Amendments to City By-laws & Policies Resulting from the AVPA Regulation

January 19, 2022

Winnipeg

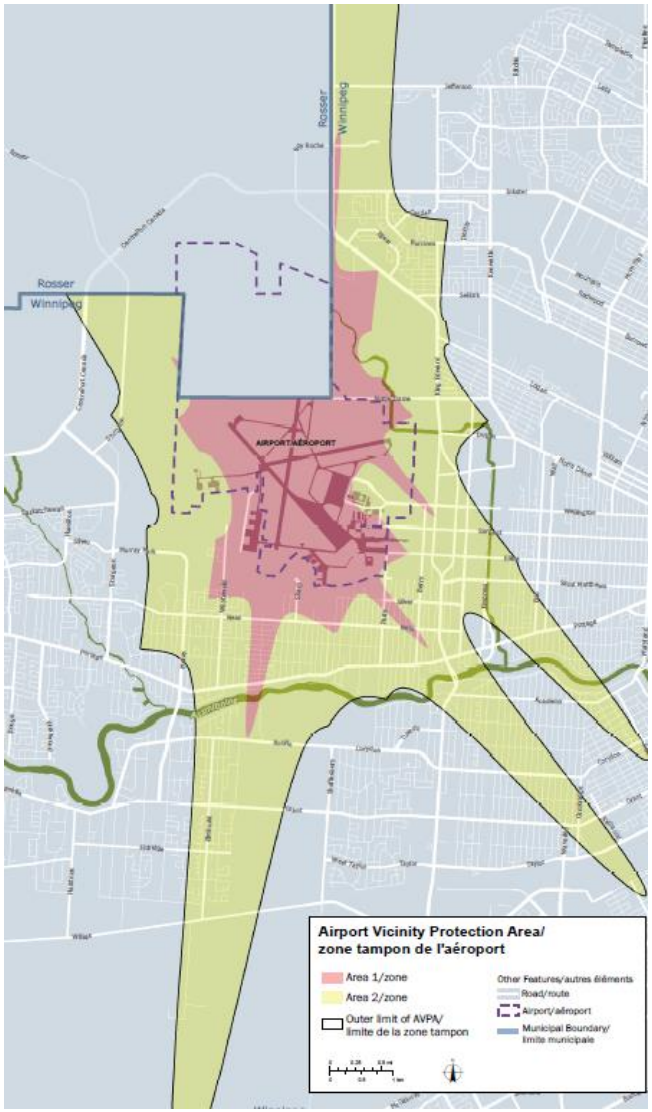
Amendments to City BLs & Policies from AVPA

Overview

- Background
  - Provincial AVPA Regulation
  - Pre-Provincial AVPA Regulation Structure
  - Similarities and Differences between Regulation and By-laws
- Report Recommendations
  - Mandatory
  - Ensuring Consistent Governance with Regulation
- Summary

Amendments to City BLs & Policies from AVPA

Background – Provincial AVPA Regulation

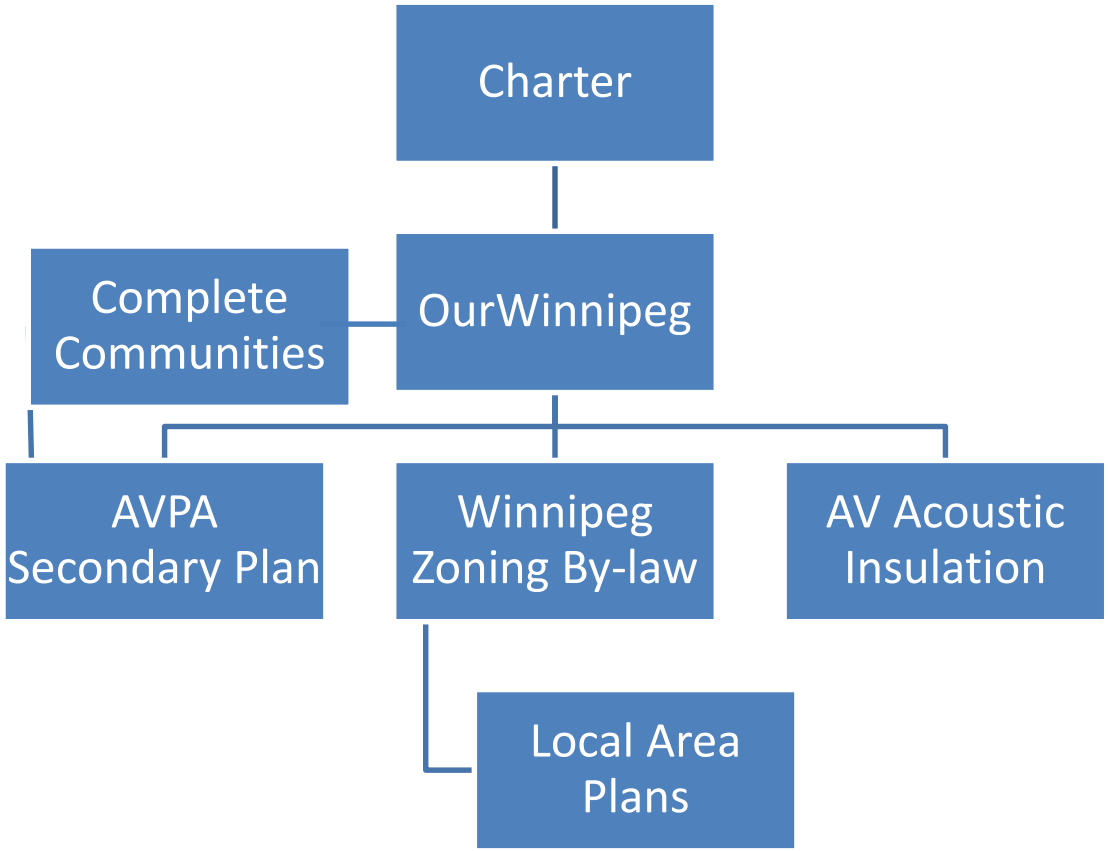


- Adopted by Province Aug. 12, 2021 pursuant to Charter
- Overrides the City by-laws to the extent of any inconsistency
  - In force and effect now
- Changed how development is regulated in the AVPA
- Requires City to amend its *OurWinnipeg &* zoning by-laws within 6 months of the Regulation coming into force and effect (e.g., by no later than Feb. 12th)
- Resulting recommendations can be classified as:
  - Mandatory
  - Ensuring Consistent Governance with Regulation

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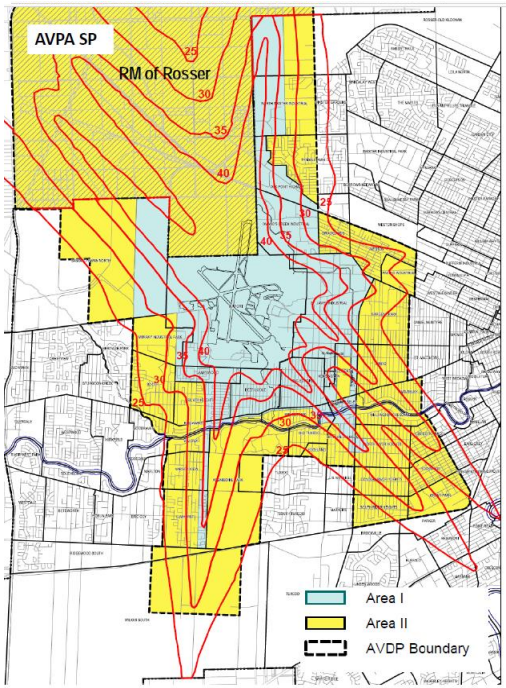
Amendments to City BLs & Policies from AVPA

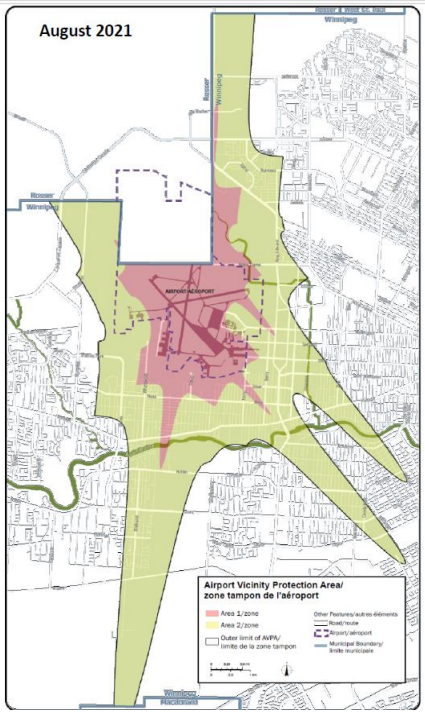
Pre-Provincial AVPA Regulation Structure



Amendments to City BLs & Policies from AVPA

Key Similarities Between Regulation and By-law(s)

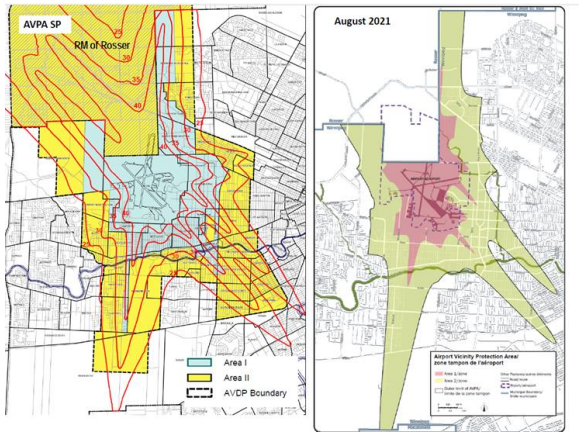




- Organized into Areas 1 and 2
  - Area 1 = most restrictive (replacement or minor infill only)
  - Area 2 = less restrictive
- Requirement to govern through *OurWinnipeg* and Zoning By-law
- Noise mitigation required

Amendments to City BLs & Policies from AVPA

Key Differences Between Regulation and By-law(s)



Area of dwelling	Noise levels (decibels)
Bedrooms	35 dB
Living room, dining room and recreation rooms	40 dB
Kitchen, bathroom, hallways and utility rooms	45 dB

- Area Affected
  - Area 1 of the AVPA Regulation covers 2,902 acres, or 36% of the Area 1 that was regulated under the City's previous Area 1 (7,972 acres)
  - AVPA Regulation Area 2 covers 9,100 acres, approximately 84% of the City's previous Area 2
- Noise Mitigation
  - AVPA Regulation requires new residential development to meet a decibel standard
  - Airport Vicinity Acoustic Insulation By-law includes a standard acoustic insultation factor
- Density
  - AVPA Regulation does not have a density provision in Area 2
  - AVPA Secondary Plan and Zoning By-law allow up to 35 du/acre; going beyond this requires a conditional use application

Amendments to City BLs & Policies from AVPA

Provincial AVPA Regulation – Mandatory Amendments

THE CITY OF WINNIPEG CHARTER
(S.M. 2002, c. 39)

Airport Vicinity Protection Area Regulation

AIRPORT VICINITY PROTECTION AREA

Airport vicinity protection area in Plan Winnipeg

3 Within six months after the coming into force of this regulation, council must establish an airport vicinity protection area in Plan Winnipeg that consists of the lands contained within the solid black line on the map in the Schedule to this regulation.

BY-LAWS

Plan Winnipeg by-law must be consistent with policies

8 The Plan Winnipeg by-law must be consistent with the policies set out in sections 5 to 7.

Zoning by-laws

9 Within six months after the coming into force of this regulation, council must enact a zoning by-law that ensures that the use of real property and development in the AVPA is consistent with the policies set out in sections 5 to 7.

- Requires City to amend its *OurWinnipeg &* zoning by-laws within 6 months of the Regulation coming into force and effect (e.g., by no later than Feb. 12th)

Amendments to City BLs & Policies from AVPA

Provincial AVPA Regulation – Mandatory Amendments

THE CITY OF WINNIPEG CHARTER
(S.M. 2002, c. 39)

Airport Vicinity Protection Area Regulation

APPLICATION

Application

10(1) This section applies during the period that begins when this regulation comes into force and ends when council has amended Plan Winnipeg in accordance with section 3 and enacts a zoning by-law that complies with section 9.

10(2) A decision on an application for subdivision or development on land within the AVPA must be made as if Plan Winnipeg had been amended and a zoning by-law had been enacted in accordance with this regulation.

- Overrides the City by-laws to the extent of any inconsistency
  - Already in force and effect
- No policy decision to be made; consistency with Regulation is mandatory
- Must be completed by February 12, 2022

Amendments to City BLs & Policies from AVPA

Provincial AVPA Regulation – Mandatory Amendments



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THE CITY OF WINNIPEG CHARTER
S.M. 2002, c. 39

CHARTE DE LA VILLE DE WINNIPEG
L.M. 2002, c. 39

ERRORS AND CORRECTIONS

Amendments for errors or corrections

276 Where council considers that a proposed amendment to a by-law passed under this Part is to correct an error or omission and does not prejudice the rights of any person, council may pass the amendment without

(a) giving notice of a hearing in respect of the proposed amendment;

(b) holding a hearing in respect of the proposed amendment; and

(c) receiving a report in respect of the proposed amendment from a hearing body.

- No policy decision to be made
  - Consistency with Regulation is mandatory
  - Already in force and effect
- Mandatory amendments (ie *OurWinnipeg* & ZBL) may pass per errors and corrections provisions of the Charter
  - Notification and public hearing not required
- Amendments to Complete Communities Direction Strategy also added to ensure consistency with mandatory changes to *OurWinnipeg* and the Zoning By-law
- Report to go to EPC, then Council

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Amendments to City BLs & Policies from AVPA

Provincial AVPA Regulation – Other Mandatory Amendments

- *OurWinnipeg* 2045
  - Given 2nd Reading and submitted to Province – requires updates to be consistent with the Regulation prior to 3rd Reading
  - Public Service will report back in 180 days or sooner with any next steps that may be required
- Complete Communities Direction Strategy 2.0
  - Subsequent amendments to CCDS 2.0 will be necessary to align with those amendments to OW 2045
  - Public Service will report back in 180 days or sooner with any next steps that may be required
- Minor Consequential Amendments to Local Area Plans
  - Amendments to PD-018: Local Area Plan - North Inkster Industrial Neighbourhood and PD-019: Local Area Plan - Taylor Redevelopment required to conform to mandatory updates to the Zoning By-law
    - PD-018 includes a reference to the density requirement in the ZBL that's not needed; deleting it is immaterial as it is only a reference
    - PD-019 states that the site falls in Area 2 of the PDO-1 Airport Vicinity, but under the Regulation it does not

Amendments to City BLs & Policies from AVPA

Provincial AVPA Regulation – Ensuring Consistent Governance



- Hearing to repeal AVPA Secondary Plan
  - Secondary Plan now redundant
  - Discretionary – not required by Regulation, hearing necessary
- Hearing to repeal density provisions of Zoning By-law
  - No supporting rationale to maintain these provisions
  - Discretionary – not required by Regulation, hearing necessary
- Public Hearing before SPC P&D,H&DD within 180 days per recommendation

Amendments to City BLs & Policies from AVPA

Provincial AVPA Regulation – Ensuring Consistent Governance

- Repeal, amend, or replace the Airport Vicinity Acoustic Insulation By-law No. 6419/94
  - Not expressly required by Regulation, but section 7 of Regulation renders it unenforceable
  - Site-specific noise exposure data required to enforce section 7 of Regulation; however Province has not produced this data
  - Engineering studies required by applicants in the interim
  - Public Service will need to consider and develop an approach to implement; may need to work with Province

- Report back to SPC P&D,H&DD within 180 days per recommendation
  - By-law remains in place and apply section 7 of the Regulation in accordance with the Province's evolving directions

Amendments to City BLs & Policies from AVPA

Summary of Recommendations

Mandatory

“Errors and Corrections” Amendments to Approve Before Feb. 12

- *OurWinnipeg* (for consistency with the AVPA Regulation)
- Winnipeg Zoning By-law (for consistency with the AVPA Regulation)
- Complete Communities (for consistency with *OurWinnipeg*)
- Council Policies (for consistency with the Winnipeg Zoning By-law)

Report back to SPC P&D,H&DD within 180 Days

- To ensure that *OurWinnipeg* 2045 and Complete Communities 2.0 are brought into conformity with the Regulation

Amendments to City BLs & Policies from AVPA

Summary of Recommendations (continued)

Ensuring Consistent Governance with Regulation

Public Hearing before SPC P&D,H&DD within 180 Days

- Amend Winnipeg Zoning By-law to remove any unit density requirements
- Repeal the Airport Vicinity Protection Area Secondary Plan By-law

Report Back to SPC P&D,H&DD within 180 Days

- On updating acoustic insulation requirements, including by repealing, amending, or replacing the Airport Vicinity Acoustic Insulation By-law

Thank you

Questions?

Winnipeg