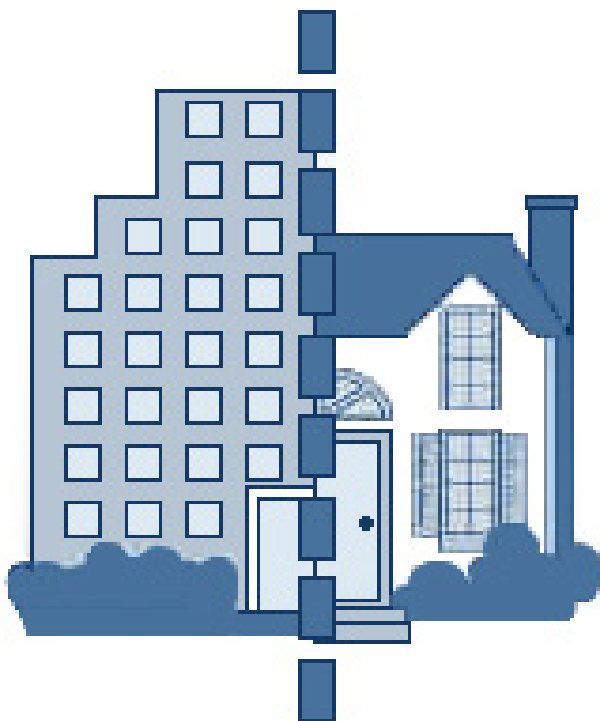




PLANNING, PROPERTY  
AND DEVELOPMENT  
DEPARTMENT

# REZONING APPLICATIONS

**Information about rezoning property when  
not creating new lots, parcels or modifying  
existing land assembly**



June 2018

An application for rezoning can be made by the owner of a parcel of land, by a person authorized (in writing by the owner) to make the application, or by the CAO of the City of Winnipeg. To make a rezoning application, you must:

- Submit an application with the Zoning and Permits Branch at Unit 31 - 30 Fort Street.
- Pay the cost of required newspaper advertisements.
- Attend a public hearing.

### **Description of Zoning By-Law**

- Divides each part of the City into Zoning Districts; i.e. “R1” Single-Family District, “C1” Commercial Neighbourhood District or “M1” Light Manufacturing District
- Separates residential, commercial and industrial land development and regulates specific land uses and buildings
- Made up of text and maps
- Zoning Districts have certain land uses that are:
  - Permitted outright
  - Conditional upon approval
  - Prohibited
- Each Zoning District has rules for the location and size of buildings.
- Regulations are listed in detail, such as setbacks (yards), height limits, or other requirements.

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

## **Description of Rezoning**

- Changes zoning designation and regulations on a parcel of land.
- Deals with a specific parcel or parcels of land.
- States the Zoning District(s) that currently apply to the land as well as the Zoning District(s) that are proposed to apply to the land.
- Changes the rules of development to allow a land use that cannot be established under existing zoning regulations.
- Takes effect when City Council passes a rezoning by-law to amend the existing by-law and any relevant caveats such as a Zoning, Servicing and/or Easement Agreement(s) are registered at the Winnipeg Land Titles Office.

If your proposed rezoning is a secondary application to a former underlying development application that subdivides or changes the legal description or zoning district, the underlying plan and related agreements shall be registered first with Winnipeg Land Titles Office prior to submission of the secondary application. New status of title(s) will be required for submission as proof of registration for the underlying plan to proceed with an application to further rezone the land.

## **Time Frame**

The time required to obtain final approval of your application may vary considerably, depending on the scope of your proposal and the number and type of conditions. Your application can take six to 18 months to complete depending on the nature of your application. Therefore, you should be cautious in scheduling any planned development on the land, as well as determining realistic possession dates with respect to the sale of your rezoned lot. The time required to complete a rezoning varies because:

- Some applications are more complex than others.
- Due to the different types of agreement(s) the Developer is required to enter into with the City of Winnipeg.

## **Application Review**

Applications are reviewed for conformity to adopted plans and zoning by-laws.

- If your application does not conform to an adopted plan, you would be advised that an amendment to that plan is required before your rezoning could be referred for approval.

- A Zoning Development Officer determines if your proposal conforms to relevant zoning regulations.
- If a variance of the zoning regulations is required, it would have to be approved before your rezoning can be finalized.
- The District Planner provides planning advice on the application, including changes that might be recommended as desirable or necessary to gain approval.

Your application is then circulated to concerned stakeholders, such as public utilities and other civic departments, for review and comment regarding what conditions may be necessary for approval of your rezoning. Required conditions may include:

- To allow development to take place on your proposed lot, the public street or lane bordering your property may require a widening, upgrading or underground services may need to be extended, upgraded or installed to accommodate your proposed development. A Servicing Agreement or a secondary application for a public right-of-way opening to facilitate these requirements may be necessary.
- You may be responsible for all or part of those costs.

Your application may be reviewed by a committee of City officials, known as the Administrative Coordinating Group (ACG). They may recommend amendments to your plan, conditions to be set on the approval, or reject your proposal.

- You can discuss ACG recommendations with the appropriate City staff members. After considering the position of the ACG and/or District Planner, you have the opportunity to request that your application be withdrawn or be further processed.
- If you wish to proceed with your application, your proposed rezoning would be advertised for a public hearing before the applicable Community Committee. The application must be advertised by publishing the proposal once in two daily newspapers with a general circulation in the City and site posters, 14 days clear of the day of the public hearing. You are responsible for advertising costs.
- The chairperson of the ACG and the District Planner each prepare a report with recommendations, submitted to the applicable Community Committee for its consideration, at which time you or your representative may wish to appear to speak on behalf of your proposal and answer any related questions. It is important to note that there are no further public representations after the public hearing.

***Hearing dates are selected by the Land Development Branch once the application review process is complete.*** The Branch manages and coordinates the application's review and approval processes through to completion.

## **Public Hearing**

- The applicant and any other persons in support of the rezoning application should be prepared to speak in favour of the proposal and to answer any questions. Any person who wishes to either support or oppose the rezoning application may also appear. The Community Committee considers letters in support or opposition from persons who cannot attend the public meeting.
- It is useful to present drawings of the proposed development and to explain the effect on adjacent properties.
- Be prepared to address specific concerns from persons in opposition and to make changes in the proposed development to satisfy those in opposition.
- Those in opposition to the proposed zoning change should:
  - Attend the public meeting
  - Speak about their reasons
  - Select a limited number of spokespeople for large groups
  - Refrain from repeating the same arguments
  - Try to understand the details of the proposed zoning change
  - Focus on the issues considered by the Community Committee
- Advertisements for public meetings (in newspapers and on posters) include the telephone number of the District Planner. The District Planner can help you understand the planning rationale of the rezoning application.
- 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.
- At the conclusion of the public meeting, the Community Committee recommends approval or rejection of the development application. The approval may be only for part of the proposal or may be subject to conditions.

## **City Council Makes the Final Decision**

The Community Committee concludes the public meeting with a recommendation to the Standing Policy Committee on Property and Development, Heritage and Downtown Development which in turn considers the development application and makes a recommendation to the Executive Policy Committee. The Executive Policy Committee considers all previous recommendations and makes a recommendation to City Council. City Council receives the recommendation of the Executive Policy Committee and makes the final decision.

## **Once Your Application has Been Adopted by Council**

You will be advised of the conditions to be fulfilled to obtain final approval. These conditions may include any or all of the following:

- Payment of fees such as cash in lieu of land dedication, agreement preparation fees, etc. for by-law preparation and enactment by Council.
- Construction of municipal services; rights-of-way, water mains, sewers and land drainage facilities if applicable.
- Provision of easements in favour of the City.

You may also be required to enter into a Zoning Agreement with the City. A Zoning Agreement may make provision that all building plans must be approved at Community Committee prior to issuance of a building permit. It may also establish special height and/or density limitations and prohibit certain land uses.

You may also be required to enter into a Servicing Agreement to fulfill servicing and/or additional requirements as adopted by Council.

Once an application has been adopted by Council, the applicant can proceed to satisfy all conditions required in that approval.

## **Time Limits**

Council approval may include time restrictions for completion (usually two years to have a by-law enacted). Post by-law enactment, you will have one year to complete your application and register any applicable legal documents for the by-law to come into force and effect.

- If an extension of time is requested, your application would be reviewed to determine if circumstances affecting the application have changed.
- Payment of an extension of time application fee is required.
- All outstanding application fees are subject to change to reflect current rates.

***Building permits are not issued until the rezoning and related agreements and/or easements have been registered with the Winnipeg Land Titles Office.***

## **Registration and when your Rezoning comes into Force**

After Council adopts the by-law, all necessary agreements have been executed, all monies have been paid, and the related legal documents are released to the applicant or their legal representative for final registration at the Winnipeg Land Titles Office, your rezoning comes into force.

Following the posting of securities required under the Development or Servicing Agreement to guarantee maintenance warranty and builders' liens, you can proceed with the installation of the physical improvements in your development.

## **Public Consultation Process**

- Public engagement is an important part of the planning and development process. Receiving input from community stakeholders at the appropriate time is fundamental to the success of any project.
- The type of public consultation to be conducted (e.g. door to door canvassing, open house, or town hall format) is determined by the applicant and should take into account the nature of the proposal as well as the scope of the impact on other properties. If you have questions about what type of public consultation is best for your project, contact the District Planner.
- If you decide to host an open house, please refer to the Public Open House Guidelines on our website.
- When submitting a formal application, please include a written summary of the results of the public consultation containing at a minimum, the following:

1. Number of people consulted as well as their addresses;
2. Copies of all letters and other written communications received;
3. If an event is held: a list of attendees, including names, addresses and phone numbers (where provided voluntarily);
4. If an event is held: how people were notified of the event (i.e. newspaper advertisement, flyer in mailbox, etc.);
5. A letter of response outlining how all the concerns and issues raised by the public were addressed.

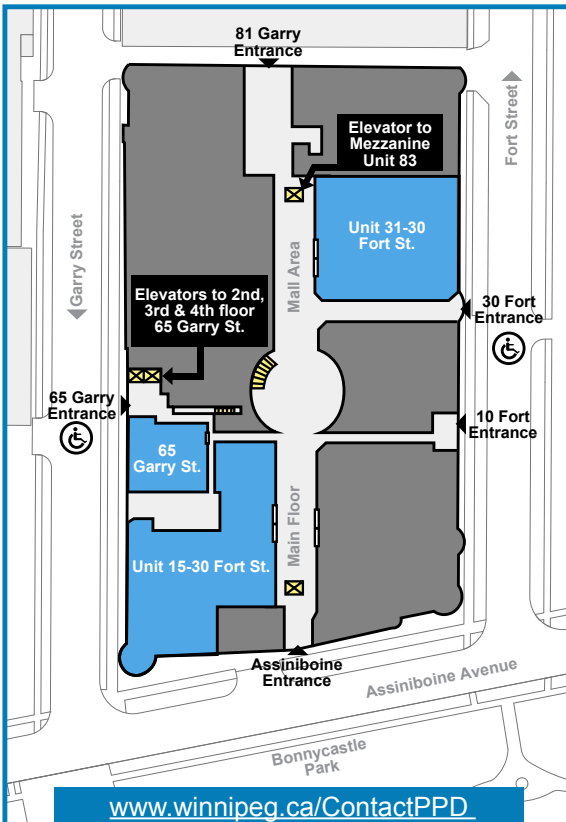


## Contact Information

To submit an application, contact the **Zoning and Permits Branch** at 204-986-5140. They will provide advice on whether your proposal complies with zoning regulations and relevant City plans.

Contact the **Urban Planning & Design Division** at 311 for planning advice on the subdivision as it relates to orderly development.

Contact the **Land Development Branch** at 311 for an explanation of the overall development application's review and approval process which they manage and coordinate on behalf of the City. They can also direct you to any other stakeholders you should consult.









**For more information contact:**

**204-986-5140**

or



Planning, Property & Development Department  
Unit 31 - 30 Fort Street  
Winnipeg, Manitoba  
R3C 4X7

[www.winnipeg.ca/ppd](http://www.winnipeg.ca/ppd)