Municipal Planning Primer

Background Report #1
Plan Review



reVISION Plan Review

Some Community Assembly Required

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For many people, municipal planning brings to mind zoning by-laws and thick, hard to read plans. People might think municipal planning is for experts and councillors, not the public. Municipal plans are legal documents, but they also have to be documents that non-experts can read. Planning processes must also be open to the public. Too often, however, our planning documents have been almost unreadable for all but the 'experts' who work with them daily.

One goal of this plan review is to make our plans easier to understand. To help make that happen, this background report presents an overview of plans and the planning process.

Planning

Planning is how communities direct growth and change. Planning attempts to control how a place develops over many years. In Canada, planning is a government process that regulates land development. Most planning happens locally, in towns, villages, cities and other municipal governments.





Photos: Jim Barkhouse, Chester

Municipalities do most land-use planning, but they are bound by provincial laws. The Municipal Government Act is the law that gives Nova Scotian municipalities the power to plan. The Act also sets out the following:

- the topics that plans can cover;
- how plans are created;
- the legal process to change plans; and
- how to involve the public in the process.

Municipalities use their planning powers to control land development and other planning issues.

Why Communities Plan

There are many reasons communities plan. Planning is needed to acquire land and design parks, squares and other public places. Planning is needed to provide essential infrastructure like roads, sidewalks, water and sewer. Planning can control the height, size and design of buildings. Planning can separate unpleasant land uses – such as landfills and factories – from homes, schools and shops.

Effective planning builds healthy communities. It helps places find the right balance between new development and community character.

Most planning is done by local governments. Current planning is a mixture of different approaches, but the dominant approach is to regulate land development. The most important documents are the Municipal Planning Strategy (MPS) and the Land Use By-law (zoning by-law).

Municipal Planning Strategy (MPS)

The Municipal Planning Strategy's purpose is to provide policy to manage the municipality. Usually the focus of the MPS is on problems and

opportunities related to land development. A wide range of other issues may be addressed. The MPS is a legal document and is adopted as a bylaw of the municipality. Once approved, the strategy has the status of a law of the municipality.

Planning Strategies usually have policies about issues like:

- housing (residential development);
- business (commercial development);
- industry;
- infrastructure (sewer and water);
- transportation (roads, parking, sidewalks, transit, cycling);
- institutions (schools, libraries, community centres);
- parks and natural areas; and
- implementation (how things get done).

A policy in a Planning Strategy is not a commitment to taking action, but a Municipality cannot take actions that contradict policy.

Land Use By-law

The Land Use By-Law (LUB) is the regulating document that carries out the policies of the Municipal Planning Strategy for land use and development. This is done by providing specific regulations and standards for matters related to:

- permitted land uses;
- building height and size;
- setback requirements;
- lot area and frontage requirements;
- landscaping requirements;
- sign and fencing requirements; and
- parking requirements.









Photos: Jim Barkhouse, Chester

Separating uses is central to the Municipality's planning documents. The Land Use By-law divides the Municipality into areas called zones. In each zone, certain uses -- such as commercial, industrial or residential uses -- are allowed and certain uses are not allowed. A residential zone may allow single unit homes and duplexes, while a commercial zone may allow small stores and offices.

The Village of Chester also has architectural guidelines to encourage new development that complements the historic village character.

Who is Involved in Planning?

Provincial Government

The Provincial Government sets out guidelines and requirements for municipal government to follow. A provincial department also oversees land use planning across the province.

The **Municipal Government Act** (the Act) gives municipal councils the ability to pass and enforce by-laws, including the MPS and Land Use By-law. The Act also specifies what Council can and cannot consider when creating planning strategies and land use by-laws. Finally, it specifies when and how public engagement must happen.

The Act provides municipalities with a broad range of powers and roles beyond planning, including:

- Providing good government;
- Providing services, facilities and other things necessary or desirable for the municipality; and
- Developing and maintaining safe and viable communities.

The **Statements of Provincial Interest** are policy statements adopted by the Nova Scotia Government under the powers of the Municipal Government Act, dealing with the following:

- Drinking water supply;
- Flood risk areas;
- Agricultural land;
- Infrastructure; and
- Housing.

The Statements identify the provincial position on the use and development of land. The Act requires that municipal planning documents be "reasonably consistent" with these statements.

Municipal Council

Council is bound by the Act. Council directs Community Development staff to produce and update planning documents, such as the MPS. Council also reviews and approves planning requests. Council makes its decisions based on the Act, staff's research and direction from the MPS and the Land Use By-law.

Community Development Staff

Staff administer by-laws and planning processes. They also conduct research and give Council professional advice. Staff also receive and process planning applications to ensure they meet current planning rules.



Planning Advisory Committee

The Citizens Planning Advisory Committee (CPAC or PAC) is made up of residents appointed by Council. The CPAC has two major roles. One is to assist staff and advise Council in all aspects of the Plan Review. The other role of the CPAC is to consider proposed amendments to existing planning by-laws. CPAC reviews the recommendations of the Area Advisory Committee, and then provide a recommendation to Council.

Area Advisory Committees

The two Area Advisory Committees (AACs) are made up of residents. One Committee represents the Village of Chester; the other represents the rest of the municipality. The Committees review planning reports created by municipal staff. They advise and make recommendations to the CPAC about planning documents and development applications for their respective areas.

Developers and Property Owners

Developers are individuals or companies who build on parcels of land or redevelop existing properties. Developers are typically based in the private sector.



Community Members

Community members are involved in planning through public hearings and other public engagement. The public hearing process is an opportunity for community members to share their point of view on specific developments.

The community is also involved when plans are reviewed. The Plan Review will provide opportunities for individuals and groups to take part. Often, community members organize groups around a common interest to influence the process.

The Planning Process

Any new development that meets the standards in the Land Use By-law is approved by staff. This is known as as-of-right development.

A proposed development may be too large, or have a use that is not allowed under the existing zone. In such cases, Council has the power to change the zoning or MPS designation on individual properties so projects can proceed. Any change must be supported by policy in the MPS. Changing zoning is officially a Land Use By-law Amendment, also known as a rezoning.

A change to the MPS is known as a Plan Amendment. Plan Amendments and Land Use By-law Amendments are both discretionary approvals; Council has the ability to approve or reject these applications through a public process.

An applicantion to change the Land Use By-law or the MPS follows these steps:

Request – Applicant contacts Community Development staff and submits a request and proposal showing in detail what they wish to build.

Referral to Council – Council will request staff reports. Council also recommends reports be referred to the Planning Advisory Committee or Area Advisory Commitee for review.

Staff Review – Community Development staff study the request. Staff analyze the proposal and relevant parts of the MPS and Land Use By-law. Staff may work with other municipal departments and obtain feedback from provincial departments in order to assess applications.

Area Advisory Committee – The Committee reviews staff reports and make recommendations to Planning Advisory Committee.

Planning Advisory Committee - The Planning Advisory Committee reviews the staff reports and the recommendation from the AAC, before providing their own recommendation to Council.

Council – Council reviews the reports and recommendations and votes whether or not to proceed. If council proceeds, then a public hearing date is set and advertised. Council may vote to not proceed and stop the process, which may be appealable.

Public Hearing Process – The matter goes to a public hearing where citizens can voice their support or concerns with the project before council. After the public hearing, Council votes whether to allow the requested amendments.

Final Approval – Approved amendments go to the Community Development staff. If no appeal is launched, they are sent to the Province for final approval. In some instances further approvals may need to be obtained by the applicant, such as permits, before the project can continue. Inspections at various stages of the project may be needed.

New Planning Documents

Planning is the way that we come together to decide how places will grow and change. Often, we rely on existing planning documents. Sometimes we need to update those documents or create entirely new documents. The Plan Review is a chance to create a new MPS, Land Use By-law and Subdivision By-law. To do this, the Municipality will lead a community planning process.

Community planning begins by talking with the public to learn what they value. Public values form the basis of a vision for the future. Goals and objectives are often included to expand on the public's vision.

A community must take action to achieve its vision. Businesses, schools, not-for-profits and other groups must take some actions. Local governments also take actions to help reach the community vision. They can spend money to build roads, parks or sidewalks. They can create agencies to promote business growth or tourism. They can create programs to help residents.

For long term planning, however, governments create policies and regulations, like the MPS and Land Use By-law. Until recently, planning was primarily concerned with controlling land use. Increasingly, planning is putting more emphasis on natural environments and built environments. Many common planning tools – like zoning – are commonly seen as not encouraging new development that enhances traditional villages or small rural communities. Newer planning tools may be better suited to deal with environmental issues, such as climate change, flood protection, habitat loss and stormwater quality. Developing planning tools



that reflect the community's desires and protect the natural environment and community character will be the major task of the Plan Review.

Municipal Planning Strategies (MPS) are living documents that should be reviewed regularly. The Chester Village Secondary Planning Strategy (SPS) has not had a comprehensive revision since 2004, when it was adopted. The Municipal Planning Strategy has not had major amendments since 2008.

The Plan Review process will take place between the fall of 2014 and 2016. The review will include the following:

- Creating a new Municipal Planning Strategy (MPS) for the entire district;
- Updating or completely replacing the Village of Chester Secondary Planning Strategy (SPS);
- Creating new Land Use By-laws (LUBs) to replace existing By-laws;
- Creating a new Subdivision By-law;
- Creating form-based Design Guidelines or Standards (potential)

Important plans have been made since the last Plan Review. An important part of the Plan Review will be making these plans part of the MPS and Land Use By-law.

Integrated Community Sustainability Plan (06/25/2009) – The Integrated Community Sustainability Plan (ICSP) is a strategic plan that identifies trends, issues, and opportunities for action, based on sustainability principles. It focuses on environment, culture, economy and society.

Municipal Climate Change Action Plan (10/30/2013) – The Municipal Climate Change Action Plan identifies potential climate and environmental hazard areas and provides a plan of action. These areas of risk include: coastal and



inland flooding, hurricanes, blizzards, drought, invasive species, and wildfires. The plan also identifies priority infrastructure and preventative measures.

Corporate Strategic Plan (02/28/2013) - The Municipality's Strategic Plan includes the following six elements:

- Fiscal responsibility
- Improved public satisfaction
- Sufficient infrastructure
- Strengthen and support environmental, cultural and social resources
- Public engagement and communication
- Fostering economic prosperity

Economic Development Strategy (08/29/2013) - The Economic Development Strategy is a 5 to 10 year road map providing the Municipality with strategic directions and actions for a stronger economy. It will guide the Municipality in economic development and tourism support.

Trends in Planning

In the last few decades, planning's focus has changed. There is now more emphasis on built form (the physical design of communities), on public spaces, on public health, on alternative transportation and on the natural environment.

The three most influential trends in planning are Smart Growth, sustainable development and New Urbanism. Many planners consider these ideas to be the basis for creating good communities. These ideas are generally seen as best practice, but implemeting them often proves difficult for political and administrative reasons.

Smart Growth

Smart Growth is a regional planning philosophy developed in response to sprawl. The main goal is to direct growth into compact, walkable communities. Smart Growth supports redevelopment and green space protection. This is done to create healthier communities and protect natural areas from development. Smart Growth aims to ensure that growth is fiscally, environmentally and socially responsible. It recognizes the connections between development and quality of life.

www.smartgrowth.bc.ca

www.smartgrowth.org

New Urbanism

New Urbanism is a design philosophy based on town layouts and building styles that were common before World War II. It is also known as neo-traditional design. Like Smart Growth, New Urbanism developed as an alternative to sprawl. New Urbanism creates and restores walkable, compact, mixed-use communities. These places are made of the same parts as conventional development, but assembled in complete communities that contain houses, offices, shops, entertainment, schools, parks, and other institutions within walking distance.



New Urbanist communities. **Top:** Seaside, Florida. Photo by jkinghtplandesign.com **Middle:** Cornell. Markham, Ontario. Photo by rockinontheblog.blogspot.ca. **Bottom:** Ketlands, Maryland. Photo by lawprofessors.typepad.com.

Congress for New Urbanism: www.cnu.org

www.newurbanism.org

Sustainable Development

The goal of sustainable development is to meet the needs of today without harming future generations. It is a broad approach that considers the environmental, economic and social needs of a community. These pillars - environmental, economic, social and sometimes cultural - are considered equally important to developing a healthy, strong community. A sustainable approach can be referred to as having a 'triple-bottom line'.

A central idea of sustainable development is that the economic, environmental and social health of a community cannot be separated. A truly healthy community develops all three aspects. Sustainable development strives to improve the standard of living by protecting human health, conserving the environment, using resources efficiently and advancing long-term economic competitiveness.

Conservation Design

Conservation design is an idea for building rural communities. It is related to smart growth, as its goal is to limit the physical size of communities. The major goals are to conserve open space and create traditional town centres. Conservation design dedicates a portion of a site or region for natural areas. Any development is concentrated on the remaining portions. Often, shared lots or shared servicing are part of conservation design. Building on a smaller area helps preserve important natural features like lakes, streams and sensitive habitats.



Top: Conventional design removes almost all natural elements. **Bottom:** Conservation design preserves natural elements. Diagram from Daniel Savard, Province of NB. www.elements.nb.ca

Sustainable Transportation

Planning is increasingly interested in providing ways to travel other than by automobile. Active transportation and public transit are both important alternatives.

Active transportation (AT) is human-powered movement. Active transportation has large health and environmental benefits. Walking and cycling are the most common forms of AT. Cycling lanes, trails and bike racks are examples of AT facilities that support healthy lifestyles.

Planning is also interested in walkability, or how inviting and safe an area is for people on foot. Pleasant walking is connected with vibrant neighborhoods and healthy residents. Communities that promote and facilitate walking to stores, work and schools are desireable places to live and often have more social connections

and higher property values. Walkability is an important factor in making places more welcoming, livable and safe. Walkable places also allow children and the elderly to be more active and independent.

Some features make it more attractive to walk. Some people like well-maintained sidewalks, benches, good lighting, direct routes and interesting stores and buildings. For others walkable places have shady green spaces, quieter routes and places where strollers, dogs and scooters are welcome. Walkability is a subjective measurement – some people like to stroll quietly on side streets, while others seek busy commercial districts.

www.canadawalks.ca
www.torontocat.ca

New Planning Tools

Popular planning tools like zoning and official plans are common tools that have been used for decades. Zoning is based on the idea of separating uses: houses go in residential zones; shops and offices go in commercial zones; factories and warehouses go in industrial zones; parks go in park zones; and schools, libraries and churches go in institutional zones.

Zoning by-laws also have rules for the size of buildings and lots. Rules govern how tall and wide buildings can be. Rules also govern how close buildings can be to the property line. Finally, rules govern how much parking must be provided.

Supporters of Smart Growth, New Urbanism and conservation design have developed form based codes as an alternative to zoning.

Form Based Codes

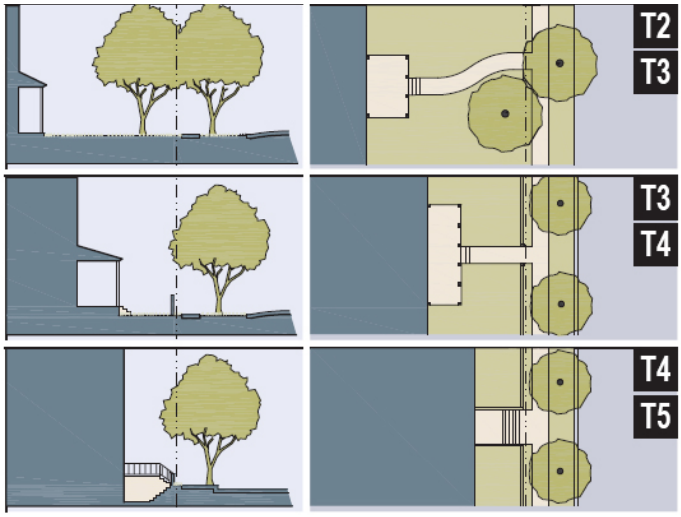
Where the focus of zoning is the uses within a building, the focus of form based code is how buildings are designed. Supporters of new urbanism developed form based codes to control the physical design of communities. Form based codes address two criticisms of zoning. Zoning does not produce a predictable building style, because it does not deal directly with design. Zoning also separates uses. This results in long walking distances between destinations. This not only increases car use, but can also make commercial areas less attractive due to a lack of foot traffic and customers. Form based codes can encourage or require a broad mix of uses within neighbourhoods or buildings.

Form based codes use pictures and descriptions to describe how things should be built. They can be designed for communities of all types and sizes.

formbasedcodes.org

Conculsions

Planning is both a way to regulate new development and a way to help protect and enhance community character. Common tools - like zoning are increasingly complimented by new approaches, like form based codes and sustainable development. These new planning tools should be explored through the Plan Review, to help meet community goals and help protect the region's special character.



Above: A portion of the open source Smart Code, a form based code. This portion shows how front yards, stoops and porches should be laid out in relation to the street. www.smartcodecentral.org