Agenda - Council – February 27, 2013

Report - Executive Policy Committee – February 22, 2013

Item No. 7 Text Amendment – Winnipeg Zoning By-law No. 200/2006
Secondary Suites
File DAZ 200/2013

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 22, 2013, 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 Winnipeg Zoning By-law No. 200/2006 be amended as per attached Schedule 1.

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

Report - Executive Policy Committee – February 22, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 22, 2013, 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 19, 2013, 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: **Text Amendment – Winnipeg Zoning By-law No. 200/2006**
Secondary Suites
File DAZ 200/2013

For submission to: **Executive Policy Committee**

Prepared by: **Andrew Poitras, Senior Committee Clerk**
Standing Policy Committee on Property and Development

Report date: **February 20, 2013**

STANDING COMMITTEE RECOMMENDATION:

On February 19, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and recommends to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended as per attached Schedule 1.

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

The Standing Policy Committee on Property and Development provided the following supporting reason(s) for its recommendation:

1. That the By-law changes are as per City Councils direction.

PUBLIC HEARING SUMMARY

File:	DAZ 200/2013
Before:	Standing Policy Committee on Property and Development Councillor Pagtakhan, Acting Chairperson Councillor Orlikow Councillor Swandel
Public Hearing:	February 19, 2013 North Committee Room, Council Building, 510 Main Street
Applicant:	Director of Planning, Property and Development

Subject:

City of Winnipeg

NOTICE OF PUBLIC HEARINGS

Under the authority of The City of Winnipeg Charter, the Standing Policy Committee listed below will conduct a PUBLIC HEARINGS for the purpose of allowing interested persons to make submissions, ask questions or register objections in respect of the application(s) listed below. Information or documents concerning the applications and a description of the procedure to be followed at the public hearings are available for inspection at Unit 15-30 Fort Street or at the Community Committee offices located in the City Clerk's Department, Council Building, 510 Main Street between 8:30 a.m. and 4:30 p.m., Monday-Friday, excluding holidays; or on-line at http://www.winnipeg.ca.

Notice of Standing Policy Committee on Property and Development
Avis du Comité d'orientation permanent des biens et de l'aménagement

PUBLIC HEARINGS
AUDIENCES PUBLIQUES

Notice of Standing Policy Committee on Property and Development
(Winnipeg Zoning By-law No. 200/2006)

Date: Tuesday, February 19, 2013

Time: 9:00 a.m.

Location: Council Building, City Hall, 510 Main Street, Winnipeg, Manitoba

Applicant: Director, Planning Property and Development Department
File: DAZ 200/13

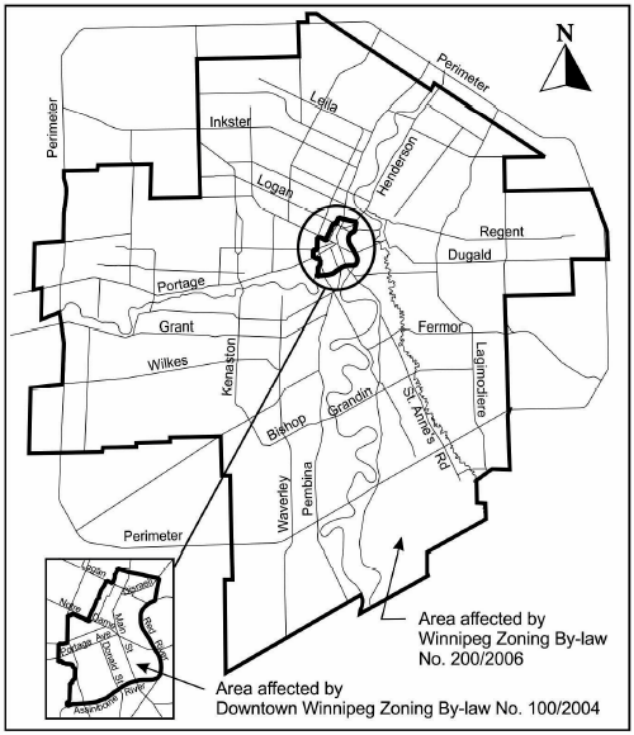
Avis du Comité d'orientation permanent des biens et de l'aménagement
(*Règlement municipal sur le zonage n° 200/2006*)

Date : Le mardi 19 février 2013

Heure : 9 heures

Lieu : Immeuble du Conseil, 510, rue Main, Winnipeg (Manitoba)

DEMANDEUR : Directeur du Service de l'urbanisme, des biens et de l'aménagement
N° DE RÉFÉRENCE : DAZ 200/13





Why are Changes Being Proposed?

- City Council has endorsed proposed amendments to Zoning By-law 200/2006 with respect to secondary suites.
- On May 30th 2012, Council concurred in the recommendation of the Standing Policy Committee on Property and Development. This directs the Public Service to prepare amendments to the Zoning By-law.

What are the Changes that are Being Proposed?

- Key changes include making the approval process for attached secondary suites easier (concurrent amendment to the development procedures by-law) and introducing detached secondary suites to the zoning by-law and allowing them as Conditional Uses, subject to a number of Use Specific Standards.
- Public Consultations to discuss secondary suites were held between Feb. 22 and Feb. 23, 2012. A Public Hearing is required to adopt the zoning by-law amendments endorsed by Council.

How do I participate?

- The Standing Policy Committee on Property and Development will review the zoning by-law amendments and allow interested persons to make submissions, ask questions or register objections in respect of the proposed by-law changes.
- Those wishing to present at the Public Hearing are requested to register in advance with the Clerk of the Committee, Mr. Andrew Poitras 204-986-6170.

How do I get more Information?

- Prior to the Public Hearing, the administrative report will be published along with the agenda for the Feb. 19 Standing Policy Committee on Property and Development on the City of Winnipeg Clerk's Decision Making Information System (DMIS) website which can be accessed at the following link: http://www.winnipeg.ca/CLKDMIS/
- For more information, please contact:
  Noah Yauk: ph. 204-986-4560 E-Mail:nyauk@winnipeg.ca

Pourquoi propose-t-on des changements?

- Le Conseil municipal a approuvé le projet de modification du *Règlement municipal sur le zonage n° 200/2006* en matière de logements accessoires.
- Le 30 mai 2012, le Conseil a soutenu la recommandation du Comité d'orientation permanent des biens et de l'aménagement. L'administration municipale est alors conduite à préparer des modifications au *Règlement municipal sur le zonage*.

Quels sont les changements proposés?

- Les changements fondamentaux comprennent la simplification du processus d'approbation en ce qui a trait aux logements accessoires (modification concomitante au *Development Procedures By-Law*) et l'introduction d'une disposition sur les logements accessoires isolés dans le *Règlement municipal sur le zonage* qui autorise leur utilisation conditionnelle sous réserve d'un certain nombre de normes d'utilisation spéciales.
- Des consultations publiques ayant pour but de discuter des logements accessoires ont eu lieu le 22 et le 23 février 2012. Une audience publique sera nécessaire afin que les modifications au *Règlement municipal sur le zonage* approuvées par le Conseil puisse être adoptées.

Comment puis-je y participer?

- Le Comité d'orientation permanent des biens et de l'aménagement passera en revue les modifications au *Règlement municipal sur le zonage* et permettra aux personnes intéressées de déposer des soumissions, de poser des questions ou de faire valoir leurs objections aux modifications proposées au *Règlement*.
- Les personnes qui désirent assister à l'audience publique doivent s'inscrire à l'avance auprès de monsieur Andrew Poitras, secrétaire du Comité, en composant le 204-986-6170.

Comment puis-je obtenir des renseignements supplémentaires?

- Le rapport administratif ainsi que l'ordre du jour de l'audience publique du 19 février du Comité d'orientation permanent des biens et de l'aménagement seront publiés sur le site Web du Système d'aide à la décision (SAD) du Bureau du greffier de la ville de Winnipeg. Vous pouvez accéder au site en cliquant sur le lien : http://www.winnipeg.ca/CLKDMIS/.
- Pour plus de renseignements, veuillez communiquer avec :
  Noah Yauk : Tél. : 204-986-4560 Courriel : nyauk@winnipeg.ca

Exhibits Filed:

1. Council Decision of May 30, 2012; contains report from the Director of Planning, Property and Development dated March 22, 2012
2. First Reading of By-law No. 200/2006 by Council on May 30, 2012
3. Advertising Notices dated January31, 2013
4. Report from the Director of Planning, Property and Development dated January 18, 2013

REPRESENTATIONS:

In Support:

Barry Thorgrimson, Director of Planning, Property and Development (Applicant)

In Opposition:

Nil

For Information:

NIl

For the City:

Mr. J. Veitch, Senior Planner, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "4" referred to in File DAZ 200/2013

ADMINISTRATIVE REPORT

Title: **Zoning By-law Amendments – Secondary Suites**

Critical Path: **Standing Policy Committee on Property and Development - EPC - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	B. Thorgrimson	N/A	D. Joshi, COO

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended as per attached Schedule 1.

2. 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

The adoption of the proposed amending by-law is necessary to make the changes to Zoning By-law 200/2006 as endorsed by Council. As per Minute 408 of the May 30^{h}, 2012 Council Meeting, the Public Service was directed to "prepare amendments to the City of Winnipeg Zoning By-law 200/2006 pertaining to Attached and Detached Secondary Suites…". The amendments herein, attached as Schedule 1 provide the amendments as endorsed by Council.

IMPLICATIONS OF THE RECOMMENDATIONS

Should Standing Policy Committee on Property and Development adopt the proposed by-law, Zoning By-law 200/2006 will be amended accordingly, subject to three Readings by Council.

DISCUSSION

On January 25, 2012, Winnipeg City Council requested the Public Service to report back to the Standing Policy Committee on Property and Development on a number of topics regarding

secondary suites including recommendations regarding changes to existing zoning regulations and public consultation to obtain citizen feedback on detached secondary suites.

The Public Service held four public open house sessions on February 22 and 23, 2012 to garner input from interested citizens on the proposed changes to regulations governing secondary suites in Winnipeg.

The Public Service submitted a report to the Standing Policy Committee on Property and Development entitled*: "Attached and Detached Secondary Suites",* which was heard at their May 8, 2012 meeting. The report included proposed changes to Zoning By-law 200/2006 with respect to attached and detached secondary suites. The Standing Policy Committee concurred in the recommendation of the Public Service with one additional amendment, which was to change the process for Conditional Use approval for attached secondary suites (this is the subject of the concurrent report titled "Development procedures By-Law – Secondary Suites" to amend the Development Procedures By-Law). The by-law attached herein (Schedule 1) addresses all amendments to Zoning By-law 200/2006.

EPC, then Council on May 30, 2012 concurred in the recommendation of the Standing Policy Committee on Property and Development. This Council decision directed the Public Service to prepare amendments to the Zoning By-Law.

The Draft By-Law included in this report is to affect the changes as endorsed by Council.

It is noted that minor changes have been made to the wording of some of the proposed amendments in order to add clarity or aid in interpretation. These changes are not substantive and do not change the intent of any clauses as originally proposed.

The Urban Planning Division worked with Legal Services to draft the final wording of the by-law attached as Schedule 1.

FINANCIAL IMPACT

Financial Impact Statement **Date:** January 17, 2013

Project Name:

Zoning By-law Amendments – Secondary Suites

COMMENTS:

There are no financial implications associated with this report.

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

CONSULTATION

In preparing this report there was consultation with:

Internal Consultation:
Legal Services

External Consultation:

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	Noah Yauk
Date:	January 18, 2013
File No.	O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2013 Reports\Secondary Suites amending by-law.doc

Attachments: Schedule 1

Schedule 1:

THE CITY OF WINNIPEG

BY-LAW NO. 1 / 2013

A By-law of The City of Winnipeg to amend Winnipeg Zoning By-law No. 200/2006 with respect to secondary suites.

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

Winnipeg Zoning By-law amended

1 This by-law amends the Winnipeg Zoning By-law No. 200/2006.

Part 2: Definitions amended

2 Part 2: Definitions is amended

(1) in section 48, by:

(a) repealing the definition "secondary suite"*;*

(b) adding a new definition "secondary suite, attached" *defined as* "means an accessory dwelling unit added to or created within a single-family residence that provides basic requirements for living, sleeping, cooking, and sanitation. Only one secondary suite, either attached or detached, shall be allowed per zoning lot."*;*

(c) adding a new definition "secondary suite, detached" *defined as* "means a dwelling unit that is accessory to, but not attached to a single family residence and provides basic requirements for living, sleeping, cooking and sanitation. Only one secondary suite, either attached or detached, shall be allowed per zoning lot."*;*

Part 4: Use Regulations amended

3 Part 4: Use Regulations is amended

(1) in section 62, by:

(a) in Table 4-2: Accessory Use Table under Use Category/Type "Secondary suite"*, by adding* "attached" *after* "suite"*;*

(b) in Table 4-2: Accessory Use Table under Use Category/Type, adding a new row "Secondary suite, detached" *after* "Secondary suite, attached" *with* "C*" *in the* R1 and R2 *columns, and* "120" *in the* Use Specific Standards (Section) *column;*

(2) in section 120, by:

(a) repealing subsections (1), (2), and (3);

(b) adding new subsections (1) and (2):

"(1) Secondary suite, attached

(a) Only one entrance to the dwelling from the street may be located on the facade that faces the street, unless the dwelling contained an additional street-facing entrance prior to the creation of the secondary suite;

(b) Lots containing secondary suites must contain a minimum of 2 off-street parking spaces;

(c) The maximum size of the secondary suites at or above grade may be no more than 33 percent of the living area of the dwelling, or 800 square feet, whichever is less;

(d) No secondary suite shall have a floor area less than 350 square feet.

(2) Secondary suite, detached

(a) The lot must be a 'through lot' or abut an improved public lane;

(b) The minimum site area shall be no less than 3,500 square feet;

(c) If the suite is at grade, the maximum height of the building containing the suite is 15 feet. If the suite is located above the garage, the maximum height of the building containing the suite is 25 feet;

(d) The maximum floor area of the secondary suite shall be 600 square feet;

(e) No secondary suite shall have a floor area less than 350 square feet;

(f) A secondary suite must be separated from the principal dwelling by a minimum of 10 feet;

(g) The minimum side yard setback shall be the same as for the principal dwelling;

(h) The minimum rear yard setback shall be 5 feet for that portion of the accessory building used as a secondary suite;

(i) A lot containing a secondary suite must contain a minimum of 2 off-street parking spaces;

(j) A secondary suite must be no greater than 150 feet from the nearest curb on the front street and an unobstructed pathway, a minimum of 30 inches in width, must be

provided between the front property line and the secondary suite;

(k) Subdivision of land which results in a separate land title for the secondary suite will not be permitted;

(l) No roof decks are allowed above the living area of a secondary suite;

(m) A secondary suite shall not be utilized as a home based business, a care home, or a neighbourhood rehabilitation home;

(n) The owner must include a site plan with the application to the City, which site plan must provide the following:

(i) a lot grading plan,

(ii) the location and details of the proposed sewer and water connections, and

(iii) the location and design of the proposed secondary suite, including building elevations, floor plans, materials, exterior lighting, windows, doors, balconies, patios, outdoor space, fencing, parking and landscaping;

and

(o) The maximum lot coverage of the site, including the secondary suite, shall be no greater than the applicable zoning district allows."*;*

(3) in the first line of subsection 142(2), by adding "except detached secondary suites" *after* "detached accessory structures".

DONE AND PASSED this day of , 2013.

Mayor

City Clerk

Approved as to planning details:

Approved as to form:

for Director of Planning, Property and Development

James Carter
for Director of Legal Services and City Solicitor