THE CITY OF WINNIPEG

BY-LAW NO. 100/2015

A By-law of The City of Winnipeg to amend Downtown Winnipeg Zoning By-law No. 100/2004 to incorporate minor improvements and corrections per the *OurWinnipeg* Implementation Plan.

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

1 *The Downtown Winnipeg Zoning By-law No. 100/2004 is amended*

(1) in subsection 150(5):

*(a) by striking out "*not increase" *and substituting "*no increase*";*

(b) by adding ", but may not be replaced once the sign and/or its structure has been removed*" after "*illumination of such sign*";*

*(c) by striking out "*In addition,".

(2) in subsection 200(2):

(a) by adding the following at the end of the last sentence:

and is subject to the following:
(a) a conditional use order expires if the use does not begin operation within 2 years of the date of approval unless otherwise specified in the terms of approval due to special conditions;
(b) a conditional use order expires if the use begins operations within 2 years of the date of approval but later ceases operations for 2 consecutive years unless otherwise specified in the terms of approval due to special conditions;
(c) a conditional use order may provide that the conditional use approval expires after a specified time; and
(d) unless otherwise provided in a conditional use order, all approved conditional uses must be operated in accordance with all plans and documents submitted as part of the application.

(3) by adding the following after clause 200(4)(c):

(d) those uses that conflict with urban design objectives, including but not restricted to:

(i) Advertising sign.

(4) in subsection 210(11):

(a) in clause (e), by striking out "reacreational" *and substituting* "recreational";

(b) in clause (i), by striking out "4 foot" *and substituting* "6.5 foot".

(5) by adding the following after subsection 210(13):

Variances

210(14) Where an owner requests a variance order from the provisions of this By-law, the person or body with the authority to approve a variance must not grant a variance order unless in the opinion of the person or body, the provisions of this By-law have an injurious effect on the owner's property. For purposes of this determination, injurious effects includes physical characteristics of the owner's site that make it difficult or impossible to comply with the provisions of this By-law, but does not include conditions created by the owner or conditions generally shared with other properties in the same area.

210(15) A variance order expires if the variance is not established within 2 years of the date of approval unless otherwise specified in the terms of approval due to special conditions.

210(16) A variance order may provide that the variance approval expires after a specified time.

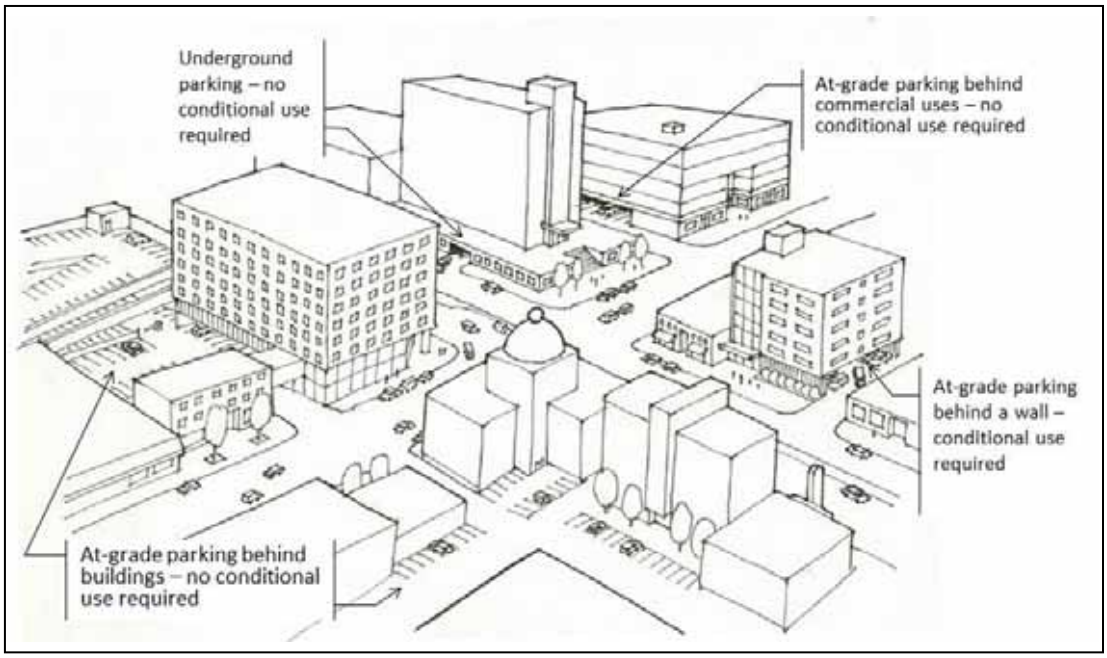
210(17) A variance order is applicable only to the design submitted as part of the application.

(6) by adding the following after subsection 230(1):

230(1.5) At-grade accessory <u>parking facilities</u> are conditional on certain streets and are limited by lot area elsewhere in order to ensure active street edges. At-grade <u>parking facilities</u> do not require a conditional use when:

(a) exterior parking is behind a building or wrapped by a building so that it is not visible from a public right-of-way (other than back lanes);

(b) enclosed parking is separated from public right-of-ways (other than back lanes) by other land uses, such as residential or commercial space.



(7) in the table below clause 230(3)(a):

*(a) by adding " **** " after "*8 feet wide*" in the* Standard Space *column;*

(b) by adding at the bottom of the table "**** - width must be increased to 10 feet if long dimension is immediately adjacent to a fence, wall or column*".*

(8) in clause 230(3)(d), by striking out subclauses (ii) and (iii) and substituting the following:

(ii) screening must be comprised of a minimum 3 foot high building wall, fence, or a combination of fencing and hedges;
(iii) all parking lot fencing must be of brick or decorative metal construction or combination of both;
(iv) screening must be a lightproof fence where parking spaces or drive aisles are oriented towards an adjacent residential use.

*(9) in section 300, by striking out "*offstreet parking facilities" *and substituting "*mixed-use parking facilities*".*

(10) in subsection 310(2), under ACCESSORY*, by striking out* " * - conditional if abutting Main Street, Portage Avenue or Graham Avenue, or if exceeding 10% of lot area, when visible from the street.*" and substituting* " * - conditional if property is abutting Main Street, Portage Avenue or

Graham Avenue, or if parking spaces and aisles exceed 10% of lot area, when adjacent to a public right-of-way. See subsection 230(1.5)."

(11) *in subsection 410(2), under* ACCESSORY*, by striking out "* * - conditional if abutting Main Street, or if exceeding 10% of lot area, when visible from the street.*" and substituting "* * - conditional if property is abutting Main Street, or if parking spaces and aisles exceed 10% of lot area, when adjacent to a public right-of-way. See subsection 230(1.5)."

(12) *in subsection 420(1), by striking out "*Warehouse district*" and substituting "*Warehouse area shown on the map at the end of Part 4,".

(13) *in subsection 430(1), by striking out "*Warehouse district, the Legislature precinct, and at The Forks*" and substituting "*Warehouse, Legislature, and The Forks areas shown on the map at the end of Part 4".

(14) *in clause 430(2)(b), by adding ",* except digital signs*" after* "All*" where it occurs under each column.*

(15) *in subsection 510(2), under* ACCESSORY*, by striking out "* * - conditional if exceeding 10% of lot area, when visible from the street.*" and substituting "* * - conditional if parking spaces and aisles exceed 10% of lot area, when adjacent to a public right-of-way. See subsection 230(1.5)."

(16) *in subsection 520(1), by striking out "*Waterfront area and selected streets in the South Broadway Sector" *and substituting "*Waterfront Drive area shown on the map at the end of Part 5, and selected streets in the South Broadway area".

(17) *in subsection 520(2), by striking out "*PROPERTIES".

(18) *in subsection 530(1), by striking out "*Waterfront area" *and substituting "*Waterfront Drive area shown on the map at the end of Part 5*".*

(19) *in subsection 610(2), under* ACCESSORY*, by striking out "* * - conditional if exceeding 10% of lot area, when visible from the street.*" and substituting "* * - conditional if parking spaces and aisles exceed 10% of lot area, when adjacent to a public right-of-way. See subsection 230(1.5)."

DONE AND PASSED this day of , 2016.

Mayor

City Clerk

Approved as to planning details:

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for Director of Planning, Property and Development

Approved as to form:

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for Director of Legal Services and City Solicitor