Minute No. 101
Report – Executive Policy Committee – January 20, 2016

Item No. 6 Text Amendment – Downtown Winnipeg Zoning By-law No. 100/2004
File DAZ 226/2015

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That amendments to the Downtown Winnipeg Zoning By-law No. 100/2004 (draft amending By-law attached as Schedule 'A') be enacted in accordance with Schedule 'B' of this Report, with the following amendment:

   A. That section 1(1)(b) of the amending by-law be amended by adding "and" after "but may not be replaced once the sign".

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

Report – Executive Policy Committee – January 20, 2016

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,
That the recommendation of the Executive Policy Committee be adopted

Moved by Councillor Wyatt,
That the item be referred to the Standing Policy Committee on Property and Development Heritage and Downtown Development.

The motion to refer was put.

Councillor Wyatt called for the yeas and nays which were as follows:

Yea: Councillor Dobson, Eadie, Mayes, Schreyer, Watt and Sharma. 6

Nay: His Worship Mayor Bowman, Councillors Allard, Browaty, Gerbasi, Gillingham, Gilroy, Lukes, Morantz, Orlikow and Pagtakhan. 10

and the motion to refer was declared lost.

The motion for the adoption of the item was put and declared carried.

Councillors Eadie and Wyatt asked to be recorded as having voted in opposition to the item, in accordance with Rule No 47(7) of the Procedure By-law.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

Report – Executive Policy Committee – January 20, 2016

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION:

On January 12, 2015, 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:

- Add the following to the end of recommendation 1:

  ", with the following amendment:

  A. That section 1(1)(b) of the amending by-law be amended by adding "and" after "but may not be replaced once the sign". "

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

On November 30, 2015, the Standing Policy Committee on Property and Development, Heritage and Downtown Development adjourned the public hearing to its meeting on January 12, 2016, at 9:00 a.m. in the Council Building at 510 Main Street.

RE: **Text Amendment – Downtown Winnipeg Zoning By-law No. 100/2004**
File DAZ 226/2015

For submission to: **Executive Policy Committee**

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

Report date: **January 13, 2016**

STANDING COMMITTEE RECOMMENDATION:

On January 12, 2016, 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 Downtown Winnipeg Zoning By-law No. 100/2004 (draft amending By-law attached as Schedule 'A') in accordance with Schedule 'B' of this Report***, with the following amendment:***

    A. That section 1(1)(b) of the amending by-law be amended by adding "and" after "but may not be replaced once the sign".

2. That the proper officers of the City 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 reason(s) for its recommendation:

1. I think the administration has done their work.
2. There was extensive consultation over the last few years with the adoption of the sign by-law.
3. This is generally a housekeeping matter.
4. There was a communication sent to the stakeholders involved.
5. We heard a presentation today and have taken and are amenable to some of the requested changes.

PUBLIC HEARING SUMMARY

File: DAZ 226/2015

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

Public Hearing: January 12, 2016
Council Building, 510 Main Street

Appellant: The Director of Planning, Property and Development

Subject:

City of Winnipeg
NOTICE OF PUBLIC HEARING

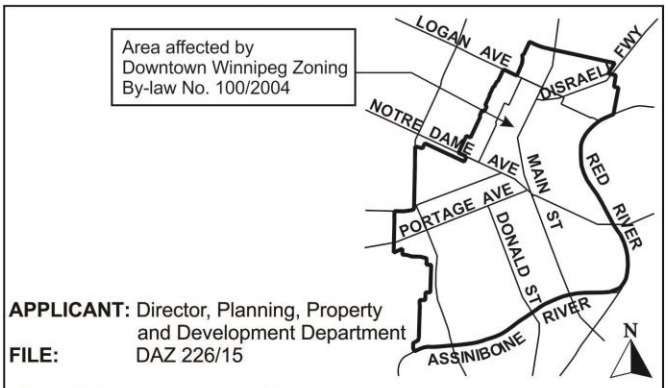
Winnipeg

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 HEARING

Date: Monday, November 30, 2015
Time: 9:00 AM
Location: Council Building, 510 Main Street, Winnipeg, Manitoba



APPLICANT: Director, Planning, Property and Development Department
FILE: DAZ 226/15

Why are changes proposed?

As part of the *OurWinnipeg* Implementation Plan, the Winnipeg Public Service has committed to continuous review of the City's zoning by-laws. On September 21, 2015, Standing Policy Committee on Downtown Development, Heritage and Riverbank Management directed the Winnipeg Public Service to prepare amendments to the Downtown Winnipeg Zoning By-Law 100/04 to address several identified issues.

What changes are proposed?

- Corrections to errors;
- Additional detail to improve clarity;
- Parking development standards;
- Limitations on non-conforming signs;
- Restriction on digital signs above 25 feet in height.

For more information regarding the proposed amendments, please contact: Kurtis Kowalke at 204-986-5917, or email kkowalke@winnipeg.ca.

Exhibits Filed:

1. Advertising Notice
2. Report from the Director of Planning, Property and Development dated October 30, 2015
3. Recording of Representations of public hearing held on November 30, 2015
4. Notice of Adjournment dated December 1, 2015
5. Communication date December 18, 2015 from the Applicant to the sign industry stakeholders in support of the application
6. Recording of Representations of public hearing held on January 12, 2016

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Ken Devine

For Information:

Nil

For the City:

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

Exhibit "2" referred to in File DAZ 226/2015

ADMINISTRATIVE REPORT

Title: **DAZ 226/2015 *Downtown Zoning By-law Review***

Issue: **For consideration at the public hearing for text amendments to Downtown Winnipeg Zoning By-law 100/2004**

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

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
B. Smith	J. Kiernan	M. Ruta	M. Jack COO

RECOMMENDATIONS

1. That Council enact amendments to the Downtown Winnipeg Zoning By-law No. 100/2004 (draft amending By-law attached as Schedule 'A') in accordance with Schedule 'B' of this Report.

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

REASON FOR THE REPORT

As part of the *OurWinnipeg* Implementation Plan, the Winnipeg Public Service has committed to reviewing the City's two zoning by-laws, the Winnipeg Zoning By-law No. 200/2006 and the Downtown Zoning By-law, on a regular basis to address any errors and omissions, along with issues of clarity or alignment with *OurWinnipeg* and *Complete Communities* policies.

Text amendments to a zoning by-law require a public hearing. Standing Policy Committee on Property and Development, Heritage and Downtown Development is the delegated hearing body for zoning applications in Downtown Winnipeg.

EXECUTIVE SUMMARY

The Winnipeg Public Service proposes a short list of amendments (attached as Schedule 'B') to the Downtown Zoning By-Law, most of which are for added clarification. In some cases, the amendment will alter an interpretation to better align with the original intent and existing policy. The Winnipeg Public Service also proposes a number of changes to address errors, to align with Winnipeg Zoning By-law 200/2006 and *Complete Communities*, and to improve the functionality of the Downtown Zoning By-law.

IMPLICATIONS OF THE RECOMMENDATIONS

If Council passes the proposed amending by-law, the applicable text amendments will be incorporated into the Downtown Zoning By-law. The changes will improve the clarity and functionality of the by-law and achieve better alignment with *OurWinnipeg* and *Complete Communities* policies.

Any building, structure, or use of land that was lawfully in existence on the date that this by-law comes into force may continue to exist, as detailed in section 150 of Downtown Winnipeg Zoning By-law No. 100/2004.

HISTORY / DISCUSSION

The Winnipeg Public Service has identified errors and issues with the Downtown Zoning By-law as part of its continual review. On September 21, 2015, Standing Policy Committee on Downtown Development, Heritage and Riverbank Management was provided with an overview of those items currently proposed for amendments. The Winnipeg Public Service was directed to initiate a formal zoning application and advertise it in accordance with statutory requirements. The summary table in Schedule 'B' identifies each section that is proposed to be amended. Each proposed change is categorized under one or more the following:

- **Correction** – includes spelling errors and confusing or missing wording. In some instances, issues with wording have resulted in unintended application of the regulations. As an example, at-grade accessory parking over a certain size was supposed to be subject to the conditional use process when adjacent to a public sidewalk. However, the use of the phrase "visible from the street" instead of "adjacent to a street" resulted in an unintentional exemption for enclosed parking garages.
- **Clarification** – includes opportunities to add additional text or more specific language to minimize potential confusion. Except for the accessory parking example noted above, these changes do not affect zoning entitlements or how the regulations are administered.
- **Policy Alignment** – indicates where a proposed change improves alignment with *OurWinnipeg*, *Complete Communities* or other companion policy documents.

- **Alignment with Winnipeg Zoning By-law 200/2006 –** includes standards that already existing under our city-wide zoning by-law that would be equally applicable to the Downtown.
- **Functional Improvements –** includes tweaks to the regulations to achieve better results in the built product and/or a more streamlined, predictable process.

FINANCIAL IMPACT

Financial Impact Statement **Date:** October 7, 2015

Project Name:

DAZ 226/2015 Downtown Zoning By-law Review

COMMENTS:

There are no financial implications associated with this report.

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

CONSULTATION

In preparing this report there was consultation with:

- Legal Services

OURWINNIPEG POLICY ALIGNMENT

Complete Communities Direction Strategy, Section 03-1 – OurDowntown

- Changes affecting accessory parking and mixed use parking structures are supported by Section 03-1f, Direction 3:
  Support viable alternatives to Downtown surface parking as recommended through the city's Sustainable Transportation Direction Strategy *and through the development of a* Downtown
  Parking Strategy *(Underway) in order to:*
  - *increase economic activity in and around strategically located mixed-use parking structures;*
  - *provide a continuity of pedestrian-oriented services and amenities at street level.*
- Changes to Building Identification signs are supported by Section 03-1e, Direction 1:
  Promote exemplary urban design in Downtown development projects.
  - *Support the introduction of design elements, such as wayfinding signage, views and landmarks into development projects to distinguish and enhance character and 'sense of place.'*
- Other changes are intended to improve consistency and predictability for Downtown stakeholders with respect to development and design.

SUBMITTED BY

Department:	Planning, Property, and Development
Division:	Urban Planning
Prepared by:	Kurtis Kowalke
Date:	October 30, 2015
File No.	DAZ 226/2015

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List of Schedules and Attachments

1. Schedule 'A': Draft By-law
2. Schedule 'B': Summary Table