Minutes - Executive Policy Committee – November 14, 2007

Minute No. 20
Report - Standing Policy Committee on Property and Development – October 30, 2007

Item No. 1 Winnipeg Zoning By-law Review
File EZ-DAZ

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended, and submits the following to Council:

1. That the Airport Vicinity Protection Area Zoning By-law No. 6418/94 and the X-Rated Store Zoning By-law No. 6087/93 be repealed.

2. That notwithstanding anything else contained within the proposed Winnipeg Zoning By-law, any Zoning By-law that has been approved by Council subsequent to the publication of the Zoning Maps forming Schedule B of the Winnipeg Zoning By-law (dated April 24, 2007) but not yet registered on the current zoning database, shall be deemed to be approved as part of this by-law with an equivalent zoning to that approved, based upon the established Mapping Rules (Appendix C).

3. That notwithstanding anything else contained within the proposed Winnipeg Zoning By-law, the reversionary nature of any reversionary or temporary Zoning By-law approved by Council shall not be affected.

4. That the effective date for the Winnipeg Zoning By-law and Zoning Maps be amended to March 1, 2008.

5. That technical errors in the proposed Winnipeg Zoning By-law be corrected as shown in the list of errors and corrections (Appendix D).

6. That the Winnipeg Public Service be directed to conduct a periodic review of the Winnipeg Zoning By-law with the first review to commence one (1) year from the date of enactment of the by-law, and subsequently every year following the adoption of a Plan Winnipeg review.

7. A. That a 6-point strategy of enforcement be pursued to allow the City to take a more pro-active role in enforcing the existing regulations for mobile signs; and
   B. That the Winnipeg Public Service review the regulations for mobile signs one (1) year following enactment of the Winnipeg Zoning By-law to determine the effectiveness of the enforcement strategy and the public's opinions of the mobile sign regulations.

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8. That the following amendments be made to the Manufacturing Mixed Use (MMU) Zoning District (see detailed changes in Appendix E):
   A. The Use Specific Standards for Amusement Enterprise, Indoor be amended to add an exception for fitness centres which may be up to a maximum of 40,000 square feet instead of 10,000 square feet of floor area in the MMU zoning district.
   B. Sign height for the MMU zoning district in Part 5: Development and Design Standards be increased from eight feet (8') to twenty feet (20').

9. That the following amendments be made to the regulations for wireless telecommunication facilities:
   A. That the Winnipeg Public Service commence a consultation process with the wireless communication services industry during the enactment period for the Winnipeg Zoning By-law to discuss the regulations for establishment of wireless communications towers.
   B. That all references to "wireless telecommunication" facilities/towers in the proposed Zoning By-law be amended to "wireless communication" facilities/towers.
   C. That Table 4-1: Principal Use Table be amended to add "Wireless communication, freestanding tower" as a Conditional Use ("C") in the C2 (Commercial Community), C3 (Commercial Corridor), C4 (Commercial Regional) and EI (Educational and Institutional) zoning districts, and be changed from a Conditional ("C") to a Permitted ("P") use in the M2 (Manufacturing General) zoning district; and,
   D. That the maximum height of freestanding towers be increased from seventy-five feet (75') to one hundred feet (100').

10. That the Winnipeg Public Service be directed to draft a public consultation process to be incorporated in the Development Procedures By-law for certain heavy manufacturing uses (i.e., those heavy industrial uses requiring licensing under The Environment Act).

11. That "Adult Service or Entertainment Establishment" be deleted as a Conditional Use ("C") in the C4 (Commercial Regional) zoning district in Table 4-1: Principal Use Table.

12. That the Winnipeg Public Service complete a review to determine the most appropriate park zoning for all parks properties in the city to be completed within one (1) year following enactment of the Winnipeg Zoning By-law.

13. That the Use Specific Standards in Part 4: Use Regulations be amended to add a maximum size (combined gross floor area) of eight hundred (800) square feet for home-based businesses.

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14. That a consultation process be initiated with the development industry to discuss and review development and design standards for residential properties and related requirements in other City by-laws, development guidelines and standards (e.g., Lot Grading By-law, Private Approaches By-law).

15. That all Private Clubs shall only be permitted as a Conditional Use, and the Principal Use table be amended accordingly.

16. That the maximum permitted square footage for Outdoor Dining, Drinking Areas (patios) in "C1" and "C2" zoning districts be increased to a maximum of 100 square feet.

17. That a maximum of 10,000 square feet of gross floor area for Supermarkets (Grocery Stores) per building be permitted in "MMU" zoning districts.

18. That the maximum square footage of gross floor area, per building for Retail Sales Uses in the "C3" zoning districts be increased to 120,000 square feet.

19. That where automobile parking spaces are required as indicated in table "5-9: General Accessory Parking Requirements":
    A. Where ten (10) or more vehicle parking stalls are required, lockable bicycle parking shall be provided at a ten percent (10%) ratio to automobile parking, i.e. ten bicycle parking spaces per 100 automobile parking stalls.
    B. Required bicycle parking must be located with convenient access to major building entrances.

20. That the planning of long term bicycle parking be referred to the Winnipeg Public Service for the review of the Winnipeg Zoning By-law, one (1) year from the date of enactment of the by-law.

21. That Part 4, section 115 be amended by adding the following after subsection (6):

    (7) Notwithstanding subsections 113(5) and (10), all existing Conditional Use Orders for auto dealers and auto repair operations, are not affected by this By-law. Conditional Uses Orders with expiration dates shall be allowed to continue to operate in compliance with the conditions contained in their respective Orders until January 1, 2025, at the discretion of the Director of Planning Property and Development.

22. That major home-based businesses be allowed to have a maximum of two (2) non-residents employees or business partners working on the premises.

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23. A. That supportive retail in the "MMU" zoning districts be measured/allowed to a maximum of 35% of site area including any land needed by the supportive retail to satisfy parking requirements, yards/setbacks and development and design standards i.e. landscaping. During build out, supportive retail will not exceed 50% of built site area.

    B. That the Purpose Statement for the Manufacturing Mixed Use Zoning District in Part 3: Zoning Districts be amended to identify a minimum site area (35 acres) for MMU development.

24. A. That all lettering for mobile signs shall be either black on white or white on black, within one year of the effective dated of the Winnipeg Zoning By-law 200/2006.

    B. That mobile signs shall not be permitted where businesses have access to an electronic message board. This includes common tenant and stand-alone businesses.

25. A. "That no electronic message boards may be located within 100 feet of a pedestrian crosswalk/corridor or controlled intersection."

    B. That electronic message boards shall be included as part of the total allowable square footage of signage for any site/building.

    C. That section 182(2)(c) of the draft Zoning By-law be amended by deleting the words "electronic message board". (making them a permitted use)

26. That "adult service or entertainment establishments" be listed as "conditional" in "M3" zoning districts.

27. That separate definitions for fitness and amusement centres be created, which could be defined as follows:

    - "Fitness or wellness centre, indoor" means a commercial establishment designed and equipped for assembly occupancy uses for the conduct of exercise and/or leisure-time activities within a fully enclosed building, uses of which include: gymnasiums and health clubs, wellness centres, weightlifting establishments, martial arts studios, fitness studios, yoga studios, dance studios, swimming pools, and related fitness and wellness activities.

- "Amusement enterprise, indoor**"** means a commercial establishment designed and equipped for assembly occupancy uses for the conduct of sports, exercise and/or leisure-time activities within a fully enclosed building, uses of which include: arcade games, billiards, bingo, bowling, skating/roller rinks, go kart tracks, shooting ranges, and paintball arcades, and related amusements.

28. That Schedule "B" be amended as follows:
    A. For the lands located on the east side of Madison Street between St. Matthews Avenue and Silver Avenue, bounded on the east by the former railway right-of-way, change the zoning designation from "C2 – Commercial Community" to "M1 – Manufacturing Light".
    B. For the lands located at 0 Maroons Road (commonly known as the former Winnipeg Arena site), change the zoning designation from "C2 – Commercial Community" to "C3 – Commercial Corridor".
    C. For the lands located at 1017, 1045 and 1065 St. James Street (commonly known as The Brick Plaza site), change the zoning designation from "C3 – Commercial Corridor" to "C4 – Commercial Regional".

29. That Section 138 and the corresponding illustrations with respect to Special Boundary Conditions be amended to read as follows:

    138. (1) If an undeveloped parcel of land is located in the R1 or R2 zoning districts, or proposed for rezoning to the R1 or R2 zoning districts, and abuts an existing R1 or R2 zoning district, or is separated from an R1 or R2 zoning district by a street right-of-way, railroad right-of-way, or waterway, the undeveloped parcel must not be subdivided unless the width/square footage of the proposed lot(s) within 200 feet (measured from the edges of the proposed subdivision) of the adjacent R1 or R2 zoning district is not less than the average lot width/square footage of existing developed lots in residential use in the adjacent R1 or R2 areas along such shared boundary, but in no case may be less than 35 feet.

30. That Section 172.3(c) with respect to Development Standards for Parking Areas be amended by deleting the threshold of 500 accessory automobile parking spaces to trigger the requirement that the design of the parking area must incorporate pedestrian walkways, and replacing it with 200 accessory automobile parking spaces.

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31. That the Winnipeg Public Service be requested to report back for the review of the Winnipeg Zoning By-law, one (1) year from the date of enactment of the by-law, on the following:

    A. The requirement for buffers between Care Homes;

    B. A requirement for internal traffic studies for large scale commercial and industrial developments;

    C. Recommendations of enhanced protection of trees within the City of Winnipeg.

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DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in with the following amendment:

- Delete Recommendation 23 in its entirety and replace with the following:

    23. A. That supportive retail in the "MMU" zoning districts be measured/allowed to a maximum of 35% of site area including any land needed by the supportive retail to satisfy parking requirements, yards/setbacks and development and design standards i.e. landscaping. During build out, supportive retail will not exceed 50% of built site area.

    B. That the Purpose Statement for the Manufacturing Mixed Use Zoning District in Part 3: Zoning Districts be amended to identify a minimum site area (35 acres) for MMU development,

and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On October 30, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service with the following amendments, namely:

- Delete Recommendation 1. in its entirety and renumber the remaining recommendations accordingly.
- Amend Recommendation 7. (new Recommendation 6.) by deleting the words " and a minimum of every five (5) years thereafter" and replacing them with the words "and subsequently every year following the adoption of a Plan Winnipeg review."
- Delete Recommendation 9. in its entirety and renumber the remaining recommendations accordingly.
- Amend Recommendation 10 (new Recommendation 8.) by deleting Part A. in its entirety and renumbering the remaining parts in accordingly.
- Delete Recommendation 11. in its entirety and renumber the remaining recommendations accordingly.
- Delete Recommendation 17. in its entirety and renumber the remaining recommendations accordingly.

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DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

- Amend Recommendation 18 (new Recommendation 14.) by deleting Part A. in its entirety and renumbering the remaining parts in accordingly.
- Add the following Recommendations:

15. That all Private Clubs shall only be permitted as a Conditional Use, and the Principal Use table be amended accordingly.

16. That the maximum permitted square footage for Outdoor Dining, Drinking Areas (patios) in "C1" and "C2" zoning districts be increased to a maximum of 100 square feet.

17. That a maximum of 10,000 square feet of gross floor area for Supermarkets (Grocery Stores) per building be permitted in "MMU" zoning districts.

18. That the maximum square footage of gross floor area, per building for Retail Sales Uses in the "C3" zoning districts be increased to 120,000 square feet.

19. That where automobile parking spaces are required as indicated in table "5-9: General Accessory Parking Requirements":
    A. Where ten (10) or more vehicle parking stalls are required, lockable bicycle parking shall be provided at a ten percent (10%) ratio to automobile parking, i.e. ten bicycle parking spaces per 100 automobile parking stalls.
    B. Required bicycle parking must be located with convenient access to major building entrances.

20. That the planning of long term bicycle parking be referred to the Winnipeg Public Service for the review of the Winnipeg Zoning By-law, one (1) year from the date of enactment of the by-law.

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DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

21. That Part 4, section 115 be amended by adding the following after subsection (6):

    (7) Notwithstanding subsections 113(5) and (10), all existing Conditional Use Orders for auto dealers and auto repair operations, are not affected by this By-law. Conditional Uses Orders with expiration dates shall be allowed to continue to operate in compliance with the conditions contained in their respective Orders until January 1, 2025, at the discretion of the Director of Planning Property and Development.

22. That major home-based businesses be allowed to have a maximum of two (2) non-residents employees or business partners working on the premises.

23. That supportive retail in the "MMU" zoning districts be measured/allowed to a maximum of 35% of site area including any land needed by the supportive retail to satisfy parking requirements, yards/setbacks and development and design standards i.e. landscaping. During build out, supportive retail will not exceed 50% of built site area.

24. A. That all lettering for mobile signs shall be either black on white or white on black, within one year of the effective dated of the Winnipeg Zoning By-law 200/2006.

    B. That mobile signs shall not be permitted where businesses have access to an electronic message board. This includes common tenant and stand-alone businesses.

25. A. "That no electronic message boards may be located within 100 feet of a pedestrian crosswalk/corridor or controlled intersection."

    B. That electronic message boards shall be included as part of the total allowable square footage of signage for any site/building.

    C. That section 182(2)(c) of the draft Zoning By-law be amended by deleting the words "electronic message board". (making them a permitted use)

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DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

26. That "adult service or entertainment establishments" be listed as "conditional" in "M3" zoning districts.

27. That separate definitions for fitness and amusement centres be created, which could be defined as follows:

- "Fitness or wellness centre, indoor" means a commercial establishment designed and equipped for assembly occupancy uses for the conduct of exercise and/or leisure-time activities within a fully enclosed building, uses of which include: gymnasiums and health clubs, wellness centres, weightlifting establishments, martial arts studios, fitness studios, yoga studios, dance studios, swimming pools, and related fitness and wellness activities.

- "Amusement enterprise, indoor" means a commercial establishment designed and equipped for assembly occupancy uses for the conduct of sports, exercise and/or leisure-time activities within a fully enclosed building, uses of which include: arcade games, billiards, bingo, bowling, skating/roller rinks, go kart tracks, shooting ranges, and paintball arcades, and related amusements.

28. That Schedule "B" be amended as follows:
    A. For the lands located on the east side of Madison Street between St. Matthews Avenue and Silver Avenue, bounded on the east by the former railway right-of-way, change the zoning designation from "C2 – Commercial Community" to "M1 – Manufacturing Light".
    B. For the lands located at 0 Maroons Road (commonly known as the former Winnipeg Arena site), change the zoning designation from "C2 – Commercial Community" to "C3 – Commercial Corridor".
    C. For the lands located at 1017, 1045 and 1065 St. James Street (commonly known as The Brick Plaza site), change the zoning designation from "C3 – Commercial Corridor" to "C4 – Commercial Regional".

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DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

29. That Section 138 and the corresponding illustrations with respect to Special Boundary Conditions be amended to read as follows:

    138. (1) If an undeveloped parcel of land is located in the R1 or R2 zoning districts, or proposed for rezoning to the R1 or R2 zoning districts, and abuts an existing R1 or R2 zoning district, or is separated from an R1 or R2 zoning district by a street right-of-way, railroad right-of-way, or waterway, the undeveloped parcel must not be subdivided unless the width/square footage of the proposed lot(s) within 200 feet (measured from the edges of the proposed subdivision) of the adjacent R1 or R2 zoning district is not less than the average lot width/square footage of existing developed lots in residential use in the adjacent R1 or R2 areas along such shared boundary, but in no case may be less than 35 feet.

30. That Section 172.3(c) with respect to Development Standards for Parking Areas be amended by deleting the threshold of 500 accessory automobile parking spaces to trigger the requirement that the design of the parking area must incorporate pedestrian walkways, and replacing it with 200 accessory automobile parking spaces.

31. That the Winnipeg Public Service be requested to report back for the review of the Winnipeg Zoning By-law, one (1) year from the date of enactment of the by-law, on the following:

    A. The requirement for buffers between Care Homes;

    B. A requirement for internal traffic studies for large scale commercial and industrial developments;

    C. Recommendations of enhanced protection of trees within the City of Winnipeg.

and submitted the matter to the Executive Policy Committee and Council.

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DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

Further, on October 30, the Standing Policy Committee on Property and Development provided the following supporting reason for its recommendation:

1. There was a great deal of communication between the Winnipeg Public Service, the Zoning Advisory Committee and the Development Community that has resulted in a great document.

On October 16, 2007, the Standing Policy Committee on Property and Development concluded the receipt of public representations and adjourned the public hearing to its meeting to be held on October 30, 2007, at 9:00 a.m. in the Council Building, 510 Main Street.

PUBLIC HEARING SUMMARY

File:	EZ-DAZ
Before:	Standing Policy Committee on Property and Development Councillor Swandel, Chairperson Councillor Fielding Councillor Vandal Councillor Wyatt
Public Hearing:	October 16, 2007 Council Chamber, Council Building, 510 Main Street October 30, 2007, West Committee Room, Council Building, 510 Main Street
Applicant:	Acting Director of Planning, Property and Development, City of Winnipeg
Subject:	City of Winnipeg Zoning By-law Review

City of Winnipeg

NOTICE OF PUBLIC HEARING

Winnipeg

Under the authority of The City of Winnipeg Charter the Standing Policy Committee on Property and Development, will conduct a PUBLIC HEARING, as indicated, to receive representations on the proposal listed hereunder. A copy of the proposed Winnipeg Zoning By-law No. 200/2006 and supporting materials may be inspected at the Land Information Branch, Mezzanine, 30 Fort Street (Fort Garry Place) during normal office hours (8:30 am- 4:30 pm), Monday-Friday, excluding holidays, or on the City of Winnipeg website at http://www.winnipeg.ca/ppd/zoning_6400review.stm.

NOTICE OF STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

PUBLIC HEARING

Date: Tuesday, October 16, 2007
Time: 9:00 am
Location: Council Chamber, Council Building, 510 Main Street, Winnipeg, Manitoba



WINNIPEG ZONING BY-LAW No. 200/2006

PROPOSAL: To pass Winnipeg Zoning By-Law No. 200/2006, being a zoning by-law for the City of Winnipeg outside the area covered by the Downtown Winnipeg Zoning By-law No. 100/2004, which would:

1. Repeal the Winnipeg Zoning By-law No. 6400/94;
2. Repeal the Airport Vicinity Protection Area Zoning By-law No. 6418/94 and the X-rated Store Zoning By-law No. 6087/93;
3. Provide regulations for:
   a. Administration;
   b. Definitions;
   c. Zoning Districts;
   d. Use Regulations;
   e. Development and Design Standards; and
4. Rezone all lands in the City of Winnipeg, excepting that area covered by the Downtown Winnipeg Zoning By-law No. 100/2004, in accordance with the Zoning Maps (Schedule B).

For information regarding the proposed Winnipeg Zoning By-law No. 200/2006, contact Ms V. Buckley, Manager of Regulatory Reform at 986-5161.

A copy of the proposed Winnipeg Zoning By-law No. 200/2006 and supporting materials may be inspected at the Land Information Branch, Mezzanine, 30 Fort Street (Fort Garry Place) during normal office hours (8:30 am- 4:30 pm), Monday-Friday, excluding holidays, or on the City of Winnipeg website at http://www.winnipeg.ca/ppd/zoning_6400review.stm. Please note that the proposed Zoning By-law is subject to modification prior to the Public Hearing.

The purpose of the hearing is to allow interested persons to make submissions, ask questions, or register objections in respect of the Proposal. Persons wanting to make representation at the Public Hearing should notify Mr. C. Gameiro, Clerk of the Standing Policy Committee on Property and Development, Council Building, 510 Main Street, Winnipeg, MB, R3B 1B9, 986-6631.

Presentations may be made in both official languages. Simultaneous interpretive services are available if requested at least 48 hours prior to the meeting.

Exhibits Filed:

1. Notice of Public Hearing
2. Report from the Acting Director of Planning, Property and Development dated September 10, 2007
3. City of Winnipeg Zoning By-law Review Approach Report dated August, 2005
4. Winnipeg Zoning By-law Review Industrial Mapping Strategy Final Report dated December 22, 2006
5. PowerPoint Presentation from the Winnipeg Public Service, in support of the City of Winnipeg Zoning By-law Review
6. Presentation from Councillor Gerbasi, in support of the City of Winnipeg Zoning By-law Review
7. Presentation from David Angus, President and C.E.O., The Winnipeg Chamber of Commerce, in support of the City of Winnipeg Zoning By-law Review
8. Presentation from Nick Roberts, Executive Director, Manitoba Used Car Dealers Association, in opposition to the City of Winnipeg Zoning By-law Review
9. Presentation from Robert Cosco, Bike to the Future, in opposition to the City of Winnipeg Zoning By-law Review
10. Presentation from David Farnes, Vice President, Industry and Regulatory Affairs, Canadian Wireless Telecommunications Association, in opposition to the City of Winnipeg Zoning By-law Review
11. Communication from Diane Green, Bright Side Signs Ltd. in opposition to the City of Winnipeg Zoning By-law Review
12. Presentation from Shirley Tillett, Manitoba Home Business Advisory Council, in support of the City of Winnipeg Zoning By-law Review
13. Submission from Eugene Hyworon, DAAD Holdings Inc., in opposition to the City of Winnipeg Zoning By-law Review
14. Communication dated October 06, 2007, from Lou Guay, in opposition to the City of Winnipeg Zoning By-law Review
15. Communication dated October 06, 2007, from Mark Cohoe, in opposition to the City of Winnipeg Zoning By-law Review
16. Presentation from Anders Swanson, Bike to the Future, in opposition to the City of Winnipeg Zoning By-law Review
17. Communication dated October 4, 2007 from Florence May, Rural Municipality of Richot, with respect to the City of Winnipeg Zoning By-law Review

18. Communication dated October 10, 2007, from Warren Baldwin, Warren R. Baldwin & Associates, in opposition to the City of Winnipeg Zoning By-law Review
19. Communication dated October 10, 2007, from Raymond Goy, in opposition to the City of Winnipeg Zoning By-law Review
20. Presentation from Eduardo and Inonge Aliaga, Mecano Auto Repair and Service Ltd., in opposition to the City of Winnipeg Zoning By-law Review
21. Presentation from Reverend Larry Gregan, New Life Ministries, in opposition to the City of Winnipeg Zoning By-law Review
22. Presentation from Fred Curry, in opposition to the City of Winnipeg Zoning By-law Review
23. Communication dated October 16, 2007, from Catherine Collins in opposition to the City of Winnipeg Zoning By-law Review, submitted at the public hearing by Fred Curry
24. Presentation from Phillip Wong, SmartCentres, in opposition to the City of Winnipeg Zoning By-law Review
25. Presentation from Kerra Mruss, MMM Group, in opposition to the City of Winnipeg Zoning By-law Review
26. Presentation from Ross Mitchell, MMM Group, on behalf of MPN Holdings Ltd, with respect to the City of Winnipeg Zoning By-law Review
27. Presentation from Trudy Turner, Turner and Associates, in opposition to the City of Winnipeg Zoning By-law Review
28. Communication dated October 14, 2007, from Tom Pearce, in opposition to the City of Winnipeg Zoning By-law Review
29. Presentation from Kathryn MacKenzie, Spence Neighbourhood Association Inc., in support of the City of Winnipeg Zoning By-law Review
30. Presentation from Don Miedema, Spence Neighbourhood Association Inc., in opposition to the City of Winnipeg Zoning By-law Review
31. Presentation from Courtney Welch, Community Venture, The Salvation Army, with respect to the City of Winnipeg Zoning By-law Review
32. Communication from Penny Seier, PNP Automotive Repair, in opposition to the City of Winnipeg Zoning By-law Review
33. Presentation from Michael Falk, Terrracon Development Inc., with respect to the City of Winnipeg Zoning By-law Review

34. Presentation from Norbert Hansch, Terracon Development Inc., in opposition to the City of Winnipeg Zoning By-law Review
35. Presentation from Courtney Donovan, Canadian Restaurant and Food Services Association, in opposition to the City of Winnipeg Zoning By-law Review
36. Presentation from Eric Vogan, Qualico Winnipeg, with respect to the City of Winnipeg Zoning By-law Review
37. Presentation from Stan Keyes, Canadian Payday Loan Association, in opposition to the City of Winnipeg Zoning By-law Review
38. Presentation from Gloria Cardwell-Hoeppner, West End Business Improvement Zone, in opposition to the City of Winnipeg Zoning By-law Review
39. Presentation from Daniel Serhal, Daniel Serhal Architecture, in opposition to the City of Winnipeg Zoning By-law Review
40. Presentation from Michael Ferber, Daniel Serhal Architecture, in opposition to the City of Winnipeg Zoning By-law Review
41. Presentation from Lynnette Postuma, with respect to the City of Winnipeg Zoning By-law Review
42. Communication dated October 15, 2007, from Bhavana Bonde, with respect to the City of Winnipeg Zoning By-law Review
43. Presentation from Peter Squire, Winnipeg Realtors Association, in support of the City of Winnipeg Zoning By-law Review
44. Presentation from Trish Masniuk, West End Community Improvement Association, in opposition to the City of Winnipeg Zoning By-law Review
45. Presentation from Liz Dykman, in opposition to the City of Winnipeg Zoning By-law Review
46. Presentation from Ken Devine, Manitoba Chapter, Sign Association of Canada, in opposition to the City of Winnipeg Zoning By-law Review
47. Presentation from Meranda Merlin, William Whyte Residents Association, in opposition to the City of Winnipeg Zoning By-law Review
48. Communication from Richard Page in opposition to the City of Winnipeg Zoning By-law Review, submitted at the public hearing by Meranda Merline, William Whyte Residents Association
49. Presentation from Frank Bueti, with respect to the City of Winnipeg Zoning By-law Review

50. Presentation from Kenton Lobe, Resource Conservation Manitoba, with respect to the City of Winnipeg Zoning By-law Review
51. Presentation from Karen Jones, West Broadway Horticultural Society, with respect to the City of Winnipeg Zoning By-law Review
52. Presentation from Michael Carruthers, Ladco Company Ltd., with respect to the City of Winnipeg Zoning By-law Review

REPRESENTATIONS:

In Support:
James Paterson, Acting Director of Planning Property and Development
Martin Grady, Zoning and Permits Administrator, Planning Property and Development Department
Don Elliott, Clarion Associates
Stephen Walker, Planner, Planning Property and Development Department
Valdene Buckley, Manager of Regulatory Reform, Planning, Property and Development Department
Donovan Toews, Landmark Planning and Design Inc.
Terry Josephson, Services Development Engineer, Water and Waste Department
David Shaw, Customer Technical Services Supervisor, Water and Waste Department

Councillor Gerbasi, Fort Rouge - East Fort Garry Ward,
Shirley Tillett, Home Business Advisory Council
Kathryn MacKenzie, Spence Neighbourhood Association Inc.
Albert Richley Christine
Tom Choropita
Eva Josephine Asham, Home Business Advisory Council
David Angus, President and C.E.O., The Winnipeg Chamber of Commerce
Peter Squire, Winnipeg Realtors Association

In Opposition:

Martin McGarry, MMI Commercial Real Estate Ltd.
Darcy Payne, General Manager, Bentall Real Estate Services
Michael Ferber, Daniel Serhal Architecture
Penny Seier, P & P Automotive Repair
Daniel Serhal, Daniel Serhal Architecture
Norbert Hansch, Terracon Development Inc.
Kerra Mruss, MMM Group

Ken Devine, Chairperson for By-law Review Committee, Sign Association of Canada, (Manitoba Chapter)
Clayton Grant, Electra Sign
Bretto Aho, Electra Sign
Joe Horne, Sleek Signs Manitoba Ltd.
Mitch Prudhomme, All Around Sign Co.
Mari Clovechok, React Mobiles Sign Rental Inc,
Larry Clovechok, Mobile Signs Association of Winnipeg
Gloria Cardwell-Hoeppner, Executive Director, West End BIZ
David Farnes, Vice President, Industry and Regulatory Affairs, Canadian Wireless Telecommunications Association
Phillip Wong, SmartCentres
Stan Keyes, President, Canadian Payday Loan Association
Robert Cosco, Bike to the Future
Anders Swanson
Nick Roberts, Executive Director, Manitoba Used Car Dealers Association,
Courtney Donovan, Canadian Restaurant and Foodservices Association
Fred Curry
Rev. Larry Gregan, New Life Ministries
Rose Marie L. Rose
Meranda Merlin, William Whyte Residents Association
Nathan Hildebrand
Wilff Makus
Mel Claeys
Gary Tait
Don Miedema, Spence Neighbourhood Association Inc
Charlotte Johnson
Eduardo and Inonge Aliaga, Mecano Auto Repair & Service Ltd
Shane Shodine
Nelson Shodine
Liz Dykman
E Hyworon, DAAD Holdings Ltd.
Trish Masniuk, West End Community Improvement Association
Trudy Turner
Frank Spezzano
Diane Green, Bright Side Signs Ltd.
Lou Guay
Mark Cohoe
Raymond Goy
Eduardo and Inonge Aliaga, Mecano Auto Repair & Service Ltd
Tom Pearce
Richard Page
Kenton Lobe, President, Board of Directors, Resource Conservation Manitoba

For Information:

Robert Spriggs
Courtney Welch, Community Venture, The Salvation Army
Eric Vogan, Qualico Winnipeg
Michael Falk, Terracon Development Inc.
Warren R. Baldwin, Warren R. Baldwin and Associates Ltd.
William Ellers
Kristy Lebaron
Ken Lusko
Michael Carruthers, Ladco Company Ltd.
Shan Rocan, Bentall Real Estate Services
Veronica Hicks, MMM Group
Tony Gatti, The TDL Group Corp.
Bhavana Bonde
Lynnette Postuma
Dan Doucet
Jason Rohs
Tara Massicotte
Robert Kury
Marc Timmerman
Fred Wood
Frank Bueti
L. Soliluk
Greg Jasper
Carl Dornn
Bob Downs
Helen Van De Keere
Brian Thompson
R. Parkin
Bob Bodnaruk
David Keam
Ross Mitchell, MMM Group, on behalf of MPN Holdings Ltd.
Florence May, Chief Administrative Officer, Rural Municipality of Richot
Karen Jones, West Broadway Horticultural Society

For the City:

Mr. W. Stovel, Solicitor, Legal Services Division, Internal Services Department
Mr. J. Carter, Solicitor, Legal Services Division, Internal Services Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Jim Paterson, Acting Director of Planning, Property and Development, appeared in support and introduced the proposed City of Winnipeg Zoning By-law and provided an overview of the process by which the Planning Property and Development Department reached their recommendations and introduced Valdene Buckley, Manager of Regulatory Reform, Planning, Property and Development Department.

Ms. Buckley introduced Stephen Walker, Planner, Planning Property and Development Department; Martin Grady, Zoning and Permits Administrator, Planning Property and Development Department, Jacquie East, Manager of Planning and Land Use, Planning, Property and Development Department; Deepak Joshi, Manager of Development and Inspections, Planning, Property and Development Department; Terry Josephson, Services Development Engineer, Water and Waste Department; David Shaw, Customer Technical Services Supervisor, Water and Waste Department, of the City of Winnipeg Public Service as well as and Don Elliott, Senior Consultant, Clarion Associates, Donovan Toews, Local Consultant, Landmark Planning and Design Inc., appearing in support of the City of Winnipeg Zoning By-law Review.

Ms. Buckley also submitted the following documents:

- Notice of Public Hearing, filed as Exhibit 1.
- City of Winnipeg Zoning By-law Review Approach Report, dated August 2005, prepared by Clarion Associates filed as Exhibit 3
- Winnipeg Zoning By-law Review Industrial Mapping Strategy Final Report dated December 22, 2006 prepared by Landmark Planning and Design Inc., filed as Exhibit 4

Valdene Buckley, Don Elliott, Donovan Toews and Terry Josephson provided a PowerPoint presentation in support of the Winnipeg Zoning By-law Review, filed as Exhibit 5.

In response to questions from Committee, the following responses were provided:

- A representative from their team would be able to address questions regarding errors and omissions that may have occurred during the mapping process, but that it would not be appropriate to consider special rezonings.
- Although Water and Waste had discussions with the Planning Property and Development Department regarding the Zoning By-law in 2006 it was not until March of 2007 that they became aware that lot sizes would be impacted. At that time they began discussions with the Planning Property and Development Department. Discussion ensued with respect to land drainage and its potential increased demands on infrastructure.
- The Water and Waste Department would like to see the dimensional standards as they currently exist under The Winnipeg Zoning By-law No. 6400/94 maintained until discussions take place with the Development Industry.

Councillor Gerbasi, Fort Rouge - East Fort Garry Ward, appeared in support of the City of Winnipeg Zoning By-law Review, and read into the record her presentation, filed as Exhibit 6.

Discussion ensued between Councillor Gerbasi and the Committee with respect to:

- the creation of an Adult Service or Entertainment Establishment that will be conditionally permitted in industrial areas MMU, M1, M2 and permitted in M3.
- the length of time that mobile signs are allowed to be up at one location reduced.
- Section 172.(3)(c) of the proposed By-law and Councillor Gerbasi's suggestion that having a threshold of 500 accessory automobile parking spaces to trigger the creation of pedestrian walkways was too high.

Shirley Tillett accompanied by Eva Josephine Asham, Home Business Advisory Council, appeared in support of the City of Winnipeg Zoning By-law Review, and read into the record their presentation, filed as Exhibit 12.

In response to a question from Councillor Wyatt, Ms. Asham suggested that it is not the amount of people working in a home based business that impacts the neighbourhood, it is the number of vehicles attending the home based business. Ms. Asham recommends that business vehicles on the Street be restricted to two (2).

Kathryn MacKenzie, Spence Neighbourhood Association Inc., appeared in support of the City of Winnipeg Zoning By-law Review, and read into the record her presentation, filed as Exhibit 29.

David Angus, President and C.E.O., The Winnipeg Chamber of Commerce, appeared in support of the City of Winnipeg Zoning By-law Review, and read into the record his presentation, filed as Exhibit 7.

In response to questions from the Committee, Mr. Angus provided the following responses:

- The Winnipeg Chamber of Commerce could not find any research around signage that would merit a 500 foot buffer between electronic sign boards.
- He would be supportive of restrictions around intersections to ensure that the electronic signs are not interacting with light signals.
- Regarding the restriction of mobile signs where electronic signs exist, Mr. Angus stated that we should not dictate to the market what products it needs and the market should decide.
- The chamber is supportive of permit fees if those monies go to the enforcement of the industry. We do need to invest in enforcement, but the fees need to be affordable.
- It would be worthwhile to look at enforcement options where the industry would regulate itself.

Peter Squire, Winnipeg Realtors Association, appeared in support of the City of Winnipeg Zoning By-law Review, and read into the record his presentation, filed as Exhibit 43.

Martin McGarry, MMI Commercial Real Estate Ltd. accompanied by Darcy Payne, General Manager, Bentall Real Estate Services, Penny Seier, P & P Automotive Repair and Michael

Ferber, Daniel Serhal Architecture, appeared in opposition to the City of Winnipeg Zoning By-law Review. Mr. McGarry stated that the proposed "MMU" zoning has some criteria that is detrimental to other developers and that there are many lands that should be considered for MMU zoning. Mr. Ferber read into the record his presentation, filed as Exhibit 40.

Councillor Swandel advised Mr. Ferber that his presentation must be kept general and the Committee would not entertain arguments for rezoning specific properties.

In response to questions from Councillor Swandel, Mr. Ferber stated that he was not concerned with limiting the maximum acreage for an "MMU" zoned site. Rather, Mr. Ferber suggested that there are more cases for sites that are fifteen (15) to twenty-five (25) acres that would be better served with an "MMU" zoning, which do not qualify under the current proposal because what is being recommended is that lots should be a minimum of fifty (50) acres.

Daniel Serhal, Daniel Serhal Architecture appeared in opposition to the City of Winnipeg Zoning By-law Review, and read into the record his presentation, filed as Exhibit 39.

Norbert Hansch, Terracon Development Inc. appeared in opposition to the City of Winnipeg Zoning By-law Review, and read into the record his presentation, filed as Exhibit 34.

In response to questions from Councillor Vandal, Mr. Hansch stated that the "M1" zoning designation allowed retail usage to a maximum of 40,000 square feet of single use retail on a property the supplementary report reduced the use from 40,000 square feet to 5,000 square feet. The result is that there will be massive rezonings throughout the City because the reduction to 5,000 does not work.

Kerra Mruss, MMM Group appeared in opposition to the City of Winnipeg Zoning By-law Review, and read into the record her presentation, filed as Exhibit 25.

Ken Devine, Chairperson, By-law Review Committee, Sign Association of Canada, (Manitoba Chapter) appeared in opposition to the City of Winnipeg Zoning By-law Review, and read into the record his presentation, filed as Exhibit 46.

In response to questions from the Committee, Mr. Devine provided the following responses:

- The current Winnipeg Zoning By-law No. 6400/94 adequately deals with appropriate signage setbacks at or near intersections and pedestrian crosswalks in section 182.1.
- There is no scientific justification for the proposed 500 foot buffer in between electronic message boards.

Larry Clovechok, Mobile Signs Association of Winnipeg accompanied by Mitch Prudhomme appeared in opposition to the City of Winnipeg Zoning By-law Review.
Mr. Clovechok stated concern with regard to the following:

- The lack of enforcement of Zoning By-law regulations on the industry
- Limiting the maximum height of mobile signs to 8 feet above grade – most mobile signs are designed to be around 10 feet

- Requiring letters to be permanently affixed to the mobile sign
- Requiring stickers to be placed on the mobile signs by the Zoning Department

In response to questions from Councillor Wyatt, Mr. Clovechok stated the following concerns with respect to the six point strategy on enforcement, namely:

- Higher permit fees
- The bonding and licensing does not apply to people/businesses that buy their own signs
- The requirement for a sign permit to be displayed on the sign is redundant because if the name of the owner of the sign is required to be on the sign, inspectors can check to see if that sign has a permit
- The term "Image Routes" and how signs apply to those areas requires clarification
- fines should be increased.

Gloria Cardwell-Hoeppner, Executive Director, West End BIZ, appeared in opposition to the City of Winnipeg Zoning By-law Review, and read into the record her presentation, filed as Exhibit 38.

David Farnes, Vice President, Industry and Regulatory Affairs, Canadian Wireless Telecommunications Association, appeared in opposition to the City of Winnipeg Zoning By-law Review, and read into the record his presentation, filed as Exhibit 10.

Phillip Wong, SmartCentres, appeared in opposition to the City of Winnipeg Zoning By-law Review, and read into the record his presentation, filed as Exhibit 24.

Stan Keyes, President, Canadian Payday Loan Association, appeared in opposition to the City of Winnipeg Zoning By-law Review, and read into the record his presentation, filed as Exhibit 37.

In response to questions from Councillor Swandel, Mr. Keyes, advised that there are no licensing requirements for payday loan establishments.

Anders Swanson appeared on behalf of Robert Cosco, Bike to the Future in opposition to the City of Winnipeg Zoning By-law Review, and read into the record Mr. Cosco's presentation, filed as Exhibit 9. Mr. Swanson further submitted a presentation, filed as Exhibit 16 and a communication dated October 12, 2007 from Kenton Lobe, President, Board of Directors, Resource Conservation Manitoba, filed as Exhibit 50.

In response to questions from Councillor Wyatt, Mr. Swanson stated that long term goals include planning new buildings with bicycle storage/parking facilities indoors, such as a storage room in the basement of an Apartment building. Short term goals include more bicycle racks in public places.

In response to questions from Councillor Fielding, Mr. Swanson suggested that if there is a building of 1000 people, that building should have a bicycle storage facility that would be able to accommodate up to five percent (5%) of the buildings' population.

Nick Roberts, Executive Director, Manitoba Used Car Dealers Association, appeared in opposition to the City of Winnipeg Zoning By-law Review, and read into the record his presentation, filed as Exhibit 8.

In response to questions from the Committee, Mr. Roberts provided the following responses:

- The Manitoba Used Car Dealers Association would support the "grandfathering" of existing automobile brokers operating as a home based business.
- Could not confirm that coupling automobile repairs with automobile brokers as home based businesses creates problems for the automobile brokers
- Was not aware of any concerns from residents regarding the operation of auto brokers as home based businesses
- If there was a problem (complaints) with an automobile broker operating as a home based business the City could simply contact the Department of Vehicle Licensing and that dealer would have their permit to sell vehicles pulled.

Courtney Donovan, Canadian Restaurant and Foodservices Association, appeared in opposition to the City of Winnipeg Zoning By-law Review, and read into the record his presentation, filed as Exhibit 35.

In response to questions from Councillor Swandel, Ms. Donovan stated that the square footage for patios for restaurants should be left up to the discretion of the business, especially in a "C1" area, as long as there are specific conditions that would limit noise.

In response to questions from Councillor Wyatt, Ms Donovan advised that the new regulations would make it more difficult for new businesses because the existing businesses will be grandfathered.

Fred Curry, appeared in opposition to the City of Winnipeg Zoning By-law Review, and summarized his presentation, filed as Exhibit 22. Mr. Curry further submitted a communication dated October 16, 2007, from Catherine Collins.

In response to questions from Councillor Vandal, Mr. Curry suggested that the city could designate areas of the City where Adult Service or Entertainment Establishments could go without impacting neighbouring properties.

Rev. Larry Gregan, New Life Ministries, appeared in opposition to the City of Winnipeg Zoning By-law Review, and read into the record his presentation, filed as Exhibit 21.

In response to questions from Councillor Wyatt, Rev. Gregan advised that he was aware the proposed Zoning By-law does limit Adult Service or Entertainment Establishments to Industrial areas, but those are the same areas where churches are permitted. Rev. Gregan added that adult uses should also be limited.

Meranda Merlin, William Whyte Residents Association, appeared in opposition to the City of Winnipeg Zoning By-law Review and read into the record her presentation, filed as Exhibit 47.

Ms. Merlin further submitted and read into the record a communication from Richard Page in opposition to the City of Winnipeg Zoning By-law Review, filed as Exhibit 48.

Don Miedema, Spence Neighbourhood Association Inc. appeared in opposition to the City of Winnipeg Zoning By-law Review, and summarized his presentation, filed as Exhibit 30.

Shane Shodine appeared in opposition to the City of Winnipeg Zoning By-law Review. Mr. Shodine suggested that the current regulations for mobile signs are adequate. The By-law just needs to be enforced. Mobile signs are crucial to small businesses. They have to compete with big box retailers. A small business needs a form of advertising that is affordable. Further restricting mobile signs hurts small businesses.

Liz Dykman, appeared in opposition to the City of Winnipeg Zoning By-law Review and read into the record her presentation, filed as Exhibit 45.

E Hyworon, DAAD Holdings Ltd. appeared in opposition to the City of Winnipeg Zoning By-law Review and summarized his presentation, filed as Exhibit 13.

Trish Masniuk, West End Community Improvement Association, appeared in opposition to the City of Winnipeg Zoning By-law Review, submitted a presentation field as Exhibit 44 and reiterated comments made by Councillor Jenny Gerbasi and Gloria Cardwell-Hoeppner, Executive Director, West End BIZ. Ms Masniuk added that private clubs can have an adverse effect on neighbourhoods. Under the proposed Zoning By-law, unlicensed private clubs will be permitted uses. Having a conditional use process as is currently the case allows for the club to be reviewed by the community and the imposition of conditions of operation on the clubs

Trudy Turner, Turner and Associates, appeared in opposition to the City of Winnipeg Zoning By-law Review, and summarized her presentation, filed as Exhibit 27.

Frank Spezzano appeared in opposition to the City of Winnipeg Zoning By-law Review, and suggested that the proposed “M2” and “MMU” zoning designations should be combined into a single zoning district.

David Keam appeared in opposition to the City of Winnipeg Zoning By-law Review. Mr. Keam reiterated comments of earlier speakers with respect to mobile signs. He added that if they are such an eyesore, maybe the way they look could be regulated. With respect to Payday Loan Stores, Mr. Keam stated that it is not the City’s job to protect people from companies that will lend you money at greater interest rates than the banks.

Courtney Welch, Community Venture, The Salvation Army, provided a PowerPoint presentation with respect to the Winnipeg Zoning By-law Review, filed as Exhibit 31.

Eric Vogan, Qualico Winnipeg, appeared with respect to the City of Winnipeg Zoning By-law Review and read into the record his presentation, filed as Exhibit 36.

In response to questions by Councillor Wyatt, Mr. Vogan advised that issues surrounding front yards and site coverage issues were discussed at the Zoning Advisory Committee meetings. He added that he is quite certain that the site coverage issue will not have a perceptible impact on land drainage requirements.

Michael Falk, Terracon Development Inc., appeared with respect to the City of Winnipeg Zoning By-law Review, and read into the record his presentation, filed as Exhibit 33.

Michael Carruthers, Ladco Company Ltd., appeared with respect to the City of Winnipeg Zoning By-law Review, and read into the record his presentation, filed as Exhibit 52.

Shaun Rocan, Bentall Real Estate Services, appeared with respect to the City of Winnipeg Zoning By-law Review, and stated that use Regulations for retail sales in the "M1" (Manufacturing Light) zoning district should not be reduced from 40,000 square feet to 5,000 square feet of floor area and that the proposed "M2" and "MMU" zoning designations should be combined into a single zoning.

Bavanda Bonde, appeared with respect to the City of Winnipeg Zoning By-law Review, and read into the record her presentation, filed as Exhibit 42.

Lynnette Postuma appeared with respect to the City of Winnipeg Zoning By-law Review, and read into the record her presentation, filed as Exhibit 41.

Jason Rohs appeared with respect to the City of Winnipeg Zoning By-law Review. Mr. Rohs suggested that the dimensional standard sheet needs to be simplified and the minimum lot width in the "R1" Estate "R1" Large, Medium and Small designations increased to provide an opportunity to subdivide. Having a special boundary condition does not allow for the revitalization of those streets.

Fred Wood appeared with respect to the City of Winnipeg Zoning By-law Review. Mr. Wood commented on Part 5 Development Standards section 201 .2. which refers to lighting. He recommended that it be amended to prohibit light from crossing property lines and would like to have billboards illuminated downwards.

Frank Bueti appeared with respect to the City of Winnipeg Zoning By-law Review, and read into the record his presentation, filed as Exhibit 49.

Valdene Buckley, Martin Grady, Don Elliott, Donovan Toews and Terry Josephson returned in rebuttal. In response to questions arising out of the representations and questions from Committee, the following responses were provided:

- Electronic Message Boards (signs) - There have been studies completed with respect to electronic message boards are not conclusive as to driver safety but there is some research as to location on intersections

- Mobile Sign By-law Enforcement –There are generally 1,100 to 1,200 mobile signs that have permits on any given day. Five percent (5%) to ten percent (10%) are illegal. Even if the City hired additional inspectors, it is doubtful that the percentage of illegal mobile signs would be reduced.
- Use Specific Standards - if you want to be bigger than what the standard states, it would be subject to a conditional use process. It is not a forbidden use it just requires an additional level of review and approval.
- Outdoor Patios – there may be a clerical error in the By-law for the patio use as an accessory use in "C1" and "C2" zoning districts. It is shown as a conditional use, but it should be a permitted use with an asterisk to say that anything over fifty (50) square feet would then become a conditional use
- Non-conformities being created in "M1" and "M2" – the City through the Zoning By-law review process has initiated rezonings of industrial properties with commercial uses on them to the appropriate commercial zoning district. Those will not be non-conformities.
- Private Clubs - Prepared to add them as a conditional use to Neighbourhood Main Streets Plan Development Overlay
- Splitting of lots in the "R2" zoning district regarding the minimal lot width and dimensional standards requirements - prepared to make an exception to allow a smaller minimum lot width
- "R1 M" zoning district with regard to the residential dimensional standards. The report indicates that the side yards should be increased to five (5) feet, it is a clerical error. It should be maintained as four (4) feet as in the current zoning By-law.
- The former Winnipeg Arena site – under the mapping rules it was "C2" and it would go to "C2" because it was vacant, however it is a pre-existing built up site and is undergoing redevelopment so it should be "C2" going to "C3".
- Mr. Hyworn regarding the strip of land at the west side of Polo Park – those are existing "M1" and "M2" lands. The information that was provided by the Winnipeg Public Service was that the lands were commercially used and it was zoned to commercial and given its size it should have been "C3". However, the information he presented was that his land are not used commercially, they are used industrially. Given those rules, existing "M1" and "M2" would remain. The information provided by Mr. Hyworn will have to be verified.
- The Brick site at Polo Park – there was an error in the calculation of the parcel size. The site is slightly over eight (8) acres and under the mapping rules it should be zoned "C4" and not "C3"
- An existing parcel of land that was brought up at the open house by Mr. Jasper regarding an existing "A5" parcel which under the mapping rules went to "RR5". The parcel is much larger than five (5) acres, and the appropriate designation should be "A", Agricultural.
- In response to a question from Councillor Swandel, Ms. Buckley confirmed that the Winnipeg Public Service would be amenable to move on the issue of having a 500 foot buffer between electronic message boards but they still have concerns regarding intersections and pedestrian crosswalks.
- There are a variety of different ways in which the City can step up enforcement, but based on the low percentage of illegal signs, is it really worth it?

- The quality of the mobile signs has never talked about. If a quality standard was introduced, it would add another criteria for the zoning by-law enforcement officials to enforce
- The six point plan with respect to mobile signs will probably not make much of a difference.
- Limiting the height of mobile signs to eight (8) feet might be something to look at changing
- The limitation of a fifty (50) square foot patio as a permitted use applies to neighbourhood and community commercial zoning districts “C1” and “C2”. A small café or restaurant would be permitted to have a small outdoor patio but anything beyond the fifty (50) square feet would require a conditional use. The size of the patio is not dependant on the size of the restaurant.
- Mr. William Stovel, Solicitor, Legal Services Division, advised that unless it was brought to the Committee’s attention in the course of the hearing that there was an anomaly that shows that the criteria for mapping was not followed, it must then go to a public hearing for rezoning.
- Amalgamating the “M2” and “MMU” zoning designations into one would be a policy decision and the Winnipeg Public service is not prepared to address that at this point. If it were to be done at this point it would allow retail back into “M2”. There would also be implications with Plan Winnipeg. The difficulty of combining “MMU” and “M2” is that “MMU” is not an industrial zone, it is mixed use with cultural, institutional, retail and commercial uses as well as bigger format use.Industrial uses it is in between light and heavy industrial and “M2” is industrial. They could be made to work together, but “MMU” but it is not the same idea as a medium intensity industrial district.
- The minimum site area requirement of (50 acres) for “MMU” development was an issue that arose during the Zoning Advisory Committee process and was not a last minute change. Reducing the regulations for retail sales in the “M1” zoning district from 40,000 square feet to 5,000 square feet of floor area was a last minute change and was not discussed during the Zoning Advisory Committee Process. It was thought that “M1” was intended mainly for industrial use and 40,000 square feet was excessive. 5,000 square feet may be small and the Committee may want to consider increasing that.
- The “M1” and “MMU” use tables are fairly similar, and there had been a request to add additional uses to “MMU”. The Winnipeg Public Service concluded that it would leave those uses for one year and look at that when a review of the By-law is conducted a year form now.
- The Winnipeg Public Service looked at the average size of large retail format in the City and came up with the number of 40,000 square feet of retail sales use. Based on these numbers the Zoning Advisory Committee felt that limiting retail sales use to a maximum of 90,000 square feet of gross floor area, per building in “C3” zoning districts was appropriate.
- The Winnipeg Public Service stands by the recommendations in their report regarding minimum lot coverage. The only issue that they are prepared to move on is the four (4) foot side yard requirement which would remain as in the Zoning By-law 6400/94.

- The Winnipeg Public Service can approve lot grading plans if they meet the technical requirements but it does not mean they are going to operate well. When a development is brought to Council for consideration, the drainage plans are reviewed at the development stage.
- The City of Winnipeg Public Service is recommending that a consultation process be developed to be included in the Development Procedures By-law under the "M3" zoning designation, that public consultation be required on the uses that would require a Clean Environment Commission Licence.
- The Zoning Advisory Committee was concerned that developers would be forced into creating bike parking facilities or installing bike racks that would not get used. Clarion Associates is supportive of comments made by speakers regarding bike parking. The comment on bike parking in schools is a logical change to make.
- The Winnipeg Public Service could not provide information on the percentage of complaints regarding home based business for auto repair in comparison to auto broker.
- The Special Boundaries clause indicates that if someone is introducing a new infill lot they should respect the same lot sizes for that area's boundaries, by taking the average of lot area in that neighbourhood. Should someone desire to create a lot size that is different, a variance would be required.
- There are only about 54 auto brokers operating as a home based business with a Conditional Use.

RE: WINNIPEG ZONING BY-LAW REVIEW – SUPPLEMENTARY REPORT

FOR SUBMISSION TO: Standing Policy Committee on Property and Development

ORIGINAL REPORT SIGNED BY: A/Director of Planning, Property and Development

REPORT DATE: September 10, 2007

RECOMMENDATIONS:

1. That the attached Winnipeg Zoning By-law No. 200/2006 (Appendix A) and Zoning Maps (Appendix B) be forwarded to Council for enactment.

2. That the Airport Vicinity Protection Area Zoning By-law No. 6418/94 and the X-Rated Store Zoning By-law No. 6087/93 be repealed.

3. That notwithstanding anything else contained within the proposed Winnipeg Zoning By-law No. 200/2006, any Zoning By-law that has been approved by Council subsequent to the publication of the Zoning Maps forming Schedule B of the Winnipeg Zoning By-law 200/2006 (dated April 24, 2007) but not yet registered on the current zoning database, shall be deemed to be approved as part of this by-law with an equivalent zoning to that approved, based upon the established Mapping Rules (Appendix C).

4. That notwithstanding anything else contained within the proposed Winnipeg Zoning By-law No. 200/2006, the reversionary nature of any reversionary or temporary Zoning By-law approved by Council shall not be affected.

5. That the effective date for the Winnipeg Zoning By-law and Zoning Maps be amended to March 1, 2008.

6. That technical errors in the proposed Winnipeg Zoning By-law be corrected as shown in the list of errors and corrections (Appendix D).

7. That the Winnipeg Public Service be directed to conduct a periodic review of the Winnipeg Zoning By-law with the first review to commence one (1) year from the date of enactment of the by-law, and a minimum of every five (5) years thereafter.

8. (a) That a 6-point strategy of enforcement be pursued to allow the City to take a more pro-active role in enforcing the existing regulations for mobile signs; and
   (b) That the Winnipeg Public Service review the regulations for mobile signs one (1) year following enactment of the Winnipeg Zoning By-law to determine the effectiveness of the enforcement strategy and the public's opinions of the mobile sign regulations.

9. That the Winnipeg Public Service draft guidelines for siting and development standards for electronic message board signs.

10. That the following amendments be made to the Manufacturing Mixed Use (MMU) Zoning District (see detailed changes in Appendix E):
    (a) The Purpose Statement for the Manufacturing Mixed Use Zoning District in Part 3: Zoning Districts be amended by including references to qualify the mix of uses, outline

limits on commercial/retail development and identify a minimum site area (50 acres) for MMU development.

(b) The Use Specific Standards for Amusement Enterprise, Indoor be amended to add an exception for fitness centres which may be up to a maximum of 40,000 square feet instead of 10,000 square feet of floor area in the MMU zoning district.

(c) Sign height for the MMU zoning district in Part 5: Development and Design Standards be increased from eight feet (8') to twenty feet (20').

11. That the Use Specific Standard in Part 4: Use Regulations for retail sales in the M1 (Manufacturing Light) zoning district be reduced from 40,000 square feet to 5,000 square feet of floor area.

12. That the following amendments be made to the regulations for wireless telecommunication facilities:
    (a) That the Winnipeg Public Service commence a consultation process with the wireless communication services industry during the enactment period for the Winnipeg Zoning By-law to discuss the regulations for establishment of wireless communications towers.
    (b) That all references to "wireless telecommunication" facilities/towers in the proposed Zoning By-law be amended to "wireless communication" facilities/towers.
    (c) That Table 4-1: Principal Use Table be amended to add "Wireless communication, freestanding tower" as a Conditional Use ("C") in the C2 (Commercial Community), C3 (Commercial Corridor), C4 (Commercial Regional) and EI (Educational and Institutional) zoning districts, and be changed from a Conditional ("C") to a Permitted ("P") use in the M2 (Manufacturing General) zoning district; and,
    (d) That the maximum height of freestanding towers be increased from seventy-five feet (75') to one hundred feet (100').

13. That the Winnipeg Public Service be directed to draft a public consultation process to be incorporated in the Development Procedures By-law for certain heavy manufacturing uses (i.e., those heavy industrial uses requiring licensing under The Environment Act).

14. That "Adult Service or Entertainment Establishment" be deleted as a Conditional Use ("C") in the C4 (Commercial Regional) zoning district in Table 4-1: Principal Use Table.

15. That the Winnipeg Public Service complete a review to determine the most appropriate zoning for all parks properties in the city within one (1) year following enactment of the Winnipeg Zoning By-law.

16. That the Use Specific Standards in Part 4: Use Regulations be amended to add a maximum size (combined gross floor area) of eight hundred (800) square feet for home-based businesses.

17. That a clause be added to the by-law to provide existing "auto/light truck/motorcycle sales and rental" and "auto repair" businesses operating as home-based businesses in residential zoning districts a period of two (2) years to come into compliance with the by-law.

18. (a) That the following amendments be made to the development and design standards for Residential zoning districts in Part 5 of the Zoning By-law:
        (i) The minimum front yard be increased from fifteen feet (15') to twenty feet (20') in the R1-Small and R1-Medium zoning districts;

(ii) The maximum lot coverage be decreased from forty-five percent (45%) to forty percent (40%) in the R1-Small and R1-Medium zoning districts;
(iii) Lots in the R1-Small zoning district shall be required to have access to a public lane;
(iv) The minimum lot width be increased from twenty-five feet (25') to fifty-five feet (55') in the R1-Large zoning district, eighty feet (80') in the R1-Estate zoning district, fifty feet (50') in the R2 zoning district, one hundred and eighty feet (180') in the RR2 zoning district, and three hundred feet (300') in the RR5 zoning district; and,
(v) The minimum side yard be increased from four feet (4') to five feet (5') in the R1-Medium and R1-Large zoning districts.

(b) That a consultation process be initiated with the development industry to discuss and review development and design standards for residential properties and related requirements in other City by-laws, development guidelines and standards (e.g., Lot Grading By-law, Private Approaches By-law).

Report Summary

Key Issues:

- The Winnipeg Zoning By-law covers all lands in the City of Winnipeg with the exception of the area covered by the Downtown Winnipeg Zoning By-law 100/2004.
- The Winnipeg Zoning By-law No. 6400/94 regulates the use and development of land and guides Council's development decisions. The by-law needs to be updated to keep pace with current development trends.
- Although it has been subject to several amendments since its adoption, the by-law has not been reviewed since 1994-95. In the interim, Plan Winnipeg has been re-adopted with a new policy framework. The zoning by-law is being amended to be more consistent with Plan Winnipeg.
- Approximately 1,500 variances and conditional uses are processed annually. This volume of applications indicates that the by-law is not serving the citizens of Winnipeg well, and that there are opportunities to improve the City's zoning regulations.
- The Airport Vicinity Protection Area Zoning By-law 6418/94 will be incorporated into the new zoning by-law. Airport zoning regulations will remain in effect under an Airport Vicinity Protection Area Planned Development Overlay zoning district. The Airport Vicinity Protection Area Zoning By-law will be repealed.
- The X-Rated Store Zoning By-law 6087/93 will be repealed and rolled into the new Zoning By-law. X-Rated store regulations will remain the same.
- The community and the development industry support a review of the by-law. These interests have been represented on a Zoning Advisory Committee (ZAC) appointed by the Standing Policy Committee (SPC) on Property and Development to advise on the by-law and oversee the project. The ZAC is generally supportive of the attached zoning by-law and zoning maps.
- A consulting team was hired to research and prepare the draft zoning by-law and zoning maps. The ZAC selected Clarion Associates, and a local support team following a public bid opportunity process through the City of Winnipeg, Corporate Finance Department.
- A public consultation program was conducted throughout the course of the project including several Open Houses, stakeholder meetings and the development of a project website (See List of External Stakeholder Consultations - Appendix F).

- A set of new zoning maps has been prepared to accompany the zoning by-law. These maps were prepared using a set of objective Mapping Rules and are generally a conversion of the current zoning maps to the new zoning district framework. The review of the zoning maps was not a property by property analysis to match the proposed zoning to the existing use of the land. The proposed zoning of each property was assigned to match the existing zoning as closely as possible, with the intent that there be a minimal impact on development rights. Exceptions include a limited number of clusters of commercial development currently zoned Industrial where the zoning was changed to reflect the existing use. In addition, lands zoned Commercial may have been rezoned to match the text of the by-law where certain commercial zoning districts were lost due to consolidation.
- The ZAC deliberated over the course of 2 years (January 2005 – December 2006) in 11 meetings to oversee the production of the draft Zoning By-law and maps. The project and consulting teams worked closely with the ZAC to prepare the Approach Report – a discussion paper that outlines options and proposals for a new Zoning By-law model, text modules of the by-law and the zoning maps. Technical working groups reviewed the draft text and maps. A final draft of the Zoning By-law was presented at the last ZAC meeting in December, 2006. Subject to final changes, the ZAC recommended that the by-law be presented to the SPC on Property and Development for a public hearing. The Winnipeg Public Service is honouring the SPC on Property and Development's appointment of the ZAC to oversee the preparation of a new Zoning By-law and is tabling the by-law resulting from that process for Council's consideration. No changes have been made to the draft Zoning By-law since January, 2007. Any further recommendations for changes in the form of errors and corrections, more substantial changes to address outstanding issues, or supplementary recommendations from the Winnipeg Public Service, are discussed in this report.
- The by-law is now being presented for a public hearing and then for approval and adoption by Council. If the by-law is adopted by Council, an implementation and orientation period will be initiated to ensure there is a seamless transition to the new by-law. This will include public and stakeholder information, plus staff orientation.
- The City of Winnipeg Charter requires that a public hearing be held prior to the enactment by Council of a zoning by-law. Under the Development Procedures By-law, the SPC on Property and Development is the designated hearing body for public hearings on zoning by-laws.

Implications of the Recommendation(s):

General Implications

( ) None

(X) 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): The Winnipeg Zoning By-law is a major tool to assist Council in managing development in the city. The by-law forms a key link in the planning system to implement Council's development policy, including Plan Winnipeg and Secondary Plans. The by-law affects every property in the city outside the

downtown. Development proposals submitted following enactment of the new by-law will be subject to the revised regulations.

Policy Implications

(X) No

( ) Yes

Comment(s): The principal role of the Zoning By-law is to implement Council policy as that policy impacts the use and development of land. This proposed Winnipeg Zoning By-law applies to all land in the city outside the downtown. These new zoning regulations will implement development policy as outlined in Plan Winnipeg, Secondary Plans and other Council policy documents (e.g., Environmental Strategy, Housing Policy, etc).

Regulatory Implications

( ) None

(X) Eliminates or reduces regulatory impact

(X) Proposes regulatory impact

Comment(s): The overall effects of the new by-law are to simplify and streamline zoning regulations and ensure a base level of development standards. The Zoning By-law establishes the framework for zoning districts and sets regulations for: permitted and conditional uses of property, accessory and temporary uses, dimensional (bulk) standards, open space provisions, design and development standards, subdivision standards, parking and loading, and signs. The merger of the Airport Vicinity Protection Area and X-Rated Store zoning by-laws into the new by-law will reduce the number of City by-laws and consolidate all zoning regulations, outside the downtown, into one by-law.

Environmental Implications

( ) No

(X) Yes

Comment(s): Several initiatives in the proposed Zoning By-law will provide both direct and indirect environmental benefits consistent with the Council's Environmental Strategy (Sustainable Winnipeg). The creation of three mixed use zoning districts will offer opportunities for more compact development consistent with Plan Winnipeg. The proposed by-law also makes provision for a tree preservation program; relaxes parking standards for mixed use developments, development in Urban Infill Areas and along transit lines encouraging the use of alternative modes of transportation; places a cap of the number of parking stalls for large parking lots (except shopping centres and parking structures) reducing the amount of land consumed by surface parking lots; provides for an enhanced level of development and design standards promoting an improved urban image and quality of life, and an enhanced pedestrian environment; and, provides improved lighting standards preventing spillover of light onto residential property.

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):

Where existing industrial areas are already developed with clusters of commercial uses, for example, in the Polo Park area, the City would initiate a blanket rezoning to the most appropriate commercial zoning district in an effort to correct historical anomalies in the zoning of these areas. To do so, the City would incur an "opportunity cost" estimated on a net present value basis, in order of magnitude, to be approximately $2.2 million. This cost would consist of forgone revenues as the City would forgive the rezoning application fees, and land dedication (cash-in-lieu). In addition, the City would forego any applicable development charges (i.e., developer contributions toward the cost of infrastructure requirements resulting from future developments) that would have been applied in the case of Development Agreements, however, all of the sites are already developed. The many variables involved in determining the nature, timing and amount of any infrastructure requirements towards which developers would have been required to contribute are such that a reasonable estimate is not possible at this time.

Report

REASON FOR THE REPORT:
Under subsection 4(1) of the Development Procedures By-law, the SPC on Property and Development shall conduct the public hearing required by The City of Winnipeg Charter for a proposed Zoning By-law, where the subject land is located in more than one community.

HISTORY:

- On September 10, 2002 the SPC on Property and Development considered the Polo Park Area Traffic and Transportation Study and recommended:
  1. That the Director of Planning Property and Development be instructed to initiate an amendment to the City of Winnipeg Zoning By-law No. 6400/94 to make retail uses "Conditional" under Industrial zoning categories; and
  2. That a comprehensive review of the Zoning By-law, including both Commercial and Industrial uses, be considered in the work plan of the Planning, Property and Development Department.

  Also, on September 7, 2004 the SPC on Property and Development laid over consideration of a text amendment to the Winnipeg Zoning By-law No. 6400/94 for commercial and office uses in Industrial zoning districts pending receipt of a report regarding a comprehensive review of the Winnipeg Zoning By-law.
- On April 27, 2004 the SPC on Property and Development referred the recommendation of the City Centre Community Committee regarding the rezoning of lands from Industrial to Commercial fronting the south side of Taylor Avenue between Waverley and Harrow streets to the Winnipeg Public Service for review and report back, including an analysis of both the positive and negative aspects of the rezoning of the subject lands as well as consultation with and reaction from the individual land owners who would be affected by any rezoning. On November 1, 2005, the SPC on Property and Development considered a report from the Winnipeg Public Service suggesting that this property be considered as part of the comprehensive review of the Zoning By-law. The Committee received the report as information.
- On September 7, 2004 the SPC on Property and Development directed the Winnipeg Public Service not to process any new Conditional Use applications for automobile broker home occupations pending a comprehensive review of the Winnipeg Zoning By-law No. 6400/94.
- On November 30, 2004 the SPC on Property and Development referred the recommendation of the East Kildonan-Transcona Community Committee regarding restriction of "money changer" types of businesses as Conditional Uses to allow for public input, to the Winnipeg Public Service for consideration during the comprehensive review of the Winnipeg Zoning By-law.
- On March 7, 2005 the SPC on Property and Development directed the Planning Property and Development Department to initiate a review of the guidelines for radio towers (cellular communication towers) near residential neighbourhoods.
- Also on March 7, 2005 the SPC on Property and Development approved the withholding of development permits for all mobile homes including any mobile home that is removed from its running gear and placed on a permanent foundation in all zoning districts except the Mobile Home Park district.

- On November 30, 2005 the Executive Policy Committee requested that the Winnipeg Public Service revisit the regulations for the establishment of a church, during the upcoming review of the Winnipeg Zoning By-law 6400/94.
- On January 10, 2006 the SPC on Property and Development referred the recommendation of the East Kildonan-Transcona Community Committee regarding heavy industrial uses as Conditional Uses in the M3 (Heavy Industrial) zoning district to the Winnipeg Public Service for consideration as part of the comprehensive review of the Winnipeg Zoning By-law No. 6400/94.
- On February 27, 2007 the SPC on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee that the two parcels of City-owned land identified for the Olywest Economic Development Incentive Package be referred to the review process of the Winnipeg Zoning By-law Review for the purpose of designating said lands a Light or Medium Industrial Use that is consistent with the zoning of the St. Boniface Industrial Park.
- Council provided its first instruction to proceed with a comprehensive review of the Zoning By-law in 2002, in relation to its review of the Polo Park Traffic and Transportation Study. In 2004 it provided direction to hire a consultant and conduct the review. The SPC on Property and Development endorsed the Project Plan in 2005 and appointed members to a ZAC to provide advice and recommendations on the project. An $11 surcharge on development applications was established by by-law to fund the project.

DISCUSSION:
This report will provide a summary of the legislative authority under which a Zoning By-law is created, a history of Council decisions leading up to the comprehensive review of the Zoning By-law, a discussion about the by-law review process including the formation of the ZAC, a description of the public consultation program, highlights of significant changes to the Zoning By-law comparing the current by-law to the proposed, mapping changes, a discussion of supplementary recommendations, and lastly, the financial implications related to the introduction of a proposed, new Zoning By-law.

The City of Winnipeg Charter provides the authority for Council to pass zoning by-laws to control or prohibit the use of real property and development in the city or parts of the city. Zoning by-laws should conform to the City's Development Plan – Plan Winnipeg. The Zoning By-law is being amended to bring the City's zoning regulations into alignment with Council's vision and policies and is one component of an overall strategy to update and improve Winnipeg's planning and regulatory systems. This includes recent revisions to the Downtown Winnipeg Zoning By-law, improvements to the permits processing system (Permits X-Press), and the upcoming review of Plan Winnipeg. The City of Winnipeg Charter requires that Council hold a public hearing prior to the enactment of a zoning by-law. Under the Development Procedures By-law, the SPC on Property and Development is the designated hearing body for public hearings on zoning by-laws.

On October 5, 2004 the SPC on Property and Development provided direction for the Winnipeg Public Service to hire a consultant and undertake a comprehensive review of the Winnipeg Zoning By-law to be completed by mid-2007. On November 2, 2004 the Committee requested that a Project Plan ("blueprint") be prepared. The Project Plan recommended the establishment of a ZAC to oversee the project process and provide a link between the City, the community and the development industry. The SPC on Property and Development received the Project Plan as information on January 17, 2005 and appointed 22 members to the ZAC. On February 23, 2005,

Council approved a by-law to impose an $11 surcharge on development applications to fund the comprehensive review and delegated authority to the Chief Administrative Officer to award a multi-year contract. On December 6, 2006 Council approved extensions to the Winnipeg Zoning By-law Review project and The Development Fees Surcharge By-law No. 32/2005.

The ZAC consisted of representatives from each of 10 stakeholder organizations (Manitoba Home Builders Association, Urban Development Institute, WinnipegRealtors, Winnipeg Chamber of Commerce, Social Planning Council, Canadian Bankers Association, Manitoba Bar Association, Destination Winnipeg, University of Manitoba, University of Winnipeg), plus 2 members at large. The mandate of the ZAC was to:

- Provide advice and recommendations to the SPC on Property and Development on the draft Zoning By-law
- Select the consulting team
- Oversee project process and deliverables
- Provide a user perspective on the project

Throughout 2005 and 2006, the ZAC met 11 times. One of the first tasks of the ZAC was to select the consulting team. This selection was facilitated through the City's public bidding process. The ZAC recommended the selection of the Clarion Associates team from Denver, Colorado. The Clarion team included a strong local support contingent including: ND Lea Engineers and Planners (now MMM), Cushman Wakefield LePage, McCandless Tramley, and more recently, Landmark Planning and Design.

Clarion's workplan divided the project into four major phases, with associated deliverables, plus a public and stakeholder consultation program:

Phase 1: Approach Report
Phase 2: Draft Zoning By-law Text
Phase 3: Draft Zoning Maps
Phase 4: Adoption and Transition

As part of the initial consultation process, which included interviews with Councillors, ZAC members, stakeholder representatives and City staff, five major themes emerged to guide the development of the draft by-law and maps:

1. Improve the by-law's clarity and usability
2. Reduce reliance on negotiated approvals
3. Simplify and modernize zoning districts
4. Improve design and development quality through tailored standards
5. Strengthen ties to adopted plans

These themes were initially presented in the Approach Report that was completed and released at a public Open House in August 2005. The Approach Report is a discussion paper that outlines options and tools for the new zoning by-law model. A public project webpage was created to communicate with the public and stakeholders and share drafts of the Zoning By-law as the review progressed.

Following endorsement of the Approach Report by the SPC on Property and Development, the consulting team proceeded to draft the zoning by-law text and maps. The by-law was drafted in

two modules and presented to the ZAC and City staff for review. The draft by-law, together with a Revision Memorandum containing suggested changes to the by-law, was released publicly and presented at an Open House in January 2006. There was general support to move forward with the draft by-law.

In addition, over the course of the project, meetings were held with over 40 stakeholder organizations with an attendance of over 350. (See attached List of External Stakeholder Consultations – Appendix F). The draft zoning maps were presented publicly at a series of five Open Houses convened across the city in February – March 2006. Comments were generally supportive of the mapping approach and proposed zonings.

In July 2006, it was determined that additional work was required in 4 areas: industrial mapping, signs, urban design, and by-law implementation/"Red Tape". Council granted a project extension in December 2006. The ZAC reconvened to provide further recommendations on these issues.

At its final meeting on December 5, 2006 the ZAC expressed its general support for the content of the zoning by-law and zoning maps with some exceptions, which will be discussed later in the report, and recommended that the SPC on Property and Development schedule a public hearing.

The Winnipeg Public Service continued to meet with stakeholder groups following the ZAC's final review of the by-law to discuss outstanding issues and concerns, in order to bring forward the best by-law possible. Some substantive changes to the by-law have been noted in addition to errors and corrections. The Winnipeg Public Service is recommending further supplementary changes to the by-law at this time. These recommendations are discussed in more detail later in this report.

Notable Changes in Zoning By-law

Significant changes in the proposed Zoning By-law as compared with the current Zoning By-law are summarized in the Executive Summary and Recommendations for Future Improvement prepared by the Clarion Associates consulting team (See Appendix G). A summary of these changes is provided below.

Part 1: Administration -- (Page 2 of Executive Summary)

✓ Variances will be limited to cases where the applicant proves injurious effect resulting from the physical features of the site.

✓ Transitional provisions address development applications in process at the time the new By-law is adopted.

✓ Urban Infill Areas will be established in order to promote redevelopment of older areas and to differentiate standards for older established areas from newer areas. Within the Urban Infill Areas, new provisions will allow for more flexibility in meeting parking, loading and landscaping standards to encourage new development to "fit in" with the existing context.

✓ The Airport Vicinity Protection Area Zoning By-law 6418/94 will be incorporated into the new zoning by-law. Airport zoning regulations will remain in effect under an Airport Vicinity Planned Development Overlay zoning district.

✓ The X-Rated Store Zoning By-law 6087/93 will be repealed and rolled into the new Zoning By-law reducing the number of City by-laws and consolidating all land use regulations in a single by-law. X-Rated store regulations remain the same.

Part 2: Definitions -- (Page 3 of Executive Summary)

✓Administration and interpretation of the by-law will be fairer and faster if more key terms are defined. All of the uses and use categories listed in the Use Table have been defined except for those with common meanings (police station, library, jail, etc.). Rules of measurement have been added to the by-law to clarify how certain distances and types of lots and structures are defined. The number of defined terms increased from 145 to 302, and some definitions for signs, yards and lot types have been illustrated.

Part 3: Zoning Districts -- (Pages 3 and 4 of Executive Summary)

✓ The number of zoning districts will be reduced from 44 to 26 including:

- Single family residential districts reduced from 10 to 4 (R1-Small, R1-Medium, R1-Large, R1-Estate);
- Multi-family residential districts reduced from 8 to 3 (RMF-Small, RMF-Medium, RMF-Large);
- Commercial districts reduced from 8 to 4 (C1-Neighbourhood, C2-Community, C3-Corridor, C4-Regional); and
- Industrial districts reduced from 9 to 3 (M1-Light, M2-General, M3-Heavy).

✓ Current R2 (Two-Family) and R2-T (Transitional) zoning districts in Winnipeg Zoning By-law 6400/94 will be combined, and the standards for R2-T district will be carried over, with multi-family housing allowed as a Conditional Use.

✓ Five new zoning districts will be created, including:

- PR3 (Parks and Recreation 3 – Regional) district for regional parks;
- EI (Educational and Institutional) district for campus style educational (universities and colleges) and institutional (hospital) developments, with a requirement that the institution prepare a Master Plan as part of the rezoning process; and,
- Three mixed use districts (RMU Residential Mixed Use - primarily residential, CMU Commercial Mixed Use - primarily commercial, MMU Manufacturing Mixed Use - high quality business parks).

✓ Two new Planned Development Overlay (PDO-1, PDO-2) districts will be created to customize zoning rules for protecting special areas or permitting unique/innovative development patterns. PDO areas will include Boulevard Provencher, Airport Vicinity, Warman Road and Neighbourhood Main Streets. Urban design standards for Boulevard Provencher have been refined. Provisions for the Airport Vicinity Protection Area have been revised so that the rules apply to all types of development, not just residential. PDOs will only be used in special and unique circumstances where application of the current zoning framework would be insufficient or inadequate in terms of addressing the community's or Council's intent for the future

development of the area.

Part 4: Use Regulations – (Pages 4 and 5 of Executive Summary)

✓ All use regulations have been consolidated into one "at-a-glance" matrix. Uses have been grouped into broader Use Categories based on similar land use impacts, and the number of uses has been reduced from 460 to 141.

✓ Many uses have been moved from Conditional to Permitted use status, together with the application of Use Specific Standards (USS) that prevents any predictable negative impacts.

✓ Use Specific Standards have been developed to manage the impact of certain permitted uses. Applicants who cannot meet Use Specific Standards can apply for Conditional Use approval.

✓ A provision has been added for accessory Secondary Suites as a Conditional Use in most residential zoning districts consistent with the City's Housing Policy.

✓ New standards address the impacts of wireless communication towers.

✓ Home-based businesses (formerly called "home occupations") have been divided into major and minor classifications. Minor home-based businesses are allowed as a Permitted use in residential neighbourhoods, while major ones (those with potential impacts) require Conditional Use approval.

✓ The definition of a single-family dwelling has been adjusted to exclude mobile homes thereby limiting their location to mobile home parks.

✓ Dating and Escort Services and Massage Parlours have been named as prohibited uses.

✓ Some uses have been added to the list of prohibited home-based businesses (sale of firearms or ammunition, auto sales and rental, and on-site painting, body repairs, or other repairs of automobiles, trucks, boats, trailers, or other motorized vehicles).

✓ Cheque-cashing facilities ("payday lenders") have been listed as a Conditional use in some commercial and industrial zoning districts and a Use Specific Standard provides a 1,000 foot separation distance between similar uses.

✓ Former long lists of industrial uses, categorized by the type of product produced, have been consolidated into broad categories based on impacts. Most manufacturing is categorized as either Heavy Manufacturing or Light Manufacturing. Key factors in the classification are the amount of outdoor operations or storage, and potential land use impacts (noise, traffic, environmental impacts, etc.). Impacts of specific industries are addressed by Use Specific Standards.

✓ Retail sales and personal service uses have been removed as a Permitted use in the M2 (Manufacturing General) zoning district, but some commercial, cultural and entertainment uses have been added (i.e., call centres, clinics, amusement enterprises, gallery/museum).

Part 5: Development and Design Standards -- (Pages 6 to 9 of Executive Summary)

A new section has been introduced in the Zoning By-law to improve the quality of development in Winnipeg and bring the by-law into closer alignment with Plan Winnipeg. The regulations in this Part have to do with development quality (as opposed to the uses of the property). In comparison to other cities, the level of design standards proposed is moderate. These clear and objective standards allow for a more efficient and predictable review process that removes the need for much of the time-consuming negotiation that is occurring under the current Zoning By-law, and provides a more level playing field for the development community. This section of the by-law also provides for a greater degree of delegated authority to the Director to approve proposals administratively when routine. Applicants who cannot meet the design standards may apply for a variance or be considered under the Alternative Equivalent Compliance provision. The following key areas are addressed:

Dimensional Standards – (Page 6 of Executive Summary)

✓Dimensional standards control the size and location of buildings on a site, primarily through requirements for yards (setbacks) and building height. Standards are customized for each zoning district but consolidated into "at-a-glance" tables for agriculture and park, residential, commercial, and manufacturing zoning districts. Changes in the proposed by-law are generally focused on simplifying the standards and customizing them to better reflect the intent of each district.

✓ Standards for residential districts have been refined to focus on minimum lot area rather than minimum lot width. This provides greater flexibility in site and neighbourhood design without the need for variances. New lots created adjacent to existing development must provide a reasonable transition in lot sizes. Lot widths and setbacks for infill housing must match the context of neighbouring areas.

✓ New flexible dimensional standards provide for alternative development patterns in residential zoning districts (e.g. bare land condominiums). Some of these types of developments can occur without a rezoning to a multiple family zoning district.

Parking Standards – (Pages 6 and 7 of Executive Summary)

✓ Changes to the parking requirements are focused on providing flexibility and improving the quality of new, larger parking lots.

✓ New provisions provide flexibility by reducing the amount of parking required for mixed-use developments, development adjacent to transit, or when a parking management plan is approved.

✓ When the by-law requires more than 250 parking spaces, the owner must not provide surface accessory parking spaces in an amount exceeding 125% of the minimum number required (except shopping centres and parking structures).

✓New standards to improve parking lot quality include standards for landscaping, pedestrian walkways through large parking lots (500+ spaces), bicycle access and parking, accessible parking spaces, lighting, and visibility of parking spaces to enhance safety.

✓ Transitional provisions require principal use parking lots to come into conformance with surfacing, landscaping and lighting standards within 5 years of enactment of the by-law.

Signs – (Page 7 of Executive Summary).

✓ Current standards have been revised to improve the character of the city's commercial corridors and business areas, as called for in Plan Winnipeg, and in ways common to other large cities. The changes to the sign regulations are an attempt to balance business needs, community aesthetics and safety while, at the same time, promoting economic development and tourism.

✓ "Mobile Signs" are limited to eight feet in height, maximum of two signs per lot, maximum time limit of 90 days three times each year (total of 270 days), together with a spacing requirement of 65 feet between signs on adjacent lots.

✓ "Accessory Sign" heights have been reduced in several zoning districts. Maximum sign surface area was increased in the C3 (Commercial Corridor) and C4 (Commercial Regional) zoning districts. The current guarantee of 80 square feet sign area, regardless of frontage, has been removed.

✓ Flashing, animated, scintillating, rotating and electronic message board signs must be spaced at least 500 feet apart. All electronic message board signs must be approved through the Conditional Use process.

Landscaping – (Pages 7 and 8 of Executive Summary)

✓ The current Zoning By-law has very minimal standards for landscaping. The new standards require landscaping in four key areas: at the street front, within and surrounding parking and loading areas, along the front of buildings, and as buffers between residential and non-residential uses.

✓The new by-law includes an incentive to preserve larger, existing trees through a credit toward landscaping required – the larger the tree, the larger the credit given.

Lighting – (Page 8 of Executive Summary)

✓ New standards are introduced to help control the impact of lighting on adjacent properties by requiring that no light can spill over from a non-residential use onto a residential use and to set basic standards for the lighting of parking lots and service station canopies.

Design Standards – (Page 8 of Executive Summary)

✓ Design standards address key elements of building design in order to set a baseline for new development -- but do not address building style or aesthetics. The standards generally focus on ensuring that new multi-family, commercial, institutional, and industrial, and mixed use buildings have a prominent and visible entryway and avoid long, plain walls. Connections between the buildings and the street, and screening of rooftop equipment, are also addressed. Many of the standards are in a menu format, allowing the building designer to select from a variety of options to meet the requirements.

Alternative Equivalent Compliance – (Pages 8 and 9 of Executive Summary)

There are usually alternative ways to address design standards that would result in an equivalent or better design that responds to unique site or neighbourhood characteristics. The by-law allows applicants to propose an alternative to meet the intent of the by-law, at their option, and allows the Director to approve them pursuant to objective criteria.

Mapping Changes – (Page 10 of Executive Summary)

The intent of the remapping process is to convert the existing zoning map to the new zoning district framework with as little impact as possible on existing development rights. It is not an attempt to review the appropriateness of existing zoning labels as they apply to all properties in the city based on their existing land use or resolve all cases of improper zonings. The following principles apply to the mapping process:

- Conversion of the existing zoning labels to the new labels are made based on objective rules with all similar properties being treated fairly (see attached Mapping Rules in Appendix C).
- Each property in the city is zoned according to the zoning district that approximates the existing zoning or a similar range of uses and development rights. Development rights should not be affected significantly. The majority of the conversions should result only in a label change (renaming of the zoning district), not a zoning change.
- Vacant lands are not being proposed for any zoning changes.
- The major exception is clusters of properties zoned Industrial with existing commercial uses. In that case, it is proposed the properties be “rezoned” to the applicable commercial zoning district to reflect the existing use.

Agricultural and Parks Mapping Highlights

- A.5 (Agricultural) would be relabeled to RR5 (Rural Residential 5) to reflect the nature of development occurring in those areas.
- Zoning for major, destination parks would be adjusted to accommodate the new PR3 (Parks and Recreation 3 – Regional) zoning district.

Residential Mapping Highlights

- Residential properties would be relabeled according to the new residential zoning district framework.
- The RMU (Residential Mixed Use) zoning district is not being applied to the zoning maps at this time.

Commercial Mapping Highlights

- The Mapping Rules would apply to all commercial properties in the city. The existing zoning would be adjusted to ensure that, wherever possible, the proposed zoning would be more or less equivalent to existing development rights.
- The zoning district for regional commercial centres (C4) would only be applied to Areas of Regional Commercial and Mixed Use Concentration as identified in Plan Winnipeg.
- The CMU (Commercial Mixed Use) zoning district is not being applied to the zoning maps at this time.

Educational and Institutional Mapping Highlights

- The new EI (Educational and Institutional) zoning district would apply to hospitals, universities and colleges.

Industrial Mapping Highlights

- Clusters of commercial uses currently zoned Industrial would be rezoned to a commercial zoning district to reflect the existing use of the properties.
- The zoning of the city's four existing industrial parks (St. Boniface, Murray, Inkster, Fort Garry) would be changed from MP-2 (Industrial Park) to M2 (Manufacturing Light) and subject to the Development and Design Standards in Part 5.
- The MMU (Manufacturing Mixed Use) zoning district will be applied to the zoning maps.

RECOMMENDATIONS:

A full list of the recommendations is provided at the front of the report. Those requiring further explanation are highlighted below beginning with Recommendation 5:

5. That the effective date for the Winnipeg Zoning By-law and Zoning Maps be amended to March 1, 2008.

The Winnipeg Zoning By-law Review has resulted in a new Zoning By-law that is a substantial change from the existing by-law. The changes will have a significant impact on understanding, implementing and administering the by-law. The new by-law should be introduced in a manner that facilitates a seamless transition for by-law users. Instituting a delayed effective date for the by-law of approximately 6 months may assist in easing this transition.

A by-law does not need to come into effect on the date it receives third reading by Council; Council can set any date it wishes for the by-law to come into effect. The Winnipeg Public Service recommends that Council declare March 1, 2008 as the date the new Zoning By-law comes into effect in order to:

- Provide a grace period for property owners to apply for rezoning under the existing rules prior to the new regulations coming into force
- Avoid conflicts with the timing of the start of the construction season
- Allow for training time to familiarize staff with the new by-law
- Provide time to inform stakeholders, the public and the industry about the changes
- Allow time to test the new by-law
- Provide time to further improve the by-law and prepare an errors and corrections amendment to "clean up" the by-law
- Provide time to consult with the wireless communication industry and other stakeholder groups to discuss further proposed changes to the Zoning By-law
- Produce informational materials (transitional website, brochures, presentations, training manuals, transition guide, etc.)

6. That technical errors in the proposed Winnipeg Zoning By-law be corrected as shown in the list of errors and corrections (Appendix D)

Following incorporation of the ZAC's final changes to the by-law, and its recommendation that the proposed by-law proceed to a public hearing, no further changes were made to the by-law after January 2007. Technical errors were subsequently discovered in the by-law. A

list of some of those technical changes has been compiled in the attached Appendix D. The Winnipeg Public Service recommends that these technical changes, which do not have any associated policy implications, be accepted by Council.

7. That the Winnipeg Public Service be directed to conduct a periodic review of the Winnipeg Zoning By-law with the first review to commence one (1) year from the date of enactment of the by-law, and a minimum of every five (5) years thereafter.

Major Zoning By-law reviews typically follow the review of the local Development Plan (Plan Winnipeg). The City of Winnipeg Charter mandates that the City's Development Plan be updated every 5 years. As planning and development policy changes, the Zoning By-law should keep pace to reflect current trends and Council's direction in specific policy areas. With the introduction of a new Zoning By-law, it is expected that there will be some technical issues to work out, and it is quite common to see an amendment within 1 year of adoption for correction of errors and omissions.

The Winnipeg Public Service recommends that suggestions for improvements be compiled during the first year of operation with the Zoning By-law and that an amendment be brought forward within 1 year of enactment of the by-law to correct errors, omissions and other more significant changes to the by-law. Depending on the scope of the changes, a public hearing may or may not need to be held to effect those changes.

8. (a) That a 6-point strategy of enforcement be pursued to allow the City to take a more pro-active role in enforcing the existing regulations for mobile signs; and
(b) That the Winnipeg Public Service review the regulations for mobile signs one (1) year following enactment of the Winnipeg Zoning By-law to determine the effectiveness of the enforcement strategy and the public's opinions of the mobile sign regulations.

Mobile signs have probably been the most controversial issue in the Zoning By-law review process. This is an item that is near and dear to many constituencies from small business owners to Communities in Bloom. It is an issue that divides the community right down the middle and has therefore been a difficult one to resolve to everyone's satisfaction.

The intent of mobile sign provisions in the Zoning By-law is to provide a signage option for special events. The mobile sign regulations have been designed to provide an opportunity for portable, temporary signage to advertise or provide notification of grand opening sales or other special promotional events. The intent was not to have mobile signs become a permanent form of signage. The consulting team identified that Winnipeg's control of mobile signs is one of the areas where the current Zoning By-law is furthest away from the mainstream of land use regulation compared to other cities. The format of the signage seems acceptable to most parties but the length of display time has been a contentious issue. Concerns have been expressed about the cumulative impact of mobile signs on various streetscapes, their perceived impact on the overall image of the city and the impact on traffic safety through driver distraction. Mobile signs are viewed as an economical and reliable form of signage for many small businesses, and some larger businesses (e.g., credit unions).

During the project extension period over the last year of the project, this issue was identified for special consideration. A Signs Working Group was established chaired by a ZAC

member and consisting of 2 other ZAC members and the Chamber of Commerce. The Working Group reviewed various means to achieve a compromise on the issue, considering a range of options from a full ban to maintaining the current provisions. The Working Group came to a conclusion that the existing mobile sign provisions in the current Zoning By-law could be maintained if a program was employed to ensure that the regulations are enforced. The current regulations allow mobile signs to be displayed for three 90-day periods in one year. The proposed program included a 6-point strategy designed to put some accountability on the industry to operate within the rules, and some onus on the City to secure additional revenues or free up existing resources to more actively enforce the City's by-laws. The Signs Working Group's recommendation, which was also endorsed by the ZAC, was to maintain the current duration (maximum three 90-day display periods) plus modest new limitations (height limit, reduce number of signs per zoning lot from 3 to 2, 65' spacing requirement adjusted), and implement a 6-point enforcement strategy:

1. Increase enforcement (increase permit fees and hire additional staff)
2. Bonding/licensing mobile sign companies
3. Require sign permit to be displayed on the sign and show expiry date
4. Restrict mobile signs along image routes (phase-in)
5. Decrease number of mobile signs per zoning lot (over time)
6. Increase penalties (higher fines)

The Working Group also recommended that Council monitor this enforcement program, and that the program be subject to review 1 year after adoption of the by-law. A public opinion survey should also be conducted to establish a baseline and then revisited to determine any changes in public opinion over time.

The Winnipeg Public Service feels strongly that the ZAC and Signs Working Group process should be respected and supports the recommendation as being consistent with the intent of mobile signs.

9. That the Winnipeg Public Service draft guidelines for siting and development standards for electronic message board signs.

Electronic message board signs are commonly known as the computerized, television-style signs recently introduced in the city. They are defined as a sign or component of a sign on which the copy can be changed by electrical or electronic means. They typically contain frequently changing copy in the form of graphics, pictures or videos.

The current and proposed Zoning By-laws provide 4 forms of signage per zoning lot: wall/fascia, freestanding, window, mobile. Electronic message boards can be accommodated on all of these sign types, except mobile signage. The proposed Zoning By-law recommends that electronic message boards be considered as a Conditional Use (where the copy is greater than 9"). These signs would therefore be subject to a public hearing at the Board of Adjustment. In addition, the by-law recommends that no electronic message board sign may be located within 500' of another similar message board facing the same oncoming traffic.

The sign industry has expressed opposition to these proposed regulations. They would prefer that electronic message board signs be a Permitted use and treated like any other signage on the site, and that they not be subject to a 500' separation distance. The

Winnipeg Public Service believes that the cumulative impact of these signs on Winnipeg's image could be significant if numerous signs were allowed along a streetscape. This would not be consistent with Plan Winnipeg's policies related to urban image and design quality. In addition, they can be distracting to drivers and therefore have a potential impact on traffic safety, especially near intersections, traffic lights and pedestrian corridors.

The Winnipeg Public Service recommends that guidelines be developed to address siting and development standards for electronic signs, for example, location along image routes and near intersections and crosswalks, illumination levels, frequency in the change of the messages, etc. Once established, these guidelines could be tested over a period of time and then, if appropriate, could be incorporated as standards within the Zoning By-law. The Winnipeg Public Service would not recommend guidelines related to the content or copy of signs, as that is very difficult to enforce, except that Council may want to limit third party advertising.

10. That the following amendments be made to the Manufacturing Mixed Use (MMU) Zoning District (see detailed changes in Appendix E):

(a) **The Purpose Statement for the Manufacturing Mixed Use Zoning District in Part 3: Zoning Districts be amended by including references to qualify the mix of uses, outline limits on commercial/retail development and identify a minimum site area (50 acres) for MMU development.**

(b) **The Use Specific Standard for Amusement Enterprise, Indoor be amended to add an exception for fitness centres which may be up to a maximum of 40,000 square feet instead of 10,000 square feet of floor area in the MMU zoning district.**

(c) **Sign height for the MMU zoning district in Part 5: Development and Design Standards be increased from eight feet (8') to twenty feet (20').**

The proposed Zoning By-law has identified the creation of three, new mixed use zoning districts to bring the by-law into closer alignment with Plan Winnipeg*'s* policies around encouraging mixed use development and integrating land use and transportation planning. One of these new mixed use zones is the Manufacturing Mixed Use (MMU) zoning district. The general purpose of the MMU zoning district is to provide opportunities for high quality, business park development in the city that includes a mix of industrial, office and commercial uses. Three sites have been identified for rezoning to the MMU category – Terracon Business Park (St. Boniface), SmartPark (University of Manitoba), and Tuxedo Business Park (Kenaston).

MMU was the subject of much discussion during the ZAC's review of the by-law. The proposed regulations for MMU did not receive full concurrence by the ZAC. Outstanding concerns centred on the potential level of retail uses that might be allowed by the proposed regulations. In particular, the current wording of the Purpose Statement [see S. 56(2)] does not mandate a mix of uses, and appears to leave room for an MMU site to be exclusively commercial. The ZAC did not come to a final conclusion on this issue and the Winnipeg Public Service also has similar reservations about the regulations as they are currently drafted. However, the ZAC did recommend that a minimum site area of 50 acres be required for MMU developments and that this provision be added to the Purpose Statement. There was also suggestion at the ZAC about the need for a Master Plan for MMU developments similar to the EI (Educational and Institutional) zoning district.

A Purpose Statement is designed to guide the review of proposals for rezoning of sites to the MMU zoning district category. There should be sufficient substance in the Purpose Statement to assist the City in determining if a proposal fits the intent of that zoning category. The Winnipeg Public Service is recommending that the Purpose Statement be amended by including general language in the text to qualify the mix of uses, and outline limits on the extent and nature of commercial/retail development. Suggested revisions to the MMU Purpose Statement are presented in Appendix E attached to this report.

Proposed revisions to the Purpose Statement align with policy statements in Plan Winnipeg that suggest in what circumstances, commercial development could be introduced in areas currently designated Industrial Policy Area under the Plan. The Plan provides that commercial (including retail uses), could be introduced "to act as a buffer between the industrial uses and adjacent uses, or to service the needs of the local industrial population". Incorporating these words into the MMU Purpose Statement provides a link to Plan Winnipeg and facilitates flexibility regarding the extent and nature of retail/commercial development allowed in MMU zoning districts. However, in order to ensure that a proposed MMU development does not evolve to become exclusively commercial, a defined limit of 35% of the total site area is proposed for combined commercial and retail uses (including accessory and stand alone retail uses). Imposing this quantifiable limit should relieve the need for a Master Plan.

It should be noted that the proposed amendments to the Purpose Statement related to a limit on commercial/retail uses of 35% of the site area would allow all of the commercial/retail development to be constructed prior to any industrial development being built on the site. The proposed limits apply only to the quantity of commercial/retail development; not to the timing or order of the development. Also, multiple retail uses, up to 40,000 square feet each, could be combined within several large format retail buildings, provided that the 35% of site area was not exceeded.

The ZAC also recommended that lands at the 3 sites identified above be rezoned to the new MMU zoning district (i.e., that the zoning maps be amended) based on criteria established in the Mapping Rules. The criteria indicated that MMU should only be applied to sites:

- that include a mix of uses such as manufacturing, warehousing, office, accessory retail, and a limited amount of service-oriented commercial;
- that include a higher level of design quality; and
- where development would generally be of a planned, contiguous, clustered nature.

The Winnipeg Public Service is comfortable rezoning the Tuxedo, Terracon and SmartPark sites to the MMU zoning district. The Tuxedo and SmartPark sites are subject to existing Zoning Agreements that limit commercial development potential and the Tuxedo Business Park site is subject to a Servicing Agreement.

The application of the MMU zoning district to the zoning maps was part of a larger review and analysis of an industrial mapping strategy conducted over the past year. The objectives of that strategy were to remove the temporary MP (Industrial Park) zoning district in the proposed Zoning By-law and map all the industrial zoning districts. One of the final recommendations of that review and analysis was to blend the city's four existing industrial parks (St. Boniface, Inkster, Fort Garry, Murray) into the proposed M2 (Manufacturing General) zoning district. The rationale for this approach was that the existing industrial parks are almost fully built-out and struggling to retain and attract tenants. Older, existing

industrial buildings tend to be functionally obsolete by today's development standards (low ceilings, limited opportunities for adaptive re-use, etc) and it is difficult to introduce new industry. The ZAC suggested that the expansion of the range of uses allowed in these areas would assist in keeping the industrial parks viable.

The Winnipeg Public Service wishes to point out that moving in this direction may mean the loss of the distinctive character of these industrial parks currently supported under the existing Zoning By-law by industrial park design standards. The current standards call for a building setback of 40' in the MP-1 and MP-2 (Industrial Park) zoning districts compared to 25' in the proposed M2 (Manufacturing General) zoning district, larger side yards (15' versus 0' respectively), limits on maximum building height (50/85' versus 100'), reduced floor area ratio (1.0 compared to 2.0) and reduced maximum lot coverage (10% versus unlimited). However, the Winnipeg Public Service appreciates that some of these dimensional standards may be offset by the increased landscaping and building design standards that would be required by Part 5 in the new by-law. Over time, these older, existing industrial parks may be redeveloped and adaptively re-used to maintain their viability. As this happens, the Winnipeg Public Service will monitor the type and quality of development that occurs, and if changes to the bulk regulations or design standards are warranted, amendments to the by-law will be brought forward for Council's consideration.

At its final meeting, the ZAC also recommended that the consulting team and the Winnipeg Public Service review the sign regulations in MMU. The Winnipeg Public Service is prepared to recommend that sign height be increased from 8' to 20' in MMU to allow for improved visibility along high speed traffic corridors and in winter, when visibility of low level signage may be reduced due to snow storage.

11. That the Use Specific Standard in Part 4: Use Regulations for retail sales in the M1 (Manufacturing Light) zoning district be reduced from 40,000 square feet to 5,000 square feet of floor area.

The proposed Zoning By-law makes provision for an M1 (Manufacturing Light) zoning district. The Winnipeg Public Service is concerned that the M1 zoning district may be viewed as an option to an MMU (Manufacturing Mixed Use) rezoning for the city's prestige Business Parks. We believe this would be unfortunate as the proposed MMU zoning district recognizes the high quality of development occurring in these Business Parks and provides for a range of commercial/retail uses intended to support the local industrial population. Many commercial uses, including retail sales and personal services, continue to remain Permitted or Conditional in the M1 district in the proposed by-law. Use Specific Standards have been added to many commercial uses to restrict their size or manage their impacts as most of the existing lands zoned M1 under the current Zoning By-law are in close proximity to residential areas and designated as Neighbourhood Policy Areas under Plan Winnipeg.

A Use Specific Standard has been included for retail sales uses up to a maximum 40,000 square feet floor area. While this will limit large format retail development ('big box'), it will still allow a significant level of retail development to occur in M1 zones. This may not be a concern to Council for lands currently designated M1, however, it may be problematic for new rezonings to M1, especially in areas currently designated Industrial Policy Area under Plan Winnipeg. The Winnipeg Public Service recommends that the Use Specific Standard for retail sales uses be reduced to a maximum of 5,000 square feet floor area. Best Practices in other cities indicate that retail sales are typically limited to 5,000 square feet in

the Light or General Industrial zoning districts (e.g., Vancouver, Calgary). However, it should be noted that this would create non-conformities in the existing M1 areas.

12. That the following amendments be made to the regulations for wireless telecommunication facilities:

(a) That the Winnipeg Public Service commence a consultation process with the wireless communication services industry during the enactment period for the Winnipeg Zoning By-law to discuss the regulations for establishment of wireless communications towers.

(b) That all references to "wireless telecommunication" facilities/towers in the proposed Zoning By-law be amended to "wireless communication" facilities/towers.

(c) That Table 4-1: Principal Use Table be amended to add "Wireless communication, freestanding tower" as a Conditional Use ("C") in the C2 (Commercial Community), C3 (Commercial Corridor), C4 (Commercial Regional) and EI (Educational and Institutional) zoning districts, and be changed from a Conditional ("C") to a Permitted ("P") use in the M2 (Manufacturing General) zoning district; and,

(d) That the maximum height of freestanding towers be increased from seventy-five feet (75') to one hundred feet (100').

Wireless communication towers are a relatively new phenomenon in Winnipeg – a land use that was not contemplated at the time of adoption of the current Zoning By-law in 1995. The City has been able to manage the introduction of these towers into the urban fabric by fitting them in under a variety of existing uses – radio tower, antennae or public utility/service. Depending on the zoning of the subject land, they are currently treated as either Permitted or Conditional uses. In addition, most were required to proceed through the Variance approval process due to their proposed height exceeding the maximum limits allowed by the current Zoning By-law. (Variance and Conditional Uses require a public hearing and approval by the Board of Adjustment). The towers are subject to bulk regulations, including yards and height, for the zoning district applying to the subject land. The current bulk regulations are provided in a table in the Zoning By-law chapter for each respective zoning district.

The proposed Zoning By-law recognizes freestanding and building-mounted towers as two separately defined, listed uses. Use regulations and Use Specific Standards are provided for these two types of towers. The proposed by-law makes provision for building-mounted towers as a Permitted use in most zoning districts and for freestanding towers as a Conditional Use in some zoning districts. The by-law suggests that freestanding towers may be allowed in Parks, Agriculture and Industrial zoning districts, but not in Residential or Commercial zoning districts. A proposal recently received from MTS Allstream recommends introducing freestanding wireless communication towers in all zoning districts as either a Permitted or Conditional Use. MTS is also suggesting that as technology evolves, tower configuration may change to be less bulky with a shorter style tower such that they may be more compatible in commercial areas, and even in residential areas.

Telecommunications are separately regulated under The Telecommunications Act and in an effort to avoid duplication with Federal legislation, all references to "telecommunication" should be removed from the by-law and replaced with "communication".

The Winnipeg Public Service is open to discussing amendments to the proposed regulations. However, we would like to have adequate information to make an informed recommendation. More time is needed to consider the proposal from MTS and undertake the proper level of analysis. The Winnipeg Public Service recommends a thorough approach on this issue and suggests that more discussion is required with MTS and other industry providers. More information is required to determine future plans for the placement of towers throughout the city, and the style and specifications of the proposed, future towers. The period of approximately 6 months between Council's adoption of the Zoning By-law and the effective date of the by-law should be used to further refine and clarify the proposed by-law, including requirements related to wireless communication towers.

However, following consideration of MTS's proposal and further review of the Use Table and Use Specific Standards in the proposed by-law, the Winnipeg Public Service believes that freestanding towers could be considered a Conditional Use in a few additional zoning districts including EI (Educational and Institutional), C2 (Commercial Community), C3 (Commercial Corridor) and C4 (Commercial Regional), and be changed from a Conditional Use to a Permitted use in the M2 (Manufacturing General) zoning district. The Winnipeg Public Service is comfortable recommending these modifications to the Use Table in advance of discussions with the industry based on a review of 'best practices' in other cities, the City's historical experience with towers under the existing Zoning By-law, and recommendations from the Zoning By-law consultants. A Conditional Use provides an opportunity for checks and balances and allows for a thorough review of each application, neighbourhood input through a public hearing at the Board of Adjustment and the opportunity to place conditions on any approval. The Winnipeg Public Service strongly recommends, however, that wireless communication towers remain a Not Permitted use in the R1 and R2 zoning districts.

The Winnipeg Public Service is also recommending that the maximum height of freestanding towers may be increased from 75 feet to 100 feet. The industry generally requires a minimum height of 100' to facilitate good coverage and capacity in high volume cellular and wireless use areas.

13. That the Winnipeg Public Service be directed to draft a public consultation process to be incorporated in the Development Procedures By-law for certain heavy manufacturing uses (i.e., those heavy industrial uses requiring licensing under The Environment Act).

The SPC on Property and Development forwarded a request for changing certain heavy industrial uses from Permitted to Conditional Use status in the M3 zoning district and for re-mapping the proposed Olywest lands, to the Winnipeg Zoning By-law Review project for consideration. The Winnipeg Public Service recommends that all heavy manufacturing uses remain a Permitted use in the M3 (Manufacturing Heavy) zoning district. The Winnipeg Public Service believes that the M3 zoning district is the most appropriate zone to accommodate heavy industrial uses and that M3 lands are generally suited to that purpose by their designation under Plan Winnipeg and their planned location within the city.

Plan Winnipeg identifies the most appropriate locations for the establishment of heavy industrial uses through the designation of Industrial Policy Areas. Historically, the Zoning By-law has reflected these Policy Area designations and has zoned the land accordingly. The current Zoning By-law review is not adjusting these zoning labels; the proposed by-law

is simply converting the existing zoning label to the new zoning label. In this case, the Mapping Rules indicate that existing M3 lands will be relabeled to M3 under the proposed by-law.

The Winnipeg Public Service also recommends that the zoning of the lands proposed for the Olywest development south of the St. Boniface Industrial Park, remain zoned M3 under the proposed Zoning By-law. Again, the current zoning is consistent with an Industrial Policy Area designation under Plan Winnipeg. It is important for cities to maintain a stock of M3 lands to accommodate large, heavy industrial users. Preliminary results from the Employment Lands Strategy indicate that Winnipeg has a sufficient supply of employment lands to support growth in the short term (2006-2011), but will be experiencing a shortage into the long term (2021-2031). The land supply will have to be carefully managed to prevent the premature conversion to other uses.

As an alternative to designating certain heavy manufacturing uses as Conditional Uses, the Winnipeg Public Service suggests that processes and procedures could be introduced in the Development Procedures By-law to mandate a public consultation process for certain uses. The uses subject to a mandated public consultation process could be consistent with the list of heavy manufacturing uses subject to licensing under The Environment Act. The Province has identified a list of certain uses as having special characteristics that warrant licensing and they are therefore considered significant from a land use and environmental perspective.

14. That "Adult Service or Entertainment Establishment" be deleted as a Conditional Use ("C") in the C4 (Commercial Regional) zoning district in Table 4-1: Principal Use Table.

A new use has been established in the by-law called "Adult service or entertainment establishment". This new use is intended to cover a range of adult uses that are not regulated under the current Zoning By-law (e.g., adult saunas, adult nightclubs, adult modeling studios, topless hair salon, topless car wash, etc). These uses are distinct from Dating and Escort Services and Massage Parlours which are noted as Prohibited uses in the proposed by-law.

Upon further review of the Use Table for the Adult Service or Entertainment Establishment use, it is recommended that Adult Service or Entertainment Establishments should not be allowed in the C4 (Commercial Regional) zoning district. The C4 zoning district covers some of the city's premiere shopping and entertainment areas. Adult uses would be incompatible in that setting where children (minors) are frequent customers.

15. That the Winnipeg Public Service complete a review to determine the most appropriate zoning for all parks properties in the city within one (1) year following enactment of the Winnipeg Zoning By-law.

The Winnipeg Public Service discovered that existing parks have a variety of zoning labels. Throughout the city, some parks are zoned Residential, some Industrial and others as Parks. One entire ward, Daniel McIntyre, has no parks or open spaces that are zoned in a Parks zoning category. A review has been commenced to identify the appropriate zoning for all parks properties in the city. However, the review of these properties has not been proposed as part of this project because of the potentially significant impact on development

rights associated with these rezonings and the potential impact on neighbours and the community. For example, some parks properties would be moved from a PR1 to a PR2 parks zoning district which allows a broader range of uses and the potential for increases in the nature and size of parks and recreation facilities.

The parks review can occur as a subsequent phase to the initial adoption of the new Zoning By-law. The Winnipeg Public Service recommends that a public consultation program form part of the parks zoning review. The review could be completed in a timely manner, within one year of the enactment of the proposed Zoning By-law, as the majority of the analysis has been reviewed by an internal working group consisting of representatives from the responsible departments – Planning Property and Development, Public Works and Community Services. The Real Estate Division of the Planning, Property and Development Department would also need to be consulted as part of the review process to confirm that the proposed parks zonings are appropriate given future plans for city-owned lands.

Once the work is complete, an amendment to the Winnipeg Zoning By-law would be initiated. This amendment would be subject to a public hearing at the SPC on Property and Development as the subject lands are located in more than one Community Committee area. The Winnipeg Public Service recommends that the proposed changes to the zoning maps for parks properties be circulated to the Community Committees for review and recommendation prior to a public hearing.

16. That the Use Specific Standards in Part 4: Use Regulations be amended to add a maximum size (combined gross floor area) of eight hundred (800) square feet for home based businesses.

Under the current Zoning By-law, home based businesses are allowed to occupy up to a maximum of 400 square feet of the floor area of the dwelling unit. This is a relatively small area that was established many years ago and has proven to be too small for many home based businesses. The proposed Zoning By-law suggests increasing the occupied area to 25% of the total area of the dwelling unit and any accessory buildings. However, for very large dwelling units, this increase could result in a business occupying a significant area of the building. In most cases, this would be out of character with the predominantly residential land use in the area and could potentially impact the quality of the living areas in the local neighbourhood.

In order to manage the impact of home based businesses, the Winnipeg Public Service is recommending that a maximum, or cap, be placed on the size of home based businesses of 800 square feet of the combined gross floor area of the principal and accessory buildings on the property or 25%, whichever is less. Even with this limit in place, the area that could be occupied would be double what is allowed today under the current Zoning By-law.

17. That a clause be added to the by-law to provide existing "auto/light truck/motorcycle sales and rental" and "auto repair" businesses operating as home based businesses in residential zoning districts a period of two (2) years to come into compliance with the Zoning By-law.

The proposed Zoning By-law moves to an impact-based approach to manage home based businesses. The by-law divides home based businesses into two types – major and minor. Uses with potential impacts on the surrounding residential neighbourhood will be deemed

major home based businesses and be subject to the Conditional Use process and a public hearing at the Board of Adjustment. Minor home based businesses will be a Permitted use.

But certain uses are not acceptable as home based businesses because their impacts are too intense making them incompatible with residential uses in the adjacent area. These uses should be prohibited as home based businesses. The sale of autos, light trucks and motorcycles and the repair of autos and other vehicles are examples of two uses that should be prohibited. Evidence presented over the years at public hearings and appeal hearings demonstrates significant negative public reaction to these uses. Commonly noted impacts include noise, odour, traffic, multiple customer visits, visual blight and concerns for safety and security. Because of this history and the nature of these uses, the Winnipeg Public Service recommends that these uses be Prohibited uses in the proposed Zoning By-law.

However, while new operations would not be allowed to establish once the by-law comes into effect, existing auto related businesses should be given an opportunity to either wind down or relocate their operations. A grace period of 2 years is suggested to accommodate this transition. This direction could be implemented by addition of the following clause to the by-law:

"xxx. A home based business for "Any business engaged in the sales and rental of autos, light trucks, or motorcycles" or "On-site painting, body repairs or other repair of automobiles, trucks, boats, trailers, or other motorized vehicles" that was lawfully established prior to the effective date of this by-law, but that does not conform in one or more respects with the requirements of this by-law shall come into compliance with this by-law no later than 2 years from the effective date of this by-law."

18. (a) That the following amendments be made to the development and design standards for Residential zoning districts in Part 5 of the Zoning By-law:

- **(i) The minimum front yard be increased from fifteen feet (15') to twenty feet (20') in the R1-Small and R1-Medium zoning districts;**
- **(ii) The maximum lot coverage be decreased from forty-five percent (45%) to forty percent (40%) in the R1-Small and R1-Medium zoning districts;**
- **(iii) Lots in the R1-Small zoning district shall be required to have access to a public lane;**
- **(iv) The minimum lot width be increased from twenty-five feet (25') to fifty-five feet (55') in the R1-Large zoning district, eighty feet (80') in the R1-Estate zoning district, fifty feet (50') in the R2 zoning district, one hundred and eighty feet (180') in the RR2 zoning district, and three hundred feet (300') in the RR5 zoning district; and,**
- **(v) The minimum side yard be increased from four feet (4') to five feet (5') in the R1-Medium and R1-Large zoning districts.**

(b) That a consultation process be initiated with the development industry to discuss and review development and design standards for residential properties and related requirements in other City by-laws, development guidelines and standards (e.g., Lot Grading By-law, Private Approaches By-law, etc.).

The ZAC supported several changes to development and design standards in the interests of the efficient and cost effective use of land. These changes included a reduction in the minimum front yard, an increase in the maximum lot coverage, removal of the requirement

for back lanes for small lots, reduction of the minimum lot width for all lots, and a reduction in the minimum side yard in some zoning districts

The Winnipeg Public Service has some concerns about the proposed changes and the impact of those changes on lot drainage, private approaches and snow storage. Changes in the dimensional standards may further compromise the ongoing efforts of the City to manage runoff and sump pump discharges, and may ultimately increase future capital, repair and maintenance costs borne by the City, developers and home builders. Specifically, these proposed changes may:

- Compromise the Lot Grading By-law 7294/98 and the ability of lots to drain properly;
- Compromise the ability of properties to properly discharge sump pump water;
- Strain the capacity of existing land drainage infrastructure and facilities;
- Increase the cost for land drainage infrastructure that must be sized larger to accept increased runoff rates;
- Create increasing conflicts between neighbouring properties, and between property owners and the City over drainage issues;
- Potentially compromise the 4-party trench agreement on private property with the effect that it may force utilities into the public right-of-way.

The effect of the proposed recommendation is to maintain the standards currently enforced under the Winnipeg Zoning By-law 6400/94. The Winnipeg Public Service is also recommending that a consultation process be initiated in partnership with the development industry to review these standards and other related City requirements with a view to amending them in the future, as warranted, if the drainage, snow storage and utility easement concerns can be resolved. The existing standards in place under the current Zoning By-law 6400/94 would be used as a starting point for those discussions. It may be appropriate to undertake a lot grading/development guidelines study to assess options for addressing drainage concerns. That study could be completed within 1 year of adoption of the new Zoning By-law and could include a review of Best Practices in other prairie cities and/or cities with similar growth challenges.

In the meantime, the Planned Development Overlay (PDO) tool is still available in the Zoning By-law to accommodate adjustments to the standards for innovative development proposals. Each proposal would be reviewed on its merits and the proponent would need to demonstrate how the servicing issues, including drainage, would be satisfactorily addressed with reductions in the standards. The PDO is subject to a comprehensive review as an amendment to the Zoning By-law and involves a rezoning and a public hearing.

IMPLEMENTATION OF THE NEW BY-LAW:

The introduction of a major change to the City's zoning regulations and systems will require some time for users to absorb the nature of the changes and understand how they will best be implemented. The City has commenced a process to review the impact of the proposed changes on existing processes and procedures. Council's approval of a delayed enactment date for the new by-law will provide an opportunity to ease the transition to the new by-law for by-law users and City staff. The new regulations will also require some corresponding changes to other by-laws.

Following is a summary of some of the items requiring action:

- Administrative processes and procedures related to the following new initiatives in the proposed by-law:
  - Tree preservation program
  - Administration of the Manufacturing Mixed Use (MMU) zoning district
  - Master Plan process and record keeping for the Educational and Institutional (EI) zoning district
  - Landscape plans
  - Parking management plans
  - Planned Development Overlays
  - Alternative Equivalent Compliance
- Consequential amendments to other by-laws (e.g., Development Procedures By-law for wireless communication towers consultation process, heavy industrial uses consultation process, Planned Development Overlays)
- Interpretation Bulletins – public dissemination of how certain sections of the by-law will be interpreted by the City
- Communication Strategy:
  - Website – public information about the transition process (e.g., process for map changes, how applications in process will be handled, when complementary by-laws will be amended, etc)
  - On-line, searchable version of by-law – post a searchable version of the by-law on the City's Internet site to facilitate "self-service" by the public and other users
  - Public and stakeholder information – notification about the introduction of a new Zoning By-law, information sessions, etc.

FINANCIAL IMPACT TO THE CITY:

The conversion of the zoning maps from the existing district framework to the new district framework would be predominantly a relabelling exercise. The intent is to avoid having a significant effect on development rights. The exception is where existing industrial areas are already developed with clusters of commercial uses (e.g., in the Polo Park area, McLeod, south side of Nairn, Taylor, Kenaston/McGillivray, Notre Dame at McPhillips, McPhillips at Logan, Regent at Plessis, Scurfield at Kenaston, etc.). In this case, the City would initiate a blanket rezoning of these properties to the most appropriate commercial zoning district to make the zoning of these areas consistent with the existing land use. Doing so would involve an "opportunity cost" (i.e., forgone revenues) as the City would forgive the rezoning application fees, land dedication (cash-in-lieu) and any applicable development charges that would have been applied in the case of Development Agreements. Incurring these costs would achieve the City's planning objectives of correcting an historical zoning irregularity and bringing the zoning of these lands into compliance with Plan Winnipeg.

Given the scope of work required and significant number of variables involved, it is not possible to determine total opportunity and out-of-pocket costs with a high degree of accuracy. Variables to consider include, but are not limited to, the number of rezoning applications that would be generated from the over 700 zoning polygons (each polygon contains multiple properties, any one of which could initiate a rezoning application affecting both fee revenue and advertising cost), whether or not any subdivisions are associated with a rezoning, the timeframe over which the affected area would be completely rezoned, the effect on market value, if any, resulting from rezoning, and development charges that might apply if any incremental infrastructure improvements would be required for the commercial developments. As such, an "order of

magnitude” cost calculation has been compiled.

In order to calculate total opportunity and out-of-pocket costs, certain assumptions were made. These assumptions include the following:

- Five rezoning applications per polygon
- No associated plans of subdivision
- Constant rezoning application fee of $525 (i.e., the current fee)
- Increase in market value as per internal market analysis
- Increase in assessed value equivalent to increase in market value
- Constant portioning rate of 65% and mill rate of 0.025448
- No incremental infrastructure improvements required
- Complete rezoning would occur over 15-year timeframe
- Net cost incurred evenly over 15-year period
- Net Present Value (NPV) calculated using City’s cost of borrowing of 5.25%

Based on the assumptions listed above, the NPV cost to the City of the proposed blanket rezoning is estimated, in order of magnitude, to be approximately $2.2 million.

These rezonings would benefit the city at large by providing predictability (having the zoning rules match the existing use) and supporting business investment in the area with common zoning rules applying to similar properties.

Financial Impact Statement Date: September 7, 2007

Project Name:
WINNIPEG ZONING BY-LAW REVIEW

First Year of Program 2008

	2008	2009	2010	2011	2012 to 2022
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 202,167	$ 202,167	$ 202,167	$ 202,167	$ 2,223,833
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 202,167	$ 202,167	$ 202,167	$ 202,167	$ 2,223,833
Less: Existing Budget Amounts	202,167	202,167	202,167	202,167	2,223,833
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Based on the assumptions listed in the body of the report, the "opportunity cost" to the City for the period from 2008 to 2022 will be approximately $3.0 million. This consists of $1,457,500 in foregone cash-in-lieu of land dedication payments that would otherwise be credited to the Land Dedication Reserve Fund (LDRF), and $1,575,000 in application fee revenue that would otherwise be credited to the General Revenue Fund. These net revenue reductions would be absorbed by the LDRF and the Department over the course of the 15-year period. While amounts have not actually been budgeted, this FIS includes amounts in the "Existing Budgeted Amounts" field in order to reflect that no budget adjustment is required as a result of the recommendations contained in this report.

"Original signed by"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

- Legal Services Division
- Public Works Department
- Water and Waste Department
- Corporate Finance Department
- Winnipeg Transit
- Community Services Department
- Property Assessment Department

External Consultation With:

- See attached List of External Consultations (Appendix F)

THIS REPORT SUBMITTED BY:

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

Last Updated: September 10, 2007
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Attachments:

Appendix A: Winnipeg Zoning By-law 200/2006 and Table of Contents
Appendix B: Zoning Maps (Schedule B of Zoning By-law) and Key Map
Appendix C: City of Winnipeg Zoning By-law Review - Mapping Rules
Appendix D: Errors and Corrections
Appendix E: Proposed Amendments to Manufacturing Mixed Use (MMU) Zoning District
Appendix F: Winnipeg Zoning By-law Review – Consultation with External Stakeholder Groups
Appendix G: Executive Summary and Recommendations for Future Improvement, Clarion Associates

Appendix A: Winnipeg Zoning By-law 200/2006 and Table of Contents


FINAL ZONING BYLAW May 07 - Cl..


FINAL TABLE OF CONTENTS May 07..

Appendix B: Zoning Maps (Schedule B of Zoning By-law) and Key Map


Zoning Key Map.pdf (177 KB)


Map 1.pdf (98 KB)


Map 2.pdf (102 KB)


Map 3.pdf (570 KB)


Map 4.pdf (800 KB)


Map 5.pdf (286 KB)


Map 6.pdf (60 KB)


Map 7.pdf (286 KB)


Map 8.pdf (1 MB)


Map 9.pdf (642 KB)


Map 10.pdf (293 KB)


Map 11.pdf (532 KB)


Map 12.pdf (654 KB)


Map 13.pdf (1 MB)


Map 14.pdf (322 KB)


Map 15.pdf (158 KB)


Map 16.pdf (394 KB)


Map 17.pdf (406 KB)


Map 18.pdf (759 KB)


Map 19.pdf (561 KB)


Map 20.pdf (53 KB)


Map 21.pdf (273 KB)


Map 22.pdf (533 KB)


Map 23.pdf (524 KB)


Map 24.pdf (88 KB)


Map 25.pdf (456 KB)


Map 26.pdf (111 KB)


Map 27.pdf (214 KB)


Map 28.pdf (80 KB)


Map 29.pdf (50 KB)


Map 30.pdf (43 KB)

Appendix C: City of Winnipeg Zoning By-law Review – Mapping Rules



Mar6-07 Mapping Rules Chart.pd...

Appendix F: Winnipeg Zoning By-law Review – Consultation with External Stakeholder Groups



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Appendix G: Executive Summary and Recommendations for Future Improvement, Clarion Associates



Exec Summary Sept07 2 -- dean.pdf

APPENDIX D

ERRORS AND CORRECTIONS

Part 1: Administration amended

1 Part 1: Administration is amended

(1) in Section 43, by striking out subsection 3 and substituting the following:

(3) Any use lawfully in existence prior to this By-law, which did not require a Conditional Use Order prior to this By-law, but that would require a Conditional Use Order to comply with this By-law, shall be deemed to have a Conditional Use Order sufficient to create compliance with this By-law, provided that no addition, enlargement or expansion may be made to the use unless the addition, enlargement or expansion is approved as a Conditional Use under this By-law.

Part 2: Definitions amended

2 Part 2: Definitions is amended

(1) in Section 48, by striking out the definition of "care home", and substituting the following:

"care home" means a building or portion of a building used for:
(a) the boarding or other residential accommodation; and
(b) the care, treatment or supervision;
of persons, in which care, treatment or supervision is not provided to any persons not resident in the care home.

Part 4: Use Regulations amended

3 Part 4: Use Regulations is amended

(1) in Section 62 under Residential and Residential-Related, Group Living, Care home, by adding "P*" in the "A" and "RR5" columns;

(2) in subsection 89(2), by striking out "per building";

(3) in subsection 90(2), by striking out "per building";

(4) in subsection 90(3), by striking out ", per building";

(5) in Section 91, by striking out "per building";

(6) in Section 99:

(d) by striking out "non-residential";

(e) in Table 4-4 by striking out the heading and substituting the following:

Table 4-4: Maximum Tower Height, Building-Mounted Tower

(7) in Section 117, by adding the following after subsection (2):

(3) Outside sales are limited to a maximum of four 3-day events in each calendar year.

(8) by striking out Section 129 and substituting the following:

Seasonal sales areas:
(1) Must not reduce the number of required off-street parking or loading spaces below the minimums required by this By-law;
(2) Obstruct any vehicular circulation route into or through the property; and
(3) Are limited to a maximum of 60 days in each calendar year.

Part 5: Development and Design Standards amended

4 Part 5: Development and Design Standards is amended

(1) in clause 142(2)(d), by striking out “less than 2 feet” and substituting “2 feet or less”;

(2) in Section 151, by adding “the” after “changes to”;

(3) in Section 152 in Table 5-6 under footnote a., by striking out “or R2” and substituting “, R2 or RMF”;

(4) in Section 154, by adding “Overlay” after “Development” in the heading;

(5) in Section 159 in Table 5-7:

(a) under Open Landings and Terraces, by striking out “32” and substituting “36”, wherever it occurs;

(b) under Open parking or loading area, vehicle display area, and queuing spaces, by striking out “, vehicle display area,”;

(6) in subsection 179(1), by adding “public transit,” after “control,”;

(7) in subsection 182(7), by striking out “8” and substituting “8.5”;

(8) in subsection 190(2), by striking out “front” and striking out “, all of which must be located within the required front yard”;

(9) in subsection 190(7), by striking out “or two-family” and substituting “, two-family or multi-family”;

(10) in Section 211, by adding “Overlay” after “Development” in the heading.

Schedule A: List of Adopted Secondary Plans amended

5 Schedule A: List of Adopted Secondary Plans is amended

(1) in subsection 1(1), by striking out “Development” and substituting “Protection Area Secondary”;

(2) in subsection 1(5):

(a) by striking out “Kilcona” and substituting “Kil-cona”;

(b) by adding “Area (West)” after “Park”;

(3) in subsection 1(10), by striking out “Redevelopment” and substituting “Secondary”

(4) in subsection 1(11), by striking out “Secondary” and substituting “Neighbourhood”;

(5) in subsection 1(12), by striking out “Secondary Plan” and substituting “Area Structure Plan”;

(6) in Section 1, by adding the following after subsection 12:

(13) Waverley West Northeast Neighbourhood Area Structure Plan

Schedule D: Airport Vicinity Protection Area Planned Development Overlay 1 (PDO-1 – Airport Vicinity) amended

6 Schedule D: Airport Vicinity Protection Area Planned Development Overlay 1 (PDO-1 – Airport Vicinity) is amended

(1) in clause 3(3)(b):

(a) by adding “inclusive of any dwelling units referred to in clause 3(a) above” after “(35 units per acre)”;

(b) by striking out “building lot area” and substituting “that portion of lots falling within Area II”.

Schedule G: Neighbourhood Main Streets Planned Development Overlay 1 (PDO-1 Neighbourhood Main Streets) amended

7 Schedule G: Neighbourhood Main Streets Planned Development Overlay 1 (PDO-1 Neighbourhood Main Streets) is amended

(1) in subsection 5(2), by striking out “5.000” and substituting “5,000”.

APPENDIX E

PROPOSED AMENDMENTS TO MANUFACTURING MIXED USE (MMU) ZONING DISTRICT

1. Proposed Amendment to MMU Purpose Statement:

Part 3: Zoning Districts is amended

(1) by striking out Section 56(2), and substituting the following:

56. (2) The Manufacturing Mixed Use (MMU) district is intended to support industrial/business park uses with other uses, including commercial and retail provided they act as a buffer and/or service the needs of the local industrial population. Commercial and retail development, not including offices, would be allowed to a maximum of 35% of site area. The MMU district is intended to accommodate master-planned clusters of development forms characterized predominantly by industrial development but does not preclude retail and commercial development forms, all requiring a higher standard of design and landscaping. Typical uses may include office, warehouse, and business service establishments in a campus-style industrial or business park setting with a variety of retail storefronts. MMU zone districts should generally include at least fifty (50) acres of contiguous land, or land that would be contiguous except for intervening rights-of-way.

2. Amendment to Use Specific Standards

Part 4: Use Regulations is amended

(1) in subsection 74(2), by adding ", except for fitness centres which are limited to a maximum of 40,000 square feet of gross floor area" after "area".

3. Amendment to Sign Height

Part 5: Development and Design Standards is amended

(1) in Table 5-15, by moving "MMU" one row down.(from 8' to 20')