Agenda – Council – November 21, 2024

PUBLIC HEARINGS

Item No. 1 **Text Amendment – Amendments to the Winnipeg Zoning By-law to Allow As-of-Right Residential Development on Select Malls and Corridor Sites (PDO-1 Malls & Corridors)**
File DAZ 219/2024 [c/r SPA 6/2024 and SPA 7/2024]

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

1. That Council give first reading to a by-law to amend the Winnipeg Zoning By-law No. 200/2006 (the "By-law"), a draft of which is attached as Appendix A to 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 authority be delegated to the Director of Planning, Property and Development to:

    A. Approve and enter into agreements in respect of site servicing imposed as a condition of approval of an application for a development permit under the Malls and Corridors Planned Development Overlay 1 (the "Servicing Agreements"); and

    B. Negotiate and approve the terms and conditions of the Servicing Agreements, generally in accordance with Appendix B, and such other terms and conditions determined necessary by the City Solicitor and Director of Legal Services to protect the interests of the City.

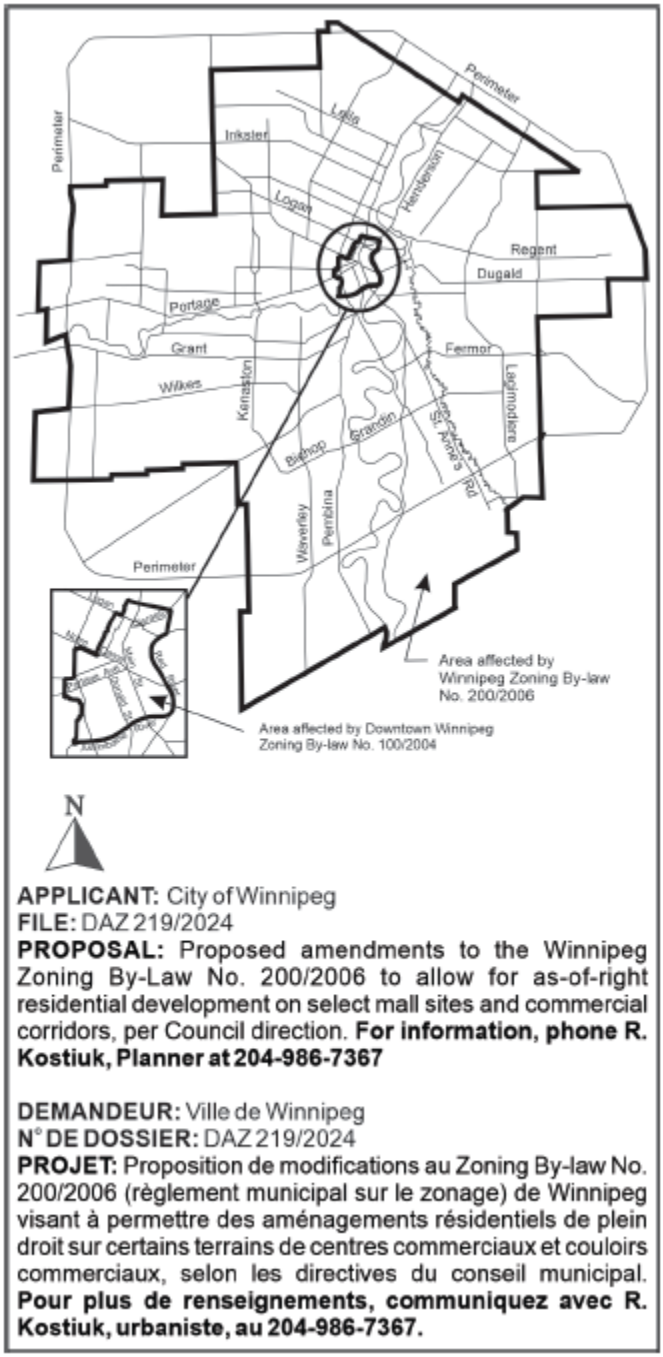
4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda – Council – November 21, 2024

File: DAZ 219/2024

Applicant: The City of Winnipeg
(Director of Planning, Property and Development)

Subject:



Exhibits Filed:

1. Application dated September 6, 2024
2. Advertising Notice
3. Report from the Urban Planning Division dated November 12, 2024
4. Presentation dated November 19, 2024 from Matt Glavin with respect to the application
5. Communication dated November 15, 2024 from Pam Lucenkiw with respect to the application
6. Communication dated November 15, 2024 from Ben McGillivary in support of the application
7. Communication dated November 16, 2024 from Jeffrey Hodgins in support of the application
8. Communication dated November 17, 2024 from Gail R. Flaveri in support of the application
9. Communication dated November 17, 2024 from Kele Scheckenbach in support of the application
10. Communication dated November 17, 2024 from Max Scheckenbach in support of the application
11. Communication dated November 18, 2024 from Tyler Crichton in support of the application
12. Communication dated November 18, 2024 from Phanie Koncan in support of the application
13. Communication dated November 18, 2024 from Hillary Rosentreter in support of the application
14. Presentation dated November 18, 2024 from Justin Zarnowski in support of the application
15. Communication dated November 18, 2024 from Allison and Ken Labelle in opposition to the application
16. Presentation dated November 19, 2024 from the Director of Planning, Property and Development in support of the application
17. Communication dated November 19, 2024 from the Director of Planning, Property and Development in support of the application
18. Communication dated November 19, 2024 from Justin Zarnowski in support of the application

REPRESENTATIONS:

In Support:

H. Borys, Director, Planning, Property and Development
Rita Morier
Justin Zarnowski
Lanny McInnes
Max Schreckenbach
Christopher Clacio
Debbie Vokey
Kimberley Yathon
Ben McGillivary
Jeffrey Hodgins
Gail R. Flaveri
Kele Schreckenbach
Tyler Crichton
Phanie Koncan
Hillary Rosentreter

In Opposition:

Marty Gold
Allison Labelle
Ken Labelle

For Information:

Matt Glavin
Pam Lucenkiw
Alanna Phillips

For the City:

J. Veitch, Manager of Urban Planning and Design, Planning, Property and Development Department
R. Kostiuk, Senior Planner, Planning, Property and Development Department
E. Allen, Planner, Planning, Property and Development Department
R. Mahé, Acting Manager & Land Enhancement Administrator, Chief Administrative Office

The Winnipeg Public Service to advise that all statutory requirements with respect to this application have been complied with.

Moved by

That the recommendation of the Winnipeg Public Service be concurred in / not be concurred in.

Supporting Reasons:

Moved by

That the public hearing with respect to this application be concluded.

DECISION MAKING HISTORY:

On November 19, 2024, the hearing body closed public representations and adjourned the hearing to a special meeting on November 21, 2024, at 11:00 a.m. in the Council Building at 510 Main Street.

Exhibit "3" referred to in File DAZ 219/2024

ADMINISTRATIVE REPORT

Title: DAZ 219/2024 – Amendments to the Winnipeg Zoning By-law to Allow As-of-Right Residential Development on Select Malls and Corridor Sites (PDO-1 Malls & Corridors)

Critical Path: Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch	H. Borys		

EXECUTIVE SUMMARY

On November 23, 2023, Council adopted the following as part its motion on the Housing Accelerator Fund:

> *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.*

Accordingly, the Public Service is bringing forward the proposed amendments to the Winnipeg Zoning By-law to advance Council's direction via a Planned Development Overlay (PDO) on select mall and corridor sites. Key aspects of the PDO include:

- Properties included in the PDO are guided by existing policy in *OurWinnipeg 2045* and the *Complete Communities Direction Strategy 2.0* (less exclusions discussed in this report). As such, the properties are located:
  - Along Urban and Regional Mixed Use Corridors; or
  - Within Regional Mixed Use Centres, as well as C3 and C4-zoned properties that are 10 acres or more in area (Community Mixed Use Centres).

- Residential uses, including multi-family dwellings, are permitted.
  - This is essential for implementing Council's direction, most notably on C3 and C4-zoned sites, where under the current Winnipeg Zoning By-law a rezoning application would be required to allow for multi-family dwellings.

- There is no maximum density.
  - A form-based approach (building massing, scale, design, landscaping, etc.) is used to guide appropriate site and building design.
- Maximum height limits are modified, depending on corridor width.
  - The building height is limited to 75 feet for properties that are located along corridors with a right-of-way width that is less than 80 feet.

    - The building height is limited to 105 feet for properties that are located along corridors with a right-of-way width between 80 and 100 feet.
    - The building height is limited to 150 feet for properties that are located along corridors with a right-of-way width that is more than 100 feet. However, if a building is located within a required Framework Plan and is set back more than 75 feet from the right-of-way, the building height may be as tall as 200 feet.
    - Building heights may be further limited by the 45-Degree Analysis.

- The PDO is optional.
    - If an owner of a commercially zoned property that is located within the PDO area (for example), only wants to develop a commercial building, they do not need to follow the PDO.
    - If an owner of a property within the PDO area does not wish to follow the PDO, the owner can apply to rezone and instead follow the existing public hearing process.

- Framework plans are required for sites that are more than 10 acres in area.
    - Framework plans will be used to divide sites into walkable blocks with internal streets for vehicles, pedestrians, and bicyclists.
    - Within Framework plans, A-Streets are more pedestrian friendly and have more design constraints, and B-Streets are more service-oriented with less design constraints.
    - A framework plan would need to be submitted at the development permit stage and could be modified as required.

- Open space requirements are included in the PDO.
    - Open space in the draft PDO falls under two classifications: civic space and amenity space. civic space is privately-owned public space, which is intended for general public use, whereas amenity space is intended for residents on the site.
    - Sites along Regional Mixed Use Corridors (or in some cases mall areas), but are less than 10 acres in area, require the following:
        - At least 2% of the lot must be programmed as shared outdoor amenity space intended for resident or building occupant use, at the ground level or on an above-grade open-air amenity deck.
    - Sites above 2 acres must provide 4% of the site area in civic space. However, civic spaces can qualify as outdoor amenity space.
    - Framework plans must allocate a minimum 8% of the framework site to civic space (i.e. privately-owned public space).

The development of the PDO was initiated in collaboration with multiple stakeholders over the past 6 months, including the development industry, starting with Malls and Corridors Week (June 10-14, 2024). Multiple information or engagement sessions were held, including 4 public open houses, which occurred between October 7-10, 2024.

Though the proposed zoning changes enable residential development at higher densities within selected mall sites and along corridors, the development potential of these areas may still be limited by servicing capacity. Servicing capacity was not analyzed as part of the proposed zoning changes. Accordingly, an agreement with the City may be required to improve servicing capacity to a site, and therefore servicing capacities should be investigated by proponents in advance of application. To enable expedient turnaround of these agreements for servicing

capacity (“servicing agreements”), this report recommends delegating authority to the Director of PPD to approve and enter into these agreements rather than require Council approval for each agreement. A sample servicing agreement is attached as Appendix B to this report.

Proposed amendments to section 8 of the Winnipeg Zoning By-law include clauses that provide clarity with respect to the designated employee’s ability to attach conditions to a development permit, including the requirement for a servicing agreement. The ability to enter into servicing agreements through the development permit process is a key tool in facilitating the development of sites with servicing constraints.

RECOMMENDATIONS

1. That Council give first reading to a by-law to amend the Winnipeg Zoning By-law No. 200/2006 (the “By-law”), a draft of which is attached as Appendix A to 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 authority be delegated to the Director of Planning, Property and Development to:

    A. Approve and enter into agreements in respect of site servicing imposed as a condition of approval of an application for a development permit under the Malls and Corridors Planned Development Overlay 1 (the “Servicing Agreements”); and

    B. Negotiate and approve the terms and conditions of the Servicing Agreements, generally in accordance with Appendix B, and such other terms and conditions determined necessary by the City Solicitor and Director of Legal Services to protect the interests of the City.

4. 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

As part of Council’s November 23, 2023, motion on the Housing Accelerator Fund, Council adopted:

> *8. That the Development Procedures By-law No. 104/2020 be amended to designate Council as the hearing body for the required zoning by-law amendments.*

On September 26, 2024, Council passed By-law 113/2024, which amended the Development Procedures By-law as follows:

> *Hearing body – HAF amendments to zoning by-laws*
> *25.1 Despite section 25, Council is the hearing body for a public hearing in respect of:*

(a) any text amendment to a zoning by-law required pursuant to the resolution of Council attached as Schedule "A" to this By-law; and

(b) any amendment to a secondary plan that relates to or is required as a result of any amendment referred to in clause (a).

Accordingly, this rezoning application is being heard by Council per Council's direction and the recent amendment to the Development Procedures By-law.

IMPLICATIONS OF THE RECOMMENDATIONS

Should the recommendations be approved, the text amendments to the Winnipeg Zoning By-law No. 200/2006 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 Housing Accelerator Fund ("HAF")

- 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.

- 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.

November 23, 2023 Council Motion

- On November 23, 2023 Council adopted the HAF motion:

    1. *That Council affirm its support for the Housing Accelerator Fund (HAF) application.*

    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.*

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.*

6. *That all five Community Committees engage in consultation on the proposals, as outlined in Recommendations 2-5 above, no later than year-end 2024.*

7. *That the Public Service be directed to schedule public hearings and report back to the appropriate committee of Council, with the required by-law amendments to implement the intent of the foregoing. Winnipeg Zoning By-law and Downtown Zoning By-law amendments should be brought forward, if possible, as part of the Rapid Zoning By-law Amendments process, targeted for spring 2025 as noted in the HAF application.*

8. *That the Development Procedures By-law No. 104/2020 be amended to designate Council as the hearing body for the required zoning by-law amendments.*

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

- The subject rezoning application is being brought forward for Council's consideration in order to address item 4 and any related sub-clauses to its November 23, 2023 motion.

- Zoning amendments associated with items 2 and 3 (and any related sub-clause) are anticipated to be brought before Council in the spring of 2025 in a public hearing targeted for March.

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

- The following subsections describe the key components of the proposed Malls and Corridors Planned Development Overlay (the "PDO").
- The PDO was drafted by DPZ CoDesign ("DPZ"), a planning and urban design firm based out of Portland, Oregon.
- DPZ was the successful bidder in a request for proposals for a form-based zoning by-law.
- Form-based zoning by-laws put emphasis on the form of the built environment to enable complete communities, creating an increased level of certainty for as-of-right development.
- Cities that have adopted form-based zoning by-laws include Calgary, Edmonton, Toronto, Miami, Nashville, Buffalo, Dallas, Ft. Worth, Denver, Albuquerque, El Paso, Memphis, Baltimore, Tulsa, Portland, Cincinnati, Cleveland, Philadelphia, Los Angeles, San Diego, Austin, Chattanooga, Atlanta, and Jacksonville, in large part to enable development patterns in alignment with market demands, including providing a range of housing types that deliver a range of price points.

Applicability: Eligible Lots

- Lots shown in the PDO Map are eligible to use the PDO.
- These lots include:
    - Lots that share a fronting or flanking property line with an Urban Mixed Use Corridor, as mapped within the OurWinnipeg By-law No. 120/2020 ("*OurWinnipeg 2045")* and the Complete Communities Direction Strategy 2.0 By-law No. 119/2020 ("*Complete Communities Direction Strategy 2.0*")
    - Lots that share a fronting or flanking property line with a Regional Mixed Use Corridor, as mapped within *OurWinnipeg 2045* and the *Complete Communities Direction Strategy 2.0*
    - Lots located within Regional Mixed Use Centres, as mapped within *OurWinnipeg 2045* and the *Complete Communities Direction Strategy 2.0*
    - Lots zoned C3 or C4 and that are 10 acres or more in area.
- These lots were selected for the following reasons:
    - Regional and Mixed Use Corridors and Regional Mixed Use Centres are mapped policy designations within *OurWinnipeg 2045* and the *Complete Communities Direction Strategy 2.0.* Accordingly, these sites have already been analyzed and

accepted and adopted as policy by Council as being among the best areas in Winnipeg to accommodate significant growth and change.

- Community Mixed Use Centres is also a policy designation within the *Complete Communities Direction Strategy 2.0.* However, Community Mixed Use Centres are not mapped, but described as:

  C4.1.

  a. A single commercial site greater than 15 acres in net land area that is not identified as a Regional Mixed Use Centre; or

  b. A single commercial site less than 15 acres in net land area but containing an existing Major Retail use.

  4.1.4 Land area requirements cited in Policy 4.1 shall be considered approximate.

- Given that Major Retail Uses and major commercial sites are primarily zoned C3 or C4, and that the site area of 15 acres is approximate, the Public Service included lots zoned C3 or C4 and greater than 10 acres in area in order to capture as many Community Mixed Use Centre sites as possible.

- However, there are exclusions, which are as follows:
  - Properties located within Area 1 of the Airport Vicinity Protection Area, which does not allow for multi-family development
  - Properties located within existing PDOs (Boulevard Provencher, Corydon-Osborne, Downtown Transcona, St Norbert, Taylor Lands, West Alexander-Centennial, Westport Festival, North Campus). These were left out for two main reasons:
    - If these existing PDO's were included within the PDO "as is," administration would be overly complicated and likely confusing for an applicant; and,
    - The vast majority of the existing PDOs already accommodate residential development.
  - Sites with a Manufacturing, Educational and Institutional, or Parks zoning designation or use
  - Properties with an Employment Lands designation within *OurWinnipeg 2045* and the *Complete Communities Direction Strategy 2.0*
  - Properties zoned C3 or C4 that are greater than 10 acres, but not occupied by primarily retail uses (example: Assiniboia Downs and utility corridors)
  - Cemeteries.
- Appendix C provides a verbal description of the lands included in the PDO.

Minimum Density & Opting into the PDO

- The minimum density required to use the PDO is 14 dwelling units per acre (1 dwelling unit per ~3,111 square feet of lot area).
  - The reason for this minimum density is that it generally aligns with typical townhouse development, which would be appropriate along all corridor types. Further, it allows for townhouse development on mall sites where it may be appropriate to transition to townhouse development adjacent to an existing residential area.

- An applicant may opt-in or opt-out of the PDO through the development permit process. If an applicant chooses to opt-in, they must follow the zoning regulations in the PDO but may apply for variances to the PDO standards.

Preliminary Technical Meeting

- Though not required, the applicant may request a preliminary technical meeting with the Public Service to review technical zoning requirements, operational constraints, site access management, and water and sewer constraints.

Development Capacity: Density; Use; Parking

- Beyond the minimum density of 14 dwelling units/acre, key regulations with respect to development capacity are:

  Density & Lot Size

  - There is no minimum lot area per dwelling unit requirement; the focus of the PDO is form.
  - There is no minimum lot size.

  Permitted Uses

  - The PDO permits most Residential and Residential-Related uses in the Winnipeg Zoning By-law, including multi-family dwellings.
    - This is an essential component of the PDO in relation to Council's November 23, 2023 motion because it enables as-of-right residential development most notably on C3 and C4 sites, which would otherwise require a rezoning application.
  - C2-zoned properties along Urban Mixed Use Corridors are required to include active uses at the ground floor for 70% (or more) of the building façade.
    - It should be noted that the Open House Boards included a comment that this would only apply when a non-residential use was located across the corridor from the site.
    - Upon further review, this regulation was eliminated from the PDO because of the flexibility inherent to the "non-residential" use, which could include residential amenity spaces in the draft, and because most C2-zoned sites are located across from Commercially-zoned properties.

  Parking

  - Excluding Pembina Highway and Portage Avenue in the Mature Communities where Council recently adopted zero parking minimums, 0.5 parking spaces are required for each dwelling unit and 50% of the required parking for Restaurants or Drinking establishments.
    - The Winnipeg Zoning By-law currently requires 1.5 parking stalls per dwelling unit (1.2 per dwelling unit in the Urban Infill Areas) and 1 parking stall per 100 square feet of floor area for Restaurants and Drinking establishments.
  - One lockable bicycle parking space is required for every two dwelling units.

Design Standards: Open Space; Site Coverage; Site Frontage; Setbacks; Design Standards; Parking and Loading; Pedestrian and Bicycle Access

- Design standards form the bulk of the proposed PDO. The key design regulations are described below.

  Open Space

  - The intent of the open space requirements is to ensure that private development provides open spaces that are designed and programmed for resident or building occupant use and that contribute to urban forestry goals, as appropriate to the size of the site.
  - Open space in the PDO ultimately falls under two different classifications: civic space and amenity space.
  - Civic space is privately owned public space, which is intended for general public use, whereas amenity space is intended for use by residents on the site.
  - Sites along Urban Mixed Use Corridors are not required to provide any civic or amenity space. However, 1 tree is required on every site.
  - Sites that are not located along Urban Mixed Use Corridors (ie along Regional Mixed Use Corridors or within Regional Mixed Use Centres) but that are less than 10 acres in area, require the following:
    - At least 2% of the lot must be programmed as shared outdoor amenity space intended for resident or building occupant use, at the ground level or on an above-grade open-air amenity deck.
    - Sites above 2 acres must provide 4% of the site area in Civic Space. However, Civic Spaces can qualify as outdoor amenity space.

  Maximum Site Coverage

  - The maximum site coverage for buildings is:
    - 80% for lots along Urban Mixed Use Corridors
    - 70% for sites not located along Urban Mixed Use Corridors.
  - Additionally, the minimum pervious surface is 5% for sites along Urban Mixed Use Corridors, and 10% for sites not located along Urban Mixed Use Corridors.

  Site Frontages and Frontage Occupation

  - The purpose of the site frontages regulations is to ensure that private development lines streets with uses and spaces that support pedestrians and bicyclists, provide visual interest, avoid dangerous conditions, and clearly delineate public and private space.
  - Regulations include those that determine primary and secondary frontages.
    - Buildings must occupy 80% of the primary frontages and 40% of secondary frontages.

  Frontage Design

  - The frontage design section has multiple regulations that are key to providing for a high-quality pedestrian-oriented realm within mall sites and along corridors.
  - The frontage design conditions are:
    - Sidewalk extensions

The building is located close to the sidewalk and the space between the sidewalk and building is paved, which resembles an extension of the sidewalk within the frontage setback area.

- Public frontages

  The building is set back a short distance from the sidewalk and has ground floor uses that necessitate frequent pedestrian access which are accommodated by a wide, sidewalk-like walkway on the private property, buffered from the sidewalk by trees, benches, and other street-related furnishings.

- Fenced terraces

  The building is set back from the street and has ground floor uses that utilize the frontage setback area, which is delineated as a private, outdoor patio.

- Common entries

  The building is located close to the sidewalk and the building has infrequent entries, typically to a lobby which provides for internal access to multiple spaces or units

- Urban stoops

  The building is located close to the sidewalk and the ground floor use is residential, with access to the ground floor dwelling unit by means of a doorway and covered threshold.

- Embedded porches

  The building is located close to the sidewalk and a covered exterior private space, or porch, is located within the building relative to the forward-most facade.

- Door yards

  The building is set back from the sidewalk and the frontage area is utilized and delineated as a private outdoor space for the ground floor dwelling unit.

- Fenced yards

  The building is set back from the sidewalk and the frontage area is utilized and delineated as a private outdoor space for all building occupants.

- Raised yards

  The building is set back from the sidewalk and the frontage area is utilized as a private outdoor space for all building occupants, delineated from the public sidewalk by a change in elevation.

- Forecourts

  Along a portion of the frontage, buildings are set back from the sidewalk further than the remainder of the frontage, the setback area is lined on all sides by buildings, and the setback area is utilized like a small plaza, as an entry corridor, or as a private outdoor space for all building occupants.

- In addition to the frontage design conditions there are regulations for minimum glazing (25% along frontages) and building entries.

Vehicle Areas Within Frontages

- The key vehicle parking areas within frontages regulations require:
    - Ground floor parking and parking above the ground floor to be screened by active uses 20 feet from the building facades. Parking above the ground floor can also be screened by continuing the appearance of the building façade for the parking area.
    - Parking areas within 25 feet of primary and secondary frontages must be screened by landscaping and fencing.

Building Setbacks

- The building setbacks are as follows:

    Minimum Front Yard Setback

    - 2 feet.

    Minimum Setbacks from Lanes

    - 2 feet, or 12 feet for residential storeys where windows to living spaces or bedrooms face a property line.

    Minimum Side Yard Setback

    - 0 feet (example: shared wall); 12 feet for residential storeys where windows to living spaces or bedrooms face a property line, or 4 feet.

    Minimum Rear Yard Setback

    - 12 feet for residential storeys where windows to living spaces or bedrooms face a property line, or 10 feet.

    Setback Landscaping

    - A landscaping standard of 1 tree for every 35 linear feet of lot line, within 10 feet of the lot line, as well as a 6 foot tall fence is required for lots that abut R1, R2 or RMF-S properties.
    - Setbacks 6 feet or greater, other than front yard setbacks are also required a minimum of 1 tree for every 35 linear feet of lot line, within 10 feet of the lot line.

    Special Yards

    - The Special Yards included in Schedule I of the Winnipeg Zoning By-law overrule the requirements of the PDO.

Building Design Standards

Building Height

- Currently, heights vary along corridors and within centres depending on the zoning. The lowest heights are found within the R1 and RMF-S zones at 35 feet, while the tallest buildings would be allowed in the C4 (no maximum height) and RMF-L (150 feet) zoning districts.

- In accordance with the Complete Communities Direction Strategy 2.0 policies (C2.3.4.1 & C2.3.8.1), the road right-of-way widths have been used to guide maximum heights as follows:
    - The building height is limited to 75 feet for properties that are located along corridors with a right-of-way that is less than 80 feet in width.
    - The building height is limited to 105 feet for properties that are located along corridors with a right-of-way between 80 and 100 feet in width.
    - The building height is limited to 150 feet for properties that are located along corridors with a right-of-way that is more than 100 feet in width. However, if a building is located within Framework Plan and is more than 75 feet from the right-of-way, the building height may be as tall as 200 feet.
- Building heights may be further limited by the 45-Degree Analysis.

45-Degree Analysis from Residential Properties

- A 45-degree analysis must be performed from all properties zoned R1, R2, and RMF-S that abut at the rear property line or are across a lane from the rear property line.
- Excluding permitted projections, the building height must not exceed the 45-degree line projected towards the development site from 12 feet above grade at the rear property line of R1, R2, and RMF-S properties.

Ground Floor Height

- The ground floor height for non-residential uses must provide a minimum of 14 feet from finished floor to finished ceiling.

Building Massing

- The building massing regulations apply to buildings over 100 feet in length.
- Buildings over 100 feet in length must provide one or more of the articulation options specified; buildings over 200 feet in length must provide two or more of the articulation options.
- Articulation options include changes in height or horizontal plane and projecting or embedded bays.

Building Materials

- Façade materials are limited to no more than 3, with heavier materials (ex. stone or brick) being required to be below lighter materials.
- The building massing regulations apply to buildings over 100 feet in length.

Parking and Loading

- In addition to previous regulations discussed above under *Vehicles within Frontages*, parking areas must set back at least 5 feet from the side or rear lot lines.

- Above ground structured parking must be set back at least 10 feet from side and rear lot lines and buffered with trees spaced no more than 30 feet on centre.
- Parking is not required to be set back from lanes.
- Loading, service, and storage areas are not permitted within front or side yards along primary and secondary frontages.
- Loading, service, and storage areas must be set back at least 5 feet from side or rear lot lines.

Pedestrian and Bicycle Access

- Regulations are included for pedestrian walkway access from key points such as:
  - Public sidewalks
  - Building entrance points
  - Parking areas
  - Paths or pathways identified in the Pedestrian and Cycling Strategies.
- Bicycle access routes must also be provided between on-site bicycle parking areas active transportation paths and public streets.

Framework Plans

- Framework plans are a new concept being introduced in the Winnipeg Zoning By-law, and that are defined as:

  A plan for large sites that requires the site to be divided into walkable blocks by ways for vehicles, pedestrians, and bicyclists, and that buildings be aligned to those ways such that the site's development resembles blocks, streets, and public spaces consistent with historic city development, which also allows the site to be developed through multiple development proposals over time and remain entirely in private ownership.

- Framework plans are needed for sites more than 10 acres in area that are under single ownership.
- Framework plans are required as part of a development permit application but may be modified by submitting a revised Framework Plan application prior to or in conjunction with a development permit application for the site.
- The following sections summarize key regulations regarding Framework Plans.

  Structure – Blocks

  - Framework plans are required to divide the framework site into 2 or more blocks that must have a maximum perimeter of 1,800 square feet.

  Structure – External Connections

  - Framework streets must align with:
    - Street stubs along abutting properties;
    - Framework streets on adjacent framework plans;
    - Public streets opposite rights-of-way along the framework site perimeter; and

    - Primary vehicular entries as identified with Public Works in the Preliminary Application Meeting.

- Framework streets, active transportation ways, or pedestrian ways must connect to abutting properties at a minimum spacing of 660 feet; except where obstructed.

Structure – Framework Street Network

- A framework street network is required to provide accessible pedestrian access to new uses, transit stops, and active transportation ways via A and B Streets.
- A and B Streets are defined as follows:
    - **A Street:** A Framework Street designated, in coordination with B Street designations, as a way of greater pedestrian importance than associated B Streets. This PDO ensures buildings are located along A Streets and that parking and service areas are minimized.
    - **B Street:** A Framework Street designated, in coordination with A Street designations, as a way of lesser pedestrian importance, prioritized for vehicle access and service. This PDO allows for parking and service areas to be located near sidewalks along B Streets.
- A minimum of 50% of the street network must provide vehicle access.

Framework Streets

- Standard framework street models are provided in the proposed PDO.
- The framework streets section provides specific requirements for:
    - Horizontal alignment of framework streets (minimum centreline radius of 100 feet for streets with vehicle access and 30 feet for streets with only pedestrian or active transportation access)
    - Vehicle travel lanes (minimum of 9.8 feet wide or 10.8 feet wide where adjacent to a parking lane)
    - Vehicle parking lanes
    - Active transportation
    - Planting and furnishing areas
    - Sidewalks, and
    - Pedestrian and bicycle-only streets.

Civic Space

- Framework plans must allocate a minimum 8% of the framework site to Civic Space (ie privately-owned public space).
- Civic spaces must be:
    - Provided within 250 metres of all dwelling units; however, existing off-site parks and playgrounds may be considered
    - Open to public access between 7:00 am and 10:00 pm daily

        - Signage regarding park hours and maintenance must be provided.
    - Configured according to a listed Civic Space type.
        - A total of 9 Civic Space types and design standards are provided, offering a range of options.
- Civic spaces may also incorporate stormwater detention with certain standards.

Planting Standards

- The planting standards primarily follow the existing Winnipeg Zoning By-law requirements for plant materials, sizes, and maintenance.
- Additional standards for tree diversity and soil were also included.

Other

- Three notable sections of the PDO that were added, but were not included as part of the engagement information are:
    - A posting requirement for new development;
    - The need to complete a Development Viability Assessment if abutting or a across a public lane from a rail line or yard; and,
    - The requirement for buildings within 50 feet of Kenaston Boulevard; Sterling Lyon Parkway, and Lagimodiere Boulevard to meet Sound Transmission Class 50 or above.
- Notable parts of the PDO that were amended after the engagement process are:
    - The minimum of 50% glazing for ground floor facades was reduced from being measured between 2 and 10 feet above grade to 3 and 8 feet above grade to reflect winter city heat loss considerations;
    - The minimum front setback was increased from 0 to 2 feet in consideration of winter maintenance and sightlines; and,
    - Mapping adjustments to address any unintended mapping errors.
- These items were added or amended after comments received through the engagement process and internal review of the PDO.

Servicing, Agreements, and Land Dedication

Servicing (wastewater, water, or land drainage)

- Though the proposed zoning changes enable residential development at higher densities within mall sites and along corridors, the development potential of these areas may still be limited by servicing capacity.
- Servicing capacity was not analyzed as part of the proposed zoning changes.
- Accordingly, an agreement with the City may be required to improve servicing capacity to a site, and therefore servicing capacities should be investigated by proponents in advance of application.

Servicing Agreement or Agreement for Services

- Proposed amendments to section 8 of the Winnipeg Zoning By-law include clauses that provide clarity with respect to the ability to impose conditions on the issuance of a

development permit, including the condition that the owner enter into agreements related to the servicing of the proposed development with the City ("Servicing Agreements").
- The ability to enter into Servicing Agreements through the development permit process is a key tool in facilitating the development of sites with servicing constraints.

Land Dedication

- Land dedication, or cash-in-lieu of land dedication can only be collected in association with a rezoning or a subdivision (or a combined subdivision and rezoning application).

Consultation and Collaboration

Malls and Corridors Week (June 10-14)

- Development of the PDO began with a week-long stakeholder engagement session that took place June 10-14, 2024.
- The event was called "Malls and Corridors Week," and included a series of stakeholder engagement sessions with representatives from: City departments; community and economic development groups; the development industry (Urban Development Institute); advocacy groups; and the Province. All stakeholder engagement sessions were facilitated by Landmark Planning and Design.
- The event also included several developer one-on-one sessions with the consultant design team, DPZ CoDesign and B&A Studios.
- A total of 9 sites (4 mall sites and 5 corridor sites) were used to conceptually develop designs for draft development concepts for each site.
- The conceptual designs for each site were shared and discussed in an afternoon open house with stakeholder invitees and City Councillors on June 14, 2024.
- Not including internal stakeholders, there were approximately 40 participants involved in Malls and Corridors Week.
- These conceptual designs were ultimately used to inform the regulations included in the PDO.

Community Committee Councillor Meetings (September 9 and 10, 2024; Follow-Up October 4 and 29, 2024)

- This fall 2024, per Council direction, all five Community Committees were invited to engage on the key components of the proposed PDO prior to year-end.
- Each Community Committee was invited to review and discuss the open house slides in separate sessions on September 9 and 10. A total of 12 Councillors participated.
- Landmark Planning and Design facilitated all of the sessions.
- As presented in the sessions, the material reviewed was the same as what would be presented on the website and at the public open houses, less minor tweaks that may arise through the review process.
- It should be noted additional follow-up meetings were also scheduled for all Councillors on October 4 and 29 to review the draft mapping. A total of 8 Councillors participated in these follow-up meetings.

Stakeholder Follow-Up Meetings (September 11 & 12, and October 17, 2024)

- Stakeholders who participated in Malls and Corridors Week were invited to participate in virtual engagement sessions that were held in 3 different time slots over September 11 & 12, plus an additional meeting with UDI on October 17.
- Similar to the Councillor meetings, the open house slides were reviewed and discussed.
- Landmark Planning and Design facilitated all of the sessions.
- As presented in the sessions, the material reviewed was the same as what would be presented on the website and at the open houses, less minor tweaks that may arise through the review process.
- A total of 57 stakeholders attended the follow-up meetings.

Malls and Corridors Website

- The Malls and Corridors website was launched on September 25, 2024.
- The website included the open house slides (boards), open house locations and times, and a project email for questions.

Public Open Houses (October 7-10, 2024)

- A total of 4 open houses were held between October 7-10 at the following times and locations:

  October 7 – Canad Inns, 1415 Regent Ave. W (4:30-7:00 pm)

  October 8 – Canad Inns, 2100 McPhillips St. (4:30-7:00 pm)

  October 9 – Canad Inns, 1405 St Matthews Ave. (4:30-7:00 pm)

  October 10 – Canad Inns, 1824 Pembina Hwy. (4:30-7:00 pm)

- The open house format was “come and go” where staff from Landmark Planning and Design and the City of Winnipeg Urban Planning and Design Division of the Planning, Property and Development Department were available to respond to questions.
- The open house boards included the same material reviewed by City Councillors and stakeholders (less minor tweaks).
- The open houses were advertised in the Winnipeg Free Press Community Review East and West editions, La Liberte, and on City of Winnipeg social media (“X,” Facebook and Instagram) on September 25, 2024. City of Winnipeg social media also advertised the events during the week of the open houses.
- A total of 123 people attended the open houses.
- Participants of the sessions were invited to fill out a comment sheet. In total, 82 comment sheets were received and can be summarized as follows:
    - Most participants lived in an older community in Winnipeg (51) or lived along a major road in Winnipeg (22).
    - In terms of the information provided on the open house boards, most participants understood the information and had concerns about some of it (36) or understood the information and liked what they saw (25).
    - The statements that most closely fit participants’ opinion on the proposed zoning by-law changes were:
        - *I think this is a good idea for Winnipeg* (31)
        - *I have concerns other than those noted* (29)

- Participants were asked to rank the top 3 issues that they were most interested in with regard to the proposed zoning changes. The top 3 issues were:
    - Having enough homes for people to live in (91 points)
    - Potential changes to density (80 points)
    - Improving the economics of Winnipeg (79 points).
- Most participants indicated that they would likely attend the public hearing in order to express concerns (42).
- Lastly, participants were invited to provide general comments on the proposed zoning changes. These comments were reviewed and can generally be categorized as follows:
    - Support for more greenspace (14)
    - Concerns about the need for more housing options (13)
    - Support for active and public transportation (11)
    - Concerns about lack of parking (10)
    - Concerns about population growth (10)
    - Concerns about traffic (7)
    - Rising cost of housing and financial implications (6)
    - Building heights (6).

- A copy of the open house boards is included on the project website, winnipeg.ca/mallsandcorridors.

FINANCIAL IMPACT

Financial Impact Statement

Date: November 8, 2024

Project Name:

DAZ 219/2024 – Amendments to the Winnipeg Zoning By-law to Allow As-of-Right Residential Development on Select Malls and Corridor Sites (PDO-1 Malls & Corridors)

COMMENTS:

There are no financial implications associated with this report.

Mike McGinn Nov. 8, 2024

Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

Legal Services

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg 2045

6.15 Transformative Areas
Designate Downtown, Corridors, Mixed Use Centres, Major Redevelopment Sites and New Communities as Transformative Areas within the Urban Structure in Complete Communities, representing lands that provide the best opportunities to accommodate significant growth and change.

6.20 Corridors
Designate Corridors within the Urban Structure as targeted segments of the primary transit network that provide the best opportunity for mixed use intensification outside of the Downtown. Prioritize the creation and maintenance of vibrant pedestrian and transit-oriented places in Urban Mixed Use Corridors, while encouraging the transition of Regional Mixed Use Corridors towards this character over the longer term.

6.21 Regional Mixed Use Corridors
Recognize that a primary function of designated Regional Mixed-Use Corridors is for the efficient movement of people, goods and services, while transitioning the functional design over time to support mixed-use intensification and transit-orientation.

6.23 Urban Mixed Use Corridors
Prioritize the creation of a comfortable pedestrian environment and attractive public realm along Urban Mixed Use Corridors through design guidelines and infrastructure investments.

6.25 Mixed Use Centres
Designate Mixed Use Centres within the Urban Structure, representing the largest commercial areas in the city with the ability to accommodate major retail uses, and become pedestrian-oriented environments connected by integrated and sustainable transportation options, and offering a variety of housing, employment, amenities and services.

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 (Primary Responsibility: Planning, Property and Development Department)

4.3 Pursue Transit-Oriented Development (Primary Responsibility: Planning, Property and Development Department)

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: November 12, 2024
File No: DAZ 219/2024

Attachments:

Appendix A – Draft Amending By-Law

Appendix B – Sample Servicing Agreement

Appendix C – Description of the Malls and Corridors PDO-1 Map