

Repealed
By-law No. 5893/92 was repealed by By-law No. 160/2011 on December 14, 2011.
Therefore, this amending by-law is also deemed to be repealed.

THE CITY OF WINNIPEG

BY-LAW NO. 7107/97

**A By-law of THE CITY OF WINNIPEG to enact
amendments to By-law No. 5893/92 being
The Development Procedures By-law.**

WHEREAS Subsection 607(1) of The City of Winnipeg Act provides:

**"By-law on review and disposition of applications
607(1)** Council may by by-law provide for

- (a) the review by a designated city employee of applications for orders of variance to determine if an application is the proper application in relation to the applicant's proposed undertaking;
- (b) the rejection by a designated city employee of applications that are determined not to be proper;
- (c) an appeal of a rejection to a committee of council;
- (d) the referral of applications for orders of variance that are determined to be proper to a designated city administrator or the board of adjustment."

AND WHEREAS Subsection 609.1 of The City of Winnipeg Act provides:

**"By-law on review and disposition of applications
609.1** Council may by by-law provide for

- (a) the review by a designated city employee of applications for a conditional use or the amend an approved conditional use to determine if the application is the proper application in relation to the applicant's proposed undertaking;
- (b) the rejection by a designated city employee of applications that are determined not to be proper;
- (c) an appeal of a rejection to a committee of council."

AND WHEREAS Subsection 618(1.1) of The City of Winnipeg Act provides:

"By-law on review and disposition of application

618(1.1) Council may by by-law provide for

- (a) the review by a designated city employee of applications for approval of subdivision to determine if the application is the proper application in relation to the applicant's proposed undertaking;
- (b) the rejection by a designated city employee of applications that are determined not to be proper;
- (c) an appeal of a rejection to a committee of council."

AND WHEREAS Subsection 630.1 of The City of Winnipeg Act provides:

"By-law re review and disposition of certain applications

630.1 Council may by by-law provide for

- (a) the review by a designated city employee of applications for a development by-law or approval of a plan of subdivision to determine if the application conforms with Plan Winnipeg and any secondary plan for the area in which the land or building is located;
- (b) the rejection by a designated city employee of applications that are determined not to conform;
- (c) an appeal of a rejection of an application to a committee of council."

AND WHEREAS Council desires to pass a by-law for the review by a designated city employee of development applications;

AND WHEREAS other recent amendments to The City of Winnipeg Act have resulted in the need to amend certain definitions in order to reflect the current status of the law;

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

1. The Development Procedures By-law No. 5893/92 is amended by this by-law.

2. The definition "variance" in Section 2 is amended by adding the words, "except as described in subsections 608(4) or (5) of *The City of Winnipeg Act*" immediately after the words "other than a change in use".

3. The definition "zoning tolerance" or "tolerance" in Section 2 is amended by adding the words, "or 0.3m of any yard of space separation" immediately after the words "5% of a requirement of a zoning by-law".

4. Subsection 3(2) is renumbered as subsection 3(9) and the following is substituted as subsection 3(2):

"3(2) Development applications shall be made to the Director, who shall review all development applications to ensure that the application submitted is the proper application in relation to the applicant's proposed undertaking."

5. Subsections 3(4), (5), (6), (7) and (8) are added:

"3(4) Development applications which are determined by the Director to be improper for reasons other than those set out in subsection (3) shall be rejected by the Director.

3(5) Where the Director rejects a development application under subsection (4), the Director shall provide the applicant with a copy of the written reasons for rejection. The applicant shall have 14 days from the date of the Director's rejection to appeal the Director's decision to the Committee on Planning and Community Services.

3(6) The Committee on Planning and Community Services shall review any applications referred to it pursuant to subsection (5) and shall not reject any application without first giving the applicant notice of the date, time and place of a meeting to hear any representations regarding the appropriateness of the application which the applicant may wish to make.

3(7) Where the Committee on Planning and Community Services rejects an application, it shall record in its minutes the reasons for the refusal, and shall provide a copy of its reasons to the applicant on request.

3(8) Where, in the opinion of the Committee on Planning and Community Services or the Director, as the case may be, the development application is the proper application in relation to the applicant's proposed development, the Committee or the Director shall direct that the development application be referred to the appropriate designated city administrator, committee of council, or board of adjustment, as the case may be."

6. Section 17 is amended by adding the words, "or varying any yard or space separation by not more than 0.3m" immediately after the words "by not more than 5%".

DONE AND PASSED in Council assembled, this 22nd day of October, A.D., 1997.