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Community Land Use Planning

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 “community land use 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 affecting 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?
- Highways 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 by-laws, 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.

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Planning Partners...

In Manitoba, the province 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. Provincial Land Use Policies are general guidelines which have been designed and adopted to protect, preserve and conserve land resources. Where there is no community or municipal planning by-law in effect, then the Provincial Land Use Policies apply. These policies are also a standard by which to measure community planning by-laws. Provincial planners and municipal planners are employed in different branches of Manitoba Intergovernmental Affairs and Trade.

Municipal 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 municipal planning process is flexible and provides for residents' input into the community land use plans. 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. The steps involved are:

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?

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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 Municipal 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 Municipal 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?
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The Municipal Planner works with council to organize all this information in a form that helps the community people understand the issues and will give 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 Municipal Planner, and the Development Plan Template, 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 “Community Development Plan By-law”.

The process requires that when the by-law has been prepared, it must have 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 policies. Every effort should be made to be fair to all the people that may be affected by the process.

At the same time, the “Community Development Plan By-law” is circulated to all government departments for review and comment. All of these comments are then shared with the Municipal Planner and the council. As a result of the responses from the external parties review, some modifications or changes to the plan may be required. These changes are made before council gives the by-law its 2nd reading.

If there are no objections, by residents or others, after the 2nd reading, council can proceed to the 3rd (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.

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After the by-law has received a 3rd reading, it must be registered in the By-law Registry Office of the department. Thirty days after registry, the by-law comes into effect and is the basis for determining future development of the community.

The community needs to regularly review the by-law to ensure that 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 plan and making appropriate amendments using the same planning and by-law process.

Zoning By-law ...

Now that council has a community development plan by-law in place, the question is “How to make it work?” The answer is another by-law, called a “Zoning By-law”.

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 by-law.

The zoning by-law 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 by-law 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 by-law 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.

- Zoning ensures that change occurs according to the development plan.
 - Zoning can help protect people’s health and safety.
 - Zoning can maintain quality of neighbourhood life and property values.
 - Zoning can protect the environment by controlling development adjacent to water supplies, protecting historical
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sites, limiting amount and type of development in sensitive areas such as flood zones.

- Zoning can 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 and zoning by-laws. These include, among other items:

- review of applications for development;
- issue of development permits;
- checking developments for compliance with by-laws and permits;
- review of 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 by-laws.

Development permits assure Manitoba Labour and building inspectors that the proposed development meets the by-law 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 lots, or commercial lots or other purposes. The subdivision process requires that prior to approval; a subdivision must comply with a community development plan by-law. Once the subdivision has been put in place and surveyed, then the community zoning by-law controls the individual details of house placement on the lots, side yards, fences and so on.

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Community Development Plan Template

The department, with the advice of a municipal planner, has produced a “Template” 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 municipal planner is also skilled in assisting council to make the appropriate changes to fit the community situation. Attached are samples of a Table of Contents and a Map of Land Use Districts.

Sample Zoning By-law

A sample zoning by-law is also available and includes regulations detailing the requirements for different uses and the development of buildings and sites for the various Zones which may be applied to a community. Attached are samples of a 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

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 - Have an informal meeting with the community to describe the process and the results.

↓
 - Give 1st reading to the Development Plan by-law.

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 - The By-law is then circulated to Government Departments to get their responses to the policies and land use areas.

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 - Council then holds a formal public hearing (required by The Planning Act) to present the by-law and to get formal responses from the public, land owners, government, etc.

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- If Council gives 2nd reading to the By-law after the formal public hearing, they then send to the minister:
 - a) A copy of the by-law
 - b) Copies of all written representations from the hearing

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- 60 days later, if the Minister does not send the by-law to the Municipal Board, Council can give 3rd reading.

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- If the By-law goes to the Municipal Board then 60 days after the Board submits its report, Council can give 3rd reading. If changes are required to the by-law by the Board and confirmed by the Minister then they must be made to the By-law before 3rd reading.

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- After 3rd reading the by-law must be filed and it comes into force 30 days after filing.

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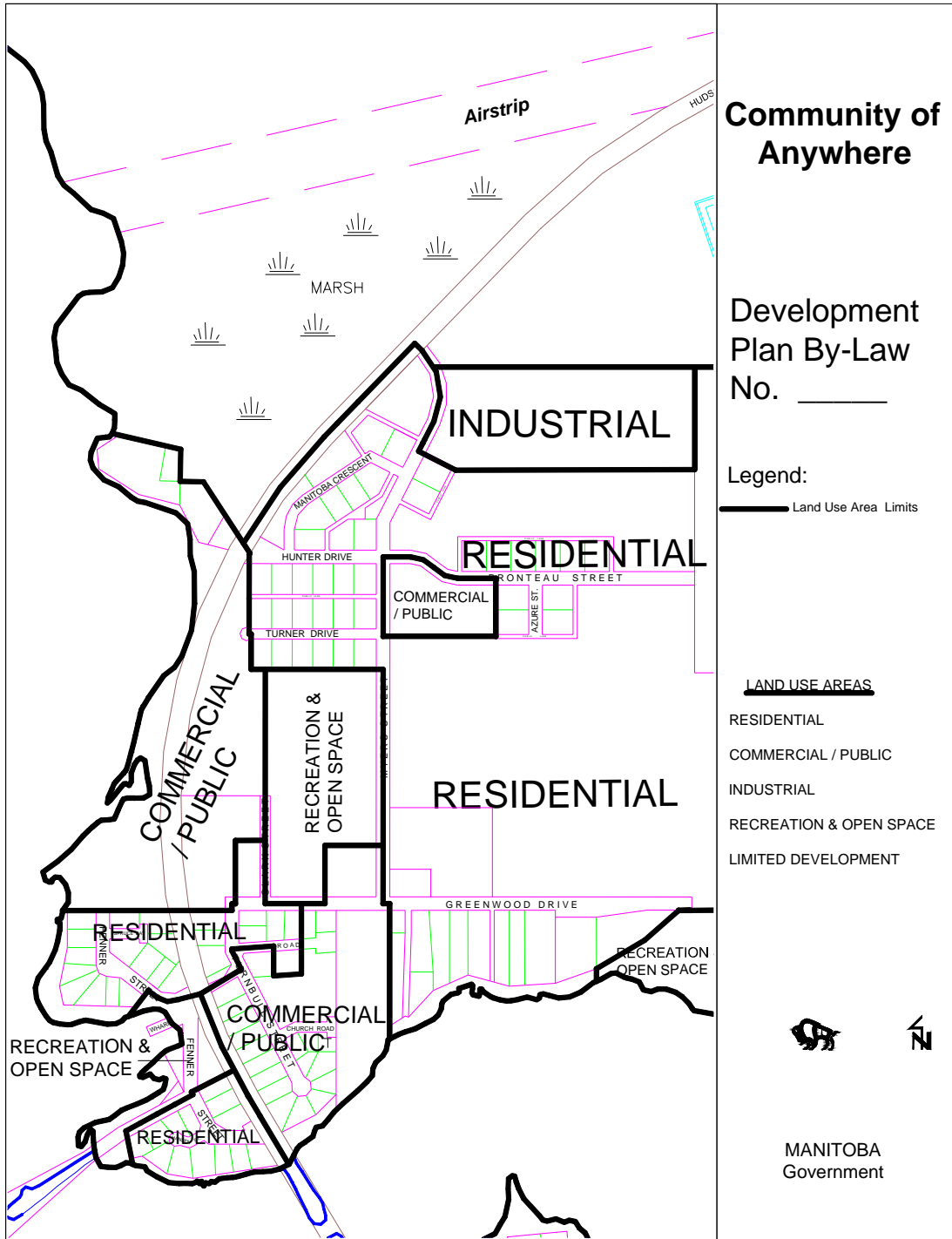
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Permitted = Conditional Uses =	ZONES	SITE AREA sq. ft	SITE WID TH ft	FRO NT YAR D ft	SIDE YAR D ft	REA R YAR D ft	
Accessory buildings, structures and uses	P	R,RM H	N/A	N/A	N/A	4	4
Boarding & Lodging Houses	C	R	20,000	100	15	15	20
Day Care Home	P	R	6,000	60	25	7	20
		RMH	4,000	40	20	5	20
Day Care Centre	C	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 section 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