Report - Standing Policy Committee on Property and Development - July 5, 2005

Item No. 19 Amendment to X-Rated Store Zoning By-Law No. 6087/93
File EZ(DAZ)

STANDING COMMITTEE RECOMMENDATION:

On July 20, 2005, the Executive Policy Committee concurred in the recommendation from the Standing Policy Committee on Property and Development and submits the following to Council:

1. That the amendments to X-Rated Store Zoning By-law No. 6087/93 referenced in the report from the Director of Planning, Property and Development dated June 21, 2005, be approved and By-law No. 67/2005 forwarded to Council for three (3) readings.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Property and Development - July 5, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 20, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2005, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

Re: Amendment to X-Rated Store Zoning By-Law No. 6087/93

For submission to: Standing Policy Committee on Property and Development

Original report signed by: Director of Planning, Property and Development

Report date: June 21, 2005

Recommendation(s):

1. That the attached By-law No. 67/2005, amending the X-Rated Store Zoning By-law No. 6087/93 be forwarded to Council for 3 readings.
2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REPORT SUMMARY

Key Issues:

- Council adopted the Downtown Winnipeg Zoning By-law No. 100/2004 on June 23, 2004.
- The adoption of the Downtown Zoning By-law had a consequential impact on the X-Rated Store Zoning by-law triggering a housekeeping amendment

Implications of the Recommendation(s):

General implications:

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

Comment(s):

-

Policy implications:

X	**No**
	Yes

Comment(s):

-

Environmental implications:

X	**No**
	Yes

Comment(s):

-

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

- As this report proposes to amend text in an existing by-law, there is no financial impact associated with the recommendations of this report.

REASON FOR THE REPORT:
Under the City of Winnipeg Organization By-law, the Standing Policy Committee on Property and Development is responsible for providing policy advice and recommendations to Council on planning and land use matters.

HISTORY:
Council adopted the X-Rated Store Zoning By-law No. 6087/93 on January 27, 1993 which applies to all lands in the city. The purpose and intent of the by-law is to regulate the location and concentration of X-Rated stores relative to residential uses and residentially zoned areas including park zoning.

Council adopted the Downtown Winnipeg Zoning By-law No. 100/2004 on June 23, 2004.

DISCUSSION:
The new Downtown Zoning By-law 100/2004 regulates the use and development of X-Rated stores within the downtown area. X-Rated stores are defined as stores that offer for purchase or rent, merchandise including sexually oriented films, videotapes or videodiscs in part or all of the store.

With the adoption of the new Downtown Zoning By-law No. 100/2004, there is a concern that X-Rated stores in the downtown may impact residential uses and parks on the boundary of downtown. The intent of this amendment is to afford boundary uses the same level of protection as other uses outside the downtown.

A housekeeping amendment is proposed to the X-Rated Store Zoning By-law to amend reference to the former Downtown Zoning By-law 4800/88. As such, there is a need to amend Section 3 of the X-Rated Store Zoning By-law. The existing Clause 3 is presented below:

3. No X-Rated store shall be located within 1,000 feet of:

(a) any single family dwelling, two family dwelling or multiple family dwelling as defined by the relevant development (zoning) by-law.
(b) any area zoned for residential park use, other than areas zoned commercial or industrial but allowing some residential use or classified "Ra" under Zoning By-law 4800/88.
(c) any other X-Rated store.

Following is the proposed amendment:

3. *No X-Rated store shall be located within 1,000 feet of:*
   (a) any single family dwelling, two family dwelling or multiple family dwelling as defined by and located within the jurisdiction of the Winnipeg Zoning By-law No. 6400/94;
   (b) any Park and Recreation District or any park use in a Residential District as defined by and located within the jurisdiction of the Winnipeg Zoning By-law No. 6400/94;
   (c) any other X-Rated store located within the jurisdiction of the Winnipeg Zoning By-law No. 6400/94.

This amendment would clarify the regulations for controlling the proximity of X-Rated stores to Residential districts or parks on the boundary between the Winnipeg Zoning By-law and the new Downtown Zoning By-law. The intent is to further limit the location of X-Rated stores so that no X-Rated stores would be located in the downtown within 1,000 feet of a Residential or Park Zoning District, outside the downtown.

A public hearing is not required for this amendment, as the intent of Clause 3 remains the same.

Legally existing X-Rated uses would be deemed to comply with the by-law as a permitted non-conforming use.

As part of the comprehensive review of the Winnipeg Zoning By-law, the provisions of the X-Rated Store Zoning By-law may be consolidated into the new city-wide Zoning By-law.

Financial Impact Statement

Date: June 20, 2005

COMMENTS:

As this report proposes to amend text in an existing by-law, there is no financial impact associated with the recommendations of this report.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Planning and Land Use Division
Zoning and Permits Branch
Legal Services Division

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Office of the Director
Prepared by: Valdene Buckley
PPD File #:

Document name: O:\reportsdirective\OOD\regreform\xratedstorebylawamendment
Last Updated: June 20, 2005

THE CITY OF WINNIPEG

BY-LAW NO. 67/2005

A By-law of The City of Winnipeg to amend the X-Rated Store Zoning By-law No. 6087/93 in order to clarify existing provisions relating to proximity of X-Rated Stores to residential and park uses.

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

1. The X-Rated Store Zoning By-law No. 6087/93 is amended by this by-law.

2. Section 3 is repealed and the following is substituted:

"3. No X-Rated store shall be located within 1,000 feet of:
(a) any single family dwelling, two family dwelling or multiple family dwelling as defined by and located within the jurisdiction of the Winnipeg Zoning By-law No. 6400/94;
(b) any Park and Recreation District or any park use in a Residential District as defined by and located within the jurisdiction of the Winnipeg Zoning By-law No. 6400/94;
(c) any other X-Rated store located within the jurisdiction of the Winnipeg Zoning By-law No. 6400/94."

DONE AND PASSED, in Council assembled, this _____ day of _____, 2005.

_____
Mayor

_____
City Clerk

Approved as to Content:

_____
Director of Planning, Property and Development

Certified as to Form:

_____
City Solicitor/Manager of Legal Services
File No.

6288