Minutes – Council – February 22, 2024

Minute No. 159
Report – Executive Policy Committee – February 13, 2024

Item No. 11 **Text Amendment –Winnipeg Zoning By-law No. 200/2006 and Downtown Winnipeg Zoning By-law No. 100/2004 – Development Permits**
File DAZ 220/2023

COUNCIL DECISION:

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

1. That the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 be amended in accordance with the proposed by-law attached as Appendix B to this report, to delegate authority to the Director of Planning, Property and Development to determine the types of development for which a development permit is required.

2. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services and City Solicitor be directed to return the By-law directly to Council for first, second and third readings.

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

Report – Executive Policy Committee – February 13, 2024

DECISION MAKING HISTORY:

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 13, 2024, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 1, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

File: DAZ 220/2023

Before: Standing Policy Committee on Property and Development
Councillor Rollins, Chairperson
Councillor Allard
Councillor Dobson
Councillor Duncan

Public Hearing: February 1, 2024
Council Building, 510 Main Street

Applicant: Director of Planning, Property and Development

Subject:



APPLICANT: City of Winnipeg
FILE: DAZ 220/2023
PROPOSAL: Proposed Amendments to Winnipeg Zoning By-law 200/2006 and Downtown Zoning By-law 100/2004 to delegate authority, to the Director of Planning, Property and Development, to exempt development from requiring development permits. **For information, phone M. Grady, Planner, at 204-986-5147.**
Demandeur : Ville de Winnipeg
Dossier : DAZ 220/2023
Projet : Proposition de modifications au Zoning By-law 200/2006 (règlement municipal sur le zonage) et au Downtown Zoning By-law 100/2004 (règlement municipal sur le zonage du centre-ville) de Winnipeg visant à déléguer au directeur du Service de l'urbanisme, des biens et de l'aménagement le pouvoir d'exempter l'aménagement de l'exigence d'obtenir des permis d'aménagement.
Pour plus de renseignements, communiquez avec M. Grady, urbaniste, au 204-986-5147.

RE:	Text Amendment – Winnipeg Zoning By-law No. 200/2006 and Downtown Winnipeg Zoning By-law No. 100/2004 – Development Permits File DAZ 220/2023
For submission to:	Executive Policy Committee
Prepared by:	Leah Cowan, Senior Committee Clerk Standing Policy Committee on Property and Development
Report date:	February 1, 2024

Standing Committee Recommendation:

On February 1, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and recommended to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 be amended in accordance with the proposed by-law attached as Appendix B to this report, to delegate authority to the Director of Planning, Property and Development to determine the types of development for which a development permit is required.

2. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council for first, second and third readings.

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

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

1. I’m making these amendments to make business easier for residents and industry, and moving towards a more relevant plan that affects Winnipeggers and Winnipeg as a whole, moving forward in a positive manner.

Objections under the Charter:	Total number of **v**alid objections as per section 125(2) – 0 In accordance with section 236.1(1), the threshold for sufficient objection has not been met.
Exhibits Filed:	1. Application dated November 20, 2023 2. Advertising Notice 3. Report from the Urban Planning Division dated January 8, 2024 4. Communication dated January 31, 2024 from Darryl Harrison in support of the application 5. Recording of Representations

REPRESENTATIONS:

In Support:

Darryl Harrison

In Opposition:

Nil

For Information:

Nil

For the City:

M. Grady, Senior Planner, Planning, Property and Development Department

Exhibit "3" referred to in File DAZ 220/2023

ADMINISTRATIVE REPORT

Title: City of Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 Amendments to Provide Authority for the Director of Planning, Property and Development to Determine if a Development Permit is Required

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

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch (Acting)	H. Borys	C. Kloepfer	M. Jack

EXECUTIVE SUMMARY

The City of Winnipeg currently requires development permits for almost every type of development. The by-law amendments proposed in this report will provide authority for the Director to determine if a development permit is required for a new development. This will avoid the need to list the exempted projects in the by-laws and provide flexibility to add or remove additional exemptions administratively.

This will streamline the permit process for simpler projects that do not require extensive review for compliance with zoning regulations and free up resources for other more significant development reviews.

RECOMMENDATIONS

1. That Council enact a by-law to amend the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 (a draft of the proposed amending by-law is attached as Appendix B to this report) to delegate authority to the Director of Planning, Property and Development to determine the types of development for which a development permit is required.

2. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council for first, second and third readings.

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

REASON FOR THE REPORT

In accordance with the Development Procedures By-law No. 104/2020 and s. 236.1(2) of The City of Winnipeg Charter, before Council gives first reading to the proposed by-law, the Standing Policy Committee must conduct a public hearing with respect to zoning by-law text amendments.

IMPLICATIONS OF THE RECOMMENDATIONS

Should the recommendations be approved, the text amendments proposed by this report will be incorporated into the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 and an amending by-law will be brought directly to Council for first, second and third readings.

Development revenue of up to $67,500 could be foregone in 2024. This amount will increase by an assumed inflation factor of 3 percent per annum thereafter.

The permit process for simpler projects will be streamlined and therefore will free up staff resources for more complex development reviews.

HISTORY/DISCUSSION

History

In October 2020, the Province of Manitoba introduced Bill 38, *The Building and Electrical Permitting Improvement Act* which introduced service standards for building and electrical permitting processes. Subsequent Regulations provided service standards as maximum turnaround times for building permit issuance.

In 2021, the Planning, Property and Development Department (PPD) initiated multiple projects to be prepared for when the Bill came into effect. The most significant project was implemented in November 2022 which separated building permits from development permits. Historically these permits were applied for and issued concurrently.

Discussion

Both the Winnipeg Zoning By-law No. 200/2006 (the “ZBL”) and the Downtown Winnipeg Zoning By-law No. 100/2004 (the “DZBL”) require that a development permit be obtained for all development that is subject to that by-law, with the following four exceptions:

- Single level open decks 24 inches or less in height in a side or rear yard of single-family and two-family dwellings.
- Accessory structure less than 108 square feet in building area in a side or rear yard of single-family and two-family dwellings.
- Fences in front (ZBL only), side or rear yard of single-family and two-family dwellings.
- Temporary tents less than 901 square feet in building area.

A development permit is issued when, after review, it's confirmed that a proposed development complies or will comply with relevant zoning regulations. Other approvals may be required such as variances, a conditional use or a rezoning in order to accommodate a proposed development prior to issuance of a development permit.

These other approvals may require a public hearing before a community committee and are also subject to potential appeals. The timelines associated with these processes are well beyond the maximum building permit turnaround times in Bill 38. Development permit turnaround times to issuance have no maximum times in provincial legislation other than a requirement to confirm that an application is complete within 20 days of its receipt.

Separating development permits from building permits and requiring that a development permit be issued prior to accepting a building permit application helps to ensure that building permit issuance turnaround times can be accomplished in compliance with provincial legislation. These changes to the permit process have emphasized the importance and role of the development permit in the review and approval of new development. PPD, in consultation with Public Works and Water and Waste, initiated a review of the need for a development permit for projects that are relatively minor in terms of the application of zoning regulations.

Appendix A contains a sample of developments that could be exempt from requiring a development permit prior to the issuance of a building permit. These developments are low risk, do not require a compressive zoning review and generally don't have associated enclosed occupiable space. The Public Service intends to continue reviewing and monitoring the need for development permits for various types of projects.

Currently, where the Public Service identifies new possible exemptions to the requirement for a building permit, Council approval and a text amendment to the zoning by-laws is required. The process for a text amendment to a zoning by-law under The City of Winnipeg Charter can be quite lengthy and may trigger a hearing by the Municipal Board.

The Public Service recommends amending the ZBL and the DZBL to remove the list of development permit exemptions and to instead delegate the authority to the Director of Planning, Property and Development to determine those types of development for which a development permit would not be required. The proposed by-law amendments will allow flexibility to increase the number of developments exempt from requiring a development permit in the future or to remove an exemption if issues arise, without having to return to Council each time.

To provide some certainty and clarity around what exemptions exist, the proposed amending by-law sets out the process the Director must follow when determining whether a development permit is not required in respect of a particular type of development. The process requires a written declaration of the exempted developments posted to the City of Winnipeg's website. In addition, application forms and other written information provided to the public will be updated.

FINANCIAL IMPACT

Financial Impact Statement

Date: January 22, 2024

Project Name:

First Year of Program **2024**

City of Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 Amendments to Provide Authority for the Director of Planning, Property and Development to Determine if a Development Permit is Required

	2024	2025	2026	2027	2028
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	(67,500)	(69,500)	(71,600)	(73,700)	-
Net Cost/(Benefit)	$ 67,500	$ 69,500	$ 71,600	$ 73,700	$ -
Less: Existing Budget Amounts	67,500	69,500	71,600	73,700	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: It is estimated that waiving of certain development permits could result in foregone revenue of up to $67,500 in 2024. Amounts for 2025 to 2027 represent the 2024 amount increased annually by an assumed inflation factor of 3%. Given the above amounts represent estimated maximums and are comparatively low, no budget adjustment is required.

Mike McGinn Jan. 22, 2024

Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services
- Public Works Department
- Water and Waste Department
- Winnipeg Fire Paramedic Service

OURWINNIPEG 2045 POLICY ALIGNMENT

Goal: Leadership and Good Governance

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

> *Policy 1.4 Integrated Knowledge and Resources:* Coordinate inter-departmental systems, projects and resources, making the best use of internal and external expertise to better understand service needs, find the most appropriate solutions, optimize resources, and maximize community outcomes.

Goal: City Building

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

> *Policy 6.2 Complete Communities Characteristics:* The characteristics of complete communities must be identified and defined in Complete Communities, and will include, at minimum, equitable access to: safety and security, affordable housing for all incomes, local employment opportunities, health-supportive amenities, access to nature, social interaction opportunities, sustainable transportation options, and digital communication technology infrastructure to align with this Plan's goals.

Alignment with *Complete Communities Direction Strategy 2.0*

Vision: The City of Winnipeg is planned and designed based on a logical Urban Structure that focuses growth and change to enhance existing assets, to create complete communities and complete existing communities, and to ensure a socially, environmentally, and economically sustainable future through the integration of transportation planning, land uses, built forms, and urban design.

> *Principle 1:* Creating complete communities and completing existing communities - enhancing their existing infrastructure and assets in ways that make most amenities for daily living universally accessible - will be key to making our city attractive and competitive.
>
> *Principle 7: The* implementation of Complete Communities recognizes the complexity of cities and the people within them and aims for an approach that promotes resilience and adaptability.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to any of the Strategic Opportunities and Key Directions in the Climate Action Plan and it was determined that the Plan is not applicable to this specific report.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Poverty Reduction Strategy (PRS), as well as the corresponding 2021-2023 Implementation Plan, and it was determined that the Strategy is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design
Prepared by: Martin Grady
Date: January 8, 2024

Attachments: Appendix A – Proposed Development Permit Exemptions
Appendix B – Draft Amending By-law

Appendix A

Proposed Development Permit Exemptions

- Demolition of buildings or structures. (Already exempt)
- Interior building alterations when there is no change of use of the building and no new dwelling units. (Already exempt)
- Landscaping, other than landscaping required by a development approval, with no change in overall lot grading, including outdoor furniture, must comply with Private Approach Guidelines and setbacks.
- Ornamental or decorative structure, provided complies with Private Approach Guidelines and setbacks.
- Flagpole
- Replacement of light standards on private property in the same location.
- Repair of parking areas with no change to the existing approach or surface material type. Repair to comply with Private Approach Guidelines and setbacks.
- Replacement of accessory outdoor mechanical equipment in the same location.
- Grading or preparation of land and/or installation of on-site services in accordance with a land development approval or development/servicing agreement if the work only relates to topsoil or is a single or two family residential greenfield development with lot grading plans.
- Single level open decks in R1 and R2 zoning, 24 inches or less in height, or level with a door entrance provided they comply with Private Approach guidelines and setbacks. (Already partially exempt.)
- Permitted accessory structures less than 108 square feet of building area located in the side or rear yard of any zoning district provided not a secondary suite and comply with Private Approach guidelines and setbacks.
- Detached garages accessory to single and two-family dwellings provided they comply with Private Approach guidelines and setbacks and zoning regulations
- Permitted fences located in the side, rear or front yard of single and two-family dwellings. (Already exempt.)
- Fences and gates in any zoning district provided they comply with Private Approach Guidelines and setbacks and maximum height zoning regulations.
- In-ground or above-ground private swimming pools or hot tubs not located in the front yard and not adjacent to a Stormwater Retention Basin and not within the Designated Floodway/Floodfringe. No above grade components within 5 feet of a property line and less than 15 percent of lot area.
- Patios (other than outdoor drinking and dining use) provided they comply with Private Approach Guidelines and setbacks.
- Play structures.
- Retaining walls four feet or less in height where there is no lot grading modification, property is not in the Designated Floodway Fringe Area Regulation provided complies with Private Approach Guidelines and has a two-foot setback.
- Temporary sales office for marketing an approved development.
- Temporary office during construction of an approved development.
- Ground mounted satellite dish or other antennae installations. (Does not include antennae installations that are subject to the Winnipeg Antennae Systems Policy.)

- Building mounted antennae where there is no structural alteration to a building and located more than 8 feet above grade. (Does not include antennae installations that are subject to the Winnipeg Antennae Systems Policy.)
- Solar photovoltaic installations located on a building 8 feet above grade or not on a building at grade. (Add to permitted projections in rear yard – min 5 ft. setback.)
- Driveways to off-street parking areas, provided they comply with Private Approach Guidelines and setbacks.
- Accessory structures less than 150 square feet in any zoning district such as pergolas, gazebos or similar structures provided they comply with Private Approach Guidelines and setbacks and are not secondary suites.

Appendix B – Amending By-law