procedures By-law is separate from both the Downtown Zoning By-law and the overall Winnipeg Zoning By-law, which further complicates developing a comprehensive picture of all development requirements that apply to a given project.
- As a criterion for assessing application approval, *OurWinnipeg 2045* is rather general in its guidance, which could lead to disagreement on determinations whether development proposals comply with it.
- None of the procedures include clearly defined criteria on which a decision should be based, adding to uncertainty and lack of transparency for the applicant.
- Public notice requirements are far less extensive than seen in other communities.

Discussion and Recommendations

A. Improve Referencing to Development Procedures By-Law

The User-Friendliness (Organization and Format) section of this report suggests consolidating the citywide Winnipeg Zoning By-law with the now-separate Downtown Zoning By-law. While some communities also integrate administrative procedures into the zoning by-law, we do not recommend that the Winnipeg Development Procedures By-law be integrated into the new Zoning By-law at this time. Keeping the procedures separate provides additional flexibility to the City in updating the procedures, and the Development Procedures By-law also contains material that is not directly related to planning and zoning. However, we do recommend better cross-referencing to administrative procedures, and potentially relocating some zoning-specific material, into the new Zoning By-law to help provide users with a better understanding of the relationship of the separate documents.

B. Add Summary Table to Help Users Understand Process at a Glance

While the descriptions of the various procedures are clear and easy to follow, there should be a summary table, similar to the example shown below from another community, to help users understand the procedural steps at a glance. Descriptions of procedural requirements are often a very text-intensive part of any by-law, but a table like this can help users better grasp information visually. The table includes the name of the procedure in the column on the left; the centre columns indicate what forms of public notice are required, and decision-making bodies are on the right. The table also shows whether the decision-making bodies are responsible for review or final decision, and if that decision is made at a public hearing. Finally, the column immediately to the right of the procedure name, highlighted in grey here, shows an active link that, if a user clicks, takes them directly to all application-specific information related to that specific procedure.

Table 30.06-1: Summary Table of Review Procedures

KEY: R= Review and Recommendation D= Review and Decision [brackets]= Public Hearing ✓= required

Procedure	Reference	Pre-Submittal Conf.	Notice [1]				Review and Decision-Making Bodies			
			Newspaper	Mailed	Posted	Sign	Dept. and/or Agency Staff	Town Boards	Commission [2]	Board
PLAN AND ORDINANCE AMENDMENTS										
Master Plan Amendment	§30.06.04A		✓	✓	✓		R	R	[D]	[D]
Rezone (Zone Boundary Amendment)	§30.06.04B	✓[3]	✓	✓	✓	✓	R	R	[R]	[D]
Title 30 Text Amendment	§30.06.04C			✓			R	R	[R]	[D]
APPLICATION TYPES										
Admin. Design Review	§30.06.05A						D			
Design Review	§30.06.05B			✓	✓		R	R	[R]/[D]	[D]
Planned Unit Development (PUD)	§30.06.05C	✓[3]	✓	✓	✓		R	R	[R]	[D]
Special Use Permit	§30.06.05D	✓[3]	✓	✓	✓	✓	R	R	[R]/[D]	[D]
Concept Specific Plan	§30.06.05E	✓		✓	✓	✓	R	R	[R]	[D]
Specific Plan	§30.06.05F	✓		✓	✓	✓	R	R	[R]	[D]
Temporary Use	§30.06.05G						D			
FLEXIBILITY AND RELIEF										
Admin. Extension of Time	§30.06.06A						D			
Extension of Time	§30.06.06B			✓	✓		R	R	[D]	[D]
Minor Deviation	§30.06.06C						D			
Variance	§30.06.06D			✓	✓		R	R	[R]/[D]	[D]
Waiver of Conditions	§30.06.06E			✓	✓		Same as original application			
Waiver of Development Standards	§30.06.06F			✓	✓		R	R	[R]/[D]	[D]

C. Clarify the Basis for Decision-Making

The by-law does a good job of explaining in a clear and straightforward manner *how* the decision process works for any given development application, but in some cases, it fails to explain *why* someone might submit a given application. With the exception of an explanation of the basis for approving a variance described in the Administration section of the overall by-law, the Development Procedures and general by-laws are both silent, for all application types, on the basis for a decision of

approval or denial. This sort of supporting information is less necessary for some applications than others. For instance, it is clear why one would apply for a subdivision, and presumably, the request is approved if the subdivision as proposed meets the by-law requirements. But, why would one request a plan amendment for CCDS 2.0, or some other secondary plan? Who may make such a request? And if an amendment is requested, what is the basis for its approval or denial? The same questions hold true for conditional uses. There are three conditional use types, B, C, and D. The Director can approve B- and C-type conditional uses, but for both types, what is the basis for approving or denying the request? In the case of a conditional use, one consideration is likely any negative impacts the use might impose upon surrounding properties, but this is not specified either in the citywide by-law or in the Development Procedures by-law. There is reference to the City Charter, but this is a broad and vague authority and unlikely to help an applicant understand the basis for a decision.

In the absence of an explanation of the basis for decision-making, it would not be surprising if an applicant found the City's decision-making processes lacked transparency and seem unpredictable – both elements that are important to fostering trust in the Public Service. Because of these considerations, unless decision-making criteria are clearly outlined in some other supporting document, we recommend the rewrite of this section include three important components related to this topic: 1) who may file any given application type (e.g., a property owner, any community member, Winnipeg staff, or any other entity that may be so authorized); 2) the purpose of the application and the effect of approval; and 3) the parameters or criteria on the basis of which an application is approved or denied.

D. Investigate Enhanced Options for Flexibility

There are limited options for flexibility in the by-laws. For development and design standards, for example, Section 212 offers an Alternative Equivalent Compliance procedure to allow proposed departures from those standards if the meet the intent of the subject standard to the same or greater degree, as determined by the Director. Within the development and design standards themselves, there are menus of options for compliance that also offer flexibility.

But the primary means for the City to offer flexibility with regard to bulk, dimensional standards, and certain other zoning requirements is through the variance request procedure. The majority of these requests may be approved by the Director. Despite this wide latitude for administrative approval, staff have nevertheless indicated that standards in infill areas make development in those areas difficult, which poses a potential limitation on being able to achieve intensification target goals for residential infill development.

If the City finds that standard variance allowance is not sufficient to accommodate infill, perhaps because parking can be reduced but not eliminated, or due to limits on the extent of variation from a standard that can be allowed, the City could consider the creation of an alternate variance that applies only in priority designated infill areas (those areas described in Area 1 and Area 2 in the Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities, and shown on the zoning map as Infill Guideline Areas 1 and 2), as well as Downtown.

The Variance Orders section of Part 1: Administration in the current by-law explains that variance approval should be tied to "injurious effect" of the by-law on development possibility, owing to physical limitations or site characteristics that have not been created by the property owner themselves. If an infill-supporting variance or similar flexibility procedure is adopted, it should not be tied to hardship as explicitly as a standard variance. Rather approval should be based on whether the development proposal can appropriately fit on a site, while at the same time advancing accomplishment of the intensification target and infill effort described in the City's adopted plans.

Recommendations

- Improve referencing to Development Procedures By-law in the new Zoning By-law to improve ease of administration and user-friendliness.
- Include summary table of review procedures to help users understand processes at a glance.
- Add detail to procedural descriptions, including information on who may submit an application, the purpose of the various procedures, and the basis for a decision to approve or deny an application.
- Consider a procedure that offers additional flexibility to facilitate infill projects.

Relation to Adopted Plans

This focus area supports or is related to the following goals in Winnipeg's adopted plans:

OurWinnipeg 2045

Leadership and Good Governance

Objective 2: Promote trust and government responsiveness through meaningful, inclusive and informed community engagement.

Policies: 1.7 Equitable Service Access; 1.10 and 1.11, Representative and Participatory Democracy; and1.19 Equitable Service Access

Complete Communities Direction Strategy 2.0

Growth and Servicing

B2.3.3 Include a requirement for fiscal impact analysis as part of development review

Urban Structure Supports

G6 (inclusive) All goals supporting enhanced design requirements and review

G7.3.3 Flexibility in requirements to promote heritage conservation & reduce associated variances

Other Resources

N/A

Comparison Cities

A cell highlighted in blue indicates that this comparison city provides a particularly good example of the element being assessed and may serve as a good model for Winnipeg's updated by-law.

	Organization; Integration into Zoning By-Law	Opportunities for Flexibility	Other Notes
Calgary	Administration is integrated into overall by-law as Part 2.		Developers of short-stay parking areas are required to enter into a Special Development Agreement (which stipulates how the property will be managed) with the City.
Denver	Administration is integrated into overall by-law as Article 12. The by-law includes a table that identifies the review and decision-making bodies for each type of application, as well as the type of public notice associated with each application.	Design Standard Alternatives are provided to provide flexibility in situations where it is not possible to define the public realm and sidewalk edge with building facades.	
Edmonton		Development Officer may approve a variance without any additional review from decision-making bodies.	
Hamilton	Development application procedures are not located in the Zoning By-law. Hamilton is in the process of updating these guidelines.		

	Organization; Integration into Zoning By-Law	Opportunities for Flexibility	Other Notes
London		By-law includes Bonus Zones that allow density, height, and parking requirements to be modified.	Applicants may enter into Development Agreements with the City to acquire bonus provisions in exchange for additional design requirements.
Minneapolis	• Administration is integrated into the zoning by-law. • By-law includes bulleted lists of required findings for all procedures such as variances, conditional use permits, and zoning amendments.	By-law includes premiums that developers can provide in exchange for increased FAR or building height.	
Omaha	By-law includes a table with criteria for review that apply to site plan reviews, conditional use permits, and special use permits.		
Ottawa		Exception zones are used to modify provisions of the base zoning district, such as allowed use types.	

3: Annotated Outline of a New Zoning By-Law

This part of the report provides an overview of what the proposed structure and general content of a new by-law for Winnipeg might look like if the recommendations from Part 2 of this report are implemented. This outline is structured as a new Winnipeg Zoning By-law and would consolidate the general and Downtown by-laws. It is intended as a starting point for further dialogue. It is tailored for Winnipeg, building on our experience with successful by-law projects throughout North America.

Each proposed section indicates (with blue shading) which articles and sections from the current Winnipeg by-laws (mostly from the general Zoning By-Law) would be folded into the proposed new by-law sections.

General Provisions

This article will include provisions that are applicable to the by-law as a whole, including the following:

Title, Effective Date, and Mapping

This section will establish the title of the by-law, its effective date, and describe how the official zoning map and district boundaries are maintained.

Purpose and Intent

This section will describe generally why the by-law is important to the City of Winnipeg and how it regulates land development to protect the public health, safety, and welfare of the City.

Authority, Applicability, and Jurisdiction

This section will describe the by-law's applicability to development or redevelopment (unless otherwise exempted), the by-law's application to governmental agencies, how internal by-law conflicts are resolved, and a statement on the by-law's relationship to private covenants.

Transition from Prior Regulations

This section will describe how prior building permits, violations, non-conformities, and development approvals will be processed by the new by-law. It could also include an option for pending applications to be reviewed and decided under the current regulations or the new by-law.

Non-conformities

This section will describe how legal non-conformities are administered and enforced. The section will include standards for non-conforming uses, non-conforming structures, non-conforming lots, non-conforming signs, and non-conforming site features. The current non-conformity regulations are in sections 21-34 of the Zoning by-law and 150 of the Downtown By-law. We recommend relocating all non-conformities in this first article with other general provisions. Some communities prefer to leave non-conformities as a stand-alone article.

Enforcement

This section will describe how Winnipeg enforces the by-law, including standards for violations, penalties and remedies, and authorized enforcement officers. As with many other sections in the by-law, we recommend relocating specific information that may change frequently to an administrative manual. For the enforcement section, that might include dollar amounts for fees and penalties.

Severability

This section will clarify that any specific standard in the by-law that is invalidated by a court, shall not affect the application or validity of any other standard in the by-law not included by that court's judgment.

Current Sections

Sections from the current by-laws to be incorporated into this new article include:

ZONING BY-LAW
Part 1: Administration
- *General (1-5)*
- *Development to Comply (6-8)*
- *Zoning and Urban Infill Area Maps (9-11)*
- *Protected Non-Conformities (21-34)*
- *Effects of Public Land Acquisition (35)*
- *Variance Orders (36-36.1)*
- *Remedies and Penalties (37-41)*
- *Transition from Previous By-Law (42-45)*

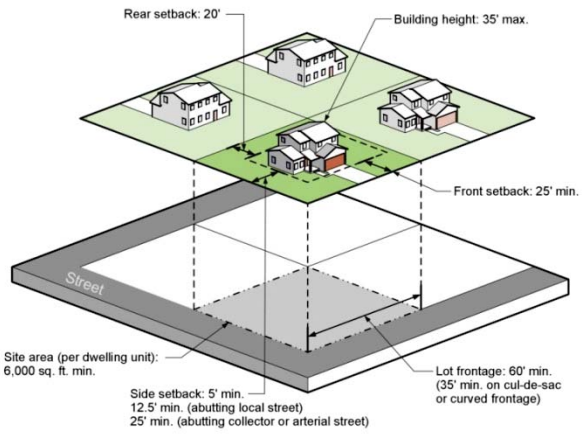
DOWNTOWN ZONING BY-LAW
Part 1: Administration
- *Scope (100)*
- *Development Regulations, Development Permits, and Zoning Compliance (110)*
- *Duties of the Director (120)*
- *Duties of the Property Owner (130)*
- *Offences and Penalties (140)*
- *Non-Conformities (150)*
- *Repeal (160)*

Zoning Districts

The zoning districts article establishes the base zoning districts, PDOs, and describes how the districts relate to one another.

Zoning Districts Established

This section will summarize the lineup of zoning districts, including any consolidated or new districts that are created through the rewrite. This section generally includes a Table that shows the correspondence between existing districts, and any new or consolidated ones. It also shows any "legacy" districts, which are ones that are retained where they exist on the ground, but will not be applied to new areas for future development. In Winnipeg, this may apply to existing RMU, CMU, or MMU areas, if new mixed-use districts are created for use in future development.



An example from another jurisdiction of dimensional standards depicted on an illustration for a low-density residential district.

Residential Districts

This section will include zoning district information for all residential districts in the City. Each district will include a purpose statement, a summary table for applicable dimensional standards (height, setbacks, lot

area requirements), and any standards that are applicable to that specific district. We recommend including graphics that illustrate the dimensional standards for each district. Some communities also supplement their zoning districts with conceptual graphics or photographs depicting typical development in each district. See example of residential district page layout in Section 2:C of this report for general idea of how this would look in the rewrite.

Mixed-Use and Nonresidential Districts

This section will include zoning district information for all mixed-use districts and other nonresidential (such as commercial and manufacturing) districts. The components included in residential districts, as shown in the example page layout in Section 2:C of this report will also be included for all other districts in the by-law (purpose, summary of dimensions, district-specific standards, and graphics).

Parks, Agricultural, and "Hold" Zone Districts

This section will include zoning district information for all agricultural, parks, and hold zone districts (if created). The components included in residential districts, as shown in the example page layout in Section 2:C of this report will also be included for these districts (purpose, summary of dimensions, district-specific standards, and graphics).

Planned Development Overlay Districts

This section will carry forward information on PDO-1 and PDO-2 districts (if both are retained) and incorporate information on Neighbourhood Conservation Districts (if created). For each type of Overlay, there is a description of the purpose of the overlay district, as well as a description of eligibility and criteria, and specific information on what can be modified or protected by the creation of an Overlay.

Currently, information on existing PDOS is included as Schedules L through X at the end of the by-law. This is a significant amount of material, and may best be maintained in a separate location, rather than incorporated into this section of the by-law. If the material is maintained separately, we nevertheless suggest a table or list in the main body of this section that summarizes all of the existing PDOs, and a link to enable users to more readily access that information.

Dimensional Standards and Permitted Projections

This section will contain summary tables that summarize the dimensional standards for each category of zoning districts (residential, mixed-use, commercial, manufacturing, other), similar to those included in Part 5 of the current by-law. A sample of a residential summary table from another community is included below, but generally, each summary table with include:

- Lot standards (e.g., minimum lot area, minimum open space, maximum lot coverage)
- Setbacks (minimum yard requirements)
- Building standards (maximum height, minimum distance between structures)

Table 2-14: Residential District Dimensional Standards

Current Districts												
	APD	R-1A-12	R-1A-8	R-1 and R-1A-6.6	R-1A-5.5	R-1A-4		R-2 and R-2A	R-3 and R-3L		R-3H	B-1B
Proposed Districts												
	AG	R12	R8	R6.6	R5.5	R4	R2.5	RMX	RMF1	RMF2	RMF3	RMH
Dwelling Type Allowed by Right[13]	Single, ADU, live-work, manufactured home, zero lot line, tiny home	Single, TH, 2-4 unit bldgs., ADU, mfd. home, zero lot line, tiny home	Single, TH, 2-3 unit bldgs., ADU, zero lot line, tiny home	Single, ADU, zero lot line, tiny home	Single, TH, 2-4 unit bldgs., ADU, zero lot line, tiny home	Single, TH, 2-3 unit bldgs., zero lot line, tiny home	TH, 2-unit (duplex)	Single, TH, 2-4 unit bldgs., ADU, zero lot line, tiny home	Multi-family, 5-9 units, 2-4 unit bldgs., TH, mfd. home, ADU	Multi-family, 10-19 units, TH, 2-4 unit bldgs., ADU, mfd. home	Multi-family, 20+ units, TH, 2-4 unit bldgs., ADU, mfd. home	Manufactured home, ADU, tiny home
LOT DIMENSIONS (MINIMUM)												
Lot area (sq ft)	15,000	12,000	8,000	6,600	5,500	4,000	2,500	6,600	5,000	10,000	25,000	4 acres
Lot area per unit (sq ft)									850	1,000	1,000	
Lot width (ft)	100	80	60	60	50	40	25, 18 for TH	60	60	80	100	
SETBACKS (MINIMUM)												
Front	25	25	20	20	15	10	10	20	15	20	25	25
Rear	20	20	20	20	15	10	10	20	15	20	20	25
Side	10	10	7.5	5	5	5	5	5	6	7.5	10	25
Building height	50	35	35	35	35	35	35	35	35	55	75	35

Following the dimensional standards tables, a section describing permitted projections will be carried forward. This section describes the exceptions and encroachments that are allowed in each zoning district, as well as the extent of the allowance. This includes what types of structures, building elements, or site features are either exceptions from dimensional standards (such as uncovered patios), or may encroach into required areas (such as spires, bay windows, and rooftop solar).

Current Sections

Sections from the current Winnipeg by-laws to be incorporated into this new article include:

ZONING BY-LAW
Part 3: Zoning Districts
- *General Provisions*
- *Agricultural and Park Districts*
- *Residential Districts*
- *Commercial and Institutional Districts*
- *Manufacturing Districts*
- *Planned Development Overlay Districts*

Part 5: Development and Design Standards
- *Dimensional Standards*
- *Permitted Projections*

DOWNTOWN ZONING BY-LAW
Parts 2-6: General Provisions and Sectors
- *Land Use*

Use Regulations

The Use Regulations article will contain a summary table of allowed uses, cross-indexed to the districts where those uses are permitted by right, allowed subject to conditional use approval, allowed subject to compliance with applicable use-specific standards, or prohibited. The article also contains use-specific standards for any use to which they apply.

Summary Table of Allowed Uses

The summary table of allowed uses will summarize allowable uses by zoning district, indicating the level of approval required (by-right, conditional use, subject to compliance with use-specific standards, or not permitted), and will include cross-references to any use-specific standards that apply to a specific use> The table can also include references to other salient information, as is done in the current by-law with reference to parking categories. This table provides an opportunity to compare uses across districts, and then by using hyperlinked cross-references, jump directly to any related information without paging through intervening by-law sections. As discussed previously in this assessment, the current list of uses will be reviewed and amended as necessary to incorporate new uses – particularly a greater variety of housing types – and eliminate obsolete ones.

Use-Specific Standards

This section will incorporate standards that apply to specific land uses, such as home occupations, auto-oriented uses including drive-in or drive-through uses, office categories (major, medium, small), outside storage, cannabis production, and numerous other uses that have unique impacts or standards associated with them. As mentioned above, use-specific standards are one of the hyperlinked cross-references in the summary table of allowed uses that provide quick access to additional standards for any given land use. When the by-law is drafted, use-specific standards in addition to the ones currently included may be necessary to address concerns as they come to light.

Accessory and Temporary Uses and Structures

This section will be carried forward as structured in the current by-law, with descriptions of the standards for accessory uses, accessory structures (such as detached garages), temporary uses (such as farmers market and seasonal sales), and temporary structures (such as construction trailers). Accessory uses will be shown in the table of allowed uses, likely marked with an "A," or at the end of the table in its own category of uses. Temporary uses will likely be included at the end of the allowed uses table marked with a "T." As with primary uses, use-specific standards will apply to accessory and temporary uses where necessary.

Current Sections

Sections from the current Winnipeg by-laws to be incorporated into this new article include:

ZONING BY-LAW
Part 4: Use Regulations
- *Definition of Symbols Used in Tables*
- *Implications of Table Abbreviations*
- *Table Organization*
- *Classification of Uses*
- *Use Tables*
- *Use-Specific Standards*
- *Accessory Uses and Structures*
- *Temporary Uses and Structure*

DOWNTOWN ZONING BY-LAW
Parts 2-6: General Provisions and Sectors
- *Land Use*

Development Standards

Development standards incorporate site layout, building design, and operational standards. While the districts and uses articles focus on what a property owner can do with their property, and where they can do it, the development standards regulate the quality of development.

Access, Connectivity, and Circulation

This new section will describe the requirements for internal circulation within a site, connections between development sites, and both vehicular and pedestrian/bicycle access to and throughout the site. This section will include provisions for when and where sidewalks are required and requirements for driveways and access.

Parking and Loading

Even if the City decides not to retain requirements for provision of on-site parking, this section would still contain information on parking lot layout, loading facilities, and bicycle parking requirements.

Landscaping, Buffering, and Tree Protection

This section will incorporate content from the current standards, with enhancements as described in the Strengthen Tree Protection and Landscape Requirements section of this report. Specifically, this section will add detail to landscaping standards, and new content will enhance the current tree protection standards.

Screening and Fences

This section will carry forward the current content on screening and fences, with updates to standards as warranted.

Site and Building Design Standards

Any requirements for site and building design will be located here, and the section can also include information on when design review is required.

Signs

If the determination is made to keep Signs regulations within the current by-law, rather than creating a separate one, this article will consolidate all signs-related information into one location.

Current Sections

Sections from the current Winnipeg by-laws to be incorporated into this new article include:

ZONING BY-LAW
Part 5: Development and Design Standards
- *Parking and Loading*
- *Signs*
- *Landscaping and Buffering*
- *Fences and Screening*
- *Lighting*
- *Design Standards*
- *Alternative Equivalent Compliance*

DOWNTOWN ZONING BY-LAW
Parts 2-6: General Provisions and Sectors
- *Bulk*

Signs
Parking
Loading
Urban Design

Development Procedures

If the decision is taken to incorporate review procedures into the overall by-law, this section describes the structure of the article. This article will describe the review and approval procedures for the various types of development applications, with revisions to the current standards as described earlier in this assessment. This article will address some of the concerns described in the assessment, including incorporating objective approval criteria throughout the procedures.

Summary Table of Development Review Procedures

This first section will incorporate a table similar to the example shown in 2:B that summarizes the basic requirements for review and approval of any development application in this by-law. The table will show application type, notice requirements, review and approval authority, and whether public hearing is required.

Common Development Review Procedures

This is the information that generally applies to all application types, and is currently covered in the Introduction, Part 1, Part 2, and Part 4 of the Development Procedures by-law. It describes the process elements that apply to most development applications in the City. Any common procedure from the current development by-law, such as draft application requirements, public noticing procedures, and hearing procedures can be relocated here, so they don't need to be repeated for each application type, and an applicant can read through the basic steps of application to approval or appeal, all in one location.

Zoning By-Law and Subdivision Approvals

This section will include review and approval procedures for the various subdivision applications, as well as those for rezoning or zoning agreement amendment. As described above, this section will cross-reference common review procedures and include application-specific modifications.

Flexibility and Relief Procedures

This section will include review and approval procedures for the current procedures that offer flexibility and relief, to include variances and conditional uses. If any new procedure is created to allow greater flexibility specifically for infill projects, that would be included in this section as well.

Demolition Permits

This section will carry forward procedural information related to securing a demolition permit.

Review and Decision-Making Bodies

Currently section C.ii of the Scope in the current by-law, this section will describe the powers and duties, membership, and basic meeting procedures for the various review and decision-making authorities for development applications.

Current Sections

Sections from the current Winnipeg by-laws to be incorporated into this new article include:

DEVELOPMENT PROCEDURES BY-LAW
Inclusive

Rules of Construction and Definitions

The definitions in the current Winnipeg by-laws are mostly in Part 2. We recommend continuing to consolidate all definitions, but suggest locating them at the end of the by-law, similar to where glossaries are located for other technical documents.

Rules of Construction

This section will describe how specific terms shall be interpreted throughout the by-law, including lists and examples, computation of time, public officials mentioned in the by-law, mandatory vs. discretionary terms, conjunctions, tenses and plurals, and conflicts between text and illustrations.

Definitions of Use Categories and Specific Use Types

This section will include definitions for use categories (e.g., residential, agricultural, manufacturing, utilities) and will also include a definition for each specific use included in the summary table of allowed uses.

Other Terms Defined

This section will include definitions for all other terms in the by-law, including acronyms, dimensional and terms of measurement, procedural terms, and development standards and design terms.

Current Sections

Sections from the current Winnipeg by-laws to be incorporated into this new article include:

ZONING BY-LAW
Part 1: Administration
Interpretation (12-16)

Part 2: Definitions
Rules of Construction (46)
Rules of Measurement (47)
General Terms (48)

DOWNTOWN ZONING BY-LAW
Part 7: Definitions

DEVELOPMENT PROCEDURES BY-LAW
Part 5: Definitions

Appendix: Phase Two Zoning By-Law Rewrite

Estimated Scope of Work

This document is a recommended work scope and estimated cost range for the second phase of the Winnipeg Zoning By-law rewrite project. It is designed to result in a comprehensive rewrite of Winnipeg's Zoning By-law 200/2006 (the "By-law"), including integration and rewriting of the Downtown By-law.

Though the precise scope of work will ultimately be determined by the City of Winnipeg in the Request for Proposals for the next phase of the Zoning By-law Review, this memo has prepared in response to the City's Terms of Reference for Phase One of the project, which is being completed by Clarion Associates of Denver, Colorado.

The second phase of the project will build on the Phase One Assessment report by fully rewriting the Zoning By-law and introducing a public engagement component to the overall project. It is also proposed to integrate the Downtown By-law and may include integration of portions of the Development Procedures By-law.

An estimated schedule and budget are included and track a proposed scope of work. All elements of the scope, budget, and timeline are preliminary for consideration.

Task 1: Project Initiation and Management

A. Project Orientation Meetings and Field Tour

- In-person meeting with City Project Manager to discuss project goals, team communication strategy, work plan, schedule, and public engagement process.
- Field tour highlighting sample development issues.
- Initial meetings with elected and appointed officials.
- Initial meetings with project working committees (e.g., citizens, other staff departments).

B. Community Engagement Strategy

Develop Community Engagement Strategy (CES) to guide stakeholder outreach throughout project.

C. Background Data Assembly and Analysis

Work with City staff to assemble and analyze zoning and land use data to underpin discussions in subsequent phases of the process.

D. Ongoing Project Management

Ongoing virtual team management calls.

Task 2: By-Law Assessment Presentations and Update

- Facilitate in-person public workshops to present an overview of the Assessment and solicit feedback.
- Prepare memo summarizing feedback on the Assessment report.
- Coordinate with City Project Manager regarding any necessary updates to project scope and drafting strategy.

Task 3: Prepare Draft By-Law

A. Draft By-Law: Staff Drafts

- Draft the new/revised by-law in at least three installments.
- For each installment, prepare an initial staff draft followed by a public draft.
- Post installments on project website.
- Present installments at in-person meetings.

B. Testing/Modeling the By-Law

Work with City staff to identify test scenarios that illustrate potential outcomes for projects that adhere to the new draft by-law standards.

C. Consolidated Draft By-law

- Revise public draft installments based on feedback to create a consolidated draft by-law.
- Present consolidated draft at in-person meetings.

D. Adoption Draft Land Use Regulations

Revise consolidated draft based on feedback and create an adoption draft by-law.

Task 4: Prepare Draft Zoning Maps

A. Zoning Analysis

Review each parcel of land for compatibility with new zoning designations.

B. Zoning Maps – Staff Draft

Work with City staff to prepare final Zoning By-law maps to coincide with changes to the text of the Zoning By-law.

C. Zoning Maps – Public Draft

- Prepare zoning maps for public review based on feedback.
- Present draft maps at in-person meetings.

Task 5: Adoption

A. Executive Summary and Transition Memo

- Provide City Council with Final Draft By-law in a form appropriate for review and consideration for final adoption.
- Prepare Executive Summary of project that compares existing and proposed regulations and summarizes all major changes.
- Prepare community engagement summary.

B. Adoption Draft Presentation and Public Meetings/Hearings

- Assist City staff in presentation of the Adoption Draft at in-person meetings or hearings.
- Prepare all necessary information for the City of Winnipeg to have the final by-law and zoning maps proceed through the public hearing and approval process. As the "owner" of the by-law, the Planning, Property and Development Department will attend the meetings or hearings and present the proposed new Zoning By-law.

- Assist in facilitating workshop or Council seminar with all 15 members of City Council, including the Mayor, to present and discuss the final Zoning By-law and zoning maps.
- Revise draft by-law and maps based on feedback.

C. Final By-Law

Prepare final adopted draft of the new by-law for City files in Word and searchable PDF formats.

Optional Tasks

A. Short-Term Priority Amendments

- Prepare memorandum documenting issues that may need to be resolved through priority amendments, before drafting the full-by-law.
- Prepare staff draft of priority amendments for initial internal review by City staff.
- Prepare revised amendments based on feedback. [City staff to carry through adoption process.]

B. Administrative Manual

Prepare administrative manual to serve as a "users' guide" that explains the organization and key provisions of the By-law and contains supporting materials such as fee schedules.

C. Development Applications, Information Sheets, and Fee Schedules

Prepare new development application forms, information sheets, and fee schedules consistent with new by-law requirements.

Estimated Schedule and Budget

Schedule

- Estimated timeline for base scope of work: 20-24 months.
- Estimated timeline for optional tasks: Approximately four months.

Key Budget Variables

For all tasks, key variables in the drafting process that will affect the budget include:

- The number of drafts of the work products;
- The desired amount of graphics and illustrations;
- The number of public meetings of each work product;
- The number, character, and extent of public engagement tasks;
- The tasks taken on by City staff versus the Contractor (e.g., in-person meeting facilitation);
- The number of in-person meetings attended by Contractor staff; and
- The extent to which adopted plans or policy statements provide clear, specific direction as to the content of the new regulations (versus having to develop or refine policy direction during the regulatory drafting process).

In addition, a major budget variable is the extent to which the Downtown Winnipeg Zoning By-law will be rewritten as part of this project, or instead carried forward with current regulations intact but modified to fit the new organization and format of the updated city-wide Zoning By-law. For budgeting purposes, this

memo assumes the former and that the Downtown By-law will be substantially updated to implement the update of the Downtown plan.

Budget Estimates

Depending on these variables, and based on the following estimated ranges per task, an estimated overall budget range for the base scope of work described above (not including optional tasks) is $880,000 - $1,584,000 CAD.

- Task 1: Project Initiation and Management: $70,000 to $126,000 (Note: background data assembly and analysis task could have highly variable budget based on methodology used)
- Task 2: By-Law Assessment Presentations and Updates: $50,000 to $90,000
- Task 3: Prepare Draft By-law: $500,000 to $900,000
- Task 4: Prepare Draft Zoning Maps: $200,000 to $360,000
- Task 5: Adoption: $60,000 to $108,000

Certain tasks have the potential for widely varying budgets, based on the specific scope and methodology used, including the background data collection and analysis; the development of new zoning maps; and the community engagement strategy.

Estimated budget range (optional tasks):

- Short-term amendments: TBD based on complexity and breadth of topics selected. Budgets can range widely from $30,000 to $50,000 or more.
- Administrative manual and application forms: Depending on the intended length and contents, budgets for each can range widely from $15,000 to $45,000 or more.