



THE RURAL MUNICIPALITY OF
**PORTAGE
LA PRAIRIE**



Rural Municipality of Portage la Prairie

Zoning By-law 3182

**THE RURAL MUNICIPALITY OF PORTAGE LA PRAIRIE
BY-LAW NO. 3182**

BEING A BY- LAW to regulate the use and development of land within the Rural Municipality of Portage la Prairie.

WHEREAS, pursuant to the provisions of Subsection 40 (1) of *The Planning Act*, the Portage la Prairie Planning District, which includes the Rural Municipality of Portage la Prairie, has by By-Law adopted the Portage la Prairie Planning District Development Plan By-law 2-2018;

AND WHEREAS, Section 68 of *The Planning Act* provides that a Municipal Council within a Planning District must adopt a zoning by-law that is generally consistent with the Development Plan By-law;

NOW THEREFORE, the Council of the Rural Municipality of Portage la Prairie, in a meeting duly assembled repeals Zoning By-law 3096 and amendments and enacts the Rural Municipality of Portage la Prairie Zoning By-Law No. 3182.

NOW THEREFORE, the Council of the Rural Municipality of Portage la Prairie, in a meeting duly assembled repeals Secondary South Basin By-Law No 3021.

DONE AND PASSED in Council duly assembled this 9th day of November, 2021.

The Rural Municipality of Portage la Prairie

**(signed by Kameron Blight)
Reeve**

**(signed by Nettie Neudorf)
Chief Administrative Officer**

READ A FIRST TIME THIS 24th day of August, 2021.

READ A SECOND TIME THIS 9th day of November, 2021.

READ A THIRD TIME THIS 9th day of November, 2021.

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PART 1 PURPOSE AND INTENT

1.1 THE BY-LAW

- (1) This By-law shall be known and may be cited as the "Rural Municipality of Portage la Prairie Zoning By-law."
- (2) This By-law shall be in full force and effect on the day it is given Third Reading by the *Council* of the Rural Municipality of Portage la Prairie.
- (3) This By-law shall apply to all lands in the Rural Municipality of Portage la Prairie, as indicated on Map 1 of Schedule A to this By-law.

1.2 INTENT

The regulations and provisions established by this By-law are deemed necessary in order to:

- (1) Implement the objectives and policies of the *Development Plan*, By-law No. 02-2018;
- (2) To define and limit the powers and duties of the *Council* and the *Development Officer*; and
- (3) To regulate the following:
 - a) all *buildings* and *structures* erected hereafter;
 - b) all uses of *buildings*, *structures* and land established hereafter;
 - c) all *alterations*, demolitions or relocations of existing *buildings* and *structures* occurring hereafter;
 - d) all *enlargements* of existing *buildings*, *structures* or uses; and
 - e) all changes in the use or intensity of use of *buildings*, *structures* and land occurring hereafter.

1.3 RESPONSIBLE AUTHORITY

- (1) The authority responsible for the enactment of this By-law shall be the *Council*, in accordance with the provisions of *The Act*; and
- (2) Subject to the provisions of *The Act*, the regulations, restrictions and boundaries set forth in this By-law may from time to time be amended or repealed.

1.4 INTERPRETATION AND APPLICATION OF BY-LAW

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements to satisfy the intent and purpose as set forth herein.

1.5 ACCORDANCE WITH OTHER BY-LAWS

Whenever provisions of any By-law of the Municipality or any other requirement of the Provincial or Federal Government impose overlapping regulations over the use of land or *buildings* or *bulk* requirements or contain any restrictions covering any of the same subject matter contained herein, the most restrictive or highest requirement shall govern.

1.6 ENFORCEMENT

The enforcement of this By-law, or any resolution or Order enacted by the *Council* under *The Act* or any regulation made there under shall be in accordance with *The Act*.

1.7 RULES OF INTERPRETATION

The following rules of interpretation shall apply to the text of this By-law:

- (1) Words, phrases and terms are as defined within this By-law. Words written in italics have meanings defined in Section 1.13.
- (2) Words, phrases and terms not defined within this By-law shall be as defined in *The Planning Act*, *The Municipal Act*, *The Buildings and Mobile Homes Act*, *The Manitoba Building Code*, The Manitoba Plumbing Code, and the Building By-law of the Municipality.
- (3) Words, phrases and terms neither defined in this By-law, nor in an applicable Building By-law of the Municipality or other appropriate provincial acts and regulations, shall be given their usual and customary meaning, except where *Council* determines the context clearly indicates a different meaning.
- (4) Where any requirement of this By-law results in a fraction of a unit, a fraction of one/half (1/2) or more shall be considered a whole unit and a fraction of less than one/half (1/2) shall be disregarded.
- (5) The term "shall" is mandatory and not permissive; the word "may" is permissive and not mandatory.
- (6) Words used in the singular include the plural and words used in the plural include the singular.
- (7) Words used in the present tense include the future tense and words used in the future tense include the present tense.
- (8) The phrase "used for" includes "arranged for", "designed for", "maintained for" or "occupied for".

- (9) The words "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (10) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or", "either-or", the conjunction shall be interpreted as follows:
 - a) "And" indicates that all the connected items, conditions, provisions or events shall apply in any combination.
 - b) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c) "Either-or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- (11) The words "include" "includes" or "including" shall not limit a term to the specified examples, but is intended to extend the meaning to all other instances or circumstances of like kind or character.

1.8 DIVISIONS OF BY-LAW

This By-law is divided into PARTS relating to themes. Each Part is designated by the written words "PART" in capitals followed by a title.

Sections and sub-sections within parts are divided by a consistent numbering system. For example: 1.1.1 refers to part 1, section 1, and subsection 1. Letters or numbers are also used to convey points or clauses where appropriate, such as: a), i, (1).

1.9 MEASUREMENTS

All dimensions provided for in this By-law are in Imperial measurements. An Imperial/Metric conversion table is provided below.

CONVERSION TABLE	
METRIC TO IMPERIAL	IMPERIAL TO METRIC
1 m = 3.281 ft.	1 ft. = 0.3048 m
1 km = 0.6214 miles	1 mile = 1.6093 km
1 sq. m = 10.764 sq. ft.	1 acre = 4046.9 m ²
1 ha = 2.4711 acres	1 acre = 0.40468 ha

1.10 ZONING DISTRICTS

Uses of land in the municipality are regulated in accordance with the following thirteen (13) zoning designations;

“RMH”	Residential Mobile Home
“RR”	Residential Rural
“RS”	Residential Seasonal
“RU”	Residential Urban
“CG”	Commercial General
“CH”	Commercial Highway
“M”	Manufacturing / Industrial
“MP”	Industrial Poplar Bluff
“MS”	Industrial Southport
“PR”	Parks and Recreation
“AG”	Agricultural General
“AL”	Agricultural Limited
“GD”	General Development

1.11 ZONING MAP

The location and the boundaries of the zones are shown on the Zoning Map. All notations, references and other information shown thereon, together with any amendments made by amending By-laws, and any amendments to boundaries in the case of any *street, lane* or *public utility* right-of-way closing, shall be as much as part of this By-law as if the information set forth by the Zoning Map were fully described.

(1) Dimensions and Scale

The scale and all dimensions are in imperial.

(2) Registered Plans

All plan references pertain to registered plans filed in the Portage la Prairie Land Titles Office.

(3) **Abbreviations**

Abbreviations mean the following:

- a) "Blk." Means Block
- b) "Pcl." Means Parcel
- c) "Pt." means Part
- d) "Sec." means Section
- e) "Tp." and "Twp." Mean Township
- f) "R" and "Rge." Mean Range
- g) "W" and "W.P.M." means West of the Principal Meridian
- h) "P.R." means Provincial Road
- i) "P.T.H." means Provincial Trunk Highway

1.12 ZONING BOUNDARIES

The following rules of interpretation shall apply to the boundaries of the zones shown on the maps in the Appendix:

- (1) Boundaries indicated as approximately following the centre-lines of *streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way* shall be construed to follow such centre-lines;
- (2) Boundaries indicated as approximately following *site limits* as shown on a registered plan or by reference to the Dominion Government Survey shall be construed to follow such *site limits*.
- (3) If a *street, lane* or government road allowance is lawfully closed, then the land formerly comprising the *street, lane* or government road allowance shall be included within the zone of the land, which surrounds it. If the said *street, lane* or government road allowance was a zone boundary between two or more different zones, then the new zone boundary shall be the former centreline of the closed *street, lane* or government road allowance.

1.13 DEFINITIONS

ACCESSORY BUILDING, STRUCTURE OR USE: A *building, structure* or use which is subordinate to, and incidental to the permitted or approved principal *building* or use; and is located on the same *site* as the principal *building, or use*, with the single exception of such *dwelling off-street* parking facilities as are permitted to locate elsewhere than on the same *site* with the *principal building, structure* or use, as per subsection 3.25.

ACT, THE: *The Planning Act, C.C.S.M., C. P80* and all amendments and regulations thereto.

AGRI-BUSINESS: The use of land, *buildings* or *structures* for the purpose of buying or selling commodities and services that support agricultural uses as defined in this By-law. These shall include, but not limited to, such sales and services as welding and machinery repairs, farm drainage and excavation, well-drilling, contracting and trades related to *farm buildings and structures*, custom spray, tillage, planting and harvesting services.

AGRICULTURE, GENERAL: The use of land for agricultural purposes, including cultivation, dairying, grazing, apiculture, floriculture, horticulture and animal and poultry husbandry, and the necessary *accessory uses* for packing, storing or treating the produce, but does not include *livestock operations*.

AGRICULTURE, INDOOR: Indoor, commercial-scale horticultural or aqua-cultural operations using soil-free methods (hydroponic or aeroponic) for growing high value/high yield plants for consumption and non-food products, such as cannabis. This type of use is typically housed in a fully enclosed *warehouse* with stacked, vertically-oriented growing containers and controlled, year-round growing systems.

AGRICULTURAL INDUSTRIES: Industries that support agricultural activities including: seed cleaning plants, grain elevators, fertilizer plants, feed mills, abattoirs, *livestock auction marts* and *bulk storage* of fertilizer, but not anhydrous ammonia or bulk propane.

AGRICULTURAL PROCESSING: Facilities which store and process agricultural products, such as grains, vegetables, raw food, animal products and non-food crops, such as cannabis, for wholesale or direct sale purposes.

AGRICULTURE, SPECIALIZED: The use of land for high value, lower volume, intensively managed agricultural products, such as greenhouses, *apiaries*, market gardening and similar agricultural activities, but which do not require the large parcel sizes (80 acres or greater) associated with annual crop production and *livestock operations*. Specialized agriculture may contain limited *retail sales* of goods produced on *site* and educational components, but agricultural production is to be the primary activity.

AIRPORT AND ASSOCIATED FACILITIES: Any area of land or water which is used or intended for the landing or take-off of aircraft and any associated areas which are used or intended for use for airport *buildings* or other airport facilities or rights-of-way, including taxi-ways, aircraft storage and tie-down areas, hangers, helipads, and other related *buildings* and open spaces.

ALTER OR ALTERATION: A non-structural change or modification to an existing *building*, *structure* or use which does not increase the exterior dimensions of height and area.

ALTERATIONS, INCIDENTAL: Changes or replacements in the non-structural parts of a *building* or structure, including but not limited to the following:

- a) *alteration* of interior partitions in all types of *buildings*; or
- b) replacement of, or changes in, the capacity of utility pipes, ducts or conduits.

ALTERATION, STRUCTURAL: The construction or reconstruction of supporting elements of a *building* or other *structure* such as bearing walls, columns, joists, beams or girders. For the purpose of this By-law structural *alteration* shall not include the following *alterations*:

- a) the *alteration* of interior non-load bearing components;
- b) the replacement of, or change in, *utility* pipes, ducts or conduits;
- c) changing windows or doors; when the opening is not enlarged;
- d) replacement of *building* facades;
- e) Other non-structural maintenance, *repair* or renovation.

AMUSEMENT ENTERPRISE, INDOOR: An indoor facility, which is a fully enclosed *building*, whose main purpose is to provide the general public with entertainment or recreation, with or without charge. Typical uses may include, but are not exclusive to, fitness centres, bowling alleys, billiard or pool halls, pinball parlors or similar uses.

AMUSEMENT ENTERPRISE, OUTDOOR An outdoor facility whose main purpose is to provide the general public with entertainment or recreation, with or without charge. Typical uses may include, but are not exclusive to, *amusement* parks/fair grounds, batting cages, drive-in theatres, golf driving ranges, mini golf courses, go-cart tracks, target sport ranges, skating rinks, skateboard parks, swimming pools, water parks, zoological parks, and similar uses.

ANIMAL DAY CARE: An establishment for the care of *household pets*, but where no animals are kept overnight.

ANIMAL GROOMING: An establishment for the washing and grooming of *household pets*. This use does not include overnight care.

ANIMAL HOSPITAL OR VETERINARY CLINIC: A facility for keeping animals (including *livestock*) to be treated, undergoing treatment or recovering from treatment in accordance with normal veterinary practice. This definition shall not apply to educational institutions of veterinary science.

ANIMAL, HOUSEHOLD PET: Animals that are customarily kept for companionship within the home. Household pets shall include domestic dogs, cats, tropical birds, fish and rodents. Excludes: *livestock*, monkeys, snakes, exotic animals and other similar animals and fowl.

ANIMAL KEEPING: A use where *livestock* or other animals (excluding *household pets*) less than 10 *animal units* (cumulative across species) are sheltered, bred, raised and/or trained, or kept for sale or hire to the public. This includes, but is not limited to, stables.

ANIMAL KENNEL: Any establishment in which more than three (3)-*household pets* are boarded, bred, trained, or cared for, in return for remuneration, or are kept for the purpose of sale. A *kennel* shall not include an *animal hospital/veterinary clinic*, or *animal shelter*.

ANIMAL SHELTER: A lot and/or *building* or part thereof used for the temporary lodging and care of lost, abandoned or neglected *household pets*. This use does not include an *animal kennel*.

ANIMAL UNIT (A.U.): The number of animals of a particular category that will excrete 160.9 lbs (73 kg) of total nitrogen in a 12-month period.

AREA, THE: All the land within the boundaries defined in Section 1.1(3) of PART 1 of this By-law.

ASHPHALT & CONCRETE BATCH PLANTS, TEMPORARY: An industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in *building* or construction. The stockpiling of bulk materials used in the products process or of finished products manufactured on the *premises* and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

ASSISTED LIVING: A facility where a combination of lodging, meals, housekeeping and living support is available for compensation. Typical uses include seniors' homes, retirement homes and medical receiving homes, but excludes *personal care homes* and facilities providing medical diagnostic services or treatment by licensed physicians.

AUCTION ROOM: A *building* or portion of a *building* used for the public sale of goods, merchandise, or equipment, other than *livestock*, vehicles or heavy equipment, to the highest bidder.

AUCTION YARD: A place where vehicles or heavy equipment (operable or inoperable) are offered for sale to the highest bidder.

AWNING, CANOPY OR MARQUEE: Any roof-like *structure*, which may be constructed as an integral part of a *building* or attached in such a manner as not to be an integral part of a *building*, but is so constructed to provide shelter or shade over an entrance way or a window.

BASEMENT: A storey or storeys located below the first storey or any storey with its floor level one (1) metre or more below average grade level.

BED AND BREAKFAST: An *accessory use* carried on within an *owner-occupied single-family dwelling* where temporary accommodation is provided for remuneration. The price of one meal per day is included in the stated price. Rented rooms shall not contain cooking facilities.

BOAT DOCK, PUBLIC: A *structure* built over or floating on water used as a landing place for boats and for other recreational uses by the general public.

BREWERY, DISTILLERY OR WINERY: A facility that possesses the appropriate license(s) issued by the Province of Manitoba to allow it to produce onsite, sell, and distribute beer, wine or other liquor or distilled spirits. All processes, functions and mechanical equipment directly associated with the production of beer, wine or other liquor must be contained inside a *building*. A tasting room established in accordance with all Province of Manitoba regulations and licensing requirements for the consumption of beer, wine or other liquor may form part of the *brewery, distillery or winery*. Other associated commercial sales and service uses may be established in conjunction with the *brewery, distillery or winery*, such as *restaurant, drinking establishment* or small-scale *retail sales* for the sale of merchandise associated with the *brewery, distillery or winery*.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, HEIGHT OF: The total number of *storeys* in a *building* or the vertical distance measured from *grade* to the highest point of the roof surface if a flat roof, to the *deck* of a mansard roof, and to the mean height level between eaves and ridge for gable, hip or gambrel roof.

BUILDING INSPECTOR: The *Building Inspector* as appointed by the Portage la Prairie Planning District.

BUILDING, LANDSCAPE OR GARDEN SUPPLIES: An establishment, including a *building, part of a building or open space*, for the display and/or sale of lumber and other *building materials and supplies*, plants, trees, and/or other materials used in indoor or outside planting, for *retail sales* and incidental *wholesale trade*.

BUILDING, MAIN OR PRINCIPAL: A *building* in which is conducted the principal use of the *site* on which it is situated.

BULK STORAGE: The storage of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

BULK TABLE: A composite term used to indicate the size and *setbacks* of *buildings* or *structures* and the location of same with respect to one another, and includes the following:

- a) Size and height of *buildings*
- b) Location of exterior walls at all levels in relation to lot lines, *streets*, or to other *buildings*;
- c) *Floor area* ratio of *buildings*;
- d) All *open spaces* allocated to *buildings*; and
- e) Amount of lot area provided per *dwelling unit*.

BUS DEPOT: An area utilized by commercial carriers for pick-up or drop-off of passengers, including *loading* and unloading areas, shelters, restrooms, concessions, benches, information offices, parking, ticket sales, landscaping, lighting and other such facilities.

CALL CENTRE: A *building* or a portion of a *building* in which workers provide support services to offsite customers primarily via telephone interactions. Services to customers are not typically available on a walk-in or over-the-counter basis. Call centres are distinct from *office* uses on the bases of multiple-shift operations (typically 24-hour, seven days a week) and floor space configurations that typically involve dense staff concentrations in comparatively smaller work areas.

CAMPING GROUNDS: A *parcel of land* planned and improved to accommodate *recreational vehicles*, tents, tent trailers or other camping accommodations used as temporary *dwelling*s for travel, recreational and vacation uses.

CARPORT: An attached building open on two (2) sides of the shelter of privately owned automobiles, minimum size of 12 x 20 feet.

CAR WASH: A *building* or portion thereof wherein facilities are provided for the washing, cleaning and polishing of motor vehicles, whether operated by the public or by onsite employees, whether or not in conjunction with other goods or services provided to customers.

CELLAR: Any basement, sub-basement or crawl space to which access can be obtained by way of a trap door, or such other means of access not normally or primarily used as a door for ingress and egress by people, including but not limited to ramps, overhead or sliding doors, shipping and receiving doors, vehicle entrances and exists, located partially or wholly below adjacent grade level.

CEMETERY/MAUSOLEUM: Land used or dedicated to the internment of human remains and may include columbarium, mausoleums, mortuaries and associated maintenance facilities, when operated in conjunction with and within the boundaries of such *cemetery*.

CHEQUE-CASHING FACILITY: A commercial establishment (“payday loan” establishment) that engages in the business of cashing cheques, warrants, drafts, money orders, or other commercial paper serving the same purpose but does not include a bank, savings and loan, or credit union nor establishments selling retail consumer goods, where the cashing of cheques or money orders is incidental to the principal purpose of the business.

CHILDCARE, CENTRE: A *building* or portion of a *building* used for the provision of care, for remuneration or rewards, to a child apart from his or her parents or guardians for a period in any one day. The operation meets all applicable provincial legislation and regulations.

CHILDCARE, HOME-BASED: The *accessory use* of a portion of a *dwelling unit* for the provision of care provided by a resident of the *dwelling*, for remuneration or rewards, to a child apart from his or her parents or guardians for a period in any one day. The operation meets all applicable provincial legislation and regulations.

CLUB, PRIVATE (NOT LICENSED): A non-profit organization incorporated as such by the Government of Canada or the Government of Manitoba and includes facilities used for the meeting, social, or recreational activities of non-profit philanthropic, social service, athletic, business, or fraternal organizations, without onsite residences. When licensed for the sale of alcoholic beverages by the Government of Manitoba, such a club is considered a *drinking establishment*.

COLLEGE OR UNIVERSITY: A permanent facility for the purpose of undergraduate and graduate instruction, whether privately or publicly funded, and includes on-site dormitories for enrolled students as an *accessory use*. This use also includes junior college, vocational and technical institutions and polytechnics.

COMMERCIAL MARINA: A commercial facility for the storage, launching, mooring, renting and incidental repair of boats.

COMMERCIAL SCHOOL: An establishment, other than *elementary or junior high schools, senior high schools, or colleges and universities*, used for the purpose of teaching, training or imparting of knowledge or a skill. Typical uses include schools for beauty, dance, language, computer, art, music, acting, speech, drama, child development and tuition centres. This does not include vocational, technical or polytechnical institutions.

COMMUNITY GARDEN: An area managed by a non-profit organization, a community-based entity or a public entity where members of the community may grow plants for beautification, education, recreation, community distribution or personal use. This use may include common areas and *accessory structures* maintained and used by group members.

COMMUNITY/RECREATION CENTRE: Any land, *buildings or structures* used for public recreational, social, or multi-purpose uses where patrons are primarily participants and any spectators are incidental and attend on a non-recurring basis, and which are owned, operated or occupied by a non-profit or governmental agency. Examples include public recreation and leisure centres, hockey and skating rinks, curling, swimming pools, community halls, and community centres.

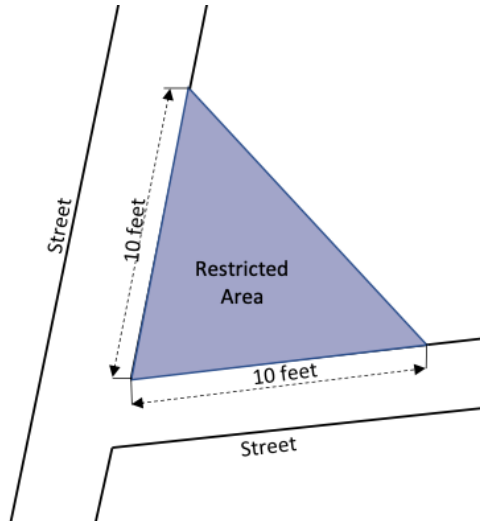
CONDITIONAL USE: A use that has a special characteristic as part of its operation and may be permitted, subject to approval by *Council*. *Conditional uses* may include, but are not exclusive to, potential dangers, smoke, noise and parking.

CONFERENCE CENTRE: A *building* or portion of a *building* in which the primary use is to accommodate lectures, meetings or events for the exclusive use of individual or group participants that have rented the *premises*, and in which meals for participants may be included.

CONSERVATION AREA: A careful preservation and protection of something; especially, planned management of a natural resource to prevent exploitation, destruction or neglect.

CONTRACTORS' ESTABLISHMENT: A *building* or part of a *building* or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

CORNER RESTRICTED AREA: That area on a *corner site* formed by the intersecting *street* lines and a straight line joining points, with said *street* lines 10 feet from the point of intersection of the *street* lines.



COUNCIL: The *Council* of the Rural Municipality of Portage la Prairie.

CREMATORIUM: A facility containing a properly installed, certified furnace or other apparatus intended for use in the incineration of human or animal corpses.

CULTURAL CENTRE: A *building* or portion of a *building* dedicated to the celebration and promotion of a cultural group or groups. A cultural centre is distinct from a *private club* on the basis of a broader range of uses typically available to customers and guests, including *restaurants, retail sales, personal services, theatres, and banquet halls*. In addition, customers and guests are not required to be members of a non-profit organization.

DATA CENTRE: An establishment primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer. This use does not include general business offices, computer-related sales establishments, and professional or *personal services*.

DECK: A *structure* abutting a *dwelling* with no roof or walls except for visual *partitions* and railings which is constructed on piers or a foundation 8 inches or more above *grade* for use as an outdoor living area.

DENSITY: The total number of *dwelling units* divided by the total area of land to be developed; expressed in gross acres.

DESIGNATED AREA: An area designated for use as per the Portage la Prairie Planning District *Development Plan*.

DEVELOPMENT OFFICER: The officer appointed by the Portage la Prairie Planning District, in accordance with the provisions of *The Planning Act*.

DEVELOPMENT PERMIT: A permit issued under the zoning By-law authorizing development.

DEVELOPMENT PLAN: The Portage la Prairie *Development Plan* as adopted by By-law and all amendments thereto.

DEVELOPMENT STANDARD: Any rule that this By-law places on any type of development or any type of use so as to create a desired effect which may be, but is not limited to accessibility, aesthetics, or public safety.

DORMITORY: A *building* designed for or used as *accessory* group living quarters for students of a *school*, and owned and managed by that *school*, or by a fraternity or sorority officially recognized by that *school*.

DRINKING ESTABLISHMENT: An establishment or portion of an establishment, licensed by the Government of Manitoba, where the principal purpose of the establishment or portion is the sale of alcoholic beverages to the public, for consumption on the *premises*. Other associated uses that may be established in conjunction with a *drinking establishment* include live entertainment, food sales incidental to the sale of alcohol.

DRIVE-THROUGH ESTABLISHMENT: Any use designed or operated to allow patrons, while outside on the *premises* in motor vehicles, to order, request, exchange, donate, or receive goods, wares, merchandise, products, foods, beverages, or services.

DRIVEWAY: A private road giving access from a public way to a *parcel of land*.

DROP IN BABYSITTING SERVICE: The provision of child supervision operated in conjunction with, and *accessory* to, a principal commercial or institutional use (such as *retail sales*, entertainment, educational or similar) where children are cared for while parents or guardians are occupied in some form of short-term activity on the *premises* or in the immediate vicinity. No overnight care is provided.

DWELLING: A *building*, or portion thereof, designed and intended to be used for residential occupancy. A *dwelling* does not include establishments for commercial accommodation.

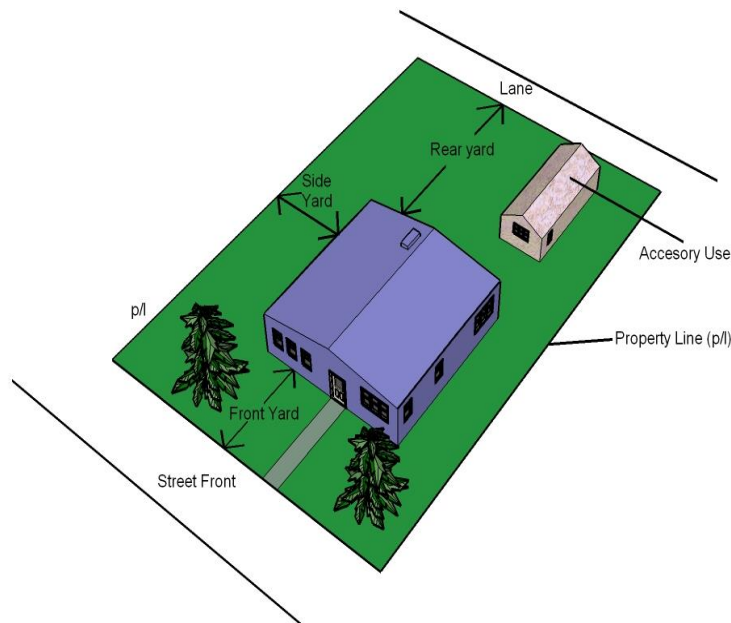
DWELLING, MOBILE HOME: A portable *dwelling unit* that is designed or used for residential occupancy by one (1) *family*, built upon or having a frame or chassis to which wheels may be attached for transportation purposes, whether or not such *structure* actually has at any time such wheels, or is jacked up or skirted.

DWELLING, MULTIPLE-FAMILY: A *building* containing three (3) or more *dwelling units*, arranged in a vertical or horizontal manner, either served by separate entrances or common corridors and entrances. This includes apartment *buildings*, row housing, tri-plexes and similar.

DWELLING, NON-FARM: A *dwelling* that does not relate to a farm or farm operation.

DWELLING, SINGLE-FAMILY: A detached *building* designed for and containing only one (1) *dwelling unit*. A *single-family dwelling* may include a *modular* or an off-site built/ready-to-move (RTM) home on a permanent foundation but does not include a *mobile home*.

Single Family Lot: Yards

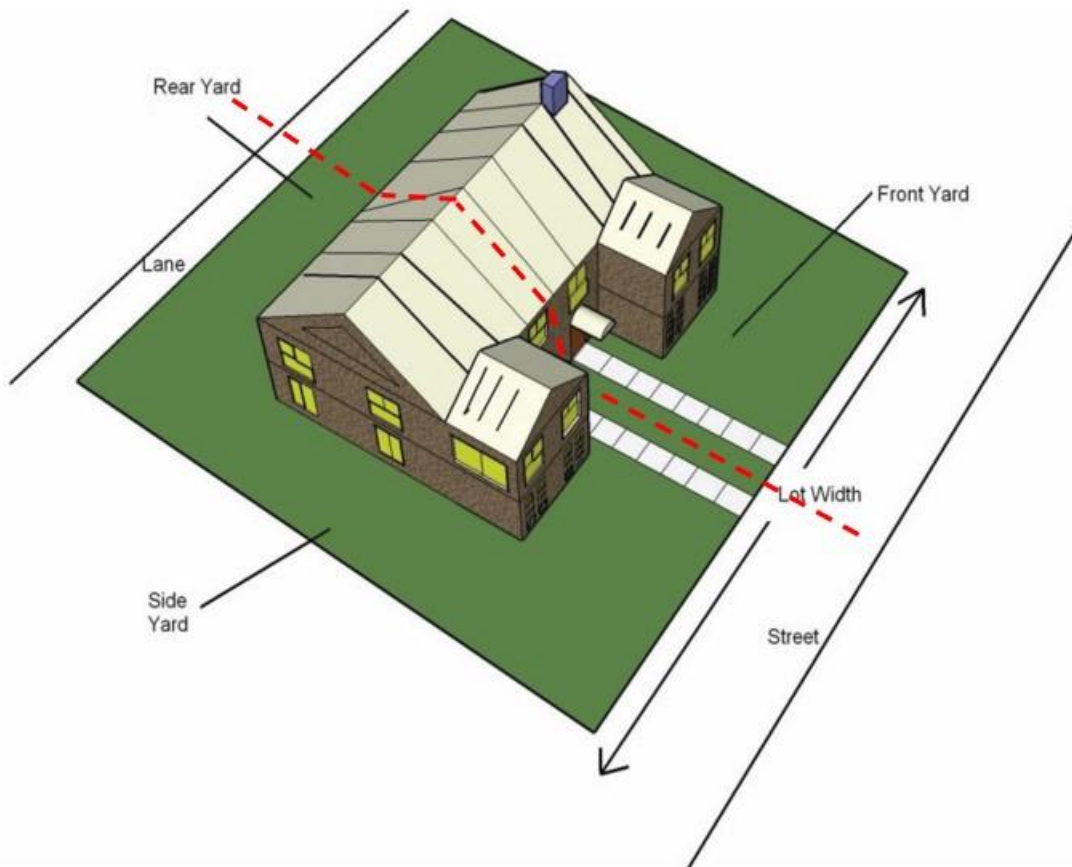


DWELLING, SEASONAL: A *single-family dwelling* which is constructed for and used as, a secondary place of residence for seasonal use only.

DWELLING - STAFF/CARETAKER: A *single-family dwelling, two-family dwelling* or *mobile home* which is *accessory* to, and located on the same *site* as, a permitted or conditional agricultural operation or commercial/industrial use, and which is used as the habitable residence of staff that are essential for the maintenance, operation and care of the principal agricultural operation or commercial/industrial use.

DWELLING, TWO-FAMILY: A detached or semi-detached *building* containing two (2) *dwelling units*, arranged in a vertical (duplex) or horizontal manner (side-by-side/semi-detached). This use does not include a *secondary suite*.

Two Family Lot: Yards



DWELLING UNIT: A room or group of rooms in a *building* used or intended to be used by one (1) *family* for living purposes, with eating, sleeping, sanitary and cooking facilities (but not more than once kitchen).

EARTHEN STORAGE LAGOON: A *structure* built primarily from soil, constructed by excavating or forming dikes, and used to retain human and *livestock* waste.

EMERGENCY RESIDENTIAL SHELTER: A facility where emergency temporary accommodation is provided to persons who are homeless, due to indigence, family violence or disaster, operated by a public or non-profit agency, and where on-site supervision is provided whenever such shelter is occupied.

ENTERTAINMENT FACILITY: An establishment devoted to showing motion pictures or dramatic, dance, musical, or other live performances. Typical uses include auditoriums, concert halls, theatres and cinemas.

ENLARGEMENT: An addition to the *floor area* of an existing *building* or *structure*, or an increase in that portion of a *parcel of land* occupied by an existing use.

ERECT: When used in this By-law, includes *building*, construction, reconstruction and relocation, and without limiting the generality of the word, also includes:

- a) any preliminary physical operation, such as excavating, filling or draining;
- b) *altering* any existing *building* or *structure* by an addition, *enlargement*, extension or other structural change; and
- c) any work which requires a *building* permit under the Building By-law of the Rural Municipality of Portage la Prairie.

"*Erected*" and "*Erection*" shall have corresponding meanings.

FAMILY: One (1) or more persons related by blood, marriage, common-law relationship, or legal adoption/foster care, or a group of not more than four (4) persons, who may not be related by blood or marriage, occupying a *dwelling unit* and living as a single housekeeping unit (all having access to and use of all common living and eating areas within the *dwelling unit*).

FARM BUILDINGS OR STRUCTURES: Any *buildings* or *structures* existing or *erected* on land used principally for agricultural activities but not including *dwellings* or *mobile homes*.

FARMSTEAD: The portion of land of a permitted or conditional agricultural operation that is set aside for the habitable residence of the producer, and other *buildings* and facilities associated with the agricultural operation. The habitable residence can be a *single-family dwelling* or *mobile home*. A farmstead is *accessory* to, and located on, the same *site* as the agricultural operation and is usually surrounded by a well-defined shelter-belt.

FARMERS MARKET: An occasional or periodic market held in an open area or in a *structure* where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

FEEDLOT: An outdoor area that is fenced to confine livestock solely for the purpose of growing or finishing but does not include:

- (a) a *grazing area*; or
- (b) a seasonal feeding area.

FLEET SERVICES: A central facility for the distribution, storage, loading and repair of fleet vehicles, with or without associated dispatch services and offices. Typical uses may include, but are not exclusive to, courier, delivery, and express services, cleaning services, key and lock services, security services, and taxi services.

FLOOR AREA: The total area of all of the floors of all *buildings* and *structures* on a *site*, measured from the exterior faces of the exterior walls or from the centerline of *party walls*. The *floor area* shall include *basements* when used for residential, commercial or industrial purposes; floor space used for mechanical equipment; interior elevator shafts and stairwells; and penthouses and mezzanines. Roof space used for the storage or housing of mechanical or central heating equipment, as well as *accessory off-street parking* and *loading spaces* are not included as floor area.

FREIGHT OR TRUCK YARD: An area or *building* where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. The use may include facilities for the temporary storage of loads prior to shipment. The use also includes truck stops or fueling stations where diesel fuel is primarily sold.

FUEL SALES: An establishment operated at a fixed location at which vehicle fuel, lubricants and automotive accessory items are offered for sale but where no provision is made for the repair, maintenance and storage of vehicles. The selling of convenience store items is also permitted.

FUNERAL CHAPEL OR MORTUARY: A facility for the storage and cremation of deceased human bodies, or a *building* used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GALLERY/MUSEUM: Includes:

- a) a commercial establishment engaged in the sale, loan, or display of paintings, sculpture, textiles, antiquities, or other works of art; or,
- b) a permanent facility, open to the public, with or without charge, for the collection and display of paintings, sculpture, textiles, antiquities, or other works of art.

This type of use is distinct from and does not include *libraries*.

GARAGE, PRIVATE: An *accessory building* or portion of a *principal building* used by the occupants of the *premises* upon which it is located for the parking or temporary storage of private passenger motor vehicles.

GARDEN SUITE: A detached, portable, self-contained *dwelling unit* intended for occupancy by an elderly parent or relative of the host household placed on the *site* of an existing *single-family dwelling*, and removed when no longer occupied by the person it was established for, unless a new written agreement is completed with Rural Municipal *Council*.

GOLF COURSE: A tract of land laid out with a course having 9 or more holes for playing the game of golf. This term does not include mini golf courses nor does it include driving ranges that are not *accessory* to a golf course.

GOVERNMENT SERVICES: Government establishments primarily engaged in providing general support services and information resources, including personnel services, election boards, income tax, health care and other general governmental support establishments.

GRADE: When applying to the determination of *building* or *structure* height, the average level of finished ground adjoining a *building* or *structure* at all exterior walls, as determined by the *Development Officer*.

GRAVEL PIT: An open pit mine used for the removal of sand and gravel occurring on the surface of land, or that is obtainable from land by stripping off the overburden and excavating from the surface.

GRAZING AREAS: An outdoor area where *livestock* are primarily sustained for part of the year by the direct consumption of feed grown on the area and manure does not accumulate such that mechanical removal or redistribution is required.

GROUP RESIDENCE: A residence that is licensed to accommodate four (4) or more persons and up to fifteen (15) persons, exclusive of staff or receiving family, living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social or physical condition, or legal status, require group living arrangement for their well-being. This use includes transitional shelters for victims of family violence.

GUEST QUARTERS: Living quarters with a maximum of 400 square feet, having no kitchen facilities, located on the same *premises* with a main *building* and occupied for the sole use of members of the family, temporary guests.

HAZARD LAND: When used in this By-law, land where actual effects of hazards have occurred, and without limiting the generality of the word, hazard includes but is not limited to the following:

- a) lands that would be flooded by a 200-year flood or the flood of record, whichever is greater, specified by the applicable provincial authority.
- b) erosion or cutting of land due to action of water in an adjacent watercourse or water body, within a 50-year period;
- c) river bank instability or slumping;
- d) landslides including mud slides;
- e) subsidence; and
- f) local ponding due to improper surface drainage.

HAZARDOUS MATERIALS STORAGE: A storage facility for materials that could pose a hazard to human health or safety. Typical materials may include but are not exclusive to, anhydrous ammonia, asphalt, explosives, flammable or toxic goods.

HEALTH INSTITUTE/HOSPITAL: An institution that maintains and operates facilities for inpatient medical care with overnight stays, including x-ray, laboratory, and surgical, for the diagnosis, care, and treatment of human illness, injury, and disease (physical or mental). Inpatient/Outpatient medical care may also be provided.

HEAVY EQUIPMENT SALES, SERVICE AND RENTAL: A facility that is engaged in the sales and repair of heavy equipment typically used in agricultural, commercial or industrial operations, including tractors, trucks with a gross vehicle weight of over 15,000 pounds, semi-trucks and/or trailers, harvesters, loaders and tracked vehicles as well as sales of parts, whether new or used, for heavy equipment.

HOME OCCUPATION: An occupation or activity carried on as an *accessory use* incidental to the residential use of the *dwelling unit*.

HOTEL OR MOTEL: A *building* or part thereof wherein temporary accommodation is provided in any individual guest room or suites, with or without cooking facilities and may include as related uses, but are not limited to, *restaurants, drinking establishments, conference centres* and meeting rooms. This use also includes seasonal lodges and resorts.

HUNTING LODGE: A *building* designed or used for the accommodation, during the hunting or fishing seasons, for people who regularly reside in a permanent *dwelling* at another location. Not to be used as a permanent residence.

JAIL OR DETENTION CENTRE: A facility operated for the confinement of persons in lawful detention.

LANDFILL: A permanent facility, either publicly- or privately-owned, operated for the purpose of disposing of or composting solid waste.

LANDSCAPE/GARDEN CONTRACTOR OR PRODUCTION: A location for the production of landscape materials, including commercial greenhouses or nurseries, and the wholesale sale of supplies, plants, trees and landscaping materials.

LANE: A public roadway where the right-of-way is not over thirty-three (33) feet in width. (see '*Street*' definition).

LIBRARY: A public facility for the use, but not sale, of printed information, electronic information, and pictorial material.

LIGHT PROOF FENCE: A fence that restricts the transmission of light and/or sight through its material construction; as a means of screening the contents and/or activities within a *site*.

LIVESTOCK: Includes:

- a) Cattle, horses, sheep, swine, poultry and bees; or
- b) Animals of a kind raised for meat production or products from the animals, including breeding stock of those animals.

LIVESTOCK AUCTION MART: An enclosure or *structure* designed or used for holding *livestock* for purposes of sale and transfer by auction, consignment, or other means.

LIVESTOCK OPERATION: 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 a *livestock auction mart*. This includes any high-density *seasonal feeding areas* where manure build-up may occur in excess of crop requirements and where mechanical removal and spreading of the manure may be required (including an over-wintering confined *site* for a cow-calf operation). This does not include a *grazing area* (pasture or rangeland) where *livestock* are primarily sustained by direct consumption of feed grown on *the area*.

LIVESTOCK SEASONAL FEEDING AREA: An outdoor area, other than a *feedlot* or *grazing area*, where:

- a) *livestock* are given their supplemental or total feed requirements on a seasonal basis; and
- b) because of its accumulation, manure must be removed from the area by mechanical means from time to time.

LOADING SPACE: An off-*street* space or berth on the same *site* with a *building*, or contiguous to a group of *buildings* for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access to a *street*, *lane*, or other appropriate means of access.

MANUFACTURING, HEAVY: A use of land that includes the assembly, fabrication, and/or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odours, glare, or health or safety hazards, or that otherwise do not constitute “light manufacturing,” or any use where the area occupied by *outside storage* of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the *floor area* of *buildings* on the lot. Typical uses include, but are not limited to battery, chemicals, machinery and plastics manufacture; mushroom plant; batching plant; packaging plant; slaughterhouse; rendering plant.

MANUFACTURING, LIGHT: A use of land that includes the assembly, fabrication, and/or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odours, glare, or health or safety hazards outside of the *building* or lot where such assembly, fabrication, or processing takes place; where such processes are housed entirely within a *building*, and may include an area occupied by outside operations or storage of goods and materials used in the assembly, fabrication, or processing. Typical uses include, but are not limited to, electronic equipment assembly and manufacturing, and assembly from finished products.

METEOROLOGICAL TOWER (MET TOWER): Includes the *tower*, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, *met towers* shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or *erect* a *wind energy system*.

MINI-STORAGE/SELF STORAGE: An enclosed permanent facility that provides storage space to the general public on a for-hire basis. Mini-warehouses and self-storage areas may also include vehicle storage for recreational vehicles, boats, and other vehicles. No other business or service may be allowed to operate out of a rented storage space. This definition also applies to a use that provides portable containers for storage.

MOBILE HOME PARK: Any *premises* which provides serviced spaces for residential use and designed for the accommodation of two or more *mobile homes* for lease or rent.

MOBILE HOME SITE: A *zoning site* in a *mobile home subdivision* for the placement of a *mobile home*.

MOBILE HOME SUBDIVISION: A *parcel of land* subdivided to provide individual *sites*, under separate title, in accordance with the subdivision approval procedure under *The Planning Act*.

MOBILE TRAINING LABS, FOR SCHOOLS: A mobile classroom which is established at a location on a temporary basis and is not to be setup as a permanent *building* or *structure*.

MODULAR HOME: A *single-family dwelling* suitable for year-round occupancy that consists of one or more modules either partially or wholly factory-fabricated and containing a framework that does not contain wheels or towing tongue. When transported to a *building site*, it will be placed on a permanent foundation so as to be substantially affixed to the *site* and connected to the required utilities, thereby making it immobile housing.

NEIGHBOURHOOD REHABILITATION HOME: A *building* or portion of a *building* used for the boarding or other residential accommodation, plus mandatory supervision or treatment, of up to six (6) persons who are from or discharged from any penal institution or who are receiving supervision or treatment for alcohol or other drug addictions, in which supervision or treatment is not provided to any persons not resident in the rehabilitation home and which does not affect the residential character of the neighbourhood.

NON-CONFORMING BUILDING OR STRUCTURE: Any lawful *building* or *structure* which does not comply with one or more of the applicable *site requirements* on the effective date of this By-law or amendments thereto.

NON-CONFORMING SIGN: Any lawful *sign* which does not comply with one or more of the applicable *site requirements* on the effective date of this By-law or amendments thereto.

NON-CONFORMING SITE OR PARCEL OF LAND: Any lawful *site* or *parcel of land* which does not comply with the *site area*, *site width* or *site depth* on the effective date of this By-law, or amendments thereto, and was on record in the Land Titles Office and in separate ownership prior to the effective date of this By-law, or amendments thereto, and did not form part of a larger contiguous holding in the same ownership.

NON-CONFORMING USE: Any lawful use of a *building*, *structure* or a *parcel of land*, or portion thereof, which does not conform to one or more of the applicable *use requirements* of the district in which it is located, either on the effective date of this By-law or amendments thereto.

NON-CONFORMITY: A *parcel of land* or *site*, a *building* or *structure*, or a use which lawfully existed prior to the effective date of this By-law or amendments thereto, but does not conform to the provisions contained within this By-law or amendments thereto.

OPEN SPACE: That required portion of a *site* at ground level, unless otherwise stated, unoccupied by *principal* or *accessory buildings* and available to all occupants of the *building*. The *open space* shall be unobstructed to the sky and shall not be used for service *driveways* or *accessory off-street parking space* or *loading space*, but shall be usable for landscaping, drying yards, recreational space and other leisure activities normally carried on outdoors. To the extent prescribed in these regulations, balconies, roof and other like above *grade* level areas may also be considered as *open space*.

ORDINARY HIGH WATER LEVEL: The boundary of water basins, watercourses, public waters, and public waters wetlands and:

- a) the ordinary high water level is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
- b) for watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and
- c) for reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

OUTSIDE STORAGE: The exterior storage of goods and/or non-*hazardous materials*, but not displayed for sale. Storage of materials in a structure with a roof, but no walls is considered *outside storage*.

OWNER: A person who appears by the records of the proper land titles office to have any right, title, estate or interest in land and includes the agent of such person in possession or occupation of the land with the express or implied consent of the *owner*, as defined in *The Act*.

PARCEL OF LAND: The aggregate of all land described in any manner in a certificate of title; as defined in *The Act*.

PARK / PLAYGROUND: The development of public land specifically designed or reserved for the general public for active or passive recreational use and including landscaping, facilities, playing fields, *buildings*, and other *structures* that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian/bicycle paths and pathways, landscaped buffers, arboretums, botanical gardens, playgrounds, toboggan slides, skateboard parks, swimming pools, wading pools, and water features.

PARKING SPACE: A portion of a *parking structure* or *surface lot* or *zoning site*, excluding vehicle manoeuvring areas such as aisles and *driveways*, for the temporary parking or storage of one (1) motor vehicle.

PARKING, STRUCTURE: An enclosed *structure* or facility where motor vehicles may be stored for purposes of temporary, daily, or overnight off-*street* parking as a principal use. The facility may be above, below, or partially below ground and includes parking garages and parking decks.

PARKING, SURFACE LOT: An unenclosed area where motor vehicles may be stored for purposes of temporary, daily, or overnight off-street parking as a principal use.

PARTITION: An interior non-load bearing wall, one storey or part storey in height.

PARTY WALL: A wall jointly owned and jointly used by two (2) parties under easement agreement or by right in law, and erected at or upon a line separating two (2) parcels of land each of which is, or is capable of being, a separate real estate entity.

PATIO: A surfaced, open space of land, less than 8 inches above grade, adjacent to a residential dwelling unit which is used as an extension to the interior of the home for private or semi-private entertainment or leisure activities.

PAWNSHOP: A place where money is loaned on security of personal property left in pawn and pledged as collateral for the loan.

PERSONAL CARE HOME:-A facility, licenced by the Province where lodging and meals and continuing nursing care or treatment is provided to residents in a secure environment, 24 hours a day.

PERSONAL SERVICES: An establishment that provides personal services to the general public and in which any retail sale of merchandise associated with the service provided is incidental to the provision of services. Typical uses may include but are not exclusive to spas and salons, cleaning and garment services, photography services.

PLACE OF WORSHIP: A facility used primarily for non-profit purposes to provide assembly and meeting areas for religious activities. Typical uses include churches, temples, synagogues, mosques, chapels, and meeting houses.

PLANNED UNIT DEVELOPMENT: A land development project planned as an entity in accordance with a unitary site plan, which permits flexibility in siting of buildings, mix of uses and housing types, usable open spaces and the preservation of significant natural features.

PLAZA / SQUARE: An open space, usually surrounded by buildings or streets, that may be improved, landscaped, or paved for passive recreation use. This use may include amenities such as seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

POSTAL/CARRIER DEPOT A development where packages, letters and small freight is collected, sorted and readied for distribution by delivery or pickup.

PREMISES: An area of land, including a *site*, with or without *buildings* or *structures*.

PRIVATE COMMUNICATIONS FACILITIES: Outdoor equipment and *structures*, including freestanding and *building*-mounted, required for the purposes of transmitting or receiving television, radio, microwave, radar, laser, or similar communications signals. These facilities may include, but are not limited to: antennae, aerials, receiving dishes, transmission beacons, masts and towers.

PRIVATE SWIMMING POOL OR HOT TUB: An *accessory structure* with a water depth of greater than two (2) feet, used solely by the occupants of the *dwelling*, or their guests.

PROFESSIONAL SERVICES: A *building* or part of a *building* in which persons are employed for the provision of *professional services*. Typical uses may include but are not exclusive to medical services (including clinics and laboratories), dental, optical, and legal. This use does not include a *cheque-cashing facility*.

PROTECTION AND EMERGENCY SERVICES: A development that is required for the public protection of persons and property from injury, harm, or damage together with the incidental storage of equipment and vehicles. Typical uses include police stations, fire stations, ambulance services, and ancillary training facilities.

PUBLIC UTILITY: Any system, works, plant, equipment or service which furnishes services and facilities available at approved rates to or for the use of the general public, including:

- a) Communication, by way of telephone, telegraph, wireless or television;
- b) Public transportation, by bus or other vehicles;
- c) Production, transmission, delivery, or furnishings of water, gas and electricity to the public at large; and
- d) Collection and disposal of sewage, garbage and other waste.

Public utilities include any public works compounds and *buildings* associated with the utility.

RADIO / TV / MOTION PICTURE STUDIO: A facility for the production and/or broadcasting of motion pictures, videos, television programs, radio programs, or sound recordings. The use may also include facilities for the rehearsal of dance, music, or other performing arts.

RAILWAY YARD: An area for storing or switching of freight and passenger trains. Necessary and allowed functions include but are not limited to the switching, storing, assembling, distributing, consolidating, repairing, weighing, or transferring of cars, trains, engines, and rolling stock.

RECREATIONAL VEHICLE: A vehicular type portable *structure* without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, *camping* and travel use and including but not limited to travel trailers, truck campers, *camping* trailers and self-propelled motor homes.

RECYCLING COLLECTION AREA: A facility that serves as a neighbourhood drop-off point for temporary storage of recyclable materials. No permanent storage or processing of such items is allowed.

RECYCLING COLLECTION DEPOT: A facility in which recoverable resources, such as newspapers, glassware and metal cans, are collected, stored, flattened, crushed or bundled to be taken to another *site* for processing. This use does not include any type of automobile recycling.

RECYCLING PLANT: A facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production. This facility is not a *wrecking yard* or a junkyard.

REPAIR: The renewal or reconstruction of any part of an existing *structure* for the purpose of its maintenance or restoration.

RESEARCH INSTITUTION: An establishment or facility engaged in scientific research, product design, development and testing, and limited manufacturing necessary for the production of prototypes.

RESTAURANT: An establishment primarily engaged in the preparation of food intended to be sold to the public for consumption within the building or structure or to be taken off the *premises*. *Restaurants* may be licensed by the Government of Manitoba for the sale of alcohol; however, the sale of alcohol is incidental to the sale of food. Typical uses may include but are not exclusive to delis, caterers, bakeries and cafeterias.

RETAIL SALES: A *building* or part of a *building* involved in the sale, lease, or rent of new or used products directly to the general public, or to individuals or households based on their membership in an association or club, but not including an *auction room*, *building*, *landscape and garden supplies*, or *supermarket*. This use includes facilities whose names indicate that they are *warehouse* or wholesale operations, but that in fact conduct more than incidental *retail sales*.

ROOMING HOUSE: A *building*, or portion thereof, where tenants have a rental arrangement with the landlord (who may or may not be an occupant of the house) to rent an individual bedroom unit (lockable from the outside) and where other areas (kitchens, sanitary facilities, living areas) are shared with other occupants. Care, treatment or supervision must not be provided to any resident. This use does not include boarding arrangements in a private *dwelling unit* where up to two boarders may be accommodated in a *family* living arrangement as an *accessory* use.

SCHOOL, ELEMENTARY OR JUNIOR HIGH: An accredited school under the sponsorship of a public, private, or religious agency providing instruction to students between the kindergarten and *senior high school* levels and may include a *childcare centre*.

SCHOOL, SENIOR HIGH: An accredited school under the sponsorship of a public, private or religious agency providing instruction to students at the *senior high school* level and may include a *childcare centre*.

SECONDARY SUITE: A self-contained *accessory dwelling unit* located within a permanent, *single-family dwelling*. A *secondary suite* contains its own entrance, cooking, sleeping and bathroom, which are separate from and not shared with those of the *principle dwelling*. The *principle dwelling* is to be occupied by the *owner* of the property. This use does not include a *two-family dwelling*.

SETBACK: The distance that a development or a specified portion of it must be set back from a lot line.

SEXUALLY ORIENTED BUSINESS: A nude *studio*, love parlour, adult bookstore, adult movie theatre, adult video store, or other commercial enterprise the primary business of which is the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

SHOOTING RANGE: Any tract or parcel of land that is used for the purpose of organized outdoor shooting events or practice using any instrument designed for that purpose; including, but not limited to archery equipment, rifles, shotguns and pistols.

SHIPPING CONTAINER: A prefabricated metal container or structure having a floor, ceiling or roof, walls, and door(s) that is specifically designed for storage of goods and materials while under transport by ship, rail or truck. For the purpose of this definition, a *shipping container* does not have wheels and does not include a motor vehicle or transport trailer.

SIGN: Any writing or picture that is a *structure* or any part thereof, or is attached to, painted on or in any other manner represented on or in a *building* or *structure* but shall not include show windows.

SIGN, ADVERTISING/BILLBOARD: A *sign* which directs attention to a business, commodity, service, message, or entertainment conducted, sold, or offered elsewhere than upon the same *zoning site* on which that *sign* is located.

SIGN, BUSINESS: A *sign* directing attention to a business, commodity, service, message or entertainment conducted, sold, or offered on the same *zoning site* as where the *sign* is maintained.

SIGN, FASCIA OR WALL: Any permanent *sign* attached against the surface of, or against or within a recess in the wall, a column or other perpendicular portion of a *building* in a position essentially parallel to said wall, column or other perpendicular portion. A *fascia sign* shall also mean any *sign* attached to the walls of two (2) or more *buildings* and spanning the space between said *buildings*.

SIGN, FLASHING: An *illuminated sign* on which artificial light is not maintained constant in intensity and colour at all times when such *sign* is in use.

SIGN, FREE STANDING: A permanent *sign* supported by a vertical column or columns placed in the ground with the *sign surface area* above ground level.

SIGN, IDENTIFICATION: A *sign* that identifies the *owner*, resident, business or the *street* address and which set forth no other advertisement or business information.

SIGN, ILLUMINATED: A *sign* designed to give forth any artificial light or reflect light from an artificial source.

SIGN, MOBILE: A *sign structure* mounted on a trailer, vehicle, stand or similar support *structure* which is designed in such a manner that the *sign* can be readily relocated to another location, and which may include copy that can be changed through the use of removable characters or panels.

SIGN, READER BOARD: An *illuminated sign* with interchangeable messages or advertising displayed on continual basis on an LED (light emitting diode) screen.

SIGN, TEMPORARY: A *sign* identifying temporary activities including, construction project *signs* and real estate *signs* advertising and located at a specific *premises*.

SIGN SURFACE AREA: The area enclosing the limits of writing and picture excluding the necessary supports or uprights on which it is placed. Where a *sign* has two (2) or more faces, the area of all faces shall be included in determining the area of the *sign* unless the faces are less than three (3) feet apart in which case only the area of the larger face shall be used.

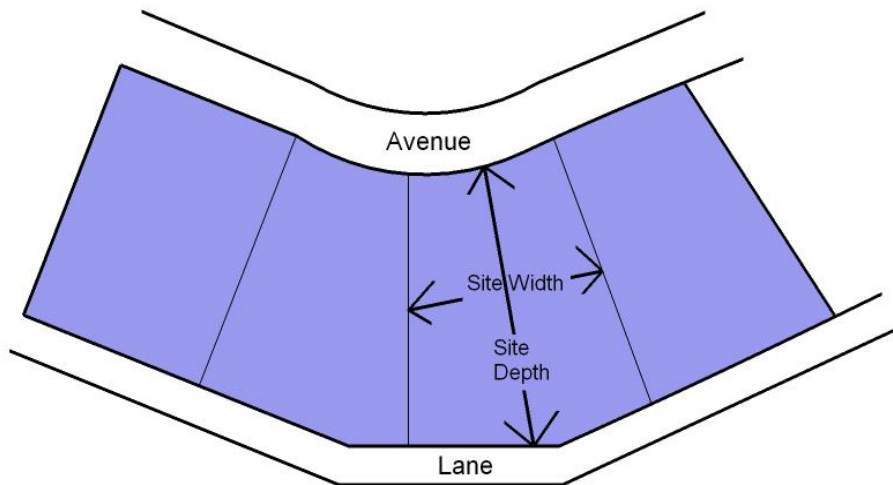
SITE: A *zoning site*, unless provided for elsewhere herein, that has frontage on a *street* and is of at least sufficient size to fulfill the minimum requirements for area, dimensions and *yards*.

SITE AREA: The computed area contained within the *site lines*.

SITE COVERAGE: That part of a *site* occupied by *buildings*, including *accessory buildings*, expressed as a percentage of the *site area*.

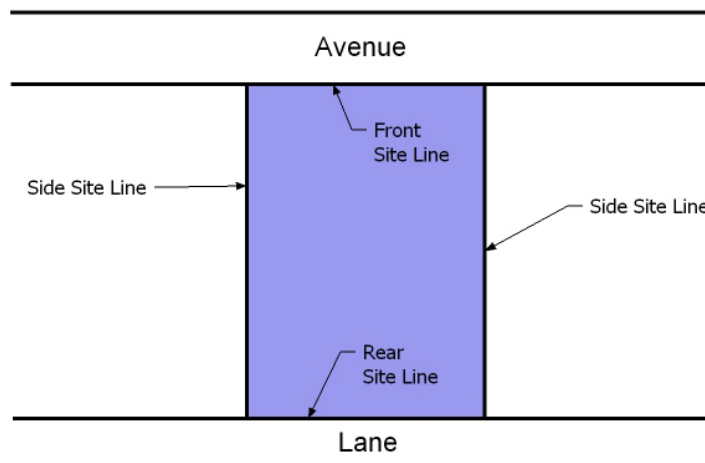
SITE DIMENSIONS:

- a) **Site Depth:** The vertical distance between the centre points in the front and rear *site lines*.
- b) **Site Width:** The horizontal distance between the side *site lines*, measured at right angles to the site depth at a point halfway between the front and rear *site lines*, or forty (40) feet from the front *site line*, whichever is the lesser.



SITE LINES:

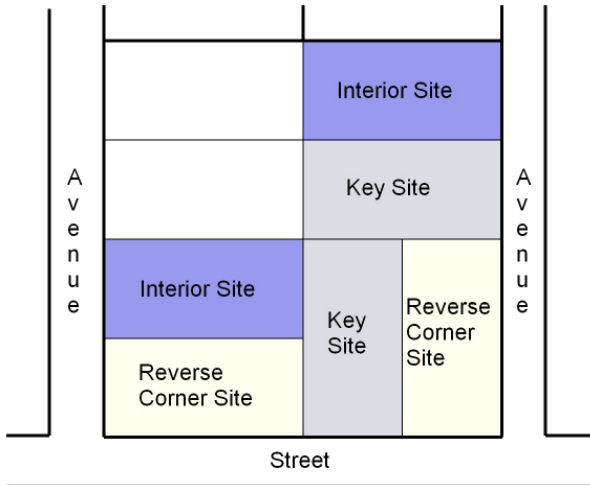
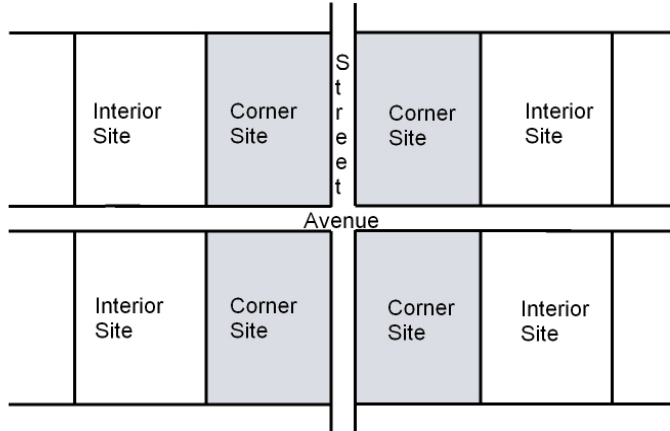
- a) **Front Site Line:** That boundary of a *site* which is along an existing or designated *street*.
- b) **Rear Site Line:** That boundary of a *site* which is most nearly parallel to the front *site* line.
- c) **Side Site Line:** Any boundary of a *site* which is not a *front* or rear *site* line.
- d) **Irregular Site Line:** Where an irregular shaped *site* cannot have its *site lines* defined by the foregoing definitions, the *front*, *rear* and *side site lines* shall be determined by the *Development Officer*.

**SITE REQUIREMENTS:**

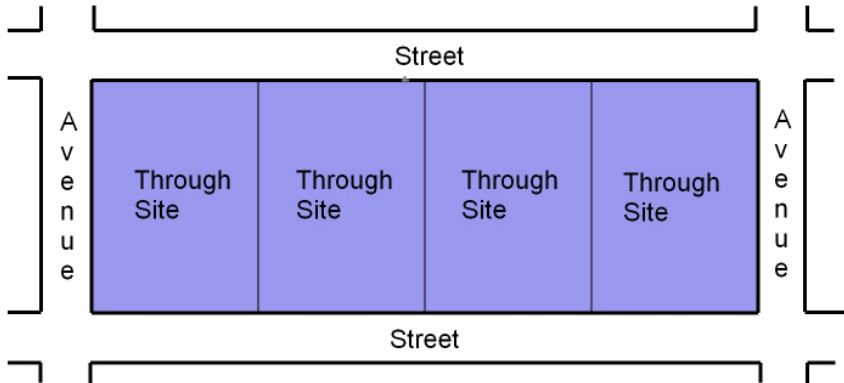
- a) The size (including *height of building* and *floor area*), of *buildings* or *structures*;
- b) *The area* of the *zoning site* upon which a *building* is located, and the number of *dwelling units* or rooms within such *building* in relation to *the area* of the *zoning site*;
- c) The location of exterior walls of *buildings* in relation to *site lines*, to other walls of the same *building*, to legally required windows, or to other *buildings*; and
- d) All open areas relating to *buildings* or *structures* and their relationships thereto.

SITE TYPES:

- a) **Corner Site:** A *site* situated at the intersection of two (2) *streets*, the interior angle of such intersection not exceeding 135 degrees.
- b) **Key Site:** The first *site* to the rear of a *reverse corner site*.
- c) **Reverse Corner Site:** A *corner site* where the side *site* line adjacent to the *street* is a continuation of the front *site* line of the first *site* to its rear (*key site*).



- d) **Through Site:** A *site* having a pair of opposite *site lines* along two (2) more or less parallel *streets*. The front *site line* shall be determined by the *Development Officer*.



SITE, ZONING: A *parcel of land* with frontage on a *street* (excluding a *lane*) and of at least sufficient size to provide the minimum requirements for use, area, *yards*, and other *open spaces* as are herein required.

SMALL WIND ENERGY GENERATING SYSTEM: A *wind energy generating system* which has a rated capacity of up to 300 kW and which primarily provides power to an *on-site* user rather than for resale. Small *wind energy* generating systems can be freestanding or roof-top mounted.

SOLAR COLLECTOR: A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

STACKING SPACE: A space in a *lane* or area that is specifically designated for vehicles to queue or wait in while utilizing drive-up or *drive-through* services or at vehicular-oriented uses, such as *car washes*.

STOREY: The portion of any *building* which is situated between the top of any floor and the top of the floor next above it; and if there is no floor above it, that portion between the top of such floor and the ceiling above it, but does not include a *cellar*. A *basement* shall be counted as a *storey* for the purpose of height measurement if the vertical distance between the ceiling and the average finished level of the adjoining ground is more than six (6) feet.

STOREY, FIRST: The *storey* with its floor closest to *grade* and having its ceiling more than six feet above *grade*.

STOREY, SECOND: The *storey* located immediately above the *first storey*.

STREET: Any public roadway where the right-of-way is over 33 feet.
(see '*Lane*' definition)

STRUCTURE: Anything constructed or *erected* which requires location on the ground or is attached to something having a location on the ground.

TOTAL TURBINE HEIGHT: The height from finished *grade* to the highest vertical point of the swept rotor arc, in the case of a *wind turbine* with a horizontal axis rotor.

TOWER: A tall framework or *structure* of unusually great height in proportion to its width and depth used for observation, signalling, communications, etc.

TOWING AND STORAGE FACILITY: A commercial establishment engaged in towing of vehicles or equipment from one location to another. Such facilities may also include an indoor storage component for such vehicles or equipment, but may not include junked, salvage, or permanently inoperable vehicles or equipment.

VARIANCE OR VARIATION: A modification of the literal provisions of the By-law granted when strict enforcement of the By-law will cause undue hardship owing to circumstances unique to the individual property on which the *variance* is granted.

VEHICLE REPAIR AND SERVICE: An establishment involved in the repair and maintenance of automobiles, light trucks, motorcycles, recreational vehicles and similar vehicles. Services include engine, transmission, or differential repair or replacement; body work; upholstery work; painting; engine tune-ups; oil change and lubrication; brake repair shop; tire store; detailing and polishing, and associated repairs. Vehicle parts ordinarily installed on the *premises* may be sold.

VEHICLE SALES AND RENTAL: *Premises* used for the display, sale, lease or rental of new or used automobiles, light trucks, motorcycles, *recreational vehicles*, camper and travel trailers, boats, boat and utility trailers, and similar vehicles. Where repairs are made they shall be done within a completely enclosed *building*, except minor incidental repairs. *Accessory* vehicle inventory may be stored outside on the same *zoning site*. This use does not include *wrecking or salvage* operations. Light trucks include those with a gross vehicle weight of 10,000 pounds or less (does not include *mobile homes* or heavy equipment).

WAREHOUSE: A permanent facility for the storage of products, supplies, and equipment within an enclosed *building*. This use does not include *hazardous materials storage*.

WHOLESALING: A facility where goods are distributed or sold to retailers, to industrial, commercial, or institutional users, or to other wholesalers, for resale or redistribution, but where goods are not sold to the public or to individuals or households based on their membership in an association or club.

WIND ENERGY GENERATING SYSTEM (WEGS): A *structure* that converts *wind energy* to electrical energy, including but not limited to a wind charger or *wind turbine*. A publicly-operated WEGS may include one (1) or more *structures* that individually or collectively produce more than a total of 150 Kilowatts (150 KW) based upon the nameplate rating capacity, and that are connected to the provincial or local electrical transmission grid for commercial purposes and includes the associated transformers and power transmission lines.

WIND TURBINE: A *structure* designed to convert *wind energy* into mechanical or electrical energy as a *utility* and includes the *wind turbine tower*, rotor blades and nacelle.

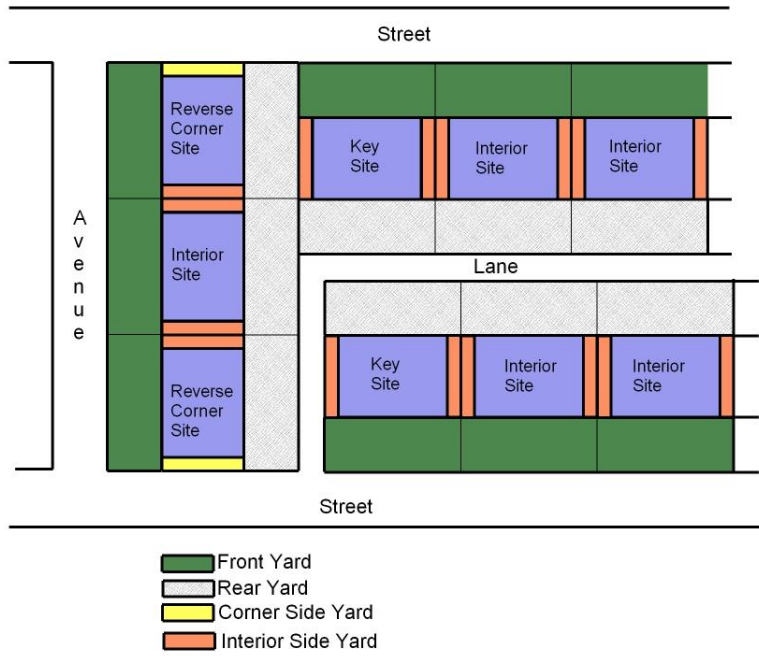
WRECKING AND SALVAGE YARD: Any lot upon which two (2) or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale. *Building* materials, scrap metal, or any other kind of salvage are also be included in this definition.

YARD, REQUIRED: An open area, on the same *site* as a *building* or *structure*, which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted herein. A *required yard* extends along a *site line* to a depth or width (measured from the *site line*) specified in the *yard* requirement for the district in which it is located.

YARD, REQUIRED, FRONT: A *yard* extending along the full length of the front *site line* between the *side site lines*.

YARD, REQUIRED, REAR: A *yard* extending along the full length of the rear *site line* between the *side site lines*.

YARD, REQUIRED, SIDE: A yard extending along the side *site* line from the *required front yard* to the *required rear yard*.



PART 2 ADMINISTRATION AND ENFORCEMENT

2.1 ADMINISTRATION

In the administration of this By-law the municipality authorizes and directs the Portage la Prairie Planning District to proceed under this PART.

2.2 RESPONSIBILITIES OF COUNCIL

Subject to the provisions of *The Act*, the *Council* is responsible for:

- (1) Enacting this By-law;
- (2) Considering the adoption or rejection of proposed amendments or the repeal of this By-law;
- (3) Acting as a *Variation* Board;
- (4) Approving or rejecting *conditional* use applications and revoking approved applications as provided for in *The Act*;

2.3 RESPONSIBILITIES OF THE OWNER

- (1) Neither the granting of a *development permit* nor the approval of the drawing and specifications nor the inspections made by the appointed officer shall in any way relieve the *owner* of the responsibility of complying with the requirements of this By-law or of any relevant By-laws of the Municipality.
- (2) Every *owner* shall:
 - a) Be responsible for obtaining, where applicable from the appropriate authorities, permits or licenses relating to the *buildings*, *grades*, sewer or water supply systems, plumbing, *signs*, blasting, *street*, occupancy, electrical, highways, and all other permits required in connection with the proposed work.
 - b) Obtain the written approval of the appointed officer before doing any work that varies from the approved permit.
 - c) Permit the appointed officer to enter any *building* or *premises* at any reasonable time for the purpose of administering or enforcing this By-law and shall not obstruct or interfere with the appointed officer in the discharge of duties under this By-law.

2.4 RESPONSIBILITIES OF THE DEVELOPMENT OFFICER

(1) Duties

- a) Issue *development permits* in accordance with the provisions of this By-law; and
- b) Allow or refuse such minor *variations* to the requirements of this By-law as authorized by and in accordance with the provisions of *The Act*.

(2) Responsibilities

- a) Administering and enforcing the provisions of this By-law;
- b) Administering and enforcing the applicable provisions of *The Act*; and
- c) Taking no action on any application until all applicable fees and charges have been paid in full.

(3) Powers

- a) Issue a *development permit* where the *development* of land, *buildings* or *structures* conforms to the adopted *Development Plan*, and the requirements of this By-law and amendments thereto, subject to the provisions of subsection (4);
- b) Enter any *buildings* or *premises* at all reasonable hours in the performance of his duties with respect to this By-law;
- c) Issue *development permits* for the temporary use of *buildings*, *structures* or land pursuant to the provisions of this By-law; and
- d) Issue zoning memoranda or such other documents necessary for the administration and enforcement of this By-law.

(4) Approval of Permits

The *Development Officer* shall withhold approving or reject an application for a *development permit*:

- a) As provided for in *The Act*;
- b) Which would result in a violation of this By-law or any other By-law of the Municipality; or
- c) For any person who has failed to pay any fees due under this or any other By-law.

2.5 DEVELOPMENT PERMIT INFORMATION

- (1) No person shall use or occupy any land, *building* or *structure*, or *erect*, construct, enlarge, *alter*, place, or relocate any *building* or *structure*, except in accordance with an approved *development permit* (where required), and with this By-law.

- (2) A *development permit* is required for any the following:
- (a) The *erection*, construction, placement, relocation or demolition of any *building* or *structure*, with the exception of those *structures* described in subsection 2.5 (4);
 - (b) The *enlargement*, *structural alteration* or conversion of any *building*, *structure* or use;
 - (c) The establishment of a use or change of use of any land, *building* or *structure*;
 - (d) The construction of enclosed *decks* and *patios*;
 - (e) The installation of specialized machinery and equipment, such as air handling systems, *small wind energy generating systems*, *solar collectors*; and
 - (f) Gravel pits.
- (3) Every *owner* shall be required to obtain a *development permit* prior to the commencement of development, including the commencement of construction or relocation of any *building* or *structure*, except as provided herein. The issuance of a *development permit* in respect of a *building* or *structure* does not affect the obligation to obtain a *building* permit or other permit where they are required under the *building* By-law for such a *building* or *structure*, nor does it relieve the *owner* from the responsibility of obtaining any other permit or approval that may be required by any other administrative body, including business licences, environmental approvals, highway access approvals and similar approvals.
- (4) A *development permit* is not required for the following:
- a) The *erection*, construction, *enlargement*, *structural alteration* or placing of the following as *accessory structures*:
 - i. The installation of fences, walls, or similar means of enclosure,
 - ii. Lighting,
 - iii. Flagpoles,
 - iv. *Accessory* detached *buildings* and *structures*, as permitted in this By-law, less than 108 square feet;
 - v. Communications aerials or antennas,
 - vi. Water supply wells and private sewage disposal systems,
 - vii. Unenclosed *patios*, and
 - viii. *Identification signs* and *temporary signs* and notices, including real estate signs, posters and legal notices, as per section 10.19.

- b)** The maintenance, replacement or restoration of *building* components and finishes, provided that the size of the *building* or *structure* is not materially increased, or the structural load carrying capacity of any component is not reduced.
- (5)** Despite not requiring a *development permit*, all items specified in 2.5 (4) shall be subject to the requirements of this By-law and any other By-law of the Municipality.
- (6)** In addition to the requirements of any By-law of the Municipality or any other provincial regulations, all applications for *development permits* shall be:
 - a)** Made by the owner or owners of the site in question, or by a representative authorized in writing by them;
 - b)** Accompanied by plans drawn to scale showing the following:
 - i. The shape and dimensions of the site to be used or built on;
 - ii. The location and dimensions of existing *buildings* and *structures*;
 - iii. The location and dimensions of the proposed *building*, *structure*, *enlargement* or *alteration*, including separation distances from site boundaries;
 - iv. The use or uses of each existing and proposed *building* and *structure*, or of the land, and the area to be occupied by each use;
 - v. Vehicular access and utility connections; and
 - vi. Other information, as may be required by the *Development Officer*, to determine compliance with and to provide for enforcement of, this By-law
 - c)** Accompanied by the fee prescribed by the Portage la Prairie Planning District.

2.6 AMENDMENTS

- (1)** An application for an amendment to this By-law, including a change to the maps, shall be made to the *Development Officer* by the owner or owners of the land in question, or by a representative authorized in writing by them.
- (2)** An application for amendment shall be accompanied by plans drawn to scale showing the following:
 - a)** The shape and dimensions of the land affected;
 - b)** The location and dimensions of existing *buildings* and *structures*;
 - c)** The location and dimensions of any proposed *building*, *structure*, *enlargement* or *alteration*;

- d) The use or uses of each existing and proposed *building* and *structure*, or of the land, and *the area* to be occupied by each use; and
 - e) Any other information required by the *Development Officer* to determine compliance with, and to provide for enforcement of, this By-law.
- (3) An application for an amendment shall be accompanied by the fee prescribed by the Portage la Prairie Planning District.
- (4) Following such consultation, review and report (if any) as the Portage la Prairie Planning District deems necessary, the application shall be submitted to the Planning District, which shall decide whether or not to start the procedures for enactment of an amendment.

2.7 DEVELOPMENT AGREEMENTS

Where an application is made for the amendment of this By-law, the *Council* may require the owner or the person entitled to be registered as owner of the parcel of land, *building* or *structure* to which the amendment shall apply, as a condition to its enactment, to enter into a development agreement with the Municipality. The provisions of said agreement shall be in accordance with *The Act*.

2.8 CONDITIONAL USES

- (1) The development and execution of this By-law is based upon the division of the Rural Municipality into zones, within which zones the use of land and *buildings* and *structures* in relation to the land are substantially compatible. It is recognized, however, that there are certain uses deemed *conditional uses* which, because of their unique characteristics cannot properly be classified in any particular zone or zones without consideration, in each case, of the impact of those uses upon neighbouring land and of the public need for the particular use at the particular location.
- (2) Any owner may apply for a *conditional use* in accordance with this section and with the provisions of *The Act*.
- (3) Existing *conditional use*
- a) Where a use is classified as a *conditional use* under this By-law, or amendments thereto, and exists as a legal use at the date of the adoption of an amendment to this By-law it shall be considered as a legally existing *conditional use*.
 - b) Any change on a *conditional use* shall be subject to the provisions of this section and the appropriate provisions of *The Act*.
- (4) An application for a *conditional use* and all required information and fees shall be made to the Portage la Prairie Planning District.

2.9 VARIATIONS

- (1) Any owner may apply for a *variation* order, in accordance with the provisions of *The Act*.
- (2) An application for a *variation* order and all required information and fees shall be made to the Portage la Prairie Planning District.

2.10 EXISTING USES PERMITTED

(1) Existing Uses

All *buildings* and *structures*, parcels of land, and *uses* of land that lawfully existed before the enactment of this zoning by-law are deemed to conform to the *site* and *use* requirements of the zone in which the *buildings* and *structures*, *parcel of land* or *use* of land are situated. Any expansion, addition, relocation or reconstruction of the said *buildings* and *structures* or change in *use* shall conform to the *site* and *use* requirements of the zone in which they are located unless varied by a *variance* order.

(2) Permitted Uses

Where a *use* appears in the *Use* and *Bulk Tables* as a permitted *use*, it shall not be construed to include any *use*, which appears as a *conditional use* for the same zoning designation. *Uses* similar in nature to a listed permitted or a *conditional use* may be deemed as like *uses* for the purposes of this By-law by *variation* order of *Council* upon the review of a report by the Portage la Prairie Planning District requesting a determination for a *use* not listed in the *bulk table* of the applicable zone.

2.11 NON-CONFORMITY

(1) Non-Conforming Uses, Buildings and Structures

An existing use, *building* or *structure* which is not classified as a permitted or *conditional use*, *building* or *structure* in this By-law shall be considered as a legal *non-conforming use*, *building* or *structure*, and shall be subject to the provisions of *The Act* governing non-conformities.

- a) A legal *non-conforming use* shall be allowed to continue to exist, and may be changed to a permitted use;
- b) A legal *non-conforming use* shall not be intensified, and shall not be changed to a different *non-conforming use*;

- c) A *non-conforming use* shall not be re-established if it is discontinued for a period in excess of twelve (12) consecutive months. A change in ownership or tenancy of a *non-conforming use* shall not affect the status of the *non-conforming use*;
- d) A *non-conforming building or structure* shall not be re-established if it is removed or destroyed by more than 50 percent of its replacement value above the foundation; and
- e) Other provisions of *The Act* governing legal *non-conforming uses, buildings and structures*, including a provision, which enable *Council* to consider variation orders in situations where *non-conformities* are proposed to be enlarged or expanded.

(2) Accessory Uses

A use that is *accessory* to a principal *non-conforming use* may continue as long as the principal use exists.

(3) Alterations

Pursuant to *The Act*, a *structural alteration* may be made to a *non-conforming building or structure*, provided that the said *structural alteration* conforms to the requirements of this By-law, or that such requirements are varied by a *variation order*.

Incidental alterations that do not increase the *non-conformity* and otherwise conforms to this by-law may be made to an existing *building* that does not conform to the zoning by-law, pursuant to *The Act*.

(4) Repair or Building

Pursuant to *The Act*, where a *building or structure* is damaged or destroyed more than fifty (50%) percent of its replacement value above its foundation, the said *building or structure* shall not be repaired or rebuilt, except in conformance with this By-law or its amendments, or where such requirements are varied by a *variation order*.

(5) Non-Conforming Parcel

No *building or structure* may be *erected* on a *non-conforming parcel of land* unless:

- a) The *required yards* are provided as set forth in the *Site Requirement Table* of the zone in which the parcel of land is located; or
- b) A *variation order* for such *yard requirements* is granted.

(6) Non-Conforming Sign

A *non-conforming sign* shall be subject to all the provisions of this PART relating to *non-conformity*, except as provided hereafter:

- a) A change in the subject matter represented on a *sign* shall not be considered a change of use; and
- b) A *non-conforming sign* may be *structurally altered*, reconstructed, or replaced in the same location and position provided that such *structural alteration*, reconstruction, or replacement does not result in:
 - i. the creation of a new *non-conformity* or increase in the degree of *non-conformity*; or
 - ii. an increase in the *sign surface area*; or
 - iii. an increase in the degree of illumination

(7) Certificate and Fees

Any fees shall be paid to the *Development Officer* for the issuance of a certificate of *non-conformity* as provided in *The Act*.

2.12 SITE REDUCED

A *site area* or *site width* or *required yard* reduced below the minimum requirements of this By-law by virtue of a public works, *street* or *public utility*, as set out under *The Act* or as approved by *Council* through the subdivision Approval process, shall be deemed to conform to the requirements of this By-law.

2.13 FEE SCHEDULE

Portage la Prairie Planning District shall, by By-law, establish a fee schedule for zoning amendments, zoning memoranda, *conditional use* orders, *non-conforming* certificates, *development permits*, *building* permits and other appropriate documents.

2.14 ORDER TO REMEDY CONTRAVENTION

If the *Development Officer* finds that a person is contravening this By-law, *The Planning Act*, or any other Act or by-law, the *Development Officer* may by written order require the person responsible for the contravention to remedy it if, in the opinion of the *Development Officer*, the circumstances so require.

PART 3 GENERAL DEVELOPMENT STANDARDS

3.1 REGULATION OF USES

- (1) No land, *building* or *structure* shall be constructed, enlarged, placed, used or occupied except for a use which:
 - a) Is listed in the Use and *Bulk Tables* which apply to such land, *building* or *structure* as:
 - i. a permitted principal use;
 - ii. a *conditional use*, subject to approval as such; or
 - b) Is an *accessory use*.
- (2) Where land or a *building* or *structure* is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.
- (3) Where a use, *building* or *structure* is provided for as a permitted use by this By-law, the owner shall normally be entitled to establish, expand or enlarge the use, *building* or *structure*, subject to the issuance of an appropriate permit, and provided that the use, *building* or *structure* complies with all requirements of this By-law.

3.2 NUMBER OF DWELLING UNITS

No person may be issued a *development permit* to construct more than one (1) *dwelling unit* or *mobile home* on a parcel of land, unless permitted to do so elsewhere under this By-law.

3.3 PUBLIC UTILITIES, TRANSMISSION LINES AND WIND ENERGY

- (1) This By-law shall be interpreted so as not to interfere with the construction, *erection* and location of the distribution facilities of a *public utility*. Office *buildings*, *warehouse*, maintenance or storage compounds operated by a *public utility* shall be subject to the provisions of this By-law.
- (2) Oil and gas pipelines, electric transmission lines and *structures* are deemed to be in compliance with this By-law if they are carried out, constructed and operated in accordance with federal and provincial law; and

- (3) *Wind Energy Generating Systems (WEGS)* are deemed to be in compliance with this By-law if they are carried out in accordance with the environmental license, approval of *site* locations, and the *yard setback* distances of the Districts in which they may be located under this By-law.

3.4 HEIGHT EXCEPTIONS

The provisions of this By-law shall not apply to limit the height of any ornamental dome, chimney, tower, electrical or telephone transmission line, television or radio mast, steeple, water storage tank, electrical apparatus or the mechanical operation of a *building* provided that no roof *structure* or any space above the height limit shall be permitted for the purpose of providing useable floor space. These height exceptions do not apply for the area around Southport airport as described in 3.22 (6) a).

3.5 PARTY WALLS

- (1) A *building* divided into units of residential, commercial or industrial uses may be subdivided along vertical *party walls* to permit the sale of individual units.
- (2) The applicable *side yard bulk* requirements shall be considered fulfilled for those *side site lines* contained within the *party walls*.

3.6 MULTIPLE USES OR PROVISIONS

Where land or a *building* or *structure* is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.

3.7 ACCESSORY BUILDINGS, USES AND STRUCTURES

- (1) No *accessory use* shall be established, and no *accessory building* or *structure* shall be constructed or *erected* on any *zoning site*, prior to the establishment of the use of land, *building* or *structure* to which it is *accessory*.
- (2) Notwithstanding 3.7 (1) above, an *accessory garage* or storage *building* may be constructed or *erected* for the purpose of storage of materials and equipment for use during construction of the principal *building*, provided that an appropriate permit has been obtained for the principal *building*.
- (3) For the avoidance of doubt, an *accessory use, building* or *structure* may be accessory to an approved *conditional use*; however no *accessory use* or *building* shall be constructed or located on the *site* prior to review and approval by *Council* in accordance with Part 2, if the *accessory building* or *structure* contributes significantly to an intensification or expansion of the *conditional use*.

- (4) *Accessory buildings and structures*, except as otherwise regulated in this By-law, shall be subject to the following regulations:
- a) Where an *accessory building or structure* is attached to a principal *building or structure*, it shall be subject to and shall conform to, all regulations of this By-law applicable to the principal *building or structure*;
 - b) Where an *accessory building or structure* is detached from the principal *building or structure*, it shall be subject to, and shall conform to, all regulations of this By-law applicable to *accessory buildings or structures*;
 - c) Detached *accessory buildings or structures* shall not be located in any *front yard* of the principal use, *building or structure*, except as provided for elsewhere herein;
 - d) In no instance shall an *accessory building or structure* be located within a dedicated easement right-of-way; and
 - e) An *accessory building or structure* shall not be used as a *dwelling*, except where otherwise permitted in this By-law.

3.7.1 Accessory Buildings, Uses and Structures for Respective Uses

- (1) *The following accessory buildings, uses and structures* are allowed for all permitted or *conditional* principal uses, as per section 3.7 and the *Bulk Table* requirements of the respective zone:
- a) Incinerators and individual sewage disposal systems, subject to the authority having jurisdiction;
 - b) *Private communications facilities*;
 - c) Private, *small wind energy systems and solar collectors*, as regulated in 10.16 and 10.17;
 - d) *Garages, storage buildings and such other accessory buildings*;
 - e) *Accessory signs*, as permitted and regulated in 10.19;
 - f) *Accessory, off-street parking*, as regulated in section 3.25.
- (2) In addition to 3.7.1(1) above, the following *accessory buildings, structures and uses* are allowed for permitted or *conditional* principal *dwellings*, as per section 3.7 and the *Bulk Table* requirements of the respective zone:
- a) A children's playhouse or play structure;
 - b) A *private swimming pool* or hot tub, as per section 10.11;

- c) A *private garage, carport, covered patio or gazebo*, tool house, shed, docks and other similar *buildings* for storage of domestic equipment and supplies;
 - d) *Home occupations*, as regulated in section 10.2;
 - e) *Childcare, Home-Based*, as regulated in section 10.1;
- (3) In addition to 3.7.1(1) above, the following *accessory buildings, structures and uses* are allowed for permitted or *conditional* principal agricultural operations, as per section 3.7 and the *Bulk Table* requirements of the respective zone:
- a) A *farmstead*;
 - b) *Dwelling, Staff/caretaker*;
 - c) *Farm buildings or structures* for the operation and maintenance of an agricultural activity;
 - d) Storage of goods used in or produced by agricultural activities on the same *site* with such activities, unless such storage is excluded by the zone regulations;
 - e) Airstrips and related storage facilities which are necessary to the farm operation. These strips may be subject to Transport Canada requirements.
- (4) In addition to 3.7.1(1) above, the following *accessory buildings, structures and uses* are allowed outright for permitted or *conditional*, principal non-residential uses, as per section 3.7 and the *Bulk Table* requirements of the respective zone:
- a) The production, processing, cleaning, servicing, *altering*, testing, *repair* or storage of goods or a *building* or *structure* so used, normally incidental to and conducted by the same owner as the principal use.
 - b) A retail or commercial use which is incidental to a permitted or approved industrial use.
 - c) *Buildings* and *structures* for the operation, maintenance and administration of, or *accessory* to, park and recreation uses.

3.8 TEMPORARY BUILDINGS AND USES

- (1) Temporary *buildings, structures* or uses may be allowed on a non-permanent basis subject to the issuance of a *development permit* under the following conditions:
 - a) A *development permit* for a temporary *building, structure* or use shall be subject to such terms and conditions as required by *Council*;
 - b) Each *development permit* issued for a temporary *building, structure* or use shall be valid for a period of not more than one (1) year and may not be renewed for more than two (2) successive one (1)-year periods at the same location.
- (2) *Development permits* for temporary *buildings, structures* and uses associated with the construction and development of the *site* of their location, or a nearby *site*, may only be issued for the following purposes:
 - a) Offices for the contractor or developer or project supervisor;
 - b) Accommodation for a caretaker;
 - c) Storage of materials and equipment.
- (3) As an exception to subsection 3.8 (1), a *development permit* for a *Temporary Concrete or Asphalt Batch Plant* is not required.

3.9 COMPLIANCE WITH BULK REQUIREMENTS

No land, *building* or *structure* shall be used or occupied, and no *building* or *structure* shall be constructed, *erected, altered*, enlarged or placed, except in accordance with the minimum *site area*, minimum *site width* and *yard requirements* prescribed for each zone and use in the Use and *Bulk* Tables and the other requirements of this Part.

3.10 REQUIRED YARDS

The following provisions shall apply in all zones to ensure adequate *site* and *yard requirements*, unless approved otherwise:

- (1) Where a *site* is occupied for an approved or permitted use in a zone and has no *buildings* or *structures* thereon, the *required yards* for the zone within which it is located shall be provided and maintained.
- (2) It shall be a continuing obligation of the *owner* to maintain the minimum *site requirements*, yards and other *open spaces* required herein for any use so long as it remains in existence.
- (3) No *building* or *structure* shall be enlarged or reconstructed and no *site* shall be reduced in area or created, if such *enlargement*, reconstruction, reduction or creation will result in the violation of any provisions of this By-law.

- (4) *Yards and site dimensions* provided for a *building, structure* or use existing on the effective date of this By-law or amendments thereto shall not be reduced if already equal to or less than the minimum requirements of this By-law.
- (5) No *yard* or other *open space* surrounding a *building, structure* or use in existence, or provided under the provisions of this By-law, shall be considered as providing a *yard* or *open space* for any other *building, structure, use* or *site*.

3.11 OPEN SPACE ALONG RURAL ROADWAYS

Areas adjacent to rural intersecting roads shall be kept clear of features which would contribute to snow drifting problems on the roadway, or which would represent a safety hazard to motorists. Within areas which are zoned "AG" Agricultural General Zone, the following provisions shall apply to any *required front yard, side yard* or *rear yard* which is adjacent to an improved government road allowance, highway or other municipal road:

- (1) No *building* or *structure* shall be constructed or located within the *required yard*, except for electric fences, barbed wire fences, chain link fences, wooden rail fences which are at least 75 percent open in character, *signs* less than 50 square feet in *surface area*, and small shelters for children at school bus stops;
- (2) No excavation such as a dugout or *gravel pit* shall be located within the *required yard*;
- (3) No substantial planting, such as a shelterbelt or hedge exceeding a height of 3 feet shall be located within the *required yard*; and
- (4) No substantial stockpiling of materials, such as soil, gravel, bales or cordwood shall be located within the *required yard*.

3.12 CORNER RESTRICTED AREA

In order to provide for good visibility conditions at *street* intersections, in all areas except in 'AG' Agricultural General zone and 'AL' Agricultural Limited zone, no *building, structure, shelterbelt, hedge* or stockpiling of materials exceeding a height of 3 feet above *grade* shall be located within the *restricted area*, as defined in Part 1.

3.13 PROJECTIONS INTO YARDS

Within all zones, the *required yards* are intended to provide *open spaces* around *buildings* and *structures* for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of *buildings*. *Required yards* shall be maintained as *open space* areas on all *sites*, except as follows:

- (1) Open, unenclosed projections of a *building*, including eaves, *awnings*, stairs, landings, wing-walls, raised *decks* and balconies, may project into a *required side* or *rear yard* not more than 12.5 feet, provided a *required side yard* is not reduced to less than 3 feet;
- (2) A wheelchair ramp may extend into the *required yard* of a residence for as long as is required by an occupant of the residence, subject to the issuance of a *development permit*;
- (3) Enclosed projections of a *building*, including chimneys, alcoves, and bay windows may extend into a *required yard* up to 50 percent of the *required yard* depth to a maximum projection of 5 feet, whichever is the lesser, provided that no more than 10 square feet of area within any *required yard* is occupied by these types of projection;
- (4) Landscaping features such as *driveways*, sidewalks, and *patios* at *grade* level, ornamental plantings, fences and other decorative features are permitted within any *required yard*, provided that the maximum height of a fence in any *required front yard* shall be 3 feet, and the maximum height of a fence in any required side or rear yard shall be 6 feet; and
- (5) Portable *buildings* not exceeding 108 square feet in *floor area* for the storage of domestic equipment may be located within any required *interior side yard* or *required rear yard*, provided that a separation distance of 2 feet is maintained from the *site* line, and a separation distance of 3 feet is maintained from any *dwelling*.

3.14 DOUBLE FRONTAGE SITES

Within the "GD" General Development Zone, the following provisions apply to a *through site*, as defined in PART 1:

- (1) Where the *site depth* is greater than 200 feet, both *site lines* which abut these *streets* shall be considered to be *front site lines*, and the adjacent yards shall both be considered to be *required front yards*; and
- (2) Where the *site depth* is 200 feet or less, only one *site* line shall be considered to be the front *site* line, and this determination shall be made by the *Development Officer*, based on the arrangement of existing *buildings* in the immediate area.

3.15 FLOOD RISK AREAS AND HAZARD LANDS

- (1) Development of lands within Flood Risk Areas, as defined in the Portage la Prairie Planning District *Development Plan* (Policy 5.1 and Reference Map 2), shall be subject to the approval of *Council*, with or without conditions, and referred to the applicable provincial authority for review (as per *Development Plan* Policy 5.3).
- (2) No habitable *buildings* or *structures*, or major business or *farm buildings* shall be built in Flood Risk Areas, unless the owner provides sufficient information prepared by a qualified consultant, to demonstrate compliance with the provisions of the Portage la Prairie Planning District *Development Plan*.
- (3) In areas where the specific flood hazard has not been defined, permanent *structures* shall have a geodetic flood protection elevation determined by the developer's qualified consultant.
- (4) Where development is proposed in an area which in the opinion of the *Development Officer*, may be subject to ponding due to snowmelt or heavy rainfall events, the owner may be required to provide additional measures, including the provision of sufficient fill around the *building*, to provide an additional measure of protection from flood damage.
- (5) As per *Development Plan* Policy 5.4, no permanent *building* shall be constructed or placed on land, which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless it is demonstrated by a qualified Geotechnical consultant and to the satisfaction of *council* that proper measures will be taken to deal with the unsuitability or hazard.

3.16 HIGH WATER TABLE AREAS

Groundwater conditions are highly variable throughout the municipality and the groundwater table may be very close to the surface. It is the *owner's* responsibility to provide sufficient measures in the design of the *building* to adequately protect *basements* from groundwater infiltration.

3.17 SITE REDUCED BY ROAD WIDENING

A *site area* or *site width* or *required yard* reduced below the minimum requirements of this By-law by virtue of a public works, *street* or *public utility*, as set out under *The Act* or as approved by *Council* through the subdivision Approval process, shall be deemed to conform to the requirements of this By-law.

3.18 ROAD ACCESS

No permanent *building* may be constructed or placed on a *site*, which does not have legal access to an approved public road.

3.19 WATER AND WASTEWATER FACILITIES

- (1) Uses that require private waste disposal systems must have a minimum *site area*, as determined by the applicable provincial authority.
- (2) Where a site is served by municipal piped sewer and water, no permanent principal *building* shall be constructed or placed unless it is connected to such services.
- (3) In cases where municipal piped sewer and water distribution is introduced into an area where unserviced development already exists, such development is required to connect to these distribution systems within time frames established by *Council*.

3.20 PUBLIC MONUMENTS AND CAIRNS

Nothing in this By-law shall be so interpreted as to interfere with the establishment or public monuments and cairns.

3.21 KEEPING OF ANIMALS

- (1) *Household pets* are permitted in all zones.
- (2) The keeping of *livestock* and animals other than *household pets* is only permitted in the AG and AL zones. Refer to Part 8 for requirements on keeping *livestock* and section 10.9 for *animal keeping* less than 10 AUs.

3.22 SPECIAL DEVELOPMENT RESTRICTIONS

- (1) No *dwelling* or *mobile home* or other habitable *building* shall be constructed or located within 1,500 feet of the *site* of any municipal sewage lagoon or solid waste disposal *site*.
- (2) No *dwelling* or *mobile home* or other habitable *building* shall be constructed or located within 2,640 feet of the *site* of an anhydrous ammonia storage tank or a farm bulk chemical supply facility.
- (3) No *building*, *dwelling*, *mobile home* or *farm building* or *structure* shall be located within 100 feet of the edge of the right-of-way of any pipeline regulated by the National Energy Board, unless specific approval has been granted by the National Energy Board.

- (4) No *building, dwelling, mobile home or farm building or structure* shall be located within 100 feet of the edge of the right-of-way of any railway, unless the *structure* is required for railway operations, or requires railway service.
- (5) No *building, dwelling, mobile home or farm building or structure* shall be constructed or located within an area which has been designated as a high or medium quality aggregate area by the applicable provincial authority, unless the *site* has been further reviewed by that Branch and a recommendation provided which would allow development to proceed. Where the proposed *building* is a *dwelling or mobile home*, a separation distance of 500 feet shall be provided between the *building* location and any active mining area.

(6) Southport Airport

- a) **Building Restrictions:** No person may place, *erect* or construct, or permit to be placed, *erected* or constructed, on any of the lands, a *building, structure* or object, or an addition to an existing *building, structure* or object, any part of which would be at a height more than 50 feet within a circle with a radius of 5,280 feet (1 mile) or be a height more than 100 feet within a circle with a radius of between 5,280 feet (1 mile) and 13,200 feet (2.5 miles) referenced from center point of runway as determined by Southport Airport (49°54'11.17"N, 98°16'26.02"W) with input from Southport Aerospace that said *building, structure* or object will not interfere with Airport approach or transitional surfaces.
- b) **Development within the 30 NEF Contour Line of the Airport:** Residential development within or above the 30 Noise Exposure Forecast (NEF) contour line, as defined in the "Southport Airport Land Use Plan" as amended from time to time, shall only be permitted after consultation with Southport Airport and implementation of appropriate noise reduction measures with appropriate acoustic features considered in the design for the development. The Rural Municipality of Portage la Prairie may require a noise impact assessment to be carried out before any permits are issued for any development between the 30 and 35 NEF contour lines. No Development shall occur above 35 NEF contour line unless Airport related.
- c) **Interference with Communication:** No person may use or develop any of the lands within a circle with a radius of 13,200 feet (2.5 miles) centered on Southport Airport in a manner that causes interference with any signal or communication to and from an aircraft or to and from any facility used to provide services relating to aeronautics.
- d) **Natural Growth:** No person may permit any object of natural growth that is on any of the lands to grow in such a manner as to penetrate any approach surface or transitional surface within a circle with a radius of 3,280 feet (.62 miles) centered on Southport Airport.

- e) **Wildlife Hazard:** No person may use any of the lands for activities or uses, on a regular basis, that may attract fowl so as to create a hazard for aviation safety within a circle with a radius of 13,200 feet (2.5 miles) centered on the Southport Airport.
“Southport Airport Land Use Plan” is to be forwarded to the Rural Municipality of Portage la Prairie and the Portage la Prairie Planning District along with any amendments or *alterations* now and in the future.

3.23 HAZARDOUS MATERIALS STORAGE

No bulk farm chemical supply *warehouse*, inland grain terminal, bulk fuel or fertilizer storage or anhydrous ammonia storage container shall be located within:

- (1) 2640 feet from a *building* used for human occupancy;
- (2) 2640 feet from a "GD" General Development Zone or incorporated community; and
- (3) 330 feet from a municipal road or provincial highway.

3.24 TREE CLEARING

- (1) The clearing of any natural stand of trees of 10 acres or more requires the approval of *Council*. The intention of this requirement is that sufficient tree cover should be left to provide erosion protection or alternatively new shelterbelts are established.
- (2) The removal or clearing of trees within 300 feet of the ordinary high-water mark of natural running water bodies will require approval by *Council*.

3.25 ACCESSORY OFF-STREET PARKING AND LOADING

- (1) *Parking space* requirements for *accessory, off-street* parking are as listed in the applicable Use Table for the zone the use is located in.
- (2) All *accessory off-street* parking and loading areas and spaces shall be on the same *site* as the use served, unless a variation order is approved for *parking spaces* located elsewhere or on a *site* that the owner of the *premises* being served has a continuing right to use for parking. When the required *off-street parking spaces* are not located on the same *site* being served, the distance from the parking lot to an entrance to the *building* or use shall not exceed 300 feet in distance, measured along the shortest available pedestrian route with public access.
- (3) If the calculation of the required *parking spaces* results in a fraction, the required *parking spaces* shall be the next higher whole number.

- (4) When a *building* is enlarged or a use extended or changed, the *accessory* parking and loading requirements for the *enlargement*, extension, or new use shall be provided in accordance with the requirements of this section and those of the zone in which the *building* or use is located.
- (5) Each *parking space* shall have a vertical clearance of at least 7 feet from the floor or *grade*.
- (6) An *accessory off-street parking space* shall be 9 feet wide and 20 feet long.

PART 4 RESIDENTIAL ZONES

4.1 TYPE AND INTENT OF RESIDENTIAL ZONES

“RMH” RESIDENTIAL *MOBILE HOME* ZONE

Provide development areas for *mobile home subdivisions* within the municipality at locations which will not impact agricultural land uses, will not represent a transition to urban uses or create a demand for urban infrastructure, and can be sustained by private services, that have no net costs to the Municipality or the School Division in the maintenance of existing infrastructure or services and where the local environmental conditions can sustain the use. As per *Development Plan* Policies 19.1 and 19.2, new *mobile home* development will be limited to the urban areas of the municipality.

“RR” RESIDENTIAL RURAL ZONE

Provide development areas for non-farm, rural residential uses on larger lots within the municipality at locations which will not impact agricultural land uses, not represent a transition to urban uses or create a demand for urban infrastructure. This use shall be sustained by appropriate private services, have no net costs to the Municipality or the School Division in the maintenance of existing infrastructure or services and be located where the local environmental conditions can sustain the use.

“RS” RESIDENTIAL SEASONAL ZONE

The "RS" Residential Seasonal Zone is hereby established in this By-law and is intended to provide for *seasonal dwellings* and related types of recreational development within specified areas in the vicinity of Delta Beach. Year-round residential uses may also be accommodated within this zone. Due to the sensitivities of the shoreline environment, the areas that can accommodate *seasonal dwellings* and recreational uses are limited. Therefore, *seasonal dwellings* are generally on smaller, clustered lots with appropriate private services.

"RU" RESIDENTIAL URBAN ZONE

Provide areas for residential and related community development based upon the extension of municipal sewer services. Permitted uses in this zone represent uses that are residentially related or supportive of residential development. *Conditional* uses under this zone are considered generally related to residential uses, but may require more detailed consideration of their development, as provided under a *conditional use* review to ensure the proper fit within the local neighbourhood *context due to the size of associated buildings, site area or use, or density* characteristics.

4.2 Residential Zone Site Requirements

Table 4-1 sets forth the *site* requirements for uses in the Residential Zones. Lower case alphabetic letters contained in parenthesis () refer to explanations or exceptions listed in the Table Notes at the end of the *bulk table*, which form part of the requirements within these zones.

Table 4-1: Residential Zone – Site Requirements									
MINIMUM SITE REQUIREMENTS								MAXIMUM REQUIREMENTS	
Zones	Permitted Conditional Uses	SITE SIZE		REQUIRED YARDS			Dwelling Unit Area (sq ft)	% Site Coverage	Building Height (ft)
		Site Area (sq ft)	Site Width (ft)	Front Yard (ft)	Side Yard (ft) (a)	Rear Yard (ft)			
RMH (b)(j) (l)(q)	Accessory Building, Structure or Use (see 3.7)			25	5(e)(g)	5(f)(g)		10	15
	Childcare, Centre	7,500	75	25	5	25		40	30
	Dwelling, Mobile Home (see 10.4)	5,500	50	20	5	15	600	40	30
	Park/Playground	5,000	50	-	-	-			
	Public Utility (p)	5,000	50	25	10	25			
RR (j)(l) (q)	Accessory Building, Structure or Use (see 3.7)			40	5(e)(g)	5(f)(g)		3	15
	Amusement Enterprise, Indoor	1 acre	100	125	15	30		40	30
	Childcare, Centre	7,500	75	25	5	25		10	30
	Community/ Recreation Centre	1 acre	100	125	15	30		40	30
	Dwelling, Mobile Home (see 10.4)	2 acres	200	125	25 (k)	25	600	10	30
	Dwelling, Single-Family (i)	2 acres	200	125	25 (k)	25	600	10	35
	Garden Suite (see 10.5)				5 (k)	25			15
	Park/Playground	1,000	20						
	Public Utility (p)	5,000	50	25	10	25			

Table 4-1: Residential Zone – Site Requirements

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MINIMUM SITE REQUIREMENTS								MAXIMUM REQUIREMENTS	
Zones	Permitted Conditional Uses	SITE SIZE		REQUIRED YARDS			Dwelling Unit Area (sq ft)	% Site Coverage	Building Height (ft)
		Site Area (sq ft)	Site Width (ft)	Front Yard (ft)	Side Yard (ft) (a)	Rear Yard (ft)			
RS (j)(l) (q)	Accessory Building Structure or Use (see 3.7) (h)(m)(n)			25	5(e)	5(f)(o)		10	15
	Amusement Enterprise, Indoor	15,000	100	25	10	25		80	30
	Camping Grounds	50,000	100	25	10	25			30
	Commercial Marina	15,000	100	25	10	25			30
	Community/ Recreation Centre	15,000	100	25	10	25		80	30
	Dwelling, Mobile Home (m) (see 10.4)	11,000	80	25	5	10 (o)	500	20	30
	Dwelling, Seasonal (i)(m)	11,000	80	25	5	25	500	20	30
	Dwelling, Single-Family (i)(m)	11,000	80	25	5	25	600	20	30
	Park/Playground	1,000	20						
	Public Utility (p)	5,000	50	25	5	25			30
	Restaurant	15,000	100	25	10	25		80	
	Retail Sales	15,000	100	25	10	25		80	30
RU (j)(l) (q)	Accessory Building Structure or Use (see 3.7)			25	5(e)	5 (f)(g)		10	15
	Assisted Living Facility	20,000	100	25	15	25		80	30
	Bed and Breakfast (see 10.3)	7,500	75	25	5	25		40	30
	Childcare, Centre	7,500	75	25	5	25		40	30
	Club, Private (not licensed)	7,500	75	25	5	25		40	30

Table 4-1: Residential Zone – Site Requirements

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MINIMUM SITE REQUIREMENTS								MAXIMUM REQUIREMENTS	
Zones	Permitted Conditional Uses	SITE SIZE		REQUIRED YARDS				% Site Coverage	Building Height (ft)
		Site Area (sq ft)	Site Width (ft)	Front Yard (ft)	Side Yard (ft) (a)	Rear Yard (ft)	Dwelling Unit Area (sq ft)		
RU (j)(l) (q)	Community/ Recreation Centre	7,500	75	25	5	25		80	30
	Dwelling, Multiple Family	9,000 (d)	100	25	5	25	600	80	30
	Dwelling, Single Family (i)	5,000	50	25	5	25	600	40	30
	Dwelling, Two Family (c)	7,500	75	25	5	25	600	40	30
	Entertainment Facility	7,500	75	25	5	25		80	30
	Gallery/Museum	7,500	75	25	5	25		80	30
	Group Residence	7,500	75	25	5	25		80	30
	Health Institute / Hospital	20,000	100	25	15	25		80	30
	Library	7,500	75	25	5	25		80	30
	Park/Playground	5,000	50						
	Personal Care Home	20,000	100	25	15	25		80	30
	Place of Worship	7,500	75	25	5	25		80	30
	Protection and Emergency Services	20,000	100	25	15	25		80	30
	Public Utility (p)	5,000	50	25	5	25			30
	Rooming House	7,500	50	25	5	25		40	30
School, Elementary or Junior High (see 10.12)	20,000	100	25	15	25		80	30	
School, Senior High (see 10.13)	20,000	100	25	15	25		80	30	

Table 4-1 Notes:

- (a) When located on a *corner site*, the minimum *required side yard* on the *street side* of the *site* shall be 15 feet for all principal and *accessory buildings and structures*;
- (b) For *mobile home sites*, there shall be an *open space* at least 20 feet by 50 feet adjacent to the side of the *mobile home* containing either the entrance or the main living room window, to be utilized for household exterior recreational use.
- (c) In the case of *two-family dwellings*, each unit may occupy a separate *site*, in which case the minimum *site area* requirement shall be 3,500 square feet, the minimum *site width* requirement shall be 35 feet and the minimum side yard requirement along the *party wall* shall be 0 feet.
- (d) The minimum required *site area* for the first 3 *dwelling units* shall be 9,000 square feet, and the minimum required *site area* shall increase by an additional 1,000 square feet for each additional *dwelling unit* above 3 units.
- (e) When located entirely to the rear of the principal *building*, the minimum required interior *side yard* for *accessory buildings and structures* shall be 3 feet.
- (f) Where the rear *site line* is not adjacent to a public *lane*, the minimum *required rear yard* for *accessory buildings and structures* shall be 3 feet.
- (g) Where an *accessory building* is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of 10 feet from a public *lane* or *street*.
- (h) *Accessory buildings* in the form of detached *guest quarters* (see 10.7) can be a maximum of 400 square feet. One detached *guest quarters* is allowed per lot. A minimum distance of 10 feet is required between individual *buildings* on a *site*.
- (i) Off-site/ready-to-move homes placed upon a permanent foundation are considered under this District to be similar to *single-family dwellings*.
- (j) In the case of *sites* which abut a provincial highway, permits from the appropriate Provincial Authority will be required.
- (k) Where a *corner site* on a municipal road occurs, a minimum *front yard setback* of 125 feet is required and a minimum *side yard setback* of 50 feet is required.
- (l) The location of Residential Uses shall be subject to Section 8.4 *Livestock Operations*.
- (m) Minimum elevation of the lowest opening into a residence shall be in compliance with the geodetic elevations established by the Province.
- (n) Residential Seasonal zone to allow *accessory structures* in *front yards*.
- (o) In the case of lakeshore lots, the minimum *required rear yard* requirement for all *buildings and structures*, except docks and open *decks*, shall be 25 feet from the rear *site line*.

- p) Where the proposed use is a *public utility* that consists of a *building or structure* less than 100 square feet in *floor area*, a smaller *site* area may be approved, provided that the *site* is not adjacent to a *required front yard* of a residential *site*, and provided that a separation distance of 7 feet is maintained from all *site lines*.
- q) The only permitted animals are *household pets*.

4.3 Residential Zone Land Use and Parking Regulations

- (1) Table 4-2 lists all uses that are:
 - a) "P", Permitted; or
 - b) "C", *Conditional*in the Residential Zones. All listed uses are subject to the provisions contained herein.
- (2) Table 4-2 also provides parking requirements for all Permitted and *Conditional* Uses in Residential Zones. If the parking reference space left blank for a use, it can be assumed that no parking requirements are needed.

Table 4-2: Residential Zone – Land Use Regulations and Parking

LAND USE Permitted = P Conditional = C	ZONES				PARKING
	RMH	RR	RS	RU	
Accessory Building Structure or Uses(see 3.7)	P	P	P	P	
Amusement Enterprise, Indoor		C	C		One (1) per each Five (5) seats
Assisted Living				C	One and Half (1.5) spaces per dwelling/sleeping unit, 10% of which are unassigned visitor parking spaces
Bed and Breakfast (a) (see 10.3)		C	C	C	One (1) per Guest Room
Camping Grounds			C		One (1) per campsite
Childcare, Centre	C	C		C	One (1) per every Three (3) employees
Club, Private (not licensed)				C	One (1) per every 250 square feet of floor area
Commercial Marina, (c)			C		At the discretion of the Development Officer
Community/Recreation Centre		C	C	C	One (1) per each Five (5) seats
Dwelling, Mobile Home (a) (see 10.8)	P	C	C		One (1) per dwelling unit
Dwelling, Multiple Family (a)				C	One and a Half (1.5) per dwelling unit
Dwelling, Single Family (a)		P	P	P	One (1) per dwelling unit
Dwelling, Two Family (a)				P	One (1) per dwelling unit
Entertainment Facility				C	One (1) per each five (5) seats
Gallery/Museum				C	At the discretion of the Development Officer
Garden Suite (a) (see 10.5)		C			One (1) per dwelling unit
Group Residence				C	One (1) for each Five (5) rooming or dwelling units and One (1) for the owner and/or operator and One (1) for every Three (3) employees
Guest Quarters (see 10.7)			P		One (1) per dwelling unit
Health Institute/Hospital				C	.75 spaces per bed
Library				C	At the discretion of the Development Officer
Park/Playground	P	P	P	P	At the discretion of the Development Officer
Personal Care Home				C	One (1) for each Five (5) rooming or dwelling units and One (1) for the owner and/or operator and One (1) for every Three (3) employees
Place of Worship				P	One (1) for each Five (5) seats in the principal assembly area but not less than Ten (10) spaces
Protection and Emergency Services				C	One (1) per every 500 square feet of floor area
Public Utility	P	P	P	P	At the discretion of the Development Officer
Restaurant			C		One (1) per every 250 square feet of floor area
Retail Sales (b)			C		One (1) per every 500 square feet of floor area

Table 4-2: Residential Zone – Land Use Regulations and Parking					
LAND USE Permitted = P Conditional = C	ZONES				PARKING
	RMH	RR	RS	RU	
Rooming House				C	One (1) for each Five (5) rooming or dwelling units and One (1) for the owner and/or operator and One (1) for every Three (3) employees
School, Elementary or Jr High (see 10.12)				C	One (1) per classroom, plus Ten (10) additional spaces
School, Senior High (see 10.13)				C	Five (5) per classroom
Secondary Suite (a) (see 10.14)		C		C	One (1) per dwelling unit
Sign (see 10.19)					

Table 4-2 Notes:

- (a) The location of Residential Uses shall be subject to section 8.4 *Livestock Operations*.
- (b) Retail uses are limited to small-scale, convenience stores.
- (c) This use includes gas sales.

PART 5 COMMERCIAL ZONES

5.1 TYPE AND INTENT OF COMMERCIAL ZONES

“CG” COMMERCIAL GENERAL ZONE

Provide for general commercial, limited manufacturing and processing uses in the Municipality’s designated Settlement Centres, in keeping with the provisions of the Portage la Prairie Planning District *Development Plan*.

“CH” COMMERCIAL HIGHWAY ZONE

To provide space for automobile-oriented retail/wholesale, and visitor commercial uses which require visual exposure to a controlled access highway, and have screened outdoor storage or display and for uses that cater to the travelling public.

5.2 COMMERCIAL ZONE SITE REQUIREMENTS

Table 5-1 sets forth the *site* requirements for uses in the Commercial Zones. Lower case alphabetic letters contained in parenthesis () refer to explanations or exceptions listed in Table Notes at the end of the *bulk* table, which form part of the requirements within these zones.

Table 5-1: Commercial Zone – Site Requirements								
MINIMUM SITE REQUIREMENTS							MAXIMUM REQUIREMENTS	
Zones	Permitted Conditional Uses	SITE SIZE		REQUIRED YARDS			% Site Cover	Building Height (ft)
		Site Area (sq ft)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)		
CG (a) (c) (d)	Accessory Building Structure or Use (see 3.7)	-	-	25	10	25	10	18
	Animal Hospital or Veterinary Clinic	10,000	100	25	15	25	80	30
	Assisted Living	20,000	100	25	15	25	80	30
	Freight or Truck Yard	10,000	100	25	15	25	80	30
	Health Institute/Hospital	20,000	100	25	15	25	80	30
	Other CG Uses (b)	5,000	50	25	10	25	80	30
	Personal Care Home	20,000	100	25	15	25	80	30
	Protection and Emergency Services	20,000	100	25	15	25	80	30
	School, Elementary or Junior High (see 10.12)	20,000	100	25	15	25	80	30
	School, Senior High (see 10.13)	20,000	100	25	15	25	80	30
CH (a) (c) (d)	Accessory Building Structure or Use (see 3.7)	-	-	125	10	25	10	18
	Auction Room	22,000	100	125	25	25	50	30
	Golf Course	436,000	100					
	Heavy Equipment, Sales, Service and Rental	22,000	100	125	25	25	50	30

Table 5-1: Commercial Zone – Site Requirements								
MINIMUM SITE REQUIREMENTS							MAXIMUM REQUIREMENTS	
Zones	Permitted Conditional Uses	SITE SIZE		REQUIRED YARDS			% Site Cover	Building Height (ft)
		Site Area (sq ft)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)		
	Other CH Uses (b)	65,000	100	125	30	30	50	30
	Restaurant	65,000	100	125	30	30	50	30

Table 5-1 Notes:

- (a) No open, *outside storage* shall be permitted in the *front yard*, except for vehicle displays in “CG” Commercial General Zone and vehicle displays and Ready to Move Homes (RTM) in “CH” Commercial Highway Zone. Open *outside storage* may be permitted in a *side* or *rear yard* provided, where *side* or *rear yards* abut a public *street* or highway and the *outside storage* is screened with a solid fence at least six (6) feet in height.
- (b) *Retail Sales* with *outside storage* of products or materials require a minimum *site area* of 10,000 square feet, a minimum *site width* of 100 feet and a minimum *side yard* of 15 feet.
- (c) Grain storage *structures*, fuel and fertilizer storage tanks are exempt from height restrictions.
- (d) In the case of *sites* which abut a provincial highway, permits from the appropriate Provincial Authority will be required.

5.3 COMMERCIAL ZONE LAND USE AND PARKING REGULATIONS

- (1) Table 5-2 lists all uses that are:
 - a) "P", Permitted; or
 - b) "C", *Conditional* in the Commercial Zones.
 All listed uses are subject to the provisions contained herein.
- (2) Table 5-2 also provides parking requirements for all Permitted and *Conditional* Uses in Commercial Zones. If the parking reference space left blank for a use, it can be assumed that no parking requirements are needed.

Table 5-2: Commercial Zone – Land Use Regulations and Parking			
LAND USE Permitted = P Conditional = C	ZONES		PARKING
	CG	CH	
Accessory Building Structure and Use (see 3.7)	P	P	
Agricultural Industries (b)		C	One (1) per every 1000 square feet of floor area not less than Two (2)
Agricultural Processing	C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Amusement Enterprise, Indoor	C	C	One (1) per each Five (5) seats
Amusement Enterprise, Outdoor	C	P	At the discretion of the Development Officer
Animal Day Care	C	C	One (1) per every 1000 square feet of floor area
Animal Grooming	C	C	One (1) per every 1000 square feet of floor area
Animal Hospital or Veterinary Clinic	C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Asphalt & Concrete Batch Plants, Temporary (c)	C	C	At the discretion of the Development Officer
Assisted Living	P	C	One and a Half (1.5) spaces per dwelling/sleeping unit, 10% of which are unassigned visitor parking spaces
Auction Room		P	At the discretion of the Development Officer
Brewery, Distillery or Winery	C	C	At the discretion of the Development Officer
Building, Landscape or Garden Supplies	C	C	One (1) per every 200 square feet of floor area
Bulk Storage		C	At the discretion of the Development Officer
Bus Depot		P	Five (5) minimum
Car Wash	P	P	At the discretion of the Development Officer
Club, Private (not licenced)	P	C	One (1) per every 250 square feet of floor area
Community/Recreation Centre	C	C	One (1) per each Five (5) seats
Contractors' Establishment	C	P	One (1) per every 1000 square feet of floor area
Drinking Establishment	C	C	One (1) per every 1000 square feet of floor area
Drive-Through Establishment (see 10.10)	P	P	At the discretion of the Development Officer
Dwelling Unit (a)	P		One (1) per dwelling
Entertainment Facility	P	C	One (1) per each five (5) seats
Freight or Truck Yard	C	P	One (1) per every 1000 square feet of floor area
Fuel Sales	P	C	One (1) per every 500 square feet of floor area but not less than two (2)
Funeral Chapel or Mortuary	P	C	One (1) per every 500 square feet of floor area
Gallery/Museum	P	C	At the discretion of the Development Officer
Government Services		P	One (1) per every 500 square feet of floor area
Health Institute / Hospital	P	C	.75 spaces per bed
Heavy Equipment Sales, Service and Rental		P	One (1) per every 1000 square feet of floor area
Hotel or Motel	P	P	One (1) for each guest room
Landscape/Garden Contractor or Production	C	C	One (1) per every 1000 square feet of floor area

Table 5-2: Commercial Zone – Land Use Regulations and Parking			
LAND USE Permitted = P Conditional = C	ZONES		PARKING
	CG	CH	
Library	P	C	At the discretion of the Development Officer
Manufacturing, Light	C	C	One (1) per every 1000 square feet of floor area
Mini-Storage/Self Storage	C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Neighbourhood Rehabilitation Home	C		One (1) per resident
Outside Storage	C		One (1) per every 1,000 square feet of floor area but not less than two (2)
Park/Playground	P	C	At the discretion of the Development Officer
Parking Surface Lot	P	P	
Pawnshop	C	C	At the discretion of the Development Officer
Personal Care Home	P	C	One (1) for each Five (5) rooming or dwelling units and One (1) for the owner and/or operator and One (1) for every Three (3) employees
Personal Service	P	C	One (1) per every 500 square feet of floor area
Place of Worship	P		One (1) for each Five (5) seats in the principal assembly area but not less than Ten (10) spaces
Professional Service	P	C	One (1) per every 500 square feet of floor area
Protection and Emergency Services	P		One (1) per every 500 square feet of floor area
Public Utility	P	P	At the discretion of the Development Officer
Recycling Collection Area	P	P	
Restaurant	P	P	One (1) per every 250 square feet of floor area
Retail Sales	P	P	One (1) per every 500 square feet of floor area
School, Elementary or Junior High (see 10.12)	P	C	One (1) per classroom, plus Ten (10) additional spaces
School, Senior High (see 10.13)	P	C	Five (5) per classroom
Sexually Oriented Business	C		One (1) per every 500 square feet of floor
Shipping Containers (see 10.15)	C	C	
Sign (see 10.19)			
Vehicle Repair and Service	C	C	One (1) per every 1000 square feet of floor area
Vehicle Sales and Rental	P	P	One (1) per every 1000 square feet of floor area
Warehouse	C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)

Table 5-2 Notes:

- (a) Shall be located above the first floor.
- (b) Does not include anhydrous ammonia or bulk propane storage.
- (c) See 3.8.

PART 6 INDUSTRIAL ZONES

6.1 TYPE AND INTENT OF MANUFACTURING/INDUSTRIAL ZONE

The Industrial Zones are intended to provide sufficient lands, *site* and *building* performance standards for a range of industrial/ manufacturing land uses within designated locations in the Rural Municipality of Portage la Prairie.

“M” MANUFACTURING/INDUSTRIAL ZONE

To provide development areas for industrial uses within the municipality.

“MP” INDUSTRIAL POPLAR BLUFF ZONE

To provide an area for larger industrial uses not considered appropriate to be located in an urban location given the nature of the uses and truck traffic generated. The large industry uses will be developed to Industrial Park Standards, characterized by landscaping to buffer *sites* from adjoining land uses and *site development* and *building* aesthetics to ensure compatibility among industrial park businesses and adjoining land uses. The boundaries of the Poplar Bluff Industrial Park are illustrated in Zoning Map 9.

“MS” INDUSTRIAL SOUTHPORT ZONE

To provide an area for industrial uses in Southport Aerospace Planning Area that are consistent and compatible with aviation and non-aviation commercial *development* and respective of airport flight paths.

6.2 INDUSTRIAL ZONE SITE REQUIREMENTS

Table 6-1 sets forth the *site* requirements for uses in the Industrial Zones. Lower case alphabetic letters contained in parenthesis () refer to explanations or exceptions listed in Table Notes at the end of the *bulk table*, which form part of the requirements within these zones.

Table 6-1: Industrial Zone – Site Requirements								
MINIMUM SITE REQUIREMENTS							MAXIMUM REQUIREMENTS	
Zones	Permitted Conditional Uses	SITE SIZE		REQUIRED YARDS			% Site Cover	Building Height (ft)
		Site Area (sq ft)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)		
M (b)(c) (d)(e)(f) (h)	Accessory Building Structure or Use (see 3.7)			25	5	10	15	30
	Animal Hospital or Veterinary Clinic / Animal Shelter	6,000	50	25	10	20	60	50
	Building, Landscape or Garden Supplies (a)	20,000	100	25			60	50
	Bulk Storage Fuel Sales (g)	20,000	100	25	10	20	60	50
	Dwelling, Staff/Caretaker	6,000	50	25	10	20		50
	Freight or Truck Yard	20,000	100	25	10	20	60	50
	Heavy Equipment Sales, Service, and Rental	20,000	100	25	10	20	60	50
	Manufacturing, Light	20,000	100	25	10	20	60	50
	Other M Uses	10,000	80	25	10	20	60	50
	Outside Storage (a)	5,000	50	25			60	50
	Public Utility	5,000	50	25	10	20	60	50
	Vehicle Repair and Service	6,000	50	25	10	20	60	50
	Warehouse Wholesaling	20,000	100	25	10	20	60	50
	Wrecking and Salvage Yard (a)	20,000	100	25	10	20	60	50

Table 6-1: Industrial Zone – Site Requirements								
MINIMUM SITE REQUIREMENTS							MAXIMUM REQUIREMENTS	
Zones	Permitted Conditional Uses	SITE SIZE		REQUIRED YARDS			% Site Cover	Building Height (ft)
		Site Area (sq ft)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)		
MP(c) (d)(e)(f) (h) (See 6.2.2)	Accessory Building Structure or Use (see 3.7)			125	100	125	15	30
	Other MP Uses	10,000	60	125	100	125	60	50
MS (c)(d) (e)(f)(g)	Accessory Building Structure or Use (see 3.7)			25	5	20	15	30
	Animal Hospital or Veterinary Clinic	6,000	50	25	5	20	60	50
	Car Wash	6,000	50	25	5	20	60	50
	ChildCare, Centre	6,000	50	25	5	20	60	50
	Community / Recreation Centre	6,000	50	25	5	20	60	50
	Government Services	6,000	50	25	5	20	60	50
	Mini-Storage/Self Storage	5,000	50	25	5	20	60	50
	Other MS Uses	10,000	80	25	10	20	60	50
	Outside Storage (a)	5,000	50	25(b)			60	50
	Personal Service Professional Service	5,000	50	25(b)	5	20	60	50
	Research Institution	6,000	50	25	5	20	60	50
	Restaurant	6,000	50	25	5	20	60	50
Retail Sales	6,000	50	25	5	20	60	50	

Table 6-1 Notes:

- (a) *Outside storage* requires that it occur in the *rear yard* and is fenced from view of adjoining properties by a 6 foot *light proof fence*. In the event a *light proof fence* is not provided, this use shall be deemed a *conditional use*;
- (b) *Front yards* shall include landscaped green space adjacent to the *street* right-of-way, at least 10 feet in depth as measured from the front property line;
- (c) Parking of customer and employee vehicles may occur in the *front yard*;
- (d) Access and loading *lanes* utilizing the *side yard* must not encroach on the *side yard setback*;
- (e) *Outdoor storage* and loading areas may occur within the *rear yard*; and
- (f) The required *side yard* adjacent to a *street* in the case of a *corner site* or a *reversed corner site* shall be increased by 10 feet.
- (g) See 3.22.
- (h) In the case of *sites* which abut a provincial highway, permits from the appropriate Provincial Authority will be required.

6.2.1 “MP” INDUSTRIAL POPLAR BLUFF ZONE DEVELOPMENT STANDARDS

Any *development* in the Poplar Bluff Industrial Park requires a signed Development Agreement with the Rural Municipality of Portage la Prairie.

6.3 GENERAL INDUSTRIAL PROVISIONS

- (1) **Yards Without a Structure:** When a lot is to be occupied for a permitted use in an Industrial Zone without a *structure*, the *required yards* shall be provided and maintained, except that the *side yards* shall not be required on a lot which is used for horticultural purposes or for public recreational purposes, and, when a side lot line abuts a railway right-of-way, the *side yard* shall not be required.
- (2) **Yards Abutting Agricultural and Residential Zones:** Notwithstanding anything elsewhere contained in this By-law, no *sign*, display or other advertising device, shall be located in the *required yard* that abuts a lot in an Agricultural or Residential Zone or a lot in Agricultural or Residential use.

- (3) Objects Not Considered Obstructions:** The following shall not be considered as obstructions, and therefore, may penetrate the maximum height limit:
- a) Chimneys and flues;
 - b) Elevator and stair bulkheads;
 - c) Flagpoles, aerials, parabolic dish antennae and other communication equipment, spires; and
 - d) Parapet walls no more than four (4) feet high.

6.4 INDUSTRIAL ZONE LAND USE REGULATIONS AND PARKING

- (1)** Table 6-2 lists all uses that are:
- a) "P", Permitted; or
 - b) "C", *Conditional* in the Industrial Zones.
- All listed uses are subject to the provisions contained herein.
- (2)** Table 6-2 also provides parking requirements for all Permitted and *Conditional* Uses in Industrial Zones. If the parking reference space left blank for a use, it can be assumed that no parking requirements are needed.

Table 6-2: Industrial Zone – Land Use Regulations and Parking

LAND USE Permitted = P Conditional = C	ZONES			PARKING
	M	MP	MS	
Accessory Building Structure or Use (see 3.7)	P	P	P	
Agri-Business	P	C	P	One (1) per every 1,000 square feet of floor area but not less than two (2)
Agriculture, Indoor (a)		C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Agricultural Industries	P	P	P	One (1) per every 1000 square feet of floor area not less than Two (2)
Agricultural Processing (a)		P	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Airport and Associated Facilities		C	P	One (1) per every 1,000 square feet of floor area but not less than two (2)
Amusement Enterprise, Indoor	C	C	C	One (1) per each Five (5) seats
Animal Hospital or Veterinary Clinic	C	C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Animal Shelter	C		C	One (1) per every 1000 square feet of floor area but no less than two (2) spaces
Asphalt & Concrete Batch Plants, Temporary	C			At the discretion of the Development Officer
Brewery, Distillery or Winery	C	C	C	At the discretion of the Development Officer
Building, Landscape or Garden Supplies	P	C	P	One (1) per every 200 square feet of floor area
Bulk Storage	C	C	P	At the discretion of the Development Officer
Car Wash	P	P	P	At the discretion of the Development Officer
ChildCare, Centre			C	One (1) per every Three (3) employees
College or University			P	Five (5) per classroom
Commercial School			P	Five (5) per classroom
Community/Recreation Centre			P	One (1) per each Five (5) seats
Contractors' Establishment	P	C	P	One (1) per every 1000 square feet of floor area
Data Centre		C	P	One (1) per every 500 square feet of floor area
Entertainment Facility			P	One (1) per each five (5) seats
Fleet Services	C	C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Freight or Truck Yard	P	C	C	One (1) per every 1000 square feet of floor area
Gallery/Museum			P	At the discretion of the Development Officer
Government Services	P	P	P	One (1) per every 500 square feet of floor area
Hazardous Materials Storage	C		C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Heavy Equipment Sales, Service and Rental	P	C	C	One (1) per every 1000 square feet of floor area
Hotel or Motel			P	One (1) for each guest room
Library			P	At the discretion of the Development Officer
Manufacturing, Heavy	C	C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Manufacturing, Light	P	P	P	One (1) per every 1000 square feet of floor area

Table 6-2: Industrial Zone – Land Use Regulations and Parking

LAND USE Permitted = P Conditional = C	ZONES			PARKING
	M	MP	MS	
Mini-Storage/Self-Storage		C	P	One (1) per every 1,000 square feet of floor area but not less than two (2)
Outside Storage	P	C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Personal Services			P	One (1) per every 500 square feet of floor area
Professional Services			P	One (1) per every 500 square feet of floor area
Public Utility	P	P	P	At the discretion of the Development Officer
Railway Yard	C	C		At the discretion of the Development Officer
Recycling Collection Depot	C	C	C	
Research Institution		C	P	One (1) per every 1,000 square feet of floor area but not less than two (2)
Restaurant		C	P	One (1) per every 250 square feet of floor area
Retail Sales			P	One (1) per every 500 square feet of floor area
School, Elementary or Junior High (see 10.12)			P	One (1) per classroom, plus Ten (10) additional spaces
School, Senior High (see 10.13)			P	Five (5) per classroom
Shipping Container	C	C	C	
Sign (see 10.19)				
Towing and Storage Facility	C			One (1) per every 1,000 square feet of floor area but not less than two (2)
Vehicle Repair and Service	P	C	P	One (1) per every 1000 square feet of floor area
Vehicle Sales and Rental	P	C	P	One (1) per every 1000 square feet of floor area
Warehouse	P	P	P	One (1) per every 1,000 square feet of floor area but not less than two (2)
Wrecking and Salvage Yard	C	C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Wholesaling	P	P	P	One (1) per every 1,000 square feet of floor area but not less than two (2)

Table 6-2 Notes:

- (a) The cultivation and processing of cannabis is a *conditional use*.

PART 7 PARKS AND RECREATION ZONES

7.1 TYPE AND INTENT OF PARKS AND RECREATION ZONES

“PR” PARKS AND RECREATION ZONE

Provide for the establishment of public parks and recreation areas and facilities within the Municipality.

7.2 PARKS AND RECREATION ZONE SITE REQUIREMENTS

Table 7-1 sets forth the *site* requirements for uses in the Parks and Recreation Zone. Lower case alphabetic letters contained in parenthesis () refer to explanations or exceptions listed in Table Notes at the end of the *bulk table*, which form part of the requirements within these zones.

Table 7-1: Parks and Recreation Zone – Site Requirements								
MINIMUM SITE REQUIREMENTS							MAXIMUM REQUIREMENTS	
Zones	Permitted Conditional Uses	SITE SIZE		REQUIRED YARDS			% Site Cover	Building Height (ft)
		Site Area (sq ft)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)		
PR (b)	Accessory Building Structure or Use (see 3.7)	-	50	25	10	25		
	Cemetery/ Mausoleum	5,000	50	25	10	25		
	Club Private, (Not Licensed)	5,000	50	25	10	25	40	30
	Community/ Recreation Centre	5,000	50	25	10	25	40	30
	Entertainment Facility	5,000	50	25	10	25	40	30
	Gallery/Museum	5,000	50	25	10	25	40	30
	Library	5,000	50	25	10	25	40	30
	Other PR Uses	20,000	100	25	15	25	40	30
	Public Utility (a)	5,000	50	25	5	25		

Table 7-1 Notes:

- (a) Where the proposed *development* consists of a *building* or *structure* less than 100 square feet in *floor area*, a smaller *site* may be approved, provided that the *site* is not adjacent to a *required front yard* of a residential *site*, and provided that a separation distance of 7 feet is maintained from all *site lines*.
- (b) When located on a *corner site*, the minimum *required side yard* on the *street side* of the *site* shall be 15 feet for all principal and *accessory buildings* and *structures*.

7.3 PARKS AND RECREATION ZONE LAND USE REGULATIONS AND PARKING

(1) Table 7-2 lists all uses that are:

- a) "P", Permitted; or
- b) "C", *Conditional* in the Parks and Recreation Zone.

All listed uses are subject to the provisions contained herein.

(2) Table 7-2 also provides parking requirements for all Permitted and *Conditional* Uses in Parks and Recreation Zone. If the parking reference space left blank for a use, it can be assumed that no parking requirements are needed.

Table 7-2: Parks and Recreation Zone – Land Use Regulations and Parking

LAND USE Permitted = P Conditional = C	ZONES	PARKING
	PR	
Accessory Building Structure or Use (see 3.7)	P	
Amusement Centre, Indoor	C	At the discretion of the Development Officer
Amusement Centre, Outdoor	C	One (1) per every five (5) seats OR one (1) for every 500 square feet of floor space
Assisted Living	C	One and a Half (1.5) spaces per dwelling/sleeping unit, 10% of which are unassigned visitor parking spaces
Camping Grounds	P	One (1) per campsite
Cemetery/Mausoleum	P	At the discretion of the Development Officer
Club, Private (Not Licensed)	P	One (1) per every 250 square feet of floor area
College or University	C	Five (5) per classroom
Community/Recreation Centre	C	One (1) per every five (5) seats
Entertainment Facility	P	One (1) per each five (5) seats
Gallery/Museum	P	At the discretion of the Development Officer
Health Institute/Hospital	C	.75 spaces per bed
Library	P	At the discretion of the Development Officer
Park/Playground	P	At the discretion of the Development Officer
Personal Care Home	C	One (1) for each Five (5) rooming or dwelling units and One (1) for the owner and/or operator and One (1) for every Three (3) employees
Place of Worship	P	One (1) for each Five (5) seats in the principal assembly area but not less than Ten (10) spaces
Public Utility	P	At the discretion of the Development Officer
Restaurant	P	One (1) per every 250 square feet of floor area
School, Elementary or Junior High (see 10.12)	C	One (1) per classroom, plus Ten (10) additional spaces
School, Senior High (see 10.13)	C	Five (5) per classroom
Sign (see 10.19)		

PART 8 AGRICULTURAL ZONES

8.1 INTENT AND TYPE OF AGRICULTURAL ZONE

“AG” AGRICULTURAL GENERAL ZONE

- (a) Support and strengthen the agricultural industry in the Rural Municipality of Portage la Prairie and to provide flexibility and opportunity for farm operators to engage in a variety of farming practices; and
- (b) Protect the agricultural industry and its land resources in recognition of agriculture’s contribution to the economy, lifestyle and character of the Portage la Prairie Planning District.
- (c) Provide opportunities under the *Conditional Use* process to diversify uses within the agricultural area to include agro-related commercial or industrial enterprises.

“AL” AGRICULTURAL LIMITED ZONE

To accommodate continued agricultural use of undeveloped land within *the areas* immediately adjoining designated settlement centers, but limit *livestock operations* in a manner compatible with existing *development* adjoining designated settlement centres.

8.2 AGRICULTURAL ZONE SITE REQUIREMENTS

Table 8-1 sets forth the *site* requirements for uses in the Agricultural Zones. Lower case alphabetic letters contained in parenthesis () refer to explanations or exceptions listed in Table Notes at the end of the *bulk table*, which form part of the requirements within these zones.

Table 8-1: Agricultural Zone – Site Requirements						
MINIMUM SITE REQUIREMENTS						
Zones	Permitted Conditional Uses	SITE SIZE		REQUIRED YARDS		
		Site Area (acres)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
AG (a)(c) (e)	Accessory Building Structure or Use (b) (see 3.7)			125	25	25
	Agriculture, General	80	300	125	25	25
	Airport and Associated Facilities	10	200	125	25	25
	Livestock Operations, of more than 60 animal units	80	300	125	25	25
	Livestock Operations, 10 to 60 animal units	80	300	125	25	25
	Livestock Operations, less than 10 animal units (defined as Animal Keeping in Part 1) (see 10.1)	2	300	125	25	25
	Other AG Uses (b)	2	200	125	25	25
AL (a)(c) (e)	Accessory Building Structure or Use (see 3.7)			125	25	25
	Agriculture, General	40	300	125	25	25
	Agricultural Processing	2	200	125	25	25
	Agriculture, Specialized	2	200	125	25	25
	Amusement Enterprise, Outdoor	2	200	125	25	25
	Community/Recreation Centre	2	200	125	25	25
	Freight or Truck Yard	2	200	125	25	25

Table 8-1: Agricultural Zone – Site Requirements						
MINIMUM SITE REQUIREMENTS						
Zones	Permitted Conditional Uses	SITE SIZE		REQUIRED YARDS		
		Site Area (acres)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)
	Heavy Equipment Sales, Service or Rental	2	200	125	25	25
	Livestock Operations, of more than 60 animal units	80	300	125	25	25
	Livestock Operation, 10 to 60 animal units	80	300	125	25	25
	Livestock Operations, less than 10 animal units (defined as Animal Keeping in Part 1) (see 10.1)	2	300	125	25	25
	Manufacturing, Light	2	200	125	25	25
	Other AL Uses	2	200	125	25	25
	Place of Worship	2	200	125	25	25

Table 8-1 Notes:

- (a) Where a side or rear *site* line is adjacent to a municipal road, the minimum *required yard* shall be 125 feet.
- (b) Anhydrous ammonia storage facilities and other *hazardous materials storage* shall be set back 330 feet from any public roadway, and shall be separated by a distance of 2,640 feet from any individual residence or any residential area. Any residential development within this buffer area requires a *conditional use* approval.
- (c) In the case of *sites* which abut roads belonging to the jurisdiction of Manitoba Infrastructure, the *front, side* and *rear yard* requirements shall be as established by the Provincial Authority.
- (d) Farm *accessory buildings* shall be located a minimum of 25 feet away from a residential *dwelling* when on the same *site*.
- (e) See sections 3.22 and 3.23.

8.3 AGRICULTURAL ZONE LAND USE REGULATIONS AND PARKING

(1) Table 8-2 lists all uses that are:

- a) "P", Permitted; or
- b) "C", *Conditional* in the Agricultural Zones.

All listed uses are subject to the provisions contained herein.

(2) Table 8-2 also provides parking requirements for all Permitted and *Conditional Uses* in Agricultural Zones. If the parking reference space left blank for a use, it can be assumed that no parking requirements are needed.

Table 8-2: Agricultural Zone – Land Use Regulations and Parking

LAND USE Permitted = P Conditional = C	ZONES		PARKING
	AG	AL	
Accessory Building Structure or Use (see Part 3.7) (a)	P	P	
Agri-Business	C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Agriculture, General (b)	P	P	At the discretion of the Development Officer
Agricultural Industries	C	C	One (1) per every 1000 square feet of floor area not less than Two (2)
Agricultural Processing, (b)	C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Agriculture, Specialized (c)(b)	C	C	At the discretion of the Development Officer
Airport and Associated Facilities	C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Amusement Enterprise, Indoor	C	C	One (1) per each Five (5) seats
Amusement Enterprise, Outdoor	C	C	At the discretion of the Development Officer
Animal Hospital or Veterinary Clinic	C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Animal Kennel	C	C	At the discretion of the Development Officer
Animal Shelter	C	C	One (1) per every 1000 square feet of floor area but no less than two (2) spaces
Asphalt & Concrete Batch Plants, Temporary (e)	C	C	At the discretion of the Development Officer
Auction Room	C	C	At the discretion of the Development Officer
Auction Yard	C	C	At the discretion of the Development Officer
Bulk Storage	C	C	At the discretion of the Development Officer
Camping Grounds (d)	C	C	One (1) per campsite
Cemetery/Mausoleum	C	C	At the discretion of the Development Officer
Community/Recreation Centre (d)	C	P	One (1) per each Five (5) seats
Contractors' Establishment	C	C	One (1) per every 1000 square feet of floor area
Conservation Area	P	P	
Dwelling, Non-Farm (f) (g)	C	C	One (1) per dwelling unit
Entertainment Facility (d)	C	C	One (1) per each five (5) seats
Freight or Truck Yard (d)	C	C	One (1) per every 1000 square feet of floor area
Gallery/Museum (d)	C	C	At the discretion of the Development Officer
Garden Suite (g) (see 10.5)	C	C	One (1) per dwelling unit
Gravel Pit	C	C	At the discretion of the Development Officer
Group Residence (g)	C	C	One (1) for each Five (5) rooming or dwelling units and One (1) for the owner and/or operator and One (1) for every Three (3) employees
Hazardous Materials Storage	C		One (1) per every 1,000 square feet of floor area but not less than two (2)
Heavy Equipment Sales, Service and Rental	C	C	One (1) per every 1000 square feet of floor area

Table 8-2: Agricultural Zone – Land Use Regulations and Parking			
LAND USE Permitted = P Conditional = C	ZONES		PARKING
	AG	AL	
Hunting Lodge (g)	C	C	At the discretion of the Development Officer
Landscape/Garden Contractor or Production	P	P	One (1) per every 1000 square feet of floor area
Livestock Auction Mart	C	C	At the discretion of the Development Officer
Livestock Operation, more than 60 animal units (h)	C	C	At the discretion of the Development Officer
Livestock Operation, 10 to 60 animal units (h)	P	C	At the discretion of the Development Officer
Livestock Operation, less than 10 animal units (see definition of Animal Keeping) (see 10.9)	P	P	At the discretion of the Development Officer
Manufacturing, Heavy (d)	C	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Manufacturing, Light	C	C	One (1) per every 1000 square feet of floor area
Place of Worship (d)	C	C	One (1) for each Five (5) seats in the principal assembly area but not less than Ten (10) spaces
Public Utility (i)	P	P	At the discretion of the Development Officer
Railway Yard	C	C	At the discretion of the Development Officer
Restaurant (d)	C	C	One (1) per every 250 square feet of floor area
Retail Sales (d) (j)	C	C	One (1) per every 500 square feet of floor area
Secondary Suite (g) (see 10.6)	C	C	One (1) per dwelling unit
Shooting Range	C	C	At the discretion of the Development Officer
Sign (see 10.19)			
Vehicle Repair and Service (k)	C	C	One (1) per every 1000 square feet of floor area
Wind Energy Generating System (WEGS) (see 10.18)	C	C	At the discretion of the Development Officer

Table 8-2 Notes:

- (a) *farmstead* or *staff/caretaker dwelling* that is necessary to a approved permitted or *conditional use* may occupy a *zoning site* but must be included within the same title as the principal use of the *site*.
- (b) Cultivation and processing of cannabis products is a *conditional use*.
- (c) Apiaries shall be considered as a *conditional use* when proposed to be located within 1 mile of a residential or designated community area.
- (d) These uses should only be accommodated in AG and AL zones if no suitable location exists in applicable industrial, commercial or GD zones.
- (e) Asphalt and concrete batch plants will only be allowed as temporary uses (see 3.8).
- (f) Only as per *Development Plan* policies 17.6, 17.7, 17.8 and 17.10 or existing parcels as of this By-Law.

- (g) All non-farm residential *dwellings* shall be subject to the separation distances listed in Table 8-4.
- (h) As per *Development Plan* Policy 17.14, new or expanded *livestock operations* are not permitted in the Fringe Area, as identified on the policy maps of the *Development Plan*.
- (i) *Public utility* uses that involve the disposal and/or treatment of liquid or solid waste, such as a sewage lagoon or landfill, shall be a *conditional use*. Landfills are not permitted in the AL zone.
- (j) Limited to small-scale, convenience stores in agricultural zones.
- (k) Only as an *accessory use* to a permitted principal use.

8.4 LIVESTOCK OPERATIONS

- (1) The number of *animal units* (AU) represented by a *Livestock Operation* shall be determined in accordance with TABLE 8-3 “ANIMAL UNIT SUMMARY TABLE”
- (2) Where applicable, all *livestock operations* shall comply with the Provincial regulations.
- (3) Mutual separation distances prescribed by TABLE 8-4 must be maintained between a new or expanding *livestock operation* and:
 - a) The City of Portage la Prairie and the City’s Fringe Area;
 - b) Adjacent First Nations lands;
 - c) Areas designated in the Portage la Prairie Planning District *Development Plan* as Settlement Centres, Mobile Home Areas, Southport Planning Area or Rural Residential; and
 - d) Individual *dwellings* not associated with the *livestock operation*
- (4) Any application for a new or expanding *livestock operation* proposed with a separation distance not prescribed in TABLE 8-4 may be approved if varied by *Council*.
- (5) *Council* shall refer all applications involving 300 or more *animal units* to the Minister and request that a Technical Review Committee be appointed to review the proposed application.

- (6)** When reviewing any *conditional use* application for a *livestock operation*, *Council* may take the following into consideration:
- a)** The type of operation;
 - b)** Location in relation to neighbouring land uses;
 - c)** The size of the operation, including:
 - i. the maximum number of animals
 - ii. the size of the *site area*;
 - d)** The source of water supply and proposed consumption levels;
 - e)** The nature of the land base;
 - f)** Local resident concerns;
 - g)** The Technical Review Committee report and recommendations;
 - h)** The potential impacts to Provincial highways and Municipal road systems;
 - i)** Provincial guidelines and regulations governing *Livestock Operations*; and
 - j)** Whether there is a need for a *development* agreement to be entered into between the proponent and the municipality dealing with conditions such as:
 - i. the timing of construction of any proposed *buildings* or *structures*
 - ii. the control of traffic
 - iii. the construction and maintenance of roads, fencing, landscaping, shelterbelts, manure storage facility covers or *site* drainage works by or at the expense of the proponent.

Table 8-3: Animal Unit Summary Table		A.U. Produced By One Livestock (Animals x #=A.U.)	Livestock Producing One A.U. (Animals / #=A.U.)
Dairy	Milking Cows, including associated livestock	2.0	0.5
Beef	Beef Cows, including associated livestock	1.25	0.8
	Backgrounder	0.5	2.0
	Summer pasture/replacement heifers	0.625	1.6
	Feeder cattle	0.769	1.3
Hogs	Sows, farrows to finish	1.25	0.8
	Sows, farrows to weanling	.25	4
	Sows, farrows to nursery	.313	3.2
	Weanlings	0.033	30
	Growers/Finishers/Biotechs/Feeders	0.143	7.0
	Boars (artificial insemination operations)	0.2	5.0
Chickens	Broilers	0.005	200
	Roasters	0.01	100
	Layers	0.0083	120
	Pullets	0.0033	300
	Broiler Breeder Pullets	0.0033	300
	Broiler Breeder Hens	0.01	100
Turkeys	Broilers	0.01	100
	Heavy Toms	0.02	50
	Heavy Hens	0.01	100
Horses (PMU)	Mares, including associated livestock	1.333	0.75
	<i>Feedlot</i>	1.00	1
Sheep	Ewes, including associated livestock	0.2	5
	Feeder lambs	0.063	16
Goats	All	0.14	7.14
Elk	Calves	0.05	20
	Cows	0.53	1.89
	Bulls	0.77	1.29
Bison	Calves	0.25	4
	Adults	1.00	1

Table 8-3 Notes:

- a) The Provincial Authority may be consulted for other *livestock* or operation type and interpretation of this TABLE.
- b) “*Animal Unit*” (A.U.) means the number of animals of a particular category that will excrete 160.9 lbs (73 kg) of total nitrogen in a 12 month period. To calculate the number of AUs for a particular operation, multiply the AU produced by one *livestock* by the number of animals. For example, for 200 animal beef cows including associated *livestock* equals $1.25 \times 200 = 250$ AUs.

Table 8-4: Mutual Separation Distances for Livestock Operations				
Size of Livestock Operation in <i>Animal Units</i> ¹	Distance in Feet / Metres from a Residence ²		Distance in Feet / Metres from a <i>Designated Area</i> ²	
	To Earthen Manure Storage Facility or <i>Feedlot</i>	To Animal Confinement Facility or Non-earthen Manure Storage Facility ³	To Earthen Manure Storage Facility or <i>Feedlot</i>	To Animal Confinement Facility or Non-earthen Manure Storage Facility ³
10 - 100	656' / 200m	328' / 100m	2625' / 800m	1739' / 530m
101 - 200	984' / 300m	492' / 150m	3937' / 1200m	2625' / 800m
201 – 300	1312' / 400m	656' / 200m	5249' / 1600m	3511' / 1070m
301 - 400	1476' / 450m	738' / 225m	5906' / 1800m	3937' / 1200m
401 - 800	1640' / 500m	820' / 250m	6561' / 2000m	4364' / 1330m
801 -1600	1968' / 600m	984' / 300m	7874' / 2400m	5249' / 1600m
1601 - 3200	2297' / 700m	1148' / 350m	9186' / 2800m	6135' / 1870m
3201 - 6400	2625' / 800m	1312' / 400m	10499' / 3200m	6988' / 2130m
6401 - 12800	2953' / 900m	1476' / 450m	11811' / 3600m	7874' / 2400m
12801 and greater	3281' / 1000m	1641' / 500m	13123' / 4000m	8760' / 2670m

Table 8-4 Notes:

- a) Refer to Table 8-3 for number of animals.
- b) See Section 8.4 (4) and (5).
- c) The distance to animal confinement facility includes barns and non-earthen manure storage such as above or below *grade structures* which may be covered or uncovered.

PART 9 GENERAL DEVELOPMENT ZONES

9.1 INTENT AND TYPE OF GENERAL DEVELOPMENT ZONE

To provide *development* areas within the communities of St. Ambroise, Delta, Macdonald, Oakland, High Bluff, Poplar Point, and Newton. The General Development Zone provides as permitted uses, those uses generally found in small communities to be compatible with residential uses like schools, recreation facilities and limited commercial uses. *Conditional uses* in this zone represent uses that may be characterized by larger *building* scale, traffic, operating processes and storage needs, which require *site* specific assessment to ensure the right fit within the community.

9.2 GENERAL DEVELOPMENT ZONE SITE REQUIREMENTS

Table 9-1 sets forth the *site* requirements for uses in the General Development Zone. Lower case alphabetic letters contained in parenthesis () refer to explanations or exceptions listed in Table 9-1 at the end of the *bulk table*, which form part of the requirements within these zones.

Table 9-1: General Development Zone – Site Requirements

Table 9-1: General Development Zone – Site Requirements									
MINIMUM SITE REQUIREMENTS								MAXIMUM REQUIREMENTS	
Zones	Permitted Conditional Uses	SITE SIZE		REQUIRED YARDS			Dwelling Unit Area (sq ft)	Site Coverage	Building Height (ft)
		Site Area (sq. ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)			
GD (g)(h) (i)	Accessory Building Structure or Use (see 3.7) (h)	-	-	25	5 (e)(f)	5(e)(f)			15/18 (a)
	Amusement Enterprise, Outdoor	20,000	100	25	15	25			30
	Building, Landscape or Garden Supplies	10,000	100	25	15(d)	25(d)		40	30
	Camping Grounds	20,000	100	25	15	25			30
	ChildCare Centre	7,500	75	25	15	25		40	
	Dwelling, Mobile Home (see 10.4)	6,000	60	25	10	25	600	20	30
	Dwelling, Multiple Family (b)	9,000	100	25	15	25	600	80	30
	Dwelling, Single Family	6,000	60	25	10	25	600	40	30
	Dwelling, Two Family	7,500	75	25	10	25	600	40	30
	Entertainment Facility	20,000	100	25	15	25		40	30
	Gallery/Museum	20,000	100	25	15	25		40	30
	Government Services	7,500	75	25	15	25		40	30
	Hotel or Motel	20,000	150	25	15	25		40	30
	Library	20,000	100	25	15	25		40	30

Table 9-1: General Development Zone – Site Requirements

MINIMUM SITE REQUIREMENTS										MAXIMUM REQUIREMENTS	
Zones	Permitted Conditional Uses	SITE SIZE		REQUIRED YARDS			Dwelling Unit Area (sq ft)	Site Coverage	Building Height (ft)		
		Site Area (sq. ft.)	Site Width (ft)	Front Yard (ft)	Side Yard (ft)	Rear Yard (ft)					
	Other GD Uses (c)(d)	15,000	100	25	15	25		40	30		
	Personal / Professional Service	7,500	75	25	15	25		40	30		
	Place of Worship	10,000	100	25	15	25		40	30		
	Protection and Emergency Services	10,000	100	25	15	25		40	30		
	Restaurant	7,500	75	25	15	25		40	30		
	Retail Sales	6,000	60	25	15	25		40	30		
	School, Elementary or Junior High (see 10.12)	20,000	100	25	15	25		40	30		
	School, Senior High (see 10.13)	20,000	100	25	15	25		40	30		

Table 9-1 Notes:

- (a) Maximum allowable height for all *accessory buildings* and *structures* shall be 15 feet, if *accessory* to a residence, and 18 feet if *accessory* to a non-residential use.
- (b) This is the minimum required *site area* for the first three (3) *dwelling units*. For each additional *dwelling unit* over three (3) units, the minimum required *site area* shall increase by an additional 1,000 square feet.
- (c) Where the proposed use is a *public utility* that consists of a *building* or *structure* less than 100 square feet in *floor area*, a smaller *site area* may be approved, provided that the *site* is not adjacent to a *required front yard* of a residential *site*, and provided that a separation distance of 7 feet is maintained from all site lines.
- (d) Where the side or rear *site line* of a *site* coincides with the boundary of a railway right-of-way, the *required yard* shall be 0.0 feet for those *structures* which require railway service for loading or unloading.
- (e) In the case of *buildings* or *structures*, which are *accessory* to residential uses, when located entirely to the rear of the principal *building*, the minimum *required side yard* and *rear yard* for *accessory buildings* and *structures* shall be 3 feet.

- (f) Where an *accessory building* is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of 10 feet from a public *lane*.
- (g) The only permitted animals are *Household Pets*.
- (h) The maximum square footage for a *staff/caretaker dwelling* is 400 square feet of *floor area* of the principal use.
- (i) See 3.22 & 3.23.

9.3 GENERAL DEVELOPMENT ZONE LAND USE REGULATIONS AND PARKING

(1) Table 9-2 lists all uses that are:

- a) "P", Permitted; or
- b) "C", *Conditional* in the General Development Zone.

All listed uses are subject to the provisions contained herein.

(2) Table 9-2 also provides parking requirements for all Permitted and *Conditional* Uses in General Development Zone. If the parking reference space is left blank for a use, it can be assumed that no parking requirements are needed.

Table 9-2: General Development Zone – Land Use Regulations and Parking

LAND USE Permitted = P Conditional = C	ZONES	PARKING
	GD	
Accessory Building Structure or Use (see 3.7)	P	
Agricultural Processing (a)	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Amusement Enterprise, Indoor	C	One (1) per each Five (5) seats
Amusement Enterprise, Outdoor	C	At the discretion of the Development Officer
Animal Day Care	C	One (1) per every 1000 square feet of floor area
Animal Grooming	P	One (1) per every 1000 square feet of floor area
Animal Hospital or Veterinary Clinic	C	One (1) per every 1,000 square feet of floor area but not less than two (2)
Assisted Living	P	One and a Half (1.5) spaces per dwelling/sleeping unit, 10% of which are unassigned visitor parking spaces
Bed and Breakfast (see 10.3)	P	One (1) per guest room

Table 9-2: General Development Zone – Land Use Regulations and Parking

LAND USE Permitted = P Conditional = C	ZONES	PARKING
	GD	
Building, Landscape or Garden Supplies	C	One (1) per every 200 square feet of floor area
Bulk Storage	C	At the discretion of the Development Officer
Bus Depot	C	Five (5) minimum
Camping Grounds	C	One (1) per campsite
ChildCare, Centre	C	One (1) per every Three (3) employees
Club, Private (Not Licensed)	P	One (1) per every 250 square feet of floor area
Community/Recreation Centre	P	One (1) per each Five (5) seats
Contractors' Establishment	C	One (1) per every 1000 square feet of floor area
Drinking Establishment	C	One (1) per every 1000 square feet of floor area
Dwelling, Mobile Home	C	One (1) per dwelling unit
Dwelling, Multiple Family	P	One and a Half (1.5) per dwelling unit
Dwelling, Single Family	P	One (1) per dwelling unit
Dwelling, Two Family	P	One (1) per dwelling unit
Entertainment Facility	C	One (1) per each five (5) seats
Freight or Truck Yard	C	One (1) per every 1000 square feet of floor area
Fuel Sales	C	One (1) per every 500 square feet of floor area but not less than two (2)
Funeral Chapel or Mortuary	C	One (1) per every 500 square feet of floor area
Gallery/Museum	C	At the discretion of the Development Officer
Garden Suite (see 10.5)	C	One (1) per dwelling unit
Government Services	P	One (1) per every 500 square feet of floor area
Health Institute/Hospital	P	.75 spaces per bed
Heavy Equipment Sales, Service and Rental	C	One (1) per every 1000 square feet of floor area
Hotel or Motel	P	One (1) for each guest room
Landscape/Garden Contractor or Production	C	One (1) per every 1000 square feet of floor area
Library	C	At the discretion of the Development Officer
Manufacturing, Light	C	One (1) per every 1000 square feet of floor area
Park/Playground	P	At the discretion of the Development Officer
Parking, Surface Lot	P	
Personal Care Home	P	One (1) for each Five (5) rooming or dwelling units and One (1) for the owner and/or operator and One (1) for every Three (3) employees
Personal Services	C	One (1) per every 500 square feet of floor area
Place of Worship	P	One (1) for each Five (5) seats in the principal assembly area but not less than Ten (10) spaces

Table 9-2: General Development Zone – Land Use Regulations and Parking

LAND USE Permitted = P Conditional = C	ZONES	PARKING
	GD	
Private Communications Facilities	C	One (1) per every 1000 square feet of floor area
Professional Services	C	One (1) per every 500 square feet of floor area
Protection and Emergency Services	P	One (1) per every 500 square feet of floor area
Public Utility (b)	P	At the discretion of the Development Officer
Restaurant	C	One (1) per every 250 square feet of floor area
Retail Sales	C	One (1) per every 500 square feet of floor area
Rooming House	C	One (1) for each Five (5) rooming or dwelling units and One (1) for the owner and/or operator and One (1) for every Three (3) employees
School, Elementary or Junior High (see 10.12)	P	One (1) per classroom, plus Ten (10) additional spaces
School, Senior High (see 10.13)	P	Five (5) per classroom
Secondary Suite (see 10.14)	C	One (1) per dwelling unit
Sign (see 10.19)		

TABLE 9-2 NOTES:

- (a) Processing of cannabis products is a *conditional* use.
- (b) *Public utility* uses that involve the disposal or treatment of waste, such as a sewage lagoon, are *conditional* uses.

PART 10 USE STANDARDS

10.1 CHILDCARE, HOME-BASED

In addition to all standards applicable in the zone where the use is located, the following standards apply to *home-based childcare* operations, as defined in PART 1:

- (1) A licensed, *home-based childcare* operation is permitted as an *accessory use* within a *dwelling unit* or *mobile home* in accordance with provincial licensing;
- (2) An unlicensed, *home-based childcare* operation is permitted as an *accessory use* within a *dwelling unit* or *mobile home* in accordance with the following standards:
 - a) Is carried on within a *dwelling unit* or *mobile home* in which the owner or tenant resides;
 - b) Is carried on solely by members of the *household* residing at the same *dwelling unit* or *mobile home* (no employees allowed);
 - c) Is limited to a maximum of four (4) children under the age of 12, including the care giver's own children and other children living in the home;
 - d) Provision of care for remuneration or rewards to a child apart from his or her parents or guardians for a period in any one day exceeding three (3) hours but not exceeding fourteen (14) hours.

10.2 HOME OCCUPATIONS

In addition to the other requirements of this By-law, the following use standards apply to *home occupations*:

- (1) Shall be permitted in a *dwelling unit* or *mobile home* or its permitted *accessory building*;
- (2) Operations shall be conducted by a person or persons residing in the *dwelling*;
- (3) Shall be carried on solely by the members of the *family* residing at the same *dwelling unit* or *mobile home* without the employment of other persons;
- (4) There shall be no exterior processing or *outside storage* of goods or materials in any zone, except the "AG" Agricultural General Zone. In the "AG" Agricultural General Zone, the location of all exterior processing and *outside storage* shall be subject to *Council* approval;
- (5) Not more than 500 square feet of *floor area* may be devoted to the *home occupation*;
- (6) One (1) *business sign*, either freestanding or affixed to the wall of a principal or *accessory building*, is permitted, provided it does not exceed the specifications for residential zones outlined in section 10.19.
- (7) There shall be no exterior indication of the *home occupation* or *variation* of the residential character of the principal or *accessory building* except as provided for herein;
- (8) Activities of the *home occupation* shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance;
- (9) Any *home occupation* that operates as retail in nature (stock-in-trade), more than twenty (20) hours per week, or outside normal business hours of 9 a.m. to 5 p.m., will be considered as a *conditional use* by *Council*. Such conditions that may be placed on an application include the following:
 - a) the maximum number of hours of operation;
 - b) the permitted daily operating hours allowed;
 - c) the provision of off-*street* parking etc.

10.3 BED AND BREAKFAST

In addition to the other requirements of this By-law, the following use standards apply to *bed and breakfast* establishments:

- (1) *Bed and Breakfast* accommodation shall not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. *Bed and Breakfast* accommodation shall be an incidental and subordinate use to the principal residential use and shall be restricted to the *dwelling*.
- (2) The residence must maintain the character (appearance) of the residential zone in which it is located.
- (3) One (1) unlit *business sign*, either freestanding or affixed to the wall of a principal *building*, is permitted, provided it does not exceed the specifications for residential zones outlined in section 10.19.
- (4) The words "hotel" and "motel" are not permitted.
- (5) The *Bed and Breakfast* facilities are for exclusive use of guests and residents.
- (6) *Bed and Breakfast* units shall be restricted to 20% of the *dwelling* size, to a maximum of 4 *bed and breakfast* units.
- (7) Approved smoke alarms are required as per Manitoba *Building Code*.
- (8) Guest stays are limited to less than 7 days.
- (9) Meals shall be limited to the occupants of the *dwelling* and resident guests, with no cooking allowed in guest rooms. Catering to social functions is not permitted

10.4 MOBILE HOME

In addition to the other requirements of this By-law, the following use standards apply to *mobile homes*:

- (1) All *mobile homes* shall meet structural standards as determined by "Canadian Standards Association (CSA) *Mobile Home Structural Standards*" contained within the Z240 Series and all revisions thereto.
- (2) All *mobile homes* shall provide skirting around the base of the unit that is of a manufactured or similar type to harmonize with the unit within 60 days of the placement of the unit in the stall.
- (3) For *mobile home sites*, there shall be an *open space* at least 20 feet by 50 feet adjacent to the side of the *mobile home* containing either the entrance or the main living room window, to be utilized for household exterior recreational use.
- (4) *Mobile Home Parks* will require approval from *Council* and are required to submit a plan drawn to scale and fully dimensioned indicating landscaping, access, roads, *mobile home spaces*, buffers, storage compounds, refuse and garbage area, common recreational area, retention of surface run-off and parking; and shall include such other information as may be necessary to determine conformance with this By-law.
- (5) A *mobile home park* shall:
 - a) Contain a minimum area of 100,000 square feet and a minimum frontage of 220 feet.
 - b) Contain a minimum of ten (10) *mobile home spaces*;
 - c) Have a maximum *density* of ten (10) *mobile home spaces* per acre;
 - d) Provide one unassigned *parking space* for every 5 *mobile home* units;
 - e) Contain a common recreational area of 600 square feet for each ten (10) *mobile home spaces* or fraction thereof (buffers cannot be considered as part of the recreational area);
 - f) Have internal road right of ways a minimum of 40 feet in width;
 - g) Maintain a landscaped buffer a minimum of 20 feet in width free and clear of all *buildings* and *structures* around the entire perimeter of the *mobile home* (accesses to the *mobile home park* may cross this buffer);

- h) Provide, for each *mobile home* space:
 - i. A sewer and water connection;
 - ii. An electrical service outlet;
 - iii. An adequate hard surface base support for the *mobile home*;
 - iv. Provide *street* lighting to the same standard as that in a conventional residential neighbourhood; and
 - v. Provide a secure storage compound.
- (6) Every space in a *mobile home subdivision* shall meet the minimum requirements specified in Table 4-1. A *mobile home subdivision* shall meet all requirements of those specified in 10.4 (5) for *mobile homes* in *mobile home parks*.
- (7) *Accessory buildings or structures* may be attached to the *mobile home*, in which case the *accessory structure* shall be considered as being part of the *mobile home* and the *yard* requirements for the *mobile home* shall apply.
- (8) All additions, porches, *garages* and *accessory structures* shall be of an equivalent quality and appearance as the mobile home unit and shall complement the exterior.

10.5 GARDEN SUITES

In addition to the other requirements of this By-law, the following use standards apply to *garden suites*:

- (1) A Garden Suite shall only be located on the same site as a principal, detached *single-unit dwelling*.
- (2) Only one (1) *Garden Suite* is allowed per site. If a *Garden Suite* is on site, no *Secondary Suite* is allowed. If a *Secondary Suite* is located within the principal *dwelling*, no *Garden Suite* is allowed on site.
- (3) *Garden Suites* are to conform to the Manitoba *Building Code*.
- (4) One (1) additional parking stall is required for the *Garden Suite*.
- (5) A *Garden Suite* shall be no closer than ten (10) feet to any other residential *dwelling* as measured from wall to wall.
- (6) A *Garden Suite* shall not contain a *basement* and shall rest on footings or similar supports.
- (7) The maximum *floor area* of the *Garden Suite* shall not exceed 1200 square feet and it shall not exceed a single *storey*.
- (8) The suite shall be connected to the water system of the principal *dwelling* unit it is *accessory* to.

- (9) In the case where a *Garden Suite* is located on a site that is a *corner site* or a reversed *corner site*, the *required side yard* adjacent to a *street* shall be increased by ten (10) feet.

10.6 SECONDARY SUITE

In addition to the other requirements of this By-law, the following use standards apply to *secondary suites*:

- (1) A *secondary suite* is not allowed in a duplex, semi-detached *dwelling*, apartments or *rooming houses*.
- (2) A *secondary suite* shall only be located within a principal, *single-family dwelling*. This does not include a location within or above an attached *accessory building*, such as a *garage*.
- (3) Only one (1) *secondary suite* is allowed per *dwelling*.
- (4) If a *secondary suite* is located in a *dwelling*, no *garden suite* is allowed. If a *garden suite* is on *site*, no *secondary suite* is allowed.
- (5) *Secondary suites* are to conform to the *Manitoba Building Code*.
- (6) One (1) additional *parking space* is required for the *secondary suite*.

10.7 GUEST QUARTERS

In addition to the other requirements of this By-law, the following use standards apply to *guest quarters*:

- (1) Shall be a maximum of 400 square feet.
- (2) Shall be limited to a maximum of one (1) per lot.
- (3) A minimum distance of 10 feet is required between principle residence and the *guest quarters*.
- (4) Shall not contain cooking facilities and only minimal plumbing.

10.8 PLANNED UNIT DEVELOPMENT

In addition to the other requirements of this By-law, the following use standards apply to *planned unit developments*:

- (1) May only be established on a *zoning site* or proposed development larger than 15 acres in size.
- (2) The uses and standards of a *planned unit development* must be generally consistent with the desired character for the area, as set out in the Portage la Prairie Planning District *Development Plan*, and the uses and standards in the zones adjacent to the *site*.
- (3) An application for a *planned unit development* shall be considered as a *conditional use* application, subject to the *conditional use* provisions of this By-law and *The Planning Act*.
- (4) An application for a *planned unit development* must be accompanied with a detailed *site* plan, including:
 - a) Location of the *site* boundaries;
 - b) Planned location, height, and types of use of *buildings* and *structures*;
 - c) Planned location of internal roads and entrances to *site*;
 - d) Planned location of sidewalks and active transportation paths;
 - e) Planned locations of communal and public facilities and spaces;
 - f) Planned locations of fencing, lighting, trees, shrubs, groundcover and plantings;
 - g) Planned location of vehicle parking;
 - h) Planned location of systems supplying electrical power, water, and collection of sewage and waste;
 - i) Lot grading;
 - j) A list of all instances on the *site* where the *bulk* standards of the proposed *buildings* and *structures* do not comply with the requirements of this zoning By-law; and
 - k) Other information as required by *Council*.

10.9 ANIMAL KEEPING

In addition to the other requirements of this By-law, the following use standards apply to *animal keeping*:

- (1) *Sites for animal keeping shall be a minimum of two (2) acres. No animal units shall be permitted on sites less than two (2) acres.*
- (2) *An animal keeping use shall have a maximum of one (1) animal unit for a two (2) acre site. For every additional two (2) acres of site area, and one additional animal unit may be added, up to a maximum of 9.999 animal units.*
- (3) *See Table 8-3 for animal unit calculations.*
- (4) *All animal unit variances are to be processed as a full variation.*

10.10 DRIVE THROUGH ESTABLISHMENTS

In addition to the other requirements of this by-law, a *drive through establishment*, as defined in PART 1, may be permitted as an *accessory use* in accordance with all the standards applicable in the zone where the principal use is located, as well as the following standards:

- (1) *Existing parking or loading stalls or drive aisles must not be utilized as part of a drive-through establishment lane.*
- (2) *No drive-through establishment facility may be located on a lot or site adjacent to a lot containing a residential use unless the drive-through establishment facility is separated from the residential use by an intervening building, public lane, or public street.*
- (3) *No portion of a drive-through facility may be located in a required front yard.*

10.11 PRIVATE SWIMMING POOLS AND HOT TUBS

In addition to the other requirements of this By-law, the following use standards apply to private and semi-private swimming pools, hot tubs, and similar *structures* when *accessory* to a residential use and a minimum depth of 2 feet.

- (1) Outdoor pools and hot tubs shall comply with *yard requirements* for *accessory buildings* and uses as set forth in the *bulk tables* for respective zones. In no case shall an outdoor pool or hot tub be located closer than 5 feet to any side or rear *site* line.
- (2) All outdoor pools and hot tubs shall be completely enclosed with a vertical board fence, with no horizontal or diagonal supports that would facilitate climbing, or a chain link fence not less than No. 12 gauge galvanized steel wire, or a minimum No. 14 gauge steel wire covered with a vinyl or other approved coating forming a total thickness equivalent to No. 12 gauge galvanized wire, with a mesh not greater than 2 inches or other suitable barrier, excluding barbed wire or wire having similar dangerous characteristics or device for projecting an electric current through the fence, constructed or *erected* in accordance with the following:
 - a) It shall have a minimum height of 6 feet and a maximum height of 8 feet, including gates, which shall be self-closing and equipped with a lockable latch to prevent unauthorized entry;
 - b) There shall be no openings other than an entry to a *building* or a gate and it shall be constructed so as to prevent a child from crawling under either the fence or gate;
 - c) The enclosure surrounding an outdoor pool shall be maintained in good *repair*;
 - d) In lieu of enclosures for hot tubs as specified above, hot tub covers are permitted as per the *Manitoba Building Code* and amendments.
- (3) Notwithstanding the provisions of Section 3.13, open *decks* and open stairways associated with outdoor pools or hot tubs may project into the required *side or rear yards* not more than 2 feet, providing the pool is at least 6 feet from the main *building*.
- (4) Semi-private pools, which are not located on the property of a *single-family dwelling* and used solely by the occupant of said *dwelling* or his guests, are subject to the regulations governing swimming pools under *The Public Health Act*.
- (5) Nothing in this Section shall relieve any such *structure* from complying with spatial, structural, electrical, plumbing, health and safety or operational requirements contained in regulations under *The Building and Mobile Homes Act*, *Public Health Act* or other applicable statutes.

10.12 SCHOOL, ELEMENTARY OR JUNIOR HIGH

In addition to the other requirements of this by-law, each *elementary or junior high school* must provide enough *stacking space* for the *loading* and unloading of passengers to accommodate three (3) school buses and five (5) *passenger vehicles*. Such *stacking spaces* may be located within the required *front yard*.

10.13 SCHOOL, SENIOR HIGH

In addition to the other requirements of this by-law, each *senior high school* must provide enough *stacking space* for the *loading* and unloading of passengers to accommodate three (3) school buses and three (3) *passenger vehicles*. Such queuing spaces may be located within the required *front yard*.

10.14 SECONDARY SUITE

In addition to the other requirements of this By-law, the following use standards apply to *secondary suites*:

- (1) A *secondary suite* is not allowed in a duplex, semi-detached *dwelling*, apartments or *rooming houses*.
- (2) A *secondary suite* shall only be located within a principal, *single-family dwelling*. This does not include a location within or above an attached *accessory building*, such as a garage.
- (3) Only one (1) *secondary suite* is allowed per *dwelling*.
- (4) If a *secondary suite* is located in a dwelling, no garden suite is allowed. If a *garden suite* is on site, no *secondary suite* is allowed.
- (5) *Secondary suites* are to conform to the Manitoba *Building Code*.
- (6) One (1) additional parking space is required for the *secondary suite*.

10.15 SHIPPING CONTAINERS

In addition to the other requirements of this by-law, the following use standards apply to *shipping containers*:

- (1) Shall be prohibited in all Residential, Parks and Recreation and General Development zones.
- (2) Shall be properly anchored and maintained in good repair.
- (3) Shall be appropriately screened from view from all Residential zones.
- (4) Shall be located in the side or *rear yard* only. They shall not project beyond the *building* front line of the primary *building*.
- (5) Shall be prohibited for use as human habitation.
- (6) Shall not block, obstruct, or reduce exits, windows, *parking spaces*, or *driveways*.
- (7) Notwithstanding subsection (1), *shipping containers* may be temporarily placed on a *site* in any district:
 - a) During active construction on a *site* where the *shipping container* is used solely for the storage of supplies and equipment that are used for construction operations on *site*, provided that a valid *building* permit has been issued for construction, and provided that the *shipping container* is removed from the *site* upon completion of construction; or,
 - b) For the purpose of loading and unloading of items associated with the principal use for a period of not more than ten (10) days in any six (6) month period. The *Development Officer* may grant one (1) extension of up to ten (10) days for large-scale projects.
 - c) A *shipping container* having a maximum height of 10 feet and a maximum length of 20 feet shall be permitted.
- (8) When placed on a *site* pursuant to subsection (7), the *shipping containers* shall:
 - a) Be located so as not to create a safety hazard;
 - b) Not be placed on a public right-of-way or dedicated lands, and
 - c) Not be located within 4 feet of the interior edge of a sidewalk.
- (9) The maximum number of *shipping containers* may be four (4) per property.
- (10) Shall not be stacked.
- (11) No *shipping containers* may exceed 10 feet in height, 8 feet in width and 53 feet in length.

10.16 SMALL WIND ENERGY GENERATING SYSTEMS

In addition to the other requirements of this by-law, *small wind energy generating systems* shall be a permitted *accessory use* in all zones where *structures* of any sort are allowed, subject to certain requirements as set forth below:

- (1) **Wind Turbine Tower Height:** For freestanding towers, there shall be no specific height limitation, so long as the total extended height meets sound and set-back requirements, Air Traffic Safety Regulations and does not exceed height recommendations of the manufacturer. For roof-mounted towers, the maximum height shall be no more than 15 feet above the roof or top of the parapet, whichever is greater.
- (2) **Set-back:** For free-standing towers, the turbine base shall be no closer to the property line than the height of the *wind turbine* tower, and no part of the wind system *structure*, including guy wire anchors, may extend closer than 10 feet to the property boundaries of the installation *site*.
Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 6 feet above the guy wire anchors. *Council* may waive *setback* requirements from adjacent properties if such adjacent property *owner* agrees to grant an easement binding on the current and future *owners*.

For roof-mounted towers, the *setback* shall be a minimum of 20 feet from the front *building* line, or in the case of *corner sites* lots, at least 15 feet from the front and side *building* line.
- (3) **Sound:** The mean value of the sound pressure level from *small wind energy generating systems* shall not exceed more than 6 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited *dwelling* (at the time of installation or during operation), for wind speeds below 35 km/h and except during short-term events such as *utility* outages and/or severe wind storms. Applicants may apply for exemptions from this requirement with written authorization from the pertinent *building owner(s)* and tenants, if applicable.
- (4) **Soil Studies:** For standard soil conditions (not including gravel, sand, or muck), foundations developed by the *wind turbine* manufacturer shall be acceptable for freestanding turbine installations of 20kW or less and will not require project-specific soils studies or an engineer's wet stamp.
- (5) **Signage:** All *signs*--other than the manufacturer's or installer's identification, appropriate warning *signs*, or *owner* identification on a wind generator, tower, *building*, or other *structure* associated with a *small wind energy system* visible from any public road--shall be prohibited.

- (6) **Access:** Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed *towers*, sheets of metal or wood may be fastened to the bottom tower section such that it cannot readily be climbed.
- (7) **Insurance:** Additional insurance beyond homeowners' coverage shall not be required.
- (8) **Compliance with Building Codes:** *Building* permit applications for freestanding *small wind energy generating systems* shall be accompanied by standard drawings of the *wind turbine structure*, including the tower, base, and footings, anchoring method and drawn to scale. An engineering analysis of the *wind turbine* tower showing compliance with the *International Building Code* and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted. Wet stamps shall not be required.
- Roof-mounted *small wind energy generating systems* shall be safely and securely attached to the rooftop in compliance with the National/Provincial *Building Codes* and manufacturer's recommendations.
- (9) **Compliance with Air Traffic Safety Regulations:** *Small wind energy generating systems* must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all freestanding *wind turbine* installations through the aeronautical clearance application process. *Small wind turbine towers* shall not be artificially lighted except as required by Navigation Canada.
- (10) **Compliance with Existing Electric Codes:** *Building* permit applications for freestanding *small wind energy systems* shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes, if applicable. This information frequently is supplied by the manufacturer.
- (11) **Utility Notification:** No *small wind energy system* shall be grid inter-tied until evidence has been given that the *utility* company has been informed of the customer's intent to install an interconnected customer-owned generator. A copy of a letter to the applicant's *utility* is sufficient. No response or evidence of approval from the *utility* is required. Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from this requirement.

- (12) Abandonment:** If a *wind turbine* is inoperable for six (6) consecutive months the owner shall be notified that they must, within six (6) months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six (6) month time frame, then the owner shall be required, at his expense, to remove the *wind turbine* from the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the municipality's by-laws.

If the proposed *small wind energy generating system* meets the above criteria, *Council* shall approve an application for the *small wind energy generating system* by right without a public hearing. For those proposed *small wind energy generating systems* that do not meet the above criteria, a zoning *variance* will be required.

10.17 SOLAR COLLECTOR

In addition to the other requirements of this by-law, *solar collectors* shall be considered a permitted *accessory use* in all zones, subject to certain requirements as set forth below.

- (1)** Any *solar collector* not connected to a *building* shall adhere to the same *setbacks* and height restrictions for *accessory buildings* in the zone in which the installation is situated.
- (2)** A roof or wall-mounted *solar collector* (total square footage) shall not exceed that of the principal *structure*.
- (3)** A *solar collector* mounted on a roof with a pitch of less than a 4:12, may project a maximum of 6.5 feet from the surface of the roof.
- (4)** A *solar collector* mounted on a roof with a pitch of 4:12 or greater:
 - a)** may project a maximum of 4 feet from the surface of the roof; and
 - b)** must not extend beyond the outermost edge of the roof.
- (5)** A *solar collector* that is mounted on a wall:
 - a)** must be located a minimum of 8 feet above *grade*; and
 - b)** may project a maximum of 2 feet from the surface of that wall.

- (6) **Solar Access:** In the residential zones no owner, occupier or person in control of property shall allow vegetation or *structures* to be placed or planted so as to cast a shadow on a *solar collector* which is greater than the shadow cast by a hypothetical wall 10 feet high located along the boundary line of said property between the hours of 9:30 a.m. and 2:30 p.m. Central Standard Time on December 21st provided. This standard shall not apply to vegetation or *structures* which cast a shadow upon the *solar collector* at the time of installation of said *solar collector* or to vegetation existing at the time of installation of said *solar collector*. Violation of this standard shall constitute a private nuisance, and any owner or occupant whose *solar collector* is shaded because of such violation, so that performance of the system is impaired, may have in tort for the damages sustained thereby and may have such nuisance abated.

As a means of evidencing existing conditions, the owner of a *solar collector* may file notarized photographs of the affected area with the *Development Officer* prior to installation of said *collector*.

10.18 WIND ENERGY GENERATING SYSTEMS (WEGS)

In addition to the other requirements of this By-law, the following use standards apply to *wind energy generating systems (WEGS)*:

- (1) Prior to the construction of *WEGS*, plans illustrating the siting location of each *wind energy generating system* device and associated works including access *driveways* and the environmental assessment and licensing conditions must be provided to the Municipality for *conditional use* and *site* approval, subject to the *performance standards* of this part.
- (2) *WEGS* shall comply with the 125 foot *front yard setback* related to roadways that govern the principal use in the “AG” Agricultural General and “AL” Agricultural Limited zones as measured at *grade* from the outside of the rotor arc to the road right of way.
- (3) Where, in the opinion of *Council*, the *setbacks* referred to in subsection 10.17 (2) above are not sufficient to reduce the impact of *WEGS* from a public all-weather municipal roadway; *Council* may increase the required *setback*.
- (4) *WEGS* shall be located so the horizontal distance measured at *grade* from the outside of the rotor arc to any property boundary, other than roadways, is at least 30 feet. *Council* may reduce this *setback* distance provided the consent to do so has been received from the adjacent land owner.
- (5) *WEGS setbacks* may be increased from the minimum *setback* requirements in the “AG” and “AL” zones depending upon the number and density of *WEGS* in a group and their proximity to existing residences.

- (6) *WEGS* located adjacent to Provincial Highways must be set back 1.5 times the total height of the tower from the Provincial Highway right of way.

10.19 SIGNS

(1) Intent

The regulations of this section are intended and designed to establish a minimum control of *signs*. Such control is deemed essential to promote the health, safety, and general welfare by reducing hazards to pedestrian and vehicular traffic, and by preventing unsightly and detrimental development having a blighting influence upon residential, business and industrial uses.

(2) Location

- a) No *sign* or *sign structure* shall be *erected* at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic *sign*, signal or device;
- b) No *sign* or *sign structure* shall be located in such a manner as to materially impede the view of any *street* or highway intersection, or in such a manner as to materially impede the view of the intersection of a *street* or highway with a railroad *grade* crossing;
- c) It shall be unlawful to *erect* or maintain any *sign* on, over or above any land or right-of-way belonging to the Municipality unless such right is established by agreement with the Municipality, and all *signs* shall adhere to all the *setback* requirements of the zone in which they are located; and
- d) The placing of *advertising*, *business* or *identification signs* within the control lines and circles of a Provincial Road or Provincial Trunk Highway shall require a permit from the appropriate provincial authority.

(3) Rotating Beam or Flashing Signs

No beam or rotating beam shall be used in connection with any *sign* display; nor shall any flashing illumination resembling an emergency light be used for such purpose.

(4) Maintenance

All *signs* and *sign structures* shall be kept in *repair* and in proper state of preservation. *Signs* which have become obsolete because of discontinuance of the business service or activity, and have not been removed or relocated within thirty (30) days following such condition, may be removed by the municipality at the *owner's* expense.

(5) Exceptions

The following *signs* shall not be subject to the provisions of this By-law, except wherein otherwise noted:

- a) *Signs* posted by duly constituted public authorities in the performance of their public duties;
- b) Flags or emblems of a political, civic, educational or religious organization;
- c) *Temporary signs* in place for not more than six (6) months at a time;
- d) *Signs* like "No Trespassing," "Notice," "Beware of Dog" and the like;
- e) Construction *signs*;
- f) *Signs* required for direction and convenience of the public including *signs* which identify rest rooms or parking entrance or exit;
- g) *Identification sign*, provided in a Residential Zone it is a maximum size of four (4) square feet; with the exception that a *home occupation* may erect one business *sign*, either freestanding or affixed to the wall of the principal or accessory *building*, provided it does not exceed:
 - i. In the rural zones, 32 square feet;
 - ii. In the urban zones, 12 square feet in any location other than the required front yard, and 8 square feet in the required front yard.
- h) Business *sign*, maximum size of two hundred and ten (210) square feet in the Agricultural Zone and Highway Commercial Zone, maximum size of eighty (80) square feet in all other Commercial, Industrial, General Development and Open Space Zones; and a maximum size of ten (10) square feet in all Residential Zones;
- i) Real estate *signs*;
- j) Advertising *sign*, maximum size of four hundred and sixty (460) square feet in the Agricultural Zone; maximum size of two hundred and ten (210) square feet in all Commercial, Industrial and Open Space Zone; maximum size of ten (1) square feet in all Residential Zones and General Development Zone.

APPENDIX ZONING MAPS

This Schedule of the By-law contains 18 Zoning Maps

ZONING MAP 1 Rural Municipality of Portage la Prairie

ZONING MAP 1A West of Poplar Bluff

ZONING MAP 1B West of Southport

ZONING MAP 1C West of Poplar Point

ZONING MAP 2 Delta Beach

ZONING MAP 3 St. Ambroise

ZONING MAP 4 Oakland

ZONING MAP 5 MacDonald

ZONING MAP 6 Portage North

ZONING MAP 7 High Bluff

ZONING MAP 8 Poplar Point

ZONING MAP 9 Poplar Bluff

ZONING MAP 10 Portage Urban-Rural Fringe

ZONING MAP 11 Portage East

ZONING MAP 12 Southport

ZONING MAP 13 Newton

ZONING MAP 14 Oakville

ZONING MAP 15 St. Ambroise Beach Provincial Park