ADMINISTRATIVE REPORT

Title: DAZ 225/2025 – Text Amendment to Schedule AB: Malls and Corridors PDO-1 of the City of Winnipeg Zoning By-law

Critical Path: Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch	H. Borys	T. Graham	J. Dunford

EXECUTIVE SUMMARY

On November 21, 2024, Council added the Malls and Corridors Planned Development Overlay 1 (Malls and Corridors PDO-1, "the PDO") to the City of Winnipeg Zoning By-law No. 200/2006. The change was to enable multi-family and mixed-use development along key corridors and mall sites without requiring a public hearing ("as-of-right"). The PDO came into effect on January 31, 2025.

Since the PDO was introduced, three key barriers have limited its use. The barriers make it difficult to advance projects without variances. This has resulted in low uptake, which compromises the PDO's intended purpose of enabling development by right. The Public Service wants to address these issues so that the PDO works as intended to support streamlined housing and mixed-use development. The recommended changes are:

1) removing the 14-foot minimum ground floor height requirement for non-residential uses,
2) eliminating bird-friendly window design provisions, and
3) revising building height regulations tied to the 45-degree angular plane.

These changes should improve flexibility and encourage increased residential development that is aligned with Council's housing objectives and Complete Communities 2.0 policies.

RECOMMENDATIONS

1. That Council give first reading to a By-law to amend the Winnipeg Zoning By-law No. 200/2006 in accordance with this report, a draft of which is attached as Appendix A.

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, Council is the hearing body for a public hearing in respect of any text amendment to a zoning By-law required pursuant to the resolution of Council attached as Schedule A 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. If the City does not receive sufficient objections to the amending By-law, it will be brought back to Council for second and third readings.

HISTORY/DISCUSSION

BACKGROUND

Bird Friendly Design Standards

On September 29, 2021, Council adopted the following:

1. That the Canadian Standards Association Bird Friendly Design Standard, which covers bird-friendly building design for new construction and existing buildings and is summarized in Appendix A, be adopted for use as the City's recommended bird friendly design standard, to be implemented within 30 days of approval.

3. That the Public Service undertake consultation with the development industry, design professionals, academics, and other relevant stakeholders as part of future review processes for both the Downtown and Winnipeg Zoning By-laws, to incorporate bird friendly design standards.

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, count toward the building permit goal.

Malls and Corridors

On November 23, 2023, Council adopted the following as part of 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 brought 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.

On December 12, 2024, Council enacted By-law No. 143/2024. This By-law added Schedule AB – PDO-1 Malls & Corridors ("the PDO"), which included amendments to the Winnipeg Zoning By-law to allow as-of-right residential development on select Malls and Corridors sites, including Regional and Urban Mixed Corridors as identified in Complete Communities 2.0. On January 31, 2025, the PDO came into effect.

The addition of the PDO was part of a four-stage zoning By-law amendment process to improve processing and accelerate housing that was guided by both Council's Strategic Priorities Action Plan ("SPAP") and The City of Winnipeg's Housing Accelerator Fund (HAF) application.

The PDO is an optional tool for developments proposing a minimum density of 14 dwelling units per acre and may be followed in its entirety. Developers also have the option to follow existing standards in the Zoning By-law.

DISCUSSION

Consultation with the Development Industry

Since the adoption of Schedule AB, the City has not received any as-of-right development applications for corridor or mall sites under the PDO. One application sought variances, which were approved after an appeal hearing, while others considered using the PDO but ultimately proceeded through the standard subdivision and rezoning process.

Through discussions with potential applicants and consultation with the Urban Development Institute of Manitoba ("UDI"), the Public Service identified recurring concerns that limit the viability of as-of-right development under the PDO. On November 18, 2025, the Public Service met with UDI representatives to review these issues and explore changes that could improve development feasibility. The key limitations raised include:

1. Section 38(2): Minimum ground floor height for non-residential uses, currently set at 14 feet;

2. Section 42.1: Bird-friendly window design requirements; and

3. Building height restrictions governed by the 45-degree angular plane.

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

Ground floor height for non-residential uses

Commercial uses on the ground floor help activate streets with vibrant pedestrian and retail activity. To support this, Section 38(2) of the PDO requires a minimum ground floor height of 14 feet, measured from finished floor to finished ceiling. The intent of this provision is to ensure a consistent and prominent ground floor that can accommodate a range of commercial uses, from office space to restaurants.

Since implementing the PDO, the Public Service has received requests to allow lower ground floor heights for commercial uses, either to reduce overall building height to meet the 45-degree angular plane regulation or that the intended commercial uses did not warrant the 14-foot ground floor height. Consultation with the development industry (UDI) confirmed that flexible ground floor heights are preferred to better align with projects' needs on a case-by-case basis.

Policies within *Complete Communities 2.0* ("CCDS 2.0") do not specify ground floor heights. As such, amending this provision from the PDO would not conflict with policies for Urban and Regional Mixed-Use Corridors under CCDS 2.0.

With respect to design, CCDS 2.0 does provide direction for developments along mixed-use corridors to incorporate fine-grained and transparent street-level facades with active ground floor and commercial uses, per policies 3.1.3, 3.2 and 3.7.3 for Urban and Regional Mixed-Use Corridors. These design regulations were incorporated into the PDO, including provisions for substantial glazing, pedestrian connections, landscaping, and access, and will remain in effect.

Recognizing that existing design regulations will remain in effect and that current ground-floor height requirements may limit building height and commercial viability, the Public Service recommends amending this provision to allow greater flexibility and encourage development along mixed-use corridors.

Bird-Friendly Window Design

As noted in the history section of this report, on September 29, 2021, Council adopted the Canadian Standards Association ("CSA") Bird-Friendly Design Standard, to be used as the City's recommended bird-friendly design standard for new and existing buildings. This was intended to eventually be introduced as By-law through consultation with the development industry, design professionals, academics, and other relevant stakeholders as part of the future review processes for both the Downtown and Winnipeg Zoning By-laws.

The CSA Bird-Friendly Design Standards outline factors that increase the risk of bird strikes in cities, including the amount of glass on buildings, how the glass is treated, nighttime lighting, and light pollution. These standards also suggest design strategies to reduce bird strikes. The amount of glass is the biggest factor, especially glass within the first 16 metres above ground or up to the tree canopy, where most collisions occur. However, bird strikes can happen anywhere on a building and at any time.

When the PDO was enacted on December 12, 2024, a bird-friendly window design section was added by motion on the floor of Council at the public hearing, which requires bird-friendly window treatments, intended to reduce bird strikes on buildings within an urban environment.

The provisions within the PDO are as follows:

> *New buildings and building retrofits must be designed in accordance with the following standards:*
>
> *(a) exterior window treatments must be applied to the exterior glass surface up to 16 metres above grade or to the top of the mature tree canopy, whichever is higher;*
> *(b) exterior window treatments must be designed to withstand exposure to the elements and window cleaning; and*
> *(c) visual markers must:*
>
> *i. be spaced no further than 5 x 5 cm (2 x 2 inches) apart;*
> *ii. be no smaller than 0.25 inches in diameter; and*
> *iii. stand out in contrast to the transparent or reflective glass surface under varying daylight conditions, with duotone markers used where possible.*

While this provision is well-intentioned, it does not seem to provide enough flexibility and has been challenging to implement. Developers report difficulty sourcing compliant materials and significant cost increases to development projects. To support project viability and encourage development of housing along corridors, the Public Service recommends removing this clause from the PDO at this time.

The Public Service will review the bird-friendly building measures as part of the comprehensive Zoning By-law review scheduled to begin in 2026. This approach will:

- Allow for broader stakeholder engagement, including developers, environmental organizations, and the public.

- Provide an opportunity to evaluate best practices and consider a range of implementation options.

- Ensure that bird-friendly strategies are aligned with citywide objectives, including housing needs, growth management, and environmental sustainability.

By incorporating this review into the Zoning By-law update, the City can more thoroughly study the issue and work with stakeholders to develop a clear and consistent framework for bird-friendly design that applies across all areas of the City, rather than limiting it to specific overlays.

<u>Building Heights as permitted by the 45–degree angular plane</u>

The 45-degree angular plane analysis currently guides building height and setbacks, intended to ensure compatibility with adjacent low-density residential areas. See Figure 1, below.

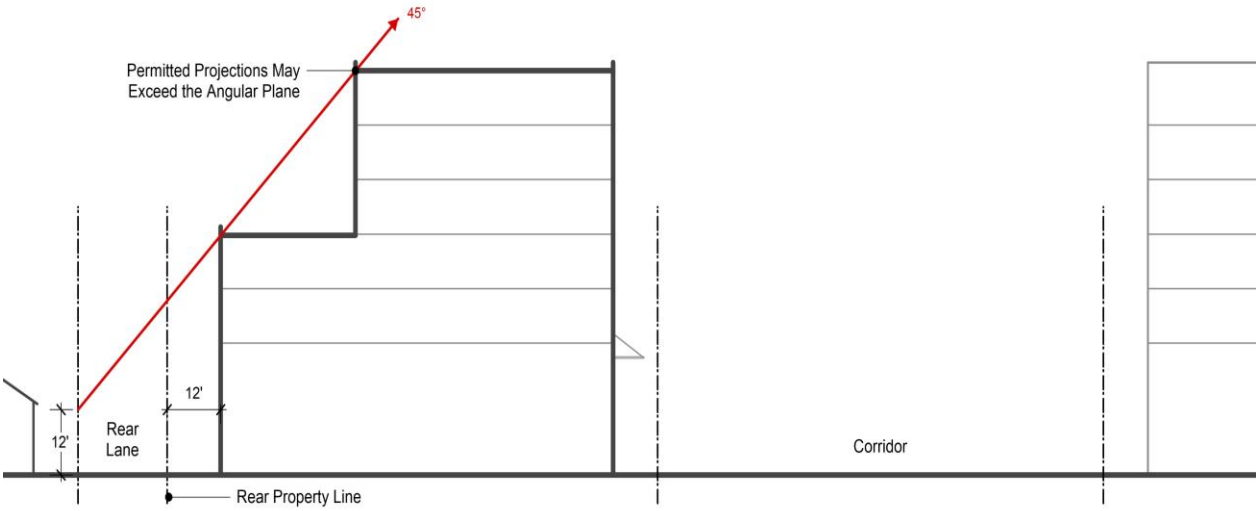

Figure 1 – Current 45-degree angular plane rule

Since implementing the PDO, stakeholders have raised concerns about the 45-degree angular plane provisions governing building height. Designed to maintain compatibility with adjacent properties, these rules limit height and massing near property lines. However, developers argue that the restriction reduces development potential along corridors, making projects less feasible and discouraging use of the PDO.

To address these limitations and encourage greater uptake of the PDO, the Public Service recommends amending the angular plane rule to allow more flexibility while maintaining compatibility with adjacent properties. Proposed amendments to the 45-degree angular plane rules include:

1) Clarifying the definition of the 45-degree angular plane and how the measurement is to apply to corridor sites.
2) Recommending that 75-foot-tall buildings be permitted by right on all properties located within the PDO.
3) That proposed building heights above 75 feet must adhere to the 45-degree angular plane rule.
4) Permit building heights above the angular plane if a sun and shadow study confirms at least five consecutive hours of sunlight on any nearby residential lot zoned R1, R2, or RMF-S.

<u>Policy and Zoning By-law Context</u>

Alignment with Complete Communities 2.0

The PDO was created in alignment with the policies of CCDS 2.0, particularly those related to Commercial Areas and Mixed-Use Centres and Regional and Urban Mixed-Use Corridors. For development along corridors, CCDS 2.0 anticipates building heights to range between 60 and 100 feet, as outlined in the *Growth Section Table: Guide to Distribution of Residential Density and Height*. Additional relevant CCDS 2.0 policies for Regional and Urban Mixed-Use Corridors include:

- All Corridors Policy 1.1 – Support densities in accordance with CCDS 2.0 Policy 3.1 of the General Growth section, at a height and scale compatible with surrounding land uses (p.55).

- CCDS 2.0 Policy 2.1 – Recognize Priority Corridors as those that provide the best opportunity to achieve Complete Communities objectives.
- CCDS 2.0 Policies 3.4.1 and 3.8.1 – Use the corridor right-of-way width as a guide to determine maximum building heights where appropriate, as a means to mitigate shadow impacts on nearby residential uses (Policies 3.4 and 3.8).

Additional relevant CCDS 2.0 policies for Mixed-Use Centres include:

- 5.1 Where compatible with surrounding land uses, direct the highest multi-family residential densities to areas within Mixed Use Centres and large commercial sites that provide the best transit service.
- 5.4 Proposals for residential uses in Mixed Use Centres and large commercial sites should incorporate principles of good urban design.

City of Winnipeg Zoning By-law 200/2006

To provide context on how the PDO differs from existing Zoning By-law regulations, the following outlines the general provisions of the most common zoning category found along corridor sites.

Lands within the PDO are typically zoned “C2”, “C3”, or “C4” for commercial uses, or multi-family residential zones such as “RMF-S” (Small), “RMF-M” (Medium), or “RMF-L” (Large). The predominant zoning category of properties located along corridors is “C2” Commercial Community. Lot depths and sizes vary significantly throughout the PDO. In newer areas, lot depths are typically greater and do not abut public lanes as frequently. In contrast, lots in mature areas often have limited depth and abut narrower public lanes, which can constrain development potential.

Under the “C2” zoning district, multi-family buildings are permitted up to 70 feet in height, with front and rear yards of 25 feet and side yards of 8 feet, increasing by 2 feet for each additional storey above grade. While these entitlements could allow taller buildings, they often restrict development potential on smaller lots.

The PDO was introduced to alleviate existing zoning constraints and grant greater entitlements for substantial development along key corridors. Unlike the “C2” zoning regulations, the PDO determines building heights based on the width of the corridor where the property is located. These provisions were intended to enable buildings of five to eight storeys, or greater, consistent with the vision outlined in CCDS 2.0 for designated corridors.

However, in practice, the use of corridor width as the metric for maximum building height, combined with the 45-degree angular plane requirement, has frequently limited the ability to construct six- or seven-storey buildings. This constraint reduces development potential and has discouraged using the PDO.

<u>Discussion of Recommended Amendments</u>

45-degree angular plane definition

The current definition of the 45-degree angular plane lacks clarity and flexibility to account for varying mall and corridor contexts. This ambiguity has constrained development potential along

certain corridor sites and does not fully reflect the intent of how the angular plane should apply. As such, the Public Service recommends amending the definition as follows:

> *"45-degree analysis" in respect of a development site whose rear lot line abuts or is across a lane from a the rear or side lot line of a lot with an R1, R2 or RMF-S zoning designation, means a 45-degree angular plane that is projected towards the rear lot line of the development site, measured from 12 feet above grade starting from the rear or side lot line of the R1, R2 or RMF-S lot. For the purpose of determining front yards for this analysis, the front yard of the proposed development will be the yard abutting the corridor.*

This amendment clarifies that the angular plane is intended to be drawn toward the rear yard of the proposed building and accounts for atypical scenarios where a property fronting a corridor has a side yard that functions as the rear yard of an abutting residential property.

75-foot-tall buildings permitted on all properties within the PDO

The Public Service has consistently heard that building heights along corridors are constrained by the 45-degree angular plane rule, which limits project viability by reducing achievable heights and subsequent densities. This constraint has been identified as one of the key reasons for the limited utilization of the PDO.

CCDS 2.0 policies indicate support for:

- Using corridor width as a guide for determining building heights.
- Mitigating shadow impacts on adjacent residential properties.
- Enabling mid-rise development, typically five to eight storeys, along Urban and Regional Mixed-Use Corridors.

To provide greater certainty for building heights across properties with varying depths and rear lane conditions, the Public Service recommends permitting building heights of up to 75 feet as-of-right. This approach balances compatibility with surrounding areas while advancing the goal of enabling higher-density, transit-oriented development along Urban and Regional Mixed-Use Corridors. While the rule would technically allow buildings to reach 75 feet, other site design requirements, physical constraints, and development viability factors will ultimately determine whether this height can be achieved. This recommendation is generally consistent with existing zoning provisions for multi-family development within the "C2" district which permits building heights of 70 feet.

Additional building height above 75 feet – Angular Plane and Sun and Shadow Studies

The PDO rules guiding building heights based on corridor width will remain as follows:

Right of way width	**Building Height maximum**
Less than 80 feet	75 feet
80-100 feet	105 feet
Greater than 100 feet	150 feet; or
	200 feet where building is more than 75 feet from lot line

The Public Service heard that achieving building heights based on the corridor width was often at odds with the 45-degree angular plane rule. The proposed changes enable building heights to

75 feet in all instances. Where heights are proposed above 75 feet, this can be achieved in one of two ways:

1. Compliance with the Angular Plane

2. Sun and Shadow Study

Compliance with the angular plane means any additional building height above 75 feet must remain below the 45-degree angular plane (see Figure 2, below). This approach accounts for deeper lots that can achieve greater heights while still adhering to the corridor's right-of-way width rule.

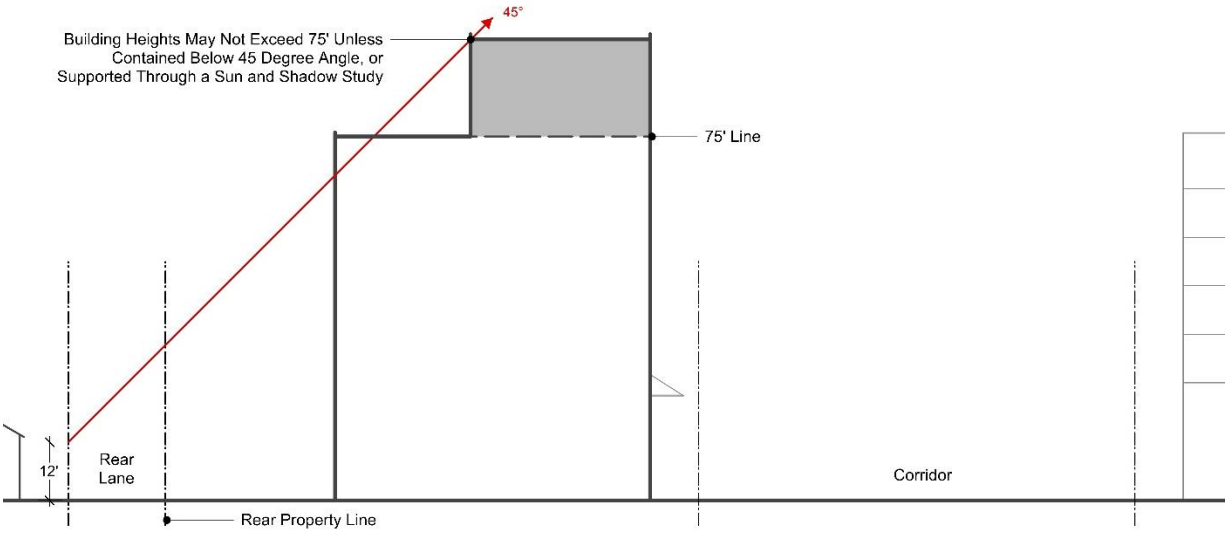

Figure 2 – Example of proposed 45-degree angular plane analysis

A sun and shadow study may be submitted to allow building heights above 75 feet.
This study is an analysis that provides a 3-D visual model and description of the shadows cast by a proposed development on neighbouring properties. These studies assess shadow impacts at various times of day and throughout the year. This includes test times of 9am, noon, 3pm and 6pm and test days of the autumn solstice (~September 21) and spring solstice (~March 21). To gain additional building height entitlements the sun and shadow study must confirm that a minimum of five consecutive hours of sunlight will remain on any surrounding residential properties zoned “R1”, “R2”, or “RMF-S.

Rear yard setbacks

The proposed changes do not include amending the rear yard setback for buildings, apart from how the 45-degree analysis applies. The proposed amendments include rewording sections 34(3)(c) and 34(5)(c) as follows:

> *for buildings over 75 feet, such setback as required by a 45-degree angular analysis, where applicable.*

This change means that a greater rear yard setback or building step back will be required when building heights are taller than 75 feet and remain below the 45-degree angular plane.

Where a sun and shadow study is used to confirm additional building heights, the 12-foot setback would still apply.

The proposed changes introduce the possibility that taller portions of buildings may be located 12 feet from the rear property line. See Figures 3 and 4 below:

Under existing rules, development containing a residential use where windows face the lot line must provide a minimum rear yard setback of 12 feet. This setback applies to any portion of the building located below the 45-degree angular plane, as illustrated in Figure 3, below.

Any additional building height beyond this point must be stepped back so that it remains within the 45-degree angular plane. In the example shown in Figure 3, the point where the building intersects with the 45-degree angle occurs at a height of 44 feet. This calculation assumes a 20-foot-wide public lane, which influences the point at which the 45-degree angle intersects with the building mass.

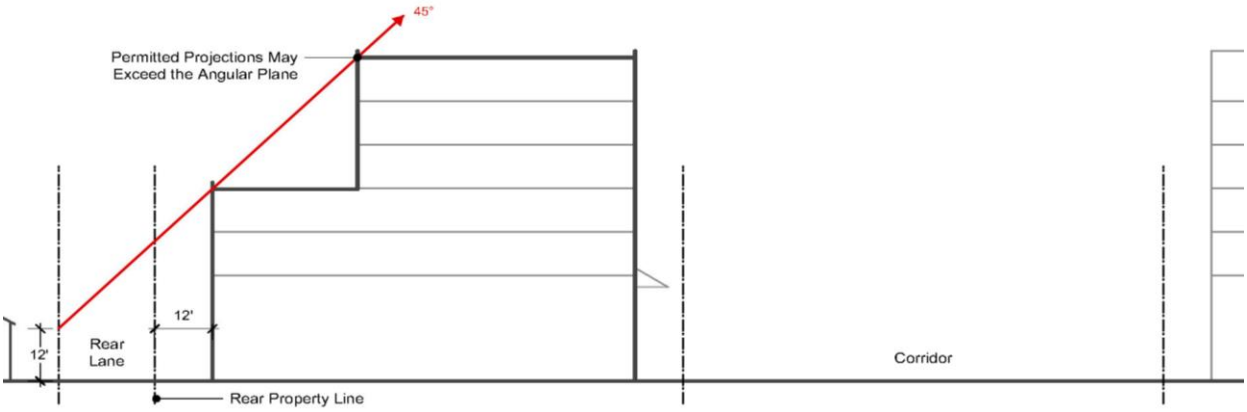

Figure 3 – Existing 45-degree angular plane rule

The proposed amendment would permit a 12-foot rear yard setback to the portion of the building that is 75 feet in height as demonstrated in Figure 4, below.

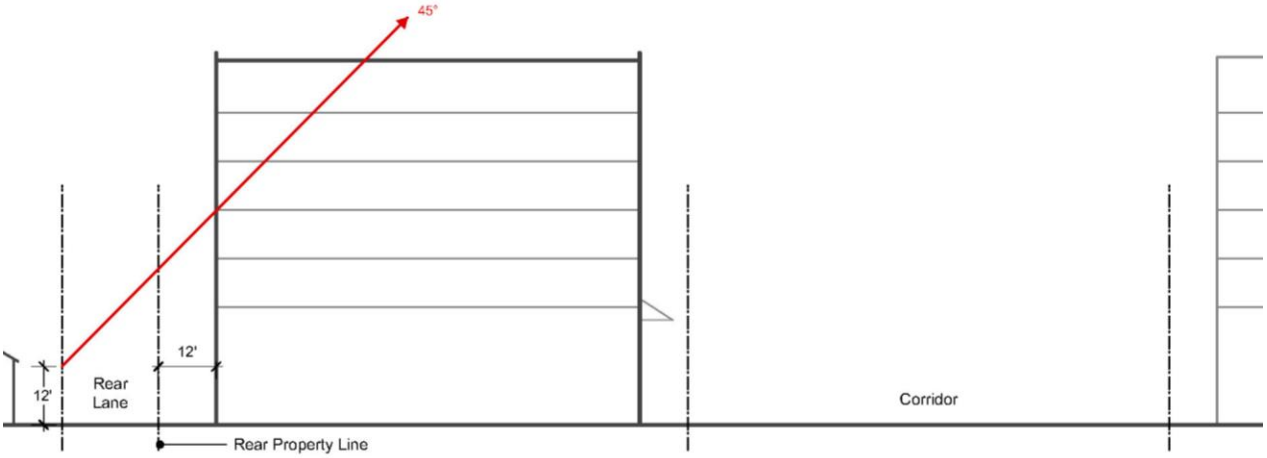

Figure 4 – 75-foot-tall building with a 12-foot rear yard

As illustrated in Figure 4, the proposed amendments allow the taller portion of a building to be positioned closer to the rear property line than previously permitted. That being understood, through consultation with UDI, the Public Service noted that a building depth of approximately 65 feet would be typical. For context, on a 100-foot-deep lot, this generally results in a 10-foot front yard and a 65-foot building depth, leaving a 25-foot rear yard. Within the rear yard, space for parking and landscaping will be required, which could affect the positioning of the building.

FINANCIAL IMPACT

Financial Impact Statement

Date: December 8, 2025

Project Name:

DAZ 225/2025 – Text Amendment to Schedule AB: Malls and Corridors PDO-1 of the City of Winnipeg Zoning By-law

COMMENTS:

There are no financial implications associated with this report.

Mike McGinn Dec. 8, 2025
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services

OURWINNIPEG POLICY ALIGNMENT

Environmental Resilience

Objectives

1. Prioritize the transition to a resilient, low-carbon future through demonstrated organizational and community leadership, and collaborative actions that mitigate and adapt to a changing climate. Recognize that climate changes will have significant impacts on community assets and services, and include consequences for human health, social welfare, the natural and built environments and ecosystems, the economy, and urban infrastructure. Adapt government regulation, policy, resource allocation, organizational culture and leadership, partnerships, and resident behaviours and awareness, to empower the community to realize the many benefits that emerge when mitigating greenhouse gas emissions, preparing for and reducing risks to lessen the shocks, stresses and other negative impacts of climate change.

2. Prioritize sustainable transportation as the mobility options of choice. Transition to a sustainable transportation system that safely and efficiently moves people, goods and services, increases access to a variety of affordable mobility choices, encourages less reliance on personal vehicle travel, reduces travel time, mitigates congestion and related greenhouse gas emissions, and supports the development of denser, better-connected, healthy and complete communities.

3. Promote low-carbon, energy-efficient buildings through low-energy building design, construction and retrofitting. Reduce energy demand, consumption and greenhouse gases associated with new and existing buildings, working towards carbon-neutral buildings. Provide facilitative tools, resources, and incentives, to support green building.

5. Protect and value ecosystems as essential components to life. Protect and respect the land through the City's responsibility to ensure that life-sustaining ecosystems continue to provide clean air, clean water, biodiversity, local food systems, natural habitats, ecological restoration, carbon sequestration, cooling of urban heat island effect, opportunities for Indigenous landbased practices, and improved mental and physical health.

2.4 Climate Resilient Growth Facilitate compact, dense, complete and physically and virtually connected communities through integrated land use, transportation, and infrastructure planning, to achieve climate change mitigation and adaptation goals and objectives, and greenhouse gas emissions reduction targets.

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.

6.20 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.

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)

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: Devin Clark, RPP, MCIP
Date: December 4, 2025
File No: DAZ 225/2025

Attachments: Appendix A – Draft Amending By-law

THE CITY OF WINNIPEG

BY-LAW NO. /2025

A By-law of THE CITY OF WINNIPEG to amend the Malls and Corridors Planned Development Overlay 1.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Schedule AB to The Winnipeg Zoning By-law No. 200/2006 amended

1 Schedule AB to The Winnipeg Zoning By-law is amended by this By-law.

Subsection 2(1) amended

2 Subsection 2(1) is amended by

i) deleting the definition of "45-degree analysis" in its entirety and replacing it with

"45-degree analysis" in respect of a development site whose rear lot line abuts or is across a lane from a the rear or side lot line of a lot with an R1, R2 or RMF-S zoning designation, means a 45-degree angular plane that is projected towards the rear lot line of the development site, measured from 12 feet above grade starting from the rear or side lot line of the R1, R2 or RMF-S lot. For the purpose of determining front yards for this analysis, the front yard of the proposed development will be the yard abutting the corridor.

ii) deleting Figure 1 and replacing it with the illustration shown in Schedule A attached hereto.

Definition added

3 Subsection 2(1) is amended by adding the following in alphabetical order:

"sun and shadow study" means a document that provides a 3-D visual model and description of the impact of shadows cast by a proposed development on neighbouring properties at various times of the day and throughout the year;

Subsection 6(1) amended

4 Subsection 6(1) is amended by adding the following immediately after (b):

(c) a sun and shadow study where the development permit is in respect of a site with a proposed building height greater than 75 feet, if the added height is located above any applicable 45-degree angular plane measurement.

Subsection 34(3)(c) amended

5 Subsection 34(3)(c) is deleted in its entirety and replaced with:

(c) for buildings over 75 feet, such setback as required by a 45-degree angular analysis, where applicable.

Subsection 34(5)(c) amended

6 Subsection 34(5)(c) is deleted in its entirety and replaced with:

(c) for buildings over 75 feet, such setback as required by a 45-degree angular analysis, where applicable.

Subsection 38(1)(d) amended

7 Subsection 38(1)(d) is deleted in its entirety and replaced with:

(d) for buildings to which a 45-degree analysis applies, buildings must not exceed 75 feet unless:

(i) the building is contained below the 45-degree angular plane; or

(ii) a sun and shadow study is submitted which demonstrates compliance with the submission and evaluation requirements as stated in section 39 of this PDO;

Subsection 38(2) repealed

8 Subsection 38(2) is deleted in its entirety

Section 38 amended

9 Section 38 is amended by adding the following immediately after (2):

(3) Despite anything else in this PDO, building heights of up to 75 feet will be permitted on all lots without the requirement for a 45-degree analysis.

(4) In no circumstance shall the building height of a proposed development exceed the allowable heights as prescribed by the width of the right-of-way in accordance with the above subsection (1).

Section 39 added

10 The following is added immediately after section 38:

Sun and Shadow Study

39(1) A sun and shadow study must be prepared to the following standards:

(a) It must be prepared by a qualified design professional such as an architect or engineer, and
  (i) models must illustrate how residential uses zoned R1, R2, and RMF-S around the proposed development would be impacted by shadows,
  (ii) diagrams should be in colour and must be drawn to a legible scale.

(b) Studies will consist of the following parts:
  (i) illustrations of the existing context;

(ii) illustrations showing the proposed development's impact within the existing context, relative to as-of-right height and massing as per the subject property's existing zoning;
(iii) illustrations showing the proposed development's impact within the existing context and massing per the subject property's proposed new zoning;
(iv) illustrations showing the direction, extent, and duration of light;
(v) a letter summarizing impacts of the proposed development and any measures that will be taken to mitigate these impacts; and
(vi) a visual comparative analysis of the various shadow scenarios, illustrating the shadow impact of the proposed development on adjacent lands.

(c) sun and shadow tests should be done for March 21 and September 21 (the equinoxes) at 9 am, 12 pm, 3 pm and 6pm, or any other time between these hours deemed necessary to confirm compliance with the requirement for 5 consecutive hours of sunlight.

39(2) A sun and shadow study must show that a proposed development (building) will allow for approximately five consecutive hours of full sunlight to be cast on residential uses zoned R1, R2, and RMF-S around the proposed development. The determination for 'consecutive hours' begins at the moment any shadow touches any portion of a surrounding residential use land with the aforementioned zoning designations.

Section 42.1 repealed
11 Section 42.1 is deleted in its entirety.

RECEIVED FIRST READING this day of , 2025;

RECEIVED SECOND READING this day of , 2025;

RECEIVED THIRD READING this day of , 2025;

DONE AND PASSED this day of , 2025.

Mayor

City Clerk

Approved as to content:

Director of Planning, Property and Development

Legally reviewed and certified as to form:

for Director of Legal Services and City Solicitor

SCHEDULE A

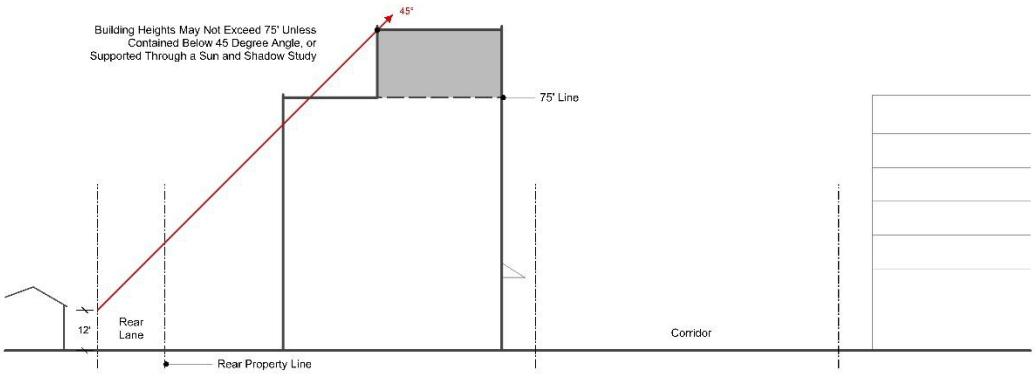

Figure 1 - Illustrated 45-Degree Analysis