Agenda - Council - February 18, 2009

Report - Standing Policy Committee on Property and Development - February 2, 2009

Item No. 2 Amendments to Development Procedures By-law No. 5893/92 - Public Hearing Body on Zoning By-law Text Amendments eFile EP-1

STANDING COMMITTEE RECOMMENDATION:

On February 11, 2009, 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 provide that a proposed zoning by-law which would:

   A. establish or amend text of a zoning by-law (including a planned development overlay zoning district) without changing the zoning classification of any land, and

   B. affect land in only one community,

   shall be referred to the relevant Community Committee to conduct the public hearing.

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

Report - Standing Policy Committee on Property and Development - February 2, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 11, 2009, 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 February 2, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

RE: Proposed Amendments to Development Procedures By-law No. 5893/92 (Public Hearing on Zoning By-law Text Amendment)

FOR SUBMISSION TO: Standing Policy Committee on Property and Development

ORIGINAL REPORT SIGNED BY: Director, Planning Property and Development

REPORT DATE: January 15, 2009

RECOMMENDATION:

1. That the Development Procedures By-law No. 5893/92 be amended to provide that a proposed zoning by-law which would:
   - establish or amend text of a zoning by-law (including a planned development overlay zoning district) without changing the zoning classification of any land, and
   - affect land in only one community,

   shall be referred to the relevant community committee to conduct the public hearing.
2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report Summary

Key Issues:

- Currently, the Development Procedures By-law requires that all zoning by-law text amendments be referred to the Standing Policy Committee on Property and Development for a public hearing or, in the case of downtown issues, to the Standing Policy Committee on Downtown Development.
- There are situations where a text amendment to a zoning by-law is required, but it is only applicable to a particular area of the city, for example, to meet a specific planning objective.
- It is appropriate in the case of text amendments for local planning matters, that the public hearing be conducted by the local Community Committee and, if applicable, combined with related applications. This provides a better opportunity for citizen input and improves accountability at the Community Committee level.
- Therefore, the Winnipeg Public Service recommends that the Development Procedures By-law be amended to provide for local review of text amendments of a zoning by-law that only affect land in one Community Committee area.

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 proposed amendments to the Development Procedures By-law alter the process for approval of a text amendment to a zoning by-law by allowing issues of local interest to be considered at a public hearing at the local Community Committee. This will provide an opportunity for improved community input into local development proposals.

Policy Implications

(X) No

( ) Yes

Comment(s): The proposed amendments are consistent with existing Council policy and legislation.

Regulatory Implications

( ) None

( ) Eliminates or reduces regulatory impact

(X) Proposes regulatory impact

Comment(s): The proposed improvements to the development approval process would be accomplished through changes to an existing by-law.

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): As this report proposes only to amend text in a by-law, there are no financial implications associated with the recommendations of this report.

Report

REASON FOR THE REPORT:
The Standing Policy Committee on Property and Development is responsible for overseeing the Development Procedures By-law.

HISTORY:
Currently, under the Development Procedures By-law, all text amendments to a zoning by-law are referred to the Standing Policy Committee on Property and Development or, in the case of downtown lands, to the Standing Policy Committee on Downtown Development, to conduct the public hearing. Text amendments to a zoning by-law usually apply broadly to the entire area covered by the zoning by-law so consideration at the Standing Policy Committee level has been appropriate. For example, a text amendment could cover all lands included within a particular zoning district (e.g., all lands zoned C2 – Community Commercial), or to a type of land use classification (e.g., all retail sales).

DISCUSSION:
There are cases where a text amendment to a zoning by-law may only affect certain geographic areas of the city, for example, for the creation or amendment of customized regulations related to a historic or character area, a uniquely designed residential subdivision, campus developments, a business park or a comprehensively planned commercial development. The City's zoning by-laws contain tools like the Planned Development Overlay zoning district which can be used to accommodate innovative development proposals. In most cases, requests for localized text amendments flow from a Neighbourhood or Secondary Plan exercise.

Where a text amendment to a zoning by-law is required to accommodate local planning objectives, it is appropriate to conduct the public hearing on those proposals, to the greatest extent possible, in the local community affected. This provides an opportunity for enhanced community input and improved accountability at the Community Committee level.

The Development Procedures By-law requires that the zoning by-law amendments be packaged with related applications on the same proposal and presented at a combined public hearing at the local Community Committee. Proposals that also involve a Plan Winnipeg amendment must be referred to the Executive Policy Committee for the combined public hearing.

The Winnipeg Public Service recommends that the Development Procedures By-law be amended to provide that proposals which establish or amend the text of a zoning by-law (including a Planned Development Overlay zoning district) without changing the zoning classification of any land (i.e., no zoning map amendment), and which affect land in only one Community Committee area, be referred to the applicable Community Committee to

conduct the public hearing on the matter. This would apply to text amendments initiated in the area covered by the Downtown Winnipeg Zoning By-law or the remainder of the city. Text amendments heard at the Community Committee level would be referred to the respective Standing Policy Committee (Property and Development or Downtown Development) for recommendation following disposition of the public hearing.

These changes to the Development Procedures By-law will be another step toward improving the implementation of new regulatory tools available in the Winnipeg Zoning By-law. The Legal Services Division will prepare an amending by-law for Council's consideration.

Financial Impact Statement Date: January 15, 2009

Project Name:

Proposed Amendments to Development Procedures By-law No. 5893/92 (Public Hearing on Zoning By-law Text Amendment)

COMMENTS:

The recommendation included in this report is that the Development Procedures By-law No. 5893/92 be amended to provide that a proposed zoning by-law which would:
- establish or amend text of a zoning by-law (including a planned development overlay zoning district) without changing the zoning classification of any land, and
- affect land in only one community,

shall be referred to the relevant community committee to conduct the public hearing.

There are no financial implications associated with this recommendation.

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

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

- Legal Services Division

External Consultation With:

- None

THIS REPORT SUBMITTED BY:

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

Last Updated: January 15, 2009

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