

<b>Land Use Planning Guide</b>	Community Management Series	
	Effective Date	November 2006
	Revision Date	January 2019
	Page Number	Page 1 of 14

## **Why Plan – Nothing Ever Happens**

In your community, it may seem that nothing ever happens, but then suddenly an issue arises and everyone is in an uproar, because no one is ready for it. The reason no one is ready is the community does not have a development plan to deal with these questions.

- What would you like to have in your community for your children and grandchildren when they grow up?
- How do you deal with a smelly noisy trucking operation outside your back door when you are trying to sleep at night?
- Is the water from the community streets draining into and effecting the community water supply?
- A mining company wants to build a new mine and is planning on bringing in 100 families. Where is the housing going to go?
- The provincial government wants to move the main road through the community, so it goes around the community. This will reduce the number of cars driving through the community, but also will reduce the number of persons stopping for a meal on their way through.

Community planning for development and land use is important. The bylaws, which are part of the plan, provide the framework for development to take place.

Development, large or small, affects your environment, your social and community life and perhaps even the way you make a living.

## **You Can Plan for Change**

Land use planning for change begins in the community. You and your neighbours are the people who know your community best. The Planning Act sets out a number of ground rules and processes to follow to ensure planning practices are consistent across the province. Within these rules and processes, planning is flexible and is designed to be adapted to your community conditions. The choice becomes yours.

## **Planning Partners**

In Manitoba, the government and communities are partners in planning. Provincial planners work with the provincial land use committee and the interdepartmental planning board to ensure provincial land use policies are applied fairly across the province. These policies are general guidelines which have been designed and adopted to protect, preserve and conserve land resources. Where there is no

development plan in effect, the provincial land use policies apply. These policies are also a standard by which to measure a development plan. Provincial planners and community planners are employed in different branches of Manitoba Municipal Relations.

Community planners work with community councils. They provide councils with advice and technical assistance. They assist in gathering the background information necessary to help councils make good land use decisions. The community planning process is flexible and provides for residents input into the development plan. The planning process brings to light information on:

- land uses in the past, who and how
- current land uses, who and how
- potential land uses, where and how
- effects upon the land and the community
- potential impact on the life of the community and residents

## **Local Control**

Community planning is not a quick or easy process. Planning requires several steps and takes time. The result is implementation of a plan made by the community and controlled by the community.

### **Research**

The previous section identified a number of need to knows. The first of these needs is what happened in the past. What worked and what did not work? Were there businesses that operated for a while and then closed? Why did they close? What has been left behind from those businesses that may cause a problem today?

Then there is the question about the land itself. Is it good agricultural land? Is it forest land? Is there mining or quarry operations? What happens with the creeks and rivers or other bodies of water? What other resources are there that should be considered?

What is the make-up of the community? How are the houses and businesses located now? What community infrastructure is in place? How about transportation in and out of your community? What other access is there?

Who are your neighbours? A First Nation, a municipality, another community or only the birds and wildlife?

The community planner works with council to compile all this information in a form that helps community people understand it. There will be lots of words, but also some maps and pictures. This stage of the work is called the community planning background study.

## **Current Issues**

What are the concerns and issues that community people have? How can these issues be turned into a positive review to benefit the community and to highlight ideas for the future?

Some communities identify concerns through a planning round table process. The community planner can assist the council to hold one of these events in the community. In fact, this process may be a good way of ensuring community residents participate in the community planning process.

Examples of questions that may arise include:

- What is happening that may affect your water supply?
- What about all those cottagers down the road who want services from your community?
- Is there going to be a major economic development that requires support from your community?
- Is there a need for more housing in your community?
- Are the community recreation opportunities going to be restricted as a result of some development being considered in your area?
- If you develop your community in one direction, what happens to the cost of providing services when compared to another direction of development?

The community planner works with council to organize all this information in a form that helps the community residents understand the issues and gives them an opportunity to ask questions. This information is added to the community planning background study.

## **Community Policies**

Council now has information to start making decisions about the long-term development policies they wish to have in place. These policies will define how land is to be used for different purposes:

- residential areas
- commercial areas
- recreational areas
- industrial areas
- agricultural areas
- limited development areas

Based on the knowledge of the community planner, and the study, council can determine the best combination of land areas for current and future community development. Council can also determine the policies that should be in place to reflect the desires and concerns of the community residents. This document is called the development plan.

The process requires that when the development plan has been prepared, it must be adopted by bylaw and be given three readings. After the first reading, community residents, and others, have the opportunity to comment and to provide council with their concerns about the proposed development plan. Every effort should be made to be fair to all the people that may be affected by the process.

At the same time, the development plan is circulated to all Manitoba government departments for review and comment. All of these comments are then shared with the community planner and the council. As a result of the responses from the external parties review, some modifications or changes to the development plan may be required. These changes are made before council gives second reading of the bylaw.

If there are no objections, by residents or others, after the second reading, council can proceed to the third (final) reading. If there are objections, then the planning process requires that these objections be reviewed and, if possible, dealt with. It may not be possible to resolve all the objections.

After the bylaw has received a third reading, it must be registered in the bylaw registry office of Manitoba Indigenous and Northern Relations (INR). Thirty days after receipt, the bylaw comes into effect and is the basis for determining future development of the community.

The community needs to regularly review the development plan to ensure it reflects changes that may have taken place in the community. Normally, every five years is sufficient. Sometimes a developer may want to do something that requires review and change earlier than the normal five year review schedule. Council can deal with these requests by reviewing the development plan and making appropriate amendments using the same planning process.

## **Zoning Bylaw**

Now that council has a development plan in place, the question is “How to make it work?” The answer is a zoning bylaw.

Generally, at the same time council is preparing the development plan, council is also discussing how to make it work. Those decisions end up in the zoning bylaw.

The zoning bylaw contains all the day to day rules that residents and businesses will have to follow in building new structures, maintaining current structures or even taking down old structures. For example, a zoning bylaw may deal with:

- location and size of temporary structures
- size of front yards and side yards
- how high a fence may be
- number and location of vehicle parking spaces

The zoning bylaw specifies what types of land uses can be next to each other and what barriers should be between them. It identifies those land uses where special permission (conditional use) is required from council.

The purpose of zoning is to:

- ensure that change occurs according to the development plan
- help protect people's health and safety
- maintain quality of neighbourhood life and property values
- protect the environment by controlling development adjacent to water supplies, protecting historical sites, limiting amount and type of development in sensitive areas such as flood zones
- help to control the timing and rate of growth within the community which enables councils to provide municipal services economically

## **Administration**

Council will be responsible for carrying out the functions and duties required by the development plan and zoning bylaw. These include, among other items:

- reviewing applications for development
- issuing development permits
- checking developments for compliance with bylaws and permits
- reviewing subdivision plans and proposals
- confirming approval of subdivision plans and proposals
- setting permit fees

There is always a cost for administration of community policies and rules. For community planning issues, the community, as part of the process, may establish development permit fees as a way of covering some of those costs.

The council may appoint a person to be a development officer, whose job entails working with residents, businesses and developers to ensure cooperation and compliance with the development plan and zoning bylaw.

Development permits assure the department of Manitoba Growth, Enterprise and Trade and building inspectors that the proposed development meets the local bylaw requirements and that council has approved the development to proceed.

## **Subdivisions**

Subdivisions are one type of development within communities. Generally, subdivisions are residential lots for community housing, but they could also be for industrial or commercial lots or other purposes. The subdivision process requires that prior to approval; a subdivision must comply with a development plan bylaw and zoning bylaw.

Once the subdivision has been put in place and surveyed, then the zoning bylaw controls the individual details of house placement on the lots, side yards, fences, etc.

## **Development Plan**

INR, with the advice of a community planner, has produced a template (see Schedule A) for use by communities who are conducting community planning. The template includes the most likely types of land uses, policy concerns and issues, and policies. Because the template is a guideline, councils must review each item to ensure that it is adapted to what is best for your community. The community planner is also skilled in assisting council to make the appropriate changes to fit the community situation. Included are a sample table of contents and a map of land use districts.

## **Sample Zoning Bylaw**

A sample zoning bylaw is also included in the template detailing the requirements for different uses and the development of buildings and sites for the various zones which may be applied to a community. Included are a sample table of contents and a use table.

## **The Process**

- Review the past, present and future of your community to:
  - a) create policies for the future development of land
  - b) establish land use areas on a map
- Have an informal meeting with the community to describe the process and results.
- Give first reading to the development plan bylaw.
- Circulate the development plan bylaw to Manitoba government departments to get their responses to the policies and land use areas.
- Hold a formal public hearing (required by The Planning Act) to present the development plan bylaw and to get formal responses from the public, land owners, government, etc.
- Send to the minister of INR, if council gives second reading to the development plan bylaw after the formal public hearing:
  - a) a copy of the development plan bylaw
  - b) copies of all written representations from the hearing
- After 60 days, if the minister of INR does not send the development plan bylaw to the municipal board, council can give third reading.
- After 60 days, if the development plan bylaw goes to the municipal board, then 60 days after the board submits its report, council can give third reading.
- Make changes to the development plan bylaw before third reading, if changes are required to the bylaw by the board and confirmed by the minister of INR.
- File the development plan bylaw after third reading and it comes into force 30 days after filing.

# Schedule A: Development Plan Template

## Table of Contents

### **PART 1: INTRODUCTION**

1. Title
2. Statement of intent and purpose
3. Application to within boundaries
4. Division of Community into land use districts

### **PART 2: GENERAL DEVELOPMENT**

5. Concerns
6. Objective
7. Existing land use is permitted use
8. Crown lands
9. Existing rights to resources
10. Use and management of tourism resources
11. Undeveloped land to be zoned
12. Location of large new development
13. Developer to prepare site plan
14. Protection of historic or archaeological site
15. Development to be directed to vacant areas
16. Use of land that is subject to hazards
17. Development along certain shorelines
18. Protection of natural setting
19. Use with nuisance feature

### **PART 3: CENTRAL DISTRICT**

20. Concern
21. Objective

#### Residential Use and Development

22. Concerns
23. Objective
24. Residential use
25. Duty of community council
26. Large lot, unserviced residential development
27. Zoning bylaw to specify minimum lot size
28. Priorities re: permanent residential and mobile homes
29. No development in certain areas
30. Stock of land to be established
31. Sites to be available for development
32. Occupation conducted from residence
33. New residential development

#### Commercial Use and Development

34. Concerns
35. Objective
36. Commercial uses
37. Existing commercial facilities
38. Beautification of downtown area
39. New commercial development downtown
40. Highway commercial development
41. Restriction of new development

#### Industrial Use and Development

42. Concern
43. Objective
44. Industrial uses
45. Road access and minimal impact
46. Buffers
47. Diversion of truck traffic from downtown
48. Relocation of existing industrial uses
49. New industrial development

#### Public and Recreational Use and Development

50. Concerns
51. Objective
52. Public and recreational use
53. Public and institutional uses
54. Protection from incompatible uses
55. Encouraging outdoor facilities
56. Preservation of scenic areas
57. Residences
58. Lakes and shore areas
59. Recreational development
60. New recreational and institutional development

#### **PART 4: LIMITED DEVELOPMENT DISTRICT**

61. Concerns
62. Objectives
63. Uses in limited development district
64. Protection of resource harvesting
65. Retention of natural areas
66. Discouragement of certain new uses
67. New permanent residences
68. New limited development

#### **PART 5: ECONOMIC AND RESOURCE DEVELOPMENT**

69. Concerns



- 70. Objective
- 71. Consultation

## **PART 6: TRANSPORTATION AND ENGINEERING**

- 72. Concerns
- 73. Objective
- 74. Buildings without wastewater and water
- 75. Private sewage disposal in unserved area
- 76. Development near sewage lagoon or waste disposal ground
- 77. Development near South Indian Lake
- 78. Development in served areas
- 79. Roads and streets
- 80. Roads in plan of subdivision
- 81. Considerations in standards for public roads
- 82. Approval of drainage into ditch beside provincial road
- 83. Working with utility companies

## **PART 7: AGRICULTURE**

- 84. Concerns
- 85. Objectives
- 86. Policies
- 87. Intent of agricultural zones

## **PART 8: ADMINISTRATION**

- 88. Implementation of guidelines
- 89. Enactment of zoning bylaw
- 90. Development agreements
- 91. Furthering intent of development plan
- 92. Review of development plan
- 93. Interim development permits
- 94. Land District Maps

**Error! No topic specified.**

Byla

**Table of Contents**

**PART 1: ADMINISTRATION**

INTERPRETATION AND APPLICATION

1. Definitions
2. Implementation of zoning bylaw
3. Relation to other bylaws, codes or legislation

ADMINISTRATION

4. Responsibilities of council
5. Duties of owner
6. Owner must comply with bylaws
7. Appointment of development officer
8. Development officer's powers and duties
9. Requirement for development permit
10. Development permit not required
11. Application for development permit
12. Compliance with development permit
13. Withholding approval of development permit

CONDITIONAL USES

14. Basis of conditional uses
15. Existing conditional use
16. Owner may apply for conditional use or change in conditional use

NON-CONFORMING USES

17. Certificate of non-conforming use
18. Development of non-conforming parcel
19. Non-conformity may be altered by variation

VARIATION ORDERS

20. Application for variation order

AMENDMENTS TO ZONING BYLAW

21. Initiating an amendment

AREA AND YARD REQUIREMENTS

22. Required yard applies to occupied site without building
23. Yard not to be reduced below minimum for existing sites
24. Building not to reduce front yard requirement
25. Enlarged building or structure, reduced site area
26. Owner required to maintain minimum requirements
27. Yard not considered a yard for other building

28. Reduction of minimum site area or width

#### ACCESSORY BUILDINGS, STRUCTURES AND USES

29. Accessory buildings, structures and uses

30. Accessory buildings

31. Requirements for home occupations

#### SPECIAL CONDITIONS

32. Site of accessory off street parking and loading

33. Placement of signs

34. Bylaw does not apply to certain structures

35. Public monuments

36. Existing uses

37. Public utilities, works and services

38. Moving building from one zone to another

39. New building to have approved grade and site drainage

40. Road frontage

41. No building on land designated for road

42. Time for connection of utility to new building

43. Certain party wall buildings may be subdivided for sale

44. Building, structure or use in proximity to waterways and water bodies

45. Issuance of occupancy permit

46. Requirements re: home day care

#### FEES AND ZONING MAPS

47. Fee schedule by bylaw

48. Fee not paid

49. Zoning maps

50. Fractions to be rounded

#### **PART 2: URBAN ZONES**

51. Urban District Zones permitted

#### RESIDENTIAL ZONES

52. Land designated for residential uses

53. Number of dwelling units in residential zone

54. Accessory buildings, structures and uses

55. Additional accessory buildings and structures in mobile home zone

56. Air exchangers

57. Items permitted in required yard

58. Corner yard and side yard for off street parking

59. Application to develop multiple family dwelling

60. Mobile home to meet standards

61. Mobile home park development

62. Requirements for home occupation

63. Residential use and bulk requirements

**CENTRAL DEVELOPMENT ZONE**

- 64. Land designated for central development use
- 65. Residential accessory buildings, structures and uses
- 66. Number of principal buildings
- 67. Multiple unit building
- 68. Corner yards and side yards for parking
- 69. Items permitted in required yard for residential use
- 70. Permitted projection into side yard
- 71. Items permitted in side yards
- 72. Multiple family dwelling development
- 73. Permitted, conditional uses and bulk requirements
- 74. Minimum site areas

**COMMERCIAL AND INDUSTRIAL ZONES**

- 75. Land designated for commercial and industrial uses
- 76. Accessory industrial buildings, structures and uses
- 77. Multiple buildings
- 78. Permitted development in required yards
- 79. Change in parking with change in building or use
- 80. Minimum requirements
- 81. Attached accessory dwelling unit
- 82. Bulk fuel, and propane uses
- 83. Permitted, conditional uses and bulk requirements
- 84. Maximum site coverage
- 85. Building adjacent provincial road or trunk highway
- 86. Fuel pumps and fixtures

**PUBLIC AND RECREATIONAL ZONE**

- 87. Land designated for public and recreational uses
- 88. Public and recreational accessory buildings, structures and uses
- 89. Number of spaces determined by council
- 90. Permitted, conditional uses and bulk requirements

**PART 3: LIMITED DEVELOPMENT ZONE**

- 91. Land designated for limited development
- 92. Accessory buildings, structures and uses
- 93. Criteria to assess application for conditional use
- 94. Permitted and conditional uses and bulk requirements

**PART 4: SCHEDULES**

- A. General zoning map
- B. Limited development zone map
- C. Tables 1 to 8

TABLE 2 - Residential Uses and Bulk Requirements

Permitted = Conditional Uses =	ZONES	SITE AREA sq. ft	SITE WIDTH ft	FRONT YARD ft	SIDE YARD ft	REAR YARD ft	
Accessory buildings, structures and uses	P	R,RMH	N/A	N/A	N/A	4 4	
Boarding and Lodging Houses	C	R	20,000	100	15	15 20	
Day Care Home	P	R	6,000	60	25	7 20	
Day Care Centre	C	RMH	4,000	40	20	5 20	
		R	7,500	100	25	7 20	
Dwellings							
Single-Family	P	R	6,000	60	25	7 20	
Two-Family	P	R	8,000	80	25	7 20	
Multiple-Family	C	R	10,000	100	15	15 25	
Mobile Homes	P	RMH	4,000	40	20	15 20	
Existing Uses	P	R, RMH	see section 36				
Parks and Playgrounds	P	R, RMH	3,000	20	10	10 10	
Personal Care Homes	C	R	10,000	100	15	15 25	
Public Utilities	P	R, RMH	see subsection 37(1)				
Residential Care Facility							
Four or Fewer Persons	P	R	6,000	60	25	7 20	
More than Four Persons	C	R	8,000	80	25	7 20	
Half-Way House	C	R	10,000	100	15	15 25	