**Agenda – Standing Policy Committee on Property and Development – June 11, 2026**

## REPORTS

**Item No. 21 Amendment to the Development Procedures By-law in Respect of Development Applications for Variance or Conditional Use**

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

1. That Council enact a by-law to amend the Development Procedures By-law in accordance with this report (a draft amending by-law is attached as Schedule "A" to this report).

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

# Administrative Report

**Title:** Amendment to the Development Procedures By-law in respect of development applications for variance or conditional use

**Critical Path:** Standing Policy Committee on Property and Development – Executive Policy Committee – Council

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| J. Veitch | H. Borys | N/A | M. Pittet, acting for J. Dunford |

## EXECUTIVE SUMMARY

It has come to the Public Service's attention that the Development Procedures By-law No. 104/2020 (the "By-law") is unclear on when a DAV-C variance or a DCU-C conditional use must be submitted into the public hearing stream as a DAV-D variance or DCU-D conditional use, respectively.

The City's long-standing practice under the former Development Procedures By-law No. 160/2011 and the current By-law has been to require a public hearing for any DAV-C variance or DCU-C conditional use where the affected site was the subject of a subdivision or rezoning within the previous two years. This requirement is set out in s. 30, under the heading "DAV-C restriction", and in s. 33, under the heading "DCU-C restriction".

This report recommends an amendment to the By-law to clarify that the public hearing requirement applies only in respect of DAV-C variances and DCU-C conditional uses, and not to variances and conditional uses generally.

## RECOMMENDATIONS

1. That Council enact a by-law to amend the Development Procedures By-law in accordance with this report (a draft amending by-law is attached as Schedule "A" to 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

Council approval is required for any by-law amendment.

## IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of this report are concurred in, the Development Procedures By-law will be amended in accordance with this report. There are no direct financial implications to the recommendations of this report.

## HISTORY / DISCUSSION

The new Development Procedures By-law No. 104/2020 (the "By-law") was enacted on October 29, 2020. The By-law sets out four types of variance application – DAV-A, DAV-B, DAV-C and DAV-D – and three types of conditional use application – DCU-B-, DCU-C and DCU-D. The particulars of when a person must file which type of application is set out in sections 29 and 32 of the By-law.

Categories include:

| | |
|---|---|
| DAV-A | Minor tolerance-type variance to dimensional standards no more than 5% |
| DAV-B | Downtown variance, as well as minor variances elsewhere to Agricultural, Parks and Recreation, single family or two family, rural residential, mixed use residential, motor home zones; minor in nature. |
| DAV-C | Other standard variance assigned to the "C" stream |
| DAV-D | Variance assigned to the "D" stream when accompanied by a rezoning and / or subdivision |
| DCU-B | Downtown conditional use and home-based businesses |
| DCU-C | Other standard conditional use assigned to the "C" stream |
| DCU-D | Conditional use assigned to the "D" stream when accompanied by a rezoning and / or subdivision |

Since enactment, sections 30 and 33 have appeared in their current form, as follows:

> **DAV-C restriction**
> **30** Where Council has enacted a by-law in respect of a subdivision or rezoning of a particular site, any DAV submitted in respect of that site within 2 years following the date of enactment of the by-law must be submitted as a DAV-D.
>
> **DCU-C restriction**
> **33** Where Council has enacted a by-law in respect of a subdivision or rezoning of a site, any DCU submitted in respect of that site within 2 years following the date of enactment of the by-law must be submitted as a DCU-D.

The City's long-standing practice, under both the current By-law and the former Development Procedures By-law No. 160/2011, was to require that any DAV-C or DCU-C be submitted as a DAV-D or DCU-D as per the DAV-C and DCU-C restrictions in sections 30 and 33 noted above, respectively, where the affected site was the subject of a subdivision or rezoning within the

previous two years, since DAV-D and DCU-D applications require a public hearing prior to approval.

DAV-A and DAV-B variance applications and DCU-B conditional use applications are approved administratively by the Director pursuant to ss. 29(2), 29(3) and 32(2) of the By-law, unless paired with a development application for subdivision or rezoning in accordance with ss. 29(5) and 32(4) of the By-law.

DAV-As, unless determined by the Director to be sent to a hearing body, are not appealable, and the decision of the Director is not posted on site. Whether under the Winnipeg Zoning By-law or the Downtown Zoning By-law, the City has not required a public hearing in the last two decades for DAV-As, DAV-Bs and DCU-Bs unless determined by the Director or in the case of DAV-Bs or DCU-Bs because they were appealed. This ensures that minor variances, low-impact conditional uses, and any DAV/DCU applications within the downtown area proceed without unreasonable delay and increased costs.

DAV-B and DCU-B are subject to public notice and related appeal processes. The Development Procedures By-law does not set out a hearing body for a public hearing in respect of any A or B variance or conditional use (citywide, including downtown).

The original intent of the By-law was that these types of variance or conditional use should not go to public hearing, unless appealed.

The Public Service is recommending a minor amendment to the By-law to clarify the long-standing practice in respect of when a public hearing is required for DAV-C variance applications and DCU-C conditional use applications.

**FINANCIAL IMPACT**

## Financial Impact Statement Date: June 4, 2026

## Project Name:

## Amendment to the Development Procedures By-law in respect of development applications for variance or conditional use

**COMMENTS:**

There are no direct financial implications associated with the recommendations of this report.

*Debbie D'Angiolo June 4, 2026*

Debbie D'Aniolo, CPA, CGA
Acting -Manager of Finance

## CONSULTATION

This Report has been prepared in consultation with:

- Legal Services, as to legal issues

## OURWINNIPEG POLICY ALIGNMENT

N/A

## WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Climate Action Plan (CAP), and it was determined that the CAP is not applicable to this specific report.

## WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Poverty Reduction Strategy (PRS) and its Goals and Objectives, and it was determined that the PRS is not applicable to this specific report.

## SUBMITTED BY

Department: Planning, Property and Development
Prepared by: James Veitch
Date: June 4, 2026

ATTACHMENTS:

Schedule “A” – Draft Amending By-law