

## Application Checklist

Before submitting your application, please confirm you have the following items:

- Owner's name (please note that if an applicant is applying on behalf of a property owner, a letter of authorization from the owner must accompany the application)
- Mailing address/contact information
- Legal description of the property
- Civic address
- A brief description of the proposed amendment and the reason(s) it is required
- Site or concept plan (if applicable)
- Amendment Application Fee of \$1000.00 (plus advertising and consulting costs)

## How are the Development Plan and Zoning By-Law relevant to my development or subdivision proposals?

Before any development takes place, such as subdividing a property or constructing a building, the owner of the property has to ensure the proposed development conforms to both the land use designation and existing zoning regulations found within the Development Plan and Zoning By-Law. If the proposed development does not conform to either or both of these documents, the property owner must apply to the RM of East St. Paul for the necessary amendments.

## Where can I get a copy of the Development Plan or Zoning By-Law?

Copies of both the RM of East St. Paul Development Plan and Zoning By-law are available on the municipality's website ([www.eaststpaul.com](http://www.eaststpaul.com)) or for inspection and purchase at the municipal office.

**Planning Department  
Office Hours  
Monday to Friday  
8:30am to 5:00pm**



**RM of East St. Paul  
Unit 1 - 3021 Birds Hill Road  
East St. Paul, Manitoba  
R2E 1A7**

**Ph. (204)663-0618  
Fax (204)668-1987**

**Email:  
[planning.department@eaststpaul.com](mailto:planning.department@eaststpaul.com)**

**Web:  
[www.eaststpaul.com](http://www.eaststpaul.com)**

This pamphlet provides general guidance only. For definitive requirements and procedures, please consult The Planning Act, the East St. Paul Development Plan, the East St. Paul Zoning By-Law or the Manitoba Department of Local Government.

Please consult the RM of East St. Paul Planning Department for further information or to make an application.

# Development Plan & Zoning By-Law Amendments



Rural Municipality of  
**EAST ST. PAUL**  
Planning Department

## What is a Development Plan?

The RM of East St. Paul Development Plan sets out the community's goals, objectives and policies to guide future development. The Development Plan has a number of different designations that allow for residential, commercial, industrial, agricultural or other land uses. A land use map showing the land use designations for different areas comprises part of the Plan.

## What is a Zoning By-Law?

A zoning by-law is a tool used to legally assign a zoning category to every property in the RM of East St. Paul. It specifies, among other requirements, the types of buildings allowed, the type of activities that can take place on that property, and setback and size regulations. The purpose of zoning is to ensure that specific types of land uses (e.g. industrial) are in appropriate areas and the types of buildings or land uses on one property will not be detrimental to surrounding properties.

The Zoning By-Law must generally conform to the Development Plan.

## Can the Development Plan and Zoning By-Law be amended?

A formal review of the Development Plan is required every five years. Following the adoption of a development plan, a zoning by-law review is also required. In the interim, amendments to portions of the Development Plan or Zoning By-Law may be initiated by Council, or through an application made to Council by the owner of an affected property or a person authorized in writing by the owner. However, amendments should be closely reviewed to ensure that the community's long-term interests are protected.

If both amendments are required, the Development Plan Amendment must first be completed before the Zoning By-Law can be amended. All changes to the Zoning By-Law must conform to the land use designation and policies set forth in the Development Plan and be compatible with existing land uses.

## What is the amendment process?

### APPLICATION

Your development proposal should be well-planned, and you should discuss your proposal with Planning Department staff before submitting a Development Plan or Zoning By-Law Amendment application.

When an application is received by the municipality, a by-law is prepared and forwarded to Council for consideration. If Council deems it to have merit, the application is given First Reading.

Between first and second reading of the by-law, Council must hold a public hearing to receive representation from any person on the proposed amendment. Municipal staff will advertise the proposed amendment in the newspaper and notify landowners in the surrounding area of the hearing by mail and/or the posting of the property. The application is also circulated to the Province, as well as adjacent municipalities and planning districts.

### REPORT TO COUNCIL & THE PUBLIC HEARING

Municipal and/or provincial staff will prepare reports to Council that includes an analysis of the application, a recommendation for the application to proceed or be denied, and any specific considerations that need to be addressed. This will be presented at a formal hearing. Any person who deems their interests may be affected by the proposed amendment has an opportunity to express their concerns to Council at the public hearing. The applicant will also have an opportunity to present their proposal and/or respond to any questions.

When all interested individuals have spoken, Council will close the public representation and may either give Second Reading to the by-law, amend the by-law and hold another public hearing, or decide not to proceed with the amendment.

### APPEALS, HEARINGS & FINAL APPROVAL

At this stage, the process of amending a Development Plan differs slightly from the process to amend a Zoning By-law:

#### Development Plan Amendment

If the Development Plan amendment is given Second Reading and no person has objected, Council shall give notice to the Province.

If there are objections, then those who have concerns will have an opportunity to appeal the Development Plan amendment to the Minister of Local Government. If the Province feels it is appropriate, a Municipal Board hearing will be held and the Municipal Board will make a recommendation to the Province.

The Minister of Local Government can approve the by-law, with or without changes, or reject the by-law. After receiving the Minister's decision, Council can alter the by-law as required and give it Third Reading or pass a resolution not to proceed. If Council has given the by-law Third Reading, it has to return a certified copy of the by-law to the Minister and advertise in the newspaper that the by-law has been approved. If Council decides not to proceed with the by-law, it shall notify the Minister and any person who made representation at the Municipal Board hearing.

#### Zoning By-law Amendment

If the rezoning application is given Second Reading, no person has objected and Council feels there are no issues to resolve, the application can be given Third and Final Reading. Approval of the Minister of Local Government is not required for a zoning by-law amendment.

If there are objections, then those who have concerns will have an opportunity to appeal the rezoning to the Municipal Board, which may require a hearing be held. The RM of East St. Paul Council is bound to abide by the Municipal Board's decision.

Before giving Third Reading, Council may require the applicant to enter into a development agreement with the Municipality. These agreements can deal with the use of land or buildings, the timing of construction, the location and design of buildings, traffic and parking controls, landscaping, the construction of infrastructure or public works (or money in lieu thereof), and, in certain instances, the dedication of land. This agreement can also be caveated to the property.