THE CITY OF WINNIPEG

BY-LAW NO. 81/2021

A By-law of THE CITY OF WINNIPEG to amend the Private Access By-law to clarify when re-application is permitted and various other amendments.

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

Private Access By-law amended

1 This By-law amends the Private Access By-law No. 49/2008.

Subsection 9(3) replaced

2 Subsection 9(3) is replaced with the following:

9(3) *Where an application for a private access permit in respect of an address has been rejected in accordance with this By-law, the Director must not accept a subsequent application for a private access permit in respect of the address within 12 months following the date of the rejection, unless*

(a) the Director is satisfied that, since the date of the rejection in respect of the initial application, a person who ordinarily resides, or will ordinarily reside, does or is reasonably likely to experience long term physical mobility impairment such that the subject private access is reasonably required for ingress to and egress from the property; or

(b) where the rejection was based or partially based on safety concerns, since the date of the rejection, the Director is satisfied that the City has initiated changes or alterations within the right-of-way that eliminates or addresses those safety concerns.

Subsection 10(3) replaced

3 Subsection 10(3) is replaced with the following:

10(3) *Despite clause (1)(f), the Director is authorized to approve a permit in respect of a private approach benefitting a non-residential property if the proposed private approach does not conform with sections 19 or 20 but otherwise conforms with this By-law.*

Section 17 deleted

4 Section 17 is deleted in its entirety.

Clause 18(a.1) added

4 The following is added after clause 18(a):

(a.1) the private access must not be detrimental to the safe and efficient movement of vehicular and pedestrian traffic upon the adjacent street;

Section 19 amended

5 Section 19 is amended

(a) by deleting clause (a);

(b) by deleting clause (b);

(c) by replacing clause (c) with the following:

(c) unless the approach is a joint use approach to be used to access more than one property, an approach must not be located less than 3 metres from the lot line of the adjacent property;

(d) in clause (d), by replacing "*property line.*" with "*property line;*"; and

(e) by adding the following after clause (d):

(e) the private access must not be detrimental to the safe and efficient movement of vehicular and pedestrian traffic upon the adjacent street;

(f) subject to section 19.2, the projected nearest edge of an approach or nearest point of a loading bay must not be within 6 metres of an intersection or an intersecting street, measured along the property line;

(g) subject to subsection 25(5), an approach must not be within 30 metres of the nearest rail of a railway track;

(h) two or more approaches benefitting the same assessment holding that are on the same street must be at least 15 metres apart, measured along the property line; and

(i) the nearest point of intersection between a private approach and the property line must not be within 1.5 metres of a building or structure on the private property.

Sections 19.1 and 19.2 added

6 The following is added after section 19:

19.1 *Despite clause (d), an approach accessing a property which contains a vehicular ramp with an incline between 6% and 10% is not non-conforming where it conforms with conditions imposed by the Director to the satisfaction of the Director.*

19.2 *Clause 19(e) does not apply in respect of a proposed private approach where the proposed private approached is centred within the projected roadway line of a roadway that has come to a dead-end in a T-shaped intersection.*

Schedule A amended

7 Schedule A is amended by replacing "*South Perimeter Highway (PTH 101)*" with "*South Perimeter Highway (PTH 100)*".

DONE AND PASSED this day of , 2021.

Mayor

City Clerk

Approved as to content:

Director of Public Works

Legally reviewed and certified as to form:

"Sarah Rentz" June 15, 2021
for Director of Legal Services
and City Solicitor