Agenda - Council - July 18, 2007

Report - Standing Policy Committee on Property and Development - June 26, 2007

Item No. 9 Red Tape Recommendation 13 - Development Procedures By-law Amendment for Enhanced Public Notice
File EP-2

STANDING COMMITTEE RECOMMENDATION:

On July 11, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That The Development Procedures By-law No. 5893/92 be amended in accordance with Appendix A to the report from the Acting Director of Planning, Property and Development dated April 23, 2007, to implement a program for large format notice boards.

2. That the criteria for Large Format Notice Boards outlined in Appendix B to the report from the Acting Director of Planning, Property and Development dated April 23, 2007, be approved.

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

Report - Standing Policy Committee on Property and Development - June 26, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 26, 2007, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

On January 9, 2007, the Standing Policy Committee on Property and Development concurred in the administrative recommendation, as amended, namely:

1. That the guidelines for minor and major development applications be endorsed as outlined in attachment "H" to the report from the Director of Planning, Property and Development dated November 7, 2006.

2. That additional notice provisions, and, in some cases, where feasible, erection of large format notice boards, i.e. 2-foot x 3-foot or 4-foot x 8-foot signs for major development applications be implemented and that one-third of the notice boards be made available for developer contact information, all at the discretion of the Director of Planning, Property and Development.

3. That a standard format petition, as outlined in attachment "E" to the report from the Director of Planning, Property and Development dated November 7, 2006, be made available to all applicants prior to the scheduling of a required public hearing.

4. That the City of Winnipeg develop and implement a public notification website for all advertising, posters or other public notices beginning in 2007.

5. That development application fees be reviewed and alternatives recommended with a report back to the Standing Policy Committee on Property and Development to cover potential costs of the above noted additional notice requirements.

6. That the use of pamphlet distribution for additional notice provisions be included in a future report with respect to Recommendation 14 of the Red Tape Commission Report, namely, adopt changes to make Winnipeg's rezoning process simpler, faster and fairer.

Report - Standing Policy Committee on Property and Development - June 26, 2007

DECISION MAKING HISTORY: (continued):

COUNCIL DECISION:

On June 28, 2006, Council adopted Item 7 of the Report of the Executive Policy Committee dated June 7, 2006, namely:

1. That the Planning, Property and Development Department be directed to implement the following improvements to the City of Winnipeg public notification system for land development applications in order to improve clarity, visibility and access to information, subject to further direction from Standing Policy Committee on Property and Development on those items requiring additional resources:

    A. That guidelines be developed to define "minor" and "major" developments and the appropriate means of notice that may be required by the Planning, Property and Development Department for each type of development, specifically:

        i. Additional notice requirements, beyond statutory, for "major" developments, by means of Large Notice Boards (4 feet x 8 feet), individual notice, and/or other form of notice acceptable to the Director of Planning, Property and Development.

        ii. An applicant-installed poster for notification of minor (small scale or limited impact) developments, as this has proven to be the most efficient and economical process for notification of these types of developments.

    B. That a standard format petition be developed and made available to all applicants prior to the scheduling of a required public hearing and that appropriate guidelines be developed for its application, including potential penalties for fraud.

    C. That the City of Winnipeg develop a public notification website for all advertising, posters or other public notices developed and implemented within six months.

    D. That the viability and financial implications of implementing an email access system and City newspaper page for development-related information be investigated and reported back to the Standing Policy Committee on Property and Development for consideration.

Report - Standing Policy Committee on Property and Development - June 26, 2007

DECISION MAKING HISTORY: (continued):

COUNCIL DECISION (continued):

E. That application fees be reviewed and alternatives recommended with a report back to the Standing Policy Committee on Property and Development to cover potential costs of the above noted additional notice requirements.

2. That the Administration report back to the Standing Policy Committee on Property and Development on the status and implementation of the foregoing initiatives in sixty (60) days.

RE: RED TAPE RECOMMENDATION 13: DEVELOPMENT PROCEDURES BY-LAW AMENDMENT FOR ENHANCED PUBLIC NOTICE

FOR SUBMISSION TO: Standing Policy Committee on Property and Development

ORIGINAL REPORT SIGNED BY: Acting Director, Planning Property and Development Department

REPORT DATE: April 23, 2007

RECOMMENDATION:

1. That Council amend the Development Procedures By-law No. 5893/92 in accordance with Appendix A (attached) to implement a program for large format notice boards.
2. That, subject to the enactment of the attached By-law amendment by Council, the Standing Policy Committee on Property and Development approve the criteria for Large Format Notice Boards attached as Appendix B.
3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the recommendations.

Report Summary

Key Issues:

- Council approved the recommendations of the Red Tape Commission related to improved public notice for development applications proceeding to Public Hearings.
- Council supports the introduction of large format notice boards as a preferred method of enhancing public notice.
- In order to implement these recommendations, amendments are required to the Development Procedures By-law.
- The by-law amendments will set out the basis for criteria, established by the Standing Policy Committee on Property and Development, that will trigger the requirement for large format notice boards.
- The criteria approved by the Standing Policy Committee will be a companion document to the Development Procedures By-law and will determine which types of developments and sites would be subject to the large format notice requirements.
- Specifications for posting will be incorporated in an attached Schedule to the by-law.

Implications of the Recommendation(s):

General Implications

( ) None

( ) For the organization overall and/or for other departments

(X) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s): Amendments to the Development Procedures By-law will improve clarity, visibility and access to information for the public and adjacent residents where public notice is required for development applications proceeding to public hearings. Certain types of development applications and sites with unique physical characteristics that limit public access will require large format notice boards.

Policy Implications

(X) No

( ) Yes

Comment(s): The proposed by-law amendments are consistent with the City of Winnipeg Charter. No Council policy changes are required to accommodate the proposed by-law amendments.

Regulatory Implications

( ) None

( ) Eliminates or reduces regulatory impact

(X) Proposes regulatory impact

Comment(s): The proposed public notice improvements require a City by-law to be amended. These amendments affect the development review and approval process. Opportunities for public information and notice of development processes are enhanced.

Environmental Implications

(X) No

( ) Yes

Comment(s):

Human Resources Implications

(X) No

( ) Yes

Comment(s):

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s): The recommendations of this report request that the text of a by-law be amended. As such there are no financial implications associated with the recommendations. The cost of posting sites with large format notice boards will be the responsibility of the applicant.

Report

REASON FOR THE REPORT:
Only Council can enact the By-law amendment (Appendix A) recommended by this Report. This Report further recommends that, subject to the enactment of the attached By-law amendment by Council, the Standing Policy Committee on Property and Development approve the criteria for Large Format Notice Boards attached as Appendix B.

HISTORY:
On July 20, 2005, Executive Policy Committee received as information the Final Report of the Mayor's Red Tape Commission. Recommendation 13 of the Report states, in part, that Winnipeg "should balance increased speed in the land-use approvals with better public access to information."

On June 28, 2006 Council concurred in the recommendation of EPC and adopted the following, in part:
That the Planning Property and Development Department be directed to implement the following improvements to the City of Winnipeg public notification system for land development applications in order to improve clarity, visibility and access to information, subject to further direction from SPC on Property and Development on those items requiring additional resources:

- *A. That guidelines be developed to define "minor" and "major" developments and the appropriate means of notice that may be required by the Planning, Property and Development Department for each type of development, specifically:*
  - *i. Additional notice requirements, beyond statutory, for "major" developments, by means of Large Notice Boards (4 feet x 8 feet), individual notice, and/or other form of notice acceptable to the Director of Planning, Property and Development.*
  - ii. *An applicant-installed poster for notification of minor (small scale or limited impact) developments, as this has proven to be the most efficient and economical process for notification of these types of developments.*

On January 9, 2007, the SPC on Property and Development concurred in the administrative recommendation, as amended, in part:

1. *That the guidelines for minor and major development applications be endorsed as outlined in attachment "H" to the report from the Director of Planning, Property and Development dated November 7, 2006 (list of development applications considered major and criteria to designate applications as major).*
2. *That additional notice provisions, and, in some cases, where feasible, erection of large format notice boards, i.e., 2-foot x 3-foot or 4-foot x 8-foot signs for major development applications be implemented and that one-third of the notice boards*

be made available for developer contact information, all at the discretion of the Director, Planning, Property and Development.

DISCUSSION:

Council's procedures for administering development applications and the development approval process are outlined in the Development Procedures By-law. In order to implement Council's direction for improved public notice through large format notice boards, an amendment is required to this by-law (see draft amending by-law in Appendix A attached to this report).

Currently, Section 10 of the by-law states that where a notice, order or other document is required to be posted on a building or site, the notice must be a minimum size, have a minimum size of lettering and be maintained in good condition. This section provides Council with the discretion to require larger notices with larger lettering. It is recommended that this section of the by-law be expanded to include provision for large format notice boards where the nature of the development or the characteristics of the site warrant it. For example:

- All rezoning, subdivision, Zoning/Subdivision Agreement amendment, Plan Winnipeg amendment, and Secondary Plan amendment applications; or
- Variance and conditional use applications where:
    - The site is larger than 2 acres; or,
    - Sites where barriers or intervening conditions prevent the public from ready access to public notices (e.g., wide ditches, hydro lines, topography, forested lands, etc.); or,
    - Sites on high traffic streets (e.g., Bishop Grandin, Lagimodiere, Waverley, Kenaston, Fermor, etc.); or,
    - Industrial or commercial sites adjacent to residential areas.

Single and two family developments would be excluded from these requirements.

It is also recommended that the Standing Policy Committee on Property and Development should be authorized to identify which applications and sites warrant enhanced public notice through the use of large format notice boards. (A copy of an initial set of criteria is attached as Appendix B.) This document would set out the types of developments and the physical characteristics of a specific site that would prompt the requirement for large format notice boards. This document would be a companion document to the Development Procedures By-law and not form part of the by-law. In that way, it could be easily amended by the Standing Committee without requiring the full adoption of Council. The criteria approved by the Committee would be posted to the City's website to ensure that the enhanced public notice requirements are clear and transparent.

This large format notice would be in addition to, not replace standard public notices ("yellow posters" and newspaper advertising).

Earlier reports on this issue discussed options for financial responsibility for these notice boards and responsibility for installation. Council agreed that these boards would be installed by the applicant and at the applicant's expense. Clauses recognizing that direction would also be added to the Development Procedures By-law.

It is proposed that a Schedule be added to the By-law outlining the specifications for large format notice boards. This would include specifications identifying minimum size, size of lettering, materials, and suggested locations for posting and installation requirements. A sketch would be included showing a mock-up of a sample notice board with the dimensional requirements applied.

In the case of combined public hearings, for example, where a rezoning or subdivision application is combined with a variance or conditional use application, all relevant applications would be published on a single notice board.

In consultation with the development industry, it was agreed that dedicating one-third of the notice board to developer contact information would detract from the primary purpose of the board -- public notification. This area has been scaled back to 8-16" along the bottom of the board.

There are no changes required to the Planning, Development and Building Fees By-law as a result of the changes to the Development Procedures By-law proposed in this report.

It is recommended that, if approved by Council, this by-law come into effect on October 1, 2007 to provide an opportunity for the City to communicate with the development industry about the new requirements.

Financial Impact Statement Date: April 13, 2007

Project Name:

RED TAPE RECOMMENDATION 13: DEVELOPMENT PROCEDURES BY-LAW AMENDMENT FOR ENHANCED PUBLIC NOTICE

COMMENTS:

The recommendations of this report request that the text of a by-law be amended. As such there are no financial implications associated with the recommendations. The cost of posting sites with large format notice boards will be the responsibility of the applicant.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

4104

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

- Legal Services Division

External Consultation With:

N/A

THIS REPORT SUBMITTED BY:

Department: Planning, Property and Development Department
Division: Office of the Director
Prepared by: Valdene Buckley
PPD File No.

APPENDIX "A"

THE CITY OF WINNIPEG

BY-LAW NO. /2007

A By-law of **THE CITY OF WINNIPEG** to amend the Development Procedures By-law No. 5893/92.

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

1. Section 10 of By-law No. 5893/92 is hereby repealed and the following is substituted:

"**NOTICE BY POSTING**

10. (1) In addition to providing the notice of hearings required under subsection 9(1), the Director must post on a building or parcel of land and maintain in good condition, notice of hearing which notice must be:

(a) at least 215.9 mm by 279.4 mm (8.5 inches by 11 inches) in dimension; and

(b) printed in legible characters of at least 10 point size.

(2) The Standing Policy Committee on Property and Development may identify circumstances in which the manner of posting notice under subsection (1) is insufficient or ineffective due to the nature of the proposed development or the uniqueness of the subject site and the surrounding lands, and in those circumstances, the applicant must post signage, at the applicant's expense, which meets the specifications set out in Schedule "A"."

2. By-law No. 5893/92 is amended by the addition of "Schedule "A"" hereto attached.

3. This By-law comes into effect on October 1, 2007.

DONE AND PASSED, in Council assembled, this day of , 2007.

Mayor

City Clerk

Certified as to content:

for Director of Planning, Property and Development

Certified as to Form:

for City Solicitor/Manager of Legal Services
(File No. G.1/2006(13))

THIS IS SCHEDULE “A” ATTACHED TO AND FORMING PART OF BY-LAW No. 5893/92

SITE POSTING SPECIFICATIONS

Sign Specifications

1. Materials for a 4 foot X 8 foot sign shall include laminated plywood or other wood by-product board (½ inch thick) or corrugated plastic (10 mil thick).
   Sign shall be affixed to a building wall or free-standing using 4 inch X 4 inch posts or secured to a skid structure and anchored to the ground. Sign installation shall be certified by a qualified, registered professional engineer.
2. Plywood or wood by-product board shall have front and back sides, and all edges shall be painted with white acrylic exterior enamel.
3. All lettering shall be black with fonts and sizes as per attached sample and requirements set out on page 2 of this Schedule.
4. All signs shall be pre-approved by the Director of Planning, Property and Development (or designate) prior to installation and shall be placed on the site in accordance with the approved plan.

Applicant Information Area (located at the bottom of the sign)

1. Applicant area shall be not less than 8 inches and not more than 16 inches from the bottom of the sign.
2. Applicant information may not be used for promoting, selling or advertising a product and/or service.
3. Applicant information area may contain: developer/owner/applicant name(s), address, phone number, email or web site address including a rendering of the proposed building or development.
4. Colour may be used in the applicant information area; however, this area is not intended to detract from the primary purpose of the Public Notice.
5. Applicant information area, including size, colour and content, is subject to the approval of the Director of Planning, Property and Development (or designate).

Site Posting Instructions

1. The site shall be posted no more than 21 days or less than 10 days prior to the date of the first public hearing.
2. If the sign is for a Variance and or Conditional Use application, either in whole or in part, the site shall be posted no more than 21 or less than 14 days prior to the date of the first public hearing.
3. Sign posting shall be maintained until final disposition of the application(s); that is, until after the decision of the designated Committee is posted on the City’s website.
4. Sign shall be removed no sooner than 1 day nor more than 14 days after the final disposition of the application.
5. Bottom edge of the 4’ X 8’ sign shall be a minimum of 4 feet and a maximum of 8 feet above ground level.
6. Sign shall be located no further than 3 feet from a property line.
7. Applicant may use a sign vendor of their choice.
8. If installing a sign using 4” X 4” posts, applicant must Call Before You Dig (480-1212) – Manitoba Hydro.

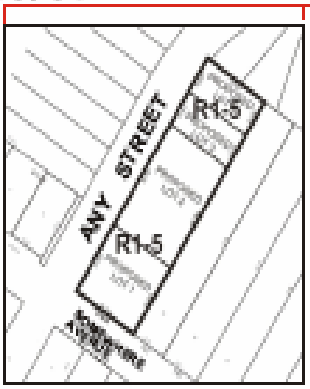
A B

Winnipeg

PUBLIC NOTICE

C — REZONING & SUBDIVISION - DASZ 123/07

H



D — TO RE-ZONE LANDS FROM, "C1" COMMERCIAL DISTRICT
TO "R1-5" RESIDENTIAL DISTRICTS AND ESTABLISH
FOUR BUILDING LOTS

E — PUBLIC HEARING TUESDAY, JANUARY 23, 2007
AT 6:00 PM, CITY HALL
COUNCIL BUILDING,
510 MAIN STREET

D

F — For more information go to: www.winnipeg.ca/notices

G — FOR FURTHER INFORMATION CONTACT:
XYZ Developers, 555-5555 or visit www.xyzdevelopers.com

SIGN SPECIFICATIONS:
Sign Size - 8 ft. width x 4 ft. height minimum
A = 7.5" black band
B = 5" lettering (Public Notice wording)
C = 2.75" lettering (Type of application/file #)
D = 1.75" lettering (Description of request)(Date/time/location)
E = 2.25" lettering (Public Hearing wording)
F = 1.5" lettering (website info)
G = 8" minimum area for developers information
H = 2 ft. width diagram

APPENDIX "B"

CRITERIA FOR LARGE FORMAT NOTICE BOARDS

Subsection 10(2) of the Development Procedures By-law provides that the Standing Policy Committee on Property and Development may adopt Guidelines identifying circumstances in which posting notice of hearings must comply with the provisions of "Schedule "A"" to the said By-law where, due to the nature of the proposed development or the uniqueness of the lands to be developed and the surrounding lands, enhanced public notification at the applicant's expense, is warranted.

Enhanced public notification is required in the following instances:

1. Rezonings, including other development applications associated with the rezoning application (i.e., a related variance or conditional use application).
2. Subdivisions, which create a street or lane including other development applications associated with the subdivision application (i.e., a related variance or conditional use application).
3. Zoning and Subdivision Agreement amendments.
4. Plan Winnipeg amendment.
5. Secondary Plan amendment.
6. Some variance and conditional use applications, based on the uniqueness of the development, except for single and two family development, in any of the following circumstances:

    (a) Applications adjacent to high speed or high traffic volume streets, where it is unlikely that standard notices would be readable from a distance, including, but not limited to:
        (i) Bishop Grandin Boulevard; or,
        (ii) Lagimodiere Boulevard; or,
        (iii) Waverley Street (south of McGillivray Boulevard); or,
        (iv) Kenaston Boulevard (south of McGillivray Boulevard); or,
        (v) Fermor Avenue;

    (b) Development where physical attributes such as ditches, transmission lines, or other barriers between property lines and the rights-of-way, or excessive boulevard setbacks, prevent convenient public access to a notice;

    (c) Industrial and commercial development backing directly on to lands zoned residential where impacted residents would not typically be exposed to a standard placard notice;

    (d) Development where the site area exceeds 2 acres.

7. Development applications for industrial and commercial development where the site is vacant.
8. Development applications for industrial and commercial development where the existing building on the site is setback a minimum of 5 feet from the property line adjacent to a right-of-way.