Minutes – Executive Policy Committee – January 18, 2017

REPORTS

Item No. 6 Text Amendment – Winnipeg Zoning By-law No. 200/2006
File DAZ 218/2016

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and recommended to Council:

1. That amendments be enacted to the Winnipeg Zoning By-law No. 200/2006 as outlined in Appendix "A"(draft amending by-law attached as Appendix "C"), with the following amendment:

   A. That a Micro-Brewery, Distillery or Winery use be conditional in RMU, C1 on CMU zoned land.

2. That the proper officers of the City of Winnipeg be authorized to do all things necessary to implement the intent of the foregoing.

DECISION MAKING HISTORY:

Moved by Councillor Morantz,

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 Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On January 17, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- That the following be added to recommendation 1 after "(draft amending by-law attached as Appendix "C")":

  ", with the following amendment:

  A. That a Micro-Brewery, Distillery or Winery use be conditional in RMU, C1 on CMU zoned land."

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

RE: **Text Amendment – Winnipeg Zoning By-law No. 200/2006**
File DAZ 218/2016

For submission to: **Executive Policy Committee**

Prepared by: **A. Poitras, Senior Committee Clerk**
Standing Policy Committee on Property and Development, Heritage and Downtown Development

Report date: **January 17, 2017**

STANDING COMMITTEE RECOMMENDATION:

On January 17, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to Council:

1. That Council enact amendments to the Winnipeg Zoning By-law No. 200/2006 as outlined in Appendix "A"(draft amending by-law attached as Appendix "C")***, with the following amendment:***

    A. That a Micro-Brewery, Distillery or Winery use be conditional in RMU, C1 on CMU zoned land.

2. That the proper officers of the City of Winnipeg 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 Standing Policy Committee.

The Standing Policy Committee on Property and Development, Heritage and Downtown Development provided the following supporting reasons for its recommendation:

1. These are positive changes that will facilitate better infill development.
2. There has been a significant public consultation process.

PUBLIC HEARING SUMMARY

File: DAZ 218/2016

Before: Standing Policy Committee on Property and Development, Heritage and Downtown Development
Councillor Orlikow, Chairperson
Councillor Dobson
Councillor Gerbasi
Councillor Schreyer

Public Hearing: January 17, 2017
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 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, HERITAGE, AND DOWNTOWN DEVELOPMENT

PUBLIC HEARINGS

Date:	Tuesday, January 17, 2017
Time:	9:00 AM
Location:	Council Building, City Hall, 510 Main Street, Winnipeg, Manitoba
Hearing Body:	Standing Policy Committee on Property and Development, Heritage, and Downtown Development
Applicant:	Director of the Planning, Property and Development Department
File:	DAZ 218/2016



Key amendments include:

- Amending care homes and neighbourhood rehabilitation home regulations;
- Permitting body modification establishments where these uses are conditional;
- Adding call centres as a permitted use in the C2 zone;
- Adding craft breweries, distilleries or wineries as a principal use;
- Amending the definition and use regulations for a micro-brewery, distillery or winery;
- Allowing shared parking as an accessory use in the R1 and R2 zones;
- Amending the minimum front yard requirements in the C1, C2 and CMU zones;
- Reducing the wall area used to determine maximum surface area for fascia signage;
- Requiring landscaping improvements when a site is redeveloped;
- Extending the current 20% parking reduction in the Urban Infill Area;
- Making attached secondary suites a permitted use instead of a conditional use and,
- Several minor amendments to improve the functionality of the Zoning By-law.

Matter to be considered at the hearing:
- Proposed amendments to Winnipeg Zoning By-Law No. 200/2016; for detailed information, please visit: www.winnipeg.ca/zoningreview

For more information about the proposed amendments, please contact Robert Kostiuk at 204-986-7367, or email rkostiuk@winnipeg.ca.

Exhibits Filed:

1. Application dated November 9, 2016
2. Advertising Notice
3. Report from the Director of Planning, Property and Development dated December 13, 2016
4. Communication dated January 11, 2017, in opposition to the application submitted by Jennifer Altemeyer
5. Communication dated January 15, 2017, in opposition to the application submitted by Monique Choiselat
6. Communication dated January 16, 2017, in support of the application submitted by Denisa Gavan-Koop, Richard Wintrup & Associates
7. Communication received on January 16, 2017, with respect to the application submitted by Valerie Wolbert, Past President, People First of Manitoba
8. Communication received on January 16, 2017, with respect to the application submitted by Kevin Johnson, President, People First of Manitoba
9. PowerPoint Presentation in support of the application submitted by Robert Kostiuk/Andrew Ross, City of Winnipeg, at the public hearing
10. Presentation in support of the application submitted by Leanne Fenez at the public hearing
11. Communication dated January 11, 2017, from Margo Powell, Abilities Manitoba, in support of the application submitted at the public hearing
12. Communication dated January 9, 2017, from Nancy Hughes, Shalom Residences Inc., in support of the application submitted by Margo Powell at the public hearing
13. Communication dated January 9, 2017, from Guy Borlase, Wings of Power Family & Community Resource Centre, in support of the application submitted by Margo Powell at the public hearing
14. Communication dated January 10, 2017, from Jennifer Hagedorn, VOI Visions of Independence, in support of the application submitted by Margo Powell at the public hearing
15. Communication dated January 9, 2017, from Karen Fecyk, K & D Transitions & Supports Inc., in support of the application submitted by Margo Powell at the public hearing
16. Communication dated January 16, 2017, from Malinda Roberts, Winnserv, in support of the application submitted by Margo Powell at the public hearing
17. Communication dated January 16, 2017, from Jennifer Frain, New Directions, in support of the application submitted by Margo Powell at the public hearing
18. Photos (7) and an excerpt from “Living And Caring Because We Plan on Staying”, in opposition to the application submitted by Jennifer Altemeyer at the public hearing

19. Memo dated January 17, 2017, from Matt Glavin, with respect to the application submitted by Michael Falk at the public hearing
20. Presentation with respect to the application submitted by Matt Glavin at the public hearing
21. Recording of Representations

REPRESENTATIONS:

In Support:

Guy Borlase
Karen Fecyk
Leanne Fenez
Shelley Fletcher
Jennifer Frain
Denisa Gavan-Koop
Jennifer Hagedorn
Nancy Hughes
Kevin Johnson
Rob Kostiuk
Paul McMullan
Margo Powell
Malinda Roberts
Andrew Ross
Valerie Wolbert

In Opposition:

Jennifer Altemeyer
Monique Choiselat

For Information:

Michael Falk
Matt Glavin
John Karasevich
Peter Maconachie

For the City:

J. Kiernan, Director of Planning, Property and Development
B. Smith, Chief Planner, Planning, Property and Development Department

Exhibit "3" referred to in File DAZ 218/2016

ADMINISTRATIVE REPORT

Title: DAZ 218/2016 – Winnipeg Zoning By-Law No. 200/2006 Review (2016)

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	J. Kiernan	M. Ruta	D. McNeil

EXECUTIVE SUMMARY

Per the July 5, 2016, Committee Decision, the Winnipeg Public Service is applying for a text amendment to the Winnipeg Zoning By-law No. 200/2006 (the "By-law").

Stakeholder and public consultation concluded in late-October with the majority of respondents favouring the proposed amendments. The "major" amendments are:

1. Amending regulations for *care homes* and *neighbourhood rehabilitation homes*, and changing the existing focus from separation distances to the intensity of each use and form in relation to the zoning district.

2. Permitting *body modification establishments* where these uses are conditional.

3. Adding *call centres* as a permitted use with a use specific standard in the 'C2' Commercial Community zone.

4. Adding *craft brewery, distillery and winery* as a principal use with use specific standards in order to accommodate small-scale breweries or distilleries, particularly in commercial zones.

5. Changing the existing definition of *micro-brewery, distillery or winery* to allow beer or alcohol produced onsite to be sold to other restaurants, drinking establishments or wholesalers and making this accessory use permitted where it is currently conditional.

6. Allowing for limited, shared, non-accessory parking per the January 13, 2015 motion from the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

7. Amending the minimum front yard requirements under Table 5-5 for the 'C1' Commercial Neighbourhood, 'C2' Commercial Community and 'CMU' Commercial Mixed Use districts to ensure that the minimum front yard of 0 (zero) feet does not apply to parking, loading or queuing spaces.

8. Amending the existing fascia signage (signs attached to a building) provisions per the March 8, 2016, Standing Policy Committee on Property and Development, Heritage and Downtown Development motion.

9. Requiring landscaping improvements consistent with section 191.1 of Zoning By-law 200/2006 when a substantial amount of the site is redeveloped.

10. Extend the current 20% parking reduction in the Urban Infill Area to include all Mature Communities.

11. Making attached secondary suites a permitted use instead of conditional (per July 5, 2016 Standing Policy Committee on Property and Development, Heritage and Downtown Development recommendation).

There are also approximately 65 minor amendments being proposed, a summary of which can be found in Appendix "A" and the details of which can be found in Appendix "A" to the July 5, 2016 report adopted by the Committee.

Slight modifications from the approach either discussed in the original background report provided to the Committee or presented at the public open house are discussed in Appendix "A". These modifications apply to care homes; neighbourhood rehabilitation homes; and craft-breweries, distilleries, or wineries.

RECOMMENDATIONS

1. That Council enact amendments to the Winnipeg Zoning By-law No. 200/2006 as outlined in Appendix "A"(draft amending by-law attached as Appendix "C").

2. That the proper officers of the City of Winnipeg be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

In response to Committee direction, the Public Service is amending the Winnipeg Zoning By-law No. 200/2006 as a result of stakeholder and public consultation. Only Council has the authority to amend By-laws.

IMPLICATIONS OF THE RECOMMENDATIONS

If Council approves the proposed amending By-law, a draft of which is attached as Appendix "C", the applicable text amendments will be incorporated into Winnipeg Zoning By-law No. 200/2006.

HISTORY

On July 5, 2016, the Standing Policy Committee on Property and Development, Heritage, and Downtown Development (the "Committee") concurred in the recommendations of the Winnipeg Public Service to proceed with public and stakeholder consultation on the items contained in the Report entitled: *Winnipeg Zoning By-Law 200/2006 – 2016 Review*.

The Committee directed the Public Service to make a text amendment application to amend the Winnipeg Zoning By-law No. 200/2006 upon completion of stakeholder and public consultation. The subject text amendment application is therefore being submitted in accordance with the Committee's Decision. The By-law amendments are detailed in Appendix "A", and the draft amending By-law is attached in Appendix "C".

Public engagement for the Winnipeg Zoning By-law Review took place between late July and the end of October, 2016. The summary of the results are attached to this report as Appendix "B".

FINANCIAL IMPACT

Financial Impact Statement

Date: December 9, 2016

Project Name:

DAZ 218/2016 Winnipeg Zoning By-Law No. 200/2006 Review (2016)

COMMENTS:

There is no financial implication associated with this recommendation.

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

CONSULTATION

In preparing this report there was consultation with:

Internal Consultation: Zoning and Permits Branch; Public Works; Legal Services (as to legal issues)

External Consultation: Manitoba Liquor and Lotteries; West Alexander Residents Association; Manitoba Brewers Association; Care Home Providers, Supporting Agencies, and Provincial Support Staff; Neighbourhood Rehabilitation Home Providers; and the general public.

OURWINNIPEG POLICY ALIGNMENT

The majority of the proposed amendments are quite minor, functional improvements or changes needed to make the Zoning By-law easier to understand and use. As such, these improvements align with the following *OurWinnipeg* policy:

01-3 Prosperity

DIRECTION 1: Provide efficient and focused civic administration and governance.

The following policy statements apply to the "major" amendments (Appendix "A"), of which most are being proposed to either: improve the quality of the built environment; accommodate different uses; reduce standards that may be difficult to achieve; or to make uses more compatible with their surrounding neighbourhoods.

O1-1 City Building

- *Create Complete Communities*
- *Provide Options to Accommodate Growth*

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning Division
Prepared by: Robert Kostiuk, MCIP
File No. **DAZ 218/2016**
Date: December 13, 2016

ATTACHMENTS: Appendix "A" – Planning Discussion
Appendix "B" – Public Engagement Summary
Appendix "C" – Draft Amending By-law

Appendix "A" – Planning Discussion

Background:

- On July 5, 2016, the Standing Policy Committee on Property and Development, Heritage, and Downtown Development (the "Committee") approved the recommendations of the Winnipeg Public Service to proceed with public and stakeholder consultation on the items contained in the Public Service titled: *Winnipeg Zoning By-Law 200/2006 – 2016 Review* (http://clkapps.winnipeg.ca/DMIS/ViewDoc.asp?DocId=15440&SectionId=&InitUrl=)
- In total, there are approximately 75 amendments with 11 of these being considered to be "major" amendments. The 11 major amendments are:

    1. Amending regulations for care homes and neighbourhood rehabilitation homes, and changing the existing focus from separation distances to the intensity of each use and form in relation to the zoning district.
    2. Permitting body modification establishments where these uses are conditional.
    3. Adding call centres as a permitted use with a use specific standard in the 'C2' Commercial Community zone.
    4. Adding craft brewery, distillery and winery as a principal use with use specific standards in order to accommodate small-scale breweries or distilleries, particularly in commercial zones.
    5. Changing the existing definition of micro-brewery, distillery or winery to allow beer or alcohol produced onsite to be sold to other restaurants, drinking establishments or wholesalers and making this accessory use permitted where it is currently conditional.
    6. Allowing for limited, shared, non-accessory parking per the January 13, 2015 motion from the Standing Policy Committee on Property and Development, Heritage and Downtown Development.
    7. Amending the minimum front yard requirements under Table 5-5 for the 'C1' Commercial Neighbourhood, 'C2' Commercial Community and 'CMU' Commercial Mixed Use districts to ensure that the minimum front yard of 0 (zero) feet does not apply to parking, loading or queuing spaces.
    8. Amending the existing fascia signage (signs attached to a building) provisions per the March 8, 2016, Standing Policy Committee on Property and Development, Heritage and Downtown Development motion.
    9. Requiring landscaping improvements consistent with section 191.1 of Zoning By-law 200/2006 when a substantial amount of the site is redeveloped.
    10. Extend the current 20% parking reduction in the Urban Infill Area to include all Mature Communities.
    11. Making attached secondary suites a permitted use instead of conditional (per July 5, 2016 Standing Policy Committee on Property and Development, Heritage and Downtown Development recommendation).

- Stakeholder and public consultation concluded in late-October with the majority of respondents favouring the proposed amendments. Details on the public consultation process are provided in Appendix "B".
- The following sections focus primarily on the 11 "major" proposed amendments. The amending By-law (Attachment 'A') includes all of the proposed amendments.

1. Amend Regulations for Care Homes and Neighbourhood Rehabilitation Homes

Proposed Amendments to the Care Home Regulations

- Amend the current definition in Part 2, section 48 as follows:

  "care home" means a building or portion of a building used for:

  (a) the boarding or other residential accommodation; and

  (b) the care, treatment or supervision;

  of persons, in which care, treatment or supervision is not provided to any persons not resident in the care home ***and does not affect the residential character of the neighbourhood***

- Amend the use specific standard 64 as follows:

  Care Home

  64. (1) A care home is permitted to a maximum of 6 persons.

  ~~***(2) No care home may be located within 330 feet of another care home.***~~

  ~~***(3) No care home with more than 6 persons may be located within 990 feet of a care home or neighbourhood rehabilitation home.***~~

Discussion:

- Stakeholder meetings with care home providers and provincial representatives provided insight into the most significant issues with the current zoning regulations that apply to care homes, and ways to address these issues. The key issue for the stakeholders was ultimately the existing separation distance requirements (comments summarized in Appendix "B").
- Other items discussed were: ensuring that care homes did not impact the residential character of the neighbourhood, parking standards, and the maximum number of occupants.

- The original background report provided to the Committee suggested a general idea of limiting the maximum number of occupants in a care home in the low-density zoning districts to 4 and in the multi-family, mixed-use, educational and institutional, and commercial zoning districts to 6. The idea of limiting the maximum number of occupants in the low-density zoning districts to 4 was generally supported by the stakeholders, but the Public Service decided not to proceed with this idea at this time for the following reasons:
    - Consideration for other types of care home providers that may not have been consulted; and
    - The need to further review the maximum number of occupants in multi-family, mixed-use, educational and institutional, and commercial districts in the context of not having separation distances.
- Through the public engagement process, the public was asked to respond to the proposed changes to the care home regulations, which were:
    - Eliminating the separation distance requirements;
    - Retaining the current maximum of 6 person;
    - Including language in the definition to ensure that care homes are developed in a manner similar to single-family homes when located in lower density neighbourhoods; and,
    - Maintaining the zoning districts where care homes are currently permitted.
- Approximately 56% of those who responded to the survey through the public engagement process agreed with the proposed changes. A combined total of approximately 9% of respondents "disagreed" or "strongly disagreed" (see response summary to Question 3 in Appendix "B").
- However, not all of those who provided detailed comments in the survey agreed with the approach to the maximum number of occupants (see responses to Question 15 in Appendix "C"). Some felt that there should be no maximums, while others thought that there could be a different maximum in the multi-family, mixed-use, educational and institutional, and commercial zoning districts depending on the number of dwelling units in the development.
- The Public Service suggests monitoring development of care homes in the multi-family, mixed-use, educational and institutional, and commercial zoning districts over the next two years. Depending on the outcome of the review, the Public Service could consider making changes to the maximum occupant requirements for care homes in the multi-family, mixed-use, educational and institutional, and commercial zoning districts in the next Zoning By-law Review.

Proposed Amendments to the Neighbourhood Rehabilitation Home Regulations

- Amend the current definition in Part 2, section 48 as follows:

  "neighbourhood rehabilitation home" means a building or portion of a building used for the boarding or other residential accommodation plus mandatory supervision or treatment of persons who are from or discharged from any penal institution or who are receiving supervision or treatment for alcohol or other drug addictions, in which supervision or treatment is not provided to any persons not resident in the rehabilitation home ***and which does not affect the residential character of the neighbourhood.***

- Amend the use specific standard 66 as follows:

  Neighbourhood Rehabilitation Home

  66. (1) ~~No neighbourhood rehabilitation home may be located within 990 feet from a care home or another neighbourhood rehabilitation home.~~ ***A neighbourhood rehabilitation home is permitted in RR2, R1 and R2 zoning districts to a maximum of 6 persons.***

Discussion:

- Stakeholder meetings with neighbourhood rehabilitation home providers verified that the existing separation distance requirement is a substantial issue (comments summarized in Appendix "B").

- Other items discussed were: ensuring that neighbourhood rehabilitation homes did not impact the residential character of the neighbourhood, parking standards, and the maximum number of occupants.

- Similar to care homes, the original background report provided to the Committee suggested a general idea of limiting the maximum number of occupants in a neighbourhood rehabilitation home in the low-density zoning districts to 4 and in the multi-family, mixed-use, educational and institutional, and commercial zoning districts to 6.

- Review of this idea with stakeholders identified that these occupant restrictions would not be feasible. Many of the providers indicated that the minimum number of occupants needed to operate a neighbourhood rehabilitation home is 6, and that some of the more major neighbourhood rehabilitation homes in the commercial zones have many more occupants than 6.

- As such, the Public Service proposed limiting the maximum number of occupants to 6 only in the lower density zoning districts (RR2, R1, R2).

- Through the public engagement process, the public was asked to respond to the proposed changes to the neighbourhood rehabilitation home regulations, which were:
    - Eliminating the separation distance requirements;
    - Including a maximum of 6 persons per neighbourhood rehabilitation home in the single-family, two-family and rural residential zoning districts;
    - Include language in the definition to ensure that neighbourhood rehabilitation home s are developed in a manner similar to single-family homes when located in lower density neighbourhoods; and,
    - Maintain the zoning districts where neighbourhood rehabilitation homes are currently permitted or conditional (a neighbourhood rehabilitation home is a conditional use in the residential zones).
- A combined total of approximately 47.5% respondents to the survey "agreed" or "strongly agreed" with the proposed changes as opposed to the combined total of 10% of respondents who "disagreed" or "strongly disagreed" with the changes (see response summary to Question 4 in Appendix "B").

2. Permit Body Modification Establishments Where These Uses Are Conditional

Proposed Amendments

- Amend Table 4-1: Principal Use Table by making body modification establishments "P" permitted in the C2, C3, C4 and MMU zoning districts instead of "C" conditional.

Discussion

- Body modification establishment applications have been predominantly supported with minimal public opposition since the Winnipeg Zoning By-law No. 200/2006 was passed on March 1, 2008. The City of Winnipeg already requires licencing and regulates body modification uses through By-law No. 40/2005. The Province also requires body modification establishments to register with the Health Protection Unit.
- The public was asked to respond to the proposed change to the body modification establishment regulations through the public engagement process. The only change proposed was to make this use permitted where it is currently conditional, which is in the C2, C3, C4 and MMU zoning districts.
- A combined total of approximately 53.5% of respondents to the survey "agreed" or "strongly agreed" with the proposed changes (see response summary to Question 5 in Appendix "C").

3. Add Call Centre as a Permitted Use with a Use Specific Standard in the C2 Zone

Proposed Amendments

- Amend Table 4-1: Principal Use Table by making call centres "P*" permitted in the C2 zoning district subject to a use specific standard, instead of not permitted in the C2 district.
- Add the following use specific standard:

Call Centre

87.1 In the C2 district, call centre uses are limited to a maximum of 40,000 square feet of gross floor area.

Discussion

- There have been a number of small call centres looking to occupy existing buildings in C2. Call centres can be seen as a compatible use with other uses permitted in the C2 district, such as an office.
- A combined total of approximately 42% of respondents to the survey "agreed" or "strongly agreed" with the proposed change (see response summary to Question 6 in Appendix "B").

4. Add Craft-Breweries, Distilleries and Wineries as a Principal Use

Proposed Amendments

- Add the following definition to Part 2, section 48:

  "**craft-brewery, distillery or winery**" means a facility that possesses the appropriate license(s) issued by the Province of Manitoba to allow it to produce onsite, sell, and distribute beer, wine or other liquor or distilled spirits. All processes, functions and mechanical equipment directly associated with the production of beer, wine or other liquor must be contained inside a building. A tasting room established in accordance with all Province of Manitoba regulations and licensing requirements for the consumption of beer, wine or other liquor may form part of the craft-brewery, distillery or winery. Other associated commercial sales and service uses may be established in conjunction with the craft-brewery, distillery, or winery, such as a restaurant, drinking establishment, or a small-scale retail sales use for the sale of merchandise associated with the craft brewery, distillery, or winery.

- Add "craft-brewery, distillery or winery" as a conditional use in Table 4-1: Principal Use Table under the Food and Beverage Service category with a use specific standard (84.1) in the following zoning districts: C2 and CMU.

- Add "craft-brewery, distillery or winery" as a permitted use in Table 4-1 under the Food and Beverage Service category with a use specific standard (84.1) in the following zoning districts: C3 and C4.

- Add "craft-brewery, distillery or winery" as a permitted use in Table 4-1 under the Food and Beverage Service category in the following zones: MMU, M1, and M2.

- List that "craft-brewery, distillery or winery" falls under parking category 10 in Table 4-1: Principal Use Table and add "craft-brewery, distillery or winery" as a use type for Parking Category 10 in Table 5-9: General Accessory Parking Requirements (1 stall per 1000 square feet of gross floor area but no less than 2 spaces).

- Add the following use specific standard:

  Craft-Brewery, Distillery or Winery

  84.1 (1) The area dedicated to the production and storage of beer, wine, or other liquor in a craft-brewery, distillery or winery is limited to a maximum of 5,000 square feet of gross floor area.

  (2) A minimum of 10% of the gross floor area of the craft-brewery, distillery or winery must be dedicated to a tasting room, or a commercial sales and service use that is associated with the craft-brewery, distillery or winery.

- Restrict craft breweries, distilleries, or wineries in the same manner where drinking establishments are restricted in the PDOs:

- Under Schedule G Neighbourhood Main Streets Planned Development Overlay 1, add "craft-brewery, distillery or winery" to the list of conditional uses in section 4;
- Under Schedule L West Alexander & Centennial Planned Development Overlay 1, add "craft-brewery, distillery or winery" to the list of prohibited uses in section 5(3) and to the list of conditional uses in section 7(4);
- Under Schedule M Downtown Transcona Planned Development Overlay 1, add "craft-brewery, distillery or winery" to the list of conditional uses in sections 4(4) and 5(5);
- Under Schedule O Academy Road Neighbourhood Main Street Planned Development Overlay 1, add "craft-brewery, distillery or winery" to the list of prohibited uses in section 4.4;
- Under Schedule P The Yards at Fort Rouge Planned Development Overlay 1, add "craft-brewery, distillery or winery" to the list of prohibited uses in sections 12(3); 13(3); and 14(4); and,
- Under Schedule V Corydon Osborne Planned Development Overlay 1 add "craft-brewery, distillery or winery" to the list of: prohibited uses in section 6(4); and permitted uses in section 7(4) and 8(4).

Discussion:

- A stakeholder meeting was held with the Manitoba Brewers Association in late-July to discuss the proposed addition of a craft brewery, distillery or winery and review draft regulations to bring forward for further public consultation. The response to the proposed addition of a craft brewery, distillery or winery was generally positive and the Brewers Association provided further input on the draft regulations for public review.
- The results of the survey through the public engagement process showed strong support for the proposed addition of craft breweries, distilleries, or wineries and the associated regulations as combined total of nearly 80% responded "agree" or "strongly agree" to the proposed amendments (see response summary to Question 7 in Appendix "B").
- However, a significant amount of respondents provided comments to question 15 (see Appendix "B") stating that the proposed use specific standard of a maximum gross floor area of 5,000 square feet for the entire establishment was too limiting. Instead, most of these respondents thought that the size limit should apply to brewing or manufacturing area of the establishment, not the entire development.
- The Public Service reviewed the request and supports this change for two reasons: (1) the main concern is to limit the manufacturing or brewing area, not the commercial components; and (2) there are other municipalities regulate craft breweries in a similar way.
- It should be noted that the proposed use specific standard would limit both production and storage of beer wine or other liquor to 5,000 square feet of gross floor area.
- Another minor deviation from what was presented at the public open house is to not permit this use in the M3 zone, which came after further internal review. However,

not permitting craft breweries, distilleries, or wineries is unlikely to impact a potential brewer as there are other options to establish a brewery under different uses in the M3 zone, such as a light industrial or heavy industrial.

5. Amend Definition of "Micro-Brewery, Distillery or Winery" and where this Accessory Use is Permitted

Proposed Amendments

- Amend the current definition in Part 2, section 48 from:

  "**micro-brewery, distillery or winery**" means a small brewery, winery, or distillery operated in conjunction with a drinking establishment or restaurant, provided the beer, wine, or liquor is sold for consumption onsite or off the premises and is not sold to other drinking establishments, restaurants, or wholesalers.

to:

"**micro brewery, distillery or winery**" means a small brewery, winery, or distillery operated in conjunction with a drinking establishment or restaurant where beer, wine, or liquor produced onsite may be consumed on the ***premises, or sold, or distributed in accordance with Province of Manitoba regulations and licensing requirements. A micro brewery, distillery or winery can not exceed the gross floor area requirements of the associated drinking establishment or restaurant.***

- Change the list of permitted, conditional and accessory uses in Table 4-2 for "micro brewery, distillery, or winery" from:

RMU	**C1**	**C2**	**C3**	**C4**	**CMU**	**MMU**	**M1**	**M2**
P	C	C	P	P	C	P	C	C

to:

RMU	**C1**	**C2**	**C3**	**C4**	**CMU**	**MMU**	**M1**	**M2**
P	P	P	P	P	P	P	P	P

Discussion:

- Changes to the existing "micro-brewery, distillery, or winery" definition and use regulations were also discussed with Manitoba Brewers Association in late-July. The current definition of a "micro-brewery, distillery, or winery" states that the beer or liquor produced onsite can not be sold to other restaurants, drinking establishments or wholesalers, which is inconsistent with Provincial regulations as confirmed by the Liquor and Gaming Authority of Manitoba and Manitoba Liquor and Lotteries. Having the existing "micro-brewery" definition being inconsistent with the current Provincial regulations is seen as a major issue for the Manitoba Brewers Association.

- The results of the survey through the public engagement process showed strong support for the proposed changes to the "micro-brewery, distillery, or winery" definition and use regulations as a combined total of 80% responded "agree" or "strongly agree" to the proposed amendments (see response summary to Question 8 in Appendix "B").
- For clarity, the key difference between a "micro-brewery, distillery, or winery" and a "craft-brewery, distillery, or winery" is:
    - A "craft brewery, distillery, or winery" is a principal use where production is the primary function of the use and a smaller-scale commercial component may be developed with the brewery, such as a tasting room or gift shop.
    - A "micro brewery, distillery, or winery" is an accessory use that can only be developed in conjunction with a restaurant or drinking establishment.

6. Allow for Shared Parking as an Accessory Use

Proposed Amendments

- Add the following definition to Part 2, section 48:

  "**parking, shared**" means a parking facility not associated with any use on the same zoning lot.

- Add "Parking, shared" to Table 4-2: Accessory Use Table, inserted below "Outside storage." Add P* for "Parking, shared" under the R1 and R2 districts.

- In the Use Specifics Standard column of Table 4-2, insert 120.1 for "Parking, shared".

- Add the following Use Specific Standards:

  Shared Parking

  120.1. The following standards apply for shared parking spaces:

  (1) Lots containing shared parking must be a minimum of 25 feet in width.

  (2) A maximum of 1 shared parking space is allowed on lots between 25 and 49 feet in width.

  (3) A maximum of 2 shared parking spaces is allowed on lots 50 feet in width or wider.

  (4) Shared parking spaces must meet all required parking regulations and standards identified in section 172.

  (5) Shared parking spaces must be accessible from a paved public lane or street.

  (6) Shared parking spaces on zoning lots containing residential uses must be located behind the rear wall of the principal building.

  (7) Onsite advertising for shared parking spaces is not permitted.

Discussion:

- On January 13, 2015, the Standing Policy Committee on Property and Development, Heritage and Downtown Development directed the Winnipeg Public Service to investigate and report back within 90 days on changes to the Winnipeg Zoning By-law 200/2006 that would accommodate limited non-accessory parking as an accessory use through discretionary approval in Zoning Districts where it is currently not permitted. On October 13, 2015, the matter was referred to the Zoning By-law 200/2006 Review.
- Canadian and American cities studied have a range of ways of dealing with shared parking in their zoning by-laws. The 'sharing economy' is driving cities to explore options around shared parking.
- In 2015, face-to-face consultation was done with stakeholders who included the West Alexander Residents Association. Key items discussed were: the approval process and potential liability issues. A short summary of that meeting is included in Appendix "B".
- The Public Service consulted the general public on allowing shared parking within the R1 and R2 zoning districts only. This approach was selected based on a previous review of test areas within Winnipeg, which showed that the biggest demonstrated need for shared parking is currently within the R1 and R2 districts, and that the proposed zoning regulations may be best limited to these lots at this time. The Public Service can monitor the practice and if need arises, potential expansion options for multifamily, rural residential, institutional, and C1 districts can be explored in the future.
- The public was asked to respond to the proposed addition of shared parking with use specific standards in the R1 and R2 zoning districts through the public engagement process. A combined total of approximately 48% "agreed" or "strongly agreed" with the proposed amendment (see response summary to Question 9 in Appendix "B").

-

7. Amend Minimum Front Yard Requirements under Table 5-5 for the C1, C2 and CMU Districts

Proposed Amendments

- Within Table 5-5: Dimensional Standards for Commercial and Institutional Zoning Districts, add a "note g" under the "Minimum/Maximum Front Yard" column in the C1, C2 and CMU zoning districts.
- Under "**Notes:**" at the bottom of Table 5-5 add:

  g. A minimum front yard of 10 feet must be provided to open parking or loading areas, and to queuing spaces.

Discussion:

- The 0 foot front yard for development in the C1, C2, and CMU zoning districts is intended to accommodate principal buildings being built next to the street, not parking areas.
- If parking is to be allowed in these zoning districts, then the appropriate landscaping and buffering and appropriate setback to accommodate the landscaping is required.
- The results from the public feedback on the proposed amendment were positive. A combined total of 49% of respondents "agreed" or "strongly agreed" with the proposed amendment as opposed to the combined total of approximately 7% of respondents who "disagreed" or "strongly disagreed" (see response summary to Question 10 in Appendix "B").

8. Amend Existing Fascia Signage (Signs Attached to a Building) Provisions

Proposed Amendments

- Amend section 185(3) from:

  Signs Attached to Building

  185.

  (3) In calculating wall area for purposes of determining maximum sign surface area, only the first 3 storeys or 45 feet (whichever is lower) of the building may be used. Allowable sign surface area is not transferable to another wall;

  to:

  Signs Attached to Building

  185.

  (3) In calculating wall area for purposes of determining maximum sign surface area, only the first **~~3~~** storey**~~s~~** or **~~45~~ 15** feet (whichever is lower) of the building may be used. Allowable sign surface area is not transferable to another wall;

Discussion:

- On March 8, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development recommended that the Public Service investigate and report back on limiting the amount of fascia (wall) signage permitted on storefronts and include recommendations for amendments to the Winnipeg Zoning By-law No. 200/2006.
- The Public Service reviewed these regulations and found that the existing provisions in terms of calculating the surface area for a sign are more excessive than what is allowed in the Downtown Winnipeg Zoning By-law. Furthermore, the existing regulations generally allow for much more fascia signage than what is actually being built.
- The proposed amendments bring the allowable fascia signage more in line with the Downtown Winnipeg Zoning By-law and with the fascia signage that is being constructed.
- A combined total of 44.5% of respondents to the survey "agreed" or "strongly agreed" with the proposed amendment (see response summary to Question 11 in Appendix "B"). Approximately 44.5% of respondents were also "neutral" to the proposed changes.

•

9. Landscaping Requirements for Redevelopment of a Site

Proposed Amendments

- Amend section 191.1 from:

  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.

  to:

  Section 190:

  Redevelopment or Expansion of Existing Buildings

  (10) Where an existing building is being or expanded or a zoning lot is being redeveloped, the following standards apply:

  (a) Only subsections (1) to (4), inclusive, apply where:

  (i) a zoning lot is being redeveloped and the area affected represents between 25% and 50% of the total lot area;

  (ii) an existing building is being expanded and the expansion represents between 25% and 50% of the gross floor area of the existing building; or

  (iii) an additional building is being constructed and the construction of the additional building represents between 25% and 50% of the cumulative gross floor area of all buildings.

(b) Only subsections (1) to (9), inclusive, apply where:

(i) a zoning lot is being redeveloped and the area affected represents more than 50% of the total lot area;

(ii) an existing building is being expanded and the expansion represents more than 50% of the gross floor area of the existing building; or

(iii) an additional building is being constructed and the construction of the additional building represents more than 50% of the cumulative gross floor area of all buildings.

(11) Where the owner of a building or zoning lot requests an extension of time for the installation of required landscaping, the Director may authorize the extension to a maximum of two (2) growing seasons where:

(a) the extension of time is sought before construction of the principal building(s) or redevelopment of the zoning lot has been completed; and

(b) the owner provides to the Director security in the amount of 100% of the total value of the required landscaping as determined by a Landscape Architect or qualified landscape professional.

Repeal subsection 191.1

Discussion:

- Section 191.1 requires landscaping improvements upon expansion of the building, but does not specify the landscaping required when a site or a zoning lot is redeveloped.
- The proposed amendments take into account when a site is being redeveloped and when a large, new building is being added onto the site.
- It should be noted that the proposed amendments will fall under section 190 and section 191.1 will be repealed.
- A combined total of 57% of respondents to the survey "agreed" or "strongly agreed" with the proposed amendment" (see response summary to Question 12 in Appendix "B").

10. Extend the Current 20% Parking Reduction in the Urban Infill Area to Include all Mature Communities

Proposed Amendments

- Amend section 10 as follows:

  Urban Infill Areas Maps

  10. While newer portions of the city have been divided or can be divided into parcels that are of adequate size and shape to accommodate the general standards of this By-law related to required on-site parking and landscaping, some older portions of the city have been divided into parcels that are too small or shallow to accommodate such parking and landscaping. In order to promote infill redevelopment in older portions of the city, the City of Winnipeg hereby provides for the establishment of Urban Infill Areas. Urban Infill standards described in Part 5, Development and Design Standards, of this By-law apply to **uses designated in section 171(2) within** ~~**commercial and institutional and manufacturing zone districts located within**~~ applicable ~~**that**~~ area**s** designated on the Urban Infill Areas Maps in Schedule C to this By-law. The location and boundaries of the Urban Infill Areas provided for in Part 3 are hereby established as shown on the Urban Infill Areas Maps in Schedule C.

- Amend note c in Table 5-5: Dimensional Standards for Commercial and Institutional Zoning Districts as follows:

  c. No rear yard is required for lots in the C2 district located in the Urban Infill Area~~s~~ on Map~~s~~ 1 ~~**and 2**~~ in Schedule C

- Amend note f in Table 5-5: Dimensional Standards for Commercial and Institutional Zoning Districts as follows:

  f. Maximum front yard in the C1 district applies only in Urban Infill Area~~s~~ as identified on Map~~s~~ 1 ~~**and 2**~~ in Schedule C.

- Amend the wording under Illustration 16 (page 115) as follows:

  Illustration 16: Maximum Front Yard in C1 District

  In Urban Infill Areas identified on Map~~s~~ 1 ~~**and 2**~~ in Schedule C within the C1 district, a minimum of 50 percent of the ground floor front façade must be located within 10 feet of the front property line...

- Amend the wording in section 190(5) as follows:

  Building Foundation Landscaping

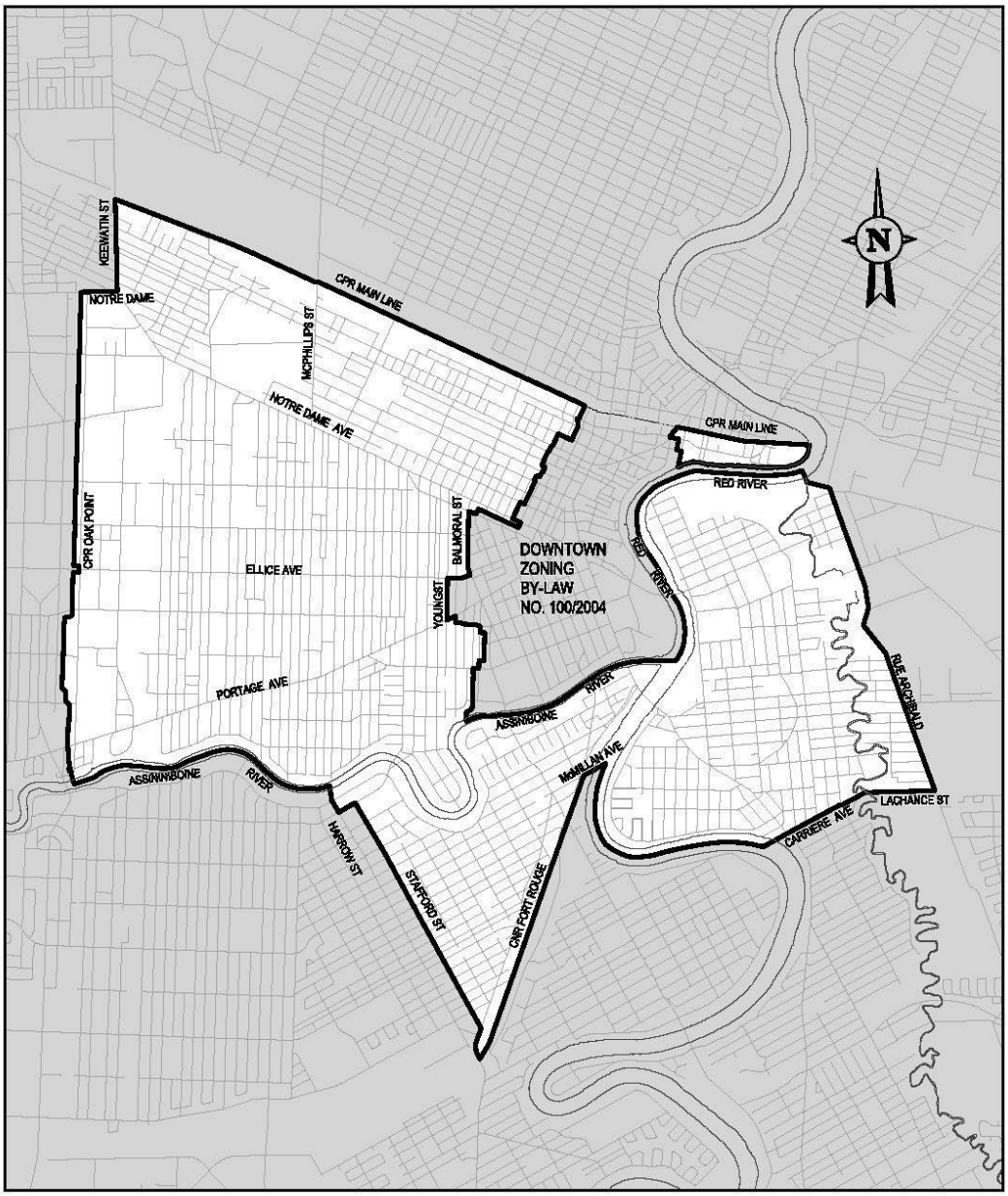
  (5) Outside of the Urban Infill Areas, as shown on Map~~s~~ 1 ~~**and 2 in**~~ Schedule C, building foundation landscaping is required for all principal buildings…

- Amend the wording in section 190(6) as follows:

  Parking Lot Interior Landscaping:

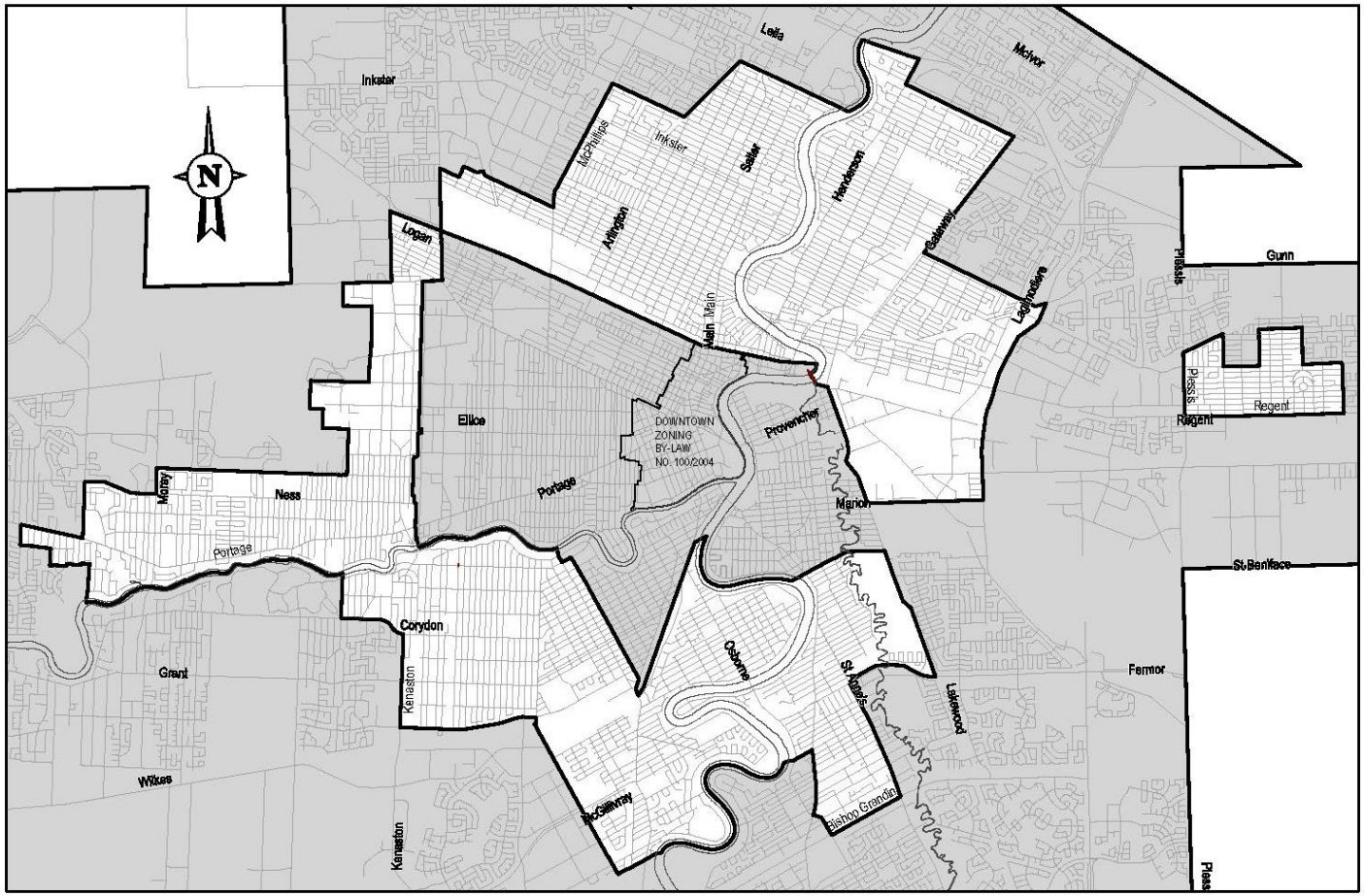
  (6) The following landscaping of areas internal to parking lots is required for all parking areas within the Urban Infill Areas, as shown on Map~~s~~ 1 ~~**and 2**~~ in Schedule C that contain more than 50 automobile parking spaces and all parking areas outside the Urban Infill Areas having more than 20 automobile parking spaces:...

- Delete the existing Urban Infill Area Map 1 and Map 2 (Schedule C) and replace with new Urban Infill Area Map 1 and Map 2 (per the following):



URBAN INFILL AREA MAP 1

WINNIPEG ZONING BY-LAW 200/2006



URBAN INFILL AREA MAP 2

WINNIPEG ZONING BY-LAW 200/2006

Discussion:

- Currently, under section 171(2), there is a 20% parking reduction offered within the Urban Infill Area for instances where a property currently does not meet the minimum standards for accessory off-street parking, or the property is located with frontage on a public transit route with regular daily service. The Public Service recommends extending this 20% parking reduction to include the Urban Infill Area as well as all Mature Communities as shown in the *Complete Communities Direction Strategy* By-law 68/2010.
- The proposed adjustment would extend the geography to include neighbourhoods such as the North End, Elmwood, North Point Douglas, older parts of Transcona, Old St. Boniface, River Heights and older parts of St. James. These neighbourhoods are typically characterized by walkable grid patterns of streets and blocks, are generally pedestrian-oriented, and include a number of public transit routes with daily service.
- A combined total of 48% of respondents to the survey "agreed" or "strongly agreed" with the proposed amendment as opposed to the combined total of approximately 16.5% of respondents who "disagreed" or "strongly disagreed" (see response summary to Question 13 in Appendix "B"). Approximately 35% of respondents were "neutral" to the proposed changes.

11. Permit Attached Secondary Suites, and Ensure the Suites are Smaller than the Homes they are Constructed Within

Proposed Amendments

- Amend Table 4-2: Accessory Use Table by making attached secondary suites "P*" permitted in the A, RR5, RR2, R1, R2, RMF, RMU, C1 and C2 zoning districts instead of "C*" conditional.
- Amend section 120(1)(c) from:

  (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;

  to:

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

Discussion:

- On July 5, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development recommended that the Public Service "make an application for a text amendment to the Winnipeg Zoning By-law No. 200/2006 to make attached secondary suites permitted as of right, and that this amendment be included in the Winnipeg Zoning By-law 200/2006 Review (2016)" (see item No. 19 "Secondary Suites").
- The administrative report provided the following rationale:
  - *Since 2008, when Attached Secondary Suites were added to Zoning By-law 200/2006 there have been more than 140 applications approved with little or no public opposition. Relaxing the approval process would remove a regulatory hurdle and provide a financial incentive by removing the associated Conditional Use application fee.*
- However, when making attached secondary suites permitted the Public Service recommended a minor change to use specific standard found in section 120(1)(c). This use specific standard is meant to ensure the suite will be subordinate in size to the primary dwelling, does not apply to a basement suite. The intent of that standard was to accommodate attached secondary suites in the basement of existing homes, a handful of developers have attempted to circumvent the size restriction on new builds with identical main floor and basement floor plans, or what is more aptly defined in the Zoning By-law as a two-family dwelling. Amending the clause closes this loophole and helps distinguish more accurately between an Attached Secondary Suite and a two-family dwelling.

- The proposed change to 120(1)(c) closes the loophole identified in Public Service report.
- An item to note is that with the proposed amendment to make attached secondary suites permitted, a change is also required to the Development Procedures By-law where attached secondary suites are identified as a "B" conditional use.
- A combined total of 49% of respondents to the survey "agreed" or "strongly agreed" with the proposed amendment as opposed to the combined total of approximately 5% of respondents who "disagreed" or "strongly disagreed" (see response summary to Question 14 in Appendix "B"). Approximately 45% of respondents were "neutral" to the proposed changes.

"Minor" Amendments

- Besides the amendments discussed above, approximately 65 other minor amendments were proposed in the original background report titled: *Winnipeg Zoning By-Law 200/2006 – 2016 Review*, which was reviewed before and adopted by the Standing Policy Committee on Property and Development, Heritage, and Downtown Development on July 5, 2016 (http://clkapps.winnipeg.ca/DMIS/ViewDoc.asp?DocId=15440&SectionId=&InitUrl=). These amendments are captured in Appendix "C", the draft amending by-law.
- The minor amendments addressed any one or more of the following:
    - *Corrections*, including spelling errors and confusing or missing wording.
    - *Clarification*, such as opportunities to add additional text or more specific language to minimize potential confusion.
    - *Functional Improvements*, such as tweaks to the regulations to achieve better results in the built product and/or a more streamlined, predictable process.
- Although the majority of the focus throughout the public engagement was on the proposed "major" amendments, two information boards were dedicated to the "minor" amendments at the public open house. Copies of the background document with all proposed minor amendments were also made available at the public open house and on the Zoning By-law Review project website. A total of 4 responses were provided to the survey question dedicated to the minor amendments (see responses to question 16 in Appendix "B").
- Three other minor changes have been added to Attachment 'A' that should be noted:
    - Correction of a typo in Table 4-2 where the "C" for detached secondary suites should indicate that use specific standards apply with a "C*****";
    - Correction of the wording in the definition of a multi-family dwelling to:

      "**dwelling, multi-family**" means a **building** ~~**structure, located on a single lot,**~~ containing 3 or more dwelling units, each of which is designed for or occupied by one family only, with separate housekeeping and cooking facilities for each; and,
    - Clarification of wording in section 142(4) by replacing "in the regulations in" with "only the minimum yard requirements in".

Appendix “B” Public Engagement Summary

Public Engagement Process

- Public engagement for the Winnipeg Zoning By-law Review took place primarily between late-July and the end of October, 2016. Key engagement activities included:
  - A stakeholder meeting with the West Alexander Residents' Association to discuss shared parking (August 27, 2015);
  - A stakeholder meeting with the Manitoba Brewers Association to discuss craft-brewery and micro-brewery regulations (late-July, 2016);
  - Stakeholder meetings with care home providers and provincial representatives associated with supporting care homes or care home programs to discuss changes to the care home regulations (August, 2016);
  - Stakeholder meetings with neighbourhood rehabilitation home providers to discuss changes to the neighbourhood rehabilitation home regulations (August, 2016);
  - The creation of a project website with a survey (October, 2016); and
  - A public open house (October 20, 2016).
- The public engagement process was reviewed by the Office of Public Engagement.
- The creation of the project website (www.winnipeg.ca/zoningreview) and survey, and the public open house were the primary engagement components that were used to obtain public feedback on the proposed amendments.
- The Winnipeg Zoning By-law Review project website was made publically accessible on October 6th, 2016.
- The public open house was advertised in the Winnipeg Free Press and in the Metro newspapers on October 6th and through the City of Winnipeg Facebook and Twitter accounts. Direct emails were also sent to stakeholders, such as community groups, professional organizations, the sign industry, the development industry, and stakeholders previously consulted in the process.
- The public open house was held from 3:30-8:30 p.m. on October 20th at the Forks South Atrium. Approximately 65 members of the public attended; 27 people completed surveys.
- Survey responses were collected on the project website from October 6th to October 27th. Forty (40) surveys were submitted on the project website, for a total of 67 competed surveys between the surveys collected at the open house and online.

Stakeholder Meeting Summaries

The following sections provide stakeholder meeting summaries on the key discussion points regarding proposed changes to the Winnipeg Zoning By-law. The groups selected for stakeholder meetings were chosen because these groups would likely be most affected by potential changes to the Winnipeg Zoning By-law, which in this case was for the following amendments (affected stakeholders in parentheses):

- Shared parking (the West Alexander Residents' Association)
- Craft-Brewery, Distillery, or Winery and Micro-Brewery, Distillery or Winery (Manitoba Brewers Association)
- Care Home Regulations (care home providers and provincial representatives associated with supporting care homes or care home programs)
- Neighbourhood Rehabilitation Home Regulations (neighbourhood rehabilitation home providers)

Shared Parking

West Alexander Residents' Association

The West Alexander Residents' Association was identified as the main stakeholder. According to Zoning and Permits Division, West Alexander is the area in Winnipeg receiving the most complaints regarding illegal shared parking, mainly for its close proximity to the Health Sciences Centre and the University of Manitoba Bannatyne Campus.

In-person consultation was done with the Association on August 27, 2015. Key points of feedback and Urban Planning Division responses were:

Stakeholder feedback	**Public Service response**
Should be Director approval to avoid 'red tape'. No public hearing unless Variance required	Will be approved administratively with allowance for appeal
Require an annual permit renewal, to adjust to changing circumstances	May present resource issues for Zoning - needs internal discussion
How do we prevent an approval precedent for large Variances - will this open the floodgates	Variances will be considered on a case by case basis with the context taken into account
Who assumes responsibility for any hazards stemming from loose cords, block heater fires etc.?	The property owner and user of the parking stall(s).

Craft-Brewery, Distillery, or Winery and Micro-Brewery, Distillery or Winery

Manitoba Brewers Association

- Generally agreed with the addition of craft breweries as a use and the changes proposed for micro-breweries;
- Consider allowing for craft brewery, distillery, or winery in the C1 zones to accommodate nano-breweries;
- Do not state "produced on the premises" in the definition of "craft-brewery, distillery or winery" for the tasting room component;
- Consider adding language to allow for sales of beverages in tasting rooms from other brewers with brewing licenses in Manitoba in the craft brewery definition and in the tasting room definition.

Changes to Care Home Regulations

Care Home Providers and Provincial Representatives

- The most significant issues with the existing zoning regulations, notably separation distances include:
  - Public hearings for separation distances can create an operational hurdle to overcome in two ways: (1) The hearing process takes time and it makes it harder to purchase a home with that potential constraint; and (2) the required public hearing makes it seem as if there's a problem and can create anxiety in the neighbourhood about the use.
  - Providers can't have conditions on an offer to purchase a property to get the zoning requirements in place as this would limit the potential to be the successful purchaser.
  - Proximity to family members or schools can be impacted by there being another care home or neighbourhood rehabilitation home in the vicinity, which impacts choice and could, for example, stop the conversion of someone's house to a care home.
  - It can be cumbersome to confirm separation distances; there have been instances where providers were told that there are existing care homes or neighbourhood rehabilitation homes in the separation distance, but these homes were not operational or ever licensed.
  - For children, there is a need to work with the school divisions for placement and with separation distances as this can limit choices for homes.
  - There may be legal precedent to not have separation distances.
- Three to 4 beds is common for a care home; 4-6 can be too large and get chaotic. There are few care homes that are over 4 beds as this would be hard to accommodate in most homes anyhow with Building Code requirement etc.
- Care homes are subject to continual review and legislative requirements to maintain their licenses.
- Get rid of separation distances.

- Stating that the care home needs to look like a home (or something to the effect) could be considered in the definition.
- The existing parking regulations seem okay as they currently are in the Zoning By-law.
- There is some general consensus to move to a maximum of 4 residents instead of 6 in the use specific standard – bearing in mind you can apply to alter this standard.

Changes to Neighbourhood Rehabilitation Home Regulations

Neighbourhood Rehabilitation Home Providers

- The most significant issues with the existing zoning regulations, notably separation distances include:
  - It's nearly impossible to move forward with a purchase of a home without meeting the separation requirements.
  - Confirming the separation requirement is sometimes difficult because often it can't be guaranteed that there are no other neighbourhood rehabilitation homes or care homes within the separation requirement. This can make the process of purchasing a home more cumbersome.
- Most models require a minimum of 6 residents to be operational.
- Dorm-style facilities need to be accommodated that can have over 6 people.
- Would support getting rid of the separation distance requirement.
- Would support a maximum of 6 residents in the lower density zoning districts ("R2" Residential Two-family; "R1" Residential Single-family; "RR2" Rural Residential 2).
- Would support a requirement that the neighbourhood rehabilitation home look like a typical single-family dwelling.
- The existing parking requirements do not need modification.

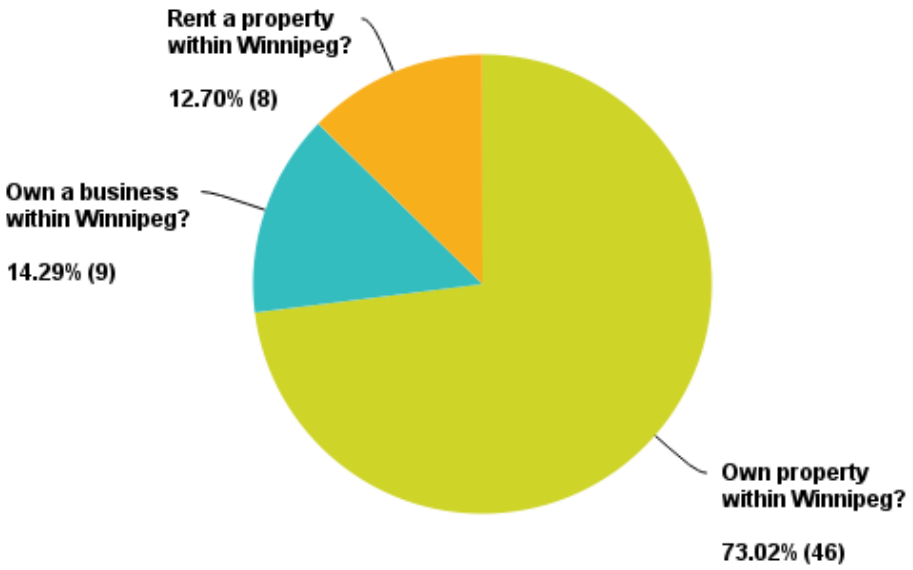
Survey Responses

Survey responses were collected on the project website from October 6th to October 27th and from the public open house on October 20th. Forty (40) surveys were submitted on the project website and 27 were completed at the public open house for a total of 67 competed surveys. The following sections below provide a consolidated summary of the results.

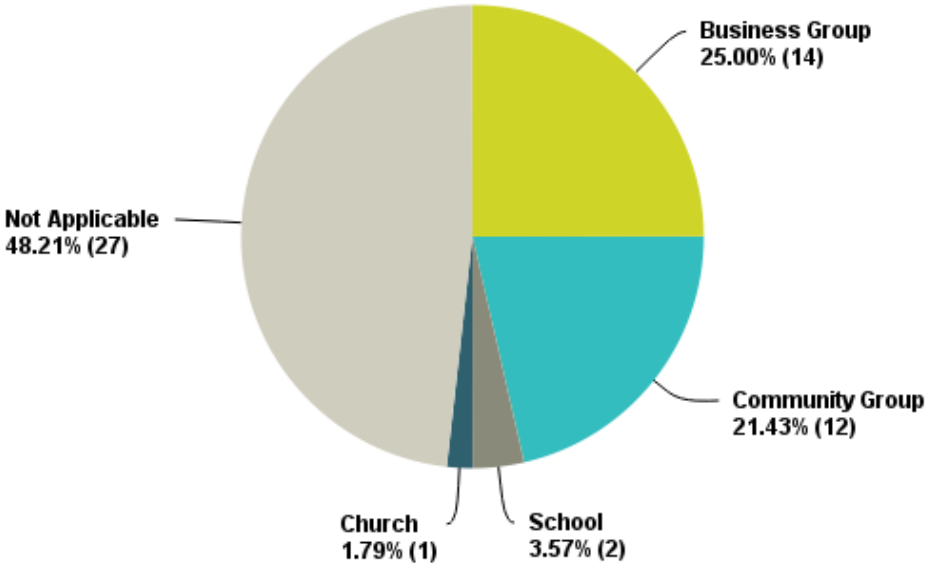
Questions 1 & 2

Questions 1 and 2 were general introductory questions that were asked to get a sense of respondents' background. The majority of respondents owned a property in Winnipeg, while there was some representation from business owners and community groups.

Question 1: Do you (please check the box that applies to your situation):



Question 2: Which of the following groups or organizations do you represent?



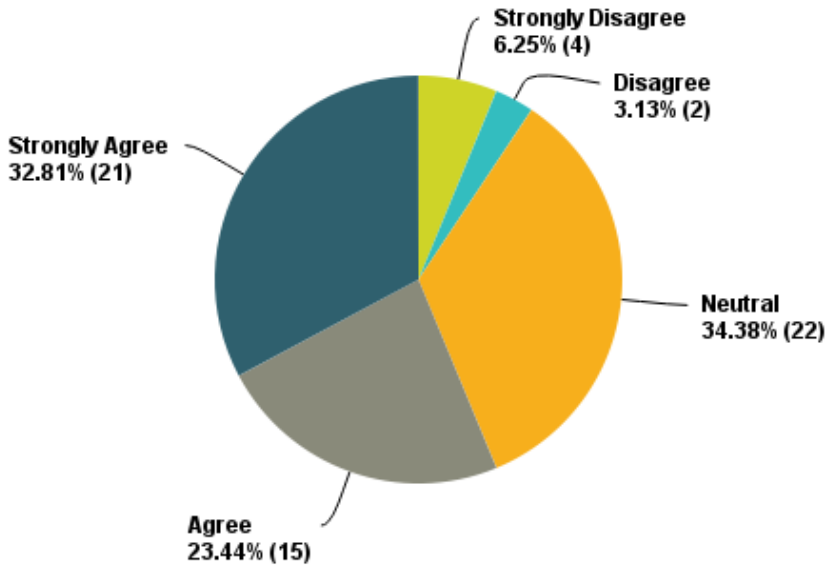
Questions 3-14

Questions 3-14 were designed as rating-scale questions that were intended to gauge the level of support for each of the proposed major amendments to the Winnipeg Zoning By-law. Respondents were asked how much they agree with each of the proposed major changes to the Winnipeg Zoning By-law by selecting any one of the following options:

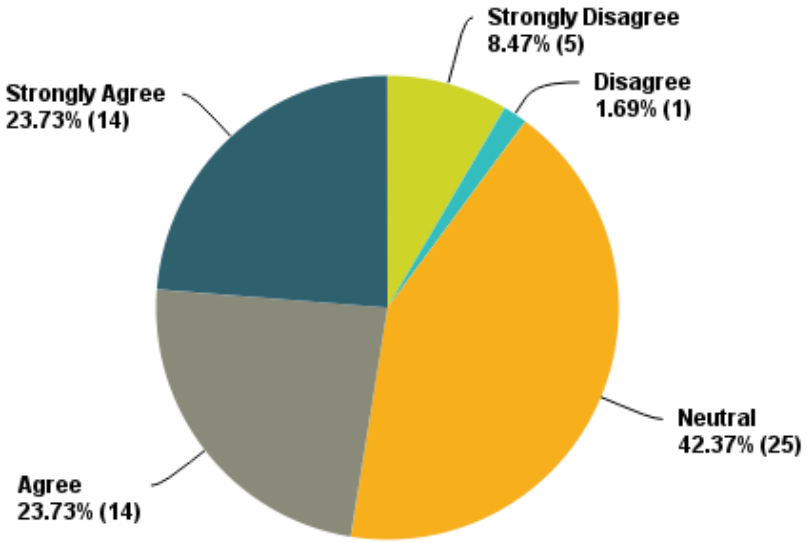
- Strongly Disagree;
- Disagree;
- Neutral;
- Agree;
- Strongly Agree.

Most of the survey respondents to question 3-14 either agreed with the changes or provided a response of "neutral" to the proposed changes. Very few respondents either "disagreed" or "strongly disagreed" with any one of the proposed changes. In fact, the percentage of total responses combined between "disagree" and "strongly disagree" for any individual question was approximately 15% or lower, indicating general support for the proposed amendments. The consolidated results for each of questions 3-14 are provided below.

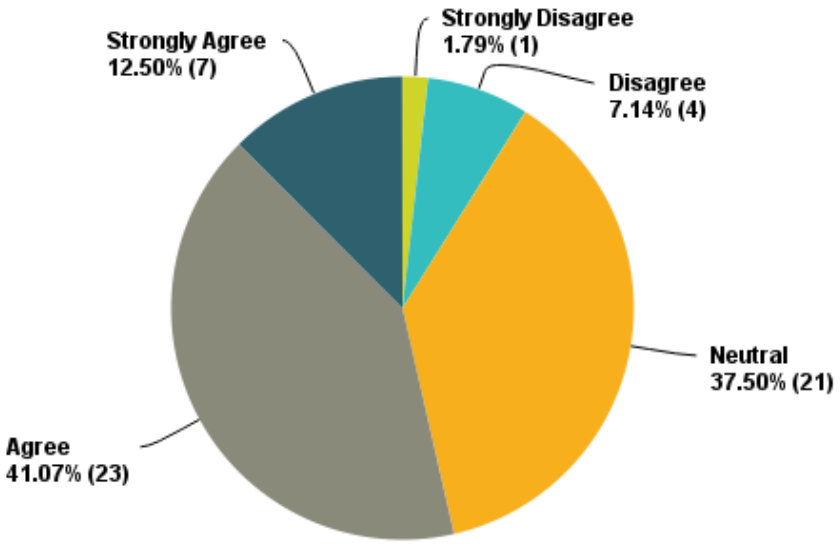
Question 3: I agree with the proposed changes to the care home regulations (choose one below).



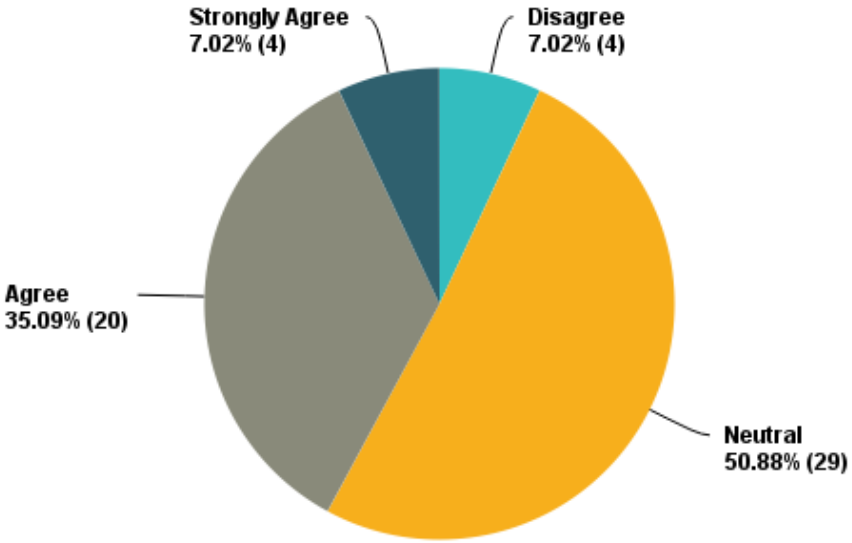
Question 4: I agree with the proposed changes to the neighbourhood rehabilitation home regulations (choose one below).



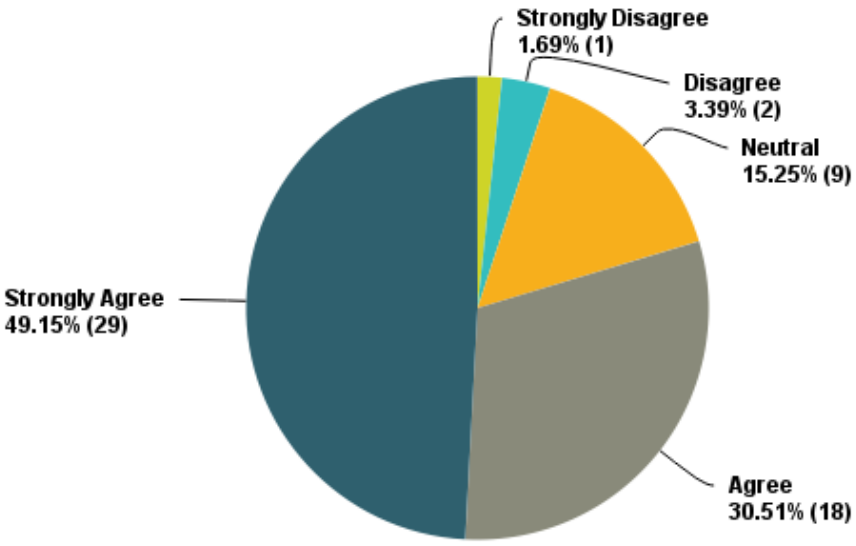
Question 5: I agree with the proposed changes to the body modification establishment regulations (choose one below).



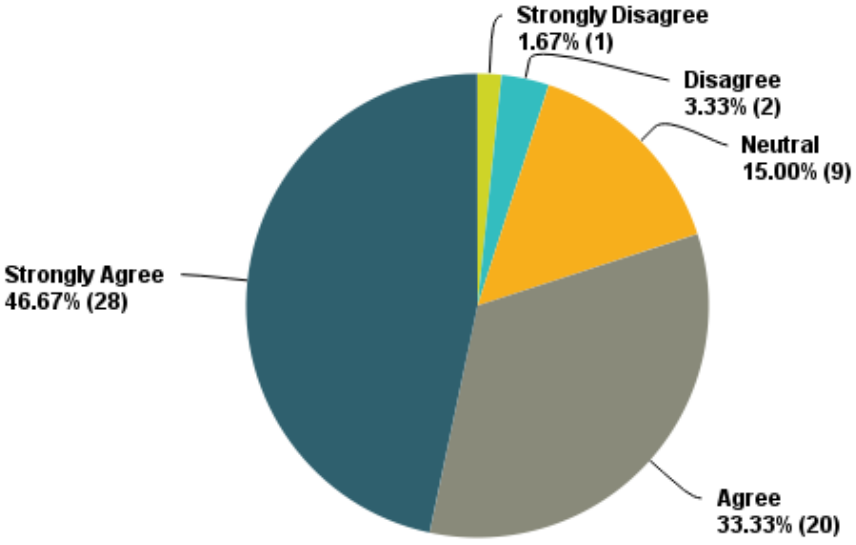
Question 6: I agree with the proposed changes to the call centre regulations (choose one below).



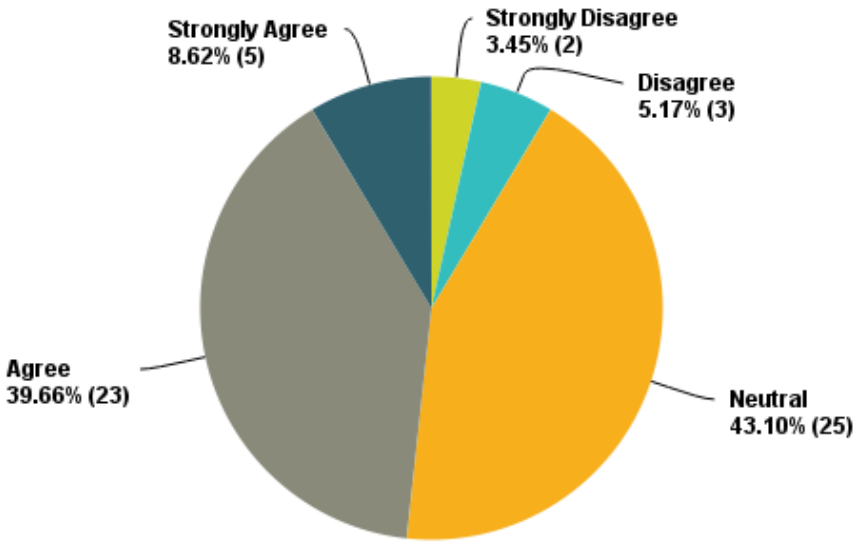
Question 7: I agree with the proposed addition of craft breweries, distilleries or wineries as a principal use and the associated regulations (choose one below).



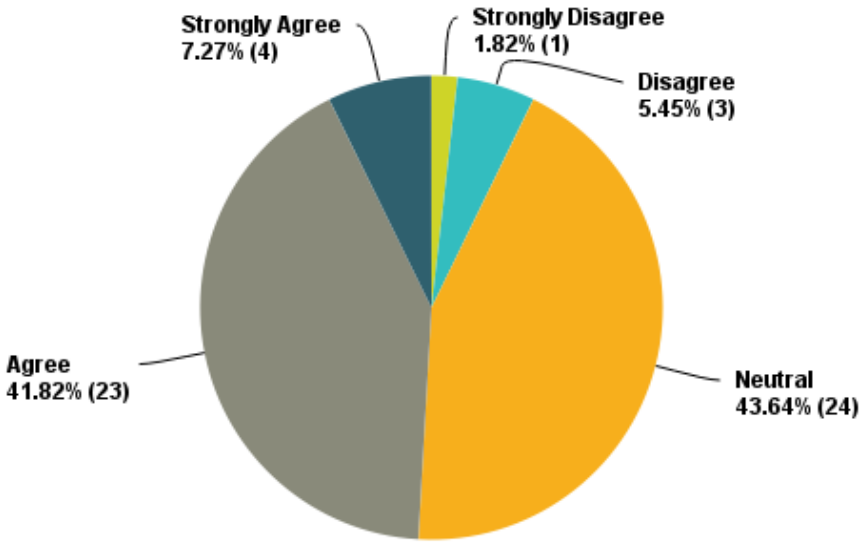
Question 8: I agree with the proposed changes to the micro-brewery, distillery or winery regulations (choose one below).



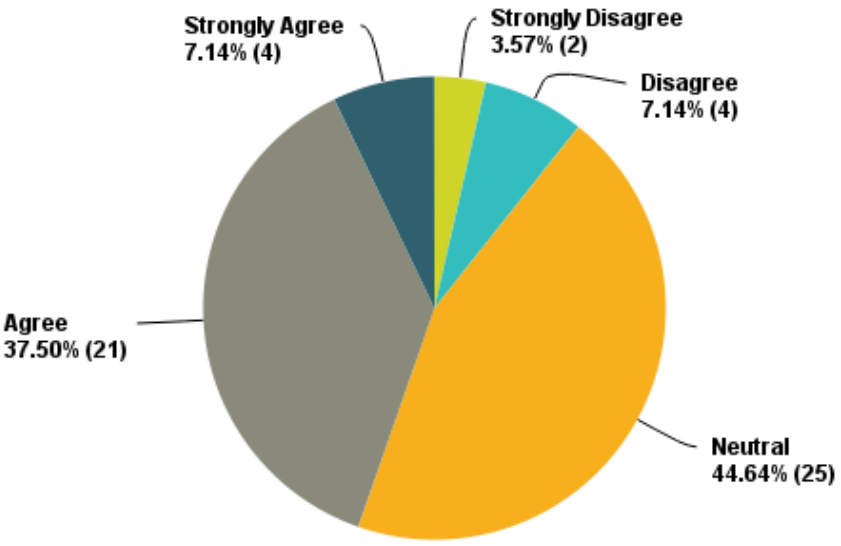
Question 9: I agree with the proposed addition of limited, shared non-accessory parking and the associated regulations (choose one below).



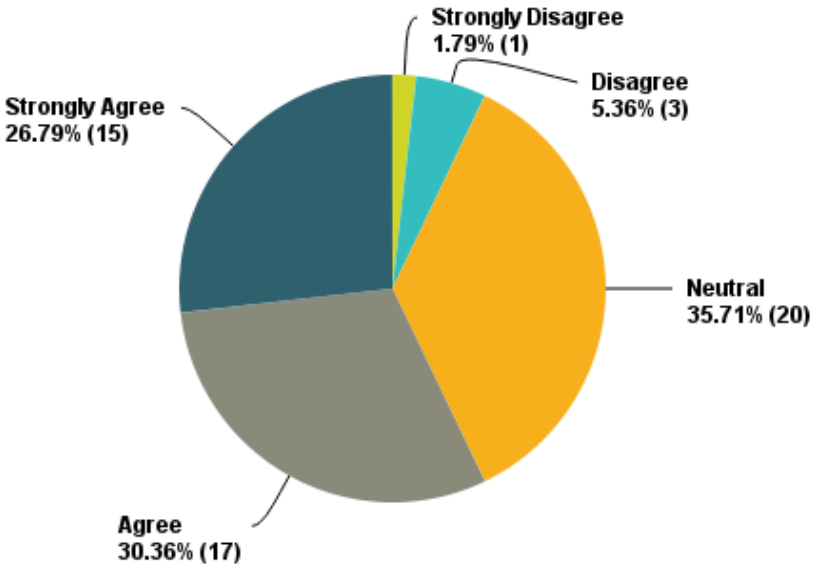
Question 10: I agree with the proposed changes to the minimum front yard requirements for the C1, C2 and CMU zoning districts (choose one below).



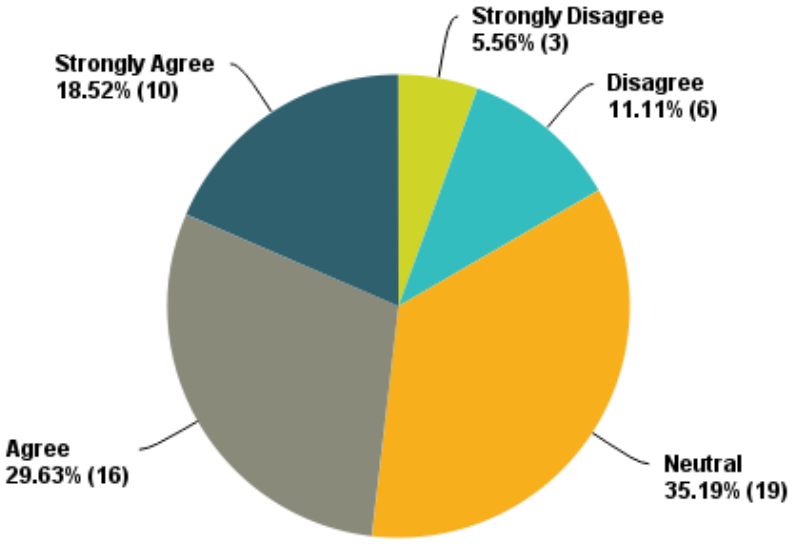
Question 11: I agree with the proposed changes to the fascia signage (signs attached to a building) regulations (choose one below).



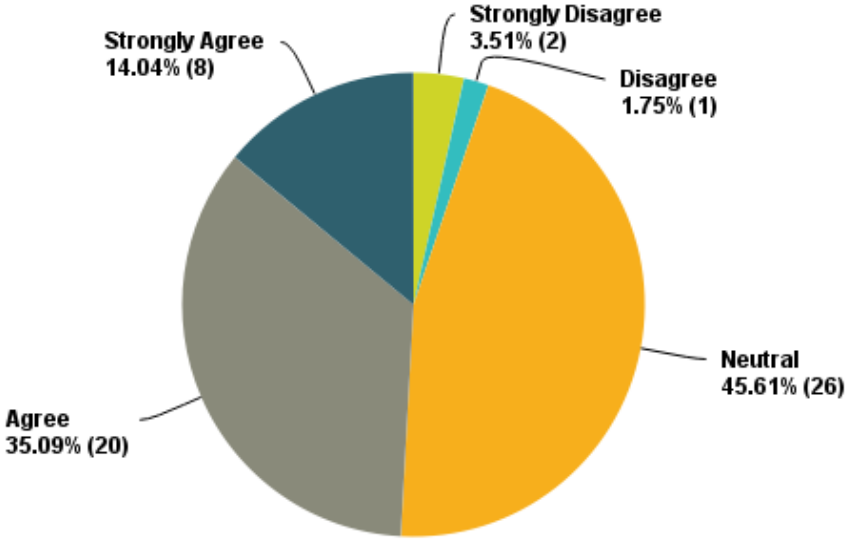
Question 12: I agree with the proposed changes to landscaping requirements for redeveloping a site regulations (choose one below).



Question 13: I agree with the proposed expansion of the Urban Infill Area to include all Mature Communities, which would result in a 20% parking reduction for this area (choose one below).



Question 14: I agree with the proposed changes to the attached secondary suite regulations (choose one below).



Question 15

Question 15 gave respondents an opportunity to elaborate on any responses to questions 3-14. A total of 30 respondents provided further comments, in some case to multiple proposed changes.

Most respondents commented on the proposed changes to care homes and the introduction of craft breweries, distilleries and wineries. A common theme discussed in the responses regarding care homes is that getting rid of separation distances is overdue, and that the practice of including separation distances can be viewed as discriminatory or as a human rights violation. Some comments were also provided on the maximum number of occupants requirement for care homes.

With respect to craft breweries, distilleries and wineries, the vast majority of comments were in support of the proposed changes, except that the proposed limitation on the size should only apply to the brewing space, not the entire establishment.

All of the original comments are provided below and are organized by the question being responded to.

Question 15: Do you have any comments to add on any of the proposed changes in questions 3-14? In your response, please specify which change(s) you are commenting on.

Care Homes (Question 3)

1. In terms of Care Homes (question 3), I would like to thank the City for finally removing distances between group homes. That being said, I also believe that the remaining capacity restrictions should also be removed. There is no difference between a Care Home as it is defined in the ZBL and a regular single-family dwelling, aside from the people who are using it. In that regard, placing any regulations here would mean the Winnipeg Zoning By-law is regulating people and not the usage of property.

   If you look at "Alcoholism Foundation of Manitoba v. Winnipeg, 1990, Manitoba Court of Appeal, 69 D.L. R. (4th) 697" the court ruled that:

   "The individuals living in the approximately 140 group homes which have been organized and maintained in the city are 140 disadvantaged groups under s. 15(1) [of the Charter] and they are discriminated against since they, and they alone, must apply to the various community and city committees for permission to form and live together as a group or "family"…The disputed by-law's wording amounts to people zoning and that under the Charter and its current interpretations, is objectionable and discriminatory." Interestingly, the distance requirements were never removed from the Winnipeg ZBL following this ruling. It's good to see the proposed changes addressing this, but there are still capacity regulations in place.

   Care Homes should have all the same regulatory status as single-family dwellings. Thank you.

2. Re: #3 - the current requirements of rehabilitation care and neighbourhood care facilities is discriminatory and long overdue for updating. Dis-allowing or prohibiting people, who due to their disability and resulting care needs, to live within 300m of each other is unnecessary, unfair and needs to change.

   I have appreciated the process and collaboration that the City has now executed related to this proposed change.
3. Well, it's about time the care home separation requirement was addressed; it's been brought to the City's attention numerous times and has been found to be a human rights violation in other provinces.
4. If you have care homes in local neighbourhoods - provide parking for the staff.
5. Removal of separation distance is essential for care homes. The current 300m separation causes many issues. It's discriminatory and people are unable to live where they want to. Lack of options - with the current distance there are few housing options and many parts of Winnipeg have zero options that meet the current separation distance.
6. 4 or few people is best for care homes. Up to 6 is acceptable. Getting rid of discriminatory separation requirements is good. One thing: having a limit of 6 when the residence is an apartment block (single address) may be too limiting as with big apartment blocks having more than six apartments within may make good sense for resource sharing, reducing social isolation, etc. So in regular single family homes a limit of 6 (and better yet 4) is good; apartment blocks should have a higher limit (like maybe a %... we don't want ghettos but community!).
7. #3: Winnipeg must change this by-law to the proposed one. Placing limits on where people can live simply on the basis of disability is discriminatory and a violation of a person's rights.

Neighbourhood Rehabilitation Homes (Question 4)

1. #4: Rehab homes - in order to be a 'home' it makes sense to max out the occupancy at 6 people. This will ensure the home fits in the neighborhood and residents have opportunity to integrate in the community as they rebuild their ability to be healthy, contributing members.
2. I also do not understand wanting some people who are at risk of reusing drugs or committing crimes to be mixed in with upstanding people. I suggest halfway houses be located in urban areas where families are not so easily accessed by people whose priorities are counter to those of families, especially those with smaller children.

Craft Breweries, Distilleries or Wineries & Micro-Brewery, Distillery or Winery Regulations (Questions 7 & 8)

1. If nothing else, amend the definition of microbrewery to allow offsite sales. Re: Craft Brewery Consider only applying use specific size limits to the manufacturing side of the business (4,500 sf max). The size of the retail portion (tap sales and merchandise) shouldn't matter as a use restriction in C2 and C3 spaces.
2. Q 7 and 8: Craft brewery space requirements should only apply to maximum dimensions for the brewery side, not the tap room/retail side.
3. Size should apply to the brewery area only - tap room should be separate from the brewery area. Thank you.
4. Proposed size restrictions (under 5000 sq ft) for brewing facilities should NOT include tap room. OK to limit the manufacturing but not the customer's space.
5. I think that we are still limiting the space available to the microbreweries. 5000 sq ft is not much to work with. Think big! There is tourism and trade involved.
6. I think limiting the sq footage of the micro breweries is counter productive. If the 5,000 sq fr was production space, that would seem better for job creation.
7. Size regulation should only be determined on the brewing component. Micro brewers should be allowed to sell off site.
8. I understand that the use specific standard being proposed for microbreweries is 5000 sq ft with a 10% allocation for a tap room.

   Perhaps consideration could be given to simply limiting the brewing space to 4500 square feet (5000 less 10%) without specifying limits on the business as a whole. This would allow for a larger tap room while still addressing concerns about the brewery being too big for the neighbourhood.
9. Limiting the size of the craft breweries to 5,000 sq ft should be for the actual brewing production area - not including the taproom and/or commercial space. Agree with the definition change of microbrewery. Craft breweries should also have to provide more parking spaces than 1 per 1,000 sq ft.
10. I am very supportive of supporting our local craft and microbreweries. Let's make it happen!
11. With regard to #7 and 8, It seems to me that changing the zoning to allow the establishment of craft breweries, etc. without permitting offsite sales would be self-defeating. So I strongly support the adoption of both amendments.
12. I think the proposed changes to micro-breweries is a fantastic idea. It will allow small scale brewing operations to be set up in smaller buildings and will really enhance neighbourhoods.
13. I strongly support #7 & #8 in support of local craft breweries. Manitoba is way behind the regulatory framework of other jurisdictions, we need to support the development of this industry to provide good jobs & local choices here in Winnipeg and in Manitoba.
14. Wondering why our city is hypocritical & reforming the bylaws to include small breweries & craft distilleries and not including dispensaries in the by laws. With legalization

imminent and dispensaries at the forefront of the distribution, and the Supreme Court ruling the govs programs are unconstitutional numerous times, and with the public already voting with their dollars & feet, I can't see why our city officials can't be proactive such as the city of Vancouver, and Victoria and adopt regulations for dispensary storefronts & issue licenses out that are overseen & regulated by the liquor board????

Our city has a homelessness problem & with that comes substance abuse most commonly alcohol. With cannabis known to benefit its users this alternative can save the city lots of $ in healthcare costs not to mention all the revenue it'd collect from taxes and license fees. Why can't this happen? Why is it ok for the liberal gov to open up 'safe' injection sites & openly allow addicts to use harsher drugs than the cannabis plant?

Let's regulate businesses that produce alcohol which is known to do harm in many ways and cause death yet turn the other way when it comes to cannabis & it's benefits.... Greeeeaat idea!

15. Question #7: Increase the accessibility to small businesses and ease the process will gain a larger market of tourism and help the younger population. Give the Forks 'Commons' for instant proof.

Parking (Question 13)

1. #13. Leave existing rules in place.
2. Recommend reviewing all parking minimums to allow provision of bike parking (Ensure that the zoning bylaws treat bicycles as vehicles as equal to cars).

   Recommend a better and more realistic analysis of trip-chaining whenever transit proximity is used as a reason to effect parking minimums.

   According to most available research, close to 100% of school children would prefer to bike to school. Parking minimum at schools should therefore be as close to the entire student population as possible. Bike parking provides a very strong reinforcement of the rideability and 'normalization' of cycling.

   Where are the transit oriented development by-laws intended to streamline transit oriented lifestyles?
3. #13 - It would be FANTASTIC if city dwellers/tourists coming into the Corydon BIZ area at night DIDN'T have to park in the residential neighbourhoods, which often causes disruption to the peace and quiet at 2 a.m. when they pick up their vehicles.
4. There is no sense in reducing parking spaces to force people to walk.

   If Winnipeggers want to drive then they should be accommodated.

   Furthermore, the aging population will need parking as it is difficult for people with weakening bodies to walk in Winnipeg's climate.

Landscaping Requirements for Redeveloping a Site (Question 12)

1. #12 of this questionnaire: See if you can start a maintenance enforcement for plan approvals (e.g. summer student)

Attached Secondary Suites (Question 14)

1. 14. Homes within mature communities have fairly small homes. 33% of my home's square footage would be 330 sq ft - a very tiny secondary suite!

General Comments

1. Intriguing concepts proposed – if I were to relocate to this area, I would be interested in inputting a number (quite a number) of these concepts.
2. Good job; well-staffed; good answers.

Question 16

Question 16 gave respondents an opportunity to provide feedback on the +/- 65 proposed "minor" amendments. Although the majority of the focus throughout the public engagement was on the proposed "major" amendments, two information boards were dedicated to the "minor" amendments at the public open house. Copies of the background document with all +/-65 proposed minor amendments were also made available at the public open house and on the Zoning By-law Review project website. A total of 4 responses were provided to question 16 (per below).

Question 16: Do you have any comments on the proposed "minor" changes to the Winnipeg Zoning By-law No. 200/2006?

General Comments

1. I appreciate the greater clarification through provision of additional definitions. Are similar amendments going to be made to the downtown zoning bylaw?
2. See school parking adjustment my answer to #15: *According to most available research, close to 100% of school children would prefer to bike to school. Parking minimum at schools should therefore be as close to the entire student population as possible. Bike parking provides a very strong reinforcement of the rideability and 'normalization' of cycling.*
3. There are no definitions for the proposed new words and terms.
4. Additional changes should be considered to properly align with Our Winnipeg and Complete Communities:

   MMU Text Amendments:

• One of the central goals of OurWinnipeg is to build "Complete Communities"(described in OurWinnipeg Section 01-1C), which are neighbourhoods that support a variety of lifestyle choices, providing opportunities for people of all ages and abilities to live, work, shop, learn and play in close proximity to one another.

• "Dwellings" in the "MMU" zone should be permitted so as to be in compliance with OurWinnipeg and Complete Communities' central vision of live, work and play.

The following are a list of key directions and objectives from Our Winnipeg that directly support the above noted request:

o 03-1 Opportunity:

Direction 4 – "Encourage new and infill development, as well as the redevelopment of existing properties to incorporate affordable housing that is integrated with market housing, that provides opportunities to reduce transportation costs and that allows people to live, work and play in the same neighbourhood."

The following are a list of key directions and objectives from Complete Communities Direction Strategy that directly support the above noted request:

o Employment Lands – Business Park and Institutional Campus Specific

Direction1 – "Introduce new enabling policies to support increased mixed-use opportunities"

• "Support through planning, the introduction of commercial/retail, residential and personal service development that is subordinate and supportive of the primary employment uses in Business Park and Institutional Employment areas."

• OurWinnipeg and Complete Communities advocate for a central vision of live, work and play.

• Our Winnipeg and Complete Communities advocate for creating a vision of being able to live, work and play in the same community. The current City of Winnipeg Zoning By-Law #200/2006 does not permit the ability to "live" within the business parks.

• Blending residential, commercial, cultural, institutional, and/or industrial uses, where those functions are physically and functionally integrated will provide for better alignment with the vision of OurWinnipeg and Complete Communities

• "Dwellings" in the "MMU" Zone should be permitted so as to be in compliance with OurWinnipeg and Complete Communities' central vision of live, work and play.

Requested Changes to the "MMU" – Manufacturing Mixed-Use Zone:

Dwelling, live-work - P

Dwelling, multi-family - P

Dwelling, single-family detached - C

Dwelling, two-family - C

M3 text Amendments
• In recent years, surrounding municipalities have seen significant increases in new employment land development in recent years because of the price point per lot and flexibility in their zoning by-laws.

• There is a need for greater flexibility in the City of Winnipeg Zoning By-Law that will allow for a broader range of uses in the "M3" Zoning District.

• This flexibility will retain prospective purchasers and not delay the process in such a way that they would be persuaded in to establishing in industrial parks outside of the City of Winnipeg

Requested Changes to the "M3" – Manufacturing Heavy Zone:

Commercial School - C

Day Care Centre - C

Amusement Enterprise, Indoor - C

Studio/Radio/TV/Motion Picture Broadcast and Production - C

Amusement Enterprise, Outdoor - C

Hotel or Motel - C

Call Centre - P

Office - P

Landscape or Garden Supplies - P

Pawnshop - C

Auto/ Light Truck/ Motorcycle, Sales and Rental - P

Drive-In or Drive-Through - P

General Comments Collected at the Open House

Attendees of the open house were invited to provide comments on sticky notes and paste them directly onto the information boards in addition to filling-out a survey. These comments are captured below and organized by the question and proposed change being responded to.

Care Homes and Neighbourhood Rehabilitation Homes (Questions 3 &4)

- Are definitions for care homes and neighbourhood rehabilitation homes the best approach? May be seen as zoning people, rather than use…

Craft Breweries, Distilleries or Wineries & Micro-Brewery, Distillery or Winery Regulations (Questions 7 & 8)

- I like this.
- The change to allow micro-breweries to be sold offsite to other restaurants, wholesalers or drinking establishments is a much-needed change.
- Promotes the local economy:
    - Fun for the elderly, youth, and middle age;
    - Enhanced neighbourhoods
    - Good citizenship potential.

Limited, Shared Non-Accessory Parking (Question 9)

- Great idea!

Expansion of the Urban Infill Area to include all Mature Communities, Resulting in a 20% Parking Reduction for this Area (Question 13)

- Yes!
- 20% reduction much needed
- This is next level stuff!
- A 20% reduction is a good start. More may be needed to truly encourage infill. Perhaps parking maximums could also be considered in the Urban Infill Area of Mature Communities for the identified uses?
- Why is the City manipulating people into walking when they want to drive? Given the aging population, more parking is more practical.

Attached Secondary Suites (Question 14)

- More density – smart move
- Why not secondary suites? Do it.
- Good idea! Are any changes identified for detached secondary suites? These should also be encouraged, particularly in Urban Infill Areas and Mature Communities.

Minor Changes (Question 16)

- Removing retail sales from home-based businesses might have adverse effects in neighbourhoods like Wolseley, where this may be taking place.
- Is it hard to enforce this change: *Modify the definition of major and minor home-based businesses to clarify that they should not adversely affect the residential character of the area in which they are located*

Appendix “C” – Draft Amending By-law



Amending By-law
FINAL - Winnipeg Zor