THE CITY OF WINNIPEG

BY-LAW NO. 95/2014

A By-law of The City of Winnipeg to amend Winnipeg Zoning By-law No. 200/2006 to (i) better align it with the Complete Communities Direction Strategy By-Law No. 8/2010 and (ii) correct errors and omissions.

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

1. *The Winnipeg Zoning By-Law No. 200/2006 is amended as follows in order to better align it with the Complete Communities Direction Strategy By-Law No. 68/2010:*

(1) In section 54:

*(a) In clause (1)(a), by striking out "*Plan Winnipeg*" and substituting* "the Complete Communities Direction Strategy By-law".

(b) In clause (1)(b), by removing "and" *after "residents".*

(c) In clause (1)(c), by striking out the period after "areas" and substituting "; and"*.*

(d) By adding the following after clause (1)(c):

(d) "support the development of complete communities"

(e) In subsections (4), (5) and (6), by striking out the word "neighbourhoods" wherever it appears and substituting "areas".

(f) In subsection (7), by striking out the existing wording and substituting:

The Residential Mixed Use (RMU) district is intended to facilitate the development of primarily medium- to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The area, site, or building should retain a predominantly residential character. Development in the RMU district should provide convenient access for pedestrians and transit users from the public street, and should facilitate pedestrian travel between residential and non-residential uses. This district is often part of Community or Regional Mixed Use Centres, Major Redevelopment Sites, and Rapid Transit Corridors.

(2) In section 55:

(a) *In clause(1)(a),*

(i) by striking out "*Plan Winnipeg*" *and substituting* "the Complete Communities Direction Strategy By-law", *and*

(ii) by adding "and mixed use where appropriate" *after* "institutional uses".

(b) *by adding the following after clause (1)(c):*

(d) provide convenient access for pedestrians and transit users from the public street.

(c) *In subsection (2), by striking out the last sentence and substituting* "C1 districts are generally located in Neighbourhood or Community mixed use centres or along Neighbourhood or Community mixed use corridors."

(d) *In subsection (3), by striking out the last sentence and substituting* "C2 districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors."

(e) *In subsection (4), by striking out the last sentence and substituting* "C3 districts are generally located in Community or Regional mixed use corridors or along Community or Regional mixed use corridors."

(f) *In subsection (5), by striking out the sentences after* "public facilities and parks" *and substituting* "Development should facilitate and encourage pedestrian travel between uses. These areas are associated with Regional mixed use centres."

(g) *In subsection (6), by striking out the second sentence and substituting* "The CMU district is intended for use in Community and Regional mixed use centres or Community and Regional mixed use corridors.

(3) In section 56:

(a) *by striking out the wording of subsection (1) and substituting the following:*

The manufacturing zoning districts established in this section are intended to:

(a) provide appropriately located areas consistent with the *Complete Communities Direction Strategy By-law* for employment lands that are well-located and serviced to accommodate business parks, institutional campuses and manufacturing uses;

(b) limit non-employment uses that may erode the supply of employment lands;

(c) ensure that the appearance of industrial buildings and lands are of high quality and are compatible with the area in which they are located; and

(d) provide convenient access for pedestrians and transit users from the public street.

(4) In section 62, in Table 4-1: Principal Use Table:

*(a) Under "*Household Living*", in the row "Dwelling, multi-family", under both "*C1*" and "*C2*", by striking out "*C*" and substituting* "P*"

*(b) Under "*Household Living*", in the row "*Dwelling, multi-family*", under "*Use Specific Standards (Section)*", by adding* "67.1"

*(c) Under "*Park and Park-Related*", in the row "Boat dock, public access",*

*(i) under "*ZONING DISTRICT"*, by striking out "*access*"; and*

*(ii) under "*PR1*", by adding* "C".

*(d) Under "*Recreation and Entertainment, Outdoor*", in the row "*Sports or entertainment arena/stadium, outdoor*", under "*A*", by striking out "*C*".*

*(e) Under "*Personal Services*",*

*(i) in the row "*Personal services (unless otherwise listed)*", under "*M2*", by adding* "C*"; *and*

*(ii) in the row "*Funeral chapel or mortuary*", under "*A*",* by striking out "C".

*(f) Under "*Industrial Service*", in the row "*Contractor's Establishment*", under "*C1*", by striking out "*P*".*

(5) by adding the following after section 67:

Dwelling, multi-family

67.1 (1) In C1 and C2 zoning districts, multi-family dwelling units must be located above the ground floor.

(2) Plans showing the location and design of the building, including building elevations, floor plans, landscaping, garbage enclosures, fencing, vehicular approaches, parking areas and lighting must be approved by the Director of Planning, Property and Development.

(6) In section 69, by renumbering the existing wording as subsection (1) and adding the following after subsection (1):

(2) In the A, RR5, and RR2 zoning districts, elementary or junior high schools are limited to a maximum of 10,000 square feet of gross floor area.

(7) In section 70, by renumbering the existing wording as subsection (1) and adding the following after subsection (1):

(2) In the A, RR5, and RR2 zoning districts, day care centres are limited to a maximum of 5,000 square feet of gross floor area.

(8) In section 72, by renumbering the existing wording as subsection (1) and adding the following after subsection (1):

(2) In the A, RR5, and RR2 zoning districts, places of worship are limited to a maximum of 10,000 square feet of gross floor area.

(9) In section 73, by renumbering the existing wording as subsection (1) and adding the following after subsection (1):

(2) In the A, RR5, and RR2 zoning districts, senior high schools are limited to a maximum of 10,000 square feet of gross floor area.

(10) In section 89, by striking out subsections (1) and (2) and substituting the following:

Personal Service Uses (Unless Otherwise Listed)

89. (1) In the RMU, C1 and M2 zoning districts, a personal service use (unless otherwise listed) is limited to a maximum of 5,000 square feet of gross floor area.

(2) In the RMU and C1 zoning districts, a personal service use (unless otherwise listed) is limited to operate between the hours of 9:00 am to 9:00 pm.

and adding the following after subsection (2):

(3) In the C2 zoning district, a personal service use is limited to a maximum of 25,000 square feet of gross floor area.

(11) In subsection 167(1),

*(a) in clause (a), by striking out the words "*and for every 10 accessible parking spaces required to be provided, at least 1 space must be a minimum of 8 feet wide and must have an adjacent loading and maneuvering area at least 8 feet wide;*"*

(b) by adding the following after clause (a):

(a.1) the width of van accessible parking spaces must be a minimum of 8 feet and must have an adjacent loading and maneuvering area at least 8 feet wide;

*(12) In section 168, by striking out the table under the heading "*Table 5-10: Accessible Parking Space Requirements*" and substituting the following:*

Total Required Parking Spaces per Table 5-9	**Minimum Number of Accessible Parking Spaces Required**	**Minimum Number of Van Accessible Parking Spaces Required**
1 to 25	1	0
26 to 50	2	1
51 to 75	3	1
76 to 100	4	2
101 to 150	5	2
151 to 200	6	2
201 to 300	7	2
301 to 400	8	3
401 to 500	9	3
501 to 1,000	2 percent of total	4
1,001 to over	20, plus 1 for each 100 over 1,000	4 plus 1 for each 100 over 1,000

(13) In Section 169:

(a) *by adding the following after "entrances":*

", within a visible, high traffic area outside of pedestrian paths of travel, and be well-lit".

(14) In subsection 171(4), by adding the following after "public transportation routes":

"the provision of enhanced bike parking, the use of a car share program".

(15) In Section 172(3):

(a) *by adding clause (a.1) as follows after clause (a):*

"(a.1) notwithstanding clause(a), accessory off-street parking spaces associated with a dwelling, multiple family, may be accessed directly from an adjacent lane provided that the lane is surfaced in accordance with subsection (4) and that the parking spaces have a minimum length of 23 feet;"

(b) *by striking out the wording of clause (c) and substituting the following:*

"(c) parking areas must incorporate pedestrian connections in accordance with section 206.1 and must be designed to minimize the need for pedestrians to cross parking aisles or to walk behind parked cars on the parking surface;"

(16) by adding the following after section 191:

Required Landscaping for Redevelopment or Expansion of Existing Buildings

191.1 The owner must install landscaping and buffering in conformance with the following standards:

(1) Where expansion of the existing building is between 25 and 50% of the gross floor area of the building, street edge landscaping must be installed in accordance with subsections 190(2) through 190(4).

(2) Where expansion of the existing building is greater than 50% of the gross floor area of the building, landscaping must be installed in accordance with subsections 190(2) through 190(9).

(3) Where the owner chooses to defer installation of required landscaping, the Director may authorize a delay in installation for a maximum of two growing seasons, provided the extension of time is sought before construction on the principal building has been completed, and provided the owner submits to the Director a security in the amount of 110% of the value of the landscaping as determined by a Landscape Architect or qualified landscape professional.

(17) by adding the following after section 206:

Pedestrian Connections

206.1 Pedestrian connections built either to Standard "A" or Standard "B" must be provided, in accordance with Table 5-18.

Standard "A"

(1) A universally accessible, direct pedestrian route must be provided from the main entrance of at least one of the principal buildings to a public sidewalk. Where no public sidewalk exists, the route must connect to the roadway. If a transit stop exists in the public right of way adjacent to the subject property, this pedestrian route must provide a direct connection to the transit stop; and

(2) A universally accessible pedestrian route must be provided that connects the main entrances of all of the principal buildings and the main outdoor entrances of units in these buildings to one another.

(3) Pedestrian routes must contrast highly with the texture and appearance of the surfaces adjacent to the route, and must be built in accordance with the Private Development Requirements for Pedestrian Routes identified in the City of Winnipeg Accessibility Design Standards.

Standard "B"

(1) A universally accessible, direct pedestrian route must be provided from the main entrance of at least one of the principal buildings to a public sidewalk. Where no public sidewalk exists, the route must connect to the roadway. If a transit stop exists in the public right of way adjacent to the subject property, this pedestrian route must provide a direct connection to the transit stop; and

(2) A universally accessible pedestrian route must be provided that connects the main entrances of all of the principal buildings and the main outdoor entrances of units in these buildings to one another.

(3) Pedestrian routes must contrast highly with the appearance of the surfaces adjacent to the route, and must be built in accordance with the Private Development Requirements for Pedestrian Routes identified in the City of Winnipeg Accessibility Design Standards.

Table 5-18: Pedestrian Connections

District	Commercial, institutional, multi-family uses	Industrial uses
PR1, PR2, PR3, RMF, RMU, C1, C2, C3, C4, CMU, EI, MMU	Standard "A"	Standard "A"
A, RR5, RR2,	Standard "B"	Standard "B"
M1, M2, M3	Standard "A"	Standard "B"

(18) In section 207,by repealing subsection (1) and clause (3)(b).
(a)

(19) In section 208, by repealing subclause (5)(e)(ii) and subsection (6).

2. The Winnipeg Zoning By-Law No. 200/2006 is amended as follows in order to correct errors and omissions:

(1) In Part 1: Administration, by striking out "Plan Winnipeg" wherever it appears and substituting, "*OurWinnipeg*".

*(2) In clause 8(1)(a), by adding "*open*" after "*level*".*

(3) In clause 8(1)(b), by adding "(other than swimming pools and hot tubs)" *after "*area*".*

(4) In clause 8(1)(c,) by adding "front, " *after the first "*a*".*

(5) In section 48:

*(a) In the definition "*auto / light truck / motorcycle, sales and rental*", by striking out the current definition and substituting:*
"auto / light truck / motorcycle, sales and rental" means the display, sale, lease, or rental of new or used vehicles, including automobiles, light trucks, motorcycles, and similar vehicles and may include repair and service. Accessory vehicle inventory may be stored outside on the same zoning lot. This use does not include junk or salvage operations. Light trucks include those with a gross vehicle weight of 10,000 pounds or less.

*(b) In the definition "*boat dock, public access*", by striking out the word,* "access"*.*

*(c) by adding the following definition after the definition "*body modification establishment*":*

"body rub parlour" has the same meaning as is provided in the Doing Business in Winnipeg By-Law.

*(d) In the definition "*funeral chapel or mortuary*", by striking out the current definition and substituting:*

"funeral chapel or mortuary" means a facility for the storage and cremation of deceased human bodies, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

*(e) by adding the following definition after the definition "*large commercial retail building*":*

"large vehicle" means a vehicle, other than a recreational vehicle:

(a) with a gross vehicle weight stated by the manufacturer, vehicle signage, or vehicle registration, to be in excess of 10,000 pounds;

(b) with one or more of the following characteristics:
i. tandem axels;
ii. a passenger capacity in excess of 15 persons; or
iii. dual wheels where the vehicle includes a flat deck or other form of utility deck; or

(c) that can be generally described as a:
i. bus;
ii. cube van;
iii. dump truck;
iv. flatbed truck;

v. tractor, trailer, or tractor-trailer combination; or
vi. tow truck.

*(f) In the definition "*light manufacturing*", by striking out the current definition and substituting:*

"light manufacturing" means the assembly, fabrication, and/or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odours, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, and may include an area occupied by outside operations or storage of goods and materials used in the assembly, fabrication, or processing. Examples include, but are not limited to: Electronic equipment assembly and manufacturing and assembly from finished products.

(g) by repealing the definition "massage parlour".

*(h) by adding the following definition after the definition "*medical, dental, optical, counseling clinic or laboratory*":*

"mezzanine" means an intermediate floor located in any room. When the total area of any such mezzanine floor exceeds 40 percent of the total floor area in that room, it shall be considered as constituting an additional storey. The mezzanine shall be open and unobstructed to the room in which such mezzanine is located except for partitions or subdividing walls not more than 3.5 feet in height. An enclosed mezzanine shall be considered as an additional storey.

*(i) In the definition "*outside storage*", by striking out the last sentence and substituting:* "Storage of materials in a structure with a roof, but no walls, and storage of a shipping container is considered outside storage".

(j) In the definition "Plan Winnipeg", by striking out "Plan Winnipeg" and substituting "OurWinnipeg".

*(k) In the definition "*recreation vehicle*", by striking out* "recreation" *wherever it appears and substituting* "recreational"*.*

*(l) In the definition "*secondary plan*", by striking out "Plan Winnipeg" and substituting, "OurWinnipeg*".

*(m) In the definition "*social service facility*", by adding* "temporary overnight accommodation" *after* "centre".

*(n) In the definition "*storey*", by striking out the remainder of the sentence after* "ceiling above it," *and substituting* "and may include a mezzanine, but does not include a cellar (see definition of "mezzanine")".

(6) In section 57:

*(a) In the last sentence of subsection (1), by striking out "*containing 10 or more parcels or containing 25 acres or more in area*."*

(b) *In clause(4)(b), by striking out "*or increase density*".*

(c) *In subsection (11), by striking out "*containing fewer than 10 parcels and a total land area of 25 acres or less*."*

(7) In Section 59:

(a) In subsection (5), by striking out "Plan Winnipeg" and substituting "*OurWinnipeg*".

*(b) In clause (5)(b), by striking out "*massage*" and substituting* "body rub".

*(c) In subsection (8), by striking out "*may only be approved*" and substituting* "is also subject to approval".

(8) In subsection 115(1), by renumbering the existing wording as clause (a) and adding the following after clause (a):

(b) The operators of the home-based business must be residents of the dwelling unit.

(9) In subsection 115(5):

*(a) In clause (c), by adding "*and*" after "persons"*.

(b) by repealing clause (d).

(10) In section 132, by adding the following after subsection (6):

"(7) Building heights may be limited by "The Building Height Control Area: Legislative Core – Winnipeg Public Works Act Restrictions".*"*

(11) In section 135, by adding "RR2, RR5," *after "*zoning lot in the*".*

(12) In section 137, in Table 5-2: Dimensional Standards for the RR5, RR2, R1, R2 and RMH Zoning Districts:

*(a) In the column heading "*Minimum Lot Area (Sq. Ft.) [Note a]*", by striking out "*[Note a]*" and substituting* "[Notes a,e]".

*(b) In the column heading "*Minimum Lot Width (Ft.)*", by adding* "[Note e]" after "(Ft.)".

(c) In NOTES, by

(i) striking out the wording of b. and substituting "Where the width of the lot is less than 40 feet, the side yards may be reduced to 10% of the width of the lot but must not be less than 3 feet for principal residential structures".

(ii) adding the following after note d:

"e. Section 138, Special Boundary Conditions, applies to the minimum lot area and lot width for the subdivision of new lots in all R1 and R2 zoning districts".

(13) In section 139, in the first sentence, by adding "multi-family" *after "two-family" wherever it appears.*

(14) In section 141, by:

(a) striking out the wording before subsection (1) and substituting:

*"*Notwithstanding Table 5-2, the owner of a lot that has a two-family dwelling located on it may split the lot into 2 lots provided that:"

(b) In subsection (1) by adding "and any applicable accessory structure" *after "dwelling".*

(15) In subsection 142(2),

(a) by striking out Table 5-3 (including the heading) and substituting the following:

TABLE 5-3: Dimensional Standards for Accessory Structures

Minimum Side Yard	Minimum Reverse Corner Side Yard	Minimum Rear Yard	Maximum Lot Coverage	Maximum Height of Building
2 ft. maximum 1 ft. overhang excluding eavestrough but no closer than 0.5 feet	As required for principal building maximum 2 ft. overhang excluding eavestrough	2 ft. maximum 1 ft. overhang excluding eavestrough	484 sq. ft. or 12.5% of total lot area to a maximum of 880 sq. ft.	13 ft. Note [a]
Note a: If the accessory structure is a secondary suite, detached, the standards in Section 120 apply.				

(b) by striking out clause (b) and substituting the following:

(b) if a detached accessory structure is not located to the rear of the rear wall of the principal building, the minimum yards of the principal building apply to that portion of the structure not to the rear of the rear wall of the principal building;

(c) *in clause (d), by striking out "*and*"*;

(d) by adding the following after clause (d):

"(d.1) for decks greater than 2 feet in height, the dimensional standards of the principal building apply;*"*

(e) *in clause (e), by adding "*(other than swimming pools or hot tubs)*" after "*area*"*.

(16) In section 148, in TABLE 5-5: Dimensional Standards for Commercial and Institutional Zoning Districts:

*(a) In the column heading "*Minimum Rear Yard (Ft.)*", by adding "*[note b]*" after "*(Ft.)*".*

*(b) Under "Minimum Rear Yard (Ft.)" in the row "*C4*", by striking out "50" and substituting* "[note d]".

(17) In subsection 155(2):

(a) *In clause (a), by adding "*or side*" after "rear"*;

(b) *In clause (b), by adding "*or side*" after "*rear*" and striking out "*and*" after "*building";

(c) *In clause (c), by adding "*or side*" after "*rear*" and striking out the period after "*building*" and substituting "*; and*"*.

(d) *Adding clause (d) as follows after clause (c):*

"(d) The Director of Water and Waste may reduce any one or more of the minimum yard requirements set out in clauses (a), (b) and (c), if he/she concludes the safety of people and property would not be unduly compromised by such reduction.*"*

(18) In section 159, in Table 5-7: Permitted Projections,

*(a) Under "*Landscaping and Site Features*", in the row, "*Open landings and terraces*", by striking out the wording in the lower box under "*Side Yard*" and substituting the following:*

No closer than 2 ft to side lot line if height exceeds 2 ft, permitted if 2 ft in height or less; Maximum area = 36 sq. ft

*(b) Under "*Other*", by striking out the row, "Air conditioning unit and/or compressor".*

*(19) In section 160, in Table 5-8: Permitted Projections through Maximum Height Limits, under "*Restrictions on Projection (if any)*", in the second row, by striking out "*residential*" and substituting "*R1 and R2".

(20) In section 161, in Table 5-9: General Accessory Parking Requirements, in row 0, under "Use Type",

*(i) by striking out "*access*" after "*public*"*; and

(ii) by adding "Mini warehouse, self storage" *after "Feedlot".*

(21) In clause 172(3)(e), by adding "or street" after "berm".

(22) In subsection 172(8):

*(a) In subclauses (a)(iii) and (a)(iv), by striking out "*15,000*" and substituting "*10,000*".*

*(b) In clause (b), by adding the following after "*rear yard*":*

"; or a maximum of 4 vehicles, provided they are parked in tandem.*"*

(c) by adding the following after clause (c):

(d) a large vehicle must not remain on a parcel unless actively engaged in loading or unloading. Only one large vehicle may remain on a parcel while actively engaging in loading or unloading.

*(23) In subsection 183.1(1), in Table 5-15.2: Digital Accessory Sign Locations, NOTE a., by adding "*golf courses*," after "centres".*

(24) In section 206, by striking out "Plan Winnipeg" and substituting "the Complete Communities Direction Strategy By-law".

(25) In subsection 212(2), by striking out "Plan Winnipeg" and substituting "OurWinnipeg",

(26) In Schedule C, section 1,
*by striking out "*to Residential Multi-family, Commercial and Institutional, and Manufacturing districts*" and substituting the following:*

to:

- "multi-family" uses;
- "commercial sales and service" uses;
- "public and institutional" uses;
- "cultural and entertainment" uses; or
- "industrial" uses.

(27) In Schedule D, clause3(1)(b), by striking out the wording and substituting the following:

"(b) minor residential infilling requires a conditional use under The City of Winnipeg Charter in areas of established residential development unless:

(i) no more than one additional residential lot is created from an existing zoning lot in any R1 zoning district; and

(ii) the newly created lot is located on a street in an established residential area where a range of municipal infrastructure exists.*"*

(28) In Schedule E:

(i) in subsection 6(1), by striking out "Plan Winnipeg" and substituting "OurWinnipeg".

*(ii) in subsection 6(2), by striking out "*4(1)*" and substituting "*5(1)*" and by striking out "section 6" and substituting "*section 7*".*

(29) In Schedule I:

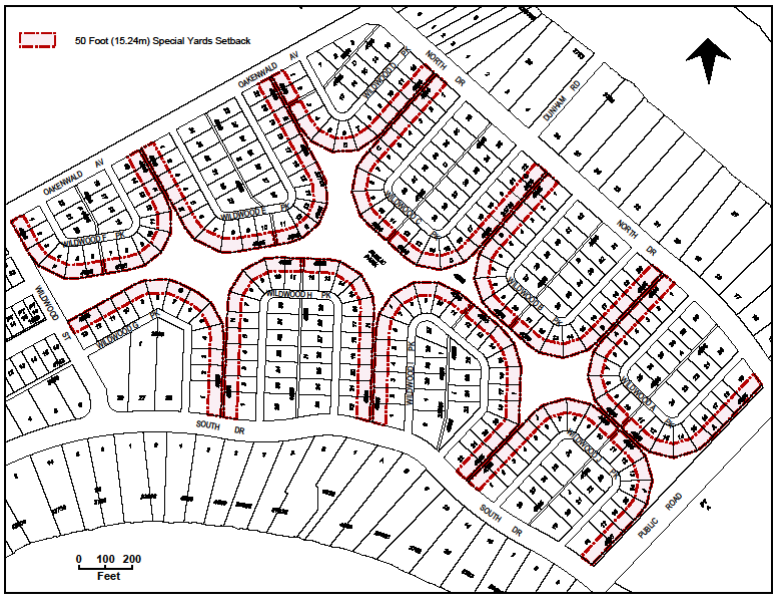
(a) In Section 1, by striking out "Notwithstanding any other provision of this By-law all" *and substituting* "All".

*(b) Under <u>STREET (W)</u>, in the row "*Wildwood Park*", in the third column, by adding "*(See Section 28 in Schedule K)*" after "*Plan 4565*".*

(30) In Schedule K,

by adding the following after section 27:

Lands Located in Wildwood Park (Plan #4565)
28. Lots located in Wildwood Park (Plan 4565) shall have a front yard setback of 50 feet and shall not include fences, trees, hedges, shrubs or a similar landscape feature that creates a fence-like effect in the required front yard.



DONE AND PASSED this 16th day of July, 2014.

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