Agenda – Council – July 15, 2015

Report – Standing Policy Committee on Property and Development – June 26, 2015

Item No. 9 Amendments to Street Names By-law

STANDING COMMITTEE RECOMMENDATION:

On July 8, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That Council enact amendments to the Street Names By-law (draft amending By-law attached – Appendix "A") that:

   A. exempt from the scope of the Street Names By-law certain kinds of street namings and renamings that are approved by Council through other processes;

   B. when a street is widened or extended, allow the name of the street to be given to the part that is extended or widened;

   C. extend the requirement that new street names must be chosen from a Street Name Reserve List to streets opened under *The Expropriation Act*;

   D. make clear that a name assigned to a street that has been identified as a "public road" or "public street" must follow the street renaming process;

   E. require the applicant for a street renaming to submit a plan of survey that can be registered at the Property Registry; and

   F. make clear that the deposit required of an applicant for a street renaming can be used to compensate residents and businesses on the street who incur expenses as a result of the renaming.

2. That with respect to a street that is being widened as part of an approved short form subdivision (DASSF), Council authorize the Director of Planning, Property and Development to do all things necessary to formally open the widened portion or portions of the street, as well as the ends of intersecting streets or lanes that are absorbed into the widened street, and give them the same name as the street that has been widened or extended.

3. 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 – June 26, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 8, 2015, 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 June 26, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **Amendments to Street Names By-law**

Critical Path: **Standing Policy Committee on Property and Development – Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
K. Raban	M. Pittet	N/A	M. Jack

RECOMMENDATIONS

1. That Council enact amendments to the Street Names By-law (draft amending By-law attached – Appendix "A") that
   (a) exempt from the scope of the Street Names By-law certain kinds of street namings and renamings that are approved by Council through other processes;
   (b) when a street is widened or extended, allow the name of the street to be given to the part that is extended or widened;
   (c) extend the requirement that new street names must be chosen from a Street Name Reserve List to streets opened under *The Expropriation Act*;
   (d) make clear that a name assigned to a street that has been identified as a "public road" or "public street" must follow the street renaming process;
   (e) require the applicant for a street renaming to submit a plan of survey that can be registered at the Property Registry; and
   (f) make clear that the deposit required of an applicant for a street renaming can be used to compensate residents and businesses on the street who incur expenses as a result of the renaming.

2. That, with respect to a street that is being widened as part of an approved short form subdivision (DASSF), Council authorize the Director of Planning, Property and Development to do all things necessary to formally open the widened portion or portions of the street, as well as the ends of intersecting streets or lanes that are absorbed into the widened street, and give them the same name as the street that has been widened or extended.

3. That the proper officers of the City do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Only Council can enact by-law amendments.

EXECUTIVE SUMMARY

This report addresses a number of situations involving street namings or renamings that have not been accommodated in the Street Names By-law. More substantively, it requires that an applicant for a street name change must submit a plan of survey that can be registered at the Property Registry. It clarifies the By-law in respect of two situations: the application of the By-law to the naming of streets generically identified as "public road" on a plan of subdivision, and the use which can be made of a deposit provided by an applicant for a street renaming. Finally, it clarifies the authorization previously given to the Director of Planning, Property and Development with respect to approval of a short form subdivision.

Other than the requirement that applicants for street renamings must submit a plan of survey, the recommendations in this Report are "housekeeping" in nature in that they will not change the City's current practice.

IMPLICATIONS OF THE RECOMMENDATIONS

Recommendation 1: Amendments to the Street Names By-law

- **Exempting from the scope of the Street Names By-law certain kinds of street namings and renamings that are approved by Council through other processes**

The Street Names By-law currently fails to take into account several situations where Council currently approves street names or street name changes through street opening applications or subdivision applications. For example, when a street is widened or reconfigured, the ends of intersecting streets should be legally absorbed into the widened or reconfigured street to avoid the creation of a jagged or "saw tooth" street limit. The renaming of these portions of intersecting streets is a housekeeping matter. It is not at all like the renaming of a street contemplated by Part Two of the Street Names By-law and it makes no sense for such a renaming to go through that process. Instead, this process will apply to street opening (DAO or DAOC) applications which are reviewed by Council committees and eventually culminate in a by-law enacted by Council.

Similarly, the current by-law requires that only names on a Street Name Reserve List can be used when a street is named as part of a subdivision approval. However, this fails to take account of situations where a road is given the designation "Dominion Government Road Allowance", "Two Mile Road", "Four Mile Road" or some similar term on the original government surveys but over the years the road has been given an informal name that everyone uses and that appears on maps, street signs or postal addresses. In this situation, the attached amending By-law would permit that name to continue to be used, even if it is not on a Street Name Reserve List for that Community Committee area.

- **When a street is widened or extended, allowing the name of the street to be given to the part that is extended or widened**

The By-law rules requiring that names for new streets must be selected from a Street Name Reserve List and prohibiting the addition to the Street Name Reserve List of street names that are already in use also cause problems when a street is widened or extended. It only makes sense to give the widened or extended portion of the street the same name as the existing street. (For example, when Chief Peguis Trail was extended, it only made sense to apply the name "Chief Peguis Trail" to the new extension.) However, because the widened or extended portion is technically a new street, as currently written, the Street Names By-law requires that it be given a name that is on the Community Committee's Street Name Reserve List. The new amending By-law will ensure that widenings and extensions can be given the name of the existing street.

- **Extending the requirement that new street names must be chosen from a Street Name Reserve List to streets opened under *The Expropriation Act***

While the rule in the current Street Names By-law requiring that names for new streets must be chosen from a Street Name Reserve List is overly broad in the situations identified above, in one sense it is also too narrow. Currently, it is only applicable to new streets opened as part of a subdivision approval. This ignores new streets opened under *The Expropriation Act*. The new amending By-law will correct this oversight.

- **Making clear that a name assigned to a street that has been identified as a "public road" or "public street" must follow the street renaming process**

The attached draft amending By-law also makes clear that a road that has been given the name "public road" or "public street" on a plan registered at the Property Registry has been given a name already. Therefore, it must be renamed, following the process set out in Part Two of the Street Names By-law.

- **Requiring the applicant for a street renaming to submit a plan of survey that can be registered at the Property Registry**

The attached draft amending By-law also imposes on the applicant for a street renaming under Part Two a responsibility to have a plan of survey prepared and submitted so that the City does not have to incur this expense. Council can approve the renaming but must not actually enact the renaming by-law until the plan of survey has been submitted.

- **Making clear that the deposit required of an applicant for a street renaming can be used to compensate residents and businesses on the street who incur expenses as a result of the renaming**

The attached draft amending By-law makes clear what use can be made of the deposit that an applicant for a street renaming may be required to post as part of the application. The Report that accompanied the original by-law to Council in 2011 stated that the deposit was intended "to cover the costs of reimbursing property owners and occupants on the [renamed] street for out-of-pocket expenses associated with the renaming". However, while implied, this is not explicitly stated in the existing Street Names By-law. The attached draft amending By-law will correct that oversight.

Recommendation 2: Street widening through a short form subdivision (DASSF)

According to the Development Procedures By-law, a short form subdivision (DASSF) can be approved by the Director of Planning, Property and Development without any reference to a committee of Council. The By-law provides that a DASSF is appropriate when new lots are being created by subdivision without the opening of a new street or lane. These provisions of the Development Procedures By-law have been interpreted to mean that a DASSF can be used when a street or lane is being widened so long as a completely new street or lane is not being opened.

Nevertheless, despite the fact that a new street or lane is not being opened, technically, the widened portions of a street or lane must be shown on a plan of subdivision that is registered at Land Titles Office as a new right of way. This recommendation formally authorizes the Director of Planning, Property and Development to legally open the expanded portions of the street or lane when this is part of a DASSF and to give them the same name as the street that is being expanded.

HISTORY

The Street Names By-law was enacted on September 28, 2011.

FINANCIAL IMPACT

Financial Impact Statement **Date:** May 27, 2015

Project Name:

Amendments to Street Names By-law

COMMENTS:

There are no direct financial implications to the City resulting from the recommendations contained in this report.

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

CONSULTATION

In preparing this report there was consultation with:

- Legal Services as to legal issues

OURWINNIPEG POLICY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Services
Prepared by: Robert Robinson
Date: May 28, 2015
File No. N/A

Appendix "A" – Draft Amending By-law

V:\Supervisors\By-Law Amendments - Proposed\Street Names By-law 115-2011\amendments to street names by-law - rpt May 21, 2015 (Final).docx

O:\Reports Directive\Land Development, Geomatics and Land Information Services\Geomatics\amendments to street names by-law - rpt May 21, 2015 (Final).docx

Appendix "A" – Draft Amending By-law

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Street Names By-law

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

Street Names By-law amended

1 The Street Names By-law No. 115/2011 is amended by this By-law.

Subsection 3(2) replaced

2 Subsection 3(2) is replaced with the following:

3(2) *This By-law does not apply to*

(a) street name changes of a minor nature which will not impact residents or businesses on the street or give rise to costs, and which are submitted directly to Council by the City Solicitor on instructions from the Director of Planning, Property and Development in accordance with the Council Decision on Street Name Changes of a Minor Nature, adopted on July 17, 2002;

(b) the naming or renaming of the portion of an intersecting street or lane that has been absorbed or included within an adjacent street widening or reconfiguration;

(c) the naming of a street identified as "Dominion Government Road Allowance", "Two Mile Road", "Four Mile Road" or any other road allowances identified on the original government surveys if

(i) the name proposed for the street is its commonly-known name; and

(ii) the naming will not impact residents or businesses on the street or give rise to costs.

3(3) *For the purposes of sub-clause (2)(c)(i), a street name is a commonly-known name if it appears on two of the following three sources:*

(a) addresses assigned by Canada Post,

(b) official street signs installed by the City of Winnipeg;

(c) commercially-available maps.

3(4) *Only Council may name or rename streets in the circumstances set out in subsection 3(2). This may be done through a direct reference to Council by the City Solicitor or*

(a) in the case of a street referred to in clause 3(2)(b), through Council enactment of a street opening (DAO) or a street opening and closing (DAOC) by-law; or

(b) in the case of a street referred to in sub-clause 3(2)(c), through Council approval of a subdivision (DAS) or subdivision and re-zoning (DASZ) by-law map.

Section 3.1 added

3 The following is added after section 3:

Process when street identified as "public road" or "public street"

3.1 *For greater certainty, when a street has been identified as a "public road", "public street" or similar term on a registered plan, the process set out in Part Two for renaming a street applies unless the renaming is exempt from this By-law under s. 3(2)(b) because it is being absorbed or included within an adjacent street widening or reconfiguration.*

Section 4 amended

4(1) Subsection 4(2) is replaced with the following

4(2) *Subject to subsection (3), only street names that are on the Reserve List for a particular Community Committee may be assigned to streets being opened on a plan of subdivision or under* The Expropriation Act *within the geographical area of that Community Committee.*

4(2) The following is added immediately after subsection 4(2):

4(3) *Despite subsection (2), the name of a street may be given to an extension to or widening of that street unless the extension or widening is exempt from this By-law under s. 3(2)(b) because it absorbs or includes a portion of one or more adjacent streets.*

Section 14 amended

5 Section 14 is amended by adding the following after subsection (2):

14(2.1) *In addition to complying with subsection (2), the applicant must submit a plan of survey delineating the boundary of the street name change area suitable for registration at the Property Registry before Council may enact a by-law to rename the street.*

Section 15 amended

6 Section 15 is amended by adding the following subsection after subsection (2):

15(3) *The deposit provided by the applicant pursuant to subsection 14(2) may be used by the City to compensate owners or occupants of property under this section.*

DONE AND PASSED, this day of , 2015.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Planning, Property and Development

Approved as to form:

_____
For Director of Legal Services/City Solicitor