Minutes – Executive Policy Committee – February 18, 2025

REPORTS

Item No. 9 Text Amendment – Downtown Winnipeg Zoning By-law Integration with Municipal By-law Enforcement Act Enabling By-law File DAZ 222/2024

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and recommended to Council:

1. That Council give first reading to a by-law to amend the Downtown Winnipeg Zoning By-law No. 100/2004 to allow for the designation and enforcement of Downtown Winnipeg Zoning By-law contraventions under the *Municipal By-law Enforcement Act*, CCSM c. M245 (the "Proposed Zoning By-law", a draft of which is attached as Appendix A to this report).

2. That, following first reading and upon instruction from the Director of Planning, Property, and Development, the City Solicitor and Director of Legal Services be directed to return the Proposed Zoning By-law directly to Council by way of communication for second reading and third reading.

3. That Council enact a by-law to amend Schedule A to the MBEA Enabling Bylaw No. 59/2016 by adding contraventions under the Downtown Winnipeg Zoning By-law (draft by-law is attached as Appendix B to this report).

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Minutes – Executive Policy Committee – February 18, 2025

DECISION MAKING HISTORY:

Moved by Councillor Duncan,

That the recommendation of the Winnipeg Public Service be concurred in and forwarded to Council.

Supporting Reasons:

1. This will allow the City of Winnipeg to issue penalties and fines, and in so, keeping less serious municipal offenses out of the court system.

2. It will also allow for all of the noted items here to come in line with the rest of the City, which I think is pertinent moving forward. For whatever reasons it was overlooked initially back in, I believe it was 2015, and 2017 again, when it was brought forward.

3. So, bringing it in line, but more so to allow the Public Service to issue those penalties and fines, and keep the less serious matters out of the courts.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2025, the Executive Policy Committee laid the matter over to its meeting on February 18, 2025.

STANDING COMMITTEE:

On January 13, 2025, due to a tie vote, the Standing Policy Committee on Property and Development submitted the matter to Executive Policy Committee without recommendation.

STANDING COMMITTEE RECOMMENDATION:

On December 2, 2024, the Standing Policy Committee on Property and Development adjourned the public hearing to its meeting on January 13, 2025 at 9:30 a.m. in the Council Building at 510 Main Street.

PUBLIC HEARING SUMMARY

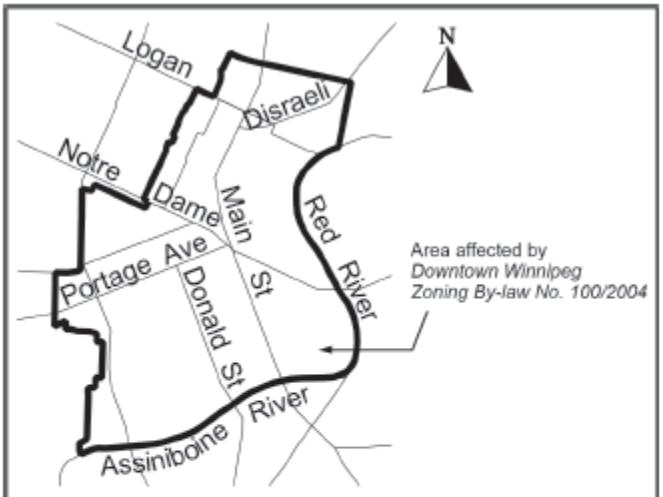
File: DAZ 222/2024

Before: Standing Policy Committee on Property and Development
Councillor Rollins, Chairperson
Councillor Eadie
Councillor Schreyer
Councillor Wyatt

Public Hearing: December 2, 2024
January 13, 2025
Council Building, 510 Main Street

Applicant: Director of Planning, Property and Development

Subject:



APPLICANT: City of Winnipeg
FILE: DAZ 222/2024
PROPOSAL: Amendment to the Downtown Winnipeg Zoning By-law No. 100/2004 to allow for the designation and enforcement of Downtown Winnipeg Zoning By-law contraventions under the Municipal By-law Enforcement Act, CCSM c. M245.
For information, phone K. Kowalke Planner at 204-986-5917

RE: Text Amendment – Downtown Winnipeg Zoning By-law
Integration with Municipal By-law Enforcement Act Enabling By-law
File DAZ 222/2024

For submission to: Executive Policy Committee

Prepared by: L. Cowan, Senior Committee Clerk
Standing Policy Committee on Property and Development

Report date: January 14, 2025

Standing Committee Recommendation:

On January 13, 2025, the Standing Policy Committee on Property and Development submitted the matter to the Executive Policy Committee without recommendation.

Objections under the Charter:		Total number of **v**alid objections as per section 125(2) – 0 In accordance with section 236.1(1), the threshold for sufficient objection has not been met.
Exhibits Filed:	1.	Application dated October 15, 2024
	2.	Advertising Notice
	3.	Report from the Urban Planning Division dated November 21, 2024
	4.	Notice of Adjournment dated December 2, 2024
	5.	Recording of Representations of the adjourned public hearing held on December 2, 2024
	6.	Recording of Representations of the public hearing held on January 13, 2025

REPRESENTATIONS:

In Support:

K. Kowalke

In Opposition:

Nil

For Information:

Nil

For the City:

H. Borys, Director, Planning, Property and Development
K. Happychuk, Chief of Enforcement & Investigations, Planning, Property and Development Department
D. Harris, Chief Zoning Officer, Planning, Property and Development Department

Exhibit "3" referred to in File DAZ 222/2024

ADMINISTRATIVE REPORT

Title: DAZ 222/2024 – Downtown Winnipeg Zoning By-law Integration with Municipal By-law Enforcement Act Enabling By-law

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

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch	H. Borys	T. Graham	S. Armbruster, Interim CAO

EXECUTIVE SUMMARY

On July 19, 2017, the Municipal By-law Enforcement Act (MBEA) Enabling By-law No. 59/2016 was amended to incorporate enforcement of the Winnipeg Zoning By-law No. 200/2006 (along with ten other by-laws). The intent of the MBEA Enabling By-law is to keep less serious municipal offences out of the court system by relying on penalty notices and fines.

By oversight, the Downtown Winnipeg Zoning By-law No. 100/2004 was not included at that time. The proposed by-law amendments in this report would bring downtown zoning under the MBEA Enabling By-law and provide better alignment and consistency across both by-laws.

RECOMMENDATIONS

1. That Council give first reading to a by-law to amend the Downtown Winnipeg Zoning By-law No. 100/2004 to allow for the designation and enforcement of Downtown Winnipeg Zoning By-law contraventions under the *Municipal By-law Enforcement Act*, CCSM c. M245 (the "Proposed Zoning By-law", a draft of which is attached as Appendix A to this report).

2. That, following first reading and upon instruction from the Director of Planning, Property, and Development, the City Solicitor and Director of Legal Services be directed to return the Proposed Zoning By-law directly to Council by way of communication for second reading and third reading.

3. That Council enact a by-law to amend Schedule A to the MBEA Enabling Bylaw No. 59/2016 by adding contraventions under the Downtown Winnipeg Zoning By-law (draft by-law is attached as Appendix B to this report).

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

In accordance with the Development Procedures By-law No. 104/2020 and s. 236.1(2) of The City of Winnipeg Charter, before Council gives first reading to a proposed zoning by-law, including proposed text amendments to a zoning by-law, the Standing Policy Committee on Property and Development must conduct a public hearing with respect to the proposed zoning by-law.

All by-laws require Council approval, including the proposed amendments to the MBEA Enabling By-law No. 59/2016.

IMPLICATIONS OF THE RECOMMENDATIONS

Should Recommendation 1 be approved, the text amendments to the Downtown Winnipeg Zoning By-law No. 100/2004 proposed in this report will be given first reading. In the event that the City does not receive sufficient objections to the amending by-law, it will be brought back directly to Council for second and third readings at the following meeting of Council.

Should Recommendation 3 be approved, the Planning, Property and Development Department and City of Winnipeg Legal Services shall ensure that the amendments to the MBEA Enabling By-law are sent directly to Council for all three readings. These three readings would take place at the same Council meeting as the second and third readings of the amending by-law approved under Recommendation 1.

HISTORY/DISCUSSION

Background

On July 15, 2015, Council approved a report of the Executive Policy Committee authorizing the Public Service to proceed with the steps required for implementation of the Province of Manitoba Municipal By-law Enforcement Act (MBEA).

On May 18, 2016, Council approved the MBEA Enabling By-Law. Under the MBEA, by-law offences as determined by the municipality will be enforced through a new process, involving the issuing of penalty notices and fines. The intent of the MBEA, and MBEA Enabling By-law is to keep less serious municipal offences out of the court system. Under the initial MBEA Enabling By-law adopted by Council, only parking offences and parking-related offences were included.

On July 19, 2017, MBEA Enabling By-law was amended to incorporate enforcement of the Winnipeg Zoning By-law No. 200/2006 (along with ten other by-laws). Through oversight by the Public Service, Downtown Winnipeg Zoning By-law No. 100/2004 (the “Downtown Zoning By-law”) was not included in this amendment, as intended.

Proposed Amendments

In order to incorporate enforcement provisions for the Downtown Zoning By-law into the MBEA Enabling By-law, amendments are required to both by-laws. Changes to the Downtown Zoning By-law will remove conflicting language from Section 140 *Offences and Penalties,* and replace it

with a reference to the applicable sections of the MBEA. Within the MBEA Enabling By-law, the proposed amendment will add a table of Downtown Zoning By-law contraventions and their penalties.

While it's recognized that the Downtown Zoning By-law, along with the Winnipeg Zoning By-law, is slated for a major review within the next few years, the amendments recommended in this report are intended as a straight-forward housekeeping amendment that will allow streamlined enforcement and alignment of the Downtown Zoning By-law with the Winnipeg Zoning By-law.

The Public Service does not anticipate any significant additional costs associated with adding new by-law offences to the MBEA system.

FINANCIAL IMPACT

Financial Impact Statement

Date: November 20, 2024

Project Name:

DAZ 222/2024 – Downtown Winnipeg Zoning By-law Integration with Municipal By-law Enforcement Act Enabling By-law

COMMENTS:

There are no financial implications associated with this report.

Mike McGinn Nov. 20, 2024
Mike McGinn, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services Department

OURWINNIPEG POLICY ALIGNMENT

Complete Communities Direction Strategy 2.0

C1 Downtown

1.9 Review policies, regulations, and administrative processes, in consultation with key stakeholders, to ensure they are streamlined, enriched, and clarified to support Downtown businesses and development.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Climate Action Plan (CAP), and it was determined that the CAP is not applicable to this specific report.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Poverty Reduction Strategy (PRS) and its Goals and Objectives, and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Urban Design Division
Prepared by: Kurtis Kowalke, RPP, MCIP
Date: November 21, 2024
File No: DAZ 222/2024

Attachments:

Appendix A – Draft Proposed Zoning By-law

Appendix B – Draft by-law to amend the MBEA Enabling By-law