THE CITY OF WINNIPEG

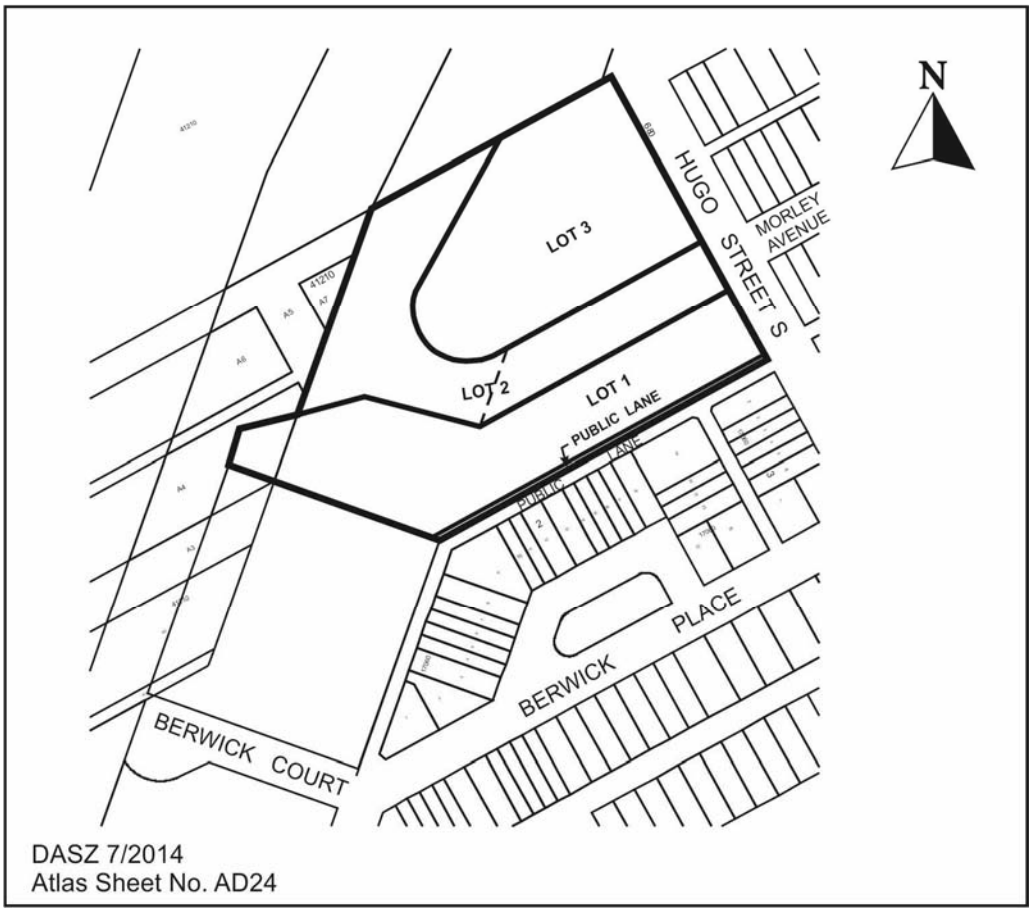
BY-LAW NO. 18/2015

A By-law of THE CITY OF WINNIPEG to approve a plan of subdivision and to amend Winnipeg Zoning By-law No. 200/2006 to rezone land located at the northwest corner of Hugo Street South and the public lane behind Berwick Place in the City Centre Community and amend The Yards at Fort Rouge Planned Development Overlay 1.

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

Plan of subdivision

1 The plan of subdivision shown below is approved, subject to a Development Agreement for Servicing being entered into between The City of Winnipeg and the registered owner or persons entitled to be registered owner of the subject land.



Zoning

2 *Winnipeg Zoning By-law No. 200/2006 is amended by:*

(a) In Schedule P to The Winnipeg Zoning By-law No. 200/2006, The Yards at Fort Rouge Planned Development Overlay 1 (PDO-1 The Yards at Fort Rouge):

(i) *In section 4, the wording is struck out and the following is substituted:*

The maximum development density of the overlay district is:

(a) A total of 900 dwelling units in Areas 1, 2 and 3 combined; and

(b) A total of 250 dwelling units in Areas 4A and 4B combined.

(ii) *In section 7, subsections (1), (2) and (3) are struck out and the following is substituted:*

(1) If a property does not comply with the required amount of parking or bicycle parking, the property owner may propose to the Director a Parking or Bicycle Parking Management Plan prepared by a professional traffic engineer or parking consultant documenting that the amount of off-street parking and/or bicycle parking is adequate to meet the needs of the proposed use or combination of uses and to prevent traffic and parking congestion on surrounding streets or public lanes.

(2) If the Director concludes that the proposed Parking and Bicycle Parking Management Plan will provide off-street parking and/or bicycle parking adequate to meet the needs of the proposed use or combination of uses and to prevent traffic congestion on surrounding streets and public lanes, the Director may approve the Parking and Bicycle Parking Management Plan and may reduce or increase the amount of parking and/or bicycle parking to conform with the approved plan.

(3) Once a Parking and Bicycle Parking Management Plan is approved, that owner shall provide parking spaces and bicycle parking spaces in accordance with the Parking and Bicycle Parking management plan which has been approved by the Director.

(4) Any owner of land in the PDO-1 The Yards at Fort Rouge may, in accordance with this overlay and this By-law, submit to the Director for approval:

(a) A Parking and Bicycle Parking Management Plan for the overlay district;

or,

(b) an amended Parking and Bicycle Parking Management Plan for the overlay district.

(5) The total number of parking spaces in Areas 1-3 of the overlay district must not exceed the minimum number of parking spaces prescribed by this By-law for Areas 1-3.

(6) The total number of parking spaces in Area 4 of the overlay district must not exceed the minimum number of parking spaces prescribed by this By-law for Area 4.

(7) Notwithstanding subsection (5), the number of parking spaces on any one lot in Areas 1-3 of the overlay district may exceed the maximum prescribed for that lot by this overlay and this By-law.

(8) Notwithstanding subsection (6), the number of parking spaces on any one lot in Area 4 of the overlay district may exceed the maximum prescribed for that lot by this overlay and this By-law.

(iii) *Section 8 is repealed.*

(iv) In section 11, subsection (6) is repealed.

(v) *In section 12, subsection (6) is repealed.*

(vi) *In subsection 13(6), clause (a) is repealed.*

(vii) *The following is added after section 13:*

Areas 4A and 4B

14. The Yards at Fort Rouge Areas 4A and 4B

Applicability

(1) The Yards at Fort Rouge Areas 4A and 4B are shown on Map 2 as Area 4A and Area 4B respectively.

Intent

(2) In accordance with the Yards at Fort Rouge Area Master Plan, to accommodate:

(a) A medium to higher density, predominately residential district with a diversity of housing types that provides a transition between the Fort Rouge transit station and the lower density development to the east and south; and,

(b) Limited small scale commercial and service facilities to support residential development while maintaining a predominately residential character.

Prohibited Use Regulations

(3) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Areas 4A and 4B, the following principal uses are prohibited and are not allowed as permitted, conditional, accessory, or temporary uses:

(a) Dwelling, single-family detached; and,

(b) Dwelling, two family.

(4) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Area 4B, the following principal uses are prohibited and are not allowed as permitted, condition, accessory, or temporary uses:

(a) Drinking establishment.

Permitted Use Regulations

(5) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Area 4B, a non-residential use, with the exception of a home occupation, is not permitted above the ground floor of any building.

(6) Notwithstanding other provisions in this By-law, in the Yards at Fort Rouge Area 4B, the following principal uses may be approved only as conditional use, where they are otherwise permitted.

(a) Post office/carrier depot.

Use Specific Standards

(7) Notwithstanding other provisions of this By-Law, in the Yards of Fort Rouge Area 4A, a second principal dwelling unit is permitted within a dwelling unit with the following use specific standards:

(a) The second principal dwelling unit is only permitted within the basement or ground floor of the principal residential use;

(b) The maximum size of the second principal dwelling unit may be no more than 33 percent of the living area of the dwellings, or 800 square feet, whichever is less; and,

(c) No second principal dwelling unit shall have a floor area of less than 350 square feet.

Development and Design Standards

Dimensional Standards

(8) Notwithstanding other provisions of this By-law, in the Yards at Fort Rouge Areas 4A and 4B, development must comply with the dimensional standards listed in this subsection.

Height of Buildings

(a) Principal buildings must not extend into a 45 degree angular plane measured from a point 20 feet above grade at the eastern lot line of Areas 4A and 4B and the portion of the southern lot line that abuts the public lane in Area 4A.

Yard Requirements

(b) In Area 4A:

i. the north side yard is 10 feet, excepting the most westerly 100 feet, where the north side yard is 6 feet;

ii. the south side yard is 25 feet, excepting the most westerly 100 feet, where the south side yard is 8 feet;

iii. the front yard is 10 feet.

(c) In Area 4B:

i. the rear yard is 8 feet;

ii. the south side yard is 12 feet.

Permitted Projections

(d) In Area 4A, open parking is a permitted projection into the required south side yard, excepting the most westerly 235 feet, where open parking shall be no closer than 8 feet to the south property line.

(e) In Area 4A, open parking is a permitted projection into the required front yard for the most southerly 25 feet only.

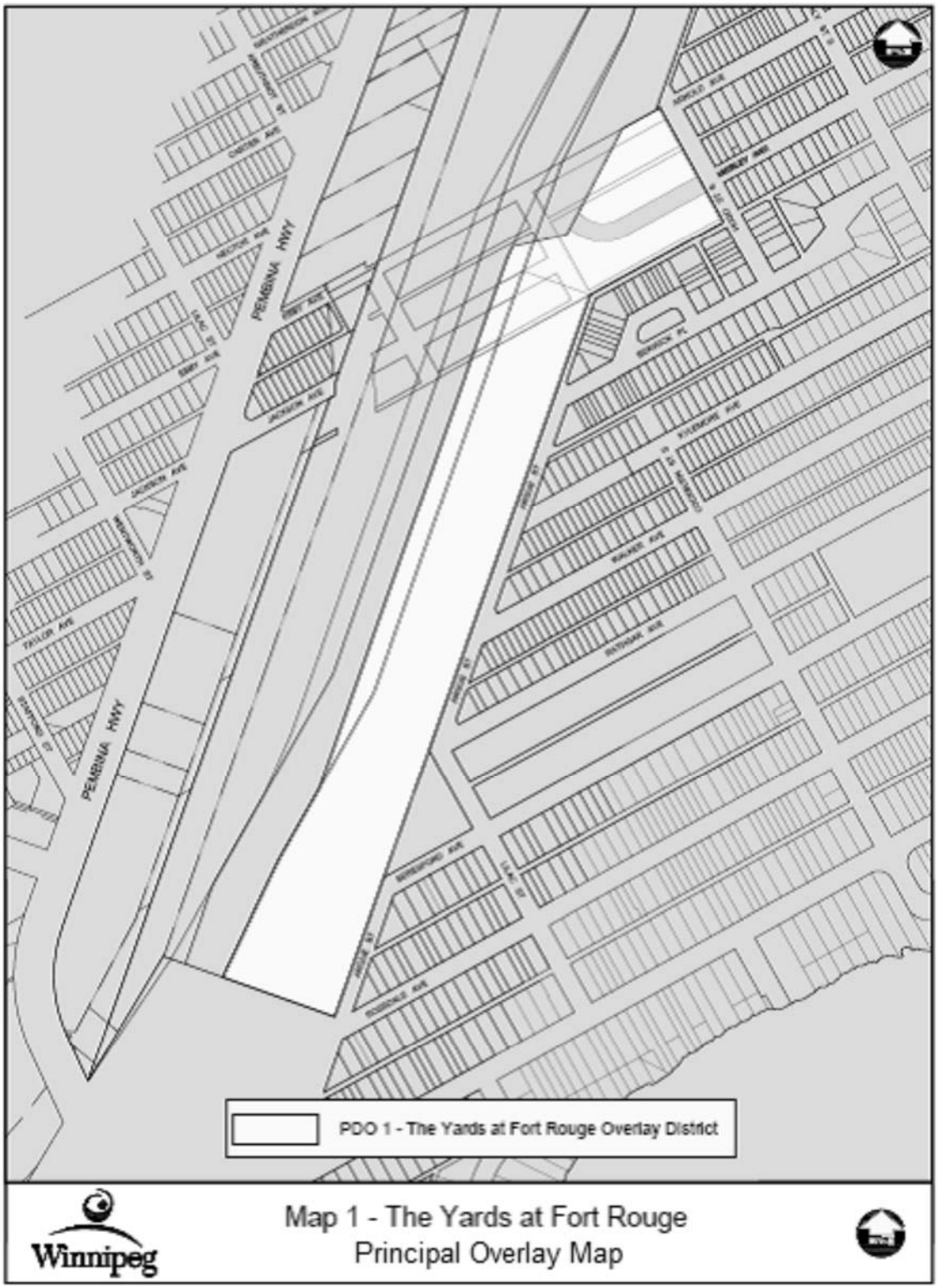
(f) In Area 4B, balconies shall be no closer than 7 feet to the south property line.

Parking Layout

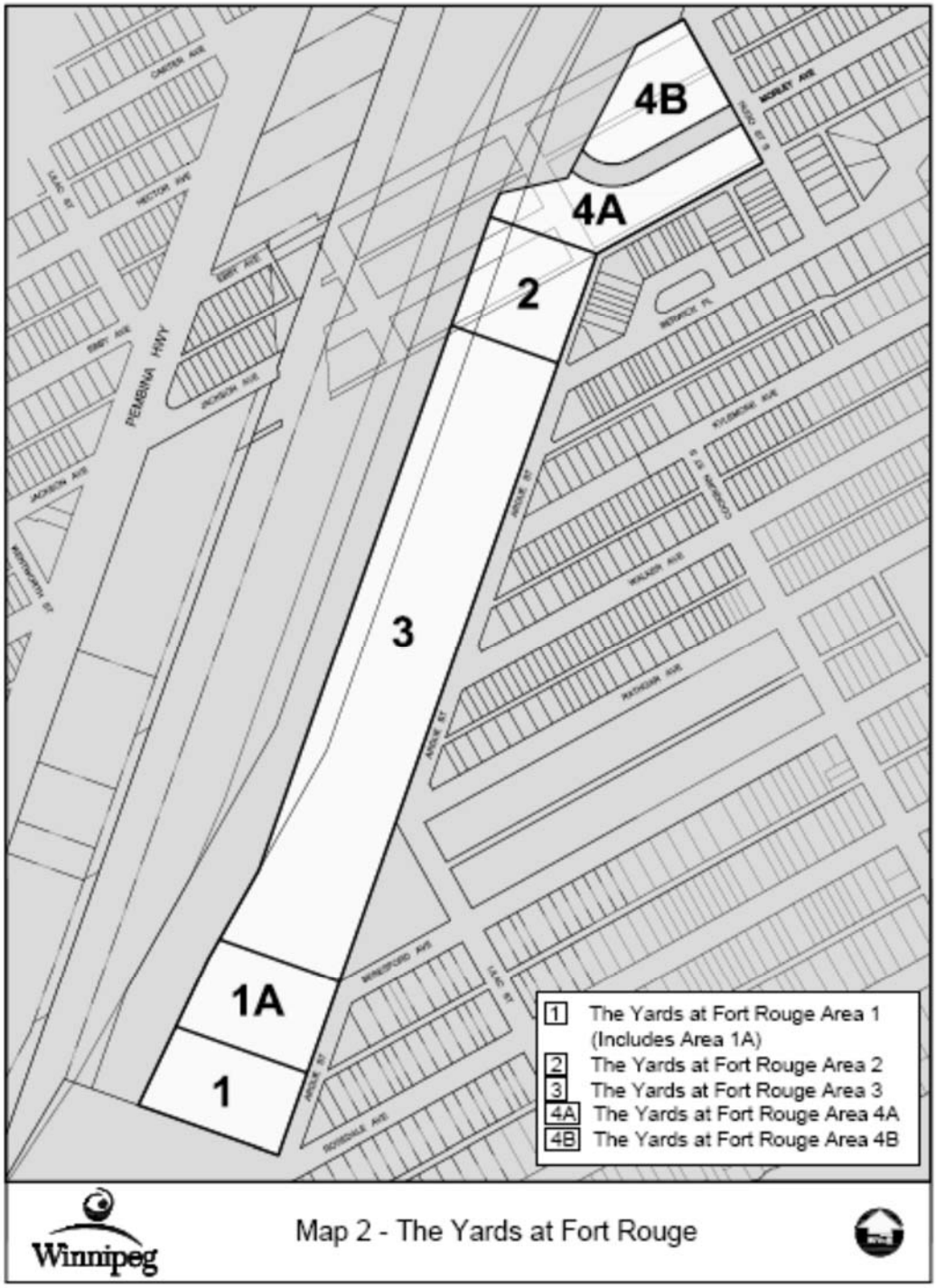
(g) In Area 4A, parking spaces are permitted to have direct access

from a public lane.

(viii) *Map 1 is struck out and the following is substituted:*



(ix) *Map 2 is struck out and the following is substituted:*

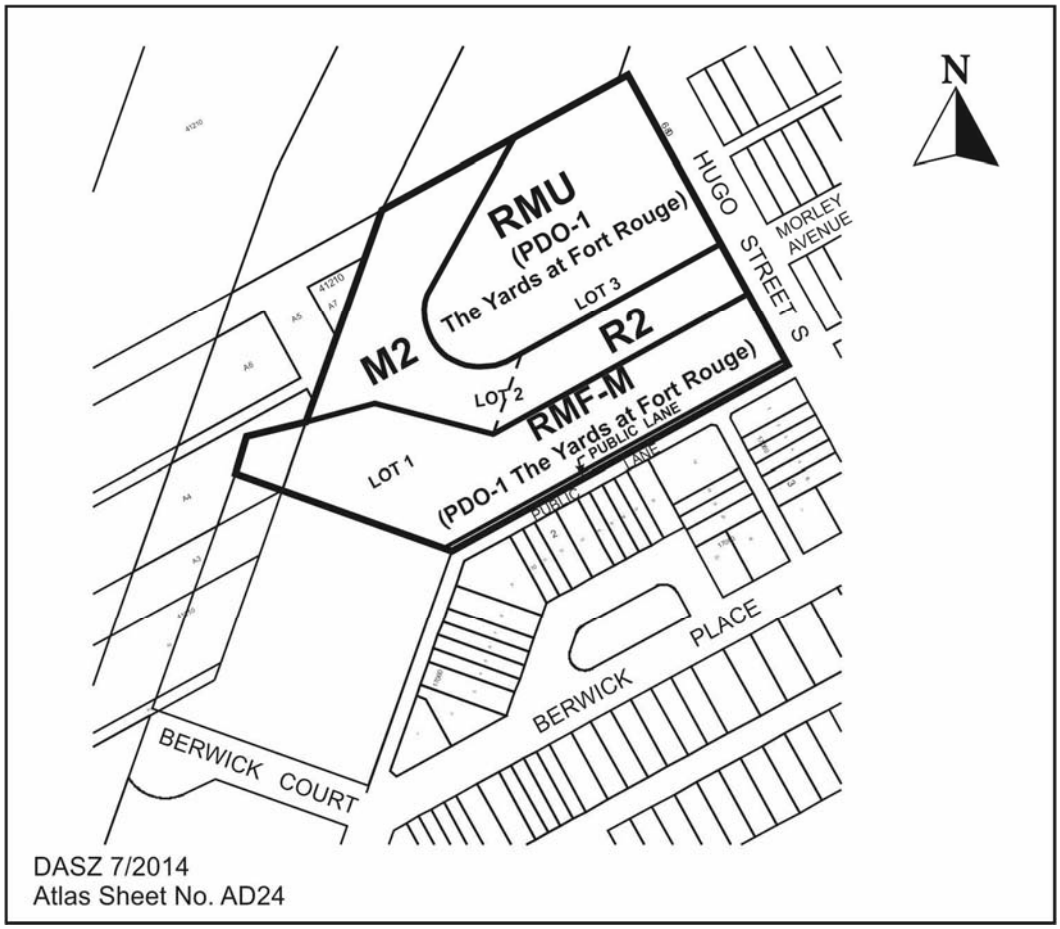


(b) A*dding the following in Schedule B:*

2(333) Notwithstanding anything elsewhere contained in this By-law or shown on the Zoning Maps, the lands designated on the plan below as “RMU (PDO-1 The Yards at Fort Rouge)” and “RMF-M (PDO-1 The Yards at Fort Rouge)” are hereby zoned as:

- a Residential Mixed Use (The Yards at Fort Rouge Planned Development Overlay 1) District; and
- a Residential Multi-Family (Medium) (The Yards at Fort Rouge Planned Development Overlay 1) District,

the zoning districts and zoning district boundaries are hereby located as shown on that plan, and the Zoning Maps shall hereafter be read and construed as shown on that plan, subject to a Zoning Agreement being entered into between The City of Winnipeg and the registered owner or persons entitled to be registered owner of the subject land.



Coming into force

3(1) Section 1 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office.

(2) Section 2 comes into force when Zoning Agreement DASZ 7/2014 is registered in the Winnipeg Land Titles Office by caveat against the subject land, all within one year from the date this By-law is passed, failing which this By-law will expire unless an extension of time is applied for prior to expiry, Council approves the extension, and the plan and caveat are registered before the extended date.

DONE AND PASSED this 28th day of January, 2015.

Mayor

City Clerk

Approved as to planning details:

for A/Director of Planning, Property and Development

Approved as to form:

Sarah Fehr
for Director of Legal Services and City Solicitor