Agenda – Council – December 15, 2022

Report – Executive Policy Committee – December 7, 2022

Item No. 21 Amendments to City By-laws resulting from the Provincial Airport Vicinity Protection Area Regulation Amendment

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2022, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That a by-law, a draft of which is attached as Schedule "A" to this report, be enacted to:

    A. Align certain City by-laws with the Airport Vicinity Protection Area Regulation; and

    B. Amend the OurWinnipeg 2045 By-law to correct an error.

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

Report – Executive Policy Committee – December 7, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2022, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: Amendments to City By-laws resulting from the Provincial Airport Vicinity Protection Area Regulation Amendment

Critical Path: Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
S. Rentz, J. Veitch	D. Brown, J. Kiernan	N/A	M. Jack

EXECUTIVE SUMMARY

On November 4, 2022, the Province of Manitoba amended the *Airport Vicinity Protection Area Regulation*, MReg 66/2021, (the "Regulation") that was originally adopted on August 12, 2021. The key amendment to the Regulation, as it pertains to City by-laws, includes the expansion of Areas 1 and 2 in the map provided in the Schedule to the Regulation.

As explained in the associated administrative report for By-law No. 11/2022, which was enacted by Council on January 27, 2022, the Regulation overrides the City's by-laws to the extent of any inconsistency. The by-law amendments being recommended by this report are required to align the affected by-laws with the Provincial amendments, since our by-laws as they currently exist are now technically incorrect. Therefore, the Public Service's view is that Council may enact the recommended amendments to the affected by-laws under the Errors and Corrections provisions (section 276) of the *City of Winnipeg Charter Act* (the "Charter"), thus allowing Council to bring these amendments into force and effect immediately without the need for a public hearing. Further, *OurWinnipeg 2045* ("OW2045") states that the Errors and Corrections provisions are to be followed for changes to the Schedule of the Regulation (see OW 2045, page 6).

By-laws affected by the amendment to the Regulation are: *OurWinnipeg 2045*; the *Complete Communities Direction Strategy 2.0* ("CCDS 2.0"), and the *Winnipeg Zoning By-law* ("the Zoning By-law"). However, the only material amendments required are updates to the Airport Vicinity Protection Area maps contained within those by-laws to align with the Schedule in the Regulation. The specific maps that require amendments are as follows:

OW 2045

- Appendix 1

CCDS 2.0

- Map C: Map of the Airport Vicinity Protection Area

Zoning By-law

- Airport Vicinity Protection Area Planned Development Overlay Map.

In addition to the amendments resulting from the Regulation, the Public Service is also recommending an amendment to correct an error contained in OW 2045, the result of a publication error that occurred at Third Reading. The Public Service is of the view that Council

also has the authority to enact this amendment under the Errors and Corrections provisions of the Charter.

RECOMMENDATIONS

1. That Council enact a by-law, a draft of which is attached as Schedule “A” to this report, to:

    A. align certain City by-laws with the Airport Vicinity Protection Area Regulation; and

    B. amend the OurWinnipeg 2045 By-law to correct an error.

2. 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

On November 4, 2022, the Province of Manitoba amended the *Airport Vicinity Protection Area Regulation* (the “Regulation”) that was originally adopted on August 12, 2021.

The amendment came into force and effect on the date of adoption and requires the City to update OW 2045 and the City of Winnipeg Zoning By-law 200/2006 within six months. In addition, CCDS 2.0 also requires an amendment to conform to the amended Regulation.

The Public Service is also bringing forward an additional amendment to OW 2045, to correct a publication error that occurred at Third Reading.

Council approval is required for by-law amendments.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no direct financial implications to the Recommendations of this report. The recommended by-law amendments are required to align the affected by-laws with the Provincial amendments to the Regulation.

HISTORY/DISCUSSION

On August 12, 2021, the Province adopted the Airport Vicinity Protection Area Regulation (“the Regulation”).

The Regulation, which was enacted pursuant to section 269 of the Charter, overrides the City’s existing Airport Vicinity Protection Area provisions to the extent of any inconsistency.

Sections 3, 8, and 9 of the Regulation required the City to amend its development plan (at the time, *OurWinnipeg* By-law No. 67/2010*)* and zoning by-law within six months of the Regulation coming into force and effect (e.g., by no later than February 12, 2022).

In addition to the mandatory amendments, a number of discretionary and consequential amendments were also necessary.

On January 27, 2022, Council adopted By-law No. 11/2022 via the Errors and Corrections provisions of the Charter, which amended *OurWinnipeg* By-law No. 67/2010, the *Complete Communities Direction Strategy* By-law No. 68/2010, and the Winnipeg Zoning By-law No. 200/2006 to conform to the Regulation.

On that same day, Council also adopted motions to address discretionary amendments, which required a public hearing, including the amendment to the density requirements in the PDO-1 Airport Vicinity of the Winnipeg Zoning By-law, and the repeal of the Airport Vicinity Protection Area Secondary Plan ("AVPA Secondary Plan").

On May 26, 2022, Council adopted OurWinnipeg 2045 ("OW 2045") and Complete Communities Direction Strategy 2.0 ("CCDS 2.0"). Both OW 2045 and CCDS 2.0 conformed to the Regulation.

On June 23, 2022, Council repealed the AVPA Secondary Plan and repealed the density requirements in the PDO-1 Airport Vicinity of the Winnipeg Zoning By-law to address outstanding discretionary amendments resulting from the Regulation.

On November 4, 2022, the Province of Manitoba amended the Regulation that was originally adopted in August 2021 (see Schedule B, attached).

The key amendment to the Regulation, as it pertains to City by-laws, includes the expansion of Areas 1 and 2 in the map provided in the Schedule to the Regulation (see Figure 1, below, for comparison).

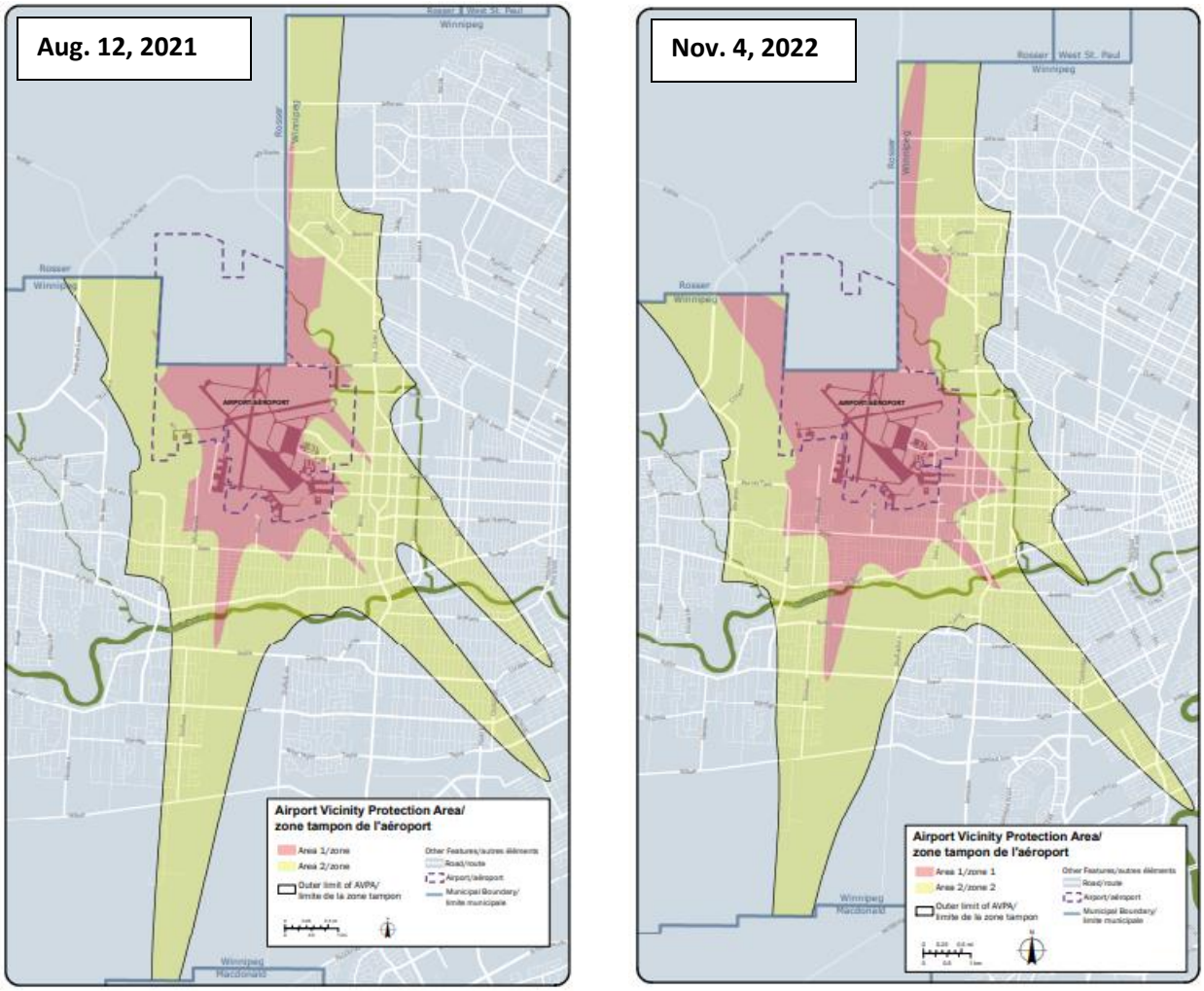


Figure 1: The Airport Vicinity Protection Area as adopted on August 12, 2021 (left) and amended on November 4, 2022 (right).

The by-law, attached as Schedule A to this report (the "By-law"), addresses the required amendments to OW 2045, CCDS 2.0 and the Zoning By-law to conform to the Regulation (as amended).

The recommended by-law amendments are required to align the affected by-laws with the Provincial amendments, as our by-laws as they currently exist are now technically incorrect. The Public Service's view is that Council may enact the recommended amendments to the affected by-laws under the Errors and Corrections provisions (section 276) of the *City of Winnipeg Charter Act* (the "Charter"), thus allowing Council to bring these amendments into force and effect immediately without the need for a public hearing. This follows the same process as By-law No. 11/2022, which was approved by Council on January 27, 2022.

Further, OW 2045 states that the Errors and Corrections provisions are to be followed for changes to the Schedule of the Regulation (see OW 2045, page 6).

The By-law also addresses a correction to OW 2045 resulting from a publication error that occurred at Third Reading, where wording for policy 6.35 was mistakenly duplicated under policy 6.34.

The correct wording for policy 6.34, which was adopted at Second Reading, is as follows:

> *6.34* ***Airport Area****.*
>
> *Designate the Airport Area within the Urban Structure, to support the role of the Winnipeg James Armstrong Richardson International Airport as a major transportation hub for passengers and cargo, support and protect the role and 24-hours-a-day, seven-days-a-week operational status, and its realization as a major economic centre for goods distribution, manufacturing, and airport-related commercial and employment activity.*

This amendment can also be processed under the Errors and Corrections provisions of the Charter.

FINANCIAL IMPACT

Financial Impact Statement

Date: November 23, 2022

Project Name:

Amendments to City By-laws resulting from the Provincial Airport Vicinity Protection Area Regulation Amendment

COMMENTS:

There are no direct financial implications associated with this report.

Mike McGinn Nov. 23, 2022
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with: N/A

OURWINNIPEG POLICY ALIGNMENT

6.35 Airport Vicinity Protection Area Regulation

In order to maintain compatible land use relationships, accordingly regulate and amend, if necessary, land use and building regulations for all those neighbourhoods or portions thereof significantly affected by airport related noise in conformity with the Airport Vicinity Protection Area Regulation, M.R. 66/2021 and any successor to that regulation. LG, EP

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Legal Services and Planning, Property & Development
Prepared by: S. Rentz, Solicitor and R. Kostiuk, Senior Planner
Date: November 23, 2022

ATTACHMENTS:

Schedule A – Draft Amending By-law

Schedule B – Airport Vicinity Protection Area Regulation, amendment