

Repealed
By-law No. 4800/88 was repealed by By-law No. 100/2004 on June 23, 2004.
Therefore, this amending by-law is also deemed to be repealed.

THE CITY OF WINNIPEG

BY-LAW NO. 7594/2000

**A By-law of THE CITY OF WINNIPEG to
amend By-law No. 4800/88, being the
Downtown Winnipeg Zoning By-law.**

WHEREAS it is desirable to have an attractive, distinctive and vibrant downtown;

AND WHEREAS the City has taken steps to improve the downtown including making it clean, attractive, and safe;

AND WHEREAS it is desirable to encourage mixed-uses and in particular residential uses in the downtown;

AND WHEREAS in order to achieve these objectives it is necessary to amend the Downtown Zoning By-Law No. 4800/88;

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. The City of Winnipeg Downtown Zoning By-Law No. 4800/88 is amended by this by-law.
2. The Downtown Winnipeg Zoning By-Law No. 4800/88 Appendix A is amended by rezoning the subject lands as outlined on Schedule "A" for File DAZ 200/2000, dated March 9, 2000, to an "Rc" Residential Use Group designation.
3. Clause 312(2) is amended by adding the following as permitted secondary uses:
 - (b) apartment hotels; and
 - (c) dwelling units.
4. The following clause is to be added after Clause 312(4):

312(5) Notwithstanding anything contained elsewhere within this by-law and subject to the provisions of Parts IV, V and VI, any residential uses located at grade level or at the pedestrian walkway level, located within the designated lands as outlined on Schedule "B" hereto (Map Page III - 5(a)) are subject to conditional use approval.
5. Clause 323(5) is repealed.
6. Clause 324(2) is amended by adding the following as permitted secondary uses:
 - (c) studios; and
 - (d) personal services other than those uses listed as conditional uses in Clause 324(3).
7. Clause 324(5) is repealed.

8. The following section be added after section 326:

HOME OCCUPATIONS

327(1) An office facility as a home occupation is a permitted use within a lawfully established residential dwelling unit in any zoning district as hereinafter provided, subject to compliance with the limitations set forth in clauses 327(2) and 327(3).

327(2) In addition to the applicable use regulations, an approved home occupation shall be subject to the following limitations:

- (a) Subject to any other limitations contained herein, any work or activity conducted on the premises in connection with the home occupation shall be carried on entirely within the residential dwelling unit.
- (b) The home occupation shall be conducted solely by one or more of the residents living in the residential dwelling unit on the premises without the employment of any other person.
- (c) The location of a home occupation within a dwelling unit shall not exceed a maximum floor area of 400 square feet, or thirty-five percent (35%) of the gross floor area of the dwelling unit, whichever is lesser, and no home occupation shall be established, relocated, or enlarged until the person or persons, or one of them, proposing to operate it has filed with the Zoning Branch a floor plan signed by such person certifying the location and area of the space to be so used, relocated, or enlarged.
- (d) There shall be no exterior indication of the existence or operation of the home occupation and, without limiting the generality of such prohibition, there shall be no exterior display, no interior display visible from the outside and no exterior storage of goods or materials associated with the home occupation, and the home occupation shall not by reason of emission of odour, noise, vibration or refuse matter be allowed to create a nuisance beyond the dwelling unit.
- (e) Any office facility lawfully established as a home occupation hereunder shall be limited to paperwork and record keeping, which may include the taking of telephone and electronic orders.

327(3) Notwithstanding clauses 327(1) and 327(2), office facilities relating to the following uses are prohibited:

- (a) body painting, body rub, or similar establishment;
- (b) dating bureau or similar establishment;
- (c) massage or similar establishment;
- (d) sensitivity awareness or similar establishment;
- (e) public bath, whirlpool bath, or similar establishment;
- (f) any establishment offering services or entertainment involving any entertainers, models, employees, waiters, waitresses or other persons simulating sexual acts, exposing any portion of genital organs, buttock, pubic area, or the female breast below the top of the areola, or exposing less than completely and opaquely covered genital organs, pubic area, buttock or female breast below the top of the areola;

- (g) any vehicle towing operation;
- (h) any radio equipped messenger operation, taxi operation, hauling operation, moving operation or any similar type of radio equipped operation;
- (i) any use involving the use of radio transmission equipment.

327(4) A "Bed and Breakfast" home occupation in a lawfully established single-family dwelling is a conditional use in any zoning district as hereinafter provided, subject to compliance with the limitations set forth in clause 327(5).

327(5) In addition to the applicable use regulations, a bed and breakfast home occupation shall be subject to the limitations set out above in subsection 327(2)(a)(b) and (d).

9. The following section is added after section 404:

405(1) Clauses 403(1) through 403(7) inclusive (residential separation space) and clauses 404(1), (2), and (3) (residential recreation space) do not apply to buildings and structures lawfully in existence as of the date of this amending by-law which are subsequently used as altered or converted to apartment hotel or dwelling unit uses, provided that such uses, alterations and conversions are in compliance with all other requirements of the Downtown Zoning By-Law No. 4800/88 and the Winnipeg Building By-Law No. 4555/87.

405(2) Clause 405(1) does not apply to any physical or structural enlargements and/or expansions, lawful or otherwise, to such lawfully existing buildings or structures.

10. The following section is added after section 502:

Parking/Loading Range One
indicated by the designation "P/L 1"

509 When the computation of the number of accessory off-street, on-site parking spaces required by this By-law results in a requirement of a fractional parking space, any fraction less than one-half (1/2) of a parking space may be disregarded, but a fraction of one-half (1/2) or more of a parking space shall be counted as one (1) parking space.

11. Clause 510(1)(a) is amended by striking out the words, "not less than one space for each two suites or other rental units" and substituting the following:

- (i) for buildings or structures containing up to 15 dwelling units, no off-street, on-site accessory parking is required;
- (ii) for buildings or structures containing more than 15 dwelling units on a zoning lot, not less than one (1) parking space for each four (4) dwelling units, or any portion thereof in excess of 15 units.

12. Clause 510(1)(b) is amended by striking out the words, "not less than one space for each two suites or other rental units" and substituting "not less than one (1) space for each four (4) suites or other rental units" or any portion thereof.

DONE AND PASSED in Council assembled, this 22nd day of March, 2000.



