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# Guide to Zoning By-Laws in Manitoba

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Presentation to AMM Convention

November 24, 2015



# Project Team & Committee

## Project Team

- HTFC Planning & Design
- McCandless Tramley
- Fotenn Planning & Urban Design

## Steering Committee (MMG)

- David Neufeld
- Peter Andersen
- Grant Melnychuk
- Myra Cruz Arado

# Project Background

## History

- *Template Zoning By-Law for Municipalities in Rural Manitoba (1999)*
- For “first-generation” zoning
- Need for new *Municipal Planning Guide for Zoning By-laws in Manitoba*

# Project Scope

- Practical guidance on the role and function of zoning
- Meets needs of rural areas & smaller urban municipalities in MB
- Primary audience of municipal officials
- Also for the public and development community



Top: Morden (Morden Tourism, 2015) and  
Bottom: Steinbach (Steinbach Online, 2014)

# Project Objectives

- A simplified approach to uses & zones
- Predictability & transparency
- Enforceability
- Follows best practices in zoning
- Complies with legislation
- Implements Provincial policy goals for community development & land-use planning

# Timeline

TASK	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
Project Start Up	RESEARCH & WRITING							
Research	RESEARCH & WRITING	RESEARCH & WRITING						
Consultation with Stakeholders	STAKEHOLDER CONSULTATION & PRESENTATIONS	STAKEHOLDER CONSULTATION & PRESENTATIONS	STAKEHOLDER CONSULTATION & PRESENTATIONS					
Stakeholder Workshop - June 10			STAKEHOLDER CONSULTATION & PRESENTATIONS					
Guide Draft #1			RESEARCH & WRITING	STEERING COMMITTEE MEETING				
Stakeholder Report-back					STAKEHOLDER CONSULTATION & PRESENTATIONS			
Revisions					RESEARCH & WRITING	RESEARCH & WRITING	RESEARCH & WRITING	RESEARCH & WRITING
Guide Draft #2							STEERING COMMITTEE MEETING	
Present at AMM Convention								STAKEHOLDER CONSULTATION & PRESENTATIONS
Submit Completed Guide								STEERING COMMITTEE MEETING



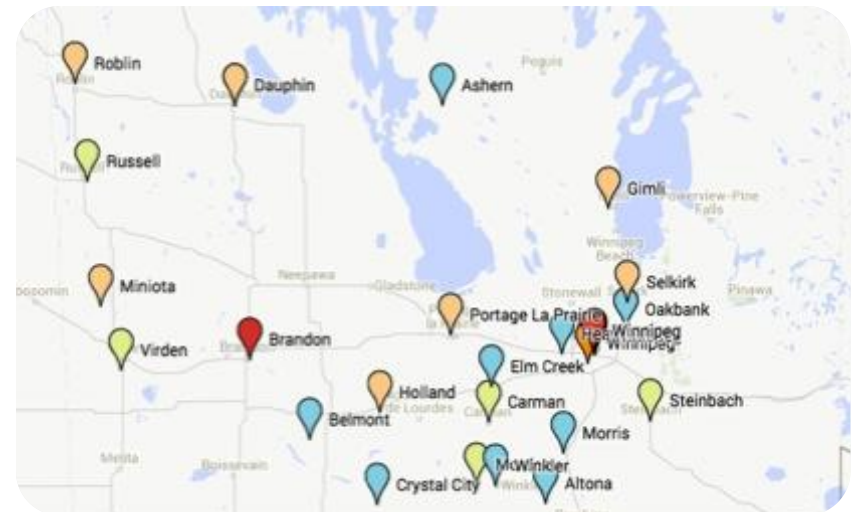
**RESEARCH & WRITING**

**STAKEHOLDER CONSULTATION & PRESENTATIONS**

**STEERING COMMITTEE MEETING**

# Stakeholder Consultation

- Municipal & Planning District Officials
- Steering Committee
- Community Planning Regional Managers
- Other Provincial Departments
- Planning Consultants



# What we heard

## Clear. Short. Simple.

- Understandable
- More consistently organized
- Shorter (less pages)
- Include illustrations
- Adaptable for local context & needs



# What we heard

## Get the fundamentals right

- Concepts, terminology
- Principles
- Procedures
- Roles & responsibilities
- Rules that are easy to enforce

# What we heard

## Consistent but Adaptable

- Greater consistency across the province
- Adaptable to local circumstances and priorities
- Provide options on different styles of tables, etc.

MUNICIPAL PLANNING GUIDE FOR  
ZONING BY-LAWS IN MANITOBA

# THE GUIDE

# Project Background

3 components to the *Guide*:

**A. Introduction To Zoning**

**B. Reference Binder**

**C. Plug-In Zoning Tools**

# INTRODUCTION TO ZONING

# INTRODUCTION TO ZONING

## COMPONENT A

# Topics

1. Introduction
2. Requirements of a Zoning By-Law
3. Adopting & Amending a Zoning By-Law
4. Administration & Enforcement
5. Definitions

*COMPONENT A*  
*INTRODUCTION TO ZONING*

MUNICIPAL PLANNING GUIDE FOR ZONING BY-LAWS IN MANITOBA

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## Table of Contents

PREFACE.....	ii
<b>PART 1: Introduction .....</b>	<b>1</b>
The Purpose of Zoning.....	1
Why Use Zoning?.....	1
What is a Zoning By-law?.....	1
Contents of a Zoning By-Law .....	3
Roles and Responsibilities.....	4
<b>PART 2: Requirements of a Zoning By-law .....</b>	<b>7</b>
1. Dividing the Area into Zones .....	7
2. Prescribing Permitted & Conditional Uses .....	14
3. Establishing a System of Development Permits and Procedures for local development approval.....	21
<b>PART 3: Adopting and Amending a Zoning By-Law .....</b>	<b>24</b>
Adopting a Zoning By-law.....	24
Amending a Zoning By-law .....	26
Process for Adopting or Amending a Zoning By-Law .....	26
<b>PART 4: Administration and Enforcement.....</b>	<b>31</b>
Variances .....	31
Conditional Uses .....	38
Development Agreements.....	42
Enforcement.....	44
<b>PART 5: Definitions .....</b>	<b>48</b>
General Guidelines for Definitions.....	48
Notes for Specific Words.....	49

# PART 1: Introduction

1. The Purpose of Zoning
2. What is a Zoning By-Law?
3. Contents of a ZBL
4. Roles & Responsibilities

## Roles and Responsibilities

The process of adopting, amending, or administering a zoning by-law involves the following primary participants:

### **Municipalities and Municipal Councils**

The elected officials of the community are ultimately responsible for adopting or amending a zoning by-law. A municipal council is also responsible for administering and enforcing the zoning by-law. This includes reviewing and approving applications for development, making decisions on applications for variances and conditional uses, and by-law enforcement. Where a municipality belongs to a planning district, the board of the district is responsible for the administration and enforcement of the zoning by-law (except for approval of variances or conditional uses).

A municipality can designate some of these responsibilities to a **planning district**, a **planning commission** or a **designated employee or officer** (see below).

**Note:** In some cases, municipalities act as developers themselves to develop property on the land they own. In this case, they must follow the same rules and procedures as other [landowners or developers](#).

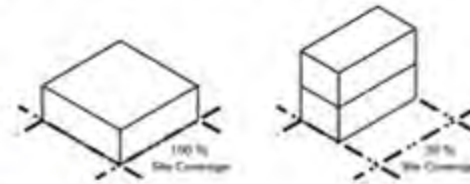


# PART 2: Requirements of a Zoning By-Law

1. Dividing the Area into Zones
2. Prescribing Permitted & Conditional Uses
3. Establishing a System of Development Permits & Procedures

## Site Coverage

Zoning by-laws can regulate the coverage on a site [71(3)(d)]. This is usually expressed in a *maximum* percentage of the site that can be covered by structures. Limiting maximum site coverage can allow for taller building development (for example, a one storey building with 100% site coverage has the same floor area as a two storey building with 50% site coverage) and leave more open space between buildings.



## Required Yards

Zoning by-laws can regulate yard size and the location of buildings on parcels of land [71(3)(d)]. A standard method zoning by-laws use to regulate the location of buildings on a site is through required minimum yards. A yard is an open area between the exterior wall of a building and the boundaries of the site (site lines) on which the building is located.

Required yard *minimums* can be used, for example, to maintain spaces between houses in a residential neighbourhood to allow access to sunlight, to provide separation for fire safety or to mitigate nuisances (like noise) that might come from adjacent buildings.

Alternately, required yard *maximums* can be used to encourage building construction in close proximity to sidewalks or other buildings. This strategy might be used in pedestrian-oriented commercial areas.

**Tip:** If the required yard minimum and maximum standards are set at the same distance, this distance becomes a *build-to line* that all buildings in the zone must follow.

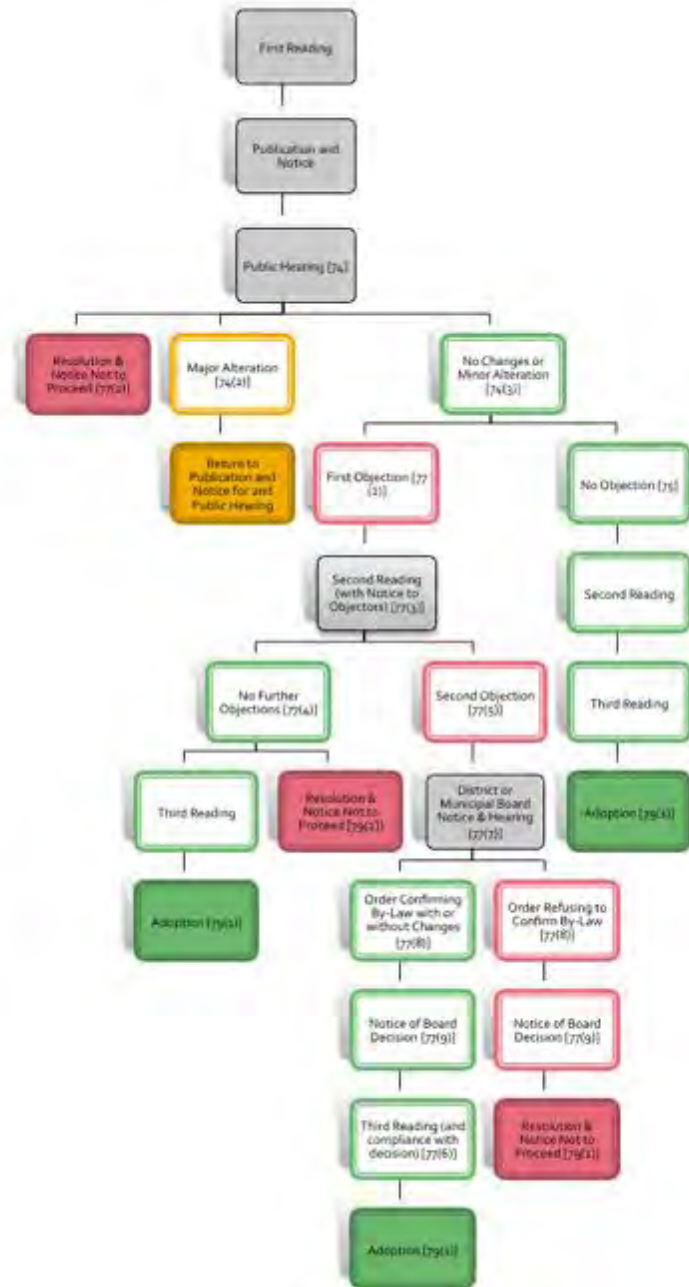
BULK TABLE 11.1			Minimums		
Site Dimensions	Site Area (Min)	0.5 acres	Building Height (Max)	25 ft	
	Site Area (Max)	-	Building Height (Min)	-	
	Site Width (Min)	300 ft	Accessory or Secondary Buildings & Structures	From Yard (Minimum)	5 ft
	Site Width (Max)	-	Site Yard (Minimum)	5 ft	
	Site Coverage (Max)	20%	Site Yard (Maximum)	25 ft	
Required Yards Principal Building	Front Yard (Min)	25 ft	Side Yard (Min)	5 ft	
	Front Yard (Max)	-	Side Yard (Max)	25 ft	
	Side Yard (Min)	13 ft	Accessory Height (Max)	14 ft	
	Side Yard (Max)	-			
	Rear Yard (Min)	25 ft			

Figure 11.1 Required Yards for Principal Building



# PART 3: Adopting and Amending a Zoning By-Law

1. Adopting a Zoning By-Law
2. Amending a Zoning By-Law
3. Process for Adopting or Amending a Zoning By-Law



# PART 4: Administration and Enforcement

1. Variances
2. Conditional Uses
3. Development Agreements
4. Enforcement

## PART 4: Administration and Enforcement

### Variances

A zoning by-law applies general regulations to the entire municipality or planning district in the case of a district-wide zoning by-law. However, as a general by-law, it may not be able to adequately deal with unusual or unique conditions of specific properties.

There may be locations where the standard regulations in a zone impose an unreasonable limitation on the development or use of a site due to its particular characteristics, including parcels of land that:

- Are odd-shaped (narrower at one end, for example).
- Have other physical characteristics that make complying with the requirements of a zoning by-law impractical or unreasonable (a steep slope cuts off part of the yard, for example).

Any landowner who believes that a zoning by-law *adversely* affects a piece of property can apply for an order varying specific provisions of the zoning by-law as they apply to the affected property [94(1)].

**Example:** An owner of an odd-shaped parcel of land in a residential neighbourhood might not be able to provide a required minimum 15-foot side yard in order to build a house. This person is entitled to seek a variance from the zoning by-law regulations that result in undue hardship for this property.

### Four Variance Requirements

Variance applications must only be approved if the variance meets the following four requirements:

1. **Compatibility:** The proposed variance will be compatible with the general nature of the surrounding area,
2. **No Detrimental Effect:** The proposed variance will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area,
3. **Minimum Modification:** The proposed variance is the minimum modification required to relieve the **injurious affect** of the zoning by-law on the applicant's property (for example, a variance cannot vary a requirement by 25% if only 10% is necessary), and
4. **Consistency:** The proposed variance is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law [97(1)].

# PART 5: Definitions

1. General Guidelines for Definitions
2. Notes for Specific Words

## PART 5: Definitions

The following section will provide municipalities and planning districts with guidance on the definitions section of zoning by-laws.

### General Guidelines for Definitions

#### What Should Be Defined?

There are three reasons to define a term in the definitions section of the zoning by-law:

1. **To remove ambiguity** (for example, **corner parcel** means a zoning site situated at the intersection of 2 streets);
2. **To standardize a form of shorthand** (for example, **The Act** refers to *The Planning Act*);
3. Where a term has a **specific meaning** in the zoning by-law (for example, **dwelling** means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities).

#### Do Not Define Common Terms

Do not define common terms in a zoning by-law. There is usually no need to define, for example, a playground or a cemetery. Defining common terms could actually increase ambiguity in the by-law because the definition takes precedence over the common understanding of the term.

#### Plain Language

Definitions should be written using plain language (to the greatest possible extent). Use simple words and short sentences. Definitions should not contain the word or term that they are trying to define.

**Example:** Do not say, "*Farm* means a farm yard or farm homestead..."

#### Consistent with Legislation

Generally, definitions should be consistent with *The Planning Act* and other legislation that has already defined a term (see an exception with the word **building**, below).

**Example:** *Livestock operation* is defined in *The Planning Act*. Do not include a custom definition for livestock operation in the zoning by-law.

#### Improper Terminology

The Definition section should only include definitions of terms that are found in the text of the zoning by-law. Municipalities (or planning districts, in the case of a district-wide zoning by-law) should review the list of definitions to make sure that all terms are necessary and appropriate.

# REFERENCE BINDER

OF MODEL ZONING LANGUAGE

# REFERENCE BINDER

COMPONENT B