Minutes – Executive Policy Committee – September 15, 2010

Minute No. 495
Report – Standing Policy Committee on Property and Development – September 14, 2010

Item No. 1 **Text Amendment – The City of Winnipeg Zoning By-law No. 200/2006 – Downtown Transcona Planned Development Overlay-1 (Transcona Ward)**
File DAZ 206/2010

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submits the following to Council:

1. That Winnipeg Zoning By-law No. 200/2006 be amended as outlined in Appendix "B" by adding Schedule “M”, the Downtown Transcona Planned Development Overlay-1, contained in the Winnipeg Public Service report as Appendix "C".

2. That the Downtown Transcona Urban Design Guidelines be approved by the East Kildonan-Transcona Community Committee and the Standing Policy Committee on Property and Development, shown on Appendix “D” to the report of the Winnipeg Public Service dated May 18, 2010, with the following amendment, namely:

   A. That sandwich board signs on sidewalks be permitted subject to the design review and approval process as set out in the Downtown Transcona Planned Development Overlay-1 By-law.

3. That the Winnipeg Public Service be directed to review the Winnipeg Zoning By-law No. 200/2006, Encroachment By-law No. 692/74 and Public Works internal administrative policies and practices to ensure there is consistency regarding the minimum vertical clearance for projections over the sidewalk.

4. That Schedule A of the Neighbourhood Liveability By-law No. 1/2008 be amended to name Regent Avenue between Winona and Kanata Streets as a designated street to prohibit temporary signs in the street right-of-way, with the exception of sandwich board signs on sidewalks.

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

Minutes – Executive Policy Committee – September 15, 2010

Report – Standing Policy Committee on Property and Development – September 14, 2010

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Steeves,

That the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 14, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendment, namely:

- Delete Recommendation 5. in its entirety and renumber the remaining Recommendation accordingly,

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

On July 6, 2010, the Standing Policy Committee on Property and Development laid over the matter for thirty (30) days.

On June 8, 2010, the Standing Policy Committee on Property and Development laid over the matter to its meeting on July 6, 2010.

Report – Standing Policy Committee on Property and Development – September 14, 2010

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On May 25, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments, namely:

- Delete Recommendation 1. in its entirety and replace with the following:

  "1. That Winnipeg Zoning By-law No. 200/2006 be amended as outlined in Appendix "B" by adding Schedule "M", the Downtown Transcona Planned Development Overlay-1, contained in the Winnipeg Public Service report as Appendix "C"."

- Amend Recommendation 2. by adding the following after "May 18, 2010,"

  "with the following amendment, namely:

  A. That sandwich board signs on sidewalks be permitted subject to the design review and approval process as set out in the Downtown Transcona Planned Development Overlay-1 By-law."

- Amend Recommendation 4. by adding the following after "right-of-way",

  "with the exception of sandwich board signs on sidewalks."

- Add the following Recommendation 5. and renumber the remaining recommendation accordingly:

  5. That Schedule "M" be amended so as to prohibit drug paraphernalia stores (Head Shops) in all areas of the Downtown Transcona Planned Development Overlay-1.

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

RE: **Text Amendment: - The City of Winnipeg Zoning By-law No. 200/2006 – Downtown Transcona Planned Development Overlay-1 File DAZ 206/2010**

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **May 27, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 25, 2010, the East Kildonan-Transcona Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

~~***1. That Winnipeg Zoning By-law No. 200/2006 be amended by adding Schedule M, the Downtown Transcona PDO-1, attached as Appendix "C".***~~

1. That Winnipeg Zoning By-law No. 200/2006 be amended as outlined in Appendix "B" by adding Schedule "M", the Downtown Transcona Planned Development Overlay-1, contained in the Winnipeg Public Service report as Appendix "C".

2. That the Downtown Transcona Urban Design Guidelines be approved by the East Kildonan-Transcona Community Committee and the Standing Policy Committee on Property and Development, shown on Appendix "D" to the report of the Winnipeg Public Service dated May 18, 2010***, with the following amendment, namely:***

    A. That sandwich board signs on sidewalks be pemitted subject to the design review and approval process as set out in the Downtown Transcona Planned Development Overlay-1 By-law.

3. That the Winnipeg Public Service be directed to review the Winnipeg Zoning By-law No. 200/2006, Encroachment By-law No. 692/74 and Public Works internal administrative policies and practices to ensure there is consistency regarding the minimum vertical clearance for projections over the sidewalk.

4. That Schedule A of the Neighbourhood Liveability By-law No. 1/2008 be amended to name Regent Avenue between Winona and Kanata Streets as a designated street to prohibit temporary signs in the street right-of-way, ***with the exception of sandwich board signs on sidewalks.***

5. That Schedule "M" be amended so as to prohibit drug paraphernalia stores (Head Shops) in all areas of the Downtown Transcona Planned Development Overlay-1.

6. 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 East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. There were numerous public consultations that took place across the community, that speaks to the fact the there was nobody registered in opposition to the Downtown Transcona Planned Development Overlay.

2. The concept of the Downtown Transcona Planned Development Overlay-recognizes the historic uniqueness of Downtown Transcona as an area of commerce.

3. There is a growing feeling in the Community.

4. We are raising the standard to ensure there is a higher level of design and which improves the amenities and aesthetics of Downtown Transcona.

5. This will be a tool both for business and residents in the area.

PUBLIC HEARING SUMMARY

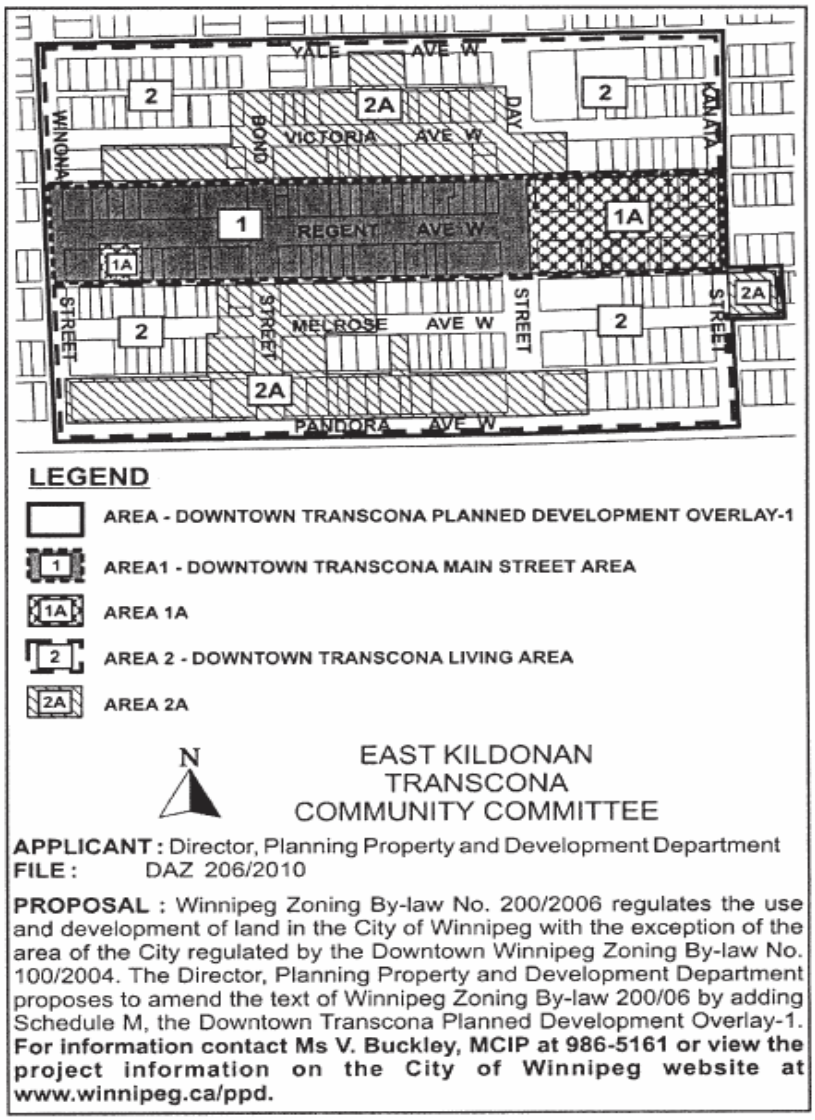
File: DAZ 206/2010

Before: East Kildonan-Transcona Community Committee
Councillor Browaty, Chairperson
Councillor Wyatt

Public Hearing: May 25, 2010
Bronx Park Community Centre
720 Henderson Highway

Applicant: The Director of Planning, Property and Development

Subject:



Exhibits Filed:

1. Statutory Public Notice (newspaper Advertisements)
2. Report from the Planning and Land Use Division dated May 18, 2010
3. Communication dated May 25, 2010, in support of the application, from Debbie Neufeld, Vice President and Wendy Galagan, Executive Director, Transcona Business Improvement Zone, submitted at the public hearing
4. Audio Recording of representations

REPRESENTATIONS:

In Support:

Valdene Buckley, Manager of Regulatory Reform, Planning, Property and Development Department
Wendy Galagan, Executive Director, Transcona Business Improvement Zone
Debbie Neufeld, Vice President, Transcona Business Improvement Zone
Rodney Neufeld
Susan Russel, McGowan Russell Design Group Inc.
Greg Sholdra

In Opposition:

Nil

For Information:

Carpy Lopez and Fabian Albarran Jonathan Warren

Exhibit "2" referred to in File DAZ 206/2010

ADMINISTRATIVE REPORT

Title: **DAZ 206/2010 – Downtown Transcona Planned Development Overlay**

Issue: **For consideration at the public hearing for a Zoning By-law text amendment – DAZ 206/2010**

Critical Path: **East Kildonan-Transcona Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter***

AUTHORIZATION

Author	Department Head	CFO	CAO
D Himbeault	N/A	N/A	

RECOMMENDATIONS

1. That Winnipeg Zoning By-law No. 200/2006 be amended by adding Schedule M, the Downtown Transcona PDO-1, attached as Appendix "C".
2. That the Downtown Transcona Urban Design Guidelines be approved by the East Kildonan-Transcona Community Committee and the Standing Policy Committee on Property and Development, attached as Appendix "D".
3. That the Winnipeg Public Service be directed to review the Winnipeg Zoning By-law, Encroachment By-law and Public Works internal administrative policies and practices to ensure there is consistency regarding the minimum vertical clearance for projections over the sidewalk.
4. That Schedule A of the Neighbourhood Liveability By-law be amended to name Regent Avenue between Winona and Kanata streets as a designated street to prohibit temporary signs in the street right-of-way.
5. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Under subsection 4(2.01) of the Development Procedures By-law, a proposed Zoning By-law which 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. This report proposes

to amend the text of the Winnipeg Zoning By-law to create a Planned Development Overlay specific to the Downtown Transcona area.

IMPLICATIONS OF THE RECOMMENDATIONS

- Policy implications – The proposed Planned Development Overlay is consistent with the intent of policies in Plan Winnipeg 2020 Vision to encourage compact urban form and mixed use development and promotes the creation of a safe, attractive and vibrant neighbourhood.
- Regulatory implications – Creates a new set of customized development and building rules in the Downtown Transcona neighbourhood main street area. Existing uses that do not comply with the new rules will maintain a non-conforming right to continue, but will be subject to application of the new rules upon redevelopment, renovation, expansion or change of use.
- General implications – All new development within the PDO area will be subject to customized development and design standards to respect the unique character of the area. Adoption of a Planned Development Overlay will make the City's expectations for development more transparent and predictable.

HISTORY

On March 3 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee that a Planned Development Overlay (PDO) District be created for Downtown Transcona in collaboration with the Transcona Business Improvement Zone (BIZ). Further, the Committee indicated that such a PDO District should work on striking a balance between enhancing the existing main street village characteristics which gives Downtown Transcona its unique identity while concurrently supporting and encouraging development of residential, commercial and mixed use land uses which will revitalize this historic neighbourhood. The PDO will create a set of customized design and development standards for the Downtown Transcona area. (See further discussion about PDOs in Appendix A).

The PDO proposes to establish an enabling framework to protect and enhance the character of Downtown Transcona as a town centre. To accomplish this, new regulations in the PDO will be implemented to shape how buildings and spaces in the Downtown Transcona area can be developed. Some of these new regulations will be more restrictive while others will be less restrictive. Different sets of regulations will be applied in each subarea specifically designed to reflect the unique character and vision for that area. The following design elements are addressed:

- building height and form
- movement framework
- building placement
- building and site design
- signage
- land use
- compatibility with adjacent properties

As new development applications are received by the Winnipeg Public Service, they will be reviewed in the context of the PDO. The PDO is not retroactive and does not apply to existing development or applications in process prior to adoption of the PDO.

Following is a summary of the key changes to the zoning by-law proposed for the PDO:

In the Main Street Area,

- Some land uses will be changed from Permitted and Conditional uses to Prohibited uses (e.g., pawnshops, cheque cashing facilities, x-rated stores, drive in or drive through, advertising signs and some auto-oriented uses).
- Residential uses will be changed from Conditional uses to Permitted uses in Area 1A but will be subject to Use Specific Standards to direct them to upper floors.
- Uses that may have potential compatibility issues with adjacent development will be changed from Permitted uses to Conditional uses. A Conditional use requires additional scrutiny and public review before it can be approved (e.g., auto repair and service, drinking establishments).
- Other uses will be made subject to use specific standards to mitigate possible impacts on the surrounding neighbourhood, for example, to limit their size, scale or operational impacts (e.g., drinking establishment, retail sales.
- Certain design and development standards will be established to manage the siting and massing of buildings and uses on lots to improve the quality of design and the neighbourhood aesthetics. This includes enhanced requirements for building height, front yards, signage, and accessory parking and loading areas. For example, the portion of a building exceeding 35 feet in height must be setback from the front property line at least 10 feet.
- Additional landscaping and buffering provisions are recommended to enhance the natural elements of the urban landscape, over and above what is required by the zoning by-law in all areas of the city, particularly for parking lots. For example, a standard screen fence must be provided and building entrances must face Regent Avenue.

In the Living Area,

- Some land uses have been changed from Permitted and Conditional uses to Prohibited uses (e.g., pawnshops, cheque cashing facilities, x-rated stores, drive in or drive through, advertising signs, auto-oriented uses, industrial uses, and commercial uses except within the subarea).
- Uses that may have potential compatibility issues with adjacent development will be changed from Permitted uses to Conditional uses. A Conditional use requires additional scrutiny and public review before it can be approved (e.g., auto repair and service, car wash, drinking establishments).
- Other uses will be made subject to use specific standards to mitigate possible impacts on the surrounding neighbourhood, for example, to limit their size, scale or operational impacts (e.g., drinking establishment, retail sales, restaurant, office, personal services).
- Certain design and development standards will be established to manage the siting and massing of buildings and uses on lots to improve the quality of design and the neighbourhood aesthetics. This includes enhanced requirements for building height, front yards, signage, and accessory parking and loading areas. For example, building height is limited to 80 feet and parking is not allowed in the front yard.

- Additional landscaping and buffering provisions are recommended to enhance the natural elements of the urban landscape, over and above what is required by the zoning by-law in all areas of the city, particularly for parking lots.

Urban design guidelines will be included as a supplement to the PDO to 'raise the bar' on neighbourhood aesthetics and achieve a higher level of building design. The guidelines will include details on the following design elements: building materials, building form and style, scale, rhythm of openings, site design, parking lot design and layout, and fencing. All new development will be subject to design review by the Director or the East Kildonan-Transcona Community Committee.

Other development issues were identified by the stakeholders and participants during the consultation process. Some of these issues complement the introduction of the PDO and support the objective of promoting a vibrant and thriving downtown Transcona. The consulting team recommended that the following items (outlined in bold text) be brought forward for consideration. The Winnipeg Public Service response is provided (in italic text) below:

- **Several lots on the north side of Pandora Avenue between Day and Winona streets are zoned M1 Manufacturing Light whereas the existing uses of the properties are commercial and residential. A rezoning to the appropriate residential and commercial zoning districts should be initiated to rationalize the zoning of these properties to match the existing land uses.** *This zoning amendment has been initiated and will be forthcoming under a separate report.*
- **The minimum vertical clearances required to the base of projecting signs, awnings, canopies, etc above sidewalk grade specified in the Winnipeg Zoning and Encroachment by-laws are not consistent. In addition, neither meets the minimum vertical clearance recommended by the Public Works Department for snow clearing.** *The Winnipeg Public Service should be directed to convene an inter-departmental review process involving the Planning Property and Development and Public Works departments to establish a consistent policy and bring forward the necessary amendments to the Zoning and Encroachment by-laws (See Recommendation 3).*
- **Drug paraphernalia stores ('headshops') are considered by the community to have a negative impact on the character and safety of Downtown Transcona and should be prohibited.** Selling drug paraphernalia is a criminal offence under the Criminal Code. As such, regulating the location of an illegal activity through land use by-laws may be open to legal challenge. The Winnipeg Public Service has been requested to provide recommendations on the regulation of permitted locations for headshops. This is an issue with broad, city-wide implications that should be addressed at the Standing Policy Committee level rather than in a local context.
- **Stakeholders, business associations and community members support the prohibition of advertising signs (including kiosks and sandwich boards) in the street right-of-way.** *The Neighbourhood Livability By-law can be amended to name Regent Avenue between Winona and Kanata streets as a designated street in Schedule A of the by-law to prohibit temporary signs in the street right-of-way (See Recommendation 4).*
- **The Winnipeg Parking Authority should be directed to prepare a parking management plan to address issues of inadequate and conflicting demands for**

parking. *The Transcona BIZ should be encouraged to work with the Parking Authority to determine if this is required and feasible.*

- **A Secondary Plan should be prepared to discourage the encroachment of commercial uses into the surrounding residential area outside the Downtown Transcona PDO boundary to protect existing housing stock and support Regent Avenue as the Neighbourhood Main Street.** *Transcona is not currently on the list of approved Secondary Plan projects for the Planning Property and Development Department. In addition, the forthcoming Our Winnipeg plan and Complete Communities Direction Paper will provide further identification of priority areas for local area planning and a complement of tools to achieve the objective of a strong neighbourhood mixed use centre.*
- **Encourage the development of public gathering spaces, including a large pedestrian plaza at a prominent location along Regent Avenue, seating areas and patios.** *The Transcona BIZ will work with the City to address the acquisition of land and funding for streetscape improvements.*
- **All development (on private land) should be compliant with the City of Winnipeg Universal Design Policy where private land intersects with public property.** *The City has prepared Accessibility Design Standards that are applied to projects on City-owned or leased land or projects funded by the City. Use of these standards should be encouraged along with the concept of Crime Prevention through Environmental Design (CPTED). There is currently no requirement to apply these standards on privately-owned land.*

FINANCIAL IMPACT

N/A

CONSULTATION

In preparing this report there was consultation with:

- Legal Services
- Downtown Transcona Business Improvement Zone

SUBMITTED BY

Department: Planning Property and Development Department
Division: Planning and Land Use
Prepared by: Valdene Buckley, MCIP
Date: May 18, 2010
File No. DAZ 206/10

Attachments:
Appendix A: Planning Discussion
Appendix B: Draft Amending By-law
Appendix C: Schedule M - Downtown Transcona Planned Development Overlay-1
Appendix D: Downtown Transcona Urban Design Guidelines

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Planning Discussion

The Winnipeg Zoning By-law provides for the creation of Planned Development Overlays (PDOs). A PDO allows zoning rules to be customized for a unique or special area to achieve local planning objectives. The Overlay modifies the bundle of development standards applied to each property. Guidance in drafting the rules typically flows from a small area or Secondary Plan adopted in the area.

The proposed Downtown Transcona PDO builds upon several years of work conducted in the area over the past several years by the City, the Transcona Business Improvement Zone (BIZ) and the community. In May 2008, the Transcona BIZ and the City of Winnipeg contracted with McGowan Russell Design Group to prepare a Downtown Streetscape Revitalization Strategy. The intent of the strategy was to evaluate and identify the immediate streetscape concerns of the downtown area and provide a direction for the revitalization and long term viability of downtown Transcona’s streetscape. The streetscape strategy established a desired character and theme for the 12 block downtown area bounded by Winona on the west, Kanata on the east, Yale on the north and Pandora on the south. The PDO is a logical extension of the previous work to build on the solid foundation established and create an enabling framework to manage new development in a manner consistent with the neighbourhood’s vision.

In the absence of a Secondary Plan for the area, in January 2010 a consulting team consisting of Dillon/McGowan Russell was hired to undertake a neighbourhood visioning exercise and prepare a PDO for Downtown Transcona. The team conducted a public consultation program consisting of facilitated sessions and open houses with residents, business owners, BIZ members and property owners. Public response to the PDO initiative was overwhelmingly positive. The Transcona BIZ is also very supportive of the project.

As a result of the public consultation exercise, the Downtown Transcona area was divided into 2 major precincts ~ a Downtown Main Street area along Regent Avenue and a Downtown Living Area on either side of Regent. Draft PDO regulations were established for each area.

The intent of the Downtown Transcona PDO is to promote and enhance Regent Avenue as Transcona’s historic main street by:

- encouraging the intensification of commercial businesses with a neighbourhood focus;
- establishing a theme to achieve a certain character of the area;
- facilitating and guiding development of the surrounding neighbourhood to support the local business area; and,
- encouraging the intensification and diversification of residential uses to create a thriving pedestrian-oriented environment.

Non-conforming rights
Existing uses that do not comply with the new PDO rules will maintain a non-conforming right to continue, but will be subject to application of the new rules upon redevelopment, renovation, expansion or change of use. The administrative sections of the Zoning By-law related to non-conforming rights or the Zoning and Permits Branch should be consulted in this regard, but generally the following principles apply:

- Any use within the PDO area which complies at the time of adoption of the PDO may continue as a non-conforming use. Where a non-conforming use is discontinued for 12 consecutive months, the land or building may not be used unless it is brought into conformity with the by-law.
- If the proposed PDO is adopted, there will be a number of permitted uses which are complying under the C1 and C2 zoning districts, but become conditional uses by the application of the PDO (i.e., fuel sales, drinking establishments, etc). These existing uses will be deemed to have been approved as a conditional use and will remain in compliance with the by-law.
- The PDO proposes that some uses which are currently permitted under the C1 and C2 zoning districts would be prohibited under the PDO and would therefore become non-conforming. These existing uses would be allowed to continue in perpetuity providing the use was not discontinued for longer than 1 year.
- In general, the expansion of a non-conforming use is not allowed.
- Expansion of a non-conforming structure must be in compliance with the Zoning By-law and the new PDO regulations.

Appendix “B”

THE CITY OF WINNIPEG

BY-LAW NO. /2010

A By-law of The City of Winnipeg to amend the Winnipeg Zoning By-law No. 200/2006 to adopt the Downtown Transcona Planned Development Overlay 1.

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

1 *The Winnipeg Zoning By-law No. 200/2006 is amended by adopting the attached document, entitled “Downtown Transcona Planned Development Overlay 1 (PDO-1 Downtown Transcona)”, as a Planned Development Overlay 1 district and adding it as Schedule M after Schedule L.*

DONE AND PASSED this th day of , 2010.

_____
Mayor

_____
City Clerk

Approved as to planning details:

_____ _____
for Director of Planning, Property and Development

Approved as to form:

_____ _____
James Carter
for Director of Legal Services and City Solicitor

SCHEDULE M

added TBD

DOWNTOWN TRANSCONA PLANNED DEVELOPMENT OVERLAY 1 (PDO-1 DOWNTOWN TRANSCONA)

Purpose

1. To protect and enhance the character of Downtown Transcona as the city centre of Transcona.

Applicability

2. PDO-1 Downtown Transcona overlay district is shown on the attached map and identified as PDO-1 Downtown Transcona Principal Overlay Map (Map 1).

Development Standards

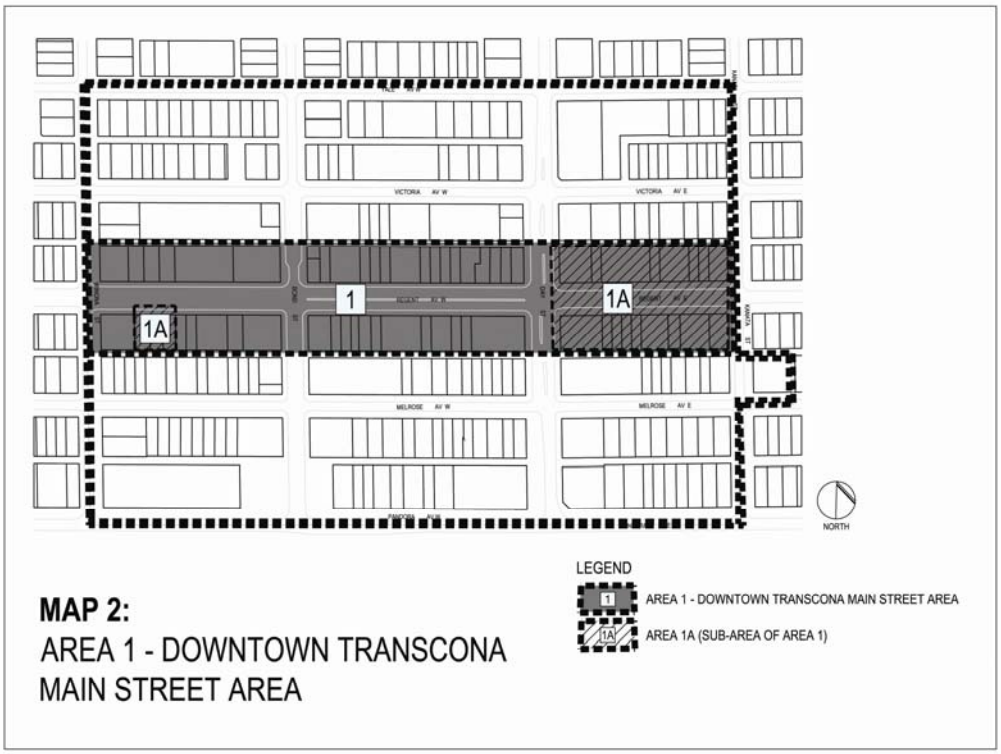
3. Except to the extent modified by the standards in this overlay, all standards of this By-law apply within the boundaries specified in the Principal Overlay Map (Map 1).

Area 1

4. **Downtown Transcona Main Street Area**

Applicability

(1) The Downtown Transcona Main Street Area is shown as Area 1 and Area 1A on Map 2.



Intent

(2) To promote and enhance Transcona's historic main street by:

(a) Encouraging the intensification of commercial businesses with a neighbourhood focus that positively contributes to the community;

(b) Ensuring that all development conforms with the urban form and character of the area; and,

(c) Creating a vital and safe pedestrian environment on Regent Avenue.

Permitted Use Regulations

(3) Notwithstanding other provisions of this By-law, in the Downtown Transcona Main Street Area, the following uses are prohibited and are not allowed as permitted, conditional, accessory, or temporary uses.

(a) Advertising sign;

(b) Auto / light truck / motorcycle, sales and rental;

(c) Auto parts and supplies, sales;

(d) Car wash;

(e) Cheque-cashing facility;

(f) Drive-in or drive-through;

(g) Fuel sales;

(h) Pawnshop; and,

(i) X-rated store.

(4) Notwithstanding other provisions in this By-law, in the Downtown Transcona Main Street Area, the following uses may be approved only as conditional uses, where they are otherwise permitted.
   (a) Auto / light truck / motorcycle, repair and service; and,
   (b) Drinking establishments.

(5) Notwithstanding other provisions of this By-law, in Area 1A on Map 2 in the Downtown Transcona Main Street Area, the following uses are permitted, subject to use specific standards:
   (a) Dwelling, live-work;
   (b) Dwelling, multi-family; and,
   (c) Dwelling, single-family, detached.

Use Specific Standards

(6) Notwithstanding other provisions in this By-law, in the Downtown Transcona Main Street Area, the following uses are limited to the specified maximum amount of gross floor area:
   (a) Drinking establishment: 1,000 square feet
   (b) Retail sales: 25,000 square feet

(7) Notwithstanding other provisions of this By-law, the following uses may only be established on any floor higher than the ground floor of any building:
   (a) Dwelling, live-work;
   (b) Dwelling, multi-family; and,
   (c) Dwelling, single-family, detached.

Development and Design Standards

Dimensional Standards

(8) Notwithstanding other provisions of this By-law, in the Downtown Transcona Main Street Area, development must comply with the dimensional standards listed in this subsection.

Height of Buildings

(a) If a proposed building will exceed 35 feet in height, the portion of the building exceeding 35 feet must be set back from the front property line a distance equal to or greater than 10 feet.

(b) In a proposed development, if an applicant proposes a building on the south side of Regent Avenue that will exceed 25 feet in height, the applicant must submit a solar impact study. The Downtown Transcona Design Guidelines provide additional detail on the required content of the study.

Additional Yard Requirements

(c) Subject to clause (d), all buildings must have a front yard of 0 feet.

(d) For the purpose of accommodating an otherwise approved public space, plaza, outdoor dining/drinking area or other pedestrian amenity, up to 50 percent of the length of the ground floor façade of any building, to a maximum length of 25 feet, may have a front yard of greater than 0 feet. The maximum depth of the front yard is 10 feet.

Development Standards for Parking and Loading

(9) Accessory surface parking areas abutting Regent Avenue are prohibited.

(10) Any accessory parking, loading and service area must be located behind a building.

Signs

(11) The following sign types are not permitted:

(a) Electronic message centre sign;
(b) Flashing, animated, scintillating, or rotating sign;
(c) Free-standing sign;
(d) Mobile sign; and,
(e) Roof sign.

Landscaping and Buffering

(12) If a service area or a surface parking lot abuts a public street, the owner must screen the perimeter of the service area or surface parking lot from public view with an ornamental Downtown Transcona screen fence, as depicted in Illustration 2, and shrubs (maximum mature height of 2' 6") planted one every 2 feet on centre in a 3 foot wide planting bed which extends the length of the fence and has planting soil 18 inches deep.

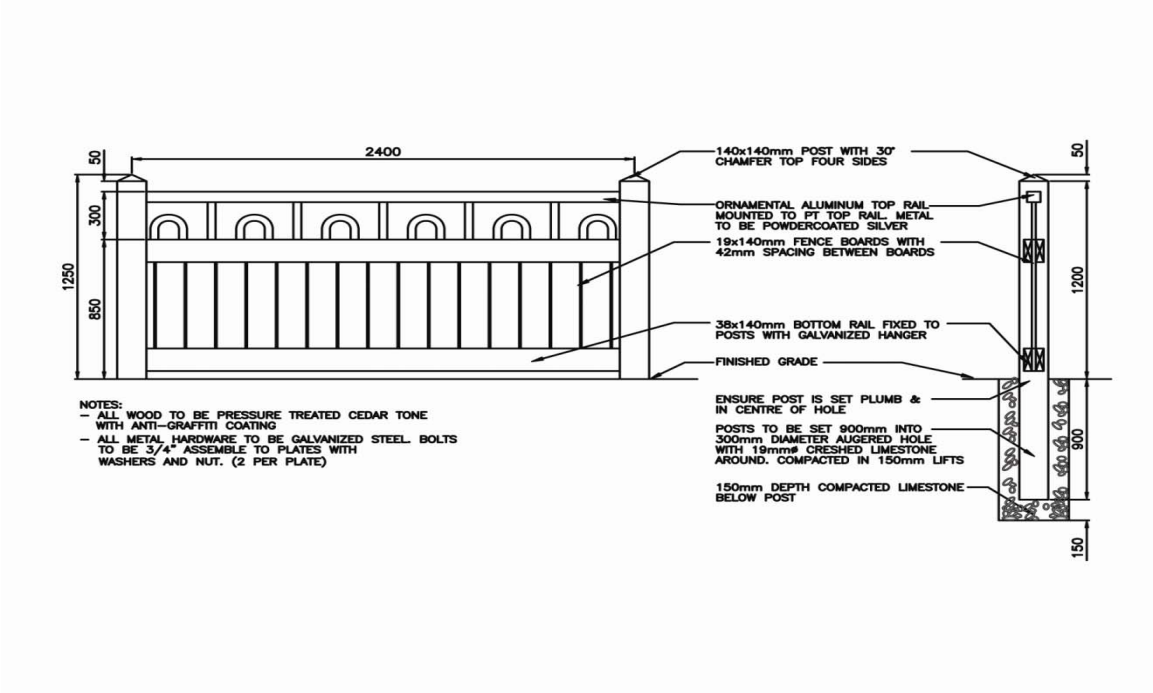


Illustration 2: Downtown Transcona Screen Fence

Design Standards

(13) Development must comply with the design standards in this subsection.

Entryway Design and Location

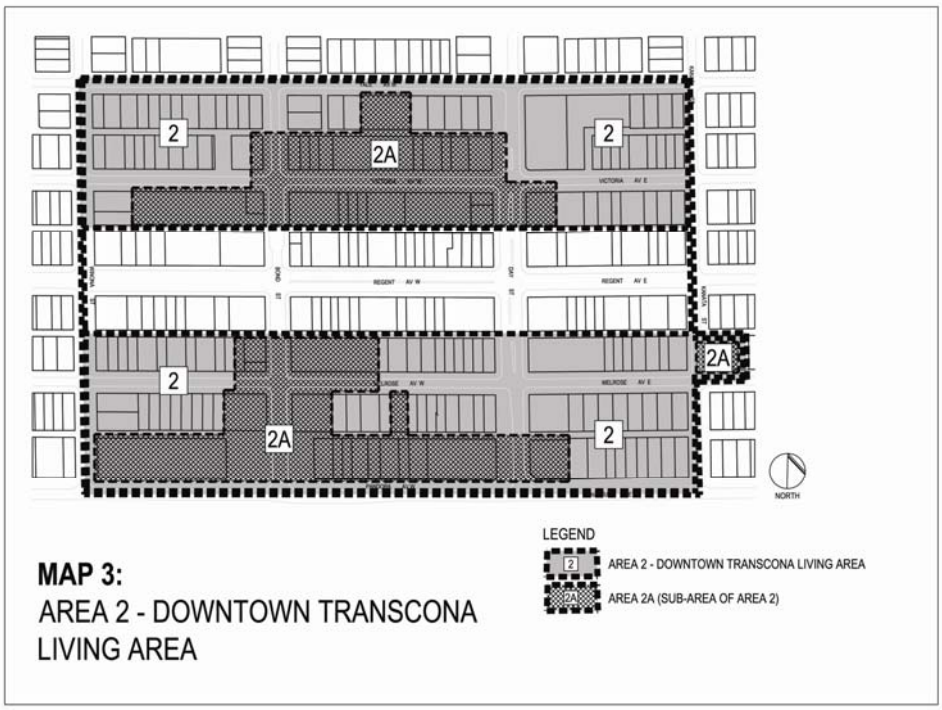
(a) The main public entrance of every building must face Regent Avenue and be directly accessible from the public sidewalk.

Area 2

5. Downtown Transcona Living Area

Applicability

(1)The Downtown Transcona Living Area is shown as Area 2 and Area 2A on Map 3.



Intent

(2) To facilitate and guide development of the neighbourhood immediately surrounding the Downtown Transcona Main Street Area, contributing to the vibrancy and viability of Downtown Transcona by:

(a) Maintaining the residential diversity and encouraging the intensification of residential uses compatible with adjacent properties;

(b) Ensuring that all development conforms with the urban form and character of the area, and;

(c) Creating a vital and safe pedestrian environment.

Permitted Use Regulations

(3) Notwithstanding other provisions in this By-law, in the Downtown Transcona Living Area, the following uses are prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:
   (a) Advertising sign;
   (b) Auto / light truck / motorcycle, sales and rental;
   (c) Auto parts and supplies, sales;
   (d) Cheque-cashing facility;
   (e) Drive-in or drive-through;
   (f) Fuel sales;
   (g) Pawnshop; and,
   (h) X-rated store.

(4) Notwithstanding other provisions of this By-law, Industrial, Commercial Sales and Service, and Private Motor Vehicle Related uses are prohibited and are not allowed as permitted, conditional, accessory or temporary uses, except in the areas shown as Area 2A on Map 3.

(5) Notwithstanding other provisions in this By-law, in the Downtown Transcona Living Area, the following uses may be approved only as conditional uses, where they are otherwise permitted:
   (a) Auto / light truck / motorcycle, repair and service;
   (b) Car wash; and,
   (c) Drinking establishments.

Use Specific Standards

(6) Notwithstanding other provisions in this By-law, in the Downtown Transcona Living Area, the following uses are limited to the specified maximum amount of gross floor area:
   (a) Drinking establishment: 1,000 square feet
   (b) Office: 2,500 square feet
   (c) Personal services: 2,500 square feet
   (d) Restaurant: 2,500 square feet
   (e) Retail sales: 2,500 square feet

Development Design Standards

Dimensional Standards

(7) Notwithstanding other provisions of this By-law, in the Downtown Transcona Living Area, all development, except single-family dwellings, must comply with the dimensional standards listed in this subsection.

Height of Buildings

(a) The height of any building or structure or enlargement of any building or structure must not exceed 80 feet.

Development Standards for Parking and Loading

(8) Any accessory parking, loading and service area for Commercial Sales and Service and Private Motor Vehicle Related uses must be located behind a building.

(9) Any accessory parking, loading and service area for uses other than Commercial Sales and Service and Private Motor Vehicle Related must be located behind or beside a building.

Signs

(10)The following sign types are not permitted:

(a) Electronic message centre sign;
(b) Flashing, animated, scintillating, or rotating sign;
(c) Free-standing sign greater than six (6) feet in height;
(d) Mobile sign; and,
(e) Roof sign.

Landscaping and Buffering

(11) If a service area or a surface parking lot abuts a public street, the owner must screen the perimeter of the service area or surface parking lot from public view with landscaping as set out in this subsection.

(a) Subject to (b), the owner of a development must install a minimum of four (4) shrubs every 10 feet and one shade tree every 25 feet in accordance with the following standards:
  (i) Shrubs and trees to be located in planting beds;
  (ii) Minimum planting bed width of 6'0";
  (iii) Shrubs to be clustered with a maximum spacing between shrubs of 2'0"; and,
  (iv) Minimum planting soil depth 18 inches for shrubs, 3 ft. for trees, with minimum 11.12 cu. yards of soil per tree.

(b) The owner of a commercial development is not required to comply with (a) but must screen the development from public view with an ornamental Downtown Transcona screen fence, as depicted in Illustration 2, and shrubs (maximum mature height of 2' 6") planted one every 2 feet on centre in a 3 foot wide planting bed which extends the length of the fence and has planting soil 18 inches deep and mulch 4 inches deep.

Design Standards

(12) Development must comply with the design standards in this subsection.

Entryway Design and Location

(a) The main public entrance of every building must face the front street and be directly accessible from the public sidewalk.

Additional Design Standards

6. This section applies to all areas of the PDO-1 Downtown Transcona overlay district.

Design Review

(1) Except as otherwise provided in this section, all development, redevelopment, expansion, demolition, signage or exterior alteration visible from public rights-of-way is subject to urban design review and must be approved by the East Kildonan-Transcona Community Committee or the Director, as provided in this section, prior to commencement.

(2) The East Kildonan-Transcona Community Committee shall make decisions on:

(a) all urban design review applications in Area 1 (Downtown Transcona Main Street Area); and

(b) urban design review applications for new construction, expansion, or signage in Area 2 (Downtown Transcona Living Area).

(3) The Director shall make decisions on all other urban design review applications in Area 2 (Downtown Transcona Living Area).

(4) The Standing Policy Committee on Property and Development may approve urban design guidelines, standards or criteria, not inconsistent with the requirements in this section.

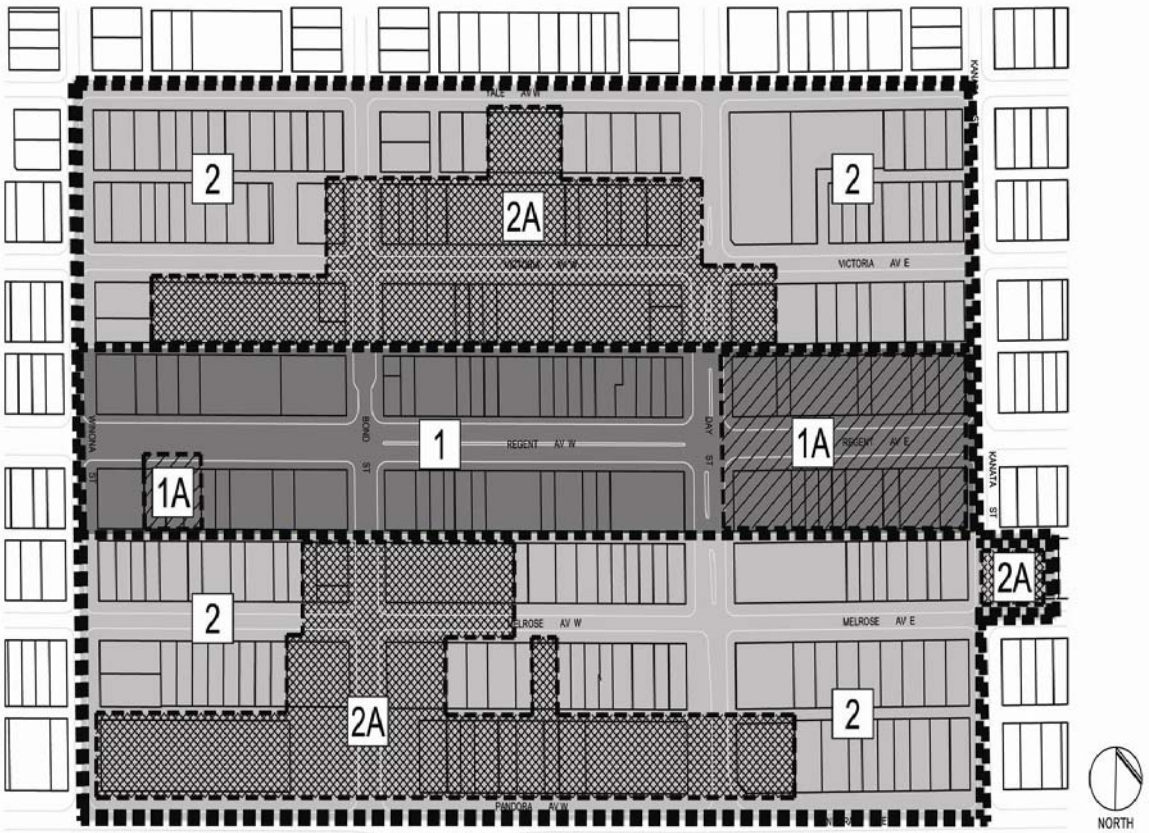
(5) In making decisions on urban design review applications, the East Kildonan-Transcona Community Committee and Director must consider any requirements in this section and any urban design guidelines, standards or criteria approved by the Standing Policy Committee on Property and Development.

(6) The East Kildonan-Transcona Community Committee or Director may not deny approval of an urban design review application without first giving the applicant notice of the date, time, and location of a meeting to hear representation from the applicant concerning the application. If the applicant has not been so notified within 45 days of the urban design application being submitted in full, the applicant may

submit a letter requesting such notification to the Standing Policy Committee on Property and Development. Upon receiving such letter, the Standing Policy Committee on Property and Development shall instruct the East Kildonan-Transcona Community Committee or the Director to approve or deny the urban design application within a specified period of time.

(7) An applicant may, in accordance with *The City of Winnipeg Charter*, appeal a decision by the East Kildonan-Transcona Community Committee to deny approval of an urban design review application, to the Standing Policy Committee on Property and Development.

(8) This section does not apply to single-family dwellings and two-family dwellings.



MAP 1:
PRINCIPAL OVERLAY MAP

LEGEND

- 1 — AREA 1 - DOWNTOWN TRANSCONA MAIN STREET AREA
- 1A — AREA 1A (SUB-AREA OF AREA 1)
- 2 — AREA 2 - DOWNTOWN TRANSCONA LIVING AREA
- 2A — AREA 2A (SUB-AREA OF AREA 2)

Appendix “D”

DOWNTOWN TRANSCONA URBAN DESIGN GUIDELINES

May 18, 2010

DOWNTOWN TRANSCONA URBAN DESIGN GUIDELINES

Introduction

The Downtown Transcona Urban Design Guidelines ("the Guidelines") establish criteria for development in the PDO-1 Downtown Transcona overlay district. The Guidelines are intended to assist developers, architects, landscape architects, urban designers and professional planners to make informed decisions when formulating site and building plans.

The City considers the Guidelines the minimum standard to support design excellence. Design professionals and builders, using skill and creativity, are responsible for achieving or exceeding these criteria.

Alternatives

An owner may propose alternatives which satisfy the Guidelines in intent and spirit. The City will consider alternatives in order to provide flexibility to respond to unique site conditions or adjacent and surrounding land uses. Such alternatives must not reduce the amount or quality of landscaping, buffering, fencing, screening, lighting or design provided. The City will review proposed alternatives to determine if they satisfy the following criteria:

- The proposed alternative design achieves the intent of the Guidelines to the same or a greater degree;
- The proposed alternative design results in benefits to the community that are equivalent to or better than strict compliance with the relevant design standards of the Guidelines;
- The proposed alternative imposes no greater impacts on adjacent properties than would occur through strict compliance with the Guidelines.

Building Form and Design

1 All development must have design elements that are consistent with the Old English Hometown character and theme of Downtown Transcona, as follows:

(1) **Materials**: New materials shall relate to the historic materials of Downtown Transcona in terms of texture, scale, colour and composition. New buildings and renovations should utilize the same materials as those used on historic structures. Wood siding (including fibre cement 'wood' siding), brick and indigenous Manitoba stone (including indigenous stone veneers) are examples of appropriate materials.







Examples of inappropriate materials are plywood, composite metal panel, plastic, sheet metal, corrugated metal and dryvit.

(2) **Composition**: Development must incorporate the following:

(a) Downtown Transcona Main Street Area: New buildings shall define the following basic divisions of a commercial façade:

Single Storey:

A bottom which is transparent and has the elements of a storefront including an entranceway, large display windows, a bulkhead and transom.

A top which is typically a flat roof with a parapet and decorative cornice.

Two Or More Storeys:

A bottom which is transparent and has the elements of a storefront including an entranceway, large display windows, a bulkhead and transom.

A middle area defined by the upper storey windows which are vertical and regularly placed.

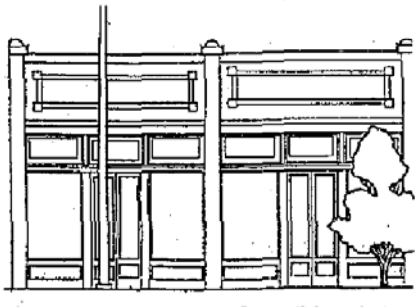
A top which is typically a flat roof with a parapet and decorative cornice.



(b) **Downtown Transcona Living Area**: Encourage building design that reinforces activity and vitality at the ground level through use of architectural elements and features to create interest on the street and reduce the appearance of building height and mass.



(3) **Style**: New designs shall creatively draw on the important characteristics of historic Downtown Transcona buildings. New construction shall continue the visual continuity of horizontal elements.





a. **Scale**: New buildings should be built in scale with existing buildings. The front façade should not be appreciably taller, shorter, wider or narrower than adjacent buildings. The scale of key elements and details should refer to nearby buildings.



b. **Rhythm of Openings**: The existing design, scale and placement of building openings (doors and windows), which provide a visual rhythm along the street, should be continued. New construction and renovations should avoid creating long, unrelieved expanses of wall along the street. All sides of a building that face a public street should have windows with transparent glass; spandrel (opaque) glass is not appropriate.

Building Height

2 In the Downtown Transcona Main Street Area, the height of development must respect the use of alternative energy sources and the street level pedestrian environment by adhering to the following considerations:

(1) If a building in a proposed development on the south side of Regent Avenue will exceed 25 feet in height and will negatively impact any streetscape solar panels, the proposed development must accommodate alternate solar energy sources to replace the function of negatively impacted solar panels. A solar panel is negatively impacted if it no longer has potential to receive a minimum of two hours of sunlight between 9:00 a.m. and 3:00 p.m. on December 21 (the shortest day of the year), as determined by a solar impact study submitted under section 4(8)(b) of Schedule M to the Winnipeg Zoning By-law (Downtown Transcona Planned Development Overlay 1).

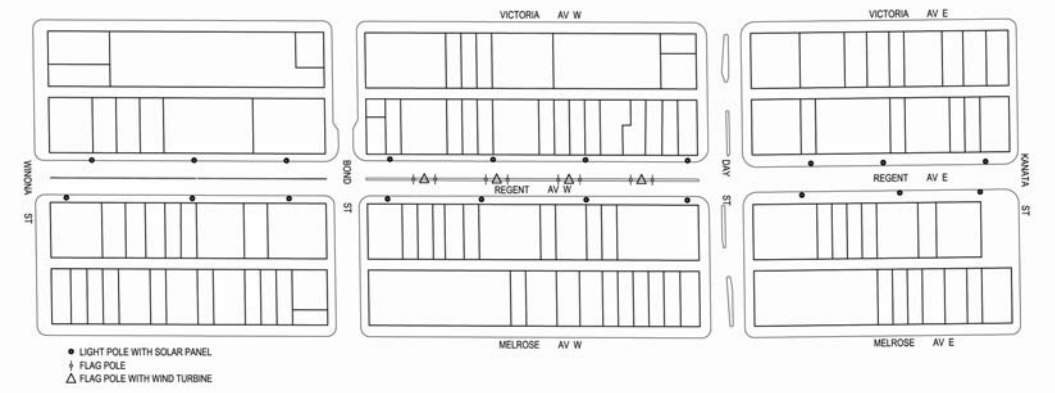


Illustration 1: Location of Solar Panels

Building Placement

3 In the Downtown Transcona Living Area, the site location of all buildings must respect adjacent and surrounding properties in the following manner:

(1) Where a proposed infill building does not exceed the maximum allowable height for the adjacent zoning district, maintain the minimum (or greater) allowable side yard setback for that adjacent zoning district, as depicted in Illustration 2.

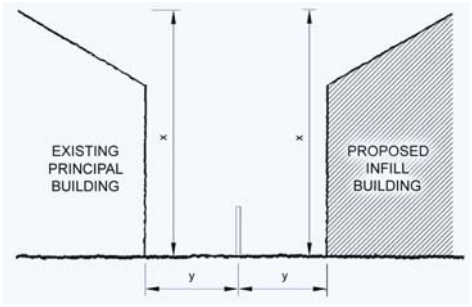


Illustration 2

(2) Where a proposed infill building exceeds the maximum allowable height for the adjacent zoning district, achieve an appropriate side yard setback to adjacent (defined as shared property line) residential property by setting the building back so that it does not project into a 60° angular plane measured from the adjacent residential property line (starting at a

six ft. height above grade) to the top of the proposed infill building, as depicted in Illustration 3.

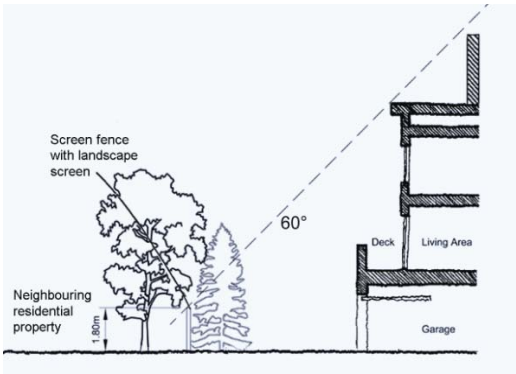


Illustration 3

(3) For principal buildings, establish rear yard setbacks which are consistent with the average rear yard setback for the street.

Site Design

4 This section applies to all development in the Downtown Transcona Living Area except for single-family residential development:

(1) All development must minimize the impact of the paved areas, service areas, building walls and exterior lighting on adjacent properties.

(2) Parking areas must be located behind or between buildings and must be landscaped to buffer the visual impact on adjacent properties. Where possible, parking areas should be incorporated into building and site design or located in multiple small clusters on the same site.

(3) Where possible, vehicular access and egress for commercial developments and medium- and high-density multiple-family housing shall be located on Bond Street, Day Street, Victoria Avenue (between Day Street and Bond Street) or Pandora Avenue, or on a back lane directly accessible to one of the above streets.

(4) Service areas (garbage and loading areas, vents, air conditioning compressors, meters and transformers, etc.) shall be incorporated into the building design and/or integrated into the landscaped areas (screened with fencing and/or landscaping) behind or between buildings.

(5) Landscaping must be provided as an integral part of the development. Landscaping shall define the development's pedestrian and vehicle entry ways, walkways, and driveways and break-up or buffer the visual impacts on adjacent properties of the development's paved areas, service areas, and secondary building walls.

(6) Exterior lighting must have a unified design to promote visual interest as well as security for safe vehicular and pedestrian access and circulation.

(7) The negative impacts of light spillover and glare on adjacent properties must be minimized by ensuring that the light intensity at every property line does not exceed 0.1 foot candles.

Signs

5 All development shall incorporate signage that is designed, as follows, primarily for pedestrians rather than vehicular traffic:

(a) In the Downtown Transcona Main Street Area, all signs shall be mounted on buildings as fascia, canopy, awning, or projecting signs or located as window signs.

(b) In the Downtown Transcona Living Area, all signs shall be mounted on buildings as fascia, canopy, awning, or projecting signs or located as monument signs.

(c) Backlit signs must have a non-reflective background surface (the surface on which the light shines).



The subtle glow around the backlit letters provides enhanced readability without creating glare on this halo-illuminated sign.

(d) Internally illuminated signs must have white or light-coloured lettering and a dark background colour.