Agenda - Council - January 25, 2006

Report - Standing Policy Committee on Downtown Development - January 10, 2006

Item No. 1 Text Amendment - Downtown Winnipeg Zoning By-law No. 100/2004 File EZ-DAZ (100/2004)

STANDING COMMITTEE RECOMMENDATION:

On January 18, 2006, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development and submits the following to Council:

1. That the Downtown Winnipeg Zoning By-law No. 100/2004 be amended in order to correct certain errors and omissions as outlined in Appendix "A" of the administrative report dated November 28, 2005.

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 Downtown Development - January 10, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2006, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 10, 2006, the Standing Policy Committee on Downtown Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

COUNCIL:

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

Re: DAZ 238/05 – Text Amendment for Errors and Omissions to Downtown Winnipeg Zoning By-law No. 100/2004

For submission to: Standing Policy Committee on Downtown Development

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

Report date: November 28, 2005

Recommendation(s):

1. That Downtown Winnipeg Zoning By-law No. 100/2004 be amended:
   (a) by approving the errors and omissions outlined in the Draft By-law attached in Appendix A.
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.
- Certain errors and omissions have come to light as the by-law has been put to practical use.
- An omnibus amendment is proposed to correct minor errors and corrections in the by-law to make the by-law clearer, allow for more consistent interpretation and make the by-law easier to read.
- The proposed amendments would not prejudice the rights of the public or any person and do not affect the intent of the by-law, and can therefore proceed without a public hearing as per s 276 of The City of Winnipeg Charter.

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 the proposed amendments only recommend changes to the text of a by-law, there is no financial impact associated with the content of the proposal.

REASON FOR THE REPORT:
Under the City of Winnipeg Organization By-law No. 7100/97, the Standing Policy Committee on Downtown Development is responsible for planning and land use matters in the downtown including the Downtown Winnipeg Zoning By-law No. 100/2004.

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

DISCUSSION:
The Planning, Property and Development Department is proposing an omnibus amendment to correct several minor errors and omissions noted during daily use of the by-law since it was adopted last year. The proposed amendments can be grouped into 3 major categories:

1. Typographical errors – words spelled incorrectly, words not underlined when they should have been underlined (to designate a word included in the Definitions section), or vice versa.

2. Incorrect reference or clarification words – errors in cross-referencing sections, or cases where additional word(s) are required to clarify the intent or correct grammar.

3. Minor amendments to clarify intent – minor items that were missed or overlooked or corrections required improving flexibility of the by-law and clarifying intent.

A detailed list of the proposed amendments is attached in the draft by-law in Appendix A.

Under Section 276 of The City of Winnipeg Charter, the City has the authority to pass by-laws to correct errors and omissions that do not prejudice the rights of any person, without giving notice, holding a hearing or receiving a report from a hearing body. Therefore, the department recommends that the Standing Policy Committee on Downtown Development recommend the proposed text amendment to Council for approval.

Financial Impact Statement Date: November 14, 2005

COMMENTS:

As the proposed amendments only recommend changes to the text of the by-law, there is no financial impact associated with the contents of the proposal.

"Original signed by"
Mike McGinn, CA
Manager of Finance

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

Legal Services

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Office of the Director
Prepared by: Valdene Buckley
PPD File #: DAZ 238/05

APPENDIX "A"

THE CITY OF WINNIPEG

BY-LAW NO. 206/2005

A By-law of The City of Winnipeg to amend the Downtown Winnipeg Zoning By-law No. 100/2004 in order to correct certain errors and omissions.

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

Downtown Winnipeg Zoning By-law amended

1 This by-law amends the Downtown Winnipeg Zoning By-law No. 100/2004.

Underlining of all Part 7 definitions

2 The By-law is amended by underlining all words that are defined in Part 7: Definitions, wherever they occur, except in tables.

Underlining of all numerical measurements

3 The By-law is amended by underlining all measurements of height, distance, area, speed, or other quantity, wherever they occur, except in tables.

Table of Contents amended

4 The table of contents is amended

(1) under Part 1: Administration, Offences and Penalties, by striking out page number "4" and substituting "5";

(2) under Appendices, Information Maps, by striking out page number "A-5" and substituting "A-10".

Part 1: Administration amended

5 Part 1: Administration is amended

(1) in clause 100(6)(b), by striking out "indictated" and substituting "indicated";

(2) in clause 110(8)(a), by adding "there is" at the beginning of the clause;

(3) in clause 110(9)(c), by striking out "110(11)" and substituting "110(10)".

Part 2: General Provisions amended

6 Part 2: General Provisions is amended

(1) in subsection 200(1), by striking out "120(2)" and substituting "120(7)";

(2) by adding the following after subsection 200(9):

Temporary or Special Event Uses

200(10) This by-law shall not apply to any temporary or special event activities such as a carnival, religious gathering, music festival or similar event having a duration of less than 7 days, provided a valid license has been issued under *The City of Winnipeg License By-law*.

(3) in clause 210(3)(c), by striking out "active uses";

(4) in subsections 210(6) and (7), by removing the underline on "interior", wherever it occurs;

(5) in clause 230(3)(a), by striking out the table and substituting the following:

<table>
<tr><td>Parking Space</td><td>Standard space minimum
8 feet wide;
18 feet long;
160 square feet in area;
7 feet high</td><td>Small car space* minimum
8 feet wide;
14 feet long;
128 square feet in area;
7 feet high</td><td>Disabled space minimum
12 feet wide;
20 feet long;
240 square feet in area;
7 feet high</td></tr>
<tr><td rowspan="3">Parking Aisle**</td><td>One-way minimum
0 to 45 degree angle: 12 feet wide;</td><td colspan="2" rowspan="3">Two-way minimum
20 feet wide</td></tr>
<tr><td>46 to 60 degree angle: 18 feet wide;</td></tr>
<tr><td>61 to 90 degree angle: 20 feet wide</td></tr>
<tr><td>Parking Driveway</td><td colspan="3">One-way maximum
12 feet wide***</td></tr>
<tr><td colspan="4">* - not exceeding 30% of total number of parking spaces provided
** - where parking spaces are accessed directly from public lane, required minimum parking aisle width may be reduced by the width of the public lane
*** - parking driveway may be shared with loading driveway</td></tr>
</table>

(6) in subsection 240(5), by removing the underline on "gross floor area";

(7) in subsection 250(10), by striking out the first reference to "(a) building placement, (b) façade treatment & building entrances, (c) driveways & building services, (d) signs";

(8) in subclause 250(10)(b)(i), by enlarging the font on the "nd" of "2nd";

(9) in subsection 250(13), by striking out "250(9)" and substituting "250(12)".

Part 3: Multiple-Use Sector amended

7 Part 3: Multiple-Use Sector is amended

(1) in subsection 310(2),

(a) under "Cultural & Entertainment", by striking out "Amusement enterprise" and substituting "Amusement establishment, indoor";

(b) under "Accessory", by adding ", maximum 4 devices" after "Amusement devices";

(2) in subsection 320(2),

(a) by adding "****" after "Building Height Maximum";

(b) in the first footnote, by striking out "of" and substituting "facing";

(c) by adding the following after the third footnote:

**** - building heights may be limited by 'Building Height Control Area: Legislative Core - Winnipeg' Public Works Act restrictions [see subsection 210(13)];

(d) in clause 330(2)(b), by striking out the table and substituting the following:

BUILDING IDENTIFICATION TYPE		BASIC	PORTAGE AVENUE AND MAIN STREET PROPERTIES	BROADWAY PROPERTIES
Total Sign Volume		2% of building wall*	2% of building wall*	2% of building wall*
Sign Form	Attached	All	All	Fascia, projecting, marquee
	Free-standing	podium, ground-oriented, pylon, roof	Podium, ground-oriented, pylon, roof	podium, ground-oriented, roof
Sign Size Maximum		Not applicable	Not applicable	Not applicable
Sign Structure Height Maximum, Free-standing		25 feet; 20 feet above parapet for roof form	25 feet; 20 feet above parapet for roof form	10 feet; 20 feet above parapet for roof form
Sign Location	Attached	1 sign per building wall maximum**	Not applicable	1 sign per building wall maximum**
	Free-standing	1 sign per public road frontage maximum	1 sign per public road frontage maximum	1 sign per public road frontage maximum
* - 64 square foot maximum sign size, when 2% of building wall calculation results in less than 64 square feet ** - does not apply to those signs located below 2nd storey ceiling				

(e) in clause 330(2)(c), by striking out the table and substituting the following:

EVENT TYPE*		BASIC	PORTAGE AVENUE AND MAIN STREET PROPERTIES	BROADWAY PROPERTIES
Total Sign Volume		Not applicable	Not applicable	Not applicable
Sign Form	Attached	Fascia, projecting, marquee	Fascia, projecting, marquee	Fascia, projecting, marquee
	Free-standing	podium, ground-oriented, pylon	podium, ground-oriented, pylon	podium, ground-oriented
Sign Size Maximum		128 square feet	128 square feet	64 square feet
Sign Structure Height Maximum, Free-standing		25 feet	25 feet	10 feet
Sign Location	Attached	1- and 2- storey building: below parapet	Not applicable	1- and 2-storey building: below parapet
		3-storey and above building: below 2nd storey ceiling	Not applicable	3-storey and above building: below 2nd storey ceiling
	Free-standing	1 sign per public road frontage maximum	2 signs per public road frontage maximum	1 sign per public road frontage maximum
* - can only be established in conjunction with "Cultural & Entertainment" and "Public & Institutional" uses, restaurants, and drinking establishments				

Part 4: Character Sector amended

8 Part 4: Character Sector is amended

(1) in subsection 410(2),

(a) under "Commercial Sales & Service", by striking out the asterisk after "P" for the uses "Hostel" and "Hotel";

(b) under "Office", in the footnote, by striking out "of" and substituting "or";

(c) under "Public & Institutional", by adding "accommodations" after "Hospital, including overnight";

(d) under "Cultural & Entertainment",

(i) by striking out "Amusement enterprise" and substituting "Amusement establishment, indoor";

(ii) by striking out the asterisk after "Dance hall" and "Banquet hall" and adding an asterisk after "P" for the uses "Dance hall" and "Banquet hall";

(e) under "Accessory", by adding ", maximum 4 devices" after "Amusement devices";

(2) in subsection 420(2), by adding "****" after "Building Height Maximum" and by adding the following after the third footnote:

**** - building heights may be limited by 'Building Height Control Area: Legislative Core - Winnipeg' Public Works Act restrictions [see subsection 210(13)]

(3) in clause 430(2)(a), by striking out the table and substituting the following:

USE IDENTIFICATION TYPE		WAREHOUSE	LEGISLATURE	THE FORKS
Total Sign Volume		3 square feet per frontage foot	3 square feet per frontage foot	3 square feet per frontage foot*
Sign Form	Attached	All	All	All
	Free-standing	Roof	Podium, ground-oriented	Podium, ground-oriented, pylon
Sign Size Maximum		Not applicable	Not applicable	Not applicable
Sign Structure Height Maximum, Free-standing		10 feet above parapet	10 feet	25 feet
Sign Location, Attached		1- and 2-storey building: below parapet	1- and 2-storey building: below parapet	1- and 2-storey building: below parapet
		3-storey and above building: below 2nd storey ceiling	3-storey and above building: below 2nd storey ceiling	3-storey and above building below 2nd storey ceiling:
* - where property does not have frontage on a public road, 300 square foot total per building				

(4) in clause 430(2)(b), by striking out the table and substituting the following:

BUILDING IDENTIFICATION TYPE		WAREHOUSE	LEGISLATURE	THE FORKS
Total Sign Volume		2% of building wall*	2% of building wall*	2% of building wall*
Sign Form	Attached	All	All	All
	Free-standing	Roof	Podium, ground-oriented, roof	Podium, ground-oriented, pylon, roof
Sign Size Maximum		Not applicable	Not applicable	Not applicable
Sign Structure Height Maximum, Free-standing		10 feet above parapet	10 feet; 20 feet above parapet for roof form	25 feet; 20 feet above parapet for roof form
Sign Location	Attached	1 sign per building wall maximum**	1 sign per building wall maximum**	1 sign per building wall maximum**
	Free-standing	1 sign per public road frontage maximum	1 sign per public road frontage maximum	1 sign per public road frontage maximum***
* - 48 square foot maximum sign size, when 2% of building wall calculation results in less than 48 square feet ** -does not apply to those signs located below 2nd storey ceiling *** - where property does not have frontage on public road, 2 signs per building maximum				

Part 5: Downtown Living Sector amended

9 Part 5: Downtown Living Sector is amended

(1) in subsection 510(2),

(a) under "Public & Institutional", by adding "accommodations" after "Hospital, including overnight";

(b) under "Accessory", by adding ", maximum 4 devices" after "Amusement devices";

(2) in subsection 520(1), by striking out "abutting Waterfront Drive" and substituting "within the Waterfront area";

(3) in subsection 520(2), by adding "****" after "Building Height Maximum" and by adding the following after the third footnote:

**** - building heights may be limited by 'Building Height Control Area: Legislative Core - Winnipeg' Public Works Act restrictions [see subsection 210(13)]

(4) in clause 530(2)(a), by striking out the table and substituting the following:

USE IDENTIFICATION TYPE		BASIC	WATERFRONT DRIVE
Total Sign Volume		2 square feet per frontage foot	3 square feet per frontage foot
Sign Form	Attached	All	All
	Free-standing	Podium, ground-oriented	Roof
Sign Size Maximum		32 square feet	Not applicable
Sign Structure Height Maximum, Free-standing		10 feet	10 feet above parapet
Sign Location, Attached		1- and 2-storey building: below parapet	1- and 2-storey building: below parapet
		3-storey and above building: below 2nd storey ceiling	3-storey and above building: below 2nd storey ceiling

(5) in clause 530(2)(b), by striking out the table and substituting the following:

BUILDING IDENTIFICATION TYPE		BASIC	WATERFRONT DRIVE
Total Sign Volume		1.5% of building wall*	2% of building wall**
Sign Form	Attached	Fascia, awning, canopy	All
	Free-standing	Podium, ground-oriented, roof	Roof
Sign Size Maximum		Not applicable	Not applicable
Sign Structure Height Maximum, Free-standing		10 feet; 20 feet above parapet for roof form	10 feet above parapet
Sign Location	Attached	1 sign per building wall maximum***	1 sign per building wall maximum***
	Free-standing	1 sign per public road frontage maximum	1 sign per public road frontage maximum

* - 48 square foot maximum sign size, when 1.5% of building wall calculation results in less than 48 square feet

** - 48 square foot maximum sign size, when 2% of building wall calculation results in less than 48 square feet

*** - does not apply to those signs located below 2nd storey ceiling

(6) in clause 530(2)(c), by striking out the table and substituting the following:

EVENT TYPE*		BASIC	WATERFRONT DRIVE
Total Sign Volume		Not applicable	Not applicable
Sign Form	Attached	Fascia, projecting, marquee	Fascia, projecting, marquee
	Free-standing	Podium, ground-oriented	Podium, ground-oriented, pylon
Sign Size Maximum		48 square feet	64 square feet
Sign Structure Height Maximum, Free-standing		10 feet	25 feet
Sign Location	Attached	1- and 2-storey building: below parapet	1- and 2-storey building: below parapet
		3-storey and above building: below 2nd storey ceiling	3-storey and above building: below 2nd storey ceiling
	Free-standing	1 sign per property maximum	1 sign per public road frontage maximum
* - can only be established in conjunction with "Cultural & Entertainment" and "Public & Institutional" uses, restaurants, and drinking establishments			

Part 6: Riverbank Sector amended

10 Part 6: Riverbank Sector is amended

(1) in subsection 610(2),

(a) under "Public & Institutional", by adding "accommodations" after "Hospital, including overnight";

(b) under "Cultural and Entertainment", by adding "-" across from "Amusement enterprise";

(c) under "Accessory", by adding "A" across from "Restaurant, to Park";

(2) in subsection 620(2),

(a) by striking out everything after "Front, Side, Corner Side Yards, Not applicable"

(b) by adding "*" after "Building Height Maximum" and by adding the following footnote:

* - building heights may be limited by 'Building Height Control Area: Legislative Core - Winnipeg' Public Works Act restrictions [see subsection 210(13)]

(3) in clause 630(2)(b), by striking out the table and substituting the following:

BUILDING IDENTIFICATION TYPE		BASIC
Total Sign Volume		1.5% of building wall*
Sign Form	Attached	Fascia, awning, canopy
	Free-standing	Roof
Sign Size Maximum		Not applicable
Sign Structure Height Maximum, Free-standing		10 feet above parapet
Sign Location	Attached	1 sign per building wall maximum**
	Free-standing	Not applicable

* - 48 square foot maximum sign size, when 1.5% of building wall calculation results in less than 48 square feet

** - does not apply to those signs located below 2nd storey ceiling.

Part 7: Definitions amended

11 Part 7: Definitions is amended

(1) in subsection 700(2),

(a) in the definition of "lot depth", by striking out "font" and substituting "front";

(b) in the definition of "sign", by striking out "700(5)" and substituting "700(4)";

(c) in the definition of "wind impact", by striking out "affects" and substituting "effects";

(2) in subsection 700(3),

(a) by striking out the heading and definition "amusement enterprise" and substituting the following:

amusement establishment, indoor
Means an amusement parlour as defined in *The City of Winnipeg License By-Law*.

(b) in the definition of "community/recreation centre, primarily participant", by adding "rinks" after "curling";

(c) in the definition of "dwelling unit", by adding "'dwelling' or" at the beginning of the heading;

(d) in the definition of "parking aisle", by adding "or public right-of-way" after "driveway";

(e) in the definition of "parking driveway", by adding "aisle or parking" before "space";

(f) in the definition of "wireless telecommunications tower", by striking out "in" after "exceeds";

(3) in subsection 700(4), in the definition of "projecting sign", by striking out "18 inches" and substituting "1.5 feet".

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:

_____
for City Solicitor/Manager of Legal Services

File No.