Agenda – Council – May 30, 2024

Report – Standing Policy Committee on Property and Development – May 9, 2024

Item No. 3 Approving Authority for Previously Rejected Development Applications

STANDING COMMITTEE RECOMMENDATION:

On May 22, 2024, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the Public Service be directed to prepare and report back within 90 days with amendments to the Development Procedure By-law in respect of a new development application submitted to the City that is the same or substantially similar to a development application that was rejected within the previous year as follows:

    A. Where the approving authority for the previously-rejected development application was the Director:

        i. A public hearing must be held in respect of the new development application;

        ii. The hearing body and approving authority for the new development application is the relevant Community Committee;

    B. Every administrative report in respect of a development application must include a discussion of any previously-rejected development application.

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

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 22, 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 May 9, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Delete the words “60 days” and replace with “90 days”

and submitted the matter to the Executive Policy Committee and Council.

COUNCIL DECISION:

On April 25, 2024, Council ruled automatic referral of the following motion to the Standing Policy Committee on Property and Development:

Moved by Councillor Mayes,
Seconded by Councillor Dobson,

WHEREAS s. 275(2) of The City of Winnipeg Charter previously gave the City the authority to refuse to accept a development application if Council had rejected the same application or a substantially similar development application within the previous year;

AND WHEREAS on September 1, 2023, Bill 34 amended s. 275(2) so that the City no longer has the authority to refuse a previously rejected development application;

AND WHEREAS the result of the Bill 34 is that applicants can resubmit the same development application over and over, even if it has been recently rejected by the City;

AND WHEREAS some development applications are approved administratively but are then rejected by Appeal Committee following an appeal by affected residents;

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

AND WHEREAS following Bill 34 residents are now having to be vigilant and appeal the same development application over and over;

AND WHEREAS to enhance democracy and increase transparency, different hearing bodies should consider development applications that are the same or substantially similar to previously-rejected development applications and those hearing bodies need to know that the development application before them is the same or substantially similar to a previously-rejected development application;

THEREFORE BE IT RESOLVED:

1. That the Public Service be directed to prepare and report back within 60 days with amendments to the Development Procedure By-law in respect of a new development application submitted to the City that is the same or substantially similar to a development application that was rejected within the previous year as follows:

    A. Where the approving authority for the previously-rejected development application was the Director:

        i. A public hearing must be held in respect of the new development application;

        ii. The hearing body and approving authority for the new development application is the relevant Community Committee;

    B. Every administrative report in respect of a development application must include a discussion of any previously-rejected development application.

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