Minutes - Executive Policy Committee - June 16, 2004

Minute No. 422
Report - Standing Policy Committee on Downtown Development - June 2, 2004

Item No. 1 New Zoning Regulations for Downtown Winnipeg
File DAZ 230/2004

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development and submits the following to Council:

1. That the Downtown Winnipeg Zoning By-law No. 100/2004 be approved as submitted.

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 Gerbasi,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 2, 2004, the Standing Policy Committee on Downtown Development concurred in the administrative recommendation, and recommended to Council that the Downtown Winnipeg Zoning By-law No. 100/2004 be approved as submitted.

PUBLIC HEARING SUMMARY

File:	DAZ 230/2004
Before:	Standing Policy Committee on Downtown Development Deputy Mayor Eadie, Chairperson Councillor Gerbasi Councillor Pagtakhan Councillor Steeves
Public Hearing:	June 2, 2004 Council Chamber Council Building, 510 Main Street
Applicant:	Director of Planning, Property and Development
Subject:	To approve new zoning regulations for Downtown Winnipeg by: 1. repealing Downtown Winnipeg Zoning By-law No. 4800/88; 2. repealing that portion of The City of Winnipeg Zoning By-law No. 6400/94 that applies to certain specified lands; and 3. introducing the new Downtown Winnipeg Zoning By-law No. 100/2004 by rezoning certain specified lands to the following sectors: A. Multiple Use Sectors; B. Character Sector; C. Downtown Living Sector; and
Exhibits Filed:	1. Advertising Notices 2. Report from the Director of Planning, Property and Development dated May 27, 2004, including draft Downtown Winnipeg Zoning By-law No. 100/2004 3. Map-Sized Renderings (3) submitted by Martin Sandhurst, Planning Property and Development Department, at the public hearing 4. Presentation entitled "Downtown Mixed-Use Development and Revitalization" submitted by Peter Squire, Winnipeg Real Estate Board, at the public hearing

REPRESENTATIONS:

In Support:

Diane Bampton, CentreVenture Development Corporation
Stefano Grande, Downtown Winnipeg Business Improvement Zone
Rick Joyal, Downtown Winnipeg Business Improvement Zone
Peter Squire, Winnipeg Real Estate Board

In Opposition:

Nil

For Information:

Wes Paetkau

For the City:

James Carter, Solicitor, Legal Services Division, Corporate Services Department
Harry Finnigan, Director, Planning, Property and Development Department
Chris Knoll, Manager of Planning and Land Use, Planning, Property and Development Department
John McNairnay, Development Management, Coordinator, Planning, Property and Development Department
Martin Sandhurst, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

Harry Finnigan, Director of Planning, Property and Development Department, introduced the proposed New Downtown Winnipeg Zoning By-law No. 100/2004.

John McNairnay, Development Management Coordinator, Planning, Property and Development Department, was heard in support of the proposed New Downtown Winnipeg Zoning By-law No. 100/2004.

Martin Sandhurst, Senior Planner, Planning, Property and Development Department, was heard in support and provided an overview of the proposed New Downtown Winnipeg Zoning By-law No. 100/2004. He displayed and referenced large map-sized rendering entitled “New Downtown

Winnipeg Zoning By-law Expanded/Current Boundaries", "New Downtown Winnipeg Zoning By-law Multiple Use/ Character/Downtown Living/Riverbank (legal-based)", and "New Downtown Winnipeg Zoning By-law Multiple Use/ Character/Downtown Living/Riverbank (foot print-based)", filed as Exhibit 3, as well as a Downtown Aerial Photo dated June 2000.

Peter Squire, Winnipeg Real Estate Board, was heard in support of the proposed New Downtown Winnipeg Zoning By-law No. 100/2004, and submitted a presentation, filed as Exhibit 4.

Exhibit "2" referred to in File DAZ 230/2004

RE: NEW DOWNTOWN WINNIPEG ZONING BY-LAW (NO. 100/2004)
PUBLIC HEARING FOR REZONING APPLICATION DAZ 230/04)

For submission to: Standing Policy Committee on Downtown Development

Original report signed by: **Director of Planning, Property and Development**

Report date: May 27, 2004

Recommendation(s):

1. That the attached final draft Downtown Winnipeg Zoning By-Law (No. 100/2004) be considered by Standing Policy Committee on Downtown Development, at a public hearing pursuant to the requirements of The City of Winnipeg Charter; and

2. That Standing Policy Committee on Downtown Development submit a report to Council recommending approval of the final draft Downtown Winnipeg Zoning By-Law (No. 100/2004).

REPORT SUMMARY

Key Issues:

1. Lands located within the boundaries of the current *Downtown Winnipeg Zoning By-Law* (No. 4800/88) and within a portion of the boundaries of the *City of Winnipeg Zoning By-Law* (No. 6400/94) are to be rezoned;
2. The final draft Downtown Winnipeg Zoning By-Law (No. 100/2004) has been prepared to simply and accurately reflect Downtown Winnipeg policy, primarily *Plan Winnipeg* and *CentrePlan*;
3. The final draft Downtown Winnipeg Zoning By-Law (No. 100/2004) has been revised as a result of the feedback process endorsed by Standing Policy Committee on Property & Development at their September, 2002 meeting.

Implications of the Recommendation(s):

General implications:

	None
X	**For the organization overall and/or for other departments**
X	**For the community and/or organizations external to the City of Winnipeg**
	Involves a multi-year contract

Comment(s):

- Downtown Winnipeg development proposals will be subject to new zoning

regulations.

Policy implications:

	No
X	**Yes**

Comment(s):

- The proposed new zoning regulations will reflect and assist in implementing current policy (*Plan Winnipeg* and *CentrePlan*)

Environmental implications:

X	**No**
	Yes

Human resources implications:

X	**No**
	Yes

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

REASON FOR THE REPORT:

On September 10, 2002, Standing Policy Committee on Property & Development directed the Planning, Property, & Development Department to prepare a final draft Downtown Winnipeg Zoning By-Law, following the consultation process outlined at that time.
Since that time, the new Standing Policy Committee on Downtown Development has been established. Public hearings regarding rezoning applications within Downtown Winnipeg are now the responsibility of Standing Policy Committee on Downtown Development.

HISTORY:

Downtown Initiatives Committee requested Planning, Property, & Development Department prepare a new zoning by-law for Downtown Winnipeg in September, 2001.

Downtown Initiatives Committee and Planning, Property, & Development Department hosted a Council Seminar in January, 2002 concerning the preparation of a new downtown zoning by-law and a new downtown development review process.

Standing Policy Committee on Property & Development considered the initial draft Downtown Winnipeg Zoning By-Law in September, 2002.

Planning, Property, & Development Department hosted public forums to solicit feedback from downtown stakeholders on the draft Downtown Winnipeg Zoning By-Law in November, 2002. Based on November, 2002 public forum feedback, Planning, Property, & Development Department facilitated workshops with CentreVenture Development Corporation staff and the CentreVenture consultant team to determine revisions to the draft Downtown Winnipeg Zoning By-Law in March, 2003.

Planning, Property, & Development Department provided a report back session to CentreVenture Development Corporation and the CentreVenture consultant team in January, 2004 to demonstrate how the final draft Downtown Winnipeg Zoning By-Law incorporates public forum feedback and workshop direction.

DISCUSSION:

What has been done?
The Planning, Property, & Development Department has prepared new zoning regulations for Downtown Winnipeg. The final draft *Downtown Winnipeg Zoning By-Law* (No. 100/2004) replaces the current downtown zoning by-law (No. 4800/88), which was implemented in March, 1988. The new downtown zoning by-law is based on benchmarks presented at a January, 2002 Council Seminar. The benchmarks established that new downtown zoning regulations must demonstrate:

- clear intent of regulations;
- simple and clear description of regulations;
- simple and clear organization of regulations; and
- that regulations harmonize with downtown policy.

In April, 2002, Executive Policy Committee directed that the Department expand the downtown zoning by-law boundaries to correspond to the newly expanded CentreVenture Development Corporation boundaries.

Why has it been done?
Since implementation in 1988, the current *Downtown Winnipeg Zoning By-Law* (No. 4800/88) has not been comprehensively reviewed. The current downtown zoning by-law has been modified on several occasions, including substantive revisions in 2000:

- boundary expansion from Logan Avenue to CPR Main Line; and
- accommodation of residential development in an increased portion of Downtown Winnipeg.

In endorsing *CentrePlan: Vision & Strategies* (1994), *CentrePlan: Development Framework* (1999), and *Plan Winnipeg: 2020 Vision* (2001), Council directed administrative review of downtown zoning regulations to ensure that Council's and Winnipeggers' vision of Downtown

Winnipeg is supported from a regulatory perspective.

In September, 2001, Downtown Initiatives Committee requested that a new downtown zoning by-law be prepared. In early 2002, with the assistance of CAO Secretariat and CentreVenture Development Corporation staff, Downtown Initiatives Committee solicited input from downtown stakeholders on how best to deliver on Council's commitment to "Downtown First". As a result of this consultation process, the "Getting Down to Business" report was prepared. Amongst a substantial list of recommendations, this report confirmed Downtown Initiative Committee's desire for a new downtown zoning by-law.

How has it been done?
The final draft Downtown Winnipeg Zoning By-Law (No. 100/2004) preparation involved a series of stages, including:

- Project definition: identified scope of work, benchmarks, and triple-constraints (time/resources/quality);

- Project confirmation: confirmed project definition with senior administration, Downtown Initiatives Committee, and CentreVenture Development Corporation; presented project definition at Council Seminar (January, 2002);

- Research: undertook critical examination of current downtown zoning by-law; primary policy (i.e. *Plan Winnipeg: 2020 Vision*, *CentrePlan: Vision & Strategies*, *CentrePlan: Development Framework*); secondary downtown policy (e.g. previous plans, studies, and program commitments); secondary city-wide policy (e.g. riverbank acquisition and access); and downtown regulatory approaches in other jurisdictions;

- Analyses and preliminary drafts: developed land use, built form, sign, parking, loading, and urban design overviews; established internal administrative working group to test initial drafts; prepared draft for consideration by Standing Policy Committee on Property & Development and downtown stakeholders (August, 2002);

- Consultations and information: provided ongoing consultations with Downtown Initiatives Committee; CentreVenture Development Corporation; and Planning & Land Use Division, Zoning & Permits, and Legal Services staff; consultations with The Forks North Portage Partnership, Downtown Winnipeg Business Improvement Zone, and Exchange District Business Improvement Zone staff; presentations to Historical Buildings Committee, Winnipeg Real Estate Board commercial division, Manitoba Zoning Officials Association, and Planning, Property, & Development Department staff; public forums for downtown stakeholders; presentations for Council Seminar (January, 2002 and December, 2003) and downtown stakeholders (as part of the "5 Initiatives" in December, 2003); presentation to sign industry representatives; and website and mail-out materials;

- Facilitated sessions: provided workshops for CentreVenture Development Corporation staff, CentreVenture Development Corporation consultant team, and select Planning, Property, & Development Department staff (December, 2002 and March, 2003); report back session for CentreVenture Development Corporation staff, CentreVenture Development Corporation consultant team, and select Planning, Property, & Development Department staff (January, 2004);

- Application shepherding: coordinated Land Information Services preparation final draft downtown zoning by-law formatting and mapping; Zoning & Permits application file assembly and initiation; Land Development Services newspaper advertisement preparation; and Legal Services review and by-law number identification; prepared Planning & Land Use report for Standing Policy Committee on Downtown Development consideration.

Highlights

There are several important characteristics of the new zoning by-law that distinguish it from its predecessor (i.e. No. 4800/88) and other local zoning by-laws (e.g. No. 6400/94):

1 Its organization on a geographic basis

- regulations have been crafted to apply to specific geographic areas called Sectors;
- the geographic areas are distinct in terms of look, function, or character – these distinctions are valued by Winnipeggers, as expressed in *Plan Winnipeg* and *CentrePlan*.

2 Regulations are bundled

- there are four Sectors: Multiple-Use, Character, Downtown Living, and Riverbank—each with an Intent Statement that describes what the Sector regulations are intended to achieve;
- each Sector has its own land use, bulk, sign, parking, loading, and urban design regulations—ranging from the almost wide-open Multiple-Use Sector to the more restrictive Riverbank Sector;
- each Sector's bundle of regulations reflects its distinct values – for example, if *Plan Winnipeg* and *CentrePlan* declare particular values for the Exchange District (that differ from other parts of Downtown Winnipeg), those values are supported in the zoning regulations applicable to that geographic area.

3 There are no longer overlapping layers of zoning regulations, a significant feature of the previous zoning by-law

- the previous zoning by-law (No. 4800/88) required the application of six layers of regulations to every property—over 9,000 potential combinations of regulations applicable to an individual property;
- in the new zoning by-law, a property is located within one of only four Sectors, each with a different set of regulations.

4 Residential development is encouraged throughout Downtown Winnipeg

- residential development is permitted in every Sector, with the exception of the Riverbank Sector—which is intended to enhance public views and access to, from, and along the rivers;
- none of the Sectors is exclusively residential or commercial—instead, each Sector encourages a range and mix of uses based on its Intent Statement.

5 Land uses are organized on the basis of Use Categories

- within each Sector's bundle of regulations is a series of Use Categories, which groups land uses with common functional or physical impact characteristics into broader categories;
- land uses listed within a particular Use Category (e.g. "Residential & Residential-related", "Commercial Sales & Service", "Public & Institutional", "Cultural & Entertainment", "Light Industrial") are identified as either permitted or conditional;
- the list of land uses is intended to be inclusive, though an exhaustive list of specific manifestations is not provided (e.g. "Retail sales" is a listed use; "Toy sales", "Book sales", "Furniture sales" are not listed since they are incorporated within "Retail sales").

6 Built form regulations (such as building height, density, and setbacks) are simplified

- the number of building height and floor area ratio (density) categories has been reduced;
- maximum (e.g. Warehouse area) and minimum (e.g. Broadway) front yards have been introduced in specific locales to respect valued built forms (both current and anticipated);
- the Residential Separation Space requirement has been replaced with a modified Residential Uses building separation approach to better accommodate adaptive reuse developments;
- the Residential Recreation Space requirement has been eliminated.

7 Sign regulations are simplified and more explicit

- preferred Sign Types and Sign Forms are explicitly identified as permitted;
- Sector Intent Statements provide the bases for explicit sign size and location distinctions.

8 Parking is not required to be provided in conjunction with development

- while new developments, adaptive reuse developments, and additions to existing developments can provide offstreet parking spaces voluntarily, they are not required to do so.

9 Urban design review is enhanced

- introduction of Key Considerations provides upfront disclosure of bases for urban design review throughout the downtown;
- Wind Impact processes are explicit;
- roles of administrators, committees of Council, and advisory committees in urban design review are distinguished.

10 Format and supplemental features

- in addition to the familiar print copy (binder format), the new downtown zoning by-law will be available on the Planning, Property, & Development Department website—initially, read-only; ultimately, interactive features will be added;
- where beneficial, zoning regulations are provided in table format to enhance presentation;
- the appendices provide several supplemental features, including: comparative tables (enabling cross-Sector comparisons of land use, bulk, and sign regulations); information maps (referencing important civic commitments that are not part of the zoning by-law, such as the designated Weather Protected Walkway System, Exchange District and The Forks national historic sites, and The Forks North Portage Partnership mandate areas); and soon illustrations (enhancing understanding of certain zoning definitions, e.g. yard requirements, floor area ratio, parking development standards) will be provided.

Summary and additional information

In consultation with our partners in downtown development, the Planning, Property, & Development Department has prepared a new downtown zoning by-law that meets the benchmarks established for its preparation, namely:

- clear intent of regulations;
- simple and clear description of regulations;
- simple and clear organization of regulations;
- that regulations harmonize with downtown policy; and
- that the downtown zoning by-law boundaries to correspond to the newly expanded CentreVenture Development Corporation boundaries.

The final draft Downtown Winnipeg Zoning By-Law (No. 100/2004) balances ease of use and straightforward interpretation with the requirement that it sustain legal challenge. The new zoning regulations will accommodate developments that are consistent with downtown policy. The zoning by-law also establishes a clear and adaptive framework for accommodating the results of future policy initiatives, such as local area plan recommendations.

Financial Impact Statement

Date: May 17, 2004

COMMENTS:

There are no financial implications associated with approval of this report as recommended.

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

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Preparation of the final draft Downtown Winnipeg Zoning By-Law involved consultation with Council, Downtown Initiatives Committee, Planning & Land Use Division, Zoning & Permits Branch, Legal Services, Office of the Director (Planning, Property, & Development Department), CentreVenture Development Corporation, The Forks North Portage Partnership, Downtown Winnipeg Business Improvement Zone, Exchange District Business Improvement Zone, and a number of other downtown stakeholders.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Planning & Land Use
Prepared by: M. Sandhurst
PPD File #: DAZ 230/2004

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