

The City of Winnipeg has recently completed a major review of its Zoning By-law for all lands in the city outside the downtown (the downtown area is covered by a separate Zoning By-law). The new By-law came into effect on March 1, 2008. The following provides information on some commonly asked questions about the new By-law:

1. If my zoning has changed, can my existing use continue to operate?

Your existing use is allowed to continue indefinitely as a non-conforming use*, even if your use is no longer listed as a permitted or conditional use in your zone district of the proposed Zoning By-law.

* A non-conforming use means a use of land that does not conform with the new zoning regulations.

2. What if I want to expand my operation, but my use is no longer permitted in my zoning district?

You may alter the building itself to comply with a legal requirement, to bring the building into compliance with the provisions of the new By-law, or to allow it to accommodate a conforming use. Buildings containing non-conforming uses may only be expanded if the use is a single- or two-family use and the addition will comply with the new By-law, or if the expansion is to accommodate parking requirements.

If you are operating a legal use in a building that does not conform to the Dimensional, Design, and Development standards of the new By-law, any alteration or expansion of the building will have to comply with those standards.

3. Will the new By-law affect my property value?

There may be some properties that gain or lose specific development rights through changes to the text or maps of the By-law. Values may therefore be affected during future assessment review periods. However, there are many factors that affect property value beyond zoning designation, including: general economic conditions, market demand, location, condition of buildings,

income streams, surrounding neighbourhood amenities and context, etc. Assessments are generally conducted on a uniform basis for similar properties in an area. If you are concerned that your value would be affected, it would be prudent to consult with the Assessment and Taxation Department on an individual basis.

4. Will the existing Zoning Agreement on my property remain in effect?

Yes, all existing Zoning Agreements will remain in effect. The most restrictive provisions that apply to a property will prevail. If a property owner wishes to make an application for redevelopment of their property, the Zoning Agreement can be reviewed with the City on a case-by-case basis to see how the issues addressed in the Zoning Agreement are treated under the new By-law provisions.

5. Will the new By-law affect residential areas?

The By-law consolidates both single-family and multi-family zones into fewer, broader categories, which will simplify administration and allow a more flexible range of housing types. Residential zones are now categorized based on minimum lot areas, but new development in existing neighbourhoods must match the lot widths and setbacks of nearby homes in order to preserve existing character. Where new residential neighbourhoods are laid out next to existing development, the new lot sizes must transition towards that of existing areas in order to minimize negative impacts.

Secondary suites will be allowed as conditional uses (which require a public hearing). Depending on the character of different residential areas and the demand for additional housing, secondary suites could increase or decrease property values, which is one reason why

they are being added subject to a hearing requirement. Under the former Zoning By-law, all single-family dwellings allowed two boarders, by right, and that provision has not changed.

6. What impact would the new By-law have on new housing developments such as Waverley West?

The new By-law does not have specific zone districts for unique areas like Waverley West. Instead, it includes two Planned Development Overlay Districts that will allow owners of large, unique tracts of land and the City to negotiate specific design standards for areas like Waverley West, Osborne Village, and Corydon Avenue. The Overlay Districts would supplement, but not replace, underlying zoning districts. In addition, the new Zoning By-law contains three new mixed-use zoning districts, two of which would be available to permit mixed-use village nodes. RMU (Residential Mixed-Use) is a new base district that could be used when the proposed mixed-use node will have a predominantly residential character, with supporting commercial and institutional uses. CMU (Commercial Mixed-Use) would be used when the proposed node is primarily commercial, with supporting residential uses in forms that co-exist well in commercial environments.

7. How does the new By-law regulate home-based businesses?

The new By-law divides home-based businesses into two categories — major and minor. Minor home-based businesses are those that have little or no impact on adjacent properties, such as offices, professional services, writers, etc. These minor home-based businesses will be permitted under the new Zoning By-law, provided that their operations avoid neighbourhood impacts. Major home-based businesses are those that have the potential to have traffic or noise impacts beyond the property line, such as hairdressers, music lessons, counseling office, etc. Major home-based businesses will only be allowed as a conditional use (subject to a public hearing). Some potential home-based businesses are simply prohibited, such as firearm sales, dating or escort services, vehicle towing operations, and auto brokers.

8. How will the new By-law affect Winnipeg businesses?

Permitted and conditional uses have been consolidated into fewer, broader categories, which will make it easier to determine whether permitted uses are allowed in specific zone districts. The City routinely approves conditional uses subject to certain standards. Some of those uses have now been made permitted uses subject to the same standards, which will reduce approval times. The new By-law includes baseline standards for landscaping, lighting, and development quality, which will reduce the time needed to negotiate those on a case-by-case basis. It also increases flexibility by allowing property owners to suggest an alternative way to satisfy the intent of those standards. Maximum heights of signs and numbers of temporary signs have been revised.

9. Will it cost businesses expanding or establishing in Winnipeg more to comply with the new By-law?

In some cases it will, because new baseline landscaping, lighting, and development standards are now spelled out. However, in many cases, these standards simply codify what the City previously achieved through one-by-one negotiations. In those cases where the City has been negotiating individual Zoning Agreements, the new By-law generally does not impose significantly higher standards, and there will be savings of time and expense in avoiding individualized negotiations. Those areas where new standards have been developed are topics in which *Plan Winnipeg 2020 Vision* already calls for improved development quality and appearance.

10. Does the new By-law address the design of individual buildings?

The new By-law does not specify a particular style for new buildings, and does not create any design review bodies to review building designs. However, Part 5 of the By-law does require that new multi-family buildings screen rooftop equipment, provide pathways, and ensure that common areas are visible for safety. In

addition, Part 5 requires that most new commercial buildings (especially big ones) include prominent entrances and avoid bland, featureless walls, and that they screen rooftop equipment. The By-law provides a menu of options as to how those goals may be met, and allows developers to suggest other ways of achieving the requirements through "alternative equivalent performance." In addition, the By-law addresses the design of commercial and industrial parking lots by requiring new lots to be landscaped, and by requiring the inclusion of pedestrian walkways and bicycle parking for larger commercial developments.

Hard copies of the by-law can be purchased for \$20 plus GST at the Zoning and Permits Branch, Main Floor, 30 Fort Street (Fort Garry Place)

Copies of the zoning maps can be purchased at The Map Store, Mezzanine Level, 65 Garry Street (Fort Garry Place).

For a quick check of zoning by address, go to the City's Electronic Citizen Information Service (eCIS) at: www.winnipeg.ca/eCIS

An electronic version of the by-law is available at: www.winnipeg.ca/ppd

Telephone inquiries may be directed to: Zoning and Permits Branch, 204-986-5140

The Winnipeg Zoning By-law 200/2006 came into effect on March 1, 2008.



Planning, Property and Development Department



THE NEW WINNIPEG ZONING BY-LAW

TOP 10

QUESTIONS

USE CATEGORY	A	PR1	PR2	RMF	RM	M1	M2
Food and Beverage Service							P*
Drinking establishment							P
Restaurant							P
Office							P
Call centre					P*	P*	P
Office							P
Research institution							P
Personal Services							P
Personal services (unless otherwise listed)							P
Body modification establishment							C
Cheque-cashing facility							C
Funeral chapel or mortuary	C						C*
Medical/dental/optical/counseling clinic							P
Retail Sales							P
Retail sales (unless otherwise listed)							P
Auction room							P
Landscape or garden supplies	P						P