Minutes – Executive Policy Committee – December 6, 2017

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 27, 2017

Item No. 8 Winnipeg Zoning By-law Amendment – Landscaping Requirements

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 submitted the following to Council:

1. That the Standing Committee direction of September 19, 2017, to report back within 120 days with options aimed at improving the ability of the Winnipeg Public Service to ensure compliance with approved plans for new developments, be expanded to include a review on amending the Winnipeg Zoning By-law 200/2006 to require the following:

    A. Landscape plans prepared by a member of the Manitoba Association of Landscape Architects (MALA);

    B. Landscape work securities (letter of credit), based on the cost of landscape works and installation, as shown on the approved landscape plans;

    C. Inspection of the final landscape works by a member of MALA and submission of a Certificate of Inspection, for the installation, that is embossed with the MALA seal and signed by the Landscape Architect;

    D. Inspection of final landscape works one (1) year after installation by a member of MALA and submission of a Certificate of Inspection, for the end of one year maintenance and warranty that is embossed with the MALA seal and signed by the Landscape Architect.

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

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DECISION MAKING HISTORY:

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 November 27, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development considered the Council Motion of November 15, 2017, and recommended that the Standing Committee direction of September 19, 2017, to report back within 120 days with options aimed at improving the ability of the Winnipeg Public Service to ensure compliance with approved plans for new developments, be expanded to include a review on amending the Winnipeg Zoning By-law 200/2006 to require the following:

A. Landscape plans prepared by a member of the Manitoba Association of Landscape Architects (MALA);

B. Landscape work securities (letter of credit), based on the cost of landscape works and installation, as shown on the approved landscape plans;

C. Inspection of the final landscape works by a member of MALA and submission of a Certificate of Inspection, for the installation, that is embossed with the MALA seal and signed by the Landscape Architect;

D. Inspection of final landscape works one (1) year after installation by a member of MALA and submission of a Certificate of Inspection, for the end of one year maintenance and warranty that is embossed with the MALA seal and signed by the Landscape Architect.

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

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION:

On November 15, 2017, Council ruled automatic referral of the following motion to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

Moved by Councillor Wyatt,
Seconded by Councillor Lukes,

WHEREAS on April 28, 2010, City Council referred the following motion to the Standing Policy Committee on Property and Development:

"WHEREAS landscaping is important to the wellbeing of City of Winnipeg residents, beautifies our City, and actively combats heat island effect and greenhouse gas emissions, by sequestering carbon and contributing to vital pedestrian environments and beautiful streetscapes;

AND WHEREAS the existing City of Winnipeg Zoning By-law No. 200/2006 requires that:

a) a landscape plan be submitted as part of any development application subject to the requirements of Part 5: Development and Design Standards – Landscaping and Buffering;
b) installation of required landscaping and buffering be completed before the City will issue a Zoning Compliance Certificate for the principal building;
c) the owner maintain the required landscaping and buffering areas in conformance with set standards;

AND WHEREAS the existing Zoning By-law implies enforcement by the City of Winnipeg and thus the onus is not on the developer to obtain professional certification that landscaping has been completed and maintained in accordance with approved plans;

AND WHEREAS the City of Winnipeg has difficulty doing enforcement of said landscape plans as this city only has five (5) Zoning Field Officers and therefore, only reactive enforcement, instead of proactive enforcement, is possible;

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

AND WHEREAS other Canadian cities including Mississauga, Windsor, Barrie, Woodstock and Stratford reverse the onus of enforcement of landscape requirements onto the developer by requiring:

a) landscape plans prepared by a Landscape Architect;
b) landscape work securities (letter of credit);
c) Certificate of Inspection, prepared by a Landscape Architect.

THERFORE BE IT RESOLVED THAT the City of Winnipeg revise Zoning By-law No. 200/2006 to require:

a) landscape plans prepared by a member of the Manitoba Association of Landscape Architects (MALA);
b) landscape work securities (letter of credit), based on the cost of landscape works and installation, as shown on the approved landscape plans;
c) inspection of the final landscape works by a member of MALA and submission of a Certificate of Inspection, for the installation, that is embossed with the MALA seal and signed by the Landscape Architect;
d) inspection of final landscape works one (1) year after installation by a member of MALA and submission of a Certificate of Inspection, for the end of one year maintenance and warranty, that is embossed with the MALA seal and signed by the Landscape Architect."

AND WHEREAS on June 23, 2010, City Council made the following decision:

"1. That the April 28, 2010 Council Motion regarding amendments to landscaping requirements in The Winnipeg Zoning By-law No. 200/2006, be referred to the Winnipeg Zoning By-law review.

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

AND WHEREAS it appears no such amendments as specified in the original motion were made;

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

THEREFORE BE IT RESOLVED that the City of Winnipeg revise Zoning By-law No. 200/2006 to require:

a) landscape plans prepared by a member of the Manitoba Association of Landscape Architects (MALA);
b) landscape work securities (letter of credit), based on the cost of landscape works and installation, as shown on the approved landscape plans;
c) inspection of the final landscape works by a member of MALA and submission of a Certificate of Inspection, for the installation, that is embossed with the MALA seal and signed by the Landscape Architect;
d) inspection of final landscape works one (1) year after installation by a member of MALA and submission of a Certificate of Inspection, for the end of one year maintenance and warranty, that is embossed with the MALA seal and signed by the Landscape Architect.