Agenda - Council - November 19, 2008

Report - Standing Policy Committee on Property and Development - October 28, 2008

Item No. 4 Criteria for Large Format Notice Boards
eFile EP-1

STANDING COMMITTEE RECOMMENDATION:

On November 12, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That the Development Procedures By-law No. 5893/92 be amended to grant the Director of Planning, Property and Development discretion to apply the criteria for large format notice boards.

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

Report - Standing Policy Committee on Property and Development - October 28, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 12, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 28, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation 2 of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

STANDING COMMITTEE DECISION:

On October 28, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation 1 of the Winnipeg Public Service, namely:

1. That the amended criteria for large format notice boards as contained in Appendix "B" to the report of the Director of Planning, Property and Development dated October 17, 2008, be approved.

RE: Criteria for Large Format Notice Boards

FOR SUBMISSION TO: Standing Policy Committee on Property and Development

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

REPORT DATE: October 17, 2008

RECOMMENDATION:

1. **That the Standing Policy Committee on Property and Development approve the amended criteria for large format notice boards as contained in Appendix B.**
2. **That the Development Procedures By-law be amended to grant the Director of Planning, Property & Development discretion to apply the criteria for large format notice boards.**
3. **That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the recommendation.**

Report Summary

Key Issues:

- On July 18, 2007 Council adopted amendments to the Development Procedures By-Law 5893/92 to implement a program for large format notice boards.
- Under this By-Law, the Standing Policy Committee on Property and Development may identify circumstances in which an applicant is required, at his/her expense, to post a large format notice board on the subject property.
- On July 18, 2007 Council also approved criteria (previously approved by the Standing Policy Committee) for requiring large format notice boards.
- Implementation of the large format notice boards began October 1, 2007.
- Since this time instances have occurred where additional flexibility and discretion within the criteria would have been desirable in order to deal with unique situations.
- The proposed amended criteria (Appendix B) would clarify the criteria and give the Director of Planning, Property and Development discretion to accommodate these situations while still meeting the intent of the By-law.

Implications of the Recommendation(s):

General Implications

( ) None

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

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

( ) Involves a multi-year contract

Comment(s):

The proposed amended criteria are clearer and would allow for the Director to exercise discretion and, in some cases, not require an applicant to go to the expense of installing a large format notice board where it is not warranted.

Policy Implications

( ) No

(x) Yes

Comment(s):
The report recommends changes to policy implementation criteria approved by the Standing Committee.

Regulatory Implications

( ) None

( ) Eliminates or reduces regulatory impact

(x) Proposes regulatory impact

Comment(s):
See General Implications above

Environmental Implications

(x) No

( ) Yes

Comment(s):

Human Resources Implications

(x) No

( ) Yes

Comment(s):

Financial Implications

(x) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s):
Large format notice boards are an expense of the applicant.

Report

REASON FOR THE REPORT:

Under amendments to the Development Procedures By-Law 5893/92 passed by Council July 18, 2007, the Standing Policy Committee on Property and Development may identify circumstances in which an applicant is required to post a large format notice board on the subject property to give notice of a public hearing for a development application.

HISTORY:

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

On June 28, 2006 Council concurred in the recommendation of EPC and adopted the following:

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

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

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

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

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

On July 18, 2007 Council adopted the following:

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

DISCUSSION:

The implementation of the large format notice boards began on October 1, 2007. Since this time there have been certain operational issues with the strict application of the current criteria. For example, if a single-family property requires a Zoning Agreement Amendment to reduce a required rear yard, they are required under the criteria to erect a large format sign. It would be recommended that unless there is a change in use, single and two-family development be excluded from enhanced public notification.

It is also recommended that the Director be given discretion to apply the criteria for large format notice boards for all applications. This is in keeping with the spirit of the following motion adopted by the SPC on Property and Development on January 9, 2007:

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

The criteria provide general guidelines for when and when not to require a large format notice board, but cannot provide for all unique circumstances where it may not be practical to install a 4 by 8 foot sign. To allow the Director the discretion and flexibility to apply the criteria in Appendix B would allow the requirement for a large format notice board to be waived in circumstances where it would not be practical and where the intent of notification can be met using standard signage.

Financial Impact Statement Date: October 15, 2008

Project Name:

Criteria for Large Format Notice Boards

COMMENTS:

The recommendations contained in this report include that the Standing Policy Committee on Property and Development approve the amended criteria for large format notice boards as contained in Appendix B and that the Development Procedures By-law be amended to grant the Director of Planning, Property & Development discretion to apply the criteria for large format notice boards.

There are no financial implications associated with these recommendations.

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

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:
Internal Services (Legal Services Division)

External Consultation With:

THIS REPORT SUBMITTED BY:
Department: Planning, Property and Development
Division: Planning and Land Use
Prepared by: Dianne Himbeault. Acting Manager
PPD File No.

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Appendix A

(Existing Criteria)

CRITERIA FOR LARGE FORMAT NOTICE BOARDS

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

Enhanced public notification is required in the following instances:

1. Rezonings, including other development applications associated with the rezoning application (i.e., a related variance or conditional use application).

2. Subdivisions, which create a street or lane including other development applications associated with the subdivision application (i.e., a related variance or conditional use application).

3. Zoning and Subdivision Agreement amendments.

4. Plan Winnipeg amendment.

5. Secondary Plan amendment.

6. Some variance and conditional use applications, based on the uniqueness of the development, except for single and two family development, in any of the following circumstances:
    (a) Applications adjacent to high speed or high traffic volume streets, where it is unlikely that standard notices would be readable from a distance, including, but not limited to:
        (i) Bishop Grandin Boulevard; or,
        (ii) Lagimodiere Boulevard; or,
        (iii) Waverley Street (south of McGillivray Boulevard); or,
        (iv) Kenaston Boulevard (south of McGillivray Boulevard); or,
        (v) Fermor Avenue;
    (b) Development where physical attributes such as ditches, transmission lines, or other barriers between property lines and the rights-of-way, or excessive boulevard setbacks, prevent convenient public access to a notice;
    (c) Industrial and commercial development backing directly on to lands zoned residential where impacted residents would not typically be exposed to a standard placard notice;
    (d) Development where the site area exceeds 2 acres.

7. Development applications for industrial and commercial development where the site is vacant.

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

Appendix B

CRITERIA FOR LARGE FORMAT NOTICE BOARDS

Subsection 10(2) of the Development Procedures By-law provides that the Standing Policy Committee on Property and Development may identify circumstances in which posting notice of hearings must meet the specifications set out in Schedule "A" to the said By-law where, due to the nature of the proposed development or the uniqueness of the lands to be developed and the surrounding lands, enhanced public notification, at the applicant's expense, is warranted. The Director of Planning, Property and Development or his/her delegate will apply the following criteria at his/her discretion.

Subject to the Director's discretion, enhanced public notification is required for a development application in any of the following circumstances:

1. Rezoning, including other development applications associated with the rezoning application (i.e., a related variance or conditional use application).
2. Subdivision which creates a street or lane, including other development applications associated with the subdivision application (i.e., a related variance or conditional use application).
3. Zoning and/or Subdivision Agreement amendment.
4. Plan Winnipeg amendment.
5. Secondary Plan amendment.
6. Variance or conditional use application in any of the following circumstances:
    (a) Subject property adjacent to a high speed or high traffic volume street, where it is unlikely that a standard notice would be readable from a distance, including but not limited to:
        (i) Bishop Grandin Boulevard; or,
        (ii) Lagimodiere Boulevard; or,
        (iii) Waverley Street (south of McGillivray Boulevard); or,
        (iv) Kenaston Boulevard (south of McGillivray Boulevard); or,
        (v) Fermor Avenue;
    (b) Subject property where physical attributes such as ditches, transmission lines, or other barriers between property lines and the rights-of-way, or excessive boulevard setbacks, prevent convenient public access to a notice;
    (c) Proposed industrial or commercial development where subject property backs directly onto lands zoned residential where impacted residents would not typically be exposed to a standard notice;
    (d) Proposed development where subject property area exceeds 2 acres.
7. Proposed industrial or commercial development where subject property is vacant.

In the case of a combined public hearing, information regarding all the applications will be published on a single notice board.

Enhanced public notification is not required in the following circumstances:

1. Proposed industrial or commercial development where the existing building on the subject property is set back less than 5 feet from the property line adjacent to a right-of-way.
2. Existing or proposed single and two-family development where an application affects a single property and does not involve a change in use.

In exercising the discretion to waive or require a large format notice board, the Director may take into account any of the following factors:

1. The nature of the proposed development.
2. The uniqueness of the subject property and the surrounding lands.
3. The potential impact of the proposed development on nearby lands or residents.
4. The likelihood that use of large format signage would not be practical.
5. The likelihood that the intent of notification can be met using standard signage.