

Town of Morris



DEVELOPMENT PLAN

**TOWN OF MORRIS
BYLAW # 07/08**

Being a Bylaw of the Town of Morris to adopt a Development Plan.

WHEREAS section 40(2) of *The Planning Act* provides authority for preparation of a development plan:

AND WHEREAS section 45 of the said *Planning Act* provides authority for adoption of a development plan by by-law;

AND WHEREAS, pursuant to the provisions of Section 51 of said *Planning Act*, the Minister of Intergovernmental Affairs and Trade approved The Town of Morris Development Plan on the _____ day of _____;

NOW THEREFORE, the Council of the Town of Morris, in meeting duly assembled, enacts as follows:

1. That the development plan, attached hereto and marked Schedule "A", is hereby adopted and shall be known as: The Town of Morris Development Plan;
2. The Development Plan shall take force and effect on the date of third reading of this by-law.

DONE AND PASSED this _____ day of _____ 2008.AD.

Mayor

Chief Administrative Officer

Read a first time this 8th day of May, 2008.
Read a second time this ____ day of ____, 2008.
Read a third time this ____ day of ____, 2008.

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PART 1: INTRODUCTION

1.1 AREA AFFECTED

This development plan affects the entire Town of Morris within the identified boundary lines. The area affected by the plan is identified on the land use maps that form part of this by-law.

1.2 BACKGROUND STUDY

A Background Study for the Town of Morris was undertaken in 2006/07. The findings have been assessed and reviewed with Council. In accordance with the overall plan direction, planning principles and the goals the development plan will serve to provide a broad strategic overview necessary for the municipality to maintain a clear vision of its intended long-term direction. These principals and goals are the foundation upon which the rest of the plan is formulated and should be used to clarify policy intent or interpretation.

The overall development goals for the community are as follows:

- Goal #1:** Attractive, affordable residential neighbourhoods that offer a variety of housing types.
- Goal #2:** Cooperative development and maintenance of municipal services to meet the identified needs of the community and implementation of long term goals to meet the requirements of applicable environmental legislation.
- Goal #3:** Establish policies and designate lands to ensure that all forms of development undertaken within the municipality conform to the principles of sustainable development.
- Goal #4:** To protect people and property from natural hazards and restrict developments in flood prone and/or environmentally sensitive areas.
- Goal #5:** Promote, encourage and foster the development of industrial and commercial uses in appropriate locations in order to diversify the economic base of the community.
- Goal #6:** To develop and implement the necessary by-laws, administrative programs and fiscal planning arrangements which support the implementation of the development plan goals and policies.

1.3 PLAN PREPARATION, ADOPTION AND AMENDMENT

This plan is prepared according to the requirements of Part 4, Sec.40 (2) of *The Planning Act*, which describes the contents of a development plan.

Sections 40 through 67 of *The Planning Act* provide the statutory procedures for adopting and amending a development plan. This involves a number of steps that are summarized as follows:

- (1) prior to adoption the Council gives due consideration to the development plan as written and proceed with first reading;
- (2) after giving first reading to a development plan by-law Council must hold a public meeting at which anyone has an opportunity to question or comment on the plan;
- (3) if there are no objections, Council will give second reading and forward the plan to the Minister for approval;
- (4) if the minister is satisfied that the by-law meets the criteria for a development plan, and there are no objections, approval will be given and Council will be instructed to proceed with third reading;
- (5) if there are objections expressed at the public meeting the by-law may be amended and another meeting held or if Council is not prepared to alter the by-law the objectors can be advised of their right to file an objection with the minister; and
- (6) if the Minister receives major objections, the Plan may be referred to the Municipal Board and a hearing must be held to consider the objections. After all issues have been resolved the Town of Morris will be instructed to make any necessary changes and give the by-law third reading. Council has the option of passing a resolution not to proceed further with the by-law.

It is recognized that, from time to time, it may become necessary to change some of the policies of the plan in response to new technology, new information or new attitudes. Section 59 (1) of *The Planning Act* requires that the plan be reviewed when the minister or the Council considers it necessary but not later than 5 years after adoption.

An amendment to the plan involves essentially the same procedure as the adoption. Council must be consulted before first reading, a public meeting must be advertised and held and the minister must approve all amendments. This process of adoption and amendment ensures that all people affected are aware of the changes to the plan and that there is ample opportunity to ask questions and have input.

1.4 INTENT AND PURPOSE

Section 42 (1) of *The Planning Act* describes the purposes of a development plan as follows:

- (1) set out the plans and policies of the planning district or municipality respecting its purposes and its physical, social environmental and economic objectives;
- (2) through maps and statements of objectives, direct sustainable land use and development in the planning district or municipality;
- (3) set out measures for implementing the plan, and
- (4) include such other matters as the minister or the board or council considers advisable.

As well, Section 42 (2) now requires all development plans to include a *Livestock Operation Policy, that guides zoning by-laws dealing with livestock operations by;*

- (1) dividing the planning district or municipality into one or more areas designated as follows:
 - (a) areas where the expansion or development of livestock operations of any size may be allowed,
 - (b) areas where the expansion of development of livestock operations involving a specified maximum number of animal units may be allowed,
 - (c) areas where the expansion or development of livestock operations will not be allowed; and
- (2) setting out the general standards to be followed in the planning district or municipality respecting the siting and setback of livestock operations.

Within this framework the Town of Morris intends to guide and regulate development in a manner that promotes an appropriate balance between the private use and enjoyment of land and the legitimate interests of the community.

It is the intent of this plan that development will be permitted only when it has been clearly established by the Town and that the goals, objectives and policies of the plan will not be compromised by the development proposal.

1.5 PLANNING DIRECTION & PRINCIPLES

This document is the Town of Morris Development Plan. The goals, objectives, and policies of this document were derived from a review of other relevant reports, historical subdivision and land use activities, guidance from Council and public consultation. Like many other rural areas in Manitoba, Morris is experiencing some pressure for different forms of growth on the same land base. Invariably, one form of growth must give way to another. For example, allowing for residential development in or near commercial or industrial areas of Town could jeopardize long-term commercial and industrial growth and investment.

The potential for land use conflict in Morris although not a current problem could happen at any time. The stable economic expansion and population growth in the Red River Valley suggests that the Morris Development Plan policy should be geared toward attracting some of this new demand for residents and businesses that are looking for locating in a small town. The Morris land base will also have to be designated to allow for this growth. However, growth can have a negative impact on municipal services and lead to conflict with existing uses. It is of utmost importance that the development plan is set out to maximize efficiencies of municipal servicing and to promote healthy and livable communities with economic opportunities at an appropriate scale.

1.5.1 Planning Direction

This development plan document is characterized by three major considerations that assist in providing appropriate direction for the development of goals, objectives and policies:

- (1) To be proactive in anticipating, to the fullest practical extent, land use and development activity within the planning area and to provide a decision-making basis for maximizing the economic benefits to the community, minimizing unnecessary expenditures and to promote wise stewardship of the land base and its associated resources.
- (2) This development plan has been prepared on the basis of the Provincial Land Use Policies (PLUPs). When this development plan receives provincial approval, it will be used in place of the Provincial Land Use Policies for the evaluation of land use proposals. In certain instances, the PLUPs may be referenced for clarification purposes.
- (3) The concept of sustainable development has become an integral part of the decision-making environment. This development plan has been prepared with a view to incorporate the principles of sustainable development to the fullest practical extent.

1.6 PLAN FORMAT

PART 1 provides this introduction to the plan including the planning district structure, preparation of the plan, adoption and amendment procedures, the intent and format of the plan and basic planning principles and goals for the Town of Morris.

PART 2 consists of broad policies that apply to the entire Town (policies specific to the various areas of development and land uses are found in PART 3). The policies found in this section deal with issues such as infrastructure, transportation, hazard lands, water supply and heritage/recreation resources.

PART 3 provides specific objectives and policies for the Town of Morris. Residential, commercial, industrial and other development policies are covered in this PART.

PART 4 deals with the implementation of the plan.

PART 5 provides for definitions of certain terms used throughout the Development Plan.

PART 2: GENERAL OBJECTIVES & POLICIES

2.1 INTRODUCTION

This section of the development plan outlines the general objectives and policies that will guide the overall use, planning and development of land in the area covered by the development plan. These objectives and policies apply generally throughout the municipality and may affect both new developments and re-development within existing built-up areas. The objectives and policies contained in this section are intended as broad directives with a town-wide scope. All development proposals within the Town of Morris shall be evaluated in light of these policies as well as those policies that are specific to a particular type of development activity, which are found in Part 3, Part 4 and Part 5 of this plan.

2.2 GENERAL OBJECTIVES

- (1) To provide well planned areas for living, working, shopping and recreation that are visually attractive, efficient of land and public services, with a minimum of incompatibility both within areas and between areas.
- (2) To ensure that development does not occur on lands which are not suitable for the proposed development, unless appropriate mitigative measures are taken to reduce any potential negative impacts and/or enhance the capability of the land to support the proposed development.
- (3) To minimize risks to people and property that are associated with natural hazards or human-made features.
- (4) To encourage use and development of land in a manner that is consistent with the principles and guidelines of sustainable development, pursuant to *The Sustainable Development Act*.
- (5) To preserve and manage the natural resources of the municipality, including water, wildlife, gravel and natural treed areas in a way that provides the greatest benefit to present and future residents.
- (6) To promote wise use of renewable and non-renewable resources including aggregates, minerals, forests, soils and water.
- (7) To preserve and enhance areas which have natural beauty, scenic value, recreational potential, or historic/cultural significance.

- (8) To ensure that new development is compatible with existing and anticipated land uses, utility and transportation networks, and minimizes the risks to quality of life, public health and safety.
- (9) To provide and maintain an economical, safe and efficient paved municipal road system which is integrated with the provincial highway system to provide the most safe and effective service.
- (10) To identify, preserve and protect Morris's heritage resources and to encourage public awareness and appreciation of these resources.
- (11) To protect past, present and future investments in public and private infrastructures, including utilities and transportation networks in order to maintain cost-effective operations of new, upgraded or extended infrastructure services. With periodic assessments for capacity and condition, Morris can ensure safe and reliable municipal water and sewer services. Provincial approval for sewer and water will be required through the Office of Drinking Water, Manitoba Water Stewardship under the *Public Health Act* and *Drinking Water Safety Act*.
- (12) To promote inter-municipal co-operation and consensus in order to undertake joint land use planning, municipal servicing and sustainable development initiatives that will benefit the community-at-large.

2.3 GENERAL POLICIES

The policies outlined in this section address issues which may arise throughout the municipality.

2.3.1 Utilities

- (1) Essential activities of government and public and private utilities will be permitted in any land use designation subject to requirements in the zoning by-law. Such uses should be located and developed in a manner that will minimize any incompatibility with neighbouring land uses.
- (2) Cooperation will be encouraged with Manitoba Hydro, Centra Gas, MTS and other similar utilities to ensure the provision of their services in the most economical and efficient manner possible.
- (3) Existing public and private utilities should be protected from incompatible or potentially incompatible land uses, which may threaten or adversely affect their operation.

2.3.2 Municipal Services

- (1) At Council's discretion and given the scale and proximity of the development to municipal services, new developments shall consider connection to piped water and sewer services, or be subject to a long term development agreement with the Town of Morris.
- (2) Lot sizes, densities and the type of development shall generally be governed by the limitations of existing sewer and water services within the Town of Morris. Council shall strive to maximize the efficiency of municipal services whenever possible, by encouraging infill on existing lots of record.
- (3) Council shall ensure that wastewater and solid waste disposal facilities are sited and/or maintained in such a way that the impact on surrounding uses is minimal, and that these facilities meet provincial regulations.
- (4) Council shall ensure that there are adequate facilities to manage all solid and liquid waste being generated and that no new or expanded development, including proposed subdivisions shall be approved unless there are facilities and the capacity in place to adequately manage the waste generated.

2.3.3 Hazardous Uses

- (1) Facilities or developments, exclusive of railways and highways, which manufacture, handle, store or distribute hazardous materials, will be governed by the following:
 - (a) wherever possible, new facilities should be separated from urban areas and buildings used for human occupation;
 - (b) hazardous facilities should not be located closer to dwellings than permitted in the zoning by-law for Morris, or recommended by the appropriate provincial department; and
 - (c) where new development of a potentially hazardous use is proposed, information may be required relating to the nature of any potential discharges into the air, soil or water; the nature of outside storage requirements; the compatibility of surrounding land uses; and plans for buffering such activities from adjacent uses.

2.3.4 Natural Areas & Environmental Conservation

- (1) Natural areas and habitats should be protected from incompatible or potentially incompatible uses where:
 - (a) rare or endangered flora and fauna have received provincial designation and protection under either *The Manitoba Endangered Species Act* or *The*

Federal Species at Risk Act;

- (b) lands have received provincial designation and protection under the Protected Area Initiative;
 - (c) lands have been identified as Wildlife Management Areas; and
 - (d) private lands have been voluntarily protected by owners.
- (2) The identification and protection of natural areas critical to the existence of rare or endangered plants or animals, significant natural features, and wildlife and fisheries habitats will be encouraged within the municipality.
- (3) All proposed developments adjacent to waterways and water bodies or having the potential to impact waterways and water bodies shall be forwarded to Manitoba Water Stewardship, Fisheries Branch and Department of Fisheries and Oceans for review.

Additionally, Morris is close to the Red River and the Morris River, both major waterways and Water Stewardship suggests:

- Setback distances between major water bodies and development,
 - In areas not serviced by municipal systems, prohibit the use of septic fields in residential or seasonal recreational developments along a shoreline,
 - Land clearing, cultivation and development to a shoreline of natural water bodies should be discouraged,
 - Encourage a naturally vegetated, 30 meter buffer along water bodies to prevent erosion and siltation and to enhance nutrient uptake by plants,
 - Encourage residents to avoid using phosphorus-based lawn fertilizers for cosmetic use, fertilizers on land next rivers and other small water courses, and
- (4) The Town of Morris shall encourage the retention of tree cover as wildlife habitat areas where land is unsuitable for more intensive urban development or until such time as development becomes feasible in the affected area.
- (5) Public access to natural areas and wildlife and fisheries habitat will be encouraged to foster appreciation for and enjoyment of nature but such access should not lead to levels of activity which will exceed the capability of the area to sustain the environment and ecosystem integrity.

2.3.5 Hazard Lands, Flooding & Erosion

- (1) Development will generally be directed away from hazard areas. Hazard lands include the following:
- (a) lands subject to flooding – all lands which would be flooded by the 100

- year flood;
- (b) lands subject to water erosion – all lands which would, within a 50 year period, be eroded or become unstable due to the action of water contained in an adjacent waterway or waterbody; and
 - (c) lands subject to other hazards such as landslides or subsidence – those lands where actual effects of such hazards have occurred or have been predicted.
- (2) Land subject to significant flooding, erosion or bank instability should be left in its natural state or only developed for low intensity uses such as open space recreation, grazing, cropping, forestry and wildlife habitat.
- (3) Consistent with Policy 2.3.5 above, any development to be permitted on or near hazard lands shall:
- (a) minimize property damage, public expenditures and danger to public health and safety;
 - (b) maintain the natural capability of waterways to convey flood flows; and
 - (c) prevent the acceleration or promotion of environmental damage.
- (4) For waterways where flood level or erosion information is not available, the following policies shall be implemented:
- (a) development shall generally not be permitted within the meander belt of the waterway; and
 - (b) any fill, deposit, obstructions, excavations, storage or materials, structures or development shall be located at least 200 feet from the ordinary high water mark or a distance equal to the top width of the watercourse, or 10 times the height of the bank, whichever is greatest.
- (5) Development within the limits described in Policy 2.3.5 or known hazard areas shall be permitted only where a detailed analysis of a specific site has shown that development is feasible. This analysis must be performed by an engineer or other qualified professional. The analysis shall demonstrate how potential hazards will be eliminated or protected against.
- (6) Where more intensive development, including structures, is proposed on potential hazard land, Council may require a proponent to provide professional environmental, geotechnical or hydrological reports to determine if the land has potential hazardous slopes or land is subject to potential flooding and to specify mitigation measures to eliminate the risk, satisfactorily reduce it or determine if

the use would be compatible with the risk.

- (7) Development proposals that are potential sources of pollutants shall provide for safeguarding hazard areas susceptible to surface and groundwater pollution. These include intensive livestock production operations, lagoons, waste disposal grounds, septic systems, commercial and chemical fertilizer storage facilities, fuel tanks and similar uses. Nutrient inputs and risk of inputs should be considered according to the following;
 - a) where possible all housing and facilities should be on municipal services for wastewater treatment to eliminate any older septic field systems that may still exist;
 - b) infilling of unused spaces or areas that can be redeveloped;
 - c) ensuring a strategy is in place that regularly evaluates the capacity of the wastewater treatment facility to expanded development for the assimilative capacity of disposition of nutrients and biosolids. This may include the incorporation of nutrient controls on wastewater discharges; and
 - d) establishing the area in town limits as a best management practice area or other designation whereby residents are encouraged to avoid using phosphorus based fertilizers for cosmetic use on lawns.
- (8) For all areas proposed for development and/or permitted land use activities, proposals shall be in accordance with sustainable principles and not exceed the lands capability to accommodate the permitted land use and the level of development anticipated.
- (9) For 'Emergency Preparedness', the town is part of network that handles emergency services for the eastern region of the province. As part of the group of fellow municipalities the town should adhere to the requirements of the *The Emergency Measures Act, Sec.8.1* as summarized;

Every local authority shall establish a committee of members of the community to advise the authority on the development of emergency preparedness plans and programs. Shall establish and maintain a local emergency response control group (LERCG) and shall appoint a person from the LERCG and prescribe the duties of that person including the preparation and coordination of emergency preparedness plans and programs for the local authority.

2.3.6 Waterways and Groundwater

- (1) Development will be encouraged in a manner, which ensures that waterways and groundwater resources are sustained.
- (2) Council shall encourage the retention of wildlife habitat and the preservation of native vegetation in the form of natural treed areas or uncleared land or along creeks, drains, unused road allowances or other areas which are not suitable for agriculture or which may create more benefit when left in a natural state.

- (3) In the case of development proposals that require significant volumes of surface water and/or groundwater, the proponent may be required to investigate the need for a Water Rights License. Development approval may be withheld until such time as a license or other such authorization is issued under the *Water Rights Act*.
- (4) Development or activities that may cause pollution under normal operating conditions or by accident will be directed away from groundwater sensitivity areas. Where this is not feasible or practical, development or activities, which could cause pollution, may be considered in groundwater sensitivity areas provided:
 - (a) the proponent can prove by adequate engineering or hydro-geological investigation that the proposed activity will not cause pollution of the groundwater supply; or,
 - (b) appropriate precautionary measures have been or will be taken to sufficiently mitigate the risk of endangering the water source for domestic potable water supply purposes.
- (5)
 - (a) The Red River has been deemed a vulnerable water body. This means there should be at least a 30m. and 35m. nutrient application free buffer zone along the banks of the Red if permanent or no permanent vegetation is present, respectively. Thirty metre riparian areas that maintain a majority of natural vegetation are also recommended along all water bodies based upon criteria in the proposed Nutrient Management Regulation; and
 - (b) The Nutrient Management Regulation will prohibit the establishment of a Municipal wastewater lagoon, sewage treatment plants, onsite wastewater systems (private fields) manure storage facilities and confined livestock areas on lands designated as class 6 and 7 or unimproved organic soils under the Canada land inventory classification method.

2.3.7 Transportation

- (1) Private and public airstrips within the municipality should be protected from incompatible or potentially incompatible land uses that may adversely impact their operation and/or endanger public safety.
- (2) New development should have legal access to an all-weather road of sufficient standard and capacity, unless the proponent reaches an agreement with the municipality to upgrade an existing road or develop new road access to a standard agreed upon by the municipality. The proponent may be responsible for part or all of the costs of this roadway construction.

- (3) A setback distance for all buildings, structures, hedges or similar obstructions adjacent to roads, shall be specified in the zoning by-laws for the purpose of protecting the safety and efficiency of the road system. This setback shall apply to all roads in the Town of Morris except on provincial highways where the Province establishes setback regulations. Setbacks for buildings and structures and access to Provincial Trunk Highways and Provincial Roads shall be in accordance with *The Highways Protection Act* and *The Highways and Transportation Act*.
- (4) Development near a provincial trunk highway or a provincial road shall conform to the following criteria:
 - (a) strip development along the highway where individual direct connections to the highway are continuously relied upon for providing access to abutting properties shall not be permitted;
 - (b) the kind of development that would generate traffic in an amount or of a type that would unduly impair the present and potential capacity of the adjoining highway to carry traffic safely and efficiently, shall not be permitted;
 - (c) the local road or street network associated with any type of proposed development shall be designed to be in accord with both the existing and planned road and street system of the neighbouring area, and
 - (d) subdivision/development will not be permitted in areas designated for highway widening or expansion unless provisions suitable to the Province are made to accommodate future widening or expansion.
- (5) Map 1 identifies the provincial highway system and municipal roads. Municipal roads are intended to complement the provincial highway system as major traffic carriers and as such will be subject to the following considerations:
 - (a) access to the provincial highway system should be via the municipal road system, if, in the opinion of Council and/or Manitoba Transportation and Government Services, the level of development next to the provincial highways may reduce their safety and efficiency;
 - (b) School bus routes shall receive priority consideration for maintenance and snow removal;
 - (c) major municipal roads shall be designed to carry heavy farm traffic although restrictions may be placed on these roads at certain times of the year.

- (d) Manitoba Transportation and Government Services should be consulted on access and development related issues that affect the provincial highway system.
- (6) Satisfactory storm drainage must be provided to service any development adjacent to the provincial trunk highways and provincial roads. Permission must be obtained from Manitoba Transportation and Government Services to drain any water/liquid into the highway drainage system.
- (7) Where an area of development is bordered on one side by a major transportation corridor or facility such as a highway or rail line, new development should, where appropriate, be directed to the same side to avoid the need for local traffic to cross the corridor or facility.
- (8) Where there are existing or anticipated high volumes of truck traffic, the municipality may designate certain roadways as truck routes, in order to limit deterioration of the local road system and to minimize safety problems and nuisance factors within communities.
- (9) Land uses that generate significant amounts of regional vehicular traffic and/or significant truck traffic should be encouraged to locate in proximity to major roadways, including provincial roads and provincial highways. Direct access to the provincial highway system will be discouraged. Access to the provincial highway system should be via the municipal road system for these land uses.
- (10) Any development that is to occur within the control areas of provincial roads and provincial trunk highways under provincial authority will be subject to approval by Manitoba Transportation and Government Services and the Highway Traffic Board respectively. Only the declared portions of PTH 23 (west of the CPR) and PTH 75 (south of Rodeo Dr.), within the town, are Limited Access Highways under the jurisdiction of the Highway Traffic Board. Under the *Highway Protection Act*, any new modified or relocated access (including the change in use of an existing driveway) to these sections of highways requires a permit from the Traffic Board. A permit is also required from the Traffic Board for any construction/structure above, below or at ground level or change in land use within 38.1m. (125ft.) and within 76.2m. (250ft.) of the right-of-way of the declared sections of PTH 23 and PTH 75 respectively. The remainder of PTH 23 and PTH 75, within the Town of Morris are designated, non-limited access highways; therefore, the Town of Morris is responsible for access and structure setbacks.
- (11) In addition to zoning requirements, any development or subdivision that is proposed adjacent to a railway right-of-way shall generally be in keeping with the minimum setback and buffer standards recommended by the affected railway.

2.3.8 Mineral Resources

- (1) Existing aggregate, mineral, oil or gas operations should be protected from incompatible and potentially incompatible land uses that would interfere with their ongoing operation and future exploration.
- (2) The exploration, development, production and termination of all aggregate, mineral, oil or gas resources shall be undertaken in a manner that is environmentally safe, stable and compatible with adjoining lands.
- (3) Lands containing valid mineral resources, particularly sub-surficial resources, under the authority of the *Mines and Minerals Act*, shall be protected for potential future exploration, extraction and development.

2.3.9 Heritage Resources

- (1) The identification of heritage resources should be encouraged within the Town of Morris.
- (2) Heritage resources should be protected where:
 - (a) buildings or landscapes have received municipal, provincial and/or federal heritage designation;
 - (b) buildings or landscapes are in the process of receiving or are being considered for municipal, provincial and/or federal heritage designation; and
 - (c) buildings or landscapes have been developed and operate as heritage sites.
- (3) Existing heritage resources should be protected from incompatible or potentially incompatible land uses that may threaten their integrity or operation.
- (4) The development, designation and preservation of heritage resources should be coordinated with other heritage and recreational resources in the region, existing and proposed to maximize interpretive and tourism potential.
- (5) Identified sites and groupings of sites with heritage potential will be considered for designation as municipal heritage sites under *The Historic Resources Act*, and/or municipal heritage conservation zones under *The Planning Act*.
- (6) As a condition for the approval of a subdivision, demolition permit or the issuance of a development permit, the Council may require the applicant to show that a significant heritage resource is not being threatened.

2.3.10 Outdoor Recreational Resources

- (1) Areas with high recreational capability, interesting and/or rare natural features should be protected for outdoor recreation and related uses.
- (2) Existing outdoors recreational uses and areas should be protected from incompatible or potentially incompatible land uses that may threaten their integrity and/or operation.
- (3) Proposed recreational development should not preclude access to and use of public resources (eg, lakes and streams) but should be developed in a manner that is not detrimental to water quality.
- (4) Proposed recreational developments will be encouraged to carefully match the activity and its intensity to the capability of the land, and surface water, and its ability to sustain the use over an extended period.

2.3.11 Livestock Operations

- (1) Provincial Land Use Policy 1.B.13 (e) directs *“the expansion of the built-up area of an urban centre away from prime agricultural land, livestock or poultry operations and other valuable resources or resource-related uses so that land is not prematurely taken out of production or its use prematurely inhibited. If there is no other practical option, urban expansion should take precedence over agricultural or other resource uses provided that existing non-urban developments are purchased, suitably relocated or phased out before the expansion takes place”*.
- (2) Although there are areas of agricultural land uses within town borders, there shall be no new livestock operations permitted within the corporate boundaries of the Town of Morris. While non-farm development on these lands is inevitable, the policy direction is to not develop agricultural land that is within town borders until such time as needed for the urban expansion of the town.
- (3) In instances where a livestock operation existed within town boundaries prior to the adoption of this Plan, the operation will be permitted to continue operating, but under no circumstances shall it be allowed to expand. This policy does not relieve an operator from complying with any other relevant provincial regulations.
- (4) The Province encourages ongoing consultation/consideration between the RM of Morris and the Town of Morris when siting new or allowing expanded livestock operations.

PART 3: SPECIFIC LAND USE POLICIES

3.1 INTRODUCTION

The Town of Morris is an established centre with an overall slow rate of population growth. It is a community of pleasant, well serviced residential neighbourhoods, various recreational facilities, a strip of defined central commercial along PTH #75 and well defined areas with opportunities for industrial expansion. Morris is also the home to the Annual Manitoba Stampede and attracts participants from the U.S. as well as from all across Western Canada.

This Part of the Plan sets out specific a policy for the Town of Morris that promote an efficient and effective community form and that minimizes the potential for conflict between neighbouring uses. Policies in this Part of the Plan are organized under the headings “Residential”, “Commercial”, “Industrial” and “Recreation / Open Space”, as designated on Map 2. The policy direction set out in the Plan is intended, within reason, to offer adaptability in land use and development decision making.

3.2 OBJECTIVES

- (1) To preserve the general land use patterns already established, to minimize conflicts between uses, to provide for flexible land use regulations within the overall established pattern and to generally maintain and improve the quality of life in Morris.
- (2) To preserve the character of the established residential neighbourhoods, to ensure appropriate servicing and development standards in expanding residential areas and to make provision for all the housing needs of Morris residents.
- (3) To provide a compact attractive and centrally located area to serve the day to day commercial needs of Morris and the commuting distance area.
- (4) To ensure that there are suitable areas available for industrial development, but that the health and safety of the community is not threatened by potentially hazardous industries.
- (5) To ensure that recreation and institutional uses are accessible and compatible with surrounding uses.

3.3 RESIDENTIAL POLICIES

Given the strategic location as part of the fertile Red River Valley, close proximity to the U.S. border serviced by a major transportation corridor and an affordable land base, residential development in Morris could see a modest growth increase if the housing was geared to accommodating a changing demographic. Although the population is aging, with a supply of affordable housing for a younger demographic there would be opportunities for new families to locate in Morris. Policies in this section of the Plan are geared toward providing an attractive and affordable mix of housing types that meet current and future residential needs. It is also important to ensure that suitable non-residential uses, such as neighbourhood institutional and small-scale commercial developments, are effectively sited and where necessary, integrated into residential areas.

- (1) Areas designated for residential development and expansion are in the designated Residential areas on MAP 2. in Appendix A.
- (2) Within the Residential areas of Morris, Council will encourage development and appropriate siting of a mix of housing types which are reflective of the current and anticipated demographics of the community.
- (3) New residential development should represent a logical and contiguous extension of existing built-up neighbourhoods of Morris. Residential subdivision at the periphery of the town but within the town boundary that may unduly cause pressure to extend municipal servicing shall be considered on a case by case basis. Costs associated with infrastructure can be negotiated with a developer by way of a development agreement.
- (4) Opportunities for infilling of established residential neighbourhoods shall be encouraged.
- (5) Council shall encourage residential lot sizes and densities that maximize efficiency of municipal sewer and water.
- (6) New residential developments shall be located in a manner that minimizes any potential conflict with established or anticipated adjacent land uses.

Neighbourhood institutional facilities such as schools, churches, senior's homes and group homes are appropriate land uses within the Residential areas of Morris. The municipal Zoning By-law will establish specific zoning and site requirements for these uses.

Neighbourhood and community recreational facilities and green space shall be encouraged to establish within the Recreation/Open Space designation. Specific land use zones and siting provisions will be set out in the municipal Zoning By-law.

- (7) In an effort to provide for adequate green space to meet current and anticipated community needs, Council shall ensure that as additional residential development occurs, any public reserve dedication and/or cash in lieu that may be required is provided by the developer.
- (8) Where large undeveloped areas are being considered for future community development, an overall concept plan, which meets with Council's approval, should be prepared for the area to provide for an efficient, orderly development. The concept plan should illustrate the general arrangement of future roads, building lots, open spaces, piped services, area drainage, and other major features. The design of the roads, piped services and building lots should be integrated with existing roads and services, and should generally conform to recognized engineering and planning standards.
- (9) Home-based businesses or home occupations may be appropriate in Residential areas subject to the following general criteria:
 - (a) these businesses are secondary to a primary residential use and are, generally, modest in scale and investment and should not generate significant levels of traffic or otherwise have adverse effects on neighbouring land uses;
 - (b) for certain types of businesses, a home-based setting may be appropriate when first starting up, however, as the business grows and level of commercial activity increases, it may be more appropriate to relocate to a commercial area; and
 - (c) home-based businesses will be subject to the regulations for home-based businesses set out in the municipal zoning by-law.
- (10) Bareland condominiums offer an alternative form of residential development that may be appropriate in Morris under certain circumstances. These developments will most likely be proposed in those instances where a shared approach to servicing and maintenance is beneficial, such as retirement dwellings. Bareland Condominiums shall be established as a conditional use in the municipal Zoning By-law and will be subject to the specific provisions of the zone in which they are proposed.
- (11) Areas currently designated "Restricted Agricultural" on Map 2. in Appendix A are not expected to experience any pressure for urban development in the foreseeable future. Therefore, it is reasonable to expect that non-intensive agricultural uses such as cropping will continue in these areas in the interim.

3.4 COMMERCIAL POLICIES

Generally, existing commercial developments within the Town of Morris serve the community, local market and traveling public. Because of the Town's strategic location that accommodates the major PTH # 75 corridor to the U.S. border, there is always the possibility of further commercial opportunities. This section sets out policies that are geared toward protecting the integrity of the Central Business Area as the focus of the community while considering future commercial development options as proposals come forth.

- (1) Areas designated for Commercial development will be part of the General Development as set out on Map 2. of Appendix A.
- (2) The Central Business Area of Morris, generally defined as the commercial area along PTH # 75, a smaller section along PR # 23 and the first blocks of both Charles St. East and West are the focus of business and commerce in the Town. Council shall strive to ensure that it remains a viable and attractive area of the Town for shopping, assembling and living. The following specific provision shall generally apply to new development proposals within the Central Business Area:
 - (a) Council shall encourage mixed use developments and redevelopments in the Central Business Area. This may include higher density residential developments, recreational and open space uses and institutional facilities.
- (3) Neighbourhood commercial uses, such as small convenience stores, may be permitted within Residential areas that service a residential neighbourhood, provided they are in keeping with the character of the surrounding residences and can adequately handle pedestrian and vehicle traffic. A commercial zone will be established in the Zoning By-law to regulate uses and siting of larger commercial developments.

Larger-scale institutional uses such as medical centres, concert halls and any other facilities intended to serve a regional need shall generally be directed toward Commercial/Light Industrial designations, but away from residential enclaves.

- (4) Highway oriented commercial development that serves the needs of the traveling public, such as service stations, hotels/motels and restaurants, or requires larger site areas shall generally be directed toward the Commercial designation set out alongside PTH # 75. Highway Commercial development shall be guided by the following provisions:
 - (a) new commercial uses shall not be dependant on direct access to PTH 75;
 - (b) areas that are currently serviced by municipal roads, sewer and water or where services can be easily and economically extended will be given priority for new commercial development; and

- (c) new development in larger, currently undeveloped areas shall generally be in keeping with a conceptual plan for the area. The concept plan should illustrate the general arrangement of future roads, building lots, open spaces, piped services, area drainage, and other major features.

3.5 INDUSTRIAL POLICIES

Industrial development in Morris is an important component of an economic development strategy for the Town. However, depending on the nature of the business, industrial land uses are sometimes in conflict with adjacent non-industrial properties. The policies in this section are intended to provide opportunities for planned industrial expansion in Morris while minimizing potential for land use conflicts.

- (1) Areas designated for Industrial development and expansion are within the Industrial designation as set out on Map 2. of Appendix A.
- (2) Those parts of the Industrial area which are adjacent to existing residential, commercial or recreational developments shall be appropriately regulated to ensure that suitable buffer is maintained between potentially conflicting uses. The Zoning by-law will establish use and siting provisions for industrial developments and will generally direct light industrial uses to those areas where potential conflict are minimal. Additional buffers between these conflicting land uses in the form of tree lines, berms, fences or green space may also be required by Council.
- (3) Traffic generated by industrial uses that serve a broader regional market shall be directed via the shortest possible route to the provincial road system.
- (4) The Town of Morris intends to direct light industrial uses to areas that could be close to sensitive uses such as residential.
- (5) In an effort to protect municipal services and ensure that local environmental quality is not compromised; new or expanding industries shall be evaluated in light of the following criteria:
 - (a) the volume of water consumption and the peak use periods will not unduly strain any part of the municipal water system;
 - (b) protection of public water supply from contamination through appropriate cross connection control and backflow prevention;
 - (c) the amount and type of waste produced by an industry will not reduce the effectiveness of the Town to collect, treat and dispose of solid or liquid waste;
 - (d) industrial activities shall not adversely affect the ability of adjacent land owners to use and enjoy their properties.

- (e) compliance with the Classes of Development Regulation of *The Environment Act*.
- (6) Council shall encourage and promote physical development of new industries in an attractive manner which does not detract from the overall appearance of the industrial area or adjacent lands.
- (7) New development in the industrial area shall generally be in keeping with a conceptual plan for the area. The concept plan should illustrate the general arrangement of future roads, building lots, open spaces, piped services, area drainage, and other major features.

3.6 RECREATION/OPEN SPACE POLICIES

The Town of Morris encourages healthy lifestyles, the enjoyment of nature and culture in the creation of a vibrant community. Many of the site specific recreational areas are located in an area generally defined by the Stampede Grounds, the Arena and Open Space/Park, such as the ballpark. The policies in this section will apply to the Recreation/Open Space areas in the Development Plan.

- (1) Areas that are specifically set out for recreational and/or open space development are part of Recreation/Open Space designation on Map 2 in Appendix A.
- (2) Generally, land uses and developments that are permitted in these areas will be those that are set out in the various projects of the Town of Morris, such as, but not limited to the walking trails, open recreation fields for soccer/baseball and children's playground facilities.
- (3) Specific uses and site provisions shall be established in the Zoning By-law. No intensive development (i.e. placement of permanent structures) occurring within the Recreation/Open Space area shall be approved where it may be subject to flooding.

PART 4: IMPLEMENTATION

4.1 BASIC IMPLEMENTATION MEASURES

The policies outlined in this development plan will be implemented by the following measures and methods:

4.1.1 Adoption of this Development Plan

Adoption of this development plan by the municipal council will give the plan the force of law. Once adopted no development or land use change may be carried out within the area affected by the development plan that is inconsistent or at variance with the proposals or policies set out in the development plan (Section 42(1), *The Planning Act*).

4.1.2 Adoption of Zoning By-law

Following adoption of the development plan, the municipality is required to enact a zoning by-law which will set out specific regulations for land use and development.

Zoning by-laws designate areas for certain types of development. Permitted and conditional uses and development standards are prescribed for each zone.

A zoning by-law must generally conform to a development plan adopted for the area.

The objectives and policies in the development plan provide guidance to a council when preparing the zoning by-law or considering an amendment to the zoning by-law.

4.1.3 Conditional Use Approvals

Within a zoning by-law, there will be provisions for the approval of various types of development as a conditional use in each zone. This will provide the council with the flexibility to review specific development proposals, to receive public input from nearby landowners, and to make decisions either approving or denying the proposals. In addition, this process provides council with the opportunity to establish conditions of approval appropriate for each proposal. In utilizing the conditional use process, council will have an opportunity to influence the location of some types of development, as well as to implement measures to ensure that the development occurs in a manner that is acceptable to the community. The development plan policies and objectives provide guidance for the conditional approval process.

4.1.4 Variation Orders

The Planning Act (Part 6) enables council to issue variation orders for the purpose of varying or altering the application of its zoning by-law. The ways that a zoning by-law may be varied are outlined in *The Planning Act*. Council may attach conditions to a variation order to maintain the intent and purpose of the development plan or the zoning by-law. Council may authorize its development officer to grant or refuse a minor variation as set out in *The Planning Act*.

4.1.5 Development Permits

New development generally requires a development permit issued by the municipal council. Before a permit is issued, proposals should be reviewed to determine compliance with the development plan and the zoning by-law.

4.1.6 Development Officer

Council may authorize the development officer to issue development permits, zoning memoranda, non-conforming certificates and other similar documents and allow minor variations to some requirements of a zoning by-law.

4.1.7 Subdivision Approvals

Proposals involving the subdivision of land for individual or multiple lot development will be subject to a review and approval process involving the municipal council, utility companies and certain provincial government departments (Part 8 of *The Planning Act*).

This process provides an opportunity for development proposals to be evaluated in accordance with the provisions of the development plan.

A subdivision proposal cannot proceed without the approval of municipal council and the provincial approving authority.

Council and/or the provincial approving authority may attach conditions to a subdivision approval in accordance with Section 135 of *The Planning Act*.

4.1.8 Development Agreements

Municipal approval of subdivisions and zoning amendments can be conditional on development agreements which will protect both the applicant and the municipality. The development agreement on subdivisions deals with the responsibilities of the applicant and the municipality in providing services to the land in question. A development agreement on a zoning amendment may deal with the use of the land, the siting of buildings, the installation of services, provision of open space, etc.

4.1.9 Review & Amendment

The development plan should be reviewed periodically and revised if necessary to anticipate and respond to changing conditions within the municipality. The development plan may be amended at any time when considered appropriate or necessary by the council. Section 43 of *The Planning Act* states that a municipal council shall set a deadline for reviewing a development plan. Section 59 of *The Planning Act* states that municipal council must review a development plan no later than 5 years.

4.2 ADDITIONAL MEASURES

In addition to the measures outlined above, the municipality may also utilize the following:

4.2.1 Acquisition & Disposal of Land

The municipality/planning district/community development corporation may acquire an interest in land or sell, lease or otherwise dispose of land for the purpose of implementing the development plan.

4.2.2 Adoption of Other By-laws

The municipality has the capability to adopt and administer other by-laws concerning the use, development and maintenance of land. This can include measures such as the adoption of a building by-law, property maintenance by-laws, access approval by-laws, drainage by-laws and other types of by-laws affecting the use of land.

4.2.3 Special Studies

Proponents may be required to undertake and submit special studies as part of the approval process for certain types of development proposals. Engineering or other professional studies may be required for development proposed for lands affected by flooding hazards, endangered species, potential for groundwater/surface water pollution, traffic impact on provincial and municipal roads, and general risk to health and the environment.

4.2.4 Public Works

The capital works program and public improvements of the municipality should conform to the policies set out in this development plan. This is an important implementation tool since a municipality may influence the rate and direction of growth through the provision of municipal services to land.

4.2.5 Capital Expenditure Program

Council should consult the development plan when revising the annual five (5) year capital expenditure program.

4.2.6 Strategic Plans For Economic Development

As outlined in Section 258 of *The Municipal Act*, municipalities may adopt a strategic plan for economic development. Strategic plans should be consistent with the development plan. Communities should also take into account and build upon existing or proposed community vision statements and action plans prepared as part of the community round table process to ensure consistent objectives, policies and programs.

4.2.7 Municipal Cooperation

Implementation of the development plan may benefit from or require cooperation between one or more municipalities. Sections 259, 260 and 295 of *The Municipal Act* provide for tax sharing agreements, service sharing agreements and cost sharing agreements between municipalities.

4.3 INTERPRETATION

Words and expressions used in this development plan have the meanings ascribed to them in *Provincial Land Use Policies*, unless the context requires otherwise.

PART 5 – INTERPRETATION

Words, phrases and terms used throughout this Development Plan shall be given the defined meaning set out in this Part. Where a word is not defined in this Development Plan but is defined in *The Planning Act* and/or the *Provincial Land Use Policies*, that definition shall apply. Where no definition can be found in these sources, the customary meaning shall stand except where context requires otherwise.

“agricultural activities” means a use of land for agricultural purposes. Typical uses include farming, livestock production, pasturage, agriculture, apiculture, floriculture and horticulture.

“buffer” means an area designed to separate and protect incompatible land uses from one another as through the use of buffers such as appropriate landscaping to insulate the surroundings from noise, smoke, dust, odours, or visual aspects of adjacent properties or uses.

"development" means

- (a) the carrying out of the construction, erection or placing of any building or excavation or other operation on, over or under land, or
- (b) the making of any change in the use or intensity of use of any land or buildings or premises;

“development officer” means the Development Officer as appointed by the municipality in accordance with *The Planning Act*.

“erosion” means the process by which the earth’s surface is worn away by the action of wind or water.

"exploration" means a search for minerals or oil and gas by prospecting, by geological, geophysical or geochemical surveys, by trenching, stripping, excavating or drilling or by any other method;

"gas" means natural gas that

- (a) contains methane and other paraffinic hydrocarbons, and might contain nitrogen, carbon dioxide, hydrogen sulphide, helium or minor impurities,
- (b) is recovered or recoverable through a well from a reservoir, and includes any fluid hydrocarbon, before and after processing, that is not oil or condensate;

"groundwater" means water below the surface of the ground;

"heritage resource" means,

- (a) a heritage site,
- (b) a heritage object, and
- (c) any work or assembly of works of nature or of human endeavour that is of value for its archaeological, palaeontological, prehistoric, historic, cultural, natural, scientific or aesthetic features, and may be in the form of sites or objects or a combination thereof;

"home occupation" means an occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building and which is clearly incidental to the dwelling unit.

"incompatible land uses" means land use activities that cannot co-exist without creating undesirable effects or interferences.

"infill" means the development of new lots with frontage on a public road allowance that increases the density of development and maximizes the utilization of existing infrastructure systems.

"landscaping" means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a buffer between properties in order to mitigate objectionable features between them.

"livestock" means farm animals kept for the use, propagation or profit and includes, but is not limited to, dairy and cattle, swine, hogs, bison, goats, horses, poultry, sheep, rabbits and other exotic animals not kept exclusively as pets;

"livestock production operation" means a permanent or semi-permanent facility or non-grazing area where at least 10 animal units of livestock are kept or raised either indoors or outdoors, and includes all associated manure collection facilities but does not include an auction mart.

"major provincial highway" means a highway designated in the Provincial Land Use Policies as a major provincial highway by Manitoba Transportation and Government Services because of its importance as a regional, provincial, inter-provincial or international highway.

“mobile home dwelling” means a dwelling unit designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, being on the site on wheels, jacks or similar supports, or on a permanent foundation, and having been built in accordance with CSA building regulations and *The Buildings and Mobile Homes Act*. For the purpose of this Development Plan, the removal of the wheels or permanent or semi-permanent attachment of a foundation to a mobile home shall not change the classification.

“mobile home park” means a parcel or land under one ownership upon which mobile home spaces are provided for rent or lease and have been approved by Council.

“mobile home subdivision” means a parcel of land subdivided into mobile home sites that may be sold for the placement of mobile homes.

"one hundred year flood" means a flood that can be expected to occur, on average, once in 100 years, or specifically a flood that has a one percent chance of being equalled or exceeded in any year;

"ordinary high water mark" means the level at which the water in a water body or waterway has been held for a period sufficient to leave a mark on the vegetation and/or soil along the bank; the line identified in a plan of survey as "O.H.W.M." or "Ordinary High Water Mark", or the line on a plan of survey delineating the bed of a water body or waterway;

"provincial highway system" means highways declared to be provincial trunk highways and highways declared to be provincial roads, under *The Highways and Transportation Act*, and that have not been abandoned;

"public services" includes potable water; sewage and solid waste collection, handling, storage, treatment and disposal; storm and other surface water drainage; electrical generation, transmission and distribution facilities; telephone and other public communication facilities; pipelines; roads, airports and other public transportation facilities; parks and other recreational facilities; schools; health and social services; police, fire protection and other emergency services;

"recreational development" means a development of a recreational nature, including campground development, canoe routes, cottages, summer resorts, and trails;

"residential development" means dwellings used permanently or occasionally including cottages unless otherwise specified;

"renewable resources" includes living things such as fish, wildlife, trees and other plants, and surface and ground water;

"rural areas" means all areas other than urban centres;

"shoreland" means land within 300 m of the ordinary high water mark of a water body, or land within 90 m of the ordinary high water mark of a waterway;

"sustainable use" means a level of use that a resource can permanently sustain without degradation;

"water body" means any body of flowing or standing water, whether naturally or artificially created, and whether the flow or presence of water is continuous, intermittent or occurs only during a flood including but not limited to a lake, river, creek, stream, slough, marsh, swamp and wetland, including ice on any of them;

"waterway" means an open, defined channel, river, stream, drain or ditch, either naturally or artificially created, that intermittently or continuously contains moving water;

"wetlands" means depressional lowlands one-half acre or more in area including sloughs, potholes, marshes, oxbows and fringed open water containing temporary, seasonal or permanent water and supporting emergent vegetation such as cattails, bulrushes, bluejoint, whitetop and phragmites and submerged and floating aquatic plants such as water milfoil, bladderwort, pondweeds and waterlily;

"wildlife" means a vertebrate animal of any species or type that is wild by nature in the province, but does not include fish.

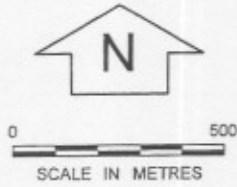
"zoning by-law" means a By-law passed by the Council of a Municipality in accordance with *The Planning Act*.

TOWN OF MORRIS

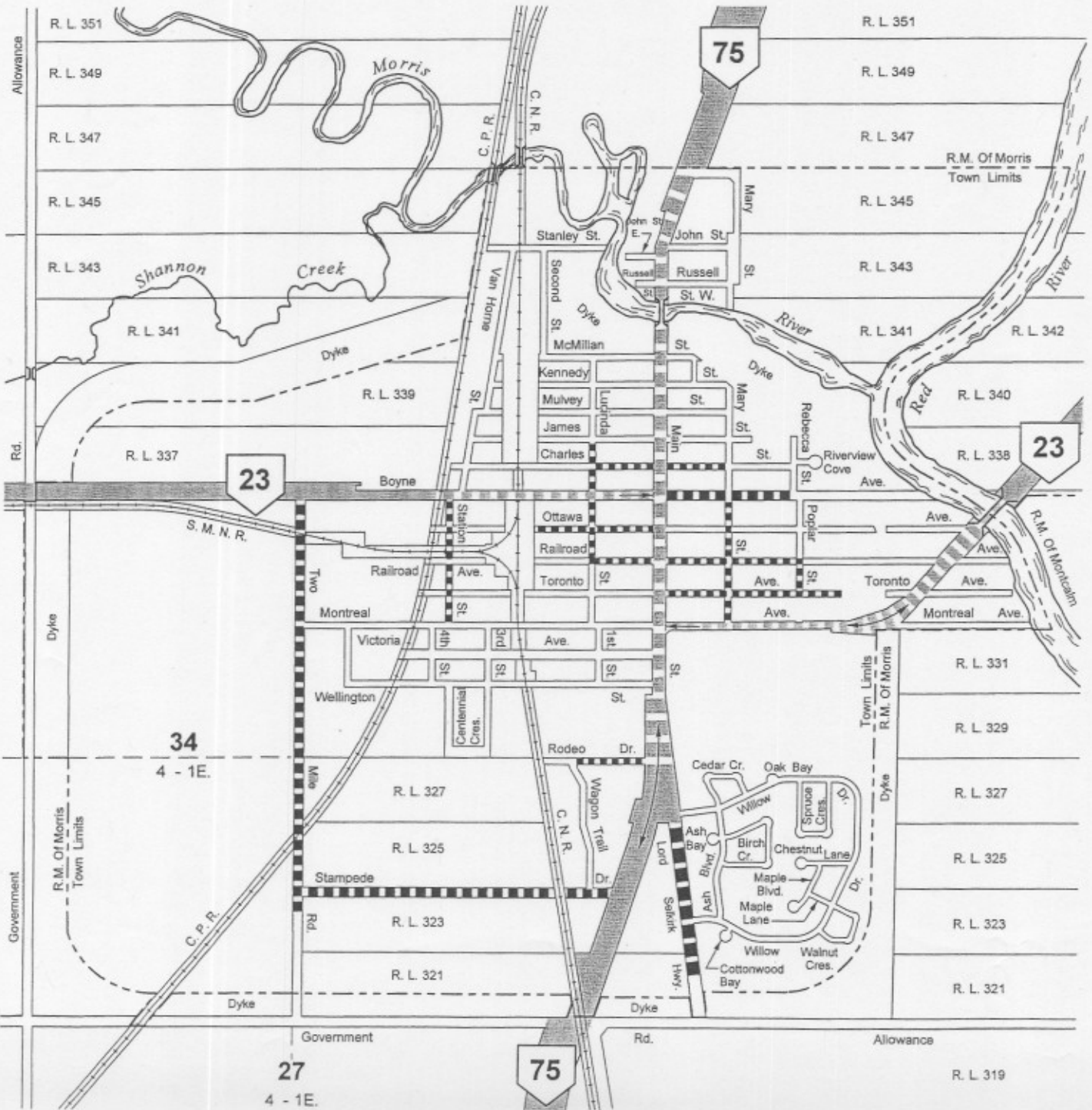
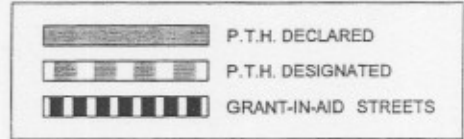
MAP 1

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 DEC. 29, 2000
 JAN. 14, 2002

MAP REVISED:-



MANITOBA
 TRANSPORTATION AND GOVERNMENT SERVICES
 HIGHWAY PLANNING AND DESIGN BRANCH
 DRAFTING SECTION
 WINNIPEG
 JUNE 2003



G.I.A. REVIEW- NOV. 1, 1995