

# FactSheet

## The City of Winnipeg Charter Amendment & Planning Amendment Act

- The goal of the legislation is to streamline land use planning, remove unnecessary administrative burdens on the City of Winnipeg, property owners, and the court system and modernize building inspection processes in Winnipeg.
- These changes are a priority for the Government of Manitoba and support recommendations of the 2019 Treasury Board Review of Planning, Zoning and Permitting in Manitoba, and build on the previous legislation under The Planning Amendment and City of Winnipeg Charter Amendment Act that passed on May 20, 2021 (commonly referred to as bill 37).
- The Department of Municipal Relations is committed to ongoing engagement with stakeholders on the implementation of these changes to build a solid foundation for economic success in Manitoba.

### Key highlights of the Legislation are as follows:

#### 1. STREAMLINING LAND USE PLANNING

##### *Planning Timelines*

Establishing timelines on planning processes ensures timely decision-making and provides greater certainty needed for development and investment.

The following new changes complement existing timelines in The City of Winnipeg Charter and The Planning Act:

- Statutory timelines for application processing and planning appeals are clarified and can be extended with the agreement of the applicant.
- Planning authorities have an additional 30 days on the longest applicable timeline when holding combined hearings on two or more planning applications.
- Planning authorities have 20 days to determine if an application is complete, which applies to the following applications:
  - an amendment to development plan
  - an amendment to a secondary plan
  - an amendment to a zoning by-law
  - an amendment to a development agreement
  - an application for approval of a variance
  - an application for approval of a conditional use of land

- an application for approval of or amendment to a plan of subdivision
- The timeline to file an appeal with the Municipal Board of subdivisions, aggregate quarries, and large-scale livestock operations is reduced from 30 days to 14 days under The Planning Act to align with other appeal timelines.

### ***Secondary Plans in Winnipeg***

A key objective is to create greater clarity and transparency around secondary plan processes in the City of Winnipeg (The City):

- The City may require secondary plans to be prepared and submitted by a property owner before certain applications made by the owner for adoption, or amendment to, a zoning by-law or approval of a plan of subdivision are considered.
- The City can only require a secondary plan if it has adopted a by-law that sets consistent rules on when a secondary plan is required and what the requirements of a secondary plan are.
- The by-law addressing secondary plans must:
  - specify the manner for determining the appropriate boundaries of the neighbourhood, district or area to be subject to a proposed secondary plan submitted by an owner of real property;
  - set out maps to be included and the statements of objectives and issues that a proposed secondary plan submitted by an owner of real property must address;
  - specify the format to be used for a proposed secondary plan submitted by an owner of real property; and
  - set out the criteria to be used for determining when a proposed secondary plan submitted by an owner of real property is sufficiently complete and ready for further consideration.
- Property owners (applicants) required by the City to prepare a secondary plan must engage the services of a professional planner and consult with the City to draft the plan.
- The City has 20 days to determine if a secondary plan is required or not in accordance with the by-law when a development application is received.
- After receiving a secondary plan from an applicant, the City has 20 days to determine if the plan meets the by-law requirements and what, if any, information or content is missing from the plan.
- Council has 150 days to make a decision on a secondary plan prepared by an applicant.
- The City must adopt a secondary plan using the same process as a zoning by-law.
- A secondary plan that was previously adopted by the City by means other than a by-law process, are still considered valid.
- Property owners may appeal missed timelines and Council decision on an applicant prepared secondary plan to the Municipal Board.

### **Other Updates:**

The proposed bill clarifies and updates key terms and definitions, including:

- Updates the hearing notification requirements for planning applications in the City of Winnipeg to make it more consistent with the rest of the province.
- Updates outdated terminology by replacing 'Plan Winnipeg' with 'Development Plan' and 'Permit' with 'Development Permit'. This is consistent with the rest of the province.
- Updates terms 'rejected' and 'refused' where appropriate. Generally, the term 'refuse' applies when an application is inconsistent with local by-laws or if information is missing. Whereas, 'rejection' is a decision of council on a completed planning application.
- Clarifies that Winnipeg Zoning by-laws must be consistent with its Development Plan and applicable secondary plans to align with the rest of the province.
- Clarifies that development permits are required for any development in Winnipeg, making it consistent with all other municipalities.
- Under The Planning Act, the expiry of an approved variance can be extended for an additional year for a maximum of three years, to align with the expiry of approved conditional uses and with the City of Winnipeg Charter.

## **2. REDUCING RED TAPE IN WINNIPEG**

- This bill will alleviate unnecessary administrative burdens on the City of Winnipeg, property owners and the court system, which aligns with key government mandates to reduce red tape.
- The amendments will remove outdated and duplicative auditing measures regarding the Sinking Fund Trustees of the City of Winnipeg, remove the requirement for a duplicative step to approve the removal or demolition properties in tax arrears, and remove red tape around substitutional service provisions for compliance/demolition orders.
- These changes align with the work of the City of Winnipeg-Government of Manitoba Collaboration Table.

## **3. MODERNIZING BUILDING AND FIRE INSPECTIONS IN WINNIPEG**

- This bill will amend the City of Winnipeg Charter to enable the City the option to appoint designated officials (third parties) to conduct building and fire inspections.
- The proposed amendments will align the City of Winnipeg with other municipalities in Manitoba.