

**Amendment to a Secondary Plan By-law**

Name of Property Owner: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Civic Address of Property: \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

**References:**BAPD Development Plan By-law No. 95/01/12  
Applicable Secondary Plan By-law

*\*\*Prior to submitting a formal application, the Planning & Building Safety Department strongly recommends that all applicants meet with a Community Planner to complete a pre-application review\*\**

**Secondary Plan to be Amended (Name & By-law No.):** \_\_\_\_\_**Proposal:**

*As the applicant, I confirm and verify to the City that the information provided in this application is true and complete, and I undertake to observe and perform all provisions of The Planning Act, the Development Plan, the Zoning By-law, and the provisions of other relevant laws, by-laws or agreements.*

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone No.: (Primary) \_\_\_\_\_ (Secondary) \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone No.: (Primary) \_\_\_\_\_ (Secondary) \_\_\_\_\_

Email Address: \_\_\_\_\_

The personal information which you are providing is being collected under the authority of The Planning Act and will be used for the purpose of approving this application. Information is also being collected for the purpose of statistical reporting. It is protected by the Protection of Privacy provisions of The Freedom of Information and Protection of Privacy Act. If you have any questions about the collection and/or use of information, contact Jennifer Houlihan, FIPPA Coordinator, City of Brandon Planning & Building Safety Department, 638 Princess Avenue, Brandon, Manitoba, R7A 0P3, Telephone 204-729-2116

**FOR PLANNING DEPARTMENT USE ONLY:**

Community Planner: \_\_\_\_\_ Planning File No.: \_\_\_\_\_ CityView No.: \_\_\_\_\_

Date Application Received: \_\_\_\_\_ Payment Date: \_\_\_\_\_ Receipt No.: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

Secondary Plan Amendment - Application

REV 02/2023

## Secondary Plan Amendment

A secondary plan amendment is a process where parts of a Secondary Plan By-law are added, altered, or deleted. A Secondary Plan contains policies that are more specific to the development of a geographical area within the City of Brandon, but is not as specific as a Zoning By-law. The amendments may affect the text of the plan, the maps, or both. The scale of a secondary plan amendment may also vary from an individual property to the entire secondary plan area.

### Documentation and Fee Requirements

- Application Fee: See fee schedule
- Status of Title: Issued by Brandon Land Titles Office no later than 30 days before the date of the application
- Letter of Authorization: From registered owner(s) of the land whose name(s) appear on the title
- Letter of Intent: As per attached checklist
- Site Plan: As per attached checklist
- Other plans and documentation may be required to demonstrate compliance with applicable laws, by-laws, regulations, or policies, depending on the nature of the request

*\*\*Application may not be processed until all of the above information has been submitted\*\**

### Timelines

The process generally can take four (4) months at best. Complicated applications may take a longer period of time.

### Decision Making Authority

City Council decides on secondary plan amendment applications. The Planning Commission, an independent body of five (5) members appointed by City Council, will hold a public hearing and make a recommendation to City Council on the application.

### Pre-Application Review

Before formal submission of an application, the Planning & Buildings Department can do a preliminary review of the application package and, if necessary, advise the applicant which elements of the package to revisit. The Planning & Buildings Department cannot guarantee support or approval of an application, as it must objectively analyze all applications. The pre-application review may take four (4) weeks.

### Public Hearing

The applicant must attend a public hearing scheduled by the Planning & Buildings Department, and is responsible to present details of their application and answer any questions the Planning Commission may have. The public hearing allows the general public to comment on the application prior to the Planning Commission's decision.

## **Second Objections/Appeals**

Should the public hearing receive sufficient objections (at least 25 eligible persons or half of property owners within 100m of a site under a secondary plan amendment application) and City Council gives the application second reading, anyone who commented on the application at the public hearing and is not satisfied with City Council's decision may file a second objection in writing to the Office of the City Clerk. This second objection must indicate who is appealing, the secondary plan amendment file number or the By-law number, and the reasons for the second objection. If the City receives sufficient objections after the second reading (same threshold as the public hearing, outlined above), the City will refer the application to the Manitoba Municipal Board for an appeal hearing. Following the Municipal Board hearing, City Council makes its final decision, which must align with the decision of the Municipal Board.

Should City Council reject a secondary plan amendment application or not make a decision within the prescribed time limit under Section 82.1 of The Planning Act, the applicant may file an appeal directly to the Manitoba Municipal Board within fourteen (14) days of the decision by City Council. The Municipal Board will then hold an appeal hearing and, if necessary, direct City Council on a final decision. The Municipal Board is a provincial quasi-judicial tribunal and is the final approval authority where appeals are involved.

## Letter of Authorization

Date: \_\_\_\_\_

To: City of Brandon  
Development Services  
638 Princess Avenue  
Brandon, MB R7A 0P3

RE: \_\_\_\_\_ (address or legal description of application)

I (We) hereby give authorization to:

\_\_\_\_\_ (Applicant's name)

To apply for a development application for the above address.

Registered Owner(s) on the Current Status of Title:

_____	_____	_____
Name (Print)	Name (Signed)	Date
_____	_____	_____
Name (Print)	Name (Signed)	Date
_____	_____	_____
Name (Print)	Name (Signed)	Date
_____	_____	_____
Name (Print)	Name (Signed)	Date

### **Letter of Intent (Secondary Plan Amendment) Requirements**

All letters of intent must have the following information:

1. Business/Formal letter format (addressed to “City of Brandon Development Services”, signed and dated)
2. Name(s) of applicant(s)
3. Location of proposed development (civic address and legal description)
4. Description of proposed development, including but not limited to use(s) proposed on site, number and types of residential/non-residential units, design themes, any other related development applications, how the proposal fits with the surrounding area
5. Is the proposal generally consistent with the Development Plan? (cite and expand on applicable policies)
6. Is the proposal generally consistent with the Secondary Plan? (cite and expand on applicable policies)

### **Site Plan (Secondary Plan Amendment) Requirements**

The site plan must be drawn to scale with all dimensions clearly labeled and submitted in PDF and paper format (Maximum Size: 11” x 17”) showing:

1. Title and date (latest revision)
2. North arrow (oriented to top of page)
3. Drawing scale (metric)
4. Location (civic address and legal description)
5. Site lines and all adjacent public rights-of-way
6. Area of site (m<sup>2</sup>)
7. Roadways, driveways, laneways, aisles
8. Pedestrian connections
9. Parking

Any other information as required