

City of Dauphin

COMMUNITY DEVELOPMENT PLAN

October 2010
Mayor & Council, City of Dauphin





Dauphin



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PART 1: INTRODUCTION

1.1 AREA COVERED BY DEVELOPMENT PLAN

This development plan applies to the City of Dauphin in the Parkland Region of the Province of Manitoba.

The boundaries of the City are illustrated on Development Plan Map 1, Land Use Areas, in this by-law.

1.2 LEGAL AUTHORITY

The Planning Act of Manitoba (C.C.S.M. c. P80) was assented to on June 16, 2005. It provides the legal basis upon which development plans are enacted by Manitoba municipalities. Revisions to the Planning Act came into effect on January 1, 2006 and under the revised Planning Act (the Act); development plans are a mandatory document for municipalities.

Section 40(2) of *The Planning Act* directs that:

“The council of a municipality that is not part of a planning district must prepare a development plan for the municipality.”

Section 45 of *The Act* provides that a development plan must be adopted by by-law and provision is made in Section 46(1) that between First and Second reading, Council:

“...must hold a public hearing to receive representations from any person on the proposed development plan....”

1.3 REQUIREMENTS OF DEVELOPMENT PLAN

The general requirements of a development plan are set out in Section 42(1), as follows:

“A development plan must:

- (a) set out the plans and policies of the planning district or municipality respecting its purposes and its physical, social, environmental and economic objectives;
- (b) through maps and statements of objectives, direct sustainable land use and development in the planning district or municipality;



(c) set out measures for implementing the plan; and

(d) include such other matters as the minister or the board or council considers advisable.”

1.4 PLANNING HISTORY IN DAUPHIN

According to the history book *“Dauphin Valley Spans the Years”* the expanding area of the Town and the problems presented by this development convinced Council of the need for setting up a Town Planning Committee in 1950 to act in an advisory capacity on questions brought before Council. A zoning by-law was adopted for the central built-up area of the Town. The Town Council applied for provincial planning services and an agreement was entered into with the Minister of Municipal Affairs in November 1963. Dauphin’s first Town Planning Commission was appointed at the beginning of 1964 to oversee the planning of the Town with the assistance of a professional planner. The Town of Dauphin Planning Scheme 1973 was adopted in June 1973.

When Dauphin was incorporated as a town in 1901 the town boundaries encompassed an area of 640 acres. Among the numerous boundary changes that have taken place to accommodate the growth of Dauphin over the years there have been four major boundary extensions. The first boundary extension in 1910 increased the area of the Town by nearly 50% by adding 277 acres. The next major boundary change took place in 1951 with the addition of a further 246 acres. In 1963 a major boundary change took place that added some 740 acres to Dauphin. A further annexation took place in 1978 which resulted in the addition of 783 acres to the Town. A basic planning statement was adopted for the 1978 annexation area in January 1979 followed by the adoption of a zoning by-law in May 1979.

After the preparation of a background study and consultation with the Province, a Development Plan was adopted by Council and the Province taking effect on September 14, 1983, followed by the adoption of the zoning by-law on October 28, 1985. Many amendments were enacted throughout the years to accommodate change.

In 1998 Dauphin changed its corporate status and became a city. In April of 2001 a new Development Plan was prepared and several amendments have followed. With the passage of the new Planning Act in 2005, all municipalities were required to prepare amended, or new, development plans to comply with its provisions. The intent of this by-law is to; comply with those provisions, preserve the still relevant portions of the 2001 Plan, ensure the new Plan meets current needs, make the Plan more effective and user friendly, and to repeal the present Plan as amended.

PART 2: BACKGROUND INFORMATION

In preparing a new development plan in 2009 for adoption in 2010, extensive background research was carried out by planning and research staff. Much of the background work done for earlier plans still had some relevance, although updates in most cases were necessary. In addition, new information was gathered and analyzed to reflect changing land use patterns, infrastructure updates, requirements of the 2005 Planning Act





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and changing policy priorities of both the provincial government and the City of Dauphin Council. The full Background Report, including useful reference maps, prepared in support of this by-law does not form part of the by-law but is available for inspection at the City of Dauphin. A summary of the content from the background report is presented below.

The Dauphin Background Report 2008 was prepared as a resource document in support of The City of Dauphin's initiative to prepare a new Development Plan. The Plan, prepared under the authority of the Province of Manitoba's "Planning Act", will provide guidance to both Council and the general public on all land use and land development matters over the next 5-10 years.

Dauphin is a large urban community and possesses a strong economic position as the primary service centre to the Parkland Region. Demographically the Parkland region exhibits the national trend towards a de-populating rural hinterland, with a growing percentage of the population residing in the larger urban centres. Overall, Dauphin's population has shown a slight decline over the most recent census periods; however that trend shows some signs of reversing in the light of growing percentages of new migrants in the City's population base. The City of Dauphin has 26% of its population over 65 years of age, which is high in comparison to other large Manitoba urban centres.

As a regional centre, Dauphin's labour force is diverse. The largest segments of the labour force are employed in the health, education, and wholesale/retail sectors. The unemployment rate in 2008 was 7%. There is a notable shortage of skilled laborers in the community. The average household income in Dauphin is significantly less than the provincial average household income.

Development growth in the City has been steady. Residential construction continues to escalate, despite a declining population, although it still lags behind other comparable Manitoba centres. Commercially, the CBD area remains strong and regionally focused development continues to expand along P.T.H. # 10 in the south part of the City.

Provision of high quality public services continues to be a strength of the community. Recent improvements include; a new water treatment plant; a state of the art recreation complex; and a park and open space plan focusing on the multi-use Vermillion River valley which transverses the City. Financially the City is strong and has dramatically lowered its capital debt over the past 6-7 years, while at the same time replenishing reserve accounts to appropriate levels.

There is a reasonable supply of designated lands available for additional residential, commercial and industrial development within the City, although alternative locations for certain types of commercial development may be limited as not all designated lands are currently available for development. Issues of direction of growth; infrastructure efficiencies and costs; flood plain and surface drainage constraints; demand for mixed use areas; and the encouragement of affordable multi-family and seniors housing alternatives are addressed in the development plan policies which follow below.





PART 3: OVERVIEW AND VISION STATEMENT

3.1 OVERVIEW

This Development Plan provides guidance and establishes parameters for land use developments in the City of Dauphin over the next 7-8 years. It is a policy document that establishes the framework upon which existing land uses can thrive and upon which new developments can build.

The Development Plan takes into account the goals and objectives of the community as identified in the research and consultation processes. Council defines policies in the Plan that will assist in achieving the physical, social, environmental and economic objectives of the community as a whole. Under the guidance of the Development Plan, it will be possible to draft and employ the more site specific planning tools required to implement the overall policies. These additional elements may include, but not be limited to; an updated zoning by-law, development agreements, secondary plans, park and open space plans, infrastructure improvements and 5 year capital budget projections.

3.2 VISION STATEMENT

Dauphin's Development Plan draws on a vision of the City that reflects both pride in its history as well as its potential for growth as a regional service and destination centre. It is a community which promotes commercial growth, strong residential neighbourhoods, cultural diversity and an outstanding quality of life. It is blessed with a scenic natural environment, a solid financial base and a strong municipal infrastructure. In order to ensure its long term viability, new development will be sought aggressively with the knowledge that well-planned, environmentally sound and economically sustainable growth will add to Dauphin's strengths and enable its vision to continue to be achieved.

PART 4: GENERAL POLICIES

4.1 INTRODUCTION

This section of the Development Plan outlines the general objectives and policies which will guide the overall use, planning and development of land in the City of Dauphin. These issues and policies apply throughout the City. In Part 5, which follows, the Plan addresses issues and policies specific to each of the designated land use areas.

The boundaries of mapped land use designations in this Plan should not be construed as being exact but should be considered primarily as providing a general spatial relationship amongst the designations.

It should also be noted that notwithstanding the content of this by-law the relevant provisions of other acts and regulations of the Manitoba Legislature continue to apply in the municipality. These Acts include: but are not limited to; The Highways Protection Act, The Water Protection Act, The Drinking Water Quality Standards Regulation, The Municipal Act, and The Planning Act.

4.2 GENERAL PLANNING AND DEVELOPMENT - ISSUES AND POLICIES

Issues:

In keeping with its Vision Statement, The City of Dauphin has identified a number of over-riding issues that have City-wide relevance. Policies which address these issues apply City-wide and these policies set the high-level standards against which Council will consider land use and development matters as they come forward.

The following issues will receive consistent policy priority in applying the development plan:

- Land-use compatibility – property owners have invested time, energy and monies into their real estate holdings and their decisions in this regard need to be respected and protected.
- Servicing efficiencies and costs – Physical and social infrastructure costs are important to the ongoing viability of the City. The costs of these services are considerable and evidence of development demand will be a guiding principle in planning city growth.
- Development constraints – There are natural and/or man-made constraints that affect land development potential in some areas of the City. These constraints will be recognized in considering development options and timing.
- Environmental sustainability – Dauphin’s vision recognizes the importance of its natural setting and the value of maintaining it over the long term.
- Community quality of life – Quality of life is important to residents and is one of Dauphin’s strongest marketing attractions. Land use development will be reviewed in the context of its impact on this critical issue.





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4.2.1 General Development Policies:

a) Quality of Environment

- i) Ensure that development is compatible and in harmony with other land uses, and takes place in a manner that avoids the creation of dangers to public health, safety and well being, and nuisances.
- ii) Encourage planned, environmentally sound and sustainable economic development.
- iii) Encourage the provision of a pleasant environment in residential areas and a good supply of housing of high quality and varied mix to meet the needs of all citizens.
- iv) Promote the improvement of the quality and structure of buildings within the central area of the City in order to reflect the community's conscious identification of the City centre as the focus of major social, cultural and commercial activities.
- v) Promote the development of a peaceful and interesting atmosphere in all parks, open space and buffer areas through leadership and direction by the City and active involvement by community groups;

b) Supply of Land

- i) Ensure an adequate land supply is available for each land use.

c) Concept Plans & Review Processes

- i) Council may require conceptual plans and/or impact studies from a proponent in order to assess a development proposal. The components of the plans or impact studies will be determined by Council based on the nature and extent of the proposal.
- ii) Development review processes will include careful considerations of the short and long term costs and benefits which may result from proposed developments.
- iii) Proposals should provide a measure of protection for investments in existing buildings and structures, including transportation systems and municipal infrastructure.

d) Public Participation

- i) Encourage public feedback opportunities when significant land use proposals are being considered by Council.



- ii) Promote consultation with the Rural Municipality of Dauphin regarding development proposals within close proximity of either side of the municipal boundary. The City will encourage cooperative partnerships with its neighbours when deemed to be of joint benefit in fostering the further healthy growth of the community.

4.3 MUNICIPAL SERVICES

4.3.1 General Municipal Service Policies

The policies discussed in this section are general in nature and apply to all municipal services. In addition to the policies listed below there are additional policies for each individual service. Reference Maps outlining major municipal infrastructure systems are provided as an informational Appendix to this By-law.

The following policies have been adopted in order to provide and maintain a high level of municipal services thereby ensuring healthy, safe and orderly community development in an economic manner. Council will:

- a) adopt standards for municipal services;
- b) ensure that the infrastructure services in the older developed areas of the City are maintained in good repair;
- c) Subject to annual budgeting, services will be replaced in order to avoid sudden heavy expenditures when the services are completely worn out;
- d) encourage maximum use of existing municipal infrastructure prior to the extension of the system;
- e) ensure that appropriate public services can be extended to new developments in a rational and economic manner.
- f) maintain a reserve capacity or development program in the municipal service system that will readily accommodate new development; and
- g) maintain up-to-date record drawings of all municipal utilities.
- h) continue to encourage inter-municipal cooperation in servicing initiatives with the Rural Municipality of Dauphin when deemed to be of mutual benefit to the City and the R.M..
- i) recognize the local challenges of flood plain and flood fringe areas, solid waste disposal sites, lagoon maintenance, and surface run-off in planning for new and existing land development.
- j) reflect long-term planning of municipal services in the municipal 5-year capital works plans that are mandatory in the budget preparation program.





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- k) Where deemed appropriate by the scale, nature or location of a proposed development, request an engineering review of the impact of the development on the existing and future provision of municipal services to the area and the impact, if any, on the surrounding area.
- l) Where deemed appropriate by the scale, nature or location of a proposed development, Council will require development applicants to contribute towards the costs of necessary upgrades to municipal infrastructure, including but not limited to sewer, water, drainage and transportation systems, arising as a result of the development proposed.

4.3.2 Public Utility Policies

Council will:

- a) Consult and cooperate with the providers of public services when appropriate, in evaluating and approving any subdivision or development proposal, in order to ensure their services can be provided in the most economical and efficient manner
- b) Consult with the providers of public utility services to ensure that their service interests and approval functions are effectively coordinated with local development and approval processes.
- c) Recognize that essential activities of the public utilities will be permitted in all land designation areas subject to the Zoning By-law. The Zoning By-law will incorporate standards in this area to minimize incompatibility with neighbouring uses.

4.3.3 Waterworks System

The City of Dauphin waterworks system consists of raw water impoundments on the Vermillion River and Edwards Creek, a water treatment plant, a supply line, a booster station, a total of 10.41 ML storage capacity and a network of water mains. The City also provides water services to a limited extent within the R.M. of Dauphin.

The policies adopted below are in keeping with the general policies regarding basic services and the goal of maintaining the waterworks system in an acceptable state of operation while providing for all necessary extensions of water mains to newly developing areas of the community.

- a) Ensure the quantity and rate of delivery is adequate to meet present and future domestic and fire protection needs. The domestic water supply services shall be monitored by the City of Dauphin and the Province of Manitoba to ensure that they meet or exceed Provincial standards.



- b) Operate and maintain the Water Treatment Plant such that it produces treated water that meets or exceeds the *Guidelines for Canadian Drinking Water Quality and Province of Manitoba guidelines and regulations*.
- c) Ensure the water supply is protected through liaison and consultation with Parks Canada, the R.M. of Dauphin and other appropriate provincial agencies.
- d) Maintain a program for the provision, repair and replacement of waterworks facilities. The replacement and improvement of water mains will be based on available funds and an internal analysis of the frequency of leaks and breaks and the ability of the system to meet health and safety standards.
- e) All watermain replacements should be completed as far ahead of pavement construction or reconstruction as possible, and planned in conjunction with roadway pavements or improvements to prevent unnecessary disturbance of paved surfaces.
- f) In keeping with past practices, and in cooperation with the R.M. of Dauphin, the City of Dauphin will consider requests for provision of water services outside of the City boundaries on a case by case basis.

4.3.4 Sanitary Sewer System

Wastewater flows from the City of Dauphin are conveyed by local collector and trunk sewers to a main pump-house located in the southeast corner of the NW 1/4 of Section 14-25-19WPM and a small pump-house on Second Avenue NW. All wastewater is pumped from the main pump-house to the sewage lagoon treatment system located in the SE 1/4 of Section 23-25-19WPM. Here the wastewater is treated and the treated effluent is discharged to the Vermillion River via a closed conduit. Issues taken into consideration include:

- In 2006, the City of Dauphin purchased land to the north of the existing lagoon site in order to allow for future expansion as required. A multi-year sludge removal program was also initiated in 2006, providing improvements to the hydraulic capacity of the sewage lagoon. A hydraulic capacity study was completed by Earth Tech. Based on current regulations and anticipated population growth, the lagoon has enough capacity up to 2025.
- The present sewage pumping facilities are capable of servicing a population of approximately 10,200 persons. The outfall from the lagoon to the Vermillion River has sufficient capacity for a population of approximately 13,000.

The following policies are in accordance with the goal of maintaining the sanitary sewer system in an acceptable state of operation and performance and for expanding the sanitary sewer collection, pumping and treatment facilities to meet future demand.

- a) Direct the trunk sewer system towards the areas which have been designated for immediate or near future development





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- b) Monitor the wastewater flows in order to be prepared for the expansion/upgrade of pumping and treatment facilities prior to sewage flows reaching the rated capacity of these facilities or the limits of the Clean Environment Commission licensing order.
- c) Regular maintenance shall be undertaken at the sewage lagoon to ensure proper operation of the facility. All effluent discharge into the Vermillion River shall comply with current Province of Manitoba environmental regulations.
- d) Continue a program of investigation into condition of the existing sewage collection system in order to repair and maintain the system, with particular emphasis on areas being considered for road resurfacing or reconstruction.
- e) Any feasible and economical means of reducing extraneous flows shall be considered. It is recognized that extraneous flows contribute significantly to the daily waste water sewage flows and past designs of the pumping and treatment facilities have taken this factor into account. Any reduction in these extraneous flows will allow the main pump-house and treatment facilities to serve a larger population.
- f) Continue a program of investigating and upgrading of the core area sewage collection system, subject to available funds. As in the case of the watermain pipes in the core, the system has been in service for more than 40 years. The ongoing replacement of these facilities will be based on internal assessments.
- g) All wastewater sewer installations should be completed as far ahead of pavement construction or reconstruction as possible and planned in conjunction with roadway pavements or improvements to prevent unnecessary disturbance of paved surfaces.
- h) In keeping with past practices, and in cooperation with the R.M. of Dauphin, the City of Dauphin will consider requests for provision of sanitary sewer services outside of the City boundaries on a case by case basis.

4.3.5 Storm Sewer and Land Drainage System

Storm water collected by the existing land drainage sewer system of underground drains and surface ditches in the City of Dauphin is ultimately discharged either to the Vermillion River, Salt Creek, or to Edwards Creek. Prior to 1977 there was no defined drainage scheme to convey water away from the City. Drainage, particularly in the south part of the City, is an issue that is taken into consideration during the planning of new development.

As a result of the “The Town of Dauphin – Storm Water Runoff Study”, prepared by Underwood McLellan in 1977, the City has constructed various land drainage improvements such as an open channel from Dauphin to the Vermillion River, an open channel to Salt Creek and various large diameter underground relief storm drains. More recently, in 2007, a drainage conceptual plan for the south end of the City has been prepared



by Samson Engineering. Subject to available financing, storm relief upgrades are considered by council during the annual budget process.

The policies in this section are intended to continue to improve the existing system to reduce the risk of basement flooding and overloading of the sewage lift stations, to generally deter excessive runoff both within and outside of the City, and to expand the storm water drainage system to meet future surface runoff considerations. In dealing with matters of surface drainage and watershed management generally, the City of Dauphin recognizes the benefits of working with surrounding jurisdictions and agencies. The policies follow:

- a) The City of Dauphin will seek to work cooperatively with the R.M. of Dauphin, the Intermountain Conservation District, Parks Canada, and provincial departments such as Manitoba Infrastructure and Transportation, and Water Stewardship, as appropriate, in the development and maintenance of surface drainage systems and the overall management of storm runoff within the City.
- b) Employ a storm drainage scheme that will allow for a separation of the land drainage and the sanitary sewer system in new developments.
- c) Continue the current program of constructing separate land drainage sewers in existing areas and retention/detention ponds in the new development areas. In this way the capacity of the existing sewage collection system can be increased.
- d) Encourage a system of open channel drainage and retention/detention ponds, or other engineered solutions, in the design of future development areas. The use of retention/detention ponds systems and open channel drainage are an alternative to the closed conduit (piped) system under certain circumstances. Under this concept, local storm-water is directed to strategically placed retention/detention ponds where it is retained for ultimate release to the existing land drainage channels and streams. Such systems are less costly to install than conventional closed conduit systems and offer the possibility of being incorporated into subdivision designs to become a part of the City's aesthetic amenity and open space/recreation network.
- e) With regard to proposed commercial and/or industrial developments, any property that is being newly developed, re-developed, or proposed to have significant expansion of its buildings, may be required to submit, as part of the building/development permit requirements, an engineered lot grading plan indicating building and lot elevations, along with proposed drainage patterns. The developer may also be required to provide projected engineered storm runoff calculations. The City of Dauphin will provide additional detail on expectations regarding surface drainage management through the use of the appropriate components of Part 6, "Implementation Tools" of this plan. In general, land drainage in new developments shall, to the extent feasible, be such that the rate of runoff as a result of development shall not exceed the rate that exists in the original pre-development state.
- f) Wherever substantive new development is proposed in the City, concept plans identifying potential implications to the provision of municipal services, including consideration of surface drainage issues, may be required by, and at the expense of, the development proponent(s). Where feasible, development should result in no increase in storm flows to the highway ditch system. Where this is unavoidable, the costs of revisions required to the existing highway drainage system, which are





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directly associated with a development, will normally be the responsibility of the developer. At the discretion of the planning authority such costs may alternatively be subject to a cost-sharing agreement.

- g) When a significant development proposal, from a perspective of size, scale or nature, is brought forward in the Commercial area along Main Street South, drainage information at a functional design level will need to be provided before approval is granted. The appropriate Provincial departments will be consulted in determining whether information at a functional design level will be required.
- h) Small development projects shall be encouraged to incorporate systems of roof and/or parking lot ponding, mild graded green spaces and similar features to reduce the runoff from the newly developed land.
- i) Plan land drainage improvements as far ahead as possible to prevent unnecessary disturbance of roadway surfaces.

4.3.6 Land Fill

The current land fill site was developed in 1984. A review of the current operation was conducted by J.R. Cousins, professional engineers, in 2009. The review indicated that at current levels of usage, the facility would reach capacity in 2029. Policies to guide the disposal of solid waste include:

- a) The City of Dauphin shall continue to pursue strategies to reduce the quantity of waste being hauled to the landfill, including the promotion of the tonnage of waste being recycled.
- b) The estimates of useful life of the current landfill site will be monitored and actions to increase capacity will be undertaken as necessary when circumstances warrant.

4.4 TRANSPORTATION POLICIES

The purpose of this section is to establish general objectives and policies for transportation planning within the City. The provincial highways system contained within the City consists of PTHs 5A and 10A, 20A and PR 362. When development is contemplated adjacent to these highways, Manitoba Infrastructure and Transportation shall be consulted and statutory regulations adhered to.

Various aspects of the transportation facilities of the City of Dauphin were examined by Underwood McLellan Limited in their October 1980 report. This examination included a review of the existing street traffic conditions, the designation of a network of collector and arterial streets, and an examination of existing parking in the City of Dauphin. Aspects of the transportation facilities which required more detailed review were also identified. Much of the data collection and analysis in this report continues to be relevant at this time. For reference purposes, a copy of the street network map is included as an Appendix to, but not forming part of, this Development Plan bylaw.



The policies and programs in this section are linked to the findings in the Underwood McLellan report, but also take into consideration consultations with the City Operations Department and Manitoba Infrastructure and Transportation since that time. Three of the key transportation issues related to the provincial routes within the City were studied in a 2010 functional study by Wardrop Engineering, on behalf of Manitoba Infrastructure and Transportation. The study areas included: the intersection of Mountain Rd. at River Ave.; access improvements along PTH 20A; and operation, access and development control along PTH 5A. The proposed functional study is currently under review and has not yet received approval at the time of this Plan, however, any proposed developments in the areas of study must comply with the functional study.

The following policies seek to establish safe, efficient and convenient transportation facilities and services for all users of the transportation system.

4.4.1 Provincial Transportation System Policies:

- a) Encourage commercial uses which primarily serve the traveling public to locate where there is access available from major roadways, and where the efficiency and safety of the adjoining roadway are not jeopardized.
- b) New development that is to be permitted in the control areas of provincial roads and provincial trunk highways under provincial authority will be subject to the approval of Manitoba Infrastructure and Transportation and / or the Highway Traffic Board prior to municipal approval.
- c) The location and construction of an access to the provincial highway system will be subject to approval by the appropriate traffic authority.
- d) Proposed developments which may be adversely affected by noise, dust and fumes from roadways and railways (e.g., residential uses, hospitals) should be encouraged to locate where there is adequate separation from these corridors and / or to incorporate sound barriers or landscaped buffers to mitigate the conflict.
- e) Development that may have a detrimental impact on the safe operation of the provincial highway system shall not be allowed unless mitigative measures acceptable to the Province are incorporated into the development.
- f) Subdivisions / development will not be permitted in areas designated for highway widening or expansion unless provisions acceptable to the Province are made to accommodate future widening or expansion. Specifically, subdivisions along PTH 5A and 10A South and PTH 20A to the east, shall not be permitted unless provisions acceptable to the Province are made to accommodate future highway improvements, which may include four-laning and/or service roads as necessary .

4.4.2 Municipal Transportation System Policies:

- a) Protect and improve the quality of the constructed environment of the City by:





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- i) Encouraging a high standard of development along the arterial streets and highways since these immediately noticeable areas often convey a lasting impression of the community;
- ii) Initiating steps for maintaining a pleasant environment along urban streets through adequate site planning in residential, commercial and industrial areas;
- b) Minimize disruption to local development when street upgrading is required;
- c) Provide and maintain an efficient and economical sidewalk system.
 - i) Sidewalks should be provided in areas exhibiting heavy pedestrian traffic such as adjacent to commercial zones, schools, playgrounds, institutions and along collector and arterial streets. Highway commercial and industrial areas for this reason, may not require sidewalks;
 - ii) Sidewalks should be constructed in conformance with predetermined patterns or on the northern and eastern sides of right-of-ways, adjacent to lot lines and provide a maximum of feasible separation between pedestrians and vehicular traffic. In the cases of relatively short, lightly used streets, such as cul-de-sacs, however, the sidewalks, if provided, may be adjacent to the curb.
- d) Develop parking standards.
 - i) the City of Dauphin has adopted standard levels for provision of off-street parking spaces as part of its Zoning By-law; and
 - ii) the City of Dauphin will continue to monitor on-street parking and may initiate a parking study and implement remedial measures if required.
- e) As a reference document, maintain a street classification system within a transportation network including both existing and proposed streets.
 - i) Encourage an orderly and efficient development of the street system and to provide for future development, roadways will be classified according to function and in accordance with the following recommended traffic volume levels:

Local Street

The local street system provides direct access to property and connection to the collector street system for short trips. Local streets in residential areas should be limited to an Average Daily Traffic Volume of less than 1,000 vehicles per day, although it is recognized that many local roads in Dauphin average much higher than this and should be relieved of some of this load. In Dauphin many of the existing local streets are connected directly to an arterial street without an intervening collector. This has resulted in some local streets carrying higher than desirable volumes of traffic. Direct connection from local to arterial streets creates many conflicting traffic movements on the arterial, reducing speed, capacity and safety. Direct connection between local and arterial streets should be avoided, and where feasible direct connections between local and arterial streets should be eliminated.



Collector Street

A collector street not only provides direct access to abutting properties but also is designed to carry through traffic from local streets to arterial streets.

The diversion of traffic from local streets to collector streets should be encouraged by upgrading the standards for the designated collectors and restricting access from the arterial to local streets. The Average Daily Traffic (ADT) on collector roads should range from 1,000 to 4,000 vehicles per day. Private access to collector streets and on-street parking should be kept to a minimum and public lanes provided as an alternative access.

Arterial Street

An arterial street is intended to function as a major through route. Direct access to arterial streets should be limited to collector streets and other arterials where efficient traffic control devices can be used. Arterial streets normally carry traffic volumes in excess of 4,000 ADT.

4.4.3 Development Control

- a) Provide adequate buffering between the Provincial Trunk Highways and any adjacent residential developments.
- b) Minimize traffic conflicts between local and through traffic on PTH No. 5A & 10A South and PTH 20A to the east. Continue to work in cooperation with Manitoba Infrastructure and Transportation in long range planning for service road extensions from Whitmore Ave. south to Triangle Road, including provision for up to 3 intersections between these 2 roadways.
- c) Continue to apply design standards and recommended right-of-way cross sections for streets.
- d) Subject to available financing, the City will continue the 5-year capital street construction and improvement program. During the annual budget process the Director of Operations will submit recommendations to City Council for their consideration.
- e) Functional planning studies may be required from time to time to investigate specific transportation problems or potential problems as determined by Council.

4.5 ENVIRONMENTAL POLICIES

4.5.1 Water Stewardship

The City of Dauphin development plan recognizes and supports the provincial priorities regarding water stewardship as provided in the Water Protection Act.





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All policies within this plan which affect, or are affected by, water bodies shall be interpreted by Council in a manner that is intended to be complementary to the objectives of this legislation. More specifically Dauphin enacts the following policies:

- a) Liaison with Parks Canada, the R.M. of Dauphin, and the Intermountain Conservation District will be maintained with the objective of protecting the water source and delivery systems for the City's water supply and for the planning and development of appropriate surface drainage systems.
- b) Ensure that development will not occur in such a manner that Manitoba Surface Water Quality Objectives (1988) are exceeded.
- c) Ensure the natural unimpeded flow of the waters of the Vermillion River by protecting the natural floodway and thereby not aggravating upstream or downstream damage during times of flood.
- d) Encourage programs to monitor effluent output downstream of Dauphin's lagoon outflow to better safeguard water quality in the Vermillion River.
- e) Monitor development proposals and encourage design standards that will minimize negative impacts of surface drainage emanating from the new development.
- f) Prior to the construction of all water control works, including drainage works, a proponent is required to apply for a Water Rights Licence to Construct Water Control Works, pursuant to *The Water Rights Act*.

4.5.2 Conservation - Natural Features & Areas

- a) Development proposals for sites which in Council's opinion have distinguishing natural features may be required to be accompanied by reports prepared by qualified experts, addressing the impact of the proposals on the surrounding environment and the measures proposed to mitigate any identified negative impacts. Such development proposals may be referred to Manitoba Conservation for review.
- b) 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 (Water Quality Management Section and Fisheries Branch) and the Department Fisheries and Oceans Canada for review.
- c) Ravine areas, water courses and other natural features which may not only facilitate drainage but also enhance the value of residential and other development should be preserved by integrating them into the design of a proposed development.
- d) Council may require a developer to provide the necessary soil tests to determine the suitability of the soil for any proposed development. Where it is determined that the land is unsuitable for urban type developments by reason of a high water table, soil instability or other constraining soil conditions, Council may consider purchasing this land for the purpose of adding to the open space areas or may require that such undevelopable land be dedicated to the City as a condition of approving a development.
- e) Encourage and promote the preservation of substantial or noteworthy single trees or stands of trees and shrubs especially where such vegetation will add to the natural beauty and amenity of the area and to replace trees destroyed by Dutch Elm disease.

- f) Continue the existing program of tree planting by the City’s Recreation Services and by civic groups in appropriate areas, such as along major arterials or in Vermillion Park. The maintenance of existing stands of trees and promotion of tree planting schemes are considered to be important aspects of any program for protecting and improving the physical environment in neighbourhoods, parks and open space areas.
- g) Land filling and any other physical alterations to the natural banks or the escarpment edge of the Vermillion River shall be permitted only after Council has approved the work.
- h) Alterations to the river channel or flood plain that may reduce the flow of water in the Vermillion River will be subject to the approval by Council after consultation with the Manitoba Water Stewardship and Conservation departments.
- i) Improve the appearance and quality of vegetation and wildlife areas within the Vermillion River Valley so that the beauty of the river valley and its potential as the most visually appealing area within the community can be realized.
- j) Commitment to consult with Intermountain Conservation District before approving development proposals within Natural Areas.

Vermillion Park Conservation Area

The Vermillion River valley is designated as a linear open space area as shown on Development Plan Map 1. A “Conceptual Master Plan” for the Vermillion River Park was prepared for Council in 2008. Although not reflected as yet in these land use policies, that report serves as a useful reference document to this development plan.

This Conservation Area has been established with the intent and purposes listed below. The policies of this development plan are intended to be supportive of these Conservation Area goals:

- a) To preserve and enhance the natural character and beauty of the Vermillion River within the City of Dauphin and to preserve vegetative cover along the Vermillion River valley;
- b) To ensure bank stability;
- c) To protect private property (land and buildings) either existing or potential from flood and/or erosion damage;
- d) To encourage positive conservation and recreation-oriented programs by both public and private groups so that the Vermillion River valley will be a source of pride for the people of Dauphin. These programs could include:
 - i) clean-up of the river bed and bank;
 - ii) tree planting;
 - iii) bank stabilization;
 - iv) public parks and trails;



- v) private recreation facilities; or
 - vi) the use of the Vermillion River Valley as an educational resource through the initiation of environmental study programs in local schools.
- e) The shore lands within the limits of the Vermillion River valley may be subject to the taking of a public reserve pursuant to the pertinent Section of The Planning Act, as a condition of approval of any subdivision therein.
- f) The Zoning By-law may assist with the Conservation Area goals by means as: defining relevant terms, prescribing regulations, implementing a review mechanism for development proposals and/or designating the area as a Special Area whose provisions apply over all zones within its boundaries.

4.5.3 Hazard Lands

The Canada-Manitoba Flood Damage Reduction Program and the Flood Risk Maps associated with that program have identified certain hazard lands within the City. These lands are generally described as those parts of the City which lie in a northeasterly direction from the Second Avenue NW bridge, below an elevation of 294.2 metres (965 feet). These lands are subject to periodic flooding of the Vermillion River. A flood risk map of the Canada-Manitoba Flood Damage Reduction Agreement that illustrates the floodway and the flood fringe areas more specifically is included as a reference document in Appendix B to this development plan.

Other lands that may be considered hazard lands include:

- 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 water body.
- Lands subject to other hazards such as landslides or subsidence – those lands where actual effects of such hazards have occurred or have been predicted.

Development on hazard lands may create risks to the population, the natural environment, the municipal infrastructure and/or the financial base of the community. The purpose of the policies below is to minimize and/or mitigate risks to people and property that are associated with hazard lands. Development proponents should look to the Dauphin Zoning By-law for guidance and requirements in adhering to the policies which follow:

- a) Generally, lands lying in designated floodway areas shall not be obstructed in any manner to impede water flow and water storage during peak runoff.
- b) Lands lying in designated floodway fringe areas require flood proofing and/or remedial measures to minimize flood damage risks. Development along the Vermillion River, its floodway and flood fringe, will be regulated through the City's zoning and building by-laws to ensure this protection.

- c) It may not be practical or desirable for historic, economic or social reasons to totally restrict development in hazard areas. Developments should, however, be carefully controlled and planned to ensure that they are compatible with the risks or that the hazard has been eliminated or protected against. In these instances, in addition to a) and b) above, the following general criteria will be applied:
 - i) There should be no added risk to life, health or personal safety;
 - ii) Structures and services should be protected against damage and should be fully functional during hazard conditions;
 - iii) Activities which alter existing slopes and may accelerate or promote erosion or bank instability should be prohibited, unless appropriate mitigative measures are taken to minimize the potential of such erosion or bank instability; and
 - iv) Existing tree and vegetation cover should be preserved where appropriate to reduce erosion and maintain bank stability. The development of new tree and shrub nurseries or tree and shrub planting may be permitted.
- d) Development proposals in hazard areas may require completion of engineering studies by the proponents, including impact analysis and which eliminate the risk or reduce the risk to an acceptable level and remedial measures which restore or rehabilitate damage should it occur.

4.5.4 Hazardous Uses

Facilities and developments that manufacture, handle, store or distribute hazardous materials and uses that have emissions of any solid, liquid or gaseous contaminant including waste, odor, heat and radiation, are subject to the provisions of *The Clean Environment Act* and Regulations there under, as well as all other relevant provincial legislation. Within the City of Dauphin, additional guidance is provided through the policies of this Development Plan, as listed below, and its accompanying zoning by-law.

- a) Hazardous uses are generally directed to industrial areas where they may be separated from human occupancy areas and buildings. The Zoning By-law establishes standards for these uses and they will be listed as conditional uses therein. The conditional approval process allows Council to receive public input from adjacent property owners and to make a decision to either reject the proposal or approve it with or without conditions.
- b) Council may request impact studies from a development proponent so that hazards and nuisances may be prevented or mitigated through use of: separation, natural or human-made barriers, operating techniques, building materials, design, location relative to transportation routes and prevailing winds or other means or considerations. These studies may also look at potential for air, soil, or water discharges, the nature of outdoor storage and compatibility with adjacent uses.



4.6 HISTORIC RESOURCES

Proclamation of **The Heritage Resources Act** in 1986 put into place mechanisms for expanded local participation in the Historic Resources Branch programs. Programs such as the **Designated Municipal Heritage Building Grants** and the **Heritage Resources Impact Assessment Program** enable the local community to participate with the Province in recognizing the importance of heritage resources. The *Town of Dauphin Heritage Advisory Committee* was formed in November 1994. **The Heritage Resources Act** enables heritage sites to be protected through either provincial or municipal designation. There are three provincially designated sites in the City of Dauphin: the former Dauphin Town Hall; the Ukrainian Catholic Church of the Resurrection and the Dauphin Canadian National Railway Station. Any terms used in the following policies shall be as defined in **The Heritage Resources Act**.

- a) The identification and protection of heritage resources shall be encouraged within the municipality.
- b) Heritage resources should be protected where:
 - i) Buildings or landscapes have received municipal and / or provincial heritage designation;
 - ii) Buildings or landscapes are in the process of receiving or are being actively considered for municipal and / or provincial heritage designation;
 - iii) Buildings or landscapes have been developed and operate as heritage sites; and
 - iv) Sites, structures and areas have historical, architectural and/or archaeological significance.
- c) Existing heritage resources should be protected from incompatible or potentially incompatible land uses which may threaten their integrity or operation.
- d) 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.
- e) Sites and groupings of sites with heritage potential should be considered for designation as municipal heritage sites under The Heritage Resources Act, and / or municipal heritage conservation zones under The Planning Act.
- f) The City shall endeavor to preserve and protect its heritage resources through the judicious use of the zoning by-law, subdivision approval procedures issuance of development permits and designation of heritage sites.

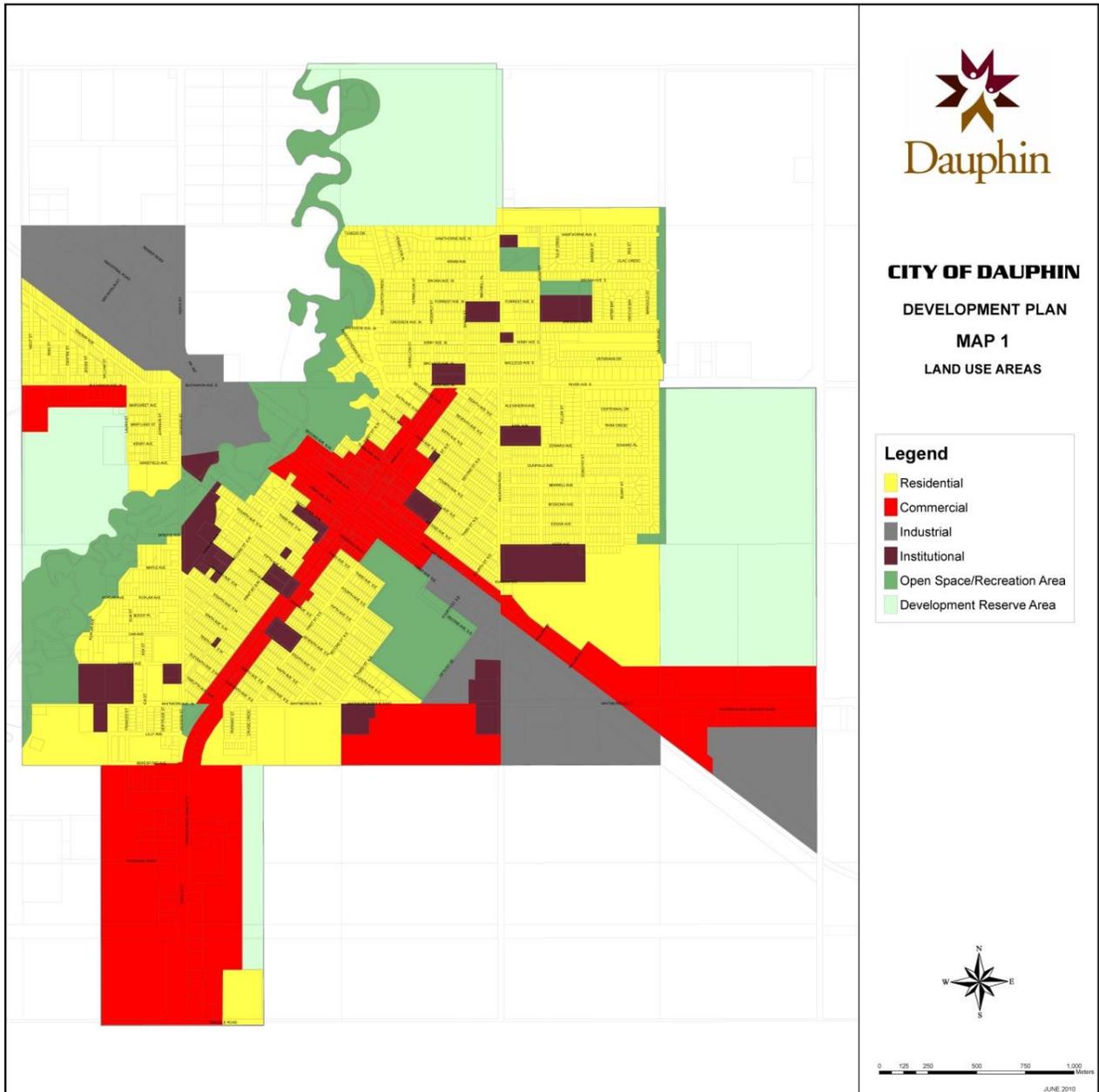
- g) As a condition for the approval of a subdivision, demolition permit, or the issuance of a development permit, the applicant may be required to show that a historically, architecturally, or archaeologically significant site or structure is not being endangered.





PART 5: POLICIES FOR DESIGNATED LAND USES

Development Plan Map 1 Land Use Areas is a conceptual illustration of the residential, commercial, industrial, parks/open space/recreation, institutional and urban reserve designations within the City of Dauphin



The following sections deal with issues and policies specific to each of the designated land use areas.



5.1 RESIDENTIAL AREA POLICIES

Issues

Residential land uses occupy a majority of land in the City of Dauphin. The provision of most municipal services and other community facilities are directly or indirectly related to the residential developments within the city. The policies developed for residential land use recognize the following issues:

- Residential lands encompass 1,147 acres or 37.7% of the total land area. Approximately 158.51 acres currently designated Residential are un-developed.
- Detached single-family dwellings presently account for 75% of the number of dwelling units.
- A demand exists for additional low cost and multi-family housing units, both owner-occupied and rental units.
- Access to public open space and parks is important to the quality of life in residential neighborhoods.
- Land use compatibility is an essential issue when considering potential non-residential uses in residential areas.

Policies

5.1.1 Residential Housing Options

- a) Provide for planned, healthy, functional and aesthetically pleasing residential environments to meet the needs of all residents.
- b) Encourage the development of the full range of housing types to meet the needs of all residents, including; single-family, duplex, apartment, townhouses, planned unit development, condominiums, modular, and mobile homes.
- c) Development proposals promoting infill housing opportunities will be encouraged where deemed feasible by the City of Dauphin.

5.1.2 New Housing & Development Areas

- a) Ensure the availability of an adequate supply of land to meet the variety of future housing needs.
- b) Facilitate access to places of work, shopping, education, recreation and cultural activities.
- c) The development of lands designated for residential use shall be guided by the following principles:



- i) On lands being designated for immediate or reserved for long-term residential development, the existing use may continue, as reflected in the zoning, until the land is required for residential purposes.
- ii) Because of the present supply of serviced residential land, priority should be given to the development of lands already serviced. This does not preclude small scale residential developments in any other direction provided major capital expenditures are not required or can be demonstrated to be both technically and financially feasible from the City's perspective.
- iii) Because of the time required for planning and development, a suitable stock of serviced land should be developed and made readily available to satisfy demands as they arise.
- d) In order to prevent land fragmentation, protect density levels, accommodate various housing types and to ensure that city services can be provided in a technically and financially sustainable manner, an overall concept plan of new residential areas may be required before development and/or subdivision is permitted.
- e) Transportation services and circulation patterns shall be a major consideration in residential planning and should be guided by the following principles:
 - i) Residential neighbourhoods should be bounded on at least one side by a collector or arterial street providing ready access to shopping and working areas;
 - ii) Design of circulation facilities in residential areas should maximize pedestrian-vehicular segregation;
 - iii) Crosswalks on arterials and collectors should be provided and clearly signed in residential areas at regular intervals. In new areas this should be a requirement within a development agreement during the initial stage of development approval; and
 - iv) Buffering should be provided adjacent to all arterial streets abutting residential areas.

5.1.3 Density

The following definitions and policy guidelines will provide criteria to assist in determining appropriate locations for various densities of housing within the broadly designated residential land use areas:

- a) High density: Multi-dwelling housing, apartment blocks and in general residential development with a density of over 20 units per net acre (a net acre being land that is devoted to residential buildings and accessory uses but excluding land for streets, parking, playgrounds, and non-residential buildings) is considered high density. It is preferable that these be located on the periphery of low density dwelling residential areas, along collector or arterial streets, near community facilities, or within or adjacent to commercial areas such as the CBD. Where high density development is proposed adjacent to low density

dwelling areas or where it may conflict with adjacent land uses, mitigation features such as buffer areas should be incorporated in the design. Conceptual design plans will be required of the proponent.

- b) Medium Density: Townhouses, four-plexes, and walk-up apartment blocks with densities under 20 units per net acre categorize most of the City's multiple housing developments. Location criteria for medium density housing projects would be similar to those for high density projects. Conceptual design plans will be required of the proponent.
- c) Low Density: The conventional form of low density housing consists of single-family detached houses; a dwelling on its own lot with front, rear and side yards. Variation in density within this category results from variations in lot sizes. In general, developments of seven or fewer lots per gross acre are considered low density. Conceptual design plans for multiple lot low density developments will be required by Council.

5.1.4 Mixed Density Residential

Strict separation of housing on the basis of density criteria may not always be desirable or feasible. The City recognizes that a mixed form of housing if properly planned and designed, can create a very attractive streetscape and residential environment. In this type of planned development, housing forms can be mixed not only on the basis of densities but also to include such options as high density residential building with ground floor commercial where deemed appropriate.

5.1.5 Special Purpose Housing

Housing that meets the needs of specific groups include public housing, low income housing, senior's housing and residential care facilities is often referred to as "Special Purpose Housing". In most cases such projects are of medium to high density. Special purpose housing may be considered in any of the residential areas or the CBD, depending upon the type and density proposed and subject to the City of Dauphin zoning by-law. Consideration should be taken to ensure that there is no undue concentration of any special purpose housing in any single residential area.

5.1.6 Mobile Home Development

Mobile homes will be treated as a unique category of single-family dwelling.

- a) Individual homes of this type will generally be directed to mobile home parks or mobile home home subdivisions. Exceptions may be considered in certain circumstances, e.g. where the home is provided for a caretaker to be on-site at a large industrial plant.
- b) Mobile Home Parks. Mobile Home Parks are typified by the renting or leasing of sites to mobile home owners. The City will consider these parks as unique housing developments and will require that they be developed and serviced to the same standard as other single-family conventional housing area. In addition, such parks will receive a special designation within the zoning by-law and may be subject to further conditions as specified therein.





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- c) Mobile home subdivisions are typified by lots being sold to individuals to locate their mobile homes on. The City will consider these subdivisions as unique housing developments and will require that they be developed and serviced to the same standard as other single-family conventional housing areas. In addition, such subdivisions will receive a special zone within the zoning by-law and may be subject to further conditions as specified therein.

5.1.7 Ancillary Services

Viable residential neighborhoods may benefit from the inclusion of certain non-residential uses that provide convenient services to the dominant residential activities. Within the overview principle of “land use compatibility” and subject to the provisions of the Dauphin zoning by-law, such uses as convenience stores, day-care centres, places of worship, or similar residential-complementary activities will be considered in the residential districts.

In addition, an increasing number of persons are self-employed working in their home or contracting with their employers to work out of their home. For some, this may be a first step to a business which could relocate to the appropriate commercial or industrial area providing additional employment and economic activity. As a policy:

- a) Home-based businesses will be permitted in residential areas when they are carried on entirely within a residence or its permitted accessory building and are run by one or more of the residents living in the same dwelling. Home-based businesses are secondary to the primary residential use and provide supplementary income and income for self-employed persons. The presence of the business should not generate significant levels of traffic or otherwise have adverse effects on neighbouring land uses. The regulation of home-based businesses shall be specified in the Zoning By-law.

5.2 COMMERCIAL AREA POLICIES

Issues

Commercial developments are a market driven land use. This development plan allows and encourages such development in Dauphin. In designating commercial areas, the plan recognizes the diversity and needs of commercial land uses in serving both the local and regional marketplaces. The plan also ensures compatibility of commercial uses with surrounding land uses and the other policy areas contained herein.

Commercial development provides necessary services and employment opportunities. It includes a range of commercial types, which although not mutually exclusive, may each have a different focus and/or differing site requirements. Commercial categories typically include the Central Business District, General Commercial, Regional Commercial, Neighbourhood, and Highway Commercial uses. For general reference purposes, the larger areas of the commercial sub-categories are identified on the accompanying Land Use Areas, Map 1. It



is emphasized however that the sub-categories are not mutually exclusive and overlap in commercial uses is reflective of the market place and is considered both normal and appropriate by Council.

The background land analysis identified 85.6 acres of designated undeveloped commercial land and 411.3 acres of developed commercial areas. Some of the lands designated as commercial are not currently on the market for development. This lack of competitive locations for certain categories of commercial development is an issue that has led to designation of additional lands for commercial land uses in this Plan.

The policies to guide commercial development take into consideration that the City of Dauphin is a regional centre for commercial, cultural/social activities, government services, education and health. As a major urban centre in Manitoba, Dauphin's commercial sector also must cater to the resident local market. The following policies will ensure the continued role of the City as a regional and local shopping centre; maximize the potential for commercial growth, while safeguarding other land use categories in the City from incompatible activities.

Policies

5.2.1 Overall Commercial Policies

Policies in this section apply to all areas designated for Commercial land uses in this plan.

Policies to guide Commercial development areas include those noted in General Development Policies (See 4.2.1) of this Plan. Additionally:

- a) In light of the current and projected static to slow population growth in the region, where economically, physically and environmentally feasible, new commercial development will be encouraged to seek infill locations within or adjacent to areas currently designated for commercial use.
- b) New commercial developments may be required to submit background reports and/or conceptual plans to support their proposal, addressing such factors as:
 - i) Impact on existing transportation and municipal services and an evaluation of the capacity of current systems to accommodate the development,
 - ii) Implications to surrounding areas in terms of environmental considerations,
 - iii) Evidence of demand for commercial growth,
 - iv) Compatibility with existing and proposed surrounding land uses,
 - v) Landscape plan, signage plans and building design information in order to ensure high quality development,



- vi) Such other matters as Council deems appropriate in evaluating the impact of the development.
- c) Residential uses may be allowed within designated commercial areas provided the type and scale of the development is compatible with adjacent uses and that appropriate measures are in place to mitigate any potential incompatibility between the uses.
- d) The Zoning By-law shall provide for a mix of light industrial and commercial uses for the commercial lands abutting the CN ROW.
- e) It is recognized that lands shown for future commercial use may take years to develop. In the interim, compatible existing uses will normally be allowed to continue and the zoning shall reflect this.

5.2.2 Central Business District (CBD)

The Central Business District is the heart of the City and the plan encourages a range of uses including general and specialty retail outlets, office buildings, restaurants, hotels and administrative services. The CBD is typically an area of dense development and commercial site requirements may be constrained somewhat for this reason.

To ensure continued growth and strengthening of the CBD the following policies are adopted:

- a) The CBD should be maintained as the central focus of commercial, business, social and cultural activities and higher density residential development of the City and region. It should continue to be multi-functional in nature, containing uses such as:
 - i) A strong mixed retail and service area
 - ii) A variety of institutional uses, including government, recreation and cultural facilities;
 - iii) Parks and trail systems;
 - iv) Office buildings and hotels;
 - v) Administrative and financial services;
 - vi) Major social, cultural and recreational facilities; and
 - vii) A mix of medium and high density residential uses that encourage a core population.

- b) The CBD should contain the main pedestrian-oriented retail shopping area of the City. Existing retail activity and the addition of new retail activity should be encouraged in the CBD. So as not to dilute the central role of the CBD, proposals for additional regional shopping centres, as distinct from neighbourhood, general commercial or highway commercial shopping facilities, should be carefully scrutinized over the next decade until the level of population and family incomes are deemed adequate to support another major shopping centre outside the core area.
- c) Streetscaping and beautification programs shall be continued to ensure an aesthetically pleasing environment that promotes the image of an attractive City of Dauphin downtown area. This will be accomplished through:
 - i) The addition and/or maintenance of parks, trees, planters and various types of street furniture where pedestrian traffic and activity are the most intensive.
 - ii) Encourage of improvements to the appearance of existing building facades and signage.
- d) As signs are placed or erected within the CBD they shall conform to the Zoning By-law and any other applicable by-laws in terms of appearance, size, projection, height and effects on adjacent properties.
- e) The maintenance, reuse and/or redevelopment of historically or architecturally significant buildings will be encouraged.
- f) Adequate and suitably landscaped parking should be provided within the CBD. The City shall require the provision of parking space for each new business or institutional use within the CBD through the zoning by-law.
- g) An area of transition between the CBD and adjacent land uses will be provided in the zoning by-law to include a variety of low impact commercial and residential uses that complement adjacent areas. Commercial uses in the transition area may be subject to conditional use approval.
- h) A safe and convenient pedestrian environment will be ensured to encourage active transportation including:
 - i. Maintenance of appropriate sidewalk system to ensure CBD is accessible to all users.
 - ii. Development of a lively street life including the promotion of street festivals, parades and other special events.
 - iii. Expansion of a trail system to connect parks to the CBD

5.2.3 General Commercial

General commercial uses are similar in nature to those in the CBD but occur outside of that district. In some cases their location may be driven by the lack of affordable land within the CBD or regional commercial





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nodes, or by site area requirements or market issues that are not compatible with either the CBD or regional nodes. They may provide services to either or both the local and regional populations. Areas that could be described as General commercial nodes in Dauphin include:

- Commercial uses located in a linear fashion along major thoroughfares including the CNR lands adjacent to the rail ROW. These commercial activities leading out from the downtown are typically providing a transitional zone between the intense commercial activity of the downtown and the residential areas surrounding it. In some cases they also exhibit a need for affordable larger scale lots then are available in the CBD area
- The newly designated Commercial area along Whitmore Ave. It is expected that this area will cater to commercial enterprises with mid-size site requirements that are generally more locally rather than regionally focused.

5.2.4 Regional Commercial

Regional commercial areas serve the local area but also focus on the regional market. For this reason, locations on the periphery of urban centres are the norm for regional nodes. The Dauphin Market Place Mall along with neighboring commercial uses located on Main Street South is a major shopping area for the Dauphin and greater Parkland region and is viewed by Council as Dauphin's regional commercial node.

Policies for development in the regional commercial area include the following:

- a) Acknowledgement of the multiplicity of commercial uses that have a regional focus, including; big box retail, large lot retail, hotels, restaurants, and such other commercial uses that are not suited for the CBD area or are incompatible with local or collector street transportation services.
- b) Policies for Highway Commercial in 5.2.6 below.

5.2.5 Neighbourhood Commercial

As noted in 5.1.7 above, neighbourhood commercial uses may be considered in the residential land use areas if they are considered compatible with existing and proposed residential development. Examples of neighbourhood commercial uses are local retail/services such as convenience stores, daycare, and other related uses. All such uses must comply with the detailed conditions to be found in the Dauphin zoning by-law.



5.2.6 Highway Commercial

Highway commercial areas provide convenience to the travelling public and the local and regional population. It is recognized that in an urban centre such as the City of Dauphin, Highway Commercial uses are often interspersed with General Commercial and Regional commercial nodes and there will be a necessary overlap in policies applicable to each of these categories of commercial use. Policies to guide highway commercial development include:

- a) Highway commercial sites should be located adjacent to arterial streets and highways, primarily on the outer limits of the City.
- b) Highway commercial areas should be developed in a manner that balances safe, convenient access and the maintenance of traffic flows along the arterial streets and highways.
- c) An area of transition between Highway Commercial areas and adjacent land uses may be provided to include a variety of light industrial and commercial uses subject to conditional use approval in the zoning by-law.
- d) Development proposals along highways 5A & 10A South, 20 & 20A shall be required to consult with and, as necessary, seek approval from the provincial Department responsible for highways.
- e) The City shall regulate future highway commercial development through the requirements of the Zoning By-law and the subdivision and development approval processes. Developers will be encouraged to improve the total visual impact of strip highway development through the following guidelines:
 - i) Buildings - a continuity of building designs and styles will be encouraged.
 - ii) Site area – storage and display areas and parking space shall be controlled to prevent unsightly and distracting displays of equipment and materials.
 - iii) Utilities and Services – utilities and services to the premises include utility poles and street lighting, drainage ditches, surface pavement and entrance and exit points shall be carefully designed.
 - iv) Identification and advertising signs – the number and variety of signs along major highways shall be designed and located to enhance the overall appearance and effectiveness; and
 - v) Landscaping and buffer zones – landscaping and buffering shall be used to provide continuity between the various sites as well as enclosing storage and display areas.

5.3 INDUSTRIAL AREA POLICIES

Issues





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Dauphin's present industrial areas are located along the CN right-of-ways and in the northwest and southeast areas of the City. Efficient, attractive and well-planned industrial areas are required to serve the interests of industry, the City and its residents. The following issues are also relevant to the industrial area policies:

- There is some consideration by CN, although still very limited and constrained, to sell property along its transportation corridor for both commercial and industrial development.
- The City and RM of Dauphin have purchased land and entered into a joint development agreement for an Industrial Park located in the RM and adjacent to the City's industrial land in the northwest area. In addition, the City and the RM cost share an industrial development south of Dauphin at the Dauphin Airport.
- There continues to be a requirement for the City to have industrial land within its own boundaries for smaller industrial businesses.

Policies

5.3.1 General Industrial

- a) To make available an adequate supply of serviceable land in an economic manner in appropriate locations to meet the ongoing needs of the City for various types of industry.
- b) To ensure that industrial development is established and maintained in accordance with current planning practice, the City's present zoning regulations for industrial development shall be reviewed giving consideration to such items as permitted uses in the different areas; design standards including space requirements and circulation, parking and loading facilities; landscaping, fences, lights, signs, etc. and performance standards.
- c) Residences, except for essential caretakers' residences, shall not be permitted in an industrial area.

5.3.2 Mixed Use Industrial

Compatible commercial and institutional uses may be permitted in industrial designated areas provided:

- a) That the type and scale of development is compatible with adjacent uses; and
- b) Appropriate measures are in place to mitigate any potential incompatibility between the uses.

5.3.3 Industrial Areas

- a) Northwest Area: Because of the limited capacity of the City's sanitary sewage in this location, industries in this area shall be limited to those requiring generally large site areas and minimum use of municipal



sanitary sewage. A looped water system is currently being installed, which will have enough capacity for small and large industrial operations including fire suppression systems, etc.

- b) Southeast Area: The areas designated for industrial use include land within the triangle northeast of Mountain Road and Whitmore Avenue East, land located southeast of Mountain Road and Whitmore Avenue East and land located adjacent to the southeast boundary of the City of Dauphin. Development of this area shall be preceded by the preparation of conceptual plans taking into consideration servicing and transportation requirements. These areas border the RM of Dauphin and due to the configuration of the existing sites, it may be appropriate to expand these areas into the RM either through discussions on boundary adjustments or inter-municipal partnerships involving tax and cost sharing agreements.
- c) CNR Tracks Area: Any future development of the CNR right-of-way located between Second and Third Streets NE and Mountain Road near residential and commercial areas shall be restricted to light industrial uses that will not have a negative impact on adjoining properties and may include retail and commercial uses.

5.3.4 Industry Relocation

Industries presently located in non-industrial areas are encouraged to relocate to the appropriate industrial area. This particularly applies to those industries that have a negative impact on adjoining properties. Should relocation of existing industries be impractical, steps should be considered, e.g. construction of berms, fences, etc. to minimize the negative impact on adjoining property.

5.3.5 Concept Plans

- a) It should be ensured that industrial enterprises do not negatively impact on the environment. Development applicants may be requested to provide environmental impact assessments if it is deemed to be necessary.
- b) In order to prevent piecemeal land fragmentation, an overall concept plan may be required before industrial subdivision is permitted. Such plans should address sewer, water, land drainage and road and rail transportation to and within the area and other municipal utility services.

5.3.6 Municipal Services

- a) New or expanded industry should be evaluated to ensure that servicing requirements can be adequately and economically met both in terms of collection and treatment.
- b) Expansion of development of industrial lands should be staged taking into consideration servicing patterns. Priority of development should be given to lands already serviced.
- c) It is recognized that lands shown for future industrial use consist of large acreage and may take years to develop. In the interim the existing use, primarily agriculture, will continue until the area is required for industrial development.





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5.3.7 Buffers

In accordance with the City zoning by-law, Industrial areas which border on residential areas shall be adequately buffered to minimize potential conflicts.

5.4 PARKS, RECREATION AND OPEN SPACE POLICIES

Issues

Most of the local parks and recreation facilities and programs are provided publicly by the City and Rural Municipality jointly through **Dauphin Recreation Services** or through joint use of facilities and programs with the local School Board. Private commercial recreation facilities complement these programs and facilities by providing additional opportunities for recreation.

Parks are used for a variety of active as well as some passive recreational pursuits. Open space areas are considered to be those areas whose size, shape, location or physical characteristics are such that their primary use is restricted to passive activities or visual effects. These would include environmental and conservation areas such as the lands adjacent to the Vermillion River, buffer strips separating and providing visual barriers between conflicting land uses and other incidental amenity areas. Open areas should be treed or allowed to re-vegetate.

Parks, recreation and open space policies ensure land is provided for recreation activities and open space amenities for the individual and group enjoyment and benefit of both neighbourhoods and the community overall.

Policies

5.4.1 General Parks and Open Space

- a) To ensure that open spaces are developed in order to contribute to the enhancement of the environment, livability and attractiveness of the City.
- b) Parks, recreational areas and open spaces should be distributed throughout the City to ensure easy access by all residents. Park and recreation facilities should be available in each neighbourhood to meet the needs of all residents, particularly tots and young children. These facilities should be accessible without the need to cross major transportation corridors. Parks and open spaces may be expanded or additional ones added as the City expands its residential areas.
- c) Neighbourhood Parks



Although there are small parks distributed throughout the City providing for local play and wading pools for young children, the policy, based on usage statistics, will be to develop and maintain neighbourhood parks within all areas of the City and use school yards for active and passive recreational use. Existing school properties provide additional sites for recreational use in cooperation with the School Board.

5.4.2 Parks and Recreation Administration

- a) Ensure that the present administrative structure for parks and recreation is adequate to provide efficient recreation programming and guidance for the prioritization and financing of major facilities.
- b) To ensure that present and future recreational facility requirements are identified and to prioritize the provision of these facilities, the City of Dauphin in conjunction with the R.M. of Dauphin, through Dauphin Recreation Services, is preparing to undertake a Recreation Master Plan. This plan will provide the City with a long range master plan that identifies and prioritizes the recreation needs of the community and examines the possible restructuring of the existing administration of recreation.

The Recreation Master Plan will guide Council in the restructuring of the existing administration of recreation and in the implementation of policies and programs contained therein.

- c) When the priorities have been established regarding recreation facilities, the funding for same will be through a combination of City allocations and funds raised by community groups and/or service groups. Normal maintenance, supervision and administration would rest with Dauphin Recreation Services. Coordination with the Mountainview School Division to encourage joint use and development would be an integral part of this program.

5.4.3 Concept Plans

Where areas are being subdivided for new residential developments Council may require the owner or developer to provide land for parks, recreation or open space purposes within the development in accordance with the provisions of *The Planning Act*.

5.4.4 Park Land Acquisition

To ensure the availability of adequate land in appropriate locations to meet the ongoing needs of the City and the region; the City may acquire lands for parks and open space purposes through the provisions available to it under the Planning Act.

5.4.5 Buffers

- a) The City will encourage and may require the use of open space and landscaped buffer areas to separate non-compatible land uses and protect each from adverse and undesirable effects.





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- b) Areas which will provide visual enhancement, a buffer between areas with incompatible uses, or which are unsuitable for development due to terrain factors, should be retained and developed as open space areas.

5.4.6 Landscaping

- a) Preserve for the enjoyment of the present and future residents of the City those areas which have aesthetic value and scenic characteristics.
- b) To ensure that all parks and open space areas contribute towards the enhancement of the environment and livability of the City, a landscaping program for all these areas will be encouraged. In addition, all parks and open space areas should be well maintained at a level relative to their use and potential use, to provide safe, hazard-free and visually attractive environments. This maintenance will be achieved by both public and private participation. Major areas are public responsibility and minor areas such as boulevards are private responsibility.

5.4.7 Private Recreation Facilities

Development and operation of the park and recreation facilities by the private sector will be encouraged. These programs will not normally replace programs provided by the community but may be operated on a commercial basis such as roller rinks, bowling alleys and the like.

5.5 INSTITUTIONAL AREA POLICIES

Issues

Generally speaking, institutional uses are those uses which provide a public or semi-public service, usually on a non-profit basis. The institutional land uses may include: large institutions such as medical, educational, religious, governmental and similar uses; social and cultural establishments; and personal services such as day care centres, senior citizens' centres and similar uses.

The following policies guide the development of institutional uses in order to promote developments whose location and character will maximize their position and impact upon the community and the general public.

Policies

5.5.1 Location and Purpose

- a) To ensure availability of adequate land in appropriate locations to meet the institutional needs of the City and region.



- b) To provide a system whereby the level, distribution and quality of institutional uses can be delivered on a rational basis to each neighbourhood and the City as a whole.
- c) Social and cultural institutions serving the City and region shall be encouraged to locate in or close to the downtown area so that these facilities are easily accessible to the entire community.
- d) Major institutional facilities requiring large tracts of land shall generally be encouraged to locate in the areas east, northwest, and south of the present built-up areas of City. The intent of this policy is not to restrict existing institutional uses in their present location.
- e) Neighborhood oriented institutional facilities such as schools, churches, day care, and similar facilities shall be encouraged to locate within the neighborhood area they serve.

5.5.2 Development Criteria

- a) To ensure that institutional uses are developed in a manner harmonious to the environment and in keeping with the character of the area in which they locate.
- b) Site area development requirements shall be established in the zoning by-law where practical. Where it is deemed impractical to establish such requirements, provisions will be made in the zoning by-law for reviewing the impact of the proposal on the municipal services and compatibility with the surrounding area before development is permitted.
- c) Neighborhood institutional uses which locate in residential areas shall give due consideration to minimizing any adverse impact on the surrounding residential environment.
- d) The design of institutional buildings should be in keeping with the character of the area.

5.6 DEVELOPMENT RESERVE AREA POLICIES

Issues

Lands located in the fringe areas of the City of Dauphin may not be immediately required for urban usage and the Plan encourages the retention of these large land holdings in an un-fragmented state for future urban development. The following policies shall apply to all lands designated Development Reserve Area on Map 1 Land Use Areas.

Policies

5.6.1 General

- a) To ensure that these areas remain available for urban development in the long-term future, development will be regulated in the interim allowing the existing or appropriate use (primarily non-





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livestock oriented agricultural activities or open space uses) to continue until the areas are required for urban development.

- b) Any proposed development in or close to an area identified as a potential key access point for future development shall be scrutinized to ensure that the potential for street access is protected.

5.6.2 Specialized Agriculture

- a) To ensure that developments and activities which occur in these areas will be compatible with other development within the community
- b) Certain agricultural operations such as greenhouses, nurseries, market gardens, and similar operations may be considered on smaller parcels of land as conditional uses.

5.6.3 Other Uses

- a) Non-agricultural developments will generally not be allowed within these designated areas, until such time as an overall plan has been prepared illustrating the layout of future roadways, building lots and servicing systems (sewer, water, hydro, telephone and gas), and until the area has been re-designated for development.
- b) Certain compatible non-agricultural uses such as sand and gravel operations, when deemed appropriate may be considered as conditional uses in accordance with the zoning by-law.

5.7 LIVESTOCK OPERATIONS

No new livestock operations or expansion of existing livestock operations shall be permitted within the City of Dauphin.



PART 6: IMPLEMENTATION TOOLS

6.1 BASIC IMPLEMENTATION MEASURES

The following measures and methods will implement the policies outlined in the City of Dauphin Development Plan:

6.1.1 Adoption of this Development Plan

Adoption of this development plan by the municipal council by by-law will give the plan the force of law. Once adopted any development or land use change must be generally consistent with the development plan (See Section 65, *The Planning Act*). Section 65 of the *Act* also states that adoption of a development plan does not require a board or council to undertake any proposal suggested in the plan.

6.1.2 Adoption of Zoning By-law

Following adoption of the development plan, the municipality will 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 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.

6.1.3 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.

Where conditional use applications for small scale industries and home based occupations occur within a designated highway control area, a copy of the conditional use notice and application will be circulated to the provincial Department responsible for such highways for their consideration.





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6.1.4 Variation Orders

The Planning Act enables council to issue variation orders for the purpose of varying or altering the application of its zoning by-law. The various ways that a zoning by-law may be varied are outlined in *The Planning Act*. Council may attach conditions to a variation order in order to maintain the intent and purpose of the development plan or the zoning by-law.

6.1.5 Development Permits

New development generally requires a development permit issued by the municipal council, or its designate.

Before a permit is issued, proposals will be reviewed to determine their conformance with the development plan and municipal zoning by-laws.

6.1.6 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 provincial approving authority, the municipal council, and other relevant entities (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 be completed 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*.

6.1.7 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.

6.1.8 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 Act* provides that the development



plan may set out the date by which the board or council must complete a review of it or within 5 years in accordance with Section 59(1).

6.2 ADDITIONAL MEASURES

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

6.2.1 Acquisition & Disposal of Land

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

6.2.2 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 would 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.

6.2.3 Special Studies

Proponents may be required to undertake and submit special studies as part of the approval process, including the accommodation of recommendations received from Provincial departments, 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, and general risk to health and the environment. Developers may also be required to provide traffic impact studies or drainage studies prepared by qualified professionals as part of the development review process.

6.2.4 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.

6.2.5 Capital Expenditure Program

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





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6.2.6 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.

6.2.7 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.

6.3 INTERPRETATION

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



APPENDIX A

DEFINITIONS

For purposes of this Development Plan, the definitions provided in the Provincial Land Use Policies shall normally apply. These definitions are replicated below. Further guidance may be obtained as necessary, by reference to additional definitions provided as part of The Planning Act.

“agricultural operation” means an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward, and includes:

- (a) the tillage of land,
- (b) the production of agricultural crops, including hay and forages,
- (c) the production of horticultural crops, including vegetables, fruit, mushrooms, sod, trees, shrubs and greenhouse crops,
- (d) the raising of livestock, including poultry,
- (e) the production of eggs, milk and honey,
- (f) the raising of game animals, fur-bearing animals, game birds, bees and fish,
- (g) the operation of agricultural machinery and equipment,
- (h) the process necessary to prepare a farm product for distribution from the farm gate,
- (i) the application of fertilizers, manure, soil amendments and pesticides, including ground and aerial application, and
- (j) the storage, use or disposal of organic wastes for farm purposes;

“animal unit” means the number of animals of a particular category of livestock that will excrete 73 kg of total nitrogen in a 12 month period.

“aquifer” means a water bearing geological formation that is capable of producing water to wells or springs in quantities that are economically useful;

“Canada Land Inventory” means a series of maps prepared by the governments of Canada and Manitoba showing an evaluation of the capability of the land to support agriculture, forestry, wildlife (including ungulates and waterfowl), and recreation;





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“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 plan” means a plan, policy and program, or any part thereof, approved under The Planning Act, covering any area of land defined therein, designed to achieve stated objectives and to promote the optimum economic, social, environmental and physical condition of the area, and consisting of the texts, maps or illustrations describing the program and policy;

“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;

“farmstead” means that portion of the land of an agricultural operation on which is located the residence of the operator;

“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 endeavor that is of value for its archaeological, paleontological, prehistoric, historic, cultural, natural, scientific or aesthetic features, and may be in the form of sites or objects or a combination thereof;



“highway commercial” – includes land uses such as service stations, roadside restaurants and cafes, motels and hotels and uses of like character that provide essential uses to the highway user.

“land use plan” means a basic planning statement, development plan, zoning by-law, conservation district management plan, Crown land plan, park plan, street or highway plan, utility plan, subdivision plan or any other plan adopted by a municipality, district, the Province or a Crown corporation that directs land use in a specified area;

“livestock” means animals or poultry not kept exclusively as pets, excluding bees.

“livestock 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.

“metallic mineral” means a mineral deposit from which a metal or metals can be extracted;

“mine” means an opening or excavation in the ground that is established or maintained for the purpose of mining and includes:

- (a) a quarry,
- (b) machinery, plant, buildings, premises, stockpiles, storage facilities, waste dumps or tailings, whether below or above ground, that are used for, or in connection with mining,
- (c) a crusher, mill, concentrator, furnace, refinery, processing plant or place that is used for, or in connection with, washing, crushing, sifting, drying, oxidizing, reducing, leaching, roasting, smelting, refining, treating or conducting research on mineral bearing substances, and
- (d) an abandoned mine and abandoned mine tailings;

“mineral” means a non-living substance that is formed by natural processes and is found on or under the surface of the ground, irrespective of chemical or physical state and before or after extraction, and includes peat, peat moss and substances that are prescribed as minerals for purposes of The Mines and Minerals Act but does not include agricultural soil, oil, natural gas or any other gas, any surface or ground water or other substance that for purposes of The Mines and Minerals Act is prescribed not to be a mineral;

“mobile home” means a portable dwelling which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted and which conform to the structural standards of the “Buildings and Mobile Homes Act”, Chapter B93, CCSM and amendments thereto.



“mobile home park” means an area of land upon which mobile home spaces are provided and have been approved by the Council.

“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 equaled 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;

“prime agricultural land” means land composed of mineral soil determined by Manitoba Agriculture to be of dryland Agricultural Capability Class 1, 2 or 3 and includes a land unit of one quarter section or more or a river lot, 60% or more of which is comprised of land of dryland Agricultural Capability Class 1, 2 or 3. In certain circumstances, land composed of organic soil determined by Manitoba Agriculture to be of dryland Agricultural Capability Class 01, 02 or 03 or land determined by Manitoba Agriculture to be of Irrigation Suitability Class 1A, 1B, 2A or 2B may also be considered prime agricultural land;

“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 other 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;

“quarry minerals” means minerals (contained in either surface or subsurface deposits or both surface and subsurface deposits) obtained by quarrying including aggregate (sand, gravel, crushed rock) shale, kaolin, bentonite, gypsum, clay, silica-rich sand, peat, salt, coal, and rock or stone used for any purpose other than as a source of metal, asbestos, potash, oil and natural gas;

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

“rehabilitate” means, in respect of a project site or an aggregate quarry, the actions taken for the purpose of:

- (a) protecting the environment against adverse effects resulting from operations at the site or quarry,



- (b) minimizing the detrimental impact on adjoining lands of operations at the site or quarry,
- (c) minimizing hazards to public safety resulting from operations at the site or quarry, and
- (d) leaving the site or quarry in a state that is compatible with adjoining land uses and that conforms, where applicable, to a land use plan and to the specifications, limits, terms and conditions of a license issued under The Environment Act in respect to the project;

“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 groundwater;

“resource-related use” means a use or development that is directly dependent on the land’s resource base including agricultural operations, mining, forestry, fishing and trapping;

“rural areas” means all areas other than urban centres;

“rural residential” means Non-farm, single family residential development in rural areas excluding cottages;

“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;

“significant natural features” means landforms, flora and fauna that are unique to or characteristic of a region and are in danger of becoming scarce (for example, tall grass prairie in the Winnipeg area, Carberry Sandhills, and small prairie wetlands);

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

“threatened or endangered plants and animals” means plants and animals indigenous to Manitoba declared endangered species or declared threatened species under The Endangered Species Act;

“urban centre” means incorporated cities, towns, villages, unincorporated village districts and includes any settlement recognized as an urban centre by the government of Manitoba;

“viable lower class land” means land that is not prime agricultural land but that is used for agriculture or has the potential to be used for agriculture.

“water body” means a lake, pond or reservoir either naturally or artificially created that intermittently or continuously contains water;





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“waterway” means 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 water lily;

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



APPENDIX B (NOT FORMING PART OF THIS BY-LAW)

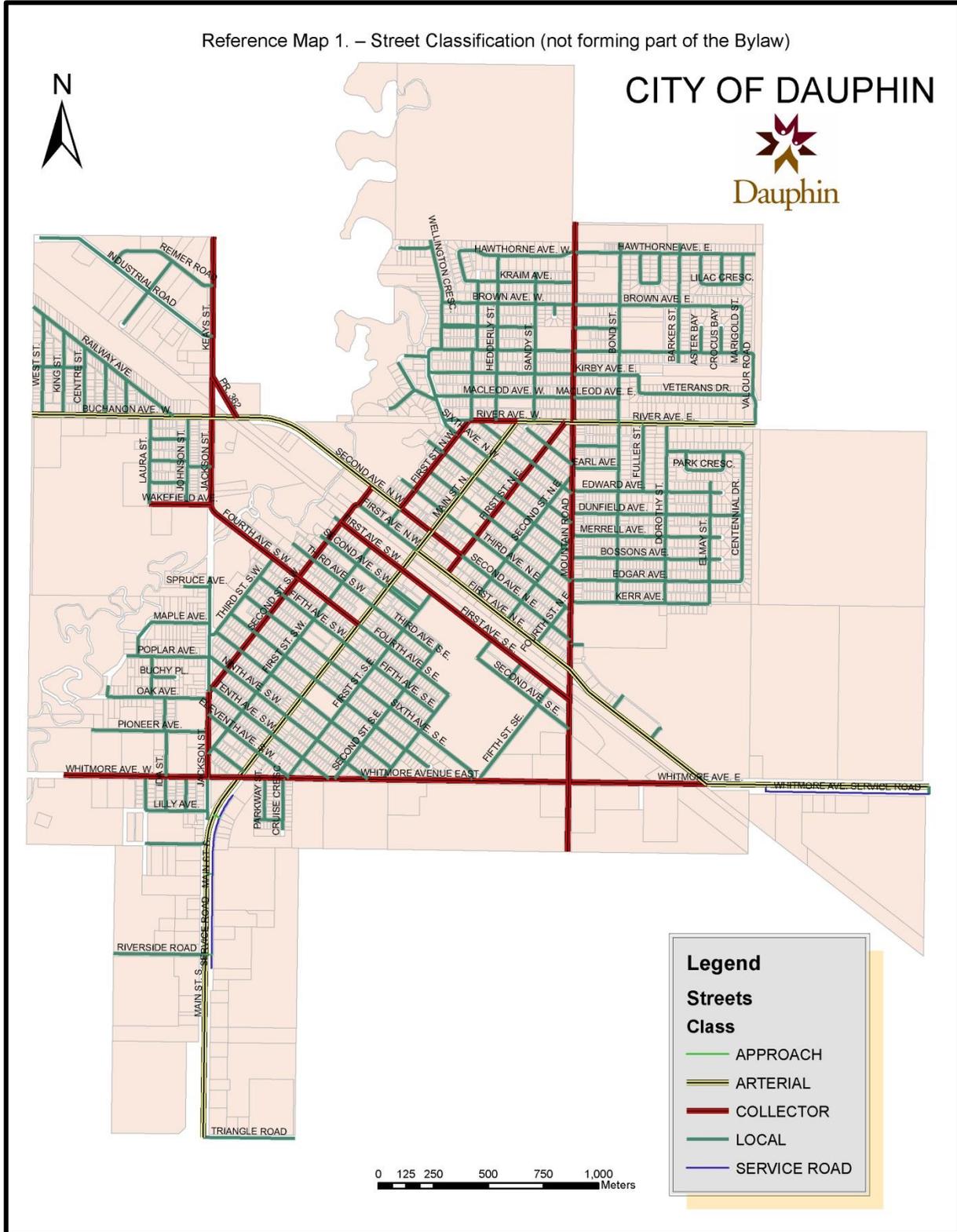
LIST OF REFERENCE MAPS

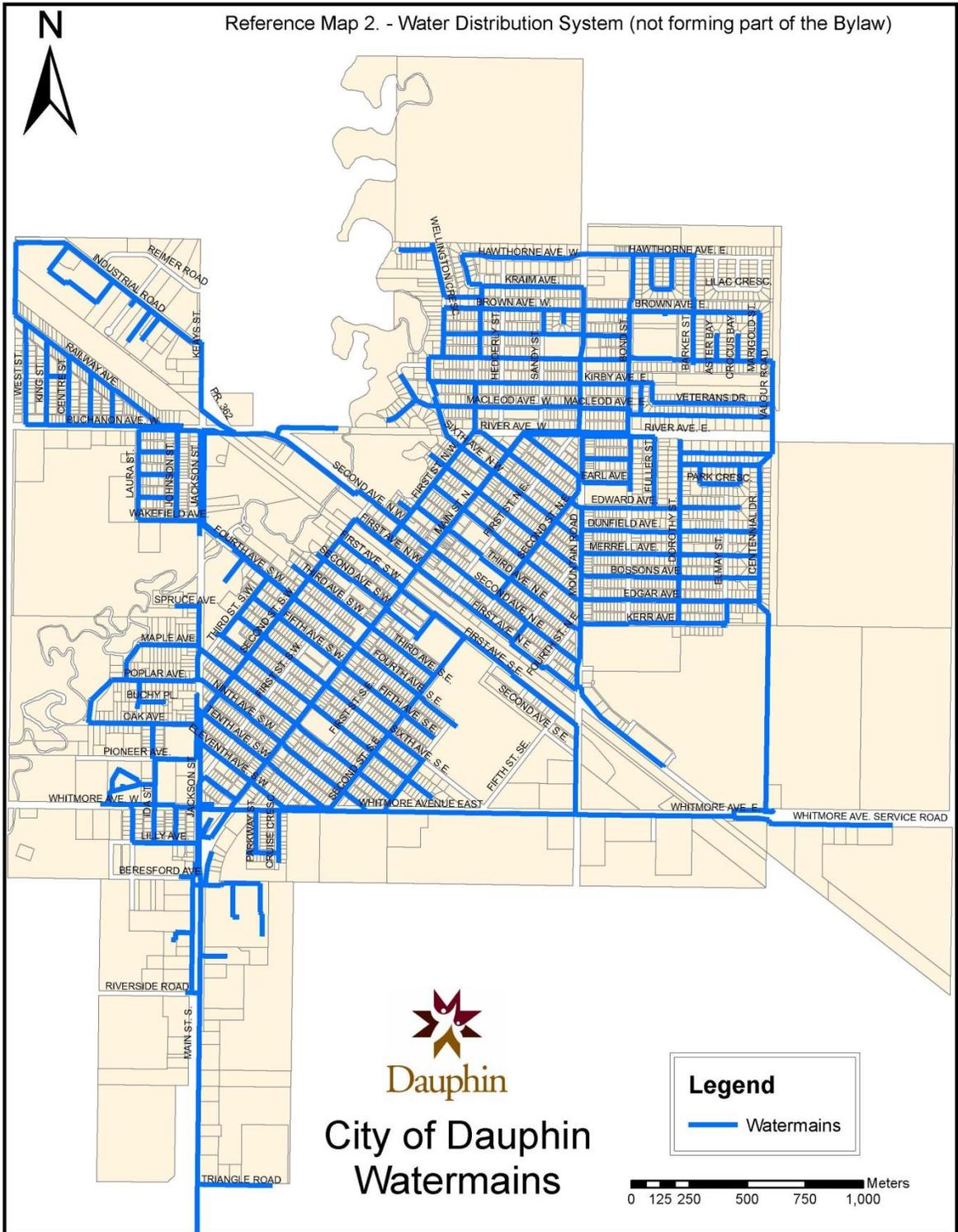
1. Map 1 Street Classification
2. Map 2 Water Distribution System
3. Map 3 Sanitary Sewer System
4. Map 4 Flood Risk Map





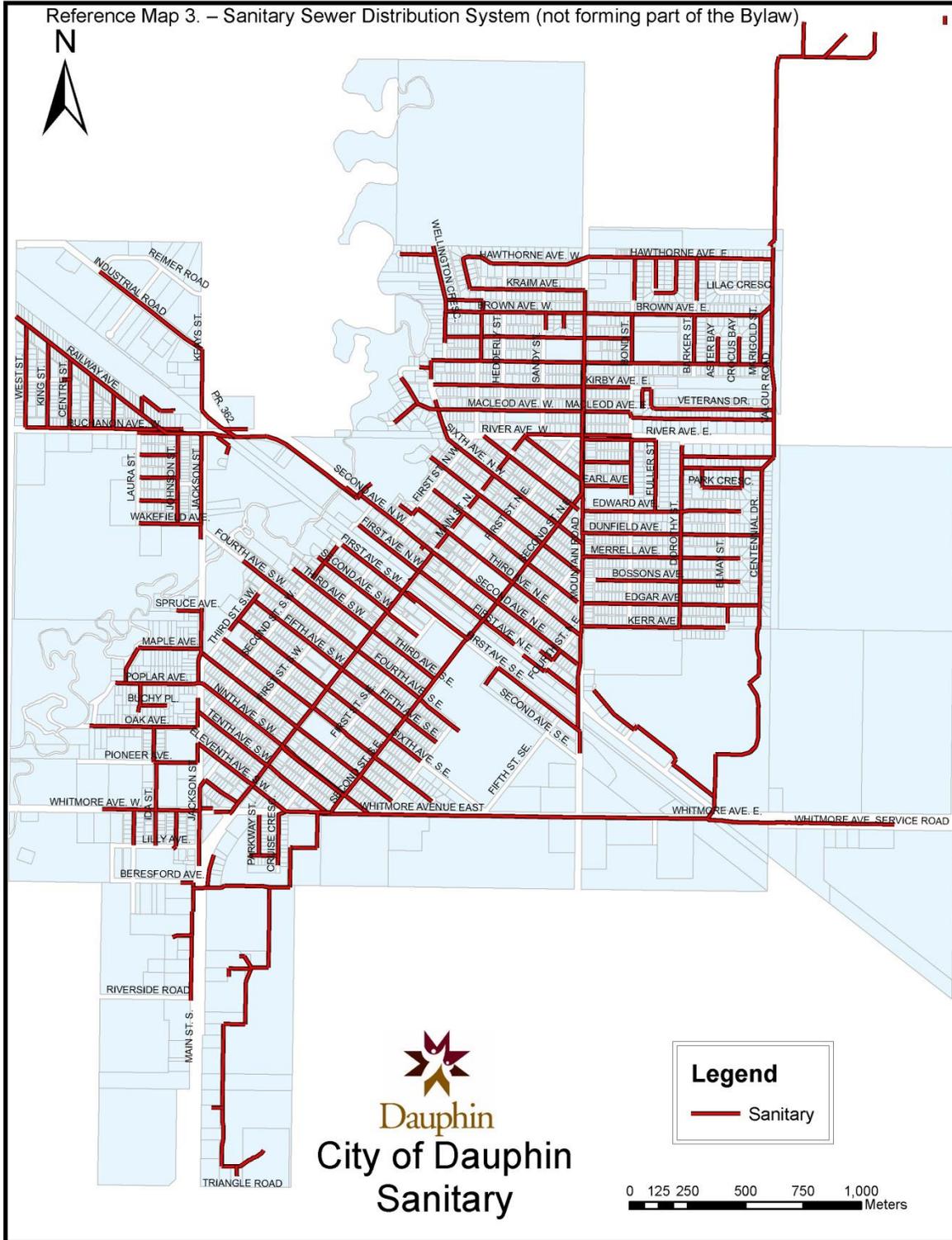
Reference Map 1. – Street Classification (not forming part of the Bylaw)



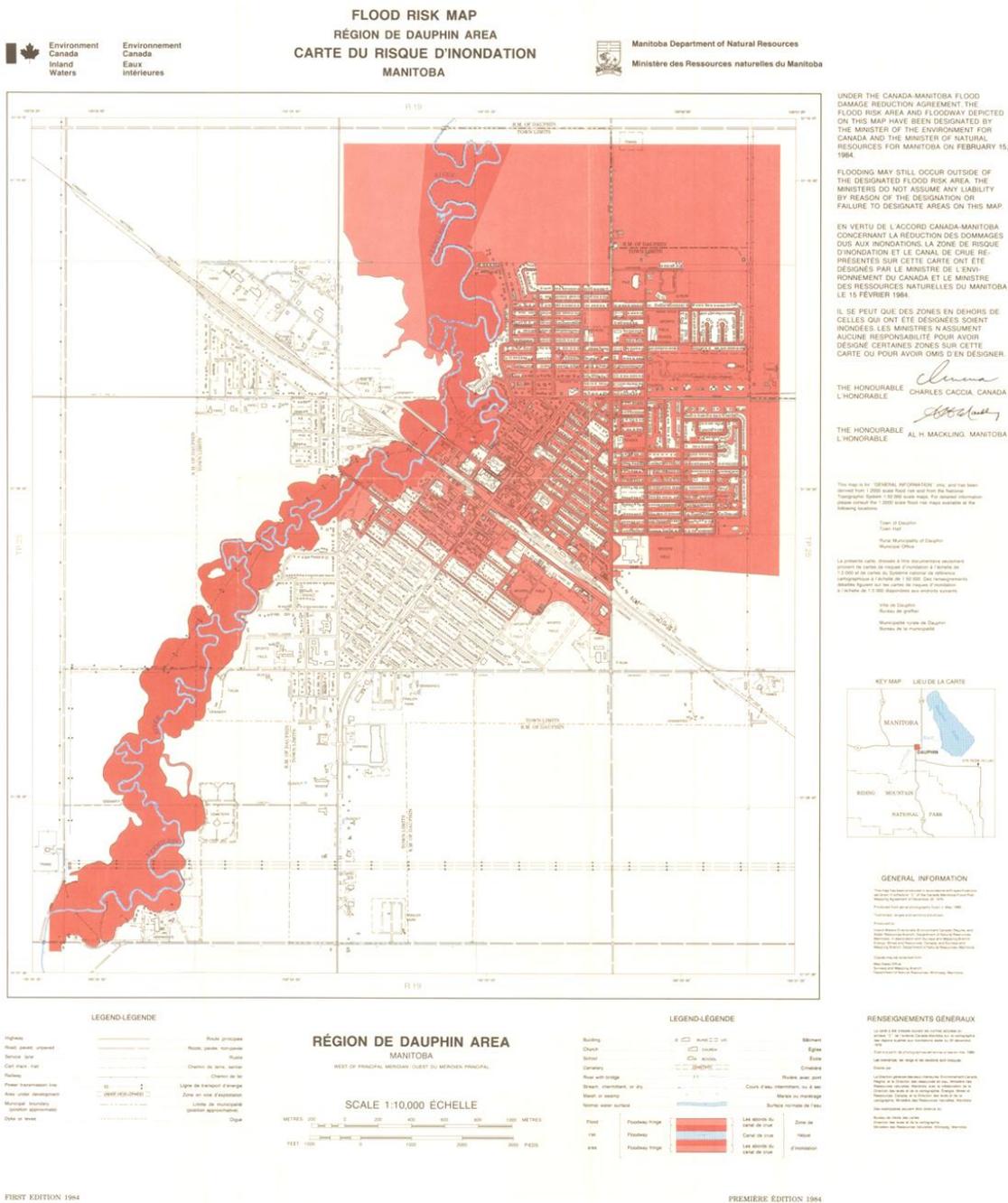




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Reference Map 4. – Flood Risk (not forming part of the Bylaw)



UNDER THE CANADA-MANITOBA FLOOD DAMAGE REDUCTION AGREEMENT THE FLOOD RISK AREA AND FLOODWAY DEPICTED ON THIS MAP HAVE BEEN DESIGNATED BY THE MINISTER OF THE ENVIRONMENT FOR CANADA AND THE MINISTER OF NATURAL RESOURCES FOR MANITOBA ON FEBRUARY 15, 1984.

FLOODING MAY STILL OCCUR OUTSIDE OF THE DESIGNATED FLOOD RISK AREA. THE MINISTERS DO NOT ASSUME ANY LIABILITY BY REASON OF THE DESIGNATION OR FAILURE TO DESIGNATE AREAS ON THIS MAP.

EN VERTU DE L'ACCORD CANADA-MANITOBA CONCERNANT LA RÉDUCTION DES DOMMAGES DUS AUX INONDATIONS, LA ZONE DE RISQUE D'INONDATION ET LE CANAL DE CRUE REPRÉSENTÉS SUR CETTE CARTE ONT ÉTÉ DESIGNÉS PAR LE MINISTRE DE L'ENVIRONNEMENT DU CANADA ET LE MINISTRE DES RESSOURCES NATURELLES DU MANITOBA LE 15 FÉVRIER 1984.

IL SE PEUT QUE DES ZONES EN DEHORS DE CELLES QUI ONT ÉTÉ DESIGNÉES SOIENT INONDÉES. LES MINISTRES N'ASSUMENT AUCUNE RESPONSABILITÉ POUR AVOIR DESIGNÉ CERTAINES ZONES SUR CETTE CARTE OU POUR AVOIR OMS D'ÊTRE DESIGNÉES.

THE HONOURABLE CHARLES CACCIA, CANADA
L'HONORABLE

THE HONOURABLE AL H. MACKLING, MANITOBA
L'HONORABLE

This map is for GENERAL INFORMATION only, and has been issued from 1984 under Royal Warrant and from the National Topographic System 1:50,000 scale maps. For detailed information please refer to the National Topographic System 1:50,000 scale maps.

Le plan de la région de Dauphin est une reproduction simplifiée du plan de la région de Dauphin. Les zones de risque d'inondation et les zones de risque d'inondation sont indiquées sur ce plan. Les zones de risque d'inondation sont indiquées sur ce plan.

KEY MAP / LIEU DE LA CARTE

GENERAL INFORMATION

Scale: 1:10,000
Projection: UTM
Datum: NAD 83
Units: Metres

Scale: 1:10,000
Projection: UTM
Datum: NAD 83
Units: Metres