Minutes – Council – May 30, 2024

Minute No. 287
Report – Executive Policy Committee – May 22, 2024

Item No. 8 Text Amendment – Rapid Zoning By-law Amendments to the Winnipeg and Downtown Winnipeg Zoning By-laws
File DAZ 204/2024

COUNCIL DECISION:

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

1. That first reading be given to By-law No. 26/2024 (the "By-law", a draft of which is attached as Appendix A to this report) to amend the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 in accordance with this report, and with the following amendments:

    A. Amend Section 7 – Table 5-2 amended, as follows:

        i. Number the first paragraph as (a)

        ii. Add the following new subclause (b):

            "(b) In the R2 row of the Principal Residential Structure section, under the Minimum Lot Area (Sq. Ft.) column, delete the words "5,000 (2,500) sq. ft. per dwelling unit" to "4,000 (2,000) sq. ft. per dwelling unit, where it abuts a rear lane"

    B. In Section 8 – Table 5-4 amended, add the following new subclause (c):

        "(c) In the "RMF-M" row of the Multi-Family Residential Structures section, under the Minimum/Maximum Building Height column, delete the word "60" and replace with "70"

    C. Amend Section 11 – Section 168.1 added, as follows:

        i. Delete the words "Table 5-9 where the use complies with the requirements" and replace with "Table 5-10 assuming compliance with the minimum parking requirements listed"

        ii. Delete the words "and section 171"

Report – Executive Policy Committee – May 22, 2024

COUNCIL DECISION (continued):

D. Amend Schedule A as follows:

i. In Clause 7 (1), add the words “where the lot abuts a public lane” immediately before “in an R1 zoning district”

ii. In Clause 10 (a), delete the words “is 2,500 square feet” immediately after the words “rear of the lot”

iii. In Clause 15, add the following new subclause:

“(a) The abutting public lane at the rear of the lot of a 3-unit multi-family dwelling must be paved.”

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

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 – May 22, 2024

DECISION MAKING HISTORY:

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

In amendment,

Motion 2
Moved by Councillor Orlikow,
Seconded by Councillor Dobson,

WHEREAS Council, under the leadership of the Mayor, has determined that housing supply and affordability is a City-wide priority;

AND WHEREAS on November 23, 2023, Council agreed to the Federal Government mandate of adding four dwelling units per residential lot and four units of up to four storeys as-of-right;

AND WHEREAS the City of Winnipeg is presently in discussion with the Federal Government regarding proposed transit funding which includes a condition to eliminate all mandatory minimum parking requirements within 800 metres of a high-frequency transit line;

AND WHEREAS even after consultation of the Mature Infill guidelines, lot splits were not supported by residents due to the change in the character and environmental impact of lot splits;

AND WHEREAS Council did not approve 'as-of-right' zoning changes when the Infill Guidelines for Mature Communities were adopted;

AND WHEREAS community input is an important part of ensuring developments are approached with neighborhood context in mind, which can provide certainly, decrease costs and reduce the overall timeline for developments;

THEREFORE BE IT RESOLVED THAT Item 8 of the Report of the Executive Policy Committee dated May 22, 204, be amended as follows:

- Delete Recommendations 1-2 in their entirety and replace with the following:

    1. That first reading not be given to By-law No. 26/2024 and the application for rezoning under File DAZ 204/2024 be rejected.

    2. That in accordance with subsection 281(2) of the City of Winnipeg Charter, the following supporting reasons be provided:

Report – Executive Policy Committee – May 22, 2024

DECISION MAKING HISTORY (continued):

A. The inclusion of four storey, fourplexes and transit funding requirements will have a significant impact on By-law No. 26/2024.

B. The consultation process was a failure with less than 1% of the public from mature neighbourhoods participating in the consultation process

C. Residents weren't consulted on as-of-right zoning changes during the public engagement for the Infill Guideline for Mature Communities and were not given adequate time to assess, ask questions and make recommendations on the report as other groups were provided.

In amendment,

Motion 3
Moved by Councillor Orlikow,
Seconded by Councillor Dobson,

WHEREAS community input is an important part of ensuring developments are approached with neighborhood context in mind, which can provide certainly, decrease costs and reduce the overall timeline for developments;

THEREFORE BE IT RESOLVED THAT Item 8 of the Report of the Executive Policy Committee dated May 22, 204, be amended as follows:

- Delete Recommendation 1.D.ii. and replace with the following:

  "1.D.ii.Delete Clause 10 in its entirety"

Moved by Councillor Eadie,
That Rule 27 of the Procedure By-law be suspended to allow Council to consider more than two amendments to the item, so that the following third amendment may be considered.

Carried

Report – Executive Policy Committee – May 22, 2024

DECISION MAKING HISTORY (continued):

In amendment,

Motion 5
Moved by Councillor Eadie,
Seconded by Councillor Schreyer,

BE IT RESOLVED THAT Item 8 of the Report of the Executive Policy Committee dated May 22, 2024, be amended as follows:

- Add the following new Recommendation 1.D.iv:

  "iv. In Clause 13, add the following new subclause:

  (c) 33 feet where the lot abuts a river at the rear of the lot."

The amendment, Motion 5, moved by Councillor Eadie and Seconded by Councillor Schreyer was put.

Councillor Eadie called for the yeas and nays, which were as follows:

Yea: Councillors Eadie, Orlikow, Schreyer and Wyatt 4

Nay: His Worship Mayor Gillingham, Councillors Allard, Browaty, Chambers, Dobson, Duncan, Gilroy, Lukes, Mayes, Rollins, Santos and Sharma. 12

and the amendment, Motion 5, moved by Councillor Eadie and Seconded by Councillor Schreyer was declared lost.

The amendment, Motion 3, moved by Councillor Orlikow and Seconded by Councillor Dobson was put.

Councillor Orlikow called for the yeas and nays, which were as follows:

Yea: Councillors Dobson, Eadie, Orlikow, Schreyer and Wyatt 5

Nay: His Worship Mayor Gillingham, Councillors Allard, Browaty, Chambers, Duncan, Gilroy, Lukes, Mayes, Rollins, Santos and Sharma. 11

Report – Executive Policy Committee – May 22, 2024

DECISION MAKING HISTORY (continued):

and the amendment, Motion 3, moved by Councillor Orlikow and Seconded by Councillor Dobson was declared lost.

The amendment, Motion 2, moved by Councillor Orlikow and Seconded by Councillor Dobson was put.

Councillor Orlikow called for the yeas and nays, which were as follows:

Yea: Councillors Dobson, Eadie, Orlikow, Schreyer and Wyatt 5

Nay: His Worship Mayor Gillingham, Councillors Allard, Browaty, Chambers, Duncan, Gilroy, Lukes, Mayes, Rollins, Santos and Sharma. 11

and the amendment, Motion 2, moved by Councillor Orlikow and Seconded by Councillor Dobson was declared lost.

The motion for the adoption of the item was put.

Councillor Rollins called for the yeas and nays, which were as follows:

Yea: His Worship Mayor Gillingham, Councillors Allard, Browaty, Chambers, Duncan, Gilroy, Lukes, Mayes, Rollins, Santos and Sharma. 11

Nay: Councillors Dobson, Eadie, Orlikow, Schreyer and Wyatt 5

and the motion for the adoption of the item was declared carried.

Report – Executive Policy Committee – May 22, 2024

DECISION MAKING HISTORY (continued):

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 amendments:

- In Recommendation 1, delete the period after the words "in accordance with this report" and replace with the following:

  ", and with the following amendments:

  A. Amend Section 7 – Table 5-2 amended, as follows:

     i. Number the first paragraph as (a)

     ii. Add the following new subclause (b):

        "(b) In the R2 row of the Principal Residential Structure section, under the Minimum Lot Area (Sq. Ft.) column, delete the words "5,000 (2,500) sq. ft. per dwelling unit" to "4,000 (2,000) sq. ft. per dwelling unit, where it abuts a rear lane"

  B. In Section 8 – Table 5-4 amended, add the following new subclause (c):

     "(c) In the "RMF-M" row of the Multi-Family Residential Structures section, under the Minimum/Maximum Building Height column, delete the word "60" and replace with "70"

  C. Amend Section 11 – Section 168.1 added, as follows:

     i. Delete the words "Table 5-9 where the use complies with the requirements" and replace with "Table 5-10 assuming compliance with the minimum parking requirements listed"

     ii. Delete the words "and section 171"

Report – Executive Policy Committee – May 22, 2024

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

D. Amend Schedule A as follows:

i. In Clause 7 (1), add the words “where the lot abuts a public lane” immediately before “in an R1 zoning district”

ii. In Clause 10 (a), delete the words “is 2,500 square feet” immediately after the words “rear of the lot”

iii. In Clause 15, add the following new subclause:

“(a) The abutting public lane at the rear of the lot of a 3-unit multi-family dwelling must be paved.”

and submitted its recommendation to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

File: DAZ 204/2024

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

Public Hearing: May 9, 2024
Council Building, 510 Main Street

Applicant: Director of Planning, Property and Development

Subject:



APPLICANT: City of Winnipeg
FILE: DAZ 204/2024
PROPOSAL: Proposed amendments to the Winnipeg Zoning By-Law No. 200/2006 and Downtown Winnipeg Zoning By-law No. 100/2004. The majority of the proposed amendments have been directed by previous Council motions, including but not limited to:
Winnipeg Zoning By-Law No. 200/2006
- Implementing the intent of the Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities by:
- Making two-family dwellings a conditional use in the R1 zoning districts
- Increasing the ability to create single-family detached dwellings through subdivision
- Creating more opportunities to develop two-family dwellings and multi-family dwellings with up to three units
- Allowing detached secondary suites
- Decreasing parking minimums for affordable housing and multi-family developments in infill areas
- Eliminating parking minimums on Portage Avenue and Pembina Highway
- Making it easier to establish outdoor drinking and dining areas
- Correcting minor deficiencies.
Downtown Winnipeg Zoning By-law No. 100/2004
- Making it easier to establish outdoor drinking and dining areas
- Removing regulatory barriers when converting existing buildings to residential uses.
- Removing regulatory barriers to establishing public washrooms.
- Enabling large commercial units to be established below and above the ground floor. **For information, phone R. Kostiuk Planner at 204-986-7367**

DEMANDEUR : Ville de Winnipeg
N° DE DOSSIER : DAZ 204/2024
PROJET : Proposition de modifications à apporter au Zoning By-law No. 200/2006 (règlement municipal sur le zonage) de Winnipeg et au Downtown Winnipeg Zoning By-law No. 100/2004 (règlement municipal sur le zonage du centre-ville de Winnipeg). Des motions précédentes du conseil municipal ont ordonné d'apporter la plupart des modifications proposées, y compris les suivantes :
Zoning By-law No. 200/2006 (règlement municipal sur le zonage) de Winnipeg
- Faire appliquer les intentions exprimées par les lignes directrices sur les aménagements résidentiels bas et à petite échelle dans les quartiers établis grâce aux mesures suivantes :
- Faire des habitations bifamiliales une utilisation conditionnelle dans les secteurs de zonage R1
- Augmenter la capacité de créer des habitations unifamiliales isolées par voie de lotissement
- Créer d'autres possibilités d'aménager des habitations bifamiliales et des habitations multifamiliales ayant jusqu'à trois unités
- Autoriser des logements accessoires isolés
- Réduire les exigences minimales en matière de stationnement pour les logements abordables et les ensembles résidentiels multifamiliaux dans les zones d'aménagement intercalaire
- Éliminer les exigences minimales en matière de stationnement sur l'avenue Portage et le chemin Pembina
- Faciliter l'aménagement d'aires de repas et de bar extérieures
- Corriger des lacunes mineures
Downtown Winnipeg Zoning By-law No. 100/2004 (règlement municipal sur le zonage du centre-ville de Winnipeg)
- Faciliter l'aménagement d'aires de repas et de bar extérieures
- Supprimer les obstacles réglementaires à la transformation de bâtiments existants en bâtiments résidentiels
- Supprimer les obstacles réglementaires à l'aménagement de toilettes publiques
- Permettre l'aménagement de grandes unités commerciales en dessous et au-dessus du rez-de-chaussée. **Pour plus de renseignements, communiquez avec R. Kostiuk, urbaniste, au 204-986-7367.**

RE:	Text Amendment – Rapid Zoning By-law Amendments to the Winnipeg and Downtown Winnipeg Zoning By-laws File DAZ 204/2024
For submission to:	Executive Policy Committee
Prepared by:	L. Cowan, Senior Committee Clerk Standing Policy Committee on Property and Development
Report date:	May 9, 2024

Standing Committee Recommendation:

On May 9, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to Council:

1. That first reading be given to By-law No. 26/2024 (the "By-law", a draft of which is attached as Appendix A to this report) to amend the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 in accordance with this report***, and with the following amendments:***

    A. Amend Section 7 – Table 5-2 amended, as follows:

        i. Number the first paragraph as (a)

        ii. Add the following new subclause (b):

            "(b) In the R2 row of the Principal Residential Structure section, under the Minimum Lot Area (Sq. Ft.) column, delete the words "5,000 (2,500) sq. ft. per dwelling unit" to "4,000 (2,000) sq. ft. per dwelling unit, where it abuts a rear lane"

    B. In Section 8 – Table 5-4 amended, add the following new subclause (c):

        "(c) In the "RMF-M" row of the Multi-Family Residential Structures section, under the Minimum/Maximum Building Height column, delete the word "60" and replace with "70"

    C. Amend Section 11 – Section 168.1 added, as follows:

        i. Delete the words "Table 5-9 where the use complies with the requirements" and replace with "Table 5-10 assuming compliance with the minimum parking requirements listed"

        ii. Delete the words "and section 171"

    D. Amend Schedule A as follows:

i. In Clause 7 (1), add the words "where the lot abuts a public lane" immediately before "in an R1 zoning district"

ii. In Clause 10 (a), delete the words "is 2,500 square feet" immediately after the words "rear of the lot"

iii. In Clause 15, add the following new subclause:

"(a) The abutting public lane at the rear of the lot of a 3-unit multi-family dwelling must be paved."

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

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

Note: The wording in bold and italics denotes amendments made by the Standing Policy Committee.

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

1. First off, I think it's important that we note, as I believe you touched on, these are all, now with these amendments, have recommendations from, not only the Councillors which represent residents of Winnipeg, but also from industry, and that of course the Public Service providing the framework for this, and working with yourself, and this committee to ensure that this reflects what the want is of Council.

2. It's also important that this gives direction for Winnipeggers for future development in our, as this is the piece, the Rapid Zoning By-law Amendments, but also that as our Director pointed out, this is a gentle amendment as we go along here, and not to be too extreme to begin with, so we are on a path forward and letting Winnipeggers see what direction we're going on, but as Mr. Veitch had pointed out as well, that this will be done through continuous consultation with the public.

3. So, I believe it's always important to be respectful of the residents that are here in Winnipeg, but also keep in mind future residents of Winnipeg.

Objections under the Charter:

Total number of **v**alid objections as per section 125(2) – 26

In accordance with section 236.1(1), the threshold for sufficient objection has been met.

Exhibits Filed:

1. Application dated March 13, 2024
2. Advertising Notice
3. Council Minutes dated July 23, 2020
4. Council Minutes dated June 24, 2021
5. Standing Policy Committee on Property and Development Minutes dated February 2, 2023
6. Council Minutes dated July 13, 2023
7. Communication dated April 23, 2024 from Judy Littleford in opposition to the application
8. Report from the Urban Planning Division dated April 11, 2024
9. Communication dated April 26, 2024 from Linda McFadyen in opposition to the application
10. Communication dated April 27, 2024 from Karen Dalkie in opposition to the application
11. Communication dated April 29, 2024 from Hal Loewen in support of the application
12. Communication dated April 30, 2024 from Ann Lyons in opposition to the application
13. Communication dated April 30, 2024 from Mark Buchholz in opposition to the application
14. Communication dated May 2, 2024 from Jacqueline Bays in opposition to the application
15. Communication dated May 5, 2024 from Geoffrey Hayes in opposition to the application
16. Communication dated May 6, 2024 from Alexander Harrison in support of the application
17. Communication dated May 6, 2024 from Shivam Suryavanshi in support of the application
18. Communication dated May 6, 2024 from Evan Woelk Balzer in support of the application
19. Communication dated May 6, 2024 from Christopher Clacio with respect to the application
20. Communication dated May 6, 2024 from Lawrence Cohen in opposition to the application
21. Presentation in support of the application submitted by Caleb Mueller
22. Communication dated May 7, 2024, from Michael Kvern in support of the application
23. Communication dated May 7, 2024, from Devlin Hinchey in support of the application

Exhibits Filed (continued):

24. Communication dated May 7, 2024, from Mark Collett in

opposition to the application

25. Communication dated May 7, 2024, from Emma Durand-Wood in support of the application
26. Communication dated May 7, 2024 from Scott Magnus in opposition to the application
27. Communication dated May 7, 2024, from Mel Marginet in support of the application
28. Communication dated May 7, 2024, from Dylon Martin in support of the application
29. Communication dated May 7, 2024, from Adam Johnston in support of the application
30. Communication dated May 7, 2024, from Keith Rodewald in support of the application
31. Communication dated May 7, 2024, from Phanie Koncan in support of the application
32. Communication dated May 7, 2024, from Debrah Chen in support of the application
33. Communication dated May 7, 2024, from Jolene Niffin in support of the application
34. Communication dated May 7, 2024, from Riley Archibald in support of the application
35. Communication dated May 7, 2024, from Shauna Mallory-Hill in opposition to the application
36. Communication dated May 8, 2024, from Tanja Schubert in support of the application
37. Communication dated May 8, 2024, from Jeffrey Hodgins in support of the application
38. Communication dated May 8, 2024, from Mark McLellan in opposition to the application
39. Communication dated May 8, 2024, from Tyler Crichton in support of the application
40. Communication dated May 8, 2024, from John R White in support of the application
41. Communication dated May 8, 2024, from Wayne Kepron in opposition to the application
42. Communication dated May 8, 2024, from David John Green in opposition to the application
43. Communication dated May 8, 2024, from Els de Gussem in opposition to the application
44. Communication dated May 8, 2024, from Rachael Alguire in support of the application
45. Communication dated May 8, 2024, from Timothy Wildman in opposition to the application
46. Communication dated May 8, 2024, from Shelley Sweeney in opposition to the application

Exhibits Filed (continued):

47. Communication dated May 8, 2024, from Lynda Hiebert in opposition to the application

48. Communication dated May 8, 2024, from Clara Mitchell Enns in support of the application
49. Communication dated May 8, 2024, from Max Schreckenbach in support of the application
50. Communication dated April 8, 2024, from Susan Freig in opposition to the application
51. Communication dated May 8, 2024, from Courtney Turner in opposition to the application
52. Communication dated May 8, 2024, from Elizabeth Fleming in opposition to the application
53. Communication dated May 3, 2024, from Allison Smith in opposition to the application
54. Communication dated May 7, 2024, from Robert Bagamery in opposition to the application
55. Communication dated May 7, 2024, from Theresa Livingston in opposition to the application
56. Communication dated May 7, 2024, from Paul and Mary Jane Hayes in opposition to the application
57. Communication dated May 8, 2024, from Zandra Lea with respect to the application
58. Communication dated May 8, 2024, from Steve Snyder in support of the application
59. Communication dated May 8, 2024, from Michael Carruthers with respect to the application
60. Communication dated May 7, 2024, from Kerry Fraser in opposition to the application
61. Communication dated May 5, 2024, from Randall Fransoo and Alison McLean in support of the application
62. Presentation, in support of the application submitted by the Applicant at the public hearing
63. Presentation in opposition to the application submitted by Eric Loewen at the public hearing
64. Presentation with respect to the application submitted by Councillor Orlikow at the public hearing
65. Communication dated May 9, 2024 in opposition to the application submitted by Andrea McLean
66. Communication submitted by the Winnipeg Public Service at the public hearing
67. Recording of Representations

REPRESENTATIONS:

In Support:

Rachael Alguire
Riley Archibald
Debrah Chen
Tyler Crichton
Emma Durand-Wood
Randall Fransoo
Alexander Harrison
Devlin Hinchey
Jeffrey Hodgins
Adam Johnston
Phanie Koncan
Michael Kvern
Hal Loewen
Mel Marginet
Dylon Martin
Alison McLean
Clara Mitchell Enns
Caleb Mueller
Jolene Niffin
Brian Pincott
Keith Rodewald
Derek Rolstone
Max Schreckenbach
Tanja Schubert
Steve Snyder
Shivam Suryavanshi
James Veitch
John R. White
Evan Woelk Balzer

In Opposition:

Robert Bagamery
Jacqueline Bays
Mark Buchholz
Lawrence Cohen
Mark Collett
Karen Dalkie
Els de Gussem
Ross Eadie
Judd Ekdahl
Elizabeth Fleming
Kerry Fraser
Susan Freig
David John Green
Paul Hayes
Mary Jane Hayes
Geoffrey Hayes
Lynda Hiebert
Wayne Kepron
Judy Littleford
Theresa Livingston
Eric Loewen
Ann Lyons
Scott Magnus
Shauna Mallory-Hill
Linda McFadyen
Andrea McLean
Mark McLellan
Allison Smith
Shelley Sweeney
Courtney Turner
Timothy Wildman

For Information:

Michael Carruthers
Christopher Clacio
Veronica Eno
Michelle Kading
Zandra Lea
Brian Mayes
Rita Morier
Bryn Oliver
John Orlikow
Debbie Vokey

For the City:

H. Borys, Director, Planning, Property and Development
E. Finnegan, Planner, Planning, Property and Development Department
D Harris, Acting Chief Zoning Officer, Planning, Property and Development Department
R Kostiuk, Senior, Planning, Property and Development Department

Exhibit "8" referred to in File DAZ 204/2024

ADMINISTRATIVE REPORT

Title: DAZ 204/2024 – Rapid Zoning By-law Amendments to the Winnipeg and Downtown Winnipeg Zoning By-laws

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

AUTHORIZATION

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

EXECUTIVE SUMMARY

On December 5, 2023, the Government of Canada, through the Canada Mortgage and Housing Corporation ("CMHC"), entered into an agreement with The City of Winnipeg (the "City") for $122.4 million in funding from the Housing Accelerator Fund ("HAF"). The HAF funding is based on the City achieving 3,166 net new building permitted housing units and 14,101 in total (including 10,935 units projected to be permitted without HAF) over the next three years. Any building permits issued after the agreement date of December 5, 2023, will count toward the building permit goal.

The majority of the proposed rapid zoning by-law amendments outlined within this report and detailed in the attached Draft Amending By-law have been directed by previous Council motions and are intended to complete first phase of Initiative 1 ("Rapid Zoning By-law Amendments") within the City's HAF application, which is:

> *'To accelerate the pace of housing construction and increase housing density in existing neighbourhoods, the Rapid By-law Amendments initiative aims to implement swift changes to the Winnipeg Zoning By-law to align with previously-endorsed Council directions or policy.'*

In addition, the other amendments to both the Winnipeg Zoning By-law and the Downtown Winnipeg Zoning By-law included in this work have been either directed by Council motions, or have been identified to address minor deficiencies in the existing zoning regulations.

Further zoning amendments as part of Initiative 1 of the HAF will come forward later, as described in the report.

RECOMMENDATIONS

1. That Council give first reading to By-law No. 26/2024 (the "By-law", a draft of which is attached as Appendix A to this report) to amend the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 in accordance with this report.

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

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 on Property and Development 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 to the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004 proposed in this report will be given first reading. In the event that the City does not receive sufficient objections to the amending by-law, it will be brought back directly to Council for second and third readings at the following meeting of Council.

HISTORY/DISCUSSION

Background

The amendments proposed in this report are part of a four-stage zoning by-law amendment process (each stage is referred to in this report as a "bucket") to improve processing and accelerate housing in areas covered by the Winnipeg Zoning By-law No. 200/2006 and the Downtown Winnipeg Zoning By-law No. 100/2004. These four buckets of amendments have been guided by both Council's Strategic Priorities Action Plan ("SPAP") and more recently by The City of Winnipeg's Housing Accelerator Fund ("HAF") application.

- The first bucket of improvements focused on development permit exemptions, and were approved by Council on February 22, 2024. The development permit exemptions will allow minor construction projects such as fences, hot tubs and garages to move directly to the building permit stage saving applicants both time and money.

- The second bucket – which forms the subject of this report – focuses on Rapid Zoning By-law Amendments to both the Winnipeg and the Downtown Zoning By-laws. These

amendments align with previously-endorsed Council policies or directions. This bucket is also intended to complete the first step towards Initiative 1 ('Rapid Zoning By-law Amendments') within the City's HAF application, which was approved by Council on July 13, 2023, and reads as follows:

'To accelerate the pace of housing construction and increase housing density in existing neighbourhoods, the Rapid By-law Amendments initiative aims to implement swift changes to the Winnipeg Zoning By-law to align with previously-endorsed Council directions or policy. It is designed to increase as-of-right housing options, encourage infill opportunities, and enable more flexible zoning entitlements. This will include supporting the development of "missing middle" housing in established neighbourhoods as outlined in the Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities, as well as streamline Council-approved reduction of parking requirements for affordable housing.

Increasing opportunities for higher density infill development as-of-right will increase certainty for the developer and reduce approval times thus reducing carrying costs incenting more development in infill areas.'

'These accelerated zoning amendments are critical to informing the longer-term goal of a complete overhaul of the Winnipeg zoning bylaws to facilitate housing development city-wide… (Council Minutes July 13, 2023).'

In addition, the other amendments to both the Winnipeg and Downtown Winnipeg Zoning By-laws included in this work have been either directed by Council motions, or have been identified to address minor deficiencies in the existing zoning regulations.

- The third bucket, targeted for a public hearing at Council in the winter of 2024 for item four below and spring of 2025 for items two and three below, will further address amendments to Initiative 1 of the City's HAF application, and will include the following zoning by-law related items specifically included in Council's November 23, 2023, HAF motion:

    2. *That the HAF application be amended to legalize four dwelling units per residential lot be permitted as-of-right city-wide.*

    3. *That the HAF application be amended to legalize four units of up to four storeys as-of-right within 800 metres of high-frequency transit corridors as outlined in the City's HAF application and informed by the initial network changes in phase one of the Winnipeg Master Transit Plan.*

    4. *That the HAF application be amended to ensure that new housing zoning reforms targeted for mall sites and commercial corridors – as proposed in City Council's Strategic Priorities Action Plan – allow for as-of-right development to facilitate quick approvals and construction of new housing.*

    Recommendations 2-4 will be done in accordance with recommendation 5 from the same Council motion:

    5. *"That as-of-right approvals specified in Recommendations 2, 3 and 4 be contingent upon applicable zoning and by-law changes that are subject to a*

public hearing prior to enactment, and upon reasonable standards for construction, servicing and design, consistent with standards adopted or projected in other cities with completed HAF agreements, including:

A. Lot size specifications, requiring that four units as-of-right be limited to a standard lot size or greater, with dimensions to be determined by Council after consideration of recommendations by the City Public Service, with total dimensions sufficient to support four housing units.

B. Building form standards broadly consistent with existing Infill Guidelines, modified where necessary to meet the spirit of Recommendations 2 and 3.

C. Height limits for developments under Recommendation 3, so four-storey as-of-right allowances are no greater than 48' and apply only to developments of four units. (Permitted heights for zones covered by Recommendation 2 alone would remain consistent with existing Infill Guidelines requirements).

D. Urban servicing capacity requirements (including land drainage, water service, paved roadway and laneway service, and sufficient wastewater and flood protection capacity to meet existing provincial and federal regulations).

E. Environmental standards, including the application of a tree protection and replacement by-law if City Council adopts such a by-law in future;

F. Retention of the City's right to require consent to standardized development agreements where these would already typically be applied to new for-profit multi-residential developments to recover direct infrastructure costs to taxpayers, especially for those developments contemplated under Recommendation 4.

- The fourth and final bucket will be a full re-write of the City's zoning by-laws. This will involve a comprehensive process including significant public and stakeholder consultation. The full zoning by-law(s) re-write is expected to begin in late-2025 and be completed by late-2027.

Proposed Rapid Amendments to Winnipeg Zoning By-law No. 200/2006

The proposed rapid amendments to the Winnipeg Zoning By-law can be characterized as follows:

a) Amendments to make it easier to develop single-family detached dwellings ("SFDs"), two-family dwellings or two-family semi-detached dwellings ("TFDs"), and multi-family dwellings ("MFDs") with up to three units in Mature Communities.

b) Amendments to allow for detached secondary suites as-of-right in all Established Neighbourhoods.

c) Amendments to parking requirements for affordable housing, multi-family housing in the Mature Communities, and for development along Portage Avenue and Pembina Highway.

d) Amendments to permit outdoor dining/drinking areas and address known deficiencies in the Zoning By-laws.

Items (a)-(c) above are primarily related to HAF Initiative 1 and will be enabled primarily by the enactment of a Planned Development Overlay (PDO), while the remaining amendments in item (d) have been either directed by Council motions or have been identified to address minor deficiencies.

SFDs, TFDs, and MFDs with up to Three Units in Mature Communities

Items identified in (a) above are primarily guided by the Council motion (June 2021) provided in association with the adoption of the *Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities* (the "Guidelines"):

> *'That the Public Service be directed to prepare for Council consideration an amendment to the Winnipeg Zoning By-law No. 200/2006 as a means of implementing the intent of the Guidelines, and to allow Two-Family Uses (i.e. duplexes and side-by-sides) within the R1 Zoning District as a Conditional Use.'*

In March 2023, Council adopted the Glenwood PDO-1 (Schedule Y to the Winnipeg Zoning By-law). Though that PDO only applied to the Glenwood Neighbourhood, it was adopted as an initial first step to formalizing the Guidelines in the Zoning By-law by: requiring a design review process for new infill projects, amending bulk standards, and introducing landscaping and design standards for Single Family Dwellings and Two-Family Dwellings in a manner that aligns with the Guidelines.

Accordingly, the Glenwood PDO-1 provides the best foundation in the Winnipeg Zoning By-law to further broaden the scope of implementing the intent of Guidelines. In this round of amendments, bucket 2, the proposed amending by-law, By-law No. 26/2024 (the "By-law", a draft of which is attached as Appendix A) adds a new PDO, the Mature Communities PDO, which repeals and replaces the Glenwood PDO-1 and applies it to all of the City's Mature Communities (except where adopted secondary plans exist) as follows:

- Changing Map 1 to include all Mature Communities (except those with existing secondary plans) in a manner that aligns with the Guidelines.

- Making two-family dwellings a Conditional Use in the R1 (Single Family) zoning districts.

- Adding a subdivision standard for single-family detached dwellings that requires equal sized lots abutting a paved public lane and ensuring that the Special Boundary Conditions (sec. 138) do not apply to the area covered by the proposed Mature Communities PDO-1.

- Reducing minimum lot area requirements for R1-M, Single Family Medium-zoned lots with access to a back lane, from 3,500 square feet to 2,500 square feet.

- Amending the minimum lot width standards for single-family detached dwellings to 25 feet for lots that abut a rear public lane, and 40 feet for lots that don't abut a rear public lane.

- Allowing multi-family dwellings with up to three units on R2 Residential Two-Family and RMF Residential Multiple Family zoned lots that abut a rear public lane with a minimum site width of 35 feet and a minimum lot area of 3,500 square feet.

- Amending yard, height, permitted projection and accessory structure standards for multi-family dwellings with up to three units.

- Requiring design and landscaping standards for multi-family dwellings with up to three (3) units.

With the map amendment to include all Mature Communities, the proposed Mature Communities PDO-1 will expand the entitlements and regulations beyond the Glenwood Neighbourhood, including the following:

- Amended yard, height and permitted projection requirements for single-family detached dwellings and two-family dwellings.

- Altered the accessory structure standards for single-family detached dwellings and two-family dwellings.

- Requiring design and landscaping standards for single-family detached dwellings and two-family dwellings.

- Allowing duplexes on residentially-zoned sites with access to a rear lane, a minimum site width of 32 feet and a minimum lot area of 2,880 square feet.

- Allowing side-by-side, two-unit dwellings on residentially-zoned sites with a rear lane, a minimum site width of 40 feet and a minimum lot area of 4,000 square feet in Areas 1 and 2 of the Guidelines.

Detached Secondary Suites

In July 2020, Council passed a motion directing the Public Service to make detached secondary suites a permitted accessory use (instead of a conditional use) in the Winnipeg Zoning By-law in all Established Neighbourhoods. Allowing detached secondary suites as a permitted use will eliminate the time and cost associated with a development application, thereby making it easier to establish the suite. The detached secondary suites will still need to adhere to the existing use specific standards for that accessory use in the Zoning By-law. In addition to making detached secondary suites a permitted accessory use in the R1 and R2 zoning districts, the By-law will:

- Eliminate a standard that would make it difficult (if not impossible) to construct a detached secondary suite on a lot that doesn't abut a back lane; and

- Add standards to help ensure that detached secondary suites are well-designed and in a manner that can mitigate privacy concerns.

Parking

Multiple parking amendments are included in the By-law, all which are supported by previous direction. Reducing parking requirements can help reduce housing costs by eliminating costs associated with physically developing parking spaces, particularly if the required parking is in excess of the market demand. The By-law proposes to:

- Allow 0.15 stalls per dwelling unit for affordable housing developments throughout the area covered by the Winnipeg Zoning By-law.

    - This amendment requires the addition of an "affordable housing" definition and use type to the Winnipeg Zoning By-law.

- Eliminate parking minimums on Portage Avenue and Pembina Highway in Urban Infill Areas Maps 1 & 2.

    - This amendment would apply to all uses; maintain the requirement for accessible spaces; require parking to be screened from a street by being within, below, or behind a building; and result in enhanced bicycle parking requirements.

- Reduce parking minimums from 1.5 to 1 parking space per dwelling unit for multi-family dwellings in the Urban Infill Areas Maps 1 & 2.

Outdoor Dining/Drinking Areas and Addressing Known Deficiencies in Zoning Regulations

The remaining proposed amendments to the Winnipeg Zoning By-law are intended to make outdoor dining and drinking areas more permissive and address other known minor deficiencies. These amendments in the By-law include:

- Making outdoor dining/drinking areas a permitted accessory use where they are currently a Conditional Use (ie in the PR2, PR3, RMU, CMU) while adding commonly applied conditions with respect to the design and function of the patios as use specific standards for the PR2, PR3, RMU, TOD, C1, and C2 zoning districts.

- Reducing the minimum reverse corner street side yard from 10 feet to 4 feet in the R2 Residential Two-Family zoning district.

- Reducing the minimum lot area requirement in the RMF-S Residential Multiple Family Small zoning district to 5,000 square feet for lots that abut a rear public lane.

Proposed Rapid Amendments to the Downtown Winnipeg Zoning By-law No. 100/2004

The proposed amendments to the Downtown Winnipeg Zoning By-law No. 100/2004 are summarized as follows:

- Making it easier to establish outdoor drinking and dining areas.

    - The intent of these changes is to specify where patios are allowed, and to reduce patio size limitations Downtown. Instead of size limitations, regulations will be

changed to focus on noise allowances, and align hours of operation with the City of Winnipeg Terms and Conditions for Sidewalk or on-street patios (11pm weekdays, 12am Saturday and Sunday).

- Removing regulatory barriers when converting existing buildings to residential uses, as guided by Council direction in September 2023.

    - Residential yard requirements are in place to protect the livability of surrounding residential properties (e.g. privacy for residents) while making sure the development potential of adjacent sites is not compromised. The intent of this proposed change is to clarify existing regulations, which state that rear and side yard rules do not apply to existing buildings being converted to residential uses. The City wants to encourage residential conversions wherever possible, and this includes existing buildings downtown that may not have the desired side or rear yards, and/or those that are built right up to the existing property line. As existing buildings cannot be altered in such a drastic manner, it makes sense to enable the conversion. Rear and side yard requirements would continue to be required for new construction and building additions Downtown.

- Removing regulatory barriers to establishing public washrooms, as guided by Council direction in March, 2023.

    - The intent of these changes is to make it easier to establish public washroom facilities Downtown. This involves exempting public washrooms from Downtown height minimums and permitting them as accessory uses. This will be achieved by adding “Accessory building, structure, or use” to the Accessory Use Categories and Uses tables for all of the Downtown zoning districts.

- Enabling large commercial units to be established below and above the ground floor.

    - In certain areas Downtown, there are zoning limits related to how large commercial spaces can be. These rules are in place to keep the fine-grained and pedestrian oriented character of the area, where there are many shops/offices per block. This is important on the ground floor, but less important below- and above the ground floor, where some businesses (e.g. furniture stores, medical offices) would benefit from larger units. The intent of this change is to allow larger businesses to establish in below- and above-grade commercial units (while maintaining fine-grained uses on the ground floor) to best serve the needs of residents, workers, and visitors Downtown.

Consultation and Collaboration

The Planning, Property and Development (PP&D) reviewed the general direction of the proposed amendments with members of the Urban Development Institute (UDI) in a workshop held on February 16, 2024. Members of UDI provided feedback, including feedback on items that can be considered at a future date through the four-stage zoning by-law amendment process. Some amendments that UDI and PP&D agreed to include as known deficiencies that could be addressed through the current bucket of rapid amendments to the Winnipeg Zoning By-law are:

- Changing the minimum reverse corner street side yard to 4 feet (from 10 feet) in the R2 zoning district, and;

- Allowing a minimum lot area of 5,000 square feet for lots that abut a public lane in the RMF-S zoning district.

FINANCIAL IMPACT

Financial Impact Statement

Date: April 11, 2024

Project Name:

DAZ 204/2024 – Rapid Zoning By-law Amendments to the Winnipeg and Downtown Winnipeg Zoning By-laws

COMMENTS:

There are no financial implications associated with this report.

Mike McGinn Apr. 11, 2024

Mike McGinn, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

Legal Services

OURWINNIPEG POLICY ALIGNMENT

City Building

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

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.

6.6 Intensification Target
Achieve the intensification target by making development in intensification target areas easier and more desirable and predictable, as directed in Complete Communities.

6.17 Downtown Economic Investment
Support development that reflects the Downtown's designation as a Transformative Area and preeminent complete community, as detailed in Complete Communities.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

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

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

The information and recommendations presented in this report align with and advance the Winnipeg Poverty Reduction Strategy (2021 – 2031) by aligning with the following goals and objectives:

GOAL 2: The City Actively Plans for and Partners in Affordable Housing

A. The City's capacity and commitment to advancing affordable housing initiatives are increased.

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

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design
Prepared by: Robert Kostiuk, RPP, MCIP
Date: April 11, 2024
File No: DAZ 204/2024

Attachment: Appendix A – Draft Amending By-Law No. 26/2024