Agenda - Executive Policy Committee - May 20, 2009

Report - Standing Policy Committee on Property and Development - May 5, 2009

Item No. 1 Amendments to The Winnipeg Zoning By-law No. 200/2006 and The Airport Vicinity Acoustic Insulation By-law No. 6419/94
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STANDING COMMITTEE RECOMMENDATION:

On May 5, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That The Winnipeg Zoning By-law No. 200/2006 be amended to correct errors and omissions as outlined in the draft by-law contained in the report from the Director of Planning, Property and Development dated April 1, 2009.

2. That the Airport Vicinity Acoustic Insulation By-law No. 6419/94 be amended to correct errors and omissions as outlined in the draft by-law contained in the report from the Director of Planning, Property and Development dated April 1, 2009.

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

Agenda - Executive Policy Committee - May 20, 2009

Report - Standing Policy Committee on Property and Development - May 5, 2009

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On May 5, 2009, 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

RE: AMENDMENTS TO THE ZONING BY-LAW AND THE AIRPORT VICINITY ACOUSTIC INSULATION BY-LAW

REPORT DATE: April 1, 2009

AUTHORIZATION

Author	Department Head	CAO
Julian Saj	Original signed by Deepak Joshi	

RECOMMENDATION

1. That Council amend the Zoning By-law 200/2006 to correct errors and omissions. (see attached draft By-law)

2. That Council amend the Airport Vicinity Acoustic Insulation By-law No. 6419/94 to correct errors and omissions. (see attached draft By-law)

3. 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

This report proposes amending two By-laws. Only City Council can enact by-laws.

HISTORY:
The Airport Vicinity Acoustic Insulation By-law was adopted in 1994 to regulate residential construction standards within the vicinity of the Winnipeg Airport and is intended to reduce the noise levels within residential buildings caused by airport flight traffic. The Airport Vicinity Acoustic Insulation By-law was modelled after regulations contained in the Alberta Building Code.

The Airport Vicinity Acoustic Insulation By-law 6419/94 was the companion document to the previous Airport Vicinity Protection Area Zoning By-law 6418/94. The Airport Vicinity Protection Area Zoning By-law 6418/94 was repealed and was included as Schedule D in the new Zoning By-Law No. 200/2006.

DISCUSSION:
The Airport Vicinity Protection Area Zoning By-law 6418/9 was intended to apply to new single-family, two-family and multi-family dwellings. However, in Schedule D of the Zoning By-law 200/2006 wording related to compliance with the Airport Vicinity Acoustic Insulation By-law, only new single-family and multiple-family dwellings are mentioned. The reference to two-family dwelling is an omission that needs to be corrected.

Schedule D of the Zoning By-law 200/2006 applies to specific residential buildings, whereas, the Airport Vicinity Acoustic Insulation By-Law 6419/94 applies to all residential and all institutional occupancies. It was intended that the acoustic insulation regulations should apply only to those new residential buildings outlined in the Zoning By-law. There is a conflict between the two regulations and this error needs to be corrected by amending the Airport Vicinity Acoustic Insulation By-law.

The Airport Vicinity Protection Area Zoning By-law 6418/94, which is now repealed, also contained a Schedule A, which is a map of noise contours. The map is needed in the application of the acoustic insulation by-law and must be incorporated into that by-law.

The proposed by-law changes are intended to correct the omission of the two-family dwelling in the Zoning By-law, correct the error in the types of residential occupancies to which the acoustic insulation by-law is to apply and include the noise contour map in the acoustic insulation by-law.

KEY ISSUES

- The new Zoning By-law Schedule D inadvertently left out two-family dwellings as buildings subject to the Airport Vicinity Acoustic Insulation By-law.
- The Airport Vicinity Acoustic Insulation By-law was adopted in 1994 and has errors that conflict with the Zoning By-Law.
- The noise contour map from the old Zoning By-law, which has been repealed, needs to be incorporated into the acoustic insulation by-law.

IMPACT OF THE RECOMMENDATIONS

IMPACT	YES	NO	COMMENTS
Policy		**X**	
Regulatory		**X**	
Environmental		**X**	
Human Resources		**X**	
Financial		**X**	Within approved current and/or capital budget.
Legal (Contracts)		**X**	
Communications		**X**	
Council Priorities Direction		**X**	
Other, e.g. Organizational, community, etc. (Specify)		**X**	

FINANCIAL IMPACT

Financial Impact Statement

Date: March 27, 2009

Project Name:

AMENDMENTS TO THE ZONING BY-LAW AND THE AIRPORT VICINITY ACOUSTIC INSULATION BY-LAW

COMMENTS:

The recommendations contained in this report are that Council amend the Zoning By-law 200/2006 and the Airport Vicinity Acoustic Insulation By-law No. 6419/94 to correct errors and omissions.

There are no financial implications associated with these recommendations.

"Original Signed By"
Mike Ruta, FCA
Chief Financial Officer

CONSULTATION

In preparing this Report there was consultation with:

Legal Services Division, Corporate Services

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Development and Inspections Division
Prepared by: Julian Saj, Manager of Development and Inspections
File No.

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ATTACHMENT A

THE CITY OF WINNIPEG

BY-LAW NO. /2009

A By-law of THE CITY OF WINNIPEG to amend the Zoning By-Law No. 200/2006 and the Airport Vicinity Acoustic Insulation By-Law No. 6419/94

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

Zoning By-Law amended

1 Subsection 3(4) of Schedule D of the Zoning By-Law No. 200/2006 is amended by adding "*two-family*" immediately after "*single-family*".

Airport Vicinity Acoustic Insulation By-law amended

2(1) The Airport Vicinity Acoustic By-Law No. 6419/94 is amended by this section.

2(2) Subsection 2.1 is repealed and the following is substituted

Subsection 2.1 Scope *This By-Law applies to all new residential one-family, two-family and multi-family dwellings to be constructed, subject to acoustic insulation requirements, within an airport vicinity protection area as defined and outlined in the Zoning By-Law.*

2(3) Subsection 2.1 is amended by

(a) repealing the definition *"AVPA regulation"*; and

(b) repealing the definition "*Noise contour"* and substituting the following:

Noise contour *means the value of the noise exposure forecast or the noise exposure projection at a particular building site as shown on the map attached hereto and shown as Schedule A to this By-law.*

2(4) Clause 3.1.2 is repealed and the following is substituted

3.1.2 Acoustic Insulation Factor

(1) The building shall be designed and constructed so that the acoustic insulation factor for each component of the exterior envelope of every room or space used for sleeping shall not be less than the value derived from Table 3.1.A

(2) The building shall be designed and constructed so that the acoustic insulation factor for each component of the exterior envelope of every living room, dining room, recreation room and all other rooms of a similar nature shall not be less than the value derived from Table 3.1.B.

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(3) The building shall be designed and constructed so that the acoustic insulation factor for each component of the exterior envelope of every kitchen, bathroom, laundry room and all other rooms of a similar nature shall not be less than the value derived from Table 3.1.C.

2(5) Table 3.1.B is amended by striking out "*classrooms*" in the title box.

2(6) Table 3.1.C is amended by striking out "*Private offices, conference rooms, meeting rooms, etc*" in the title box.

2(7) The map identified as Schedule A to this By-law is added as Schedule A at the end of the Airport Vicinity Acoustic By-Law No. 6419/94 and forms part of that By-law.

DONE AND PASSED, in Council assembled, this day of , 2009.

_____
Mayor

_____
City Clerk

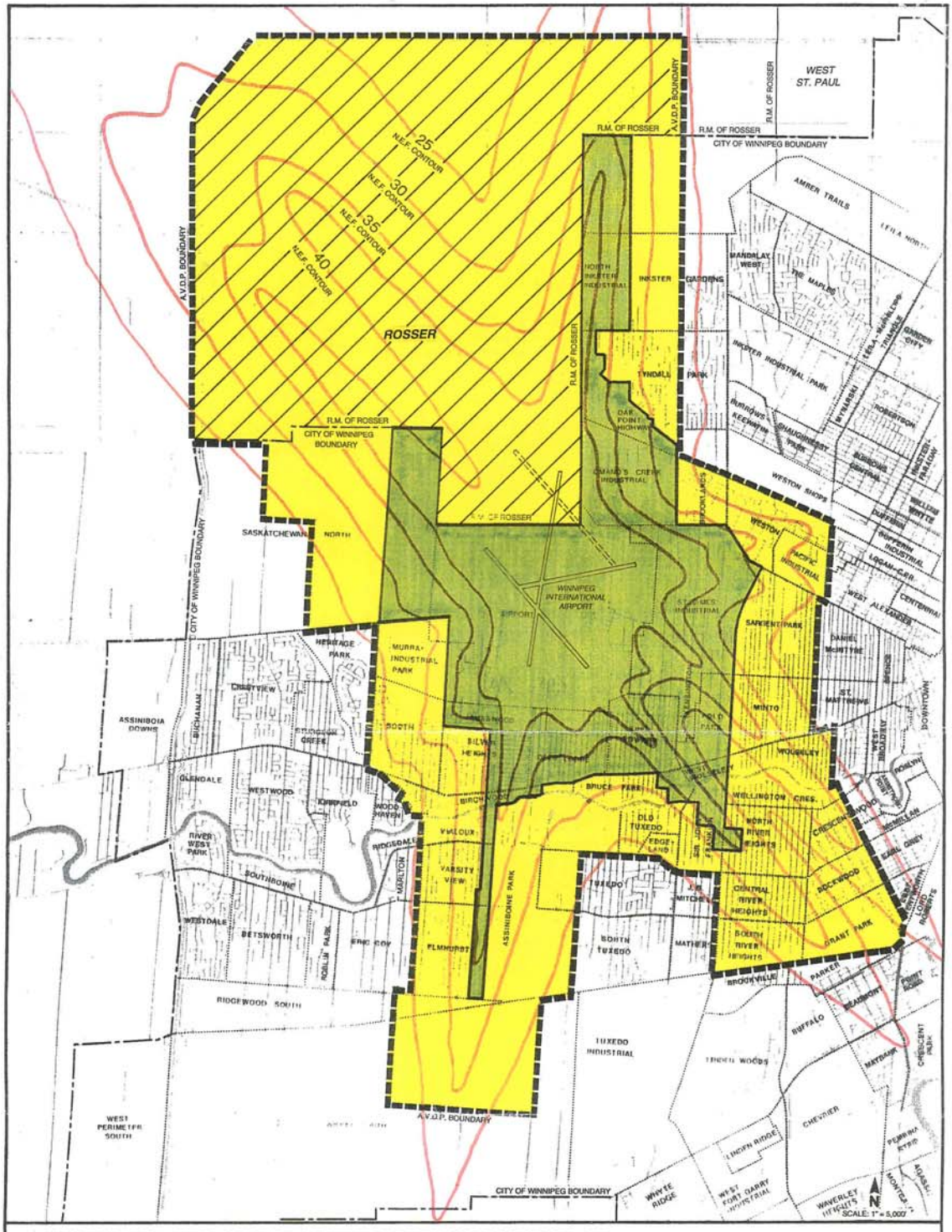
Approved as to content:

_____
Director of Planning, Property
and Development

Certified as to form:

_____
for Acting City Solicitor/Manager of
Legal Services

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WINNIPEG AIRPORT VICINITY DEVELOPMENT PLAN
AIRPORT VICINITY PROTECTION AREA BOUNDARIES

- A.V.D.P. BOUNDARY
- NEIGHBOURHOOD CHARACTERIZATION BOUNDARY
- NOISE EXPOSURE FORECAST CONTOUR
- CITY OF WINNIPEG BOUNDARY
- AREA I
- AREA II (JURISDICTION INCLUDES RURAL MUNICIPALITY OF ROSSER AND CITY OF WINNIPEG)
- RURAL MUNICIPALITY OF ROSSER CONTAINED WITHIN THE AIRPORT VICINITY PROTECTION AREA

Schedule A to By-law No. 6418/94

CITY OF WINNIPEG — PLANNING DEPARTMENT



By-law 6418 94
Map.pdf

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