Winnipeg

Legal Services Department • Services juridiques

Inter-Office Memorandum

DATE: March 16, 2017

TO: **Richard Kachur**, City Clerk
City Clerks Department

FROM: Sarah Rentz, Solicitor
Telephone: 204 986 8667

RE: **Amend Winnipeg By-law No. 200/2006 to Correct Errors and Omissions**
Our File No. DAZ 218/2016

On December 14, 2016, Council enacted By-law No. 135/2016 which added the TOD zoning district as a Residential Zoning District Type to the Winnipeg Zoning By-law. On January 25, 2017, Council enacted By-law No. 148/2016 which made an omnibus set of amendments to the Winnipeg Zoning By-law.

Due to the close dates and the timing of enactment of the two By-laws, By-law No. 148/2016 failed in certain respects to account for the amendments made by By-law No. 135/2016, which resulted in unintended deletions and omissions. Additionally, the Winnipeg Public Service has discovered that both By-laws created typographical and transposition errors in the Winnipeg Zoning By-law.

Specifically, the errors and omissions referred to above are as follows:

1) Section 48 – "recreational vehicle" should be pluralized (grammatical error);

2) Section 50 – By-law No. 135/2016 updated Table 3-1 to show the TOD zoning district as a distinct District Type instead of a Residential District Type as was contemplated by the Administrative Report;

3) Subsection 55(4) – "mixed use centres" and "mixed use corridors" were transposed, creating nonsensical results;

4) Section 66 – contains "permitted" instead of "limited" due to a typographical error, which created unintended confusion as "neighbourhood rehabilitation home" is a conditional use in RR2, R1 and R2 zoning districts;

5) Subsection 67.1(1) – By-law No. 148/2016 reworded section 67.1 but failed to take By-law No. 135/2016 into account, which resulted in the unintended deletion of TOD from subsection 67.1(1);

6) Subsection 72(1) – By-law No. 148/2016 added all residential zoning districts (except rural residential) but omitted the TOD zoning district, which was added as a non-rural residential zoning district in By-law No. 135/2016;

7) Section 139 – commas separating items in a list were missing (grammatical error);

8) Subsection 146(1) – By-law No. 148/2016 added multi-family and mixed use residential zoning districts but omitted the TOD zoning district, which was added as a multi-family/mixed-use residential zoning district in By-law No. 135/2016;

9) Table 5-5 – note g was added by By-law No. 148/2016 however reference to note g was omitted in the actual table, despite being referenced in the Administrative Report;

10) Table 5-9 – "Craft brewery, distiller or winery" was added to Row 9 instead of Row 10 (typographical error);

11) Subsection 160(1) – subsection was amended by both By-law No. 135/2016 and By-law No. 148/2016, creating a redundancy;

12) Subsection 161(2) – Urban Infill Areas Maps 1 and 2 were replaced by By-law No. 148/2016, with the old Maps 1 and 2 being combined to form the new Map 1, and a 20% parking reduction was extended to include all Mature Communities (new Map 2). Regulatory references to the Maps were amended to ensure the parking reduction was implemented for the area covered by Map 2; however, a corresponding amendment to subsection 161(2) was omitted;

13) Clause 173(3)(a) – the phrase "with a minimum width of 8 feet" is repeated twice, creating nonsensical results;

14) Table 5-15.1 – By-law No. 148/2016 resulted in the unintended deletion of the TOD zoning district;

15) Table 5-15.2 – a typographical error resulted in "RR1" being listed instead of "RR2" (RR1 is not a valid zoning district), and By-law No. 148/2016 resulted in the unintended deletion of the TOD zoning district;

16) Schedule D – subclause 3(1)(b)(ii) uses the term "infrastructure" instead of "services" (typographical error);

17) Schedule M – a blanket amendment in By-law No. 148/2016 had the unintended effect of changing the name of the Downtown Transcona Living Area to "Downtown Transcona Floor Area". Additionally, "auto parts and supplies, sales" and "drive-in or drive-through" were deleted from subsection 5(4) in error (the deletion was not contemplated by the Administrative Report);

18) Schedule O – a blanket amendment had the effect of changing the name of the Academy Living Area to "Academy Floor Area"; and

19) Schedule W – two sections are numbered as section 6 (typographical error).

Enclosed is an amending By-law to correct the aforementioned errors and omissions, which, in Legal Services' opinion, do not prejudice the rights of any person. As such, Legal Services considers these amendments to be technical in nature and accordingly proposes that the within By-law be brought to Council's attention by way of communication pursuant to section 276 of *The City of Winnipeg Charter*.

Thank you.

Sarah Rentz, Solicitor
SR/hd

enclosures