**Minute No. 496**
**Report - Standing Policy Committee on Property and Development – June 30, 2009**

**Item No. 9** **West Alexander and Centennial Planned Development Overlay 1 (PDO-1)**
**(Point Douglas Ward)**
**File DAZ 201/2009**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended as follows:

   A. By adding Schedule L, the West Alexander and Centennial Planned Development Overlay 1, as identified in revised Appendix "C", with the following amendment:

      i. The addition of subsections (6) and (7) to Section 5 of Schedule "L", as follows:

      "Design Review
      (6) Notwithstanding other provisions of this By-law, within the Residential Mixed Use Area, on properties zoned "M1" Manufacturing District, all development, redevelopment, or expansion visible from the public right of way is subject to site plan review and must be approved by the Director of Planning, Property, and Development or designate, prior to commencement. Approval, as set out herein, is only required if a building or development permit is required.

      Design Review Considerations
      (7) Review of development, redevelopment, or expansion is intended to ensure the thoughtful integration of such proposals into their local context and consistency with the general purpose of the "RMU" Residential Mixed Use District of Zoning By-law 200/2006 and the policies of the Residential Mixed Use Area, as outlined in the West Alexander and Centennial Neighbourhood Plan. Design review will focus on a proposal's consistency and compatibility with the standards of the "RMU" Residential Mixed Use District of Zoning By-law 200/2006, where appropriate and reasonable."

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 – June 30, 2009**

DECISION MAKING HISTORY:

Moved by Councillor Fielding,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 15, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 30, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 16, 2009, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

- Amend Recommendation 1 by the addition of subsections (6) and (7) to Section 5 of Schedule "L", as follows:

  "Design Review

  (6) Notwithstanding other provisions of this By-law, within the Residential Mixed Use Area, on properties zoned "M1" Manufacturing District, all development, redevelopment, or expansion visible from the public right of way is subject to site plan review and must be approved by the Director of Planning, Property, and Development or designate, prior to commencement. Approval, as set out herein, is only required if a building or development permit is required.

**Report - Standing Policy Committee on Property and Development – June 30, 2009**

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

Design Review Considerations

(7) Review of development, redevelopment, or expansion is intended to ensure the thoughtful integration of such proposals into their local context and consistency with the general purpose of the "RMU" Residential Mixed Use District of Zoning By-law 200/2006 and the policies of the Residential Mixed Use Area, as outlined in the West Alexander and Centennial Neighbourhood Plan. Design review will focus on a proposal's consistency and compatibility with the standards of the "RMU" Residential Mixed Use District of Zoning By-law 200/2006, where appropriate and reasonable."

- Add Recommendation 2 as follows:

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

and forwarded to the Standing Policy Committee on Property and Development.

On May 19, 2009, the Lord Selkirk-West Kildonan Community Committee adjourned the public hearing to its meeting on June 16, 2009 at 5:00 p.m. in the Council Building, 510 Main Street, in accordance with the recommendation of the Winnipeg Public Service.

On April 14, 2009, the Lord Selkirk-West Kildonan Community Committee adjourned the public hearing to its meeting on May 19, 2009 at 5:00 p.m. in the Council Building, 510 Main Street, to allow the Winnipeg Public Service to meet with the four property owners outlined in the "Consultation" portion of the report for DAZ 200/2009 (whose properties are to remain zoned "M1") and discuss possible restrictions to uses that are permitted in an "M1" zoning district but prohibited in an "RMU" zoning district.

**RE:** **West Alexander and Centennial Planned Development Overlay 1 (PDO-1)**
**File DAZ 201/2009 [c/r DAZ 200/2009]**

**For submission to:** **The Standing Policy Committee on Property and Development**

**Prepared by:** **Diane Timmins, Clerk**
**Lord Selkirk-West Kildonan Community Committee**

**Report date:** **June 19, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 16, 2009, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended as follows:

   A. By adding Schedule L, the West Alexander and Centennial Planned Development Overlay 1, as identified in revised Appendix "C", ***with the following amendments:***

      ***i. The addition of subsections (6) and (7) to Section 5 of Schedule "L", as follows:***

      ***"Design Review***
      ***(6) Notwithstanding other provisions of this By-law, within the Residential Mixed Use Area, on properties zoned "M1" Manufacturing District, all development, redevelopment, or expansion visible from the public right of way is subject to site plan review and must be approved by the Director of Planning, Property, and Development or designate, prior to commencement. Approval, as set out herein, is only required if a building or development permit is required.***

      ***Design Review Considerations***
      ***(7) Review of development, redevelopment, or expansion is intended to ensure the thoughtful integration of such proposals into their local context and consistency with the general purpose of the "RMU" Residential Mixed Use District of Zoning By-law 200/2006 and the policies of the Residential Mixed Use Area, as outlined in the West Alexander and Centennial Neighbourhood Plan. Design review will focus on a proposal's consistency and compatibility with the standards of the "RMU" Residential***

***Mixed Use District of Zoning By-law 200/2006, where appropriate and reasonable."***

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

***Note: The wording in bold and italics denotes amendments made by the Community Committee.***

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the revised report of the Planning and Land Use Division dated June 8, 2009.

## PUBLIC HEARING SUMMARY

File: DAZ 201/2009 [c/r DAZ 200/2009]

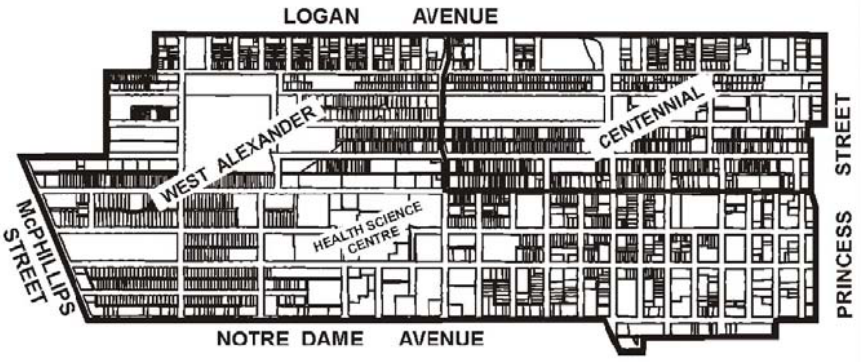
Before: Lord Selkirk-West Kildonan Community Committee
Councillor Lazarenko, Chairperson
Councillor Pagtakhan

Public Hearing: June 16, 2009
May 19, 2009
April 14, 2009
West Committee Room
Council Building, 510 Main Street

Applicant: Director, Planning, Property and Development Department

Subject:

Date: Tuesday, April 14, 2009
Time: 5:00 P.M.
Location: Council Building, 510 Main Street, Winnipeg, Manitoba




LORD SELKIRK
WEST KILDONAN
COMMUNITY COMMITTEE
PUBLIC HEARING

Applicant: City of Winnipeg,
Planning, Property and Development Department
File: DAZ 201/2009

Winnipeg Zoning By-law 200/2006 provides zoning regulations for all land in the City of Winnipeg not regulated by the Downtown Zoning By-law No. 100/2004. The Director of Planning, Property and Development proposes to amend Zoning By-law 200/2006 by adding Schedule L, the West Alexander & Centennial Planned Development Overlay 1. For information, contact M. Robinson, Planner, at 986-3213 or go to http://winnipeg.ca/ppd/planning_secondary_adopted_walex.stm.

| | |
|---|---|
| Premises Affected: | West Alexander and Centennial Planned Development Overlay 1 (PDO-1) |

Exhibits Filed:

1. Application dated March 17, 2009
2. Notification of Public Hearing dated March 13, 2009
3. Report from the Planning and Land Use Division dated March 20, 2009
4. Schedule L (Map 1 Medium Density Residential Area) identified as Appendix B in report from the Planning and Land Use Division dated March 20, 2009
5. Audio Recording of representations of public hearing held on April 14, 2009
6. Notice of Adjournment dated April 16, 2009
7. Report from the Planning and Land Use Division dated May 13, 2009 requesting a further adjournment to the June meeting of the Lord Selkirk-West Kildonan Community Committee
8. Notice of Adjournment dated May 21, 2009
9. Revised report from the Planning and Land Use Division dated June 8, 2009
10. Revised Appendix C, Schedule L for File DAZ 201/2009
11. Communication titled "Winnipeg Building & Decorating Ltd." dated June 16, 2009 submitted at the public hearing on June 16, 2009 by Ted Bock, Aikins, MacAulay & Thorvaldson, Barristers and Solicitors, in opposition to the application
12. Audio Recording of representations of public hearing held on June 16, 2009

REPRESENTATIONS:

In Support:

Michael Robinson, Senior Planner, Planning, Property and Development Department
Catherine Collins, West Alexander Residents Association Inc.
Fred Curry

In Opposition

Harold Baumer, on behalf of Baumer Ent. Contempra Signs
Ted Bock, Aikins, MacAulay & Thorvaldson Barristers and Solicitors
David MacAngus
Randall Ranick

Doug Schenk
Ronald Zimmerman

For Information:

Alex Darby

For the City:

Mr. K. Raban, Land Development Engineer, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "9" referred to in File DAZ 201/2009 [c/r DAZ 200/2009]

# ADMINISTRATIVE REPORT

**ISSUE:** **DAZ 201/2009 - West Alexander and Centennial Planned Development Overlay 1 (PDO-1)**

**Critical Path:** **This application will be heard by the Lord Selkirk-West Kildonan Community Committee, as per the Development Procedures By-law and the City of Winnipeg Charter**

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| Michael Robinson, AICP | | | |

## RECOMMENDATIONS

1. That By-law No. 200/2006 be amended, by adding Schedule L, the West Alexander & Centennial Planned Development Overlay 1, as identified in revised Appendix "C"

## IMPLICATIONS OF THE RECOMMENDATIONS

Will modify Zoning By-law 200/2006 by adding an overlay district to the West Alexander and Centennial neighbourhoods

## FINANCIAL IMPACT

**Financial Impact Statement** **Date:** **March 20, 2009**

## Project Name:

**West Alexander and Centennial Planned Development Overlay 1 (PDO-1)**

**COMMENTS:**

The recommendation contained in this report is that By-law No. 200/2006 be amended, by adding Schedule L, the West Alexander & Centennial Planned Development Overlay 1, as identified in revised Appendix "C"

There are no financial implications associated with this recommendation.

Mike Ruta, FCA
Chief Financial Officer

## CONSULTATION

**In preparing this Report there was consultation with:**
N/A

## SUBMITTED BY

| | |
|---|---|
| **DEPARTMENT** | Planning, Property, and Development |
| **DIVISION** | Planning and Land Use |
| **PREPARED BY** | Michael Robinson, AICP |
| **DATE** | June 8, 2009 |
| **FILE NO.** | DAZ 201/2009 |

Appendix A

**REVISED REPORT**
**New Information in Section 5**

## REASON FOR THE REPORT

In accordance with recent changes to the Development Procedures By-law (By-law 5893/92), a proposed zoning by-law that would establish or amend the text of a zoning by-law (including establishing or amending a planned development overlay district) without changing the zoning classification of any land, and would affect land in only one community, shall be referred to the Community Committee for the community in which the land is located to conduct the public hearing.

The West Alexander and Centennial Neighbourhood Plan area is located in the ward of Point Douglas and within the boundaries of the Lord Selkirk-West Kildonan Community Committee. For that reason, this item is being heard at the Lord-Selkirk West Kildonan Community Committee.

## KEY ISSUES

**A. BACKGROUND:**
In April 2004, Council's Standing Policy Committee on Property and Development endorsed the initiation of a Secondary Plan for the West Alexander and Centennial Neighbourhoods, in order to:

*Strike a balance which supports and encourages growth and development of major institutions while protecting and enhancing the quality of the residential neighbourhoods.*
In response, the Planning, Property, and Development Department developed the Secondary Plan through a collaborative planning process with area residents, business owners, and leaders of major institutions including the Health Sciences Centre, the University of Manitoba, and the Canadian Science Centre for Human and Animal Health. This process also included close consultation with all affected City departments to address any issues related to development and redevelopment in West Alexander and Centennial, and to ensure that the City's requirements were incorporated into the plan's policies.
This Secondary Plan was adopted by City Council in July 2008.
One of the recommendations in the Plan was that a Planned Development Overlay District (PDO-1) be developed for the area in order to translate land use policies from the Plan into the Zoning By-Law, to ease administration of the Plan and Zoning By-Law, and to provide clarity for users of both documents.

**B. DISCUSSION:**

**1. Purpose of a PDO-1**

As outlined in Zoning By-law 200/2006, the purpose of a Planned Overlay District (PDO-1) is:

*To provide the means to alter or specify allowed uses and/or development standards in otherwise appropriate zones, in unique of special circumstances, in order to achieve local planning objectives in specially designated areas. A PDO-1 is appropriate when additional zoning controls are required to address an area-wide (rather than site specific) condition, or to implement an area-wide plan for the proposed district. PDO-1 districts are generally appropriate for areas with unique or special circumstances containing 10 or more parcels or containing 25 acres or more in area.*

A PDO-1 must also meet the following criteria:

1) *The proposed development rules are to implement **an adopted Secondary Plan** or an area-wide plan; or*
2) *The proposed development rules apply to land in more than one base zoning district*
3) *The proposed development rules are unique to the proposed area, and are not likely to be used in other areas of the City without significant changes*
4) *The proposed development rules contain relatively minor changes to the permitted and conditional uses in the underlying zoning district and/or minor changes to permitted dimensional standards applicable to the underlying zoning district*

The proposed PDO-1 meets all of the above criteria.

**2. PDO-1 (West Alexander and Centennial)**

The proposed PDO-1 (see Appendix B) is designed to implement the policies of the West Alexander and Centennial Secondary Plan, which was approved by Council in July 2008. The idea of the PDO-1 is not to create new policy, but to construct an effective tool to translate land use policies from the Plan into the Zoning By-Law, to ease administration of the Plan and Zoning By-Law, and to provide clarity for users of both documents.

**i. Format and Organization**

The PDO-1 is formatted in the same format as the Zoning By-law and is organized into six sections, which relate to distinct areas within the West Alexander and Centennial Secondary Plan. These areas are:

- Medium Density Residential
- Mixed Use Residential
- Commercial Mixed Use
- Commercial

- Institutional
- Industrial

Within each area are distinct regulations, which correlate with the land use policy for that area in the West Alexander and Centennial Secondary Plan.
In some cases, the PDO-1 is **more restrictive** than the Zoning By-law 200/2006 and in other cases; the PDO-1 is **less restrictive** than the Zoning By-law. In either case, the rationale for modifying the underlying zoning is based upon the Secondary Plan, which was the result of an inclusive, collaborative, multi-year planning process that considered the unique needs, conditions, and desires of this particular community.

**3. Rezonings**

It should also be noted that in accordance with recommendations in the West Alexander and Centennial Neighbourhood Plan, several properties are being considered for a City-initiated rezoning.

While the PDO-1 and rezonings work with and complement each other, they are separate items and each one is being considered independently of the other.

**4. Public Consultation**
All owners of properties that are being rezoned were contacted by mail and a public consultation open house was held on September 15, 2008. The PDO-1 was also mentioned in the letter and discussed at the open house.

***5. New Information***

At the public hearing regarding this matter on April 14, 2009, Community Committee stated that they felt that there should be some restrictions on new development or redevelopment of “M1” zoned properties, within the Residential Mixed Use area, in order to avoid land use conflicts with current and future residential properties.

Consequently, the Lord Selkirk-West Kildonan Community Committee adjourned the public hearing regarding this matter, in order to:

***allow the Winnipeg Public Service to meet with the four property owners outlined in the “Consultation” portion of the report for DAZ 200/2009 (whose properties are to remain zoned “M1”) and discuss possible restrictions to uses that are permitted in an “M1” zoning district but prohibited in an “RMU” zoning district.***

The Public Service met with these four property owners and discussed possible restrictions to uses – namely to make several industrial uses a conditional use and to make two industrial uses prohibited only for the “M1” zoned properties within the Residential Mixed Use Area. (see Option 2)

The Public Service received the following feedback to this proposal:

- 2 property owners did not object to the change
- 2 property owners objected to the change

The main objections to the conditional use were as follows:

- **Risk**
  That requiring a conditional use approval creates uncertainty and risk for property owners
- **Cost**
  That requiring a conditional use approval will add additional costs to development. (Currently, a conditional use application is approximately $1,000)

- **Time**
  That requiring a conditional use approval will add extra time. (Currently, a conditional use approval is typically 4-8 weeks)
- **Taking away rights**
  That requiring a conditional use approval will take away vested rights and will be harmful to both the value of their property as well as future resale of their property.
- **Lack of flexibility**
  That requiring a conditional use would limit future prospective uses, which are difficult to contemplate in advance

### *i. Next Steps*

At this time, the Public Service is providing three different options to address the concern about industrial uses.

#### *a. Option 1*

Include an administrative plan approval for new development or redevelopment of “M1” zoned properties in the RMU area.

*Risk*
Does not require a public hearing. The scope of the review is specific and focused on issues of concern, and not focused on issues that are irrelevant to the development application. This provides more predictability and certainty for both the property owner and the City.

*Cost*
Currently, the cost of a plan approval review is approximately $175.00

*Time*
The review is done administratively, so the timeline is shortened significantly. Assuming that there are no major issues, most plan approvals can be done within 1-2 weeks.

*Taking away rights/lack of flexibility*
Requiring this review would not change the underlying zoning or restrict any of the currently permitted uses.

If this option is chosen, the provision would be included in the Residential Mixed Use Section of the PDO-1, and would read as follows:

***Design Review***
(7) Notwithstanding other provisions of this By-law, within the Residential Mixed Use Area, on properties zoned "M1" Manufacturing District, all development, redevelopment, or expansion visible from the public right of way is subject to site plan review and must be approved by the Director of Planning, Property, and Development or designate, prior to commencement. Approval, as set out herein, is only required if a building or development permit is required.

***Design Review Considerations***
(7) Review of development, redevelopment, or expansion is intended to ensure the thoughtful integration of such proposals into their local context and consistency with the general purpose of the "RMU" Residential Mixed Use District of Zoning By-law 200/2006 and the policies of the Residential Mixed Use Area, as outlined in the West Alexander and Centennial Neighbourhood Plan. Design review will focus on a proposal's consistency and compatibility with the standards of the "RMU" Residential Mixed Use District of Zoning By-law 200/2006, where appropriate and reasonable.

**b. Option 2**
Change some permitted industrial uses to conditional or prohibited for "M1" zoned properties in the RMU area

Whereas the downsides are potential risk, cost, time, and perceived taking away of rights (as identified above), one upside is that this process allows the public to make representation.

If this option is chosen, the provision would be included in the Residential Mixed Use Section of the PDO-1, and would read as follows:

Conditional Uses

(3) Notwithstanding other provisions in this By-law, in the Residential Mixed Use Area, the following use may be approved as a conditional use where it is otherwise permitted:
(a) Warehouse
(b) Light manufacturing
(c) Wholesaling
(d) Fleet Services
(e) Contractor's Establishment
(f) Parking, structured
(g) Fuel Sales
(h) Drive in or drive-through
(i) Car wash

(j) Auto/light truck/motorcycle, Sales and rental
(k) Auto/light truck/motorcycle, repair and service
(l) Kennel
(m) Amusement enterprise, outdoor

Permitted Use Restrictions

(4) Notwithstanding other provisions in this By-law, in the Residential Mixed Use Area, the following uses shall be prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:
(d) Truck or Freight Yard
(e) Recycling Plant

**c. Option 3**

This is status quo. There would be no change to the existing "M1" zoning, for the four subject property owners, and no additional review or restrictions on their property. This is also the default option, which will happen if no other option is selected.

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Attachments
Appendix "B" – Amending By-law
Revised Appendix "C" – West Alexander and Centennial PDO-1

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Appendix B – Amending By-law

**THE CITY OF WINNIPEG**

**BY-LAW NO. /2009**

A By-law of **THE CITY OF WINNIPEG** to amend Winnipeg Zoning By-law No. 200/2006 to adopt the West Alexander & Centennial Planned Development Overlay 1.

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

1 *Winnipeg Zoning By-Law No. 200/2006 is amended by adopting the attached document, entitled "West Alexander & Centennial Planned Development Overlay 1 (PDO-1 West Alexander & Centennial)", as a Planned Development Overlay 1 district and adding it as Schedule L after Schedule K.*

RECEIVED FIRST READING on this day of , 2009.

RECEIVED SECOND READING on this day of , 2009.

RECEIVED THIRD READING on this day of , 2009.

**DONE AND PASSED** this day of , 2009.

_____
Mayor

_____
City Clerk

Approved as to planning details:

_____
*for* Planning, Property & Development

Approved as to form:

_____
*for* A/City Solicitor/Manager of Legal Services

Revised Appendix C - Schedule L - West Alexander and Centennial PDO-1

## SCHEDULE L

**WEST ALEXANDER & CENTENNIAL PLANNED DEVELOPMENT OVERLAY 1 (PDO-1 WEST ALEXANDER & CENTENNIAL)**

**Purpose**

1. The purpose of this overlay is to implement the policies of the West Alexander & Centennial Neighbourhood Plan.

**Applicability**

2. The PDO-1 West Alexander & Centennial overlay district is shown on the attached map, identified as PDO-1 West Alexander & Centennial Principal Overlay Map.

**Development Standards**

3. Except to the extent modified by the standards in this overlay, all standards of this By-law, including the design standards in sections 206 to 211, apply in the West Alexander & Centennial Plan area.

**Area 1**

**4. Medium Density Residential Area**




***Applicability***

(1) The Medium Density Residential Area is shown in yellow on Map 1.

***Rationale***

(2) See intent statement for the Medium Density Residential Area in the West Alexander & Centennial Neighbourhood Plan.

***Permitted Use Restrictions***

(3) Notwithstanding other provisions of this By-law, in the Medium Density Residential Area, the following uses shall be prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

(a) The expansion of or establishment of a Single Room Occupancy.

***Dimensional Standards***

(4) Notwithstanding other provisions in this By-law, in the Medium Density Residential Area, development must comply with the dimensional standards in this subsection.

***Height of Principle Buildings***

(a) 1. 40 feet for buildings fronting or flanking on the following streets:

i) William Avenue;
ii) Bannatyne Avenue;
iii) McDermot Avenue;

2. 35 feet for all other streets .

***Lot size***

(b) The minimum lot area is 2,500 square feet.

**Area 2**

**5. Residential Mixed Use Area**

***Applicability***

(1) The Residential Mixed Use Area is shown in gold on Map 2.




***Rationale***

(2) See intent statement for the Residential Mixed Use Area in the West Alexander & Centennial Neighbourhood Plan

***Permitted Use Restrictions***

(3) Notwithstanding other provisions in this By-law, in the Residential Mixed Use Area, the following uses shall be prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

(a) The expansion of or establishment of a Single Room Occupancy;
(b) Drinking establishment;
(c) Parking, surface (as a principle use)

***Use Specific Standards***

(4) Notwithstanding other provisions in this By-law, in the Residential Mixed Use Area, the following uses are limited to the specified amount of gross floor area:

(a) Retail sales: 2,500 square feet;
(b) Personal services: 2,500 square feet;
(c) Medical, Dental, Optical Counselling Clinic: 1,500 square feet;
(d) Offices: 2,500 square feet.

***Dimensional Standards***

(5) Notwithstanding other provisions in this By-law, in the Residential Mixed Use Area development must comply with the dimensional standards in this subsection.

***Height of Principle Buildings***

(a) For properties zoned "RMU" Residential Mixed Use

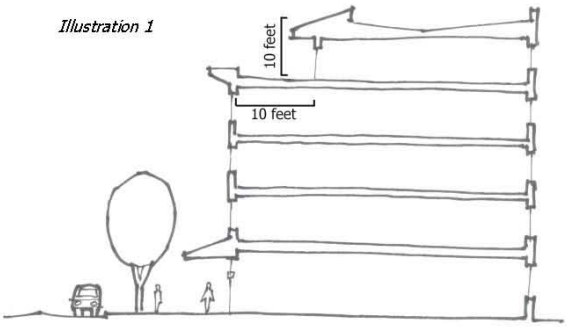
1) 50 feet, only for developments meeting the following criteria;
   i) The lot area is a minimum of 9,000 square feet;

ii) The fifth story is setback from the street, at a distance equal to or greater than the height of the fifth story;

2) 40 feet, in all other instances

The fifth storey setback is equal to the height of the fifth storey

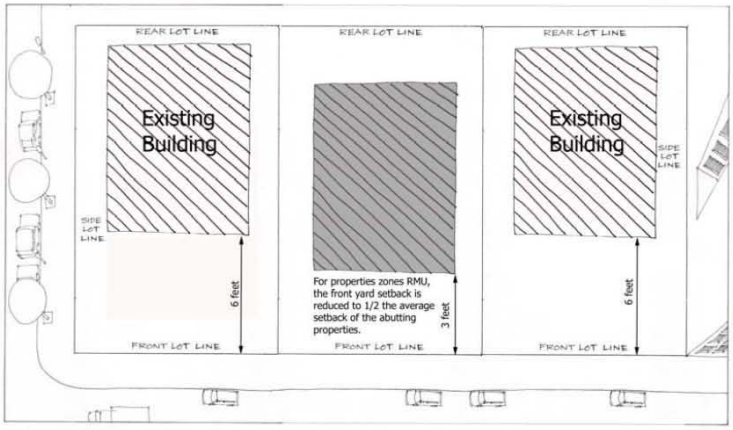
*Illustration 1*




***Required Yards***

(b) On properties zoned "RMU" Residential Mixed Use, the minimum front yard setback is ½ the average setback of the existing front yards on that block or portion of the block (see Illustration 2). In the case of a corner lot, the minimum front yard setback is either the average setback of the two nearest properties on the same block or the average setback for all properties facing the same street on the same block.

*Illustration 2*



***Minimum Lot Area per Dwelling Unit***

(c) On properties zoned "RMU" Residential Mixed Use, the minimum lot area is 1,000 square feet per dwelling unit.

***Lot size***

(d) On properties zoned "RMU" Residential Mixed Use, the minimum lot area is 2,500 square feet.

**Area 3**

**6. Commercial Mixed Use Area**

***Applicability***

(1) The Commercial Mixed Use Area is shown in brown on Map 3.




***Rationale***

(2) See intent statement for the Commercial Mixed Use Area in the West Alexander & Centennial Neighbourhood Plan

***Permitted Use Restrictions***

(3) Notwithstanding other provisions of this By-law, in the Commercial Mixed Use Area, the following uses shall be prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

(a) Auto/light truck/motorcycle, repair and service;
(b) Auto/light truck/motorcycle, sales and rental;
(c) Parking, surface (as a principle use);
(d) Drive-in or drive-through (as a principle use);

(4) Notwithstanding other provisions in this By-law, within the Commercial Mixed Use Area, the following uses may be approved only as conditional uses, where they are otherwise permitted:

(a) Fuel sales;
(b) Car wash;
(c) Parking, structured;
(d) Drive-in or drive-through (as an accessory use)

***Use Specific Standards***

(5) Notwithstanding other provisions of this By-law, in the Commercial Mixed Use Area, the following uses are limited to the specified amount of gross floor area:
(a) Amusement enterprise, indoor: 2,500 square feet;
(b) Medical/dental/optical counselling clinic: 5,000 square feet;
(c) Restaurant: 2,500 square feet;
(d) Retail sales (unless otherwise listed): 5,000 square feet;
(e) Personal services (unless otherwise listed): 5,000 square feet.

***Dimension Standards***

(6) Notwithstanding other provisions of this By-law, in the Commercial Mixed Use Area, development must comply with the dimensional standards listed in this subsection.

***Height of Principle Buildings***

(a) The maximum height of a principal building is 49 feet.

**Area 4**
**7. Commercial Area**




***Applicability***
(1) The Commercial Area is shown in red on Map 4.

***Rationale***
(2) See intent statement for the Commercial Area in the West Alexander & Centennial Neighbourhood Plan.

***Permitted Use Restrictions***
(3) Notwithstanding other provisions of this By-law, in the Commercial Area, the following uses shall be prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:
(a) Pawn shop;
(b) X-rated store.

(4) Notwithstanding other provisions of this By-law, in the Commercial Area, the following uses may be approved only as conditional uses, where they area otherwise permitted:
(a) Drinking establishments;
(b) Parking, surface (as a principal use)

**Area 5**
**8. Institutional Area**




***Applicability***

(1) The Institutional Area is shown in purple on Map 5.

***Rationale***

(2) See intent statement for the Institutional Area in the West Alexander & Centennial Neighbourhood Plan.

***Dimensional Standards***

(3) Notwithstanding other provisions of this By-law, in the Institutional Area, development must comply with the dimensional standards in this subsection.

***Height of Principal Buildings***

(a) The maximum height of a principal building is as follows:

(i) The maximum height of a principal building is as follows:

(A) on the east side of Tecumseh Street, between Notre Dame and William Avenues, within 104 feet of the Institutional Area boundary, five storeys or 52 feet, whichever is less;

(B) on the north side of Notre Dame Avenue, west side of Sherbrook Street, and east side of Arlington Street, within 200 feet of the Institutional Area boundary, 10 storeys or 100 feet, whichever is less;

(C) on all other streets, within 90 feet of the Institutioanal Area boundary, five stories in height or 45 feet, whichever is less.

(ii) For the purpose of determining the maximum height of a principal building in the Institutional Area, the distance from an Institutional Area boundary is measured from the nearest property line outside of the Institutional Area

(iii) When height boundary areas overlap, the more restrictive standard applies

(iv) The maximum building height may be increased 1 foot for every 2 feet from the Institutional Area boundary, up to a maximum of 200 feet or 20 storeys, whichever is less. (see Illustrations 3 and 4).

*Illustration 3*

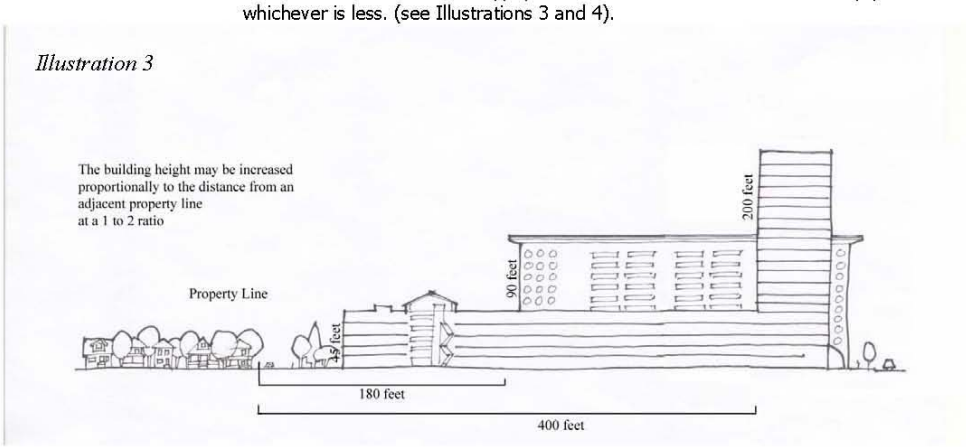
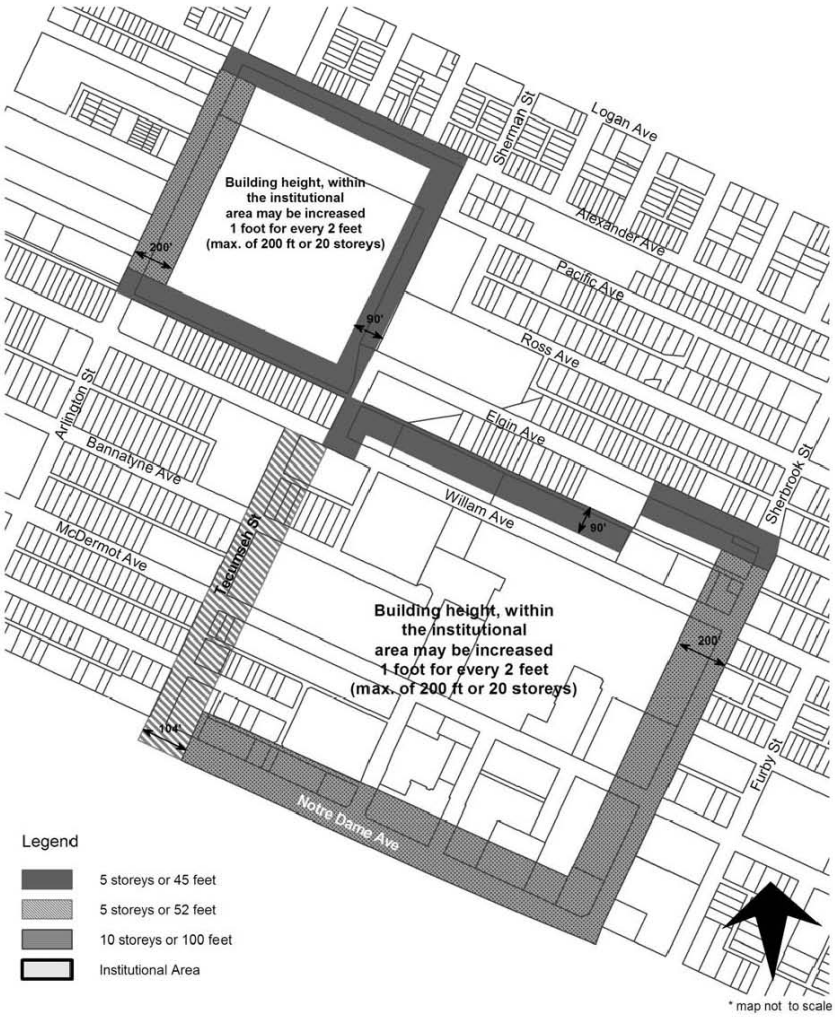


*Illustration 4*

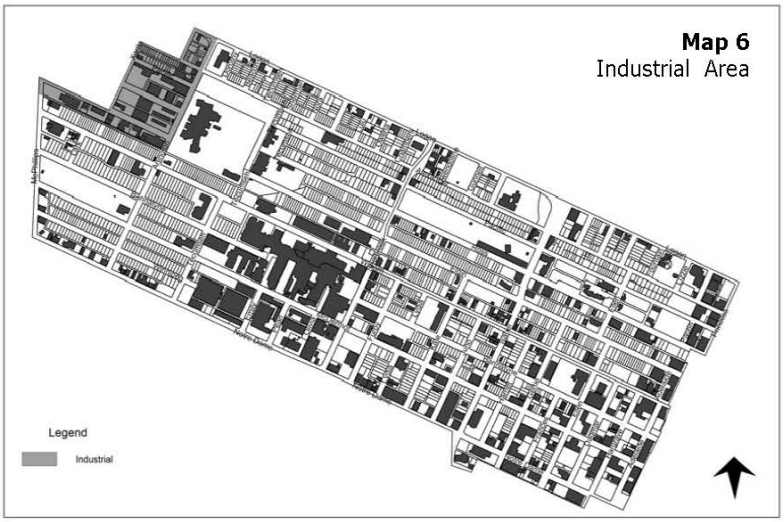


**Area 6**

**9. Industrial Area**

***Applicability***

(1) The Industrial Area is shown in grey on Map 6.




***Rationale***

(2) See intent statement for the Industrial Area in the West Alexander & Centennial Neighbourhood Plan

***Permitted Use Restrictions***

(3) Nothwithstanding other provisions of this By-law, in the Industrial Area, the following use may be approved only as a conditional use, where it is otherwise permitted:

(a) Parking, surface (as a principal use)

**West Alexander and Centennial PDO-1**
**Principal Overlay Map**

