**THE CITY OF WINNIPEG**

**BY-LAW NO. 68/2003**

**A By-law of the City of Winnipeg to amend The Development Procedures By-law and The Board of Adjustment By-law.**

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

1. The Development Procedures By-law is amended

(a) by repealing section 12 and substituting:

**BOARD OF ADJUSTMENT ORDERS**

12. Subject to section 6, conditional use applications and variance applications, other than those in respect of which the director makes an order pursuant to sections 14 or 14.1, shall be referred to the Board of Adjustment established by *The City of Winnipeg Charter*, to be dealt with in accordance with this by-law and The Board of Adjustment By-law.

(b) by adding the following after section 14:

**CONDITIONAL USE ORDERS BY THE DIRECTOR**

14.1 (1) The director may consider and make decisions in respect of applications for the types of conditional uses specified in subsection (2), in accordance with *The City of Winnipeg Charter*.

(2) The director may consider and make decisions in respect of applications for the following types of conditional uses:

**Home Occupations**

(a) A conditional use to allow a home occupation under The Winnipeg Zoning By-law.

**Downtown**

(b) Any conditional use under The Downtown Winnipeg Zoning By-law.

(3) The director may approve an application for a conditional use subject to conditions that will ensure that such use meets the criteria set out in *The City of Winnipeg Charter*. The director shall not make the approval of a conditional use subject to conditions unless the applicant for the

conditional use has been given a reasonable opportunity to make submissions respecting the conditional use.

(c) by repealing section 18 and substituting:

**NOTICE OF DIRECTOR'S ORDER AND RIGHT TO APPEAL**

18. (1) When the director makes a decision on an application for a variance or a conditional use, the director shall give notice of the decision in accordance with *The City of Winnipeg Charter*.

(2) Any decision by the director on an application for a variance or a conditional use may be appealed to the appeal committee, in accordance with *The City of Winnipeg Charter*.

(3) Where a decision of the director on an application for a variance or a conditional use is appealed, the City shall give notice of the appeal hearing in accordance with section 9. The appeal committee shall conduct a hearing on the appeal and give its decision on the appeal, in accordance with *The City of Winnipeg Charter*.

2. The Board of Adjustment By-law is amended by striking out "all" and "those" in section 4(1)(a).

**DONE AND PASSED**, in Council assembled, this day of , 2003.

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Mayor

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City Clerk

Certified as to form:

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for City Solicitor/Manager of
Legal Services

File No. P.3.10 WRS