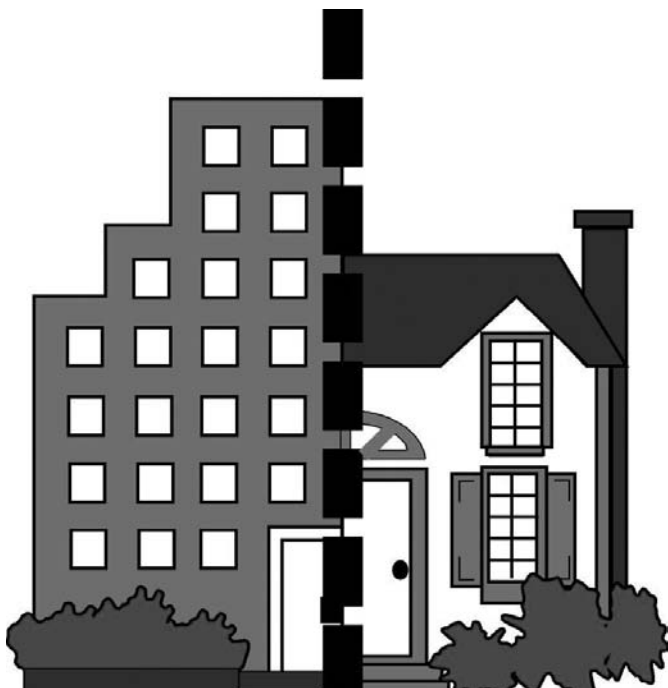




PLANNING, PROPERTY
AND DEVELOPMENT
DEPARTMENT

Rezoning Applications (DAZ)

*Application procedure for rezoning
property without creating new or
modifying existing lots.*



February 2008

What is a zoning by-law?

A zoning by-law divides each part of the City into zoning districts, such as the “R1” Single-Family District, the “C1” Commercial District or the “M1” Light Industrial District, in order to separate residential, commercial and industrial land development and to regulate specific land uses and buildings. A zoning by-law is made up of text and maps; the text sets forth the regulations for each zoning district and the maps show what zoning districts apply to each parcel of land.

Every parcel of land in the City of Winnipeg is zoned with one of these zoning districts which determines how the land may be developed. In each zoning district certain land uses are permitted outright, others are conditional upon approval, and some are prohibited. In each zoning district there are also rules for the location and the size of buildings. These regulations are listed in detail, such as setbacks (“yards”), height limits, or other specific requirements.

What is a rezoning?

A rezoning changes the zoning designation and regulations on a parcel of land. For example, a rezoning from “R1” to “C1” on a parcel of land means:

- (a) the zoning by-law map is changed to replace “R1” on the land with “C1”; and
- (b) the “R1” zoning regulations no longer apply to the parcel of land, but rather, the “C1” zoning regulations become the rules for development.

A rezoning deals with a specific parcel or parcels of land and states the zoning district(s) which now apply to the land as well as the zoning district(s) which are proposed to apply to the land.

The purpose of a rezoning is to change the rules of development in order to allow a land use which cannot be established under existing zoning regulations. A rezoning takes effect when City Council passes a rezoning by-law to amend the existing zoning by-law and any relevant caveats are registered.

Who can apply for a rezoning?

An application for a rezoning can be made by either the owner of a parcel of land, or by a person authorized IN WRITING by the owner to make the application, or by the CAO of the City of Winnipeg.

What is required to make a rezoning application?

An application must be made with the Zoning and Permits Branch at Unit 31 - 30 Fort Street. Along with the application fee, you will also be required to submit the following documents:

1. **5 Copies - Current Status of Title** - Winnipeg Land Titles Office, 276 Portage Ave. at Smith St.
2. **5 Copies - Letter of Authorization** from all the registered owners of the land whose name(s) appear on the title.
3. **5 copies - Current Building Location Certificate**, prepared by a Manitoba Land Surveyor.
4. **1 copy - Title Plot** – Required when there is more than one title affecting the property. The titles are plotted on a map to ensure that all lands described on the titles have been received.
5. **5 copies - Plans of Development**, including a detailed, fully-dimensioned site plan, drawn to scale, maximum size 11” x 17”, (maps for presentation purposes can be larger). Your site plan should include the following items if applicable:
 - A boundary survey showing: the total acreage, present Zoning classification(s), date, north arrow, and vicinity map;
 - All existing easements and rights-of-way
 - Parking and loading areas
 - Proposed and existing screening, including walls, fences, or planting areas, as well as treatment of any existing natural features and any proposed buffers or landscaped yards at the project boundary.
 - Generalized information as to the number, height, size, or in especially critical situations, the location of structures;
 - Proposed phasing, if any, and approximate completion time of the project;
 - Site plan must be titled with project plan and proposed use;
6. **1 copy - City of Winnipeg caveats** (if applicable) that are registered on the title.
7. **Letter of intent** (proposed use of land and structures)
 - for residential uses this shall include the number of units and an outline for the area within which the structures will be located;
 - for non-residential uses, this shall include approximate square footage of structures and an outline of the area within which the structure will be located.

What is the application fee?

The present fee for a rezoning application can be found in the Development Fees By-law.

As well, the applicant must pay the cost of the newspaper advertisements, as required by The City of Winnipeg Charter Act. The cost of these advertisements depends on their size, which varies with the amount of land included in the proposed rezoning, and with the type of development proposed. The actual fee is determined when the advertisement is prepared by the City.

What is the procedure to make a rezoning application?

Before making an application for a rezoning, it is useful to discuss the proposal with the Zoning and Permits Branch to determine what rezoning is necessary to accommodate your proposal, and with the Development Management Branch. This can be done at the Planning, Property and Development Department, 31 – 30 Fort Street.

The application is reviewed in terms of City of Winnipeg planning policy, and if the application conforms with this policy, it is then referred for consideration at a public meeting. The rezoning application is also reviewed in terms of available services (such as sewer, water and streets) to determine whether the applicant must pay to improve services if the rezoning application is approved.

The relevant Community Committee for the area in which the parcel of land is located conducts the public meeting to consider the rezoning application. This meeting is advertised in the newspapers 14 days prior to the meeting and by posters on the parcel of land.

It is necessary that the applicant or his designate appear at the public meeting in order to represent themselves on their rezoning application. Any person who wishes to either support or oppose the rezoning application may also appear.

As well, the Community Committee considers letters in support or opposition from persons who cannot attend the public meeting.

At the conclusion of the public meeting the Community Committee recommends approval or rejection of the rezoning application. The approval may be only for part of the proposal, or may be subject to conditions. (Possible conditions are listed further on).

What takes place at the public meeting?

The applicant and any other persons in support of the rezoning application should be prepared to speak in favour of the proposal at the public meeting, and to answer any questions asked by the Community Committee.

It is often useful to present drawings of the proposed development, and to explain what effect the proposal would have on adjacent property.

If persons appear in opposition to the proposal, it may be important to answer specific complaints, and applicants should be prepared to make changes in the proposed development which the Community Committee considers important to satisfy persons in opposition.

Those persons who appear in opposition to the proposed zoning change should be prepared to speak about specific reasons for their opposition. If a large number of people are in opposition to a proposed rezoning, the group may wish to select a limited number of spokespersons, instead of repeating the same arguments.

It is important to attend the public meeting, instead of merely signing a petition, even if you choose not to speak you can still be registered in opposition. It is always important to understand the details of the proposed zoning change and to focus on the actual issues to be considered by the Community Committee.

Advertisements for public meetings (in newspapers and on posters) include the telephone number of the Planner, who can help you to understand the rezoning application.

What happens after the public meeting?

The Community Committee concludes the public meeting with a recommendation to the Standing Policy Committee on Property and Development.

It is important to note that there are NO PUBLIC REPRESENTATIONS after the public meeting. If you have written to the Community Committee, or registered your attendance at the public meeting, you will be advised of each step in the process by mail.

The Standing Policy Committee on Property and Development considers the rezoning application and makes a further recommendation to Executive Policy Committee.

The Executive Policy Committee considers all previous recommendations and makes a recommendation to City Council.

City Council receives the recommendation of Executive Policy Committee, and decides if the rezoning application should be rejected, approved, or approved subject to special conditions being met. These conditions vary with each application and range from a traffic study or geotechnical report to removal of a fence.

Council's adoption of a rezoning report may require several conditions the applicant must comply with prior to the enactment of the zoning by-law as follows:

1. Enter into a zoning agreement pursuant to Section 591 (1) of The City of Winnipeg Charter Act to be registered as a caveat against the land;
2. Make a 10% dedication, by a payment of a sum of money to the City in lieu of the requirement for parkland dedication, based on the increase in the market value of the land; (the amount of the 10% dedication may be appealed to the Standing Policy Committee on Property and Development);
3. Enter into a servicing agreement with the City which would control installation of any required pavement, sidewalks or underground utilities;
4. Enter into such other agreements that Council may deem necessary depending upon the nature of the zoning change. Other required agreements may include a Zoning Agreement providing minimum set back to principal buildings (as an example) or a Subdivision Agreement to cover such issues as cross access or joint servicing.

Upon compliance with Council's adopted report Council may enact the Zoning By-law.

How long does a rezoning take?

The time required to complete a rezoning varies, because some applications are more complex than others, and because of the different types of agreements that may be required with the City. A rezoning without agreements may be completed in approximately 6 months, but a rezoning which includes agreements may take as long as 18 months before Council passes the necessary by-law.

Every effort has been made to ensure the accuracy of information contained in this booklet. However, in the event of a discrepancy between this booklet and the governing City of Winnipeg By-law, the By-law will take precedence.



This booklet is published by the Planning, Property and Development Department for the City of Winnipeg. For more information please contact:

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or



Winnipeg
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