

RE: WINNIPEG ZONING BY-LAW REVIEW – SUPPLEMENTARY REPORT**FOR SUBMISSION TO: Standing Policy Committee on Property and Development****ORIGINAL REPORT SIGNED BY: A/Director of Planning, Property and Development****REPORT DATE: September 10, 2007****RECOMMENDATIONS:**

1. That the attached Winnipeg Zoning By-law No. 200/2006 (Appendix A) and Zoning Maps (Appendix B) be forwarded to Council for enactment.
2. That the Airport Vicinity Protection Area Zoning By-law No. 6418/94 and the X-Rated Store Zoning By-law No. 6087/93 be repealed.
3. That notwithstanding anything else contained within the proposed Winnipeg Zoning By-law No. 200/2006, any Zoning By-law that has been approved by Council subsequent to the publication of the Zoning Maps forming Schedule B of the Winnipeg Zoning By-law 200/2006 (dated April 24, 2007) but not yet registered on the current zoning database, shall be deemed to be approved as part of this by-law with an equivalent zoning to that approved, based upon the established Mapping Rules (Appendix C).
4. That notwithstanding anything else contained within the proposed Winnipeg Zoning By-law No. 200/2006, the reversionary nature of any reversionary or temporary Zoning By-law approved by Council shall not be affected.
5. That the effective date for the Winnipeg Zoning By-law and Zoning Maps be amended to March 1, 2008.
6. That technical errors in the proposed Winnipeg Zoning By-law be corrected as shown in the list of errors and corrections (Appendix D).
7. That the Winnipeg Public Service be directed to conduct a periodic review of the Winnipeg Zoning By-law with the first review to commence one (1) year from the date of enactment of the by-law, and a minimum of every five (5) years thereafter.
8. (a) That a 6-point strategy of enforcement be pursued to allow the City to take a more proactive role in enforcing the existing regulations for mobile signs; and
(b) That the Winnipeg Public Service review the regulations for mobile signs one (1) year following enactment of the Winnipeg Zoning By-law to determine the effectiveness of the enforcement strategy and the public's opinions of the mobile sign regulations.
9. That the Winnipeg Public Service draft guidelines for siting and development standards for electronic message board signs.
10. That the following amendments be made to the Manufacturing Mixed Use (MMU) Zoning District (see detailed changes in Appendix E):
 - (a) The Purpose Statement for the Manufacturing Mixed Use Zoning District in Part 3: Zoning Districts be amended by including references to qualify the mix of uses, outline

- limits on commercial/retail development and identify a minimum site area (50 acres) for MMU development.
- (b) The Use Specific Standards for Amusement Enterprise, Indoor be amended to add an exception for fitness centres which may be up to a maximum of 40,000 square feet instead of 10,000 square feet of floor area in the MMU zoning district.
 - (c) Sign height for the MMU zoning district in Part 5: Development and Design Standards be increased from eight feet (8') to twenty feet (20').
11. That the Use Specific Standard in Part 4: Use Regulations for retail sales in the M1 (Manufacturing Light) zoning district be reduced from 40,000 square feet to 5,000 square feet of floor area.
 12. That the following amendments be made to the regulations for wireless telecommunication facilities:
 - (a) That the Winnipeg Public Service commence a consultation process with the wireless communication services industry during the enactment period for the Winnipeg Zoning By-law to discuss the regulations for establishment of wireless communications towers.
 - (b) That all references to "wireless telecommunication" facilities/towers in the proposed Zoning By-law be amended to "wireless communication" facilities/towers.
 - (c) That Table 4-1: Principal Use Table be amended to add "Wireless communication, freestanding tower" as a Conditional Use ("C") in the C2 (Commercial Community), C3 (Commercial Corridor), C4 (Commercial Regional) and EI (Educational and Institutional) zoning districts, and be changed from a Conditional ("C") to a Permitted ("P") use in the M2 (Manufacturing General) zoning district; and,
 - (d) That the maximum height of freestanding towers be increased from seventy-five feet (75') to one hundred feet (100').
 13. That the Winnipeg Public Service be directed to draft a public consultation process to be incorporated in the Development Procedures By-law for certain heavy manufacturing uses (i.e., those heavy industrial uses requiring licensing under The Environment Act).
 14. That "Adult Service or Entertainment Establishment" be deleted as a Conditional Use ("C") in the C4 (Commercial Regional) zoning district in Table 4-1: Principal Use Table.
 15. That the Winnipeg Public Service complete a review to determine the most appropriate zoning for all parks properties in the city within one (1) year following enactment of the Winnipeg Zoning By-law.
 16. That the Use Specific Standards in Part 4: Use Regulations be amended to add a maximum size (combined gross floor area) of eight hundred (800) square feet for home-based businesses.
 17. That a clause be added to the by-law to provide existing "auto/light truck/motorcycle sales and rental" and "auto repair" businesses operating as home-based businesses in residential zoning districts a period of two (2) years to come into compliance with the by-law.
 18. (a) That the following amendments be made to the development and design standards for Residential zoning districts in Part 5 of the Zoning By-law:
 - (i) The minimum front yard be increased from fifteen feet (15') to twenty feet (20') in the R1-Small and R1-Medium zoning districts;

- (ii) The maximum lot coverage be decreased from forty-five percent (45%) to forty percent (40%) in the R1-Small and R1-Medium zoning districts;
 - (iii) Lots in the R1-Small zoning district shall be required to have access to a public lane;
 - (iv) The minimum lot width be increased from twenty-five feet (25') to fifty-five feet (55') in the R1-Large zoning district, eighty feet (80') in the R1-Estate zoning district, fifty feet (50') in the R2 zoning district, one hundred and eighty feet (180') in the RR2 zoning district, and three hundred feet (300') in the RR5 zoning district; and,
 - (v) The minimum side yard be increased from four feet (4') to five feet (5') in the R1-Medium and R1-Large zoning districts.
- (b) That a consultation process be initiated with the development industry to discuss and review development and design standards for residential properties and related requirements in other City by-laws, development guidelines and standards (e.g., Lot Grading By-law, Private Approaches By-law).

Report Summary

Key Issues:

- The Winnipeg Zoning By-law covers all lands in the City of Winnipeg with the exception of the area covered by the Downtown Winnipeg Zoning By-law 100/2004.
- The Winnipeg Zoning By-law No. 6400/94 regulates the use and development of land and guides Council's development decisions. The by-law needs to be updated to keep pace with current development trends.
- Although it has been subject to several amendments since its adoption, the by-law has not been reviewed since 1994-95. In the interim, Plan Winnipeg has been re-adopted with a new policy framework. The zoning by-law is being amended to be more consistent with Plan Winnipeg.
- Approximately 1,500 variances and conditional uses are processed annually. This volume of applications indicates that the by-law is not serving the citizens of Winnipeg well, and that there are opportunities to improve the City's zoning regulations.
- The Airport Vicinity Protection Area Zoning By-law 6418/94 will be incorporated into the new zoning by-law. Airport zoning regulations will remain in effect under an Airport Vicinity Protection Area Planned Development Overlay zoning district. The Airport Vicinity Protection Area Zoning By-law will be repealed.
- The X-Rated Store Zoning By-law 6087/93 will be repealed and rolled into the new Zoning By-law. X-Rated store regulations will remain the same.
- The community and the development industry support a review of the by-law. These interests have been represented on a Zoning Advisory Committee (ZAC) appointed by the Standing Policy Committee (SPC) on Property and Development to advise on the by-law and oversee the project. The ZAC is generally supportive of the attached zoning by-law and zoning maps.
- A consulting team was hired to research and prepare the draft zoning by-law and zoning maps. The ZAC selected Clarion Associates, and a local support team following a public bid opportunity process through the City of Winnipeg, Corporate Finance Department.
- A public consultation program was conducted throughout the course of the project including several Open Houses, stakeholder meetings and the development of a project website (See List of External Stakeholder Consultations - Appendix F).

- A set of new zoning maps has been prepared to accompany the zoning by-law. These maps were prepared using a set of objective Mapping Rules and are generally a conversion of the current zoning maps to the new zoning district framework. The review of the zoning maps was not a property by property analysis to match the proposed zoning to the existing use of the land. The proposed zoning of each property was assigned to match the existing zoning as closely as possible, with the intent that there be a minimal impact on development rights. Exceptions include a limited number of clusters of commercial development currently zoned Industrial where the zoning was changed to reflect the existing use. In addition, lands zoned Commercial may have been rezoned to match the text of the by-law where certain commercial zoning districts were lost due to consolidation.
- The ZAC deliberated over the course of 2 years (January 2005 – December 2006) in 11 meetings to oversee the production of the draft Zoning By-law and maps. The project and consulting teams worked closely with the ZAC to prepare the Approach Report – a discussion paper that outlines options and proposals for a new Zoning By-law model, text modules of the by-law and the zoning maps. Technical working groups reviewed the draft text and maps. A final draft of the Zoning By-law was presented at the last ZAC meeting in December, 2006. Subject to final changes, the ZAC recommended that the by-law be presented to the SPC on Property and Development for a public hearing. The Winnipeg Public Service is honouring the SPC on Property and Development's appointment of the ZAC to oversee the preparation of a new Zoning By-law and is tabling the by-law resulting from that process for Council's consideration. No changes have been made to the draft Zoning By-law since January, 2007. Any further recommendations for changes in the form of errors and corrections, more substantial changes to address outstanding issues, or supplementary recommendations from the Winnipeg Public Service, are discussed in this report.
- The by-law is now being presented for a public hearing and then for approval and adoption by Council. If the by-law is adopted by Council, an implementation and orientation period will be initiated to ensure there is a seamless transition to the new by-law. This will include public and stakeholder information, plus staff orientation.
- The City of Winnipeg Charter requires that a public hearing be held prior to the enactment by Council of a zoning by-law. Under the Development Procedures By-law, the SPC on Property and Development is the designated hearing body for public hearings on zoning by-laws.

Implications of the Recommendation(s):

General Implications

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

Comment(s): The Winnipeg Zoning By-law is a major tool to assist Council in managing development in the city. The by-law forms a key link in the planning system to implement Council's development policy, including Plan Winnipeg and Secondary Plans. The by-law affects every property in the city outside the

downtown. Development proposals submitted following enactment of the new by-law will be subject to the revised regulations.

Policy Implications

- No
- Yes

Comment(s): The principal role of the Zoning By-law is to implement Council policy as that policy impacts the use and development of land. This proposed Winnipeg Zoning By-law applies to all land in the city outside the downtown. These new zoning regulations will implement development policy as outlined in Plan Winnipeg, Secondary Plans and other Council policy documents (e.g., Environmental Strategy, Housing Policy, etc).

Regulatory Implications

- None
- Eliminates or reduces regulatory impact
- Proposes regulatory impact

Comment(s): The overall effects of the new by-law are to simplify and streamline zoning regulations and ensure a base level of development standards. The Zoning By-law establishes the framework for zoning districts and sets regulations for: permitted and conditional uses of property, accessory and temporary uses, dimensional (bulk) standards, open space provisions, design and development standards, subdivision standards, parking and loading, and signs. The merger of the Airport Vicinity Protection Area and X-Rated Store zoning by-laws into the new by-law will reduce the number of City by-laws and consolidate all zoning regulations, outside the downtown, into one by-law.

Environmental Implications

- No
- Yes

Comment(s): Several initiatives in the proposed Zoning By-law will provide both direct and indirect environmental benefits consistent with the Council's Environmental Strategy (Sustainable Winnipeg). The creation of three mixed use zoning districts will offer opportunities for more compact development consistent with Plan Winnipeg. The proposed by-law also makes provision for a tree preservation program; relaxes parking standards for mixed use developments, development in Urban Infill Areas and along transit lines encouraging the use of alternative modes of transportation; places a cap of the number of parking stalls for large parking lots (except shopping centres and parking structures) reducing the amount of land consumed by surface parking lots; provides for an enhanced level of development and design standards promoting an improved urban image and quality of life, and an enhanced pedestrian environment; and, provides improved lighting standards preventing spillover of light onto residential property.

Human Resources Implications

No

Yes

Comment(s):

Financial Implications

Within approved current and/or capital budget

Current and/or capital budget adjustment required

Comment(s):

Where existing industrial areas are already developed with clusters of commercial uses, for example, in the Polo Park area, the City would initiate a blanket rezoning to the most appropriate commercial zoning district in an effort to correct historical anomalies in the zoning of these areas. To do so, the City would incur an "opportunity cost" estimated on a net present value basis, in order of magnitude, to be approximately \$2.2 million. This cost would consist of forgone revenues as the City would forgive the rezoning application fees, and land dedication (cash-in-lieu). In addition, the City would forego any applicable development charges (i.e., developer contributions toward the cost of infrastructure requirements resulting from future developments) that would have been applied in the case of Development Agreements, however, all of the sites are already developed. The many variables involved in determining the nature, timing and amount of any infrastructure requirements towards which developers would have been required to contribute are such that a reasonable estimate is not possible at this time.

Report

REASON FOR THE REPORT:

Under subsection 4(1) of the Development Procedures By-law, the SPC on Property and Development shall conduct the public hearing required by The City of Winnipeg Charter for a proposed Zoning By-law, where the subject land is located in more than one community.

HISTORY:

- On September 10, 2002 the SPC on Property and Development considered the Polo Park Area Traffic and Transportation Study and recommended:
 1. That the Director of Planning Property and Development be instructed to initiate an amendment to the City of Winnipeg Zoning By-law No. 6400/94 to make retail uses “Conditional” under Industrial zoning categories; and
 2. That a comprehensive review of the Zoning By-law, including both Commercial and Industrial uses, be considered in the work plan of the Planning, Property and Development Department.

Also, on September 7, 2004 the SPC on Property and Development laid over consideration of a text amendment to the Winnipeg Zoning By-law No. 6400/94 for commercial and office uses in Industrial zoning districts pending receipt of a report regarding a comprehensive review of the Winnipeg Zoning By-law.

- On April 27, 2004 the SPC on Property and Development referred the recommendation of the City Centre Community Committee regarding the rezoning of lands from Industrial to Commercial fronting the south side of Taylor Avenue between Waverley and Harrow streets to the Winnipeg Public Service for review and report back, including an analysis of both the positive and negative aspects of the rezoning of the subject lands as well as consultation with and reaction from the individual land owners who would be affected by any rezoning. On November 1, 2005, the SPC on Property and Development considered a report from the Winnipeg Public Service suggesting that this property be considered as part of the comprehensive review of the Zoning By-law. The Committee received the report as information.
- On September 7, 2004 the SPC on Property and Development directed the Winnipeg Public Service not to process any new Conditional Use applications for automobile broker home occupations pending a comprehensive review of the Winnipeg Zoning By-law No. 6400/94.
- On November 30, 2004 the SPC on Property and Development referred the recommendation of the East Kildonan-Transcona Community Committee regarding restriction of “money changer” types of businesses as Conditional Uses to allow for public input, to the Winnipeg Public Service for consideration during the comprehensive review of the Winnipeg Zoning By-law.
- On March 7, 2005 the SPC on Property and Development directed the Planning Property and Development Department to initiate a review of the guidelines for radio towers (cellular communication towers) near residential neighbourhoods.
- Also on March 7, 2005 the SPC on Property and Development approved the withholding of development permits for all mobile homes including any mobile home that is removed from its running gear and placed on a permanent foundation in all zoning districts except the Mobile Home Park district.

- On November 30, 2005 the Executive Policy Committee requested that the Winnipeg Public Service revisit the regulations for the establishment of a church, during the upcoming review of the Winnipeg Zoning By-law 6400/94.
- On January 10, 2006 the SPC on Property and Development referred the recommendation of the East Kildonan-Transcona Community Committee regarding heavy industrial uses as Conditional Uses in the M3 (Heavy Industrial) zoning district to the Winnipeg Public Service for consideration as part of the comprehensive review of the Winnipeg Zoning By-law No. 6400/94.
- On February 27, 2007 the SPC on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee that the two parcels of City-owned land identified for the Olywest Economic Development Incentive Package be referred to the review process of the Winnipeg Zoning By-law Review for the purpose of designating said lands a Light or Medium Industrial Use that is consistent with the zoning of the St. Boniface Industrial Park.
- Council provided its first instruction to proceed with a comprehensive review of the Zoning By-law in 2002, in relation to its review of the Polo Park Traffic and Transportation Study. In 2004 it provided direction to hire a consultant and conduct the review. The SPC on Property and Development endorsed the Project Plan in 2005 and appointed members to a ZAC to provide advice and recommendations on the project. An \$11 surcharge on development applications was established by by-law to fund the project.

DISCUSSION:

This report will provide a summary of the legislative authority under which a Zoning By-law is created, a history of Council decisions leading up to the comprehensive review of the Zoning By-law, a discussion about the by-law review process including the formation of the ZAC, a description of the public consultation program, highlights of significant changes to the Zoning By-law comparing the current by-law to the proposed, mapping changes, a discussion of supplementary recommendations, and lastly, the financial implications related to the introduction of a proposed, new Zoning By-law.

The City of Winnipeg Charter provides the authority for Council to pass zoning by-laws to control or prohibit the use of real property and development in the city or parts of the city. Zoning by-laws should conform to the City's Development Plan – Plan Winnipeg. The Zoning By-law is being amended to bring the City's zoning regulations into alignment with Council's vision and policies and is one component of an overall strategy to update and improve Winnipeg's planning and regulatory systems. This includes recent revisions to the Downtown Winnipeg Zoning By-law, improvements to the permits processing system (Permits X-Press), and the upcoming review of Plan Winnipeg. The City of Winnipeg Charter requires that Council hold a public hearing prior to the enactment of a zoning by-law. Under the Development Procedures By-law, the SPC on Property and Development is the designated hearing body for public hearings on zoning by-laws.

On October 5, 2004 the SPC on Property and Development provided direction for the Winnipeg Public Service to hire a consultant and undertake a comprehensive review of the Winnipeg Zoning By-law to be completed by mid-2007. On November 2, 2004 the Committee requested that a Project Plan ("blueprint") be prepared. The Project Plan recommended the establishment of a ZAC to oversee the project process and provide a link between the City, the community and the development industry. The SPC on Property and Development received the Project Plan as information on January 17, 2005 and appointed 22 members to the ZAC. On February 23, 2005,

Council approved a by-law to impose an \$11 surcharge on development applications to fund the comprehensive review and delegated authority to the Chief Administrative Officer to award a multi-year contract. On December 6, 2006 Council approved extensions to the Winnipeg Zoning By-law Review project and The Development Fees Surcharge By-law No. 32/2005.

The ZAC consisted of representatives from each of 10 stakeholder organizations (Manitoba Home Builders Association, Urban Development Institute, WinnipegRealtors, Winnipeg Chamber of Commerce, Social Planning Council, Canadian Bankers Association, Manitoba Bar Association, Destination Winnipeg, University of Manitoba, University of Winnipeg), plus 2 members at large. The mandate of the ZAC was to:

- Provide advice and recommendations to the SPC on Property and Development on the draft Zoning By-law
- Select the consulting team
- Oversee project process and deliverables
- Provide a user perspective on the project

Throughout 2005 and 2006, the ZAC met 11 times. One of the first tasks of the ZAC was to select the consulting team. This selection was facilitated through the City's public bidding process. The ZAC recommended the selection of the Clarion Associates team from Denver, Colorado. The Clarion team included a strong local support contingent including: ND Lea Engineers and Planners (now MMM), Cushman Wakefield LePage, McCandless Tramley, and more recently, Landmark Planning and Design.

Clarion's workplan divided the project into four major phases, with associated deliverables, plus a public and stakeholder consultation program:

Phase 1: Approach Report
Phase 2: Draft Zoning By-law Text
Phase 3: Draft Zoning Maps
Phase 4: Adoption and Transition

As part of the initial consultation process, which included interviews with Councillors, ZAC members, stakeholder representatives and City staff, five major themes emerged to guide the development of the draft by-law and maps:

1. Improve the by-law's clarity and usability
2. Reduce reliance on negotiated approvals
3. Simplify and modernize zoning districts
4. Improve design and development quality through tailored standards
5. Strengthen ties to adopted plans

These themes were initially presented in the Approach Report that was completed and released at a public Open House in August 2005. The Approach Report is a discussion paper that outlines options and tools for the new zoning by-law model. A public project webpage was created to communicate with the public and stakeholders and share drafts of the Zoning By-law as the review progressed.

Following endorsement of the Approach Report by the SPC on Property and Development, the consulting team proceeded to draft the zoning by-law text and maps. The by-law was drafted in

two modules and presented to the ZAC and City staff for review. The draft by-law, together with a Revision Memorandum containing suggested changes to the by-law, was released publicly and presented at an Open House in January 2006. There was general support to move forward with the draft by-law.

In addition, over the course of the project, meetings were held with over 40 stakeholder organizations with an attendance of over 350. (See attached List of External Stakeholder Consultations – Appendix F). The draft zoning maps were presented publicly at a series of five Open Houses convened across the city in February – March 2006. Comments were generally supportive of the mapping approach and proposed zonings.

In July 2006, it was determined that additional work was required in 4 areas: industrial mapping, signs, urban design, and by-law implementation/"Red Tape". Council granted a project extension in December 2006. The ZAC reconvened to provide further recommendations on these issues.

At its final meeting on December 5, 2006 the ZAC expressed its general support for the content of the zoning by-law and zoning maps with some exceptions, which will be discussed later in the report, and recommended that the SPC on Property and Development schedule a public hearing.

The Winnipeg Public Service continued to meet with stakeholder groups following the ZAC's final review of the by-law to discuss outstanding issues and concerns, in order to bring forward the best by-law possible. Some substantive changes to the by-law have been noted in addition to errors and corrections. The Winnipeg Public Service is recommending further supplementary changes to the by-law at this time. These recommendations are discussed in more detail later in this report.

Notable Changes in Zoning By-law

Significant changes in the proposed Zoning By-law as compared with the current Zoning By-law are summarized in the Executive Summary and Recommendations for Future Improvement prepared by the Clarion Associates consulting team (See Appendix G). A summary of these changes is provided below.

Part 1: Administration -- (Page 2 of Executive Summary)

- ✓ Variances will be limited to cases where the applicant proves injurious effect resulting from the physical features of the site.
- ✓ Transitional provisions address development applications in process at the time the new By-law is adopted.
- ✓ Urban Infill Areas will be established in order to promote redevelopment of older areas and to differentiate standards for older established areas from newer areas. Within the Urban Infill Areas, new provisions will allow for more flexibility in meeting parking, loading and landscaping standards to encourage new development to "fit in" with the existing context.

✓ The Airport Vicinity Protection Area Zoning By-law 6418/94 will be incorporated into the new zoning by-law. Airport zoning regulations will remain in effect under an Airport Vicinity Planned Development Overlay zoning district.

✓ The X-Rated Store Zoning By-law 6087/93 will be repealed and rolled into the new Zoning By-law reducing the number of City by-laws and consolidating all land use regulations in a single by-law. X-Rated store regulations remain the same.

Part 2: Definitions -- (Page 3 of Executive Summary)

✓ Administration and interpretation of the by-law will be fairer and faster if more key terms are defined. All of the uses and use categories listed in the Use Table have been defined except for those with common meanings (police station, library, jail, etc.). Rules of measurement have been added to the by-law to clarify how certain distances and types of lots and structures are defined. The number of defined terms increased from 145 to 302, and some definitions for signs, yards and lot types have been illustrated.

Part 3: Zoning Districts -- (Pages 3 and 4 of Executive Summary)

✓ The number of zoning districts will be reduced from 44 to 26 including:

- Single family residential districts reduced from 10 to 4 (R1-Small, R1-Medium, R1-Large, R1-Estate);
- Multi-family residential districts reduced from 8 to 3 (RMF-Small, RMF-Medium, RMF-Large);
- Commercial districts reduced from 8 to 4 (C1-Neighbourhood, C2-Community, C3-Corridor, C4-Regional); and
- Industrial districts reduced from 9 to 3 (M1-Light, M2-General, M3-Heavy).

✓ Current R2 (Two-Family) and R2-T (Transitional) zoning districts in Winnipeg Zoning By-law 6400/94 will be combined, and the standards for R2-T district will be carried over, with multi-family housing allowed as a Conditional Use.

✓ Five new zoning districts will be created, including:

- PR3 (Parks and Recreation 3 – Regional) district for regional parks;
- EI (Educational and Institutional) district for campus style educational (universities and colleges) and institutional (hospital) developments, with a requirement that the institution prepare a Master Plan as part of the rezoning process; and,
- Three mixed use districts (RMU Residential Mixed Use - primarily residential, CMU Commercial Mixed Use - primarily commercial, MMU Manufacturing Mixed Use - high quality business parks).

✓ Two new Planned Development Overlay (PDO-1, PDO-2) districts will be created to customize zoning rules for protecting special areas or permitting unique/innovative development patterns. PDO areas will include Boulevard Provencher, Airport Vicinity, Warman Road and Neighbourhood Main Streets. Urban design standards for Boulevard Provencher have been refined. Provisions for the Airport Vicinity Protection Area have been revised so that the rules apply to all types of development, not just residential. PDOs will only be used in special and unique circumstances where application of the current zoning framework would be insufficient or inadequate in terms of addressing the community's or Council's intent for the future

development of the area.

Part 4: Use Regulations – (Pages 4 and 5 of Executive Summary)

- ✓ All use regulations have been consolidated into one “at-a-glance” matrix. Uses have been grouped into broader Use Categories based on similar land use impacts, and the number of uses has been reduced from 460 to 141.
- ✓ Many uses have been moved from Conditional to Permitted use status, together with the application of Use Specific Standards (USS) that prevents any predictable negative impacts.
- ✓ Use Specific Standards have been developed to manage the impact of certain permitted uses. Applicants who cannot meet Use Specific Standards can apply for Conditional Use approval.
- ✓ A provision has been added for accessory Secondary Suites as a Conditional Use in most residential zoning districts consistent with the City’s Housing Policy.
- ✓ New standards address the impacts of wireless communication towers.
- ✓ Home-based businesses (formerly called “home occupations”) have been divided into major and minor classifications. Minor home-based businesses are allowed as a Permitted use in residential neighbourhoods, while major ones (those with potential impacts) require Conditional Use approval.
- ✓ The definition of a single-family dwelling has been adjusted to exclude mobile homes thereby limiting their location to mobile home parks.
- ✓ Dating and Escort Services and Massage Parlours have been named as prohibited uses.
- ✓ Some uses have been added to the list of prohibited home-based businesses (sale of firearms or ammunition, auto sales and rental, and on-site painting, body repairs, or other repairs of automobiles, trucks, boats, trailers, or other motorized vehicles).
- ✓ Cheque-cashing facilities (“payday lenders”) have been listed as a Conditional use in some commercial and industrial zoning districts and a Use Specific Standard provides a 1,000 foot separation distance between similar uses.
- ✓ Former long lists of industrial uses, categorized by the type of product produced, have been consolidated into broad categories based on impacts. Most manufacturing is categorized as either Heavy Manufacturing or Light Manufacturing. Key factors in the classification are the amount of outdoor operations or storage, and potential land use impacts (noise, traffic, environmental impacts, etc.). Impacts of specific industries are addressed by Use Specific Standards.
- ✓ Retail sales and personal service uses have been removed as a Permitted use in the M2 (Manufacturing General) zoning district, but some commercial, cultural and entertainment uses have been added (i.e., call centres, clinics, amusement enterprises, gallery/museum).

Part 5: Development and Design Standards -- (Pages 6 to 9 of Executive Summary)

A new section has been introduced in the Zoning By-law to improve the quality of development in Winnipeg and bring the by-law into closer alignment with Plan Winnipeg. The regulations in this Part have to do with development quality (as opposed to the uses of the property). In comparison to other cities, the level of design standards proposed is moderate. These clear and objective standards allow for a more efficient and predictable review process that removes the need for much of the time-consuming negotiation that is occurring under the current Zoning By-law, and provides a more level playing field for the development community. This section of the by-law also provides for a greater degree of delegated authority to the Director to approve proposals administratively when routine. Applicants who cannot meet the design standards may apply for a variance or be considered under the Alternative Equivalent Compliance provision. The following key areas are addressed:

Dimensional Standards – (Page 6 of Executive Summary)

✓ Dimensional standards control the size and location of buildings on a site, primarily through requirements for yards (setbacks) and building height. Standards are customized for each zoning district but consolidated into “at-a-glance” tables for agriculture and park, residential, commercial, and manufacturing zoning districts. Changes in the proposed by-law are generally focused on simplifying the standards and customizing them to better reflect the intent of each district.

✓ Standards for residential districts have been refined to focus on minimum lot area rather than minimum lot width. This provides greater flexibility in site and neighbourhood design without the need for variances. New lots created adjacent to existing development must provide a reasonable transition in lot sizes. Lot widths and setbacks for infill housing must match the context of neighbouring areas.

✓ New flexible dimensional standards provide for alternative development patterns in residential zoning districts (e.g. bare land condominiums). Some of these types of developments can occur without a rezoning to a multiple family zoning district.

Parking Standards – (Pages 6 and 7 of Executive Summary)

✓ Changes to the parking requirements are focused on providing flexibility and improving the quality of new, larger parking lots.

✓ New provisions provide flexibility by reducing the amount of parking required for mixed-use developments, development adjacent to transit, or when a parking management plan is approved.

✓ When the by-law requires more than 250 parking spaces, the owner must not provide surface accessory parking spaces in an amount exceeding 125% of the minimum number required (except shopping centres and parking structures).

✓ New standards to improve parking lot quality include standards for landscaping, pedestrian walkways through large parking lots (500+ spaces), bicycle access and parking, accessible parking spaces, lighting, and visibility of parking spaces to enhance safety.

✓ Transitional provisions require principal use parking lots to come into conformance with surfacing, landscaping and lighting standards within 5 years of enactment of the by-law.

Signs – (Page 7 of Executive Summary).

✓ Current standards have been revised to improve the character of the city's commercial corridors and business areas, as called for in Plan Winnipeg, and in ways common to other large cities. The changes to the sign regulations are an attempt to balance business needs, community aesthetics and safety while, at the same time, promoting economic development and tourism.

✓ "Mobile Signs" are limited to eight feet in height, maximum of two signs per lot, maximum time limit of 90 days three times each year (total of 270 days), together with a spacing requirement of 65 feet between signs on adjacent lots.

✓ "Accessory Sign" heights have been reduced in several zoning districts. Maximum sign surface area was increased in the C3 (Commercial Corridor) and C4 (Commercial Regional) zoning districts. The current guarantee of 80 square feet sign area, regardless of frontage, has been removed.

✓ Flashing, animated, scintillating, rotating and electronic message board signs must be spaced at least 500 feet apart. All electronic message board signs must be approved through the Conditional Use process.

Landscaping – (Pages 7 and 8 of Executive Summary)

✓ The current Zoning By-law has very minimal standards for landscaping. The new standards require landscaping in four key areas: at the street front, within and surrounding parking and loading areas, along the front of buildings, and as buffers between residential and non-residential uses.

✓ The new by-law includes an incentive to preserve larger, existing trees through a credit toward landscaping required – the larger the tree, the larger the credit given.

Lighting – (Page 8 of Executive Summary)

✓ New standards are introduced to help control the impact of lighting on adjacent properties by requiring that no light can spill over from a non-residential use onto a residential use and to set basic standards for the lighting of parking lots and service station canopies.

Design Standards – (Page 8 of Executive Summary)

✓ Design standards address key elements of building design in order to set a baseline for new development -- but do not address building style or aesthetics. The standards generally focus on ensuring that new multi-family, commercial, institutional, and industrial, and mixed use buildings have a prominent and visible entryway and avoid long, plain walls. Connections between the buildings and the street, and screening of rooftop equipment, are also addressed. Many of the standards are in a menu format, allowing the building designer to select from a variety of options to meet the requirements.

Alternative Equivalent Compliance – (Pages 8 and 9 of Executive Summary)

There are usually alternative ways to address design standards that would result in an equivalent or better design that responds to unique site or neighbourhood characteristics. The by-law allows applicants to propose an alternative to meet the intent of the by-law, at their option, and allows the Director to approve them pursuant to objective criteria.

Mapping Changes – (Page 10 of Executive Summary)

The intent of the remapping process is to convert the existing zoning map to the new zoning district framework with as little impact as possible on existing development rights. It is not an attempt to review the appropriateness of existing zoning labels as they apply to all properties in the city based on their existing land use or resolve all cases of improper zonings. The following principles apply to the mapping process:

- Conversion of the existing zoning labels to the new labels are made based on objective rules with all similar properties being treated fairly (see attached Mapping Rules in Appendix C).
- Each property in the city is zoned according to the zoning district that approximates the existing zoning or a similar range of uses and development rights. Development rights should not be affected significantly. The majority of the conversions should result only in a label change (renaming of the zoning district), not a zoning change.
- Vacant lands are not being proposed for any zoning changes.
- The major exception is clusters of properties zoned Industrial with existing commercial uses. In that case, it is proposed the properties be “rezoned” to the applicable commercial zoning district to reflect the existing use.

Agricultural and Parks Mapping Highlights

- A.5 (Agricultural) would be relabeled to RR5 (Rural Residential 5) to reflect the nature of development occurring in those areas.
- Zoning for major, destination parks would be adjusted to accommodate the new PR3 (Parks and Recreation 3 – Regional) zoning district.

Residential Mapping Highlights

- Residential properties would be relabeled according to the new residential zoning district framework.
- The RMU (Residential Mixed Use) zoning district is not being applied to the zoning maps at this time.

Commercial Mapping Highlights

- The Mapping Rules would apply to all commercial properties in the city. The existing zoning would be adjusted to ensure that, wherever possible, the proposed zoning would be more or less equivalent to existing development rights.
- The zoning district for regional commercial centres (C4) would only be applied to Areas of Regional Commercial and Mixed Use Concentration as identified in Plan Winnipeg.
- The CMU (Commercial Mixed Use) zoning district is not being applied to the zoning maps at this time.

Educational and Institutional Mapping Highlights

- The new EI (Educational and Institutional) zoning district would apply to hospitals, universities and colleges.

Industrial Mapping Highlights

- Clusters of commercial uses currently zoned Industrial would be rezoned to a commercial zoning district to reflect the existing use of the properties.
- The zoning of the city's four existing industrial parks (St. Boniface, Murray, Inkster, Fort Garry) would be changed from MP-2 (Industrial Park) to M2 (Manufacturing Light) and subject to the Development and Design Standards in Part 5.
- The MMU (Manufacturing Mixed Use) zoning district will be applied to the zoning maps.

RECOMMENDATIONS:

A full list of the recommendations is provided at the front of the report. Those requiring further explanation are highlighted below beginning with Recommendation 5:

5. That the effective date for the Winnipeg Zoning By-law and Zoning Maps be amended to March 1, 2008.

The Winnipeg Zoning By-law Review has resulted in a new Zoning By-law that is a substantial change from the existing by-law. The changes will have a significant impact on understanding, implementing and administering the by-law. The new by-law should be introduced in a manner that facilitates a seamless transition for by-law users. Instituting a delayed effective date for the by-law of approximately 6 months may assist in easing this transition.

A by-law does not need to come into effect on the date it receives third reading by Council; Council can set any date it wishes for the by-law to come into effect. The Winnipeg Public Service recommends that Council declare March 1, 2008 as the date the new Zoning By-law comes into effect in order to:

- Provide a grace period for property owners to apply for rezoning under the existing rules prior to the new regulations coming into force
- Avoid conflicts with the timing of the start of the construction season
- Allow for training time to familiarize staff with the new by-law
- Provide time to inform stakeholders, the public and the industry about the changes
- Allow time to test the new by-law
- Provide time to further improve the by-law and prepare an errors and corrections amendment to "clean up" the by-law
- Provide time to consult with the wireless communication industry and other stakeholder groups to discuss further proposed changes to the Zoning By-law
- Produce informational materials (transitional website, brochures, presentations, training manuals, transition guide, etc.)

6. That technical errors in the proposed Winnipeg Zoning By-law be corrected as shown in the list of errors and corrections (Appendix D)

Following incorporation of the ZAC's final changes to the by-law, and its recommendation that the proposed by-law proceed to a public hearing, no further changes were made to the by-law after January 2007. Technical errors were subsequently discovered in the by-law. A

list of some of those technical changes has been compiled in the attached Appendix D. The Winnipeg Public Service recommends that these technical changes, which do not have any associated policy implications, be accepted by Council.

- 7. That the Winnipeg Public Service be directed to conduct a periodic review of the Winnipeg Zoning By-law with the first review to commence one (1) year from the date of enactment of the by-law, and a minimum of every five (5) years thereafter.**

Major Zoning By-law reviews typically follow the review of the local Development Plan (Plan Winnipeg). The City of Winnipeg Charter mandates that the City's Development Plan be updated every 5 years. As planning and development policy changes, the Zoning By-law should keep pace to reflect current trends and Council's direction in specific policy areas. With the introduction of a new Zoning By-law, it is expected that there will be some technical issues to work out, and it is quite common to see an amendment within 1 year of adoption for correction of errors and omissions.

The Winnipeg Public Service recommends that suggestions for improvements be compiled during the first year of operation with the Zoning By-law and that an amendment be brought forward within 1 year of enactment of the by-law to correct errors, omissions and other more significant changes to the by-law. Depending on the scope of the changes, a public hearing may or may not need to be held to effect those changes.

- 8. (a) That a 6-point strategy of enforcement be pursued to allow the City to take a more pro-active role in enforcing the existing regulations for mobile signs; and
(b) That the Winnipeg Public Service review the regulations for mobile signs one (1) year following enactment of the Winnipeg Zoning By-law to determine the effectiveness of the enforcement strategy and the public's opinions of the mobile sign regulations.**

Mobile signs have probably been the most controversial issue in the Zoning By-law review process. This is an item that is near and dear to many constituencies from small business owners to Communities in Bloom. It is an issue that divides the community right down the middle and has therefore been a difficult one to resolve to everyone's satisfaction.

The intent of mobile sign provisions in the Zoning By-law is to provide a signage option for special events. The mobile sign regulations have been designed to provide an opportunity for portable, temporary signage to advertise or provide notification of grand opening sales or other special promotional events. The intent was not to have mobile signs become a permanent form of signage. The consulting team identified that Winnipeg's control of mobile signs is one of the areas where the current Zoning By-law is furthest away from the mainstream of land use regulation compared to other cities. The format of the signage seems acceptable to most parties but the length of display time has been a contentious issue. Concerns have been expressed about the cumulative impact of mobile signs on various streetscapes, their perceived impact on the overall image of the city and the impact on traffic safety through driver distraction. Mobile signs are viewed as an economical and reliable form of signage for many small businesses, and some larger businesses (e.g., credit unions).

During the project extension period over the last year of the project, this issue was identified for special consideration. A Signs Working Group was established chaired by a ZAC

member and consisting of 2 other ZAC members and the Chamber of Commerce. The Working Group reviewed various means to achieve a compromise on the issue, considering a range of options from a full ban to maintaining the current provisions. The Working Group came to a conclusion that the existing mobile sign provisions in the current Zoning By-law could be maintained if a program was employed to ensure that the regulations are enforced. The current regulations allow mobile signs to be displayed for three 90-day periods in one year. The proposed program included a 6-point strategy designed to put some accountability on the industry to operate within the rules, and some onus on the City to secure additional revenues or free up existing resources to more actively enforce the City's by-laws. The Signs Working Group's recommendation, which was also endorsed by the ZAC, was to maintain the current duration (maximum three 90-day display periods) plus modest new limitations (height limit, reduce number of signs per zoning lot from 3 to 2, 65' spacing requirement adjusted), and implement a 6-point enforcement strategy:

1. Increase enforcement (increase permit fees and hire additional staff)
2. Bonding/licensing mobile sign companies
3. Require sign permit to be displayed on the sign and show expiry date
4. Restrict mobile signs along image routes (phase-in)
5. Decrease number of mobile signs per zoning lot (over time)
6. Increase penalties (higher fines)

The Working Group also recommended that Council monitor this enforcement program, and that the program be subject to review 1 year after adoption of the by-law. A public opinion survey should also be conducted to establish a baseline and then revisited to determine any changes in public opinion over time.

The Winnipeg Public Service feels strongly that the ZAC and Signs Working Group process should be respected and supports the recommendation as being consistent with the intent of mobile signs.

9. That the Winnipeg Public Service draft guidelines for siting and development standards for electronic message board signs.

Electronic message board signs are commonly known as the computerized, television-style signs recently introduced in the city. They are defined as a sign or component of a sign on which the copy can be changed by electrical or electronic means. They typically contain frequently changing copy in the form of graphics, pictures or videos.

The current and proposed Zoning By-laws provide 4 forms of signage per zoning lot: wall/fascia, freestanding, window, mobile. Electronic message boards can be accommodated on all of these sign types, except mobile signage. The proposed Zoning By-law recommends that electronic message boards be considered as a Conditional Use (where the copy is greater than 9"). These signs would therefore be subject to a public hearing at the Board of Adjustment. In addition, the by-law recommends that no electronic message board sign may be located within 500' of another similar message board facing the same oncoming traffic.

The sign industry has expressed opposition to these proposed regulations. They would prefer that electronic message board signs be a Permitted use and treated like any other signage on the site, and that they not be subject to a 500' separation distance. The

Winnipeg Public Service believes that the cumulative impact of these signs on Winnipeg's image could be significant if numerous signs were allowed along a streetscape. This would not be consistent with Plan Winnipeg's policies related to urban image and design quality. In addition, they can be distracting to drivers and therefore have a potential impact on traffic safety, especially near intersections, traffic lights and pedestrian corridors.

The Winnipeg Public Service recommends that guidelines be developed to address siting and development standards for electronic signs, for example, location along image routes and near intersections and crosswalks, illumination levels, frequency in the change of the messages, etc. Once established, these guidelines could be tested over a period of time and then, if appropriate, could be incorporated as standards within the Zoning By-law. The Winnipeg Public Service would not recommend guidelines related to the content or copy of signs, as that is very difficult to enforce, except that Council may want to limit third party advertising.

10. That the following amendments be made to the Manufacturing Mixed Use (MMU) Zoning District (see detailed changes in Appendix E):

- (a) The Purpose Statement for the Manufacturing Mixed Use Zoning District in Part 3: Zoning Districts be amended by including references to qualify the mix of uses, outline limits on commercial/retail development and identify a minimum site area (50 acres) for MMU development.**
- (b) The Use Specific Standard for Amusement Enterprise, Indoor be amended to add an exception for fitness centres which may be up to a maximum of 40,000 square feet instead of 10,000 square feet of floor area in the MMU zoning district.**
- (c) Sign height for the MMU zoning district in Part 5: Development and Design Standards be increased from eight feet (8') to twenty feet (20').**

The proposed Zoning By-law has identified the creation of three, new mixed use zoning districts to bring the by-law into closer alignment with Plan Winnipeg's policies around encouraging mixed use development and integrating land use and transportation planning. One of these new mixed use zones is the Manufacturing Mixed Use (MMU) zoning district. The general purpose of the MMU zoning district is to provide opportunities for high quality, business park development in the city that includes a mix of industrial, office and commercial uses. Three sites have been identified for rezoning to the MMU category – Terracon Business Park (St. Boniface), SmartPark (University of Manitoba), and Tuxedo Business Park (Kenaston).

MMU was the subject of much discussion during the ZAC's review of the by-law. The proposed regulations for MMU did not receive full concurrence by the ZAC. Outstanding concerns centred on the potential level of retail uses that might be allowed by the proposed regulations. In particular, the current wording of the Purpose Statement [see S. 56(2)] does not mandate a mix of uses, and appears to leave room for an MMU site to be exclusively commercial. The ZAC did not come to a final conclusion on this issue and the Winnipeg Public Service also has similar reservations about the regulations as they are currently drafted. However, the ZAC did recommend that a minimum site area of 50 acres be required for MMU developments and that this provision be added to the Purpose Statement. There was also suggestion at the ZAC about the need for a Master Plan for MMU developments similar to the EI (Educational and Institutional) zoning district.

A Purpose Statement is designed to guide the review of proposals for rezoning of sites to the MMU zoning district category. There should be sufficient substance in the Purpose Statement to assist the City in determining if a proposal fits the intent of that zoning category. The Winnipeg Public Service is recommending that the Purpose Statement be amended by including general language in the text to qualify the mix of uses, and outline limits on the extent and nature of commercial/retail development. Suggested revisions to the MMU Purpose Statement are presented in Appendix E attached to this report.

Proposed revisions to the Purpose Statement align with policy statements in Plan Winnipeg that suggest in what circumstances, commercial development could be introduced in areas currently designated Industrial Policy Area under the Plan. The Plan provides that commercial (including retail uses), could be introduced “to act as a buffer between the industrial uses and adjacent uses, or to service the needs of the local industrial population”. Incorporating these words into the MMU Purpose Statement provides a link to Plan Winnipeg and facilitates flexibility regarding the extent and nature of retail/commercial development allowed in MMU zoning districts. However, in order to ensure that a proposed MMU development does not evolve to become exclusively commercial, a defined limit of 35% of the total site area is proposed for combined commercial and retail uses (including accessory and stand alone retail uses). Imposing this quantifiable limit should relieve the need for a Master Plan.

It should be noted that the proposed amendments to the Purpose Statement related to a limit on commercial/retail uses of 35% of the site area would allow all of the commercial/retail development to be constructed prior to any industrial development being built on the site. The proposed limits apply only to the quantity of commercial/retail development; not to the timing or order of the development. Also, multiple retail uses, up to 40,000 square feet each, could be combined within several large format retail buildings, provided that the 35% of site area was not exceeded.

The ZAC also recommended that lands at the 3 sites identified above be rezoned to the new MMU zoning district (i.e., that the zoning maps be amended) based on criteria established in the Mapping Rules. The criteria indicated that MMU should only be applied to sites:

- that include a mix of uses such as manufacturing, warehousing, office, accessory retail, and a limited amount of service-oriented commercial;
- that include a higher level of design quality; and
- where development would generally be of a planned, contiguous, clustered nature.

The Winnipeg Public Service is comfortable rezoning the Tuxedo, Terracon and SmartPark sites to the MMU zoning district. The Tuxedo and SmartPark sites are subject to existing Zoning Agreements that limit commercial development potential and the Tuxedo Business Park site is subject to a Servicing Agreement.

The application of the MMU zoning district to the zoning maps was part of a larger review and analysis of an industrial mapping strategy conducted over the past year. The objectives of that strategy were to remove the temporary MP (Industrial Park) zoning district in the proposed Zoning By-law and map all the industrial zoning districts. One of the final recommendations of that review and analysis was to blend the city’s four existing industrial parks (St. Boniface, Inkster, Fort Garry, Murray) into the proposed M2 (Manufacturing General) zoning district. The rationale for this approach was that the existing industrial parks are almost fully built-out and struggling to retain and attract tenants. Older, existing

industrial buildings tend to be functionally obsolete by today's development standards (low ceilings, limited opportunities for adaptive re-use, etc) and it is difficult to introduce new industry. The ZAC suggested that the expansion of the range of uses allowed in these areas would assist in keeping the industrial parks viable.

The Winnipeg Public Service wishes to point out that moving in this direction may mean the loss of the distinctive character of these industrial parks currently supported under the existing Zoning By-law by industrial park design standards. The current standards call for a building setback of 40' in the MP-1 and MP-2 (Industrial Park) zoning districts compared to 25' in the proposed M2 (Manufacturing General) zoning district, larger side yards (15' versus 0' respectively), limits on maximum building height (50/85' versus 100'), reduced floor area ratio (1.0 compared to 2.0) and reduced maximum lot coverage (10% versus unlimited). However, the Winnipeg Public Service appreciates that some of these dimensional standards may be offset by the increased landscaping and building design standards that would be required by Part 5 in the new by-law. Over time, these older, existing industrial parks may be redeveloped and adaptively re-used to maintain their viability. As this happens, the Winnipeg Public Service will monitor the type and quality of development that occurs, and if changes to the bulk regulations or design standards are warranted, amendments to the by-law will be brought forward for Council's consideration.

At its final meeting, the ZAC also recommended that the consulting team and the Winnipeg Public Service review the sign regulations in MMU. The Winnipeg Public Service is prepared to recommend that sign height be increased from 8' to 20' in MMU to allow for improved visibility along high speed traffic corridors and in winter, when visibility of low level signage may be reduced due to snow storage.

11. That the Use Specific Standard in Part 4: Use Regulations for retail sales in the M1 (Manufacturing Light) zoning district be reduced from 40,000 square feet to 5,000 square feet of floor area.

The proposed Zoning By-law makes provision for an M1 (Manufacturing Light) zoning district. The Winnipeg Public Service is concerned that the M1 zoning district may be viewed as an option to an MMU (Manufacturing Mixed Use) rezoning for the city's prestige Business Parks. We believe this would be unfortunate as the proposed MMU zoning district recognizes the high quality of development occurring in these Business Parks and provides for a range of commercial/retail uses intended to support the local industrial population. Many commercial uses, including retail sales and personal services, continue to remain Permitted or Conditional in the M1 district in the proposed by-law. Use Specific Standards have been added to many commercial uses to restrict their size or manage their impacts as most of the existing lands zoned M1 under the current Zoning By-law are in close proximity to residential areas and designated as Neighbourhood Policy Areas under Plan Winnipeg.

A Use Specific Standard has been included for retail sales uses up to a maximum 40,000 square feet floor area. While this will limit large format retail development ('big box'), it will still allow a significant level of retail development to occur in M1 zones. This may not be a concern to Council for lands currently designated M1, however, it may be problematic for new rezonings to M1, especially in areas currently designated Industrial Policy Area under Plan Winnipeg. The Winnipeg Public Service recommends that the Use Specific Standard for retail sales uses be reduced to a maximum of 5,000 square feet floor area. Best Practices in other cities indicate that retail sales are typically limited to 5,000 square feet in

the Light or General Industrial zoning districts (e.g., Vancouver, Calgary). However, it should be noted that this would create non-conformities in the existing M1 areas.

12. That the following amendments be made to the regulations for wireless telecommunication facilities:

- (a) That the Winnipeg Public Service commence a consultation process with the wireless communication services industry during the enactment period for the Winnipeg Zoning By-law to discuss the regulations for establishment of wireless communications towers.**
- (b) That all references to “wireless telecommunication” facilities/towers in the proposed Zoning By-law be amended to “wireless communication” facilities/towers.**
- (c) That Table 4-1: Principal Use Table be amended to add “Wireless communication, freestanding tower” as a Conditional Use (“C”) in the C2 (Commercial Community), C3 (Commercial Corridor), C4 (Commercial Regional) and EI (Educational and Institutional) zoning districts, and be changed from a Conditional (“C”) to a Permitted (“P”) use in the M2 (Manufacturing General) zoning district; and,**
- (d) That the maximum height of freestanding towers be increased from seventy-five feet (75’) to one hundred feet (100’).**

Wireless communication towers are a relatively new phenomenon in Winnipeg – a land use that was not contemplated at the time of adoption of the current Zoning By-law in 1995. The City has been able to manage the introduction of these towers into the urban fabric by fitting them in under a variety of existing uses – radio tower, antennae or public utility/service. Depending on the zoning of the subject land, they are currently treated as either Permitted or Conditional uses. In addition, most were required to proceed through the Variance approval process due to their proposed height exceeding the maximum limits allowed by the current Zoning By-law. (Variance and Conditional Uses require a public hearing and approval by the Board of Adjustment). The towers are subject to bulk regulations, including yards and height, for the zoning district applying to the subject land. The current bulk regulations are provided in a table in the Zoning By-law chapter for each respective zoning district.

The proposed Zoning By-law recognizes freestanding and building-mounted towers as two separately defined, listed uses. Use regulations and Use Specific Standards are provided for these two types of towers. The proposed by-law makes provision for building-mounted towers as a Permitted use in most zoning districts and for freestanding towers as a Conditional Use in some zoning districts. The by-law suggests that freestanding towers may be allowed in Parks, Agriculture and Industrial zoning districts, but not in Residential or Commercial zoning districts. A proposal recently received from MTS Allstream recommends introducing freestanding wireless communication towers in all zoning districts as either a Permitted or Conditional Use. MTS is also suggesting that as technology evolves, tower configuration may change to be less bulky with a shorter style tower such that they may be more compatible in commercial areas, and even in residential areas.

Telecommunications are separately regulated under The Telecommunications Act and in an effort to avoid duplication with Federal legislation, all references to “telecommunication” should be removed from the by-law and replaced with “communication”.

The Winnipeg Public Service is open to discussing amendments to the proposed regulations. However, we would like to have adequate information to make an informed recommendation. More time is needed to consider the proposal from MTS and undertake the proper level of analysis. The Winnipeg Public Service recommends a thorough approach on this issue and suggests that more discussion is required with MTS and other industry providers. More information is required to determine future plans for the placement of towers throughout the city, and the style and specifications of the proposed, future towers. The period of approximately 6 months between Council's adoption of the Zoning By-law and the effective date of the by-law should be used to further refine and clarify the proposed by-law, including requirements related to wireless communication towers.

However, following consideration of MTS's proposal and further review of the Use Table and Use Specific Standards in the proposed by-law, the Winnipeg Public Service believes that freestanding towers could be considered a Conditional Use in a few additional zoning districts including E1 (Educational and Institutional), C2 (Commercial Community), C3 (Commercial Corridor) and C4 (Commercial Regional), and be changed from a Conditional Use to a Permitted use in the M2 (Manufacturing General) zoning district. The Winnipeg Public Service is comfortable recommending these modifications to the Use Table in advance of discussions with the industry based on a review of 'best practices' in other cities, the City's historical experience with towers under the existing Zoning By-law, and recommendations from the Zoning By-law consultants. A Conditional Use provides an opportunity for checks and balances and allows for a thorough review of each application, neighbourhood input through a public hearing at the Board of Adjustment and the opportunity to place conditions on any approval. The Winnipeg Public Service strongly recommends, however, that wireless communication towers remain a Not Permitted use in the R1 and R2 zoning districts.

The Winnipeg Public Service is also recommending that the maximum height of freestanding towers may be increased from 75 feet to 100 feet. The industry generally requires a minimum height of 100' to facilitate good coverage and capacity in high volume cellular and wireless use areas.

13. That the Winnipeg Public Service be directed to draft a public consultation process to be incorporated in the Development Procedures By-law for certain heavy manufacturing uses (i.e., those heavy industrial uses requiring licensing under The Environment Act).

The SPC on Property and Development forwarded a request for changing certain heavy industrial uses from Permitted to Conditional Use status in the M3 zoning district and for re-mapping the proposed Olywest lands, to the Winnipeg Zoning By-law Review project for consideration. The Winnipeg Public Service recommends that all heavy manufacturing uses remain a Permitted use in the M3 (Manufacturing Heavy) zoning district. The Winnipeg Public Service believes that the M3 zoning district is the most appropriate zone to accommodate heavy industrial uses and that M3 lands are generally suited to that purpose by their designation under Plan Winnipeg and their planned location within the city.

Plan Winnipeg identifies the most appropriate locations for the establishment of heavy industrial uses through the designation of Industrial Policy Areas. Historically, the Zoning By-law has reflected these Policy Area designations and has zoned the land accordingly. The current Zoning By-law review is not adjusting these zoning labels; the proposed by-law

is simply converting the existing zoning label to the new zoning label. In this case, the Mapping Rules indicate that existing M3 lands will be relabeled to M3 under the proposed by-law.

The Winnipeg Public Service also recommends that the zoning of the lands proposed for the Olywest development south of the St. Boniface Industrial Park, remain zoned M3 under the proposed Zoning By-law. Again, the current zoning is consistent with an Industrial Policy Area designation under Plan Winnipeg. It is important for cities to maintain a stock of M3 lands to accommodate large, heavy industrial users. Preliminary results from the Employment Lands Strategy indicate that Winnipeg has a sufficient supply of employment lands to support growth in the short term (2006-2011), but will be experiencing a shortage into the long term (2021-2031). The land supply will have to be carefully managed to prevent the premature conversion to other uses.

As an alternative to designating certain heavy manufacturing uses as Conditional Uses, the Winnipeg Public Service suggests that processes and procedures could be introduced in the Development Procedures By-law to mandate a public consultation process for certain uses. The uses subject to a mandated public consultation process could be consistent with the list of heavy manufacturing uses subject to licensing under The Environment Act. The Province has identified a list of certain uses as having special characteristics that warrant licensing and they are therefore considered significant from a land use and environmental perspective.

14. That “Adult Service or Entertainment Establishment” be deleted as a Conditional Use (“C”) in the C4 (Commercial Regional) zoning district in Table 4-1: Principal Use Table.

A new use has been established in the by-law called “Adult service or entertainment establishment”. This new use is intended to cover a range of adult uses that are not regulated under the current Zoning By-law (e.g., adult saunas, adult nightclubs, adult modeling studios, topless hair salon, topless car wash, etc). These uses are distinct from Dating and Escort Services and Massage Parlours which are noted as Prohibited uses in the proposed by-law.

Upon further review of the Use Table for the Adult Service or Entertainment Establishment use, it is recommended that Adult Service or Entertainment Establishments should not be allowed in the C4 (Commercial Regional) zoning district. The C4 zoning district covers some of the city’s premiere shopping and entertainment areas. Adult uses would be incompatible in that setting where children (minors) are frequent customers.

15. That the Winnipeg Public Service complete a review to determine the most appropriate zoning for all parks properties in the city within one (1) year following enactment of the Winnipeg Zoning By-law.

The Winnipeg Public Service discovered that existing parks have a variety of zoning labels. Throughout the city, some parks are zoned Residential, some Industrial and others as Parks. One entire ward, Daniel McIntyre, has no parks or open spaces that are zoned in a Parks zoning category. A review has been commenced to identify the appropriate zoning for all parks properties in the city. However, the review of these properties has not been proposed as part of this project because of the potentially significant impact on development

rights associated with these rezonings and the potential impact on neighbours and the community. For example, some parks properties would be moved from a PR1 to a PR2 parks zoning district which allows a broader range of uses and the potential for increases in the nature and size of parks and recreation facilities.

The parks review can occur as a subsequent phase to the initial adoption of the new Zoning By-law. The Winnipeg Public Service recommends that a public consultation program form part of the parks zoning review. The review could be completed in a timely manner, within one year of the enactment of the proposed Zoning By-law, as the majority of the analysis has been reviewed by an internal working group consisting of representatives from the responsible departments – Planning Property and Development, Public Works and Community Services. The Real Estate Division of the Planning, Property and Development Department would also need to be consulted as part of the review process to confirm that the proposed parks zonings are appropriate given future plans for city-owned lands.

Once the work is complete, an amendment to the Winnipeg Zoning By-law would be initiated. This amendment would be subject to a public hearing at the SPC on Property and Development as the subject lands are located in more than one Community Committee area. The Winnipeg Public Service recommends that the proposed changes to the zoning maps for parks properties be circulated to the Community Committees for review and recommendation prior to a public hearing.

16. That the Use Specific Standards in Part 4: Use Regulations be amended to add a maximum size (combined gross floor area) of eight hundred (800) square feet for home based businesses.

Under the current Zoning By-law, home based businesses are allowed to occupy up to a maximum of 400 square feet of the floor area of the dwelling unit. This is a relatively small area that was established many years ago and has proven to be too small for many home based businesses. The proposed Zoning By-law suggests increasing the occupied area to 25% of the total area of the dwelling unit and any accessory buildings. However, for very large dwelling units, this increase could result in a business occupying a significant area of the building. In most cases, this would be out of character with the predominantly residential land use in the area and could potentially impact the quality of the living areas in the local neighbourhood.

In order to manage the impact of home based businesses, the Winnipeg Public Service is recommending that a maximum, or cap, be placed on the size of home based businesses of 800 square feet of the combined gross floor area of the principal and accessory buildings on the property or 25%, whichever is less. Even with this limit in place, the area that could be occupied would be double what is allowed today under the current Zoning By-law.

17. That a clause be added to the by-law to provide existing “auto/light truck/motorcycle sales and rental” and “auto repair” businesses operating as home based businesses in residential zoning districts a period of two (2) years to come into compliance with the Zoning By-law.

The proposed Zoning By-law moves to an impact-based approach to manage home based businesses. The by-law divides home based businesses into two types – major and minor. Uses with potential impacts on the surrounding residential neighbourhood will be deemed

major home based businesses and be subject to the Conditional Use process and a public hearing at the Board of Adjustment. Minor home based businesses will be a Permitted use.

But certain uses are not acceptable as home based businesses because their impacts are too intense making them incompatible with residential uses in the adjacent area. These uses should be prohibited as home based businesses. The sale of autos, light trucks and motorcycles and the repair of autos and other vehicles are examples of two uses that should be prohibited. Evidence presented over the years at public hearings and appeal hearings demonstrates significant negative public reaction to these uses. Commonly noted impacts include noise, odour, traffic, multiple customer visits, visual blight and concerns for safety and security. Because of this history and the nature of these uses, the Winnipeg Public Service recommends that these uses be Prohibited uses in the proposed Zoning By-law.

However, while new operations would not be allowed to establish once the by-law comes into effect, existing auto related businesses should be given an opportunity to either wind down or relocate their operations. A grace period of 2 years is suggested to accommodate this transition. This direction could be implemented by addition of the following clause to the by-law:

“xxx. A home based business for “Any business engaged in the sales and rental of autos, light trucks, or motorcycles” or “On-site painting, body repairs or other repair of automobiles, trucks, boats, trailers, or other motorized vehicles” that was lawfully established prior to the effective date of this by-law, but that does not conform in one or more respects with the requirements of this by-law shall come into compliance with this by-law no later than 2 years from the effective date of this by-law.”

- 18. (a) That the following amendments be made to the development and design standards for Residential zoning districts in Part 5 of the Zoning By-law:**
- (i) The minimum front yard be increased from fifteen feet (15') to twenty feet (20') in the R1-Small and R1-Medium zoning districts;**
 - (ii) The maximum lot coverage be decreased from forty-five percent (45%) to forty percent (40%) in the R1-Small and R1-Medium zoning districts;**
 - (iii) Lots in the R1-Small zoning district shall be required to have access to a public lane;**
 - (iv) The minimum lot width be increased from twenty-five feet (25') to fifty-five feet (55') in the R1-Large zoning district, eighty feet (80') in the R1-Estate zoning district, fifty feet (50') in the R2 zoning district, one hundred and eighty feet (180') in the RR2 zoning district, and three hundred feet (300') in the RR5 zoning district; and,**
 - (v) The minimum side yard be increased from four feet (4') to five feet (5') in the R1-Medium and R1-Large zoning districts.**
- (b) That a consultation process be initiated with the development industry to discuss and review development and design standards for residential properties and related requirements in other City by-laws, development guidelines and standards (e.g., Lot Grading By-law, Private Approaches By-law, etc.).**

The ZAC supported several changes to development and design standards in the interests of the efficient and cost effective use of land. These changes included a reduction in the minimum front yard, an increase in the maximum lot coverage, removal of the requirement

for back lanes for small lots, reduction of the minimum lot width for all lots, and a reduction in the minimum side yard in some zoning districts

The Winnipeg Public Service has some concerns about the proposed changes and the impact of those changes on lot drainage, private approaches and snow storage. Changes in the dimensional standards may further compromise the ongoing efforts of the City to manage runoff and sump pump discharges, and may ultimately increase future capital, repair and maintenance costs borne by the City, developers and home builders.

Specifically, these proposed changes may:

- Compromise the Lot Grading By-law 7294/98 and the ability of lots to drain properly;
- Compromise the ability of properties to properly discharge sump pump water;
- Strain the capacity of existing land drainage infrastructure and facilities;
- Increase the cost for land drainage infrastructure that must be sized larger to accept increased runoff rates;
- Create increasing conflicts between neighbouring properties, and between property owners and the City over drainage issues;
- Potentially compromise the 4-party trench agreement on private property with the effect that it may force utilities into the public right-of-way.

The effect of the proposed recommendation is to maintain the standards currently enforced under the Winnipeg Zoning By-law 6400/94. The Winnipeg Public Service is also recommending that a consultation process be initiated in partnership with the development industry to review these standards and other related City requirements with a view to amending them in the future, as warranted, if the drainage, snow storage and utility easement concerns can be resolved. The existing standards in place under the current Zoning By-law 6400/94 would be used as a starting point for those discussions. It may be appropriate to undertake a lot grading/development guidelines study to assess options for addressing drainage concerns. That study could be completed within 1 year of adoption of the new Zoning By-law and could include a review of Best Practices in other prairie cities and/or cities with similar growth challenges.

In the meantime, the Planned Development Overlay (PDO) tool is still available in the Zoning By-law to accommodate adjustments to the standards for innovative development proposals. Each proposal would be reviewed on its merits and the proponent would need to demonstrate how the servicing issues, including drainage, would be satisfactorily addressed with reductions in the standards. The PDO is subject to a comprehensive review as an amendment to the Zoning By-law and involves a rezoning and a public hearing.

IMPLEMENTATION OF THE NEW BY-LAW:

The introduction of a major change to the City's zoning regulations and systems will require some time for users to absorb the nature of the changes and understand how they will best be implemented. The City has commenced a process to review the impact of the proposed changes on existing processes and procedures. Council's approval of a delayed enactment date for the new by-law will provide an opportunity to ease the transition to the new by-law for by-law users and City staff. The new regulations will also require some corresponding changes to other by-laws.

Following is a summary of some of the items requiring action:

- Administrative processes and procedures related to the following new initiatives in the proposed by-law:
 - Tree preservation program
 - Administration of the Manufacturing Mixed Use (MMU) zoning district
 - Master Plan process and record keeping for the Educational and Institutional (EI) zoning district
 - Landscape plans
 - Parking management plans
 - Planned Development Overlays
 - Alternative Equivalent Compliance
- Consequential amendments to other by-laws (e.g., Development Procedures By-law for wireless communication towers consultation process, heavy industrial uses consultation process, Planned Development Overlays)
- Interpretation Bulletins – public dissemination of how certain sections of the by-law will be interpreted by the City
- Communication Strategy:
 - Website – public information about the transition process (e.g., process for map changes, how applications in process will be handled, when complementary by-laws will be amended, etc)
 - On-line, searchable version of by-law – post a searchable version of the by-law on the City’s Internet site to facilitate “self-service” by the public and other users
 - Public and stakeholder information – notification about the introduction of a new Zoning By-law, information sessions, etc.

FINANCIAL IMPACT TO THE CITY:

The conversion of the zoning maps from the existing district framework to the new district framework would be predominantly a relabelling exercise. The intent is to avoid having a significant effect on development rights. The exception is where existing industrial areas are already developed with clusters of commercial uses (e.g., in the Polo Park area, McLeod, south side of Nairn, Taylor, Kenaston/McGillivray, Notre Dame at McPhillips, McPhillips at Logan, Regent at Plessis, Scurfield at Kenaston, etc.). In this case, the City would initiate a blanket rezoning of these properties to the most appropriate commercial zoning district to make the zoning of these areas consistent with the existing land use. Doing so would involve an “opportunity cost” (i.e., forgone revenues) as the City would forgive the rezoning application fees, land dedication (cash-in-lieu) and any applicable development charges that would have been applied in the case of Development Agreements. Incurring these costs would achieve the City’s planning objectives of correcting an historical zoning irregularity and bringing the zoning of these lands into compliance with Plan Winnipeg.

Given the scope of work required and significant number of variables involved, it is not possible to determine total opportunity and out-of-pocket costs with a high degree of accuracy. Variables to consider include, but are not limited to, the number of rezoning applications that would be generated from the over 700 zoning polygons (each polygon contains multiple properties, any one of which could initiate a rezoning application affecting both fee revenue and advertising cost), whether or not any subdivisions are associated with a rezoning, the timeframe over which the affected area would be completely rezoned, the effect on market value, if any, resulting from rezoning, and development charges that might apply if any incremental infrastructure improvements would be required for the commercial developments. As such, an “order of

magnitude” cost calculation has been compiled.

In order to calculate total opportunity and out-of-pocket costs, certain assumptions were made. These assumptions include the following:

- Five rezoning applications per polygon
- No associated plans of subdivision
- Constant rezoning application fee of \$525 (i.e., the current fee)
- Increase in market value as per internal market analysis
- Increase in assessed value equivalent to increase in market value
- Constant portioning rate of 65% and mill rate of 0.025448
- No incremental infrastructure improvements required
- Complete rezoning would occur over 15-year timeframe
- Net cost incurred evenly over 15-year period
- Net Present Value (NPV) calculated using City’s cost of borrowing of 5.25%

Based on the assumptions listed above, the NPV cost to the City of the proposed blanket rezoning is estimated, in order of magnitude, to be approximately \$2.2 million.

These rezonings would benefit the city at large by providing predictability (having the zoning rules match the existing use) and supporting business investment in the area with common zoning rules applying to similar properties.

Financial Impact Statement

Date: **September 7, 2007**

Project Name:

First Year of Program **2008**

WINNIPEG ZONING BY-LAW REVIEW

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012 to 2022</u>
Capital					
Capital Expenditures Required	\$ -	\$ -	\$ -	\$ -	\$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Funding Sources:					
Debt - Internal	\$ -	\$ -	\$ -	\$ -	\$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Total Additional Capital Budget Required	<u>\$ -</u>				
Total Additional Debt Required	<u>\$ -</u>				
Current Expenditures/Revenues					
Direct Costs	\$ 202,167	\$ 202,167	\$ 202,167	\$ 202,167	\$ 2,223,833
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	<u>\$ 202,167</u>	<u>\$ 202,167</u>	<u>\$ 202,167</u>	<u>\$ 202,167</u>	<u>\$ 2,223,833</u>
Less: Existing Budget Amounts	202,167	202,167	202,167	202,167	2,223,833
Net Budget Adjustment Required	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Additional Comments: Based on the assumptions listed in the body of the report, the "opportunity cost" to the City for the period from 2008 to 2022 will be approximately \$3.0 million. This consists of \$1,457,500 in foregone cash-in-lieu of land dedication payments that would otherwise be credited to the Land Dedication Reserve Fund (LDRF), and \$1,575,000 in application fee revenue that would otherwise be credited to the General Revenue Fund. These net revenue reductions would be absorbed by the LDRF and the Department over the course of the 15-year period. While amounts have not actually been budgeted, this FIS includes amounts in the "Existing Budgeted Amounts" field in order to reflect that no budget adjustment is required as a result of the recommendations contained in this report.					

"Original signed by"
 Mike McGinn, CA
 Manager of Finance

IN PREPARING THIS REPORT THERE WAS:**Internal Consultation With and Concurrence By:**

- Legal Services Division
- Public Works Department
- Water and Waste Department
- Corporate Finance Department
- Winnipeg Transit
- Community Services Department
- Property Assessment Department

External Consultation With:

- See attached List of External Consultations (Appendix F)

THIS REPORT SUBMITTED BY:

Department: Planning, Property and Development Department
Division: Office of the Director
Prepared by: Valdene Buckley
PPD File No.

Last Updated: September 10, 2007

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Attachments:

Appendix A: Winnipeg Zoning By-law 200/2006 and Table of Contents
Appendix B: Zoning Maps (Schedule B of Zoning By-law) and Key Map
Appendix C: City of Winnipeg Zoning By-law Review - Mapping Rules
Appendix D: Errors and Corrections
Appendix E: Proposed Amendments to Manufacturing Mixed Use (MMU) Zoning District
Appendix F: Winnipeg Zoning By-law Review – Consultation with External Stakeholder Groups
Appendix G: Executive Summary and Recommendations for Future Improvement, Clarion Associates

Appendix A: Winnipeg Zoning By-law 200/2006 and Table of Contents



FINAL ZONING
BYLAW May 07 - Cl...



FINAL TABLE OF
CONTENTS May 07..

Appendix B: Zoning Maps (Schedule B of Zoning By-law) and Key Map



Zoning Key Map.pdf (177 KB)



Map 1.pdf (98 KB)



Map 2.pdf (102 KB)



Map 3.pdf (570 KB)



Map 4.pdf (800 KB)



Map 5.pdf (286 KB)



Map 6.pdf (60 KB)



Map 7.pdf (286 KB)



Map 8.pdf (1 MB)



Map 9.pdf (642 KB)



Map 10.pdf (293 KB)



Map 11.pdf (532 KB)



Map 12.pdf (654 KB)



Map 13.pdf (1 MB)



Map 14.pdf (322 KB)



Map 15.pdf (158 KB)



Map 16.pdf (394 KB)



Map 17.pdf (406 KB)



Map 18.pdf (759 KB)



Map 19.pdf (561 KB)



Map 20.pdf (53 KB)



Map 21.pdf (273 KB)



Map 22.pdf (533 KB)



Map 23.pdf (524 KB)



Map 24.pdf (88 KB)



Map 25.pdf (456 KB)



Map 26.pdf (111 KB)



Map 27.pdf (214 KB)



Map 28.pdf (80 KB)



Map 29.pdf (50 KB)



Map 30.pdf (43 KB)

Appendix C: City of Winnipeg Zoning By-law Review – Mapping Rules



Mar6-07 Mapping
Rules Chart.pd...

Appendix F: Winnipeg Zoning By-law Review – Consultation with External Stakeholder Groups



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Appendix G: Executive Summary and Recommendations for Future Improvement, Clarion Associates



Exec Summary
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APPENDIX D

ERRORS AND CORRECTIONS

Part 1: Administration amended

1 Part 1: Administration is amended

(1) in Section 43, by striking out subsection 3 and substituting the following:

(3) Any use lawfully in existence prior to this By-law, which did not require a Conditional Use Order prior to this By-law, but that would require a Conditional Use Order to comply with this By-law, shall be deemed to have a Conditional Use Order sufficient to create compliance with this By-law, provided that no addition, enlargement or expansion may be made to the use unless the addition, enlargement or expansion is approved as a Conditional Use under this By-law.

Part 2: Definitions amended

2 Part 2: Definitions is amended

(1) in Section 48, by striking out the definition of “care home”, and substituting the following:

“care home” means a building or portion of a building used for:

- (a) the boarding or other residential accommodation; and
- (b) the care, treatment or supervision;

of persons, in which care, treatment or supervision is not provided to any persons not resident in the care home.

Part 4: Use Regulations amended

3 Part 4: Use Regulations is amended

(1) in Section 62 under Residential and Residential-Related, Group Living, Care home, by adding “P*” in the “A” and “RR5” columns;

(2) in subsection 89(2), by striking out “per building”;

(3) in subsection 90(2), by striking out “per building”;

(4) in subsection 90(3), by striking out “, per building”;

(5) in Section 91, by striking out “per building”;

(6) in Section 99:

(d) by striking out “non-residential”;

(e) in Table 4-4 by striking out the heading and substituting the following:

Table 4-4: Maximum Tower Height, Building-Mounted Tower

(7) in Section 117, by adding the following after subsection (2):

(3) Outside sales are limited to a maximum of four 3-day events in each calendar year.

(8) by striking out Section 129 and substituting the following:

Seasonal sales areas:

(1) Must not reduce the number of required off-street parking or loading spaces below the minimums required by this By-law;

(2) Obstruct any vehicular circulation route into or through the property; and

(3) Are limited to a maximum of 60 days in each calendar year.

Part 5: Development and Design Standards amended

4 Part 5: Development and Design Standards is amended

(1) in clause 142(2)(d), by striking out “less than 2 feet” and substituting “2 feet or less”;

(2) in Section 151, by adding “the” after “changes to”;

(3) in Section 152 in Table 5-6 under footnote a., by striking out “or R2” and substituting “, R2 or RMF”;

(4) in Section 154, by adding “Overlay” after “Development” in the heading;

(5) in Section 159 in Table 5-7:

(a) under Open Landings and Terraces, by striking out “32” and substituting “36”, wherever it occurs;

(b) under Open parking or loading area, vehicle display area, and queuing spaces, by striking out “, vehicle display area,”;

(6) in subsection 179(1), by adding “public transit,” after “control,”;

(7) in subsection 182(7), by striking out “8” and substituting “8.5”;

(8) in subsection 190(2), by striking out “front” and striking out “, all of which must be located within the required front yard”;

(9) in subsection 190(7), by striking out “or two-family” and substituting “, two-family or multi-family”;

- (10) in Section 211, by adding “Overlay” after “Development” in the heading.

Schedule A: List of Adopted Secondary Plans amended

5 Schedule A: List of Adopted Secondary Plans is amended

- (1) in subsection 1(1), by striking out “Development” and substituting “Protection Area Secondary”;
- (2) in subsection 1(5):
- (a) by striking out “Kilcona” and substituting “Kil-cona”;
- (b) by adding “Area (West)” after “Park”;
- (3) in subsection 1(10), by striking out “Redevelopment” and substituting “Secondary”
- (4) in subsection 1(11), by striking out “Secondary” and substituting “Neighbourhood”;
- (5) in subsection 1(12), by striking out “Secondary Plan” and substituting “Area Structure Plan”;
- (6) in Section 1, by adding the following after subsection 12:
- (13) Waverley West Northeast Neighbourhood Area Structure Plan

Schedule D: Airport Vicinity Protection Area Planned Development Overlay 1 (PDO-1 – Airport Vicinity) amended

6 Schedule D: Airport Vicinity Protection Area Planned Development Overlay 1 (PDO-1 – Airport Vicinity) is amended

- (1) in clause 3(3)(b):
- (a) by adding “inclusive of any dwelling units referred to in clause 3(a) above” after “(35 units per acre)”;
- (b) by striking out “building lot area” and substituting “that portion of lots falling within Area II”.

Schedule G: Neighbourhood Main Streets Planned Development Overlay 1 (PDO-1 Neighbourhood Main Streets) amended

7 Schedule G: Neighbourhood Main Streets Planned Development Overlay 1 (PDO-1 Neighbourhood Main Streets) is amended

- (1) in subsection 5(2), by striking out “5.000” and substituting “5,000”.

**APPENDIX E
PROPOSED AMENDMENTS TO MANUFACTURING MIXED USE (MMU)
ZONING DISTRICT**

1. Proposed Amendment to MMU Purpose Statement:

Part 3: Zoning Districts is amended

(1) by striking out Section 56(2), and substituting the following:

56. (2) The Manufacturing Mixed Use (MMU) district is intended to support industrial/business park uses with other uses, including commercial and retail provided they act as a buffer and/or service the needs of the local industrial population. Commercial and retail development, not including offices, would be allowed to a maximum of 35% of site area. The MMU district is intended to accommodate master-planned clusters of development forms characterized predominantly by industrial development but does not preclude retail and commercial development forms, all requiring a higher standard of design and landscaping. Typical uses may include office, warehouse, and business service establishments in a campus-style industrial or business park setting with a variety of retail storefronts. MMU zone districts should generally include at least fifty (50) acres of contiguous land, or land that would be contiguous except for intervening rights-of-way.

2. Amendment to Use Specific Standards

Part 4: Use Regulations is amended

(1) in subsection 74(2), by adding “, except for fitness centres which are limited to a maximum of 40,000 square feet of gross floor area” after “area”.

3. Amendment to Sign Height

Part 5: Development and Design Standards is amended

(1) in Table 5-15, by moving “MMU” one row down.(from 8' to 20')