SCHEDULE Y

added TBD

PARKER LANDS PLANNED DEVELOPMENT OVERLAY 2 (PDO-2 – PARKER LANDS)

Purpose

1. The purpose of this overlay is to support the redevelopment of the planned area as a 'Major Redevelopment Site' in a manner consistent with Parker Lands Secondary Plan and Transit-Orientated Development (TOD) Principles as an 'Urban Neighbourhood' with an underlying TOD Zone.

Applicability

2. The PDO-2 PARKER LANDS Overlay District is shown as the Planned Area in attached Map 1 Principal Overlay Map.

Development Standards

3. Except to the extent modified by the standards in this overlay, all standards of the Zoning By-law 200/2006 apply within the boundaries shown on the Principal Overlay Map (Map 1).

4. The regulations provided in the PDO-2 district shall be substituted for the specified regulations of the underlying Zoning By-law 200/2006. Where there is a conflict between the provisions of the PDO-2 district and those of the underlying Zoning By-law 200/2006, the provisions of the PDO-2 govern.

Net Density Minimum and Maximums

5. Notwithstanding other provisions of this By-law, residential density shall be calculated for the entire Planned Area of PDO-2 PARKER LANDS rather than building by building, block by block, or lot by lot.

6. Residential densities for the entire Planned Area of PDO-2 PARKER LANDS shall be calculated on net density, which is the area of development after the public rights-of-ways and public open spaces have been subtracted.

7. The minimum residential density for the entire Planned Area of PDO-2 PARKER LANDS shall be 1300 dwelling units.

8. The maximum residential density for the entire Planned Area of PDO-2 PARKER LANDS shall be 1920 dwelling units.

Land Locked Parcels Permitted

9. Notwithstanding other provisions in the Winnipeg Zoning By-law 200/2006, a use permitted under this By-law in the PDO-2 PARKER LANDS within the Overlay District may be established, erected, or constructed if the parcel of land on which it is located, in addition to complying with all other requirements of this By-law:

    (1) does not abut a public street; or

    (2) does not abut an unimproved street which, under an Agreement with the City, is to be improved to serve that lot; or

    (3) is not deemed to abut a public street pursuant to the non-conformity provisions of this By-law.

10. Subject to the following conditions:

    (1) The Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles.

Plan Approval, Exterior Site and Building Designs

11. Within the boundaries shown on the Principal Overlay Map, the Owner must submit plans showing the location and design of any and all proposed

    (1) buildings,
    (2) parking areas,
    (3) garbage enclosures,
    (4) fencing,
    (5) landscaping,
    (6) signage; and
    (7) exterior lighting

    on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the City Centre Community Committee for approval prior to the issuance of any building or development permit (except a permit related to lot grading), and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

12. Notwithstanding the above, the following land-uses do not require the Plan Approval review and approval:

    (1) Temporary construction trailer or building;
    (2) Temporary structures (for events not exceeding 14 days);
    (3) Transit station;
    (4) Construction sign;
    (5) Real estate sales offices and model sales homes;
    (6) Single-family detached dwellings;
    (7) Semi-detached dwellings;
    (8) Two-Family dwellings;
    (9) Secondary Suites; Attached;
    (10) Home Occupations;
    (11) Structures accessory to Single-family detached dwellings; Semi-detached dwellings; and Two-Family dwellings.

13. The City Centre Community Committee or Director may not deny approval of a Plan Approval application without first giving the applicant in writing notice of the date, time, and location of a meeting to hear representation from the applicant concerning the application. If the applicant has not been so notified within 45 days of the Plan Approval application being submitted in full, the applicant may submit a letter requesting such notification to the Standing Policy Committee on Property and Development Heritage and Downtown Development. Upon receiving such letter, the Standing Policy Committee on Property and Development, Heritage and Downtown Development shall instruct the City Centre Community Committee or the Director to approve or deny the Plan Approval application within a specified period of time.

14. An applicant may, in accordance with The City of Winnipeg Charter, appeal a decision to deny plan approval, to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

Plan Approval Considerations

15. In making decisions on Plan Approval applications, the City Centre Community Committee and Director shall consider any requirements in this section and any urban design guidelines, standards or criteria approved by Council.

Plan Approval Design Standards

16. Notwithstanding other provisions of this By-law, in the PDO-2 PARKER LANDS, development must comply with the design standards listed below.

Shadows and Wind

    (1) For a proposed building exceeding 100 feet in height, the applicant shall submit, at the time of Plan Approval, a study on the impact of the proposed

building on shadow and wind, prepared by a qualified architect or design professional.

Building Facades

(2) The address number of every building within the Overlay District (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located.

Parking, Bicycle Parking and Loading

17. Parking, Bicycle Parking and Loading Management Plan

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

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

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

(4) Any owner of land in the PDO-2 PARKER LANDS may, in accordance with this overlay and this By-law, submit to the Director for approval:

(a) a Parking, Bicycle Parking and Loading Management Plan for the overlay district; or,

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

18. An applicant may, in accordance with The City of Winnipeg Charter, appeal a decision by the Director to deny approval of Parking, Bicycle Parking and Loading Management

Plan, to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

Parking Minimum and Maximums

19. The minimum total number of parking spaces for residential uses including un-assigned guest parking and handicap parking required within the Planned Area of PDO-2 PARKER LANDS shall be 50 percent of 1.5 parking stalls per unit.

20. The maximum number of parking spaces for residential uses including un-assigned guest parking required within the entire Planned Area of PDO-2 PARKER LANDS shall not exceed 75 percent of 1.5 parking stalls per unit.

21. The minimum number of required off-street parking spaces for Public and Institutional, Cultural and Entertainment, Commercial Sales and Service, and Private Motor Vehicle Related land-uses designated in Table 4-1 shall be reduced to 75 percent of the minimum number shown in Table 5-9.

22. The maximum number of required off-street parking spaces for Public and Institutional, Cultural and Entertainment, Commercial Sales and Service Private Motor Vehicle Related, designated in Table 4-1 shall not exceed 80 percent of the minimum number shown in Table 5-9.

Signage

23. The underlying TOD Zone allows for signage with the following:

    (1) The Director may approve a master signage plan for the overlay district in accordance with this overlay and this By-law;

    (2) The Director must not approve any master signage plan for the overlay district which allows or provides for more than one freestanding sign to be erected in the overlay district;

    (3) An owner of land in the overlay district must not erect signage on his land unless the signage is in accordance with a master signage plan for the overlay district which has been approved by the Director;

    (4) An owner of land in the overlay district with signage erected on his land must maintain and repair the signage in accordance with the master signage plan for the overlay district which has been approved by the Director;

    (5) Any owner of land in the overlay district may, in accordance with this overlay and this By-law, submit to the Director for approval

        (a) a master signage plan for the overlay district; or

(b) an amended master signage plan for the overlay district.

(6) No mobile or billboard signs are permitted within the overlay district;

(7) Signage is not permitted on single, two, three and four family dwellings nor on townhome types of structures except in association with a home business as provided in this Zoning By-law.

Fencing

24. A fence located within a required front or corner side yard must not exceed 4 feet in height.

Use Tables

25. Notwithstanding other provisions of this By-law, in the PDO-2 PARKER LANDS, the following principal uses shall be permitted in addition to the permitted and conditional uses of the underlying TOD zoning district:

    (1) Dwelling, Single Family detached
    (2) Dwelling, Two-Family
    (3) Community Gardens

26. Notwithstanding other provisions of this By-law, in the PDO-2 PARKER LANDS, the following accessory uses shall be permitted in addition to the permitted and conditional uses of the underlying TOD zoning district:

    (1) Apiary
    (2) Parking, Shared
    (3) Secondary Suite, Attached.
    (4) Secondary Suite, Detached

Dimensional Standards

27. Single-family detached dwelling residential structures must meet the requirements of the R1-Small zoning district.

28. Live-work dwellings; and Group Living residential structures must meet the requirements of the R1-Medium zoning district.

29. Semi-detached dwelling and Row dwelling residential structures must meet the requirements of the R2 zoning district except the following:

(1) Minimum Lot Area shall be 2,100 square feet per dwelling unit;
(2) Minimum Lot Width shall be 21 feet;
(3) Minimum reverse corner street side yard shall be 4.0 ft.

30. Notwithstanding other provisions of this By-Law, buildings with multiple family dwellings; and buildings with mixed uses that include dwellings shall meet the following:

    (1) Rear yard shall be a minimum of 5 feet;

    (2) Interior side yards shall be a maximum of 10 feet for 1 storey to 4 storey; and 20 feet for 5 storey and above; as no interior side yard is required when no doors, windows, or other openings are provided in the wall of the adjacent property except up to 50% of the length of the ground floor façade of any building, to a maximum continuous length of 50 feet, may have a maximum yard of 15 feet for the purpose of accommodating an otherwise approved public space, plaza, outdoor dining/drinking area or other pedestrian amenity;

    (3) Maximum corner side yard shall be 5 feet except up to 50% of the length of the ground floor façade of any building, to a maximum continuous length of 50 feet, may have a maximum yard of 15 feet for the purpose of accommodating an otherwise approved public space, plaza, outdoor dining/drinking area or other pedestrian amenity;

    (4) Maximum front yard shall be 10 feet except up to 50% of the length of the ground floor façade of any building, to a maximum continuous length of 50 feet, may have a maximum yard of 15 feet for the purpose of accommodating an otherwise approved public space, plaza, outdoor dining/drinking area or other pedestrian amenity.

31. If a structure with dwelling units does not provide a driveway from the fronting public street to the vehicle parking area, and has access to a rear public or private lane, then the minimum front yard is 10 feet.

32. No portion of a habitable room or space shall be within 80 feet of the CNR Rivers rail line as measured from the property line of the railway operations.

33. Notwithstanding the above, non-habitable room or spaces within principal structures, non-habitable principal structures, non-habitable room or spaces in detached accessory structures; and non-residential land-uses may be allowed within 80 feet of the setback to the CNR Rivers rail line, if other zoning standards for setbacks provide for such.

Splitting Semi-Detached and Row Dwelling Lots

34. Notwithstanding other provisions of this By-Law, the owner of a lot that has a semi-detached dwelling, or a row dwelling type located on it may split the lot with each dwelling unit located on a separate lot with property lines aligned with the common party walls (see **Illustration 1**) provided that:

    (1) The new lot line must be a straight line between the front and rear lot lines, located in such a manner that the party wall of the dwelling units and any applicable accessory structure must form part of the new lot line, and where the new lot line is unable to form a straight line due to the irregular shape of the lot or the structure, the location of that new lot line must be determined by the conditions of any subdivision approval issued;

    (2) Each of the lots created must have frontage on a street;

    (3) The permitted use of each lot created is a dwelling unit within the Semi-Detached and Row Dwelling, and permitted accessory uses only;

    (4) Each lot created must provide one parking space with access to this required parking space being directly from either a street, public lane or a private lane; and not in front of the principal building entrance;

    (5) Minimum side yards along party walls established by the lot split may be 0 feet in width;

    (6) Each end unit in a grouping of semi-detached and row dwelling residential structures must meet the minimum corner side yard or side yard requirement, as applicable in this PDO, for semi-detached dwelling and row dwelling residential structures.

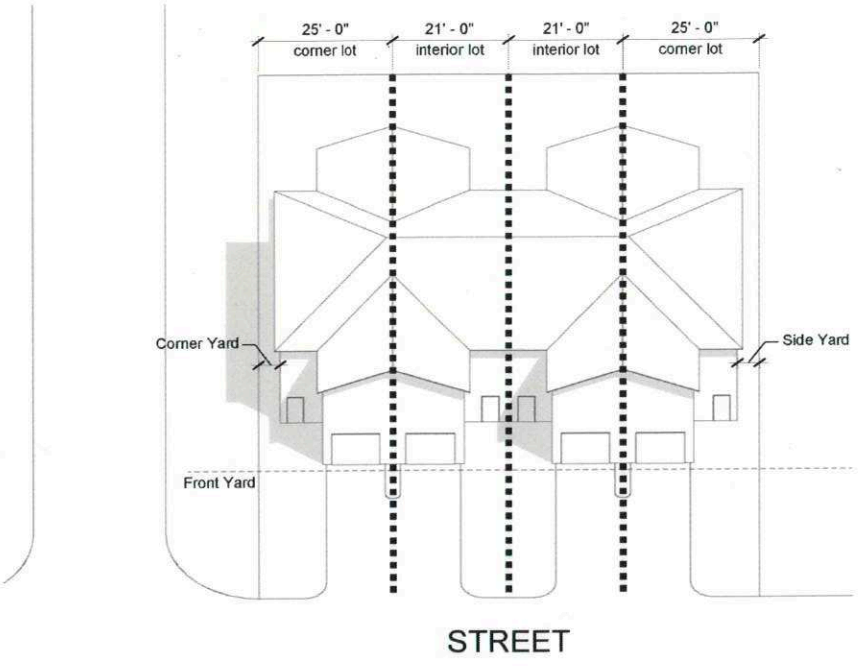


Illustration 1: Splitting Semi-Detached and Row Dwelling Lots

Use Specific Standards

35. Notwithstanding other provisions of this By-Law, a secondary suite may be created accessory to a single family detached dwelling, semi-detached dwelling; or row dwelling subject to the Use Specific Standards of the Zoning By-law as well as the following standards:

    (1) The maximum size of a secondary suite that is contained wholly within a residential dwelling's designated basement area shall not have a restriction on floor area size.

36. Notwithstanding other provisions of this By-law, parking, loading and garbage enclosures shall be permitted in side yards of principal buildings to a maximum of one side yard per lot with the following standards:

    (1) Landscaping and fencing treatments no higher than 4 feet in height (deciduous and coniferous trees may be taller than 4 feet) shall be implemented to screen the parking, loading and/or garbage enclosure but shall not apply across a driveway or pathway used to access the parking, loading and/or garbage enclosure.

    (2) The total maximum width of a parking, loading and/or garbage enclosure in a side yard shall not exceed 60 feet of the total lot frontage.

37. Notwithstanding other provisions of this By-law, parking, loading and garbage enclosures shall be permitted in rear yards of buildings with the following standards:

    (1) Landscaping and fencing treatments no higher than 6 feet in height (deciduous and coniferous trees may be taller than 6 feet) shall be implemented to screen the parking, loading and/or garbage enclosure but shall not apply across a driveway or pathway used to access the parking, loading and/or garbage enclosure.

38. Notwithstanding other provisions of this By-law, indoor parking shall not be permitted below the second storey of a principal building and above grade of a principal building except with the following standards:

    (1) Any indoor parking facility located below the second storey of a principal building and above grade must be screened in its entirety from all adjacent public rights-of-way by a use such as:

        (a) Residential and Residential Related;
        (b) Public and Institutional;
        (c) Cultural and Entertainment; and
        (d) Commercial Sales and Service, except the Billboard Signs use sub-category.

39. Notwithstanding other provisions of this By-law, Public and Institutional (excluding Park/Plaza/square/playground); Cultural and Entertainment; Commercial Sales and Services; Private Motor Vehicle Related; and Transportation, Utility and Communication land-uses that are 'conditional' or 'permitted' in the TOD Zone shall only be allowed as 'conditional' or 'permitted' on lands abutting public rights-of-ways with widths of 70 feet or greater.

Map 1 PDO-2 PARKER LANDS Principal Overlay Map

MAP 1

